IN RE: PETITION FOR ADMIN. VARIANCE

SW/S Allender Road, 500' S centerline of Station Road 11th Election District 5th Councilmanic District (5717A Allender Road)

Michael Robert Andrews Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY *

ж CASE NO. 03-423-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by, Michael Robert Andrews, the legal owner of the subject property. The variance request is for property located at 5717A Allender Road in the White Marsh area of Baltimore County. The Petitioner herein seeks a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) with a height of 26.5 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

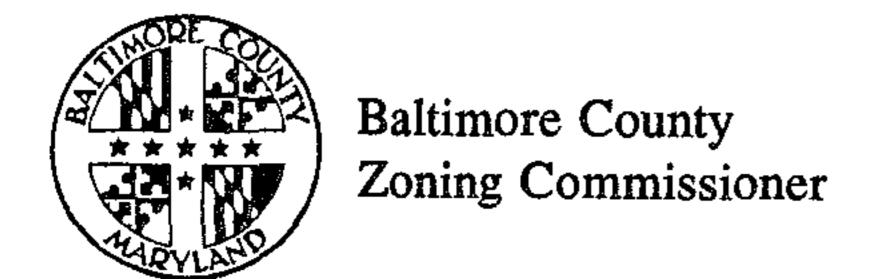
- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 9, 2003

Mr. Michael Robert Andrews 5717-A Allender Road White Marsh, Maryland 21162

> Re: Petition for Administrative Variance Case No. 03-423-A Property: 5717-A Allender Road

Dear Mr. Andrews:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

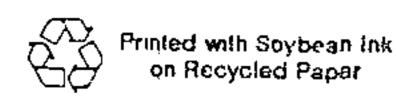
Very truly yours,

I why lotroco
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson, MD 21286





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 57/7 A Allundw Pond which is presently zoned D. P. 3.5

3/23/03

This Petition shall be filed with the Department of Permits a owner(s) of the property situate in Baltimore County and which is made a part hereof, hereby petition for a Variance from Section(s	described in the description and biar attached hereto and
triago a pare moros, moros, posiciones de la companya de la compan	400.3 to permit an accessory
structure (garage) with a height of	400.3 to permit an accessory 26.5 ft. in lieu of the required 15ft.
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zon I, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to the	g, etc. and further agree to and are to be bounded by the zoning
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s): Michael Robert Andrews
Name - Type or Print	Name - Type or Ptint Name - Type or Ptint Name - Type or Ptint
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	Address Whitemarch Wd. 21162
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	Stellite Surreymen (ne Room 10)
Company	200 E. 2000 Kond 40828 9060
Address Telephone No.	Address Telephone No. 21286
City State Zip Code	City State Zip Code
	petition be set for a public hearing, advertised, as required by the zoning
regulations of Baltimore County and that the property be reposted.	
	Zoning Commissioner of Baltimore County
CASE NO. 03 - 423- A Review	ved By 1310 Date 3/14/03

Estimated Posting Date

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at	ublic hearing is scheduled in the future with regard thereto.
	5717 A Allender Road
	Address Buthways Mo 2122
	City State Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
the garage to fit into a	th 12-12 pitch and cosmetically want residential atmosphere. I'm afraid out a matching pitch the building of mercial.
That the Affiant(s) acknowledge(s) that if a fo	rmal domand is filed. Affiant(s) will be required to nev a reposting and
Signature Name - Type or Print	Signature Name - Type or Print
Signature Mike Judyews	Signature Name - Type or Print IORE, to wit: ALL Sonally appeared Notary Public of the State

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

REV 10/25/01

9717 A Allen	du P	aa	
Address	M	21221	
City	Ste	ate	Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

House is very tall with 12-12 pitch and cosmetically want the garage to fit into a residential atmosphere. I'm afraid with no slope; or without a matching pitch the building of garage will look commercial.

That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition	demand is filed, Affiant(s) will be required to pay a reposting and nal information.
Mika Indrews	
Signature () LE Andrews	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, I HEREBY CERTIFY, this Steen day of Manyland, in and for the County aforesaid, personal	before me, a Notary Public of the State ly appeared
the Affiant(s) herein, personally known or satisfactorily	ridentified to me as such Amant(s).
AS WITNESS my hand and Notarial Seal	Mira Landons
	Notary/Public
	My Opmmission Expires 9-1-06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	5717 A Allender Road
which is	s presently zoned D.M.3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

made a part hereof, hereby petition for a variance from Section(s) 400.3 to pen mit an accessory structure (garage) with a height of 26.5 ft. in lieu of the required 15ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly de perjury, that I/we are is the subject of this	the legal owner(s)	nder the penalties of of the property which
Contract Purchaser/Le	ssee:		Legal Owner(s)	Did	Andrews
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Name - Type or Print	1	どW>
Signature			Signature		
Address	<u>,, </u>	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	101	A 1 a) 5 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
Attorney For Petitione	<u>r:</u>		Address WAY	Α .Α	M. Telephone No. 21167
Name - Type or Print		<u></u>	City	Sta	·
Signature			Representative		nc. form 101
Company			Name 200 15. Juy	pon found	(9W)828-9060
Address		Telephone No.	Address OWSON, M	W 21286	Telephone No.
City	State	Zip Code	City	Sta	· · · · · · · · · · · · · · · · · · ·
A Public Hearing having beer this day of regulations of Baltimore County	formally demand that and that the proper	led and/or found to be at the subject matter of ty be reposted.	e required, it is ordered by this petition be set for a pub	the Zoning Commission the Zoning Commission of	sioner of Baltimore County, d, as required by the zoning
			Zoning Con	nmissioner of Baltimo	re County
CASE NO. <u>03</u> -	423-A	Re	viewed By BR	Date	3/12/03
REV 10/25/01		Es	timated Posting Date	3/23	/03

ZONING DESCRIPTION FOR #5717A ALLENDER ROAD

BEGINNING at a point on the southwest side of Allender Road which is 50 feet wide at the distance of 500 feet south of the centerline of Station Road which is 50 feet wide. Being Lot No. 3 in the Minor Subdivision of "Andrews Property" in Minor Subdivision No. 01018M, containing 1.15 acres, more or less. Also known as #5717A Allender Road and located in the 11th. Election District, 5th. Councilmanic District.

What have have have the

J. Tilghman Downey, Jr.

Site Rite Surveying, Inc. 200 E. Joppa Road Room 101 Towson, MD 21286 (410)828-9060

#423

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 21943
DATE 3/12/03 ACCOL	INT_1506-6150
AMOU	NT \$ 65.00
RECEIVED (1) FROM:	
FOR: Adminstration	Variance
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLO	ow - customer Itania 443

BALTIMORE COUNTY, MARYLAND

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	35.(11)-	(II.
	Baltimore County, Haryland	

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 03-423-A
	Petitioner/Developer: MICHAEC ANDREWS
· · · · · · · · · · · · · · · · · · ·	Date of Hearing/Closing: APZ(U4), 2003
Baltimore County Department of Permits and Development Manag County Office Building, Room 1 111 West Chesapeake Avenue Towson, MD 21204	ement l l
Attention: Mr. George Zahne	
	r is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously of	n the property located at #5717" A" AUGRIOER ROAL
	·
·	MARCH 21,2003
The sign(s) were posted on	(Month, Day, Year)
•	Sincerely,
	(Signature of Sign Poster and Date)
•	CARLANDE, MODIZE (Printed Name)
	3225 RYERSON CIRCLE (Address)
	BAUTIMORE, MD. 21227 (City, State, Zip Code)
	(4(0) 242-4263 (Telephone Number)
	• • • • • • • • • • • • • • • • • • •



ZONING NOTICE ADMINISTRATIVE CASE # 03-423-A F DE 2M F AL LCCESSORY 37 RUCTURE : \$, A: T. A 7 E 347 OF 26 5 FT SETHE RECUIRED 15 FEET 2.4温和2 分词设面 3 2.4 1 PHIMORE COMMIT CODE SIGNED THE ZOAMS OFFICE BEFORE STORE OF THE ZOAMS OFFICE BEFORE TO STORE OF THE ZOAMS OFFICE BEFORE 1001110111 INFORMATION IS AVAILABLE AT 1001110111 INFORMATION IS AVAILABLE AT 101110111 INFORMATION IS AVAILABLE AT I PILE # # H BICK I HARLY KATTAKE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

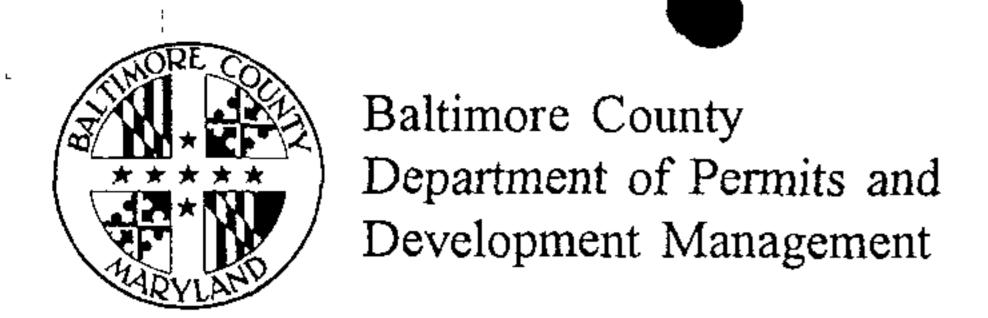
For Newspaper Advertising:
Item Number or Case Number: 03 - 423 - A Petitioner:
Address or Location: 5717 A Allender Poad
PLEASE FORWARD ADVERTISING BILL TO: Name
Address
Baltimore, Mp 21221
Telephone Number: 410 591 - 3202

Revised 2/20/98 - SCJ

ZONING REVIEW OF PERIMINS AND DEVELOPMENT MANAGEMENT

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case 1	Number 03-	423	- A	Address_	5717/	Alland	er Rd.
Contac	ct Person		Ruda, tis		<u> </u>	Phone Number:	
Filing	Date:	3/12/03	Post	ing Date:	3/23/03	Closing Dai	te: 4/7/03
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	a formal red	The closing diquest for a public hearing	iblic hearing	. Please ur	nderstand th	owner within 1, at even if there closing date.	,000 feet to file e is no formal
	commissione order that th (typically with	er - He may ne matter be hin 7 to 10 day	(a) grant the set in for a /s of the clos	e requested i public hear sing date) as	relief; (b) de ing. You w to whether t	the zoning or ny the requeste full receive writt the petition has ou by First Clas	ed relief; or (c) en notification been granted
	(whether du commissione changed givi	e to a neighb er), notification ing notice of th	or's formal will be for e hearing da	request or t warded to y ate, time and	by order of You The sill location As	at must go to a the zoning or go on the property on the sign must be seen the sign must be	deputy zoning perty must be was originally
			•	Acceptations	-		
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	_	USE THE A	DMINISTRA	TIVE VARIA	NCE SIGN F	ORMAT	
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<u>∘†</u>	g for Sign	To Permit a	n acer	he requi	tel 15	irage) with	r a hright
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Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 7, 2003

Michael Robert Andrews 5717-A Allender Road White Marsh MD 21162

Dear Mr. Andrews:

RE: Case Number: 03-423-A, 5717-A Allender Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 23, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

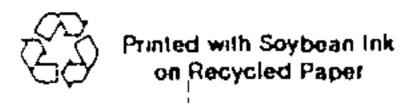
U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101, Towson MD 21286





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 26, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 24, 2003

Item No.:

407-418, 420-430 427

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

State Highway
Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pederson, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.25.03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 423 135

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Le Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5717A Allender Road

INFORMATION:

Item Number:

03-423

Petitioner:

Michael Robert Andrews

Zoning:

DR 3.5

Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an accessory structure of a height of 26.5 feet in lieu of the maximum permitted 15 feet.

Prepared by:

Section Chief:

AFK/LL:MAC:

EIVED

DATE: March 27, 2003

APR 8 2003

MING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 15, 2003

TO:

Arnold Jablon, Director ·

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 31, 2003

Item Nos. 407, 408, 410, 411, 412, 414, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, and

430

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

PLAT FOR CASE #03-423.A

(PETITIONER'S EXHIBIT #1)

MISSING FROM FIRE

Zoning Case No. D3-423-A

Date Completed/Initials	
3-25-03	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
8 -3-03	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
 _	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for

hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

Robert L. Ehrlich, Jr.



Audrey E. Scott Secretary

Florence E. Burtan Deputy Secretary

Michael S. Steele

March 25, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

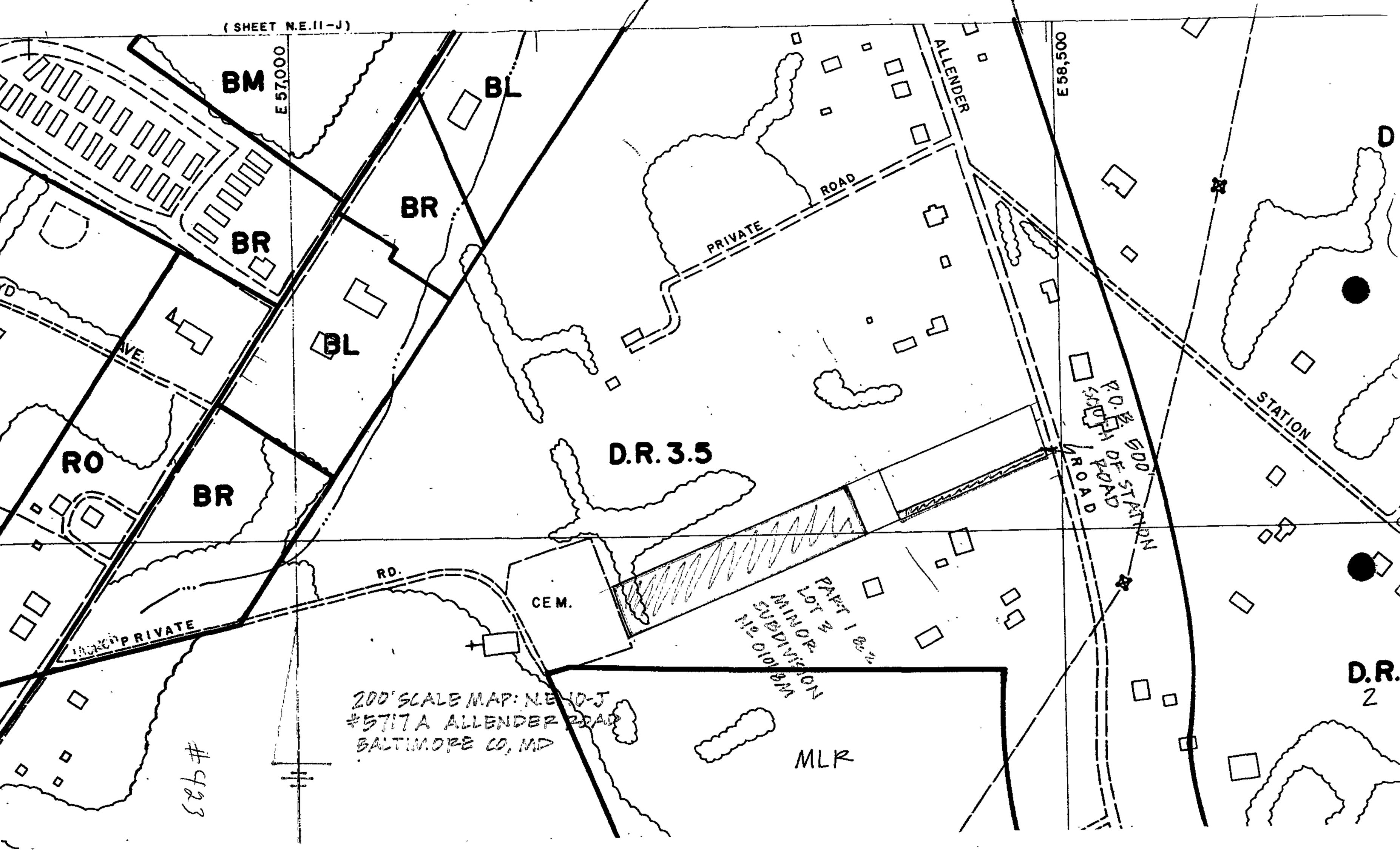
James R. Gatto

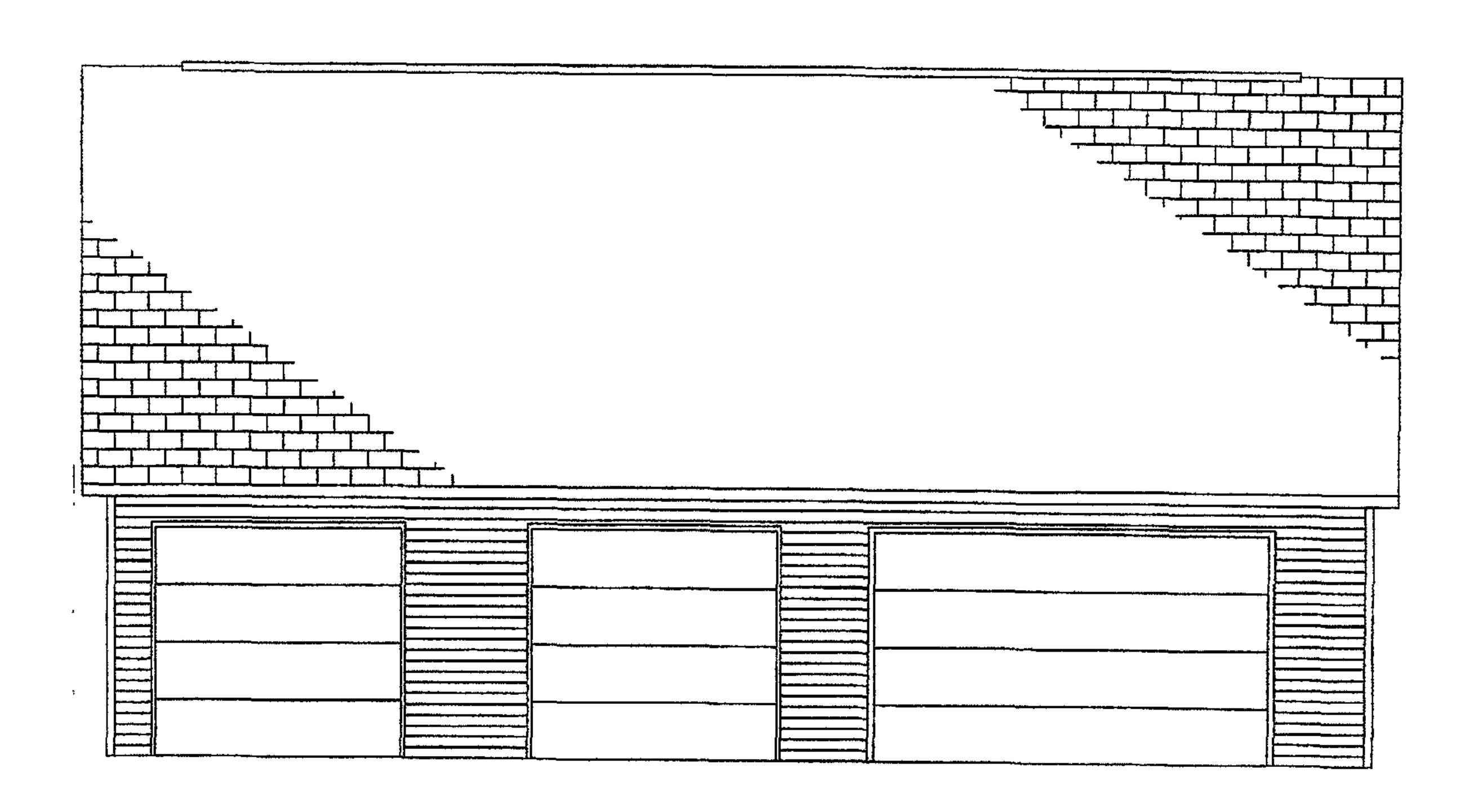
Manager

Metropolitan Planning

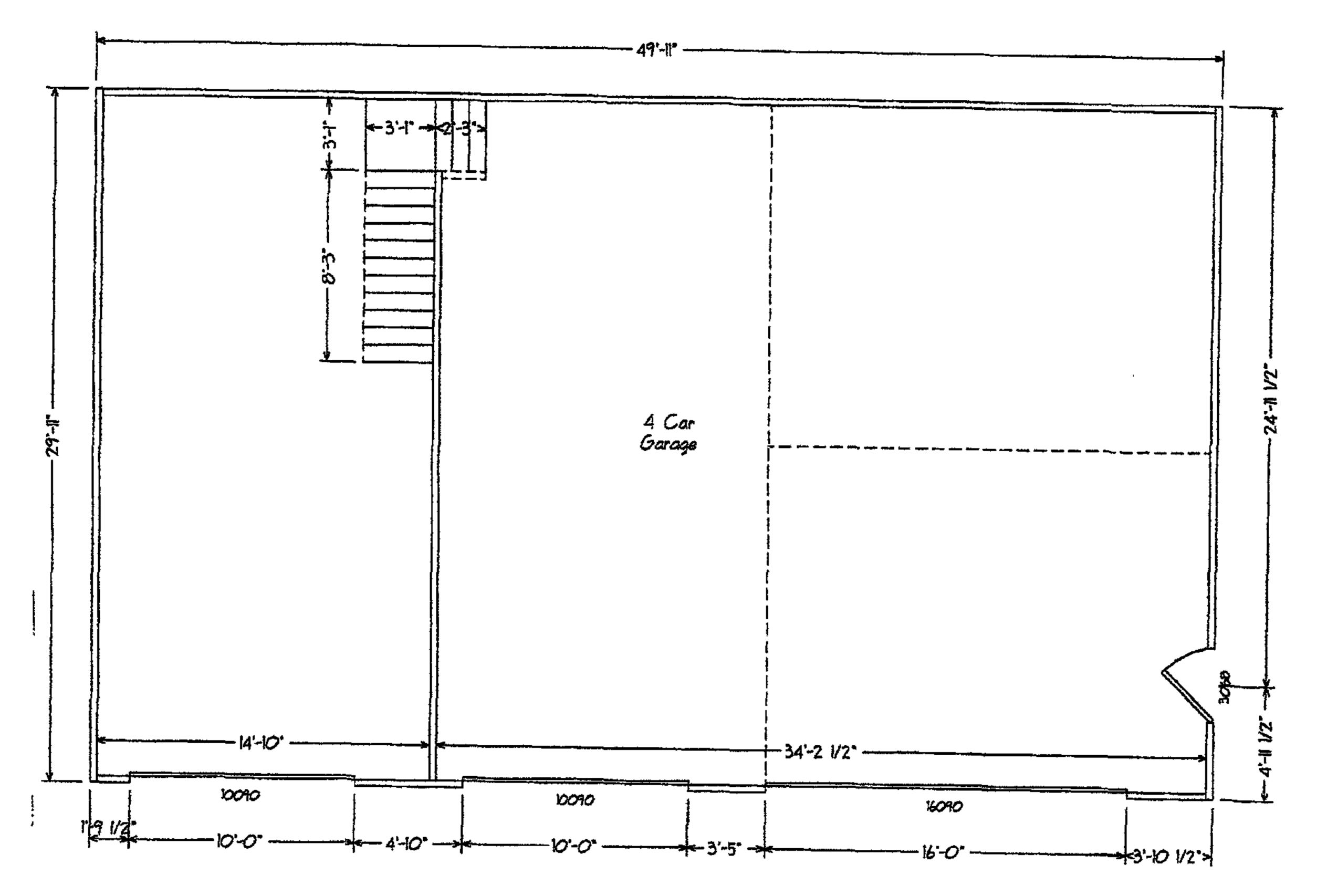
Local Planning Assistance Unit

cc: Mike Nortrup





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#423

Attic Tilses -Scissor Trusses

#423

