IN RE: PETITION FOR ADMIN. VARIANCE
NE/Corner Houcks Mill Road
and Old York Road
10th Election District
3rd Councilmanic District
(3500 Houcks Mill Road)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-509-A

Diana Hutchins & Karlus Bowling Petitioners

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Diana Hutchins and Karlus Bowling, the legal owners of the subject property. The variance request is for property located at 3500 Houcks Mill Road in the Monkton area of Baltimore County. The Petitioners herein seek a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the front/side yard on a corner lot with a height of 27.5 ft. and a 92 ft. side street setback in lieu of the required rear yard, maximum allowed 15 ft. and minimum required 240 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners 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 Petitioners have 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

-6/2/03 - · ·

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 Petitioners.

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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of June, 2003, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the front/side yard on a corner lot with a height of 27.5 ft. and a 92 ft. side street setback in lieu of the required rear yard, maximum allowed 15 ft. and minimum required 240 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

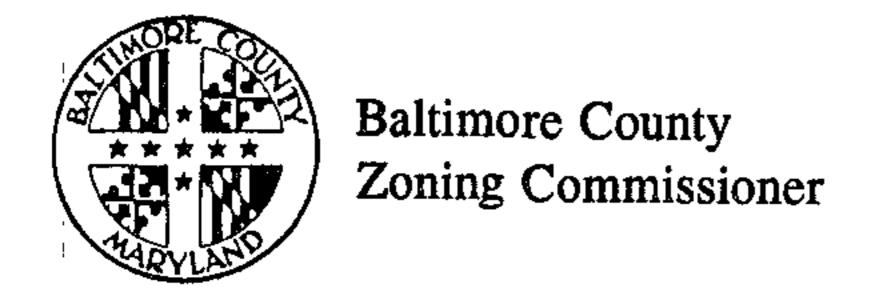
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners 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

Sold TMK:raj



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

Fax: 410-887-3468

June 2, 2003

Ms. Diana Hutchins Mr. Karlus Bowling 3500 Houcks Mill Road Monkton, Maryland 21111

Re: Petition for Administrative Variance

Case No. 03-509-A

Property: 3500 Houcks Mill Road

Dear Ms. Hutchins & Mr. Bowling:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

luthy lotroco

TMK:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3500 Houcks Mill Rd which is presently zoned RCZ

I/We do solemnly declare and affirm, under the penalties of

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) 400,1,400.3 To allow an accessory structure (detached garage) to be located in the front side Yard on a Conner lot with aheight of 27/2 the and a 92 the side structure setback in lieux the required rearyand maximum allowed is to be minimum required 240 the respectively.

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.

REV 10/25/01			iewed By	Date 4 - 29 5-11-03	
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Attorney For Petitioner		Zip Code		toucks mill	RJ 410472-2031
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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.

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REV 10/25/01 My Commission Expires

Lisa Robinson
Notary Public, State of Maryland
My Commission Expires March 1, 2006

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	3500 Houcks	Mill Rd	
		ryland	21111
That based upon personal knowledge, the follow	City	/ State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	p or practical difficulty):	·	_
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That the Affiant(s) acknowledge(s) that if a fo	rmal demand is filed. Affia	ant(s) will be required	to pay a reposting and
advertising fee and may be required to provide a	dditional information.	(5) IIII 50 Toquilou	to pay a roposting and
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Signature	Signature	I and the	
Karlus Bowlina	•	ana Hutch	s ins
Name - Type or Print	Name - Type		
STATE OF MARYLAND, COUNTY OF BALTIN	ORE. to wit:		
I HEREBY CERTIFY, this 28th day of Are of Maryland, in and for the County aforesaid, per	•	003 hefore me a t	Notary Public of the State
			totaly I abile of the otate
KARLUS E. BOWLING AND	DIANA HUT	CHINIS	
the Affiant(s) herein, personally known or satisfa	Clority Identified to frie as st	ich Amani(s).	
AS WITNESS my hand and Notarial Seal	1/		
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REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3500	Honcks	mill	
which is	s presentl	y zoned	RC-	2

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) 400.1, 400.3

To allow an accessory structure (detached garage) to be located in the front/side yard on a conner lot with a height of 27/2 the and a saft side street setbuck in sieu of the required reanyard, maximum allowed 15 ft and minimum required 240 ft. respectively.

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	eclare and affirm, under the the legal owner(s) of the Petition.	ne penalties of property which
Contract Purchaser/	Lessee:		Legal Owner(s)	<u>.</u>	
			Karlus	Bowling	
Name - Type or Print			Name - Type or Print	\dot{O}	
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Address		Telephone No	Name Type or Print	Hutch	3
City	State	Zip Code	Signature		<u></u>
Attorney For Petition	<u>ier:</u>		3500 / Address	Toucks Mill	·
			Monkton	MD	Telephone No.
Name - Type or Print			City	State	Zip Code
			Representative	to be Contacted:	
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Company			Name	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
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A Public Hearing having beathis day of regulations of Baltimore Count	en formally deman th y and that the prope	ded and/or found to be nat the subject matter of the orty be reposted.	required, it is ordered by his petition be set for a publi	the Zoning Commissioner of the Zoning Commissioner of the control of the control of the Commission of	of Baltimore County, quired by the zoning
			Zoning Com	nissioner of Baltimore Coun	ty
CASE NO. <u>Ø3-</u>	509-1	Rev	iewed By	2 Date 4-29	7-03
			The same of the sa		

Estimated Posting Date 5-11-03

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

DESCRIPTION

3500 HOUCKS MILL ROAD

LOT NO.2 "HUTCHINS PROPERTY"

10TH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point at the intersection of the easternmost right of way line of Old York Road as shown on a Maryland State Highway Administration Plat No. 1085 and the northernmost proposed right of way line of Houcks Mill Road, future 60 feet wide; thence binding on the aforesaid right of way line of Old York Road, the three following courses and distances, viz:

- 1) By a curve to the left having a radius of 2889.79 feet and an arc length of 332.46 feet being subtended by a chord bearing North Ol degrees O2 minutes 54 seconds East 332.27 feet; thence
- 2) South 87 degrees 45 minutes 09 seconds West 5.00 feet; thence
- 3) By a curve to the left having a radius of 2884.79 feet and an arc length of 29.37 feet being subtended by a chord bearing North 02 degrees 32 minutes 21 seconds West 29.36 feet; thence running for two new lines of division as now established
- 4) North 67 degrees 11 minutes 41 seconds East 482.36; thence
- 5) North 75 degrees 48 minutes 30 seconds East 450.00; thence running along an old post and wire fenceline
- 6) South 14 degrees 11 minutes 30 seconds East 458.43 feet to intersect the aforemention proposed right of way line of Houcks Mill Road; thence binding thereon the following three courses and distances, viz:
- 7) South 68 degrees 53 minutes 58 seconds West 421.71 feet; thence
- 8) By a curve to the right having a radius of 870.00 feet and an arc length of 258.64 feet being subtended by a chord bearing South 78 degrees 47 minutes 54 seconds West 257.69 feet; thence
- 9) South 87 degrees 57 minutes 51 seconds West 347.10 feet to the point of beginning.

CONTAINING 10.2862 acres of land, more or less.



509

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DE 509-3 ACCOUNT R 1001-006-6130 AMOUNT \$ 65. RECEIVED FROM: Larly Early FOR: Received of the Secondary of the	PAID CONTENT HIGHESTS ACTUAL FIRE DRIV 730/2005 4/29/2003 10:31:58 2 FID WAR MARKEN JEVA JEI - BIT PF R .6/6/4 6/29/2003 OFLH Der 5 520 ZOUTHA VERIFICATION UE NJ. 02:5644 Peopl Tot \$65.00 40.00 U00 CA 75.00 CG Unitumore County, Waryland
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CERTIFICATE OF POSTING

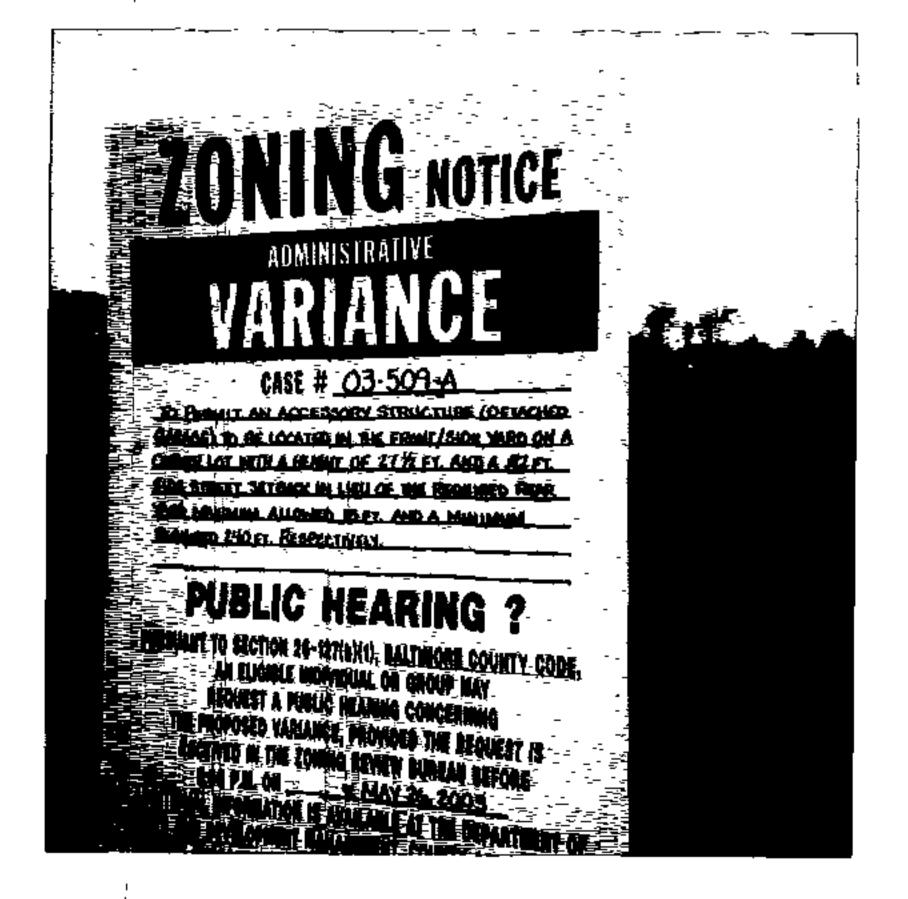
RE:	Case No.: <u>03-509-A</u>
	Petitioner/Developer:
	K. Bowling & D. Hutchins
	Date of Hearing/Closing 5-713-03

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3500 Houcks Mill Rd. Monkton, MD 2111



May	6,2003	
,	(Month, Day, Year)	

Sincerely,

(Signature of Sign Poster and Date)

(Printed Name)

SHANNON-BAUM SIGNS INC.

105 COMPETATIVE GOALS DR.

ELDERSBURG, MD. 21784

(City, State, Zip Code) 410-781-4000

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

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.

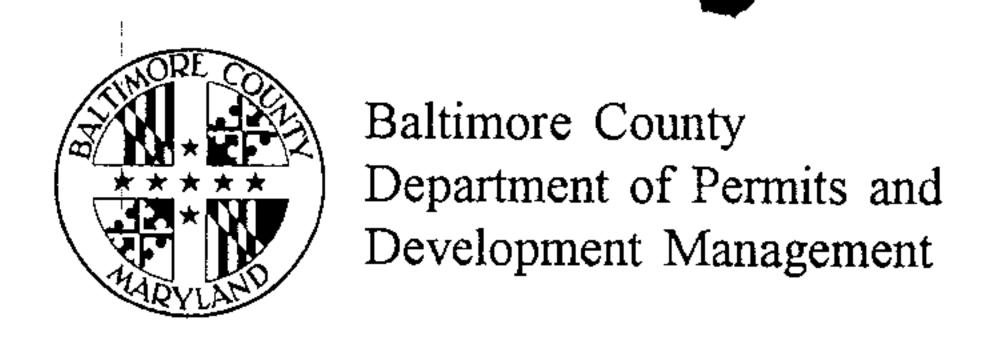
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number: 03-509-7 Petitioner: K. Bowling & D. Hutchins' Address or Location: 3500 Houcks M. Y/ Rd-
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: Same.
Monk Ton, Md, 21111 Telephone Number: 410-472-2031
Telephone Number: <u>4/ク-4</u> グス- ネ <i>の</i> 3/

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 509 -A Address 3500 Houcks Mill Rd-
Contact Person'SUI/IVA Phone Number: 410-887-3391
Filing Date: 4-29-03 Posting Date: 5-11-03 Closing Date: 5-26-03
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
2(m+A) + c + 4C
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 509 -4, Address 3500 Houcks Mill Rd.
Petitioner's Name K. Bushing & D. Hutchins Telephone 410-472-2031
Posting Date: 5-1/-03 Closing Date: 5-26-03
Wording for Sign To Permit an accessory structure detached garage to be located
the front side fard on a Corner lot with 9 hount of 27/2 pt, and is 12 pt side stree
that in heig the required rear youd, maximum allowed 15 ft and minim
avired 240 ft. respectively



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

May 23, 2003

Karlus Bowling Diana Hutchins 3500 Houcks Mill Road Monkton, MD 21111

Dear Mr. Bowling, Ms. Hutchins:

RE: Case Number: 03-509-A, 3500 Houcks Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callibal)

WCR:klm

Enclosures

c: People's Counsel



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 May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5, 2003

Item No.:

497-504, 506-511

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

115

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.5.03

RE:

Baltimore County

Item No. 509

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Ms. Hart:

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,

. J. Leel

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: Zoning Advisory Petition(s): Case(s) 03-509 – Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 13, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 12, 2003

Item Nos. 496, 497, 498, 501, 502, 503, 504, 505, 508, 509, and 511

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

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr. Lovernor



Audrey E Scott Secretary

Michael S. Steele Lt. Governor

Florence E. Burtan Deputy Secretary

May 12, 2003

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

Re: Zoning Advisory Committee Agenda, 05/12/03 re: case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH/03-509-A, 03-510-A, 03-511-SPHX

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. 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

Planning Services

Mike Nortrup CC:

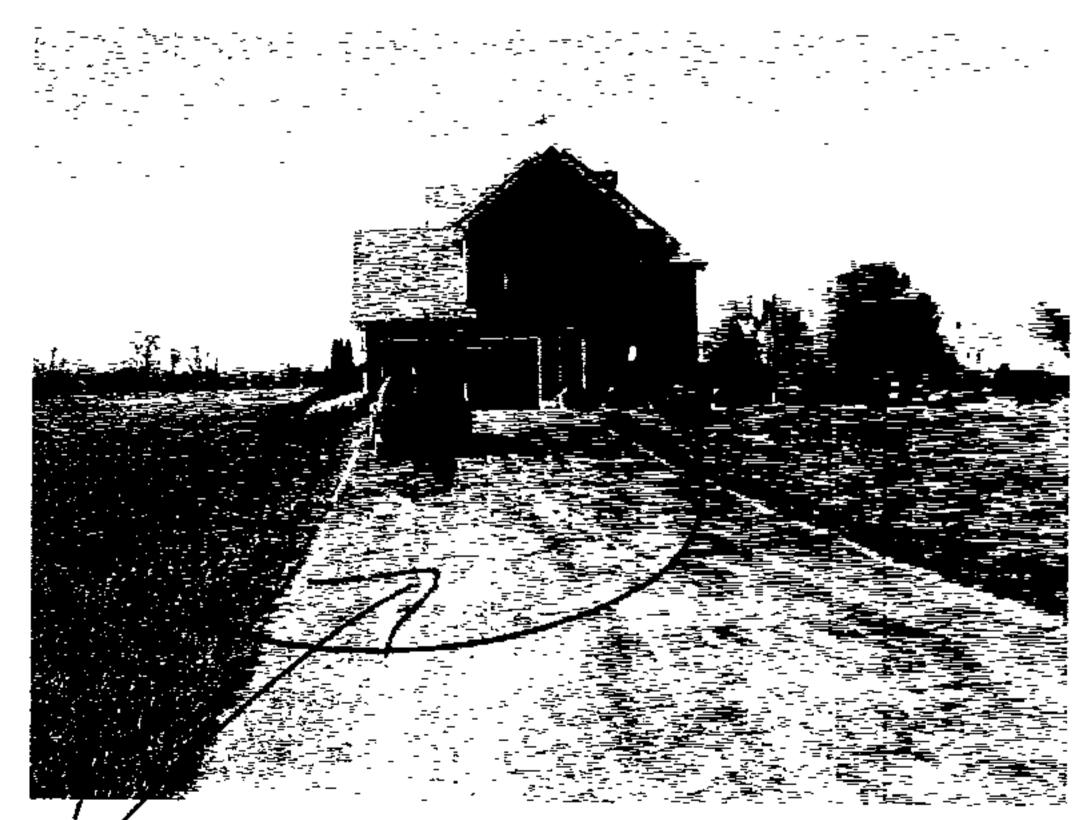












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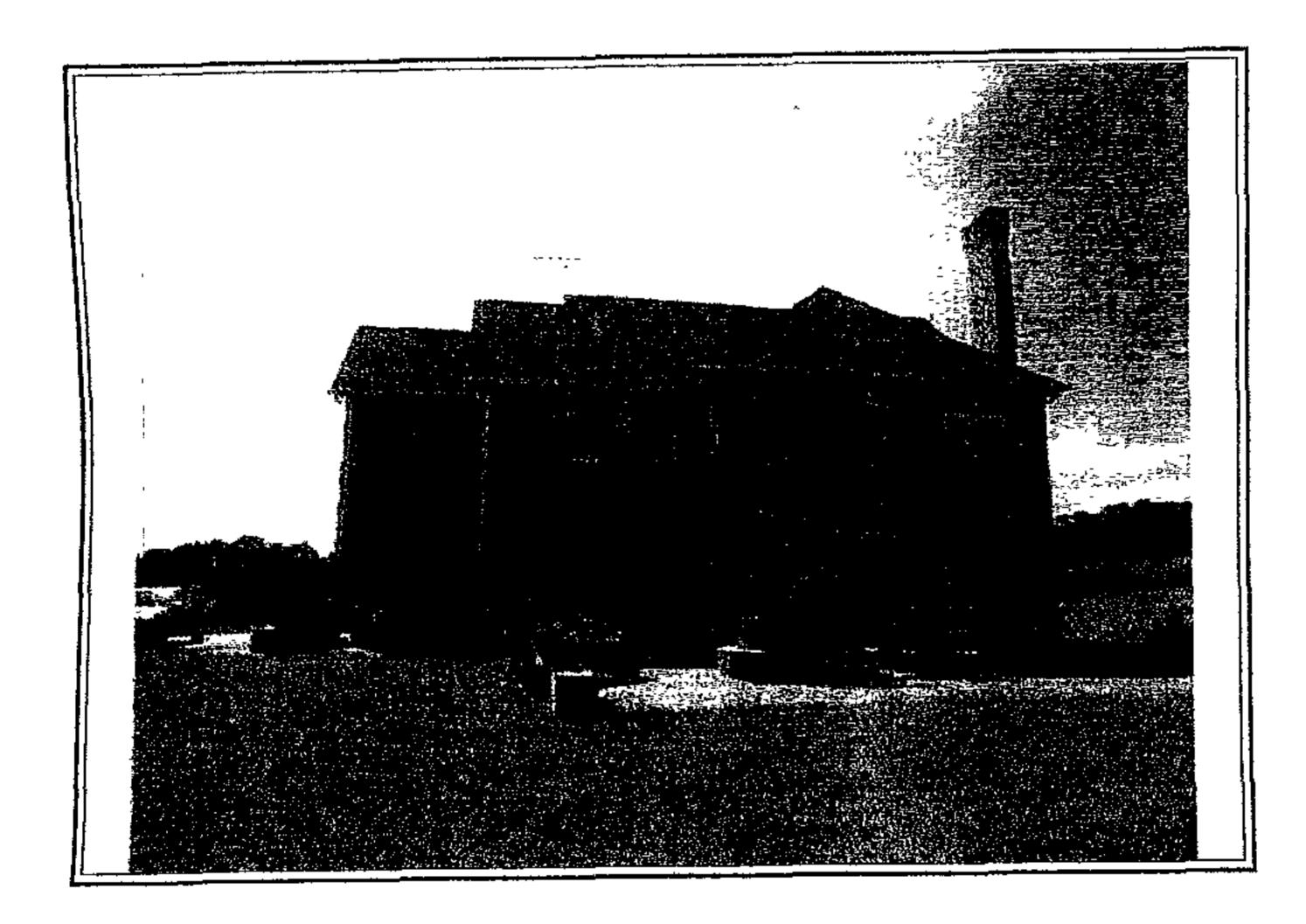
500

State: MD

Case No.: 802861 Zip: 21111

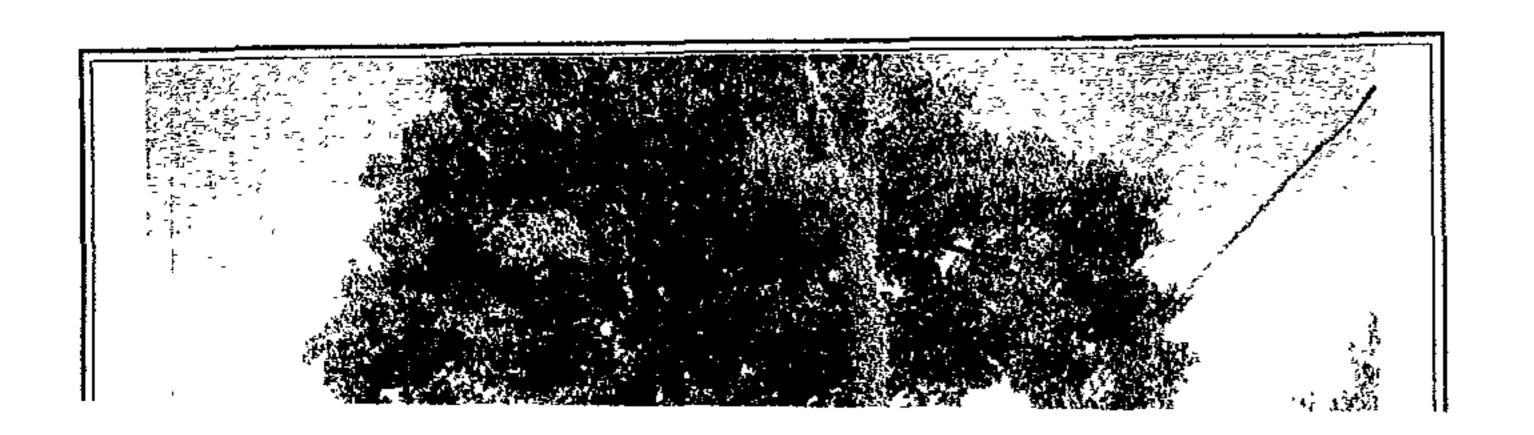


FRONT VIEW OF SUBJECT PROPERTY



REAR VIEW OF SUBJECT PROPERTY





STREET SCENE





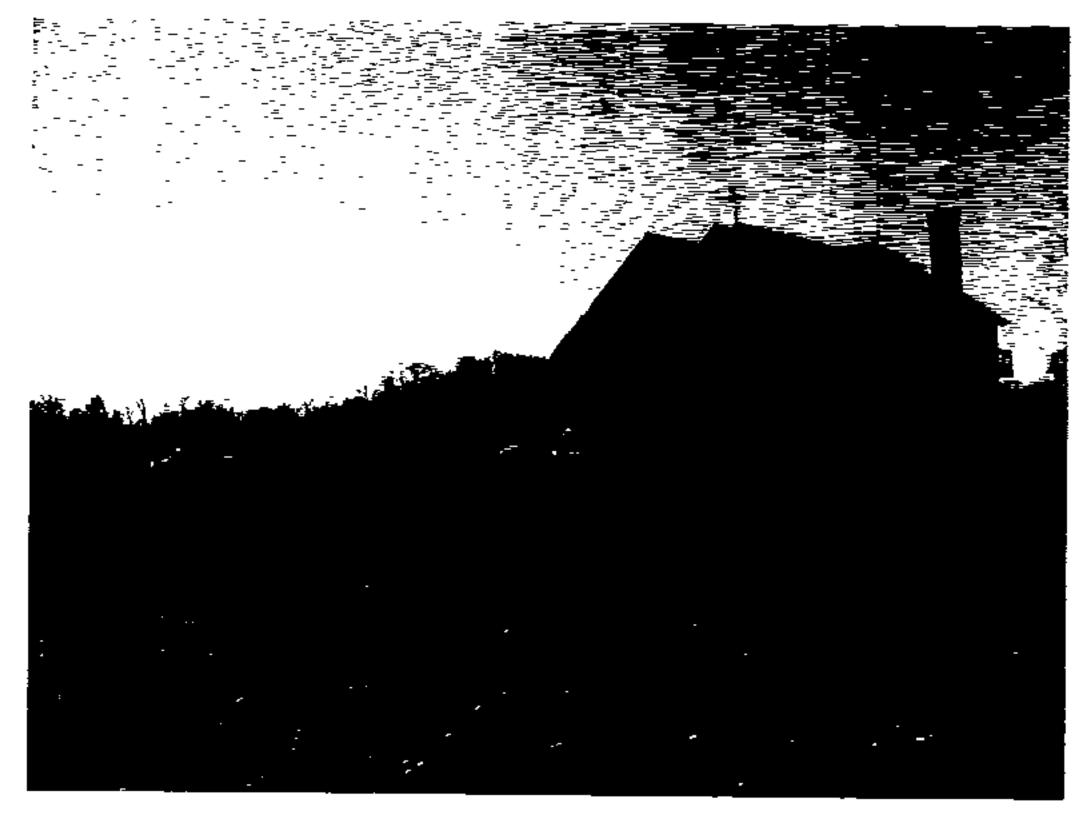


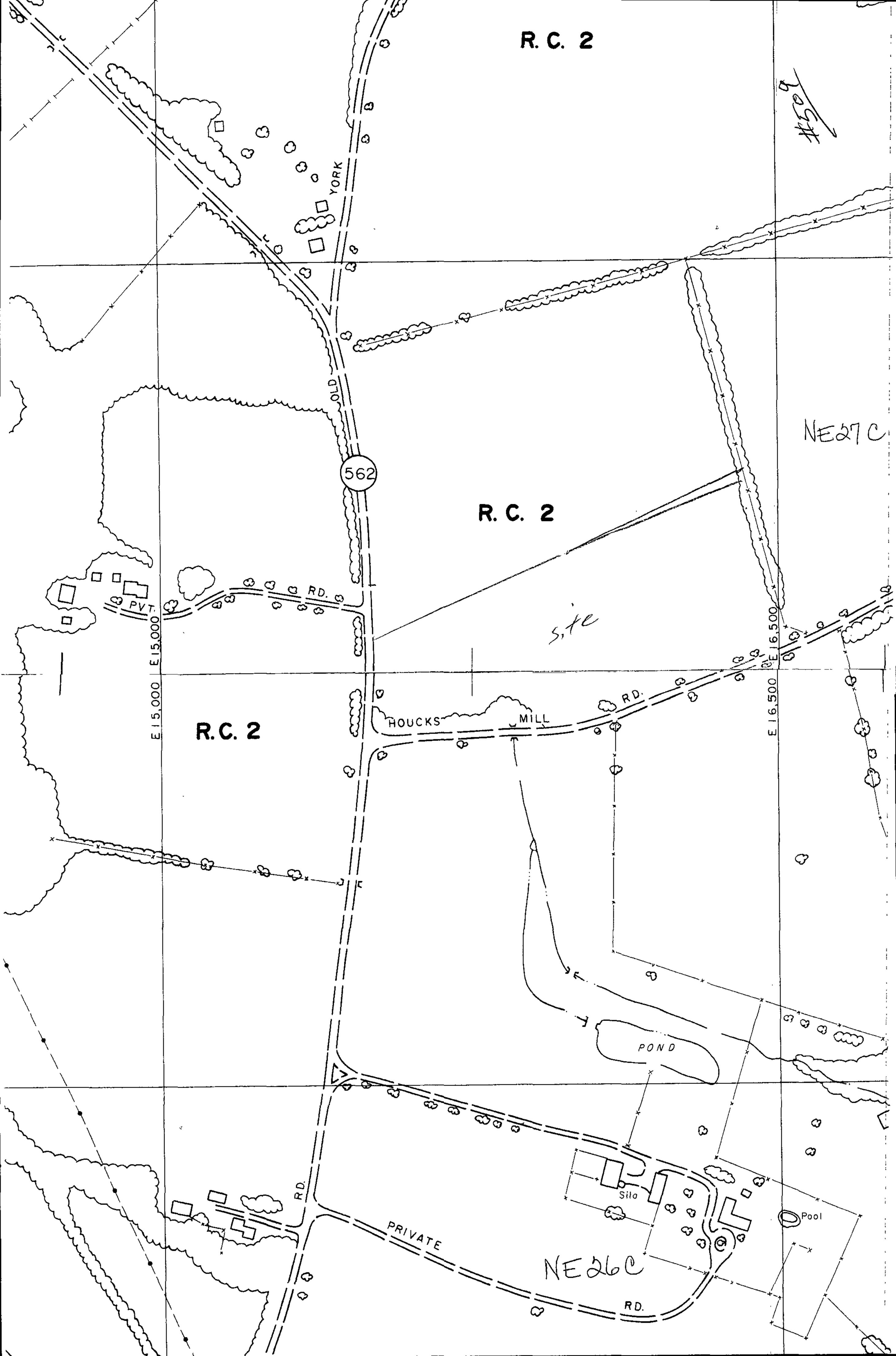












PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING PROPERTY ADDRESS 3500 Hourks Mill Rd- SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION SUBDIVISION NAME_ PLAT BOOK # FOLIO # LOT # SECTION # OWNER K. Bowling & D. Hutchins N 67°11' 41" E WELL 567.04 B. 72. VICINITY MAP 5 87°45'09" W LOCATION INFORMATION ELECTION DISTRICT 10 th COUNCILMANIC DISTRICT 3 24 722 <u>LOT</u> No. -2 10.2862 Ac. ± 1"=200' SCALE MAP # NE, 26+270 LINE ZONING RC-Z LOT SIZE 10:2862 HUS 067 T ACREAGE SOLARE FEET SEWER WATER CHESAPEAKE BAY B.R.L CRITICAL AREA R=870.00' L=258.64 100 YEAR FLOOD PLAIN 0 HIGTORIC PROPERTY/ BUILDING 371.10 s 87°57'51" W PRIOR ZONING HEARING L=30.20° R=900.00'350.95 s 87°57'51" W ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE L=267.56' ITEM # CASE # 509 Scale: 11 = 100