

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Killarney Court, 600' N
centerline of Merryman's Mill Road
10th Election District
3rd Councilmanic District
(13706 Killarney Court)

Tracy A. & Jeffrey A. Bird
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-557-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Tracy A. and Jeffrey A. Bird, the legal owners of the subject property. The variance request is for property located at 13706 Killarney Court in the Phoenix area of Baltimore County. The Petitioners herein seek 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 20 ft. in lieu of the permitted 15 ft. 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 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

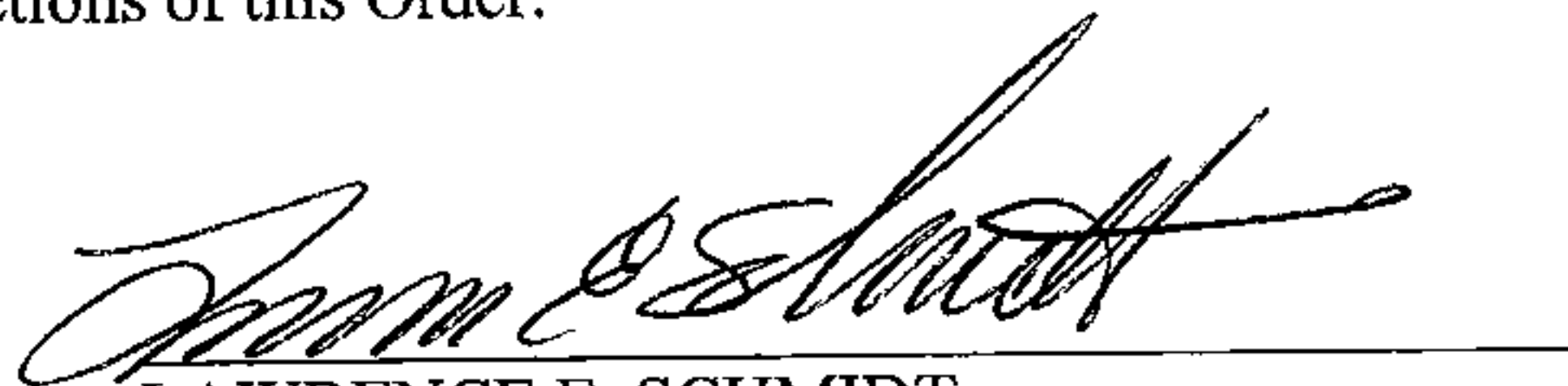
ORDER
Date 6/25/03
By R. G. G. G.

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 Zoning Commissioner for Baltimore County, this 25th day of June, 2003, that 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 20 ft. in lieu of the permitted 15 ft., 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.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

6/25/03
R. J. Jannson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 25, 2003

Mr. & Mrs. Jeffrey A. Bird
13706 Killarney Court
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 03-557-A
Property: 13706 Killarney Court

Dear Mr. & Mrs. Bird:

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,

A handwritten signature in cursive script, likely of Lawrence E. Schmidt.

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13706 KILLARNEY CT.

which is presently zoned R.C.4

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) 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT
OF 20-FEET IN LIEU OF THE PERMITTED 15-FEET.

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 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 6/28/03 day of June, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 03-557-A

Reviewed By D. THOMPSON Date 5/27/03

Estimated Posting Date 6/8/03

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

13706 Killarney Court
Address
PHOENIX MD 21131
City State Zip Code

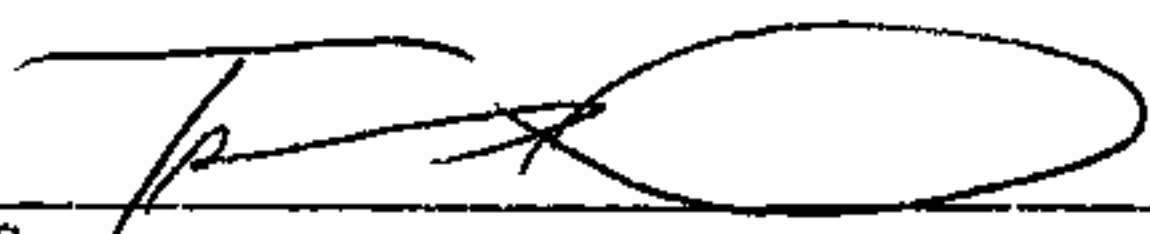
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The existing garage is too small for larger vehicles and with four children and a pool we need the additional space for storage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature

JEFFREY A. BIRD
Name - Type or Print


Signature

TRACY A. BIRD
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of MAY, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JEFFREY A BIRD & TRACY A BIRD
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 10/01/05

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 13706 Killarney Court
Address
PHOENIX MD. 21131
City State 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):

The existing garage is too small for larger vehicles and with four children and a pool we need the additional space for storage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

JAB
Signature
JEFFREY A. BIRD
Name - Type or Print

TAB
Signature
TRACY A. BIRD
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of MAY, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JEFFREY A. BIRD & TRACY A. BIRD
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Christine E. Marshall
Notary Public

My Commission Expires 10/01/05



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13706 KILLARNEY CT.
which is presently zoned R.C.4

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) 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT
OF 20-FEET IN LIEU OF THE PERMITTED 15-FEET.

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.

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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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this 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. 03-557-A

Reviewed By D. THOMPSON Date 5/27/03

Estimated Posting Date 6/8/03

ZONING DESCRIPTION FOR 13706 KILLARNEY COURT, PHOENIX, MD. 21131

Beginning at a point on the west side of Killarney Court which is 24' wide at a distance of 600' north of the centerline of the nearest improved intersecting street, Merrymans Mill Road, which is 36' wide. Being Lot # 4, Block N/A, Section # N/A in the subdivision of Kilkerry as recorded in Baltimore County Plat Book # 37, Folio # 30, containing 50,965.20 square feet. Also known as 13706 Killarney Court, Phoenix, Md. 21131 and located in the 10TH Election District, 3RD Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 222

DATE 5/27/03 ACCOUNT 000066150

AMOUNT \$ 65.00

RECEIVED FROM: JEFFREY LIRD

FOR: ITEM # 557 05-557-2

10700 S. L. 454 E. ST. - D. T. + J. CON.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-557-A

Petitioner/Developer: _____

JEFFREY & TRACY BIRD

Date of Hearing/Closing: 6/23/03

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

Attention: MS. BECKY HART

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 _____

13706 KILLARNEY

The sign(s) were posted on 6/8/03
(Month, Day, Year)

CASE # 03-557-A

Sincerely,

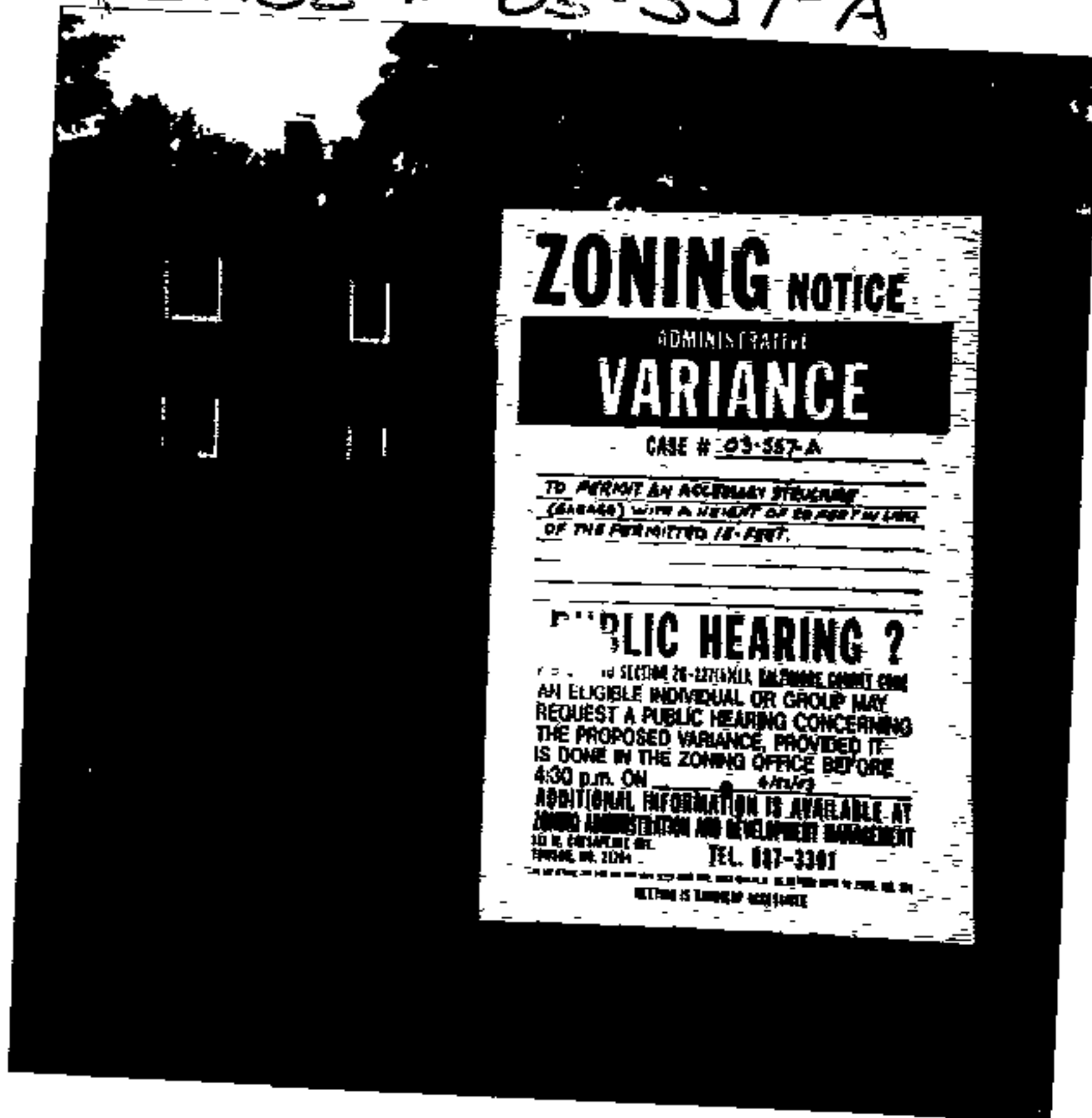
Richard E. Hoffman 6/8/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



13706 KILLARNEY CT.
POSTED 6/8/03

Richard E. Hoffman 6/8/03

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 03-557-A

Petitioner: BIRD

Address or Location: 13706 KILLARNEY CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR & MRS. JEFFREY A. BIRD

Address: 13706 KILLARNEY CT.

PHOENIX, MD 21131

Telephone Number: 410-628-2455

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 557 -A

Address 13706 KILLARNEY CT

Contact Person: DONNA THOMPSON
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/27/03

Posting Date: 6/8/03

Closing Date: 6/23/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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.
2. **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.
3. **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.
4. **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.

Donna Thompson

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 557 -A

Address 13706 KILLARNEY CT

Petitioner's Name JEFFREY + TRACY BIRD

Telephone 410-628-2455

Posting Date: 6/8/03

Closing Date: 6/23/03

Wording for Sign To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A

HEIGHT OF 20-FEET IN LIEU OF THE PERMITTED 15-FEET



Baltimore County
Department of Permits and
Development Management

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

June 23, 2003

Jeffrey Bird
Tracy Bird
13706 Killarney Court
Phoenix, MD 21131

Dear Mr. and Mrs. Bird:

RE: Case Number: 03-557-A, 13706 Killarney Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 27, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us





**Baltimore County
Fire Department**

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

June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 2, 2003

Item No.: 552-~~8~~57

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*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.3.03

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

RE: Baltimore County
Item No. 557 DT

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,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 2, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-542, 03-556 and 03-557**
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: Mark A. Cunningham

Section Chief: Lynn L. Mac

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 17, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 9, 2003
Item Nos. 552, 553, 554, 556, and
557

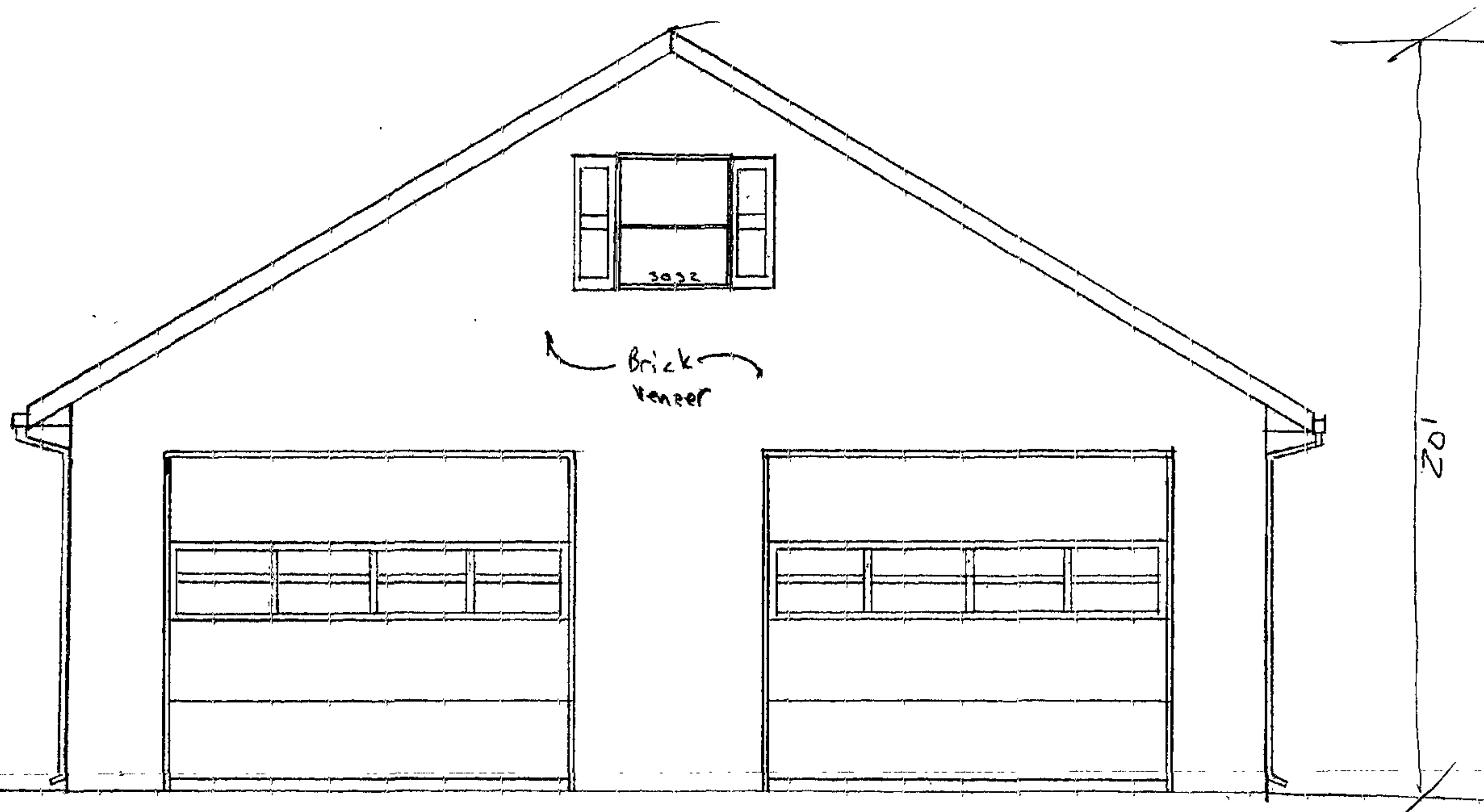
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

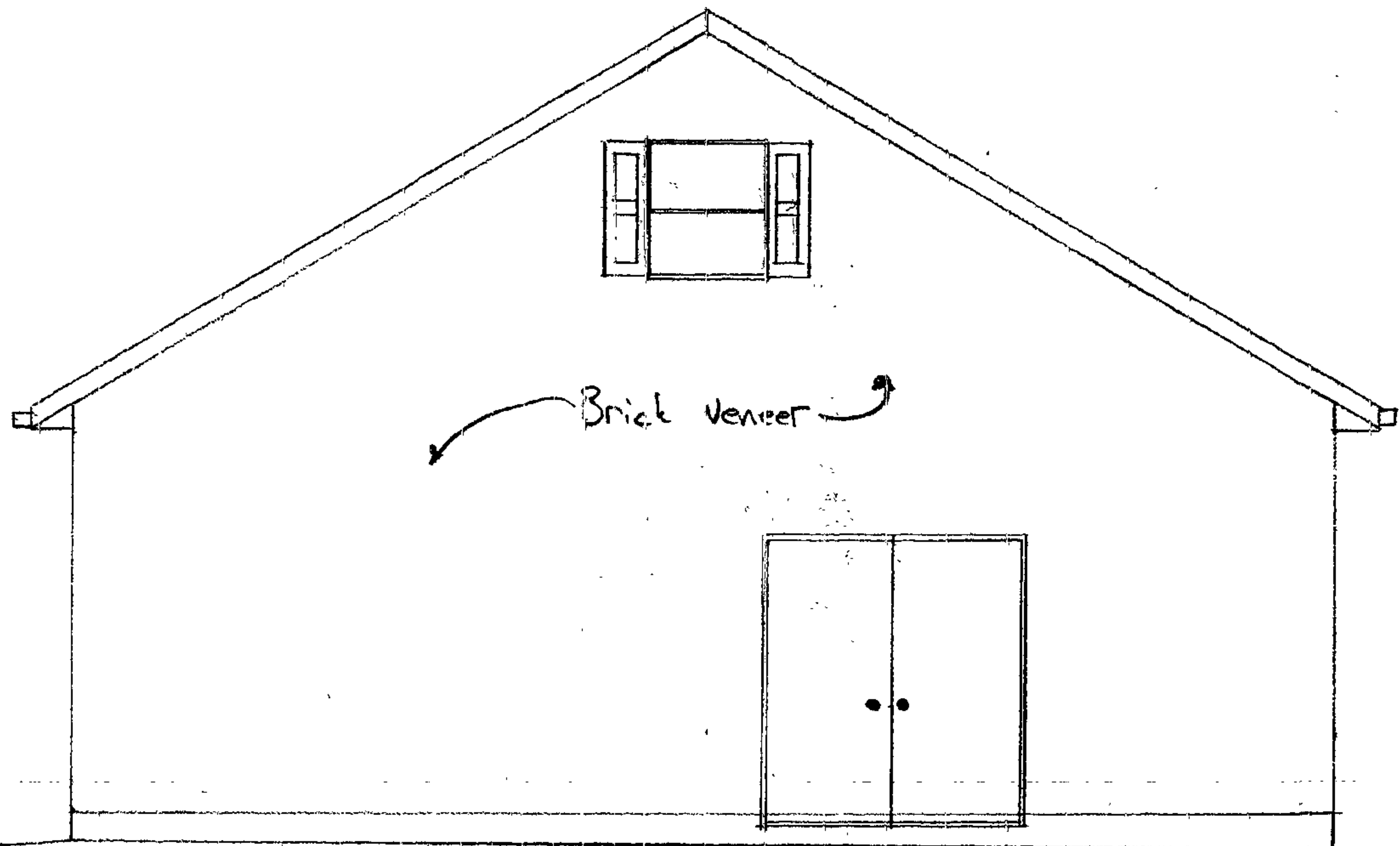
JEFFREY A. BIRD
13706 KILLARNEY COURT
PHOENIX, MD. 21131

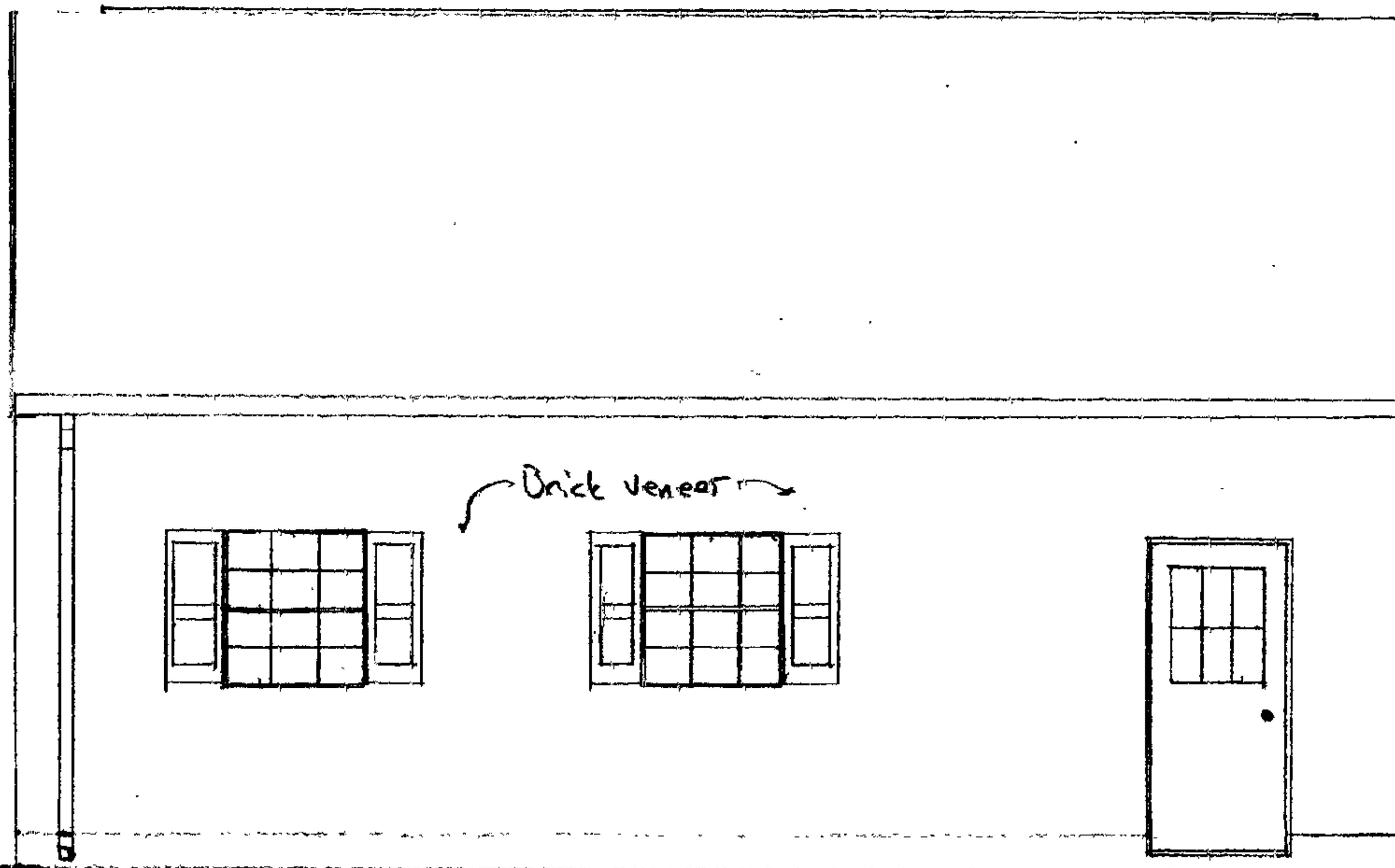
03-557-A



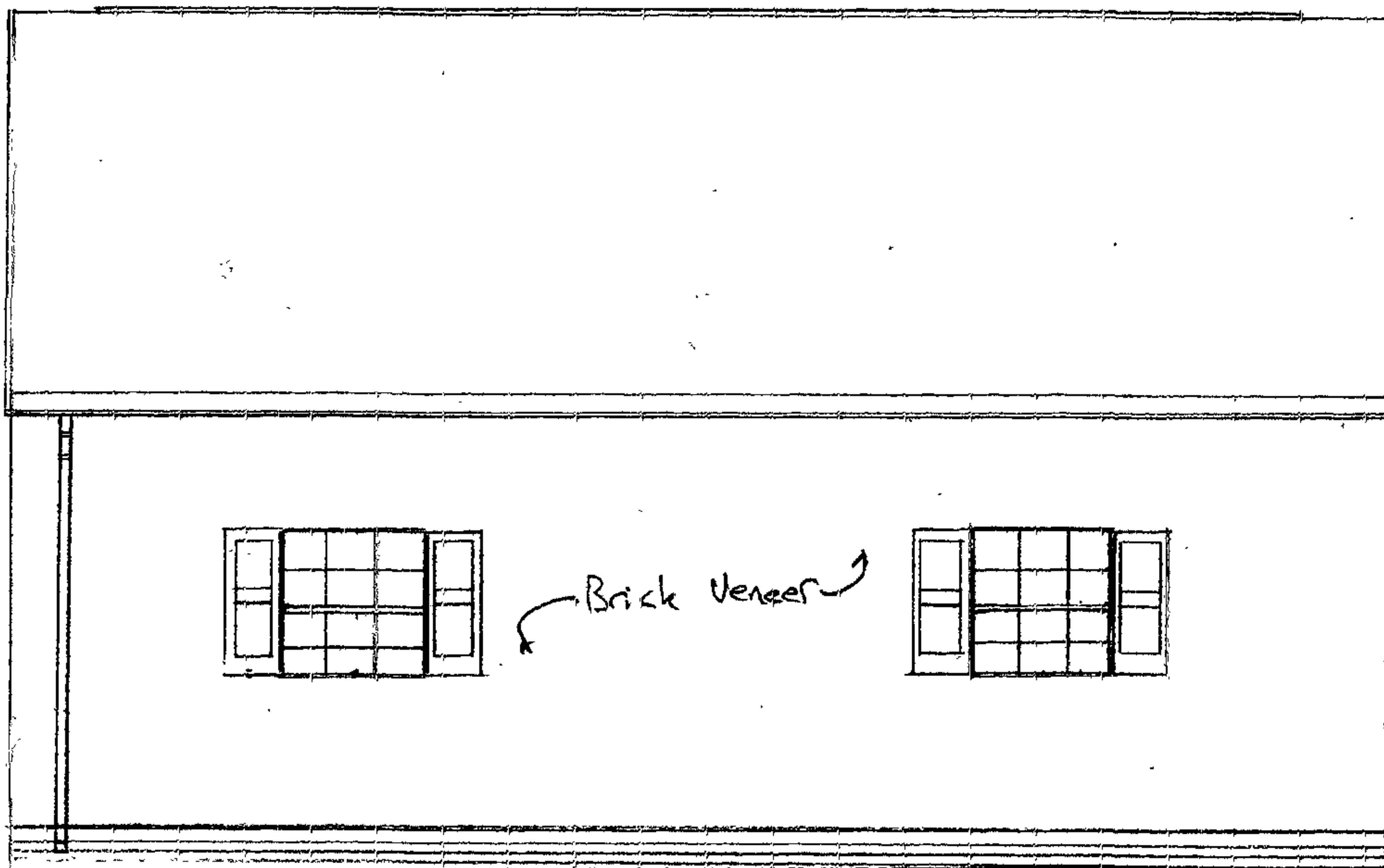
Front Elevation

Drawn by Jeff Bird

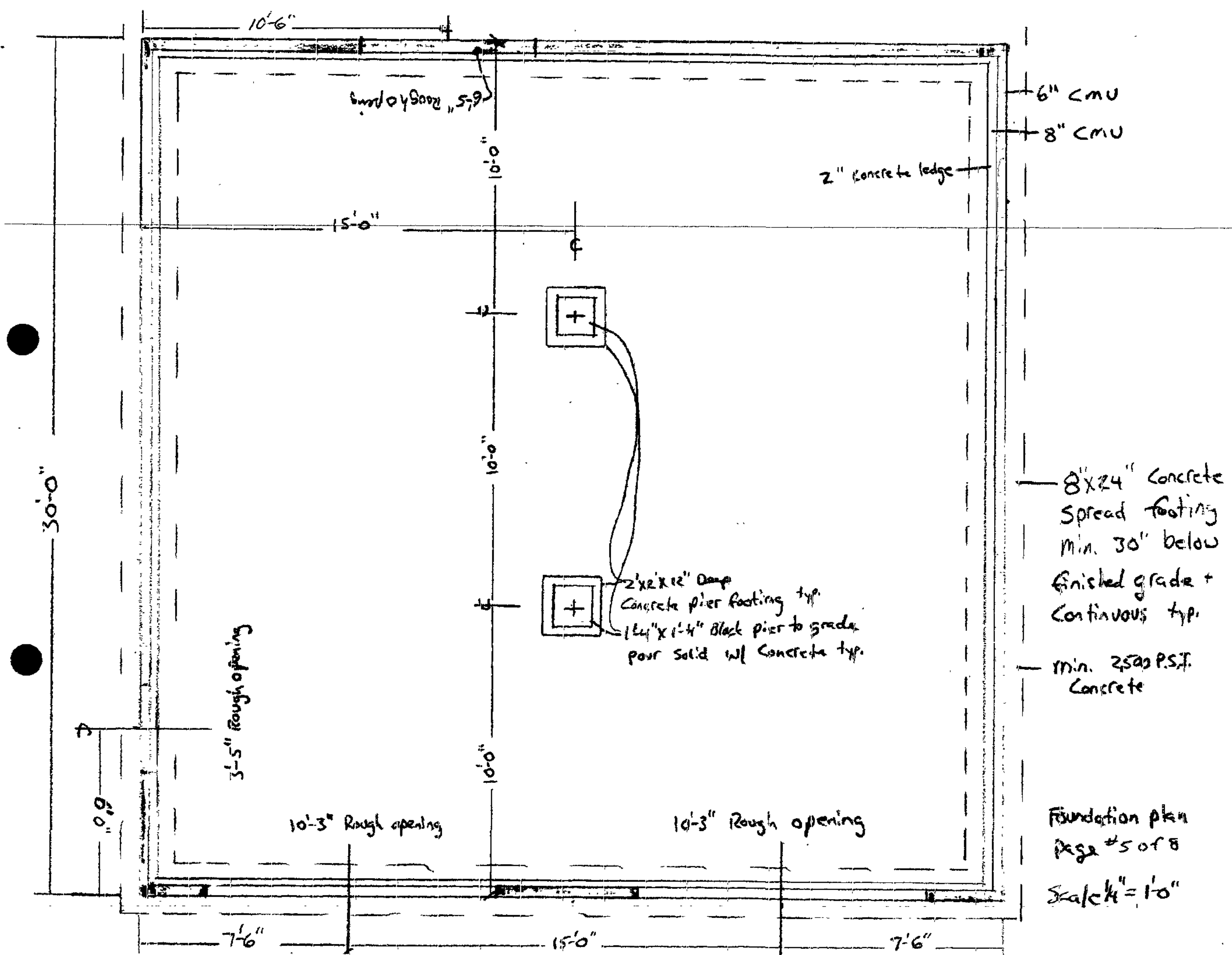




Left side elevation
Page # 3 of 8



Right side elevation
page #4 of 8



3-Courses 8"
C.M.U.

1-Course 4"
C.M.U. store ble.
e Structural
page #7

X4 Wood Framed
115 16" O.C. tr
ee Structural
#7

3068 outside
w. D.

2-2x12 wood header - w/dbl. Jacks
on side

8010 OH. garage door

8010 OH. garage door

26068 Double door

3 1/2" steel column
typ.
8x18 steel I beam

Railing to be
4x4 knoll posts, 2x2
pickets spaced 5 1/2" O.C.
and 2x6" cap rail

max 8 1/4" risers
11 1/2" Treads

- 5" Reinforced Concrete slab
Using 3,000 P.S.I. Concrete

- Concrete to have hard trowel
finish

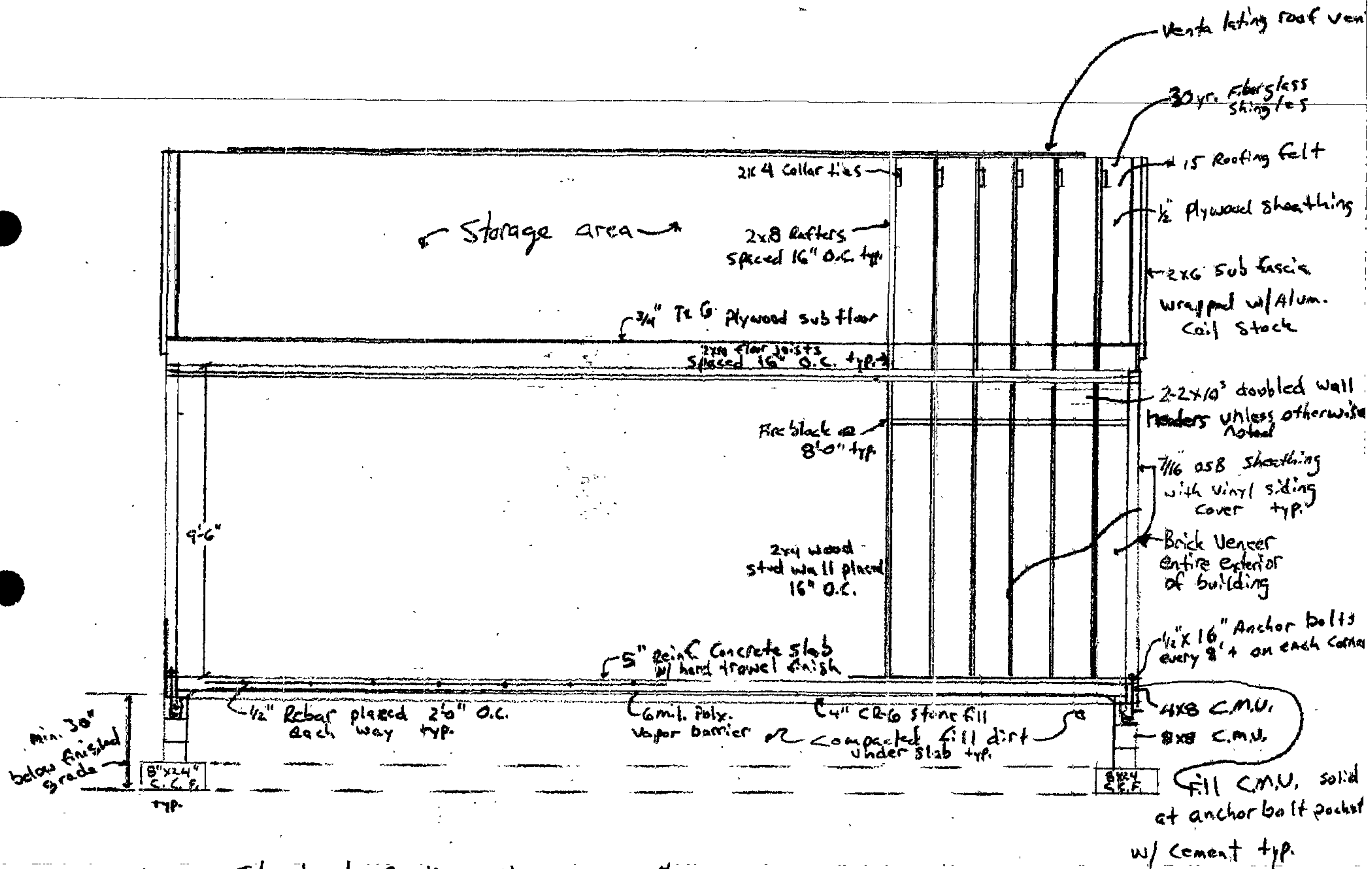
- See structural pg. #7 for
Concrete reinforcement

4'-0"
Landing

30'-0"

Floor plan 30'x50' 2-car garage Page #6 of 8

Scale 1/4" = 1'-0"



Structural Section thru page # 7 of 8

Scale 1/4" = 1'-0"

0" O.H.
each side

2x6 sub
fascia

stair well

Double 2x10's around stair

4'-0"

2x10 floor joists 16" O.C. (typ.)

8x18 S.I.B. Girder

3/4" T&G Plywood sub-flooring

Nailed + glued to 2x10 floor joists

2x8 Roof Rafter
Stacked over
2x4 wall studs and
2x10 floor joists

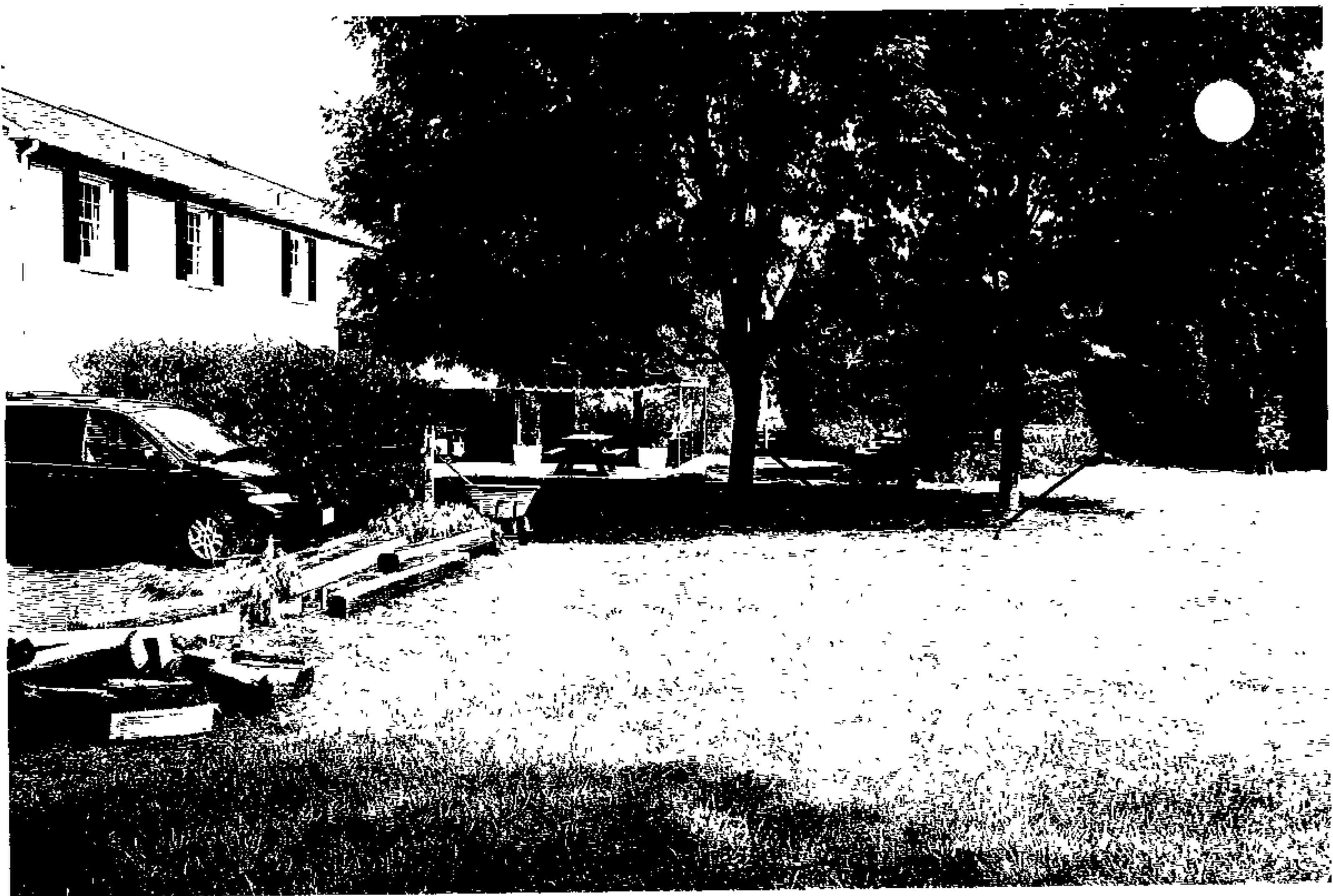
16" O.C.
1/2" sheathing
2x8 rafters 16" O.C.

2x6
fascia

2x10 floor joists
16" O.C.

3/4" OSB sheathing
2x4 studs 16" O.C.

Not to
Scale



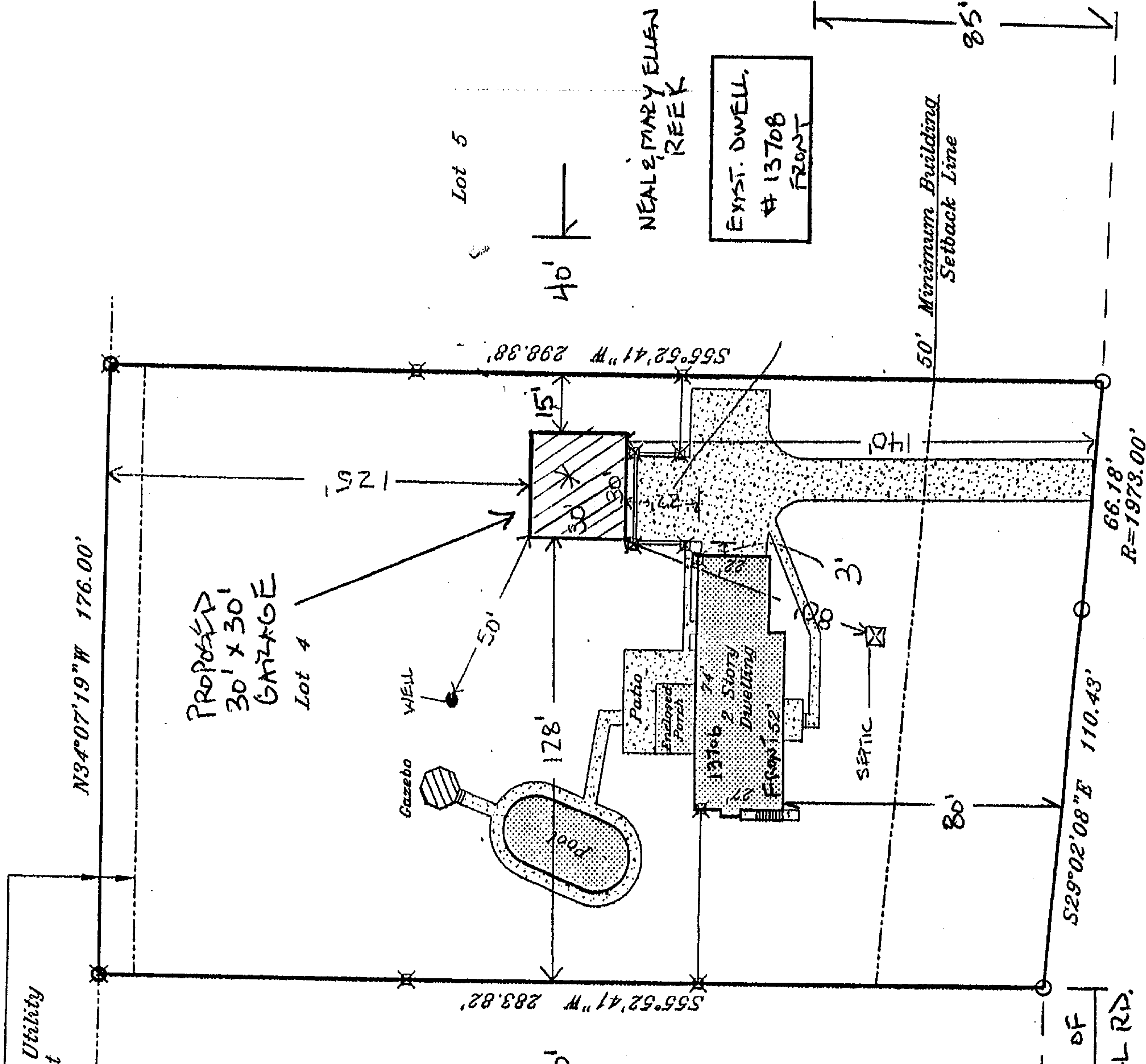




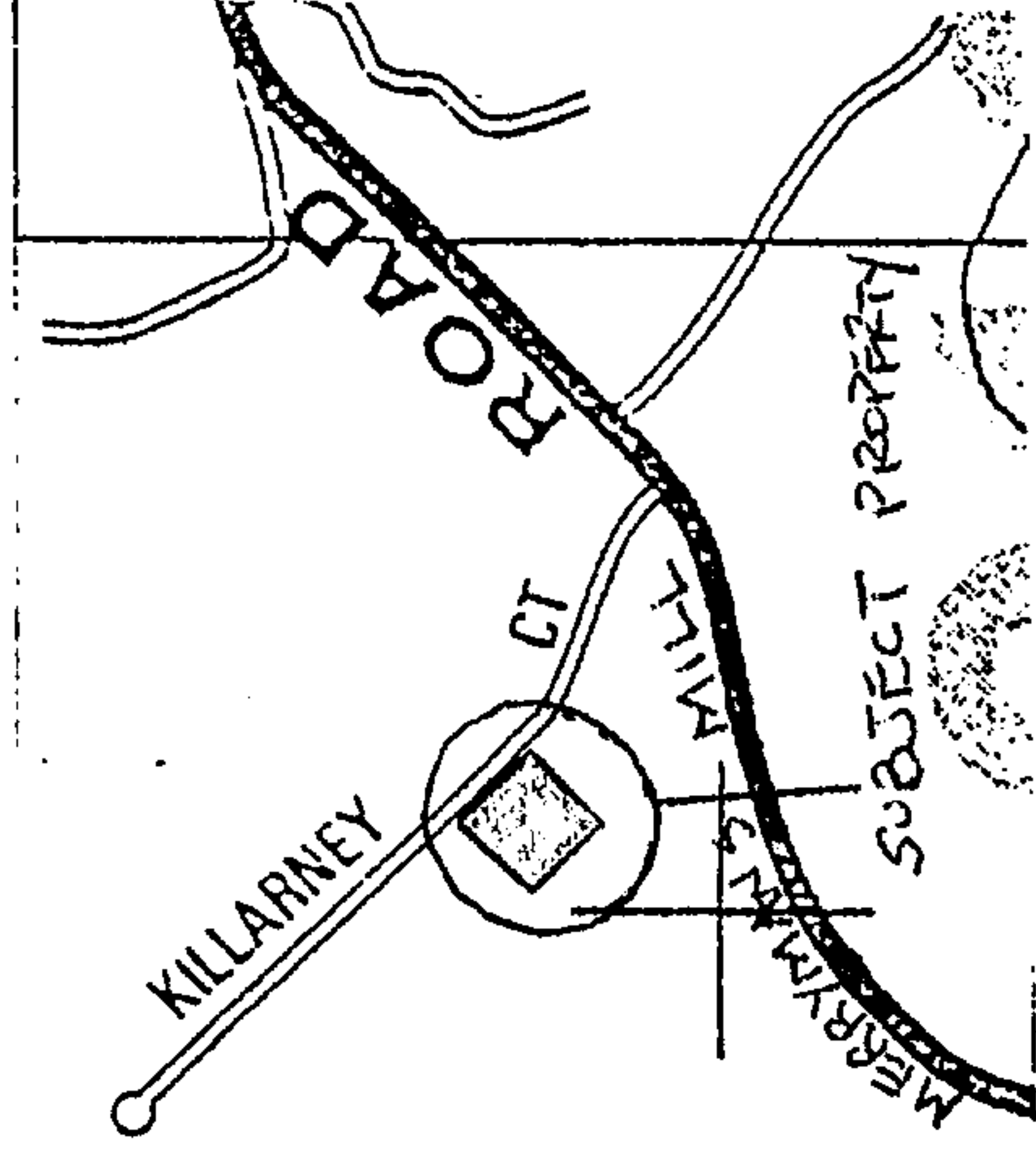
LKERRY

30 LOT # 4 SECTION # -

TRACY BIRD



KILLARNEY COURT
(50' R/W, 24' PAVING)



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 10

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # NE 19 B

ZONING RC-4

LOT SIZE 1.170 ACRES 50,965.20 SQUARE FEET

PUBLIC PRIVATE

SEWER

☐

☒

WATER

☐

☒

YES NO

CHESAPEAKE BAY
CRITICAL AREA

☐

☒

100 YEAR FLOOD PLAIN

☐

☒

HISTORIC PROPERTY/
BUILDING

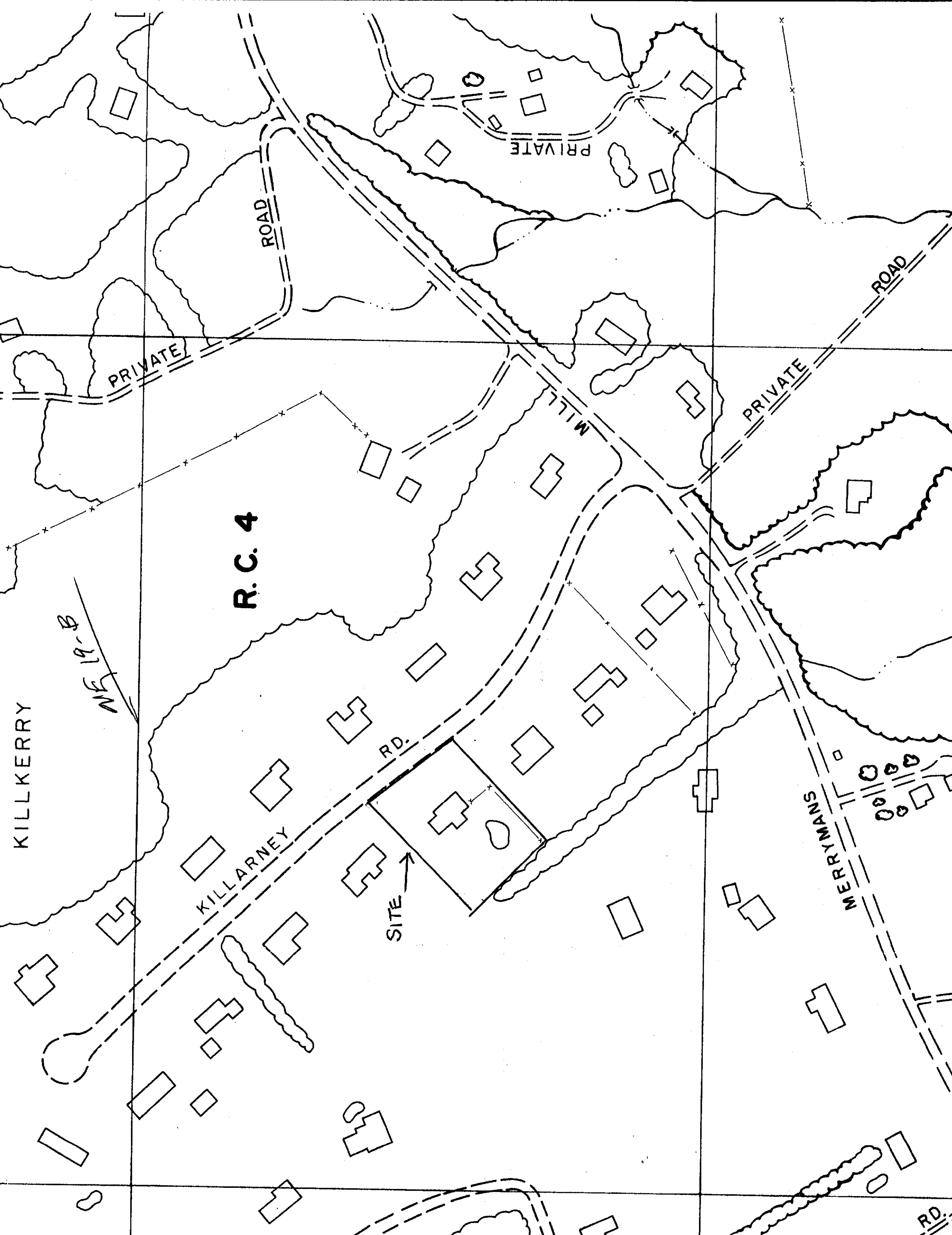
☐

☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

14. B. 7



KILLKERRY

NE 19-B

R.C. 4

KILLARNEY

RD.

SITE

PRIVATE

PRIVATE

MERRYMANS

ROAD

RD.