IN RE: PETITION FOR ADMIN. VARIANCE W/S of Scotts Hill Drive, 70' S of Smoke Tree Road 2nd Election District 2nd Councilmanic District (1026 Scotts Hill Drive)

> Denise A. Daniel Petitioner

BEFORE THE

ZONING COMMISSIONER \*

OF BALTIMORE COUNTY \*

CASE NO. 03-564-A ×

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Denise A. Daniel, the legal owner of the subject property. The variance request is for property located at 1026 Scotts Hill Drive in the Pikesville area of Baltimore County. The Petitioner herein seeks a variance from Sections 211.3 and 211.4 of the 1955 Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition (garage) with side and rear yard setbacks of 5 ft. and 18 ft. in lieu of 8 ft. and 30 ft. respectively, and to permit a sum of side yards of 17 ft. in lieu of 20 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 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.

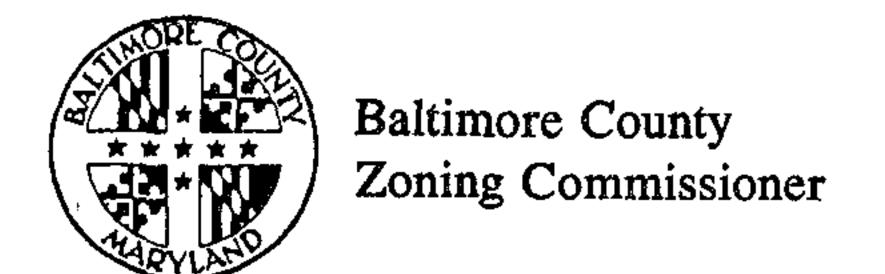
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this Zoning addition, 2003, that a variance from Sections 211.3 and 211.4 of the 1955 Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition (garage) with side and rear yard setbacks of 5 ft. and 18 ft. in lieu of 8 ft. and 30 ft. respectively, and to permit a sum of side yards of 17 ft. in lieu of 20 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

June 25, 2003

Ms. Denise A. Daniel 1026 Scotts Hill Drive Baltimore, Maryland 21208

Re: Petition for Administrative Variance

Case No. 03-564-A

Property: 1026 Scotts Hill Drive

Dear Ms. Daniel:

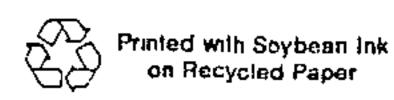
Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure





# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1026 SCOTTS HILL DRIVE which is presently zoned \_\_DR 5.5

<u> </u>	which is presently zoned
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	n(s) 211,2 AND 211-4. (1955 12028)
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SIDE AND REAR SET BACKS OF	= 5FT AND 18FT RESPECTIVELY
AND TO PERMIT A SUM OF	SIDE YARDS OF 17 FT, 114 Enchew 88430
LIEUL OF 20FT.	En liew of 8' 4 30
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	w of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zon, or we, agree to pay expenses of above Variance, advertising, post regulations and restrictions of Baltimore County adopted pursuant to	ing, 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):
	DEMISE A. DANIEL
Name - Type or Print	Name - Type or Print
Signature	Signature OY - W WWW.
	Oighataro
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature (#) 410 - 484-2
Attorney For Petitioner:	Signature (H) 410-484-2 1026 SCUTIS TILL DRIVE (W) 410-614-5
	Address Telephone No BALAIMORE MARYLAND 21208
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	
Company	Name AS ABOVE
Address Telephone No.	Address Telephone No
City State Zip Code	City State Zip Code
Rublic Flearing having been formally demanded and/or found to be results and of that the subject matter of this esulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, spetition be set for a public hearing advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASENO. 03 564 A Revie	wed By 11 Date 5/30/03

Estimated Posting Date \_\_\_\_\_\_\_

# 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	1026	SCOTTS	Him DRI	UE
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Signature A WWW.	<del></del>	Signature	<u>.                                    </u>	· · · · · · · · · · · · · · · · · · ·
Name - Type or Print	<del></del>	Name - Type	or Print	
STATE OF MARYLAND, COUNTY OF BALTI	•		A	
I HEREBY CERTIFY, this 22 day of of Maryland, in and for the County aforesaid, po				, a Notary Public of the State
the Affiant(s) herein, personally known or satisf	factorily identif	ed to me as su	ch Affiant/e\	<del></del>
	actorny lucitim	ed to the as su	on Amani(s).	
AS WITNESS my hand and Notarial Seal		12.11	1	
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	Му	Commission Ex	pires <u>Ab.</u>	1,2007
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.

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That the Affiant(s) does/do presently reside at	1026 Address	SCOTTS	Hili	DRIVE		
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DEMISE A. DANIEL		Signature				
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STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit	 				
i HEREBY CERTIFY, this 28 day of a day			2003, bef	ore me. a Nota	ry Public of the	State
of Maryland, in and for the County aforesaid, pe	ersonally app	eared			.,	
the Affiant(s) herein, personally known or satisfa	actorily ident	fied to me as	such Affiant(s	s).		
	•		`	•		
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REV 10/25/01



CASE NO. <u>03</u> 564

REV 10/25/01

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

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							Zoning Com	missioner of Ba	altimore Count	v .	

Reviewed By \_\_\_

**Estimated Posting Date** 

564

### **Zoning Description**

ZONING DESCRIPTION FOR 1026 Scotts Hill Drive, Baltimore Maryland, 21208. Beginning at a point on the west side of Scotts Hill Drive which is 50 feet wide at the distance of 75 feet south of the centerline of Smoke Tree, which is 50 feet wide. Being Lot # 33, Block B, Section #2 in the subdivision of Scotts Hill as recorded in Baltimore County Plat Book # G.L.B. 25, Folio #70, containing 8,568 square feet. Also known as 1026 Scotts Hill Drive, Baltimore, Maryland 21208 and located in the 2<sup>nd</sup> Election District, 2<sup>nd</sup> Councilmanic District.

OFFICE OF BU	E COUNTY, MARYLAND  JOGET & FINANCE  NO. 10076	
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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
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## CERTIFICATE OF POSTING

ATT	ENTION: BECKY HART	1
•	ADMINISTRATIVE	Date: <u>JUNE</u> 8,2003
RE:	Case Number 03-564-A Petitioner/Developer: DENISE DANIE	ELS/ETAL,
were	Date of Hearing Closing: JUNE 23,  This is to certify under the penalties of perjurposted conspicuously on the property located	
	The sign(s) were posted on	<u>Ne 7, 2003</u> (Month, Day, Year)
1026 SCOTTS HILL DR	AND THE PART OF TH	Signature of Sign Poster)  LINDA O'KEEFE  (Printed Name of Sign Poster)  523 PENNY LANE  (Street Address of Sign Poster)  HUNT VALLEY MD 21030  (City, State, Zip Code of Sign Poster)
**		(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT				
Original of to ZONING REVIEW				
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES				
app 5/3903				
Case Number 03- 564 -A Address 1026 SCOTTS HILL DR				
Contact Person: Lewis Lewis Planer Please Print Your Name Phone Number: 410-887-3391				
Filing Date: $5/30/3$ Posting Date: $6/08/03$ 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				
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 da,s 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 twhether due to a neignbor'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.				
Petitioner: This Part of the Form is for the Sign Poster Only				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT				
Case Number 03- 564 Address 1026 Scotts HILC DR				
Petitioner's Name CEWS Telephone				
Posting Date: $6/08/03$ Closing Date: $6/23/03$				
Wording for Sign To Permir A PROPOSED DWELLING- ADDITION (A GARAGE) WITH SIDE				
AND REAR SETBACKS OF 5 FT, AND 18 FT, RESPECTIVELY AND TO PERMITA				
SUM OF SIDE YARDS OF 17 FT, IN LIEU OF 20 FT,				

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

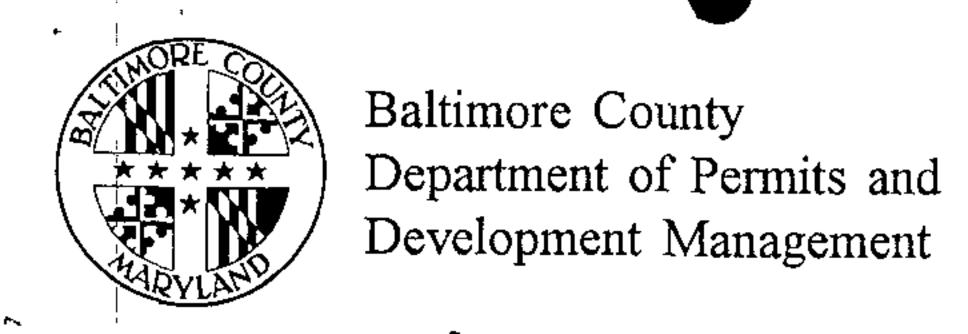
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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:	03-564-A	
Petitioner:	DANIEL	
Address or Location: 1026	SCOTTS HILL DRIVE	, BA40. MD212
PLEASE FORWARD ADVERTIS	SING BILL TO:	
Name: DEN	ISE A. DANIEL	
Address: 1026 SC07	75 HILL DRIVE	
BA 71m	ORE MARYLAND	31208
Telephone Number:	410-484-2470	

Revised 2/20/98 - SCJ



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

June 23, 2003

Denise A. Daniel 1026 Scotts Hill Drive Baltimore, MD 21208

Dear Ms. Daniel:

RE: Case Number: 03-564-A, 1026 Scotts Hill Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30,2003.

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

June 10, 2002

County Office Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: JuneS 9, 2003

Item No.:

558, 560±569

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

Mark and Department of The Properties

Date: 6.6.03

Item No.

Baltimore County

RE:

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,

1

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

RECEIVED DATE: June 11, 2003

JUN 1 2 2003

FROM:

Arnold F. 'Pat' Keller, IZOWIG COMMSSIONER
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-564 and 3-567

Administrative Variances

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:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 16, 2003
Item Nos. 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, and 569

**DATE:** June 23, 2003

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

RWB:CEN:jrb

cc: File

Note to the File 03-564-A
Denise A. Daniel
1026 Scotts Hill Drive
Phoned Work 410-614-5497
6/5/03

Words added to Petition (in lieu of 8 feet and 30 feet). Rose Campbell notified petitioner by telephone and left the message of this change.





