IN RE: PETITION FOR ADMIN. VARIANCE
S/S Caveswood Lane, 1,800' NE
centerline of Caves Road
4th Election District
2nd Councilmanic District
(27 Caveswood Lane)

* ZONING COMMISSIONER
 * OF BALTIMORE COUNTY

BEFORE THE

* CASE NO. 03-565-A

Mary K. & William F. Walker Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Mary K. & William F. Walker, the legal owners of the subject property. The variance request is for property located at 27 Caveswood Lane in the Owings Mills area of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3A.1 & B of the (1945 Zoning Regulations, Amended, 'A' Residential), to permit accessory structures (detached garage and artist's studio) with front and side yard setbacks of 15 ft. in lieu of the permitted 25 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

2 Gash3

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

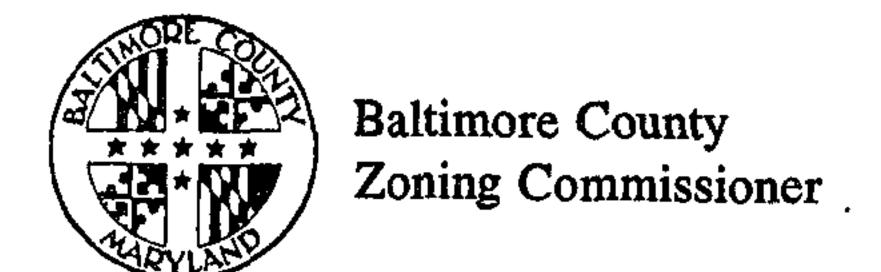
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this Aday of June, 2003, that a variance from Sections 1B02.3A.1 & B of the (1945 Zoning Regulations, Amended, 'A' Residential), to permit accessory structures (detached garage and artist's studio) with front and side yard setbacks of 15 ft. in lieu of the permitted 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

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

Mr. & Mrs. William F. Walker 27 Caveswood Lane Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 03-565-A Property: 27 Caveswood Lane

Dear Mr. & Mrs. Walker:

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 27 CAVESVVOOD LANE which is presently zoned RC2

This Petition shall be filed with the Depart owner(s) of the property situate in Baltimore made a part hereof, hereby petition for a Variable Treat State Years of State Years	tment of Permits County and which ance from Section	s and Development Mana is described in the descrip	igement. The und tion and plat attack	dersigned, legal hed hereto and '45 Zawwa
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of the zoning regulations of Baltimore County of this petition form.	, to the zoning la	w of Baltimore County, for t	he reasons indicat	ted on the back
Property is to be posted and advertised as pro- l, or we, agree to pay expenses of above Variance regulations and restrictions of Baltimore County as	e advertising nost	ing etc. and further sares to s	and are to be bound County.	ed by the zoning
		I/We do solemnly declare perjury, that I/we are the least the subject of this Petitic	egal owner(s) of the	e penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
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Signature		Signature	WALKE	:@
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City	Zip Code	Signature	•	lker
<u>Attorney For Petitioner:</u>		27 CAVES WOOD Address OWINGS MILLS	MANE 410	. 654.8442 Telephone No 2/117
Name - Type or Print		City	State	Zip Code
Signature		Representative to be	<u>Contacted:</u>	
Congpany		Name		<u></u>
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A Public Hearing having been formally demanded a thic day of that the regulations of Baltimore County and that the property be	-subject matter of this	petition be set for a public heari	ng, advertised, as requ	ired by the zoning
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CASE NO. () 5 -65-65-65-65-65-65-65-65-65-65-65-65-65-		wed By	Date	<u>- 50-03</u> -03
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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.

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

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):

Although the original owners' blueprints show a future detached carport, neither a carport nor garage was built. We want to build a 2-car garage (at the same location as on the original blueprints) and an artist's studio to be attached to the existing 1-story house. All construction would be consistent with the house's existing flat-roofed modernist architecture, exterior materials and single-story height. The addition would join the house at ground level to the kitchen-end of the house rather than near the living quarters on the opposite end. Although the lot is heavily wooded, landscaping would be added to further screen the addition from the neighboring property. This siting avoids the septic field, well (no closer to well than existing construction) and the need to alter the present paved driveway.

We request a variance from the 25-foot set back zoning requirement on the north edge property line.

Hardship: Conforming to the 25 foot requirement would bring the garage closer to the house, but would force the studio area to be sited in 1 of 3 impractical or unworkable locations:

- Sited further up the slope, its final height would rise well above the existing 1-story structure creating the need for stairs to connect to the rest of the house and making the combined structure (house and addition) architecturally incompatible. If the area were to be excavated to lower the overall height and eliminate the steps the result would be a structure largely below grade with much reduced natural light.
- Siting the studio behind the relocated garage, but at the same level, would cut off light and view from the kitchen and dining room windows and seriously complicate access to the addition.
- Building the studio as a second story over the garage would produce an overpowering mass out of keeping with the present one story structure and necessitate the use of stairs for access, a hardship for long term use of the property as we age.

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.

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of Maryland, in and for the County aforesaid, personally appeared

<u> 200 カ,</u> before me, a Notary Public of the State

Mary K. Walker a W. Ham F. Walker the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

REV 10/25/01

My Commission Expires

Notary Public

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

27 CAVESWOOD LANE

Address
OWINGS MILLS MD 21117
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):

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- 3. Building the studio as a second story over the garage would produce an overpowering mass out of keeping with the present one story structure and necessitate the use of stairs for access, a hardship for long term use of the property as we age.

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 E Warten

Name - Type or Print

MARY

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of Manyland, in and for the County aforesaid, personally appeared

<u>, 2003</u>, before me, a Notary Public of the State

mary K. Walker a William F. Walker the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

STREET FORTH CO.

Notary Public

My Commission Expires 5/1/6

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 27 CAVESWOOD LANE which is presently zoned RC2

Reviewed By Sold Date 05-30 05

Estimated Posting Date 06 08-05

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Name - Type or Print			City	State	Zip Code
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Company			Name		······································
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			Zoning Commis	ssioner of Baltimore Cou	inty

Further Notes on Variance Request for 27 Caveswood Mary and Bill Walker 03-565-A

The lot at 27 Caveswood, while slightly more than 2 acres in total, is narrow and deep in shape posing challenges for the planned expansion of garage and studio. The house, having no garage, is in need of one to protect our two cars from weather exposure. One family member is a professional artist and needs a studio with good natural light and straightforward access to the driveway. Positioning these additional units functionally and attractively is the challenge.

The back of the house faces a sharply declining slope as well as constituting the major view outlook from the existing house. These concerns make building in that direction undesirable. The side facing the road contains the septic field. Our choice of the site to the north (front) and east sides of the house for the planned addition makes a sensible interior traffic flow and house activity use. The garage will be at the end of the driveway close to the kitchen for unloading groceries with access via an enclosed hallway. The studio opens directly to this same hallway making use easy from the house and driveway. This location of the studio also presents sensible alternatives should subsequent owners want to put the space to a different use.

ZONING DESCRIPTION FOR 27 CAVESWOOD LANE, OWINGS MILLS, MD 21117

05.13.03

Beginning at a point on the SOUTH side of CAVESWOOD LANE which is 50'-0" wide at the distance of 1800 feet NORTHEAST of the centerline of the nearest improved intersecting street CAVES ROAD which is 60'-0" wide.

Being Lot # 14, Parcel 254, Section B, in the Subdivision of Caveswood as recorded in Baltimore County Plat Book # 20, Folio #28, containing 2.11 acres. Also known as 27 Caveswood Lane, Owings Mills, MD 21117 and located in the 4th Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

565-A No. 2227

DATE 65-36-63 ACCOUNT RCCC-66656
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FOR: _ KEES. UAR. [DITCU.)
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PAID RECEIPT

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REAL RECEIPT II 270/65 57:30/2005 FEAL

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REAL RECEIPT III 270/65 57:30/2005 FEAL

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BY

LEP S 230 2007/66 FEAL TON 10:1

REAL RECEIPT III 270/65 FEAL TON 10:1

RECEIPT

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 03-565-A
	Petitioner/Developer: MR - WAL
	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, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	1
This letter is to certify under the penalties of perju posted conspicuously on the property located at:	ury that the necessary sign(s) required by law were
	ESWOOD LAKE
The sign(s) were posted on(G/7/03 (Month, Day, Year)
· ·	Sincerely,
-	1-1/1/2
	6/7/12
TANINO	(Signature of Sign Poster) (Date)
ALMINISTRATIVE	SSG Robert Black
	(Print Name)
CASE # 0.3.365 A	1508 Leslie Road
	(Address)
PUBLIC HEARING 2	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 565 A Address 27 CANSWOOD (ANC.
Contact Person: Out Planner Please Print Your Name Phone Number: 410-887-3391
Filing Date: <u>05-30-0</u> 3 Posting Date: <u>06-08-03</u> Closing Date: <u>06-73-0</u>
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. <u>DEADLINE:</u> 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.
Detuch Along Dotted Lines
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 565 -A Address 27 CAUCSWOOD LANC
Petitioner's Name (1) PUKCA Telephone 410-654-8447
Posting Date: <u>06-08-03</u> Closing Date: <u>06-73-03</u>
Posting Date: 06-08-03 Closing Date: 06-23-03 Wording for Sign To Permit A FRONT SIDE OF SE-173 DEK OF 15 F7. LA LIGW OF 25 FT.

BALTIMORE COUNT: DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT 03-565. ().

WCR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

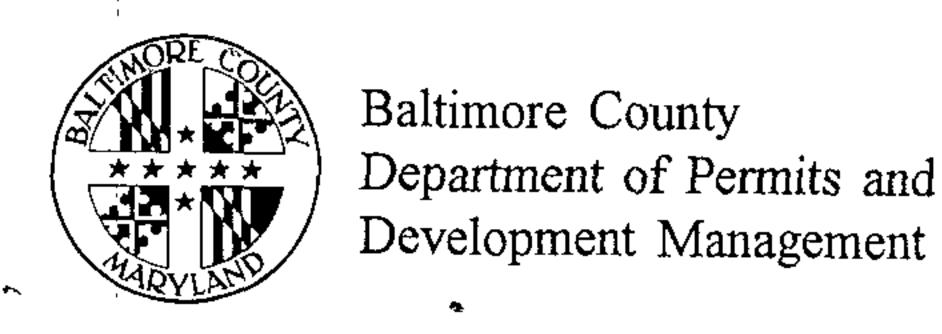
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 <u>03-565.4-</u>
Petitioner: WILLIAM F. WALKER
Address or Location: 27 CAVESWOOD LANE OWIDES MILLS, MD 21117
PLEASE FORWARD ADVERTISING BILL TO
Name. WICCIAM F. WAIKER
Address 27 CAVESWOOD LANE
OWINGS MILLS, MD 21117
Telephone Number: 410-654-8442



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

June 23, 2003

William Walker Mary Walker 27 Caveswood Lane Owings Mills, MD 21117

Dear Mr. and Mrs. Walker:

RE: Case Number: 03-565-A, 27 Caveswood Lane

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

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

June 10, 2002

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

Mercha Ithanes of Tarrostrator

Date: 6-6.03

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

RE:

Baltimore County

Item No.

565

JRA

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,

A

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 03-565 – 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

RECEIVED

DATE: June 16, 2003

JUN 1 7 2003

ZONING COMMISSIONER

PV 23

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

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

RECEIVED

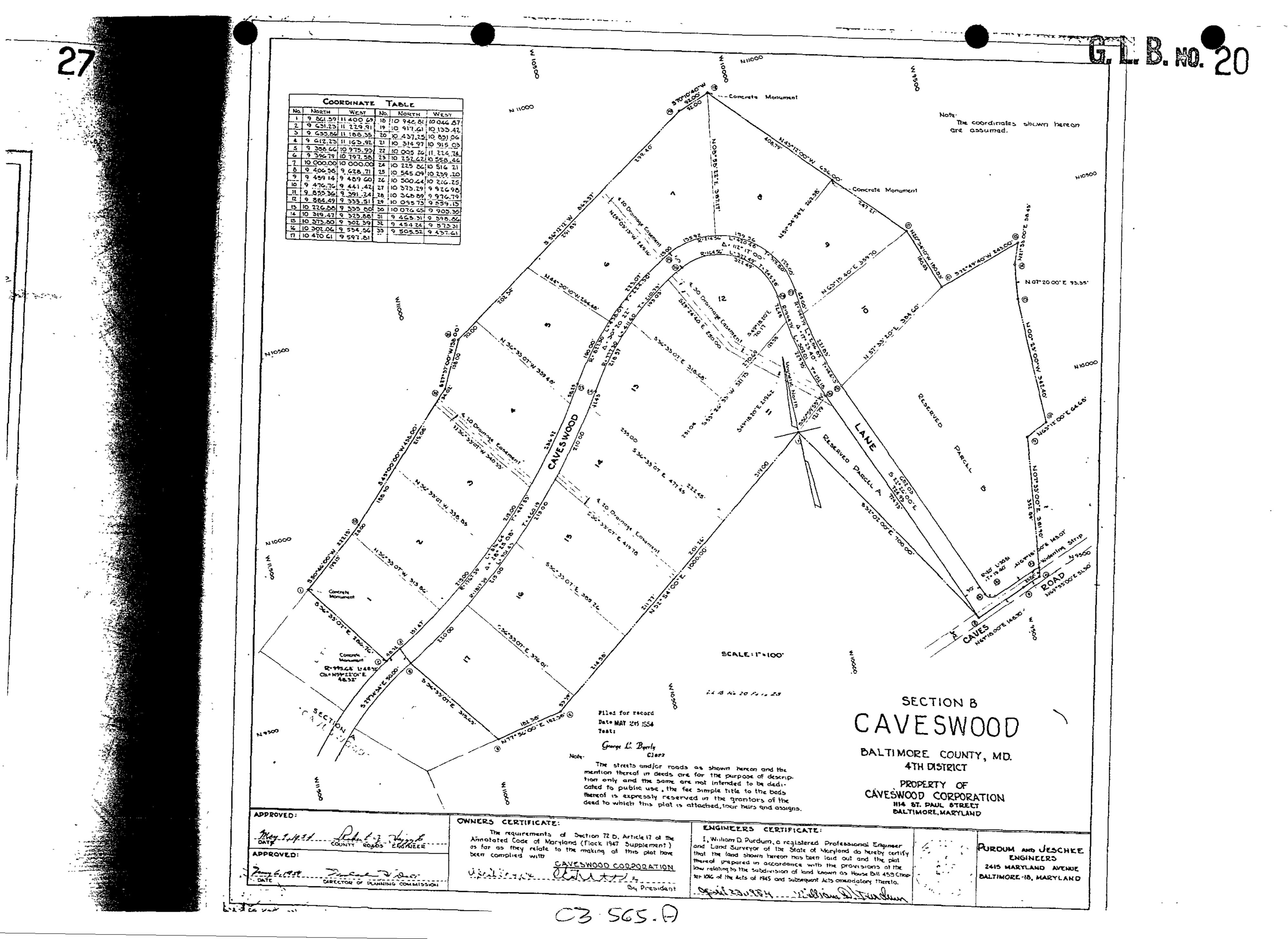
JUL - 3 2003

ZONING COMMISSIONER

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

RWB:CEN:jrb

ce: File



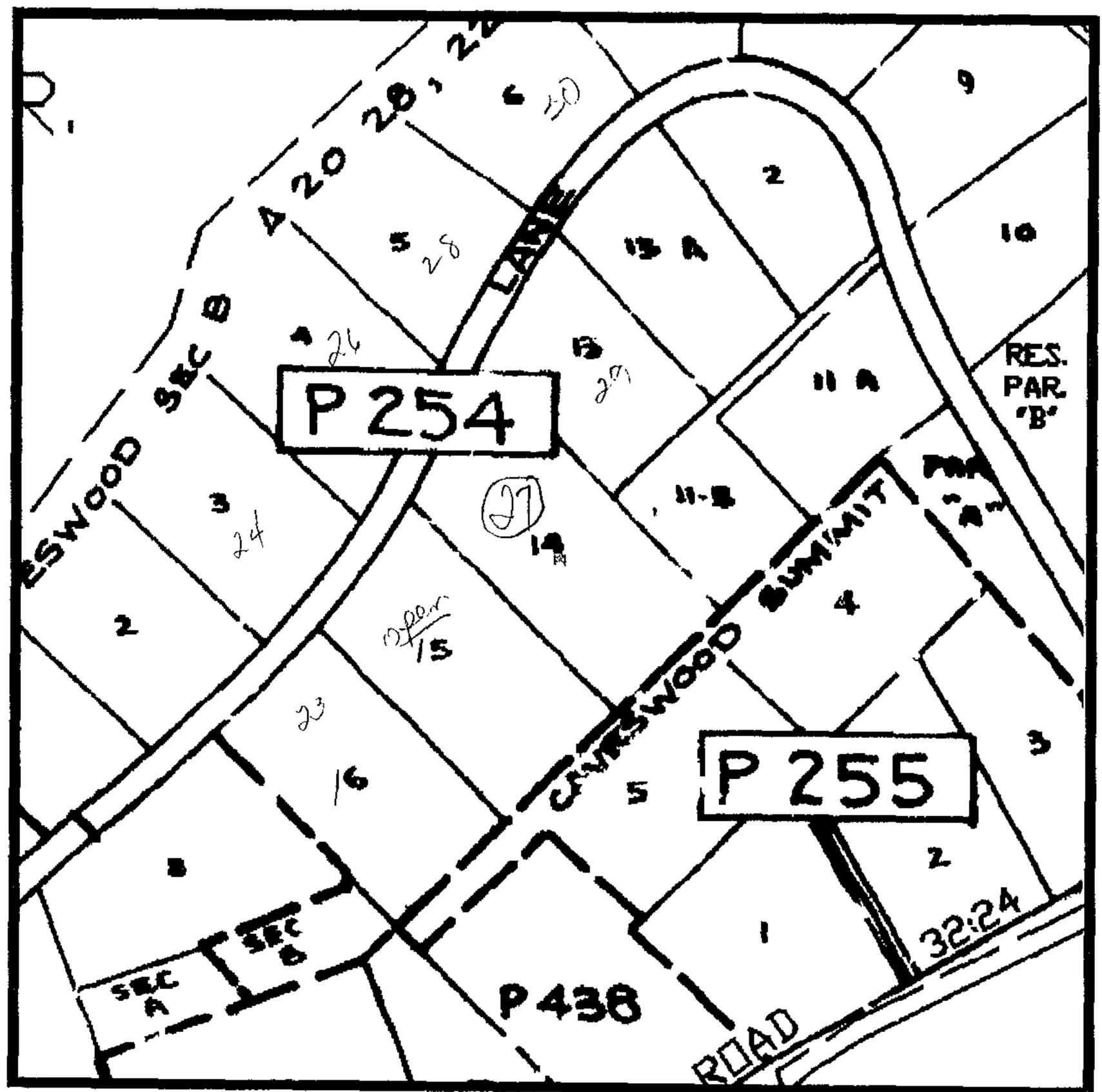
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		O FENCE WALL, O VISION WAY, S PROHIBITED AREA.	CXS (S)	ST. SETBACKS STHAN ZET TO LOT AREA = 5.0 WIDTH MIN. = 5.0 ADDITIONS PG 60'RD. MIN. 25.0	II. A. 13 a. CCY. BLOG SHALL BE ON SAME LOT AND IN RE INE AND ON CORNER WHEN REAR LOT LINE AB DE LINE OF ADJ. LOT SHALL BE AT LEAST 25 FO AR LINE ABUTE. REAR SETBACK. THAN SIDE ST. LINE WHEN LESS THAN SOFT. FROM AR LINE ABUTE. REAR SETBACK.	RESTRICT
	经商	THE CON	AS TO LINE	SIS ISFE LOT TO ANY LOT SO FT. SO FT. SO FT. SO FT. SO FT.	SHALL BE ON SAN CORNER WHEN BOFT, ADJ. LOT SHALL ES	
13.07	Ouse Survival	ANTING, OR CONSTRUCTED	S EFE A	FT. AND RE	ACK STAR LOT ACK REAR LOT	1001111
	A CO	M = 1 TI = 1	₹ E F	ND CASE REQ. REQ.	THAN SOFT 25 FT.	
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LMIO	HEIGHT AND HEIGHT AND HEIGHT AND HEIGHT - MI	୍ ଜୁଲ୍କ	15 22 E	6 ± 6 6 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	RESTRICTION STRUCTURES	2
OWT OM	AND 35 %	RES AND ALL	EXTEND SONT BLDG	RES IN NES IN VI ACCC FOR STAIRW FREED PO	TRICTIONS ADDITIONS CTURES SHI	03-565

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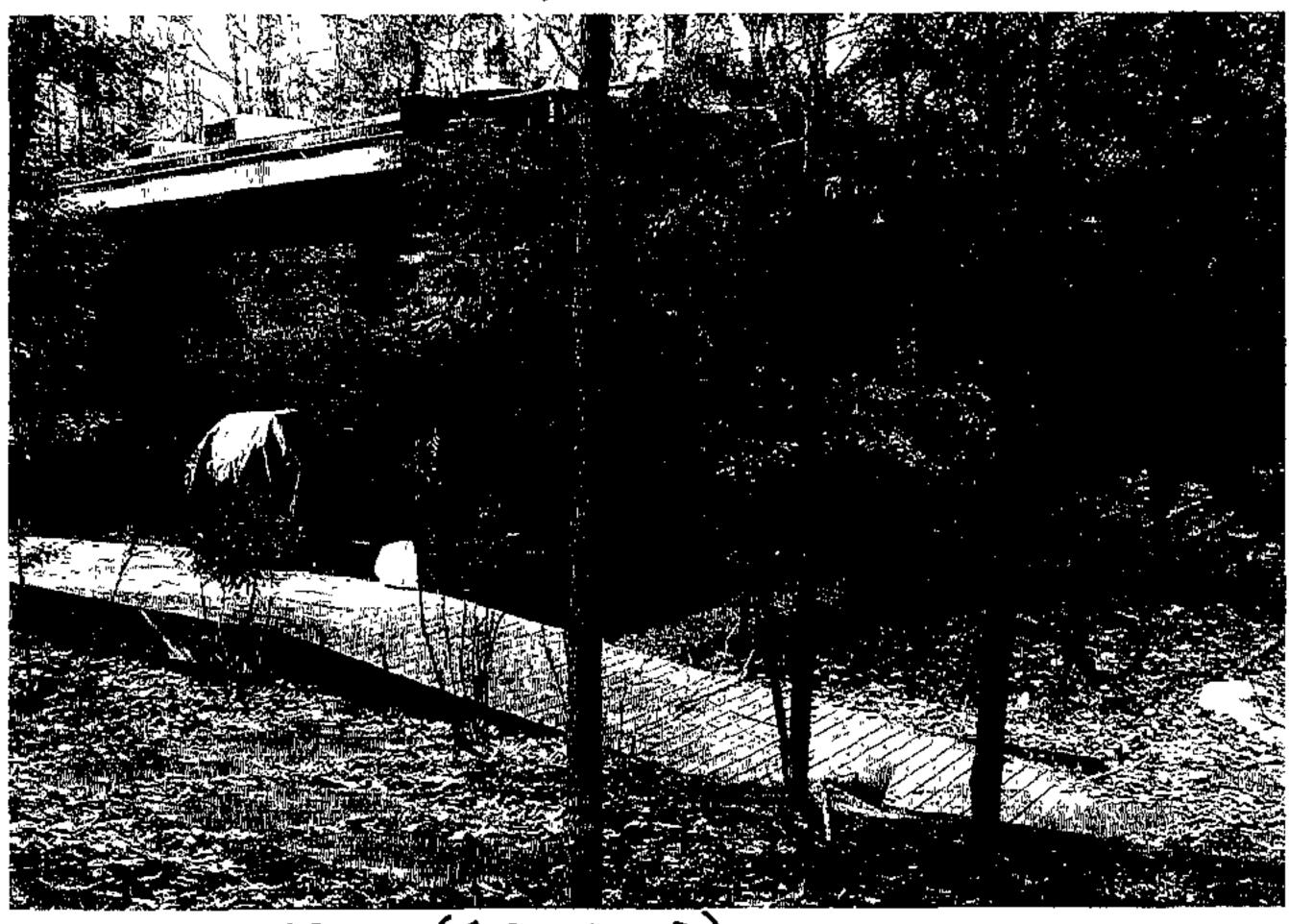
SITE OF PROPOSED GARAGE



I-STORY, FLAT ROOF ED EXISTANG HOUSE ON WOODED LOT



ADJACENT HOUSE, FROM GARAGE SITE



WELL (CIRCLED)



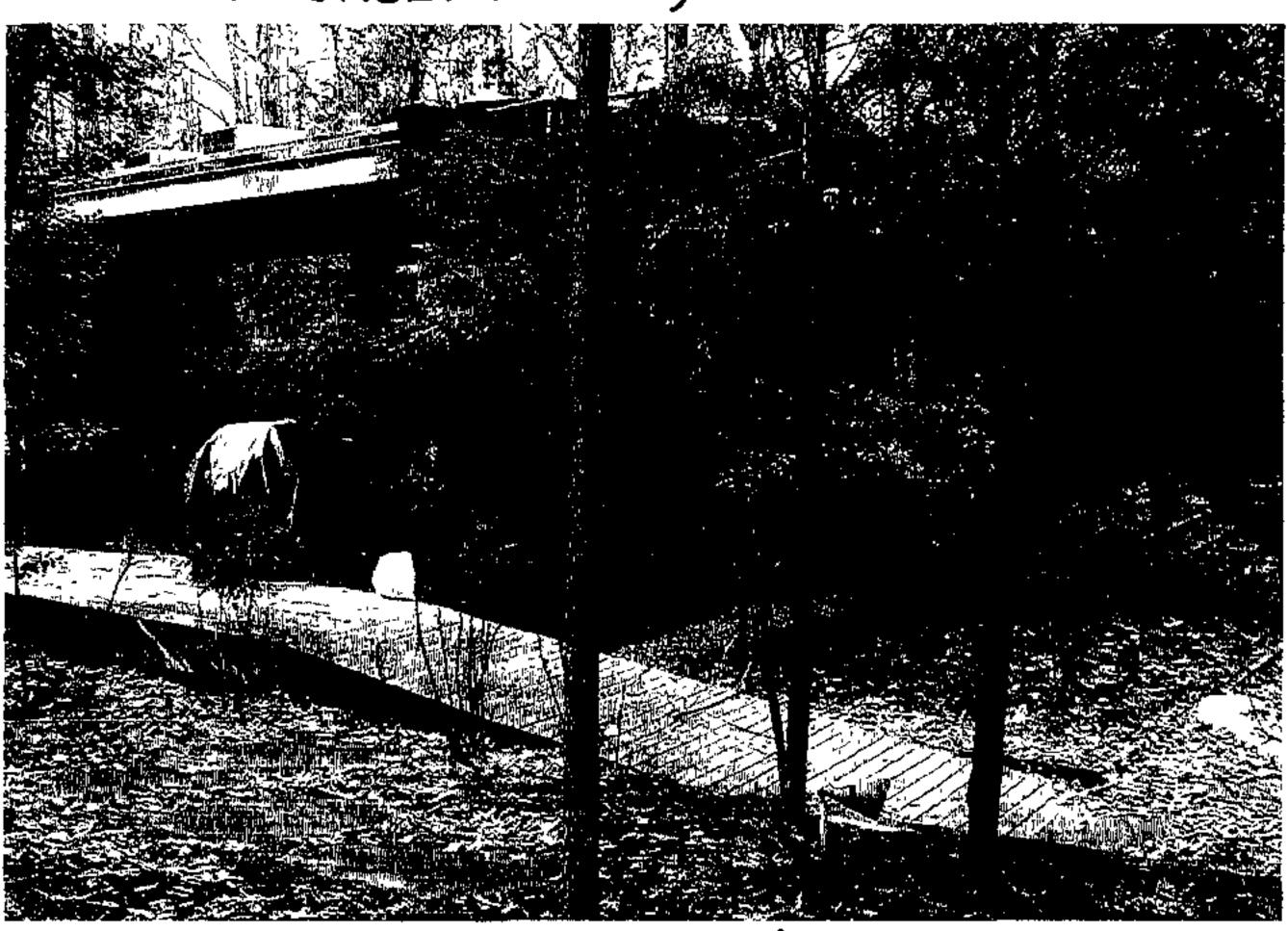
SITE OF PROPOSED GARAGE



1-STORY, FLAT ROOFED EXISTING HOUSE ON



ADJACENT HOUSE, FROM GARAGE SITE



WELL (CIRCLED)



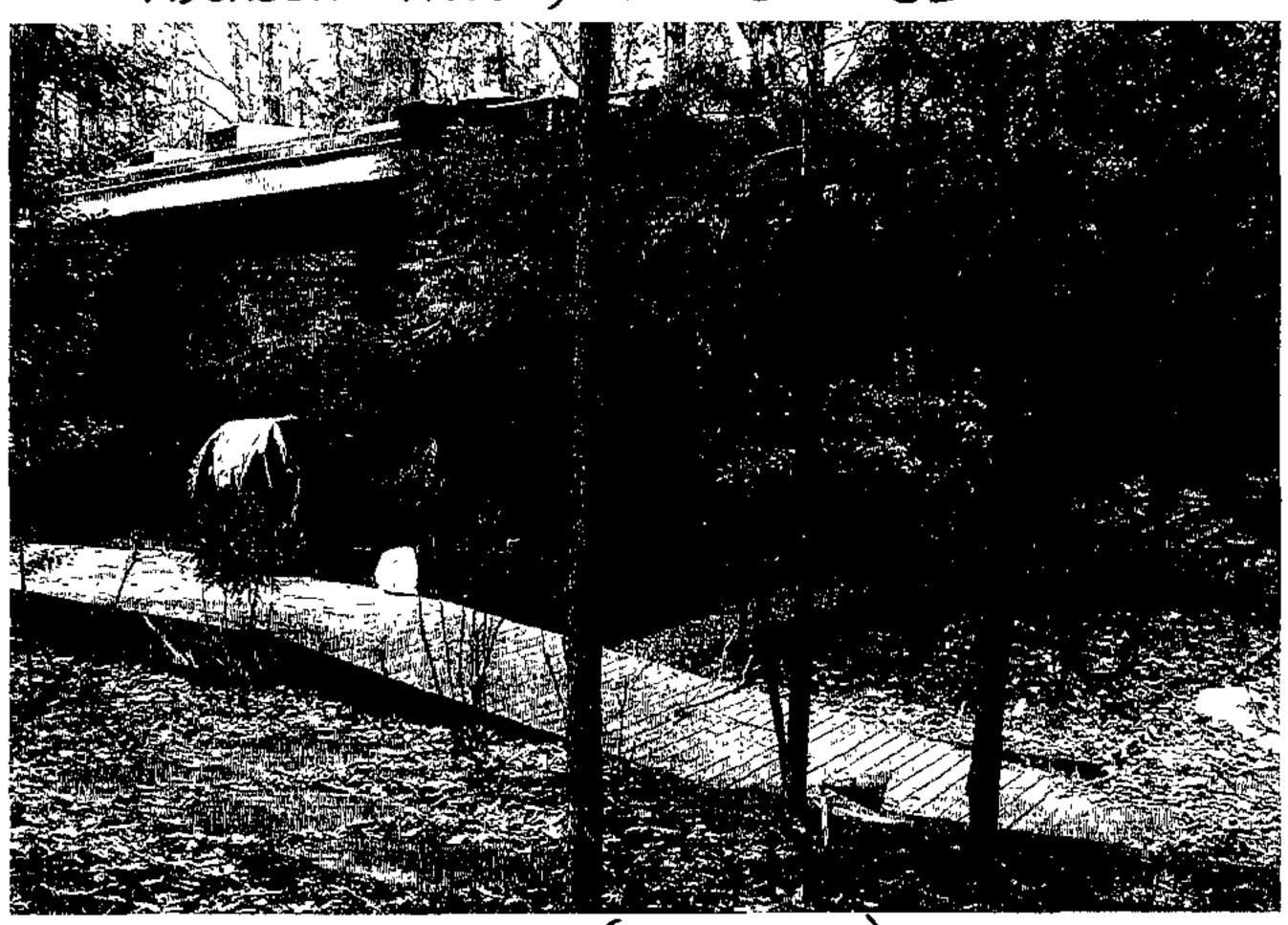
OF PROPOSED GARAGE



I-STORY, FLAT ROOFED EXISTING HOUSE ON WOODED LOT.



ADJACENT HOUSE, FROM GARAGE SITE



WELL (CIRCLED)

