

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Bluegrass Road, 280' W
of Hamiltown Circle
14th Election District
7th Councilmanic District
(7800-A Bluegrass Road)

Tracey Gardner
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-009-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Tracey Gardner, the legal owner of the subject property. The variance request is for property located at 7800-A Bluegrass Road in the Rosedale area of Baltimore County. The Petitioner herein seeks a variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) to be located partially in the side yard in lieu of entirely in the rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

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

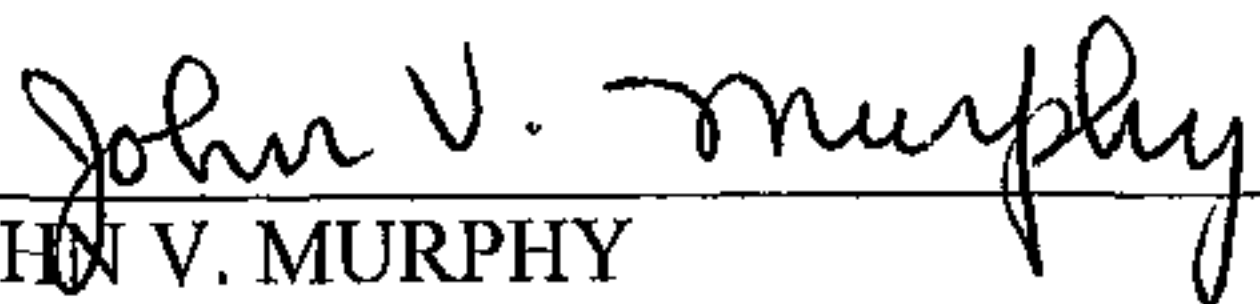
COPIES OF THIS
DATE 7/31/03
BY [Signature]

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.

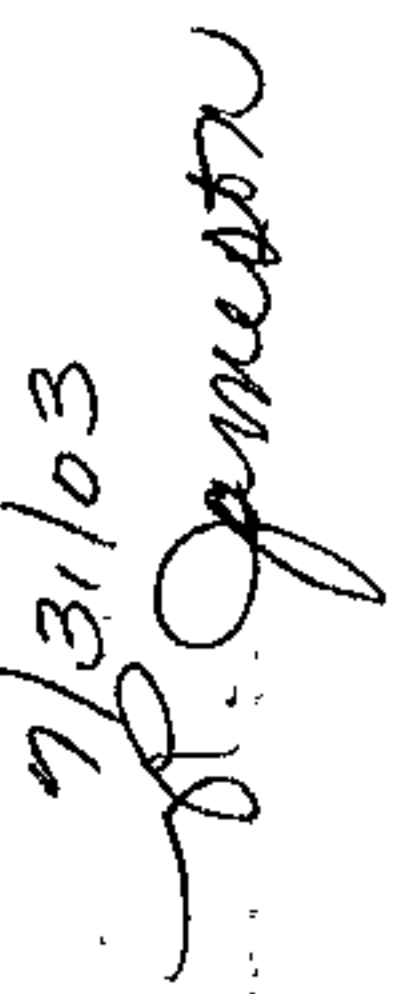
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31 day of July, 2003, that a variance from Section 400 of the B.C.Z.R., to permit an accessory structure (detached garage) to be located partially in the side yard in lieu of entirely in the rear yard, be and is hereby 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

7/31/03




Baltimore County
Zoning Commissioner

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

July 31, 2003

Ms. Tracey Gardner
7800-A Bluegrass Road
Rosedale, Maryland 21237

Re: Petition for Administrative Variance
Case No. 04-009-A
Property: 7800-A Bluegrass Road

Dear Ms. Gardner:

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 black ink, reading "John V. Murphy". The signature is written in a cursive style.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7800 A BLUE GRASS RD
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400 BCZR TO PERMIT AN
ACCESSORY STRUCTURE (DETACHED GARAGE) TO BE LOCATED PARTIALLY IN
SIDE YARD IN LIEU OF ENTIRELY IN REAR YARD.

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 04 day of July, 2003, 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

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 04 009 A

REV 10/25/01

Reviewed By SL

Date 7/02/03

Estimated Posting Date 7/13/03

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) do/do presently reside at

7800A Bluegrass Rd
Address
Rosedale MD 21237
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):

I would like to Build a Detached Garage on the side of the house
House is turned on an angle on the property

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]
Signature

Signature

Tracey Gardner
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{HARFORD}, to wit:

I HEREBY CERTIFY, this 23rd day of June, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

TRACEY GARDNER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Mary J. Littman
Notary Public

My Commission Expires May 1, 2007

REV 10/25/01

Mary J. Littman
NOTARY PUBLIC
Harford County, Maryland
My Commission Expires 5/01/07



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7800 A BLUE GRASS RD
which is presently zoned DR-S-S

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 BCZR to permit an
accessory structure (detached garage) to be located partially
in side yard in lieu of entirely in REAR yard

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Name

Signature

Address

Telephone No

Company

Address

Telephone No.

City

State

Zip Code

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 04 day of 009 A 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. 04 009 A

Reviewed By JL

Date 7/02/03

Estimated Posting Date 7/13/03

REV 10/25/01

ZONING DESCRIPTION

Zoning Description For 7800A Bluegrass Road

Beginning at a point on the North side of Bluegrass Road which is 60 feet wide at the distance of 280 feet west of the centerline of the nearest improved intersecting street Hamiltowne Circle which is 50 feet wide. Being Lot # 3, in the subdivision of Koppelman Property as recorded in Baltimore County Plat Book # 57, Folio 6, containing 21,780 square feet. Also known as 7800a Bluegrass Road and located in the 14th Election District, 7th Councilmanic District.

009

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 7/02/03 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED
FROM:

FOR: Res Variance

Bluegrass Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

No. 25076

PAID RECEIPT
PAID RECEIPT

BUSINESS ACTUAL TIME
7/02/2003 7/02/2003 15:49:28

REG 4504 - WALKIN DOL DND
RECEIPT # 233138 7/02/2003 OFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 025076

Receipt Tot \$65.00
.00 OK 65.00 DA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-009-A

Petitioner/Developer: TRACEY

GARDNER

Date of Hearing/Closing: 7/28/03

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 _____

7800 A BLUEGRASS RD

The sign(s) were posted on _____

7/12/03
(Month, Day, Year)

Sincerely,

[Signature] 7/12/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

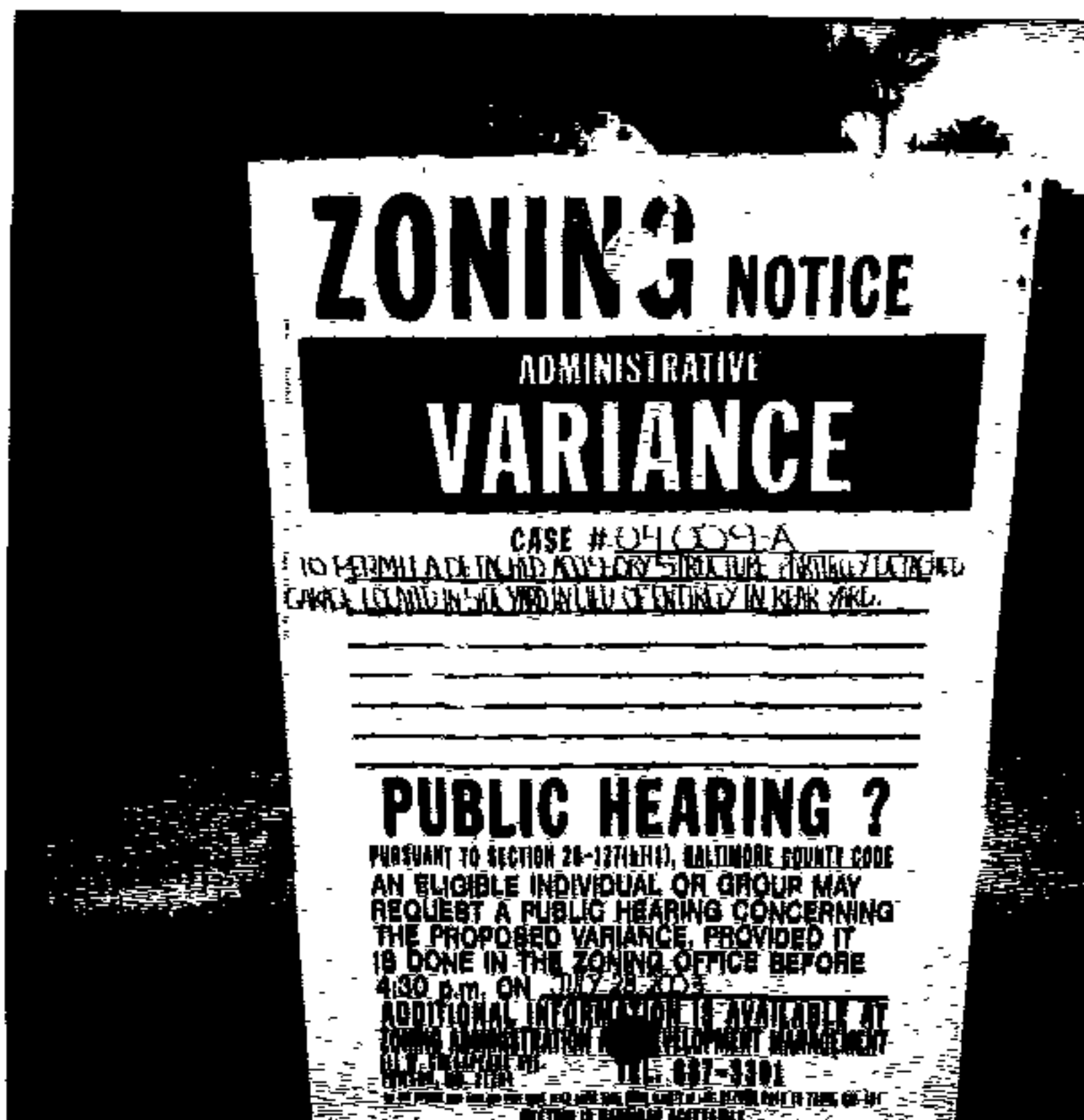
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 009
Petitioner: Tracey L Gardner
Address or Location: 7800 A BLUEGRASS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tracey Gardner
Address: 7800-A BlueGrass Rd
Rosedale Md 21237
Telephone Number: 410-816-5258

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴~~04~~ 009 -A Address 7800 A BLUEGRASS RD

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 7/02/03 Posting Date: 7/13/03 Closing Date: 7/28/03

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.

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴~~04~~ 009 -A Address 7800 A BLUEGRASS RD
Petitioner's Name TRACEY GARDNER Telephone 410 866 5258
Posting Date: 7/13/03 Closing Date: 7/28/03
Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE ^(DETACHED GARAGE) PARTIALLY
LOCATED IN SIDE YARD IN LIEU OF ENTIRELY IN REAR YARD
(APPROPRIATE GARAGE)

app. has this form & posters list CR - Revised 6/28/00



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

July 28, 2003

Tracey Gardner
7800 A Bluegrass Road
Rosedale, MD 21237

Dear Ms. Gardner:

RE: Case Number: 04-009-A, 7800 A Bluegrass Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 2, 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.".

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



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



Robert L. Flanagan, *Secretary*
Neil J. Pederson, *Administrator*

Date: 7.16.03

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

RE: Baltimore County
Item No. 0709 JL

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 1.800.201.7165 Statewide Toll Free

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



**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

July 16, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 14, 2003

Item No.: 002-014 009

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

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 22, 2003

RECEIVED

JUL 25 2003

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-009 – 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 H. Hahn

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 9, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 21, 2003
Item Nos. 001, 002, 003, 005, 006,
007, 008, 009, 010, 011, 013, and 014

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.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burlan
Deputy Secretary

July 15, 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

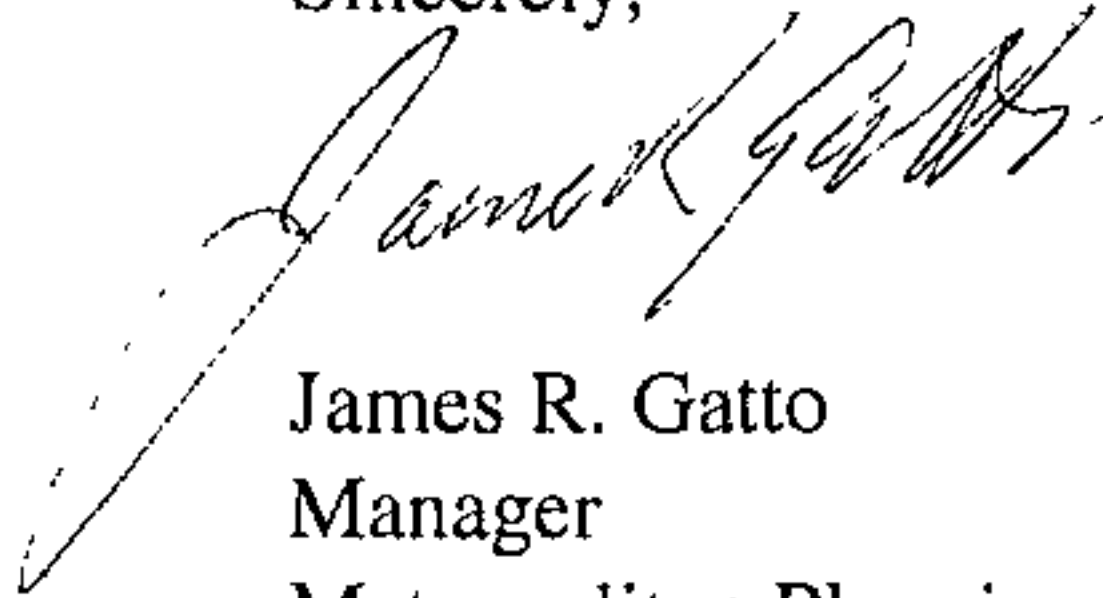
Re: Zoning Advisory Committee Agenda, 07/21/03 re: case numbers 04-1-SPH, 04-2-A, 04-3-SPHA, 4-4-SPH, 4-5-SPH, 4-6-SPHA, 4-7-SPHA, 4-8-A, 4-9-A, 4-10-SPHX, 4-11-SPHX, 4-12-SPH, 4-13-A, 4-14-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/14/03. The information has been submitted to Mr. Mike Nortrup.

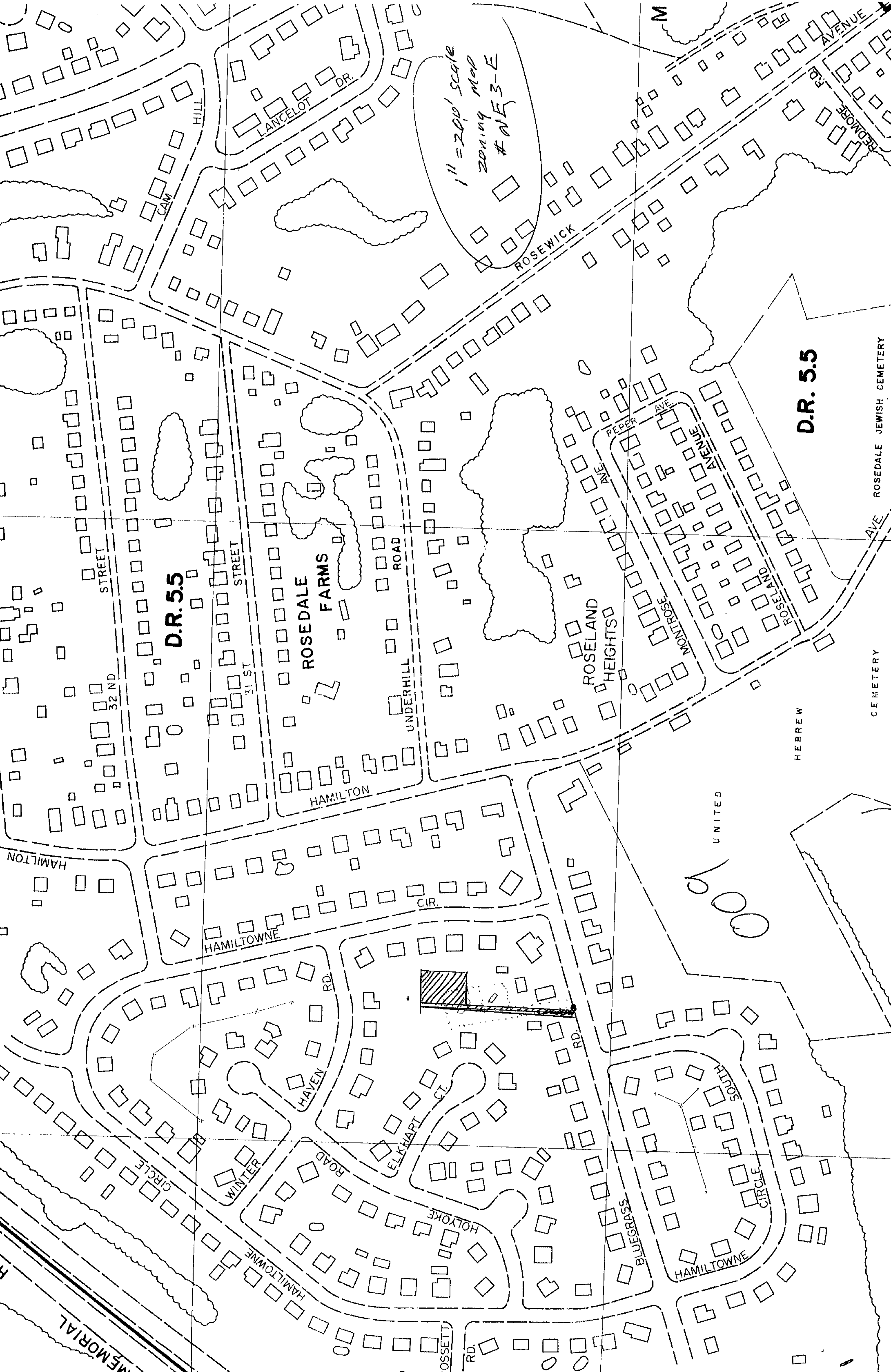
Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup



D.R. 5.5

D.R. 5.5

1" = 200' SCALE
zoning map
NE 3-E

ROSEDALE
FARMS

ROSELAND
HEIGHTS

HAMILTOWNE

HAMILTOWNE

ROSEDALE JEWISH CEMETERY

CEMETERY

HEBREW

UNITED

MEMORIAL

STREET

STREET

31 ST

32 ND

HAMILTON

ROAD

UNDERHILL

CIR.

HAVEN

ROAD

WINTER

ELKHART CT.

HOLYOKE

OSSETT RD.

RD.

BLUEGRASS

SOUTH

CIRCLE

AVE.

MONTROSE

AVE.

PEPPER

AVE.

REDBONE AVENUE

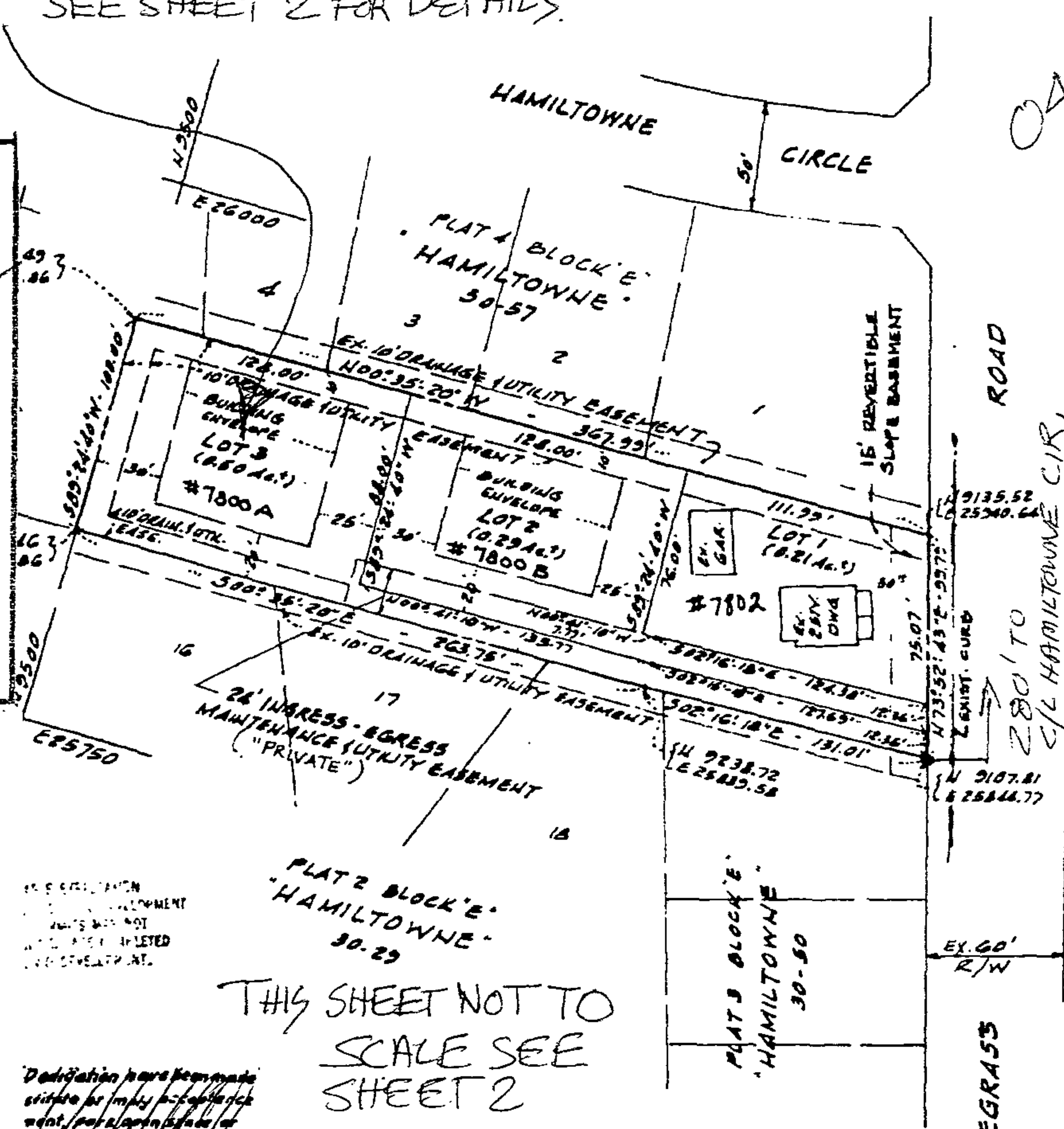
M

VARIANCE PLAN SHEET 1 OF 2 FOR LOT #3 SEE SHEET 2 FOR DETAILS.

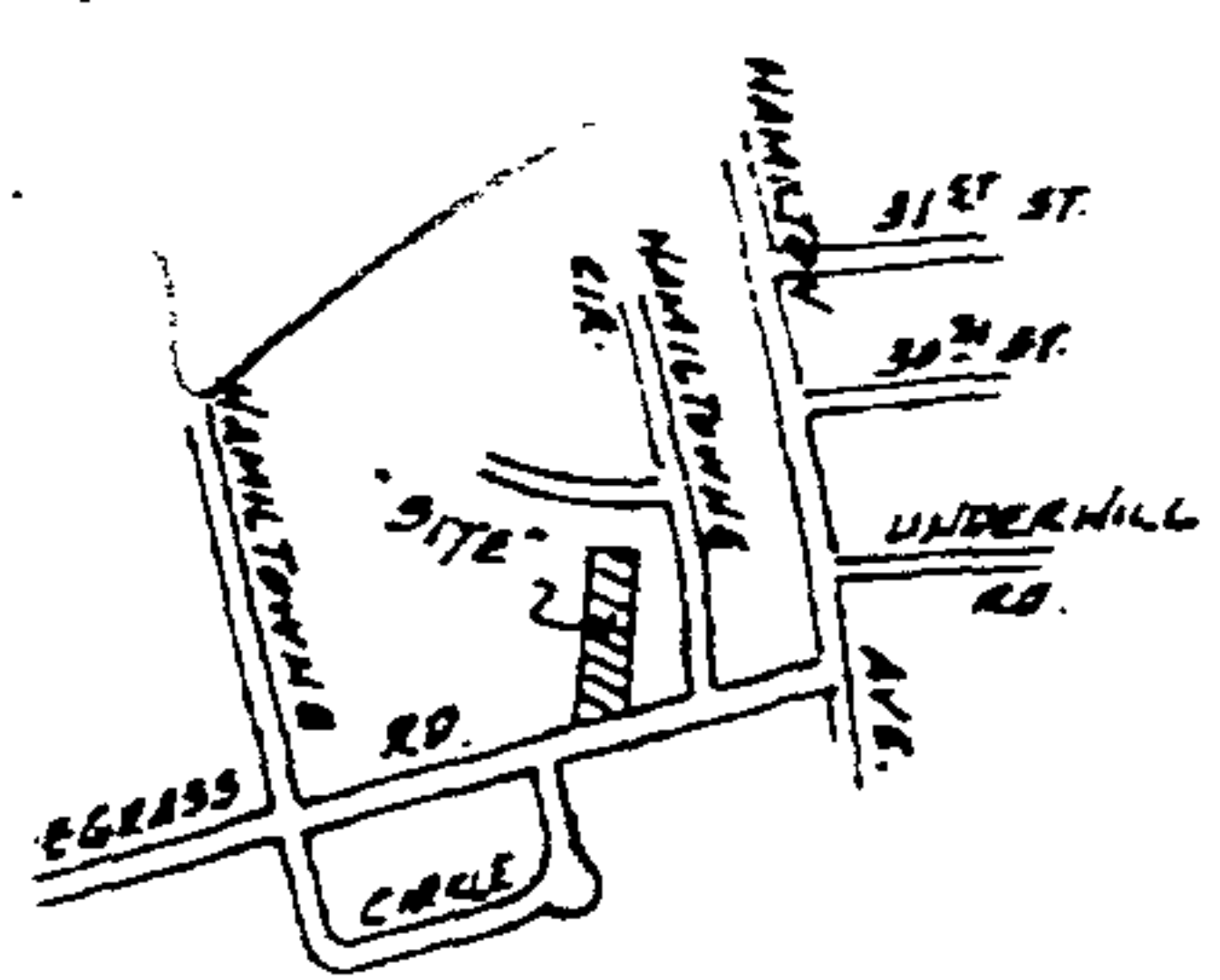
04 009 A

LOCATION INFORMATION

ELECTION DISTRICT 14
COUNCILMANIC DISTRICT 7
1"=200' SCALE MAP # NE 3-E
ZONING D.R.-5.5
LOT SIZE 0.5± ACRES 21,780 SQUARE FEET
SEWER PUBLIC ☒ PRIVATE ☐
WATER PUBLIC ☒ PRIVATE ☐
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING N/A



THIS
TH
CIF
BA
OF
N
F



LOCATION PLAN
SCALE: 1"=200'

Dedication has been made
state as fully as possible
went for a plan of
not.

THIS SHEET NOT TO
SCALE SEE
SHEET 2

5' DRAINAGE &
UTILITY EASEMENT
3 SIDES

EXIST DWELLING
TO EAST

50' FROM PROP. LINE

EXIST. 6' STOCKADE FENCE

EXIST DWELLING
TO NORTH

80' FROM PROP.
LINE

3' SETBACK

PROPOSED
22' x 24'
DETACHED
GARAGE

3' SETBACK
FROM EASEMENT

HOUSE
FRONT

EXIST
GRAVEL
DRIVEWAY

120' FROM
PROP. LINE

EXIST DWELLING
TO WEST

I AM RESPONSIBLE FOR THE ACCURACY OF ALL
INFORMATION AS DRAWN & WRITTEN
BY BALTO CO.

owner *Tracey Gardner*

LOT #3, KOPPELMAN PROPERTY
PLAT BOOK #57 FOLIO 6

SITE PLAN

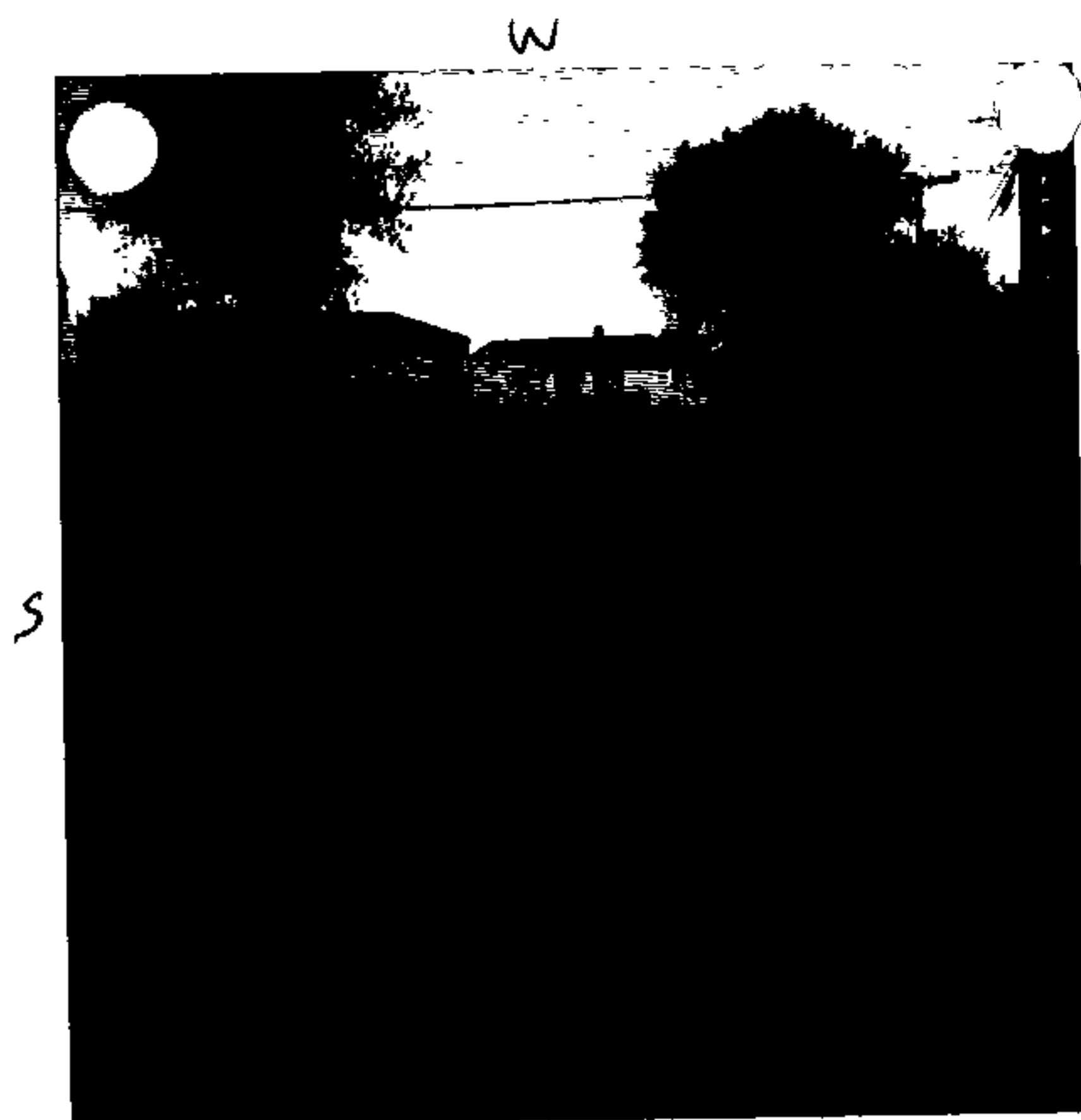
PLAT 1 BLOCK "E" HAMILTON 27-144

7800-A BLUEGRASS RD.

OWNER
TRACEY GARDNER

SCALE 1"=20'

04-009-A
VARIANCE PLAN SHEET 2 OF 2

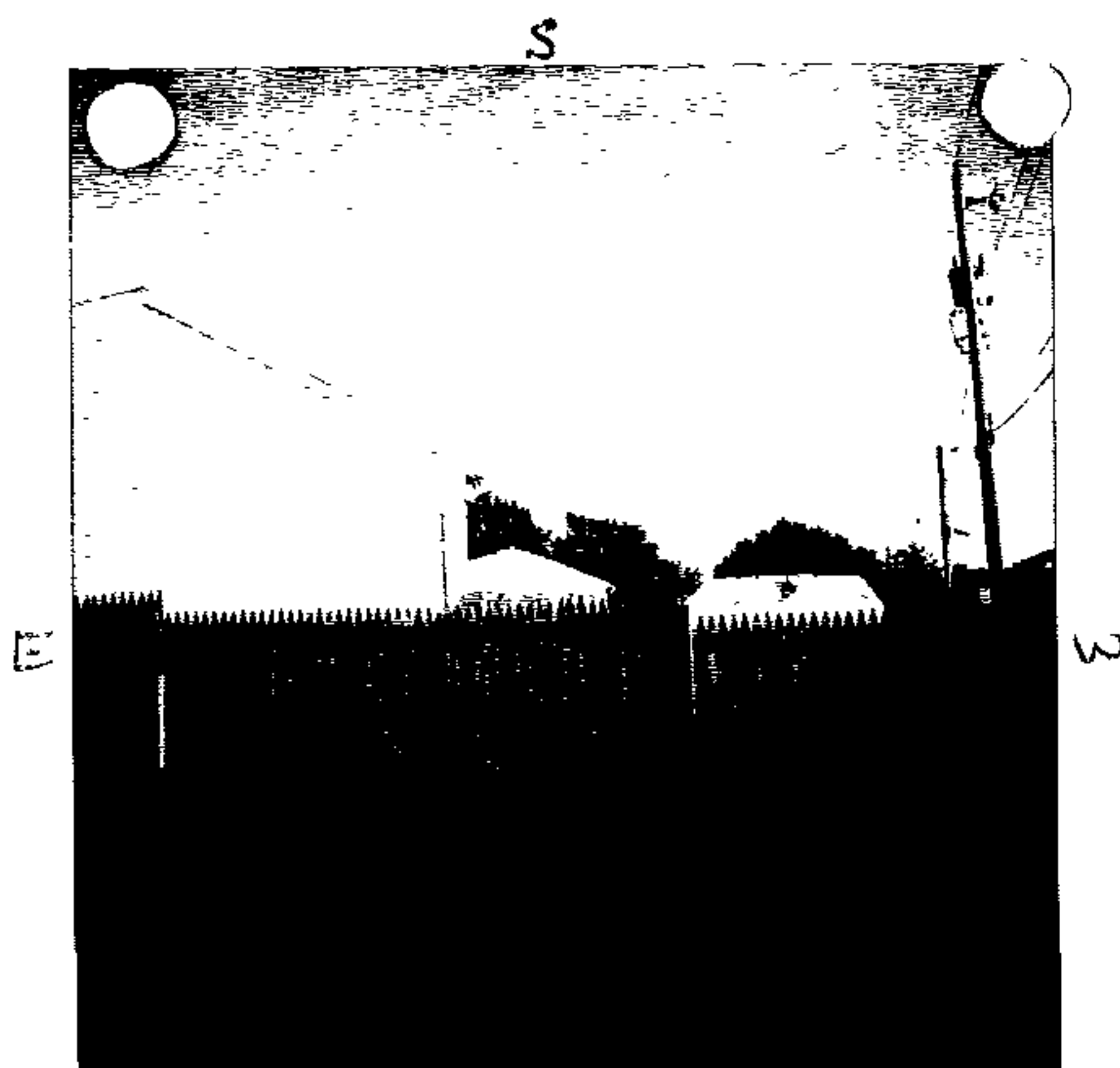


BOARDS SHOW WHERE GARAGE IS
GOING TO BE BUILT 009

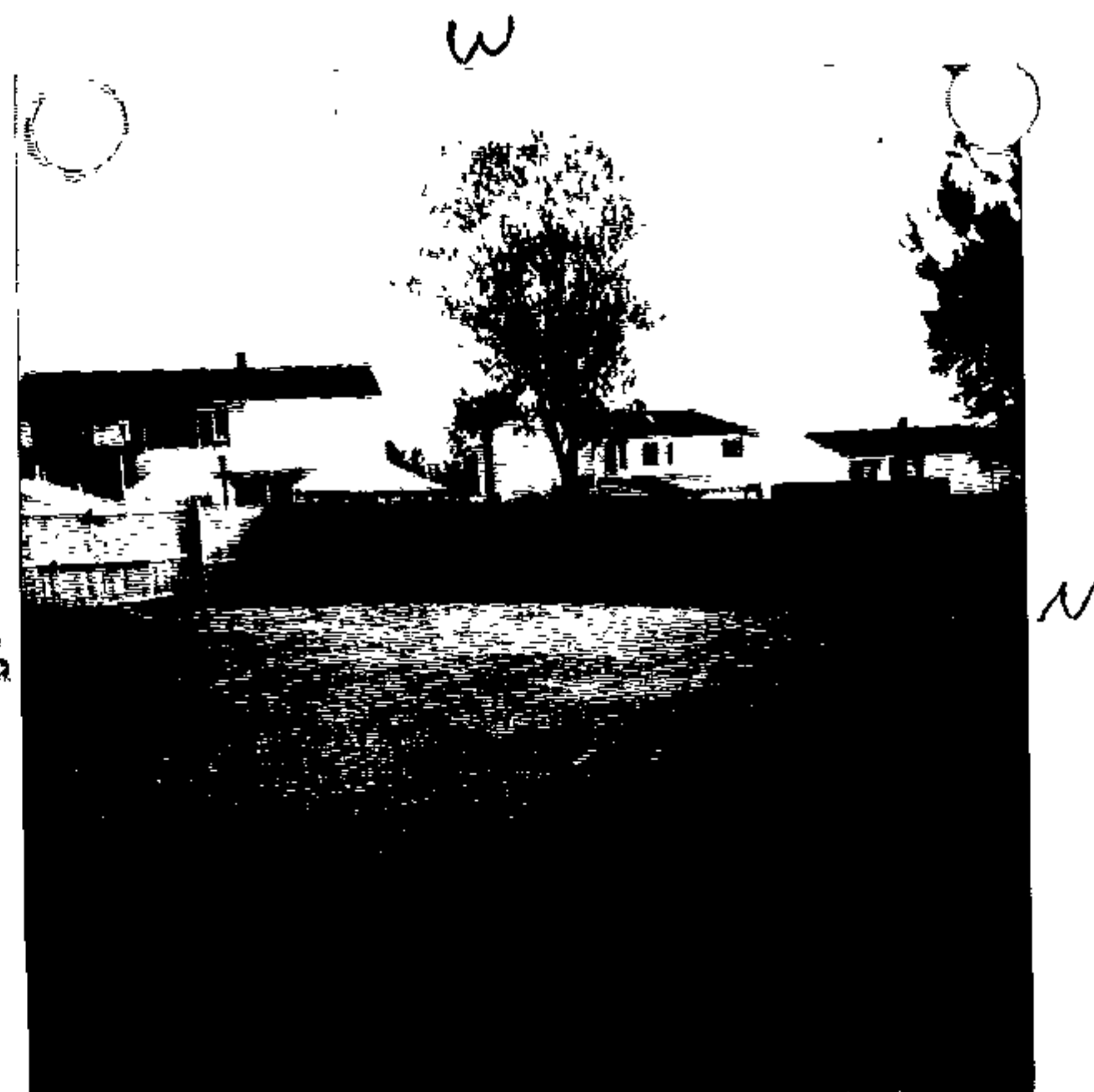


FRONT OF HOUSE

009



THIS IS IF YOU WERE STANDING
IN GARAGE LOOKING OUT OF
DOOR OF GARAGE 009



REAR YARD WHERE GARAGE IS
GOING TO GO 009