

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S Twig Court, 1,060' W		
centerline of Old York Road	*	ZONING COMMISSIONER
7 th Election District		
3 rd Councilmanic District	*	OF BALTIMORE COUNTY
(10 Twig Court)		
	*	CASE NO. 04-023-A
Jennifer B. & David C. Nilsen	*	
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Jennifer B. & David C. Nilsen, the legal owners of the subject property. The variance request is for property located at 10 Twig Court in the White Hall area of Baltimore County. The Petitioners herein seek a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the rear/side yard and with a height of 23 ft. in lieu of the required rear yard and minimum permitted height of 15 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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 8/14/03
 By *R. J. [Signature]*

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 14th day of August, 2003, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the rear/side yard and with a height of 23 ft. in lieu of the required rear yard and minimum permitted height of 15 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

8/14/03
R. Jensen



Baltimore County
Zoning Commissioner

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

August 14, 2003

Mr. & Mrs. David C. Nilsen
10 Twig Court
White Hall, Maryland 21161

Re: Petition for Administrative Variance
Case No. 04-023-A
Property: 10 Twig Court

Dear Mr. & Mrs. Nilsen:

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, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

c: Paul W. Botzler, P.E.
P. O. Box 261
Monkton, MD 21111

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



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on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 10 TWIG CT.

which is presently zoned RC2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, 400.3 To allow an

accessory structure (detached garage) to be located in the rear/side yard & with a height of 23 ft. in lieu of the required rear yard & maximum permitted 15 ft. height respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly 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

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

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 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. 04-023-A

Reviewed By [Signature] Date 7-15-03

REV 10/25/01

Estimated Posting Date 7-27-03

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) does/do presently reside at X 10 Twig Court
Address
White Hall, MD 21161
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 detached garage structure proposed, will be to the rear and side of the existing house; but near the existing house. The existing house is unique with very high pitched roofs featured in its architecture. To make a garage, with normal inside height and a roof line that is compatible with the nearby house, and be below 23 feet high, is a practical difficulty.

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.

X Jennifer B. Nilsen
Signature
X Jennifer B. Nilsen
Name - Type or Print

X David C. Nilsen
Signature
X David C. Nilsen
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of June, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jennifer B. Nilsen + David C. Nilsen
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

X Patricia R Sachs
Notary Public PATRICIA RSACHS
My Commission Expires 1/1/07

Zoning Description:

BEGINNING at a point on the North side of Twig Court which is 50' wide at the distance of 1,060 feet West of the centerline of Old York Road, which is 80 feet wide; being known as Lot No. 8 in the subdivision of Oak Valley as recorded in Baltimore County Plat Book #42, Folio #136, containing 5.35 acres; being also known as 10 Twig Court which is located in the 7th Election District and the 3rd Councilmanic District.

023

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Cash No. 27000
F04-D23-A

DATE 7-15-03 ACCOUNT R-001-006-6150

AMOUNT \$ 65.⁰⁰

RECEIVED
FROM:

TAMTECH SERVICES INC
(Paul) Botzler

FOR:

Residential Verisure Taping Fee
for 10 Twp. 9 AT.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT

BUSINESS ACTION TIME
7/16/2003 7/15/2003 10:15:30

REG 1803 WALKIN LPET LSP

RECEIPT # 2-1513 7/16/2003

DEPT 5 09 ZONING VERIFICATION

CP NO. 027000

Receipt for \$65.00

5.00 10.00 10.00 10.00

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Cash No. 27000
#04-023-A

DATE 7-15-03 ACCOUNT R-001-006-6150

AMOUNT \$ 65.⁰⁰

RECEIVED
FROM:

TAMTECH SERVICES INC
1 Paul Botzler

FOR:

Resident's Vehicle filing fee
for 10 TW 9 CT.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT

BUSINESS ACTION TIME DAY
7/16/2003 7/15/2003 10:13:30 3

REG 1803 WALKIN LPET LWP
RECEIPT # 241513 7/16/2003 0518

DEPT 5 5/8 ZONING VERIFICATION
CR NO. 027000

PAID 100 \$65.00
15.00 100 00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. **04-023-A**
Petitioner/Developer:
Jennifer & David Nilsen
Closing Date: **8/11/03**

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

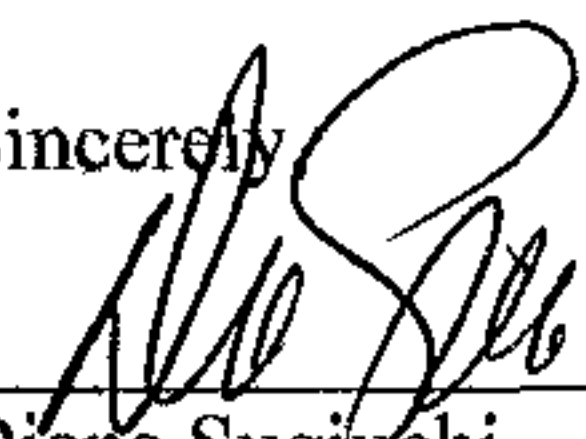
Attention: Ms. Becky Hart:

Ladies and Gentlemen:

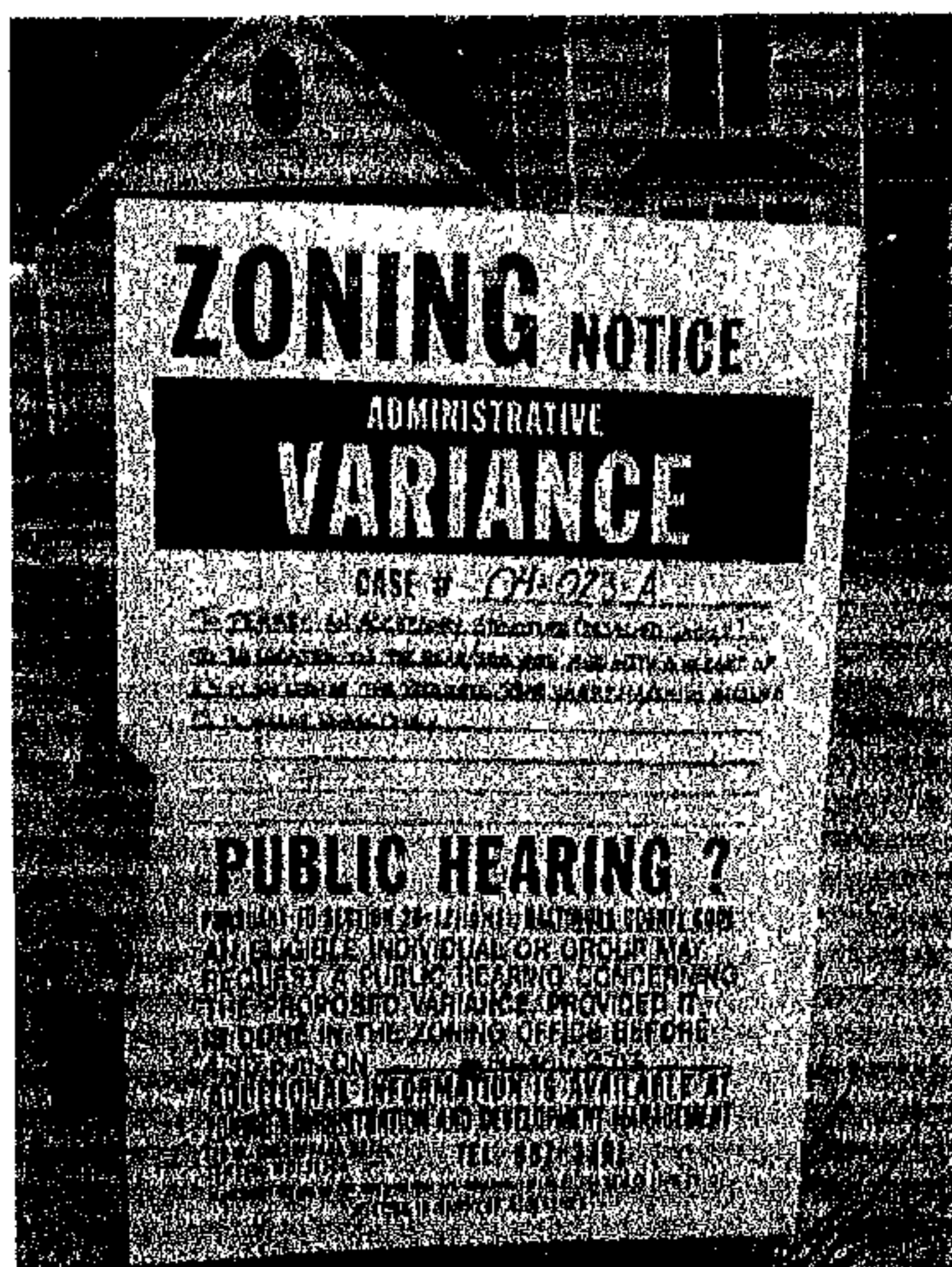
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located **10 Twig Ct.**

The sign(s) were posted on **7/27/03**.

Sincerely,



Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



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 04-023-A
Petitioner Jennifer & David C. Nilsen
Address or Location 10 Twig Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name Jennifer Nilsen
Address 10 Twig Court
White Hall, MD 21161

Telephone Number: 410. 343. 0838

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-023 -A

Address 10 Twig Ct.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7-15-03

Posting Date: 7-27-03

Closing Date: 8-11-03

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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-023 -A

Address 10 Twig Ct.

Petitioner's Name Jennifer & David Nilson

Telephone 410-343-0838

Posting Date: 7-27-03

Closing Date: 8-11-03

Wording for Sign: To Permit an accessory structure (detached garage) to be located in the rear/side yard and with a height of 23 ft. in lieu of the required rear yard & maximum allowed 15 ft. height respectively.

WCR - 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

August 11, 2003

Jennifer Nilsen
David Nilsen
10 Twig Court
White Hall, MD 21161

Dear Mr. and Mrs. Nilsen:

RE: Case Number: 04-023-A, 10 Twig Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Paul Botzler, P.O. Box 261, Monkton 21111

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



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

Date: 7.22.03

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

RE: Baltimore County
Item No. 023 JJS

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



**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 21, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 21, 2003

Item No.: 015-020, 022-026 *023*

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

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB Seeley*

DATE: August 28, 2003

SUBJECT: Zoning Item 023
Address 10 Twig Court

Zoning Advisory Committee Meeting of July 21, 2003

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

The proposed garage must be a minimum of 20 feet from the septic reserve area.

Reviewer: Sue Farinetti

Date: August 28, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 22, 2003

RECEIVED

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

JUL 23 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-023 – Administrative Varaince

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. Latham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 12, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2003
Item Nos. 015, 017, 018, 020, 022,
023, 024, 025, and 026

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

RWB:CEN:jrb

cc: File

Plat to accompany Petition for Zoning Administrative Variance

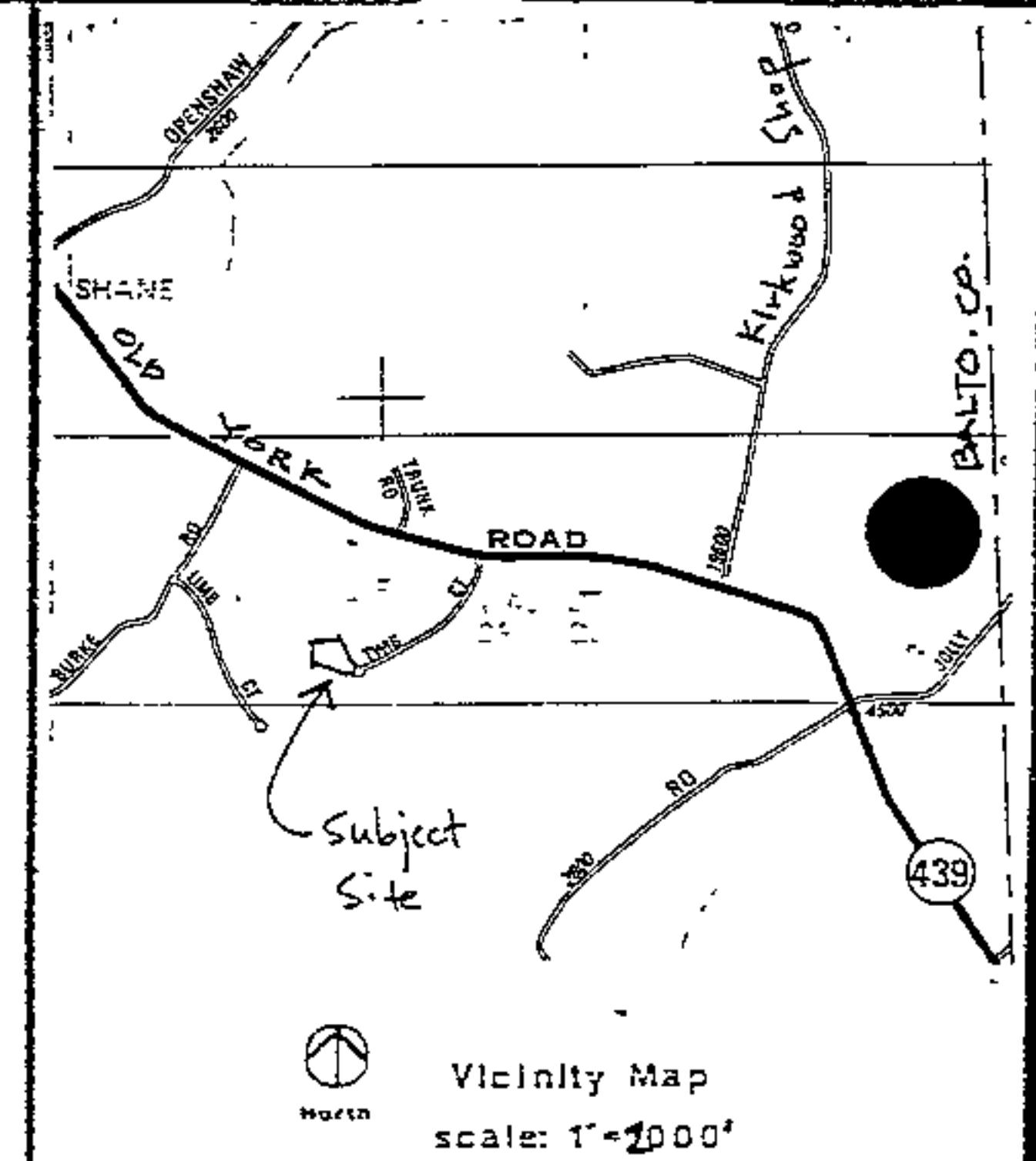
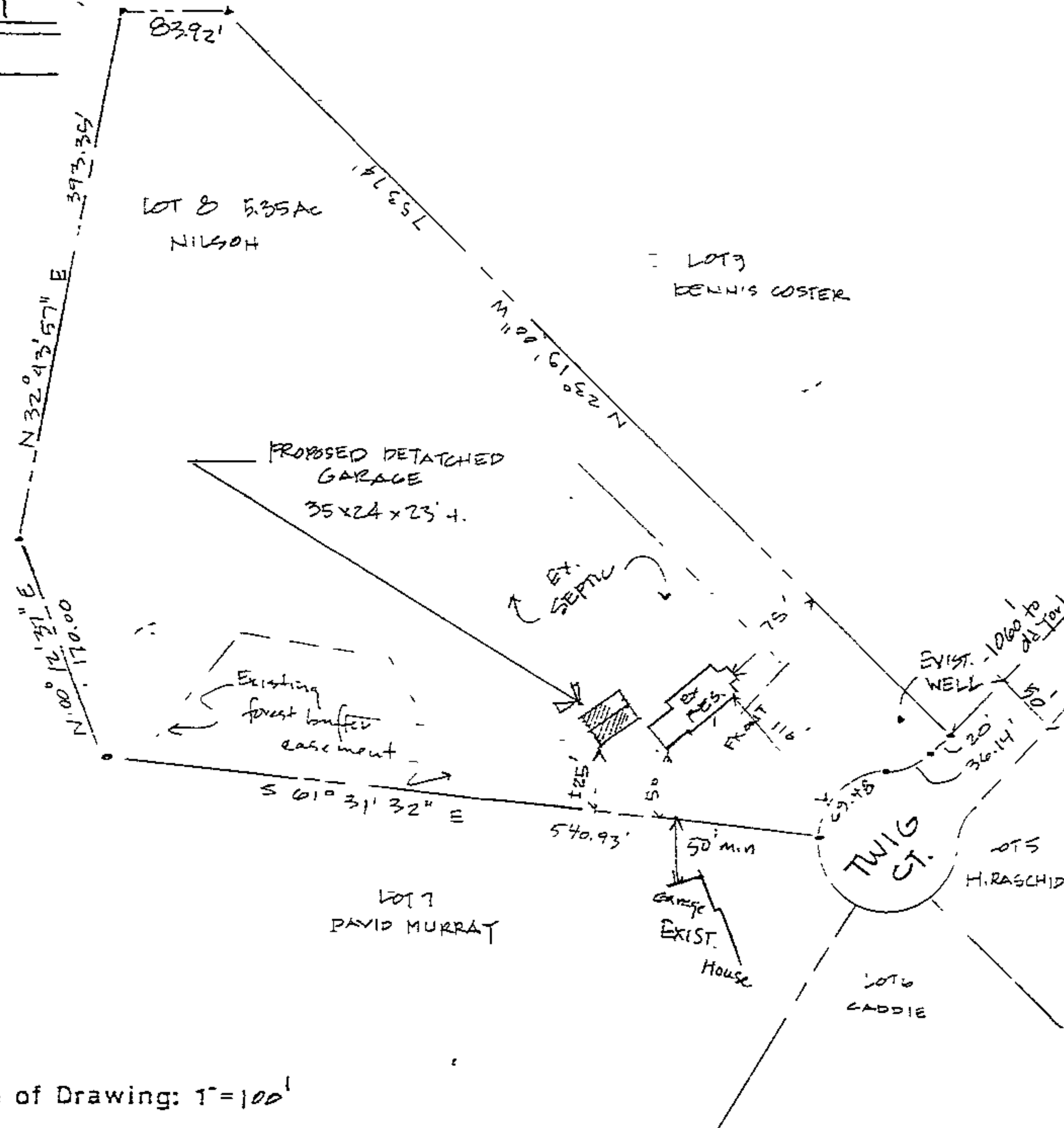
PROPERTY ADDRESS: 10 TWIG COURT

Subdivision name: OAK VALLEY

plat book # 42, folio # 136, lot # 92, section # 1

OWNER: Jennifer J. Nilsen

L.F. ALMONY
64/457



LOCATION INFORMATION

Election District: 7
 Councilmanic District: 3
 1"=200 scale map# NE 34 B

Zoning: RC 2
 Lot size: 5.35 233,046
 acreage square feet

	publ.	private
SEWER:	☐	☒
WA FR:	☐	☒

Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: none

Zoning Office USE ONLY!

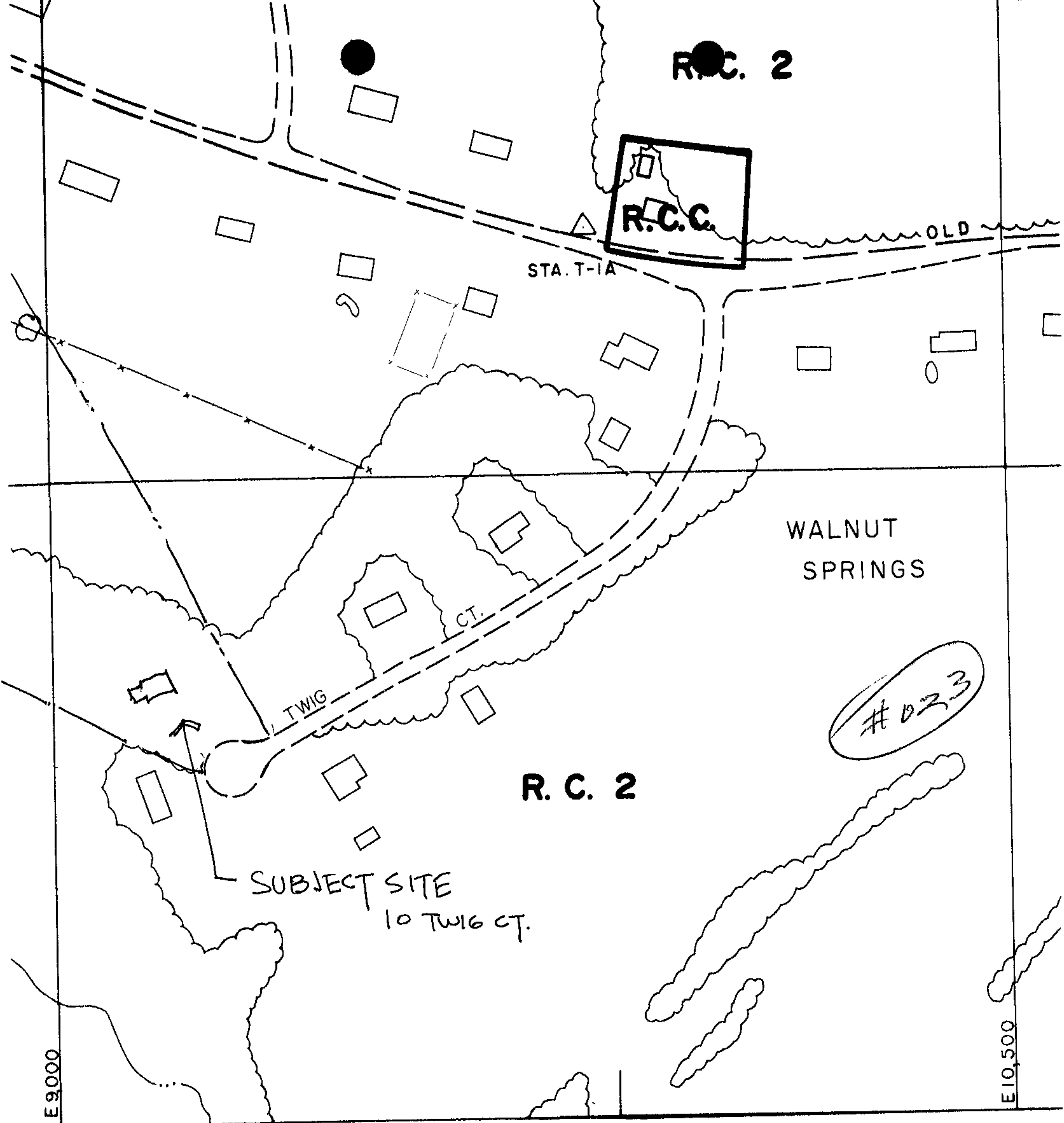
reviewed by: [Signature] ITEM #: 023 CASE#:



North

date: 6/6/03
 prepared by: Paul W. Botzler, P.E. Scale of Drawing: 1"=100'

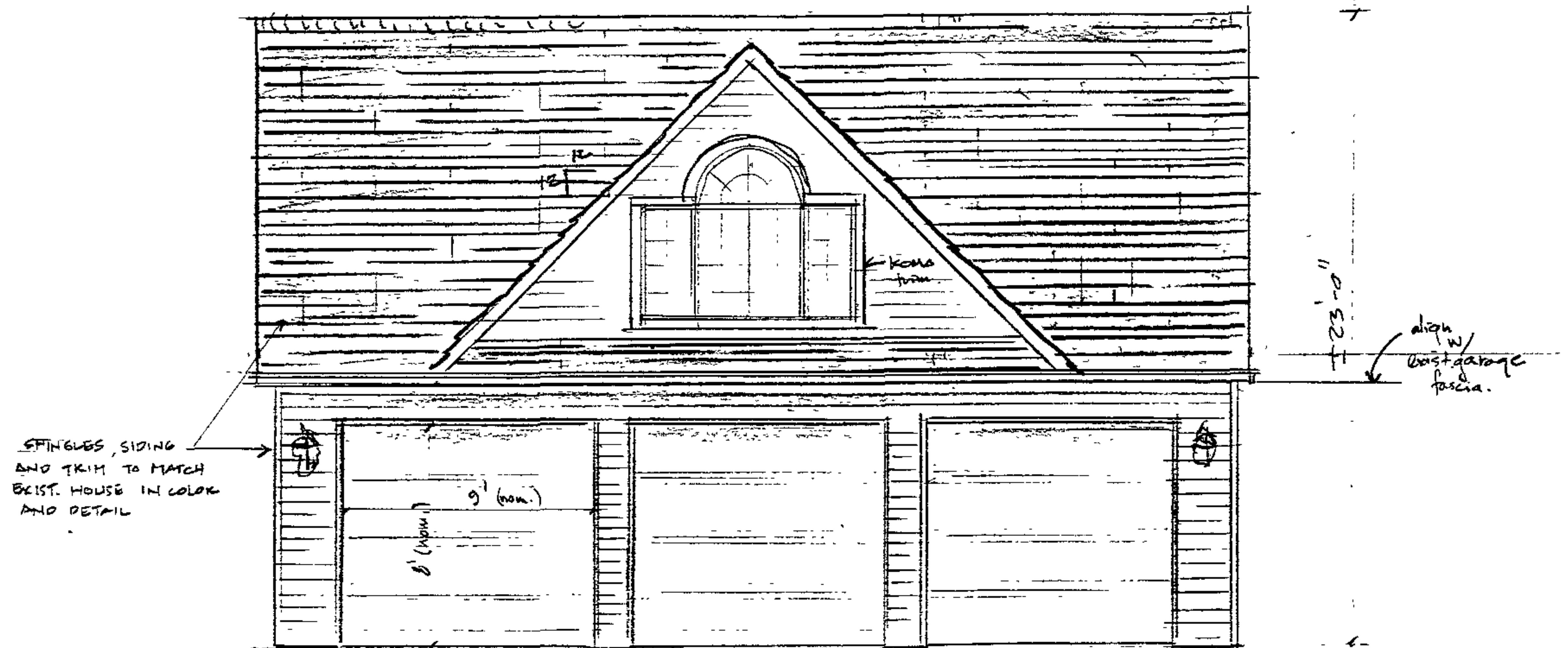
Ret Ex. #1



RE COUNTY
UNING AND ZONING
ZONING MAP

NE
34 B
1"=200'

#027



FRONT ELEVATION $\frac{1}{2}" = 1'-0"$

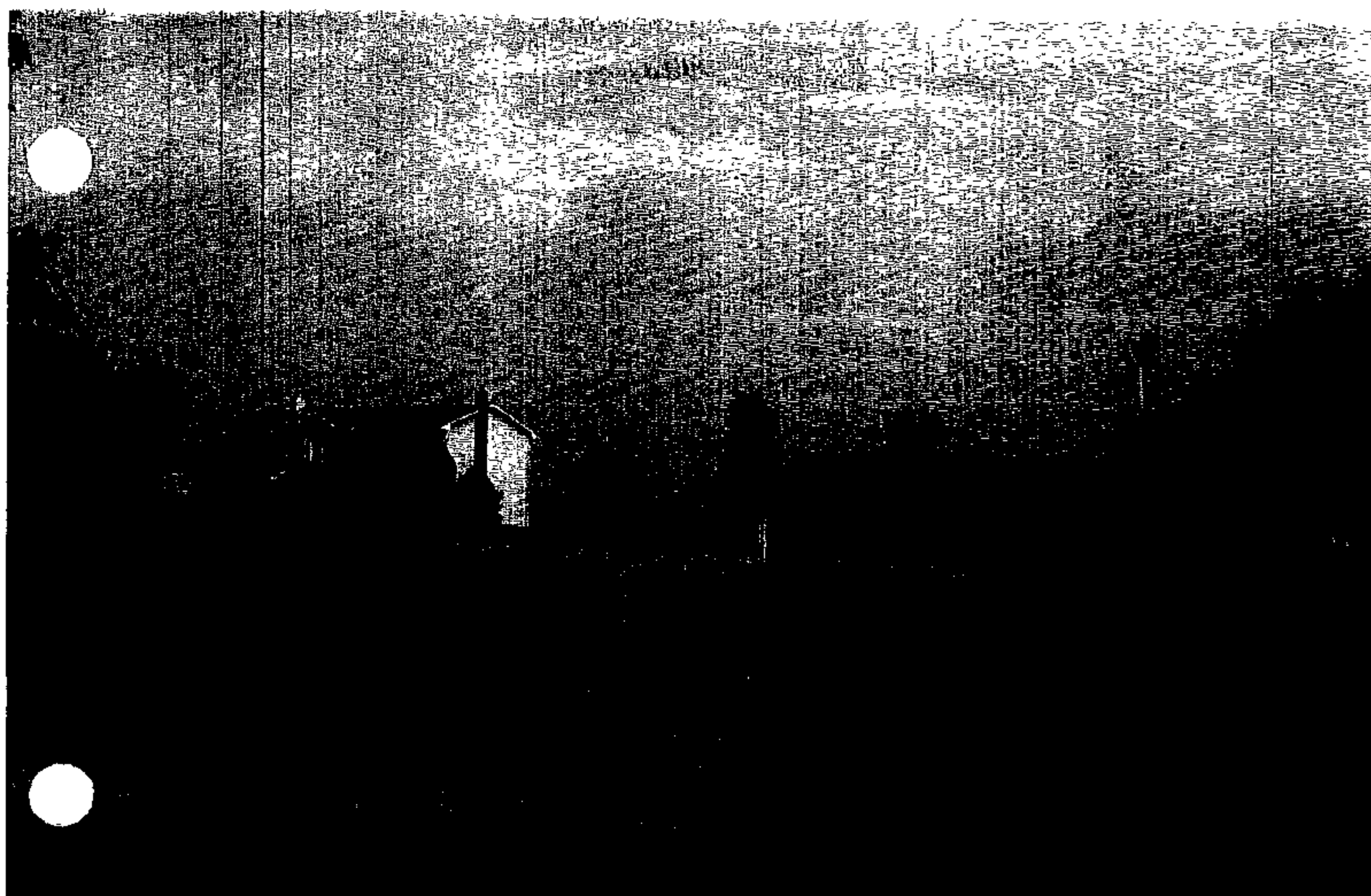




Panoramic
View from
TWIG
COURT

Murray
House

NW



Looking back toward TWIG COURT
from proposed garage site.

#02^m/



SW



W

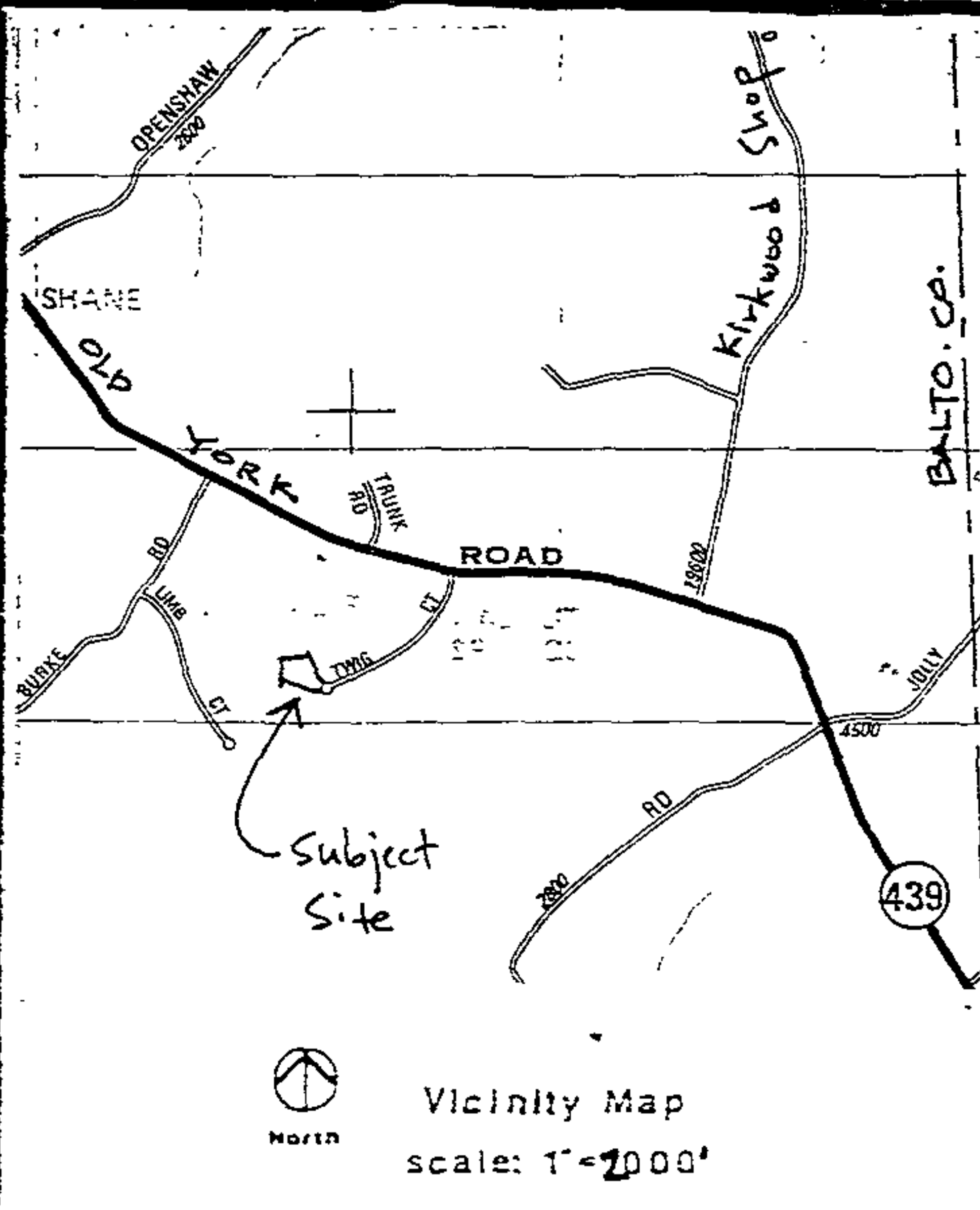
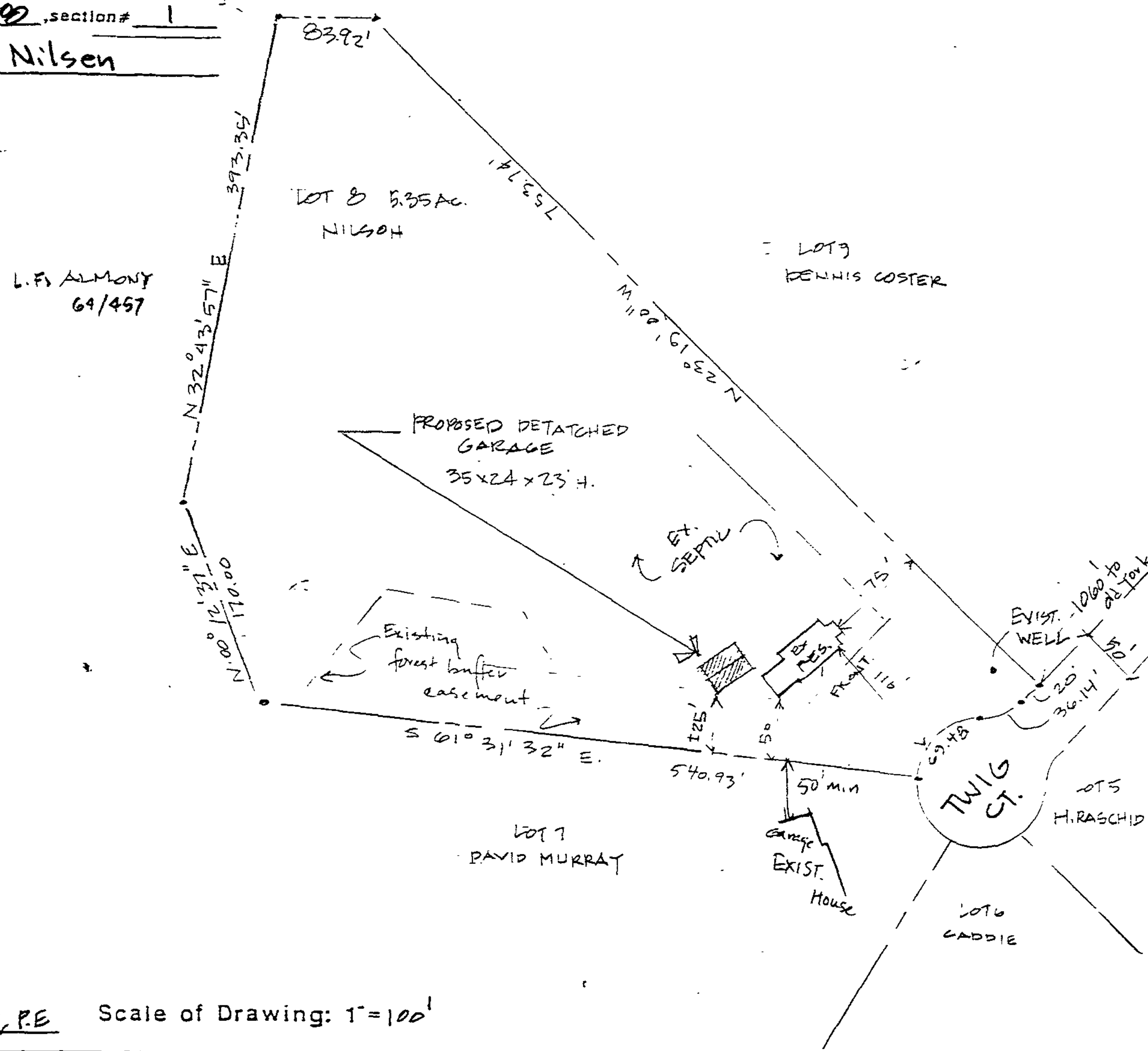
panoramic view from proposed garage
site (rearward)

N



Plat to accompany Petition for Zoning Administrative Variance

PROPERTY ADDRESS: 10 TWIG COURT
Subdivision name: OAK VALLEY
[plat book# 42, folio# 136, lot# 9, section# 1]
OWNER: Jennifer J. Nilsen



LOCATION INFORMATION

Election District: 7

Councilmanic District: 3

1"=200 scale map#: NE 34 B

Zoning: RC 2

Lot size: 5.35 233,046
acreage square feet

	public	private
SEWER:	☐	☒
WATER:	☐	☒
Chesapeake Bay Critical Area:	☐	☒
Prior Zoning Hearings:	<u>none</u>	

North

date: 6/6/03

prepared by: Paul W. Botzler, P.E.

Scale of Drawing: 1"=100'

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 023 CASE#:

Pet. #4 #1