IN RE: PETITION FOR ADMIN. VARIANCE E/S Northmont Road, 45' S of the c/l Audobon Court **(3217 Northmont Road)** 2nd Election District 4th Council District Olellian M. Hill Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-132-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Olellian M. Hill. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 1955 Regulations) to permit a side yard setback of 6 feet in lieu of the required 8 feet for a proposed sunroom addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. As shown on the site plan, the proposed sunroom addition will replace/expand an existing

ORDER RECEIVED FOR FILING
Date 10/23/03
By

structure utilizing essentially the same footprint. Moreover, the variance requested is minimal (2 feet) and appears to be consistent with the neighboring property. I find that the relief requested meets the spirit and intent of the regulations and will not adversely impact adjacent properties.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of October 2003 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 1955 Regulations) to permit a side yard setback of 6 feet in lieu of the required 8 feet for a proposed sunroom addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/23/03
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 24, 2003

Mr./Mrs. Olellian M. Hill
3217 Northmont Road
Baltimore, Maryland 21244

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Northmont Road, 45' S of the c/l Audobon Court
(3217 Northmont Road)
2nd Election District – 4th Council District
Olellian M. Hill - Petitioner
Case No. 04-132-A

Dear Mr./Mrs. Hill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Greg Falter, Patio Enclosures, Inc.
224 8th Avenue NW, Glen Burnie, Md. 21061
People's Counsel; Case File

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 3217 Northmont Rd.
Address
Baltimore Md, 21244
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):

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.

2. Insulate and reduce heating bills.

3. Reduce road noise.

4. A place to sit out and not be concerned with the weather, bugs,mosquitos, flies etc...

5. Improve the apperance of the house

6. The restrictive area of the lot does not lend itself to any addition of pratical size without requiring a variance.

7. The proposed sun room would replace one of similar size and location.

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 Olellian M. Hill
Signature

Signature

Olellian M. Hill
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Olellian M. Hill

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

August 27, 2003
Date

Notary Public

My Commission Expires 11/1/05

REV 09/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3217 Northmont Rd. Baltimore, MD
which is presently zoned DR5.5 (Formerly R-6)

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)

1B02.3.B, BCZR (Section 211.3, 1955 Zoning Regulations)

to permit a proposed sunroom addition with a side yard setback of 6 feet in lieu of the required 8 feet.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Olellian M. Hill
Name - Type or Print

Olellian M. Hill
Signature

Name - Type or Print

Signature

3217 Northmont Rd. 410-655-2547
Address Telephone No.

Baltimore, MD 21244
City State Zip Code

Representative to be Contacted:

Patio Enclosures Inc. (attn: Greg Falter)
Name

224 8th Ave. NW 443-797-0351
Address Telephone No.

Glen Burnie, MD 21061
City State Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 04-132-A **Reviewed By** JNP **Date** 9/16/03

REV 9/15/98 **Estimated Posting Date** 9/29/03

Zoning Description for ***3217 Northmont Rd.***

Beginning at a point on the ***East*** *side of* ***Northmont Rd.*** *Which is* ***50 feet*** *wide at the distance of* ***45 feet ± South*** *of the nearest improved intersecting street* ***Audobon Ct.*** *which is* ***50 feet*** *wide. Being lot #* ***13,*** *Block #* ***E,*** *Section #* ***1*** *in the subdivision of* ***Ripplewood****. As recorded in Baltimore county plat book #* ***28****, Folio #* ***80*** *containing* ***7,705 square feet****. Also known as* ***3217 Northmont Rd.*** *and located in the* ***02nd*** *election district,* ***7th*** *Councilmanic district.*

04-132-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29380

DATE 9/16/03 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Patio Enclosures

FOR: 3217 Northmont Road (04-132-A)
Adm. Var.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

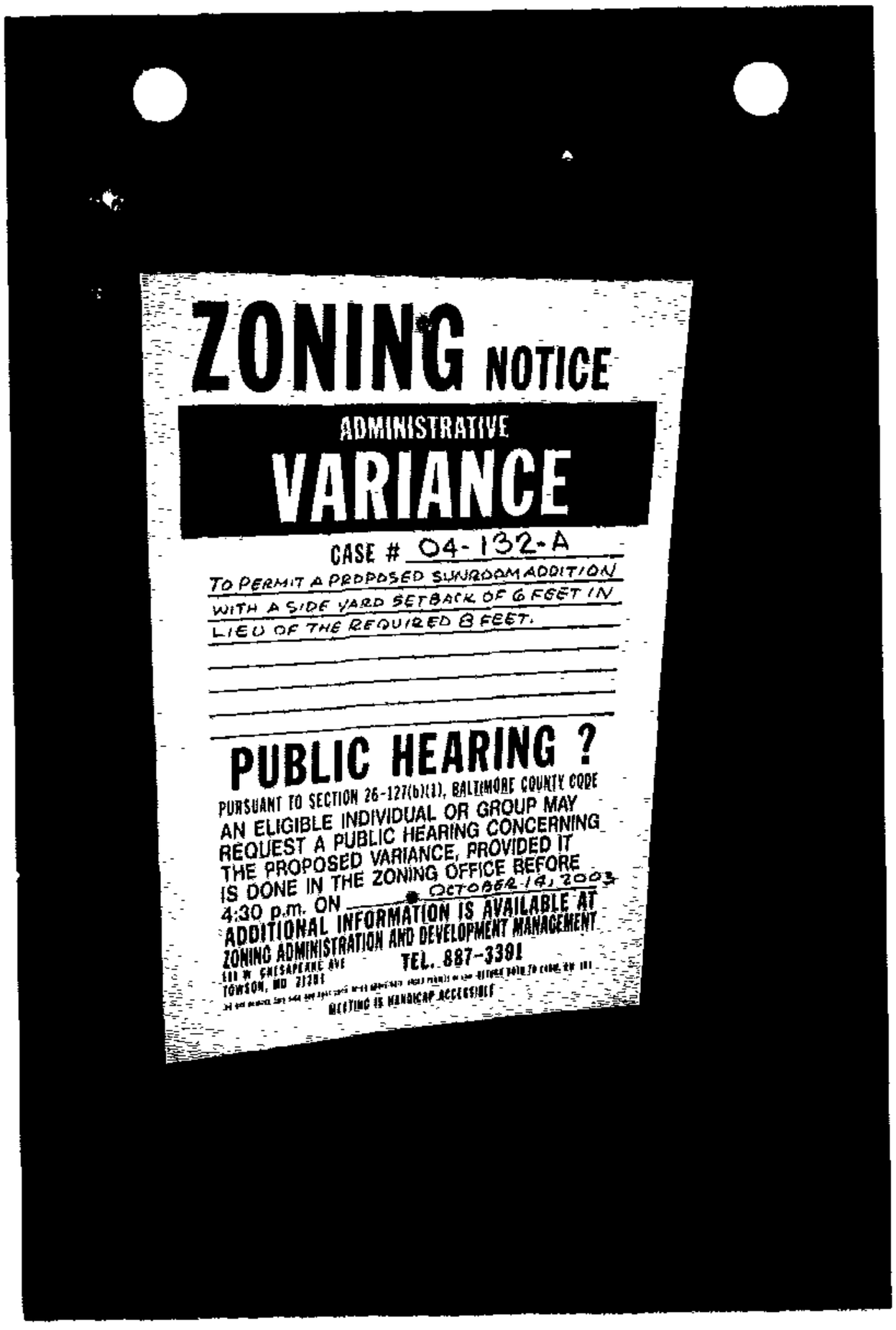
PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/17/2003	9/16/2003	10:55:17	2

REG WS04 WALKIN DBCL DMD
>>RECEIPT # 242996 9/16/2003 OFLN
Dept 5 528 ZONING VERIFICATION
OR NO. 029380
Recpt Tot $65.00
65.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE
VARIANCE


ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 04-132-A
TO PERMIT A PROPOSED SUNROOM ADDITION
WITH A SIDE YARD SETBACK OF 6 FEET IN
LIEU OF THE REQUIRED 8 FEET.
PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON OCTOBER 14, 2003
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TEL. 887-3391
TOWSON, MD 21204
MEETING IS HANDICAP ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 04-132-A
(PATIO ENCLOSURES, INC.)
Petitioner/Developer: OLELLIAN M. HILL

Date of Hearing/ Closing: OCT. 14, 2003

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

Attention: BECKY HART

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 3217 NORTHMOUT ROAD

The sign(s) were posted on SEPT. 26, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-132 -A Address 3217 Northmont Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 9/16/03 Posting Date: 9/29/03 Closing Date: 10/14/03

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 04-132 -A Address 3217 Northmont Road

Petitioner's Name Olellian M. Hill Telephone 410-655-2547

Posting Date: 9/29/03 Closing Date: 10/14/03

Wording for Sign: To Permit a proposed sunroom addition with a side yard setback of 6 feet in lieu of the required 8 feet.

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: 04-132-A

Petitioner: Olellian Hill

Address or Location: 3217 Northmont Rd. Baltimore, MD 21061

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patio Enclosures Inc.

Address: 224 8th Ave. NW

Glen Burnie, MD 21061

Telephone Number: 443-797-0351

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 14, 2003

Olellian Hill
3217 Northmont Road
Baltimore, MD 21244

Dear Mr. Hill:

RE: Case Number: 04-132-A, 3217 Northmont Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Patio Enclosures, 224 8th Avenue, NW, Glen Burnie, 21061

Printed on Recycled Paper

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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.: 130 - 141, 143, 144, 147 - 150

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 21, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For October 13, 2003
Item Nos. 130, 131, 132, 133, 134, 135,
138, 139, 142, 143, 145, 146, 149, and 150

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 10, 2003

RECEIVED

OCT 1 4 2003

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-132 - 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: Lyn Lanham

AFK/LL:MAC

W:\DEVREV\ZAC\nocomment.doc

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

State Highway Administration
Driven to Excel

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

Date: 10-7-03

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

RE: Baltimore County
Item No. 132 JHP

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

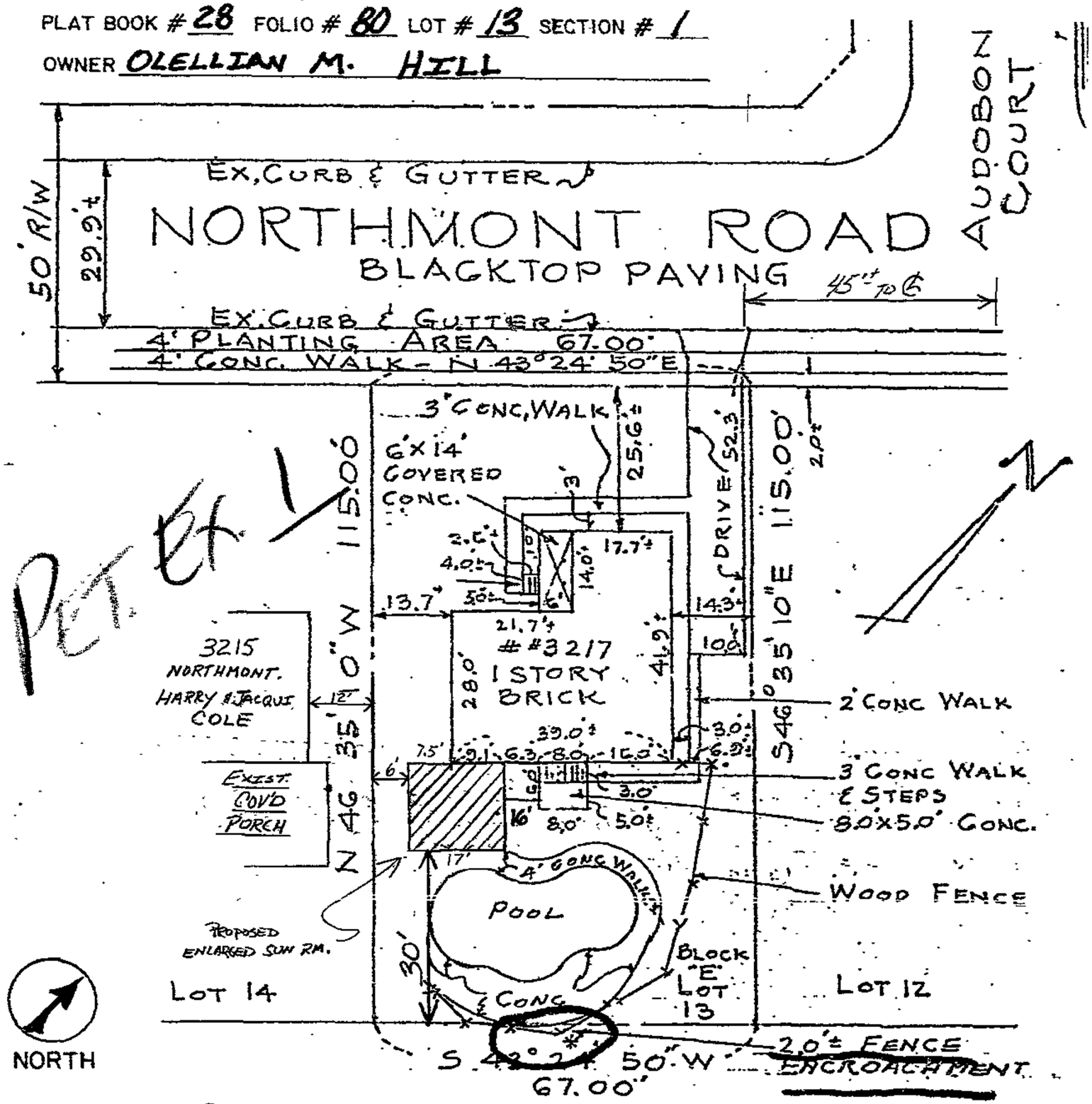
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3217 NORTHMONT RD. 21244 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

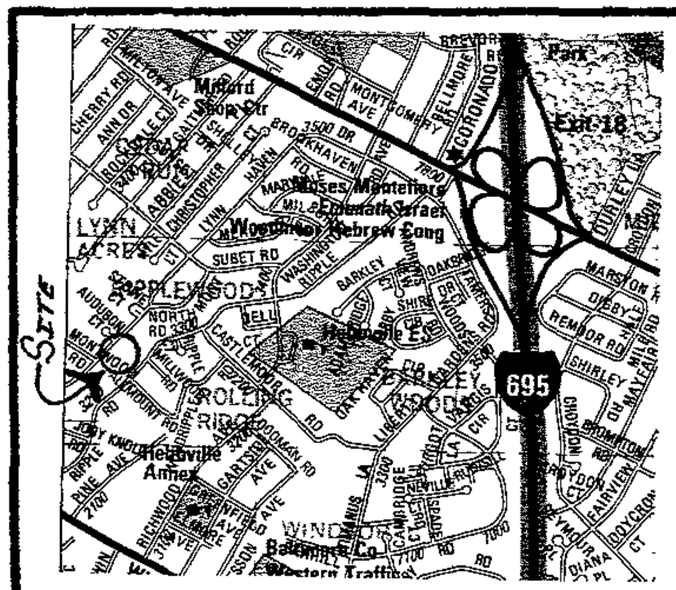
SUBDIVISION NAME Ripplewood

PLAT BOOK # 28 FOLIO # 80 LOT # 13 SECTION # 1

OWNER OLELLIAN M. HILL



PET. EX 1



VICINITY MAP

1" = 2,273'

LOCATION INFORMATION

ELECTION DISTRICT 02

COUNCILMANIC DISTRICT 04

1" = 200' SCALE MAP # NW 5-G

ZONING DR 5.5 (Formerly R-6)

LOT SIZE .17 ACREAGE 7,705 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

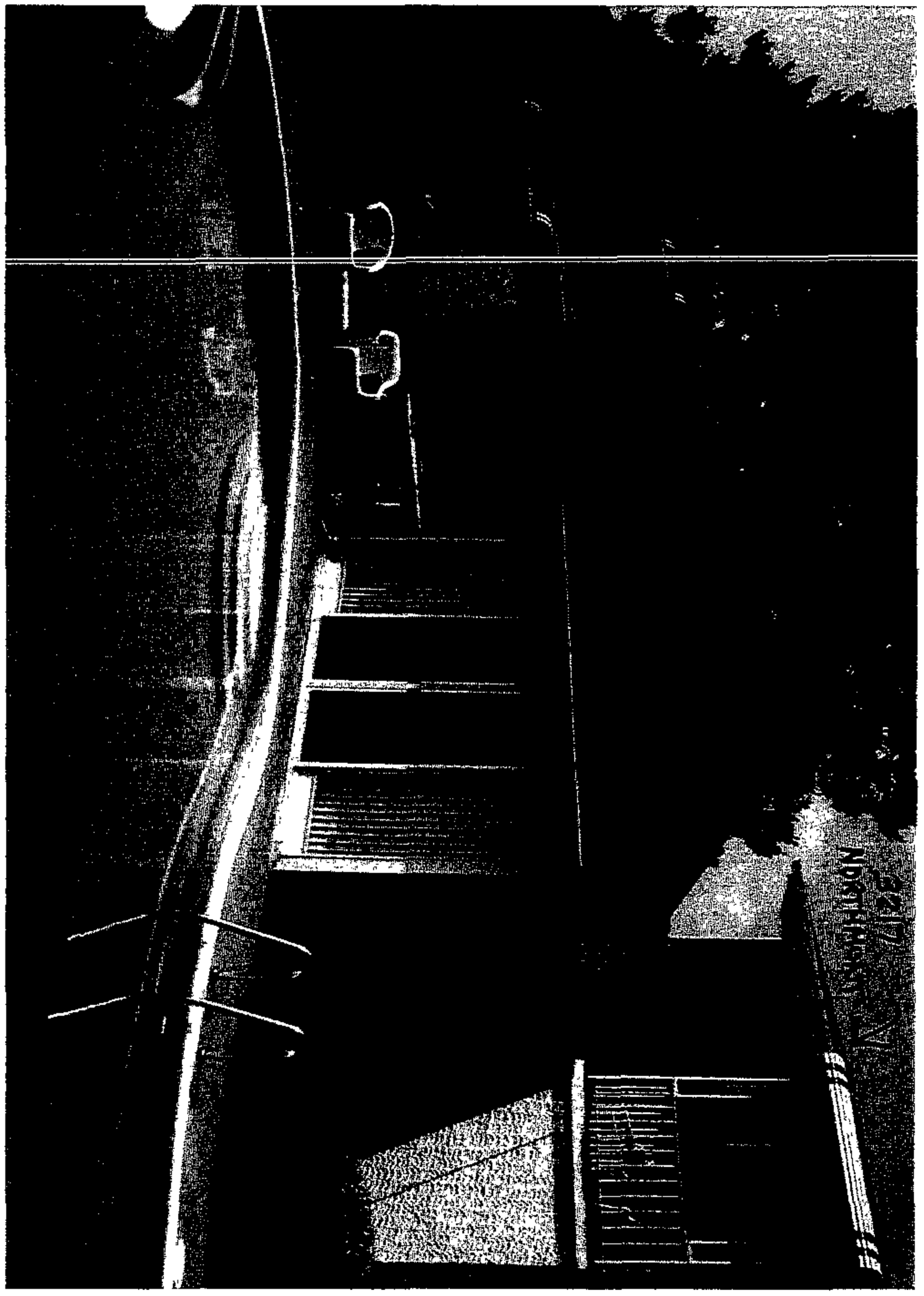
PRIOR ZONING HEARING NO.

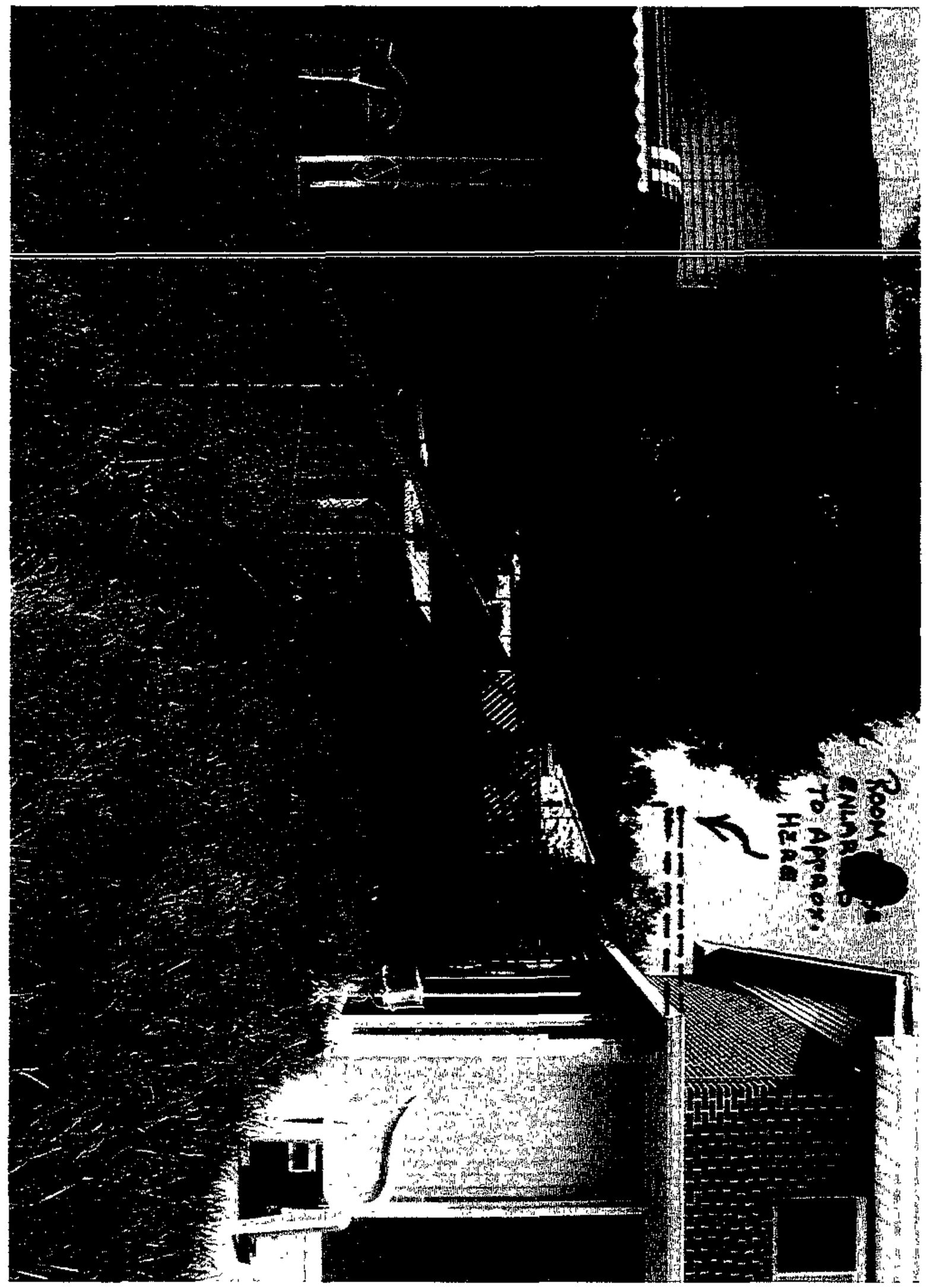
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JNP	132	04-132-A

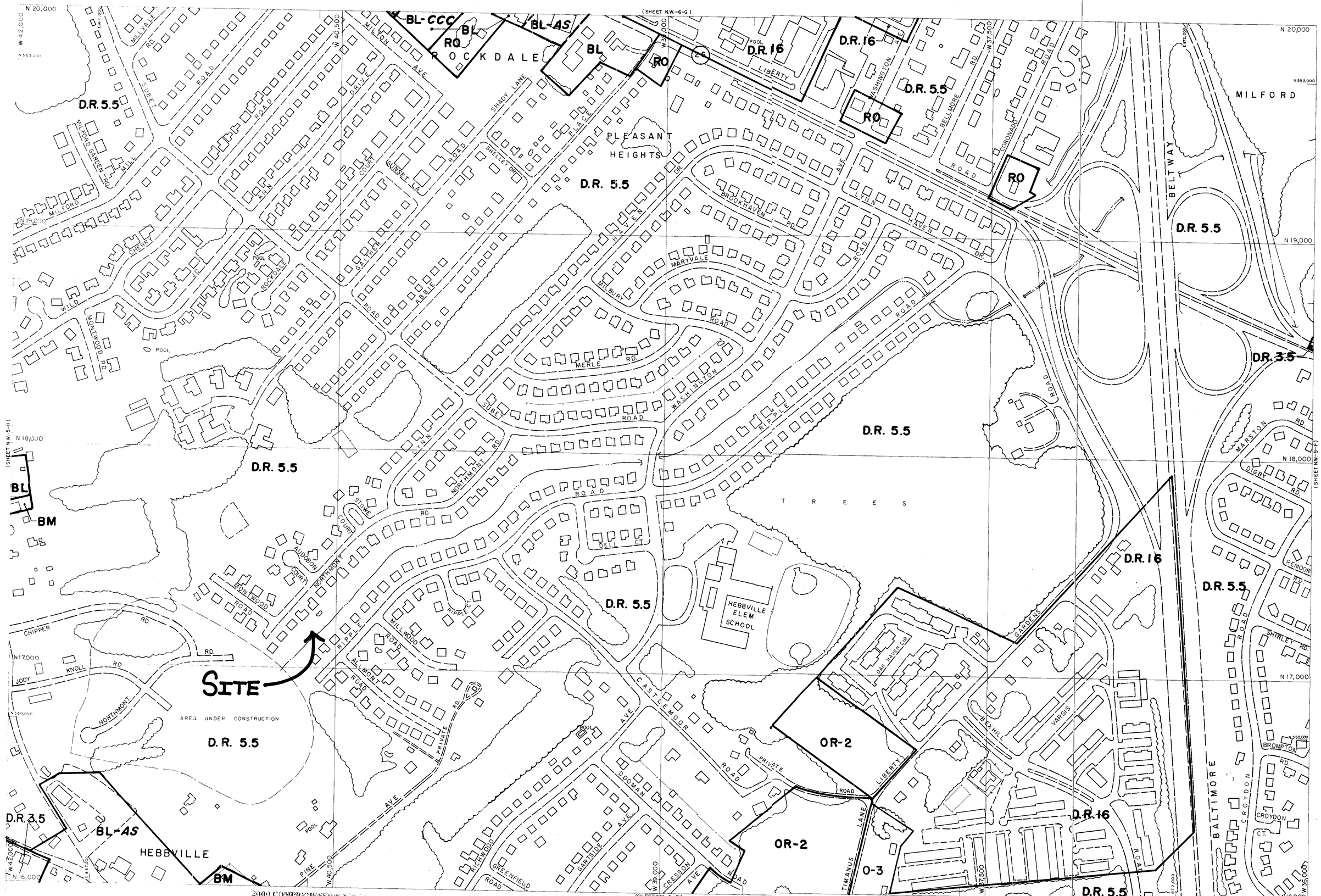
PREPARED BY GREGORY A. FALTER. SCALE OF DRAWING: 1" = 30'

3217 NORTHMONT RD. BALTIMORE, MD 21244





04-1324



L-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING
ADOPTED BY

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HEBBVILLE ROCKDALE WOODMOOR	N.W. 5-G
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 5 G

C'7-B2-A