

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Sparks Road, 7200' E of the c/l
York Road
(1531 Sparks Road)
10th Election District
3rd Council District

Christopher A. May, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-139-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 owners of the subject property, Christopher A. and Lauren B. May. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, with a height of 22'6" in lieu of the maximum allowed 15' feet. 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 Petitioners have 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 the information contained therein, it appears that relief can be granted without detrimental impact upon the health, safety and general welfare of the

ORDER RECEIVED FOR FILING

Date

10/23/03

By

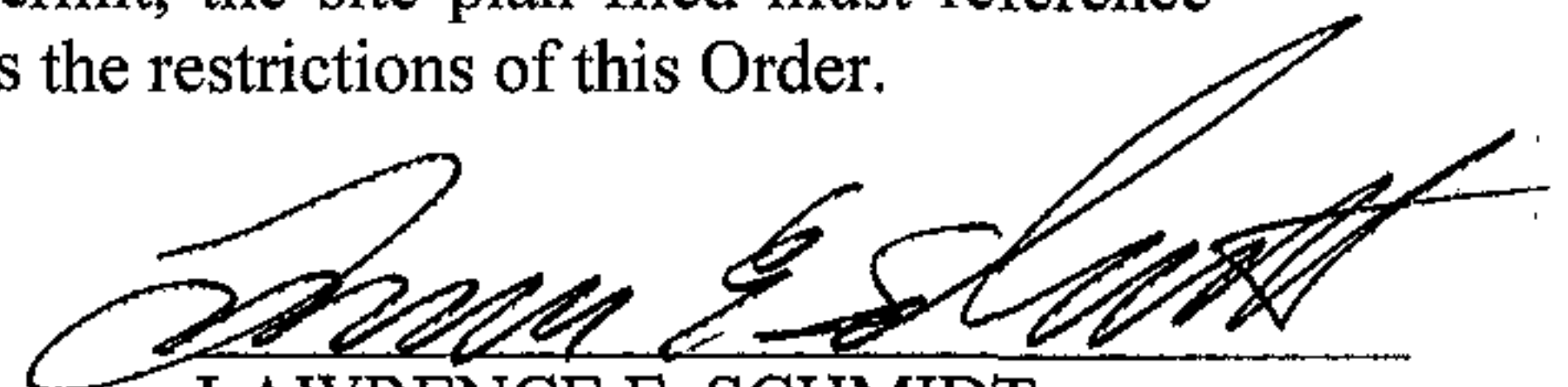
[Signature]

surrounding locale. It was indicated that the garage was designed to match the style of the existing house. The site plan shows that the proposed garage will be of standard dimension (24' x 26'), with a height of 22'6", and will be located in the side yard immediately adjacent to an existing driveway. There were no adverse comments submitted by any County reviewing agency, and apparently the neighbors have no objections. For all of these reasons, I am persuaded to grant the variance.

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 Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, with a height of 22'6" in lieu of the maximum allowed 15' feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 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:bjs

ORDER RECEIVED FOR FILING

Date

10/23/03

By

[Signature]

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. Christopher A. May
1531 Sparks Road
Sparks, Maryland 21152

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Sparks Road, 7200' E of the c/l York Road
(1531 Sparks Road)
10th Election District – 3rd Council District
Christopher A. May, et ux - Petitioners
Case No. 04-139-A

Dear Mr. & Mrs. May:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1531 Sparks Road Sparks, MD 21152

which is presently zoned RC 2

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 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) IN THE
SIDE YARD WITH A HEIGHT OF 22 1/2- FEET IN LIEU OF THE
REQUIRED REAR YARD AND PERMITTED 15- 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.

State Zip Code

Legal Owner(s):

Christopher A. May
Name - Type or Print

Signature

Lauren B. May
Name - Type or Print

Signature

1531 Sparks Road 410-329-3172
Address Telephone No.

Sparks MD 21152
City State Zip Code

Representative to be Contacted:

Beverly True
Name

1615 Deer Park Road 410-751-9659
Address Telephone No.

Finksburg MD 21048
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, 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. 04-139-A

Reviewed By D. THOMPSON Date 9/17/03

Estimated Posting Date 9/29/03

ORDER RECEIVED FOR FILING

RECEIVED 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1531 Sparks Road
Address
Sparks MD 21152
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):

Due to the unique location of the existing house and style, it is not practical to build a garage at 15' and in the rear of the property. To build the garage on the side next to the existing driveway and house would create less hardship, and not adversely effect the neighborhood.

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.

Christopher A. May
Signature
Christopher A. May
Name - Type or Print

Lauren B. May
Signature
Lauren B. May
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of September 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Dale A. Little
Notary Public

My Commission Expires

Dale A. Little
NOTARY PUBLIC
Carroll County, Maryland
My Commission Expires 5/01/04

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 1531 Sparks Road
Address
Sparks MD 21152
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):

Due to the unique location of the existing house and style, it is not practical to build a garage at 15' and in the rear of the property. To build the garage on the side next to the existing driveway and house would create less hardship, and not adversely effect the neighborhood.

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.

Christopher A. May
Signature
Christopher A. May
Name - Type or Print

Lauren B. May
Signature
Lauren B. May
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of September 2013, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Dale A. Little
Notary Public
My Commission Expires _____
Dale A. Little
NOTARY PUBLIC
Carroll County, Maryland
My Commission Expires 5/01/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1531 Sparks Road Sparks, MD 21152

which is presently zoned RC 2

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 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) IN THE
SIDE YARD WITH A HEIGHT OF 22 1/2 FEET IN LIEU OF THE
REQUIRED REAR YARD AND PERMITTED 15 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):

Christopher A. May

Name - Type or Print

Signature

Lauren B. May

Name - Type or Print

Signature

1531 Sparks Road 410-329-3172

Address

Telephone No.

Sparks

MD

21152

City

State

Zip Code

Representative to be Contacted:

Beverly True

Name

1615 Deer Park Road

410-751-9659

Address

Telephone No.

Finksburg

MD

21048

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. 04-139-A

REV 10/25/01

Reviewed By D. THOMPSON Date 9/17/03

Estimated Posting Date 9/29/03

ZONING DESCRIPTION

Zoning Description For 1531 Sparks Road Sparks, MD 21152

Beginning at a point on the South East side of

Sparks Road Which is 40'

wide at the distance of 7200' East of the

Centerline of the nearest improved intersecting street York Road

Which is 60' wide. *Being Lot# 1

Block _____, Section, _____ in the subdivision of _____

as recorded in Baltimore County Plat Book # 18262, Folio 0361,

Containing 6.73. Also known as 1531 Sparks Road

And located in the 10th Election District, 3 Council manic District.

04-139-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29384

DATE 9/17/03 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM: PRECISE BOOKKEEPING, INC.

FOR: ITEM # 139 04-139-A

1531 SPARKS RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAYED RECEIPT
BUSINESS ACTUAL TIME DRW
9/17/2003 9/17/2003 10:52:29 2
REF #302 MAIL JEM JEE
>> RECEIPT # 29599 9/17/2003 OFLN
Dept 5 528 ZINING VERIFICATION
CR NO. 029384
Receipt Tot \$65.00
65.00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-139-A

Petitioner/Developer: _____

May

Date of Hearing/Closing: 10-14-03

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 1531 Sparks Road
Sparks, MD 21152

The sign(s) were posted on September 23, 2003
(Month, Day, Year)

Sincerely,

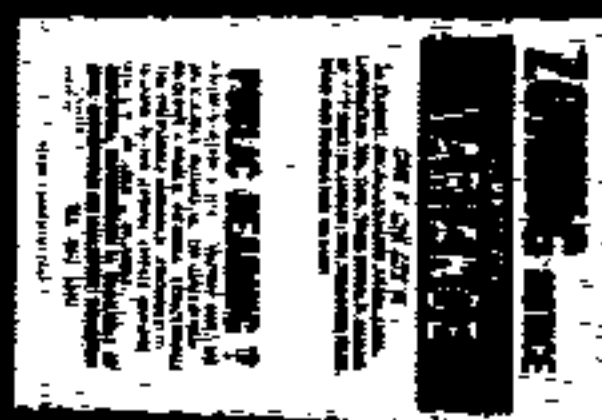
Stacy Gardner 9/23/03
(Signature of Sign Poster and Date)

Stacy Gardner

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-139 -A Address 1531 SPARKS RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 9/17/03 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 04-139 -A Address 1531 SPARKS RD.

Petitioner's Name MAY Telephone 410-329-3172

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

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) IN THE
SIDE YARD WITH A HEIGHT OF 22 1/2 FEET IN LIEU OF THE
REQUIRED REAR YARD AND PERMITTED 15-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: 04-139-A

Petitioner: MAY

Address or Location: 1531 SPARKS RD., 21152

PLEASE FORWARD ADVERTISING BILL TO:

Name: BEVERLY TRUE

Address: 1615 DEER PARK RD.

FINKSBURG, MD 21048

Telephone Number: 410-751-9659

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

Christopher May
Lauren May
1531 Sparks Road
Sparks, MD 21152

Dear Mr. and Mrs. May:

RE: Case Number: 04-139-A, 1531 Sparks Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Beverly True, 1615 Deer Park Road, Finksburg, 21048





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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

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. 139 DT

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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.: 130¹³⁹ - 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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *pbs /RLT*

DATE: October 29, 2003

SUBJECT: Zoning Item 04-139
Address 1531 Sparks Road

Zoning Advisory Committee Meeting of October 6, 2003

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

Additional Comments:

Add a comment that the garage is not to be used for residential purposes.

Reviewer: Wally Lippincott

Date: October 29, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 20, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-139, 04-147, and 04-149**
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 L. Lerman

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 21, 2003

FROM: *RWB* 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

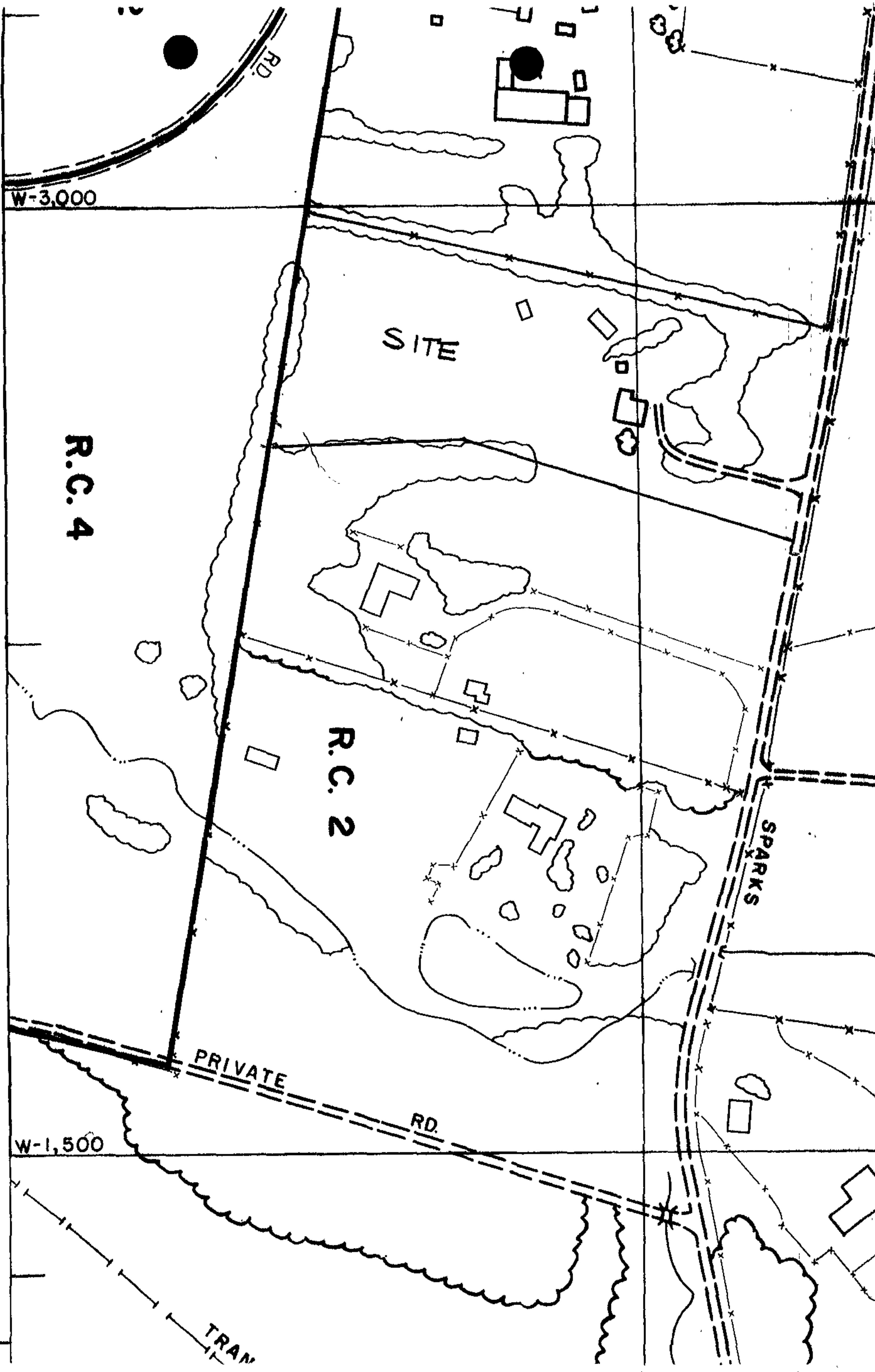
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

IMORE COUNTY PLANNING AND ZONING

(SHEET N.W. 22-A)



NW 23A

04-139A

1531 Sparks Road.

Garage to be
located here
trees to stay



Existing house - side view from
where garage would be
located.

1531 Sparks Road.



Petitioned
&
Proposed
Garage
Area
←



04-139-A

1531 Sparks Rd

Front ↓



Driveway to House



Front Yard.
From Sparks Rd

04-139-A



House on left next to property
1611 Sparks Rd.



View From Right Side of Property