IN RE: PETITION FOR ADMIN. VARIANCE
E/S of S. Rolling Road, 25 ft. NW
centerline of Park Drive
1st Election District
1st Councilmanic District
(117 S. Rolling Road)

Judith & Frederick Haynes

Petitioners

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-185-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property Judith and Frederick Haynes. The variance request is for property located at 117 S. Rolling Road in the Catonsville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a street/front yard setback of 14 ft. for an addition in lieu of the required 40 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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.

There is an existing driveway that comes in off of S. Rolling Road. The Petitioners want to retain that driveway to store a recreational vehicle that will not fit in the garage and also to provide onsite parking for visitors.

The Petitioner makes a strong case that the lot is so irregularly shaped that it presents special circumstances or conditions which are peculiar to the land or structure which is the subject of the variance request. The Petitioners indicated that security concerns, and their age

11/1/03 2000 - 11/1/03 and infirmity require easy access to their vehicles presumably free of ice and snow. It is fairly apparent that there is no other place to locate the garage on this irregularly shaped lot. Consequently, I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Therefore I will grant the variance with conditions which will provide better harmony with the spirit and intent of the regulations, and in a manner so as to grant relief without injury to the public health, safety and general welfare.

It is also to be noted that the proposal has been reviewed by the Office of Planning. Upon their review, it was recommended that the garage be designed so as to be aesthetically compatible with the existing dwelling. That is, the pitch of the roof shall be consistent with the existing dwelling as well as the color and material of the exterior walls (siding). Also, the garage door will not be a single door, but will be two single doors and landscaping shall be placed around the side (facing S. Rolling Road) and rear of the garage to screen the structure from adjacent public streets and residences.

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 day of November, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a street/front yard setback of 14 ft. for an addition in lieu of the required 40 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

11/103 De Grasser

- 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 shall be required to make the pitch of the roof consistent with the existing dwelling, as well as the color and material of the exterior walls (siding). In addition, the garage door will not be a single door as proposed, but will be two single doors;
- 3. The Petitioners shall have landscaping placed around the side (facing S. Rolling Road) and rear of the garage to screen the structure from adjacent public streets and residence; and
- 4. 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

11/1/03 12/1/03

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

November 17, 2003

Mr. & Mrs. Frederick Haynes 117 S. Rolling Road Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 04-185-A

Property: 117 S. Rolling Road

Dear Mr. & Mrs. Haynes

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

LES:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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TOR ADDITION 11 40++-	•
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of this petition form.	law of Baltimore County, for the reasons indicated on the
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, percentage and restrictions of Baltimore County adopted pursuant	osting, etc. and further agree to and are to be bounded by the z
	I/We do solemnly declare and affirm, under the penalties perjury, that I/we are the legal owner(s) of the property whis the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Frederick M. Haynes Name-Type or Bright
Signature	Signature M. Alenyou
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature & Haynes
Attorney For Petitioner:	Address Address Robbins RD 410-74
Name - Type or Print	Cottonaulle MD State 2122 City State Zip
Signature	Representative to be Contacted:
	SANC.
Company	Name
Address Telephone No.	Address Telephone
City State Zip Code	City State Zip C
A Public Rearing having been formally demanded and/or found to be	

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.

Address

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

REV 10/25/01

117 5. ROUING NO

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, 	-		State	Zip Code
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Signature M. May	nl-	Signature	a-K. Ha	ynes
Frederick M. Hayne Name - Type or Print	\$	Name - Type or F	K. Hayne	<u> </u>
STATE OF MARYLAND, COUNTY OF	F BALTIMORE, to	wit:		
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the Affiant(s) herein, personally known	or satisfactorily ide		Affiant(s).	<u></u>
	i i			
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		Notary Public Pager	K S. PATCHAK	<u> </u>
		My Commission Expire	es <u></u>	11/0/
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Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	1/7 5- Rour	va M	
	CATONSVILLE	M// State	Z/ZZ Zip Code
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Frederick M. Haynes Name - Type or Print	Name - Type		
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the Affiant(s) herein, personally known or satisfac	· Stave	HAYNで多 ich Affiant(s).	
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REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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owner(s) of the property situate in the made a part hereof, hereby petition	Baltimore County and which for a Variance from Section	ch is described in the decon(s)	escription and plat attac	ched hereto and
made a part hereof, hereby petition	for the	STERROLL STERROLL	5. C-1 1 BCZ	KIN D
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of this petition form.	i	aw of Dathinole County	, IOI tile reasons molea	ited on the baci
Property is to be posted and advert I, or we, agree to pay expenses of abore regulations and restrictions of Baltimor	ve Variance, advertising, pos	sting, etc. and further agre	e to and are to be bound nore County.	ded by the zoning
		I/We do solemnly de perjury, that I/we are is the subject of this	clare and affirm, under th the legal owner(s) of the Petition.	e penalties of property which
Contract Purchaser/Lessee;	1	Legal Owner(s):	; !	
	1	Frederick	_ M. Hayne	S
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		Judith K.	Haynes	······································
\ddress	Telephone No.	Name - Type or Print	/ K/2)
Ste	te Zip Code	Signature	· mayro	·····
Attorney For Petitioner:	·	Morney TIL	Rolling RD 41	0-747-649
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Narne - Type or Print		City	State	Zip Code
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Signature	•	SA		
Company	· · · · · · · · · · · · · · · · · · ·	Name	_ 	
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Sta	te Zip Code	City	State	Zip Code
A Public Hearing having been formally of his day of egulations of Baltimore County and that the	that the subject matter of the	required, it is ordered by this petition be set for a public	he Zoning Commissioner of hearing, advertised, as req	Baltimore County, uired by the zoning
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į ;		Zoning Comm	nissioner of Baltimore Count	•
CASE NO. 04-18	5 / // Rev	lewed By	Date	0.03

Estimated Posting Date __

ZONING DESCRIPTION FOR		ad, Catonsville, MD 21228 lress)
Beginning at a point on the	EAST	side of
	(north, south east or west)
S. Rolling RD	which is	50' P/W
(name of street on which propert	y fronts) (number	r of feet of right-of way width)
wide at the distance of 25 (number		of the south, east or west)
centerline of the nearest improved	d intersecting street PA	nk bol (name of street)
which is 50 FEE+ (number of feet of rig	P/W windth)	de. *Being Lot#_15
Block, Section#	in the subdivision of	Summit Park(name of subdivision)
as recorded in Baltimore County	Plat Book#	Folio#71,
containing 0,24 ACNE (square feet or acre		117 South Rolling Road. (property address)
and located in theElec	ction District,C	Council manic District.

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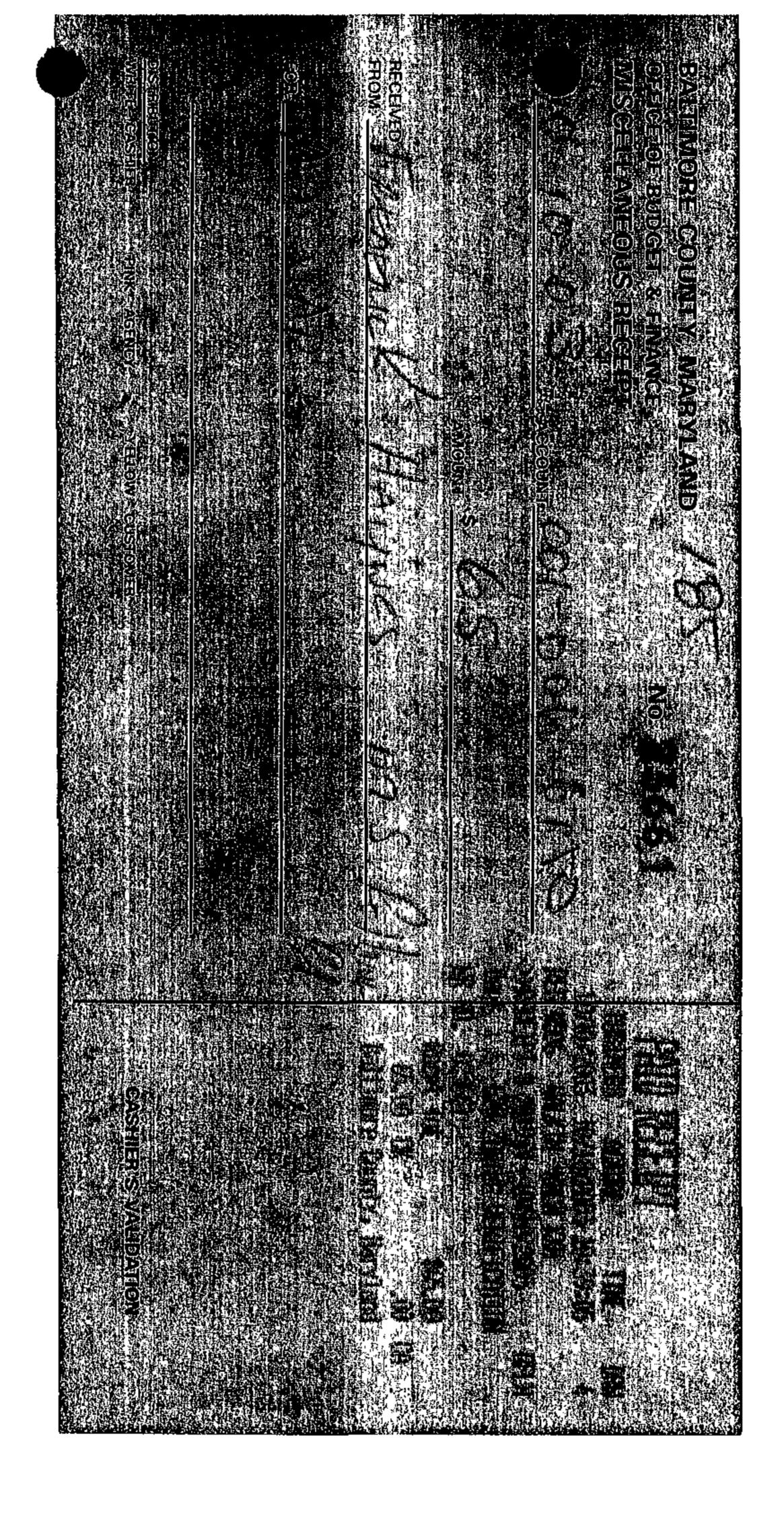
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RE:	Case No.: 04-185-A
	Petitioner/Developer:
	Frederick Haynes
	Date of Hearing/Closing: 11-03-03

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 <a href="https://www.ncap.com/

Catonsville, MD 21228



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Sincerely,

(Signature of Sign Poster and Date)

Stacy Gardner

Shannon-Baum Signs, Inc. 105 Competitive Goals Dr.-

Elders burg, MD 21784. 410-781-4000

(City, State, Zip Code)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Department of Permits and Development Management

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





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

November 3, 2003

Frederick Haynes
Judith Haynes
117 South Rolling Road
Catonsville, MD 21228

Dear Mr. and Mrs. Haynes:

RE: Case Number: 04-185-A, 117 S. Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 10, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callilal D

WCR:klm

Enclosures

c: People's Counsel



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



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 27, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 27, 2003

Item No.:

183-194 \X

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



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

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

JCM

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 16.28.03

Baltimore County

Item No. 185

RE:

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

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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

117 South Rolling Road

INFORMATION:

Item Number:

04-185

Petitioner:

Frederick M. Haynes

Zoning:

DR 2

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the exterior façade and architectural design of the proposed addition is similar to the existing dwelling. The petitioner should submit building elevation of the proposed addition to this office for review and approval prior to the issuance of any building permits.

For further information concerning the issues stated herein, contact Dennis Wertz at 410-887-3480

Prepared by:

Section Chief:

AFK/LL:MAC:

KECEIVED

DATE: November 4, 2003

NOV - 4 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 13, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 3, 2003 Items Nos. 183, 184, (85, 186, 187, 188, 189, 190, 191, 192, 193, and 194

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

RWB:CEN:jrb

cc: File



Andrew Lohmeyer, Owner
124 Pleasant Hill Road
Owings Mills, Maryland 21117
Phone: 410-415-7023

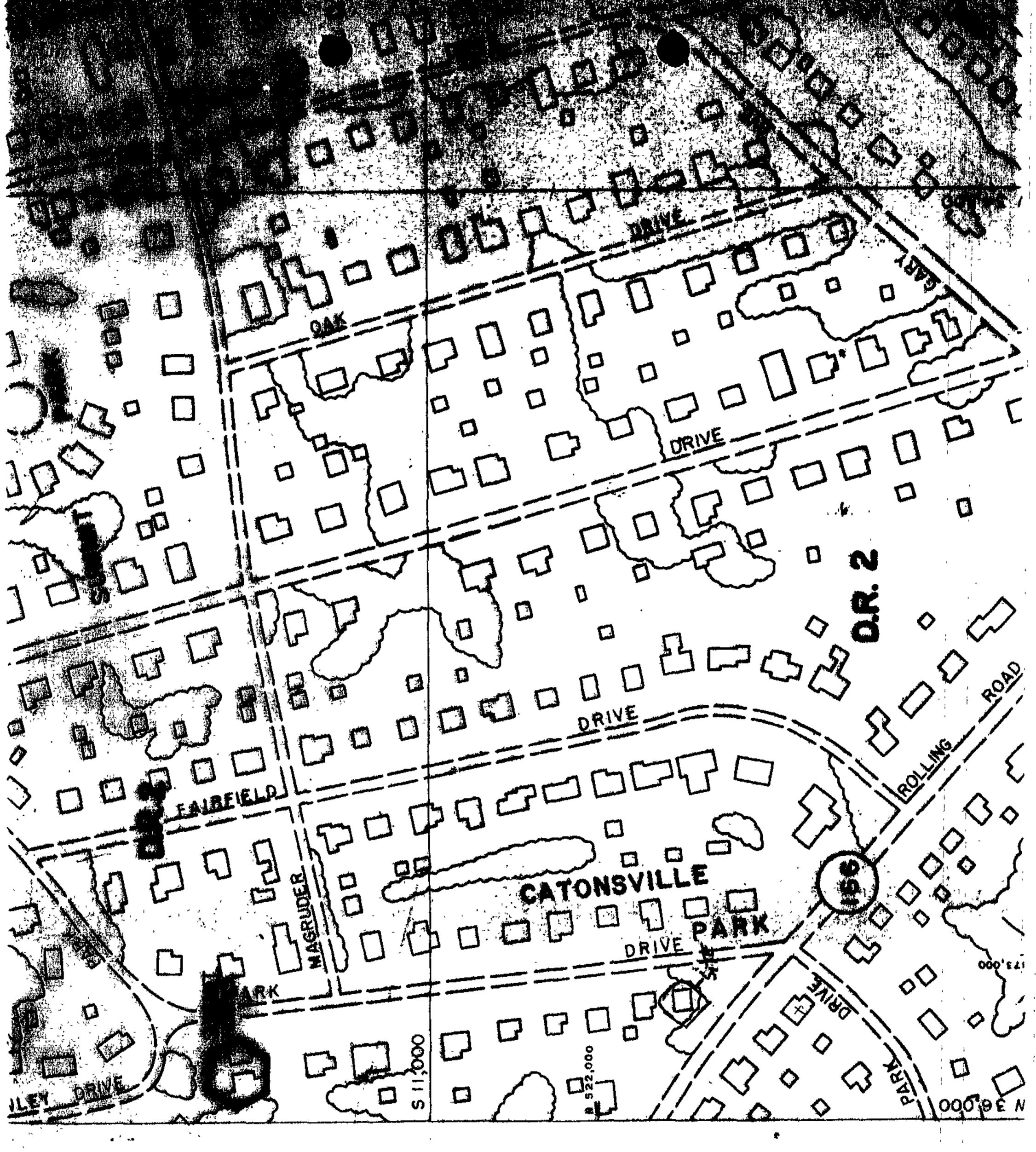
Fax: 410-363-0917

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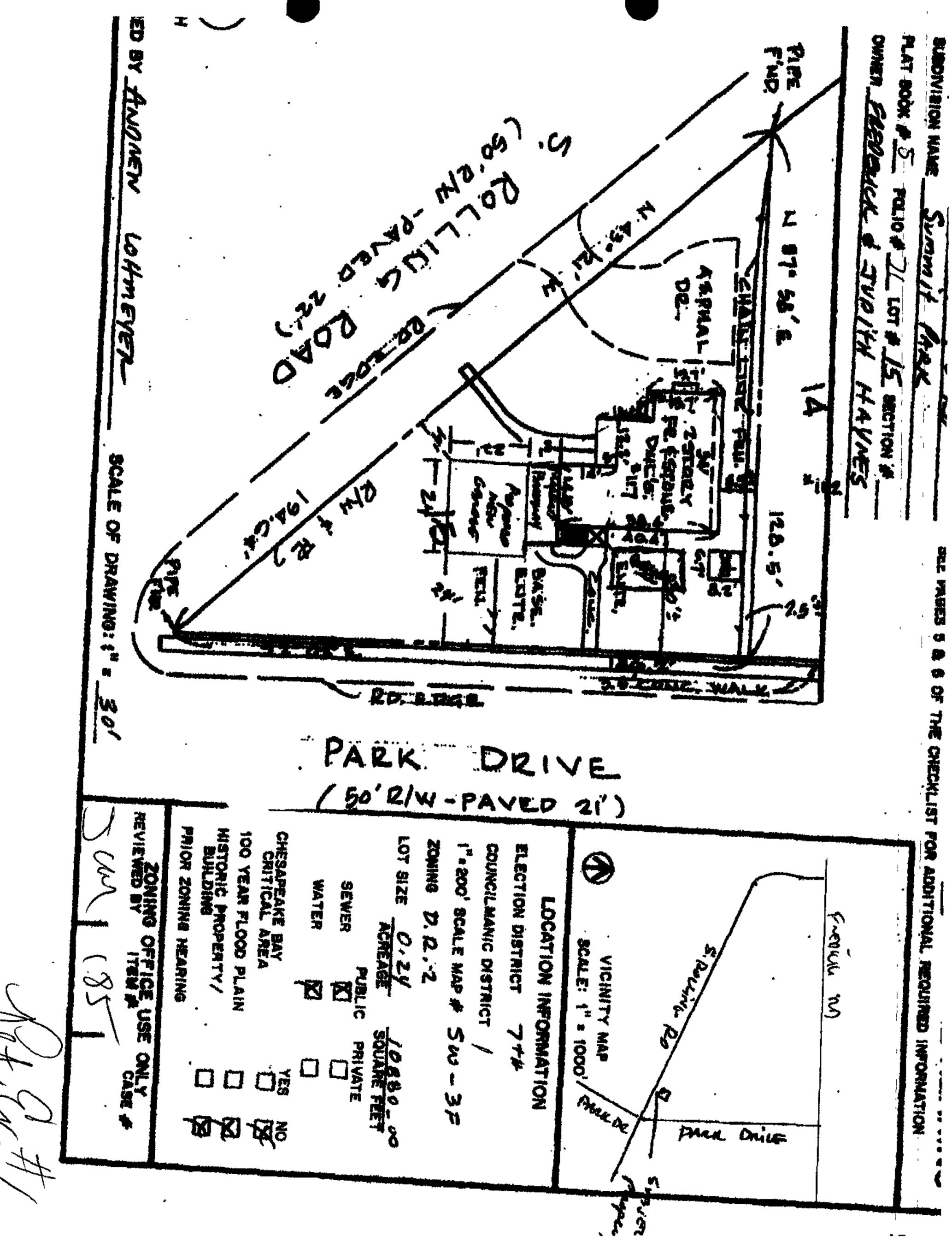
MR & MRS HAYNES 117 S. ROLLING RD CATONSVILLE, MD 21228 (410-747-6492) 10-3-03

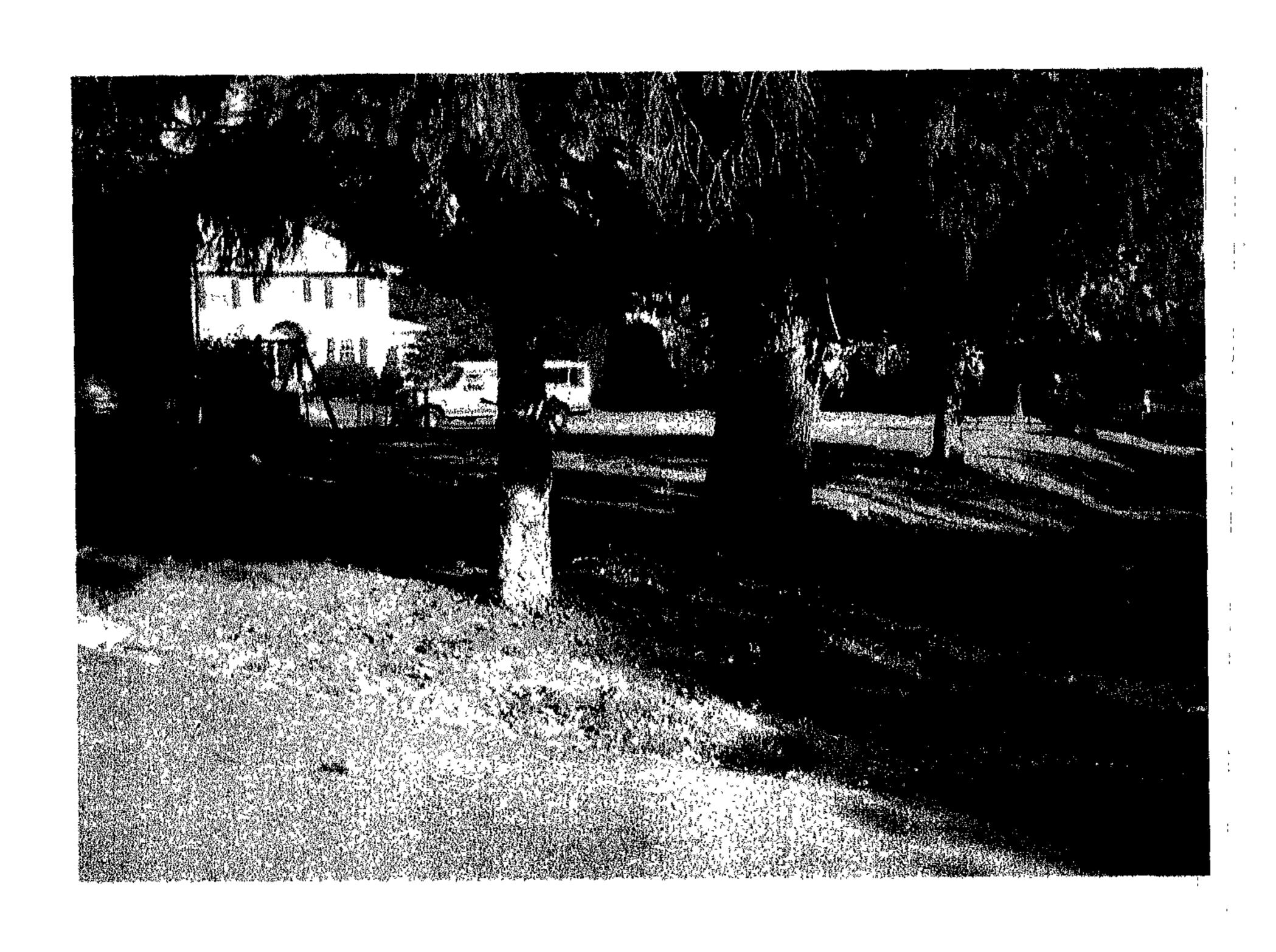
I UNDERSTAND THAT FRED AND JUDY HAYNES, MY NEIGHBORS LOCATED ON THE CORNER OF S. ROLLING RD AND PARK RD ARE GOING TO BUILD A 2 CAR GARAGE. THEY HAVE HIRED A. LOHMEYER CONTRACTORS TO BUILD THE 2 CAR GARAGE. THE GARAGE WILL FACE PARK RD AND SIT BACK FROM THE ROAD APPROX. 25'. THE GARAGE WILL BE APPROX. 16' OFF OF S. ROLLING RD. THE GARAGE SIZE WILL BE 22' X 24' DEEP. I HAVE NO OBJECTIONS TO THE CONSTRUCTION OF MY NEIGHBORS GARAGE AS DESCRIBED ABOVE.

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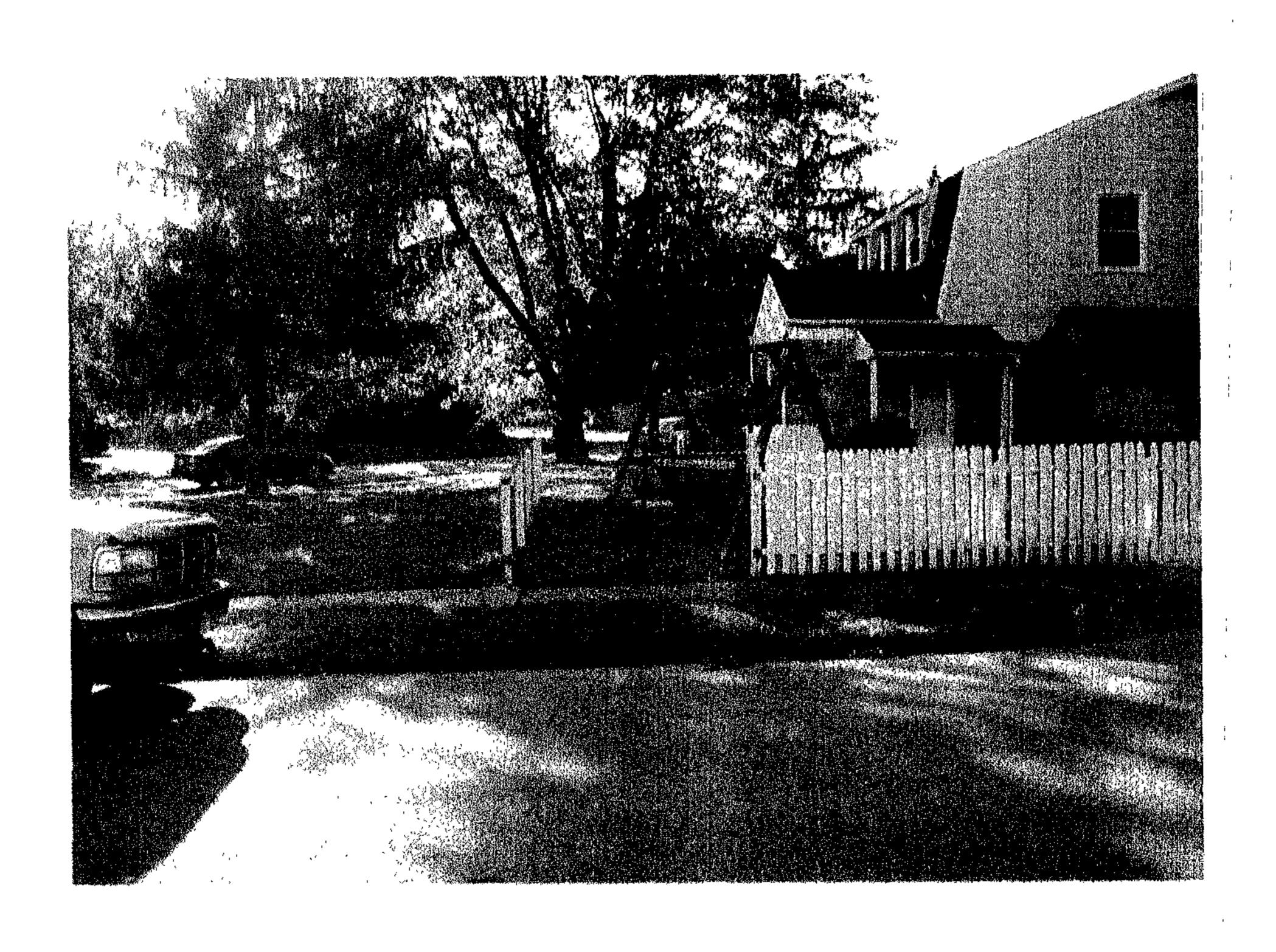


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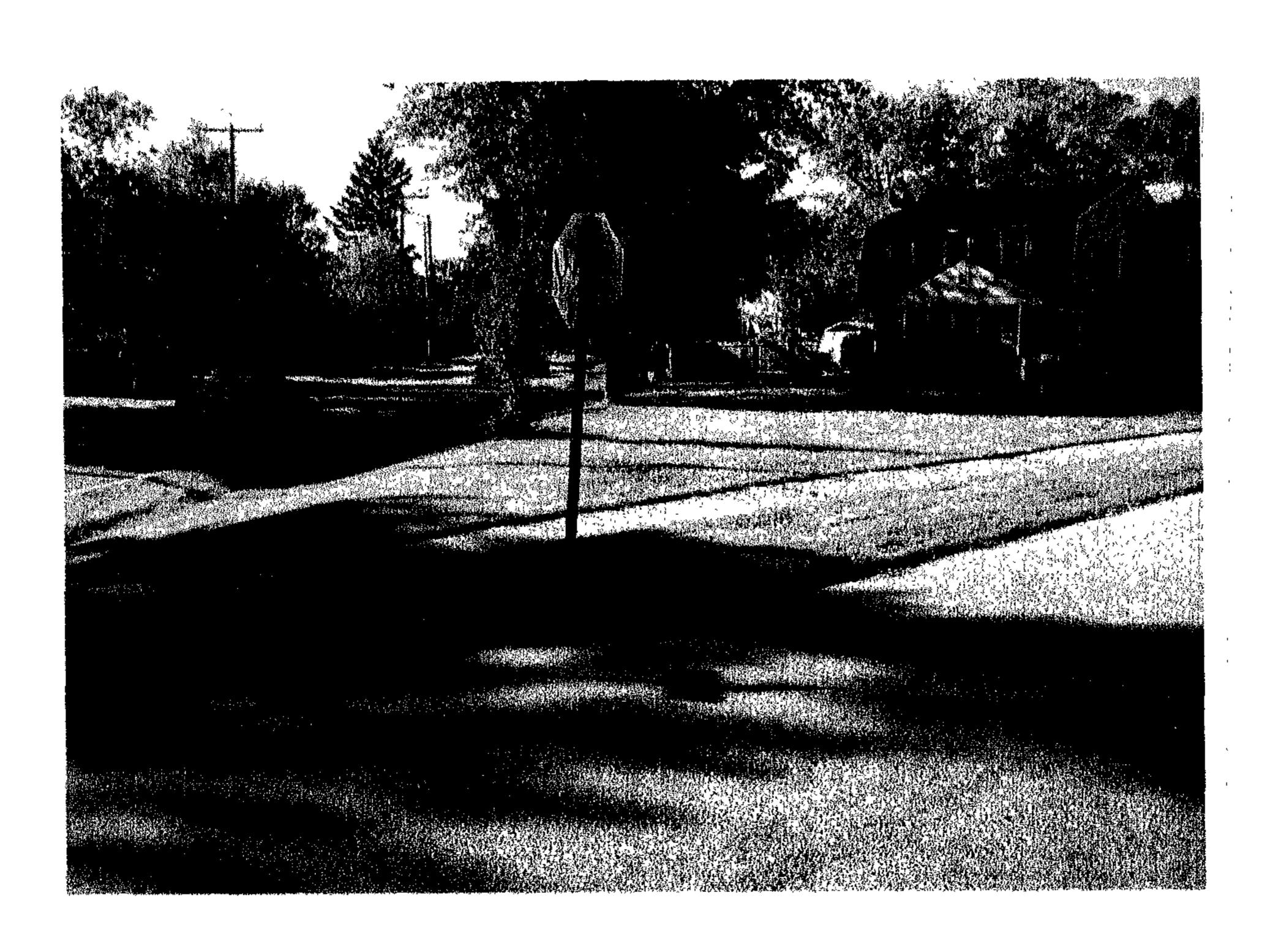




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PIGHT SIPE



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Front



