

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Statewood Road, 500 ft. S
centerline of Berryman's Lane
4th Election District
4th Councilmanic District
(12222 Statewood Road)

Tyrone H. Cloyd
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-243-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Tyrone H. Cloyd. The variance request is for property located at 12222 Statewood Road, which property is located in the Reisterstown area of Baltimore County. The variance request is from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 16 ft. in lieu of the required 22.5 ft. for a deck. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for 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

12/10/03
J. R. Jernigan

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 th10 day of December, 2003, that a variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 16 ft. in lieu of the required 22.5 ft. for a deck, 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 his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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

CRD
DATE 12/10/03
R. Jamison

Zoning Commission

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

December 10, 2003

Mr. Tyrone H. Cloyd
12222 Statewood Road
Reisterstown, Maryland 21136

Re: Petition for Administrative Variance
Case No. 04-243-A
Property: 12222 Statewood Road

Dear Mr. Cloyd:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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

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 12222 STATEWOOD ROAD
Address
REISTERSTOWN, MD 21136
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):

- PRACTICAL DIFFICULTY**
1. BRL RESTRICTS SIZE OF DECK FOR ENTERTAINMENT NEEDS.
 2. EQUALS SIZE OF OTHER NEIGHBORHOOD DECKS.
 3. SCREENED GAZEBO AVOIDS INSECT POPULATION
 4. DECK PROJECTION W/O VARIANCE WOULD ONLY ALLOW 9 1/2 FEET

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.

Tyrone H. Cloud Sr.
Signature
TYRONE H. CLOUD SR
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of September, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Leslie D. West
Notary Public
My Commission Expires _____
LESLIE D. WEST
Notary Public, State of Maryland
My Commission Expires October 1, 2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12222 STATEWOOD ROAD
which is presently zoned D.R.-3.5

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)

301.1A to permit a rear yard setback of 16 ft. in lieu of the required 22.5 ft. for a deck.

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):

TYRONE H. CLOYD SR
Name - Type or Print _____

[Signature]
Signature _____

Name - Type or Print _____

Signature _____ 410

12222 STATEWOOD ROAD 571-2763
Address _____ Telephone No. _____

REISTERSTOWN, MD 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

AP CURTIS
Name _____

5292 CORNCOCKLE CT. 410-707-5818
Address _____ Telephone No. _____

COLUMBIA MD 21045
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. 04-243-A

Reviewed By BK Date 11/13/03

REV 10/25/01

Estimated Posting Date 11/23/03

ZONING DESCRIPTION

Zoning Description For 12222 Statewood Road

Beginning at a point on the West side of Statewood Road which is 50 feet wide at the distance of 500 feet south of the centerline of the nearest improved intersecting street Berrymans Lane which is 80 feet wide. Being Lot # 66, in the subdivision of the Shipley Property as recorded in Baltimore County Plat Book # 74, Folio 112, containing 7,344 square feet. Also known as 12222 Statewood Road and located in the 4th Election District, 4th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **50535**

DATE 11/12/03 ACCOUNT 18001-006-615

AMOUNT \$ 65.00

RECEIVED FROM Tyosha Claydon St.

FOR Abm. inst. for Corrocare

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

ITOM 4243

PAID RECEIPT

BUSINESS REVIEW TIME DAY
11/22/2003 11/22/2003 09:49:20
RECEIVED 11/22/2003
RECEIPT # 290725 11/22/2003
DET. 5 521 ZONE VERIFICATION
IN NO. 00535
Need for \$65.00
\$65.00 EX 1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-243-A

Petitioner/Developer: TYRONE CLOYD, SR.

Date of Hearing/Closing: 12/8/03

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

ATTN: Becky Hart ((410) 887-3394)

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:

12222 STATEWOOD RD

The sign(s) were posted on

11/22/03
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster)

11/22/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

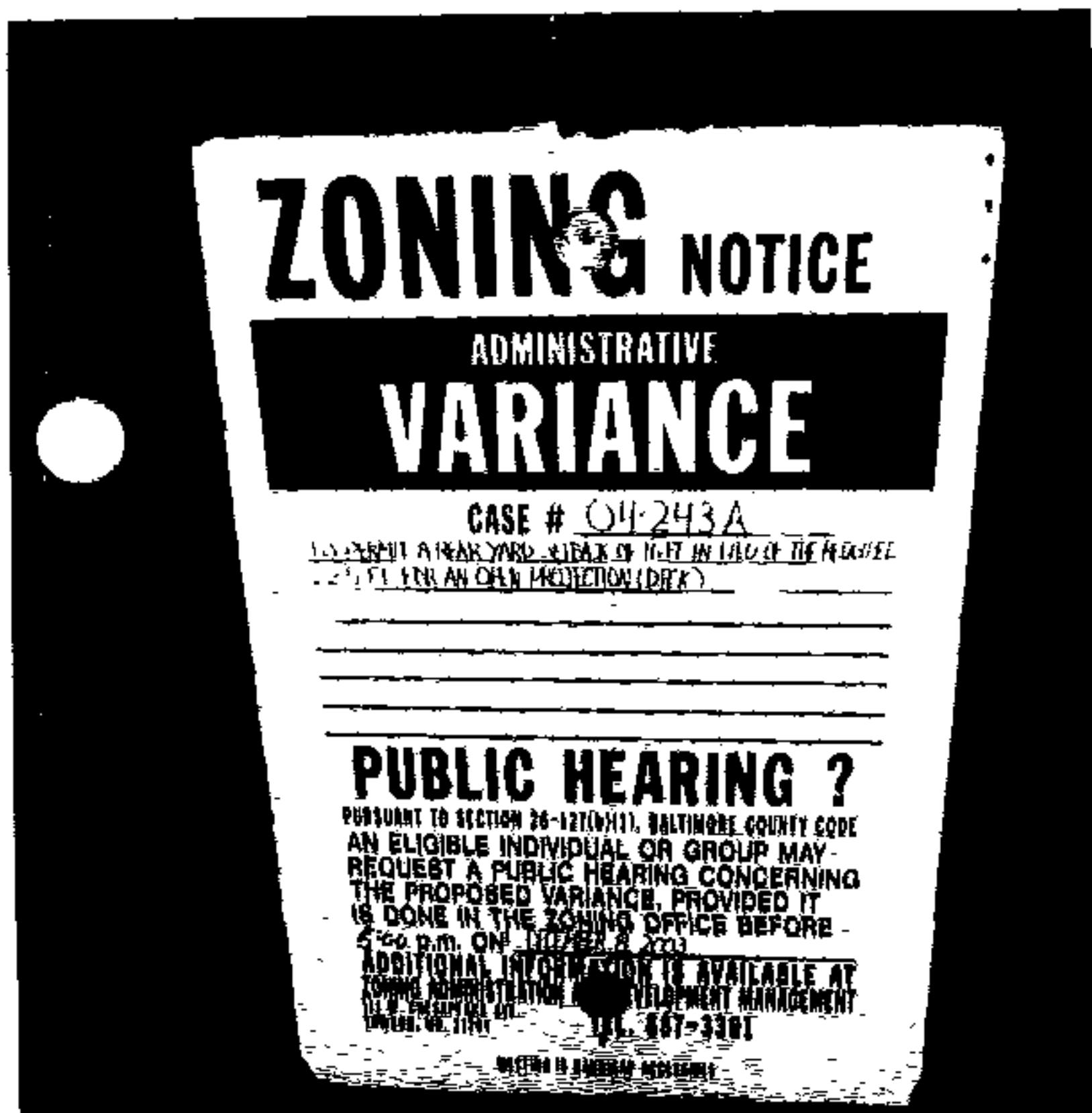
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RECEIVED

NOV 25 2003

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number **04**- 243 -A Address 12222 Statewood Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/12/03 Posting Date: 11/23/03 Closing Date: 12/8/03

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**- 243 -A Address 12222 Statewood Rd.

Petitioner's Name Tyrone Cloyd, Sr. Telephone 410-517-2763

Posting Date: 11/23/03 Closing Date: 12/8/03

Wording for Sign: To Permit a rear yard setback of 16 ft. in lieu of the
required 22.5 ft. for an open projection (deck).

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 04-243-A
Petitioner: TYRONE H. CLOYD, SR.
Address or Location: 12222 STATEWOOD ROAD, REISTERSTOWN, MD 21136

PLEASE FORWARD ADVERTISING BILL TO

Name: TYRONE H. CLOYD
Address 12222 STATEWOOD ROAD
REISTERSTOWN, MD 21136

Telephone Number: 410 | 517-2763



Baltimore County
Department of Permits and
Development Management

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

December 9, 2003

Mr. Tryone H. Cloyd, Sr.
122222 Statewood Road
Reisterstown, MD 21136

Dear Mr. Cloyd:

RE: Case Number:04-243-A , 122222 Statewood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 12, 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:rlh

Enclosures

c: People's Counsel



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.26.03

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

RE: Baltimore County
Item No. 243 BPR

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,

1/

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

DATE: December 2, 2003

RECEIVED

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

DEC 2 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case 04-243 – 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:

Lynne Finkbeiner

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 1, 2003
Item Nos. 234, 236, 237, 239, 240, 241,
242, 243, 244, 245, 251, 252, 253, 254,
and 255

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

RWB:CEN:jrb

cc: File

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-243-A

Date Completed/Initials

11-24-03

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

¹¹⁻²²
ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

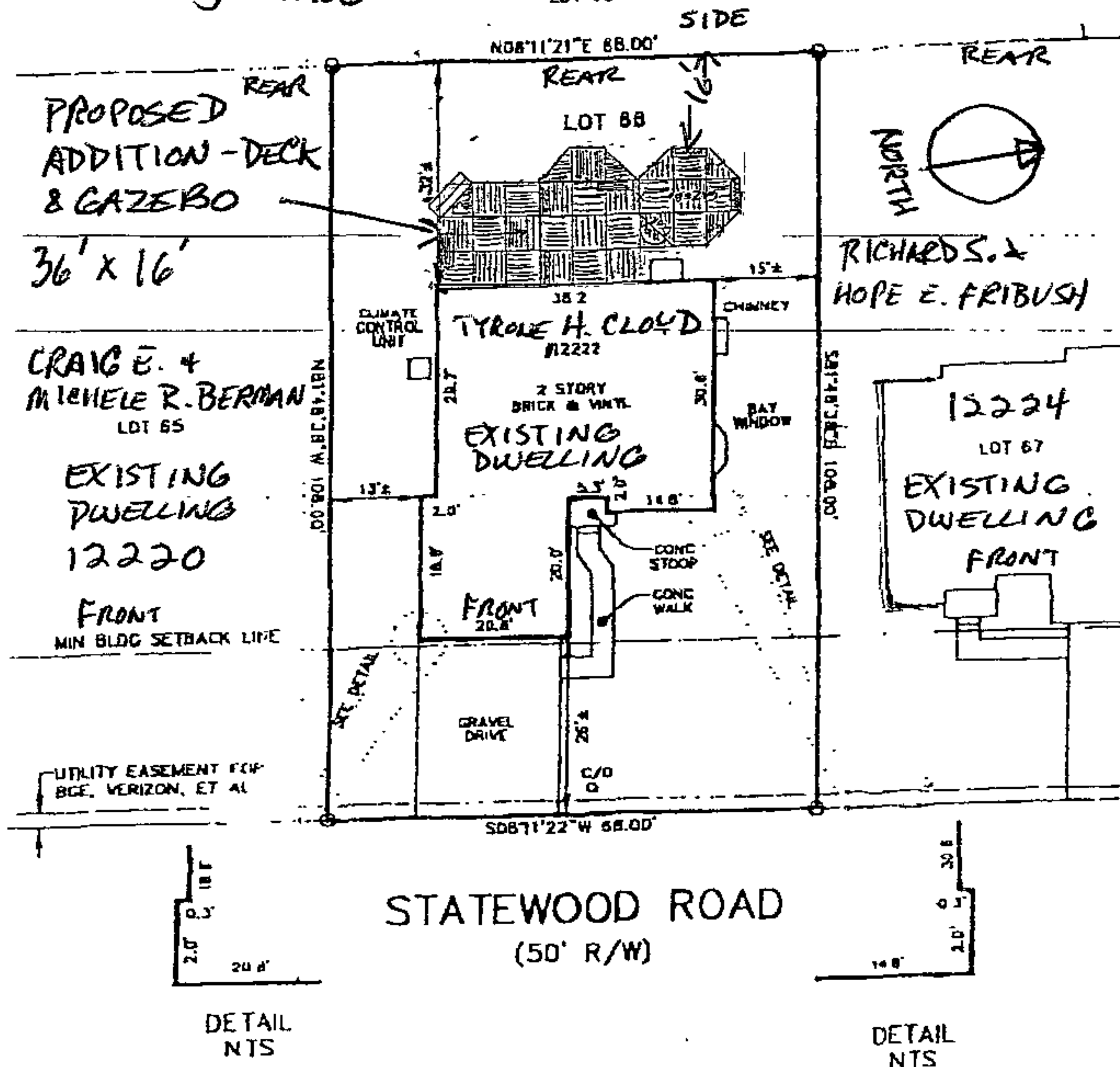
COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE
 PROPERTY ADDRESS 12222 STATEWOOD ROAD
 SUBDIVISION NAME SHIPLEY PROPERTY
 PLAT BOOK # 74 PAGE # 112 LOT # 66
 OWNER TYRONE H. CLOYD, SR.

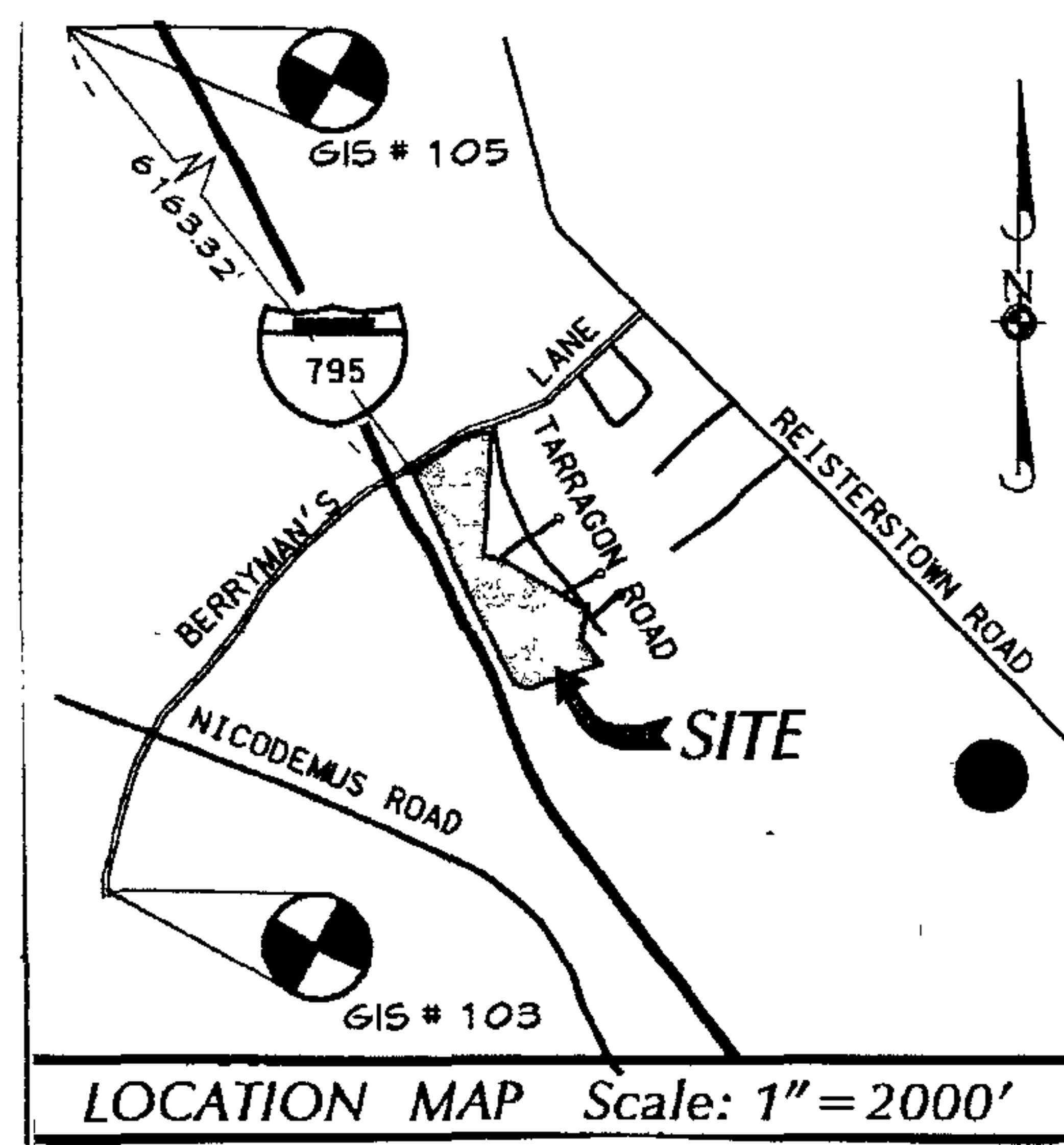
ROBERT E., JR. + JANIS R. JEFFERSON
 LOCATION DRAWING

5 MAGGIES COURT LOT 88



PREPARED BY APC

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 4TH
 COUNCILMANIC DISTRICT 4TH
 1" = 200' SCALE MAP # NW 14J + 14K
 ZONING DR 3.5
 LOT SIZE .1688 7344 ±
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE	
SEWER	✓	—	
WATER	✓	—	
CHESAPEAKE BAY CRITICAL AREA	—	—	YES NO
100 YEAR FLOOD PLAIN	—	—	✓
HISTORIC PROPERTY/BLDG	—	—	✓
PRIOR ZONING HEARING	—	NONE	—

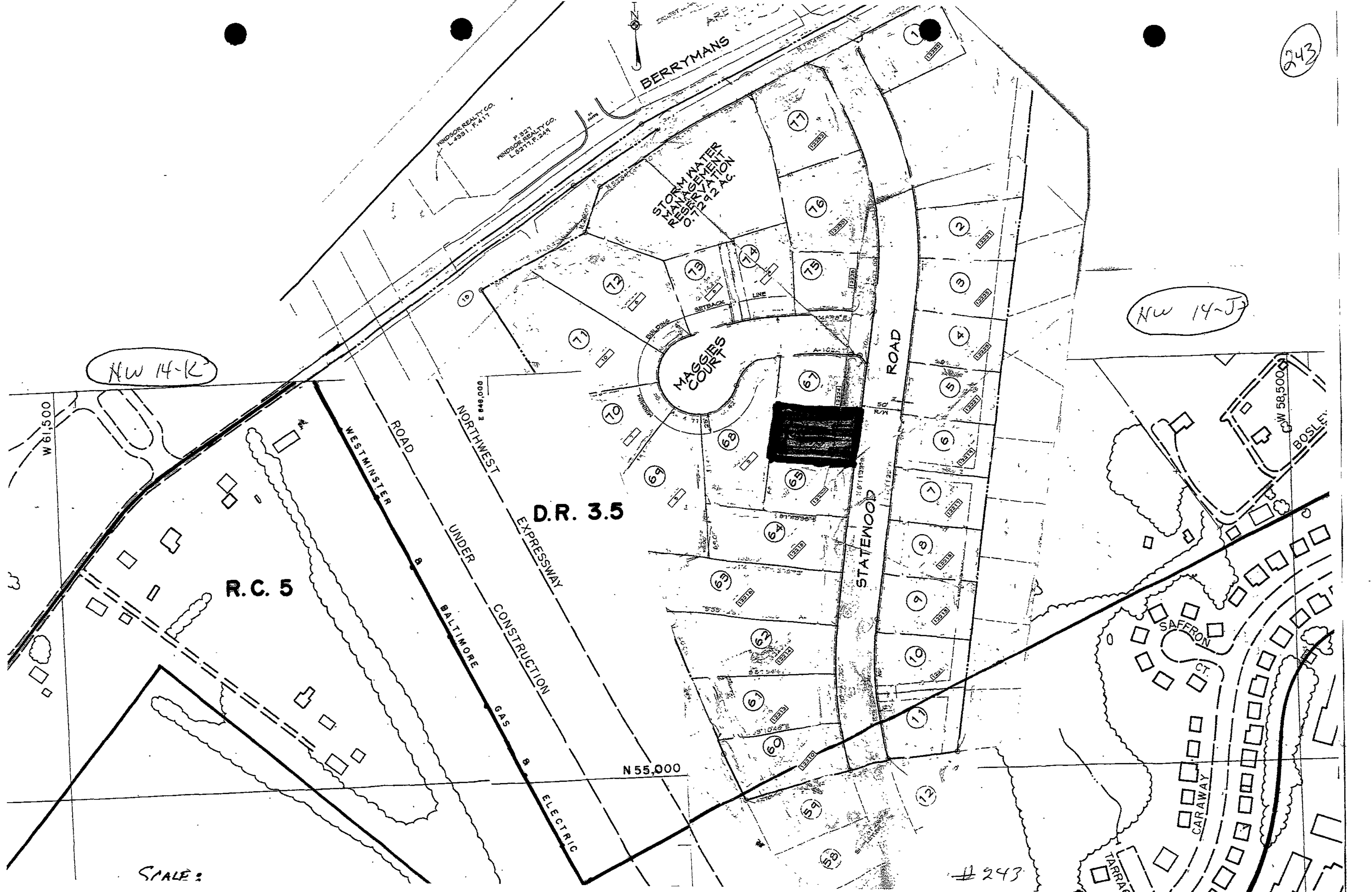
Ret. Ex. #1

BR #243 04-243-A

243

NW 14-J

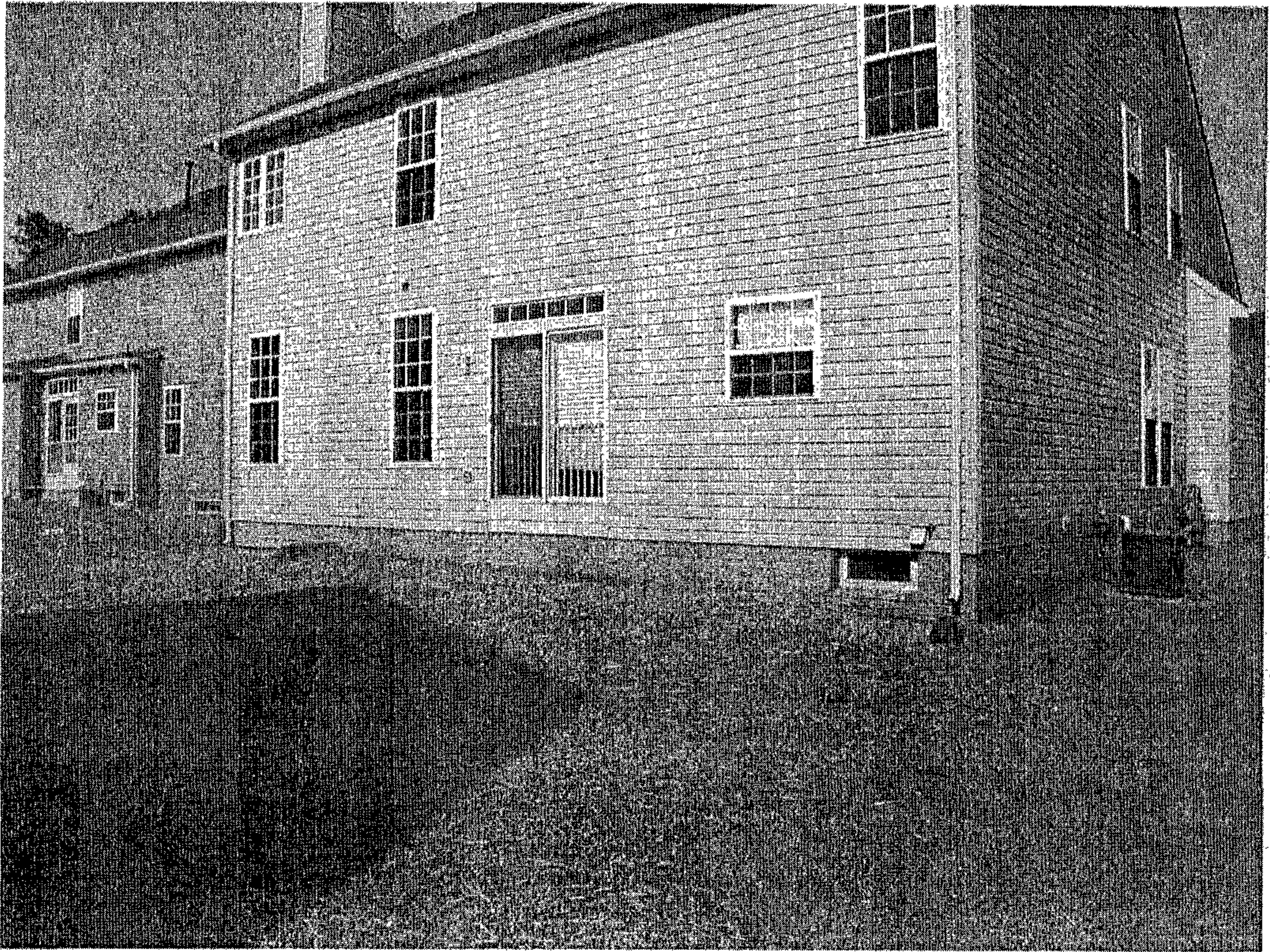
NW 14-K



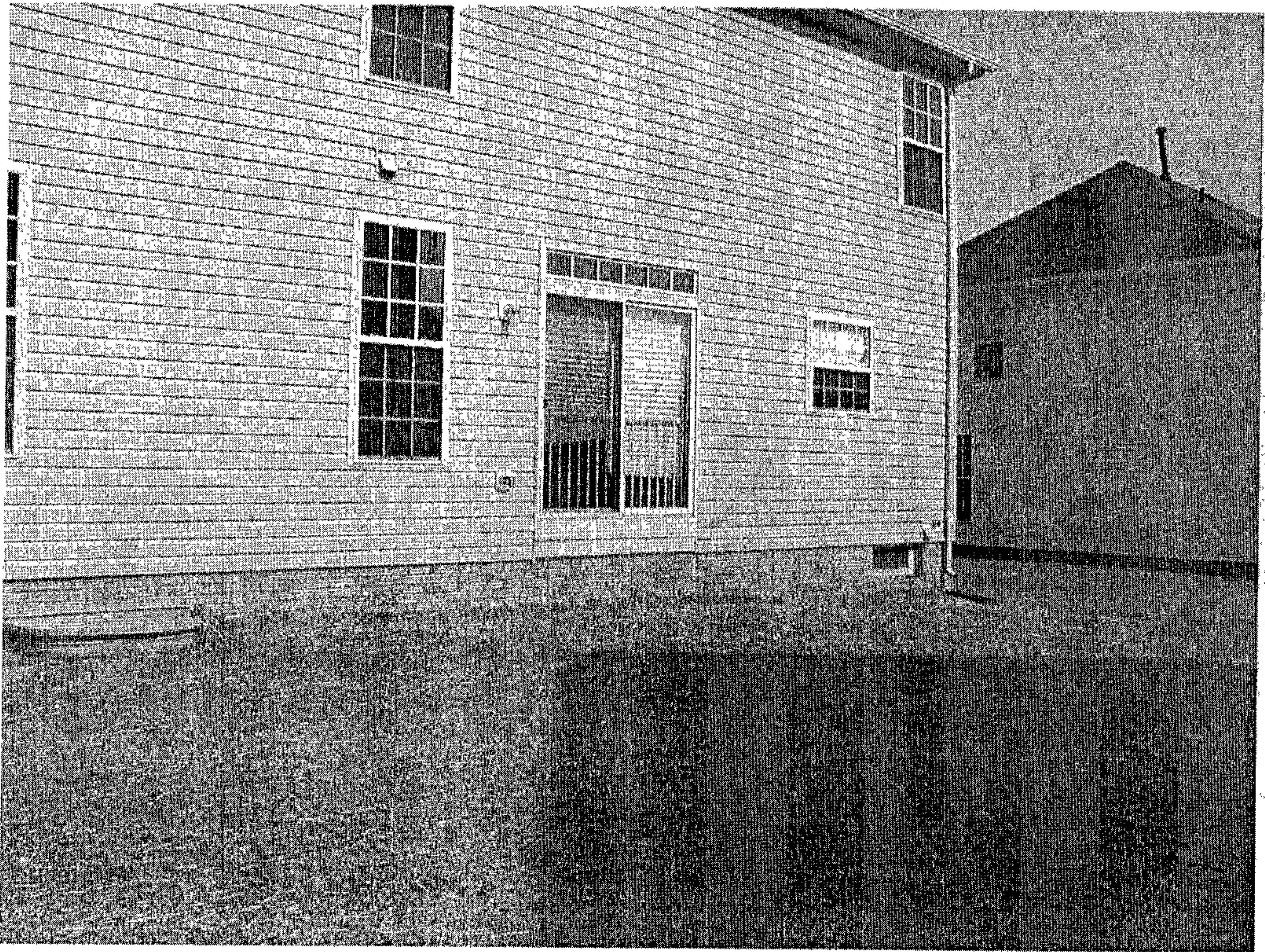
SCALE:

243

CLOYD HOUSE
12222 STATEWOOD ROAD



CLOYD HOUSE
12222 STATEWOOD ROAD



#243

12222 STATEWOOD ROAD

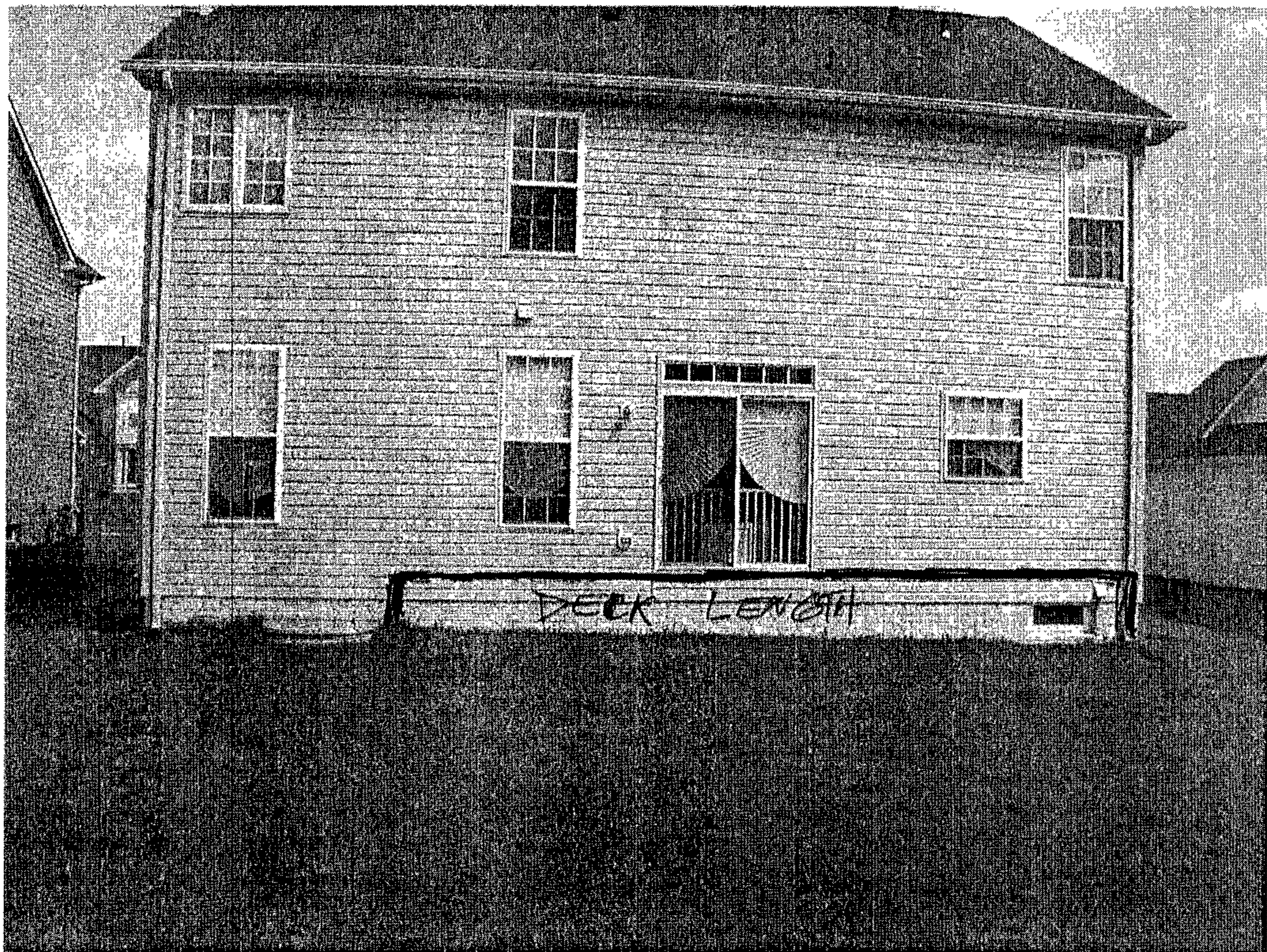
← CLOYD
HOUSE
FROM FRONT
RIGHT

20007
C

#243



12222 STATEWOOD ROAD

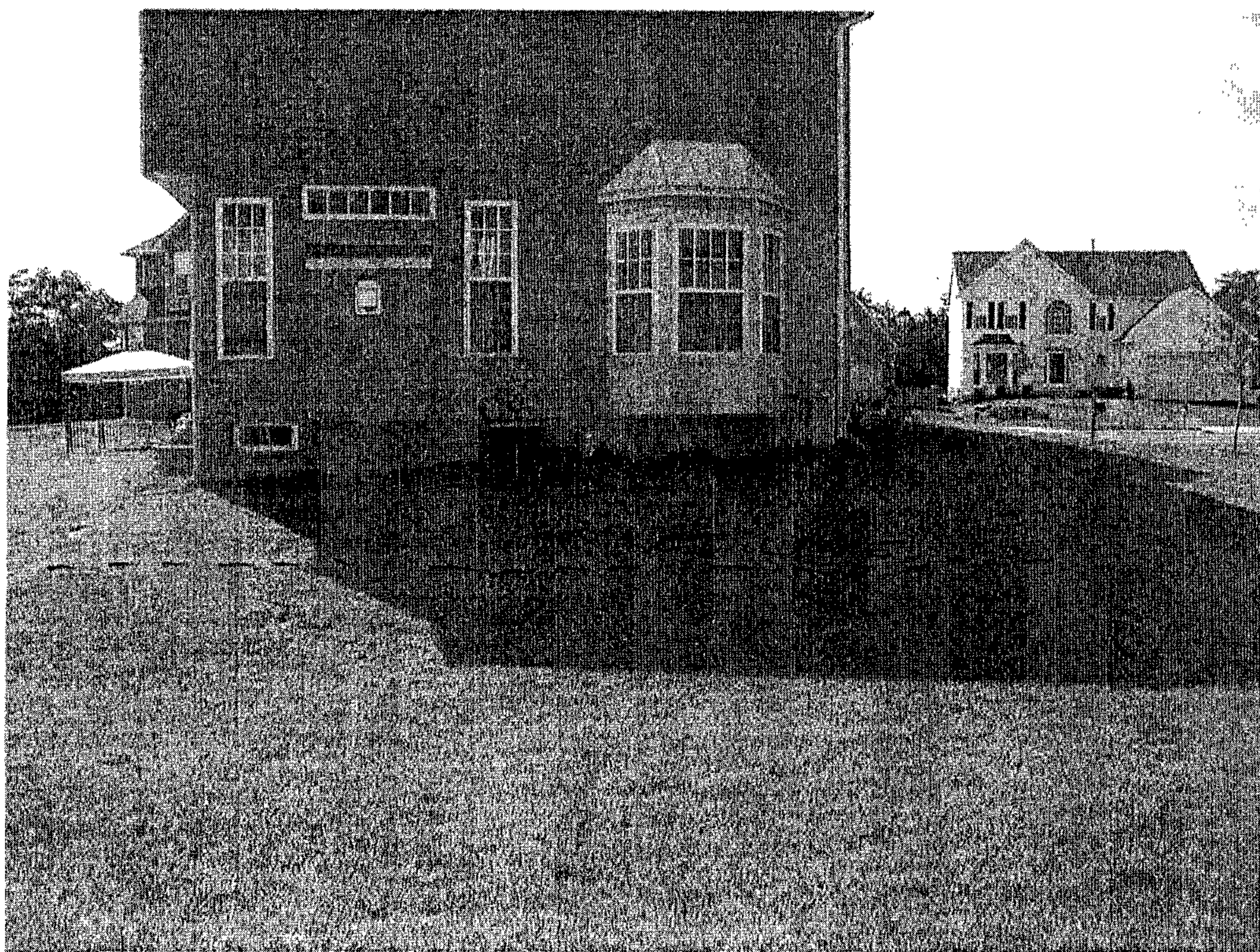


CLOYD HOUSE REAR VIEW

12222 STATEWOOD ROAD

243

243



VIEW TO REAR OF CLOYD HOUSE
12222 STATEWOOD ROAD