

IN RE: PETITION FOR ADMIN. VARIANCE
N/s of Belfast Road, 775 ft. W
centerline of Priceville Road
8th Election District
3rd Councilmanic District
(820 Belfast Road)

Annette & Gregory Merrill
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-248-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 owners of the subject property, Annette and Gregory Merrill. The variance request is for property located at 820 Belfast Road in the Butler area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached garage in the side yard in lieu of the rear yard. 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.

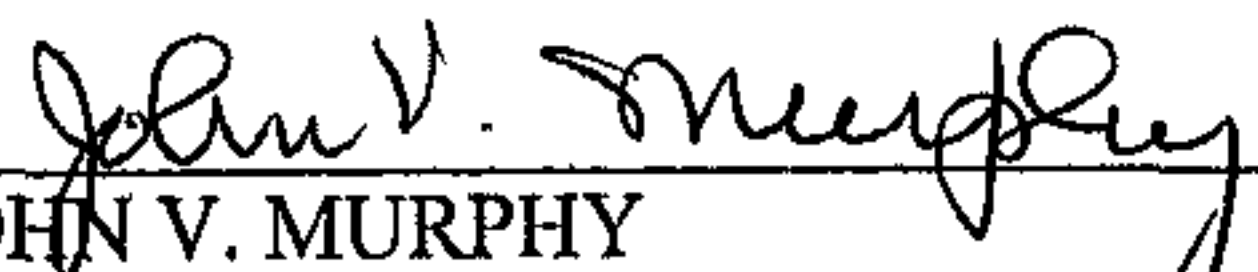
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER
Date 12/10/03
By R. J. [Signature]

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 10 day of December, 2003, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached garage in the side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

000000
12/10/03
R. Jensen

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

December 10, 2003

Mr. & Mrs. Gregory Merrill
P. O. Box 166
Butler Maryland 21023

Re: Petition for Administrative Variance
Case No. 04-248-A
Property: 820 Belfast Road

Dear Mr. & Mrs. Merrill:

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 820 BELFAST ROAD
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 TO PERMIT A DETACHED

GARAGE IN THE SIDE-YARD IN LIGW OF THE REAR YARD

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 GREGORY MERRILL

Signature Gregory Merrill

Name - Type or Print ANNETTE MERRILL

Signature Annette Merrill

Address P.O. Box 166 410-472-0610

City BUTLER MD 21023

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, 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. 04-242-A

Reviewed By SPJ Date 11-13-03

REV 10/25/01

Estimated Posting Date 11-23-03

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

Address 820 BELFAST ROAD
City SPARKS State MD Zip Code 21152

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):

- We would like to have a two-car garage for personal use at our house
- Our house is on the historical inventory so that we cannot add an attached garage to the side of the house.
- Due to their condition, size, and location, the existing detached buildings cannot be used as a garage.
- The entire property has a fairly consistent 30% slope from the road to the back line. Therefore, any driveway to a garage behind the house would be much too steep. Because there is some terracing near Belfast Road, a driveway of reasonable slope can be used with the proposed garage location.
- Construction of a new detached building forward of the back line of the house is the only practical alternative for a garage on this property.
- The front of the proposed garage is in line with the front of the house.

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.

Signature Gregory Merrill

Name - Type or Print GREGORY MERRILL

Signature Annette S. Merrill

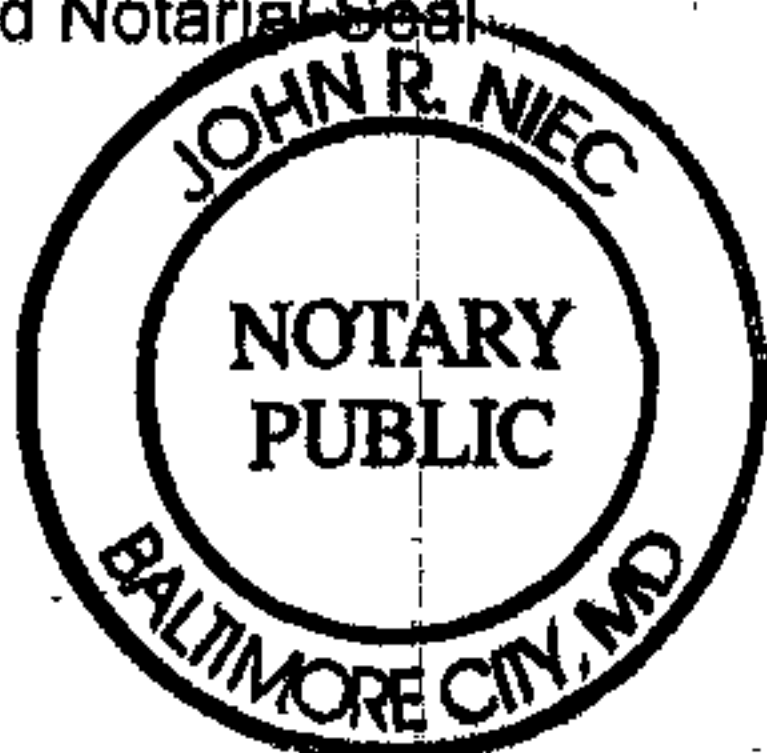
Name - Type or Print ANNETTE MERRILL

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

Gregory Merrill - Annette S. Merrill
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Signature John R. Niec
Notary Public

My Commission Expires _____

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

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City SPARKS State MD Zip Code 21152

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):

- We would like to have a two-car garage for personal use at our house
- Our house is on the historical inventory so that we cannot add an attached garage to the side of the house.
- Due to their condition, size, and location, the existing detached buildings cannot be used as a garage.
- The entire property has a fairly consistent 30% slope from the road to the back line. Therefore, any driveway to a garage behind the house would be much too steep. Because there is some terracing near Belfast Road, a driveway of reasonable slope can be used with the proposed garage location.
- Construction of a new detached building forward of the back line of the house is the only practical alternative for a garage on this property.
- The front of the proposed garage is in line with the front of the house.

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.

Signature Gregory Merrill
Name - Type or Print GREGORY MERRILL

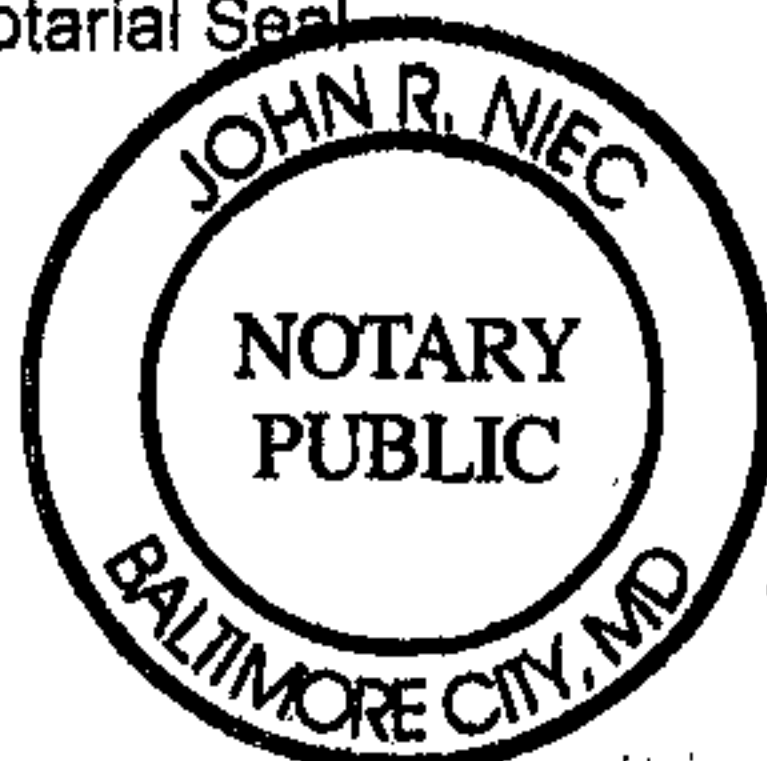
Signature Annette S. Merrill
Name - Type or Print ANNETTE MERRILL

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

Gregory Merrill - Annette S. Merrill
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Signature John R. Niec
Notary Public
My Commission Expires JOHN R. NIEC

Notary Public State of Maryland
My Commission Expires January 30, 2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 820 BELFAST ROAD
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 To Permit A Detached

GARAGE IN THE SIDE YARD IN LIEU OF THE REAR YARD.

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):

GREGORY MERRILL
Name - Type or Print

Gregory Merrill
Signature

ANNETTE MERRILL
Name - Type or Print

Annette Merrill
Signature

P.O. Box 166 410-472-0010
Address Telephone No.

BUTLER MD 21023
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 11 day of NOV 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. 04248-7

Reviewed By SPJ Date 11-13-03

REV 10/25/01

Estimated Posting Date 11-23-03

ZONING DESCRIPTION FOR 820 BELFAST ROAD

Beginning at a point on the north side of Belfast Road, which is a 21 foot wide paved street, at the distance of 775 feet west of the centerline of the nearest improved intersecting street, Priceville Road, which is a paved 21 foot wide street. Being Lot #2 on the "Plat of the R. Nichols Property" as recorded in Baltimore County Plat Book S.M. No. 56, Folio 97, containing 1.8659 acres. Also known as 820 Belfast Road and located in the 8th Election District, 3rd Councilmanic District.

04.248-A

BALTIMORE COGNITIVE MARKETING
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 2010012

DATE

12/01/07

AMOUNT

\$0.00

FROM

TO

RECEIVED

BY

FOR

DATE

AMOUNT

FROM

TO

RECEIVED

BY

FOR

DATE

AMOUNT

FROM

TO

DISTRICT

AGENCY

PROGRAM

PROJECT

DESCRIPTION

REMARKS

SIGNATURE

DATE

TIME

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: BECKY HART Date: November 23, 2003

RE: Case Number 04-248-A
Petitioner/Developer: GREG MERRILL
Date of Hearing/Closing: DECEMBER 8, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 820 BELFAST ROAD

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

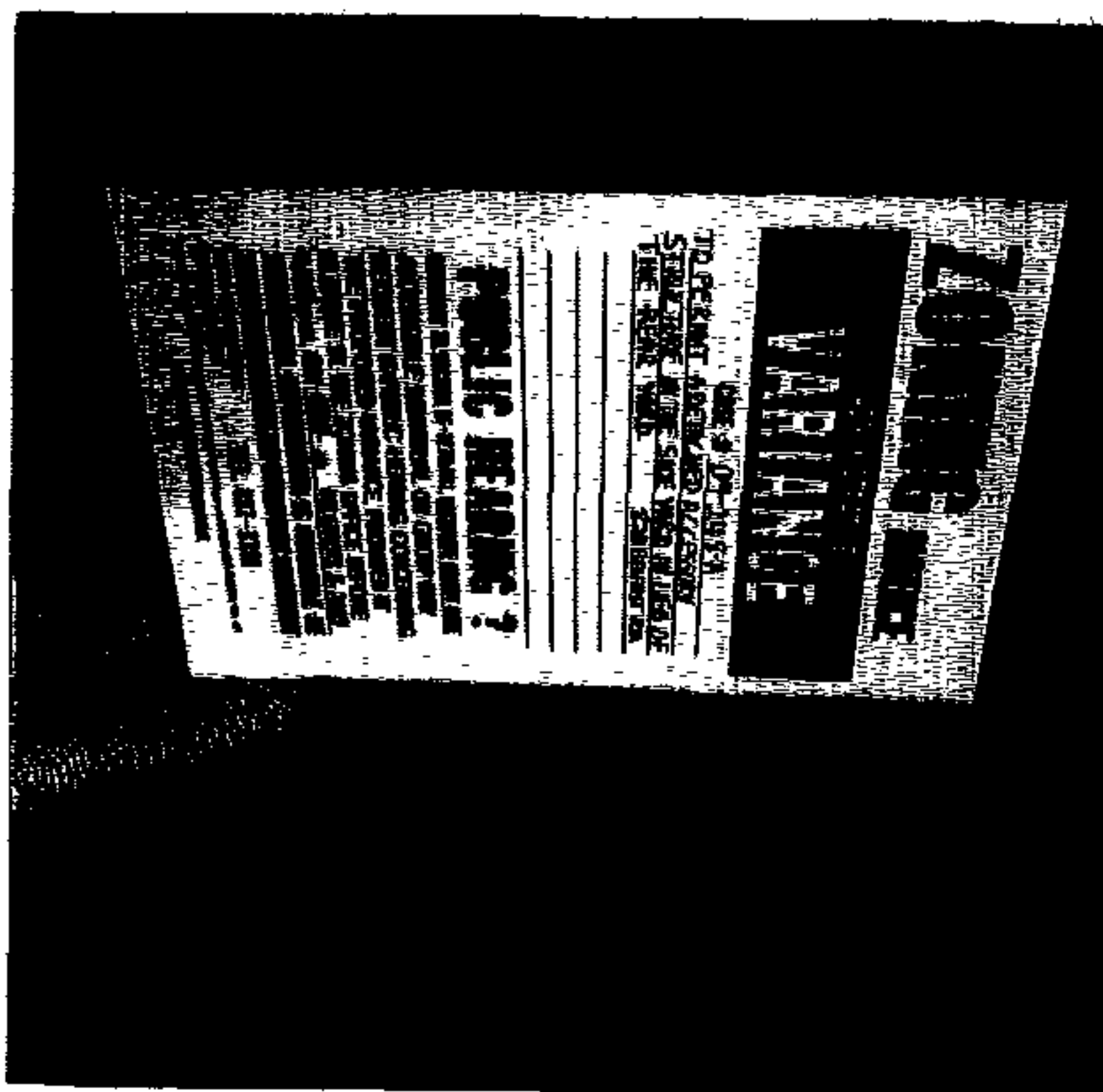
Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



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 04-248-A
Petitioner GREG MERRILL
Address or Location 820 BELFAST RD, SPARKS MD 21152

PLEASE FORWARD ADVERTISING BILL TO

Name: GREG MERRILL
Address: P.O. Box 166
BUTLER MD 21023

Telephone Number: 410-472-0010

04-248-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-248 -A Address 820 BELFAST RD.

Contact Person: Sarah R. Alexander Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11-13-03 Posting Date: 11-23-03 Closing Date: 12-08-03

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 04-248 -A Address 820

Petitioner's Name McASULL Telephone 410-472-0010

Posting Date: 11-23-03 Closing Date: 12-08-03

Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
IN THE SIDE YARD IN LIEU OF THE REAR YARD



Baltimore County
Department of Permits and
Development Management

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

December 8, 2003

Mr. Gregory Merrill
Ms. Annette Merrill
P.O. Box 166
Butler, MD 21023

Dear Mr. and Mrs. Merrill:

RE: Case Number: 04-248-A, 820 Belfast Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

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



Printed with Soybean Ink
on Recycled Paper

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. 248 JRA

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB*

DATE: December 5, 2003

SUBJECT: Zoning Item # 04-248
Address 820 Belfast Road
Merrill Property

Zoning Advisory Committee Meeting of November 24, 2003

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

A variance to allow the garage to be closer than thirty feet (30') to the water well has been approved by this Department.

Reviewer: Sue Farinetti

Date: November 26, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 1, 2003

RECEIVED

DEC 2 2003

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-239, 04-248, and 04-251
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:

[Signature]

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 No. 248

The Bureau of Development Plans Review has reviewed the subject-zoning item.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement elevation must be at least 1 foot above flood plain elevation.

RWB:CEN:jrb

cc: File

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. _____

04-248-A

Date Completed/Initials

11-24-83

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)

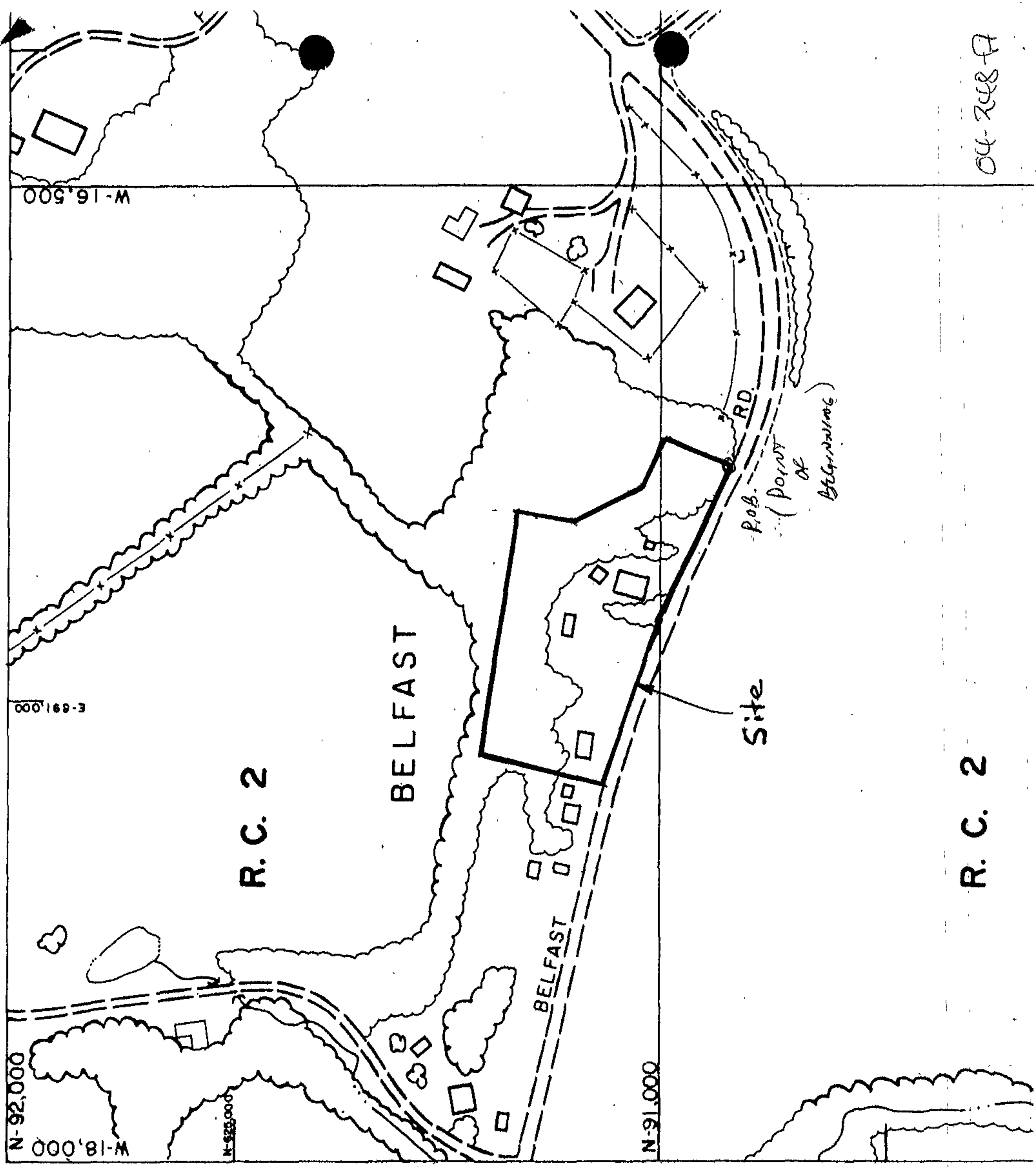
ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

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)

10/5/99

* New Map
 1:200,000 Scale
 1:250,000 Scale



R. C. 2

04-248-A

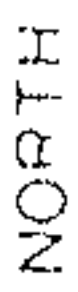
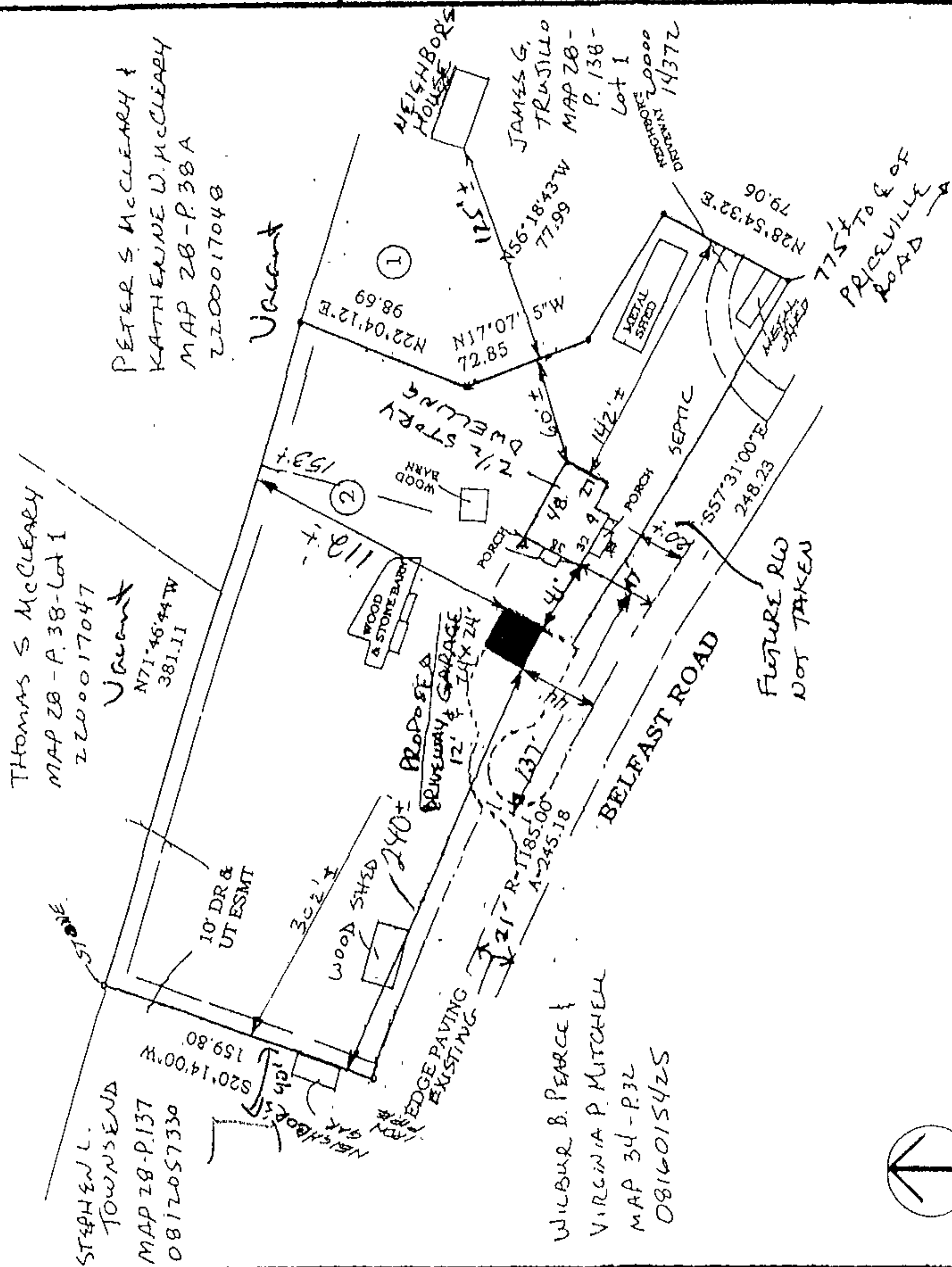
☐ SPECIAL HEARING

PROPERTY ADDRESS 820 BELFAST ROAD

SUBDIVISION NAME R. NICHOLS PROP. (MINOR SUB)

PLAY BOOK # 56 FOLIO # 97 LOT # 2 SECTION #

OWNER GREGORY & ANNETTE MERRELL



PREPARED BY C P. MELLER

40

$$\lim_{t \rightarrow \infty} (1 - 5\pi \cdot \text{avg}) = 100\%$$

Let. 24. #1

00-208-1

LOOKING NORTH



GARAGE

04 248 A.

LOOKING EAST



GARAGE

04-248-A