DADER RECEIVED FOR FILLING

IN RE: PETITION FOR ADMIN. VARIANCE

E/S of King Canute Court, 600 ft. E centerline of Heneson Garth Court

4th Election District

2nd Councilmanie District

(8 King Canute Court)

Valerie J. & Michael C. Ain Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 04-316-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 Valerie J. and Michael C. Ain. The variance request is for property located at 8 King Canute Court in the Owings Mills area of Baltimore County. The variance request is from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 16 ft. in lieu of the required 50 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.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated January 26, 2004, a copy of which is attached hereto and made a part hereof.

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.

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 <u>b</u> day of February, 2004, that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 16 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
- 2. Compliance with the Zoning Advisory Committee (ZAC) recommendation submitted by DEPRM dated January 26, 2004, a copy of which is attached hereto and made a part hereof;
- 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

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

February 2004

Mr. & Mrs. Michael C. Ain 8 King Canute Court Owings Mills, Maryland 21117

Re: Petition for Administrative Variance

Case No. 04-316-A

Property: 8 King Canute Court

Dear Mr. & Mrs. Ain:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Michael Owings Owings Brothers Contracting 1912 Liberty Road Eldersburg, MD 21784



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the prop	erty located at	8 King Canute Co	ourt
		resently zoned	
This Petition shall be filed with the Department of owner(s) of the property situate in Baltimore County amade a part hereof, hereby petition for a Variance from	of Permits and Develop and which is described in m Section(s)	ment Management. The the description and plate $4.3.8$	t attached hereto and
a side yard setback of 16 ft	in lieu of	the required 5	oft.
	-		
			· ·
of the zoning regulations of Baltimore County, to the of this petition form.	zoning law of Baltimore (County, for the reasons i	ndicated on the back
Property is to be posted and advertised as prescribed or we, agree to pay expenses of above Variance, advert regulations and restrictions of Baltimore County adopted p	ising posting etc and furti	her garee to and are to be	bounded by the zoning
	perjury, that I	nnly declare and affirm, una /we are the legal owner(s) of of this Petition.	der the penalties of of the property which
Contract Purchaser/Lessee:	<u>Legal Owr</u>	<u>er(s):</u>	
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Signature	Signature	ell'(0);	<u>,</u>
Address Telephone	No. Name - Type of	Print . 2	
State Zip C	, h	me J. Ch.	
<u>Attorney For Petitioner:</u>	Address	s CANOTE CT.	4/0-356-397 Telephone No.
iarne - Type or Print	City City	M.LLS MD. State	Z///Zip Code
ignature	<u>Represent</u>	ative to be Contacted	<u>d:</u>
ompany	Michael (Name)wings (Owings Bro	others Contracting
ddress Telephone I		erty Road	410-781-7022 Telephone No.
ity State Zip C	City Eldersbur	cg, MD 21784 State	Zip Code
Rubic Hearing having been formally demanded and/or four of that the subject number of Baltimore County and that the property be reposted.	natier of this betilion he set for	red by the Zoning Commissio a public hearing, advertised,	ner of Baltimore County, as required by the zoning
	Zonin	g Commissioner of Baltimore	County
ASE NO. 04-316-A	Reviewed By	Date	1/7/04
EV010/25/01	Estimated Posting I	Date//8/04	

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.

Address

8 King Canute Court

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

! •	Owings Mills	<u> </u>	tate	Zip Code
That based upon personal knowledge, the	City following are the facts u	-		•
Variance at the above address (indicate ha	rdship or practical difficul	ty):		
Due to the needs of our growing garage into usable space. Our hashown on the site plan submitted on the left side of the existing from our neighbors to the left. of the property is not possible only option, is to construct an and submit for a zoning variance.	ome is situated to l. Our existing gar house. Additiona The option of location attached garage on	the left of rage and drive and drive are at at at the first the intention the intention at the left state.	f center on our liveway are also s a substantial ditached garage in ground swimming ide of the existi	ot as ituated stance the rear pool. The nome
It is our hope that given the larequesting will not hamper neight gone to great lenghts to archite hiring the services of an archite of our hardship and will grant the outlined in the RC-5 Baltimore.	bors views or imparecturally blend the ectural firm. We as a variance of a	ct them an a new structu greatly appo 16' setback	any negative fash ure with the exis reciate your cons	ion. We have ting by ideration
That the Affiant(s) acknowledge(s) that is advertising fee and may be required to pro	f a formal demand is file vide additional information	ed, Affiant(s) w	ill be required to pay	a reposting and
Signature Co	Sic	Volle'	D-10-1	1
Michael C. Ain Name - Type or Print		Valevie me - Type or Print	J. Ah	<u>, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, </u>
STATE OF MARYLAND, COUNTY OF BA	ALTIMORE, to wit:			
I HEREBY CERTIFY, this 7th day of of Maryland, in and for the County aforesa	January d, personally appeared	, <u>2004</u>	before me, a Notary P	ublic of the State
Michael Ain & Valert the Affiant(s) herein, personally known or s		no as such Affic	ant/e)	
the Amarida) herem, belachany known or a	adistactority identified to i	. A	111t(\$).	
AS WITNESS my hand and Notarial Seal	Notary Pul	slic (Smuc	<i></i>
	My Comm	ission Expires _	4/6/04	-,
REV 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	Address	g Canute C	ourt	·
	Owings	s Mills,		
- · · · · · · · · · · · · · · · · · · ·	City		State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the fac tip or practical diff	ts upon whic ficulty):	h I/we base the requ	iest for an Administrative
Due to the needs of our growing fam garage into usable space. Our home shown on the site plan submitted. on the left side of the existing ho from our neighbors to the left. The of the property is not possible due only option, is to construct an attend submit for a zoning variance for	is situated Our existing use. Addition of the local ached garage	to the le garage an onally, we locating a tion of the le	ft of center on d driveway are are a substant n attached gara e in ground swi ft side of the	our lot as also situated ial distance ge in the rear mming pool. The existing home
It is our hope that given the large requesting will not hamper neighbor gone to great lengths to architectu hiring the services of an architect of our hardship and will grant us a soutlined in the RC-5 Baltimore C	s views or in rally blend to ural firm. V variance of	npact them the new st We greatly a 16' set	in an negative ructure with the appreciate you back in lieu of	fashion. We have e existing by r consideration
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand is additional informa	s filed, Affian ation.	t(s) will be required	to pay a reposting and
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Michael (A) Name - Type or Print	<u> </u>		re J.	<u>b</u>
STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:		. <u> </u>	
I HEREBY CERTIFY, this 7th day of of Maryland, in and for the County aforesaid, pe	January ersonally appeare	, <u>200</u>	<u>4</u> , before me, a l	Notary Public of the State
Michael Ain & Valerie A	Ain			
the Affiant(s) herein, personally known or satisf	actorily identified	to me as suc	h Affiant(s).	
AS WITNESS my hand and Notarial Seal			2 Du	nwd
	/ /	Public () mmission Exp	oires 4/6/04	
		-		



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for	r the property loc	ated at 8 King Canu	te Court
	•	which is presently zoned	RC-5
This Petition shall be filed with the Downer(s) of the property situate in Baltim made a part hereof, hereby petition for a yard setback of 16	into i miintii and uimian	ic decerbed in the decembra	al milat adda a la sul la a a a da a a a a a
of the zoning regulations of Baltimore Co of this petition form. Property is to be posted and advertised a	as prescribed by the zo	ning regulations.	
I, or we, agree to pay expenses of above Va regulations and restrictions of Baitimore Cou	nty adopted pursuant to t	he zoning law for Baltimore County.	to be bounded by the zoning
		I/We do solemnly declare and affir perjury, that I/we are the legal own is the subject of this Petition.	m, under the penalties of er(s) of the property which
Contract Purchaser/Lessee:	1	Legal Owner(s):	
Name - Type or Print		Name - Type or Print	<u>40</u>
Signature		Signature	Λ `
Address	Telephone No.	Name - Type or Print	<u>/17/</u>
City	Zip Code	Signature	
<u>Attorney For Petitioner:</u>	<u>:</u>	Address Owings MILLS A	27 410-356-3979 Telephone No.
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	City	State Zip Code
Signature	' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '	Representative to be Conta	acted:
Company	<u> </u>	Michael Owings (Owings)	ngs Brothers Contractin
Address	Telephone No.	1912 Liberty Road Address	410-781-7022 Telephone No.
City	ZIp Code	Eldersburg, MD 21784 City	State Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	at the subject matter of this	ulred, it is ordered by the Zoning Com petition be set for a public hearing, adver	missioner of Baltimore County
	1	Zoning Commissioner of Balt	imore County
CASE NO. 04-316-A	Reviev	ved By <u>SN</u> Date	1/7/04
REV 10/25/01	Estima	ited Posting Date/// 8/0	4

ZONING DESCRIPTION

Zoning Description For 8 King Canute Court

Beginning at a point on the east side of King Canute Court which is 50 feet wide at the distance of 600 feet east of the centerline of the nearest improved intersecting street Heneson Garth Court which is 50 feet wide. Being Lot # 2, in the subdivision of Worthington Valley Estates Addition as recorded in Baltimore County Plat Book #47, Folio 8, containing 1.710 acres. Also known as 8 King Canute Court and located in the 4th Election District, 2nd Councilmanic District.

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CERPIFICATE OF POSTING

Date: January 18, 2004

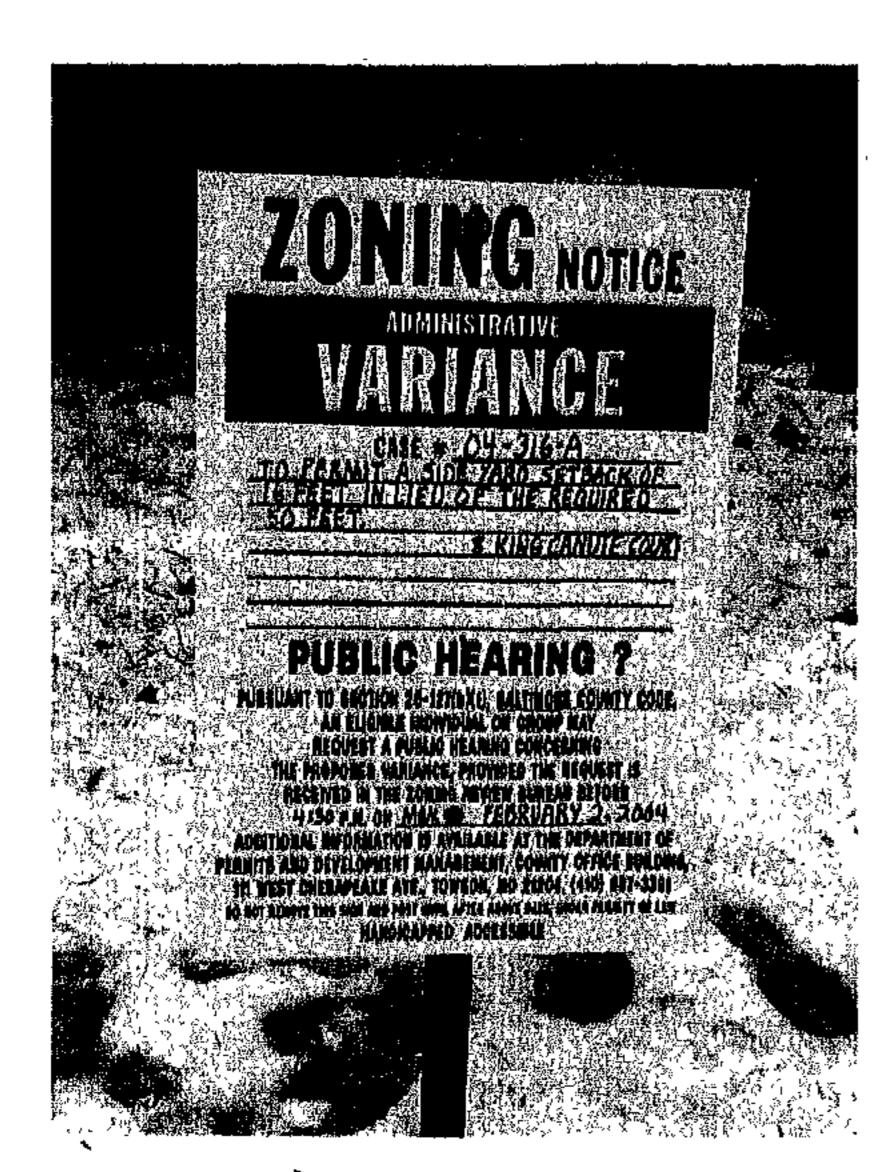
RE: Case Number 04-316-A

Petitioner/Developer: MICHAEL + VALERI AIN

Date of Hearing/Closing: Subruum 2, 2004

The sign(s) were posted on _

Month, Day, Year)



8 King Canute Court:

(Signature of Sign Poster)

LINDA O'KEFF

(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY mp 2/030 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 0 4 -	316	-A	Address	s <u>8</u>	King	Canute	ct.	
Contac	ct Person: _	Bruno Planner	Rudai + Please Print Your !		,, ,_,_,_,	Phon	e Number:	410-887-	3391
Filing	Date:	1/7/04	Post	ing Date:	1/18/04	<u>_</u> _	Closing Da	te: <u>2/2</u>	104
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3.	order that to the commission order that the commission of the commission or the commission of the commission or the commission of the commission or the commission or the commission of the commission or the commission of the commission of the commission or the commission of the comm	After the closi er. He may: the matter be thin 7 to 10 day till go to public	(a) grant the set in for a ays of the clo	e request a public l ssing date	ted relief; (I hearing. Y e) as to whe	b) deny t 'ou will r ether the	he request eceive write petition has	ted relief; of tten notific s been ara	or (c)
4.	commission changed given	PUBLIC HEA le to a neight er), notification ing notice of diffication of this	nbor's formal on will be fo the hearing o	request rwarded late time	or by order to you. T	er of the he sign	zoning or on the property	deputy zo operty mus	oning st be
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		316 -	A Addr	ress	8 Ri	ng Car	ute	Ct.	· · · · · · · · · · · · · · · · · · ·
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

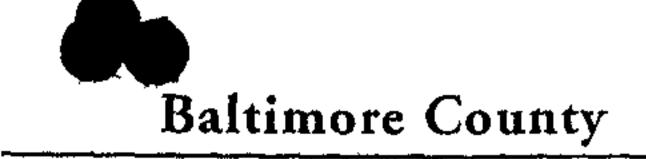
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case Number: 04-316-A	
Petitioner: Michael & Valeni Ain	
Address or Location: 8 King Canute Ct.	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Owings BROThers Contracting	
Address: 1912 Liberty RonD	
ELDENSBURG MARYLAND 21784	
Telephone Number: 410-781-7022	•

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

February 3, 2004

Michael Ain Valerie Ain 8 King Canute Court Owings Mills, MD 21117

Dear Mr. and Mrs. Ain:

RE: Case Number: 04-316-A, 8 King Canute Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 18, 2004.

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

WCR:klm

Enclosures

c: People's Counsel Michael Owings, 1912 Liberty Road, Eldersburg 21784







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 January 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 20, 2004

Item No.:

311-320



Dear Ms. Hart:

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 10, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 26, 2004 Item Nos. 311, 312, 313, 314, 315, 816;

317, 319, and 320

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

RWB:CEN:jrb

cc: File





BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MS

DATE:

January 26, 2004

SUBJECT:

Zoning Item # 04-316

Address

8 King Canute Court

Ain Property

Zoning Advisory Committee Meeting of January 20, 2004

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

The proposed addition must be at least twenty feet (20') from the existing septic system and the septic reserve area.

Reviewer:

Sue Farinetti

Date: January 21, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: January 27, 2004

CEIVED

JAN 2 7 2004

SUBJECT: Zoning Advisory Petition(s): Case 04-316 - Administrative Va

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:

Section Chief:

AFK/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

玛伊尼

Milay land Department of Transportation

Date: 1.20.04

RE:

Baltimore County

Item No. 316

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,

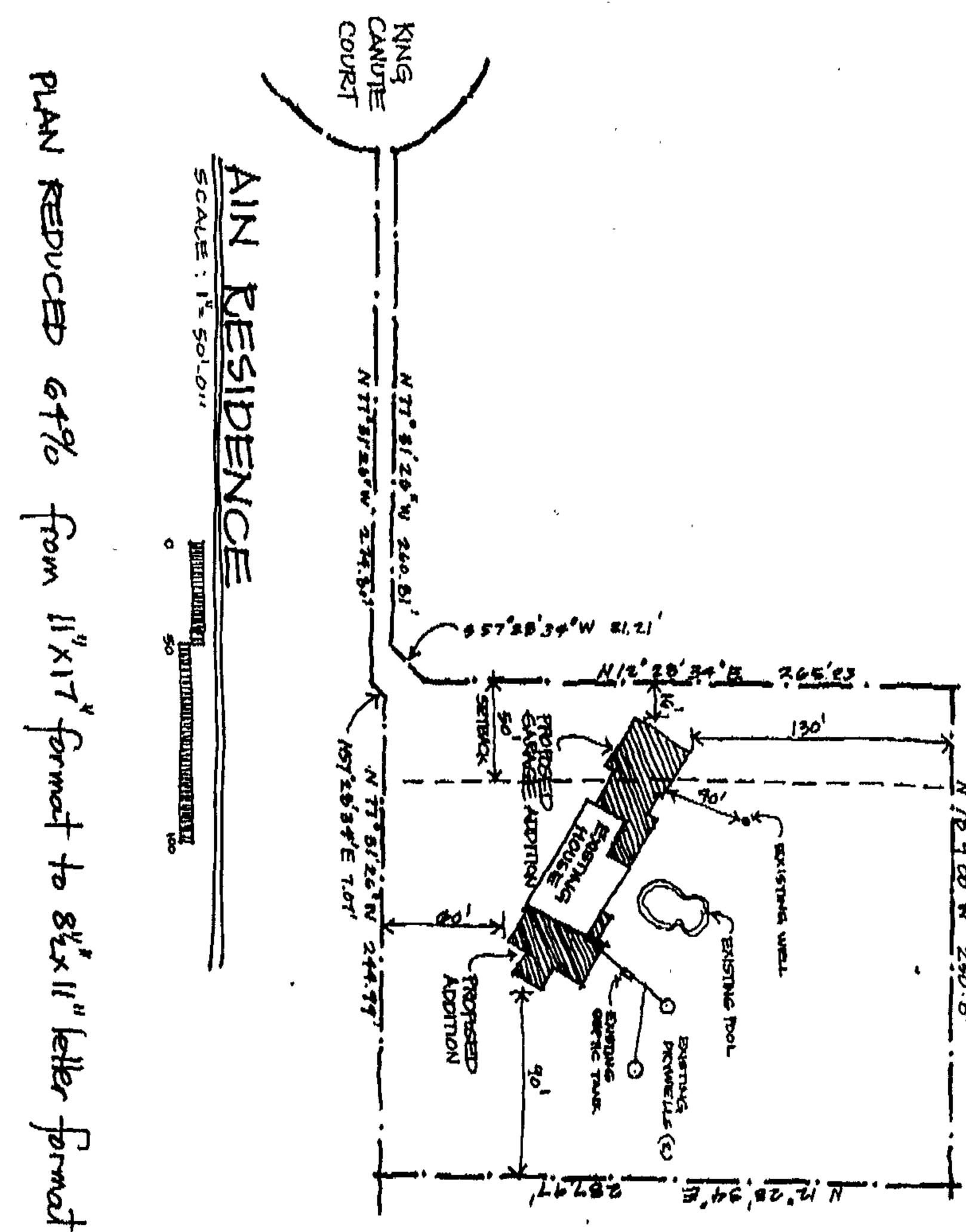
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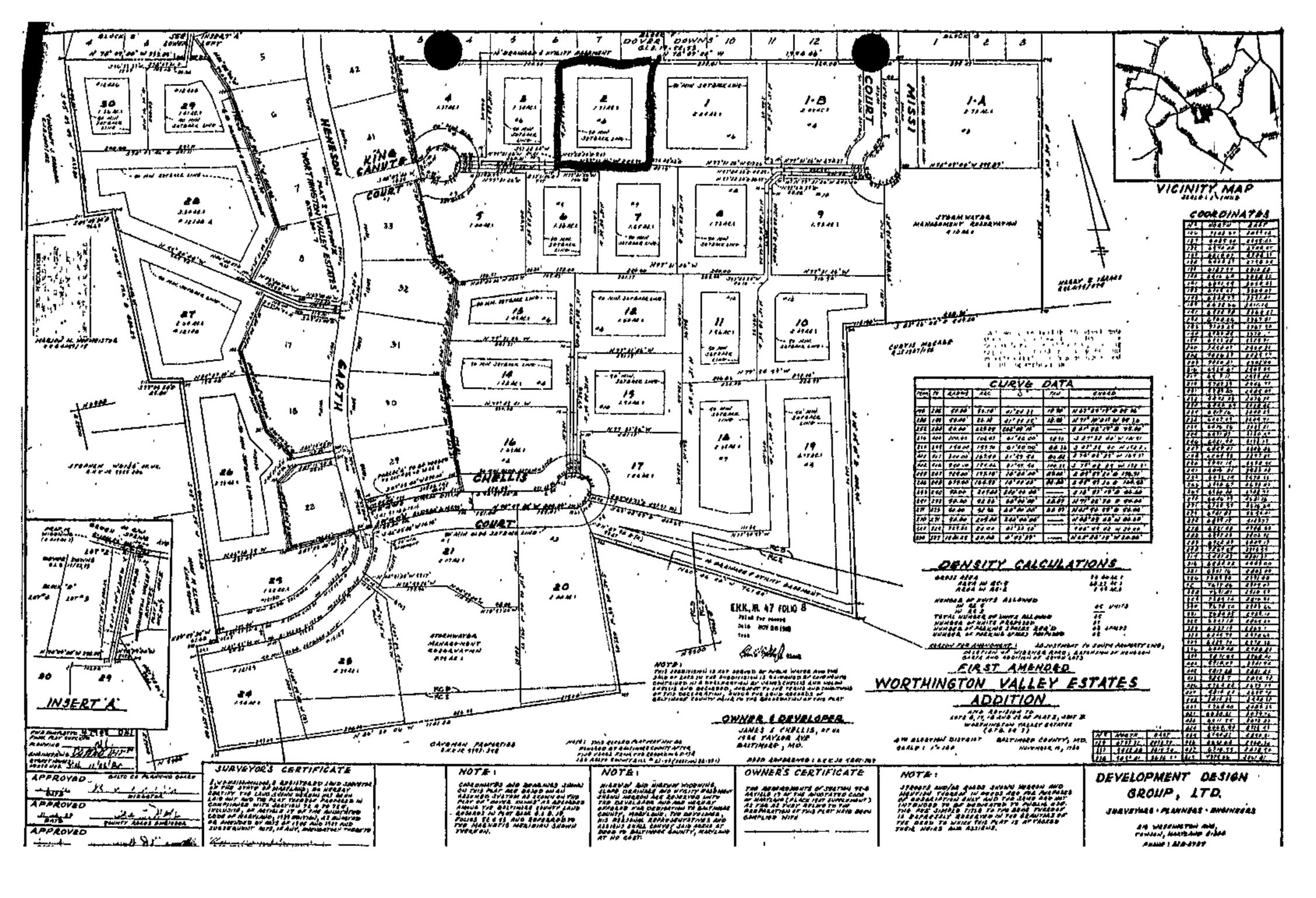
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Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

prepared by: MO Scale of Drawing: 1-6000	N77*81'26"W 474.86" N57'28'34'E 7.07'	- 12	Appirion	CANDIE COOK! " TROOP TO THE TOTAL TO THE TOTAL TO THE TOTAL THE TO		N. S.		In the same of the	Existing Pol-	TEXISTING WELL	30'	2.7		DE MES AIN	TEST	끄 .	アージー 10 かつつつこうかん アカニコンコーファ イン・ニューノン・ター・ター
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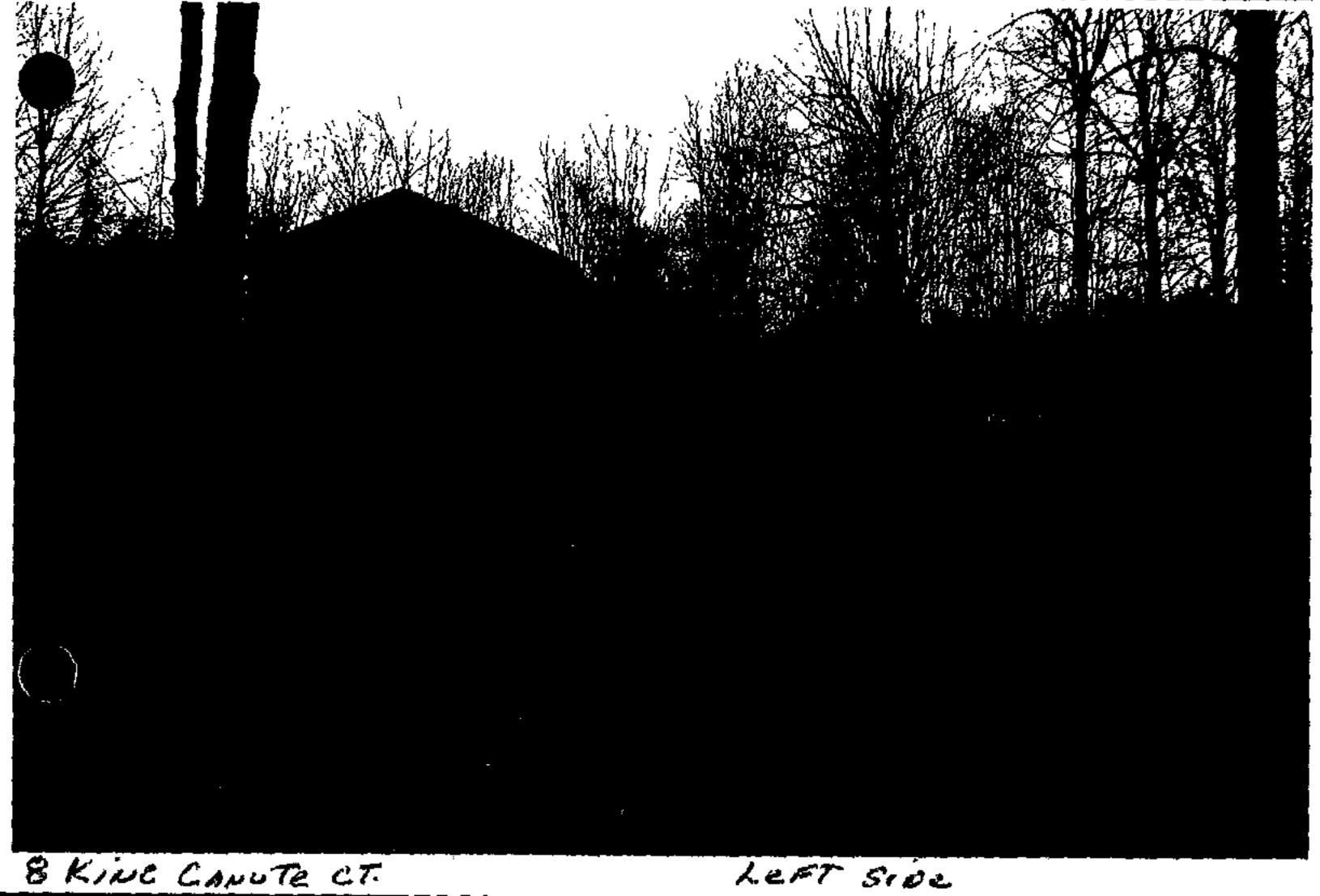


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- RIGHT SIDE 8 KING CANTE CT.



8 KING CANUTE CT

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