IN RE: PETITION FOR SPECIAL HEARING

NE/Corner of Dulaney Gate Circle

& Dulaney Woods Road.

8th Election District

3rd Councilmanic District

(1109 Dulaney Gate Circle)

Tina M. & Mark D. Roberts

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-344-SPH

\* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Tina M. and Mark D. Roberts. The Petitioners are requesting special hearing relief for property they own at 1109 Dulaney Gate Circle in the Cockeysville area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the construction of a garage addition to be located outside of a building envelope line and to amend the approved Final Development Plan for Lot No. 44 of "Dulaney Gate" all as shown on the attached site plan.

The property was posted with Notice of Hearing on March 8, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 4, 2004 to notify any interested persons of the scheduled hearing date.

Notice is taken that the property, which is the subject of this special hearing request, consists of 21,780 sq. ft. and is zoned DR 1.

#### Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings



The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### **Interested Persons**

Appearing at the hearing on behalf of the requested special hearing relief were Bruce Seeley and Tina & Mark Robert, Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### **Testimony and Evidence**

SOFT FECTIVED

This property is located in the Dulaney Gate subdivision and is improved by a single family dwelling and is zoned DR 1. The property is located at the intersection of Dulaney Gate Circle and Dulaney Woods Road. The Petitioners' home is positioned at an angle to the adjacent streets such that the building envelop line just touches only the northeast corner of the home. See Petitioner's Exhibit No. 1. Consequently, any addition attached to the house will by necessity extend beyond the building envelope line.

There is no garage at present. The Petitioners propose to build a two-door, 28 ft. x 38 ft. garage to store family necessities of the Petitioners and their four children. In addition, the letitioners would like a garage in which they can store a full size SUV and garden equipment. Finally, Mr. Roberts would like to reactivate his wood working shop in the new garage. The new garage would meet all County setback and dimensional regulations. In addition, the

Petitioners indicated that they have taken their proposal to the community architectural committee who have indicated that such would be acceptable.

#### Findings of Fact and Conclusions of Law

I find that the Petitioners' request is quite reasonable under the circumstances. Their home is situated at such an angle relative to the lot boundaries and streets that any practical rectangular addition will violate the building line restriction. I find that constructing a truncated garage simply to follow the building line would not be practical or useful to the Petitioners. As important, the addition will not adversely impact the surrounding community as evidenced by the community architectural committee approval.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this Add day of March, 2004, that the Special Hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the construction of a garage addition to be located outside of a building envelope line and to amend the approved Final Development Plan for Lot No. 44 only of "Dulaney Gate" all as shown on the attached site plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

√JVM:raj

NOW THE

### 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

March 24, 2004

Mr. & Mrs. Mark D. Roberts 1109 Dulaney Gate Circle Cockeysville, Maryland 21030

Re: Petition for Special Hearing
Case No. 04-344-A
Property: 1109 Dulaney Gate Circle

Dear Mr. & Mrs. Roberts:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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 Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1/09 DULANEU GAT	Z-CIRIE CIXKEYSUILL
for the property located at //09 DULANEY GAT which is presently zoned	)R 1

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE CONSTRUCTION OF A COMPACE ADDITION TO BE LOCATED OUTSIDE OF A BUILDING ENVELOPE LINE AND TO AMEND THE APPROVED FINAL DEVELOPMENT PLAN FOR LOT NO. 44 OF DULANEY GATE ALL AS SHOWN ON THE ACCOMPANING SITE PLAN.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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:	Legal Owner(s):								
Name - Type or Print	MARK D. ROBERTS  Name - Type or Print								
Signature	Signature TINA M. ROBERTS								
Address Telephone No.	Name - Type or Print 666 443-695-123516								
City State Zip Code  Attorney For Petitioner:	Signature 410-666-3369 1109 DULANEY GATE CIRCLE 410-931-2096								
Name - Type or Print	Address Telephone No.  CCKEV30/LLE MD 2/030  City State Zip Code								
	Representative to be Contacted:								
Signature  Company	MARK 1-TINA ROBERTS 443.695-1235+6 Name 1109 DULANEY GATE CIRCLE 410-931-2096								
Address Telephone No.	Address  CCKENSULLE MD 21030  City State Zip Code								
State Zip Code	OFFICE USE ONLY								
	ESTIMATED LENGTH OF HEARING///								
Case No. 04 344 SPH	UNAVAILABLE FOR HEARING								
C	Reviewed By 16 Date 109/07								

2

#### ZONING DESCRIPTION

# 1109 DULANEY GATE CIRCLE COCKEYSVILLE, MD 21030

Beginning at a point on the northeast intersection of Dulaney

Gate Circle which is 50 feet wide at the intersection with the

nearest improved street Dulaney Woods Road which is 50 feet wide.

Being Lot #44. Block C. Plat 1. in the subdivision of Dulaney

Gate (1st Amended) as recorded in the Baltimore County Plat Book

#43. Folio #42. containing 21780 acre. Also known as 1109

Dulaney Gate Circle and located in the 8th Election District. 3rd

Councilmanic District.

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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson. Maryland on the property identified herein as follows: Case: #04-844-8PH 1109 Dulaney Gate Circle NE comer of Dulaney Gate Circle NE comer of Dulaney Gate Circle NE comer of Dulaney Gate Circle and Dulaney Woods Road 8th Election District Legal Owner(s): Mark and Tina Roberts

Special Hearing: to permit the construction of a garage addition to be located outside a building envelope line and to amend the approved final development plan for Lot No. 44 of Dulaney Gate all shown on the accompanied site plan.

nied site plan.

Hearing: Wednesday, March 24, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bos-

Courts Building, 401 Bosley Avenue.
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4388.
(2) For Information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

3391.

3/014 Mar. 4

## CERTIFICATE OF PUBLICATION

34,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 3 4 ,2004.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dulkinger
LEGAL ADVERTISING

# CER FICATE OF POSTING

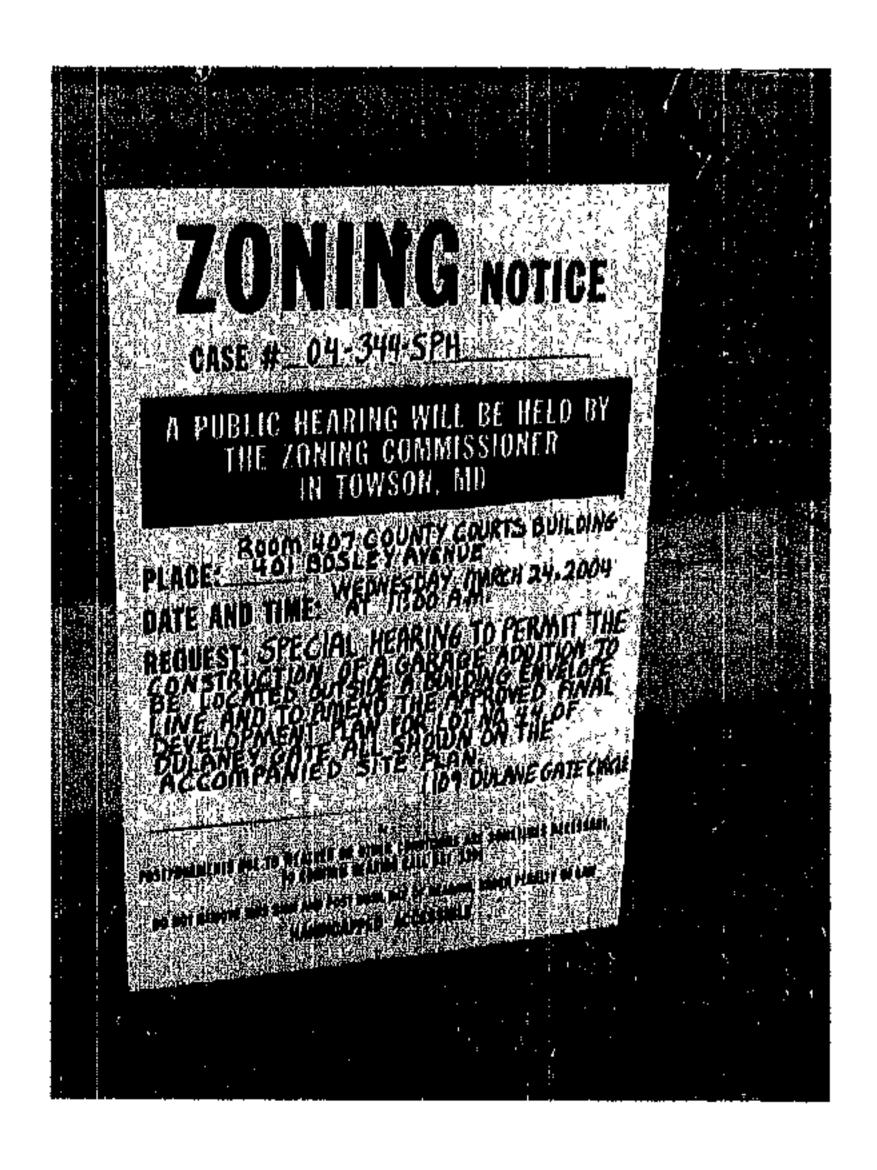
A	_		
ATTENTION	7	KRISTEN	
•	1	natthews	>

Date 3/12/04

Case Number 04-344-5PH
Petitioner/Developer MARK + TIMA ROBERTS
Date of Hearing/Closing MARCH 24, 215

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 10900LANEY GATE CIRCLE

The sign(s) were posted on  $\frac{2004}{ARCH}$ 



(Signature of Sign Pøster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING

1109 Dulaney Gate Circle; NE corner of

Dulaney Gate Circle & Dulaney Woods Road \*

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Mark D & Tina M. Roberts

Petitioner(s)

\* BEFORE THE

ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 04-344-SPH

\* \* \* \* \* \* \* \*

#### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to Mark & Tina Roberts, 1109 Dulaney Gate Circle, Cockeysville, MD 21030, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

FEB 1 0 2004

Per.....

TO: PATUXENT PUBLISHING COMPANY Thursday, March 4, 2004 Issue - Jeffersonian

Please forward billing to:
Mark & Tina Roberts
1109 Dulaney Gate Circle
Cockeysville, MD 21030

410-666-3369

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-344-SPH

1109 Dulaney Gate Circle
NE corner of Dulaney Gate Circle and Dulaney Woods Road
8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Mark and Tina Roberts

Special Hearing to permit the construction of a garage addition to be located outside a building envelope line and to amend the approved final development plan for Lot No. 44 of Dulaney Gate all shown on the accompanied site plan.

Hearing: Wednesday, March 24, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391

# Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



## Baltimore County

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

February 17, 2004

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified

CASE NUMBER: 04-344-SPH

1109 Dulaney Gate Circle NE corner of Dulaney Gate Circle and Dulaney Woods Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Mark and Tina Roberts

Special Hearing to permit the construction of a garage addition to be located outside a building envelope line and to amend the approved final development plan for Lot No. 44 of Dulaney Gate all shown on the accompanied site plan.

Hearing: Wednesday, March 24, 2004 at 11:00 a.m. in Room 407, County Courts Building, butty Kotroco

Timothy Kotroco

Director

TK:klm

C: Mark & Tina Roberts, 1109 Dulaney Gate Circle, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 8, 2004.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE
  - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# 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.

For Newspaper Advertising:
Item Number or Case Number: 344
Petitioner: Roberts
Address or Location: 1109 DULANEY GATE CIRCLE
PLEASE FORWARD ADVERTISING BILL TO:
Name: MARK + TINA ROBERTS
Address: 1109 DULANEY GATE CIRCLE
COCKENSUILLE, MO 21030
Telephone Number: 410 - 666-3369

# 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

March 15, 2004

Mark A. Roberts
Tina M. Roberts
1109 Dulaney Gate Circle
Cockeysville, Maryland 21030

Dear Mr. and Mrs. Roberts:

RE: Case Number: 04-344-SPH, 1109 Dulaney Gate Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 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: clb

Enclosures

c: People's Counsel

#### Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



# Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 10, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 9, 2004

Item No.:

342, 344-354

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.

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



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** February 24, 2004

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 February 16, 2004 Item Nos. 342, 343, 344, 345, 346, 347, 348, 350, 352, and 353

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:

March 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 9, 2004

<u>X</u> The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-342 04-344

04-346

04-350

04-352

04-353

04-354

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZACNC2-9-04.doc

m/24

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: February 23, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

FEB 2 3 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-343 and 04-344

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

MILRY WOODERARTMENT OF TRANSPIRENCE ON

Date: 2.4.04

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

Item No. 344 JLL

Dear. Ms. Hart:

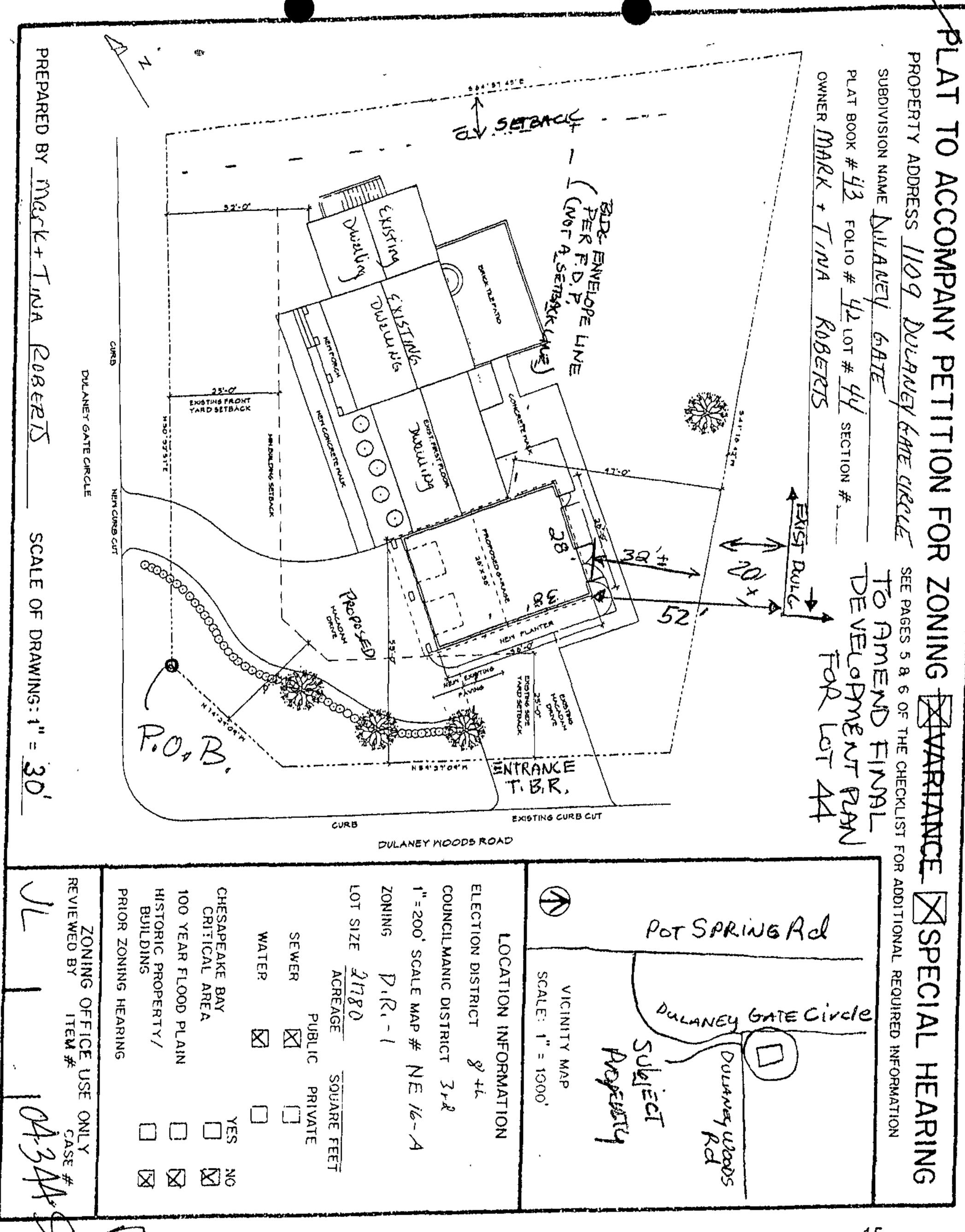
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

10

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



PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 04-344-59

# PETITIONER'S SIGN-IN SHEET

E- MAIL	14+mroberts 2 hotmo										
CITY, STATE, ZIP	COCKET/SULLE MD 21030										
ADDRESS	1109 DULANEY GATE CIR										
NAME	MARK+ 1: NA ROBERTS										

