IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Bentley Road, 2,220 ft. +/- W
centerline of Kaufman Road
7th Election District
3rd Councilmanic District
(426 Bentley Road)

Richard C. Rohrs

Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-363-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, Richard C. Rohrs. The variance request is for property located at 426 Bentley Road in the Parkton area of Baltimore County. The variance request is from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard setback of 13 ft. in lieu of the required 25 ft. 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

Moderation of Filter

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 \_\_\_\_\_\_ day of March, 2004, that a variance from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard setback of 13 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

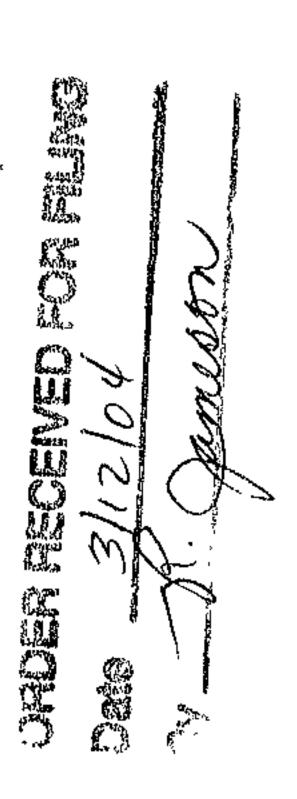
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order 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



### **Zoning Commissioner**

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

March 12, 2004

Mr. Richard C. Rohrs 426 Bentley Road Parkton, Maryland 21120

Re: Petition for Administrative Variance

Case No. 04-363-A

Property: 426 Bentley Road

Dear Mr. Rohrs:

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



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	420 PE	MILEY	120.	
	s presently z	•	rc4	

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) /AO3.4.B. 2. a BCZP

TO PERUIT AND ADDITION OF WITH A FROMT YAPPD SETTIMENT OF 15 FT. IN LIEU OF THE REQUIRED 25 FT.

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.

			perjury, that I/we a is the subject of th	are the legal owner(s) of this Petition.	he property which
Contract Purchaser/L	essee:		Legal Owner(s	s):	
			Richard		
Name - Type or Print			Name Type or Prin	1 1	· · · · · · · · · · · · · · · · · · ·
Signature			Signature		
Address		Telephone No.	Name - Type or Prin	<u>t</u>	
City	State	Zip Code	Signature		
Attorney For Petitione	<u> 97:</u>		426 Bac Address	ntly Road	410 329634 Telephone No.
			Parkton	' Mn	21120
Name - Type or Print			City	State	Zip Code
Signature	<del>,</del>	<u> </u>	Representativ	e to be Contacted:	
Cempany	<u>,                                      </u>	· · · · · · · · · · · · · · · · · · ·	Name		
Arress 3		Telephone No.	Address		Telephone No.
<b>5</b>	State	Zip Code	City	State	Zip Code
Public Hearing having been	formally demand	ed and/or found to be	required, it is ordered by	by the Zoning Commissione blic hearing, advertised, as	r of Baltimore County,
gulations of Baltimore County	and that the propert	y be reposted.		ono nearing, advertised, as	required by this zurning
T I			Zoning Co	mmissioner of Baltimore Co	untv
CASENO. 04	363-	Rev	riewed By JR		· 6 ~04
REV 10/25/01			imated Posting Date		

## Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of periury to the Zoning Commissioner of Baltimore County, as

follows: That the information herein given is competent to testify thereto in the event that a p	within the personal knowled in sublic hearing is scheduled in	edge of the Affiant(s) a	and that Affiant(s) is/are thereto.
That the Affiant(s) does/do presently reside at	4210 4 19 511	ET FO.	<u>, , , , , , , , , , , , , , , , , , , </u>
	City	State	2120 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon whip or practical difficulty):	nich I/we base the requ	est for an Administrative
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PINT OF W	AY (STRIBET	-	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a formation of the second	·	ant(s) will be required	to pay a reposting and
Signature	Signature		
Name - Type or Print	Name - Typ	e or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	•		
HEREBY CERTIFY, this $\frac{1}{2}$ day of $\frac{1}{2}$ of Maryland, in and for the County aforesaid, per $\frac{1}{2}$			lotary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as s	uch Affiant(s).	,
AS WITNESS my hand and Notarial Seal			
•	Jane	- Jeno	LC:
	Notary Public	•	-e

My Commission Expires \_

REV 10/25/01

## Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a performance of the competent in the event that a performance of the competent is a performance of the competent to testify the competent in the event that a performance of the competent is a performance of the competent in t	within the personal ki	nowledge of the Affiant(s	) and that Affiant(s) is/are
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•	City	Mo	21120 Zip Code
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Signature	Signa	ture	P=2
Name - Type or Print	Name	- Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN			
of Maryland, in and for the County aforesaid, per	rsonally appeared	_, <u>2004</u> , before me, a	a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me	as such Affiant(s).	

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 7/3/07

REV 10/25/01



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	426 BENTLEY	170	
	s presently zoned _	* i	

TO PERMIT AND ADDITION WITH A FRONT YARD SATISFACE OF 13 FT. IN LIED OF THIS PLANIPHO 25 FT.

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.

			perjury, that I/we are the subject of this Pe	ne legal owner(s) of t	
Contract Purchaser/L	essee:		Legal Owner(s):		
Name - Type or Print			Name - Type or Print	C. Rohas	<u></u>
Signature	······································		Signature		<del></del>
Address		Telephone No.	Name - Type or Print	<del></del>	· <del>····································</del>
City	State	Zip Code	Signature	1 D 1	
Attorney For Petitione	<u> </u>		Address Parkton	LLY KOGO	410329634 Telephone No 21120
Name - Type or Print	<del></del>	······································	City	State	Zip Code
Signature			Representative to	be Contacted:	
Company	<del>-,, <u>'</u> t</del>	<del> </del>	Name	<del></del>	<del></del>
Address	······································	Telephone No.	Address	· <del>-</del>	Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County	formally demanded that and that the property	d and/or found to be the subject matter of the be reposted.	required, it is ordered by the this petition be set for a public h	Zoning Commissione nearing, advertised, as	r of Baltimore County, required by the zoning
			Zoning Commis	sioner of Baltimore Co	unty
CASE NO. 04-	343-A	Rev	rlewed By JRT	Date _2 [c	104
REV 10/25/01	<del> </del>			2-15-04	

### ZONING DESCRIPTION for the ROHRS PROPERTY, 426 BENTLEY ROAD, PARKTON, MARYLAND 21120

12,2205

Beginning at a point on the North side of Bentley Road, which is 30 ft. wide at the distance of 2,500 ft. west of the centerline of the nearest intersecting street, Kaufman Road, which is 30 ft. wide, thence running N 31°45'15" W 101.14 ft., thence S 58°24'09" W 195.75 ft., thence N 35°05'54" W 193.38 ft., thence N 00°04'06 E 64.94 ft., thence N 28°48'56" E 62.36 ft., thence N 05°29'47" E 179.33 ft., thence N 35°51'16" E 101.12 ft., thence N 19°09'11" E 61.51 ft., thence N 00°15'29" E 47.87 ft., thence S 65°49'35" E 235.01 ft., thence S 41°05'46" E 257.96 ft., thence S 16°49'47" E 204.94 ft., thence S 53°35'23" W 95.49 ft., thence S 53°23'09" W 138.34 ft., thence S 51°16'59" W 41.94 ft. to the point of beginning, containing 5.35 acres.

BALTIMORE COUNTY, MAI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	-	No. 19054	-	PARTIESS ACTIVATION
DATE 2-0-04	ACCOUNT OF	006-6150		6 9875 1011/11 1.830 1.85 REIPI # 351529 2/06/2016
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FOR:		It was	34 <b>3</b>	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY	YELLOW - CUSTOMER			CASHER'S VALIDATIO

N

-

### CERTIFICATE OF POSTING

A	tlintion: Becky Wart	Date: <u>Hebruary 15, 2004</u>
RE:	Case Number <u>04-363-/</u> Petitioner/Developer: <u>Richard</u> Date of Hearing/Closing: <u>Marxi</u>	Robers / austin Charles
were	This is to certify under the penalties of perposted conspicuously on the property located conspicuously on t	erjury that the necessary sign(s) required by law ated at 426 Bentley Road
	The sign(s) were posted on	Hubruary 15, 2004 (Month, Day, Year)
	TONING NOTICE  ADMINISTRATIVE  LANGE STREET SECTION AND ADDRESS AN	(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 <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: <u>04・365・A</u>	
Petitioner: AUSTIN 12. CHIVES	·
Address or Location: 16260 FALLS PO. MONTON, MO. 21	11
PLEASE FORWARD ADVERTISING BILL TO:	
Name: RICHARD FOHRS	
Name:	

Revised 2/20/98 - SCJ

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 363 -A Address 426 BENTLEY RD.
Contact Person: JUN R. FERNANDO Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 2-6-04 Posting Date: 2-15-04 Closing Date: 3-1-04
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <u>DEADLINE:</u> 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.
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 63- 363 -A Address 426 DENTLEY RD.
Petitioner's Name Richard C. Rohrs Telephone 410-329-634
Posting Date: 2-15-04 Closing Date: 3-1-04
Nording for Sign: To Permit an addition with a front yard setbook

## 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 1, 2004

Richard Rohrs 426 Bentley Road Parkton, Maryland 21120

Dear Mr. Rohrs:

RE: Case Number:04-363-A, 426 Bentley Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 6, 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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel

### Fire Department

Road

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 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 17, 2004

Item No.:

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

TO:

Timothy M. Kotroco, Director

**DATE:** March 12, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 23, 2004

Item No. 363

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

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

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MS

DATE:

March 25, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 17, 2004

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

04-363

Reviewers:

Sue Farinetti, Dave Lykens

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

T John A.



### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-363

**DATE:** March 10, 2004

RECEIVED

MAR 1 1 2004

ZONING COMINISSIONER

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. Pederson, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

2.20.00

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

RE:

**Baltimore County** 

Item No. 363

JRF

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





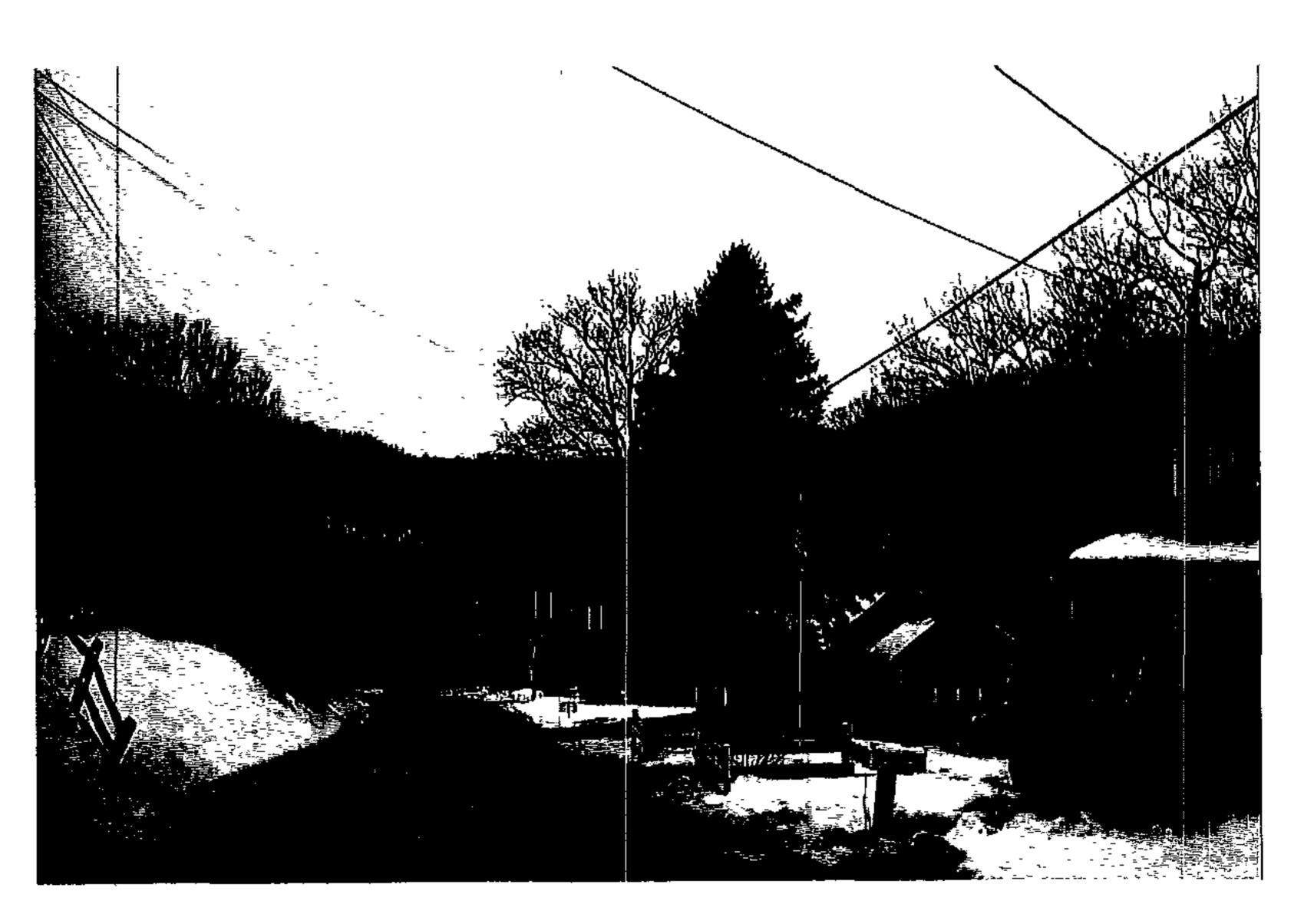















RENOVATIONS

426 BENTLEY ROAD PARKTON, MARYLAND

Copyright Austin B. Childs Architecture, LLC 2003. Unauthorized use, reproduction or distribution strictly prohibited. 

austin b childs architecture

16260 falls road monkton, maryland 21111 410.340.0012 achildsaia@msn.com 点。在198**年19**15年,在1985年,在1985年,在1985年,在1985年,在1985年,198

SITE PLAN

