Jennifer Barron & Robert Casper Petitioners

IN RE: PETITION FOR ADMIN. VARIANCE

centerline of Greenbrier Road

5th Councilmanic District

9th Election District

(402 Hillen Road)

N/S of Hillen Road, 115 ft. +/- from

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-384-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, Jennifer Barron and Robert Casper. The variance request is for property located at 402 Hillen Road in the Towson area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 2 ft. side yard setback in lieu of the required 10 ft. for a sunroom and a 5 ft. setback for a deck in lieu of the required 7.5 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 on February 29, 2004, 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

THING.

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 18 day of March, 2004, that a variance from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 2 ft. side yard setback in lieu of the required 10 ft. for a sunroom and a 5 ft. setback for a deck in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

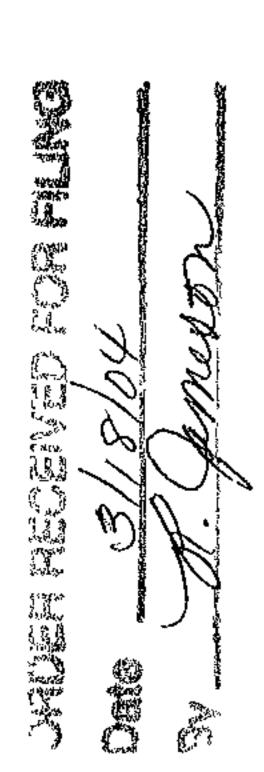
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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



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 18, 2004

Jennifer Barron & Robert Casper 402 Hillen Road Towson, Maryland 21286

> Re: Petition for Administrative Variance Case No. 04-384-A Property: 402 Hillen Road

Dear Ms. Barron & Mr. Casper:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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: Jeremy Clancy 6401 Golden Triangle Drive Towson, Maryland 20770



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

RYLES	for the property lo	eated at 402 Hilles Rd.	Touson
		which is presently zoned	DR 5.5
This Petition shall be filed with towner(s) of the property situate in Emade a part hereof, hereby petition	he Department of Permi Baltimore County and which for a Variance from Secti	ts and Development Management the description and on(s)	t. The undersigned, legal d plat attached hereto and
70 PERMIT A 2	SIDISMA-RC	SETBACK IN LIE	noFTHE
owner(s) of the property situate in Emade a part hereof, hereby petition To PERMIT A 2 REQUIRED 10 FF P DELIL IN LIEN	OF THE SUNT	Ruizus 7.5 ft.	- SETBACK 101
of the zoning regulations of Baltimo of this petition form.	re County, to the zoning la	aw of Baltimore County, for the reas	ons indicated on the back
Property is to be posted and adverti I, or we, agree to pay expenses of abor- regulations and restrictions of Baltimore	ve Variance, advertising, pos	sting, etc. and further agree to and are	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:		Legal Owner(s):	1
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Name - Type or Print	
Signature	······································	Signature CV	r/M-
Address	Telephone No.	Name Type or Print	
City	te Zip Code	Signatule	
Attorney For Petitioner:		402 Hillen Rd Address	イ/ロ-337〜094分 Telephone No.
Narne - Type or Print		Towson City	かる 2/286 State Zip Code
Signature	M	Representative to be Conta	acted:
Company		Name Clones	
Address State	Telephone No.	Address Towson	つ 301-220-1616 x Telephone No. 2077ひ
Stat	te - Zip Code	City	State Zip Code
Public Hearing having been formally d	that the subject matter of the	required, it is ordered by the Zoning Comis petition be set for a public hearing, adver	missioner of Baltimore County, tised, as required by the zoning
	· · · · · · · · · · · · · · · · · · ·	Zoning Commissioner of Balt	imore County

Reviewed By

Estimated Posting Date

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	402 Hillien	Rel	······································
	Address City	mol	21286
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts u	State pon which I/we base the reity):	Zip Code
- The property is oddly shaped	, in particular	the side proporty li	nes are at on angle,
The clusest point of the propos			N. C.
To the angle the Furthest poin		-	,
- The location chosen For the addle	tion is only f	place possible, there is	no existing door to
the rear other than in the drive	way.		
- The increased living space is des		1 by the homeowner	and the peculiar lot
Shape was not the homedowner.	s Fault.		
- Lastly. the property 15 shoped		•	operties, other 10t5
are square, not making side	setbacks diff	icute to meet	
That the Affiant(s) acknowledge(s) that if a feadvertising fee and may be required to provide	ormal demand is file additional information	ed, Affiant(s) will be requi n.	red to pay a reposting and
Rosa Car			
Signature Robert Casper Name - Type or Print	Sign Na	me - Type or Print	arm
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	140		1
STATE OF MARYLAND, COUNTY OF BALTIE			
I HEREBY CERTIFY, this 19th day of Fe of Maryland, in and for the County aforesaid, pe	ersonally appeared	, <i>2004</i> , before me,	a Notary Public of the State
Robert (asper and Jennifer the Affiant(s) herein, personally known or satisf			-
the Affiant(s) herein, personally known or satisf	actorily identified to r	ne as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		•	
	Jan Jan	On THE	
	Notary Pu	blic	
	My Comm	ission ExpiresNO	TARY PUBLIC STATE OF MARYLAND
REV 10/25/01		My Co	ommission Expires December 17, 2007

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 402 Hillen R	d.	
	Address	md.	212860
,	City	State	Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har	following are the facts upor rdship or practical difficulty):	which I/we base the requ	uest for an Administrative
-The property is oddly shoped,	in porticular the S	ide property lines.	ore at on angle.
The closest point of the propo.	sed Sunroom will b	e 2' away From	une j however
due to the ongle the Further	•		
- The location chosen For adolption	15 only place possi	ble, there is no	existing about to
the coor other than in the	drive way.		
- The increased living space is of	Lesperately needed b	y the homeowner	and the peculiar
lot shape was not the hon			
- Lastly, the property is shaped	differently than H	me surrounding prol	pertus, other lots
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to prov	a formal demand is filed, ide additional information.	Affiant(s) will be required	to pay a reposting and
Russiant Cooper		ANON-	
Rosest Casper	Signate	Achiler B	arra
Name - Type or Print	Nante	- Type or Print	i
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to wit:		
I HEREBY CERTIFY, this 19th day of of Maryland, in and for the County aforesaid	throwy i, personally appeared	_, <u>2004</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally known or sa	rifer Bayon	as such Affiant/s)	<u> </u>
the Amanda) herein, personally known or se	ausiacioniy identined to me d	as such minant(s).	
AS WITNESS my hand and Notarial Seal	1		!
	Jan	Cr (116)	
	Metary Public My Commission		ON TREVOR ELLIOTT
REV 10/25/01	Wig Commission	NOTARY F	PUBLIC STATE OF MARYLAND sion Expires December 17, 2007

My Commission Expires December 17, 2007



CASE NO.

REV 10/25/01

Petition for Administrative Variance

for the property located at 402 Hillen Rd. Towson

to the Zoning Commissioner of Baltimore County

		which is presently zoned <u>DR 5.5</u>
This Petition shall be filed with the Deowner(s) of the property situate in Baltim made a part hereof, hereby petition for a	epartment of Peri Fore County and will Variance from Sec	mits and Development Management. The undersigned, legal nich is described in the description and plat attached hereto and ction(s)
	1 1 <u>1</u>	1B02.3.C.1, 301.1A; BCZR
To permit a 2 Ft	3 deyard Se.	Hock in Lieu of the Required 10 Fit
For a Sugar	/0	all
a 50/// 00m, and	1 a 5 + -	etback For A Deck in LIEU of the Required
7.5 ++		law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Valregulations and restrictions of Baltimore Cour	tiance, advertisina r	osting etc. and further saree to and are to be hounded by the zoning.
		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:		<u>Legal Owner(s):</u>
Name - Type or Print	i 	Name - Type or Print
Signature	 	Signature
Address	Tolonhone No.	Jennifer Darron
Addiess	Telephone No.	Name Type or Print
City	Zip Code	Signature
Attorney For Petitioner:		402 Hillen Rd. 410-337-0442 Address Telephone No.
	<u> </u>	Touson md. 21286
Name - Type or Print	i	City State Zip Code
Signature	; 	Representative to be Contacted:
Company	i	Name Clones
A delay and	 	6401 Grolden Triangle Dr. 321-220-1616 x 100
Address	Telephone No.	Address O Telephone No.
City	Zip Code	City State Zonno
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	led and/or found to be at the subject matter of the two subjects at the reposted.	e required, it is ordered by the Zoning Commissioner of Baltimore County, f this petition be set for a public hearing, advertised, as required by the zoning
F.	I	
m: 1 2 12(/ / /	Zoning Commissioner of Baltimore County

Reviewed By M Date 2-09

Estimated Posting Date 2-29-09

2-20-09

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - <u>DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"</u>. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 402 Hiller Rd. Towson ma. 21206 (address) -
(address)
- ·
Beginning at a point on the Docth North side of
(north, south, east or west)
Hillen Rd. which is #16 Ft of PAVING (number of feet of right-of-way width)
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of $\frac{100}{100}/15$ $\frac{1}{100}$ of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street <u>Greenbeit</u>
(name of street)
which is 16 PAUING wide. *Being Lot # 12 (number of feet of right-of-way width)
(number of feet of right-of-way width)
Block, Section # in the subdivision of Green brien
(name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #,
containing 8,723 # . Also known as 402 Hilles Rd. Towson
(square feet or acres) (property address)
and located in the 9 Election District, 5 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber___, Folio___" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

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	3 5	AMOUN		X X X X X X X X X X X X X X X X X X X
CEIPT		S		3
RE COU				
		A		
BALTIMO OFFICE O	DATE	RECEIVE	.	MAITECAS

CERTIFICATE OF POSTING

RE: Case No.: 04-384-A

	Petitioner/Developer: ROBSIT
	CASPERT
	Date of Hearing/Closing: 3/15/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	i
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury the posted conspicuously on the property located at: 402 Hellen	
The sign(s) were posted on(Mont	29/04 th, Day, Year)
Sincer	rely,
ZONING NOTICE	Robert Black 2/29/04 (Signature of Sign Poster) (Date)
MARIANCE	SSG Robert Black
	(Print Name)
US 5 PT IN LIEU OF THE RECORDS TO PE AND A DECE	1508 Leslie Road
SUBLIA UFADINA 2	(Address)
MATERIAL TO THE PARTY OF THE PA	Dundalk, Maryland 21222
	(City, State, Zip Code) ECEVED (410) 282-7940
	(Telephone Number) MAR (3 5 2004
	DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

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:
Petitioner: Robert Casper
Address or Location: 402 Hillen Rd Towson Md. 2188ce
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Universal Energy Corp. clo SEREMY Clancy</u>
Address: 6401 Grolden Triangle Dr. StE 320
Greenbelt md. 20770
Telephone Number: 301-220-1616 (ext. 1059)

Revised 2/20/98 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

ΛΔ. 	
Case Number 384 -A Address 402 Hillew Rd.	ı
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391	
Filing Date: 2-20.04 Posting Date: 2-29.04 Closing Date: 3.15.2	>4
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.	
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.	
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.	
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 83- 384 -A Address 402 Hile Rel.	
Petitioner's Name Losert CASPERT Telephone 410 —337-04	+42
Posting Date: 7.29.04 Closing Date: 3.15.04	
Vording for Sign: To Permit A SIDEMARD SETBACK OF ZIT FOR	
A SUNROUM ADDITION IN CIEN OF THE REQUIRER)
THE PHO A SETRACK OF STT. IN CIEM OF	
FIEW INC. TOR POLICE	

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

March 15, 2004

Robert Casper Jennifer Barron 402 Hillen Road Towson, Maryland 21206

Dear Mr. Casper and Ms. Jennifer Barron:

RE: Case Number: 04-384-A, 402 Hillen Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 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. Carl Robal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

2.27.04

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

RE:

Baltimore County

Item No. 384

JCM

Dear. Ms. Matthews:

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,

for

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

Mrantes 18/04

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 March 1, 2004

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

04-376

04-377

04-378

04-379

04-380

04-382

04-384

04-386

04-388

Reviewers:

Sue Farinetti, Dave Lykens

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

3/16

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 4-384

DATE: March 3, 2004

RECEIVED

MAR

4 2004

ZONING COMMISSIONER

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 25, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 8, 2004

Item Nos. 349, 376, 377, 378, 379, 380, 381, 382, 384, 385, 388, and 389

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

RWB:CEN:jrb

cc: File

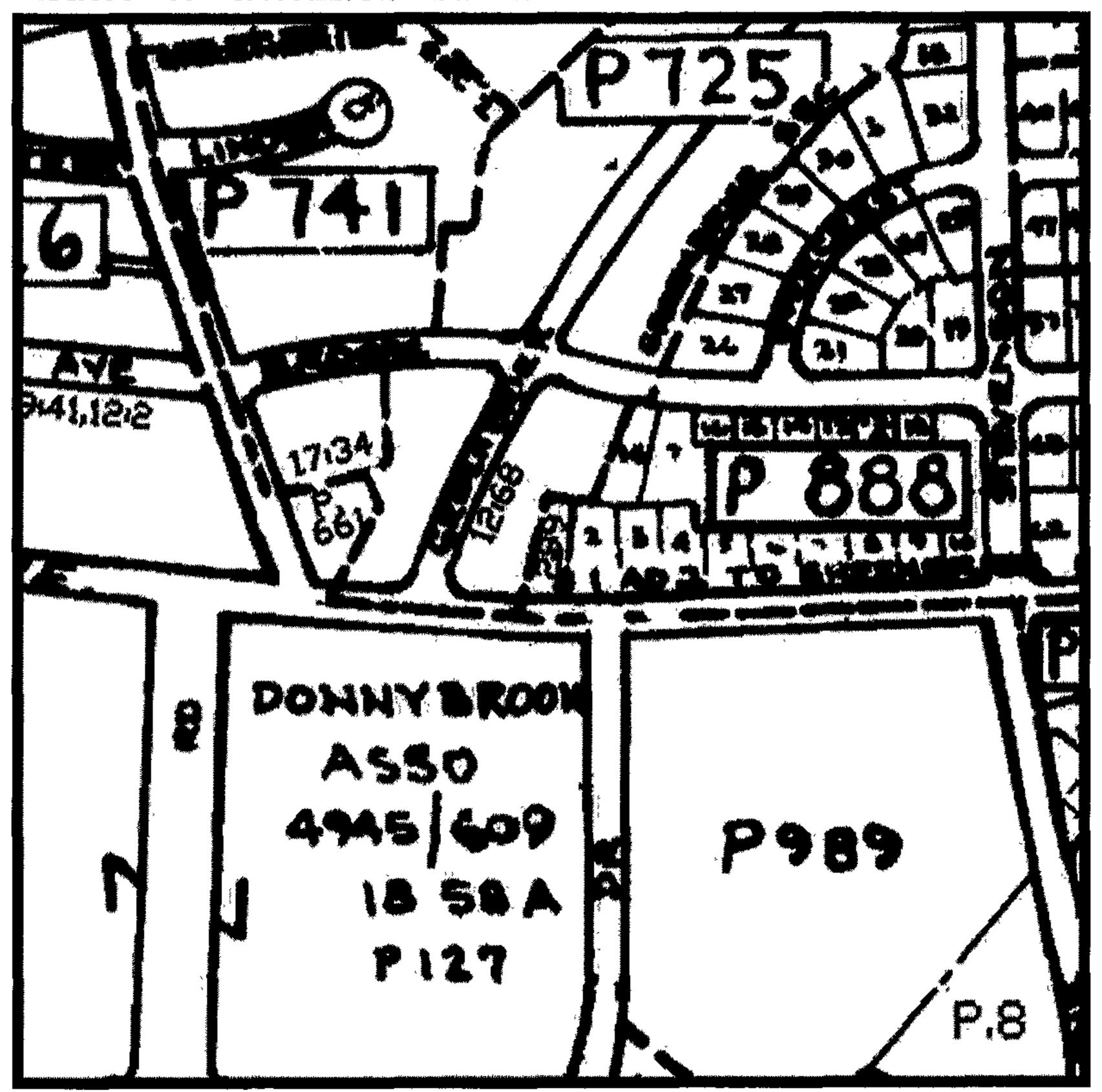




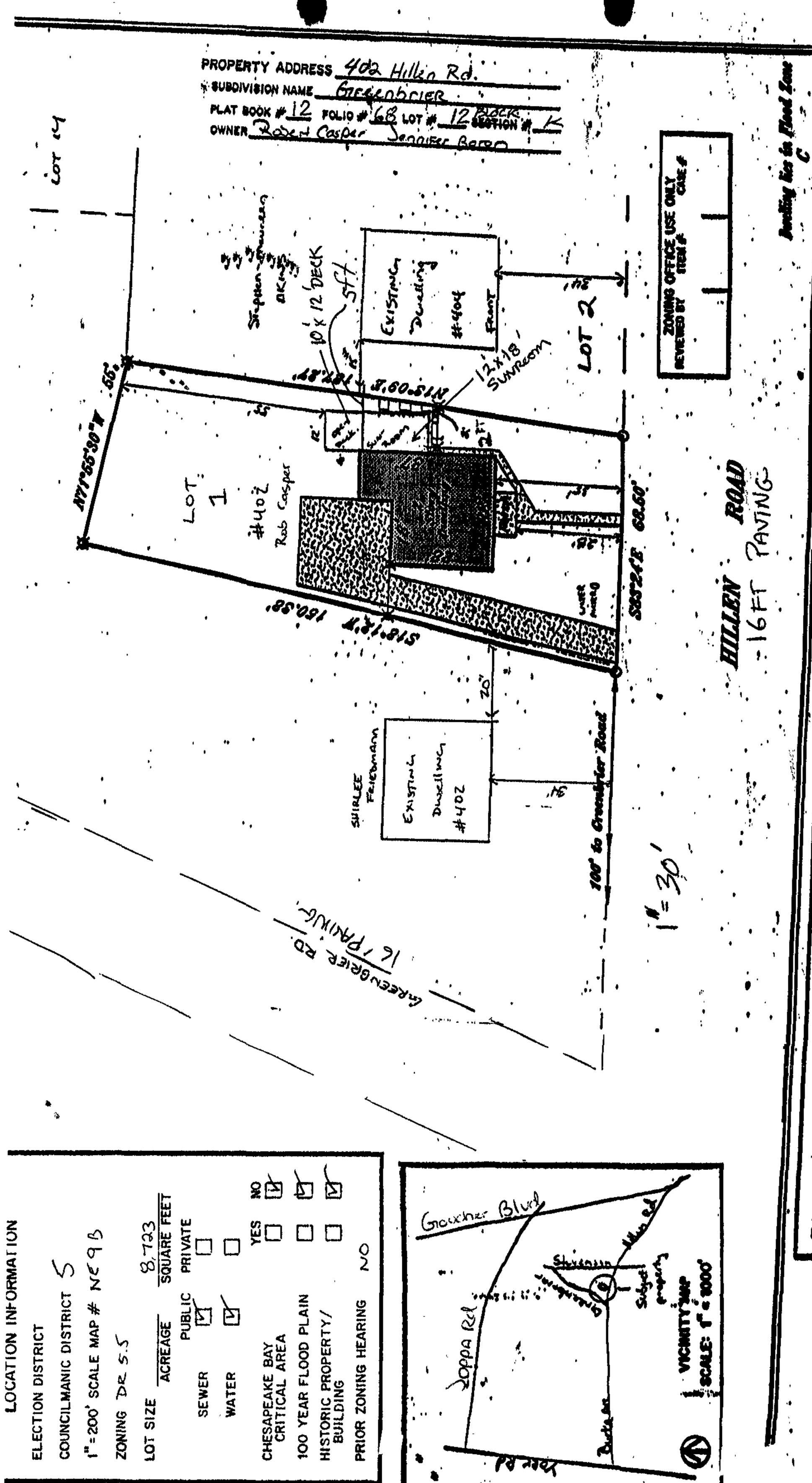
Maryland Department of Assessments and Taxation **BALTIMORE COUNTY Real Property Data Search**

Go Back View Map New **Search**

District - 09 Account Number - 0907471750



Property maps provided courtesy of the Maryland Department of Planning ©2001 - 2002. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



ONING MARIANCE SP

This is the last Question Rocking Side of house in

