IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Upper Beckleysville Road,
2200 ft. SW of Brick Store Road
5th Election District
3rd Councilmanic District

(18600 Upper Beckleysville Road)

Casey Phillips

Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-403-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, Casey Phillips. The variance request is for property located at 18600 Upper Beckleysville Road in the Hampstead area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. 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 on March 12, 2004, 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

SAUCH CONTROL SON FILMS

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 April, 2004, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

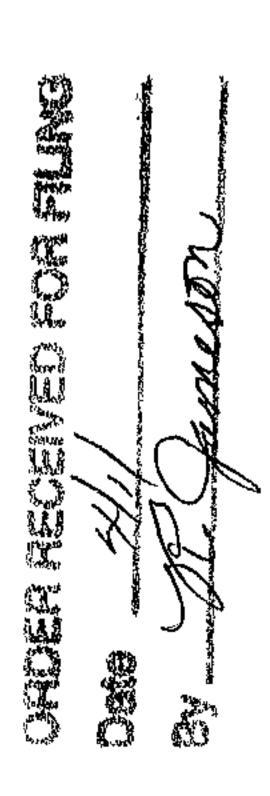
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JOHNV. 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

April 1, 2004

Mr. Casey C. Phillips 18600 Upper Beckleysville Road Hampstead, Maryland 21074

Re: Petition for Administrative Variance
Case No. 04-403-A
Property: 18600 Upper Beckleysville Road

Dear Mr. Phillips:

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

John V. murghry

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 1860 UPLL Becklessylk RC Z

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCIR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are the subject of this P	he legal owner(s) of the etition.	property which
Contract Purchase	r/Lessee:		Legal Owner(s):	α O. σσ	
Name - Type or Print		<del></del>	Name - Type or Print	J. HHULL	<del></del>
Signature	<del></del>	<del></del>	Signature	Jalup	
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City  Attorney For Petitic	State oner:	Zip Code	Signature 1860 WWW. Address	- Beckleysulle	1 274.44 Telephone No.
Name - Type or Print		<del></del>	. 15	17 <u>Z10</u> State	
Signature	<del></del>	<del>^</del>	Representative to	be Contacted:	i
Company	·····	<del></del>	Name	<del></del>	
Address	· <del></del>	Telephone No.	Address	<del></del>	Telephone No
City &	State	Zip Code	City	State	Zip Code
A Public Hearing having this lay of regulations of Baltimore Cou	. ina	t the subject matter of t	required, it is ordered by the his petition be set for a public i	e Zoning Commissioner of nearing, advertised, as requ	Baltimore County, ired by the zoning
30			Zoning Commis	ssioner of Baltimore County	<del>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</del>
CASENO.	04-403-A	Rev	lewed By Dittompso	N Date 3/4/04	
REV 10/25/01	•	Est	mated Posting Date	3/14/04	<u> </u>

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms und follows: That the information herein competent to testify thereto in the even	given is within the potential that a public hearing	ersonal knowle g is scheduled in	dge of the Affiant(s the future with rega	s) and that Affiant(s ard thereto.	inty, as i) is/are
That the Affiant(s) does/do presently re	eside at Address	UPPER BO	ECKLUSULE A	<u></u>	<del></del>
•	City City	THE S	MT	21074	
•	City		State	<del>_</del>	Zip Code
That based upon personal knowledge Variance at the above address (indicat	e hardship or practica	al difficulty):			
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That the Affiant(s) acknowledge(s) the advertising fee and may be required to	at if a formal demai provide additional in	nd is filed, Affia formation.	ant(s) will be requir	ed to pay a repost	ing and
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3 P	 	Signature	,	· · · · · · · · · · · · · · · · · · ·	
Name - Type of Print	i	Name - Type	or Print		<u></u>
STATE OF MARYLAND, COUNTY O	İ		0011 ·		<b>-</b> .
I HEREBY CERTIFY, this 4 day of Maryland, in and for the County afor				a Notary Public of th	ne State
the Affiant(s) herein, personally known	PS	Itina to me an al	Joh Attion (70)	· · · · · · · · · · · · · · · · · · ·	: 
uie Amanus) nerein, personally known	or satisfactorily ident	inieu to me as st	uch Amani(s).	,	ļ
AS WITNESS my hand and Notarial S	eal		n n 1	,	
GA. VENTU		1		7	

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	within the person ublic hearing is sc	al knowledge of the heduled in the future	Affiant(s) and the with regard there	at Affiant(s) is/are
That the Affiant(s) does/do presently reside at	18600 UPPER	Beckleysolle	Pel	
	Address	MI	7.1	074
,	City	State		Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	p or practical diffic	culty):		
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REGIDENCE, DUK TO TOPO	GRAPHY OF	CAMP PARCE	الم	•
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informat	filed, Affiant(s) will I tion.	be required to pa	y a reposting and
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CASEV C. PHURS	•	Oigilatai O		
Name - Type or Print	<del></del>	Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIN	*			
I HEREBY CERTIFY, this day of had for the County aforesaid, pe	1ARCH rsonally appeared	, <u>2004</u> , bet	iore me, a Notary	Public of the State
CASEY C. PHILLIP	25			1
the Affiant(s) herein, personally known or satisfa	actorily identified to	o me as such Affiant(	s).	
AS WITNESS my hand and Notarial Seal			~ /	
D. VENTO			11/	
(3)	Notary F	Public		
( (NOTARY) )	My Çom	mission Expires	5-5-0	<del>/</del>
REV 10/25/01				



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	18600 UDPER S	Beckleysville Fil
which i	s presently zone	d RE 2

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BC4R)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

1	!		is the subject of this Petitic	agai owner(s) of the on.	property which
Contract Purch	aser/Lessee:		Legal Owner(s):	411	
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Signature	<u></u>	<del></del>	Signature	<b>~</b>	
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City	State	ZIp Code	Signature 19600 DONEL FO		1/10
Attorney For Pe	atitioner:		Address  LAUGHERD	CKLGEN HE POL	<u> </u>
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Signature	i i		Representative to be	<u> Contacted:</u>	
Company		······································	Name		···
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City	State	Zip Code	City	State	Zip Code
triis aav or	ing been formally demar t e County and that the prop	nat the subject matier of t	required, it is ordered by the Zo this petition be set for a public hear	ning Commissioner of ing, advertised, as rec	f Baltimore County, juired by the zoning
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CASE NO.	H-CU4-40	Re\	riewed By DTHOMPSON	_ Date <u>3</u> [사](	<u> 24</u>
REV 10/25/01	; !	Est	imated Posting Date	3/14/04	

# Zoning Description for 18600 UPPER BECKLEYSVILLE ROAD

Beginning at a point on the north side of Upper Beckleysville Road 2200 feet southwest of Brick Store Road. Also known as 18600 Upper Beckleysville Road with a total area of 4.08 acres located in the 5<sup>th</sup> Election District and the 3rd Councilmanic District of Baltimore County as recorded in Liber 13433 Folio 738.

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# CER FICATE OF POSTING

attention: Rristen Matthews

Date March 15, 2004

RE:

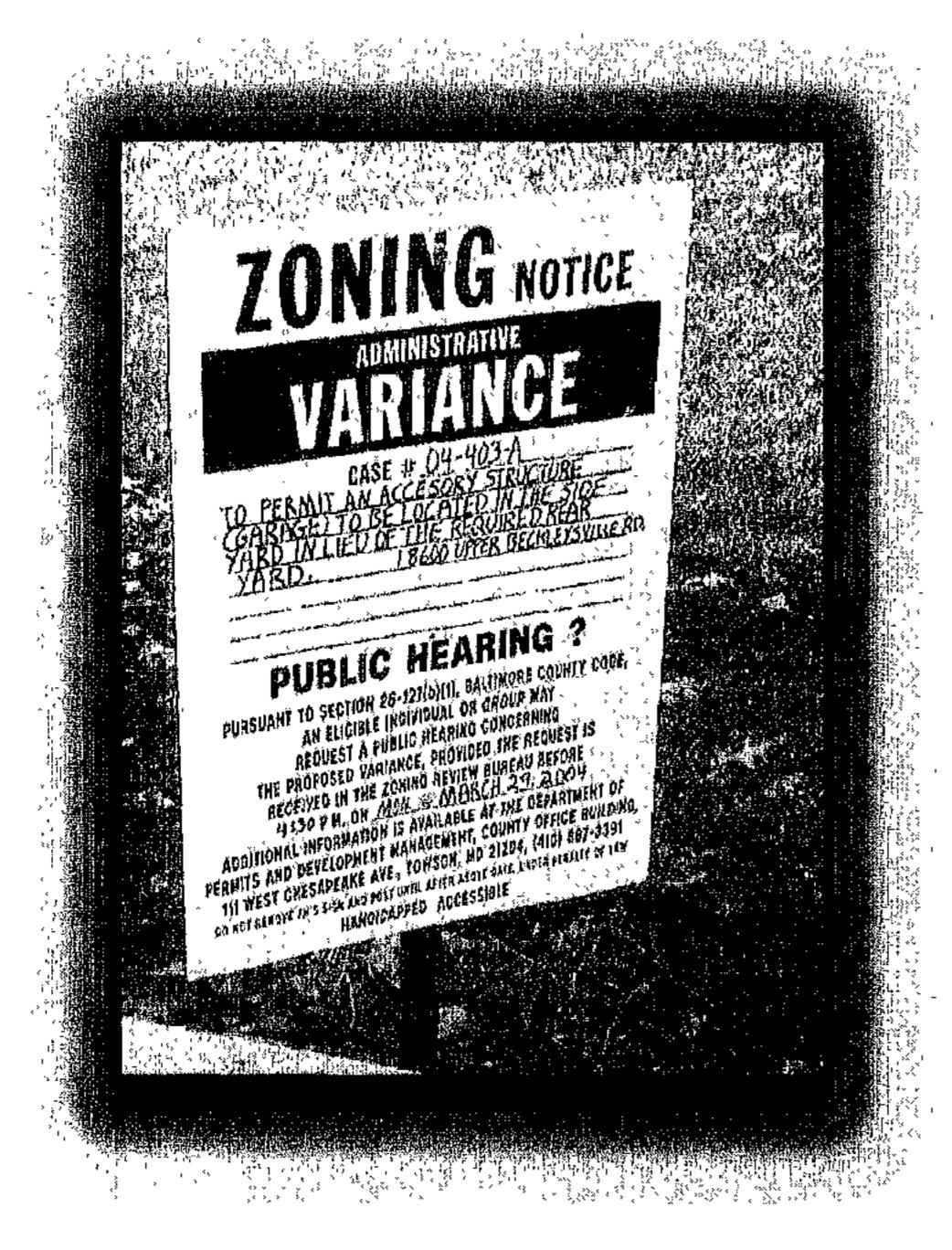
Case Number 04-403-A

Petitioner/Developer CASEY C.PHILLIPS

Date of Hearing/Closing March 29, 2004

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 18600 WPPER BECKLEYSVILL RD

The sign(s) were posted on . . .



(Signature of Sign Poster)

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)

## 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

April 12, 2005

#### **NEW 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: 05-403-SPH

1031 68<sup>th</sup> Street

E/side of 68th Street, 1,500 feet +/- north of Lake Drive

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: J. Carroll Holzer, P.A.

Special Hearing to determine if the proposed use by Mini Container, Inc., zoned MH-IM and ML-IM permitted by the Baltimore County Zoning Regulations?

Hearing: Thursday, May 5, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Muthy Kotroco

Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286 Pulaski & 68<sup>th</sup> St., LLC, P.O. Box 24145, Baltimore 21227 Mini Container, P.O. Box 18498, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 20, 2005.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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



### 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: 04-403-A	
Petitioner: PHILLIPS	······································
Address or Location: 18600 UPPER BECKLEYSVILLE	= RD. 21074
•	•
PLEASE FORWARD ADVERTISING BILL TO:	
Name: MR. CASEY C. PHILLIPS	
Address: 18600 UPPER BECKLEYSVILLE RO	*
HAMPSTEAD, MP 21074	
Telephone Number: HID-374-467	···

Revised 2/20/98 - SCJ

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	04	403	-A		Address	1860C	UPP	ER B	ECKLE	YSVILL	ER
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# Department of Permits and Development Management

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



# Baltimore County

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

March 29, 2004

Mr. Casey Phillips 18600 Upper Beckleysville Road Hampstead, Maryland 21074

Dear Mr. Phillips:

RE: Case Number:04-403-A, 18600 Upper Beckleysville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 4, 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

u. Callaball

WCR: clb

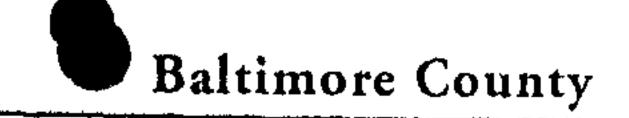
Enclosures

c: People's Counsel

## Fire Department

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





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

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.: 34

341, 399-412

Dear Ms. Hart:

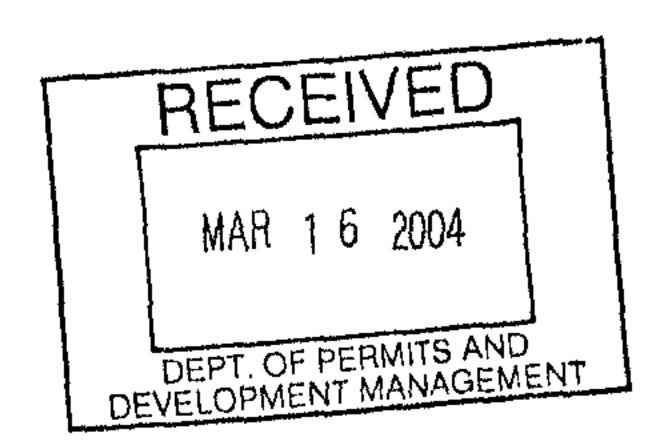
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

403

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:** April 5, 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 March 22, 2004 Item Nos. 341, 400, 401, 402, 403, 405, 406, 407, 408, 410, 411, and 412

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 285/500
DATE:	April 6, 2004
SUBJECT:	Zoning Item # 04-403 Address 18600 Upper Buckleysville Rd.
Zoning	g Advisory Committee Meeting of March 15, 2004
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
<u>X</u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
· · · · · · · · · · · · · · · · · · ·	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
•.··- <u>-</u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
<u>Additi</u>	onal Comments:
The pr well.	roposed garage must be at least 20ft. from the septic area and 30ft. from the

Reviewer: Sue Farinetti Date: March 17, 2004

## 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 4-388, 4-395, and 4-403

Administrative Variance

**DATE:** March 17, 2004

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

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-16.04

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

RE:

**Baltimore County** 

Item No. 403

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,

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

æ



Law Offices

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE OF COUNSEL

THE 508 BUILDING

508 Fairmount Ave. Towson, MD 21286

(410) 825-6961 FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

April 29, 2005 # 7518

#### VIA FAX 410-887-5708

Timothy Kotroco, Director Department of Permits & Development Management County Office Building Towson, MD 21204

Re: In the Matter of Petition for Special Hearing, 1031 68<sup>th</sup> Street Case No. 05-403-SPH

Dear Mr. Kotroco:

After having met with Arnold Jablon, who represents the property owner in the above captioned matter, and John Gontrum who represents the subject tenant, we all agreed to postpone the hearing scheduled hearing for May 5, 2005 (See attached Notice). Please do not reset this hearing unless requested by the Petitioners.

I appreciate your cooperation and assistance in this matter. If you have any questions, please call 410-825-6961

Very truly yours,

J. Carroll Holzer

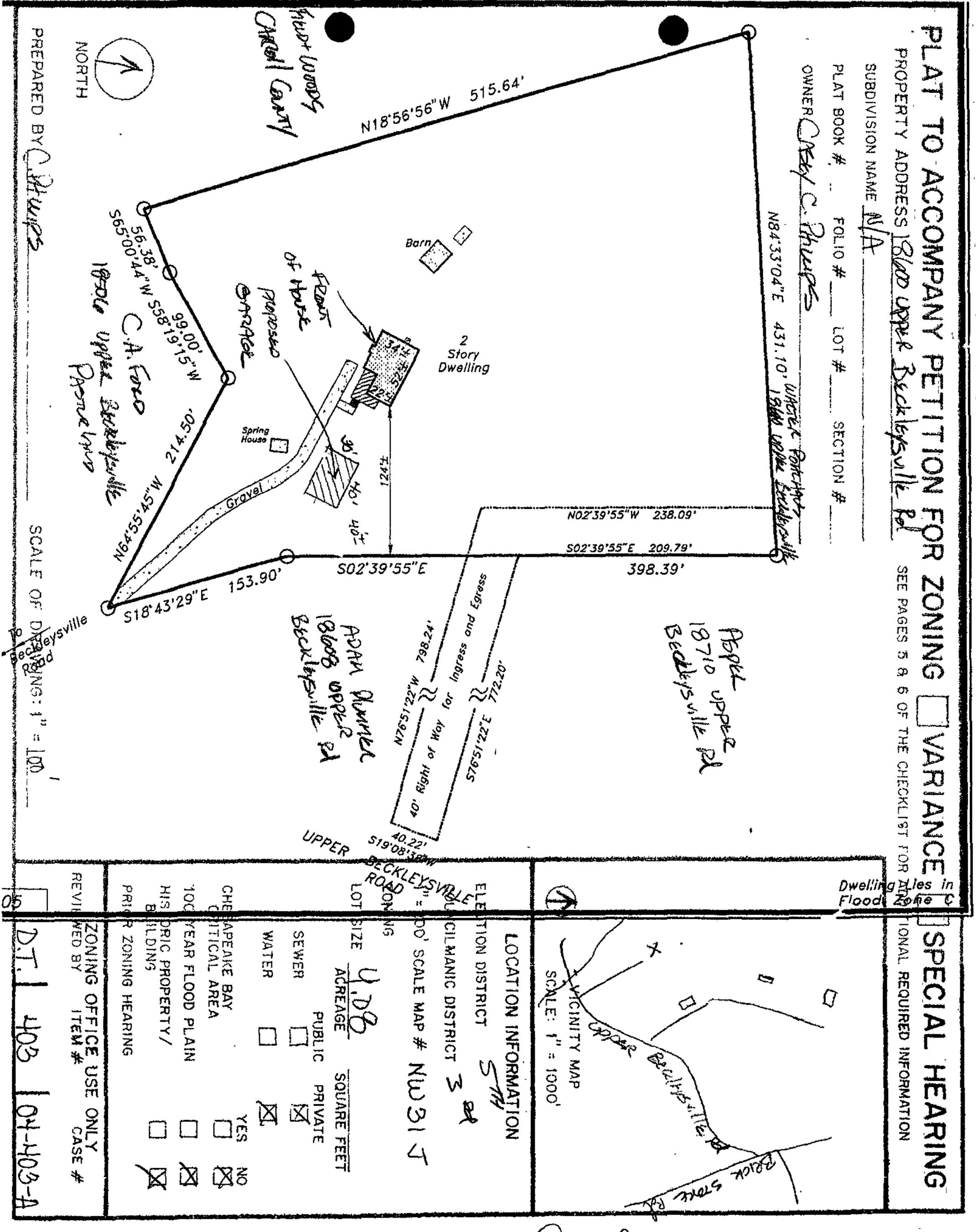
Attachment JCH:clh

cc: Greater Chesaco Comm. Assn., et al. John Gontrum, Esq. Arnold Jablon, Esq. William Wiseman, Esq.

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