IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Darnall Road, 270 ft. S centerline of Skyline Drive 9th Election District 2nd Councilmanic District (6521 Darnall Road)

Karen & Scott Rawlings Alder Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-448-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, Karen and Scott Rawlings Alder. The variance request is for property located at 6521 Darnall Road in the Ruxton area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 16 ft. and a sum of both sides of 36 ft. in lieu of the required 20 ft. and 50 ft. respectively. 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 April 9, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

State of the state

STORY RECEIVED FOR FILLING

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>50</u> day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 16 ft. and a sum of both sides of 36 ft. in lieu of the required 20 ft. and 50 ft. respectively, 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;

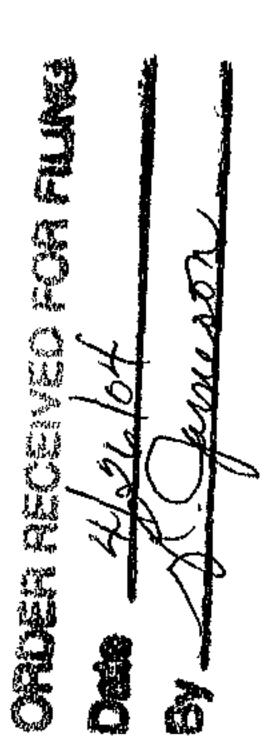
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN 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

April 29, 2004

Mr. & Mrs. Scott Rawlings Alder 6521 Darnall Road Ruxton, Maryland 21204

Re: Petition for Administrative Variance Case No. 04-448-A Property: 6521 Darnall Road

Dear Mr. & Mrs. Alder:

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





Petition for Administrative Variance

for the property located at 15521 Darnou Road

to the Zoning Commissioner of Baltimore County

	which is presently zoned Dr 1
made a part hereof, hereby petition for a Variance from Section	
To permit an addition with a dison of som of both sides of 36' in	side yard setback of 16 and in lieù of the required 20'
and 50 , respectively.	
of the zoning regulations of Baltimore County, to the zoning I of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, por regulations and restrictions of Baltimore County adopted pursuant	sting, etc. and further agree 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:	Legal Owner(s):
Name - Type or Print	SBOTT BAWlings ALDER Name Type py Print Miles
Signature	Signature
Address Telephone No.	Name Type or Print A DER
City State Zip Code	Signature Signature
Attorney For Petitioner:	LESSI DakNau Road 410:823:2\$31 Address Telephone No.
Name - Type or Print	Buxton Ma 2/204 City State Zip Code
Signature	Representative to be Contacted:
Cimpaly	Rarens ALDER
Address Telephone No.	Address Dalnal Road Telephone No.
Cily State Zip Code	Ruxton Mc 2/7/1/2016 State 2/7/10 Code
A Public Hearing having been formally demanded and/or found to be this that the subject matter of the s	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
	Zakini Oznakini izili za
CASH NO. 04-448-A Rev	Zoning Commissioner of Baltimore County iewed By
	mated Posting Date 4-11-04

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the benalties 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 public hearing	ersonal know is scheduled	viedge of the A	ffiant(s) and that th regard thereto.	Affiant(s) is/are
That the Affiant(s) does/do presently reside at		e521 [Doenau	Road	
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unable to	build	a go	rease.		
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Signature Adams	· ·	Signature	Scott C	llelle	
Name - Type or Print	11 , 		900 IT A10 ype or Print	<u>e</u>	<u></u>
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, per	MORE, to with		107) Later	e me, a Notary Pu	blic of the State
JOOTT Alder 4	KAK	en/	Maer		, , , , , , , , , , , , , , , , , , ,
AS WITNESS my hand and Notarial Seal Maria No.		Soura	such Affiant(s).	WW	
$\tilde{S} : \geq M_{\text{MV}} = 0$: = NO	tary Public		 • • · · · ·	

My Commission Expires 7-25-05

REV 10/25/01

COMMISSION

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Address

City

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

That based upon personal level Variance at the above address	knowledge, the following ess (indicate hardship or	g are the facts upon practical difficulty):	which I/we base	the request for an	Administrative
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the Affiant(s) hérein, person	• -	rily identified to me a	as sucry Amant(s).	Δ	
AS WITNESS my hand and	L.M. DENNING	XIXI	who	Dul	W -
COM	MY	Notary Public My Commission	on Expires 7-	25-05	
REV 10/25/01	XPIRES S	-			



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1521 Darnoll Road

4-11-04

	 	which is presently zoned	
This Petition shall be filed with the Depart owner(s) of the property situate in Baltimore made a part hereof, hereby petition for a Vari	iance from Section	$(s)^{\prime} + a_{\Lambda} + a_$	
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To parmit an addition a sum of both sides and 50', respectively	X12 00	in theo on the region	wea 20
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of the zoning regulations of Baltimore County of this petition form.	, to the zoning law	of Baltimore County, for the reasons	s indicated on the back
Property is to be posted and advertised as prilip i, or we, agree to pay expenses of above Variance regulations and restrictions of Baltimore County a	ei advertising, postir	no, etc. and further agree to and are to h	e bounded by the zoning
	 	I/We do solemnly declare and affirm, a perjury, that I/we are the legal owner(s is the subject of this Petition.	under the penalties of s) of the property which
Contract Purchaser/Lessee:	i i	Legal Owner(s):	
Name - Type or Print		Name (Type of Print)	ACDER
Signature		Signature Lea Aider	· · · · · · · · · · · · · · · · · · ·
	relephone No.	Name Type or Print Alon > Alon >	***
City State Attorney For Petitioner:	Zip Code	Signature 6521 Darribu Roc	ad 410.823.2313
		Address Puxton Md	Telephone No.
Name - Type or Print			ate Zip Code
Signature	i i	Representative to be Contact	eu.
Company	i	Name (152) Darnou	Rd 410.823.2313
Address	elephone No.	Address Buxton Ma	Telephone No.
City	Zip Code	City	ate Zip Code
A Public Hearing having been formally demanded a this that the regulations of Baltimore County and that the property be	elsublect matter of this	quired, it is ordered by the Zoning Commis petition be set for a public hearing, advertised	sioner of Baltimore County, d, as required by the zoning
		Zoning Commissioner of Baltimor	re County
CASE NO. 04-448-A	Revie	wed By JRF Date	3-29-04

Estimated Posting Date _

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 - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. 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 6521 Dariel Road
(address)
Beginning at a point on theside ofside ofside ofside of
(name of street on which property fronts) which is (number of feet of right-of-way width)
wide at the distance of 370 south, east or west) of the (number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street
which iswide. *Being Lot #, (number of feet of right-of-way width)
Block N/A, Section # MAin the subdivision of Rulton (name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #, Folio #,
containing Also known as (square feet or acres) . Also known as (property address)
and located in the \mathcal{I} Election District, \mathcal{L} 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.

448

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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Certificate Of Posting

RE: Case NO.: 04-448-A

Petitioner/Developer: Scott

KAREN ALDER

Date of Hearing/Closing: 4/26/04

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at

This sign(s) were posted on

(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

Balto, MD 21237

(City,State,Zip Code)

(410)-933-9470

(Phone Number)

Marker Oglo April 9, 2004

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 04-448-A
Petitioner Kovens & Scott Alder
Address or Location <u>6521 Downall Rd</u>
PLEASE FORWARD ADVERTISING BILL TO
Name Scott & Kosen Alder
Address 16521 Davenall Road
Buxton, md 21204
Telephone Number: 410.823.2313

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 04-	448	-A	Address	6521	DAR	VALL RO	
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Filing	Date: 3-3				4-11-0)4 c	losing Date:	4-26-01
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Case N	umber 🐠	448 -A	Addres	ss_ <u>65</u> 2	1 DAR	NACL	RD.	
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Department of Permits at Development Management

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





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

April 26, 2004

Scott Rawlings Alder Karen Lea Alder 6521 Darnali Road Ruxton, Maryland 21204

Dear Mr. and Mrs. Alder:

RE: Case Number:04-448-A, 6521 Darnall Road

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

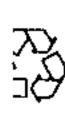
Very truly yours, Calland Salad Control Richard Salad Control Richard Salad Sa

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:



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

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 31, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2004

Item No.:

436-449

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

4.5.004 Date:

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

RE:

Baltimore County

Item No. 448

JRF

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

f. f. Dredl





BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (25/500)

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

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

04-436

04-437

04-438

04-439

04-440

04-441

04-445

04-446

04-447

04-449

Reviewers:

Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

APR 1 4 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-415, 4-431, and 4-448

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.

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 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 April 12, 2004

Item Nos. 436, 437, 438, 439, 440, 441, 445, 446, 447, 448, and 449

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

RWB:CEN:jrb

cc: File

2 Ruxton Down an Road 4 12 625 KT

いださる

Location = Brawing

This plat is of benefit to a consumer only insofar as it is in connection with contemplated transfer, financing or refraencing, of fences, garages, buildings, dwellings or other existing or refraencing, future improvements nor does this plat purport to reflect plat does not provide for the accurate identification of for the transfer of title or securing specific level of accuracy. This property boundary times, but such identification may not be required the transfer of title or securing financing or refraencing, to the approximate location of the dwelling is shown in relation to the approximate property lines for the property known as

6521 Darnall Road

BaltimoreCounty, Maryland

Villian

RuxtonTowson, Design 2 Bellona Suite 300 Maryland 300 Lane

7 modellano

Corporation

dc@ruxtondesign.com 410-823-5000 410-823-0115fax www.ruxtondesign_com

Drive

50,

(E) *

NO8º57

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CES

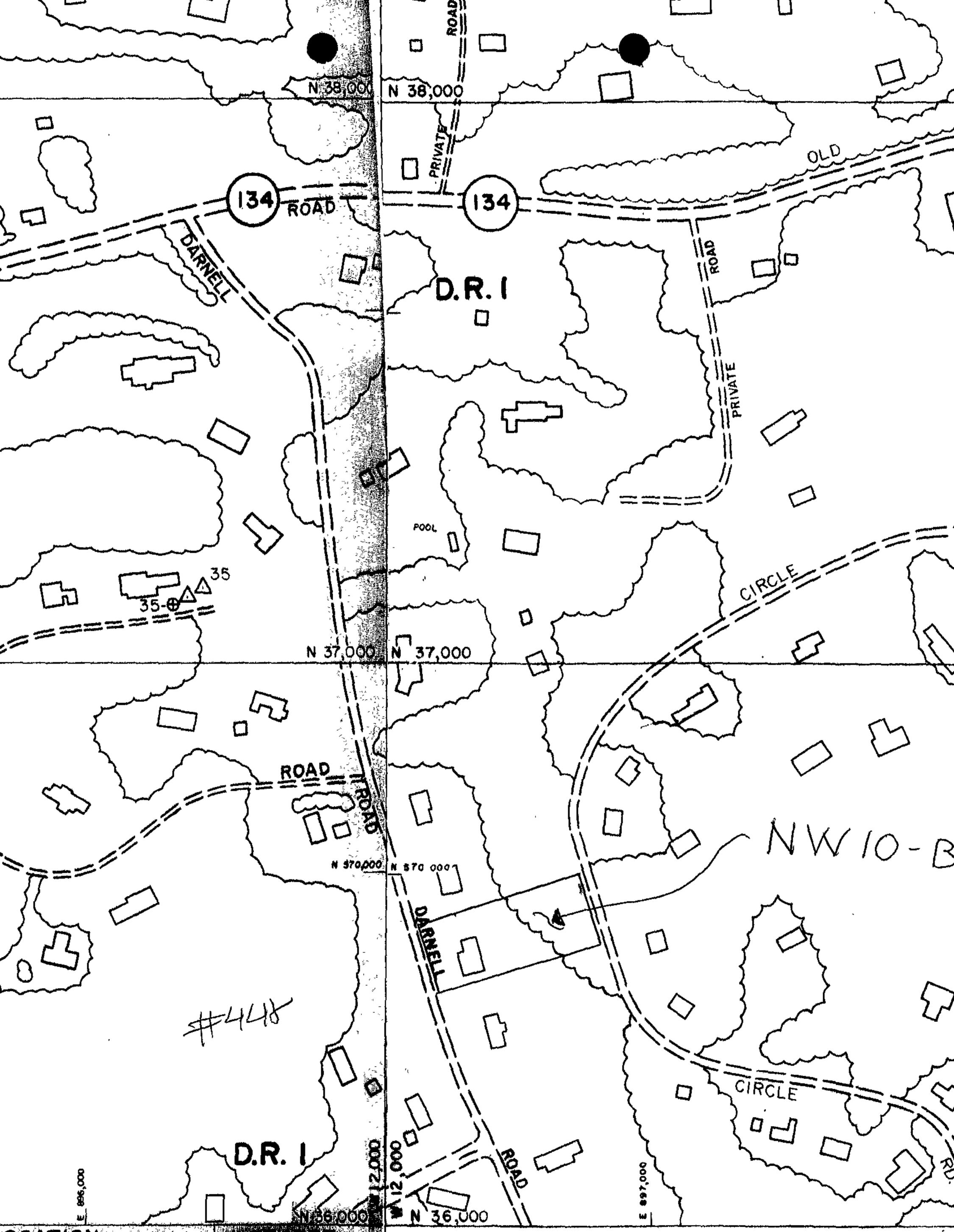
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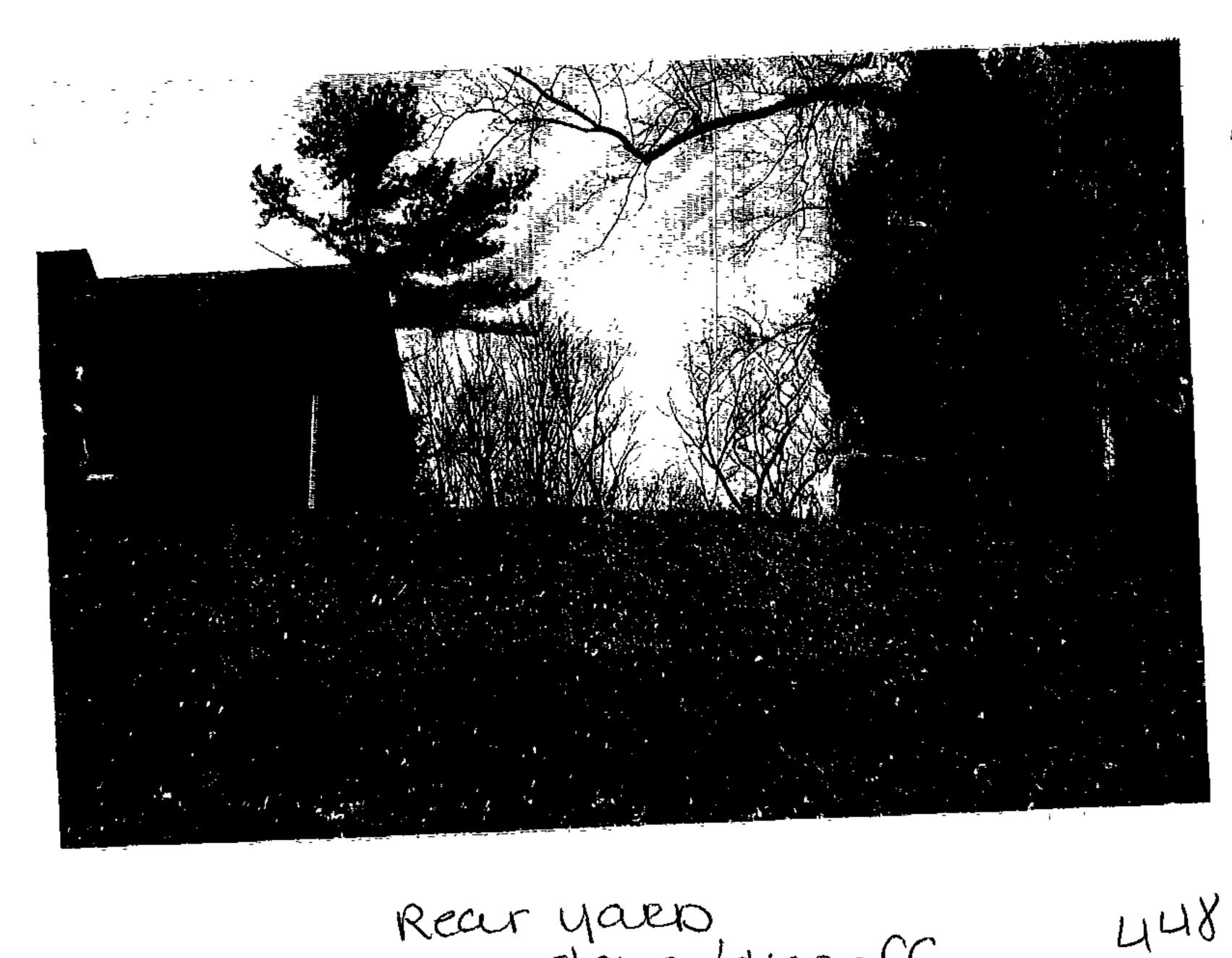
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in Flood Zone







Rear yours 510pe/dropoff



4 48



current house proposed garage distance to swormley home



View of proposed garage