IN RE: PETITION FOR ADMIN. VARIANCE

N/S Hallfield Manor Drive, 32' E of the c/l

Lineage Court

(4344 Hallfield Manor Drive)

11th Election District 6th Council District

Donald W. Michael, Sr. Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 04-457-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Donald W. Michael, Sr., and his wife, Jane C. Michael. The Petitioners seek relief from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side street setback of 10 feet in lieu of the required 25 feet for a proposed 28' x 15' addition, and an amendment to the Final Development Plan for "Hallfield Manor", Lot 59, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

By

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By

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Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. There were no adverse comments submitted by any County reviewing agency and according to the letters of support contained within the case file, apparently no objection from the affected neighbors. Thus, it appears that relief can be granted without detrimental impact to adjacent properties.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _______ day of May 2004 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.9 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side street setback of 10 feet in lieu of the required 25 feet for a proposed 28' x 15' addition, and an amendment to the Final Development Plan for "Hallfield Manor", Lot 59, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis

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

May 5, 2004

Mr. & Mrs. Donald W. Michael, Sr. 4344 Hallfield Manor Drive Baltimore, Maryland 21236

PETITION FOR ADMINISTRATIVE VARIANCE RE: N/S Hallfield Manor Drive, 32' E of the c/l Lineage Court (4344 Hallfield Manor Drive) 11th Election District – 6th Council District Donald W. Michael, Sr. - Petitioner Case No. 04-457-A

Dear Mr. & Mrs. Michael:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4344 Hall Field Mayor Drive which is presently zoned D.R. 5.5

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) 1001.30.30.30.30.30.

TO PERMIT AN ADDITION WITH A 10-FOOT SIDE SETBACK FROM A STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 25-FEET AND TO AMEND THE FDP FOR "HALLFIELD MAKOR", LOT 59.

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 Po	ne legal owner(s) of the petition.	property which
Contract Purchaser/Les:	see:		Legal Owner(s):		
Marna Tress or Drint		·	Donald W Mic	HAEL SR >	Owner
Name - Type or Print			Donald W Mich	cul SR	
Signature	•		Signature	Vichael	
Address		Telephone No.	Name - Type or Print	·	
ity	State	Zip Code	Signature		410
ttorney For Petitioner:			4344 HALL Field	MANOR DRIVE	529-73
			Address	A. S	Telephone No.
lame - Type or Print			BALTO	mu	21236 Zip Code
Signature	HII O II — A MIKNIK AMER	a Post land a series of the contract of the co	Representative to	be Contacted:	
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ddress		Telephone No.	Āddress		Telephone No
ity	State	Zip Code	City	State	Zip Code
Public Hearing having been for	mally demand	ed and/or found to be	required, it is ordered by the	Zoning Commissioner of I	Baltimore County,
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(2K)	1		Zoning Commis	sioner of Baltimore County	
CASE NO. O4-L	157-A	Rev	iewed By	Date4504	
REV 10/25/01		Esti	mated Posting Date	418/04	·

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	4344 Hall	Field Manor Dr	ive
	Address Balto.	ml	21236
That based upon personal knowledge, the follo	owing are the facts upo	State on which I/we base the reque	Zip Code est for an Administrative
Variance at the above address (indicate hardsh	nip or practical difficulty)): 	1100
The reason for requesti	ng a building	permit is to a	ay move
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The reason behind this	5 is becau	se I have had	hin a Fell
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months. Gerring ap an increasingly difficult	- The only	option to movi	ng the
increasingly difficult bedroom downstairs is	s to add on	to the house	5 and They
bedroom downstairs is discussed this with i all have written letters	my SUFFOUN	heu have no obs	iection with
this addition.	July		
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide			to pay a reposting and
Signatures Donald W Michael 5P	Signa	Jane C. Mi Jane C. Mi	chael
Signature Signature Signature Name - Type or Print Signature Name - Type or Print		Jane C. M	ichael
Name - Type or Print	Name	e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTI	•	· • • • • • • •	
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	, ②10分 , before me, a N	
Jane muchael	& Donaea	e muchael	
the Affiant(s) herein, personally known or satisf	factorily identified to me	as such Affiant(s).	•
AS WITNESS my hand and Notarial Seal			<u>;</u> -
	Notary Public	c Luce	
	•	sion Expires	2004
REV 10/25/01		BRIAN J. VITTEK Y PUBLIC STATE OF MARYLANI	•

HARFORD COUNTY

My Commission Expires May 1, 2004

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	4344 Hall	Geld Manor Dr	ive
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bedroom downstairs is discussed this with i all have written letters	Stating th	ney have no ob	jection with
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	additional information.		
Signature Donald W Michael 51	Signa	Ime C. M.	ichael
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	ture Jane C. M. - Type or Print	ichael
Name - Type or Print	Name	e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTII	•	als a source all a subsection of the result.	21 L 19 10 10 80 PC 1 L 2 11 L 1
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	_, 2101/ , before me, a N	
the Affiant(s) herein, personally known or satisf	actority identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	Du	n L'Ume	2
	Notary Public My Commiss	sion Expires <u>May /</u>	2004

REV 10/25/01

BRIAN J. VITTEK
NOTARY PUBLIC STATE OF MARYLAND
HARFORD COUNTY
My Commission Expires May 1, 2004



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4344 Hall Field Mayor Drive which is presently zoned __D.R.5.5

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) 1002.38.,504 (802R) + V.B.9 (CMDP)

TO PERMIT AN ADDITION WITH A 10-FOOT SIDE SETBACK FROM A STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 25-FEET AND TO AMEND THE FDP FOR "HALLFIELD MANOR", LOT 59.

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.

			I/We do solemnly perjury, that I/we a is the subject of the	declare and affirm, under the are the legal owner(s) of the his Petition.	ne penalties of property which
Contract Purchaser/L	_essee:		Legal Owner(<u>s):</u>	
Name Type of Davi		<u></u>	DONALDWI	MicHael SR	> OWNER
Name - Type or Print			Name - Type or Prin	1. 1 a. 0 < 0	
Signature			Signature	2. Michael	
Address	<u> </u>	Telephone No.	Name - Type or Prin	· · · · · · · · · · · · · · · · · · ·	
			James	. Michael	
City	State	Zip Code	Signaty/e		410
Attorney For Petition	<u>er:</u>		7544 HALLF; &	eld MANOR Deiv	12 529-1205
			BALTO	MD	Telephone No
Name - Type or Print			City	State	2)23 <u>6</u> Zip Code
Signature	······································		Representativ	ve to be Contacted:	
Company			Name		
Address	<u> </u>	Telephone No.	Address		Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee this day of regulations of Baltimore County	en formally demand that y and that the proper	ted and/or found to be at the subject matter of to the type reposted.	required, it is ordered his petition be set for a pi	by the Zoning Commissioner o ublic hearing, advertised, as red	of Baltimore County, quired by the zoning
			Zoning Co	ommissioner of Baltimore Coun	ity
CASE NO	1-457-A	Rev	riewed By D.T.	Date 450	4
REV 10/25/01		Est	imated Posting Date	e 4/18/04	

Zoning Description for 4344 Hallfield Manor Drive

Beginning at a point on the north side of Hallfield Manor Drive

Which has a 50-foot right-of-way at a distance of 32-feet east of
the centerline of Linage Court. Being Lot#59 in the subdivision
known as "Hallfield Manor" as recorded in Baltimore County Plat
Book #35, Folio #83 containing 4,533 square feet. Also known as
4344 Hallfield Manor Drive and located in the 11th Election
District, 6th Councilmanic District.

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	RE:	Case No.: 04-457-A
		Petitioner/Developer: MICHAEL
		Date of Hearing/Closing: MAY 3, 2
caltimore County Department of Fermits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204		
TTN: Kristen Matthews {(410) 887-3	3394}	
adies and Gentlemen:		
his letter is to certify under the penalt osted conspicuously on the property le	ies of perjury that the ecated at:	necessary sign(s) required by law were
4344	HALLFIELD	MANOR DRIVE
		<u> </u>
he sign(s) were posted on	-4/-17	04
-	(Month, Day Sincerely,	y, Year)
	724 	
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	l	SSG Robert Black
		(Print Name)
		1508 Leslie Road
The state of the s	<u> </u>	(Address)
		Dundalk, Maryland 21222
		(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 0 9	457	-A	Address	4344	HALLI	FIELD N	MANOR	DRIVE
Cont	act Person.	DONNA -	THOMPSON				one Numb		
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etitior	ner's Name_	MICHAEL					one 410		
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<u> </u>	EDP FOR	"HALLFIE	LD MANOR	", Lot	59.	_ .	<u> </u>		
		-		····		<u></u>			



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.

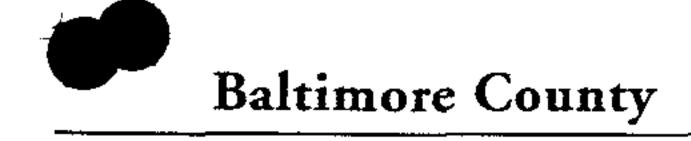
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising.
Item Number or Case Number 04-457-A
PetitionerMICHAEL
Address or Location 4344 HALLFIELD MAKOR DRIVE
PLEASE FORWARD ADVERT, SING BILL TO
Name. MR. + MRS. DONALD W. MICHAEL SR.
Address - 43HH HALLFIELD MANOR DRIVE
BAID. MD 21236
Teiephone Number

Department of Permits 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 29, 2004

Donald W. Michael Jane C. Michael 4344 Hallfield Manor Drive Baltimore, Maryland 21236

Dear Mr. and Mrs. Michael:

RE: Case Number:04-457-A, 4344 Hallfield Manor Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 5, 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.

U. Callaball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

Fire Department

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



Baltimore County

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

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

April 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

(457)-469

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 · wantan mark of the master of the contract of the





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4 · 19 · 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. 457

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,

Engineering Access Permits Division

My telephone number/toll-free number is

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley Pos Joo

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

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

04-457

04-458

04-459

04-460

04-461

04-462

04-465

04-466

04-467

04-468

04-468

04-469

Reviewers:

Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 23, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-457 and 4-460 – Administrative Variance

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.

RECEIVED

Prepared By:

APR 2 7 2004

ZONING COMMISSIONER

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 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 April 26, 2004 Item Nos. 457, 458, 459, 460, 461, 462, 465, 466, 468, and 469

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

RWB:CEN:jrb

cc: File

4346 Hallfield Mr. Drive Battimory Maryland 21236 23 March 2004

Ballimore County Joning Doard

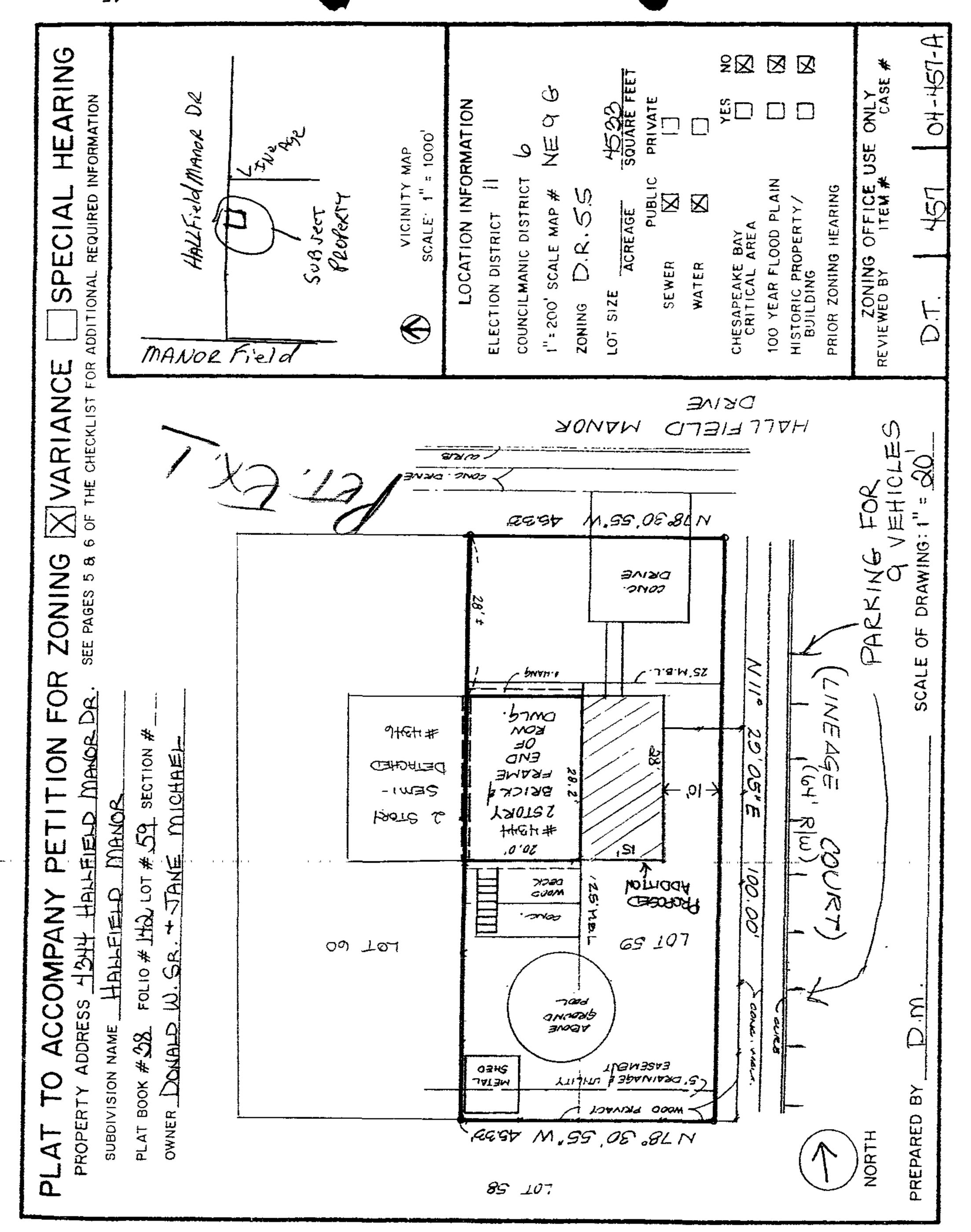
Dias Gard Mentre :

RE the addition to my neighbors house at 4 3 44 Halfula Mann Drive

I have no objections to its construction.

your truly Joya M'Hisaid

410-256-2293





PARKING AREA ON SIDE OF HOUSE.



SIDE OF HOUSE WHERE PROPOSED ADDITION WILL GO.

