DATE RECEIVED FOR FILING BY

IN RE: PETITION FOR ADMIN. VARIANCE

W/S Knollcrest Road, at NE/Corner

Avers Court

(12414 Knollcrest Road)

8th Election District 2nd Council District

Robert A. Smith, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-477-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 owners of the subject property, Robert Alan Smith, and his wife, Jill S. Smith. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 30 feet each in lieu of the required 50 feet for the existing dwelling and proposed addition (attached two-car garage). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked 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 regard, the Petitioners have 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

Based upon the information contained therein, I am persuaded to grant the requested relief. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. The location of existing improvements on the property and site conditions thereon dictate the proposed location of the garage addition and it is clear that strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Moreover, there were no adverse comments submitted by any County reviewing agency and apparently the neighbors are not opposed. Thus, it appears that relief can be granted and that there would be no detrimental impact upon the health, safety or general welfare of the surrounding community.

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 Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 30 feet each in lieu of the required 50 feet for the existing dwelling and proposed addition (attached two-car garage), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

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

MM ISHMIN

Zoning Commissioner for Baltimore County

LES:bjs

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 28, 2004

Mr. & Mrs. Robert Alan Smith 12414 Knollcrest Road Owings Mills, Maryland 21117

RE: PETITION FOR ADMINISTRATIVE VARIANCE W/S Knollcrest Road, at NE/Corner Avers Court (12414 Knollcrest Road)

8th Election District – 2nd Council District Robert A. Smith, et ux - Petitioners Case No. 04-477-A

Dear Mr. & Mrs. Smith:

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	12414	Knollcrost	120001	
			RC.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) 1 404,53,7 TE PERMIT SOFT

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 declare perjury, that I/we are the is the subject of this Petit	legal owner(s) o	der the penalties of of the property which
Contract Purchase	r/Lessee:		Legal Owner(s):	,	
Name - Type or Print			Name - Type or Print	n.M	
_			Clar Ar Dr		
Signature		-=+-	Signature S. Sm	.ih	
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petitic	ner:	•	12414 KNOLLCR	est Rib	410-561-7468
			Address		Telephone No.
Name - Type or Print			OWINGS MILLS	Mo	21117
ignatire			City Representative to b	State e Contacted	Zip Code
Company		<u></u>		VIELS A	RCHITECT
5			Mame 1926 Brudows	4 RD	110.560.3588
Address		Telephone No.	Address	4	Telephone No
			MUIMINIT	WD	21093
	State	Zip Code	City	State	Zip Code
AlPhiblic Hearing having be day of	een formally demande that hat and that the property	d and/or found to be the subject matter of the be reposted.	required, it is ordered by the Zohis petition be set for a public hear		
CASE NO.	77	-/ Rev	iewed By 870-	Date <u>5</u>	1-19-04
REV 10/25/01	desimmed vid	Esti	mated Posting Date	5-02	OU

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

12414 Knoll crost No Address MV State

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The Owner wishes to add a garage to the existing residence.

The landscaped pool area in the back yard, and the 4'to 6' steep slope make adding a garage in the back yard impractical.

Given the existing interior arrangement of the house and the desire to place the garage as close as possible to the existing kitchen/breakfast area and mudroom, the best location to add is to the south side.

The existing side yard hedge can continue to act as a buffer and screen the addition from the neighboring property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

____, 2004_, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert Smith Jill Smith the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

Nathan Fischer, Notary Public

Harford County
State of Maryland
My Commission Expires July 01, 2006

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		est Road	
	Owings Mills	Mb	21117
	City	State	Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

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REV 10/25/01

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x) UAI DA	$\mathcal{L}_{\mathcal{O}} \times \mathbb{Z}_{\times}$.	
Signature Rubert Alm Smith	Signature	,5mit
Name - Type or Print	Name - Type or Print	
	-	
STATE OF MARYLAND, COUNTY OF BALTIMOR I HEREBY CERTIFY, this 25th day of Much of Maryland, in and for the County aforesaid, person	ally appeared	pefore me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactor	Jill Smith	
The same of the same belocations known of same sactor	ily luctivitied to me as such Affiai	nt(s).
AS WITNESS my hand and Notarial Seal		
	- Atto	and the second s
	Notary Public My Commission Expires	Nathan Fischer, Notary Public Harford County

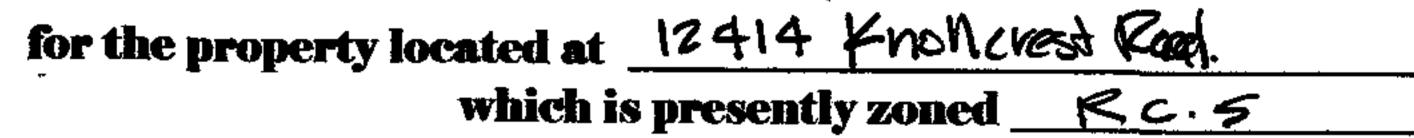
State of Maryland My Commission Expires July 01, 2006



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County



made a part hereof, hereby petition for a Varia	ment of Permits and Development Management. The undersigned, legal county and which is described in the description and plat attached hereto and ince from Section(s) 1 ACU, 3B, 2, Comment To
SING GARDS (PROPOSED)	EXECTIVE INCLESS OF 50 FT.

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

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

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

			I/We do solemnly declare perjury, that I/we are the is the subject of this Petit	legal owner(s) of the	the penalties of he property which
Contract Purchaser	<u>/Lessee:</u>		Legal Owner(s):		
Name - Type or Print			Name Type or Print	Sm.th.	
Signature	·····		Signature	ni-th	
Address		Telephone No.	Name - Type or Print	<u>, ((, , , , , , , , , , , , , , , , , </u>	
City	State	Zip Code	Signature		410
Attorney For Petition	ner:		12414 KNOLL	CREST RUA	D 561-7468
			Address		Telephone No.
lana Tina a Distri			DHINGS MILLS	i mb	21117
lame - Type or Print			City	State	Zıp Code
Signature		······································	Representative to b		HELT
ompany			Name		
ddress		Total	1426 BROADWA	4 20 410.	560.3588
1441633		Telephone No.	Address	.	Telephone No
ity	State	Zip Code	City	Mo	71093
			•	State	Zip Code
Public Hearing having benis day of egulations of Baltimore Count			required, it is ordered by the Zonis petition be set for a public hea	oning Commissioner ring, advertised, as ri	of Baltimore County, equired by the zoning
	ي المستقدم المارية الم المارية المارية الماري		Zoning Commissio	ner of Baltimore Cou	nty

Reviewed By

Estimated Posting Date _

LEGAL DESCRIPTION - 12414 Knollcrest Court

From a point at the northeast corner of Avers Court and Knollcrest Rd proceed 350 feet+- northerly along Knollcrest Court to the point of beginning. Then N 5 23' 43" E 150.0' along Knollcrest Court. Then leaving Knollcrest Court S 84 36' 17 E 160.84'. Then N 69 06' 53" E 170.29'. Then S 52 38' 11" E 140.80'. Then S 84 36' 17" E 194.0' to the point of beginning of the property. To form a parcel of 36,744sf or 0.84 acres.

04-477-9

The state of the s	FORINGE CONTRACTOR OF THE PROPERTY OF THE PROP	

CERTIFICATE OF POSTING

ACTENTION: KRISTEN MATTHEWS

Date May 3,2004

E: Case Number 04-477-A

Petitioner/Developer RDBERT + SUE SMITH

Date of Hearing Closing MAY 17, 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 12414, KNOLLCREST RD

The sign(s) were posted on

april 30, 2004



(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)

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

/
Case Number 04- 477 -A Address 174(C Souchest Case 1740)
Contact Person: Name Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 04-19-04 Posting Date: 05-02-04 Closing Date: 05-17-00
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 04- 477A Address 12414 Nocci
Petitioner's Name Rost & Jul Strict Telephone 410 SG (- 7468
Posting Date: <u>05-07-04-</u> Closing Date: <u>05-{7-04</u>
Nording for Sign: To Permit Suite PAND Setremes (Existing & Professor)
OF 30FT LULGO OF 50F;

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 tisted below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising.
Item Number or Case Number <u>O4-477-A</u>
Petitioner Robert + Jim Snrh
Address or Location 12414 Knowcrest Ct
PLEASE FORWARD ADVERTISING BILL TO
Name Pober Smith
Address 12414 KNOLLCREST CT
Owings Mills MD 21117
Teiephone Number: 410 - 561 · 7468

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

May 17, 2004

Robert M. Smith Jill S. Smith 12414 Knollcrest Road Owings Mills, Maryland 21117

Dear Mr. and Mrs. Smith:

RE: Case Number:04-477-A, 12414 Knollcrest Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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. Callille Jours, Calling Jours, Calling Journal of the Calling o

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Walter Daniels 1426 Broadway Road Timonium 21093



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

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

April 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of April 26, 2004

Item No.:

Dear Ms. Hart:

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

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

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

4.26.04 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. 477

JRA

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

1. J. Sall

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

April 30,2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 26, 2004

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

04-470

04-473

04-474

04-477

04-478

04-479

04-480

04-481

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 DATE: April 28, 2004

APR 3 0 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-477 and 4-476 - 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.

Prepared By:

Division Chief:

MAC/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 May 3, 2004 Item Nos. 470, 474, 475, 476, 477, 478,

and 480

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

RWB:CEN:jrb

cc: File

004/13/04

I have no objection to the Smiths building a garage onto their house at 12414 Knollerest Rd.

Mill HSter 12412 KNOMCREST RA

