ORDER RECEIVED

IN RE: PETITION FOR ADMIN. VARIANCE

NE/S of Jonathans Court 200 ft. NE of Falls Road 8th Election District 3rd Councilmanic District

(8 Jonathans Court)

Tamara & Randall E. McMonigle **Petitioners** 

BEFORE THE

DEPUTY ZONING COMMISSIONER \*

OF BALTIMORE COUNTY

CASE NO. 04-515-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, Tamara and Randall E. The variance request is for property located at 8 Jonathans Court in the Hunt McMonigle. Valley area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a detached accessory structure to be built in the side yard in lieu of the rear yard. 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 June 7, 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 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 2 day of Jane, 2004, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a detached accessory structure to be built in the side yard in lieu of the 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 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

ORDER RECEIVED FOR FILING BY AND MANAGED FOR FILING

### 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

June 30, 2004

Mr. & Mrs. Randall E. McMonigle 8 Jonathans Court Hunt Valley, Maryland 21030

Re: Petition for Administrative Variance

Case No. 04-515-A

Property: 8 Jonathans Court

Dear Mr. & Mrs. McMonigle:

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



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



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property i	ocated at O Jonethans Ct. Hurtud
	which is presently zoned $RCY$
This Petition shall be filed with the Department of Permovner(s) of the property situate in Baltimore County and white made a part hereof, hereby petition for a Variance from Sect	ich is described in the description and plat attached hereto tion(s) / / <
Accessory Stancours To Be	BUILT IN THE SITE UNDER
LIEWOF THE ROAR YARD	D. Color of the thirty of
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the
Property is to be posted and advertised as prescribed by the i, or we, agree to pay expenses of above Variance, advertising, poregulations and restrictions of Baltimore County adopted pursuant	sting etc. and further agree to and are to be becomeded by the -
	I/We do solemnly declare and affirm, under the penalties perjury, that I/we are the legal owner(s) of the property whis the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Randoll E. McMongl
Name - Type or Print	Name - Type of Print
Signature	Signature 4
Address Telephone No.	TAMEA WOOD) CIR Name - Type or Print
City State Zip Code	Camo monufe
Attorney For Petitioner:	I Jonathans (+ 410-541-50
	Address Telephone Hunt (19/101) Address
Name - Type or Print	City State Zip (
Signature " "" " " " " " " " " " " " " " " " "	Representative to be Contacted:
Company	Name
Address, Telephone No.	Address Telephone
City State Zip Code	City State Zip C
A Fublic 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 Co his petition be set for a public hearing, advertised, as required by the zo
17 1/2	Zoning Commissioner of Baltimore County
CASH NO. 04-515-1- Rev	iewed By 500 Date 05-06-06
	mated Posting Date 06-13 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	8 Jones Address	thems Ct.			<del></del>
	<i>(</i>	City	uz	M	tate	フ/0 3ン Zip Code
That based upon personal Variance at the above address	knowledge, the follo	wing are the	facts upon wh difficulty):		•	•
I cannot build the said greasons:	arage in my backyard because o	of the following				
A. I have an existing garage.	pool that does not allow room i	for a driveway to the	•			
B. The slope is very	steep on the backyard to where	it is unbuildable.				
C. The level part that	I do have is where my septic s	ystem is.				
drainage and utilit	y house has a grade that is slops y easement. The slope goes from to the back of the property	ped and has a m the front of the				
to my mobility. I b	the lay of my house only works roke my left ankle some years a unleveled areas such as slopes	ago due to the	•			
properties in my area be in line with the gar visible from their hom	bave at least three acres, my clorage is over 400 feet away. The see due to the pine trees that block will be touched during the constant.	osest neighbor would garage would not be ak the property view.	!			
That the Affiant(s) acknow advertising fee and may be	<b>—</b> 7 <b>7</b> .	_		ant(s) w	ill be required to	pay a reposting and
Signature 2			Simplime	ma &	menon	gla
Name - Type or Print	mil				memonia	9
						·
STATE OF MARYLAND, C	OUNTY OF BALTIN	NORE, to wit:				
I HEREBY CERTIFY, this of Maryland, in and for the Control of the	<del>Q</del>					tary Public of the State
the Affiant(s) herein, persor	nally known or satisfa	actorily identif	ied to me as s	uch Affia	ant(s).	
AS WITNESS my hand and	i Notarial Seal			o <sup>f</sup>		
		X)	ary Public	reus	حـــــــــــــــــــــــــــــــــــــ	
		My	Commission E	Expires _	My Comm. Ex	ps. <del>                                     </del>



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		thans Cti		
	Address	1		
	Huntual	<u> </u>	md	21030
	City	Ø	State	Zip Code
That based upon personal knowledge, the followard variance at the above address (indicate hardsh	owing are the fa ip or practical d	acts upon which lifficulty):	th I/we base the	request for an Administrative
I cannot build the said garage in my backyard because of the folk reasons:	owing			
A. I have an existing pool that does not allow room for a drive garage.	eway to th			
B The slope is very steep on the backyard to where it is unbut	uldable			
C The level part that I do have is where my septic system is.				
D. The left side of my house has a grade that is slopped and he drainage and utility easement. The slope goes from the from house all the way to the back of the property	as a at of the			
E. The driveway and the lay of my house only works to the right to my mobility. I broke my left ankle some years ago due to sloping; I don't do unleveled areas such as slopes very well	o the			
I would prefer easy access from my house to the garage. All the properties in my area have at least three acres, my closest neighbe in line with the garage is over 400 feet away. The garage we visible from their home due to the pine trees that block the properties of the said trees will be touched during the construction garage.	gbbor would rould not be operty view.		_	*
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Signature		nation.	t(s) will be requ	
				U
Randall E. McMonigla Name - Type or Print	<u> </u>	Tame	A MCMOS or Print	ya le
Name - Type or Print		Name - Type o	or Print	J
STATE OF MARYLAND, COUNTY OF BALTIN	ORE. to wit:			
I HEREBY CERTIFY, this day of Moreon to the County aforesaid, per	•	'ed'	$\frac{\alpha\gamma}{}$ , before me,	, a Notary Public of the State
Steven Pierce				
the Affiant(s) herein, personally known or satisfa	ctorily identifie	d to me as suc	h Affiant(s).	
AS WITNESS my hand and Notarial Seal			R	
- · · · · · · · · · · · · · · · · · · ·	X):	tevan 1	rene	
	Notar	y Public		
	My Co	ommission Exp	oires	mm. Exps. 2007



REV 10/25/01





## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

AUVIA	for the property located at 8 Jonathans (t. Huntually med 2/02)
•	which is presently zoned

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 To PERMITA DETACHED.

ACCESSORY STRUCTURG TO BE BUILT IN THE SUX YARD IN

LEWOF THE ROAL 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. 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> dele 5 Signatúre Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Address Name - Type or Print State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No Address Telephone No. City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised as required by the zoning day of regulations of Baltimore County and that the property be reposted Zoning Commissioner of Baltimore County CASE NO. Reviewed By

Estimated Posting Date

Beginning at a point on the <u>nnotheost</u> side of (north, south, east or west)
name of street on which property fronts) which is (number of feet of right-of-way width)
wide at the distance of OO' north, south, east or west)
eenterline of the nearest improved intersecting street Falls Roud (name of street)
which is wide. *Being Lot # wide. *Being Lot #
Block, Section # in the subdivision of Jone Hoos Delight (name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #,
containing 4,214000. Also known as 8 Tong thans (square feet or acres) (property address)
and located in the Election District, Councilmanic District.

04-515-17.

And the second s			
BUTION	g	RON	BALTIMORE CO OFFICE OF BUDGE MISCELL ANEOL
NK. AGENCY			UNITY MARYLA IS RECEIPT ACCO
OWICUSTOMER			

## RTIFICATE OF POSTING

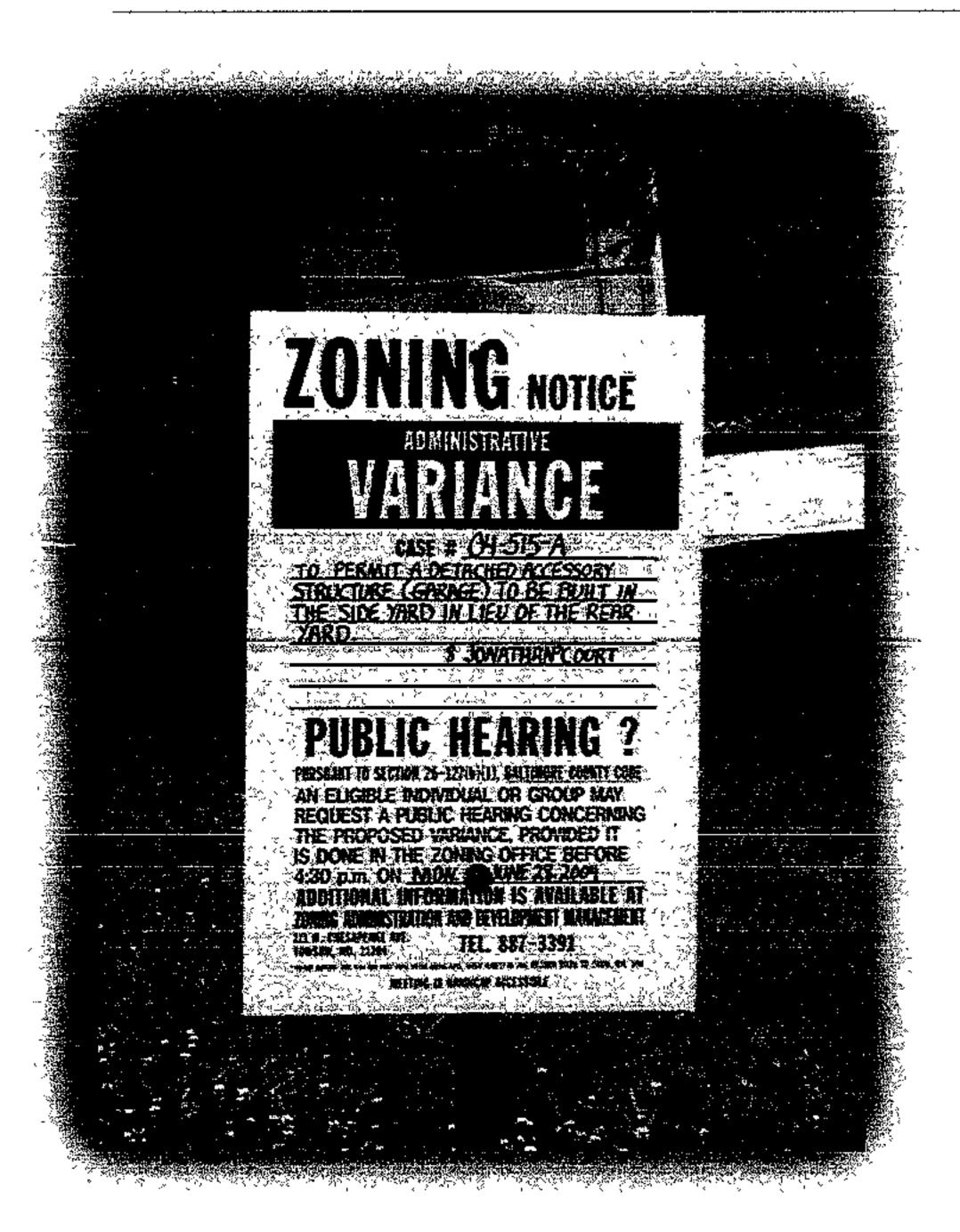
ATTENTION: KRISTEN MATTHEWS

-	Date JUNE 14, 2004
RE:	Case Number 04-515-A
	Petitioner/Developer RANDY MCMONIG-LE
	Date of Hearing/Closing JUNE 28, 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 8 10MNATHONS COURT

The sign(s) were posted on \_

June 7, 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>

	<del></del>
Case	Number 04- 515A Address #8 Jona Lums Gt.
Conta	ict Person: Sour Der Cox Avolon Phone Number: 410-887-3391 26 0 Blanner, Please Print Your Name 56-13-00 06・38 06
Filing	Date: 05-06.04 Posting Date: 5-13-04 Closing Date: 538-04
Any o	contact made with this office regarding the status of the administrative variance should be ghould 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.	<b><u>DEADLINE:</u></b> 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.
3.	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.	<u>POSSIBLE PUBLIC HEARING AND REPOSTING:</u> 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)
Petitic	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case I	Number 04- 515 -A Address #B FONATHAWS CT.
	ner's Name RANDALLE-McMoniGLC Telephone 410-561-5067
	ng Date: <u>65-13-04</u> Closing Date: <u>66-3</u> 8-64.
Wordi	ng for Sign: To Permit & GARDOSE IN THE SIDE PAGE
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#### 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: $04-5!5-1$
Petitioner: Rondoll E. McMorie + Tank 5. McMorie
Petitioner: Rondoll E. McMongh + Tanra S. McMonighe Address or Location: 8 Janotha Ct. Hurtully md 21030
PLEASE FORWARD ADVERTISING BILL TO:
Name: Randall E. McMonile
Address: 8 Josephan Ct. Hunture, md 21030
Telephone Number: 400 - 567 - 5067

Revised 2/20/98 - SCJ

04-515-A

# Department of Permitteent Development Management

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





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

June 1, 2004

Randall McMonigle 8 Jonathan's Court Hunt Valley, Maryland 21030

Dear Mr. McMonigle:

RE: Case Number:04-515-A, 8 Jonathan's Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 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

WCR: clb

**Enclosures** 

c: People's Counsel



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



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 May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

Item No.:

495, 502-511, 513-515, 517

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.

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

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 24, 2004

Item Nos. 502, 503, 507, 508, 509, 512, 513, 514, 515, and 517

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

RWB:CEN:jrb

cc: File

Men Closino Date 6/104(?)

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** May 20, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY 2 1 2004

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-515 – 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







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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

5.17.04

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

RE:

Baltimore County

Item No. 515

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. 1. Soul



May 6, 2004

Mr. & Mrs. Kumar
12 Jonathans Ct.

The McMonigle's at 8 Jonathon's Court are building a garage on their property. The undersigned have no objections to the said garage being built.

Ponha Vamar

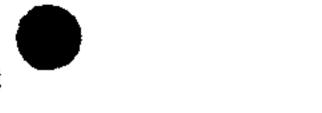


May 6, 2004

Soudabeh Soleen anpour.

The McMonigle's at 8 Jonathon's Court are building a garage on their property. The undersigned have no objections to the said garage being built.

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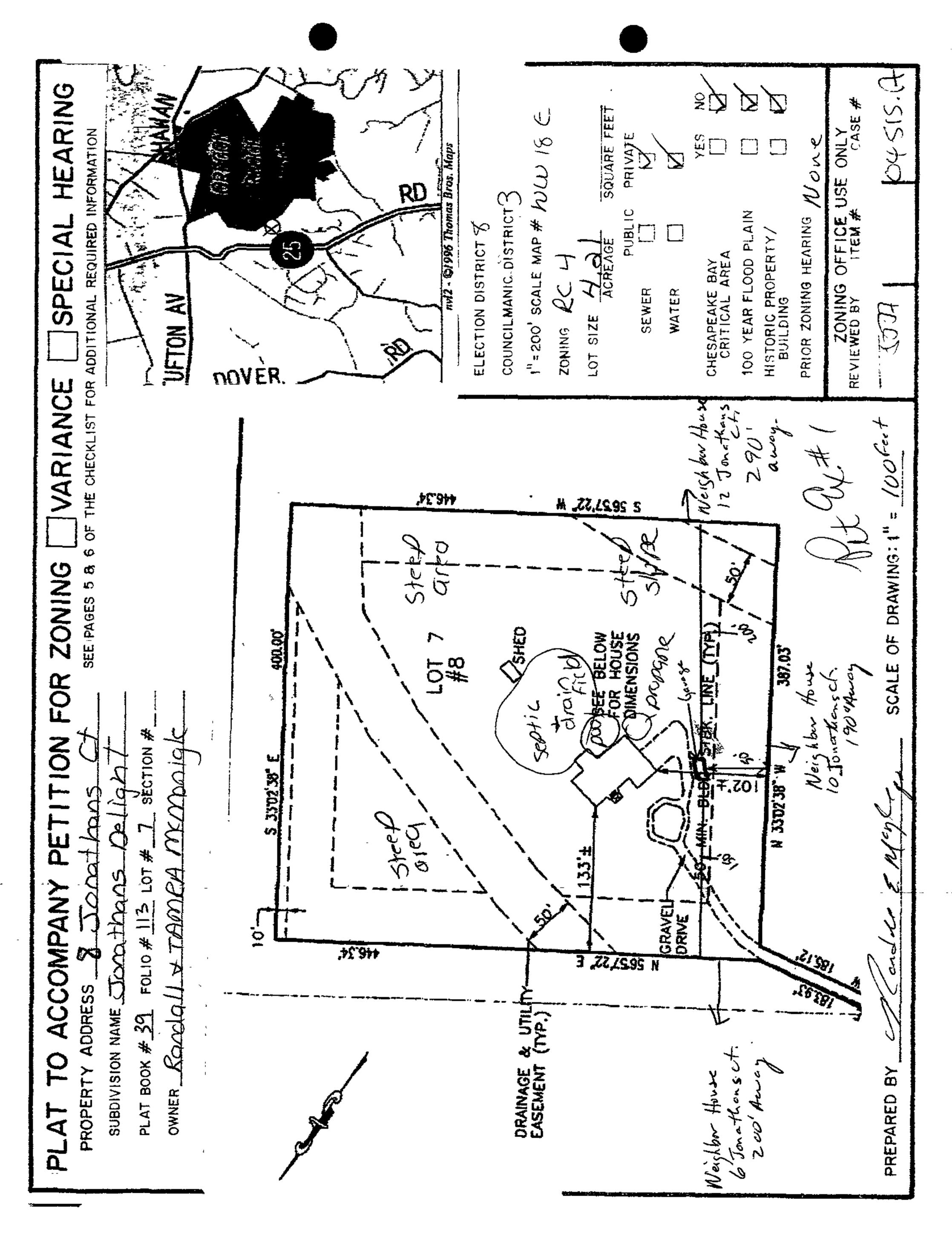


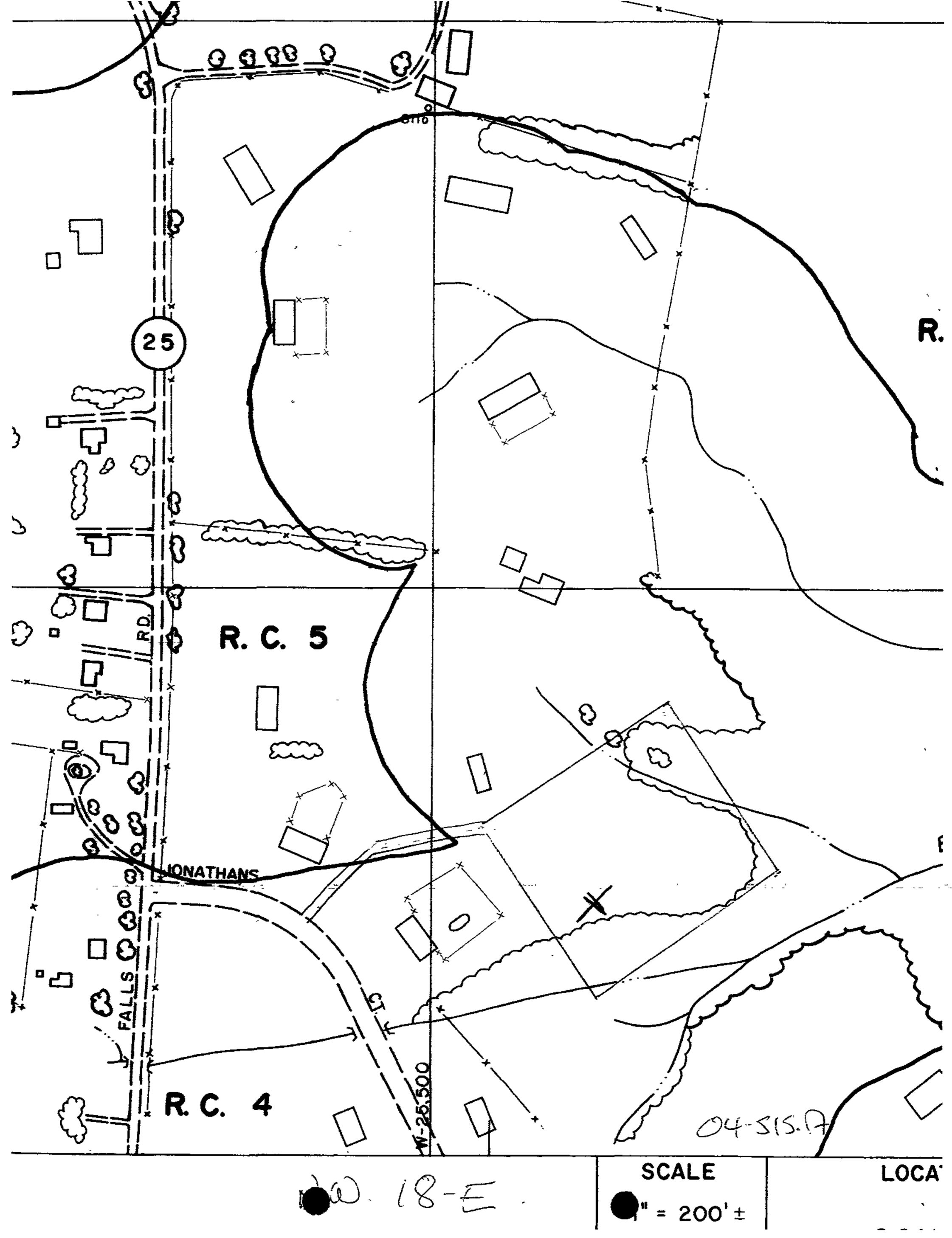
May 6, 2004

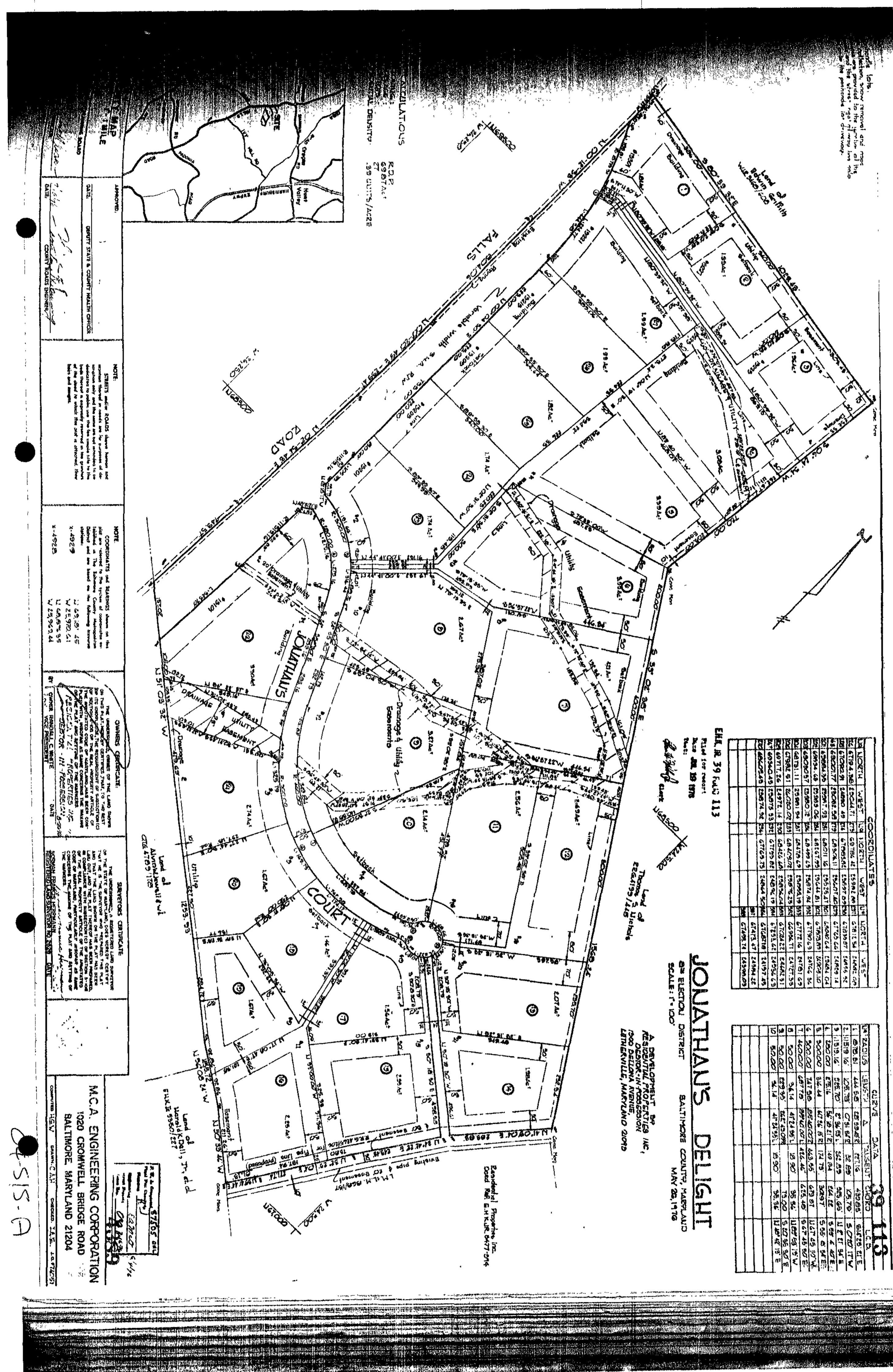
monamos. Lee

The McMonigle's at 8 Jonathon's Court are building a garage on their property. The undersigned have no objections to the said garage being built.

Landy.

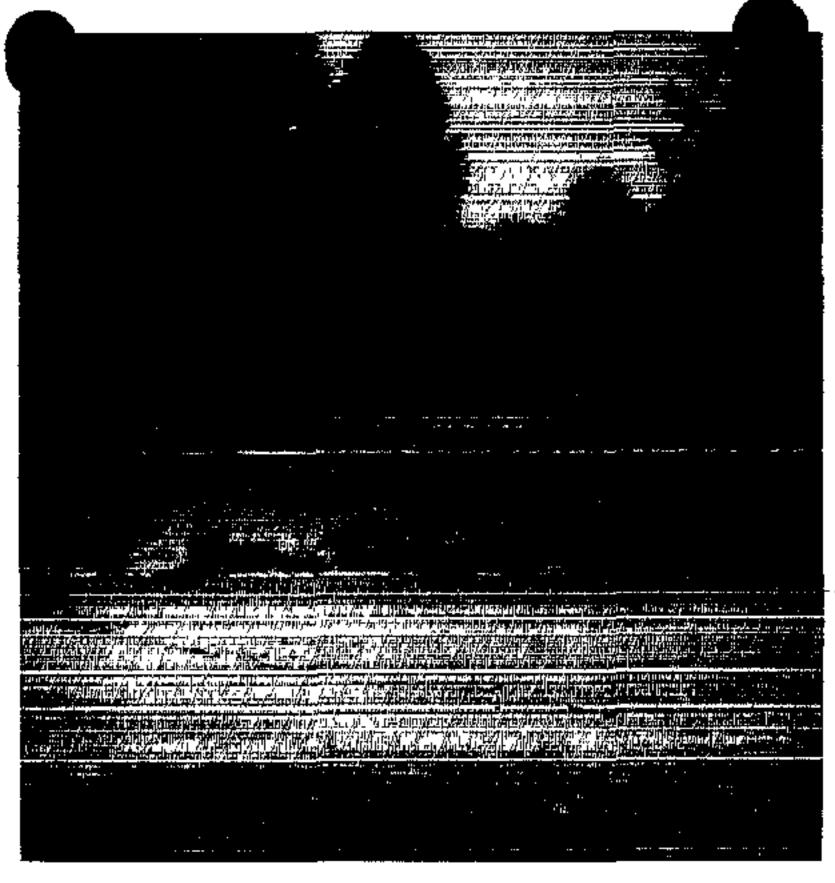




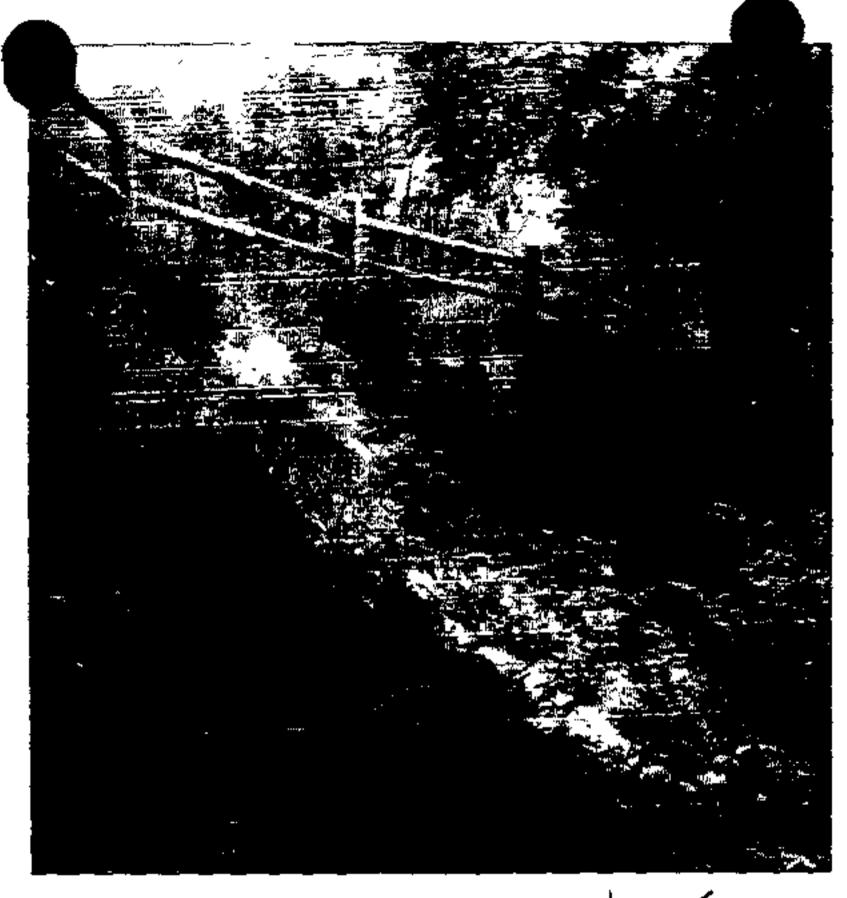




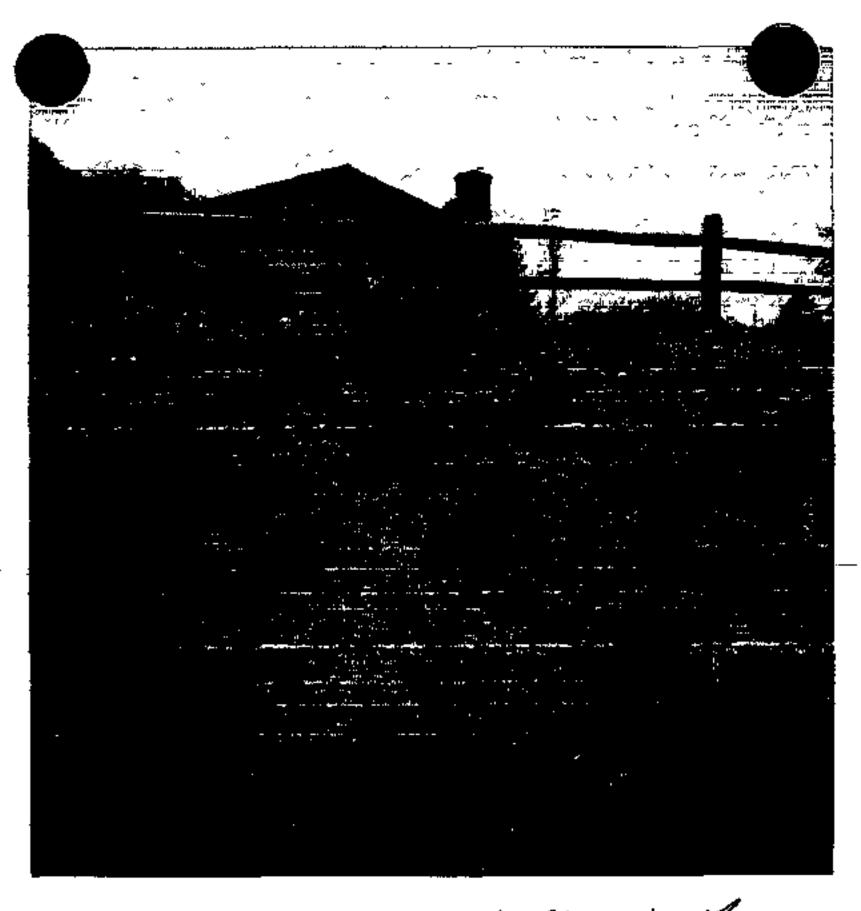
Garage area Shown



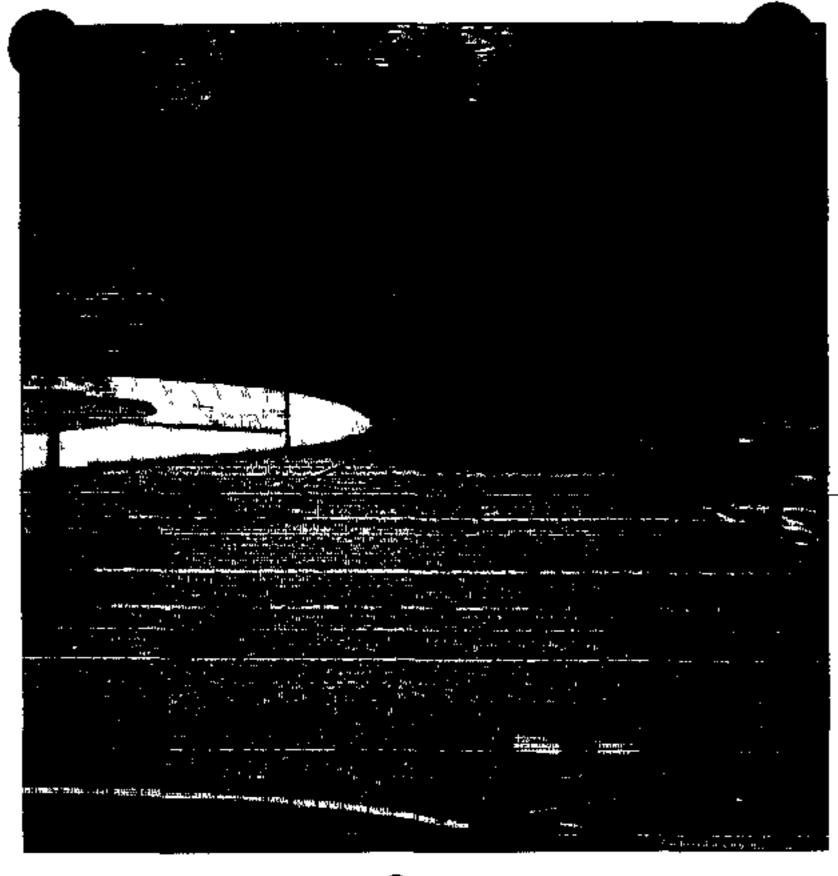
Garage avec picture No Evergeen in Backwill be fouched.



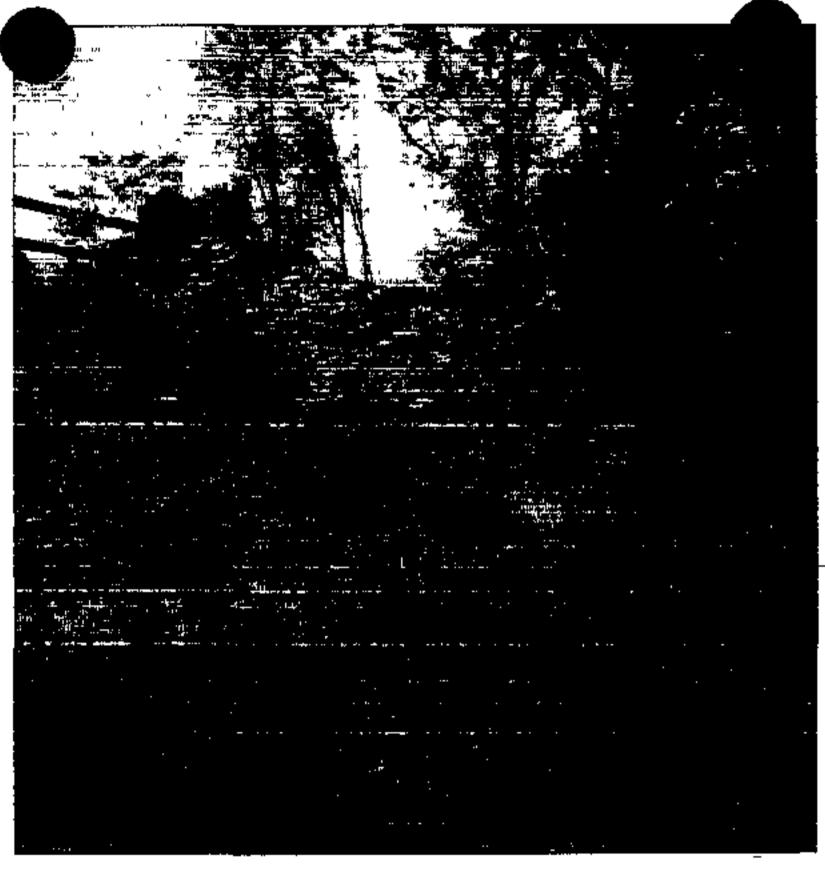
5-teep Slope South sidn of prop.



Steep Slope on NoAhsich of projecty est - 20' Slope. Fato Draine ge and utility casement



No way to Road - very Room steep and Not enough Room



Steep Slope into Drainage dutility easement



Neighbur View of Barage 190' Feet amen of See Garage Due to pine tree

C. C. S. S.



Neighbor House From where Garage will be can not see house - Neighbor can not see Neighbor can not see Garage.

Neighbor # 6 In ather Cto.

200' Away =

24.50