IN RE: PETITION FOR ADMIN. VARIANCE N/S of Hickory Thicket Place, 220 ft. +/- NE of Hollow Springs Lane

11th Election District
6th Councilmanic District

POER RECEIVED FOR

(8618 Hickory Thicket Place)

Mary Alma & Thomas John Holmes

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 04-518-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, Mary Alma and Thomas John Holmes. The variance request is for property located at 8618 Hickory Thicket Place in the "Silver Gate South" subdivision of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504.2 (CMDP), to permit a side yard setback of 3 ft. for a carport in lieu of the required 6 ft. and to amend the Final Development Plan of "Silver Gate South". 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 May 23, 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 <u>10</u> day of June, 2004, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504.2 (CMDP), to permit a side yard setback of 3 ft. for a carport in lieu of the required 6 ft. and to amend the Final Development Plan of "Silver Gate South", 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

AND THE CENTED FOR THE COMPANY OF TH

#### 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

Mr. & Mrs. Thomas J. Holmes 8618 Hickory Thicket Place Baltimore, Maryland 21236

> Re: Petition for Administrative Variance Case No. 04-518-A Property: 8618 Hickory Thicket Place

Dear Mr. & Mrs. Holmes:

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





REV 10/25/01



for the property located at  $\frac{86/8}{4}$   $\frac{H_{ICKEY}}{4}$   $\frac{7L}{2}$  which is presently zoned  $\frac{PRS.5}{5}$ 

This Petition shall be filed	with the D	epartment of Permi	its and Development Man	agement. The u	ndersigned, legal
This Petition shall be filed owner(s) of the property situated a part bereof, bereby re	ate in Baltin	ore County and which	ch is described in the descri	ption and plat atta	ched hereto and
made a part hereof, hereby p	4 9 101		180Z,3,B	504.2	(CMOD)
10 PERMIT	7 2 20	=NNX-D ZE	$\rightarrow$ $OF$ $3+$	F. top	A CARPORT
IN CIEN O	F TH	E KEQUIN	ED 6-Ft., ANI	D TO A	MEND THE
FINAL DEVELOR	ひとして	PLAN	of Silve	ER GATE	SOUTH.
of the zoning regulations of E of this petition form.	Baltimore Co	ounty, to the zoning l	aw of Baltimore County, for	the reasons indic	ated on the back
Property is to be posted and I, or we, agree to pay expenses regulations and restrictions of B	of above Va	riance, advertising, po	sting, etc. and further agree to	and are to be bour County.	ided by the zoning
			I/We do solemnly declare perjury, that I/we are the is is the subject of this Petiti	egal owner(s) of the	
Contract Purchaser/Less	see:		Legal Owner(s):		
Name - Type or Print	······································		Name - Type or Print	46LM55)	
Signature	··		Signature	/x/o comes	<u></u>
Address	······································	Telephone No.	MARY ALMA Name - Type or Print Mary alma	HOLMES	
City	State	Zip Code	Signature	7.000	······································
Attorney For Petitioner:		•	8618 HICKORY 7 Address	HICKET PL	#18-256-23 Telephone No.
Name - Type or Print			NOTTINGHAM City	State	<u> </u>
realize - 1 toe of 1 till					Zip Code
Signature	<u>.</u>	<u> </u>	Representative to b	e Contactea:	- '''
Company		· · · · · · · · · · · · · · · · · · ·	Name		
Address		Telephone No.	Address	<u> </u>	Telephone No
Sty S	State	Zip Code	City	State	Zip Code
A Repolic Hearing having been for this day of regulations of Baltimore County and	, th	at the subject matter of t	required, it is ordered by the Zo his petition be set for a public hear	oning Commissioner or ring, advertised, as re	of Baltimore County, quired by the zoning
	A		Zoning Commission	ner of Baltimore Cour	
CASE NO. 04-5	18 A	Rev	iewed By	Date Salimore Cour	004

Reviewed By

**Estimated Posting Date** 

# 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.

competent to testify thereto in the event that a p	public hearing is sche	duled in the future with reg	jard thereto.
That the Affiant(s) does/do presently reside at	86/8 HICKORY Address	THICKET PL	<u> </u>
	NOTT INGUIAN	1 MT	21231
	City City	State	<u>ランラミ</u> Zip Code
That based upon personal knowledge, the followard variance at the above address (indicate hardsh	owing are the facts unip or practical difficult	pon which I/we base the rety):	equest for an Administrative
ZONING REGULATION	S CANNOT B	E MET BECAUSE	<i>o</i>
1- S/W C.	PRNER OF PRO	POSED CARPORT A ETBACK	ENCROACHES ON THE
	CING THE SIZ MAKE IT US		SED CARPORT WIL
			UILDING ENTRY STO ST SIDE OF BUILD
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide			red to pay a reposting and
Lomas John Lolmes	<u></u>	Mary alma	/ Sofin
Signature  THOMAS JOHN HOLMES  Name - Type or Print		nature  1 ARY ALMA Ho	LMES
STATE OF MARYLAND, COUNTY OF BALTIN		me - Type or Print	
		- f	
I HEREBY CERTIFY, this LYM day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	, <u>2004</u> , before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	nd Mary A actorily identified to m	re as such Affiant(s).	······································

AS WITNESS my hand and Motarial Seal

HARFORD HARFORD WILLIAM ON ARY PURPLEMENT OF THE PROPERTY OF T

Notary Public & Langey

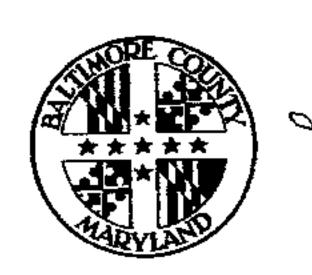
My Commission Expires March 1, 2007

REV 10/25/01

# 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 p	public he	aring is sche	duled in the	future with re	egard thereto	).
That the Affiant(s) does/do presently reside at	S61	8 HICKE	DRY THIS	KET P		. <u>-</u>
		TINGHAN				21236
That based upon personal knowledge, the followariance at the above address (indicate hardship	owing ar	e the facts up	pon which l		request for	Zip Code an Administrativ
ZONING REGULATIONS	CANNI	OT BE A	UET BE	ECAUSE	•	
1- 5/W CERNER.	0 F P. SETB	ROPOSED	CARPO,	et ENCR	OACHES	ON THE
2 - REDUCING TH		12E OF	THE	CARPORT	will	NOTMAK
3-14'WIDTH A AND HEAT PO						
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a formation of the second	ormal de additiona	emand is file al information	ed, Affiant(s)	) will be req	uired to pay	a reposting and
Signature Solm	<u></u>	Sign	nature f	Afme to	mes	<u>,                                      </u>
THOMAS JOHN HOLMES  Name - Type or Print		Nar	1ACY Ane - Type or P	HAA H	OLMES	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, t	oʻwit:"				
I HEREBY CERTIFY, this 소년에 day of of Maryland, in and for the County aforesaid, pe	April	appeared	<u>2004</u>	, before me	e, a Notary P	ublic of the State
Thomas John Holmes and the Affiant(s) herein, personally known or satisfa	V\a actority id	M- Alma dentified to m	Ho I me e as such A	S \ffiant(s).	<u>.                                    </u>	
AS WITNESS my hand and Notarial Seal						
HARFORD HARFORD	THE CONTRACTOR OF THE PARTY OF	Notary Pub	lic	anley		
REV 10/25/01  REV 10/25/01		My Commis		ommission E	xpires Marci	1, <b>200</b> 7



REV 10/25/01

# Petition for Administrative Variance To AMEND THE FINAL DEVELOPMENT PLAN OF SILVERGIATE SOUTH to the Zoning Commissioner of Baltimore County

for the property located at 86/8 HICKORY THICKET PLACE which is presently zoned \_\_\_\_\_DP\_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)  $1802,38 \times 504,2 (0MDP)$ 

TO PERMIT A SIBEYARD SETBACK OF 3 FT FOR A CARPORT IN LIEU OF THE REQUIRED 6 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN OF SILVERGATE SOUTH

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.

> > Zoning Commissioner of Baltimore County

#### Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Signature HCLMES Address Telephone No. ype or Print. City State Zip Code Signature Attorney For Petitioner: Address Telephone No NOTTINGHAM <u>♀゚/⊋3</u> Zip Code Name - Type or Print State 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 regulations of Baltimore County and that the property be reposted

Reviewed By

Estimated Posting Date

# Zoning Description for 8618 Hickory Thicket Place Nottingham, MD 21236

Beginning at a point on the north side of Hickory Thicket Place, which is 44 feet wide at a distance of 50 feet north of the centerline of the nearest improved intersecting street - Hollow Spring Road, which is 44 feet wide.

Being Lot# 16, Block B, in the subdivision of Silvergate South as recorded in Baltimore County Plat Book # 39, Folio # 86 containing 10,304 square feet.

Also known as 8618 Hickory Thicket Place and located in the 11<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

	And the second of the second o	And the second of the second o	
The second secon	Company of the second of the s	the China S. C. The China S. C	The state of the s
Particular of the control of the con		Action that with the committee of the co	
The second secon	The second secon	The first transfer of	
		্রাক্ষ্ণ পার্ব প্রিটি ক্রিক্র প্রিটি করে। প্রিটিছের পঞ্জন নি নাম্বরণ ক্রিক্টেট্র টিছে প্রিটিটিছিল ক্রিক্টেইট্র স্ক্রিক্টিয়া স্ক্রিটিট্রটিট্র	
Exercise 2		المنافق المنافق المنافق المنافق المنافق المنافق المنافق الم	
The state of the s			The state of the s
	Wilson He will be the second s	AND THE PROPERTY OF THE PROPER	
The state of the first of the state of the s	The state of the s	Collin Lander of the control of the collins of the	
			5 3
= = = = = = = = = = = = = = = = = = = =			S S S S S S S S S S S S S S S S S S S
TARMANCE TO STATE OF THE STATE	AMOUNT		
			A A B B B B B B B B B B B B B B B B B B
362			
8 2 3			
			질통
			WHITE - CASHII
The sale of the sa	ming of the market of the profession of the second		
	المنافذ المنا	The state of the s	A STATE OF THE PARTY OF THE PAR

## Certificate Of Posting

RE: Case NO.: 04-5/8-4

			Petitioner/Deve	loper:
		_	THOUAS HOLA	1ES
		Dat	e of Hearing/Cl	osing: 4/7/04
Permits County 111 Wes	re County Department of and Development Mana Office Building, Room at Chesapeake Avenue MD 21204	agement		
Attentio	n:			
Ladies a	and Gentlemen:			
This letter sign(s) reat	ter is to certify under the required by law were possible.	e penalties of osted conspict 8 HICKOLY	perjury that the lously on the pr	necessary operty PLACE
This sig	n(s) were posted on	5/2	3/04	<u> </u>
	<u> </u>	(Month, D	ay, Year)	
		Sincere	• - / /	~ <i>/</i>
		· · · · · · · · · · · · · · · · · · ·	Mutin	<b>71</b> '
		(512	mature of Sign in Martin Ogle	Poster and Date)
Lart and			(Printed Na	
	NO.	50	16 Castlestone	•
5: 5: 5: 5: 5: 5: 5: 5: 5: 5: 5: 5: 5:		<del></del>	(Address)	
		Ba	lto,MD 21237	
THE PARTY OF THE P		(Ci	ty,State,Zip Co	de)
S DOME TO SEE			10)-933-9470	
		<b>(P</b>	Phone Number)	
Thether 5/23				

# 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 Advertisis	$\frac{1}{5}$
Item Number or Case Num	ber:
Petitioner: Thomas	Holmes,
Address or Location: 26	18 Hickory Tricker Place NotTrugham, Md. 2123k
PLEASE FORWARD ADVI	ERTISING BILL TO:
Name:	
Address:	AAL
Telephone Number:	410-256-2313

Revised 2/20/98 - SCJ

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 518 -A Address 8618 Hickory Thicker Place
Contact Person:  Rlanner, Please Print Your Name  Phone Number: 410-887-3391
Filing Date: 5.10-04 Posting Date: 05-230 Closing Date: 06 07.08
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. POSTING/COST: 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 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 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 04-518 -A, Address 8618 Hickory Thicker Place
Petitioner's Name Thomas Holmes  Telephone 40 -256-231
Posting Date: $5-23-04$ Closing Date: $6.0.04$
Wording for Sign: A UARIANCE A SIDEYARM SETBACK OF 3 H- IN
LIEU OF THE REDUIRED 6 FT. BR A CARDON AND
TO AMEND THE FINAL DEVELOPMENT PLAN OF
SOUTH.

## 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

June 7, 2004

Thomas John Holmes Mary Alma Holmes 8618 Hickory Thicket Place Nottingham, Maryland 21236

Dear Mr. and Mrs. Holmes:

RE: Case Number:04-518-A, 8618 Hickory Thicket Place

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 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,
U. Callilal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

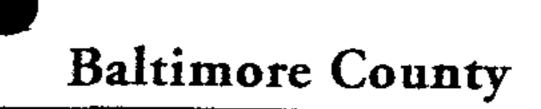


Visit the County's Website at www.baltimorecountyonline.info

## 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

May 9, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 1, 2004

Item No.:

516, (518), 519-522, 524, 525, 527-529

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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** June 3, 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 June 1, 2004 Item Nos. 516, 518, 519, 524, 525,

527, and 528

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

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 1355 (500

DATE:

June 9, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 24, 2004

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

04-518

04-524

04-525

04-528

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:** June 9, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUN - 9 2004

LUNING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-518 and 4-529 - Adn

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: 5.25.04

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

RE:

Baltimore County

Item No. 5/8

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,

1. 1. Hord L Kenneth A. McDonald Jr., Chief

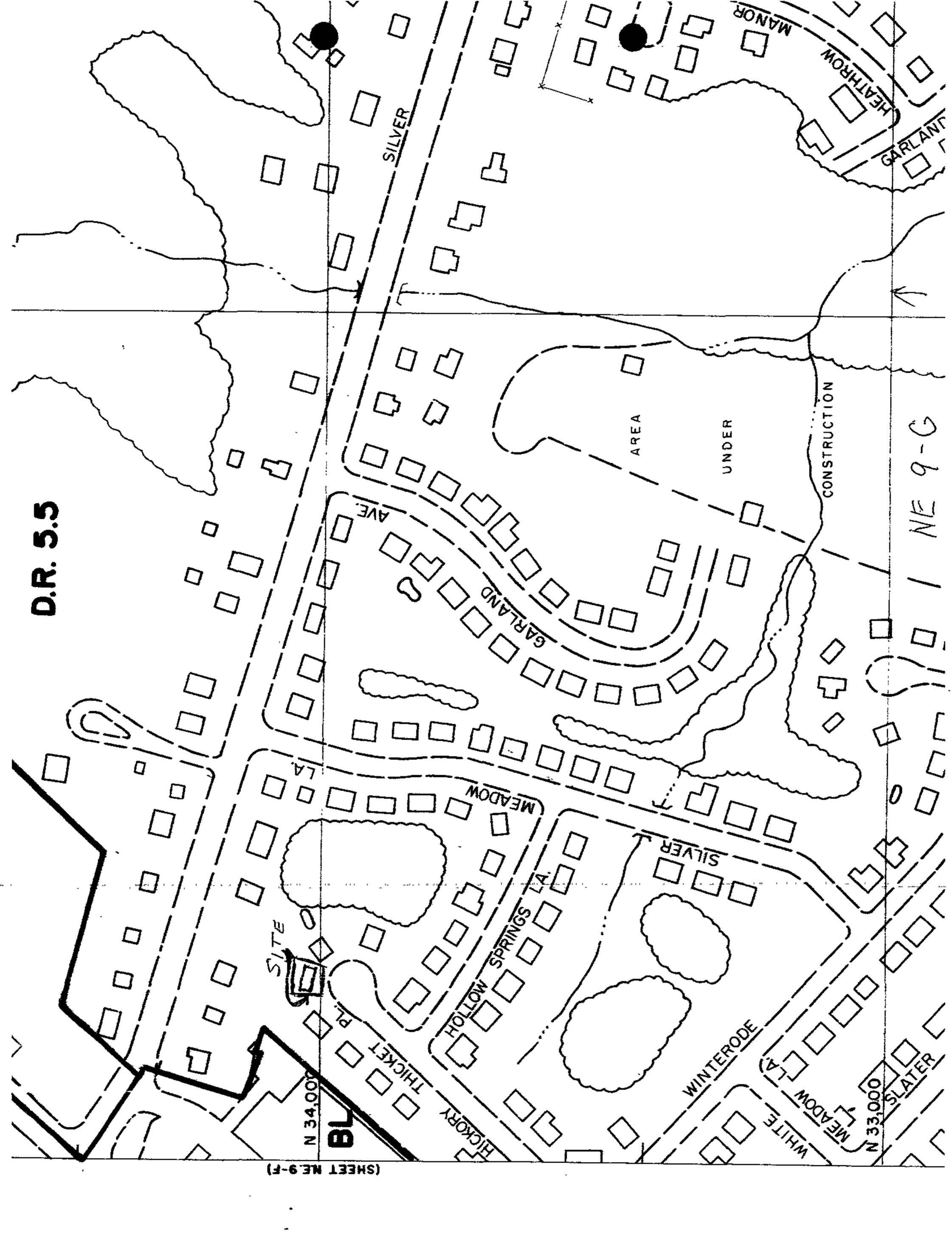
Engineering Access Permits Division

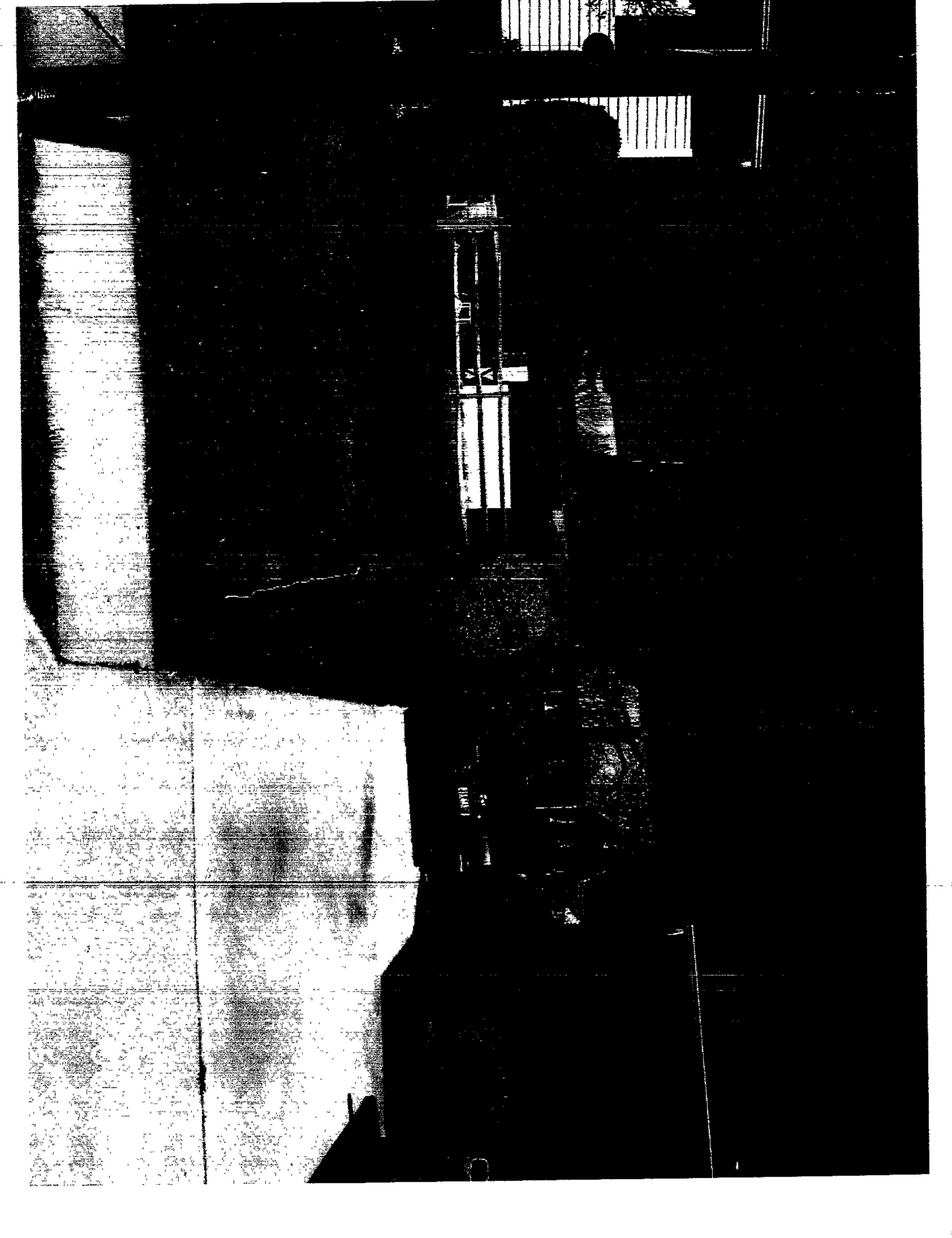
0

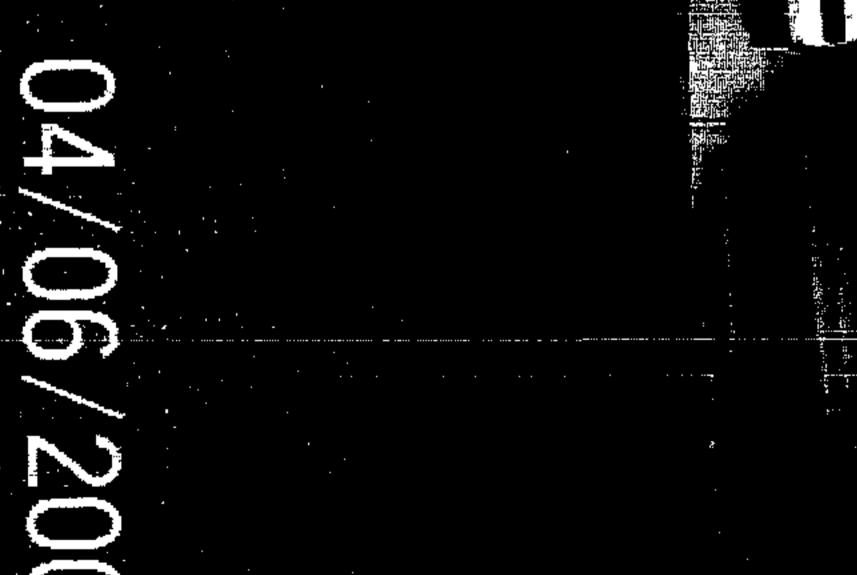
Note to file: 05/10/04 Zoning Case 04-518-A

Applicant was advised that his site plan was not on par with what is usually submitted for Administrative Variance review. He said he understood but wanted to file it as-is.

**JCM** 







nes<sub>te</sub> i no Te estados de la como d

