IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Golden Ring Road, 319 ft. +/-NW centerline of Philadelphia Road 14th Election District 6th Councilmanic District

(6817 Golden Ring Road)

Richard Butschty

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-532-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 owner of the subject property, Richard Butschty. The variance request is for property located at 6817 Golden Ring Road in the eastern area of Baltimore County. The variance request is from Sections 400.1 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow a detached garage with a height of 19 ft. 6 in. and an area (footprint) larger than the dwelling in lieu of the maximum allowed 15 ft. and area less than the dwelling respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

In addition, the Petitioner must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning dated June 11, 2004, a copy of which is attached hereto and made a part hereof.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 29, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

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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 Petitioner.

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 ______ day of July, 2004, that a variance from Sections 400.1 and 101 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow a detached garage with a height of 19 ft. 6 in. and an area (footprint) larger than the dwelling in lieu of the maximum allowed 15 ft. and area less than the dwelling respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the ZAC recommendations submitted by the Office of Planning dated June 11, 2004 stating that the Petitioner shall not convert the subject accessory structure into a dwelling unit or apartment and that the structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, or be used for commercial purposes;
- 3. The Petitioner may only allow this structure to be used for hobby purposes;
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

To Contract the second of the

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

July 6, 2004

Mr. Richard Butschty 6817 Golden Ring Road Baltimore, Maryland 21237

> Re: Petition for Administrative Variance Case No. 04-532-A Property: 6817 Golden Ring Road

Dear Mr. Butschty:

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

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	6817	Gold	en A	us	40
	presently 2			_	

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

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, 101 To allow a detacked garage with a height I (aftibur, and an anea (footprint) larger than the dwelling in lieu of the maximum allowed 15 ft, and area less then the dwelling respectively.

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 legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address Telephone No. Basc Dave Name - Type or Print Zip Code Representative to be Contacted: Signature ompany 410325.7576 ddress 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 this regulations of Baltimore County and that the property be reposted.

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.

That the Affiant(s) does/do presently reside at 68/7 Golden Ains ad

	Audiess
	rosedate no 21237
	City State Zip Code
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advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
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	Signature
Name - Type or Print	Name - Type or Print
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I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, p	bersonally,appeared , , , before me, a Notary Public of the State
	Richard Butschky
the Affiant(s) herein, personally known or satis	
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	Notary Public
	My Commission Expires
REV 10/25/01	Notary Public City of Baltimore, Maryland My Commission Expires on
	My Commission Expires on January 31, 2007

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 68/7 Golden Ling No

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	Civ Colda	o MO	21237	
	Citý	State		Zip Code
That based upon personal knowledge, th Variance at the above address (indicate h	e following are the facts up ardship or practical difficult	on which I/we base the	e request for an Ad	dministrative
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That the Affiant(s) acknowledge(s) that	if a formal demand is filed	d, Affiant(s) will be red	quired to pay a re	posting and
advertising fee and may be required to pro	ovide additional information.	•		-
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find for His	<u></u>			
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STATE OF MARYLAND, COUNTY OF B		2001		<u></u>
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesal	11/04	, 209/ , before m	e, a Notary Public	of the State
of Maryland, in and for the County aforesa	id, personally appeared	Butschk		
	Kichara		7	
the Affiant(s) herein, personally known or	satistactorily identified to me	e as such Amant(s).		
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DEV 10/25/01	,	•	Notary Public	
REV 10/25/01		City My	of Baltimore, Mary Commission Expire	ianad 3 ono
			January 31, 2007	-



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6877 Goldenning nd which is presently zoned 1216

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) Hool of 10 10 allow a detached
made a part hereof, hereby petition for a Variance from Section(s) Hool 101 to allow a detached garage with a height of 19 pt 6 in and an area (foot print) larger then the
derelling in lieu of the maximum allowed 15 th and area less then
the dwelling respectively

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Richard_ Name - Type or Print Signature Signature Address Telephone No Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address Telephone No Name - Type or Print Zip Code Representative to be Contacted: Signature Company 410325-7570 Address Telephone No City Zip Code 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,

Reviewed By

Estimated Posting Date

that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Zoning Commissioner of Baltimore County

CAN WELL AND ADDRESS OF THE

this

day of

CASE NO.

REV 10/25/01

regulations of Baltimore County and that the property be reposted

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 6817 Golden Ring Road, Baltimore, Maryland 21237. Beginning at a point on the southwest side of Golden Ring Road which is 40 feet wide at a distance of 319 feet +/- northwest of the centerline of the nearest intersecting street, Philadelphia Road (Md. Rte. 7), which is 60 feet wide. Being known as Lot # 6 and Part of Lot # 7 as shown on a subdivision known as "Plat of Lots for Sale by Ed. J. Herrmann, dated August 23, 1926, and recorded in Baltimore County Plat Book WPC # 8, Folio # 47 containing 12,963 sq.ft. +/- or 0.298 ac. +/-. Also known as 6817 Golden Ring Road and located in the 14th Election District, 6th Councilmanic District of Baltimore County, Maryland.

MISCELLANEOUS RECEIPT
DATE
AMOUNT
FROM: LAND AND AND AND AND AND AND AND AND AND
WHITE CASHIER HINK AGENCY YELLOW CUSTOMER

CERTIFICATE OF POSTING

	RE: Case No.: 04-532-A
÷	Petitioner/Developer: <u>RICHARD</u> U
	BUTSCHK
	Date of Hearing/Closing: 6/14/54
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of pe posted conspicuously on the property located at	rjury that the necessary sign(s) required by law were
6817 GOLDE	NRING RD
The sign(s) were posted on	5/29/04
	Sincerely,
	Sincer cry,
	Robert Black 5/29/04 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 532 -A Address 6817 Golden Ring Rd-
Contact Person: John Sullivan Phone Number: 410-887-3391
Filing Dato: 5 - 17 - 27
Totaling Date.
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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 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. DEADLINE: The closing data is the deadline for a
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.
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- 532 -A Address 6817 Golden Ring Rd-
retitioner's Name Richard J. Butschky Telephone 410-
Posting Date: 5-30-04 Closing Date: 6-14-04
Vording for Sign: To Permit a detached garage with a height of 1916 and
with an area (foot print) largen then the dwelling in lieu of
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less then the dwelling respectively.
WCR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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.

Item Number or C	Case Number: 04-532~4	
Petitioner:	ion: 6817 Golden Ring Rd.	
Address or Locat	ion: 6817 Golden Ring Rd.	
PLEASE FORWA	ARD ADVERTISING BILL TO:	
Name:	Same	<u> </u>
Name:	Same	
	BAITO, MD, 21237	

Department of Permi Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel. 410-887-3353 • Fax: 410-887-5708





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

June 14, 2004

Richard Butschky 6817 Golden Ring Road Rosedale, Maryland 21237

Dear Mr. Butschky:

RE: Case Number:04-532-A, Address

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 17, 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.

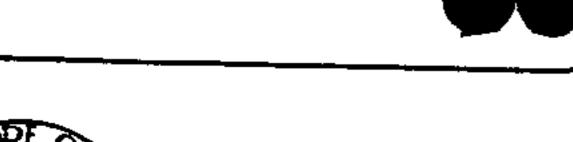
Very truly yours, Callibul D. Callibul D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel







Baltimore County Fire Department

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

May 27, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 1, 2004

Item No.:

526, 530+532, 534-537, 539

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

Date: 6 · 7 · 0 4

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

RE: Baltimore County

Item No. 532

JJS

Dear Ms.Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 1, 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 June 8, 2004 Item Nos. 526, 531, 532, 533, 534, 536, 537, 538, and 539

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

RWB:CEN:jrb

cc: File

Department of Permits and Development Management

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



Baltimore County

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

February 8, 2005

Richard Butschky P.O. box 10955 Parkville, MD 21234

Re: 6817 Golden Ring Road; Spirit & Intent - case # 04-532-A; 14th Election District

Dear Mr. Butschky:

Your recent letter to Timothy Kotroco, Director – PDM, was forwarded to me for reply. Based upon the information you provided, the following has been determined. In the subject zoning order, the Zoning Commissioner included 4 restrictions. Restriction #2 specifically states, "that the structure shall not contain any sleeping quarter, living area, kitchen or <u>bathroom facilities</u>, or be used for commercial purposes" (a copy of the order is enclosed). In order to remove any of the imposed restrictions, you will be required to file for a Special Hearing to amend the subject zoning case.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, I can be reached at 410-887-3391.

Sincerely,

Bruno Rudaitis

Planner II

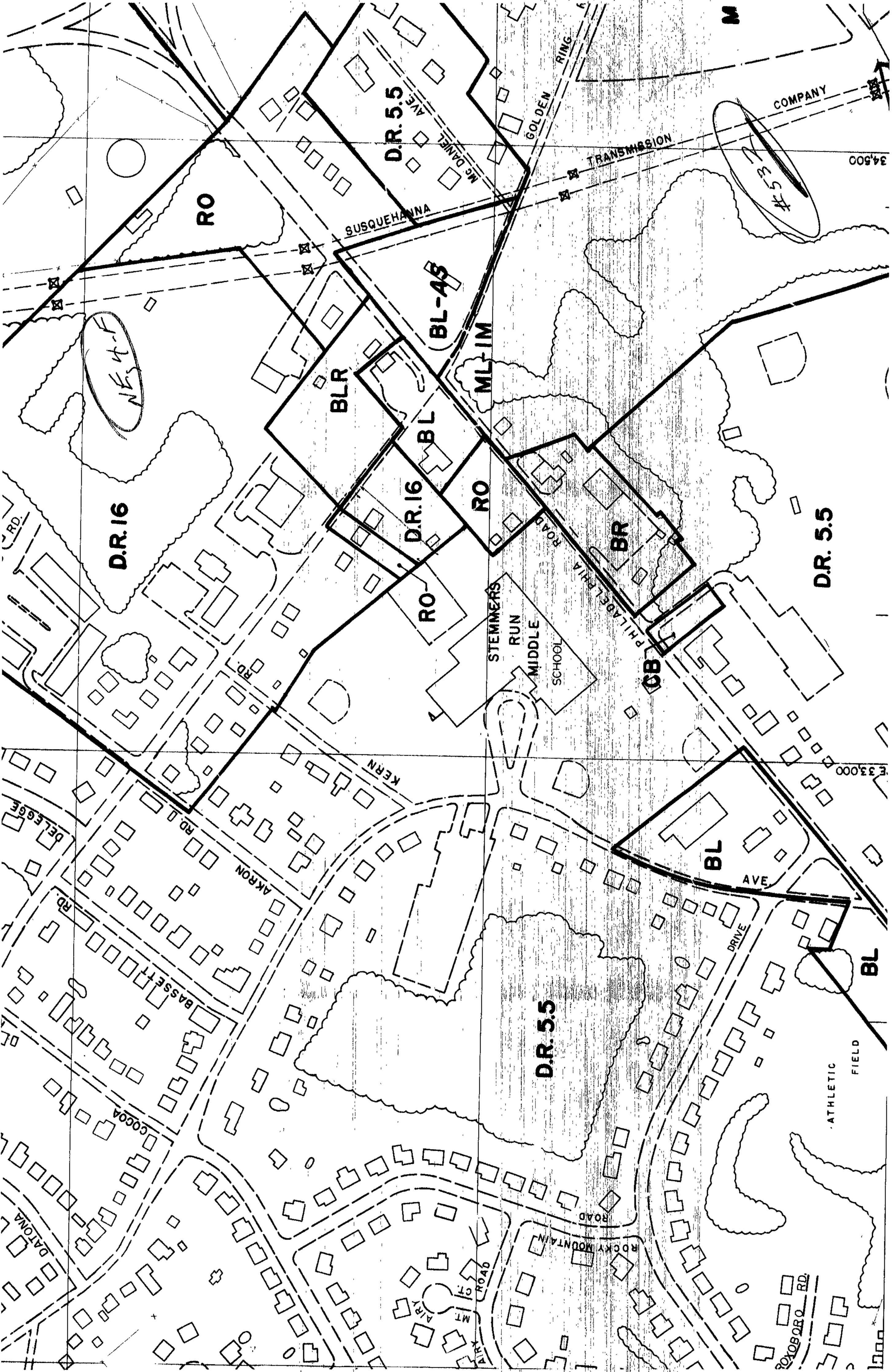
Zoning Review

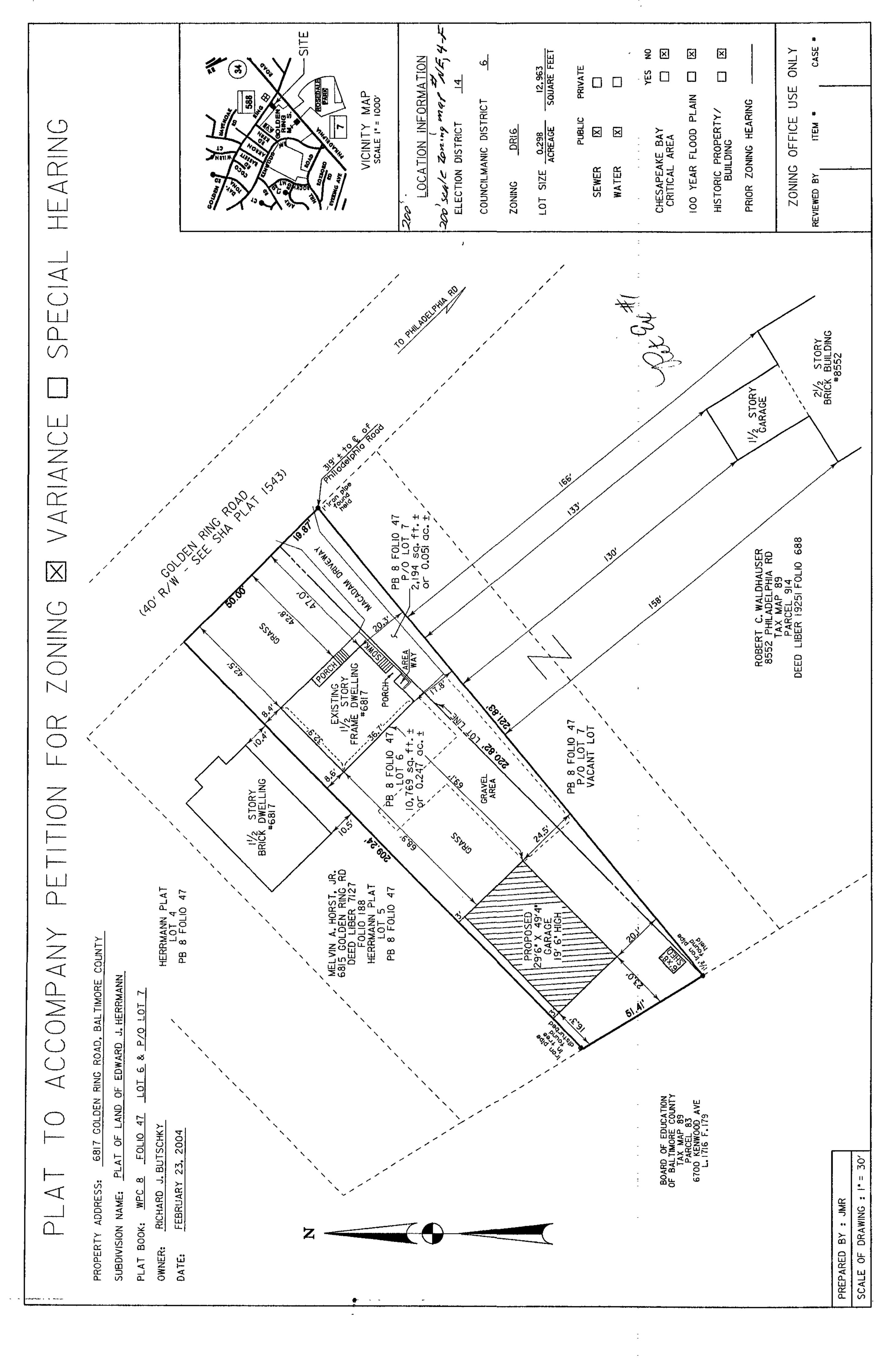
br:BR enclosure











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