

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Greens Lane, 158' N of the c/l

Old Court Road

(8702 Greens Lane)

2nd Election District

2nd Council District

Gary S. Hatcher, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 04-552-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, Gary S. Hatcher and his wife, Tev A. Hatcher. The Petitioners seek relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 15 feet in lieu of the required 22 ½ feet for an open projection (deck), and to amend the final Development Plan for Greens Landing, Lot 17, only, accordingly. 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, which 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 Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

7/6/04
Bjo

Based upon the information contained therein, I am persuaded to grant the requested relief. The unusual shape of the property and location of existing improvements thereon dictate the proposed location of the deck 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. 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 Baltimore County Zoning Regulations, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 6th day of July, 2004, that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.1 of the B.C.Z.R., to permit a rear yard setback of 15 ft. in lieu of the required 22 ½ ft. for an open projection, and to amend the Final Development Plan for "Greens Landing", Lot 17 only, in accordance with Petitioners' Exhibit No. 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, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR RECORD
Date 7/6/04
By [Signature]

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. & Mrs. Gary S. Hatcher
8702 Greens Lane
Randallstown, Maryland 21133

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Greens Lane, 158' N of the c/l Old Court Road
(8702 Greens Lane)
2nd Election District – 2nd Council District
Gary S. Hatcher, et ux - Petitioners
Case No. 04-552-A

Dear Mr. & Mrs. Hatcher:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

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 8702 GREENS LANE
which is presently zoned D.R. 3.5

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) 1301.2C.1. (BCZR)

TO PERMIT A REAR YARD SETBACK OF 15-FEET FOR AN OPEN PROTECTION IN LIEU OF THE REQUIRED 22 1/2- FEET AND TO AMEND THE FDP FOR "GREEN'S LANDING", LOT 17.

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

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, this day of 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.

Legal Owner(s):

GARY S. HATCHER
Name - Type or Print

Gary S. Hatcher
Signature

TEV A. HATCHER
Name - Type or Print

Te A Hatcher
Signature

8702 GREENS LN H 410-521-6672
Address Telephone No.

RANDALLSTOWN MD 21133
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 04-552-A

REV 10/25/01

Reviewed By D. THOMPSON Date 5/27/04

Estimated Posting Date 6/6/04

ORDER RECEIVED FOR PLANNING
7/6/04
BY [Signature]

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

Address 8702 Greens Lane
City RANDALLSTOWN State MD Zip Code 21133

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 practical difficulty/hardship I am experiencing is that I can not receive a permit to build a deck because the builder built my house too far back on my property thus leaving me only 7 feet of allowable space within the rear setback requirements to build a deck when I need 16 feet in order to construct my deck.

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.

Gary S. Hatcher
Signature

GARY S. HATCHER
Name - Type or Print

Ter A. Hatcher
Signature

TER. A. HATCHER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Kim Seaward
Notary Public

My Commission Expires 11/12/06

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City RANDALLSTOWN State MD Zip Code 21133

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Cary S. Hatcher

Signature

CARY S. HATCHER

Name - Type or Print

Tev A. Hatcher

Signature

TEV A. HATCHER

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Kim Seaward

Notary Public

My Commission Expires 11/12/06



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for the property located at 8702 GREENS LANE
which is presently zoned D.R. 3.5

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TO PERMIT A REAR YARD SETBACK OF 15-FEET FOR AN OPEN PROTECTION IN LIEU OF THE REQUIRED 22 1/2- FEET AND TO AMEND THE FDP FOR "GREEN'S LANDING", LOT 17.

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Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

GARY S. HATCHER

Name - Type or Print

Gary S. Hatcher

Signature

TEV A. HATCHER

Name - Type or Print

Tea A. Hatcher

Signature

8702 GREENS LN W 410-521-6672
Address Telephone No.

RANDALLSTOWN MD 21133
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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, this day of 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.

Zoning Commissioner of Baltimore County

CASE NO. 04-552-A

REV 10/25/01

Reviewed By D. THOMPSON Date 5/27/04

Estimated Posting Date 6/6/04

Zoning Description for 8702 Green's Lane

Beginning at a point on the east side of Green's Lane at a distance of 158-Feet north of the centerline of Old Court Road. Being Lot #17 in the subdivision known as "Green's Landing" as recorded in Baltimore County Plat Book #75, Folio #3 containing 9,935 square feet. Also known as 8702 Green's Lane and located in the 2nd Election District and 2nd Councilmanic District.

04-552-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10003

DATE 5/27/04 ACCOUNT 0010066150

AMOUNT \$ 115.00

RECEIVED FROM GARY HATCHER

FOR: ITEM #552 04-532-A

8702 GREEN'S LANE BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/02/2004	6/01/2004	10:47:20	2

REG WSD4 WALKIN DDEN DND
RECEIPT # 267218 6/01/2004 OFLN

Dept 5 528 ZONING VERIFICATION
CH NO. 013403

Recpt Tot \$115.00

\$115.00 CK 1.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-552-A

Petitioner/Developer: GARY
HATCHER

Date of Hearing/Closing: 6/21/04

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 8702 GREEN'S LANE

This sign(s) were posted on 6 / 5 / 04
(Month, Day, Year)

Sincerely,

Martin Ogle 6/5/04
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 04-552-A

THE ZONING BOARD HAS GRANTED A VARIANCE TO THE ZONING ORDINANCE FOR THE PROPOSED USE OF THE PROPERTY AS A RESIDENTIAL USE. THE VARIANCE IS GRANTED FOR THE PROPOSED USE OF THE PROPERTY AS A RESIDENTIAL USE.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE. PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON Monday, June 21, 2004

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVE. TEL. 887-3391

RODSON, MD 21201
MEETING IS HANDICAP ACCESSIBLE

Matthew Ogle 6/5/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 552 -A

Address 8702 GREEN'S LANE

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/27/04

Posting Date: 6/6/04

Closing Date: 6/21/04

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 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 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. **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- 552 -A

Address 8702 GREEN'S LANE

Petitioner's Name HATCHER

Telephone 410-521-6672

Posting Date: 6/6/04

Closing Date: 6/21/04

Wording for Sign: To Permit A REAR YARD SETBACK OF 18- FEET FOR AN OPEN
PROTECTION IN LIEU OF THE REQUIRED 22.6- FEET AND TO AMEND
THE FDP FOR "GREEN'S LANDING", LOT 17.

**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

June 21, 2004

Gary S. Hatcher
Tev A. Hatcher
8702 Greens Lane
Randalstown, Maryland 21133

Dear Mr. and Mrs. Hatcher:

RE: Case Number:04-552-A, 8702 Greens Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 27, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint circular stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 1, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 14, 2004
Item Nos. 540, 542, 543, 544, 545,
546, 547, 548, 549, 552, 553, and 558

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

RWB:CEN:jrb

cc: File

*Granted
7/6/04*

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr
DATE: June 22, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 7, 2004

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

04-540
04-542
04-543
04-544
04-545
04-546
04-547
04-549
04-551
04-552
04-558

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 11, 2004

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case 4-552 – 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:

Mark A. Cunningham

Division Chief:

[Signature]

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: 6.5.04

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

RE: Baltimore County
Item No. 552 DT

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone: 410.545.0300 www.marylandroads.com

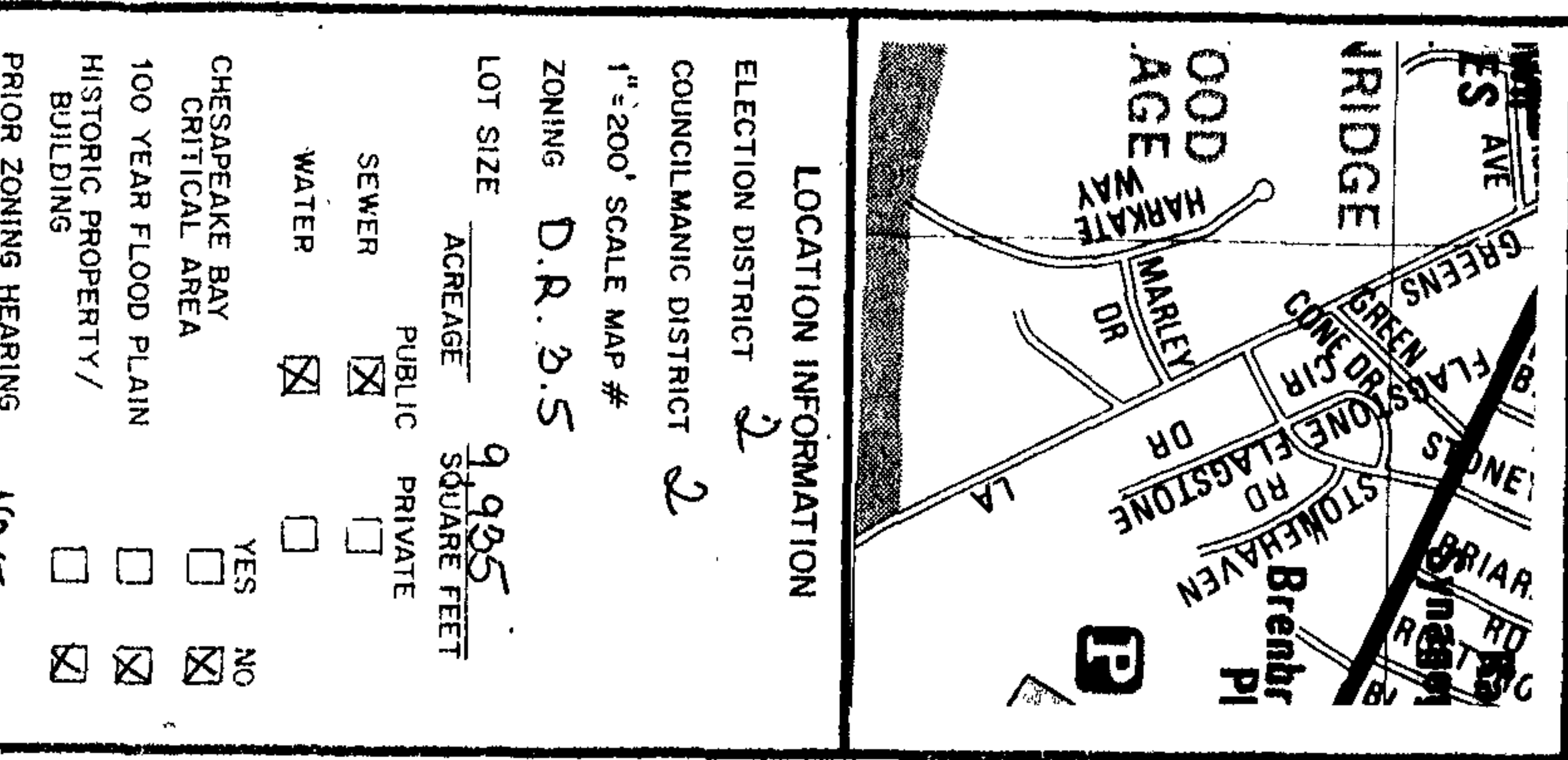
☒ VARIANCE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

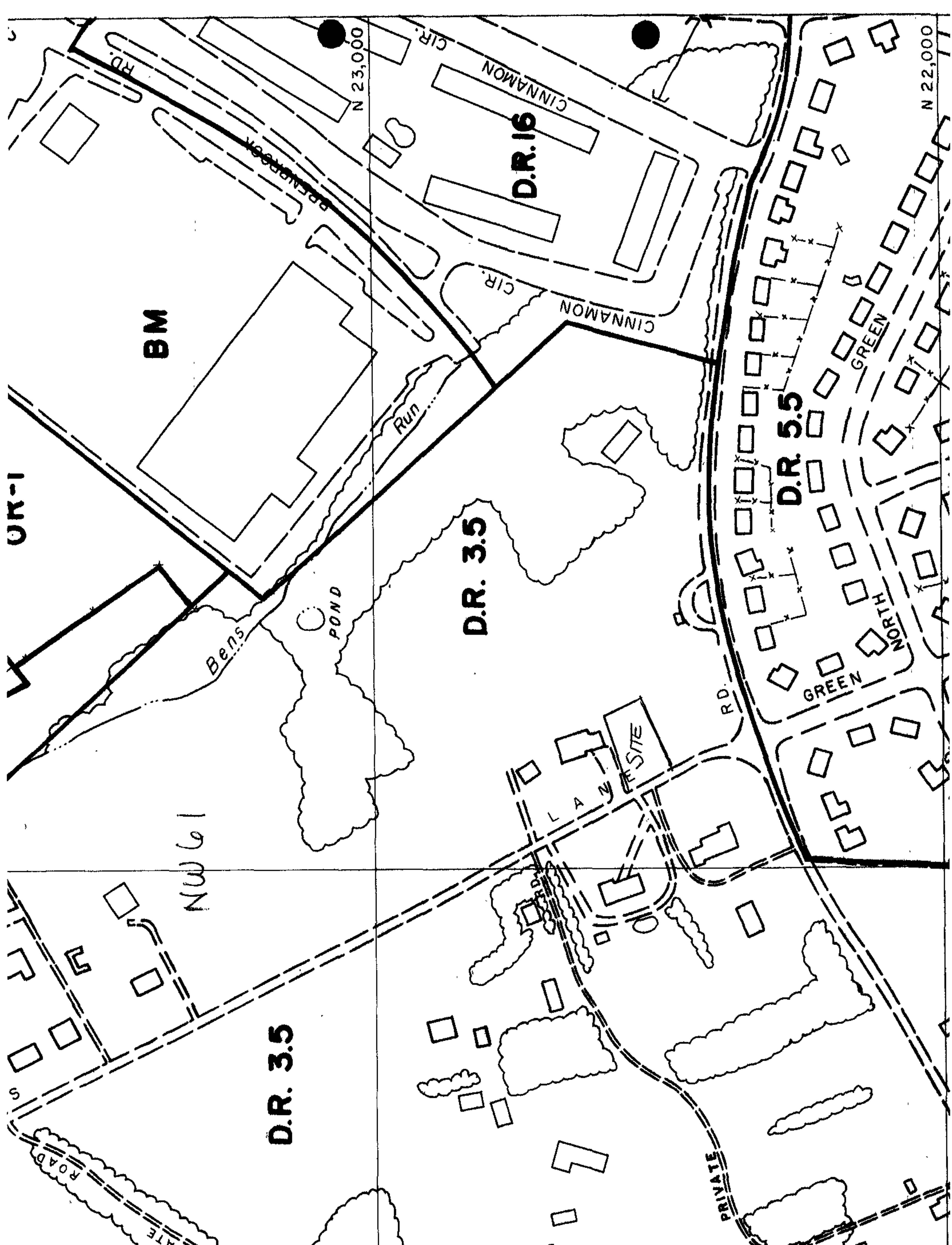
☐ **SPECIAL HEARING**
ADDITIONAL REQUIRED INFORMATION

9
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E
1A

RECEIVED
FLA
BRI



ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
D. Thompson	552	04-552-A





REAR OF 8702 GREEN'S LANE

04-552-A



REAR OF

8702 GREEN'S LANE

OH-552-A



FROM LOT #9

LOOKING AT

8702 GREEN'S LANE

04-552-A



REAR OF

8702 GREEN'S LANE

04-552-A



REAR OF 8702
GREEN'S LANE

04-552-A