

IN RE: PETITION FOR VARIANCE
NE/S of Monkton Road, 2,000 ft. NW
centerline of Patchwork Court, approx.
0.5 miles off of Monkton Road by
Private Road
10th Election District
3rd Councilmanic District
(2316 Monkton Road)

Lola S. & Norman R. Kayler
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-557-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Lola S. and Norman R. Kayler. The Petitioners are requesting variance relief for property located at 2316 Monkton Road in the Phoenix 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 garage to be located in the side yard in lieu of the required rear yard.

The property was posted with Notice of Hearing on July 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 22, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in

ALDER RECEIVED FOR FILING

Date

By

8/16/04

Kay

residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Lola S. and Norman R. Kayler, the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 10.0 acres of land, more or less, zoned R.C.2. The subject property was improved by a home which the Petitioners donated to the County fire department for fire practice and which was subsequently destroyed. The Petitioners are building a new home on the site of the prior structure, which will contain a two-car garage accessible from the side of the home.

This garage will be used for family vehicles and storage and ordinarily would be adequate for their needs.

However, the Petitioner also collects racecars as a hobby and does not have room to store his two racing vehicles in the new garage. Consequently, they propose to build a second garage

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8/6/04
Raj

in the side yard of the new home whose doors would face the doors of the built in garage. This separate building will also house a study and will match the architectural features of the new home.

The Petitioners presented Petitioners' Exhibit No. 1, the plat to accompany petition, which shows the new home and garage located on the top of the hill with the ground falling away steeply in every direction and especially toward the rear of the home. Consequently, the Petitioners indicated that there was no flat area of the lot in the rear of the home on which they could build their garage for the racecars. Also see Petitioners' photographs 3A through 3D which show the wooded nature of the lot. They indicated that the home and proposed garage are not visible from Monkton Road. They also presented a letter of support from the developer of this area, Gaylord Brooks, in support of the petition. See Petitioners' Exhibit No. 2. Finally, they indicated that they informed all of their neighbors of the variance request and none were opposed.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The new home and separate garage are located on the top of a hill which falls rapidly off especially to the rear where the new garage would not require a variance. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no flat area in the rear of the new home to locate the garage. The only reasonable area to erect the new garage is in the side yard.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result if this variance is granted. Furthermore, I find that this variance can be

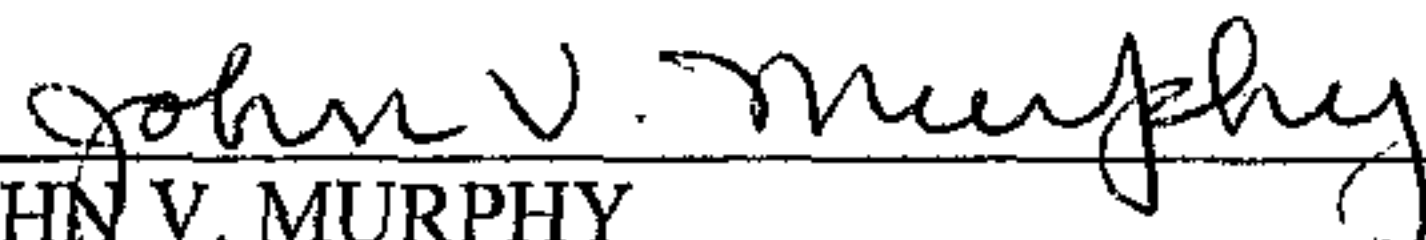
RECEIVED FOR FILE
8/6/04
Ray

granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The new garage is not visible from the road and will not adversely affect the neighbors.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 6 day of August, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached garage to be located in the side yard in lieu of the required rear yard, be and it 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
Date 8/6/04
By Raj

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

August 6, 2004

Mr. & Mrs. Norman R. Kayler
14108 Manor Road
Phoenix, Maryland 21131

Re: Petition for Variance
Case No. 04-557-A
Property: 2316 Monkton Road

Dear Mr. & Mrs. Kayler:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2316 Monkton Road, Monkton, Md.

which is presently zoned RC 2

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; BCZR, to permit A

Detached Garage to be located in the side yard in lieu of
 For placement of detached garage. the Required Rear yard.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty

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

Company

Address Telephone No.

City State Zip Code

Case No. 04-557-A

Legal Owner(s):

Norman R. Kayler 410-592-2976 home
 410-766-1250 work

Name - Type or Print

Signature

Lola S Kayler 410-480-1268 work

Name - Type or Print

Signature

14108 Manor Road 410-592-2976
 Address Telephone No.

Phoenix, Maryland 21131
 City State Zip Code

Representative to be Contacted:

Norman R. Kayler
 Name

14108 Manor Road 410-592-2976

Address Telephone No.

Phoenix, Maryland 21131

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Sm Date 6-1-04

Zoning Description

2316 MONKTON ROAD

BEGINNING ON THE NE SIDE OF
MONKTON Rd., 2000 ft. $\pm$ NW of of
PATCHWORK COURT, APPROXIMATELY 0.5 MILES
OFF MONKTON ROAD BY PRIVATE ROAD.

E.D.: 10TH

C.D.: 3RD

ACREAGE: 10.0 ^{$\pm$} ACRES

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

557
No. 10000

DATE 08-01-04 ACCOUNT 601-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: W. Hayles 2310 Monahan

FOR: Ad. VAP. Ad.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

ISSUES: ADULT TIME: 10
6/01/2004 6/01/2004 10:24:49

ISSUES: WALKIN WEL WEL
6/01/2004 6/01/2004 08:11

ISSUES: 5 2310 VERIFICATION
6/01/2004 6/01/2004 08:11

ISSUES: 1st 1st 1st
6/01/2004 6/01/2004 08:11

ISSUES: 1st 1st 1st
6/01/2004 6/01/2004 08:11

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-557-A
2316 Monkton Road,
N/east of Monkton Rd.,
2,000 ft. +/- n/west from
Patchwork Ct., approximate-
ly 0.5 miles off Monkton Rd
by Private Road.

10th Election District
3rd Councilmanic District
Legal Owner(s): Norman &
Lola Kayler

Variation: to permit a de-
tached garage to be located
in the side yard in lieu of
the required rear yard.

Hearing: Friday, August 6,
2004 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions. Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or Hear-
ing, Contact the Zoning Re-
view Office at (410) 887-
3391.

7/28/04 July 22 13560

CERTIFICATE OF PUBLICATION

7/22/2004

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 7/22/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date July 20, 2004

RE: Case Number 04-557-A

Petitioner/Developer NORMAN & LOLA KAYLER

Date of Hearing/Closing AUGUST 6, 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 2316 MONKTON RD

The sign(s) were posted on JULY 16, 2004

ZONING NOTICE

CASE # 04-557-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 407 COUNTY COURTS BUILDING
PLACE: 401 BOSLEY AVENUE

DATE AND TIME: FRIDAY AUGUST 6, 2004
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A
DETACHED GARAGE TO BE LOCATED
IN THE SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD.

2316 MONKTON RD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 971-3191

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

Linda O'Keefe
(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)

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 22, 2004 Issue - Jeffersonian

Please forward billing to:

Norman Kayler
14108 Manor Road
Phoenix, MD 21131

410-593-2976

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-557-A

2316 Monkton Road

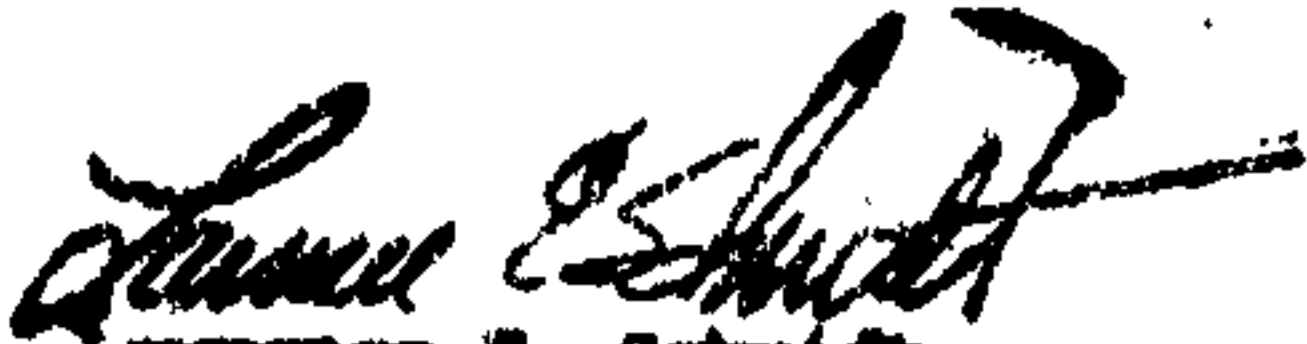
N/east of Monkton Rd., 2,000 ft. +/- n/west from Patchwork Ct., approximately 0.5 miles off Monkton Rd by Private Road

10th Election District - 3rd Councilmanic District

Legal Owners: Norman & Lola Kayler.

Variance to permit a detached garage to be located in the side yard in lieu of the required rear yard.

Hearing: Friday, August 6, 2004 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

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



Baltimore County

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

June 14, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-557-A

2316 Monkton Road
N/east of Monkton Rd., 2,000 ft. +/- n/west from Patchwork Ct., approximately 0.5 miles off
Monkton Rd by Private Road
10th Election District – 3rd Councilmanic District
Legal Owners: Norman & Lola Kayler.

Variance to permit a detached garage to be located in the side yard in lieu of the required rear yard.

Hearing: Friday, August 6, 2004 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Norman & Lola Kayler, 14108 Manor Road, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 22, 2004.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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:

557

Petitioner: NORMAN KAYLER

Address or Location: 2316 Mowhron Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: NORMAN KAYLER

Address: 14108 MANOR ROAD
PHOENIX, Md. 21131

Telephone Number:

410-592-2976

**Department of Permits
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*

July 27, 2004

Norman R. Kayler
Lola S. Kayler
14108 Manor Road
Phoenix, Maryland 21131

Dear Mr. and Mrs. Kayler:

RE: Case Number:04-557-A, 2316 Monkton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 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." in a cursive style.

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
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

June 17, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 14, 2004

Item No.: 3550, 554-557, 559-571

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2004
Item Nos. 550, 554, 555, 556, 557, 559,
560, 561, 562, 563, 564, 565, 566, 568,
and 569

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

RWB:CEN:jrb

cc: File

gm
8/6

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr
DATE: July 2, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 14, 2004

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

04-554
04-555
04-557
04-559
04-562
04-564
04-565
04-568
04-571

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 15, 2004

RECEIVED

JUN 16 2004

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case 4-550 and 4-557**

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:

Tyler L. Latham

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: 6.15.04

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

RE: Baltimore County
Item No. 557 JCM

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 137 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

**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 17, 2004

Norman Kayler
14108 Manor Road
Phoenix, Maryland 21131

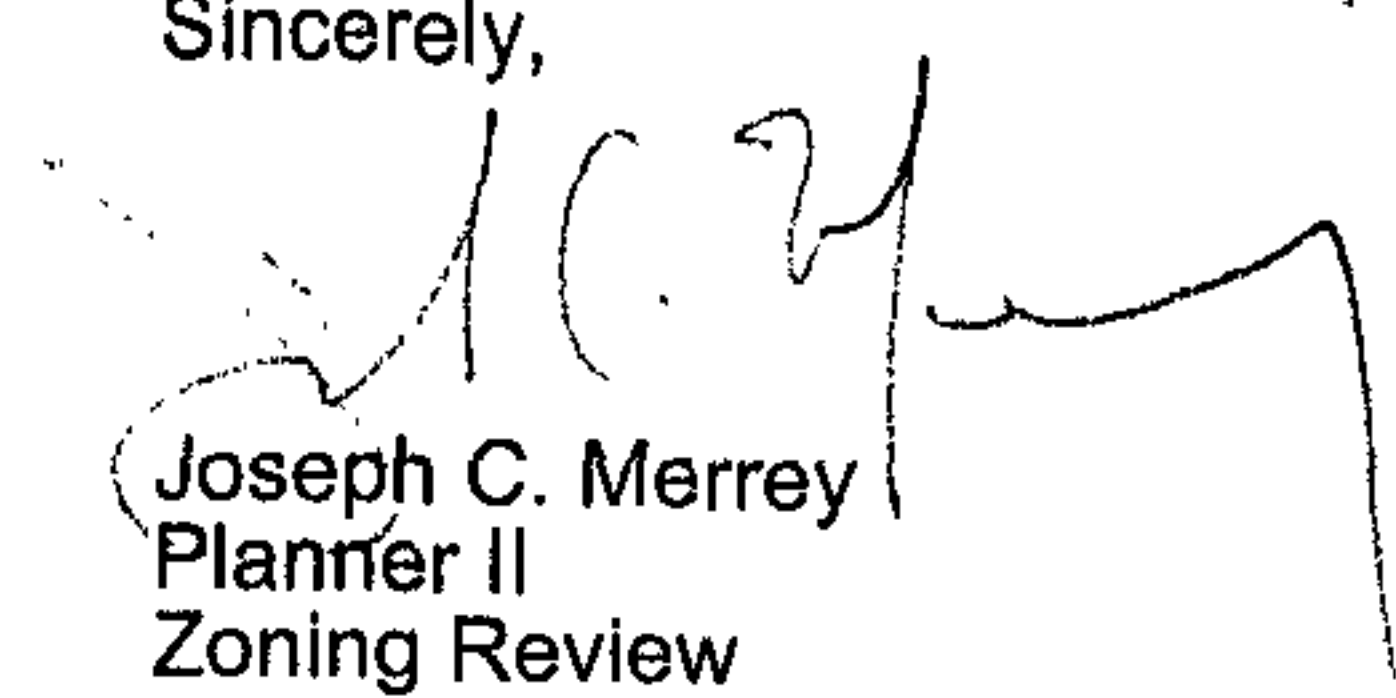
Dear Mr. Kayler:

RE: Provisional Approval, 2316 Monkton Road, 10th

Enclosed please find the Provisional Approval form for your signature. This form must be submitted with your permit application to the zoning office when applying for the permit for the subject garage.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Sincerely,



Joseph C. Merrey
Planner II
Zoning Review

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

RE: PETITION FOR VARIANCE * BEFORE THE
236 Monkton Road; NE Monkton Rd, 2,000' *
NW Patchwork Ct .5 miles off by Private Rd* ZONING COMMISSIONER
10th Election & 3rd Councilmanic Districts
Legal Owner(s): Norman R & Lola S Kayler* FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-557-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

RECEIVED

JUN 23 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to Norman R. Kayler, 14108 Manor Road, Phoenix, MD 21131, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PROVISIONAL APPROVAL
PERMIT NUMBER: 0



Date: _____

Location: _____

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following **Conditions**:

☒ Owner has filed for a public hearing, Item # 04-557A

☐ Owner must file for a public hearing within ____ days before the Zoning Commission requesting relief from all conflicts with the Baltimore County Zoning Regulations.

☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed, or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter, the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

WCR/JCM
ZONING STAFF

DIRECTOR, PERMITS & DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the zoning commissioner, if applicable, in this matter. I also hereby certify that I, the undersigned, am in fact the owner and, if applicable, the contract purchaser and not just an agent for same.

Signed - Owner _____ Signed - Contract Purchaser _____

Printed Name _____ Printed Name _____

Address _____ Address _____

Work Phone # _____ Work Phone # _____

Home Phone # _____ Home Phone # _____

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

October 7, 2004

Mr. & Mrs. Norman R. Kayler
14108 Manor Road
Phoenix, Maryland 21131

Re: Petition for Variance
Case No. 04-557-A
Property: 2316 Monkton Road

Dear Mr. & Mrs. Kayler:

Thank you for your letter of September 10, 2004, which we received on September 14, 2004. You have asked me to amend my August 6, 2004 order to include allowing variances for the height of the garage, bathroom facilities, heating, air conditioning, etc.

I am unable to do so for several reasons. First, I only have jurisdiction to revise the order for 30 days. Your letter arrived too late, and I no longer have the legal power to change it. More importantly, your changes are significant, but have not been advertised to the public as is required by law.

Unfortunately, you will need to file another petition for variance and come in for another hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



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**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 17, 2004

Norman Kayler
14108 Manor Road
Phoenix, Maryland 21131

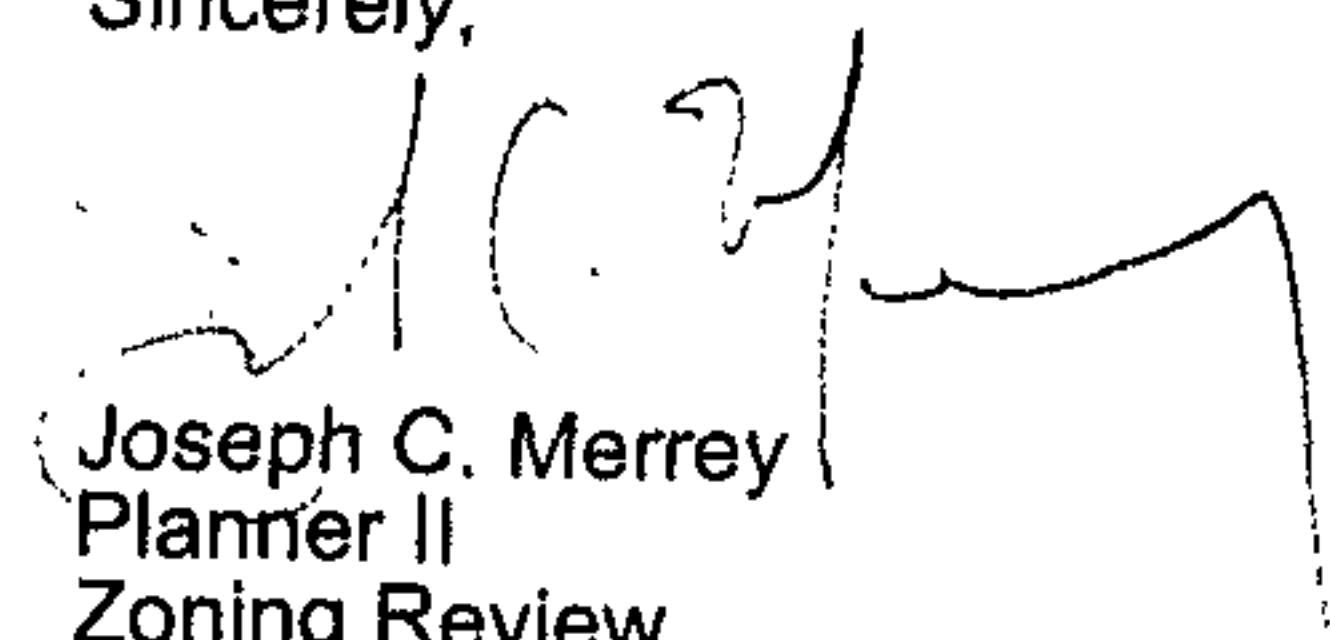
Dear Mr. Kayler:

RE: Provisional Approval, 2316 Monkton Road, 10th

Enclosed please find the Provisional Approval form for your signature. This form must be submitted with your permit application to the zoning office when applying for the permit for the subject garage.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Sincerely,



Joseph C. Merrey
Planner II
Zoning Review

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



June 15, 2004

Mr. Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Kotroco:

I am writing to you to request a Provisional Building Permit for a detached garage, for the property located at 2316 Monkton Road, Monkton, Maryland 21111. This provisional permit is being requested pending the Variance Request for Case # 04-557-A

I understand the risk involved and that the variance can be declined and we could be required to remove any construction materials installed for this detached garage.

I am asking for authorization to install the foundation and the footers pending the outcome of the variance hearing. The variance is being requested due to the topography of the land and will not impact the neighborhood. This permit is being requested for a 10-acre tract of land, that is completely wooded and not visible from any neighbor. This will not impact the County in any way. It will create a financial hardship if we cannot go forward with the foundation, simultaneously with the house and the detached garage at the same time.

I have lived in Baltimore County for 50+ years and certainly appreciate your consideration in this matter.

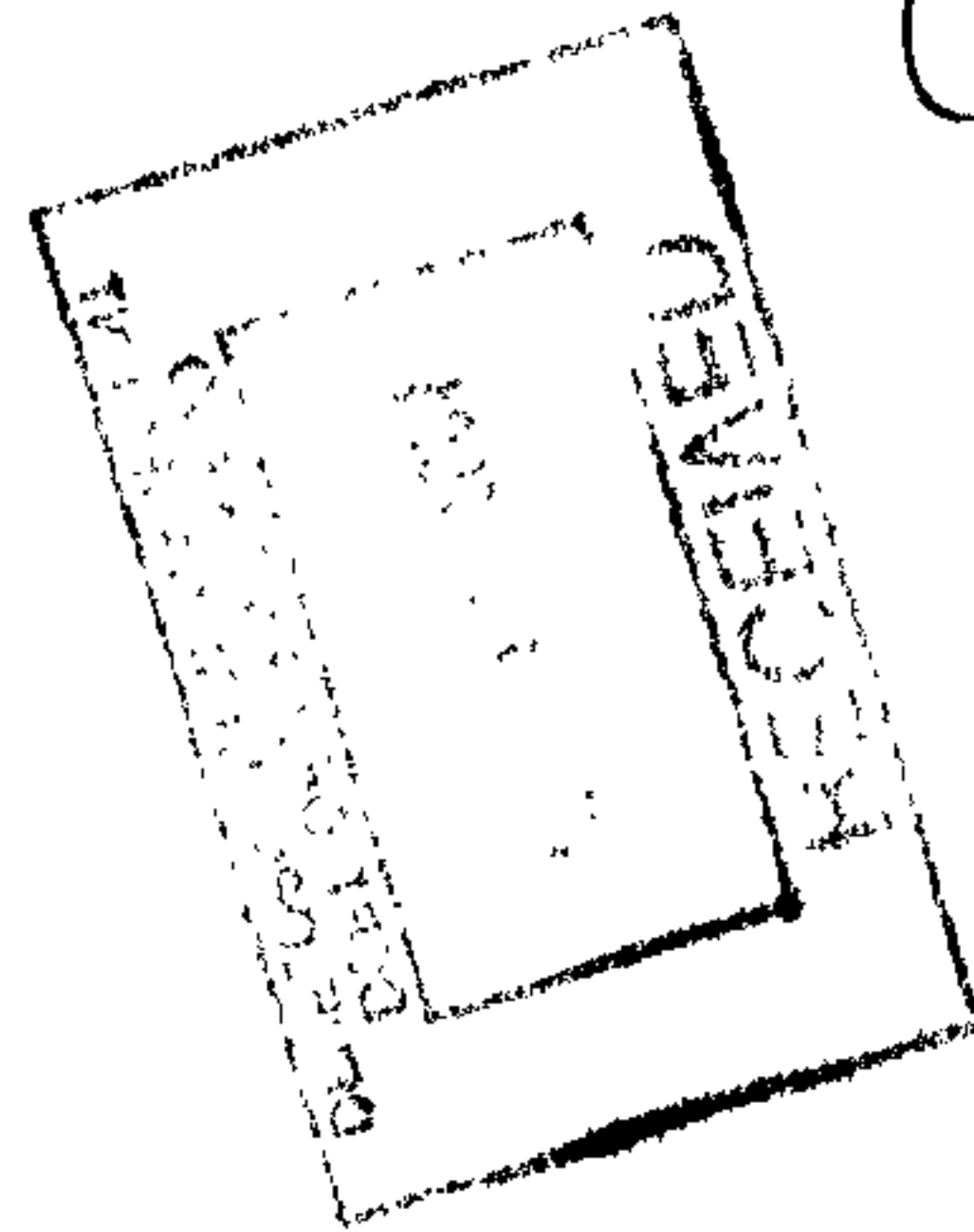
Please respond by fax with your decision to 410-480-1268 Attention: Lola Kayler. The current home address is 14108 Manor Road, Phoenix, Maryland 21131. The home telephone number is 410-592-2976.

Thank you for your time and please call us if you need any additional information.

Very truly yours,

Norman R. Kayler

Norman R. & Lola S. Kayler



To:
See me
Cal

6-16-04
gone to H. [illegible]
Cal

RECEIVED

September 10, 2004

SEP 14 2004

John V. Murphy
Deputy Zoning Commissioner
Baltimore County

ZONING COMMISSIONER

Re: Petition for Variance
Case Number: 04-557-A
Property: 2316 Monkton Road

Certified Letter/Return Receipt Requested

Dear Commissioner Murphy,

We are in receipt of your granted petition for the above case for our detached 3-car garage with 2nd floor home office/study and thank you for your decision.

We are writing at this time for you to include in your decision the addition of a half bath in the office/study area with heat and air conditioning. The garage will require heat only. The building permit already includes plumbing. Also the garage has a height of 23'6" and this will also need to be granted a part of this request. The structure was previously approved by the County.

Being a novice at building, no one said, the garage height was a problem until I requested the addition of the half bath, heat and air conditioning.

As you will recall our new home is in the middle of 10 acres with no visible neighbors. Neither the neighbors nor the developer (Gaylord Brooks) had an objection to our building project. (Developer's letter in the case file)

Therefore we are requesting the following be granted as part of your decision in our case:

1. Half bath in the detached garage office/study 2nd floor area
2. Heat and air conditioning in the 2nd floor office/study area. Heat in the garage area.
3. Height of 23'6" for the garage and office/study structure.

The detached garage will in no way be used for a family living area. It will be only my personal office/study and garage.

Thank you for your consideration and attention in this important matter to us. If you require any additional information or clarification, please feel free to contact me at my work number 410-766-1250. Once again, thank you in advance for your time.

Very truly yours,


Mr. & Mrs. Norman R. Kayler

CASE NAME 2316 Noxton Rd
CASE NUMBER 04-557-A
DATE 8/6/04

PETITIONER'S SIGN-IN SHEET

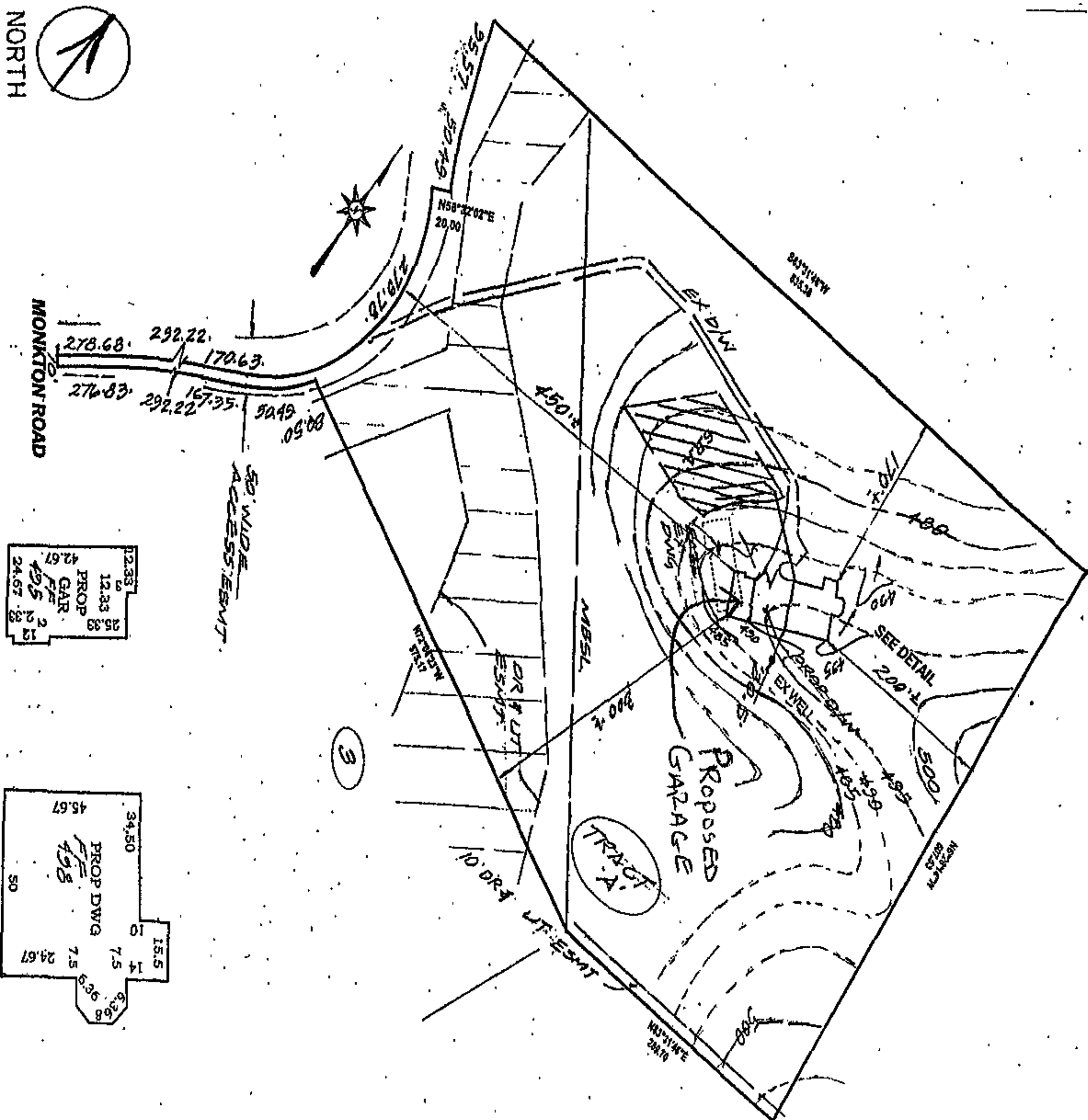
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PROPERTY ADDRESS 2316 MONKTON ROAD

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

PLAT BOOK # 54 FOLIO # 136 LOT # A SECTION #

OWNER NORMAN & LOLA HAYLER

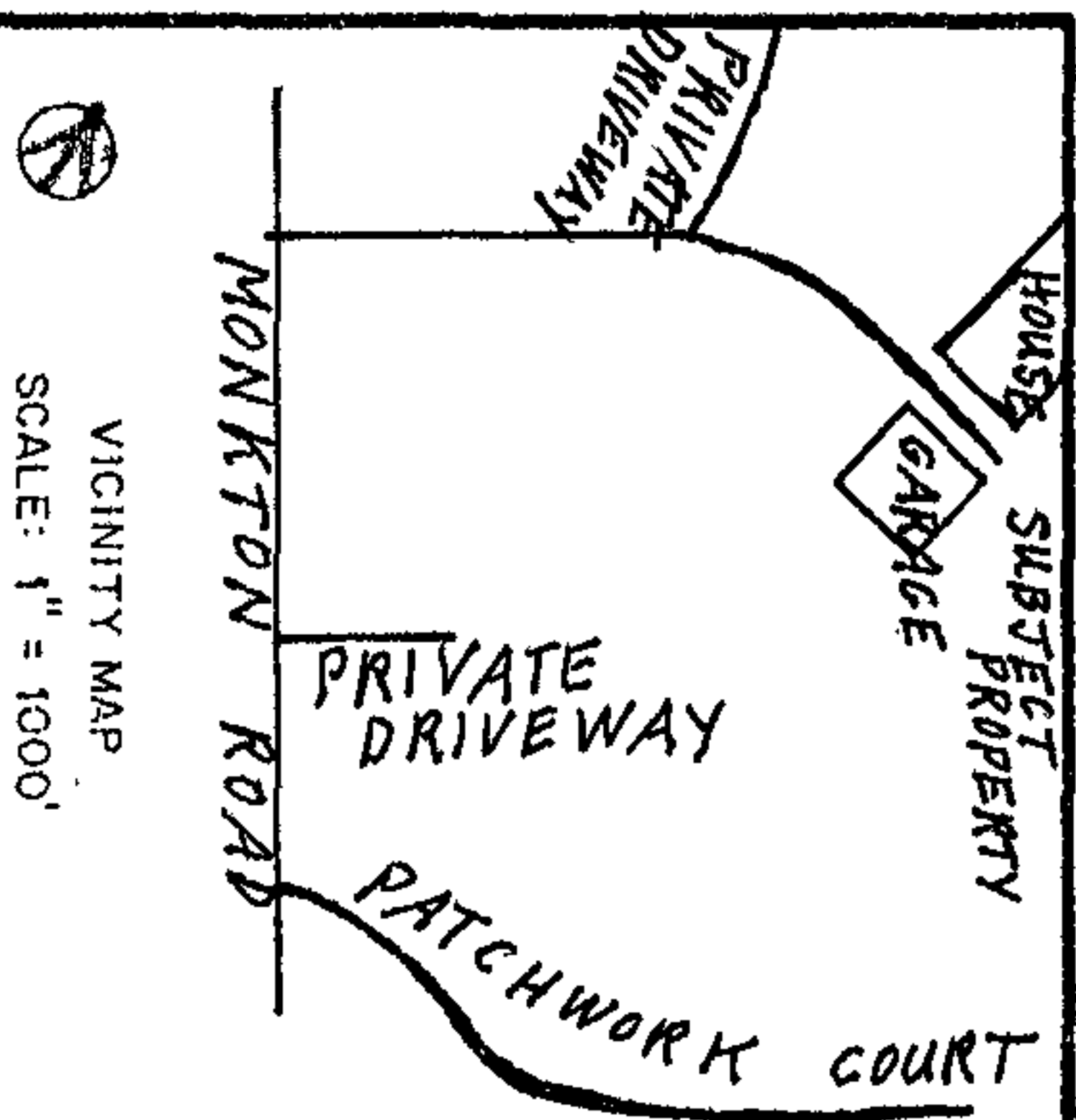
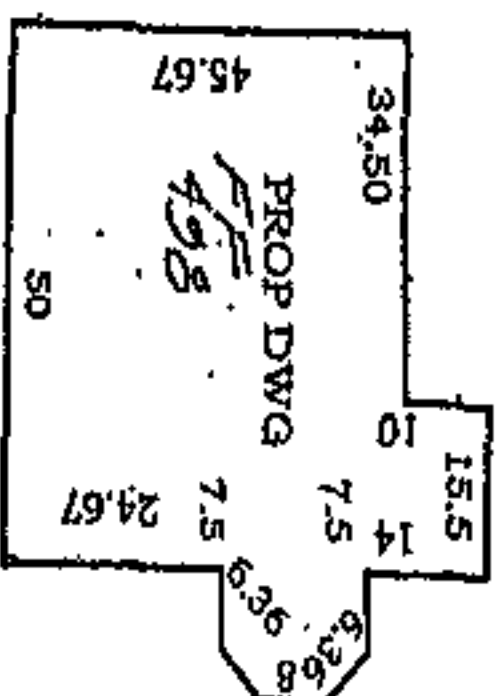


NORTH

PREPARED BY J. S. DALLAS, INC.

DETAIL 1'-30"

SCALE OF DRAWING: 1" = 30'

**LOCATION INFORMATION**

ELECTION DISTRICT 10

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # NE 26A

ZONING RC 2

LOT SIZE 10 400,000

ACREAGE	SQUARE FEET
1.00	43,560
2.00	87,120
3.00	130,680
4.00	174,240
5.00	217,800
6.00	261,360
7.00	304,920
8.00	348,480
9.00	392,040
10.00	435,600
11.00	479,160
12.00	522,720
13.00	566,280
14.00	609,840
15.00	653,400
16.00	696,960
17.00	740,520
18.00	784,080
19.00	827,640
20.00	871,200
21.00	914,760
22.00	958,320
23.00	1,001,880
24.00	1,045,440
25.00	1,089,000
26.00	1,132,560
27.00	1,176,120
28.00	1,219,680
29.00	1,263,240
30.00	1,306,800
31.00	1,350,360
32.00	1,393,920
33.00	1,437,480
34.00	1,481,040
35.00	1,524,600
36.00	1,568,160
37.00	1,611,720
38.00	1,655,280
39.00	1,698,840
40.00	1,742,400
41.00	1,785,960
42.00	1,829,520
43.00	1,873,080
44.00	1,916,640
45.00	1,960,200
46.00	2,003,760
47.00	2,047,320
48.00	2,090,880
49.00	2,134,440
50.00	2,178,000
51.00	2,221,560
52.00	2,265,120
53.00	2,308,680
54.00	2,352,240
55.00	2,395,800
56.00	2,439,360
57.00	2,482,920
58.00	2,526,480
59.00	2,570,040
60.00	2,613,600
61.00	2,657,160
62.00	2,700,720
63.00	2,744,280
64.00	2,787,840
65.00	2,831,400
66.00	2,874,960
67.00	2,918,520
68.00	2,962,080
69.00	3,005,640
70.00	3,049,200
71.00	3,092,760
72.00	3,136,320
73.00	3,179,880
74.00	3,223,440
75.00	3,267,000
76.00	3,310,560
77.00	3,354,120
78.00	3,397,680
79.00	3,441,240
80.00	3,484,800
81.00	3,528,360
82.00	3,571,920
83.00	3,615,480
84.00	3,659,040
85.00	3,702,600
86.00	3,746,160
87.00	3,789,720
88.00	3,833,280
89.00	3,876,840
90.00	3,920,400
91.00	3,963,960
92.00	4,007,520
93.00	4,051,080
94.00	4,094,640
95.00	4,138,200
96.00	4,181,760
97.00	4,225,320
98.00	4,268,880
99.00	4,312,440
100.00	4,356,000

PUBLIC PRIVATE

SEWER ☐ ☒

WATER	☐	☒
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CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/ BUILDING	☐	☒
1000	☐	☒
1001	☐	☒
1002	☐	☒
1003	☐	☒
1004	☐	☒
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1098	☐	☒
1099	☐	☒

PRIOR-ZONING HEARING **NONE**

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #



Gaylord Brooks Realty Co., Inc.

P.O. Box 400, 3312 Paper Mill Road, Phoenix, Maryland 21131 • (410) 667-0800 • FAX (410) 667-0078

May 24, 2004

Mr. & Mrs. Norman R. Kayler
14108 Manor Road
Phoenix, Maryland 21131

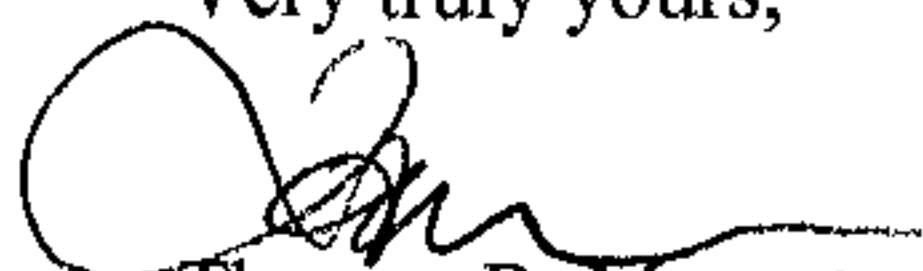
Dear Norman & Lola,

We have recently received your construction plans for 2316 Monkton Road.

Following our review, we feel this is an excellent home addition to our community and conforms to the architectural guidelines and standards of the community. We do not see any problems or concerns with your site, house plans; specifically the detached garage and therefore support the variance for the location of the detached.

We look forward to your new construction and if we can provide any additional assistance, please feel free to contact us.

Very truly yours,


Thomas R. Moore
Declarant

Det #2



View North

3A



View South

3B



View East

3C



View West

3D

