IN RE: PETITION FOR ADMIN. VARIANCE SE/S of Rolling Acres Way, 1,120 ft. E centerline of Ridge Road 8th Election District 2nd Councilmanic District (23 Rolling Acres Way)

> Barbara & Adam Miller Petitioners

BEFORE THE

' ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-580-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Barbara and Adam Miller. The administrative variance is requested for property located at 23 Rolling Acres Way in the "Rolling Acres" subdivision of Baltimore County. The administrative variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition (garage) to have a property line setback of 42 ft. in lieu of the required 50 ft. and to approve a single lot amendment for Lot 6, "Rolling Acres North" Final Development Plan. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 27, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

### 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.

### Applicable Law

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

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SERVICE FOR FOR

"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 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, offstreet 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."

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 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 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 request should be GRANTED.

THEREFORE, IT IS ORDERED, this Zoring day of July, 2004, by this Zoring Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoring Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition (garage) to have a property line setback of 42 ft. in lieu of the required 50 ft. and to approve a single lot amendment for Lot 6, "Rolling Acres North" Final Development Plan, 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;

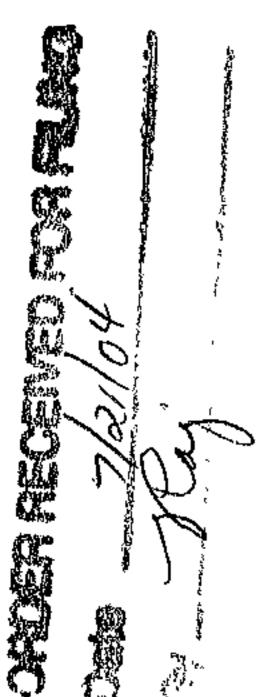
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT

**ZONING COMMISSIONER** 

FOR BALTIMORE COUNTY

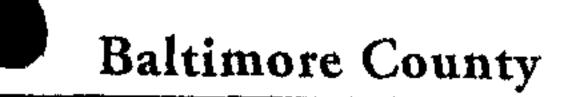
LES:raj



### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

July 21, 2004

Mr. & Mrs. Adam Miller 23 Rolling Acres Way Reisterstown, Maryland 21136

> Re: Petition for Administrative Variance Case No. 04-580-A Property: 23 Rolling Acres Way

Dear Mr. & Mrs. Miller:

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,

Lawrence E. Schmidt

Zoning Commissioner



LES:raj

Enclosure



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 23 Ruccing Acres Way Mh 21134 which is presently zoned RC. 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) 1 A O L. 3. B. Z (BCZIZ)

TO FERMIT AH EXISTIHG SINGLE FAMILY DWELLING
WITH ADDITION (GARAGE) TO HAVE A PROPERTY LINE SETBACK OF GZ'IN LIEU OF THE REQUIRED 50' AND
TO APPROVE A SINGLE LOT AMENDMENT FOR LOT 6, ROLLING ACRES HORTH FINAL DEVELOPEMENT PLALI

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 perjury, that I/we are the legal is the subject of this Petition.	affirm, under the penalties of owner(s) of the property which
Contract Purchaser/	Lessee:		Legal Owner(s):	1
			ASAM MILLON	
Name - Type or Print			Name Type or Print	· · · · · · · · · · · · · · · · · · ·
Signature	<del></del>	· · · · · · · · · · · · · · · · · · ·	Signature	f '
Address	<del></del>	· · · · · · · · · · · · · · · · · · ·	BANSANA MILLEN	<u>'</u>
/ /		Telephone No.	Name - Type or Print  Bahma Mul	
City	State	Zip Code	Signature /	414 - 561.7177
Attorney For Petition	<u> 101:</u>		23 Rolling Arms 1	Nay 410.561.8060
			Address Rustinstiwn Ma	Telephone No.
Name - Type or Print	<del></del>	<del></del>	City	State Zip Code
Signature	<del>*************************************</del>	<del></del>	Representative to be Co	ntacted:
			Stame As NOOUE	
Company		·	Name	
Address	<del></del>	Telephone No.	Address	Telephone No.
City	State	Zip Code	City	State Zip Code
A Public Hearing having beethis day of regulations of Baltimore County	n formally demanded	d and/or found to be the subject matter of th	required, it is ordered by the Zoning ( is petition be set for a public hearing, ac	
CASE NO.	y and that the property	be reposted.	-	
23				
CACENO	1-580-	A	Zoning Commissioner of	Baltimore County
CASE NO.	<del>-300</del>	Revi	ewed By CTM Do	ite 6/15/04
REV 9/15/98		Esti	mated Posting Date	27104
REU 9/15/98				
				1

# 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

r.d.	City 13e	Interatomu	State	21136
That based upon personal knowled Variance at the above address (indic	ge, the following are	the facts upon what	$\mathbf{O}$	Zip Code quest for an Administrative
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STATE OF MARYLAND, COUNTY			ال <u>مسئد م</u> سئد جمعه خمعه معمد معمد ومودو وميا <sup>وميدو</sup> لاست عامد	
I HEREBY CERTIFY, this 2 d. of Maryland, in and for the County at	ay of Opyl l foresaid, bersonally a	appeared Z	<u>'ひり牛</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally kno law that the matters and facts herein	eunt u wn or satisfactorily i	dentified to me as	such Affiant(s), and the best of his/her/the	made oath in due form of
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	į	Notary Public	Expires 8 1 200	
SUBSCRIBED AND SWORN THIS Z DAY OF LAPY	TO BEFORE ME ON	wy Commission E	xpires <u> </u>	<u></u>
Mary B. C. DOTARY PUL	Nowermott			

# 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) d	oes/do presently reside at		Henry Way	<del></del>	<del></del>
1		Address (CE) STENSTONN	Mamuan	21136	
		City	State	<i></i>	Zip Code
That based upon per Variance at the above	ersonal knowledge, the followers address (indicate hardsh	owing are the facts up hip or practical difficult	oon which I/we base th y):	e request for an Adr	ninistrative
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I HEREBY CERTIFY	this day of day of for the County aforesaid, pe	(Pri)	, <u>2004</u> , before m	ne, a Notary Public o	f the State
the Affiant(s) herein law that the matters	personally known or satisand facts hereinabove set f	factorily identified to forth are true and corr	me as such Affiant(s), ect to the best of his/he	and made oath in dientheir knowledge an	ue form of d belief.
AS WITNESS my ha	and and Notarial Seal				
#/2/2004 Date	<u>}</u>	Many Notary Publ	B. McDerno	<del>st L</del>	
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REV 09/15/98 THIRE	DAY UP	Tederites	, , ,		

Mary D Mchilernatt



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

or the property located at	23	Roccins Ams Way	MP 1113P
whic	h is	presently zoned 12C-5	

This Petition shall be filed with the Department of Permits and Development Management.	The undersigned legal
(FRENCHED LATER) FOR A 11 A 1991 LA 2011 LADIA DE LE PRODUCTO (C. 2011 LADIA 2010 A 20 A A 40 A A 40 A A 40 A A A A A A A A A	
made a part hereof, hereby petition for a Variance from Section(s) 1204.3.13.2 (15	CZ17

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (GARAGE) TO HAVE A PROPERTY LINE SETBACK OF 42' IN LIEU OF THE REQUIRED 50' AND TO APPROVE A SINGLE LOT AMENDMENT FOR LOT GROLLING ACRES HORTH, FIMAL DEVELOPMENT PLAN.

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.

Attorney For Petitioner:  Attorney For Petitioner:  Name - Type or Print  Signature  Signature  Attorney For Petitioner:  City  State  Representative to be Contacted:  Some as about	~Muh_
Name - Type or Print  Signature  Address  Telephone No.  Telephone No.  Name - Type or Print  Name - Type or Print  Signature  Name - Type or Print  Signature  Attorney For Petitioner:  Name - Type or Print  Signature  Telephone No.  Name - Type or Print  Signature  Type or Print  Type or Print  Type or Print  Type or Print  Signature  Type or Print  Type or Print	-M1. In
Address Telephone No.  Name - Type or Print  Signature  Representative to be Contacted:  Address  Signature  Representative to be Contacted:	-M1. In
Telephone No.  Name - Type or Print  13   Zolund Acust Way 416-5  Address   Language   City   State   Signature   City   State    Signature   Signatur	- M. In
Attorney For Petitioner:  Name - Type or Print  Signature  Signature  Signature  Signature  Signature  Representative to be Contacted:  Same As Above	\_
Attorney For Petitioner:  Name - Type or Print  Signature  13   Zouling Acust Way 416 - 5  Address   Grant State   City State    Representative to be Contacted:  SAME AS ABOUE	
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Signature  Signature  City  State  Representative to be Contacted:  SAME AS ADDE	Telephone No.
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Name	· · · · · · · · · · · · · · · · · · ·
Address Telephone No. Address	elephone 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 Bal	timore County,
this day of that the subject matter of this petition be set for a public hearing, advertised, as required regulations of Baltimore County and that the property be reposted.	l by the zoning
i I	
Zoning Commissioner of Baltimore County	
CASE NO. 04-580-A Reviewed By CTM Date 6/15	1
REW 9/15/98 Estimated Posting Date 677/	104



Affidavit in Support of Administrative Variance 23 Rolling Acres Way Reisterstown, Maryland 21136 Case Number 04-580-A

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):

Adding addition to existing house due to lack of space. The existing house, when built was done so with relatively small rooms. Now that our family has grown, we require additional space to accommodate us for practical and functional daily living. The attached pictures illustrate the positioning of the house which necessitates the need for the variance. Topography and septic field prevent us from using the rear of the house. In addition, our lot is heavily wooded on the sides and to the rear of the house. Can't go forward due to the existing silo underground.

Bankar Will

#### **ZONING DESCRIPTION**

Zoning description for 23 Rolling Acres Way Reisterstown, Maryland 21136.

Beginning at a point on the Southeast side of Rolling Acres way which is 50 feet wide at the distance of 1120 feet east of the centerline of the nearest improved intersecting street Ridge Road which is 16 feet wide. Being lot # 6in the subdivision of Rolling Acres as recorded in Baltimore County Plat Book # 63, Folio #121, containing 2.934 acres. Also know as 23 Rolling Acres Way and located in the 8th Election District, 2<sup>nd</sup> Councilmanic District.

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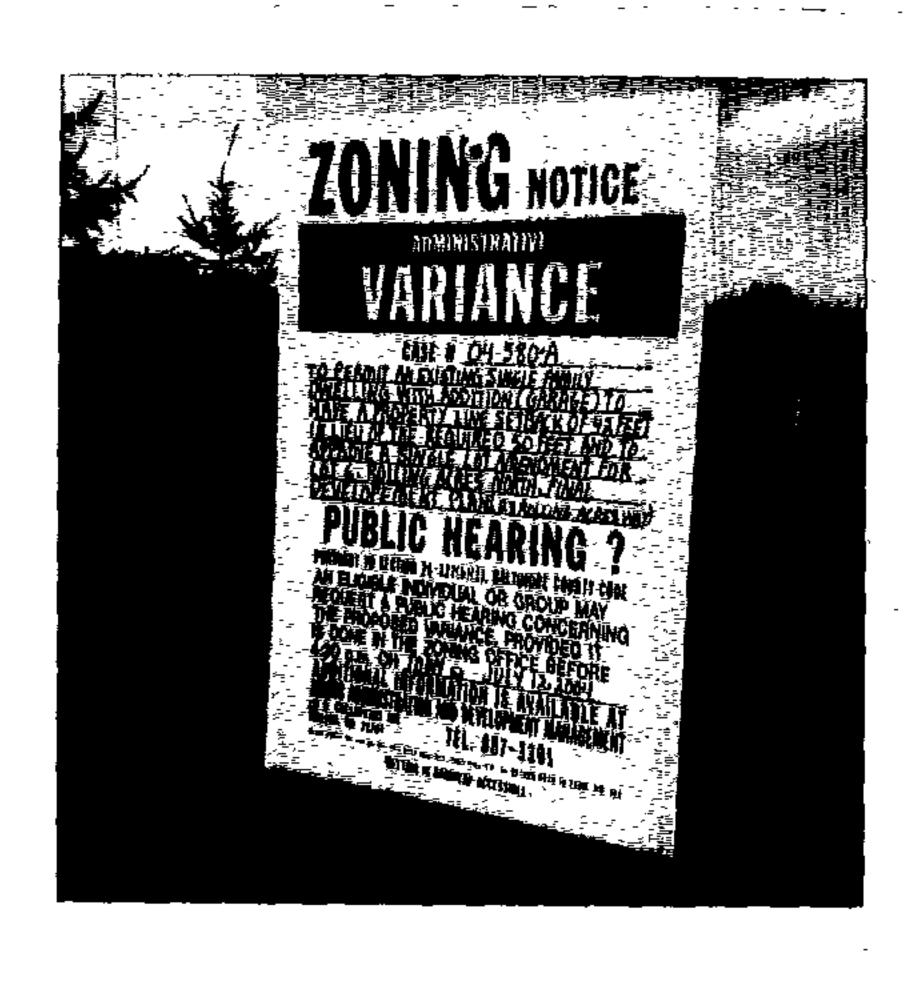
# CERTIFICATE OF POSTING

ATTENTION:	KRISTEN	MATTHEWSDate:	June	30,2004
			$\mathbf{V}$	

<b>□</b> □.	: Case Number 04-580-A
i Niger	Petitioner/Developer: ADAM MILLER ETUX
	Date of Hearing/Closing) July 12, 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 23 ROLLING ACRES WAY

The sign(s) were posted on JUNE 27, 2004 (Month, Day, Year)



Signature of Sign Poster)

LINDA O'KEEFE

(Printed Name of Sign Poster)

523 PENNY LANE (Street Address of Sign Poster)

HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-580 -A Address 26 ROLLOHG ACRES WAY
Contact Person: LIOYO T. MOXLEY Phone Number: 410-887-3391
Filing Date: 6 15/04 Posting Date: 6/27/04 Closing Date: 7/12/04
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <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 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- 580 -A Address 23 ROLLING ACRES MAY
Petitioner's Name ADAM MILLER ETUX Telephone 410 561 7177
Posting Date: 6/27/04 Closing Date: 7/12/04
Nording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING
JITH ADDITION (GARAGE) TO HAVE A DROPERTY I WE SETRACK OF
TE IN LIEU OF THE REQUIRED 50' AND TO APPROVE A SHIGLE LOT
MENDMENT FOR LOT 6 POLLIFIC ACRES HORTH, FILIAL
SEVELOPEMENT PLAN WCR - Revised 6/28/00

# 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.

Item Num	nber or Case Number: 04-580-A
Petitioner	: ADAM AND BANDANA MILLER
Address o	or Location: 23 POLLING ARMS WAY PRISTERSTOWN, MANYLAND 21
Name: _	FORWARD ADVERTISING BILL TO:  ADAM AM BAMBANA MILLON  23 ROLLING AZMS Way  REISTENSTOWN, MANYLAND 21136

### 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

July 12, 2004

Adam Miller Barbara Miller 23 Rolling Acres Way Reisterstown, Maryland 21136

Dear Mr. and Mrs. Miller:

RE: Case Number:04-580-A, 23 Rolling Acres Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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.

W. Call Rill D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 28, 2004

Item No.:

580)-591

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 Nell J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

6.29.04 Date:

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

RE:

Baltimore County

Item No. 580

してM

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

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 4-580 and 4-606

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.

MAC/LL

RECEIVED

**DATE:** July 8, 2004

JUL - 8 2004

ZONING COMMISSIONER

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 23, 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 July 6, 2004

Item Nos. 580, 581, 582, 583, 584, 586, 587, 588, 589, 590, and 591

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

RWB:CEN:jrb

cc: File

