IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Sagewood Court, 1,260 ft.

E of York Road

8th Election District

3rd Councilmanic District

(24 Sagewood Court)

Petitioners

Heidi Schmitt & Ron Gregory Krauss

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-581-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, Heidi Schmitt and Ron Gregory Krauss. The administrative variance is requested for property located at 24 Sagewood Court in the Sparks area of Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the front and side yard with a height of 18 ft. in lieu of the required rear yard and 15 ft. height. 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 25, 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.

SOURCE VED CORP.

"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 216th day of July, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the front and side yard with a height of 18 ft. in lieu of the required rear yard and 15 ft.

CHARTERIA CONTRACTOR

height, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

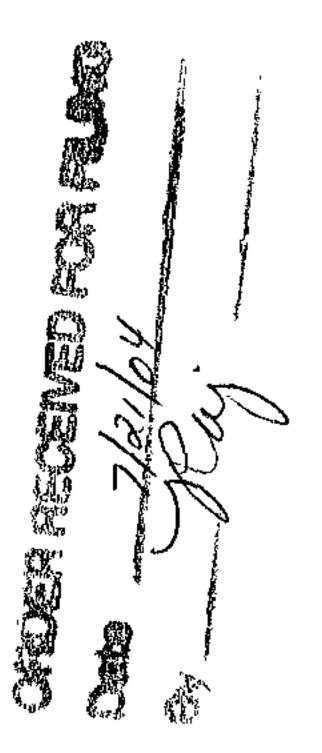
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. The garage shall be limited to uses accessory to the residential use of the property. It shall not be used to support a business or for commercial purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. There shall be no living quarters contained therein, and no kitchen or bathroom facilities;
- 3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

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



Baltimore County

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

July 21, 2004

Mr. & Mrs. Ron G. Krauss 24 Sagewood Court Sparks, Maryland 21152

> Re: Petition for Administrative Variance Case No. 04-581-A Property: 24 Sagewood Court

Dear Mr. & Mrs. Krauss:

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 24 SAGEWOOD CT., SPARKS which is presently zoned RC-4

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) HOO.1, HOO.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE FRONT AND SIDE YARD WITH A HEIGHT OF 18-FEET IN LIEU OF THE REQUIRED REAR YARD AND 15-FOOT HEIGHT.

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 th	is Petition.	` ' '	•
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Attorney For Petit	State ioner:	Zip Code	Address	EWOOD C	JT.	Telephone No
Name - Type or Print	·		SPARKS City Representativ	+ MD e to be Con	State	Zip Code
Signature			Name			· · · · · · · · · · · · · · · · · · ·
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City	State	Zip Code	City		State	Zip Code
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R 10/25/01		Esti	mated Posting Date	<u> 4</u>	27/04	

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 present	y reside at	045	DOSPU	Od G	<u> </u>		<u></u>
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I HEREBY CERTIFY, this 10th of Maryland, in and for the County a	day of	ay		, 2004	_, before me, a	Notary Public	of the State
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REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	04 Sasa	2000CLGt	
•	Address 5000	MD	21152
	City	State	Zip Code
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une muant(s) nerein, personally known or satisfa	actorily identified t	o me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		4	
	Notary F	Public B.	Ceré
	My Com	Public Imission Expires <u>XVX</u>	mber 1, 2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at	24 SAGEWOOL	SCT. SPARKS
	s presently zoned	,

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

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, 400.3 (BCZE)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE FRONT AND SIDE YARD WITH A HEIGHT OF 18-PEET IN LIEU OF THE REQUIRED REAR YARD AND 15-FOOT HEIGHT.

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 is the subject of this Peti	legal owner(s) of the tion.	property which
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Attorney For Petition	er:			·	
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City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee	n formally deman	ded and/or found to	be required, it is ordered by the 2 of this petition be set for a public hea	oning Commissioner of	Baltimore County.
regulations of Baltimore County	and that the prope	at the subject matter rty be reposted	of this petition be set for a public hea	aring, advertised, as requ	lired by the zoning
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CASE NO.	A-182-40	<u> </u>	Reviewed By D.THompson	Date	4
REV 10/25/01			stimated Posting Date	(1) 27 04	

ZONING DESCRIPTION FOR 24 Sagewood Court

Beginning at the point on the North side of Sagewood Court which is 40 feet wide at the distance of 1360 feet East of the centerline of the nearest improved intersecting street. York Road which is 80 feet wide. Being Lot 33, in the subdivision of Sax Property as recorded in Baltimore County Plat Book #70, Folio #124, containing 1.54 acres. Also known as 24 Sagewood Court and located in the 8th Election District, 3rd Councilman District.

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CERTIFICATE OF POSTING

ttention: Kristen Matthews	Date: JUNE 30, 2004
RE: Case Number 04-58)-/ Petitioner/Developer: RON+ HEI Date of Hearing/Closing JULY	DI KRAUSE
This is to certify under the penalties of perjuere posted conspicuously on the property locate	oury that the necessary sign(s) required by law at 24 SAGEWOOD COURT
The sign(s) were posted on	UNE 25, 2004 (Month, Day, Year)
ZONING NOTICE VARIANCE PROCESSOR PROCESSOR	(Signature of Sign Poster) LINDA O KEFF (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster) 410-666-5366 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 581 -A Address 24 SAGEWOOD CT.
Contact Person: DONNA THOMPSON
Filing Date: 41504 Posting Date: 42704 Closing Date: 71304
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 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.
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.
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.
(whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally this office.
(Detach Along Dotted Line)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 04- 58 -A Address 24 SAGEWOOD CT. etitioner's Name KRAUGS Telephone 1110 1170 11001
166phole 410-472-4004
ording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) TO BE
LOCATED IN THE FRONT AND SIDE YARD WITH A HEIGHT OF 18-FEET
IN LIEU OF THE REQUIRED REAR YARD AND 15-FOOT HEIGHT.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 04-581-A
Petitioner: HOLDI Schmitt Krauss + Ron Gregory Krauss
Address or Location 24 Society Ct.
PLEASE FORWARD ADVERTISING BILL TO:
Name: _ Flat Schmitt Krauss & Ron Gragion & Krauss
Address: 24 Salutool (t.
Sparks MD 21152
Telephone Number: 410.935.6881C/h 410.472.4004

Revised 2/20/98 - SCJ

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 12, 2004

Ron Gregory Krauss Heidi Schmitt Krauss 24 Sagewood Court Sparks, Maryland 21152

Dear Mr. and Mrs. Krauss:

RE: Case Number:04-581-A, 24 Sagewood Court

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.

Very truly yours,
U. Call Rill Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:



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.:

580-59:

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: 6.29.04

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

RE:

Baltimore County

Item No.

581

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

1. J. Houlh

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr JP 0/185

DATE:

July 21, 2004

SUBJECT:

Zoning Item # 04- 587

Address

24 Sagewood-Ct.

Zoning Advisory Committee Meeting of June 28, 2004.

The Agricultrual Preservation section of DEPRM offers the following comments regarding the above Zoning item:

This sbdivision has experienced groundwater supply problems. A determination by Groundwater Management should be sought before approving this request.

Reviewer:

Wally Lippincott

Date: July 21, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

1112

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 28, 2004

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 4-581 and 4-584

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 6, 2004

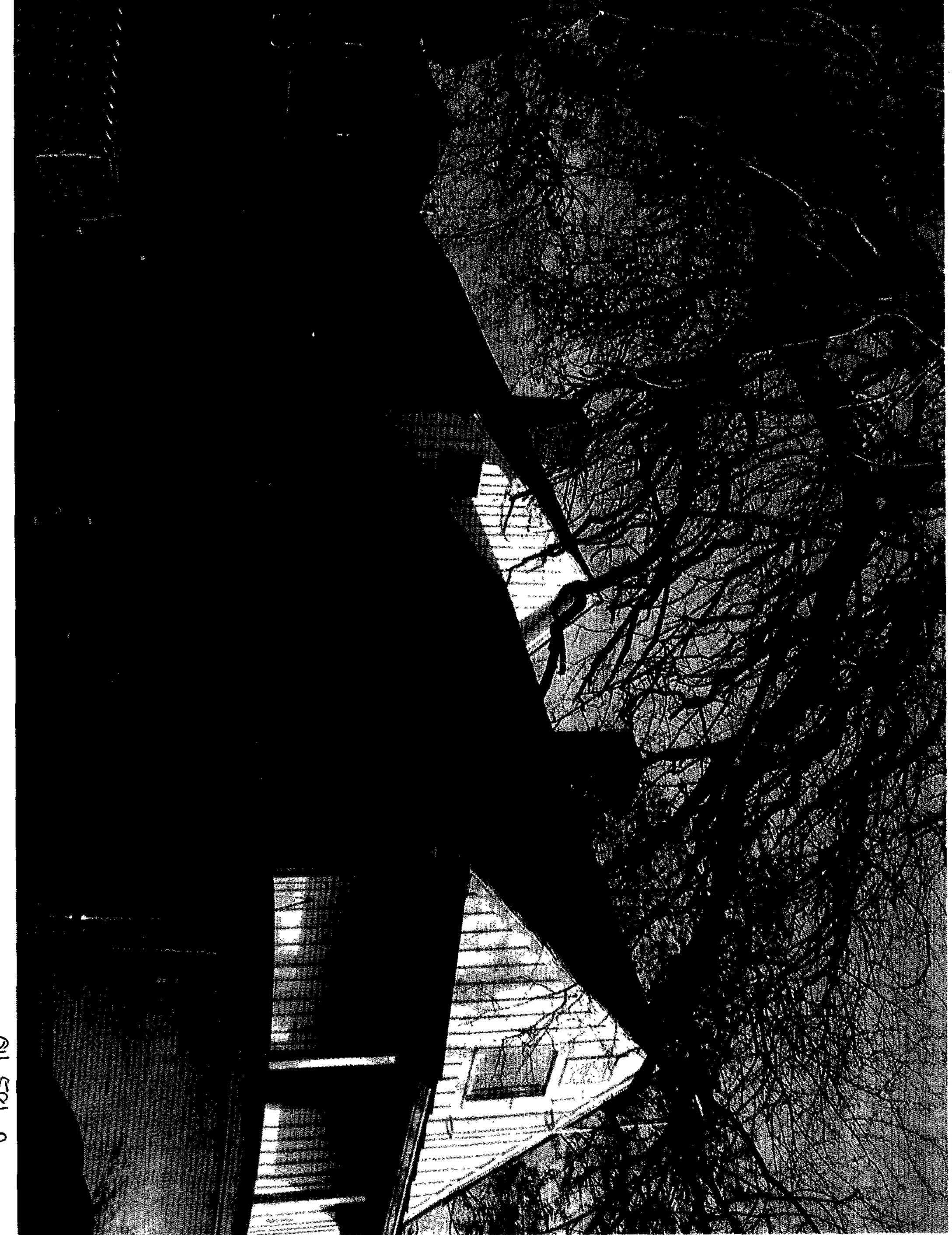
Item Nos. 580, 581, 582, 583, 584, 586, 587, 588, 589, 590, and 591

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

RWB:CEN:jrb

cc: File

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D. THOMESE 581 OH-581-A	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #	PRIORIC PROPERTY RECORDS IN THE PRIOR ZONING HEARING OUT	YEAR FLOOD PLAIN	BAY	SEWER	LOT SIZE 1.247 ACREAGE SQUARE FEET PUBLIC PRIVATE	200' SCALE MAP # 1/2 42-15	CILMANIC DISTRICT		VICINITY MAP SCALE: 1" = \$3000	CORPORATE	The state of the s				SPARKS	



SS-KS 4



04-581-A

