IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Stoneleigh Road, 157 ft. W
centerline of Bristol Road
9th Election District
5th Councilmanic District
(500 Stoneleigh Road)

Michael Lawrence
Petitioner

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-585-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 owner of the subject property, Michael Lawrence. The administrative variance is requested for property located at 500 Stoneleigh Road in the "Stoneleigh" subdivision of Baltimore County. The administrative variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (trellis attached to an existing garage) with side and rear yard setbacks of 1 ft. in lieu of the required 2.5 ft. and Section 301.1A to permit an open projection (trellis attached to the house) with a side yard setback of 2 ft. in lieu of the required 7.5 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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*.

FREE RECEIVED FOR FEED

"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 Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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 Petitioner.

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 Petitioner, I find that the Petitioner's variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this Zord day of July, 2004, by this Zoning Commissioner, that the Petitioner's request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (trellis attached to an existing garage) with side and rear yard setbacks of 1 ft. in lieu of the required 2.5 ft. and Section 301.1A to permit an open projection (trellis attached to the house) with a side yard setback of 2 ft.

in lieu of the required 7.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

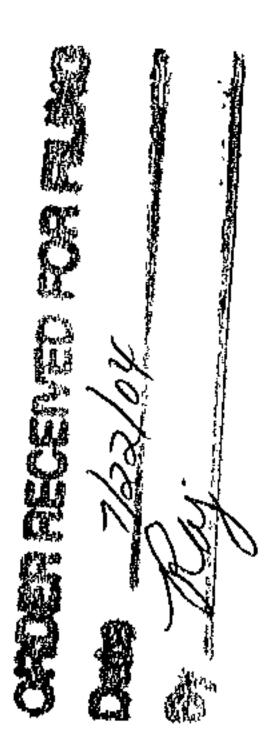
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;

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 22, 2004

Mr. Michael Lawrence 500 Stoneleigh Road Baltimore, Maryland 21212

> Re: Petition for Administrative Variance Case No. 04-585-A Property: 500 Stoneleigh Road

Dear Mr. Lawrence:

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

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		·	which is presen	tly zoned	R5.5
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in lien of	,				
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Property is to be posted and a posted in the second second second restrictions and restrictions in the second seco	nses of above Va	riance, advertising, po	sting, etc. and further agree to the zoning law for Baltin I/We do solemnly dec perjury, that I/we are	nore County. clare and affirm, under the legal owner(s) of th	the penalties of
Contract Purchaser/L	Lessee:		is the subject of this ! Legal Owner(s):		
				Laurence	~ <i>D</i>
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Attorney For Petition	<u>er:</u>		Address	<u> </u>	Telephone No.
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Company		······································	Name		
Address		Telephone No.	Address	<u></u>	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.

AST NO. 64-585-A	Zoning Commissioner of Baltimore County
AST NO. 64-585-A	Reviewed By 1317 Date 6/16/04

10/25/01 Estimated Posting Date 6/37/04

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 presently reside at	500	Stone	eigh Rd	
	Address City	Time	State	2/2/2 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the fa	acts upon whic		·
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or me back 18%				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional inforr	is filed, Affiar nation.	nt(s) will be require	d to pay a reposting and
Signature Signature	·	Signature		<u></u>
Mike Laurence				
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STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:	 بر: بر:	nu	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally appear	red	<u>/ / / ,</u> before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfa	····	 		
the Affiant(s) herein, personally known or satisfa		d to me as suc	ch Affiant(s).	
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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a performance of the	enalties o within the ublic hear	of perjury to the e personal known ing is scheduled	Zoning viedge d in the	Commissioner of of the Affiant(s) an future with regard the	Baltimore County, as d that Affiant(s) is/are nereto.
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Name - Type or Print			Type or Pi	Int	·
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfation.	ersonally a	appeared			tary Public of the State
	•			_	i i

AS WITNESS my hand and Notarial Seal

Notary Public / Hec/, 2004

My Commission Expires Hec/, 2004

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Estimated Posting Date 6/27/04

which is presently zoned D.R. -5.5

for the property located at 500 Stoneleigh Rd

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			perjury, that I/we are is the subject of this i	clare and affirm, under the the legal owner(s) of the Petition.	property which
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ZONING DESRIPTION FOR: 500 Stoneleigh Road, Baltimore, Md. 21212

Beginning at a point on the north side of Stoneleigh Road which is 38 feet wide at a distance of 157 feet west of the centerline of the nearest improved intersecting street, Bristol Road, which is 38 feet wide. Being lots #18, #19 and #20, Block 2, Section #2, in the subdivision of Stoneleigh as recorded in Baltimore County Plat Book #7, Folio #87, containing 9,432 square feet. Also known as 500 Stoneleigh Road and located in the 09 Election District, 5 Councilmanic District.

CERTIFICATE OF POSTING

tt	ention: Kristen Matthews	Date: JUNE 30, 2004
	Case Number 04-585 Petitioner/Developer: MIKE LAWR Date of Hearing/Closing: JULY 12	
were	This is to certify under the penalties of perjuiposted conspicuously on the property located	ry that the necessary sign(s) required by law- lat 500 STOVELEIGH ROAD
	The sign(s) were posted on) UNE 25, 2004 (Month, Day, Year)
	THE REPORT OF SERVICE AND TO PERMIT AND THE PERMIT AND TO PERMIT AND TO PERMIT AND TO PERMIT AND THE PERMIT AND TO PERMIT AND THE PERMIT AND TO PERMIT AND T	Canda O Keefe (Signature of Sign Poster) LINDA O KEFF (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster)
	PUBLIC HEARING CONCERNING	HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

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 Number or Case Number: 04 - 585 A	
Petitioner: MICHEAU LAURENCE	
Address or Location: 500 STONELEIGH ES	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: MICHEAL LAWRENCE	
Name: MICHEAL LAWRENCE Address: 500 STONELEIGH ROAS	
A	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-	585	-A	Address	500	Stance leigh	R.O.
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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

July 12, 2004

Michael Lawrence 500 Stoneleigh Road Baltimore, Maryland 21212

Dear Mr. Lawrence:

RE: Case Number:04-585-A, 500 Stoneleigh Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 16, 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,

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

Date:

7.2.04

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

RE:

Baltimore County

Item No.

583

BPR

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. 1. Soulh

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

July 30, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of July 19, 2004

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

04-585

04-592

04-593

04-594

04-595

04-596

04-600

04-601

04-603

04-604

04-605

04-606

04-607 04-608

04-609

Reviewers:

Sue Farinetti, Dave Lykens

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

RECEIVED BALTIMORE COUNTY, MARYLAND JUL 1 2 2004

INTER-OFFICE CORRESPONDENCE COMMISSIONER

TO:

Timothy M. Kotroco, Director

DATE: July 8, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 4-585 and 4-607

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:

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 12, 2004 Item Nos. 585, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 605,

606, 607, 608, and 609

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

RWB:CEN:jrb

cc: File

Addendum to ADMINISTRATIVE VARIANCE Application

CASE NO. 04-585-A

June 28, 2004

To Whom It May Concern:

We are writing to further explain the reason we are applying for administrative variance. 500 Stoneleigh in this is of only three combined lots. Most of the properties in the Stoneleigh subdivision are made up of four combined lots making the typical Stoneleigh property much wider than that of 500 Stoneleigh Rd.

The lots surrounding 500 Stoneleigh Rd all consist of four lots (see plat). 7003 York Rd consists of lots 10. 11, 12, and 13. 7007 York Rd consists of lots 14, 15, 16, and 17. 502 Stoneleigh Rd includes lots 21, 22, 23, and 24. 500 Stoneleigh Rd, therefore, has very narrow side lots.

a stattempt to preserve some of the open space of the rear yard, which has been greatly reduced by the introduction of the two-story rear addition, the patio was added to the side of the structure. The patio will be covered by a trellis which will incorporate visual screening (i.e. lattice) to add additional privacy for the residents at 502 Stoneleigh Rd.

A petilo will also be constructed on the side of the existing garage. This will add more outdoor living space the marrow lot of 500 Stoneleigh Rd. This patio will also be covered with a trellis and lattice to give acceptate privacy to the residents at 7001 and 7003 York Rd.

Sincerely,

Michael and Jennifer Lawrence

Michael and Jennifer Lawrence

Michael and Jennifer Lawrence

Michael and Jennifer Lawrence

*0 Stoneleigh Rd

3 starnore, MD 212 (2)

Clasing Date 7/12/04 04-5854

June 15, 2004

To Whom It May Concern:

We, the neighbors of 500 Stoneleigh Rd, have been informed of the proposed addition to the residence at the aforementioned location. We understand that part of the addition will extend past the property's setback line. We have reviewed the construction plans and have discussed them with the residents at 500 Stoneleigh Rd. We have no objections or concerns about the proposed addition.

Sincerely,

Who Hould Tool York Rd 21212

Susan Could "I Ro"

Ashings 502 Stoneleigh Rd

Margner Jose 7000 Bristol Road

They Com and 11 4 4

Peter J. Cleakle 7003 York Road

10

Addendum to ADMINISTRATIVE VARIANCE Application

CASE NO. 04-585-A

June 28, 2004

To Whom It May Concern:

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A patio will also be constructed on the side of the existing garage. This will add more outdoor living space to the narrow lot of 500 Stoneleigh Rd. This patio will also be covered with a trellis and lattice to give adequate privacy to the residents at 7001 and 7003 York Rd.

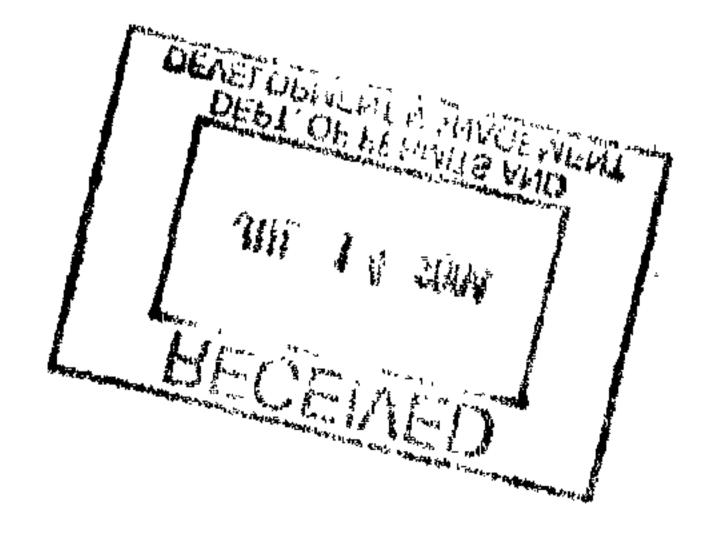
Sincerely,

Michael and Jennifer Lawrence

Junga a Jourena

500 Stoneleigh Rd

Baltimore, MD 21212



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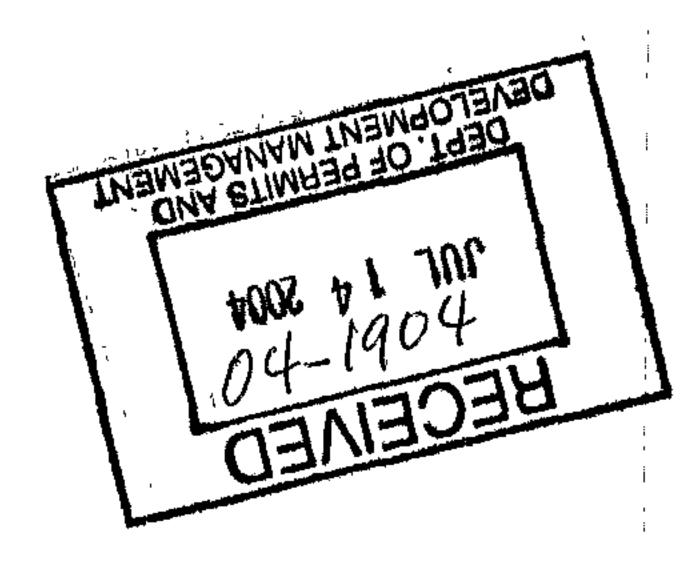
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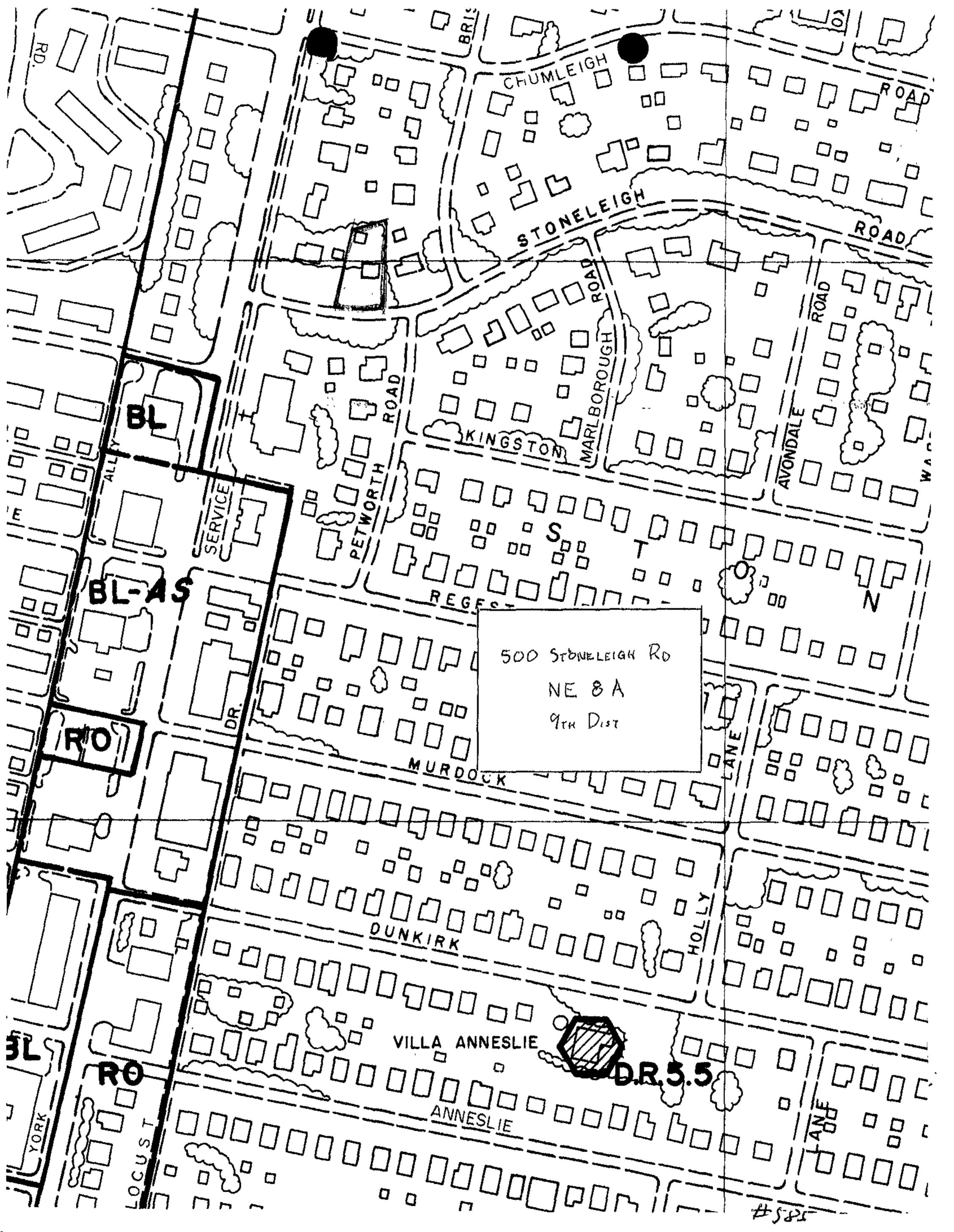
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· 1985年 · 198



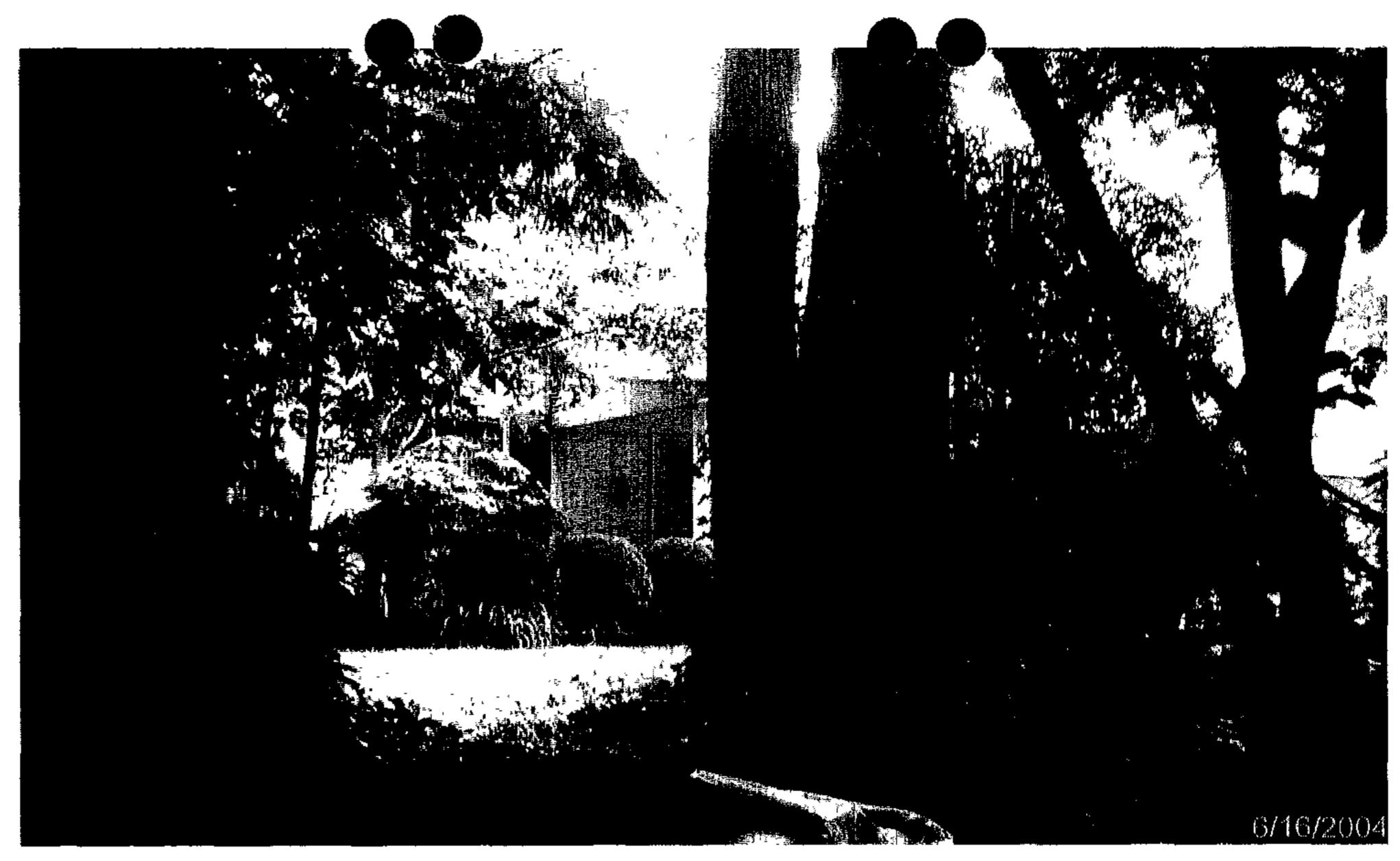




VIEW NORTH TOWARD DRIVE AT 500 STONELEIGH



VIE TOWARD LOT 17 TO THE WEST OF 500 STONELEIGH

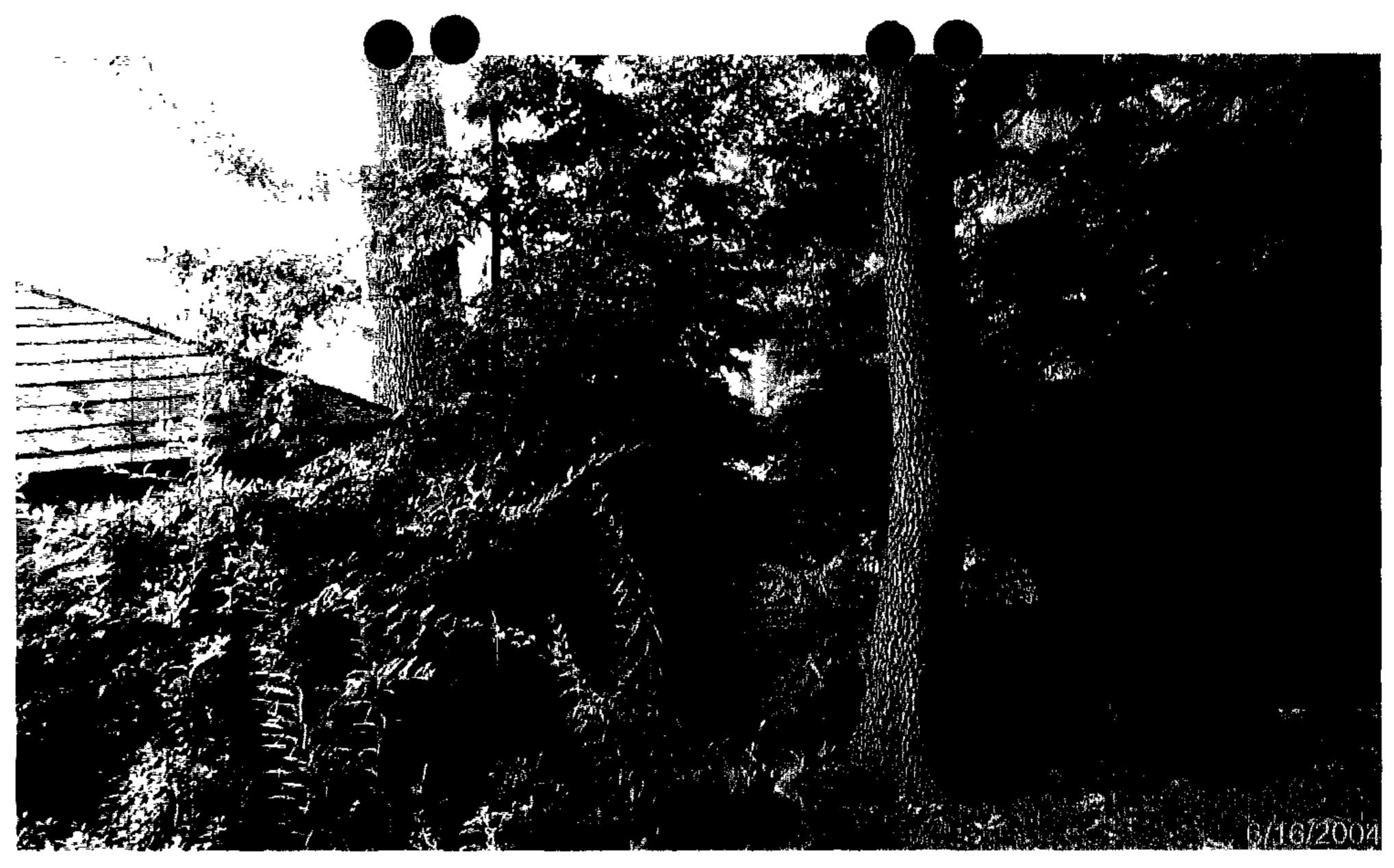


LOOKING TOWARD 7003 YORK



LOOKING FROM 7003 YORK

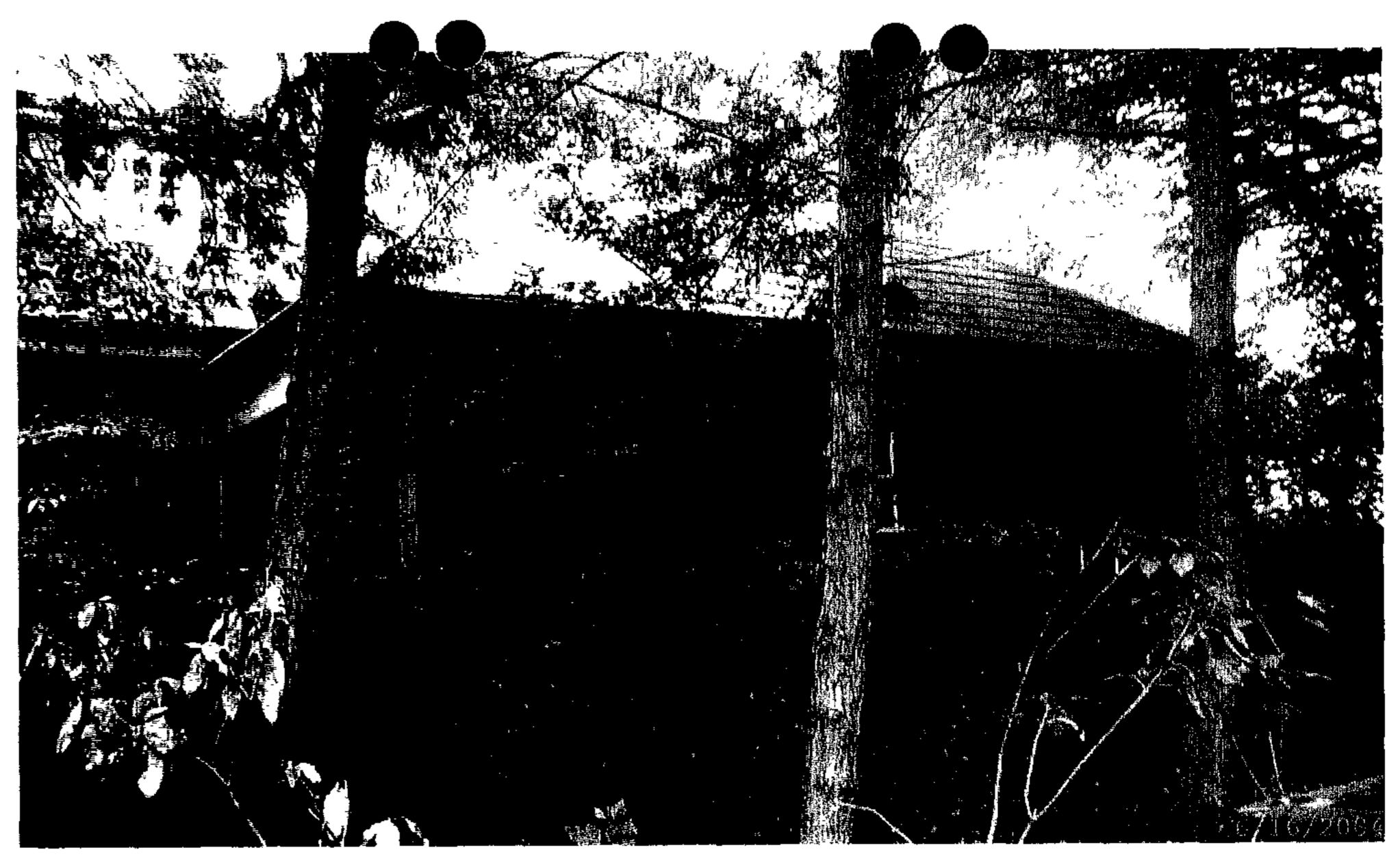
#585



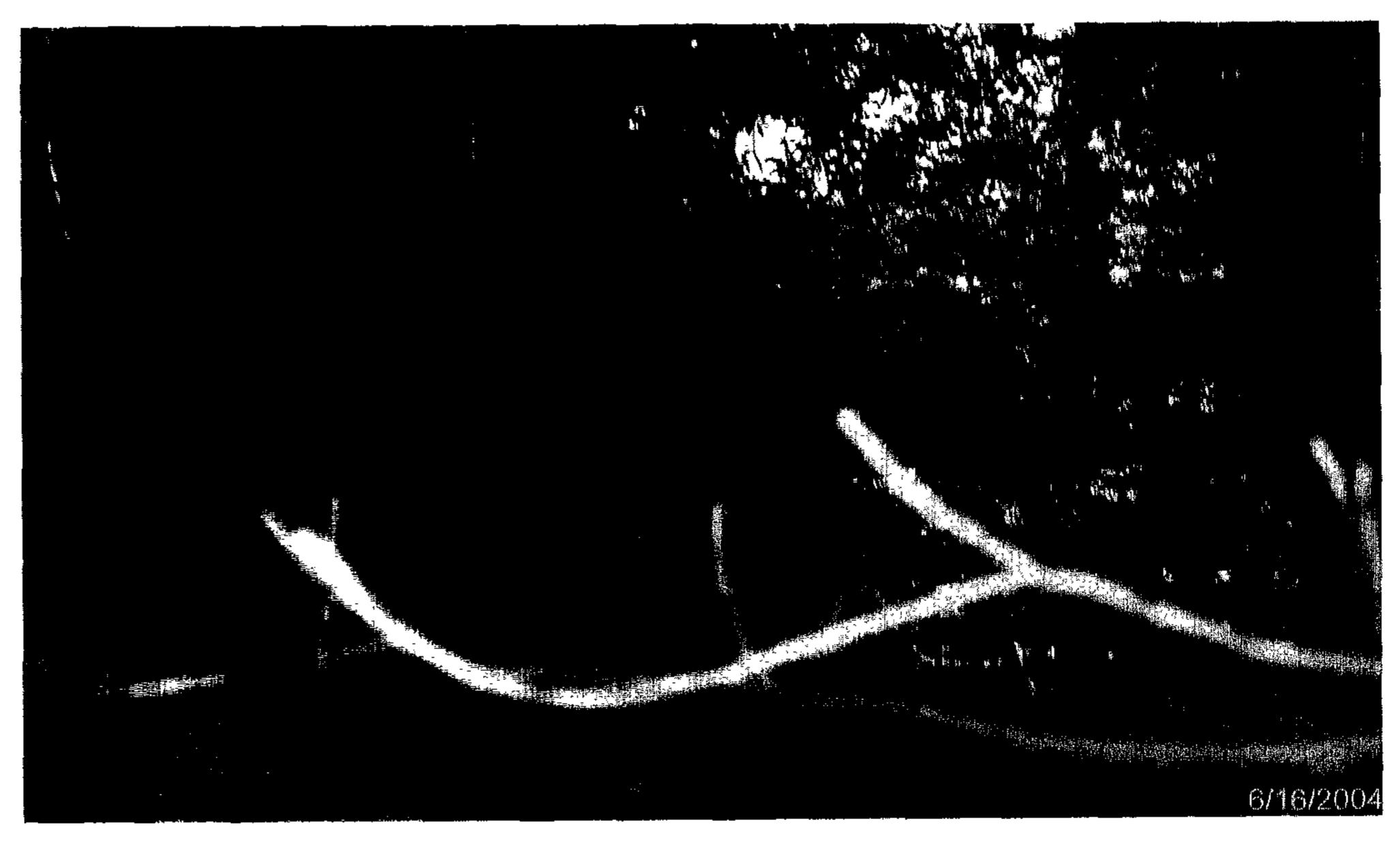
LOOKING TO 7000 BRISTOL



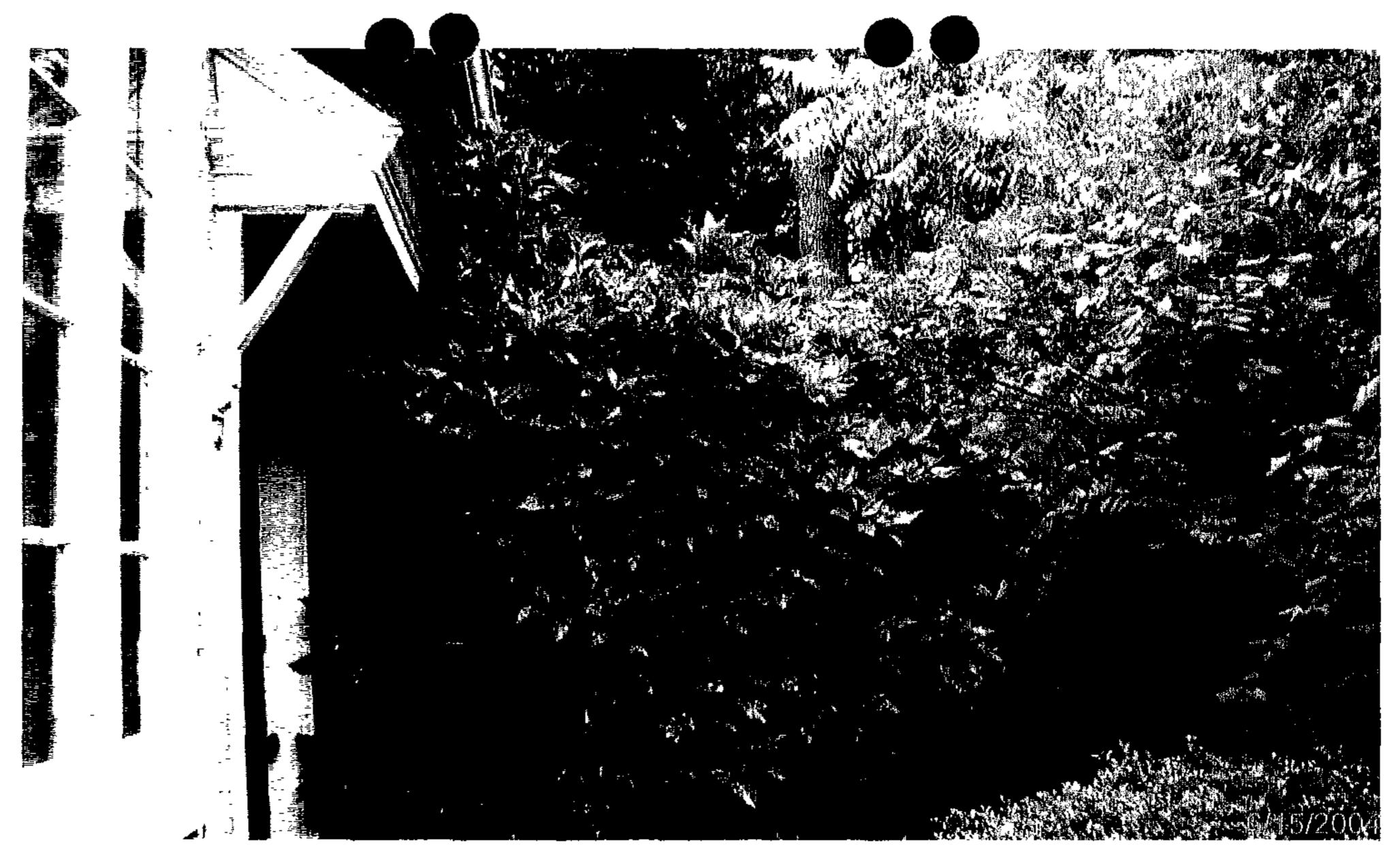
LOOKING FROM 7000 BRISTOL



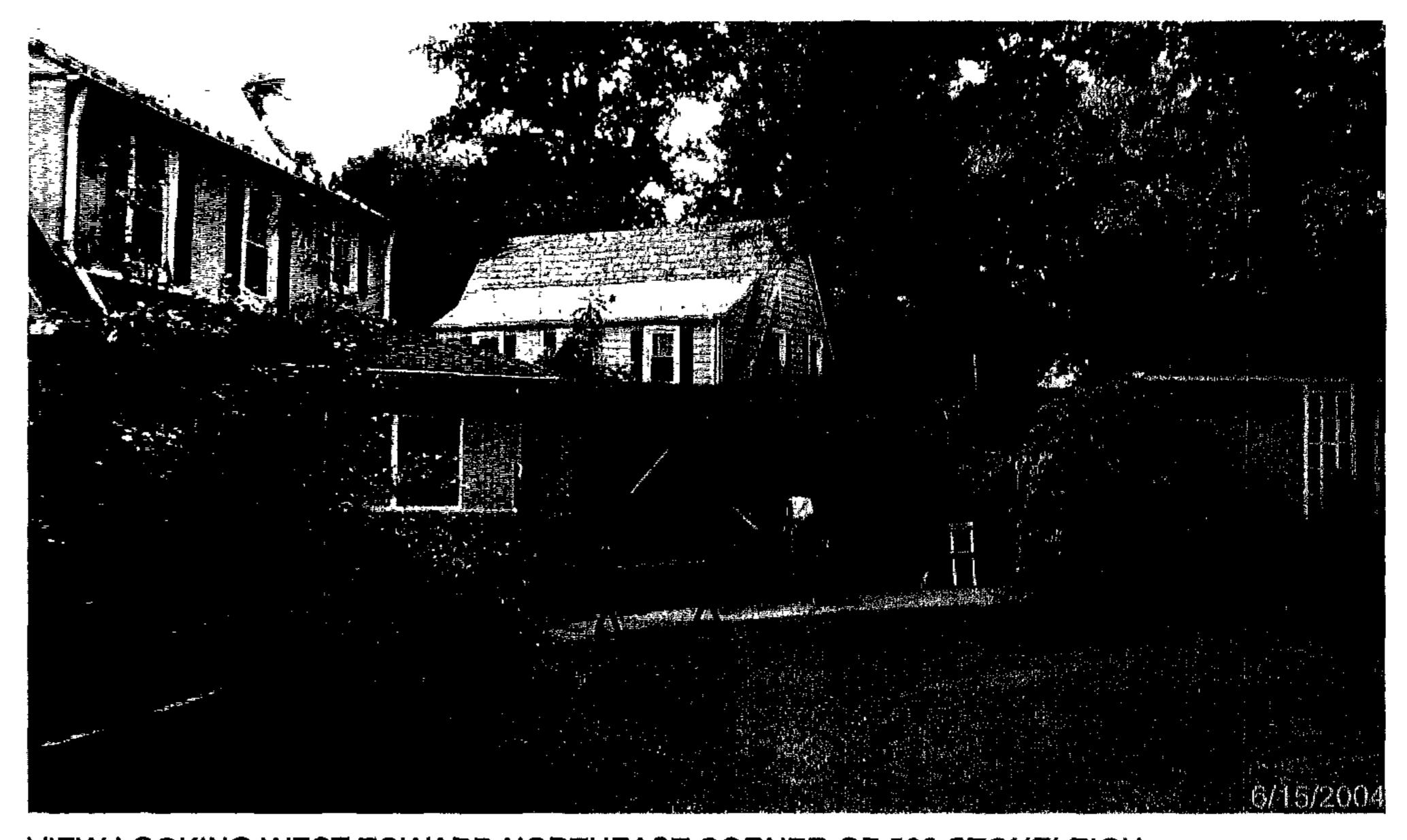
LOOKING TOWARD 7001 YORK



LOOKING FROM 7001 YORK



EAST SIDE OF 500 STONELEIGH AT LOCATION OF PROPOSED PATIO/TRELLIS



VIEW LOOKING WEST TOWARD NORTHEAST CORNER OF 500 STONELEIGH



VIEW TOWARD WEST SIDE OF GARAGE AT 500 STONELEIGH



WEST ELEV. OF GARAGE. LOCATION OF PROPOSED TRELLIS

#58



FRONT OF 502 STONELEIGH



VIEW FROM NORTH LOOKING TOWARD LOCATION OF PROPOSED TRELLIS/ PATIO



FRONT OF 500 STONELEIGH



VIEW TOWARD SOUTHWEST CORNER OF 502 STONELEIGH

