IN RE: PETITION FOR ADMIN. VARIANCE SW/Corner of Hickory Hill Road and Hickory Meadow Road 8th Election District 3rd Councilmanic District (10 Hickory Hill Road)

Hrachik Bostwick

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-012-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

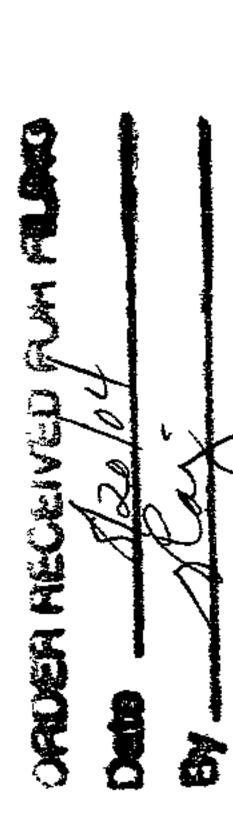
This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Hrachik Bostwick. The variance request is for property located at 10 Hickory Hill Road in the Cockeysville area of Baltimore County. The variance request is from Section 1B02.3.B (202.3 1966 Regs.) of the Baltimore County Zoning Regulations, to permit an addition with a 44 ft. street setback and 71 ft. to the centerline of street in lieu of the required 50 ft. and 75 ft. respectively. 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 July 16, 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: ZAC comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated July 22, 2004, a copy of which is attached hereto and made a part hereto.

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 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."

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 Deputy 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 posting of the property and the provisions of both the Baltimore County

Code and the Baltimore County Zoning Regulations, and for the reasons given above, the
requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>20</u> day of August, 2004, that a variance from Section 1B02.3.B (202.3 1966 Regs.) of the Baltimore County Zoning Regulations, to permit an addition with a 44 ft. street

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setback and 71 ft. to the centerline of street in lieu of the required 50 ft. and 75 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
- 2. Compliance with the ZAC comments submitted by DEPRM dated July 22, 2004, a copy of which is attached hereto and made a part hereof; and
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

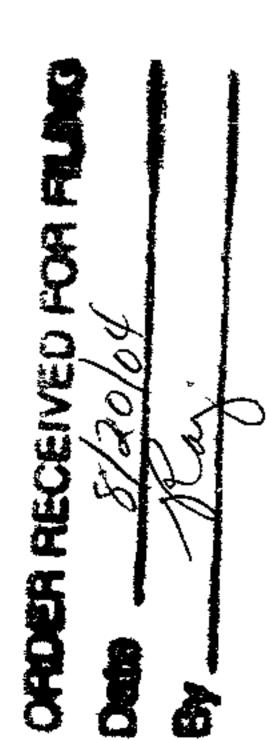
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM: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 19, 2004

Mr. Hrachik Bostwick 10 Hickory Hill Road Cockeysville, Maryland 21030

Re: Petition for Administrative Variance

Case No. 05-012-A

Property: 10 Hickory Hill Road

Dear Mr. Bostwick:

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,

John V. Murphy

Deputy Zoning Commissioner

> c: Thomas H. Bostwick 317 E. Timonium Road Timonium, MD 21093





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10 HICKORY HILL ROAD which is presently zoned RC 4 + R.C.S

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) 1802.38. (202.3 1966 RE65)

TO PERMIT AN ADDITION WITH A HH' SIDE STREET SETBACK AND 71'
TO THE CENTERLINE OF STREET IN LIEU OF THE REQUIRED 50' AND 75'
RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print	<u> </u>	<u></u>	Name - Ty	Pe or Print	0-1-)
Signature	<u>. </u>		-	Signature	W W/CN	noce	<u> </u>
Address		Telephone No.		Name - Type or Print			
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No.				Address COCKEYSVI	LLE, MD	21030	Telephone No.
Name - Type or Print			City		State	Zip C	ode
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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

REV 09/15/98

Address
COCKEYSVILLE, MD 21030
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The affiant has resided in a single family, rancher-style, dwelling on the subject property for the past 35 years. The homes in the "Hickory Meadow" development, including affiant's home, were constructed in the late 1960's, each uniquely different from the other in terms of lot size, home size, home structure, and home placement on lot. Over the years, a number of residences have been updated or enlarged with additions, decks, pools, tennis courts, etc. Presently, affiant desires to construct a two-story 34' wide (the width of the existing dwelling) x 22' long addition, extending the north side of the home, facing Hickory Meadow Road. A variance is requested because the north side of the lot has a building setback line of 50 feet. There is also a County right-of-way easement of 15 feet, for a total of 65 feet. The construction of the addition will result in an overage to the setback line of only 7 feet. Moving the addition to another area of the lot would pose significant practical difficulty on affiant. Any other location on affiant's lot would unreasonably prevent use of the property for a permitted purpose, and would also unnecessarily and negatively impact the aesthetics of the home and the property. It should also be noted that in addition to the 50foot setback, there is also the approximately 30-foot-wide road constituting Hickory Meadow Road. The nearest house to affiant's proposed addition is located at 10 Hickory Meadow Road, across the street, and is another 75 feet back from that property, for a total of approximately 150 feet. That neighbor has been contacted and supports affiant's request for a variance. Granting the requested variance would result in the spirit of the setback requirement being observed, while also posing no adverse effect to any other persons, the public safety and welfare.

Notary Public

My Commission Expires

Zoning Description for: 10 Hickory Hill Road

Beginning at a point on the west side of Hickory Hill Road and adjacent to the south side of Hickory Meadow Road, with a drainage and utility easement of 10 feet on the west, north, and east sides of the property line, and a building setback line of 50 feet on the north and east sides of the property line. Being Lot #5, Block A, in the subdivision of "Hickory Meadow" as recorded in Baltimore County Plat Book #31, Folio 125, containing 1.33 acres. Also known as 10 Hickory Hill Road and located in the Eighth Election District, Third Councilmanic District.

05-012-A

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CERPICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date July 20, 2004

RE: Case Number 05-012-A

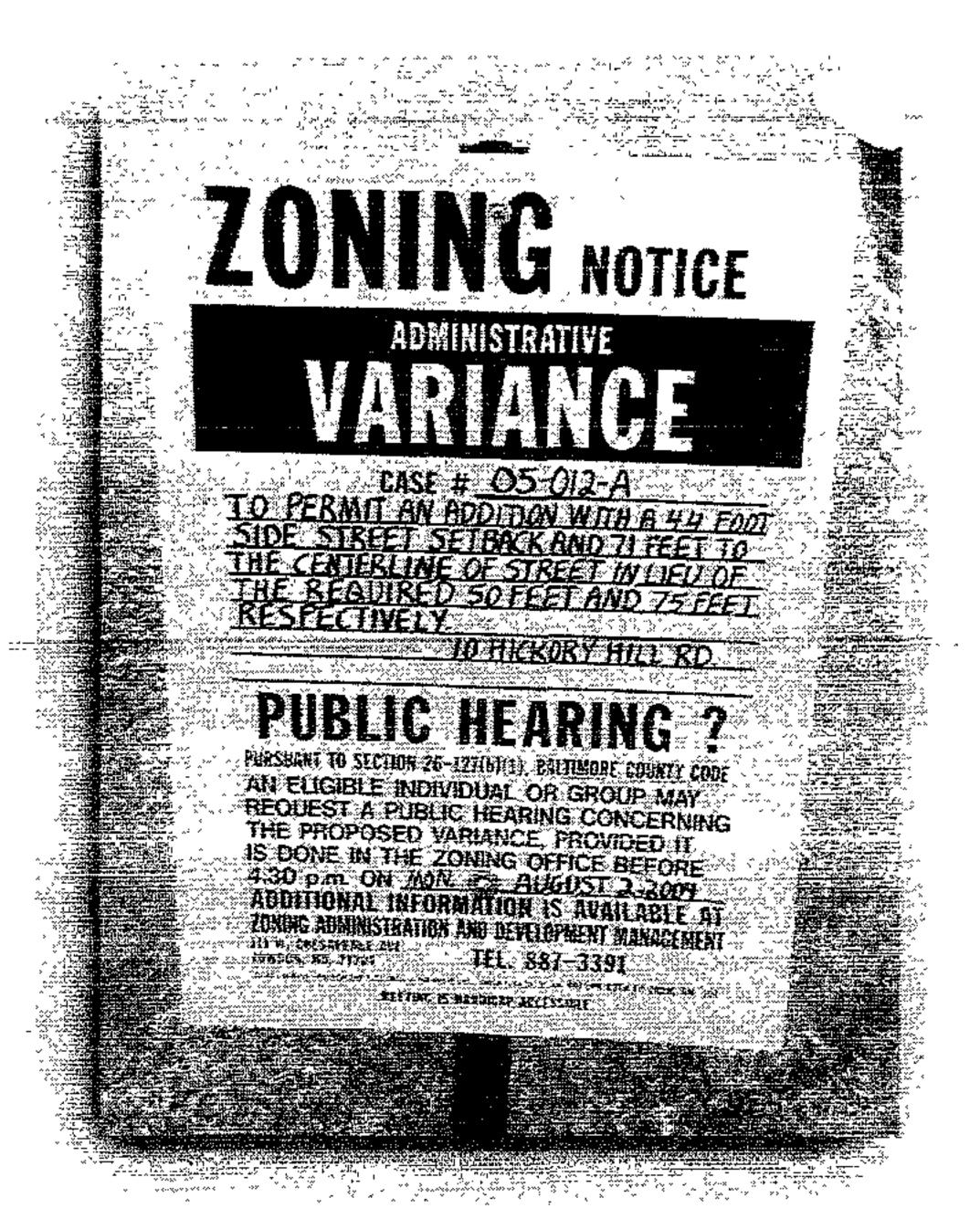
Petitioner/Developer BOSTWICK

Date of Hearing/Closing AUGUST 2, 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 10 HICKORY HILL ROAD

The sign(s) were posted on

JULY 16, 2004



(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	05-	012	-A	Address	10	HICKOR	A HILL	Ro.	
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Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





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

August 2, 2004

Hrachik Bostwick 10 Hickory Hill Road Cockeysville, Maryland 21030

Dear Mr. Bostwick:

RE: Case Number:05-012-A, 10 Hickory Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 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. Callielle D.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Thomas Bostwick 317 East Timonium Road Timonium 21093



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

Fire Department

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



Baltimore County

James T Smith, Jr, County Executive John J Hohman, Chief

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

July 19, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of Suly 19, 2004

Item No.:

001, 003-016

Dear Ms. Mathews:

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.

3. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

o: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

7.16.04

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

RE:

Baltimore County

Item No. $\bigcirc 12$

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. J. Hall



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO:

Tim Kotroco

AUG 1 1 2004

FROM:

John D. Oltman, Jr

ZONING COMMISSIONER

DATE:

July 22, 2004, 2004

SUBJECT:

Zoning Item

05-012

Address

10 Hickory Hill Road

Zoning Advisory Committee Meeting of July 19, 2004.

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Groundwater Management Comments:

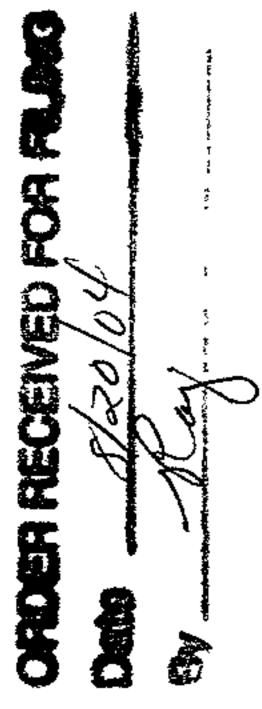
The addition must be a minimum of 20 feet to the septic area and 30 feet to the well area. An inspection of the well and septic may be required prior to building permit approval.

Agricultural Preservation Comments:

Provide the pecent of impermeable surfaces for the RC-4 zoned portion. That portion must stay below the 10% threshold.

Reviewer: Sue Farinetti; Wally Lippincott Date: July 22, 2004, 2004

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 23, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-012 and 5-13

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:

RECEIVED

JUL 2 6 2004

Division Chief:

ief: Alle Alle

MAC/LL

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 26, 2003

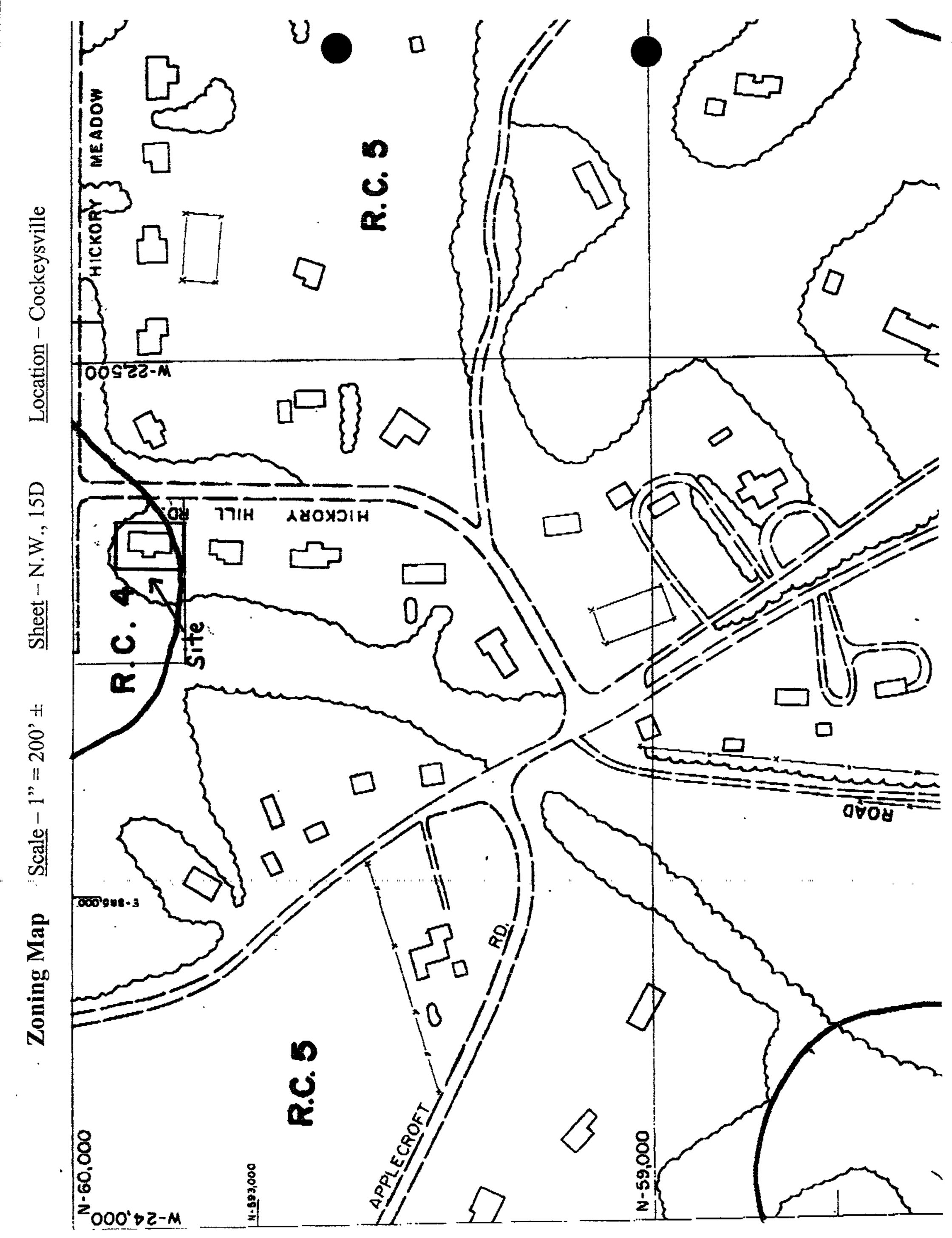
Item Nos. 001, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014,

015, and 016

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

RWB:CEN:jrb

cc: File

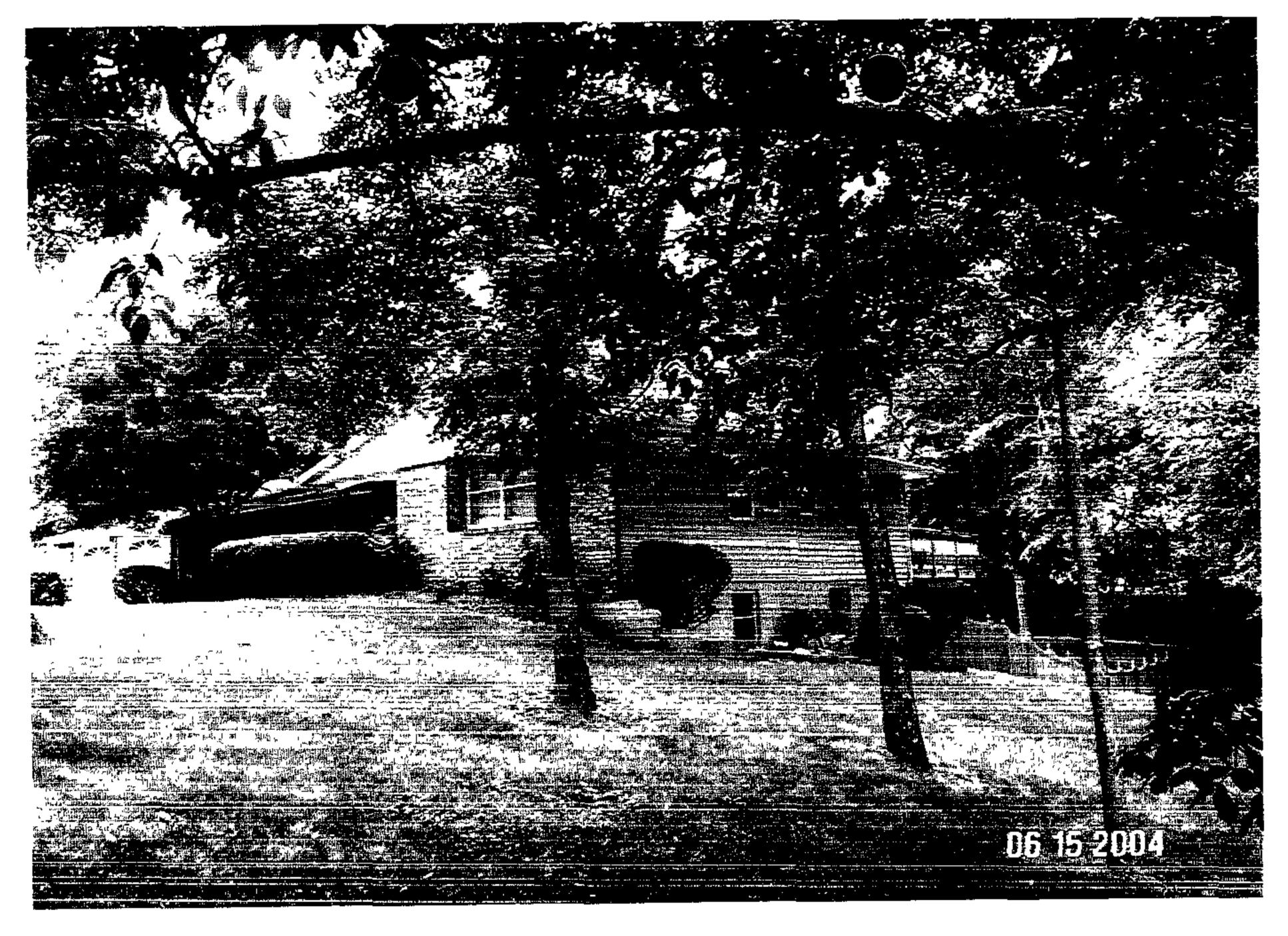


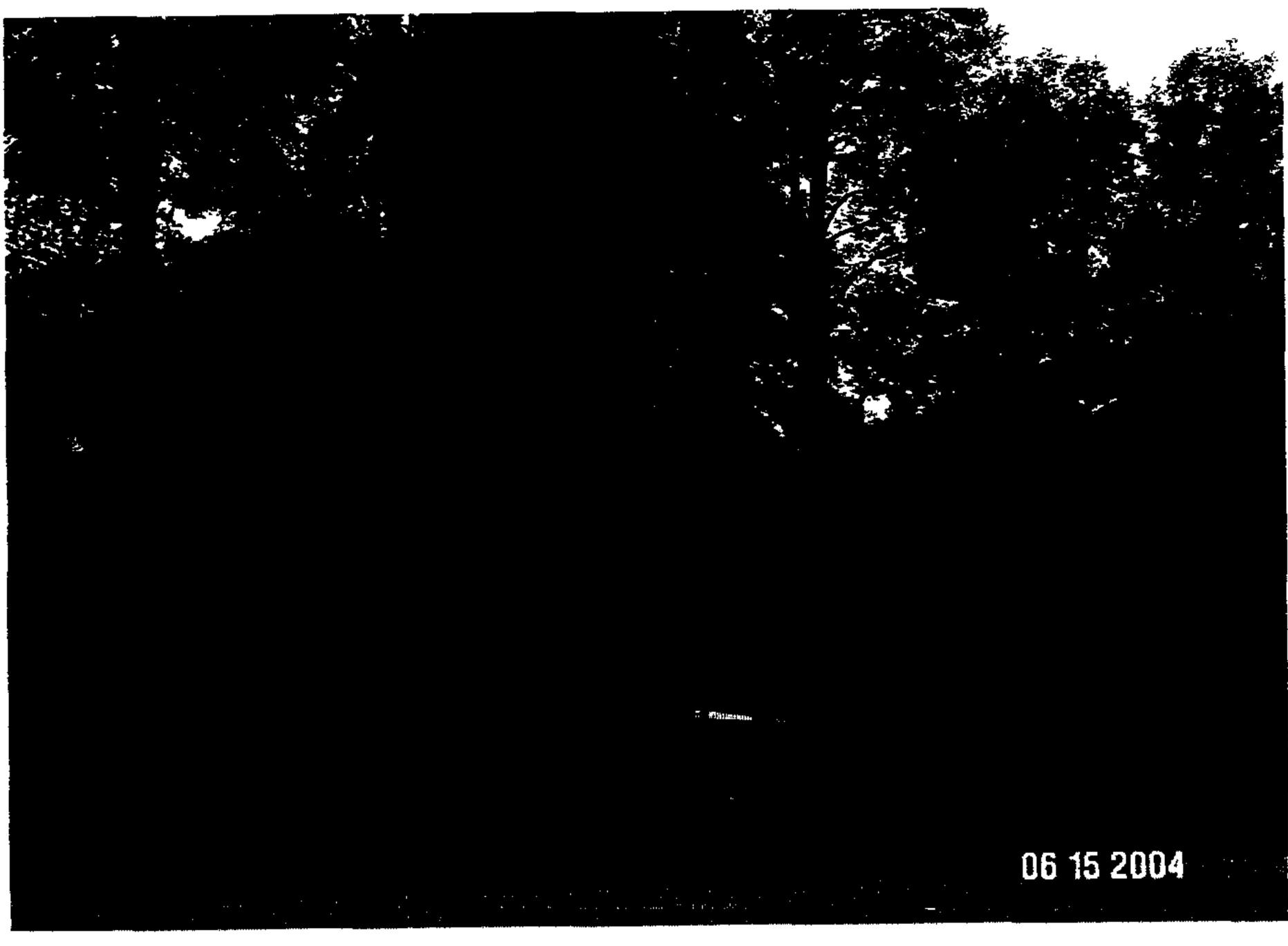
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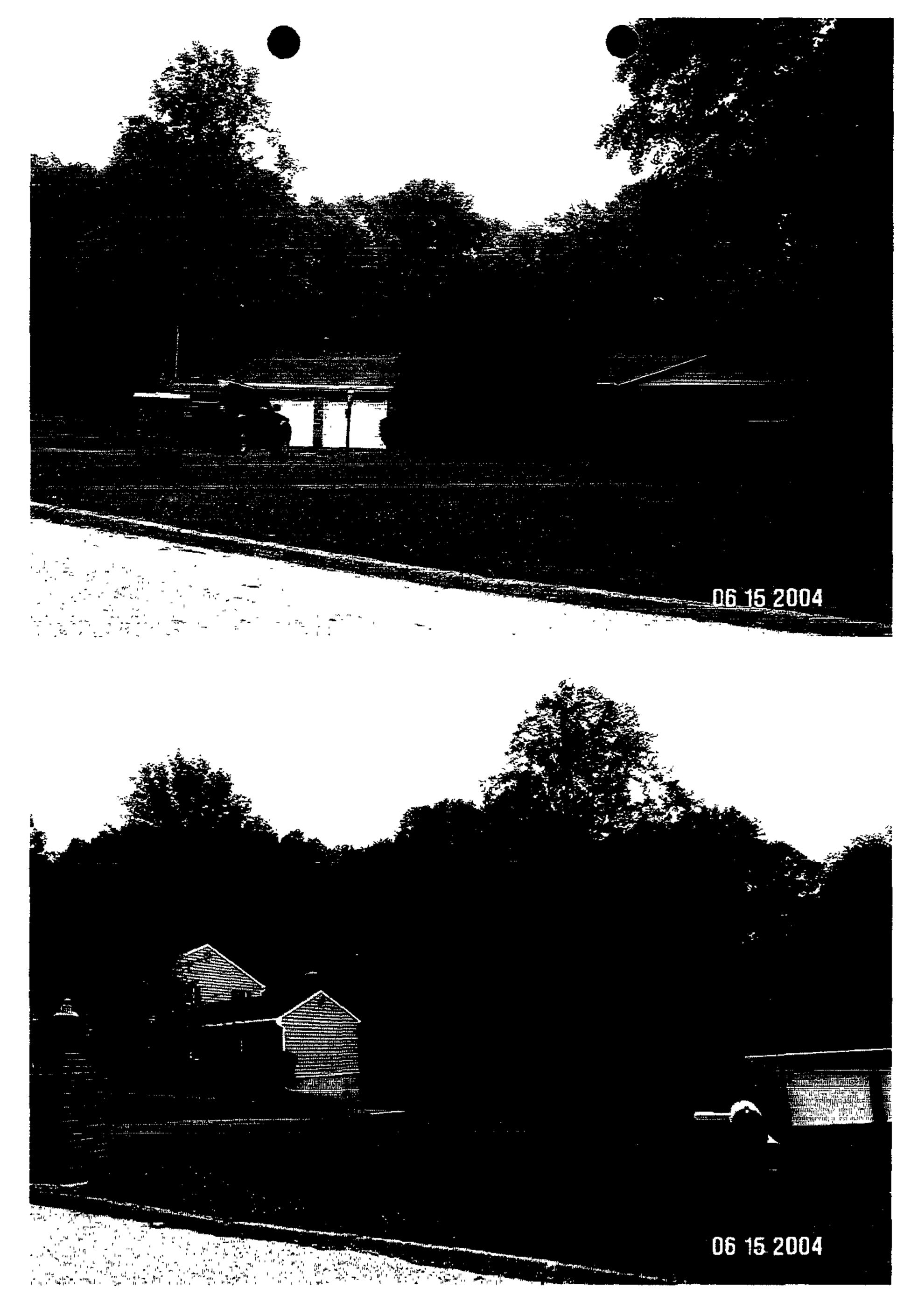
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05-012-A

