IN RE: PETITION FOR ADMIN. VARIANCE

SE/S Ivy Hill Road, 350' NE of the c/l

Falls Road

(1515 Ivy Hill Road)

8th Election District 2nd Council District

Neil J. Williams, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-025-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Neil J. Williams, and his wife, Diana T. Williams. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side/rear yard setback of 22 feet in lieu of the required 50 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this regard, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILLING

By

By

OFFICE WEDFORFILING

OFFICE WEDFORFILING

OFFICE WEDFORFILING

Based upon the information contained therein, I am persuaded to grant the requested relief. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. The location of existing improvements on the property dictate the proposed location of the addition and strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioners. Moreover, there were no adverse comments submitted by any County reviewing agency and apparently no opposition by any of the neighbors. Thus, it appears that relief can be granted without detrimental impact upon the health, safety or general welfare of the surrounding community. However, pursuant to the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (copy attached), an evaluation of the well and septic systems may be required prior to building permit approval. Thus, the Petitioners will be required to resolve this issue as a condition of the relief granted herein.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2004 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side/rear yard setback of 22 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with any recommendations made by DEPRM to comply with groundwater management regulations as set forth in their comments dated August 4, 2004, a copy of which is attached hereto and made a part hereof.
- 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

ORDER RECEIVED

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 23, 2004

Mr. & Mrs. Neil J. Williams 1515 Ivy Hill Road Cockeysville, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/S Ivy Hill Road, NE of the c/l Falls Road (1515 Ivy Hill Road)

8th Election District – 2nd Council District Neil J. Williams, et ux - Petitioners Case No. 05-025-A

Dear Mr. & Mrs. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

cc: DEPRM; People's Counsel; Case File



LES:bis



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1515 Ivy Hill Road Cockeysville, MD which is presently zoned PC5/PC4 21030

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) $\frac{1000}{1000}$

made a part hereof, hereby petition for a Variance from Section(s) ; A04, 3, B, Z,

To allow an addition with a side | rear yard settoact of 22 pt10 lieug the minimum required 50 pt.

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.	l affirm, under the owner(s) of the	ne penalties of property which
Contract Purchaser/Lessee:			Legal Owner(s):		
			Neil J. Williams		
Name - Type or Print			Name - Type or Print		
Signature			Signature J Diana T. Williams		
Address	<u> </u>	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	. 40 Be	w True
Attorney For Petitione	<u>:r:</u>		1515 Wy thin Poo	10 (A10)	857-4607
			Cockeysville, M)	Telephone No. 21030
Neme - Type or Print			Representative to be C	State	Zip Code
Signature			Site Rite Survey 1	*	-
I.21			200 E Joppa Hd.	Room 10	1 410828-9060
ADDES O		Telephone No.	Address	~ ~ ~	Telephone No.
	State	Zin Codo	JOWSON MW 21	286	
THE STATE OF THE S	State	Zip Code		State	Zip Code
A Public Hearing having been this day of day of regulations of Baltimore County :	, ir	nat the subject matter of t	required, it is ordered by the Zoning his petition be set for a public hearing,	Commissioner of advertised, as re	of Baltimore County, quired by the zoning
CASE NO. 05			Zoning Commissioner of	- ' '	tý -
CASE NO. <u>05</u>	-025	Z Rev	iewed By)ate	

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

Address
Cockeysville Maryland 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 existing dwelling was built in 1965 and is only one story; therefore, due to the need to increase the living space, the restrictions architecturally, and the irregular lot configuation, the only option is the proposed addition. This addition is the least expensive means of meeting our needs and fits within our financial budget.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Neil J. Williams
Name - Type or Print

State Of Maryland, County Of Baltimore, to wit:

I HEREBY CERTIFY, this Aday of Aday of Maryland, in and for the County aforesaid personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

As WITNESS my hand and Notarial Seal

1/40c

My Commission Expires ____My Commission Expires 5-1-08

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.

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Address
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Notary Public

My Commission Expires ___My Commission Expires 5-1

REV 10/25/01



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1515 Ivy Hill Road Cockeysville, MD which is presently zoned PC5/PC4 21030

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)

To allow an addition with a side | rear yard setback of 22 Atain lieù of the minimum required 50 ft.

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 legal or is the subject of this Petition.	•	•
Contract Purchaser/Lessee:			Legal Owner(s):		
			Neil J. Williams		
Name - Type or Print			Name - Type or Print	٠	<u> </u>
Signature		<u> </u>	Signature Diana T. Williams		<u> </u>
Address	· · _ · ·	Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature / Laborature / Signature / Laborature / Laborat	40 Ber	True 857-4607
Attorney For Petitioner:			Address Cockeysville MD	21030	Telephone No
Name - Type or Print			City	State	Zip Code
Signature	<u>- </u>	······································	Representative to be Co.		
Company		- 	200 E. JODON KONG	Koomi	ON 410828 9060
Address		Telephone No.	Address Towson, MD 2128		Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	. tl	nat the subject matter of th	required, it is ordered by the Zoning Coning petition be set for a public hearing, ac	commissioner of lvertised, as requ	Baltimore County, lired by the zoning
regulations of Delegritors County ento	mac are prope	ary be reposited	-		
			Zoning Commissioner of I	Baltimore County	- (

Reviewed By

Estimated Posting Date

ZONING DESCRIPTION

#1515 IVY HILL ROAD

BEGINNING at a point on the southeast side of Ivy Hill Road which is 60 feet wide at the distance of 350 feet northeast of the centerline of Falls Road which is 60 feet wide. As recorded in Deed Liber 17259, folio 717 and running thence: S 13° 00′ 00″ W, 331.00 feet; S 77° 00′ 00″ E, 117.23 feet; S 72° 45′ 40″ W, 105.93 feet; N 56° 39′ 00″ W, 117.36 feet; N 17° 59′ 20″ W, 171.48 feet; N 50° 13′ 40″ E, 179.33 feet and thence N 63° 02′ 00″ E, 83.66 feet to the Place of Beginning, containing 0.98 Acres, more or less. Also know as #1515 lvy Hill Road and located in the 8th Election District, 2nd Councilmanic District.

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Michael V. Moskunas Reg. No. 21175

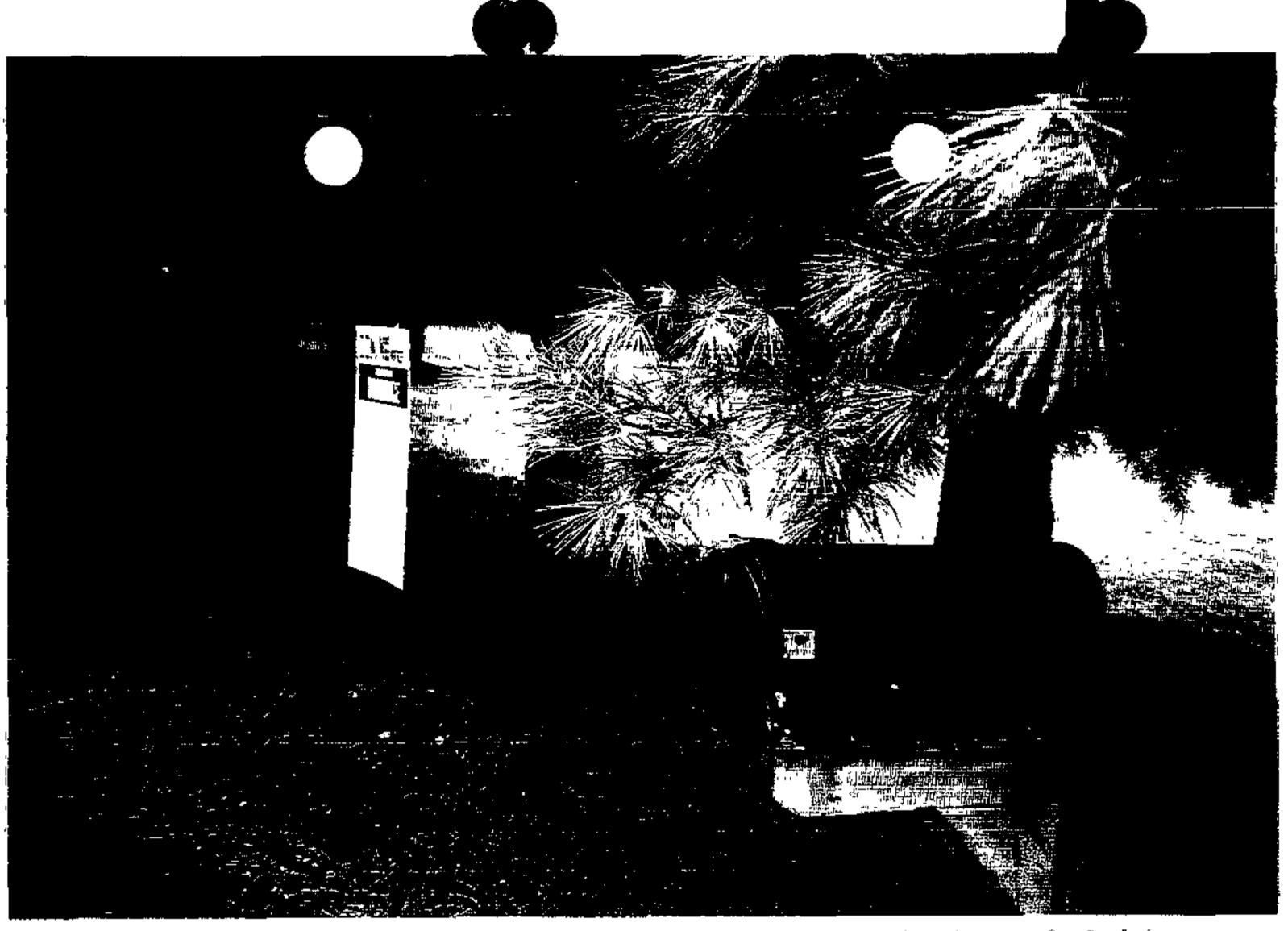
SITE RITE SURVEYING, INC. 200 EAST JOPPA ROAD SUITE 101 TOWSON MD 21286 (410) 828-9060

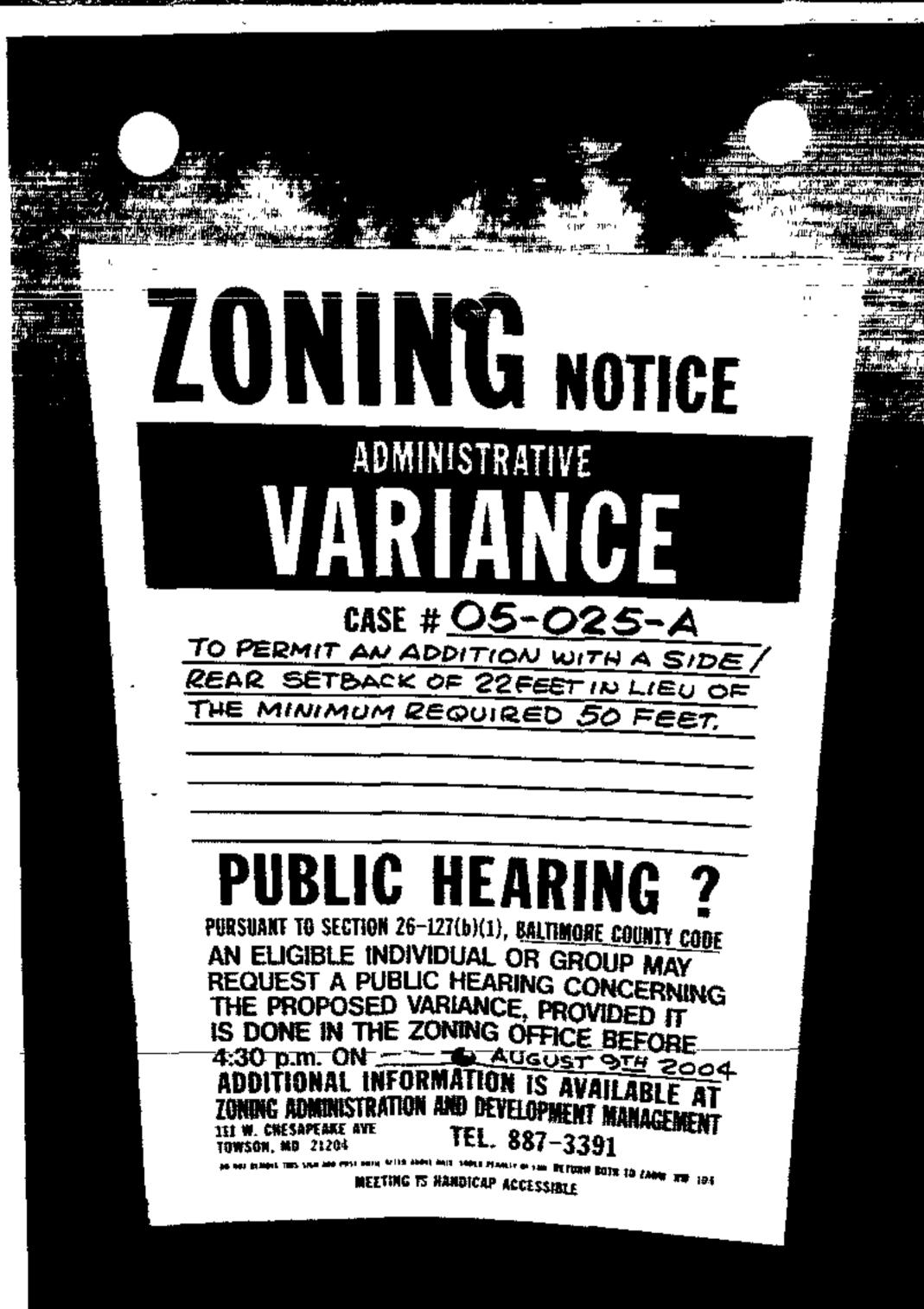
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CERTIFICATE OF POSTING

& DIANA WILLIAM
JUG. 9, 2004
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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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number US-	023	-A	Address	1515	<u> -2 V //</u>	110//	KD-
Contact Person:		Sis 1/10		<u>" ,</u>	Phone Nu	mber: 41	0-887-3391
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order that the (typically with	ter the closing r. He may: (a e matter be s in 7 to 10 days go to public he	et in for a position of the closing set in the clos	requested oublic he no date) a	relief; (b) do aring. You set to whether	eny the receive will receive the petition	quested re e written	elief; or (c) notification
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Petitioner: This Par	rt of the Form	is for the Sig	gn Poste	r Only			
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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 9, 2004

Neil J. Williams Diana T. Williams 1515 Ivy Hill Road Cockeysville, Maryland 21030

Dear Mr. and Mrs. Williams:

RE: Case Number: 05-025-A, 1515 Ivy 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 12, 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. Callilally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C: Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286



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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 26, 2004

Item No.:

017-035

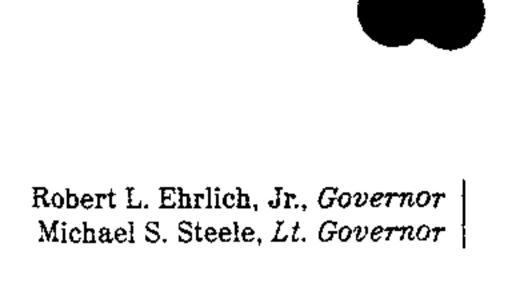
Dear Ms. Mathews:

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.

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. Flanagan, Secretary Neil J. Pedersen, Administrator

275

Maryland Department of Transportation

Date: 7. 23.04

Baltimore County

Item No. 625

RE:

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

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

P. A. Gred

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

August 4, 2004

AUG 1 I 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Item

05- 025

Address

5615 Tvy Hill Road

Zoning Advisory Committee Meeting of July 26, 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:

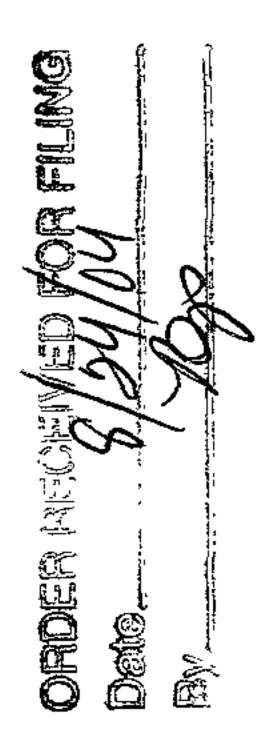
An evaluation of the well and septic systems may be required prior to building permit approval. Exact locations of septic trenches must be determined.

Reviewer:

Sue Farinetti

Date: August 4, 2004

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

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-003 and 5-025

Administrative Variance(s)

DATE: July 26, 2004

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

2 Con ra

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 2, 2004

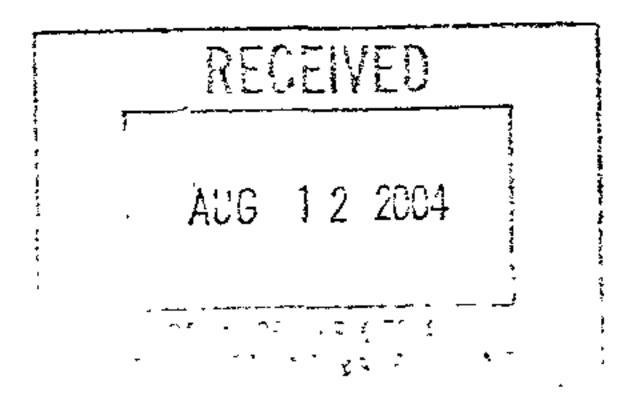
Item Nos. 017, 020, 022, 024, 025, 026, 027, 028, 029, 030, 033, 034,

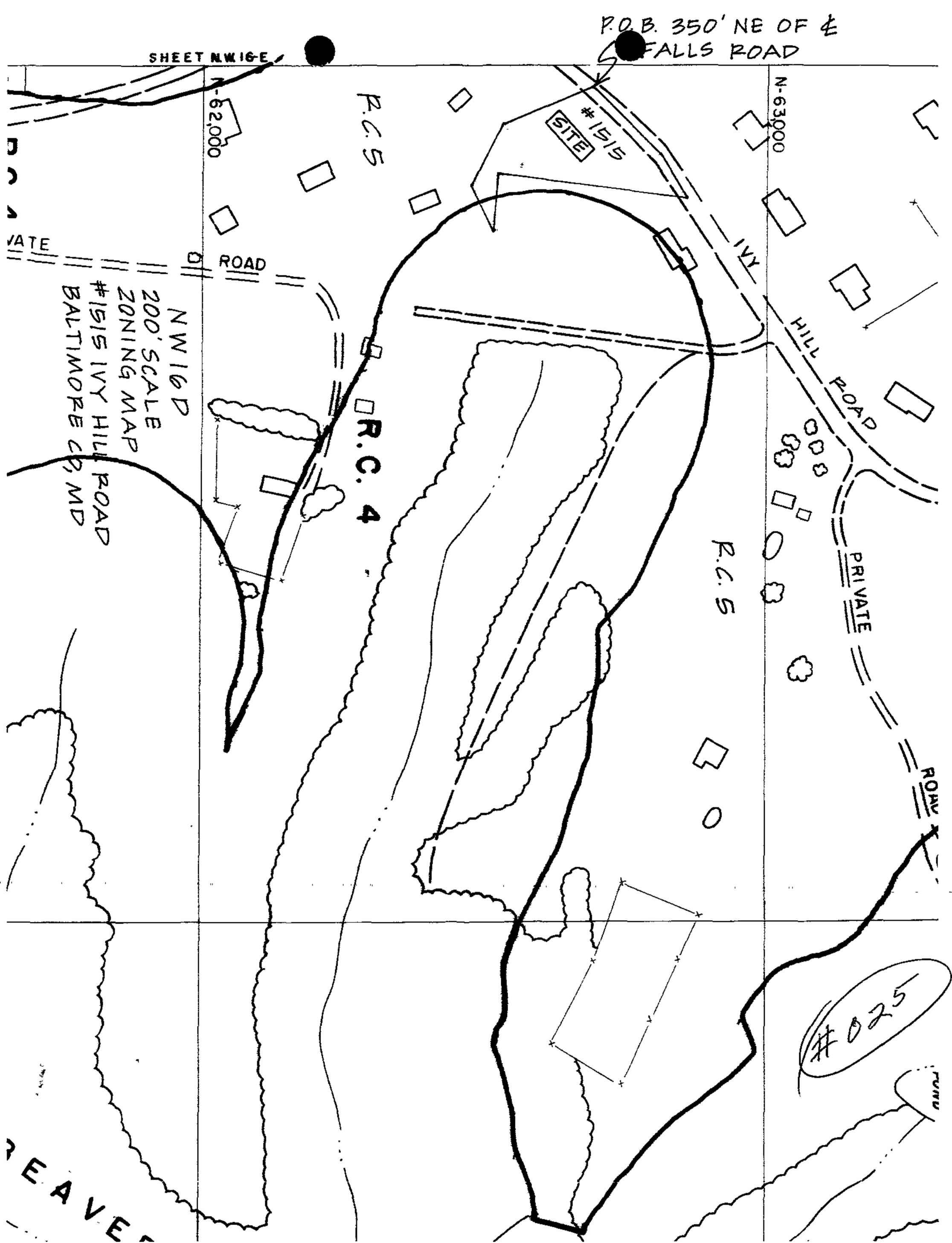
and 035

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

RWB:CEN:jrb

cc: File





1313 IVY Hib Road.



Left Side ex House added. Where addition will be added.



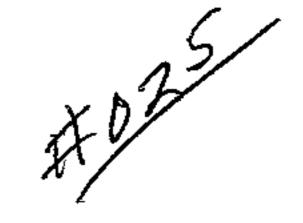
#025





Looking From house to letter side

Wow from Street 1 1515 IVY HILL







1513 IN Hill Rd.



view front From Drivewy



Front Ox House View

PLAN TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE **GENERAL NOTES:** #1515 IVY HILL ROAD ELECTION DISTRICT NO. 8 EXISTING ZONING: RC 5/PC4 200' SCALE MAP: NW16D COUNCILMANIC DISTRICT NO. 2 LOT AREA: 0.98 Ac +/- or 42,688 S.F. +/-BALTIMORE COUNTY, MARYLAND WATER AND SEWER: PRIVATE **JUNE 14, 2004** NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA SCALE: 1' = 30' NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AREA COMMUNITY PANEL NO. 240010 0230 B 8928 NOT LOCATED IN HISTORIC AREA NO PRIOR ZONING HEARING SINGLE FAMILY DWELLING **EXISTING USE:** SINGLE FAMILY DWELLING WITH PROPOSED ADDITION PROPOSED USED: VICINITY BROOK LARM
MAP IN BROOK CT SCALE: 1"=1000' P. 262 DOLOPES NJOKU 0811047177 15330/39 NEIL and DIANA WILLIAMS OWNER: 1515 IVY HILL ROAD
COCKEYSVILLE MD 21030
TAX MAP: 50 GRID: 11 PARCEL: 322
TAX ACCT. NO.: 0804076800
DEEF REF.: 17259/717 12/0 Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Towson, MD 21286 (410)828-9060