IN RE: PETITION FOR ADMIN. VARIANCE E/S of Greenspring Avenue, 650 ft. N of Greenspring Valley Road 8th Election District 2nd Councilmanic District (11041 Greenspring Avenue)

> Marlene & E. Dale Adkins, III Petitioners

BEFORE THE

\* ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-097-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, Marlene and E. Dale Adkins, III. The administrative variance is requested for property located at 11041 Greenspring Avenue in the Brooklandville area 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 building (garage) to be located in the front yard in lieu of the required rear yard. 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 August 29, 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.

STATISTICE ES

"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 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, this day of September, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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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



### **Baltimore County**

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

September 15, 2004

Mr. & Mrs E. Dale Adkins, III 11041 Greenspring Avenue Lutherville, Maryland 21093

Re: Petition for Administrative Variance

Case No. 05-097-A

Property: 11041 Greenspring Avenue

Dear Mr. & Mrs. Adkins:

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.

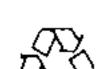
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel 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	11041	Gre	enspring	3 Ave	nue	 	;
which is			·		_	 1	'

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, BCZK, to permit an accessory building (garage) to be located in the front yard in lieu of the required rear yard.

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 of is the subject of this Petition.	owner(s) of the property w	hich
Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print	<u> </u>	E. Dale Adkins, III Name Type or Print	8	-
Signature		Signature		- · · · · · · · · · · · · · · · · · · ·
Address	Telephone No.	Marlene A. Adkins Name - Type or Print  27/cne  Adl	'/	<del></del> -
City	Zip Code	Signature Signature	4770	······································
Attorney For Petitioner:		11041 Greenspring Ave	nue 410-825-64	462
		Address	Telepho	ne No.
Name - Type or Print	<del></del>	Lutherville City	MD 21093 State Zip	Code
			•	Oode
Signature		Representative to be Co	ontactea:	
Company	······································	Name		;
Address	Telephone No.	Address	Telephone	∍ No.
City	Zip Code	City	State Zip (	Code
A Public Hearing having been formally de	manded and/or found to be	required, it is ordered by the Zoning	Commissioner of Baltimore C	ounty,
) regulations of Baltimore County and that the p	inat the subject matter of troperty be reposted.	nis petition be set for a public hearing, a	dvertised, as required by the :	zoning
67		······································		
	/> A	Zoning Commissioner of	Baltimore County	•
GSENO. 05-09	T/-/4 Rev	lewed ByDa	ite 8/20/04	
REV 10/25/01	Esti	mated Posting Date $8/2$	9/04	

# 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.

compete	ent to testify the	nereto in the	e event that a	public hearing is sche	duled in the future with regar	d thereto.
That the	Affiant(s) do	es/do prese	ently reside at	11041 Greenspr Address	ing Avenue	
			i i	Lutherville	MD	21093 Zip Code
That ba:	sed upon per	sonal knov	ledge the follo	City owing are the facts u	State oon which I/we base the req	
Variance	e at the above	address (	indicate hardsh	ip or practical difficult	y):	
1)	The slope	e of the	property ma	akes location be	hind the house imprac	tical.
2)	Placement for tree		1	the current car	park area w111 reduce	the necessity
			; ; ;			
			1			
			1			
			_			
			i			
That the	e Affiant(s) a ing fee and m	cknowledge ay be requ	e(s) that if a fired to provide	ormal demand is file additional information	ed, Affiant(s) will be required	d to pay a reposting and
Claratura	0	21-			Marlene a. ad	Umo
Signature F Da 1	e Adkins,	<b>ቸ</b> ቸ ቸ		Sig	nature	
	ype or Print	J. J. J.	<u></u>		rlene A. Adkins ne-Type or Print	· <u></u>
		·		· 		<del></del>
			FY OF BALTI			
HEREI of Maryl	BY CERTIFY and, in and fo	, this 7 or the Coun	ty aforesaid, p	ersonally appeared	, <i>2 oʊч</i> ∱_, before me, a	Notary Public of the State
			Marlene A.	Adkins actorily identified to n	ne as such Affiant/s)	
iii (C Print)	int(s) nereni,	personally	  -  -	actority lacritimea to fi	(C as saon / mant(s).	
AS WIT	NESS my hai	nd and Not	arial Seal	1/2		
-			1	Lau	what h Delm	W JAN N. DEEN
				Notary Pub		3 63/

My Commission Expires

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	11041 Greenspring	Avenue		
	Address		7	
	Tarthomet 11a	3.6%	21002	'

Lutherville MD 21093
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):

- 1) The slope of the property makes location behind the house impractical.
- Placement of the garage in the current car park area will reduce the necessity for tree removal.

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

E. Dale Adkins, III

Name - Type or Print

Marlene A. Adkins

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of July , 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

E. Dale Adkins, III and Marlene A. Adkins the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Nøtary Public

My Commission Expires

REV 10/25/01



REV 10/25/01

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	11041	Greenspring	Avenue	
_		ently zoned		

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, BCZR, to permit an accessory building (garage) to be located in the front yard in lieu of the required rear yard.

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 least the subject of this Petitic	gal owner(s) of t	tne penalties of he property which
Contract Purchaser/	<u>Lessee:</u>		Legal Owner(s):		
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	' <del></del>	E. Dale Adkins, II	I	<del></del>
Signature	<del></del>	<u>i</u>	Signature	<u> </u>	<del></del>
Address	, <u>, , , , , , , , , , , , , , , , , , </u>	Telephone No.	Marlene A. Adkins Name Type or Print	11.	
City	State	Zip Code	Signature	armo	
Attorney For Petition	er:	1	11041 Greenspring	Avenue	410-825-6462
			Address Lutherville	MD	Telephone No. 21093
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		City	State	Zip Code
Signature	<del></del>	<del>-                                     </del>	Representative to be	Contacted:	
Company	——————————————————————————————————————	i <del></del>	Name	<del></del>	······································
Address	- <del> </del>	Telephone No.	Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
City	State	Zip Code	City	State	Zíp Code
A Public Hearing having bee this day of regulations of Baltimore County	n formally deman	ded and/or found to be hat the subject matter of the reposted.	required, it is ordered by the Zor his petition be set for a public hearing	ng, advertised, as r	equired by the zoning
$\wedge$	t	1 1	Zoning Commission	er of Baltimore Cou	inty /
CASE NO	5-097-A	Rev	lewed By	Date 8/2	0/04

**Estimated Posting Date** 

TO:

Zoning Appeals Board Peter Bradley Sullivan

DATE:

FROM:

August 11, 2004

RE:

Administrative Appeal for 11041 Greenspring Ave Brooklandville, MD 21022

# ZONING DESCRIPTION

Beginning at a point on the EAST side of Greenspring Ave. a variable width right of way at a distance of 650' feet from Greenspring Valley Road;

Thence continuing N 56 degrees 17'15" W for 217.23 feet; N 45 degrees 43'51" W for 68.49 feet: Thence continuing N 34 degrees 45'46" E for 116.94 feet; N54 degrees 18'46" E for 69.00 feet; N 60 degrees 19'46" E for 200.00 feet; N 78 degrees 05'46" E for 51.00 feet:

Thence S 83 degrees 22'14" E for 47.50 feet; S 65 degrees 48'14" E for 47.50 feet; S 44 degrees 20'14" E for 47.00 feet; S 22 degrees 10'49" E for 282 feet:

Thence W 56 degrees 01'43" E for 240.93 feet:

Thence S 03 degrees 15'08" E for 404.51 feet:

Thence N 75 degrees 10'14" W for 194.89 feet; S 58 degrees 53'46" W for 203.98 feet:

Thence N 65 degrees 48'14" W for 50.94 feet; S 78 degrees 05'46" W for 54.19 feet; S 60 degrees 19'46" W for 202.26 feet; S 52 degrees 18'46" W for 71.24 feet; S 34 degrees 45'46" W for 116.81 feet.

Ending at a point on the East side of Greenspring Ave, a variable width right of way at a distance of 665' feet from Greenspring Valley Road.

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## CERTIFICATE OF POSTING

	RE: Case No.: 25"097-11
	Petitioner/Developer: ADEINŚ
•	Date of Hearing/Closing: 9/13/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
posted conspicuously on the property located at:	
11041 GREE	USPRING AVE
<del></del>	·
The sign(s) were posted on	8/29/09
·	(Month, Day, Year)
71	Sincerely, **
	Research Block B/29/04 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
THE PART IN COME OF THE PERSON AND T	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 097 -A Address 1041 Greenspring Avenue
Contact Person: Jeffrey Perlow  Phono Number: 440 007 00
Filing Date: $8/20/04$ Posting Date: $8/29/04$ Closing Date: $9/3/04$
Any contact made with this office regarding the status of the administrative variance should 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. Are reposting must be done only by one of the sign posters on the approved list and the petition 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 fill 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 zonin commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (continuous 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.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 097 -A Address 11041 Greenspring Avenue
etitioner's Name <u>Hakins</u> Telephone Telephone
osting Date: 8/29/04 Closing Date: 9//3/04
ording for Sign: To Permit an accessory building (garage) to be located in the front yard lieu of the required rear yard

### 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

September 13, 2004

E. Dale Adkins, III Marlene A. Adkins 11041 Greenspring Avenue Lutherville, Maryland 21093

Dear Mr. and Mrs. Adkins:

RE: Case Number: 05-097-A, 11041Greenspring Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 20, 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 Rila D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

## Fire Department

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





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

August 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 30, 2004

Item No.:

091, 092, 094-100

Pursuant to your request, the referenced plan(s) have been reviewed 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



### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 14, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 7, 2004

Item Nos. 091, 092, 094, 095, 096, 097, 098, 099, and 100

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

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr (

DATE:

September 14, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 30, 2004

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

05-092

04-094

04-095

04-096-

04-097 04-098

04-099 04-100

Reviewers:

Sue Farinetti, Dave Lykens



### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 5-091 and 5-097

**DATE:** September 2, 2004

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.

Division Chief: Liana eller

MAC/LL







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

Maryland Department of Transportation

Date:

8.27.04

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

RE:

**Baltimore County** 

Item No.

097

J M F

Dear. Ms. Matthews:

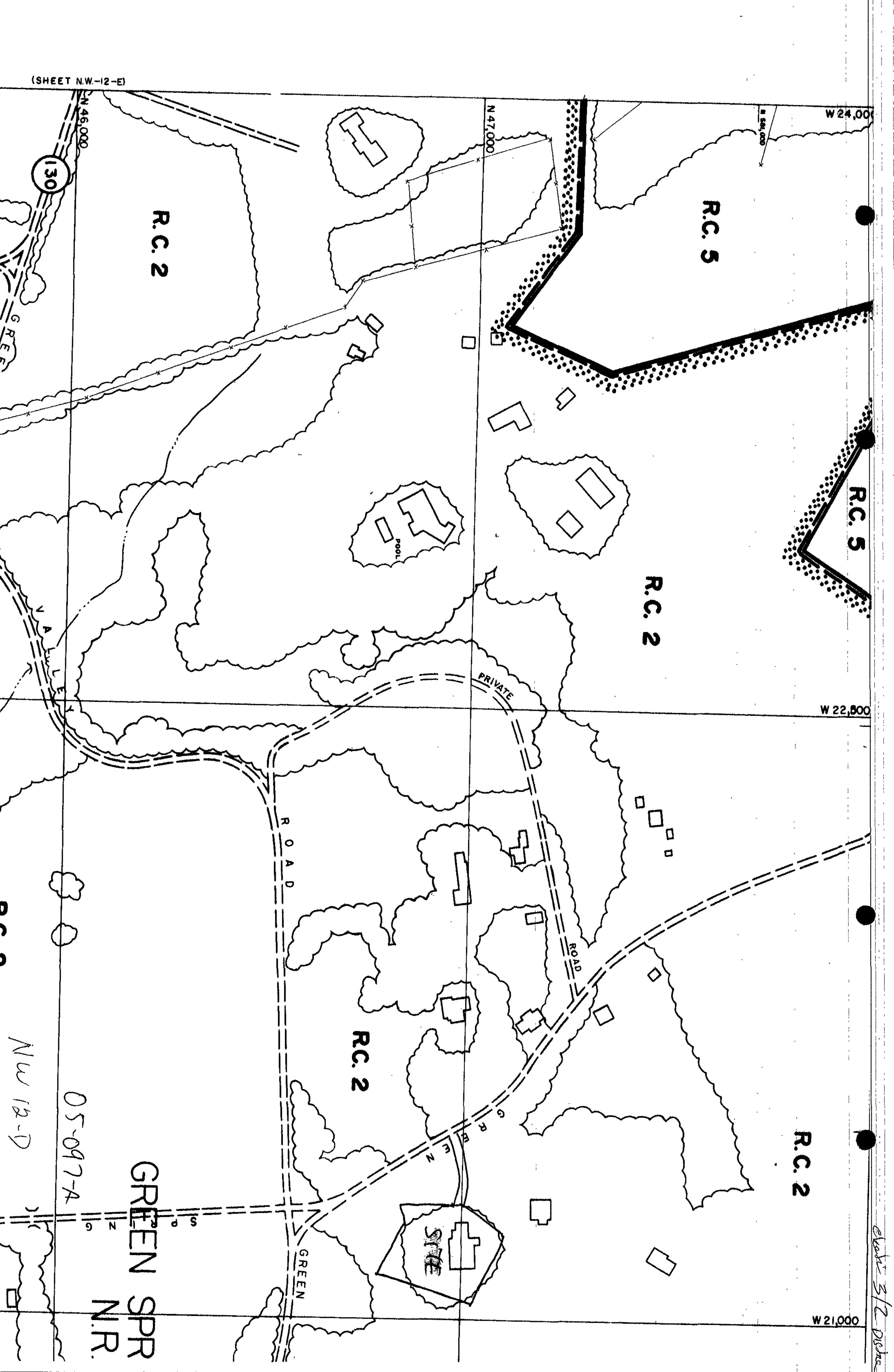
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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. 1. Doel



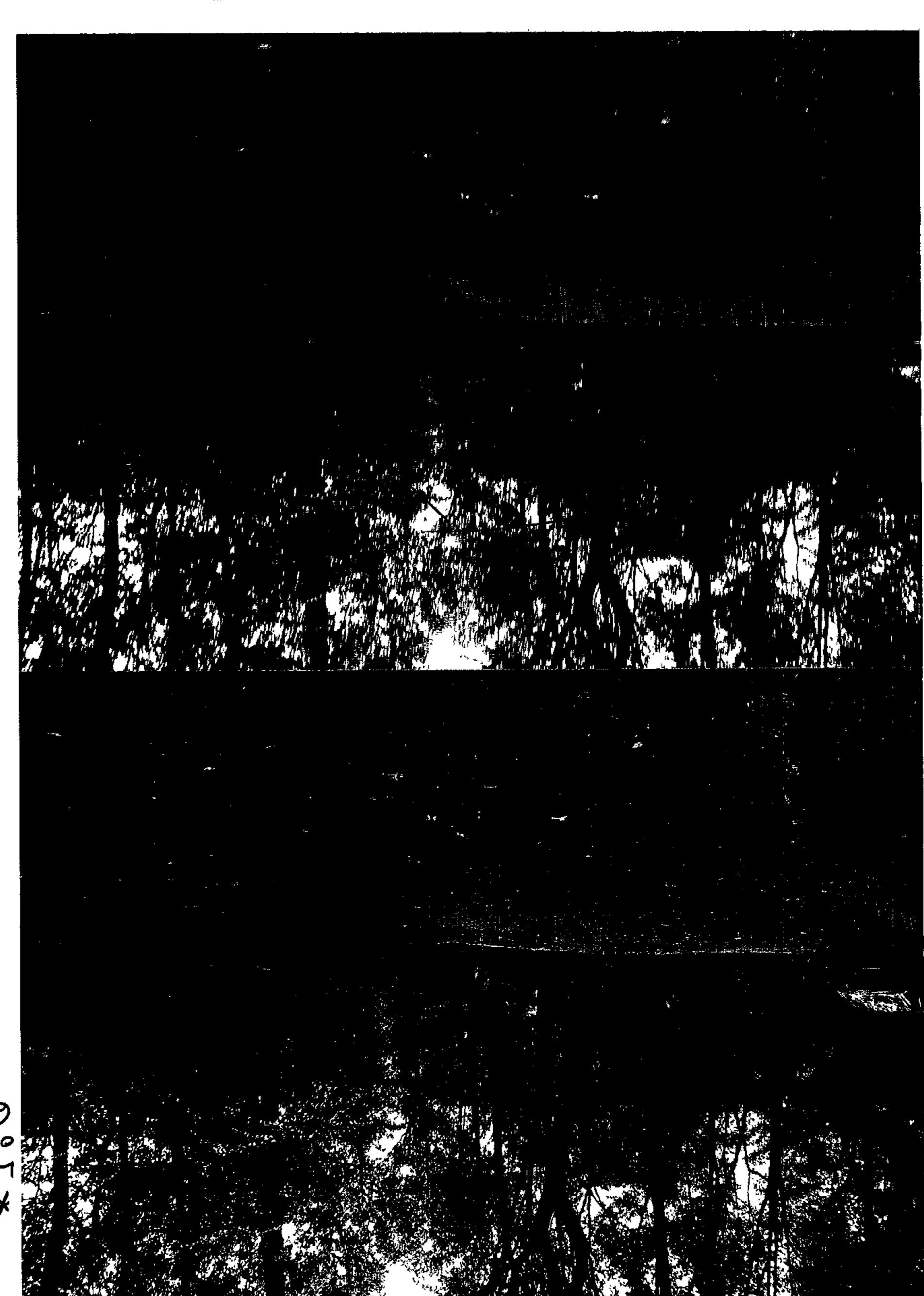


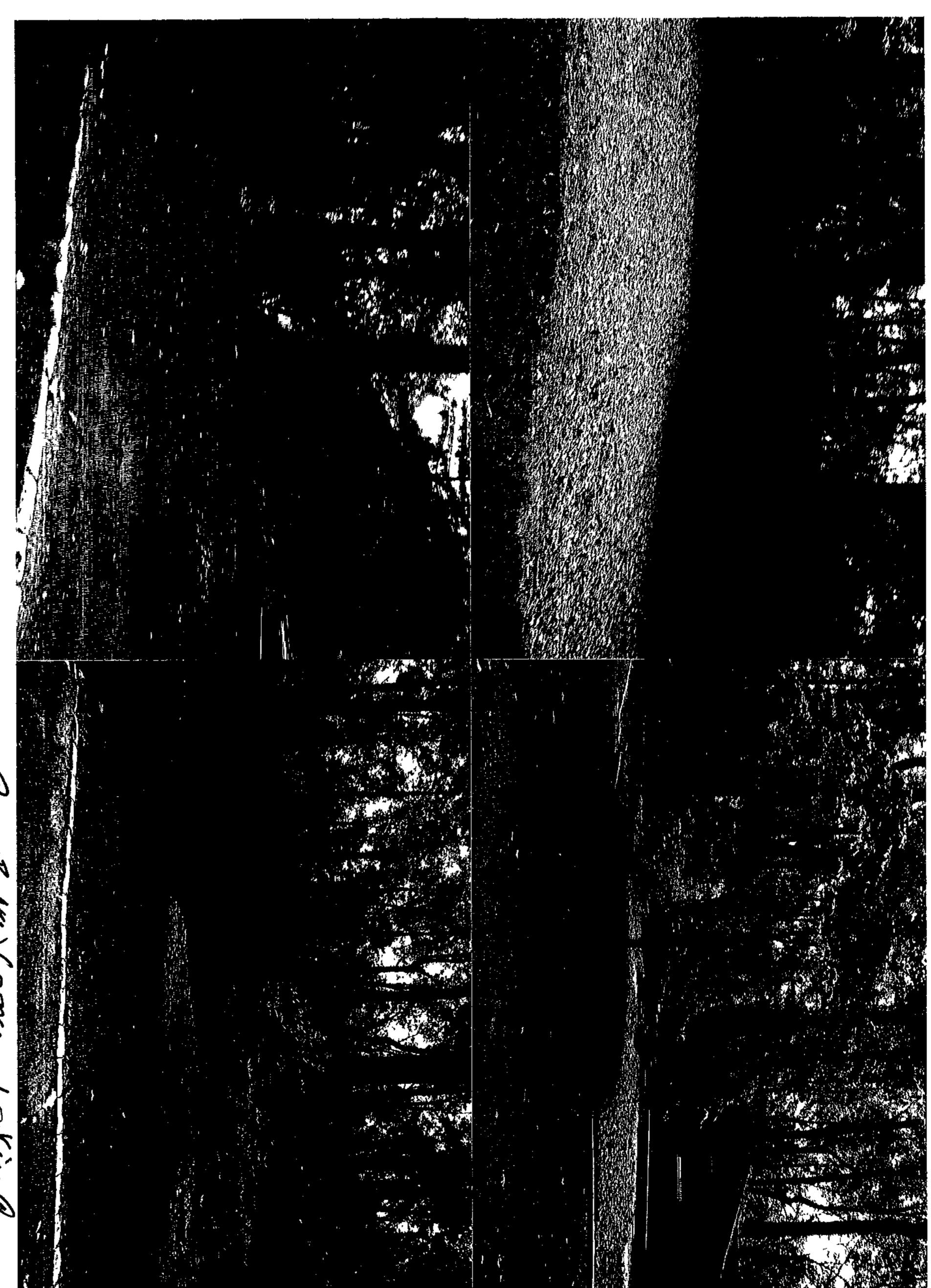


05-297-4

97-1997-A

Several Services





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