IN RE: PETITION FOR ADMIN. VARIANCE
S/S Loreley Beach Road, 15 ft. S
centerline of Loreley Beach Road
15th Election District
5th Councilmanic District
(5841 Loreley Beach Road)

Rhoda L. Morrow and George G. Miller *Petitioners* 

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 05-150-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 owners of the subject property, Rhoda L. Morrow and George G. Miller. The variance request is for property located at 5841 Loreley Beach Road in the eastern area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with 17 ft. side yard setback in lieu of the required 35 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

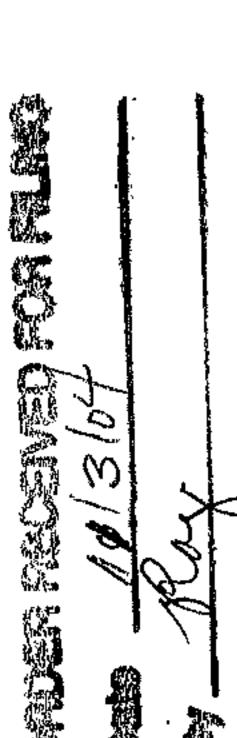
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 3, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

### **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 October 26, 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, 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 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 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 <u>3</u> day of November, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for administrative variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with 17 ft. side yard setback in lieu of the required 35 ft., be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

THE WALL STATE OF THE STATE OF

- 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. Compliance with the ZAC comments submitted by DEPRM dated October 26, 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 William J. Wiseman III, Zoning Commissioner

November 3, 2004

Ms. Rhoda L. Morrow Mr. George G. Miller 5841 Loreley Beach Road White Marsh, Maryland 21162

Re: Petition for Administrative Variance
Case No. 05-150-A

Property: 5841 Loreley Beach Road

Dear Ms. Morrow & Mr. Miller:

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

JVM:raj Enclosure



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



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>5841 LORELEY BEACH ROAD</u> which is presently zoned <u>RC-Z</u>

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) 1901.38.3. (BOTR)

TO PERMIT AN ADDITION (GARAGE) WITH A 17-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 35-FEET

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 this Petition. Contract Purchaser/Lessee: Legal Owner(s): GEONGE GNEGONY MILLER Name - Type or Print Name - Type or Print Signature KHUNDA LYNN MONKOW Signature

5841 LONELRY BENCH No. 410-355-1639

Address Telephone No.

WHITE MANSH MANYLAND 21/6Z

City State Zin Code Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Compan Name Adiress Telephone No. Address Telephone No. CII 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of equiations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By D.THOMPSON Date ASE NO. 10/25/01 Estimated Posting Date

## 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	5841 LORECEY BEACH RUAD
	Address  WHITE MARSH MARYLAND 21/6Z  City State Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	owing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
PRACTICAL DIFFICUL	. TY
RC-2 ZONING REQUIRE	S SIDE SET BACK OF 35' UN 50' WIDE
LOTS IN COMMUNITY. VI	ARIANCE NEEDED FOR ALL IMPROVEMENT.
i	
_	
; ;	
; !	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Signature Jesony Miller	Signature Signature Signature
GEONGE GNEGONY MILLER Name - Type or Print	
\\ \tag{\tag{\tag{\tag{\tag{\tag{\tag{	
STATE OF MARYLAND, COUNTY OF BALTIN	
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	$\mathcal{L}$
the Affrant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
1	1 Marile & Sun Marile
KIMBERLY L. MCCARTY	Notary Public McCarty

My Commission Expires

Notary Public BALTIMORE COUNTY

MARYLAND

My Comirilssion Expires Feb. 12, 2007



## 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	al
--------------------	-----------	-----------	--------	----

SB41 LORELEY BEACH RUAD

Address

WHITE MARSH MARYLAND 21/62

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):

PRACTICAL DIFFICULTY

RC-Z ZONING REQUIRES SIDE SET BACK OF 35' ON 50' WIDE

LOTS IN COMMUNITY, VARIANCE NEEDED FOR ALL IMPROVEMENTS

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.

| Joseph Hymn Morrow | Signature | Signatu

My Commission Expires

KIMBERLY L. MCCARTY

Notary Public

BALTIMORE COUNTY

MARYLAND

My Commission Expires Feb. 12, 2007

REV 10/25/01

### Petition for Administrative Variance

CBCAS

### to the Zoning Commissioner of Baltimore County

for the property located at <u>584/ LORELEY BEACH RUAD</u> which is presently zoned <u>RC. Z</u>

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) IAULBD. 3. (BC±R)

TO PERMIT AN ADDITION (GARAGE) WITH A 17-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 35-FEET.

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 owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> GEORGE GREGORY MILLER Name - Type or Print Name - Type or Print Signature Signature RHONDA LYNN MORROW Address Name - Type or Print Telephone No. City State ZIp Code 410-335-1639 5841 LORELEY BEACH RUAD Attorney For Petitioner: Telephone No. WHITE MARSH MARYLAND 21162 Name - Type or Print Representative to be Contacted: Signature Company Name Address Telephone No. Address 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, day of this 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. Zoning Commissioner of Baltimore County Reviewed By DITHOMPSON Date CASE NO. REV 10/25/01 Estimated Posting Date

### Zoning Description

ZONING DESCRIPTION FOR 5841 Loreley Beach Road
Beginning at a point on the south side of Loreley Beach Road
which is 105 feet wide at the distance of 15 feet south of the
centerline of the nearest improved intersecting street Loreley
Beach Road which is 20 feet wide. Being Lot # 16 & 17, Section
# 82 in the subdivision of Loreley Beach as recorded in Baltimore
County Plat Book # 1, Folio # 008, containing 29,290 sq. ft. Also
known as 5841 Loreley Beach Road and located in the 15 Election
District, 6 Councilmanic District.

### CERTIFICATE OF POSTING

	RE: Case No.: 05-150-A
- <u>*</u>	Petitioner/Developer: MILLER
	Date of Hearing/Closing:/0/18/
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: .	
This letter is to certify under the penalties of p posted conspicuously on the property located :	perjury that the necessary sign(s) required by law were at:
	ELEX BEACH RD
,	and the second of the second o
Che sign(s) were posted on	10/03/04:
The state of the s	10/03/94 (Month, Day, Year)
· -	Sincerely, -
	"Robert Black 10/3/00
	(Signature of Sign Poster) (Date)
The state of the s	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

The total of the second of the

0CT - 5 2004

DEVELOPMENT MARRY TINT

	of Their College and the State of the State		min California d'Association	
		TROUGH TROUGH		
•				
•				
			0	
•	8			
, and the second				

•

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

### ZONĮNG 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 Num	per05-150-A	·
Petitioner.	MILLER	.··
Address or Location: <u>5</u>	841 LORELEY BEACH RD.	
PLEASE FORWARD ADVE	RTISING BILL TO	
		_ <del></del>
Name: MR. 4 M	RS. GEORGE G. MILLER	
Address <u>5841</u>		

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 150 -A Address 5841 LORELEY BEACH RD.
Contact Person: DONNA THOMPSON Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 93304 Posting Date: 10304 Closing Date: 101804  Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. 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.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file 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
4. 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 this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT  Case Number 05- 150 -A Address 5841 LORELEY DEACH RD.  Petitioner's Name
NA/OD D

## 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

October 18, 2004

George Gregory Miller Rhonda Lynn Morrow 5841 Loreley Beach Road White Marsh, Maryland 21162

Dear Mr. Miller and Ms. Morrow:

RE: Case Number: 05-150-A, 5841 Loreley Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 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, allorney, 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 Rillal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

October 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 7, 2004

Item No.:

093, 131, 144-155, 157



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: October 13, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 12, 2004

Item Nos. 093, 146, 147, 148, 149, 150, 152, 153, 154, 155, and 157

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 500
DATE:	October 26, 2004
SUBJECT:	Zoning Item # 05-150 Address 5841 Loreley Beach Road (Miller Property)
	g Advisory Committee Meeting of October 4, 2004.
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 14-331 through 14-350 of the Baltimore County Code).
<u> </u>	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
<u>X</u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
Additi	onal Comments:

The proposed development must comply with the Limited Development Area and Buffer Management Area criteria for the CBCA

In addition, an inspection of the septic system may be required prior to building permit approval.

Reviewer:

Martha Mickey, Sue Farinetti

Date: October 26, 2004

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** October 14, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

OCT 2 0 2004

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-150 – 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



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

#### Maryland Department of Transportation

Date: 10.4.04

**Baltimore County** 

Item No. 150

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.

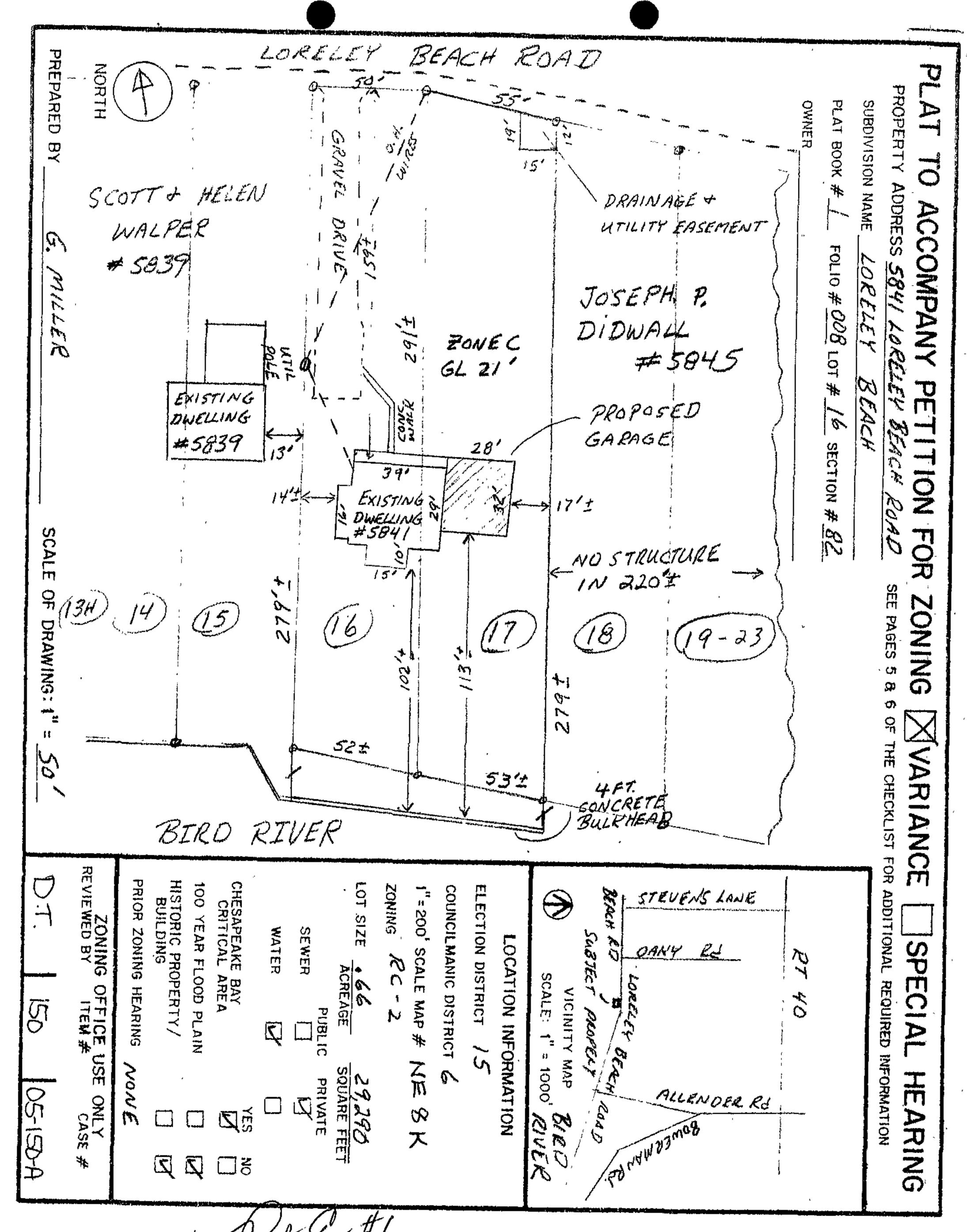
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. 1. Hall

Steven D. Foster, Chief

Engineering Access Permits Division



-15-

