IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Irish Avenue, 2,200 ft. NE
centerline of Corbett Road
10th Election District
3rd Councilmanic District
(15757 Irish Avenue)

Jennifer H. & Henry C. Pitts

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-162-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, Jennifer H. and Henry C. Pitts. The variance request is for property located at 15757 Irish Avenue in northern Baltimore County. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the front yard with a height of 19.5 ft. in lieu of the required rear yard and 15 ft. height. 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 October 9, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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, by the Deputy Zoning Commissioner for Baltimore County, this 19 day of November, 2004, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the front yard with a height of 19.5 ft. in lieu of the required rear yard and 15 ft. height, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai

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 19, 2004

Mr. & Mrs. Henry C. Pitts 15757 Irish Avenue Monkton, Maryland 21111

> Re: Petition for Administrative Variance Case No. 05-162-A Property: 15757 Irish Avenue

Dear Mr. & Mrs. Pitts:

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

c: Beth Fulton 8 Ridgeview Drive Westminster, MD 21157



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

HISTORIC Petition for Administrative Variance

	to the	e Zoning C	ommissioner of B	altimore Cou	nty
AUNTA	for 1	the property lo	cated at _/5757]	Exist Ave	,
		4 •	which is presently zon	ed RC-su	
This Petition shall be owner(s) of the propert made a part hereof, her	filed with the Dep y situate in Baltimo reby petition for a V	partment of Permitere County and which	ts and Development Management is described in the description on(s) 400.1 and 400.2 el in the front ya	ient. The undersigned, and plat attached heret	legal o and
accessory str	acture (garag	ie) he locati	ed in the front ya	rd with a heigh	t an
19.5 ft. in	lieu of	the required	rear yard and	15 ft. height.	-
of this petition form. Property is to be posted	d and advertised as	prescribed by the z	w of Baltimore County, for the reconing regulations.		
egulations and restriction	is of Baltimore Count	y adopted pursuant to	I/We do solemnly declare and a perjury, that I/we are the legal of is the subject of this Petition.	affirm, under the penalties	of
Contract Purchaser	<u>Lessee.</u>	1	Legal Owner(s):	244	-
lame - Type or Print			Name - Type or Print	<u> </u>	
Signature			Signature JENNIFER H	= P:#<	<u> </u>
Address		Telephone No.	Name - Type or Print	5. At 8	
City	State	Zip Code	Signature		
Attorney For Petitio	ner:		15757 IRISH F. Address	10-472-4 Telephon	
large Type or Pant			City	VMD 2111 State Zip	Code
igrature		·· ···································	Representative to be Co	•	0000
			Beth Fulton		
ontrany			Name Ridge Mon	VDC 410-8	7i. つ
do Ses		Telephone No.	Address	Telephone MD	No.
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11998 USY OT IT	. tnat	the subject matter of th	equired, it is ordered by the Zoning C is petition be set for a public hearing, ac	Commissioner of Baltimore Colvertised, as required by the	ounty,
egulition of Ballimore Coun	ity and that the property	be reposted.			
			Zoning Commissioner of L	Baltimore County	

Reviewed By Bh Date 9/28/04 CASE NO. 05 - 162 - 14Estimated Posting Date /0/10/04 REV 10/25/01



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 re	side at	/575 ⁻ Address	7 Irish	AVL	<u> </u>
-		City D D	kton	MD State	리미 Zip Code
That based upon personal knowledge, Variance at the above address (indicate	the follower that the third that the	ving are the fa	cts upon which		•
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That the Affiant(s) acknowledge(s) the advertising fee and may be required to	at if a for provide a	mal demand i dditional inform	is filed, Affian nation.	t(s) will be requi	red to pay a reposting and
1 de det		- •	Jen	NIVER H.	Attennier H.F
Signature Signature Name - Type or Print	-		Signature	Fre H. K.	7/5
Name - Type or Print /	-	1 1	Name - Type o	r Print	
STATE OF MARYLAND, COUNTY OF	BALTIM	ORE, to wit:			~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
I HEREBY CERTIFY, this 2312 day of Maryland, in and for the County afore	of <u>l</u>	Henber	<u>. ට ර</u>	<u>o</u> y , before me,	a Notary Public of the State
Henra C. Pittona	nd \	knnifer	H. A.	18	
the Affiant(s) herein, personally known	or satisfac	ctorily Identified	to me as suc	h Affiant(s).	
AS WITNESS my hand and Notarial Se	al				
MANUEL STATES			herylo	1 Bayde	
NOTARY		Notar	y Public	oires	A C**
REV 10/25/01		му Сс	ommission Exp	ores <u>'a'/ '</u>	<u> </u>



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	/5757 I Win	sh Ave	
	Monkton	M D State	ري (Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon w		•
	•		
	see attached	2	
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand is filed, Af additional information.	fiant(s) will be require	ed to pay a reposting and
	, J	en a Sea H	Pitte
Signature //	Signature	- / / / / / / / / / / / / / / / / / / /	Der
Name - Type or Print		ランル / てデ / ヤー/ pe or Print	1.75
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
I HEREBY CERTIFY, this 23 day of day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	<u>200√</u> , before me, a	a Notary Public of the State
Hen cy (Pitts and Ja the Affiant(s) Herein, personally known or satisf		such Affiant(s).	, , , , , , , , , , , , , , , , , , ,
AS WITNESS my hand and Notarial Seal			
SHERYL L. FREEL	Cherge	L. Saydel	<i>)</i>
PUBLIC)	Notary Public My Commission	Expires 10/1	05
REV 10/25/01	-	,	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned <u>RC-2</u>

for the property located at 15757 Irish Ave.

- MANIGUEL OF THE PROPERTY CITIES IN MOSTIN	INFO I "NIIMM! NMM HIMIN	ts and Development Management. The undersigned, legal his described in the description and plat attached hereto and
made a part hereof, hereby petition for a	Variance from Section	cated in the front yard with a height
accessory structure (go	arage) be lo	cated in the Strut was a structured
f 10 5 ft 3, 13 a	I dia non	ited rear yard and 15 ft, height.
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of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning la	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Va- regulations and restrictions of Baltimore Cou	riance, advertising, nos	sting, etc. and further agree to and are to be bounded by the zoning
		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		Name - Type or Print
=		10m Cotto
Signature		Signature 5
Address	Telephone No.	Name - Type or Print
		lennifer H. PUTS
City	Zip Code	Signature
Attorney For Petitioner:	*	Address Telephone No.
		monkton mD 21111
Name - Type or Print		City State Zip Code
Signature	, , , , , , , , , , , , , , , , , , , ,	Representative to be Contacted:
o ignaturo	ı	Beth Fulton
Company		Name
Address	Telephone No.	Address Programme Dr 410-876-356 Telephone No
· · · · · · · · · · · · · · · · · · ·		Westminster min
City	Zip Code	City State Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the proper	at the subject matter of th	required, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing advertised, as required by the zoning
]	Zoning Commissioner of Baltimore County
CASE NO. 05 /62 - A	Revi	ewed By 13h Date 9/28/04
REV 10/25/01	Estir	nated Posting Date/o/co/o 4

A request is being made to construct a 3 car garage in right front of house. This is the ideal location for the garage. The septic system and well are in the right rear of the property and would need to be relocated in order to construct garage in rear of property. The existing driveway is on the right side of the house also. In the rear of the property there are also a shed and a horse barn, which would already take up significant area in the back of the house. The side set back is not a problem on the right side of the house, but would be if garage were to be placed on left side of the house.

Heright of 19'6 is mudied to match the architectural style of existing home.

ZONING DESCRIPTION FOR 15757 IRISH AVENUE

Beginning at a point on the south side of Irish Avenue which has 16.5 feet wide paving at the distance of 2100 feet, more or less, east of the centerline of the nearest improved intersecting street Corbett Road as recorded in deed Liber 5578 folio 518 and described as follows:

- 1. North 73 degrees 19 minutes East 361.28 feet;
- 2. South 10 degrees 21 minutes West 758.22 feet;
- 3. North 58 degrees 55 minutes West 59.66 feet;
- 4. North 57 degrees 59 minutes West 295.56 feet;
- 5. North 11 degrees 19 minutes East 465.39 feet to the point of beginning.

September 23, 2004

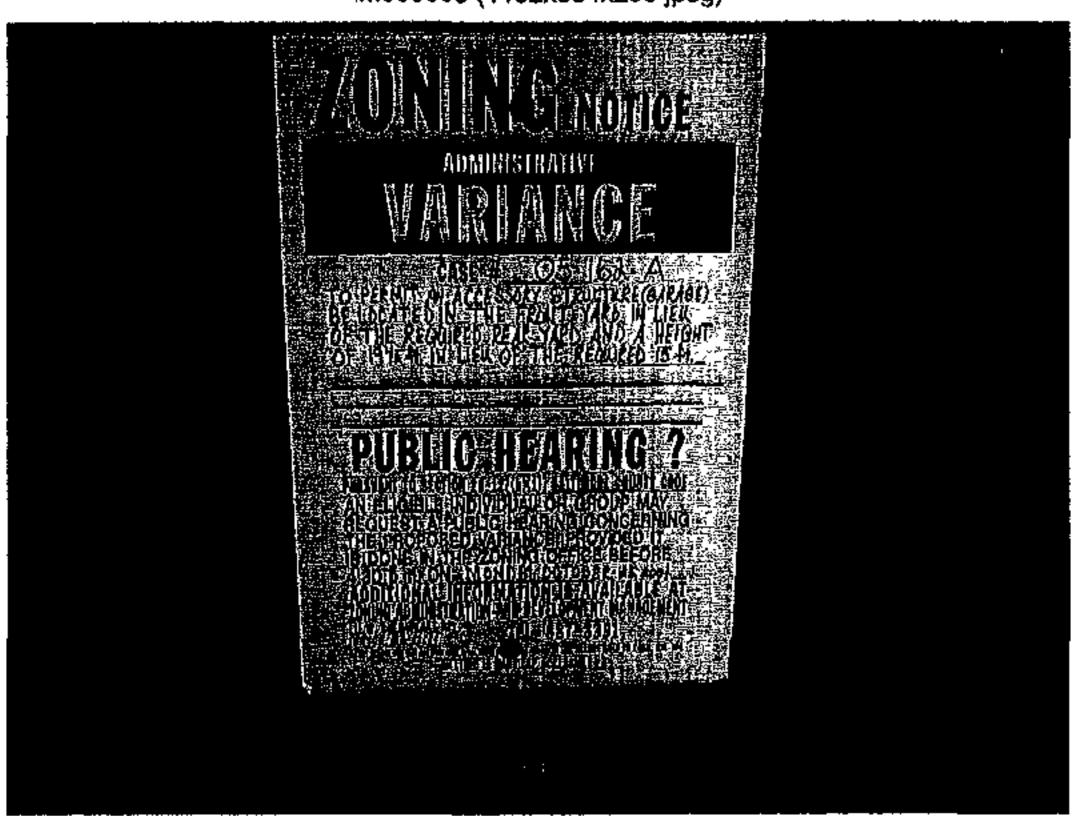
LDE Inc.
9250 Rumsey Road, Suite 106
Columbia, MD 21045
410-715-1070

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS, RECEIPT		FOR FOR		WHITE-CASHIER
	UTHER PROPERTY.			

Certificate Of Posting

	RE: Case NO.: 05-162-A
	Petitioner/Developer: HENRY!
	Date of Hearing/Closing: 10/25/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penaltic sign(s) required by law were posted consat	
This sign(s) were posted on	
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Matter 10/9/04

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.

For Newspaper Advertising:
Item Number or Case Number: 05-/62-A
Petitioner: Hinry Pills
Address or Location: 15757 Inil Avi. Monthy MD 211
PLEASE FORWARD ADVERTISING BILL TO:
Vame: Beth Fulton Gaylord Brooks anstruction
Address: _ & Ridu Min Do
Westminster, MD 21157
Telephone Number: 410-876-3567
· · · · · · · · · · · · · · · · · · ·

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 162 -A Address 15757 Trish Ave.
Contact Person: Bruno Rudaitis Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: $\frac{9/28/04}{28/04}$ Posting Date: $\frac{10/10/04}{25/04}$ Closing Date: $\frac{10/25/04}{25/04}$
Any contact made with this office regarding the status of the administrative variance should be 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. Any reposting must be done only by one of the sign posters on the approved list and the petitioner 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 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 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 posted, certification of this change and a photograph of the altered sign must be forwarded to 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- 162 -A Address 15757 Irish Ave. Petitioner's Name Henry & Jennifer Pitts Telephone 410-472-4578 Posting Date: 10/10/04 Closing Date: 10/25/04 Wording for Sign: To Permit an accessory structure (garage) be 10csfed in the front yard in lieu of the required rear yard, and a height of
19½ ft. in lieu of the required 15 ft.

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 25, 2004

Henry C. Pitts Jennifer H. Pitts 15757 Irish Avenue Monkton, Maryland 21111

Dear Mr. and Mrs. Pitts:

RE: Case Number: 05-162-A, 15757 Irish Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 10, 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 Rabat C

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Beth Fulton 8 Ridgeview Drive Westminster 21157



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 11, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 11, 2004

Item No.:

156, 158-166, 168&169

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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 3, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 1,8, 2004

Item No. 162

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A minimum 40-foot right-of-way for Irish Avenue shall be shown, and variances need to be modified.

RWB:CEN:jrb

cc: File

10/12 By

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr Joo

DATE:

October 27, 2004

SUBJECT: Zoning Ite

Zoning Items # See List Below

ZONING COMMISSIONER

RECEIVED

OCT 2 7 2004

Zoning Advisory Committee Meeting of October 11, 2004.

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

05-158 05-160 05-161 05-162 05-163 05-165 05-166

0**5**-168 0**5**-169

Reviewers: Sue Far

Sue Farinetti, Dave Lykens

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

DATE: November 15, 2004

SUBJECT:

AND COMMENTS SINKER Zoning Advisory Petition(s): Case(s) 5-162 – 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:

MAC/LL



Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

BPR

Maryland Department of Transportation

RE:

Date: 17.13.04

Baltimore County

Item No. 168

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.

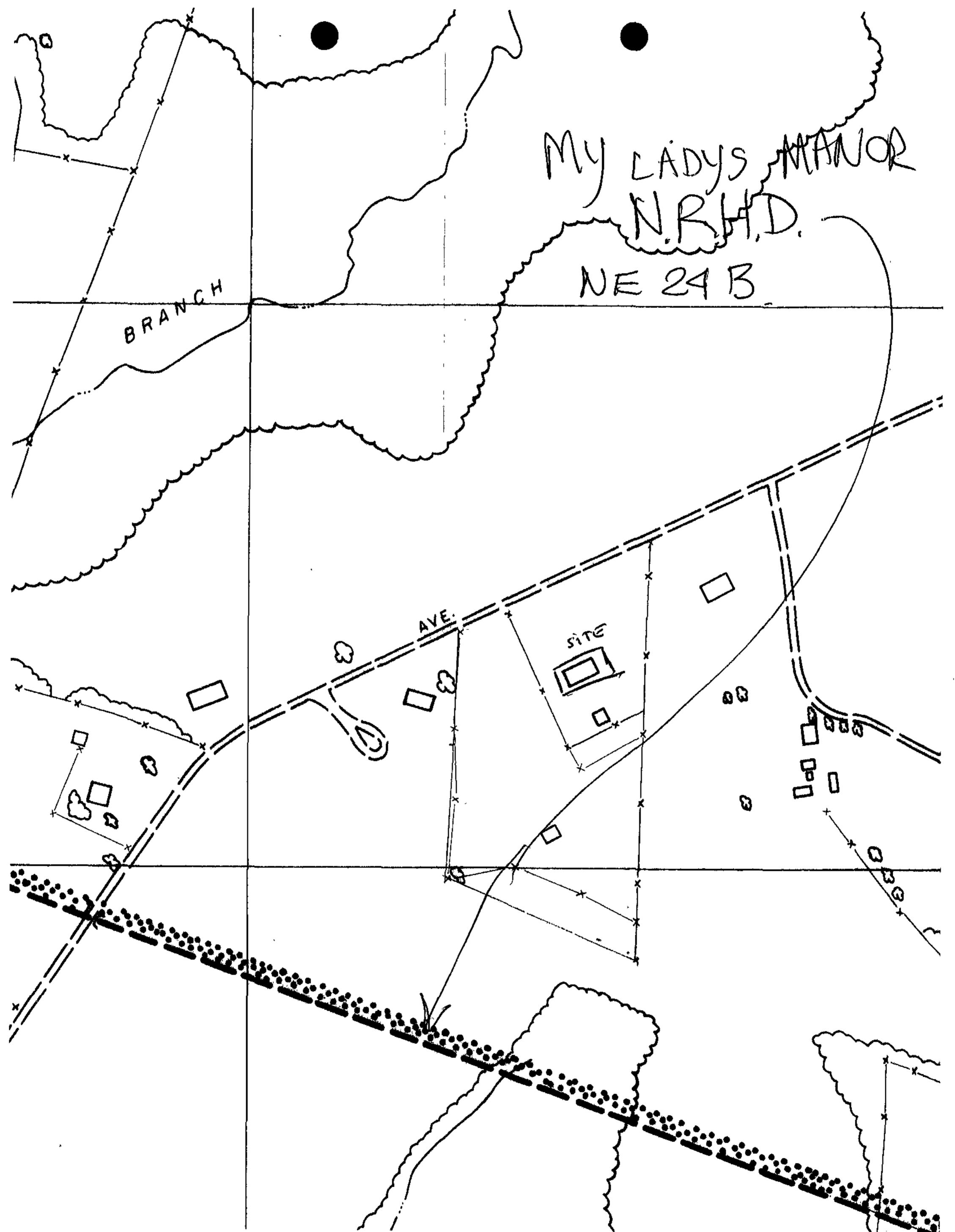
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

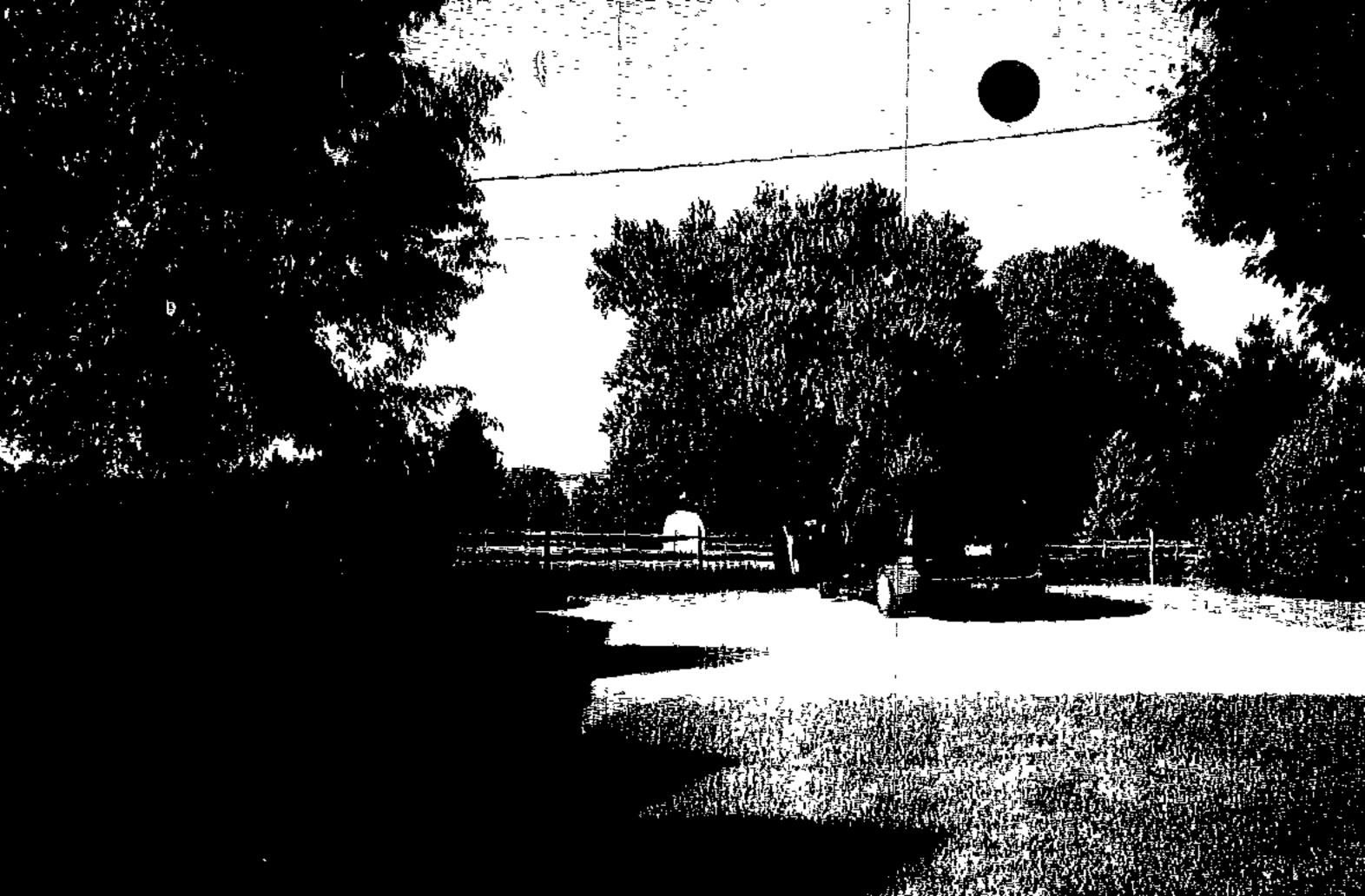
Very truly yours,

Steven D. Foster, Chief

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Engineering Access Permits Division





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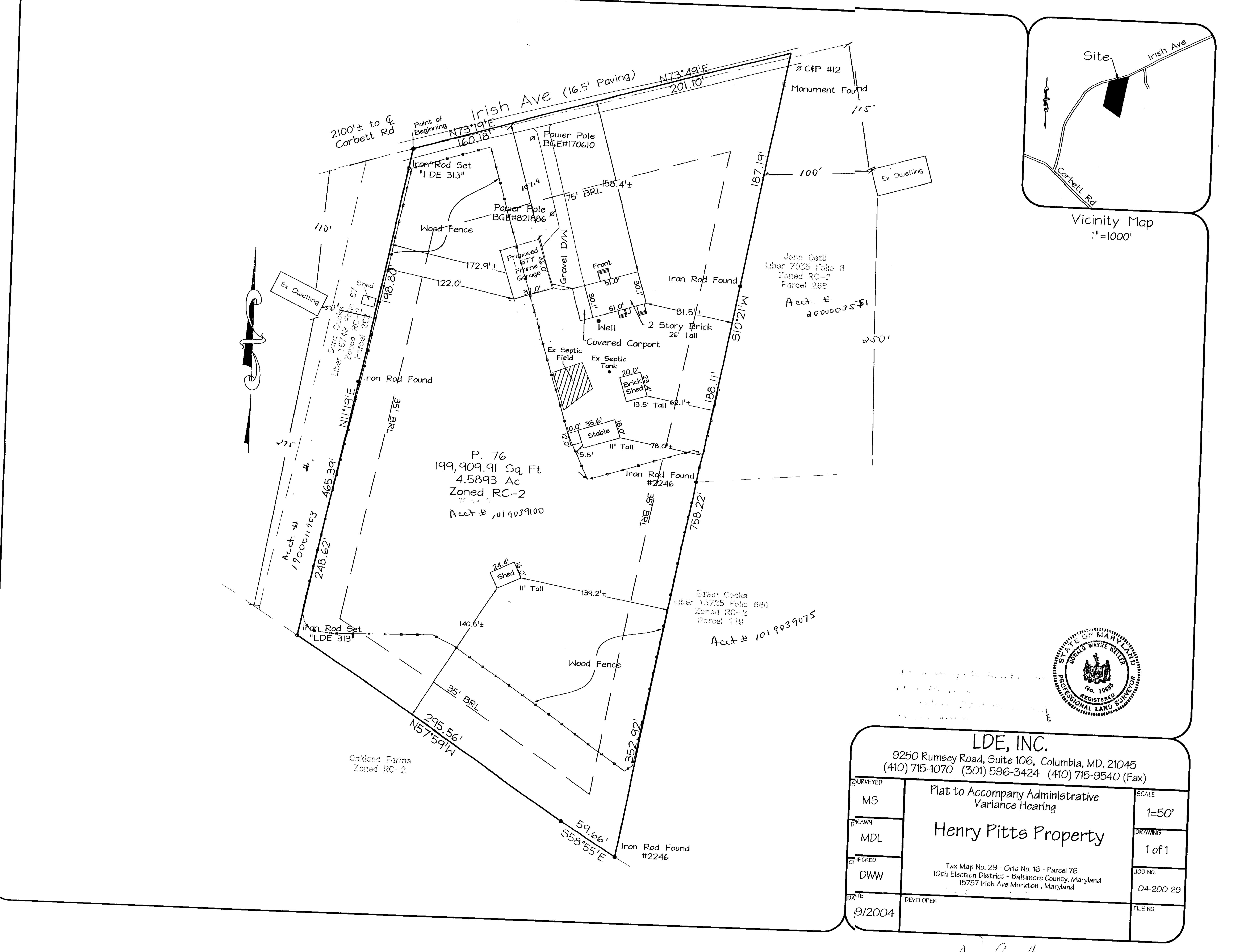
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How of neighbors propriety
to mend of house

PIAS

#162



Add & #