IN RE: PETITION FOR ADMIN. VARIANCE

S/S of Armacost Road, 100 ft. E centerline of Molesworth Road 7th Election District 3rd Councilmanic District

(1317 Armacost Road)

Barbara & Gary Albright
Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 05-189-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, Barbara and Gary Albright. The variance request is for property located at 1317 Armacost Road in the Parkton area of Baltimore County. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have property line setbacks of 13.5 ft.,28 ft. and 16 ft. in lieu of the required 50 ft. 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 22, 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 velfare 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

STATE OF STATES

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 Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have property line setbacks of 13.5 ft., 28 ft. and 16 ft. in lieu of the required 50 ft., 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

VM: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 19, 2004

Mr. & Mrs. Gary Albright 1317 Armacost Road Parkton, Maryland 21120

> Re: Petition for Administrative Variance Case No. 05-189-A Property: 1317 Armacost Road

Dear Mr. & Mrs. Albright:

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: Jeff Geddes Paragon Custom Homes Jarrettsville, MD 21064



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	presently zoned_	RC-5
for the property located at	1317 ARMACOST	ROAD PARKTON

	which is presently zoned <u>KC-S</u>
This Petition shall be filed with the Department of Perowner(s) of the property situate in Baltimore County and with made a part hereof, hereby petition for a Variance from Secondary	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ection(s) / A O 4.3. B. Z. b (B C Z R)
TO PERMIT AN EXISTING	SINGLE FAMILY DWEICING WITH
ADDITION TO ITAKE PROPER	
13.5', ZE' AND 16' IN C	LIEVE OF THE REQUIRED 50
of the zoning regulations of Baltimore County, to the zoning of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by th I, or we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursuan	, posting, 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:	<u>Legal Owner(s):</u>
Name - Type or Print	Barbara Albright Name - Type or Print
Signature	Signature \(\sigma_{\text{int}}\)
Address Telephone No.	Name - Type or Print Aan Wright
City State Zip Code	Signature
Attorney For Petitioner:	1317 Anmacosi Post) 410-357-9867 Addresa Telephone No.
Name - Type or Print	HARKTON M.) 2//20-945/ City State Zip Code
	Representative to be Contacted:
Signature	JEFF GEODES (PARAGON CUSTOM HOMES)
Company	P.o. Box 409 410-808-9628
Address Telephone No.	Address Telephone No AMETS VICCE MD 2106/
City State Zip Code	City State Zip Code
Public dearing having been formally demanded and/or found to leave of that the subject matter of Baltimore County and that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County

CASH NO. 05-189-A

REV 0/25/01

Reviewed By 270 Date 10/13/04Estimated Posting Date 10/24/04

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.

Address

That the Affiant(s) does/do presently reside at

1317 Armacost Food

	Parkton	M) State	2 11 2 <i>(</i>) Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har	following are the facts upor dship or practical difficulty):	n which I/we base the reque	•
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ENCROACHES	THE CURRENT	SIDE SETBACK	RE QUIREMENTS
	REGULATIONS CA WSE OF THE P	WNUT BE MET FOLLOWING!	on The
1) THE EXIST. 2) LOCATION	OF SEPTICES	NOT MEET CUL MINATES REAR ON EITHER THE	EXPANISHON
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to provi	on tex Sine for for a formal demand is filed, ide additional information.		o pay a reposting and
Signature Albright		ure y Wright	
Barbara Albright Name - Type or Print		- Type or Print	
STATE OF MARYLAND, COUNTY OF BAL I HEREBY CERTIFY, this day of day of Maryland, in and for the County aforesaid	, personally appeared	رکوی∑_, before me, a No	tary Public of the State
THE Affiant(s) herein, personally known or sa	tisfactorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	Notary Public		
REV 10/25/01	My Commissi	NOTARY PUBLIC STA	

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.

Address

Parkton

That the Affiant(s) does/do presently reside at

1317 Armacost Road

City		State	Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or p	are the facts upon which ractical difficulty):	h I/we base the request	t for an Administrative
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EN CROACITES THE			
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·) THE EXISTING	HUME DOES	NOT MOST	COLLAGNT SETBI
2) LOCATION OF 3) THEKE IS NO	RUM ON	ETTHEN THE	•
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional advertising fee.	SOE FOR EX demand is filed, Affiant onal information.	(アイルらとらん) t(s) will be required to	pay a reposting and
Bultura Albrigat Signature	Signature /	albright	
Barbara Albright Name-Type or Print	Name - Type o	A 16 Eight	
STATE OF MARYLAND, COUNTY OF BALTIMORE I HEREBY CERTIFY, this 12 day of Order of Manyland, in and for the County of paragoid, paragonal	<u>20</u>	্র্প_, before me, a Not	ary Public of the State
of Maryland, in and for the County aforesaid, persona the Affiant(s) herein, personally known or satisfactorily	try Albush	h Affiant(s).	<u> </u>
AS WITNESS my hand and Notarial Seal	Notary Public		
REV 10/25/01	My Commission Exp	DENNIS TATE OF MARYER FUELIC STATE OF MARYER TON IN TO	ord Ord



of this petition form.

CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1317 ARMACOST	RoAD	PARKTUA
	presently zoned	RC-S	5

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

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) 1 A O 4 . 3 . B . Z . B (B C Z R)

TO PERMIT AN EXISTIAL SINGLE FAMILY DUECLING WITH ADDITION TO HAVE & PROPERTY LINE SETBACKS OF 13 . 5 1 . 28 1 A N O 16 1 IN LIEU OF THE REQUIRED of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back

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: Legal Owner(s): Name - Type or Print Signature Signature **Address** Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address ACKTON 21170-9451 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company **Address** Telephone No. Address ARRITSVILLE City Zip Code State Zip Code State 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 regulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date _

ZONING DESCRIPTION FOR: 1317 ARMACOST ROAD, PARKTON, MD 21220

Beginning at a point on the south side of Armacost Road which is 100' east of the centerline of the nearest improved intersecting street Molesworth Road. As recorded in Deed Liber 5740, Folio 491 and include the measurements and directions (a point S. 48 ¾ °W. 155' from beginning of first line of Deed LMcLM No. 911, Folio 180, N. 37 ¾ °W. 72.7 ft., N. 49° E. 365 ft., S.49° 20' E. 69 ft, S. 48 ¾ °W. 380 ft) here and on the plat in the correct location, containing 26,136 square feet. Also known as 1317 Armacost Road and located in the 7th Election District, 3rd Councilmanic District.

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ATTENTION: KRISTEN MATTHEWS

Date () Ctober 25, 2004

RE: Case Number 05-189-A

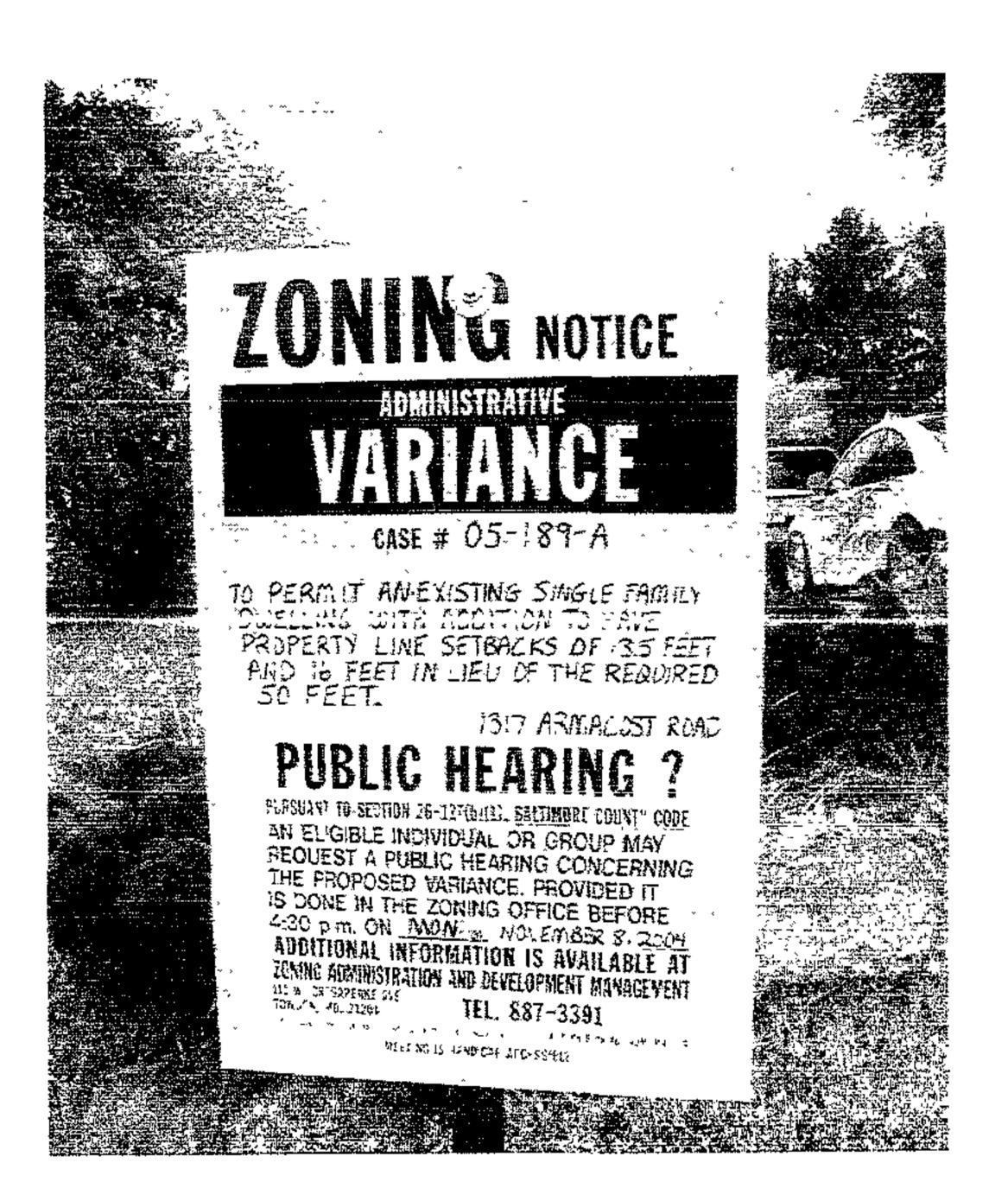
Petitioner/Developer BARBARA + GARY ALBRIGHT / PARAGON CUSTOM HOMES / ETAL.

Date of Hearing/Closing) NOVEMBER 8, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1317 ARMACOST ROAD

The sign(s) were posted on

October 22, 2004



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City. State. Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 139 -A Address 1317 ANMACOST RO
Contact Person: LIOYO T- MOXLEY Phone Number: 410-887-3391
Filing Date: 10/13/04 Posting Date: 10/14/04 Closing Date: 11/8/04
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.
(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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 189 -A Address 1317 A12MACOST RD
etitioner's Name BARBARA GARY TOTAL Telephone
osting Date: 10/24/04 ALBRIGHT Closing Date: 11/8/04
ording for Sign: To Permit AM EXISTING SINGLE FAMILY DINECULIC
-
3.5', 28' AND 16' IN LIEU OF THE REQUIRED 50'.

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.

em Number	or Case Number 05-189-A
etitioner.	ALBRIGHT GARY & BARBANA
ddress or La	ocation. 1317 ARMACOST ROAD, PARICTON MID
	RWARD ADVERTISING BILL TO
LEASE FOR	RWARD ADVERTISING BILL TO PARAGON COSTON HOMES (JETT GENDES)
	$m{\Lambda}$
lame:	PARAGON LUSTOM HOMES (JETT GENDES)
lame:	PARAGON LUSTON HOMES (JETT GENDES) P.O. BOX 409

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

November 8, 2004

Barbara Albright Gary Albright 1317 Armacost Road Parkton, Maryland 21120-9451

Dear Mr. and Mrs. Armacost:

RE: Case Number:05-189-A, 1317 Armacost Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 13, 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 Richall

W.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: db

Enclosures

c: People's Counsel Jeff Geddes Paragon Custom Homes P.O. Box 409 Jarrettsville 21064



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

October 27, 2004

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.: 172, 174, 177, 183-195

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

DATE: November 4, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 1, 2004

Item Nos. 172, 174, 183, 184, 186, 187, 188, 189, 190, 191, 192, and

193

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

RWB:CEN:jrb

cc: File

NOV 3 0 2004

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

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Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

DEPRM

DATE:

November 26, 2004

SUBJECT:

Zoning Item

05-189

Address

1317 Armacost Road

the following comments on the above-referenced zoning item:

Zoning Advisory Committee Meeting of October 25, 2004. The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management offers

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections

14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

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).

Additional Comments:

The well must be a minimum of 30 feet from the proposed dwelling

Reviewer:

Sue Farinetti,

Date: November 29, 2004

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 12, 2004

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) 5-189 - 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

LTM

Maryland Department of Transportation

Date: 11.9.01

Baltimore County

Item No. 189

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.

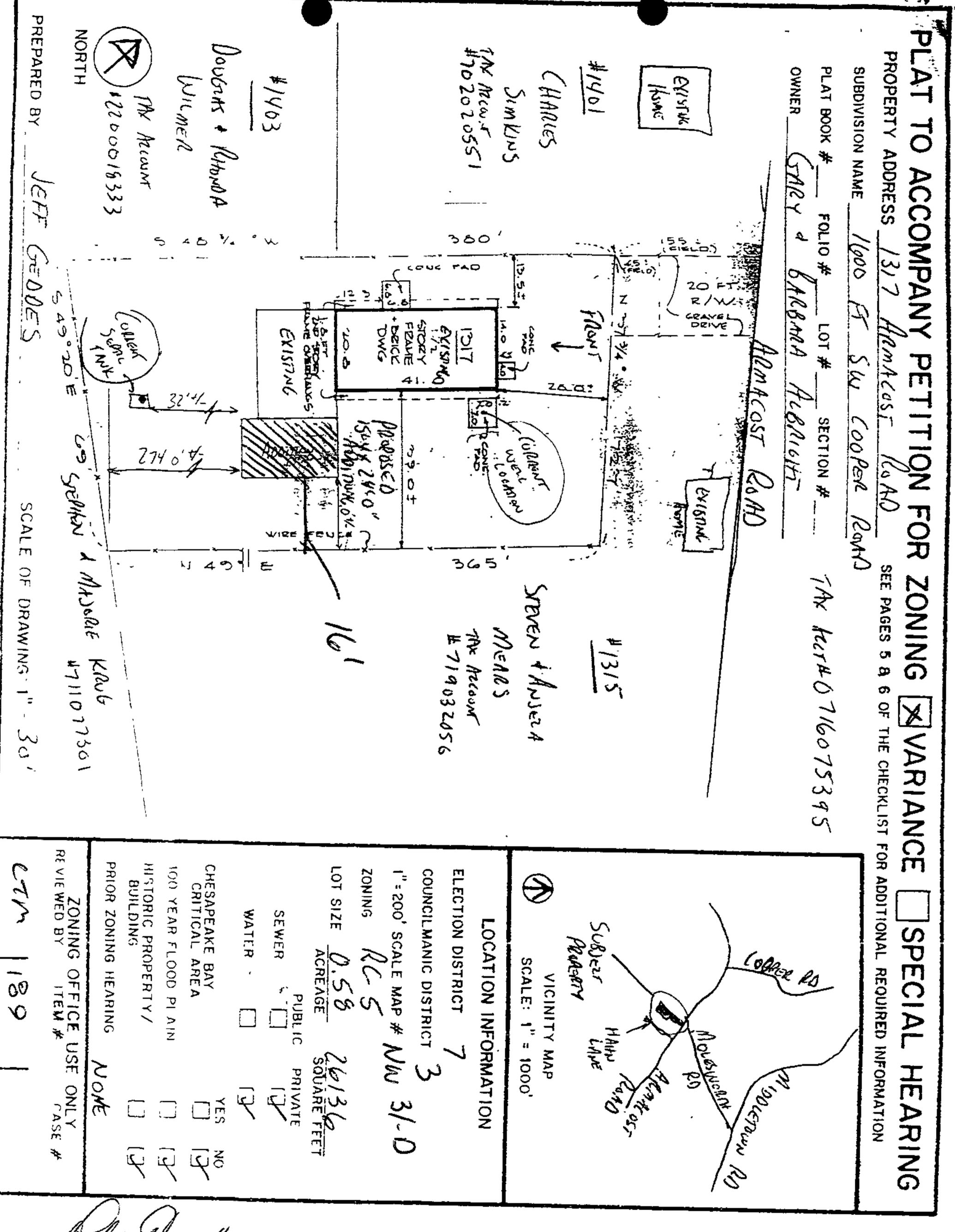
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

4. J. Andh

Engineering Access Permits Division



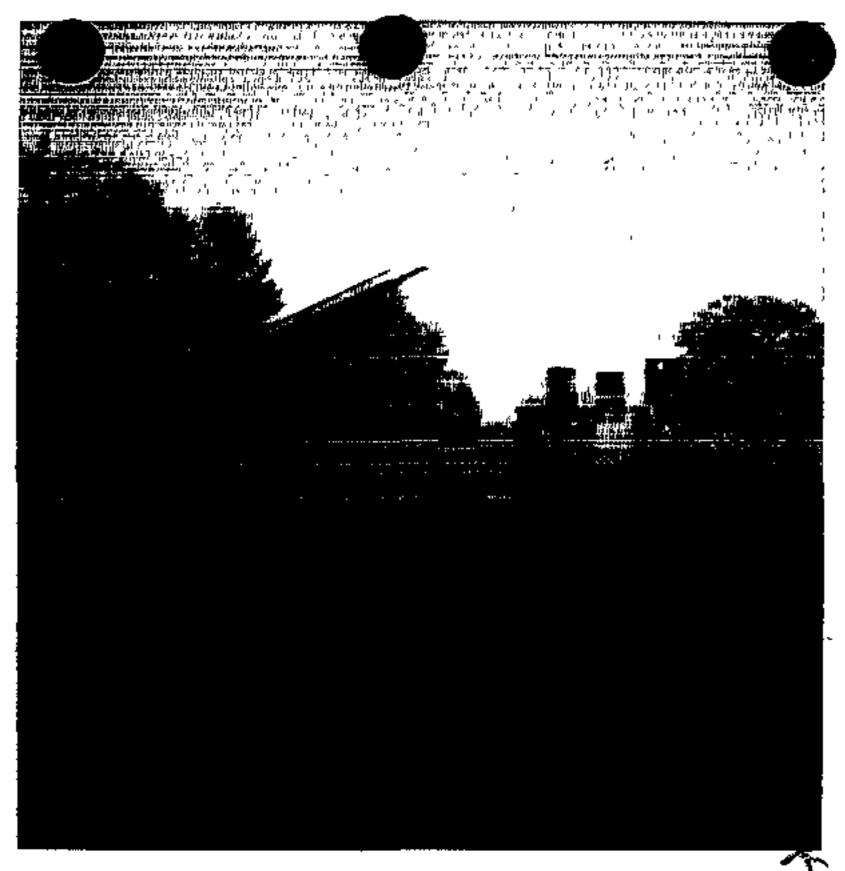
-15-

1317 Minkor #189-- ALBRIGHT-

theste VIEW OF EAST SIDE

N WHERE ADDITION TO DOUBLE 1317 ARMACOST # 189 - ARBRIGHT-

RND HARF OF EAST SIDE ADDITION TO OCCUP ON LETT SIDE \$189 - PRAIGHT-



VIEW OF REAL WALL SOME HEARE 1307 AMMAKOST \$189 ARBINGHT



VIEW OF FRONT SIDE

1317 ARMACOST \$189 - ARBRIGHT -



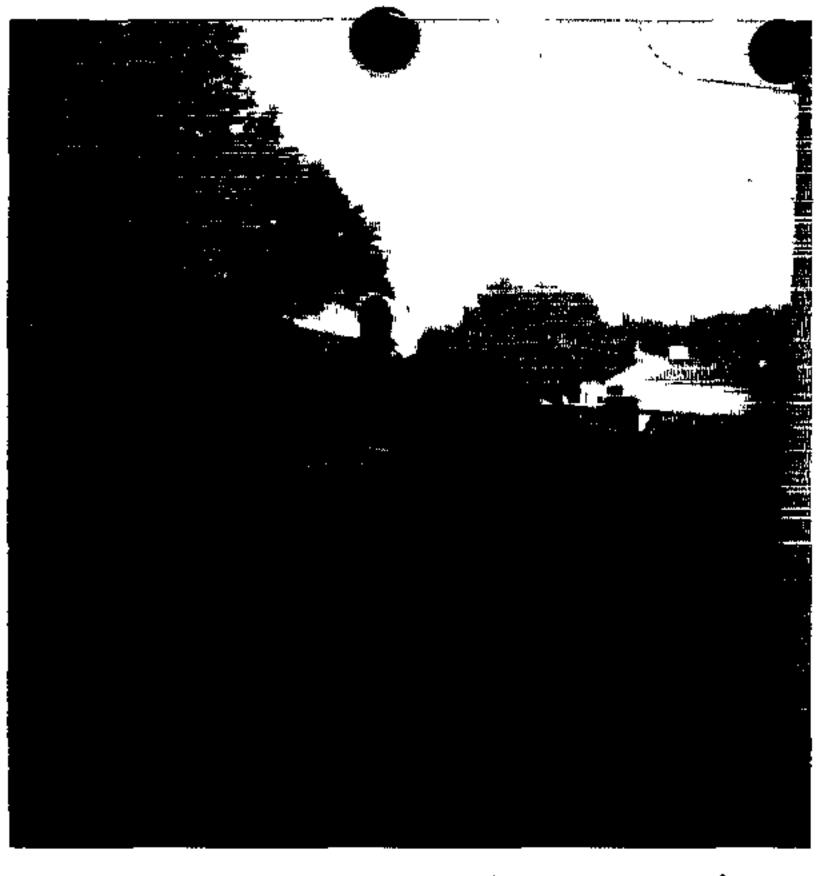
VIEW FROM FRONT WALL

FROM FRONT WALL

1317 ARMEOST #189 ABRIGHT



VION FROM PRÉPOSED ADDITION COCATED - FACIAL EAST 1317. AR. M. NOST #185 ABRIGHT



VIEW FROM PROPOSED ADDIRON LOCATION. FROM NOBTH 1317 ANACOST #169 ALBRIGHT

