IN RE: PETITION FOR ADMIN. VARIANCE N/S of Huntmaster Way, 615 ft. E centerline of Barnstable Court 4th Election District 2nd Councilmanic District

> Tambra & Stewart Hart Petitioners

(3119 Huntmaster Way)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-233-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, Tambra and Stewart Hart. The administrative variance is requested for property located at 3119 Huntmaster Way in the "Valley Hills" subdivision of Baltimore County. The administrative variance request is from Section 1A04.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with a side yard setback of 33 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 December 14, 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*.

"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, off-street 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 _____ day of January, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with a side yard setback of 33 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;

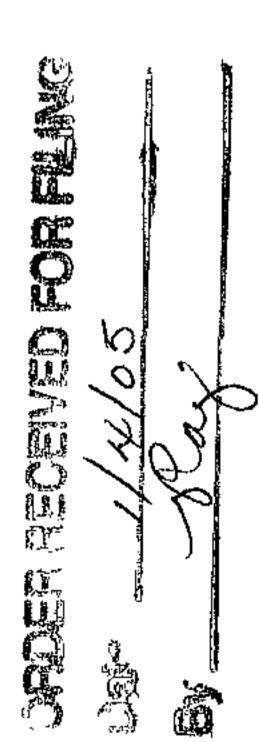
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN 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

January 4, 2005

Mr. & Mrs. Stewart Hart 3119 Huntmaster Way Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 05-233-A Property: 3119 Huntmaster Way

Dear Mr. & Mrs. Hart:

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

John V. Murphy

JVM:raj Enclosure

c: Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson, MD 21286



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



Petitica for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #3119 Hunt mastw Way which is presently zoned PC5

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) 1904.38.2. (BCZR)

TO PERMIT AN ADDITION (GARAGE) WITH A SIDE YARD SETBACK OF 33 FEET IN HEU OF THE REQUIRED 50-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.

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 Signature Signature Address Name - Type or Print Telephone No. City Zip Code State Signature **Attorney For Petitioner:** Address Telephone No Name - Type or Print Zip Code State Representative to be Contacted: Signature <u>C</u>ompany ddres relephone No. Telephone No Address Zip Code **Celty** City State Zip Code State 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

Reviewed By

Estimated Posting Date

Zoning Commissioner of Baltimore County

Date

Affidavitin 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 #31.19 Huntwuster Way
WINGS MNS, MD 2117 City State Zip Code
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):
we recently had an addition to the
family and we need more space.
i ,
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. Tambra L Hard
Signature Signature Signature
Stuart Hart
Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this grand day of 10 very but 1,8001, before me, a Notary Public of the State of Maryland, in and for the County aferesald, personally appeared 34001 before me, a Notary Public of the State of Maryland, in and for the County aferesald, personally appeared 34001 before me, a Notary Public of the State of Maryland, in and for the County aferesald, personally appeared
the Afflant(s) herein, personally known or satisfactorily identified to me as such Afflant(s).
AS WITNESS my hand and Notarial Seat
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Notary Public, State of Maryland Motory Public Motory Public Motory Public
My Commission Expires September 18, 2007 My Commission Expires 9-18-2007

REV 10/25/01

Affidavitin Support of Administrative Variance the papelling of periuty to the Zoning Commissioner of Baltimore County, as that Affiant(s) is/are

The undersigned hereby affirms under the follows: That the information herein given competent to testify thereto in the event that	is within the personal is so	onal knowledge of the scheduled in the future v	Affiant(s) and that with regard thereto.	ore County, as Affiant(s) is/are
That the Affiant(s) does/do presently reside	at #3/19 H	untmuster wa	W)	
••	City	State		Zip Code
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Name - Type or Print	' 	Name - Type or Print	<u> </u>	
STATE OF MARYLAND, COUNTY OF BAL	•	*************		
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the Affiant(s) herein, personally known or sa		to me as such Affiant(s	3.	
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NOTARY NOTARY Notary Public, State of County of Anne Anne Anne Anne Anne Anne Anne Ann	whole Notary		3-18-2007	
REV 10/25/01	111, 001		<u> </u>	<u>, , , , , , , , , , , , , , , , , , , </u>



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #3119 Hunt mastw Way which is presently zoned PC5

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) 1804.38.2. (BCR)

TO PERMIT AN ADDITION (GARAGE) WITH A SIDE YARD SETBACK OF 33-FEET IN LIEU OF THE REQUIRED 50-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.

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 Signature Signature Name - Type or Print Address Telephone No. Zip Code Signature City State Attorney For Petitioner: Telephone No Address Zip Code State Name - Type or Print Representative to be Contacted: Signature Company Telephone No Telephone No. Address <u>\dd</u>ress Zip Code State Zip Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ 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 ___

Estimated Posting Date

Date

ZONING DESCRIPTION FOR #3119 HUNTMASTER WAY

BEGINNING at a point on the north side of Huntmaster Way which is 50 feet wide at the distance of 615 feet east of the centerline of Barnstable Court which is 50 feet wide. Being Lot #39, Section #1 in the subdivision of "Valley Hills" as recorded in Baltimore County Plat Book #37, Folio #26, containing 1.16 ± 1.0 Also known as #3119 Huntmaster Way and located in the 4th Election District, 2nd Councilmanic District.

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Michael V. Moskunas

SITE RITE SURVEYING, INC. 200 East Joppa Road Suite 101 Towson MD 21286

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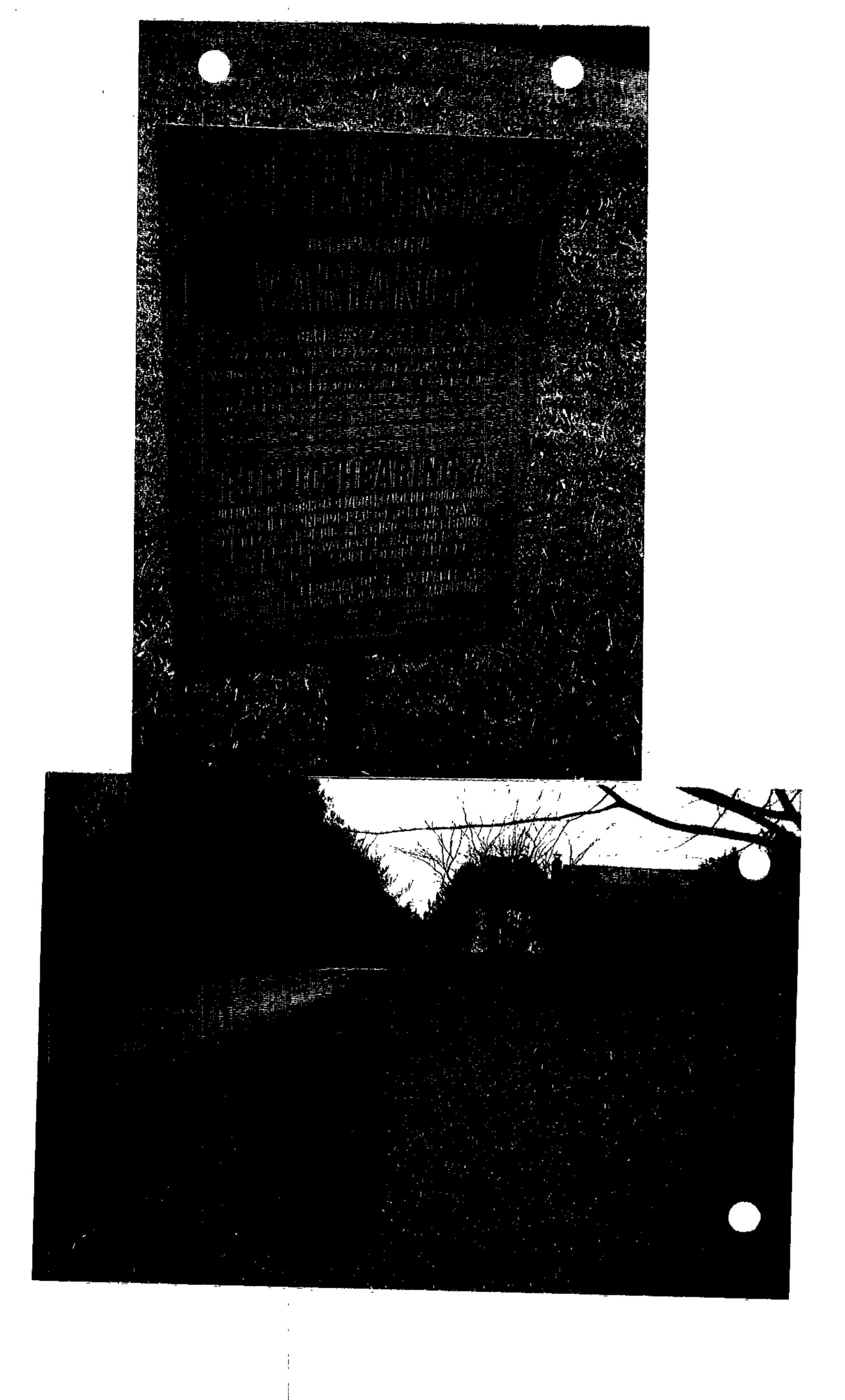
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CERTIFICATE OF POSTING

RE	: Case No.: 05-233-A
	Petitioner/Developer: STUART JART
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Date of Hearing/Closing: DEC. 78, 2004
caltimore County Department of crmits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	
ttention: Becky Hart	
adies and Gentlemen: This letter is to certify under the	penalties of perjury that the necessary sign(s) required by at 3119 NUNTMASTER WAY
	*
he sign(s) were posted on DEC, A	th, Day, Year)
	Sincerely, Signature of Sign Poster and Date)
	CARLANDE, Woons (Printed Name)
	3225 RYERSON CIRCLE (Address)
	PAUT //Y/ORE, MD. 21227 (City, State, Zip Code)
	(Telephone Number)
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 05-	233	-A	Address 311	9 HUNT	MASTER W) _A
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 05-233-A Petitioner: Stwart Hawt
Address or Location: 319 Hunt Muster Way
PLEASE FORWARD ADVERTISING BILL TO: Name: Stumt Hawt
Address: 3119 Hunt master Way
Owings MMs, MD 2111+
Telephone Number: (46) 363-4163

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

December 6, 2004

Stuart Hart Tambra Hart 3119 Huntmaster Way Owings Mills, Maryland 21117

Dear Mr. and Mrs. Hart:

RE: Case Number: 05-233-A, 3119 Huntmaster Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 8, 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. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

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



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

November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.:

227-241, 243, 245-249

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: December 7, 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 29, 2004

Item Nos. 227, 228, 229, 230, 231, 232, 233, 234, 237, 238, 239, 240, 241, 242,

243, 244, 246, and 248

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

PDM

FROM:

John D. Oltman, Jr Too

DEPRM

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

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

05-227 05-229

05-230

05-232

05-234

05-235

05 255

05-238 05-239

05-240

05-241

05-242

05-243

05-244

05-245

05-246

05-247

05-248

Reviewers: Sue Farin

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

Zoning Advisory Petition(s): Case(s) 5-232, 5-233, and 5-248

DATE: November 19, 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.

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:

11.22.04

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

RE:

Baltimore County
Item No. 233

DT

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).

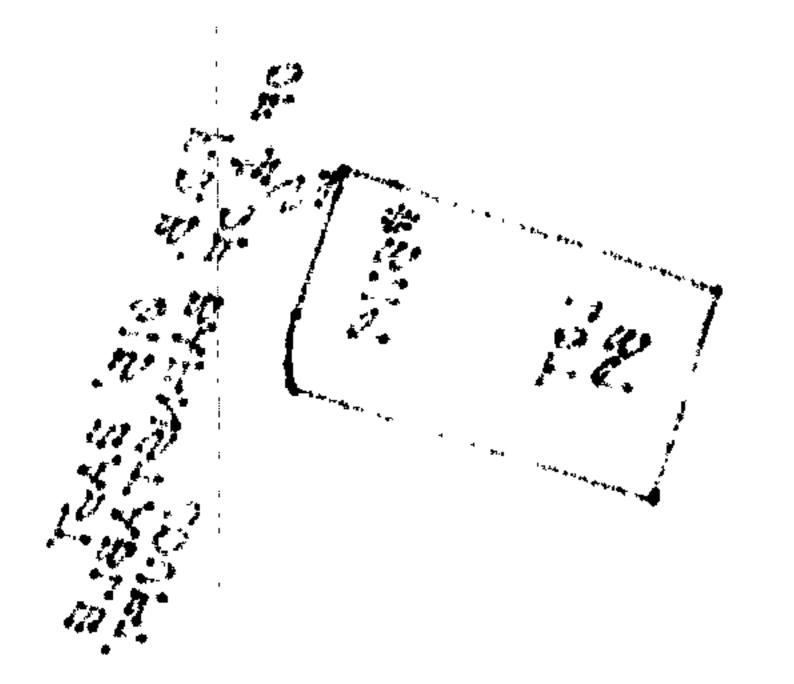
Very truly yours,

Steven D. Foster, Chief

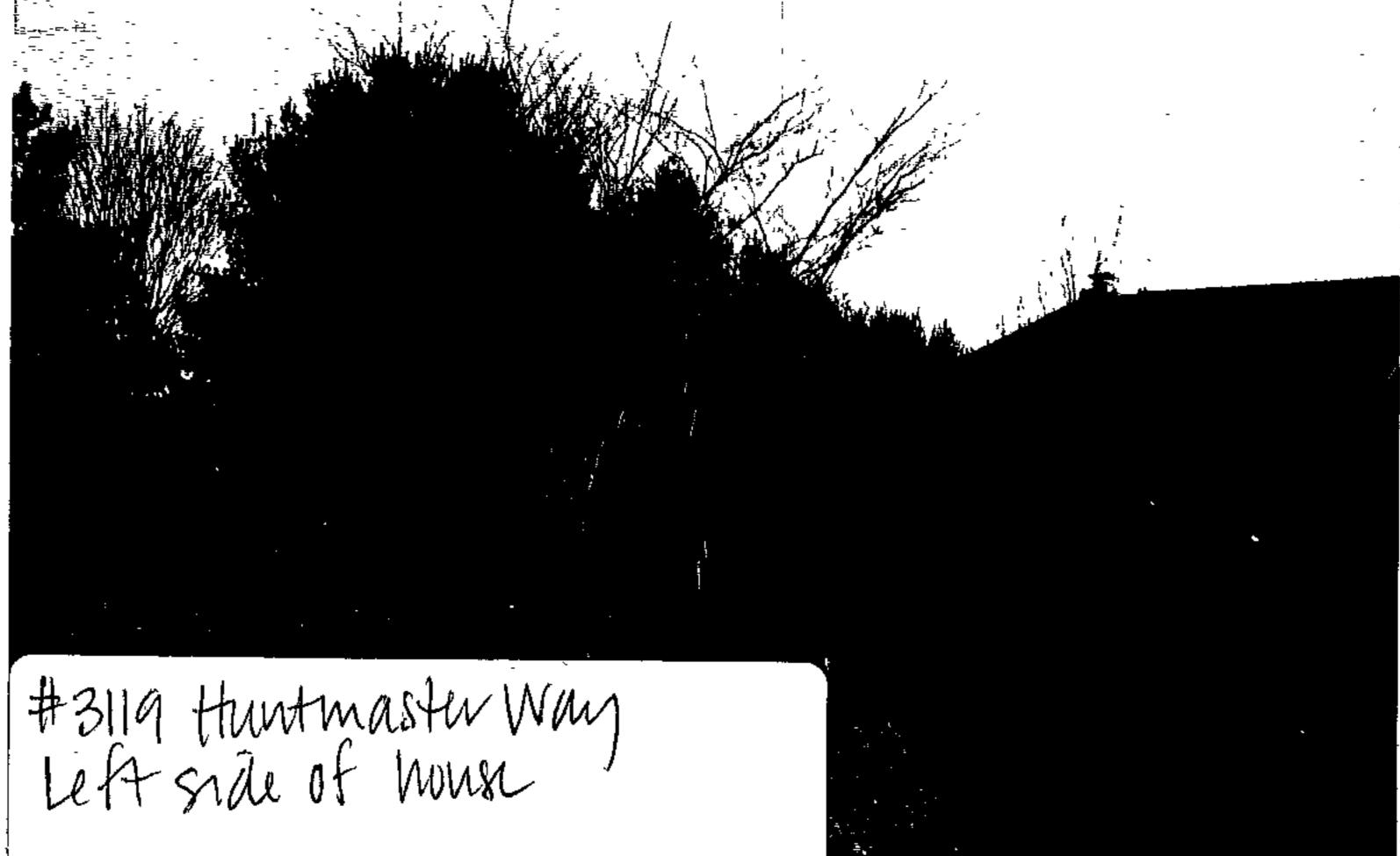
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Engineering Access Permits Division

05-233-A

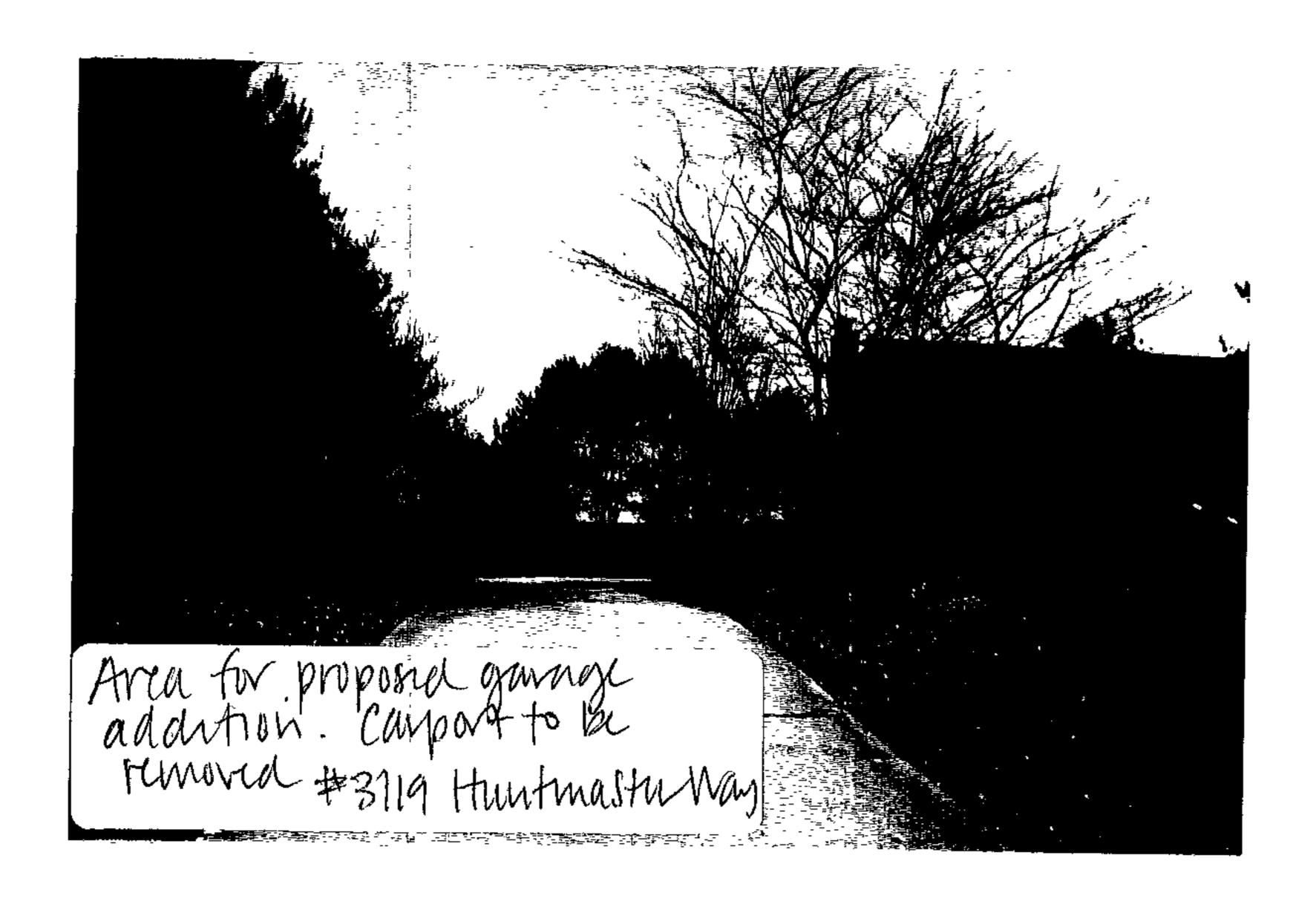


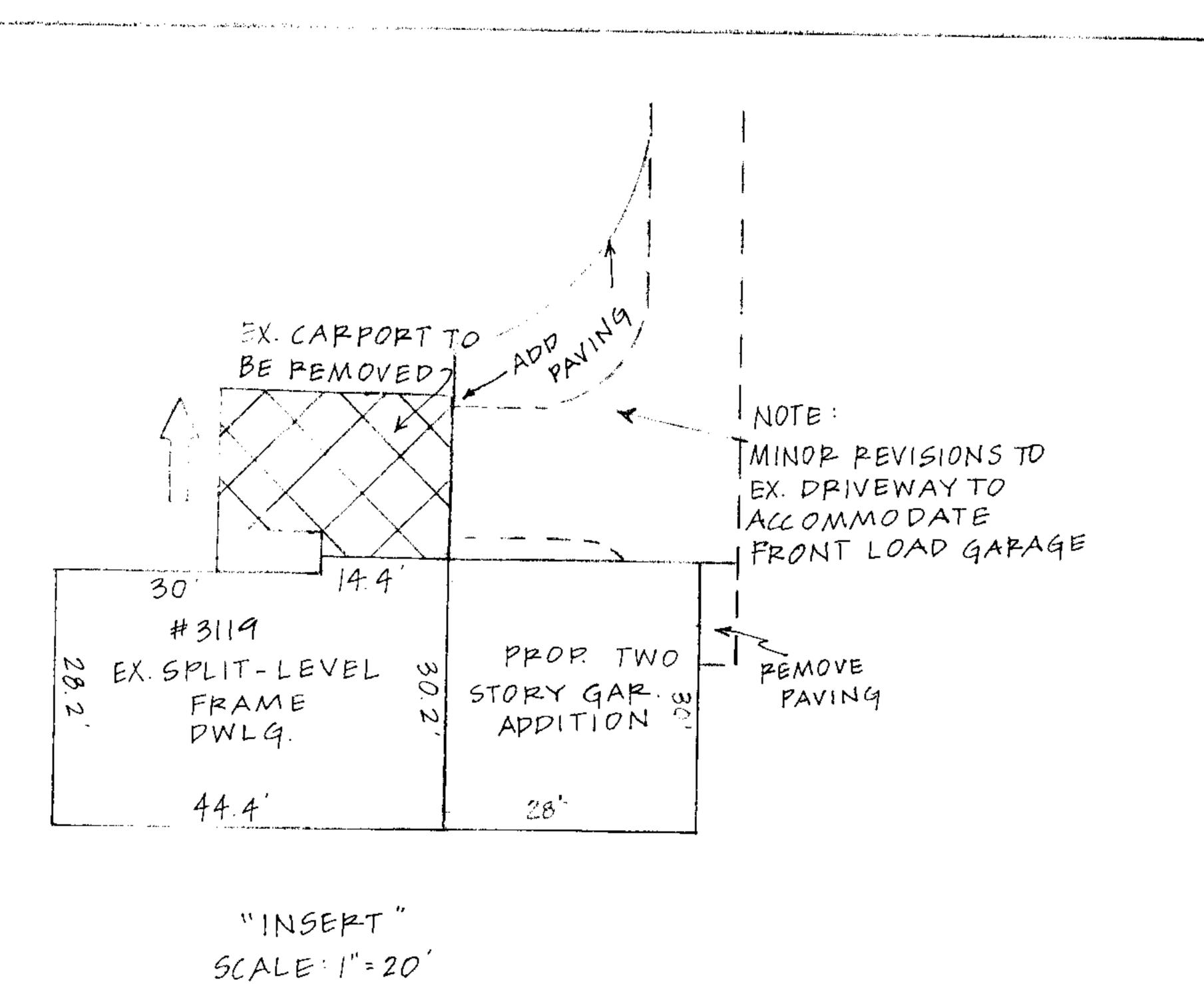












HUNTMASTER

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GENERAL NOTES:

1. EXISTING ZONING: R.C. 5

2. 200' SCALE MAP: N.W.15G

3. LOT AREA: 1.16 AC.+/- OR 50,529 S.F.+/-

4. PRIVATE WATER AND SEWER

5. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
6. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 240010 0210B ZONE: C

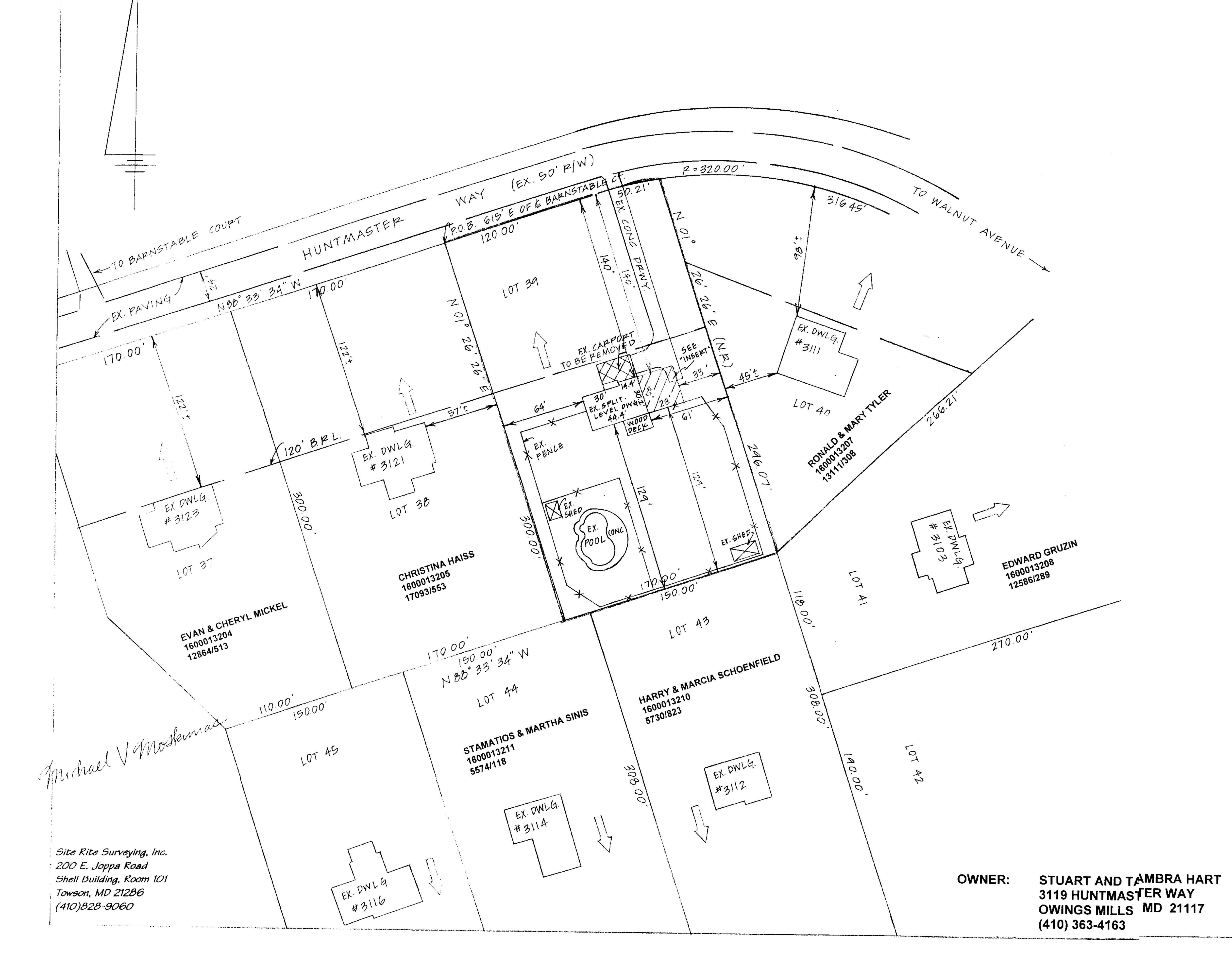
7. NOT LOCATED IN HISTORIC AREA

8. NO PRIOR ZONING HEARING

9. LOT OF RECORD ON PLAT DATED JULY 26, 1973 10.EXISTING USE: SINGLE FAMILY DWELLING

PROPOSED USE: SINGLE FAMILY DWELLING WITH

PROPOSED GARAGE ADDITION



7,2

PLAN TO ACCOMPANY ADMINISTRATIVE VARIANCE #3119 HUNTMASTER WAY

LOT 39

"VALLEY HILLS" 37/26

TAX ACCT. #1600013206

TAX MAP: 49 GRID: 17 PARCEL: 261

DEED REFERENCE: 15154/720

ELECTION DISTRICT #4

COUNCILMANIC DISTRICT #2

BALTIMORE COUNTY #4D

BALTIMORE COUNTY, MD SCALE: 1" = 50' NOVEMBER 8, 2004

()5-533