IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Barroll Road, 540 ft. N centerline of Hollins Lane 9th Election District 2nd Councilmanic District (6137 Barroll Road)

Sorrell M. & Michael A. King Petitioners

BEFORE THE

*DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-251-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, Sorrell M. and Michael A. King. The administrative variance is requested for property located at 6137 Barroll Road in the western area of Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to be located in the side yard and with a height of 25 ft. in lieu of the required rear yard and maximum allowed 15 ft. respectively. 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 November 28, 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

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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 16 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 400.1 and 400.3 of the Bultimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to be located in the side yard and with a height of 25 ft. in lieu of the required rear yard and maximum allowed 15 ft. respectively, 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;
- 2. The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment. There shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure. In addition, the accessory structure shall not be used for commercial purposes;
- 3. When applying for a building permit, the site plan field 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

WERRENT FOR FILING.

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

December 16, 2004

Mr. & Mrs. Michael A. King 6137 Barroll Road Baltimore, Maryland 21209-2201

Re: Petition for Administrative Variance Case No. 05-251-A
Property: 6137 Barroll Road

Dear Mr. & Mrs. King:

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: Mr. Henry Warfield
P. O. Box 76
Butler, MD 21023-0076



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 637 BARROLL ROAD which is presently zoned DR-1

	owner(s) of the property situate in Baltimore County and wand made a part hereof, hereby petition for a Variance from	its and Development Management. The undersigned, legal thich is described in the description and plat attached hereto Section(s)
	To allow an accession	y structure (detached garage)
Se	be loopfed in the side	Yand & with aheight of 25 At
10	lieu of the required ne	as yand & maximum allowed
15	of the zoning regulations of Baltimore County, to the zonin back of this petition form.	g law of Baltimore County, for the reasons indicated on the
	Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, por regulations and restrictions of Baltimore County adopted pursuant	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:	<u>Legal Owner(s):</u>
	Name - Type or Print Nam	MICHAEL ANTHONY KING Ne - Type or Print
		「フリンオ」 「二
	Signature	Signature SORREL M. KING
	Address Telephone No.	Name - Type or Print
	City State Zip Code	Signature
	Attorney For Petitioner:	G137 BAPPOLL POAD 410.823.705 Address Telephone No
	Name - Type or Print City	BALTO. MD 2/209-2201 State Zip Code
		Representative to be Contacted:
	Signature	HENRY WARFIELD
	Company	Name
7 Ph	Address Telephone No	P.O. Box 76 410.472.4048 Address Telephone No
	City State Zip Code	City But UE/2 Mb 2 023 - 0076
置	■ COV (II) that the publicat matter of this politi	equired, It is ordered by the Zoning Commissioner of Baltimore County, this
Ď.	of Baltimore County and that the property be reposted.	ion be set for a public hearing, advertised, as required by the zoning regulations
	2 3P	7 Company Company of Dalkinian Company
\mathbf{z}		Zoning Commissioner of Baltimore County
8	1910 05-25/4 Reviewed By	Date 12-16-04
Æ	R1 9/19/38 Estin	nated Posting Date
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10/13

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	6131 BAPTULL	- POAD	
Addre	BALTIMOPE	MARYLAND	2/209-2201
		State	Zip Code
That based upon personal knowledge, the following a Variance at the above address (indicate hardship or p	are the facts upon which bractical difficulty)	I/we base the reques	t for an Administrative
Request permission not to build a Breezeway to constructed Garage. Building Permit B553937 May 2004. The Garage contains space for two second floor. The 25' high Garage is unheated a sattached to an exterior wall. During construct ain and driveway runoff in an "inside corner" runouse. Due to the topography, yard drains run to property to discharge. By deleting the Breezew drain the "inside corner" in a diffuse way that we prevent flooding of the basement. It also became the separating the Garage and Entry Court from the provide additional to the Affiant(s) acknowledge(s) that if a formal deductioning fee and may be required to provide additional deductioning fee and may be required to provide additional to the	for construction of the cars and garden equipand has no interior partion it became appared esulting in flooding it towars the ay and its foundation will not impact the new apparent that the particle apparent that the particle apparent that the particle also increase also also increase also also increase also also also also also also also also	pment and has an ex- lumbing, though a sent the Breezeway for a the basement/crave e east) would have to a broad swale can be a broad swale can be lighboring property a hysical barrier the E kes it more difficult perceived mass of the	zeway was granted in tercise room on a mall outdoor shower oundation blocks of the to enter a neighbor's be created that will and which should to access and store he house.
	nal information.	·	
Signature Care	Signature	e k	
MICHAEL ANTHONY KIHG	-	SORREL M.	KING
lame - Type or Print	Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIMORE,	to wit		
HEREBY CERTIFY, this 12 day of 100 state of Maryland, in and for the County aforesaid, per	sonally appeared	2004, before me, a	
ne Affiant(s) herein, personally known of satisfactorily aw that the matters and facts hereinabove set forth are	Socrel M.	King	
ne Affiant(s) herein, personally known of satisfactorily aw that the matters and facts hereinabove set forth are	identified to me as suce true and correct to the	h Affiant(s), and made best of his/her/their kn	oath in due form of owledge and belief

AS WITNESS my hand and Notarial Seal

1 1 1 1 1

Date Noulmber 12, 2004

Notary Public

My Commission Expires

NOTARY PUBLIC STATE OF MARYLAND My Commission Expires August 12, 2007

in

WARFIELD

ARCHITECTS

ZONING DESCRIPTION FOR

6137 BARROLL ROAD, BALTIMORE, MD 21209

Beginning at a point on the EAST side of BARROLL ROAD which is 20 FEET wide at the distance of 540 FEET NORTH of the centerline of the nearest improved intersecting street HOLLINS LANE.

As recorded in Deed Liber SM 12963, Folio 379:

N.56	24' 00" E	87.95'
N.61	09' 00" E	105.50'
N.78	27' 55" E	77.52'
N.09	57' 53" E	56.80'
N.06	52' 00" E	579.67
N.85	42° 30" W	32.47
N.09	26' 53" E	107.83
N.86	25' 00" E	221.38'
S.10	50' 00" W	311.16'
N.60	57' 00" W	70.20'
N.15	00' 40" E	437.15'
N.80	30' 00" E	136.39'
S.09	30' 00" E	195.23
N.80	30' 00" E	215.82'
N.12	45' 00" W	213.54'
N.78	00' 00" E	214.00'
N.78	00' 00" W	42.30'
S.01	48' 20" E	237.40'
S.05	53' 15" E	100.00'
S.14	29' 15" E	134.57
N.14	24' 00" W	59.25

Also known as 6137 BARROLL ROAD and located in the 9th Election District,

BALTIMORE COUNTY. N OFFICE OF BUDGET & FINAL MISCELLANEOUS RECE	AARYLAND NCE IPT	/ A No	是民族的政治的政治的政治	
DATE // / A DATE	ACCOUNT ACCOUN			
RECEIVED / A JACK THOM:				SASTADICAL PROPERTY DESCRIPTION OF THE PROPERTY OF THE PROPERT
DISTRIBUTION WHITE CASHIER PINK & AGENC	YELLOW CUSTO	MEA		CASHIER'S VALID

CENTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date December 1, 2004

Case Number 05-251-A

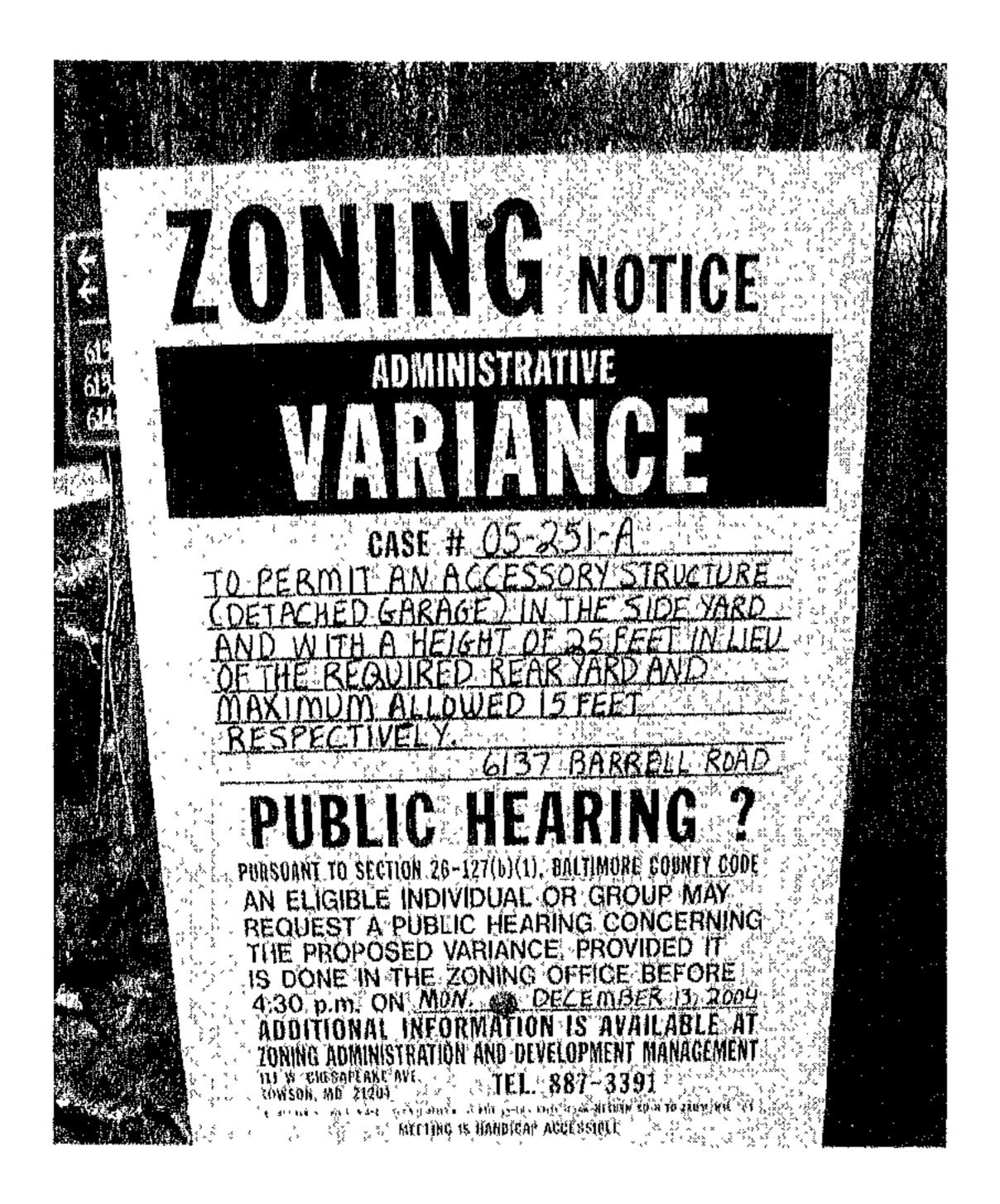
Petitioner/Developer MICHAELA. KING/HENRY WARFIELD

Date of Hearing/Closing) December 13, 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 6137 Barrell 100

The sign(s) were posted on

November 28, 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)

DEC - 3 7004

And the state of t

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 25/ -A Address 6137 Barnoll Rd				
Contact Person: Tohn Sulf Jan Planner, Please Print Your Name Phone Number: 410-887-3391				
Filing Date: 11-16-04 Posting Date: 11-28-04 Closing Date: 12-13-0				
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- 25/ -A. Address 6137 Barroll Rd				
Petitioner's Name Michael A. King Telephone 410-823 -7056				
Posting Date: 1/-28-04 Closing Date: 12-13-04				
Nording for Sign: To Permit an accessiony 5thurtune detached Conse In				
the side yand & with a height of 25 thein lieb of the				
the side yand & with a height of 25 ft. in lieb of the				

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.

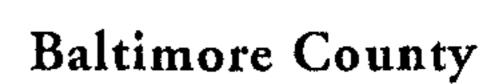
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	-		
Item Number or Case Number	05-25/-12	······································	
Petitioner.		······································	
Address or Location:	- -	<u> </u>	,
PLEASE FORWARD ADVERTISING & Name. Howry War-fice Address Por Boy 76			
Butler May	21023-00	76	
Telephone Number: 410 - 47	12-4048		

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 13, 2004

Michael Anthony King Sorrel M. King 6137 Barroll Road Baltimore, Maryland 21209-2201

Dear Mr. and Mrs. King:

RE: Case Number: 05-251-A, 6137 Barroll Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 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. Callibald

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Henry Warfield P.O. Box 76 Butler 21023-0076



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 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 29, 2004

Item No.:

251, 253, 255-266

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



Robert L. Ehrlich, Jr., Governor | Michael S. Steele, Lt. Governor

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

Maryland Department of Transportation

Date: 11.26.04

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

RE: Baltimore County

Item No. 251

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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

1. J. Heel

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

RECEIVED

FROM:

John D. Oltman, Jr Jos

DEPRM

DEC 1 0 2004

DATE:

December 10, 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 29, 2004.

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

05-251

05-253

05-255

05-256

05-259

05-261

05-263

05-264

05-265

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DEC 2 2004

WING CUMINISSIONER

DATE: December 1, 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) 5-258 and 5-260

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 9, 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 December 6, 2004

Item Nos (251), 253, 255, 256, 257, 258, 259, 260, 261, 263, 264, 265,

and 266

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

RWB:CEN:jrb

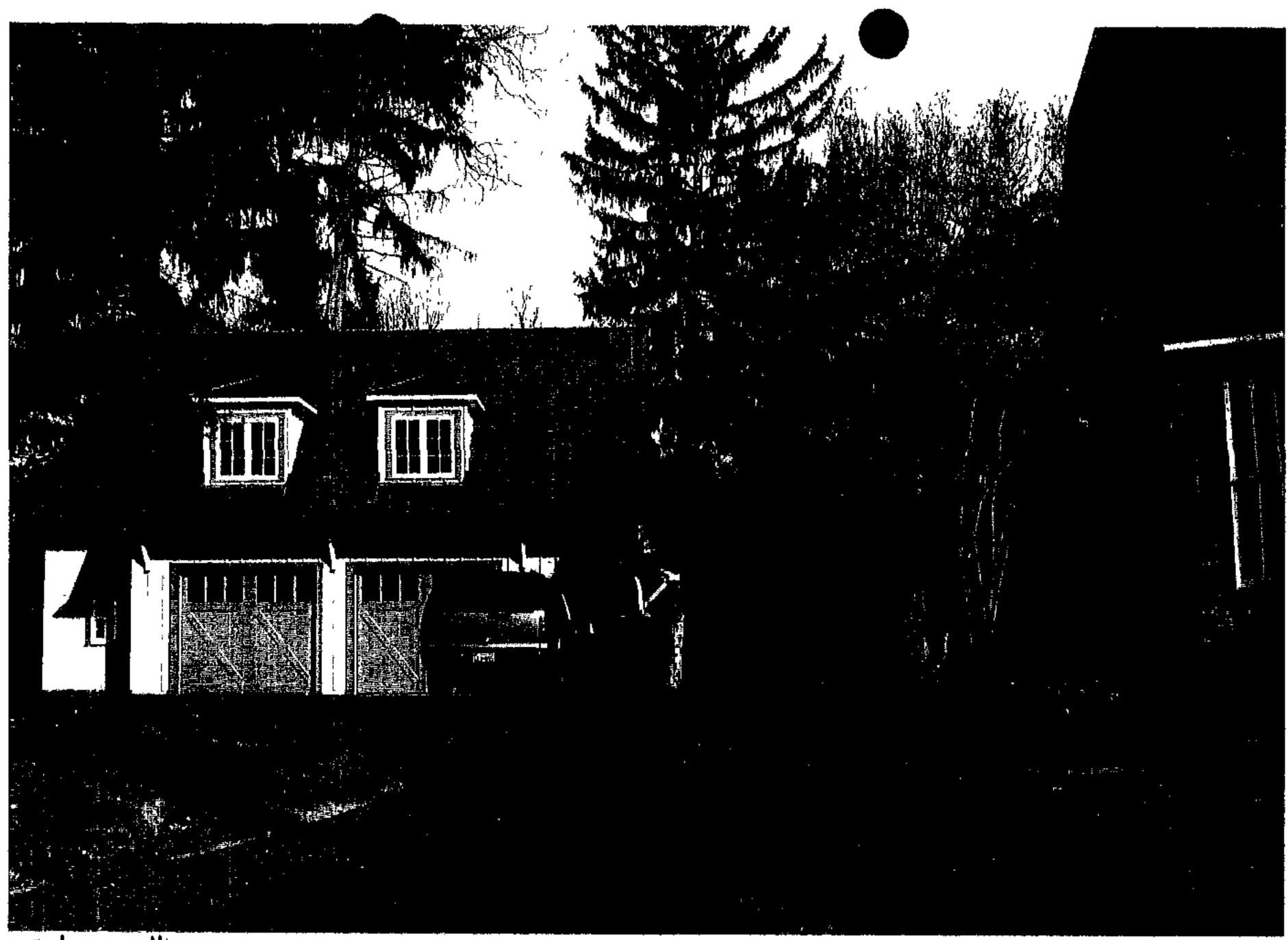
cc: File





251

PHOTO #2



PHOTO#3



PHOTO#4

251

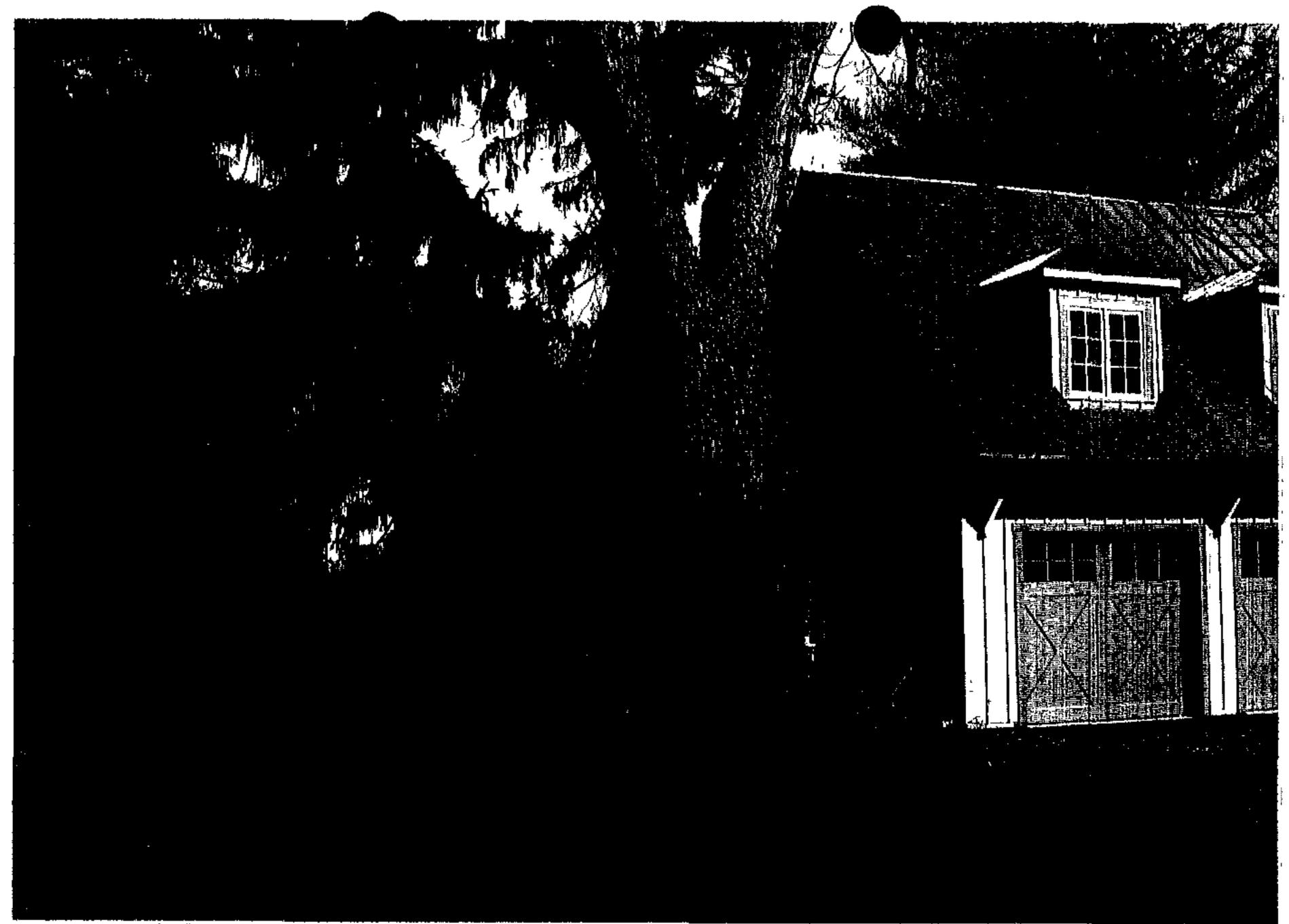


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PHOTO #6

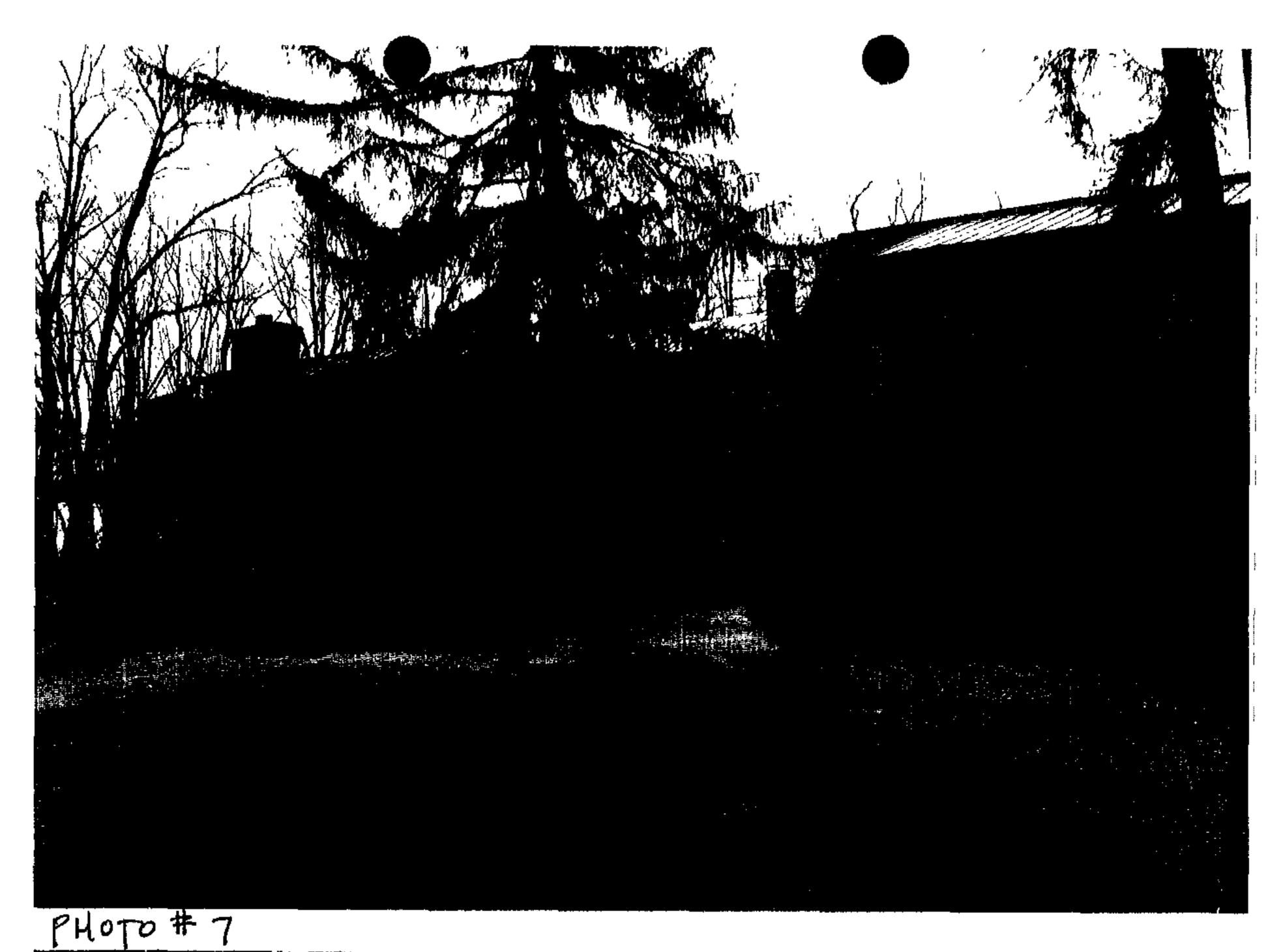


PHOTO #8

25

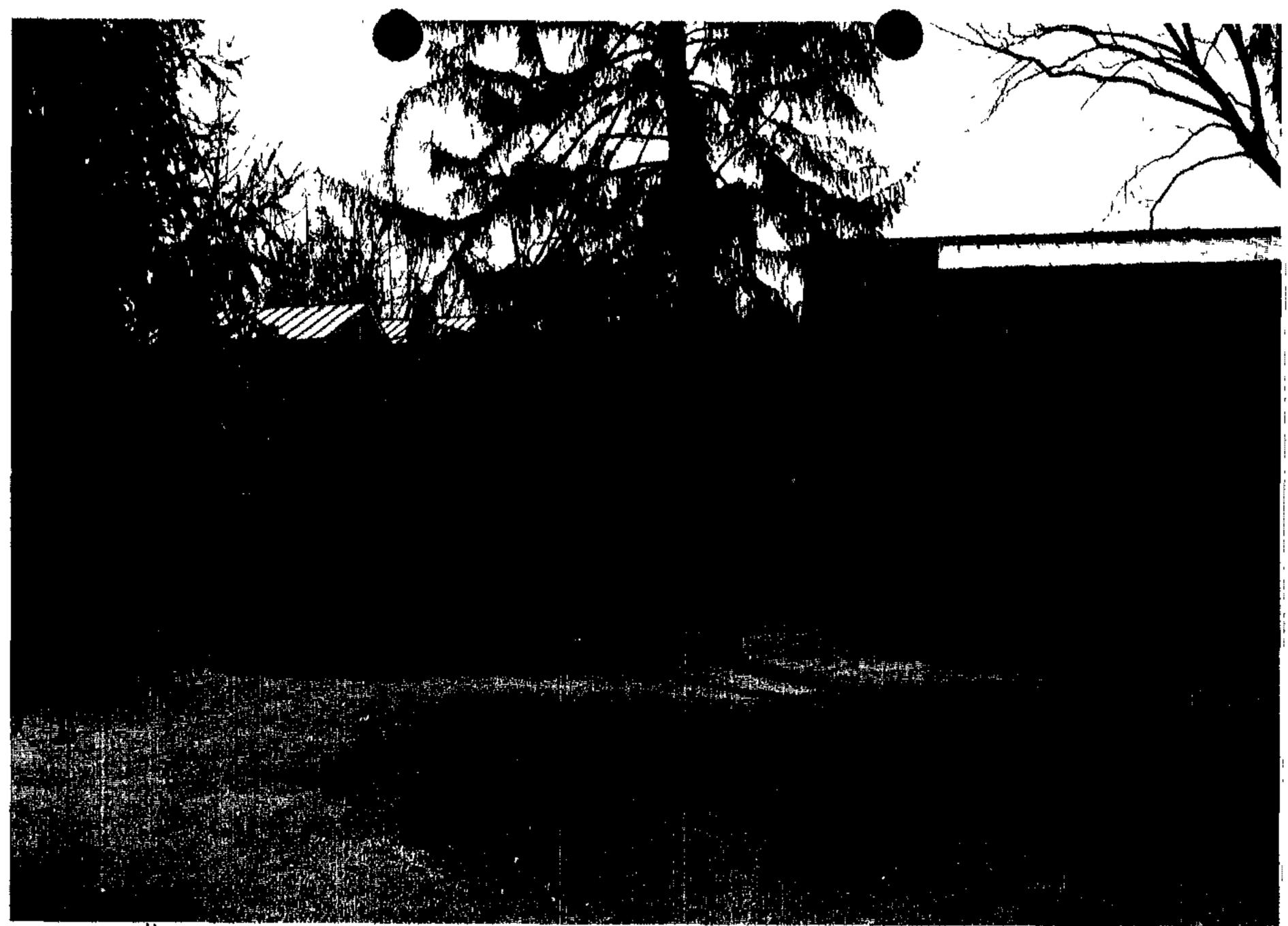
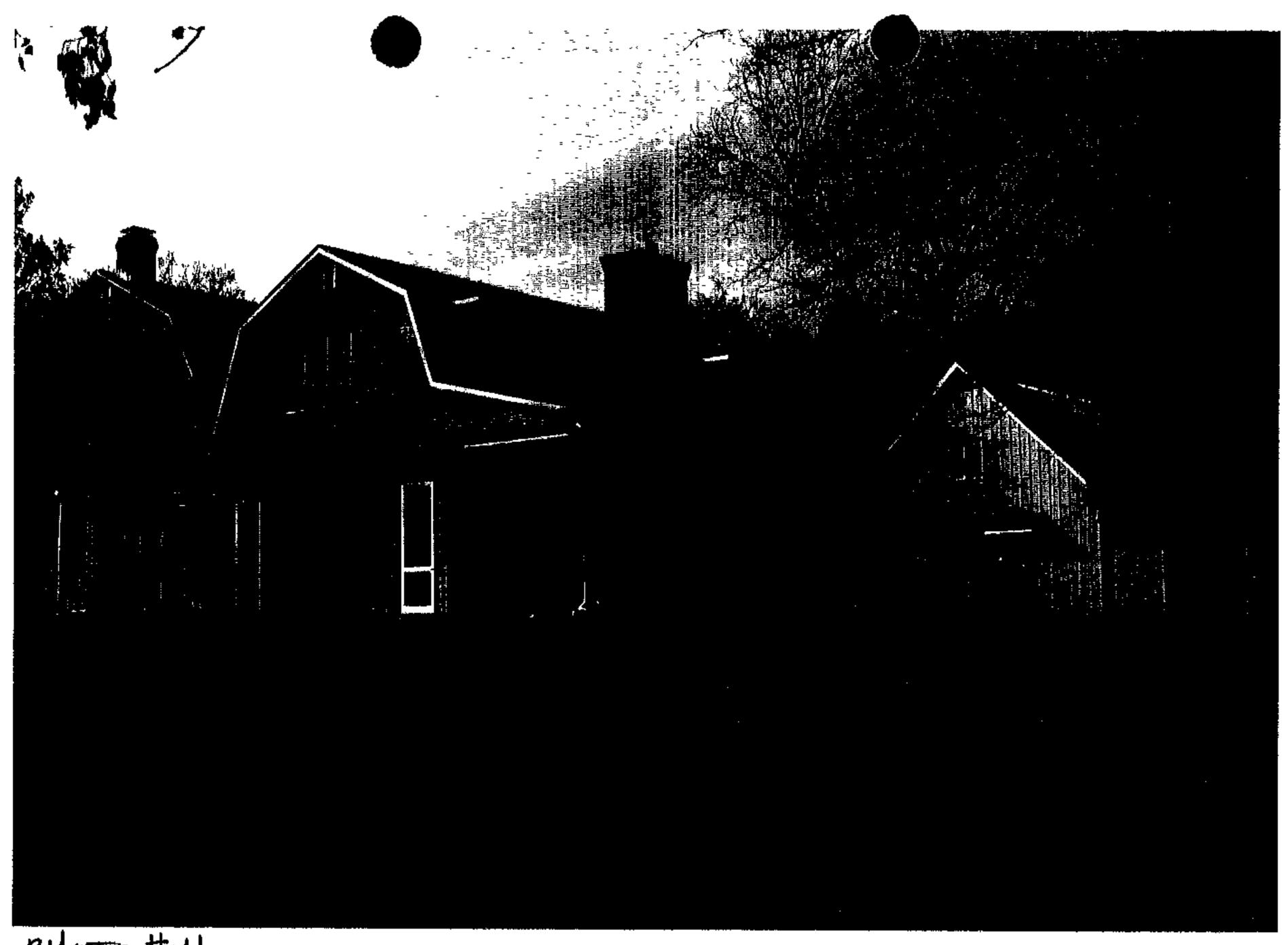
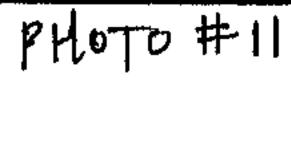


PHOTO #9



PHOTO #10





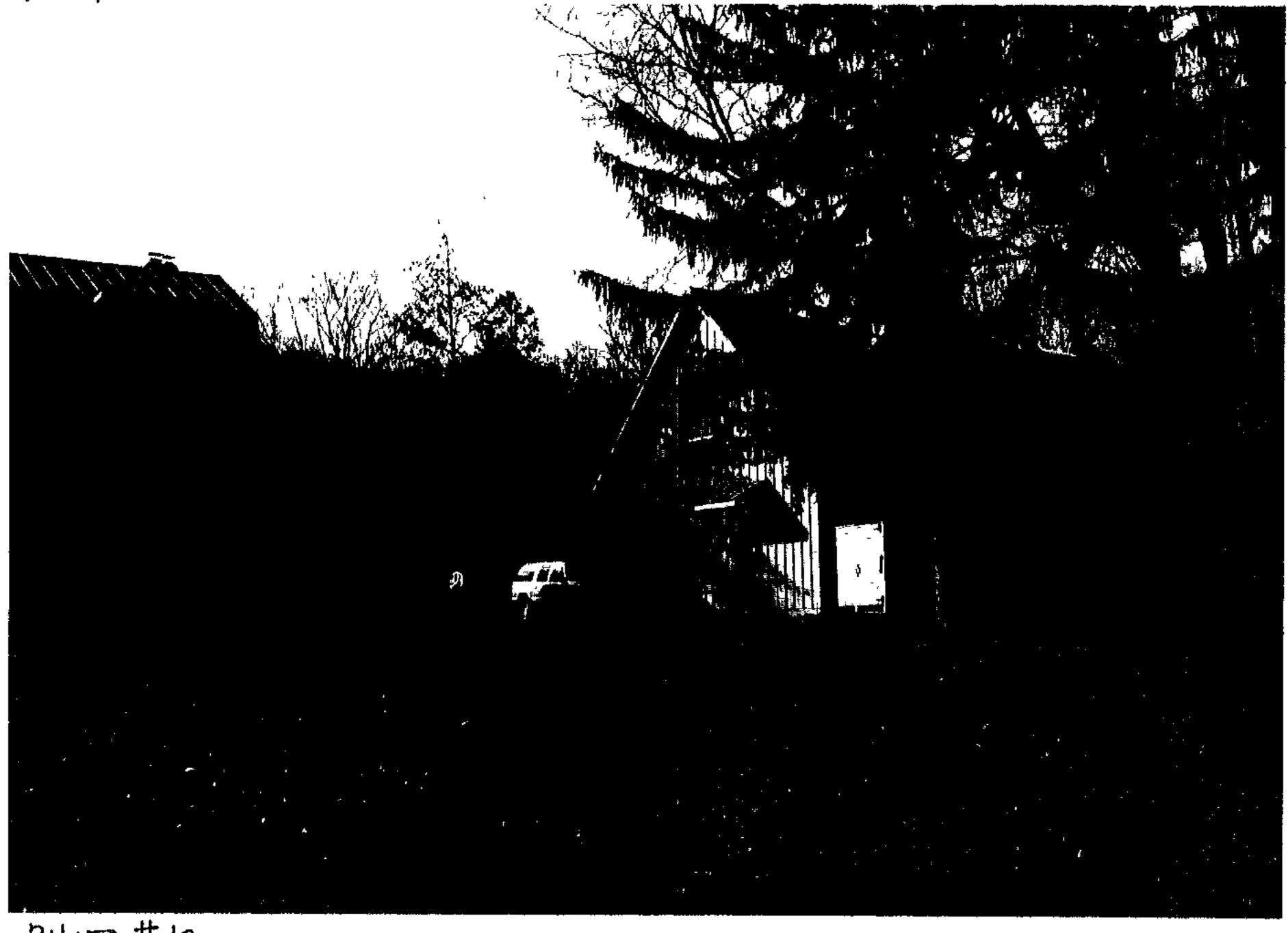


PHOTO # 12

