ADER RECEI

IN RE: PETITION FOR ADMIN. VARIANCE N/S Patrick's Court, 750 ft. W centerline of Foreston Road 5th Election District 3rd Councilmanic District (4 Patrick's Court)

> Diane & C. Brooks Dei Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-260-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, Diane and C. Brooks Dei. The administrative variance is requested for property located at 4 Patrick's Court in the Parkton area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to have a height of 23 ft. in lieu of the required 15 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 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 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 6 day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to have a height of 23 ft. in lieu of the required 15 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;

SECTION OF THE SECTIO

- 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.

OMN 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

December 16, 2004

Mr. & Mrs. C. Brooks Dei 4 Patrick's Court Parkton, Maryland 21120

> Re: Petition for Administrative Variance Case No. 05-260-A Property: 4 Patrick's Court

Dear Mr. & Mrs. Dei:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

For Alba management	PARKTS!
ior the property	located at # PATRICK'S CT. MD 21/2 which is presently zoned RC4
47°6.1. Ph. 4242	WARKER TO Proceed Addition // C. 7
owner(s) of the property situate in Baltimore County and when made a part hereof, hereby petition for a Variance from Section	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and ction(s)
TO PENMIT A DETACHED	ACCESSORT STRUCTURE
(GARAGE) TO MAVE A HEIGH	TOF 23' IN LIEU OF
THE REQUIRED 15'	
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the l, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuant	Meting ato and further garge to and are to be beingeded by the median
	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):
lame - Type or Print	Name - Type or Printy
Signature	Signature Man
ddress Telephone No.	Name - Type or Print
State Zip Code	Signature
Attorney For Petitioner:	4/0-638933 Address Telephone No.
larne - Type or Print	City State Zip Code
ignature	Representative to be Contacted:
ompany	Name BROOKS Dei
idres Telephone No.	Address PATRICKIS OF 410-63893 Telephone No.
ity State Zip Code	City ARKTON MD. 21120 State Zip Code
Public Hearing having been formally demanded and/or found to be day of	e required. It is ordered by the Zoning Commissioner of Baltimore County
egulations of Baltimore County and that the property be reposted.	this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 05-260-A Re	viewed By 672 Date 1/18/04
REV 10/25/01	timated Posting Date 11/28/04

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.

That the Affiant(s) does/do presently res		PATRICK	15 OT	
- -	Address	ARKTON	State .	2//27 Zip Code
That based upon personal knowledge, to Variance at the above address (indicate	he following are the hardship or practice	facts upon which I/o		•
We are requesting an ad maximum height restriction (by 8 the main house. The height variate with the existing dwelling (see pieus well as providing a needed see the overall appearance of the property-due to the non-conformity. The front of the detached existing home (see side view of hein needing additional fill, stone and will bring the structure too classes.	icture # 1 and attached to be situated in ordicture # 1 and attached conditions the storage space perty and would negated a garage will be approposed asphalt, creating and destroy the root system.	n a parallel in front of the to maintain a roof lift drawings of existing a ce. Restricting the heigh tively impact the current ture. Eximately 2' in front of wing further back on the undue financial hards stem of the naturalized.	the existing rear foundatine and pitch that conformally proposed roofline pitch that to 15' would detract for and future value of the hip. Additionally, setting the hip. Additionally, setting	ion of ms hes), rom of the sult the
That the Affiant(s) acknowledge(s) that advertising fee and may be required to p	if a formal deman	nd is filed. Affiant(s)	will be required to p	ay a reposting and
Signature BROOKS Name-Type of Print		Signature Name Type or Pri	De.	
STATE OF MARYLAND, COUNTY OF E	·			· Dublic of the State
of Maryland, in and for the County afores the Affiant(s) herein, personally known of				, Fublic of the State
AS WITNESS my hand and Notarial Sea	Not	ary Public Commission Expires		

REV 10/25/01

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.

competent to testify thereto in the event that a p	public hearing is sci	heduled in the future	e with regard thereto.	• •
That the Affiant(s) does/do presently reside at	Address Address	FRICK'S	<u> </u>	<u> </u>
-	City PARI	STON	M ∂ .	2112
That based upon personal knowledge, the followard variance at the above address (indicate hardsh	owing are the facts	upon which i/we be ulty):	_	Žip Code n Administrativ
-	·	- -		
We are requesting an administration (by 8') and to the main house. The height variance is no with the existing dwelling (see picture #	to be situated in a para ecessary in order to m I and attached drawin	allel in front of the exnaintain a roof line an ngs of existing & pro	d pitch that conforms opened roofline pitches).	- :
as well as providing a needed second stor the overall appearance of the property an property-due to the non-conformity of the	ry storage space. Resid would negatively in existing structure.	tricting the height to mpact the current and	15' would detract from future value of the	1 · 3
The front of the detached garage existing home (see side view of house pide in needing additional fill, stone and asphaproposed garage back further could destre	cture # 2). Moving fu alt, creating an undue	orther back on the projection. A	perty line would result additionally, setting the	' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '
and will bring the structure too close to the	he septic location.	-		; ;
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is fi additional informatic	iled, Affiant(s) will	be required to pay a	a reposting and
D. British		Leine	La '	
Signature BROKS Name - Type of Print	·	arne Type or Print	De:	-
		, and type of their		- 1
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:		* *	,
I HEREBY CERTIFY, this 12 / day of 10 / da	יטט\ rsonally appeared	, <u>2004</u> , be	fore me, a Notary Pu	blic of the State
the Affiant(s) herein, personally known or satisfa	•			1
the Affiant(s) herein, personally known or satisfa	ictorily identified to	me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		Mot of		
'1	Notary Pu			· · · · · · · · · · · · · · · · · · ·
•	My Comm	nission Expires	-1-06	- I



Petition for Administrative Variance

for the property located at ______

to the Zoning Commissioner of Baltimore County

which is presently zoned

owner(s) of the property situate in Bal made a part hereof, hereby petition for	المؤملين المستمين والمستمين المستمين	is described in the description and plat attachens)	signed, legal id hereto and
TO PERMIT A O	FTACLIEN	ACCESSONY STRUCTU	
(GARAGE) TO H	AVE A HEI	ant of 23' IN LIEU	0 F
THE REQUIRED	15.		
of the zoning regulations of Baltimore of this petition form.	County, to the zoning la	w of Baltimore County, for the reasons indicated	i on the back
Property is to be posted and advertise i, or we, agree to pay expenses of above regulations and restrictions of Baltimore C	Variance advertising nosi	ling ato and further eared to and has to be bounded	by the zoning
	- ! ! !	I/We do solemnly declare and affirm, under the p	enalties of
•	! ! !	perjury, that I/we are the legal owner(s) of the proise the subject of this Petition.	perty which
Contract Purchaser/Lessee:	1	Legal Owner(s):	,
	i	1 Roser D.	
Name - Type or Print	<u> </u>	Name - Type or Print - Print	 ,
Signature		Signature Man	
	**************************************	DIANE DO.	*
Address	Telephone No.	Name - Type or Print	
City	Zip Code	Signature	
Attorney For Petitioner:	-	HATRICK'S OF 410	0-638933
	1	PARKTON MD.	Telephone No.
Name - Type or Print		City	Zip Code
Signature	· 	Representative to be Contacted:	
	i	P. Brooks De	
Company	i	Name	
Address	Telephone No.	Address MATRICKIS OF	<u>4/カー6 3</u> より elephone No.
City	Zip Code	PARKTON MD.	21120
		City	Zip Code
this day of regulations of Baltimore County and that the pro		equired, it is ordered by the Zoning Commissioner of Bal s petition be set for a public hearing, advertised, as require	timore County, d by the zoning
	i i	Zoning Commissioner of Baltimore County	
CASE NO	- A Revie	wed By LTun Date 11/19	04
REV 10/25/01		ented Poeting Date	۱ مراز

ZONING DESCRIPTION FOR 4 PATRICK'S OT., PARKTON, MD. 21120 BEGINNING AT A POINT ON The NORTH Side of PATRICK'S OT Which 15 50'R/W AT THE DIS-TANCE OF 750' WEST OF THE CENTERUNE OF FORESTON Rd. WHICH IS THE NEAREST IMPROVED RELORDED IN BALTIMORE County Deed LiBER 62, FOLIO # 01, CONTAINING 3,027 AC, ALSO KNOWN AS 4 PATRICK'S CT., PARKTON, MD. 21120 And LOCATED IN The 5th ELECTION DISTRICT, 03 COUNCILMATIC DISTRICT. Metes And Bounds: N 320 30'00'W 432, N7602414'E

77-260

179.91, N7 59 02"W 461.36 And

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R=355.00, A=356.62.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & EINDANCE MISCELLANEOUS RECEIFT				
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date December 1, 2004

RE: Case Number 05-260-A

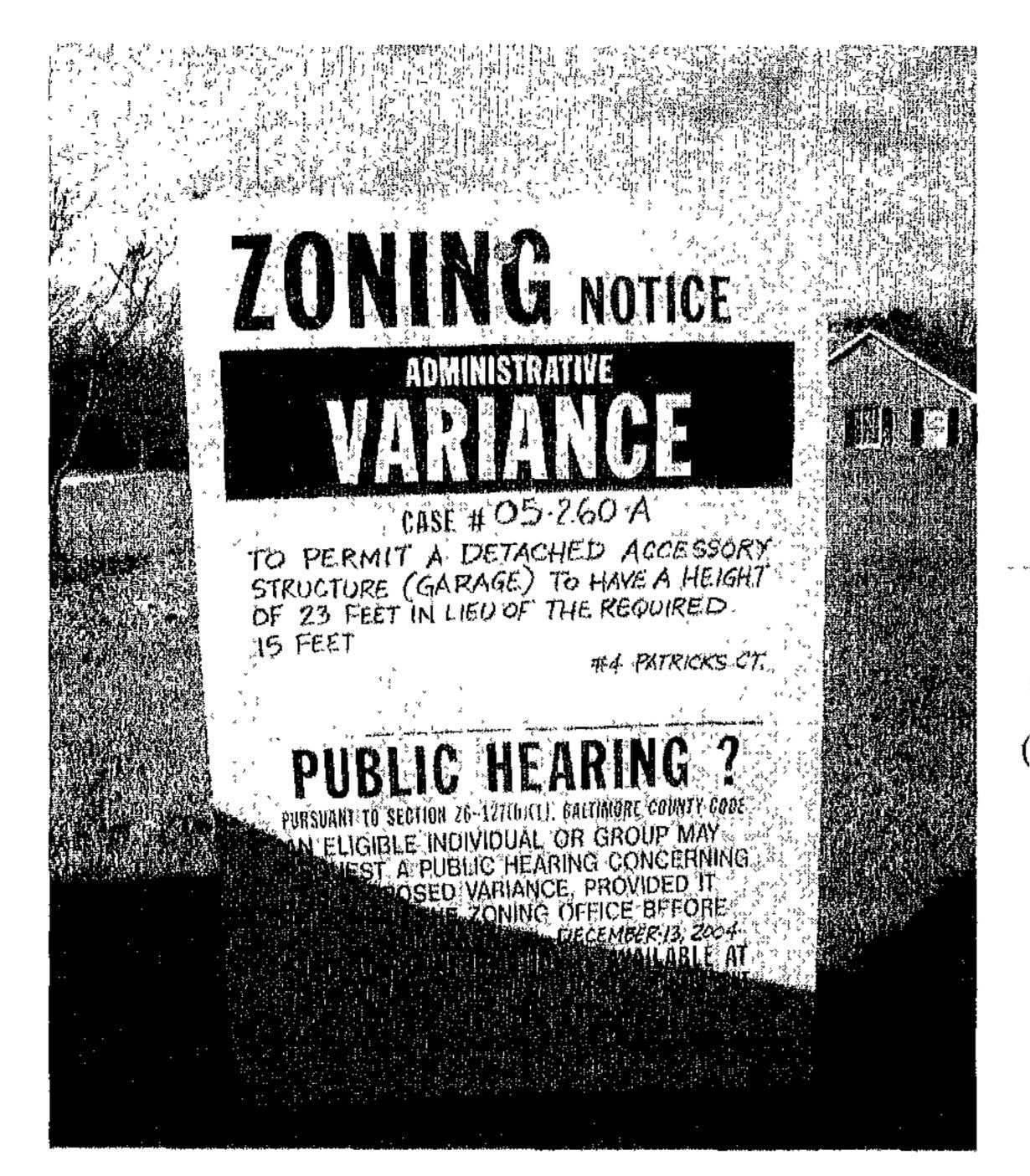
Petitioner/Developer DIANE DEI

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 \(\begin{array}{c} \begin{array}{c} \text{PATRICKS} & \text{COURT} \end{array}

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)

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 (35-260-A	
Petitioner. C. BROOKS Dei	
Address or Location: 4 PATRICK'S PT., PARKTON MD. 211	20
PLEASE FORWARD ADVERTISING BILL TC	
Name. (1) 13 ROOKS) e,	
Address / PATRICK'S PT	
PARKTON, MD. 21120	
Telephone Number: 4/0-1038-9333	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

|-A

PATRICUS

Case Number 05-

Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 11/18/04 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.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any 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- 260 -A Address 4 PATRICKS CT
Petitioner's Name C. BROOKS DEI ET UX Telephone 10638 9333
Posting Date: 11 28/04 Closing Date: 12 13/04
Nording for Sign: To Permit A DETACHED ACCESSONY STRUCTURE
(GARAGE) TO HAVE A HEIGHT OF 23' IN LIEU OF
THE REQUIRED 15'.
WCR - Revised 6/25/04

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 13, 2004

C. Brooks Dei Diane Dei 4 Patrick's Court Parkton, Maryland 21120

Dear Mr. and Mrs. Dei:

RE: Case Number: 05-260-A, 4 Patrick's Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 18, 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)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

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

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco PDM
FROM:	John D. Oltman, Jr Joo DEPRM
DATE:	December 10, 2004
SUBJECT:	Zoning Item # 05-269 Address 4 Patrick's Court
Zoning	Advisory Committee Meeting of November 29, 2004.
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:
н	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).
<u> </u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
Additio	onal Comments:

As a prerequisite for approval by the Agricultural Preservation section of this Department, the reviewer asks that it be stipulated in the order that the garage is not be used for living space, or apartment, etc.

Reviewer:

Wally Lippincott

Date: December 10, 2004

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

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

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-258 and 5-260

DATE: December 1, 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.

Division Chief:

MAC/LL



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

Maryland Department of Transportation

Date: 11-24.04

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

RE:

Baltimore County

Item No. 260

LTM

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

Engineering Access Permits Division

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#260

#260



FICTURE # 2

292年





