

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Park Heights Avenue, 190 ft. N
centerline of Walnut Avenue
8th Election District
2nd Councilmanic District
(12205 Park Heights Avenue)

Margaret Martin
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-355-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 owner of the subject property, Margaret Martin. The variance request is for property located at 12205 Park Heights Avenue in the Owings Mills area of Baltimore County. The variance is requested from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 7 ft. and 22.9 ft. side setback in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 29, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agency: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2004, a copy of which is attached hereto and made a part hereof.

The Petitioner has 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

ORDER RECEIVED FOR FILING

2/15/05

Ray

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 15 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 7 ft. and 22.9 ft. side setback in lieu of the required 50 ft., be and it is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments submitted by DEPRM dated February 3, 2004, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed 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

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

February 15, 2005

Ms. Margaret Martin
12205 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Petition for Administrative Variance
Case No. 05-355-A
Property: 12205 Park Heights Avenue

Dear Ms. Martin:

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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12205 Park Heights Ave.
which is presently zoned R15

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) 1A04.3B.2.b. (BCZR)

TO PERMIT AN ADDITION WITH A 7-FOOT AND 22.9-FOOT SIDE
SETBACK 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Margaret Martin
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
12205 PARK HEIGHTS AVE. 443-318-0201
Address _____ Telephone No. _____
OWINGS MILLS MD 21117
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

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.

Zoning Commissioner of Baltimore County

CASE NO. 05-355-A

Reviewed By D.T. Date 1/19/05

Estimated Posting Date 1/30/05

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RECEIVED 10/26/01

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.

That the Affiant(s) does/do presently reside at 12205 Park Heights Avenue
Address
Owings Mills MD. 21117
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):

The zoning has changed since the original house construction and that current setback requirements are impossible to meet. The current structure is inappropriately small for the area. The house requires modification to make it suitable and habitable according to modern standards.

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.

Margaret Martin
Signature

Signature

Margaret Martin
Name - Type or Print

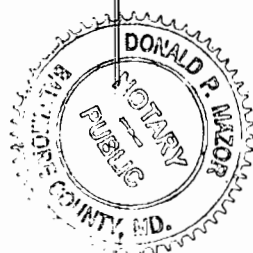
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Margaret L. Martin
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires 11/1/05

Zoning Description

Zoning description for: 12205 Park Heights Avenue Owings Mills, Maryland 21117

Beginning at a point on the East side of Park Heights Avenue that is 80 R/W feet wide at a distance of 190 feet north of the centerline of the nearest improved intersecting street, Walnut Avenue, containing 25,183 square feet also known as 12295 Park Heights Avenue and located in the eighth Election District, second Councilmanic District.

05-355-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441312

DATE 1/19/05 ACCOUNT 0010066150
AMOUNT \$ 165.00

RECEIVED FROM: RANDALL MARTIN

FOR: ITEM # 355 05-355-A

12205 PARK HEIGHTS AVE BN D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME IN
1/20/2005 1/19/2005 14:14:57 4
EQ #504 - MARTIN, RANDALL
RECEIPT # 328449 1/19/2005 GFLN
Ext 5 528 ZONE VERIFICATION
OR NO. 441312
Bkct Tot 165.00
165.00 CR 165.00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-355-A

Petitioner/Developer: MARGARET
MARTIN

Date of Hearing/Closing: 2/14/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

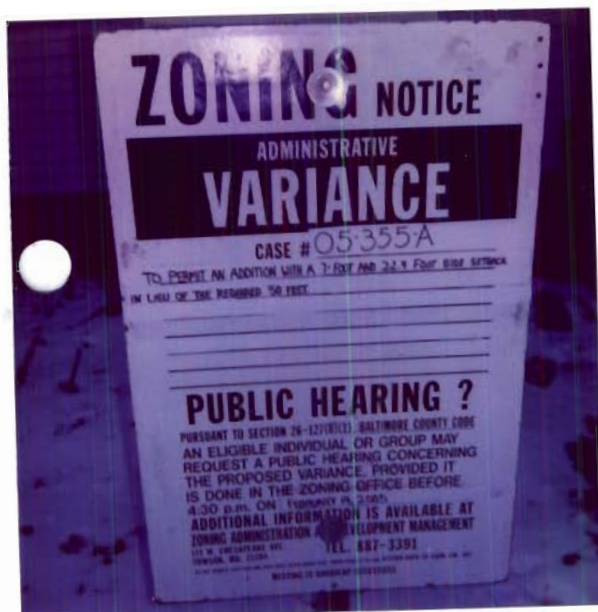
Ladies and Gentlemen:

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

12205 PARK HEIGHTS AVE

The sign(s) were posted on 1/29/05
(Month, Day, Year)

Sincerely,



Robert Black 1/31/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 05-355-A

Petitioner: MARTIN

Address or Location: 12205 PARK HEIGHTS AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. MARGARET MARTIN

Address: 12205 PARK HEIGHTS AVE.

OWINGS MILLS, MD 21117

Telephone Number: 443-318-0201

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 355 -A Address 12205 PARK HEIGHTS AVE.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/19/05 Posting Date: 1/30/05 Closing Date: 2/14/05

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. **DEADLINE:** 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.
3. **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- 355 -A Address 12205 PARK HEIGHTS AVE., 21117

Petitioner's Name MARGARET MARTIN Telephone 443-318-0201

Posting Date: 1/30/05 Closing Date: 2/14/05

Wording for Sign: To Permit AN ADDITION ^{WITH} A 7-FOOT AND 22.9-FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 50-FEET.

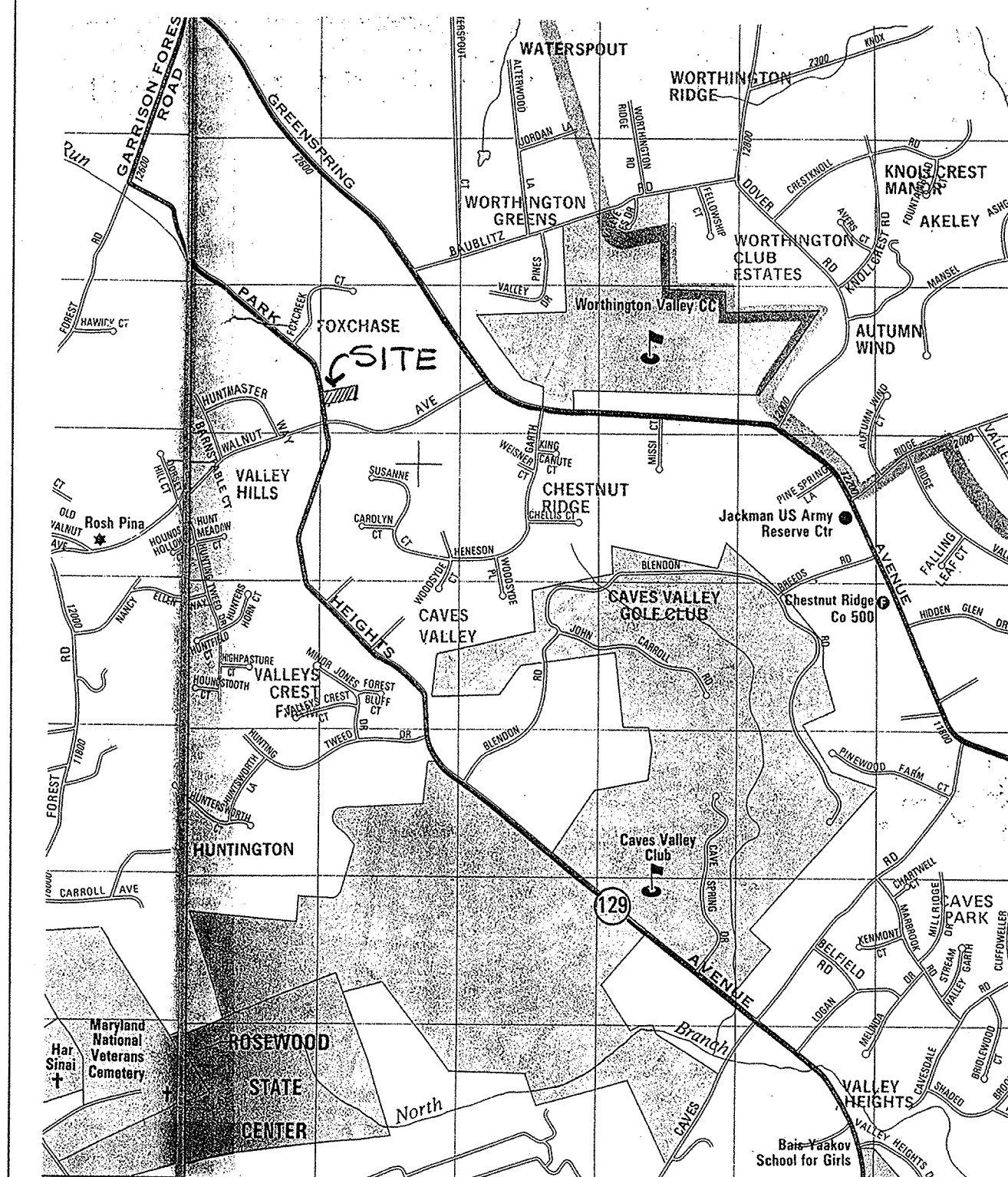
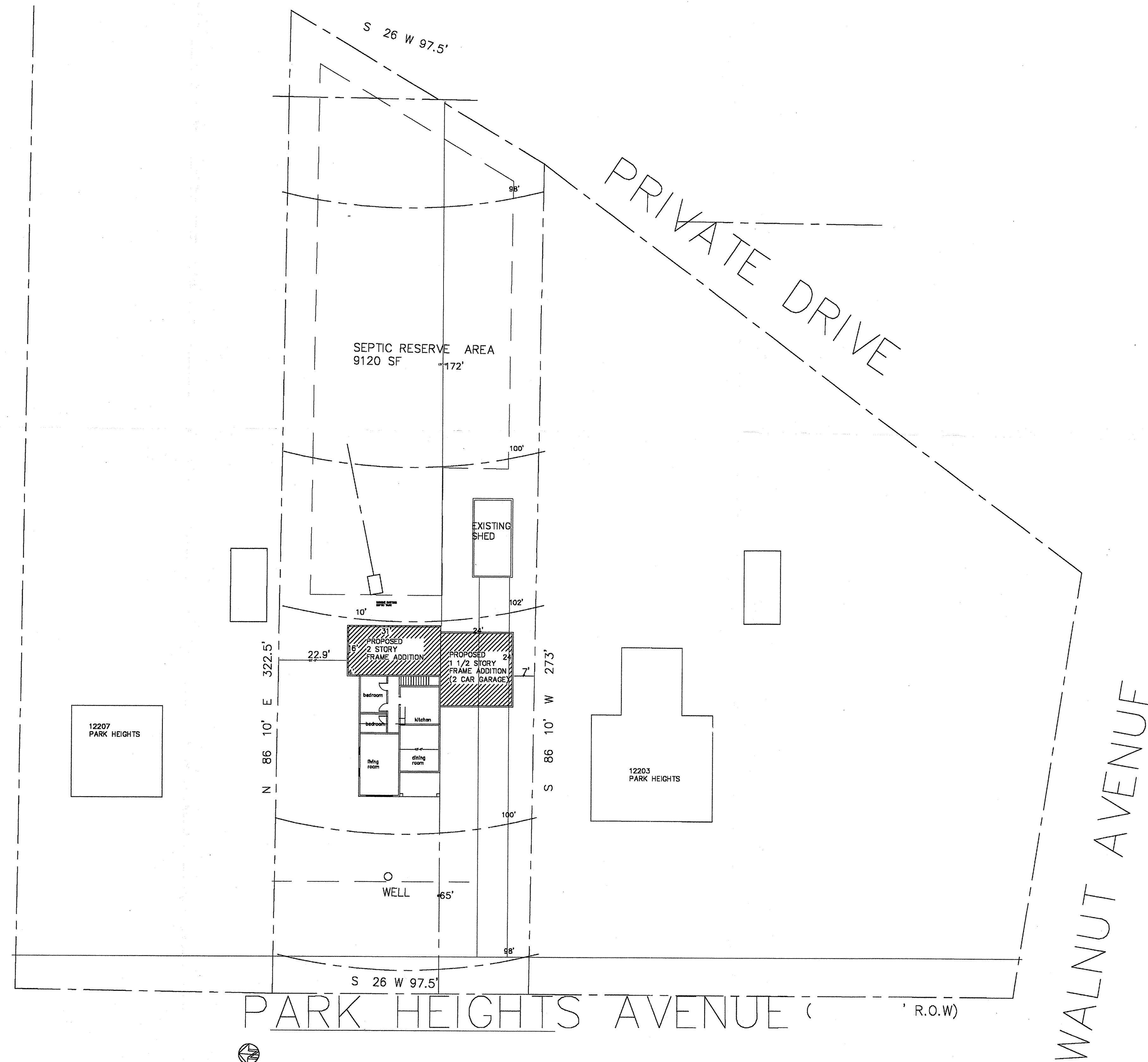
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS— 12205 PARK HEIGHTS AVE — OWINGS MILLS — MARYLAND — 21117

SUBDIVISION NAME:

PLAT BOOK: FOLIO; LOT# SECTION#

OWNER: MARGARET MARTIN — 12205 PARK HEIGHTS AVE — OWINGS MILLS MARYLAND 21117



VICINITY MAP 1"=1000'

LOCATION INFORMATION

Councilmanic District : 2

Election District: 8

1" = 200' scale map: NW 15G

Zoning: RC 5

Lot Size: .58 acres or 25,183 SF

Sewer : Private

Water: Private Well

Chesapeake Bay Critical Area: No

100 Year Flood Plain : No

Historic Property: No

Prior Zoning Hearings: None

Zoning Office Use Only

reviewed by:

item #:

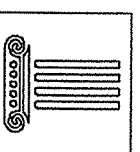
case #:

DT.

355

05-355-A

DANIELS & ASSOCIATES
ARCHITECTS, Ltd.



1426 Broadway Road
Timonium, MD 21093
Suite #100
(410) 560-3568

RESIDENCE OF:
12205 PARK HEIGHTS AVENUE
OWINGS MILLS — MARYLAND 21117

Date: 1/4/2004

Revisions
No. Date Reference

Drawing Title
SITE
PLAN
1" = 20'-0"

Drawing Number

A1

**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*

February 14, 2005

Margaret Martin
12205 Park Heights Avenue
Owings Mills, Maryland 21117

Dear Ms. Martin:

RE: Case Number: 05-355-A , 12205 Park Heights Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348, 349, 351, 353-358

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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



Robert L. Flanagan, *Secretary*
Nell J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 1-21-05

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

RE: Baltimore County
Item No. 355 DT

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. ^{Jr}
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Item # 05-355
Address 12205 Park Heights

RECEIVED
FEB - 3 2005
ZONING COMMISSIONER

Zoning Advisory Committee Meeting of January 24, 2005.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ 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 proposed addition must be a minimum of 20-feet from the septic system. An inspection of the existing septic system will be required prior to building permit approval.

Reviewer: Sue Farinetti

Date: February 3, 2005

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

ORDER RECEIVED FOR FILING

2/15/05

30

By

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

RECEIVED
DATE: February 8, 2005

FEB - 9 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-355 – SECOND REVIEW

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the administrative variance.

Prepared By:

Maet A Cunningham

Division Chief:

Alphonse L. L. L.

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 31, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED

FEB - 3 2005

SUBJECT: 12205 Park Heights Avenue

INFORMATION:

Item Number: 5-355

Petitioner: Margaret Martin

Zoning: RC 5

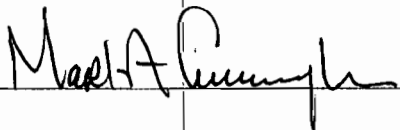
Requested Action: Administrative Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The subject property is an existing lot of record that is not within a subdivision approved by record plat. As such, the Office of Planning is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed addition complies with the current RC 5 requirements. To prepare the statement of finding, this office requested photographs of the existing dwelling, and architectural elevations specifying building materials consistent on all four facades. However, the petitioner has not provided the requested information to date. As such, this office recommends that the subject case be held open until the aforementioned information is submitted to this office and is reviewed, and a statement of finding is submitted to the Zoning Commissioner.

Prepared by:



Division Chief:



AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: February 9, 2005

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

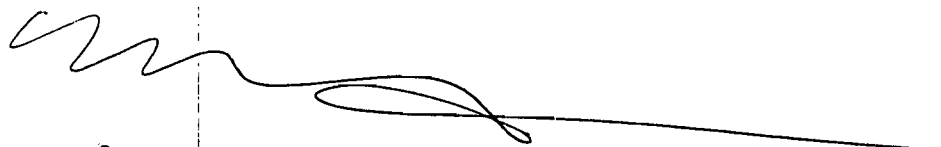
SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2005
Item Nos. 348, 349, 350, 351, 352, 355
357, 358 and 359

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

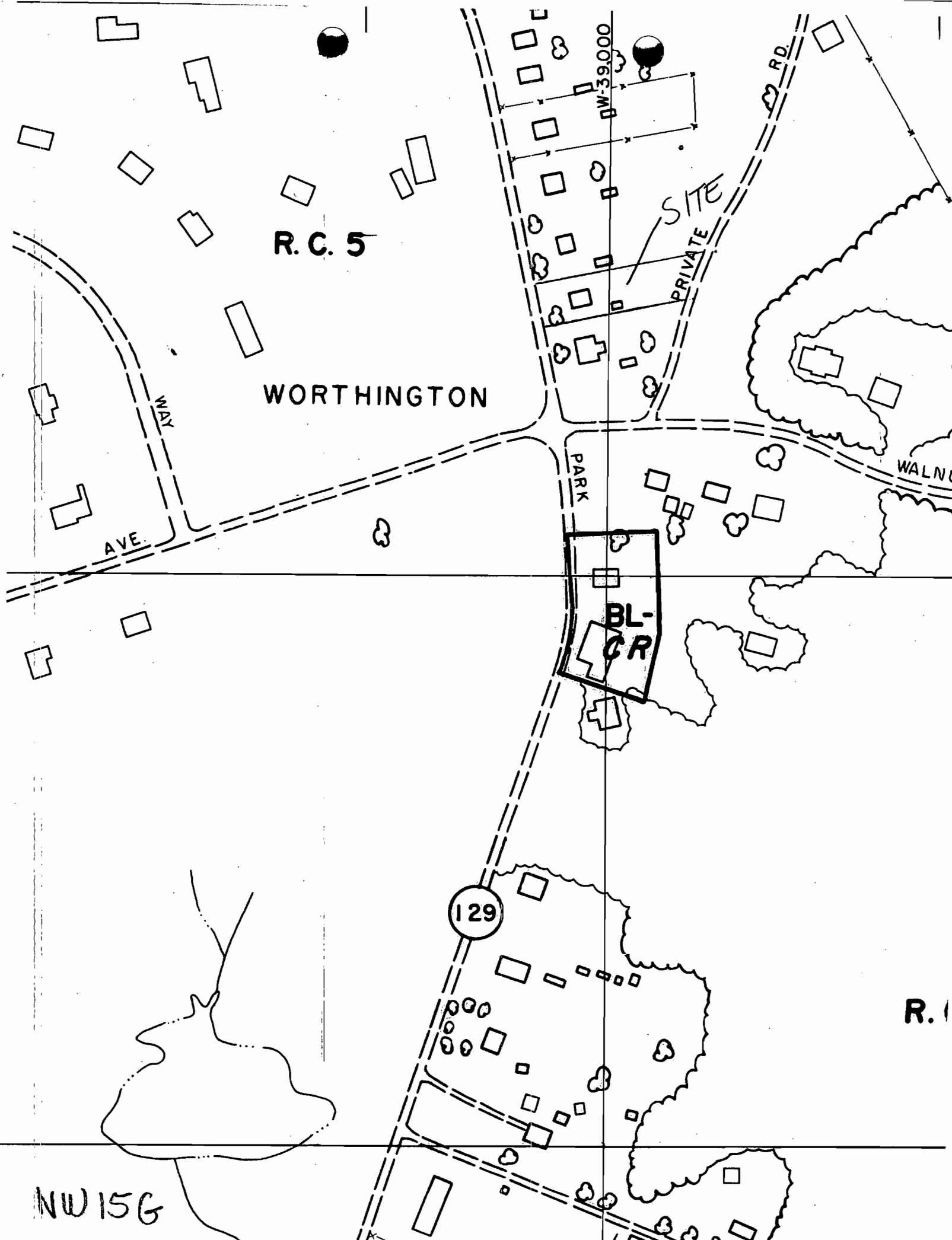
RWB:CEN:cp

cc: File

I, Randall Martin, received letter w/ copy of
Zoning order originally mailed Feb. 17, 2005 for
Ms. Margaret L. Martin.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Randall Martin (son)



R.C. 5

WORTHINGTON

SITE
PRIVATE RD.

PARK

BL-CR

129

WALNUT RD.

R. 1

NW 15G



05-355-A.

