IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Blenheim Road, 265 ft. E
centerline of Jarrettsville Pike
10th Election District
3rd Councilmanic District
(3204 Blenheim Road)

Paige L. & Timothy A. Dachille Petitioners **BEFORE THE**

DEPUTY ZONING COMMISSIONER.

* OF BALTIMORE COUNTY

CASE NO. 05-383-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, Paige L. and Timothy A. Dachille. The administrative variance is requested for property located at 3204 Blenheim Road in the Phoenix area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure, (detached garage) with a height of 19 ft. in lieu of the maximum allowed 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 February 13, 2005, 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: A ZAC comment was received from the Office of Planning dated February 25, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

MARINE SARA

"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 32-3-303 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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>3</u> day of March, 2005, 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 allow an accessory structure, (detached garage) with a height of 19 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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. Compliance with the ZAC comments submitted by the Office of Planning dated February 25, 2005, a copy of which is attached hereto and made a part hereof;
- 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.

OWN 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

March 3, 2005

Mr. & Mrs. Timothy A. Dachille 3204 Blenheim Road Phoenix, Maryland 21131

Re: Petition for Administrative Variance Case No. 05-383-A Property: 3204 Blenheim Road

Dear Mr. & Mrs Dachille:

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3204 Blendail 201

Signature Sign		TOT THE PROPERTY	
Attorney For Petitioner: Displace Type or Print Signature Address Telephone No. Telephone No. Address Telephone No.		•	which is presently zoned <u>RC-4</u>
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of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the bar of this petition form. Property is to be posted and advertised as prescribed by the zoning regulations, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning gregulations and restrictions of Baltimore County adopted pursuant to the zoning law of Baltimore County. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the property which is the subject of this Petition. I/We do solemnly declare and affirm, under the penalties of perlury, that I/we are the legal owner(s) of the penalties of perlury, that I	5 functione (detail	ched garage	e) With a height of 19 stin
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of 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. Legal Owner(s): X	f the zoning regulations of Baltimor f this petition form.	e County, to the zoning	law of Baltimore County, for the reasons indicated on the bac
perjury, that live are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): X JMOTHY A. PACHILLE Name - Type or Print Signature Ity State Zip Code Address Telephone No. Signature Address Telephone No. Address Telephone No. Telephone No. Representative to be Contacted: Name Telephone No. Address Telephone No.	or we, agree to pay expenses of above	e Variance, advertising, n	Osting, etc. and further agree to and are to be hounded by the zonic
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	State	Zip Code	City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date ____

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 3204 BLENHEIM RD Address Address City State Zip Code
	City State Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har	following are the facts upon which I/we base the request for an Administrative
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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.

3204 BLENHEIM RS

That the Affiant(s) does/do presently resid	de at <u>2224 BLENHEIM AS</u> Address 1.
	PHOENIX MD 21131
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	/ 64. (***) ·
REV 10/25/01	My Commission Expires



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MRYLAND	i	AD		,
for the	e property loc	ated at 3204	Blenhe	in Rd
	 	which is presently zo	ned <u>RC</u>	- /-
This Petition shall be filed with the Departowner(s) of the property situate in Baltimore made a part hereof, hereby petition for a Vari	County and which	is described in the description	n and plat attach	ed hereto and
made a part hereof, hereby petition for a Vari			ge 19 p	m, in de
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of the zoning regulations of Baltimore County of this petition form.	to the zoning law	of Baltimore County, for the	reasons indicate	d on the back
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	 	I/We do solemnly declare and perjury, that I/we are the legal is the subject of this Petition.	l affirm, under the position of the position o	penalties of operty which
Contract Purchaser/Lessee:		Legal Owner(s):		
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City	Zip Code	Signature		
Attorney For Petitioner:	 	3204 BLEN	HEIM RI	
	 	Address MENIX, MI	21121	Telephone No.
Name - Type or Print		City 770=N/X, 7/1-	State	Zip Code
- - -	 	Representative to be C	ontacted:	
Signature				
Company	 	Name		
Address	elephone No.	Address		Telephone No.
State	Zip Code	City	State	Zip Code
			<u> </u>	

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.

CASE NO.	05-3834	
REV 10/25/01		 -

Reviewed By 11 Date 1-31-05

Estimated Posting Date 2-13-05

Zoning Commissioner of Baltimore County

This letter will serve as proof that Timothy A. Dachille and Paige L. Dachille, reside at the following location, 3204 Blenheim Road, Phoenix, Maryland 21131

Dated: 0/2/45 TIMOTHY A. DACHILLE

Dated: 1/25/05 Lague Haralle

PAIGE L. DACHILLE

STATE OF MARYLAND) ss.

BALTIMORE CITY)

I HEREBY CERTIFY on this 25 day of January, 2005 that before me, the subscriber, a Notary Public in and for the State aforesaid, personally appeared TIMOTHY A. DACHILLE and PAIGE L. DACHILLE, and acknowledged the foregoing Affidavit to be his act.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: 10/27/08

#383

SURVEYING . ENGINEERING

Douglas W. DuVal, L.S. Raymond B. Sutton, Jr.



Beginning at a point on the north side of Blenheim Road which is 60' wide, at the distance of 265' east of the centerline of Jarrettsville Pike which is 80' wide. Being Lot #5 in the subdivision of Margaret's View as recorded in Baltimore County Plat Book #53, Folio #115, containing 7.682 acres. Also known as 3204 Blenheim Road, and located in the 10th Election District, 3rd Councilmanic District.



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ATTENTION: KRISTEN MATTHEWS

Date Lubruary 18, 2005

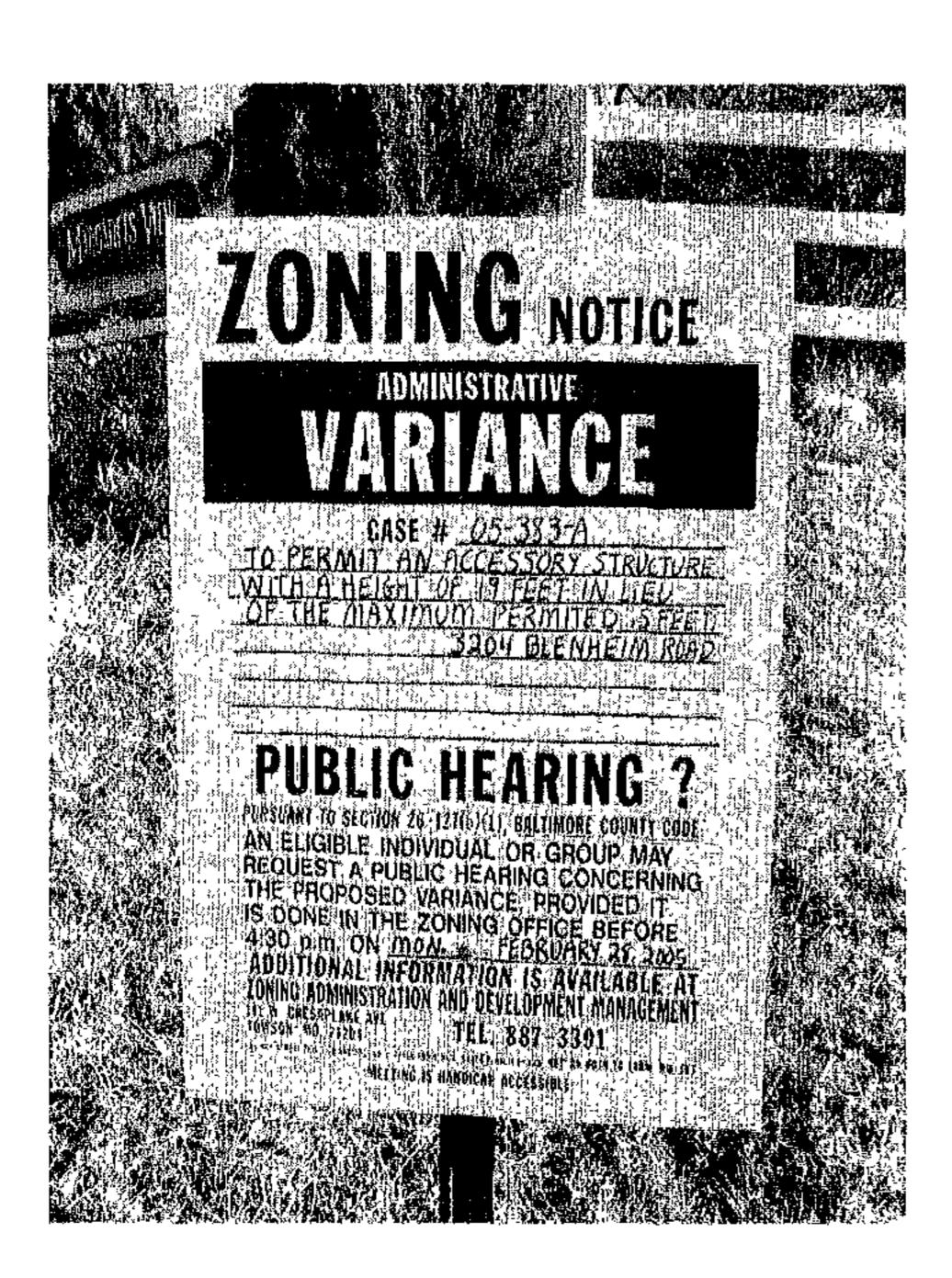
RE: Case Number 05-383-A

Petitioner/Developer Tim OTHY DACHILLE / PAUL GERKENS

Date of Hearing (Closing) July 28, 2005

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 3204 BLENHEIM ROAD

The sign(s) were posted on Jubruary 13, 2005



(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)

FEB 23 2005

THE COUNTY OF THE PARTY 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: 05-383 A
Petitioner: Timothy A. Dach 1/e
Address or Location: 3204 Blenherm R1.
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 3204 Blenheim Rd,
Phoenix, md, 2/13/
Telephone Number: 410 - 667 - 6946

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-A

Planner, Please Print Your Name

Address 3204 Blenheim Rd.

Phone Number: 410-887-3391

Case Number 05-

Contact Person:

Filing	Date:		3/-	05	F	osting [)ate: <u>?</u>	13-03	,	Closin	g Date:-	2-28	-05
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Department of Permits 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 28, 2005

Timothy A. Dachille Paige L. Dachelle 3204 Blenheim Road Phoenix, Maryland 21131

Dear Mr. and Mrs. Dachille:

RE: Case Number: 05-383-A, 3204 Blenheim Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 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, Call Rilla D.

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

February 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 379, 380-392, 394

(383)

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 (0)410-887-4881 (C)443-829-2946 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:

2.11-05

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

RE:

Baltimore County

Item No.

323

113

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

TO: Tim Kotroco John D. Oltman, Jr FROM: DATE: March 15, 2005 05-383 Zoning Item SUBJECT: Address 3204 Blenheim Road Zoning Advisory Committee Meeting of February 14, 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

Additional Comments:

The proposed Garage must be a minimum of 30 feet from the existing well. The Agricultural Preservation section of this Department offers no comment.

Sections, of the Baltimore County Code).

Reviewer:

Sue Farrinetti, Wally Lippincott

Date: March 15, 2005

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: 5-383 – Administrative Variance

DATE: February 25, 2005

FEB 2 5 2005

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 19 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Provide elevations of the proposed garage to this office for review and approval. The exterior of the garage shall be similar in materials and color as the existing dwelling.

The petitioner should also be advised that the subject property was rezoned to RC 6 during the 2004 Comprehensive Zoning Map Process. For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 7, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

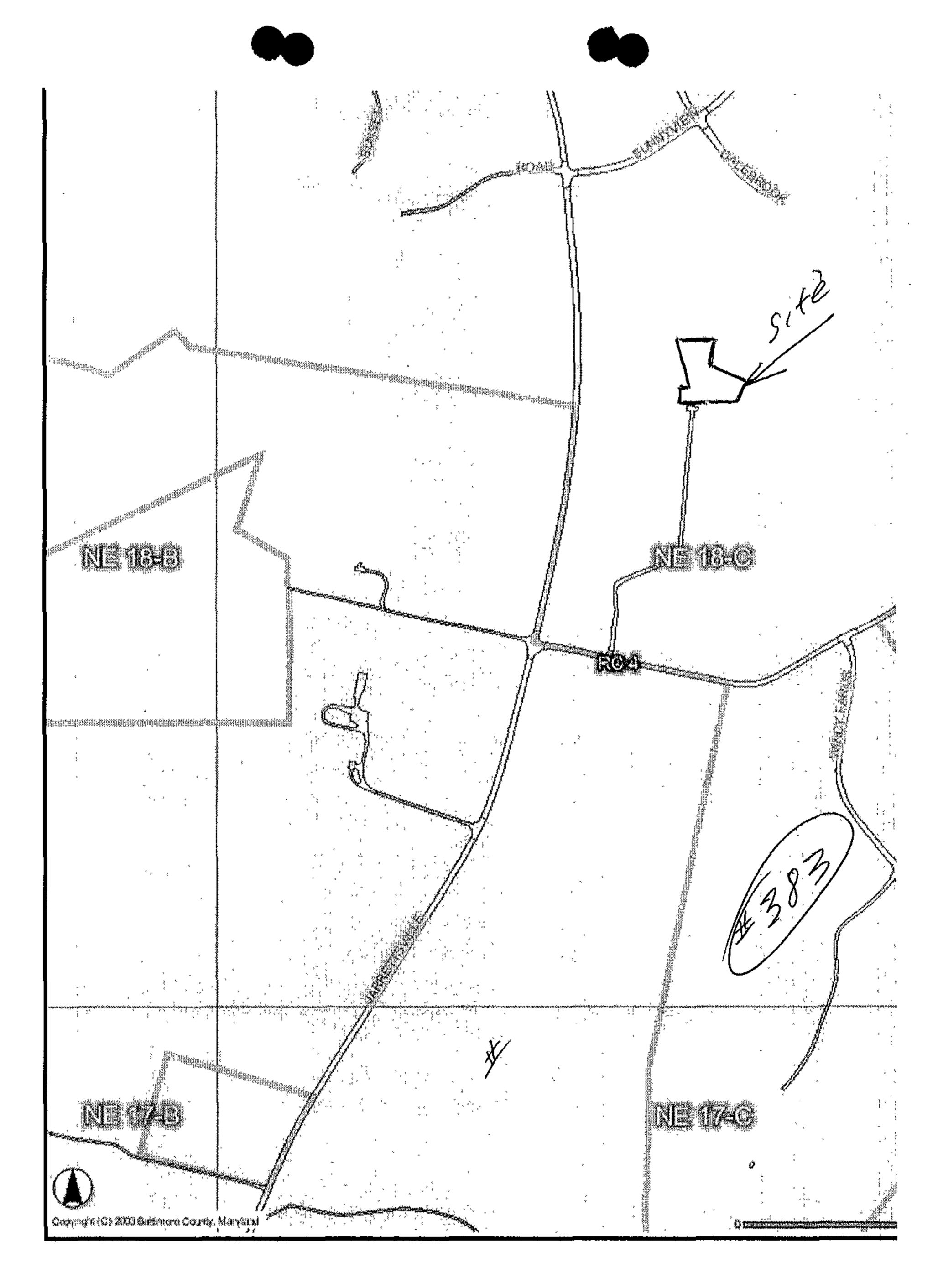
Zoning Advisory Committee Meeting

For February 22, 2005 Item Nos. 379, 380, 381, 383, 384, 386, 387, 388, 390, 391, 392, 393, and 394

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

RWB:CEN:jrb

cc: File

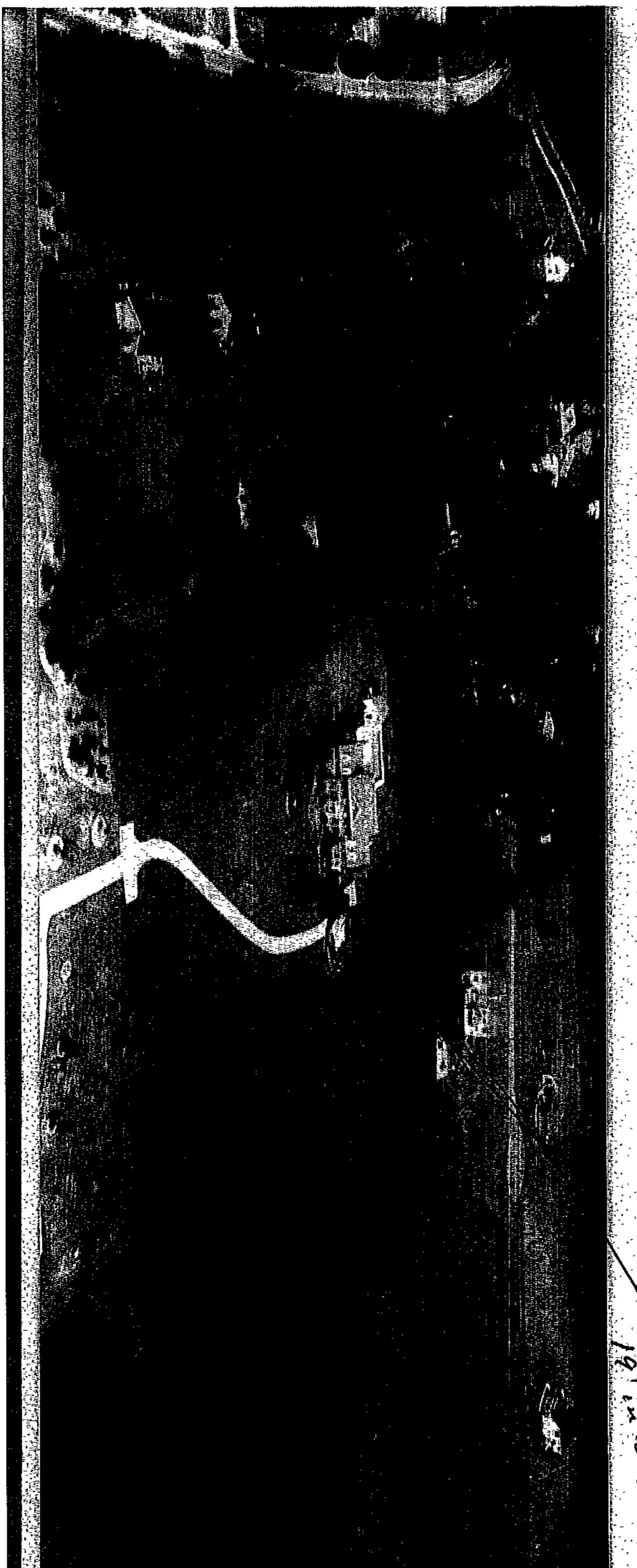


ZONING MAP



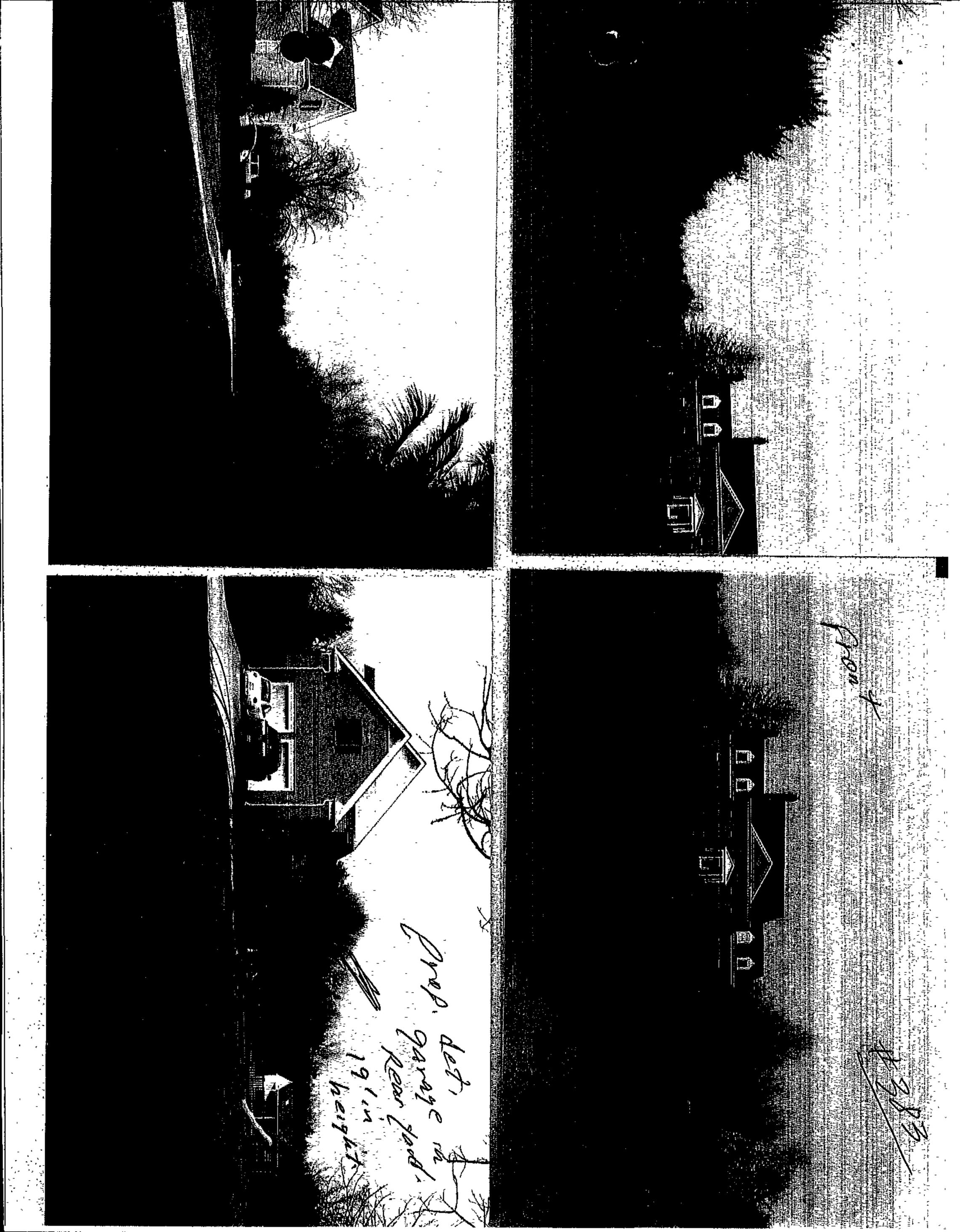


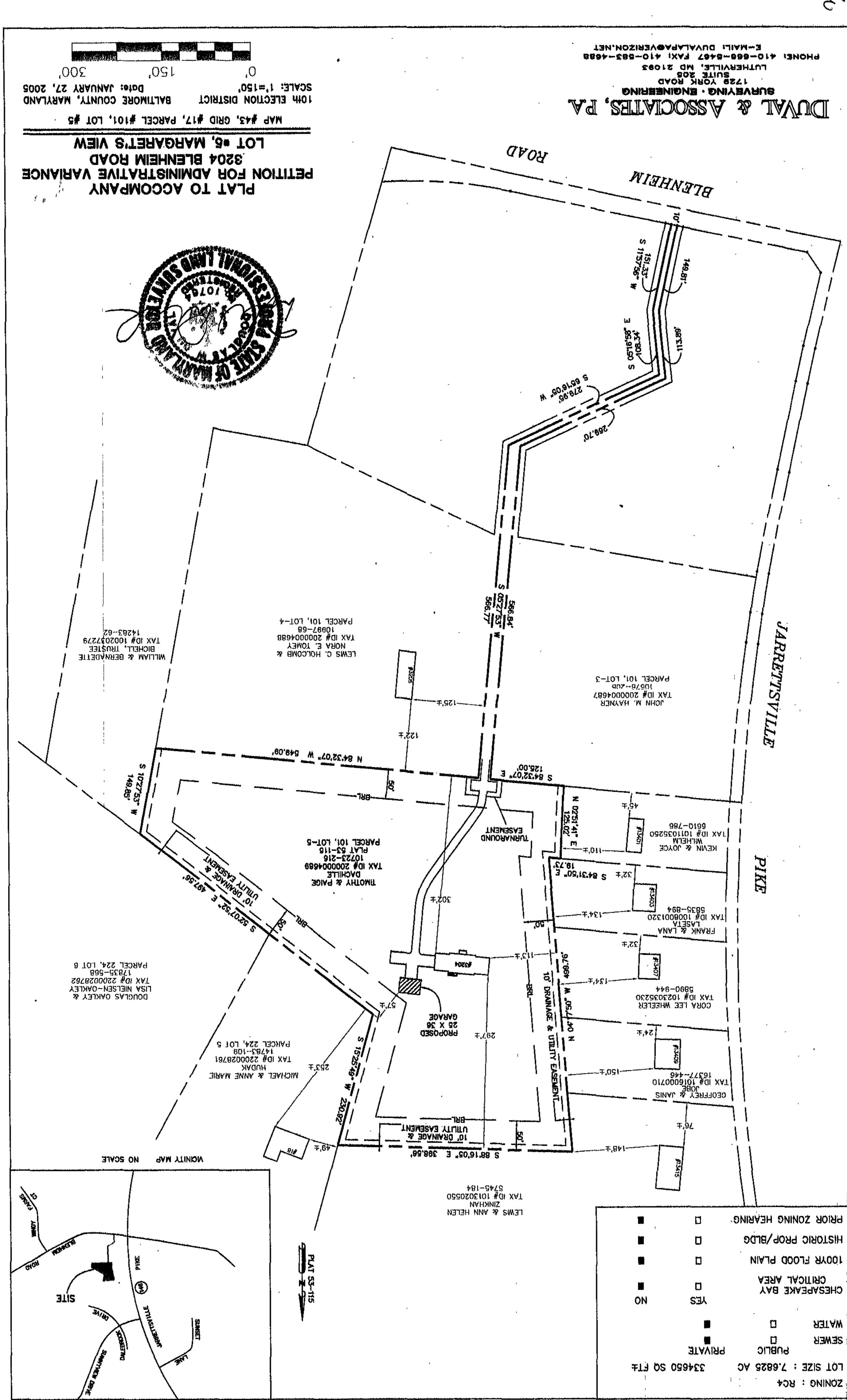




Proposed general services

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