

IN RE: PETITION FOR ADMIN. VARIANCE NW/S of Hoshall Road, 855 ft. SW centerline of Bulls Saw Mill Road 6th Election District 3rd Councilmanic District

(2223 Hoshall Road)

Olga L. & Dennis L. Meadowcroft Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* CASE NO. 05-384-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, Olga L. and Dennis L. Meadowcroft. The variance request is for property located at 2223 Hoshall Road in the Freeland area of Baltimore County. The variance request is from Sections 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling to have a street centerline setback of 66 ft. in lieu of the required 75 ft. and to permit an accessory structure (garage) in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

This is an extraordinary case to be handled by administrative variance. The request is for a variance to allow a new home to be built on the subject property. Ordinarily this would require a full public hearing. However, upon examination of the request I find that the Petitioners simply want to raze their present home and replace it with another of nearly the same size and footprint. Under these circumstances I find that proceeding by administrative variance is proper.

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.

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

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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, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of March, 2005, that a variance from Sections 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling to have a street centerline setback of 66 ft. in lieu of the required 75 ft. and to permit an accessory structure (garage) in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning said property to its original condition;

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

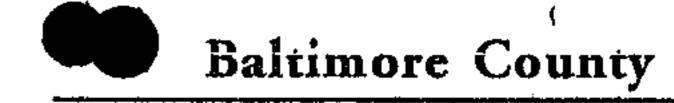
FOR BALTIMORE COUNTY

JVM:raj

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive William J. Wiseman III , Zoning Commissioner

March 11, 2005

Mr. & Mrs. Dennis L. Meadowcroft 2223 Hoshall Road Freeland, Maryland 21053

> Re: Petition for Administrative Variance Case No. 05-384-A Property: 2223 Hoshall Road

Dear Mr. & Mrs. Meadowcroft:

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





A THE THOUSE

### Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	2223	140E	llpd	Road
<del>-</del> -	s presently z			

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) 1AO1.3.8.3,400.1 BCZR

To permit a proposed single family dwelling to have a street centerline setbach of 66 in liquof the required 75' and to permit on accessory structure (agrage) in the sideyard in lieu of the required rear yard.

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 dec perjury, that I/we are is the subject of this F	lare and affirm, under the the legal owner(s) of the petition.	penalties of property which
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>		•
Name: Type of Brief		Dennis L	Meadouxrof	<u> </u>
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Signature		Signature		
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City	Zip Code	Signature ()		<del>!</del>
Attorney For Petitioner:	•	Address Address	2011 Rd. (410	357-8775 Telephone No.
Name Tune or Delet	······································	Freeland	QM	<u> </u>
Name - Type or Print		City	State	Zíp Code
Signature	<del></del>	Representative t	o be Contacted:	
<del></del>		SA.M	, K	· · · · · · · · · · · · · · · · · · ·
Company		Name	A-S	1
Address	Telephone No.	Address	ABOUL	Telephone No.
State	Zip Code	City	State	Zip Code
Public Hearing having been formally demand	ed and/or found to be	required, it is ordered by the	ne Zoning Commissioner of	Baltimore County,
nisday of, the egulations of Baltimore County and that the propert	it the subject matter of t ly be reposted.	his petition be set for a public	hearing, advertised, as requ	ired by the zoning
102		Zoning Comm	issioner of Baltimore County	
CASE NO. <u>05-384-</u>	A Rev	lewed By CTM	Date 2/1	<b>45</b>

**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 Afflant(s) does/do presently reside at

REV 10/25/01

- -	Free la	and.	State	2106 Zip Code
That based upon personal knowledge, the forward variance at the above address (indicate hards	ollowing are the fa ship or practical d	cts upon which		•
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			-	•
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provid	formal demand	is filed, Affiant	(s) will be require	d to pay a reposting and
Signature  Name - Type or Print	e additional information	Signature	Modera Modera	Lowcroft
Name - Type or Print		Name - Type of	r Print	
STATE OF MARYLAND, COUNTY OF BALT  I HEREBY CERTIFY, this Stand day of of Maryland, in and for the County aforesald.		20	25 before me. a	Notary Public of the State
of Maryland, in and for the County aforesald,  Olac and Dennis Me the Affiant(s) herein, personally known or sati				
the Affiant(s) herein, personally known or sati	sfactorily identifie	d to me as suc	h Affiant(s).	
AS WITNESS my hand and Notarial Seal	Notar	y Public		LISSA LATTIN Notary Public Valumore Co., MD Omm. Exps. July 17, 2006
•	: My C	ommission Exp	oires	

## 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.

Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

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STATE OF MARYLAND, COUNTY OF BALTIN		. – – – – – – – – – – – – – – – – – – –	<b></b>	
of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfactors.	adowcot	4	,	Notary Public of the State
AS WITNESS my hand and Notarial Seal	-			MELISSA LATTIN
		ry Public	res	baltimore Co., MD



### Petition for Administrative Variance

for the property located at 222

#### to the Zoning Commissioner of Baltimore County

which is presently zoned \_\_\_\_

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of the zoning regulations of Baltimore C of this petition form.	ounty, to the zoning l	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised i, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Cou	ariance, advertising, no	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	i i	Dennis L. Medtowcroft Name - Type or Print
Signature		Signature Meadowscroft
Address	Telephone No.	Name - Type or Print Signature
City	Zip Code	Signature
Attorney For Petitioner:		7723 Hoshall Rd. (418) 357-8775 Address Telephone No.
Name - Type or Print	i 	Freeland MD 21053 City State Zip Code
		Representative to be Contacted:
Signature		
Company	· · · · · · · · · · · · · · · · · · ·	Name
Address	Talanhana Na	AS
AUG1633	Telephone No.	Address ABOUE Telephone No.
City	Zip Code	City State Zip Code
A Public Hearing having been formally demands this day of the property and that the property and that the property and the pr	ded and/or found to be hat the subject matter of the style that the reposted.	required, It is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
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ı	į i	Zoning Commissioner of Baltimore County
CASE NO. <u>05-384-A</u>	Rev	lewed By Date
REV 10/25/01	Esti	mated Posting Date 2/13/05

#### **ZONING DESCRIPTION FOR 2223 HOSHALL ROAD**

Beginning at a point on the northwest side of Hoshall Road which is 16 feet wide at the distance of approximately 855 feet southwest of the centerline of the nearest improved intersecting street Bulls Saw Mill Road which is 16 feet wide. As recorded in Deed Liber 11914, Folio 557 (containing 1.27 acres): N.17 29' W 318.59 ft., S.24 27' W 470.84 ft., S.28 57' E 41 ft., and N.59 14' 30" E. 314.54 ft. to the place of beginning.

Also known as 2223 Hoshall Road and located in the 6<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

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### CERTICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date Fubruary 18, 2005
RE: Case Number 05-384-A

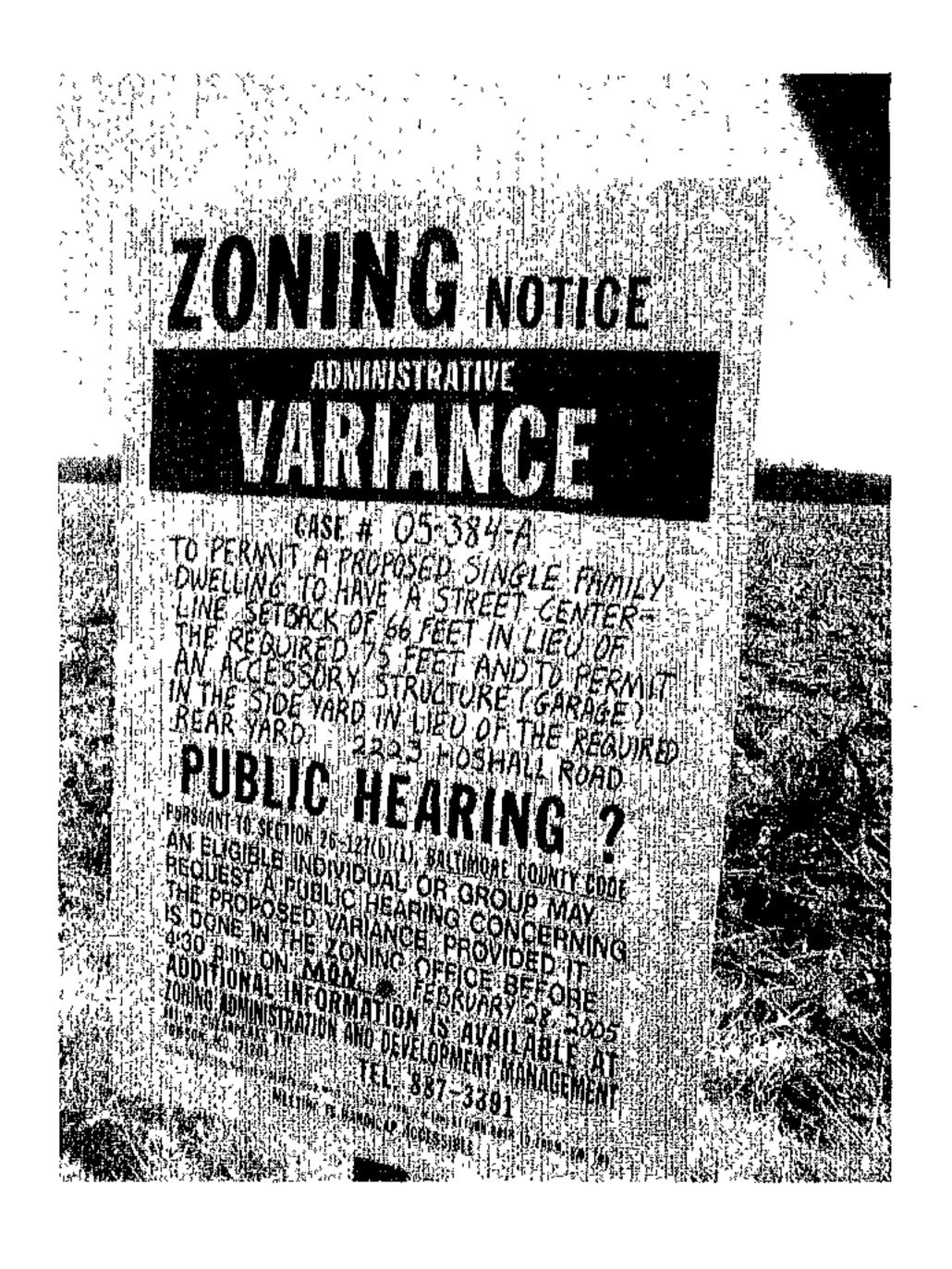
Petitioner/Developer D & O MEADOWCROFT

Date of Hearing(Closing) Fubruary 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  $2223\,H05HALL\,ROAD$ 

The sign(s) were posted on

Telbruary 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)

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### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 05 - 384 - A  Petitioner: 05 - 384 - A  Address or Location: 2223 Hoshall Ro
PLEASE FORWARD ADVERTISING BILL TO:  Name: Olga Meadowcroff  Address: 2223 Hoshall Road
Freeland / MD 21053 Telephone Number: (416) 367-8775

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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#### 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 28, 2005

Dennis L. Meadowcroft Olga L. Meadowcroft 2223 Hoshall Road Freeland Maryland 21053

Dear Mr. and Mrs: Meadowcroft

RE: Case Number: 05-384-A, 2223 Hoshall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 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.

U. Callinal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: rjc

**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

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. 384

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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. f. Sheell

Engineering Access Permits Division

My 11/05

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr J

DATE:

March 15, 2005

SUBJECT:

# 05-384 Zoning Item

Address

2223 Hoshall Road

MAR 1 3 2005

AMMIC COMMISSIONED

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 Sections, of the Baltimore County Code).

#### Additional Comments:

An inspection of the septic system, soil evaluations, and a well yield test will be required to be performed by the Groundwater Management Section of this Department prior to issuance of any building permits.

The Agricultural Preservation section of this Department offers no comment.

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 **DATE:** February 25, 2005 The state of the s

FEB 2 5 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-384 – 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 Cunningham in the Office of Planning at 410-887-3480.

**Division Chief:** 

MAC/LL

#### 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:** 

2223 Hosmall Road

**INFORMATION:** 

Item Number:

5-384

**Petitioner:** 

Dennis L. Meadowcroft

Zoning:

RC 2

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate to the Zoning Commissioner that there are special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the BCZR would result in practical difficulty and unreasonable hardship.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:

Please takes a

DATE: Jahuary 31, 2005

FEB 2 5 2005

MINE COMMISSIONED

3/3/05

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 7, 2005

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

