



IN RE: PETITION FOR ADMIN. VARIANCE S/S of Watts Road, 360 ft. E centerline of Darkstar Way 2nd Election District 4th Councilmanic District

Carolyn & Eddie Peterson

(9613 Watts Road)

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

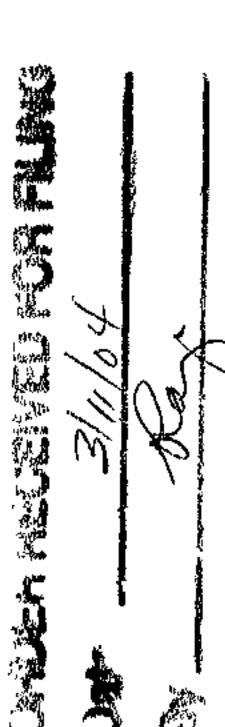
* CASE NO. 05-400-A

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, Carolyn and Eddie Peterson. The variance request is for property located at 9613 Watts Road in the Owings Mills area of Baltimore County. The variance request is from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (1971-1992 Regs.), to permit a window to property line setback of 10 ft. in lieu of 15 ft. and to amend the Final Development Plan of the Villages of Winterset for Lot #147 and the hearing plan in Case No. 95-131-XA for same. 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 20, 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 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 <u>U</u> day of March, 2005, that a variance from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (1971-1992 Regs.), to permit a window to property line setback of 10 ft. in lieu of 15 ft. and to amend the Final Development Plan of the Villages of Winterset for Lot #147 and the hearing plan in Case No. 95-131-XA for same, 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 Commission

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 10, 2005

Mr. & Mrs. Eddie Peterson 9613 Watts Road Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 05-400-A Property: 9613 Watts Road

Dear Mr. & Mrs. Peterson:

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

John V. Merylley

JVM:raj Enclosure

c: Mr. Wayne Rouseher 1585 Sulphur Spring Road Baltimore, Maryland 21227



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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for the property located at 9613 Watts Rd	
which is presently zoned DR 5.5	

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) 1 BO1, 2. C. 6 BCZR AND V.B.C. b CMOP (1971-1992 REGS) To Fermit Awindow

To Property Line Setback of 10ft in Lieu of 15 ft

And to Amend The Final Development Plan of the Villages

OF Winterset For Lat # 147 AND The Hearing Plan

INCASE # 95-131-8A For SAME

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: Legal Owner(s): Peterson Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Type or Print City State Zip Code Signature **Attorney For Petitioner:** 410 356 6480 Address Telephone No. Name - Type or Print Representative to be Contacted: Signature omp ny Address Telephone No. Telephone No. &City State Zip Code Zip Code State Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, day of ______ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning egulations of Baltimore County and that the property be reposted. 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	9613 Watts Rd
	Address Wing 5 1/1/9 M 2/17-4749 State Zip Code
ح ا	State Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship	ing are the facts upon which I/we base the request for an Administrative or practical difficulty):
Our lot is very smal	1. The depth is only 95 At.
and with the 25 At min Ar	out set back we only have
20 ft. 5in. from the rear	of our home to the back property line
The back of the house	is the only place we can
build the Patio Rouss.	But it will be 10 pt. Trom Inches
properly line.	Big. Only 10'X10'. But it will our back yand without all of the from the weather
The Room is Not real L	
still let use Enjoy	our back yard without all of 100
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That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	nal demand is filed, Affiant(s) will be required to pay a reposting and
a	r ·
Eddie L'Elevai	Carolyn A. Peterson
Signature	Signature
Eddie Peterson Name - Type or Print	Cambun Patousan
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO	· · · · · · · · · · · · · · · · · · ·
of Maryland, in and for the County aforesaid, person	before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactor	orly identified to me as such Affiant(s)
The Filliand of Herein, personally known or satisfact	brily identified to the as such Amarit(s).
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	My Commission Expires MA \( \frac{20}{20}, 2007
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.

That the Affiant(s) does/do presently reside at	9613 Vatts Rd Address
	Address  State  Address  Address  Address  State  A 17-4749  Zip Code
· · · · · · · · · · · · · · · · · · ·	City State Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
Our lot is very sma	11. The depth is only 95 At.
	rout set back we only have
20 ft. 5in. from the rear	. of our home to the back property line
The back of the house	is the only place we can  But it will be 10 At. from the rear
build the Patio Room	. But it will be lost from the the
property line.	Big. only 10'x10'. But it will our back vard without all of the
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Eddie L'Atterion	arolyn A. Peterson
Signature	Signature Signature
EJJ' P. L.	
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	, ; ;
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
I HEREBY CERTIFY, this 9 day of of Maryland, in and for the County aforesaid, personal day of the County aforesaid.	<u>厂とも</u> , <u>の</u> 」, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, pers	· · · · · · · · · · · · · · · · · · ·
Eddie Peterson V Caro	RUN METEROUX
the Affiant(s) herein, personally known or satisfac	cioniy identified to me as such Amant(s).
AS WITNESS my hand and Notarial Seal	
To Willeso IIIy halla alla Rotaliai ocai	1110000000000000000000000000000000000
	Notary Public
	My Commission Expires May 20, 2007
REV 10/25/01 .	







## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property	ocated at 9613 W	atts Rd	
		which is presently	zoned <u>DR 5.5</u>	
This Petition shall be filed with owner(s) of the property situate in made a part hereof, hereby petition 1.13.6.6 CMDP 1.1971	n for a Variance from Sect	ion(s) 1 BOLAC.6 BC	TRAND	d, lega eto and
AND To Amend the	Final Development of # 147 And the	of Plan of the land	1:11ase5	
IN Case \$ 95-131-XA	For Same			•
of the zoning regulations of Baltim of this petition form.	ore County, to the zoning	aw of Baltimore County, for	he reasons indicated on th	e back
Property is to be posted and adver I, or we, agree to pay expenses of ab- regulations and restrictions of Baltimo	NVB V9CI9NCQ OMUAMIRIAA KA	adding also and fourth and the contract of the	and are to be bounded by the county.	zoning
		I/We do solemnly declare	and affirm, under the penalties	s of vhich
Contract Purchaser/Lessee:	; '   !	Legal Owner(s):		
Name - Type or Print		Name - Type or Print  Eddie Reter	?r50M	<del></del>
Signature		Signature	terson	<del></del>
Address	Telephone No.	Name - Type or Print  Signature  A P P		<del></del>
Attorney For Petitioner:	Zip Code	9613 Watts Rd Address	410 3566	
Name - Type or Print		City Mills	Med 21117-4	ne No. 4749 Code
Signature		Representative to be	· · · · · · · · · · · · · · · · · · ·	
Company	<u></u>	Name	suseher.	
Address	Telephone No.	1585 Sulphu Address B-11	Telephone	
City  State  A Public Hearing baying been formally d		City	1	Code
A Public Hearing having been formally described this day of day of regulations of Baltimore County and that the	emanded and/or found to be need that the subject matter of the property be reposted.	equired, it is ordered by the Zoni is petition be set for a public hearing	ng Commissioner of Baltimore Constitution of	ounty, zoning
CASE NO. 05-400	- A Revie	Zoning Commissioner	of Baltimore County  Date #/10/05	
REV 10/25/01	Estin	nated Posting Date	2/2-1-	

### Zoning description for 9613 watts rd

Beginning at a point on the south side of watts rd which is a 30 ft. right of way, at the distance of 360 east of the centerline of the nearest improved intersection street, being darkstar, which is 30 right of way.

*Being lot #147, Section #1, in the subdivision of villages of winterset as recorded in the Baltimore county Plat Book #6, Folio# 108, Containing 4,275 sq. ft.. Also known as 9613 Watts rd and located in the 2nd election district, 4th council manic district.

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BALTIMORE CO OFFICE OF BUDGE MISCELLANEOL				
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#### CERTIFICATE OF POSTING

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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: 05-400-8
Petitioner: K Peterson
Address or Location: X 96/3 Watts RV Balto MV 2117- 4749
PLEASE FORWARD ADVERTISING BILL TO:
Name: Appleby
Address: 1585 Sulphur Spring Rd
Balto ND 21227
Telephone Number: 410 272- 5970

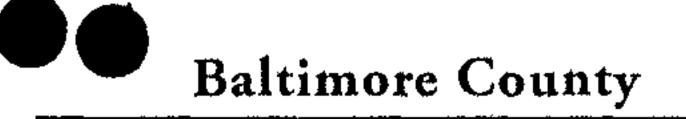
## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 400 -A Address 96/3 WATTS RD
Contact Person: John Flanner, Please Print Your Name  Phone Number: 410-887-3391
Filing Date: 2/10/05 Posting Date: 2/20/05 Closing Date: 3/07/05
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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.
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.
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.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 400 -A Address 96/3 WATTS RR
etitioner's Name <u>FOXCAROLYN</u> WATTS Telephone 410 356 6480
Osting Date: ユ/20/05 Closing Date: イ/5ヵ/ュー
ording for Sign: To Permit B. WINDOW TO PROPERTY CONFERTS OF THE CONTROLL OF
CIEGO TO FOR A PROPOSED SUNROON ON REAR OF DULL ) AND TO AMEND
EFINIO DEVELOPMENT MAN FIND APPRINED DI ANI EN THE MENTER A
INTERSET LOT 147 AND CASE # 95-131-XA RESPECTIVELY
WCR - Revised 6/25/04

## Department of Permits and Development Manage Cart

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





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

March 7, 2005

Eddie Peterson Carolyn Peterson 9613 Watts Road Owings Mills, Maryland 21117-4749

Dear Mr. and Mrs. Peterson:

RE: Case Number: 05-400-A, 9613 Watts Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 10, 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.

Verstruly yours, O. Call Richard D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel Wayne Rouseher 1585 Sulphur Spring Road Baltimore 21227



#### 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 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 397, 399-402, 404

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:

2-18.05

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

RE:

**Baltimore County** 

Item No.

900

JLL

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

FROM:

John D. Oltman, Jr

DATE:

March 15, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 22, 2005

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

05-395

05-397

05-398

05-408

05-402

05-404

Reviewers:

Sue Farinetti, Dave Lykens

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) 5-400 – 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.

Prepared By:

Division Chief:

MAC/LL

RECEIVED

**DATE:** March 4, 2005

MAR - 7 2005

COMMISSIONER

#### 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 Advicory Committee Meeting

For February 38, 2005

Item No. 400

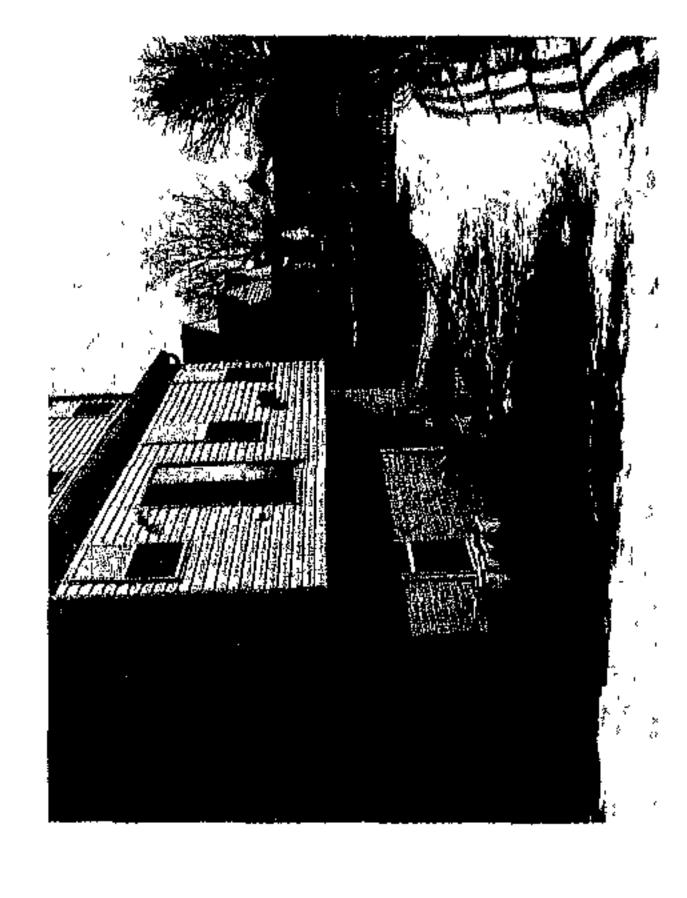
The Bureau of Development Plans Review has reviewed the subject-zoning item.

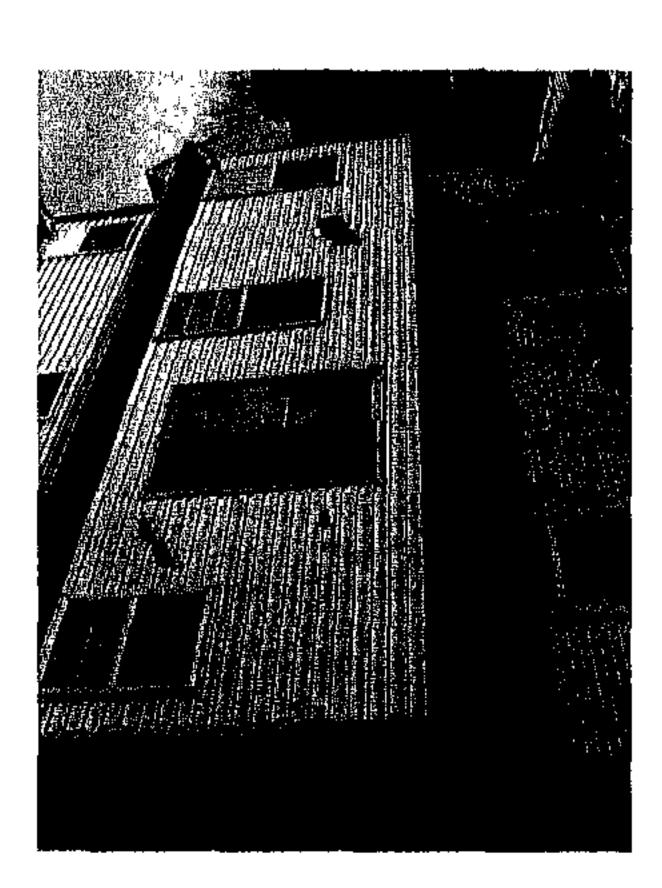
The minimum right-of-way for all public roads in Baltimore County is 40 feet. Variance shall be modified accordingly.

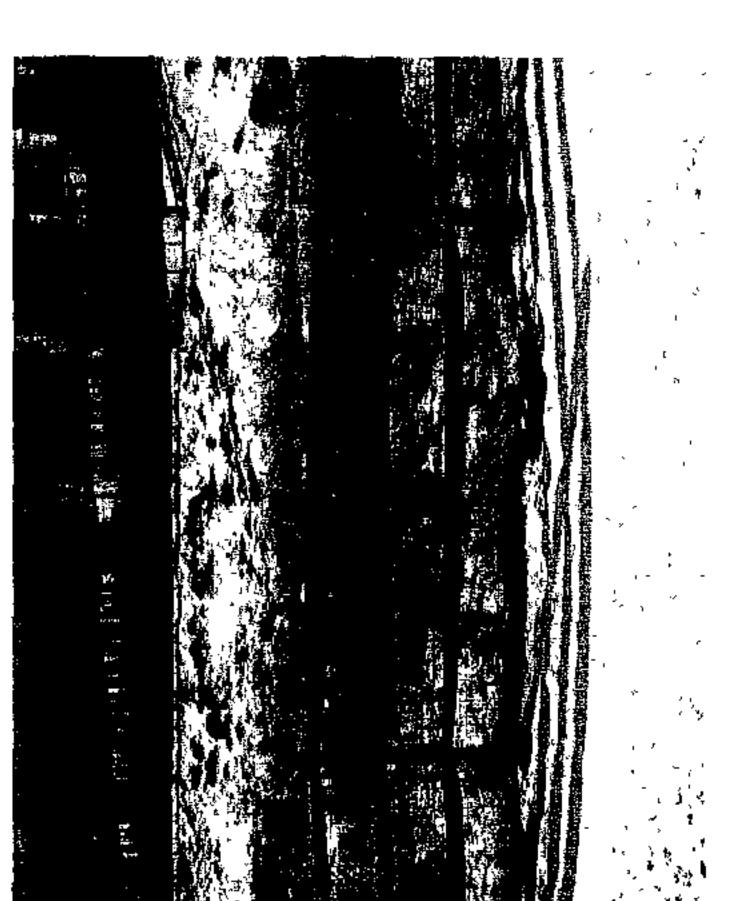
RWB:CEN:jrb

cc: File

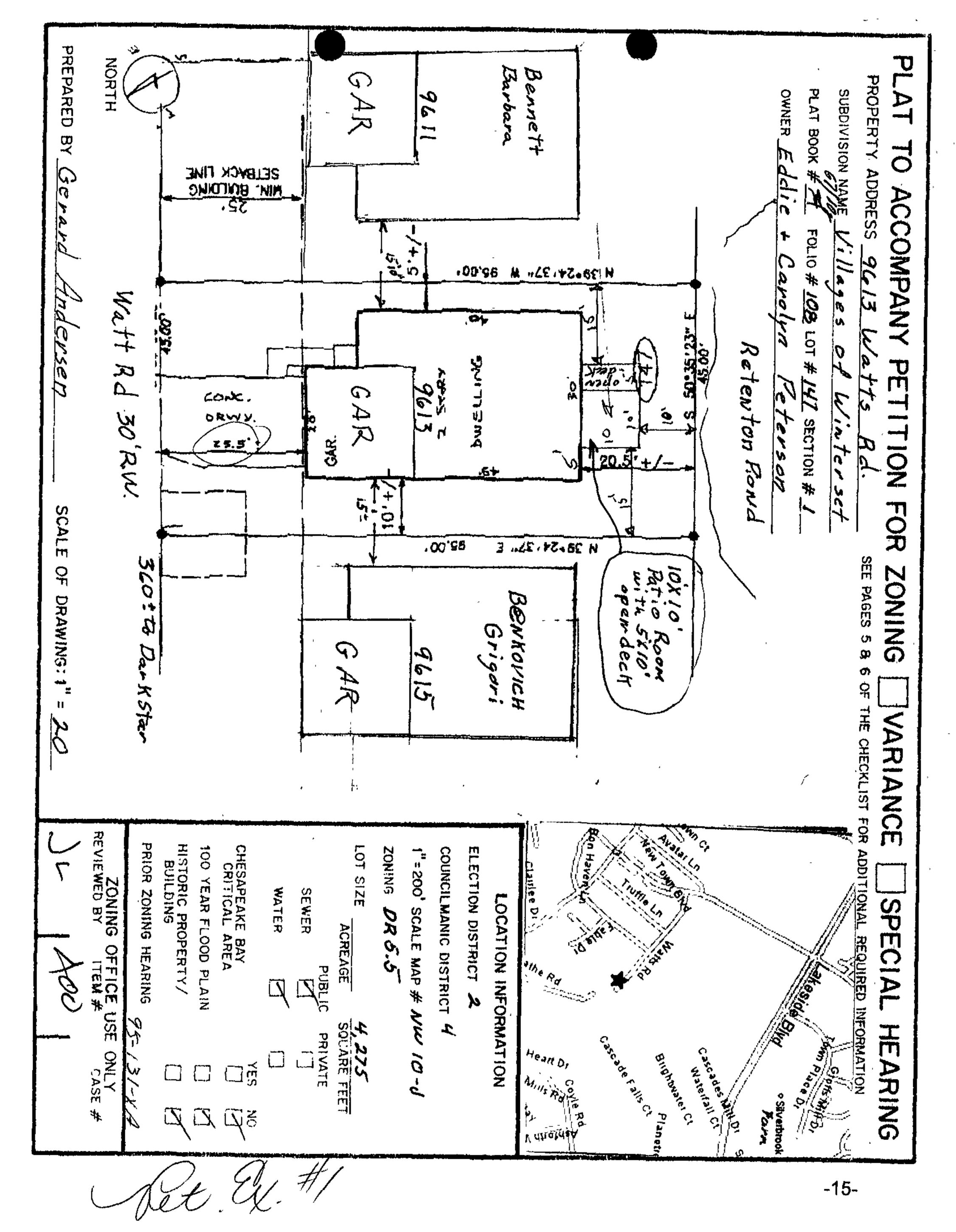
9613 Watts KD

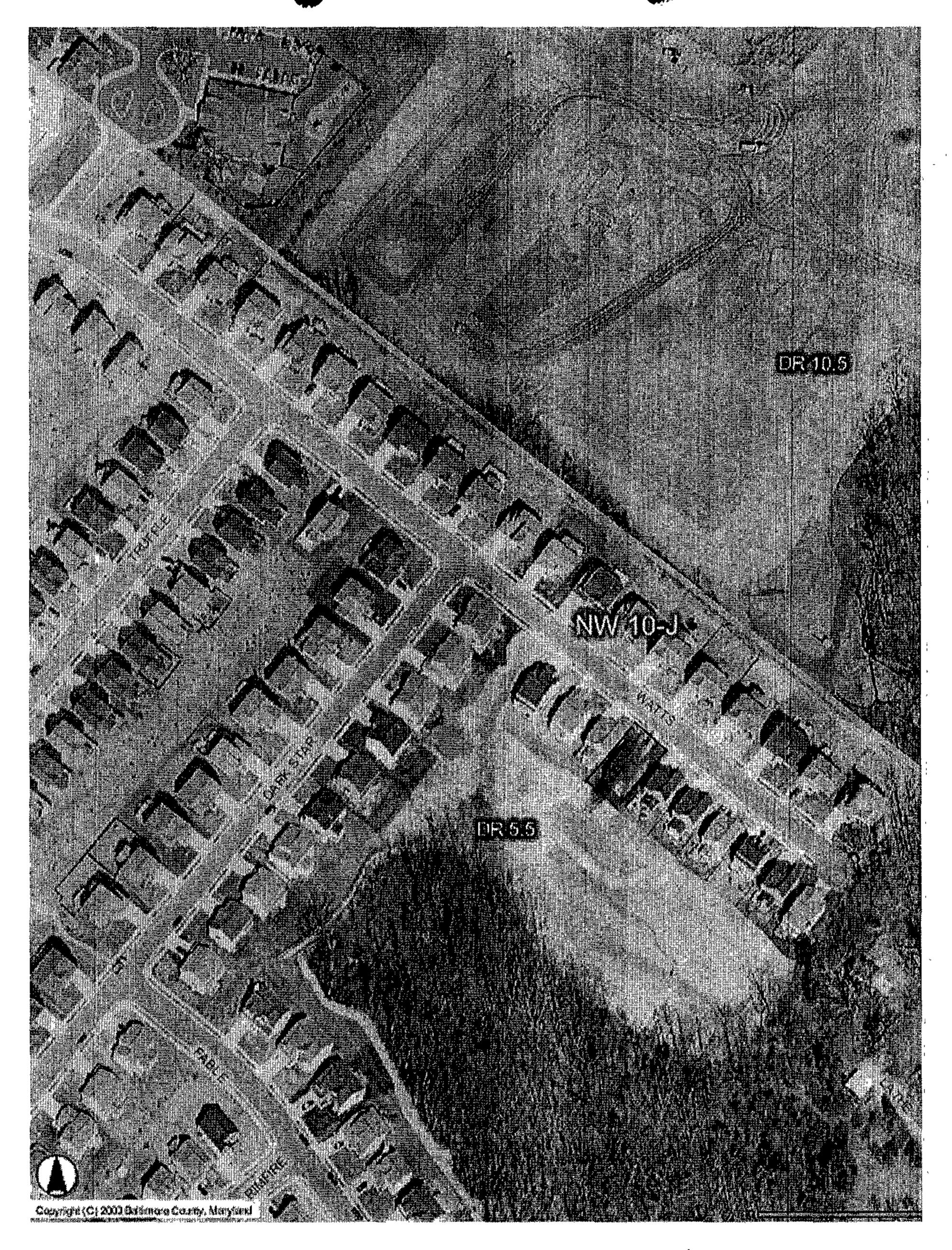






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