

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Old Farm Road, 145 ft. W
centerline of Sunburst Road
10th Election District
3rd Councilmanic District
(4306 Old Farm Road)

Mary E. & Michael X. Smith,
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-443-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mary E. and Michael X. Smith. The variance request is for property located at 4306 Old Farm Road in the Baldwin area of Baltimore County. The variance request is from Section 1A04.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (2023, Old R-40), to allow a side yard setback of 13 ft. for a proposed attached garage in lieu of the minimum required 20 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 March 19, 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 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.

RECEIVED FOR FILING
4/8/05
Ray

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 8th day of April, 2005, by this Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) (2023, Old R-40), to allow a side yard setback of 13 ft. for a proposed attached garage in lieu of the minimum required 20 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

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



WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

RECEIVED FOR FILING
4/8/05
Ray

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

April 8, 2005

Mr. & Mrs. Michael X. Smith
4306 Old Farm Road
Baldwin, Maryland 21013

Re: Petition for Administrative Variance
Case No. 05-443-A
Property: 4306 Old Farm Road

Dear Mr. & Mrs. Smith:

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, appearing to be "W. J. Wiseman III", is written over the typed name.

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4306 OLD FARM RD BALDWIN 21013
which is presently zoned RC.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) 19043.B.4 (202.3-OK R-40)
To allow a side yard setback of 13 ft. for a proposed attached garage in lieu of the minimum required 20 ft.
SIDE YARD SETBACK

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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, 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.

Zoning Commissioner of Baltimore County

CASE NO. 05-443A

Reviewed By [Signature]

Date 3-7-05

REV 10/25/01

Estimated Posting Date 3-20-05

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

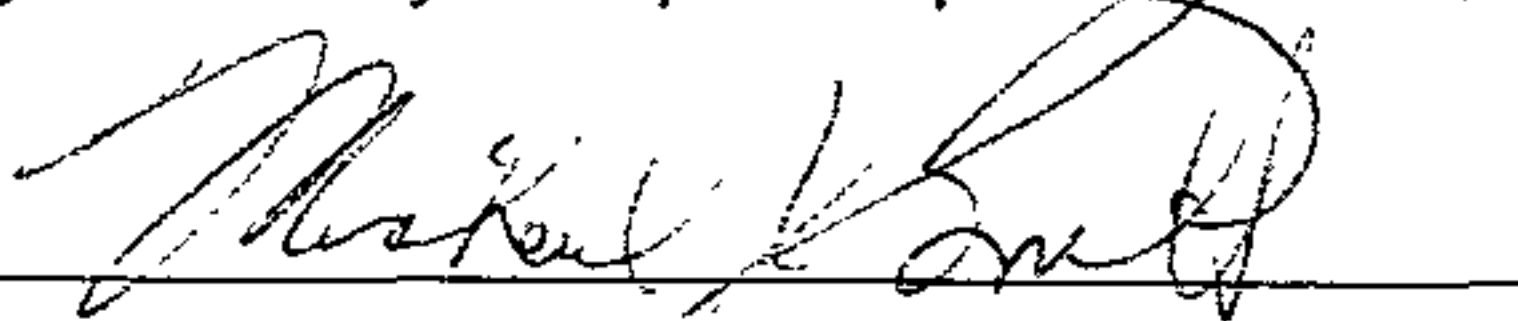
Address 4306 OLD FARM RD.
City BALDWIN State MD. Zip Code 21013

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):

IN ORDER TO CONVERT FROM A ONE TO A TWO CAR GARAGE
A SIDE YARD VARIANCE IS NEEDED. A SECOND GARAGE IS NEEDED
AND ATTACHING IS MORE PRACTICAL THAN A REAR YARD
DETACHED DUE TO GRADING ACCESSIBILITY.

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.

Signature



Name - Type or Print

MICHAEL X. SMITH

Signature



Name - Type or Print

MARY E. SMITH

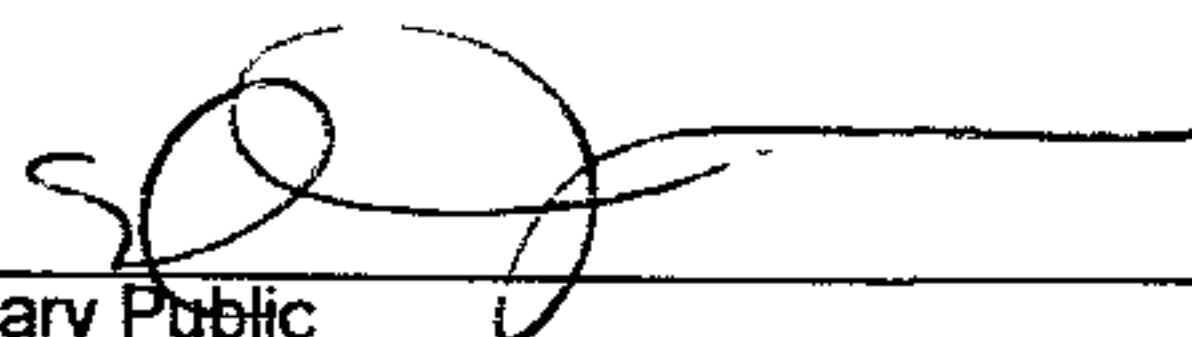
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of MARCH, 05, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael X Smith + Mary E. Smith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public



CAROL PORILLE

My Commission Expires

01/01/07

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.

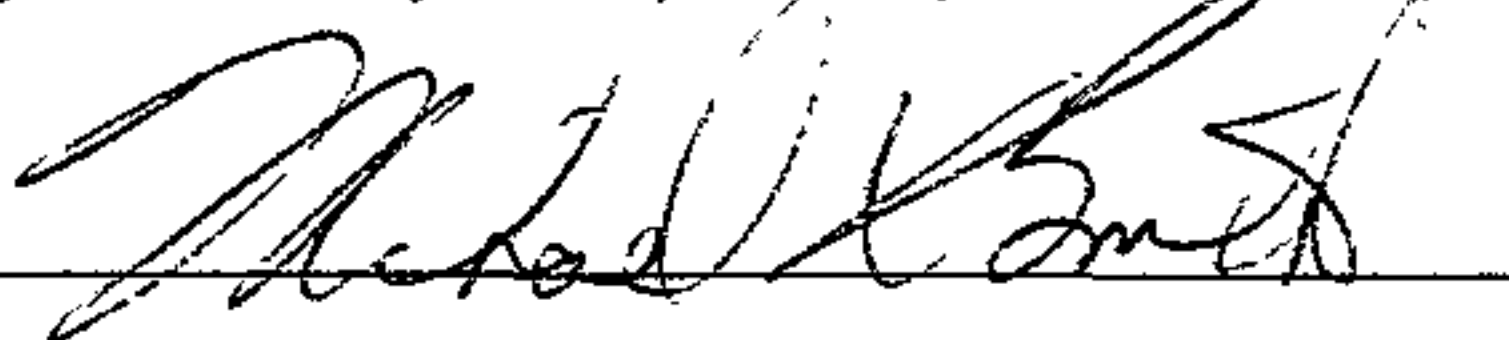
That the Affiant(s) does/do presently reside at

4306 OLD FARM RD.
Address
BALDWIN MD. 21013
City State Zip Code

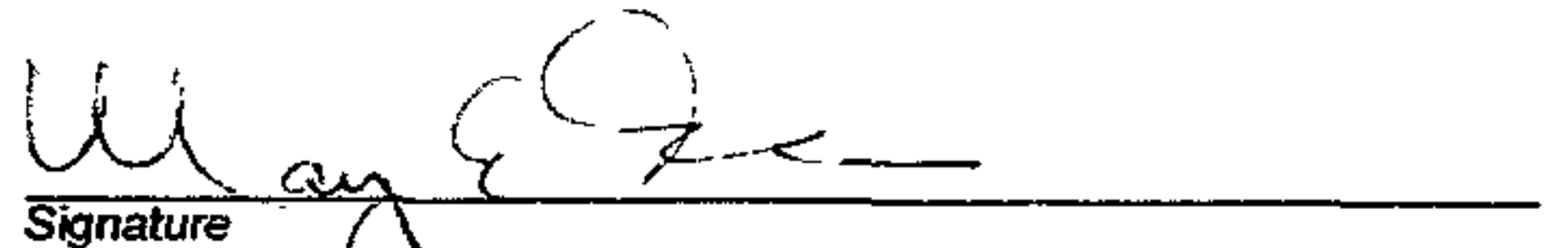
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

IN ORDER TO CONVERT FROM A ONE TO A TWO CAR GARAGE
A SIDE YARD VARIANCE IS NEEDED. A SECOND GARAGE IS NEEDED
AND ATTACHING IS MORE PRACTICAL THAN A REAR YARD
DETACHED DUE TO GRADING ACCESSIBILITY.

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.


Signature

MICHAEL X. SMITH
Name - Type or Print


Signature

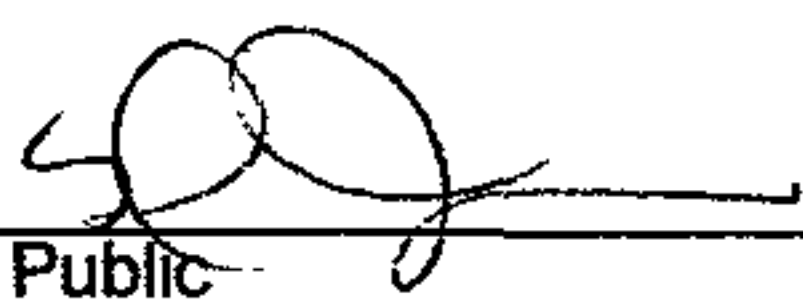
MARY E. SMITH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of MARCH, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MICHAEL X. & MARY E. SMITH
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

 Exp. 01/01/07
Notary Public

My Commission Expires CAROL PORCHER



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at H306 OLDFARM RD BALDWIN 21013
which is presently zoned RC.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) 1802.3, 1A04.3.B.4 (202.3 PER-40)

To allow a side yard setback of 13 ft. for a proposed attached garage in lieu of the minimum required 20 ft.
SIDE YARD SETBACK

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Representative to be Contacted:

Name

Address

City

Zoning Commissioner of Baltimore County

CASE NO. 05-443-A

REV 10/25/01

Reviewed By [Signature] Date 3-7-05

Estimated Posting Date 3-20-05

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 4306 OLD FARM RD.
(address)

Beginning at a point on the NORTH side of
(north, south, east or west)

OLD FARM ROAD which is 60
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 145 WEST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street SUNBURST RD
(name of street)

which is 60 wide. *Being Lot # 4
(number of feet of right-of-way width)

Block A, Section # 1 ^{REVISED} in the subdivision of SWEET AIR MANOR
(name of subdivision)

as recorded in Baltimore County Plat Book # 30, Folio # 065,

containing 69.165. Also known as 4306 OLD FARM RD.
(square feet or acres) (property address)

and located in the 10 Election District, 3 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

443

BALTIMORE COUNTY MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 3-07-05

ACCOUNT 10000000000000000000

AMOUNT 100.00

RECEIVED
FROM

Mr. Smith

FOR

Residential Vanpooling
4300 and 4400

DISTRIBUTION
WHITE CASHIER

PINK AGENCY

YELLOW CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

RECEIVED BY DATE TIME DAY

3/7/05 10:00 AM

BY DATE TIME DAY

3/7/05 10:00 AM

FOR DATE TIME DAY

3/7/05 10:00 AM

BY DATE TIME DAY

3/7/05 10:00 AM

FOR DATE TIME DAY

3/7/05 10:00 AM

BY DATE TIME DAY

3/7/05 10:00 AM

CERTIFICATE OF POSTING

RE: Case No.: 05-443-A

Petitioner/Developer: MICHAEL

SMITH

Date of Hearing/Closing: 4/4/05

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: _____

4306 OLD FARM RD

The sign(s) were posted on _____

3/19/05
(Month, Day, Year)

Sincerely,

Robert Black 3/20/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1588 Leslie Road

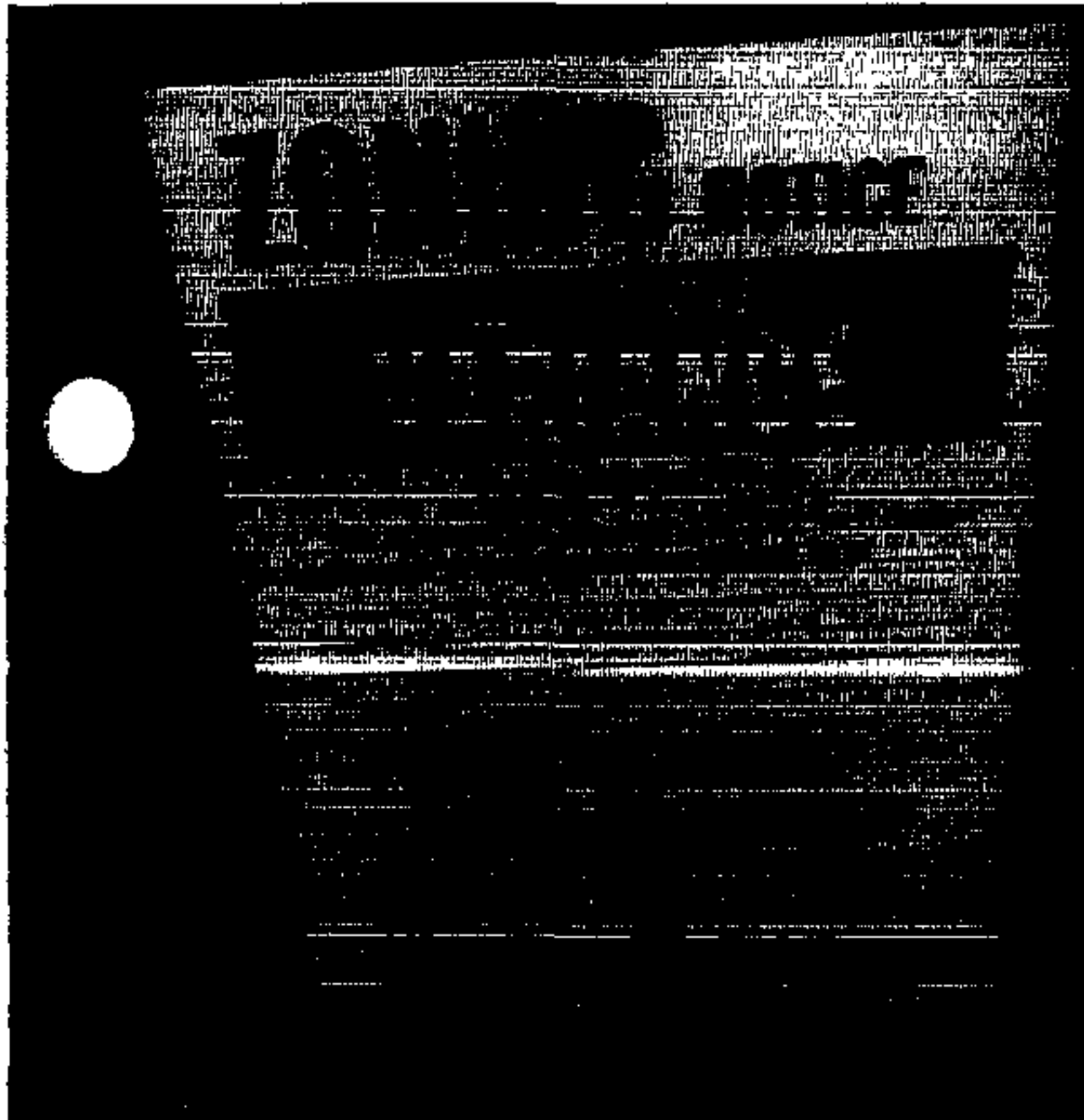
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



4306 OLD FARM RD

**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: 05-443 A

Petitioner: Mr + Mrs Michael Smith

Address or ^{site}Location: 4306 Old Farm Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: _____

Baldwin, Md, 21013

Telephone Number: 410-592-8837

Call 410 952-1427

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 443 -A Address 4306 Old Farm Rd.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3-07-05 Posting Date: 3-20-05 Closing Date: 4-04-05

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- 443 -A Address 4306 Old Farm Rd.

Petitioner's Name Michael Smith Telephone _____

Posting Date: 3-20-05 Closing Date: 4-04-05

Wording for Sign: To Permit a sideyard setback of 13 ft. for a proposed attached garage in lieu of the minimum required 20 ft.

**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*

April 4, 2005

Michael X. Smith
Mary E. Smith
4306 Old Farm Road
Baldwin, Maryland 21013

Dear Mr. and Mrs. Smith:

RE: Case Number: 05-443-A, 4306 Old Farm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 434, 435, 436, 437, 438, 439, 441, 442, 443.

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.

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

Acting Lieutenant Don W. Muddiman
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 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: 3.11.05

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

RE: Baltimore County
Item No. 443 JJS

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 14, 2005
RECEIVED

MAR 21 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-443 – 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:

Mark Cunningham

Division Chief:

Lyne Torhan

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2005
Item Nos. 436, 437, 441, 442, 443,

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

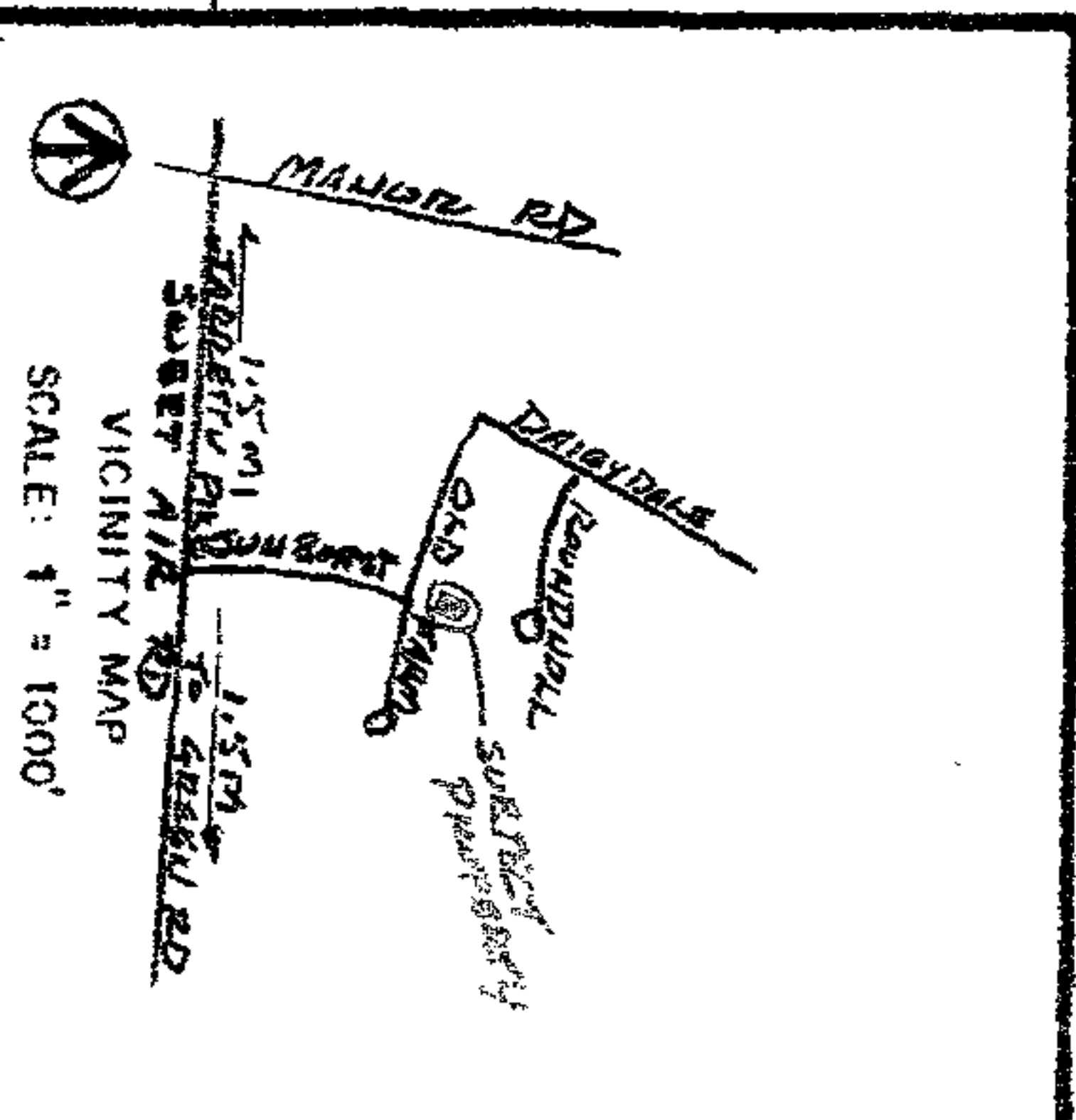
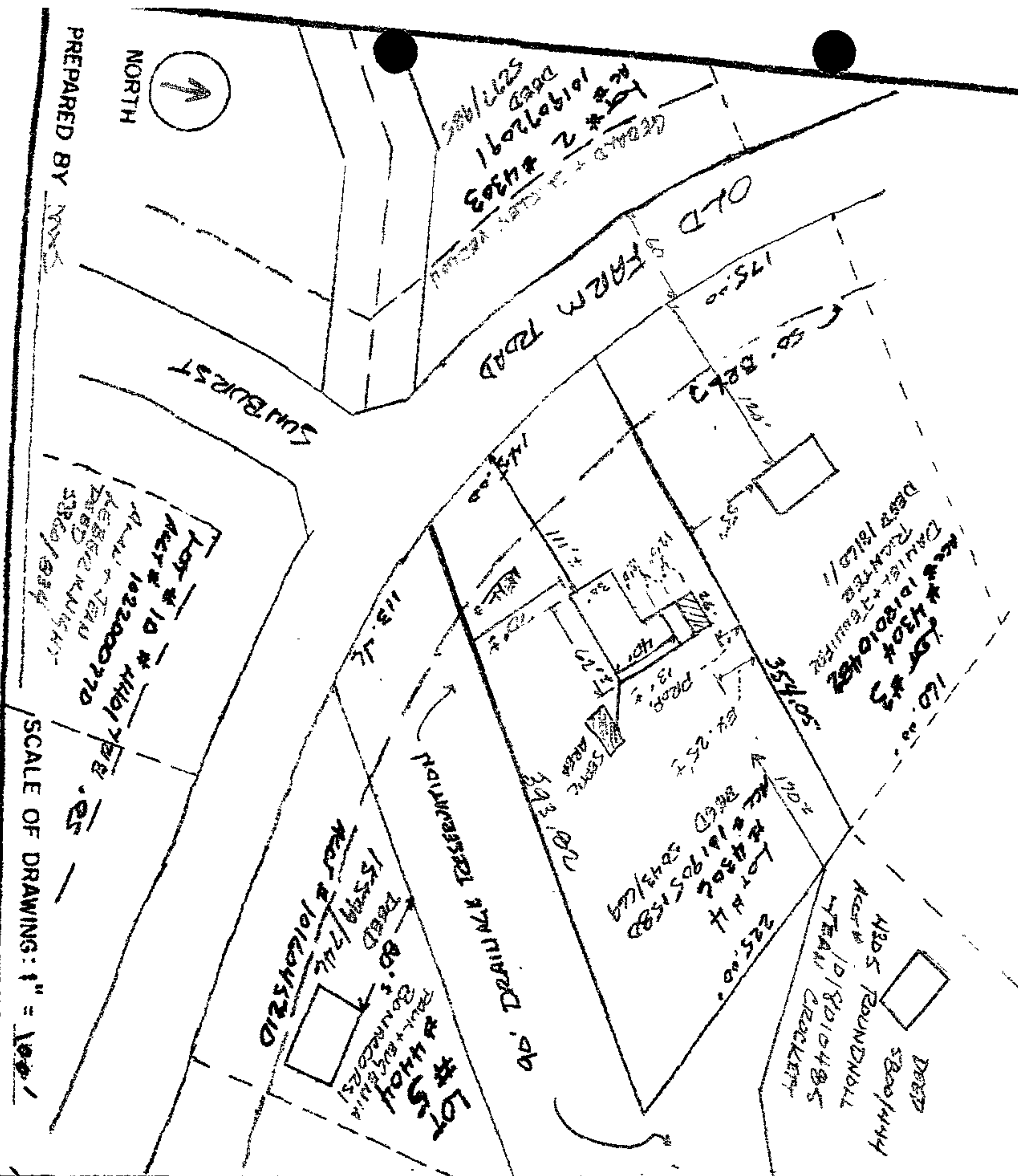
RWB:CEN:cp

cc: File

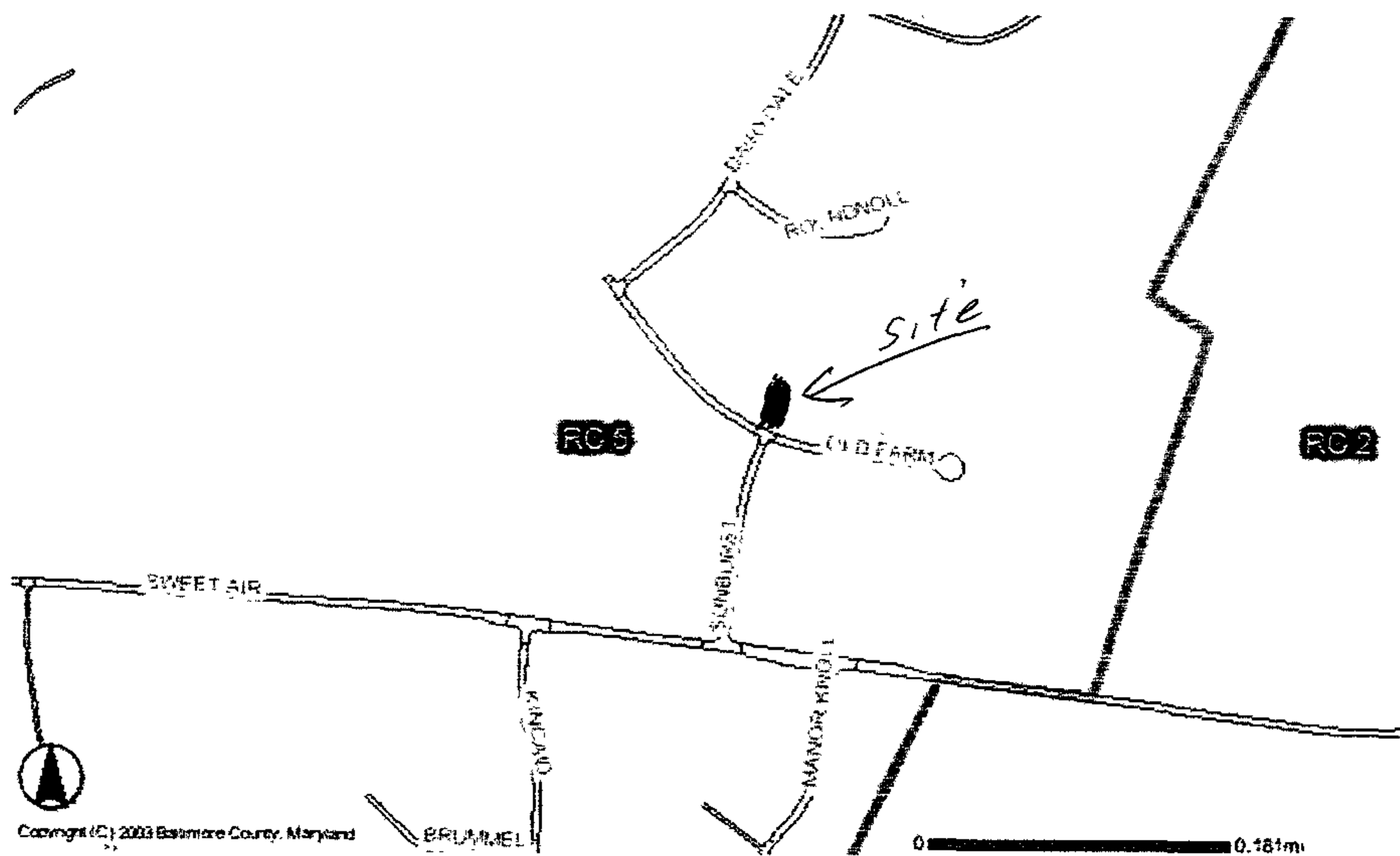
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4306 OLD FARM RD. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

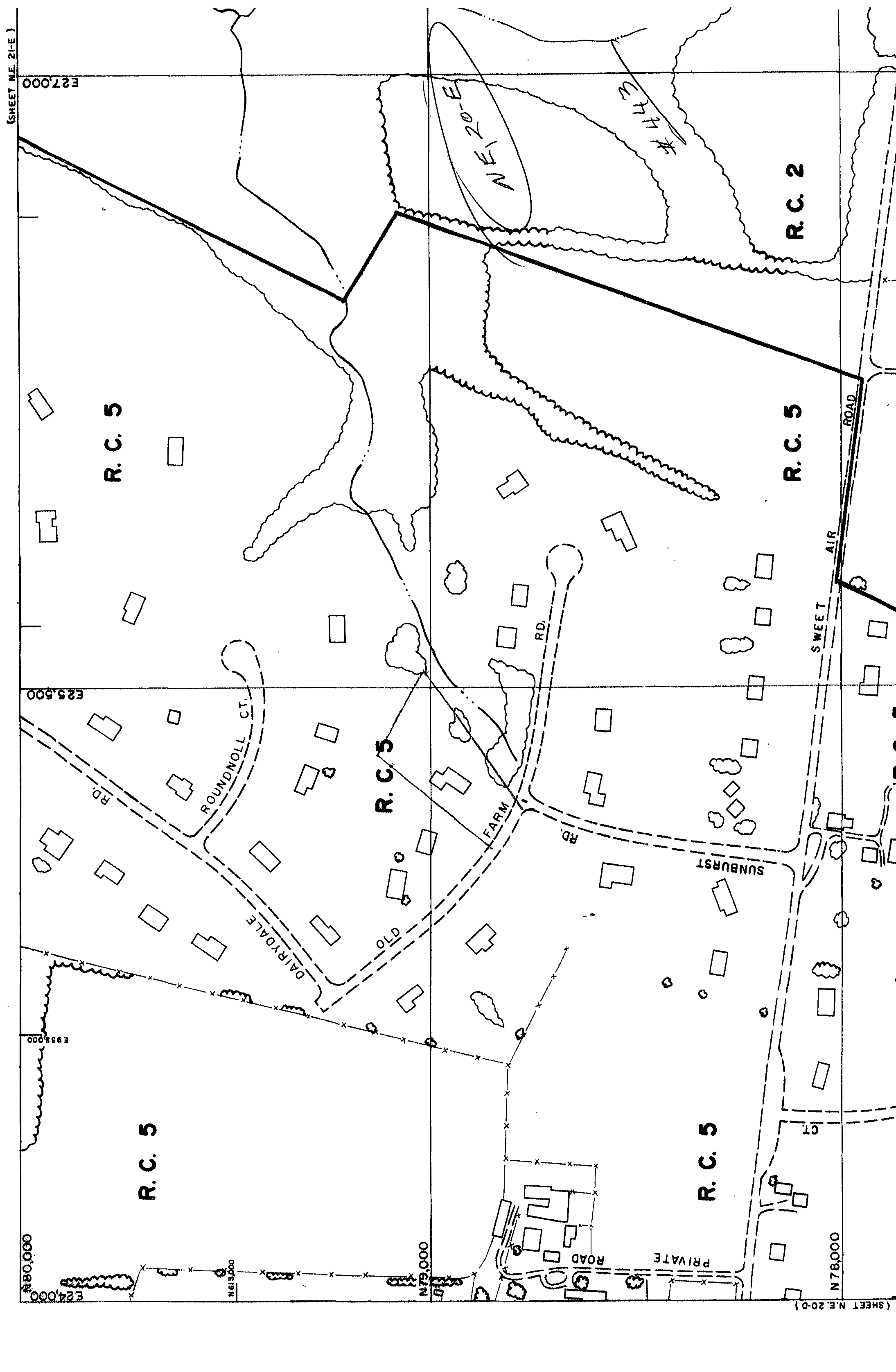
SUBDIVISION NAME Sweet Air Manor
 PLAT BOOK # 38 FOLIO # 65 LOT # 4 SECTION # 1 REVISED BLOCK 15
 OWNER MICHAEL X. & MARY E. SMITH 3/1/05



LOCATION INFORMATION ELECTION DISTRICT <u>10</u> COUNCILMANIC DISTRICT <u>3</u> 1" = 200' SCALE MAP # <u>2</u> ZONING <u>TRC 5</u>		LOT SIZE <u>1.539</u> AC. <u>69,165</u> SQ. FT. ACRES SQUARE FEET SEWER ☐ PUBLIC ☐ PRIVATE ☒ WATER ☐ ☒ CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO 100 YEAR FLOOD PLAIN ☐ ☒ HISTORIC PROPERTY / BUILDING ☐ ☒ PRIOR ZONING HEARING <u>NO</u>	
ZONING OFFICE USE ONLY REVIEWED BY <u>[Signature]</u> ITEM # <u>443</u> CASE # <u>0224471</u>			



443



R.C. 2

R.C. 5

R.C. 5

R.C. 5

R.C. 5

R.C. 5

NE 20-E

ROUNDNOLL CT.

FARM RD.

SWEET AIR ROAD

SUNBURST

PRIVATE ROAD

E27,000

E25,500

E23,000

E24,000

N79,000

N78,000

(SHEET N.E. 20-D)

(SHEET N.E. 21-E)