Date WEDENMED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

NW/Corner Armacost Road and

Pheasant Wood Court

(2 Pheasant Wood Court)

7th Election District 3rd Council District

Richard H. Easton, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-452-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Richard H. Easton and his wife, Elizabeth D. Easton. The Petitioners seek relief from Section 1A.00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.)(1974, R.D.P. Zone) to permit a property line setback of 25 feet in lieu of the minimum required 50 feet for proposed additions. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

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Oate Based upon the evidence contained therein, I am persuaded to grant the requested relief. The site plan and Petition filed indicate that the variance is necessitated due to the narrow width of the property, the septic reserve area to the rear, and the location and layout of the existing dwelling. In a telephone conversation with Mr. L. J. (Larry) Link, Jr., the Petitioners' architect advised this office that the existing garage will be removed and a series of additions are planned to allow the expansion of the existing kitchen and add a family room, a mud room, and new garage. It is the new garage that will extend into the required setback on the southwest side of the property. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors do not object. In this regard, a line of mature trees and existing vegetation will buffer the proposed garage from the neighbor who would be most affected. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April 2005 that the Petition for Administrative Variance seeking relief from Section 1A.00.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.)(1974, R.D.P. Zone) to permit a property line setback of 25 feet in lieu of the minimum required 50 feet for proposed additions, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

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 11, 2005

Mr. & Mrs. Richard H. Easton 2 Pheasant Wood Court Parkton, Maryland 21120

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Armacost Road and Pheasant Wood Court
(2 Pheasant Wood Court)
7th Election District – 3rd Council District
Richard H. Easton, et ux - Petitioners
Case No. 05-452-A

Dear Mr. & Mrs. Easton:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM-J-WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Office of Planning; People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 Phlasaut Work Ct. 21128, 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)

14.00.3.B.3. 1974. BCDR. CRD.P. Zne). to permit a property line set both of 25th in lieu. of. 50 ff. for a groppisch addition

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. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Telephone No. Name . Type or Print Address Zip Code State Sígna City 410-357-5968 Attorney For Petitioner: Telephone No. Address Zip Code City State Name - Type or Print Representative to be Contacted: Signature Company Name Telephone No. Address Telephone No. Adaress State Zip Code Zip Code City State Appublic Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County ASE NO. Reviewed By Date REV 10/25/01 **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 a	1 Nº2 Theasant Wood Count.
	Address Zip Code Zip Code
That based upon personal knowledge, the forward variance at the above address (indicate hard	ollowing are the facts upon which I/we base the request for an Administrative
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munded due	to bozation of sept strong kitchen
& Fuctionality	Linos reptie field
3. Kean yours rustite	etimol seprece tuna
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That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and le additional information.
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Signature	Signature 1
Name - Type or Print	Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALT	·
HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid,	
the Affiant(s) herein, personally known or sati	sfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
·	
	Notary Public LAWRENCE JOSEPH LINK, JR. NOTARY PUBLIC STATE OF MARYLAND My Commission Expires Publicate County
REV 10/25/01	My Commission Expires Baltimore County My Commission Expires May 1, 2005

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

<u>, A</u>	ddress	1 1 0 110 A	
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STATE OF MARYLAND, COUNTY OF BALTIMO	RE. to wit:	,	
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of Maryland, in and for the County aforesaid, person	onally appeared		Trotaly rubine of the State
Richard & Elizabeth	Telestr		
the Affiant(s) herein, personally known or satisfact	orily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
710 TTTTTLOG III) Halla alla Itolanai Ocai			
			
	Notary Public	NOTARY PUBLIC	STATE OF MARYLAND
	My Commiss	ion Expires / Baltum	Ore County Expires May 1, 2005
REV 10/25/01			-nyii 99 yiay /2009



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 Pheasant Wood Cf. 21/20. which is presently zoned 20.5.

Zoning Commissioner of Baltimore County

Date

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) | A00.3.B.3 | 1974 | BCZR | R.D.P. To PERMIT A PROPERTY LINE SIETBACK OF 25 FT, IN LIEU OF ZME 50 FT, FOL A PROPOSED ADDITION

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: <u>Legal Owner(s):</u> Name - Type or Print Name Signature Signature Address Telephone No. Name - Type or Print City Signature State ZIp Code **Attorney For Petitioner:** Address Telephone No. MD Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No. City State Zip Code 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, 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.

Reviewed By

Estimated Posting Date

Zonnin description for. Nº2 Pheasant Wood Court, 21120.

Corner of Armacost Road & Theasant Wood Count, such that the nouse & property fornts on Pheasant wood

Count.

Being lot H=14, Subdivision Haulet Favous,

Plat Book #37, tolis#138, deed #6376
662 containing 66,211 seaft. (1.52 act).

located in election district #7,

considerationalistic district #3.

2

L.J.Link Jr., Inc.
Architect
Box 727 Rockland Grist Mill
Brooklandville, Md. 21022
410. 337. 9528
fac 410. 369, 6601

BALTIMORE COUNTY MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT WEST AND	
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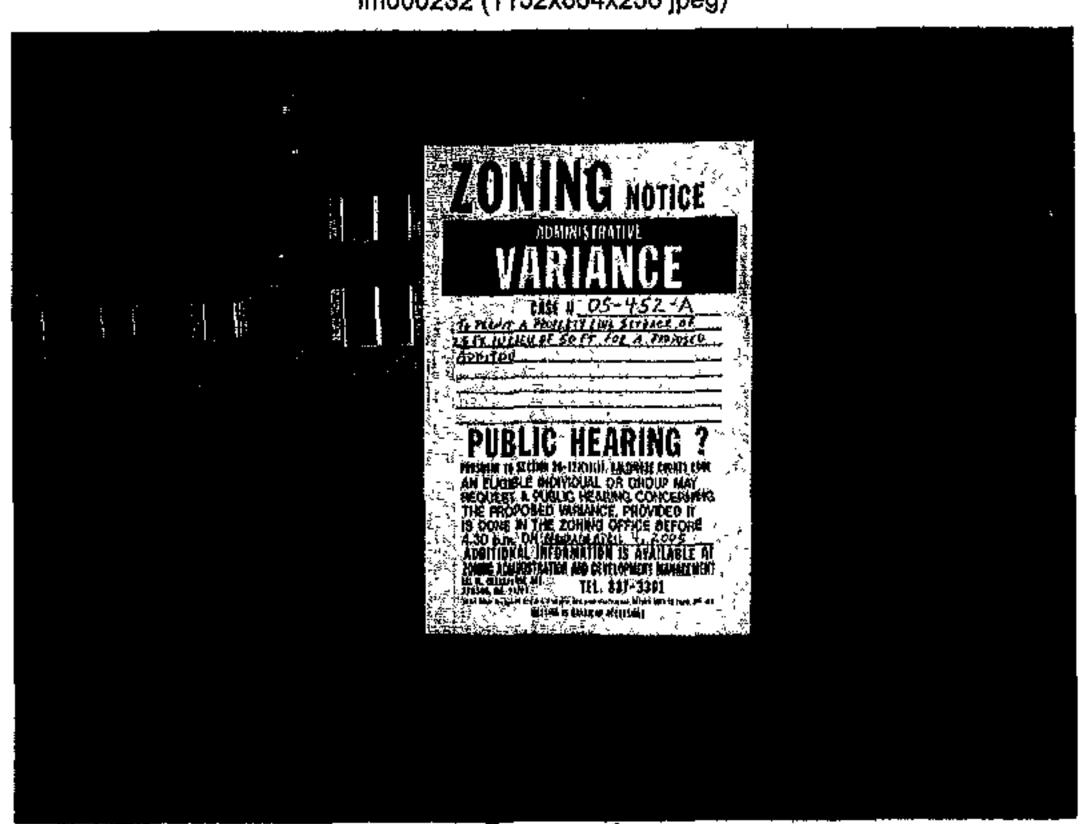
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CERTIFICATE OF POSTING

RE: Case No. : 05-452-A

	Petitioner/Developer: RICHARD ?
	ELIZABETH EASTON
	Date of Hearing/Closing: 4/4/05
Baltimore County Department Permits and Development Mar County Office Building, Room 111 West Chesapeake Avenue	nagement 111
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were po	e penalties of perjury that the necessary osted conspicuously on the property PHEASANT WOOD CT.
This sign(s) wars posted on	- n
This sign(s) were posted on	Month, Day Year)
	Sincerely, Martialle 3/205
	(Signature of Sign Poster and Date)
	(<u>Martin Ogle</u>
	Sign Poster
	5016 Castlestone Drive
	Address Balto, Md 21237
	(443-629-3411)

im000232 (1152x864x256 jpeg)



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: 05-452 - A
Petitioner: Lastn.
Address or Location: 2 Flusaut Word Ct. 21120
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 있x. 국2구.
Produandville Nd. 21022.
Telephone Number: 410.337.9926.
reseptione Number. Triv. 221. 176.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Department of Permanagement 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

Richard H. Easton Elizabeth D. Easton 2 Pheasant Wood Court Parkton, Maryland 21120

Dear Mr. and Mrs. Easton:

RE: Case Number: 05-452-A, 2 Pheasant Wood Court

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





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 21, 2005

Item No.: 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 457, 461, 462.

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 (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File





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

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

3.18.05

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

RE:

Baltimore County
Item No. 452

الل

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

April 13, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 21, 2005

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

05-446

05-447

05-450

05-451

05-452

05-453

05-456

05-457

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

DATE April 8-2005

APR 1 1 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-452 – Administrative Variance

It is incumbent upon the petitioner to demonstrate to the Zohing 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:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 28, 2005

Item No. 444, 446, 447, 448, 449 450, 451, 452, 453, 454 and 455

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

DAK:CEN:clw &

Bill Wiseman - Administrative Variance Case No. 05-452-A

From:

Bette Schuhmann

To:

Wiseman, Bill

Date:

4/11/2005 3:14:09 PM

Subject: Administrative Variance Case No. 05-452-A

Bill - I got a call today from Larry Link, the Architect for the Eastons, inquiring about the status of their request, so while I had him on the line, I asked him a couple of questions about their plans. They are removing the existing garage and propose a series of additions to expand the existing kitchen and add a family room, mud room, and new garage. It is the new garage which requires variance relief. The existing driveway will be extended to meet the new garage entrance. He didn't explain why the additions were designed the way that they were, just stated that the Eastons essentially want to update and modernize the existing house, which he claimed was built in the 1960s. Anyway, I told him that we were "working on it" and that you wouldn't be in until tomorrow (Tuesday), and that if you had any further questions, you would give him a call. I'll leave it up to you, but I think we need more information to justify granting the variance and that elevation drawings should be submitted so we have a better understanding of the proposed improvements.

Bette Schuhmann bschuhmann@co.ba.md.us 410-887-3868



Contraction Co



TRANSPORTING





