

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S of Mount Vista Road, 228 ft. N
centerline of Batter Brook Court
11th Election District
3rd Councilmanic District
(6852 Mount Vista Road)

Coylee & Robert F. Miller, Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-477-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, Coylee and Robert F. Miller, Jr. The variance request is for property located at 6852 Mount Vista Road in the Kingsville area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 45 ft. in lieu of the required 50 ft. for an addition and to amend the Final Development Plan for Lot #2. 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 April 3, 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

RECEIVED FOR FILING
7/25/05
Ray

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 25 day of April, 2005, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 45 ft. in lieu of the required 50 ft. for an addition and to amend the Final Development Plan for Lot #2, 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

FILED
4/25/05
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 ²⁵~~22~~, 2005

Mr. & Mrs. Robert F. Miller, Jr.
6852 Mount Vista Road
Kingsville, Maryland 21087

Re: Petition for Administrative Variance
Case No. 05-477-A
Property: 6852 Mount Vista Road

Dear Mr. & Mrs. Miller:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6852 MOUNT VISTA RD
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) 1A04, 3. B. 2 (1979-2004 BCZR)

TO ALLOW A SIDE YARD SETBACK OF 45 FT IN LIEU OF THE REQUIRED 50 FT. FOR AN ADDITION AND TO AMEND THE FINAL DEVELOPMENT PLAN OF BASSER BROOK ARMS LOTS #2

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

A Public 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 regulations of Baltimore County and that the property be reposted

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

Zoning Commissioner of Baltimore County

CASE NO. 05 477 A

REV 10/25/01

Reviewed By JL Date 3/21/05

Estimated Posting Date 4/03/05

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 6852 Mount Vesta Rd
City Kingsville State MD Zip Code 21087

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):

- NEED SPACE FOR AN ADDITIONAL BEDROOM ON 1ST LEVEL FOR IN LAWS.
- THE OTHER SIDE OF THE HOUSE HAS A GARAGE
- THE LAYOUT OF THE KITCHEN & OTHER ROOMS WON'T ALLOW THE ADDITION TO BE LOCATED ON THAT PART OF THE BUILDING (BACK).
- THIS SIZE ACCOMMODATES FOR THE 2 BEDROOMS WE NEED FOR THE HOME.

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 Robert Miller Jr
Name - Type or Print ROBERT MILLER JR

Signature Coylee Miller
Name - Type or Print COYLEE MILLER

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of March, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert Miller Jr and Coylee Miller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Charlotte A. Powell
Notary Public

My Commission Expires May 1, 2006

1

ZONING DESCRIPTION FOR: 6852 Mount Vista Road

Addition is beginning at a point on the EAST side of the above property.

The nearest street is Mount Vista Road.

Rm 3/22/05
BEGINNING AT A POINT ON THE EASTERNMOST SIDE OF MOUNT
VISTA RD, (VARIABLE R/W) 228 FT, NORTH OF ~~BEIJER RD~~
BATTER BROOK CT.

The above address is designated as: LOT No. 2 as shown on the plat entitled

"Subdivision Plat, Batter Brook Farms, Plat 1 of 3".

The plat is recorded among the land records of Baltimore County in Plat Book
SM No. 64, Folio 35, containing 1.07 acres. Also known as 6852 Mount Vista
Road and located in the 11th Election District. *3RD E.D.*

477

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT JL 477 No. 443414

DATE 3/21/05 ACCOUNT 001 006 6150
AMOUNT \$ 130.00

RECEIVED FROM Miller
FOR Vannoy & Amend (FD)
6952 Mount Vista Rd

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID 5/15/05
BUSINESS UNIT
INTERCOM
RECEIVED
RECEIPT # 443414
Dept 5 528
CR NO. 443414
Receipt Tot \$130.00
\$130.00
Baltimore County, Maryland

CASHIER'S VALIDATION

RE: Case No.: 05-477-A

Petitioner/Developer: _____

ROBERT & COYLE MILLER

Date of Hearing/Closing: 4/18/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: KRISTEN MATTHEWS

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 _____

6852 MOUNT VISTA RD.

The sign(s) were posted on 4/03/05
(Month, Day, Year)

CASE # 05-477-A

Sincerely,

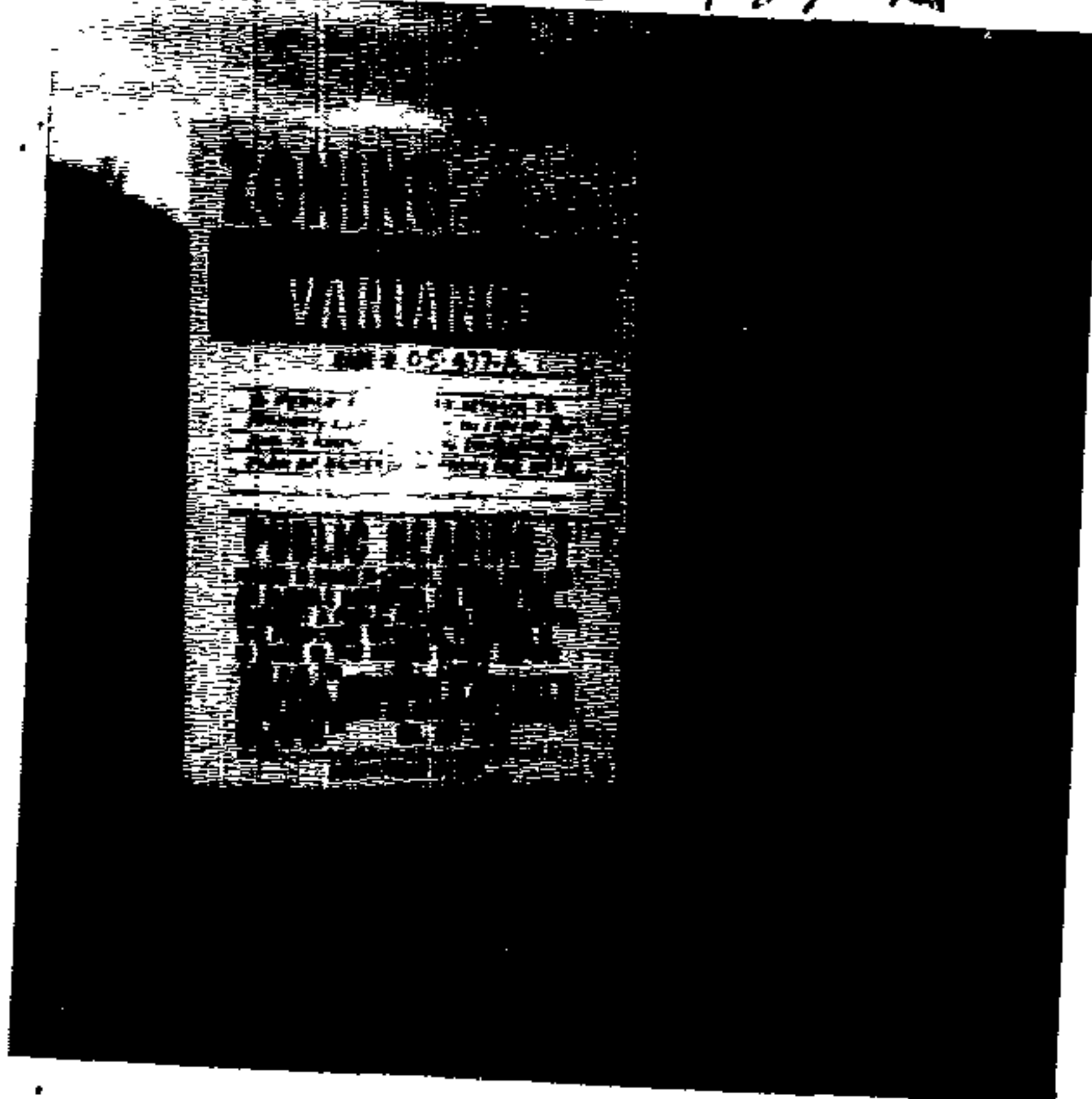
Richard E. Hoffman 4/03/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



6852 MOUNT VISTA RD.

POSTED 4/3/05

Richard E. Hoffman 4/3/05

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: 477
Petitioner: MILLER
Address or Location: 6852 MOUNT VISTA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert F. Miller Jr
Address: 6852 Mt Vista Rd
Kingsville, MD 21087
Telephone Number: 410 - 817 - 4987

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 05- 477 -AAddress 6852 MOUNT VISTA RDContact Person: John Lewis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/21/05Posting Date: 4/3/05Closing Date: 4/18/05

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 FORMATCase Number 05- 477 -AAddress 6852 MOUNT VISTA RDPetitioner's Name ROBERT & COYLEE MILLERTelephone 410 817 4987Posting Date: 4/03/05Closing Date: 4/18/05

Wording for Sign: To Permit A SIDE YARD SETBACK TO PROPERTY LINE
OF 45 FT. IN LIEU OF 50 FT. AND TO AMEND THE FINAL
DEVELOPMENT PLAN OF BATTERSBROOK FARMS FOR LOT #2

WCR - Revised 6/25/04

**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 18, 2005

Robert E. Miller, Jr.
Coylee Miller
6852 Mount Vista Road
Kingsville, Maryland 21087

Dear Mr. and Mrs. Miller:

RE: Case Number: 05-477-A, 6852 Mount Vista Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 21, 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 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 11, 2005

Item No. 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484

Pursuant to your request, the above 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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr ^{Jr}

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 4, 2005

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

05-474

~~05-477~~

05-478

05-480

05-481

05-482

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 20, 2005
Department of Permits & Development
Management

FROM: ^{DAK} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 11, 2005
Item No. 473, 474, 476, 477, 478,
479, 480, 481, 482

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

DAK:CEN:clw
cc: file
ZAC-NO COMMENTS-04202005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

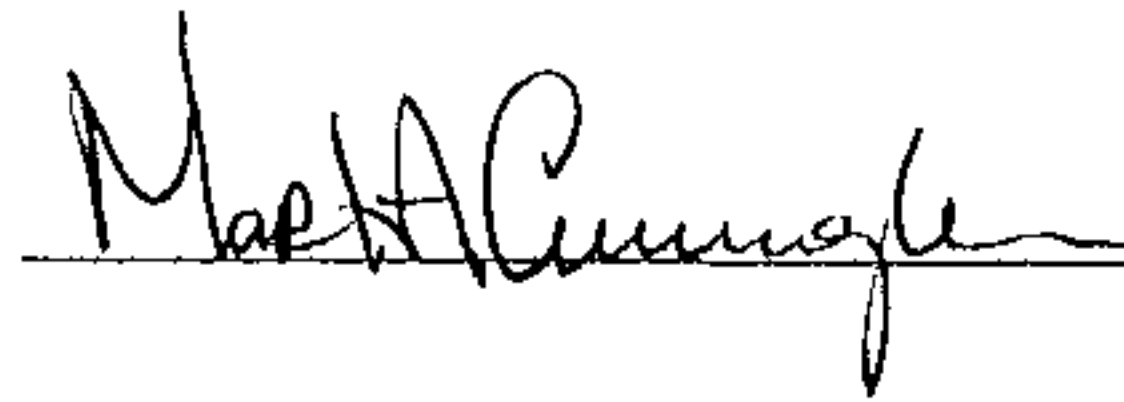
DATE: March 29, 2005

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

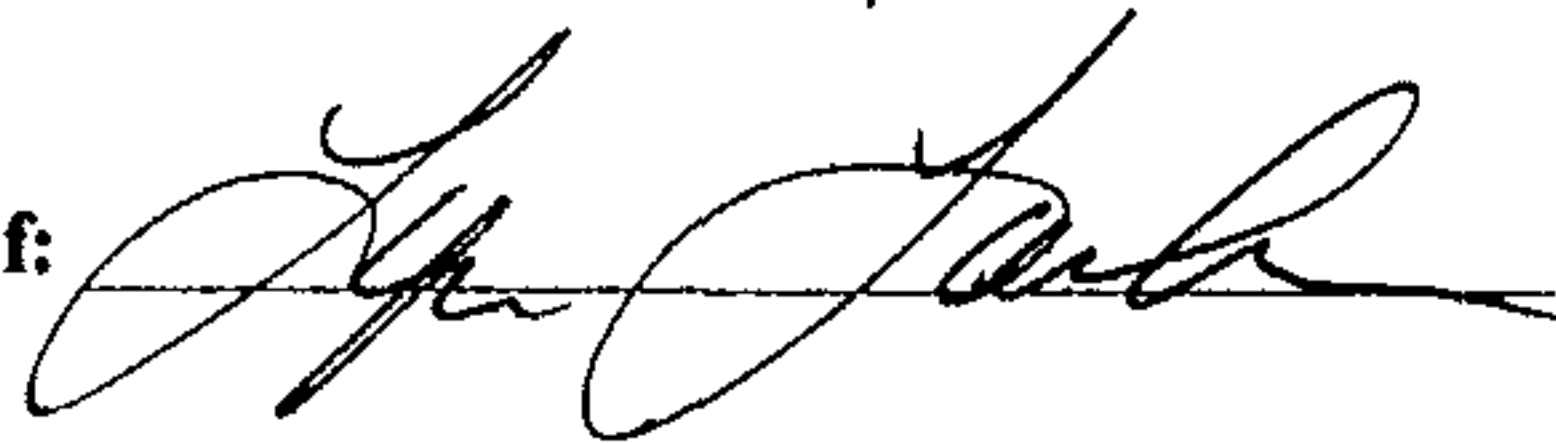
SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-474 and 5-477**
Administrative Variance

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

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



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

Maryland Department of Transportation

Date: 3.25.05

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

RE: Baltimore County
Item No. 477

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

I ROBERT F. MILLER JR OF
6852 Mount Vista Rd understand that
pictures are required of administrative
filing. I request to files at my own
risk. I will provide the photographs
with labels and the case number to
the zoning office for insertion into
the file well in advance of the
zoning commissioners review.

Robert Miller
3/22/05

417

PLAT FOR VARIANCE:

PROPERTY ADDRESS: 6852 MOUNT VISTA RD
 SUBDIVISION NAME: BATTER BROOK FARMS

PLAT BOOK: No. 64
 FOLIO NO.: 35

LOT NO.: 2

OWNER: ROBERT F &
 COYLE MICHAEL
 COYLE

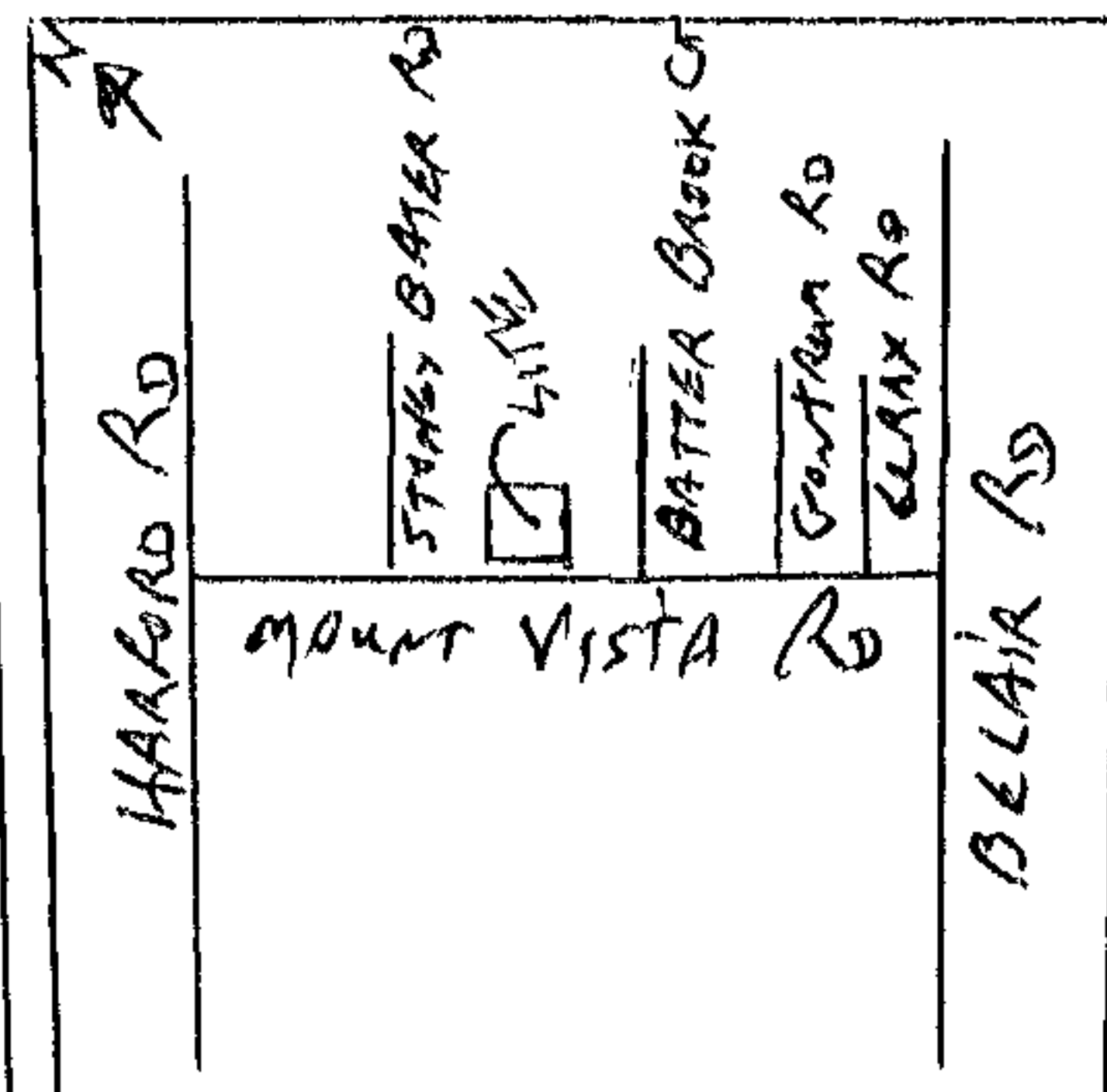
SCALE 1"=60'

ELECTION DISTRICT: 11
 CONGRESSIONAL DISTRICT: 3

ZONING: RC 5
 LOT SIZE 1.07
 ACRES

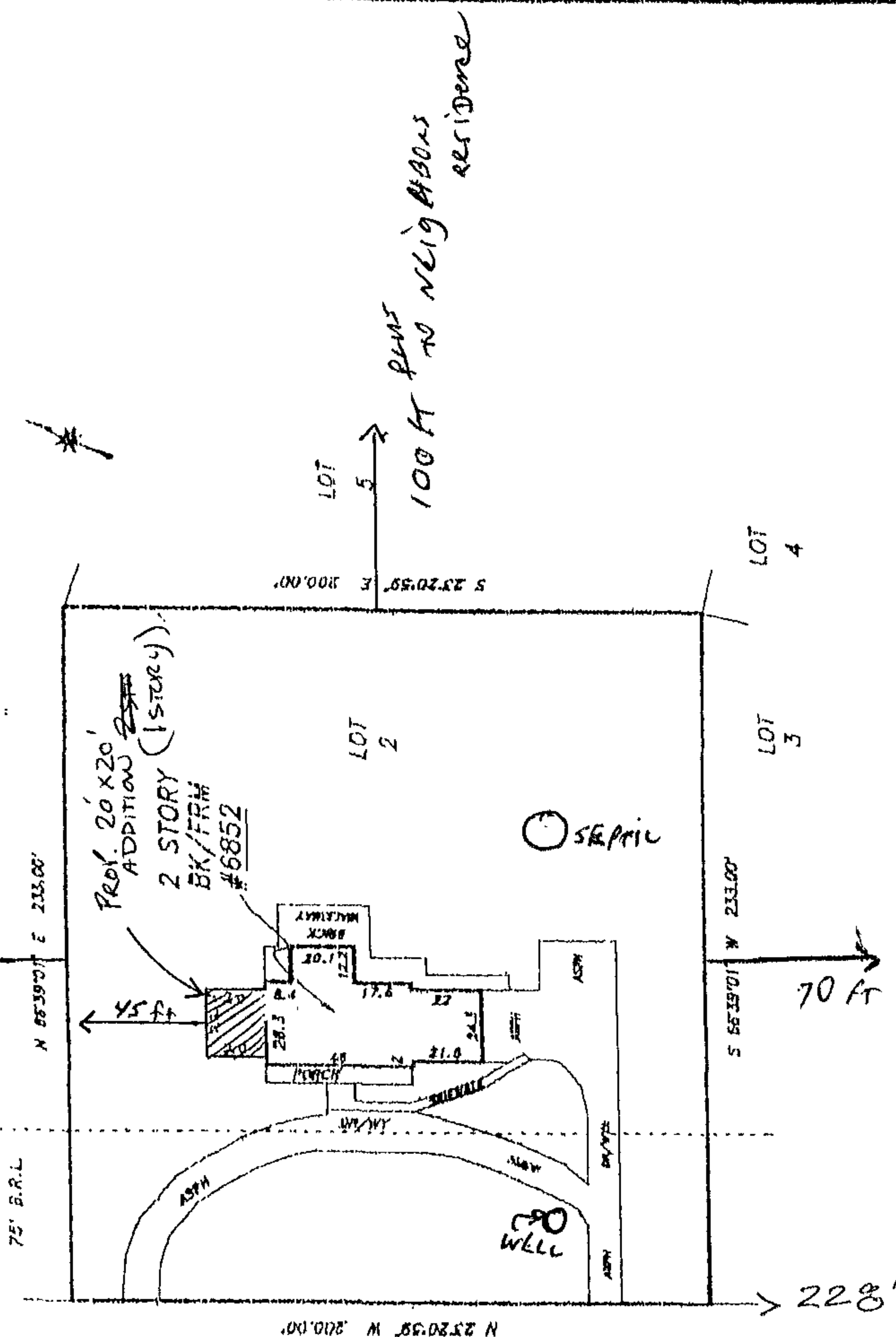
SEWER: PRIVATE
 WATER: PRIVATE

CHESAPEAKE BAY
 CRITICAL AREA: NO
 100 YR FLOOD PLAIN: NO
 HISTORIC PROPERTY/CDG: NO
 PRIOR ZONING HEARING: NONE



Subject property is shown in Zone C
 on the FIRM Map of Baltimore County
 Maryland on Community Panel
 2400100260 B Effective MARCH 3, 1988

100 FT TO NEIGHBORS RESIDENCE



05-477-A

05-477-A

FOR JIM

CASE # 05-477-A

Robert & Caylee Miller
6852 Mt Vista Rd
21087



Exhibit 4

Case # 05-477-A

Robert: COYLE Miller





