

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Whiteley Road, 425 ft. SE
centerline of Wesley Chapel Road
10th Election District
3rd Councilmanic District
(17206 Whiteley Road)

Mary Ann & Douglas J. Fritz
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-506-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, Mary Ann and Douglas J. Fritz. The administrative variance is requested for property located at 17206 Whiteley Road in the Monkton area of Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) to be located partially within the side yard in lieu of the required rear yard only, and a building height of 24 ft. in lieu of the maximum allowed 15 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 April 16, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated April 15, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

ORDER RECEIVED FOR FILING
5/4/05
Ray

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 4 day of May, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) to be located partially within the side yard in lieu of the required rear yard only, and a building height of 24 ft. in lieu of the maximum allowed 15 ft., be and is hereby

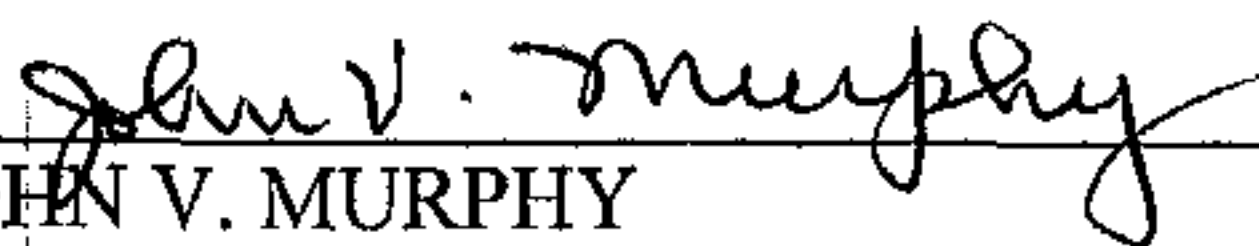
5/4/05

J. Ray

GRANTED, subject, however, to the following restrictions which are conditions 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;
2. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated April 15, 2005, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

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

RECEIVED FOR PLANNING
5/4/05
Raj

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

May 4, 2005

Mr. & Mrs. Douglas J. Fritz
17206 Whiteley Road
Monkton, Maryland 21111

Re: Petition for Administrative Variance
Case No. 05-506-A
Property: 17206 Whiteley Road

Dear Mr. & Mrs. Fritz:

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 17206 Whiteley Road
which is presently zoned RC 2 (Formerly R-40)

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) 400.1 and 400.3, BCZR, to permit a

proposed accessory building (detached garage) to be located partially within the side yard in lieu of the required rear yard only, and a building height of 24 feet in lieu of the maximum allowed 15 feet.

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, 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

Legal Owner(s):

Douglas J. Fritz
Name - Type or Print _____

[Signature]
Signature _____

Mary Ann Fritz
Name - Type or Print _____

[Signature]
Signature _____

17206 Whiteley Road 410-343-1902
Address _____ Telephone No. _____

Monkton MD 21111
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 4/4/05

Estimated Posting Date 4/17/05

CASE NO.

05-506-A

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

Address 17206 Whiteley Road
 City Manassas State MD Zip Code 21111

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):

Additional Storage space is required

Protect show vehicle

Preserve land for future swimming pool

Future plans include building breeze way to connect house to garage

To preserve architectural curb appeal

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 [Signature]

Name - Type or Print Mary Ann Hammel Fritz

Signature [Signature]

Name - Type or Print Douglas J. Fritz

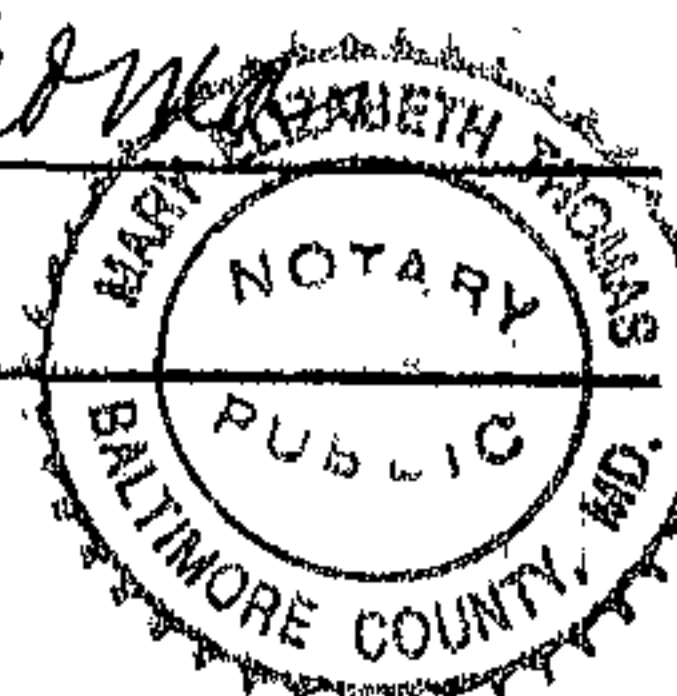
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of February, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Ann Hammel Fritz + Douglas J. Fritz
 the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Mary Elizabeth Thomas
 Notary Public
 My Commission Expires 3/1/07



Zoning Description

Zoning description for 17206 Whiteley Road

Beginning at a point on the west side of Whiteley Road which is 50 feet wide at the distance of 425 feet southeast of the centerline of the nearest improved intersecting street Wesley Chapel Road which is 30 feet wide. Being Lot # 8, Section B in the subdivision of Fox Hill Farm as recorded in the Baltimore County Plat Book # 34, Folio # 69, and containing 1.12 acres. Also known as 17206 Whiteley Road and located in the 10th Election District and 3rd Councilmanic District.

05-506-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 663838

DATE

4/14/88

ACCOUNT

A-004006-6150

AMOUNT

\$ 650.00

RECEIVED FROM

Port & Penn Construction Co., Inc.

FOR

Admin. Univ. - 17206 Whitely Road

05-506-A (Fritz)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID FULLY

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

RECEIVED

APR 14 1988

BY

100

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date April 19, 2005

RE: Case Number 05-506-A

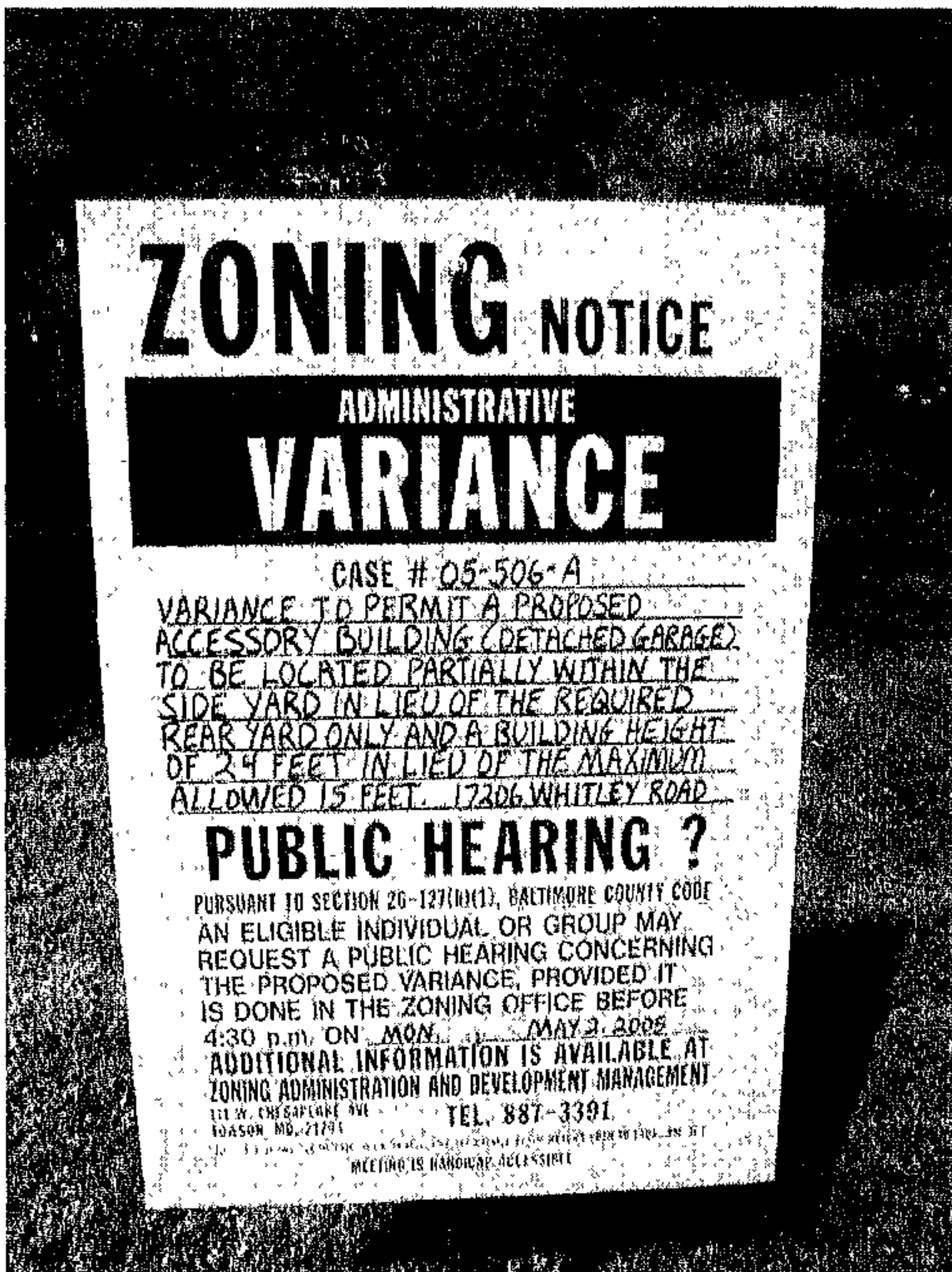
Petitioner/Developer FRITZ / POST + BEAM - DESIGN - KAREN TAYLOR

Date of Hearing(Closing) MAY 2, 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 17206 WHITLEY ROAD

The sign(s) were posted on

April 16, 2005



Linda O'Keefe
(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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 506 -A

Address 17206 Whitely Road

Contact Person: Jeffrey Perlow
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/4/05

Posting Date: 4/17/05

Closing Date: 5/2/05

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- 506 -A

Address 17206 Whitely Road

Petitioner's Name Fritz

Telephone 410-343-1902

Posting Date: 4/17/05

Closing Date: 5/2/05

Wording for Sign: To Permit a proposed accessory building (detached garage) to be located partially within the side yard in lieu of the required rear yard only, and a building height of 24 feet in lieu of the maximum allowed 15 feet

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*

May 2, 2005

Douglas J. Fritz
Mary Ann Fritz
17206 Whiteley Road
Monkton, Maryland 21111

Dear Mr. and Mrs. Fritz:

RE: Case Number: 05-506-A, 17206 Whiteley Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 4, 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, reading "W. Carl Richards, Jr.", is written over a horizontal line.

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

April 12, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: April 18, 2005

Item No.: 506, 507, 508, 509, 510, 513, 514, 515, 516.

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 21, 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 25, 2005
Item No. (506) 507, 509, 510, 511,
512, 513, 515, 516,

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-04212005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: May 24, 2005, 2005
SUBJECT: Zoning Items # See List Below

RECEIVED

MAY 25 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of April 18, 2005

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

05-506 *Granted 5/4/05*
05-507 *Granted 5/4/05*
05-508 *denied*
05-511 *Granted 5/23/05*
05-512 *Granted 5/19/05*
05-513 *Granted 5/4/05*
05-515 *Granted 5/4/05*
05-516 *Granted 5/4/05*

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 15, 2005
RECEIVED

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

APR 15 2005

SUBJECT: 5-506 – Administrative Variance

ZONING COMMISSIONER

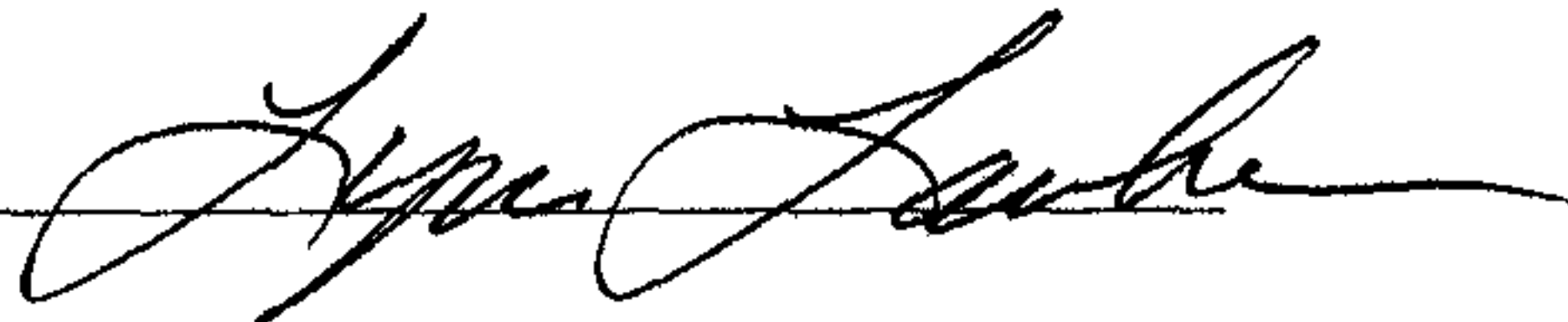
The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Submit elevations (all sides) of the proposed accessory structure to his office for review and approval prior to the issuance of any building permit.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by: _____

Section Chief: _____



AFK/LL: MAC

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



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

Maryland Department of Transportation

Date: 4.12.05

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

RE: Baltimore County
Item No. 506 JHP

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 17206 Whiteley Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Fox Hill Farm

PLAT BOOK # 34 FOLIO # 69 LOT # 8 SECTION # B

OWNER Donelias J. & Mary Ann Fritz

Fox Hill Farm

17208

Richard & Nicole

Shaffer

1600003291

(9)

(8)

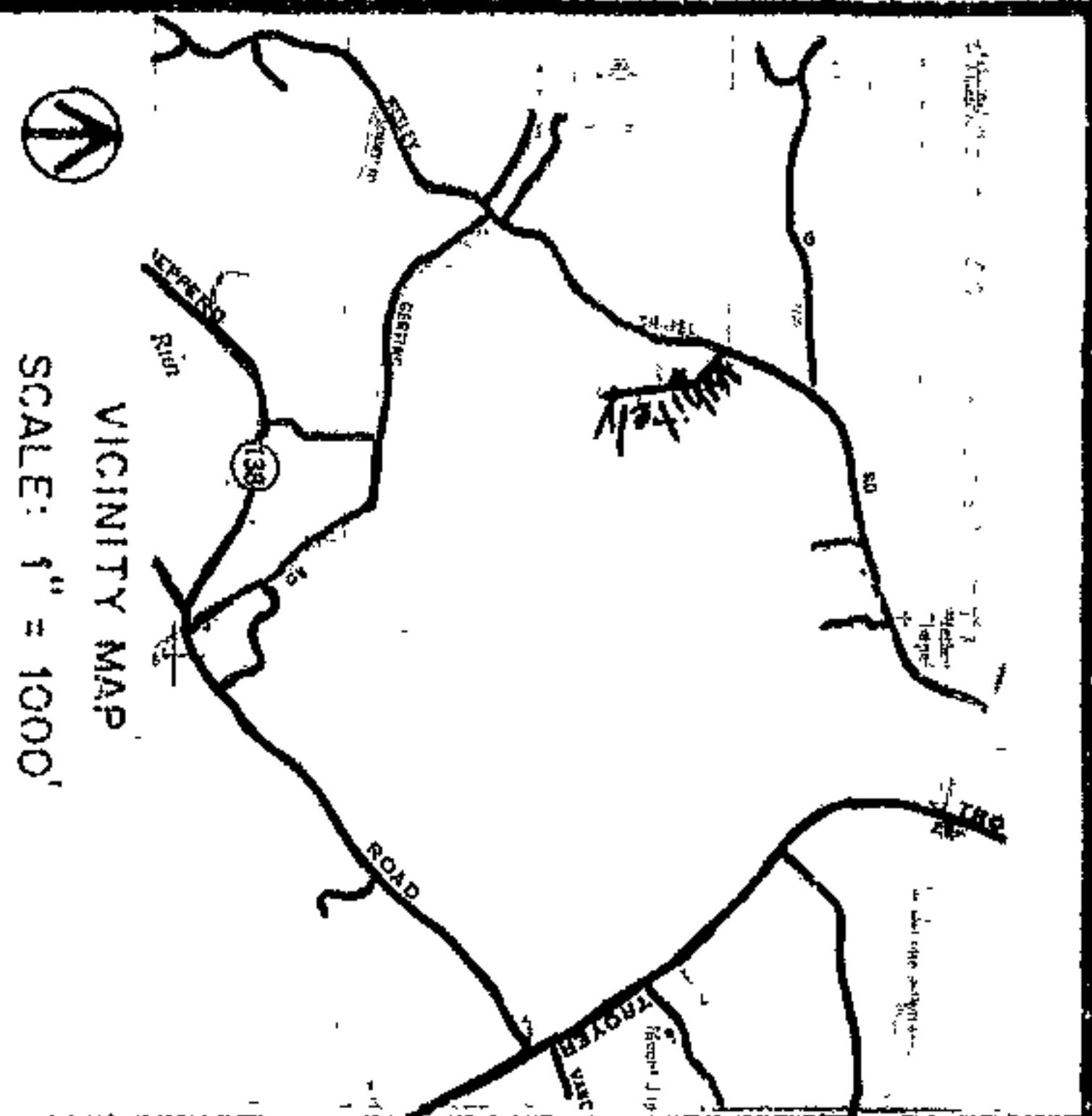
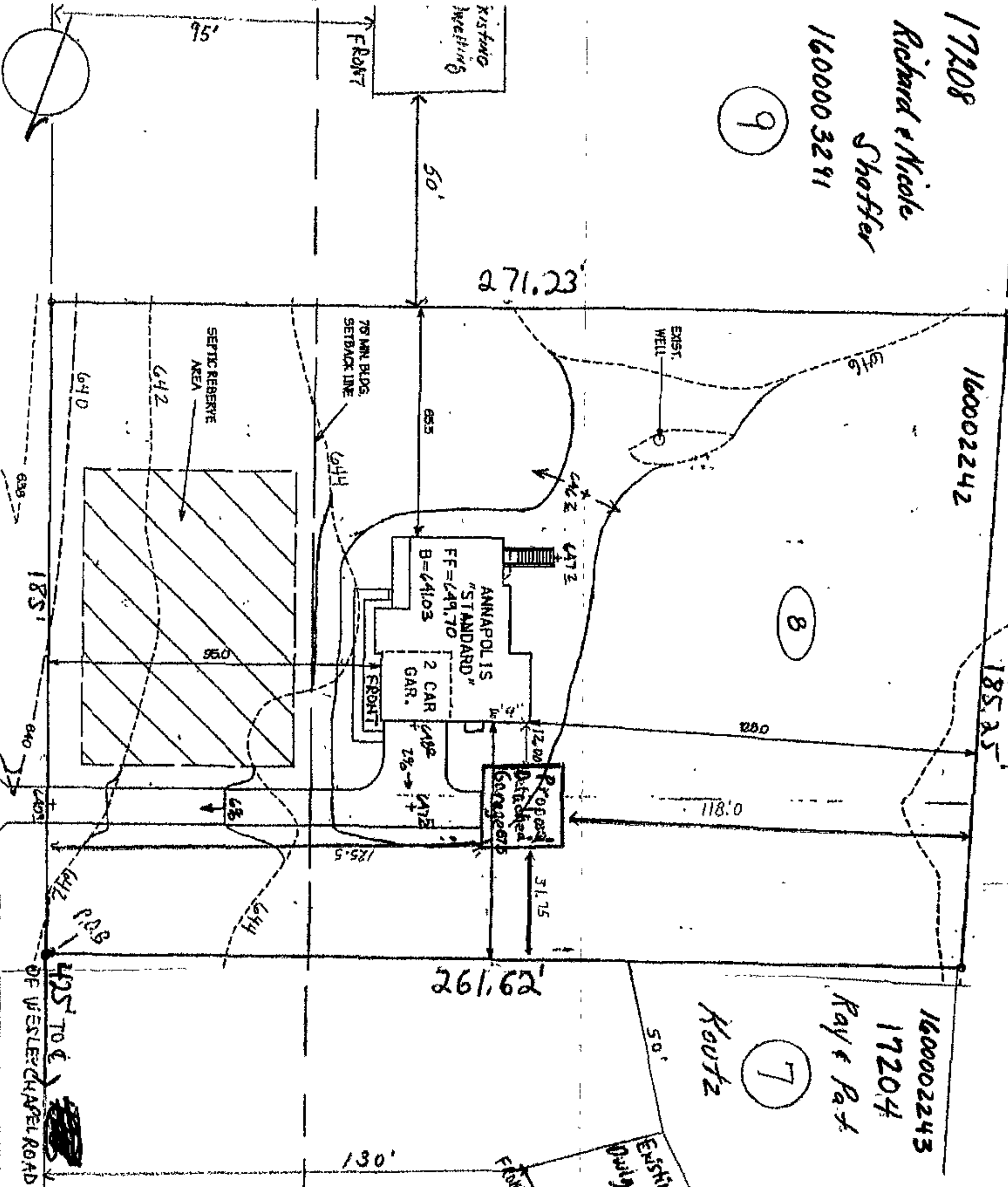
(7)

1600002243

17204

Ray & Pat

Kautz



LOCATION INFORMATION

ELECTION DISTRICT 10th

COUNCILMANIC DISTRICT 3rd

1" = 200' SCALE MAP # NCE 284 & 285

ZONING RC-2 (Formerly R-40)

LOT SIZE 1.12 ACRES 48787.39 SQUARE FEET

PUBLIC PRIVATE

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

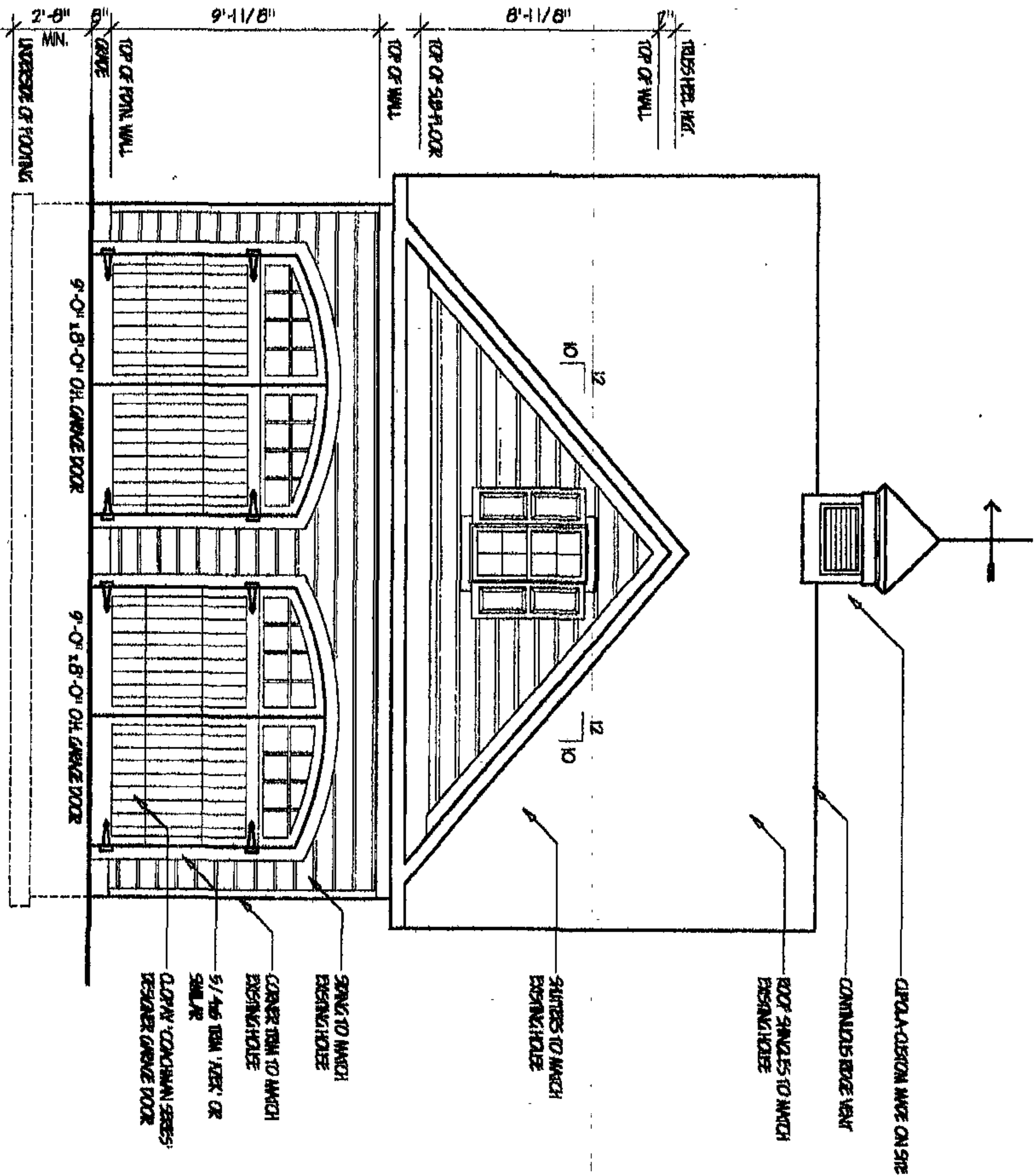
REVIEWED BY JWP ITEM # 506 CASE # 105-506-A

PREPARED BY Karen Taylor

WHITELEY ROAD (50' R/W, 30' PAVING)

SCALE OF DRAWING: 1" = 50'

Ret #1



FRONT ELEVATION

05-506-A

DATE: 10-18-04
DRAWN BY: MLH
SCALE: 1/4" = 1'-0"
PROJECT NAME:
FRITZ - GARAGE
DRAWING TITLE:
FRONT ELEVATION
SHEET NO. 1

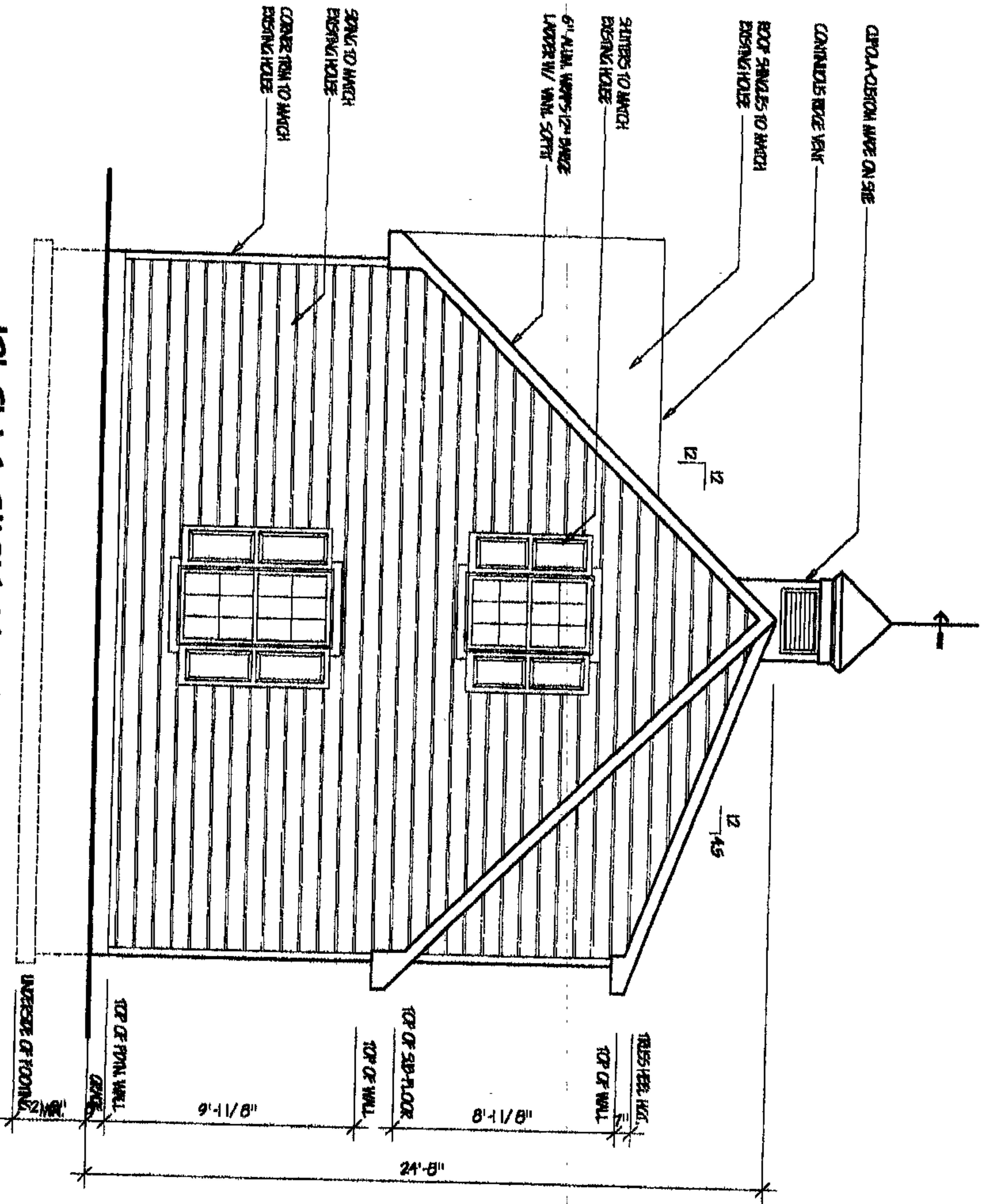


951 No.

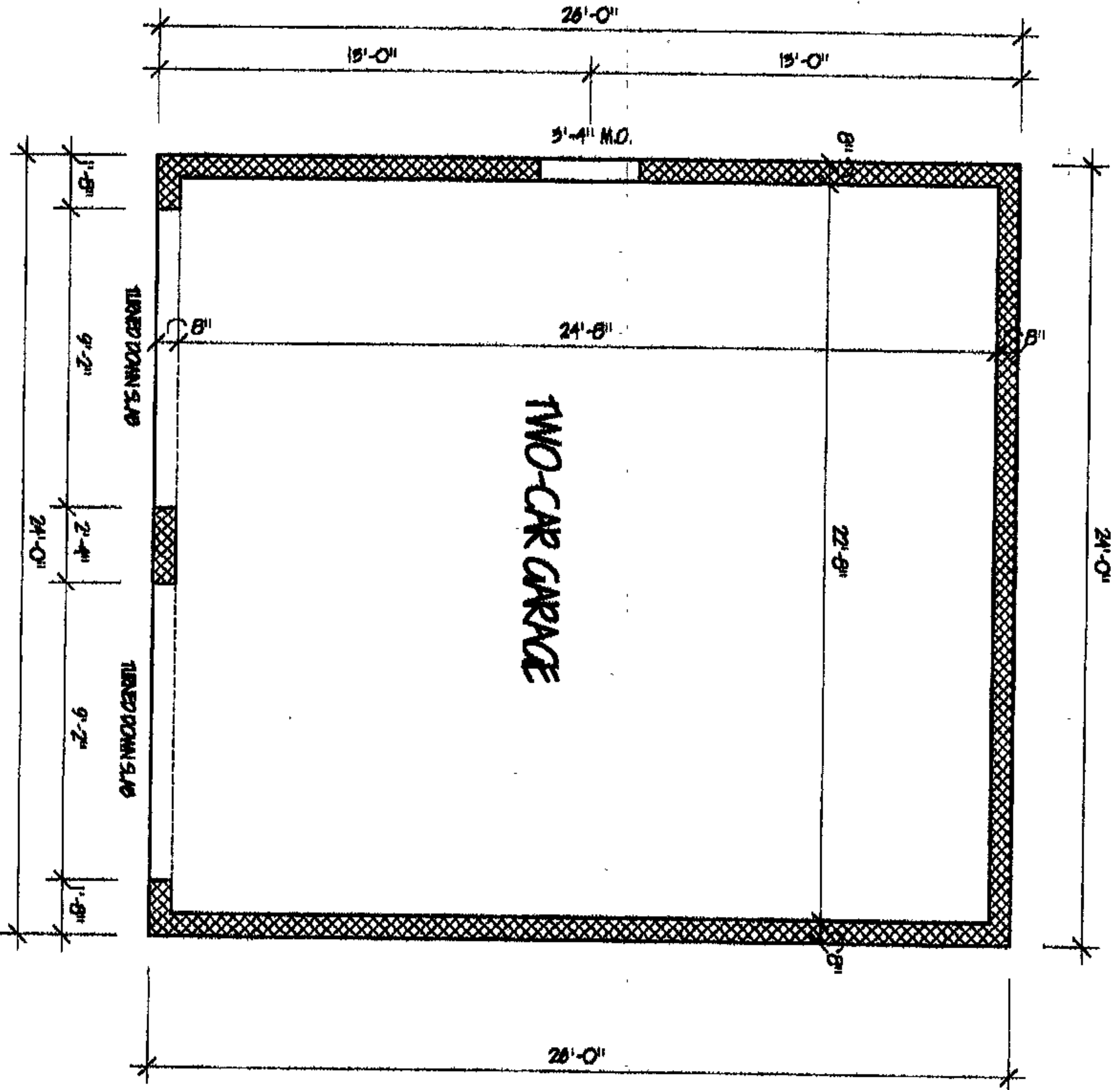


W

RIGHT SIDE ELEVATION



DATE: 10-18-04
DRAWN: MLH
SCALE: 1/4" = 1'-0"
PROJECT NAME:
FRITZ - GARAGE
DRAWING TITLE:
RIGHT SIDE ELEVATION
SHEET NO.
4



FOUNDATION PLAN

DATE: 10-18-04

DRAWN: M.H.

SCALE: 1/4" = 1'-0"

PROJECT NAME:

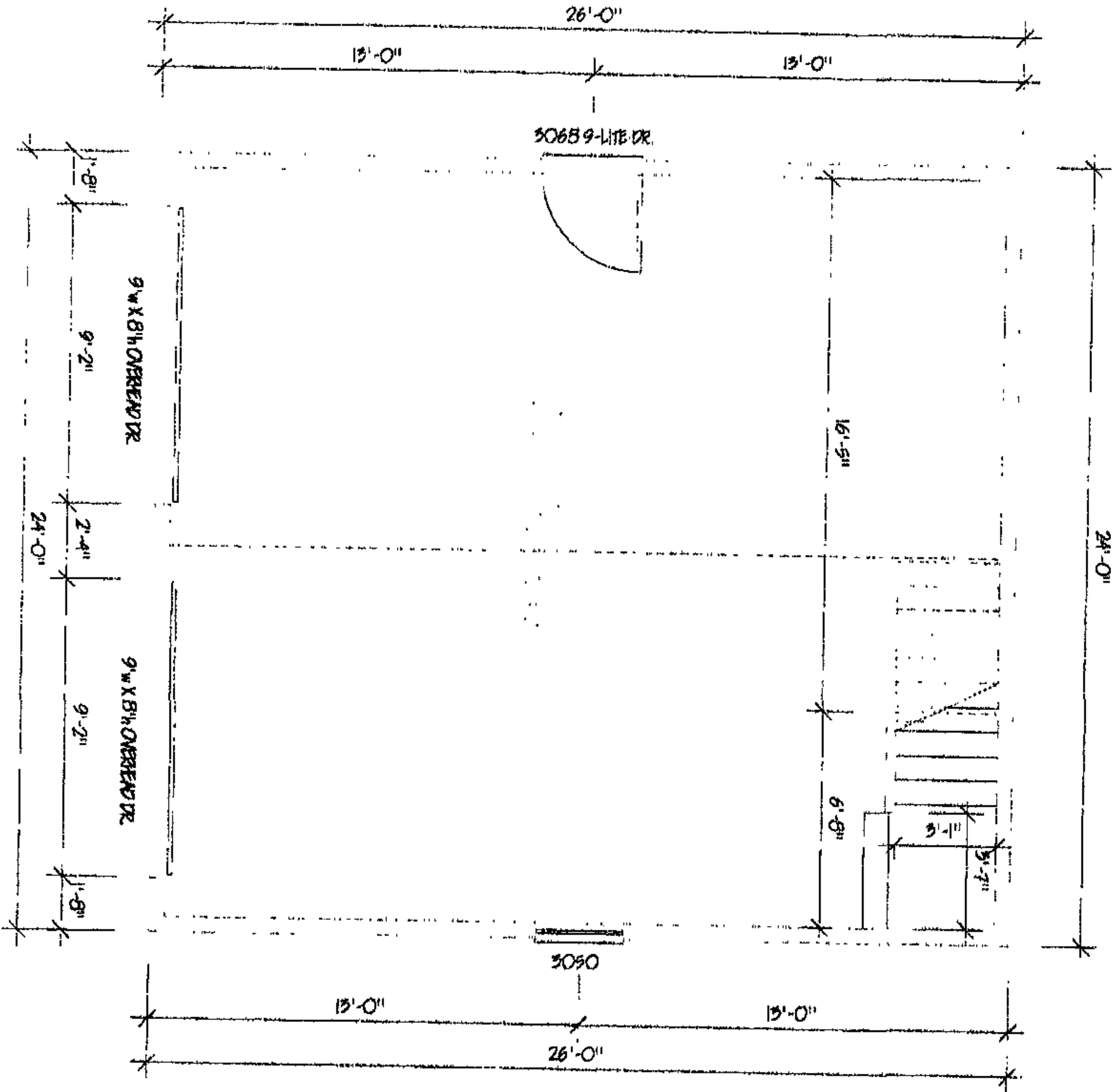
FRITZ - GARAGE

DRAWING TITLE:

FOUNDATION PLAN

SHEET NO.

5



DATE: 10-18-04

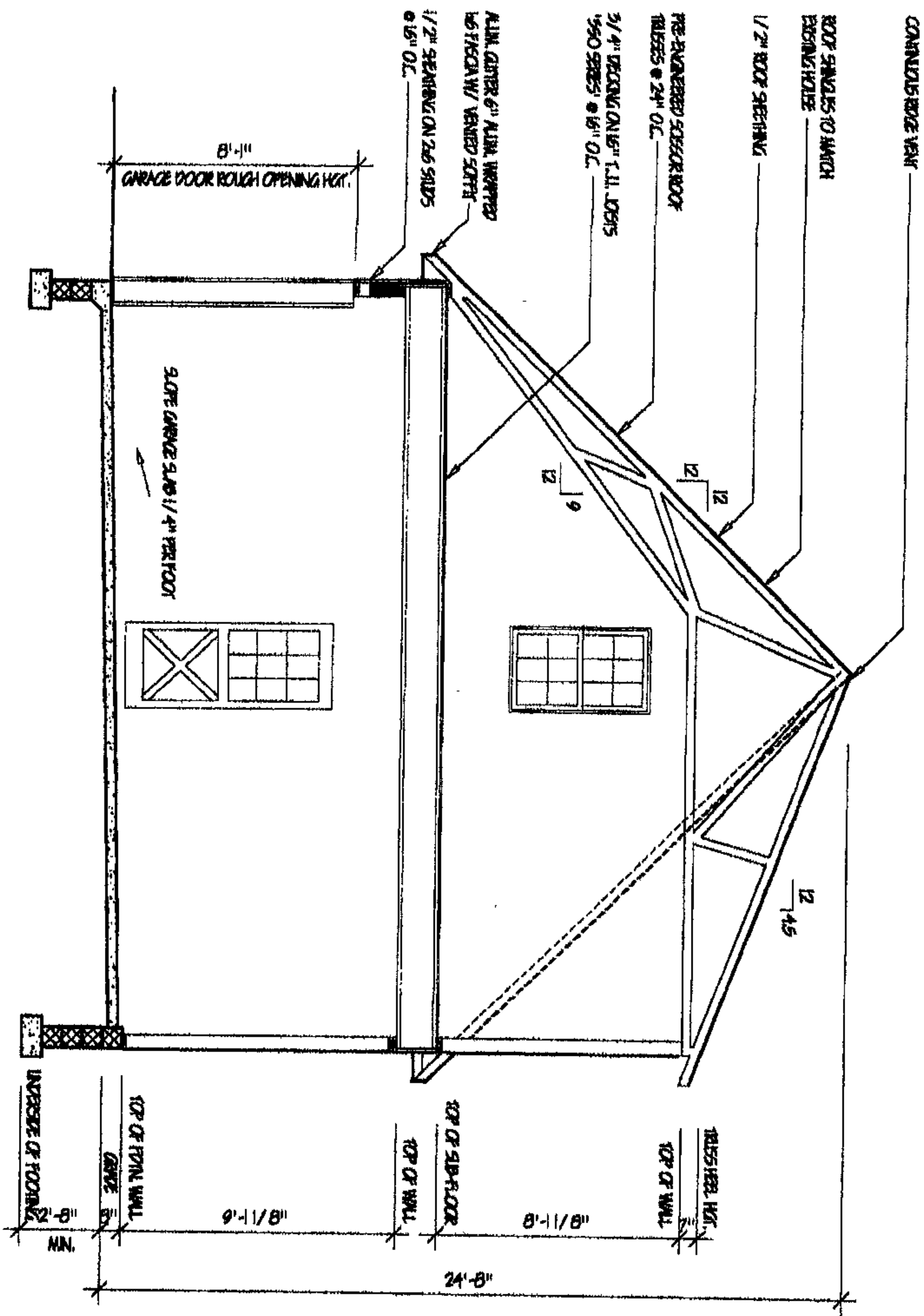
DRAFTER: MJH

SCALE: 1/4" = 1'-0"

PROJECT NAME:

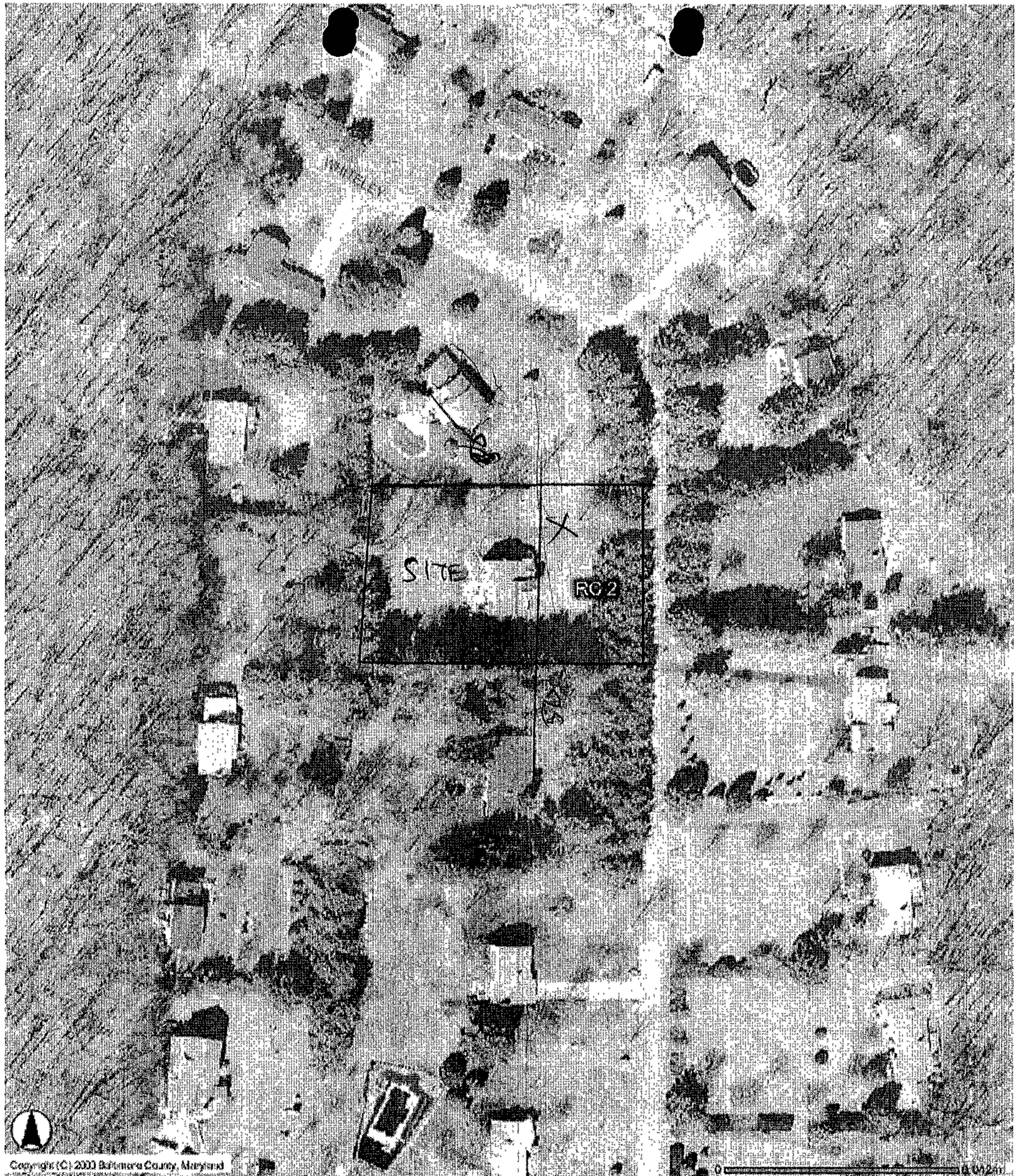
DRAWING TITLE:

SHEET No.



BUILDING SECTION 'A'

DATE: 10-18-04
DRAWN BY: MLH
SCALE: 1/4" = 1'-0"
PROJECT NAME:
FRITZ - GARAGE
DRAWING TITLE:
BUILDING SECTION 'A'
SHEET NO.
2



05-506-A



17206 ● Whiteley Rd ●

05-506-A



17206 Whiteley Rd

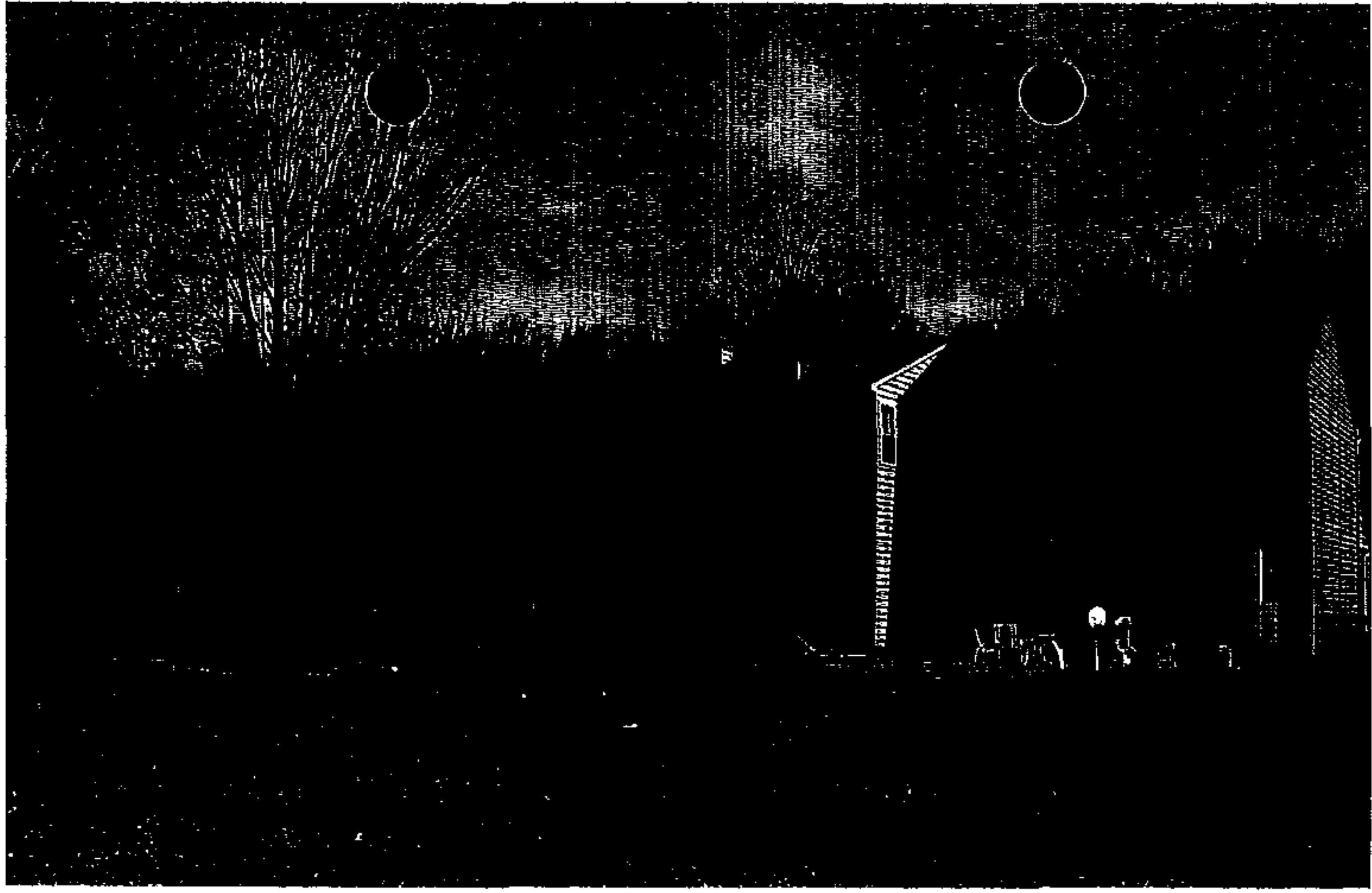
Standing where the ^{future} garage will sit
looking toward Whiteley Rd

05-506-A



17206 Whiteley Rd.

05-506-A



17206 Whiteley Rd - back of house

garage will sit where cars are

DS-506-A



Back of house
17206 Whiteley Rd

05-S06-A



17206 Whiteley Rd

look at 17204 Whiteley Rd

neighbors on right

05-506-A



17206 Whiteley Rd

looking toward neighbor on left
of property

17208
Whiteley Rd

05-506-A