IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Cockeys Mill Road, 180 ft. +/- E
centerline of Franklin Mill Circle
4th Election District
4th Councilmanic District
(603 Cockeys Mill Road)

Melvin L. Donahoo, Jr. Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-529-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 owner of the subject property, Melvin L. Donahoo, Jr. The administrative variance is requested for property located at 603 Cockeys Mill Road in the Reisterstown area of Baltimore County. The administrative variance request is from Sections 103.1 and 1A00.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10 ft. in lieu of the required 50 ft. for an attached garage. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 15, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

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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 Add day of June, 2005, that a variance from Sections 103.1 and 1A00.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10 ft. in lieu of the required 50 ft. for an attached garage, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

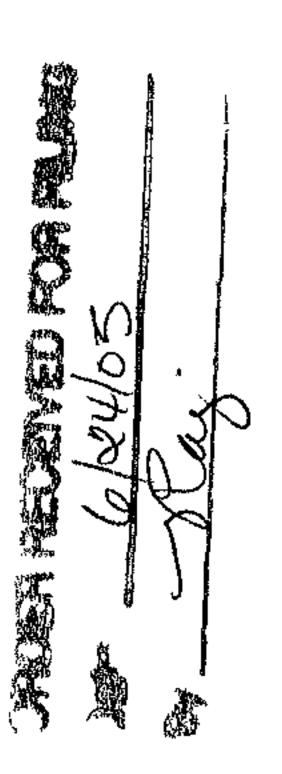
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning 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

34 June 23, 2005

Mr. Melvin L. Donahoo, Jr. 603 Cockeys Mill Road Reisterstown, Maryland 21136

Re: Petition for Administrative Variance Case No. 05-529-A
Property: 603 Cockeys Mill Road

Dear Mr. Donahoo:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

THE PARTY OF THE P	for the property located at 603 Cockeys Mill Kono.
·	which is presently zoned RE-4 (RDP VESTED

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) 103.1 AND 1700.138CER (1970)

TO PERMIT A SIDE YARD SETBACK OF 10ft IN LIEW OF THE REQUIRED 50ft. FOR AN ATTACHED GARAGE.

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.

5.15.05 NEW DATE, POSTED

,		ı -	r	is the subject of this Petition.
Contract Purchaser/L	essee:	, , ,		Legal Owner(s):
r		• :	-	MELVIN L DONAHOO JR
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Name -	e - Type or Print
Signature	<u></u>			Signature
Address	 	Telephone No.	-	Name - Type or Print
City	State	Zip Code		Signature
Attorney For Petition	er:			603 COCKEYS MILL PEX 443-540-27
-		1 .		Address REISTERSTOWN MD 21136
Name - Type or Print		··· · - ··· · · · · · · · · · · · · · · · · ·	City	State Zip Code
Signature			**	Representative to be Contacted:
Company		 	- .	Name
Address		Telephone No.	-	Address Telephone No.
City	State	Zip Code	-	City State Zip Code
A Public Hearing having been day of Saltimore County and that the	. that the	subject matter of this	s petition	equired, it is ordered by the Zoning Commissioner of Baltimore County, this on be set for a public hearing, advertised, as required by the zoning regulations. Zoning Commissioner of Baltimore County Date 4,1505
REV 9/15/98			Estima	vated Posting Date

Colaylos Colaylos

Affidavit in Support of Administrative Variance

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

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.

· · · · · · · · · · · · · · · · · · ·	Address :		· · ·	Ι,
	REIS	TERSTOWN	M State	Z1136 Zip Code
That based upon personal knowledge, Variance at the above address (indicat	the following are	the facts upon which		•
tananos at tiro abovo againos (inidioat	e narasinp or pra	otical difficulty).		
A variance is requested so that we centered at the front end of a rect corner of the home. An in-ground the home.	angle-shaped lo	t. A current singl	e-car garage is	s built into the east
The construction of the garage widriveway does not allow for car to Cockeys Mill Rd. — a road with lipast two years a neighbors car has summer a child was killed riding backing cars out of the driveway for a nanny to reside with a separa equipment that currently occupies	urn around; we mited visibility s been struck at his bike exiting into the road.	can only exit our because our driven high speed enter our driveway. When current garage is the new garage is the current garage is the current garage of the current garage is the new garage is gar	driveway by leway sits past ing his drivew le consider it a would be conseeded for stor	the crest of a hill. In the ay and sadly last major safety issue nverted into living space
That the Affiant(s) acknowledge(s) the advertising fee and may be required to		nand is filed, Affian al Information.	t(s) will be requ	iired to pay a reposting and
Mehi & Donahos				
Signature	,	Signature	· · · · · · · · · · · · · · · · · · ·	
MELVIN L SONAHO Name - Type or Print	o JR	Name - Type or Print		· · · · · · · · · · · · · · · · · · ·
	 	rianio - Type of Fillic		
STATE OF MARYLAND, COUNTY OF	BALTIMORE, k	ó wit:		-
HEREBY CERTIFY, this 5 day	y of Spread bergy	nálly appeared	before	me, a Notary Public of the
	Donald, person			
he Affiant(s) herein, personally known aw that the matters and facts hereinab	or satisfactorily in	dentified to me as s	uch Affiant(s), a ne best of his/he	nd made oath in due form of r/their knowledge and belief.
AS WITNESS my hand and Notarial Se	al			-
4/15/05	 ├	باين حيل	500	ilmer
Date		Notary Public My Commission Ex	nires My Q	mans. ExtraCues 1. 2003
REV 09/15/98	ı i ı	My Commingeron, LA	M. A.	

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	603	Cockeys	Mill	Rd
	Address City	TERSTOWN	MD State	2 (136 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardsh	wing are this	ne facts upon which ical difficulty):	7.4-1-1	•
A variance is requested so that we may excentered at the front end of a rectangle-sh corner of the home. An in-ground pool at the home.	naped lot.	A current single	-car garage	e is built into the east
The construction of the garage with expandriveway does not allow for car turn around Cockeys Mill Rd. — a road with limited vapast two years a neighbors car has been summer a child was killed riding his bike backing cars out of the driveway into the for a nanny to reside with a separate entrangent that currently occupies the gar	ind; we callify the struck at he exiting of the road. The ance. The	an only exit our decause our drivenigh speed entering our driveway. We see current garage is new garage is new garage	driveway beway sits party of his drive consider is would be exceeded for second	y backing out onto ast the crest of a hill. In the eway and sadly last it a major safety issue converted into living space ³
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	rmal dema additional	and is filed, Affiant(information.	s) will be re	equired to pay a reposting and
Meli & Donahord	, 			
Signature		Signature		' L [
MELVIN L DONAHOO TR		ame - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIN				
I HEREBY CERTIFY, this day of State of Maryland, in and for the County aforesa	aid, person	ارکر ally appeared	DUD, befo	ore me, a Notary Public of the
Melyn L. Du	nah	ves la		
the Affiant(s) herein, personally known or satisficated and that the matters and facts hereinabove set for	orth are tru	entified to me as such and correct to the	on Affiant(s) best of his/	, and made oath in due form of her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal			· _	
Date		otary Public		The second continues of the last of the la
	M	v Commission Expi	res 44-	And Designation of the second

REV 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 603 Cockeys Mill Rd which is presently zoned RC4 (RDP vested)

This Petition shall be filed with the owner(s) of the property situate in Baand made a part hereof, hereby petition	Department of Peri altimore County and on for a Variance from	mits and Development M which is described in the m Section(s)	anagement. The ur description and plat	idersigned, legal attached hereto
owner(s) of the property situate in Ba and made a part hereof, hereby petition		103.1	And 1400	. I , BCZR(
to PERMIT A SIDE	YARD SETA	BACK OF 10 F	+ IN LIEL	OF THE
REQUIRED 50 Ft.	FOR A	N ATTACHED	GARAGE.	_
of the zoning regulations of Baltimore back of this petition form.				
Property is to be posted and advertise I, or we, agree to pay expenses of above regulations and restrictions of Baltimore C	Variance, advertising, r	posting, etc. and further agree	e to and are to be boun nore County.	ded by the zoning
	i 	i/We do solemnly dec perjury, that I/we are to is the subject of this F	lare and affirm, under the legal owner(s) of the letition.	he penalties of e property which
Contract Purchaser/Lessee:		Legal Owner(s):) -	
Name - Type or Print	 	me-Type or Print	DONAHOO J	R
TARTIO - TYPO OF PIRIL	i INE	Media IS	I man land	2
Signature	 	Signature		· · · · · · · · · · · · · · · · · · ·
Address	Telephone No.	Name - Type or Print	<u> </u>	
City	Zip Code	Signature	Λ	
Attorney For Petitioner:	į į	Address	Mill Rd 442	Telephone No.
Name - Type or Print	Cit	PEISTERSTOWN		1名C Op Code
		Representative to	o be Contacted:	
Signature		CAO	n/-	
Company		Name	, (Car-	í , , , , , , , , , , , , , , , , , , ,
Address	Telephone No.	Address		Telephone No.
City	Zip Code	City	State	Zip Code
A Public Hearing having been formally demandary of that to graph of Baltimore County and that the property be reported.	anded and/or found to be the subject matter of this pe sted.	required, it is ordered by the stition be set for a public hearing, a	Zoning Commissioner of B idvertised, as required by ti	altimore County, this ne zoning regulations
		Zonina Commis	saloner of Baltimore County	'4.'-1
CASE NO. 05-529	Reviewed By		te 4.15-05	
REV 9/15/98	Es	timated Posting Date	t. 24.05	
-	i I		F.15-05	

ZONING DESRIPTION FOR: 603 Cockeys Mill Road, Baltimore County, Maryland
Beginning at a point 35 feet to the south of the centerline of Cockeys Mill Road at a distance of
180 feet east of the centerline of the nearest improved intersecting street, Franklin Mill Circle,
being lot 4, Block B, Section #1, in the subdivision of Franklin Valley as recorded in Baltimore
County Plat Book #39, Folio #9, containing 44,614 square feet. Also known as 603 Cockeys
Mill Road and located in the 4th Election District, 4th Councilmanic District.

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CERTIFICATE OF POSTING

	RE: Case No.: 05.529-A.	<u>-</u>
,	Petitioner/Developer: M.	
	DONAHOO.	/
	Date of Hearing/Closing: 6/6/	105
Baltimore County Department of		
Permits and Development Management County Office Building, Room 111	1	
111 West Chempenke Avenue Towson, Maryland 21204	-	
ATTN: Kristen Matthews (416) 887-3394	} }	
Ladies and Gentlemen:		
- -	of perjury that the necessary sign(s) required by law	
posted conspicuously on the property locat	eg at: or herland case me mecessara sida(s) tedestict on total	Avera
603 (OCKEYSMILLE RD	 -
* * * * * * * * * * * * * * * * * * *	· · · · · · · · · · · · · · · · · · ·	-1"
The sign(s) were posted on	5/15/05	
-	(Month, Day, Year)	
*	Sincerely,	ogt.
		/
	(Signature of Sign Poster) (Date	<u>105</u>
	SSG Robert Black	<i>~</i>)
		 -
	(Print Name)	
	1508 Leslie Road	
	(Address)	gat.
	Dundsik, Maryland 21222	# k
	(City, State, Zip Code)	<u> </u>
	(410) 282-7940	
	(Telephone Number)	******

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.

r Newspaper Advertising:
m Number or Case Number , 529
titioner MELVIN DONATOD JR.
dress or Location. 603 Cockeys Mill Rd., REPSTERSTOWN, Md. 21
EASE FORWARD ADVERTISING BILL TO
me;
dressAM-C
lephone Number: 443 - 540 - 2207

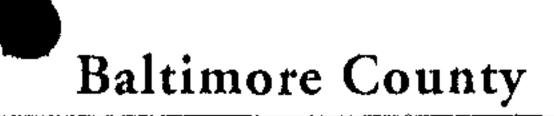
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 529 -A Address 603 Cockey smille Re
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 4.15.05 Posting Date: 4.24.05 Closing Date: 5.9.0
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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line) PROPERTY POSTED
Petitioner: This Part of the Form is for the Sign Postor Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 05- 529 -A Address 683 Cockeysmille Rd.
Petitioner's Name M. DanaHoo Telephone 443-540-22 07
Posting Date: 472405 5.15.05 Closing Date: 5-9-95 6.6.05
Vording for Sign: To Permit A SIDEYARD SETBACK IN LIEU OF
THE REQUIRED SOFT. FOR AN ATTACHED GARAGE.
·
WCR - Revised 6/25/04
VY UT - TREVISED 0/25/04

Department of Permits and Development Management

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





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

May 9, 2005

Melvin Donahoo Jr. 603 Cockeysmill Road Relsterstown, Maryland 21136

Dear Mr. Donahoo:

RE: Case Number: 05-529-A, 603 Cockeysmill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 15, 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, Call Richall D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 5, 2005

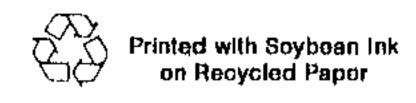
Item No. 529 541

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.

Lieutenant J.D.Mezick Fire Marshal's Office 410-887-4881 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 17, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 2, 2005

Item No. 529, 530, 532, 536, 541, and 553.

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-05172005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

6/6 Closurg

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-529 – Administrative Variance(s)

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

MAC/LL

RECEIVED

DATE: May 27, 2005

JUN 2 2005

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date:

4.29.05

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

RE:

Baltimore County
Item No.

Jem

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

1. J. Greeth

Engineering Access Permits Division

From:

Roberta Jameson

To:

Cunningham, Mark

Subject:

05-529-A

The above-captioned has a closing date of 5/9/05. The address is: 603 Cockeys Mill Road and the Petitioner is: Melvin L. Donahoo, Jr.

We are in need of ZAC comments from your department.

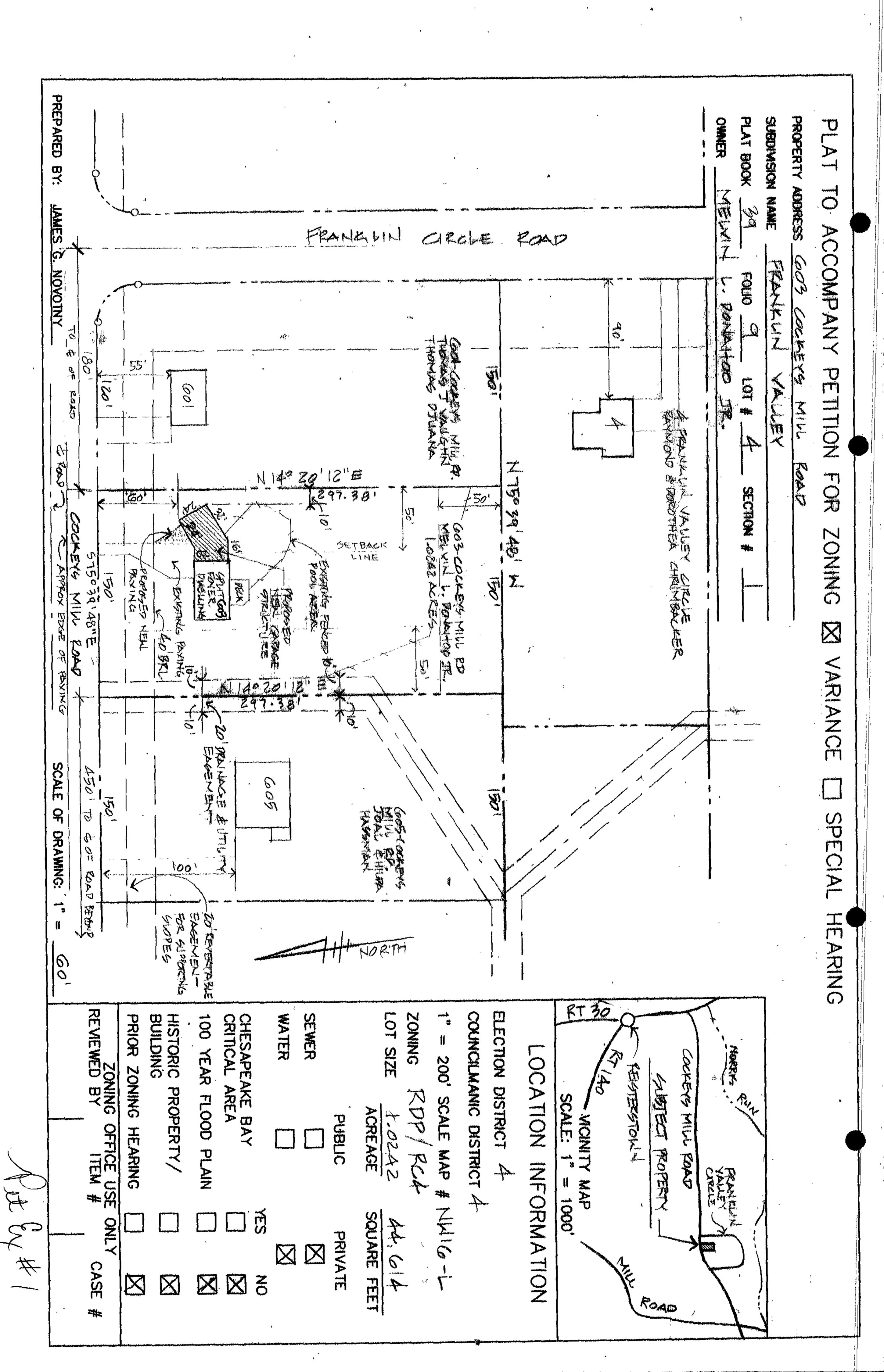
Thanks,

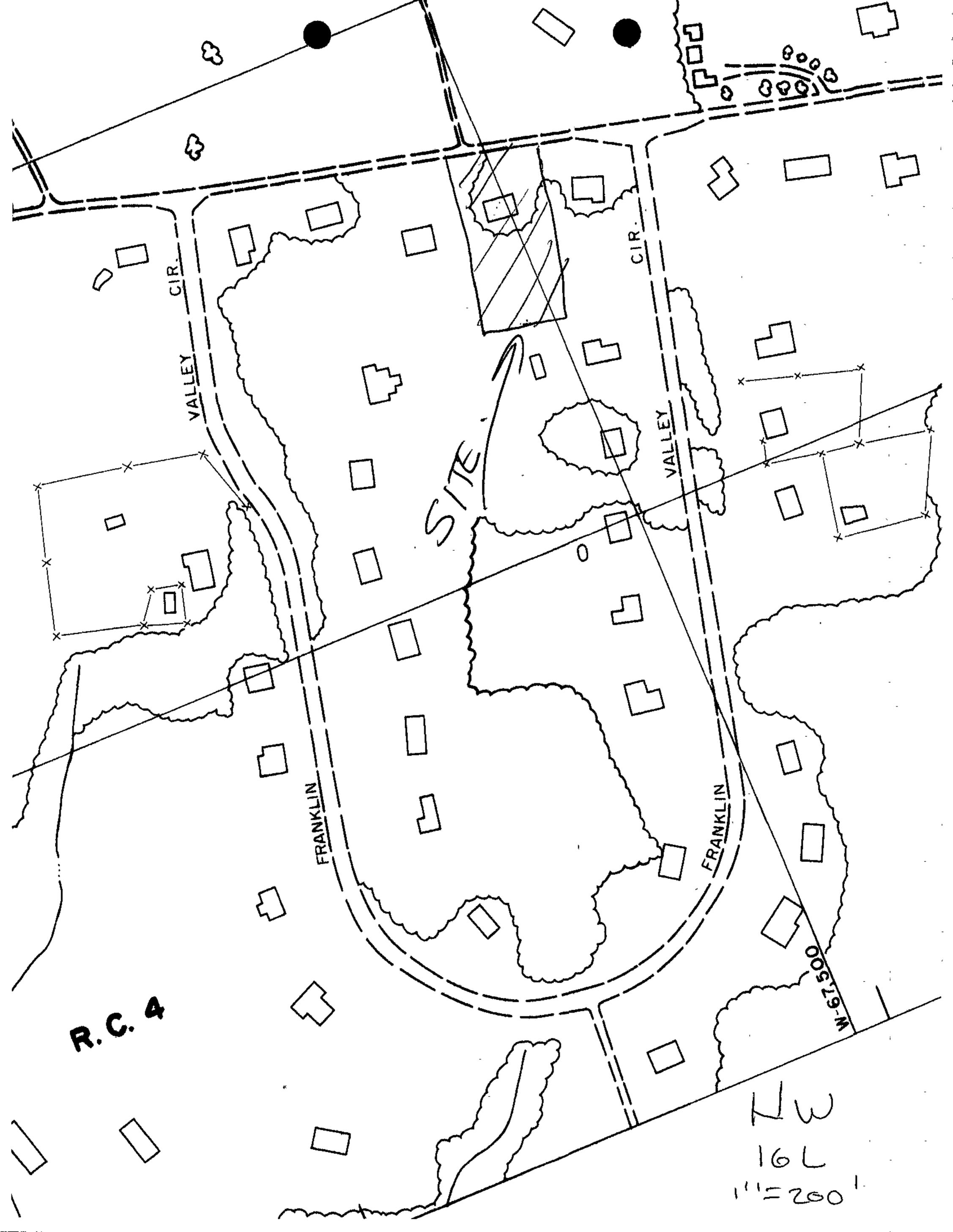
Robin 5/23/05

Not posted timely for 5/9/05 closing date.

New Closing Date: 6/6/05 (signiposted 5/15/05)

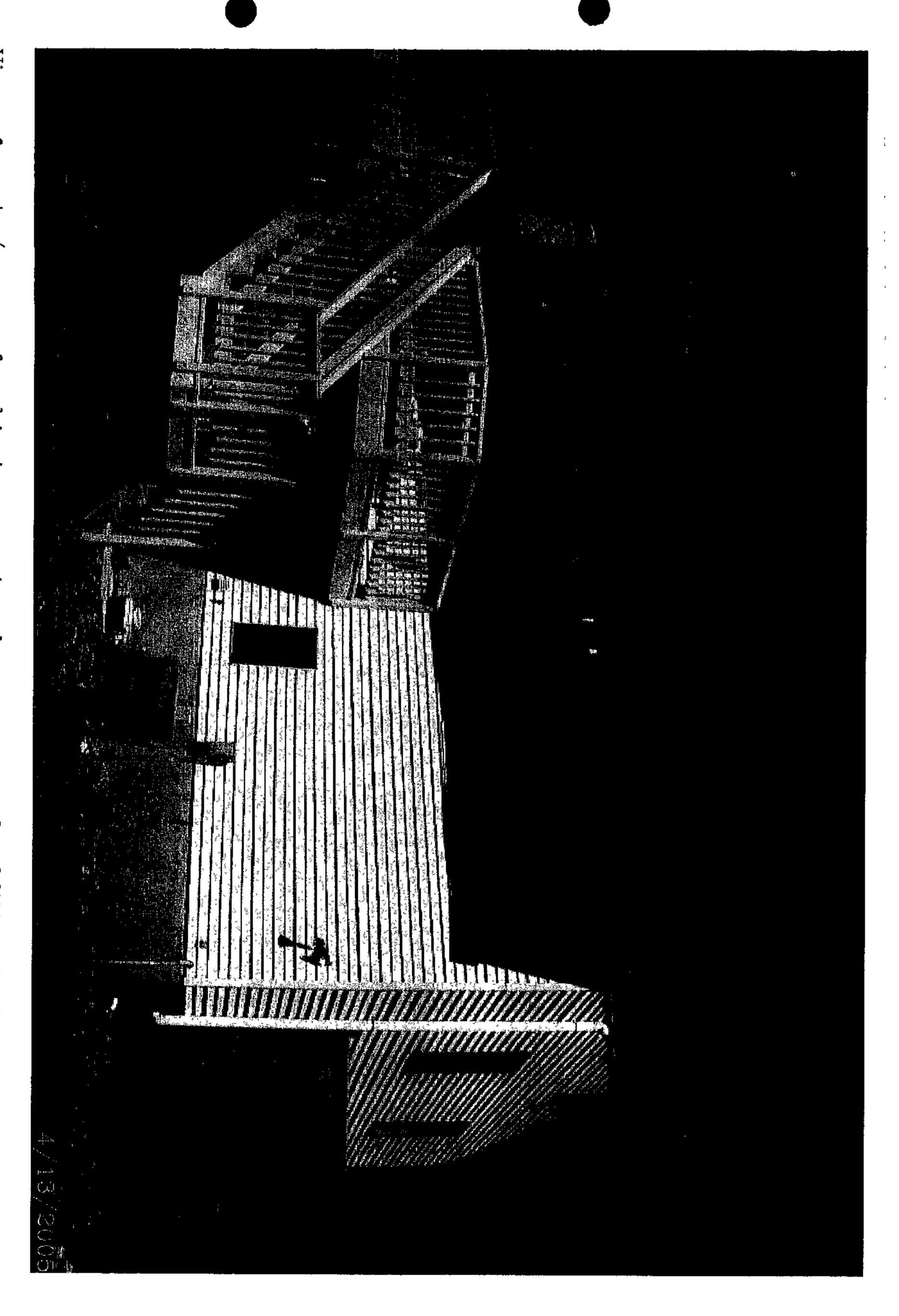
per Mr. Donahoo 5/43/05



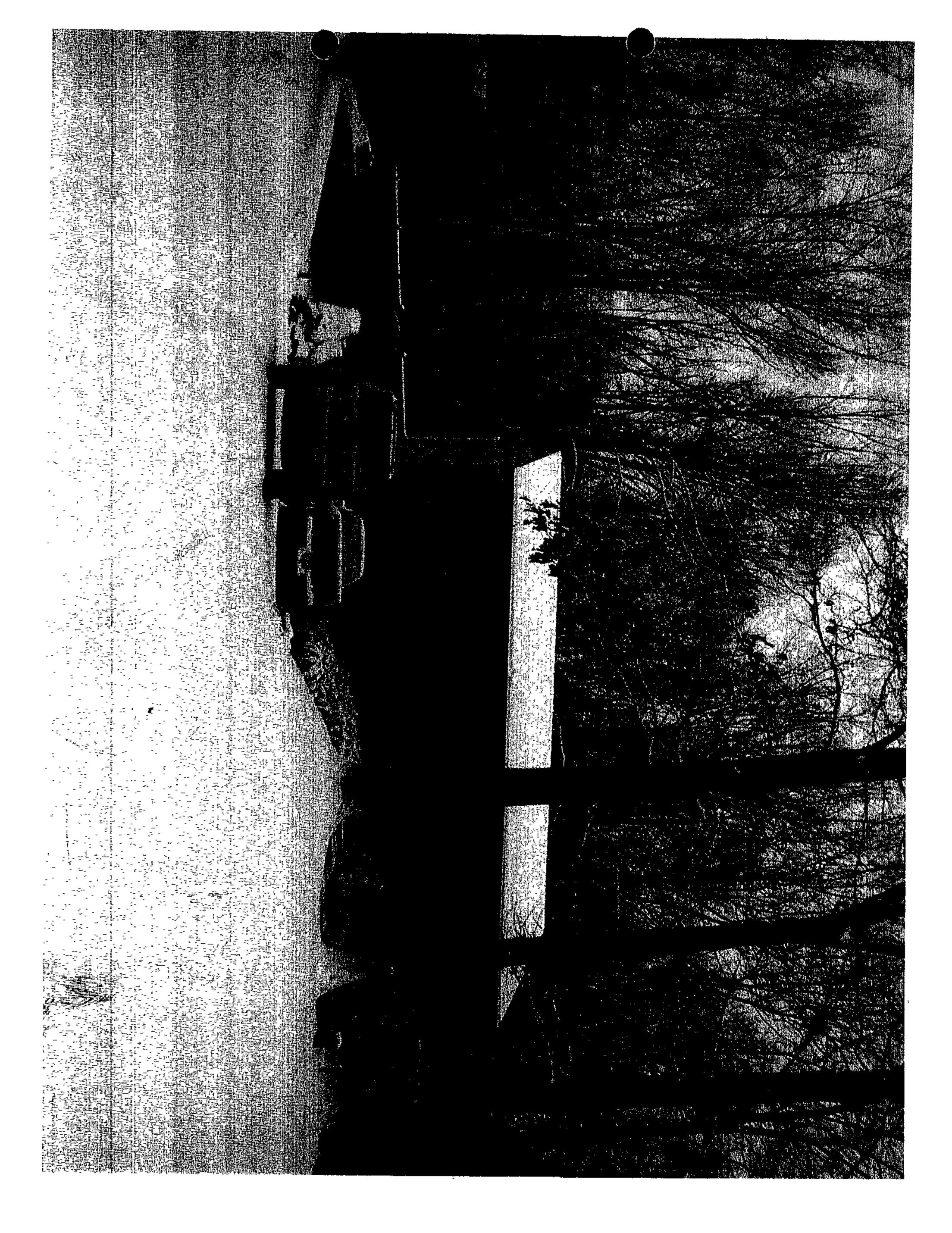


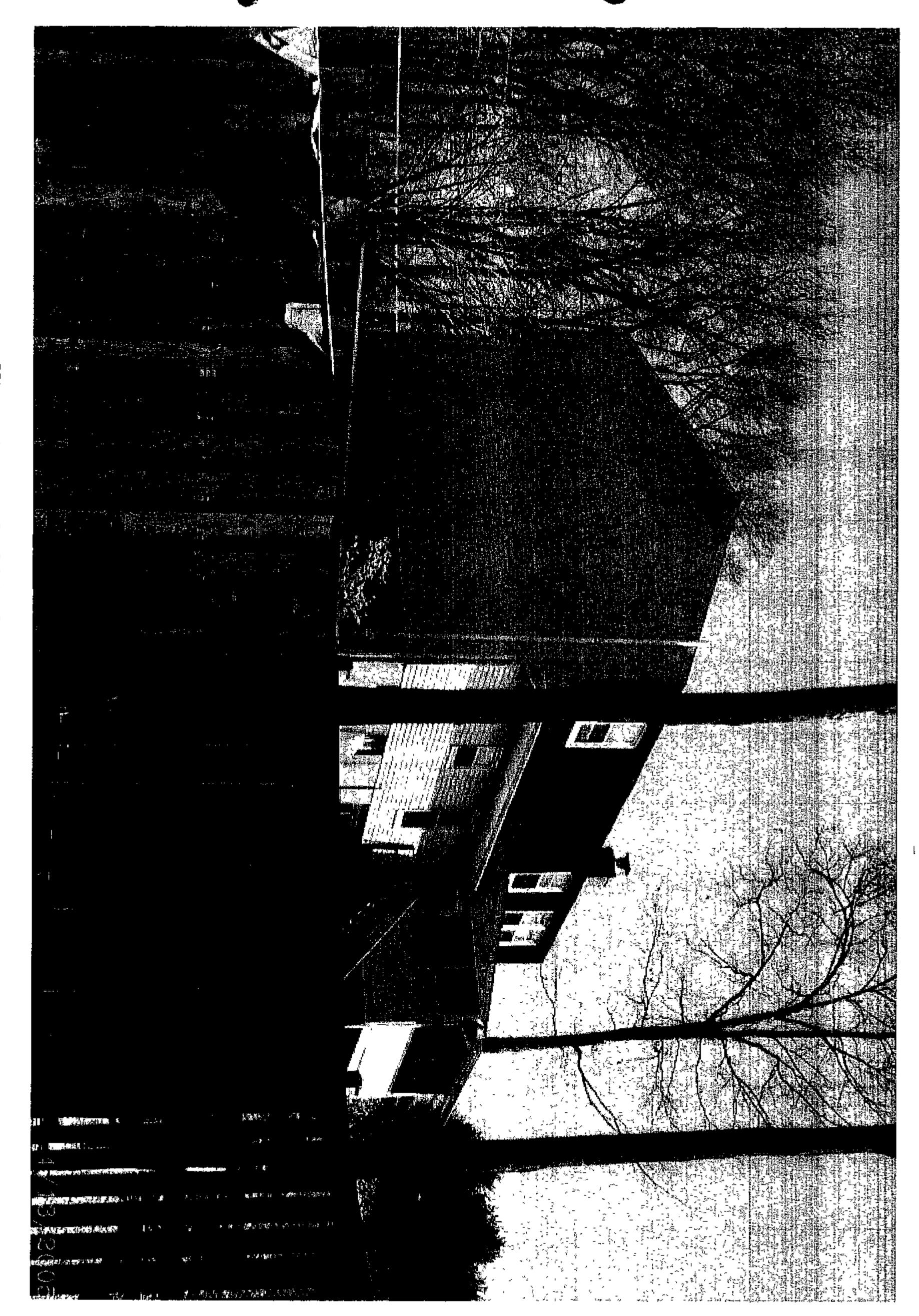


to west owards 605 Cockeys Rd.



 $\circ f$ east ear ---+3 subject property where proposed addition S. to be constructed





View toward 601 from the pool enclosure