

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of W. Joppa Road, 500 ft. +/- E
centerline of Bellona Avenue
9th Election District
2nd Councilmanic District
(1523 W. Joppa Road)

Deborah T. & William M. Long, 3rd
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-589-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by David K. Gildea, Esquire, on behalf of the legal owners of the subject property, Deborah T. and William M. Long, 3rd. The Petitioners originally filed an administrative variance for property located at 1523 W. Joppa Road in the Ruxton area of Baltimore County. The relief was requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the side yard with a height of 25 ft. in lieu of the required rear yard and 15 ft. The requested variances were granted by Order dated June 15, 2005;

WHEREAS, on July 13, 2005, the Petitioners filed a timely Motion for Reconsideration/Clarification of this Deputy Zoning Commissioner's Order dated June 15, 2005;

WHEREAS, in their Motion for Reconsideration, the Petitioners have requested that Restriction #2 of the Order, submitted by the Office of Planning. This restriction prohibited conversion of the accessory structure from containing sleeping quarters, living area, kitchen or bathroom facilities. The Petitioners want to make their garage space available for relatives to stay in over the holidays and special occasions. Petitioners do not object to all other restrictions set forth in the June 15, 2005 Order.

Findings of Fact and Conclusions of Law

The problem of allowing bedrooms and bathroom facilities in an accessory structure involves protecting future purchasers of the property from being misled as to the use of the

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9/11/05

Ray

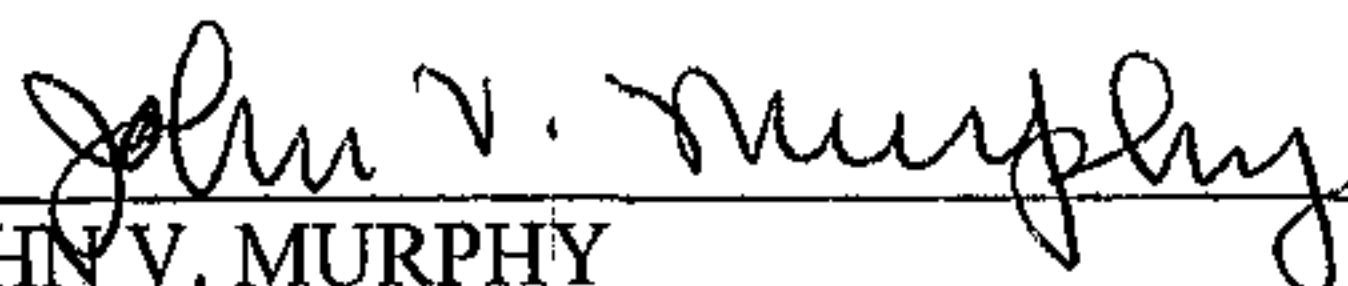
accessory structure. It may well happen that the accessory structure could be presented to unsuspecting purchasers as a rentable apartment or separate dwelling. The purchasers may rely on this representation to their severe detriment. Section 102.2 of the BCZR prohibits two dwellings on one lot. Consequently the purchasers could find themselves answering a zoning violation case.

Our method to protect purchasers from being misled in this regard is to require the Petitioners to file a notice in the land records that will be found during title search that the accessory structure is not a dwelling or apartment. In this case the Petition has submitted the attached Declaration of Understanding that I find acceptable in form and content and will be recorded in the land records upon granting this Motion.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 1 day of September, 2005, that the Petitioners' request for modification of Restriction #2, to allow bedroom and bathroom facilities in an accessory structure be and is hereby GRANTED.

IT IS FURTHER ORDERED, that all other terms and conditions of my previous decision shall remain in full force and effect.

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

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Raj

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of W. Joppa Road, 500 ft. +/- E
centerline of Bellona Avenue
9th Election District
2nd Councilmanic District
(1523 W. Joppa Road)

Deborah T. & William M. Long, 3rd
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-589-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 Deborah T. and William M. Long, 3rd. The administrative variance is requested for property located at 1523 W. Joppa Road in the Ruxton 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 garage to be located in the side yard with a height of 25 ft. in lieu of the required rear yard and 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 May 22, 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 June 7, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

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

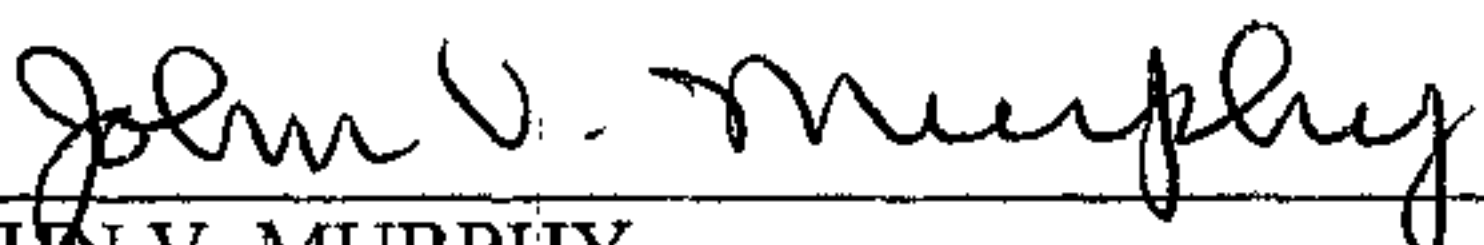
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GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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 June 7, 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

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Ray

Zoning Commissioner

Suite 405, County Courts Building
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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

September 1, 2005

David K. Gildea, Esquire
Jason T. Vettori, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Re: Order on Motion for Reconsideration
Case No. 05-589-A
Property: 1523 W. Joppa Road

Dear Messrs. Gildea & Vettori:

Enclosed please find the decision rendered in connection with the Order on Motion for Reconsideration filed by the Petitioners in this matter.

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

c: Mr. & Mrs. William M. Long, 3rd
1523 W. Joppa Road
Ruxton, Maryland 21204-3621

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



WITNESS

By: John V. Murphy
Deputy Zoning Commissioner

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this _____ day of _____, 2005
before the Subscriber a Notary Public of the State of Maryland, personally appeared _____
the Deputy Zoning Commissioner herein, known to me (or satisfactorily proven) to be the
person whose name is subscribed to the within instrument, and he acknowledged that he
executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set me hand and Notarial Seal.

Notary Public

My Commission Expires:

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1523 WEST JOPPA ROAD.

As recorded on Deed Map 69, Grid 4, Parcel 807. Typical metes and bounds:
N86°32'E 173'-3", N87°45'E 79'-1", S02°43'E 420'-4", N81°13'W 205'-3", N84°53'W
38'-0", N04°51'W 373'-0" to point of beginning.

S/S OF WEST JOPPA ROAD, 500ft.[±]
EAST OF BELLONA AVENUE .
CONTAINING 2.23 ACRES[±].

E.D. : 9TH

C.D. : 2ND

8/17/05

Hearing no longer necessary
per agreement between Jack
Murphy and Petitioner's rep.

