

IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Macworth Place, 288 ft. W centerline of Sherington Road 11th Election District 5th Councilmanic District (4405 Macworth Place)

Mary Mapel *Petitioner*

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-606-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, Mary Mapel. The administrative variance is requested for property located at 4405 Macworth Place in the eastern area of Baltimore County. The administrative variance request is from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2.5 ft. for a proposed garage, a rear yard setback of 15 ft. for an addition (kitchen enlargement) and a rear yard setback of 10 ft. for an open projection (deck) in lieu of the required 10 ft., 30 ft. and 22.5 ft. respectively. 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 29, 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.

TO SOLOS

"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 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 Al day of June, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for administrative variance Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2.5 ft. for a proposed garage, a rear yard setback of 15 ft. for an addition (kitchen enlargement) and a rear yard setback of 10 ft. for an open projection (deck) in lieu of the required 10 ft., 30 ft.

and 22.5 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
- 2. The Petitioner 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.

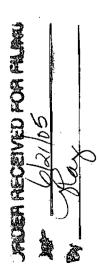
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj





REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4405 Maceur Lh Place which is presently zoned DR 16

•			which is prese	ently zoned $-\mathcal{D}$	2 16
This Petition shall be fli owner(s) of the property s made a part hereof, hereb	by petition for a Va	riance from Secti	ON(S) / かへっ っ に	1.105 and	BCZR
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rear yard set	back of 10	ft for an	open mojech	in (dick) in	leur and a
required 10 ft. 3	oft and 2	2.5 ft, re	spechoely.		
of the zoning regulations of this petition form.	•			ty, for the reasons ind	icated on the back
Property is to be posted a i, or we, agree to pay exper regulations and restrictions	ses of above Variar	ice, advertising, po:	sting, etc. and further a	gree to and are to be bo timore County.	unded by the zoning
<i>.</i> .	••	•		declare and affirm, unde re the legal owner(s) of is Petition	
Contract Purchaser/L	essee:		Legal Owner(s	<u>1</u>	1
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Signature		-	Signature		·
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	D	
Attorney For Petition	<u>er:</u> !		4405 Mac		410-529-654 Telephone No.
Narne - Type or Print		-	ilsa 1 to mon	L MD State	21236 Zip Code
Signature		· ·	Representativ	e to be Contacted:	• ·
	· · · · · · · · · · · · · · · · · · ·		· Name	,	<u> </u>
Address		Telephone No.	Address	•	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee	n formally demanded	and/or found to be	required, it is ordered this patition has not for a pu	by the Zoning Commission	er of Baltimore County,
this day of regulations of Baltimore County	and that the property	be reposted	his petition be set tot a pu	blic hearing, advertised, as	required by the zoning
		•	1 1 7.	mmissioner of Baltimore Co	ounty
CASE NO.		Rev	riewed By	Date	·

Estimated Posting Date

davit 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. 4405 Macworth Place

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

	Baltmore	MO	21236
	City	State	Zip Code
That based upon personal knowledge, the foll Variance at the above address (indicate hardsl	nip or practical difficulty):	•	
1 Garage expans	ion is with	in 10' of	setback
1 (75(00+)			
2 Addition (Kite	then enlargen	ient) is wr	thin so y
	1001	•	•
3. Open projection	(deck) is wi	thin 22.5	of sereack
line (10 feet)			
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Aff additional information.	iant(s) will be required	to pay a reposting and
Atary Mofel	<u>.</u>	i	
Signature / Mapel	Signature		·
Name - Type or Print	Name - Ty	De or Print	
STATE OF MARYLAND, COUNTY OF BALTI			i
I HEREBY CERTIFY, this 17th day of for the County aforesaid, p	Yau ersonally appeared	2005, before me, a N	lotary Public of the State
Mary C. Mape (the Affiant(s) herein personally known or satis	factorily identified to me as s	such Affiant(s).	·
AS WITNESS my hand and Notarial Soal	^	•	
JULY L. WATSO	the home	n Vinter	YU
NOTARY	Notary Public My Commission I	1 Expires 5(1)	07
REV 10/25/01			,



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

Estimated Posting Date

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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	4405 Macworth Place
	Bathnore MD. 21236 City State Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative
ling (2.5 Lept)	on is within 10' of setback.
Sthark ling (nen enlargement) 15 within 30 5 feet)
3. Open projection line (10 feet)	n (deck) is within 22.5 of Setbo
	rmal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide a	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:
of Maryland, in and for the County aforesaid, per Mary C. Mapel	į
the Affiant(s) herein, personally known or satisfa	ictorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Notary Public "
REV 10/25/01	My Commission Expires 5 1 07
TO PROVINCE CO.	

ZONING DESCRIPTION

Zoning Description For 4405 MacWorth Place

Beginning at a point on the East side of MacWorth Place, which is 50 feet wide at a distance of 288 feet west of the centerline of the nearest improved intersecting street Sherington Road which is 50 feet wide. Being Lot #22, Block A, Section II in the subdivision known as Ambermill as recorded in Baltimore County Plat Book #41, Folio# 150, containing 9,126 square feet. Also known as 4405 MacWorth Place and located in the 11th Election District, 5th Councilmanic District.

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CASHIER'S VALIDATION

	RE: Case No.: 05-606-4
•	Petitioner/Developer:
	MARY MAPER
	Date of Hearing/Closing: 6/13/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	•
Ladies and Gentlemen:	
The sign(s) were posted on	5/29/05
	(Month, Day, Year)
	Sincerely,
ZONING NOTICE VARIANCE V	(Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) GO4 DELLWOOD DR. (Address) [-ALLS TON, MO 21047

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 whitch 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: 05-606-A Petitioner: Mary C Mapel	
Address or Location: 4405 Macworth Pl. Baltimore, MD 212	3
PLEASE FORWARD ADVERTISING BILL TO: Name: Mary Mapel	
Address: 4405 Macworth Place	
Baltimore, Maryland	
21236	
Telephone Number: 410-529-6573	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

		606	•	_	,	Mac Worth	P/46 e
			Please Print Your N			hone Number: 4	
Filing	Date:	5/14/05	_ Posti	ng Date: _	5/29/05	Closing Date	: 6/13/05
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2.	a formal req	uest for a p	ublic hearing.	Please		owner within 1,0 at even if there osing date.	
. •	commissione order that th (typically with	r. He may: le matter be lin 7 to 10 da	(a) grant the set in for a lys of the clos	requested public hea ing date) a	l relief; (b) den aring. You wi is to whether th	the zoning or do by the requested If receive written he petition has b ou by First Class	relief; or (c) n notification een granted,
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		USE THE A	ADMINISTRAT	TIVE VARI	ANCE SIGN FO	ORMAT	
Case I	Number 05-	GOG -A	Addre	ss	4405 M	ac Worth Pla	(<u>E</u>
Petitio	ner's Name _	Mary	Mapel	_	Tele	phone 410 -	529-6543 12
Postir	ng Date: 🕛	5/29/	,	Clo	osing Date: _	6/13/05	
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	1 Dection	1414				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

June 13, 2005

Mary Mapel 4405 Macworth Place Baltimore, Maryland 21236

Dear Ms. Mapel:

RE: Case Number: 05-606-A, 4405 Macworth Place

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 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



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

RECEIVED

DATE: June 7, 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUN - 7 2005

ZUNING COMMISSIONER

SUBJECT:

4405 Macworth Place

INFORMATION:

Item Number:

5-606

Petitioner:

Mary Mapel

Zoming:

DR 16

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. The proposed garage expansion and kitchen addition must be constructed of materials identical to that of the existing single-family dwelling.
- 2. If a double-garage is permitted, the garage door shall be separated by a divider.

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

Prenared by:

Division Chief:

AFK/LL:MAC:

W:\DEVREV\ZAC\5-606.doc

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

2] June 20, 2005

Ms. Mary Mapel 4405 Macworth Place Baltimore, Maryland 21236

> Re: Petition for Administrative Variance Case No. 05-606-A Property: 4405 Macworth Place

Dear Ms. Mapel:

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 7, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4405 Macworth Place

INFORMATION:

Item Number:

5-606

Petitioner:

Mary Mapel

Zoning:

DR 16

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

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

Prepared by:

Division Chief:

AFK/LL:MAC:

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 May 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 30, 2005

Item No.: 578, 597, 598, 599, 600, 602, 603, 604, 605 and 606

and 606

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:

5.24.05

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

Baltimore County

Item No. 606

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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. Drulh

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 7, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4405 Macworth Place

INFORMATION:

Item Number:

5-606

Petitioner:

Mary Mapel

Zoning:

DR 16

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

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- 2. If a double-garage is permitted, the garage door shall be separated by a divider.

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

Prenared by:

Division Chief:

AFK/LL:MAC:

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 14, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 31, 2005

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

05-596

05-597

05-598

05-599

05-600

05-601

05-602

05-603

05-604

05-605

05-606

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

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PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANC PROPERTY ADDRESS 4405 MACWORTH PLACE SEE PAGES 5 B 6 OF THE CHECKLIST FOR	E SPECIAL HEARING
SUBDIVISION NAME Ambermill	TADDITIONAL REQUIRED INFORMATION
PLAT BOOK # 41 FOLIO # 150 LOT # ZZ SECTION # II OWNER MAY C. Mapel -10 DRAINAGE + UPLIFY EASEMENT	SILVER SPRING ROAD P BEACONSFIELD DORVE AMBERMILL SELT. II., PHASE IA
537° 01' 36" W	SUBJECT PROPERTY WHITEMARSH BOULEVARD
PROPOSED CONCRETE PATIO 15x20 10 10 10 10 10 10 10 10 10 10 10 10 10	VICINITY MAP SCALE: 1" = 1000' LOCATION INFORMATION
Roger T. Williams rouse in Frank 29.5. Wienn St.	ELECTION DISTRICT 11 COUNCILMANIC DISTRICT 5 1"=200' SCALE MAP # 072A3 ZONING DO 16 NE9-G
Existing Duelling 25:5" 25 BRL 7	ZONING DR 16 NEGG LOT SIZE .21 9126 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER X
Tot 23 2-50.0	WATER YES NO CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN
MACWORTH PLACE	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE
PREPARED BY MCM SCALE OF DRAWING: 1" = 30'	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #

1 .

