IN RE: **PETITION FOR ADMIN. VARIANCE** \*

E/S Ridge Road, 150' Stof the c/l

Babikow Road

(4924 Ridge Road)

14<sup>th</sup> Election District

6<sup>th</sup> Council District

Van E. Hess, et ux Petitioners BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

<sup>k</sup> Case No. 05-618-A

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Van E. Hess, and his wife, Marie A. Hess. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed attached garage. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

IDER RIEGENVED FOR FILING

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Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. It was indicated that the existing structure was built in 1924 and has deteriorated beyond repair. As shown on the site plan, the proposed garage will be located in essentially the same footprint as the existing structure; however, will be slightly larger and due to the location of the existing dwelling, will be located 5 feet from the north side property line. There were no adverse comments submitted by any County reviewing agency and the adjacent neighbors on the affected side had no objections. However, the Office of Planning noted that the subject property is listed on the Maryland Historic Trust Inventory as historic structure/property Item #BA-3145. Thus, prior to the issuance of any permits, the Petitioners must submit photographs of all sides of the existing structure and any buildings immediately abutting the property and elevation drawings of the proposed garage to insure compatibility with the existing structure.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the comments submitted by the Office of Planning dated June 3, 2005. The proposed addition shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.



3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IŁCIĄMI. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

3

## 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

June 27, 2005

Mr. & Mrs. Van E. Hess 4924 Ridge Road Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE E/S Ridge Road, 150' S of the c/l Babikow Road (4924 Ridge Road) 14<sup>th</sup> Election District – 6<sup>th</sup> Council District Van E. Hess, et ux - Petitioners Case No. 05-626-A

Dear Mr. & Mrs. Hess:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Office of Planning; People's Counsel; Case File





# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4924 RIDGE RD. 21237 which is presently zoned D.E. 3.5

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)

and made a part hereof, hereby petition				o description and plat	
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of the zoning regulations of Baltimore back of this petition form.	County, to the zo	oning la	aw of Baltimore Co	unty, for the reasons i	ndicated on the
Property is to be posted and advertised I, or we, agree to pay expenses of above V regulations and restrictions of Baltimore Co	ariance advertising	i. postini	g. etc. and further ag	ree to and are to be bound timore County.	ded by the zoning
			I/We do solemnly d perjury, that I/we ar is the subject of this	eclare and affirm, under the the legal owner(s) of the Petition.	he penalties of e property which
Contract Purchaser/Lessee:			Legal Owner(s)	<u>!</u>	
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Attorney For Petitioner:	Zip Code		Signature  4924 RI Address  BALTIMOR		404 4193 410 3 <del>41 412</del> Telephone No.
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Signature		•	Representative	to be Contacted:	
Company		•	Name		***************************************
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			Zoning Com	missioner of Baltimore County	

Estimated Posting Date

# 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.

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That the Affiant(s) does/do presently reside at	Address	RIDG	e Road	· · · · · · · · · · · · · · · · · · ·	
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I HEREBY CERTIFY, this <u>13<sup>(D)</sup></u> day of State of Maryland, in and for the County afores	aid, personally a	ppeared	<u>2105</u> , before	me, a Notary F	ublic of the
MARIE A. HESS	ed Bande	E. HELS			
the Affiant(s) herein, personally known or satis	factórily identifie	ed to me as s	such Affiant(s), a	nd made oath in	due form of
law that the matters and facts hereinabove set	iorth are true an	u correct to t	ine pest of his/he	r/meir knowledge	and pelier.
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**Notary Public** 

My Commission Expires

REV 09/15/98

Date

### **4924 RIDGE ROAD**

Property of VAN E. HESS and MARIE A. HESS 14<sup>th</sup> Election District
Baltimore County, Maryland
Tax Account # 1408032175
Zoned: D.R. 3.5

An Administrative Variance is requested from Baltimore County Zoning / Regulations Section 400.1 to allow an accessory structure (garage) to be constructed in the side yard in lieu of the rear yard.

Mr. and Mrs. Hess acquired the property at 4924 Ridge Road in 2002. The property is improved with a 2-story single-family residential dwelling and a one car garage. The existing improvements were constructed in approximately 1924.

The existing garage is in poor condition and is in need of replacement. This existing garage is located in the side yard on the North side of the property. It is proposed to replace this structure with a 32 ft. by 32 ft. garage in the same location as the original garage, although larger in size. Due to the proposed location within the side yard, a zoning variance is necessary from Section 400.1.

To construct a garage in the rear yard of 4924 Ridge Road would cause undue practical difficulty and hardship. Trees would have to be removed for construction in the rear yard and additional expense would be incurred in having to extend the existing driveway.

The proposed location of the new garage in the side yard situates the garage approximately 5 ft. from the property line on the North side. This is the same setback as the existing garage. The adjacent neighbors at 4920 Ridge Road, Mr. and Mrs. McClean, are aware of the proposed garage and do not object to its location in the same area as the existing garage.

### ZONING DESCRIPTION

### **4924 RIDGE ROAD**

Property of VAN E. HESS and MARIE A. HESS 14<sup>th</sup> Election District, Baltimore County, Maryland Tax Account # 1408032175

Beginning at a point on the East side of Ridge Road, variable width, at the distance of 150 ft. South of the centerline of Ridge Road and Babikow Road, thence:

1	South 62 degrees 05 minutes East	155 feet
1.	South 02 degrees 05 minutes Last	133 1661

- 2. South 10 degrees 07 minutes 38 seconds West 91.70 feet
- 3. North 69 degrees 01 minutes 52 seconds West 155 feet
- 4. North 12 degrees 33 minutes 05 seconds East 110 feet

to the Point of Beginning.

Containing 15,200 sq. ft., or 0.35 acres, more or less.

As recorded in Deed 16446, folio 617.

Known as 4924 Ridge Road.

14 th Election District

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#618

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# **CERTIFICATE OF POSTING**

	RE: Case No.: 00 10 11
,	Petitioner/Developer: VAN 4
. *	MARIE HESS
	Date of Hearing/Closing: 6-20-05
altimore County Department of ermits and Development Management ounty Office Building, Room 111 I 1 West Chesapeake Avenue owson, Maryland 21204	
TTN: Kristen Matthews {(410) 887-3394}	
adies and Gentlemen:	· ·
osted conspicuously on the property located at: $4924$ $R$	IDGE RD
he sign(s) were posted on	6- 5-05
	(Month, Day, Year)
V P and	Sincerely,
ZONING NOTICE	Robert Black (6/7/05) (Signature of Sign Poster) (Date)
ADMINISTRATIVE VADIANCE	SSG Robert Black
CASE # 05618-A	(Print Name)
To Posed A SET SER YOU, SCHOOL IS LESSED, G.M. PA. A. POSESID ATRICKS, SERVE.	1508 Leslie Road
	(Address)
PUBLIC HEARING ?	Dundalk, Maryland 21222
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE PROVIDED IT IS DONE IN THE ZONBIG OFFICE BEFORE	(City, State, Zip Code)
4.20 p.m. ON INFORMATION IS AVAILABLE AT IONNIC GONESTICATION AND REFERENCES IN GRANCEMENT TEL. 387-3391	(410) 282-7940
MICHE & SHREET ACCOUNT	(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.

For Newspaper Advertising:	
Item Number or Case Number: 05-618-A  Petitioner:	,
Address or Location:	37
PLEASE FORWARD ADVERTISING BILL TO:  Name:	
Address: 4924 REDGE RD.  BALTEMORE, MARY LAND 21237	
Telephone Number: 410 404 4182	_

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-

Address 4924 RIDGE

Contact Pe	erson:	JOHN	LEU	115		Ph	ione Number: 4	110-887-3391
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# 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 20, 2005

Van E. Hess Marie A. Hess 4924 Ridge Road Baltimore, Maryland 21237

Dear Mr. and Mrs. Hess:

RE: Case Number: 05-618-A, 4924 Ridge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 24, 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,

U. Callille

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

: 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 June 2, 2005

ATTENTION: Zoning Review planners

Distribution Merting f: June 6, 2005

Item No.: 595, 608-632

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.

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

Lieutenant J.D.Mezick Fire Marshal's Office (O)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

.

**DATE:** June 6, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 13, 2005

Item No. 607, 610, 614, 615, 616, 618, 620, 621, 623, 625, 628, 630, 631, 632

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-06062005.doc

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.

MEULIVED

TO:

Tim Kotroco

JUN 2 8 2005

FROM:

John D. Oltman, Jr J

ZONING COMMISSIONER

DATE:

June 28, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 6, 2005

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

Reviewers:

Sue Farinetti, Dave Lykens

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

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

**DATE:** June 3, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

JUN - 7 2005

ZONING COMMISSIONER

**SUBJECT:** 

4924 Ridge Road

**INFORMATION:** 

Item Number:

5-618

Petitioner:

Van Hess

Zoning:

**DR 3.5** 

**Requested Action:** 

Administrative Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request. However, the subject property is historic (MHT Number BA-3145). To assure that the proposed garage is compatible with the existing historic structure, the petitioner must submit the following information for review and approval by the historic preservation staff in this office:

- 1. Photographs of all sides of the existing structure, as well as the buildings immediately abutting the property.
- 2. Elevation drawings of the proposed garage, including information about the proposed materials.

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

Prepared by

**Division Chief:** 

AFK/LL:MAC:



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

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

Maryland Department of Transportation

Date: 6.3.05

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

RE:

Baltimore County Item No. 618

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

f. f. Gredh

Engineering Access Permits Division

From:

Karin Brown

To:

Schuhmann, Bette

Date:

6/23/2005 1:45:14 PM

Subject:

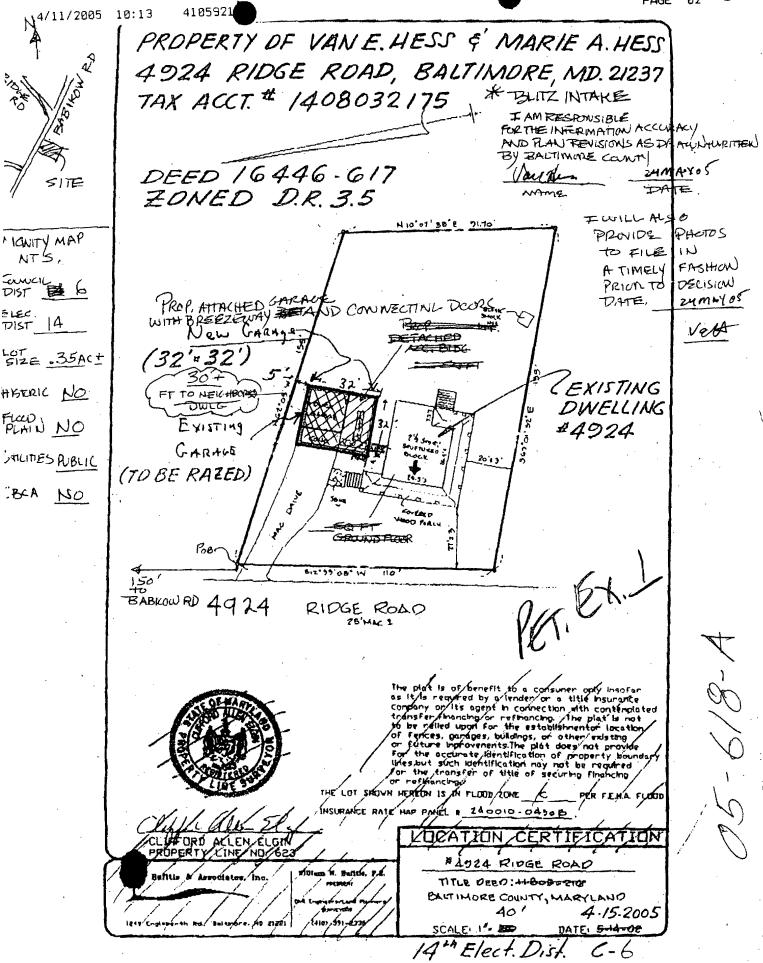
Re: Administrative Variance Case No. 05-618-A

Hi Bette, I think that we can handle this "in-house". That is it probably will not have to go before the Landmarks Commission. Seeing photos of the existing structure and elevations of the proposed garage will help us make a determination. Robin is right, there doesn't seem to be a clear method in regard to how historic cases are handled. Regards Karin

#### >>> Bette Schuhmann 06/23/05 9:56 AM >>>

Karin - I'm helping Robin out this week with the administrative variances. The comment submitted by Planning in the above-captioned matter indicates that the property is historic; however, doesn't indicate that it needs to go before the Landmarks Preservation Commission for review. It only requests photographs of the existing garage and elevation drawings of the proposed replacement. In addition, there was no Petition for Special Hearing filed seeking approval of a waiver to allow razing the existing garage. Robin has said that there doesn't seem to be any clear method of handling these cases so I'm not sure if this one requires review by the Commission or just simply compliance with Planning's comment. Can you clarify this for me?

Bette Schuhmann bschuhmann@co.ba.md.us 410-887-3868



# BALTIMORE COUNTY ZONING MAP



http://bamaps1.co.ba.md.us/arcims\_path/bcgims?ServiceName=wds&ClientVersion=4.0&... 4/18/2005