IN RE: PETITION FOR SPECIAL HEARING SW/S of Keller Avenue, 1,500 ft. S centerline of Hillside Road 3rd Election District 2nd Councilmanic District **(8600 Keller Avenue)** Stephen D. Johanson & Pamela M. Weller *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-630-SPH

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Stephen D. Johanson and Pamela M. Weller. The Petitioners are requesting special hearing relief for property located at 8600 Keller Avenue in Baltimore County. Special Hearing relief is requested from Section 1A04.3.B.1.b.(1) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 40 ft. in lieu of the required 50 ft. to construct an addition (garage).

The property was posted with Notice of Hearing on July 12, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 12, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

JUDGE RECEIVED FOR FILING
Date 7/29/05
By

Interested Persons

Appearing at the hearing on behalf of the variance requests were Pamela and Stephen Johanson Petitioners. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioners would like to add a two-car garage onto the rear of their house to store their vehicles out of the weather and provide more space for storage. They indicated that unlike most of the homes in the neighborhood, their home did not have a garage. They also indicated that they could not locate the garage on the front of the house as this would be incompatible with the design of the home and the neighborhood. Nor could they use the east side as there is only 12 feet to the property line. The west side cannot be utilized because of existing large windows that look out onto the large lawn and provide light and air. This leaves the rear of the house. See Petitioner's Exhibit 1. However, the house is slightly skewed with respect to the property line so that the location shown is the place that requires the least variance. They further indicated that if the 50 foot setback were strictly enforced the garage would only be 14 feet wide which is impractical from their perspective. Again, they mentioned that most of the homes in the area have garages so that there will be no adverse impact by adding a garage as shown. In particular, neighbors will not be able to see the new garage as it is in the rear of the existing home.

Findings of Fact and Conclusions of Law

I find that the location of the proposed garage is the only practical location for it, given the limitations of the home and lot. The Petitioners admit that they could fit a one-car garage into the location but that this would be impracticably small for their needs. They indicate that most area homes already have two car garages so that allowing this garage would not changed the pattern of development of the neighborhood. Finally, I find that the new garage would not adversely affect the

ORDER RECEIVED FOR FILING
7/29/05

neighborhood but rather, as the Petitioners note, would bring their home up to the level of most area homes.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 29 day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing from Section 1A04.3.B.1.b.(1) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 40 ft. in lieu of the required 50 ft. to construct an addition (garage), be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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;

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 7/29/05
By

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

July ~~28~~ 29, 2005

Stephen D. Johanson
Pamela M. Weller
8600 Keller Avenue
Lutherville, Maryland 21093

Re: Petition for Special Hearing
Case No. 05-630-SPH
Property: 8600 Keller Avenue

Dear Mr. Johanson & Ms. Weller:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8600 Keller Ave.
which is presently zoned RC-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 1A04.3.B.1.b.(1)

to permit a rear yard setback of 40 ft. in lieu of the required 50 ft. to construct an addition (garage).

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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

Legal Owner(s):

Stephen D. Johanson
Name - Type or Print

Signature

Pamela M. Weller
Name - Type or Print

Pamela M. Weller
Signature

8600 Keller Ave. — 410-653-7828
Address — Telephone No.

Lutherville, MD — 21093
City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BN **Date** 5/25/05

Case No. 05-630-SPH

PLUS RECEIVED FOR FILING
7/29/05
Rev 9/15/98

Zoning Description For 8600 Keller Avenue, Stevenson, MD 21153

Beginning at a point on the south side of Keller Avenue which is 16 feet wide at a distance of 1,584 feet Northwest of the centerline of the nearest improved intersecting street Hillside Road which is 16 feet wide.

As recorded in Deed Liber 16875, Folio 381.

Beginning at P.O.B. N 89° 08' 00" E 184.05ft., N 00° 18' 40" E 64.66ft., N 08° 40' 50" E 40ft., N 32° 59' 20" E 128.14ft., S 89° 04'40" W 263.50ft. to P.O.B.

Located in District 03, Account Number 1600013341.

#630

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 445020

DATE 5/25/05 ACCOUNT 1001-006-615.0

AMOUNT $ 65.00

RECEIVED FROM: Walter / Johnson

FOR: Special Hearing - 6207

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Total 65.00

PAID RECEIPT
BUSINESS ACTUAL TIME DATE
5/26/2005 5/25/2005 15:07:29 2
SUB SUB2 MAJ MIN REV OBJ
RECEIPT # 445020 05/25/2005 FCI
Rept 5 STR ZONING VERIFICATION
R NO. 445020
Rcpt Tot 65.00
CHECK 65.00
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-630-SPH
8600 Keller Avenue
S/west side of Keller Avenue, 1,500 feet south of centerline of Hillside Road
3rd Election District
2nd Councilmanic District
Legal Owner(s):
Stephen D. Johanson & Pamela M. Weller
Special Hearing: to permit a rear yard setback of 40 feet in lieu of the required 50 feet to construct an addition (garage).
Hearing: Wedensday, July 27, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/7/635 July 12 58429

CERTIFICATE OF PUBLICATION

7/13/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/12/, 2005.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-630-SPH

Petitioner/Developer:

STEPHEN & PAMELA WELLER

Date of Hearing/Closing: 7/27/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

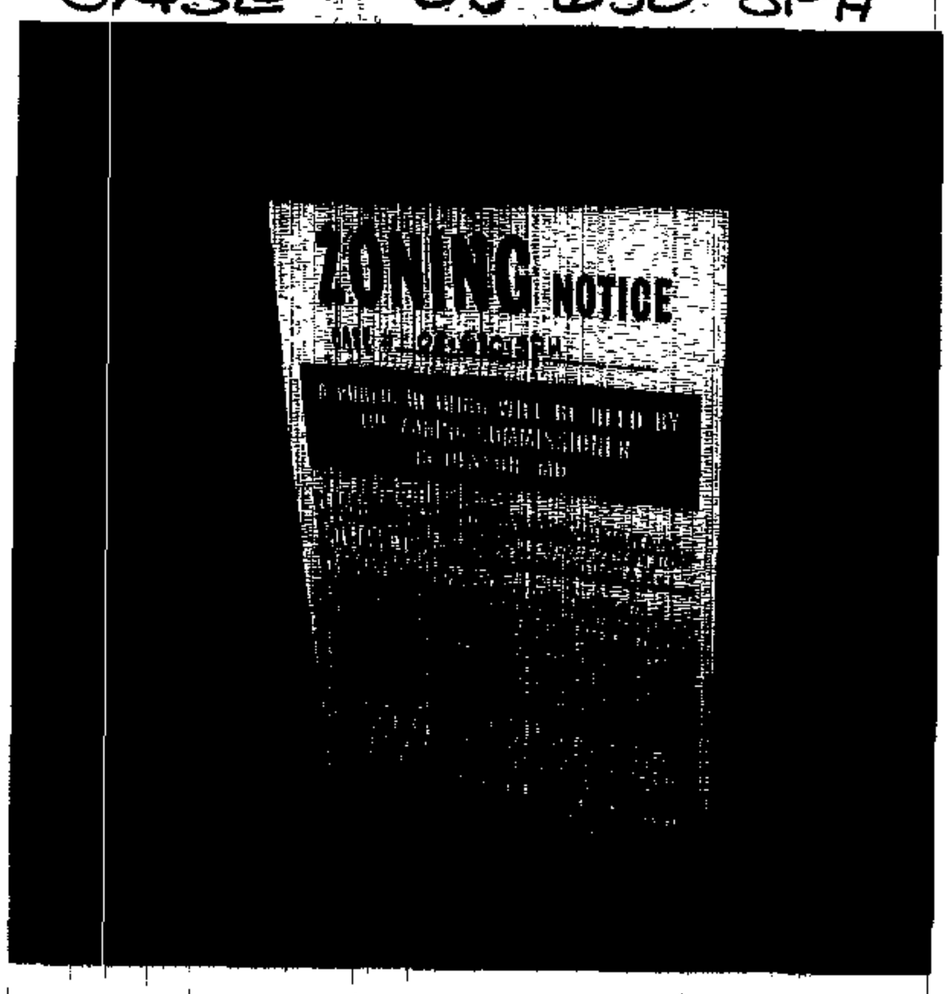
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

8600 KELLER AVE.

The sign(s) were posted on 7/12/05
(Month, Day, Year)

CASE # 05-630-SPH



8600 KELLER AVE.
POSTED 7/12/05
7/12/05

Sincerely,

7/12/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 12, 2005 Issue - Jeffersonian

Please forward billing to:
Steve Johanson
8600 Keller Avenue
Lutherville, MD 21093

410-653-7828

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-630-SPH
8600 Keller Avenue
S/west side of Keller Avenue, 1,500 feet south of centerline of Hillside Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Stephen D. Johanson & Pamela M. Weller

Special Hearing to permit a rear yard setback of 40 feet in lieu of the required 50 feet to construct an addition (garage).

Hearing: Wednesday, July 27, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

June 2, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-630-SPH
8600 Keller Avenue
S/west side of Keller Avenue, 1,500 feet south of centerline of Hillside Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Stephen D. Johanson & Pamela M. Weller

Special Hearing to permit a rear yard setback of 40 feet in lieu of the required 50 feet to construct an addition (garage).

Hearing: Wednesday, July 27, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Stephen Johanson, Pamela Weller, 8600 Keller Avenue, Lutherville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 12, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 05-630-SPH

Petitioner: Stephen D. Johanson

Address or Location: 8600 Keller Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steve Johanson and Pam Johanson

Address: 8600 Keller Ave.
Lutherville, MD 21093

Telephone Number: 410-653-7828

Revised 2/20/98 - SCJ

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

July 18, 2005

Stephen D. Johanson
Pamela M. Weller
8600 Keller Avenue
Lutherville, Maryland 21093

Dear Mr. Johanson and Ms. Weller

RE: Case Number: 05-630-SPH, 8600 Keller Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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

Printed on Recycled Paper

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 Meeting of: **June 6,** 2005

Item No.: **595, 608-632** 630

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-[illegible]
MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 6, 2005

FROM: Dennis A. Kennedy, DAK 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

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-600 and 5-630**

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

W \DEVREV\ZAC\nocomment doc

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

SHA State Highway Administration Driven to Excel

Robert L. Flanagan, *Secretary*
Neil 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. 638 BPR

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,

S. F. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING 8600 Keller Avenue; SW/side Keller Avenue, 1,500' S c/line Hillside Road 3rd Election & 2nd Councilmanic Districts Legal Owner(s): Stephen D Johanson & Pamela M. Weller Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-630-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
JUN - 2 2005
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Stephen Johanson and Pamela Weller, 8600 Keller Avenue, Lutherville, MD 21093, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

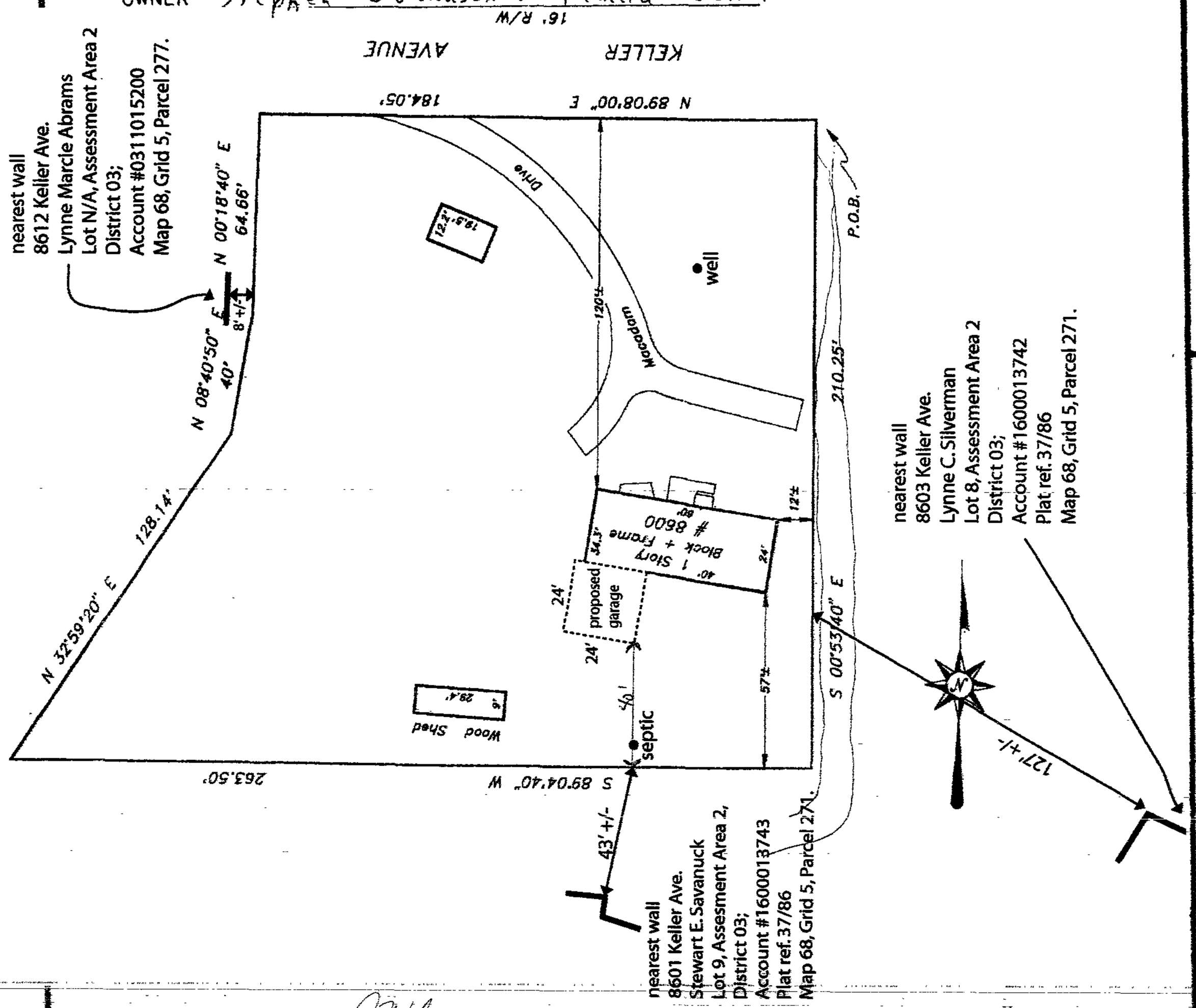
PROPERTY ADDRESS 8600 Keller Ave.

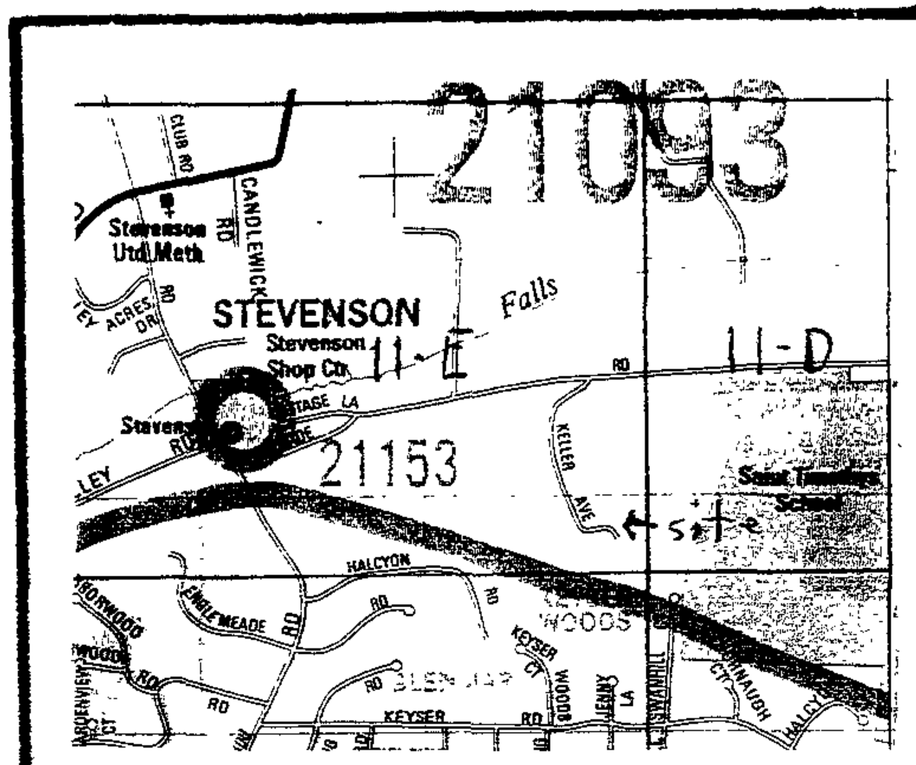
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

PLAT BOOK # ____ FOLIO # N/A LOT # ____ SECTION # ____

OWNER Stephen Johanson & Pamela Weller





VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3rd

COUNCILMANIC DISTRICT 2nd

1"=200' SCALE MAP # 0031

ZONING RC-5

LOT SIZE 1.0 ACREAGE / SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
BK	630	05-630-SPH

PREPARED BY PNG

SCALE OF DRAWING: 1" = 40'

-15-

Pet #1

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-630-SPH
DATE 7/27/2005

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Pamela & Stephen Johanson	8600 Keller Ave	Lutherville, MD 21093	pwjohanson@yahoo.com

Plan Sheet: *068C1*

Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.

Legend

Zoning
Buildings
Streams
Roads
Vegetation

Baltimore County
Office of Planning and Zoning
Official Zoning Map

059A3	059B3	059C3	060A3	060B3
068A1	068B1	068C1	069A1	069B1
068A2	068B2	068C2	069A2	069B2

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

A 63