IN RE: PETITION FOR ADMIN. VARIANCE

S/S King George Court, 1,056' S of the c/l

Joppa Road

(4529 King George Court)

11th Election District 5th Council District

Andrew Maruyama, et ux

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 05-640-A

*

Andrew Maruyama, et ux Petitioners

* * * * * * * * *

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, Andrew Maruyama and his wife, Ellen Maruyama. The Petitioners seek relief from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a tract boundary setback of 17' in lieu of the minimum required 22½' for a proposed open projection (deck), and an amendment to the Final Development Plan for Oakdale, Lot 19, only, to allow projection of same outside the building envelope. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence 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, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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 Petitioner has 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.



Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the small size of the property and the location of existing improvements thereon. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. In fact, photographs show that adjacent neighbors have constructed decks to the rear of their homes with similar setback distances from the rear property line. Moreover, the photographs show that the rear of the property is densely wooded and provides a sufficient buffer from the adjacent properties. Thus, it appears that there will be no detrimental impact to adjacent properties and that the relief requested meets the requirements of Section 307 of the B.C.Z.R. for relief to be granted.

Pursuant to the advertisement, posting of the property(s) and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of July 2005 that the Petition for Administrative Variance seeking relief from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a tract boundary setback of 17' in lieu of the minimum required 22½' for a proposed open projection (deck), and an amendment to the Final Development Plan for Oakdale, Lot 19, only, to allow projection of same outside the building envelope, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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.

M J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

H FILMS

QUE RE

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

LLIAM//WISEMAN, III

Zoning Commissioner

for Baltimore County

July 1, 2005

Mr. & Mrs. Andrew Maruyama 4529 King George Court Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S King George Court, 1,056' S of the c/l Joppa Road (4529 King George Court) 11th Election District – 5th Council District Andrew Maruyama, et ux - Petitioners Case No. 05-640-A

Dear Mr. & Mrs. Maruyama:

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.

WJW:bjs

cc: People's Counsel; Case/File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4529 KING GEOIGE COURT
which is presently zoned DR 5.5

Estimated Posting Date 6 12 05

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	is described in the description and plat attached hereto and (s) 11301. (s) 4.00 301.
TO PERMIT AN ATTACHED DELK COPEN	PROJECTION) WITH A TRACT
BOUNDARY SETBACK OF 17 FT IN LIN	EU OF ZOLAND TO AMEND
THE FINAL DENELOPMENT QUANT FOR	OAKDAIZ LOT# 19 to allow
BOUNDARY SETBACK OF 17 FT IN LIN THE FINAL DENELOPMENT PLAN FOR Projection & same outside 7	the building envelope.
of the zoning regulations of Baltimore County, to the zoning lav of this petition form.	v of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zo i, or we, agree to pay expenses of above Variance, advertising, posti regulations and restrictions of Baltimore County adopted pursuant to	ing, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u>
Name - Type or Print	Name - Type or Print
Signature	Signature ////
Address Telephone No.	Name - Type or Print x91111 L. Manyama
City State Zip Code	Signature Signature
Attorney For Petitioner:	Address George CTX 410-278-097 Telephone No.
	x Perry Hall x Md x 21128
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company _≢	ANDROW MARY YAMA
	Name 4529 4ing beorge (1 4/6-529-395
Address Telephone No.	어느 어
	Perry Hall Me 21128
City State Zip Code	City State Zip Code
A sublit Hearing having been formally demanded and/or found to be notified and the subject matter of this day of that the subject matter of this subject matter of the s	equired, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning
Topulations of Daltimore County and that the property be reposted.	
	Zoning Commissioner of Baltimore County
CASE NO. <u>05-6404</u> Review	ewed By 10/2, Date 6-01-05

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

,	•	•	Verct	Hall	E MG	+ 21128
		City	F 4- 1	1 211	State	Zip Code
That based upon Variance at the ab	personal knowledge, the fo ove address (indicate hards	llowing are ship or pra	e the facts ctical diffic	upon which culty):	ch I/we base the reque	st for an Administrative
X					•	
to the deck cited we do a hard setbag	etbacks for our plot are 25 property line. Our desire would be 13 feet deep, rein previous page. We can not wish to move to a loship upon us. Our neighteks (see attached photos), their property.	e is to have quiring a not purch cation who have bors all h	e a deck 17 foot so hase the l ith an exicave decks	to allow for etback, in and behind sting deck simples with sime	or outdoor activities. violation of the curre d us, as it is already or within code, as it ilar or even less that	The ent section occupied. would be 17 foot
advertising fee an	acknowledge(s) that if a d may be required to provid	formal de e addition	al informat	ion.	nt(s) will be required	
Signature X AND COUNTY Name - Type or Print	Maruyama		-	Signature	Hen Macuya	<i>€</i>
STATE OF MARY	LAND, COUNTY OF BALL	FIMORE, t	OEZ_			
I HEREBY CERT of Maryland, in an	IFY, this <u>X3/51</u> day of <u>X</u> day of <u>X</u> day of <u>X</u>	personally	appeared		, before me, a N	otary Public of the State
X DIDI	in, personally known or sati	ctoctock!	to dentified to	Mer	MANUAN (S)	<u> </u>
	hand and Notarial Seal	istactof lly 1			Amani(s).	

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	> 4529 Uing	beathe ct	
Hat the Amant(s) does do presently reside at	Address		
	a Perry Hall	E MG	+21129
	City	State	Zip Code
•			•

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

X

The setbacks for our plot are 22 ½ feet, and we have 30 feet from the back of our house to the property line. Our desire is to have a deck to allow for outdoor activities. The deck would be 13 feet deep, requiring a 17 foot setback, in violation of the current section cited in previous page. We cannot purchase the land behind us, as it is already occupied. We do not wish to move to a location with an existing deck or within code, as it would be a hardship upon us. Our neighbors all have decks with similar or even less that 17 foot setbacks (see attached photos), or are behind trees such that the deck would not interfere with their property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

| X | M | Manual Man

My Commission Expires



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4529 King George court
which is presently zoned 02 5.5

This Petition shall be filed with the owner(s) of the property situate in B	ie Department of Permitalitimore County and which	ts and Development Management. The under the described in the description and plat attached to the description attached to the description and plat attached to the description at a track to the description attached to the description attached to the description at a track to the description attached to the description attach	signed, legal d hereto and
made a part hereof, hereby petition i	for a variance from Section	on(s) $1301.2.C.1.b$ $\Rightarrow Av$	D 301. 1
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BOUNDARY SETBACK OF	= 17 ET IN/ L	IEU OF ZA /2AND TO AME	END.
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	TE OUTSILE 7	PROJECTION) WITH A TRACT VEU OF 20/2 AND TO AME OAKDAY LOT# 19 to The building envelope.	
		w of Baltimore County, for the reasons indicated	
Property is to be posted and advertise it, or we, agree to pay expenses of above regulations and restrictions of Baltimore	e Variance, advertising, pos	sting, etc. and further agree to and are to be bounded	by-the zoning
		I/We do solemnly declare and affirm, under the perpendicular, that I/we are the legal owner(s) of the proise the subject of this Petition.	
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>	
		$\Lambda \rightarrow \lambda c \sigma$ $\Lambda \sim \Lambda c \sigma$	
Name - Type or Print		Name - Type or Print	
Cionatura		×//m///m	
Signature		Signature	
Address	Telephone No.	Name - Type or Print	
<u>~</u>		x Euch L. Many am	<u>a</u>
City	e Zip Code	Signature	
Attorney For Petitioner:		Address Hing George CTX 4	<u>//o-278-∞</u> 7₹ Telephone No
		x Perry Hall x Md	x 2/128
Name - Type or Print		City	Zip Code
Cianatura		Representative to be Contacted:	
Signature		ANGrow Mary Yama	
Company		Name 4/1	0-278-0976
A 4.4 (1)			3-529-395
Address	Telephone No.		Telephone No
City	e Zip Code	City Hall Ma	21128 Zip Code
A Public Hearing having been formally de	emanded and/or found to be	required, it is ordered by the Zoning Commissioner of Ba	Itimore County,
regulations of Baltimore County and that the	that the subject matter of the	nis petition be set for a public hearing, advertised, as require	d by the zoning
•	•	-	
-		Zoning Commissioner of Baltimore County	
CACE NO A T- / //	'am —	iewed By 1122 Date 6-01-0	, <u> </u>
CASE NO. 195-64	U # Rev	iewed By (///////////////////////////////////	→

Estimated Posting Date

ZONING DESCRIPTION FOR:

4529 King George Court, Perry Hall, Md 21128

Beginning at a point on the South side of King George Court which is 50 ft wide at the distance of 1056 ft south of Joppa Road. Being lot # 19 in the subdivision of Oakdale II as recorded in Deed Liber 70, Folio 55. Also known as 4529 King George Court and located in the 11th Election District, 5th Councilman District.

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OFFICE OF	RE COUNTY, N BUDGET & FINAL	NCE TO THE	Casen	lo. 44601	
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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 05-640-A
, , , , , , , , , , , , , , , , , , ,	Petitioner/Developer: ANDREW
•	MARUYAMA
	Date of Hearing/Closing: 6-27-0.
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perposted conspicuously on the property located as	erjury that the necessary sign(s) required by law were t:
· · · · · · · · · · · · · · · · · · ·	ING GEORGE CT
The sign(s) were posted on	6-12-05
	(Month, Day, Year)
-	Sincerely,
	Signature of Sign Poster) (Date)
	SSG Robert Black
The plant of the party of the p	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

<u> </u>
Case Number 05- 640 -A Address 4529 King George CT.
Contact Person: John Sullvan Phone Number: 410-887-3391
Filing Date: 6-01-05 Posting Date: 6-27-05 Closing Date: 6-27-05
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)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 05- 640: -A Address 4529 King George CT-
Petitioner's Name Andrew MARWAMA Telephone 410-5-29-3950
Posting Date: 6 12-05 Closing Date: 6-27-05
Nording for Sign: To Permit an open projection (deck) with a setback of 17 1. to
the (rear) tract boundary in lieur the minimum required 221/2 th and
TO Amend the latest final development plang DakDale (Lotin to
allow projection of same outside the building puvelope
WCR - Revised 6/25/04

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 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.

Item Number or Case	Number:	<u>, ,</u>
		
Address or Location:	Aren MARUYAMA 4529 King George CT-	
PLEASE FORWARD	ADVERTISING BILL TO:	
Name:	Same	
Address:		
	Perny Hall, Md., 21128	<u> </u>
Telephone Number: _	410-529-3950	

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 27, 2005

Andrew Maruyama Ellen Maruyama 4529 King George Court Perry Hall, Maryland 21128

Dear Mr. and Mrs. Maruyama:

RE: Case Number: 05-640-A, 4529 King George Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 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 Ailall

W. Carl Richards, Jr. Supervisor, Zoning Review

har a

WCR: clb

Enclosures

c: People's Counsel



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

June 6, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: June 13, 2005

Item No,: 634, 635, 636, 637, 640, 642

Pursuant to your request, this Office has reviewed the referenced plan(s) 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 William F. Connolly, Jr. Lieutenant Franklin J. Cook 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 10, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 20, 2005

Item No. 634, 635, 636, 638, 640, 641,

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-06102005.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: June, 17, 2005

JUN 2 0 2005

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

TONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-640- Administrative Variance

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 Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL







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

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

Maryland Department of Transportation

6.7.05 Date:

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

RE:

Baltimore County

Item No. 640

JJS

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

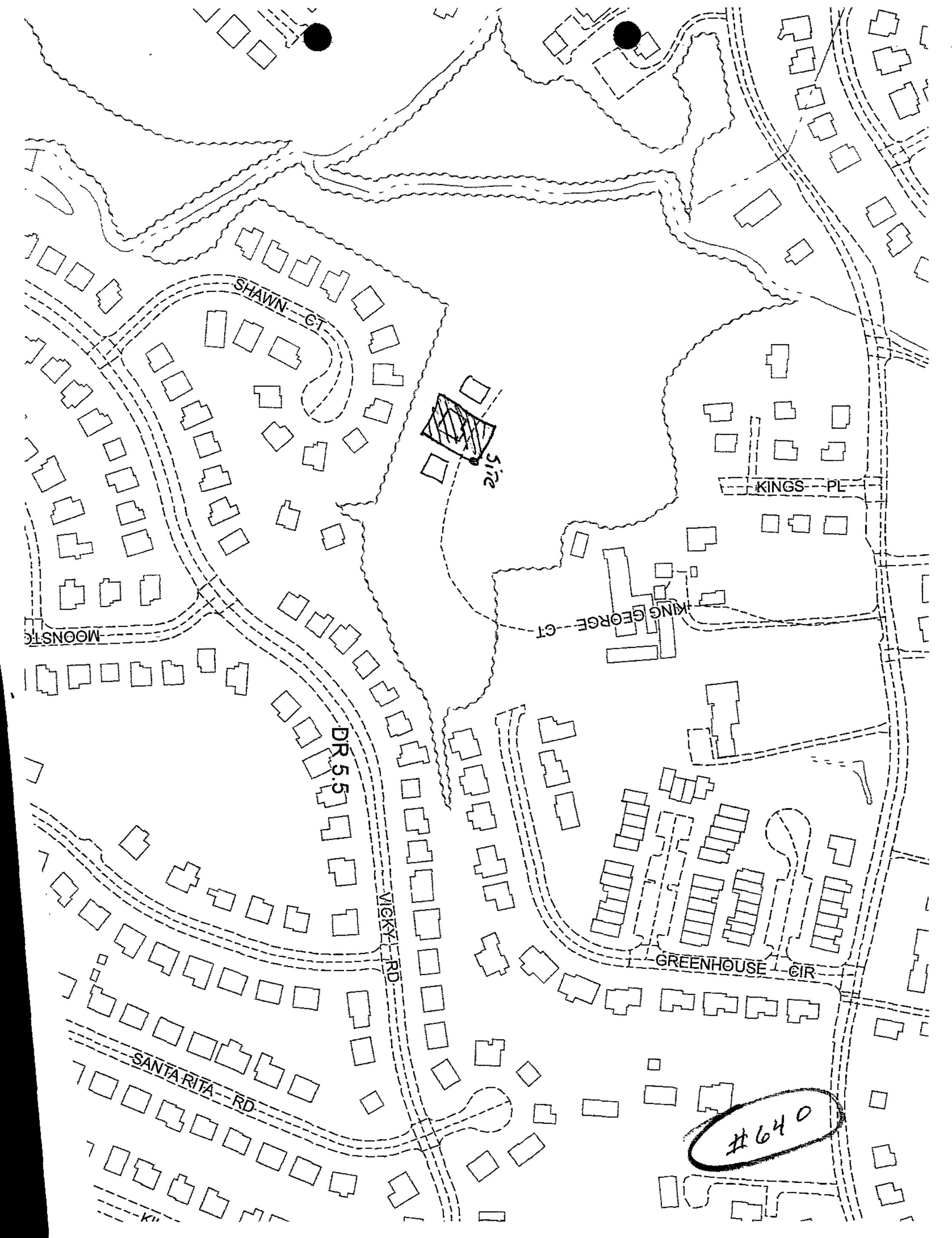
f. f. Doch

Engineering Access Permits Division

DATES 10# cjestic f 13 DO-COURS つみずみのひんと PREPARED BY 4531 EX 137123 41 167 NORTH Omolling PROPERTY ADDRESS SUBDIVISION NAME PLAT BOOK # 10 OWNER ANDECCES peldi carule ACCOMPANY F, Elmer FOLIO #55 LOT # MAXWell ູອຼ OUNDAIR 421 Ellen -1 ガメンジング 0 600/6ª 52:5 King hearge ci Opp 6061/380) H 19 SECTION # Macuyama CI MEMINE Owellin ITION FOR **22** ' abdition Count €, SCALE 4.0.8-101 Z 1066 SEE PAGES 5 & 6 PArcel **ZONING** (hower 23-00 05/20/2005 できるから 윾 Ü GKUD COXX 15 Dwill swy かなると DRAWING: 1" واس, 5! 7! -a>1973 To Joppa EV. 300,2 onda **WYARIANCE** 2000 1056 Cm BOWNIE A to copper THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION 6137/546 30 _.' ₹ REVIEWED BY ITEM & CASE # LOT SIZE O, I & I Shaw, ZONING **ELECTION DISTRICT** COUNCILMANIC DISTRICT 1"= 200' SCALE MAP # HISTORIC PROPERTY/ PRIOR ZONING HEARING CHESAPEAKE BAY 100 YEAR FLOOD PLAIN SPECIAL SEWER WATER LOCATION INFORMATION DR 5.5 King Survey 64 SCALE: VICINITY MAP King George 6 囟 1" = 1000 OF JOPPUL RA **HEARING** SOUTRE FEET 07252 distas. PRIVATE VICE! house 図ぎ 因

1529 # 70, FUID 55

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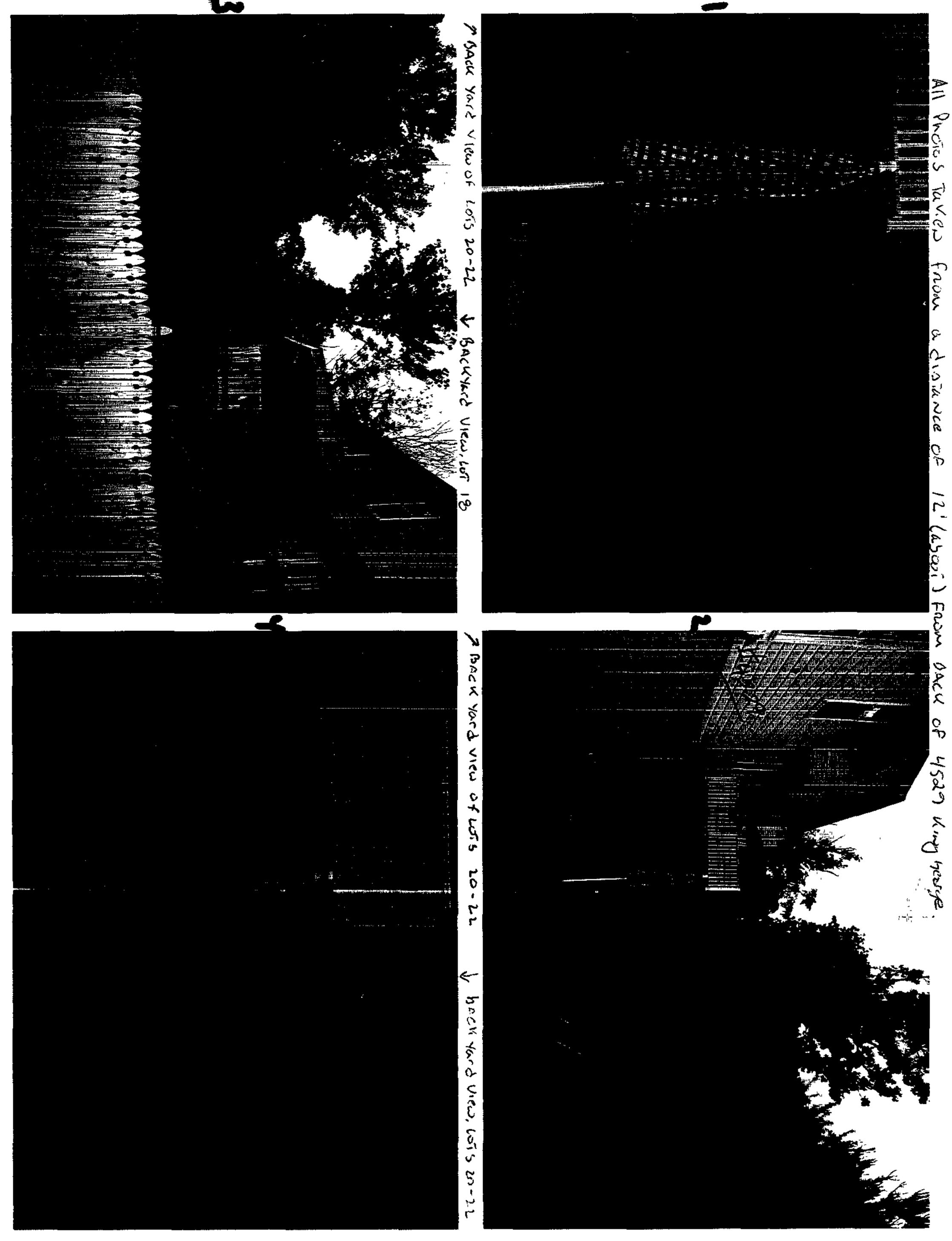


The photographs were taken about 12 feet from the rear of 4529 King George Court, in order to show the results of the requested 17 foot setback. Photographs 1-4 show the properties on lot #s 18 and 20-22. Photograph #5 (the panoramic one) shows the view from the backyard to the adjoining development on Shawn road. This shows that the trees separating the two developments should prevent any noticeable change in the views from the properties on Shawn Road.

* See 2 attached

Photos,

40



Cy of H

#64

 $\overline{\infty}$ separation

West

#640

Mycos (19)