IN RE: PETITION FOR ADMIN. VARIANCE SE/S of Stringtown Road, 850 ft. SW centerline of Yeoho Road 5th Election District 3rd Councilmanic District (1801 Stringtown Road)

Diana F. Owens *Petitioner*

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 05-658-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, Diana F. Owens. The administrative variance is requested for property located at 1801 Stringtown road in the Sparks area of Baltimore County. The administrative variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

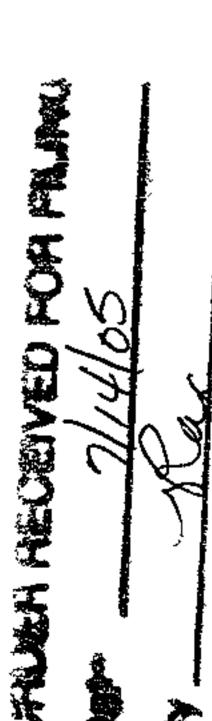
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 20, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 Department of Environmental Protection & Resource Management (DEPRM) dated June 28, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

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



"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 26-127 (b)(1) 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 <u>14</u> day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

MUMPHECHAED E

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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. Compliance with the ZAC comments submitted by DEPRM dated June 28, 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.

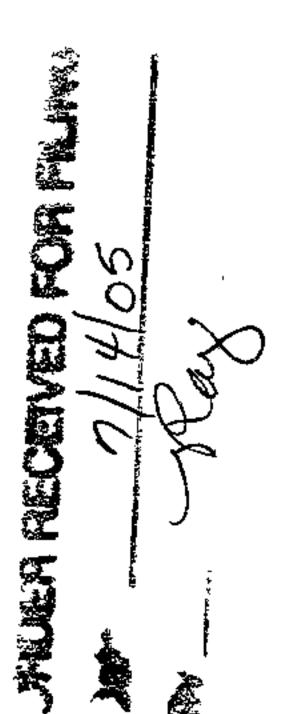
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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 13, 2005

Ms. Diana F. Owens 1801 Stringtown Road Sparks, Maryland 21152

Re: Petition for Administrative Variance

Case No. 05-658-A

Property: 1801 Stringtown Road

Dear Ms. Owens:

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1801 Strung foun Rd. Spanks MO, which is presently zoned RC2 21152

i/We do solemnly declare and affirm, under the penalties of

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)

400.1; BCZR, to permit a garage to be located in the front youd in lieu of the required Rearyand.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

			perjury, that I/we a is the subject of the	re the legal owner(s) of the is Petition.	property which
Contract Purchaser/Le	ssee:		Legal Owner(s	<u>s):</u>	
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City	State	Zip Code	Signature		<u></u>
Attorney For Petitione	<u>r:</u>		1801 Stan	restown Rd. 41	0-472-115 Telephone No
arne Type or Print	· 	· · · · · · · · · · · · · · · · · · ·	Sparks,	MO. 21 State	Zip Code
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ompany			Name	Ame.	
		Telephone No	Address	<u> </u>	Telephone No
377	State	Zip Code	City	State	Zip Code
Public Hearing having been this day of day of day a Baltimore County a	, t	hat the subject matter of	this petition be set for a pul	y the Zoning Commissioner of blic hearing, advertised, as requestioner of Baltimore County	uired by the zoning
CASE NO	- 6) <i>8 f</i> } Re ¹	viewed By	<u> </u>	0-05
REV 10/25/01		Est	imated Posting Date	6-19.05	-

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	1801 Stainatown Rd
	Sparks MD 2//502 City V State Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon which I/we base the request for an Administrative
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had to be torn down	ruse. Il had a garage (2 can) the - be cause it was falling down as
gangerons. I need to	replace 5 tructure por car Store
tools etc. I would	like however to move it out of
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house. While Technic	ld garage Sat directly in front of my hor cally hon say it's in front of my hor Thanks Dowens
That the Affiant(s) acknowledge(s) that if a fo	mal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide a	
	Ways 7. ONers
Signature	Signature
Name - Type or Print	DIANA FOWENS Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN	· ·
I HEREBY CERTIFY, this 10 day of 10 of Maryland, in and for the County aforesaid, pe	<u>マモ</u> , <u>スッッ</u> , before me, a Notary Public of the State rsonally appeared
the Affiant(s) herein, personally known or satisfa	
AS WITNESS my hand and Notarial Seal	
•	Notary Public
	My Commission Expires 05.01.09

REV 10/25/01

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	1801	Stringste	wnRd.		<u></u>
	Address	arks.	State	2/15	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	o or practi	ical difficulty):			
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STATE OF MARYLAND, COUNTY OF BALTIM	-				
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the Affiant(s) herein, personally known or satisfac	ctorily ide	ntified to me as	such Affiant(s).	<u> </u>	<u></u>
AS WITNESS my hand and Notarial Seal				7	
	· 7	Votary Public	USE)	- mi	
		My Commission	Expires	05-01.09	



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County



Estimated Posting Date ____ 6 1905

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)

400.1; Bezz, to permit a garage to be located in the front ward in lieu of the required rearyand.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

				lare and affirm, under the the legal owner(s) of the Petition.	
Contract Purchaser/L	_essee:		Legal Owner(s):		
			Diana 7	Owens	
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		_ ^	Zoning Comm	issioner of Baltimore County	
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ZONING Description Vo.

1801 Stringtown Rd. Sparks, MD. 21152

ås recorded in deed liber 13153, folio 192

N63°43'20'E 346.4, N1908'52" E 231.25', N32°60'00"E 295.00' N 24°10'00"W.

SE/s OF Stringtown Rd, 850 ft. Sw of Yeoho Rd.

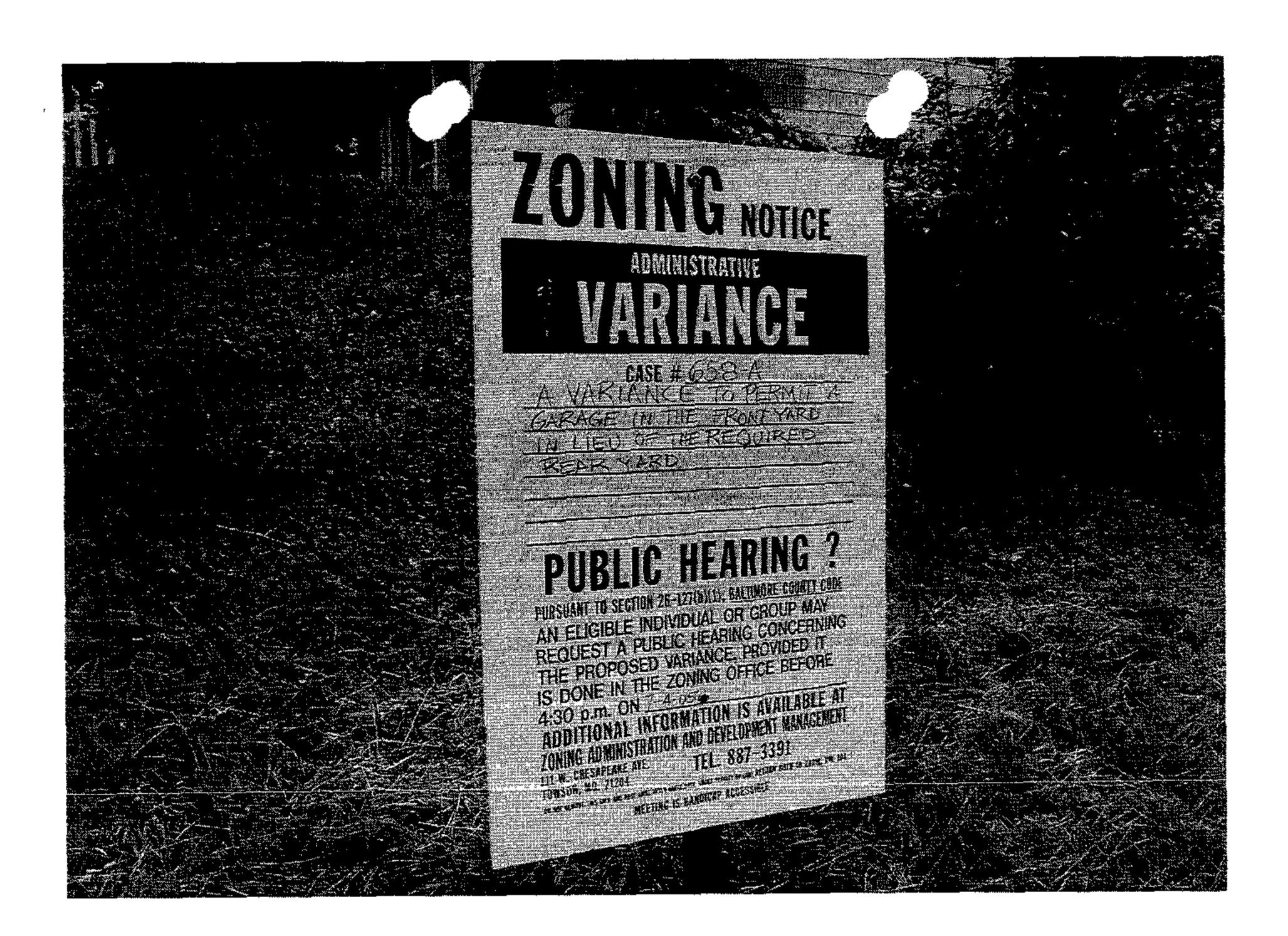
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1,89 Ac ±

CERTIFICATE OF POSTING

		Date:_ <u>June 20, 2005</u>
RE:	Case Number: 658-A	
	Petitioner/Developer: <u>Diana Owens</u>	
	Date of Hearing/Closing: July 4, 2005	
by la	This is to certify under the penalties of powere posted conspicuously on the property	erjury that the necessary sign(s) required erty located at
	1801 Stringtown Road	· · · · · · · · · · · · · · · · · · ·
	The sign(s) were posted on	(Month, Day, Year) Accurrence Tulson (Signature of Sign Poster)
		J. Lawrence Pilson (Printed Name of Sign Poster)
	ATTACH PHOTOCRAPH OF SIGN POSTED ON PROPERTY HERE	McKee and Associates, Inc. <u>5 Shawan Road, Suite 1</u> (Street Address of Sign Poster)
		Cockeysville, MD 21030 (City, State, Zip Code of Sign Poster)
		(410) 527-1555 (Telephone Number of Sign Poster)

DISTRIBUTION WHITE - CASHIER	FOR:	RECEIVED		DATE	BALTIMOR OFFICE OF B
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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	<u>1:</u>	
Item Number or Case Number	er: 658	
Petitioner: DIANA	Owens	
Address or Location: <u>(80</u>		Pd. SpARK md. 2
PLEASE FORWARD ADVER	RTISING BILL TO:	
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Address:	SANC-	
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Telephone Number:	410-472-1	158

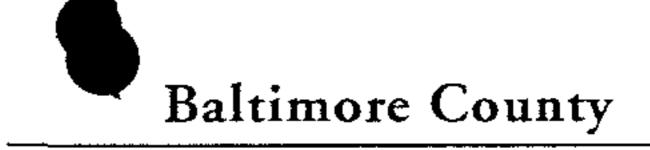
Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204





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

July 5, 2005

Diana F. Owens 1801 Stringtown Road Sparks, Maryland 21152

Dear Ms. Owens:

RE: Case Number: 05-658-A, 1801 Stringtown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 10, 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.

U. Callinal D

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

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

June 20,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No.

633,639,643,644,645,646,647.648,649,650,651,652,653,654,655,656,657,658,659,660 and 661

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file



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

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

JCM

Maryland Department of Transportation

Date: 6. 20.05

Item No.

Baltimore County

RE:

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

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. J. Houll

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT TO: Tim Kotroco **PDM**

John D. Oltman, Jr FROM:

DEPRM

DATE: June 28, 2005

SUBJECT: Zoning Item #\05-658 Address

1801 Stringtown Road

Zoning Advisory Committee Meeting of June 20, 2005

 The Department of Environmental Protection and Resource Management has no
comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

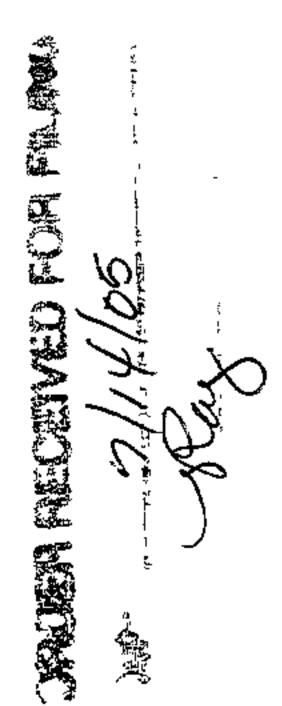
Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The proposed garage must be a minimum of 20-feet from the septic system and septic reserve area and 30-feet from the well. For additional information, please contact the Groundwater Management section.

Sue Farrinetti Reviewer: Date: June 28, 2005



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management DAFE:- June 27, 2005

JUN 9 4 2005

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZOMES

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-658- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 28, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 27, 2005

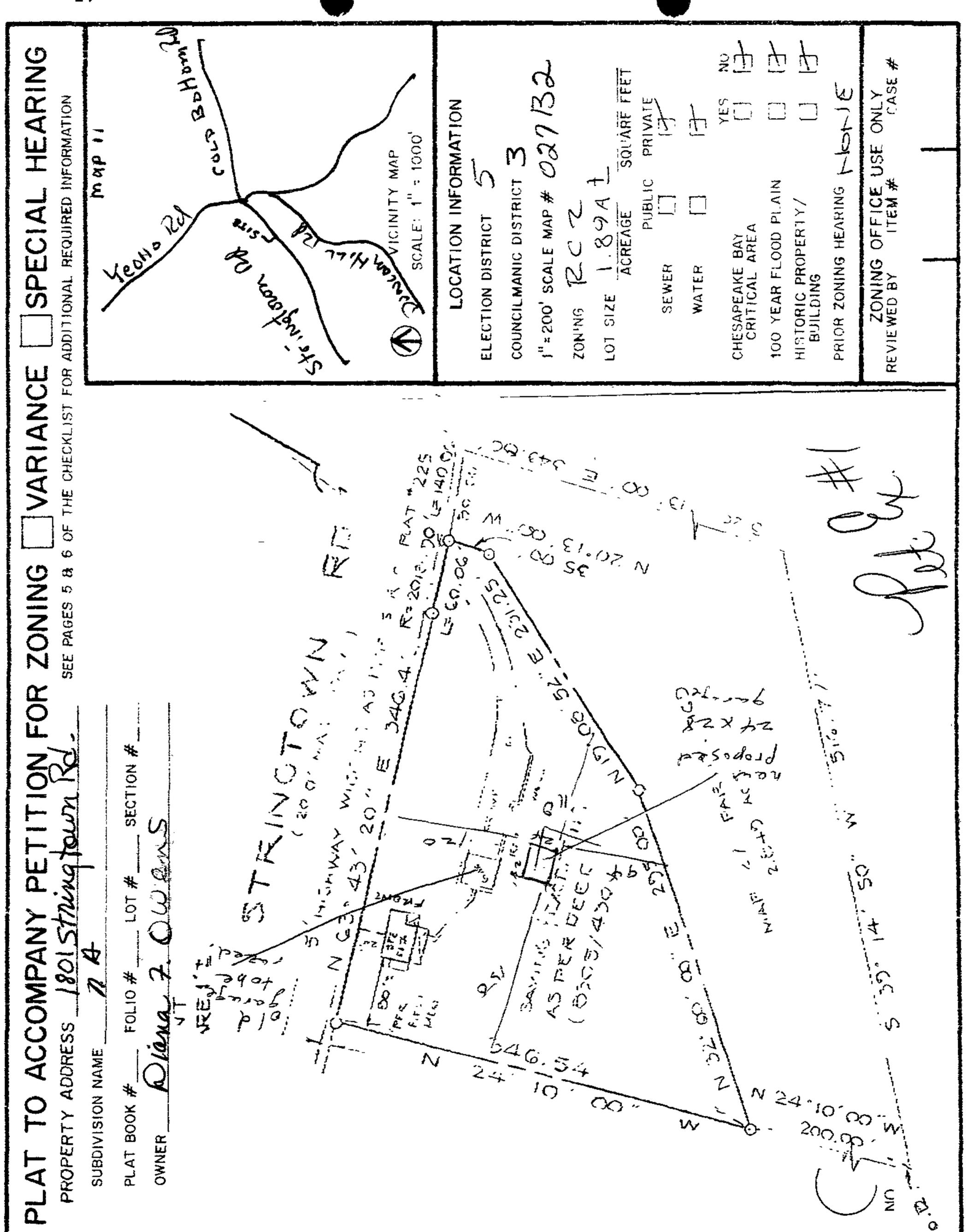
Item No. 633, 639, 643, 645, 647, 648, 649, 652, 653, 654, 656, 658, 660, 661

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-06282005.doc



Baltimore County - My Nahborhood

MAP#: 02782











