IN RE: PETITION FOR ADMIN. VARIANCE

W/S of Ellenham Road, 7 ft. S

Centerline of Joppa Road

9th Election District

2nd Councilmanic District

By: Roger Mann, President

(7930 Ellenham Road)

Trevor Builders, Inc.,

Petitioner

**BEFORE THE** 

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 06-022-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Trevor Builders, Inc., by Roger Mann, President. The variance request is for property located at 7930 Ellenham Road in the Riderwood area of Baltimore County. The variance requested is from Section 300.1.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (proposed deck) with a rear yard setback of 18 ft. in lieu of the minimum required 22 ½ ft. 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 property was posted with Notice of Hearing on August 29, 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 August 30, 2005, to notify any interested persons of the scheduled hearing date.

### 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."

### 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 August 16, 2005, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance request was Roger Mann for the corporate Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains .57 acres, more or less and is zoned DR 3.5. The Petitioner has just completed building a new home on the property as shown on Exhibit 1 and photographs of Exhibit 2. The new homeowner would like to have a deck on the rear of the home that will be 12 ft. wide. Mr. Mann indicated that any smaller deck would be unusable because once patio furniture and equipment is placed on the new deck there would not be sufficient room to entertain or enjoy the rear yard. See Exhibit 3, which shows how the deck would look if the variance were not granted. He noted that this is a very old lot and the property line to the east completely encloses the bed of Ellenham Avenue. To meet the front yard setback regulations for the house, the structure had to be moved back a substantial distance from Ellenham Avenue. This meant that even though the lot is quite large in comparison to most others in the neighborhood, the rear yard was very small.

Finally, he indicated that adjoining homes have similar decks on much smaller lots. In fact, the home to the west has only 10 ft. from the house to the common border so that this request is compatible with the neighborhood.

Finally, he indicated that the Riderwood Association and the Design Review Panel, as shown by the Office of Planning comments have approved the deck.

# Findings of Fact and Conclusions of Law

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I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Ellenham Avenue runs through the front yard of this property, which squeezes the rear yard substantially even though in relative terms this is a large lot. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The deck shown on Exhibit 3 without the variance (blue) would be very narrow and would lose the architectural feature of the "jog" shown on the plan. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This deck will face the other decks in the neighborhood and will be farther away from the boundaries than the home to the west. I do not see any adverse impact on the community. The Riderwood Association and the Design Review Panel, as shown by the Office of Planning comments have approved the deck.

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 Petitioner, I find that the Petitioner's variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this \_2] day of September, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 300.1.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (proposed deck) with a rear

yard setback of 18 ft. in lieu of the minimum required 22 ½ ft., be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

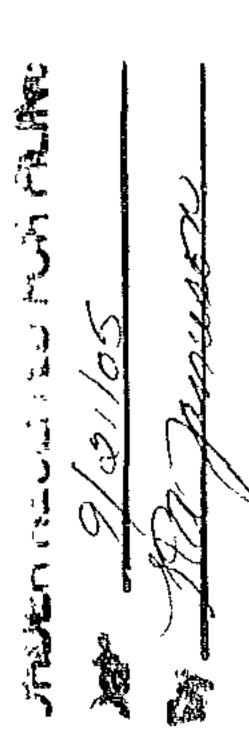
- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments made by the Office of Planning dated August 16, 2005, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JOHN V. 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

September, 20, 2005

Roger Mann, President Trevor Builders, Inc. 4 Locksley Court Phoenix, Maryland 21131

> Re: Petition for Variance Case No. 06-022-A Property: 7930 Ellenham Road

Dear Mr. Mann:

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



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

Printed on Recycled Paper



# Fenion for Variance

# of the Longran Commissioner of Baltimore County

Ton the property located at 1930 ELLEN WAR ROAD

which is presently zoned D23.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a per hereby polition for a Variance from Section(s)

berent hereby position for a Variance from Section(s) 301.1. A, BCZR, to permit an open projection (proposed deck) with a rear yard setback of 18 feet in lieu of the minimum required 22% feet.

of the Zorang Regulations of Baltinggre County, to the zorang law of Baltimore County, for the following reasons: (indicate hardship practical difference)

Original home was razed to construct a new home, which was placed facing Ellenham Road instead of the higher traffic of Joppa Road. In doing so, the new structure encompassed most of the building envelope. The present deck (25%) would only allow for @ 7' out from the home, this request, is to allow for 12' from the house, would encroach @ 34% (116 square feet) beyond allowable County setbacks. We feel that the requested deck would allow for a more adequate sized area.

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

To we have to pay expenses of above Veriance, advertising, posting, etc. and further agree to and are to be bounded by the zoning coulations and continuous of Pakinore County adopted pursuant to the zoning law for Baltimore County.

is the subject of this Petition.

<u>omreci Frydraseril</u> e	<u> </u>		Legal Owner(s):
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30			OFFICE USE ONLY
10-00	Ld-A	·	ESTIMATED LENGTH OF HEARING
15/98		reviewer By	JWP Date 7/8/05
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# Zoning description for 7930 Ellenham Rd

Beginning at a point on the west side of Ellenham Avenue which is 18 feet wide at the distance of 7 feet south of the centerline of the nearest improved intersecting street Joppa Rd which is 40 feet wide containing .57 acres. Also known as 7930 Ellenham Rd and located in the 9<sup>th</sup> Election District, 2<sup>nd</sup> Councilmatic District.

Liber # 20083, Folio# 281

Metes and Bounds N10\*50'00"E 198.36, S82\*30'00"E 89.67' S72\*30'00"E 49.00' S10\*50'00"W 186.2' N84\*00'00"W 138.75' to the place of beginning

#### 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: #06-022-A
7930 Ellenham Road
W/side of Ellenham Road, 7 feet south of Joppa Road
9th Election District
2nd Councilmanic District
2nd Councilmanic District
Legal Owner(s).
Trevor Builders, Inc.,
Roger Mann, President
Variance: to permit an open projection (proposed deck) with a rear yard setback of 18 feet in lieu of the minimum required 22½ feet
Hearing: Thursday, September 15, 2005 at 9:09
a.m. In Room 407, County Courts
Building, 401
Bosley Avenue, Towson

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County

21204.

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Of-

fice at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/763 Aug 30 64837

# CERTIFICATE OF PUBLICATION

831,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 8/30/,2005.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

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# CERTIFICATE OF POSTING

RE: Case No.: 20-022-A

	Petitioner/Developer: TREVOR.  BUILDERS, ROGER MANN
	Date of Hearing/Closing: SEPT 15, 20
Baltimore County Department of Permits and Development Management County Office Building, Room 111 I 11 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	1
Ladies and Gentlemen:	•
This letter is to certify under the penalties of per posted conspicuously on the property located at:	jury that the necessary sign(s) required by law were
7930 ECC	ENHAM ROAD
The sign(s) were posted on	8-29-05
	(Month, Day, Year)
	Sincerely,
	•
	Robert Black 8-30-05 (Signature of Sign Poster) (Date)
	SSG Robert Black
•	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

TOBO ELLENAMO RA

SEP 7 2005

SEP - 1 2005

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RE: PETITION FOR VARIANCE
7930 Ellenham Road; W/side Ellenham
Road, 7' S Joppa Road
9th Election & 2nd Councilmanic District

9<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts Legal Owner(s): Trevor Building, Inc

Roger Mann-President

Petitioner(s)

\* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* 06-22-A

\* \* \* \* \* \* \* \* \* \*

# 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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of July, 2005, a copy of the foregoing Entry of Appearance was mailed to, Roger Mann, 4 Locksley Court, Phoenix MD 21131, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

Per....

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 30, 2005 Issue - Jeffersonian

Please forward billing to:

Roger Mann 4 Locksley Court Phoenix, MD 21131 410-628-7474

### **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: 06-022-A

7930 Ellenham Road

W/side of Ellenham Road, 7 feet south of Joppa Road

9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Trevor Builders, Inc., Roger Mann, President

Variance to permit an open projection (proposed deck) with a rear yard setback of 18 feet in lieu of the minimum required 22 ½ feet.

Hearing: Thursday, September 15, 2005 at 9:00 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 a Development Management

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





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

July 15, 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: 06-022-A

7930 Ellenham Road

W/side of Ellenham Road, 7 feet south of Joppa Road

9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Trevor Builders, Inc., Roger Mann, President

<u>Variance</u> to permit an open projection (proposed deck) with a rear yard setback of 18 feet in lieu of the minimum required 22 ½ feet.

Hearing: Thursday, September 15, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Muth Kotroco
Timothy Kotroco
Pirector

TK:klm

C: Roger Mann, 4 Locksley Court, Phoenix 21131

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 31, 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.



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

# 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.

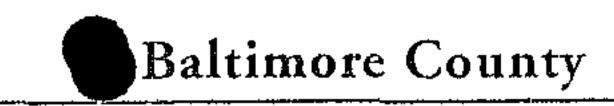
#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: $06-022-A$
Petitioner: TREVOR BUILDER TIM.
Petitioner: TREVOR BUILDER, T.M. Address or Location: 7930 ELLENHAM ROAP
PLEASE FORWARD ADVERTISING BILL TO:
Name: Roger Mann 6/0 Trevor Builders, Inc
Address: 4 Locksley CT
Phoenix MD 21131
Telephone Number: 410 628 7474

# 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

September 5, 2005

Roger Mann, President Trevor Builders, Inc. 4 Locksley Court Phoenix, Maryland 21131

Dear Mr. Mann:

RE: Case Number: 06-022-A, 7930 Ellenham Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 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.

W. Carl Rilla D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: 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 123 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 18, 2005

ATTENTION:

Zoning Plan Reviewers

Dist. Meeting of: July 25,2005

Item No.:

020-031

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.

Insp. Pack Fire Marshal's Office 410-887-5178 MS-1102F

cc: File



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

#### BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENÇE

**DATE:** July 25, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 1, 2005 Item Nos. 020, 022, 023, 025, 026, 027, 028, 029, 030, and 031

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-07262005.doc



# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: August 16, 2005

AUG 1 7 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

7930 Ellenham Road

**INFORMATION:** 

Item Number:

6-022

Petitioner:

Trevor Builders Inc.

Zoning:

DR 3.5

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The property in question is within the Ruxton Riderwood Design Review area. The Design Review Panel(DRP) met on November 3, 2004 and reviewed architectural elevation drawings and site plan for a new single family dwelling on the subject property. The submitted plans showed an optional deck 8' x 10' which has been enlarged to create a more functional and useable deck, 16' x 12' and 12' x 12'. As such, the Office of Planning has administratively reviewed the revised deck plans on behalf of the DRP and does not oppose to the requested variance provided construction is built in accordance with plans dated 6/27/05.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM



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

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

#### Maryland Department of Transportation

RE:

Date: 7.15.05

Item No

Baltimore County

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

1. J. Andh

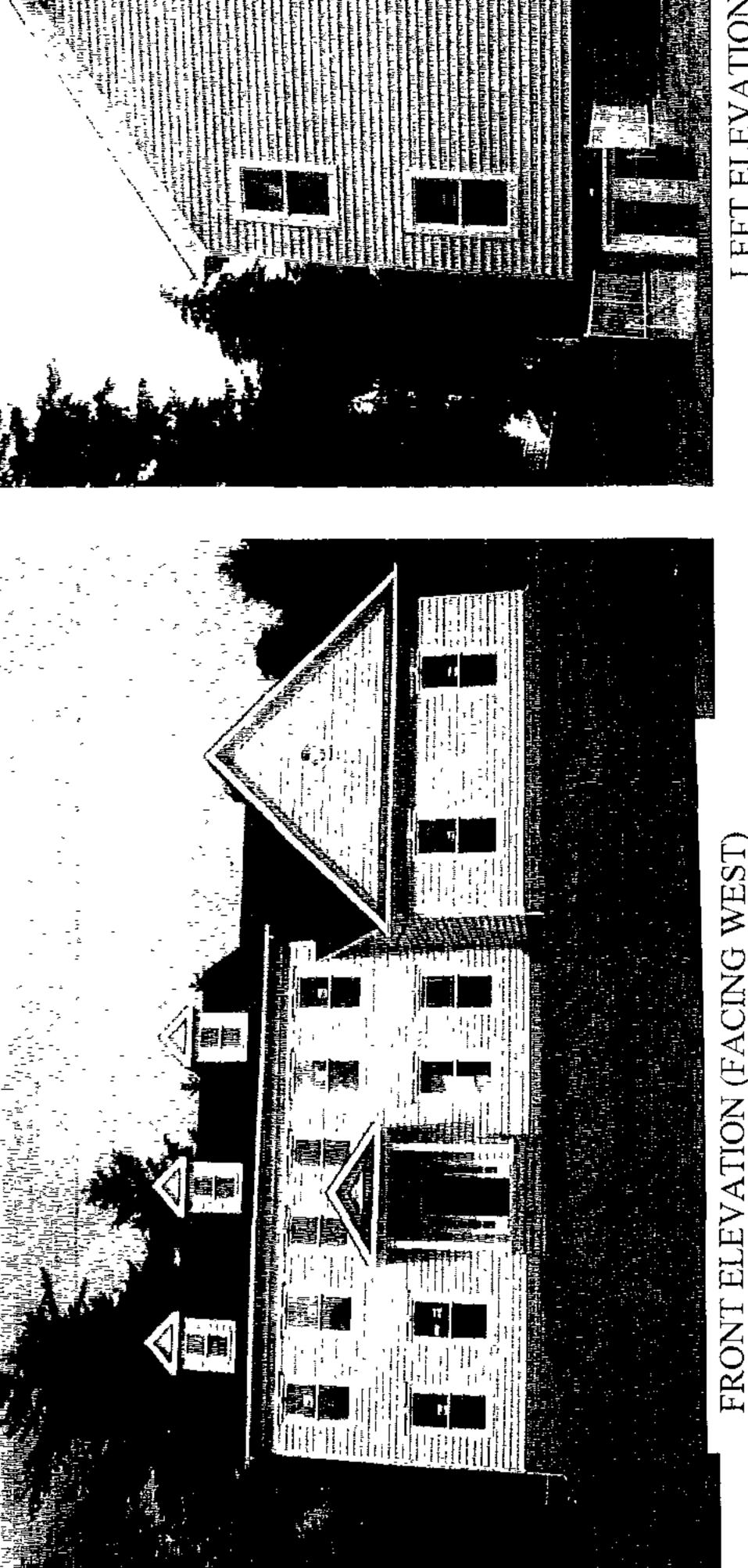
Engineering Access Permits Division

PLEASE PRINT CLEARLY

CASE NAME 7930 Ellesbar CASE NUMBER 06-022-19 DATE 9/15/05

PETITIONER'S SIGN-IN SHEET

	ADDRESS	CITY, STATE, ZIP & Phone	E- MAIL
Roger Man	# Lockslayet Phoenix MD 24134	•	Maners 2000 Concertind



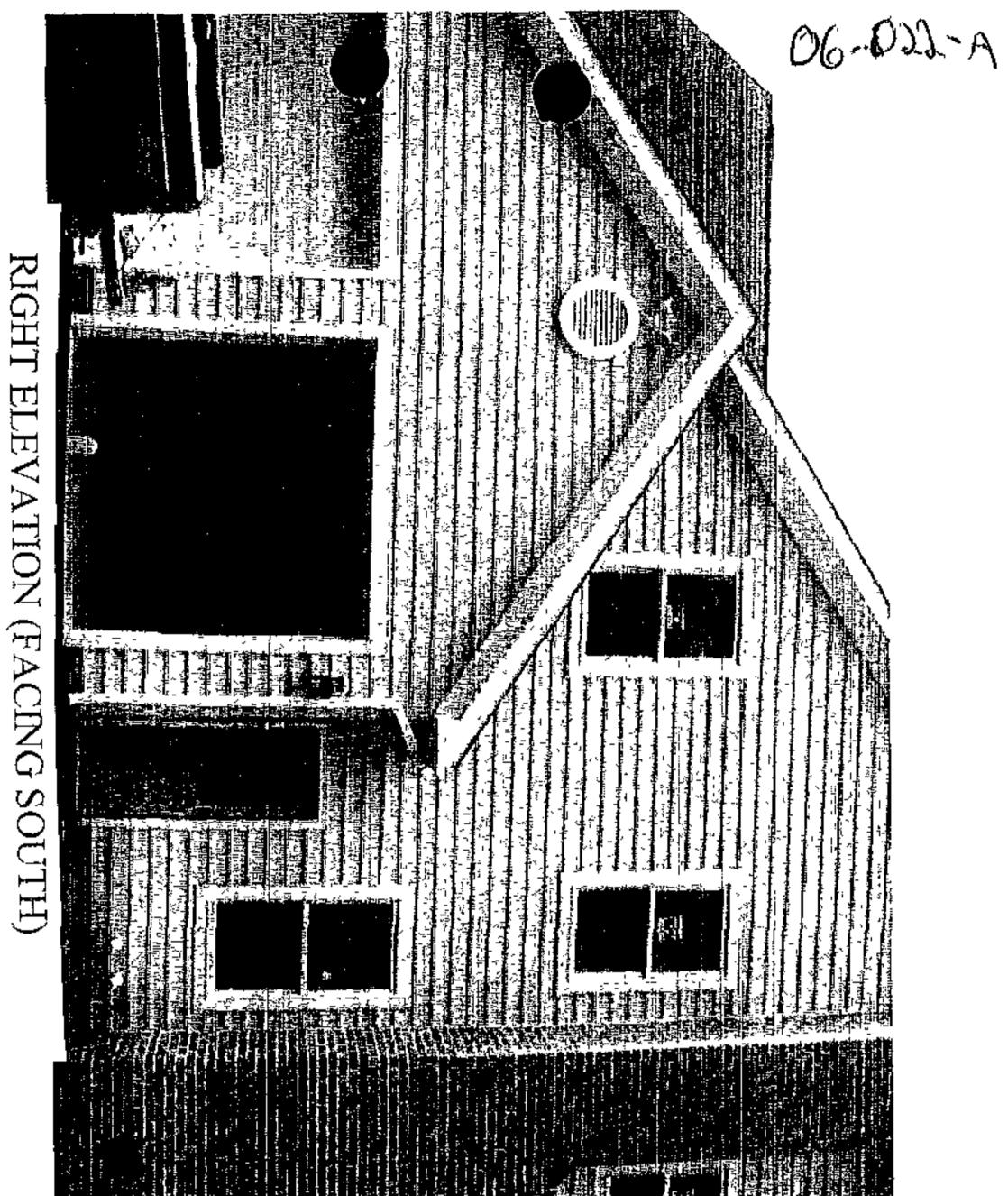




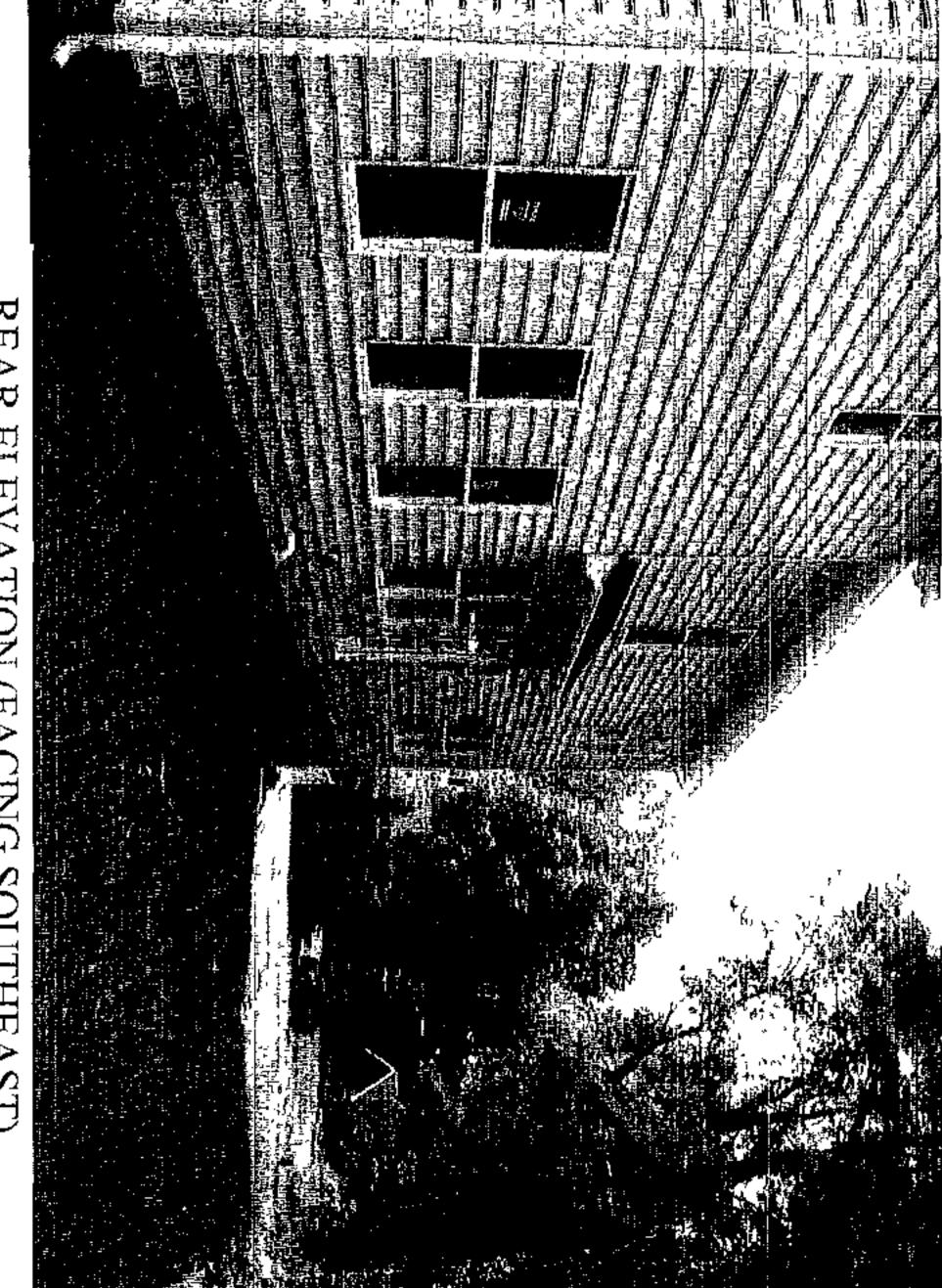
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FRONT PORCH (FACING EAST







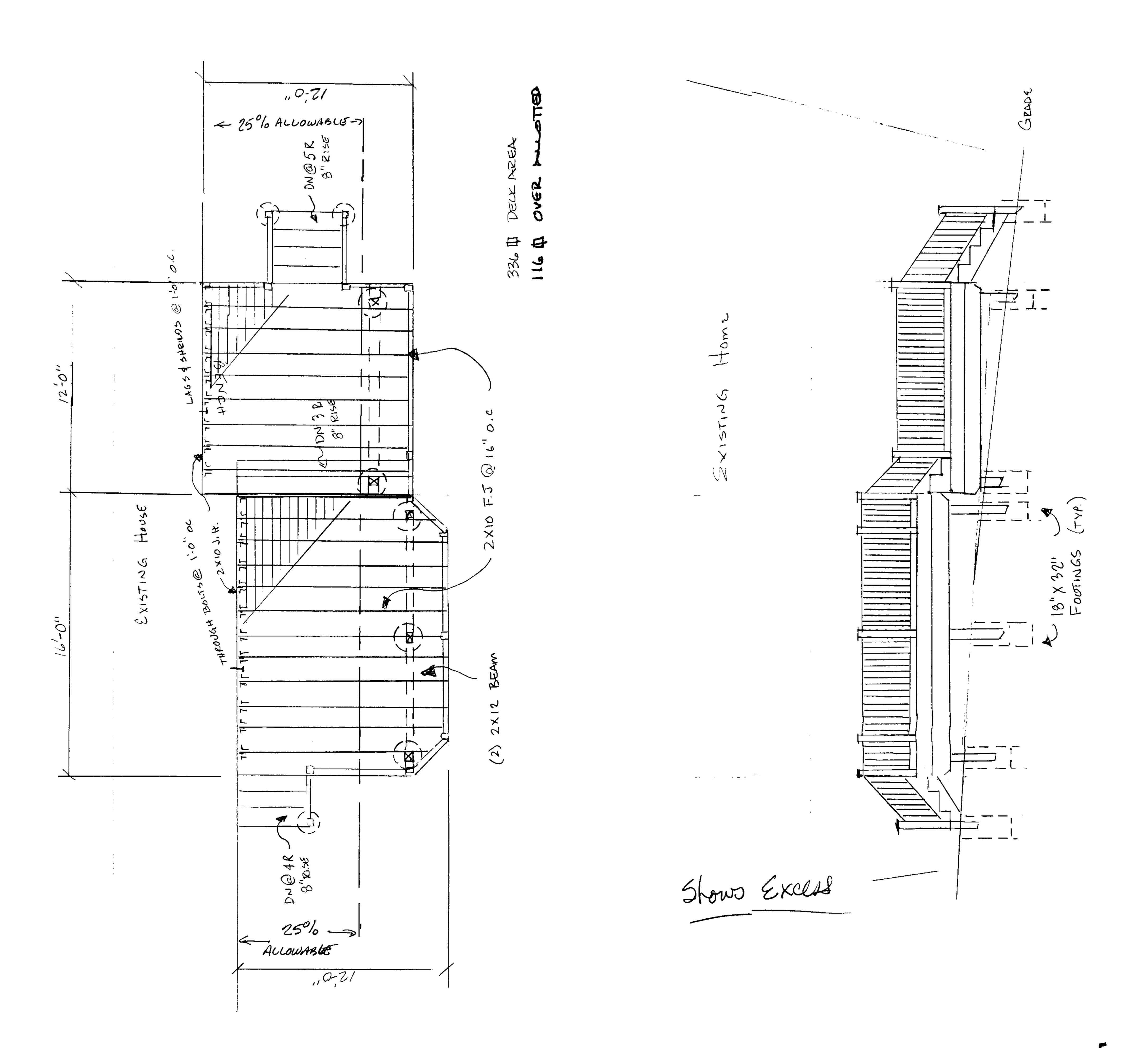


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