IN RE: PETITION FOR ADMIN. VARIANCE

N/S Stocksdale Avenue, 500' W of the c/l

Dean Avenue

(30 Stocksdale Avenue)

4th Election District

4th Council District

James M. Mays, et ux

Petitioners

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-024-A

*

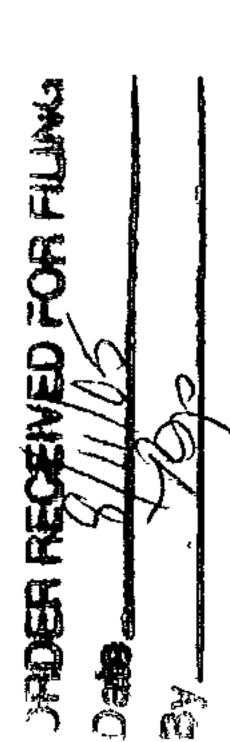
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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



Based upon all of the evidence contained therein, I am persuaded that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. Variance relief is necessitated given the unique shape of the lot and the location of the existing dwelling thereon. As shown on the site plan, the proposed garage will be located on the west side of the existing home, at the end of an existing driveway leading into the property from Stocksdale Road. Although the front portion of the proposed structure will be located 15 feet from the side property line, the rear corner of the building will be situated 5 feet off the property line due to the angle of the lot along this side. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, I find that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of August 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed addition (attached garage), 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.

WILLIAM 9: WISEMAN, II

Zoning Commissioner for Baltimore County

WJW:bjs

というでき

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

August 11, 2005

Mr. & Mrs. James M. Mays 30 Stocksdale Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Stocksdale Road, 500' W of the c/l Dean Avenue
(30 Stocksdale Road)
4th Election District – 4th Council District
James M. Mays, et ux - Petitioners
Case No. 06-024-A

Dear Mr. & Mrs. Mays:

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

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

Very truly yours

Zoning Commissioner for Baltimore County

MI-WISEMAN, III

WJW:bjs

cc:

People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MRYLAND	for the proper	ty located at 🚅	30 . 3700	clespale	, AE
		which is	s presently z	oned	3,5
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nade a part hereof, hereby petition for a \	ft. in	Tien of	2.3.6.1 The re	quired	cost, f
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		perjury, that I	nnly declare an /we are the lega of this Petition.	d affirm, under to al owner(s) of the	he penalties of property which
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State Attorney For Petitioner:	Zip Code	Signature Address	tectsd	ale Ave	4003355 Telephone No
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			177		
CASE NO. 06 024-1	F	Reviewed By	1>18	Date ~	7/4/05

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.

30 STOCKSDALE ALE

That the A	ffiant(s) doe	es/do prese	ntly reside at	30 _ Address	STOCKSD	ALE 1	lε	·· ···································
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of Marylar	nd, in and to	or the Coun	ty atoresaid, pers	sonally appe	ared	Maria		
the Affiant	t(s) herein, j	personally	nown or satisfac	ctorily identi	fied to me as	such Afflant(s	s).	
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					Commission		11-14-0	2
REV 10/2	5/01		1	iviy				<u></u>

Affidavit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

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.

30 STOCKSDALE ARE

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STATE O	F MARYLA	ND, COUN	ITY OF BALTIM	ORE, to wit:				
I HEREBY	CERTIFY	this 33	day of	une	ared C	<u> 2005</u> , befo	re me, a Nota	ary Public of the State
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					Commission E		11-14-0	17
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Petition for Administrative Variance

for the property located at 30,570C/ESDALE AE

to the Zoning Commissioner of Baltimore County

which is presently zoned ____

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an addition (90	arage).			- Hoy
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-	i	I/We do solemnly declar perjury, that I/we are the subject of this Po	are and affirm, under the legal owner(s) of the etition.	e penalties of property which
Contract Purchaser/Lessee:	i	Legal Owner(s):		
	! ! !	JAMES	m MAYS	•
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Attorney For Petitioner:	1 - 1	Address Address	Schale Here	Telephone No.
		Elisteistor	en MID	21/36
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Signature		Representative to	pe Contactea:	
Company	· · · · · · · · · · · · · · · · · · ·	Name	-·· - ,-·· ,	· · · · · · · · · · · · · · · · · · ·
Address	Telephone No.	Address	ı	Telephone No.
City	Zip Code	City	State	Zip Code
A Public Hearing having been formally dema this day of regulations of Baltimore County and that the prop	that the subject matter	be required, It is ordered by the of this petition be set for a public	e Zoning Commissioner o hearing, advertised, as re	of Baltimore County, quired by the zoning
	; !	Zoning Commi	ssioner of Baltimore Cour	ity
CASE NO. 06-024-1	9	Reviewed By 131~	Date	11/05
REV 10/25/01		Estimated Posting Date	7/24/	05-

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)

ZONING DESCRIPTION

Zoning Description For 30 Stocksdale Avenue

BEGINNING at a lime stone formerly planted on the north edge of Stocksdale Avenue for the beginning of the whole parcel and running thence with a part of the first line (1) North 5 degrees West, 105.0 feet to a stake; thence by a line of division, (2) North 82 degrees West 272.5 feet to a stake in the east edge of Stocksdale Avenue; thence along the said avenue two lines, (3) South 2 degrees west, 109.0 feet to a point in the paving of the avenue; thence (4) South 83-1/2 degrees East 282.5 feet to the beginning and containing 29,109 square feet of land. Together with the use of Stocksdale Avenue and Woodley Avenue.

The improvements thereon being known as 30 Stockedale Avenue.

SUBJECT TO an easement ten feet wide for installation and maintenance of water pipes and utilities recorded in Deed dated June 10, 1964, and recorded among the Land Records of Baltimore County in Liber RRG No. 4311, folio 206, and Agreement to Re-Locate Easement dated November 29, 1966, and recorded as aforesaid in Liber OTG No. 4702, folio 9.

TOGETHER WITH a right of way and use of Stocksdale Avenue and Woodley Avenue as more fully set forth in Deed dated December 30, 1958, and recorded as aforesaid in Liber WJR No. 3470, folio 518.

IORE COUNTY, MARYLAND No. 448204 RECEIPT ACCOUNT ACCOUNT AMOUNT AMOUNT	ĘQ.	RECEIVED	DATE	BALTIMO OFFICE OF MISCELL
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CASHER'S VALIDATION

	Petitioner/Developer:
	James & Deborah Mays
•	Date of Hearing/Closing: 8-8-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Kristen Matthews	
Ladies and Gentlemen:	1 1 1
This letter is to certify under the penalties of powere posted conspicuously on the property local Reisterstown, MD 21136	erjury that the necessary sign(s) required by law rated at 30 Stocksdale Avenue
	· ····································
The sign(s) were posted on July 19	, 2005
	Sincerely Sincerely (Signature of Sign Poster and Date) SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784 (Address)
•	(C:L. C)

RE: Case No.: 06-024-A

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 ubject 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: 06-024-A
Petitioner: James & DêBORA MAGS
Petitioner: <u>James & DêBORA MAYS</u> Address or Location: <u>30 STOCKS DALE AVE</u>
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 30 STOCKSNALE AVE.
REISTERSTOWN MID 21136
Telephone Number: 410-833-3702

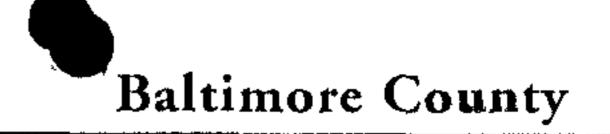
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case I	Number 0 5 -	024	-A	Address	30	Stocksdale	Aur.
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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

August 8, 2005

James A. Mays Deborah K. Mays 30 Stocksdale Avenue Reisterstown, Maryland 21136

Dear Mr. and Mrs. Mays:

RE: Case Number: 06-024-A, 30 Stocksdale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 11, 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

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 (117)

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



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

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

Maryland Department of Transportation

Date:

7.15.05

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

RE:

Baltimore County

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 (lgrcdlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

f. f. Gradh

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

y the transfer to the

Timothy M. Kotroco, Director

DATE: July 25, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 1, 2005

Item No. 024

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Show a future 40-foot wide right-of-way centered on the right-of-way or on the existing pavement if no right-of-way exists. Also show a future 70-foot radius at the sharp curve. Adjust setbacks accordingly.

DAK:CEN:clw cc: File

ZAC-ITEM NO 024-07252005.doc

FN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 1, 2005

The same of the sa

AUG - 4 2005

AND COMBINED

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-024

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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

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

August 16, 2005

Mr. & Mrs. James M. Mays 30 Stocksdale Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Stocksdale Road, 500' W of the c/l Dean Avenue
(30 Stocksdale Road)
4th Election District – 4th Council District
James M. Mays, et ux - Petitioners
Case No. 06-024-A

Dear Mr. & Mrs. Mays:

This letter is in response to the telephone inquiry yesterday from Mr. Mays wherein he advised this Zoning Commissioner that the first paragraph of the Order issued in the above-captioned matter misidentified the owners of the subject property as being Van E. Hess, and his wife, Marie A. Hess. In that the property itself and the relief requested were accurately identified within the Opinion and are not in dispute, an Amended Order will not be necessary. However, a copy of this letter shall be incorporated into the case file to correct the error. Moreover, by copy of this letter, all recipients of the Order are requested to change their copy to reflect that the Petitioners/Owners of the subject property are James M. Mays and his wife, Debora K. Mays.

Thank you for bringing this matter to our attention and I apologize for any inconvenience.

Very truly yours,

WILLIAM J. WISEMAN, III

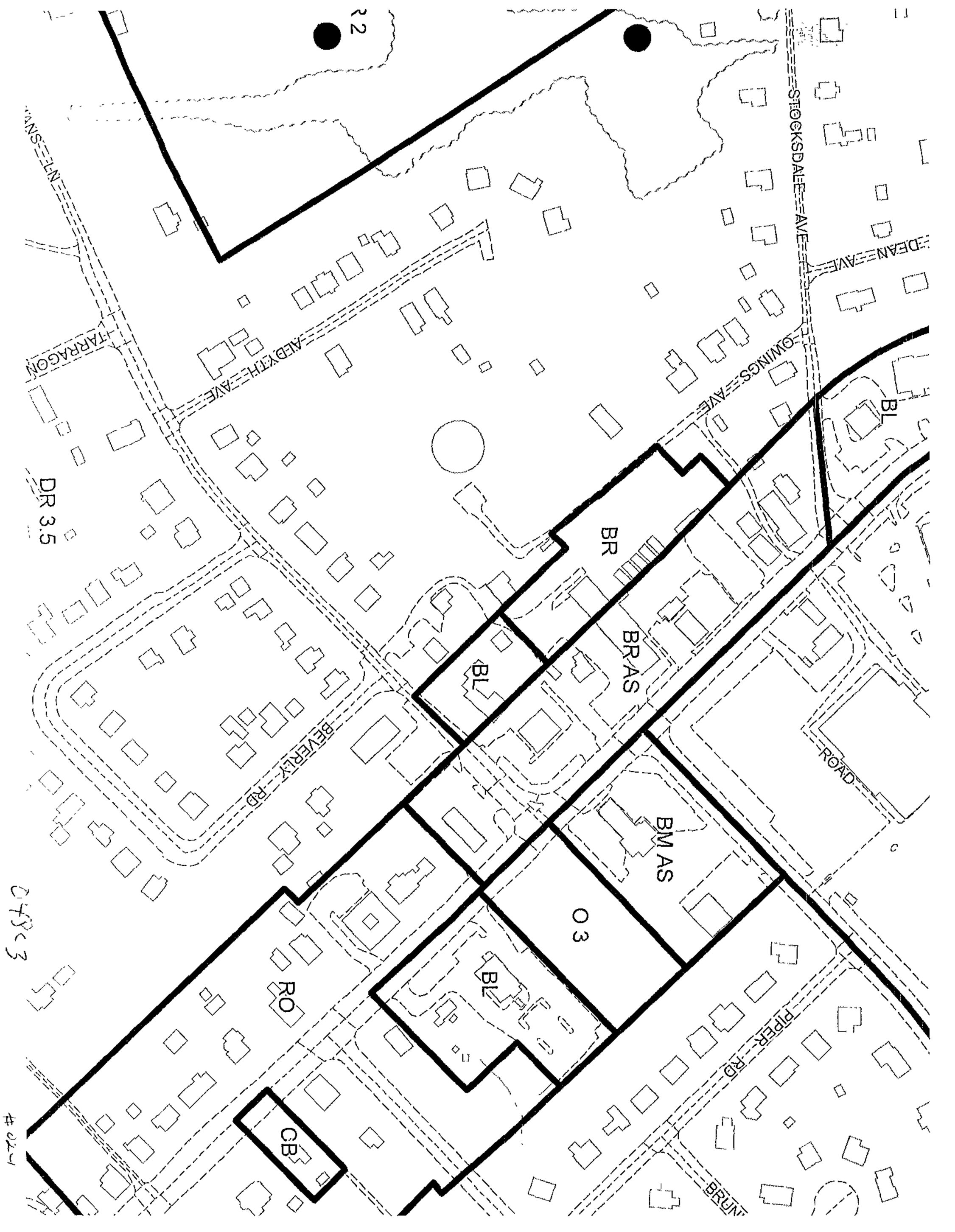
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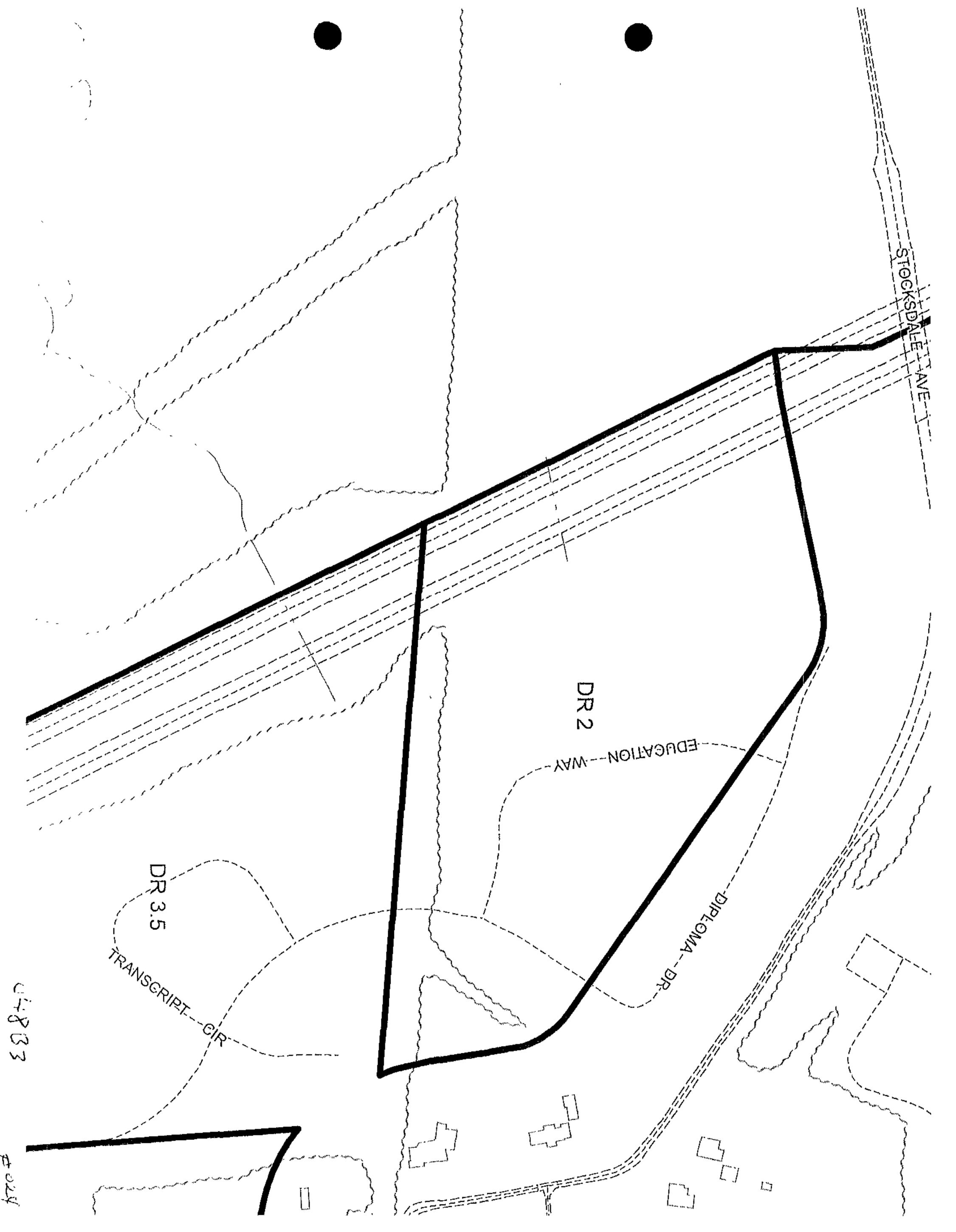
Zoning Commissioner for Baltimore County

WJW:bjs

cc: People's Counsel; Case File







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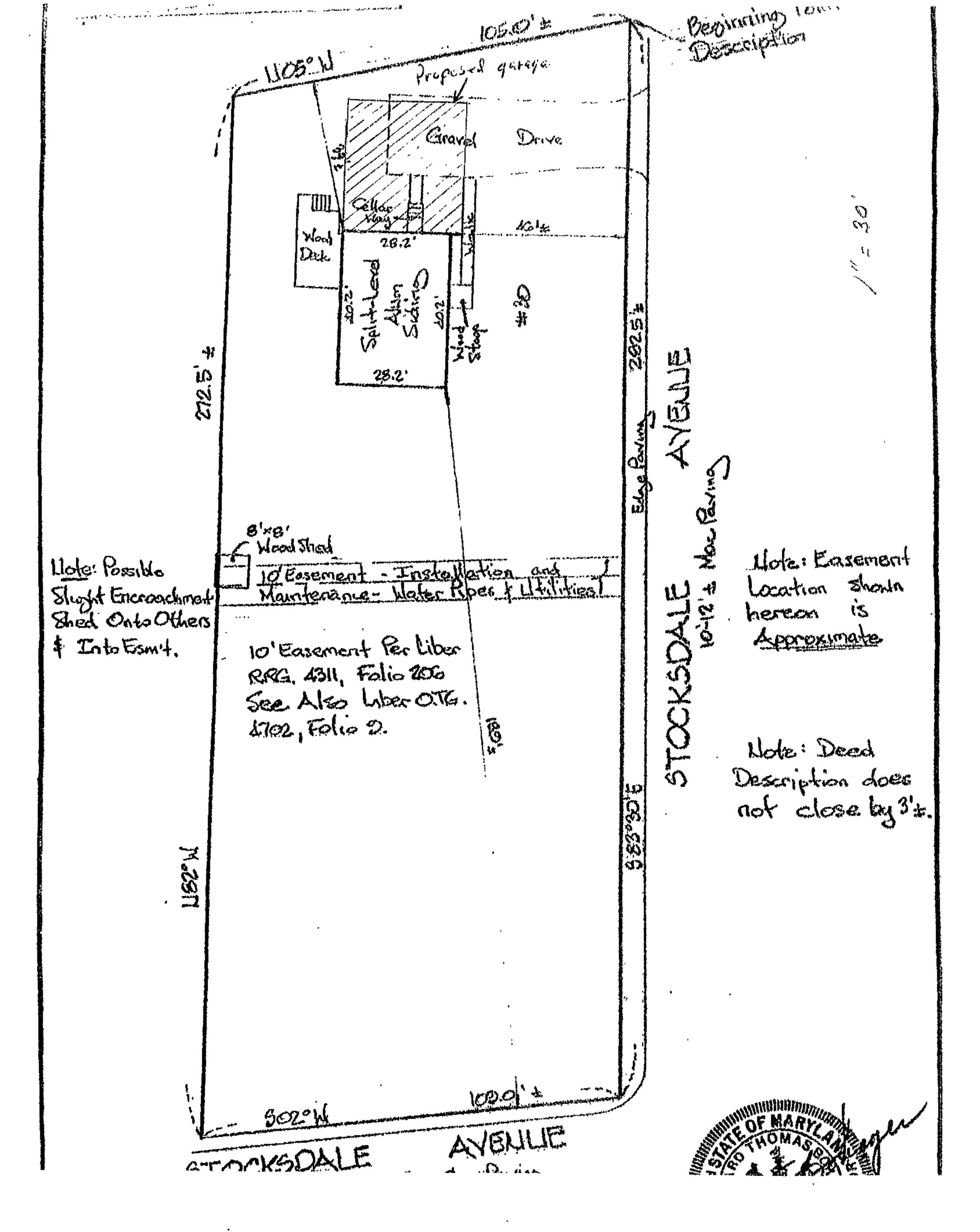


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