

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Walnut Avenue, 547 ft. E		
centerline of Hunting Tweed Drive	*	DEPUTY ZONING COMMISSIONER
4th Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(3201 Walnut Avenue)		
	*	CASE NO. 06-066-A
Willie Sue & Scott G. Parker		
<i>Petitioners</i>	*	

* * * * *

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 owners of the subject property, Willie Sue and Scott G. Parker. The administrative variance is requested for property located at 3201 Walnut Avenue in the Owings Mills area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (garage/storage) with a height of 21 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 14, 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 Office of Planning dated August 16, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

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

COPIES RECEIVED FOR FILING
 9/2/05
 Ray

"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 Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Petitioners.

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 2 day of September, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for administrative variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (garage/storage) with a height of 21 ft. in lieu of the maximum allowed 15 ft., be and is

hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated August 16, 2005, wherein it is stated that:
 - (1) The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities;
 - (2) The accessory structure shall not be used for commercial purposes; and
 - (3) The Petitioners' variance request, site plan and elevation drawings have been reviewed by the Office of Planning and they have found the proposed accessory structure to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill No. 55-04 provided building materials be neutral in color.
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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

9/2/05



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 2, 2005

Mr. & Mrs. Scott G. Parker
3201 Walnut Avenue
Owings Mills, Maryland 21117

Re: Petition for Administrative Variance
Case No. 06-066-A
Property: 3201 Walnut Avenue

Dear Mr. & Mrs. Parker:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3201 WALNUT AVE.
which is presently zoned _____

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) 400.3 BCZR

To permit an accessory structure (garage/storage)
with a height of 21' in lieu of the required 15'

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

SCOTT PARKER 443 463 0951

SAME

410 356 4887

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-066-A

REV 10/25/01

Reviewed By JF Date 8/11/05

Estimated Posting Date 8/14/05

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 x 3201 Warner Ave.
Address
Owens Mills MD 21117
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):

TO STORE MOTORHOME AND
ANTIQUE FIRE TRUCK

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.

SA G P Q
Signature
SCOTT C. PARKER
Name - Type or Print

Willie Sue Parker
Signature
Willie Sue Parker
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott C. Parker
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Homer N. Wheeler
Notary Public
HOMER N. WHEELER
My Commission Expires Notary Public, State of Maryland
My Commission Expires January 24, 2006

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 066 -A Address 3201 WALNUT AVE.
Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-1-05 Posting Date: 8-14-05 Closing Date: 8-29-05

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. **DEADLINE:** 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.
3. **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.
4. **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 06- 066 -A Address 3201 WALNUT AVE.
Petitioner's Name SCOTT & WILLIE PARKER Telephone 410-356-4887
Posting Date: 8-14-05 Closing Date: 8-29-05
Wording for Sign: To Permit an accessory structure (garage/storage)
with a height of 21' in lieu of the required 15'.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Item Number or Case Number: OG - 066 - A

Petitioner: SCOTT PARKER

Address or Location: 3201 WALNUT AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: SCOTT PARKER

Address: 3201 WALNUT AVE.

OWINGS MILLS MD. 21117

Telephone Number: 410-356-4887

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date: August 18, 2005

RE: Case Number 06-066-A
Petitioner/Developer: SCOTT PARKER
Date of Hearing/Closing: AUGUST 29, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3201 WALNUT AVE,

The sign(s) were posted on

August 14, 2005
(Month, Day, Year)

Linda O'Keefe

(Signature of Sign Poster)

LINDA O'KEEFE

(Printed Name of Sign Poster)

523 PENNY LANE

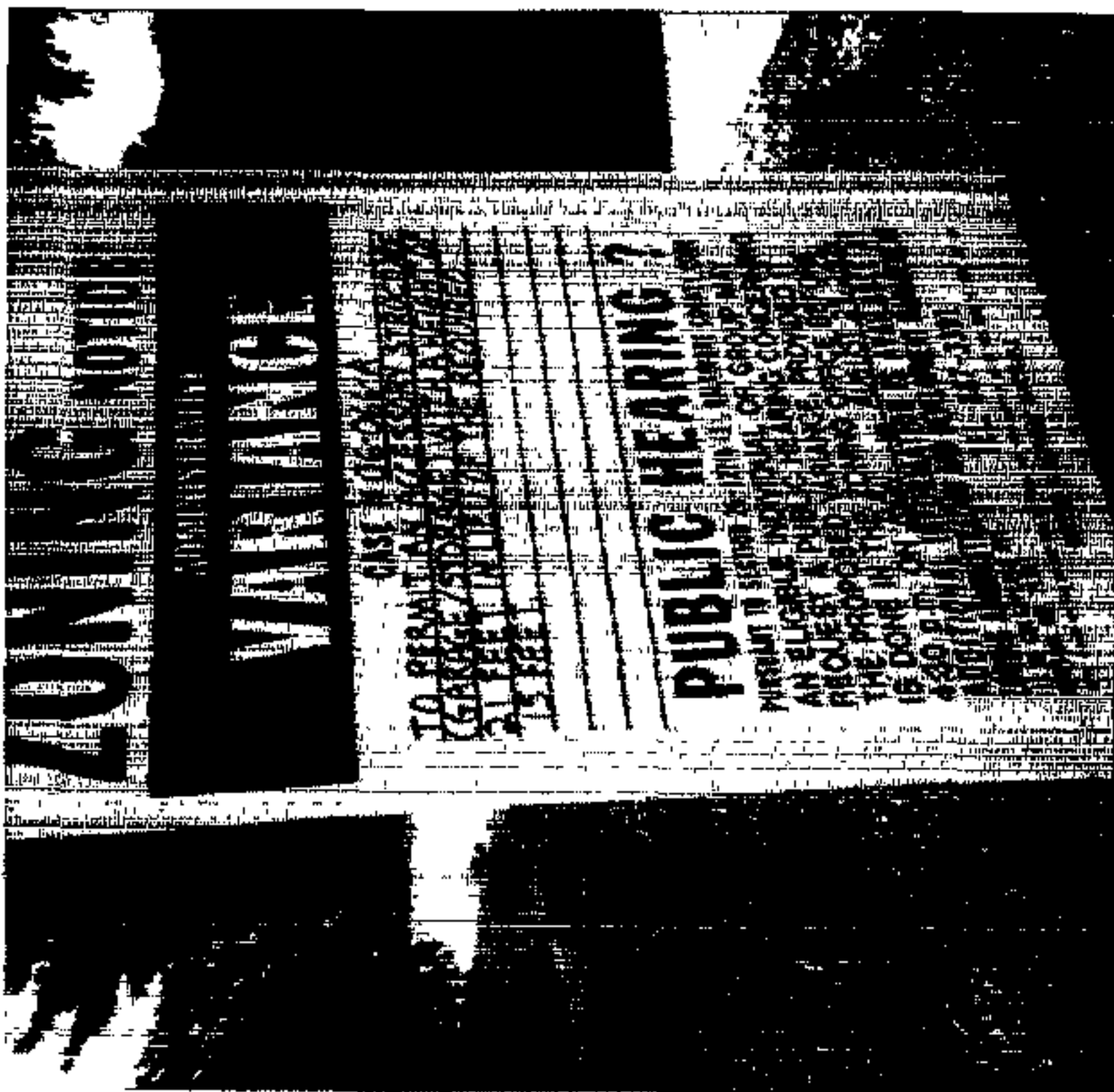
(Street Address of Sign Poster)

HUNT VALLEY MD 2103

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448654

DATE 8-1-05 ACCOUNT 001-006-06150

AMOUNT \$ 65.00

RECEIVED FROM: SCOTT PARKER
3201 Walnut Ave. Item # 006
FOR: Adm. Expense

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME FROM
8/02/2005 8/01/2005 07:41:00 1
RECEIPT # 244139 7/31/2005 07:11
Dept. 006 ZONING VERIFICATION
CIT NO. 000654
Receipt Tot. \$65.00
\$65.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3201 WALNUT AVE. OWINGS
(address) MILLS

Beginning at a point on the SOUTH side of
(north, south, east or west)

WALNUT AVE. which is 60'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 547' EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street HUNTING TREES DR.
(name of street)

which is 50' wide. *Being Lot # 137
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Valley Hills
(name of subdivision)

as recorded in Baltimore County Plat Book # 39, Folio # 87,

containing 1.29 acres. Also known as 3201 WALNUT AVE.
(square feet or acres) (property address)

and located in the 4 Election District, 2 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

066

**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*

August 29, 2005

Scott G. Parker
Willie Sue Parker
3201 Walnut Avenue
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Parker:

RE: Case Number: 06-066-A, 3201 Walnut Avenue

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056,
057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
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: 8.2.05

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

RE: Baltimore County
Item No. 066 JRF

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
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: September 2, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 8, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

06-048

06-050

06-051

06-056

06-057

06-059

06-064

06-065

06-066

Reviewers: Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 16, 2005

RECEIVED

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

AUG 17 2005

SUBJECT: 3201 Walnut Avenue

ZONING COMMISSIONER

INFORMATION:

Item Number: 6-066

Petitioner: Scott and Willie Parker

Zoning: RC 5 (RDP)

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Additionally, the Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04 provided building materials be neutral in color.

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

Prepared by:

Curtis Murray

Division Chief:

Lynne Luban

AFK/LL: CM

MAILED
9/2/05
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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item Nos. 046, 047, 048, 052, 053, 054,
055, 056, 057, 058, 064, 065, and 066

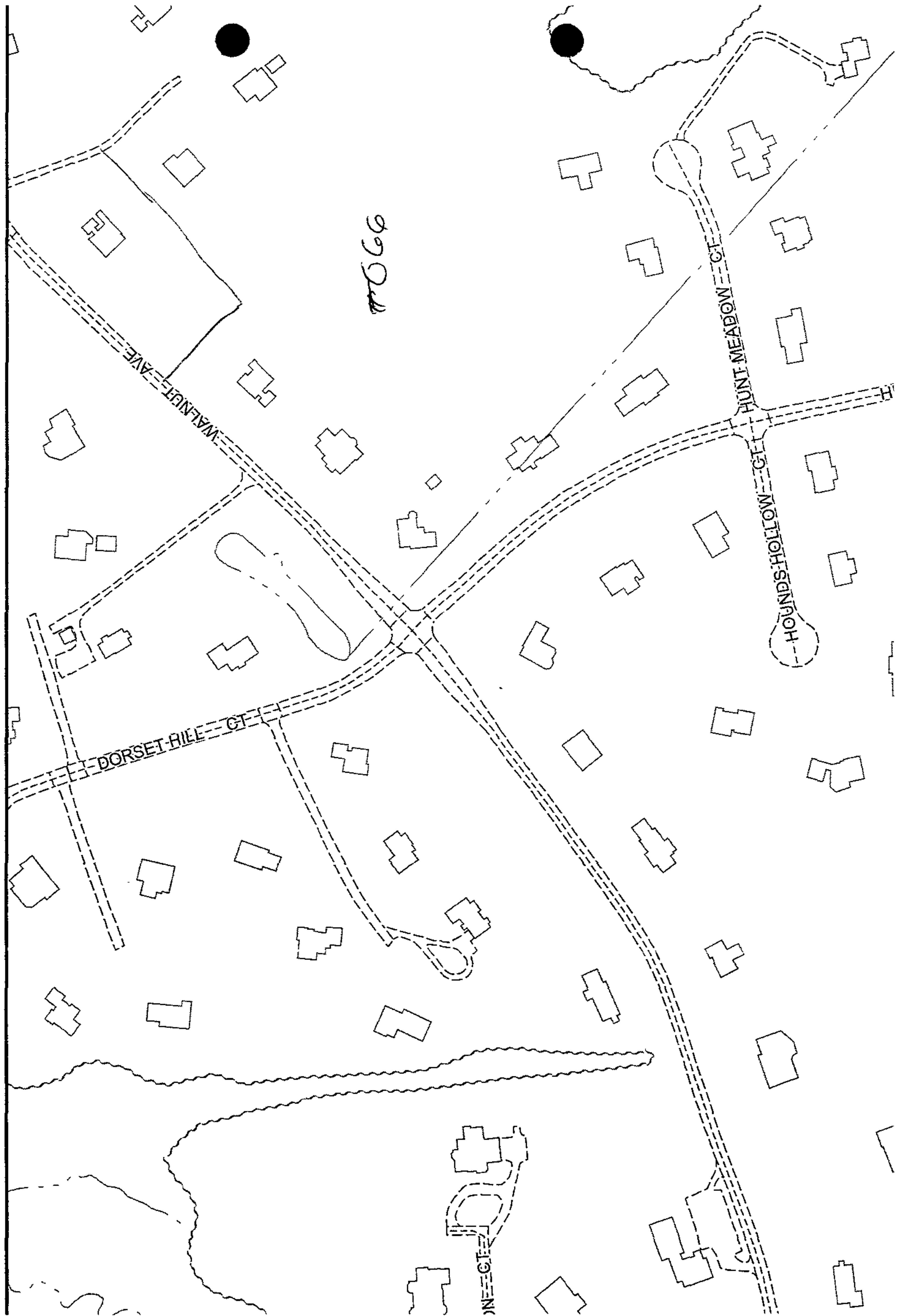
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08102005.doc

049C3



☐ SPECIAL HEARING

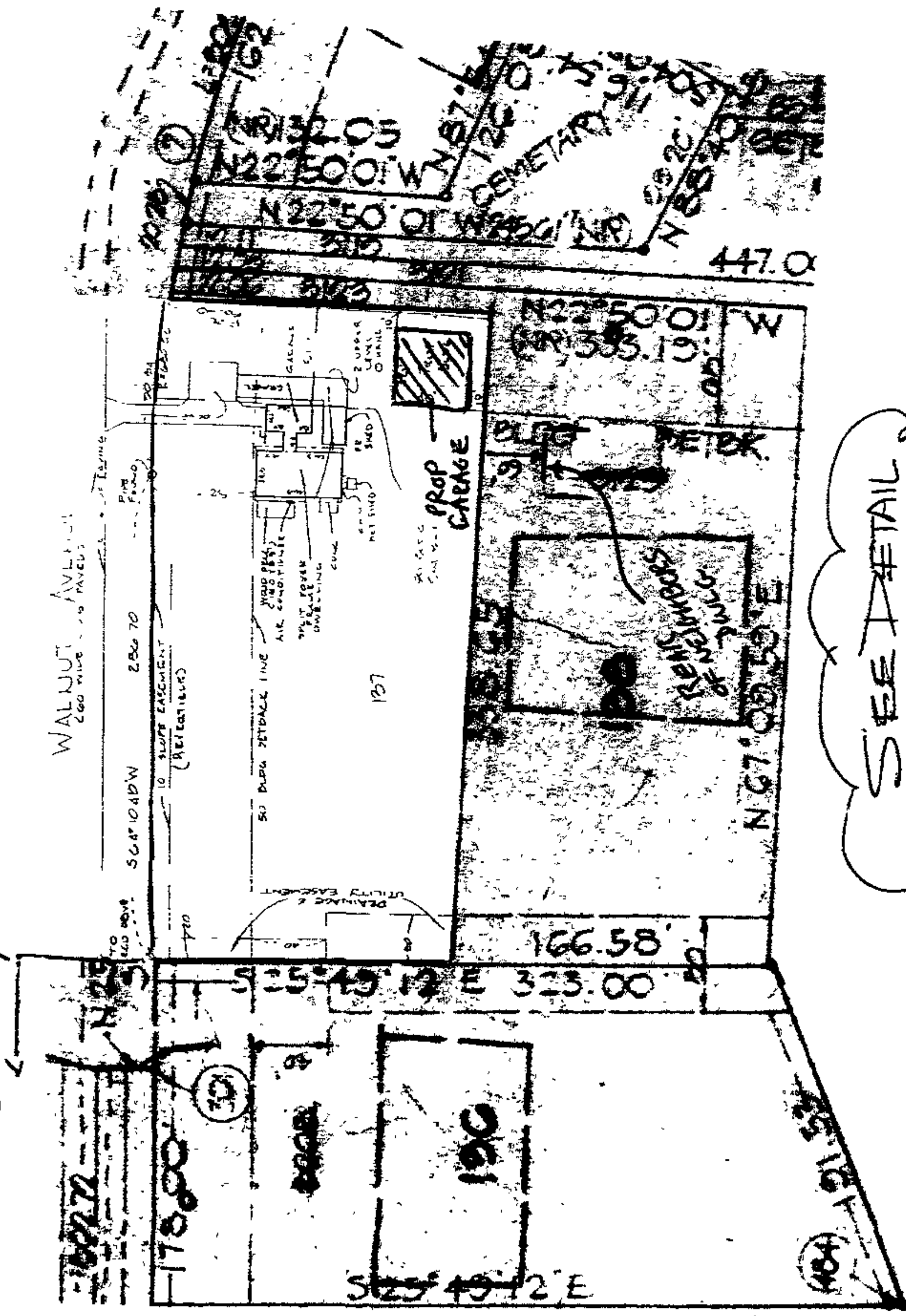
PROPERTY ADDRESS X 3201 WALKER AVE

SUBDIVISION NAME DANGER HILLS

PLAT BOOK # 39 FOLIO # 87 LOT # 137 SECTION # 3

OWNER Scott G. & WILFRED SUE PARLAGEE

547 to c/L HUNTING-TWEED DR



THE APPLICANT

HAS BEEN ADVISED TO SPEAK

TO PLANNING-AND DEPRM DEPT'S

PER SUANT TO PERFEROM AND STANDARDS
ANDS FILMO-PETITION WITH THIS

SCOTT VALER

PREPARED BY CLOTT

SCALE OF DRAWING: 1" = 100'

Risk

SEE A#TAIL
SHEET 2

NORTH

LOCATION INFORMATION

ELECTION DISTRICT

COUNCILMANIC DISTRICT

1"=200' SCALE MAP # 049C3

ZONING
K.C. 5
RECEIVED
AS B.D.P.

LOT SIZE 1.29

ACREAGE SQUARE FEET

PUBLIC

MEMES

WATER

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/

BUILDING

PRIOR ZONING HEARING

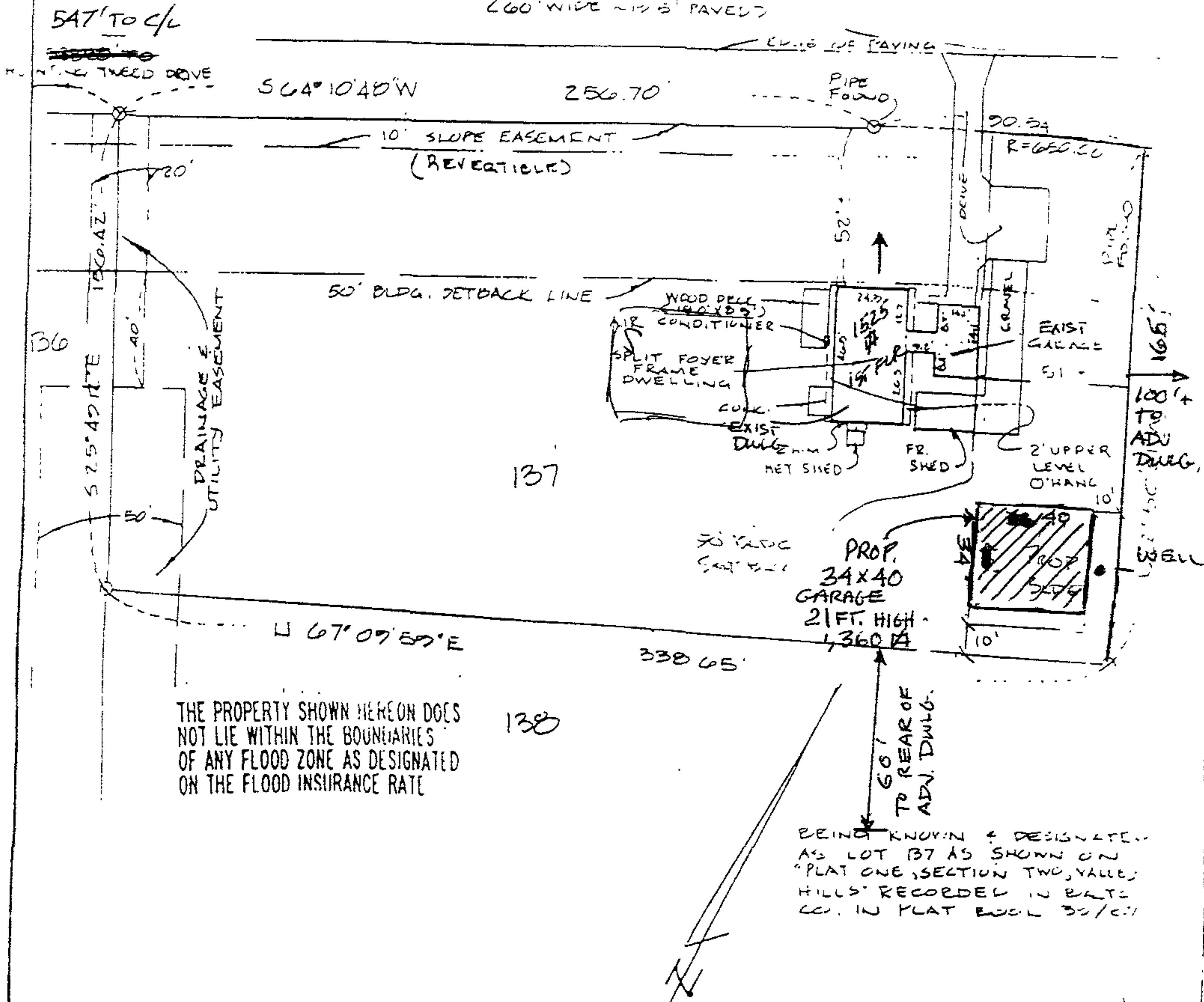
ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

1064-15

Ref 20 #1

WALNUT AVENUE

660' WIDE - 17' 6" PAVED



SHEET 2 OF 2 VARIANCE PLAN

3201 WALNUT AVENUE
4TH ELECTION DIST. BALTO. CO. MD.

SCALE

1" = 50'

DATE

4-26-91

APP. NO.

H-757122

JOB NO. A 7120

J-1200

NOTE This Plat cannot be used to establish property lines or corners



