

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Bluestone Road, 200 ft. N
centerline of Redstone Road
11th Election District
3rd Councilmanic District
(11902 Bluestone Road)

Lisa M. & Mitchell S. Butta
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-081-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lisa M. and Mitchell S. Butta. The administrative variance is requested for property located at 11902 Bluestone Road in the Kingsville 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 an accessory structure (garage) with a height of 24.5 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 18, 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 19, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

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

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 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.

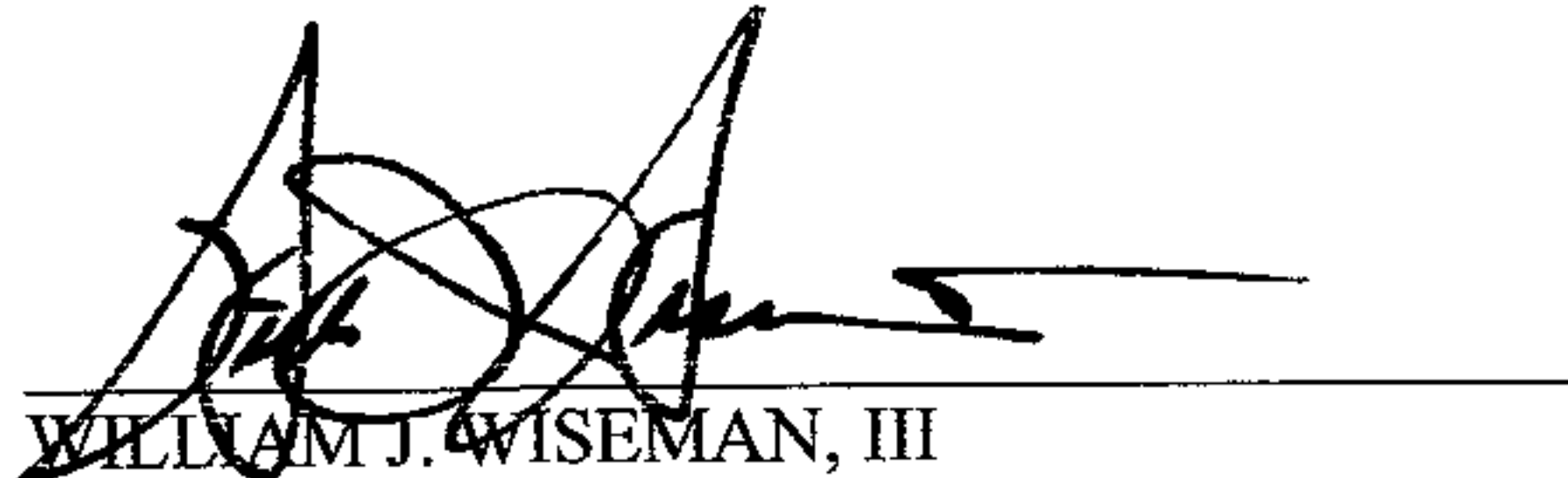
THEREFORE, IT IS ORDERED, this 7th day of September, 2005, by this Zoning Commissioner, that the Petitioners' request for administrative variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) with a height of 24.5 ft. in lieu of the 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 shall comply with the ZAC comments submitted by the Office of Planning dated August 19, 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' shall submit elevations (all sides) of the proposed accessory structure to the Office of Planning for review and approval prior to the issuance of any building permit.

2. 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.


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

NOTED RECEIVED FROM PLANNING
9/7/05
Ray

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 7, 2005

Mr. & Mrs. Mitchell S. Butta
11902 Bluestone Road
Kingsville, Maryland 21087

Re: Petition for Administrative Variance
Case No. 06-081-A
Property: 11902 Bluestone Road

Dear Mr. & Mrs. Butta:

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 black ink, appearing to read "WJW", is written over a circular stamp or seal.

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11902 BLUESTONE ROAD
which is presently zoned RC-5

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 to permit an accessory

structure (garage) with a height of 27.5 ft. in lieu of the required 15 ft.

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):

MITCHELL S. BUTTA
Name - Type or Print

Signature

LISA M. BUTTA
Name - Type or Print

Signature

11902 BLUESTONE ROAD (C)(410)245-4247
Address Telephone No.

KINGSVILLE, MARYLAND 21087
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 8/8/05 day of August, 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. 06-081-A

Reviewed By AK Date 8/8/05

Estimated Posting Date 8/21/05

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 11902 BLUESTONE ROAD
Address
KINGVILLE, MARYLAND 21087
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):

THE EXISTING ATTIC CRAWL SPACE STORAGE IS INADEQUATE AND DIFFICULT TO ACCESS. THE PURCHASE OF A HISTORIC VEHICLE REQUIRES DEDICATED GARAGE STORAGE PER THE INSURANCE POLICY.

THE CONSTRUCTION OF A THREE CAR DETACHED GARAGE WITH ELECTRIC AND A SECOND FLOOR FOR STORAGE WILL RESOLVE THESE ISSUES.

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.

Mitchell S. Butta
Signature

MITCHELL S. BUTTA
Name - Type or Print

Lisa M. Butta
Signature

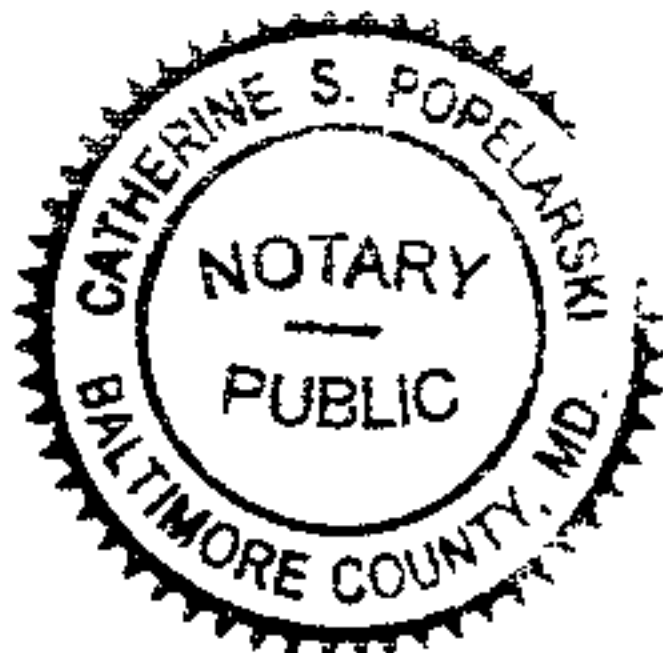
LISA M. BUTTA
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5TH day of August, _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Catherine S. Popelarski
Notary Public

My Commission Expires 4-08-09

ZONING DESCRIPTION

Zoning Description for 11902 Bluestone Road

Beginning at a point on the West side of Bluestone Road which is 50 feet wide at the distance of 200 feet North of the centerline of the nearest improved intersecting street Redstone Road which is 60 feet wide. Being Lot #2 Block D in the subdivision of Blue Ridge Estates as recorded in Baltimore County Plat Book #35, Folio #5 containing 26,000 square feet. Also known as 11902 Bluestone Road and located in the 11th Election District, 3rd Councilmanic District.

NO.

100

100

1990

100

YELLOW - CUSTOMER

CASHIER'S VALIDATION

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THE

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003 3/08/2000 12:30:00

MAIL

THE 40000 SETZING

THE JOURNAL OF THE

446574

100

Belmont County, Ohio

CERTIFICATE OF POSTING

Date: 8/19/05

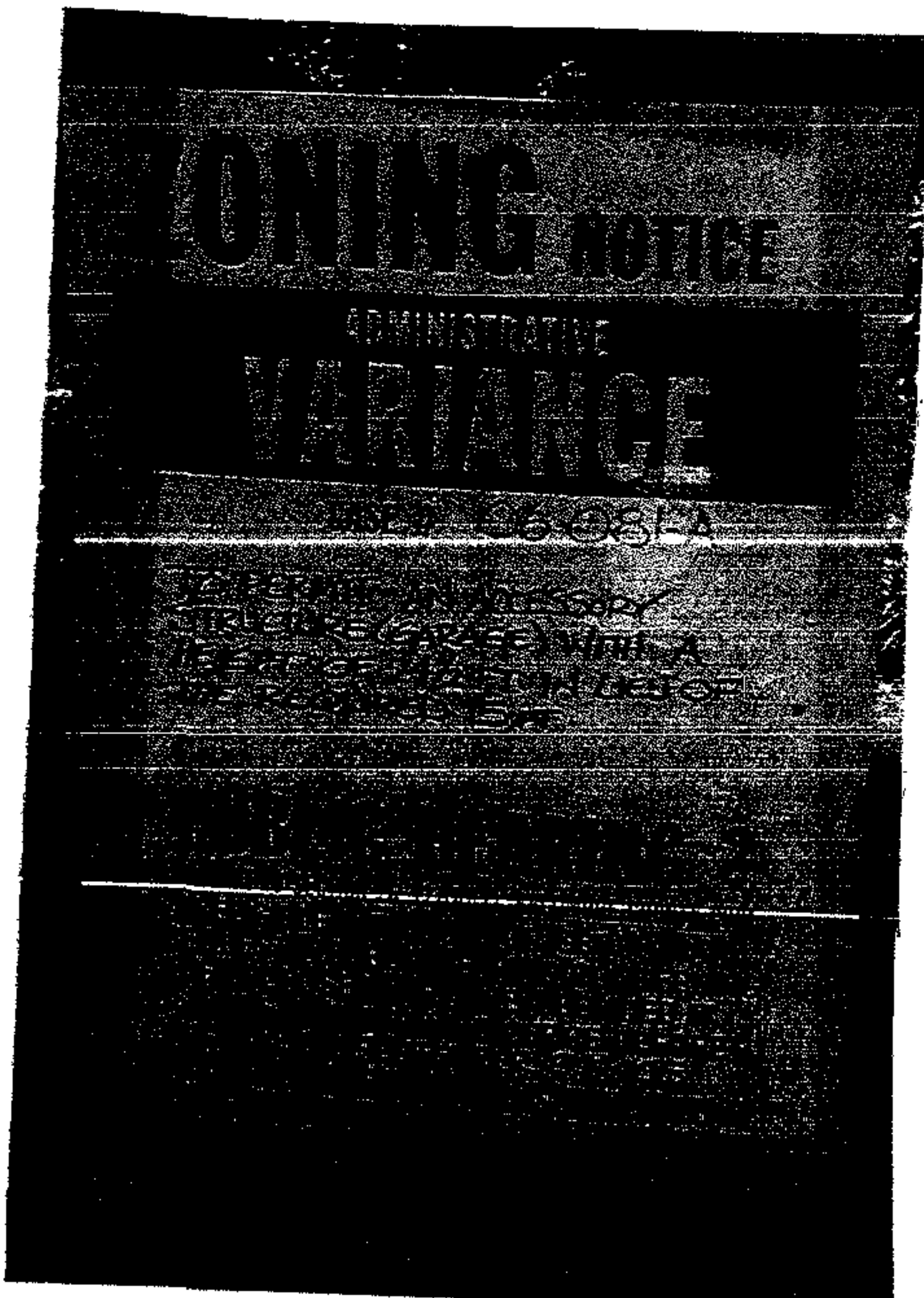
RE: Case Number: 06-081 A

Petitioner/Developer: BUTTA

Date of Hearing/Closing: 9/5/05

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 11902 BLUESTONE ROAD

The sign(s) were posted on 8/18/05
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Maqledt Road
Baltimore, MD 21234
410-665-5562

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: 06-081-A
Petitioner: Mitchell & Lisa Butta
Address or Location: 11902 Bluestone Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mitchell Butta
Address: 11902 Bluestone Rd.
Kingsville, MD 21087
Telephone Number: 410-817-4221

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 081 -A Address 11902 Bluestone Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/8/05 Posting Date: 8/21/05 Closing Date: 9/5/05

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- 081 -A Address 11902 Bluestone Rd.

Petitioner's Name Mitchell & Lisa Butta Telephone 410-245-4347 ⁴¹⁰⁻⁸¹⁷⁻⁴²²¹

Posting Date: 8/21/05 Closing Date: 9/5/05

Wording for Sign: To Permit an accessory structure (garage) with a height
of 24 1/2 ft. in lieu of the required 15 ft.

WCR - Revised 6/25/04

**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*

September 5, 2005

Mitchell S. Butta
Lisa M. Butta
11902 Bluestone Road
Kingsville, Maryland 21087

Dear Mr. and Mrs. Butta:

RE: Case Number: 06-081-A, 11902 Bluestone Road

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a long, sweeping "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 24, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 29, 2005
Item Nos. 077, 078, 079, 080, 081, 082,
084, 085, 087, 088

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-08242005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley *RB*
DATE: September 7, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 22, 2005

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

06-078

06-079

06-080

06-081

06-085

06-089

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 19, 2005

RECEIVED

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

AUG 22 2005

SUBJECT: ~~6-081~~ Administrative Variance

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 24.5 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

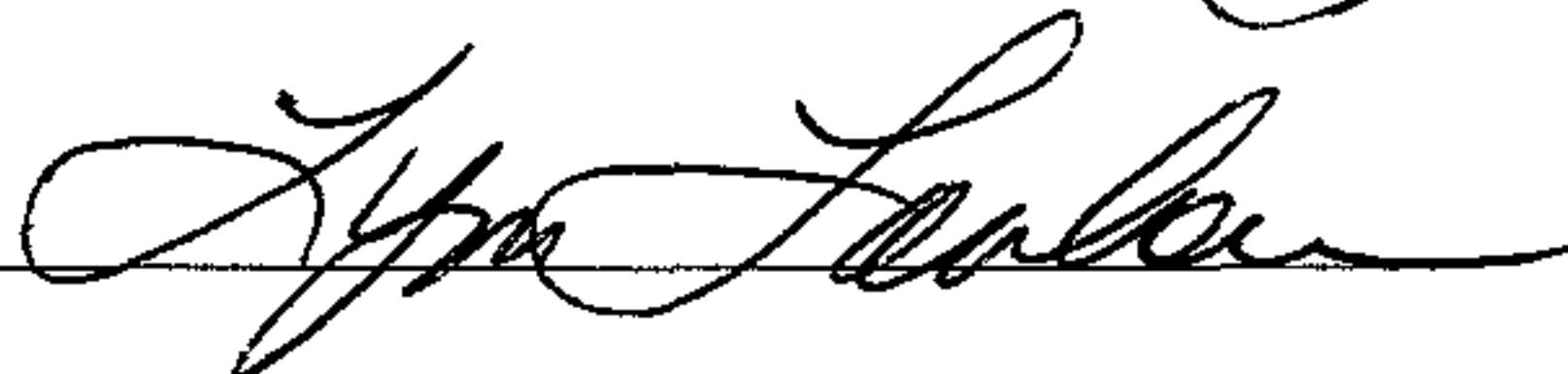
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Submit elevations (all sides) of the proposed accessory structure to this office for review and approval prior to the issuance of any building permit.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

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



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

Date: 8-16-05

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

RE: Baltimore County
Item No. 081 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 (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

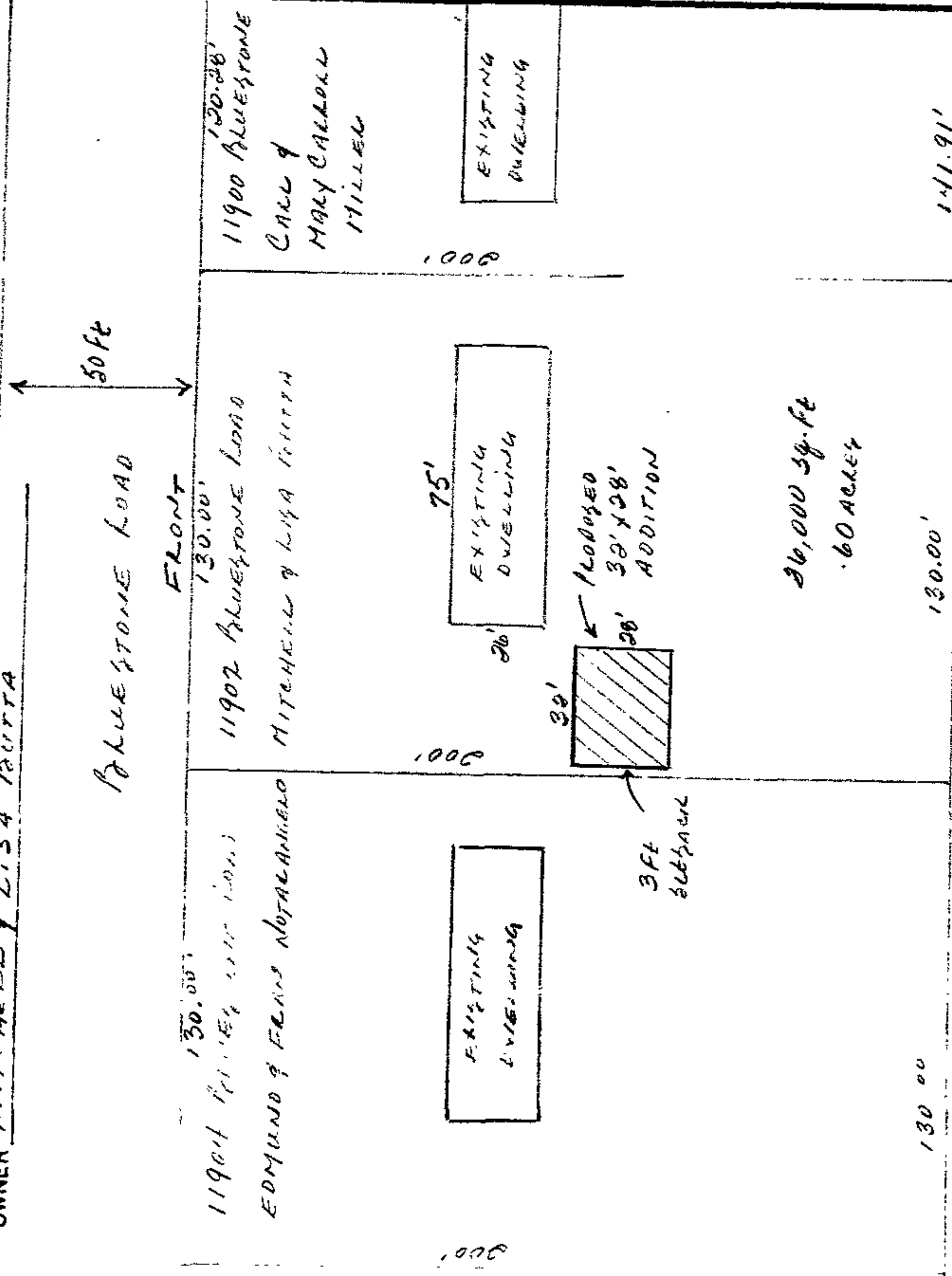
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 11902 BLUESTONE ROAD

SUBDIVISION NAME Blue Lodge Estate

PLAT BOOK # 35 FOLIO # 5 LOT # 2 SECTION # NA

OWNER Mitchell & Lisa Burra



NORTH

BALTIMORE GAS & ELECTRIC CO.

Red Cut #1

PREPARED BY Mitchell & Lisa Burra

SCALE OF DRAWING: 1" = 50' *approx*



VICINITY MAP

SCALE 1" = 1000' *Map to PLAT*

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 055133

ZONING LC-5

LOT SIZE .60

ACREAGE

SQUARE FEET

SEWER

WATER

PUBLIC

PRIVATE

CHESAPEAKE BAY CRITICAL AREA

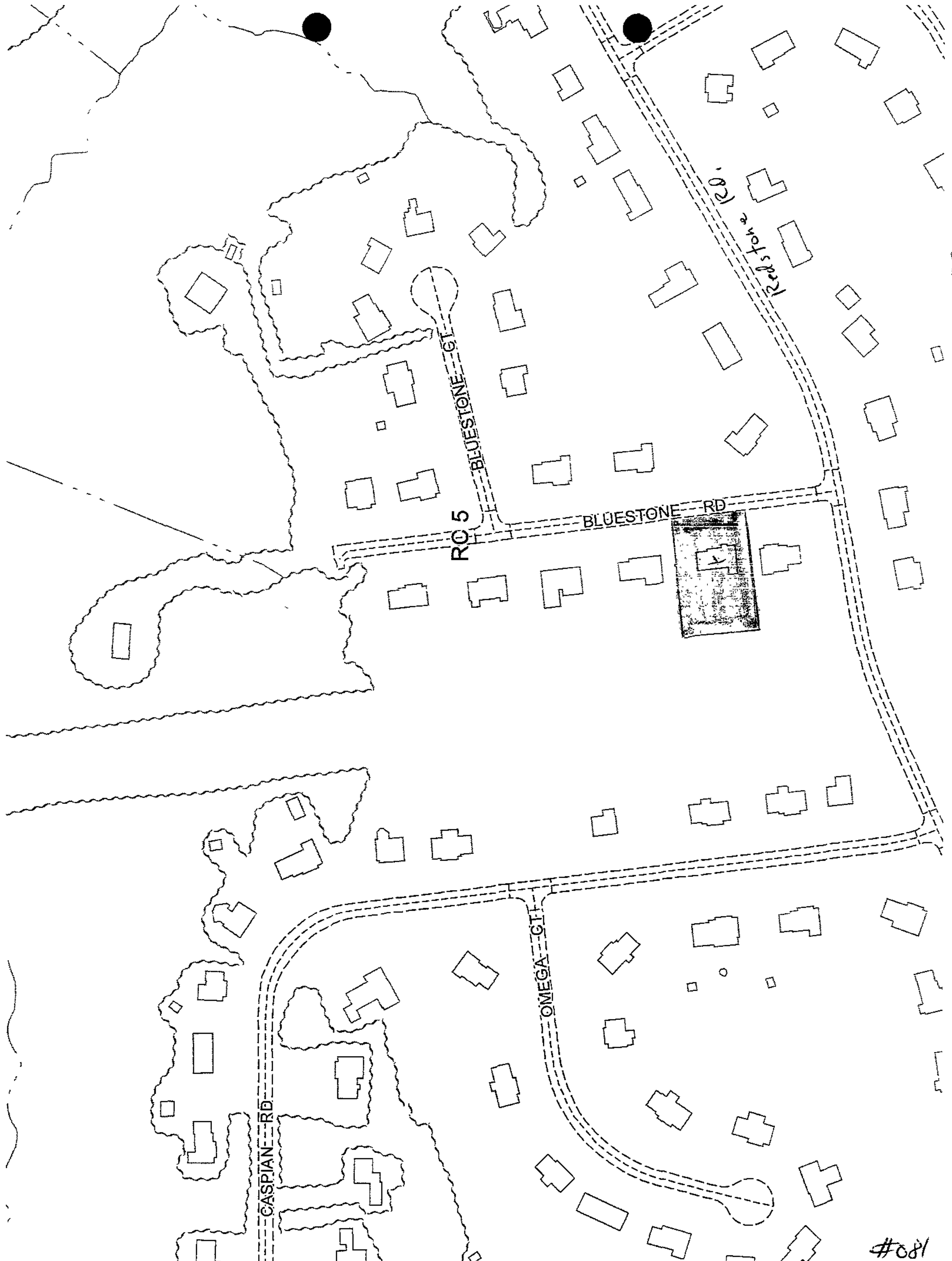
100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING

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

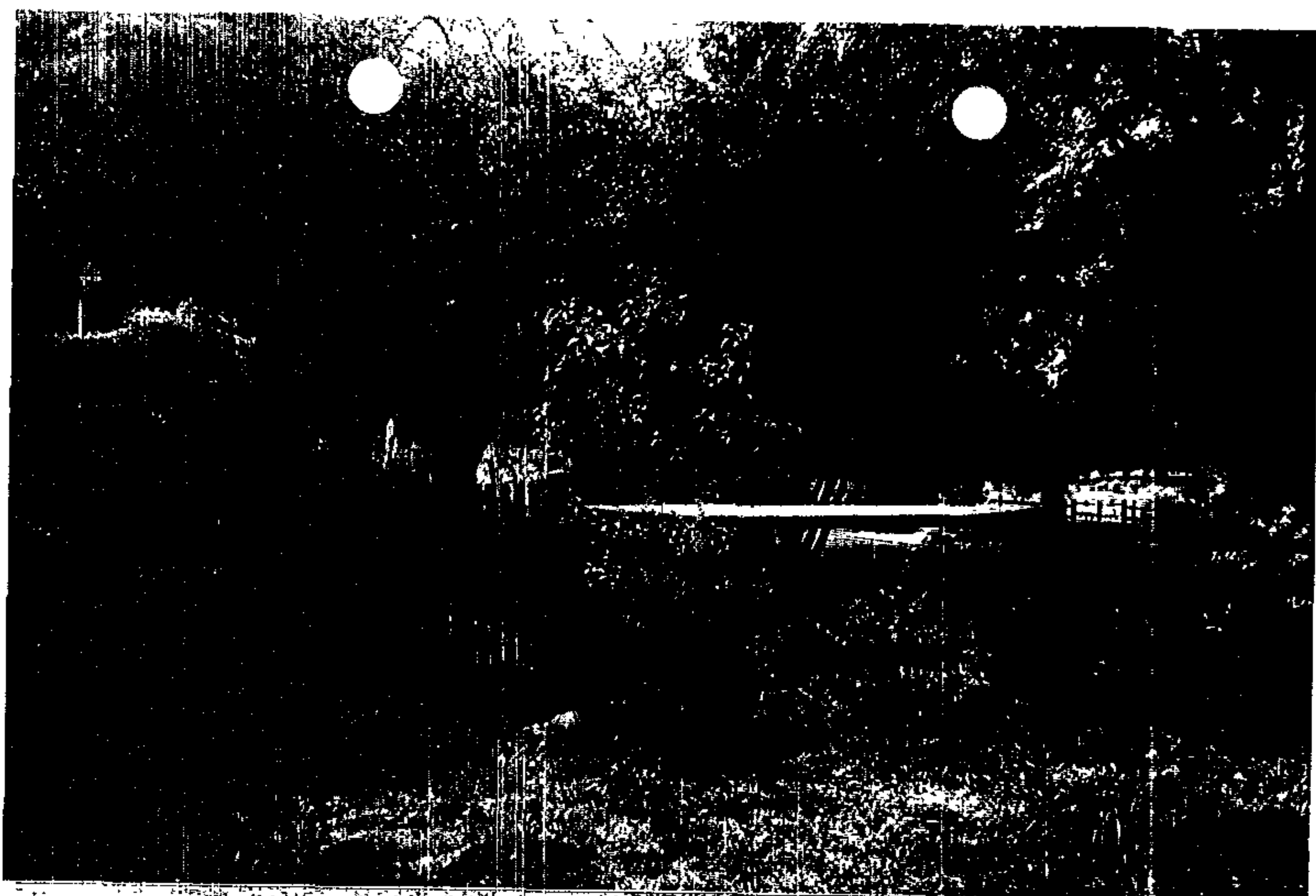
MB | 081 | 06 081-A



Map #055B3

#081







Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11902 BLUESTONE ROAD
which is presently zoned RC-5

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 to permit an accessory structure (garage) with a height of 24.5 ft. in lieu of the required 15 ft.

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):

MITCHELL S. BUTTA

Name - Type or Print

Signature

LISA M. BUTTA

Name - Type or Print

Signature

11902 BLUESTONE ROAD (C) (410) 245-4247

Address

Telephone No.

KINGSVILLE, MARYLAND

21087

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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. 06-081-A

Reviewed By BR Date 8/8/05

Estimated Posting Date 8/31/05

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

11902 BLUESTONE ROAD
Address
KINGSVILLE, MARYLAND 21087
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):

THE EXISTING ATTIC CRAWL SPACE STORAGE IS INADEQUATE AND DIFFICULT TO ACCESS. THE PURCHASE OF A HISTORIC VEHICLE REQUIRED DEDICATED GARAGE STORAGE PER THE INSURANCE POLICY.

THE CONSTRUCTION OF A THREE CAR DETACHED GARAGE WITH ELECTRIC AND A SECOND FLOOR FOR STORAGE WILL RESOLVE THESE ISSUES.

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.

Mitchell S. Butta
Signature

MITCHELL S. BUTTA
Name - Type or Print

Lisa M. Butta
Signature

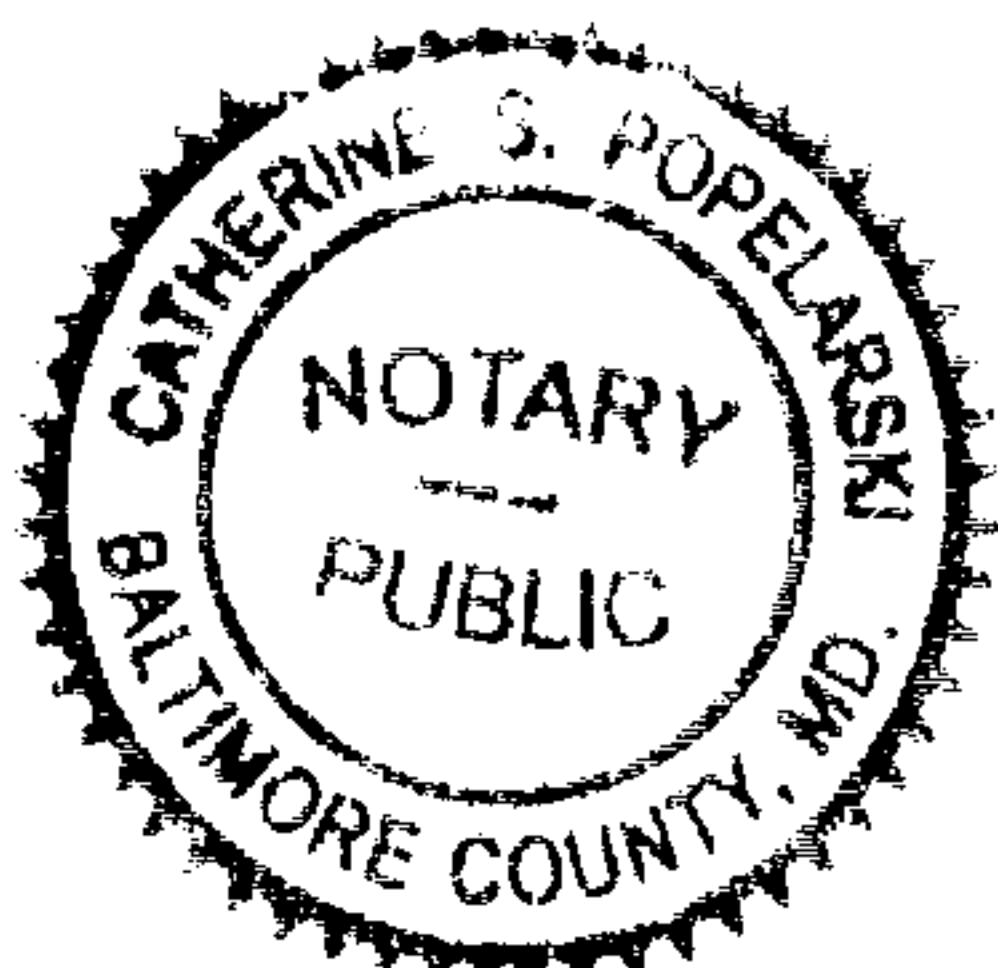
LISA M. BUTTA
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of August, _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Catherine S. Popelarske
Notary Public

My Commission Expires

4-08-09