

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Dogwood Road, 1,800 ft. SE
centerline of Wrights Mill Road
2nd Election District
4th Councilmanic District
(8501 Dogwood Road)

Melanie & Eugene P. Parker
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-090-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, Melanie and Eugene P. Parker. The administrative variance is requested for property located at 8501 Dogwood Road in the western 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 replacement accessory structure (garage) 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 21, 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 23, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

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

ORDER RECEIVED FOR FILING
9/7/05
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.

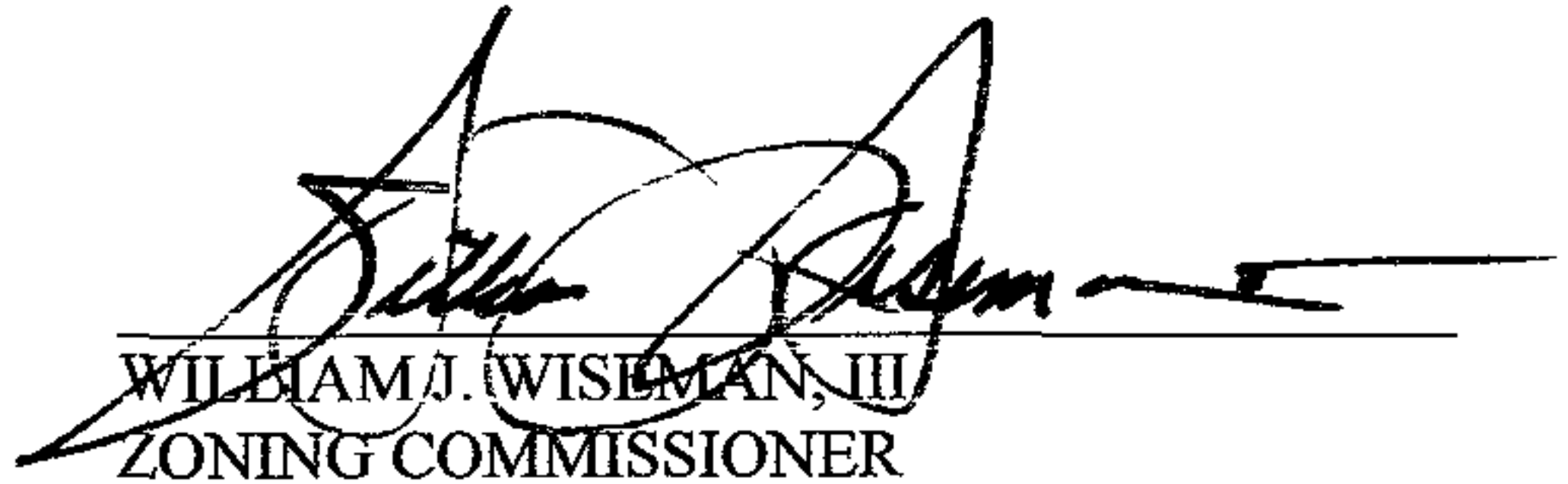
THEREFORE, IT IS ORDERED, this 7th day of September, 2005, by this Zoning Commissioner, that the Petitioners' request for administrative variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed replacement accessory structure (garage) with a height of 21 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 shall comply with the ZAC comments submitted by the Office of Planning dated August 23, 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 elevation (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

ORDER RECEIVED FOR FILING
9/7/05
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 7, 2005

Mr. & Mrs. Eugene P. Parker
8501 Dogwood Road
Baltimore, Maryland 21244

Re: Petition for Administrative Variance
Case No. 06-090-A
Property: 8501 Dogwood Road

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 black ink, appearing to read "WJW", is written over a printed name and title.

William J. Wiseman, III
Zoning Commissioner

WJW,III: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 8501 Dogwood Rd
which is presently zoned RC6

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, BC2R, to permit a proposed

replacement accessory building (garage) with a height of 21 feet in lieu of the maximum allowed 15 feet.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Eugene Philip Parker

Name - Type or Print

Signature

Name - Type or Print

Signature

8501 Dogwood Rd H: 410 298 3362
Address Telephone No.

Windsor Mill, Md 21244
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. 06-090-A

Reviewed By JNP

Date 8/10/05

Estimated Posting Date 8/21/05

ORDER RECEIVED FOR PLANS

9/7/05

REV 1/15/98

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

8501 Dogwood Rd
Address
Windsor Mill MD 21244
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):

We are petitioning for a variance to the 15 ft height rule to permit construction of a 21ft garage/workshop building (picture attached). The site for our proposed 24x32 ft building at present has a 15x20 ft barn which we will tear down (we have obtained permit #B598114 to raze the building). Our petition is based on the following practical grounds:

- 1) The first level will be used primarily for protecting our cars from the elements but will also offer opportunities for storage. The second level will be used for a workshop which is presently located in a small space in our basement that is necessarily near furnace. By relocating workshop to new building we will be able to significantly reduces the risks associated with dust, wood residues, and chemical fumes common to workshop activities;
- 2) We are purchasing a pre-fab building (see picture #1); there are no options for two level garages which fall within the 15 ft height limit. Without the option of constructing a garage/building with second level we would have to construct a second outbuilding for a workshop that would prove less desirable in aesthetic as well as practical terms for our neighbors as well as for ourselves;

*See backside for
Additional information*

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.

Melanie Parker
Signature

Melanie Parker
Name - Type or Print

Eugene Philip Parker
Signature

Eugene Philip Parker
Name - Type or Print

Howard
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Melanie Parker and Eugene Philip Parker
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

8/9/2005
Date

Durwin Z Marten
Notary Public

My Commission Expires 9/10/2007

- 3) Our property is significantly sloped (see pictures); the requested increase in building height will be greatly offset by fact that the proposed building site (with existing barn) is well below the grade of owner house as well as neighbor's property. The 21 ft height exemption would still leave the top of garage/workshop 10 ft below neighbor's roofline, 6 ft below our roofline, and only 6 ft above Dogwood Road grade (see pictures); the proposed building is approximately 210 feet from Dogwood Rd.
- 4) The local area is a rural landscape with the majority of properties 30 years or older and averaging 2+ acres. A grant of lesser relaxation will provide no substantial benefit because it offers no real option for a second floor that would be utilizable for workshop.

- 3) Our property is significantly sloped (see pictures); the requested increase in building height will be greatly offset by fact that the proposed building site (with existing barn) is well below the grade of owner house as well as neighbor's property. The 21 ft height exemption would still leave the top of garage/workshop 10 ft below neighbor's roofline, 6 ft below our roofline, and only 6 ft above Dogwood Road grade (see pictures); the proposed building is approximately 210 feet from Dogwood Rd.
- 4) The local area is a rural landscape with the majority of properties 30 years or older and averaging 2+ acres. A grant of lesser relaxation will provide no substantial benefit because it offers no real option for a second floor that would be utilizable for workshop.

Zoning Description

Zoning description for **8501 DOGWOOD ROAD**

Beginning at a point on the SOUTH side of DOGWOOD ROAD which is 20 feet wide at the distance of 1800 southeast of the centerline of the nearest improved intersecting street WRIGHT'S MILL ROAD which is 20 feet wide. Being Map 87, Parcel 580 and as recorded in Deed Liber No. 14720, Folio 426 and include the measurements and directions (metes and bounds only) here and on the plat in the correct location: N.33 37' 46" E. 1124.82 ft., N.44 8' 49" E. 59.84 ft., N.47 0' 12" W. 160.12 ft., N.26 34' 32" 80.55 ft., S.40 58' 13" W. 610.28 ft., N. 48 49' 08" W. 163.50 ft., N. 41 10' 52" E. 541.79 ft., S. 45 04' 10" E. 163.93 ft., S. 41 10' 52" W. 42.18 ft., S. 44 35' 18 E. 376 ft. to the point of beginning containing 5.99 acres. Also known as 8501 Dogwood Road and located in the 2nd Election District, 4th Councilmanic District.

06-090-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **448802**

DATE 8/10/05 ACCOUNT R 011-006-6150 AMOUNT \$ 65.00

RECEIVED FROM Eugene & Melvin Parker

FOR Adm. Van - 8581 Dogwood Road

06 010-A (Parker)

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY TIME
 08/11/2005 12:00:00 PM 15:00:59
 CH 1503 WALTON 13TH KEY
 PROJECT # 000000 08/10/2005
 UNIT 5 50000000 VERIFICATION
 N 001 0000002
 Receipt Tot 655.00
 655.00 CA
 Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-090-A

Petitioner/Developer: EUGENE
& MELANIE PARKER

Date Of Hearing/Closing: 9/5/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 8501 DOGWOOD ROAD

This sign(s) were posted on August 21, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 8/21/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING VARIANCE

APPLICANT: [Illegible]

PROPERTY: [Illegible]

COMMISSION: [Illegible]

PUBLIC HEARING: [Illegible]

DATE: [Illegible]

TIME: [Illegible]

LOCATION: [Illegible]

FOR MORE INFORMATION: [Illegible]

Walter G. 8/21/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 090 -A Address 8501 Dogwood Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/10/05 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- 090 -A Address 8501 Dogwood Road

Petitioner's Name Eugene & Melanie Parker Telephone 410-298-3366 (H)
410-455-3153 (W)

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

Wording for Sign: To Permit a proposed replacement accessory building (garage) with a height of 21 feet in lieu of the maximum allowed 15 feet.

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

Eugene Philip Parker
Melanie Parker
8501 Dogwood Road
Windsor, Maryland 21244

Dear Mr. and Mrs. Parker:

RE: Case Number: 06-090-A, 8501 Dogwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 10, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For August 29, 2005
Item No. 090

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

The ultimate right-of-way width for dogwood Road is 70-feet. It appears that the right-of-way was laid out as part of a previous subdivision. The right-of-way must be extended across the # 8501 Dogwood Road frontage with the setback adjusted accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 090-08242005.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

AUG 25 2005

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

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

DATE: August 23, 2005

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

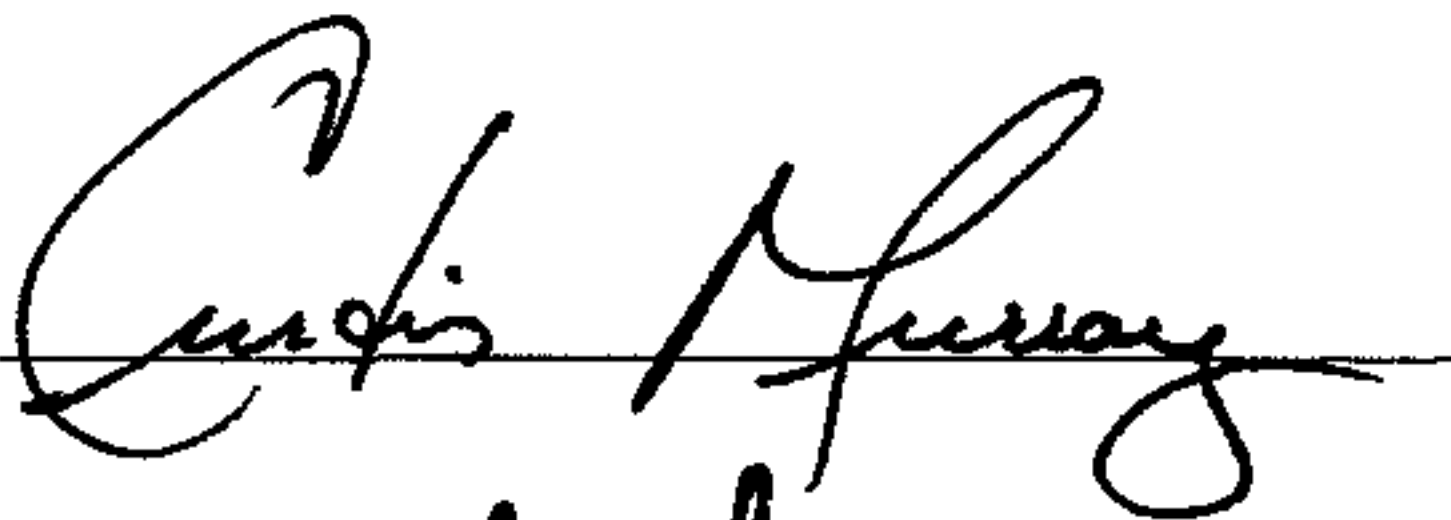
SUBJECT: 6-090 – Administrative Variance

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:

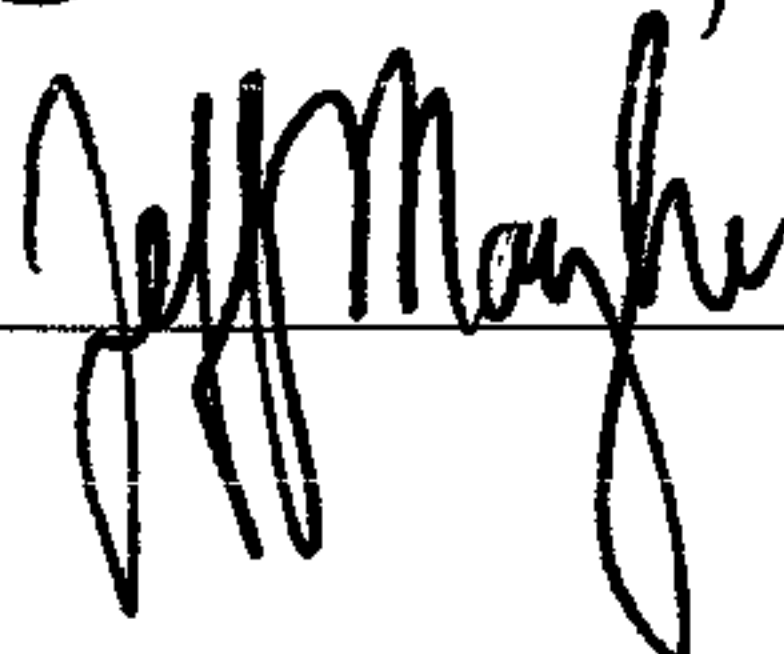
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Submit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

Maryland Department of Transportation

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. 090 JHP

Dear Ms. Matthews:

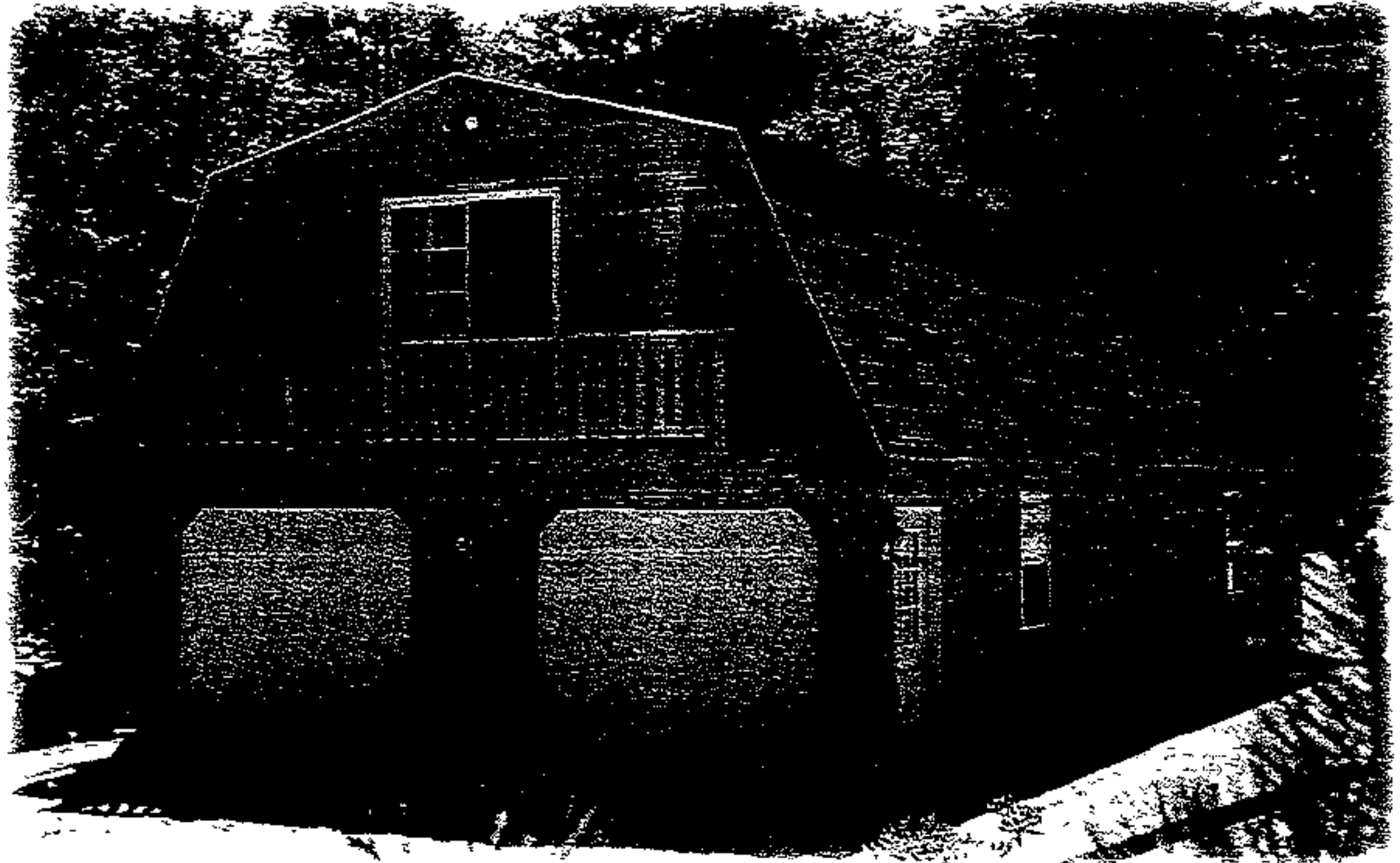
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

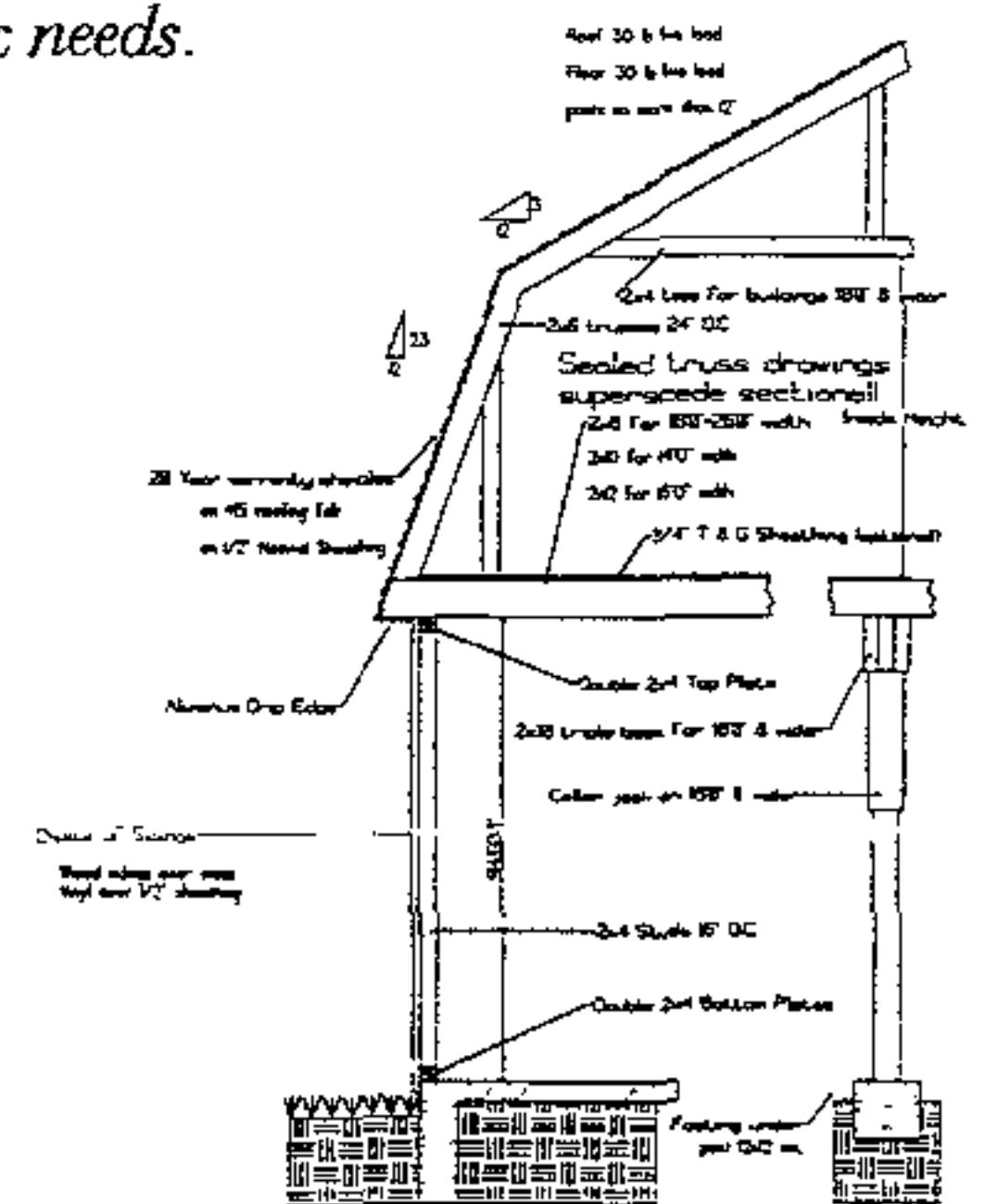
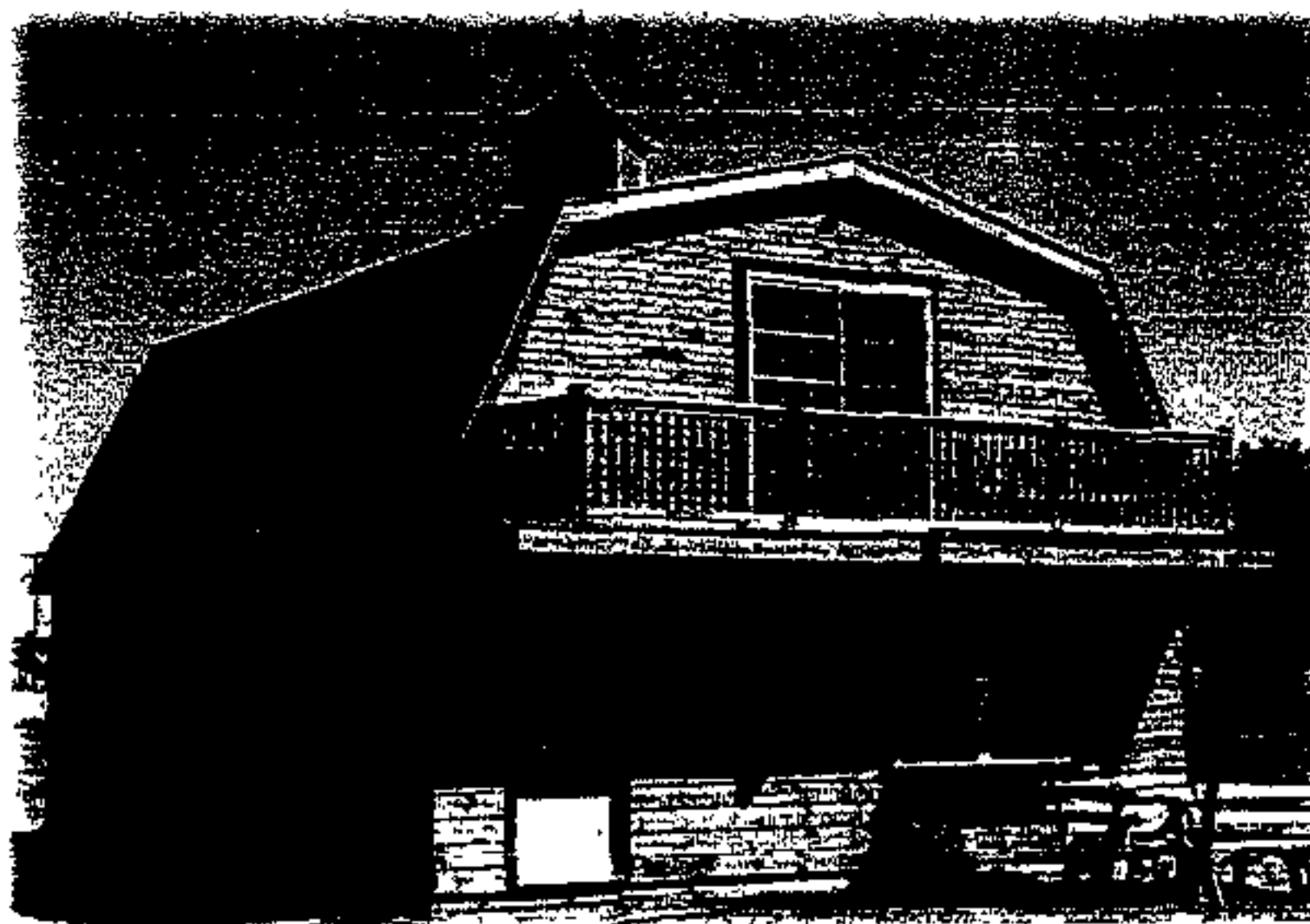
The Oxford STURDY-BUILT^{MFG.}



If your property requires maximum space utilization, the Oxford barn-style, with a full second floor, could be right for you. With its high-pitched roof lines, the Oxford is the most space-efficient of our two-story designs. The spacious second floor

can be used as an office, workshop, or apartment.

The Oxford's rustic barn style is one of our most popular, and remember, the design can be customized to meet your specific needs.



As you know, real estate is sold by the square foot, making our two-story garages very smart investments.

800-722-0466

06-090A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

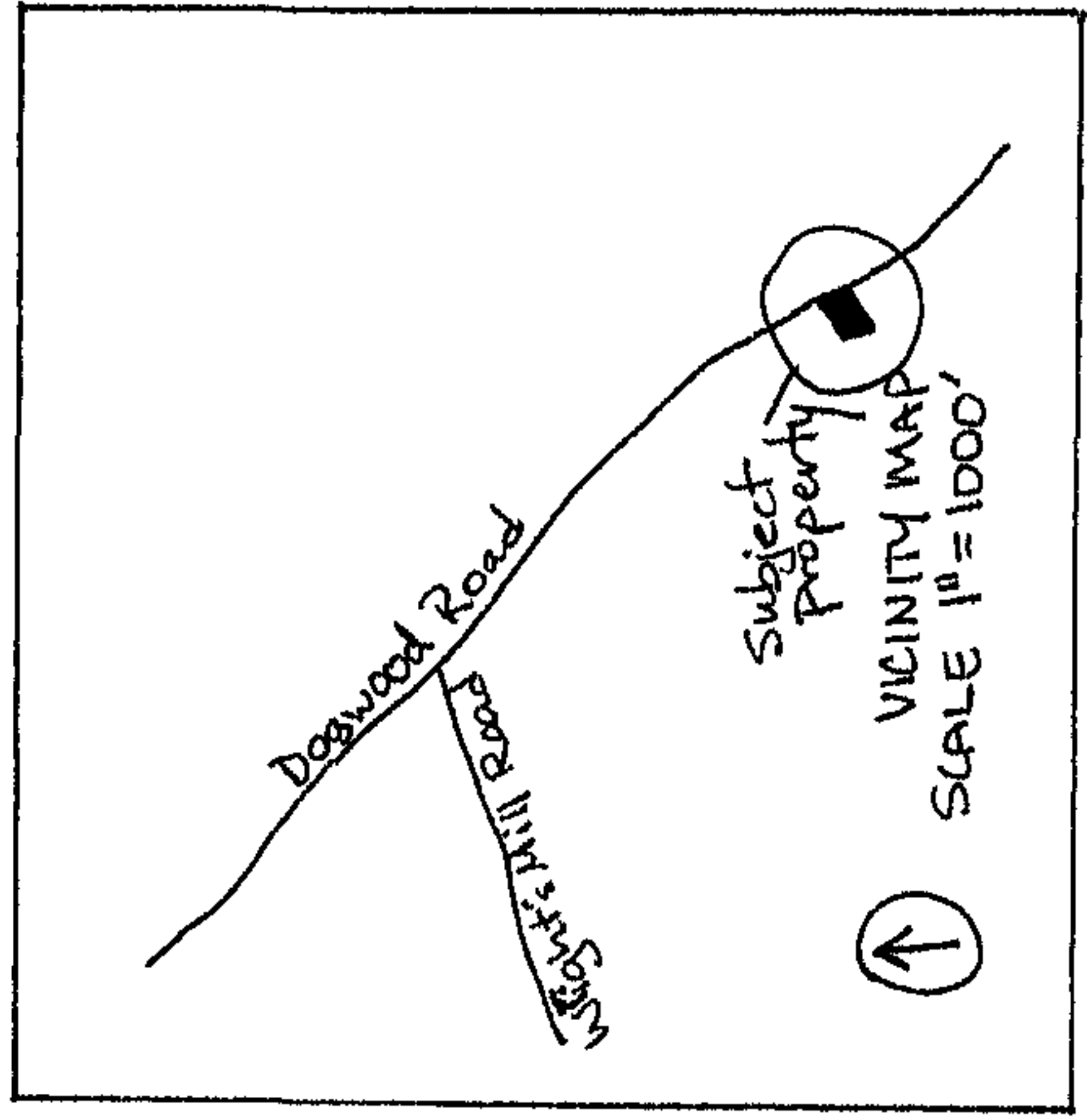
PROPERTY ADDRESS 8501 Dogwood Road

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

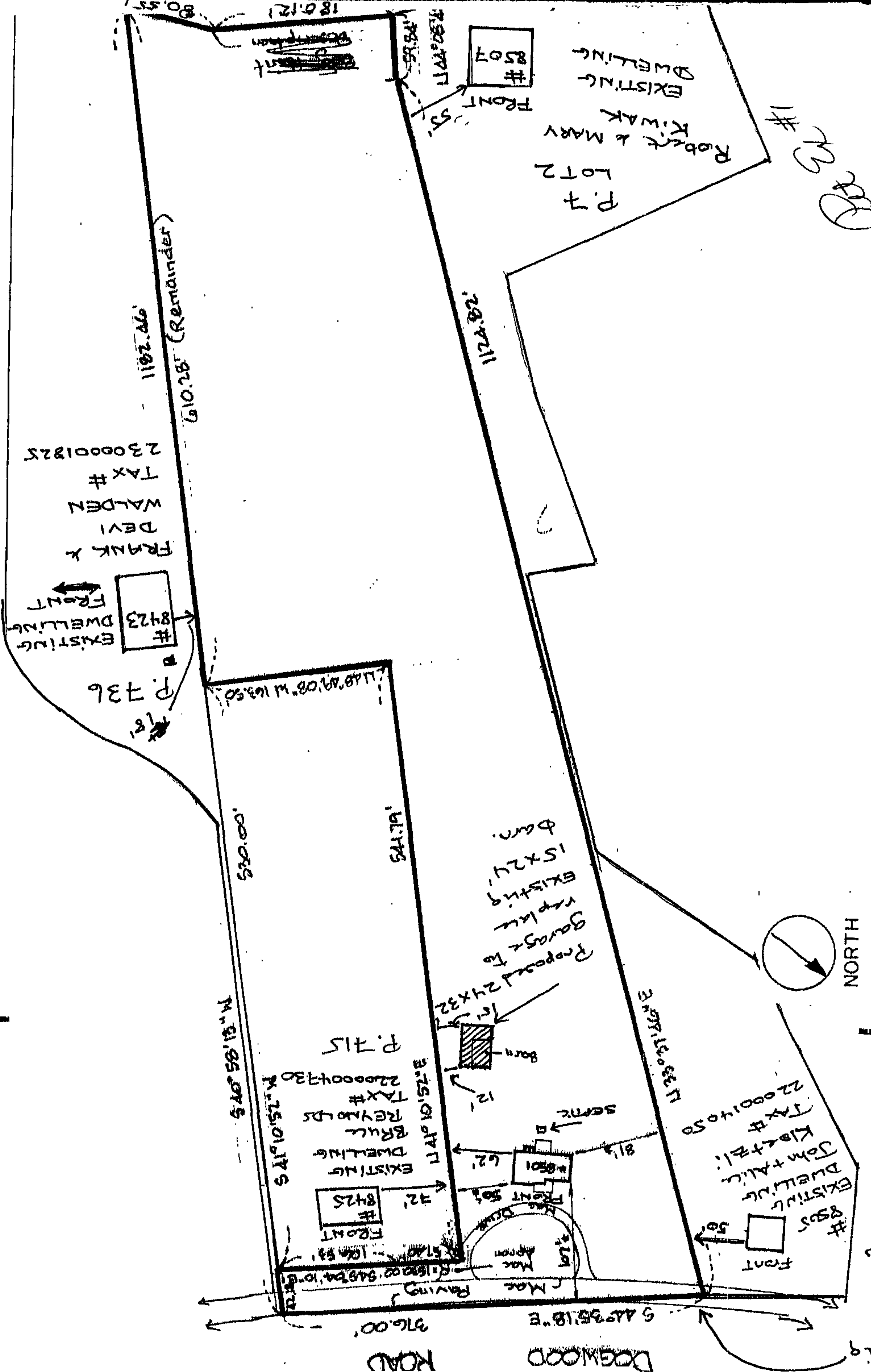
SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER Eugene & Melanie Parker

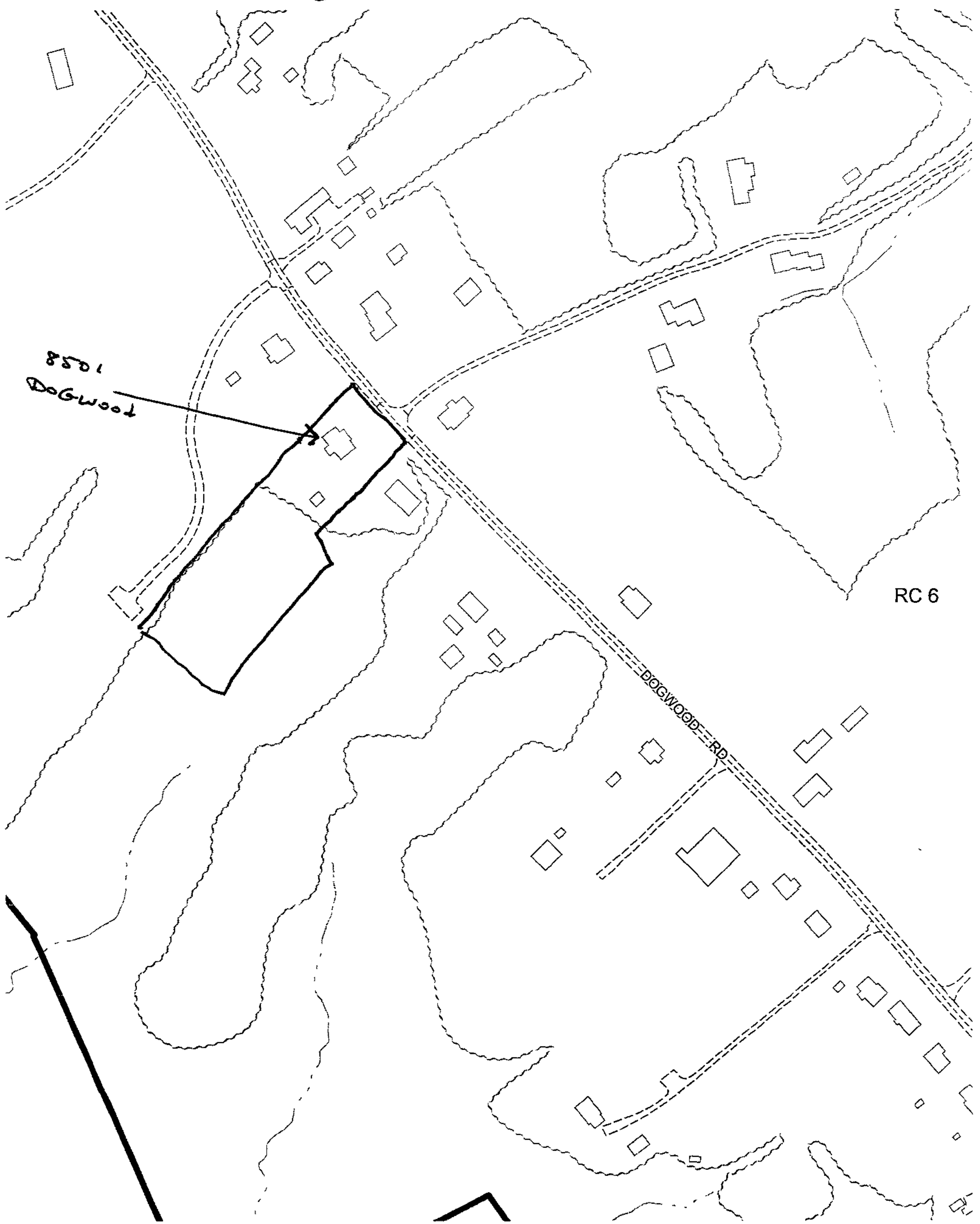


LOCATION INFORMATION	
ELECTION DISTRICT 2	
COUNCILMANIC DISTRICT 4	
1"=200' SCALE MAP # 087A3	
ZONING RC 6	
LOT SIZE 5.99 ACRES	260924.40 SQUARE FEET
SEWER ☐	PUBLIC ☐
WATER ☐	PRIVATE ☒
CHESAPEAKE BAY CRITICAL AREA ☐	YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐	YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING ☐	YES ☐ NO ☒
PRIOR ZONING HEARING NOUE	
ZONING OFFICE USE ONLY	CASE #
REVIEWED BY JNP	ITEM # 090
	106-090-4



SCALE OF DRAWING: 1" = 100'

PREPARED BY Eugene Parker



8501
DOGWOOD

RC 6

DOGWOOD RD

087A3

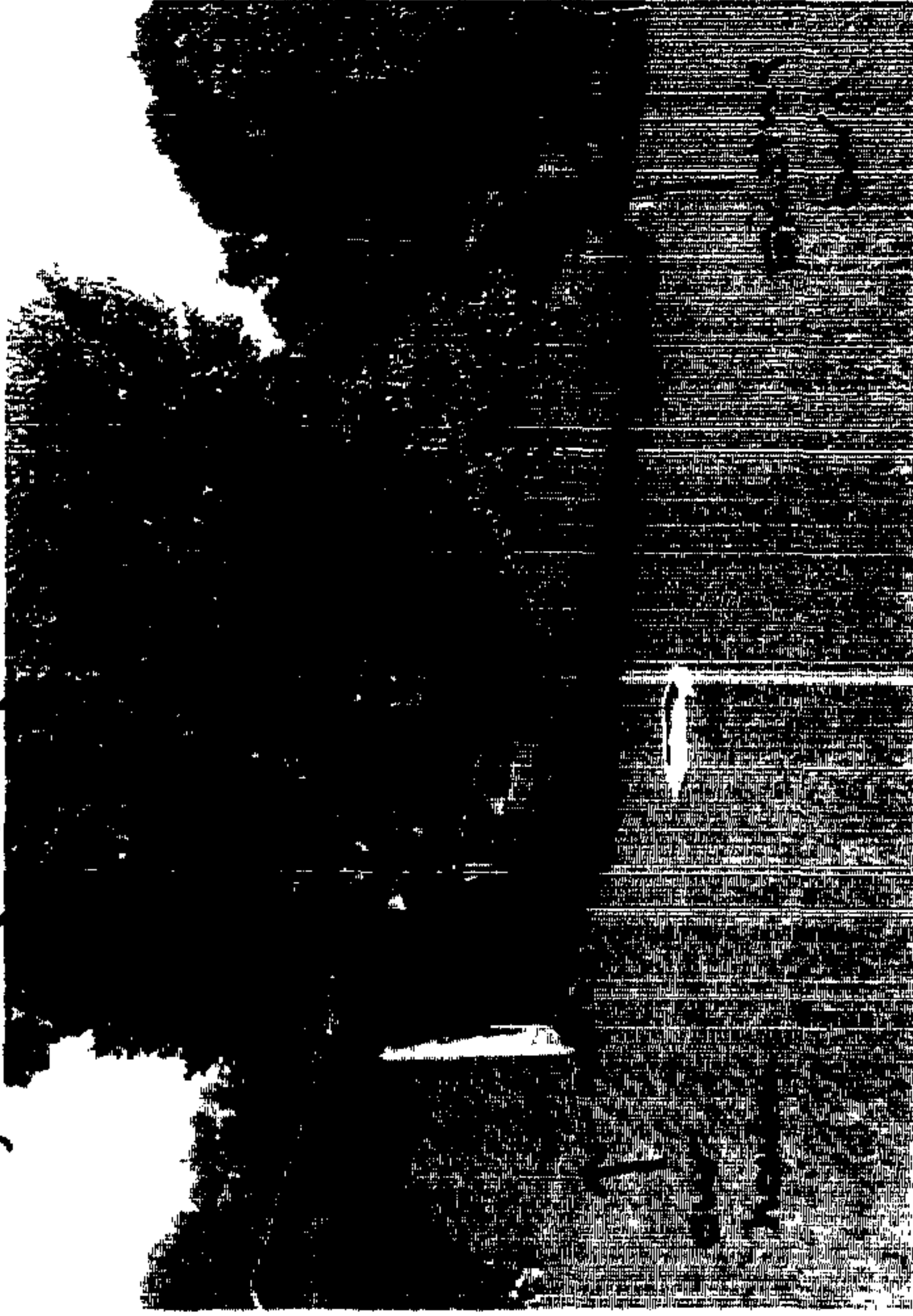
06-090-A

A-060-90



nearest neighbor 8424

view from property line on west
Adjacent property 8505

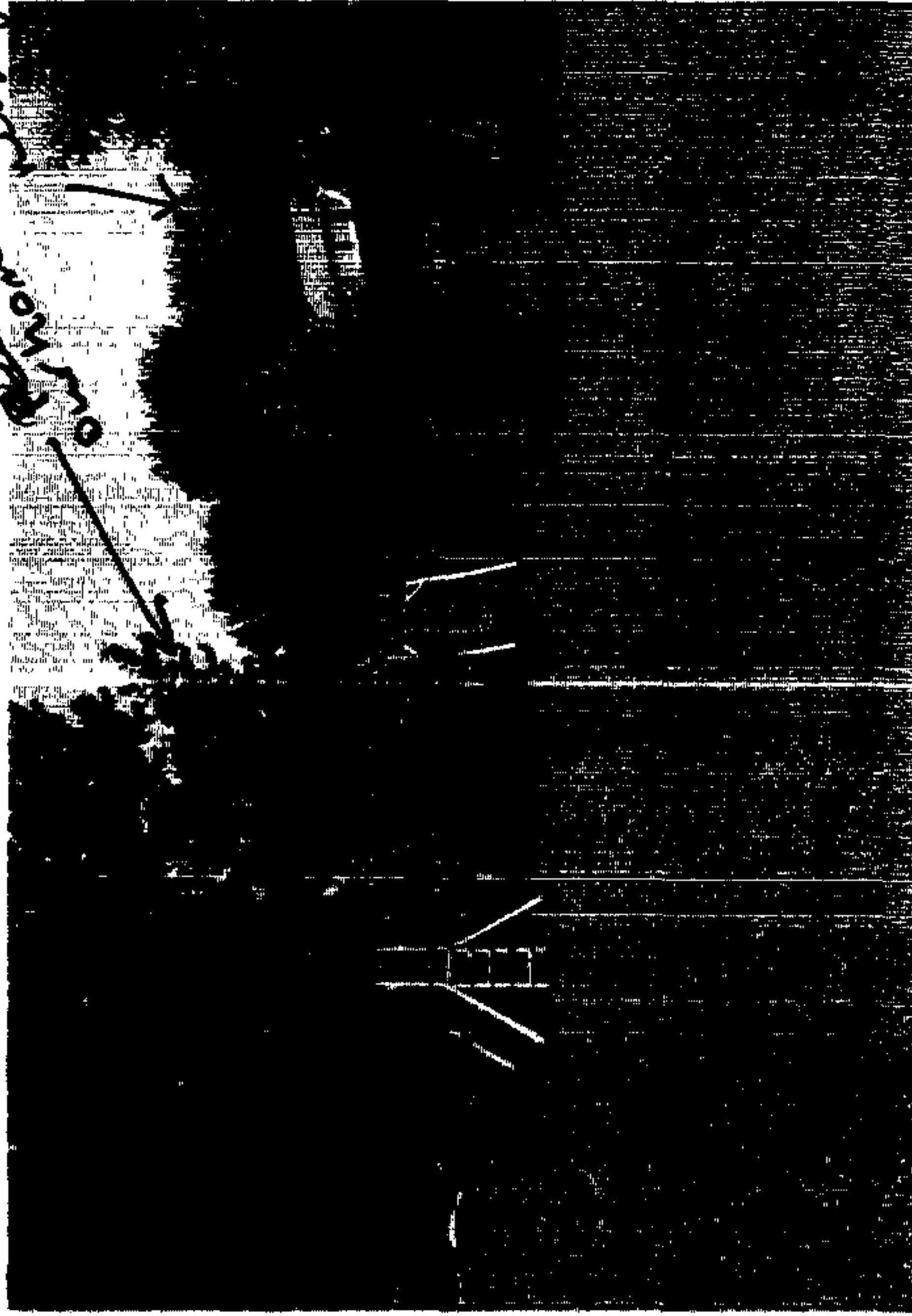


context



view from
property line

view from
property line



view from
property line



view across road to school
barn approx. 210'

06-090-A