IN RE: **PETITION FOR ADMIN. VARIANCE** *
N/S Parktowne Road, 120' W of the c/l
Wilson Avenue
(3056 Parktowne Road)
9th Election District
6th Council District

John Edward Twele & Debbie M. Mitchell
Petitioners

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* **Case No. 06-122-A**

*

* * * * * * * * * * *

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, John Edward Twele and Debbie M. Mitchell. The Petitioners request variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) height of 19 feet in lieu of the maximum allowed 15 feet. 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 the evidence contained therein, I am persuaded to grant the requested relief. A review of the site plan shows that the Petitioners propose to construct a 25' x 16' garage in the rear, northwest corner of the yard, with a height of 19'. It was indicated that the existing house is small and

lacks sufficient storage space and that the additional height in the garage will allow storage of seasonal items, such as lawn furniture, bikes, and other recreational equipment. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one voiced any objection. It is also to be noted that all area setback requirements will be met. The only deficiency is the height of the structure, which is a minimal increase over the allowed 15 feet. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of September 2005 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 19 feet in lieu of the maximum allowed 15 feet, 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.

2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 9/27/05
By

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 27, 2005

Mr. John Edward Twele
Ms. Debbie M. Mitchell
3056 Parktowne Road
Parkville, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Parktowne Road, 120' W of the c/l Wilson Avenue
(3056 Parktowne Road)
9th Election District – 6th Council District
John Edward Twele & Debbie M. Mitchell - Petitioners
Case No. 06-122-A

Dear Mr. Twele & Ms. Mitchell:

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3056 PARKTOWNE RD

which is presently zoned DR 5.5

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; BCZR, TO PERMIT A GARAGE WITH A HEIGHT OF 19 ft. IN LIEU OF THE PERMITTED 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):

John Edward Twele
Name - Type or Print

John Edward Twele
Signature

Debbie M. Mitchell
Name - Type or Print

Debbie M. Mitchell
Signature

3056 PARKTOWNE RD — (410) 668 2326
Address — Telephone No.

PARKVILLE — MD — 21234
City — State — Zip Code

Representative to be Contacted:

SAME
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

ORDER RECEIVED FOR FILING
Date 9/8/05
By

CASE NO. 06-122A

Reviewed By JWM **Date** 8-26-05

Estimated Posting Date 9-19-05

REV 10/25/01

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 3056 Parktaine RD
Address

Parkville MD 21234
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):

I Need More Room for Storage. (Kayak, Seasonal Furniture)

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.

John E Thele
Signature

John E. Thele
Name - Type or Print

Debbie Mitchell
Signature

Debbie Mitchell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ Harford, to wit:

I HEREBY CERTIFY, this 20th day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John Thele + Deborah Mitchell

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

AS WITNESS my hand and Notarial Seal

James M Whisp Jr
Notary Public

My Commission Expires 7/8/07

REV 10/25/01

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.

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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.

John E Twele
Signature

John E. Twele
Name - Type or Print

Debbie Mitchell
Signature

Debbie Mitchell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ Harford, to wit:

I HEREBY CERTIFY, this 20th day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
John Twele & Deborah Mitchell
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

James M [illegible]
Notary Public

My Commission Expires 7/8/07

REV 10/25/01

July 21st 10 AM.

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3056 Park Towne Rd

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 A Garage with A Height of 19 ft in Lieu of the permitted 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):

John Edward Thele
Name - Type or Print

John Edward Thele
Signature

Debbie M. Mitchell
Name - Type or Print

Debbie M. Mitchell
Signature

3056 Parktowne Rd (410)668 2326
Address Telephone No

Parkville MD 21234
City State Zip Code

Representative to be Contacted:

Same
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. 06-122A

Reviewed By JWM **Date** 8-26-05

Estimated Posting Date 9-19-05

REV 10/25/01

To Whom it may concern, 7/21/05

I would like to build a garage that is 25' x 16' with h height of 19 feet. The additional height would be for storage of seasonal items (bikes, lawn furniture, a kayak/ rowboat). The garage itself would house my Jeep and a hobby car (MG or GTI).

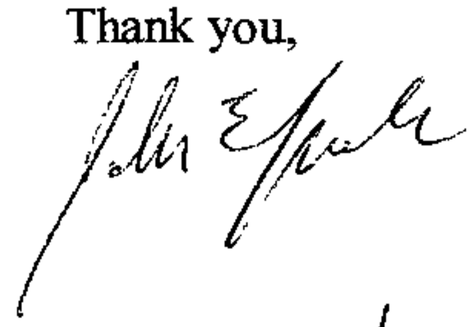
I have a daughter and would like to "club" the basement into a play room for her. The houses in my neighborhood are somewhat small with a good majority of my neighbors adding one of the following:

A garage, sunroom addition, front porch addition, a shed.

3053 Garage and a sunroom
3049 a sunroom
3047 a front porch addition
3043 a garage
3040 a sunroom
3042 a sunroom and shed
3044 a 2 car garage
3046 a garage and sunroom
3048 a garage
3050 a sunroom
Plus countless sheds in these yards

I am asking for a 4 foot height increase. The top of my proposed garage would not be anywhere near the tops of the houses. My house alone would be about 20' higher. Attached are pictures of my neighbors and my property. The two neighbors behind me have 2nd floor additions as you can see.

Thank you,



John E. Thele
3056 PARKTOWNE

ZONING DESCRIPTION FOR 3056 Parktowne Road Parkville MD 21234

Beginning at a point on the North side of Parktowne Road which is _____ 40ft. wide at the distance of 120ft. ± _____ of the centerline of the nearest improved intersecting street WILSON AVE. which is 40ft. wide.

Being lot # 3056, Block _____, Section # _____

In the subdivision of PARKTOWNE as recorded in Baltimore County Plat Book # 12, Folio # 77, containing 4,680 square feet. Also known as 3056 Parktowne Road Parkville MD 21234 and in the 9th Election District, 6TH Council manic District.

BALTIMORE COUNTY, MARYLAND 122

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 449407

DATE 8.26.05 ACCOUNT R001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: J. Twelle 3056 Pinkney Rd.

FOR: Ad. Van.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTIVITY	TIME	DRW
8/29/2005	8/24/2005	14:38:10	2

STD 4012 MAIL JOHN DOE

RECEIPT # 921431 08/24/2005 DRW2

MAIL $ 320 20110 [illegible]

CR NO. 449407

Recpt Tot 65.00

$.00 CK 65.00 CA

0.00 CH

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-122-A

Petitioner/Developer: JOHN TWELE

Date of Hearing/Closing: 9-19-05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at: 3056 PARKTOWNE RD

The sign(s) were posted on 9-4-05
(Month, Day, Year)

Sincerely,

Robert Black 9/6/05
(Signature of Sign Poster) (Date)

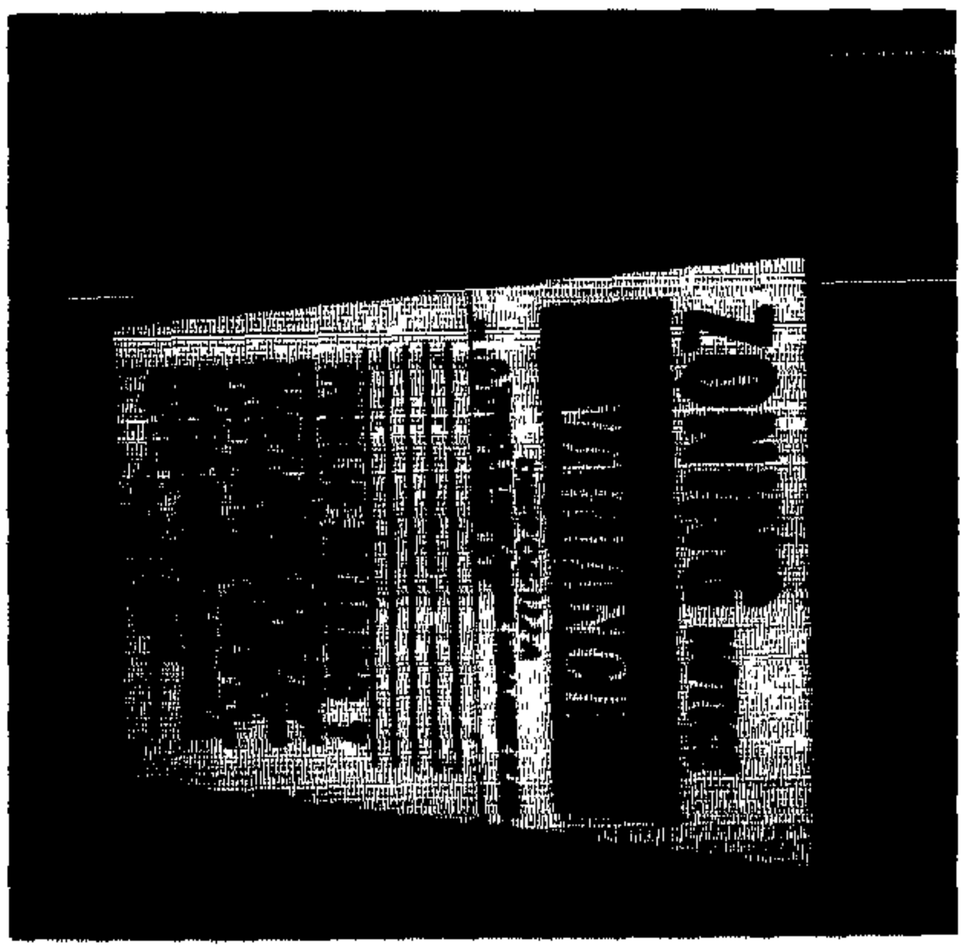
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

3056 PARKTOWNE



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-122 -A Address 3056 PARKTOWNE Rd

Contact Person: J. Meney Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8.26.05 **Posting Date:** 9.4.05 **Closing Date:** 9.19.05

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 06-122 -A Address 3056 PARKTOWNE Rd.

Petitioner's Name JOHN Twele Telephone 410-668-2321

Posting Date: 9.4.05 **Closing Date:** 9.19.05

Wording for Sign: ~~To Permit~~ A VARIANCE A GARAGE WITH A HEIGHT of 19ft. IN LIEU OF THE PERMITTED 15ft.

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 19, 2005

John Edward Twele
Debbie M .Mitchell
3056 Parktowne Road
Parkville, Maryland 21234

Dear Mr. Twele and Ms. Mitchell:

RE: Case Number: 06-122-A, 3056 Parktowne Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 26, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

September 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **September 12**, 2005

Item No.: **116-125**

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D.Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 9.6.05

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

RE: Baltimore County
Item No. 122 JCM

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 19, 2005

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

SUBJECT: 6-122 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 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.

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

Prepared by: Curtis Murray

Section Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\Accessory Structures- Height.doc.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 12, 2005

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

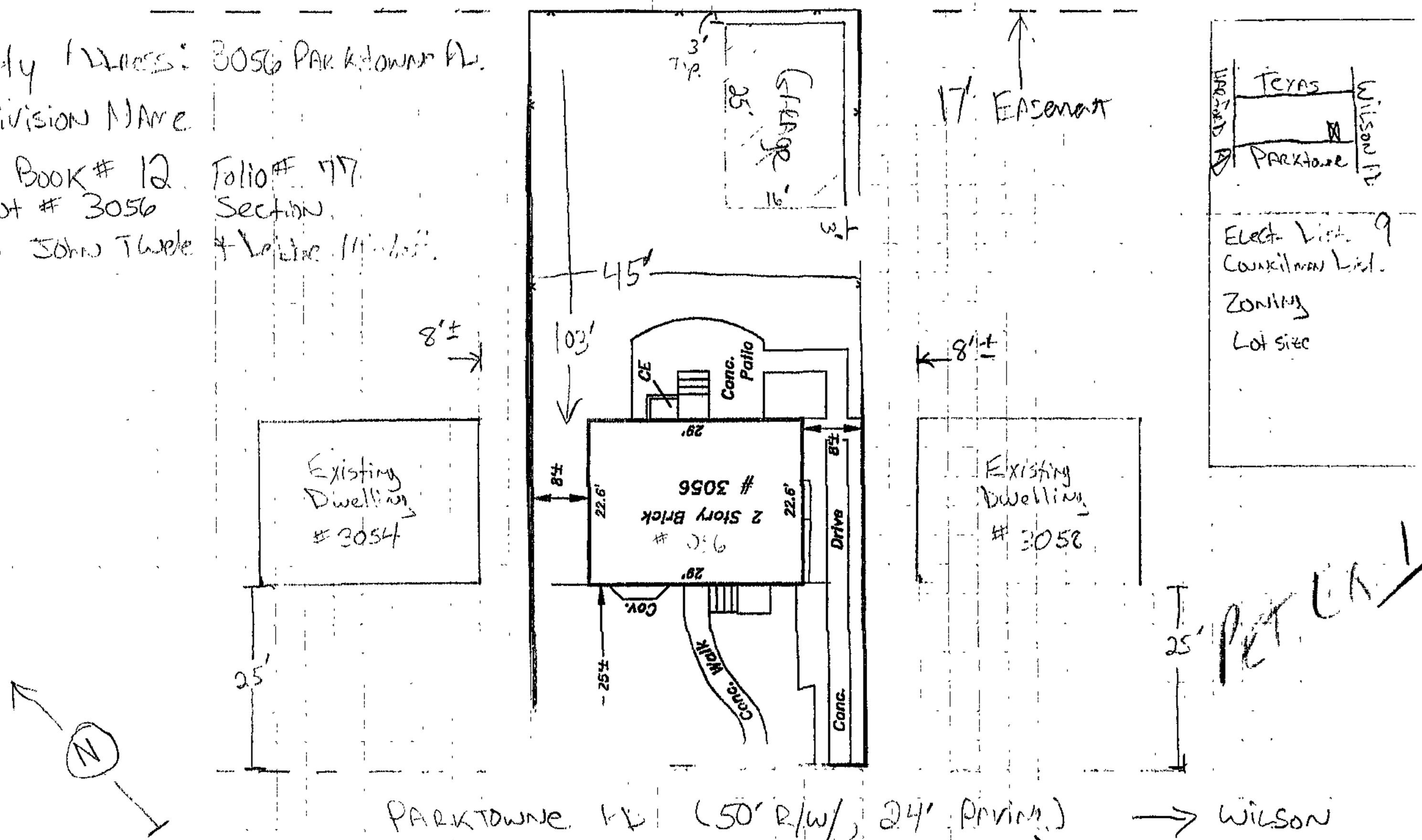
SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2005
Item Nos. 116, 117, 118, 119, 120, 122, 123, and 125

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- 09122005.doc

PLAT to accompany Petition for zoning ☒ Variance

Property Address: 3056 Parktowne Rd.
Subdivision Name
Plat Book # 12 Folio # 77
Lot # 3056 Section
Owners John Thiele + Lorraine Mindel

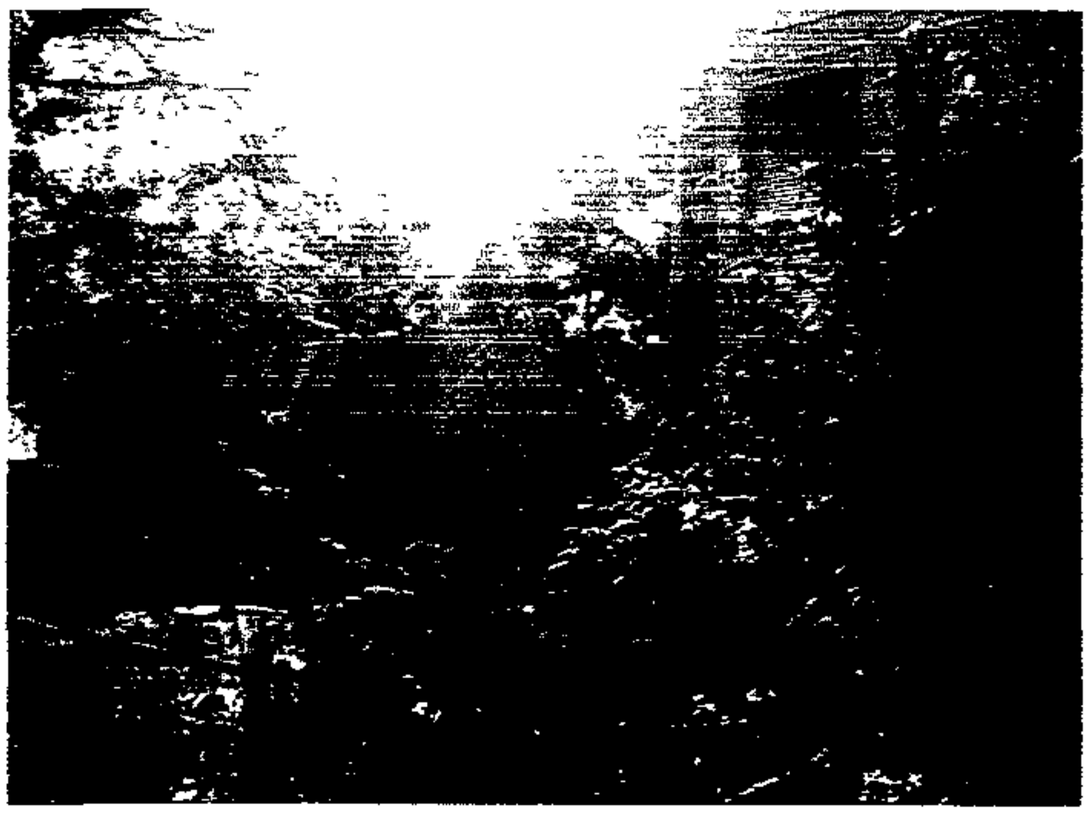


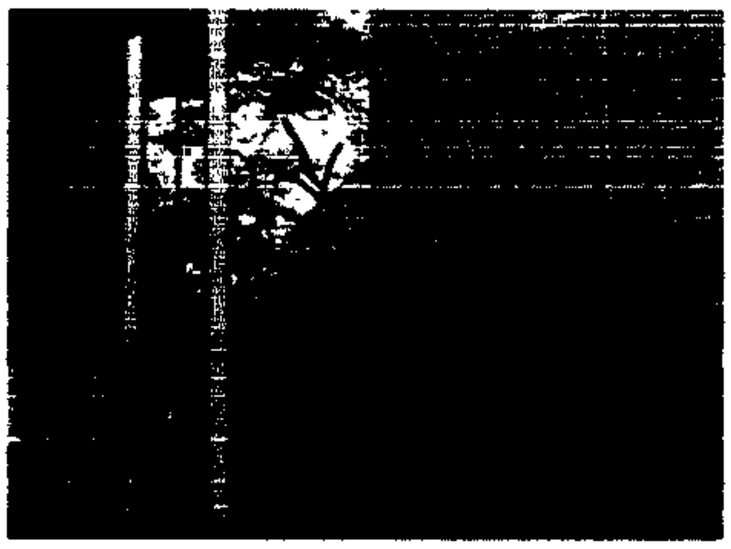
Petition

Prepared By John E. Marsic SCALE of Drawing: 1" = 20'

John Twele

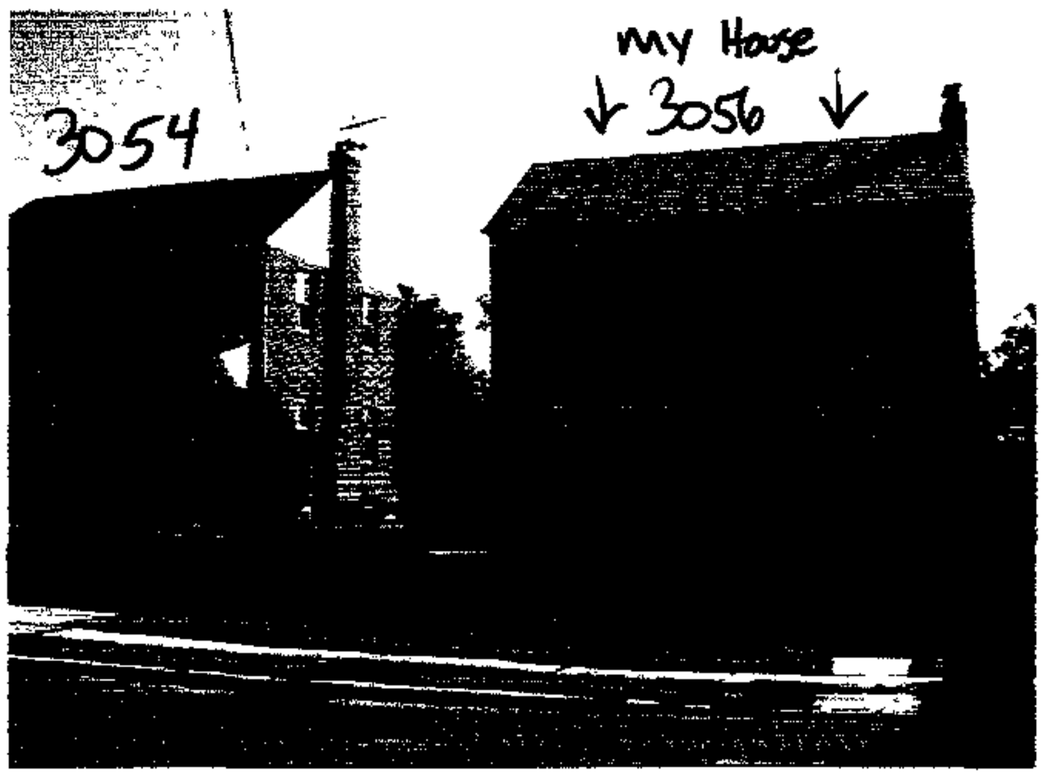
3056 Parktowne Rd

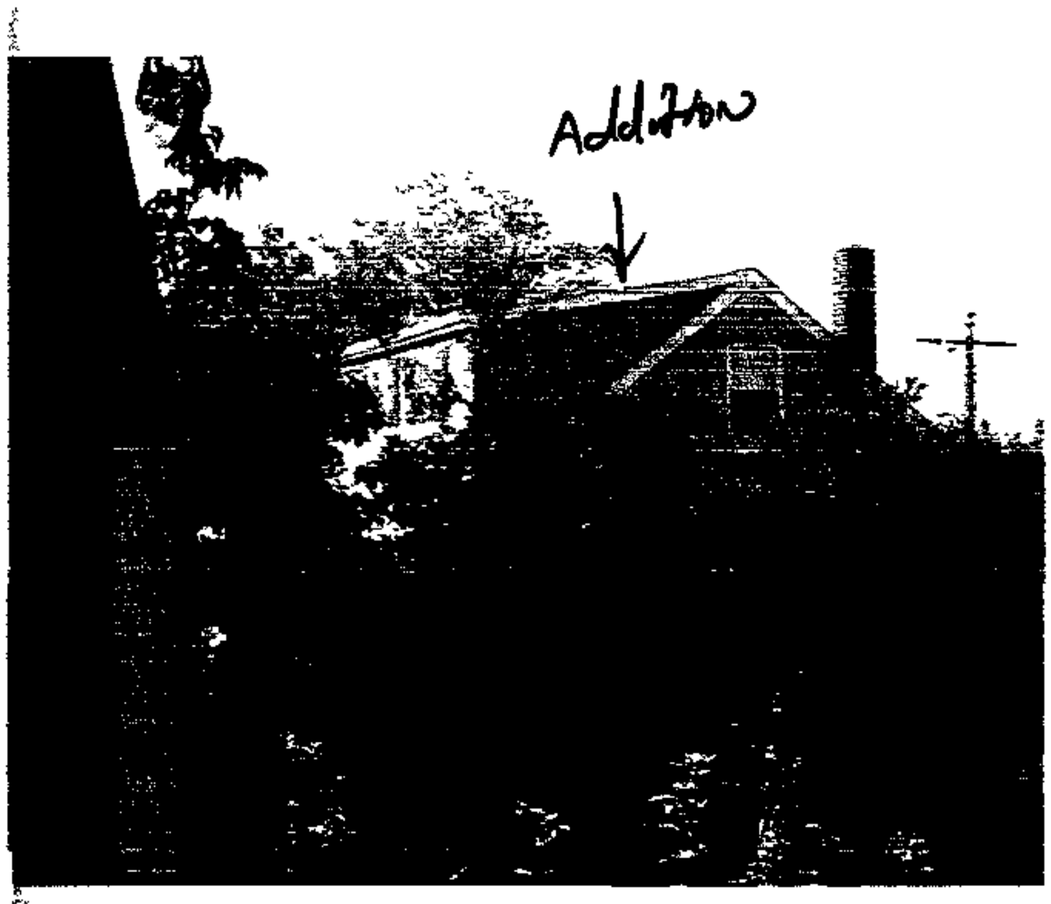




More Neighbors w/ Additions + Garages

John Thele 3056 Parktowne





3056 Parktowne BACK YARD ↓ ↓

All of These pictures are taken IN my BACK yard. These are my Adjacent Neighbors Additions + GARAGES

Job Twele

3056 PARKTOWNE RD

Neighbors Houses w/ Additions + Garages