IN RE: PETITION FOR ADMIN. VARIANCE N/S of Quails Nest Ct., 50 ft. wide, 325 ft. east of centerline of Ferguson Ave. 11th Election District 5th Councilmanic District **(10 Quails Nest Court)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
Brian and Donna Green *Petitioners*	*	CASE NO. 06-123-A

* * * * * * * * * * * * * * * * *

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, Brian and Donna Green. The variance request is for property located at 10 Quails Nest Court in the Reisterstown area of Baltimore County. The variance request is from Sections 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and V.B.5.2 Comprehensive Manual of Development Policies (CMDP) 1971-92 REG., to permit a windowed wall to tract boundary setback of 30 ft. in lieu of 35 ft. and to amend the final development plan for lot #5, section 1, of Quail Run (for a proposed addition). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 11, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 17 day of October, 2005, that a variance from Sections 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.2 of the Comprehensive Manual Development Policies (CMDP) 1971-92 REG., to permit a windowed wall to tract boundary setback of 30 ft. in lieu of 35 ft. and to amend the final development plan for lot #5, section 1, of Quail Run (for a proposed addition) be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 10-17-05
By Dawn Bailey

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

October 17, 2005

Mr. & Mrs. Brian Green
10 Quails Nest Court
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 06-123-A
Property: 10 Quails Nest Court

Dear Mr. & Mrs. Green:

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,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Mr. Wayne Rouscher,
1585 Sulphur Spring Road, Baltimore, MD 21227
People's Counsel; Case File

ORIGINAL KEEP IN FILE

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 10 Quails Nest Court
which is presently zoned DR 3.5

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) 1B01.2.C.2a (BCZR) AND V.B.5.a(CMDP) 1971-92 REG

TO PERMIT A WINDOWED WALL TO TRACT BOUNDARY SETBACK OF 30 FT. IN LIEU OF 35 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR LOT #5, SECTION 1, OF QUAIL RUN (FOR A PROPOSED ADDITION)

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):

Brian Green
Name - Type or Print
Brian R Green
Signature

Donna Green
Name - Type or Print
Donna Green
Signature

10 Quails Nest Court — 410-256-0911
Address — Telephone No.
Baltimore — MD — 21236
City — State — Zip Code

Representative to be Contacted:

Wayne Rouscher
Name

1585 Sulphur Spring Road — 410-242-5970
Address — Telephone No.
Baltimore — MD — 21227
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. 06 123 A

Reviewed By JL **Date** 8/29/05

Estimated Posting Date 9/11/05

REV 10/25/01

ORDER RECEIVED FOR FILING
Date 10-17-05
By Denise L. Wiley

DRP OFF

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 10 Quails Nest Court
Address

Baltimore MD 21236
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):

Our Hardship is that our lot is only 101ft. deep and we have only a 43ft. Long back yard. We would like to build a 12'x12' patio room with a 9'x12' open deck on the east side of the room. The rear of the house is the only place we can construct the room & deck. There is a existing sliding door at this location, that will lead to the patio room. The room will only leave us with a 30ft. Rear setback 5 feet short of the required 35'.

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.

Brian K Green
Signature

Brian Green
Name - Type or Print

Donna Green
Signature

Donna Green
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of August, 2005, 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

Shannon McCoy
Notary Public

My Commission Expires 12/13/2008

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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City State Zip Code

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Brian K Green
Signature

Brian Green
Name - Type or Print

Donna Green
Signature

Donna Green
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of August, 2005, 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

Shawn McCoy
Notary Public

My Commission Expires 12/13/2008

REV 10/25/01

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 10 Quails Nest Court
which is presently zoned DR 3.5

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) 1B01.2.C.2 a (BCZR) AND V.B.5.a (CMDP) 1971-92 REGS

TO PERMIT A WINDOWED WALL TO TRACT BOUNDARY SETBACK OF 30 FT. IN LIEU OF 35 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR LOT #5, SECTION 1, OF QUAIL RUN (FOR A PROPOSED ADDITION)

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.

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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):

Brian Green
Name - Type or Print

Brian K Green
Signature

Donna Green
Name - Type or Print

Donna Green
Signature

10 Quails Nest Court — 410-256-0911
Address — Telephone No

Baltimore — MD — 21236
City — State — Zip Code

Representative to be Contacted:

Wayne Rouscher
Name

1585 Sulphur Spring Road — 410-242-5970
Address — Telephone No.

Baltimore — MD — 21227
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. 06 123 A

Reviewed By JL **Date** 8/29/05

Estimated Posting Date 9/11/05

REV 10/25/01

DROP OFF

Zoning Description for 10 Quails Nest Court.

Beginning at a point on the North side of Quails Nest Court. which is 50 ft. wide at the distance of 325 ft. east of the centerline of the nearest improved intersecting street Feruson Avenue which is 50 ft. wide. *Being lot #5 in the subdivision of Quail Run as recorded in the Baltimore county Plat Book #63, Folio #47, containing 8,557sq. ft. Also known as 10 Quails Nest Court. and located in the 11th election district, 5th Councilmanic District.

123

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

123 JL No. 445331

DATE 8/29/05 ACCOUNT 001-006-6150

AMOUNT $ 130.00

RECEIVED FROM: Ashley Systems

FOR: Re: Appeal Fee
10 Pauls Neck Ct.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

RECEIPT	ACTUAL	TIME	DRW
8/29/2005	8/29/2005	10:10:23	1

REG 4001 WALKIN DRIC JHR
RECEIPT # 250423 8/29/2005 OPLH
Appeal 5 520 ZONING VERIFICATION
CR NO. 445331
Receipt Total $130.00
$130.00 CK $.00 CA
Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 06-123-A

Petitioner/Developer: BRIAN & DONNA GREEN

Date of Hearing/Closing: 9-26-05

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: 10 QUAILS NEST CT

The sign(s) were posted on 9-11-05
(Month, Day, Year)

Sincerely,

Robert Black 9-12-05
(Signature of Sign Poster) (Date)

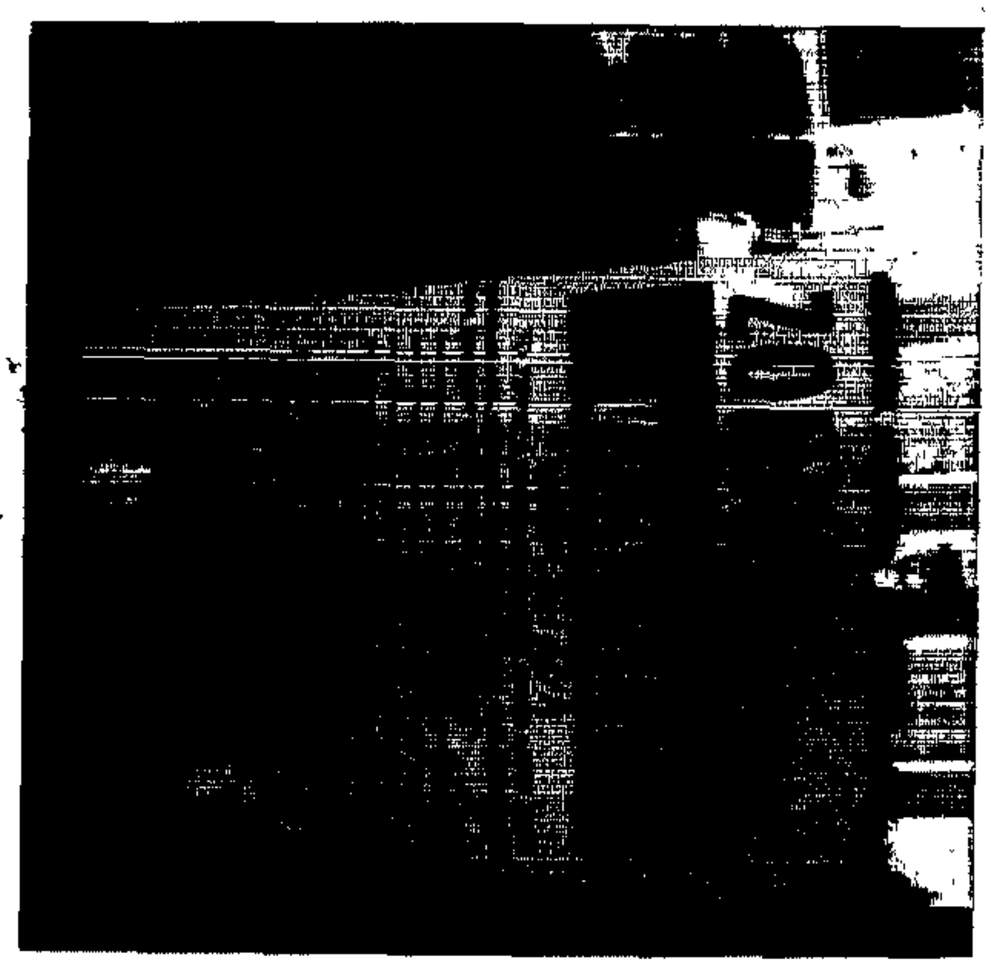
SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)

10 QUAILS NEST



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: 06 123 A

Petitioner: Green, Brian

Address or Location: 10 Quails Nest CT

PLEASE FORWARD ADVERTISING BILL TO:

Name: Appleby

Address: 1585 Sulphur Spring Rd.
Balto Md 21227

Telephone Number: (410) 242 5970

Revised 2/20/98 - SCJ

APP HAS CALL + SIGN POST UP

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-123 -A Address 10 QUAILS NEST CT.

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/29/05 **Posting Date:** 9/11/05 **Closing Date:** 9/26/05

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 06-123 -A Address 10 QUAILS NEST CT.

Petitioner's Name BRIAN & DONNA GREEN Telephone 410 256 0911

Posting Date: 9/11/05 **Closing Date:** 9/26/05

Wording for Sign: To Permit A PROPOSED REAR SUNROOM ADDITION WITH A 30 FT UNROOFED WALL SETBACK TO TRACT BOUNDARY IN LIEU OF 35 FT AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR QUAIL RUN, LOT #5 IN SECTION 1

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

October 11, 2005

Brian Green
Donna Green
10 Quails Nest Court
Baltimore, Maryland 21236

Dear Mr. and Mrs. Green:

RE: Case Number: 06-123-A, 10 Quails Nest Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 2005.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Wayne Rouscher 1585 Sulphur Spring Road Baltimore 21227

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. 123 JLL

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. F. 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 14, 2005

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

RECEIVED

SEP 1 6 2005

ZONING COMMISSIONER

SUBJECT: 10 Quails Nest Court

INFORMATION:

Item Number: 6-123

Petitioner: Brian Green

Zoning: DR 3.5

Requested Action: **Administrative Variance**

SUMMARY OF RECOMMENDATIONS:
The Office of Planning does not oppose the petitioner's request to permit an addition with a setback of 30 feet in lieu of the required 35 feet and to amend the FDP for lot 5, section 1, of Quail Run.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-123.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

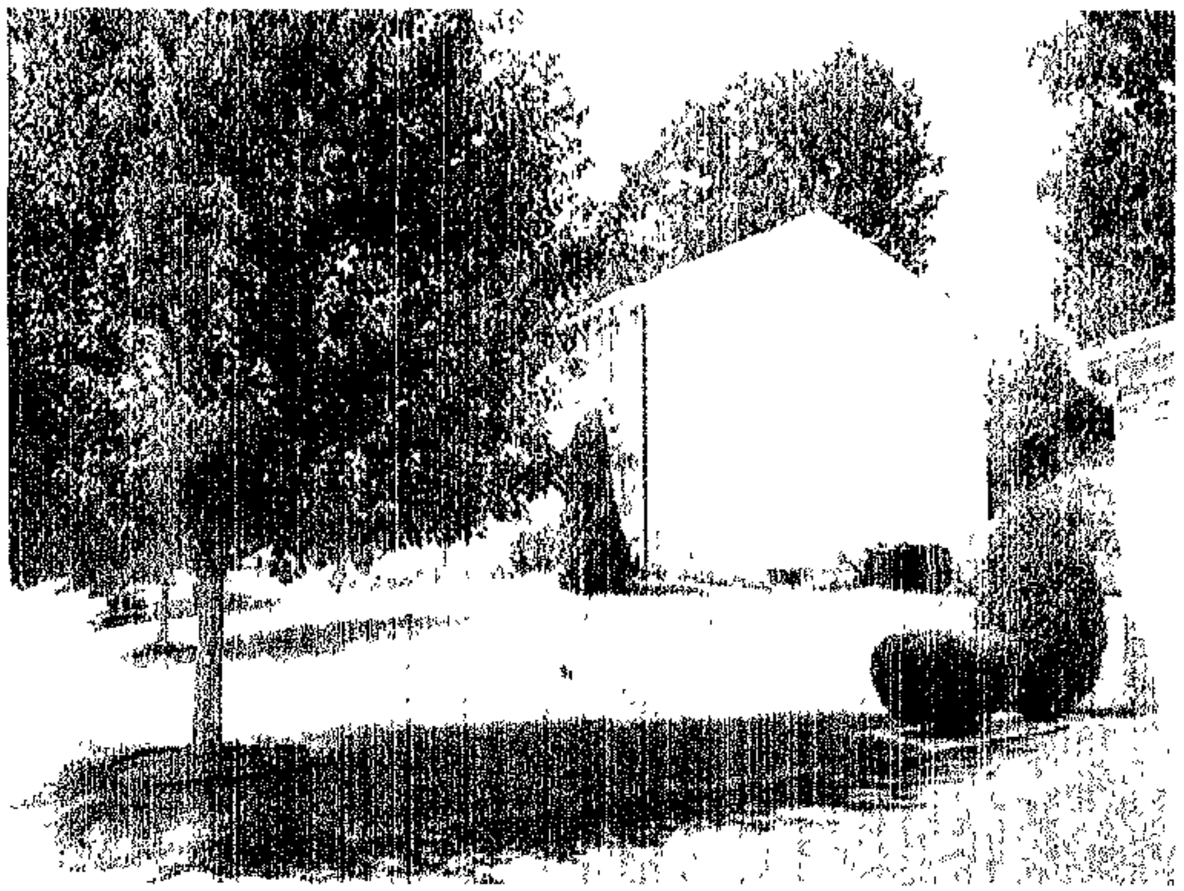
DATE: September 12, 2005

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

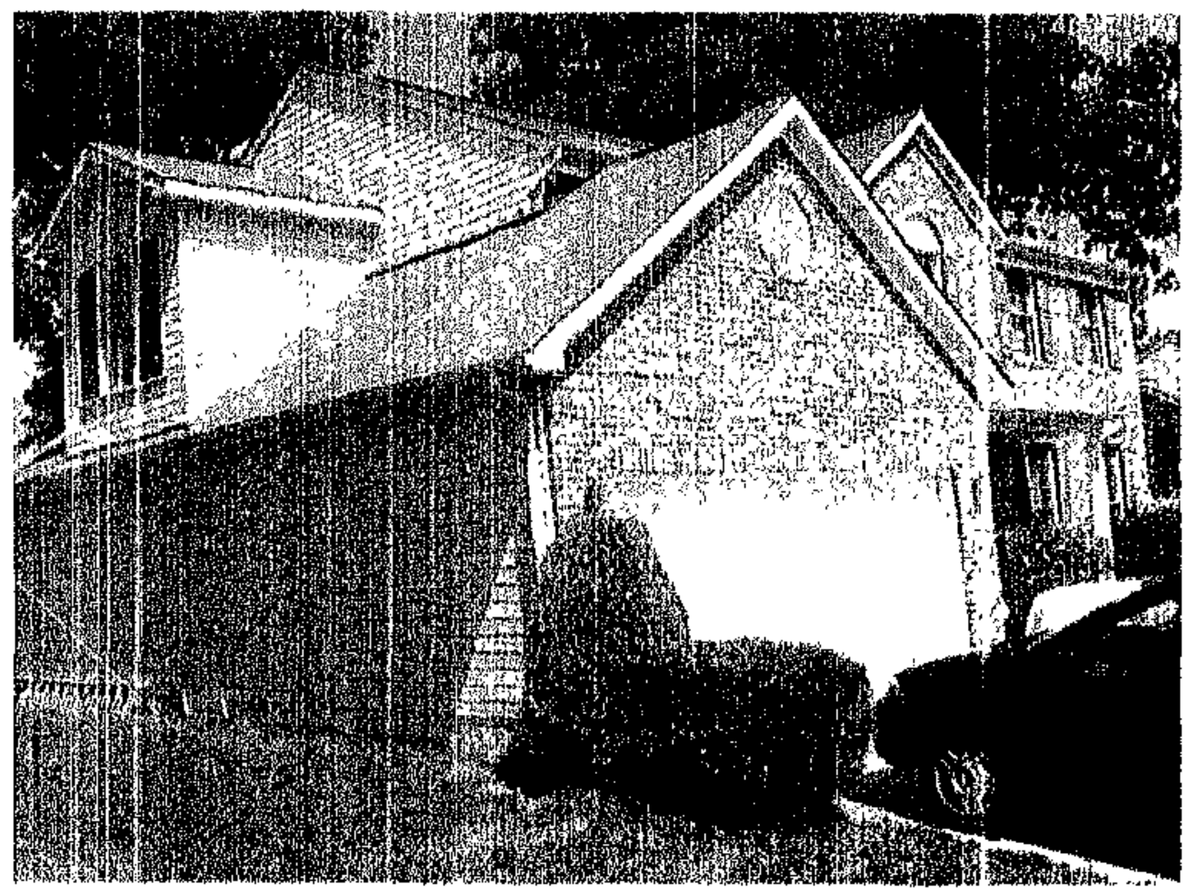
SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2005
Item Nos. 116, 117, 118, 119, 120, 122, 123, and 125

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



Side of 8 Quails Nest Court



Side Of 12 Quails Nest Court

View of Rear of 10 Quails Nest Court
Proposed location of Patio Room & Deck

10 Quails Nest CT.

381

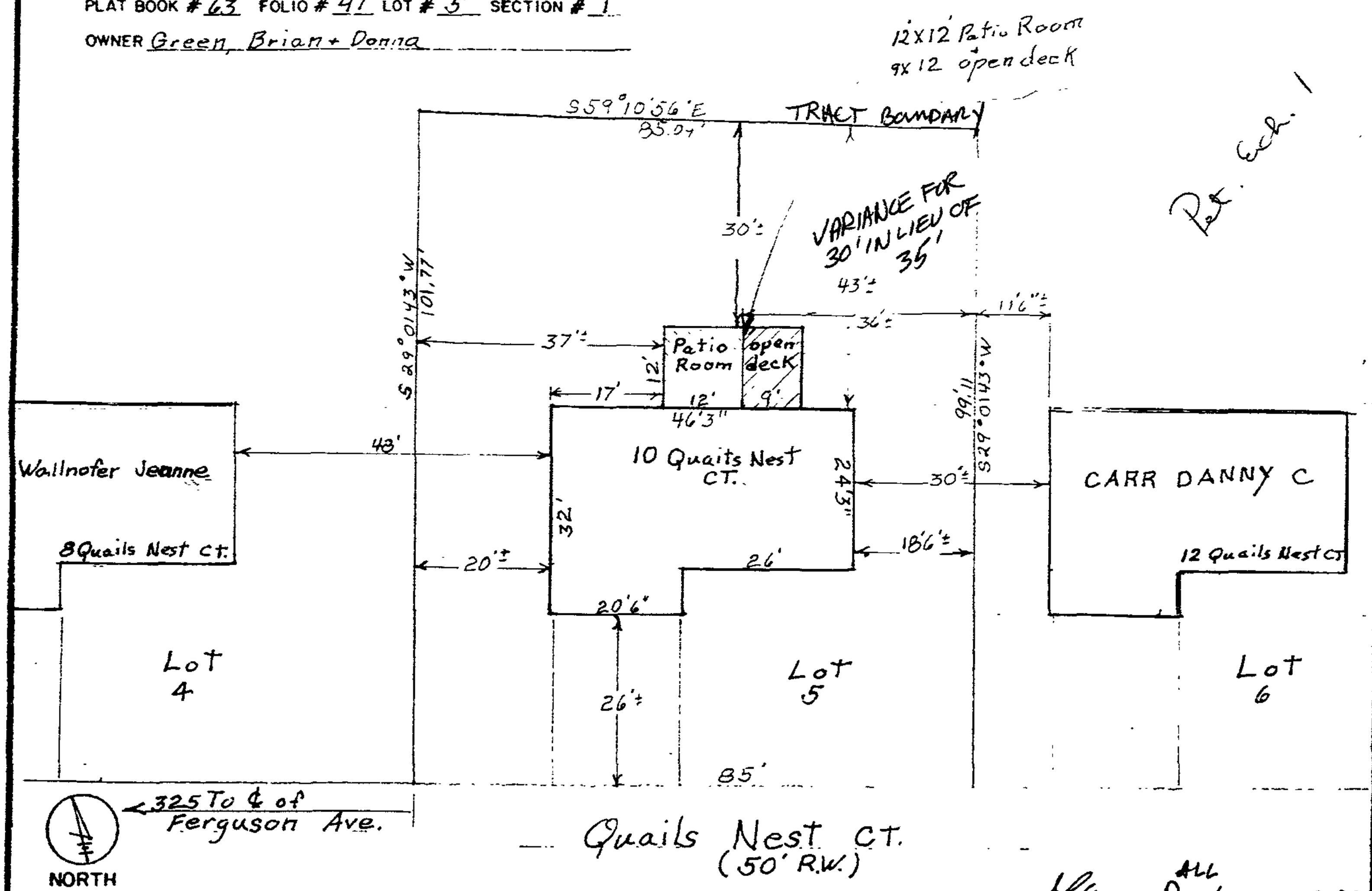
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

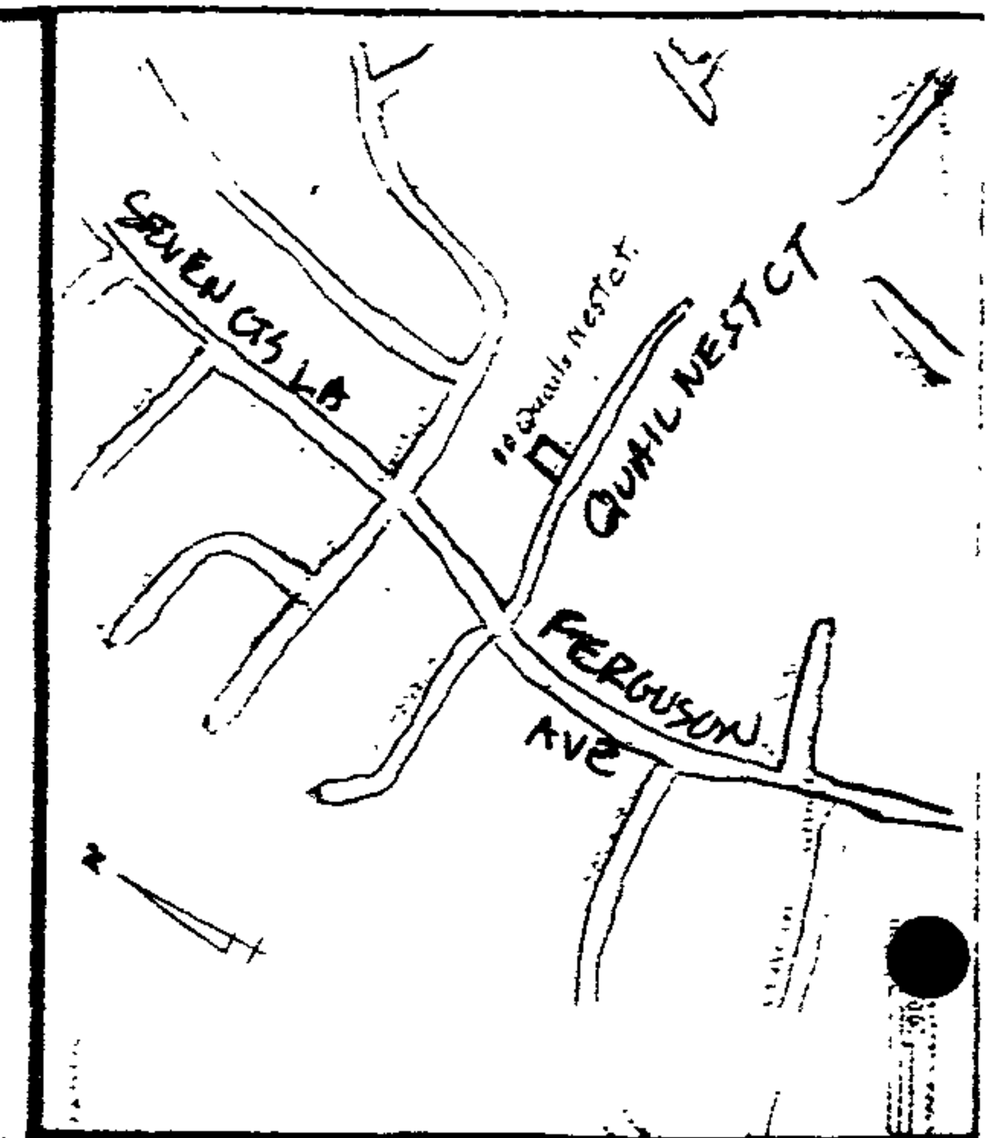
PROPERTY ADDRESS 10 Quails Nest Ct

SUBDIVISION NAME Quail Run

PLAT BOOK # 63 FOLIO # 47 LOT # 5 SECTION # 1

OWNER Green, Brian + Donna





LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 07/C1

ZONING DR3.5

LOT SIZE _____ ACREAGE 8,557 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

PREPARED BY Gerard Andersen SCALE OF DRAWING: 1" = 20'

ALL REV'S APPVD 8-28-06
DATE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JV	1	06-123-A