IN RE: PETITION FOR ADMIN. VARIANCE *

BEFORE THE

NE/Corner Ruxwood Road & Kittridge Lane

(7800 Ruxwood Road)

ZONING COMMISSIONER

9th Election District 2nd Council District

OF BALTIMORE COUNTY

Charles Tini, et ux Petitioners * Case No. 06-144-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, Charles Tini, and his wife, Leslie A. Tini. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear dwelling setback of 30 feet in lieu of the required 50 feet each for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence 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, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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.

SE LEGIND DE FLANS

Based upon the evidence contained therein, I am persuaded to grant the requested relief. Variance relief is necessary given the layout and location of the existing dwelling. It was indicated that the proposed addition would feature a two-story mudroom and one and one-half story garage, which will connect with the doors and halls of the existing house and that a portion of the addition will be built over an existing attached two-car carport, which will be removed. At its closest point, the existing dwelling is only 36 feet from the rear property line. Thus, any addition to the rear of the dwelling would require a variance. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. Thus, it appears 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 day of October 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear dwelling setback of 30 feet in lieu of the required 50 feet each for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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.

Zoning Commissioner

The same

for Baltimore County

WJW:bjs

Zoning Commissione

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

October 5, 2005

Mr. & Mrs. Charles Tini 7800 Ruxwood Road Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE

NE/Corner Ruxwood Road and Kittridge Lane (7800 Ruxwood Road)

9th Election District — 2nd Council District Charles Tini, et ux - Petitioners
Case No. 06-144-A

Dear Mr. & Mrs. Tini:

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.

WJW:bjs

cc: People's Counsel; Case File

WILLIAMA, AWISEMAN, III
Zoning Commissioner
for Baltimore County

Very truly yours,



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.

competent to testify thereto in the event that a	public heari	ng is scheduled in	the future with	regard thereto.
That the Affiant(s) does/do presently reside at	7800 Address	RUXWOOD	ROAD	21204
	TOW SO		MP State	Zıp Code
That based upon personal knowledge, the followariance at the above address (indicate hards)	owing are th	ne facts upon which ical difficulty):	h I/we base the	request for an Administrative
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Request permission to construct an attack	hed two-st	tory Mudroom a	and one-and-a The Mudroo	-half story Garage to an mand Garage will
existing house that at its closest is 36' from primarily be located in the side yard. The	addition	will align to the	rear elevation	n of the house and at its
closest will be 31' from the rear property	line. Thi	is allows the Mu	idroom and G	arage to connect to the
existing doors and halls of the house. Pa		Mudroom and G	arage will be	built over an existing
attached two-car Carport that will be rem	joveu.			

That the Affiant(s) acknowledge(s) that if a formal detaction in the fee and may be required to provide addition.	mand is filed, Affiant(s) was all information.	ill be required to pay a reposting and
Signalure CHARLES TINI	Juna Not A	. TINI
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to I HEREBY CERTIFY, this day of COTState of Maryland, in and for the County aforesaid, personally known or satisfactorily law that the matters and facts hereinabove set forth are	ember, 2009 conally appeared Lestied to me as such At	fliant(s), and made oath in due form of
AS WITNESS my hand and Notarial Seal 9-7-2005	1	
Date	Notary Public My Commission Expires	RHIANNON DUNN Notary Public Anne Arundel County
REV 09/15/98		MARYLAND My Commission Expires December 15, 200

ARCHITECTS



ZONING DESCRIPTION FOR

7800 RUXWOOD ROAD, BALTIMORE, MD 21204

Beginning at a point on the SOUTH side of RUXWOOD ROAD which is 30 FEET wide at the distance of 1500 FEET SOUTH of the centerline of the nearest improved intersecting street OLD COURT ROAD.

As recorded in Deed Liber 16536, Folio 563, Tax Map 69, Parcel 394

N	02' 00" E	241.25'
S	88' 35" E	325.00'
S	02' 00" W	241.25
N	88' 35" E	325.00'

Also known as 7800 RUXWOOD ROAD and located in the 9th Election District,

2nd Councilmanic District. 1.8AC±

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date: September 16, 2005
RE: Case Number 06-144-A Petitioner/Developer: CHARLES + LESLIE, TIMI/WARFIELD ARCHITECTS Date of Hearing/Closing) OCTOBER 3, 2005
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at $2800RUXW000R0AD$
The sign(s) were posted on
ZONING NOTICE ZONING NOTICE LINDA O KEFF (Printed Name of Sign Poster) VARIANCE PRESENTATION OF THE POSTER STATE OF THE POSTER (Street Address of Sign Poster) PUBLIC HEARING 7 PUBLIC HEARING 7
HELDER HOWOULL ON GROUP MAY TO BE THE MONOGER HAVING CONCERNING (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

SEP 19 2005

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 16 144 A
Petitioner: 77X/
Address or Location: 7800 RUXWOOD RD
PLEASE FORWARD ADVERTISING BILL TO
Name: HENRY WARFIEW
Address: P.o. Box 76
Bother, MD 21023
Telephone Number: 110.472.4048

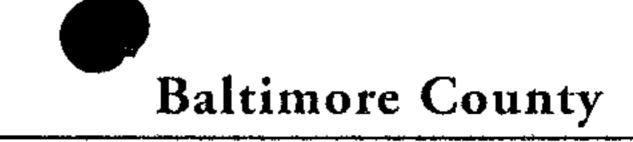
<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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) 0/41U			ıme						-887-3391
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Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T Smith, Jr, County Executive Timothy M. Kotroco, Director

October 3, 2005

Charles Tini Leslie A. Tini 7800 Ruxwood Road Towson, Maryland 21204

Dear Mr. and Mrs. Tini:

RE: Case Number: 06-144-A, 7800 Ruxwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 9, 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.

W. Calling yours, Calling Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Henry Warfield P.O. Box 76 Butler 21023



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

Fire Department



700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: September 26, 2005

Item No.: 127,138-141,143 144,146-154

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



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

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



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

Maryland Department of Transportation

Date:

9.21.05

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

RE:

Baltimore County

m No. 144

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,

Steven D. Foster, Chief

1. f. Doelle

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 27, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7800 Ruxwood Road

INFORMATION:-

Item Number:

6-144

Petitioner:

Charles Tini

Zoning:

DR 1

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a rear dwelling setback of 30 feet in lieu of the required minimum 50 feet.

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

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 23, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 3, 2005

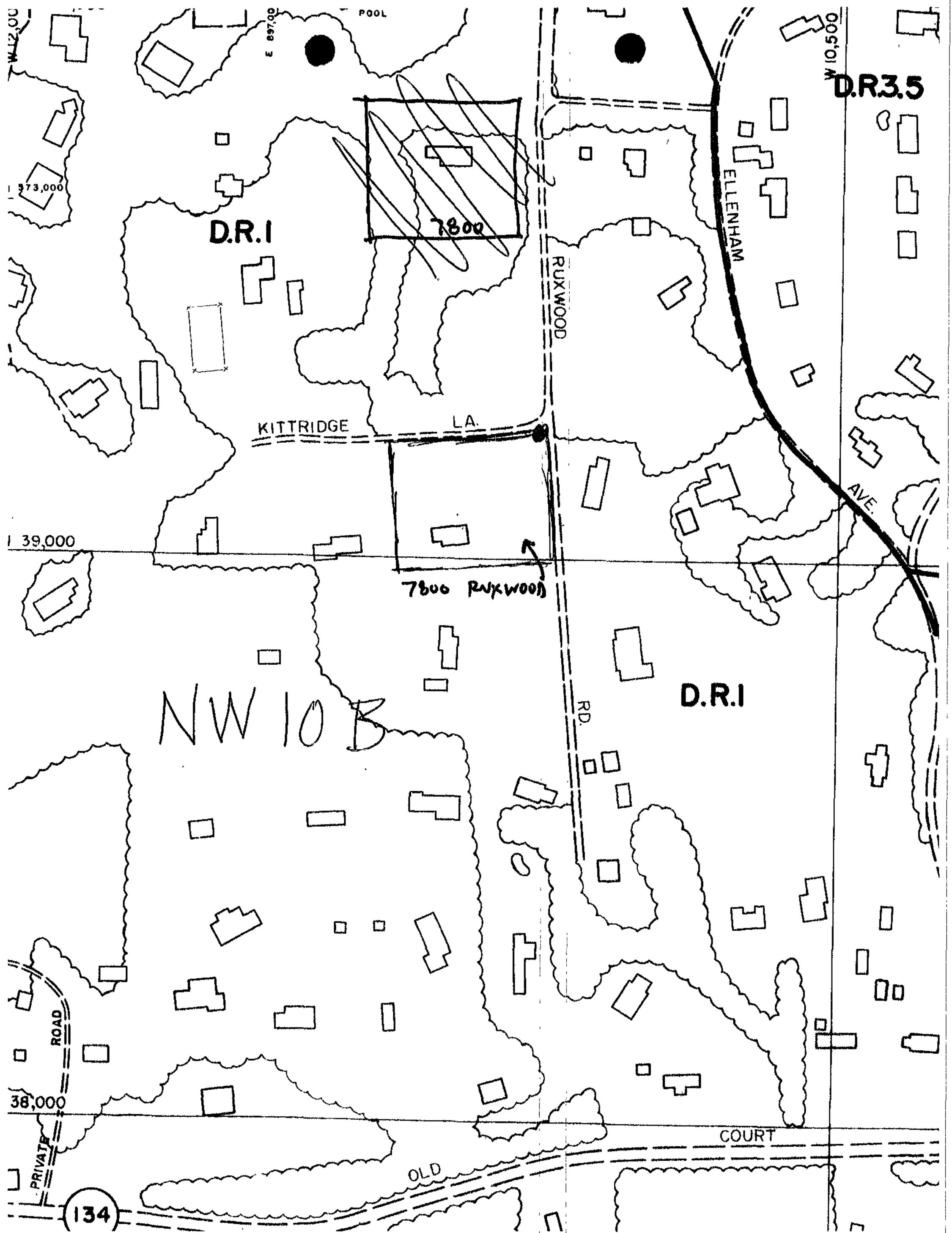
Item Nos. 139, 142, 144, 145, 146, 147, 148, 149, 150, 152, 153, and 154

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-09232005.doc





7800 RUXWOOD ROAD AERIAL PHOTOGRAPH

1AA



PHOTO 1



PHOTO 2

#144



РНОТО 3



PHOTO 4

144



PHOTO 5



PHOTO 6



PHOTO 7



PHOTO 8

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PHOTO 9



PHOTO 10



PHOTO 11



PHOTO 12

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PHOTO 13



PHOTO 14

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