IN RE: PETITION FOR ADMIN. VARIANCE BEFORE THE E/Side of Hernwood Rd. 60' wide, 2000+/-North centerline of Offit Ct. 40' wide * 2nd Election District 4th Councilmanic District * (2859 Hernwood Road)

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Ronald Joseph Lowrey, Jr. Petitioner

• CASE NO. 06-149-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, Ronald Joseph Lowrey, Jr. The variance request is for property located at 2859 Hernwood Road in the Woodstock area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a detached accessory structure (garage) to have a height of 22' in lieu of the required maximum 15'. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

A Revised Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, dated October 19, 2005, which recommended certain restrictions.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 23, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner 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 Petitioner.

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 <u>30</u> day of October, 2005, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to have a height of 22' in lieu of the required maximum 15', be and is hereby GRANTED, subject, however, to the following restrictions 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.
- 2. Compliance with the Revised ZAC comments submitted by the Office of Planning, dated October 19, 2005, attached hereto and made a part hereof.

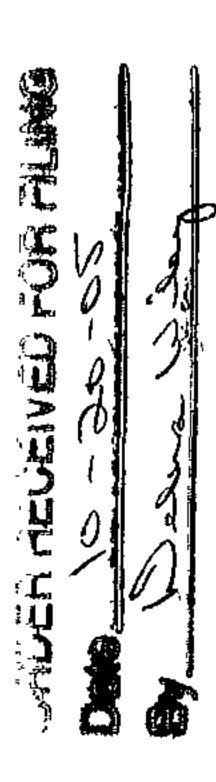
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



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 20, 2005

Ronald Joseph Lowrey, Jr. 3000 Hernwood Road Woodstock, Maryland 21163

> Re: Petition for Administrative Variance Case No. 06-149-A Property: 2859 Hernwood Road

Dear Mr. Lowrey:

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,

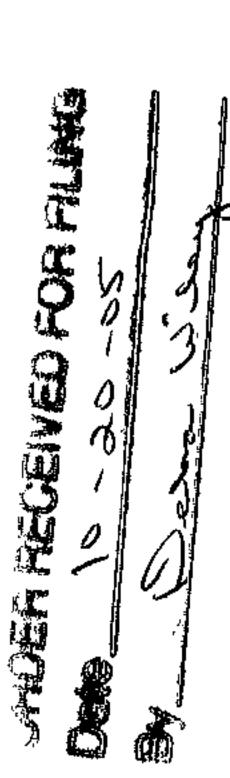
John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Mr. Larry Mullen P.O. Box 73, Woodstock, MD 21163 People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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			which is present	y Zuneu	
ner(s) of the property situate de a part hereof, hereby p	ate in Baltime petition for a	ore County and whi Variance from Sect	its and Development Mana ich is described in the description(s)	otion and plat attac	hed hereto and
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ess		Telephone No.	Name - Type or Print		
·	State	Zip Code	Signature		
orney For Petitioner:			3000 Hernwood Rd. Address	(443)	250-1851 Telephone No.
a. Tuna as Deint	, <u></u>		Woodstock . City	MD	21163 Zip Code
e - Type or Print			Representative to be	State State	Zip Code
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	· 		Larry Mullen	······································	, ',, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
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	 	Telephone No.	P.O. Box 73 Address	992 90	Telephone No
	······································	Telephone No.	Address	•	Telephone No
ss	State	Telephone No. Zip Code		MD State	Telephone No 21163 Zip Code

Zoning Commissioner of Baltimore County

EV-10/25/01

Affida Vit 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	2859 Hernwood Rd	I.	
i ilat tile Alliant(s) doeside prosently recide at	Address Woodstock	MD	21163
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	wing are the facts upor ip or practical difficulty):	which I/we base the reques	st for an Administrativ

I purchased the property to build a house and garage to keep my Camper and Antique Cars. I collect and show Antique Cars and need a garage to keep them. I am currently keeping some Cars outside and the weather is damaging the Car's finish, paint, glass, tires, etc. I am als keeping some Cars in a small garage that does not allow me to have room to even clean them inside.

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.

Signature

Signature

Ronald J. Lowrey. Jr.

Name - Type or Print

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 Hr. day of August of Maryland, in and for the County aforesaid, personally appeared

The Affiant(s) herein, personally known or satisfact filly identified to me as such Affiant(s).

As WITNESS my hand and Notarial Seal

And A. Junley

And A. Junley

Signature

Name - Type or Print

As Witness my hand and Notarial Seal

My Commission Expires _





ZONING DESCRIPTION FOR 2859 HERDWOODRD WOODSTOCK MO 21263

BEGINGING AT A POINT ON THE EAST SIDE OF MERNWOOD RD

WHICH IS 60' WIDEAT THE DISTANCE OF 2000' +- NORTH OF

THE CENTERLINE OF THE NEREST IMPROVED INTERSECTING STREET

OFFIT CT WHICH IS 40' WHIDE. BEING LOT #5 BLOCK,

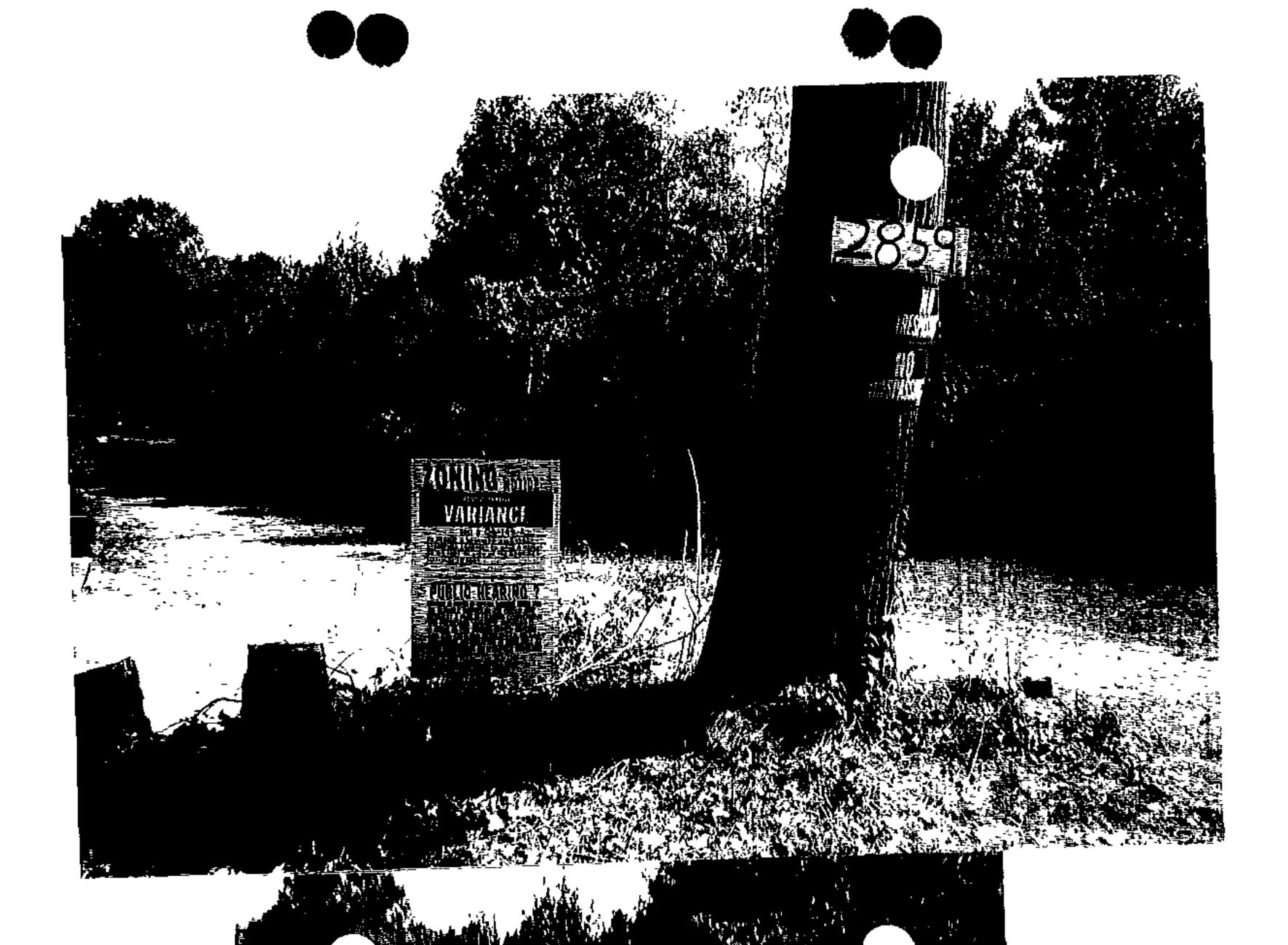
RECORDED IN THE SUBDIVISION OF PEDDICORD BANTER AS

FOLIO 34 CONTAINING 9.8 ±, ALSO KNOWN AS

AND LOCATED IN THE 200

DISTRICT

DISTRICT



ADMINISTRATIVE

CASE # 06-149-A

TO PERMIT A DETACHED ACLESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 22 FEET IN LIEU OF THE REQUIRED MAKIMUM 15 FEET

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE
AN ELICIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE PROVIDED IT
ASD DATE ON A SECTIONAL REPORTS
ADDITIONAL REDPRACEMENTS
ADDITIONAL REPROPRIES
ADDITIONAL REPORT REPROPRIES
ADDITIONAL REPORT REPO

		YRICH-CUSTONER
		PHK - AGBICY
	5	DISTRIBUTION WHITE - CASHER

CERTIFICATE OF POSTING

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Christen Matthews
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 propery located at
2850 HERN WOOD ROAD
The sign(s) were posted on \underline{SEPT} , \underline{ZS} , \underline{ZOOS} (Month, Day, Year)
Sincerely, Sincerely, (Signature of Sign Poster and Date)
CZARLAGED E, MOORE (Printed Name)
3225 RYGRSON CIRCLE (Address)
BAUTIMORE, MD, 21227 (City, State, Zip Code)
(410) 242-4263 (Telephone Number)

RE: Case No.: 06-149-1

Petitioner/Developer: Rou Lowns JR,

Date of Hearing/Closing: Octob Zoo5

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 ubject 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: OG-149-A Item Number or Case Number: RONALD J. LOWREY JR. Petitioner:
Item Number or Case Number: RONALD J LOUREY JR
Address or Location: 2859 NERNWOOD RD WOODSTOCK MD 21163
PLEASE FORWARD ADVERTISING BILL TO:
Name: BONALD J LOWREY Jr
Address: PO BOX 222 WOODSTOCK MD 21163

Telephone Number: 443 - 250 - 1851

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case I	Number 06-	149	-A	Address Z	360	HERHWOOD RD
Conta	ct Person: _	CIOYO Planner,	Please Print Your N	ame X CE		Phone Number: 410-887-3391
Filing	Date:	13/05		ng Date: 2	125/05	Closing Date: 10/10/05
Any c	ontact made h the contac	with this off t person (plan	ice regarding ner) using the	the status case number	of the ader.	ministrative variance should be
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2.	a formal re-	quest for a p	ublic hearing.	Please ur	nderstand	or owner within 1,000 feet to file that even if there is no formal e closing date.
3.	commission order that to (typically with	er. He may: he matter be hin 7 to 10 da	(a) grant the set in for a sys of the clos	requested requested republic hear sing date) as	relief; (b) (ing. You ito whethe	deny the requested relief; or (c) will receive written notification or the petition has been granted, you by First Class mail.
4.	(whether du commission changed giv	e to a neigh er), notification ing notice of t	bor's formal n will be for he hearing da	request or to warded to y te, time and	oy order or ou. The location.	that must go to a public hearing of the zoning or deputy zoning sign on the property must be As when the sign was originally ltered sign must be forwarded to
			(Detach	n Along Dotted Line	9)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	e property located at <u>2859 Hernwood RdWoodstock, MD 211</u> which is presently zoned RC2
nade a part hereof, hereby petition for a Variance $TD \in PERM IT A DETA$	t of Permits and Development Management. The undersigned, legal ty and which is described in the description and plat attached hereto and from Section(s) ACCESSONY STRUCTURE
CARAGE) TO MAY	E A HEIGHT OF ZZ'IN
LIEU OF TUE REGI	JIRED MAXIMUM 15!
of the zoning regulations of Baltimore County, to the first petition form.	ne zoning law of Baltimore County, for the reasons indicated on the back
roperty is to be posted and advertised as prescrib or we, agree to pay expenses of above Variance, advergulations and restrictions of Baltimore County adopted	ertising, posting, etc. and further agree to and are to be bounded by the zoning
	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:	Legal Owner(s):
ame - Type or Print	Ronald Joseph Lowrey, Jr. Name - Type or Print Minul Manhay
ignature	Signature
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Name - Type or Print	7/ ¹ 2 · · · · · · · · · · · · · · · · · · ·		Ronald Joseph Low Name - Type or Print	rey, Jr.	
Signature			Signature Signature	Aug J	
Address		Telephone No.	Name - Type or Print	7	
City	State	Zip Code	Signature	w==	·
Attorney For Petition	er:		3000 Hernwood Rd. Address	(443)	250-1851 Telephone No.
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Woodstock. City	MD State	21163 Zip Code
Signature	·····		Representative to be	Contacted:	
		······································	Larry Mullen		
Company			Name		
·			P.O. Box 73	443	Telephone No.
Address		Telephone No.	Address		Telephone No.
			Woodstock	MD	21163
City	State	Zip Code	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. 06-149-4	Reviewed By 1700 Date 0/13/65
REV 10/25/01	Estimated Posting Date 0) 125/05

AffidaVit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

That the Affiant(s) does/do presently reside at	2859 Hernwood Ro	1.	
•	Woodstock	MD	21163
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upor ip or practical difficulty):	n which I/we base the reques	t for an Administrative
I purchased the property to build a collect and show Antique Cars and no Cars outside and the weather is damakeeping some Cars in a small garage inside.	eed a garage to ke aging the Car's fi	ep them. I am current nish, paint, glass, t	tly keeping some ires, etc. I am a
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed.	Affiant(s) will be required to	pay a reposting and
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	ormal demand is filed, additional information.	Affiant(s) will be required to	pay a reposting and
advertising fee and may be required to provide a	ormal demand is filed, additional information.	Affiant(s) will be required to	pay a reposting and
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Advertising fee and may be required to provide a signature Signature Ronald J. Lowrey. Jr. Name - Type or Print	Signation Name	ire	pay a reposting and
State of Maryland, County of Baltin	Signation Name	ire	
Ronald J. Lowrey. Jr. Name - Type or Print I HEREBY CERTIFY, this 94. day of April of Maryland, in and for the County aforesaid, per	Signation Name Name Name Appeared	Type or Print	
Advertising fee and may be required to provide a signature Signature Ronald J. Lowrey. Jr. Name - Type or Print	Signation Name Name Name Appeared	Type or Print	
Ronald J. Lowrey. Jr. Name - Type or Print I HEREBY CERTIFY, this 94. day of April of Maryland, in and for the County aforesaid, per	Signation Name Name Name Appeared	Type or Print	
Signature Ronald J. Lowrey. Jr. Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMONE OF Maryland, in and for the County aforesaid, per cheese the Affiant(s) herein personally known or patisfic.	Signational information. Signational information. Signational information. Signational information. Name Name Appeared Sactorily identified to me	Type or Print	

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 11, 2005

Ronald Joseph Lowrey, Jr. 3000 Hernwood Road Woodstock, Maryland 21163

Dear Mr. Lowrey:

RE: Case Number: 06-149-A, 2859 Hernwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 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. Call Rilla D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Larry Mullen P.O. Box 73 Woodstock 21163



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)

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.

2005

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

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

RE:

Baltimore County

9.21.05

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

J. J. Greedh

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 19, 2005

OCT 1 9 2005

6-149 – Administrative Variance (revised comment)

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 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 Green at 410-887-3480.

Section Chief:

W\DEVRFV\ZAC\6-149revised doc

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:

Zoning Advisory Petition(s): Case(s) 6-149 Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 23, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 3, 2005

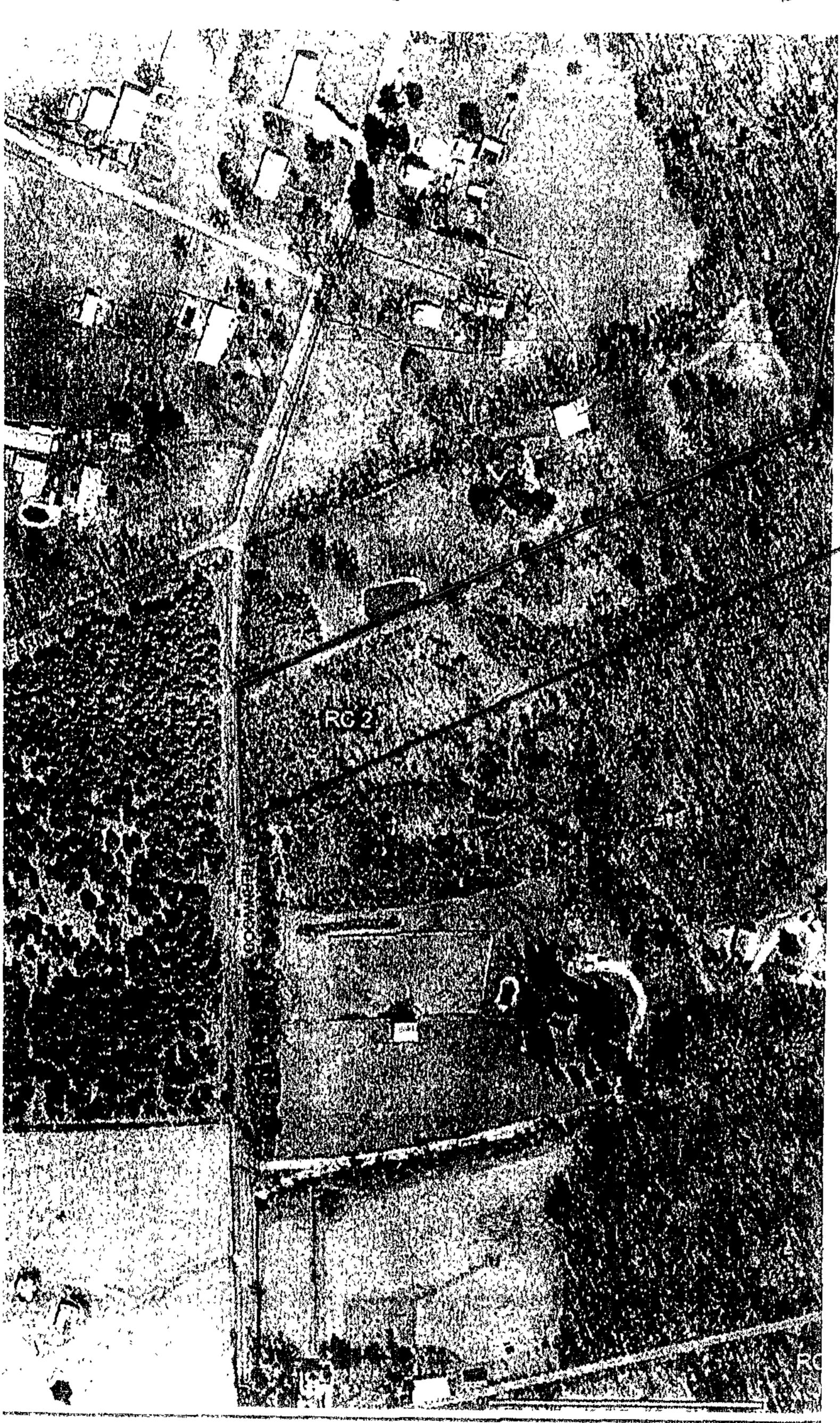
Item Nos. 139, 142, 144, 145, 146, 147, 146, 149, 150, 152, 153, and 154

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



#149

() Smo () 1

086A1

BEGINGING AT A FOINT ON THE EAST SIDE OF MERNWOOD RD

WHICH IS 60' WIDEAT THE DISTANCE OF 2000'+- NOR+H OF

THE CENTERLINE OF THE NARRST IMPROVED INTERSECTING STREET

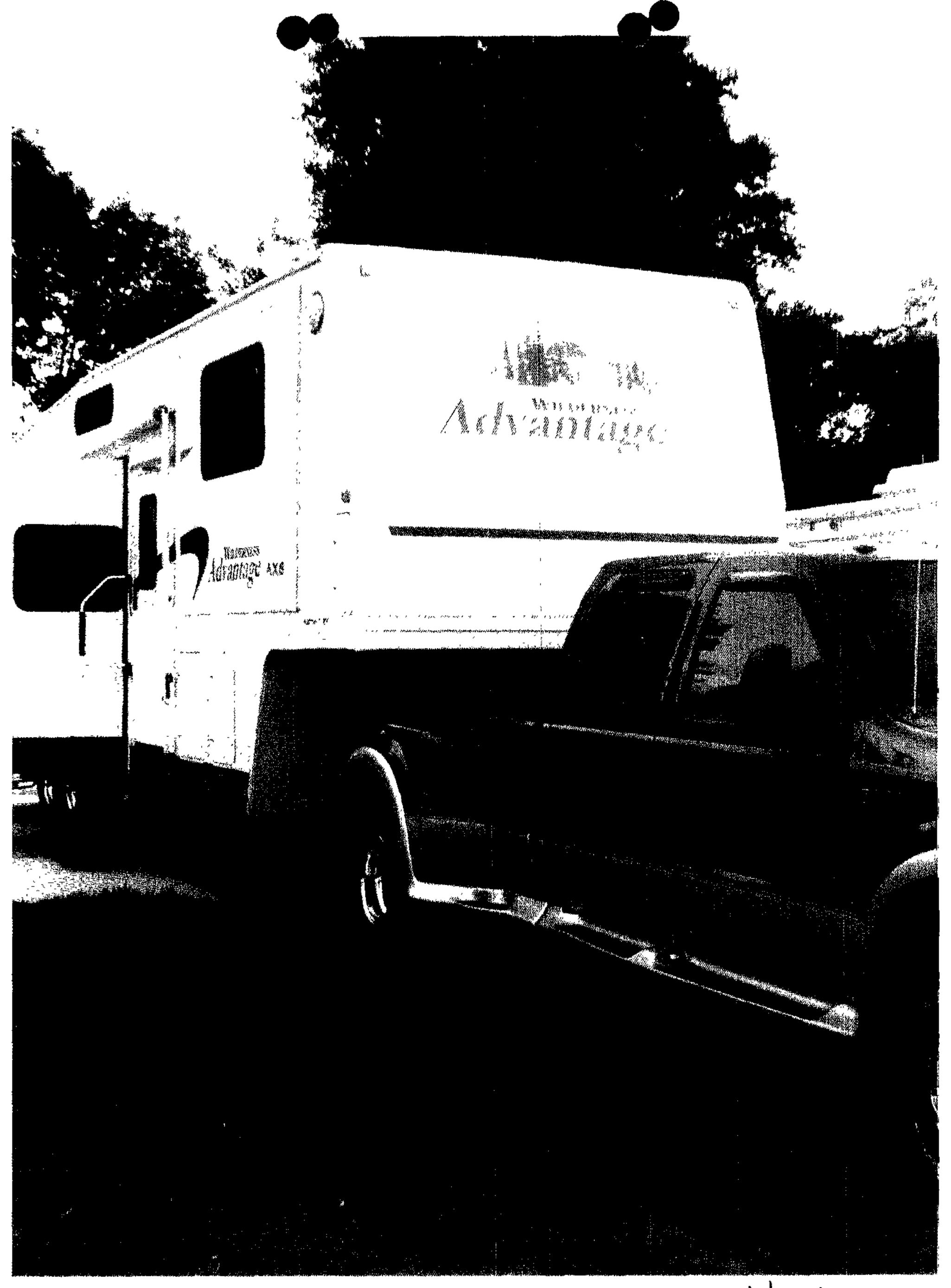
OFFIT CT WHICH IS 40' WHIDE. BEING LOT HE BLOCK,

SECTION IN THE SUBDIVISION OF PEDDICORD BANTER AS

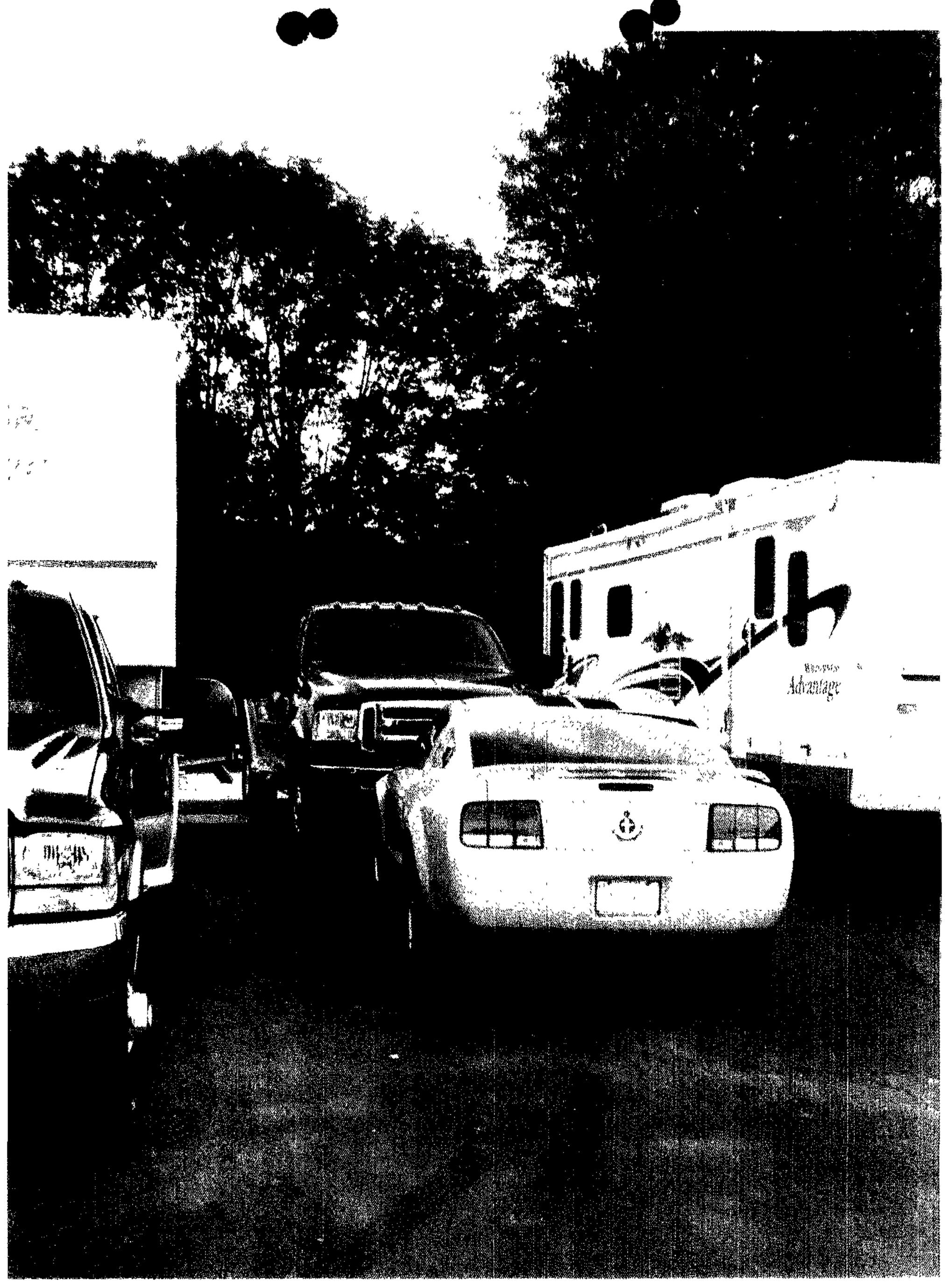
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FOLIO _ CONTAINING 9.8 ±, ALSO KNOWN AS _

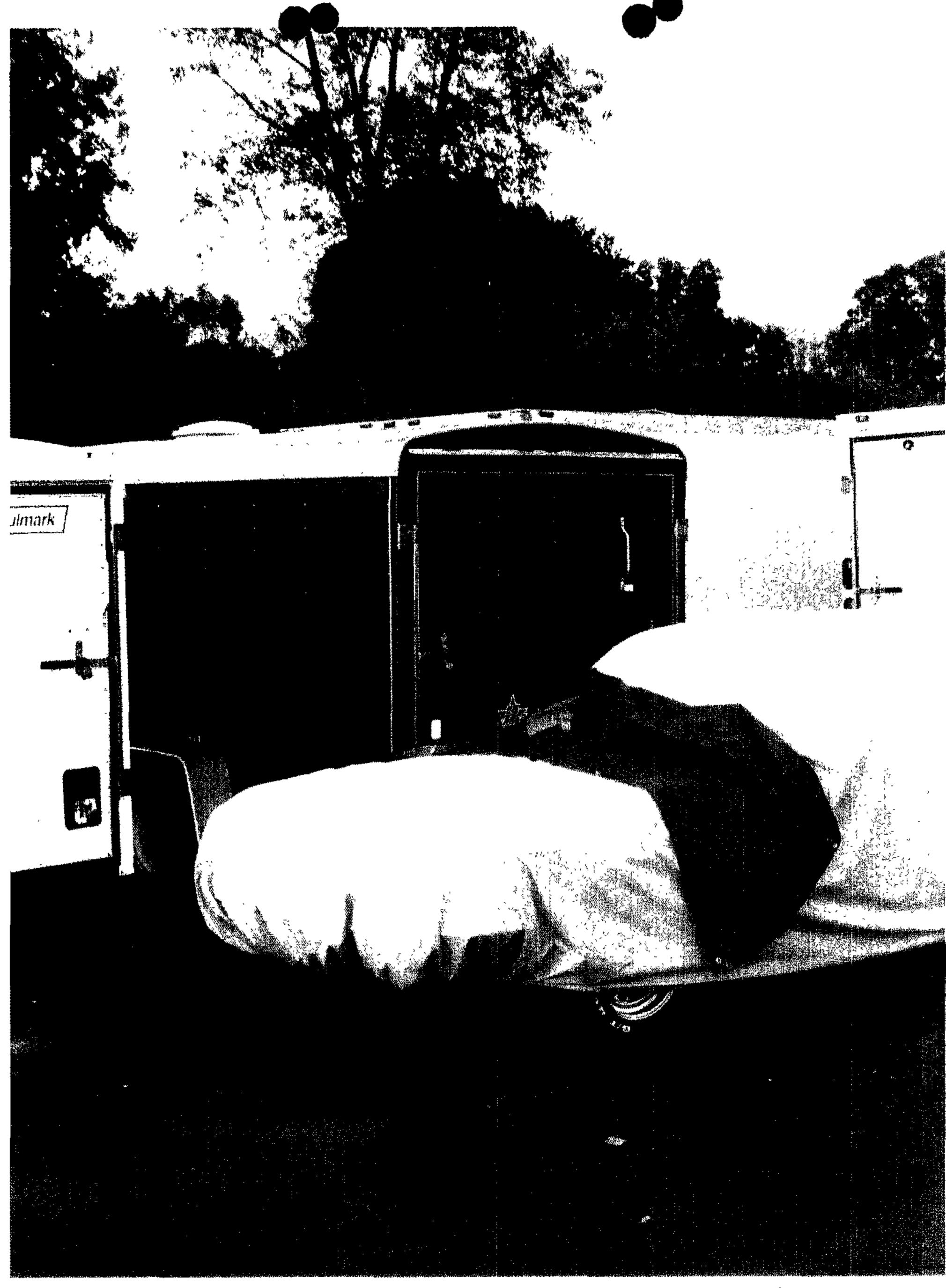
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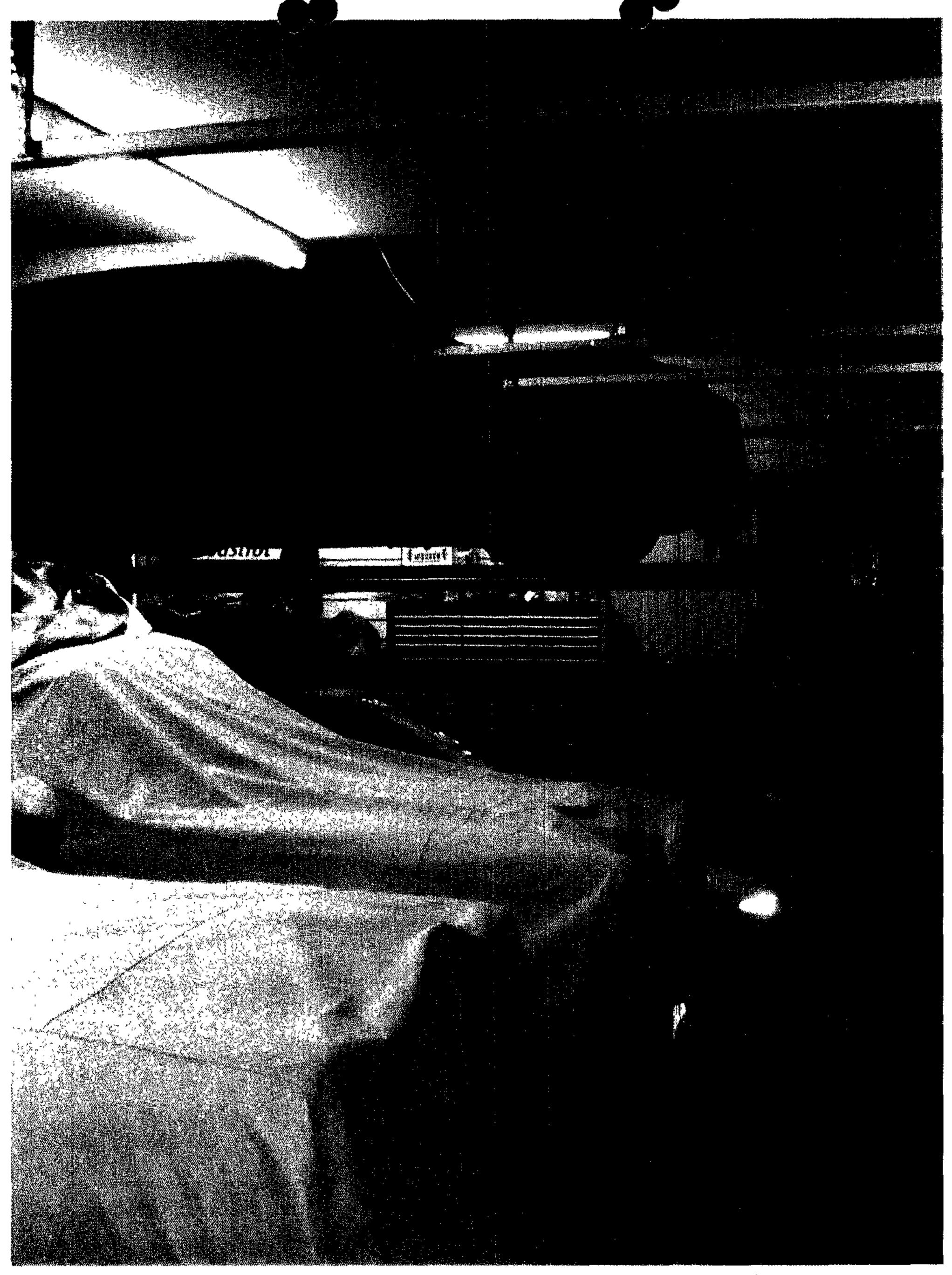
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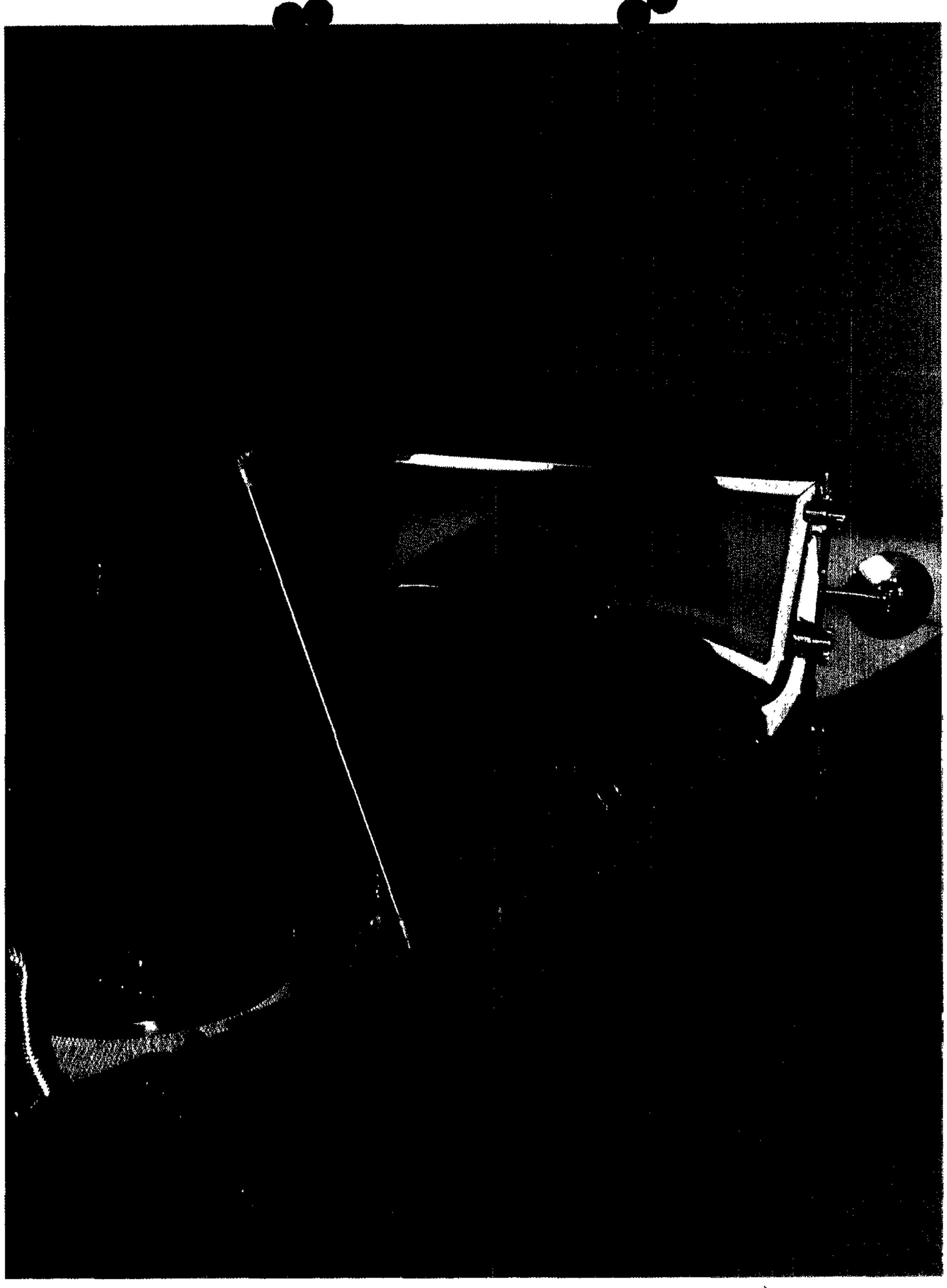
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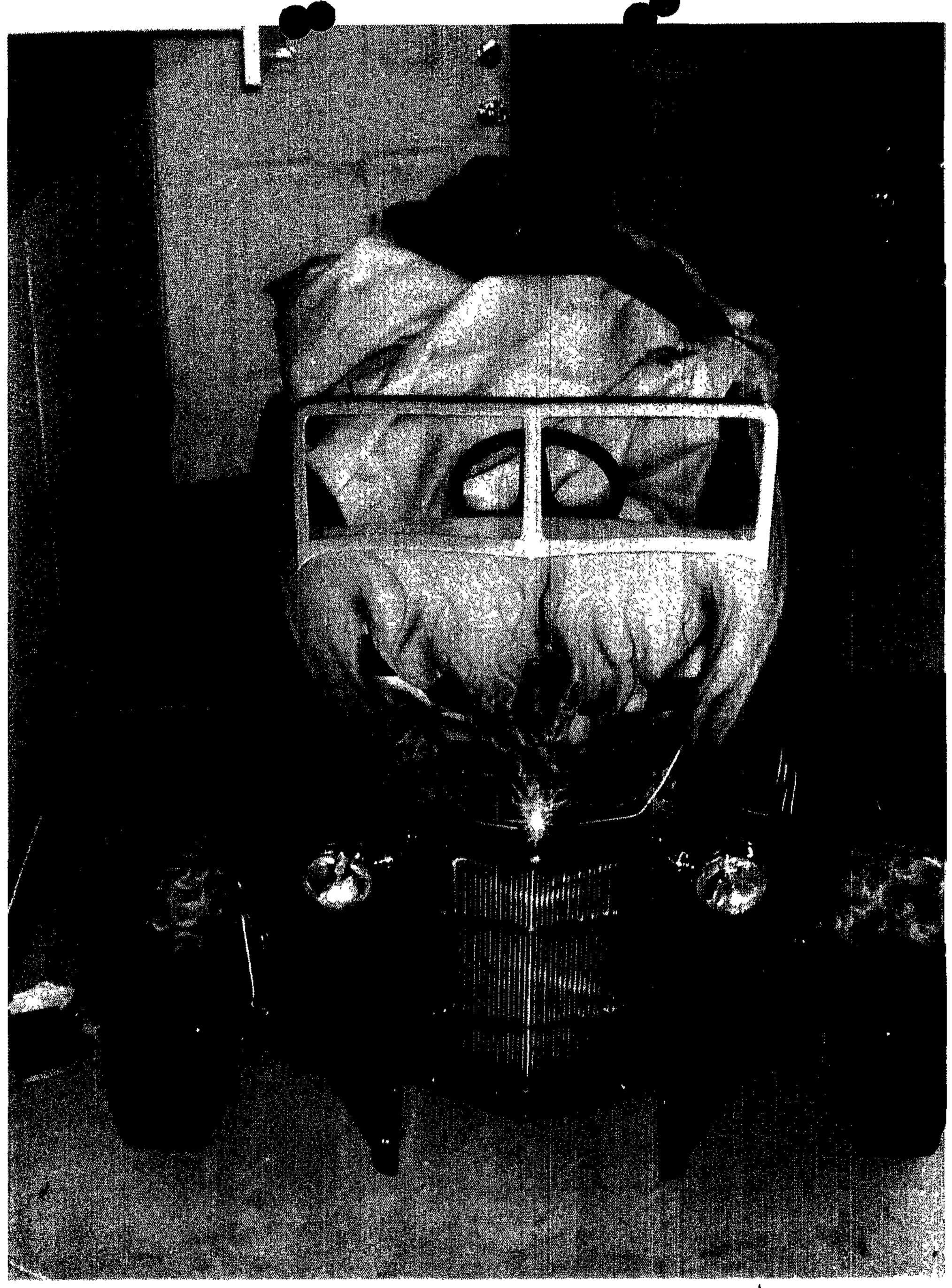
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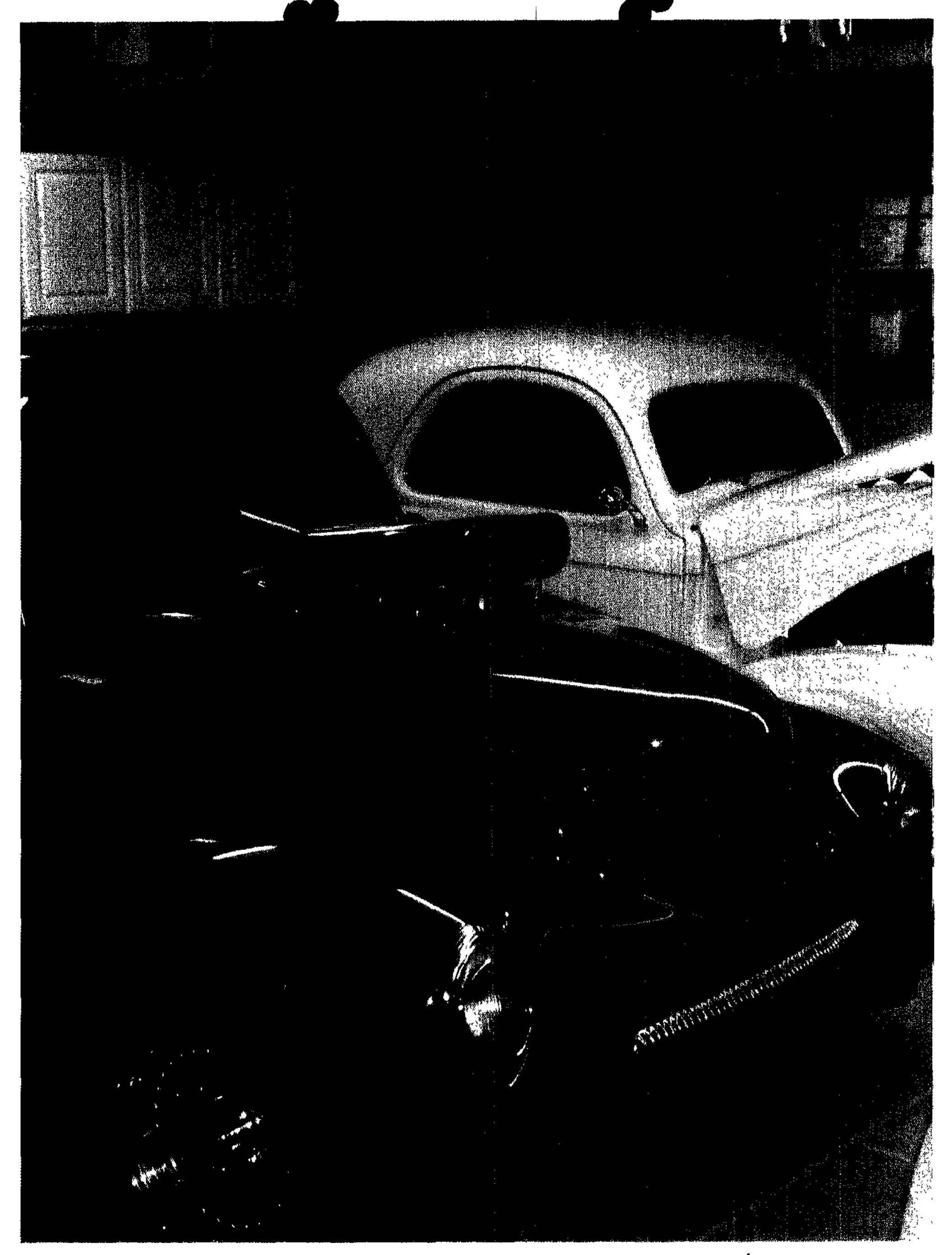
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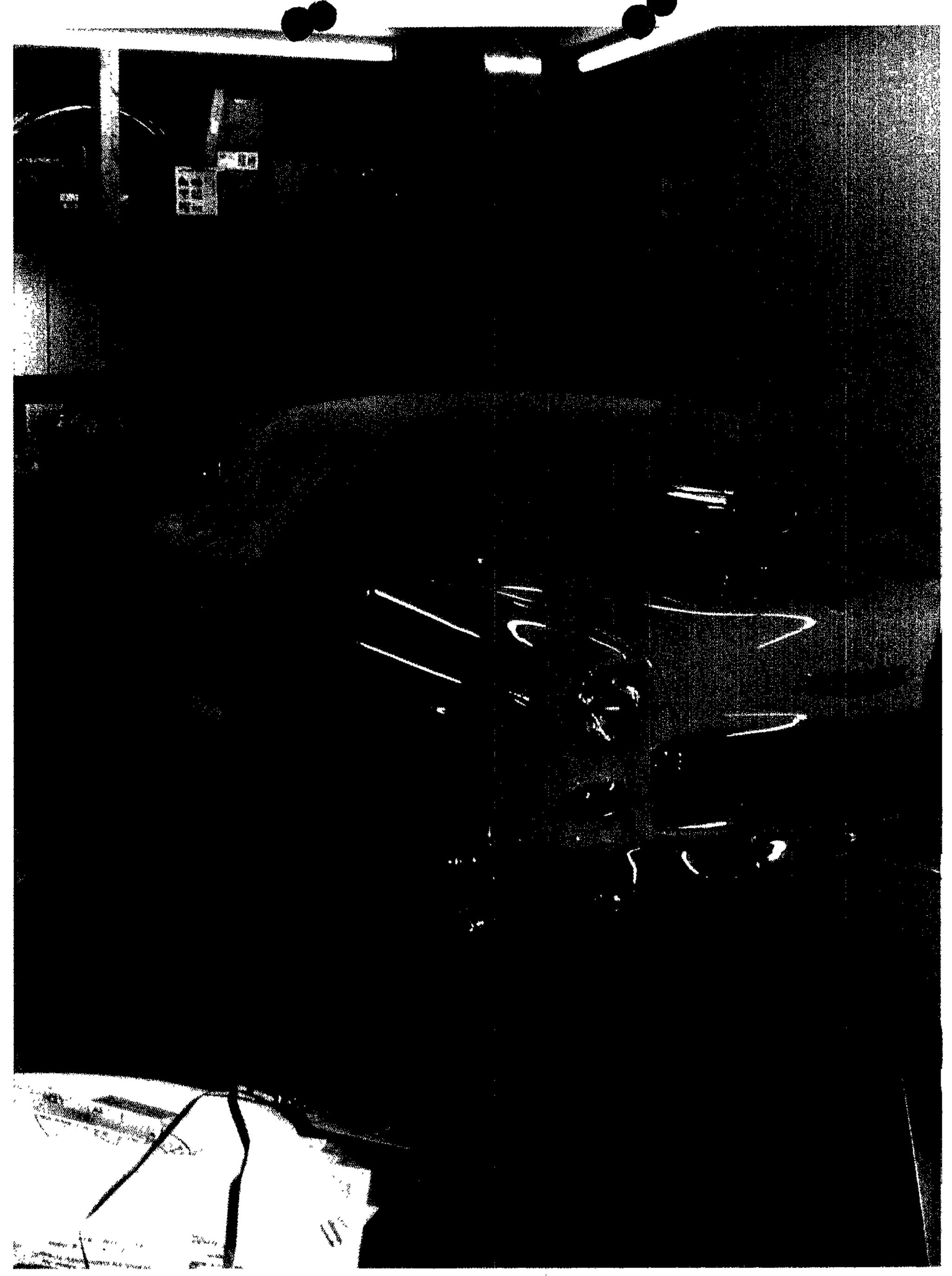
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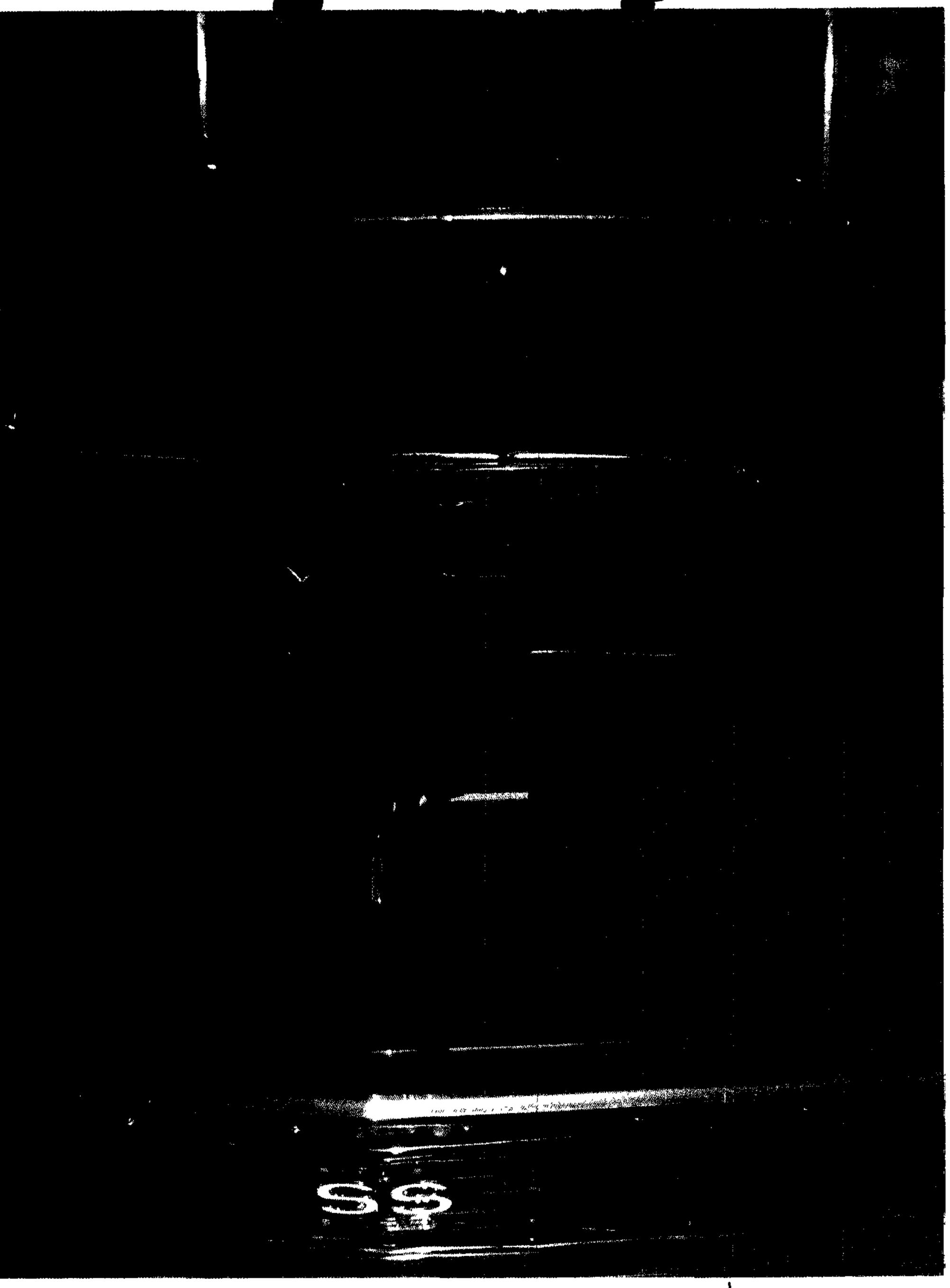
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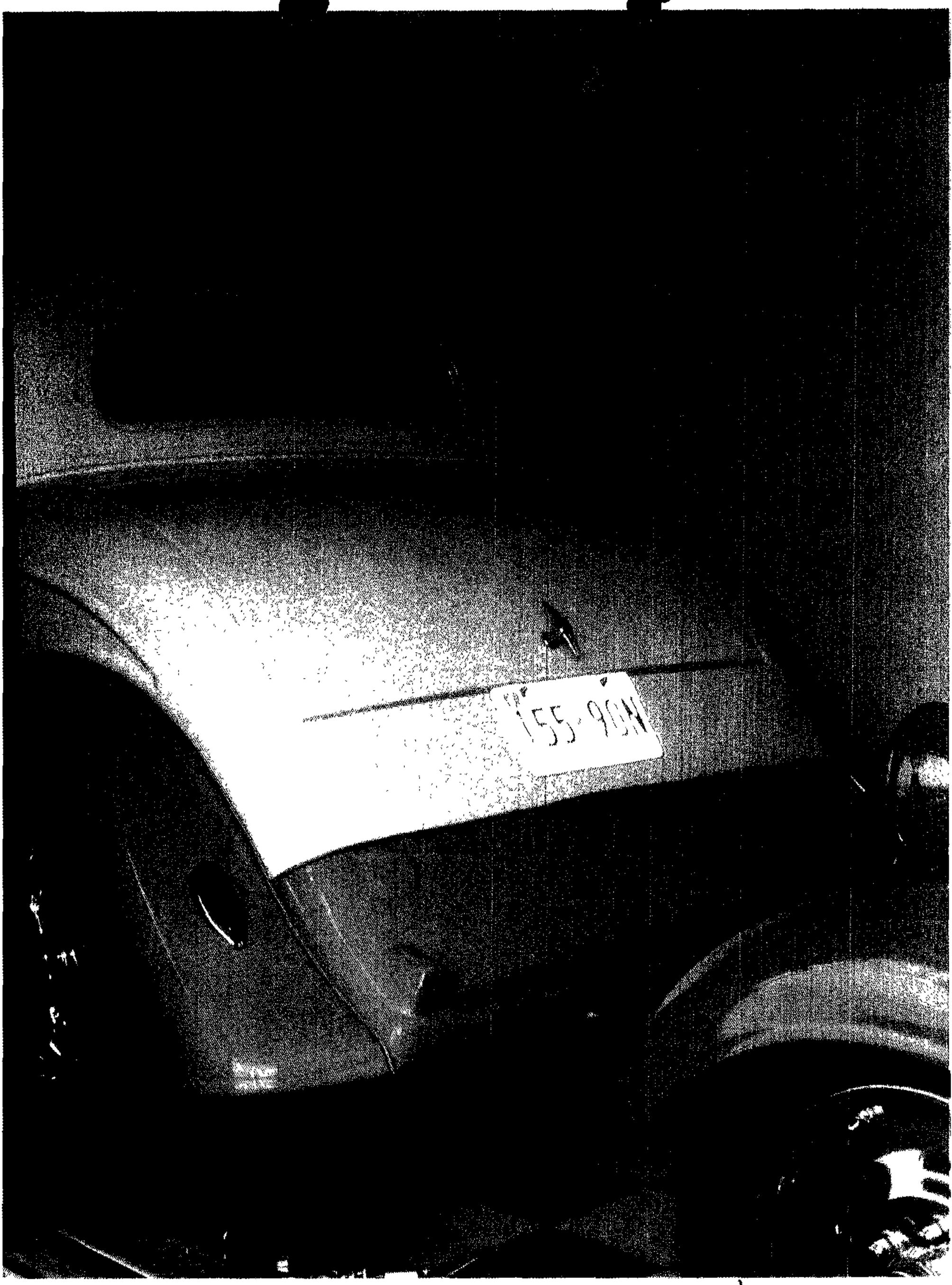
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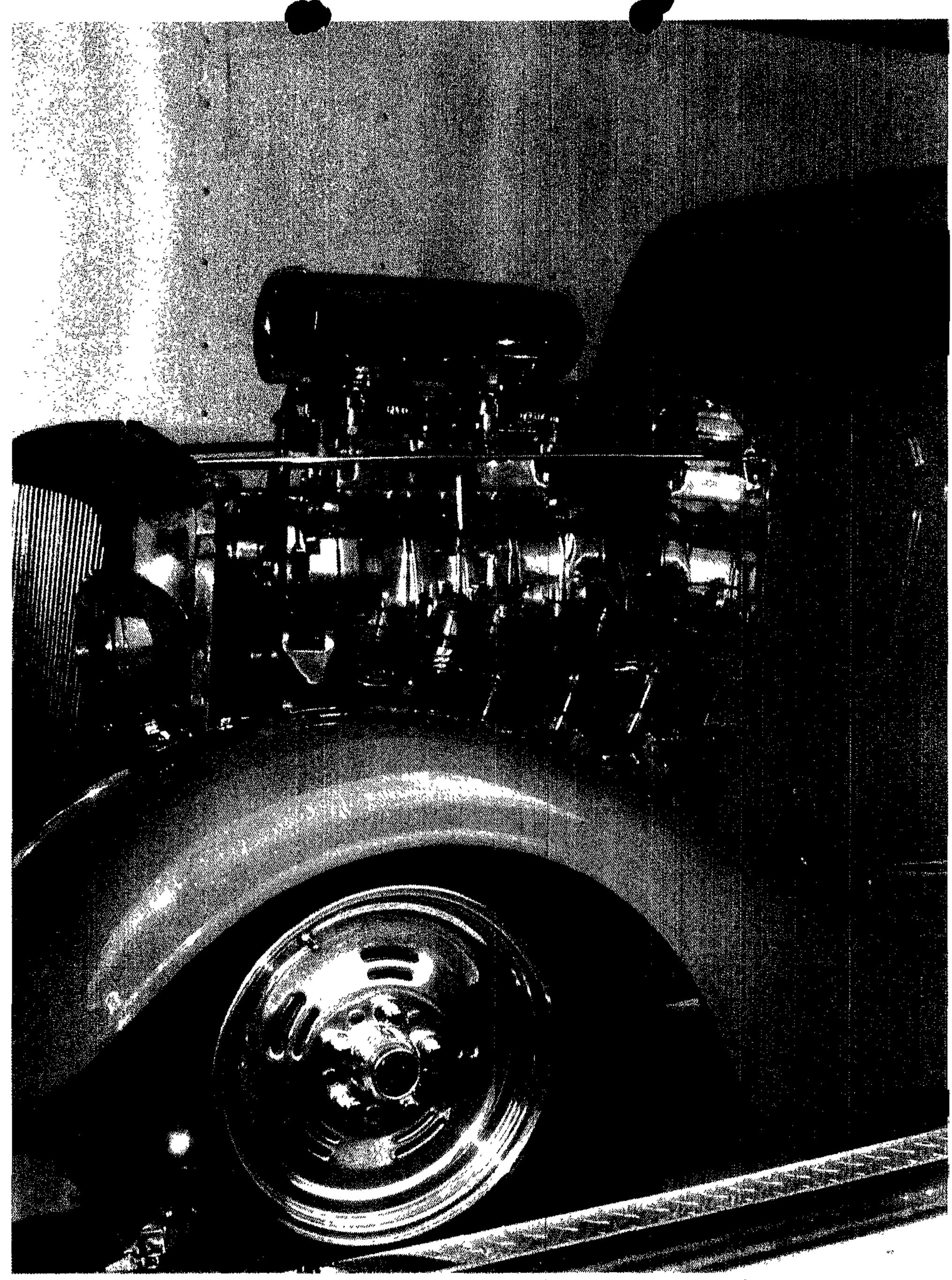
#149



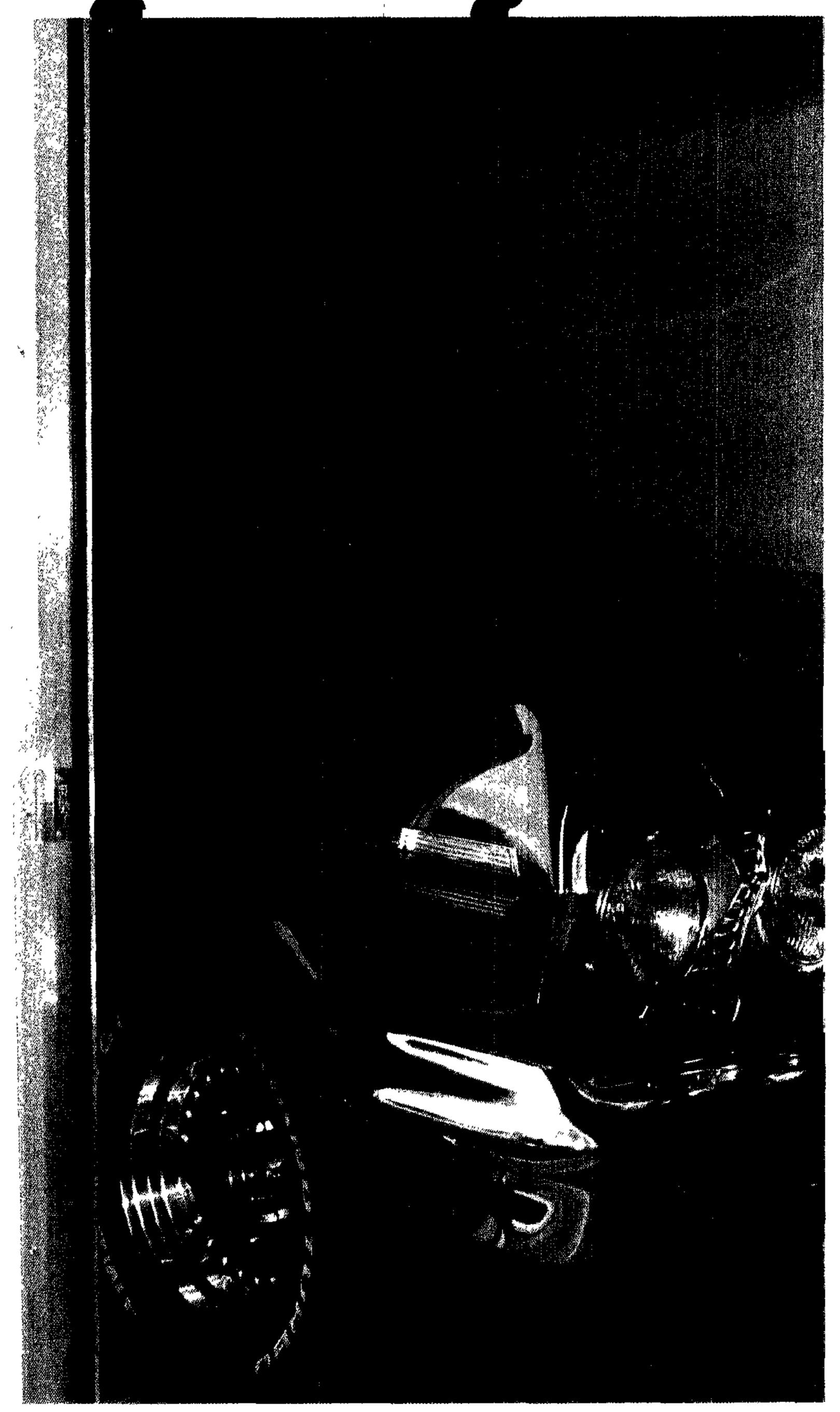
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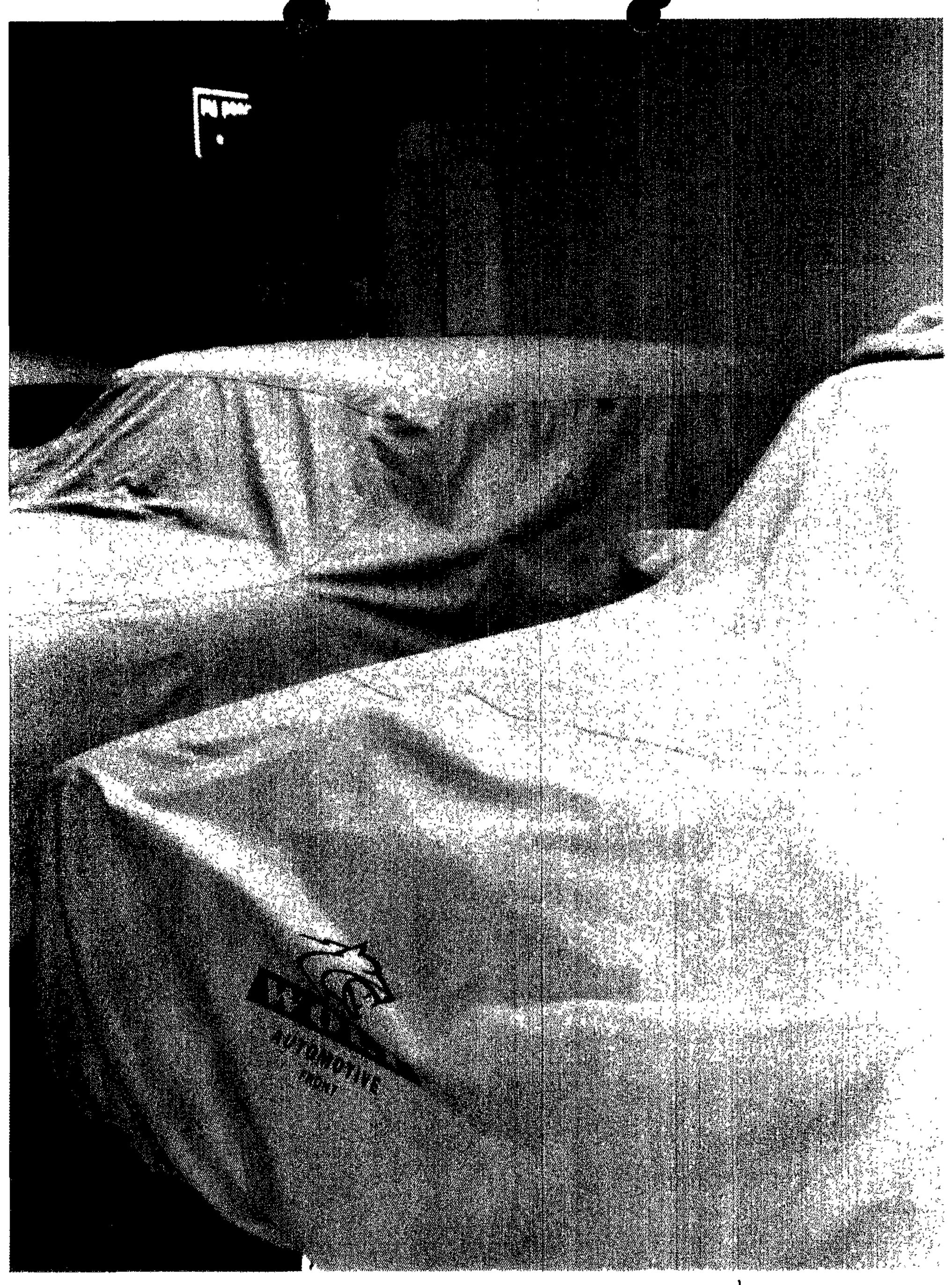
#149



#149



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