IN RE: PETITION FOR ADMIN. VARIANCE S/ side of Hunter Mill Rd., 30 ft. wide, East of c/l of King Road 7th Election District 3rd Councilmanic District	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
(1611 Hunter Mill Road)	*	CASE NO. 06-209-A
Johanne Lynne and Roy Allan Place *Petitioners*		*

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

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, Johanne Lynne and Roy Allan Place. The variance request is for property located at 1611 Hunter Mill Road in the White Hall area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, 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 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 18 day of November, 2005, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard, 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.

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

ORDER RECEIVED FOR FILING
Date 11-18-05
By

JVM:dlw

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

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

November 18, 2005

Johanne Lynne Place
Roy Allan Place
1611 Hunter Mill Road
White Hall, Maryland 21161

Re: Petition for Administrative Variance
Case No. 06-209-A
Property: 1611 Hunter Mill Road

Dear Mr. and Mrs. Place:

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: People's Counsel; Case File

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 1611 Hunter Mill Road
Address

White Hall, Maryland 21161
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):

The existing dwelling is situated on a plateau at the top of a hill. The only level area of this particular lot, which is accessible to the driveway for movement of equipment, encompasses the dwelling and 90 feet of blacktopped drive on the right (west) side of the dwelling. The entire back yard is on a downhill slope requiring 15 feet of fill to erect any building within 75 feet of the dwelling. The balance of the backyard is forest with an even greater downhill slope. Compliance of the zoning regulation to erect all structures behind the existing dwelling would prevent the agricultural usage of the RC2 zoned property due to the slope of the land. This lot is situated within our 114 acre productive farm.

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.

Johanne Lynne Place
Signature

Roy Allan Place
Signature

Johanne Lynne Place
Name - Type or Print

Roy Allan Place
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of SEPTEMBER, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARYLAND – BALTIMORE COUNTY, ROY ALLAN PLACE AND JOHANNE L. PLACE

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

AS WITNESS my hand and Notarial Seal

Mary A Horst
Notary Public

My Commission Expires 7-13-09

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1611 Hunter Mill Road
which is presently zoned RC2 (Formerly RC 4)

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) 400.1, BCZR, to permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard.

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):

Johanne Lynne Place
Name - Type or Print

Johanne Lynne Place
Signature

Roy Allan Place
Name - Type or Print

Roy Allan Place
Signature

H-410-357-5959
1611 Hunter Mill Road W-410-458-0713
Address Telephone No.

White Hall, Maryland 21161
City State Zip Code

Representative to be Contacted:

Same as above
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. 06-209-A

Reviewed By JNP **Date** 10/18/05

Estimated Posting Date 10/30/05

REV 10/25/01

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1611 Hunter Mill Road, White Hall, Maryland.

Beginning at a point on the South side of Hunter Mill Road which is 30 feet wide at the distance of 250.0 feet East of the centerline of the nearest improved intersecting street King Road which is 20 feet wide. As recorded in Deed Liber 10669 Folio 212 and include the measurements and directions N39 22' 30"W 427.58', N72 56' 24" E 511.02', S5 35' 10"E 78.74', S45 E 84.85', S19 17' 24" E 211.90', S67 28' 07"W 383.75' to the place of beginning. Also known as 1611 Hunter Mill Road and located in the 7th Election District, 3rd Councilmanic District. Being Lot 1 in the Minor Subdivision of Property of John L. Miller, et. al. (94-047-M).

06-209-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0336

DATE 10/10/05 **ACCOUNT** R-001-001-6150

AMOUNT $ 65.00

RECEIVED FROM: Thomas & Kay Plaire

FOR: Administrative Variance - 1611 Hunter Mill Road
06-209-A (Plaire)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
10/10/2005	10/10/2005	11:31:03	1

REG W001 WALKIN JBIC JWR
>>RECEIPT # 253501 10/10/2005 OFLR
Dept 5 328 ZONING VERIFICATION
CF ID. 006336
Recpt Tot 65.00
65.00 CR 0.00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

RE: Case No.: 06-209-A

Petitioner/Developer: JOHANNE & ROY PLACE

Date of Hearing/Closing: 11/14/05

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1611 HUNTER MILL RD.

The sign(s) were posted on 10/30/05
(Month, Day, Year)

Sincerely,

10/30/05
(Signature of Sign Poster and Date)

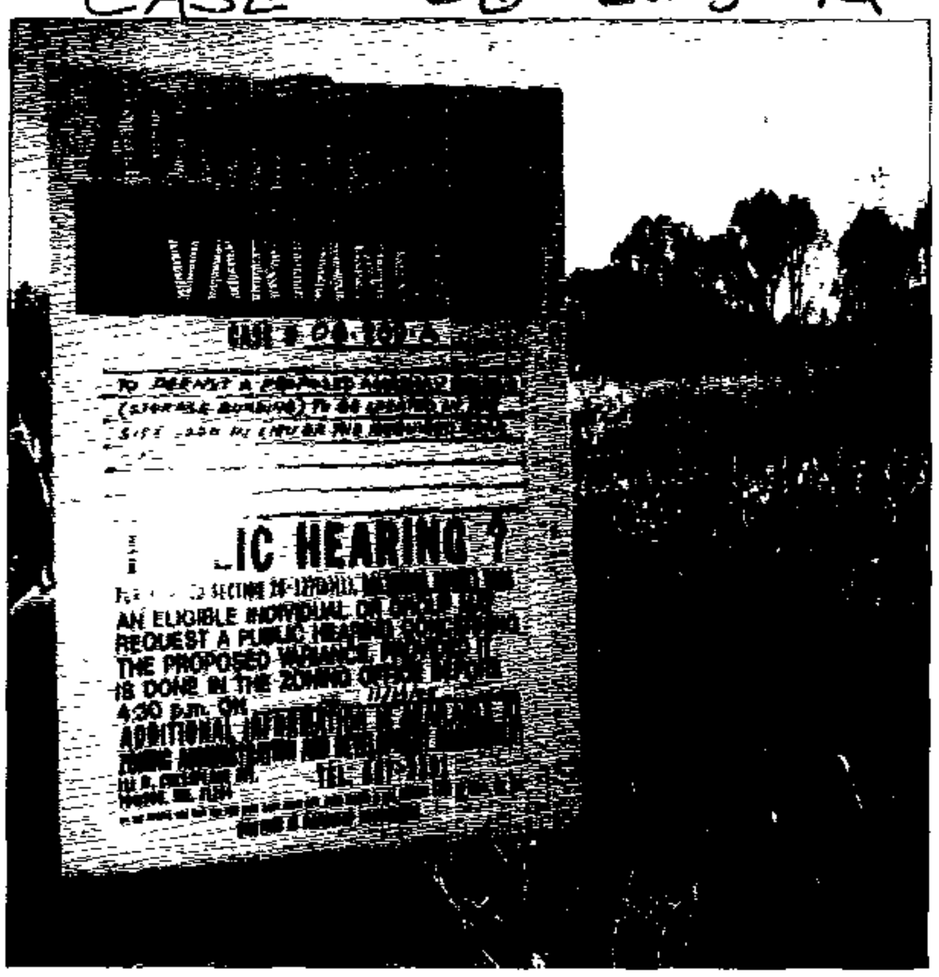
RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 06-209-A



1611 HUNTER MILL RD.
POSTED 10/30/05
10/30/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 209 -A Address 1611 Hunter Mill Road

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

Filing Date: 10/18/05 **Posting Date:** 10/30/05 **Closing Date:** 11/14/05

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- 209 -A Address 1611 Hunter Mill Road

Petitioner's Name Johanne & Roy Place Telephone

Posting Date: 10/30/05 **Closing Date:** 11/14/05

Wording for Sign: To Permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard.

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

November 14, 2005

Johanne Lynne Place
Roy Allen Place
1611 Hunter Mill Road
White Hall, Maryland 21161

Dear Mr. and Mrs. Place:

RE: Case Number: 06-209-A, 1611 Hunter Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 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

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

November 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **October 24**, 2005

Item No.: 204-218 209

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

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 123
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

NOV. 02, 2005

ATTENTION:

Distribution Meeting of: OCTOBER 24, 2005

Item No.: 204 ~~-218~~ 209

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.

1. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. PACK
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 31, 2005
Item Nos. 204, 205, 206, 208, 209, 211,
213, 214, 215, 216,

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-11092005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 8, 2005

RECEIVED

NOV 1 5 2005

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-209- Administrative Varince**

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

W:\DEVREV\ZAC\6-209 doc

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

SHA Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 10.31.05

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

RE: Baltimore County
Item No. 209 JAP

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1611 HUNTER MILL ROAD

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

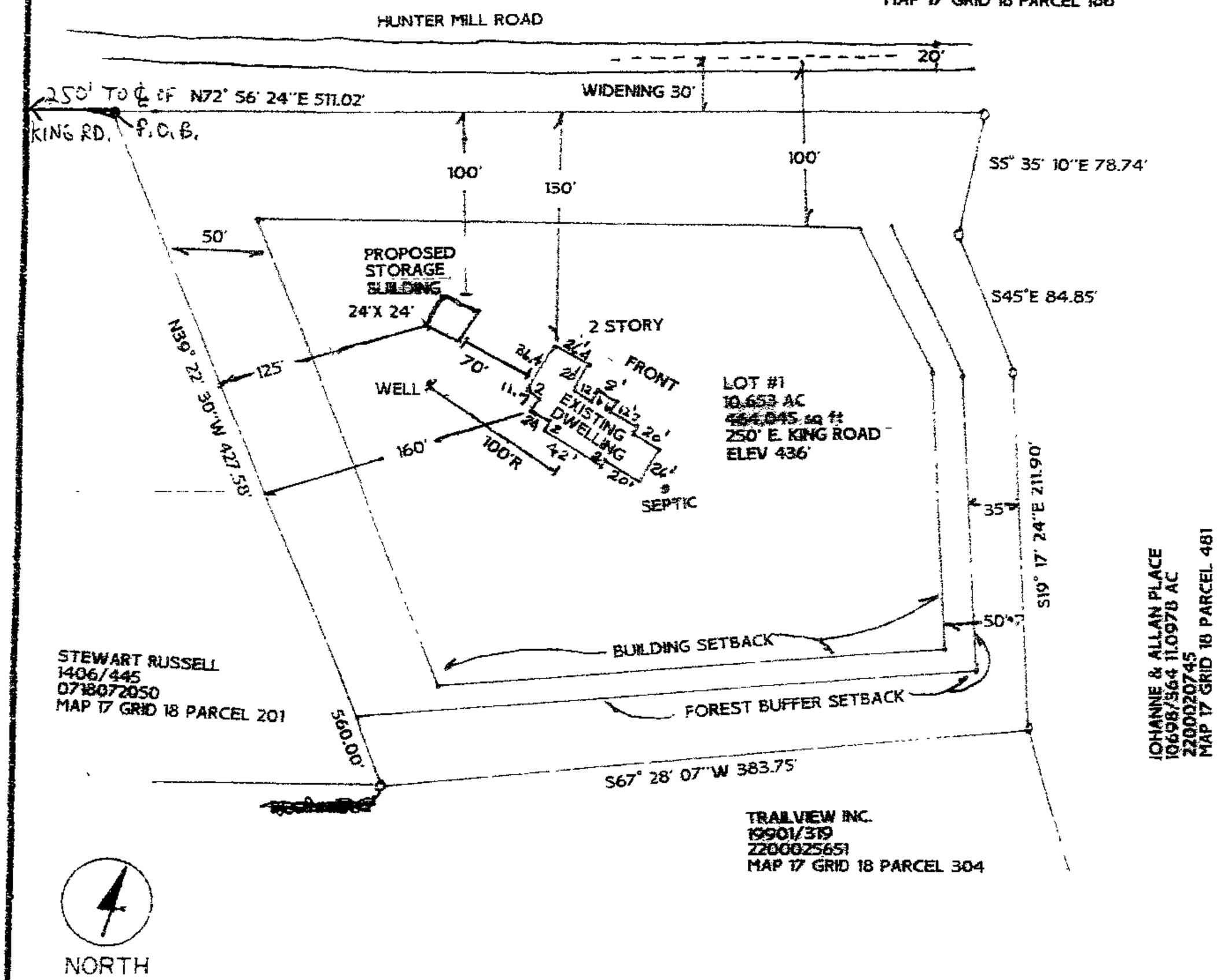
MINOR SUBDIVISION NAME Property of John L. Miller, et. al. (94-047-M)

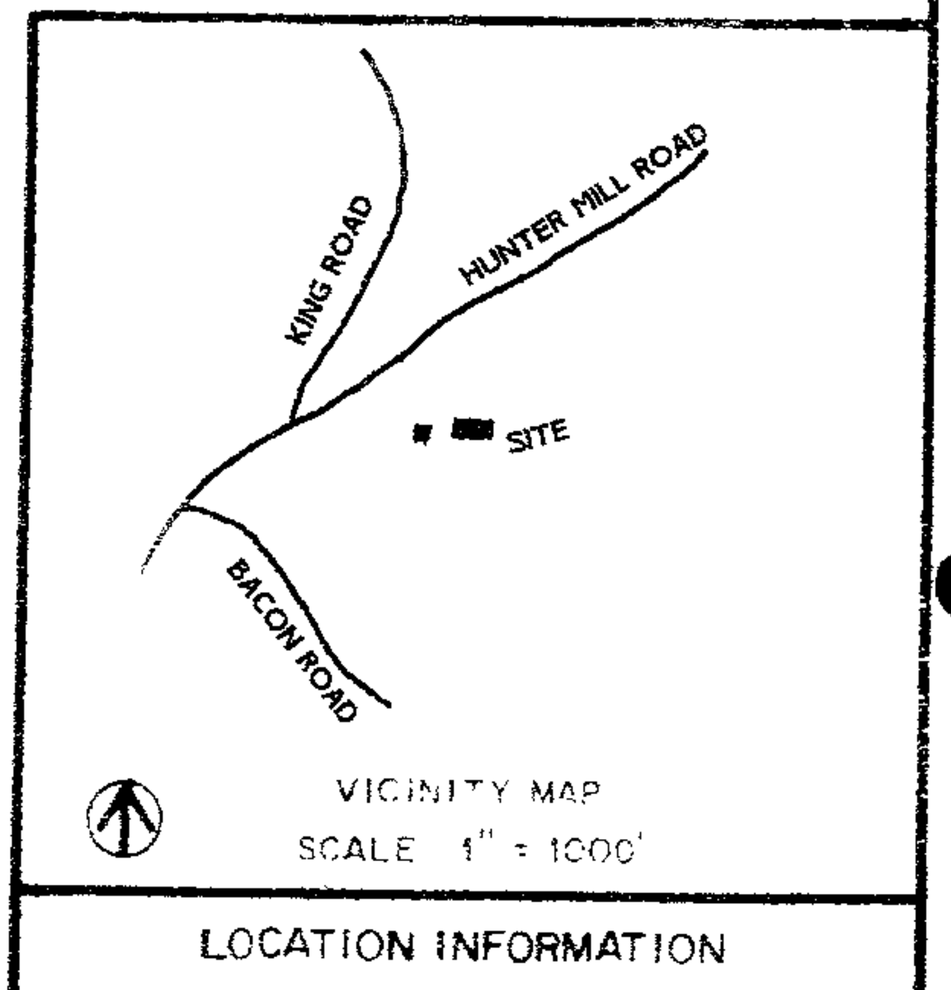
PLAT BOOK # ____ FOLIO # ____ LOT # 1 SECTION # ____

OWNER JOHANNE & ALLAN PLACE

LIBER 10669 FOLIO 212
2200020708

JOHANNE & ALLAN PLACE
12222/583 89.65 AC
0713055150
MAP 17 GRID 18 PARCEL 186





LOCATION INFORMATION

ELECTION DISTRICT 7th

COUNCILMANIC DISTRICT 3rd

1"=200' SCALE MAP # 017C3

ZONING RC2 (Formerly RC4)

LOT SIZE 10.653 ACREAGE 464,045 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

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

PRIOR ZONING HEARING NONE

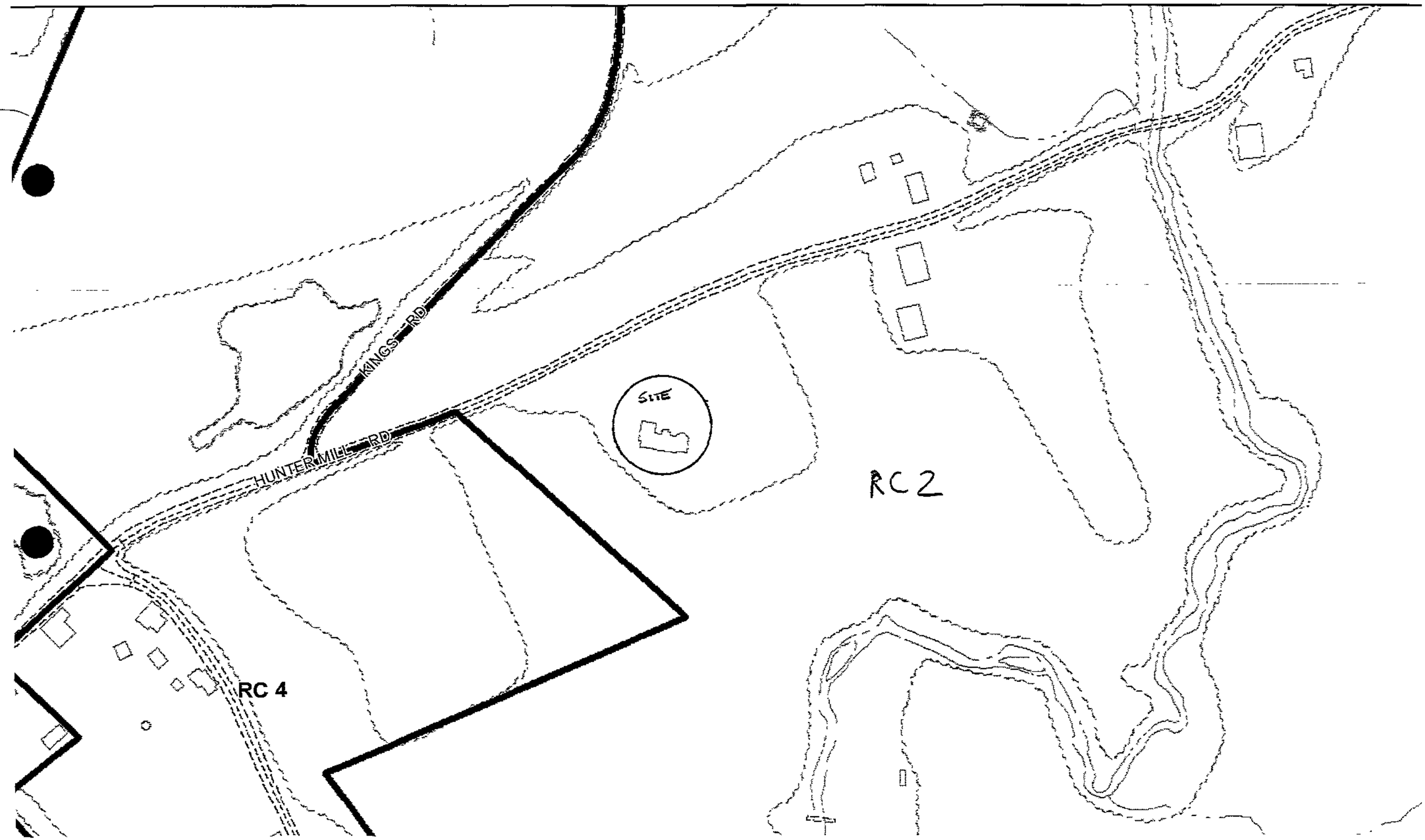
PREPARED BY OLE SEPTEMBER 6, 2005

SCALE OF DRAWING: 1" = 100'

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JNP	209	06-209-A

01703



06-209-A

Front of House

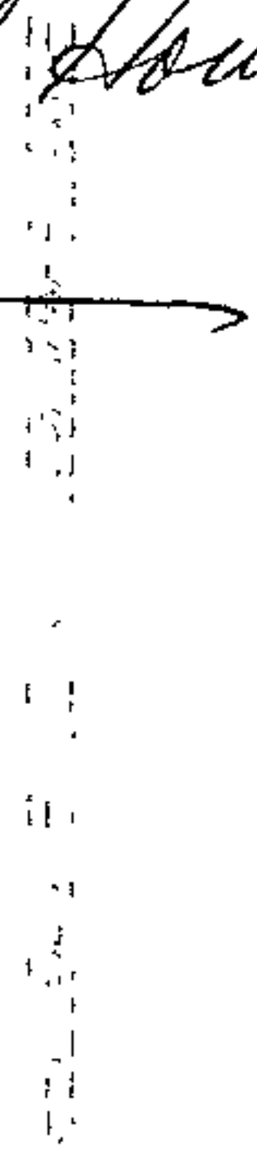
Front of House

Rear of House - downslope

Rear of House

West
~~East~~ side of dwelling

Rear of House is West side of House



West side of house where
building location is proposed

West side of House where
building location is proposed