IN RE: PETITION FOR ADMIN. VARIANCE

NW/S Kirby Court, 197' W of the c/l

Stonewall Road

(2404 Kirby Court)

1<sup>st</sup> Election District 1<sup>st</sup> Council District BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 06-246-A

Bradley A. Jones & Mary Kathleen Gentner Petitioners

\* \* \* \* \* \* \* \* \*

#### 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, Bradley A. Jones and Mary Kathleen Gentner. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 211.2 & 3, 1955 Reg.) to permit a side yard setback of 6 feet and a front yard setback of 13 feet in lieu of the required 8 feet and 25 feet, respectively, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed 25' x 20' 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.

Same MEDING FOR FILTRICE.

Based upon the evidence contained therein, I am persuaded to grant the requested relief. As shown on the site plan, the Petitioners propose the construction of a 25' x 20' addition on the southwest side of the existing house. Due to the layout and location of the existing dwelling, a portion of the proposed addition will be located within the required setback from the front and side property lines. 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.

THERIFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of December 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 211.2 & 3, 1955 Reg.) to permit a side yard setback of 6 feet and a front yard setback of 13 feet in lieu of the required 8 feet and 25 feet, respectively, and a sum of the side yards of 15 feet in lieu of the required 20 feet, for a proposed 25' x 20' 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.

oning Commissioner

for Baltimore County

WJW:bjs



JAMES T. SMITH, JR. County Executive

December 2, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. Bradley A. Jones Ms. Mary Kathleen Gentner 2404 Kirby Court Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE NW/S Kirby Court, 197' W of the c/l Stonewall Road (2404 Kirby Court) 1<sup>st</sup> Election District – 1<sup>st</sup> Council District Bradley A. Jones & Mary K. Gentner - Petitioners Case No. 06-246-A

Dear Mr. Jones & Ms. Gentner:

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

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468 www.baltimorecountyonline.info



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2404 K12by Courty R-6) which is presently zoned D2 5.5 (Formerly R-6)

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) 1302, 3.B, BCZR (Section 211.3) ASS

Zoning Legulations) to PERMIT a Proposed addition with a SIDE YARD SETUNCAS

OF LOFEET IN LIEU of the minimum Required Breet and a Sum of SIDE YARDS

LEGULATION OF 15 FEET IN LIE OF the MINIMUM REQUIRED BREET AND 20 FEET.

AND 13FT.

AND 25FT RESPECTIVELY

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name - Type or Print Signature Signature SENTNER Telephone No. Address Voe an Zip Code City State Attorney For Petitioner: Address tonsoule State Name - Type or Print Representative to be Contacted: Signature Name Company Address Telephone No. Telephone No. Address Zip Code City State Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By \_\_)\/ Date R**E∯** 10**/**25/01 **Estimated Posting Date** 

# 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	2404 Kirby Covet
	Address City  Address  Z1ZZB  Zip Code
That based upon personal knowledge, the following the state of the short address (indicate bardels)	wing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
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e sistem will Earl 6 From Ex	property from our Nieghbor, WE WEKE denies isting projectly Line which will require a VALITURE
- Existing home cannot be heine	positive CURB appeal to Community as WEll as
- Addition to property with belief	
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addition it moder when	congregation - contents
advertising fee and may be required to provide	
Brackley A Jones	Mary Kathleen Johns
Signature	Signature Milling Milling
Name - Type or Print	
	·
STATE OF MARYLAND, COUNTY OF BALTIN	
I HEREBY CERTIFY, this day of \( \frac{1}{2} \) of Maryland, in and for the County aforesaid, pe	
the Affiant(s) herein, personally known of satisfa	Hhleen Genther as such Affiant(s).
AC METALECC much and Material Coal	
AS WITNESS my hand and Notarial Seal	MAN KEMORE OF A
	Notary Public Section OTAR
	My Commission Expires 51108

REV 10/25/01

## **Zoning Description**



Zoning description for: 2404 Cuby Court
Beginning at a point on the North West side of Kirby Court
which is 50 feet
wide at the distance of 197 feet southwest
of the centerline of the nearest improved intersecting
street Stone would Road, which is approximately
507/- feet wide. Being Lot # 19
block, Section#
Subdivision of Devere Estates.
as recorded in Baltimore County Plat Block # 24,
Folio# 124, containing 034 / Also known as
2404 Killy Cot and located in the election district,
Councilman District.

WHITE - CASHIER PINK - AGENCY	227	RECEIVED.			OFFICE OF BUDGET & FINANCI	
YELLOW - CUSTOMER	30		AMOUNT \$ 54.00	ACCOUNT MINISTER OF STREET	PT No.	
CASHER'S VALIDATION		Delivery William				

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## CERTIFICATE OF POSTING

ATT	ENTION: KRISTEN MATTHEWS	Date: November 14, 2005
RŒ.	Case Number 06-246-A  Petitioner/Developer. MARY KATHY GENT  Date of Hearing/Closing) NO VE MY	NER/BRADLEYJONES 3ER 28, 2005
were	This is to certify under the penalties of perjun posted conspicuously on the property located	that the necessary sign(s) required by law at 2404 KIRBY COURT

The sign(s) we'e posted on November 12, 2005 (Monin, Day, Year)



(Synature of Sign Somer)

Printed Vanno of Sign Poster

523 PENNY LANE
(Street Address of Glgil Poster)

HUNT VALLEY MID 21030
(City, State, Zlp Code of Sign Poster)

17 elephone Number of Sign Poster)

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 246 -A Address 2404 KIRBY COURT
Contact Person: John Lewis Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 1104/05 Posting Date: 1113/05 Closing Date: 1128/05
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. <b>POSTING/COST:</b> 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. <b>DEADLINE:</b> 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.
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- 246 -A Address 2404 KIRBY CT.
Petitioner's Name BRADLEY JUNES + MARK GENTNER Telephone 410 869 060 T
Posting Date: 11305 Closing Date: 112805
Wording for Sign: To Permit A PROPOSED ADDITION WITH IN SIDE, YARD SETBACKS OF 6 FT.
AND 13 FT. IN LIEU OF THE MINIMUM REQUIRED 8 FT. AND 25 FT. RESPECTIVELY, AND A SUM OF SIDE YARDS
OF 15 FT. IN LIEU OF THE REQUIRED 20 FT.
WCR - Revised 6/25/04



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2404 Kiely Covet which is presently zoned DR 5.5 (Formerly R-6)

I/We do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which

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) 1 B 0 2 3 . B, B C 2 R (SECTION 211.2009) 955 B 2000 in Regulations) to PERMIT a proposed addition with a SiDE, YARD SETDACKS OF SIX FEET, in LIEU of the minimum required & FEET, and a Sum SiDE YARDS SETDACK (OF 15 FEET IN LIEU OF the minimum required) 20 FEET.

AND 113 FT. RESPECTIVELY

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.

<u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Name Print Signature Signature GENYNER Address Telephone No. Name - Type or Zip Code City State Attorney For Petitioner: Telephone No. Address ていてころ State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address City Zip Code City State Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By Date **Estimated Posting Date** 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 a	at 2404 Kirebi	1 Court	
	Catonsoile	State	21228
	O.L.		Zip Code
That based upon personal knowledge, the forward variance at the above address (indicate hard	following are the facts upon debin or practical difficulty):	which I/we base the re	quest for an Administrative
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advertising fee and may be required to provi	de additional information.	mant(o) viii bo roquii	ou to pay a reposting and
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STATE OF MARYLAND, COUNTY OF BAL	TIMORE. to wit:		
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I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid	, personally appeared	, <u>~~uu</u> , belole iile, (	a rectary r done or the orate
Bradley A Jones and Mary	Kathleon Gentre		
the Affiant(s) herein, personally known of sa	tisfactorily identified to me a	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal		<b>{</b>	AMMILIAN CONTRACTOR OF THE PARTY OF THE PART
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REV 10/25/01	•		e Augus 8
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# Department of Permits a 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 28, 2005

Bradley A. Jones 2404 Kirby Court Catonsville, Maryland 21228

Dear Mr. Jones:

RE: Case Number: 06-246-A, 2404 Kirby Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 4, 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,
U. Call Richall

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: November 23, 2005

NO7 S C 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-246- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

### 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 November 15, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 7, 2005

Item No.: 243, 244, 245(246,)247, 248, 249.

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.

Acting Lieutenant Don W. Muddiman 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:

11.15.05

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

RE:

Baltimore County

Item No. 244

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

Engineering Access Permits Division

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

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 November 14, 2005 Item Nos: 244, 245, 246, 248, and 249

DATE: November 23, 2005

March March

ZOWING COMMISSIONER

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-11232005.doc

The undersigned at the following have signed that they have no objections to the construction of an addition at the residence of 2404 Kirby Court.

Herry Shapiro 2402 Kirby Ct. 410-747-5884

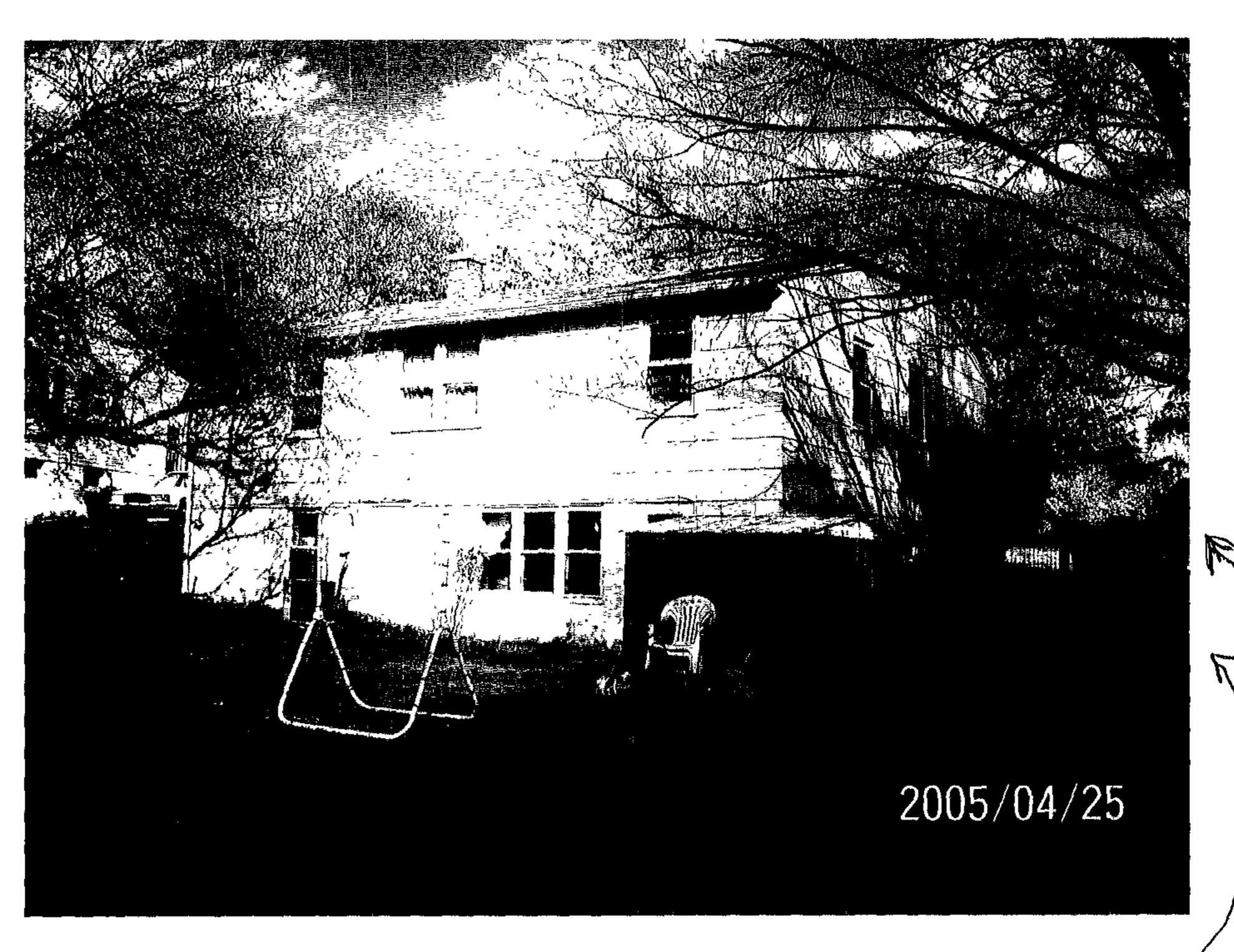
John F. Stilf 2405 KIRBY CT 410-788-0129

Therese m malany 2407 Kirby Ct 410 7473599

Flair a. Champaigne 2406 KIRBY CT 410 7883630

A6

1A6



REAR OF HOME Applican to be built to the Right OF the REAR. NEI boring house to LEFT is 2402 KINBY Ct.

Slope is Shown on Right of Photo. Extends Down towners

DAGE YARD and NEighbor's (2406) YARD.

246



Front OF Existing home

140



FAR REAR VIEW OF BACK Addition to be built to the Right of REAR VIEW

HOME ON THE Right in BACKGROUND is 2403 KIRBY Ct. Home on the LEFT IN BACKGROUND is 2403 KIRBY Ct. Home on immediate LEFT in 2402 KIRBY Ct.

