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IN RE: PETITION FOR ADMIN. VARIANCE
Northwest Side of Blenheim Road, 970'
S/W of c/l of Dance Mill Road
10th Election District
3rd Councilmanic District

(3636 Blenheim Road)

Dennis R. Settle

Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 06-305-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, Dennis R. Settle. The variance request is for property located at 3636 Blenheim Road in the Phoenix area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing garage to be located 1.5 feet from the side property line in lieu of the required 2.5 feet and from Section 400.3 of the B.C.Z.R. to permit a garage height of 19 feet, 8 1/8 in. in lieu of the permitted 15 feet. 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: ZAC comments were received from the Office of Planning dated December 21, 2005, a copy of which is attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 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 13 day of January, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing garage to be located 1.5 feet from the side property line in lieu of the required 2.5 feet and from Section 400.3 of the B.C.Z.R. to permit a garage height of 19 feet, 8 1/8 in. in lieu of the permitted 15 feet, 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. The Petitioners or subsequent owners shall not allow or cause the accessory structure to to be converted into a dwelling unit and/or apartment. There shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure. In addition, the accessory structure shall not be used for commercial purposes. These conditions are pursuant to the ZAC comments submitted by the Office of Planning dated December 21, 2005, a copy of which is attached hereto and made a part hereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

JOHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 13, 2006

Dennis R. Settle 3636 Blenheim Road Phoenix, Maryland 21131

Re: Petition for Administrative Variance

Case No. 06-305-A

Property: 3636 Blenheim Road

Dear Mr. Settle:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3636	BLENA	EM	RD
	h is presently			

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. I TO PERMIT AN EXISTING GARNGE TO BE LOCATED 1.5 FEET FROM THE SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 2.5' AND SECTION 400.3 TO PERMIT A GARNGE NETGHT OF 19'8'8"

IN LIEU OF THE PERMITTED 15'

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.

<u>Con</u>	tract Purcha	ser/Lessee:		<u>Legal Owner(s):</u>		
				DENN	is R SET	TLE
Name	- Type or Print		<u> </u>	Name - Type or Print		•
Signat	ture			Signature		
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4 B	<u> </u>					1
REV	10/25/01		Est	Imated Posting Date _	12/20105	

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.

competent to testify disercto in the event mat a b	Jublic Hearing is	, someduica	ar are ratare	with rogard thore	,
That the Affiant(s) does/do presently reside at	<u>3€36</u>	BLEN	HEIM	RD.	
	Address	a 3>>	MD	71121	
	PHOE.	Win J	State	21131	Zıp Code
That based upon personal knowledge, the folkown variance at the above address (indicate hardship).	owing are the fa tip or practical d	acts upon w lifficulty):	hich I/we bas	se the request fo	r an Administrative
SEE ATTACHE	O RED	NJON5			
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide			fiant(s) will b	e required to p	ay a reposting and
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Name - Type or Print		Name - Ty	pe or Print		
STATE OF MARYLAND, COUNTY OF BALTII					
I HEREBY CERTIFY, this / day of of Maryland, in and for the County aforesaid, pe	ECSMB & ersonally appea	red	2005, befo	ore me, a Notary	Public of the State
DENNIS R	. SETTZ	ع.			
the Affiant(s) herein, personally known or satisf			such Affiant(s	s).	

AS WITNESS my hand and Notarial Seal

My Commission Expires ____

My Commission Expires March 3, 2009

For Baltimore County Zoning Review

Application for Variance from Existing Requirements for Property: 3636 Blenheim Road, Phoenix, Maryland, 21131

Owned By: Dennis R. Settle

Proposed Change: To raise the damaged gambrel roof on the existing garage from 16'5" TO 19'8" to add needed space for storage and to park vehicle and to accommodate dormers which will match the schoolhouse.

The property is unique, unusual and different from other properties in that it is an old one-room schoolhouse, close to the road, with a garage added long after the schoolhouse was built. The garage is in bad repair and unusable as is because it has a large hole in the roof. The garage roof must be redone and in doing so I would like to raise it 3'3" to accommodate a large vehicle, such as an SUV, and for the storage space it will provide. Adding height to the garage will also allow me to add dormers, which will compliment the schoolhouse, and impact my property only; neighbors are not close enough to have the addition cause a visual impediment.

Strict compliance to the code would result in unreasonable hardship, in that I would be unable to have reasonable use of the garage as a garage because there is a hole in the roof and it is not large enough to house a truck and supply much needed storage space.

The problem is unique to this property. It is an old one-room schoolhouse with a separate garage added some time ago (the only one on the road). Adding height to the garage, which will then enable me to add dormers to match the existing house, will provide much needed space for storage and parking will not affect the neighbors as their houses are not close enough to be impacted.

The hardship was not the result of my actions as the garage, with the roof damaged, is a part of the property I purchased. Having lived in the City, I looked for a home with a garage.

As far as practical difficulty, strict compliance would unreasonably prevent use of the garage as I had envisioned it. The size of the existing garage is too small for an SUV or pick-up truck, which I plan to purchase, and does not have enough space for storage. The added height would allow me to have usable storage space and connect the garage to the house aesthetically.

Grant would be substantial injustice to applicant or others – adding height would allow me to include the dormers on the garage, would give me the storage space I need, and would not impact any of my neighbors negatively. In fact, the change I propose with the addition of dormers will enhance the symmetry of the property.

Relief, if granted, will preserve the spirit of the ordinance as the height of the garage will enhance the visual horizontal flow from the garage to the house on the property and will not be noticeable from the road.

No increase in residential density will result from the changes I am requesting to be made to the garage.

The relief requested will still maintain the harmony of the property. The additional height of the garage will not make it higher than the schoolhouse and will actually make the visual flow of the property from the garage to the house more harmonious.

Granting relief from this ordinance will not affect anyone but me and my desire to enhance and enjoy the property I purchased.

Description for Variance

3636 Blenheim Road

Located on the northwest side of Blenheim Road approximately 970' southwest of the centerline of Dance

Mill Road and running the following courses and distances:

- 1. S 60.5 degrees W 52.10', thence
- 2. N 30 degrees W 412.50', thence
- 3. N 60.5 degrees E 52.10', thence
- 4. S 30 degrees E 412.50', to the place of beginning

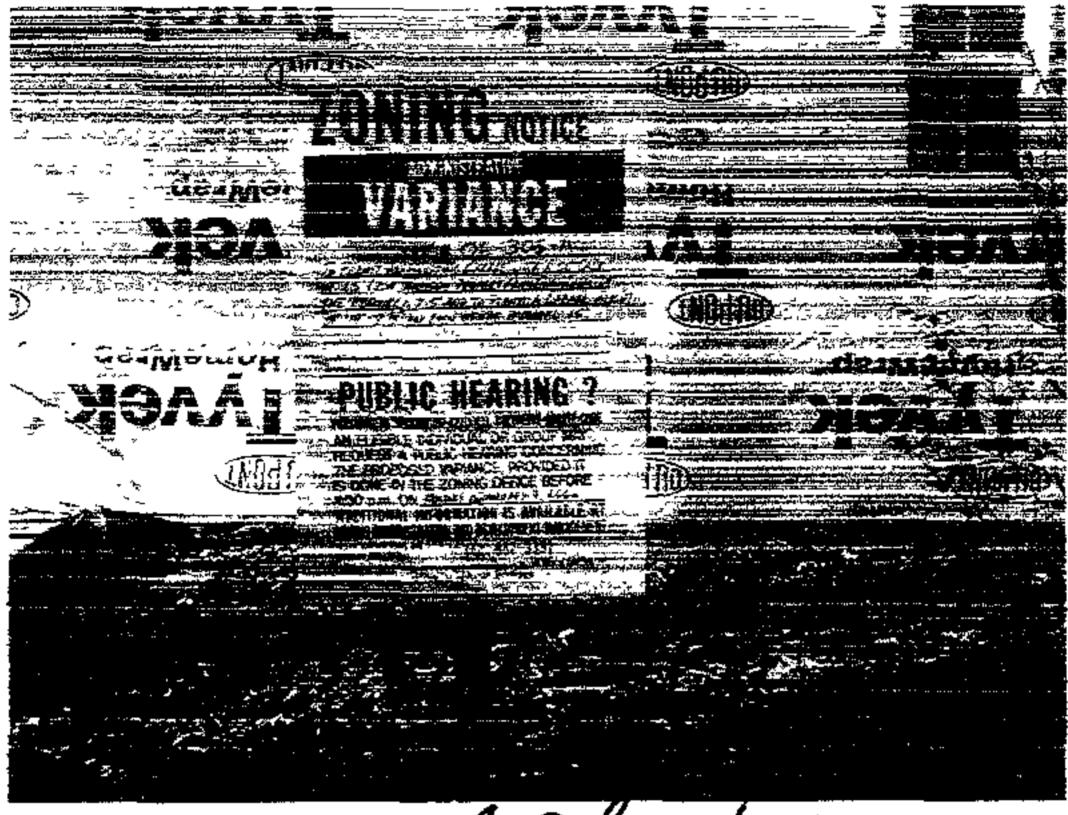
Containing approximately 21,491.25 square feet (.493 acre) and known as 3636 Blenheim Road in the 10th Election District of Baltimore County.

305

CERTIFICATE OF POSTING

	RE: Case No: 06-305-A
	Petitioner/Developer:
	Petitioner/Developer: DEUNS SETTLE
	Date Of Hearing/Closing: 1/6/06
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenue	anagement m 111
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were p	the penalties of perjury that the necessary posted conspicuously on the property 3434 BLENHEIM ZOAD.
<u> </u>	· · · · · · · · · · · · · · · · · · ·
This sign(s) were posted on	December 24, 2005
TING OF COLOR POSECT OIL	(Month, Day, Year)
	Sincerely,
	(Signature of sign Poster and Date)
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court Address
	Balto. Md 21220
	(443-629 3411)

:m000506 (1152x864x24b (peq)



machin Ogle 12/24/05

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 06- 305 -A
Petitioner DEWNIS SETTLE
Address or Location. 3636 BLENNEIM 11
PLEASE FORWARD ADVERTISING BILL TO
Name. DENNIS SETTLE
Address 3636 BLENNEIM RD
PHOENIX MD 21131
Telephone Number 4/0 - 963 8507

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Department of Permits 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

January 9, 2006

Dennis R. Settle 3636 Blenheim Road Phoenix, Maryland 21131

Dear Mr. Settle:

RE: Case Number: 06-305-A, 3636 Blenheim Road

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

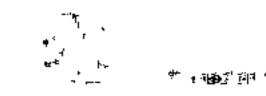
Very truly yours,
U. Call Rilla D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 December 19, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of

Item No. 267, 286, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304 and 305

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 21, 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 December 19, 2005

Item Nos. 267, 286, 295, 296, 298, 299,

301, 302, 303, 304, and 305

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-12212005 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 21, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6-305 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19' 8 1/8" in lieu of the maximum permitted 15 feet and to be located 1.5 feet form the side property line in lieu of the required 2.5 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 Bill Hughey at 410-887-3480.

AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 12.16.05

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

RE:

Baltimore County
Item No. 305 DRF

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. 1. Arell

Engineering Access Permits Division

For Baltimore County Zoning Review

Re:	Application for	Variance from	Existing Requirements

Property: 3636 Blenheim Road, Baltimore County

Phoenix, MD 21131

Owner: Dennis Settle

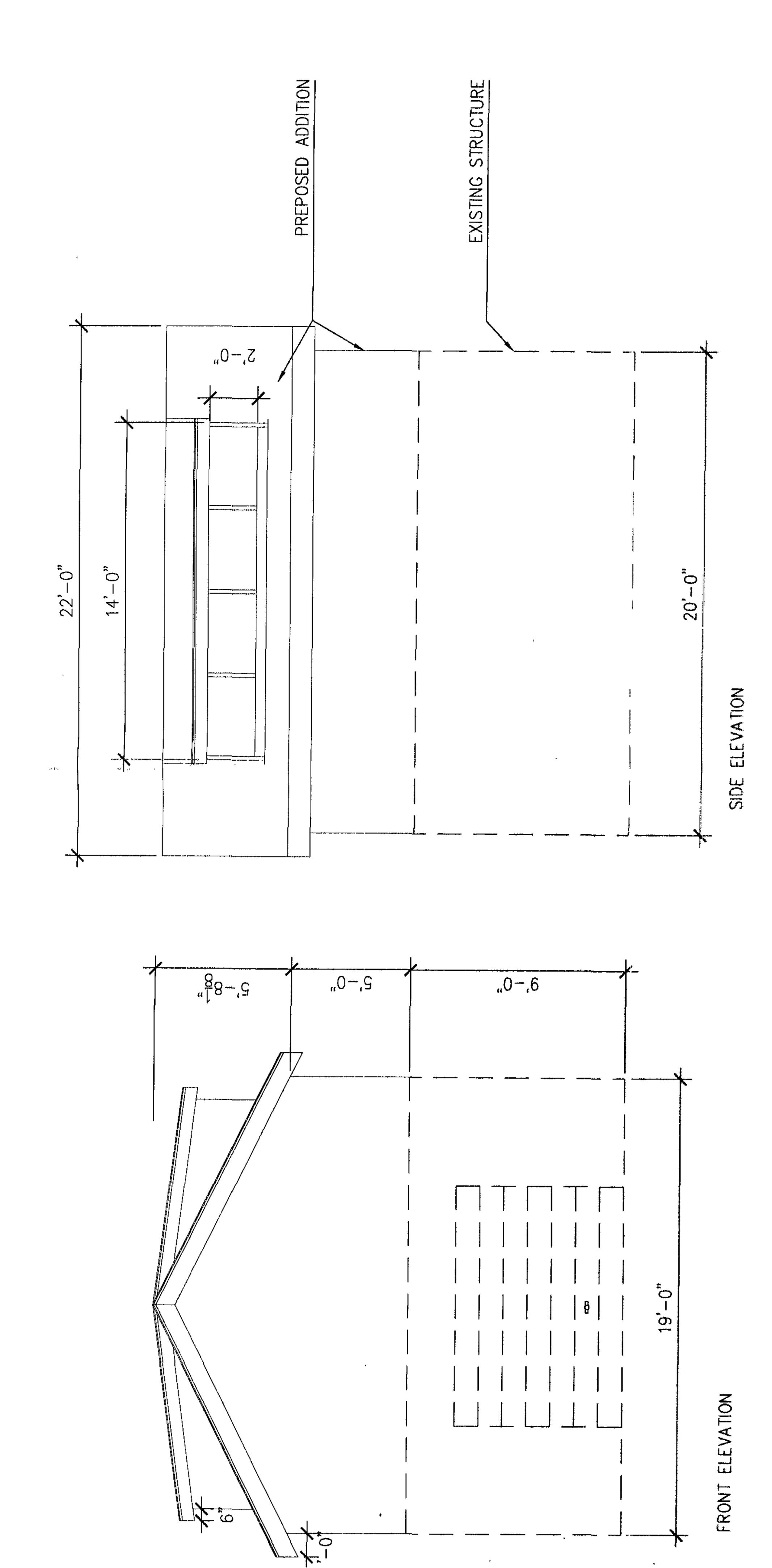
Proposed Change: Raising the gambrel roof on the garage from the existing 16'5" to 19'8 and adding dormers to match the old schoolhouse.

We, the undersigned, understand that Mr. Dennis Settle, owner of 3636 Blenheim Road, is proposing to raise the height of the existing garage from 16.5' to 19.8' and is applying for a variance for this work from the Baltimore County Zoning Regulators and we support his proposal.

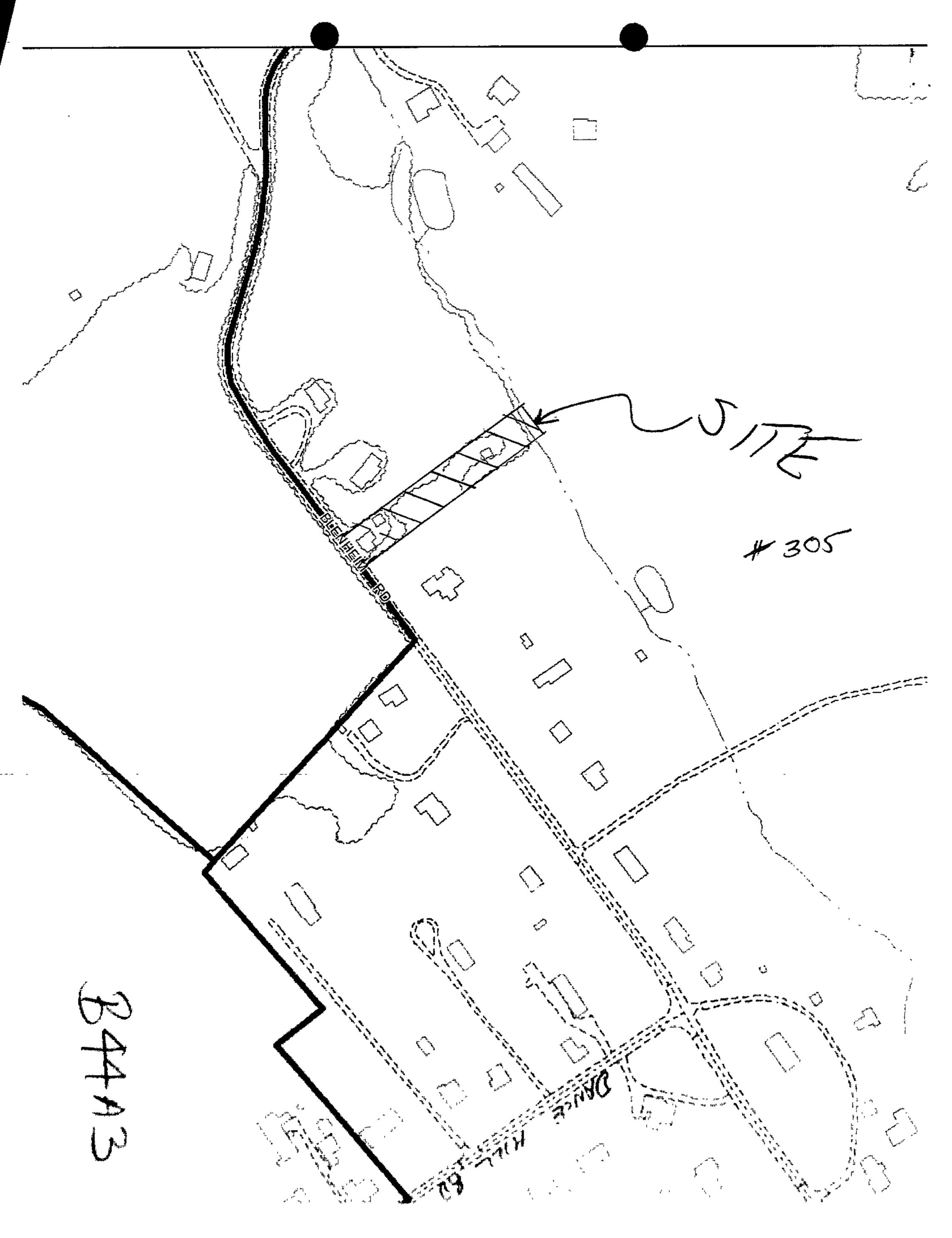
Name: <u>Ellen</u> Gallow
Address: 3706 Blenheim Rd Phoenix MD 21131
Name: John W. Jazzeh h Address: 0200 Blenheim Rd 21131
Name: Carol Everhart.
Address: 3632 Dentum Rd. Phrenix, mD Z1131
Name:
Address:

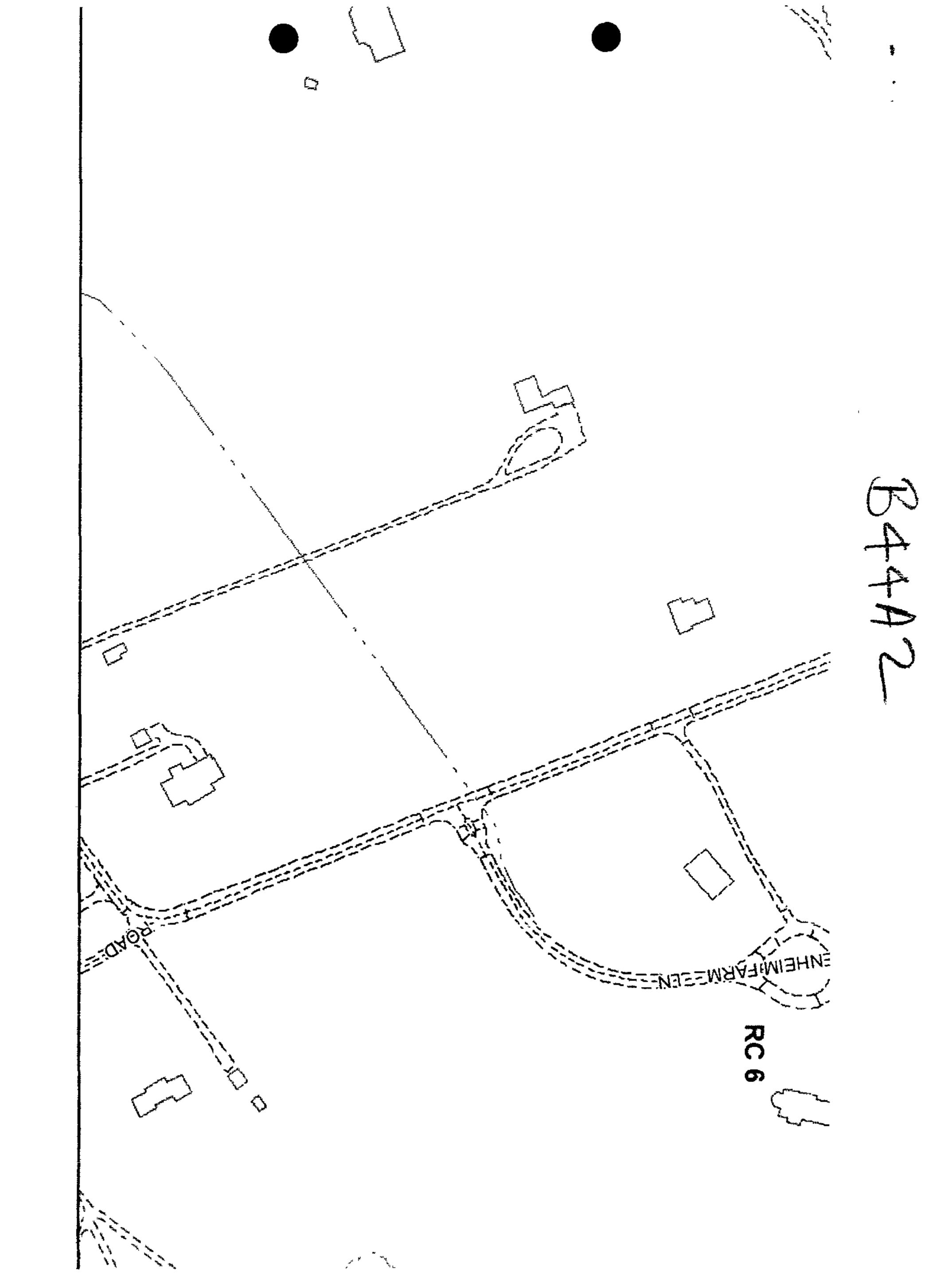
305

BOOK # SCULL SETTILE A DEWOLLS SETTILE A DICTION # SECTION # SOLUTION INFORMATION EXTENDED TO THE SECTION INFORMATION ELECTION DISTRICT O CONVICLAMENCE DISTRICT O CONVICLAMENC	PLAT B OWNER OWNER OWNER
ADDRESS 3636 BLEWILLIAM RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION ON NAME	PROPERTY /



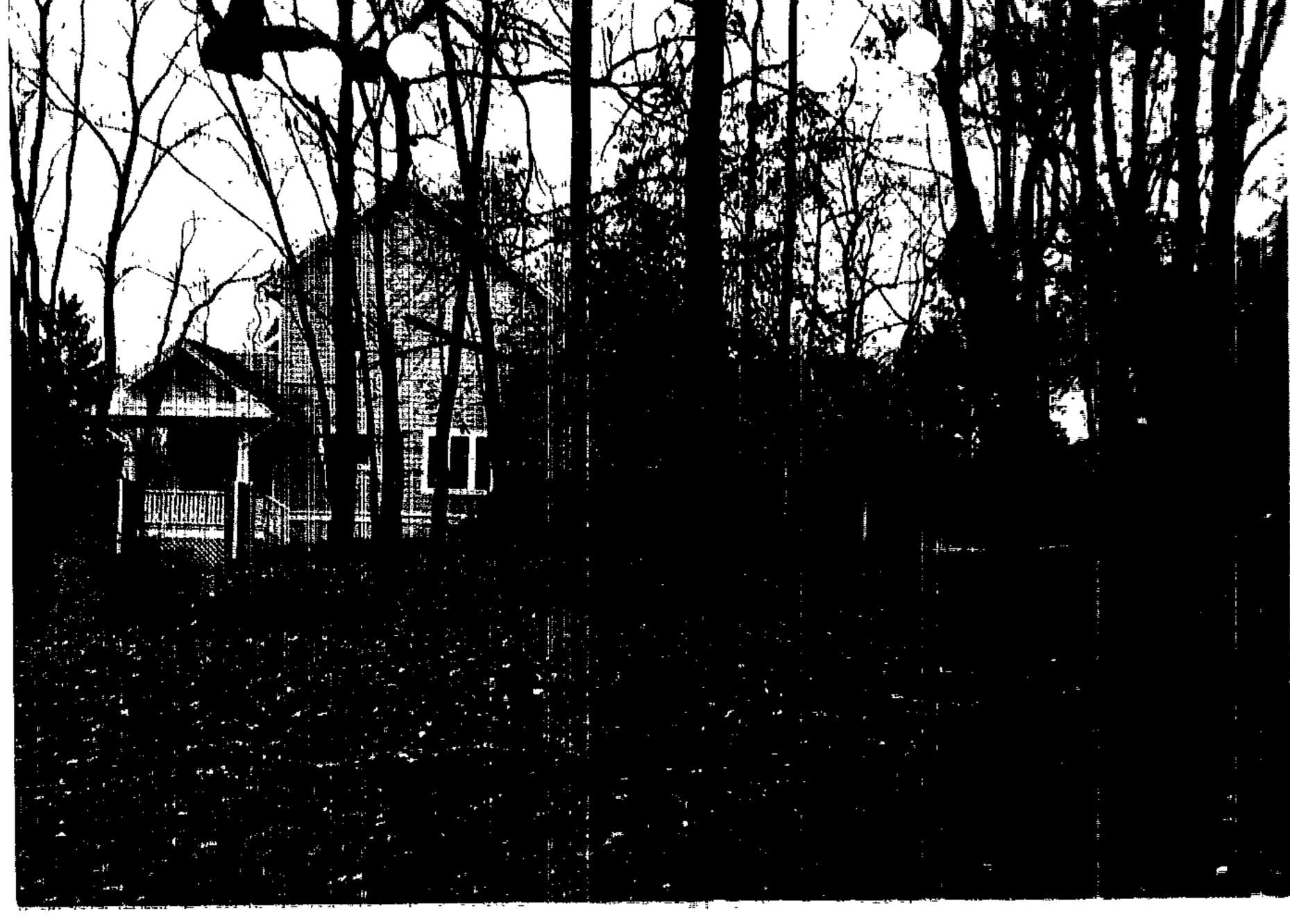
GARAGE ADDITION













I





