IN RE: **PETITION FOR ADMIN. VARIANCE** S/S Berrymans Lane, 120' W of the c/l Church Road **(1103 Berrymans Lane)** 4th Election District 4th Council District Thomas R. Miller, et ux Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-328-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, Thomas R. Miller, and his wife, Barbara A. Miller. The Petitioners seek relief from Sections 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front property line setback of 33 feet in lieu of the required 50 feet for a proposed addition, and an open projection setback of 26 feet in lieu of the required 37.5 feet for a proposed front porch. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked 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.

ORDER RECEIVED FOR FILING
Date 1/31/06
By

Based upon all of the evidence contained therein, I am persuaded to grant the requested variance. The Petitioners propose constructing an addition on the front of the house to expand the existing kitchen and create a new living room/dining room area. In addition, a front porch will be added to the new addition. Since the existing house is located in the front portion of the lot, approximately 50 feet from the front property line, any addition to the front of the home would necessitate variance relief. There were no adverse comments submitted by any County reviewing agency and there was no opposition voiced by any of the neighbors. In this regard, it is to be noted that the Petitioners reside immediately to the rear of Mrs. Miller's parents, whose home is approximately 130 feet from the Petitioners' front property line. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January 2006 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front property line setback of 33 feet in lieu of the required 50 feet for a proposed addition, and an open projection setback of 26 feet in lieu of the required 37.5 feet for a proposed front porch, 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.

WJW:bjs

WILLIAM J. WISEMAN III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/31/06
By

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

January 31, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Thomas R. Miller
1103 Berrymans Lane
Reisterstown, Maryland 21136

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
S/S Berrymans Lane, 120' W of the c/l Church Road
(1103 Berrymans Lane)
4th Election District – 4th Council District
Thomas R. Miller, et ux - Petitioners
Case No. 06-328-A

Dear Mr. & Mrs. Miller:

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

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1103 Berryman's La., Reisterstown
which is presently zoned RC 5

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) 1A04.3B.2.b, 301.1A. (BCZR)

To permit an addition with a 33-foot front setback and an open projection with a 26-foot front setback in lieu of the required 50-feet and 37.5-feet, 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.

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):

Thomas R. Miller
Name - Type or Print

Thomas R. Miller
Signature

Barbara A. Miller W 410 239-6448
Name - Type or Print

Barbara A. Miller
Signature

1103 Berryman's La. H. 410-526-4678
Address — Telephone No.

Reisterstown MD 21136
City — State — Zip Code

Representative to be Contacted:

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. 06-328-A

Reviewed By DT **Date** 1/5/06

Estimated Posting Date 1/15/06

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 at 1103 Berryman's Lane
Address
Reisterstown, MD 21134
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):

We would like to add a 24'x19' addition with a 7'x19' porch to our existing rancher. This would be at the front of our home. Due to the interior configuration of the house the most practical LOCATION FOR THE ADDITION would be to the front of our house - We are adding on the livingroom (new room), making the old livingroom our diningroom & will then be able to extend our kitchen area. To place the new space on the side of our home would entail destroying our black top driveway & in the back of our house is sewage & very large trees. The side of our house would also put us in closer range of next door neighbors home & would eliminate our deiveway parking.

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.

Thomas R. Miller
Signature

Barbara A. Miller
Signature

Thomas R. Miller
Name - Type or Print

Barbara A. Miller
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of November, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Mr Thomas R. Miller + Mrs Barbara A. Miller the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

KETAN A. PATEL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 16, 2008

REV 10/25/01

Zoning Description for **1103 Berryman's Lane**

Beginning at a point on the south side of Berryman's Lane being 120-feet west of the centerline of Church Road. Being Lot #2 in the subdivision known as "Charles W. Korman Property" as recorded in Baltimore County Plat Book #53, Folio #108, containing 1.1884 acres. Also known as 1103 Berryman's Lane and located in the 4th Election District, 4th Councilmanic District.

06-328-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2830

DATE 1/5/06 ACCOUNT 001006616150

AMOUNT $ 65.00

RECEIVED FROM: MR + MRS. MILLER

FOR: ITEM # 328 06-328-A

103 BERRYMAN'S LANE BY D THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

[illegible]

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: Kristen Matthews **DATE:** 1/18/06

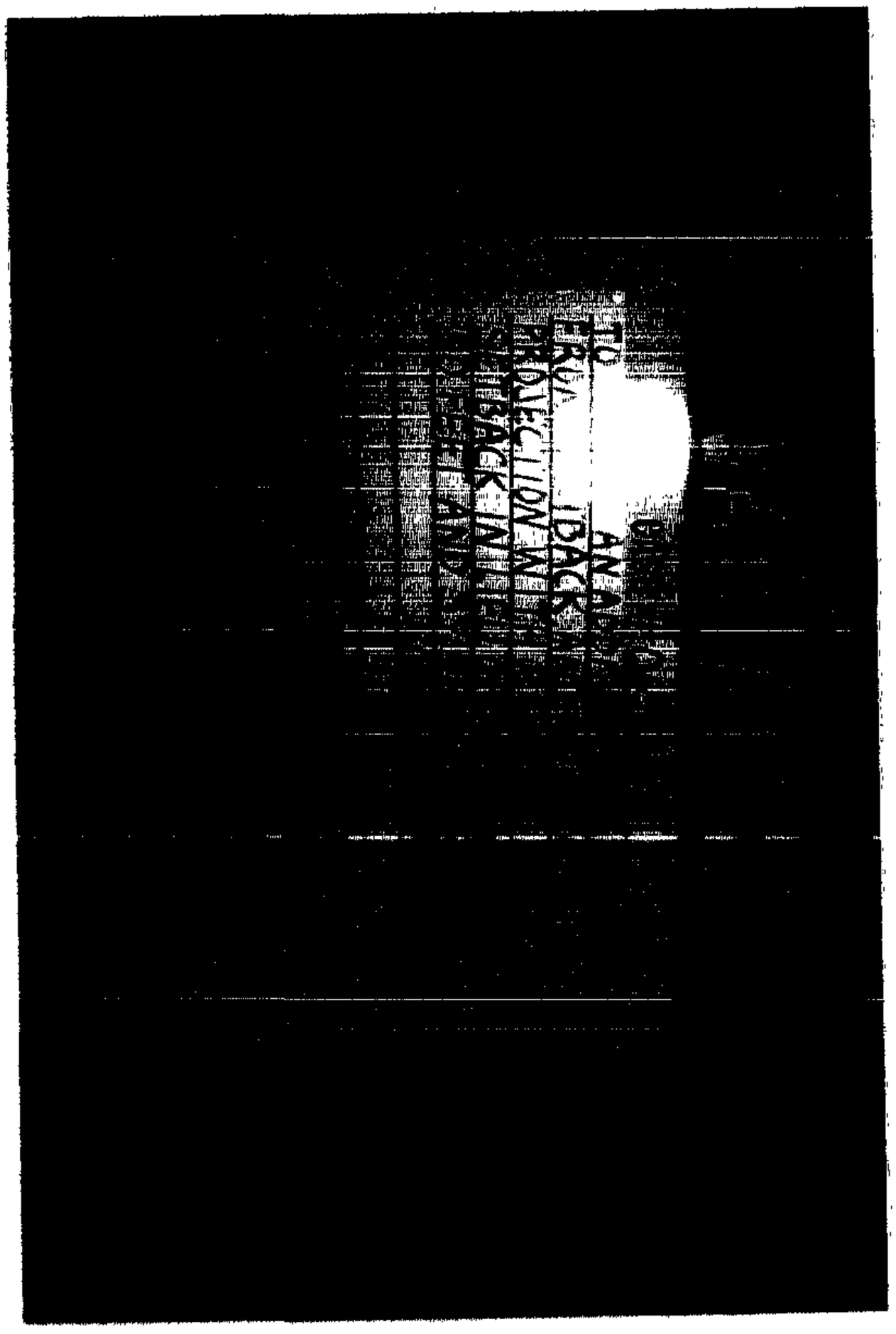
Case Number: 06-328-A

Petitioner/Developer: THOMAS MILLER

Date of Hearing (Closing): '1/30/06

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: 1103 BERRYMAN'S LANE

The sign(s) were posted on: 1/15/06



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

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 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: 06-328-A

Petitioner: MILLER

Address or Location: 1103 BERRYMAN'S LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. THOMAS R. MILLER

Address: 1103 BERRYMAN'S LANE
REISTERSTOWN, MD 21136

Telephone Number: (H) 410-526-4678 (W) 410-239-6448 (BARBARA MILLER)

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-328 -A Address 1103 BERRYMAN'S LANE

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/5/06 **Posting Date:** 1/15/06 **Closing Date:** 1/30/06

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 06-328 -A Address 1103 BERRYMAN'S LANE

Petitioner's Name MILLER Telephone 410-526-4678

Posting Date: 1/15/06 **Closing Date:** 1/30/06

Wording for Sign: To Permit AN ADDITION WITH A 33-FOOT FRONT SETBACK AND AN OPEN PROTECTION WITH A 26-FOOT FRONT SETBACK IN LIEU OF THE REQUIRED 50-FEET AND 37.5-FEET, RESPECTIVELY.

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

January 30, 2006

Thomas Miller
Barbara Miller
1103 Berrymans Lane
Reisterstown, Maryland 21136

Dear Mr. and Mrs. Miller:

RE: Case Number: 06-328-A, 1103 Berryman's Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2006.

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

JANUARY 20,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 16,2006

Item No.: 328, 329, 330, 331, 333, 334, 335

1. The Fire Marshal's Office has no comments a: this time.

Acting Lt. David Heath
Fire Marshal's Office
(O)410-887-4381
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 31, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For January 23, 2006
Item Nos. 328, 329, 330, 331, 332, 333, and 335

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-01312006.doc

AV
1/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 23, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-328- 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: Curtis Murray

Division Chief: Jeff Mayhew

CM/LL

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1.17.06

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

RE: Baltimore County
Item No. 328 DT

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

Betty K. Hentzman
1105 Berryman's Lane
Reisterstown, MD 21136

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

January 3, 2006

To Whom It May Concern:

I am the property owner of 1105 Berryman's Lane and acknowledge that I am aware of the proposed addition to the home of my daughter and son-in-law (Barbara A. and Thomas R. Miller) at 1103 Berryman's Lane. My property adjoins their lot to the North, South and West and I have no objection to them building an addition to their home.

Should you have any questions, you may contact me at my home telephone number 410-833-0595.

Sincerely,

Betty K. Hentzman

Betty K. Hentzman

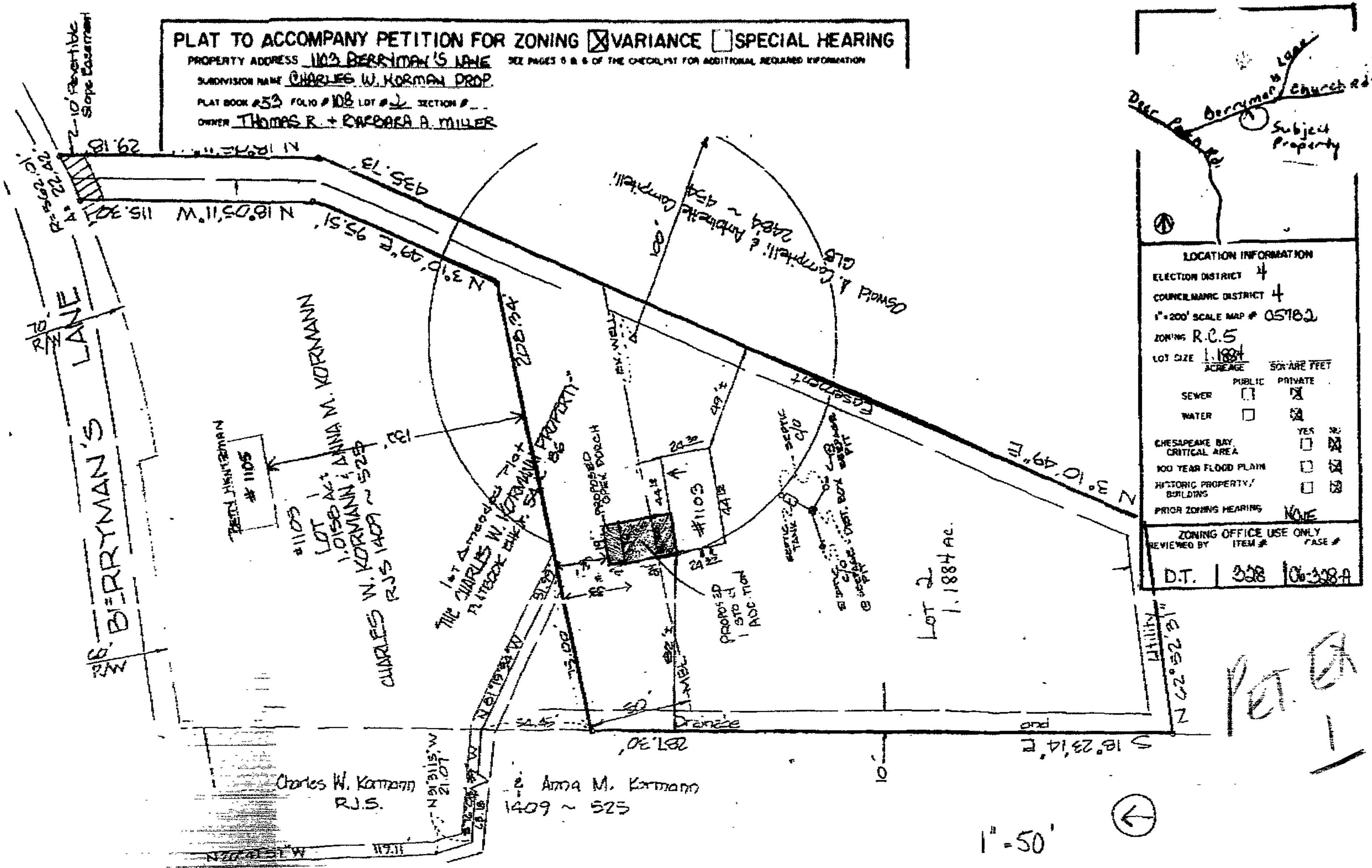
PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

PROPERTY ADDRESS 1103 BERRYMAN'S LANE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME CHARLES W. KORMAN PROP.

PLAT BOOK #53 FOLIO # 108 LOT # 2 SECTION # __

OWNER THOMAS R. + BARBARA A. MILLER



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 4

1"=200' SCALE MAP # 05182

ZONING R.C.5

LOT SIZE 1.1884 ACREAGE / SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[ ]	[X]
WATER	[ ]	[X]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY/ BUILDING	[ ]	[X]

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.T.	328	06-328-A

Pg 1

06-338-A

0046684 34/50 (IPC6)

FRONT

<20> CO MA YO DA 11 19/06

06-338-A

004684 40-56 (40560)

FRONT

(14) CO MO VA FA [illegible]

06-328-A

DO NOT DETACH

DO NOT DETACH

FRONT OF HOUSE

06-328-A

06.328A

004604 39/50 (4R50)

FRONT

<15> CA MB YB [illegible]

06 11 '06 10:11 FAX 703 684 0564 ADESO

VIEW OF ADJOINING
PROPERTY

06-328-A

Plan Sheet: *057B2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

056C1	057A1	057B1	057C1	058A1
056C2	057A2	057B2	057C2	058A2
056C3	057A3	057B3	057C3	058A3

Scale

1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004