THE PLANTS OF THE PARTY OF THE

IN RE: PETITION FOR ADMIN. VARIANCE

East Side of Park Drive, 12' 9" of

Centerline of Bear Creek 12th Election District

7th Councilmanic District

(1701 A Park Drive)

Robert and Lorraine Carpenter

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 06-337-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, Robert and Lorraine Carpenter. The variance request is for property located at 1701 A Park Drive in the Bear Creek area of Baltimore County. The variance request is from Sections 1B02.3C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side street setback of 18 ft. in lieu of the required 25 ft. 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: A ZAC comment was received from the Department of Environmental Protection and Resource Management (DEPRM) dated February 7, 2006, a copy attached hereto and made a part hereof.

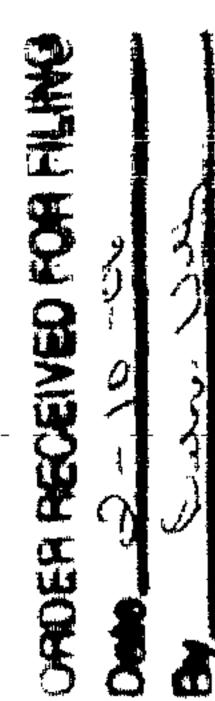
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 22, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 <u>10</u> day of February, 2006, that a variance request from Sections 1B02.3C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a side street setback of 18 ft. in lieu of the required 25 ft., 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 must be in compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated February 7, 2006, a copy of which is 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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 10, 2006

Robert Carpenter Lorraine Carpenter 1701 A Park Drive Baltimore, Maryland 21222

Re: Petition for Administrative Variance

Case No. 06-337-A

Property: 1701 A Park Drive

Dear Mr. and Mrs. Carpenter:

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:diw Enclosure

Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
People's Counsel; Case File



RECEIVED

T D

PHV 10/25/01

06-337-4

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17014 FRED which is presently zoned 77.5.5

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

Zoning Commissioner of Baltimore County

Date

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) (302.3.3.1504)

THEREQUIRED 25 FT.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature ARPENTOR ype or Print Telephone No. Address Zip Code Signature State City 1701 A PARK DR. Attorney For Petitioner: Telephone No. Address 21222 WD -SALTIMORE State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No Telephone No **Address** Addess Zip Code Zip Code State City State A Publis Rearing 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 -∫fday of lawes of Baltimore County and that the property be reposted

Reviewed By

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	1701 A PARK DR. Address		
	City	MD _ State	ZIZZZ Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon which or practical difficulty):	ch I/we base the reque	st for an Administrative
were need more room to the	use our Expansi	ns Family	, · ·
OUR present housing is too	tight.		
			•
			•
		-	
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed, Affia	nt(s) will be required	to pay a reposting and
advertising fee and may be required to provide a	1 / /		
Signature	Signature	u Caparti	
Robert Carpenter	· · · · · · · · · · · · · · · · · · ·	ANNE CARPERT	er_
Name - Type or Print	Name - Type		
STATE OF MARYLAND, COUNTY OF BALTIN	/ORE. to wit:		
I HEREBY CERTIFY, this $9 + 6$ day of of Maryland, in and for the County aforesaid, pe	_	<u>િંદે ,</u> before me, a N	otary Public of the State
the Affiant(s) herein, personally known or satisfa	Lerraine Care	senter	
the Affiant(s) herein, personally known or satisfa	actorily identified to me as su	ch Affiant(s).	··
AS WITNESS my hand and Notarial Seal	_		
	Saul Jie	en Bource	xtu.
	Notary Public My Commission Ex	xpires CAROL IEAN	BONINGONTO
REV 10/25/01		Notary	Public County, MD pires May 17, 2006

ZONING DESCRIPTION FOR 1701 A PARK DRIVE

BEGINNING AT A POINT ON THE EAST SIDE OF PARK DRIVE WHICH IS WIDE AT THE DISTANCE OF 12'9" OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, BEAR CREEK WHICH IS

WIDE. BEING LOT# 66,66A,67 & 68, BLOCK# SECTION# IN THE SUBDIVISION OF ROSEWALD BEACH AS RECORDED IN BALTIMORE

COUNTY PLAT BOOK # 10, FOLIO # 88 CONTAINING 5702. 5 SQUARE FEET.

ALSO KNOWN AS 1701 A PARK DRIVE AND LOCATED IN THE 12 ELECTION DISTRICT, 7 COUNCILMANIC DISTRICT.

	A DE SAME CONTRACTO DE LA MESTA DE CARLO DE LA MESTA DEL MESTA DE LA MESTA DEL MESTA DE LA MESTA DE LA MESTA DE LA MESTA DEL
Septiment of the second of the	المورية المحتوية المورية المورية المورية المورية المورية المورية المورية
	A control of the cont
Aller Company of the	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
3 3	
	5
	CATALLA CAMILLA I HIZ-HAMILLA CAMILLA
313	
332	
S A S	
353	

CERTIFICATE OF POSTING

	RE: Case No.: (6-337-A
	Petitioner/Developer:
	CARPENTER
	Date of Hearing/Closing: Z - OG
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(416) 887-3394}	
Ladies and Gentlemen:	•
posted conspicuously on the property located at:	SLIVE
The sign(s) were posted on	onth, Bay, Year)
	cerely,
	Robert Black 1/23/06 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
and the second control of the second control	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(City, State, Zip Code) (410) 282-7940

1701 A. PHE IN.

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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 335 -A Address 1701 A FARY. Dr.
Contact Person: Sour Rease Print Your Name Phone Number: 410-887-3391
Filing Date: O(10-06. Posting Date: O(27-06. Closing Date: O2-06.
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.
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- 337 -A Address 1701- A. PARK DA.
Petitioner's Name CARRETECTOL Telephone 40-375-967
Posting Date: 01-22-06 Closing Date: 02-06-06
Wording for Sign: To Permit A SIDE Space SE-USACE OF
1STT IN GEWOF 75 FT.

BOB CARDEWICA 410-375-9677.

,

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

February 6, 2006

Robert Carpenter Lorraine Carpenter 1701 A Park Drive Baltimore, Maryland 21222

Dear Mr. and Mrs. Carpenter:

RE: Case Number: 06-337-A, 1701 A Park Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 10, 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,
U. Call Rill D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM

DATE:

02/07/2006

SUBJECT:

Zoning Item # ZAC06-337

Address

1701 A Park Drive (Carpenter Property)

Zoning Advisory Committee Meeting of January 23, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property must comply with Intensely Developed Area requirements. Specifically, for any proposed additional impervious surface over 250sf, mitigation is required by planting trees or a fee-in-lieu.

Reviewer:

Martha Stauss, EIR

Date: 2/7/2006

S Develored ZAC06-337 doc

Debra Wiley - Re: Comments - Administrative Variances - 06-336-A & 06-337-A

From:

Jeffrey Livingston

To:

Wiley, Debra

Date:

2/7/2006 3:02 PM

Subject: Re: Comments - Administrative Variances - 06-336-A & 06-337-A

Debra,

The official word on ZAC06-336 is No Comment.

I'm still waiting for comments on the CBCA property (06-337) and I'll let you know as soon as I get it.

Jeff

Jeff Livingston jlivingston@co.ba.md.us (410) 887-4488 ext. 339

>>> Debra Wiley 02/07/06 2:46 PM >>> Hi Jeff,

Needed to know if you had comments for the above. The closing date is 02/06/06 and the one in particular (06-337-A) is CBCA.

Thanks in advance!!

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-337- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

FEB - 2000

DATE: January 27, 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 31, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 30,2006

Item Nos. 336, 337, 338, 339, 340, 341,

343, 344, and 345

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-01302006 doc



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

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

Maryland Department of Transportation

Date: 1. Zo. 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.

337

JRA

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. Dul

Engineering Access Permits Division

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 January 25, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 23, 2006

Item No.: 335-A, 6-336-A, 6-337-A, 6-338-A, 6-339-A, 6-340-SPH, 6-341-A, 6-342-A. 6-343-A, 6-344-A and 6-345-SPHXA

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

Acting Lt. W T Moffitt Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File

755.90 **HEARING** ္က X OFFICE USE ONLY ITEM # paper Subject SOUARE FF 104A2 PRIVATE THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION LOCATION INFORMATION NON WILL SCALE: 1" = 1000 #D30/= VICINITY MAP PUBLIC XX 100 YEAR FLOOD PLAIN SPECIAL COUNCILMANIC DISTRICT PRIOR ZONING HEARING i"=200' SCALE MAP # Consensor. See Jeen HISTORIC PROPERTY/ BUILDING DA5.5 ACREAGE 38 ELECTION DISTRICT CHESAPEAKE BAY CRITICAL AREA ORE WARED ZONING (SEWER WATER LOT SIZE SONING ARIANCE "manghlin SHARON nois Z TD# 12-08-049 Remainder Lot 66 DRAWING FOR ZONING SEE PAGES 9 Ancesson SCALE 65.00 DAWN appendant PET PLAT TO ACCOMPANY
PROPERTY ADDRESS 1201 A. CRRAINE ROSEWA FOL. 10 # 88 .58.19 3.00.57.555 9 BEAR CREEK DRIVE PREPARED

1# 43



LOOKING & FROM
PROPOSED ADDITION to the Left SIDE







