IN RE: PETITION FOR ADMIN. VARIANCE

Northwest Side of Hooper Lane, 16' Right-of
Way, 410' NE from Bend in Hooper Lane

11th Election District
3rd Councilmanic District

\*

(12122 Hooper Lane)

Dennis G. and Carol W. Bailey

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-357-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 G. and Carol W. Bailey. The variance request is for property located at 12122 Hooper Lane in the Glen Arm area of Baltimore County. The variance request is from 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building addition (detached garage addition) to be located partially within the side yard in lieu of the required rear yard only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

### **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 February 4, 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 Petitioners.

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 \_\_\_\_\_ day of March, 2006, that a variance from 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building addition (detached garage addition) to be located partially within the side yard in lieu of the required rear yard only, be and is hereby GRANTED, subject, however, to the following restriction 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.

JOHN V. MURPHY

DEPLIES TONING COMMISSIONED

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 6, 2006

Dennis G. Bailey Carol W. Bailey 12122 Hooper Lane Glen Arm, Maryland 21057

Re: Petition for Administrative Variance Case No. 06-357-A
Property: 12122 Hooper Lane

Dear Mr. and Mrs. Bailey:

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

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013 People's Counsel, Case File



# Petion for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	12122 Нооре	r L	ane	• · ·	
whi	ch is presently zoned	RC	2	(and	ML

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) +001, BCZR, to permit a proposed accessory building addition (detached garage addition) to be located partially within the side yard in lieu of the required rear yard only.

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

Contract Purchaser/Le						
	<u> </u>		Legal Owner(	<u>s):</u>		
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			Signature Carol	W. Bailey		<del></del>
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Attorney For Petitione	<u>r:</u>	•	12122 Ноо	per Lane	410-592-5	5072
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adiçaş		Telephone No.	Address Baldwin	N/C T's	Telepi	none No
ity	State	Zip Code	City	MD	2101	
Public Hearing having been day of		•	- 1		State Z	Zip Code

# Affidavith 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.

-	Address Glen A	Arm	MD	21057
	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):

Extremely steep slopes in area behind house preclude garage construction. Pond exists to northwest of house. Existing driveway feeds directly to proposed garage entry. Dwelling is last house on Hooper Lane. Neighbors to east access their properties via Glen Arm Road and Long Green Pike. Excavation for well installation revealed total rocky substrata. Grading to construct garage in steep areas behing house would be nearly impossible.

That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide ad	nal demand is filed, Affiant(s) will be required to pay a reposting and Iditional information.
Jam Ja Dun	Caw Madur
Signature  Dennis G. Bailey	Signature Carol W. Bailey
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO	NDE to with
HEREBY CERTIFY, this 6 day of State of Maryland, in and for the Gounty aforesaid,	anuary 2006, before me, a Notary Public of the personally appeared
the Affiant(s) herein, personally known or satisfact	torily identified to me as such Affiant(s), and made oath in due form of the are true and correct to the best of his/her/their knowledge and belief.
S WITNESS my hand and Notarial Seal	
January 16, 2006	Latherine Wals
Date UNE WELL	Notary Public
REV 01/15/98  NOTARY PUBLIC	My Commission Expires April 1, 2007

()6-357-A

## J. S. DALLAS, INC.

**SURVEYING & ENGINEERING** 

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

### ZONING DESCRIPTION #12122 HOOPER LANE

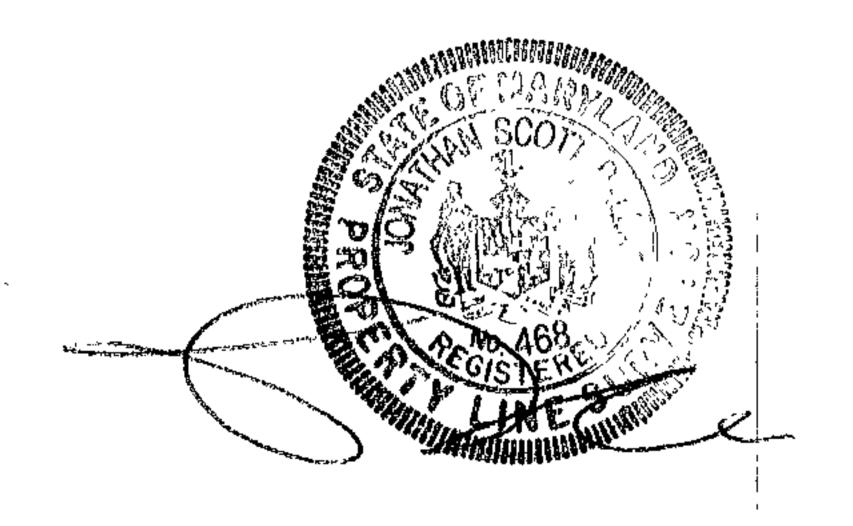
BEGINNING for the same it a point on the northwest side of Hooper Lane, "16' Right-of-way" at a point distant 410 feet, more or less northeast from a bend in Hooper Lane. As recorded in a deed for that parcel of land dated November 9, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6818 folio 141 etc. thence running with and binding on said 16' right-of way (1) North 55 degrees 43 minutes East 235.00 feet thence binding on the northeast end of said 16' right-of-way (2) South 34 degrees 17 minutes East 16.00 feet thence (3) North 55 degrees 43 minutes East 40.00 feet thence (4) North 34 degrees 17 minutes West 110.00 feet thence (5) North 55 degrees 43 minutes East 70.56 feet thence (6) North 34 degrees 19 minutes 05 seconds West 436.11 feet thence (7) South 49 degrees 46 minutes 46 seconds West 100.20 feet thence (8) South 4 degrees 06 minutes East 222.15 feet thence (9) South 12 degrees 04 minutes 44 seconds West 185.08 feet thence (10) South 34 degrees 17 minutes East 200.00 feet to the place of beginning.

CONTAINING 129075 square feet or 2.96 acres of land, more or less.

**BEING** all of that parcel which by deed dated November 9, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6818 folio 141 etc. was conveyed by John Kenneth Shaw and wife to Dennis G. Bailey and wife.

**ALSO** known as # **12122 Hooper Road** and located in the 11th Election District 3rdCouncilmanic District.

Note: above description is for zoning purposes only.



06-357-A

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ON				CUSTOMEN
OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE	RECEIVED		WHITE CASHER PINK AGENCY YELLOW

•

# CERTIFICATE OF POSTING

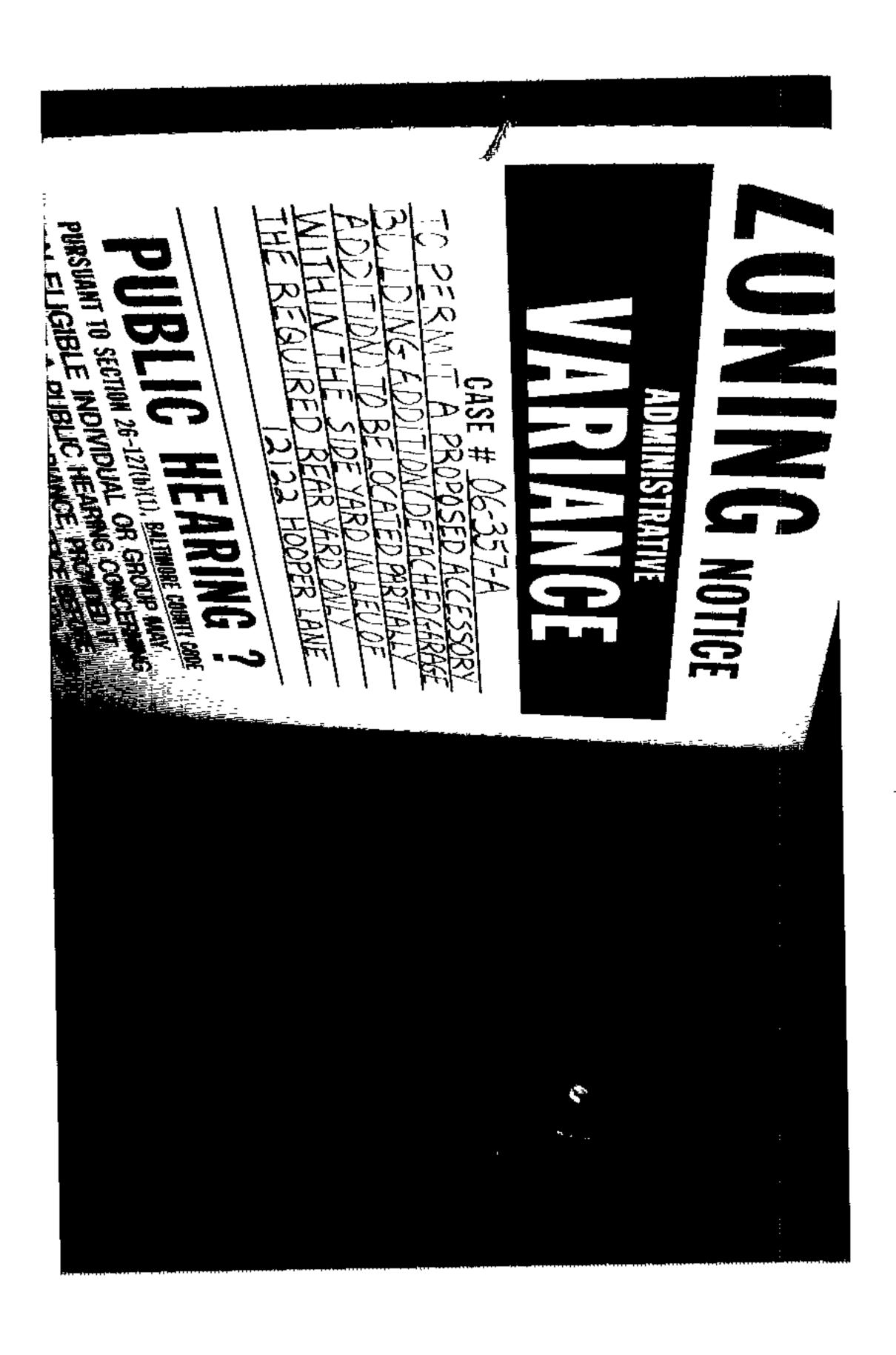
Case Number: 06-357-A

Petitioner/Developer: DENNIS & CAROL BAILEY

Date of Hearing (Closing): 2/20/2006

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: 12122 HOOPER LANE

The sign(s) were posted on: 2/4/06



Syndy () Kuffel (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)

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

case N	umber (	06-	357	-A	Add	lress _	12122	Hoo	per L	aue		
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# Department of Permits are Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T Smith, Jr., County Executive Timothy M. Kotroco, Director

February 20, 2006

Dennis G. Bailey 12122 Hooper Lane Glen Arm, MD 21057

Dear Mr. Bailey:

RE: Case Number: 06-357-A, 12122 Hooper Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 23, 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. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

J. Scott Dallas P.O. Box 26 Baldwin 21013



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:

2.3.06

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

RE:

Baltimore County -

lem No. 357)

JHP

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

L. J. Gredh



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Of ice Building, Room 111 Mail Stop #1105
111 Wash thesapeake Avenue
Towson, Maryland 21204

February 3, 2006

ATTENTION Zoning Review planners

Distribution Meeting of: February 13, 2006

Jion No - Jase Numbers 6-357-A, 6-358-A, 6-359-A, 6-360-SPHA, 6-361-SPHA, 6-362-A

this is and the comments below are applicable and required to be correctly incorporated into the final plans for the property.

Aarshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. ire Marshal's Office 410-887-4881 (C) 443-829-2946 MS-1102F

CC: Wile

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** February 14, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For February 13, 2006

Item Nos (357) 359, 360, 361, 362, 363, 365

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-02142006.doc

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** February 23, 2006

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) 6-357- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

RE:	PETITION FOR ADMINSTRATIVE VARIANCE	*	BEFORE THE
	12122 Hooper Lane; NW/S Hooper Lane, 880' Fitchett Avenue	*	ZONING COMMISSIONER
	11 <sup>th</sup> Election & 3 <sup>rd</sup> Councilmanic Districts Legal Owner(s): Dennis & Carol Bailey	*	FOR
	Petitioner(s)	*	BALTIMORE COUNTY
		*	06-357-A

### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZÍMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> day of February, 2006, a copy of the foregoing Entry of Appearance was mailed to, Dennis & Carole Bailey, 12122 Hopper Lane, Glen Arm, MD 21057, Petitioner(s).

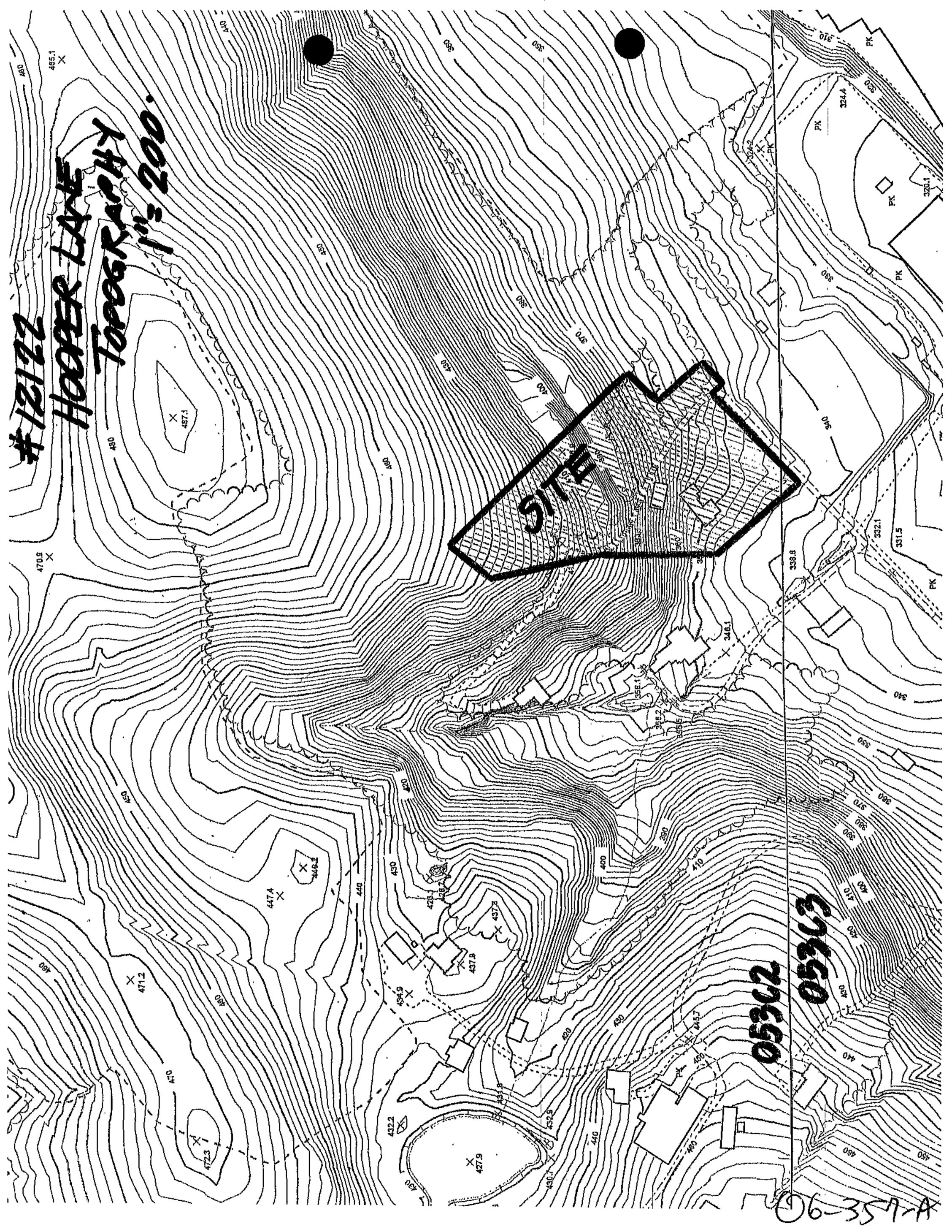
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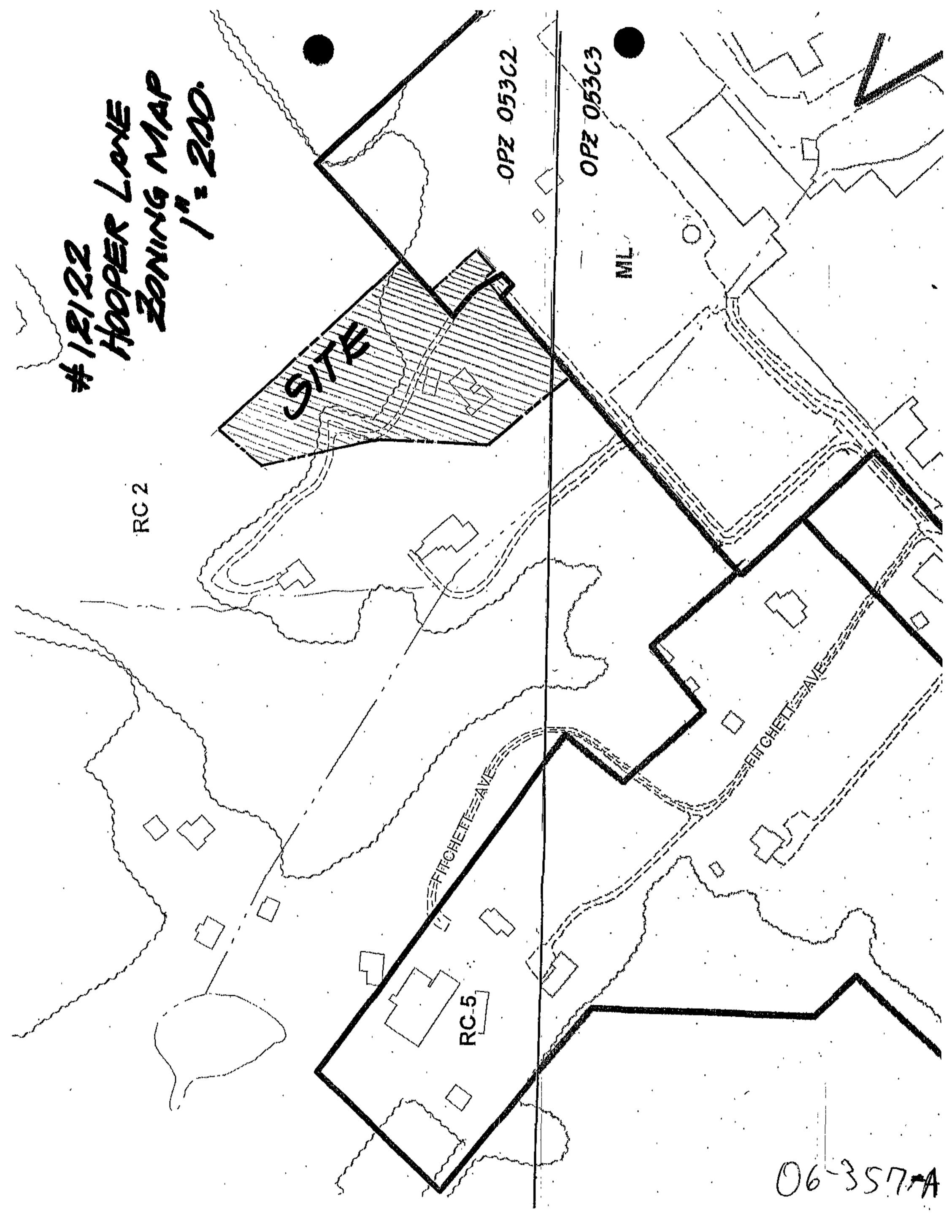
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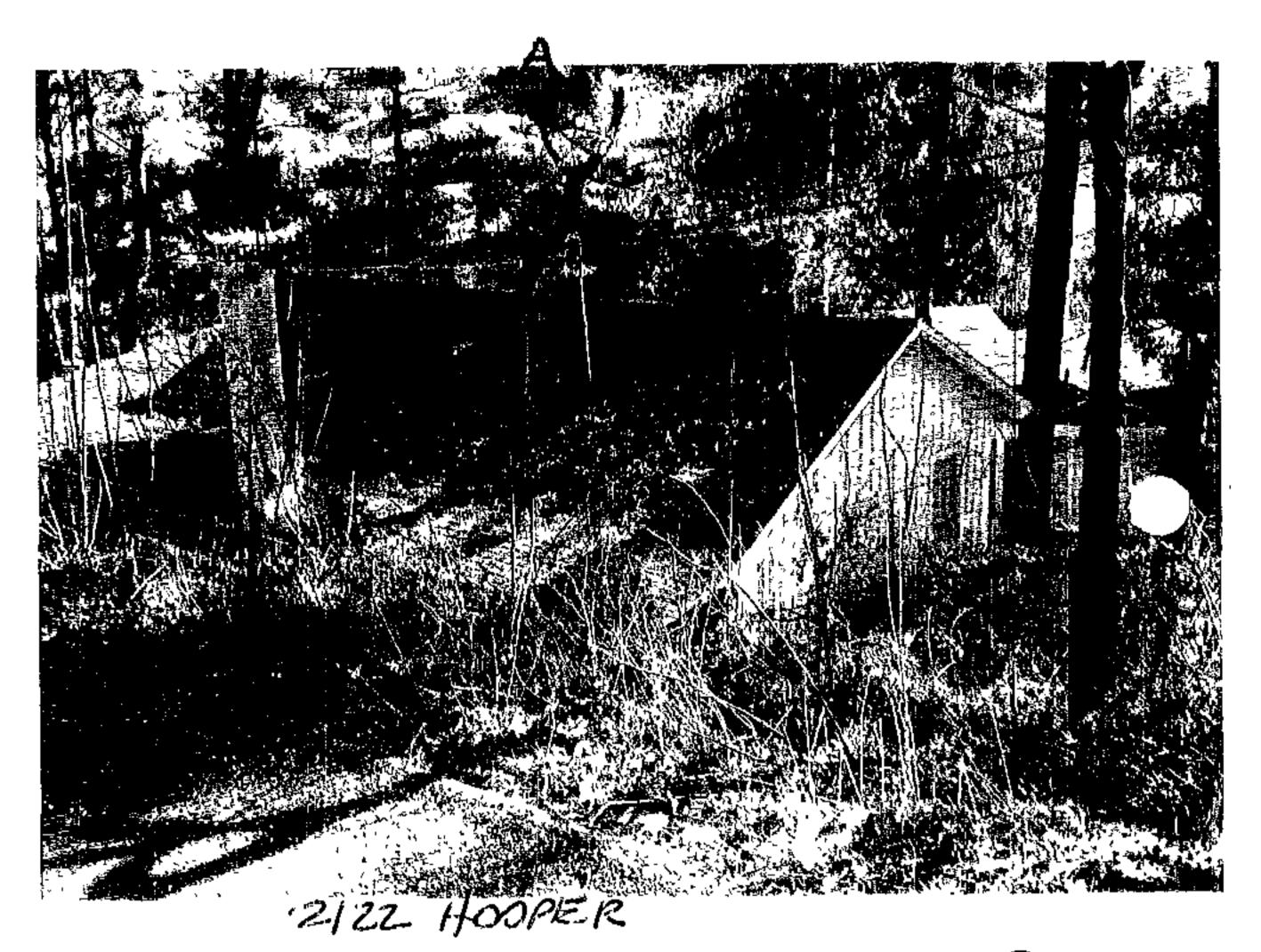
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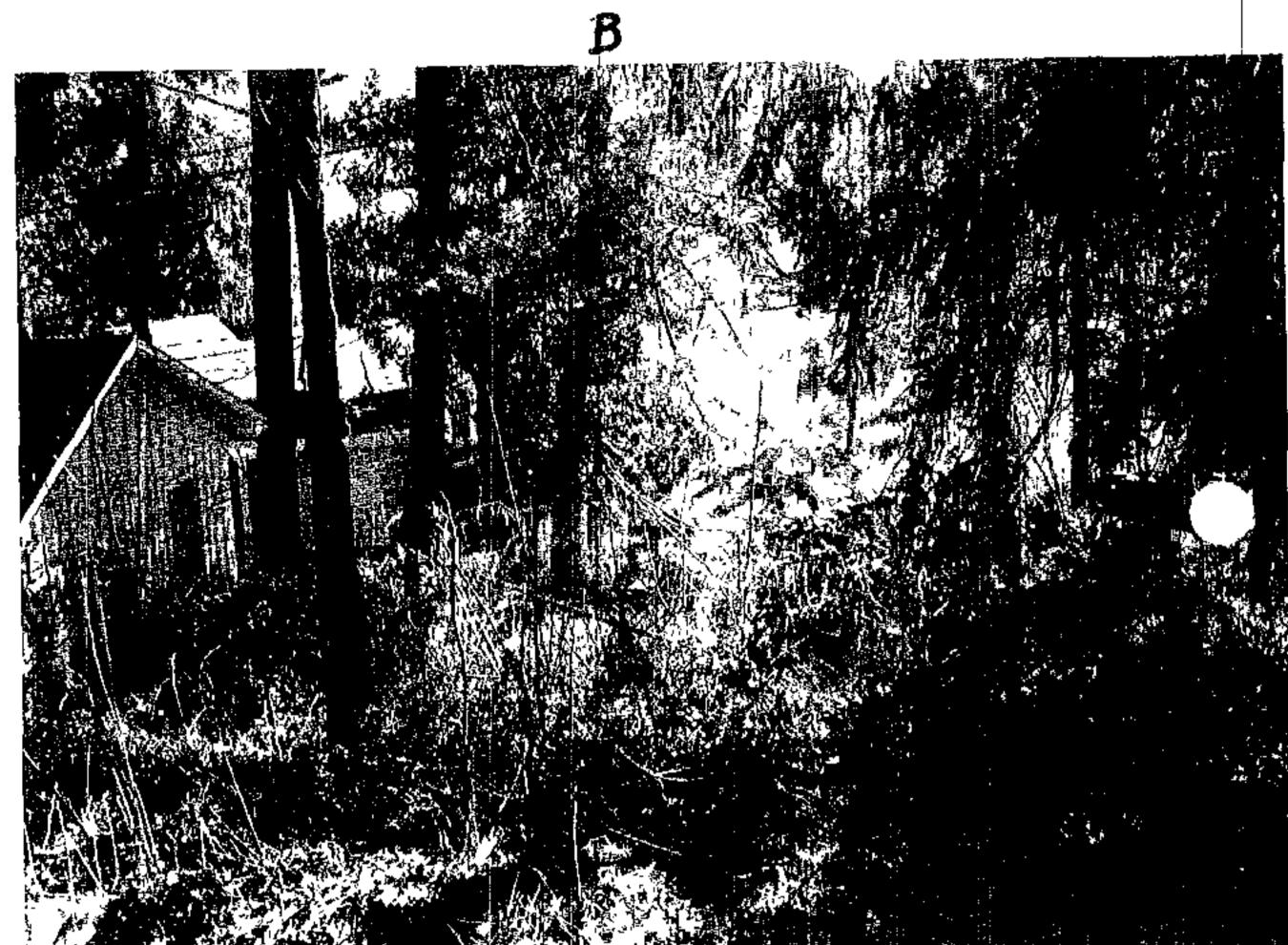
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





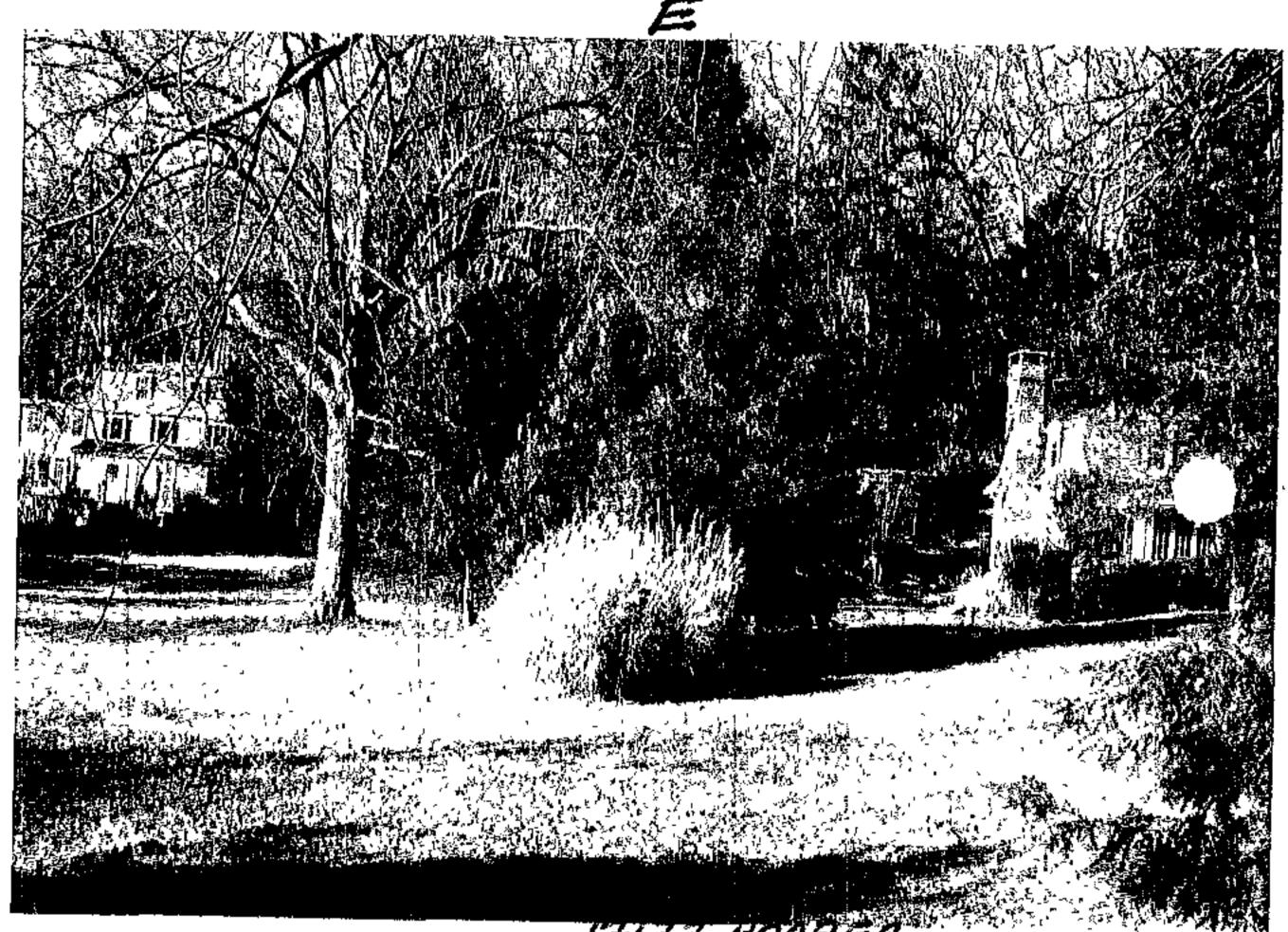








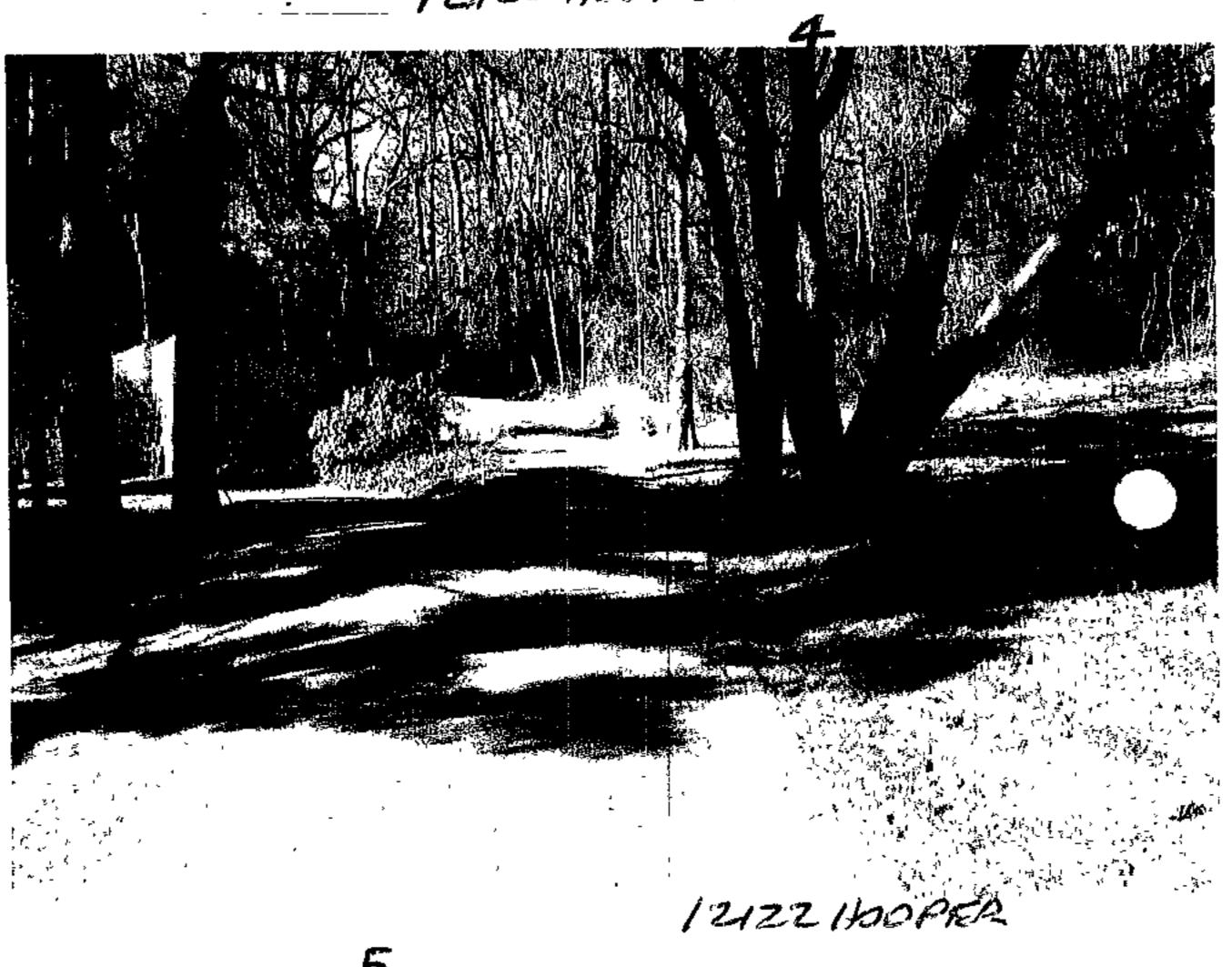




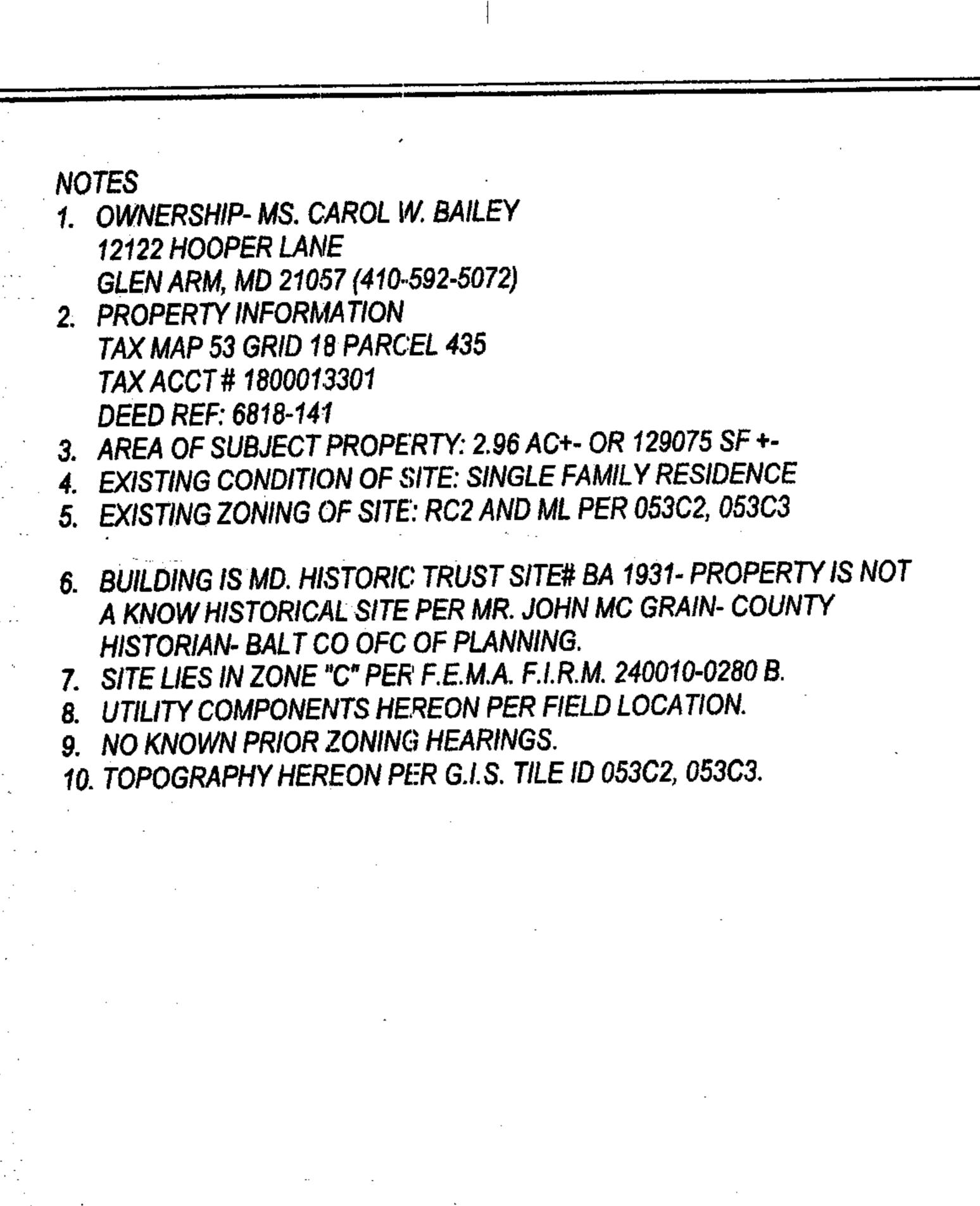


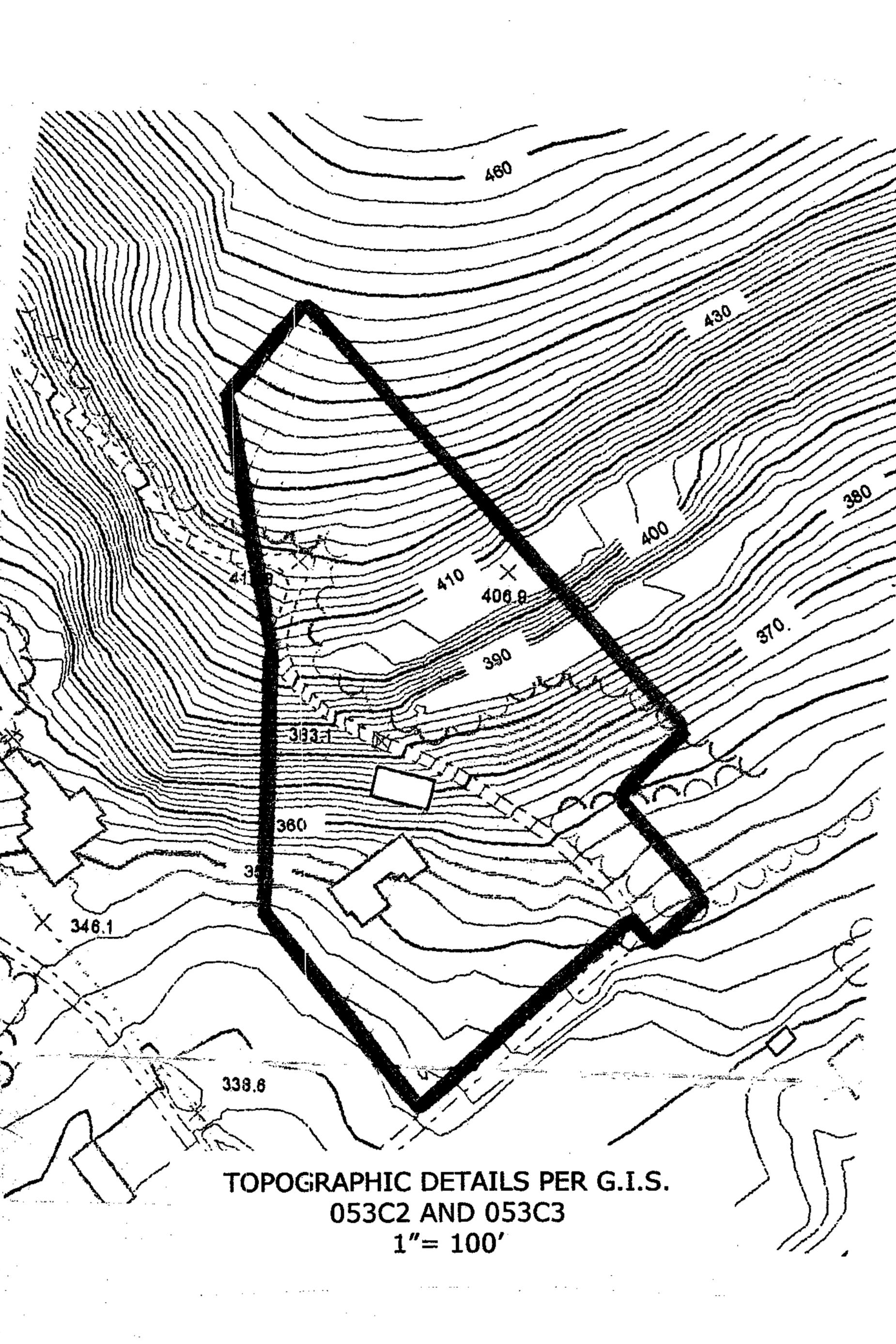


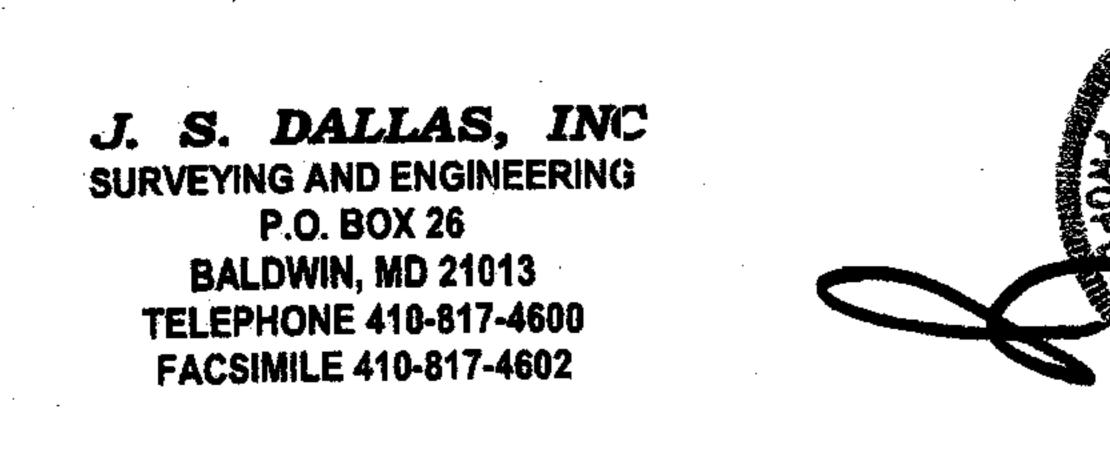


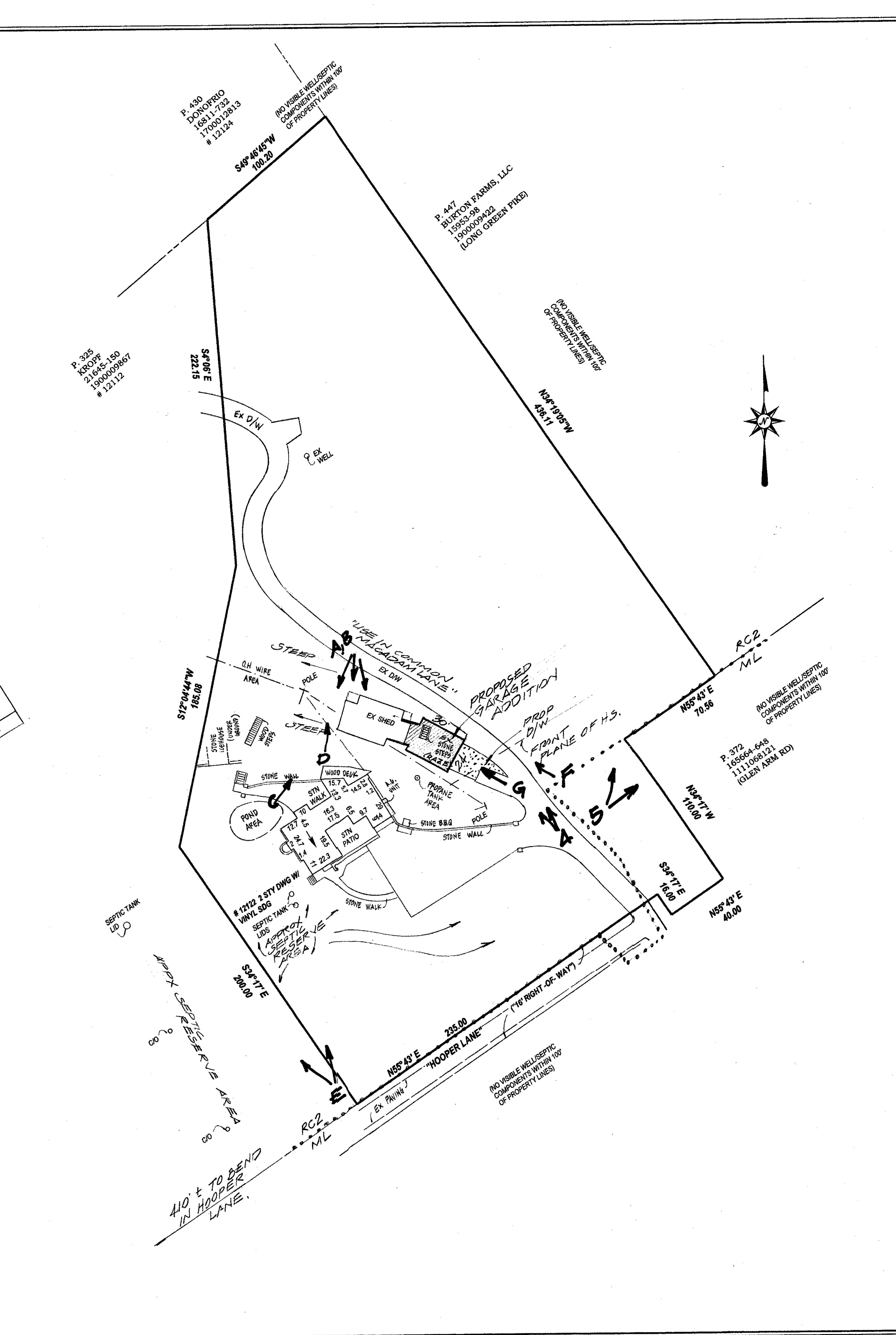


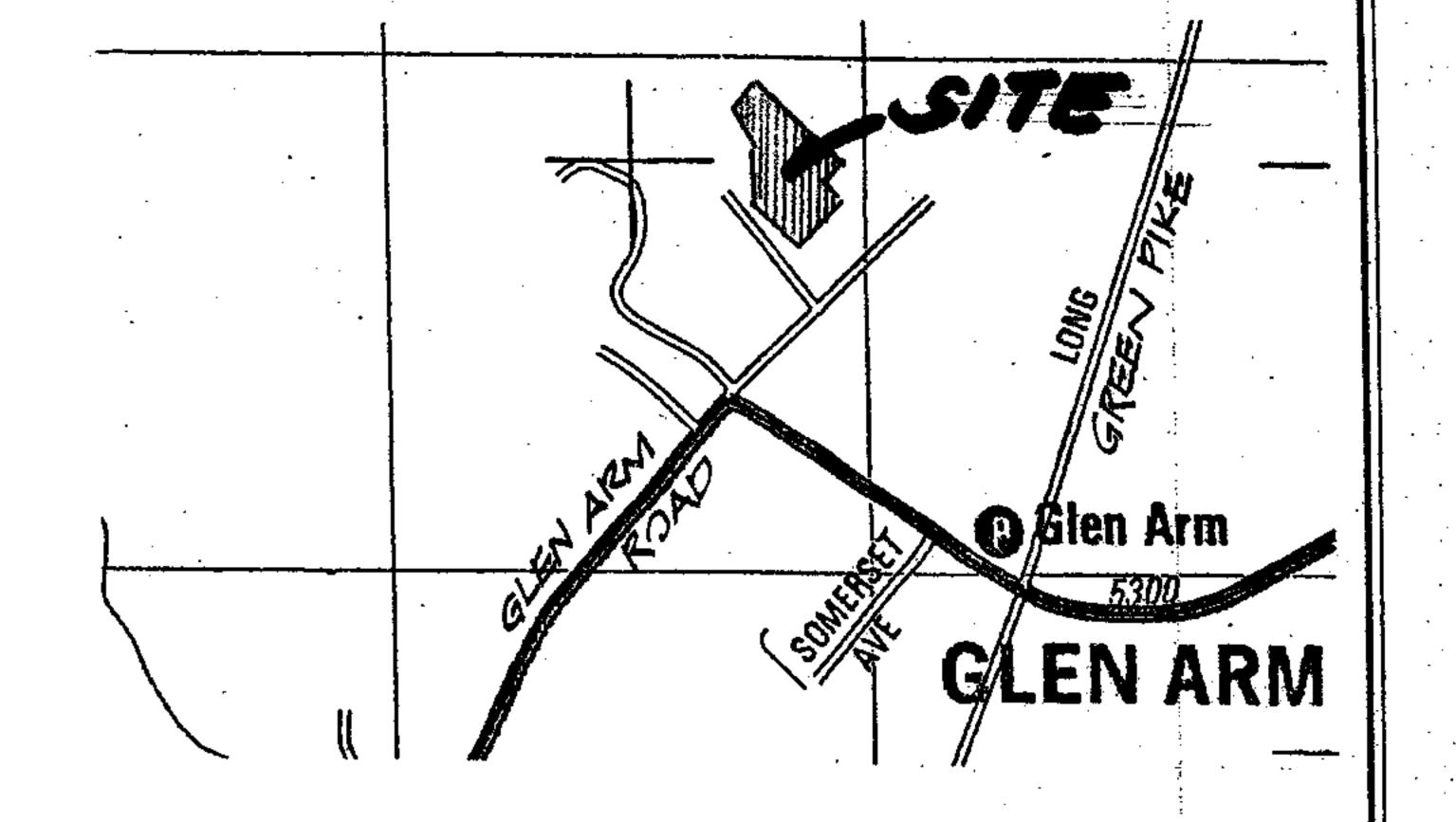












VICINITY MAP 1"= 1000"


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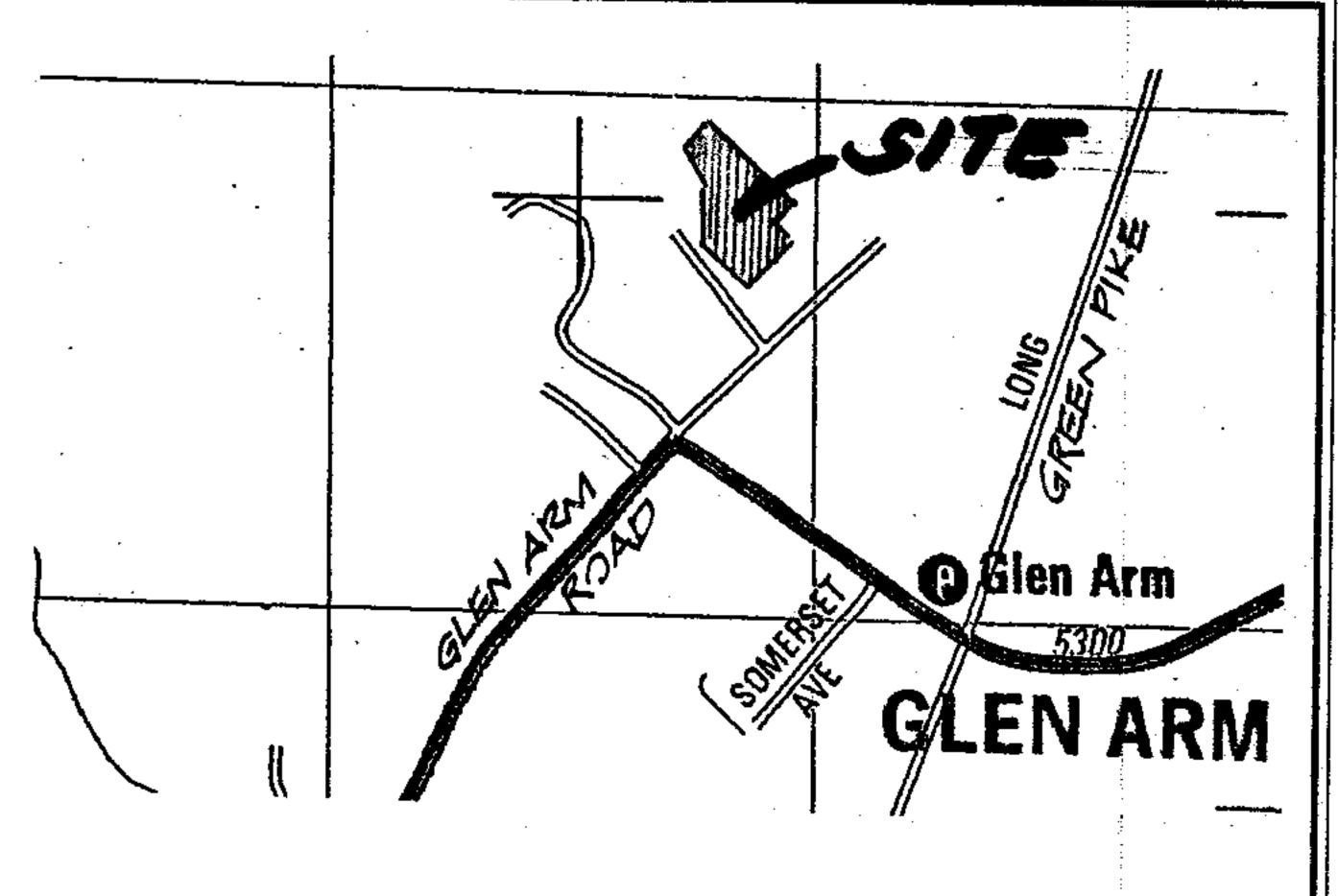
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE # 12122 HOOPER LANE

11TH ELECTION DISTRICT 3RD COUNCIL DISTRICT BALT CO, MD SCALE: 1"= 40" JANUARY, 2006

Tra

96-357-A





VICINITY MAP 1"= 1000"

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE # 12122 HOOPER LANE

11TH ELECTION DISTRICT 3RD COUNCIL DISTRICT BALT CO, MD SCALE: 1"= 40' JANUARY, 2006

06-357-A