IN RE: PETITION FOR ADMIN. VARIANCE

N/S Holly Knoll Drive, 2,600' W of the c/l

Holly Branch Court

(4006 Bulls Sawmill Read)

10<sup>th</sup> Election District

block Knoll Dr \* OF BALTIMORE COUNTY

6<sup>th</sup> Council District

\* Case No. 06-382-A

John G. Locke, Jr., et ux

Petitioners

\* 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, John G. Locke, Jr., and his wife, Kathryn B. Locke. The Petitioners request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 38 feet in lieu of the required 50 feet for a proposed garage addition. The subject property and requested relief are more particularly described on the site plan submitted which 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.

RDER RECEIVED FOR FILING ate 227/11/6

Based upon all of the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the layout and location of the existing dwelling. As shown on the site plan, the addition is proposed on the west side of the dwelling, adjacent to the existing driveway, which is within the required 50-foot side yard setback. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. Thus, I find that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition of approval, building elevation drawings of the proposed garage addition shall be submitted to the Office of Planning for review and approval prior to the issuance of any permits. Moreover, use of the structure shall be limited to that accessory to the primary use of the property for residential purposes.

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.

this \_\_\_\_\_ day of March 2006 that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 38 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed garage to the Office of Planning for review and approval.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs

Zoning Commissioner

for Baltimore County



JAMES T. SMITH, JR. County Executive

March 7, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. John G. Locke, Jr. 4006 Holly Knoll Drive Glen Arm, Maryland 21057

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Holly Knoll Drive, W of the c/l Holly Branch Court
(4006 Holly Knoll Drive)
10<sup>th</sup> Election District – 6<sup>th</sup> Council District
John G. Locke, Jr., et ux - Petitioners
Case No. 06-382-A

Dear Mr. & Mrs. Locke:

WJW:bjs

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 traly you

WISKMAN, III

Zoning Commissioner

for Baltimore County

cc: Office of Planning; People's Counsel; Case File



### Petition for Administrative Variance

to the Zoning Commissioner of 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

MARYLAND		4006 Holly Knoll Drive
	whic	h is presently zoned <u>IZC</u>
owner(s) of the property situate in Baltim	nore County and which is described	lopment Management. The undersigned, legal d in the description and plat attached hereto and $B.3;BCZR(R.5.C.1973)$ ,
TO PERMIT A SID	E SETBACK OF 3	38. Just. IN LIEU OF THE
REQUIRED 50 ft	t. FOIZ AN ADDITI	ON (GATZA GE).
of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning law of Baltimor	re County, for the reasons indicated on the back
Property is to be posted and advertised a , or we, agree to pay expenses of above Va egulations and restrictions of Baltimore Cou	ariance, advertising, posting, etc. and f	further agree to and are to be bounded by the zoning

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): G. Locke, Jr. Name - Type or Print Type or Print Name\_ Signature Signature Telephone No. Address Name - Type or Print State Zip Code City Signature Attorney For Petitioner: Address Zip Code Name - Type or Print State Representative to be Contacted: Signature Name Address Telephone No. Address Telephone No. State Zip Code 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 of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By

Estimated Posting Date \_

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a performance of the competent of the event that a performance of the event that a pe	within the personal know ublic hearing is scheduled	ledge of the Affiant(s) a in the future with regard	thereto.
That the Affiant(s) does/do presently reside at	Address	Knoll Drive	
	City Arm	MD State	2ip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon w		est for an Administrative
1. The 50-ft. setback	is in addition	1 40 a 36ft.	right-of-way
on the garage side	of the prope	144.	
2. Declaration of Rest	•	<b>.</b> J	Hat garages
are to be atlached	, , , , , , , , , , , , , , , , , , ,		
		<b>J</b>	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, A additional information.	ffiant(s) will be required	to pay a reposting and
A 91 Lock De		Ethun B. Olo	sele
Sohn G. Locke Jr.	Signature	Thryn B. L.C. ype or Print	ocle-
Name - Type or Print	Name - 1	Abe or within	
STATE OF MARYLAND, COUNTY OF BALTIE	MODE to wit		,
I HEREBY CERTIFY, this Or back day of Lacof Maryland, in and for the County aforesaid, pe	ruary ersonally appeared	<u>2006</u> , before me, a	Notary Public of the State
John G. Locke J( at t	Southryn B. Lo	<u> </u>	
the Affiant(s) herein, personally known or satisf	actorily identified to me as	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal		san M. Peter	<i>tD</i>
	Notary Public		SAN M. PETERS
	My Commissio	n Evniros MOTARY PUBL	IC STATE OF MARYLAND Expires October 17, 2006

REV 10/25/01

### Zoning Description for 4006 Holly Knoll Drive — Lot #30

As recorded in Deed Liber 5332, Folio 18:

"The owners of lots 26, 27, 28, 29 and 30 shall have the right to the use in common of a thirty-six (36) foot wide Right of Way extending Northwesterly from Holly Knoll Drive. Said Right of Way lying adjacent to and Northeasterly of the division line between lots 26 and 27 and beginning at a point on Holly Knoll Drive intersected by the division line between lots 26 and 27 and running thence on said division line North 45 degrees 21 minutes 50 seconds East 265.00 feet to the end thereof." Being lot #30 containing 1.34 acres. Also known as 4006 Holly Knoll Drive and located in the 10 Election District, 6 Councilmanic District.

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# CERTIFICATE OF POSTING

ATTENTION: Kristen Mathhews

Case Number: 06-382-A

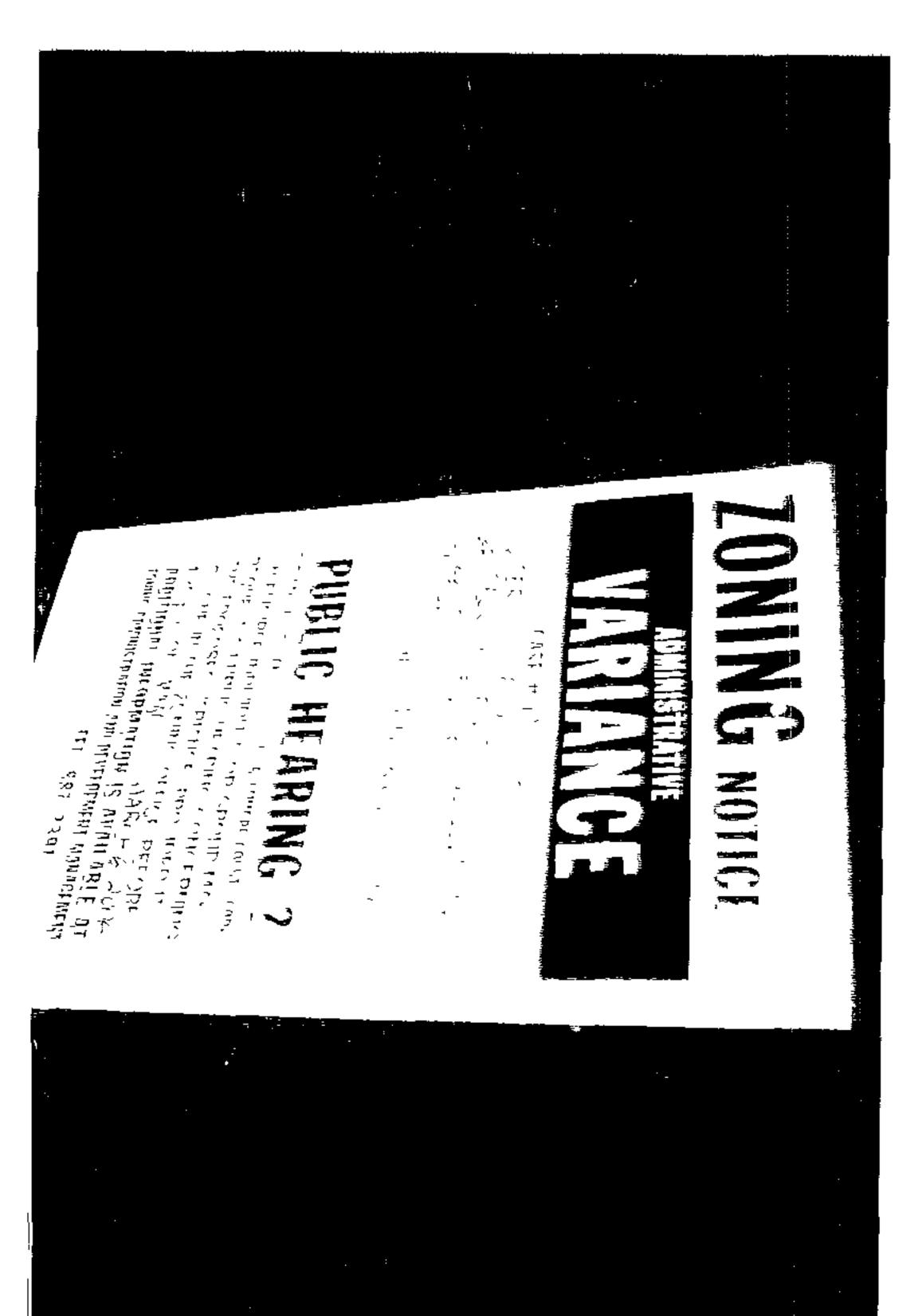
Petitioner/Developer: JOHN & CATHERINE LOCKE

Date of Hearing (Closing): 3/06/06

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: 4006 HOLLY KNOLL DRIVE

The sign(s) were posted on:

2/19/06



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)

### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 06-

Conta	ct Pers	on:		<del></del>	se Print Your Nar		<u></u> ,	P	none Nur	nber: 41	0-887-3	391
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CASE NO.

REV 10/25/01

### Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

Zoning Commissioner of Baltimore County

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

for the property located at 400	6 Holly Knoll Drive
- · · · ·	esently zoned RC 6

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) | AOI. 3. B. 3; BCZR (R.S. C. 1912), To PERMIT A SIDE SETBACK OF 38. Ft. IN LIEU OF THE REQUIRED 50 ft. FOR AN ADDITION (GATTAGE).

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	s Petition.	
Contract Purchase	er/Lessee:		Legal Owner(s	<u>):</u>	
			John G	Locke Jr.	
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ttorney For Petit	ioner:			Knoll Drive 4	10-592-8568
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**Estimated Posting Date** 

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a performance of the	within the personal ablic hearing is sche	knowledge of the Aiduled in the future wi	th regard thereto.
That the Affiant(s) does/do presently reside at	4006 Hollu	Knoll Drive	
	Colen Arm	$MD_{}$	21057
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	wing are the facts up or practical difficul	pon which I/we base ty):	the request for an Administrative
1. The 50 ft. set-back	is in additi	ion 40 a 36	A. right-of-way
on the garage side	of the pr	opertu.	
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2. Declaration of Res			ates that garages
are to be attached	to the dwe	lliug.	
That the Affiant(s) acknowledge(s) that if a f	ormal demand is file	ed. Affiant(s) will be	required to pay a reposting and
advertising fee and may be required to provide	additional informatio	n.	
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Signature / Zotha, Ch	S	gnature	JUGULO-
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Name - Type or Print	N:	ame - Type or Print	
		, 	
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
I HEREBY CERTIFY, this 27th day of 1 da		, <u>2</u> 006_, befo	re me, a Notary Public of the State
of Maryland, in and for the County aforesaid, p	ersonally appeared	1 . V.	
the Affiant(s) herein, personally known or satis	factorily identified to	me as such Affiant(s	<u>).</u>
the Amanta harden personally renorms		•	•
AS WITNESS my hand and Notarial Seal		· /	) <u>.                                     </u>
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	Notary P	· · · · · · · · · · · · · · · · · · ·	SUSAN M. PETERS
	My Comr	nission Expires _Not	MOV BURLIC STATE OF MARYUANU
REV 10/25/01		My Co	mmission Expires October 17, 2006

# Department of Permits Development Management

Development Processing
County Office Building
U11 W. Chesapeake Avenue
Towson, Maryland 21204





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

March 3, 2006

John G and Kathryn B Locke 4006 Holly Knoll Drive Glen Arm, Maryland 21057

Dear Mr and Mrs Locke:

RE: Case Number: 06-382-A, 4006 Holly Knoll Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 6, 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. Callilal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Visit the County's Website at www.baltimorecounty online.info



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

February 24,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 20, 2006

Item No.: Item Numbers 375 through 386

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.

6. The Fire Marshal's Office has no comments at this time.

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 27, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 27, 2006

Item Nos. 375, 376, 377, 378, 379, 380,

381, 382, 384, 385, and 386

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-02272006.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) 6-382- 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



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

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

#### Maryland Department of Transportation

Date:

2.17.06

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

RE:

**Baltimore County** 

Item No. 382

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

1. I Gred In



JAMES T. SMITH, JR. County Executive

March 21, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. John G. Locke, Jr. 4006 Holly Knoll Drive Glen Arm, Maryland 21057

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Holly Knoll Drive, W of the c/l Holly Branch Court
(4006 Holly Knoll Drive)
10<sup>th</sup> Election District – 6<sup>th</sup> Council District
John G. Locke, Jr., et ux - Petitioners
Case No. 06-382-A

Dear Mr. & Mrs. Locke:

In response to your recent telephone inquiry regarding the Order issued in the above-captioned matter, the following comments are offered. You advised this Office that the street address referenced in the heading of the Order was incorrect. Specifically, although the location of the property and the house number itself were accurately identified, the street name was wrong. That is, although the heading shows the location of the property to be on the north side of Holly Knoll Drive, 2,600' west of the centerline of Holly Branch Court, the address of the property was identified as 4006 Bulls Sawmill Road instead of 4006 Holly Knoll Drive.

Given the fact that there was no material change in the nature of the relief requested, or the identity of the property in question, I find that an Amended Order will not be necessary. However, a copy of this letter is being forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file and all recipients of the Order are being requested to correct their copy to reflect that the address of the property is 4006 Holly Knoll Drive.

Thank you for bringing this matter to our attention and I apologize for any inconvenience this

may have caused.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Office of Planning; People's Counsel; Case File

### Bette Schuhmann - ZAC Comments - Case Nos. 06-382-A, 06-387-A and 06-388-A

From:

Bette\_Schuhmann,

To:

Kennedy, Dennis, Livingston, Jeffrey, Murray, Curtis

Subject:

ZAC/Comments - Case Nos. 06-382-A, 06-387-A and 06-388-A

Good afternoon all - The above-captioned cases are currently being reviewed and we do not have a comment from any of you in one or more of those listed. Would you kindly check your records and if you have a comment, please forward it to me at your earliest convenience. Thank you!

m

From:

Dennis Kennedy

To:

Schuhmann, Bette 3/7/2006 2:55:26 PM

Date:

Subject:

Re: ZAC Comments - Case Nos. 06-382-A, 06-387-A and 06-388-A

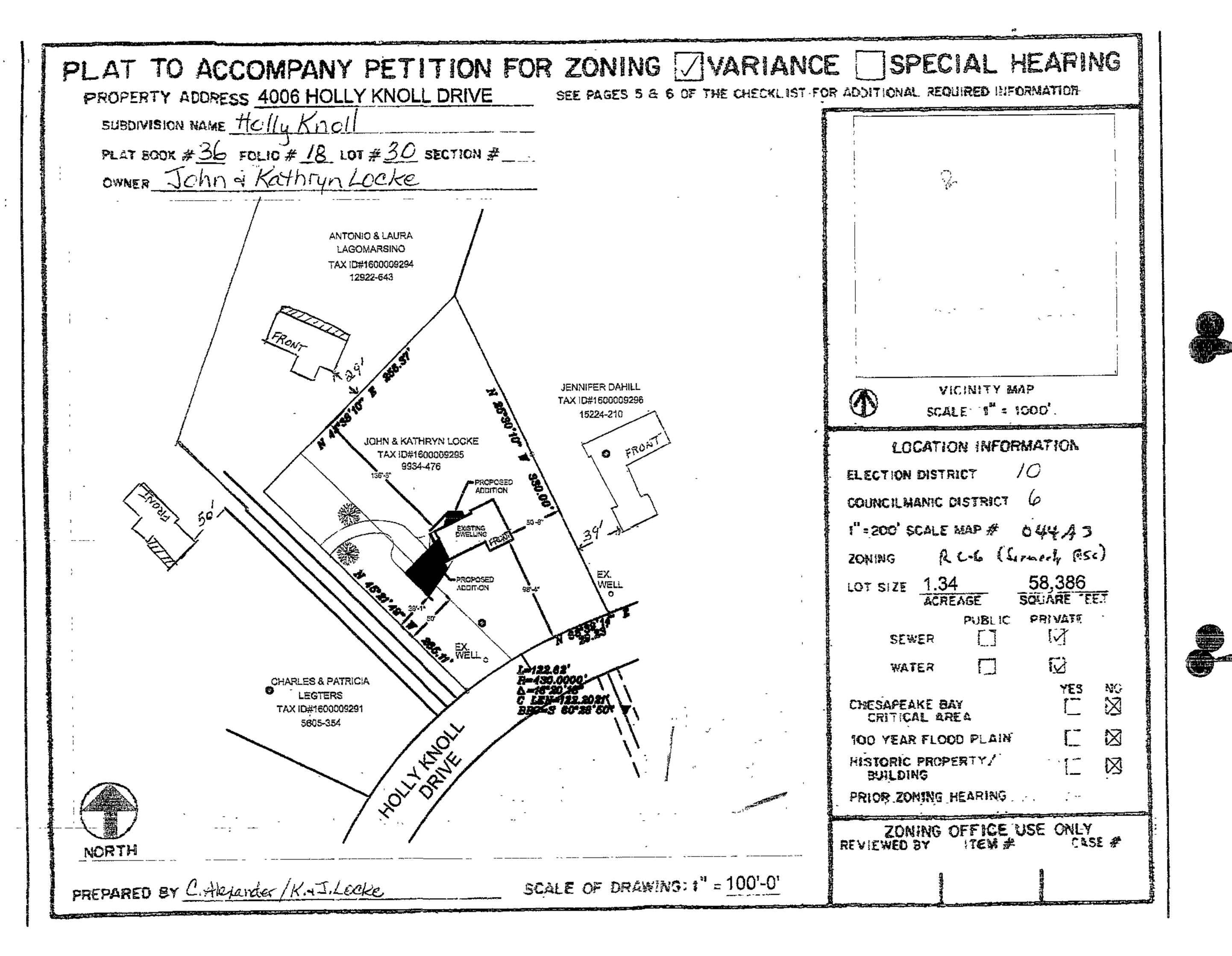
Bette:

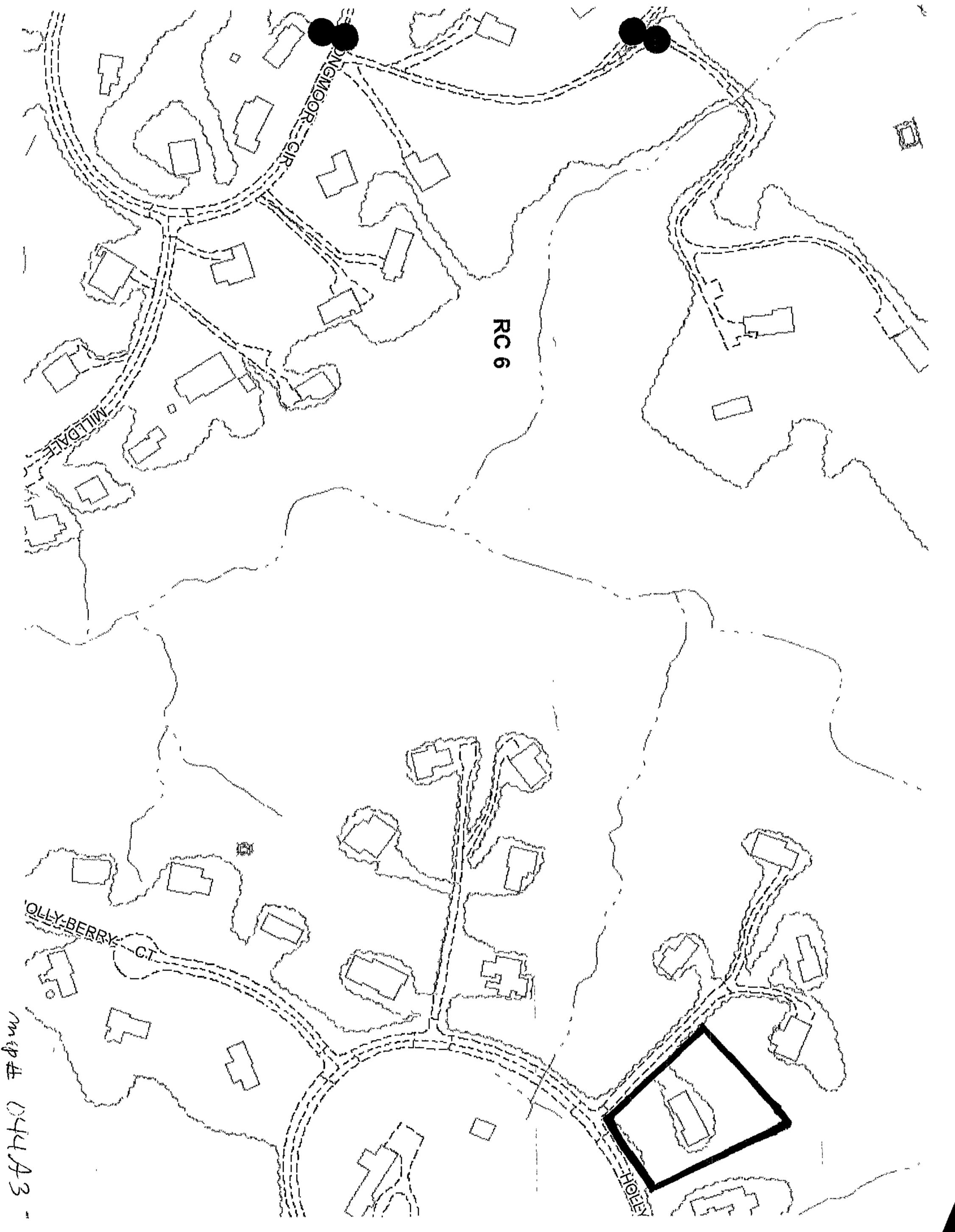
06-382 went to zoning last week, 06-387 and 06-388 are being carried to zoning now. Dennis Kennedy

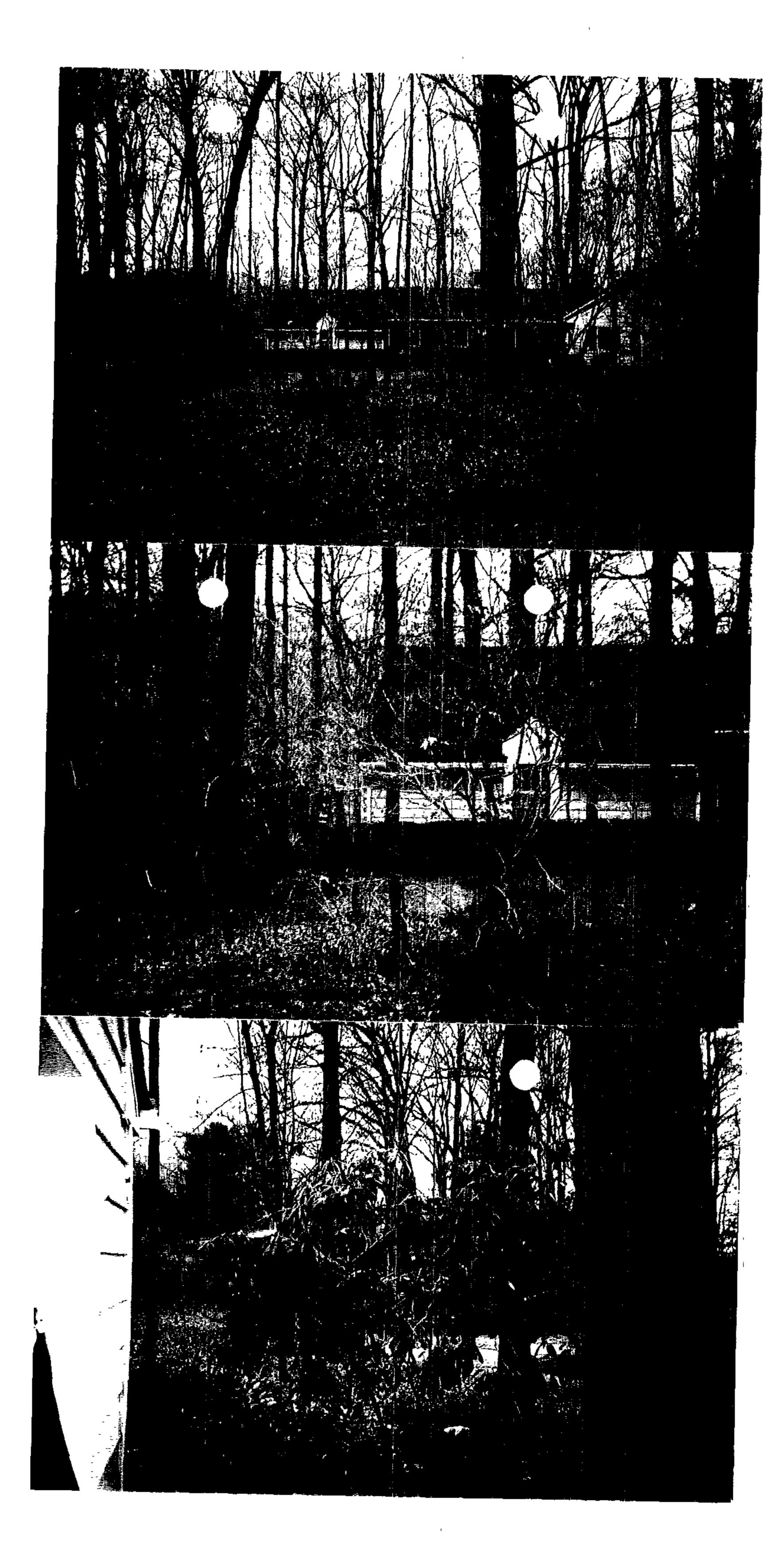
>>> Bette Schuhmann 03/07/06 12:13 PM >>>

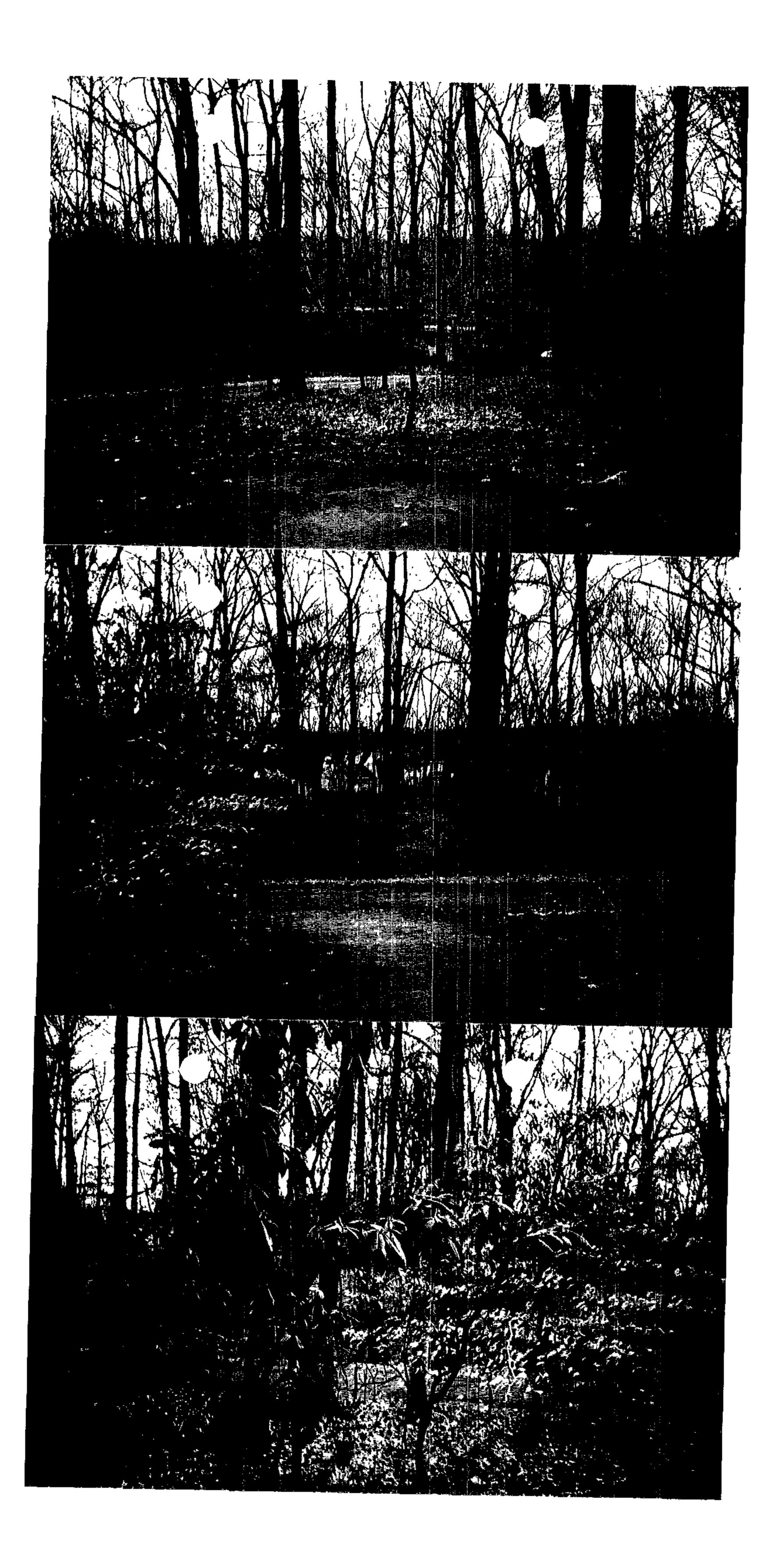
Good afternoon all - The above-captioned cases are currently being reviewed and we do not have a comment from any of you in one or more of those listed. Would you kindly check your records and if you have a comment, please forward it to me at your earliest convenience. Thank you!

Bette Schuhmann bschuhmann@co.ba.md.us 410-887-3868











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