

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Crossmoor Lane at the distance
of 123 feet south of Walnut Hills Lane
9th Election District
3rd Councilmanic District
(7903 Crossmoor Lane)

David and Kathleen K. Townsend
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-485-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, David and Kathleen K. Townsend. The administrative variance request is for property located at 7903 Crossmoor Lane in the Towson area of Baltimore County. The variance request is from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard, and to permit a height of 25 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 16, 2006.

Formal Demand for Public Hearing

On April 27, 2006, Mr. and Mrs. Louis Hargrave, of 7901 Crossmoor Lane, filed a formal demand for public hearing. The hearing is scheduled for May 31, 2006 at 2:00 PM in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD.

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[Signature]

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 May 5, 2006 a copy of which is attached hereto and made a part hereof.

Interested Persons

David Townsend and Herbert Bangs appeared at the hearing in support of the requested relief. Sandra Hargrave appeared in opposition to the requests. Peoples Counsel entered his appearance in this matter.

Testimony and Evidence

The subject property contains 1.459 acres, is zoned DR 2 and is improved by the Petitioners' home. Mr. Townsend indicated that he would like to replace an old barn/shed located in the side yard of the property as it was in very poor condition and a fire hazard. See photographs in Petitioners' exhibit 3D. He uses the old barn/shed to store lawn mowers, fuel, etc., needed for maintenance of the property. The new structure would fulfill his need for additional storage space and provide a private study in which he could write and work. He noted that this new structure could not be located in the rear yard as required by the regulations because of the septic reserve area and septic tank.

Mr. Townsend indicated that after discussions with his neighbors, the Hargraves, who objected to these requests he modified his plan for a new structure. He reduced the size of the structure to 60 % of the original request. Instead of being located 3 feet from the Hargraves' property line as originally proposed in Petitioners' exhibit 1, he moved the new structure 10 feet away from the property line so that he could plant trees between the new structure and the line to provide vegetative buffers for the Hargraves. See exhibit 2.

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Mr. Townsend also indicated that the new structure still needed to be two stories high to provide sufficient room for these family needs, height for himself to walk upright and a peak roof to match the architectural features of his home. Together this meant the new structure had to be at least 25 feet tall. See computer enhanced photographs of the proposed structure in its setting, exhibits 3 A and 3 C.

Finally he agreed with the Planning Office comments that the new structure not be used for commercial purposes or as an additional dwelling but wanted a bathroom in the new structure for convenience of all.

Ms. Hargraves indicate that she met with the Petitioner and agreed not to oppose the request as modified as long as the Petitioner erects a new fence and landscapes the area along their common boundary line. She asked however that the Petitioner keep the new structure as low as possible to which the Petitioner agreed. At this point in the hearing there was a general discussion of the merits of involving the Baltimore County Landscape Architect to design the landscape buffer between the Hargraves' property line and the new building as well as the value to record this Order in the Land Records to notify future owners that this structure is not a separate dwelling or is to have commercial uses.

Findings of Fact and Conclusions of Law

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This property is oddly shaped in the rear and with the septic reserve area and septic tanks located in the rear yard I find the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. In addition the new structure must match the existing home architecturally and therefore requires a peaked roof. I



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 9, 2006

DAVID TOWNSEND
7903 CROSSMOOR LANE
BALTIMORE MD 21204-3645

Re: Petition for Administrative Variance – formal hearing
Case No. 06-485-A
Property: 7903 Crossmoor Lane

Dear Mr. Townsend:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

c Herbert Bangs, 7904 Crossmoor Lane, Baltimore MD 21204-3645
Sandra Hargrave, 7901 Crossmoor Lane, Baltimore MD 21204-3645



BALTIMORE COUNTY, MARYLAND



CERTIFICATE OF POST

CERTIFICATE OF POSTING

TO: PATUX

Department of Permits and

DEPARTMENT OF PER

Fire Department

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