

IN RE: **PETITION FOR ADMIN. VARIANCE**
E/S Cedar Knoll Road, 1,000' N of the c/l
Sherwood Road
(15 Cedar Knoll Road)
8th Election District
3rd Council District

Dudley F. B. Hodgson, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-487-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, Dudley F. B. Hodgson, and his wife, Cecilia C. Hodgson. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) height of 24½ feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and 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.

ORDER RECEIVED FOR FILING
5-18-06
3-2-06
Date

Based upon the evidence contained therein, I am persuaded to grant the requested relief. As shown on the site plan, the Petitioners propose to construct a two-story, 30' x 40' detached garage in the rear yard, at the end of an existing driveway. It was indicated that the additional height is necessary to accommodate a minimum 8-foot ceiling on the second floor, which will house a studio. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioners are reminded that the use of the garage is limited to uses accessory to the principle use of the property for residential purposes. Moreover, the second floor "studio" will be allowed a toilet facility but cannot be converted for use as a second dwelling unit and/or apartments, and shall contain no kitchen or sleeping quarters.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 24½ feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

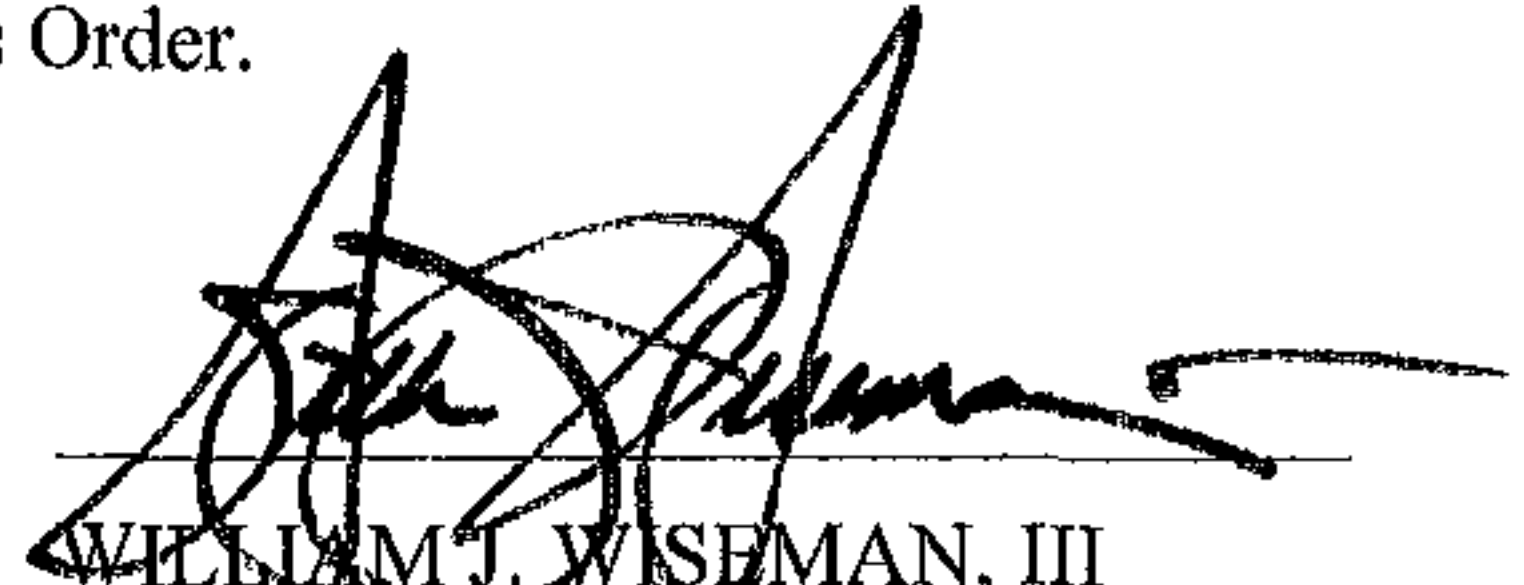
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) 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 Petitioner shall not allow or cause the garage to be converted to a second

ORDER RECEIVED FOR FILING
Date 5-18-06
By [Signature]

dwelling unit and/or apartments. There shall be no living quarters contained therein and no kitchen.

- 3) 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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 5-18-06

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 18, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Dudley F. B. Hodgson
15 Cedar Knoll Road
Cockeysville, Maryland 21085

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Cedar Knoll Road, N of Sherwood Road
(15 Cedar Knoll Road)
8th Election District – 3rd Council District
Dudley F. B. Hodgson, et ux - Petitioners
Case No. 06-487-A

Dear Mr. & Mrs. Hodgson:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 15 Cedar Knoll Rd, Cockeysville, MD 21030
which is presently zoned Density Residential-3.5

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)

400.3 to permit an accessory structure (garage) with a height of 24 1/2 ft. from the highest point of grade in lieu of the required 15 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.

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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Dunley F. B. Hodgson
Name - Type or Print _____
Signature _____
Cecilia Constantine Hodgson
Name - Type or Print _____
Signature _____
15 Cedar Knoll Road
Address _____ Telephone No. _____
Cockeysville, Maryland 21030
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. 06-487-A Reviewed By BN Date 4/6/06

RECEIVED 9/15/98

Estimated Posting Date 4/16/06

RECEIVED FOR FILING

Date 5-18-06

By

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 15 Cedar Knoll Road
Address
Cockeysville Maryland 21030
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 respectfully request an Administrative Variance to construct a two (2) story garage/studio on our property. The Variance is required because a two (2) story building with a minimum eight (8) foot ceiling on each floor exceeds the standard height requirements.

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.

Dudley F. B. Hodgson
Signature

Cecilia Constantine Hodgson
Signature

Dudley F. B. Hodgson
Name - Type or Print

Cecilia Constantine Hodgson
Name - Type or Print

Home: 410/683-1788 Office: 410/366-1286

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

4/4/2006
Date

Sharon Samuel
Notary Public

My Commission Expires 4/11/2009

PROPERTY DESCRIPTION

Zoning Description

**15 Cedar Knoll Road
Cockeysville, Maryland 21030**

Zoning description for 15 Cedar Knoll Road, Cockeysville Maryland 21030 beginning at a point on the east side of Cedar Knoll Road.

As recorded in Deed Liber OTE No. 4712, Folio 154.

N7,22,40" W199.44 ft, N86,30',00" E269.34 ft N322'00" West 225.01 ft,
S322'00" E202.64 ft., S87,19',10" W270.43 ft., S87 19', 10" W255.41 ft.
containing 1.209 acres of land, more or less.

Also known as No. 15 Cedar Knoll Road and located in the Eighth (8th) Election District, Third (3rd) Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 330

DATE 11-1-76 ACCOUNT 11-1-76

AMOUNT \$ 100.00

RECEIVED FROM: John J. White

FOR: John J. White

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-487-A

Petitioner/Developer: _____

DUDLEY HAYSON

Date of Hearing/Closing: 5/1/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

15 CEDAR KNOLL RD.

The sign(s) were posted on 4/15/06
(Month, Day, Year)

CASE # 06-487-A

Sincerely,

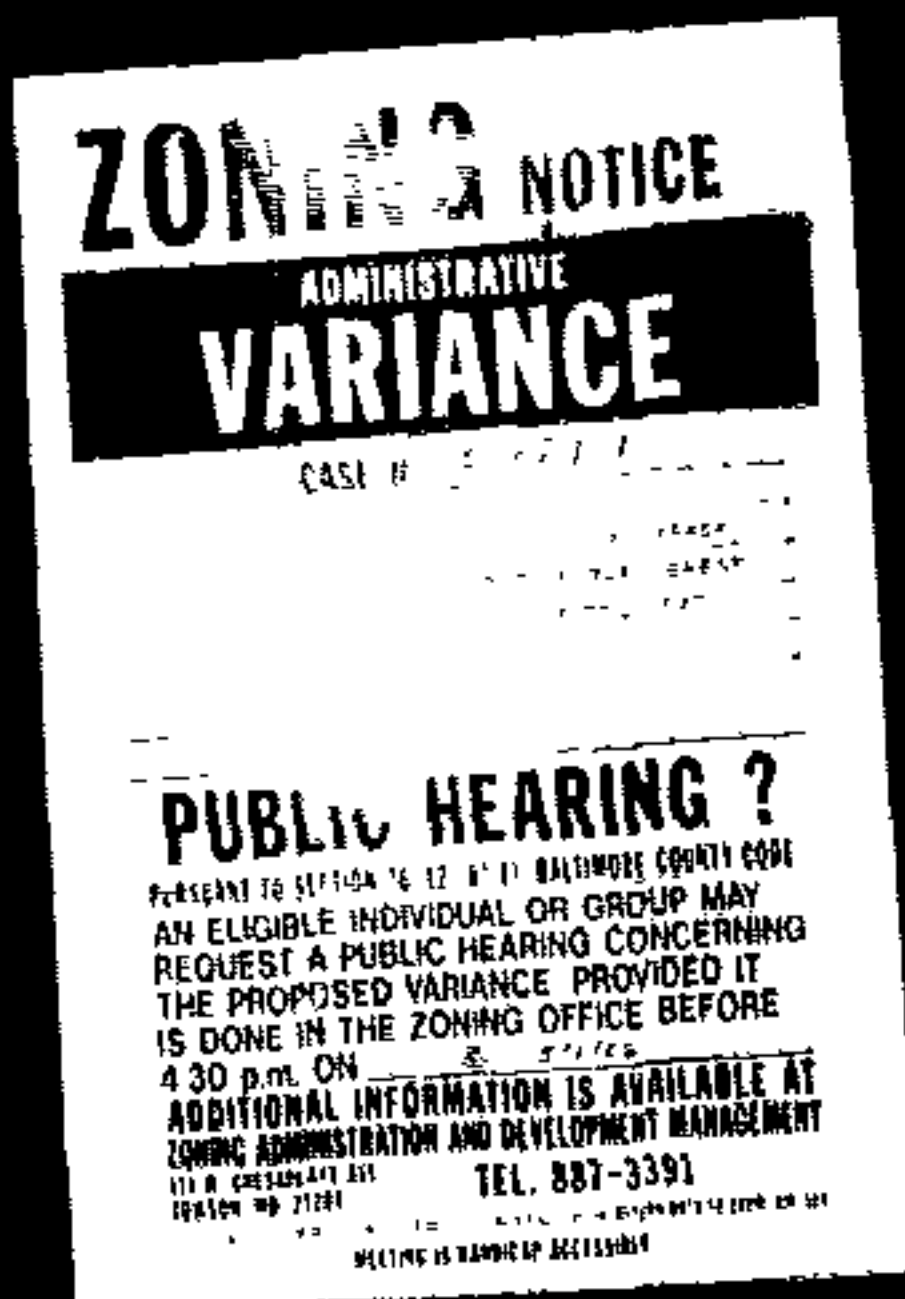
[Signature] 4/15/06
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



15 CEDAR KNOLL RD.
POSTED 4/15/06
[Signature] 4/15/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 487 -A Address 15 Cedar Knoll Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/6/06 Posting Date: 4/16/06 Closing Date: 5/1/06

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- 487 -A Address 15 Cedar Knoll Rd.

Petitioner's Name Dudley Halgson Telephone 410-683-1788

Posting Date: 4/16/06 Closing Date: 5/1/06

Wording for Sign: To Permit an accessory structure (garage) with a height of
24 1/2 ft. from the highest point of grade in lieu of the required
15 ft.

WCR - Revised 6/25/04

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: 06-487-A
Petitioner: DUDLEY F.B. HODGSON
Address or Location: 15 Cedar Knoll Road, Cockeysville Md 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: DUDLEY F.B. HODGSON
Address: 15 Cedar Knoll Road
Cockeysville, Maryland 21030
Telephone Number: 410-683-1788

**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*

May 1, 2006

Dudley F. B. Hodgson
Cecilia Constantine Hodgson
15 Cedar Knoll Road
Cockeysville, MD 21030

Dear Mr. and Mrs. Hodgson:

RE: Case Number: 06-487-A, 15 Cedar Knoll Road

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 10, 2006

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

SUBJECT: 6-487 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24.5 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Bathroom OK - Per Bill Hughey
[Signature] - discussed 5/17/06

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Cecilia Murray

Section Chief:

[Signature]

RECEIVED

MAY 13 2006

ZONING COMMISSIONER

AFK/LL: CM

DATE RECEIVED FOR FILING
Date
By

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

April 19, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 17, 2006

Item Numbers: 484 through 490

⁴⁸⁷
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.

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

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

cc: File

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper

100-111111-
APR 24 1958
FBI - NEW YORK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2006
Item Nos. 484, 485, 486, 487, 488, and 490

DATE: April 18, 2006

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-04182006.doc

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



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

Maryland Department of Transportation

Date: 4.14.06

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

RE: Baltimore County
Item No. 487 BPR

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).

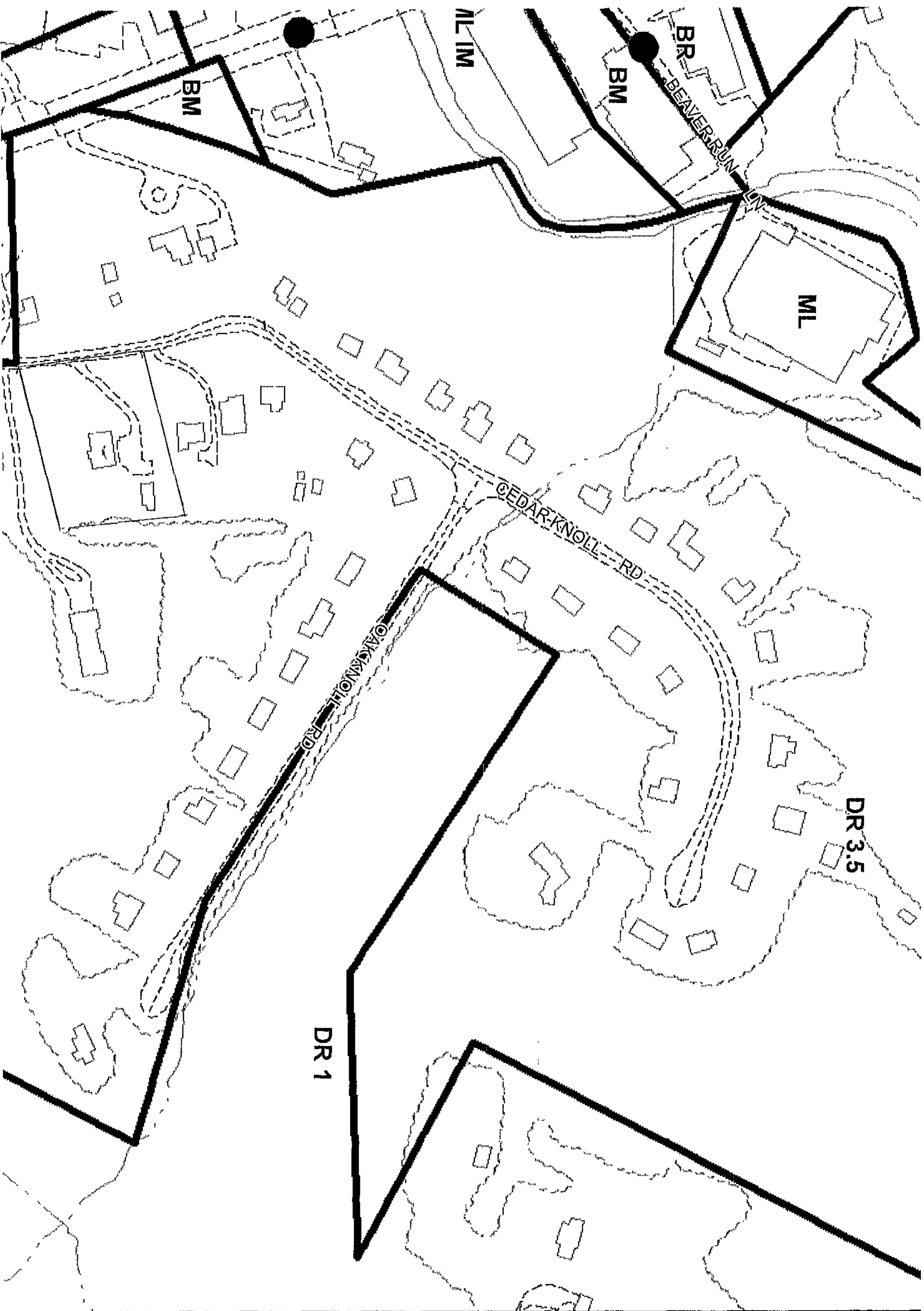
Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



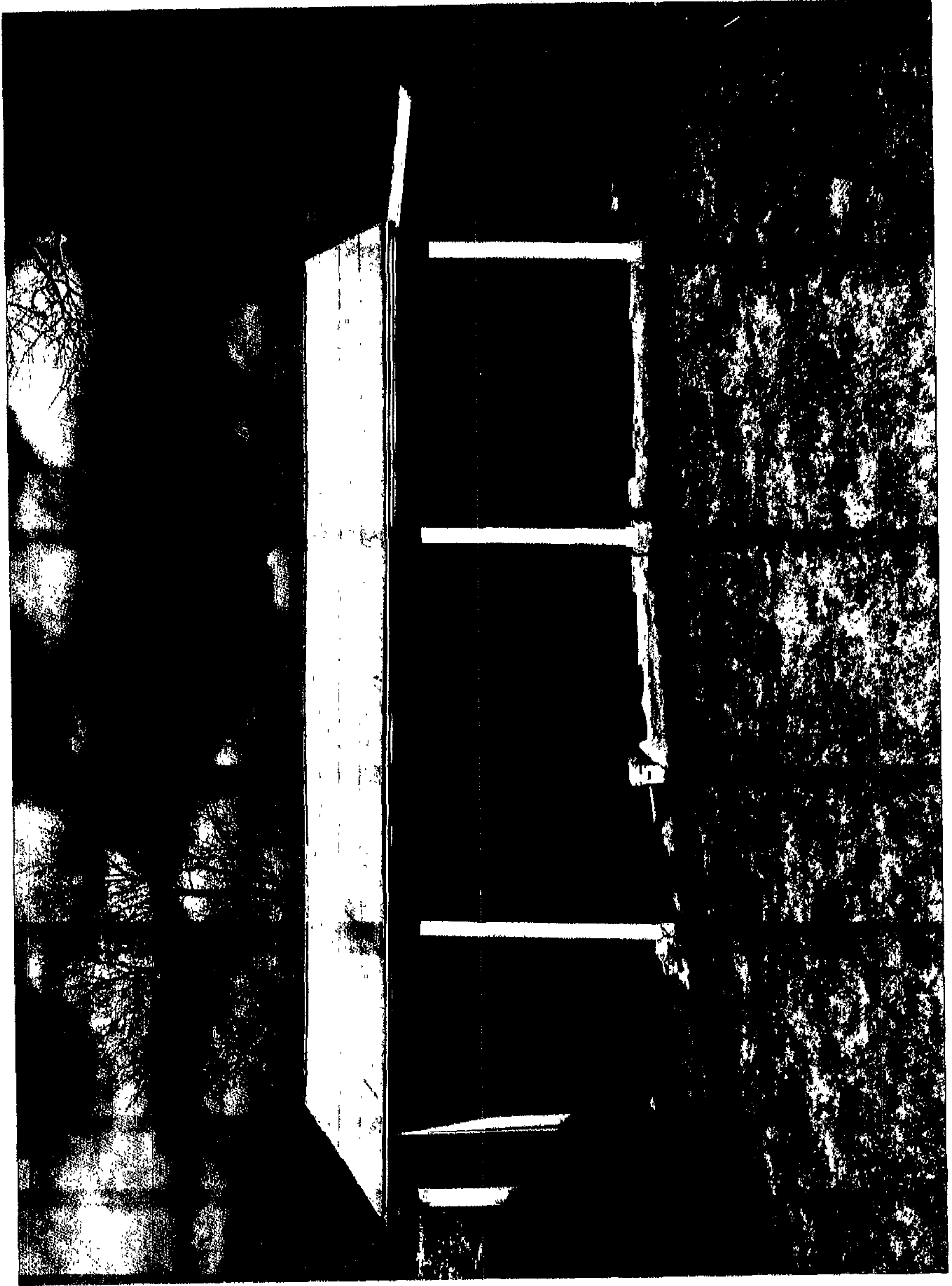
487

map # 04233

Posting: 04-16-06

Case No.: 06-487-A

Dudley F. B. Hodgson



Full Right Side

View:

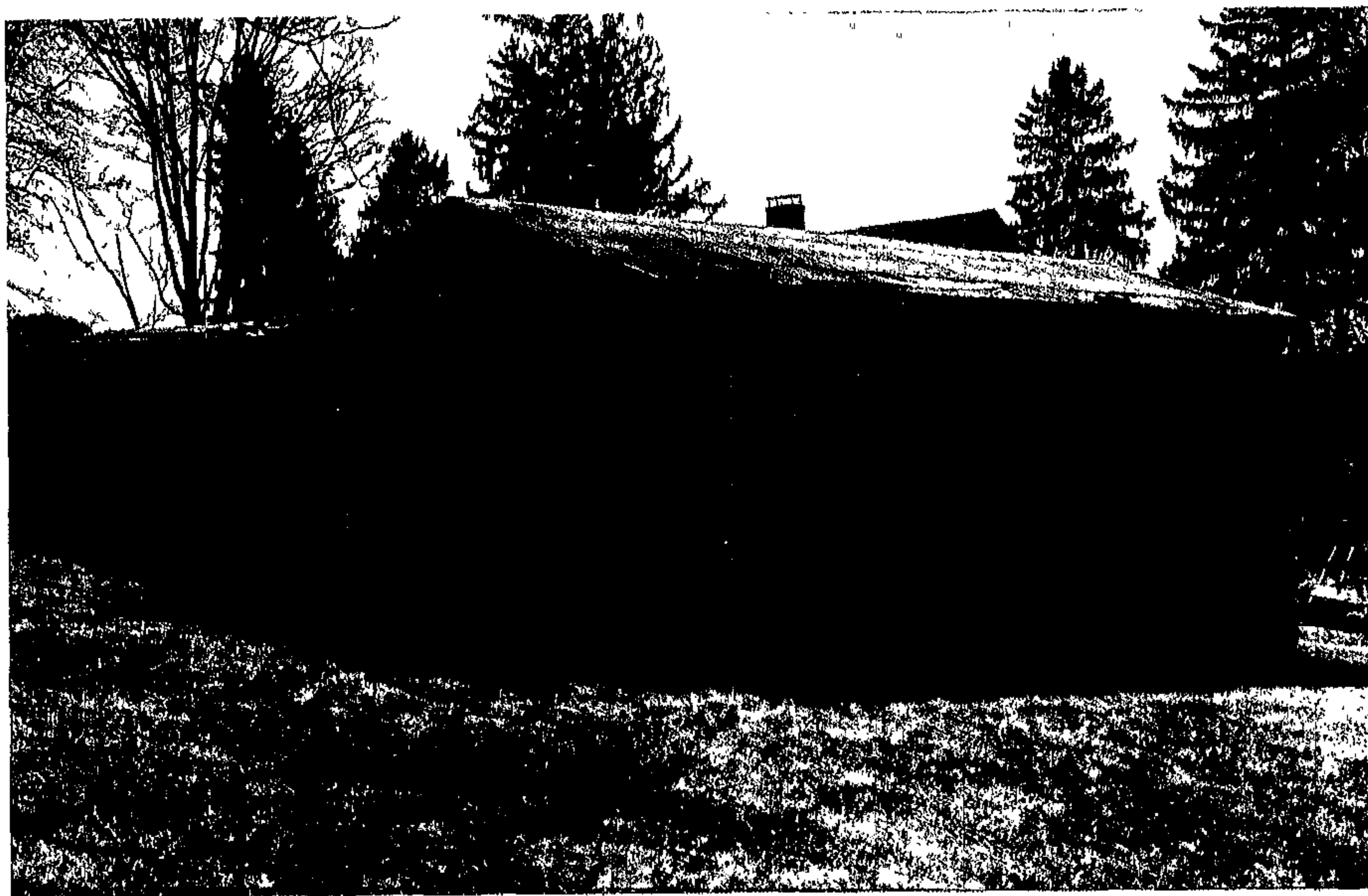
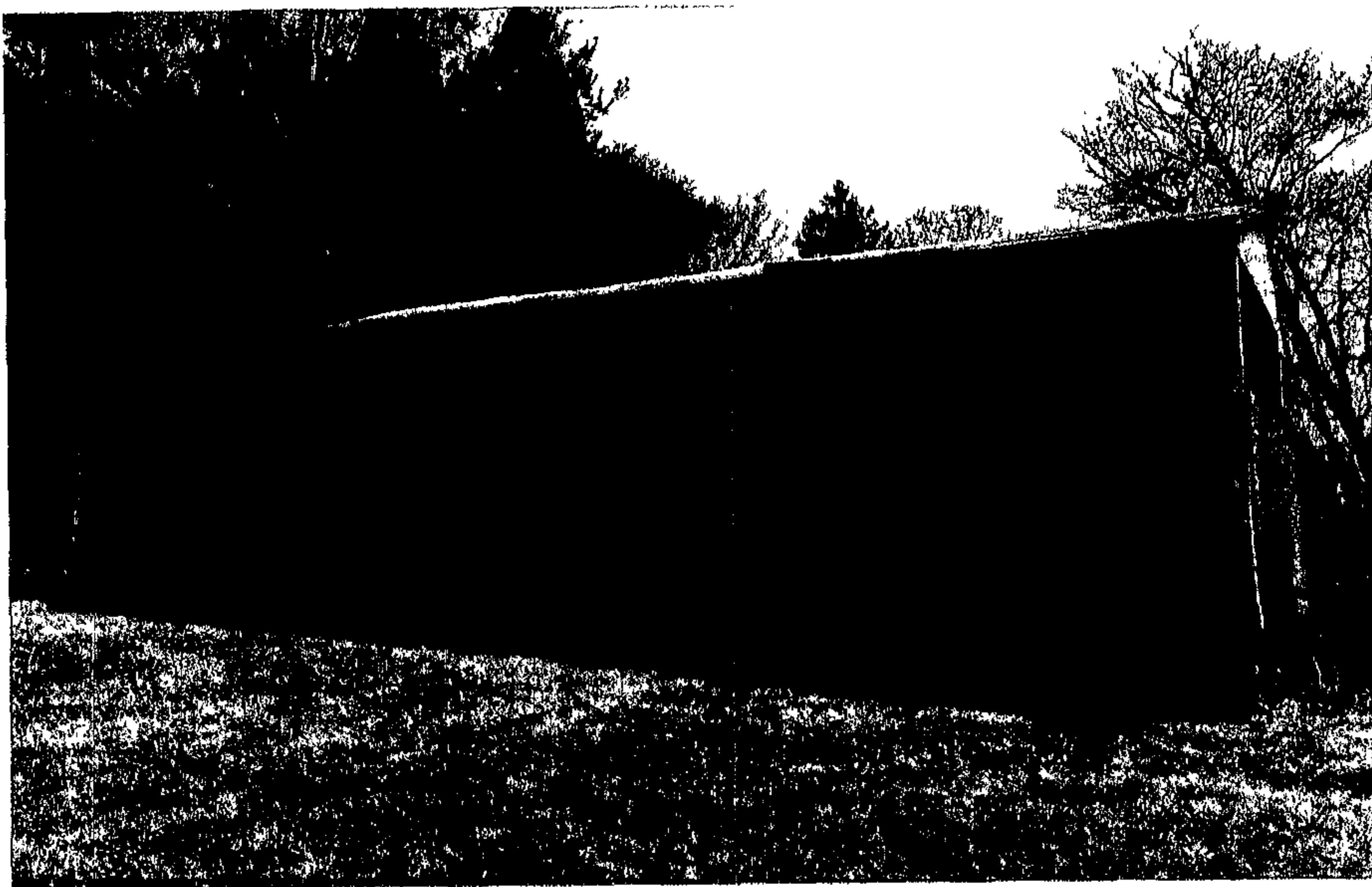
15 Cedar Knoll Road, Cockeysville MD 21030

#487

Dudley F. B. Hodgson

Case No.: 06-487-A

Posting: 04-16-06



18 Cedar Knoll Road. Cockeysville MD 21030

Views:

Back & Left Side

487

Dudley F. B. Hodgson

Case No.: 06-487-A

Posting: 04-16-06

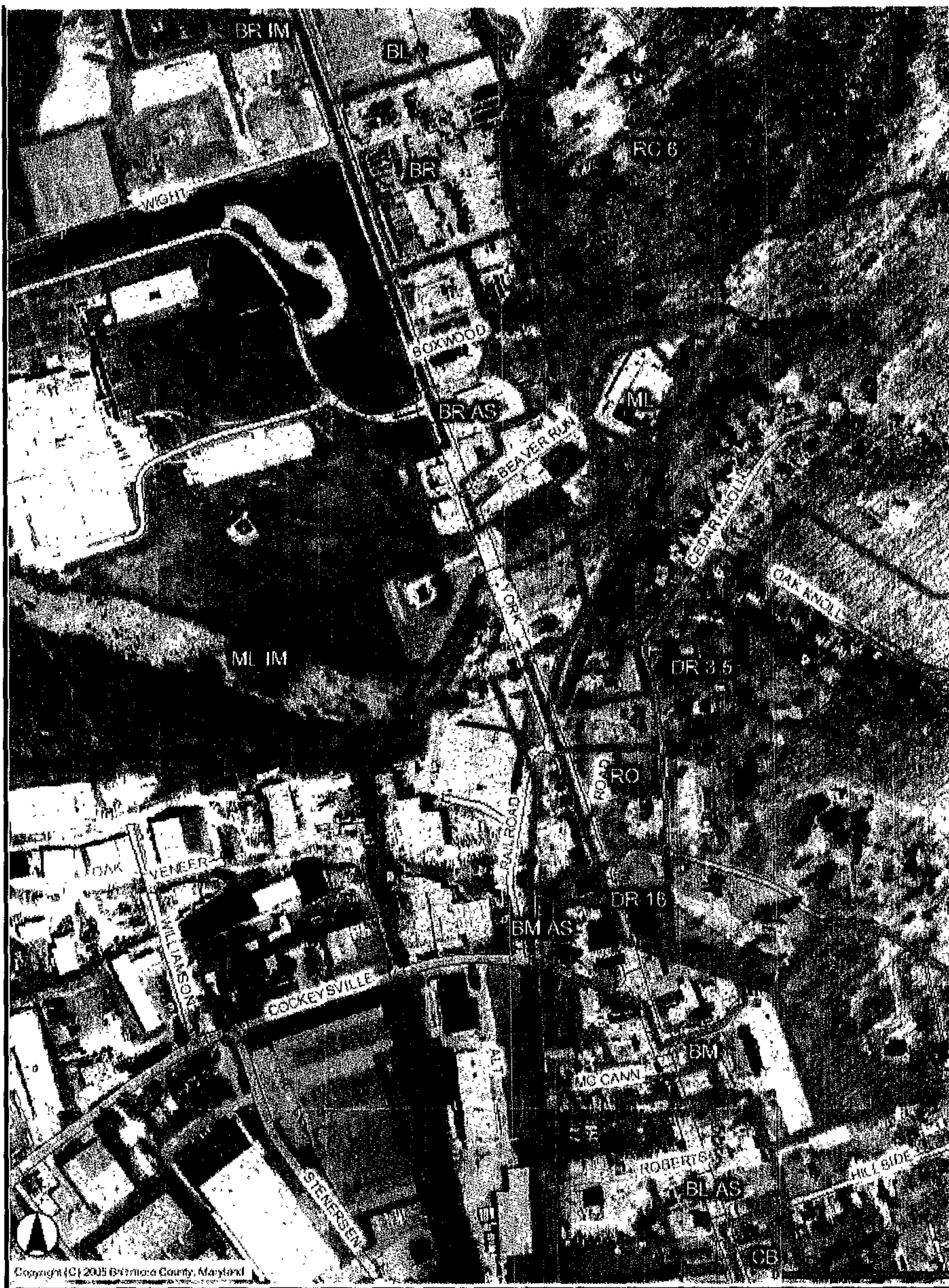


15 Cedar Knoll Road, Cockeysville MD 21030

Views:

Front & Right Side

487



487

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

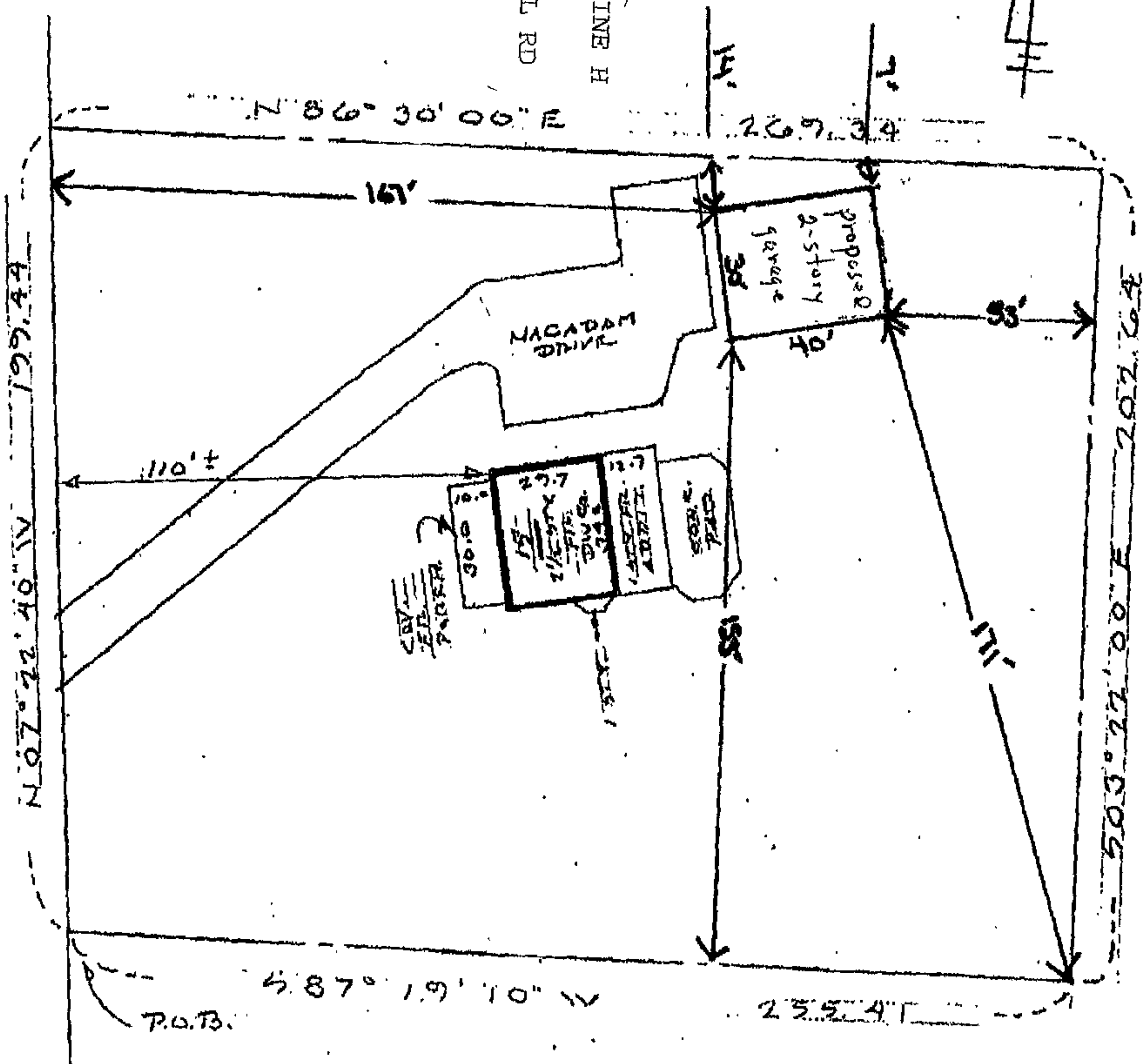
PROPERTY ADDRESS 15 Cedar Knoll Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME 104

PLAT BOOK # 144 FOLIO # 154 LOT # 144 SECTION # 144
OWNER Dudley F. B. Peckham Hockson

08 03 053010
KHAN AHMED S
KHAN SHAHANA
11 CEDAR KNOLL RD

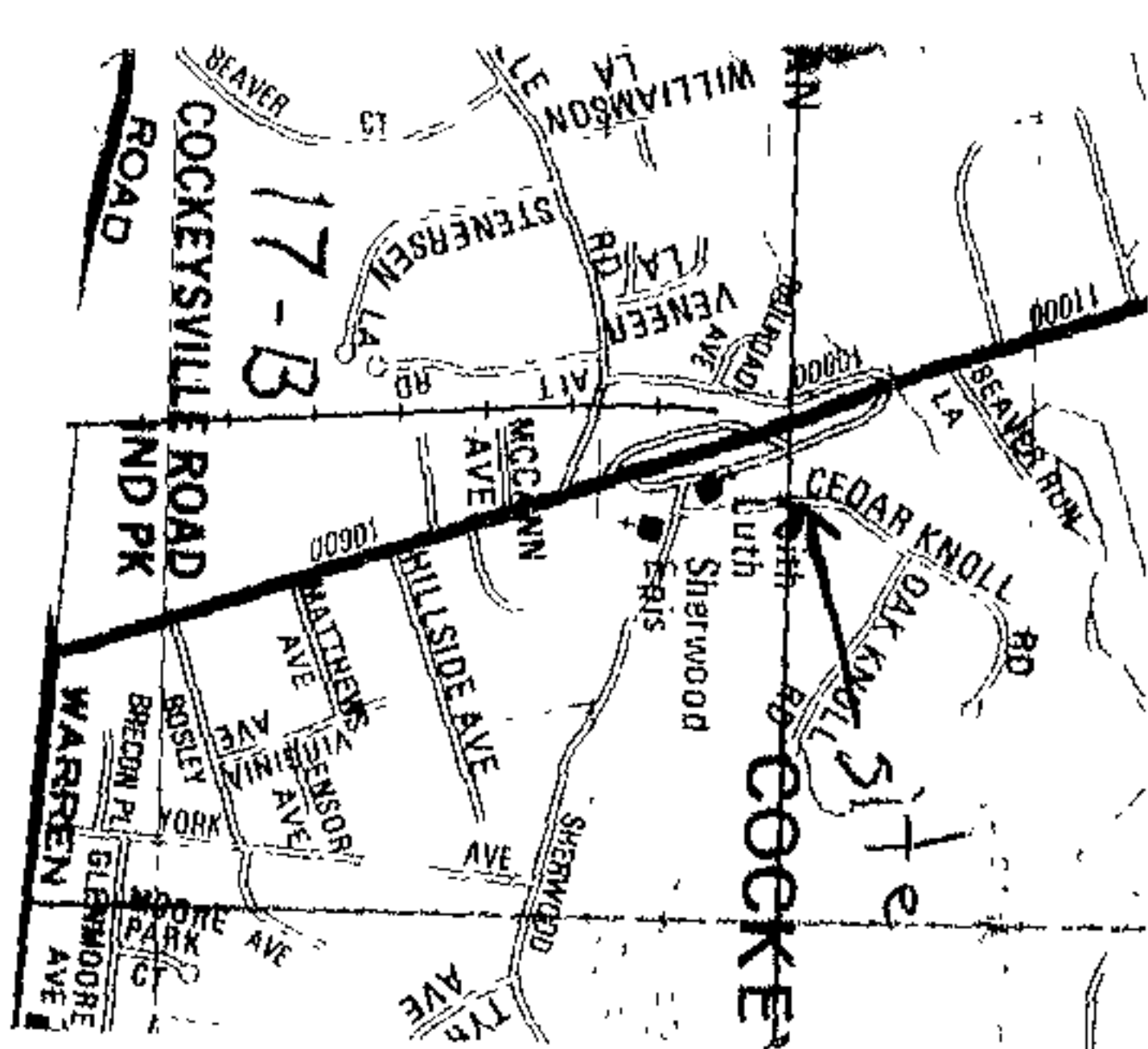


08 15 017025
MURRAY KATHERINE H
17 CEDAR KNOLL RD

NORTH

PREPARED BY D. J. F. B. Hudson

SCALE OF DRAWING: 1" = 40'



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 042 B3

ZONING DR-3.5

LOT SIZE 1.209

[illegible]

PUBLIC PRIVATE

SEWER

1.1

WATER

11

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/ BUILDING

100

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

24

487

06-487-A