IN RE: PETITION FOR VARIANCE

SE/Corner Catalpa Road and Celtis Court (1 Celtis Court) 11th Election District

3rd Council District

James M. Horn, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-498-A

*

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, James M. Horn and his wife, Theresa Horn, through their attorney, Lawrence E. Schmidt, Esquire. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located outside the third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were James and Theresa Horn, property owners, and their attorney, Lawrence E. Schmidt. Also appearing were numerous adjacent neighbors, all of whom appeared in support of the request. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a roughly square shaped parcel located on the southeast corner of the intersection of Catalpa Road and Celtis Court, north of Harford Road in Fork. The property contains a gross area of 1.223 acres, more or less, zoned R.C.5 and is improved with a single family dwelling. The Petitioners are desirous of constructing a detached garage in the southwestern portion of their yard, to the rear of their existing home and adjacent to an existing patio. As shown on the site plan, the existing

driveway that leads into the property from Celtis Court will be extended so that no new curb cut or driveway will be necessary.

Testimony in support of the request indicated that due to the existence of a large septic reserve area in the rear southeastern corner of the site and the fact that the property slopes in that direction, construction on that side of the property would necessitate extensive backfilling and grading. Moreover, the proposed location is the most practical, given its close proximity to the existing driveway and the fact that no new curb cut will be necessary. Finally, a line of mature trees will buffer the proposed location from the view of the neighbors to the rear, Thomas and Eileen Wedge. In this regard, although no one appeared at the hearing on behalf of the Wedge family, the record of the case reflects that notice of the public hearing was duly posted on the property as required and no one voiced any opposition to the proposal.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the proposed location for the garage is appropriate in this instance and that strict compliance with the regulations would result in a practical difficulty and deny the Petitioners reasonable use of their property for a permitted purpose. There were no adverse comments submitted by any County reviewing agency, and no one appeared in opposition to the request. In fact, as noted above, many of the adjoining neighbors appeared in support of the proposal. Thus, it appears that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

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 ______day of June 2006 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located outside the third of the lot farthest removed from any street, 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 dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

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

Zoning Commissioner for Baltimore County

WILLIAM J WISEMMN, HI



JAMES T. SMITH, JR. County Executive

June 15, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

WISEMAN, III

Zoning Commissioner

for Baltimore County

Lawrence E. Schmidt, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE

SE/Corner Catalpa Road and Celtis Court (1 Celtis Court)

11th Election District – 3rd Council District James M. Horn, et ux - Petitioners
Case No. 06-498-A

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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.

WJW:dlw

cc: Mr. & Mrs. James M. Horn 1 Celtis Court, Fork, Md. 21051-9730

People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 1 Celtis Court
which is presently zoned: RC 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):

Please see attached document

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

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:

N/A				James M. Hori	n		
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	_ Name	- Type or Print	11 		<u></u>
				lus	h.dh		
Signature				Signature Junes M	, Horn		
				Theresa Horn			
Address	············	Telephone No.		Name - Type or F	rint		
				There	ea Horn		
City	State	Zlp Code	_	Signature Theresa			
Attorney For Petitioner:				1 Celtis Court	<u> </u>		410-746-205
				Address			Telephone No.
Lawrence E. Schmidt				Fork	MD		21051-9730
Name - Type or Print	· .		City	1	State		Zip Code
Farerence E. Schmidt	VZV.			Representa	tive to be Cont	tacted	· <u>_</u>
Signature	(-)		-				-
Gildea & Schmidt, LLC				Lawrence E. S	chmidt		
Cempaey				Name		· · · · · · · · · · · · · · · · · · ·	<u> </u>
300 Ea ombard Street, Suite 1440)	(410) 234-0070		300 E Lombar	d Street, Suite 1440)	(410) 234-0070
Addres		Telephone No.	-	Address		 	Telephone No.
Haltimore	MD	21202		Baltimore		MD	21202
City 3	State	Zip Code	-	City		State	Zip Code

Legal Owner(s):

CAMED CORPLES

06.602 SPH

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By _

OFFICE USE ONLY

Attachment to Variance Petition

1.	To permit an accessory building at a location other removed from any street, pursuant to Section 400.1	than the third of the lot farthest of the BCZR.

ZONING DESCRIPTION

Zoning Description For 1 Celtis Court

Beginning at a point on the Southeast corner of Catalpa Road, which is 40 feet wide and Celtis Court which is 40 feet wide. Being Lot #8, section B in the subdivision of Brintonwood as recorded in Baltimore County Plat Book #69, Folio# 65, containing 1.223 acres. Also known as 1 Celtis Court and located in the 11th Election District, 3rd Councilmanic District.

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>, Maryland on the property identified herein as follows:

Case: #06-498-A

1 Celtis Court Southeast corner of Catalpa Road and Celtis Court 11th Election District 3rd Councilmanic District Legal Owner(s): James & Theresa Horn

Variance: to permit an accessory building at a loca-tion other than the third of the lot farthest removed from any street.

Hearing: Friday, June 9, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handlcapped Accessible; for special accommoda-tions Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5/270 May 25 96339

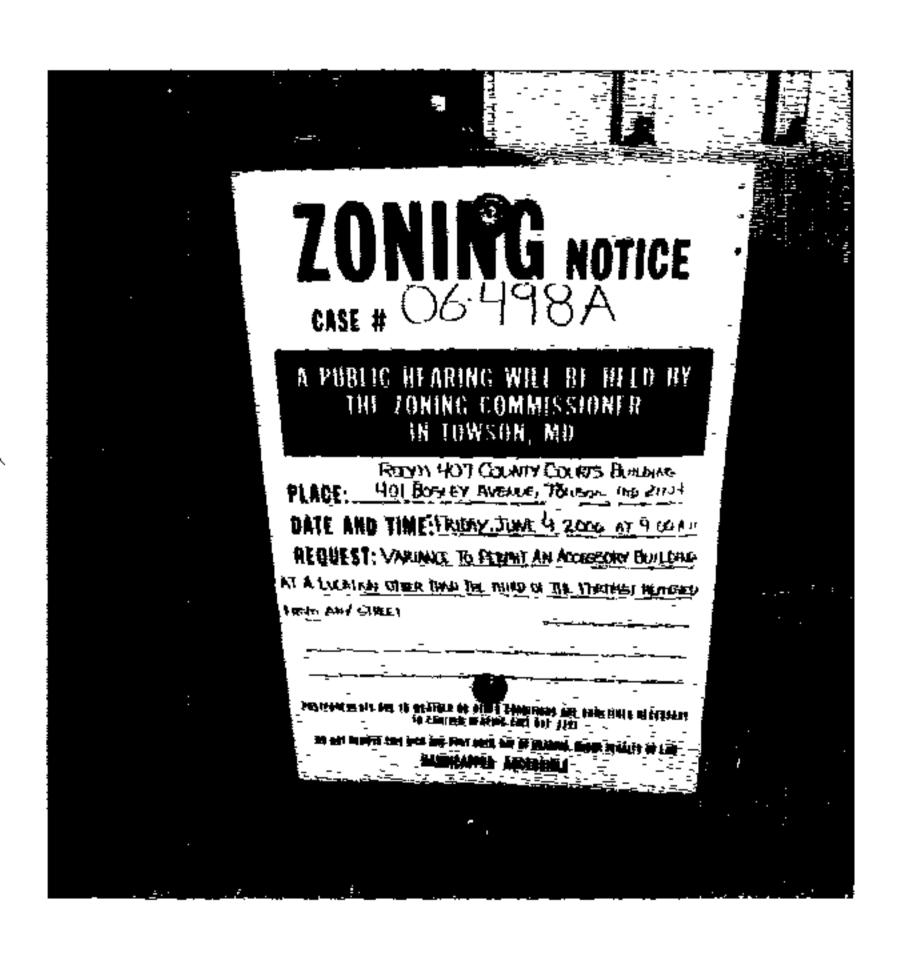
CERTIFICATE OF PUBLICATION

$5\sqrt{25}$, 2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 525 , 2006.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkingan
LEGAL ADVERTISING

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	AND.		
AMO	COUNT \$		
		,	
PINK - AGENCY YE	FELOW - CUSTOMER		CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 06-498-A
	Petitioner/Developer: JAMES AN
	Theresa HORN
	Date of Hearing/Closing: JUNE 6
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-33	394}
Ladies and Gentlemen:	•
This letter is to certify under the penaltic posted conspicuously on the property loc	es of perjury that the necessary sign(s) required by law were ated at:
1 CECTIS (COURT
p	
The sign(s) were posted on	5-23-06
	(Month, Day, Year)
	Sincerely.



(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

2006

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.

For Newspaper Advertising:						
Item Number or Case Number: 06-498-A						
Petitioner: JAMES M. HORN AND THERESA HORN						
Address or Location: 1 CELTIS GOVET, FORK, MD 21051						
PLEASE FORWARD ADVERTISING BILL TO:						
Name:GILDEA & SCHMIDT, LLC.						
Address: 300 East Lombard Street						
SUITE 1440						
BALTIMORE ND 21202						
Telephone Number: (410) 234-0070						

Department of Permits and Development Management

Director's Office County Office Building 111 W Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

April 28, 2006

NEW NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-498-A

1 Celtis Court

Southeast corner of Catalpa Road and Celtis Court

11th Election District – 3rd Councilmanic District

Legal Owners: James & Theresa Horn

Variance to permit an accessory building at a location other than the third of the lot farthest removed from any street.

Hearing: Friday, June 9, 2006 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Mr. & Mrs. James Horn, 1 Celtis Court, Fork 21051-9730

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 25, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 23, 2006 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt, LLC 300 East Lombard Street, Ste. 1440

Baltimore, MD 21202

410-234-0070

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-498-A

1 Celtis Court
Southeast corner of Catalpa Road and Celtis Court
11th Election District – 3rd Councilmanic District
Legal Owners: James & Theresa Horn

<u>Variance</u> to permit an accessory building at a location other than the third of the lot farthest removed from any street.

Hearing: Tuesday, June 6, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of management Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

June 1, 2006

Lawrence E. Schmidt Gildea & Schmidt, LLC 300 E. Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Schmidt:

RE: Case Number: 06-602-SPH, 1 Celtis Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 31, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel James M. Horn Theresa Horn 1 Celtis Court Fork 21051-9730



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 10, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-498- 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

MAY 1 5 2006



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

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

BPR

Maryland Department of Transportation

Date: 4.21.274

Baltimore County

Item No. 498

RE:

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

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. Hoult

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 21,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 24, 2006

Item Numbers: 491-515

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 25, 2006

Timothy M. Kotroco, Director TO:

Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For May 1, 2006
Item Nos. 491, 492, 493, 494, 495, 498, 499, 500, 502, 504, 505, 507, 508, 509,

511, 513, 514, 515, 516, 517

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

ZAC-NO COMMENTS-04252006.doc

RE: PETITION FOR VARIANCE

1 Celtis Court; SE corner Catalpa
Road & Celtis Court

11th Election & 3rd Councilmanic Districts Legal Owner(s): James & Theresa Horn Petitioner(s) * BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 06-498-A

* * * * * * * * *

FNTRY 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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

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 21st day of April, 2006, a copy of the foregoing Entry of Appearance was mailed to, Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

ASTR 2 1 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 31, 2006

Mr. Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Vettori:

RE: 1 Celtis Court, Spirit and Intent Case No. 06-498-A

Your letter addressed to Mr. Kotroco, has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

The revisions as shown on the redlined plan for 1 Celtis Court received with your October 27, 2006 letter to me does not constitute a substantial change to the proposal presented to the Zoning Commissioner for Baltimore County in the above referenced zoning case. The proposed redline revisions are considered to be within the "spirit and intent" of the final decision and order found in zoning case 06-498-A. A copy of this letter must be presented to the Office of Zoning Review at the time of building permit application.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact the Office of Zoning Review at 410-887-3391.

Sincere [

Lloyd T. Moxley

Planner II,

Zoning Review

LTM

June 7, 2006

We, the below signed, have previewed the plans for an accessory building, including the location and purpose, of the proposed project James and Theresa Horn are considering on their property at 1 Celtis Court, Fork, Maryland. We are not in opposition of the location or any aspect of their plan.

Michele Dracek	6412 Catalpa Road
Rohn Krenel Anne Scholz Mulfall	6409 CATALPA ROAD 6414 CASALPA RI
addon Jako	6 Cottes Ct

PLEASE PRINT CLEARLY

CASE NAME HONCINGORSEN CASE NUMBER OS - 198-1

PETITIONER'S SIGN-IN SHEET

E- MAIL																
CITY, STATE, ZIP	Who wo will	702501 M 21204	12	1202 W.M. 21651	FORK, Rd. 2105)	Talk Mal 2007)	Fork MN 21051	FOUR MA 21031	Gall and Line	F.a.k med 21051	Fork, mo 21051	12016 JUN 21051				
ADDRESS	1200 1 Contract	BOSLEY A	CELTIS		- Sections	6431 Cotolly Rd.	1 Calbis Ct.	5 cerns cr	6405 CAPADORU	6411 Catalon Rd	6417 CATANPA ROAD	7 Ce(tis cT				
NAME	Trumbule 15 Show	ROBERT A. BRECHED	JAMES GAYTA	PARLO SCHIATARELLA	Track Track	-11m Mca/4	Therese Horn	Jory Michabs	Thuck CHAllowors	STRUC SURD des	Deren Barrey	Scott J. Shinsky				

Case No.: 06-498-A 1838 GRBETT RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Collective 21 Thru 25 PHOto'S & Property	
No. 3	People unable to cettend who signed	1072 97 Auggart
No. 4	Suldwison Plan norm Neghbonn Supp	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10	,	
No. 11		
No. 12		

