

IN RE: **PETITION FOR ADMIN. VARIANCE**
E/S Autumn Wind Court, 1,149' N of the c/l
Ridge Road
(11 Autumn Wind Court)
8th Election District
2nd Council District

Jeffrey H. Black, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-525-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, Jeffrey H. Black, and his wife, Karen D. Black, through their attorney, Arnold G. Foreman, Esquire. The Petitioners seek relief from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 1A00.3.B.3, RDP, Bill No. 100, 1970 Regulations) to permit a rear yard setback of 40 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 was accepted into evidence and marked 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.

UNDER RECEIVED FOR FILING

Date 5-22-09

By [Signature]

Based upon all of the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the house thereon. As shown on the site plan, the Petitioners propose constructing a 14' x 24' garage addition on the rear (southeast corner) of the existing home, at the end of an existing driveway. It was indicated that the addition will provide an additional parking space as well as storage space for the Petitioners' parents, who have moved into the home. Since this corner of the house is located approximately 54 feet from the rear property line, any garage addition would necessitate variance relief. There were no adverse comments submitted by any County reviewing agency and there was no opposition voiced by any of the neighbors. Thus, it appears that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of May 2006 that the Petition for Administrative Variance seeking relief from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 1A00.3.B.3, RDP, Bill No. 100, 1970 Regulations) to permit a rear yard setback of 40 feet in lieu of the required 50 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

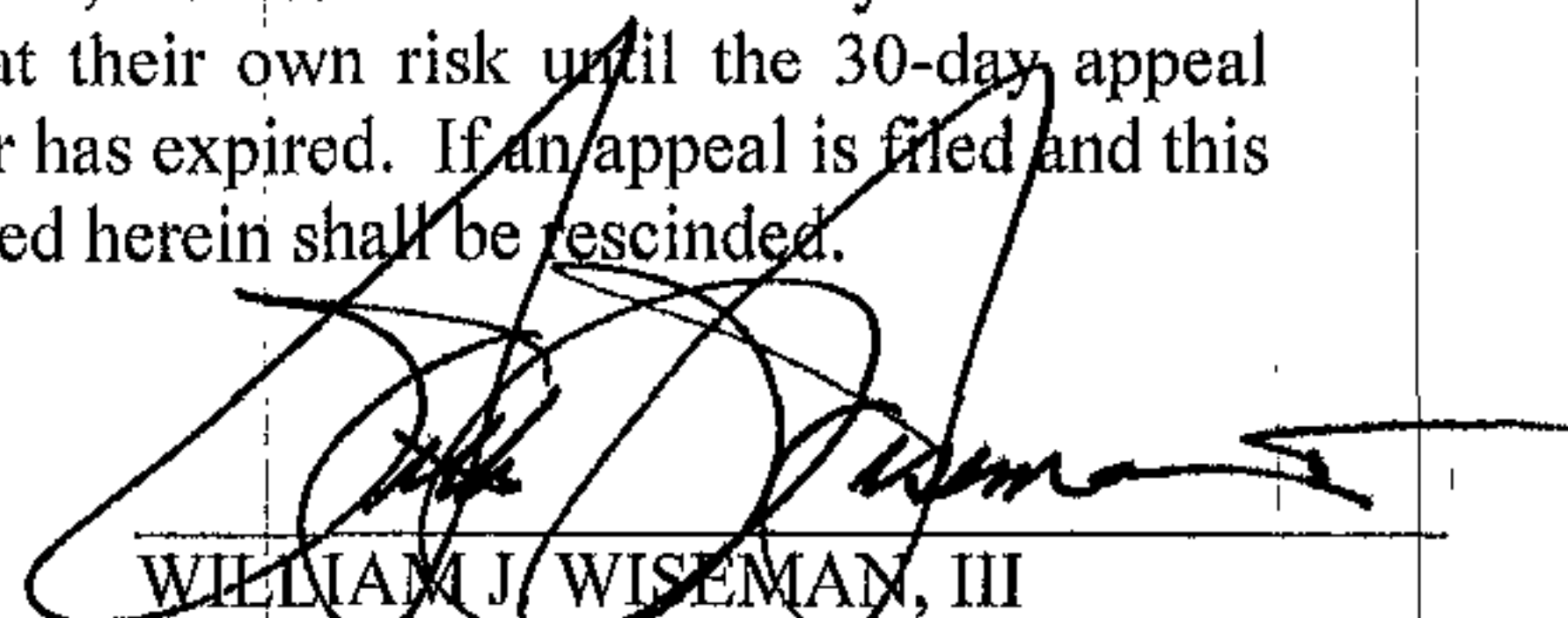
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

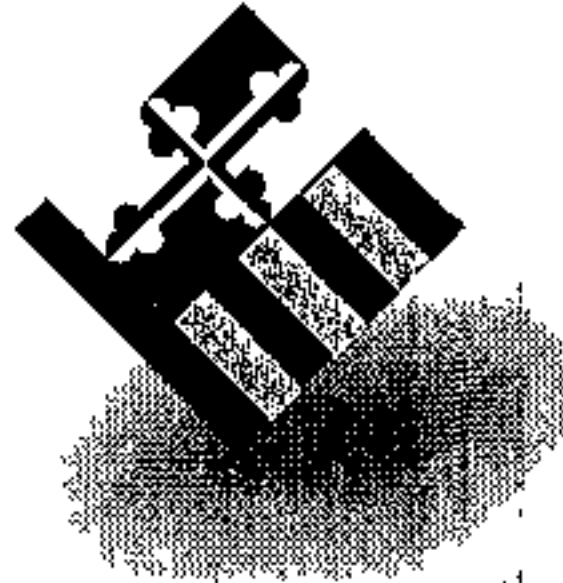
ORDER RECEIVED FOR FILING

Date 5-22-06

By William J. Wiseman, III

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 22, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold G. Foreman, Esquire
29 W. Susquehanna Avenue, Suite 707
Towson, Maryland 21204

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
E/S Autumn Wind Court, 1149' N of the c/I Ridge Road
(11 Autumn Wind Court)
8th Election District – 2nd Council District
Jeffrey H. Black, et ux - Petitioners
Case No. 06-525-A

Dear Mr. Foreman:

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: Mr. & Mrs. Jeffrey H. Black
11 Autumn Wind Court, Reisterstown, Md. 21136
People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11 Autumn Wind Court
which is presently zoned RDP R.C.5 ~~CURRENTLY~~

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)

Requiring a 50' setback for structures in an RDP zone.

1A04.3, (1A00.3B.3. -RDP, BILL NO. 100 1970)

TO PERMIT AN ADDITION (GARAGE) WITH A 40-FOOT REAR SETBACK
IN LIEU OF THE REQUIRED 50-FEET.

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:

ARNOLD G. FOREMAN

Name - Type or Print

Signature

Company

29 W. Susquehanna Ave. #707 410-337-8600

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

JEFFREY H. BLACK

Name - Type or Print

Signature

KAREN D. BLACK

Name - Type or Print

Signature

Address

City

State

Telephone No.

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.

06-525-A

Reviewed By

D.T.

Date

4/20/06

Estimated Posting Date

4/30/06

DATE 5-22-06
BY [Signature]

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 11 Autumn Wind Court
 Address Reisterstown MD 21136
 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):

To add a garage onto the existing 2 car garage as family (parents) have moved into the home and another weather protected area is needed for parents' ingress and egress. This requires a setback of 40'.

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.

Jeffrey H. Black
 Signature
 JEFFREY H. BLACK
 Name - Type or Print

Karen D. Black
 Signature
 KAREN D. BLACK
 Name - Type or Print

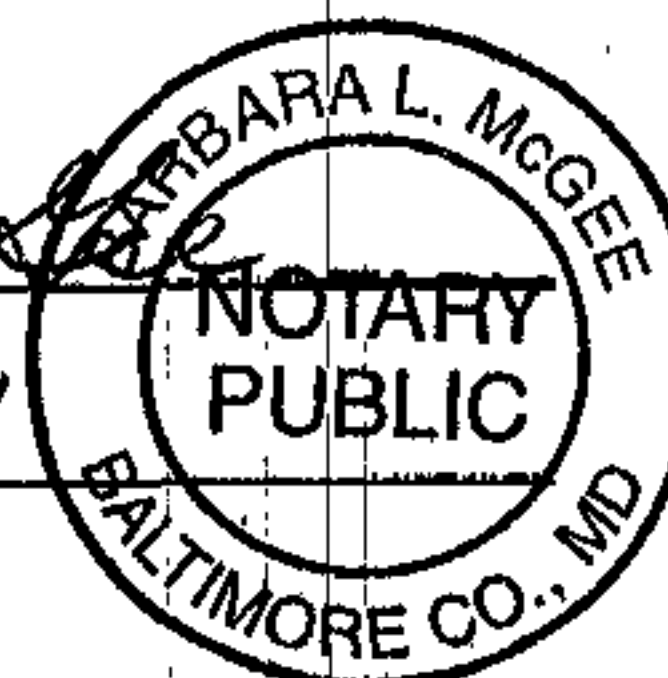
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeffrey H. Black and Karen D. Black
 the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Barbara L. McGee
 Notary Public
 My Commission Expires 4/12/08



Zoning Description for 11 Autumn Winds Ct.

Beginning at a point on the east side of Autumn Winds Court
1149-feet north of the centerline of Ridge Road. Being
Lot #9 in the subdivision known as "Autumn Ridge"
as recorded in Baltimore County Plat Book #38, Folio #135,
containing 1.01 acres. Also known as 11 Autumn Winds Court
and located in the 8th Election District, 2nd Councilmanic
District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5783

DATE 4/23/06 ACCOUNT 0010060150 AMOUNT \$ 175.00

RECEIVED FROM JEFFREY L. BLANK

FOR 001-535 00-535-A

11 MONTHLY DUES (+) DT

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY JEFFREY L. BLANK TIME 10:32:35
DATE 4/23/06 BY JEFFREY L. BLANK
OFFICE 0010060150 DEPT 001
AMOUNT 175.00 BALANCE 175.00
CASHIER JEFFREY L. BLANK

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-525-A

Petitioner/Developer: _____

Jeffrey + Karen Black

Date of Hearing/Closing: 5-15-06

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

Attention: Donna Thompson

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 at

11 Autumn Winds Court, Reisterstown, MD 21136

April 28, 2006
(Month/Day/Year)

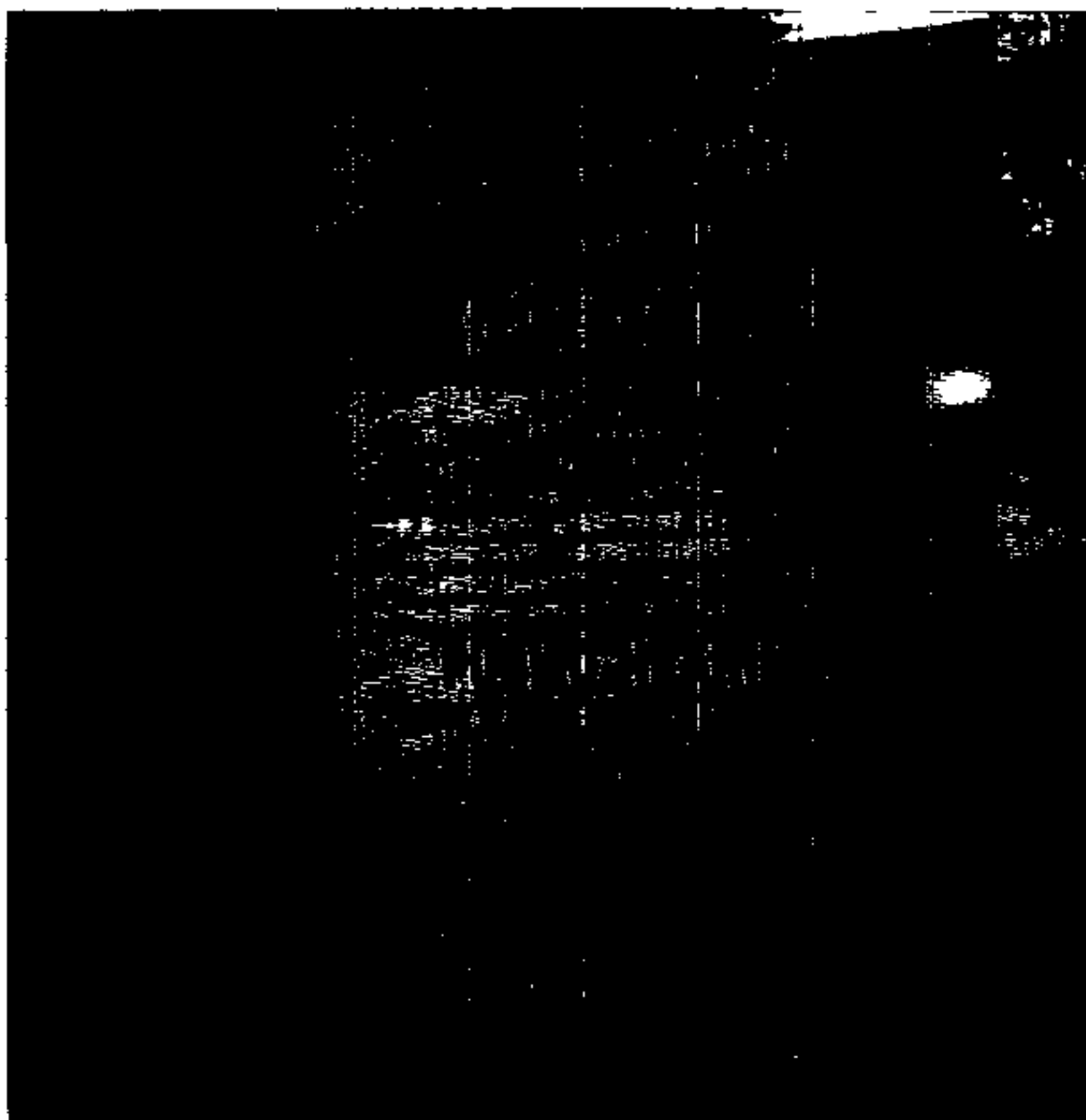
Sincerely,

Stacy Gardner 4/28/06
(Signature of Sign Poster/Date)

Stacy Gardner
(Printed Name)

**SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784**

410-781-4000



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 525 -A Address 11 AUTUMN WINDS CT.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/20/06 Posting Date: 4/30/06 Closing Date: 5/15/06

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- 525 -A Address 11 AUTUMN WINDS CT.

Petitioner's Name BLACK Telephone 410-561-8135

Posting Date: 4/30/06 Closing Date: 5/15/06

Wording for Sign: To Permit AN ADDITION (GARAGE) WITH A 40-FOOT
REAR SETBACK IN LIEU OF THE REQUIRED 50-FEET.

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: 06-525-A

Petitioner: BLACK

Address or Location: 11 AUTUMN WINDS CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. JEFFREY BLACK

Address: 11 AUTUMN WINDS CT.

REISTERSTOWN, MD 21136

Telephone Number: 410-561-8135

**Department of Permits
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*

May 15, 2006

Jeffrey H. Black
Karen D. Black
11 Autumn Wind Court
Reisterstown, MD 21136

Dear Mr. and Mrs. Black:

RE: Case Number: 06-525-A, 11 Autumn Wind Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 20, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Arnold G. Foreman 29 W. Susquehanna Avenue #707 Towson 21204

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



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
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: May 1, 2006

Item No.: 518, 519, 520, 521, 522, 523, 524, (525), 526, 527, 528, 529, 530,
531, 532, 533, 534, 535, 536.

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.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
Phone (O) 410-887-4881
Mail Stop - 1102F

cc: File

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





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

State Highway
Administration

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

Maryland Department of Transportation

Date: 5.28.06

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

RE: Baltimore County
Item No. 525 DV

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 3, 2006

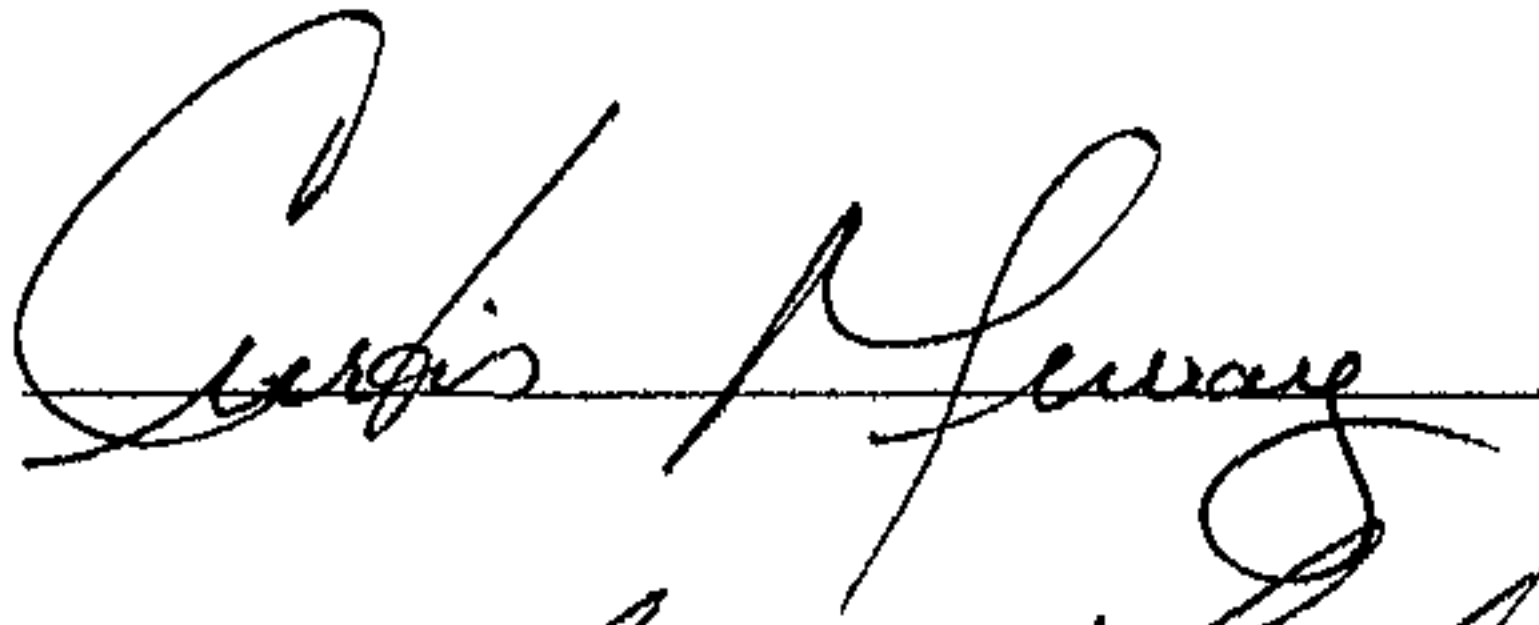
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-525- Administrative Variance**

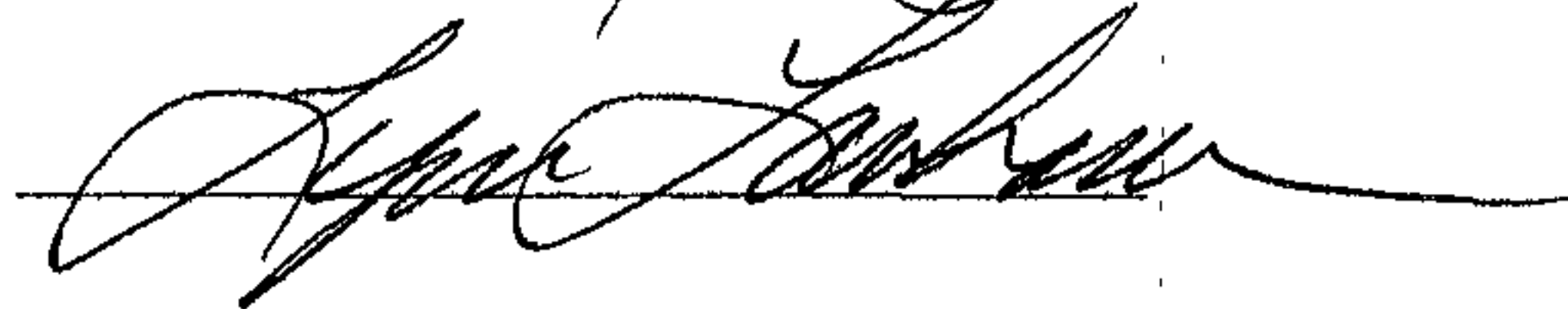
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 5, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2006
Item No. 519, 520, 521, 523, 524, 525,
526, 527, 529, 530, 531, 532, 533, 534,
535, and 05-558 SPH XA

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-05032006.doc

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-525 A

Date Completed/Initials

4/25/06

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

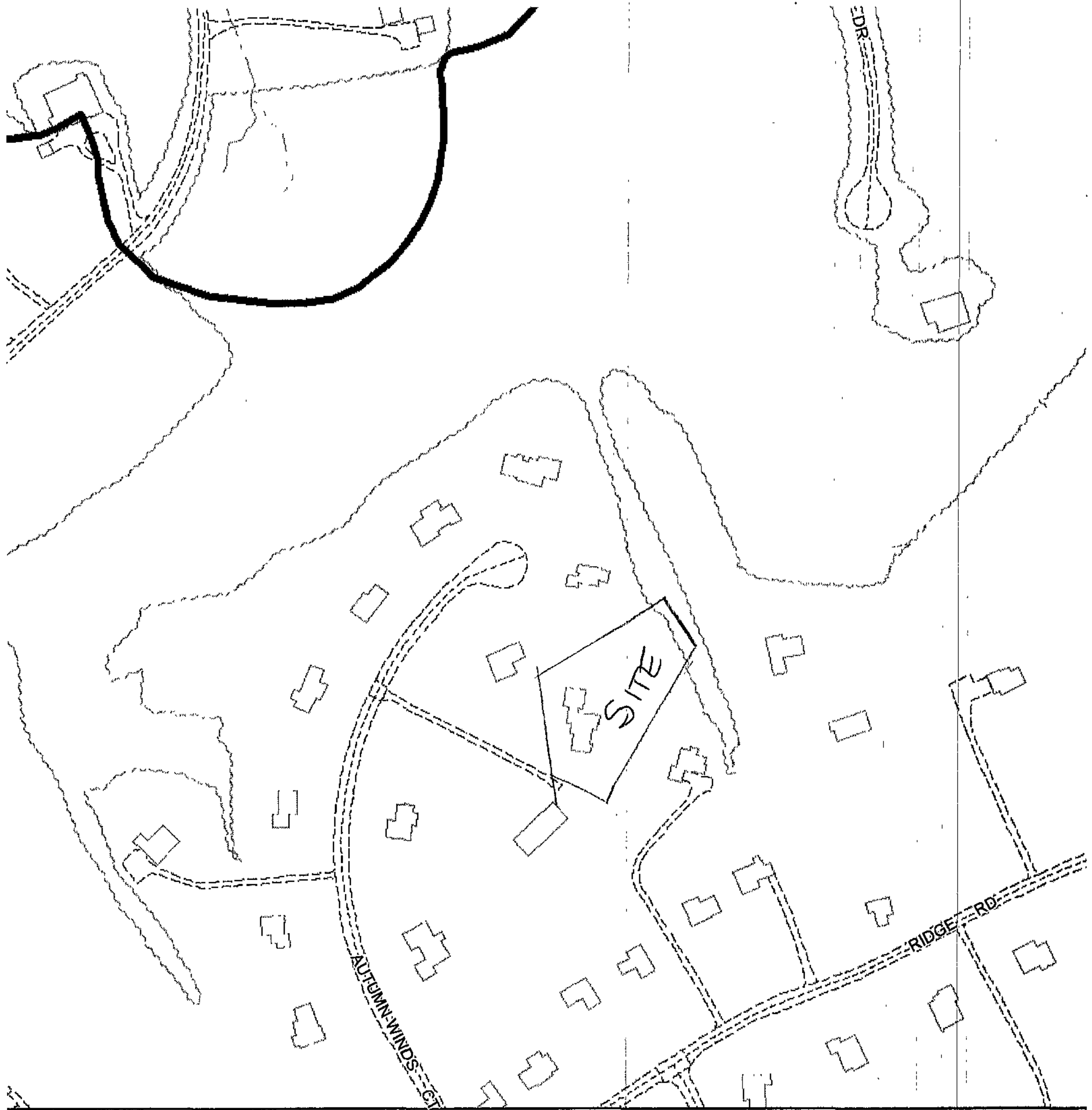
RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



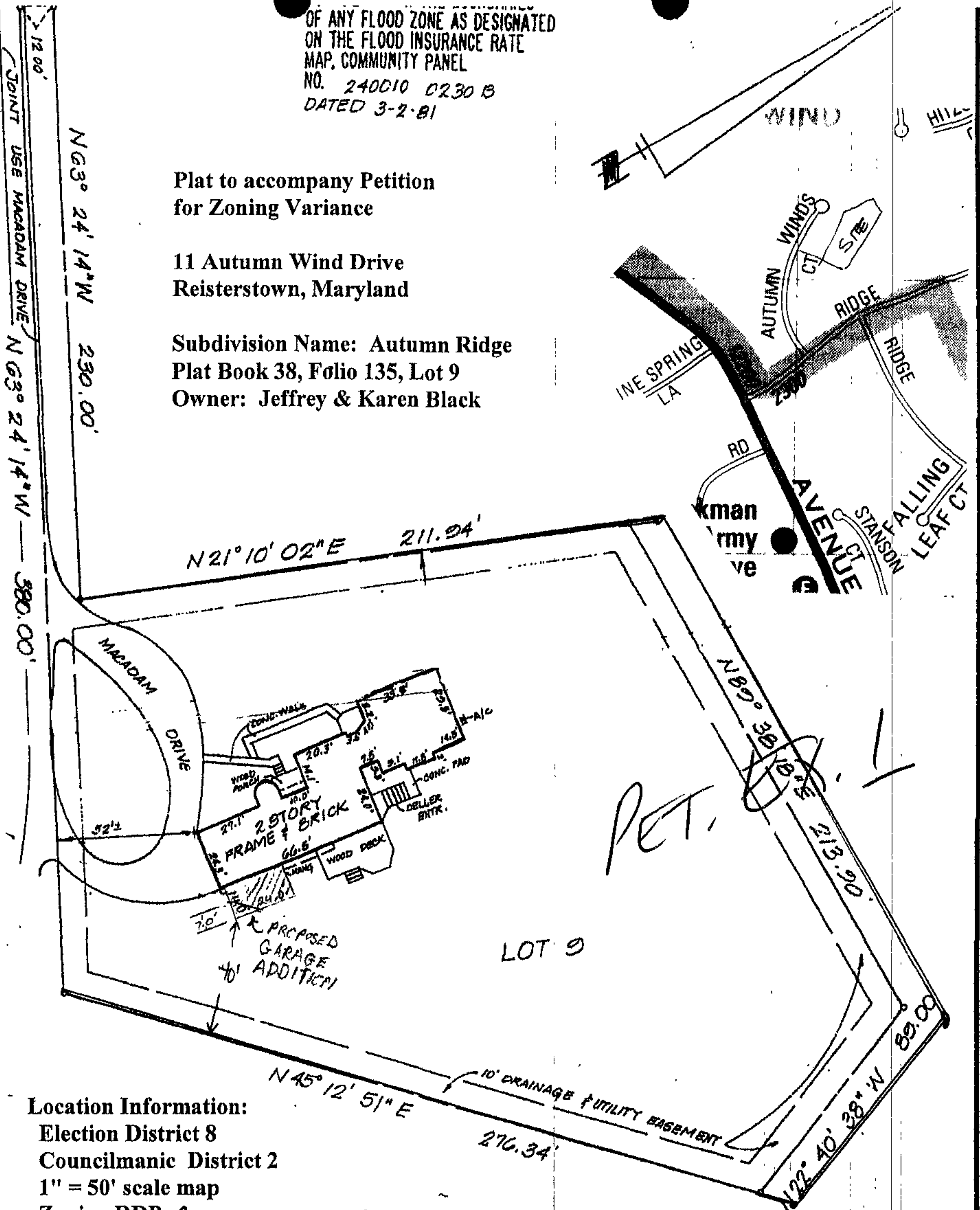
050A2

OF ANY FLOOD ZONE AS DESIGNATED
ON THE FLOOD INSURANCE RATE
MAP, COMMUNITY PANEL
NO. 240010 0230 B
DATED 3-2-81

Plat to accompany Petition
for Zoning Variance

11 Autumn Wind Drive
Reisterstown, Maryland

Subdivision Name: Autumn Ridge
Plat Book 38, Folio 135, Lot 9
Owner: Jeffrey & Karen Black



Location Information:

Election District 8

Councilmanic District 2

1" = 50' scale map

Zoning RDP, CURRENTLY R.C.S

Private Sewer and Water

ZONING MAP # 050A2

No critical area, 100 year
flood plain or historic issues

No prior hearings

BEING KNOWN & DESIGNATED AS LOT 9 ON
A RESUBDIVISION OF LOT 4 BLOCK 'B' & LOT 1
BLOCK 'C' AMENDED LOT 3 BLOCK 'B' & LOT 2
BLOCK 'C' GREEN RIDGE 15-47 PLAT OF
'AUTUMN RIDGE' PLAT BOOK 38-135

06525-A



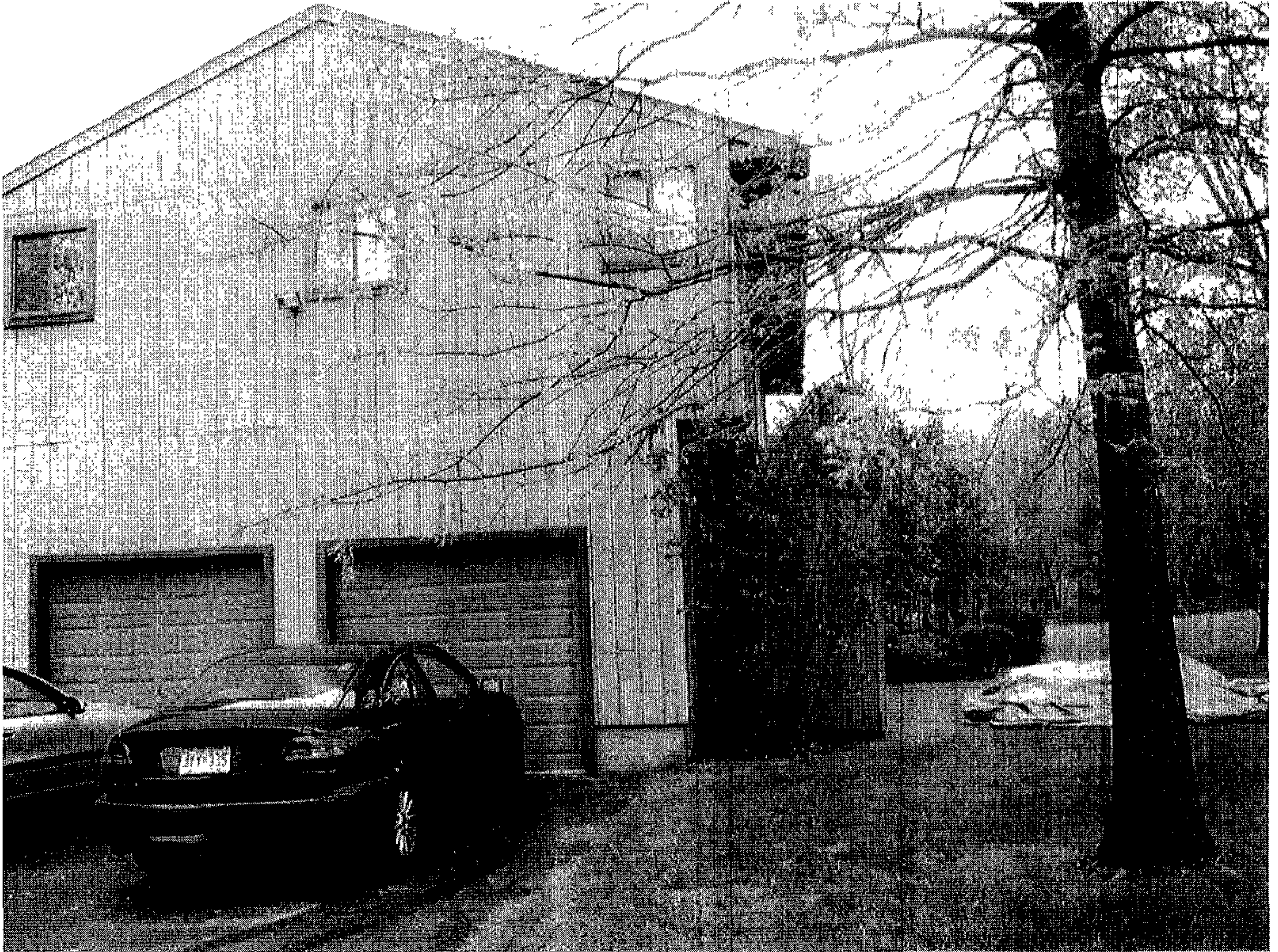
050A2

06-525-A

Google
Local



ELECTION DIST 8
PRECINCT 23
COUNTY/STATE 2
LEB 05B



06-525-A



06-525-A



06-525-A