IN RE: PETITION FOR VARIANCE

N/S of Deer Park Road, 330 feet E of centerline of Ivy Mill Road

4th Election District 4th Council District

(6221 Deer Park Road)

Mark and Deborah Ann Cleaver Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-533-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

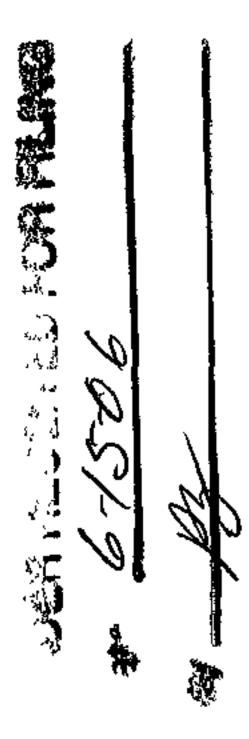
This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mark and Deborah Ann Cleaver. The Petitioner seeks relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the maximum allowed 15 feet. 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 property was posted with Notice of Hearing on May 30, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The "Jeffersonian" newspaper on May 30, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted



Service Contraction of 1508

as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated June 1, 2006, a copy of which is made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Mark Cleaver, the Petitioner. Bernadette Moskunas, with Site Rite Surveying, Inc., was also in attendance. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 8.68 acres is zoned RC 4 and is unimproved. The Petitioners are building a new home on the property as shown in Petitioner's exhibit 1. The Petitioner indicated that the foundation is now in the ground. The new home has a built in garage attached to the house.

However the Petitioners would like to also build a detached garage for additional storage which will exceed the height limitation for accessory structures of 15 feet. Mr. Cleaver testified that his wife and his architect require the separate garage to match the new home architecturally. This means that windows, shutters, doors and above all the roof of the garage must match the

design of the new home. To accomplish this goal the roof of the garage must be pitched which creates a peak of 22 feet high.

In addition the Petitioner pointed out that 4 acres of the lot is set aside for forest conservation which along with the new house restricts the location of the separate garage. The location of the septic reserve area also restricts the area in which a separate garage could be built.

The Petitioner agreed with the Planning Office comments that the separate garage was not to be used for a dwelling or for commercial purposes. He also indicated that none of the neighbors had complaints or comments about the request.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The new house has a pitched roof which must be duplicated in the roof of the separate garage if the garage is to be architecturally compatible. This is the kind of special circumstance that Section 307 envisions which make the property unique from a zoning standpoint.

I am also persuaded that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. The Petitioners could build a new garage with a flat roof but this would not be compatible with the other structures on the property.

I also find that relief can be granted within the spirit and intent of the RC 4 regulations and without detrimental impacts to the surrounding locale. However I will add the restrictions requested by the Planning Office to assure future owners of the property do not convert the garage into a dwelling or use it commercially.

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 15th day of June, 2006 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 22 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 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.

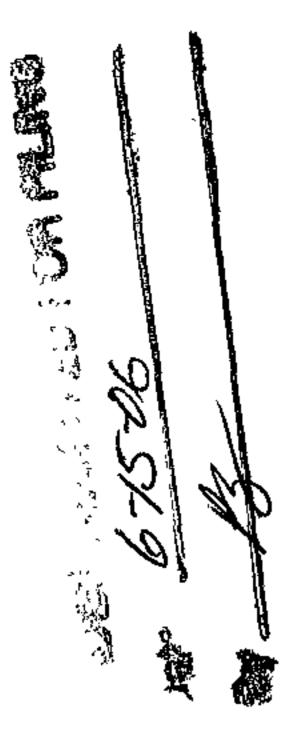
3) The accessory structure shall not be used for commercial purposes

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #6221 Deer Park Road

which is presently zoned RC4

		·
This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and where the property situate is a Baltimore County and who have been been been for a Verippe from State of the property and the pr	JICH is described in the describitor and blar ar	INCHES HOLO
and made a part hereof, hereby petition for a Variance from S	36011011(3) 400,3 TO allo	
accessing Structure (detack	hed garage) with a heigh	rt g
accessions structure (detack	m allowed 15th	
of the Zoning Regulations of Baltimore County, to the zo (indicate hardship or practical difficulty)	oning law of Baltimore County, for the follow	ving reasons
		-
see attached		
	i	4
	'	
Property is to be posted and advertised as prescribed by the . I, or we, agree to pay expenses of above Variance, advertising, postegulations and restrictions of Baltimore County adopted pursuant in	to the zoning law for Baltimore County.	
	I/We do solemnly declare and affirm, under the perjury, that I/we are the legal owner(s) of the is the subject of this Petition.	penalties of property which
- Contract Purchaser/Lessee:	Legal Owner(s):	
- Contract Furchasciricssee.	- ,	
	Mark Cleaver	
Name - Type or Print Name	e - Type or Wint	
	Signature	
Signature		
Address Telephone No.	Deborah Ann Cleaver Name - Type or Print i	
Manage	* William x	
City State Zip Code	Signature	
Attorney For Petitioner:	5928 Deer Park Road 410	-833-6897
Attories roi rendici.	Address	Telephone No
	Reisterstown, MD 21136	77.22
Name - Type or Print City	: .	Code
	Representative to be Contacted:	
Signature	Site Rite Surveying, Inc.	
Company	Name .	
Company		0-828-9060
Address Telephone No.	Address	Telephone No.
≒ *`	Towson, MD 21286	
City State Zip Code	City	Zip Code
	OFFICE USE ONLY	
	TOTILLETED LENGTH OF HEADING	_
Case No. 06-5334	ESTIMATED LENGTH OF HEARING	
	UNAVAILABLE FOR HEARING	1
Reviewed By	Dete 4 24-04	1
REV 9/15/98		İ
- Land	,	•

REASONS TO ACCOMPANY VARIANCE PETITION

- This property is over 8 acres with more than enough room to accommodate a garage over 15 feet in height. The garage is to be used for storage and will be located at the rear of the property.
- 2. The garage will meet all other regulations except height and is within the spirit and intent of the B.C.Z.R.
- 3. Granting relief for this request will not adversely impact the community and will not pose a threat to the general safety and health of the adjacent properties.

533

ZONING DESCRIPTION #6221 DEER PARK ROAD

BEGINNING at a point on the north side of Deer Park Road which is 60 feet wide at the distance of 330 feet east of the centerline of Ivy Mill Road which is 80 feet wide. Being Lot #2, in the Minor Subdivision of "Michael Property" as recorded in Baltimore County Plat Book #1, Folio #292, containing 8.98 acres, more or less. Also known as #6221 Deer Park Road and located in the 4th Election District, 4th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

533

PATD ALVERTY THE MANAGEMENT AND			CASHIER'S WALDATION
MARYLAND (450 No. 599) SEIPT	6 ACCOUNT		NC. XELOW. CUSTOMER
BALTIMORE COUNTY, OFFICE OF BUDGET & FIN. MISCELLANEOUS REC		MCGNUD Z Z Z	

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:

Cese: # 06-833-A
6221 Deer Park Road
Northside of Deer Park Road, 330 feet east of centerline of lvy Mill Road
4th Election District — 4th Councilmanic District
Legal Owner(s): Mark & Deborah Ann Cleaver
Variance: to allow an accessory structure (detached garage) with a height of 22 feet in ileu of the maximum allowed 15 feet.
Hearing: Thursday, June 16, 2006 at 9:00 a.m. in

Hearing: Thursday, June 15, 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868/4386.

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

17.5/260 May 30.

96933 JT 5/769 May 30

CERTIFICATE OF PUBLICATION

6/1,2006
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
$\frac{5 30 }{,2000}$
The Jeffersonian
Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

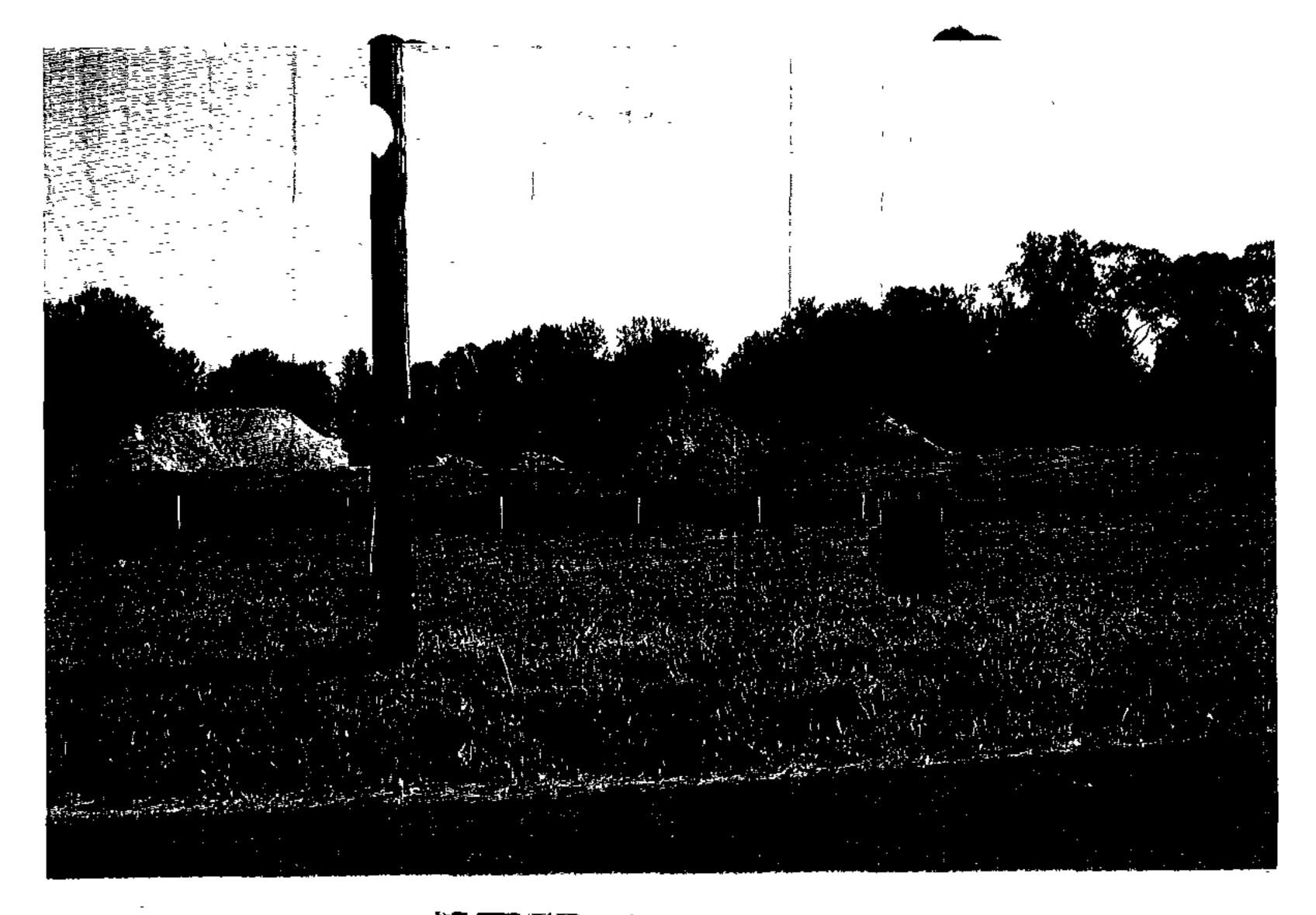
Baltimore County Department of

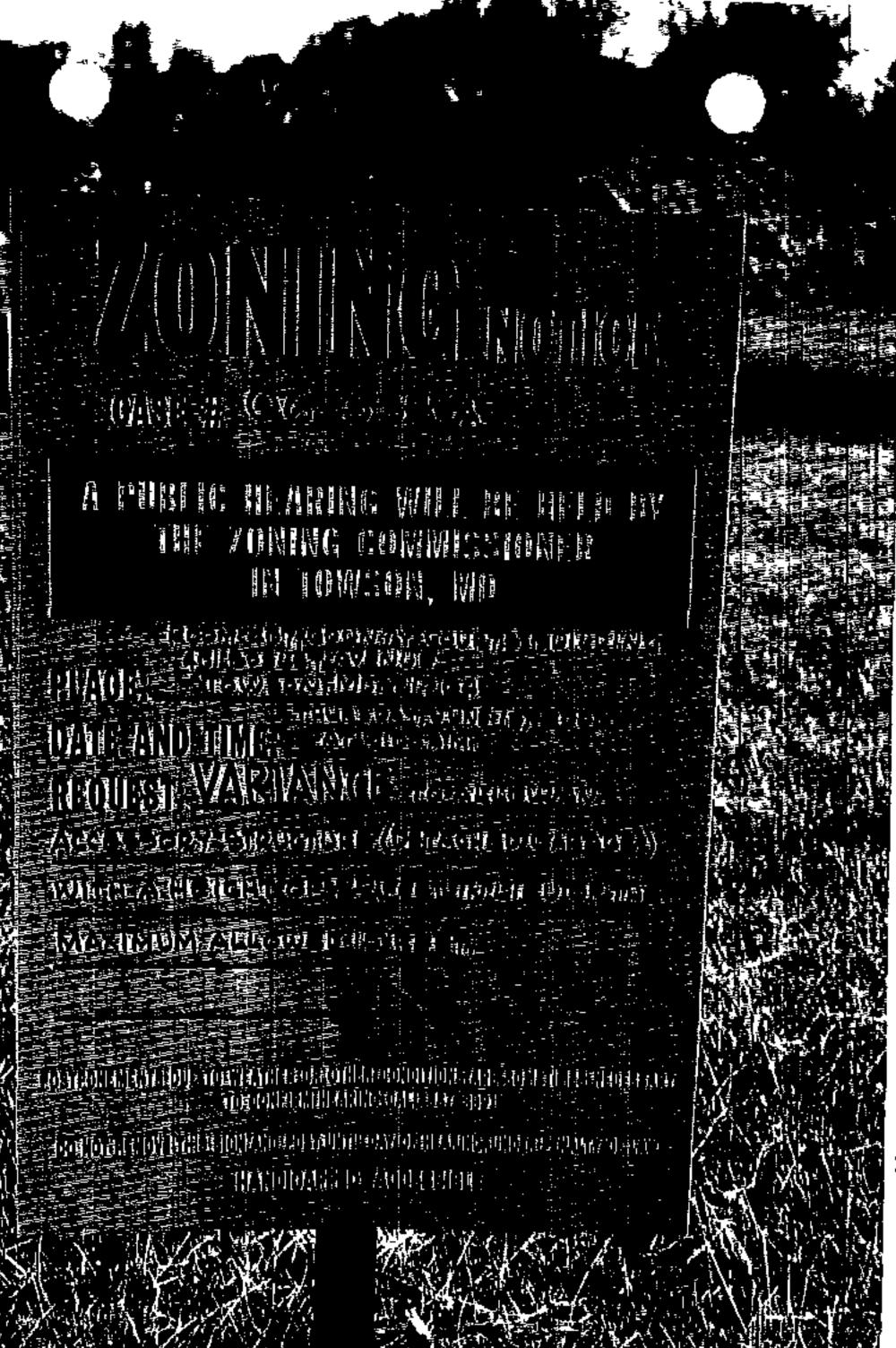
Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 **Attention: Christen Matthews** Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at #6221 DEER PARK ROAD The sign(s) were posted on MAY 30(Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CTAPLAGEDE, MOORE (Printed Name) 3225 RYELSON CIRCLE
(Address) BAUTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 06-533-A

Petitioner/Developer: MARK CLEAVE/2

Date of Hearing/Closing: JUNE 15, 2006





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

May 3, 2006

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: 06-533-A

6221 Deer Park Road

4th Election District – 4th Councilmanic District

Northside of Deer Park Road, 330 feet east of centerline of Ivy Mill Road

Legal Owners: Mark & Deborah Ann Cleaver

Variance to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the maximum allowed 15 feet.

Hearing: Thursday, June 15, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

hutty Kotroco

TK:klm

C: Mark & Deborah Cleaver, 5928 Deer Park Road, Reisterstown 21136 Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 31, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 30, 2006 Issue - Jeffersonian

Please forward billing to:

Mark Cleaver 5928 Deer Park Road Reisterstown, MD 21136

410-833-6897

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: 06-533-A

6221 Deer Park Road

4th Election District – 4th Councilmanic District

Northside of Deer Park Road, 330 feet east of centerline of Ivy Mill Road

Legal Owners: Mark & Deborah Ann Cleaver

<u>Variance</u> to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the maximum allowed 15 feet.

Hearing: Thursday, June 15, 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 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: 06-5334	
Petitioner: Many Cleaver	
Address or (Location:) 6221 Deer Park Poad.	
PLEASE FORWARD ADVERTISING BILL TO: Name:Mavk_ Clearw	
Address: 5928 Deer Park- Poad	1
Puistustown, MO 21136	
Telephone Number: 410 833 - 6897	

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





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

June 9, 2006

Mark Cleaver 5928 Deer Park Rd. Reisterstown, MD, 21136

Dear: Mr. Cleaver,

RE: Case Number: 06-533-A; 6221 Deer park Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 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. Callibal)

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Rd., Room 101, Towson, MD, 21286



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

Fire Department



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





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(0)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

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

Maryland Department of Transportation

Date: 4.28.06

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

RE:

Baltimore County

Item No. 533

115

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

1. 1. Hadle

Engineering Access Permits Division

6/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 14, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6-533 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 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.

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

Dranged by

JUN 1 4 2006

Section Chief:

AFK/LL: CM

BALTIMORE COUNTY, M'ARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 5, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, 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

RE: PETITION FOR VARIANCE

*

6221 Deer Park Road; N/S Deer Park Road,

330' E c/line Ivy Mill Road

4th Election & 4th Councilmanic Districts Legal Owner(s): Mark & Deborah Cleaver

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-533-A

ENTRY 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

CĂROLE 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 3rd day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

111Y 0 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NUMBER 622 DEV PANTE

PETITIONER'S SIGN-IN SHEET

E- MAIL	blm 1mh @ aol. com	WEBGOOT @ BCPL. NET											
ZIP	MD 21286	21136						•			•		
\ n	1 RW 101 TOVSON	J	•										
SS	2002. Jornaly Pm 101	Aprile Rs. 11									•		
SAL PAR SMINISTERS	Pot Summaline	5928 DEER F							•				
NAME	Permadethe Mostamas Sit	MARK CLEAVER											



Zoning Map 057AZ #6221 Deer Park Poad

5



