IN RE: PETITION FOR ADMIN. VARIANCE S/S of Perry Hall Road, 550 +/-' N centerline of Belair Road 11th Election District 5th Councilmanic District

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Dennis G. and Mary Bayer Petitioners

(4019 Perry Hall Road)

* CASE NO. 06-550-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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*

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Dennis G. and Mary Bayer. The variance request is for property located at 4019 Perry Hall Road in the Perry Hall area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to construct a an accessory building (pole barn) with a maximum height of 20 feet in lieu of the 15 feet permitted. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners state the additional 5 feet of ceiling height is necessary for storage of farm equipment which requires a higher ceiling.

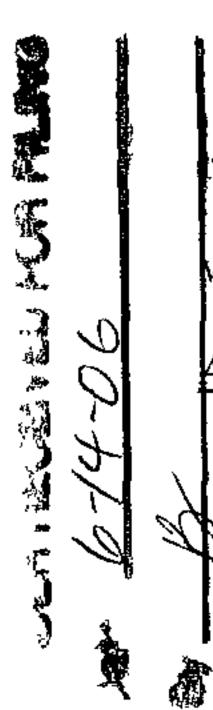
Zoning Advisory Committee Comments

A Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, dated May 25, 2006 which recommended certain changes to the site plan including technical corrections, location of trees and limits of disturbance, and other restrictions.

In response the Petitioner submitted a revised site plan, exhibit 2, and agreed to the restrictions. On June 13, 2006 the representative of the Planning Office sent revised comments which indicate that the revised site plan complies with the Planning Office comments.

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 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."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 7, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be granted with conditions.

S. Charles

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MARYLAND

JAMES T. SMITH, JR. County Executive

June 1, 2006

WILLIAM J. WISEMAN III

Zhning Commissioner

DENNIS G. AND MARY BAYER 4019 PERRY HALL ROAD PERRY HALL MD 21128

Re: Petition for Administrative Variance Case No. 06-550-AV

Property: 4019 Perry Hall Road

Dear Mr. and Mrs. Bayer:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy Deputy Zoning Commissioner

JVM:pz Enclosure

cc: Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Assenue, Baltimore, MD 21209



Petition for Administrative Variance

to the Zoming Commissioner of Baltinoore County

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ompany	<del> </del>		<u>Colbert</u> Name	Matz Ros	senfelt,	Inc.	i
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itγ	Stale	Zip Code	<u>Baltimo</u> City	re	MD Stat	2120 e	) 9 [†] Zip Code
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			Zon	ing Commissions	er of Baltimore	County	·

CASE NO. 06-550-A. Reviewed By 04 Date 4.27-06

REV 10/25/01 104-00 Estimated Posting Date 5-7-06

# 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) do	s/do presently reside at		Perry Hal	ll Road	
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E		City		State	Zip Code
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Signature J. D.	Cyn	<del>12. U ***                                </del>	Signature C	m. Bayer	<u></u>
Dennis G. Ba	400		Mary	Bayer Print O	
Name - Type or Print			Name - Type on		
STATE OF MARYLAND,					
I HEREBY CERTIFY, this of Maryland, in and for the	day of 10/2 County aforesaid, persor	gally appeared	200		ary Public of the State
the Affiant(s) herein, pers	onally known or satisfactor	rily identified to	May 15th	Affiant(s).	<del>*************************************</del>
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My Commission Expires 6/1/07

REV 10/25/01

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That the Affiant(s) does/do presently reside at	the second second second	Perry Hall	Road	
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	Clty	<u> </u>	State	Zlp Cod
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the fa p or practical di	cts upon which I lfficulty):	/we base the reque	est for an Administrativ
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Dennis G. Bayer Name - Type or Print	<del></del> -	Mary F Name - Type of Print	Bayer	
STATE OF MARYLAND, COUNTY OF BALTIMOR		0016	1	Pro III mili mili
I HEREBY CERTIFY, this 27 day of 1920 of Maryland, in and for the County aforesaid, person	ially appeared			ry Public of the State
the Affiant(s) Herein, personally known or satisfactor	fly identified to	me as such Affia	int(s).	
AS WITNESS my hand and Notarial Seal				
	Notary Pu	blic July	16-0-4	<del></del>

My Commission Expires ___

REV 10/25/01



CASE NO. _

REV 10/25/01

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

Estimated Posting Date _____ 5-7-0 %

(ALYLAND)		1019 Donney Holl Dond
_· -	for the property loc	**************************************
		which is presently zoned RC-2
owner(s) of the property a	bd with the Department of Permits lituate in Baltimore County and which by petition for a Variance from Section	and Development Management. The undersigned, legal is described in the description and plat attached hereto and (s)
400.3 BCZR, maximum hei	to construct a pole baght of 20 feet in lieu	ern accessory building with a of 15 feet permitted.
of the zoning regulations of this petition form	Baltimore County, to the zoning law	of Baltimore County, for the reasons indicated on the back
l, or we, agree to pay expens	d advertised as prescribed by the zon sest of above Variance, advertising, posting Baltimore County adopted pursuant to the	ig. etc. and further agree to and are to be bounded by the goving
		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/Le	ssee:	Legal Owner(s):
Name - Type or Print		Dennis G. Bayer  Name-Type of Print  Signature  Dennis G. Bayer  Signature
Signature		Signature Mary Bayer
Address	Telephone No	Name - Type or Punt
City	- State Zip Code	Signature M. Daye
Attorney For Petitione		4019 Perry Hall Road 410-668-7779 Address Telephone No
varne - Type or Print		Perry Hall MD 21128  City State Zip Code
Signature	# I I I I I I I I I I I I I I I I I I I	Representative to be Contacted: Richard E. Matz, P.E.
Company	-	Colbert Matz Rosenfelt, Inc.
\ddress	Telephone No	2835 G Smith Ave. 410-653-3838 Address Telephone No.
City	State Zip Code	Baltimore MD 21209 City State Zip Code
HO MAY OI	formally demanded and/or found to be required that the subject matter of this pand that the property be reposted	urred, It is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
positive of manifests would be	= -	
CASE NO. Ob.	550 A	Zoning Commissioner of Baltimore County  ved By  Date  T-2706
	Review	ved By Date Date

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

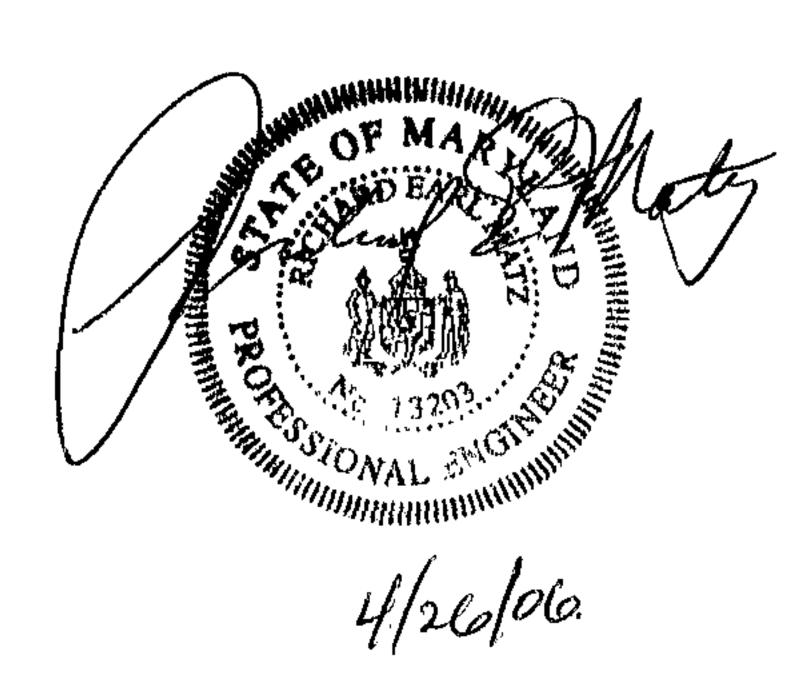


### ZONING DESCRIPTION 4017 PERRY HALL ROAD

Beginning at a point on the west side of Perry Hall Road, which is 50 feet wide, at a distance of 550 feet, more or less, north of the centerline of Belair Road (U.S. Route 1), which is of varying width, thence the following courses and distances:

S 36°13'04" W 316.77 feet; S 37°21'40" W 314.93 feet; N 45°32'56" W 563.60 feet; N 49°04'41" E 787.62 feet, thence S 24°37'13", 445.20 feet to the Point of Beginning.

As recorded in Deed Liber 11218, folio 343, containing 7.94 acres, more or less. Being Lot 1 of the Delano Property Minor Subdivision, No. 03-014-M. Also known as 4017 Perry Hall Road and located in the 11th Election District.



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# CERTIFICATE OF POSTING

	vate: Jose
RE:	: Case Number: OG-550 A Petitioner/Developer: DENNIS BAYER
	Date of Hearing/ Closing: 5.22.06
This on t	is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously the property located at 4019 PERKY HALL ROAD
The	sign(s) were posted on $5/7/6c$
	(Month, Day, Year)

Charles E. Merritt 9831 Magledt Road Battimore, MD 21234 410-665-5562

### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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# 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: 550  Petitioner: DENNIS BAYER  Address or Location: 4019 Perry HAII Rol., Perry HAII, Md. 2112.8
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
Telephone Number: 410-668-7777

Revised 7/11/05 - SCJ

### 

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

May 22, 2006

Dennis G. Bayer Mary Bayer 4019 Perry Hall Road Perry Hall, MD 21128

Dear Mr. and Mrs. Bayer:

RE: Case Number: 06-550-A, 4019 Perry Hall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 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

W. Calland Dan

WCR:amf

Enclosures

c: People's Counsel

Richard E. Matz, P.E. Colbert, Matz Rosenfelt, Inc. 2835 G Smith Avenue Baltimore 21209



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 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

May 8,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: 537 thru 557

550

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

TO:

Timothy M. Kotroco, Director

**DATE:** May 12, 2006

Department of Permits & Development Management

DING

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 15, 2006

Item Nos: 441, 537, 538, 539, 540, 542, 544, 547, 548, 549 (550) 551, 552, 553, 554, 555, 556, and 557

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-05102006.doc

### BALTIMORE COUNTY, MARYLAND

### INTRA-OFFICE CORRESPONDENCE

TO: John Murphy; Baltimore County Deputy Zoning Commissioner

**DATE: 06/13/06** 

FROM: Kevin M. Gambrill; District 5 Community Planner

SUBJECT: 4019 Perry Hall Road

Please be advised that the Office of Planning has approved the site plan and elevation drawings recently submitted for the subject property in relation to case number 6-550. Revised site plan shows the required limits of disturbance as required. Further, the detailed elevation drawings are satisfactory to this Office.

Kindly approve the petitioner's request for height variance to construct the proposed pole barn. Should you have any questions or concerns, do not hesitate to contact me directly.

Regards,

6/13/06

Kevin M. Gambrill

06-550 A



#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

**DATE:** May 25, 2006

MAY 2 3 2006

FROM:

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

**SUBJECT:** 

4019 Perry Hall Road

**INFORMATION:** 

**Item Number:** 

Petitioner:

6-550

Dennis G. Bayer

Zoning:

DR 2

Requested Action:

Administrative Variance

Lugis Kurent

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- Petition shall be revised to show correct zoning designation for the subject property <u>from RC-2 to DR-2</u>.
- 2. Site plan must show existing tree locations and proposed limits of disturbance.
- 3. Proposed pole barn shall not have any indoor plumbing, kitchen facilities or other provisions that may allow for the habitation of the structure as separate living quarters.
- 4. Architectural elevation drawings for the proposed pole barn shall be submitted to and approved by this Office prior to the issuance of a building permit.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 5.5.01

Item No.

**Baltimore County** 

550

JCM

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. 1. Mored

My telephone number/toll-free number is : Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 2, 2006

RICHARD E. MATZ, P.E. COLBERT MATZ ROSENFELT, INC. 2835 SMITH AVENUE, SUITE G BALTIMORE, MD 21209

> Re: Petition for Administrative Variance Case No. 06-550-AV Property: 4019 Perry Hall Road

Dear Mr. Matz:

The above-referenced administrative variance has been given to me for review. As you can see, the Planning Office requests certain changes to the site plan and conditions. If you agree, would you send me a revised site plan. If not, please let me know so I can set the matter in for public hearing.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz Enclosure

cc: Dennis G. And Mary Bayer, 4019 Perry Hall Road, Perry Hall MD 21128 Kevin Gambrill, Office of Planning

Post-it® Fax Note 7671

To From Co. Co. Co. Co. Phone #

Fax #

Fax #

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RC-2 Pet. Not correct per Judy of Pidens Maszini She'll send come ext. to come ext. to come ext. to come ext. to William J. Wiseman, III, Zoning Commissioner May 1, 2006

Page2

Moreover your office has properly required a hearing in these cases in the past most recently Case Io. 06-438-A attached. (It should be noted that even the Office of Community Conserve on, who supported the variance in 06-438-A, under god our position that a hearing appropriate.) It would be patently arbitrary and thair to apply the hearing requirement it satisfactly in undersized lot cases.

For these reasons, out of the submits on the record. We aust you will review this case in accordance with the usual standards for undersized as and variances.

Sincer

Max Zimmerman

Peo 's Counsel for Baltimore County

Numullo

Carole S. Del ilio

Deputy People Counsel

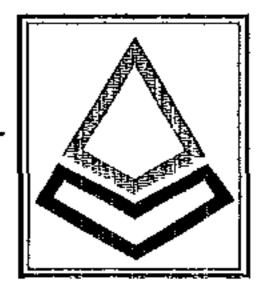
PMZ/CSD/rmw

cc: Henry Geraldine Heise

3.00 1.00

# Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



June 5, 2006

Commissioner John V. Murphy 401 Bosley Avenue, Rm. 405 Towson, Md. 21204

Re: Petition for Administrative Variance

Case No. 06-550-AV, 4019 Perry Hall Road

CMR No. 2002074

Dear Commissioner Murphy,

We agree to all the requested changes in your letter of 6/2/06, as follows:

- The petition should be changed to reflect the correct zoning designation for the subject property, which is DR-2. This was an oversight; the zoning is listed correctly on the plan. By this letter, we are authorizing you to make the change.
- We have added existing tree locations and proposed limits of disturbance for the pole barn. There are no trees near or in the area of the pole barn. There are trees along the western property line.
- 3. We have added a note to the plan stipulating that the proposed pole barn shall not have any indoor plumbing, kitchen facilities or other provisions that may allow for the habitation of the structure as separate living quarters.
- Elevation drawings for the pole barn have already been submitted to the Office of Zoning and will be made available to the Office of Planning.

We look forward to your issuance of an Order in this case.

Richard E. Matz, P.E.

cc: Dennis and Mary Bayer

Kevin Gambrill

PAGE

To: PATTI

FROM: MARY BAYER

Patti,

I'll augit your call regarding Atem # 4. Hapfully. Shear plans with suffice.

Please Call as soon as you have an answer as the suppliers is waiting On uso.

Thanks so much.

man B.

101/2006 09:12 410661 19

PROPOSED LE BARN

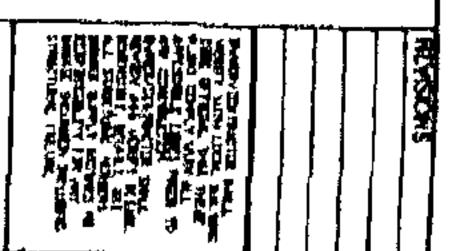
BAYER

4019 PERRY HALL RU

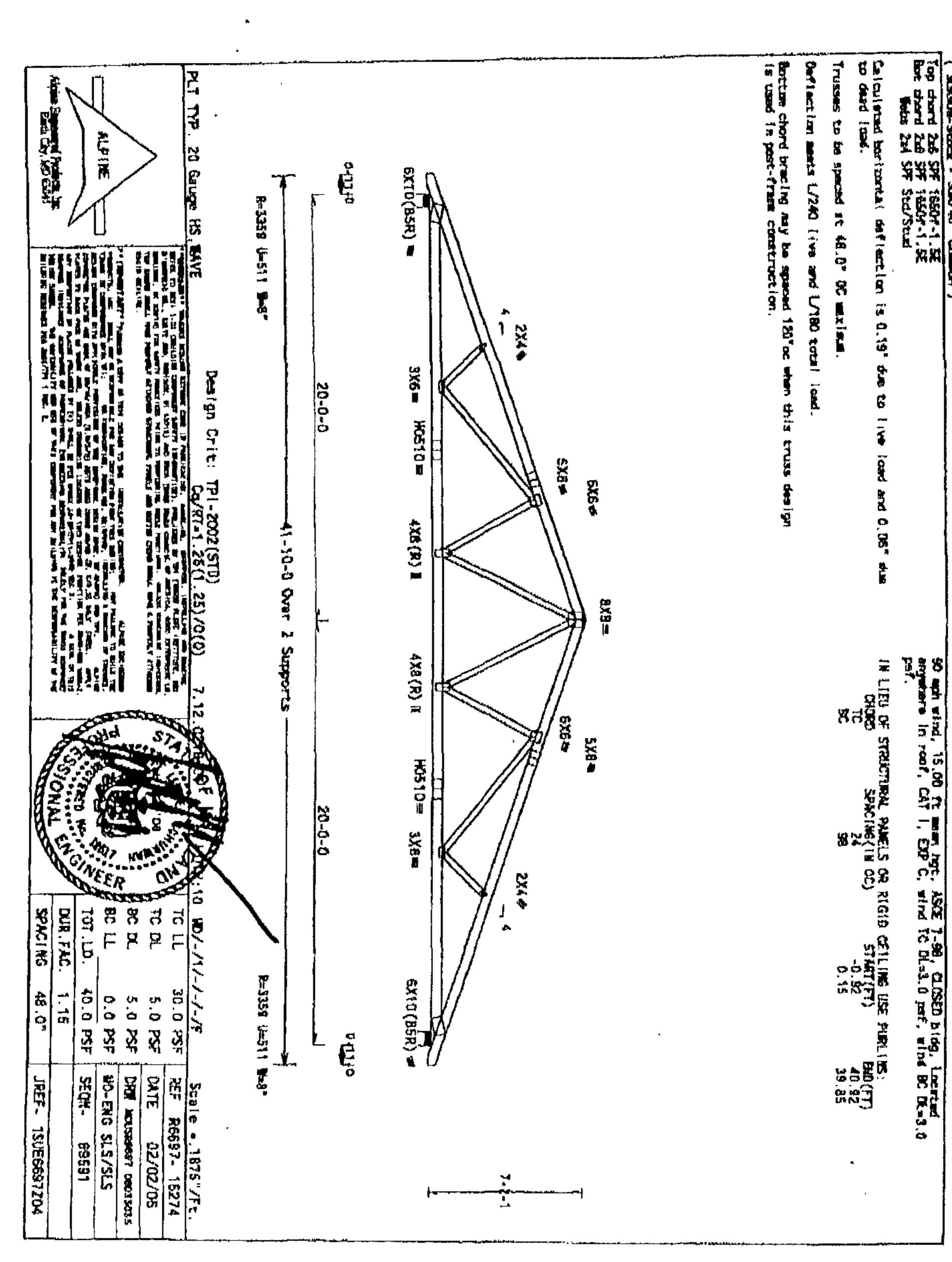
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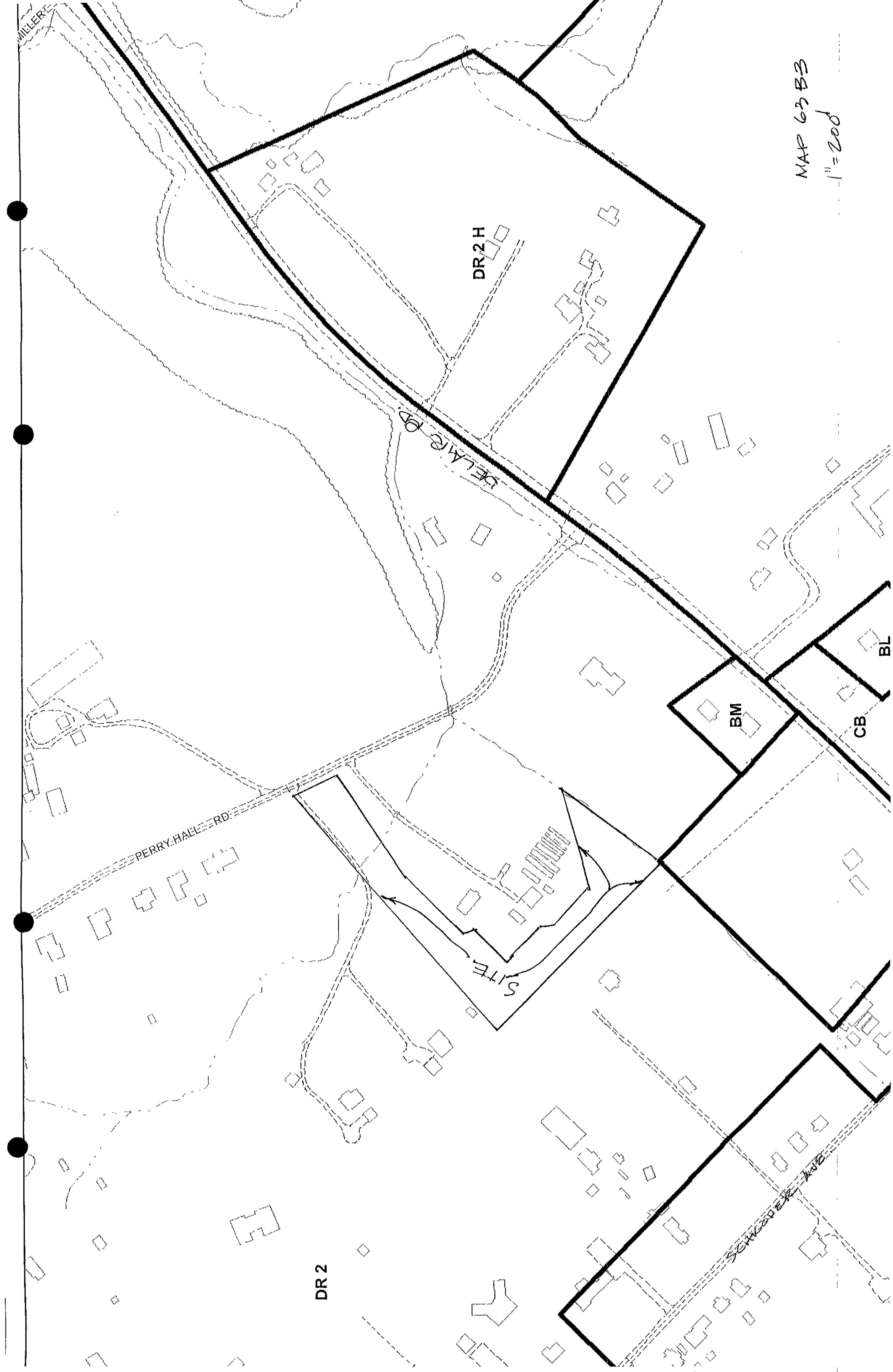
GRABER SUPPLY

491 Gap Newport Pike Atgless, PA 19310



410661

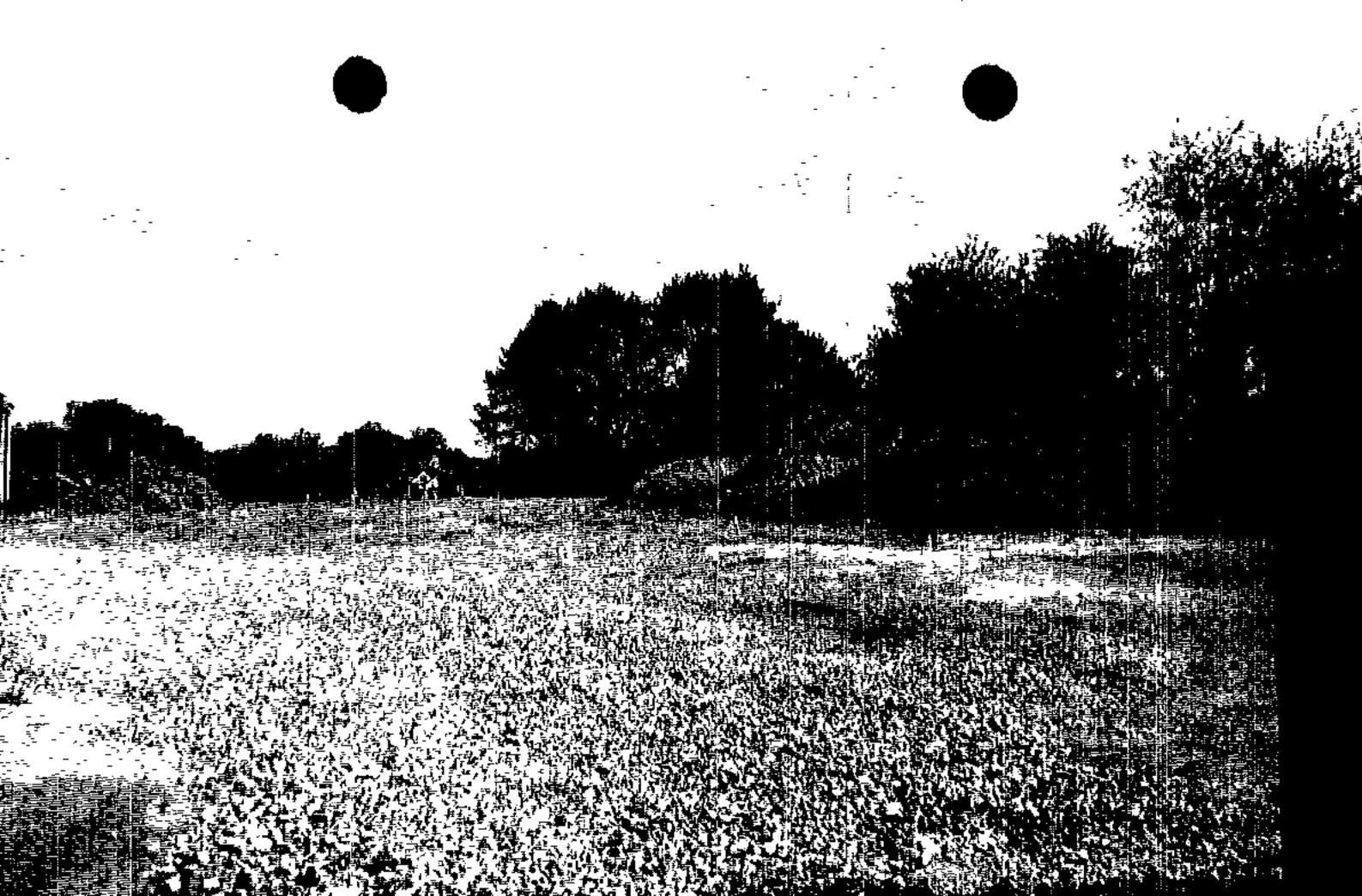






DENNIS BAYER

CHSE # 06-550-A



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CASE # 06-550-A



DENNIS BAYER

(PASE # 06-550-A



DENNIS BAYER

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DENNIS BAYER CASE # 06-550- A

