

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S of Rices Lane,  
987 feet west of Windsor Mill Road  
2<sup>nd</sup> Election District  
4<sup>th</sup> Councilmanic District  
(3106 Rices Lane)

Edward K. Hill  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 06-588-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Edward K. Hill. The variance request is for property located at 3106 Rices Lane in the Merrymount area of Baltimore County. The variance request is from Section 1A07.8B.5.a.(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a distance of 36 feet and 45 feet to a principal building in lieu of the minimum required 80 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance. The Petitioner states that he cannot meet the zoning regulations because of the following: the house is currently considered non-conforming due to the new zoning standard; adding onto his house creates additional non-conforming structures; and, he cannot adequately increase the size of the house due to these limitations and the house is now too small.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 27, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Planning and Resource Management (DEPRM) dated May 31, 2006, a copy of is attached and made a part hereof.

6-20-06  
PZ

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 Petitioners have filed the supporting affidavits 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 Petitioners.

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, the requested variance should be granted.

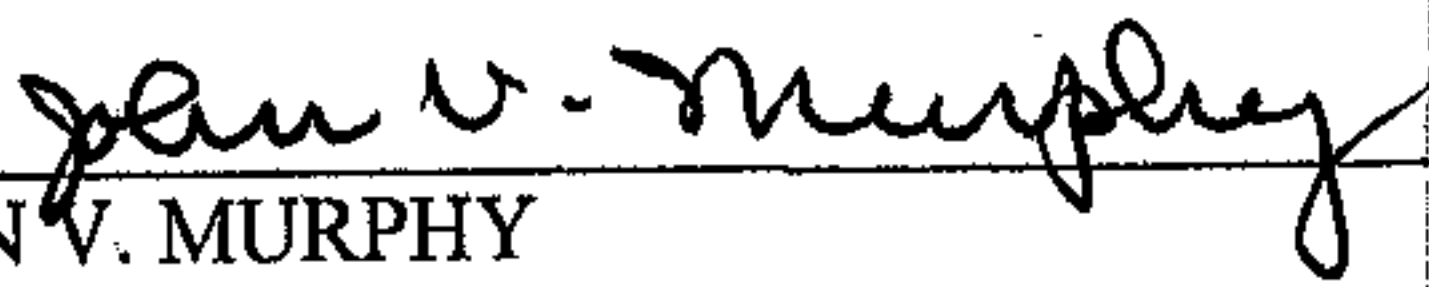
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15<sup>th</sup> day of June, 2006, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a distance of 36 feet and 45

RECEIVED FOR FILING  
JUN 20 2006  
[Signature]

feet to a principal building in lieu of the minimum required 80 feet be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

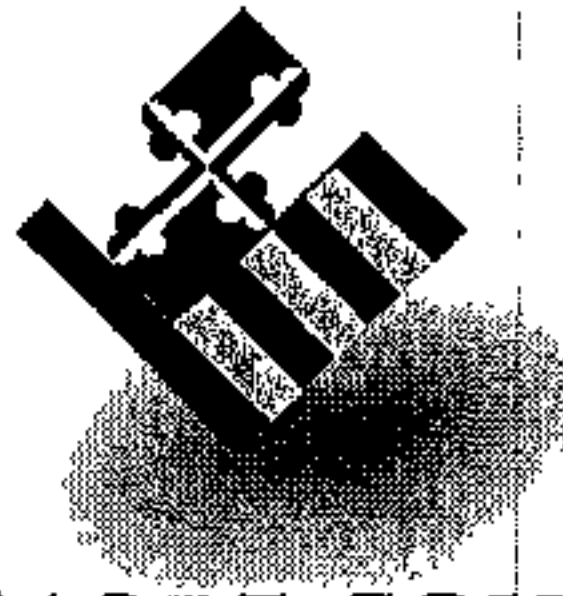
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Ground Water Management – The location of the water well and septic system must be shown on the plan. An inspection of the well and septic may be required prior to building permit. Soil evaluations may be required.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:pz

6-20-06  
PJ



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

June 15, 2006

EDWARD K. HILL  
3106 RICES LANE  
BALTIMORE MD 21244-1304

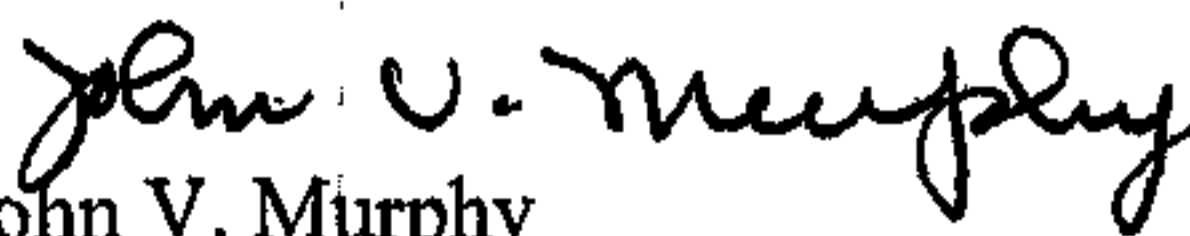
Re: Petition for Administrative Variance  
Case No. 06-588  
Property: 3106 Rices Lane

Dear Mr. Hill:

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  
for Baltimore County

JVM:dlw  
Enclosure



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 3106 Rices Lane, 21244  
which is presently zoned RC-6

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) 1A07.8B.5.a.(2) BCZR

TO PERMIT AN ADDITION WITH A DISTANCE OF 35-FEET AND 45-FEET TO A PRINCIPAL BUILDING IN LIEU OF THE MINIMUM REQUIRED 80-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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

### Legal Owner(s):

Edward K. Hill

Name - Type or Print

Edward K. Hill

Signature

Name - Type or Print

Signature

3106 RICES LANE

Address

410-299-0142

Telephone No.

BALTIMORE

City

MD

State

21244-1304

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. 06-588-A

Reviewed By D.T.

Date 5/16/06

REV 10/25/01

Estimated Posting Date 5/28/06

# Affidavit 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 3106 Bays View  
Address  
Windsor Mill MD 21244  
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):

I can not meet the zoning regulations because of the following.

- 1) My house is currently considered non-conforming due to the new zoning standard.
- 2) Adding on to my house creates additional non-conforming structures.
- 3) I cannot adequately increase the size of the house due to these limitations. Currently the house is too small.

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.

Edward K Hill  
Signature

Signature

Edward K Hill  
Name - Type or Print

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

Edward K Hill  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Lauren Stone  
Notary Public

My Commission Expires \_\_\_\_\_ My Commission Expires \_\_\_\_\_

April 1, 2008

ZONING DESCRIPTION FOR 3106 Rices Lane. Beginning at a point on the North side of Rices Lane which is 100.9 feet wide and 648.70 feet long on the west side of the centerline and 636 feet long on the east side of the centerline. As recorded in Baltimore County Plat Book # 2384, Folio # 47, containing 1.47 acres. Also known as 3106 Rices Lane and located in the 2<sup>nd</sup> Election District, 4<sup>th</sup> Councilmanic District. ALSO BEING 987- FEET WEST OF WINDSOR MILL RD.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 6297

DATE 5/16/06

ACCOUNT

0010066150

AMOUNT \$

65.00

RECEIVED FROM

EDWARD HILL

FOR ITEM #588 OL-588-A

Sally Ryes Lane

D. THOMPSON

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY DATE

5/16/2006 11:00AM 12:00PM 1

SEE MON 5/15/06 11:00 AM

RECEIPT # 28121 SAL-2006 05/15

REPT 5 528 2006-05-15

CA NO. 100297

REPT 110

\$ 65.00

1100.00 CA

1100.00 CB

Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No: 06-588-A

Petitioner/Developer: HILL

Date Of Hearing/Closing: 6/12/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 3106 RICES LANE

This sign(s) were posted on May 27, 2006  
(Month, Day, Year)

Sincerely,

Martin Ogle 5/27/06  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

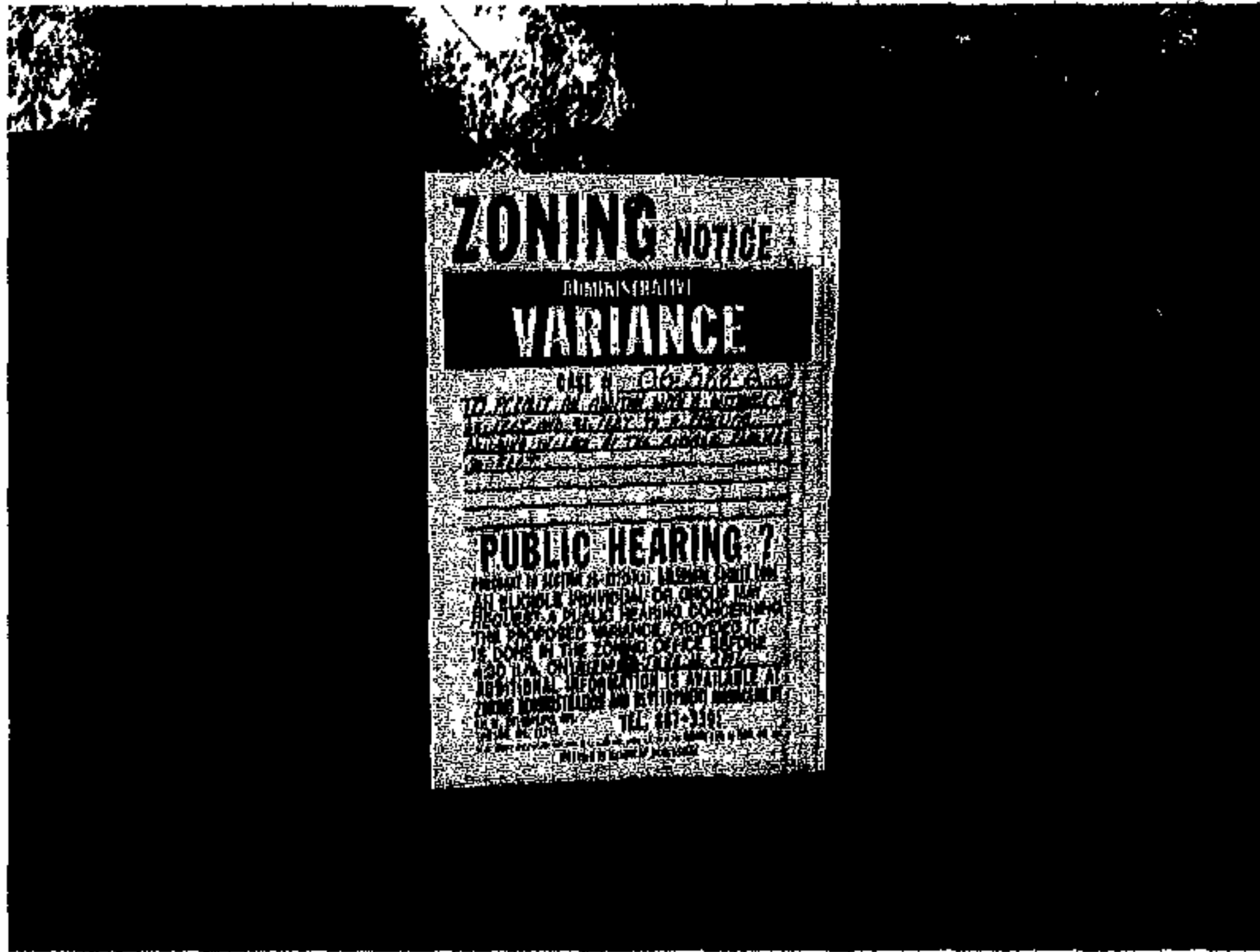
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

lm000693 (1152x864x24b jpeg)



*W. J. [unclear] 5/27/06*

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 06- 588 -A

Address 3106 RICES LANE

Contact Person: DONNA THOMPSON  
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/16/06

Posting Date: 5/28/06

Closing Date: 6/12/06

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- 588 -A

Address 3106 RICES LANE

Petitioner's Name HILL

Telephone 410-299-0142

Posting Date: 5/28/06

Closing Date: 6/12/06

Wording for Sign: To Permit AN ADDITION WITH A DISTANCE OF 35- FEET AND

45- FEET TO A PRINCIPAL BUILDING IN LIEU OF THE MINIMUM REQUIRED

80- 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: 06-588-A

Petitioner: HILL

Address or Location: 3106 RICES LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. EDWARD HILL

Address: 3106 RICES LANE

BALTO. MD 21244-1304

Telephone Number: 410-299-0142

**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*

June 13, 2006

Edward K. Hill  
3106 Rices Lane  
Baltimore, MD, 21244-1304

Dear: Mr. Hill,

RE: Case Number: 06-588-A; 3106 Rices Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*

DATE: May 31, 2006

SUBJECT: Zoning Item # 06-588-A  
Address 3106 Rices Lane  
(Hill Property)

Zoning Advisory Committee Meeting of May 22, 2006

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- \_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- \_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- \_\_\_\_\_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

**Ground Water Management** -- The locations of the water well and septic system must be shown on the plan. An inspection of the well and septic may be required prior to building permit. Soil evaluations may be required.

Reviewer: Sue Farinetti

Date: May 24, 2006

6-20-06  
JWL  
JWL



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: 5.19.06

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

RE: Baltimore County  
Item No. 588 DT

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](mailto: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](http://www.marylandroads.com)

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** May 25, 2006

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 30, 2006  
Item No. 569, 570, 574, 575, 576, 577,  
578, 579, 583, 584, 586, and 588

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-05252006.doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 14, 2006

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

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 6-588- Administrative Variance**

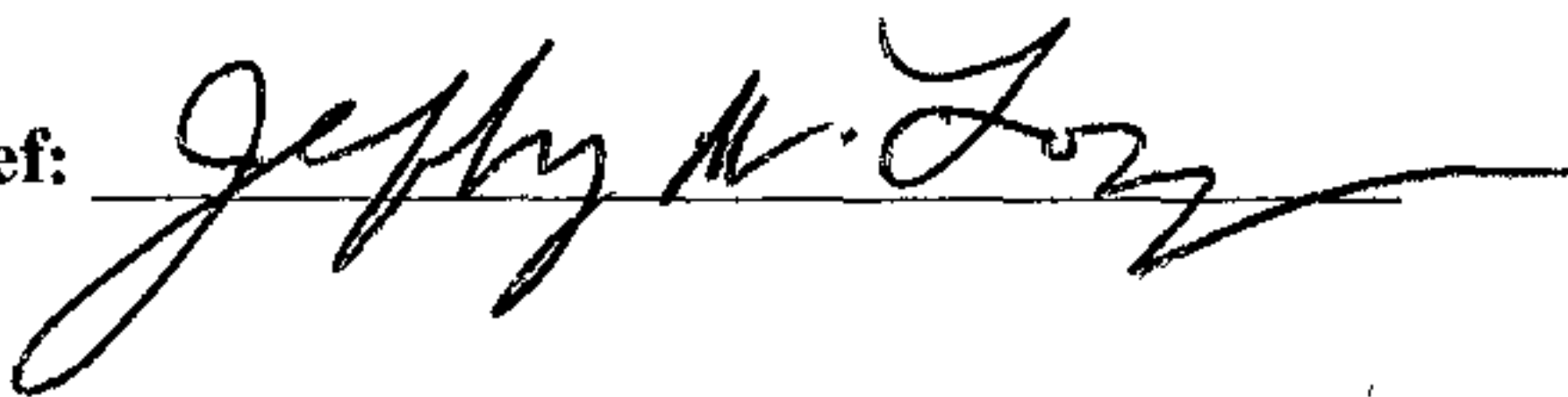
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 14 2006

ZONING COMMISSIONER

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

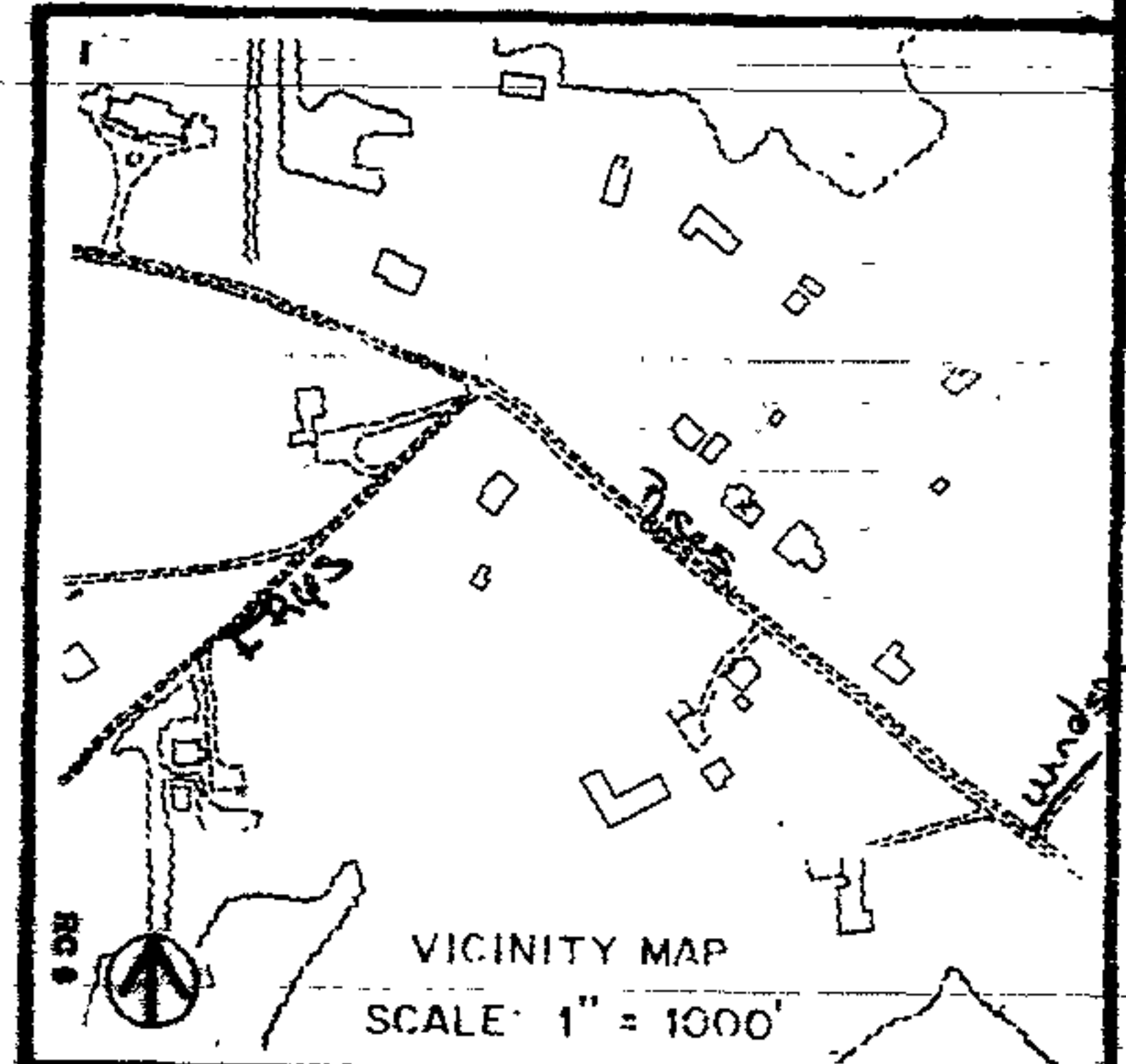
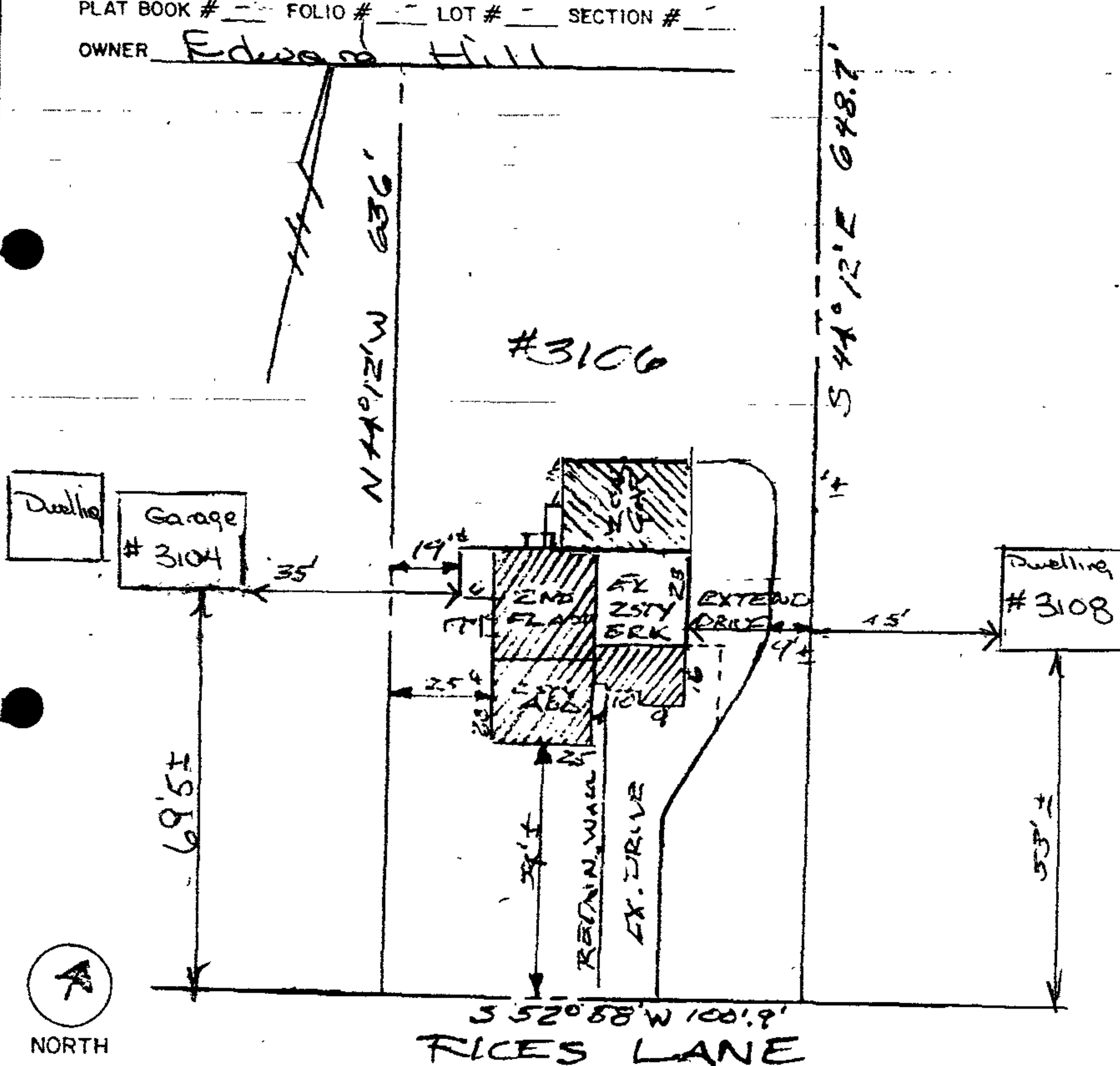
PROPERTY ADDRESS 3106 Rices Lane

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

SUBDIVISION NAME \_\_\_\_\_

PLAT BOOK # \_\_\_\_\_ FOLIO # \_\_\_\_\_ LOT # \_\_\_\_\_ SECTION # \_\_\_\_\_

OWNER Edward Hill



## LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 087B1

ZONING RC6

LOT SIZE 1.47 64,122 ±  
ACREAGE SQUARE FEET

|       | PUBLIC                   | PRIVATE                             |
|-------|--------------------------|-------------------------------------|
| SEWER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| WATER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                              | YES                      | NO                                  |
|------------------------------|--------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                      |                          |                                     |
|----------------------|--------------------------|-------------------------------------|
| 100 YEAR FLOOD PLAIN | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------|--------------------------|-------------------------------------|

|                            |                          |                                     |
|----------------------------|--------------------------|-------------------------------------|
| HISTORIC PROPERTY/BUILDING | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------|--------------------------|-------------------------------------|

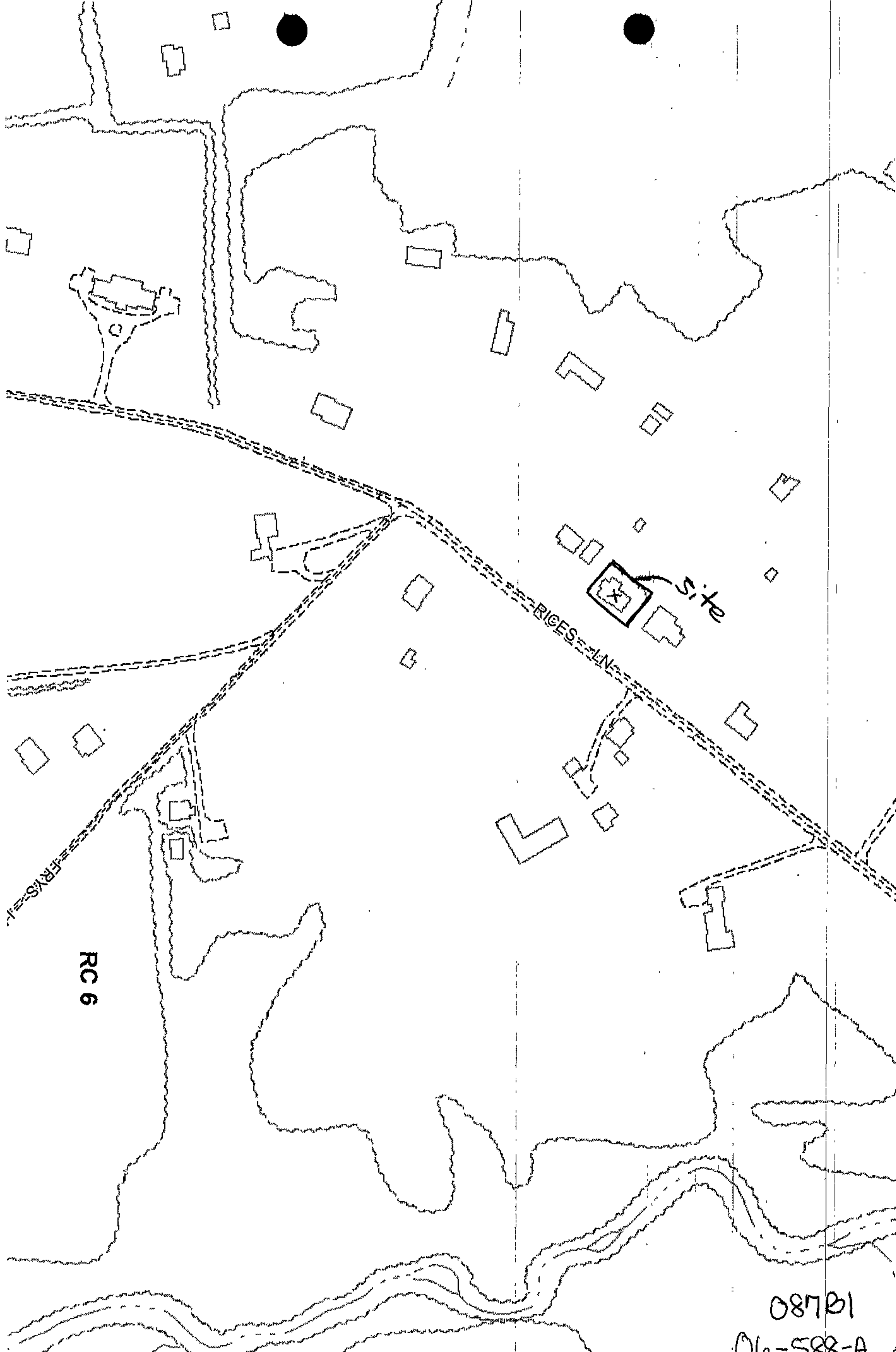
PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY  
REVIEWED BY \_\_\_\_\_ ITEM # \_\_\_\_\_ CASE # \_\_\_\_\_

D.T. | 588 | 06-588-A

PREPARED BY W. H. Christ, Jr.

SCALE OF DRAWING: 1" = 40'



RC 6

087B1  
06-588-A

