

IN RE: PETITION FOR ADMIN. VARIANCE

East side of Kirkwood Shop Road

South of Green Road

7th Election District

3rd Councilmanic District

(20219 Kirkwood Shop Road)

Warren A. Healy Jr. and Diana Healy

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

*

CASE NO. 06-599-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 owners of the subject property, Warren A. Healy Jr. and Diana Healy. The variance request is for property located at 20219 Kirkwood Shop Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R) to allow an accessory structure (detached garage) in the side yard and with a height of 23 feet 5 inches in lieu of the required rear yard and maximum allowed 15 feet height respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners state that the proposed garage needs to be located in the side yard because the back yard has a hill that is held in place by a retaining wall. There is a swale at the top of hill that diverts water from coming down the hill to the house and they cannot cut into the retaining wall or swale. The Petitioners state that the additional garage height is needed so that the new garage will mirror the architectural appearance of the house. The Petitioners have three children and are running out of storage space. The new garage will be used for storage of dirt bikes, four-wheelers, lawn mowers, and furniture storage. The proposed detached garage measures 28 feet x 40 feet in size.

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7-10-06

PH

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 comment letter was received from the Office of Planning dated June 14, 2006 and contains restrictions. A copy of the letter is attached hereto and made a part hereof.

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 June 4, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners 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

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7-10-06
[Signature]

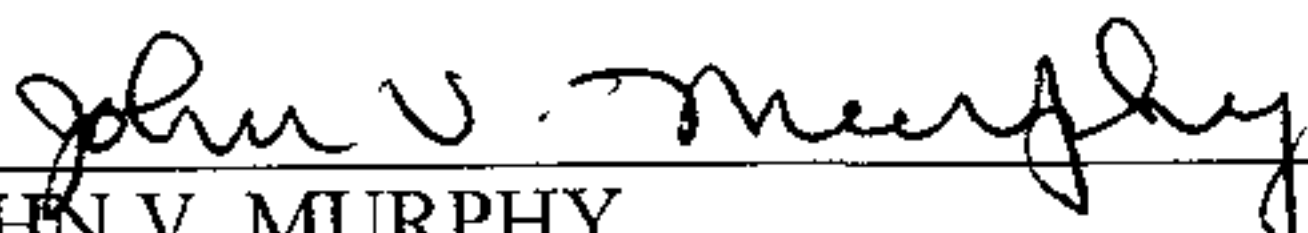
sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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, the requested variance should be GRANTED.

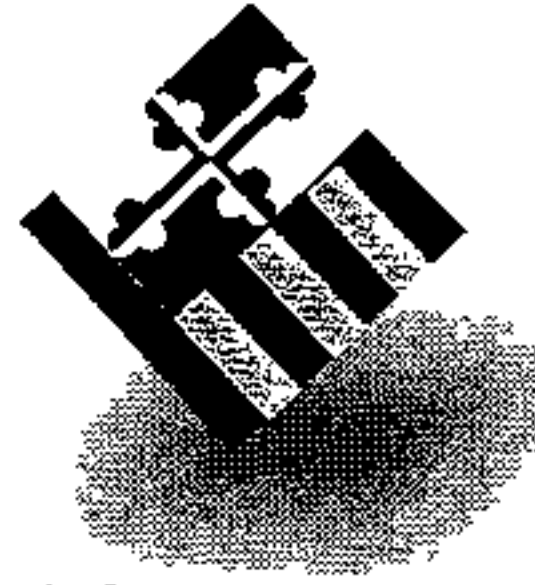
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10th day of July, 2006, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R) to allow an accessory structure (detached garage) in the side yard and with a height of 23 feet 5 inches in lieu of the required rear yard and maximum allowed 15 feet height respectively be and is hereby GRANTED, subject to the following:

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. 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

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

7-10-06
VM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 10, 2006

WARREN A. HEALEY JR. AND DIANA HEALEY
20219 KIRKWOOD SHOP ROAD
WHITE HALL MD 21161

Re: Petition for Administrative Variance
Case No. 06-599-A
Property: 20219 Kirkwood Shop Road

Dear Mr. and Mrs. Healey:

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,

Handwritten signature of John V. Murphy in cursive script.

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure



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) 400.1, 400.3 To allow an accessory structure (detached garage) in the side yard & with a height of 23 ~~ft~~ 5 in. in lieu of the required rear yard & maximum allowed 15 ft. respectively.

Estimated Posting Date 6-04-06

REV 10/25/01

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 26219 Kinkwood Shop Rd.
Address
White Hall MD 21161
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):

28X40 DETACHED GARAGE
HEIGHT 23' in L&W OF 15'
BREAK PLANE OF ROOF OF HOUSE

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.

Warren A. Healey Jr.
Signature
WARREN A. HEALEY JR.
Name - Type or Print

Diana Healey
Signature
Diana Healey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of MAY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Warren A. Healey Jr. & Diana M. Healey
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Shirley A. Brown
Notary Public
My Commission Expires 5/1/2010

Zoning description for 20219 Kirkwood Shop Rd.

Beginning at a point on the ESR side of Kirkwood Shop Rd
at a distance of 300' S of Green Rd. Thence running:

N 58° 28' 41" E 500.00'

S 48° 26' 20" E 616.65'

N 58° 30' 48" E S 52° 01' 38" W

N 54° 40' 14" W 677.23'

To place of beginning

#599

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

*Case No. 1115
Pb 599A*

DATE 5-24-06 ACCOUNT 5-001-006-0150

AMOUNT \$ 65.00

RECEIVED FROM:

Mr. H. H. H. H.

FOR:

*Reimbursement for
for 20219 Kirkwood Shop Rd.*

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

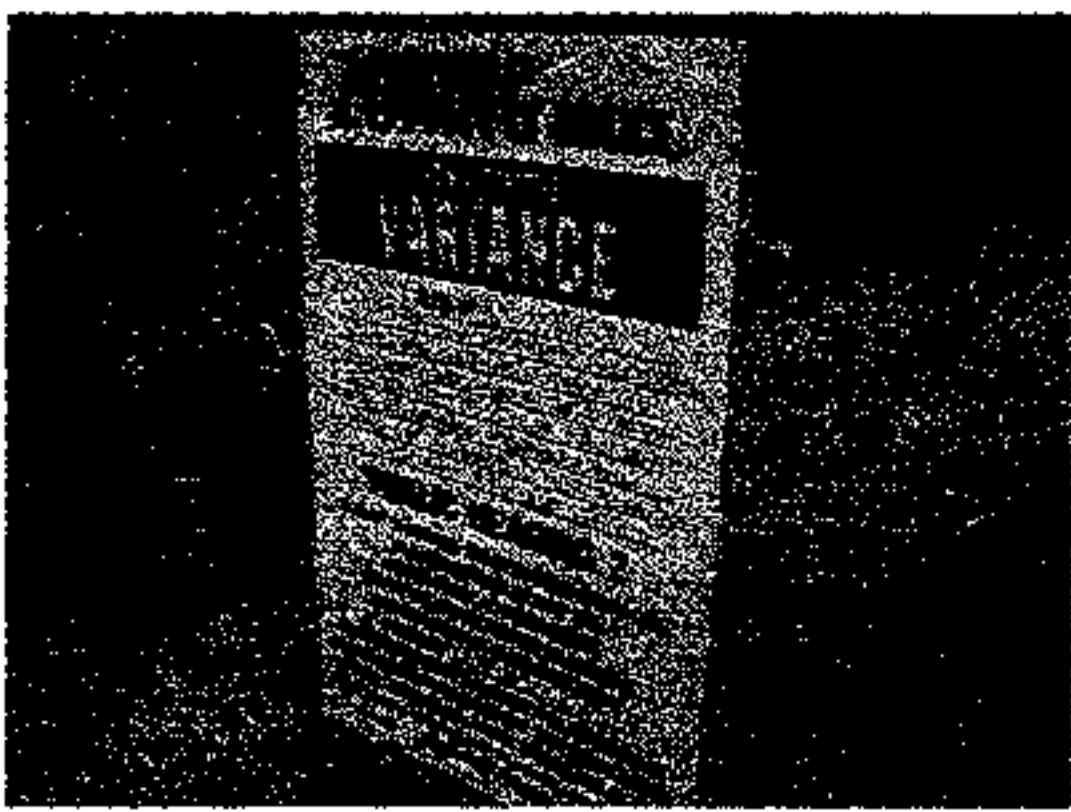
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
5/24/2006 5/24/2006 11:14:52
REG WORK MARCH HOUR REG
RECEIPT # 402954 5/24/2006
Dept: 5020 JUDICIAL DEPARTMENT
CR. H. 01/15

Receipt Tot \$65.00
\$65.00 CR
\$100.00 CR
\$35.00- CR
Baltimore County, Maryland

CASHIER'S VALIDATION



CERTIFICATE OF POSTING

Date: 6-4-06

RE: Case Number: 06-599-A

Petitioner/Developer: Warrent Healey

Date of Hearing/Closing: 6-19-06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 20219 Kirkwood

Shopta White Hall, MD 21161

The sign(s) were posted on 6/4/06
(Month, Day, Year)

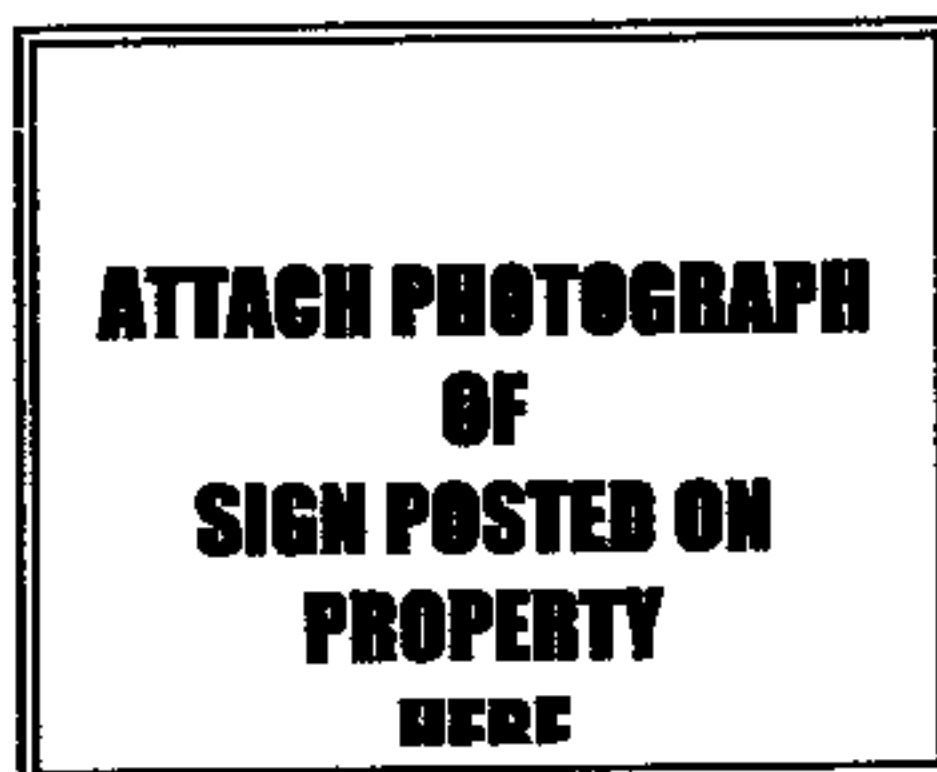
J. Lawrence Pilson, R.S.
(Signature of Sign Poster)

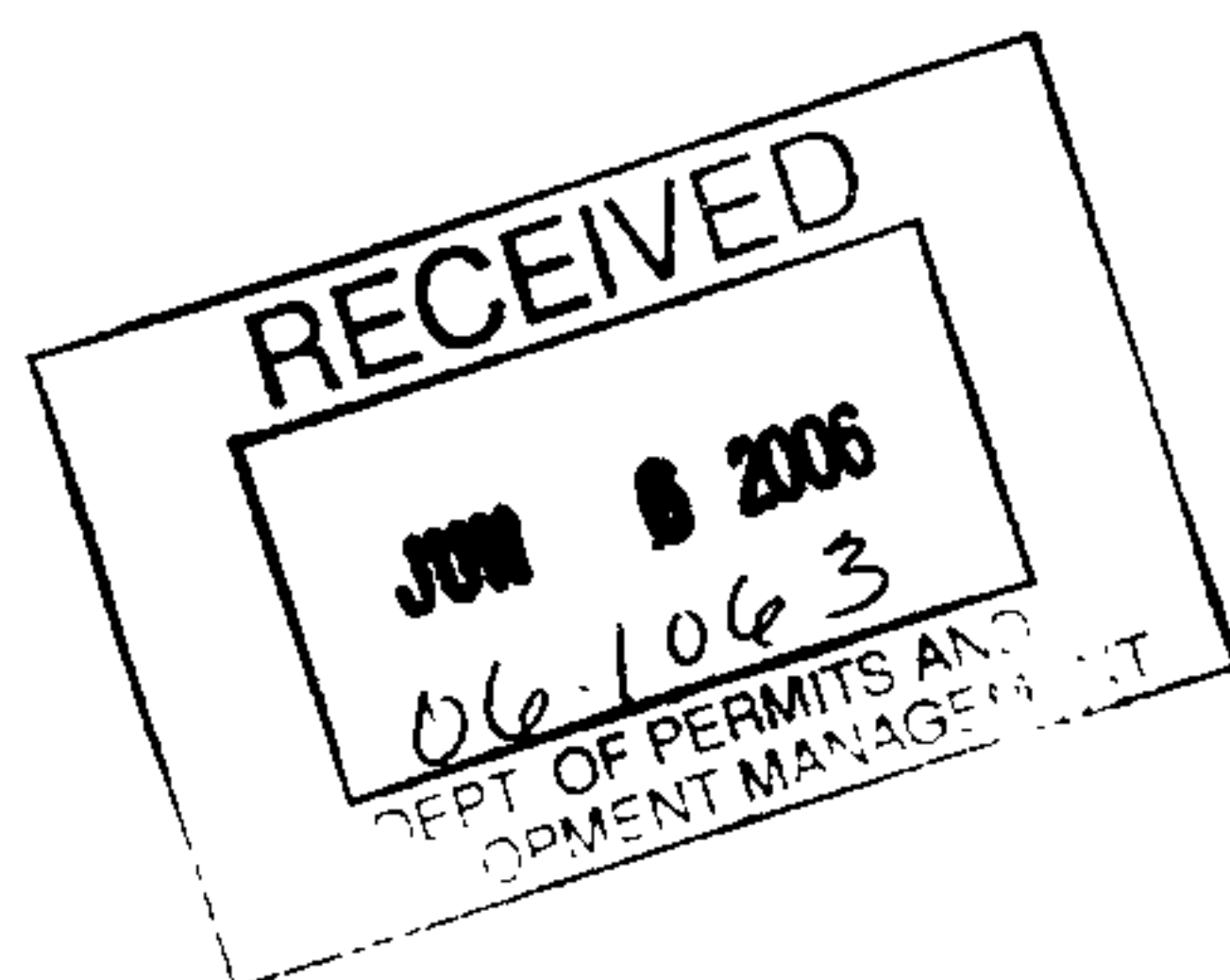
J. LAWRENCE PILSON, R.S.
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

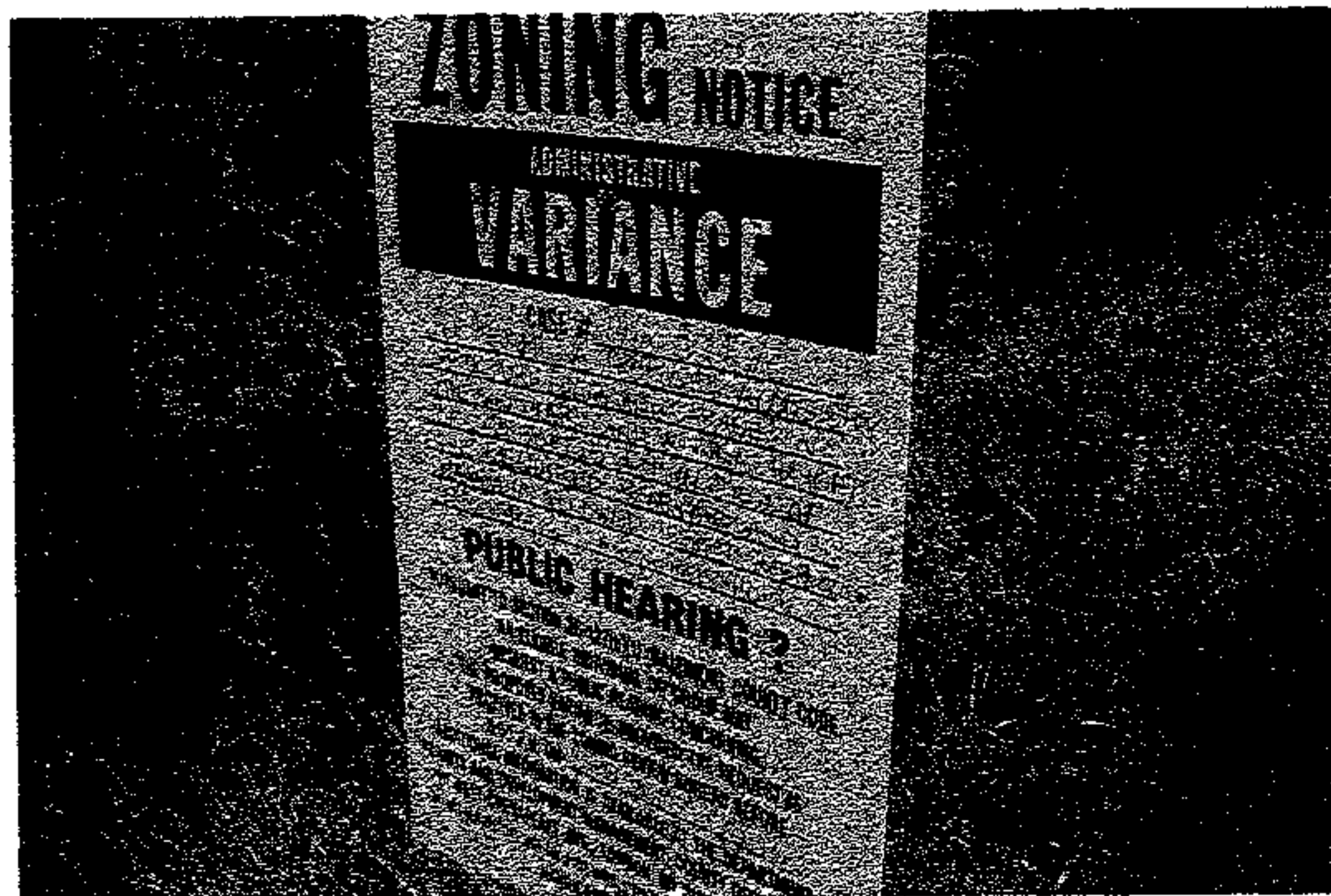
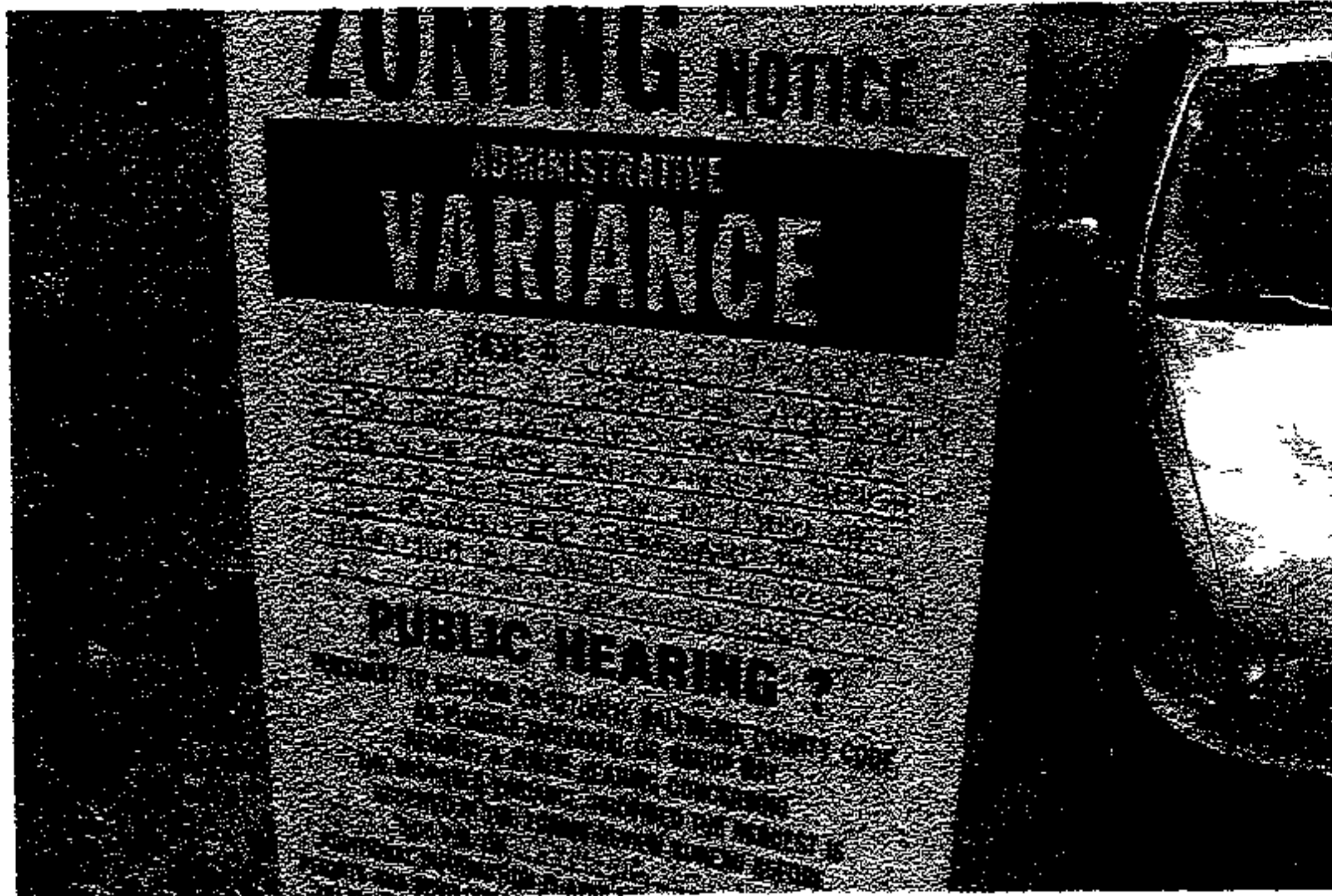
Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)





From: Larry Pilson



Kirkwood Shop Rd.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 599 -A

Address 20219 Kirkwood Shop Rd.

Contact Person: John Sullivan
Planner Please Print Your Name

Phone Number 410-887-3391

Filing Date: 5-24-06

Posting Date: 6-4-06

Closing Date: 6-19-06

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- 599 -A

Address 20219 Kirkwood Shop Rd.

Petitioner's Name Warren Healey

Telephone 410-329-6172

Posting Date: 6-4-06

Closing Date: 6-19-06

Wording for Sign: To Permit a proposed accessory structure (detached garage) in the side yard & with a height of 23ft 5in. in lieu of the required rear yard & maximum allowed 15ft. respectively

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: 06-599A
Petitioner: Warren Healey
Address or ^{site}Location: 20219 Kirkwood Shop Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME

Whitehall, MD, 21161
Telephone Number: 410-329-6132

**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. Korooco, Director*

June 20, 2006

Warren A. Healey Jr.
Diana Healey
20219 Kirkwood Shop Rd.
White Hall, MD 21161

Dear: Mr. & Mrs. Healey

RE: Case Number: 06-599-A, 20219 Kirkwood Shop Rd.

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

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:sma

Enclosures

c: People's Counsel

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



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: 6-599 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 23.5 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 Bill Hughey at 410-887-3480.

Prepared by:

Curtis Hurray

Section Chief:

Jeffrey M. Long

AFK/LL: CM

RECEIVED

JUN 14 2006

2006

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: June 22, 2006

SUBJECT: Zoning Item # 06-599-A
Address 20219 Kirkwood Shop Road
(Healey Property)

Zoning Advisory Committee Meeting of June 5, 2006

- X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- 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:

Reviewer: Paul A. Dennis

Date: June 9, 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, 607, and 608

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-06202006



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

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

Maryland Department of Transportation

Date: 6.5.06

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

RE: Baltimore County
Item No. 599 JJS

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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 6, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 5, 2006

Item Numbers: Item Number 176, 598 through 608

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
Department of Permits & Development
Management

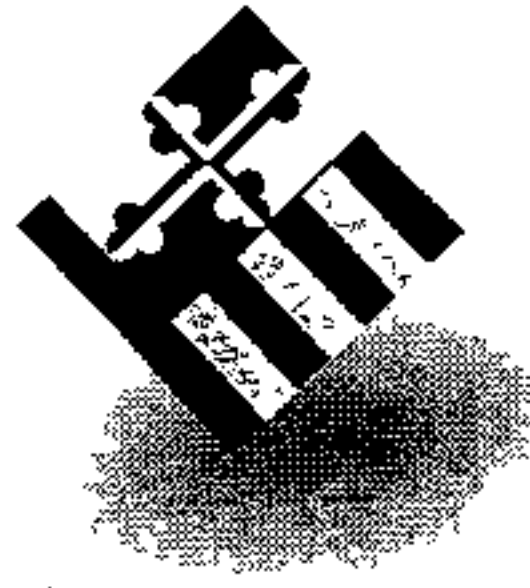
DATE: June 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, 607, and 608

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-06072006.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 21 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

WARREN A. HEALEY JR. AND DIANA HEALEY
20219 KIRKWOOD SHOP ROAD
WHITE HALL MD 21161

Re: Petition for Administrative Variance
Case No. 06-599-A
Property: 20219 Kirkwood Shop Road

Dear Mr. and Mrs. Healey:

Your request for Administrative Variance has been given to me for review. In review of your petition, the following questions need to be answered. What hardship or practical difficulty would be imposed if you were required to build the garage at the required 15 feet height and in the required rear yard? Why is the additional 7 feet of garage height needed? What precludes the garage from being located in the rear yard?

Please provide justification for your request to build a higher garage and to construct the garage in the side yard. It would be appreciated if you would respond to the undersigned in writing. Once I receive your reasons supporting your request, I can then make my decision and prepare an Order.

Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

Warren and Diana Healey
20219 Kirkwood Shop Rd
White Hall, MD. 21161

July 3, 2006

Re: Petition for Administrative Variance
Case # 06-599-A
Property: 20219 Kirkwood Shop Rd

RECEIVED

John Murphy

JUL 06 2006

Deputy Zoning Commissioner

ZONING COMMISSIONER

Dear Mr. Murphy,

My reasons for requesting an administrative variance are that my house is built into a slope of a hill. I have a retaining wall that keeps the slope of the hill from running into the house. We have a swail at the top of the hill that diverts the water from coming down the hill to the house. We cannot cut into that. If the garage does break the plain of the rear of the house it will only be by 3-4 ft. (picture included)

The extra height is needed because I want the garage to mirror the look of the front of the house so it doesn't look like a shed in the side yard. I also need it for walk up storage. We have three children and have run out of storage. I have a small finished basement and a small attached garage. They are both full. My wife cannot park her car in the garage. My mother recently passed away and I am storing all of her furniture. I need this new garage for storing tractors, lawn mowers, 4-wheelers, dirt bikes and childrens bicycles that are all outside now.

Thank you,

War Healey

.....



Dock 100

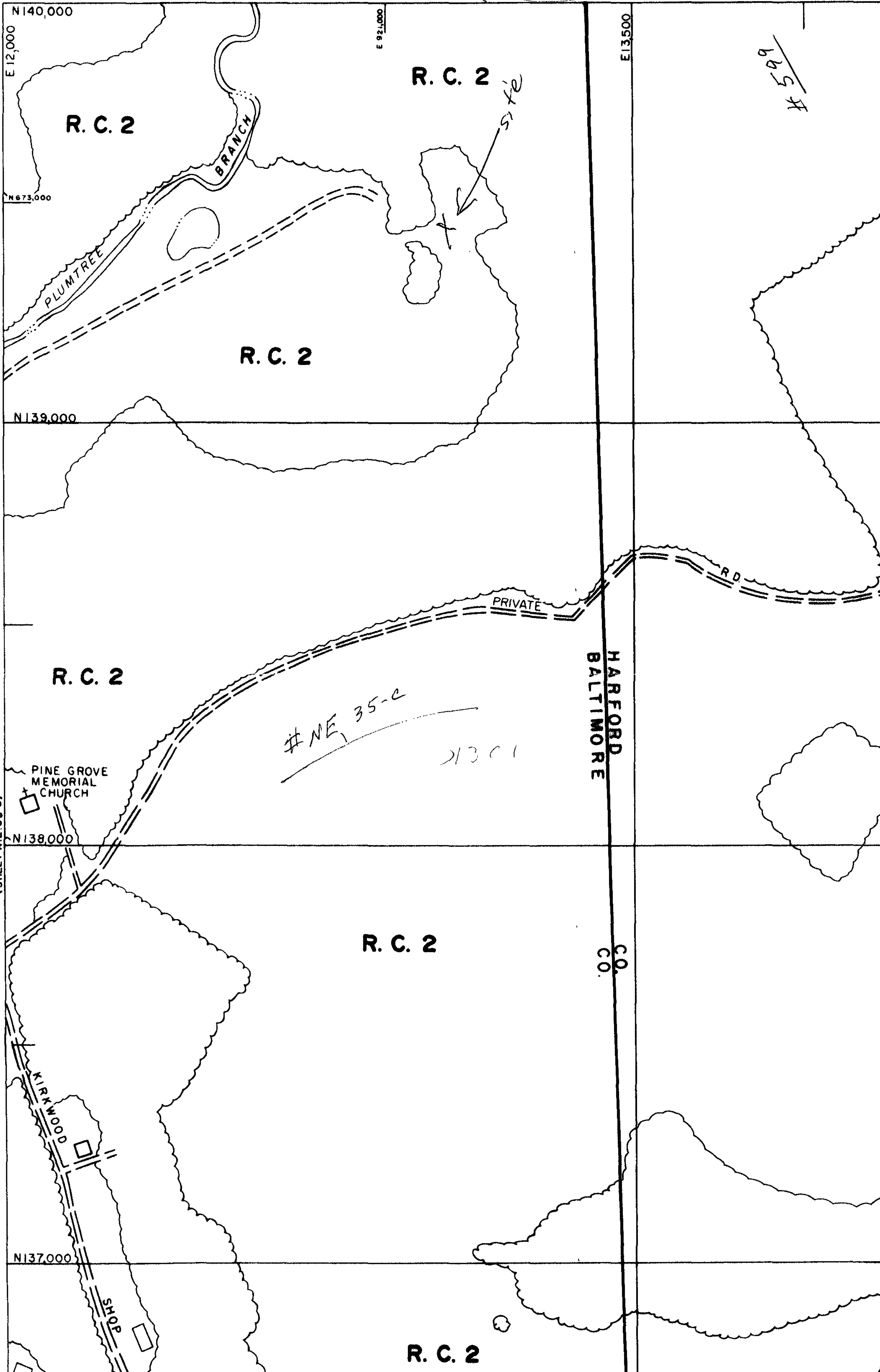


4599

PROPOSED
PAGE 76

~~00803~~ # 00803

599



N140,000

E12,000

R. C. 2

N139,000

E92,000

R. C. 2

E13,500

R. C. 2

N138,000

R. C. 2

PINE GROVE
MEMORIAL
CHURCH

N137,000

R. C. 2

HARFORD
BALTIMORE

CO.

KIRKWOOD

N137,000

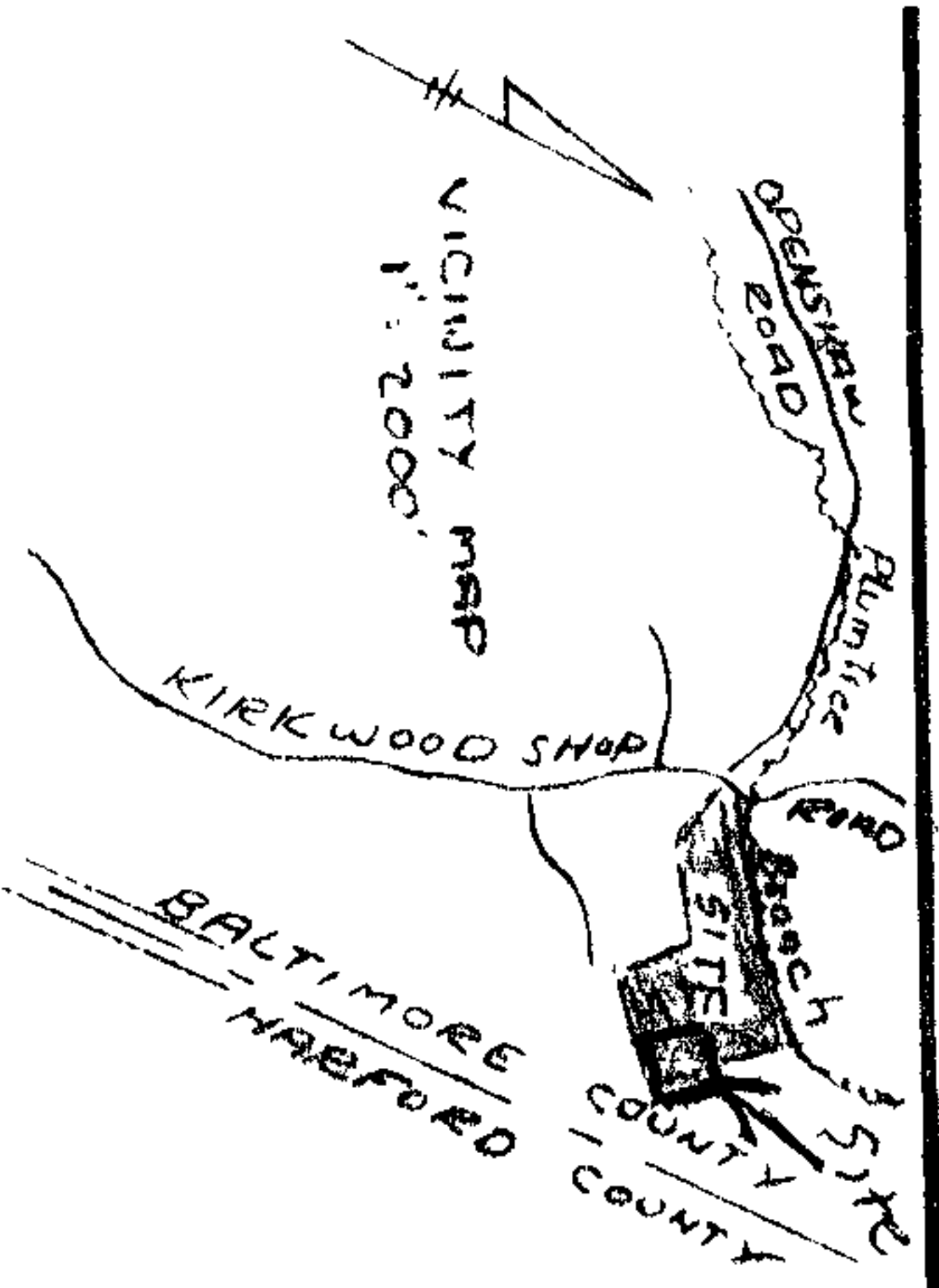
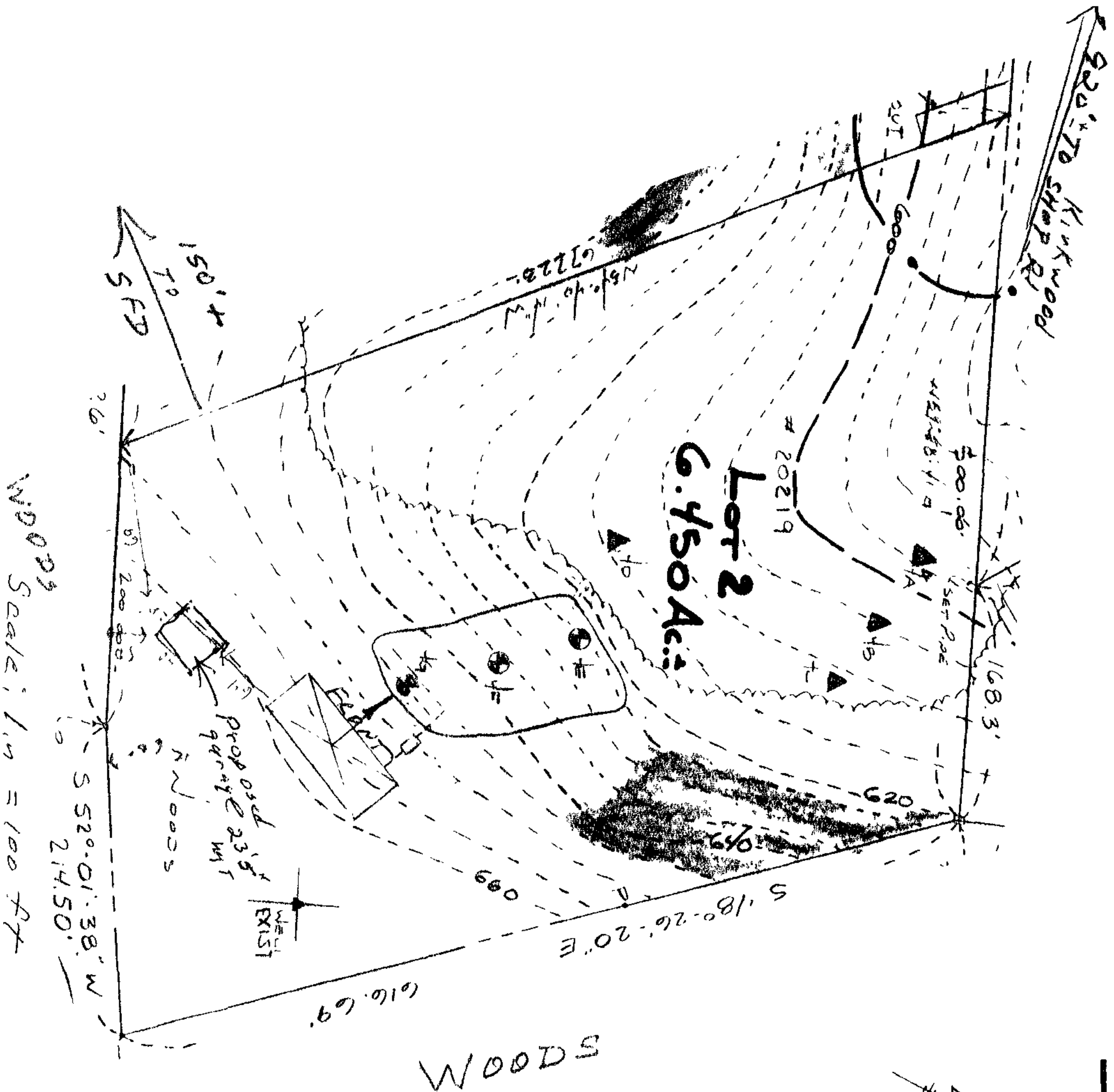
SHOP

R. C. 2

(SHEET N.E. 35-B)

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 20219 KIRKWOOD SHOP RD
SUBDIVISION NAME Robert Watkins Property
PLAT BOOK # FOLIO # LOT # 1 SECTION #
OWNER CLARK T Diana Healey



LOCATION INFORMATION	
ELECTION DISTRICT <u>7th</u>	
COUNCILMANIC DISTRICT <u>3rd</u>	
1" = 200' SCALE MAP # <u>(N/E, 35-2)</u>	
ZONING <u>RL-2</u>	
LOT SIZE <u>6.45</u> ACRES	<u>280962</u> SQUARE FEET
SEWER ☐ PUBLIC ☒ PRIVATE	
WATER ☐ ☒	
CHEESAPEAKE BAY CRITICAL AREA ☐	YES ☒ NO ☐
100 YEAR FLOOD PLAIN ☐	YES ☒ NO ☐
HISTORIC PROPERTY / BUILDING ☐	YES ☒ NO ☐
PRIOR ZONING HEARING <u>N/A</u>	
ZONING OFFICE USE ONLY	
REVIEWED BY <u>[Signature]</u>	ITEM # <u>599</u>
CASE #	

