IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Kingston Park Lane
N of Kingston Road
15th Election District
6th Councilmanic District

(168 East Kingston Park Lane)

Denise M. Bullock

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-665-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, Denise M. Bullock. The variance request is for property located at 168 East Kingston Park Lane. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit side yard setbacks of 3 feet in lieu of the required 10 feet and a lot width of 49 feet in lieu of the required 55 feet for a single family dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner wants to construct a new single family dwelling. The structure which currently occupies the lot is structurally deficient and architecturally inadequate to accommodate the owner and her family.

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 Bureau of Development Plans Review dated July 10, 2006 which contains restrictions. A ZAC comment letter was received from the Office of Planning dated July 24, 2006 which contains restrictions. Copy of which 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 July 2, 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 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 4th day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit side yard setbacks of 3 feet in lieu of the required 10 feet and a lot width of 49 feet in lieu of the required 55 feet for a single family dwelling 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 shall submit to the Office of Planning building elevations for review and approval by that office prior to the issuance of any building permits.
- 3. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural details to that of the existing dwellings in the area.
- 4. In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
- 5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
- 6. The building engineer shall require a permit for this project.
- 7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
- 8. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 7, 2006

DENISE M. BULLOCK 168 EAST KINGSTON PARK LANE MIDDLE RIVER MD 21220

> Re: Petition for Administrative Variance Case No. 06-665-A Property: 168 East Kingston Park Lane

Dear Ms. Bullock:

Your administrative variance has been given to me for review. As you can see by the attached comments, the Planning Office recommends your new home be reduced in width to 30 feet. This would be a substantial change to your plan, but you may find it acceptable. If so, please let me know in writing your agreement to this request.

If this is not acceptable, please call my office and request that the matter be set in for public hearing.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Laurie Hay, Office of Planning





REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 108 KINDSTON PARK LN. which is presently zoned DRS.5

t/We do solemuly declare and attirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

SIDETARD SETTIMEND OF 3 FT. IN LIEU OF THE PLEQUIPED 10 FT. AND A LOT WIDTH OF A9 FT IN LIEU OF THE PLEQUIPED 65 FT FOR X SINIOLE FAMILY DULLLING.

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.

If 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.

is the subject of this Petition Contract Purchaser/Lessee: Legal Owner(s): DENISE M. BULLOCK Name-Type or Print Denise M. Bullock Name Type or Print Signature Telephone No. Name Type or Print Address State Zip Code Signature City 168 E. KINGSTON PK UN 443-413-7330

Address
MIDDLE RIVER MD 21220 Attorney For Petitioner: Name - Type or Post Representative to be Contacted: Signature Name: Company Telephone No. Address Address Lelephone No. Zip Code City City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County. 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 properly be reposted. Zoning Commissioner of Baltimore County CASE NO. 06-665 Reviewed By

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

160 KINGTON PREKLIN

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):

THE STRUCTURE WHICH CURRENTLY OCCUPIES THE LOT 15 STRUCTURALLY DEFICIALT, 120 ARCHITECTURALLY INADEQUATE TO ACCOMMODATE THE OWNER

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

DENISE M. Bullock

Signature

Name Type of Pont

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wil:

ار عرود , before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Denisi Bullock the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

LAWRENCE S. HARTMAN **Notary Public** State of Maryland Frederick County My commission exp. April 1, 2009

Notary Public

My Commission Expires 4

ZONING DESCRIPTION for the DENISE BULLOCK PROPERTY, 168 KINGSTON PARK LANE, BALTIMORE, MARYLAND 21220

Beginning at a point on the Eastern edge of Kingston Park Lane, which is 20 ft. wide at the distance of 900 ft. North of the centerline of the nearest intersecting street, Kingston Road, which is 24 ft. wide, thence running N 17°48' W, 44.80 ft., thence N 68°42' E, 150.00 ft., thence S 31°50' E, 56.00 ft., thence S 72°15' W, 164.00 ft., to the point of beginning, containing 7,830 sq. ft. (.18 acre.) Also known as 168 Kingston Park Lane and located in the 15th Election District, 6th Councilmanic District.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE:

7/3/06

Case Number: 06-665-A

Petitioner/Developer: DENISE BULLOCK~ AUSTIN CHILDS-ARCHITECHT

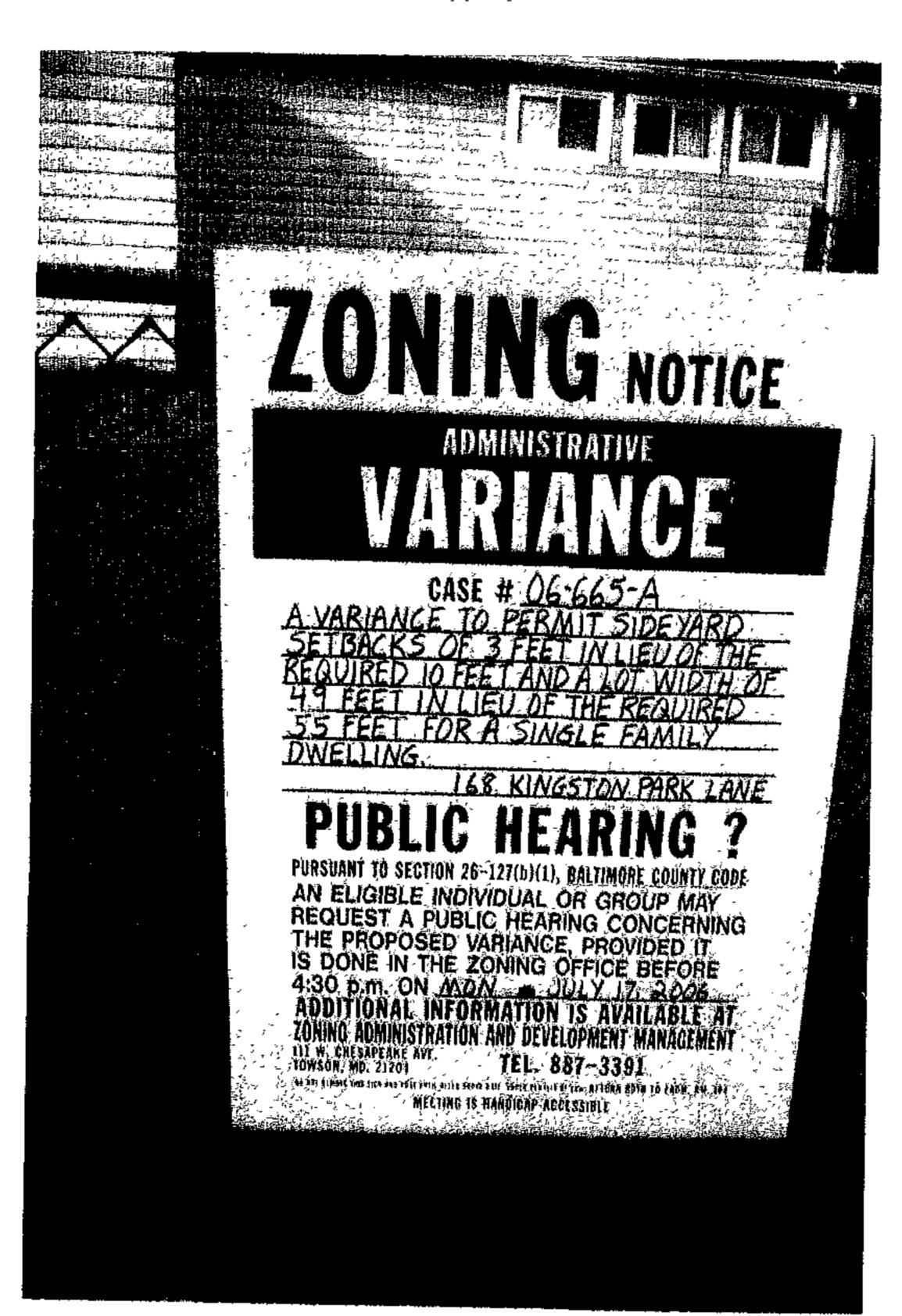
Date of Hearing (Closing): 07/17/06

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: 168 KINGSTO

168 KINGSTON PARK LANE

The sign(s) were posted on: 07/02/06



Linda Okufe (Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 665 -A Address 168 KINGSTON PARK CN.
Contact Person: J. Meggey Phone Number: 410-887-3391
Filing Date: 6-23.06 Posting Date: 7.2.06 Closing Date: 7.17.06
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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.
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.
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.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 06- 665 -A Address 168 KINGSTON PARKLN. etitioner's Name DENISE BULLOCK Telephone 443-413-7330
Osting Date: 1.6.00 Closing Date: 7.17.06
ording for Sign: To Permit SIDE TARD SETBACKS OF 34+ IN
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WIDTH OF 49FT. IN LIEU OF THE REQUIRED
JITT. FOR A SINGLE FAMILY DWELLING.
WCR - Revised 6/25/04

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

July 17, 2006

Denise M. Bullock 168 E. Kingston Park Lane Middle River, MD 21220

Dear Ms. Bullock:

RE: Case Number: 06-665-A, 168 E. Kingston Park Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 23, 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

M. Callala Dahal D

WCR:amf

Enclosures

c: People's Counsel



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



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 Chesapeak: Avenue
Towson, Maryland 212)4

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 65; 1 hrough 673 665

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



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

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

Maryland Department of Transportation

Date:

6.30.01

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

RE:

Baltimore County

Item No. 665

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. Hell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 24, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

168 Kingston Park Lane

INFORMATION:

Item Number:

6-665

Petitioner:

Denise Bullock

AUG 0 2 2006

RECEIVED

Zoning:

DR 5.5

Requested Action:

Variance

ZUNING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood.

Normally the Office of Planning requests a 10-foot side yard setbacks to allow for sufficient breathing space between dwellings. However this lot is wedge shaped varying from \pm 44 feet wide to \pm 55 feet wide.

The Office of Planning recommends a maximum building footprint of \pm 30 feet wide not including stairwell projections or architectural features.

The petitioner shall submit building elevations to this office for review and approval prior to the issuance of any building permits. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural details that of the existing dwellings in the area.

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

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 10, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 10, 2006 Item No. 665

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw cc: File

ZAC-ITEM NO 665-07072006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

July 21, 2006

SUBJECT:

Zoning Item # 06-665-A

Address 168 Kingston Park Lane Baltimore, MD 21220

Zoning Advisory Committee Meeting of July 3, 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).

X 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:

This property is within the Limited Development Area of the CBCA. Impervious surface area is limited to 25% of the lot, and 15% tree cover must be maintained. It also is in a Buffer Management Area of the CBCA, which requires mitigation for any disturbance in the 100-foot buffer to tidal waters.

Reviewer:

Kevin Brittingham

Date: July 13, 2006

Kristen,

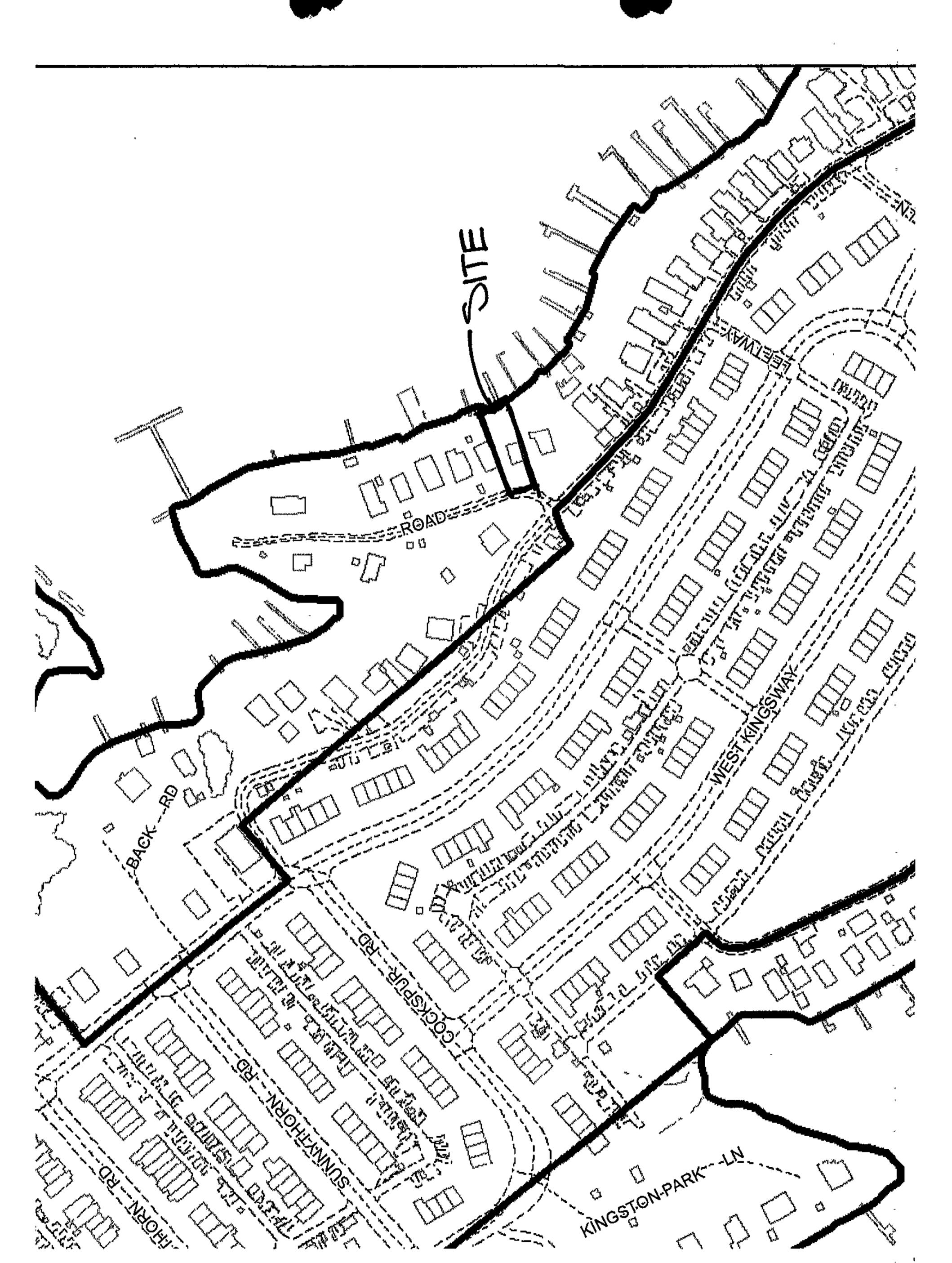
8/17

Per Austin Childs, the architect who's representing Ms. Bullock, please set this in for a public hearing and send a copy of the hearing notice to him at:

Mr. Austin Childs 16260 Falls Road Monkton, Md. 21111 phone 410-472-4686

Thanks.

Debbie

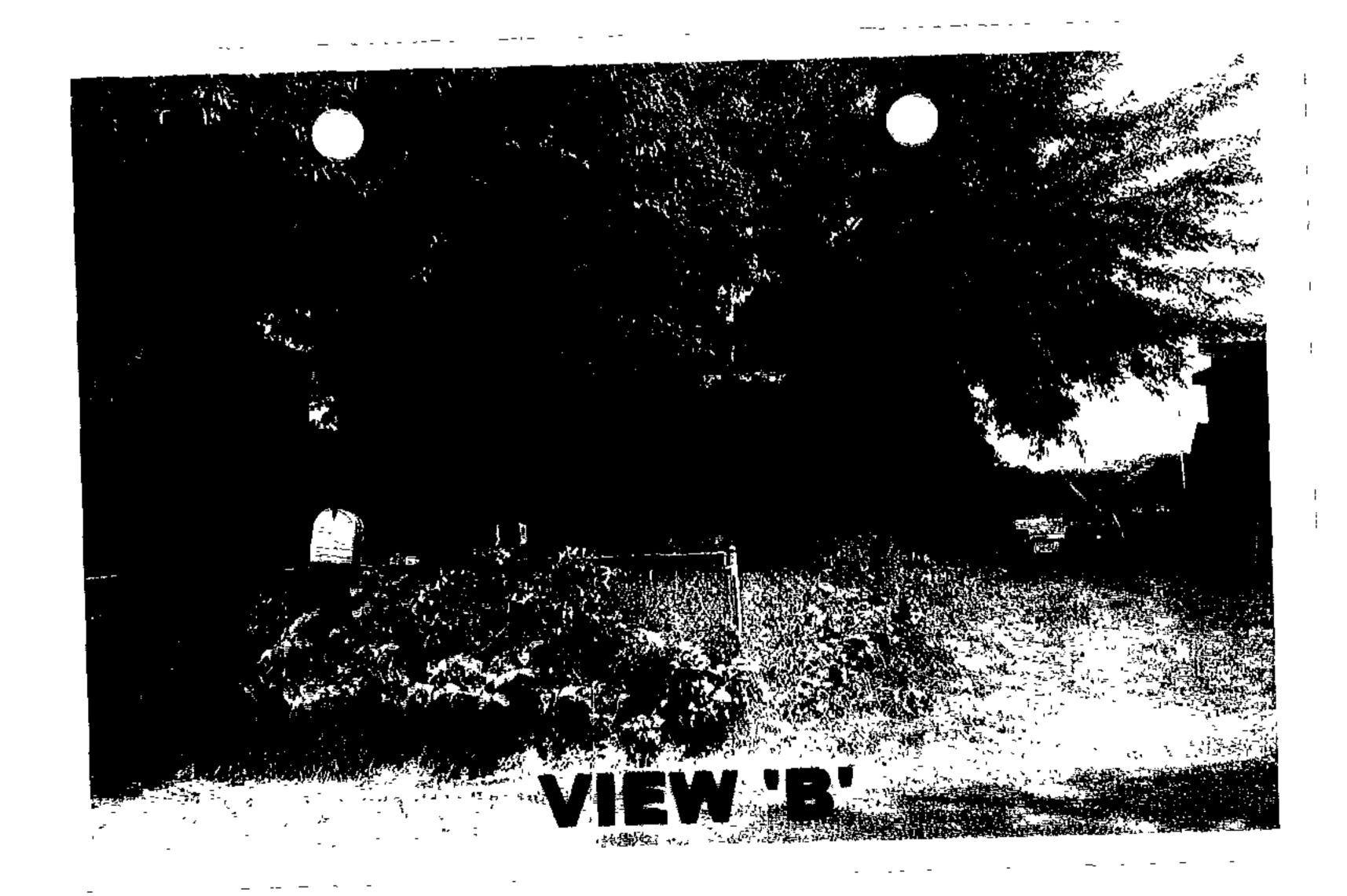


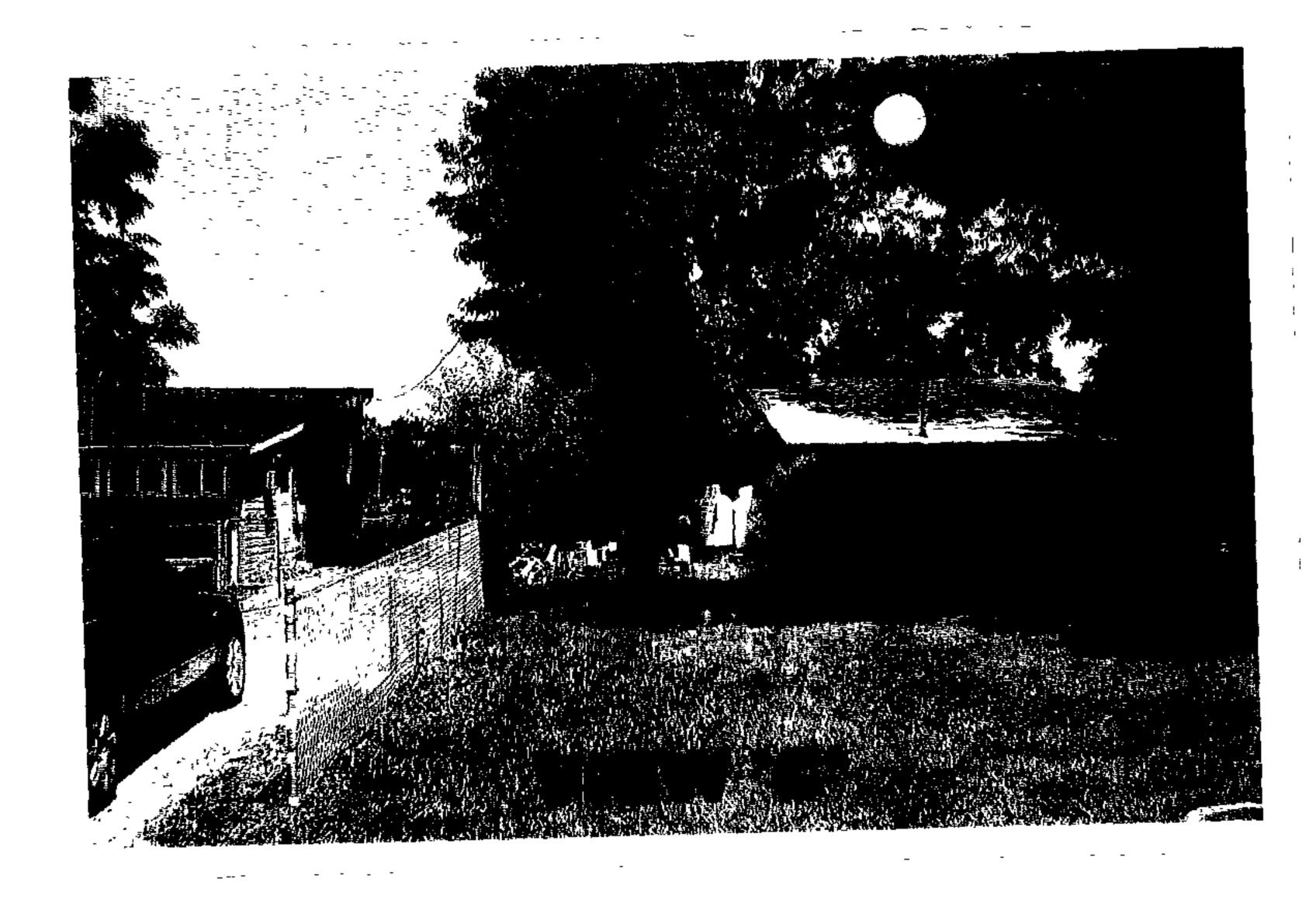




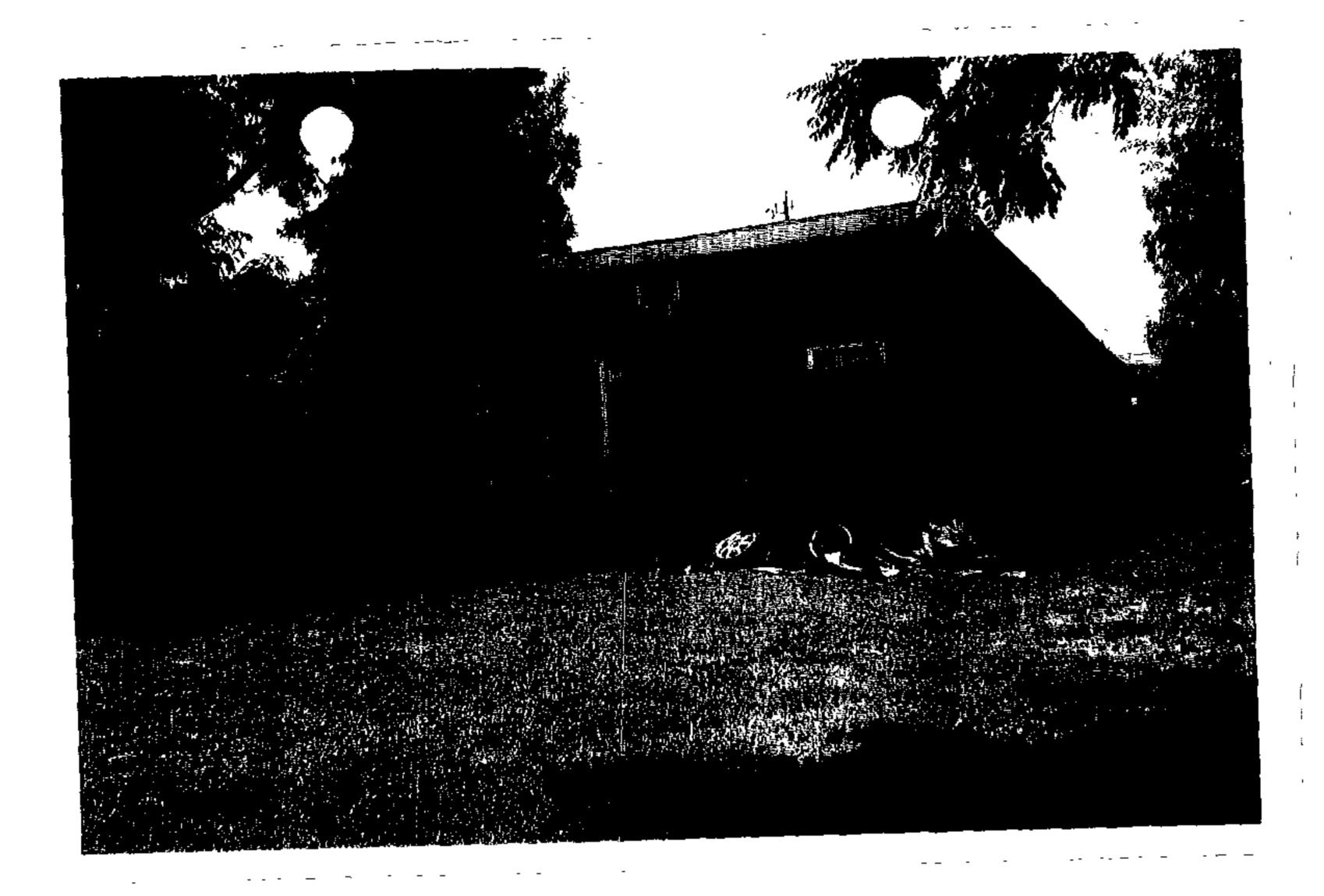






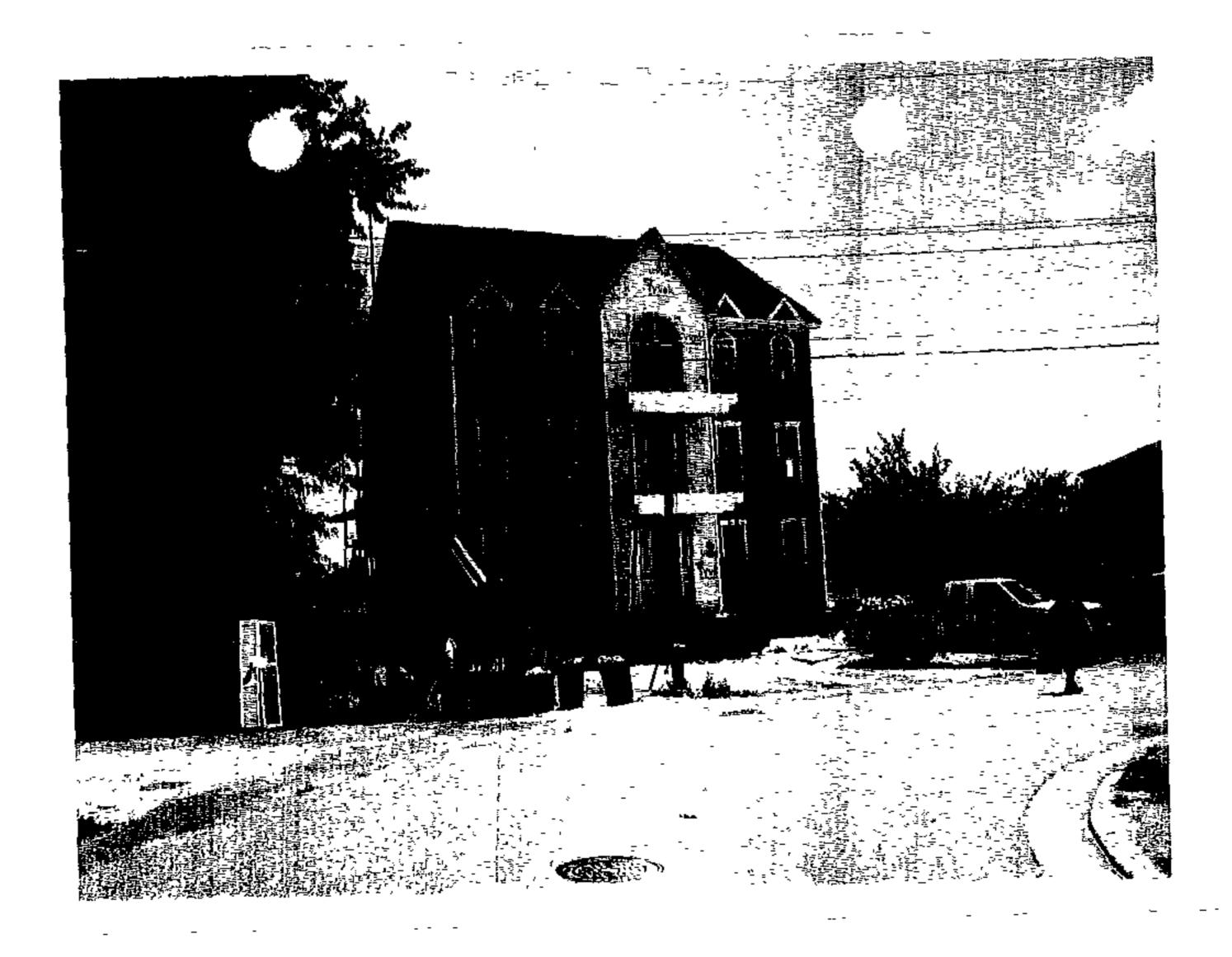






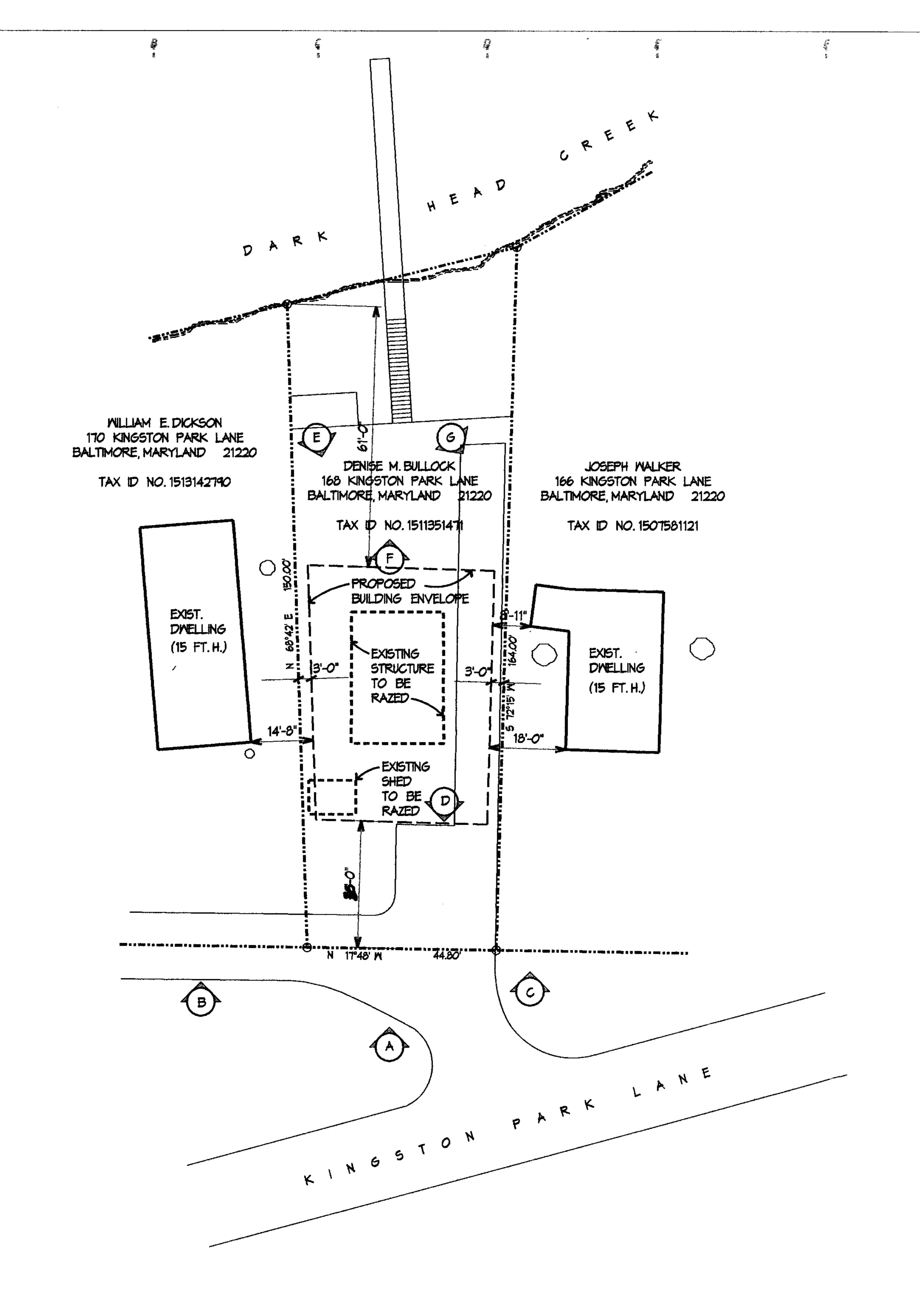










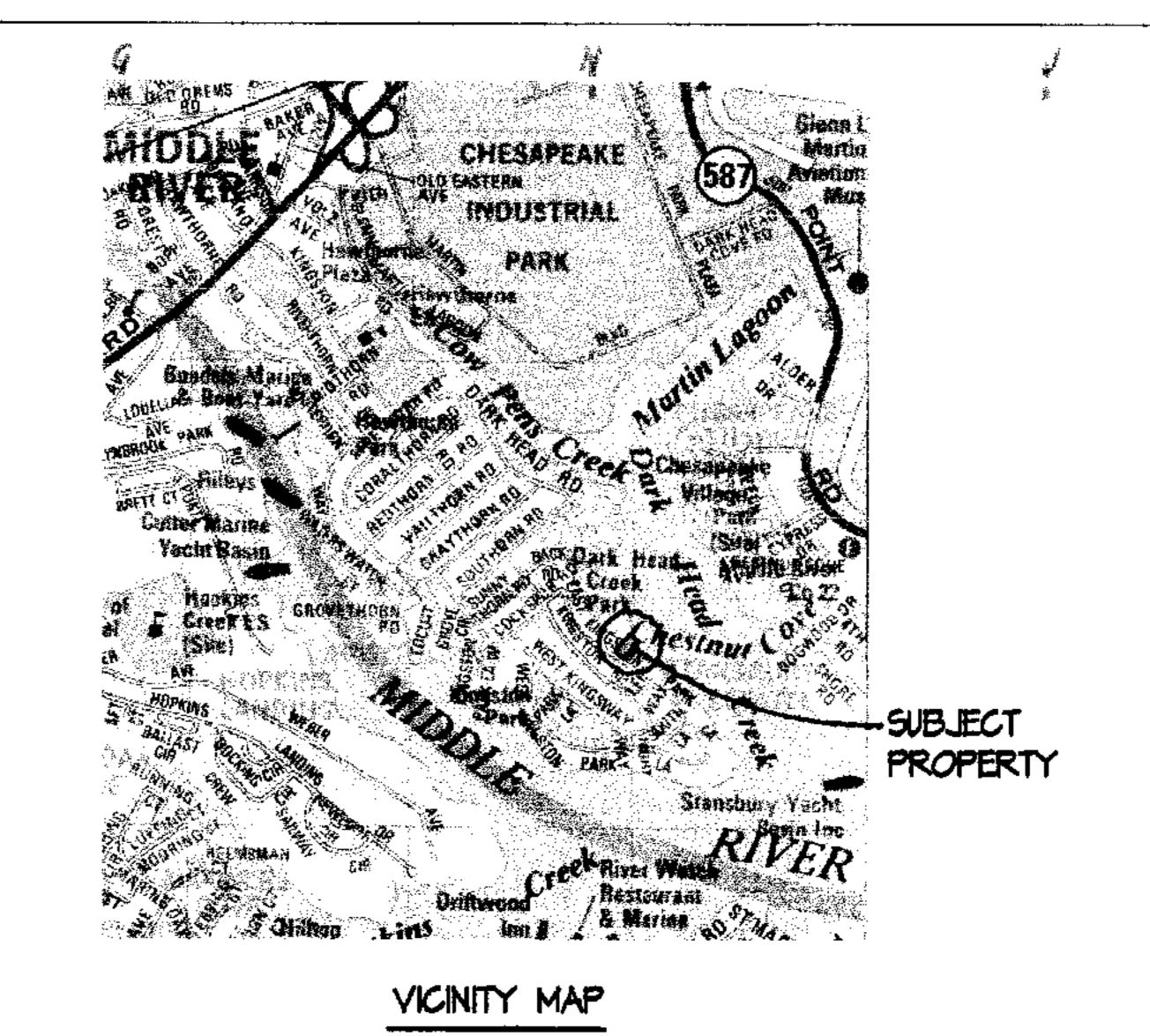


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LOCATION INFORMATION

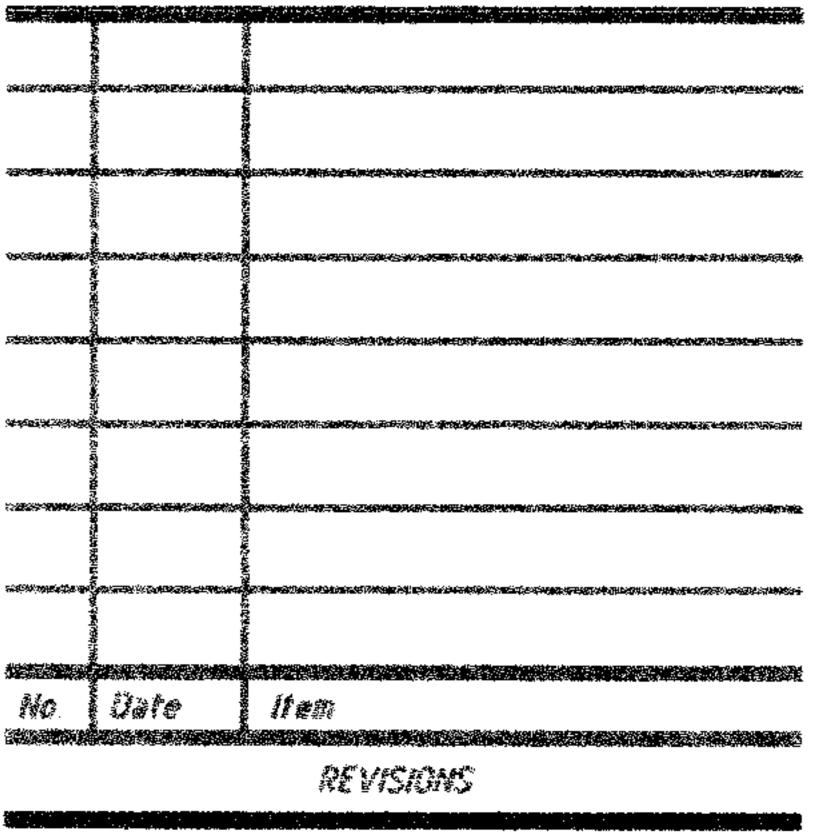
ELECTION DISTRICT	15
COUNCILMANIC DISTRICT	6
1:200 ZONING MAP NO.	NE-3-1
ZONING	DR 5.5
LOT SIZE	7,830 S.F.
WATER	PUBLIC
SENER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	* FLOOD ZONE 'C'
100 YEAR FLOOD PLAIN	NO
HISTORIC BUILDING / PROPERTY	NO
PRIOR ZONING HEARING	NO

* NOTE: EXISTING GRADE @ BUILDING AREA = 18 FT. ABOVE BALTO. COUNTY DATUM 00.0'

DENISE BULLOCK PROPERTY

168 KINGSTON PARK LANE BALTIMORE, MARYLAND 21220

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Crant Crecked

Approved

anne L



16260 falls road monkton, maryland 21111 410.340.0012 achildsaia@msn.com

LAN	
NO.	
1"=20'	
June 22, 200	
	N○. 1"=20'

SP