IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Greenbank Road, 350 feet +/- east of

C/l of Choptank Road 15th Election District

6th Councilmanic District

(7204 Greenbank Road)

Ronald M. and Shirley E. Jordan Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-001-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, Ronald M. and Shirley E. Jordan. The variance request is for property located at 7204 Greenbank Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement garage to be 17 feet in height in lieu of the permitted 15 feet in height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state the additional 2 feet in garage height is necessary in order to store a boat.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated August 1, 2006 which contains restrictions. A ZAC comment letter was received from the Bureau of Development Plans Review dated July 26, 2006 which contains restrictions. Copies 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

THE PER

 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."

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 06-3987) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that there is a large storage container on the property.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 31, 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 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 11th day of September, 2006, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement garage to be 17feet in height in lieu of the permitted 15 feet in height 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 preserve/maintain the existing vegetative buffer between the side yard of the neighboring property (7104 Charles Spring Way) and the proposed detached garage.
- 3. 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.
- 4. The accessory structure shall not be used for commercial purposes
- 5. 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.
- 6. 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.

7. The building engineer shall require a permit for this project.

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

9. 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.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

20-11-06 - W. 20



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 11, 2006

RONALD M. AND SHIRLEY E. JORDAN 7204 GREENBANK ROAD BALTIMORE MD 21220

Re: Petition for Administrative Variance

Case No. 07-001-A

Property: 7204 Greenbank Road

Dear Mr. and Mrs. Jordan:

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

John V. oneuphy

JVM:pz

Enclosure

c: Lisa Henson, Division of Code Inspections & Enforcement, Room 213, County Office Building, MS 1105, Towson MD 21204





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	7204	GRECHBANK	Ro.	
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		which is presently zoned $DR5.5$
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Lieu	OF THE PERMITTED	15ft.
of the Zonir practical dif		of Baltimore County; for the following reasons: (indicate hardship or
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l, or we, a	y is to be posted and advertised as prescrib gree to pay expenses of above Variance advertising, po by the zoning regulations and restrictions of Baltimore (ed by Zoning Regulations. osting, etc., upon filing of this petition, and further agree to and are to 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 tenal owner(s) of the property which is the subject of this Petition.

•		·		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:	•		· Legal Owner(s):
• .	(Type or Print Name)		,,	RONALD M. JORDAN (Type or Print Name)
	Či – Luca			Signature M. Jurden
•	Signature -	•	-	SHIRLLY E. JORDAN
	Address .			(Type of Print Name) Mirly E. Jordan
	Attorney for Politioner	State '	Zipcode	Signature
	(Type or Prust Name)	<u> </u>	,,	MADOY GREENBANK RA. 410 335-5595 Address
	19 VONO 11 11 11 11 11 11 11 11 11 11 11 11 11			GALTO: M. 21220 State Zipcode
******	Adda a a a a a a a a a a a a a a a a a a			Name, Address and phone number of representative to be contacted.
	Address	Phone Na.	· 	ROHALD W. JORDAN
	,			MROUBRINK PD 410 335.5595
	City	State	Zipcode	CCLL 410-802-296
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30/2		•		Zoning Commissioner of Battimore County
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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 knowled testify thereto in the event that a public hearing is scheduled in	edge of the Affiant(s) and that Affi the fixture with regard thereto.	iant(s) is/are competent to
That the Affiant(s) does/do presently reside at 1204	(OREEN BANK	(ZD.
address N. T.	α_{m}	21220
City	State	Zip Code
That based upon personal knowledge, the following are the fac-	ets upon which I/we base the reques	st for an Administrative
Variance at the above address: (indicate hardship or practical difficulty)	PRILLIUD COA	RAGO
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That Affiant(s) acknowledge(s) that if a protest is filed, Affiamay be required to provide additional information. (avonature) (type or print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to we	(algnature) (bype of print name)	E Jordan LE TORDAN JED. D. D. J.
of Maryland, in and for the County aforesaid, personally appe	ared	53/3
Ronald M Jordan and	;	
the Affiants(s) herein, personally known or satisfactorily identified that the matters and facts hereinabove set forth are true and c	tified to me as such Affiantt(s), and correct to the best of his/her/their k	nowledge and belief.
AS WITNESS my hand and Notarial Seal. 7/7/06 date	MANUNE SOTARY PUBLIC	Denley "
1	My Commission Expires: ///	2008

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

nat the Affiant(s) does/do presently reside a	11204 (00)	ZEEN BANK	1515	•
•	BALTO.	MD.	21220	
	City	State	Zip Code	
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That Affiant(s) acknowledge(s) that if a protection by the required to provide additional information of the protection	nion.	be required to pay a report (algnature) (algnature) (bype or print name)	esting and advertising fee	and DAN
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gnature) CONICO VI DE DA TOR DA THEREBY CERTIFY, this day of Marviand, in and for the County aforesaid,	TIMORE, to wit: Duly personally appeared And Sinisfactorily identified to not	(Nignature) (Nign	E Jordan JE TOR de, a Notary Public of Manage oath in due form	A PARTITION OF THE PART



Loning Commissioner of Battimore County



Petition for Administrative Variance

	to the Zoning Comm	ission	er of Baltin	nore C	ounty
THE PARTY AND TH	for the property located at	7204	GRECHBANK	Ro.	
			which is presen		SR 5,5
This Petition	shall be filed with the Office of Zoning Administra	tion & Develop	oment Management.		

The undersigned, legal owner(s) of the property situate in Battimore 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) 400.3; BCZR, TO PERMIT A REPLACEMENT GARAGE TO BE 17ft. IN HEIGHT IN LIEU OF THE PERMITTED 15ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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 legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)
			RONALD M. JORDAN
(Type or Print Name)			(Type or Print Name)
	,,,,,,,,,,		(Konald M. Jordan
Signature			Signature
\\$\$\$#\$\$\$\$\$			(Type of Print Name)
a O			Mindre E dos Nams
NCity To a series of the serie	State	Zipcode	Signature
Attorney for Petitioner			Daniel Carana - Nillana -
(Type or Pryst Name)		 -	DBOY GREENBANKER, 410 335-50 Address
71 230			BUID. MD. 21220
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Administre 3 1	,		Name, Address and phone number of representative to be contacted
:			ROHALD W. JORDAN
Address	Phone	No	Name DROW BRUNBANK PD 410 335.5
City	State	Zipcode	Address CILL 410-802.
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TONING DESCRIPTION 7204 GREENBANK ROAD

BEGINING AT A POINT ON THE NORTH SIDE OF GREENBANK ROAD, 350ft. 1/ EAST FROM THE CENTER LINE OF CHOPTANK ROAD.

LOT AREA: 10,150 \$ 1/2

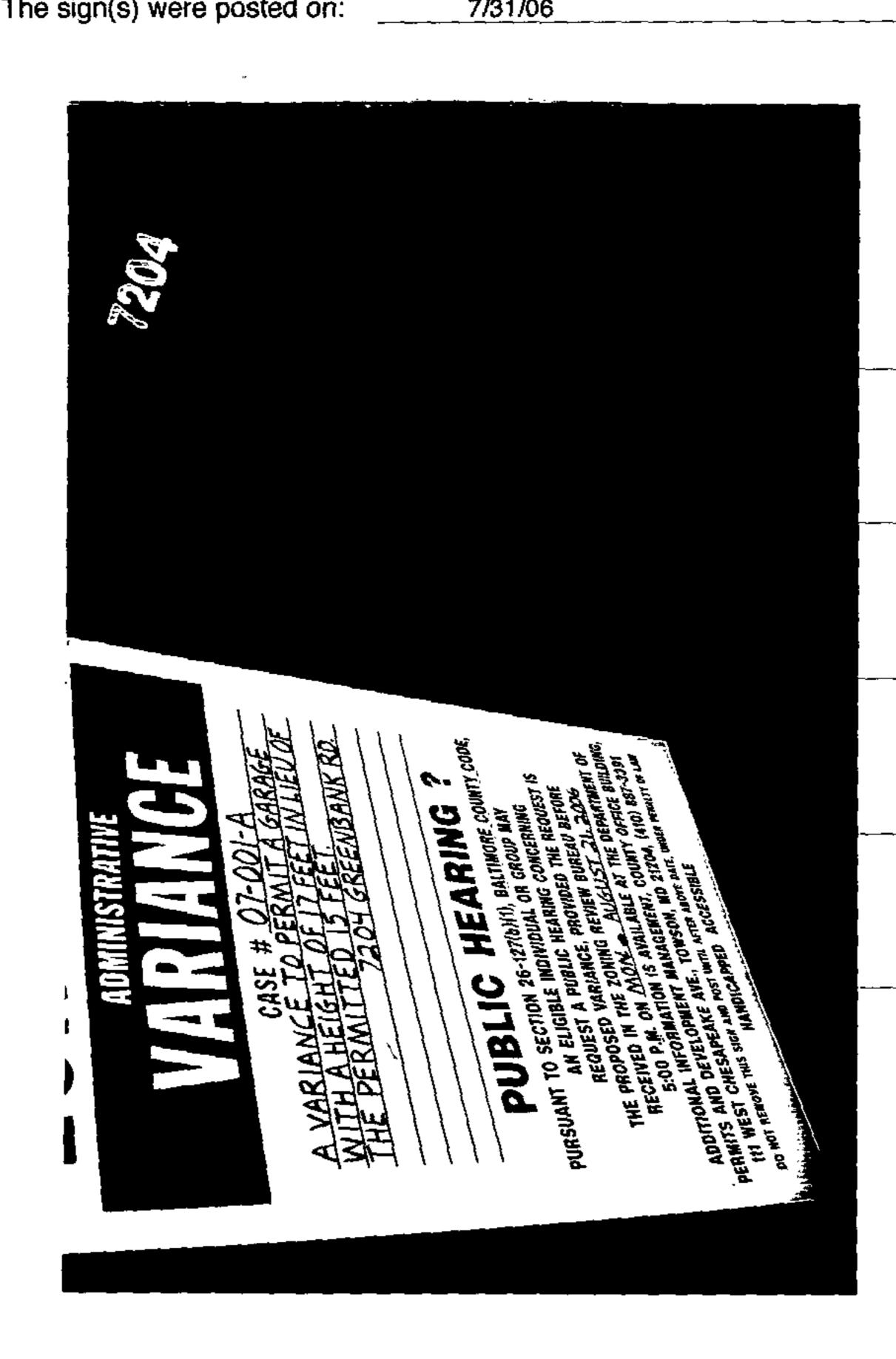
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ELECTION: 15TH

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RYLAND No.	ACCOUNT FOR TO C. T. C. S. C.			YELLOW CUSTOMER
BALTIMORE COUNTY, MA OFFICE OF BUDGET & FINANCI MISCELLANEOUS RECEIP		RECEIVED O ALL AND FROM:	FOR	DISTRIBUTION PINK - AGENCY

CERTIFICATE OF POSTING

ATTENTION: KE	RISTEN MA	THHEWS	DATE:	8/1/06
Case Number: 07	-001-A			
Petitioner/Developer: RO	ONALD JOF	RDAN		
Date of Hearing (Closing): 08	/21/06			
This is to certify under the penaltic conspicuously on the property loc	• •	ry that the necessary sign(s) required to 7204 GREENBANK ROAD	y law were posted	<u> </u>
The sign(s) were posted on:	7/31/0	06		



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)

RECEIVED
AUG 7 2006

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Planner, Please Print Your Name

Case Number 07-

Contact Person:

Address 7204 GREENBANK Pd.

Phone Number: 410-887-3391

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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and

September 7, 2006

Development Management

Ronald M. Jordan Shirley E. Jordan 7204 Greenbank Road Baltimore, MD 21220

Dear Mr. and Mrs. Jordan:

RE: Case Number: 07-001-A, 7204 Greenbank Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 7, 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

U. Callibal)

WCR:amf

Enclosures

People's Counsel C:



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

July 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 24, 2006

Item Number(s): 001 through 011

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: July 26, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 24, 2006 Item No. 001

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

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Greenbank Road centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

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 001-07252006.doc

STINGER E



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 1, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6-001 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 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 Laurie Hay at 410-887-3480.

Prepared by

Section Chief:

AFK/LL: CM

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AUG 0 2 2006

ZONING COMMISSIONER

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

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

Maryland Department of Transportation

Date: 7. 21. 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. つめ1

JCM

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

DATE:

July 26, 2006

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Hearing Officer

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 001

Legal Owner/Petitioner: Ronald M. Jordan and Shirley E. Jordan

Contract Purchaser:

Property Address: 7204 Greenbank Road

Location Description: North side of Greenbank Road, 350 feet +/- east of centerline of

Choptank Road

VIOLATION INFORMATION:

Case No.: 06-3987

Defendants: Ronald M. Jordan and Shirley E. Jordan

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Other: data entry form

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/

c: Dennis Rioux

PDLV0102F

Permits evelopment - Livability em View Cases

Case No: 06-3987

Enter=Continue F12=Cancel

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Owner: RONALD & SHIRLEY J	ORDAN		
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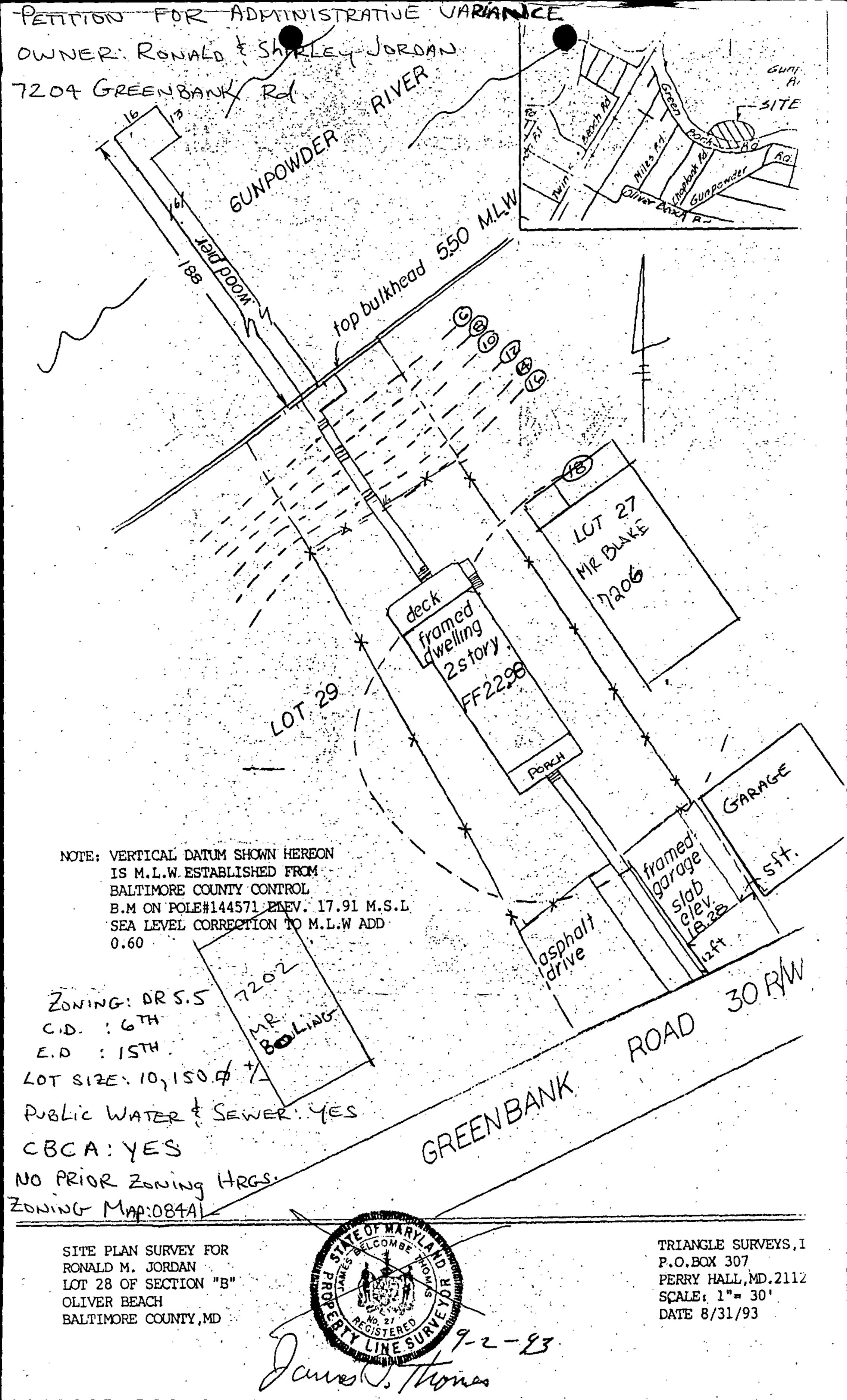
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### Permits Development - Livability Semem View Cases

Case No: 06-3987

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### **Baltimore County - My Neighborhood**

