IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Lee Ben Road, north of
C/l of New Cut Road
11<sup>th</sup> Election District
3<sup>rd</sup> Councilmanic District
(12703 Lee Ben Road)

P. Norman Walls

Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-022-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, P. Norman Walls. The variance request is for property located at 12703 Lee Ben Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition within 14 feet of the side property line in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that his wife has deteriorating discs in her spine in addition to arthritis of the spine which has caused her increasing difficulty going up and down stairs. The Petitioner had bypass surgery and steps also create a problem for him. Using the existing garage space on the main level they will totally eliminate the need for steps with the addition of laundry facilities, a bathroom and enlarged family on the main level. They will be able to remain in their house since they will no longer require the use of steps. By having the garage attached to the house, it will prevent them from going outside in inclement weather and it would be less walking distance than if the garage were detached. Using the proposed location, issues involving the relocation of the septic tank and dry wells would be eliminated.

8-24-06 PS

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#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### **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 30, 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 24<sup>th</sup> day of August, 2006, that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition within 14 feet of the side property line in lieu of the required 50 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.

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

W. bz

8-34-06

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8-34-06



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 24, 2006

P. NORMAN WALLS 12073 LEE BEN ROAD KINGSVILLE MD 21087

Re: Petition for Administrative Variance

Case No. 07-022-A

Property: 12073 Lee Ben Road

Dear Mr. Walls:

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- muskly

JVM:pz

Enclosure



REV 10/25/0

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 12703 LEE BEN RD which is presently zoned RC5

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) 1AO4.3.8.2.6, BCZR,

To Permit agarage addition within 14ft of the side property line in Lieu of the required 50ft.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: P. NORMAN WALLS Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code Signature State City 12103 LEE BENRD Address KINGSUILLE MD 410-591-7618 Attorney For Petitioner: Telephone No. State Name - Type or Print Representative to be Contacted: Signature Name Сотрапу Telephone No. Address Telephone No. Address Zip Code State Zip Code City State 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 daylof 🛰 this regulations of Baitimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By

Estimated Posting Date Annal Serial and

# Affida Vit 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	Address	<u></u>	
_	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the fac	ts upon which I/we base the request for a	n Administrative
HARDSHIP DUE TO HEALTH REASONS			
My wife currently has deteriorating disc caused increasing difficulty going up ar			s has
By using the existing garage space on a with the addition of laundry facilities, a will both be able to remain in our present.	bathroom and	enlarged family room on the main lev	el. We
In addition, I have had by-pass surgery	/ and steps als	o create a problem for me.	
By having the garage attached to the he inclement weather and would be less w			in in
Also, by using the proposed location, is: would be totally eliminated.	sues involving	the re-location of our septic tank and o	iry wells
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a solution.			a reposting and
Signature	·	Signature	
Name - Type or Print		Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:		
of Maryland, in and for the County aforesaid, per			blic of the State
the Affiant(s) herein, personally known or satisfa	ctorily identified	to me as such Affiant(s).	
ELIZABETH A. RICHARDSON  AS WITNESS AND PUBLIC STATE OF MARY LAND  My Commission Expires March 1, 2008		beit Relandon	A LAND TO SERVICE STATE OF THE PARTY OF THE

# Affidavit in Support of Administrative Variance

Address

That the Afflant(s) does/do presently reside at

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.

	City	State	·	Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hards	llowing are the fac hip or practical diff	ts upon which I/we base	the request for an Admin	istrative
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By using the existing garage space of with the addition of laundry facilities, will both be able to remain in our pre-	a bathroom and	enlarged family room	on the main level. We	, •
In addition, I have had by-pass surge	ery and steps also	create a problem for	me.	
By having the garage attached to the inclement weather and would be less	house, it will pre walking distance	vent my wife and I fro than if it were detach	om going <b>outside i</b> n in ed.	•
Also, by using the proposed location, would be totally eliminated.	issues involving t	he re-location of our	septic tank and dry wells	5
	-			
			•	•
That the Affiant(s) acknowledge(s) that if a	formal demand is	filed Affiant(c) will be	required to pay a repost	ing and
Advertising ree and may be required to provide	additional informa	ition.	Toquille to pay a repost	ing and
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Name - Type or Print	- <del></del>	Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	
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STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		* <b>-</b> *	<b>- ~</b> - ·
I HEREBY CERTIFY, this Job day of of Maryland, in and for the County aforesaid, p	ביאטר ersonally appeared	, <u>-200 (.</u> , befor	e me, a Notary Public of th	e State
the Affiant(s) herein personally known or satis	Wall S	o mo de distribuido		
the Affiant(s) herein, personally known or satis		o me as such Amant(s)		The state of the s
NOTARY PUBLIC STATE OF MARYLAN AS WITNESSON WITNESSON CONTRIBUTION MARYLAN AS WITNESSON CONTRIBUTION MARYLAN	B Oyobert	Stukonde	- I A HINT	



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12703 LEE 13EN RD which is presently zoned RC 5

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owner(s) of the property signade a part hereof, hereby	sperty	line	in lieu o	f the	e requi	red:	507
of the zoning regulations of this petition form.	of Baltimore Cou	inty, to the zonir	ng law of Baltimore (	County, for th	e reasons indica	ated on the	back
Property is to be posted and I, or we, agree to pay expensions and restrictions of	ses of above Varia	ance, advertising,	, posting, etc. and furt	her agree to ar	nd are to be boun ounty.	ded by the z	oning
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Contract Purchaser/Le	essee:		Legal Owr				
			P. NOR	MAN U	NALLS 1 Halls		
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City	State	Zip Code	Signature	ر سرسر،	2 -1 00	1/10 5	~~~~
Attorney For Petitione	<u>:r:</u>		/ <i>d'/0</i> _ <b>3</b> Address	LEE L	DEN KD	4/0-57 Telephon	
		<u></u>	KIN6SU City	ILLE	MD	21	087
Name - Type or Print			·		State	Ζιρ	Code
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A Public Hearing having been this day of regulations of Baltimore County	n formally demand	ed and/or found to		ered by the Zon or a public hearin	ing Commissioner ng, advertised, as re	of Baltimore ( equired by the	County, zoning
			Zon	ing Commission	er of Baltimore Cou	nty	
CASE NO.	022-A		Reviewed By	1M	Date	9.06	
REV 10/25/01	3-24-06	TOUR TOUR TOUR	Estimated Posting	Date	7.30	-0.6	· · · · · · · · · · · · · · · · · · ·

## **ZONING DESCRIPTION FOR 12703 LEE BEN ROAD**

Beginning at a point on the east side of Lee Ben Road which is 50 feet wide at the distance of 982 feet north of the centerline of the nearest improved intersecting street New Cut Road which is 60 feet wide. \*Being Lot # 14 in the subdivision of Willow Hill Manor as recorded in Baltimore County Plat Book# 38, Folio # 41, containing 1.010 acres. Also known as 12703 Lee Ben Road and located in the 11<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

**************************************			CASHIER'S VALIDATION
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BALTIMORE COUNTY, MARYLAN OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE	FROM CALLS	WHITE - CASHIER PINK AGENCY YELLOW

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## CERTIFICATE OF OSTING

	10. Case 140.:
	Petitioner/Developer:
	NORMAN WALLS
	Date of Hearing/Closing: 8/14/06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perwere posted conspicuously on the property loc	والمراجع والمناول
	LEE BEN RO.
· · · · · · · · · · · · · · · · · · ·	
The sign(s) were posted on	7/30/06
	Month, Day, Year)
CASE# 07-022-A	Sincerely,
ZONING NOTICE	(Signature of Sign Poster and Date)
CASE # 07-072-A.  CASE # 07-072-A.  THE PROPERTY A SIDE SETURGY  THE REQUIRED  THE REQUIRED  THE REQUIRED  THE REQUIRED	RICHARD E. HOFFMAN
PUBLIC HE VG ?	(Printed Name)  904 DELLWood DR.
PEOPLEST A PUBLIC HEARING CONCERNING USE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONNIG OFFICE BEFORE ANALY MEDICAL SET OFFICE BEFORE ANALY MEDICAL MEDICAL MARKETERS TEL. 887-1191	(Address)
	(Telephone Number)
12703 LEE BEN RO.	· (* orobitation)
205 TED 7/30/06 22/22/20/06	

# BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Adv	ertising:			•	
Item Number or Case	Number:	022			
Petitioner:	NORMAN	WALLS			
		LEE BEN	Pd.	Kingsville, Md. 215	587
PLEASE FORWARD Name:Address:	ADVERTISING E	BILL TO:			•
Telephone Number:	410-	592-76	 7/X		



JAMES T. SMITH, JR. County Executive

August 15, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

P. Norman Walls 12703 Lee Ben Road Kingsville, MD 21087

Dear Mr. Walls:

RE: Case Number: 07-022-A, 12703 Lee Ben Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 19, 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. Callahall

WCR:amf

Enclosures

c: People's Counsel

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-022- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

RECEIVED

**DATE:** January 3, 2006

AUG 0 2 2006

ZONING COMMISSIONER

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

D. TE: July 31, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 31, 2006

Item Nos. 06-010, 06-176, 07-012, 013, 016, 017, 018, 020, 021, 022, and 023

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-07282006.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

7.21.06

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

RE:

**Baltimore County** 

Item No. 022

JUM

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

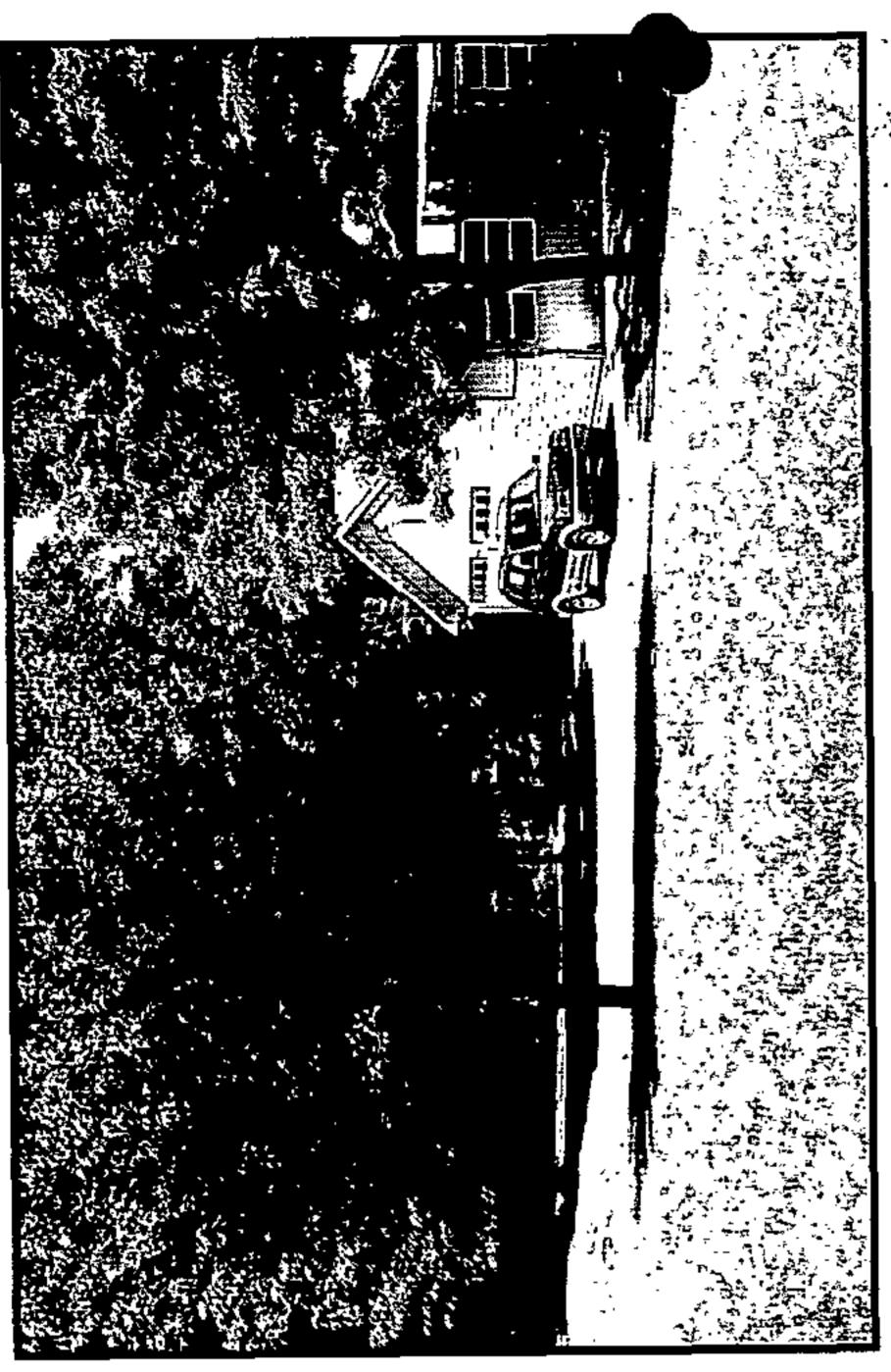
Engineering Access Permits Division

-Gt-

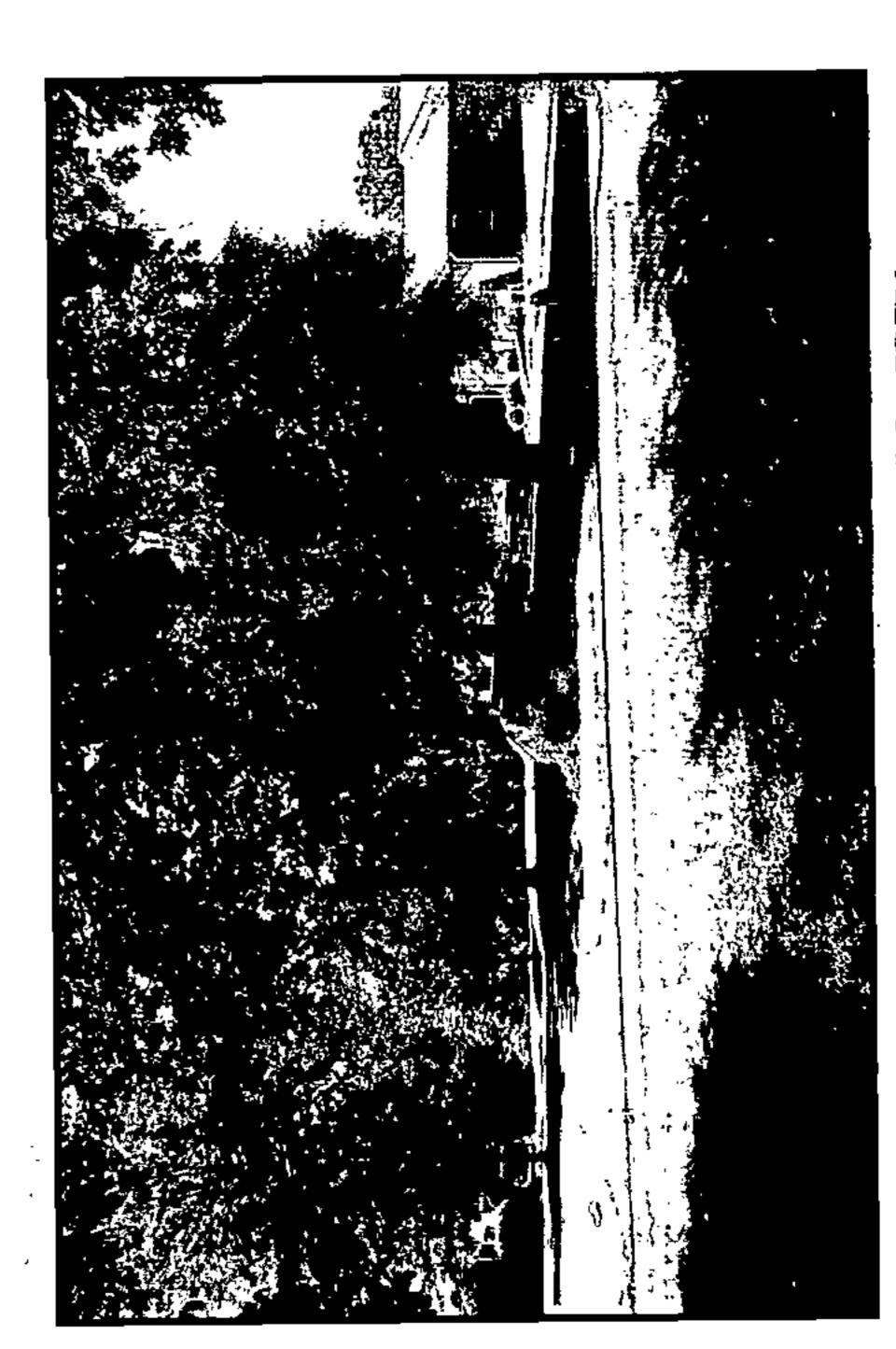
🗿 Document2 - Mara... Microsoft Internet - My Neighborhood: ba.md.us (E) Map: 1476395.02 , 657987.81 Wallot York Sele http://bamaps1.co. start Zoom In Zoom Out Previous Address Zoom in Legend Print Identify Help Close 8



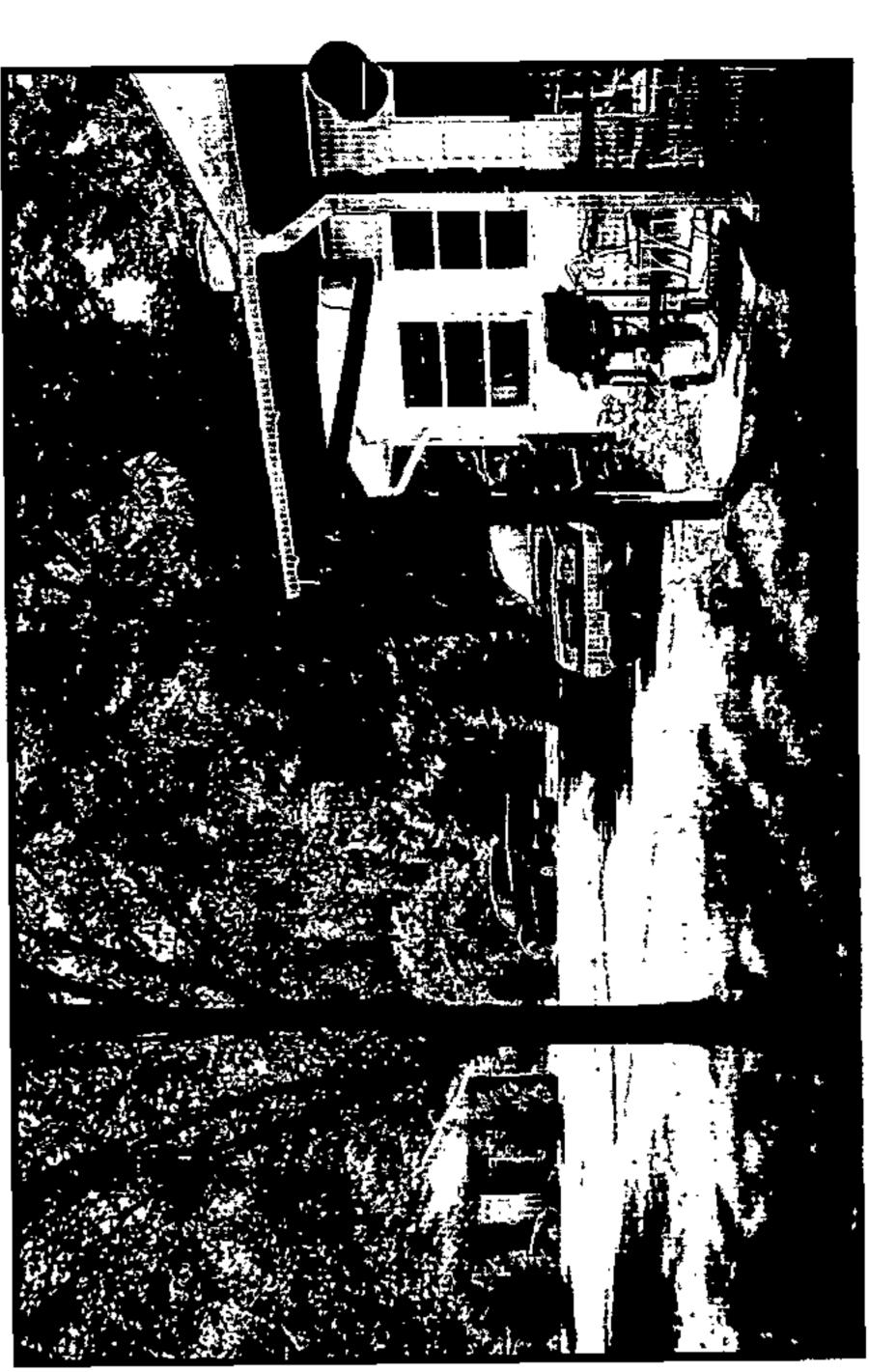
FRONT VIEW FROM LEE BEN ROAD



VIEW FROM REAR OF PROPERTY



FRONT VIEW OF ADJOINING PROPERTY



REAR VIEW OF ADJOINING PROPERTY

