IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Meadowhill Court, west of c/l of
Manor Road
10th Election District
3rd Councilmanic District
(3715 Meadowhill Court)

Kirk G. McCleary and Mary R. McCleary Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-093-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kirk G. McCleary and Mary R. McCleary. The variance request is for property located at 3715 Meadowhill Court. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 74 foot setback from the center of Meadowhill Court to the existing dwelling in lieu of the required 75 feet (54 feet front yard in lieu of required 55 feet) and a rear yard setback of 47 feet in lieu of the required 50 feet (a variance of 1 and 3 feet, respectively) and to amend the Final Development Plan of "Margarets Hill" for Lot 13 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they had their engineering company do a property survey to locate the existing house to determine if the required setbacks conformed to the zoning regulations of the RC-5 zone. The survey indicated that the front yard and rear yard setbacks were in violation of 1 foot and 3 feet. Petitioners are requesting the variance to conform to the required setbacks at the time of approval of the original final development of Margaret's Hill.

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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: A ZAC comment letter was received from the Office of Planning dated September 14, 2006. That office is aware of the requested action which serves to correct a mistake made at the time the subject dwelling was constructed and supports the administrative variance.

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 September 8, 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 29 day of September, 2006, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 74 foot setback from the center of Meadowhill Court to the existing dwelling in lieu of the required 75 feet (54 feet front yard in lieu of required 55 feet) and a rear yard setback of 47 feet in lieu of the required 50 feet (a variance of 1 and 3 feet, respectively) and to amend the Final Development Plan of "Margarets Hill" for Lot 13 only 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.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

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JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 28, 2006

KIRK G. AND MARY R. MCCLEARY 3715 MEADOWHILL COURT PHOENIX MD 21131

Re: Petition for Administrative Variance

Case No. 07-093-A

Property: 3715 Meadowhill Court

Dear Mr. and Mrs. McCleary:

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

JVM:pz

Enclosure

c: Paul Lee, Century Engineering, Inc., 10710 Gilroy Road, Hunt Valley, MD 21031



REV 10/25/01

9-26-00

Petition for Administrative Variance

to the Zoning Communissioner of Baltinopee Commuty

for the property located at	3715 MEADOWHILL	COURT	
which is	s presently zoned	RC-5	

9-10-06

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)

1A04.3B2 OF THE BCMD TO PERMIT A 74' SETBACK FROM THE CENTER OF MEADOWHILL CT. TO THE EXISTING DWELLING IN LIEU OF THE REQ'D. 75' (54' FRONT YARD IN LIEU OF REQ'D. 55') AND A REAR YARD SETBACK OF 47' IN LIEU OF THE REQ'D. 50'(A VARIANCE OF 1' & 3' RESPECTIVELY) AND TO AMEND THE FINAL DEVELOPMENT PLAN OF "MARGARETS HILL" FOR LOT 13 ONLY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lesson: ENGINEER :	Legal Owner(s):
PAUL DEE-CENTURY ENGINEERING, INC.	KIRK G. McCLEARY Name of Processing And Andrews of Processing And
Signature Signature	Signature Signature
10710 GILROY ROAD 410-823-8070 Address	MARY & McCLEARY
HUNT VALLEY MARYLAND 21031 City State Zip Co	- Mary R. And Pine
Attorney For Petitioner:	3715 MEADOWHILL COURT 410-667-9977
	Address Telephone No
Name - Type or Print	PHOENIX MARYLAND 21131
	Zip Code
Signature	Representative to be Contacted:
Company	Name ————————————————————————————————————
Address Telephone No	o. Address Telephone No
ity State Zip Cod	de City State Zip Code
Public Hearing having been formally demanded and/or found is that the subject magulations of Baltimore County and that the property be reposted.	d to be required, it is ordered by the Zoning Commissioner of Baltimore County, tter of this petition be set for a public hearing, advertised, as required by the zoning
ä	·
ASE NO. OZIOSA	Zoning Commissioner of Baltimore County Reviewed By

Estimated Posting Date

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	3715 MEADOWHILL	COURT
That the Amando, account process, recise as	Address	

Address
PHOENIX MARYLAND 21131
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):

THE PETITIONER HAD OUR ENGINEERING COMPANY DO A PROPERTY SURVEY LOCATING HIS EXISTING HOUSE TO DETERMINE IF THE REQUIRED SETBACKS CONFORMED TO THE ZONING REGULATIONS OF THE RC-5 ZONE. THE SURVEY INDICATED THAT THE FRONT YARD AND REAR YARD SETBACKS WERE IN VIOLATION OF 1' AND 3'. HIS REQUEST FOR THE REQUIRED VARIANCES TO CONFORM TO REQ'D SETBACKS AT TIME OF APPROVAL OF THE ORIGINAL FINAL DEVELOPMENT OF MARGARETS HILL.

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.

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Notary Public

My Commission Expires

Susan M. Ferraracci

NOTARY PUBLIC

Baltimore County, Marylanc

REV 10/25/04 Commission Expires _

Afficiant 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	8
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3715 MEADOWHILL COURT Address PHOENIX MARYLAND City State

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 PETITIONER HAD OUR ENGINEERING COMPANY DO A PROPERTY SURVEY LOCATING HIS EXISTING HOUSE TO DETERMINE IF THE REQUIRED SETBACKS CONFORMED TO THE ZONING REGULATIONS OF THE RC-5 ZONE. THE SURVEY INDICATED THAT THE FRONT YARD AND REAR YARD SETBACKS WERE IN VIOLATION OF 1' AND 3'. HIS REQUEST FOR THE REQUIRED VARIANCES TO CONFORM TO REQ'D SETBACKS AT TIME OF APPROVAL OF THE ORIGINAL FINAL DEVELOPMENT OF MARGARETS HILL.

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. Signature KIRK G. McCLEARY MARY **R**. McCLEARY Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMARE, to wit: HEREBY CERTIFY, this 30 day of O; before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactofily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Susan M. Ferraracci NOTARY PUBLIC

Notary Public

My Commission Expires

Baltimore County, Marylan

My Commission Expires_



Petition for Administrative Variance

to the Zoming Communissioner of Baltinogree Commey

for the property located at	3715 MEADOWHILL	COURT	
which is	presently zoned	RC-5	

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)

1A04.3B2 OF THE BCMD TO PERMIT A 74' SETBACK FROM THE CENTER OF MEADOWHILL CT. TO THE EXISTING DWELLING IN LIEU OF THE REQ'D. 75' (54' FRONT YARD IN LIEU OF REQ'D. 55') AND A REAR YARD SETBACK OF 47' IN LIEU OF THE REQ'D. 50'(A VARIANCE OF 1' & 3' RESPECTIVELY) AND TO AMEND THE FINAL DEVELOPMENT PLAN OF "MARGARETS HILL" FOR LOT 13 ONLY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessoe: ENGINEER : Legal Owner(s): PAUL LÆE-CENTURY ENGINEERING, INC. KIRK G. McCLEARY Name - Type or Print Name or Pruf Signature Signature MARY **&**. 10710 GILROY ROAD McCLEARY <u>410-8</u>23-8070 Address Telephone No. Name - Type or Print HUNT VALLEY MARYLAND 21031 City State Zip Code Signature Attorney For Petitioner: 3715 MEADOWHILL COURT 410-667-9977 Address Telephone No. PHOENIX MARYLAND 21131 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No City State Zip Code City State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

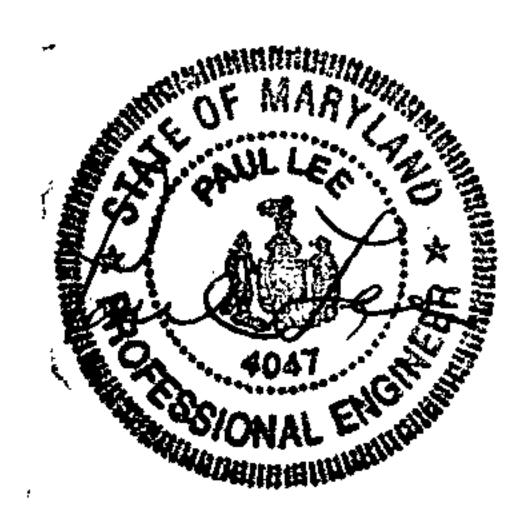
0.07-093-A

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DESCRIPTION OF 3715 MEADOWHILL COURT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of Meadowhill Court which is 40' wide at a distance of 565'± west of the centerline of Manor Road which is 60' wide. Being known as Lot 13 in the subdivision of "Margarets Hill" as recorded in Baltimore County Plat Book # 71 folio 24 containing 2.402 Ac.±.

Also known as 3715 Meadowhill Ct. and located in the 10th Election District, 3rd Councilmanic District.



ITEM 07-093-A

Wfilelogin2/ld/ld06/description/ 3715 Meadowhill Court

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ZONING NOTICE

ADMINISTRATIVE

CASE # 07-093-A

TO PERMIT A 74'SETBACE FROM THE CONTER OF

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HILL FOR LOT 13 ONLY

TEL. 887-3391

MEETING IS NAMEHOUSE AND ADDRESSIBLE

CERTIFICATE OF POSTING

Baltimore County Department of

- Permits and Development Management

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

The sign(s) were posted on 9-8-06

Towson, MD 21204

Date of Hearing/Closing: 9-25-06 Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at _ #3715 MOSADOWHILL COURT (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CARLAGE, MOORE 3225 RYGRSON CIRCLE BALTIMORE, MD, 21227 (City, State, Zip Code) (Telephone Number)

RE: Case No.: 07-093-A

Petitioner/Developer: KIRKG. MCCHENRY

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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DEPARTMENT OF PERMITS AND DEVELOPMENT A 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 Advertising:
Item Number or Case Number 07-093-A
Petitioner KIRK G. MCCLEARY
Address or Location. 3715 MEADOWHILL COURT .
PLEASE FORWARD ADVERTISING BILL TO
Name: <u>LIRK G. MCCLEARY</u>
Address 3715 MEADONHILL COURT
PHOENIX, MD. 2-1131
Telephone Number
,



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 25, 2006

Kirk G. McCleary Mary R. McCleary 3715 Meadowhill Court Phoenix, MD 21131

Dear Mr. and Mrs. McCleary:

RE: Case Number: 07-093-A, 3715 Meadowhill Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 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

c: People's Counsel Paul Lee Century Engineering, Inc. 10710 Gilroy Road Hunt Valley 21031

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:

3715 Meadowhill Court

RECEIVED

DATE: September 14, 2006

INFORMATION:

Item Number:

7-093

SEP 1 8 2006

Petitioner:

Kirk G. McCleary

JONING COMMISSIONER

Zoning:

RC 5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning is aware that the requested action serves to correct a mistake made at the time the subject dwelling was constructed; therefore this office supports the petition for administrative variance.

For further information concerning the matters stated here in, please contact Curtis Murray or Bill Hughey at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

W:\DEVREV\ZAC\7-093.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

September 12, 2006 Date:

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

RE: **Baltimore County**

Item No. 07-093-A 3715 Meadowhill Court Amend Final Development

Plan for Margarets Hill" Subdv.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-093-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

J - 2 13

Timothy M. Kotroco, Director

DATE: September 20, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September-18, 2006

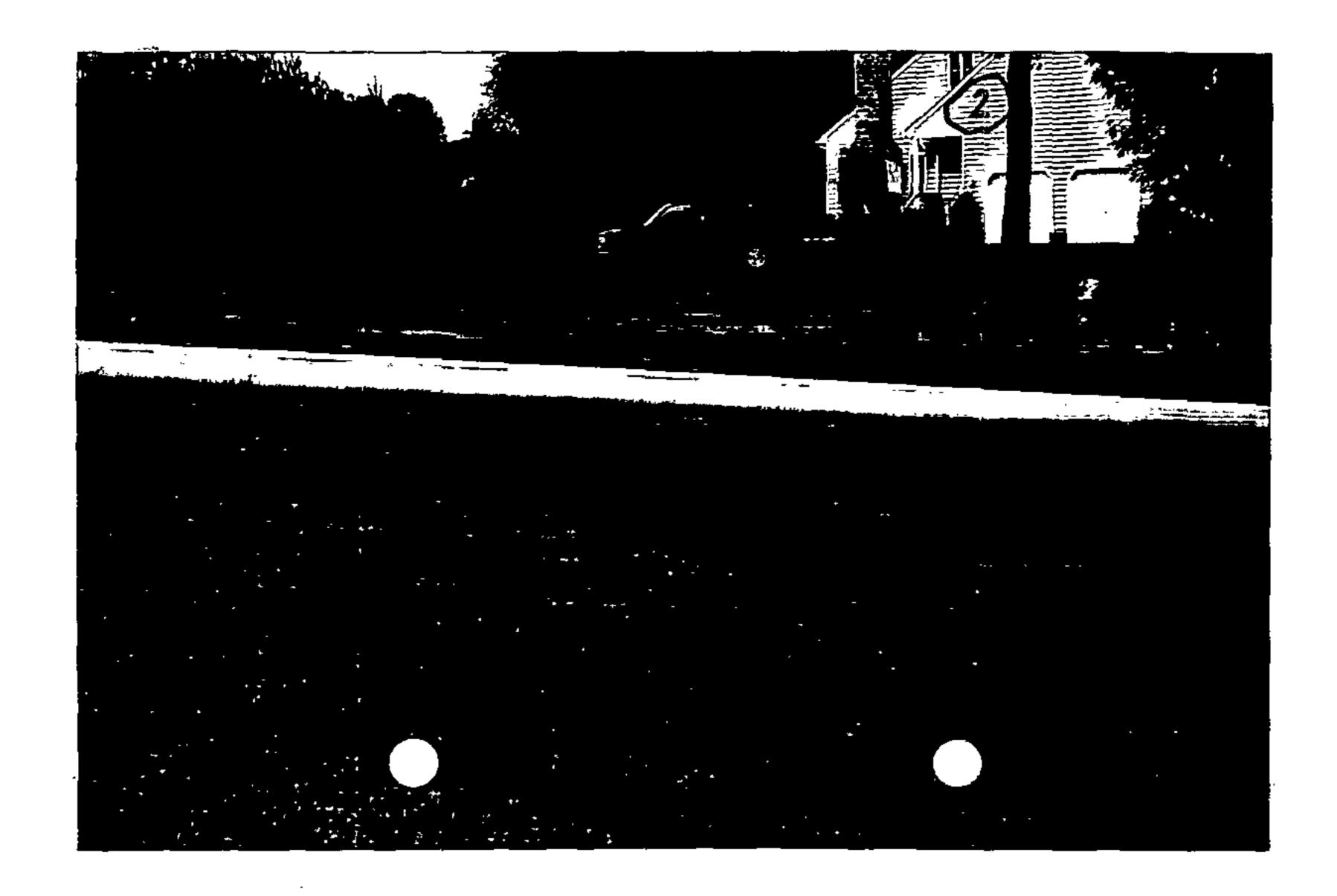
Item Nos. 07-093, 094, 095, 096, 098, and 099

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

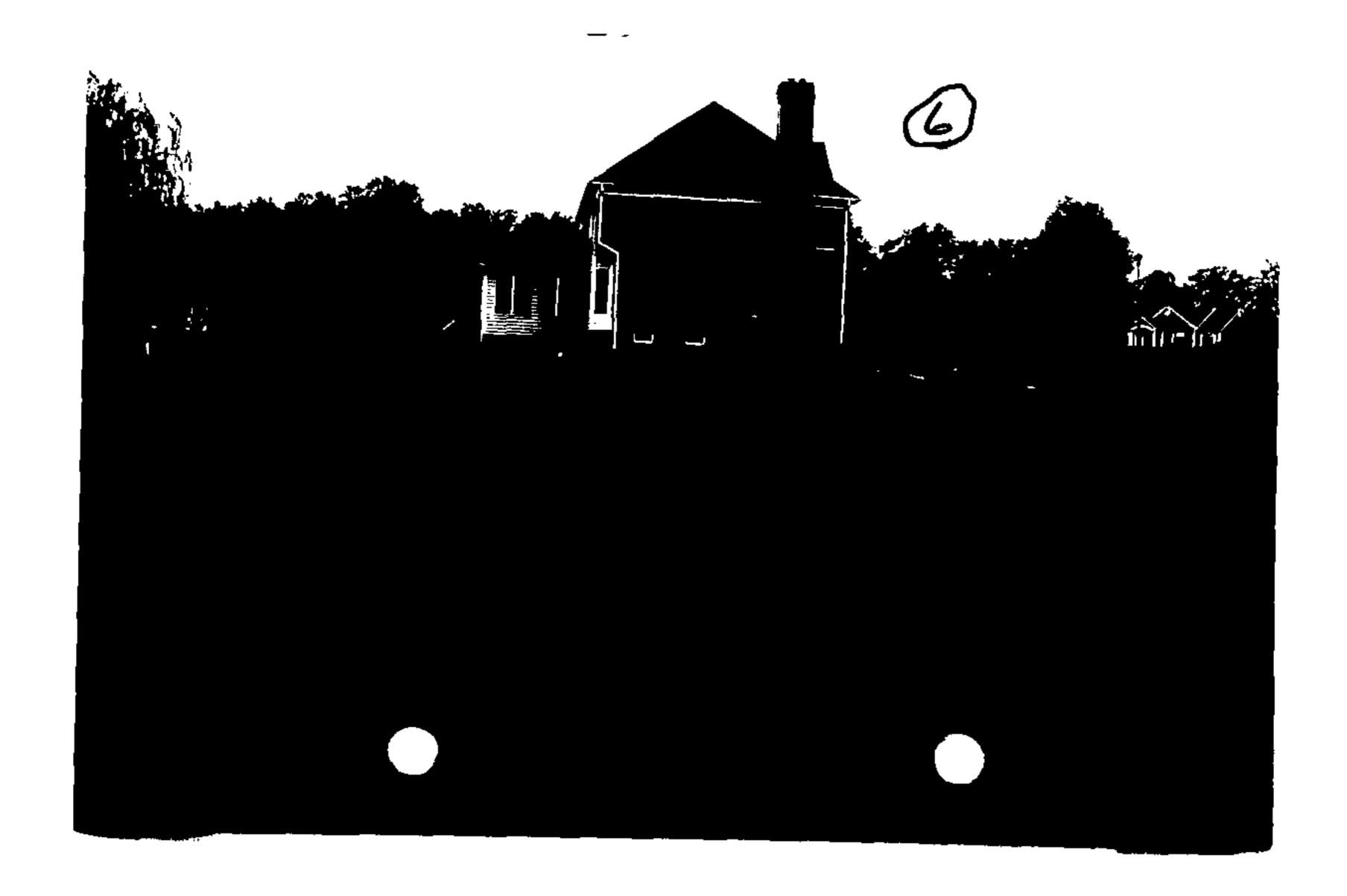
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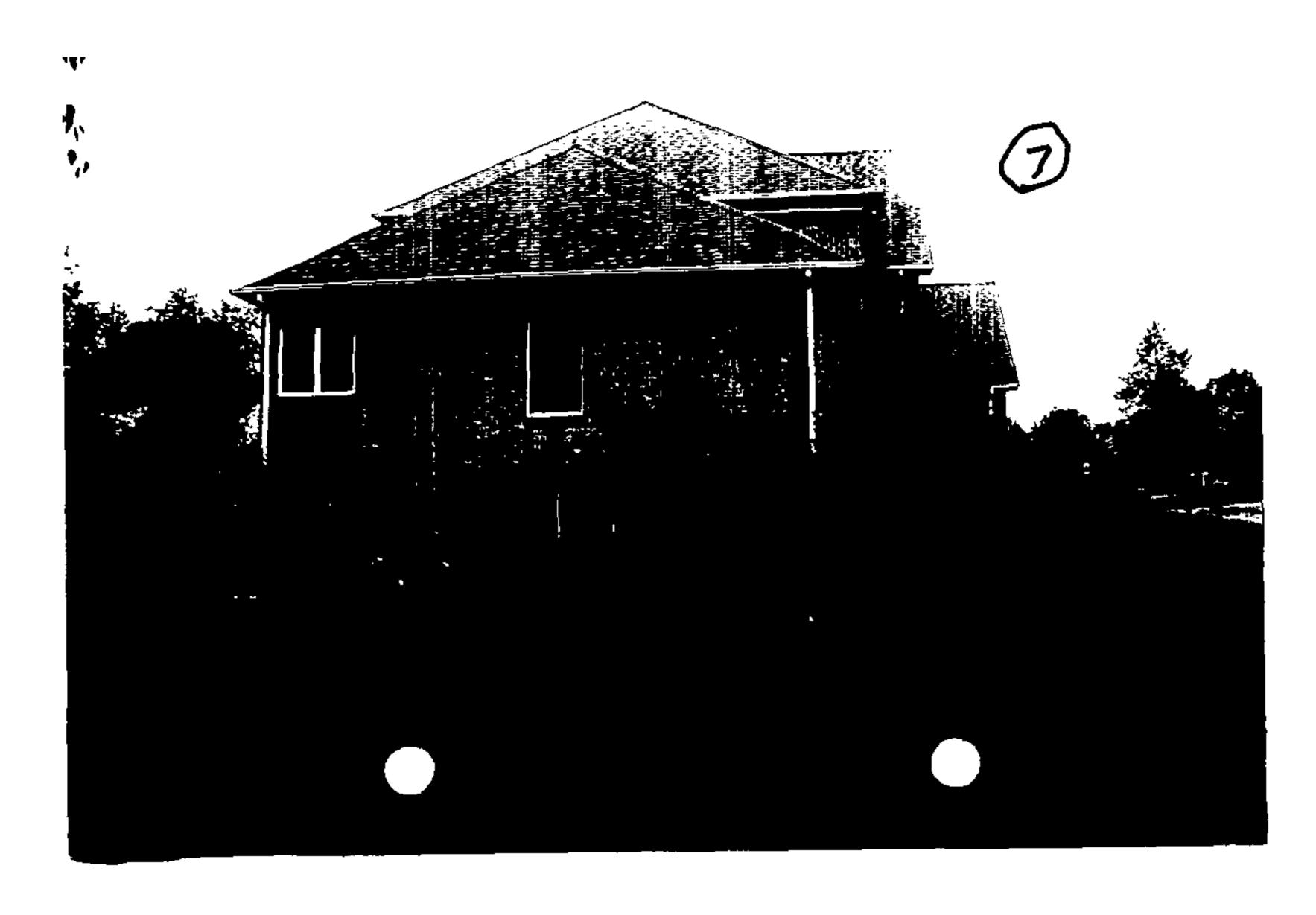
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ZAC-NO COMMENTS-09192006.doc

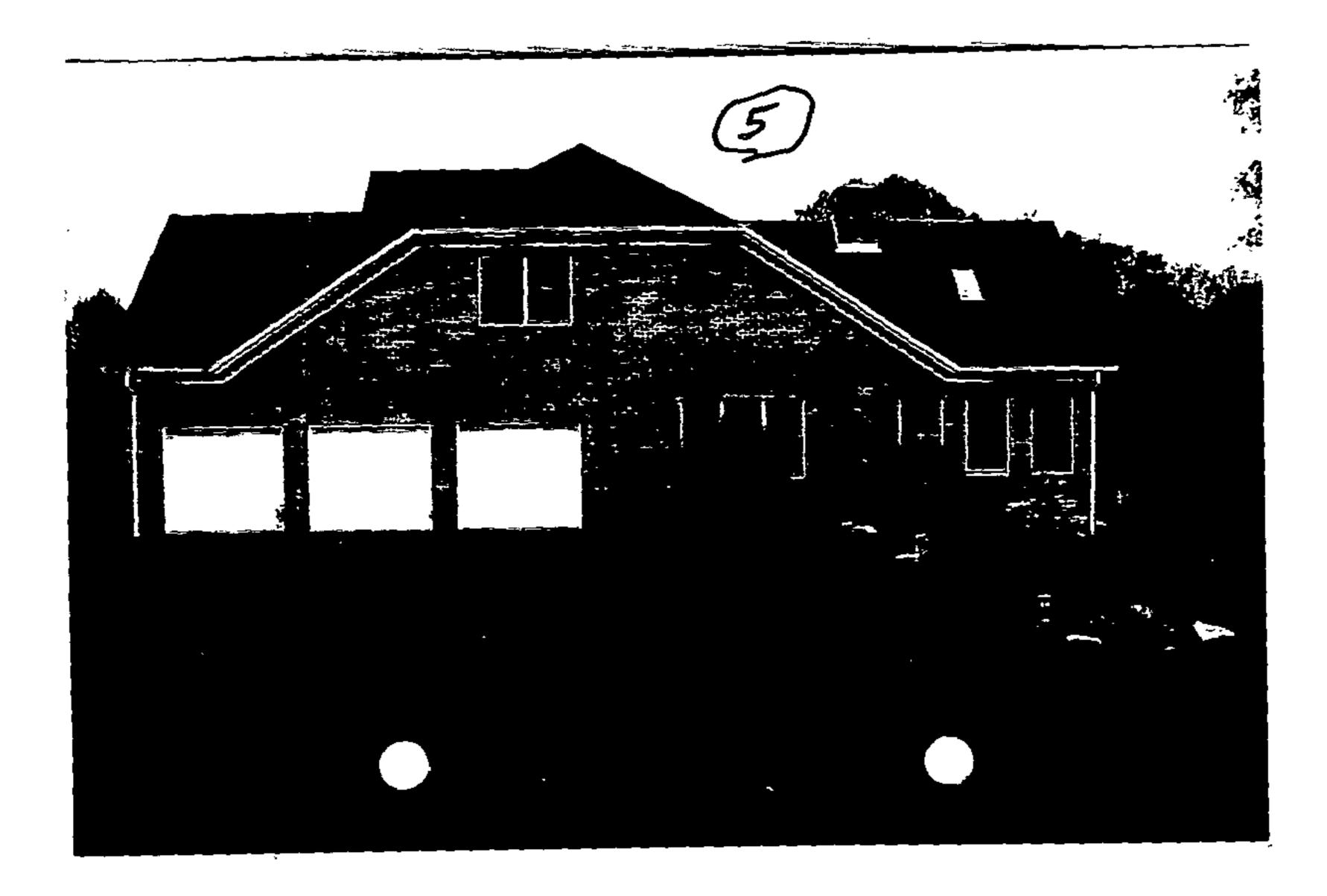




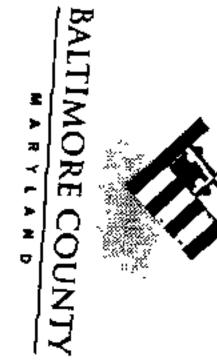












Zoning Commissioner's Office 401 Bosley Avenue, Suite 405 County Courts Building Towson, Maryland, 21204

1 h. A. 4 5

Return Service Requested



#093

