

IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Falls Road, south of
Knox Road
8th Election District
3rd Councilmanic District
(13225 Falls Road)

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

Eugene N. Helms, Jr. and Barbara L. Helms
Petitioners

*

CASE NO. 07-106-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, Eugene N. Helms, Jr. and Barbara L. Helms. The variance request is for property located at 13225 Falls Road. The variance request is from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage) to be as close as 22 foot side setbacks in lieu of the required 50 feet; and to amend the Final Development Plan of Jonathan's Delight, Lot 3 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they wish to construct a three car garage. Because the family needed a larger family room they are remodeling the existing garage and required a new garage. The site of the proposed garage was decided upon because of its location to the existing house, driveway and swimming pool in order to keep excavation and tree removal costs at a minimum. This location will also limit the amount of existing landscaping that has to be removed. The garage location will also allow for convenient flow of traffic both on foot and automobile between the existing house and proposed garage. The costs for the water, electric and sewage to the proposed garage will be considerably less because of the proposed location. A changing room and wet bar will be incorporated into the new garage. In order to make these rooms convenient to the existing pool location they needed to be located where they are. A breezeway will connect the

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proposed garage to the house. To keep the breezeway as short and straight as possible requires the proposed garage to be where it is located. The Petitioners supplied letters of support from two adjacent neighbors.

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 September 24, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide

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[Signature]

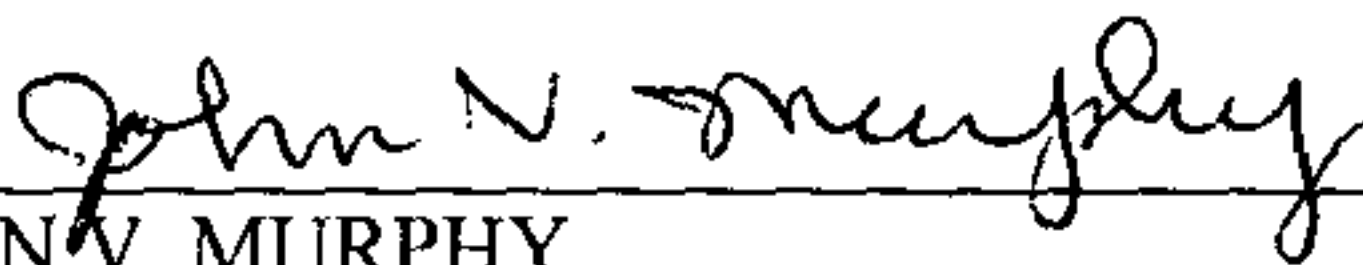
sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13th day of October, 2006, that a variance from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage) to be as close as 22 foot side setbacks in lieu of the required 50 feet; and to amend the Final Development Plan of Jonathan's Delight, Lot 3 only be and is hereby GRANTED, subject to the following:

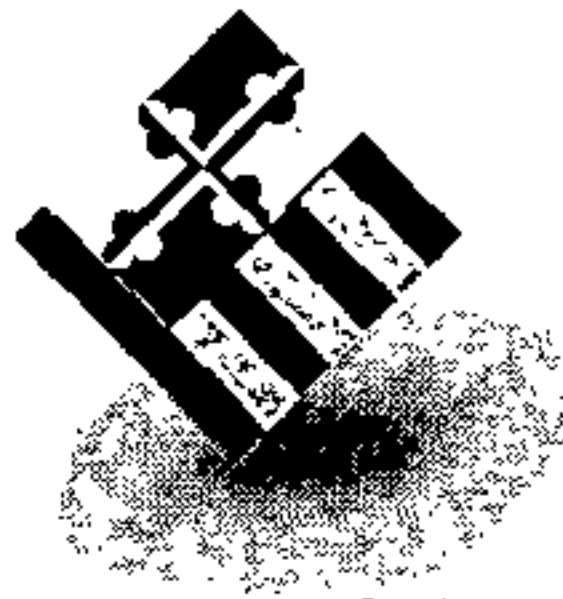
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 13, 2006

EUGENE N. HELMS, JR. AND BARBARA L. HELMS
13225 FALLS ROAD
COCKEYSVILLE MD 21030

Re: Petition for Administrative Variance
Case No. 07-106-A
Property: 13225 Falls Road

Dear Mr. and Mrs. Helms:

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,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

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107306
Jat-
pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13225 Falls Rd
which is presently zoned Rc-4

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) 1A03.4.B.2 - to permit a proposed

addition (garage) to be as close as 22 feet in lieu of the required 50' side setback and to amend the Final Development Plan of Jonathan's Delight, lot 3 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/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Eugene N. Helms Jr
Signature Eugene N. Helms
Name - Type or Print Barbara L Helms
Signature Barbara L Helms
Address 13225 FALLS RD Telephone No. 4106670918
City Cockeysville MD State _____ Zip Code 21030

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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, this _____ 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.

CASE NO. 07-106-A

REV 10/25/01

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10-13-06
MB

Zoning Commissioner of Baltimore County

Reviewed By K171

Date 9/1/06

Estimated Posting Date 9/24/06

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

13225 Falls Rd
Address
Cockeysville MD 21030
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):

We the affiants listed below request a administrative variance for the construction of a attached three car garage. The variance is necessary because the proposed garage will extend pass our 50' BDL. Because our family needed a larger family room we are remodeling our existing garage and therefore required a new garage. The site of the proposed garage was decided upon because of its location to our existing house , driveway and swimming pool in order to keep excavation and tree removal costs at a minimum as well as not having to remove any more of our existing landscaping than needed. Another factor for the location was to allow for a convenient flow of traffic both foot and automobile between the existing house and proposed garage. The costs for the utilities such as water, electric and sewage to the proposed garage will be considerably less because of the proposed location. A changing room and wet bar are incorporated into the garage building. In order to make these rooms convenient to the existing pool location they need to be located where they are. A breezeway will connect the proposed garage to the house. To keep the breezeway as short and straight as possible requires the proposed garage be where it is located.

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.

Eugene N. Helms Jr
Signature
Eugene N. Helms Jr
Name - Type or Print

Barbara L. Helms
Signature
Barbara L. Helms
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

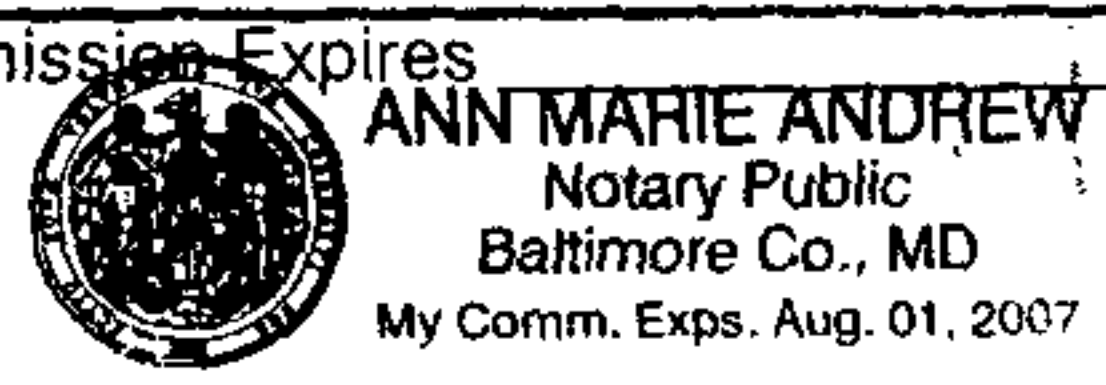
I HEREBY CERTIFY, this 8th day of September, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Eugene N. Helms Jr. + Barbara L. Helms
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Ann Marie Andrew
Notary Public

My Commission Expires



ZONING DESCRIPTION FOR:
13225 FALLS ROAD
COCKEYSVILLE, MARYLAND 21030

Beginning at a point on the East side of Falls Road which is variable in width of Right-of-way at the distance of 2000 feet +/- South of the centerline of Knox Road, the nearest improved street of unknown right-of-way width. Being Lot # 3 of the Plat entitled "Jonathan's Delight", which is recorded among the land records of Baltimore County, Maryland in Plat Book EHK, Jr. No. 39, folio 113 containing 85352 Square Feet. Also known as 13225 Falls Road and located in the 9th Election District, 3rd Councilmanic District..

1.96 Ac

Item #106

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0175

DATE 9/11/00 ACCOUNT 2000-025-6150
AMOUNT \$ 115.00

RECEIVED
FROM:

FOR: 2000-025-6150 and 2000-025-6150
case # 00-106-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
9/11/2000 9/11/2000 10:00:13
SUB 4501 CALVIN JRUC JR
RECEIPT # 30127 9/11/2000 00:18
OFF 5 528 2000 VERIFICATION
SR NO. 000775

Receipt Tot \$115.00
\$115.00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 9/28/06

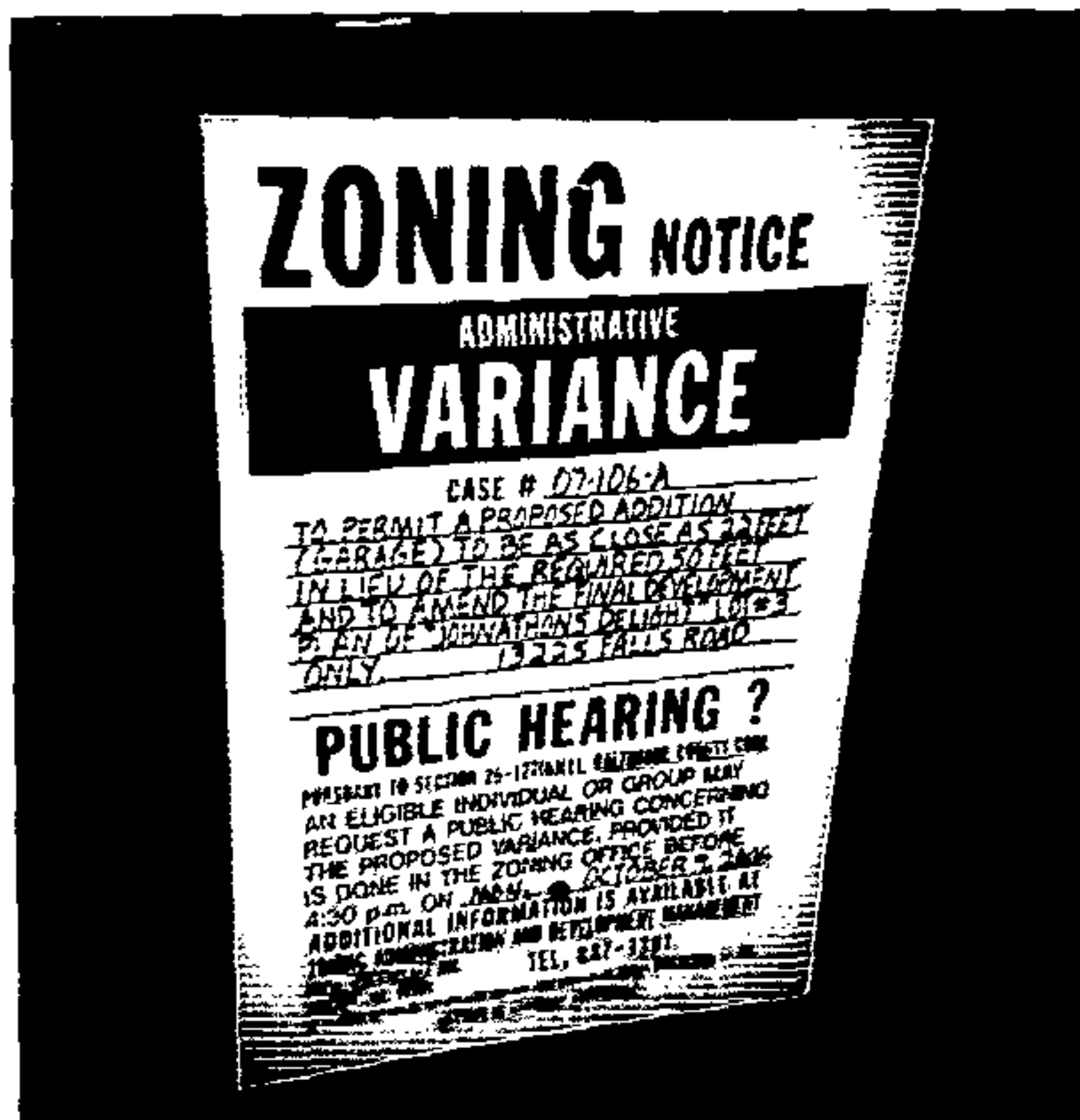
Case Number: 07-106-A

Petitioner/Developer: EUGENE HELMES

Date of Hearing (Closing): 10/09/06

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: 13225 FALLS ROAD

The sign(s) were posted on: 09/24/06



Linda O'Keefe
(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 ⁰⁷ ~~08~~-106 -A Address 13225 Falls Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 9/1/06 Posting Date: 9/24/06 Closing Date: 10/9/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

⁰⁷ **USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number ⁰⁷ ~~08~~-106 -A Address 13225 Falls Rd
Petitioner's Name Eugene Helms Telephone 410 667 0918
Posting Date: 9/24/06 Closing Date: 10/9/06
Wording for Sign: To Permit a proposed addition (garage) to be as close as
22 feet in lieu of the required 50; and to amend the Final
Development Plan of Jonathan's Delight, Lot 3 only

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 _____

Petitioner: Eugene N. Helms Jr

Address or Location: 13225 Falls Rd Cockeysville Md 21030

PLEASE FORWARD ADVERTISING BILL TO

Name: Eugene N Helms Jr

Address 13225 Falls Rd
Cockeysville Md 21030

Telephone Number: 410 667 0918



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

October 10, 2006

Eucene N. Helms, Jr.
Barbara L. Helms
13225 Falls Road
Cockeysville, MD 21030

Dear Mr. and Mrs. Helms:

RE: Case Number: 07-106-A, 13225 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114, 115, 116

106
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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 21, 2006

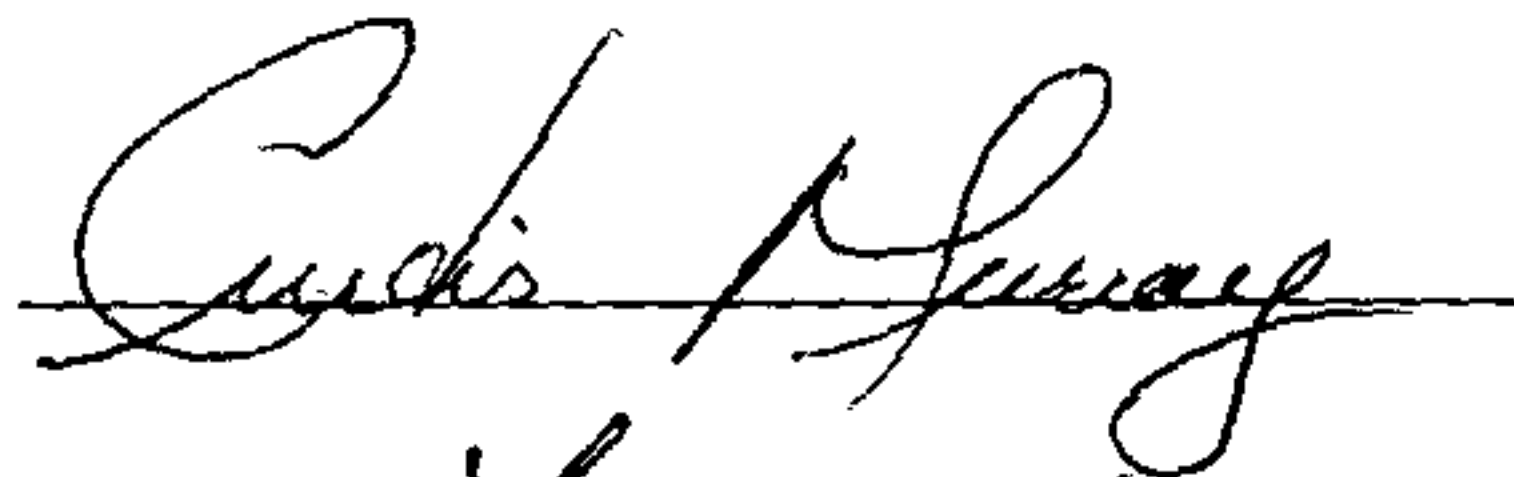
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-106- Administrative Variance

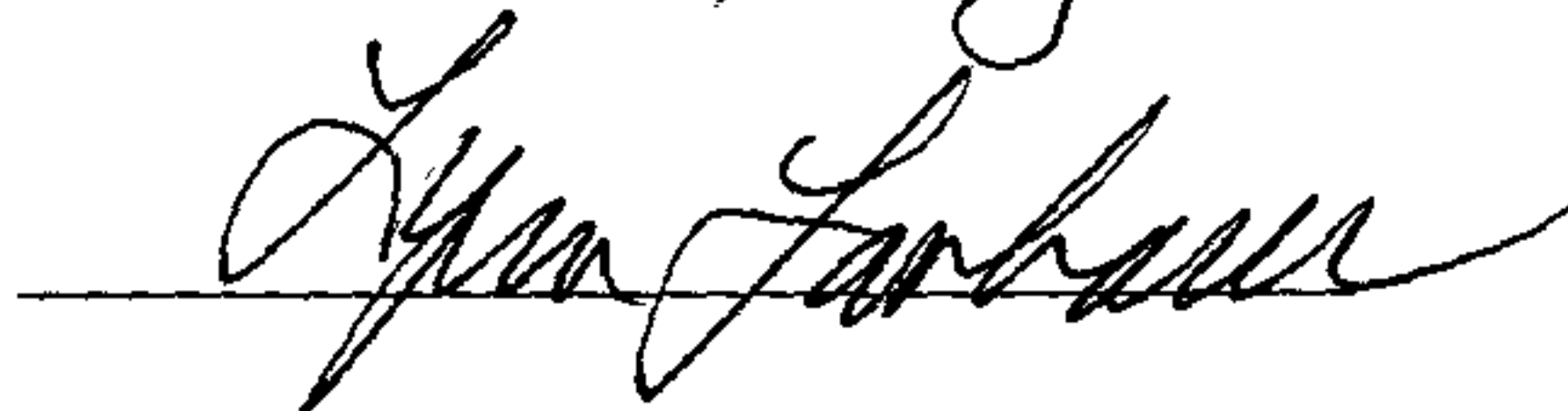
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

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SEP 25 2006

ZONING COMMISSIONER



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 18, 2006

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

RE: Baltimore County
Item No. 106
#07-106-A
13225 FALLS ROAD
VARIANCE - GARAGE WITHIN
22 FOOT SIDE SETBACKS

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. 106.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

8/21/2006

☒ 1. I have no concerns or problems with the construction of a three car garage next to the existing house at my neighbor's house at 13225 Falls Rd.

2. I do have concerns about the construction of a garage at my neighbor's house at 13225 Falls Rd.

Name: *Raymond Dillma*

Address: *13225 Falls Rd*

Signature(s) *Raymond Dillma*

Please circle which sentence you agree with #1 or # 2, fill in your name, address, and sign your name and place in my mailbox. Thank You Nick Helms

H-410-667-0918

ITEM #10C

8/21/2006

1 .I have no concerns or problems with the construction of a three car garage next to the existing house at my neighbor's house at 13225 Falls Rd.

2. I do have concerns about the construction of a garage at my neighbor's house at 13225 Falls Rd.

Name: KLAUS W. BERNDT

Address: 13223 FALLS ROAD

Signature(s)

Berndt

Please circle which sentence you agree with #1 or # 2, fill in your name, address, and sign your name and place in my mailbox. Thank You Nick Helms

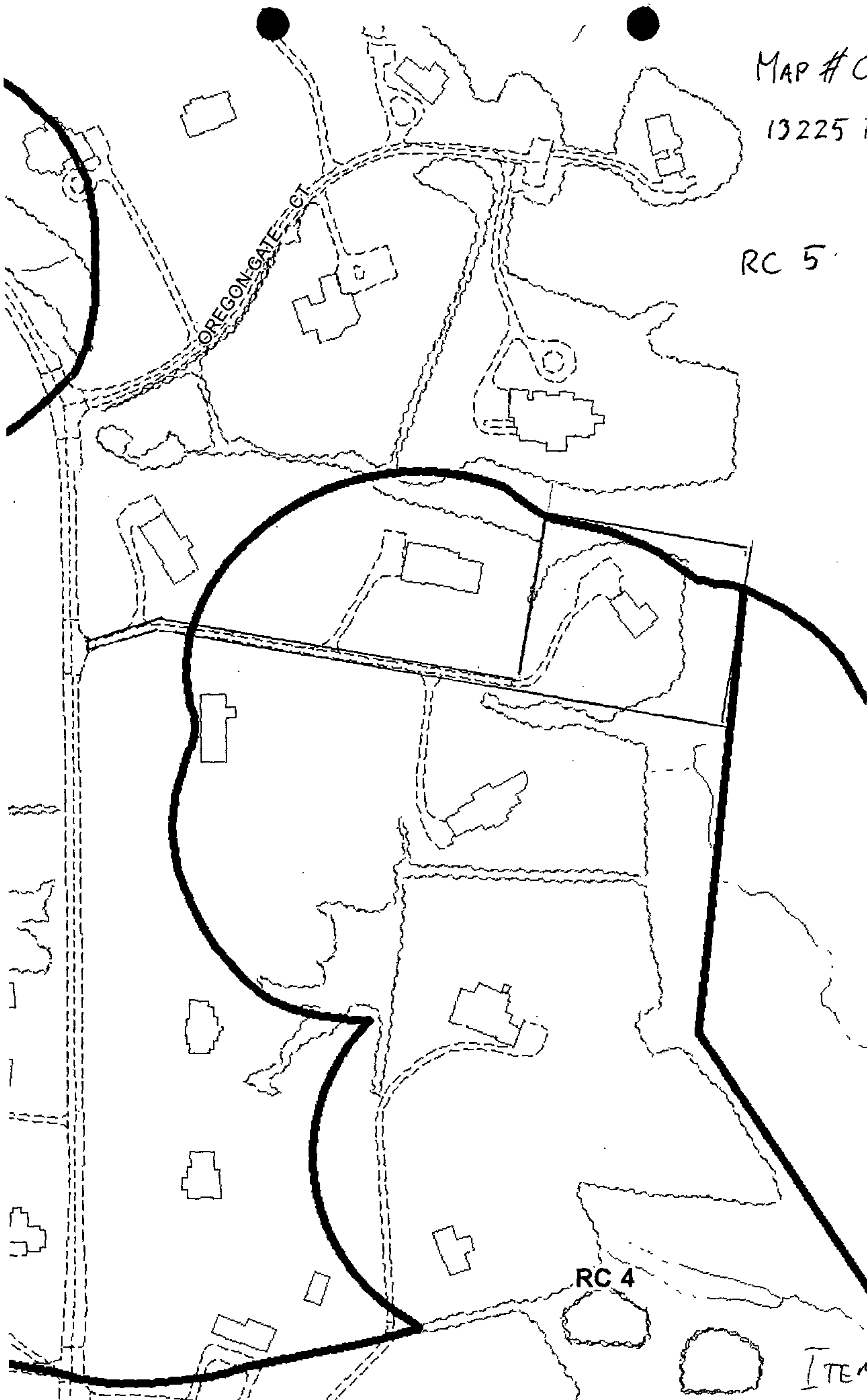
H-410-667-0918

ITEM #106

MAP # 041 B3

13225 FALLS RD

RC 5



RC 4

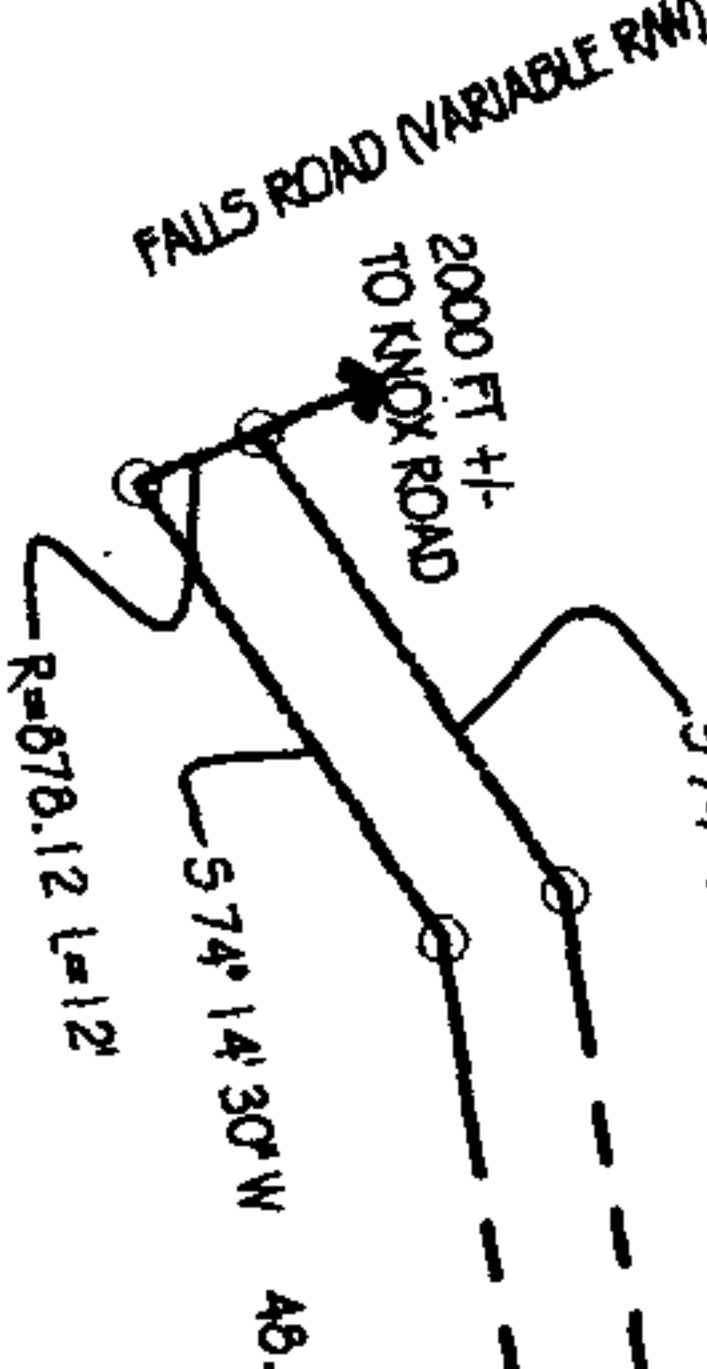
ITEM #106

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

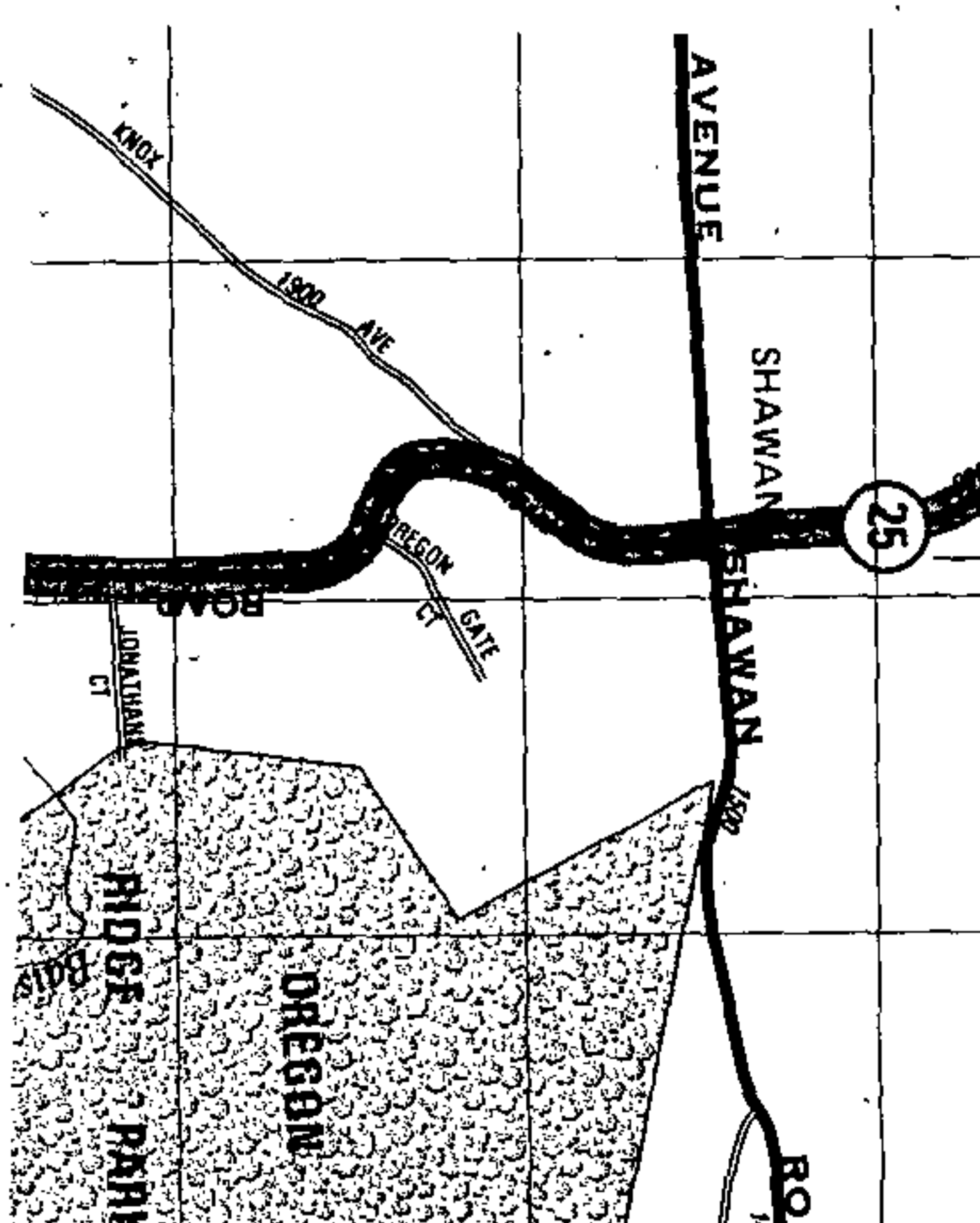
ON NAME JK
EAK Jr. 39

ON NAME EHK Jr 39

ON NAME EHK Jr 39



SCALE OF DRAWING: 1" = 50' 0"



VICINITY MAP

SCALE: 1" = 1000'



ELECTION DISTRICT **3**

w

04183

4-4

1.96
ACREA

85, 352
SQUARE F

SEWER
WATER☒

CHESAPEAKE BAY
CRITICAL AREA

☐ YES
☒ NO

HISTORIC PROPERTY/
BUILDING

☐ ☐ ☐ YES

☒ ☐ ☐ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

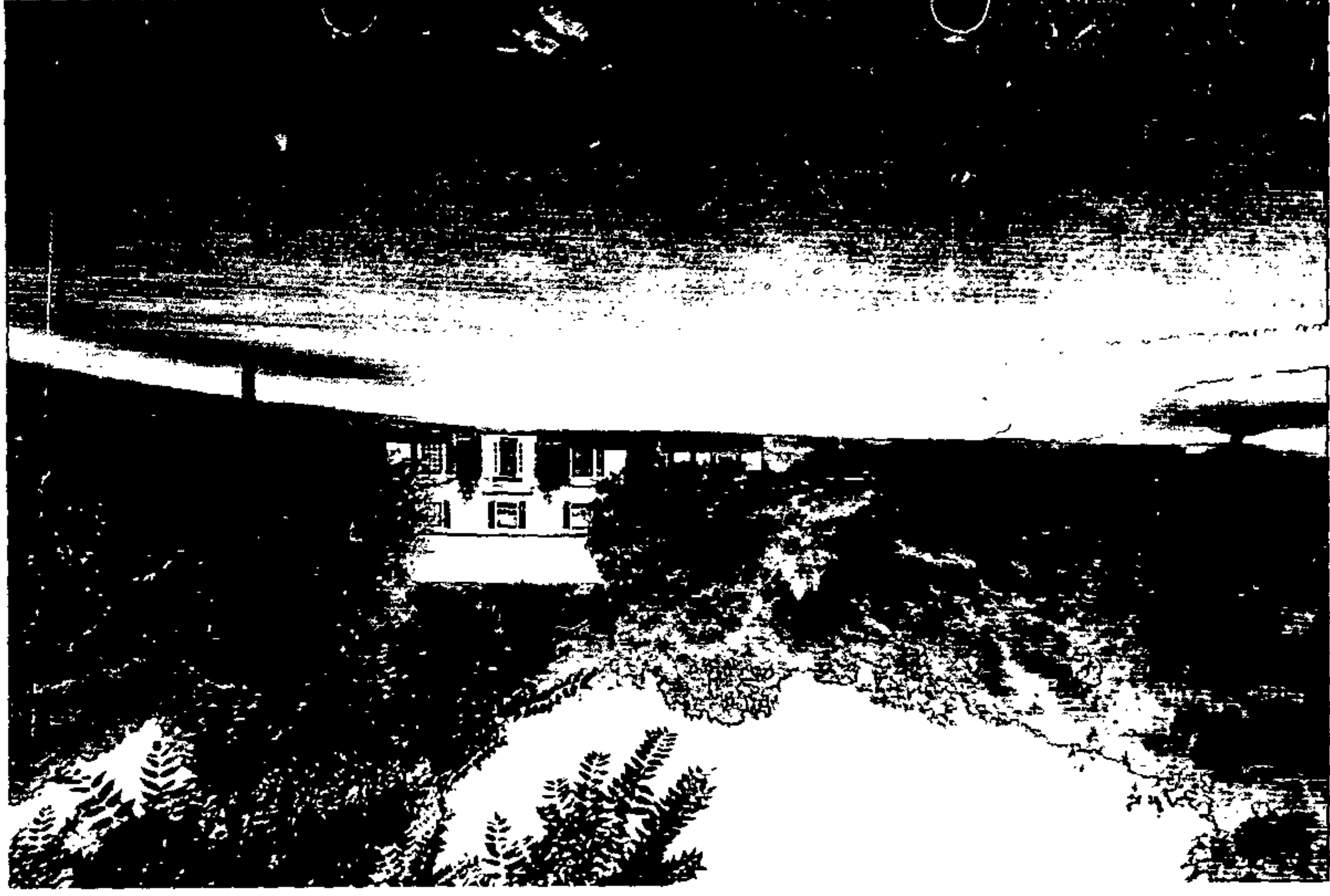
REVIEWED BY ITEM #

CASE #

106

07-156-A

Please attach pictures
to Case Number 07-106-A
13225 Falls Rd 21030





Proposed Garage

Case II
07-106-A

SEP 13 2000

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For September 25, 2006
Item Nos. 07-101, 102, 103, 105, 106,
107, 108, 109, 110, 111, 112, 114, 115,
And 116

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-09212006.doc