

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Cedar Road, 225 SW of
North Point Road
12th Election District
7th Councilmanic District
(7609 Cedar Road)

Mrs. Marilyn Y. Nine
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-109-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, Mrs. Marilyn Y. Nine. The variance request is for property located at 7609 Cedar Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed garage (accessory building) addition with a height of 25 feet in lieu of the maximum allowed 15 feet, and to confirm that the garage (accessory building) will remain accessory to the principal use dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that her application for a building permit was 28 feet x 34 feet x 15 feet; however, the building permit read 28 feet x 34 feet x 24 feet in height. The contractor followed the permit putting up cinder block 14' 7". Now she needs the roof on the garage which measures 10' 5" to the peak which equals 25 feet in height. She needs the additional garage height for storage. She believes the garage is the same height as the barn that was there. The garage on Spruce Road which is next to her garage appears to be the same height as her garage will be.

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

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of Planning dated September 26, 2006 which contains restrictions and a copy of which is incorporated herein and made a part of the file.

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 23, 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.

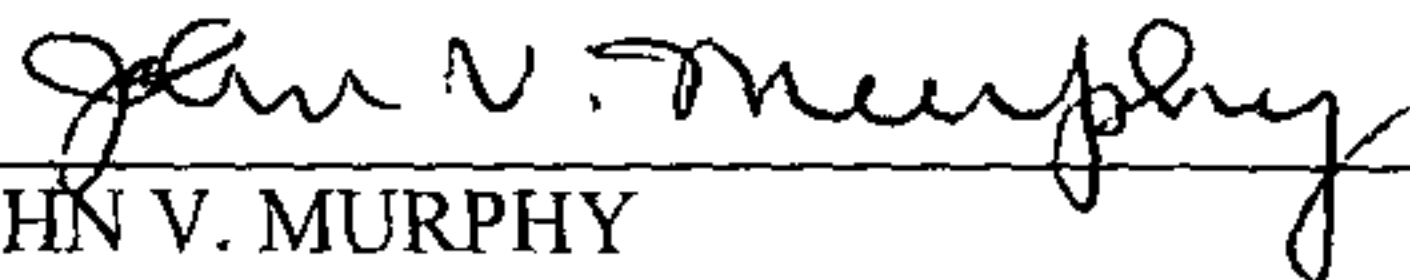
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[Signature]

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 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed garage (accessory building) addition with a height of 25 feet in lieu of the maximum allowed 15 feet, and to confirm that the garage (accessory building) will remain accessory to the principal use dwelling be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner 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.
3. The accessory structure shall not be used for commercial purposes

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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10-13-06
JVM



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 13, 2006

MRS. MARILYN Y. NINE
7609 CEDAR ROAD
DUNDALK MD 21222

Re: Petition for Administrative Variance
Case No. 07-109-A
Property: 7609 Cedar Road

Dear Mrs. Nine:

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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JAN 10-13-06
JVM



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7609 Cedar Rd., Dundalk, MD 21222

which is presently zoned DR 5.5

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) 400.3, BC2R, to permit a proposed

garage (accessory building) addition with a height of 25 feet in lieu of the maximum allowed 15 feet; and to confirm that the garage (accessory building) will remain accessory to the principal use dwelling.

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):

Mrs. Marilyn Y. Nine

Name - Type or Print

Signature

Name - Type or Print

Signature

7609 Cedar Rd.

410-288-3700

Address

Telephone No.

Dundalk, MD 21222

City

State

Zip Code

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 10 day of October, 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

CASE NO.

07-109-A

Reviewed By

JNP

Date

9/12/06

REV 10/25/01

101306

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 7609 Cedar Rd.
Address
Dundalk MD 21222-1404
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):

My application for permit was 28' x 34' x 15' height. The building permit read 28' x 34' x 24' height. My masonry contract company followed the permit putting up cinder block 14' 7". Now I need the roof on which measures 10' 5" to the peak which equals 25' in height. I was taking it that it was my maximum height and I need the roof with the loft in it for storage, as my house only has a loft. It's not overseeing the house. It is at the same height as the barn that was there. Also garage to the left of my garage which is located on Spruce Rd. appears to be about the same height as mine will be.

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.

Marilyn Y. Nine
Signature

Signature

Marilyn Y. Nine
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of Sept, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARILYN NINE

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

AS WITNESS my hand and Notary Seal



[Signature]

Notary Public

My Commission Expires 09/01/09

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7609 Cedar Rd., Dundalk, MD 21222-1404.

Beginning at a point on the northwest side of
Cedar Rd, which is 50'
wide at the distance of 225' x/- south west of the
centerline of the nearest improved intersecting street North Point Rd.
which is 50' wide x/-. *Being Lot # 145,
Block - , Section # - in the subdivision of Northshire
as recorded in Baltimore County Plat Book # 14, Folio # 29,
containing 6,250 SF. Also known as 7609 Cedar Road
and located in the 12 Election District, 7 Councilmanic District.

07-109-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3734

DATE 9/2/06 ACCOUNT R-001006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Marylyn Nine

FOR: Adm. Variance - 7609 Cedar Road

07-109-A (Nine)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT	
DATE	9/2/06
AMOUNT	\$ 65.00
RECEIVED FROM	Marylyn Nine
FOR	Adm. Variance - 7609 Cedar Road
CASHIER'S VALIDATION	

CERTIFICATE OF POSTING

RE: Case No: 07-109-A

Petitioner/Developer: MARILYN Y. NINE

Date Of Hearing/Closing: 10/9/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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 property
at 7609 CEDAR ROAD

This sign(s) were posted on September 23, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 9/23/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

[illegible]

W. J. J. 9/23/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number **07-109** -A

Address 7609 Cedar Road

Contact Person: Jeffrey Perlow

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 9/12/06

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number **07-109** -A

Address 7609 Cedar Road

Petitioner's Name Marilyn Y. Nune

Telephone 410-288-3700

Posting Date: 9/24/06

Closing Date: 10/9/06

Wording for Sign: To Permit a proposed garage (accessory building) addition with a height of 25 feet in lieu of the maximum allowed 15 feet, and to confirm that the garage (accessory building) will remain accessory to the principal use dwelling.

WCR - Revised 6/25/04



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 10, 2006

Mrs. Marilyn Y. Nine
7609 Cedar Road
Dundalk, MD 21222

Dear Mrs. Marilyn Y. Nine:

RE: Case Number: 07-109-A, 7609 Cedar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 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." in a cursive style.

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

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
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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM – Development Coordination JWL
DATE: September 25, 2006
SUBJECT: Zoning Item # See List Below

Zoning Advisory Committee Meeting of September 18, 2006

The Department of Environmental Protection and Resource Management has no comments with regards to the following zoning items:

07-100-A
07-101-A
07-104-A
07-105-A
07-107-A
07-109-A
07-110-A
07-111-A
07-115-A
07-116-A

Reviewer: J. Livingston

Date: September 25, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2006

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

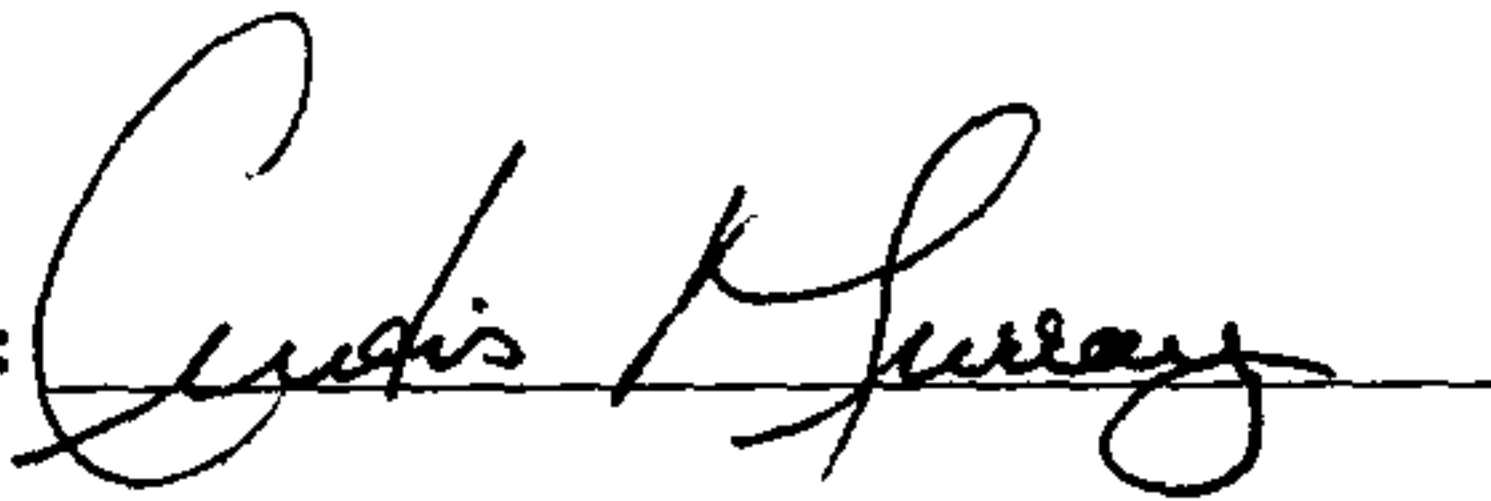
SUBJECT: 7-109 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 25 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

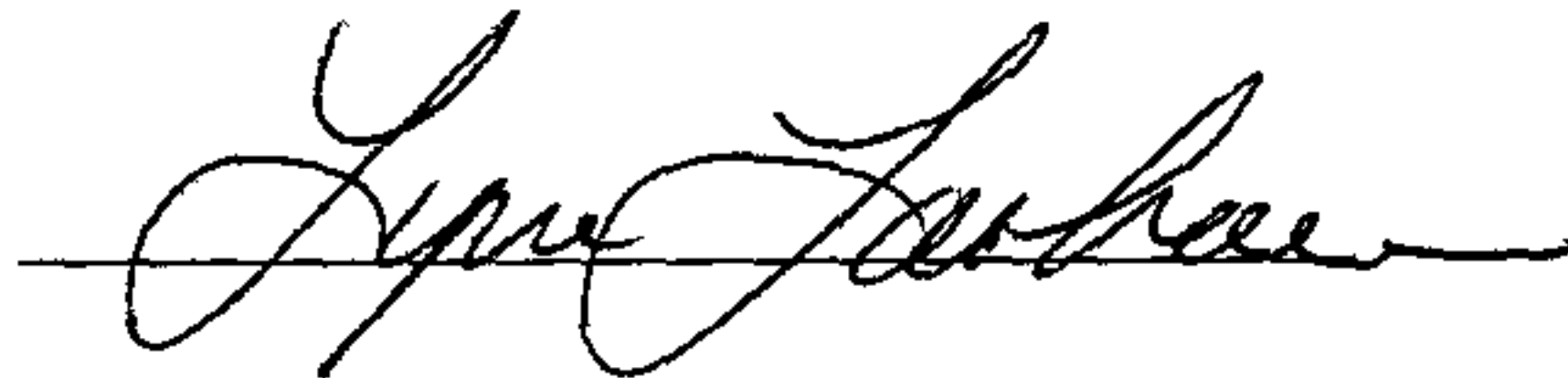
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

RECEIVED

SEP 27 2006

ZONING COMMISSIONER



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

State Highway Administration
Driven to Excel

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. 109
7-109A
7609 CEDAR RD
MARY NIXE PROPERTY
VARIANCE - GARAGE ADDITION
WITH HEIGHT OF 25 FEET

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. 109.

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

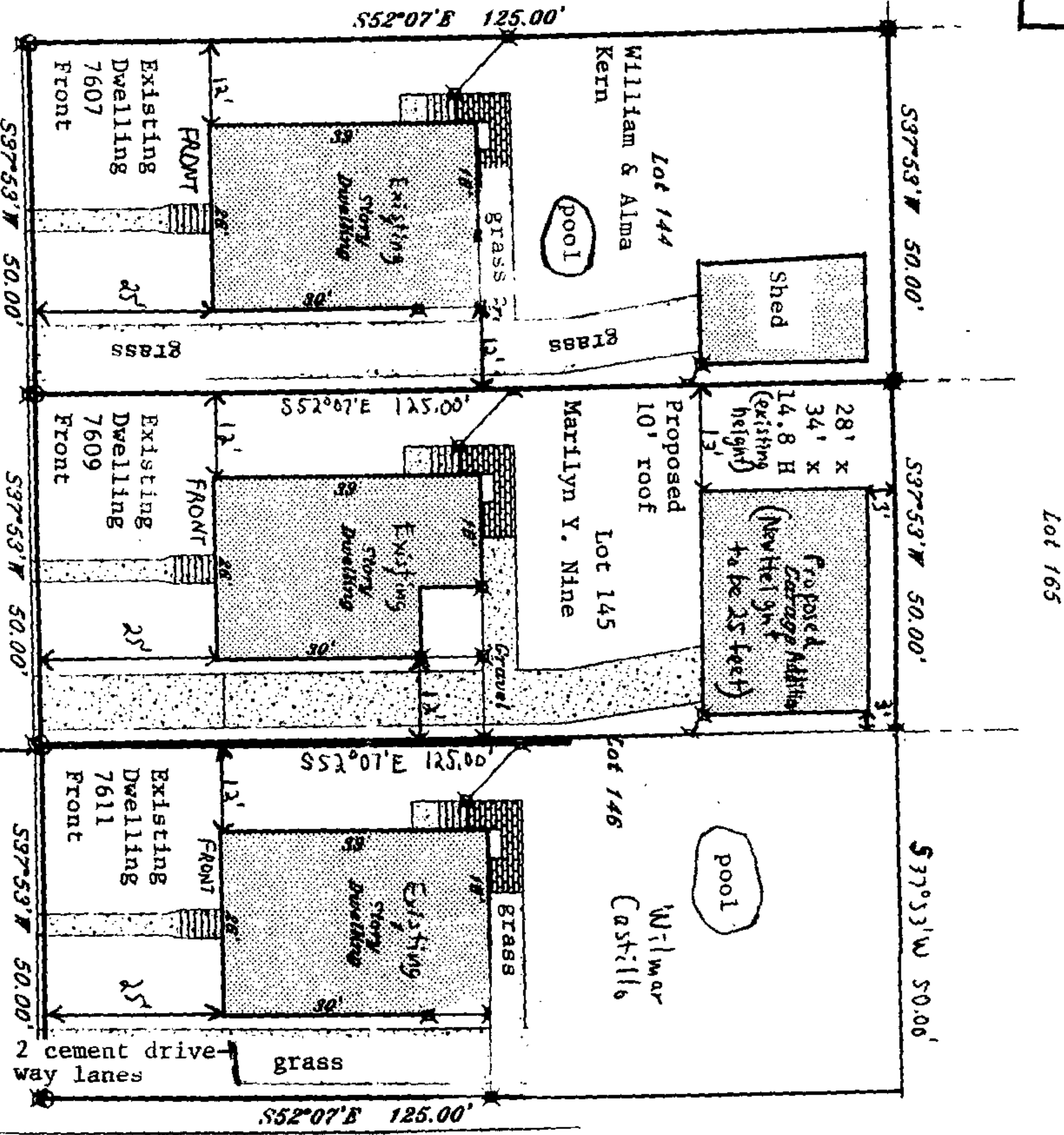
My telephone number/toll-free number is _____

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

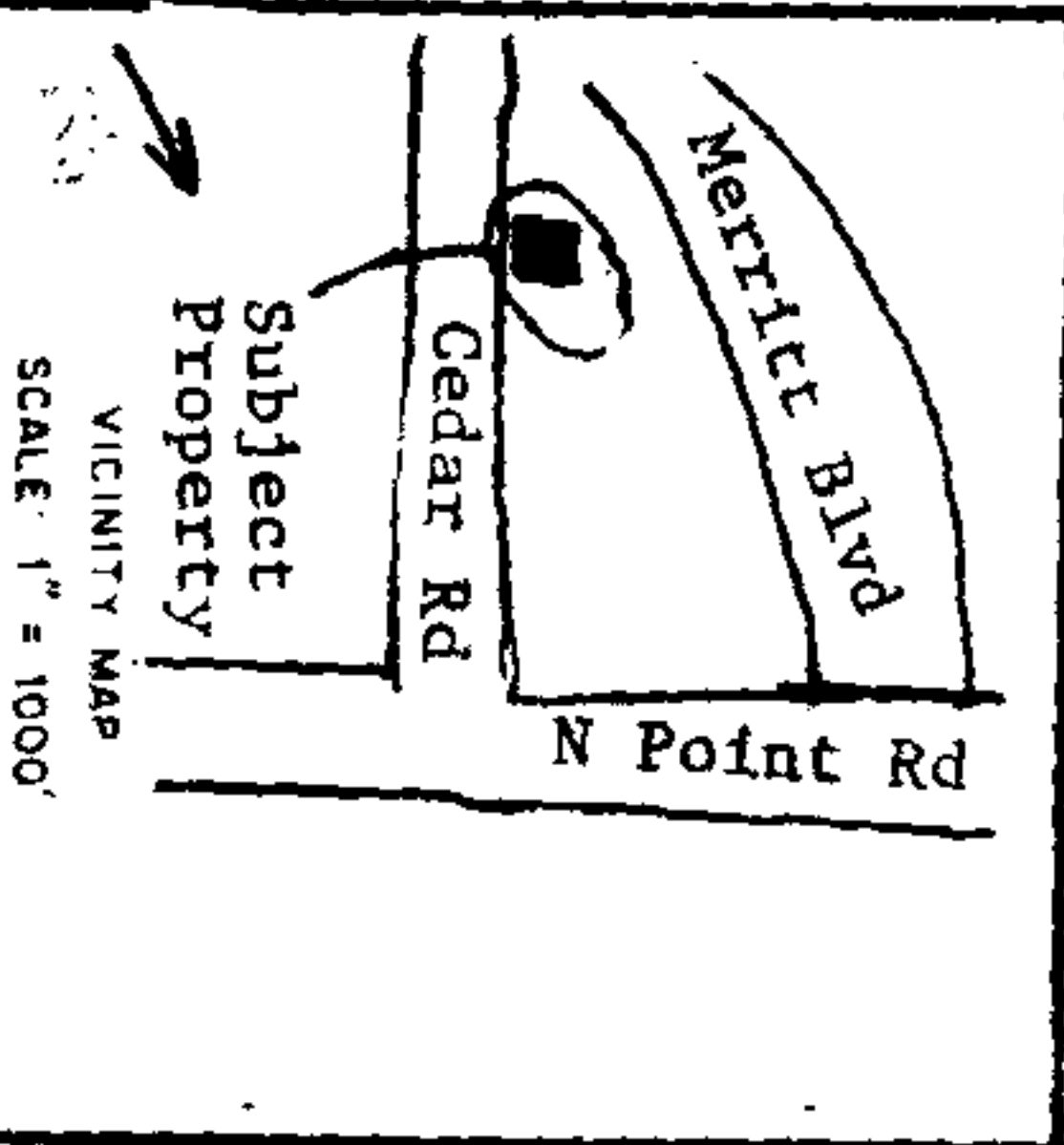
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

Property Address 7609 Cedar Road
Subdivision Name Northshire
Plat Book # 14 Folio # 29 Lot # 145 Section # -
Owner Marilyn Y. Nine



CEDAR ROAD (50' R/W, 30' PAVING)
SCALE OF DRAWING: 1" = 25'
Prepared By Marilyn Y. Nine



SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' MAP # 096C3

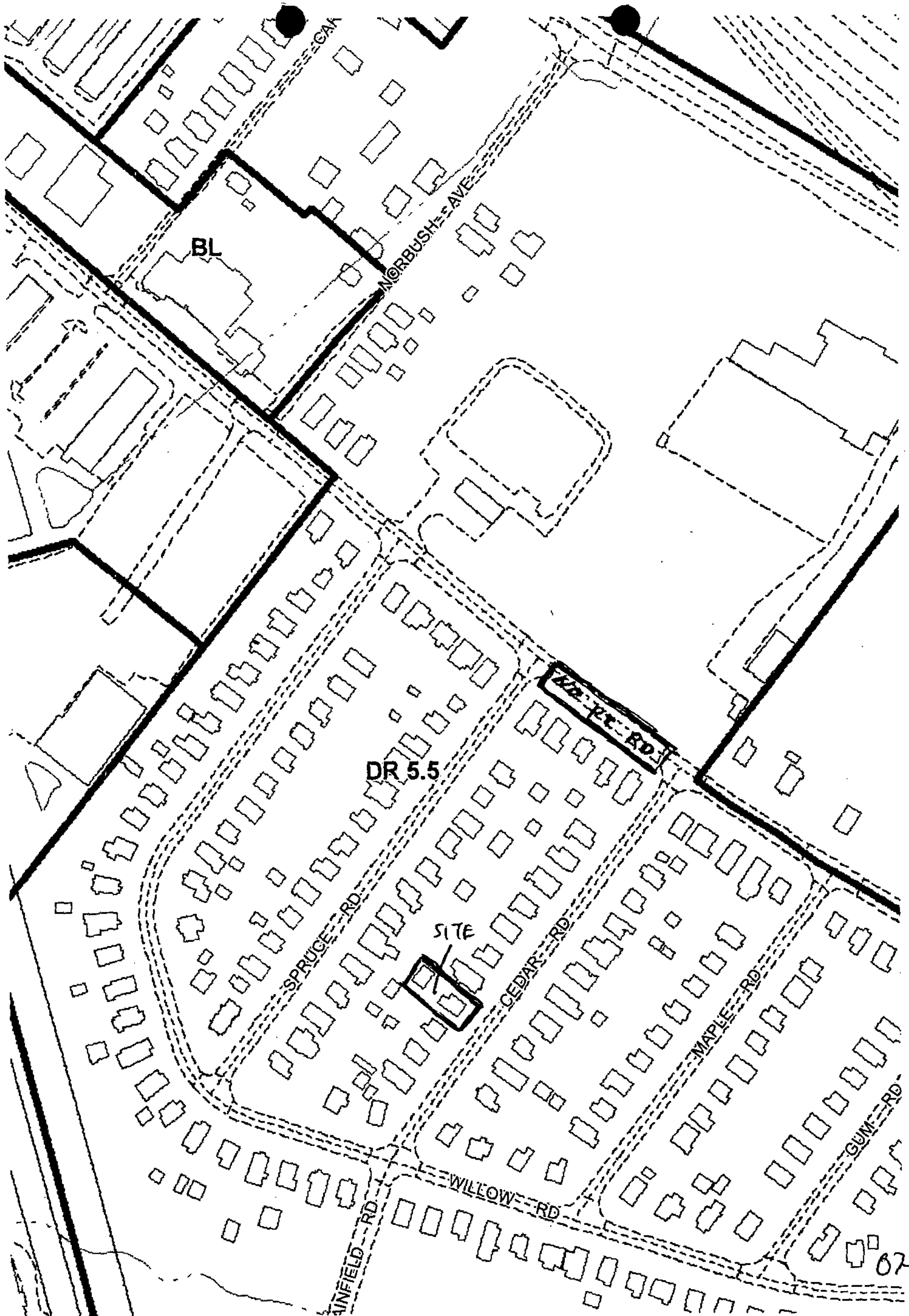
ZONING PRS.5

LOT SIZE 0.14 ACRES 6,250 SQUARE FEET

SEWER	☒ PUBLIC	☐ PRIVATE
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒ YES ☐ NO
100 YEAR FLOOD PLAIN	☐	☒ YES ☐ NO
HISTORIC PROPERTY/ BUILDING	☐	☒ YES ☐ NO
PRIOR ZONING HEARING	None	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JMP 109 07-109-A



096C3

07-109-A

67-
109-A

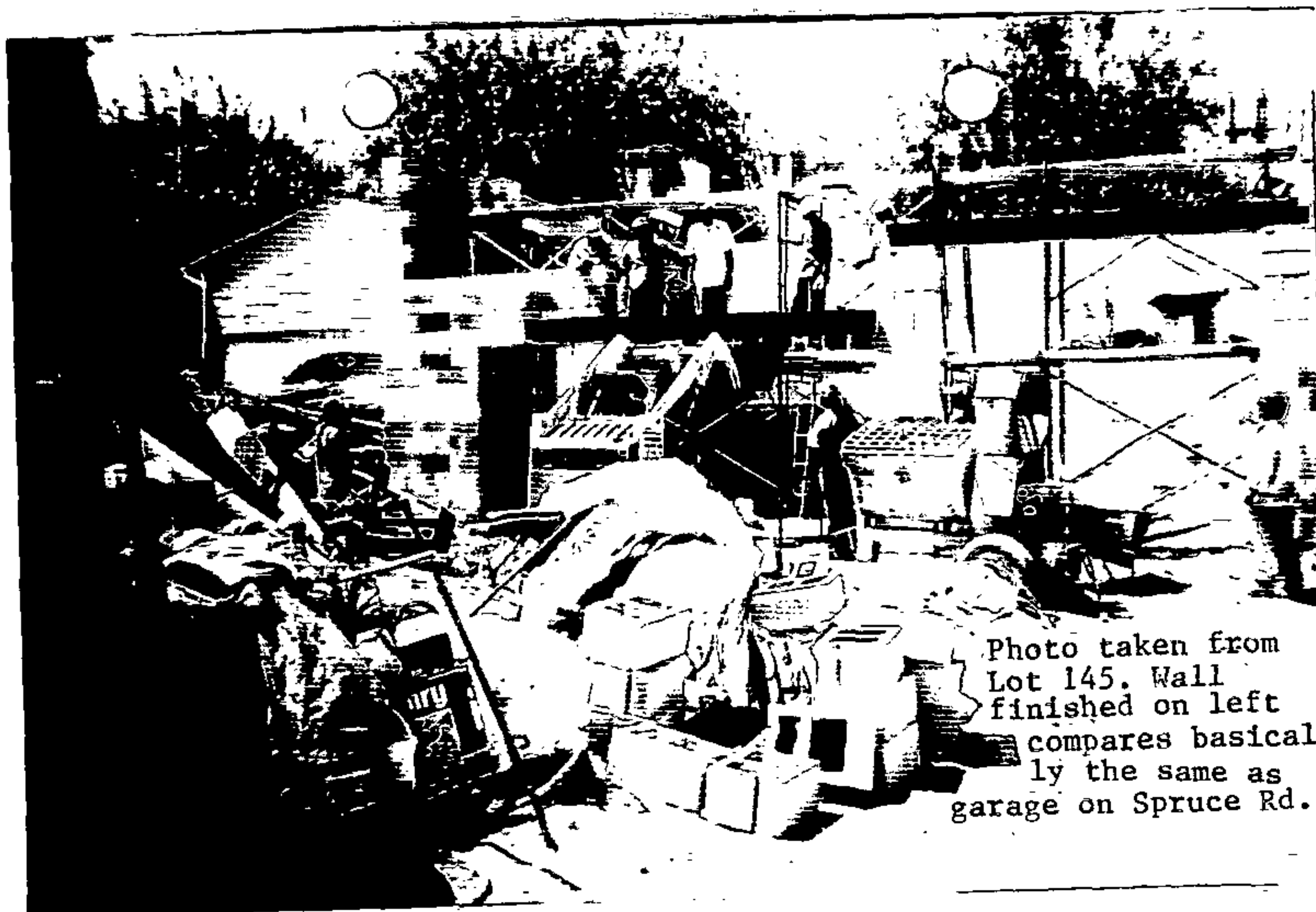


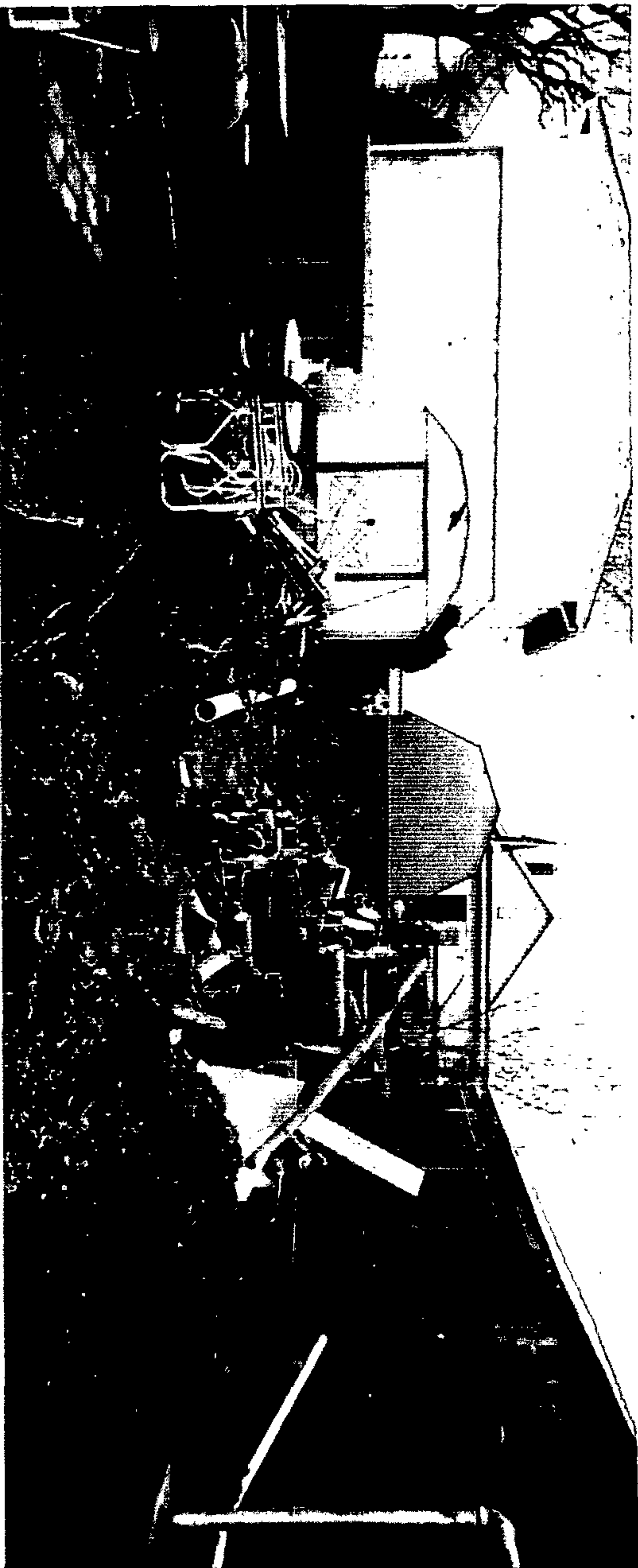
Photo taken from
Lot 145. Wall
finished on left
compares basicall
ly the same as
garage on Spruce Rd.

Garage finished. Needs roof and 2 overhead doors and small
entrance door.



Photo taken from Lot 145 which shows height of garage with the height of house.





Top Photo shows the old garage (Lot 145)
with the height of garage on Spruce St. in
the back of Lot 144, and same with photo to
the right.

