IN RE: PETITION FOR ADMIN. VARIANCE

NW/S Rambling Drive at Knollview Court

1st Election District

1st Councilmanic District

(904 Rambling Drive)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Kenneth, Jr. and Ronda Thomas *Petitioners*

CASE NO. 07-142-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, Kenneth, Jr. and Ronda Thomas. The variance request is for property located at 904 Rambling Drive. The variance request is from Sections 1B02.3.B and 111.C.3 (1945-1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a side yard of 3 feet and a rear yard of 3 feet in lieu of the required 7 feet and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that Mr. Thomas has multiple sclerosis and it has become a hardship to enter the home which has steps at the entrance. The proposed addition will allow him to exit his vehicle and go immediately onto an elevated sidewalk on the south side to enter the home through the kitchen area. The new addition will have a handicap accessible bathroom.

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

MACO OS TILINES

10-26-06 TIMES

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 October 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 26th day of October, 2006, that a variance from Sections 1B02.3.B and 111.C.3 (1945-1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family

dwelling with addition to have a side yard of 3 feet and a rear yard of 3 feet in lieu of the required 7 feet and 15 feet, respectively 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

John v. Trusplus

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 26, 2006

KENNETH, JR. AND RONDA THOMAS 904 RAMBLING DRIVE CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 07-142-A

Property: 904 Rambling Drive

Dear Mr. and Mrs. Thomas:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	904	Rambling	DR.	
- - ·		esently zoned_	DR2	

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

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)

TO PERMIT AN EXISTING 111.0.3 1945-1955 BCTR SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A SIDEYARD OF 3' AND A
REALYALD OF 3' IN LIEU OF THE REQUIRED 7' AND 15
RESPECTIVELY.

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.
Contract Purchaser/Les	see:		<u>Legal Owner(s):</u>
1 ·		-	Kenneth Thomas Jr.
Name - Type or Print			Name Type of Print
Signature			Signature Ronda Thomas
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Name - Type or Print Longe Juonas
City	State	Zip Code	Signature
Attorney For Petitioner	• •	_	904 Rambling DR. 410,744/17a Address Catonsville Md 21228
Name - Type or Print			City State Zip Code
Clamptura	<u> </u>	· · · · · · · · · · · · · · · · · · ·	Representative to be Contacted:
Signature			Ken Thomas
Company			904 Rambling Dr. 410,744.1980
Address		Telephone No.	Address Telephone No. Catonsville Med 21728
City	State	Zip Code	City State Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	ormally demande that d that the property	the subject matter be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
CASE NO.	142-A		Reviewed By CTM Date 9/21/06
REV 10/25/01	000 000	Selection of the select	Estimated Posting Date 10/2/06

Affidavit in Support of Administrative Variance

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

REV 10/25/01

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	01000	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	p or practical difficulty):			
I Ken Thomas have mu	1+iple Sclerosis	, and it has	become a d	handship
to enter my home, which ha	is steps at the	entrance.	The propose	id.
Construction will allow me t	o exit my vehi	cle and go 1	mmodiately	0140
an elevated sidewalk on the	, south side to	enter my ho	me through	the
Kitchen area.				
It has also become diffic	but for me to	Step into the	tub. Then	$\iota \omega$
addition will have a handie	ap-occessible t	sathroom.		
The north side has topi	o conflicts.			
If the variance isn't gra	inted, I have	to take my	scooler apar	t, as
I'm now doing, which has be	come difficul	+ due to r	ny immobi	ility.
T Would alon need to recons	churt the home	t actho has	no and its	SH H
That the Affiant(s) acknowledge(s) that if a fo	rmal demand is filed, A	Affiant(s) will be re	quired to pay a re	eposting and
advertising fee and may be required to provide a	idditional information.			
		Da.O. X	Thomas	
Signature	Signatur	e		
KENNETH HOMAS JE	<u> </u>	<u>, </u>	iomas	
Name - Type or Print	Name -	Type or Print		
		. . -		-
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:	A . A .		
I HEREBY CERTIFY, this 27 day of second of Maryland, in and for the County aforesaid, per maryland.	rsonally appeared	<u> </u>	ne, a Notary Public	of the State
Mariland				
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as	s such Affiant(s).		
AS WITNESS my hand and Notarial Seal		(Λ	
به المفاعدون.)	9
AINE S. POPELED.	Notary Public	1. J	meane	<u> </u>
NOTARY	My Commissio	n Expires 7	-08.09	
PUBLIC /SI	, 00	· · · · · · · · · · · · · · · · · · ·		

Affida Vit in Support of Administrative Variance

Address

That the Affiant(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.

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):
I Ken Thomas, have multiple Sclerosis and it has become a chardship
to enter my home, which has steps at the entrance. The proposed
construction will allow me to exit my vehicle and go immodiately onto
an elevated sidewalk on the south side to enter my home through the
Litchen area. It has also become difficult for me to step into the tub. The new
and him will have a handing a consider ball me
addition will have a handilap-occessible bothroom.
The north side has topo conflicts.
If the variance isn't granted, I have to take my scooler apart, as
I'm now doing, which has become difficult due to my immobility.
I would also need to reconstruct the front of the home and itstill
Wouldn't Solve. Not hourng a handleap-accessible bathroom. 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 Signature Signature
Name - Type or Print Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 27 day of Apple 2006 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
atherine S. Popularshi
Notary Public
My Commission Expires $\frac{7-08.0}{}$
REV 10/25/01



Petition for Administrative Variance

for the property located at $\frac{904 Rambling DR}{}$.

which is presently zoned $\frac{DR2}{}$

to the Zoning Commissioner of Baltimore County

and a control of the areasety situate in Boltimara County and the	rmits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Se	ection(s) 1307.3.B BCZ12
TO PERMIT AN EXISTING	111.0.3 1945-1955 BCZR
SINGLE FAMILY DWELLING	
WITH ADDITION TO HAVE	A SIDEYARD OF 3 ANDA
REARTARD OF 3' IN LIEU O RESPECTIVELY.	A SIDEYARD OF 3' AND A
of the zoning regulations of Baltimore County, to the zoning of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by to l, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursua	, posting, etc. and further agree to and are to be bounded by the zoning
	I/We do solemnly declare and affirm, under the penalties of
	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	Kenneth Thomas, Jr.
Name - Type or Print	Name - Type or Print
Signature	Signature Thomas
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	904 Rambling DR: 410,744,178
Attorney i or i etitioner.	Address Lelephone No.
	Catansville md 21228
Name - Type or Print	City State Zip Code Representative to be Contacted:
Signature	Ken Thomas
Company	Name 904 Rambling Dr. 410,744,1780
Address Telephone No.	Address O-tonsuille State Telephone No. Telephone No. Zin Code
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to this that the subject matter regulations of Baltimore County and that the property be reposted.	o be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 07-142-A	Reviewed By Ton Date 9/21/06
REV 10/25/01 10/24/01/0	Estimated Posting Date 10/2/06

ZONING DESCRIPTION FOR: 904 Rambling Drive

NOIZTH WEST

Beginning at a point on the Northeast/Southwest side of Rambling Drive which is 50-foot wide at 0 (zero) feet Northwest of the centerline of the nearest improved intersecting street Knollview Court which is 50 feet wide.

Being Lot # 38 in the subdivision of Knollview as recorded in Baltimore

County Plat Book # 17, Folio # 140, and located in the 1st Election District,

		ALIDATION	•	
		CASHIER'S V	•	
No. C. J.	500			•
		V - CUSTOMER		-
MARYLAN				
COUNTY, I		PINK - AGENCY		
LTIMORE (FIBUTION E - CASHIER		
BA OFF		WHITE		•

CERTIFICATE OF POSTING

	RE: Case No.: 07-142-A
	Petitioner/Developer:
	RHONDA ThomAs
	Date of Hearing/Closing: CT Z3.20
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}-	· · · · · · · · · · · · · · · · · · ·
Ladies and Gentlemen:	
·	0-8-06
~ · · · · · · · · · · · · · · · · · · ·	(Month, Day, Year)
	Sincerely,
ZONING NOTICE	(Signature of Sign Poster) (Date)
ADMINISTRATIVE TO ADMINISTRATIVE	SSG Robert Black
CASE + 07-142 A	(Print Name)
TO HAM A SUE YOUR OF 3" AND A ROW WHEN OF 3" IN LIST OF THE PERSONNESS.	1508 Leslie Road
PUBLIC HEARING?	(Address)
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ADSITIONAL THE CHERRY SHOPE AND SEPTIMENT CHARACTERS TORREST AND STATE AND TO A STATE OF THE PROPERTY OF THE	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES*

	(•	
Case Num	ber 07-	14	2 -/	4	Address	904	RAN	3L1H9	DR
Contact Pe	erson: _			ase Print You	OXLEY	<u> </u>	Phone	Number:	410-887-3391
Filing Date	e:					0/8/0	o 6 Cic	sing Date	e: 10/23/06
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				(Deta	ch Along Dotted Lie	1 e)			
Petitioner:	This Pa	rt of the	Form	s for the	Sign Poste	Only		· 	
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Case Numb	er 07-	142] -A	Addr	ess <u>() (</u>	12.	AMB	LINIG	DR
Petitioner's	Name <u>V</u>	EH ;	RHOU	LOA T	ZAMGH		Telephone	4107	44 1780
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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 Advertising:
Item Number or Case Number: 07-142-A Petitioner: KENNETH & RONDA THOMAS Address or Location: 90H RANBUNG DZ
PLEASE FORWARD ADVERTISING BILL TO: Name: KELLETH HYMAS R
Address: 904 RAMBLING DR CAFTONSVILLE, MD 21228
Telephone Number: 410-744-1780



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 23, 2006

Kenneth Thomas, Jr. Ronda Thomas 904 Rambling Drive Catonsville, MD 21228

Dear Mr. and Mrs. Thomas:

RE: Case Number: 07-142-A, 904 Rambling Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 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



INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 4, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 9, 2006

Item Nos. 07-131, 135, 136, 137, 138, 139, 140, 141, 142, 143, and 144

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-10042006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 11, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-142- Administrative Variance

The Office of Planning normally requests 10-foot minimum side yard setbacks. If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning has no objection.

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

Prepared By

Division Chief:

CM/LL





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

County Office Building, Room 111 4,20064, 2006, 2006 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 131 and 135 through 144

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

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

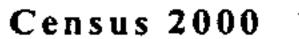
cc: File



Printed with Soybean Ink on Recycled Paper











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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 10, Z006

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

RE:

Baltimore County
Item No. 07-1AZ-A

904 RAMBLING DRIVE
THOMAS PROPERTY
VARIANCE - SFD ADDITION
WITHA SIDEYARD 3' A
REAR 7' SETBACK

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. O7-142-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,

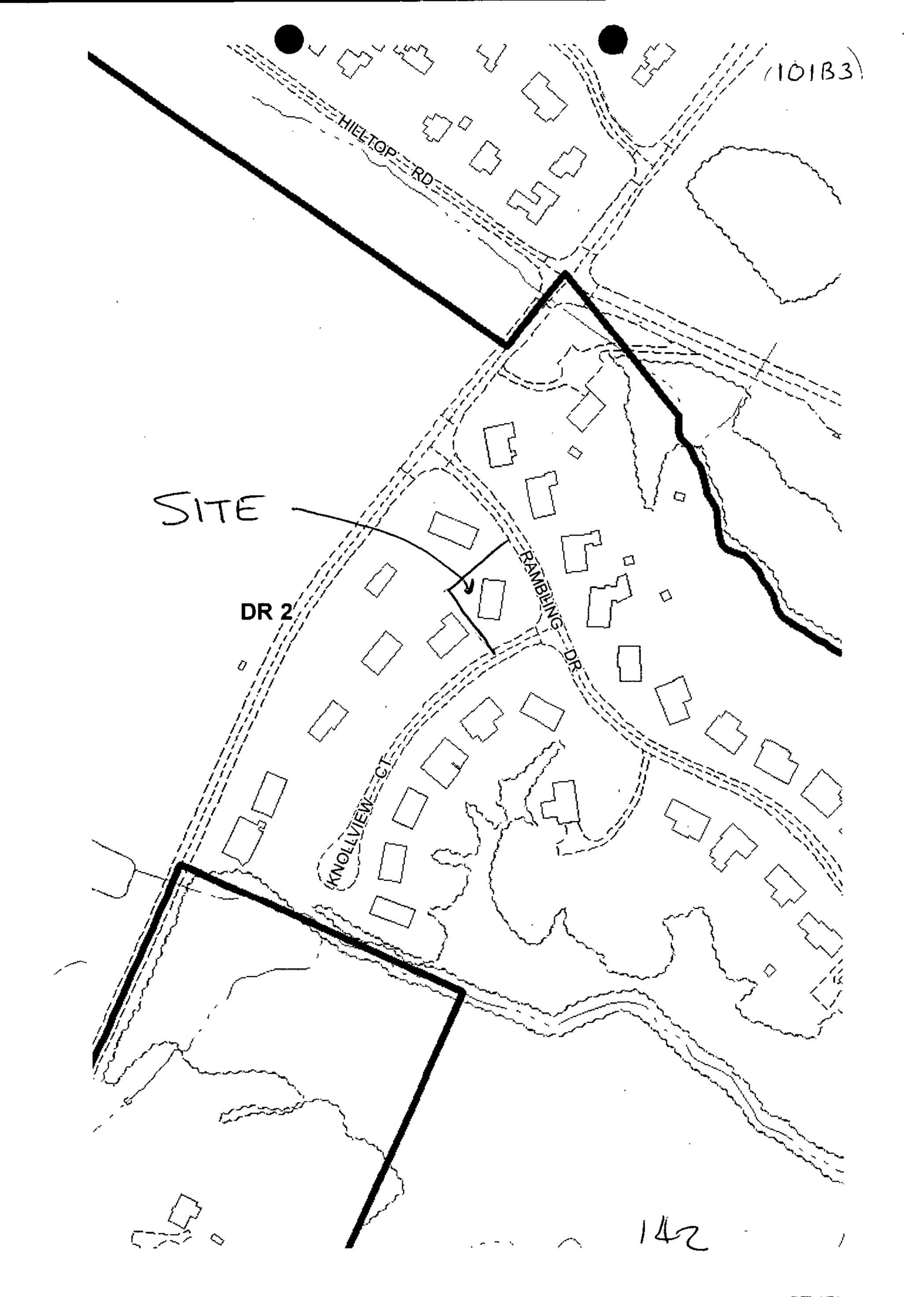
Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

HEARING **N N N** N N ONLY REQUIRED INFORMATION PRIVATE LOCATION INFORMATION 1000 USE MAP PUBLIC X ZONING OFFICE AN 47 UNCILMANIC DISTRICT HOR ZONING HEARING VICINITY X 142 BANGSLING HISTORIC PROPERTY, BUILDING SPECIAI ACREAGE SCALE MAP YEAR FLOOD PL A SEPTEMBER OF THE PARTY OF THE ECTION DISTRICT SCALE BAY HESAPEAKE CRITICAL A Page 8 SEWER WATER DDITIONAL LOT SIZE = 500 SONING 100 ORO BAILED ON THE RAMELLUG 11/8.05 · 55 811 27 ∞ DRAWING S ONINO Youx Gray Draw 8 7 * (A) Chan Link Frace Citiers SECTION Milobourn ばりつ 10 4 011308 0030 XISTING 0 7700 ACCOMP FOLIO ADDRESS SUBDIVISION NAME AT BOOK NER

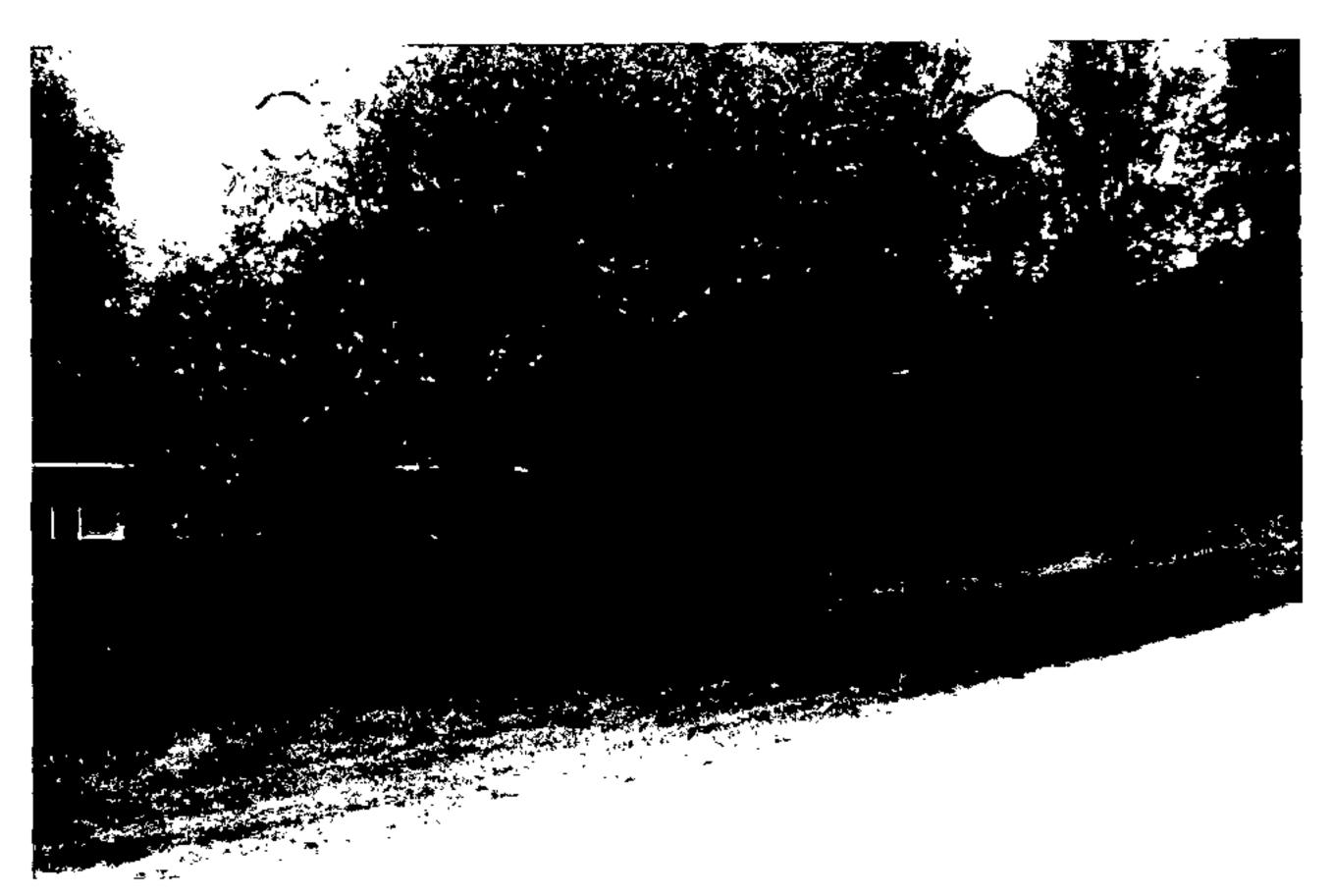




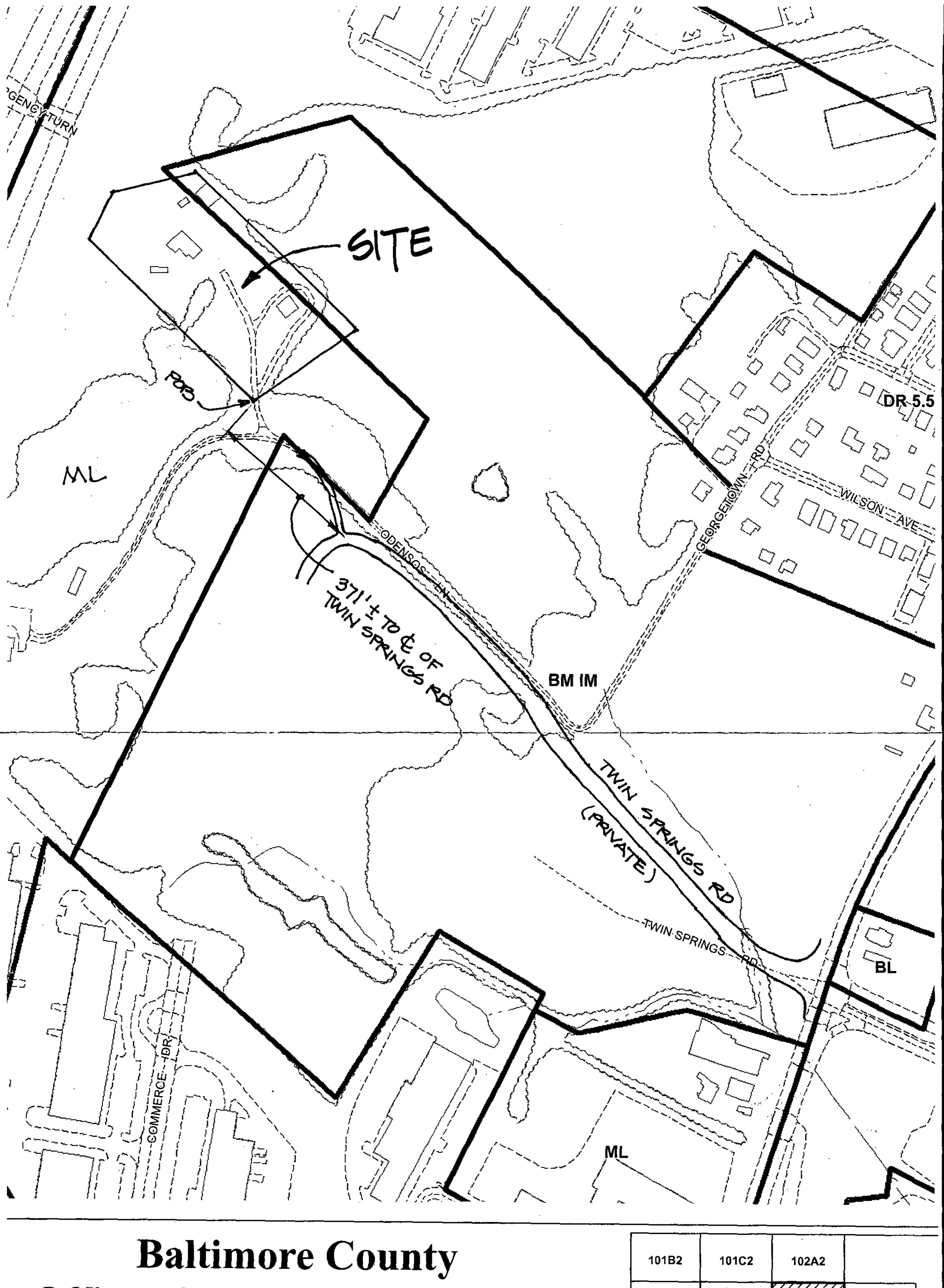


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Baltimore County
Office of Planning and Zoning
Official Zoning Map

101B2	101C2	102A2		
101B3	101C3	192A3	102B3	
108B1	108C1	109A1	109B1	1