IN RE: PETITION FOR ADMIN. VARIANCE
E side of Old York Road, 310 feet S
of c/l of Jackson Ridge Court
(14405 Old York Road)
10th Election District
3rd Council District

Robert S. and Carol A. Frantz Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 07-174-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert S. and Carol A. Frantz. The Petitioners request variance relief from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 18 foot high garage to be in the front yard in lieu of the allowed 15 feet high and in the rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

* }

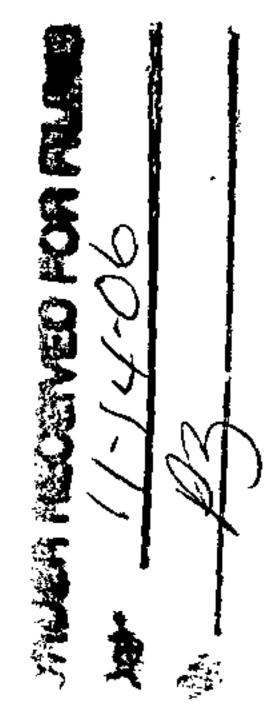
Based upon the evidence contained therein, I am persuaded to grant the requested variance. As shown on the site plan, the Petitioners propose to construct a 40 feet x 30 feet x 18 feet detached garage. The additional height is necessary so that the new garage will better match the 20 foot roof height of the existing house. The existing dwelling and driveway make it impossible to construct the new garage behind the front line of the existing residence.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioners are reminded that the garage is limited to uses accessory to the principle use of the property for residential purposes. Thus, no portion of the garage can be converted for use as a second dwelling unit and/or apartments. Moreover, the garage shall contain no kitchen or bathroom facilities.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of November, 2006 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 18 foot high garage to be in the front yard in lieu of the allowed 15 feet high and in the rear yard in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit



and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

AM J. WYSEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 14, 2006

Robert S. and Carol A. Frantz 14405 Old York Road Phoenix MD 21131

RE: Petition For Administrative Variance

(14405 Old York Road) Case No. 07-174-A

Dear Mr. and Mrs. Frantz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 410-887-3391.

Very truly yours

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14405 Old YOKK

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, 1 ? 2. To Formith 18 FT HIGH GARLES TO BE IN THE FRONT LAND IN LIGHT OF IS FT HIGH

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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Telephone No. Address Name - Type or Print Zip Code State City ignature Attorney For Petitioner: Address Telephone No Name - Type or Print State Representative to be Contacted: Signature Company Telephone No. Address Zip Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted.

,	Zoning Commissioner of Baltimore (
CASE NO. 07-174-17 REV 10/25/01	Reviewed By Date Date
.11.	

Affida Vit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is a competent to testify thereto in the event that a purpose of the event that a p	within the personal lablic hearing is sched	knowleage of the duled in the future	with regard thereto	Amanu(s) israre
That the Affiant(s) does/do presently reside at	1495 Address		K Rd	
	City City	X State	<u> </u>	<i>3/</i> Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	wing are the facts up o or practical difficulty	on which I/we ba y):	se the request for a	an Administrative
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STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:		•	
I HEREBY CERTIFY, this 17 have day of of Maryland, in and for the County aforesaid, per	rsonally appeared	, <u>2006</u> , be	fore me, a Notary P	ublic of the State
Rubert S. FRANTS	,	o as such Affiant	<u>e)</u>	
the Affiant(s) herein, personally known or satisfa	ictorny adentified to fi	ic as such Amanil	 	
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Notary Public

My Commission Expires _

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REV 10/25/01



Address

City

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14405 ONE ROS which is presently zoned RC-Z.

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. 1 ? 2. TO FEORMIT

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OF 15 FT. ? INT THE FEAR YARD. 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: <u>Legal Owner(s):</u> Name - Type or Print Name - Type or Prin Signature Signature Telephone No. Address Name: Type of Phint Zip Code Signature City State Attorney For Petitioner: Telephone No. Address Name - Type or Print Representative to be Contacted: Signature Company

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

•	Zoning Commissioner of Baltimore County.
CASE NO. 27-17-17-17-17-17-17-17-17-17-17-17-17-17	Reviewed By Sate / Date /
EV 10/25/01	Estimated Posting Date 10 - 29

Telephone No.

State

Zip Code

Affida Vit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

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	City City	State	Zip Code
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STATE OF MARYLAND, COUNTY OF BALTIN		عود ل before me. a	Notary Public of the State
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Robert S. Frank	otorily identified to me as	such Affiant/s)	<u></u>
he Affiant(s) herein, personally known or satisfa	actorny lucitumed to the as	audit Amarika).	
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	Notary Public	, , , ;	•
	My Commission	Expires 64(0)	107
REV-10/25/01			

Zoning Description for 14405 Old York Rd. Beginning at a point on the East side of Old York Rd. which is 70 ft wide at a distance of 310 ft south of the centerline of the nearest improved intersecting street Jackson Ridge Ct. which is 50 ft wide. Being lot # 14 in the subdivision of Jackson Ridge as recorded in Baltimore County Plat Book # 45, Folio # 24 containing 1.770 acres. Also known as 14405 Old York Rd.and located in the 10th Election District 3rd Councilmanic District.

CERTIFICATE OF POSTING

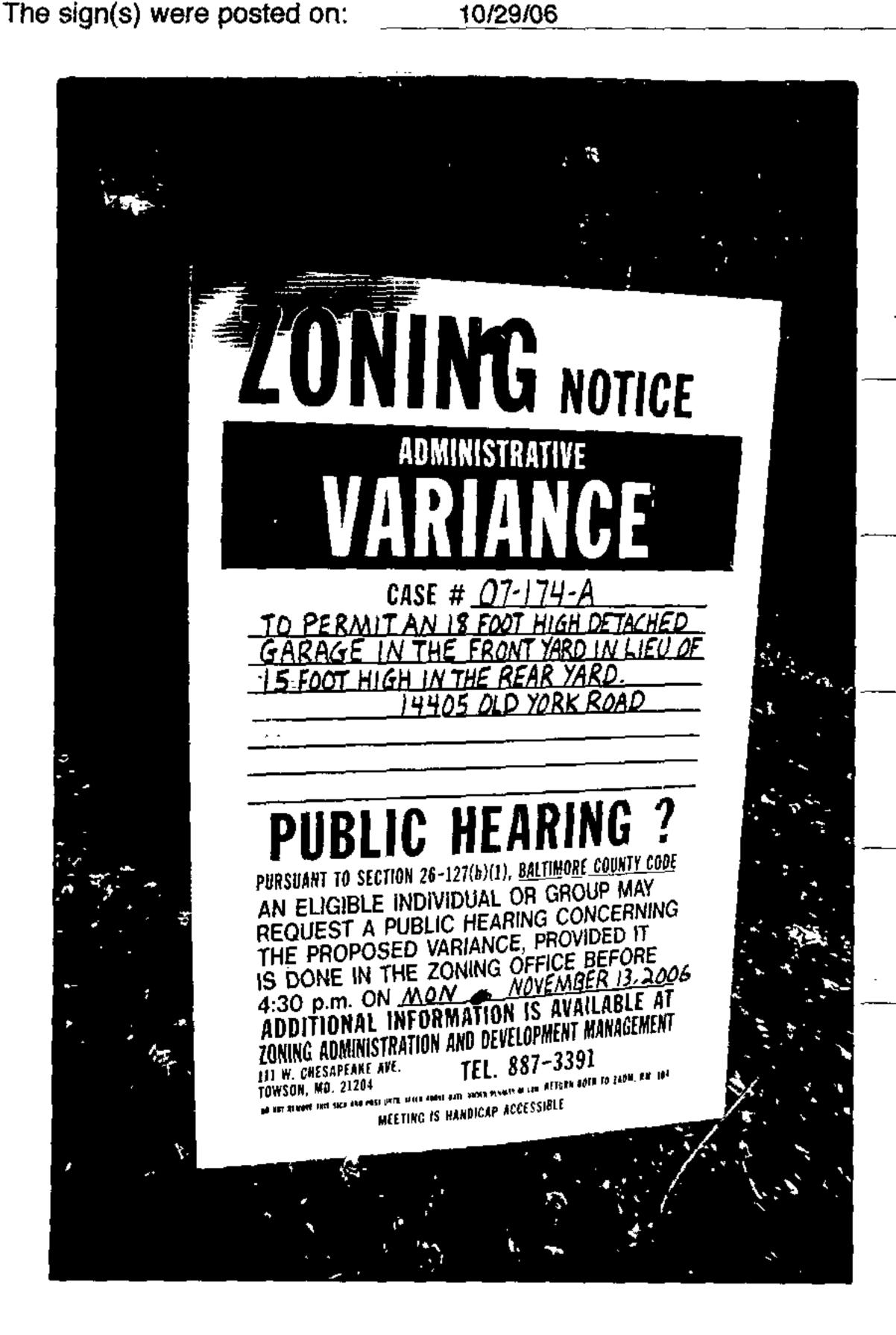
ATTENTION: KRISTEN MATHHEWS

Case Number: 07-174-A

Petitioner/Developer: BOB FRANTZ

Date of Hearing (Closing): 11/13/06

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: 14405 OLD YORK ROAD



(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)

			R'S VALIDATION	
			CASHIE	
			W. CUSTOMER	
OUNTY MARYLA FT & FINANCE			PINK - AGENCY FELLO	
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

			
Case Number 07- 1797 -A Address 14405 OCO YORK TO			
Contact Person: Sortal Planner, Please Print Your Name Phone Number: 410-887-3391			
Filing Date: 10-17-06- Posting Date: 10-29-06 Closing Date: 11-13-			
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.			
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. <u>DEADLINE</u> : 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.			
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.			
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- 174 -A Address 14405 OUD YORK (20.			
Petitioner's Name RC375 GARCE TURNITE Telephone 410-527-0798			
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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: 07-174-A.	
Petitioner: Inbot FANTZ	
Address or Location: 14405 Old YOK TO PHOCALL MD 21	1131
PLEASE FORWARD ADVERTISING BILL TO: Name:	
Telephone Number: 4/0-527-0798	

Revised 7/11/05 - SCJ

07-174-17



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 14, 2006

Robert S. Frantz Carol A. Frantz] 14405 Old York Road Phoenix, MD 21131

Dear Mr. and Mrs. Frantz:

RE: Case Number: 07-174-A, 14405 Old York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 17, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 24, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7-174 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 18 feet in lieu of the maximum permitted 15 feet and to be located in the front yard in lieu of the required rear yard 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 Bill Hughey at 410-887-3480.

Section Chief:

AFK/LL: CM

SSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 26, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 30, 2006

Item Nos. 07-170, 171, 172, (74,)175, 176, 177, 178, 179, 180, 181, and 182

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-10262006.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 170 through 182

174

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 31, 2006

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

Dear Ms. Matthews:

RE: Baltimore County
Item No. 7-174A

IA 405 YORKE RD

MD 45
FRANTZ PROPERTY

VARIANCE - PERMIT AN

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. 7-174-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

07-174-A

MAP # 035 C3

PLAT BOOK #35 FOLIO#30WNER: ROBERT & CAR PROPERTY AD 1979 AND RECORDS (NORTH REFERENCE *JACKSON AMENDED PREPARED BOOK PLAT LOT 1. PLAT LOT 1. RECORDED OF BALTY ADDRESS: BALTIMORE SS: 14405 (CKSON RIDGE FOLIO#24 (& CAROL FR DATED: FOLIO 유 AMONG THE PL BY PLAT ₽ D COUNTY, FRANIZ ENTITLED LOT 22 Structure 278' North of Primary 9 000 Stephanie Eiswert David Elswert 22 <u>₹</u> YORK PLA A SECTION ROAD 413/11E 267.341 10 E Revertable 1586 Pilant of Way York Road Lot 14 めあると .79 Acres 7.97 x 30'X Stope 2 Sqare Ft SCALE 155,13 Structure Andrew Charchalis Tatiana Charchalis 528 Danish Septic 유 East of Primary ·75.0! 22 DRAWING: N71° 50' 27" W 267.01" Structure 19401-014 York Edith Darker South of Primary REVIEWED 1"=200' ZONING: ELECTION PRIOR ZONING HEARING 100 COUNCILMANIC DISTRICT: CHESĂPEAKE BAY HISTORIC PROPERTY/ BUILDING SIZE: VI XEAR R ROOKFIELD ZONING SEWER WATER SCALE MAP 3 FLOOD DISTRICT: RC2 STOCKTON 1000 SCALE: LOCAL PLAIN OFFICE F. SINDY ₩ N.E. 101H 1.7789 ACREAGE PUBLIC Chaiching God INFORMATION BSON 2 MELL JACKSONVIL **M**AP 21-B popert HENRYS RIDGE RIDGE MILL RUN ESTATE ASTE **USE** 000/ * ZZ.491 SQUARE FEET ONLY PRIMATE NATE ASCOT ESTS 7-174-A Paper Mill Shop Cu 8 CASE PIKE ... AND SERVICE SE 非















