IN RE: PETITION FOR ADMIN. VARIANCE
E side Kings Gate Drive, 1450 feet south
Of centerline of New Cut Road
11th Election District
3rd Councilmanic District
(12423 Kings Gate Drive)

Gary T. and Melinda E. Laubach Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

CASE NO. 07-183-A

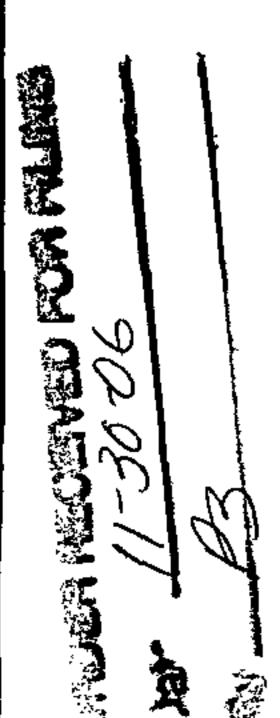
FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Gary T. and Melinda E. Laubach. The variance request is for property located at 12423 Kings Gate Drive. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they propose to construct a garage measuring 30 feet x 30 feet x 24 feet high garage. Their property is 3.08 acres in size and the rear yard contains a forest conservation easement, a forest buffer and drainage utility easement, and a septic system reserve area. The garage will be used for the storage of vehicles and a boat and trailer.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated October 31, 2006 which contains restrictions, a copy of which is attached hereto and made a part hereof the file.



Applicable Law

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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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 4, 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 Petitioners.

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 30th day of November, 2006, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the permitted 15 feet 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 Petitioners 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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JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 30, 2006

GARY T. AND MELINDA E. LAUBACH 12423 KINGS GATE DRIVE KINGSVILLE, MD 21087

Re: Petition for Administrative Variance

Case No. 07-183-A

Property: 12423 Kings Gate Drive

Dear Mr. and Mrs. Laubach:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Ronald M. Kearney, 203 Market Street, Havre de Grace, MD 21078



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

for the property located at	12423 Kings Gate Drive
- -	is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 (BCLR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24-FEET IN LIEU OF THE PERMITTED 15-FEET.

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. Legal Owner(s): Contract Purchaser/Lessee: Gary T.Laubach Name - Type or Print Name - Type or Print Signature Signature Melinda E. Laubach Telephone No. Name - Type or Print Address Zip Code Signature State City 12423 Kings Gate Drive 410-592-2721 Attorney For Petitioner: Telephone No. **Address** Kingsville, Maryland 21087-0037 Zip Code City State Name - Type or Print Representative to be Contacted: Signature Ronald M. Kearney Name Company 203 Market Street 410-939-6440' Telephone No. Telephone No. Address Address Havre de Grace, Maryland 21078 Zip Code City State Zip Code State City 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 County Reviewed By **Estimated Posting Date**

Affidavit in Support of Administrative Variance

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

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

REV 10/25/01

Address

Kingsville, Maryland 21087-0037

City State Drive

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):

Even though ourlot contains 3.08 acres, we are limited to a small area for the construction of a garage.

This situation exists because of a forest conservation easement and a forest buffer easement to side and rear of our existing dwelling. There is also the septic system located immediately behind the dwelling. The garage is to be used for our vehicles and also for the storage of a boat. Therefore, because of the limited area for the structure and the need for our boat storage, we are requesting a variance to the height requirement for a garage.

In conclusion, we feel that the above conditions constitute a hard-ship and practical difficulty.

That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional inform	s filed, Affiant(s) will be required to pay a reposting and ation.
H In C	Mulabart
Signature	Signature
GARY T. LAUBACH	Melnola Cashach
Name - Type or Print	Name - Type of Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	`
I HEREBY CERTIFY, this Bell day of Lighten bly of Maryland, in and for the County aforesaid, personally appeare	2006, before me, a Notary Public of the State
the Affiant(s) herein/ personally known or satisfactorily identified	Melinda Laubach
the Affiant(s) herein/personally known or satisfactorily identified	to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	2 OHER HALL

My Commission Expires

MORE CIT



CASE NO

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

Zoning Commissioner of Baltimore County

for the property located at	12423 Kings Gate Drive
	n is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) +00.3 (BCFR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24-FEET IN LIEU OF THE PERMITTED 15-FEET.

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. Legal Owner(s): Contract Purchaser/Lessee: Gary T. Laubach Name - Type or Print Name - Type or Print Signatule Signature Melinda E. Laubach Telephone No. Name - Type or Print Address Zip Code Signature State City 12423 Kings Gate Drive 410-592-2721 Attorney For Petitioner: Telephone No. Address Kingsville, Maryland 21087-0037 Zip Code State City Name - Type or Print Representative to be Contacted: Signature Ronald M. Kearney Name Company 203 Market Street ·410-939-6440 Address Telephone No. Telephone No. Address Havre de Grace, Maryland 21078 Zip Code State City State Zip Code City. 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 regulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

Affida Vit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	12423 Kings Gate Drive
	Kingsville, Maryland 21087-0037 City State Zip Code
That beard warm were and beautaday the falls	
Variance at the above address (indicate hardshi	ins 3.08 acres, we are limited to a small area
This situation exists be	cause of a forest conservation easement and a o side and rear of our existing dwelling. Then
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boat. Therefore, becaus need for our boat storag	e of the limited area for the structure and the e, we are requesting a variance to the height
requirement for a garage In conclusion, we fee ship and practical diffi	el that the above conditions constitute a hard-
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide a	
Mada C	Mulle Mulle
Signature	Signature //
GARY T. LAVBACH Name - Type or Print	Melinda GMacM Name - Type or Print
	· · · · · · · · · · · · · · · · · · ·
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:
HEREBY CERTIFY, this 28 day of sof Maryland, in and for the County aforesaid, be	rsonally appeared , 2006, before me, a Notary Public of the State
he Affiant(s) berein, personally known or satisfa	Melinda Lambach
AS MITNESS my hand and Notorial Soal	CHER HALL
AS WITNESS my hand and Notarial Seal	Notary Public Hall Colomo & NOTARY
	My Commission Expires (0/01/07) PUBLIC
REV 10/25/01	MORE CITY

REV 10/25/01

ZONING DESCRIPTION 12423 KINGS GATE DRIVE

Beginning at a point on the East side of Kings Gate Drive which is 40 feet wide at the distance of 1450 feet South of the centerline of the nearest improved intersecting street, New Cut Road, which is 60 feet wide. Being Lot #7 in the subdivision of Labruto Property as recorded in Baltimore County Plat Book #71, Folio # 108. Containing 3.08 acres. Also known as 12423 Kings Gate Drive and located in the 11th Election District, 3rd Councilmanic District.

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LAND. Con.	CCOUNT S COUNT	The structure of the part of the find of the feeds made which with the feeds of the find the first of the feeds of the feed of the feeds of the feeds of the feeds of the feeds of the feed of the feeds of the feeds of the feeds of the feed of the feeds of the feed
BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PATE FOR: FECEIVED FOR: FOR KREE WHITE - CASHIER PINK - AGENCY	THE CONTRACTOR OF THE PROPERTY

CERTIFICATE OF POSTING

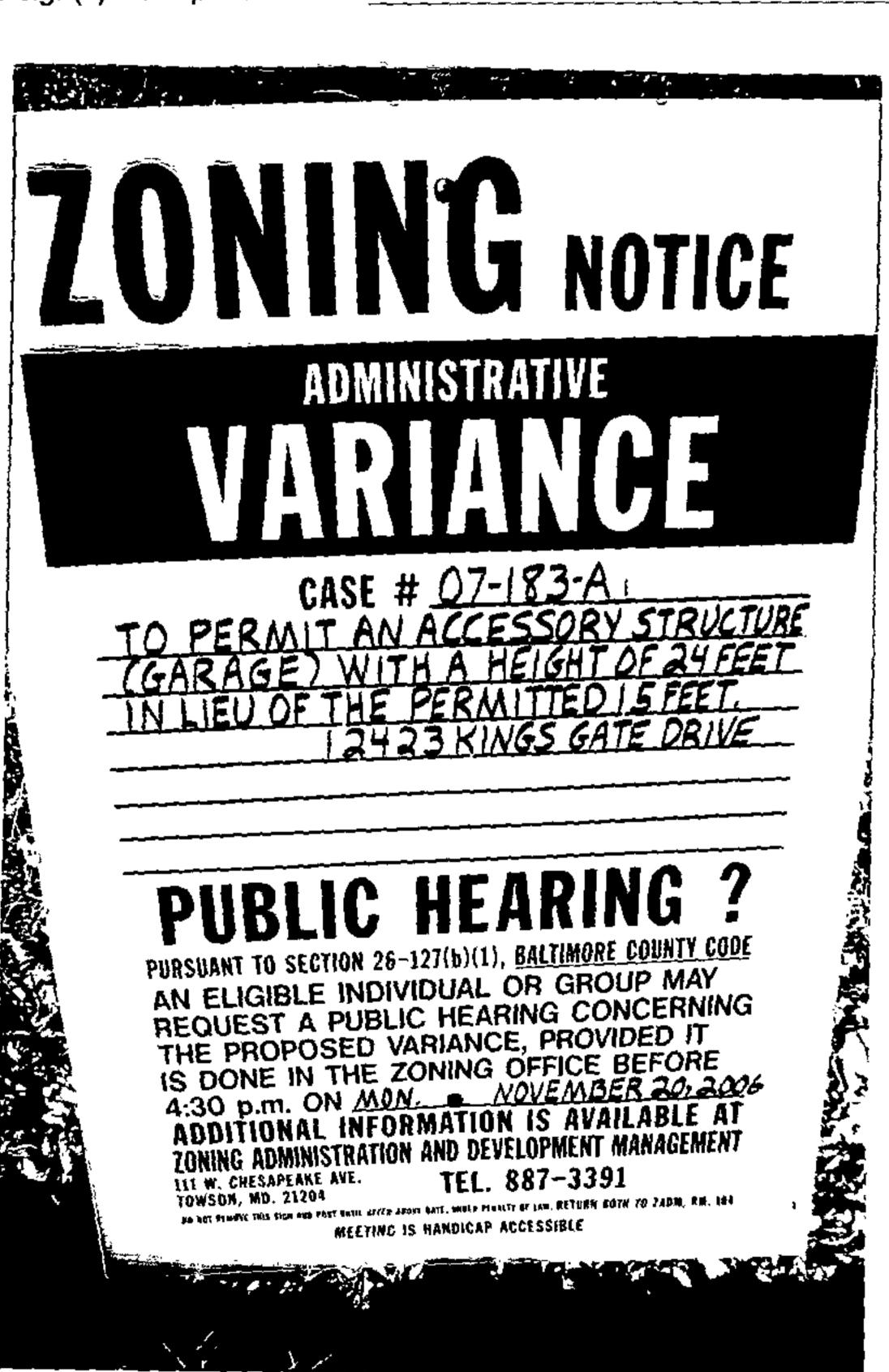
Case Number: 07-183-A

Petitioner/Developer: LAUBACH~RON KEARNEY OF TAYLOR WISEMAN & TAYLOR

Date of Hearing (Closing): 11/20/06

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: 12423 KINGS GATE DRIVE

The sign(s) were posted on: 11/04/06



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- 183 -A Address 12423 KINGS GATE DR.	
Contact Person: DONNA THOMPSON Phone Number: 410-887-33	391
Filing Date: 10 23 06 Posting Date: 11 5 06 Closing Date: 11 20	06
Any contact made with this office regarding the status of the administrative variance should through the contact person (planner) using the case number.	be
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on reverse side of this form) and the petitioner is responsible for all printing/posting costs. A reposting must be done only by one of the sign posters on the approved list and the petition is again responsible for all associated costs. The zoning notice sign must be visible on property on or before the posting date noted above. It should remain there through the clos date.	any ner
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to a formal request for a public hearing. Please understand that even if there is no for request for a public hearing, the process is not complete on the closing date.	file nal
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zonicommissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or order that the matter be set in for a public hearing. You will receive written notificate (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.	(c)
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 zonic commissioner), notification will be forwarded to you. The sign on the property must changed giving notice of the hearing date, time and location. As when the sign was original posted, certification of this change and a photograph of the altered sign must be forwarded this office.	ing be
(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- 183 -A Address 12423 KINGS GATE DR.	_
Petitioner's Name <u>LAUBACH</u> Telephone <u>HIO-592-2721</u>	
Posting Date: 1506 Closing Date: 1506	
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A	
HEIGHT OF JH-FEET IN LIEU OF THE PERMITTED 15-FEET.	
	

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: 07-183-A
Petitioner: LAUBACH
Address or Location: 12423 KINGS GATE DRIVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. 4 MRS. GARY LAUBACH
Address: 12423 KINGS GATE DR.
RINGSVILLE, MD 21087-0037
Telephone Number: 410-592-2721



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 20, 2006

Gary T. Laubach Melinda E. Laubach 12423 Kings Gate Drive Kingsville, MD 21087-0037

Dear Mr. and Mrs. Laubach:

RE: Case Number: 07-183-A, 12423 Kings Gate Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 23, 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

WCR:amf

Enclosures

c: People's Counsel Ronald M. Kearney 203 Market Street Havre de Grace 21078



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 30, 2006

Item Number(s): (183) through 192

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

RE:

Baltimore County

Item No. 07-183A

12423 KINGS GATEDRIVE

LANDBACH PROPERTY

VARIANCE - ACCESCEDENT

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-183A.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 31, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-183 -Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 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 Bill Hughey at 410-887-3480.

Prepared by:

RECEIVED

OCT 3 1 2006

Section Chief:

ZONING COMMISSIONER

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 3, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 6, 2006

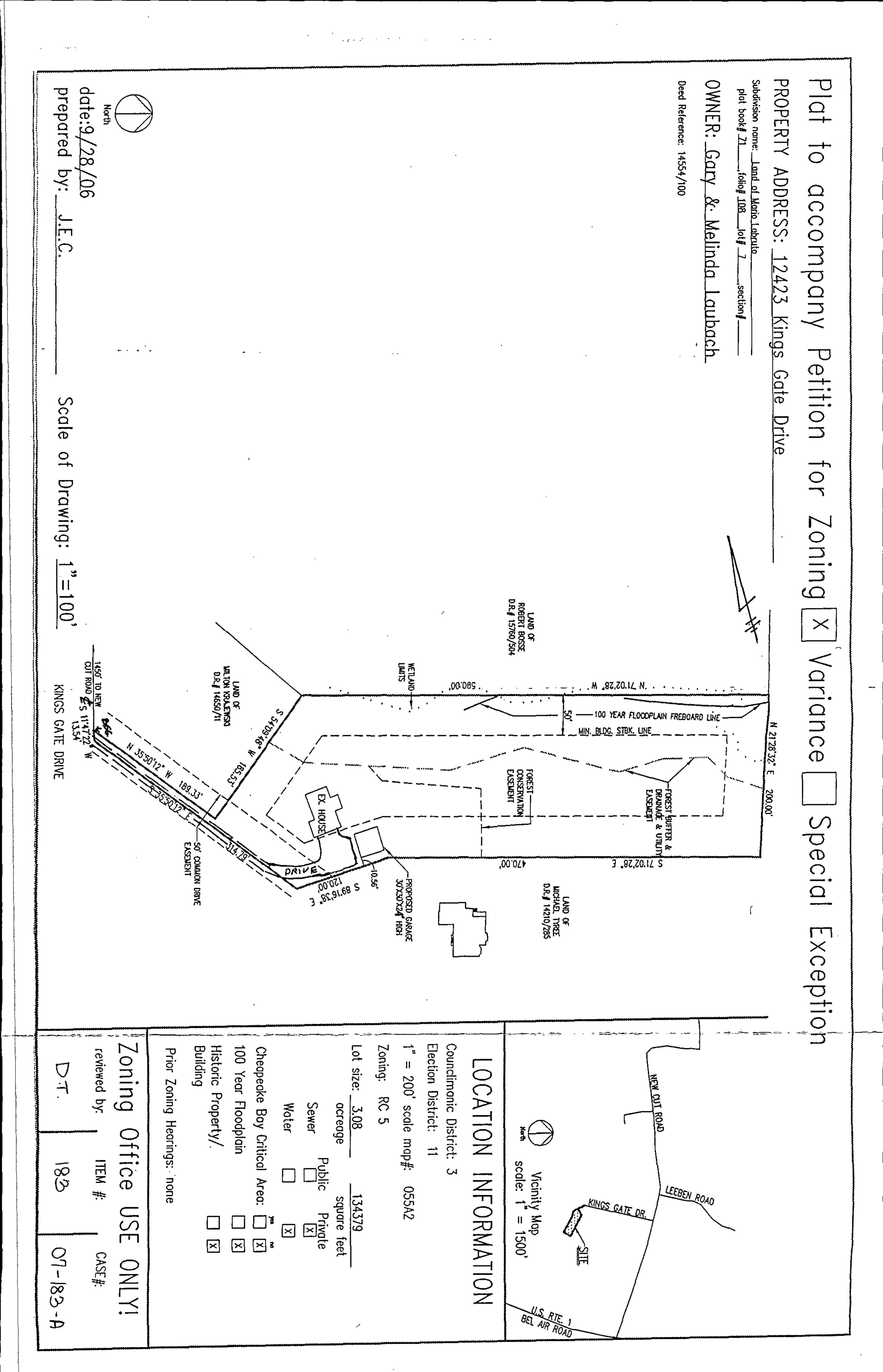
Item Nos. 07-055, 183, 184, 185, 186, 187, 189, and 191

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-11032006.doc





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