IN RE: PETITION FOR ADMIN. VARIANCE
E side South Rolling Road, 98 feet S
centerline Gary Avenue

1st Election District
1st Councilmanic District
(405 South Rolling Road)

Martin and Erin Haggerty

Petitioners

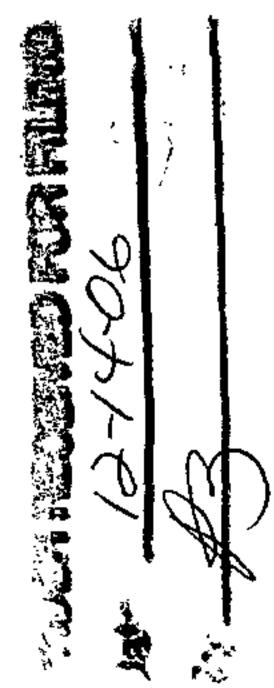
- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * BALTIMORE COUNTY
- * CASE NO. 07-204-A

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, Martin and Erin Haggerty. The variance request is for property located at 405 South Rolling Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 21 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they need additional storage in the second floor of the garage because their basement floods and prevents them from using it as a storage area. The current garage was damaged in a wind storm and will be removed. Petitioners submitted two letters of support from two adjacent property owners. The Petitioners also submitted photographs depicting garages over 15 feet high in their neighborhood.

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 December 7, 2006 which contains restrictions, and a copy of which is attached hereto and made a part hereof the file.



CALOS ELEM

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 12, 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 Haltimore County day of December, 2006, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 21 feet in lieu of the required 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 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

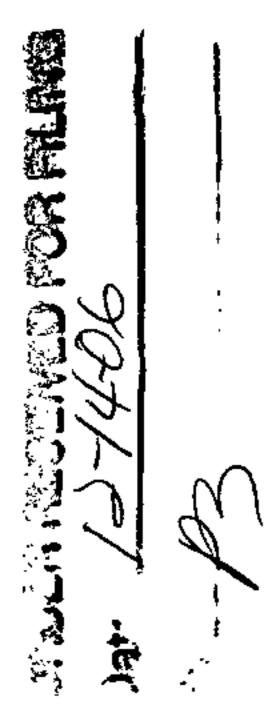
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 14, 2006

MARTIN AND ERIN HAGGERTY 405 SOUTH ROLLING ROAD CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 07-204-A

Property: 405 South Rolling Road

Dear Mr. and Mrs. Haggerty:

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

John V. murphy

JVM:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned DR2

for the property located at 405 S. Rolling Road

This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and which	th is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Section	on(s) 400.3 BCZR (GARAGE
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ADDITION A HEIGHT OF	21' IH LIEU OF THE
REQUIRED 151.	
of the zoning regulations of Baltimore County, to the zoning la of this petition form.	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zal, or we, agree to pay expenses of above Variance, advertising, postegulations and restrictions of Baltimore County adopted pursuant to	sting, 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): Martin Hugget
Name - Type or Print	Name - Type or Pfint Harage
Signature	Signature Huncht
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature 405 5. Rolling Road 849-3
Fittorito y i or i otteroniori	Address Cutomulle MD 21228
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name
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A Public Hearing having been formally demanded and/or found to be this that the subject matter of the regulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
CASE NO. 037-304-A Rev	iewed By CC Date Date
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REV 10/25/01 Esti	mated Posting Date 111100

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. 405 5. Rolling Road That the Affiant(s) does/do presently reside at Address That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty): We meed additional storage space in the 2nd story of the garage as our basement floods and prevents us from using it: 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. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 11th day of 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared MARTIN HAGGERTY the Affiant(s) herein, personally known or satisfactorily identified to me as such

Notary Public

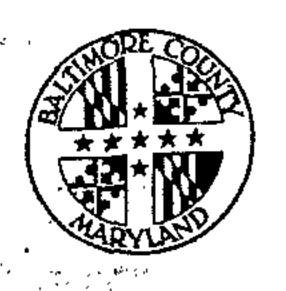
My Commission Expires

REV 10/25/01

SS my hand and Notarial Seal

Affidavit in Support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as a support of Part Affiant(s) is large.

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Signature Martin Hagguty Signature Evin Hagguty Name Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: 1. HEREBY CERTIFY, this 11th day of OCTOBER of Maryland, in, and for the County aforesaid, personally appeared MARTIN HAGERTY The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). Notary Public Notary Public	provid and prev	mus tron	n using i	<i>7</i> ;
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I HEREBY CERTIFY, this 11th day of OCTOBER, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared MACTIN HAGGERTY the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Notary Public	STATE OF MARYLAND, COUNTY OF BALTIMO	RE. to wit:	·	
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned

405 S. Rolling Road

This Petition shall be filed with the Department of Pern	nits and Development Management. The undersigned, legal ich is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Sec	ACCESSORY STRUCTURE WITH
TO PERMIT A DETACHED	ACCESSORY STRUCTURE WITH
AND A HEIGHT OF	21' IN I IFU DE -
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reconcer	
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuant	osting, 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):
	Martin Hugget
Name - Type or Print	Name - Type or Pfint Mark Hargar
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature Signature
Attorney For Petitioner:	705 5. 101 ling 1000 869-37
	Address Cutomville MD 2128
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
,	Dame as about
Company	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to b	oe required, it is ordered by the Zoning Commissioner of Baltimore County,
this that the subject matter of regulations of Baltimore County and that the property be reposted.	of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 07-704-A R	eviewed By 6700 Date 11/3/06
CADE ITO ROLLINGS	stimated Posting Date
REV 10/25/01	stimated Posting Date

for the property located at

ZONING DESCRIPTION FOR 405 S. Rolling Road, Catonsville, MD 21228

Beginning at a point on the EAST side of S. ROLLING ROAD which is

60 FEET wide at the distance of 98.4 FEET SOUTH of the centerline of the nearest improved intersecting street GARY AVENUE which is 50 FEET wide.

FARMLALIOS

Being Lot # 17 in the subdivision of FOREST SPRING PARK as recorded in

Deed Liber # 1 Folio# 281 containing 20,000 SQUARE FEET or .46 ACRES.

Also known as 405 S. ROLLING ROAD and located in the 1st Election District,

1st Councilmanic District.

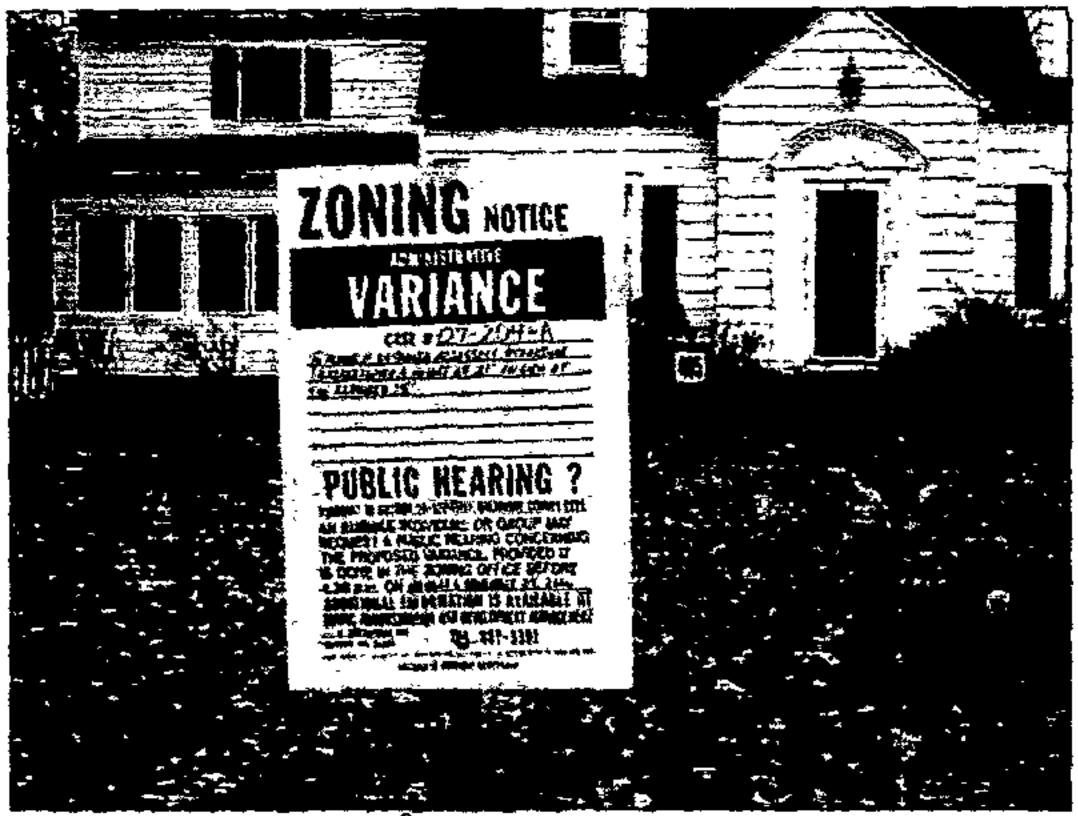
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CERTIFICATE OF POSTING

	RE: Case No: 07-204-A
	Petitioner/Developer:
	MARTIN HAGGERTY
	Date Of Hearing/Closing: 1//27/04.
Baltimore County Department Permits and Development M County Office Building, Roc 111 West Chesapeake Avenue	lanagement om 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify under	the penalties of perjury that the necessary posted conspicuously on the property 405 South Rouse Roan
	JUMP ROWING TOOKS
This sign(s) were posted on	(Month, Day, Year) Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220
	(443-629 3411)

im000857 (576x432x24b jpeg)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 07-	204	-A	Address _	405	<u>).</u>	ROLLING	ROAD
Conta	ct Person: _	LIOYO	Please Print Your		·····	Pho	ne Number: 4	10-887-3391
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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: 07-204-4
Petitioner: Martin Haggat
Address or Location: 405 3. Polling Road Catensville MD 2122
PLEASE FORWARD ADVERTISING BILL TO: Name: Watin Haggas Address: 405 5. Rolling Road Cutomy ville MD 21228
Telephone Number: 110 - 869 - 3777



JAMES T. SMITH, JR. County Executive

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

November 27, 2006

Martin Haggerty
Erin Haggerty
405 S. Rolling Road
Catonsville, MD 21228

Dear Mr. and Mrs. Haggerty:

RE: Case Number: 07-204-A, 405 S. Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 3, 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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 16,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): 203 through 212

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: 11-13-2006

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

RE:

Baltimore County

Item No. 7-204-A

405 SOUTH ROLLING RD HAGGERTY PROPERTY

VARIANCE - GARAGE STRUCTURE

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. 7-204-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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 7, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7-204- Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 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 Dennis Wertz at 410-887-3480.

Prenared hv

DE CONTRACTOR

DEC 1 3 2006

Section Chief:

ZONING COMMISSIONER

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 14, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 20, 2006 Item Nos. 07-202, 203 (204, 205, 206, 207, 208, 209, 210, 211, and 212

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-11142006.doc

Baltimore County
Zoning Review
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

10/12/06

Dear Sir/Madam,

Please be advised that I have been notified by Erin and Martin Haggerty of their intent o construct a two car garage structure with a 2nd floor storage/play area at the rear of their property at 405 S. Rolling Road.

I understand that the footprint of this structure will be approximately 520 square feet and at its peak will be approximately 20 feet high.

I support the issuance of an administrative variance to allow the construction of this garage.

Sincerely,

Michael and Ann Kirby

407 S. Rolling Road

Catonsville, MD 21228

Baltimore County
Zoning Review
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

10/12/06

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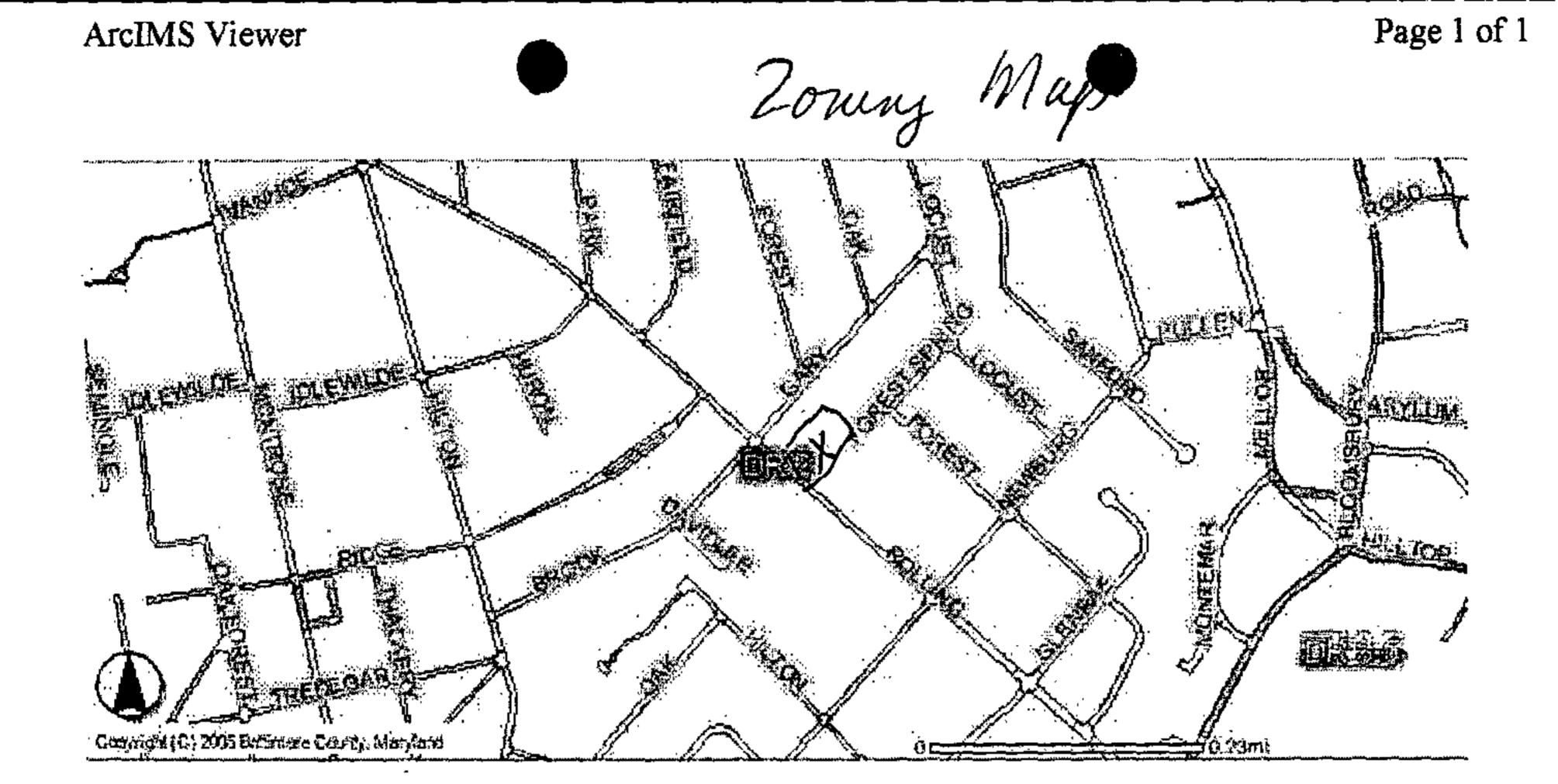
Weldon and Mary Sprecher

Millen Sprecher mary Sprecher

400 S. Rolling Road

Catonsville, MD 21228

PREPARED BY 624 1010106 SCALE OF DRAWING: 1" = 50'	NORTH	991 to GARY S. ROLLING ROAD 60' WIDE	EXISTING EXISTING ABOUT ABO	PROPOSED PROPOSED GARRAGE MICHAEL AND MARY SPRECHER 7 PROPOSED ANN KIRBY	SUBDIVISION NAME FOLIO # 381 LOT # 17 SECTION # OWNER Frin and Martin Haggerty 1001	PROPERTY ADDRESS 405 S. Rolling Roll SEE PAGES 5 & 5 OF THE CHECKLIST FO
CIM 204	REVIEWED BY ITEM # CASE #	CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE	LE MAP # SW3F LE MAP # SW3F CREAGE SOUARE TEE PHILLIC PRIVATE PHILLIC PRIVATE PHILLIC PRIVATE TES	NORTH VICINITY MAP SCALE 1" = 1300 LOCATION INFORMATION ELECTION DISTRICT	S Galling Rd.	CE SPECIAL HEARING

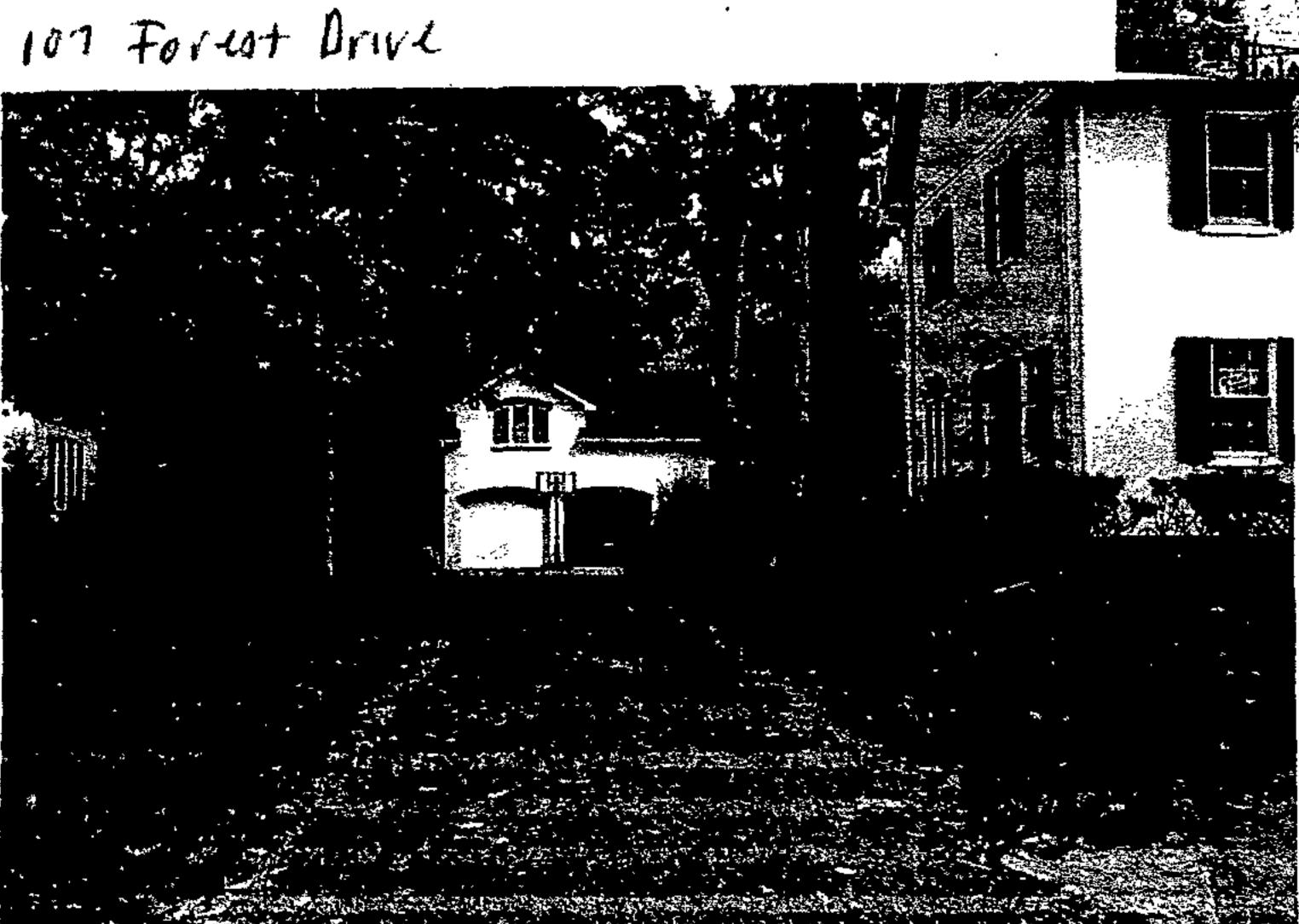


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Garages over 15' High in immediate vicinity.

3 Magruder (Adjacent cross-street)







Garages over 15' High in immediate vicinity

104 Forest Drive



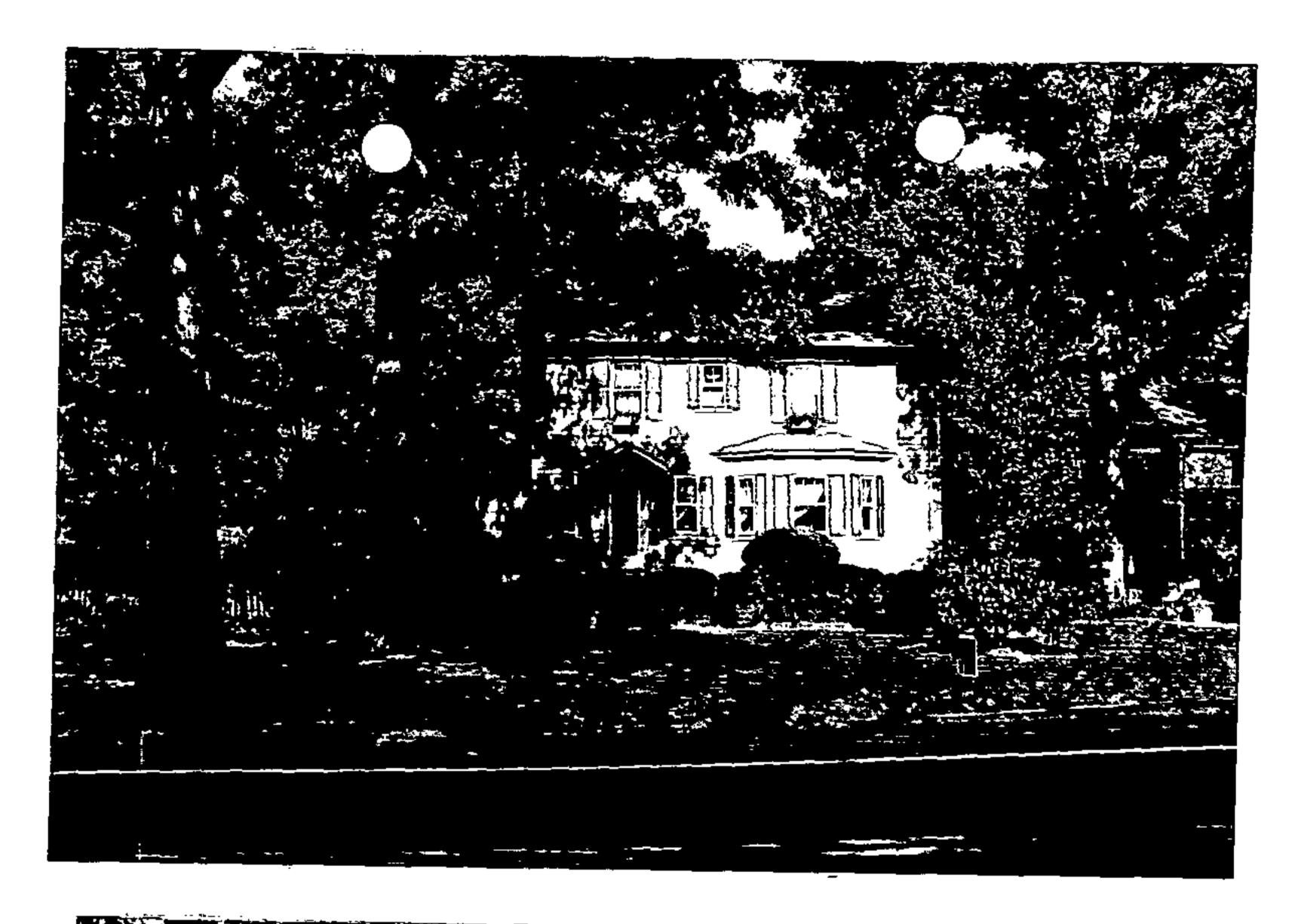
113 Forest Drive



110 Oak Drive (Adjacent parallel Street)



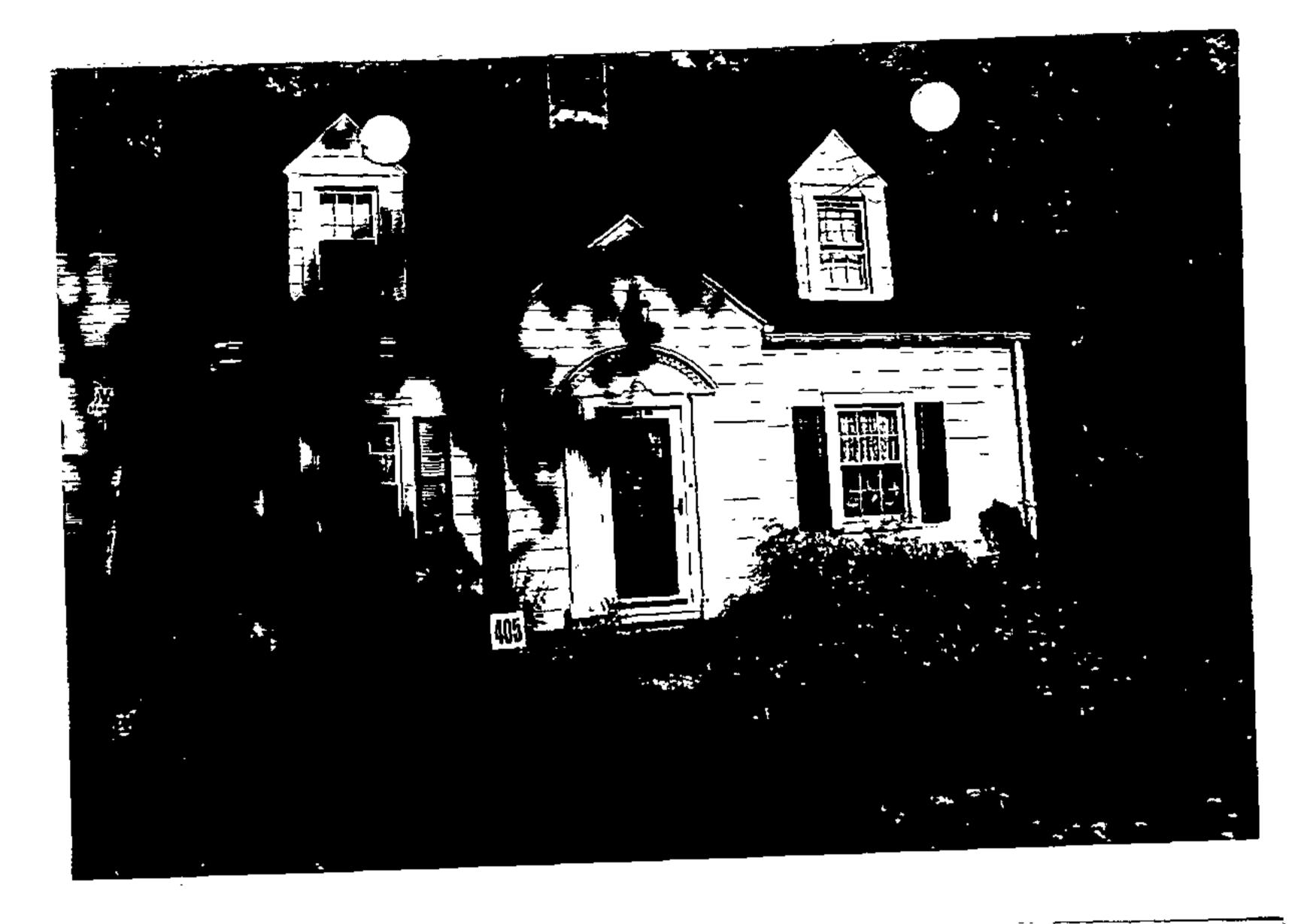
204

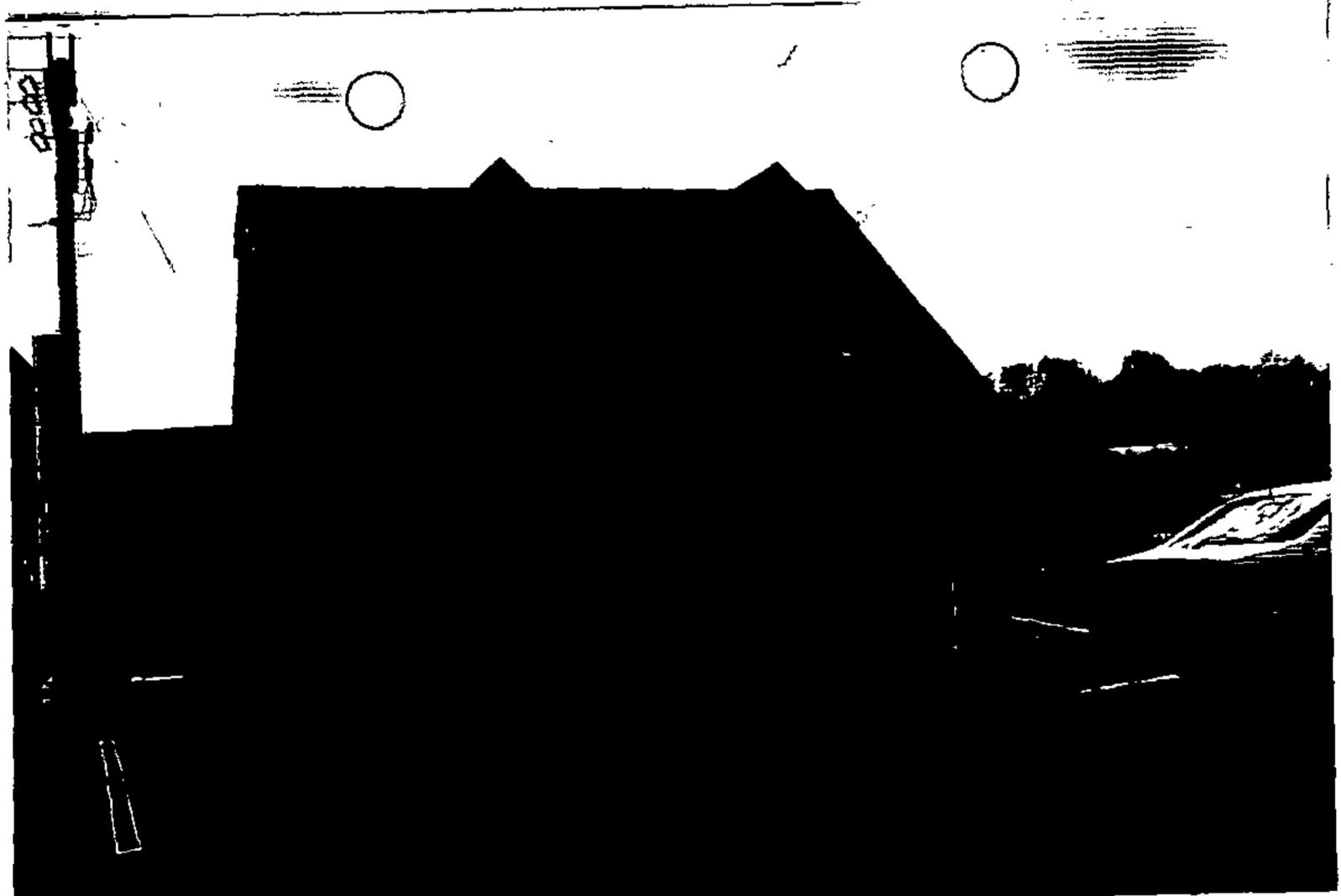


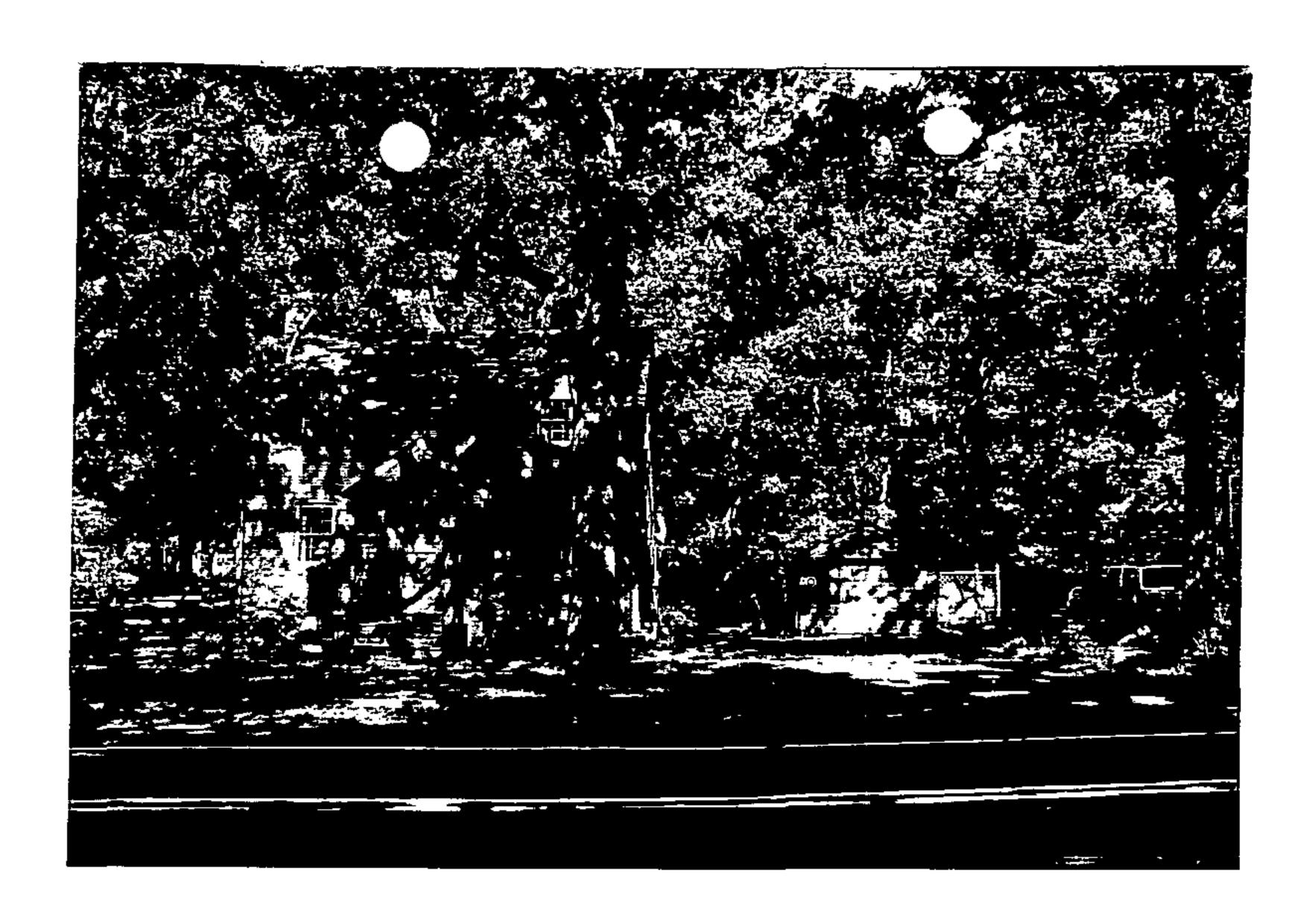












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