IN RE: PETITION FOR ADMIN. VARIANCE
NE side Valley Creek Drive, corner
E side Lukewood Drive

2nd Election District
4th Councilmanic District
(6734 Valley Creek Drive)

David and Patricia Foster Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-207-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, David and Patricia Foster. The variance request is for property located at 6734 Valley Creek Drive. The variance request is from Sections 1B02.3.B and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition (sunroom) to have a rear yard setback of 26 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the location of the proposed sunroom lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the house. The sunroom will help insulate and reduce heating bills as well as to reduce road and other ambient noises. The sunroom will provide a place to sit outdoors without concern for bugs or the sun's rays. Petitioner states the proposed sunroom will improve the overall appearance of the house. The lot size does not lend itself to any addition of adequate size without a variance. The sunroom measures 15 feet x 10 feet in size.

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.

TANDER ELE

Applicable Law

THE BUILDING

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 9, 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 13th day of December, 2006, that a variance from Sections 1B02.3.B and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition (sunroom) to have a rear yard setback of 26 feet in lieu of the required 30 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.

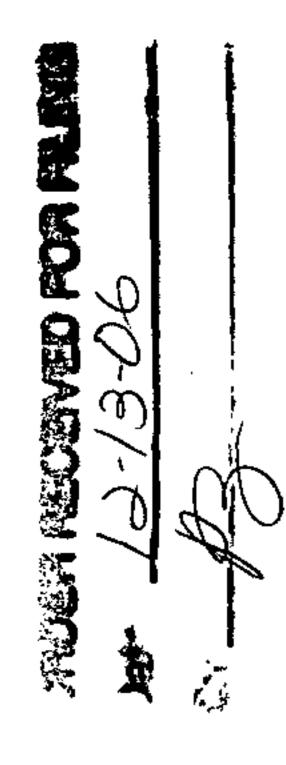
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 13, 2006

DAVID AND PATRICIA FOSTER 6734 VALLEY CREEK DRIVE BALTIMORE MD 21207

Re: Petition for Administrative Variance

Case No. 07-207-A

Property: 6734 Valley Creek Drive

Dear Mr. and Mrs. Foster:

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: Gregory Falter, Patio Enclosures, Inc., 224 8th Avenue NW, Glen Burnie MD 21061



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6734 Valley Creek Dr. Balt. MD 21207 which is presently zoned DR 5.5

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-		Zip C006	- . ;	Valley Creek	Dr	410-298-4842
Attorney For Petit	joner:		Address		D1.	Telephone No.
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Company			Name	<u> </u>	<u> </u>	
Address		Talanhan Na		3th Ave NW		410-760-1919
Address		Telephone No.	Address		4	Telephone No.
City	State	Zip Code		Burnie, MD 2106	State	Zip Code
A Public Hearing having	been formally demand	ed and/or found	to be required, it	s ordered by the Zor	ning Commissioner	of Baltimore County,
this day of regulations of Baltimore Co	that the propert	at the subject matte ty be reposted.	er of this petition be	set for a public heari	ng, advertised, as i	required by the zoning
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• •				Zoning Commission	er, or Baltimore Cou	inty
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REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6734 Valley Creek Dr. Balt. MD 21207 which is presently zoned DR 5.5

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This Petition shall be file owner(s) of the property si made a part hereof, hereb	ed with the De ituate in Baltim y petition for a	epartment of Peri lore County and wi Variance from Sec	mits and Development Managhich is described in the description (s)	ement. The upon and plat att	indersigned, lega ached hereto and
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of the zoning regulations of this petition form.	of Baltimore Co	ounty, to the zoning	law of Baltimore County, for the	e reasons indic	cated on the back
Property is to be posted and, or we, agree to pay expensions and restrictions of	ses of above Va	riance, advertising, r	e zoning regulations. posting, etc. and further agree to an it to the zoning law for Baltimore Co	id are to be bou unty.	nded by the zoning
		-,·	I/We do solemnly declare an perjury, that I/we are the legist is the subject of this Petition	al owner(s) of th	the penalties of ne property which
Contract Purchaser/Le	essee:		Legal Owner(s):		
			David Foster		•
Name - Type or Print		-	Name - Type or Print	L	•
Signature	<u> </u>		Signature		
Address		Telephone No.	Patricia Foster Name - Type or Print	1.	<u> </u>
City	State	Zip Code	Signature		<u> </u>
Attorney For Petitione	<u>r:</u>	•	6734 Valley Creek D	<u>r.</u> 4	10-298-4842 Telephone No.
	··		Baltimore, MD 21207		
Name - Type or Print	•		City	State	Zip Code
Signature		"	Representative to be	<u>Contacted:</u>	•
Company			Patio Enclosures Inc. (att	n: Gregory Fa	íter)
Company		· ·	Name 224 8th Ave NW	٠.	410-760-1919
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address		Telephone No.
City	State	Zip Code	Glen Burnie, MD 21061 City	State	Zip Code
A Public Hearing having been	formally demand	ded and/or found to I	be required, it is ordered by the Zoni	rg.Commissioner	of Baltimore County,
this day of regulations of Baltimore County a	nd that the proper	at the subject matter on ty be reposted.	f this petition be set for a public hearing	advertised, as re	equired by the zoning
CASE NO.	-207-A	Re Principal		of Baltimore:Cou	nty /6/06
VIIOL 110	Table 25 A	· KI	CAICHER DA CIALLA	7516	, _ , _ ,

Estimated Posting Date 2/2

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

David & Patricia Foster

Address

6734 Valley Creek Dr. Baltimore, MD 21207

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- 1. This area lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the dwelling.
- 2. Insulate and reduce heating bills.

REV 10/25/01

- 3. Reduce road and other ambient noises.
- 4. A place to sit outdoors without concern for bugs, flies, mosquitos, the suns harmful rays etc...
- 5. Improve the overall appearance of the house.
- 6. The restrictive of the lot does not lend itself to any addition of adequate size without a variance.

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.

David Foster	Patricia Foster
Signature Xavid Foot	Signature Signat
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this ATH day of COUNTY aforesaid, personally appear	, <u>200</u> before me, a Notary Public of the State
DAND FOSTER & HATT WIA	J3778F
the Affiant(s) herein, personally known or satisfactorily identifie	d to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	

Notary Public

200

ZONING DESCRIPTION FOR 6734 VALLEY CREEK DR.

BEGINNING AT A POINT ON THE EAST SIDE OF VALLEY CREEK DR.

WHICH IS 50' WIDE AT THE DISTANCE OF 0' SOUTH OF THE

NEAREST IMPROVED INTERSECTING STREET LUKEWOOD DR.

WHICHIS 50' WIDE. BEING LOT # 2 BLOCK D, SECTION IN THE

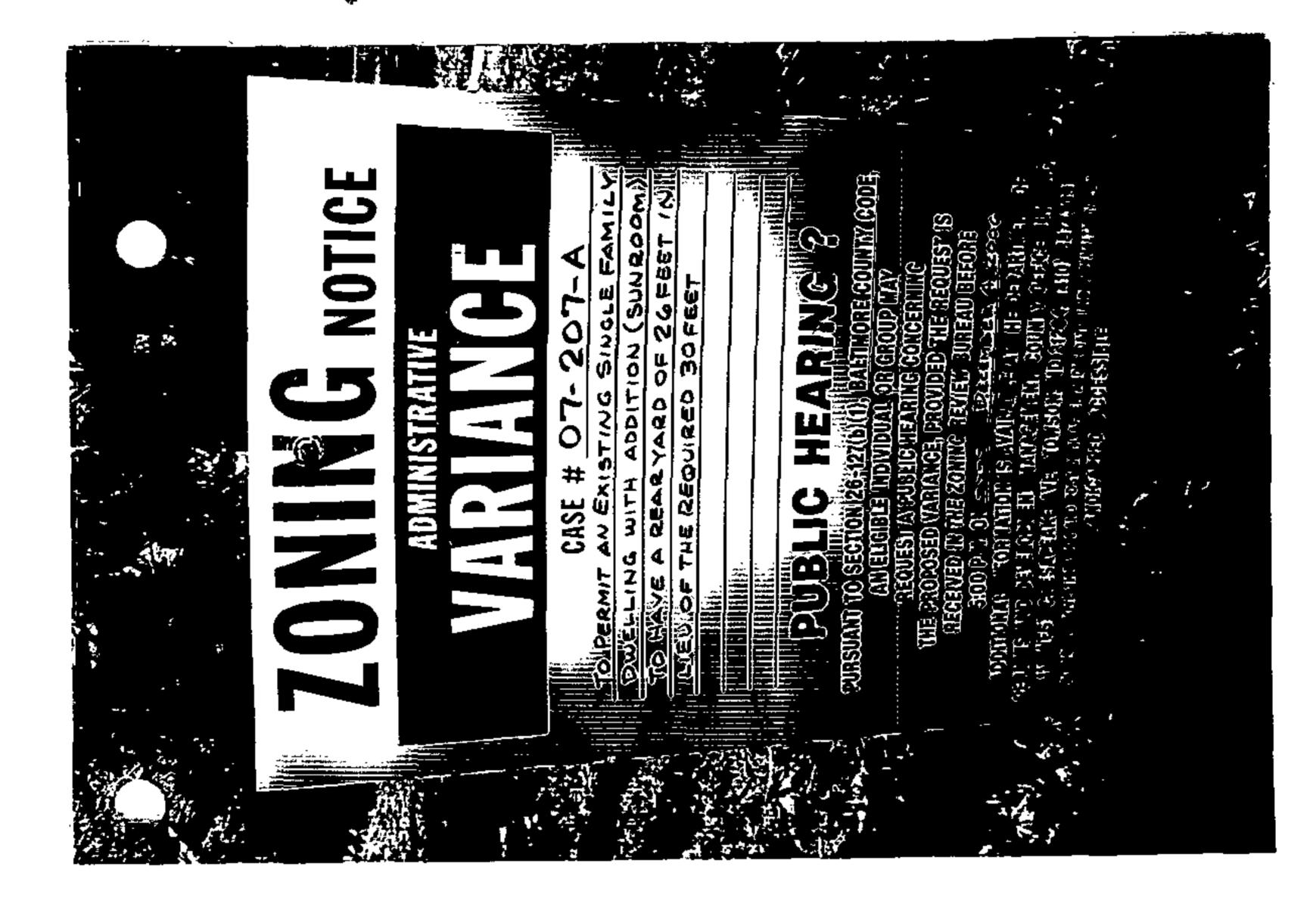
SUBDIVISION OF HILLTOP ESTATES AS RECORDED N COUNTY

PLATBOOK # 22, FOLIO # 53, CONTAINING 11,136 SQ'. ALSO KNOWN

AS 6734 VALLEY CREEK DR LOCATED IN THE 02ND ELECTION

DISTRICT, 04TH COUNCILMANIC DISTRICT.

YELOW - CUST AMOUNT 0 OFFICE OF BUDGE BALTIMORE MISCELL WHITE - CASHI RECEIVED FROM:





CERTIFICATE OF POSTING

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Christen Matthews Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at # 6734 VALLEY CREEK DRIVE The sign(s) were posted on _ Sincerely, (Signature of Sign Poster and Date) CJAPLANEDE, MOORE (Printed Name) 3225 RYGRSON CIRCLE BAUTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 07-207-A

Petitioner/Developer: DAVIDEOSTED ETUX

Date of Hearing/Closing: DEC, 4, ZOOC

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 207 -A Address 6734 VALLEY CREEK DR
Contact Person: LIDYD T. MOXLEY Phone Number: 410-887-3391
Filing Date: 11/6/06 Posting Date: 11/19/06 Closing Date: 12/4/0
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- 207 -A Address 6734 VALLEY CREEK DR Petitioner's Name PAVID FOSTER ET UX Telephone
Posting Date: 11/19/06 Closing Date: 12/4/06
Vording for Sign: To Permit AN EXISTING SINGLE FAMILY
DUELLING WITH ADDITION (SUMPOND) TO HAVE A
REALYARD OF 76' IN LIEU OF THE REQUIRED 30'

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.

or Newspaper Advertising:
tem Number or Case Number: 07-207-A
Petitioner: FOSTER, DAVID & PATRICIA.
Address or Location: 6734 VAILEY CREEK. DR. BALT- MD. 2120
PLEASE FORWARD ADVERTISING BILL TO:
Name: Patio Enclosures Inc. (attn: Permit Dept)
Address: 224 8th ave NW
Glen Burnie, MD 21061
elephone Number: <u>410-760-1919</u>

A 44

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 5, 2006

David Foster Patricia Foster 6734 Valley Creek Drive Baltimore, MD 21207

Dear Mr. and Mrs. Foster:

RE: Case Number: 07-207-A Comments, 6734 Valley Creek Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 11, 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. Cal Robal D

WCR:amf

Enclosures

c: People's Counsel

Patio Enclosures, Inc. Gregory Falter 224 8th Avenue NW Glen Burnie 21061

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

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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-207- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By

Division Chief:

KECEVED

DATE: November 16, 2006

NOV 1 7 2006

CM/LL

ZONING COMMISSIONER



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. 7-207-A

6734 VALLEY CREEK DRIVE

FOSTER PROPERTY

VARIANCE-FOR SUNROOM IN LIEU OF REAR YARD 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. 7-207 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).

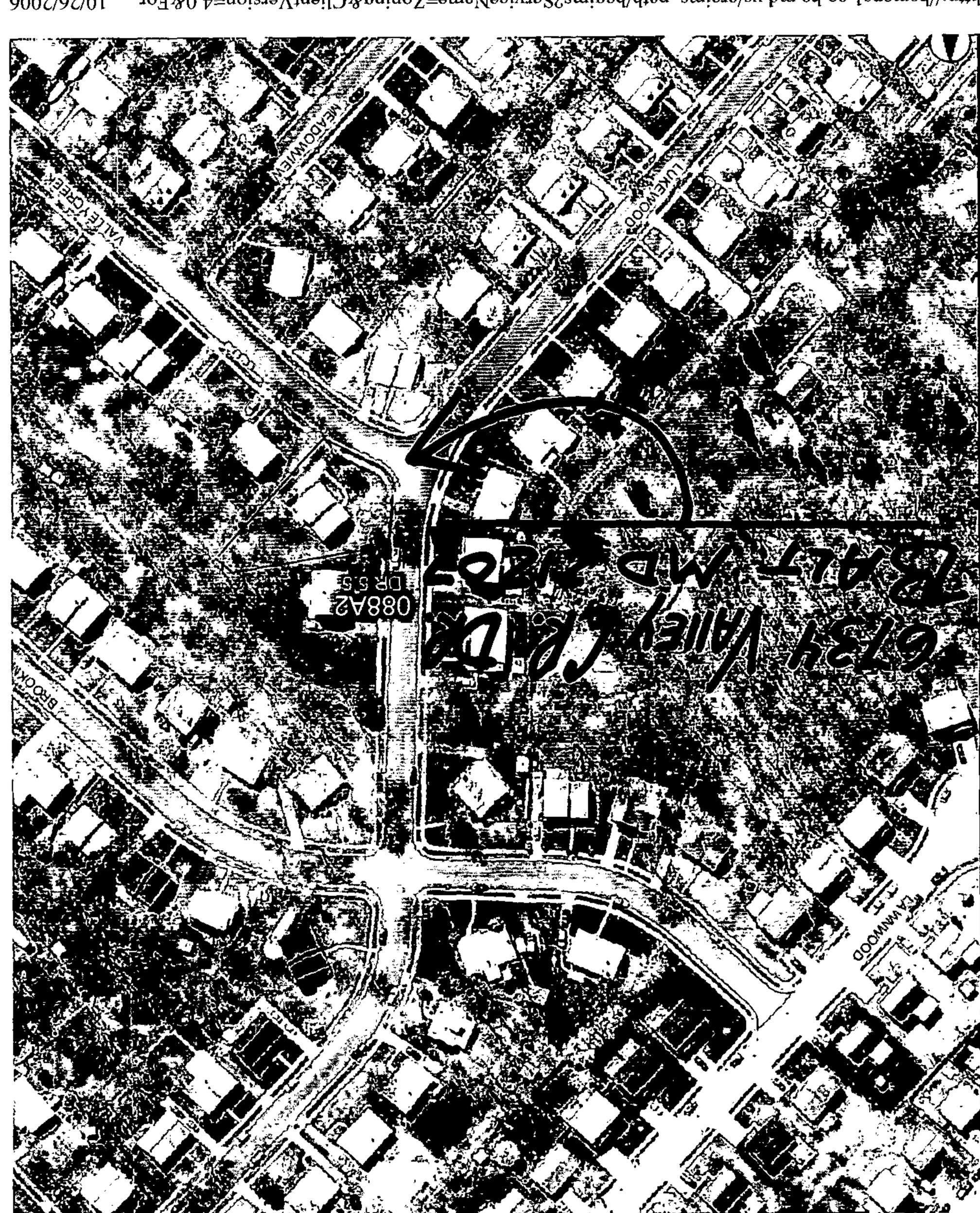
Very truly yours,

Engineering Access Permits

Division

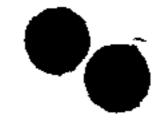
SDF/MB

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•		(BALT, MD 2/207
		DANTO MORGAN
		OWNER DAVED & PATRICIA FOSTER.
		PLAT BOOK # 22 FOLIO # 53 LOT # 02 SECTION #
-15		HILLTOP GSTATES. MD. 21207.
- -	OR ADDITIONAL REQUIRED INFORMATION	

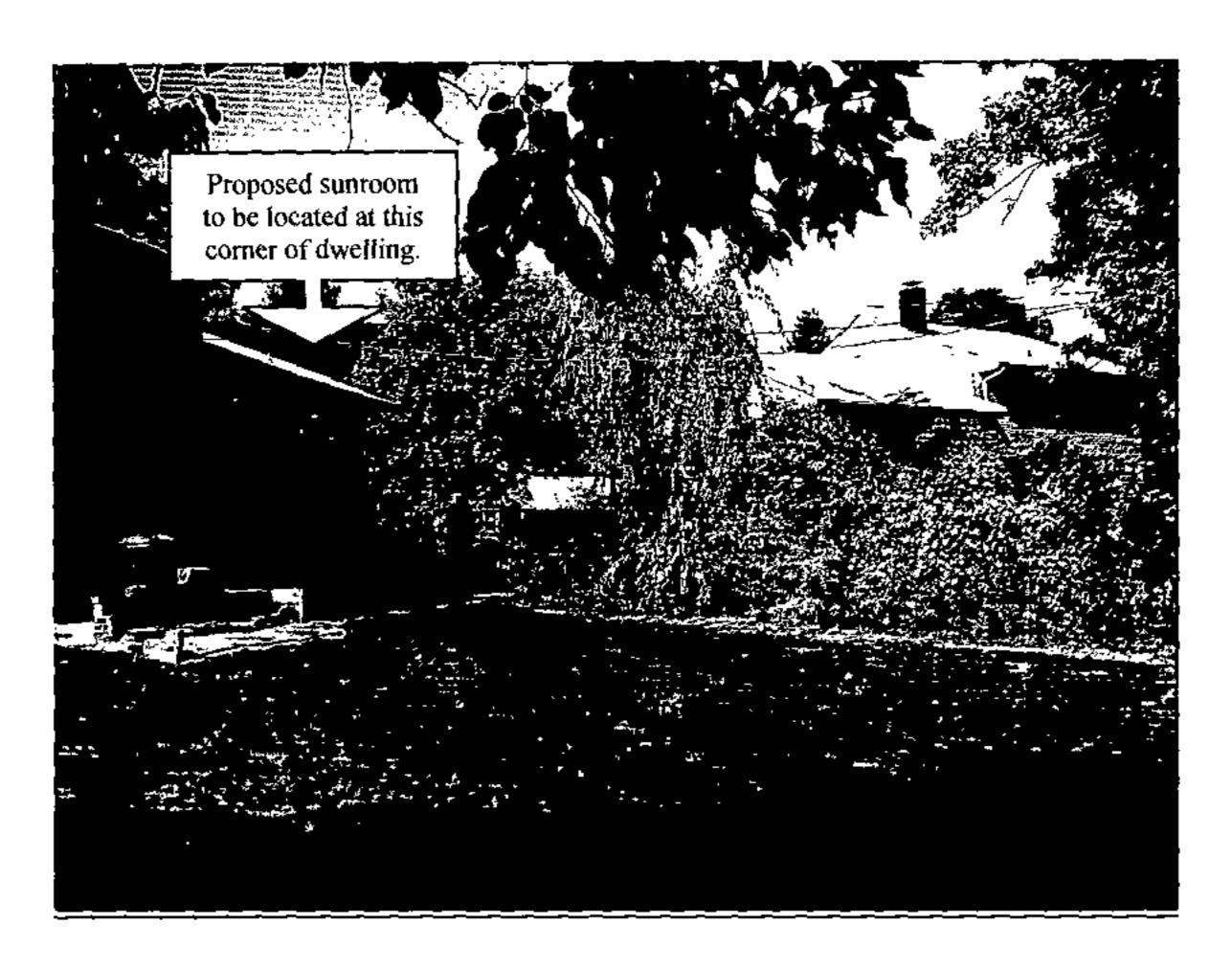


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Lez



VARIANCE PHOTO'S FOR: DAVID & PATRICIA FOSTER 6734 VALLEY CREEK DR. BALTIMORE, MD 21207



View of rear corner of dwelling where proposed sunroom is to be located.

#207