

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Suburban Road, 322 feet

NW of c/l of Holly Hill Road

4th Election District

2nd Councilmanic District

(814 Suburban Road)

Robert Leonard

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-212-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 owner of the subject property, Robert Leonard. The variance request is for property located at 814 Suburban Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet and a sum of side yards of 22 feet in lieu of the required 10 feet and 25 feet, respectively, for a proposed garage addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner wishes to construct a 16 foot x 32 foot addition. The existing deck will be removed. The Petitioner's family is growing and more room is needed in the home. The proposed addition will provide a safe and secure area to store his tools and equipment, as well as his truck. The addition will also give the Petitioner the option to have his parents reside in the home if necessary.

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 November 20, 2006. The property line is skewed presenting a practical difficulty to the Petitioner. The addition maintains the 10 foot required setback perpendicular from the front of the addition, but not from the closest point measured perpendicular to the rear of the

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addition. As such, the Office of Planning does not oppose the Petitioner's request. A copy of which is attached hereto and made a part hereof the file.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 17, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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.

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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 Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet and a sum of side yards of 22 feet in lieu of the required 10 feet and 25 feet, respectively, for a proposed garage addition be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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12-13-06




BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 13, 2006

ROBERT LEONARD
814 SUBURBIAN ROAD
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 07-212-A
Property: 814 Suburban Road

Dear Mr. Leonard:

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

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12/13/06

Handwritten initials, possibly "JVM", written in ink.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 814 Suburban Rd
which is presently zoned DR 3.5

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)

1802.3.B to permit a side yard setback of 7 ft. and a sum of side yards of 22 ft. in lieu of the required 10 ft. and 25 ft. respectively, for a proposed garage addition.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ 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. 07-212-A

Reviewed By BN

Date 11/18/06

REV 10/25/01 12/13/06 RECEIVED FOR FILING

Estimated Posting Date 11/19/06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 814 Suburban Rd
which is presently zoned DR 3.5

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)

setback of 7 ft. and a sum of 1302.3.3 to permit a side yard side yards of 22 ft. in lieu of the required 10 ft. and 25 ft. respectively, for a proposed garage addition.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ROBERT LEONARD

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ 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. 07-212-A

Reviewed By SK

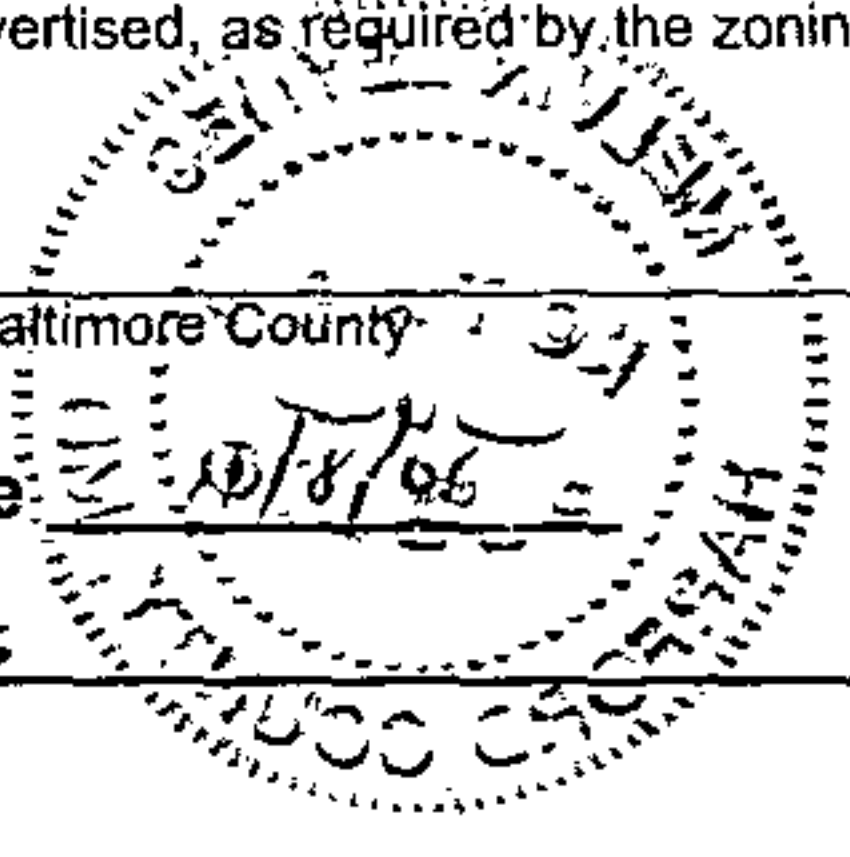
Date 10/8/06

REV 10/25/01

Estimated Posting Date 11/19/06

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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 814 Suburban Rd
Address
Reisterstown MD 21136
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):

My family is growing and I need more room. With the housing market so high this all I can afford. The extra room and my parents are getting older; this will give me the option for them to also live in my home. I also need a more secure area to store my tools/equipment that I use on a day to day to make a living. The garage creates a safe/secure place to park my truck that I need to use for work.

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.

Robert Leonard
Signature
Robert Leonard
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of September, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert Leonard
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Robert Jay
Notary Public
My Commission Expires 8/22/10

ZONING DESCRIPTION

Zoning Description For 814 Suburbian Road

Beginning at a point on the South side of Suburbian Road, which is 50 feet wide at the distance of 322 ft. Northwest of the centerline of the nearest improved intersecting street Holly Hill Road, which is 50 ft. wide. Being Lot # 8, Block E, Section 1 in the subdivision of Suburbia as recorded in Baltimore County Plat Book #26, Folio# 89, containing 10,488 square feet. Also known as 814 Suburbia Road and located in the 4th Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21758

DATE 11/8/06 ACCOUNT 006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Robert J. Brown
FOR: Amberlynn Brown

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

Item # 212

PAID RECEIPT

BUSINESS ACTUAL TIME
11/07/2006 11/08/2006 14:59:41

REB MADE WALKER JRIC JIR

>> RECEIPT # 21758 11/08/2006 0FLN

DEPT 5 528 20000 VERIFICATION

CR NO. 021758

Receipt Tot

65.00

65.00 CA

65.00 DB

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-212-A

Petitioner/Developer: _____

Robert Leonard

Date of Hearing/Closing: 12/4/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

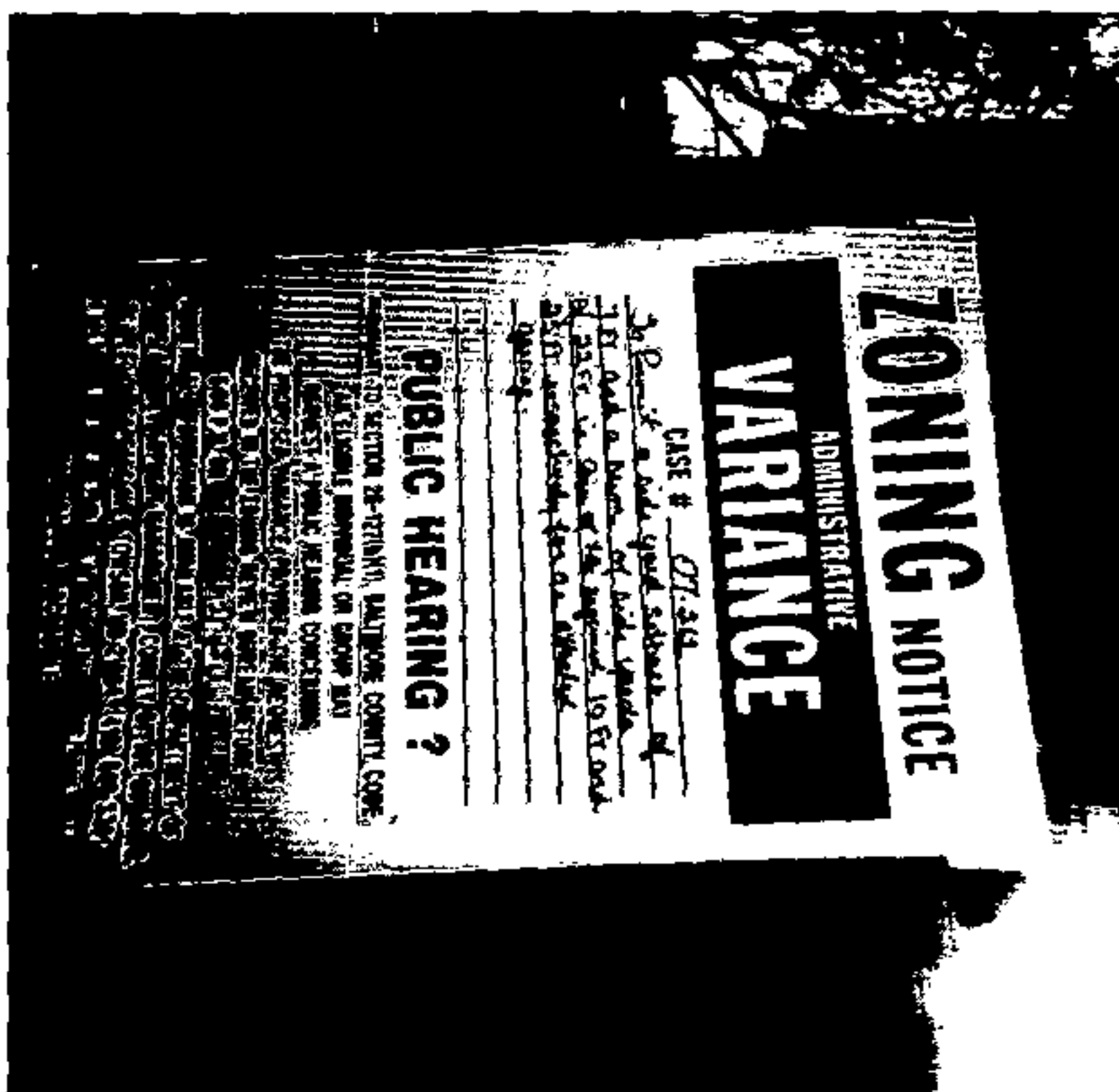
Attention:

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 property at

814 Suburban Road

The sign(s) were posted on November 17, 2006
(Month/Day/Year)



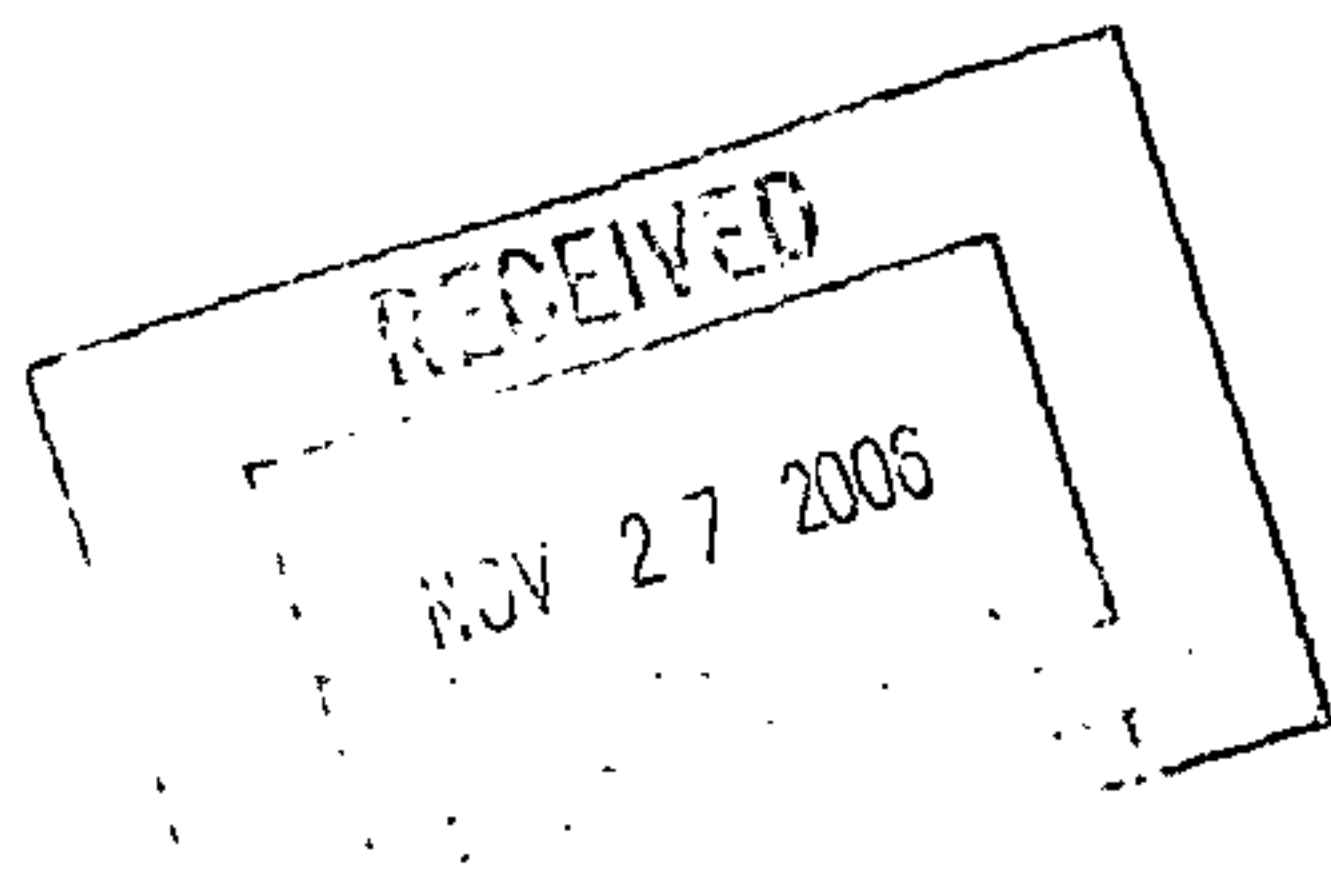
Sincerely,

Sandra L. Egolf 11/20/06
(Signature of Sign Poster/Date)

SANDRA L. EGOLF
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 212 -A Address 814 Suburban Rd.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 11/8/06 Posting Date: 11/19/06 Closing Date: 12/4/06

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.
- DEADLINE:** 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- 212 -A Address 814 Suburban Rd.
Petitioner's Name Robert Leonard Telephone 410-241-4264
Posting Date: 11/19/06 Closing Date: 12/4/06
Sording for Sign: To Permit a side yard setback of 7 ft. and a sum of side yards of 22 ft. in lieu of the required 10 ft. and 25 ft., respectively for an attached garage.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 07-212-A
Petitioner: Robert Leonard
Address or Location: 814 Suburban Rd Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert LEONARD
Address: 814 Suburban RD
Reisterstown, MD 21136
Telephone Number: 410-241-4264



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

December 5, 2006

Robert Leonard
814 Suburbian Road
Reisterstown, MD 21136

Dear Mr. Leonard:

RE: Case Number: 07-212-A, 814 Suburbian Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 8, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

State Highway
Administration

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. 7-212-A
814 SUBURBAN ROAD
LEONARD PROPERTY
VARIANCE - SIDE YARD SETBACK
IN LIEU OF REQUIRED 10' & 25'

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. 7-212A.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



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
Department of Permits & Development
Management

DATE: November 14, 2006

FROM: ^{DAK} 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

DATE: November 20, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 814 Suburban Road

INFORMATION:

Item Number: 7-212

Petitioner:

Zoning: DR 3.5

Requested Action: Administrative Variance

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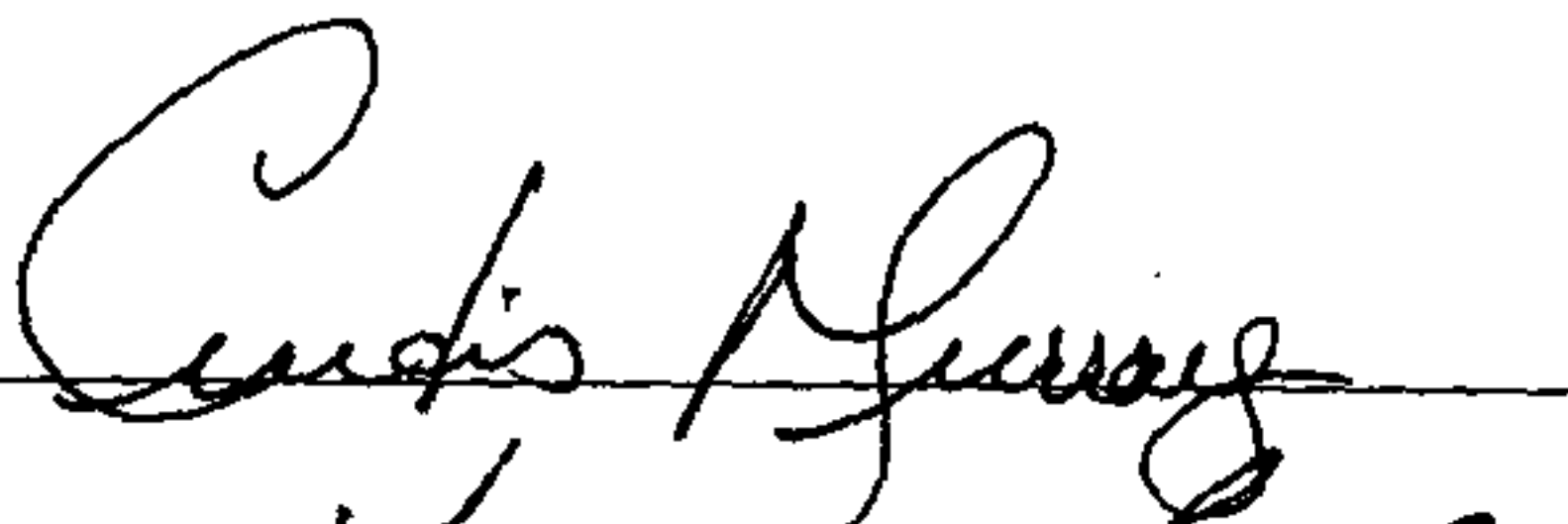
PLANNING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

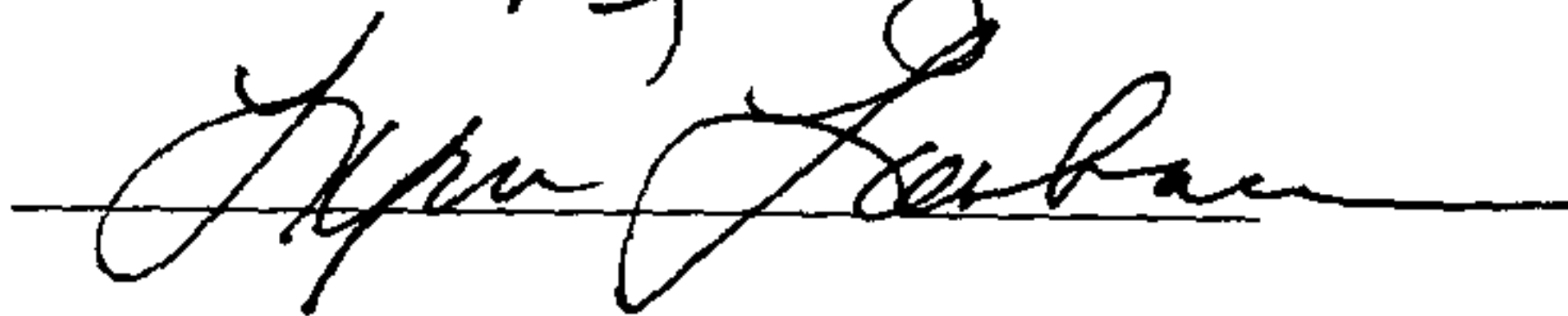
The petitioner requests a side yard setback variance of a 7' setback in lieu of the required 10' and a sum of side yards of 22' in lieu of 25' in order to construct a 16' x 32' addition. The property line is skewed presenting a practical difficulty to the petitioner. The addition maintains the 10' required setback perpendicular from the front of the addition but not from the closest point measured perpendicular to the rear of the addition. As such the Office of Planning does not oppose the requested variance.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



PLAT TO ACCOMPANY PETITION FOR ZONING



VARIANCE



SPECIAL HEARING

PROPERTY ADDRESS 814 Suburban Rd

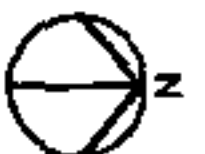
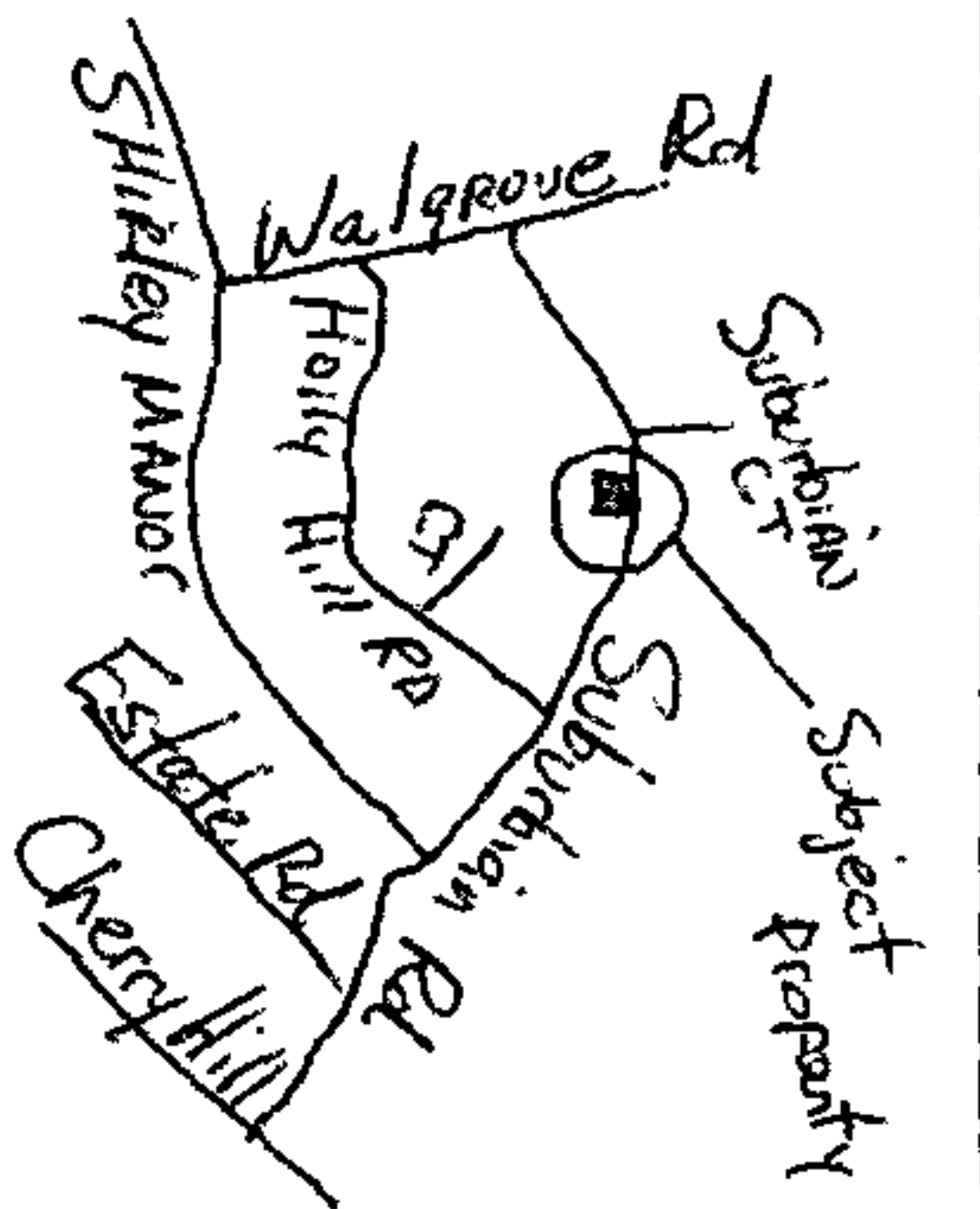
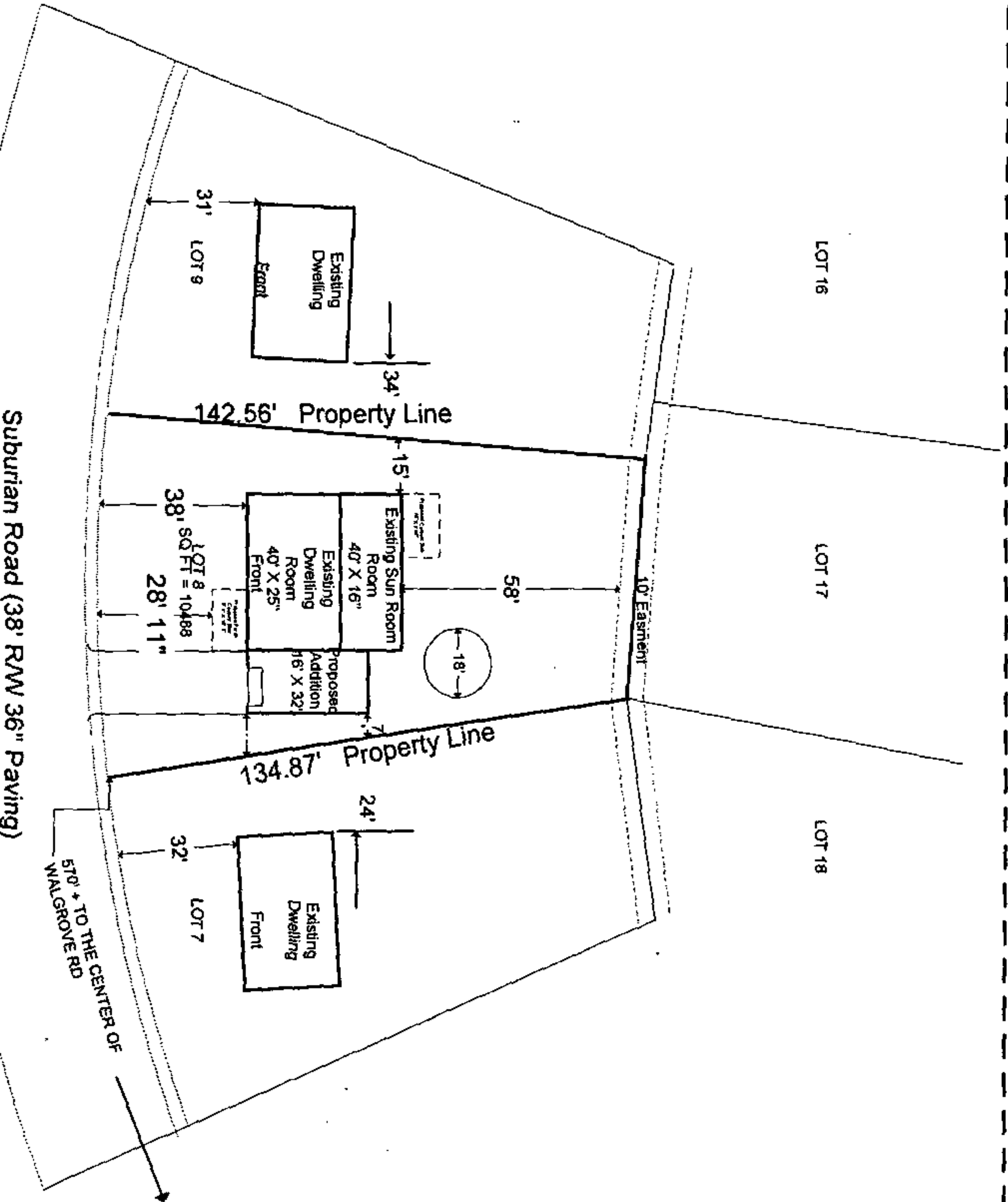
SUBDIVISION NAME Suburbia

PLAT BOOK # 26 FOLIO # 89

LOT # 8

SECTION # 1 BLOCK # 1

OWNER ROBERT LEONARD



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 4
COUNCILMANIC DISTRICT 2
1" = 200' SCALE MAP 49A3
ZONING DR 3.5

LOT SIZE 24 ACRES 10488 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

NONE

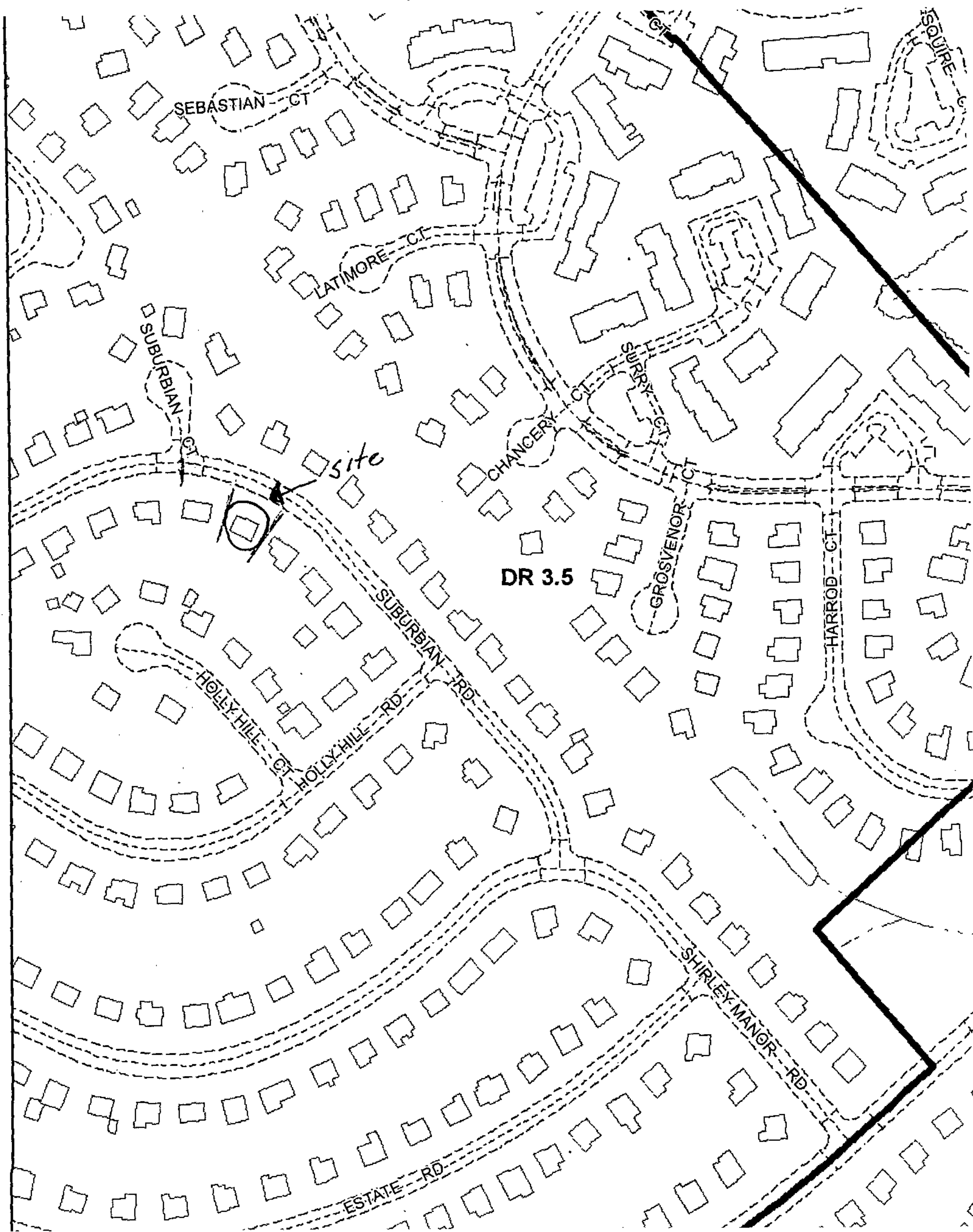
ZONING OFFICE USE ONLY

REVIEWED BY AR 2/2 07-212-A
ITEM # CASE #

PREPARED BY AR

SCALE OF DRAWING: 1" = 50'

Map: 49A3



#212



