

IN RE: PETITION FOR ADMIN. VARIANCE

W side Sandhill Road, SW corner at
Highvilla Road
15th Election District
7th Councilmanic District
(120 Sandhill Road)

Gary and Sylvia Samuels
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-240-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 and Sylvia Samuels. The variance request is for property located at 120 Sandhill Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (attached garage) to have a side yard setback of 12 feet in lieu of the required 25; and to amend the Final Development Plan of Goldentree, Lot 212 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to construct a 24 foot x 24 foot attached garage. The Petitioners' lot is on the corner of Sandhill Road and Highvilla Road. Due to a corner lot side setback of 25 feet, Petitioners would be unable to have a 24 foot attached garage. The Petitioners can store a vehicle or boat in the new garage.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated December 26, 2006 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file. That Office issued revised comments on

1-22-07
102-1
102-1

January 22, 2007, which states that they have reviewed the access and elevations for the property and their requirements for the proposed construction have been met.

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.”

Initial Review

Upon review of the Petition I noted a comment from the Office of Planning requesting certain information and access to the garage via Sandhill Road. It was not clear to me that the Petitioner's intentions were to give access to the garage as requested and so sent a letter to the Petitioners requesting they gather the information requested and contact Ms. Mantay in the Planning Office. Subsequently I received a revised comment from the Planning Office which indicated they were satisfied with both the access and elevations presented.

Findings of Fact and Conclusions of Law

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 9, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

1-22-07
102

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 23rd day of January, 2007, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (attached garage) to have a side yard setback of 12 feet in lieu of the required 25; and to amend the Final Development Plan of Goldentree, Lot 212 only 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. Petitioner shall construct the proposed garage in accord with Petitioner's information supplied to the Office of Planning.

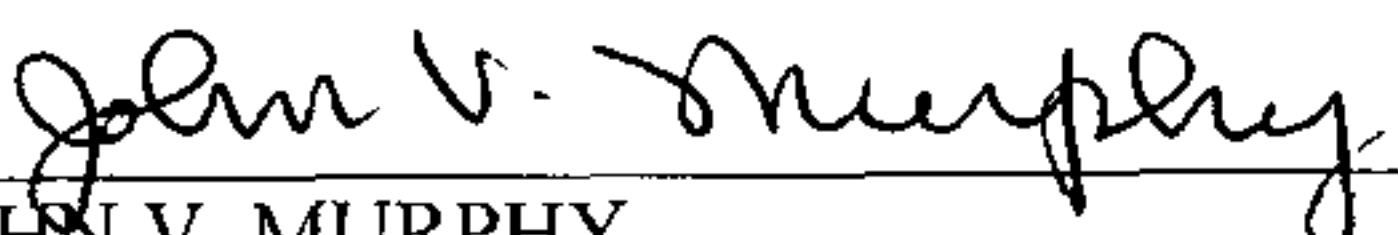
RECEIVED FOR PLANNING

1-22-07

PB

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

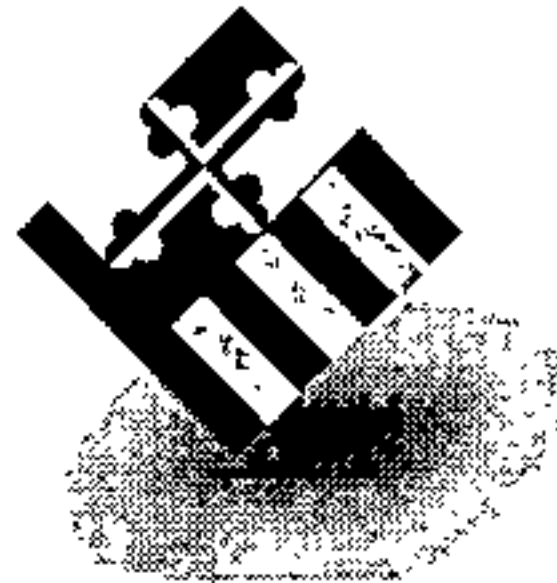
Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED FOR FILING
JAN 1-22-07
pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 22, 2007

GARY AND SYLVIA SAMUELS
120 SANDHILL ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 07-240-A
Property: 120 Sandhill Road

Dear Mr. and Mrs. Samuels:

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

c: Robert Bunnell, PO Box 15453, Baltimore MD 21220

1-22-07
JVM



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 120 Sandhill Rd.
which is presently zoned D.R. 10.5

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) 1B02.3.C.1 - to permit a

proposed addition (attached garage) to have a side yard setback of 12 feet in lieu of the required 25; and to amend the final development plan of Goldentree, lot 212 only

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11 day of November, 2006, 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.

Legal Owner(s):

Gary Samuels
Name - Type or Print

Gary Samuels
Signature

Sylvia Samuels
Name - Type or Print

Sylvia Samuels
Signature

120 Sandhill Rd. 410-391-6880
Address Telephone No.

Baltimore, Md. 21221
City State Zip Code

Representative to be Contacted:

Robert Bunnell
Name

P.O. Box 15453 410-391-6811
Address Telephone No.

Baltimore, Md. 21220
City State Zip Code

CASE NO. 07-240-A

REV 10/25/01 1-2207

Zoning Commissioner of Baltimore County

Reviewed By RJD Date 11/27/06

Estimated Posting Date 12/10/06

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

120 Sandhill Rd.
Address
Baltimore Md. 21221
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):

Due to corner lot side set back of 25'
unable to have 24' attached garage. Side
set back would be 12' if permitted.

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.

Gary Samuels
Signature

Gary Samuels
Name - Type or Print

Sylvia Samuels
Signature

Sylvia Samuels
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of November, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary Samuels and Sylvia Samuels
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



James L. Brager
Notary Public

My Commission Expires 6-19-2010

Zoning Description

Zoning Description for 120 Sandhill Road

Beginning at a point on the ~~west~~ side of Sandhill Road which is 50' wide at the distance of 25' ~~south~~ of the centerline of the nearest improved street Highvilla Road which is 50' wide. Being lot #212 block 4, Section A in subdivision of Goldentree as recorded in Baltimore County Plat Book # ~~50~~ Folio # 061 containing 10,800 square feet. Also known as 120 Sandhill Road and located in the 15th Election District, ~~7th~~ Councilmanic District.

Item #240

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22782

DATE

11/27/2006

ACCOUNT

2001-0006-5150

AMOUNT

\$ 115.00

RECEIVED

FROM:

FOR:

ZOMING MEDICAL CO. #07-240-A

DUPLICATE PAID RECEIPT

REVALUATION

BUSINESS ACTUAL TIME

11/27/2006 11/27/2006 09:21:27

RES USED: WALSH JUNE JUNE

>>RECEIPT # 310550 11/27/2006

Dept 13 333 ZOMING VERIFICATION

CR NO: 025702

Receipt 114 0115.00

\$115.00 US \$ 0.00 CA

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-240-A

Petitioner/Developer: GARY &
SYLVIA SAMUELS (HJR CONTRACTORS)

Date Of Hearing/Closing: 12/25/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

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 130 SANDHILL ROAD

This sign(s) were posted on December 9, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 12/9/06
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

12/28/12 12:13
SE-12 06 19:25

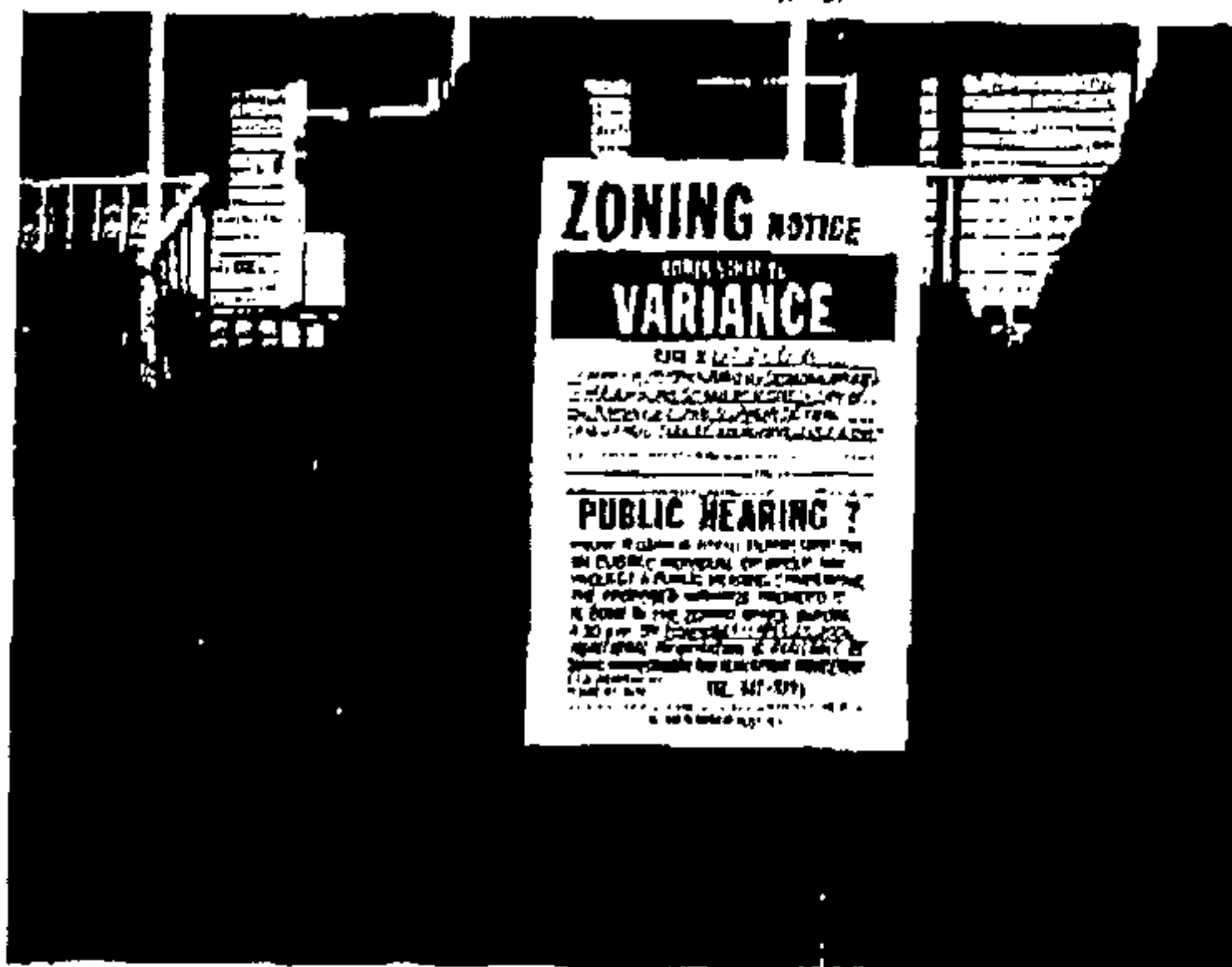
4103913558
MARTIN Q. 4107805188

HJ&R

PAGE 03

PAGE4

Im000927 (576x432x24b jpeg)



myalme 12/19/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 240 -A Address 120 Sandhill Road
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/27/06 Posting Date: 12/10/06 Closing Date: 12/25/06

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- 240 -A Address 120 Sandhill Road
Petitioner's Name Gary + Sylvia Samuels Telephone 410 391 6880
Posting Date: 12/10/06 Closing Date: 12/25/06
Wording for Sign: To Permit a proposed addition (attached garage) to
have a side yard setback of 12 feet in lieu of the required
25; and to amend the final development plan of Goldentree,
Lot 212 only

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: 07-240-A
Petitioner: GARY & SYLVIA SAMUELS
Address or Location: 120 SANDHILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: HJR CONTRACTORS INC.
Address: P.O. Box 15453
Baltimore, MD 21220
Telephone Number: 410-391-6811



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 27, 2006

Gary Samuels
Sylvia Samuels
120 Sandhill Road
Baltimore, MD 21221

Dear Mr. and Mrs. Samuels:

RE: Case Number: 07-240-A, 120 Sandhill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 27, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robert Bunnell P.O. Box 15453 Baltimore 21220

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

December 7, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 4, 2006

Item Number(s) (240) through 251

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

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: December 11, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2006
Item Nos. 07-240, 242, 244, 245, 246,
247, 249 and 251

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-12112006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 26, 2006

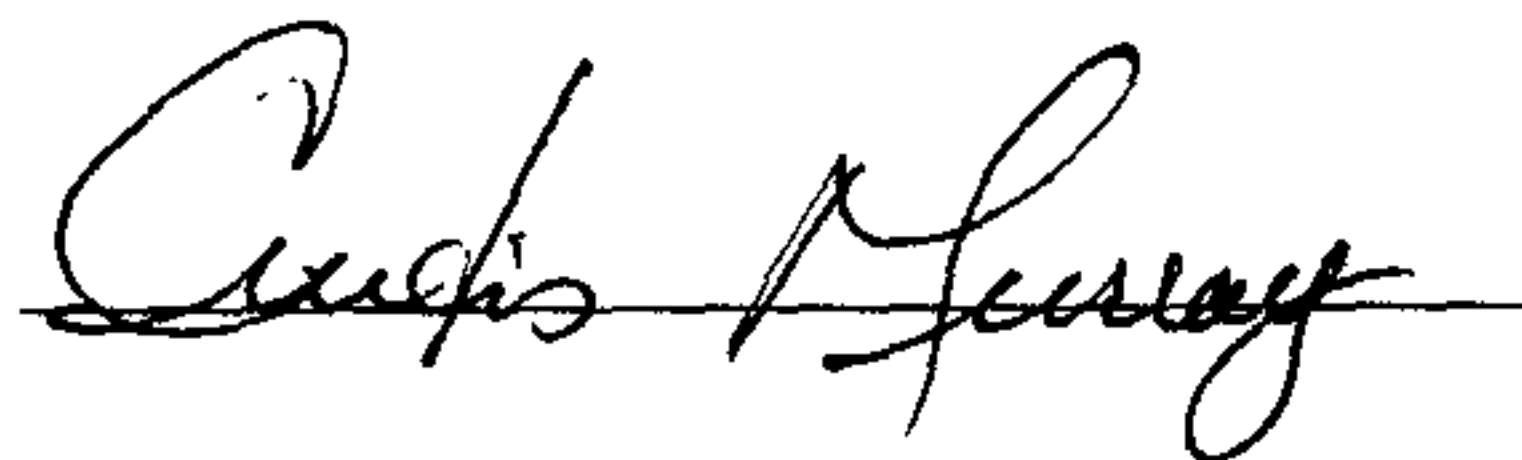
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-240- Administrative Variance

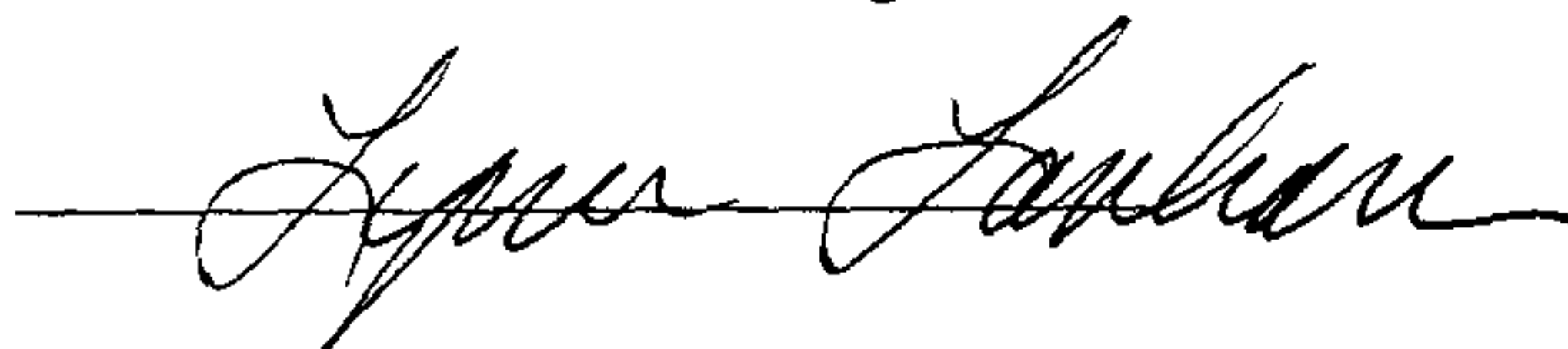
The Office of Planning has reviewed the above referenced case(s) and requests that the petitioner show the proposed access to the garage from Sandhill Road and provide elevations of the garage with window treatments located on the High Villa façade of the building.

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

Prepared By:



Division Chief:



CM/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/4/2006

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

RE: Baltimore County
Item No. 7-240A
120 SANDHILL ROAD
SAMUELS PROPERTY
VARIANCE - PERMIT A PROPOSED
ADDITION TO HAVE SIDEYARD
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. 7-240A.

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 9, 2007

GARY AND SYLVIA SAMUELS
120 SANDHILL ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 07-240-A
Property: 120 Sandhill Road

Dear Mr. and Mrs. Samuels:

Your request for Administrative Variance has been given to me for review. I have attached a comment from the Office of Planning requesting certain information and access to the garage via Sandhill Road. The comment is not clear to me if this is consistent with your intentions. Might I suggest you gather the information requested and contact Ms. Mantay in the Planning Office. I would like a revised comment from that Office if you and she agree. However, if you do not agree, I can schedule this case for a public hearing.

Would you let me know in writing your thoughts in this regard.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Amy Mantay, Office of Planning
Robert Bunnell, PO Box 15453, Baltimore MD 21220

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

James T. Smith, Jr., County Executive
Arnold F. 'Pat' Keller, III, Director

January 22, 2007

John V. Murphy
Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

RECEIVED

JAN 23 2007

Re: Petition for Administrative Variance
Case No. 07-240-A
Property: 120 Sandhill Road

ZONING COMMISSIONER

Dear Mr. Murphy:

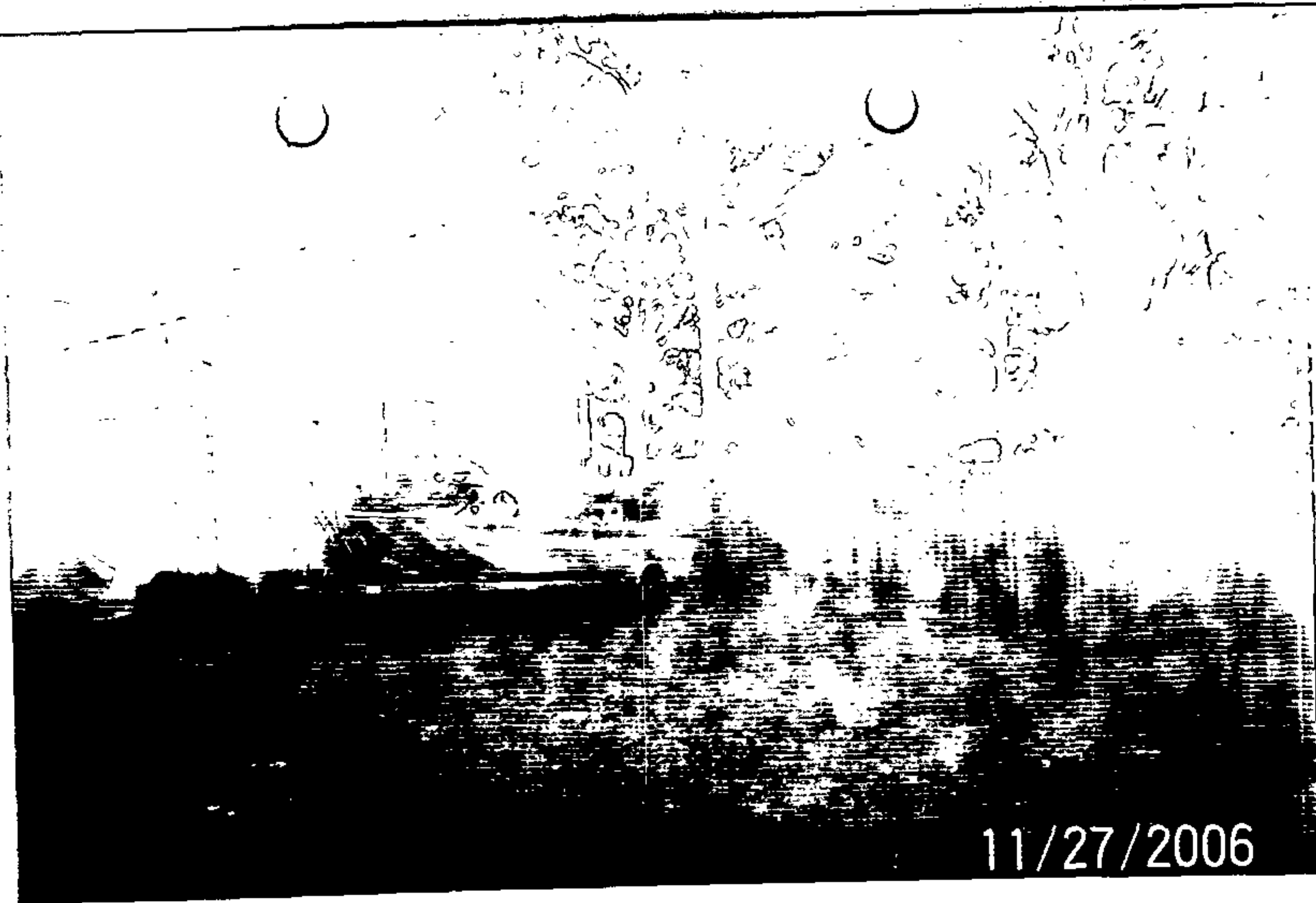
The Office of Planning has reviewed the access and elevations for this property and our requirements for the proposed construction have been met.

Sincerely,


Amy Trexler Mantay
7th District Planner

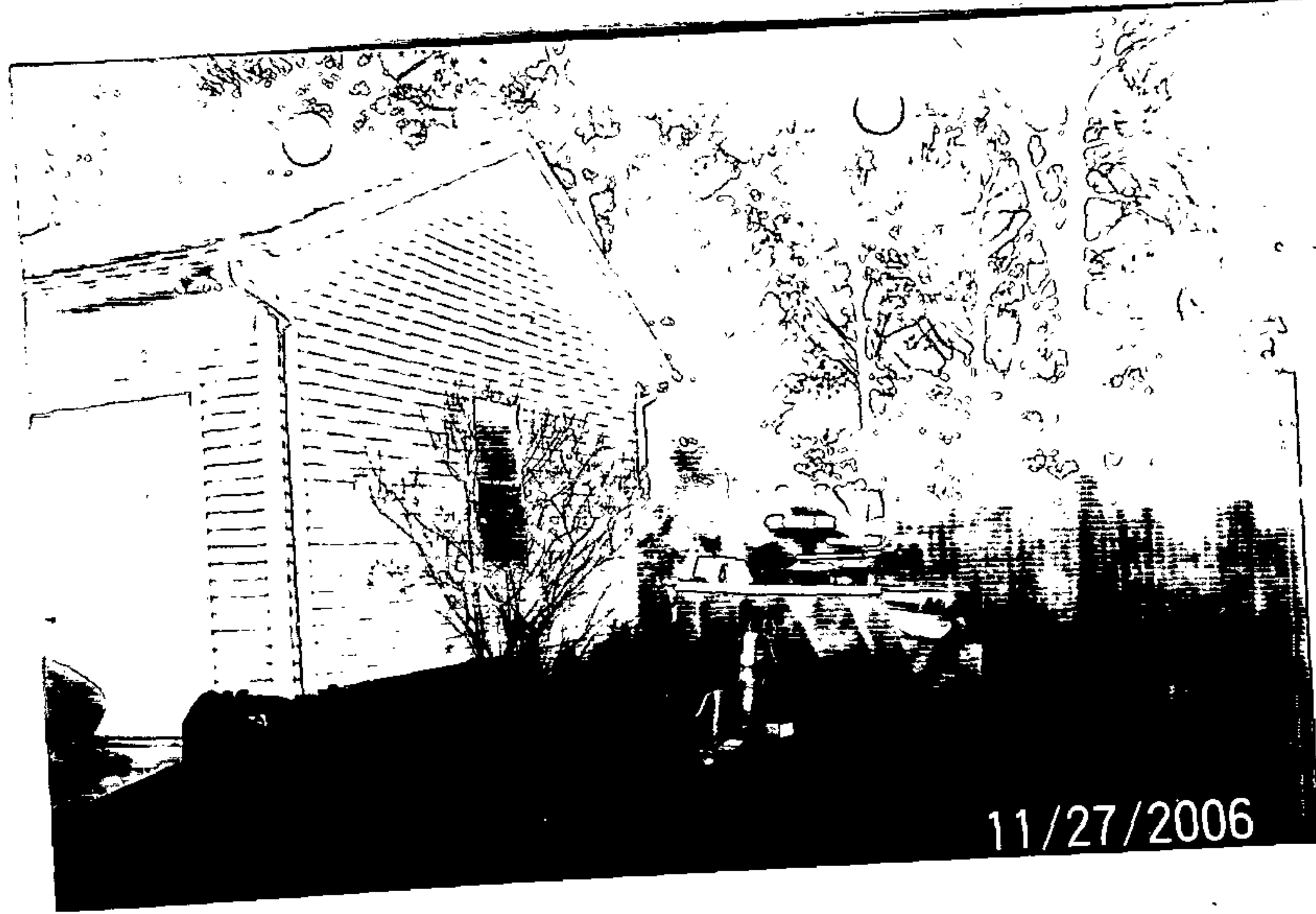
ATM:lsn





11/27/2006

Item #240



11/27/2006

Item #240

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 120 Sandhill RD

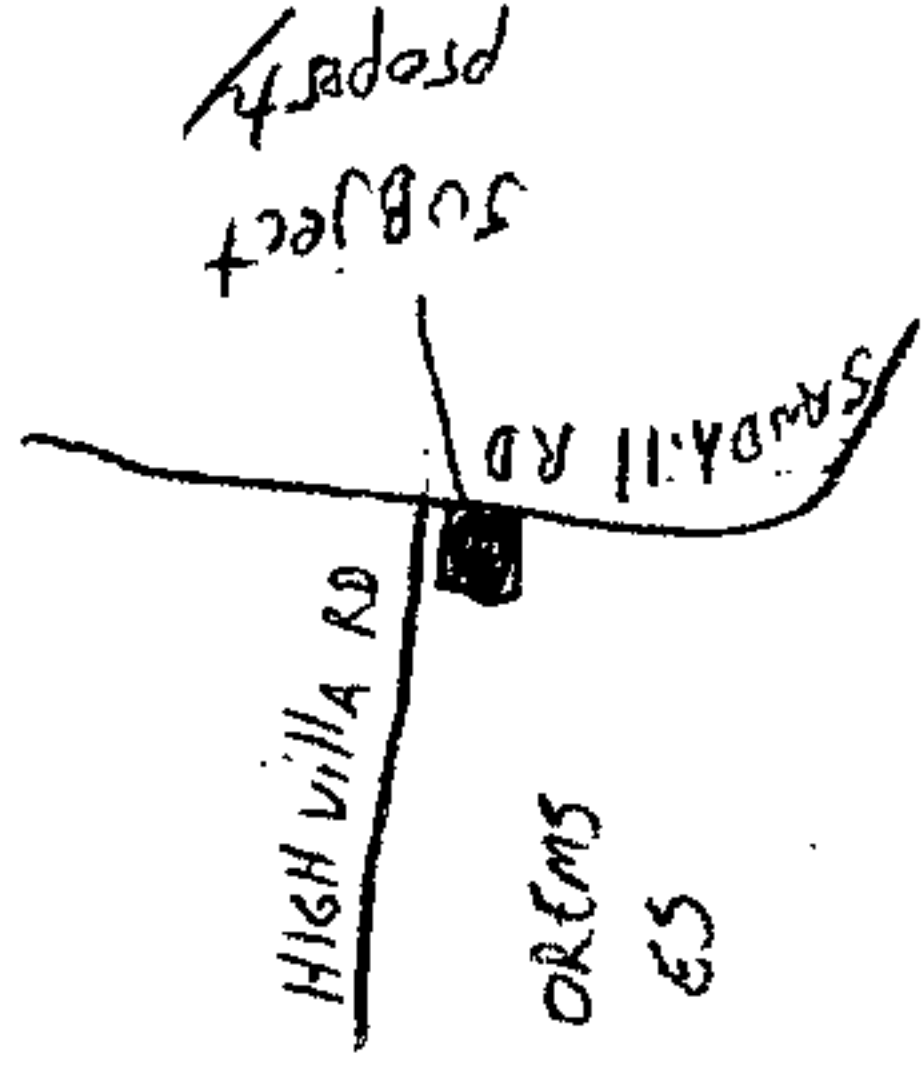
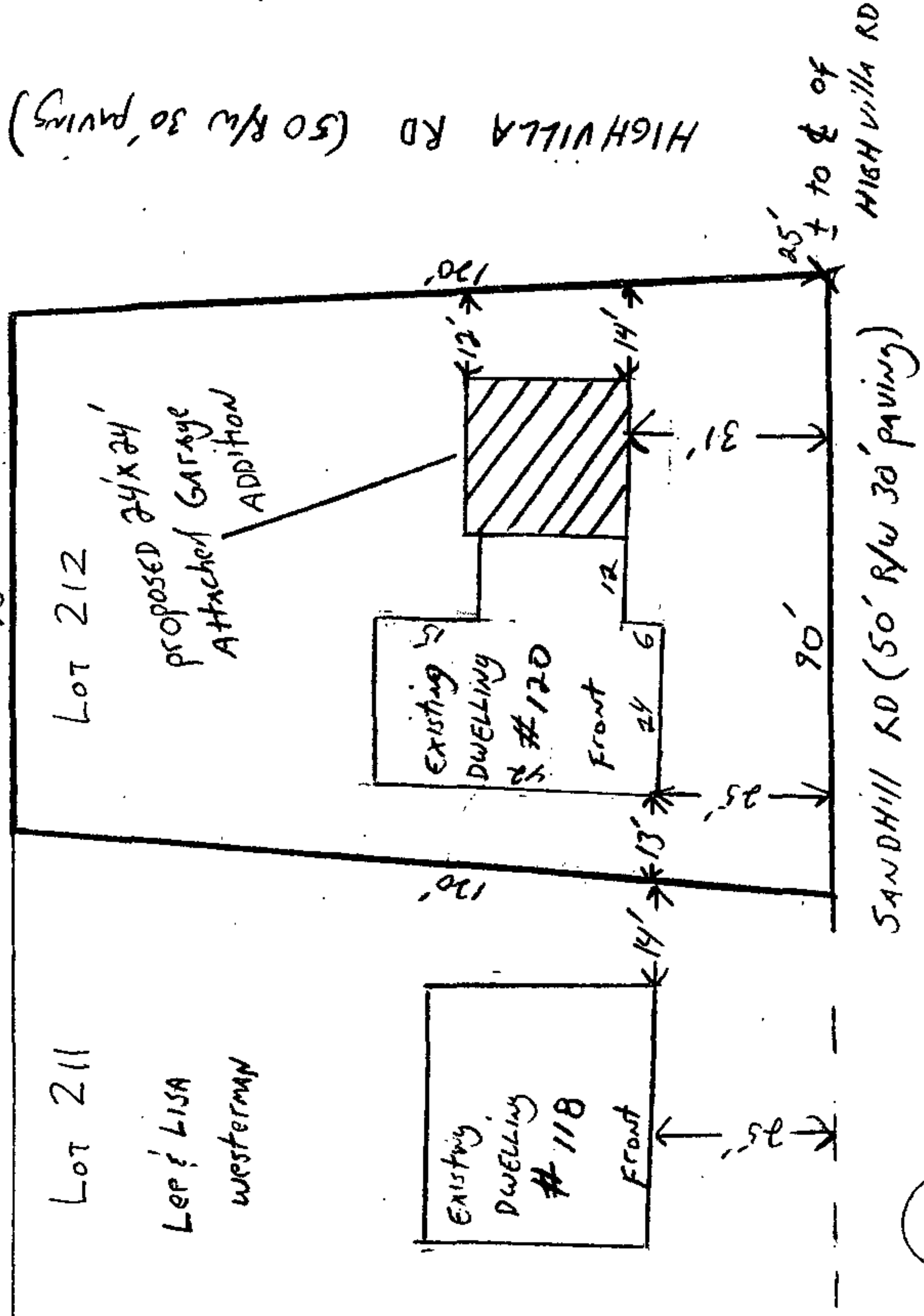
SUBDIVISION NAME Golden Tree

PLAT BOOK # 30 FOLIO # 061 LOT # 212 SECTION # A

OWNER GARY - SYLVIA SAMUELS

OREMS ELEM
SCHOOL

75'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT #744

1" = 200' SCALE MAP # 09082

ZONING D.R. 10.5

LOT SIZE .22 ACRES 10800 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒ ☐

YES ☐ NO ☒

CHESAPEAKE BAY CRITICAL AREA

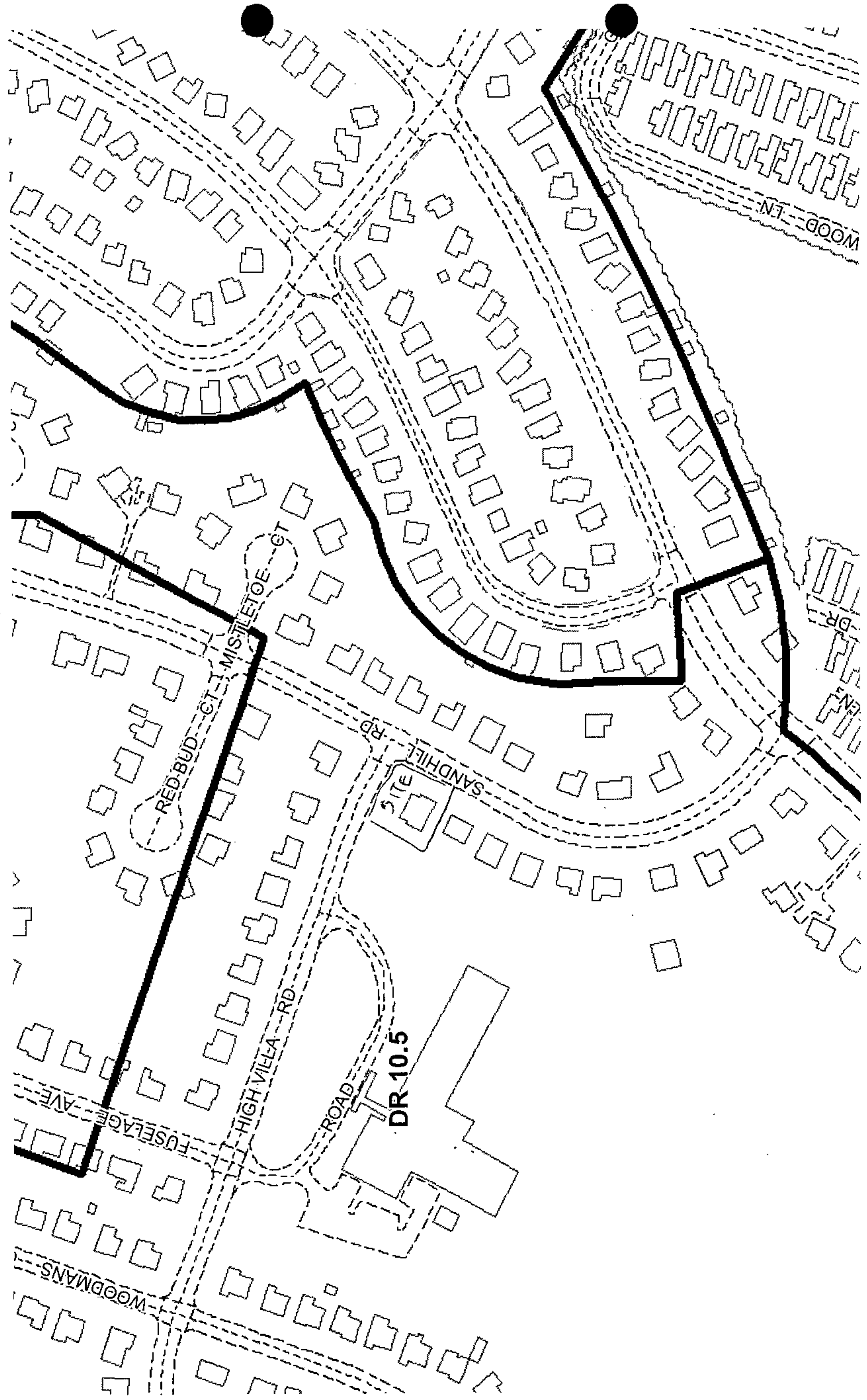
100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY RB ITEM # 07-240-A CASE #

09082



Item #240