IN RE: PETITION FOR ADMIN. VARIANCE
NE side Statewood Road, 670 feet S of
Marshall Wood Road
4th Election District
4th Councilmanic District
(12105 Statewood Road)

Gary Hymes

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-319-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, Gary Hymes. The variance request is for property located at 12105 Statewood Road. The variance request is from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed rear deck with a setback of 18 feet in lieu of the 22.5 feet required and to amend the Final Development Plan for Lot 46, Shipley Property. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct a sundeck on the rear of his house. He states that his property is at the end of a cul de sac, is irregular in shape and allows for little usable rear yard. The grading and drainage easement further reduces the usable space in the back yard. The sundeck will conform with other decks in his neighborhood. Petitioner provided photographs of adjacent properties with sundecks.

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.

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

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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 January 21, 2007 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.

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 _______ day of February, 2007, that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed rear deck

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with a setback of 18 feet in lieu of the 22.5 feet required and to amend the Final Development Plan for Lot 46, Shipley Property be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 20, 2007

GARY HYMES 12105 STATEWOOD ROAD REISTERSTOWN MD 21136

Re: Petition for Administrative Variance

Case No. 07-319-A

Property: 12105 Statewood Road

Dear Mr. Hymes:

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: Dave Finneran, Maryland Deck & Hot Tubs, 1802 Baltimore Blvd., Westminster MD 21157



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12/05 STRTEWOOD RD. which is presently zoned DR 5.5

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)

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OF 18 FT IN LARUSOF	THE 22/2 FT. REQUIRED
OT 46 SHIFTEY PROPERTY of the zoning regulations of Baltimore County, to the zoning law	FILTELOPMENT FOR
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of the zoning regulations of Baltimore County, to the zoning law	of Baltimore County! for the reasons indicated on the back
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regulations and restrictions of Baltimore County adopted pursuant to t	- ·
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which
teritorialista de la companya de la La companya de la co	is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	CARY IJVATE
Name - Type or Print	Name, Type or Print
	you of
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	12105 STATEWOOD RD, 410-833-9
	Address Telephone No.
Name - Type or Print	REISTERSTOWN MD 21136 City State Zip Code
Type of Time	
Signature	Representative to be Contacted:
<u></u>	DAVE FINNERAN MD DECK & HOT TUB
Company	1802 BAUTIMORE BUD 4/0-374-800
Address Telephone No	AddressTelephone No.
City Code	WESTMISNSTER MD 21157
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be rethis day of, that the subject matter of this	quired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
regulations of Baltimore County and that the property be reposted.	F 1884
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CASE NO. () (Review	wed ByDateD
REV 10/25/01 — Estimate	ated Posting Date 12107
<i>A O O O O O O O O O O</i>	

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	12105 STATE	EWOOD	KD,	
	Address REISTERSTOWN	MD	21136	
	City	State	Zip Code	е

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):

Please grant my request to construct and attach a sundeck to the rear of my house and extend past the limits of the building restriction line currently available. In my situation, the Builder/Developer has constructed my house on the rear limit of the Building Restriction Line. The Builder was forced to do this because my lot is at the end of a cul-de-sac and was designed with an irregular shape. Although the lot conforms with other lots in the subdivision as far as square footage is concerned, the shape allows for little usable rear yard. The grading and the drainage easement has further reduced the functional space in my rear yard, therefore I am requesting to add a sundeck to my first floor (I have a walk out basement). The sundeck would only project 12' from the farthest rear portion of the house and still remain 18' from the rear lot line. The sundeck is not large, overbearing or obtrusive. The sundeck conforms with other decks in my neighborhood, allows for a table and chairs to fit comfortably, will conform with the surrounding homes and be constructed with premium materials (white PVC rails and Trex decking), as many others have been. Thank you for your consideration.

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.

Signature

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this BH day of January of Maryland, in and for the County aforesaid, personally appeared

GARY HYMES

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

AS WITNESS my hand and North County aforesaid.

Notary Public Adam Stan Contact County Public Adam Stan County Public Pub

REV 10/25/01

My Commission Expires 11 31 2008

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 REISTERSTOWN

Zip Code

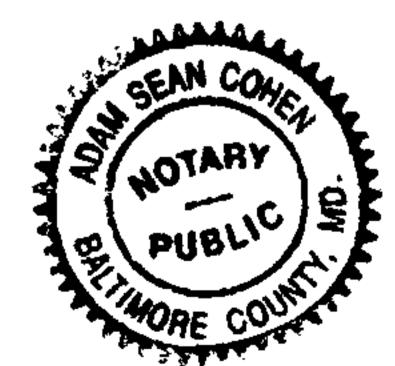
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

> Please grant my request to construct and attach a sundeck to the rear of my house and extend past the limits of the building restriction line currently available. In my situation, the Builder/Developer has constructed my house on the rear limit of the Building Restriction Line. The Builder was forced to do this because my lot is at the end of a cul-de-sac and was designed with an irregular shape. Although the lot conforms with other lots in the subdivision as far as square footage is concerned, the shape allows for little usable rear yard. The grading and the drainage easement has further reduced the functional space in my rear yard, therefore I am requesting to add a sundeck to my first floor (I have a walk out basement). The sundeck would only project 12' from the farthest rear portion of the house and still remain 18' from the rear lot line. The sundeck is not large, overbearing or obtrusive. The sundeck conforms with other decks in my neighborhood, allows for a table and chairs to fit comfortably, will conform with the surrounding homes and be constructed with premium materials (white PVC rails and Trex decking), as many others have been. Thank you for your consideration.

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.

Signature Signature	Signature	
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to w	/it:	
I HEREBY CERTIFY, this 8 day of שארא day of Maryland, in and for the County aforesaid, personally ap	peared , 2007, before me	, a Notary Public of the State
The Affiant(s) herein, personally known or satisfactorily iden	ntified to me as such Affiant(s).	
AO MITHEOO band and Natarial Coal		`

AS WITNESS my hand and Notarial Seal



Notary Public Adam Sean Cohen

REV 10/25/01

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CASE NO

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12105 STATEWOOD RD, which is presently zoned DR 5.5

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) 1301.2.6. L. H. AND 301.

TO PERMIT A PROPOSED REAR DECK WITH A SETBACK OF 18 FT IN LIEU OF THE 22 & FT. REQUIRED. AND TO AMEND THE FEE FINAL DEVELOPMENT PLAN FOR LOT 46, SHIPLEY PROPERTY

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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Name - Type or Print Telephone No. Address Zip Code Signature State City Attorney For Petitioner: Telephone No. Address Zip Code Name - Type or Print Representative to be Contacted: Signature Company Telephoné No Telephone No. Address State Zip Code State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted.

Estimated Posting Date

Zoning Commissioner of Baltimore County



319

1802 Baltimore Boulevard Westminster, MD 21157 410-374-8008 / 410-374-8007

fax 410-374-8006

ZONING DESCRIPTION FOR 12105 Statewood Road.

Beginning at a point on the East side of Statewood
Road which is 50' wide at the distance of 670' (+/-)
South of the centerline of the nearest improved
intersection street, Marshall Wood Road, which is 50'
wide. *Being Lot # 46 in the subdivision of Shipley
Property as recorded in Baltimore County Plat Book
74, Folio # 113, containing 8191 sq. ft.

Also known as 12105 Statewood Road and located in the 4th Election District, 4th Councilmanic District.

CERTIFICATE OF POSTING

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<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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FOR	SHIPLEY	PROPERTY	LOT#1	76			
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				_		WCR	- Revised 6/25/04

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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 5, 2007

Gary Hymes 12105 Statewood Road Reisterstown, MD 21136

Dear Mr. Hymes:

RE: Case Number: 07-319-A, 12105 Statewood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 12, 2007.

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. Callabal)

WCR:amf

Enclosures

c: People's Counsel

Dave Finneran MD Deck & Hot Tubs 1802 Baltimore Blvd Westminster 21157

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

January 26, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

319

Item Number: 304 and 307 through 321

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: January 24, 2007

Department of Permits & Development

Management

ON

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 29, 2007

Item Nos. 07- 260,304, 307, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319,

320, and 321

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw

ce: File

ZAC-NO COMMENTS-01222007.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) 07-319- 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:

CM/LL

DATE: February 15, 2007

State Highway

Administration

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

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

Maryland Department of Transportation

Date: JANUARY 23, 2007.

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

RE: Baltimore County
Item No. 7-319-A
12105 STATEWOOD ROAD
HYMES PROPERTY
ADMINISTRATIVE VAIZIANCE

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. 7-319A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

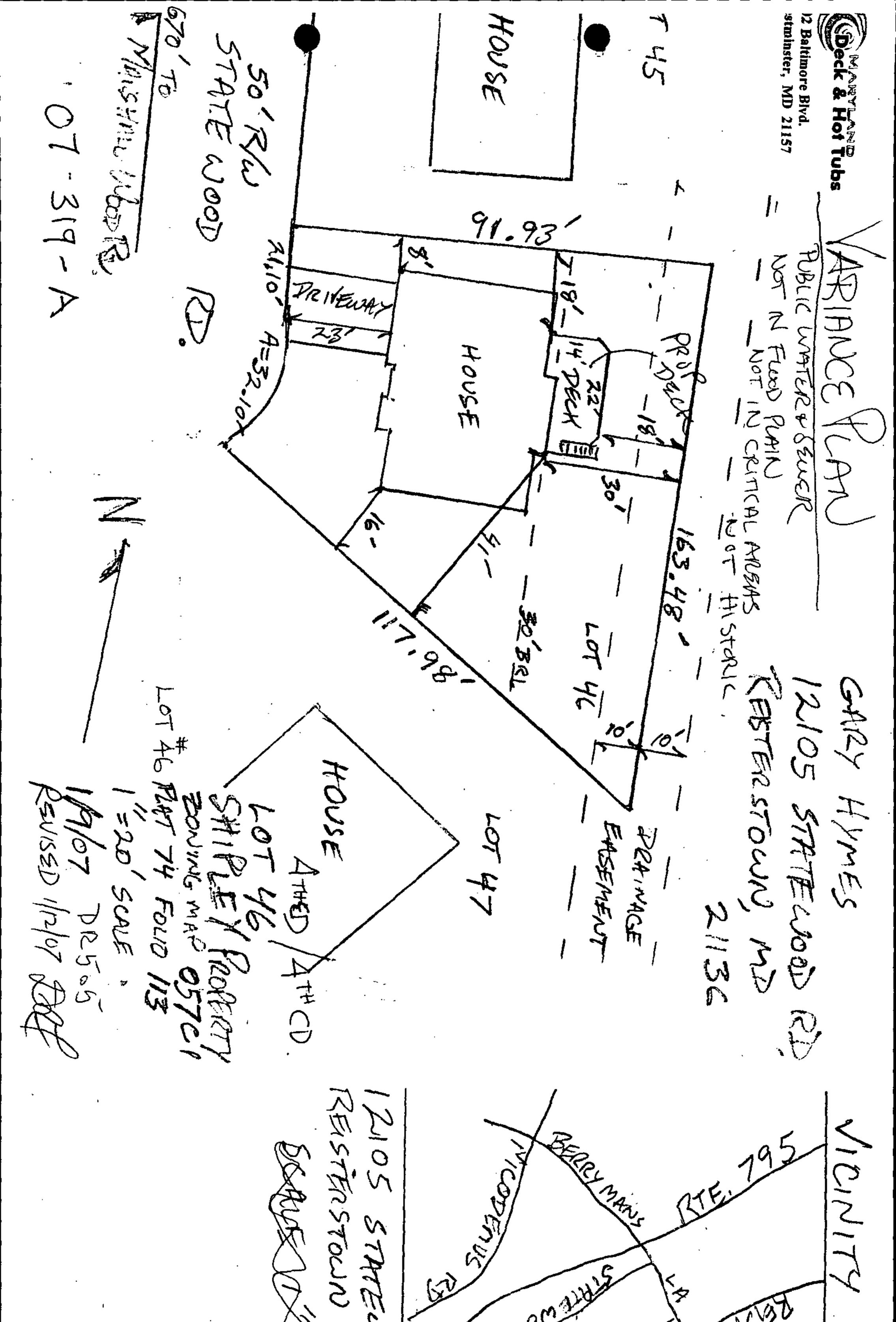
Very truly yours,

Steven D. Foster, Chie

Engineering Access Fermits

Division

SDF/MB

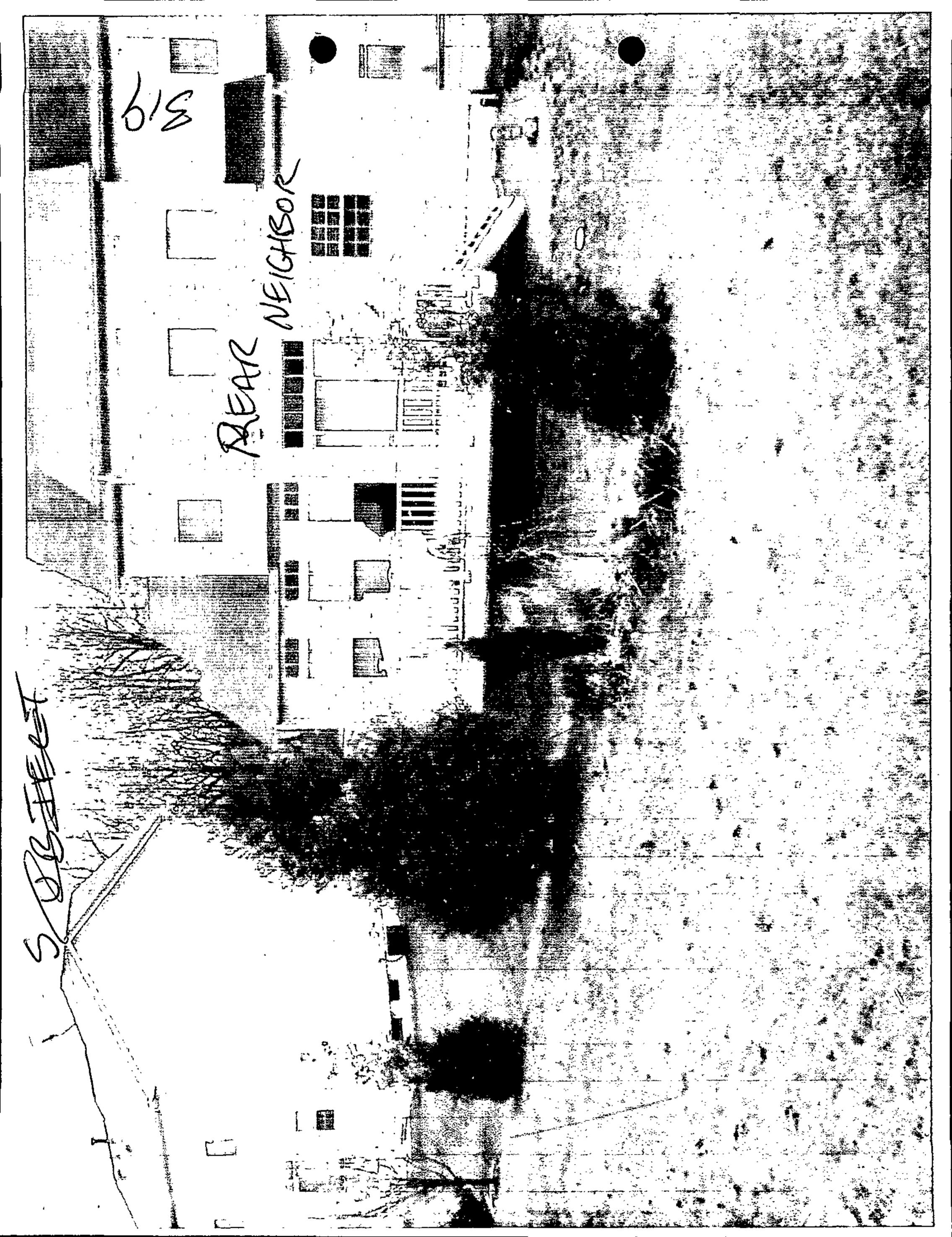


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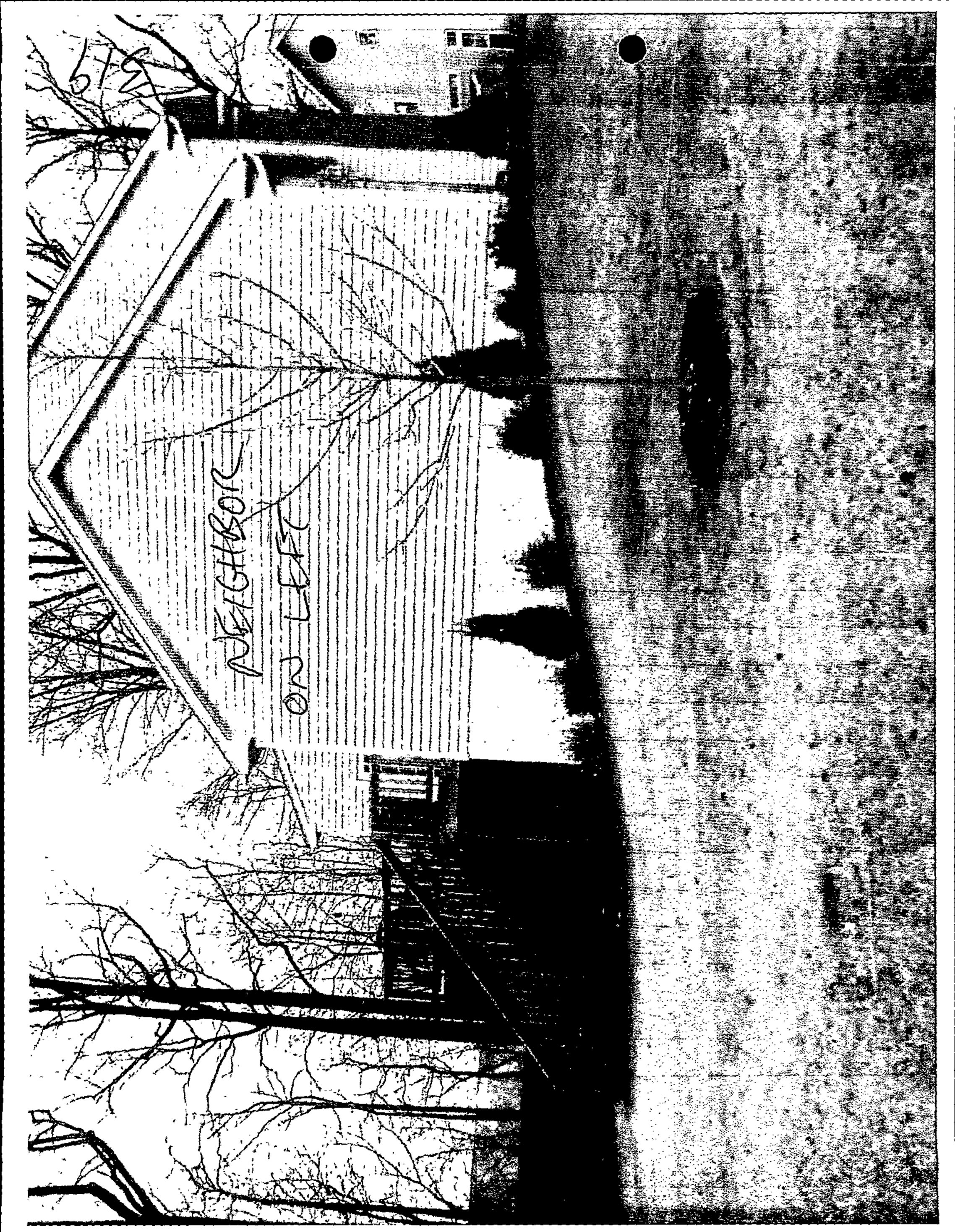
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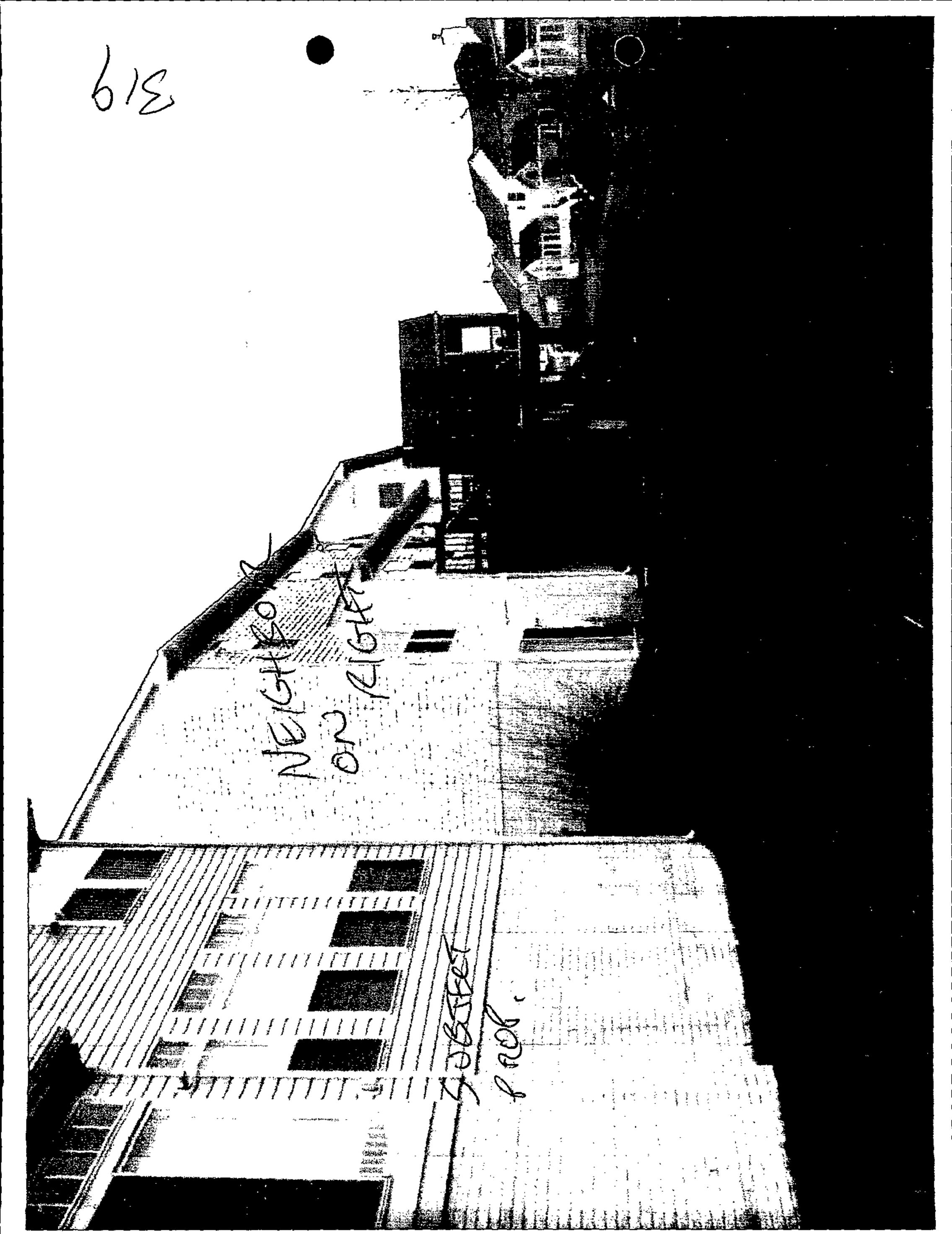
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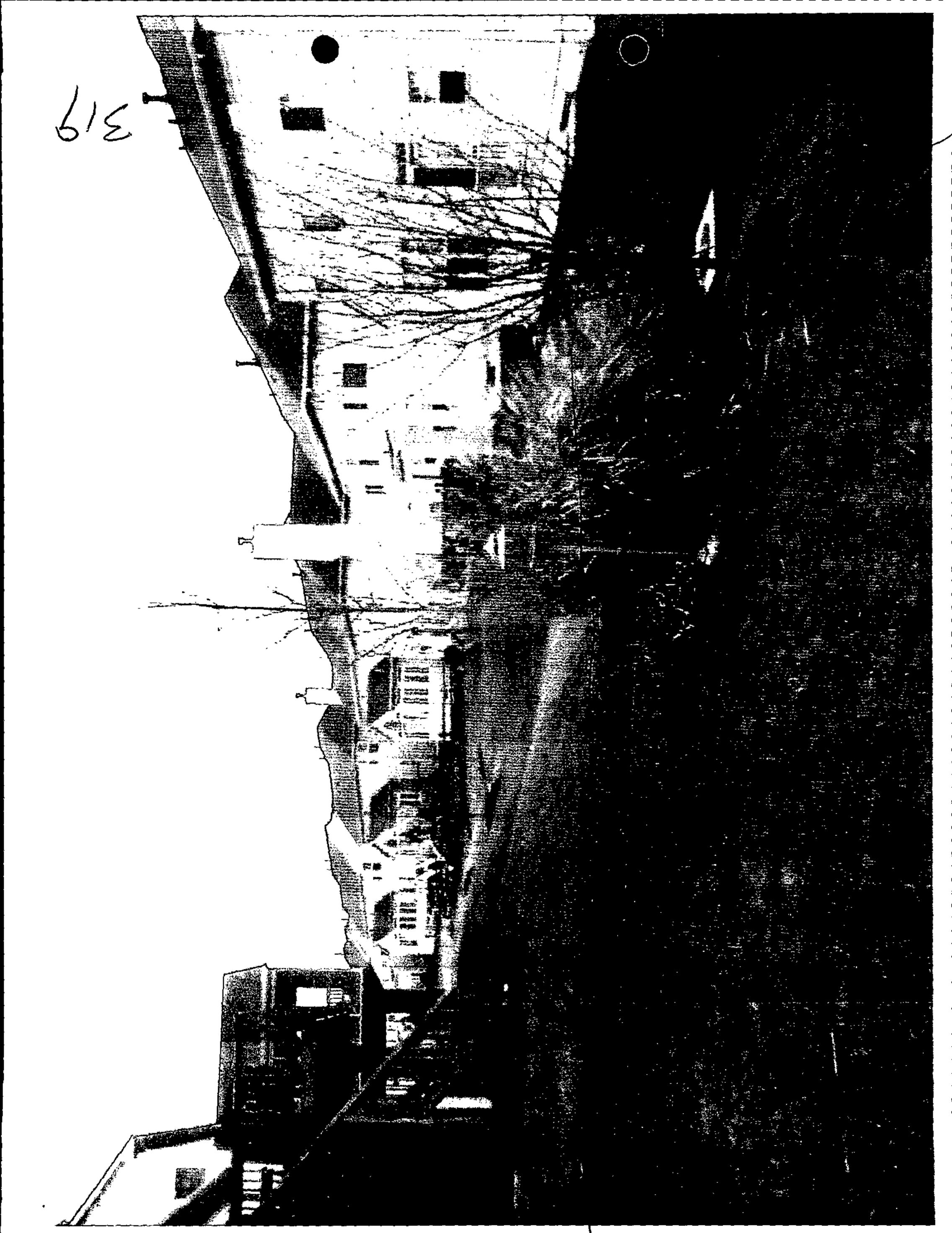
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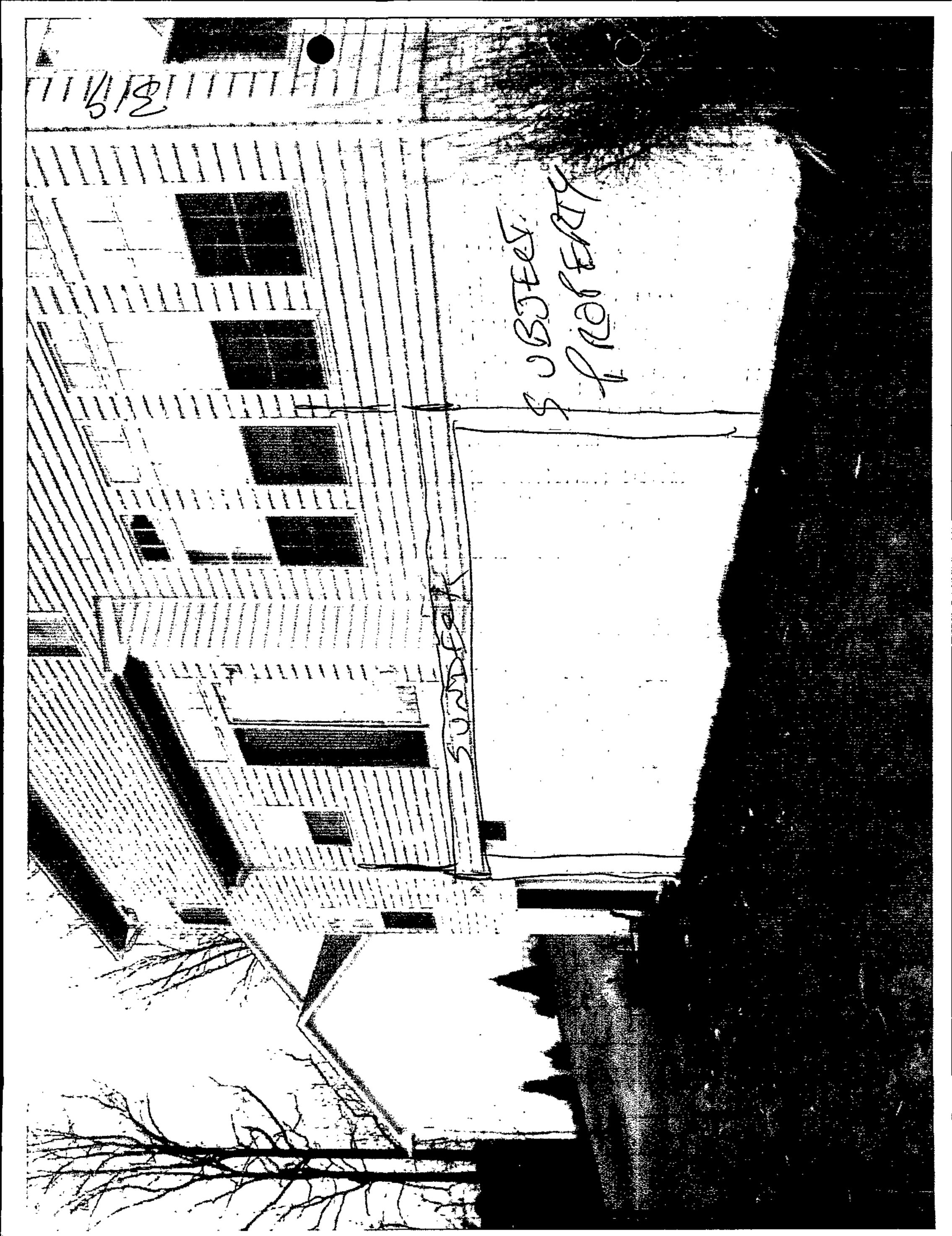


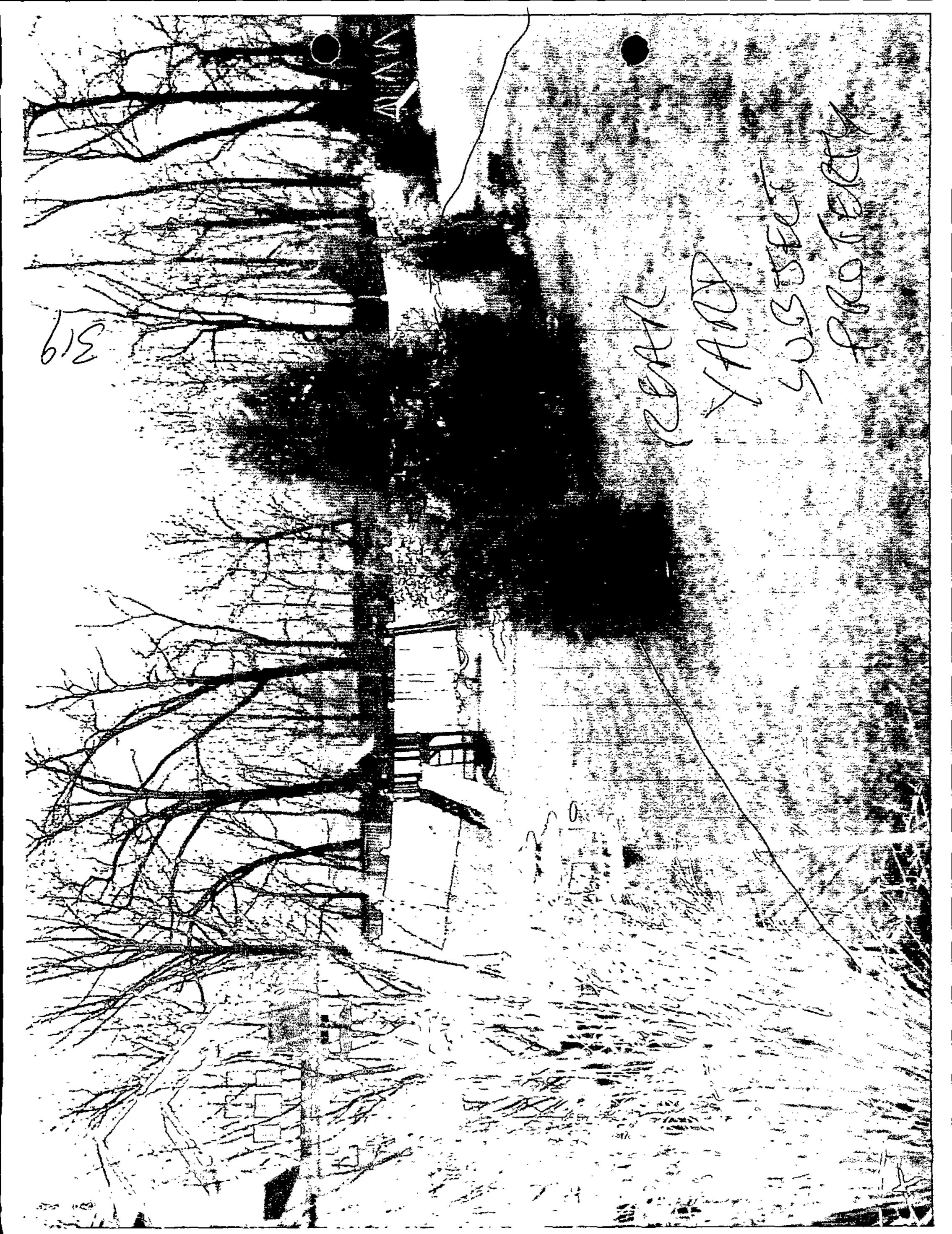
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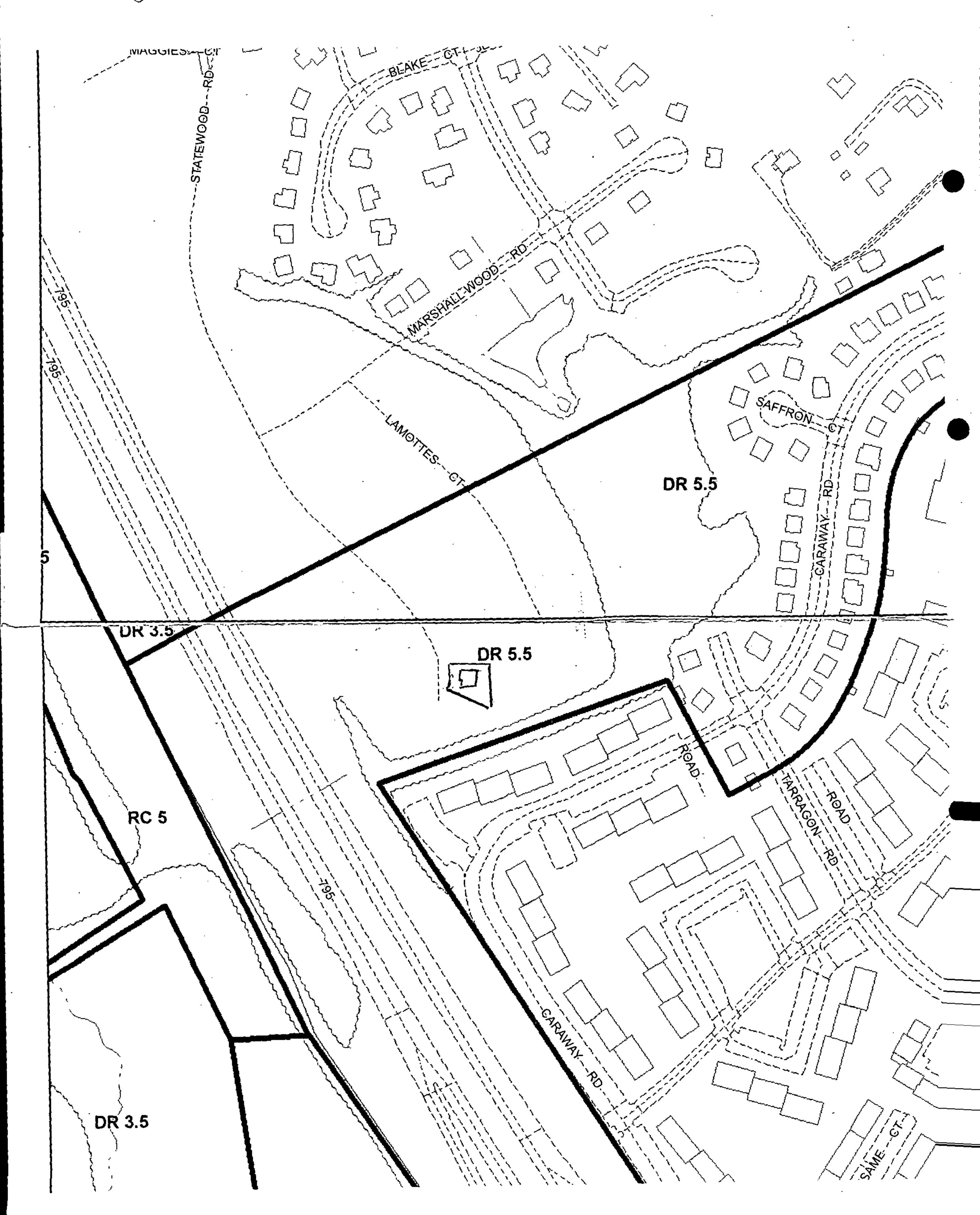












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