IN RE: PETITION FOR ADMIN. VARIANCE South corner of Buckhorn and Powderhorn Roads 9th Election District 3rd Councilmanic District **(9507 Buckhorn Road)**	* * *	BEFORE THE DEPUTY ZONING COMMISSIONER BALTIMORE COUNTY
Benjamin C. Ellis, 3rd and Mary C. Ellis *Petitioners*	*	CASE NO. 07-343-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, Benjamin C. Ellis, 3rd and Mary C. Ellis. The variance request is for property located at 9507 Buckhorn Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 33 feet for an addition in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 24 x 24 foot two car garage. There is an existing carport that will be razed to allow construction of the attached garage. The previous owners constructed a large pool in the middle of the rear yard which creates a difficulty in locating the garage within the building envelope.

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

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 February 9, 2007 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 2nd day of March, 2007 that a variance from Section 1B02.3.C.1 of the

Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 33 feet for an addition in lieu of the required 40 feet 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.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

3207

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

21234

for the property located at 9507 BUCKHORN RD, BALTIMORE, MD

which is presently zoned DR 2

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 ~~BCZR~~ ~~AND 400.1~~

TO PERMIT A SIDESTREET SETBACK OF 33ft. FOR AN ADDITION IN LIEU OF THE REQUIRED 40ft. ~~AND OTHER PERMIT~~

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):

BENJAMIN C. ELLIS, 3RD
Name - Type or Print

Signature

MARY C. ELLIS
Name - Type or Print

Signature

9507 BUCKHORN RD — 410-491-5504
Address — Telephone No.

BALTIMORE — MD — 21234
City — State — Zip Code

Representative to be Contacted:

BARBARA V. REYNOLDS
Name

306 LAUREN HILL COURT — 410-833-237
Address — Telephone No.

REISTERSTOWN — MD — 21136
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. 07-343-A

REV 10/25/01

3-2-07

PM

Reviewed By JCM **Date** 1-30-07

Estimated Posting Date 2/11

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 9507 BUCKHORN ROAD
Address

BALTIMORE MD 21234-1001
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):

We, respectfully, request approval for a variance of 8 feet 4 inches on the left side of our property located at 9507 Buckhorn Road, Baltimore, MD for a proposed 24' x 24' two car garage The BCZR requires a 40' side setback.

The property is located on the corners of Buckhorn Road and PowderHorn Road with a 40 foot front setback. The 1962 property has never had a full garage. It has been served with a carport The Owners desire to raze the carport roof and build a 24' by 24' attached 2 car garage. The entry to the garage will be from Powder Horn Road and the existing paved driveway.

Prior owners constructed an existing pool in the middle of the rear yard creating a practical difficulty in locating the proposed garage within the building envelope.

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.

Benjamin C Ellis
Signature

BENJAMIN C. ELLIS
Name - Type or Print

Mary C Ellis
Signature

MARY C ELLIS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Maryland, Benjamin C Ellis III, Mary C Ellis the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Catherine Hunt
Notary Public

My Commission Expires 8/18/10

CATHERINE HUNT
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES AUGUST 18, 2010

REV 10/25/01

9507 BUCKHORN ROAD, BALTIMORE, MD 21234-1001

Beginning at a point on the north side of Powderhorn Road and Buckhorn, North 86 degrees, 29 min and 20 seconds East , 21.85 feet, and South 39 degrees,44 min, 20 seconds West, 115 feet, and South 48 degrees, 16 min, 0 seconds. East, 185 feet, and South 39 degrees, 5 min., 50 seconds West, 122.94 feet, and North, 46 degrees, 45 min., 40 seconds, West, 168.00 feet to the place of the beginning.

Being lot number 1, block C in subdivision of Hunting Lodge and recorded in Baltimore Plat book # 23, Folo # 2 containing 22,263 sq feet, also known as 9507 Buckhorn Road, Baltimore, Maryland, 21234. Located in the Election District 9, Councilmanic District 3

BALTIMORE COUNTY, MARYLAND 343
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23092

DATE 1-30-07 ACCOUNT R001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: B. ELLIS 9507 Buckhorn Rd.

FOR: AD VAR

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIPT	[illegible]	TIME	REG
1/31/2007	1/30/2007	14:23:56	4

[illegible]
RECEIPT # [illegible] 1/30/2007 [illegible]
Dept 5 [illegible] DESCRIPTION
CR NO. [illegible]
Dept Tot $65.00
$65.00 CK $.00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-343-A

Petitioner/Developer:

BEN ELLIS

Date of Hearing/Closing: 2/26/07

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

Attention:

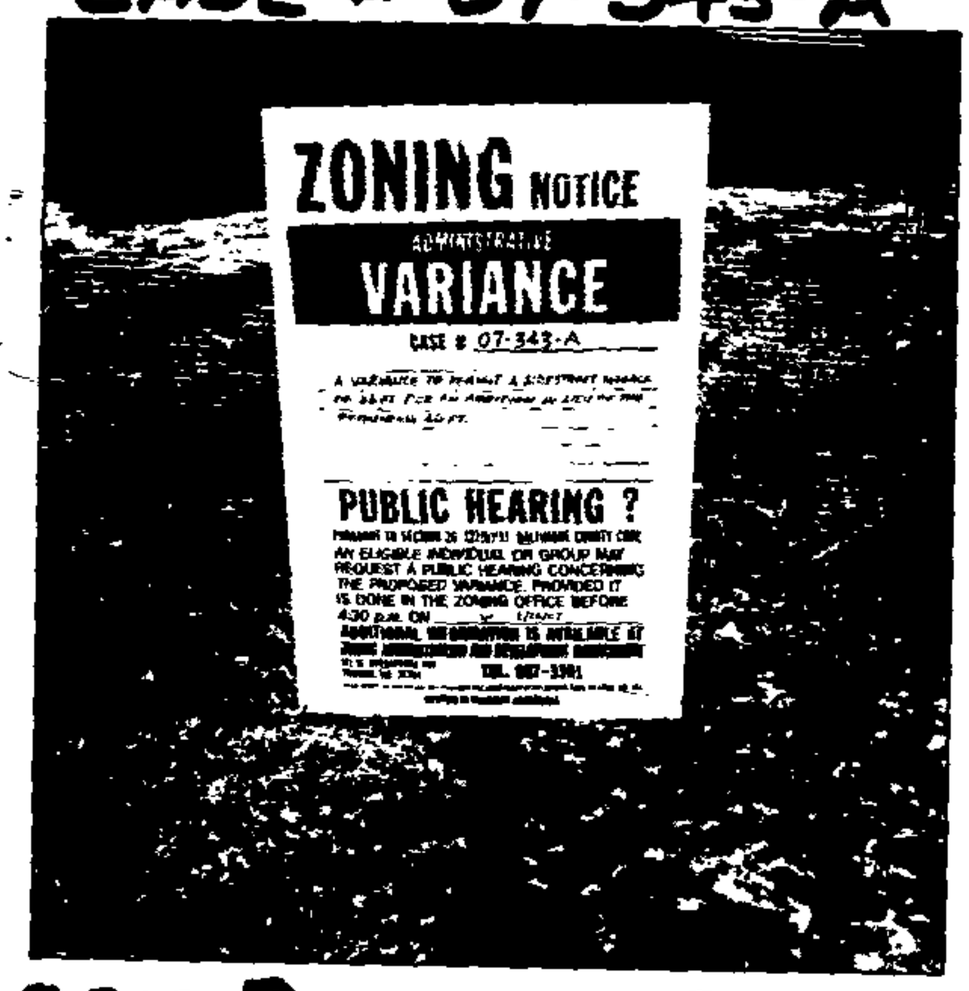
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

9507 BUCKHORN RD.

The sign(s) were posted on 2/9/07
(Month, Day, Year)

CASE # 07-343-A



9507 BUCKHORN RD
POSTED 2/9/07
2/9/07

Sincerely,

2/9/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07-343 -A Address 9507 Buckhorn Rd.

Contact Person: J. Merlen Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1.30.07 **Posting Date:** 2/11 **Closing Date:** 2/26

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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. **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.

3. **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.

4. **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 07-343 -A Address 9507 Buckhorn Rd.

Petitioner's Name Ben Ellis Telephone 410-491-5504

Posting Date: 2/11 **Closing Date:** 2/26

Wording for Sign: A VARIANCE To Permit A SIDESTREET SETBACK OF 33ft. for AN ADDITION IN LIEU OF THE REQUIRED 40ft.

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: 343

Petitioner: BEN ELLIS

Address or Location: 9507 BUCKHORN ROAD, BALTO. MD. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Address: SAME

Telephone Number: 410-491-5504

Revised 7/11/05 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 26, 2007

Benjamin C. Ellis, 3rd
Mary C. Ellis
9507 Buckhorn Road
Baltimore, MD 21234

Dear Mr. and Mrs. Ellis:

RE: Case Number: 07-343-A, 9507 Buckhorn Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 30, 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

WCR:amf

Enclosures

c: People's Counsel
Barbara V. Reynolds 306 Lauren Hill Court Reisterstown 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-343- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-343.doc

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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344 and 345

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
(O)410-887-4880
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony Brown, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

John D. Porcari, *Secretary Designate*
Neil J. Pedersen, *Administrator*

Date: FEBRUARY 2, 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. 7-343-A
9507 BUCKHORN ROAD
ELLIS PROPERTY
ADMINISTRATIVE VARIANCE

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. 7-343-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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 5, 2007

BENJAMIN C. ELLIS, 3RD AND MARY C. ELLIS
9507 BUCKHORN ROAD
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 07-343-A
Property: 9507 Buckhorn Road

Dear Mr. and Mrs. Ellis:

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.

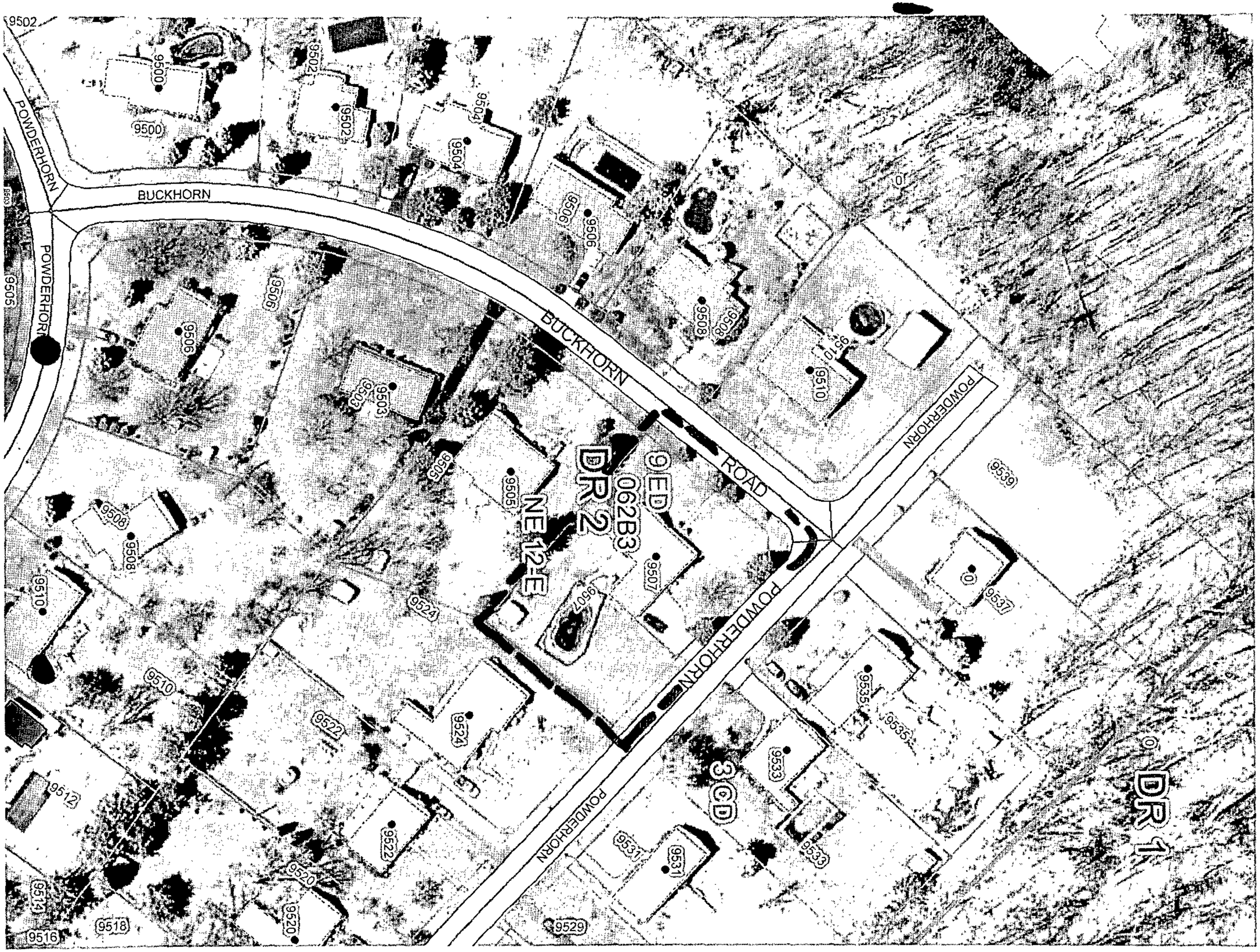
Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Barbara Reynolds, 306 Lauren Hill Court, Reisterstown MD 21136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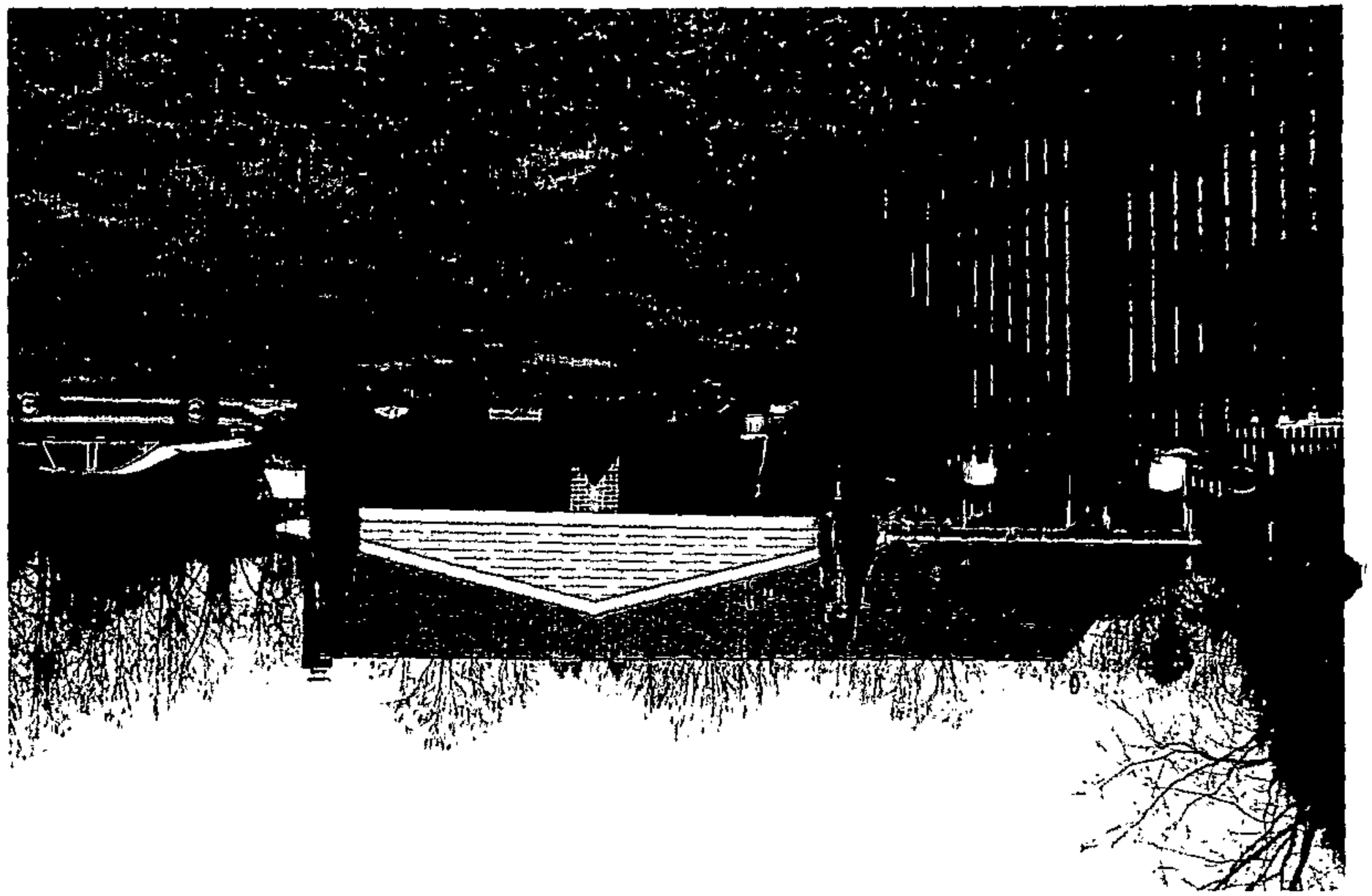
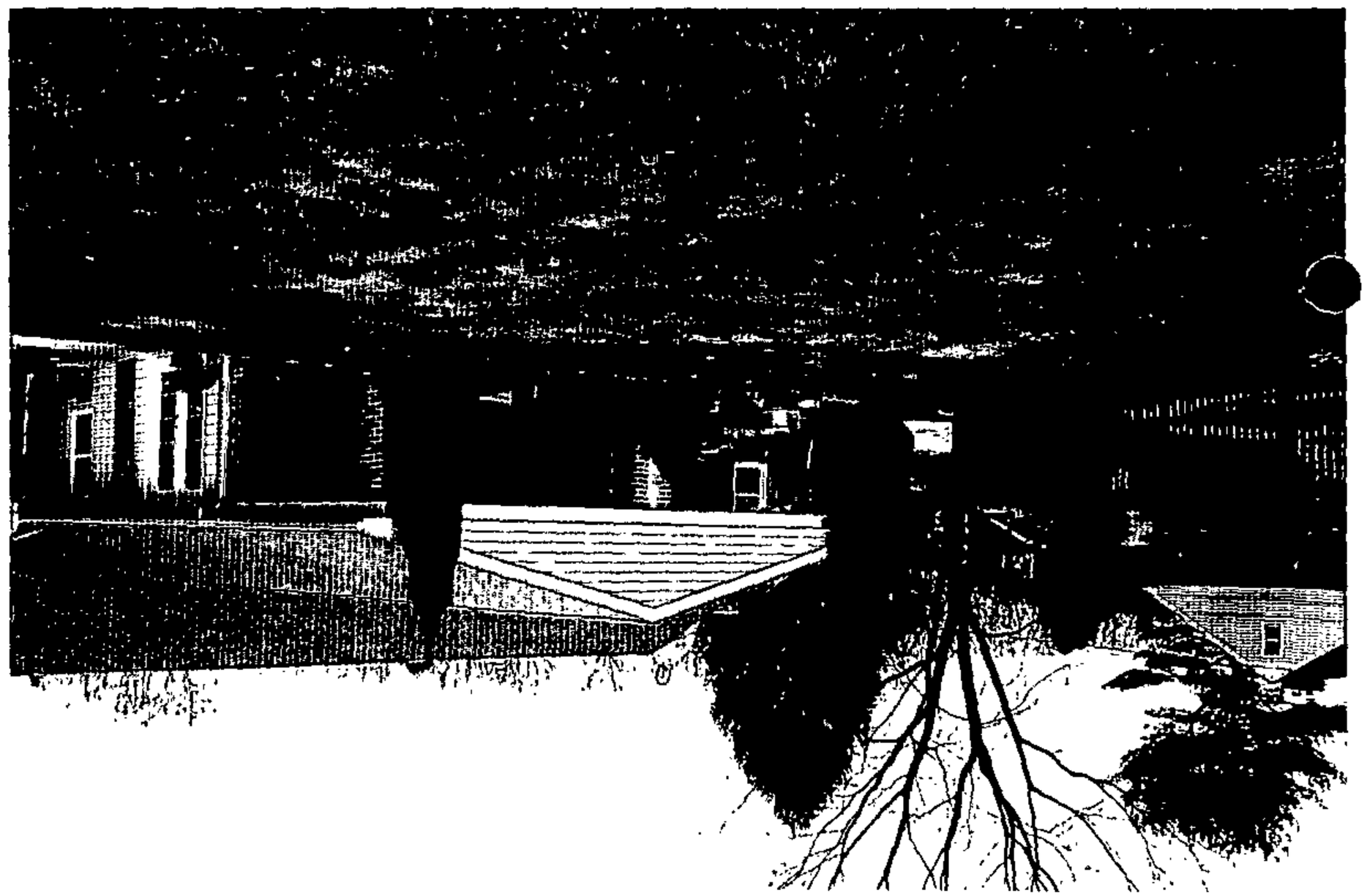
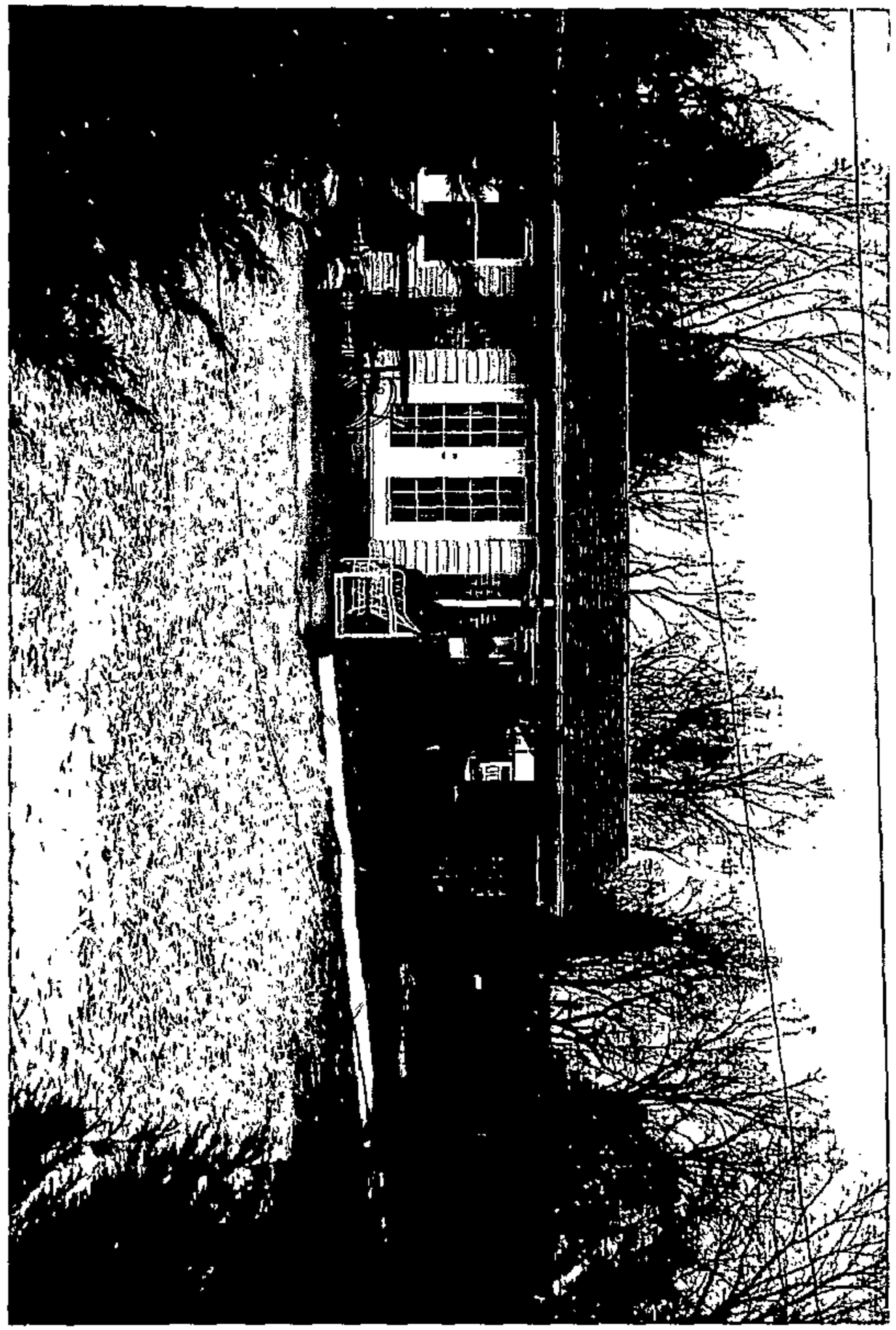
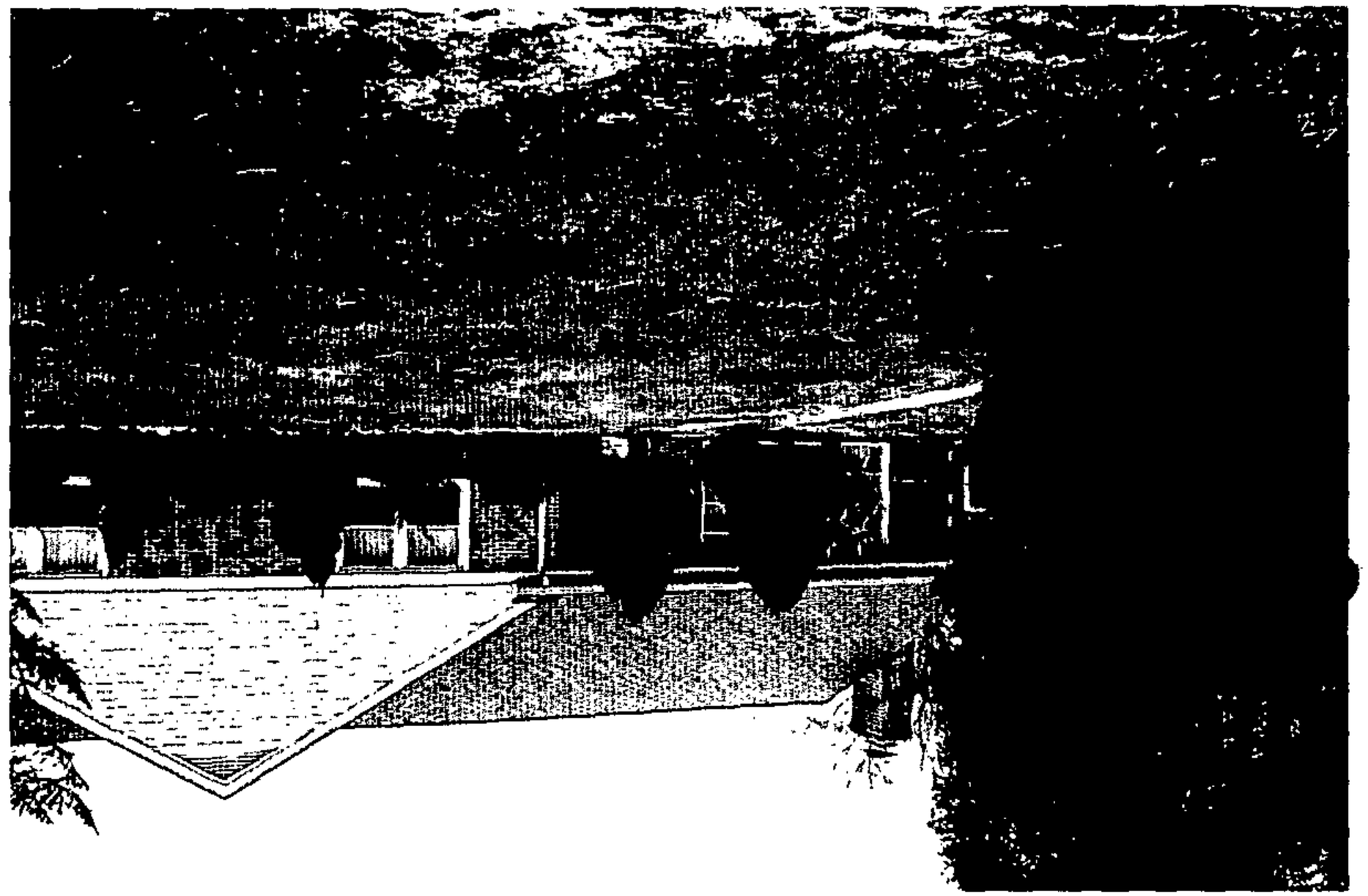
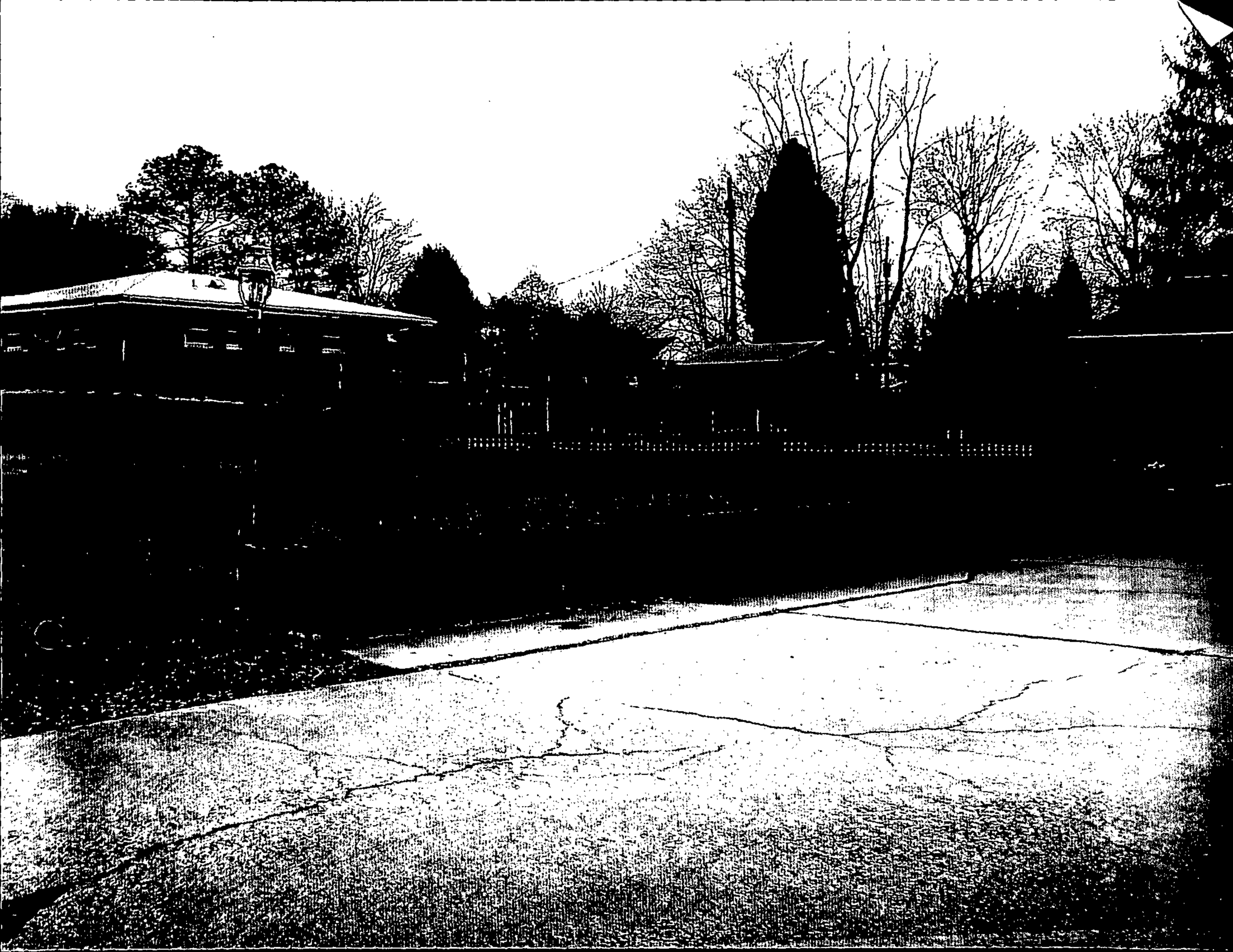


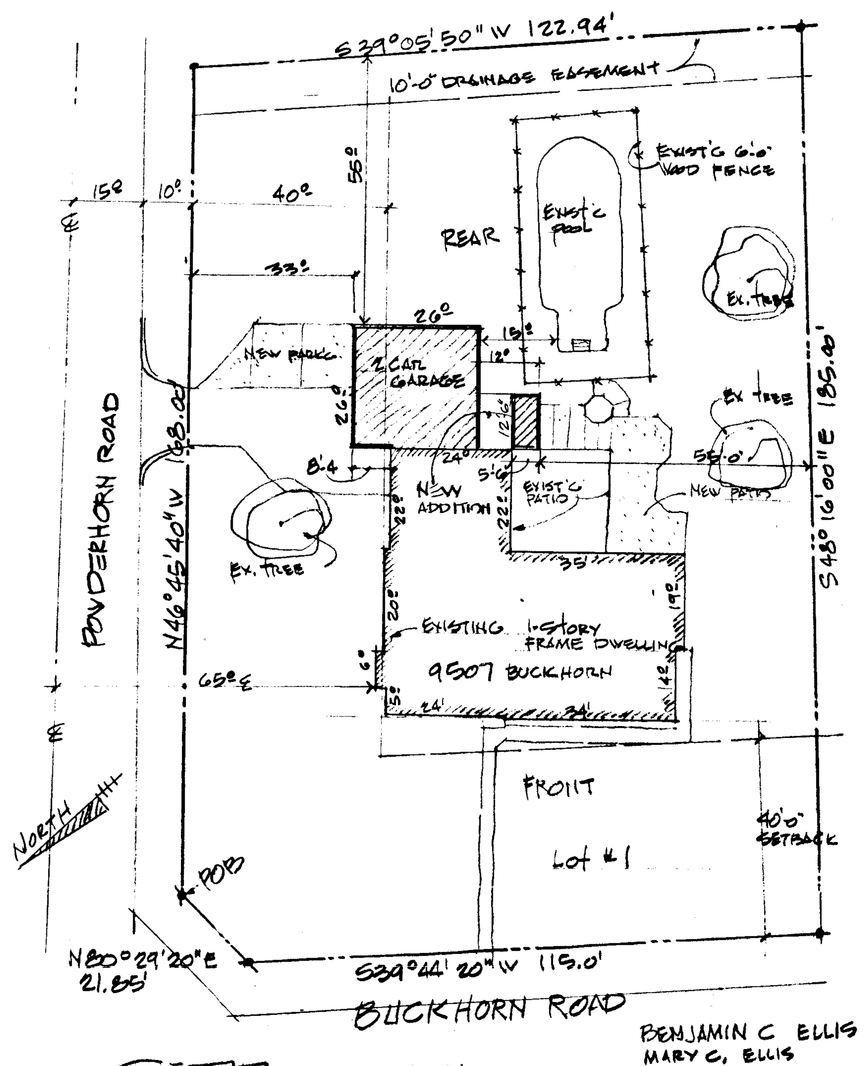








DONALD H. FACKETT & DEBRA L. SCHNEIDER
9524 POWDERHORN LN.
BALTIMORE, MARYLAND 21234-1030
MAP 62, GRID 21, PARC 207, BLOCK C, LOT 2, PLAT REF. 23/3
TAX # 0914100230
DEED REF. 16303/429
BUILT 1957, 1792 SF,
LOT SIZE 22,610 SF.

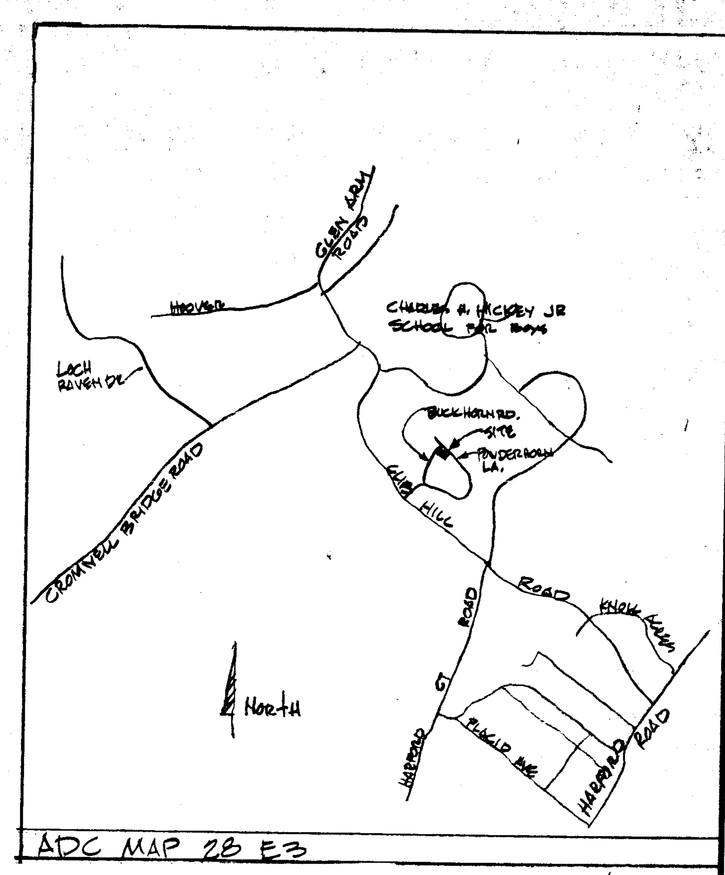


SITE PLAN 1" = 20'-0"

BLOCK/SECTION C
LIBER 23 FOLIO 2
HUNTING RIDGE
22,263 SQ. FT = 0.511 ACRES +/-
ZONING DR2

SHAWN A & KATHLEENE MILLET
9505 BUCKHORN ROAD
BALTIMORE MD. 21234-1001
MAP 62, GRID 21, PARC 207 BLOCK C, LOT 13, PLAT REF 23/2
TAX NO 0919076350
DEED REF 12684/76
BUILT 1956, 1,434 SF.
LOT SIZE 24,644 SF

BENJAMIN C ELLIS, 3RD
MARY C. ELLIS
9507 BUCKHORN ROAD
BALTIMORE, MD 21234-1001
TAX # 0918007790
MAP 62, GRID 21, PARC 207 PLAT 23/2
22,263.00 SF, 0.61 AC
BUILT 1960



ADC MAP 28 E3

PETITION FOR
"ADMINISTRATIVE VARIANCE"

Contractor shall verify all dimensions and conditions and bring any discrepancy to the attention of the Architect before proceeding with the work.

ELLIS GARAGE

ARCHITECTURAL REGISTRATION BOARD 6903-A STATE OF MARYLAND

KEENEY ARCHITECTS
35 YEARS OF PRACTICAL DESIGN

WILLIAM W. KEENEY, ARCHITECT, INC.
1908 Emory Road
Reisterstown, Maryland 21136
410-239-1981

SHEET	DATE
1	1-24-07
	1 of 1

JOB NUMBER

FILE NAME
ELLIS GARAGE