

IN RE: PETITION FOR ADMIN. SPECIAL
HEARING

N side of Darney View Road, 550 feet
W of c/l of Buck Hill Road
11th Election District
3rd Councilmanic District
(12206 Darney View Road)

Lewis and Holly Beth Stanley
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
*
* CASE NO. 07-361-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Special Hearing filed by the legal owners of the subject property, Lewis and Holly Beth Stanley. The variance request is for property located at 12206 Darney View Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be 24 feet high in lieu of 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners own an RV and an enclosed car trailer which need a 10 foot tall garage door and 4 feet above that for the door track travel. Their development requires that the roof pitch be 6/12 minimum. The property is 5.78 acres in size and zoned RC 5.

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 February 12, 2007 which contains restrictions, and a copy of which is incorporated herein 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

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3-7-07
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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 Petitioners having filed a Petition for Administrative Special Hearing and the subject property having been posted on February 18, 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.

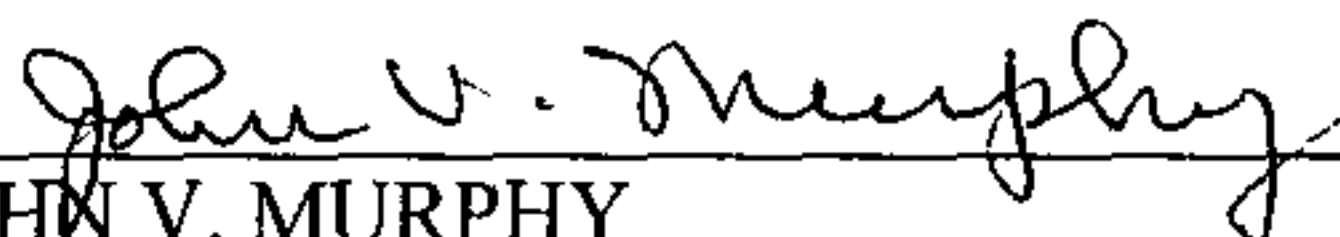
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of March, 2007 that a variance from Section 400.3 of the Baltimore

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B3

County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be 24 feet high in lieu of 15 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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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3-7-07
P3



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 7, 2007

LEWIS AND HOLLY BETH STANLEY
12206 DARNEY VIEW ROAD
KINGSVILLE MD 21087

Re: Petition for Administrative Variance
Case No. 07-361-A
Property: 12206 Darney View Road

Dear Mr. and Mrs. Stanley

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

FLOOD



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12206 DARNEY VIEW RD
which is presently zoned RC5

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) 400.3 to Permit an Accessory Building to be 24 ft. High in lieu of 15 ft.

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):

LEWIS STANLEY
Name - Type or Print
Lewis Stanley
Signature
HOLLY BETH STANLEY
Name - Type or Print
Holly Beth Stanley
Signature
12206 DARNEY VIEW RD 410-817-4006
Address Telephone No.
KINGSVILLE MD 21087
City State Zip Code

Representative to be Contacted:

LEWIS STANLEY
Name
12206 DARNEY VIEW RD 443-506-3337
Address Telephone No.
KINGSVILLE MD 21087
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. 07-361-A

Reviewed By SM Date 02-08-07

REV 10/25/01 3-7-07

Estimated Posting Date 02-18-07

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 12206 DARNEY VIEW RD
Address
KINGSVILLE MD 21087
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):

I HAVE A RV AND A ENCLOSED CAR TRAILER WHICH NEEDS A 10 FOOT TALL GARAGE DOOR AND 4 FEET ABOVE THAT FOR THE DOOR TRACK TRAVEL. MY DEVELOPMENT REQUIRES THE ROOF PITCH BE A 6/12 MINIMUM. THE GARAGE IS 40 FEET DEEP SO THE ROOF IS 10 FEET HIGH. I WOULD LIKE A VARIANCE TO MAKE MY GARAGE 24 FEET HIGH

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.

Lewis Stanley
Signature

LEWIS STANLEY
Name - Type or Print

Holly Beth Stanley
Signature

HOLLY BETH STANLEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lewis Stanley and Holly Beth Stanley
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Dina L. Dantre
Notary Public

My Commission Expires APR 01 2007

ZONING DESCRIPTION FOR 12206 DARNEX VIEW RD.

BEGINNING AT A POINT ON THE NORTH SIDE OF DARNEX VIEW RD. WHICH IS 50 FEET WIDE AT A DISTANCE OF 550 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET BUCK HILL ROAD WHICH IS 50 FEET WIDE.

BEING LOT # 55, SECTION # 3 IN THE SUBDIVISION OF GLENBAUER AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 60, FOLIO # 96 CONTAINING 5.78 ACRES. ALSO KNOWN AS 12206 DARNEX VIEW RD AND LOCATED IN THE 11 ELECTION DISTRICT, 5 COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 07-07-07 ACCOUNT R-001-006-610
AMOUNT \$ 65.00

RECEIVED FROM: Lewis & Clark Stanley

FOR: Rec UAL - 1000
13306 DA NEW URGENT

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

07-3619

PAID RECEIPT

BUSINESS ACTUAL THE ORG
2/09/2007 2/07/2007 15:30:10 1
REQ #501 WALKIN JRIC JNR
RECEIPT 0 310394 2/07/2007 OFD
Dept 5 520 ZINING VERIFICATION
CR NO. 024047

Receipt Tot \$65.00
\$65.00 OK \$4.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-361-A

Petitioner/Developer: _____

LEWIS & HOLLY STANLEY

Date of Hearing/Closing: 3/5/07

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 _____

12206 DARNEY VIEW RD.

The sign(s) were posted on _____

2/18/07

(Month, Day, Year)

Sincerely,

Richard E. Hoffman 2/18/07
(Signature of Sign Poster and Date)

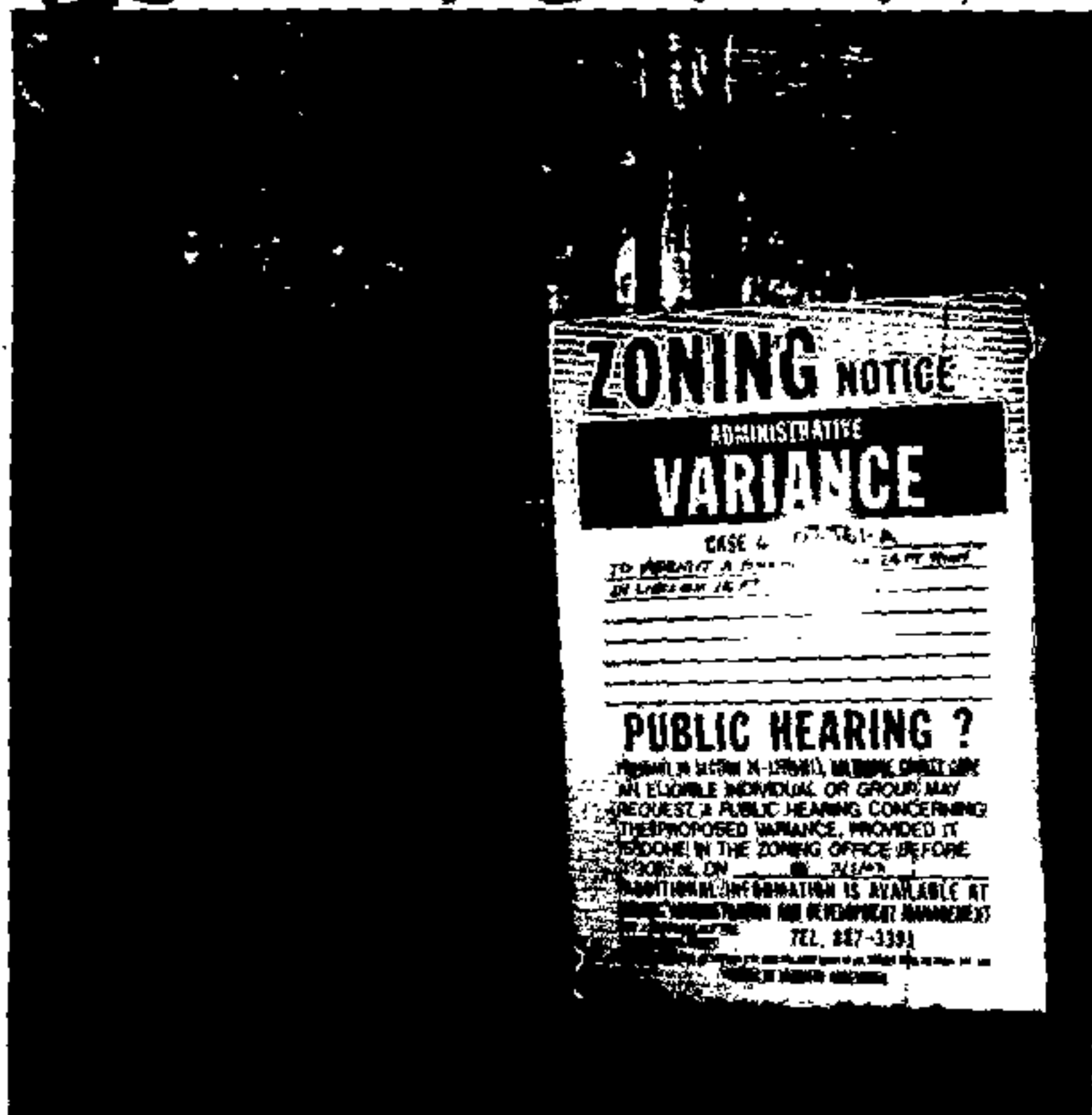
RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)

CS # 07-361-A



12206 DARNEY VIEW RD.
POSTED 2/18/07
Richard E. Hoffman 2/18/07

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 361 -A

Address 12206 DARNEY VIEW RD.

Contact Person: JOHN R. ALEXANDER
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 02-07-07

Posting Date: 02-18-07

Closing Date: 03-05-07

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- 361 -A

Address 12206 DARNEY VIEW RD.

Petitioner's Name LEWIS & HEWY STANLEY

Telephone 410-817-9006

Posting Date: 02-18-07

Closing Date: 03-05-07

Wording for Sign: To Permit A GARAGE TO BE 24 FT. HIGH IN LIEU OF 15 FT.

2 FEET MAXIMUM HEIGHT FOR VEHICLES ON PROPERTY

1

**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: 07-361-A

Petitioner: Lewis + Holly Stanley

Address or Location: 12206 Darnay View Rd Kingville, MD 21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lewis + Holly Stanley

Address: 12206 Darnay View Rd
Kingville, MD 21087

Telephone Number: (410) 817-9006

Revised 7/11/05 - SCJ

07-361-A



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

March 5, 2007

Lewis Stanley
Holly Beth Stanley
12206 Darney View Road
Kingsville, MD 21087

Dear Mr. and Mrs. Stanley:

RE: Case Number: 07-361-A, 12206 Darney View Road

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

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



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

Maryland Department of Transportation

Date: 2/12/2007

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

RE: Baltimore County
Item No. 7-361-A
12206 DARNEY VIEW RD
STANLEY 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. 7-361-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 12, 2007

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

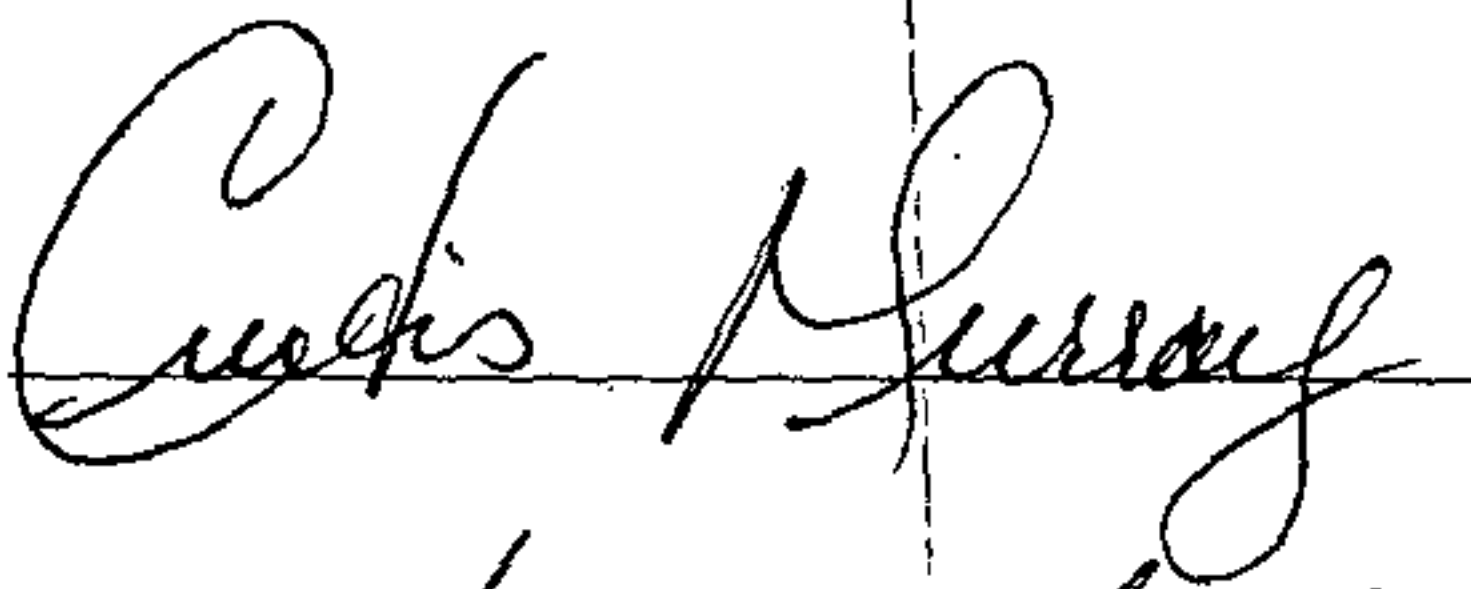
SUBJECT: 7-361 -Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 20, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2007
Item Nos. 07-349, 350, 351, 352, 353,
354, 355, 356, 357, 360, 361, and 362

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-02202007.doc

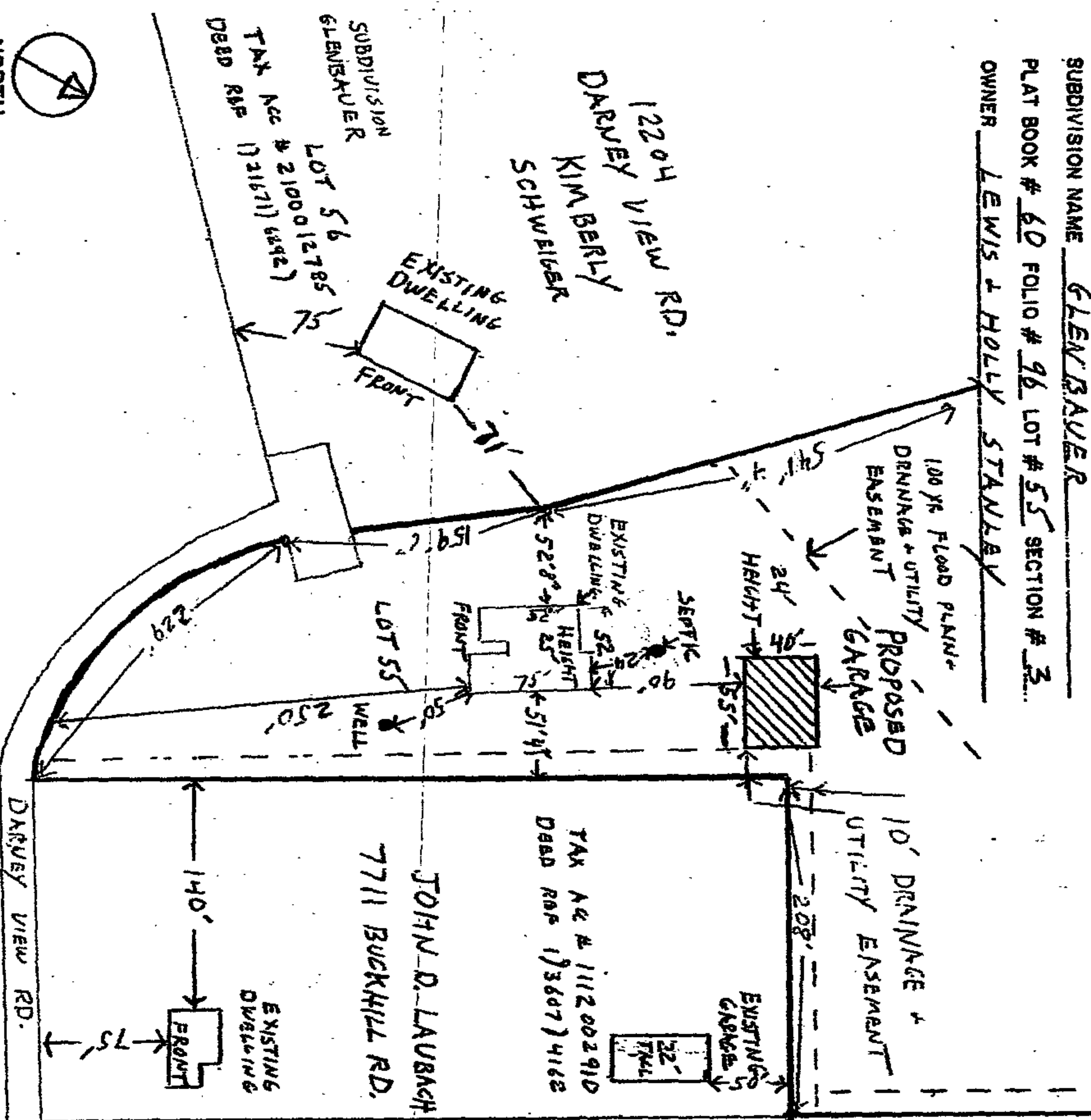
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 12206 DARNEY VIEW RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

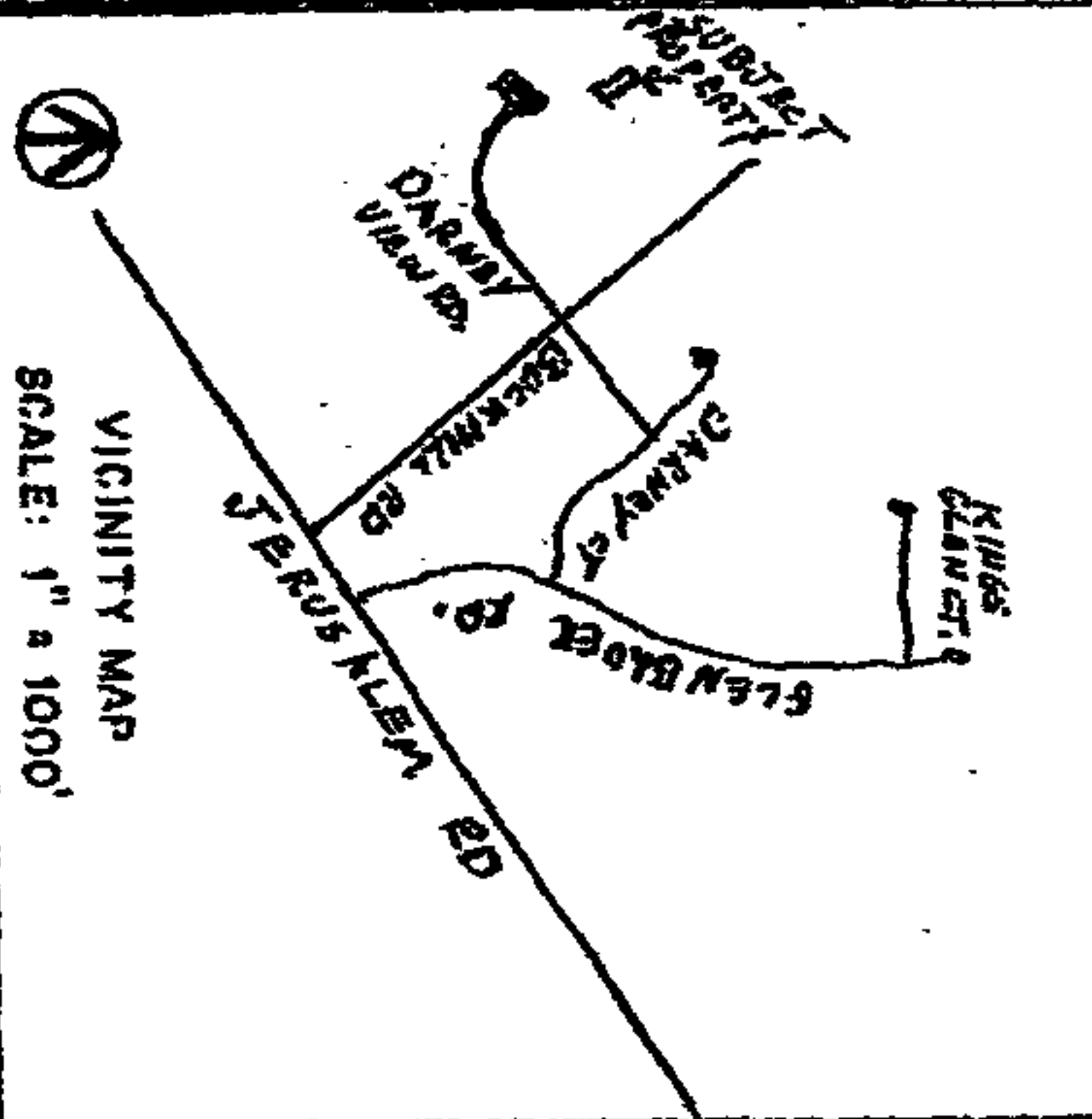
SUBDIVISION NAME GLENEBAUER

PLAT BOOK # 60 FOLIO # 96 LOT # 55 SECTION # 3

OWNER LEWIS & HOLLY STANLEY



PREPARED BY LEWIS STANLEY SCALE OF DRAWING: 1" = 100'



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 055 A-2

ZONING RC-5

LOT SIZE 5.78 251,776
ACREAGE 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 509 ITEM # 07-361-0 CASE #

Glenbauer Section 3 LOT 55

JOHN W. DIETZ
276.368

ZONED R.C.5

N 51° 15' 33" E

10' DRAINAGE & UTILITY EASEMENT

50' STREAM
BUFFER
(55)

N.C.2

15' DRAINAGE & UTILITY EASEMENT

10' DRAINAGE & UTILITY EASEMENT

100 YEAR FLOOD
PLAIN DRAINAGE &
UTILITY EASEMENT

100 YEAR FLOOD
PLAIN
W/ FREEBOARD

(56)

100 YR
FLOOD PLAIN

588.4 FT

30' 10" GRAVITATIONAL
DRAINAGE

N.C.2

10' DRAINAGE & UTILITY EASEMENT

EX. SEPTIC

EX. DWELLING

EX. WELL

JOHN BLAUBACH
W.R. 3607/416

LgD3

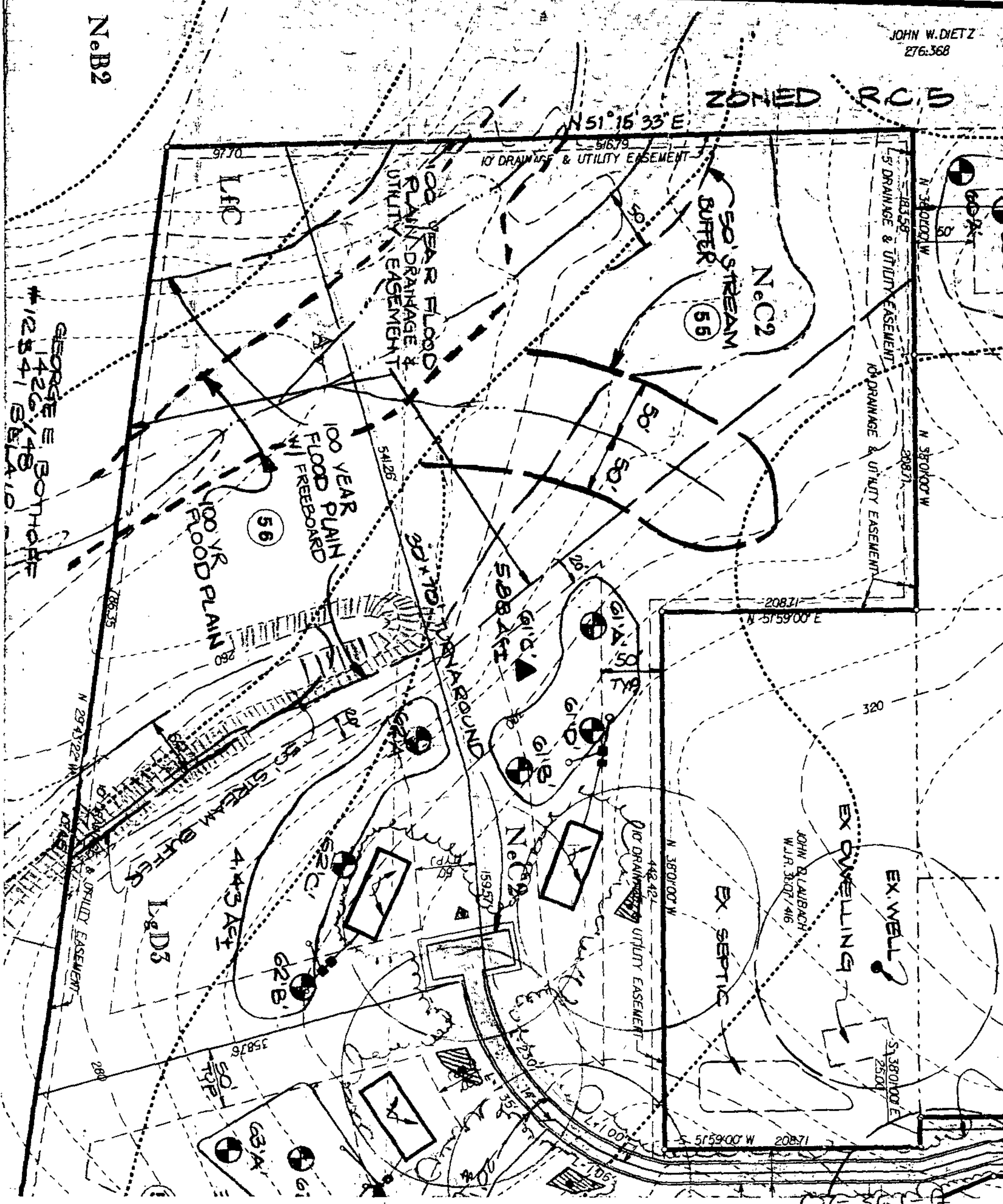
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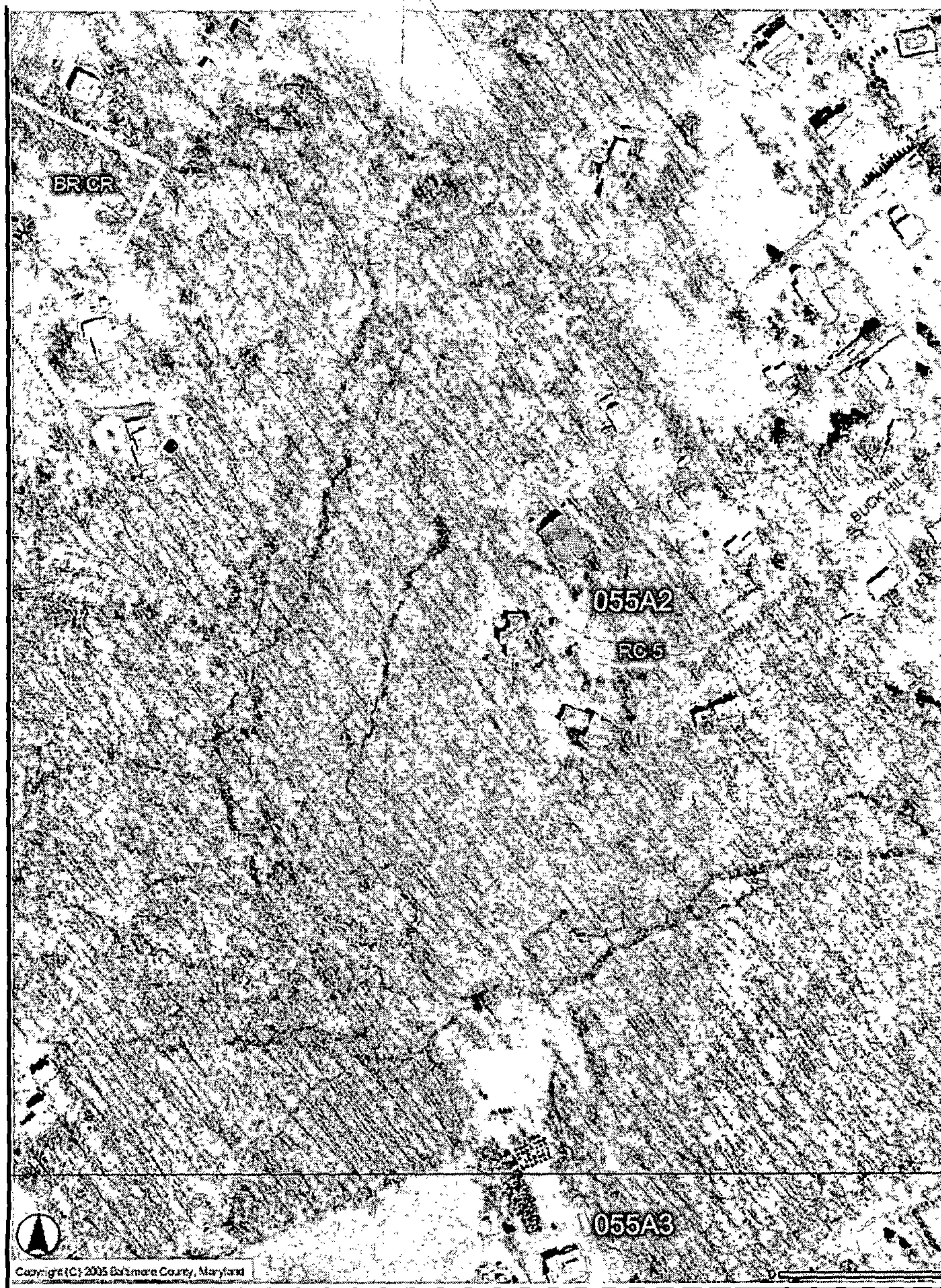
(62B)

(63A)

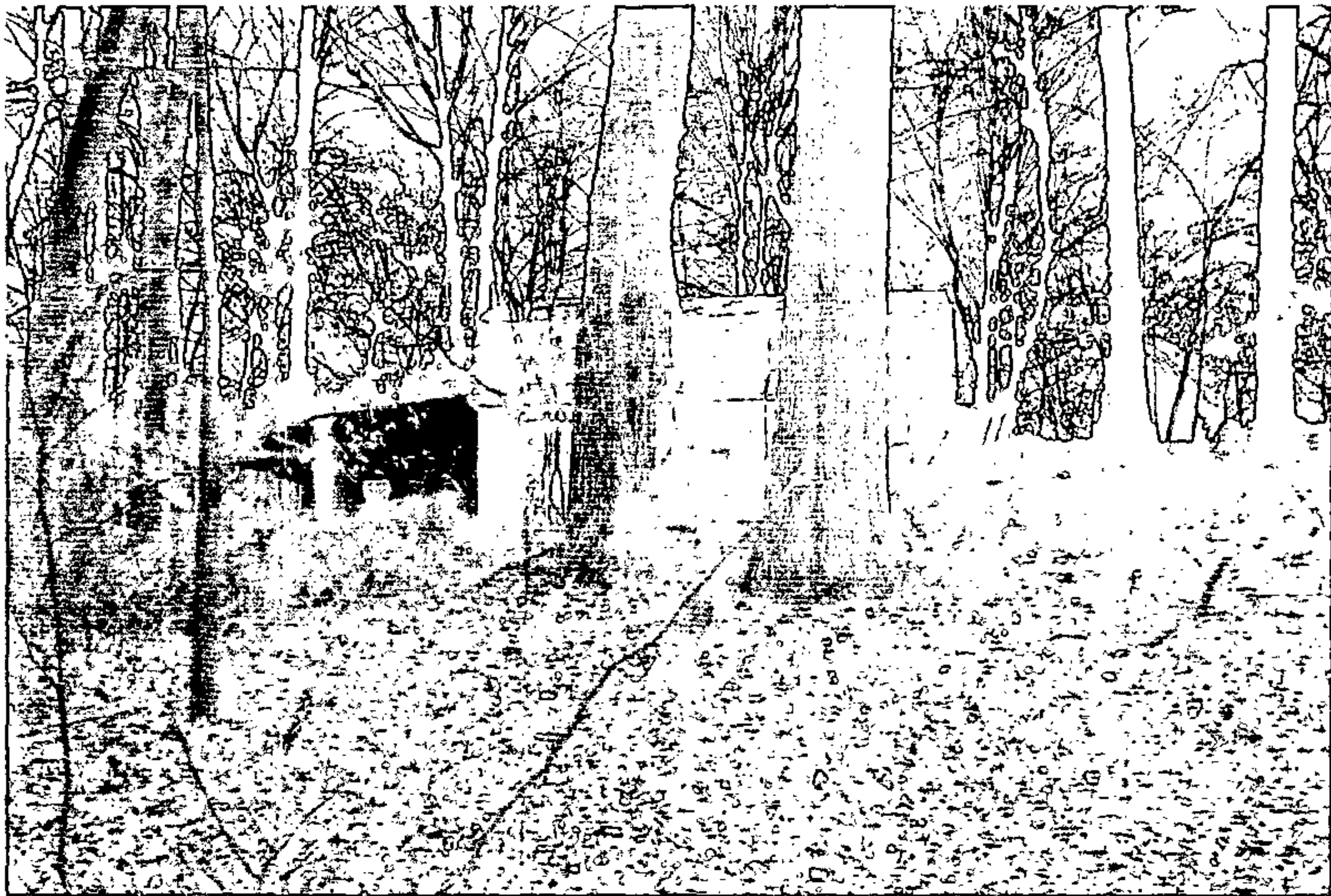
N.B.2

GEORGE E. BOHMER
#12841361A10

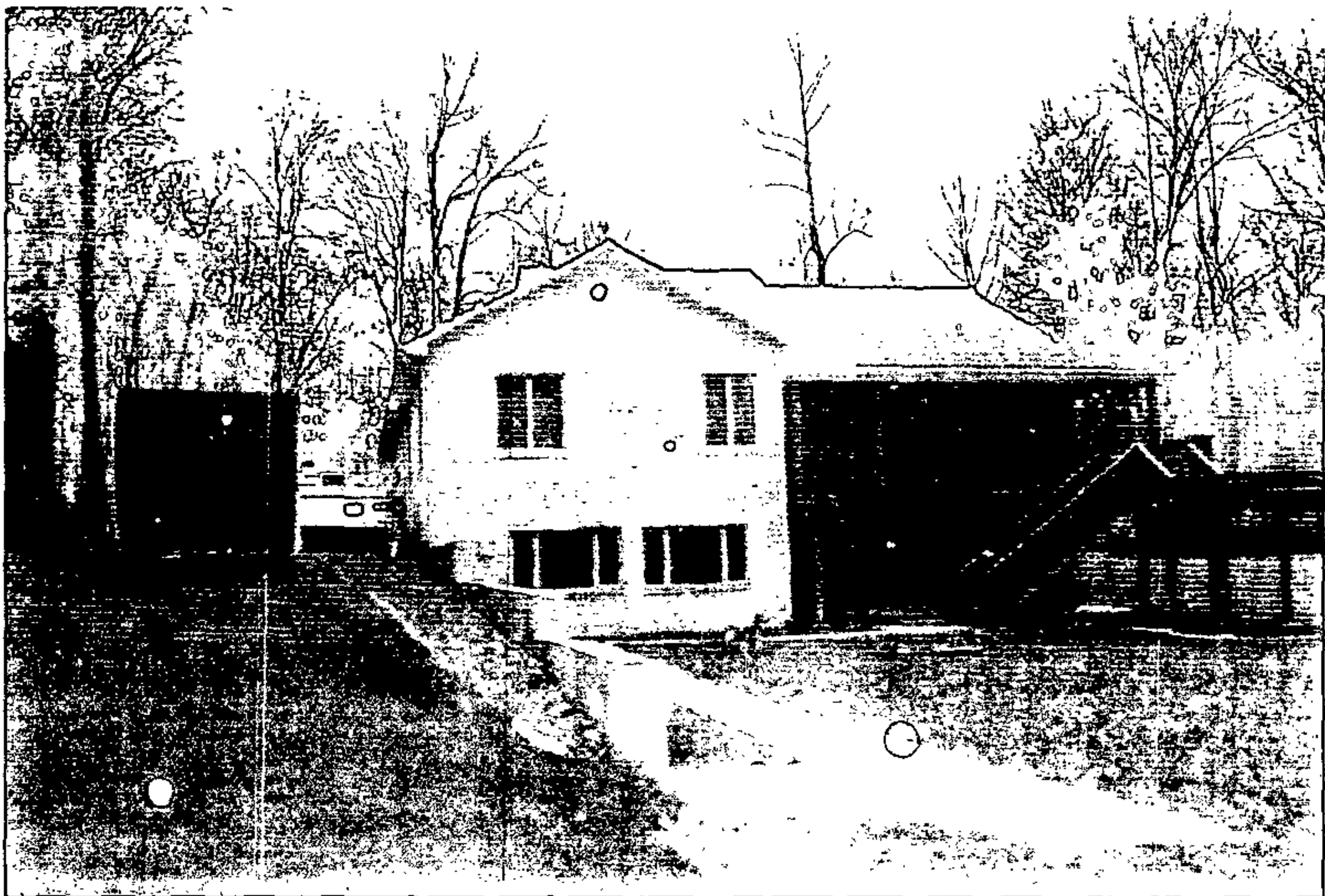




07-361-19

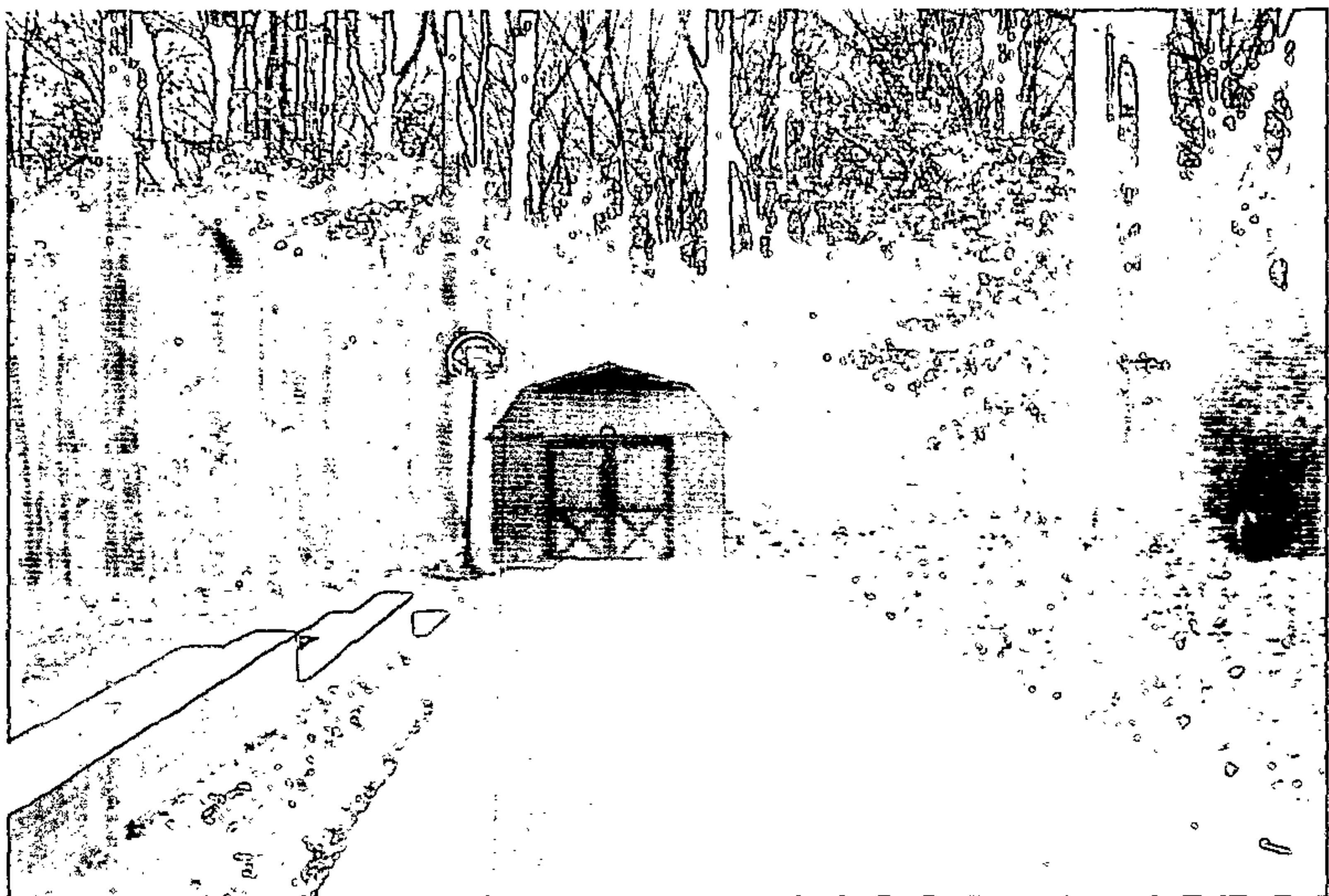


VIEW FROM SITE OF Building on 7711 Buckhill
property



VIEW FROM SITE
BACK OF 12206 DARNEY VIEW
RD

07-361-A

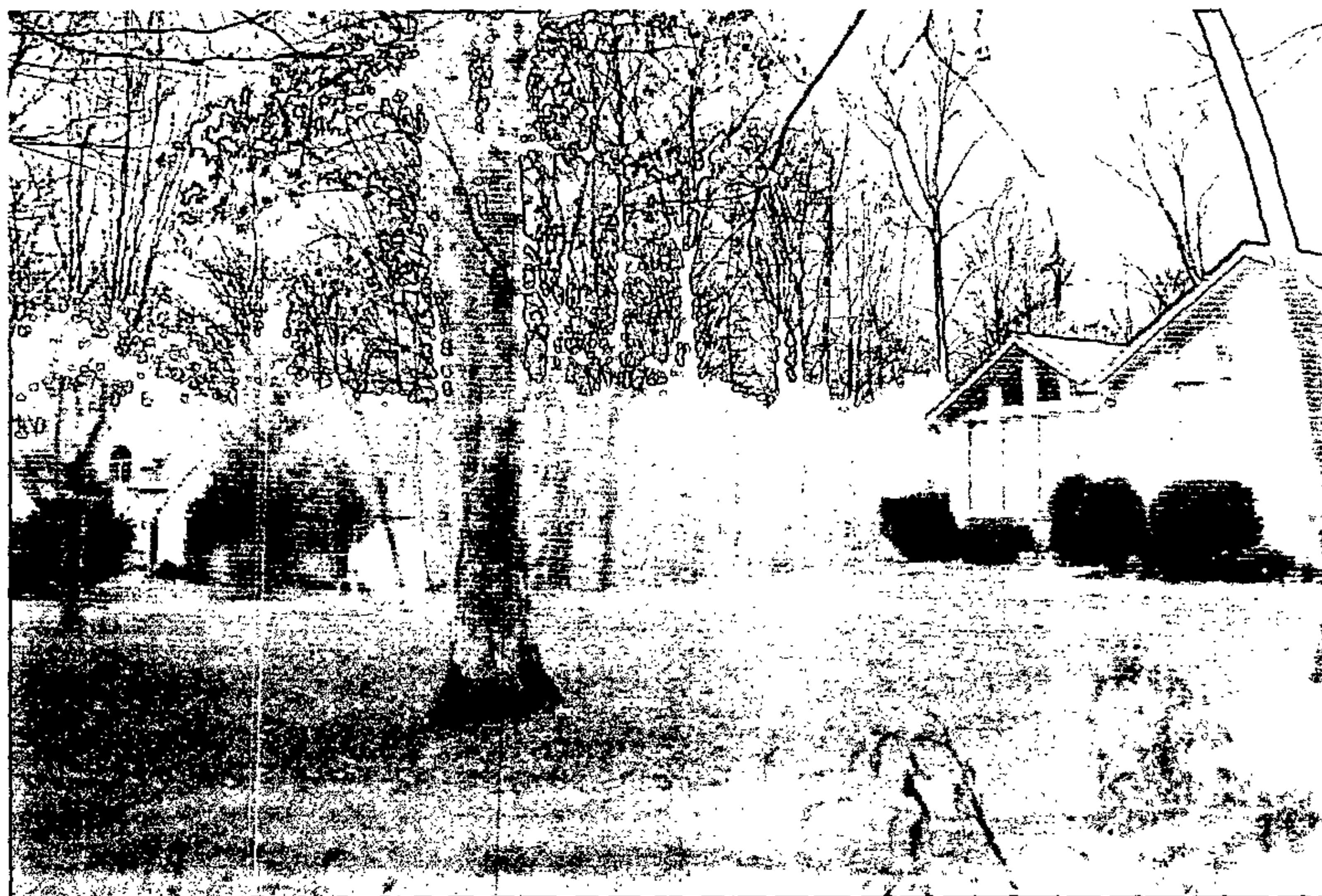


The garage will replace the
shed in this picture

07-361-A



12206 PARNEY VIEW RD



12204 →

← 12206

07-361-A



VIEW FROM SITE OF GARAGE (PART OF 7711 Bickhill Rd)



12204 DARNEY VIEW RD

07-361-A

Building
on
7711
Buckhill Rd
Back of
property



← 7711
Buckhill
RD

→



7711 Buckhill RD

07-361-A



VIEW OF SITE OF GARAGE FROM 12204 HIGHWAY



12204 PARNEY VIEW RD

07-361-A