IN RE: PETITION FOR ADMIN. VARIANCE
N side Worthington Road, 35 feet N of
Greenspring Avenue
4th Election District
2nd Councilmanic District
(12209 Worthington Road)

Richard Duke Isaac Petitioner BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-393-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, Richard Duke Isaac. The variance request is for property located at 12209 Worthington Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage and breezeway) with a side yard setback of 13 feet in lieu of the minimum required 50 feet, and to amend the Final development Plan for Worthington Valley, Plats 1 and 2, Lot 22. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct a new garage and breezeway. Currently there is a 20 year old carport that is in need of repair due to its age and deterriorated condition. The carport will be razed to make way for the construction of the breezeway and garage. The Petitioner wants to construct an attractive garage and breezeway that will be in keeping with the other improvements made to the home. Petitioner would like to provide secure storage for vehicles and personal property out of the weather. The new homes under construction in the neighborhood do not have carports.

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 April 4, 2007 which contains restrictions and a copy of which is incorporated herein and made a part hereof the file. That Office does not oppose the Petitioner's request provided building elevations are submitted to their office for review and approval prior to the issuance of any building permits.

Applicable Law

TO STATE

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 17, 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 1 day of April, 2007, that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage and breezeway) with a side yard setback of 13 feet in lieu of the minimum required 50 feet, and to amend the Final development Plan for Worthington Valley, Plats 1 and 2, Lot 22 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.
- 2. Building elevations shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.

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

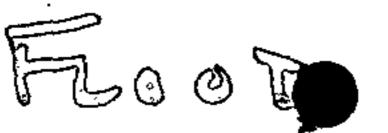
JVM:pz

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Zoning description

Zoning description for 12209 Worthington Road Owings Mills, MD 21117. Beginning at the north side of Worthington Road which is 70 feet wide at the distance of 35 feet North of the centerline of the nearest improved intersecting street Greenspring Ave which is 70 feet wide. Being lot 22 Plats 1 and 2 in the subdivision of Worthington Valley as recorded in Baltimore County Plat Book #GLB 78 Folio # 167 containing 39.91 acres. Also known as 12209 Worthington Rd and located in the 4th election district, 2nd Councilmanic District

WRITE ICATTION #130,00 Markey Inchine **E**, **3** ATTACK PROTE MY KAR Phill Receip? ACTURAL. **ALKIN** WEDEIPT # STATES Mental fast RIG INFOLL S/m/cmm ACC #FOL 1220 Carthing No. 24925 2-001-006-6 0 duane YELLOW - CUSTOMER なな 40 ACCOUNT Y. MARYLAND AMOUNT Chministrative F BUDGET & FINANCE ANEOUS RECEIPT PINK - AGENCY 393-BALTIMORE COUN DISTRIBUTION WHITE - CASHIER MISCELI OFFICE OF RECEIVED FROM: DATE **70**R;





CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12209 Worthington Road which is presently zoned RC4 LRC5

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) [A04,3,B,2,b,BCZR, to permit a proposed addition(garage and breezeway) with a side yard setback of 13 feet in lieu of the minimum required S0 feet, and to amend the Final Development Plan for Worthington Valley, Plats land 2, Lot 22.

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.

IAMA do colombly declare and offirm, under the populties of

		perjury, that I/we are the legal owner(s) is the subject of this Petition.	
Contract Purchaser/Lessee:		Legal Owner(s):	
Name - Type or Print Signature	Por S81-375	Name - Type or Print Signature	Jaac
Address	Telephone No.	Name - Type or Print	
City State	Zip Code	Signature	910925-32810
Attorney For Petitioner:		Address Octivas Mills	Pd 410 581-3757 Telephone No. 21117
Name - Type or Print		City	
		Representative to be Contacte	d·
Signature	· · · · · · · · · · · · · · · · · · ·	Richard Isaac	
Company		Name	·- <u></u> -
Address	Telephone No.	Address Wirthington	Rd 410 581-3757 Telephone No.
		onings Mills MD	21117
City	Zip Code	City	e Zip Code
A Public Hearing having been formally der this day of regulations of Baltimore County and that the pr	_ that the subject matter of this	quired, it is ordered by the Zoning Commission petition be set for a public hearing, advertised,	oner of Baltimore County, as required by the zoning
•		ITAIDA W. EVERINGAM	
		Zoning Commissioner of Baltimore	County

Reviewed By

Estimated Posting Date

Affida Vit 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	12209	g Wor	thington	Rd	
	City Address	<u>M:115</u>	State	<u>211</u>	ip Code
That based upon personal knowledge, the followariance at the above address (indicate hardshi	p or practical di	ifficulty):			
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y house for several reason	is. The	Howe	currently	has a car	port
hat was built about 2	o years	ago,	III is	in reed o	t
coair due to its asi	رص ک	lition, 1	he have	done major i	rpaer
to the house and he how	id nou	like 1	es build a	an encloxed	goro
trat usuld so alorg u	with ou	r other	improce-	rents, Pren	ر مدازا
a + neu neighborhood to	rat sur	rounds	ode por	se and he	ha
like to bring our house					
will be built. None of to					
That the Affiant(s) acknowledge(s) that if a fo	rmal demand	is filed, Affia			
advertising fee and may be required to provide a	additional inform	nation.			
Mon					
Signature		Signature			
Richard D. Isaac Name - Type or Print		Name - Type	or Print		
Traine - Type of think					
STATE OF MARYLAND, COUNTY OF BALTIM	IORE. to wit:		. 		· ·
I HEREBY CERTIFY, this 3 day of 40 d		20	ルフ , before me	, a Notary Public of th	e State
Λ	rsonally appear	ed	<u> </u>		
the Affiant(s) herein, personally known or satisfa	ctorily identified	d to me as su	ch Affiant(s).	<u> </u>	<u></u>
		-			
AS WITNESS my hand and Notarial Seal					
	Notar	Julia Public	W Wi	man	
LINDA W. EVERNGAM Notary Public		ommission Ex	kpires	1/2010	
REV 10/25/01 My Commission Expires May 1, 20					





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12209 Worthington Road which is presently zoned RC4 & RC5

		Total track by the property of	which is presently zoned RC4 & RC5
aumor/a) of the property citual	ia in Paltima	ro County and which i	and Development Management. The undersigned, legal s described in the description and plat attached hereto and $^{(s)}$ [$AO4,3,8,2,6,BCzR,+opermita$
proposed addit 6,4113 feet in lie Final Development	of the Plan	arage and be e minimum re for Worthington	S) A04,3,8,2.6, BCZR, to permit a preciously with a side yard setback quired 50 feet, and to amend the on Valley, Plats land 2, Lot22,
of the zoning regulations of Ba of this petition form.	altimore Cou	nty, to the zoning law	of Baltimore County, for the reasons indicated on the back
Property is to be posted and a l, or we, agree to pay expenses regulations and restrictions of Ba	of above Varia	ance, advertising, postin	ning regulations. g, etc. and further agree to and are to be bounded by the zoning ne 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/Less	<u>ee:</u>		Legal Owner(s):
Name - Type or Print		5000	Name - Type or Print Name - Type or Print
Signature			Signature
12209 100 15:165 165 Address	4.1	Telephone No.	Name - Type or Print
City	State	Zip Code	Signature 410 925-3281 C
Attorney For Petitioner:			Address Address Telephone No.
Name - Type or Print			City State Zip Code
Signature			Representative to be Contacted:
			Name Richard D. Isaac 410925-32816
Company			1-5 (-6 5) D ((CO)-)757
Address		Telephone No.	Address Ocizas 1/15 AD 2117
City	State	Zip Code	City State Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	that	t the subject matter of this	puired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
CASENO	7-29:	Σ_ Λ	1 1 P 1 P 2 P 2 P 2 P 2 P 2 P 2 P 2 P 2

Estimated Posting Date ___

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

	City	Mills	ND	211(7
	•		State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	or practical c	difficulty):		
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That the Affiant(s) acknowledge(s) that if a for	mai demand	is filed, Affi	ant(s) will be requir	ed to pay a reposting and
advertising fee and may be required to provide a	dditional infor	mation.	•	
21698-12-				
Signature	_	Signature		
Richard D. Isaac		 -		
Name - Type or Print		Name - Typ	pe or Print	
STATE OF MARYLAND, COUNTY OF BALTIM			2 (1/)づ	
I HEREBY CERTIFY, this 3 day of 6 day o	sonally appea	ir∉d	(00), before me,	a Notary Public of the State
Richard J Raac				
the Affiant(s) herein, personally known or satisfac	ctorily identifie	ed to me as s	such Affiant(s).	
AS WITNESS my hand and Notarial Seal				
	(4) 1	10	
LINDA W. EVERNGAM Notary Public	Nota	by Public	- com	
Baltimore County Maryland	My S	commission (Expires 5/1	10/0
REV 10/25/01 My Commission Expires May 1, 2010				



CERTIFICATE OF POSTING

	RE: Case No: 07-393-A
	Petitioner/Developer: <u>ZICHARD DUE ISAAC</u>
	LICHARD DUE ISAAC
	Date Of Hearing/Closing: 4/2/07
Baltimore County Department Permits and Development Man County Office Building, Room 111 West Chesapeake Avenue	nagement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were po	ne penalties of perjury that the necessary ested conspicuously on the property
at	2209 WORTHINGTON 25
This sign(s) were posted on	Macel 17, 2007 (Month, Day, Year) Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address
	Balto. Md 21220 (443-629 3411)

im001018 (576x432x24b jpeg)



metale 3/11/07

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

Case	e Number 07- 393 -A Address 12209 Worthington Road
Cont	tact Person: Jeffrey Perlow Phone Number: 410-887-3391
Filin	ig Date: $3/6/07$ Planner, Pleasle Print Your Name Posting Date: $3/8/07$ Closing Date: $4/2/02$
Any	contact made with this office regarding the status of the administrative variance should be ugh the contact person (planner) using the case number.
1.	<u>POSTING/COST</u> : 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)
Petit	tioner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	e Number 07- 393 -A Address 12209 Worthing ton Road ioner's Name Richard Duke Isadc Telephone 410-925-3281(cell)
Post	ting Date: $3/8/07$ Closing Date: $4/2/07$
	ding for Sign: To Permit a proposed addition (garage and breezeway) with a side
Vav	rd setback of 13 feet in lieu of the minimum required 50 feet, and to amend
1	he Final Development Plan for Worthington Valley, Plats land 2,
	0+22.
	WCR - Revised 6/25/04



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 2, 2007

Richard Duke Isaac 12209 Worthington Road Owings Mills, Maryland 21117

Dear Mr. Isaac:

RE: Case Number: 07-393-A, 12209 Worthington Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 6, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 405, 406, 407, 408, 409.

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 (0)410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountymd.gov



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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary Designate

Maryland Department of Transportation

Date: MARCH 15, 200 7

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

RE: Baltimore County

Item No. 7-393-A

12209 WORTHINGTON KOAD

IBAAC PROPERTY

ADMINISTRATIVEYARIANCE

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. 7-393-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,

Steven D. Foster, Chief Lengineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 19, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2007

Item Nos. 07-389, 390, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405

and 408

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-03262007.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 11, 2007

RICHARD DUKE ISAAC 12209 WORTHINGTON ROAD OWINGS MILLS MD 21117

Re: Petition for Administrative Variance

Case No. 07-393-A

Property: 12209 Worthington Road

Dear Mr. Isaac:

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 4, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-393- Administrative Variance

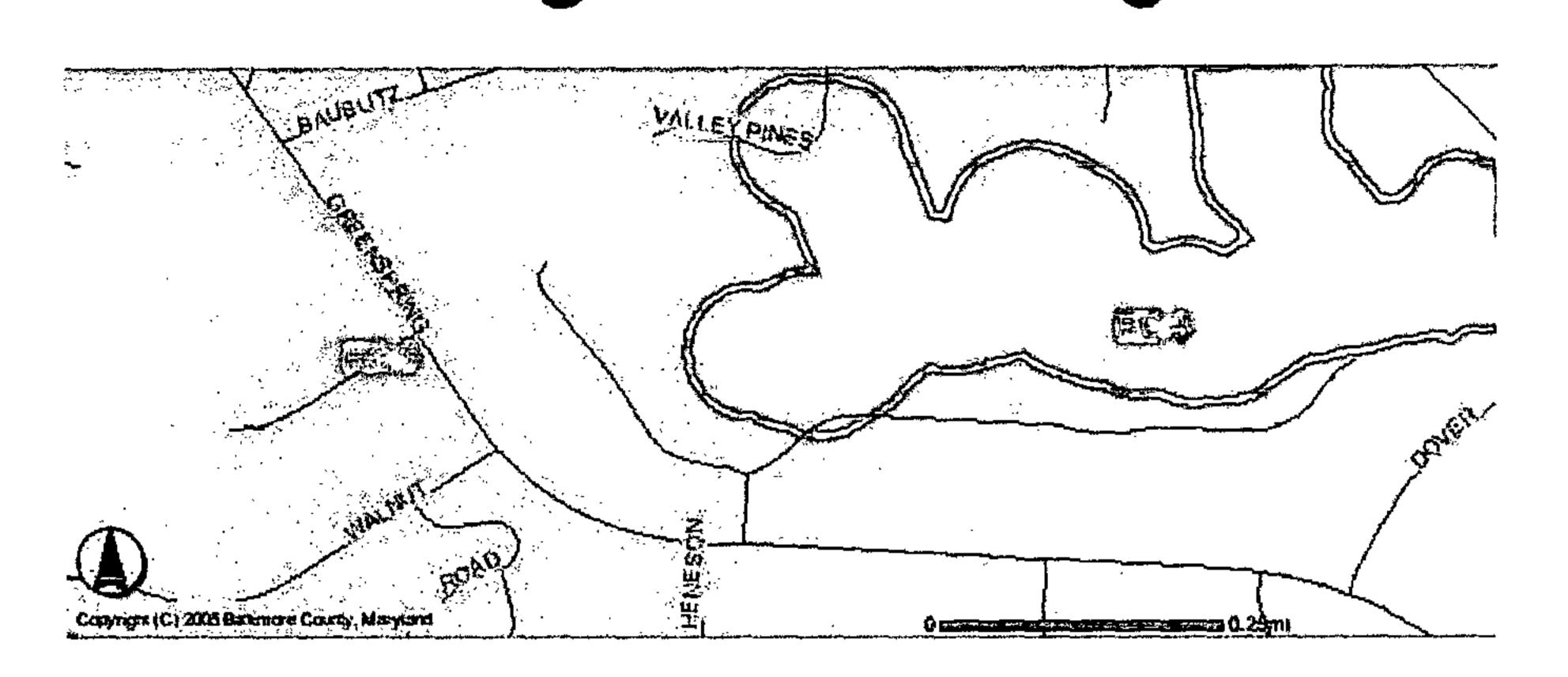
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided building elevations are submitted to this office for review and approval prior to the issuance of any building permits.

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

Prepared By

Division Chief:

CM/LL



07-393-A







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