IN RE: PETITION FOR ADMIN. VARIANCE N side of Marrymans Mill Road, 630 feet SE from c/l of Bladon Road 10th Election District 3rd Councilmanic District (2314 Merrymans Mill Road)

DEPUTY ZONING COMMISSIONER

BALTIMORE COUNTY

BEFORE THE

Mark H. and Donna J. Ward **Petitioners**

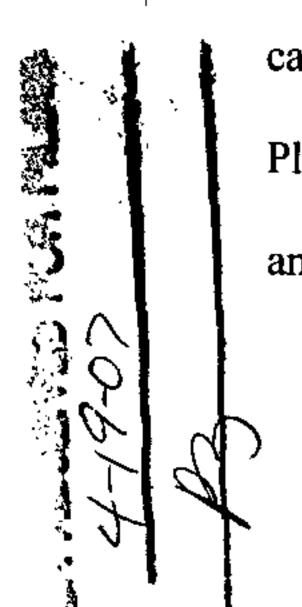
CASE NO. 07-430-A

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, Mark H. and Donna J. Ward. The variance request is for property located at 2314 Merrymans Mill Road. The variance request is from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in the front and side yards with a height of 19 feet in lieu of the required rear yard and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a detached garage. Due to the location of the existing dwelling in relation to the property lines it is not possible to construct the garage in the rear yard. The 19 foot garage height is to match the roof line of the existing dwelling. The subject property is 1.65 acres in size and zoned RC 6.

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 3, 2007 which contains restricts and a copy of which is incorporated herein and made a part hereof the file.



Applicable Law

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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 April 1, 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 19 day of April, 2007 that a variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building to be located in the front and side yards with a height of 19 feet in lieu of the required rear yard and 15 feet, respectively be and is hereby GRANTED, subject to the following:

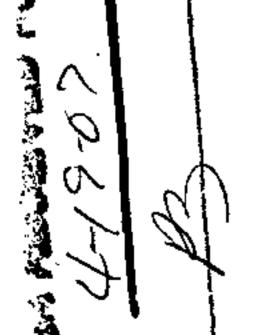
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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.

JOHÝV. MURPHY
DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2314 MERRY MANS MILL ROAD which is presently zoned RC6

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)

SEE ATTASHED

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.

			**************************************	MARK H.	MAKU		
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Signature		1	-	Signature DONMA J	WARO		
Address		Telephone No.	-	Name - Type or Print	- 4	Jal	
City	, State	Zip Code	 -	Signature		/ 00	-
Attorney For Petitioner:	•	•		Z314 MERRY	MANS MIL	L KD	Talanhana
	-			Address PHOENIX	MD.	2/13	Telephone
Vame - Type or Print		!	City		State	Zip	Code
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Signature		1		KOBERT I	NFUSSI LLC		
Company				Name PO. BOX 10-	1-3-7043	(410) 8	12-22
Address		Telephone No.	-	BEL AIR	MD.	•	Telephone
City	State	Zip Code	-	City		State	Zip C
Public Hearing having been for day of Baltimore County and that the pro	rmally demande	ed and/or found to subject matter of thi	be requ		the Zoning Commi ng, advertised, as r	ssioner of Balt equired by the	imore Cour zoning reg
		,		Zoning Con	nmissioner of Baltir	nore County	
Authority (130 -A	Reviewed	Ву	JF	Date 3/	23/07	7
CASE NO							

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 23/4 MERRYMANS MILL ROAD

Address

PLINENIX MO 21/3/

 PI-FOENIX
 MO.
 2//3/

 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):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formadvertising fee and may be required to provide a	nal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
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Signature	Signature
MARK H. WARD	DONNA J, WARD Name - Type or Print
Name - Type or Print	Name - Type or Print
HEREBY CERTIFY, this day of Waste of Maryland, in and for the County aforesaid Mark of Warb down or satisfactors.	ARCH 2007, before me, a Notary Public of the dispersionally appeared ctorily identified to me as such Affiant(s), and made oath in due form of
law that the matters and facts hereinabove set to	th are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal MAach 3 200)	Hust Single State of the state
Date	Notary Public
•	My Commission Expires

REV 09/15/98

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

. REV 09/15/98

 23/4 MERRYMANS - MILL ROAD

 Address
 MO.
 2//3/

 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):

SEE ATTACHEO

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. MARK H. WARD DONNA J. WARD Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit; I HEREBY CERTIFY, this 3 day of MARCA State of Maryland, in and for the County aforesaid, personally appeared 202, before me, a Notary Public of the DONNA 1. WArdthe Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal AA.A. Notary Public My Commission Expires



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2314 MERRY MANS MILL ROAD which is presently zoned RC 6

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)

SEE ATTAGHED

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.

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City	State	Zip Code	Signature	rene	رب	w.	
Attorney For Petitioner:	/• •		2314	MERRYMAI	MS MILL	RD	
	-		Address PHO	ENIX	MD.	2//3	Telephor
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Company			Name			<u> </u>	
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A Public Hearing having been for day of Baltimore County and that the pro		and/or found to ject matter of this	be required, it is o p∈tition be set for a p	rdered by the Zo sublic hearing, act	ning Commiss /ertised, as rea	sioner of Balti quired by the	more Cou zoning req
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		,		Zoning Commission	oner of Baltime	ore County	<u>,,</u>
CASE NO. 2 07	- 430-2	Reviewed B	y_J#	Date	3/2	3/07	

SECTIONS 400.1 AND 400.2 (BCZR) TO PERMIT AN ACCESSORY BUILDING TO BE LOCATED IN THE FRONT AND SIDE YARDS WITH A HEIGHT OF 19 FEET IN LIEU OF THE REQUIRED REAR YARD AND 15 FEET RESPECTIVELY

2314 MERRYMANS MILL ROAD

PRACTICAL DIFFICULTY OR HARDSHIP

THE PETITIONER WISHES TO CONSTUCT A DETACHED GARAGE TO BE USED FOR STORAGE OF ANTIQUE CARS. DUE TO THE LOCATION OF THE EXISTING DWELLING IN RELATION TO THE PROPERTY LINES, IT IS NOT POSSIBLE TO CONSTRUCT THE PROPOSED GARAGE IN THE REAR YARD. THE 19 FOOT HEIGHT IS REQUESTED TO MATCH THE ROOF LINE OF THE EXISTING DWELLING.

IT IS UNDERSTOOD THAT THE GARAGE WILL NOT BE USED FOR COMMERCIAL PURPOSES OR CONVERTED TO A RESIDENTIAL USE.

ZONING DESCRIPTION

2314 MERRYMANS MILL ROAD

Beginning at a point on the north side of Merrymans Mill Road (variable width) distant 630 feet southeasterly from it's intersection with the center of Bladon Road (50 feet wide), thence being all of Lot 16 as shown on the plat entitled Resubdivision of Section Three, Cambria recorded among the plat records of Baltimore County in Plat Book 25 Folio 27.

Containing 1.65 acres of land, more or less.

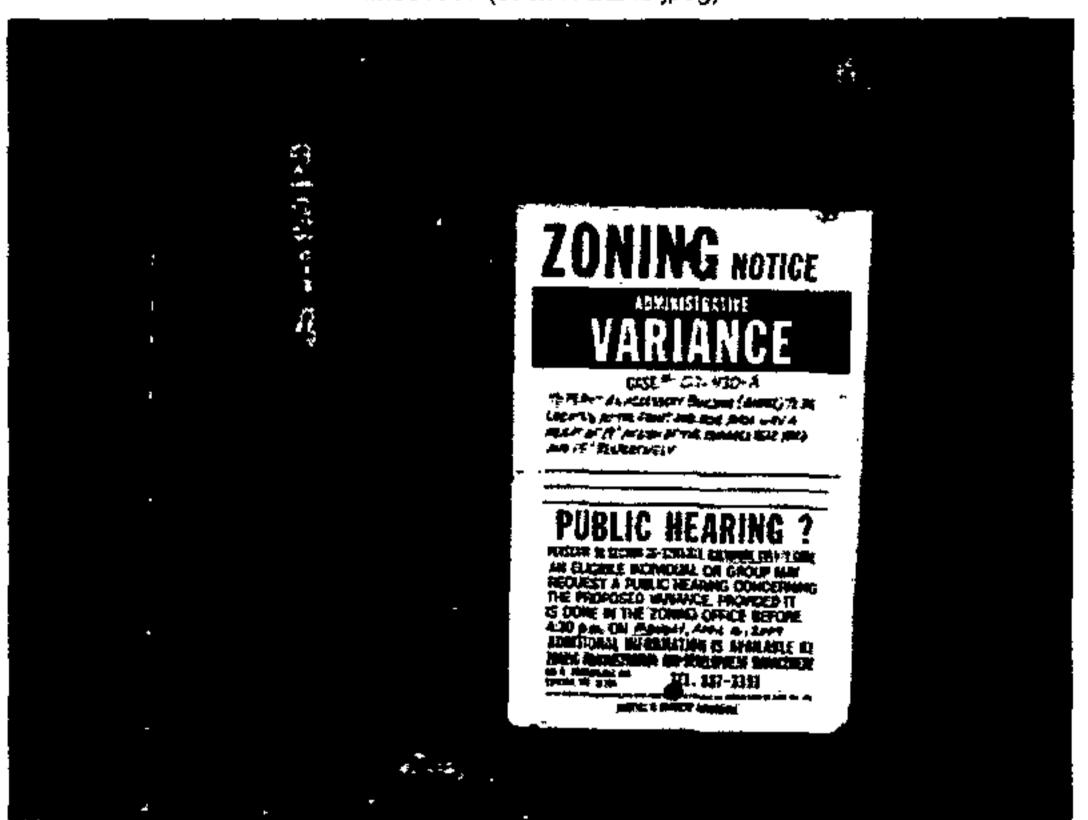
Being known as 2314 Merrymans Mill Road. Located in the 10TH Election District, 3RD Councilmanic District of Baltimore County, Maryland

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CERTIFICATE OF POSTING

	RE: Case No: 07-430-A
	Petitioner/Developer: MALK & DOWNA WARD
	DONNA WARD
•	Date Of Hearing/Closing: 4/10/07
•	
Baltimore County Departme	ent of
Permits and Development M	
County Office Building, Ro	om ill
II West Chesapeake Avenu	
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his letter is to certify unde ign(s) required by law were this sign(s) were posted on	April 1 2001 (Month, Day, Year) Sincerely, (Signature of sign Poster and Date) Martin Ogle
his letter is to certify unde ign(s) required by law were this sign(s) were posted on	posted conspicuously on the property 314 Menyman's Min Als April 12001 (Month, Day, Year) Sincerely, Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster
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his letter is to certify unde ign(s) required by law were this sign(s) were posted on	posted conspicuously on the property 2314 MELLYMANS MILL AIS April 2007 (Month, Day, Year) Sincerely, Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address
his letter is to certify unde ign(s) required by law were this sign(s) were posted on	posted conspicuously on the property 2314 MEMPMANS MILL AS April 12001 (Month, Day, Year) Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court

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martin al 4/1/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case Number 07-	430 -A	Address	2314 MERI	RYMANS N	TILL P.C
Contact Person:	——————————————————————————————————————	Print Your Name	Ph	one Number: 4	10-887-339
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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.

For Newspaper Advertising:
Item Number or Case Number: 07-430-A
Petitioner: MARK AND DONNA WARD
Address or Location: 2314 MERRYMAKS MILL ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address: P.O. BOX 1043 - 7043
BEL AIR, MO. 21014
Telephone Number: (410) 8/2-2236



JAMES T. SMITH, IR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 17, 2007

Mark H. Ward Donna J. Ward 2314 Merrymans Mill Road Phoenix, MD 21131

Dear Mr. and Mrs. Ward:

RE: Case Number: 07-430-A, 2314 Merrymans Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Robert Infussi Expedite LLC P.O. Box 1043-7043 Belair 21014

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 April 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 2, 2007

Item Number: 427 through 438

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



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

Maryland Department of Transportation

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

Date: APRIL 3, 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. 7-430-A
2314 MERRYMAUS MILLED

WARD 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.

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 Engineering Access Permits Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 3, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-430 -

7-430 - Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet and to be located in the front and side yards in lieu of the required rear yard 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

DATE: April 4, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

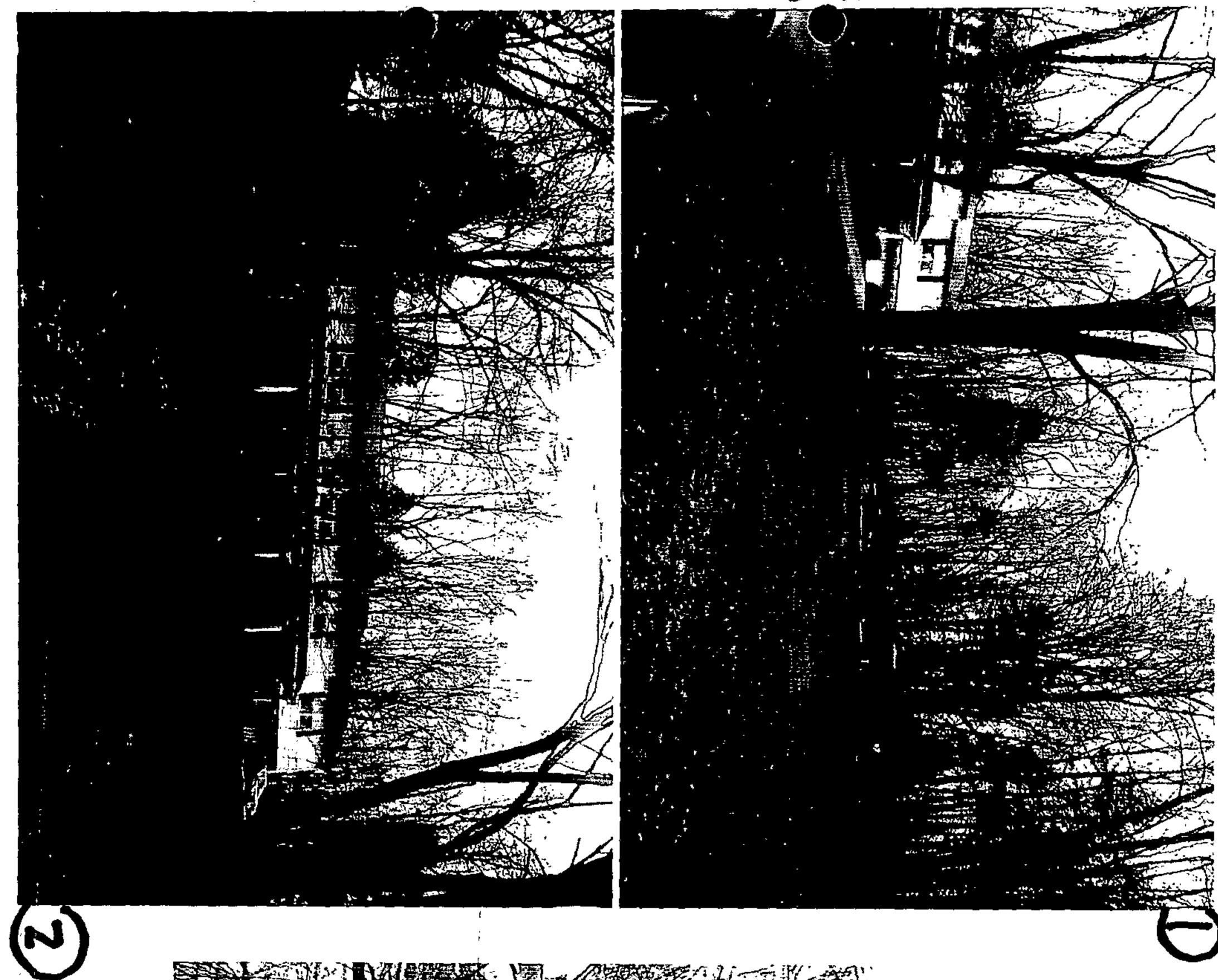
For April 9, 2007 Item Nos. 07-427, 429 430, 431, 433, 434, 435, 436, and 437

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-03042007.doc





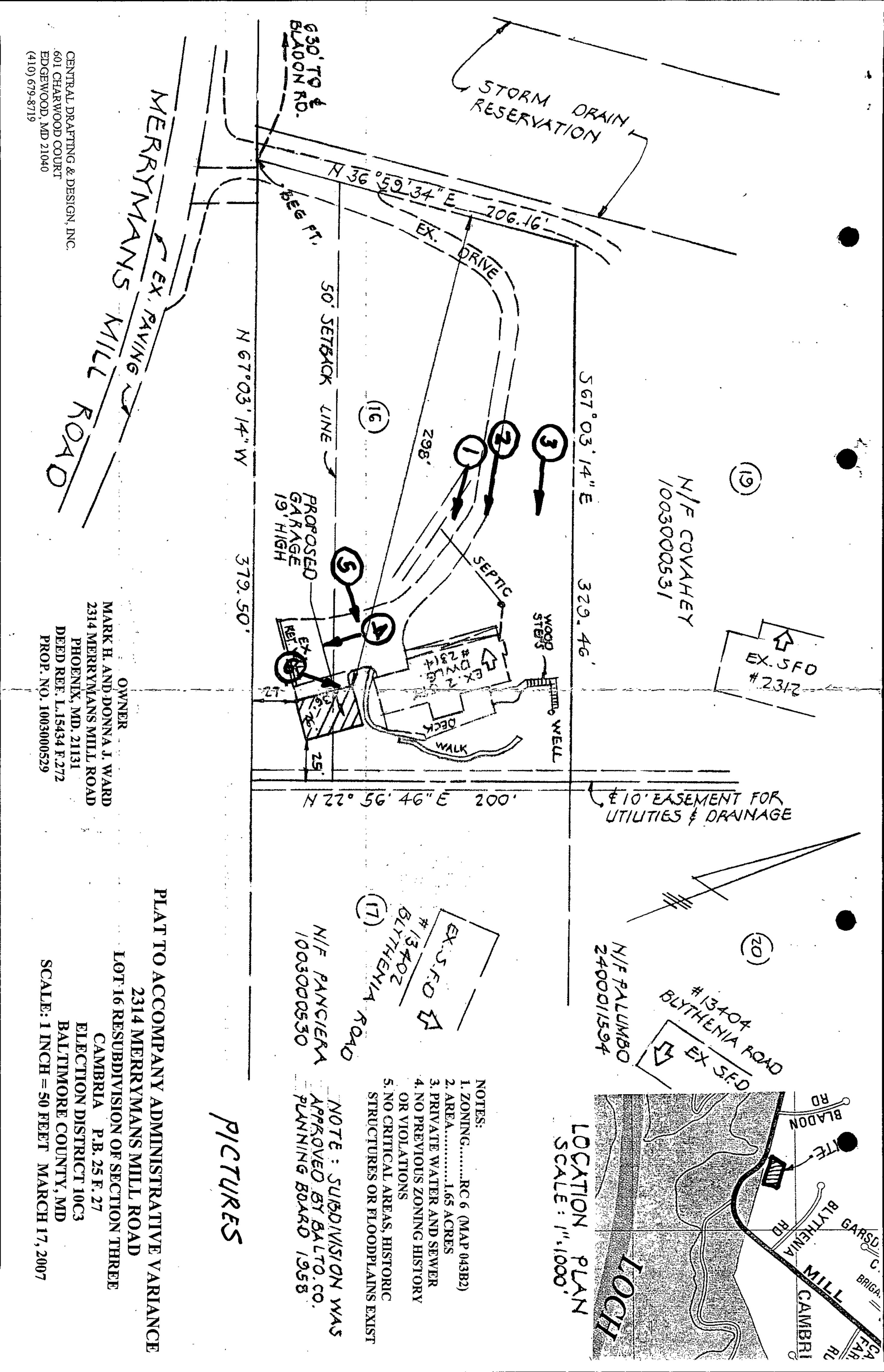
CASE NO. 07-430
2314 MERRYMANS
MILL ROAD

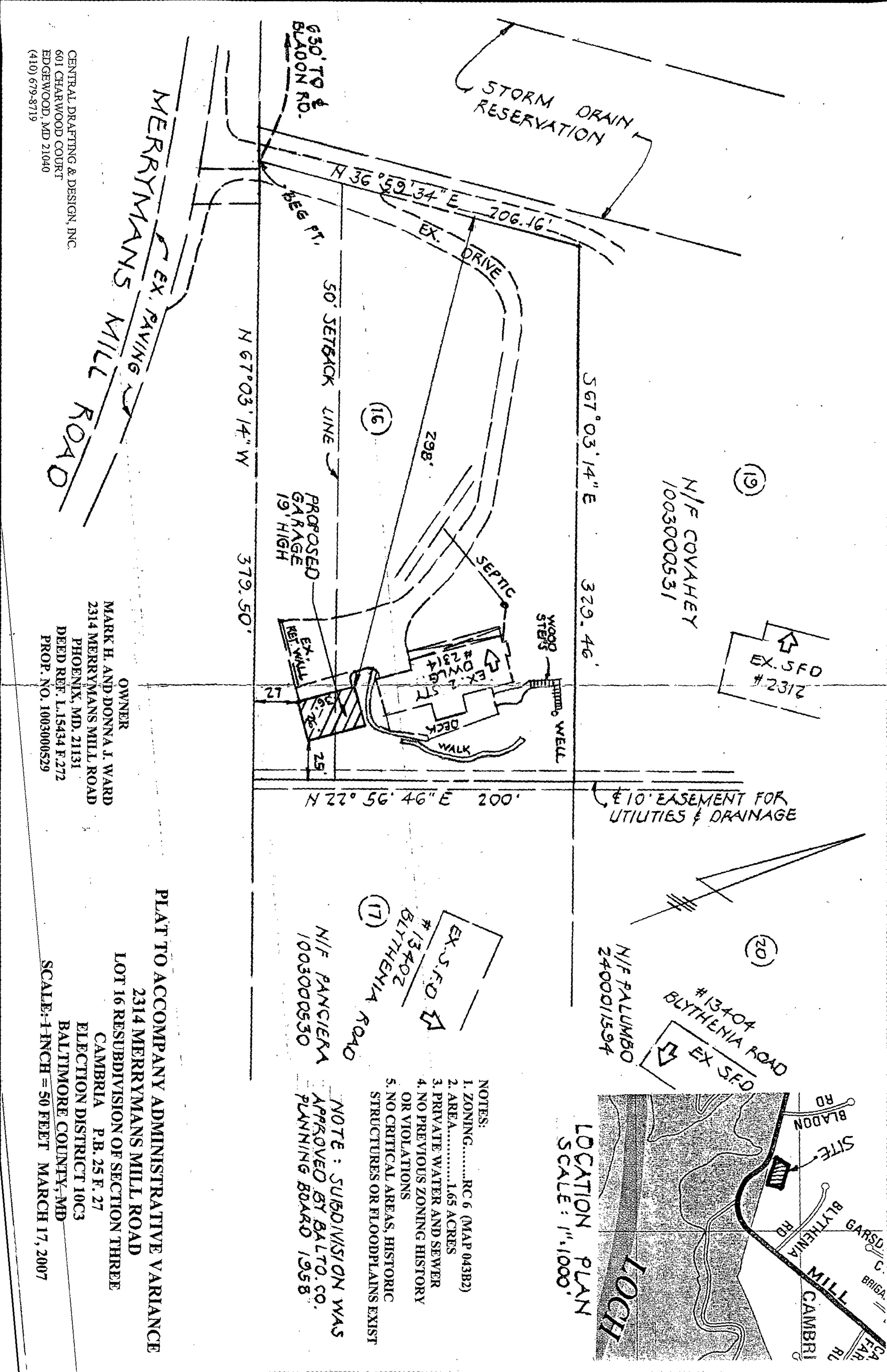














430

