

IN RE: PETITION FOR ADMIN. VARIANCE
N side Townsend Road, 1,175 feet NW
of Mace Avenue
15th Election District
7th Councilmanic District
(330 Townsend Road)

Mark Markell
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-491-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, Mark Markell. The variance request is for property located at 330 Townsend Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage with a height of 20 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner states his home is only 820 square feet in size and the additional garage height is necessary to provide much needed storage space.

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 May 31, 2007 which 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

RECEIVED FOR FILED
6-18-07
PJ

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 May 6, 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 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.

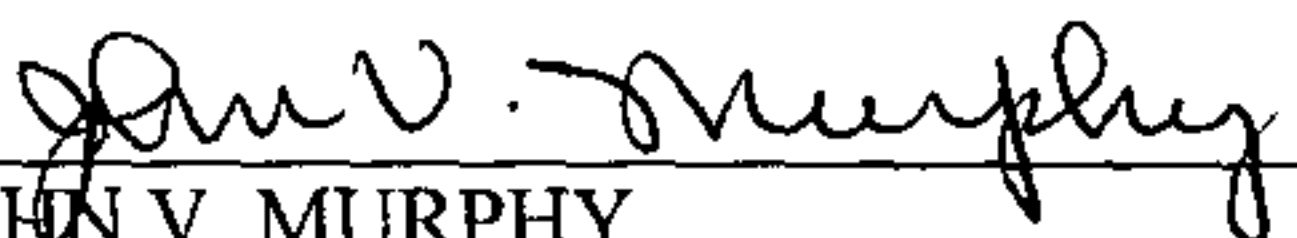
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18th day of June, 2007, that a variance from Section 400.3 of the Baltimore

RECEIVED FOR FILE
6-18-07
PZ

County Zoning Regulations (B.C.Z.R.) to permit a detached garage with a height of 20 feet in lieu of the maximum allowed 15 feet 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. 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.

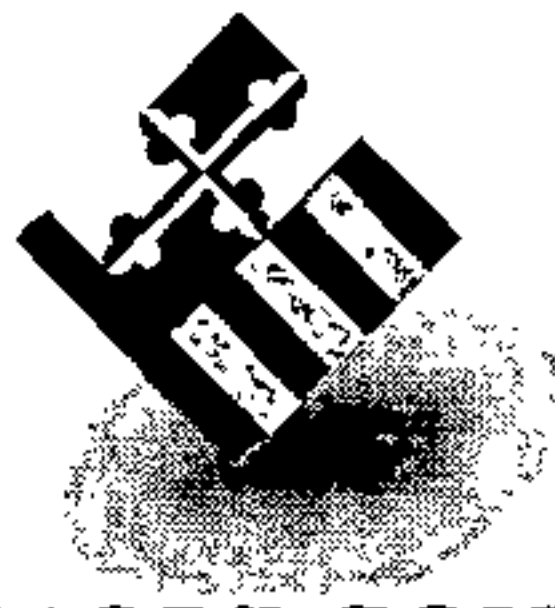
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED FOR FILE
6-18-07
pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 18, 2007

Re: Petition for Administrative Variance
Case No. 07-491-A
Property: 330 Townsend Road

Dear Mr. Markell:

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
for Baltimore County

JVM:pz

Enclosure

ORIGINAL KEEP IN FILE



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 330 TOWNSEND Rd.
which is presently zoned DRS.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 BCZR TO PERMIT A.

DETACHED GARAGE WITH A HEIGHT OF 20 FT IN LIEU OF THE MAXIMUM ALLOWED 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):

MARK MARKEII
Name - Type or Print

Mark Markell
Signature

MARK MARKEII
Name - Type or Print

Mark Markell
Signature

330 TOWNSEND Rd. ⁴¹⁰ 686-5348
Address Telephone No.

Essex MD 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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.

Y-A COVER 10/25/01 BY 1072 J-W-5003

CASE NO. 07 491 A

REV 10/25/01

6-18-07

86

Reviewed By JL Date 4/27/07

Estimated Posting Date 5/06/07

Zoning Commissioner of Baltimore County

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 330 TOWNSEND Rd
Address
Balto. MD 21221
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):

*Yard of storage moved from a larger house.
my house is only 1 story AND 820 SQ FT.
GARAGE HT NEEDED FOR SCENARIE. J.D.*

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 Markell
Signature

Signature

MARK MARKELL
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

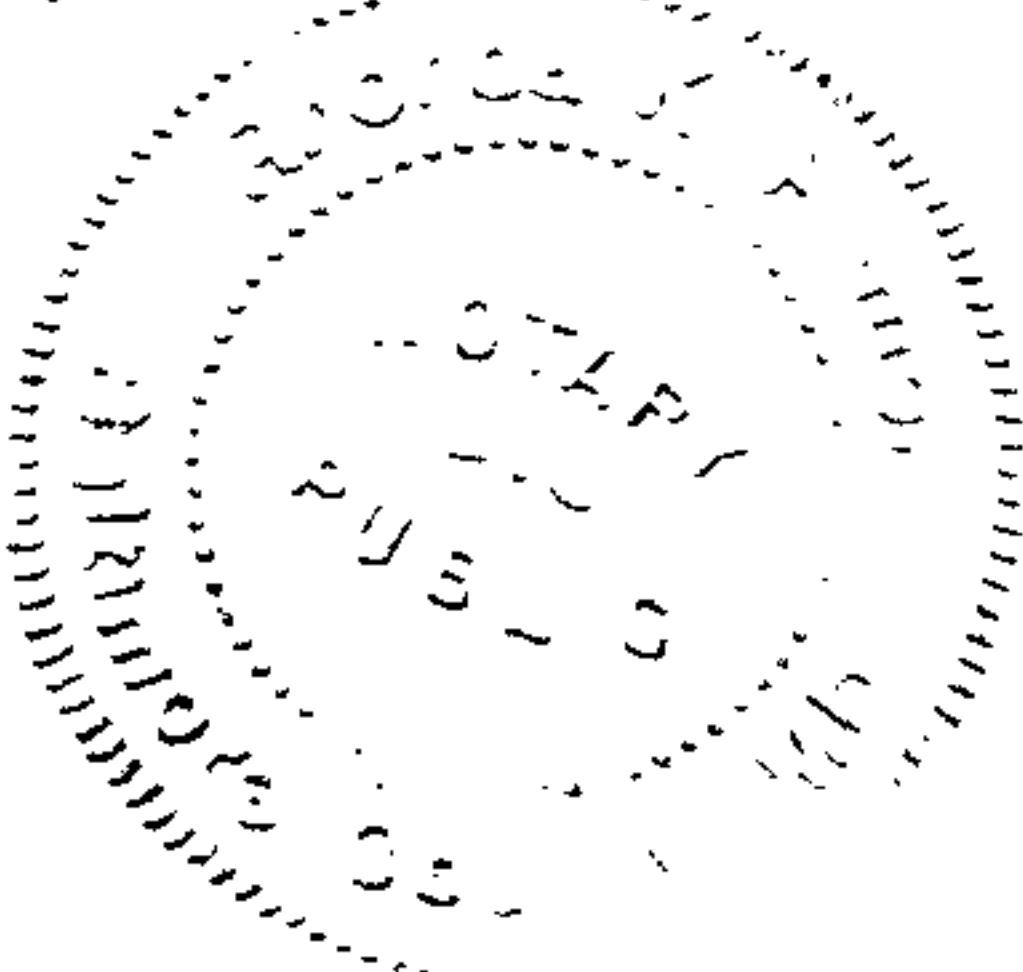
I HEREBY CERTIFY, this 4 day of April, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Rhonda K. Hanel
Notary Public

My Commission Expires 7-25-2007 MY COMMISSION EXPIRES 7-25-2007



Zoning Description
For
330 Townsend Road, Baltimore MD 21221-6634

Beginning at a point on the north-eastern side of Townsend Road which is 50 feet wide at the distance of 1,175 feet north-western of the center line of the nearest improved intersecting street Mace Avenue which is 50 feet wide. Being lot no. 69, Section E in the subdivision of Back River Highlands, as recorded in Baltimore County Plat Book no.4, Folio no. 64, containing 10,000 square feet. Also known as 330 Townsend Road and located in the 15th Election District, 7th Councilmanic District.

491

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25029

DATE 4/27/07 ACCOUNT 0010065150

AMOUNT \$ 65.00

RECEIVED
FROM:

FOR: RV 330 ~~Atwood Rd~~
Townsend Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY THE DAY
4/27/2007 3:27:20 PM 10:40:17
OFFICE OF BUDGET & FINANCE

RECEIPT # 0010065150
Dept: 500 (OFFICE OF BUDGET & FINANCE)
CR NO. 000000

Receipt for \$65.00
\$65.00
\$65.00
\$15.00 - 50%
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-491-A

Petitioner/Developer: MARIS

MARKELL

Date of Hearing/Closing: 5-21-07

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

330 TOWNSEND RD

The sign(s) were posted on 5-6-07
(Month, Day, Year)

Sincerely,

Robert Black 5-7-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

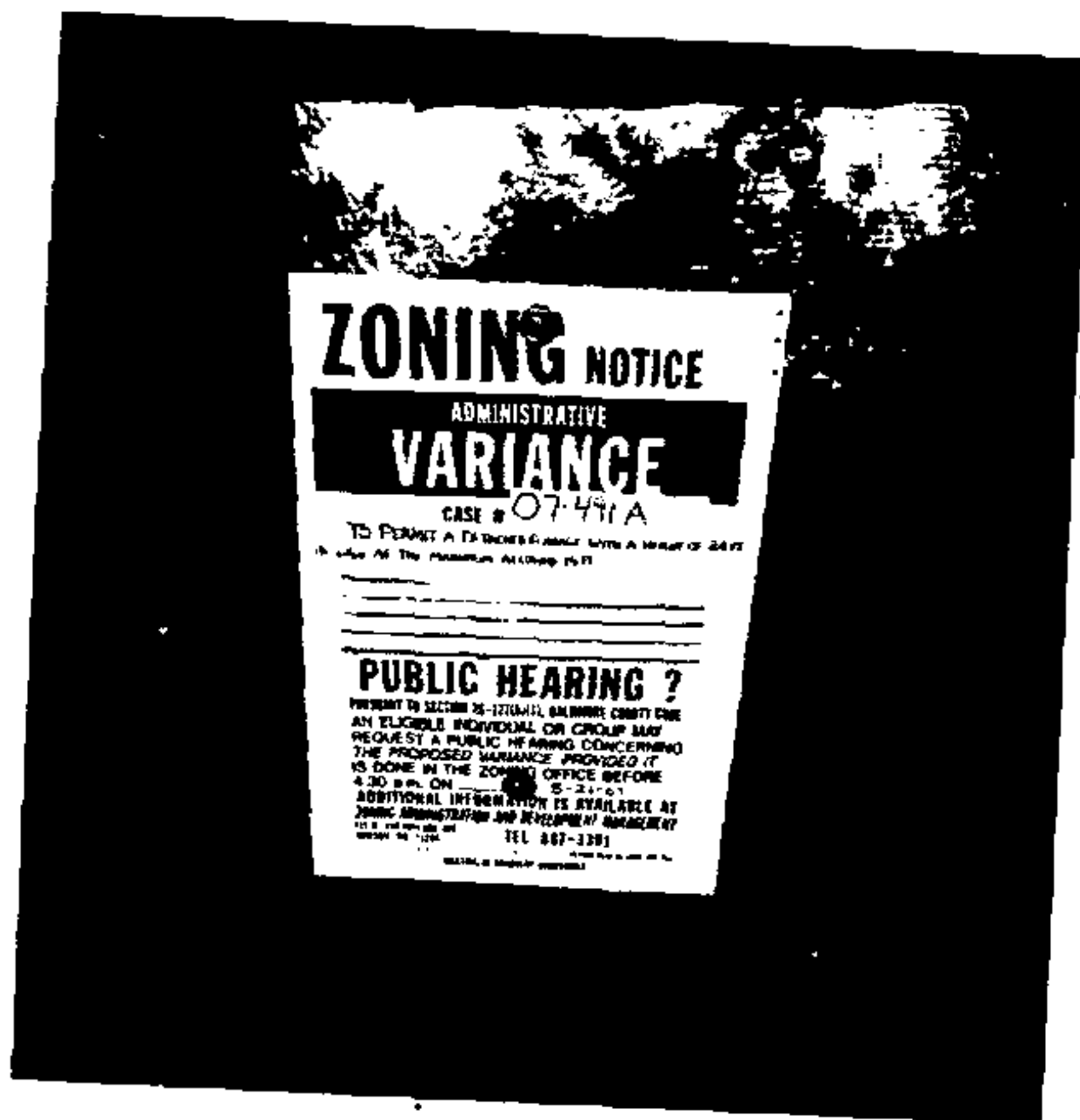
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 07 491 A

Petitioner: MARKELL

Address or Location: 330 TOWNSEND RD

PLEASE FORWARD ADVERTISING BILL TO

Name: ☒ Mark Markell

Address: ☒ 330 Townsend Rd.

☒ BALTO, MD. 21221

Telephone Number: ☒ (410) 686 5348

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07 491 -A

Address 330 TOWNSEND RD.

Contact Person: _____
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/27/07

Posting Date: 5/06/07

Closing Date: 5/21/07

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 07 491 -A

Address 330 TOWNSEND RD

Petitioner's Name MARK MARKELL

Telephone _____

Posting Date: 5/06/07

Closing Date: 5/21/07

Wording for Sign: To Permit A DETACHED GARAGE WITH A HEIGHT OF 20 FT
IN LIEU OF THE MAXIMUM ~~20 FT~~ ALLOWED 15 FT.



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

May 23, 2007

Mark Markell
330 Townsend Road
Essex, MD 21221

Dear Mr. Markell:

RE: Case Number: 07-491-A Comments, 330 Townsend Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 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

INTER-OFFICE CORRESPONDENCE

DATE: May 31, 2007

SUBJECT: 7-491 – Administrative Variance

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.

Prepared by:

Section Chief:

W:\DE3\FBI\WZACV-01.doc

Patricia Zook - 2 Administrative Variance cases - Planning comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 5/31/2007 11:32:35 AM
Subject: 2 Administrative Variance cases - Planning comments needed

Hi Curtis -

I'm wondering if you have Planning comments for the below-listed cases that you could e-mail to me.

Case 07-491-A, closed 5-21-07
Case 07-490-A, closed 5-21-07

Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

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

May 10, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

HA
Item Number: 476,488 through 499

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 G. Brown, Lt. Governor

State Highway
Administration

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

Maryland Department of Transportation

Date: MAY 7, 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. 7-491A
330 TOWNSEND ROAD
MARKELL 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. 7-491A.

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2007
Item Nos. 07-476, 488, 489, 490, 491, 492,
493, 494, 496, 497, and 499

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- 05072007.doc

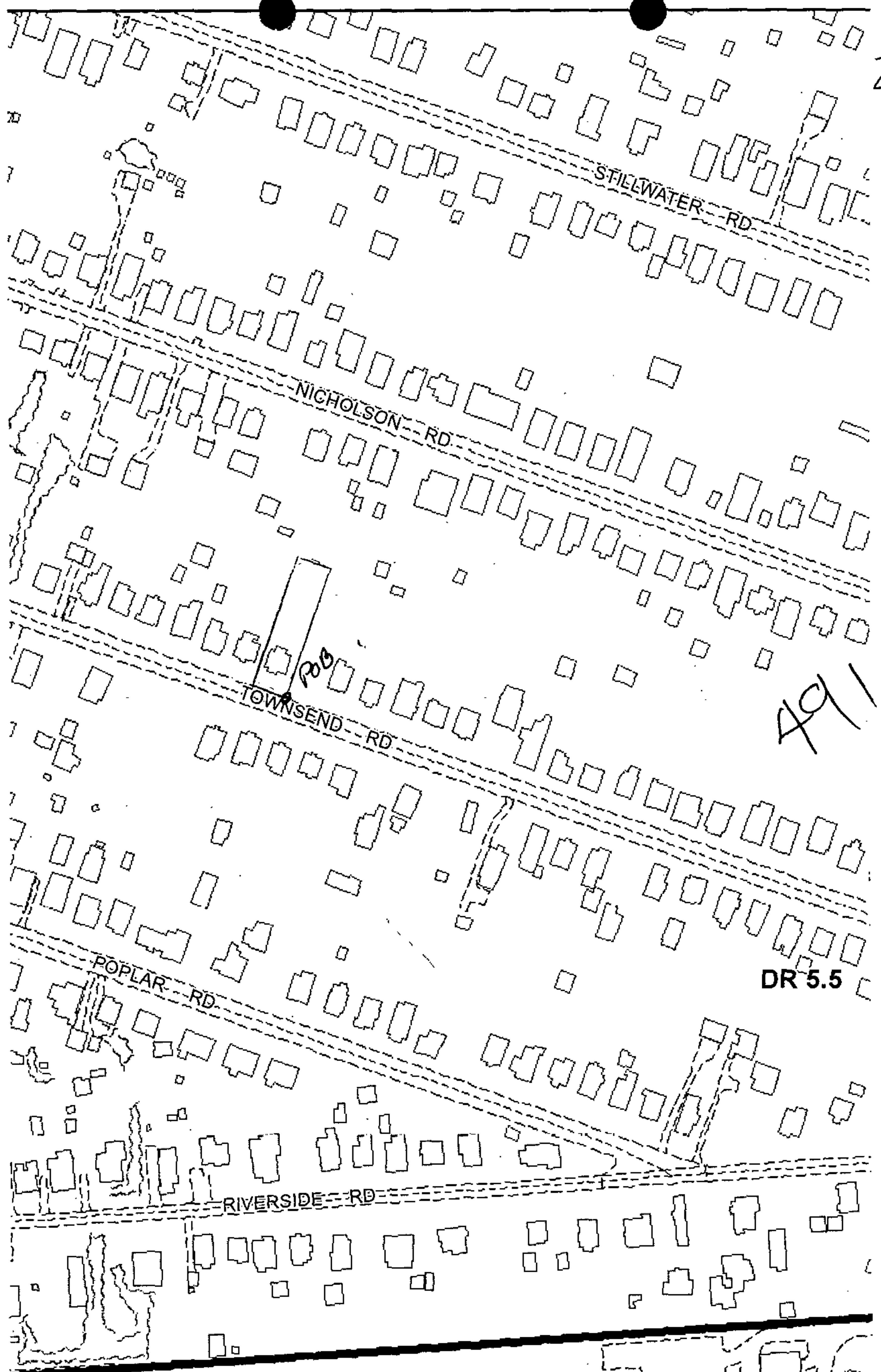
07 491 A

THE APPLICANT IS FILING AT
OWN RISK WITHOUT PHOTOS AND
WILL BRING THEM FOR FILE

ASAP. PRIOR TO END OF POSTING PERIOD
FOR INCLUSION IN FILE.

Jimmy C. Reese 4/27/07

ZONING
MAP
#097A1



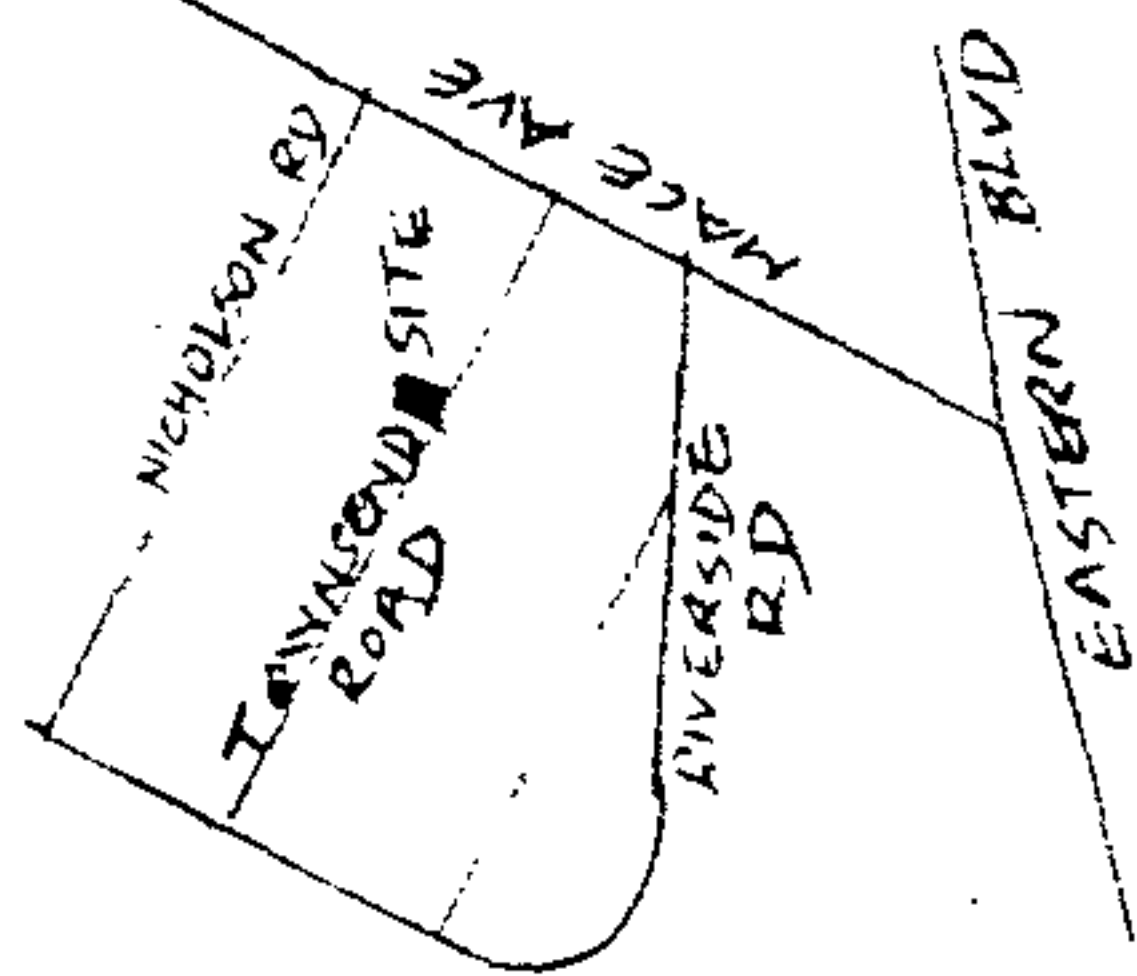
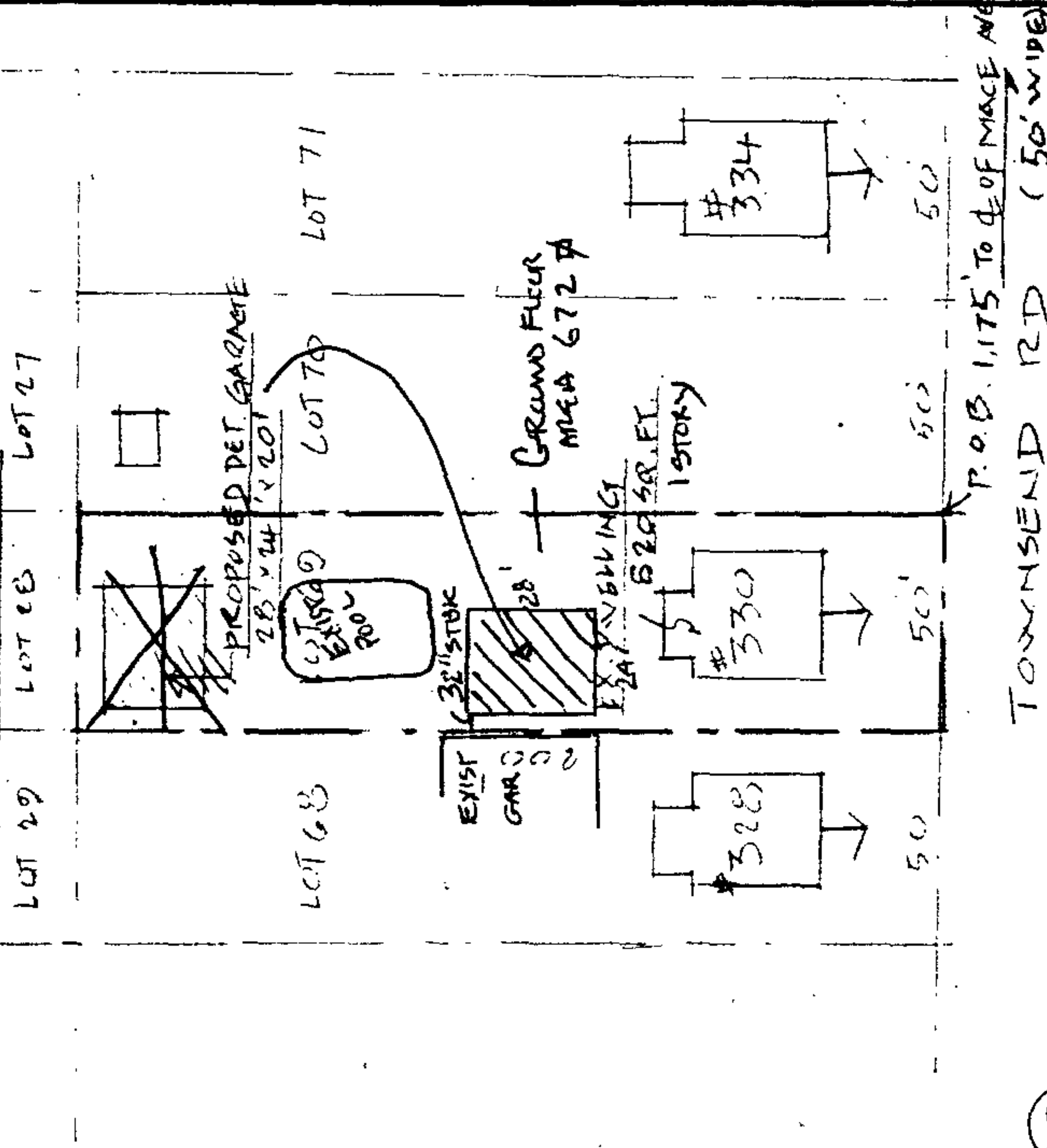
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 330 TOWNSEND RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BACK RIVER HIGHLANDS

PLAT BOOK # 4 FOLIO # 64 LOT # 69 SECTION # E

OWNER MARK L NAICKEL



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 7th
1" = 200' SCALE MAP # 97A1
ZONING DE.5.5
LOT SIZE 0.2296 ACRES 10,000 SQUARE FEET
SEWER ☒ PUBLIC ☒ PRIVATE ☐
WATER ☒ YES ☐ NO ☒
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 DL ITEM # 07491A CASE # 107491A



NORTH

PREPARED BY BOB DEESE FOR CHAR LOC. SCALE OF DRAWING: 1" = 50'

REV. 4/27/07 Ammy C. Deese 4/27/07

(50' WIDE)

TOWNSEND RD (50' WIDE)

P.O.B. 1,175' TO 4' OF MACE AVE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 31, 2007

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

RECEIVED
JUN 04 2007

BY:.....

SUBJECT: 7-491 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 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 Amy Mantay at 410-887-3480.

Prepared by:

Curtis Murray

Section Chief:

Lynn Lushan

AFK/LL: CM