IN RE: PETITION FOR ADMIN. VARIANCE

N side Rockdale Road, 2700 feet +/- NE c/l Middletown Road
(3002 Rockdale Road)
6th Election District
3rd Council District

E. Sean and Anne Gottleib

Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 07-549-A

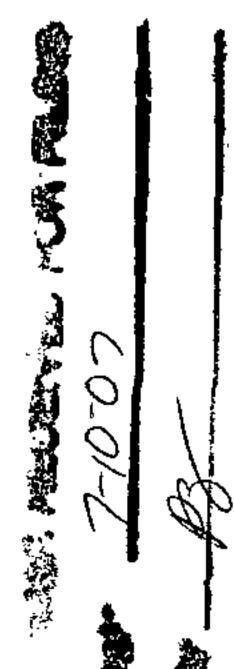
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, E. Sean and Anne Gottleib. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated because the garage cannot be located in the rear yard due to the



existing septic reserve area. The garage cannot be moved further to the rear of the property due to an existing buried 1,000 gallon propane tank. The proposed garage measures 20 feet x 20 feet in size and will utilize the existing driveway.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. The Office of Planning stated in their ZAC comment dated June 25, 2007, that they do not oppose the Petitioner's request. The Petitioners are advised that the building materials for the proposed addition are to remain consistent with that of the existing dwelling and the rural character of the area. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of July, 2007 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The building materials for the proposed addition are to be consistent with that of the existing dwelling and the rural character of the area.

Zoning Commissioner

MA. WHEEMAN, III

for Baltimore County

WJW:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 10, 2007

E. SEAN AND ANNE GOTTLEIB 3002 ROCKDALE ROAD FREELAND MD 21053

RE:

Petition For Administrative Variance

Property: 3002 Rockdale Road

Case No. 07-549-A

Dear Mr. and Mrs. Gottleib:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 410-887-3391.

Very truly yours

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

Enclosure



CASE NO

REV 10/25/01





Zoning Commissioner of Baltimore County

Petition for Administrative Variance

	to the Zoning Commissioner of Bal	timore County
THE PLANTS	for the property located at 3002 Reckonce which is presently zoned	RUAD PC 2
This Petition shall be filed volumer(s) of the property situation	with the Department of Permits and Development Management. te in Baltimore County and which is described in the description and pl	The undersigned, legal

made a part hereof, hereby petition for a Variance from Section(s) TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDEYARD IN LIEU

OF THE REQUIRED REAR TARD

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. Legal Owner(s): Contract Purchaser/Lessee: COTILE, B Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. **Address** Zip Code Signature City State ROCKDALE ROAD 410 357-8073 3002 Attorney For Petitioner: Address Telephone No. FREELAND 21053 Zip Code State Name - Type or Print Representative to be Contacted: Signature Company ROCKPALE' ROAP. 410 357-8073 Telephone No. Address Telephone No. Address REEUND 21053 Zip Code State State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted.

Reviewed By _ LTM

Estimated Posting Date

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.

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orily identified to r	ne as such Affiant(s).	<u>. </u>
<i>2</i>		- - - - - - - - - - - - - - - - - - -
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Affida Vit 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.

3002

ROCKDALE'

	FREELAND	mu	21053
•	City	State	Zip Code
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WE WANT TO BUILD THIS GA	RAGE TO PROTECT	OUR OUTSIDE	FURNITURE, TOOKS
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That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide Signature E. SEAN GOTTLE'S Name - Type or Print	additional information. Signature	Mue Alle	5
STATE OF MARYLAND, COUNTY OF BALT		· · · · · · · · · · · · · · · · · · ·	
of Maryland, in and for the County aforesaid, p	ersorally appeared		Notary Public of the State
the Affiant(s) herein, personally known or satis	factorily identified to me as	such Affiant(s).	<u> </u>
AS WITNESS my hand and Notarial Seal MARK DANIEL LINDEN NOTARY PUBLIC My Commission Expires January 23, 2010	Notary Public My Commission	Expires	2010



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3002	ROCKDALE"	ROAD	
whic	h is pres	sently zoned	RESIDENTIAL	nc4

I/We do solemnly declare and affirm, under the penalties of

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)

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDEYARD IN LIEU OF THE REQUIRED REAR YARD

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: GOTTLE,B Name - Type or Print Signature Signature GOTTLEIB Telephone No. vpe or Print Address Zip Code State City ROCKDALE ROAD 3002 Attorney For Petitioner: Telephone No. Address PRECLAND <u>ک که رک </u> Zip Code State Name - Type or Print Representative to be Contacted: Signature Company 410 357-8003 Telephone No. Telephone No. Address RELUND Zip Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. Reviewed By

Estimated Posting Date

This is the zoning description for 3002 Rockdale Road Freeland, MD 21053.

Beginning at a point on the North Side of Rockdale Road which is 50' wide at the distance of 2700' + or - NE of the centerline of the nearest improved intersecting street Middletown Road which is varies wide. Being lot # 9 in the subdivision of Arthur Tracey Property as recorded in Baltimore County Plat Book # 77, Folio# 175 containing 1.0106 acres. Also known as 3002 Rockdale Road and located in the 6 Election District, 3 CouncilManic District.

CERTIFICATE OF POSTING

	Date: 6-17-07
RE:	Case Number: 67-549-A Petitioner/Developer: Sear Gottlieb Date of Hearing/Closing: 7/2/07
by la	This is to certify under the penalties of perjury that the necessary sign(s) required were posted conspicuously on the property located at 3002 for the leading of the property located at 3002 for the leading of the property located at 3002 for the leading of th
	The sign(s) were posted on((Month, Day, Year)



(Signature of Sign Poster)

J LAWPENCE PILSON (Printed Name of Sign Poster)

(Street Address of Sign Poster)

(City, State, Zip Code of Sign Poster)

40-343-1443 (Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 549 -A Address 500.2 120 CV (SALE	121)
Contact Person: CIOYO MOXLEY Phone Number: 4	
Filing Date: 6 5 07 Posting Date: 6 17/07 Closing Date:	7/2/27
Any contact made with this office regarding the status of the administrative variance through the contact person (planner) using the case number.	e should be
1. POSTING/COST: The petitioner must use one of the sign posters on the approve reverse side of this form) and the petitioner is responsible for all printing/posting reposting must be done only by one of the sign posters on the approved list and is again responsible for all associated costs. The zoning notice sign must be approperty on or before the posting date noted above. It should remain there closing date.	the petitioner isible on the
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,0 a formal request for a public hearing. Please understand that even if there request for a public hearing, the process is not complete on the closing date.	00 feet to file is no formal
ORDER: After the closing date, the file will be reviewed by the zoning or decommissioner. He may: (a) grant the requested relief; (b) deny the requested order that the matter be set in for a public hearing. You will receive written (typically within 7 to 10 days of the closing date) as to whether the petition has be denied, or will go to public hearing. The order will be mailed to you by First Class	n notification been granted,
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a p (whether due to a neighbor's formal request or by order of the zoning or decommissioner), notification will be forwarded to you. The sign on the proper changed giving notice of the hearing date, time and location. As when the sign is posted, certification of this change and a photograph of the altered sign must be this office.	eputy zoning erty must be vas originally
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	•
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 07 549 -A Address 3002 20040ALE R	<u>'D</u>
Petitioner's Name E. SEAN GOTTLEID ETUY Telephone 410 3	57 8073
Posting Date: Closing Date:	······································
Wording for Sign: To Permit A DETACHED ACCESSORY STR	UCTURE
(GARAGE) TO BE LOCATED IN THE SIDEYARD) IH LIER
OF THE REQUIRED REARYARD.	<u>,</u>
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WCR - Revised 6/25/04

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 Adve	rtising:						
Item Number or Case	Number: _	<u>07</u>	-549	<u>-A</u>	<u> </u>		 _
Petitioner:	E. Se	AN C	GOTTLE.	:13			
Address or Location: _	3002	Roc	KDALE'	ROAD	FREELAND	MD	21053
PLEASE FORWARD A				·/S			
Address:		ROCK	LDACE"	ROAD			
Telephone Number: _		410	357-	8023	<u></u>		

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: June 25, 2007

JUN 2 7 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-547- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided that the building materials for the proposed addition remain consistent with that of the existing dwelling and the rural character of the area.

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

Prepared By:

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 25, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-549- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided that the building materials for the proposed addition remain consistent with that of the existing dwelling and the rural character of the area.

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

Prepared By:

Division Chief:

CM/LL



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 2, 2007

E. Sean Gottleib Anne Gottleib 3002 Rockdale Road Freeland, MD 21053

Dear Mr. and Mrs. Gottleib:

RE: Case Number: 07-549-A, 3002 Rockdale Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 5, 2007. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callabal)

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 14, 2007

Department of Permits & Development

Management

DK4

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2007

Item Nos. 07-542, 543, 544, 547, 548, and 549

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-06142007.doc

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





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 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 11, 2007

5 Item Number: 542 Through (549)

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

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

Maryland Department of Transportation

Date: JUNE 18, 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. 7-549-A

3002 ROCKDALF ROAD

GOTTLEIB 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. 7-549-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,

Fraingering Access Born

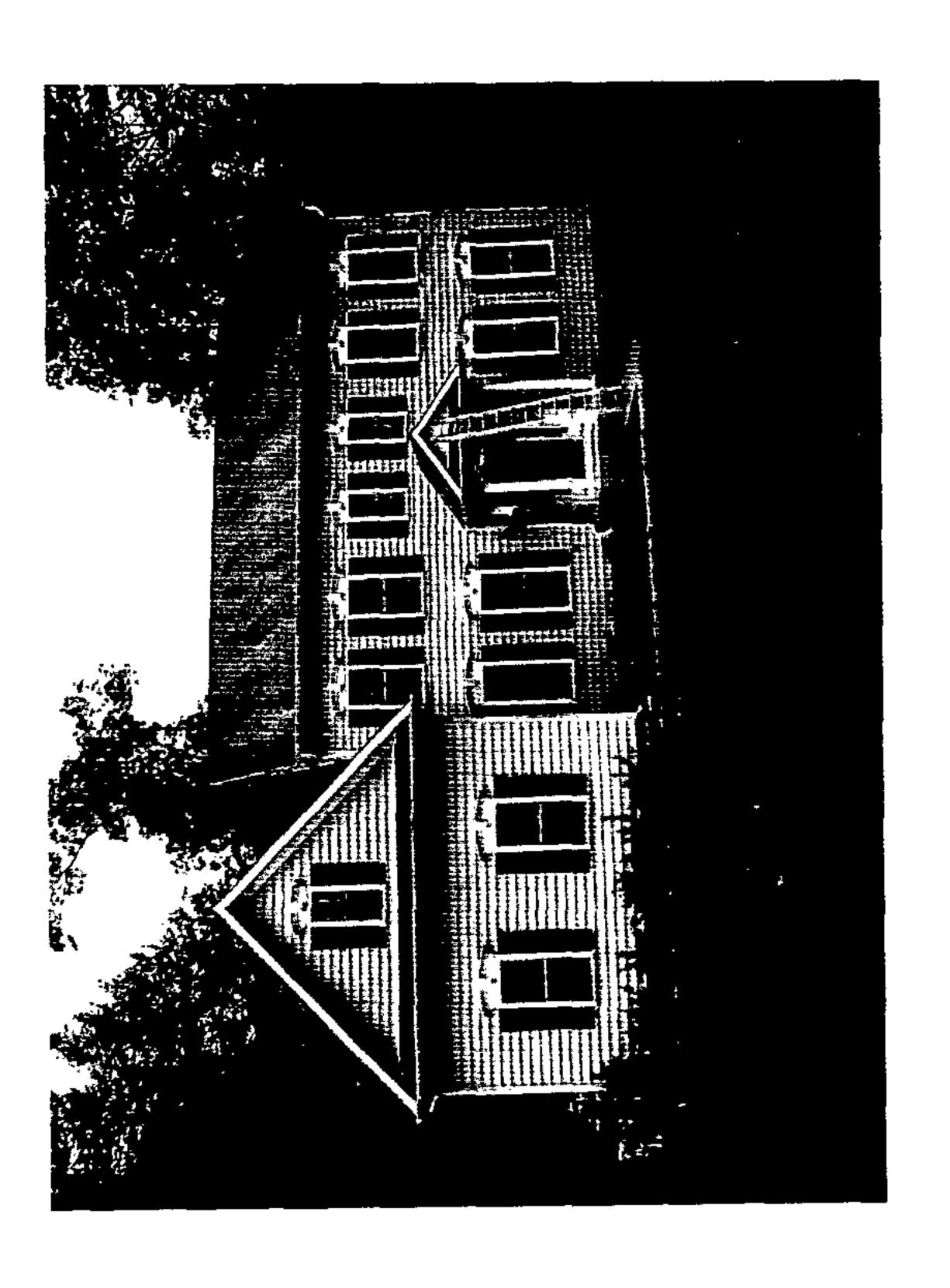
Division

SDF/MB

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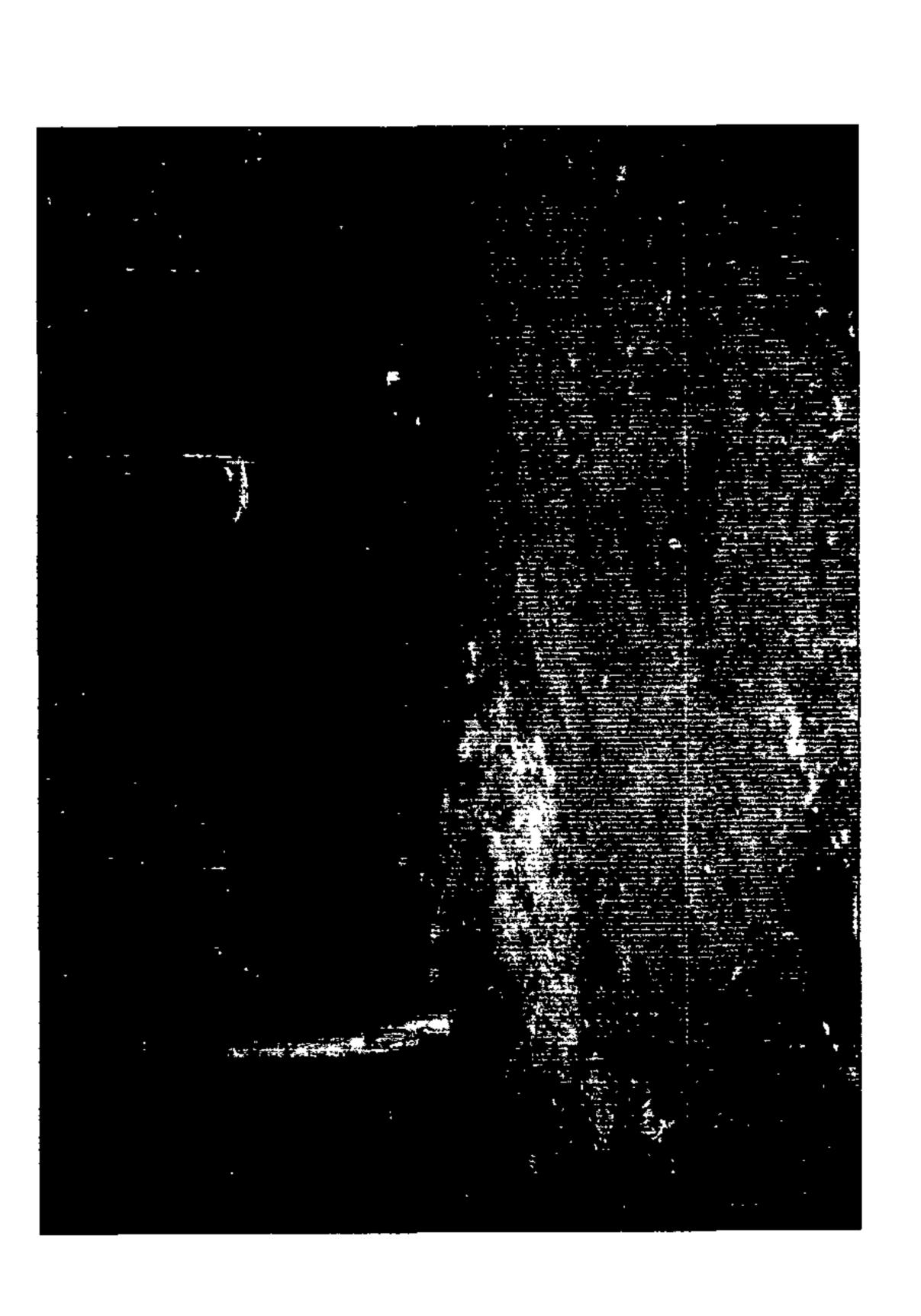


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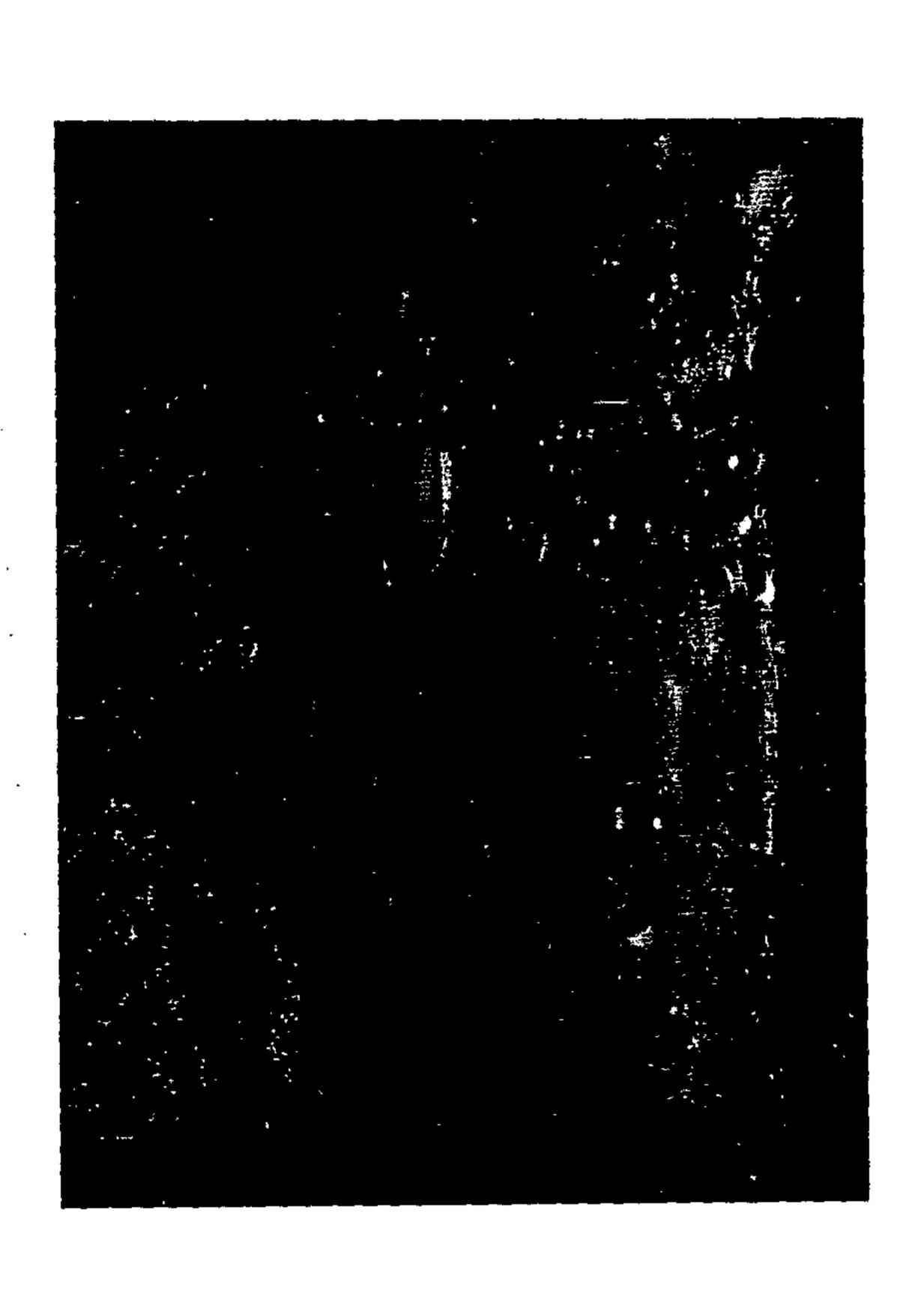
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