IN RE: PETITION FOR ADMIN. VARIANCE

BEFORE THE

N'side Millpond Court, 0 feet E c/l Grist Stone Way

4th Election District

* DEPUTY ZONING COMMISSIONER

4th Councilmanic District

(6 Millpond Court)

BALTIMORE COUNTY

Sean P. and Susan J. Connelly *Petitioners*

CASE NO. 07-588-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, Sean P. and Susan J. Connelly for property located at 6 Millpond Court. The variance request is from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 30 feet, and to approve a single lot amendment for Lot 2 of the Final Development Plan for The Mills at Owings Mills to permit construction outside the designated building envelope. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to construct a 12 foot x 20 foot sunroom on the existing deck. The growing family needs the additional living space.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The ZAC comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 7, 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 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.

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.

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

Deputy Zoning Commissioner

for Baltimore County

THB:pz

CONTRACTOR OF THE PARTY OF THE



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 31, 2007

SEAN P. AND SUSAN J. CONNELLY 6 MILLPOND COURT OWINGS MILLS MD 21117

> Re: Petition for Administrative Variance Case No. 07-588-A Property: 6 Millpond Court

Dear Mr. and Mrs. Connelly:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Brian Ogle, 906 Charisma Court, Forest Hill MD 21050





My Commission Expires

CASE NO.

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	MILLPOND	COURT,	Ming-S Mius
	nresently zoned	DR - 3	1.5

Zoning Commissioner of Baltimore County

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 attached

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. Ror 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: Legal Owner(s): MR. SEAN P. CONNELLY Name - Type or Print Name - Type or Print Signature Signature CONNELLU Address Telephone No. Name - Type or Print Zip Code City Signature State MILLPOND Attorney For Petitioner: Telephone No. Address DWINGS MILLS Zip Code Name - Type or Print State Representative to be Contacted: Signature Name Company Telephone No. Address Address 70/ es Zip Code Zip Code City State 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 regulations of Baltimore County and that the property be reposted.

Reviewed By ____

Estimated Posting Date _





Affida Vit in Support of Administrative Variance

City

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	6 MILLI	POND COURT	
	Address		
	OWINGS	MIUS MD	21117
	City	State	Zip Code

State

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):

Request for Administrative Variance - 6 Millpond Court, Owings Mills, MD

- Our property is unique among our neighbors' properties. Compared to other surrounding properties, our home offers very little useable space in the backyard. Enclosing the existing deck would best allow us to secure a reasonable return on our property investment by creating "value-add" for resale in the future.
- Conformance to the setback rule is unnecessarily burdensome. Our property suffers from a seasonal problem with bees, wasps, and other flying insects, such that it is impossible to safely (for children especially) to enjoy time spent on the deck. Enclosing the deck would insulate our family from such pests and allow us to make reasonable use of our property. Our plans call to enclose the deck using the current deck footprint and foundation. will not be further encroaching on our neighbors' properties.

Our growing family requires the additional space this room would provide Commi

That the Affiant(s) acknowledge(s) that if a formal deman	d is filed. Affiant(s) will be required to pay, a reposting and
advertising fee and may be required to provide additional info	ormation.
Signature P Condy	Signature SUSAN CONNELLY
SEAN P CONNELLY Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit	
HEREBY CERTIFY, this 25 day of JUNG of Maryland, in and for the County aforesaid, personally appe	مرح, before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily identi	Suson Connally fied to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
HEE TEAK LIM NOTABY PUBLIC NO	tary Public
NOTARY BALTIMORE COUNTY, MD	Commingion Evnirge - 4 45 - 4 - 4 - 4 - 4 - 4 - 4 - 4 - 4

PUBLIC

My Commission Expires

April 01, 2011

My Commission Expires

April 1, 2011

To permit a rear yard setback of 25 ft. in lieu of the required 30 ft. and to approve a single lot amendment for lot #2 of the Final Development Plan for "The Mills at Owings Mills" to permit construction outside the designated building envelope.

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.

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That the Affiant(s)) does/do presently reside at 💢	ddress .	POND COUR	- 1	<u>,</u>
•		DWINES	MIUS M	D 21	117
••		ity	State		Zip Code
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	Request for Administrative	Variance - 6 Mi	Ilpond Court, Owing	s Mills, MD	
	• Our property is unique amon properties, our home offers v	ery little useable	space in the backyard.	Enclosing the	3
	existing deck would best allowerstment by creating "valu	e-add" for resale	n the future.	n property	·
	• Conformance to the setback a seasonal problem with bees safely (for children especially	rule is unnecessars, wasps, and others) to enjoy time s	ily burdensome. Our p r flying insects, such the cent on the deck. Enclo	hat it is impossible to be sing the deck would be the deck would b	to distribution
	Our plans call to enclose the will not be further encroaching	h pests and allow deck using the cu ng on our neighbo	us to make reasonable rrent deck footprint an rs' properties.	use of our property d foundation. WE	
•	• Our growing family requires	the additional spa	ace this room would pr	ovide. O Com,	10000
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Name - Type or Prin	t ;- ;- ;- ;-	Na	me - Type or Print	- -	
	RYLAND, COUNTY OF BALTIMO				,
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Susのん the Affiant(s) her	Tのみで CONNで出っrein, personally known or satisfac	torily identified to	me as such Affiant(s).	CO NOTOL	7
	y hand and Notarial Seal				
NOTARY	HEE TEAK LIM NOTARY PUBLIC	Notary Pu	blc blc	<u> </u>	·

My Commission Expires ____My Commission Expires

April 1, 2011

PUBLIC

My Commission Expires
April 01, 2011



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6	MILLPOND	COURT	, MINGS
	presently zoned	45 (1	3.5

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)

see attached

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 decla perjury, that I/we are the is the subject of this Per	e legal owner(s) of the	e penalties of property which
Contract Purchase	r/Lessee:		Legal Owner(s):		
THE WIND			MR. SEAN	JP. CONN	EUY
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Address		Telephone No.	Name - Type or Print	onnella	
City	State	Zip Code	Signature		410-902-
Attorney For Petitic	oner:		Address	NP COURT	
Name - Type or Print	·		City DWINGS 1	NIUS MD State	Z[[] Zip Code
			Representative to	he Contacted:	
Signature	· · · · · · · · · · · · · · · · · · ·		Busin	Q-/e	
Company			Name 9010 Cha	sisma CI.	410 893-4885
Address		Telephone No.	Forest Hi	u md.	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bethis day of regulations of Baltimore Cou	- th	at the subject matter of th	required, it is ordered by the his petition be set for a public h	Zoning Commissioner o earing, advertised, as rec	f Baltimore County, quired by the zoning
Expires	My Commission		Zoning Commiss	sioner of Baltimore Coun	ty
CASE NO.	-76 April 1, 20	CRR-A RAV	iewed By BK	Date 4/2	6/07

REV 10/25/01 THE REV 10/25/01 TO THE PARTY OF THE PARTY O

7-31-07

Estimated Posting Date _____7/8/07



Beginning at a point on the North side of Millpond Court which is 50 feet wide at the distance of zero feet East of the centerline of the nearest improved intersecting street Grist Stone Way which is 50 feet wide. Being Lot #2 in the subdivision of The Mills at Owings Mills as recorded in the Baltimore County Plat Book # 65, Folio #74, containing 7971 square feet. Also known as 6 Millpond Court and located in the 4th Election District, 4th Councilmanic District.

Acct \$\$ \$\$ CONTROL RESTRICTION ATH ALLAN MIL WILW 4/6/2/98/4 DE: LAKE 115.B

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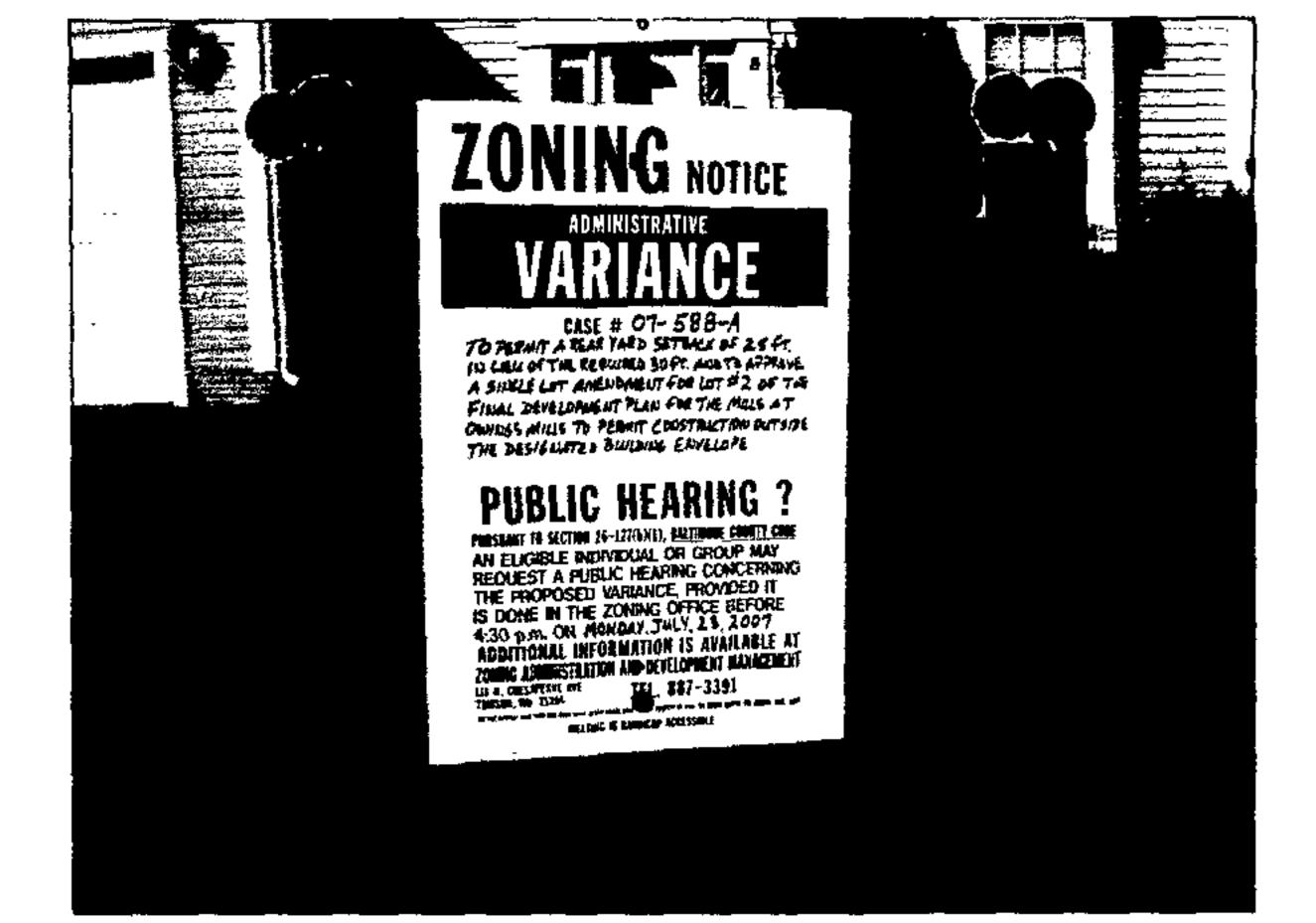
From:

DISTRIBUTION WHITE - CASHIER

SHIER'S IDATION

CERTIFICATE OF POSTING

4	RE: Case No: 07-588-1
	Petitioner/Developer:
	Petitioner/Developer:
**	Date Of Hearing/Closing: 7/23/07
Perm Cour	more County Department of hits and Development Management hty Office Building,Room 111 Vest Chesapeake Avenue
Atte	htion:
Ladi	es and Gentlemen:
	letter is to certify under the penalties of perjury that the necessary s) required by law were posted conspicuously on the property
at	CO MILLPOND CT.
	·
This	sign(s) were posted on fully 7, 3007 (Month, Day, Year) Sincerely,
	martin al 1/1/on
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	<u>(443-629 3411)</u>



materiogle 1/1/01

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

Case Number 07-	588	- A	Address	6	Mi//	pond	ct.	<u>.</u>	
Contact Person:		Please Print Your I			P	hone Nu	mber: 4	410-887	'-3391
Filing Date:	6/26/07	_ Post	ing Date:	7/8/	07	Closir	ig Date	: <u>7/</u>	23/07
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Petitioner: This Pa	rt of the For	m is for the S	Sign Poste	r Only	·				
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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:
Petitioner: Susan Connelly Address or Location: & Millipond could
PLEASE FORWARD ADVERTISING BILL TO: Name: ^ Sean + Swan Connelly: Address: < 6 mill pond coust Owings mills Md. 21117
Telephone Number:



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 23, 2007

Sean T. Connelly
Susan J. Connelly
6 Millpond Court
Owings Mills, MD 21117

Dear Mr. and Mrs. Connelly:

RE: Case Number: 07-588-A, 6 Millpond Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Brian Ogle 906 Charisma Court Forest Hill 21050



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

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

Maryland Department of Transportation

Date: JULY 2, 2007

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

RE: B

Baltimore County

Item No. 7-508-A

6 MILLPOND COURT

CONNELLY 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. 7-588-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,

A Steven D. Foster, Chief For Engineering Access Permits

Division

SDF/MB

6.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:	Timothy M. Kotroco, Director	DATE: July 16, 2007
	Department of Permits and	
	Development Management	DECEIVE
FROM:	Arnold F. 'Pat' Keller, III	JUL 2 0 2007
•	Director, Office of Planning	BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-588- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

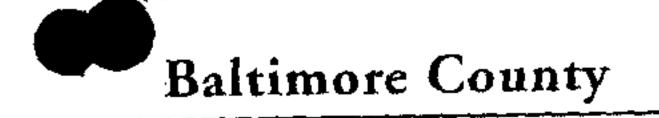
Prepared By: (unit) funtae

CM/LL

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

*5*88

Item Number: 573 through 578 and 580 through 594

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 688, 589, 590, 591, 592, and 594

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

DAK:CEN:clw

ce: File

ZAC-NO COMMENTS-07052007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 16, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-588- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

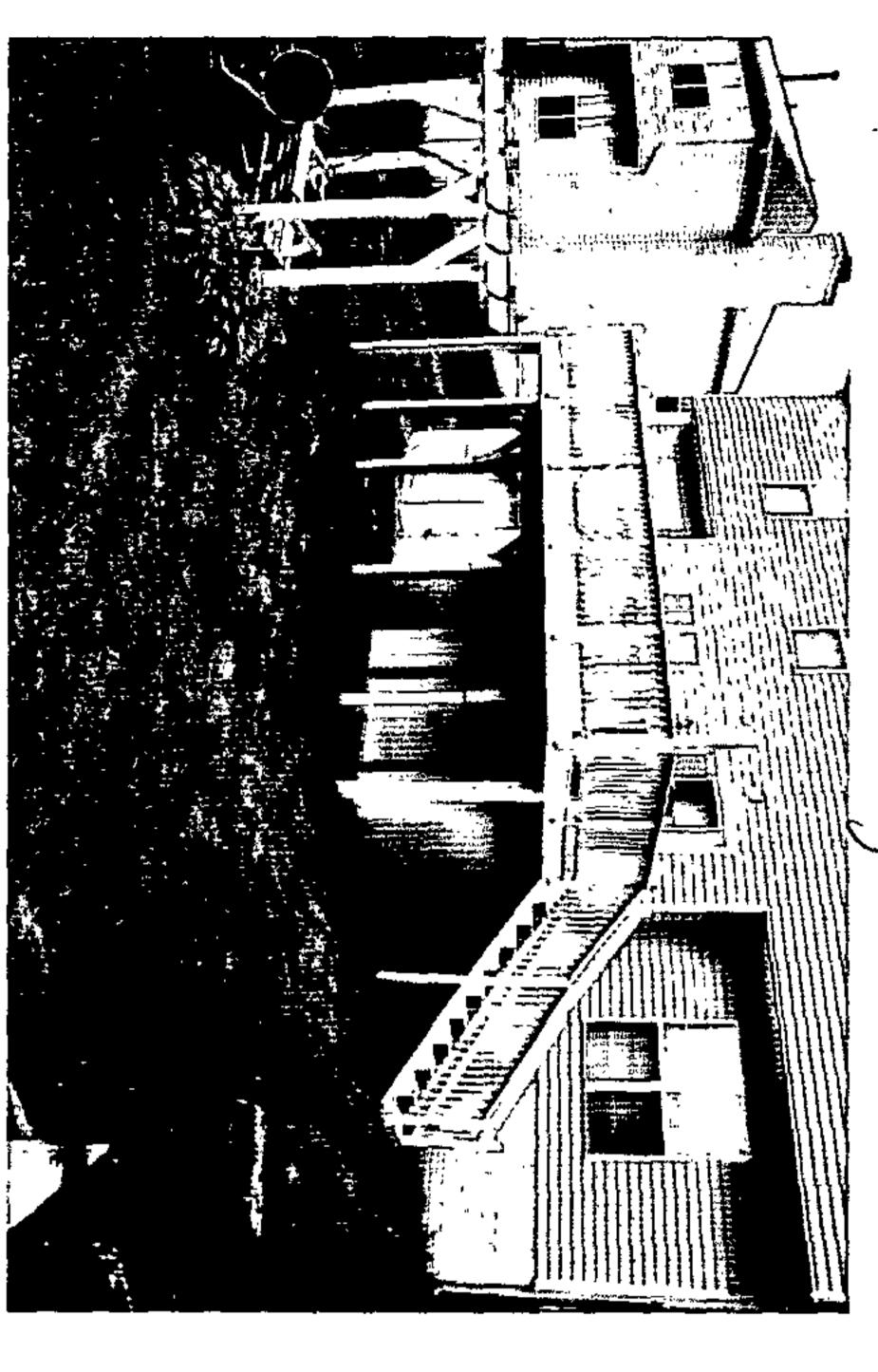
For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

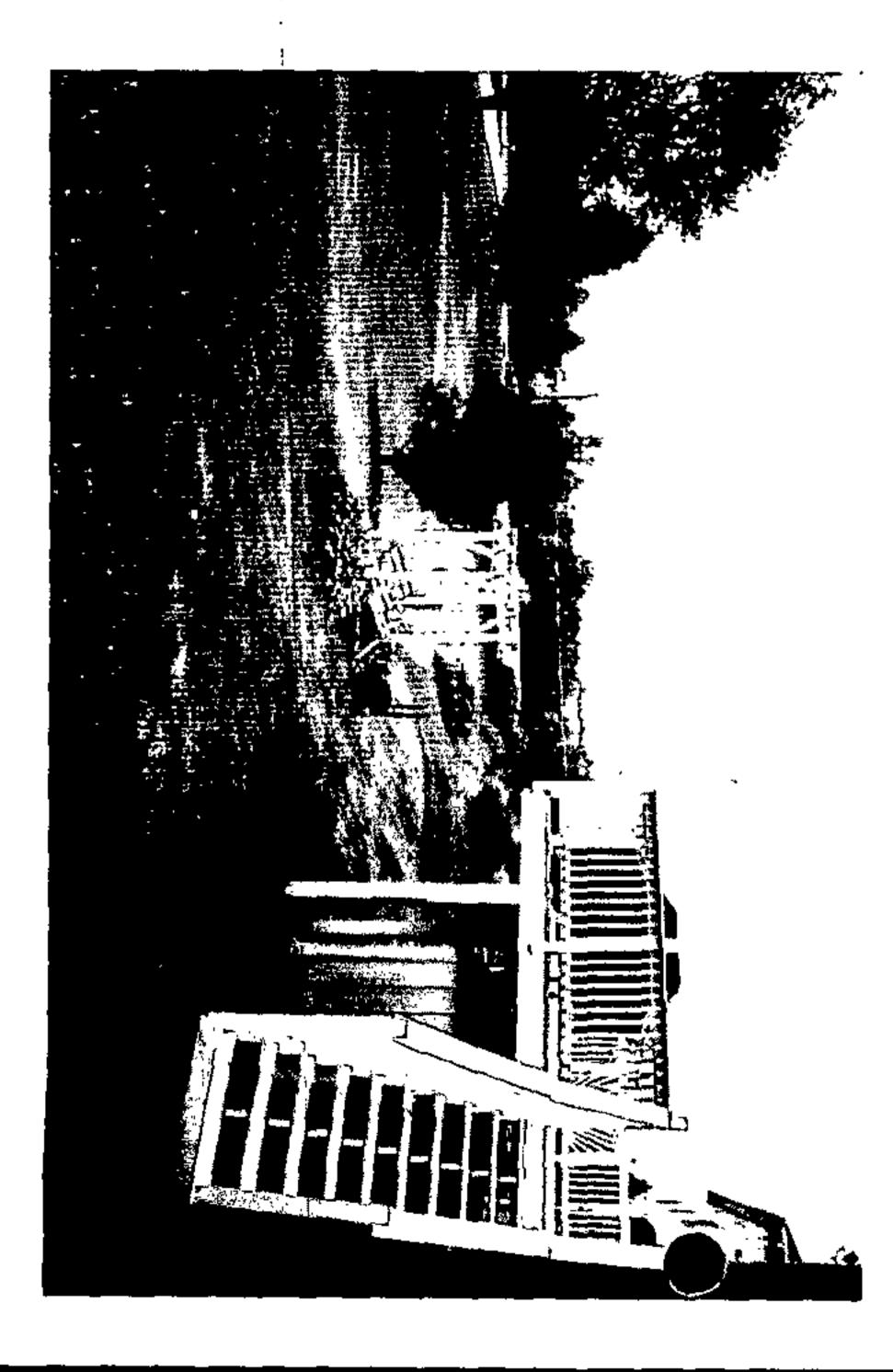
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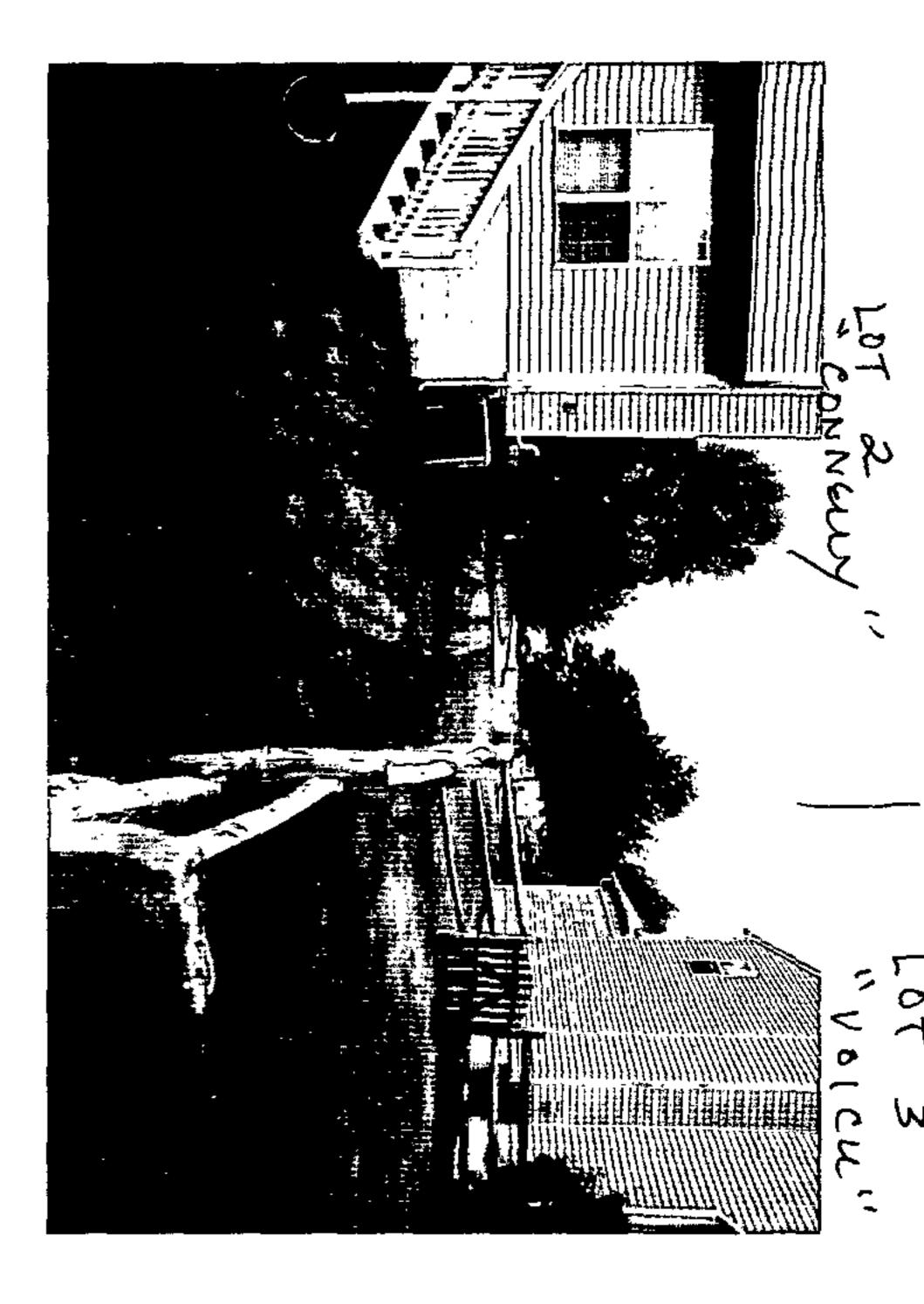


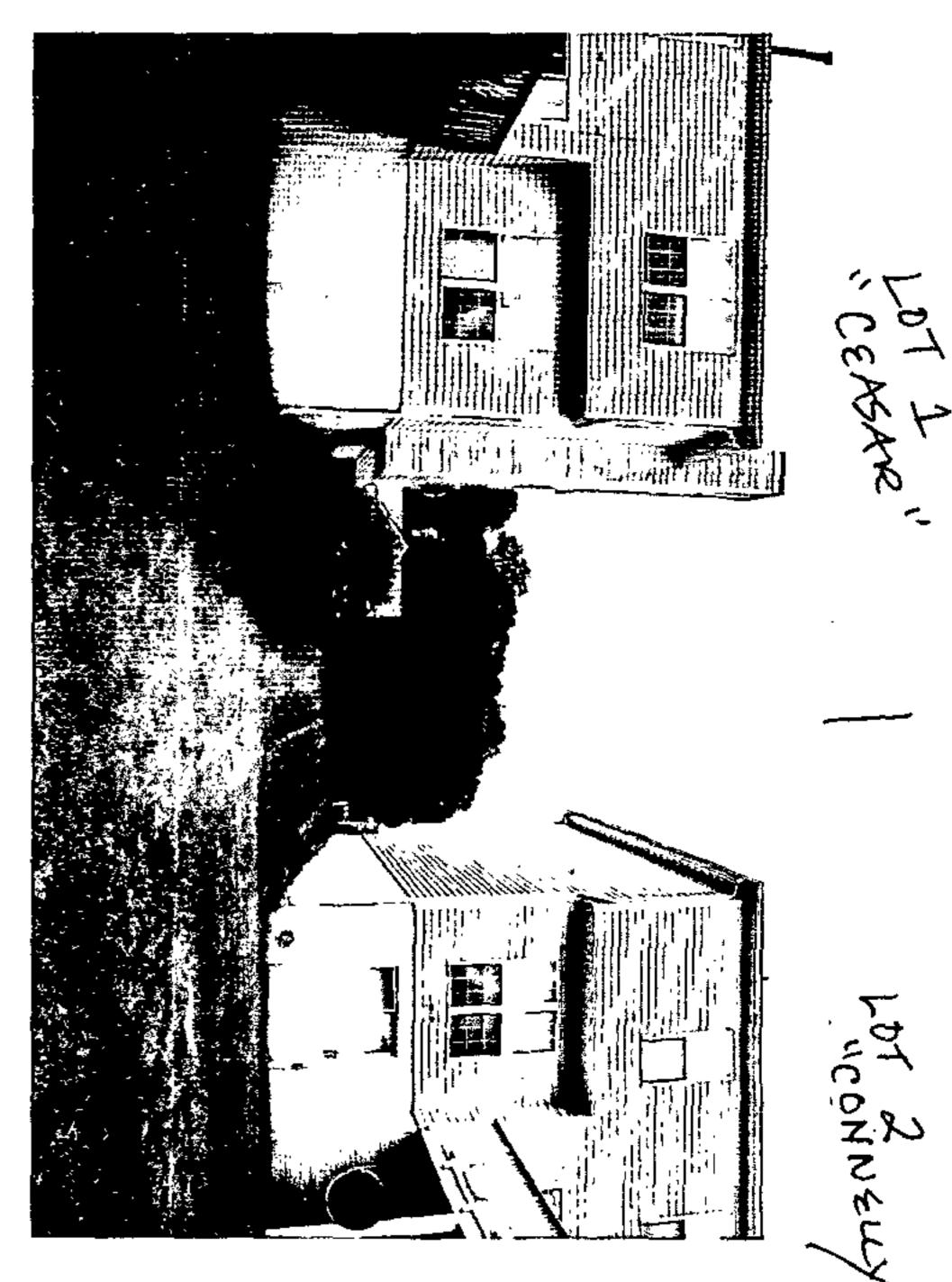


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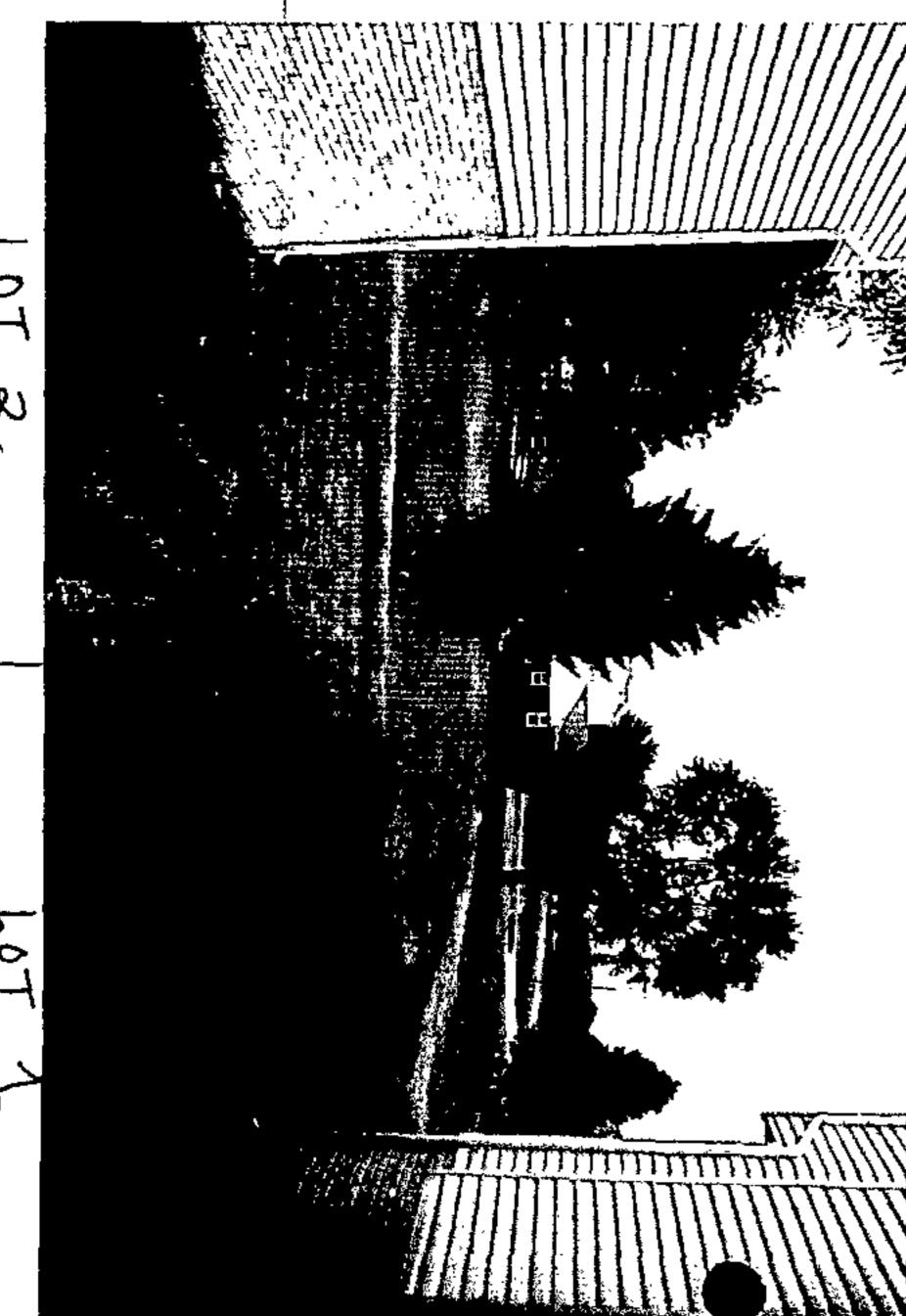








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CEA SEAR?"

#588

PREPARED BY DDT SCALE OF DRAWING: 1" = 50	NORTH	SUBDIVISION NAME The Mills & Oct. 145 Mills OMNER Scan 4 Susan Connelly OMNER Scan 4 Susan Connelly Omner	PROPERTY ADDRESS & PAGES & GETHE CHECKLIST F
Mr 5-88 07-582-A	REVIEWED BY ITEM # CASE #	LOCA COUNCIL MAN ("=200" SCA ZONING LOT SIZE CHESAPEAKE CRITICAL 100 YEAR FI HISTORIC PR BUILDING PRIOR ZONIN	SPECIAL HEARING

