IN RE: PETITION FOR ADMIN. VARIANCE
N side Ruxton Road, 370 feet W of
c/l Ellenham Avenue
9<sup>th</sup> Election District
2<sup>nd</sup> Councilmanic District
(1904 Ruxton Road)

Edwin J. and Elizabeth M. Insley Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

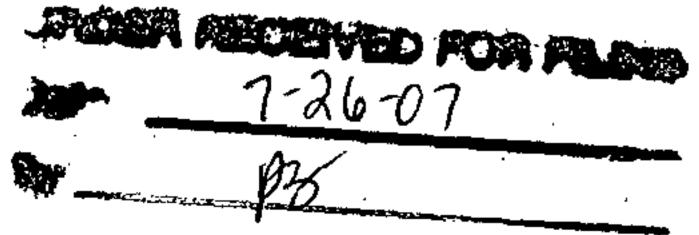
\* BALTIMORE COUNTY

\* CASE NO. 07-590-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, Edwin J. and Elizabeth M. Insley. The variance request is for property located at 1904 Ruxton Road. The variance request is from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a side yard setback of 10 feet in lieu of the minimum required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a single story open air porte cochere (covered drive-through) attached to the existing single family dwelling at the west side yard. The Petitioners desire a more convenient covered area to load/unload their car and propose to build the porte cochere (covered drive-through) over the area of the existing driveway adjacent to the existing side door for protection from the elements. The existing driveway continues past the dwelling, past the pool, to the garage and barn which are located approximately 150 feet from the home. The property is zoned 1.98 acres in size zoned DR 1.

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 July 16, 2007, which does not oppose the Petitioners' request. The comment further indicates that the proposal does not adversely impact the adjacent property, and that the



Petitioners shall construct the proposed carport of materials that are consistent with that of the existing dwelling.

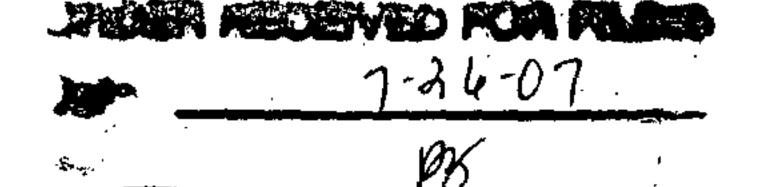
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 4, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of July, 2007 that a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport or porte cochere) with a side yard setback of 10 feet in lieu of the minimum required 15 feet 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 Petitioners shall construct the proposed carport of materials that are consistent with that of the existing dwelling.

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

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 26, 2007

EDWIN J. AND ELIZABETH M. INSLEY 1904 RUXTON ROAD RUXTON MD 21204

> Re: Petition for Administrative Variance Case No. 07-590-A Property: 1904 Ruxton Road

Dear Mr. and Mrs. Insley:

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,

付HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Henry Warfield, PO Box 76, Butler MD 21023







# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1904	RUXTON	RD
which is prese	ently zoned _	DP-1	

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) 301,1, BCZK, to permit an open projection (carport) with a side yard setback of 10 feet in lieu of the minimum required 15 feet.

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.

			is the subject of this Fetition.
Contract Purc	haser/Lessee:		Legal Owner(s):
·	<u>.</u>		EDWIH J. IHSLEY
Name - Type or Print		Name	e - Type or Print
Signature	1 ;	<u></u>	Signature ELIZABETH MCD./INSLEY
Address	]   	Telephone No.	Name - Type or Print  Elweth M. Insley
City	State	Zip Code	Signature 1904 PUXTON PD 410.828.933
Attorney For I	Petitioner:		Address RUXTON, MD 21204
Name - Type or Print		City	State Zip Code
Signature			Representative to be Contacted:  HENPY WARFIELD
Company	<del></del>	<del></del>	P.O. BOX 76 410.472.4048
Address	<u> </u>	Telephone No.	Address BUTLEP MD 21023
City	State	Zip Code	City State Zip Code
day of	aving been formally demanded that the stand that the property be reposted.	subject matter of this petiti-	equired, it is ordered by the Zoning Commissioner of Baltimore County, this ion be set for a public hearing, advertised, as required by the zoning regulations
			Zoning Commissioner of Baltimore County
CASE NO.	07-590-A	Reviewed By	D.T. Dote 627/07
REV 9/15/98	er received for	Estim	nated Posting Date7807
	7-26-07		

# 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		1904	RUX	TON ROAD		
	Address	KUXT	٥١,	MARYLAND	21204	
•	City		<b>,</b>	State		Zip Code
That based upon personal knowledge, the followard Variance at the above address (indicate hardship)	wing are the sip or pract	the facts up ctical difficu	oon whi lty):	ch I/we base the r	equest for an Adm	inistrative
Request permission to construct a single- the existing single family dwelling at the required setback.					_	
<sup>2</sup> 4						
The dwelling dates from 1900. Subseque yard boundary being 29'-9" from the hour runs through this side yard to an existing desire a more convenient covered area to over the area of the existing driveway ad	use, with Garage load/un	a 5'-0" ri located al load their	ght-of- oout 15 car an	way beyond this 0'-0" away in the difference of the difference to built	. The existing de rear yard. The data Porte Coche	riveway owners re roof
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	rmal dem additiona	nand is file Il informatio	d, Affia n.	nt(s) will be requi	red to pay a repo	sting and
Story I			91	institu M	· · · · · · · · · · · · · · · · · · ·	
Signature EDWIN J. INSKEY		Sign	nature	EL12ABETH	1	(IEX
Name - Type or Print		Name - Type		LLICABUIT	I ICV. IN.	700
 				•		1
STATE OF MARYLAND, COUNTY OF BALTII	MORE, to	wit:				
I HEREBY CERTIFY, this day of State of Maryland, in and for the County aforesa	aid, perso	nally appe	ared C	() () before	me, a Notary Pub	olic of the
the Affiant(s) herein, personally known or satisfiant that the matters and facts hereinabove set	factorily id forth are t	dentified to true and co	ZA/ me as rrect to	sueh Affiant(s), an the best of his/her/	d made oath in du their knowledge at	e form of nd belief.
AS WITNESS my hand and Notarial Seal			D.			
Data 6/4/07		Notary Put	Jic Jir	14) SH	G	
Date / /	/	My Commi	-	xpires	11/0/	/

REV 09/15/98

#### WARFIELD

ARCHITECTS

#### ZONING DESCRIPTION FOR

## 1904 RUXTON ROAD, RUXTON, MD 21204

Beginning at a point on the NORTH side of RUXTON ROAD which is

30 FEET wide at the distance of 370 FEET WEST of the centerline of the nearest improved intersecting street ELLENHAM AVENUE containing 1.98 acres.

As recorded in Deed Liber 20395, Folio 80 with the following metes and bounds:

S	04* 00' W	174.12'
S	04* 00° W	22.86'
S	41* 30'20" E	170.10
S	00* 28'W	286.42'
N	84* 02'20" E	7.00'
S	05* 37' E	7.29'
N	86* 54' E	78.12`
S	02* 55' E	166.38°
N	89* 51'30" W	105.10'
N	04* 40'20" E	284.63'
N	03* 54'33" E	116.78'
N	84* 02' W	164.85'
N	15* 28' W	46.68'
N	41* 30'20" W	185.30'
N	84* 22' W	19.84'
N	04* 00' E	178.92' to the place of beginning.

Also known as 1904 RUXTON ROAD and located in the 9<sup>th</sup> Election District, 2nd Councilmanic District.

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

<del></del>
Case Number 07- 596 -A Address 1904 RUXTON RD.
Contact Person: Donna Thompson Phone Number: 410-887-339
Filing Date: 627/07 Posting Date: 7/8/07 Closing Date: 7/23/07
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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 petitione 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.
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.
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.
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- 590 -A Address 1904 Ruxton Ro
Petitioner's Name INSLEY Telephone 410-828-9333
Posting Date: 1/8/07 Closing Date: 1/33/07
Nording for Sign: To Permit AN OPEN PROTECTION (CARPORT) WITH A SIDE
YARD SETBACK OF 10-FEET IN HEU OF THE REQUIRED 15-FEET.
*
, 





## 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:	A		
Item Number or Case	Number:	07-590-A		
Petitioner:	INSLEY			
Address or Location:	1904 Rux	TON RD.	···	
,ª	•			
PLEASE FORWARD A	ADVERTISING BILL T	O:		
Name:	HENRY WARFIEL	<b>D</b>	<del></del>	
Address:	NARFIELD ARC	CHITECT	<i></i>	
• 	P.O. Box 76	,		
		21023		
Telephone Number:	410-4	72-4048		

Revised 7/11/05 - SCJ

otal Sub Re√ UPARFIELD ARCHITEC 1-065-PC Source **Re** Orgn Sub 50 Orgn # 1904 Agcy DISTRIBUTION MISCELI Fund From: Rec For:

PNY

WHITE - CASHIER



ATTENTION: KRISTEN MATHHEWS

**DATE:** 07/5/07

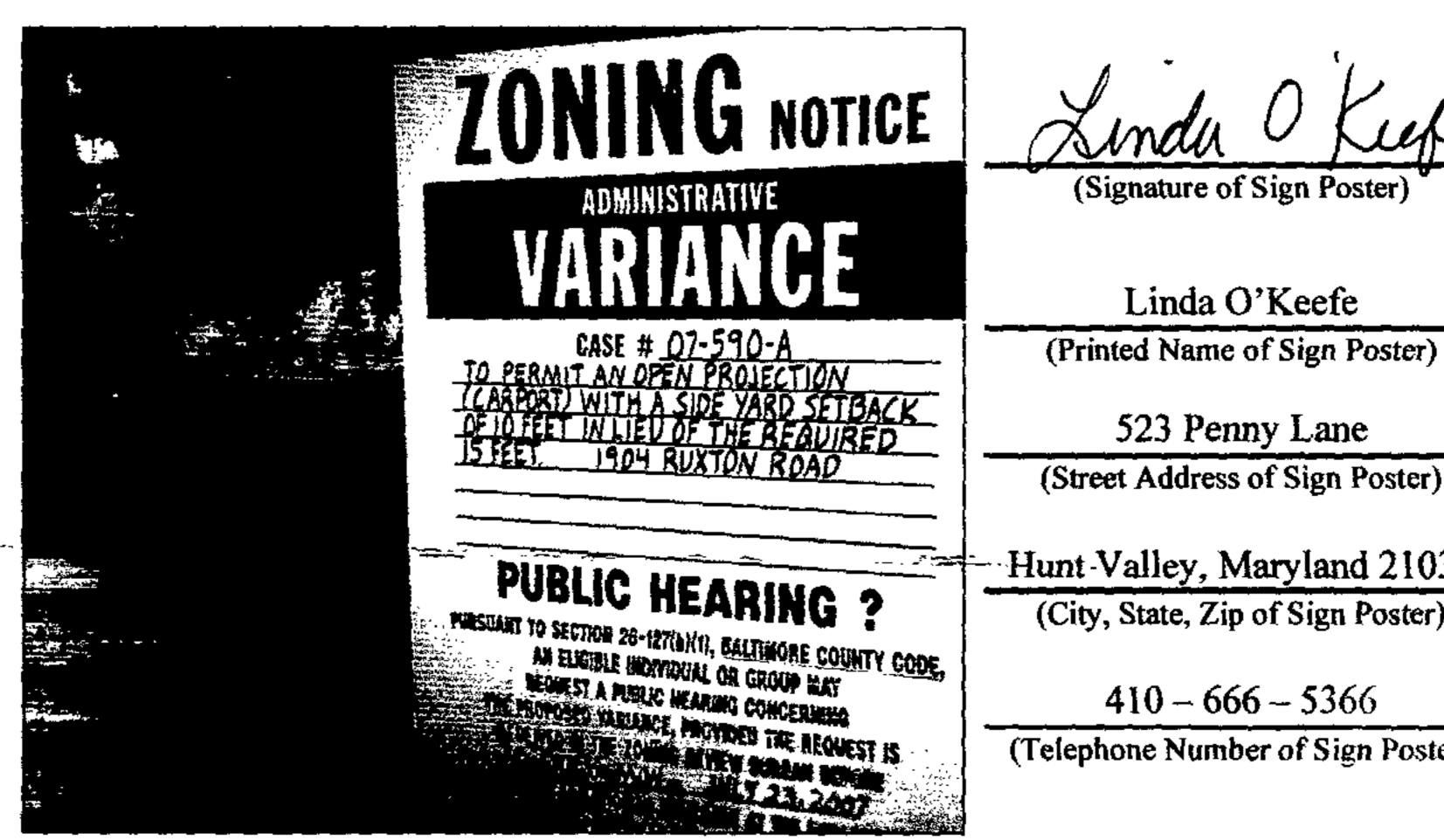
Case Number: <u>07-590-A</u>

Petitioner / Developer: INSLEY~HENRY WARFFIELD-ARCHITECHT

Date of Hearing (Closing): JULY 23, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: -1904 RUXTON-ROAD-----

The sign(s) were posted on: 07/04/07



(Signature of Sign Poster)

Linda O'Keefe

523 Penny Lane (Street Address of Sign Poster)

Hunt-Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

\*TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 23, 2007

Edwin J. Insley Elizabeth McD. Insley 1904 Ruxton Road Ruxton, MD 21204

Dear Mr. and Mrs. Insley:

RE: Case Number: 07-590-A, 1903 Ruxton Road

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

WCR:amf

Enclosures

c: People's Counsel

Henry Warfield P.O. Box 76 Butler 21023



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

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

Maryland Department of Transportation

Date: Juny 2, 2007

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

RE: Bai

**Baltimore County** 

Item No.7-590-A

1904 BUXTON ROAD

INSLEY PROPERTY

ADMINIGTRATIVE 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.7-650-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,

For Engineering Access Permits

Division

SDF/MB

 $\mathbb{R}^{2}$ 

## 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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

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, 588,589, 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

cc: File

ZAC-NO COMMENTS-07052007.doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**DATE:** July 16, 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) 07-590- Variance and Special Hearing

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The proposal does not adversely impact the adjacent property. The petitioner's shall however construct the proposed carport of materials that are consistent with that of the existing dwelling.

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

Prepared By:

**Division Chief:** 

CM/LL

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Development Management

Development Management

IECEIVE JUL 2 0 2007

**DATE:** July 16, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**~** •

CT: Zoning Advisory Petition(s): Case(s) 07-590- Variance and Special Hearing

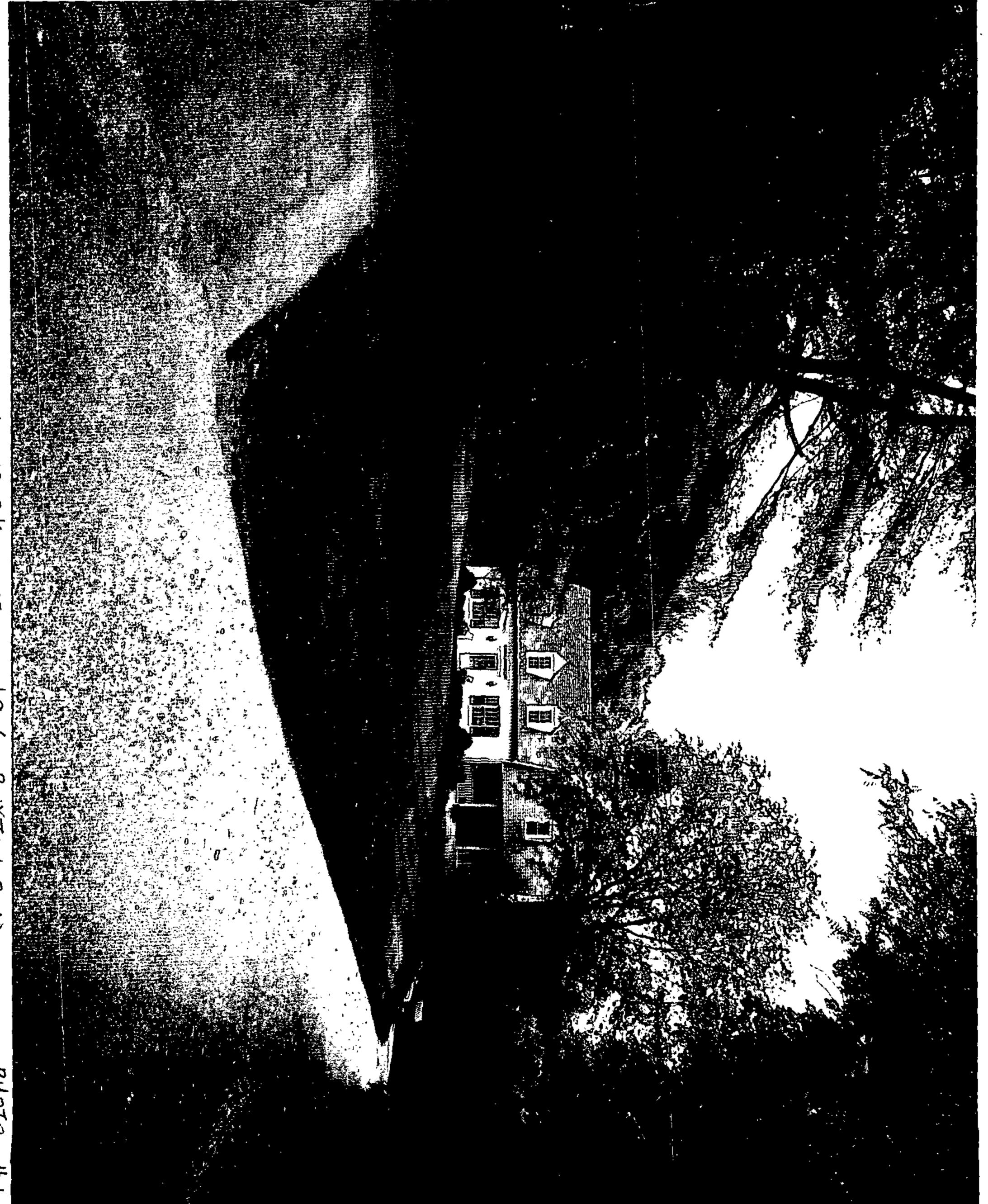
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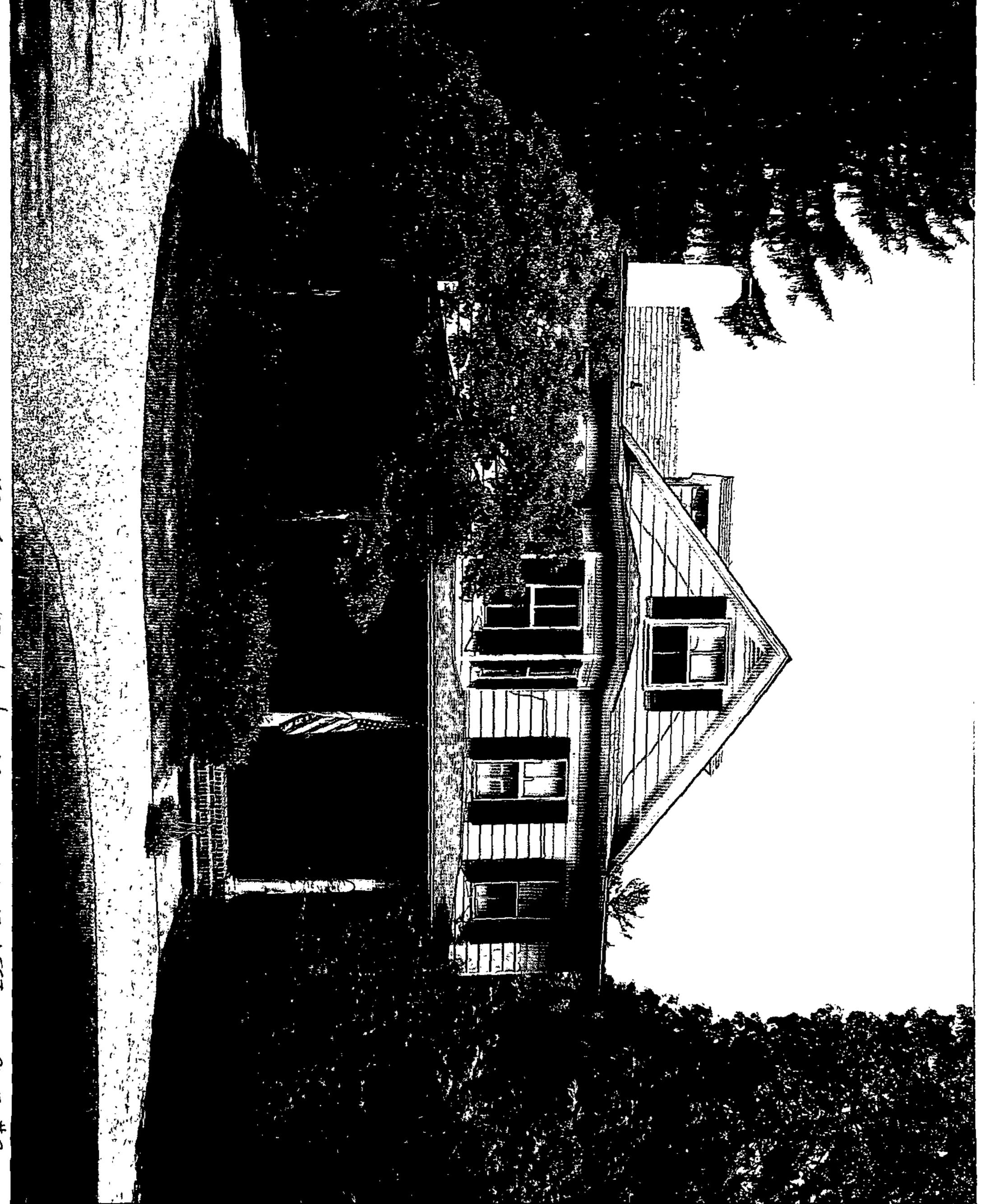
Prepared By

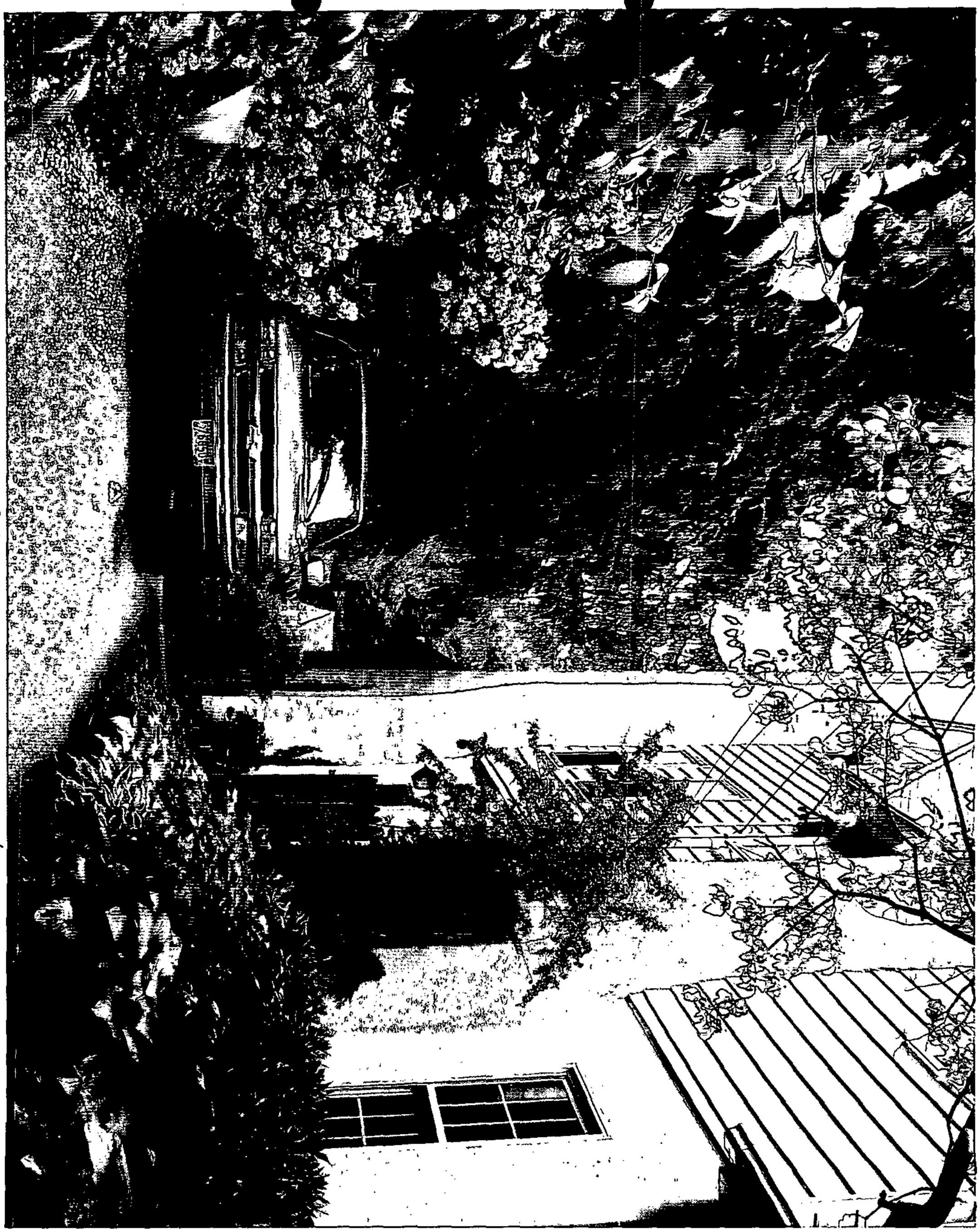
**Division Chief:** 

CM/LL

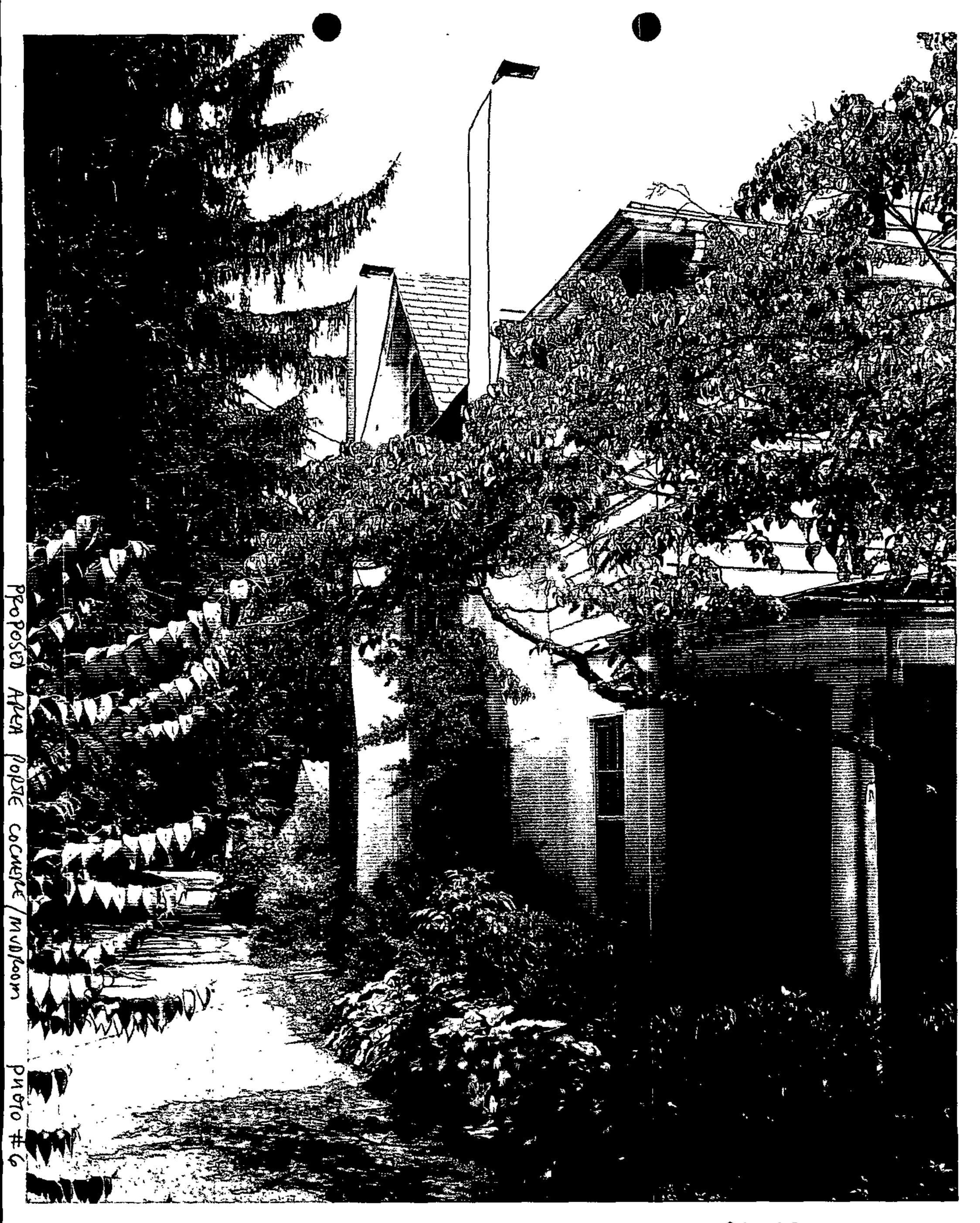


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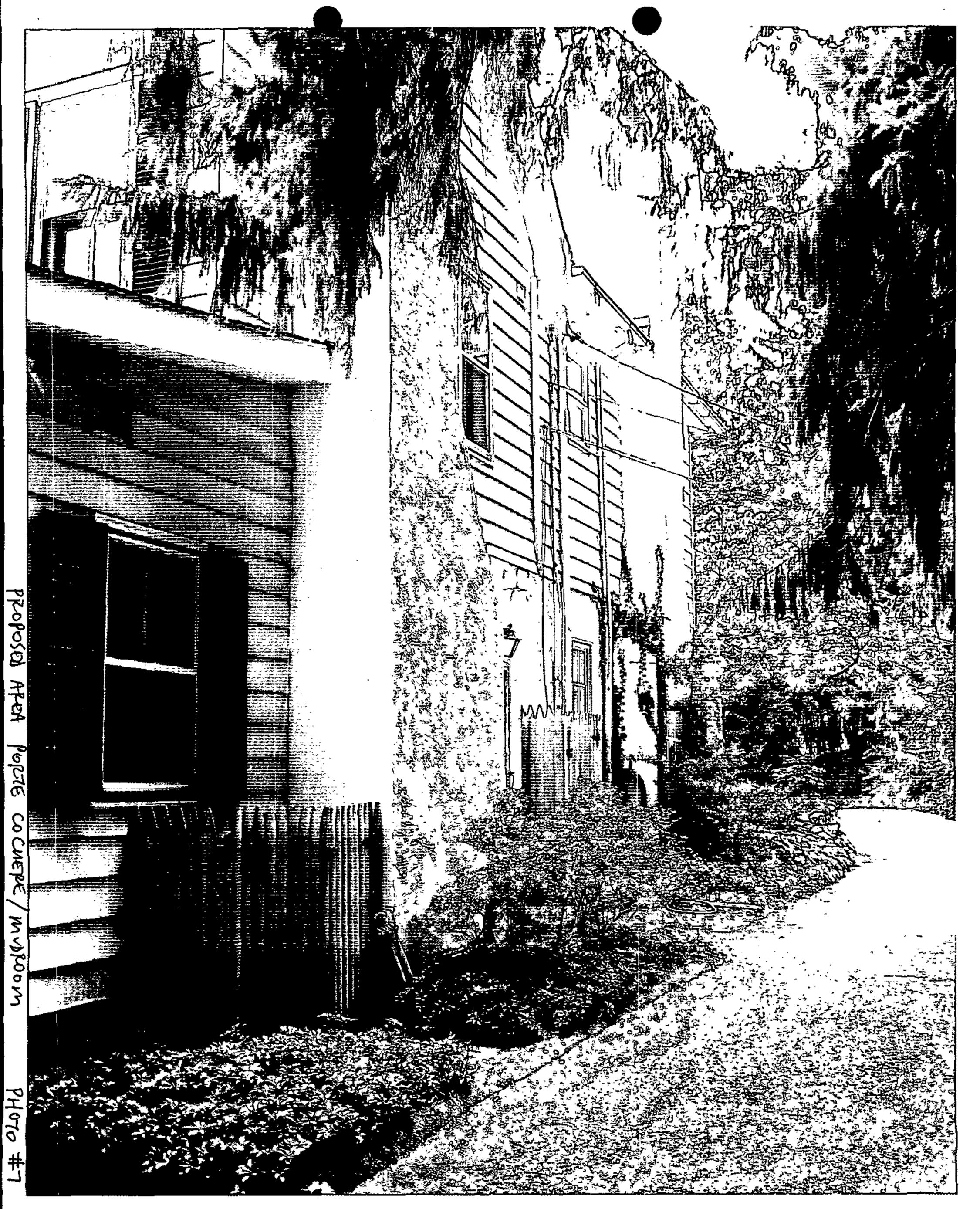




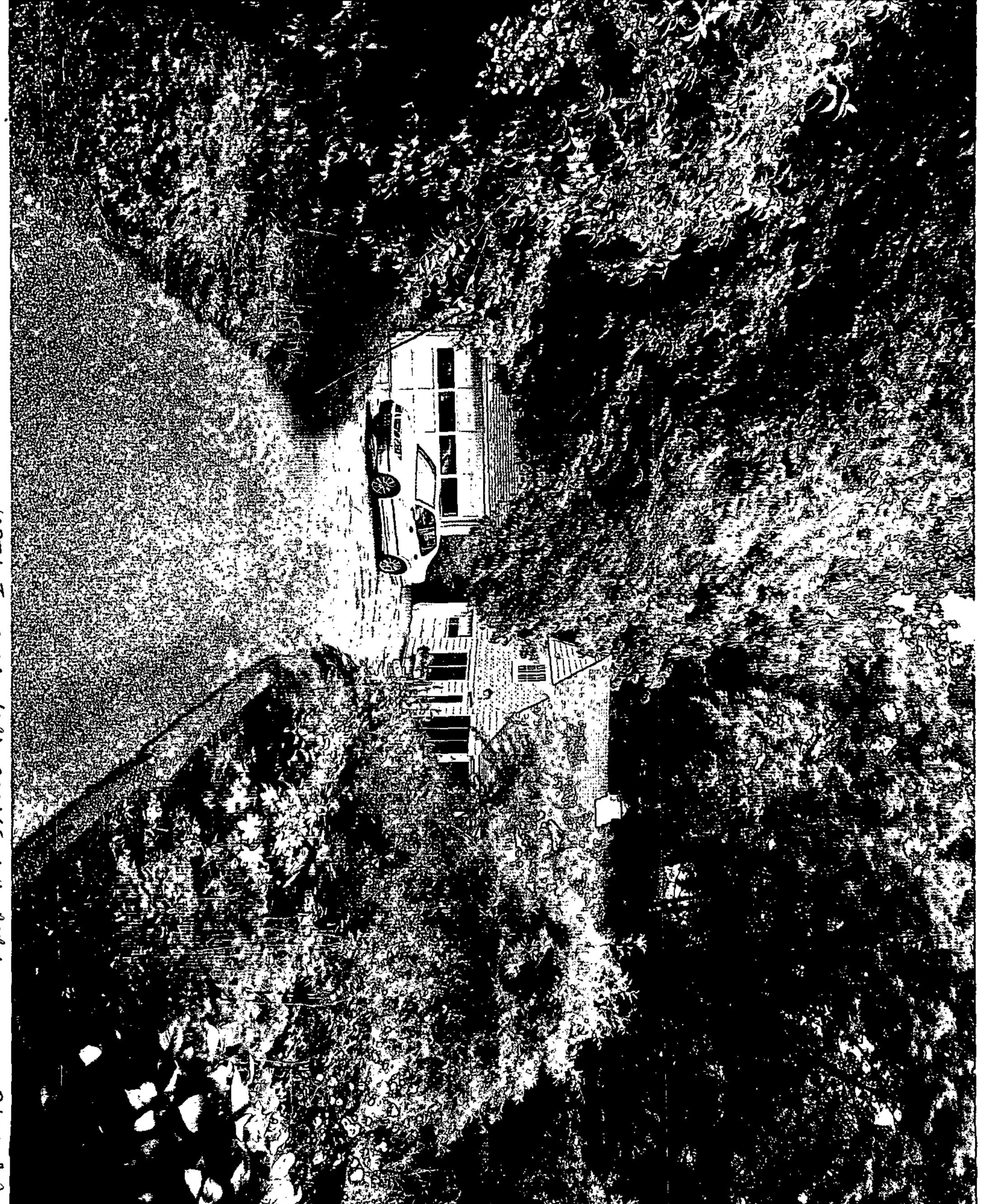
07-590-A



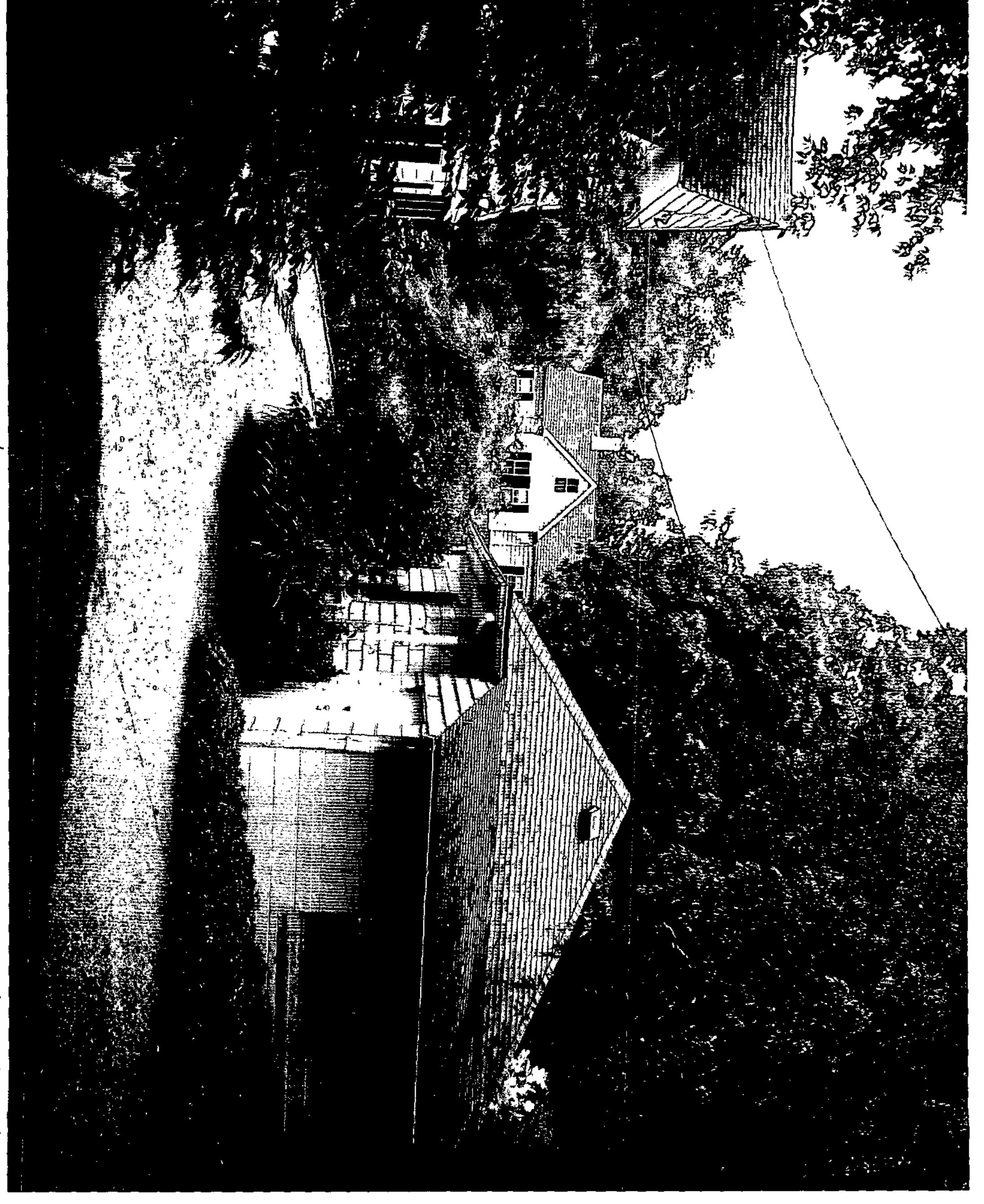
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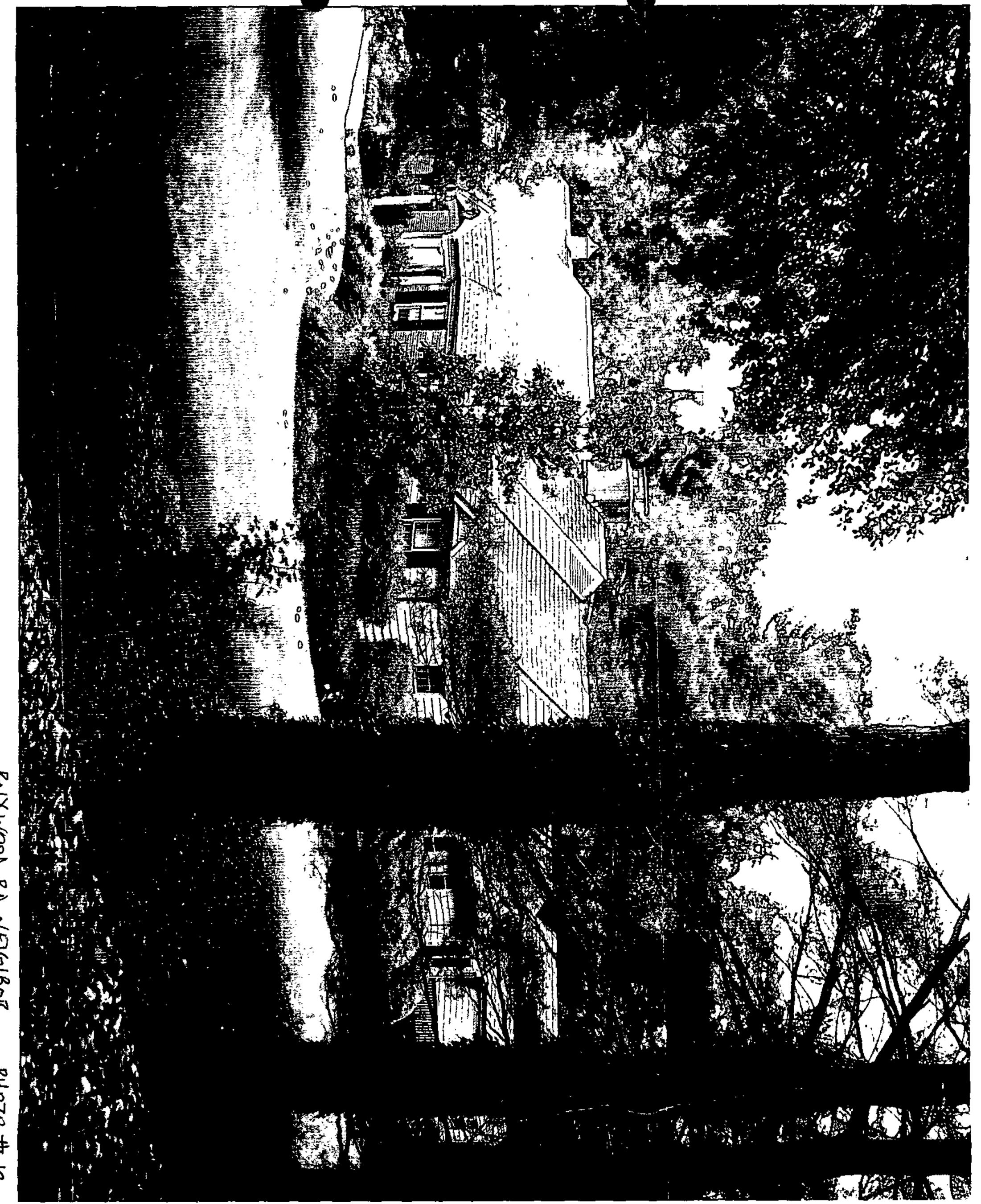


07-590-A



07-590-4

07-590-A



07-590-A





