

IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Colonial Oaks Court, 807
feet SE of c/l of Manor Oak Road
10th Election District
3rd Councilmanic District
(7 Colonial Oaks Court)

Bradley and Barbara A. Miller
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
*
* CASE NO. 08-029-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, Bradley and Barbara A. Miller for property located at 7 Colonial Oaks Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of as little as 40 feet in lieu of the required 50 feet for an addition to a single family dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No.

1. The Petitioners wish to create additional living and storage space by constructing a 2-story addition. Due to the architectural characteristics of the existing dwelling, location of the septic reserve area and topography of the site, the location as shown on the site plan is the only practical location for the proposed improvement to be constructed.

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 28, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

RECEIVED FOR FILED
8-16-07
PZ

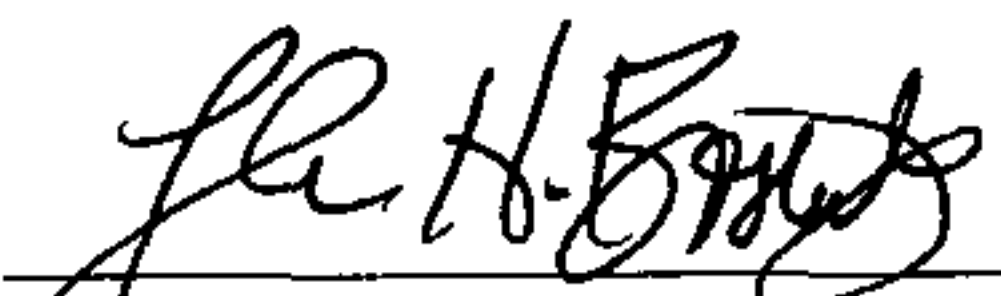
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 16th day of August, 2007 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of as little as 40 feet in lieu of the required 50 feet for an addition to a single family dwelling 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.

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

FOUR RECEIVED FOR FILE

8-16-07

Pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 16, 2007

BRADLEY AND BARBARA A. MILLER
7 COLONIAL OAKS COURT
JACKSONVILLE MD 21131

Re: Petition for Administrative Variance
Case No. 08-029-A
Property: 7 Colonial Oaks Court

Dear Mr. and Mrs. Miller:

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 dark ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7 COLONIAL OAKS COURT
which is presently zoned RC5

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 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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

BRADLEY A. MILLER

Name - Type or Print

Signature

BARBARA A. MILLER

Name - Type or Print

Signature

7 COLONIAL OAKS CT. (410) 673-8719

Address

Telephone No.

JACKSONVILLE MD.

State

21131

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARYWOOD CT. (410) 673-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

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.

Zoning Commissioner of Baltimore County

CASE NO. 08-029A

Reviewed By Aaron Tsui Date 07/17/2007

REV 9/15/98

Estimated Posting Date 7/29/07 ~ 08/13/2007

ORDER RECEIVED FOR FILING

8-16-07

[Signature]

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

7 COLONIAL OAKS COURT

Address

JACKSONVILLE MD.

City

State

21131

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Bradley A. Miller
Signature

BRADLEY A. MILLER

Name - Type or Print

Barbara A. Miller
Signature

BARBARA A. MILLER

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of July, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bradley A. Miller + Barbara A. Miller

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

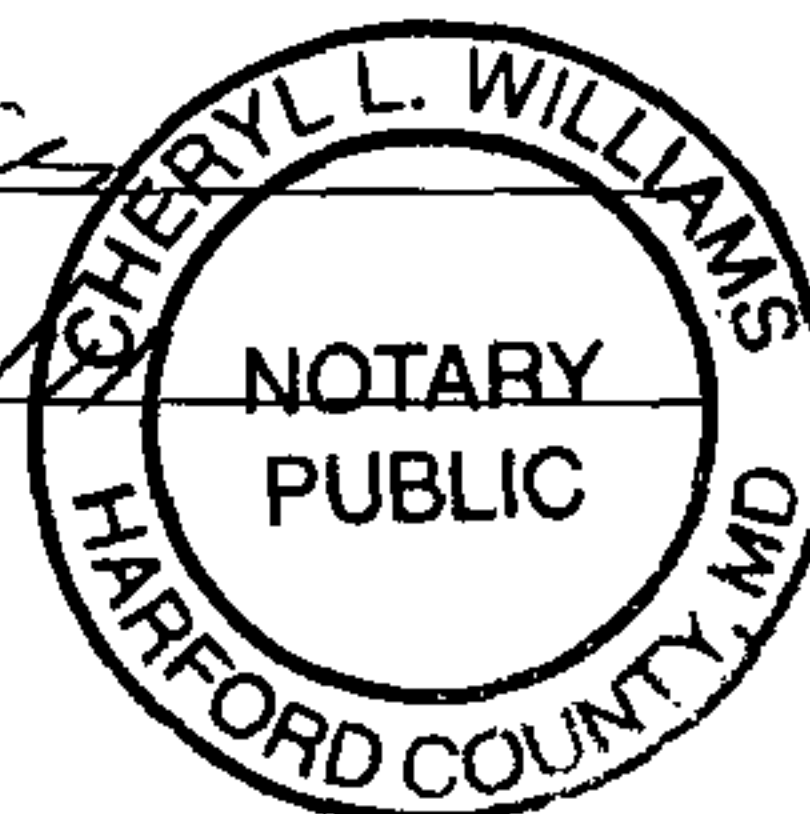
Date

7-2-02

Cheryl L. Williams
Notary Public

My Commission Expires

6/1/03



SECTION 1A04.3.B.2.b TO PERMIT A SIDE SETBACK OF AS LITTLE
AS 40 FEET IN LIEU OF THE REQUIRED 50 FEET FOR AN
ADDITION TO A SINGLE FAMILY DWELLING

08-029A

REASON FOR VARIANCE REQUEST

7 COLONIAL OAKS COURT

THE PETITIONER WISHES TO CREATE ADDITIONAL LIVING AND STORAGE SPACE. DUE TO THE ARCHITECTURAL CHARACTERISTICS OF THE EXISTING DWELLING, LOCATION OF THE SEPTIC RESERVE AREA AND TOPOGRAPHY OF THE SITE, THE LOCATION AS SHOWN ON THE PLAN IS THE ONLY PRACTICAL LOCATION FOR THE PROPOSED IMPROVEMENT TO BE CONSTRUCTED

08-029A

DESCRIPTION

7 COLONIAL OAKS COURT

Beginning for the same at a point on the northeast side of Colonial Oaks Court (50 feet wide), distant 807 feet southwest^{EAST}erly from it's intersection with the center of Manor Oak Road (50 feet wide), thence being all of lot 34 as shown on the plat entitled Section 2, Manor Oaks recorded among the plat records of Baltimore County in Plat Book 53 Folio 19.

Containing 2.523 Acres, more or less.

Being known as 7 Colonial Oaks Court. Located in the 10TH Election District, 3RD Councilmanic District of Baltimore County, Maryland

08-029A

CERTIFICATE OF POSTING

RE: Case No: 08-029-A

Petitioner/Developer: BRADLEY MILLER

Date Of Hearing/Closing: 8/13/07

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

Attention:

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
at 7 COLONIAL OAKS CT.

This sign(s) were posted on July 28, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 7/28/07
(Signature of sign Poster and Date)

Martin Ogle

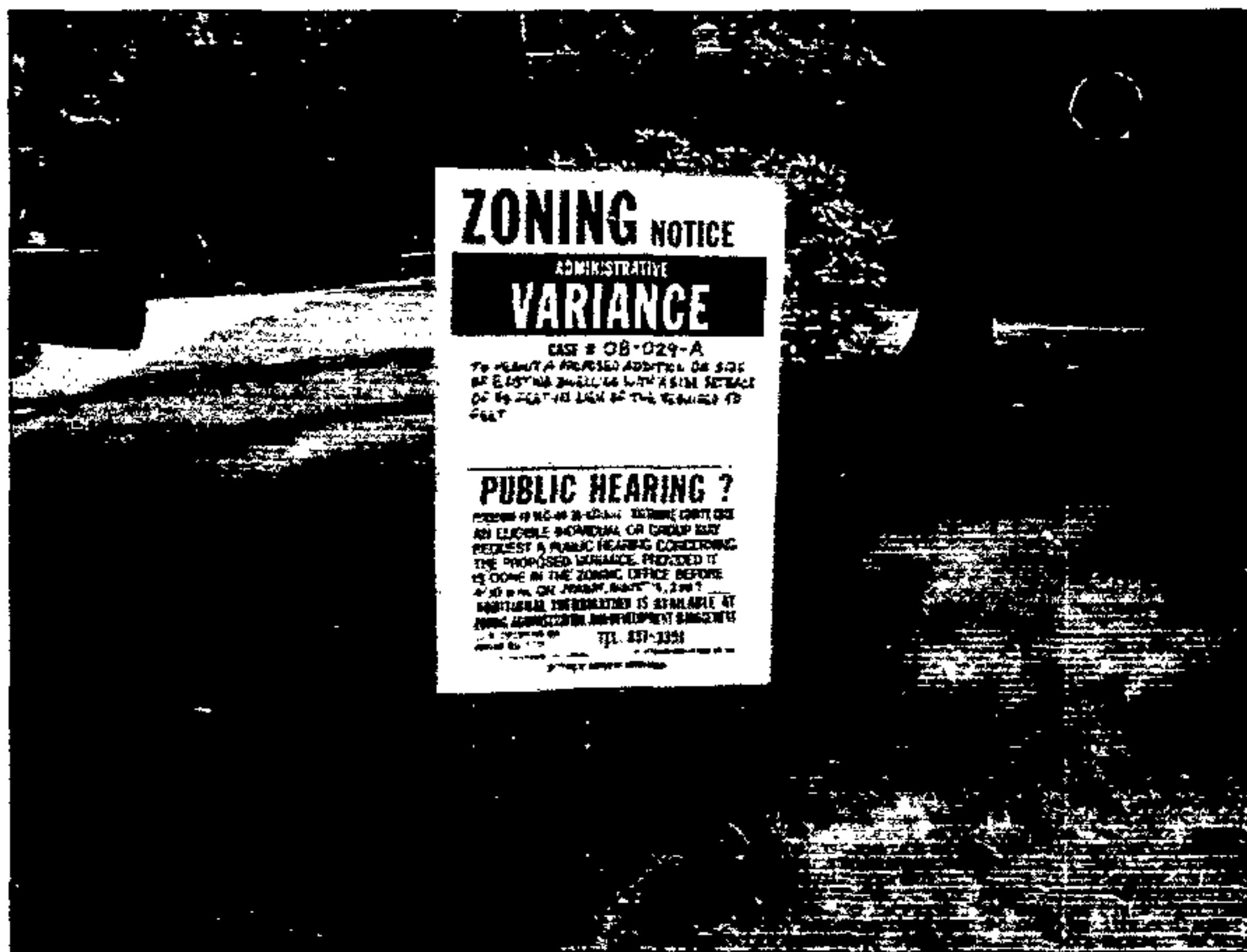
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



My action of 7/28/07

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁸ 07- 029 -A Address 7 COLONIAL OAKS CT.
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/17/2007 Posting Date: 07/29/07 Closing Date: 08/13/07

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 ⁰⁸ 07- 029 -A Address 7 COLONIAL OAKS CT
Petitioner's Name BRADLEY MILLER Telephone 410-679-8719
Posting Date: 7/29/07 Closing Date: 8/13/07
Wording for Sign: To Permit A PROPOSED ADDITION ON SIDE OF EXISTING
DWELLING WITH A SIDE SETBACK OF 40 FEET IN LIEU
OF THE REQUIRED 50 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 14, 2007

Bradley A. Miller
Barbara A. Miller
7 Colonial Oaks Court
Jacksonville, MD 21131

Dear Mr. and Mrs. Miller:

RE: Case Number: 08-029-A, 7 Colonial Oaks Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 17, 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,

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
David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood 21040



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: JULY 23, 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. 8-29-A
7 COLONIAL OAKS
MILLER 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. 8-29-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,

¹
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

INTER-OFFICE CORRESPONDENCE

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

DATE: July 24, 2007

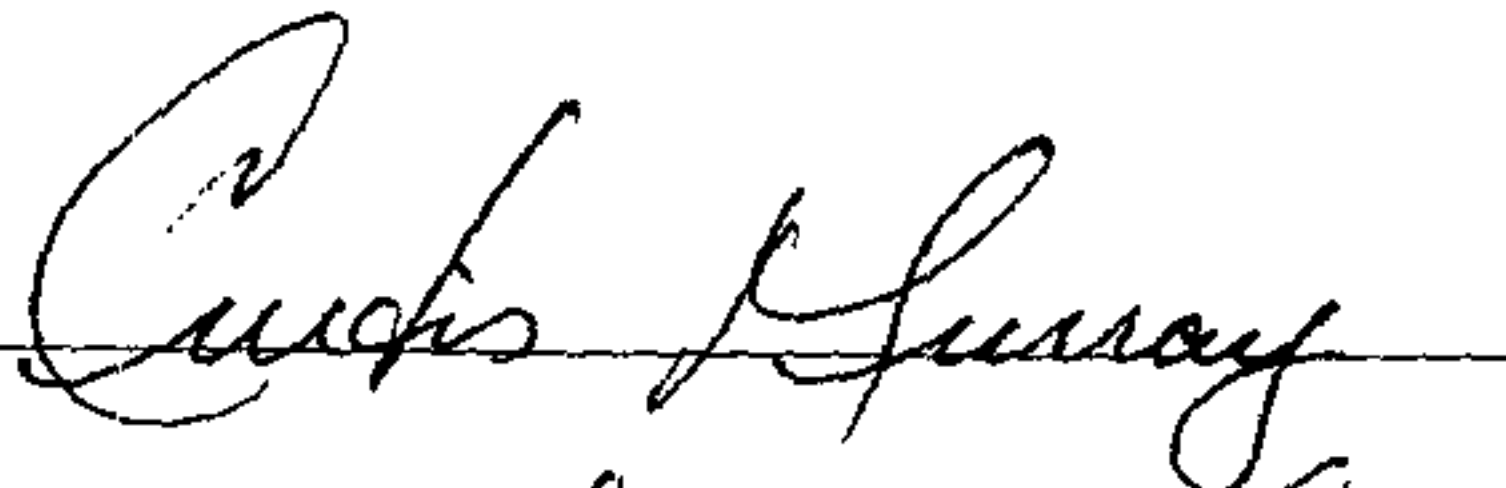
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 008-029- 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 Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 23, 2007

Item Number: 020 ⁰²⁹ through 034

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
Department of Permits & Development
Management

DATE: July 30, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 30, 2007
Item Nos. 08-020, 021, 022, 023,
026, 029, 031, 032, 033, and 034

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

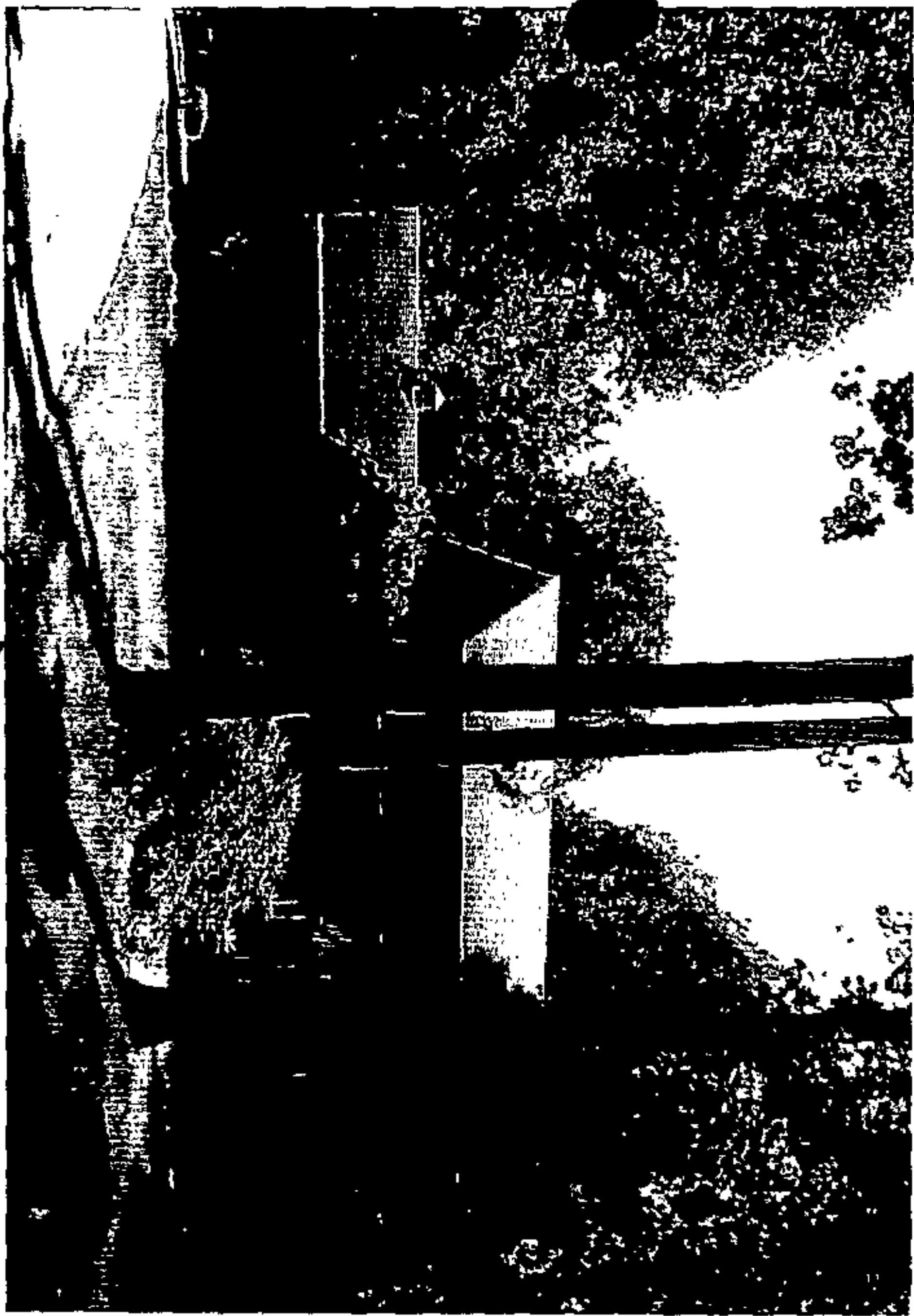
DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-07302007.doc



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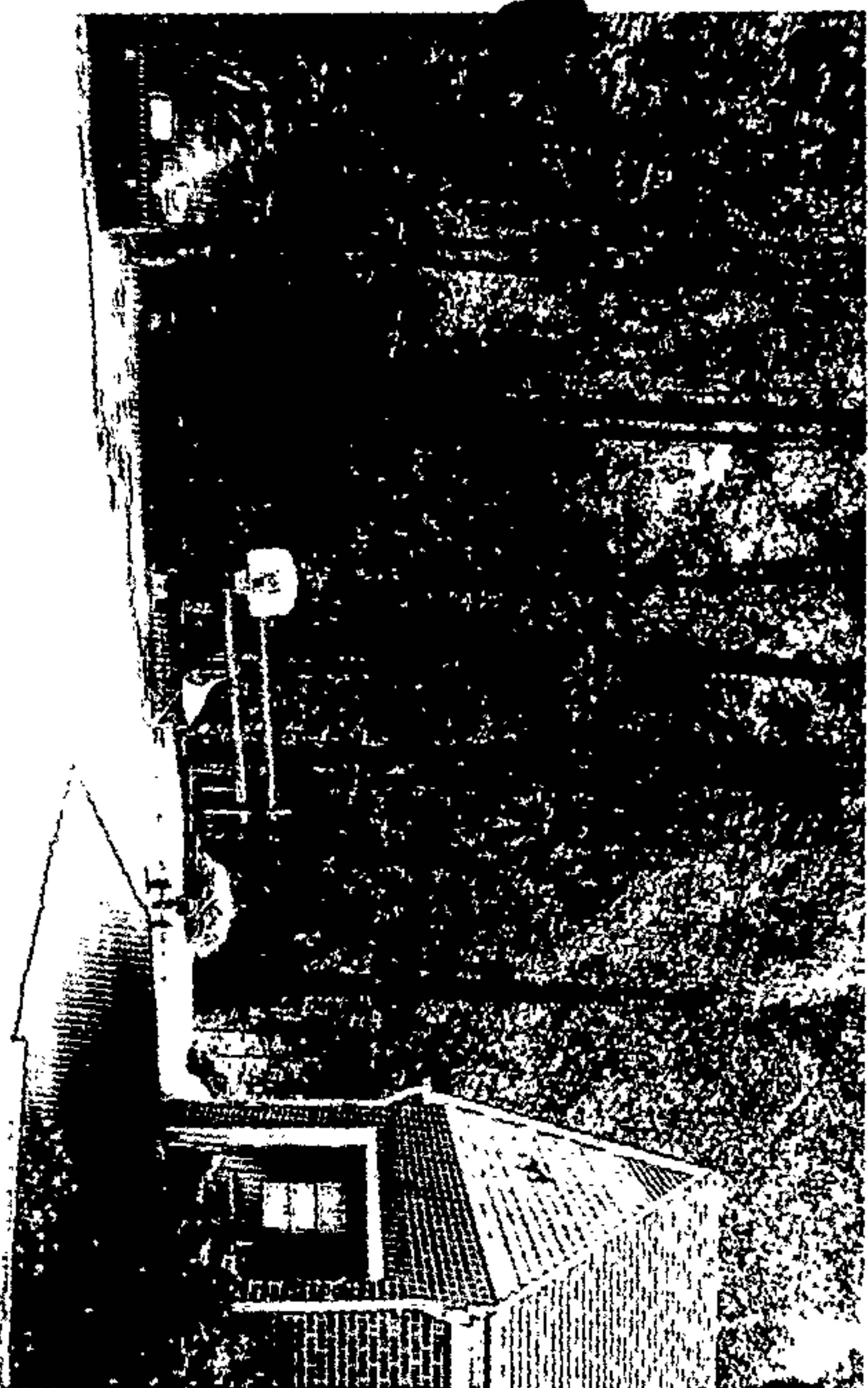
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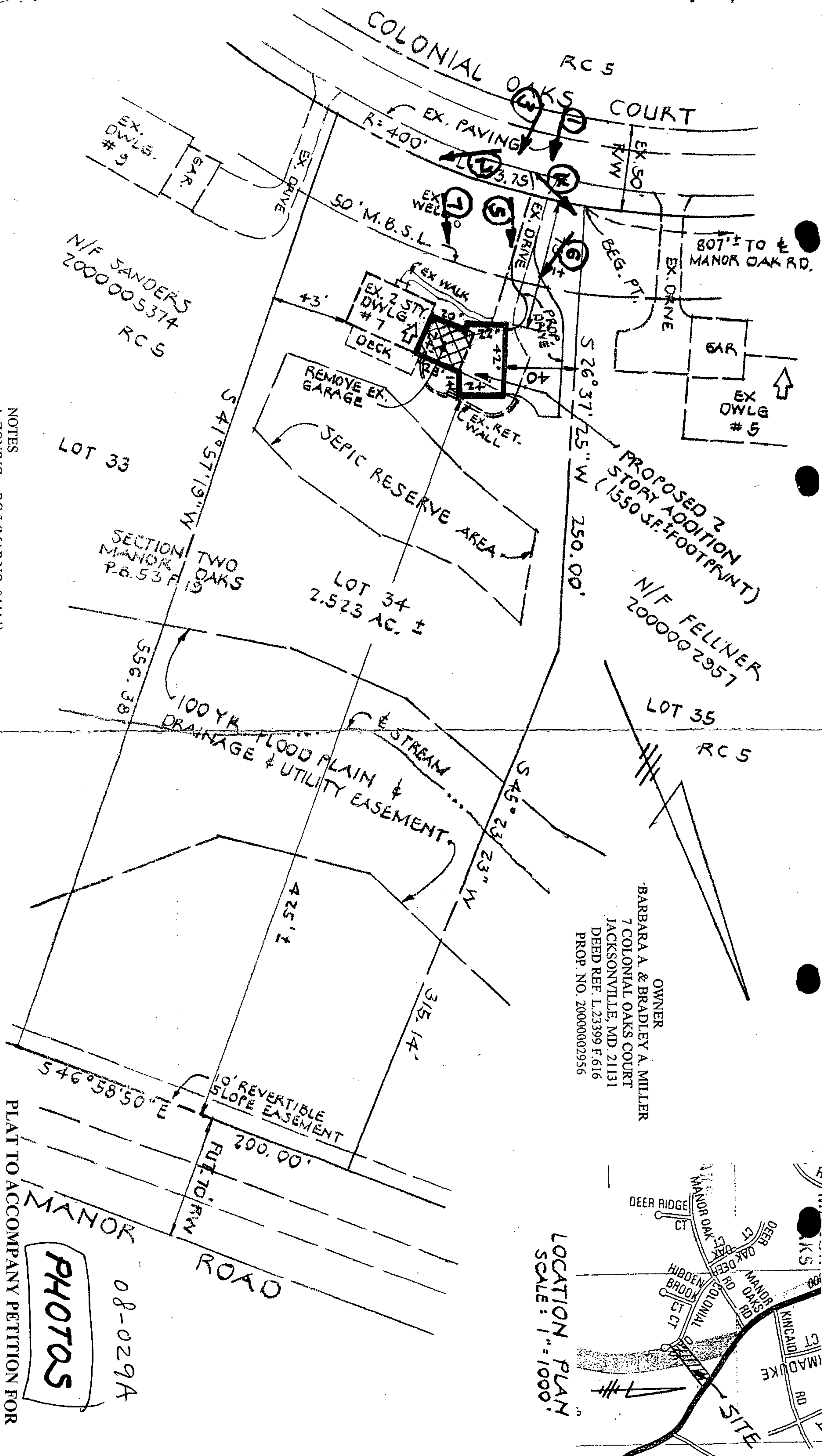


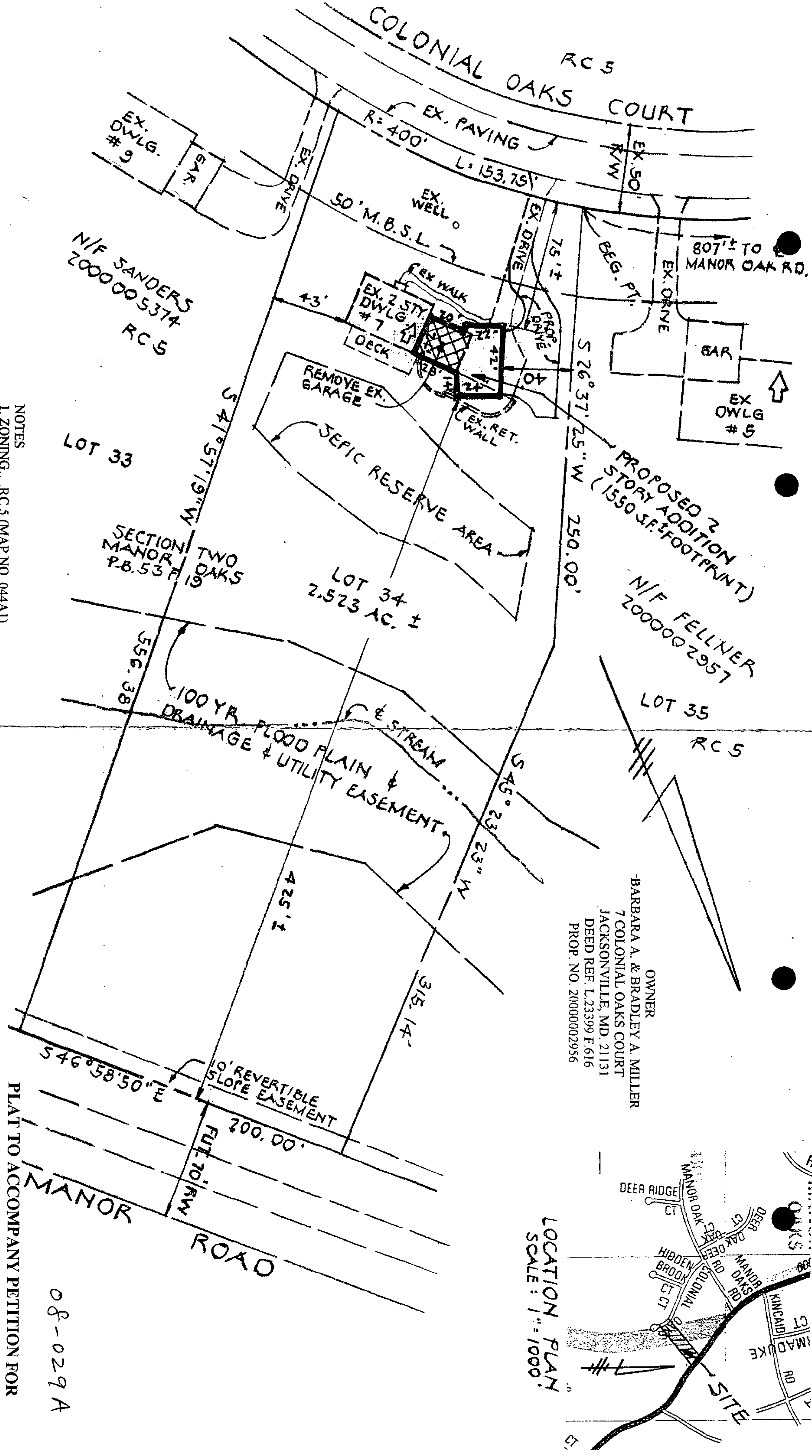
7

NOTES

1. ZONING....RC.5 (MAP NO. 044A1)
2. AREA.....2.523 ACRES
3. PRIVATE WATER AND SEWER IS EXISTING
4. TO THE PREPARERS KNOWLEDGE, UNLESS OTHERWISE SHOWN HEREON, NO PREVIOUS ZONING HISTORY, VIOLATIONS, UNDERGROUND STORAGE TANKS OR CRITICAL AREAS EXIST
5. A PORTION OF THIS SITE IS LOCATED IN 100 YEAR FLOOD PLAIN

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
7 COLONIAL OAKS COURT
LOT 34, SECTION 2 MANOR OAKS P.B. 53 F.19
ELECTION DISTRICT 10C3
BALTIMORE COUNTY, MD





- NOTES
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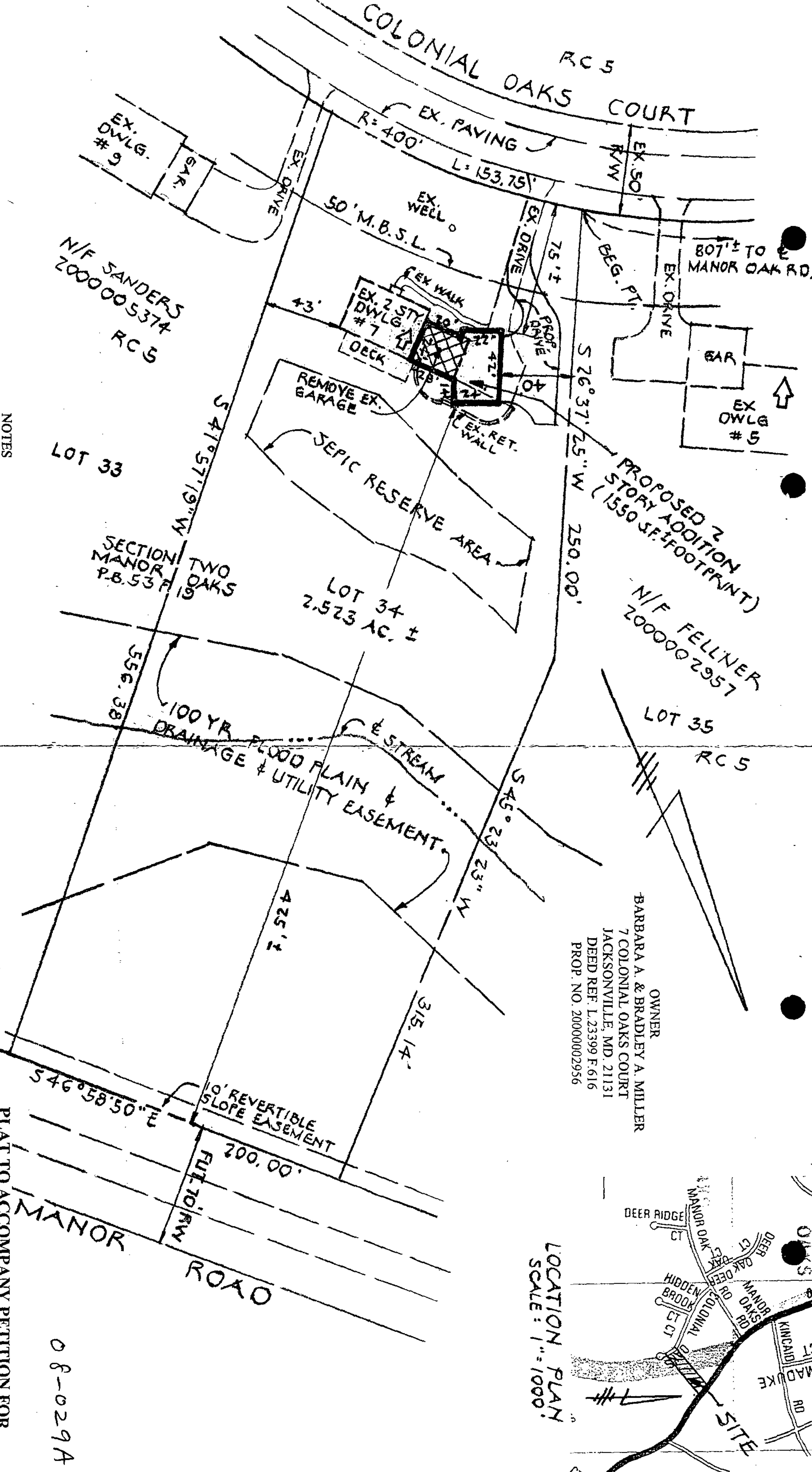
08-029A

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
7 COLONIAL OAKS COURT
LOT 34, SECTION 2 MANOR OAKS P.B. 53 F. 19
ELECTION DISTRICT 10C3
BALTIMORE COUNTY, MD
SCALE: 1 INCH = 50 FEET JULY 2, 2007



044A1

08-029A



NOTES

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PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
7 COLONIAL OAKS COURT
ELECTION DISTRICT 10C3
BALTIMORE COUNTY, MD
SCALE: 1 INCH = 50 FEET JULY 2, 2007

08-029A

OWNER
BARBARA A. & BRADLEY A. MILLER
7 COLONIAL OAKS COURT
JACKSONVILLE, MD. 21131
DEED REF. L.23399 F.616
PROP. NO. 20000002956