IN RE: PETITION FOR ADMIN. VARIANCE

N side of Marriottsville Road, 2500

feet +/- W of Hernwood Road

2nd Election District

4th Councilmanic District

(10704 Marriottsville Road)

Kevin R. Johnson and Tracey A. Dorsey Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 08-036-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, Kevin R. Johnson and Tracey A. Dorsey for property located at 10704 Marriottsville Road. 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 yard setback of 38 feet in lieu of the required 50 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' current kitchen located on the north side of the house is 8 feet x 12 feet and is an impractical size for a family of four. The existing porch is approximately 38 feet from the property line. The covered porch is underutilized; however, the proposed plans call for the porch to be enclosed to make better use of the space. The existing foundation will be used. The intended use for the porch is a first floor playroom, bathroom and mudroom. The second floor will contain a fourth bedroom and laundry room.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The 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 29, 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 16, 2007

KEVIN R. JOHNSON AND TRACEY A. DORSEY 10704 MARRIOTTSVILLE ROAD RANDALLSTOWN MD 21133

Re: Petition for Administrative Variance

Case No. 08-036-A

Property: 10704 Marriottsville Road

Dear Mr. Johnson and Ms. Dorsey:

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



REV 10/25/0

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

for the property located at 10704 Marriotts ville Rd, 21133 which is presently zoned RCS

Which to presently bones	
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legowner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a nade a part hereof, hereby petition for a Variance from Section(s) 1AC+3.B.2.b; BCZR TO for an addition. Set park of 38 ft in lieu of the required SOff. Jank	

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: Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type of Print Zip Code City State Signature Attorney For Petitioner: Telephone No. Addres6 Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Address Telephone I Zip Code Zip Code State City 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

Estimated Posting Date

Affida Vit in Support of Administrative Variance

follows: That the information herein given is	enalties of perjury to the Zoning Commissioner of Baltimore County, as within the personal knowledge of the Affiant(s) and that Affiant(s) is/are public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	10704 Marriotsville Kd
	Address Address MD 21133
	City State Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardsh	owing are the facts upon which I/we base the request for an Administrative
variatice at the above address (indicate hardsit	the or practical diritcuity).
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	SEE ATTACHED
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advertising fee and may be required to provide	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
1/////	
This Min	Macer A. Dorber
Signature	Signature
Kevin K. Johnson	Iracey A. Dorsey
Name - Type or Print	Name - Type or Frint
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:
I HEREBY CERTIFY, this 8 day of	before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared
the Affiant(s) herein, personally known or satisf	actorily identified trying as such Affiant(s)
the Affiant(s) herein, personally known or satisf	actority identified to the as such Amanit(s).
AS WITNESS my hand and Notarial Seal	
	I maradiana (1)
	Notary Public
Friday	Evniree
	My Commission Expires My Commission Expires September 26, 2009

REV 10/25/01

Affidavit in Support of Administrative Variance

		- 11	e fúture with regard thereto.	
That the Affiant(s) does do prese	ently reside at Adda	704 Marriottsville	Kd	·
		andallstown MD	21133	
-	City	1	State	Zip Code
That based upon personal know Variance at the above address (vledge, the following	are the facts upon which	I/we base the request for a	an Administrative
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advertising fee and may be required. Signature Name - Type or Print	e(s) that if a formal ired to provide addition	demand is filed, Affiant(onal information. Signature Name - Type or	ey 1. Dorsey	a reposting an
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property lo	cated at 10704 Marriottsville Rd
	which is presently zoned RC5
This Petition shall be filed with the Department of Permits a owner(s) of the property situate in Baltimore County and which is made a part hereof, hereby petition for a Variance from Section (so of the Permit A SIDE (ARD SET OF THE PEOUIRED SOFT.	a daga a siba a sila daga sila a sila a sila a a sa sila daga a sila daga sila daga sila daga sila daga sila d
of the zoning regulations of Baltimore County, to the zoning law of this petition form.	of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zon I, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to the	g, etc. and further agree to and are to be bounded by the zoning
	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):
Name - Type or Print	Name Type or Print
Signature	Signature Traces A. Dorses
Address Telephone No.	Name - Type or Print I DOWN
City Zip Code '	Signature
Attorney For Petitioner:	Address Telephone No. Kandallstown, MD 21133
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name A VI .
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code C
A Public Hearing having been formally demanded and/or found to be required this that the subject matter of this regulations of Baltimore County and that the property be reposted.	puired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
-i	Zoning Commissioner of Baltimore County

regulations of Baltim	ore County and	that the property be reposte	a.			ELS. C. EVG.
	•			Zoning Commissio	ner of Baltimore	County
CASE NO.	D8-9	36-19	Reviewed By	DUM	Date	7.19:07
REV 10/25/01		ECEVED FOR F	Estimated Pos	sting Date	7/29	
		D1601				

Reasons the zoning regulations cannot be met at 10704 Marriottsville Rd:

- 1. The current kitchen located on the north side of the house is an impractical 8x12 space for a family of four. It does not permit the family to eat daily meals together. It also lacks sufficient area for food preparation, food storage and storage of pots and pans. In addition, to meet the needs of our expanding family, a fourth bedroom is a necessity.
- 2. The existing porch is approximately 38' from the property line. The closest neighbor is on the south side of the property approximately 600' away. There are no neighbors on the north side (the subject of this request), only woods. It is unlikely that anyone will ever build on any property adjacent to the house because of the topography.
- 3. The current covered porch is underutilized, however the proposed plans present an opportunity to enclose the porch and make better use of the space. The existing foundation will be used. The intended use for the porch is as a 1st floor playroom for our children, bathroom and mudroom. The second floor will contain the fourth bedroom and laundry room.

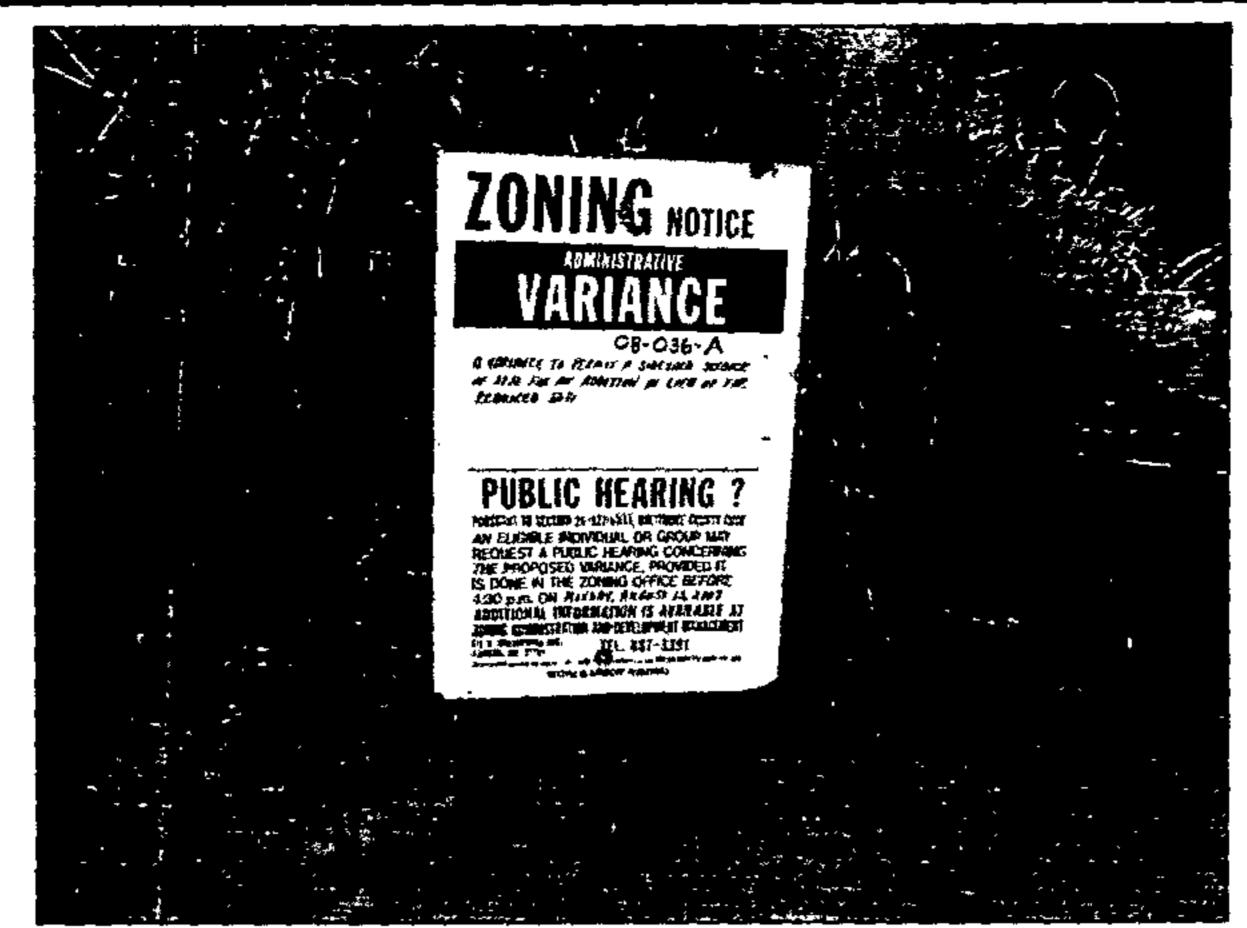
ZONING DESCRIPTION FOR 10704 MARRIOTTSVILLE RD, RANDALLSTOWN, MD 21133.

BEGINNING for the same point in the first line of parcel of land which by a deed dated April 18, 1940, and recorded among the Land records of Baltimore County in 1104/24, was conveyed by Otis W. Blum, et al to Fred Sadosky and wife, said point being distant North 32 degrees East 396.85 feet measured along said first line from the beginning thereof, and thence running with and binding on a part of the first line and on the second and third lines of said parcel of land the three following courses and distances, viz: North 32 degrees East 82 feet to a pipe, North 84 degrees 25 minutes West 352 feet to a pipe and South 12 degrees 05 minutes West, passing over a pipe set on the North side of Marriottsville Road, 530 feet to a point in the bed of said road, thence running with and binding on a part of the fourth line of said parcel of land and binding on Marriottsville Road, South 85 degrees 45 minutes, East 1211 feet thence leaving said road and outlines for lines of division the three following courses and distances, viz: North 12 degrees 05 minutes East 378.73 feet South 84 degrees 25 minutes East 100 feet and North 76 degrees 21 minutes East 232.51 feet to the parcel of beginning. Also known as 10704 Marriottsville Rd and located in the 2nd Election District, 4th Councilmatic District.

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CERTIFICATE OF POSTING

	RE: Case No: 08-034-4
	Petitioner/Developer: KEUIN TOHNSON
	KEUIN JOHNSON
	Date Of Hearing/Closing: 81/3/07
Baltimore County Department of Permits and Development Mana County Office Building, Room 1111 West Chesapeake Avenue	gement
Attention:	
sign(s) required by law were pos	penalties of perjury that the necessary sted conspicuously on the property NOUS MARRIOTTSURGE RIS



Martin Ogle 1/29/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	08-	036	-A	Addre	ess/	0704	MAR	ZIOTTSU	le Ro
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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.

-	er Advertising:	036	
	r Case Number:		
Petitioner:	KEVIN	Johnson	
Address or Loc	cation: 10704	MARRIOTTSUITE Rd. RANDAILSTOWN, Md	<u>.</u> 21133
PLEASE FOR	WARD ADVERTIS	SING BILL TO:	
Name:			 ,
Address:			 _
		110	
	,		
Telephone Nu	mber:	410-655-8675	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 14, 2007

Kevin R. Johnson Tracey A. Dorsey 10704 Marriottsville Road Randallstown, MD 21133

Dear Mr. Johnson and Ms. Dorsey:

RE: Case Number: 08-036-A, 10704 Marriottsville Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 19, 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

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: August 6, 2007

ECEIVE AUG 1 3 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-036- 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

State Highway
Administration

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

Maryland Department of Transportation

Date: July 31, 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. 8-36-A

LOTOA MARRIOTTEVILLE PD LOHDSON/DORGEY PROPERTY ADMINISTRATIVE VARIANCE

John D. Porcari, Secretary

Neil J. Pedersen, Administrator

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. 8-36-4.

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 1, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 6, 2007

Item Nos. 08-035, 036, 037, 038, 039, 040, 041, 043, 044, 046, 048 and 051

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

DAK:CEN:cab

ec: File

ZAC-NO COMMENTS-08062007.doc



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

August 2, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 30, 2007

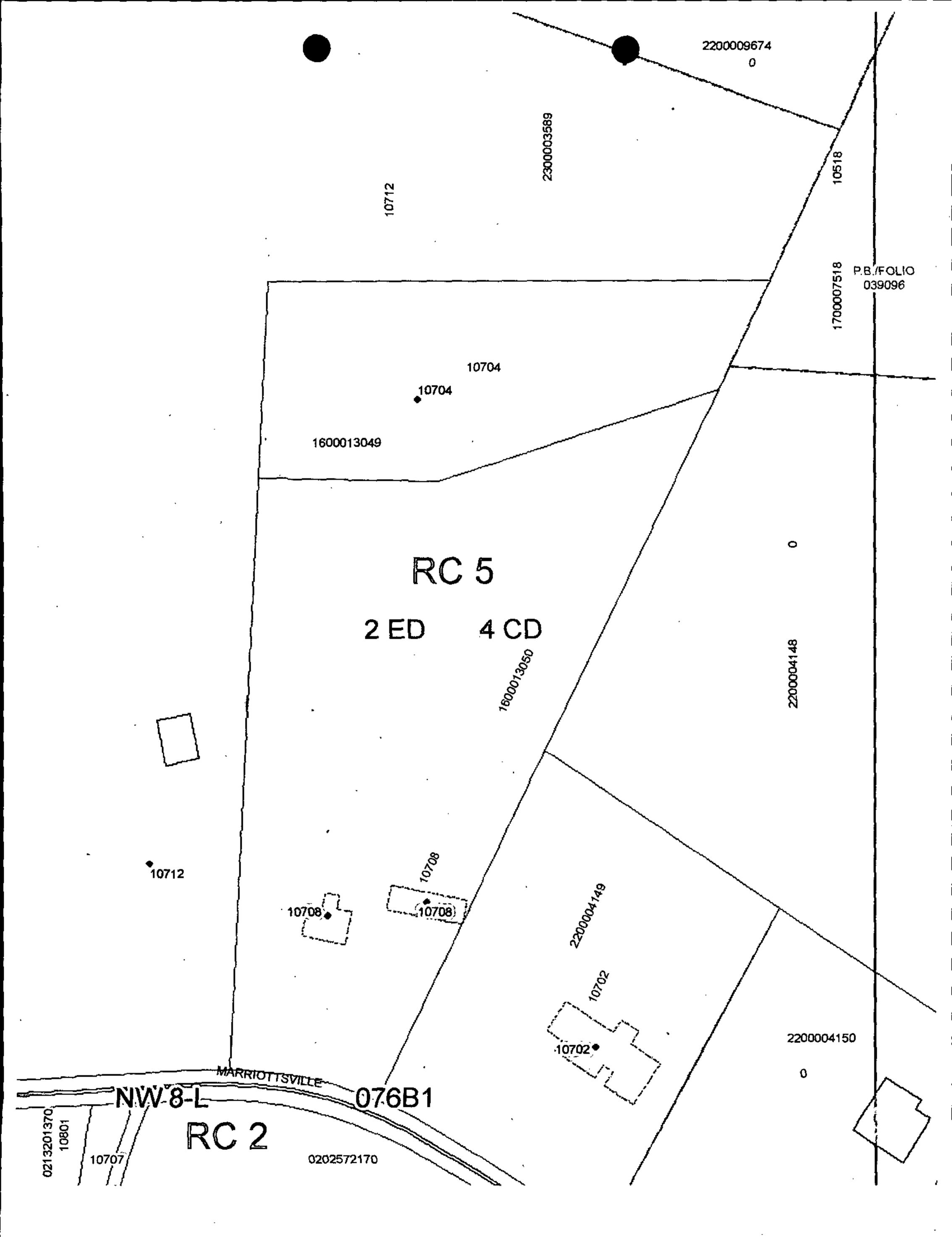
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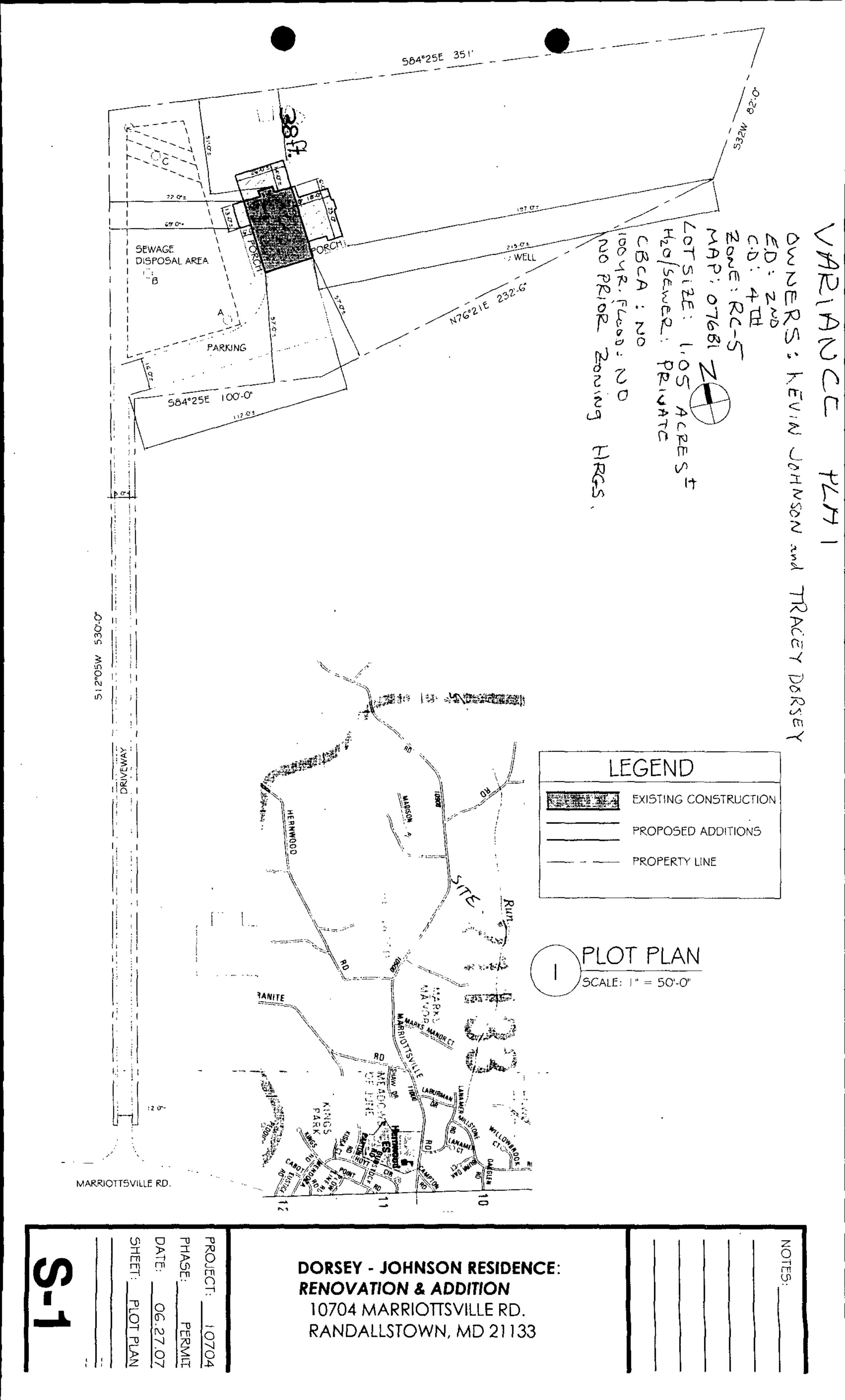
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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









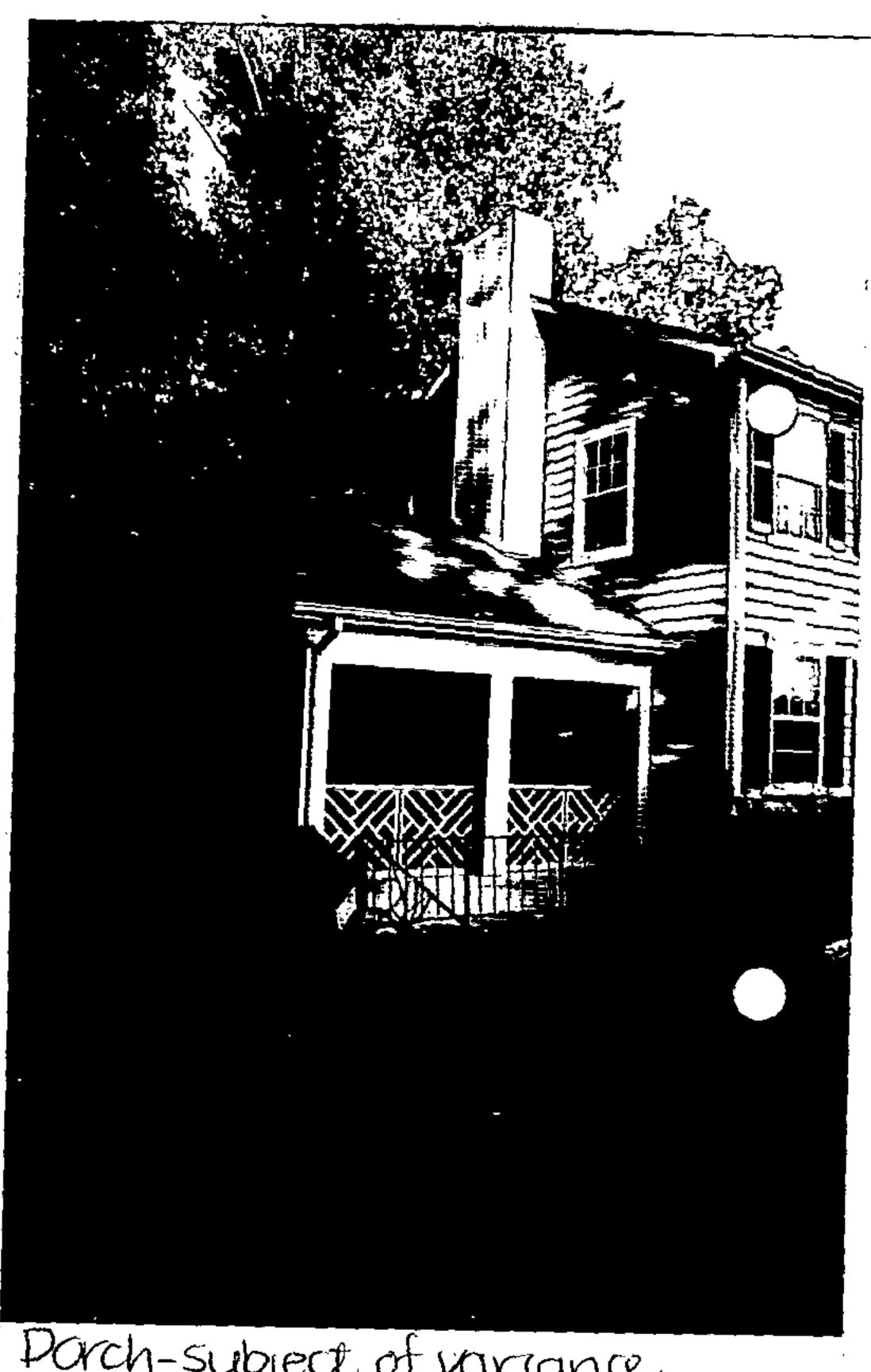
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North yard subject of variance



North yard





Parch-subject of variance