IN RE: PETITION FOR ADMIN. VARIANCE *

SE corner of Northmont Road and

Jody Knoll Road

2nd Election District

4th Councilmanic District

(3117 Northmont Road)

Mark A. Baylor

Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

CASE NO. 08-093-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

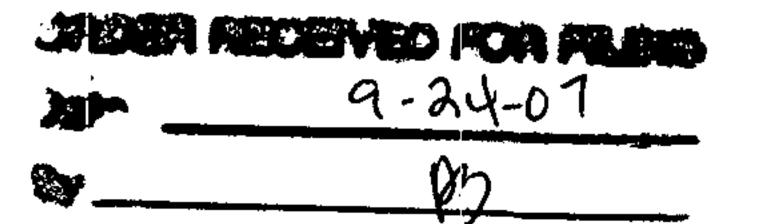
*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Mark A. Baylor for property located at 3117 Northmont Road. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a deck with a rear yard setback of 2 feet in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner has two sets of rear doors leading to the back yard and neither of the doors has direct access to the back yard. He proposes to construct two decks directly off both of the rear doors. The Petitioner's property is a corner lot and his home is set back farther on the property than the adjacent properties.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 1, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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



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 ______ day of September, 2007 that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a deck with a rear yard setback of 2 feet in lieu of the required 22.5 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 24, 2007

MARK A. BAYLOR 3117 NORTHMONT ROAD WINDSOR MILL MD 21244

> Re: Petition for Administrative Variance Case No. 08-093-A

Property: 3117 Northmont Road

Dear Mr. Baylor:

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,

HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



CASE NO

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

_ ~ .	h is presently zoned	
for the property located at	3117 NORTH	MONT Rd

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) 1802.3.C.1

BCZR, TO PERMIT A DECK WITH A PEANYARD SCIBACK of 2ft. IN LIEU of The ROWLING 22.5ft.

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 perjury, that I/we is the subject of the subjec	declare and affirm, under the are the legal owner(s) of the his Petition.	ne penalties of e property which
Contract Purchaser/Le	<u>ssee:</u>		<u>Legal Owner(</u> Mark A E		
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City Attorney For Petitioner	State	Zip Code		thmont Road 410	-521-3028
			Address Windsor	Mill, Md. 21244	Telephone No.
Name - Type or Print	···-		City Representation	State /e to be Contacted:	Zip Code
Signature			<u>I TOPI GGIITAII</u>		
Company		· · · · · · · · · · · · · · · · · · ·	Name	DA Me	-
Address		Telephone No.	Address	• .	Telephone No.
City	State	Zip Code	City	State	Zip Code
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Reviewed By

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.

competent to testify thereto in the event that a p	donc nearing is	screamed in t	He luture v	nui regala ulci	Sto.
That the Affiant(s) does/do presently reside at	3117 No	orthmont	Road		
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	City		State		Zip Code
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rear yard.			_	- -	3
2) I have rear doors	s at both	entrances	5 .		
3) I would like to be rear door entran		decks com	ing of	both of	the
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand i	s filed, Affian	t(s) will be	e required to p	ay a reposting and
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Mark a Bula					
Signature		Signature			
Mark A Baylor					
Name - Type or Print		Name - Type o	or Print		
	. 				
STATE OF MARYLAND, COUNTY OF BALTIN	NORE, to wit:	$\gamma \ell$	VV7		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally appears	, <u> </u>	ا ليار, befo	re me, a Notar	y Public of the State
Mark A Pallor	noonany appoint	···			
the Affiant(s) herein, personally known or satisfa	actorily identified	I to me as suc	h Affiant(s).	
				^	
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REV 10/25/01

Affidavit in Support of Administrative Variance

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That the Affiant	t(s) does/do presently reside at	3117 N	orthmont B	oad	 	
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Signature	and may be required to provide	, · · · · · · · · · · · · · · · · · · ·	Signature	-	·	<u>., .,</u>
Mark	A Baylor	`. •			. <u>.</u> .	<u> </u>
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I HEREBY CE	RTIFY, this day of and for the County aforesaid, pe	saust		07, before me, a	a Notary Public	of the State
the Affiant(s) h	nerein, personally known or satisf	actorily identifie	d to me as such	Affiant(s).		
AS WITNESS	my hand and Notarial Seal	* · · /	Public ommission Exp	ires Marc	D hl.201	
REV 10/25/01					•	



Petition for Administrative Variance

roperty located at 3/17 NORTHMONT Red- which is presently zoned DR5.5	_
of Permits and Development Management. The undersigned, legal	jai nd
)	which is presently zoned

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.

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 ac	dopted pursuant to	the zoning law for Ba	altimore County	'-	
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			Mark	a But	<u>~</u>	
Signature			Signature	•		
Address		elephone No.	Name - Type or Pri	nt		
City	State	Zip Code	Signature 3117 NOT	thmont Ro	ad 410-	521-3028
Attorney For Petition	<u>er:</u>		Address			
Name - Type or Print			City		State	Zip Code
			Representati	ve to be Co	ntacted:	
Signature						
Сотрапу		<u></u>	Name	DAM		
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EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - <u>DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"</u>. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

	ddress)
Beginning at a point on the $E \times T$	side of
(north, south, east or west)
Non Thinout Road which is (name of street on which property fronts) (numb	501
	er of feet of right-of-way width)
wide at the distance of 25ft. (number of feet) (north,	south, east or west)
centerline of the nearest improved intersecting street(Tody MUOLL RA. (name of street)
which is 50 (number of feet of right-of-way width)	
Block, Section # in the subdivision of	Wilve 80 R JARA E/VS (name of subdivision)
as recorded in Baltimore County Plat Book #_45	, Folio #,
containing 7. 2-80 So. F.T. Also known as (square feet or acres)	(property address)
\sim	Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio ___" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

BS Fotal: Rept DISTRIBUTION From Rec ō

CERTIFICATE OF POSTING

	RE: Case No: 08-093-A
	Petitioner/Developer:
-	Date Of Hearing/Closing: 9/11/07
Baltimore County Department Permits and Development Ma County Office Building,Room 111 West Chesapeake Avenue	anagement n 111
Attention:	
	the penalties of perjury that the necessary posted conspicuously on the property 3117 Decthology RS
This sign(s) were posted on	(Month, Day, Year) Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220 (443-629 3411)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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: Item Number or Case Number: 093	
Petitioner: MARK BayLoR	
Address or Location: 3117 NORTHMONT Rd. Balt. Md. 21244	
Balt. Md. 21244	
PLEASE FORWARD ADVERTISING BILL TO:	
Name:	
Address:	
	
Pelephone Number: 410-521-3028	



JAMES T. SMITH, JR. County Executive

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

September 13, 2007

Mark A. Baylor 3117 Northmont Road Windsor Mill, Maryland 21244

Dear Mr. Baylor:

RE: Case Number: 08-093-A, 3117 Northmont Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 20, 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

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 31, 2007

DECEIVE SEP 0 5 2007

BY:....

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-093- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 3, 2007

Item Nos. 08-087, 089, 091, 092, 093, 094, 095, 096, 097, 098, 100, 101, and 104

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-08302007.doc

State Highway
Administration

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

Maryland Department of Transportation

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

Date: Sept. 2, 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. 8-93-A

BAYLOR PROPERTY

ADMINISTRATIVE VARINCE

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. 8-93-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 1

Steven D. Foster, Chief ()
Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 31, 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) 08-093- Administrative Variance

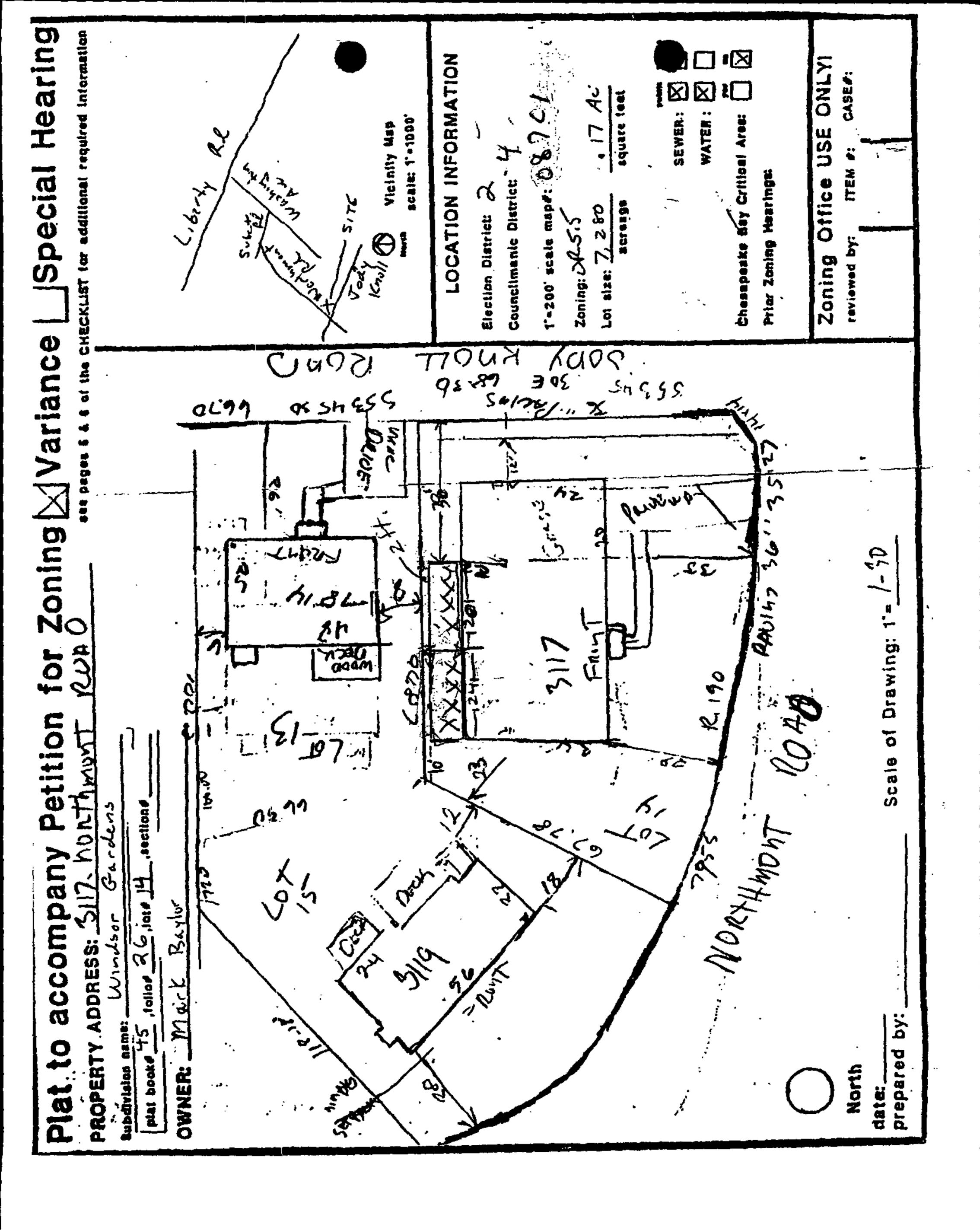
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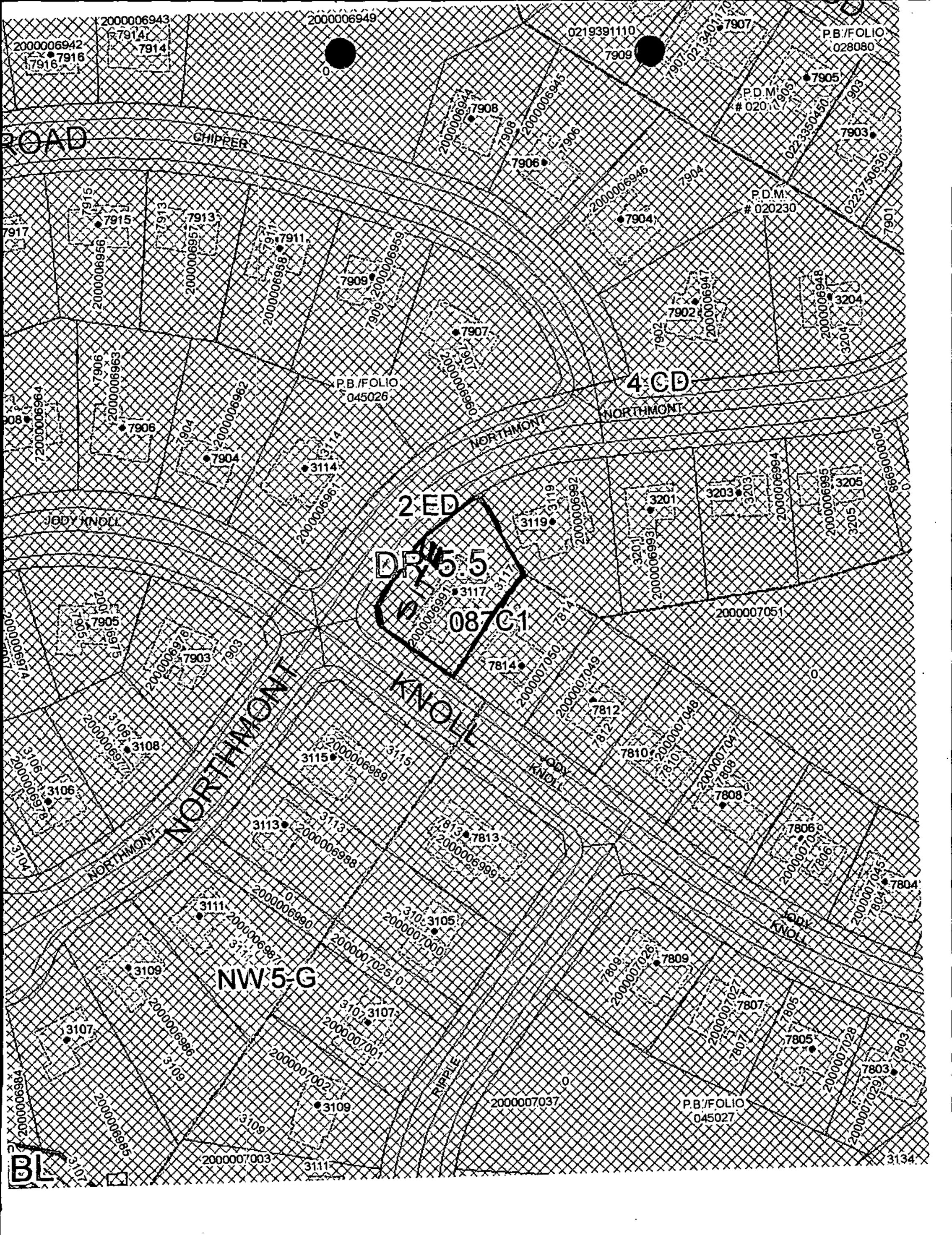
For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

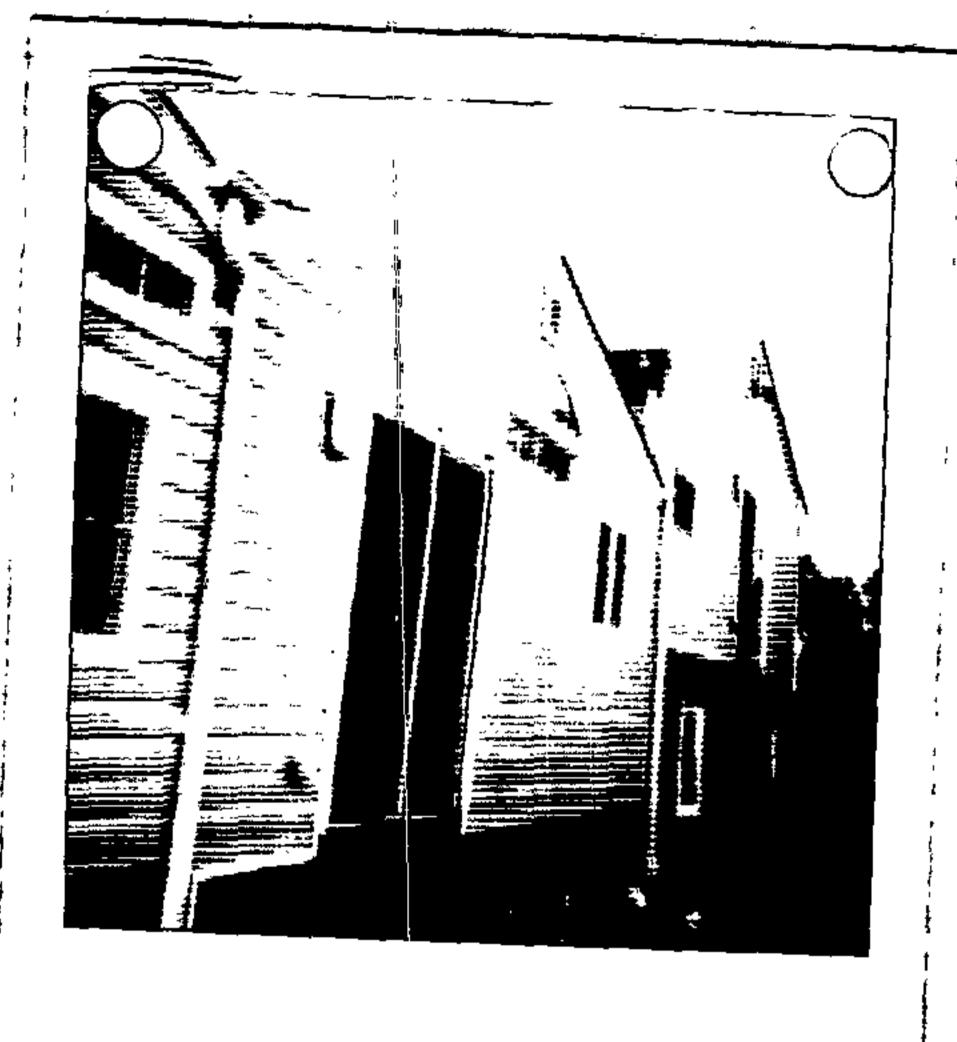
CM/LL





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