

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side Jasper Lane, 450 feet S of		
East Joppa Road	*	DEPUTY ZONING
11 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(8904 Jasper Lane)		
	*	FOR BALTIMORE COUNTY
Allen E. and Patricia A. Fitch		
<i>Petitioners</i>	*	Case No. 08-105-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, Allen E. and Patricia A. Fitch for property located at 8904 Jasper Lane. The variance request is from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached garage in side and front yard with a height of 16 feet in lieu of the required rear yard with a maximum 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' property is pie shaped and narrows from the street the rear of the property. The garage cannot be constructed in the rear yard because of the private sewer system. The property slopes dramatically from the house to the rear yard. The additional height is necessary in order to store their recreational vehicle.

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 September 10, 2007, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

RECEIVED FOR FILE
 10-3-07
 [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 2, 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 3rd day of October, 2007 that a variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached garage in side and front yard with a height of 16 feet in lieu of the required rear yard with a maximum 15 feet height is hereby GRANTED, subject to the following:

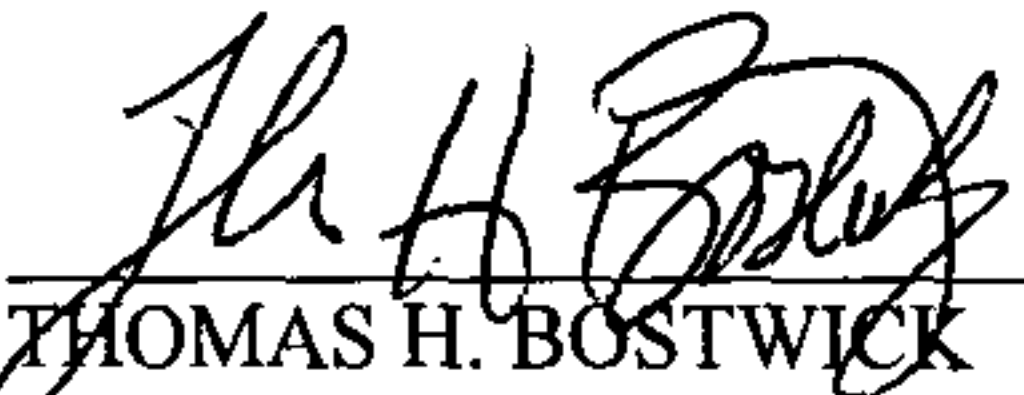
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

ORDER RECEIVED FOR FILE

10-3-07

3. The accessory structure shall not be used for commercial purposes.

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

RECEIVED FOR FILED
10-3-07
P3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 3, 2007

ALLEN E. AND PATRICIA A. FITCH
8904 JASPER LANE
PARKVILLE MD 21234

Re: Petition for Administrative Variance
Case No. 08-105-A
Property: 8904 Jasper Lane

Dear Mr. and Mrs. Fitch:

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

ORIGINAL KEEP IN FILE



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8904 JASPER LANE
which is presently zoned DR 5.5

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) 400 BCER TO PERMIT A

PROPOSED DETACHED ~~BASEMENT~~ GARAGE ~~IN~~ SIDE AND FRONT YARD WITH A HEIGHT OF 16 FT. IN LIEU OF THE REQUIRED REAR YARD WITH A MAXIMUM 15 FT. HEIGHT

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

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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.

CASE NO. 08-105-A

REV 10/25/01

10-3-07

M

Reviewed By JL

Estimated Posting Date 9/02/07

Zoning Commissioner of Baltimore County

Date 8/24/07

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 8904 JASPER LANE
Address
PARKVILLE MD 21234
City State 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):

1. PLACE CARPORT ON SIDE OF HOUSE DUE TO HILL AT REAR,
FRONT
2. DISTANT TO PROPERTY LINE FROM CARPORT DUE TO LOT SHAPE,
3. CARPORT ~~MAY~~ EXCEED 15 FEET IN HEIGHT, DUE TO
HOUSING MOTOR HOME.

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.

Allen E. Fitch
Signature

ALLEN E. FITCH
Name - Type or Print

Patricia A. Fitch
Signature

PATRICIA A. FITCH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Allen E. Fitch and Patricia A. Fitch
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Rozilyn Kim
Notary Public
Baltimore County, Maryland
My Commission Expires
03/22/2011

Rozilyn Kim
Notary Public

My Commission Expires March 22, 2011

COPIED TO BALTIMORE COUNTY

Zoning Description

105

Zoning Description for 8904 Jasper Lane, Parkville, Md 21234, beginning on the west side of Jasper Lane ~~that is 19 feet west of the right of way edge of Jasper Lane~~ *450' ± SOUTH OF E. JOPPA RD.*

The property of 8904 Jasper Lane consists of Lot 3, 11103021680 and Parcel B, 11106021681, Block B, Section 2, in the subdivision of Miller Heights as recorded in Baltimore County Plat Book # 22, Folio # 125 containing .6 acres known as 8904 Jasper Lane located in the 11th Election District, ~~Chesapeake~~, Coun. 6.

100

No. 10957

Date: 8/24/07

3

MISCELLANEOUS RECEIPT

[illegible]

Total: 65.00

Rec From:

404

RV 1114-8907 Vntep LA

DISTRIBUTION:

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

ZONING REVIEW

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08 105 A
Petitioner: ALLEN E. FITCH
Address or Location: 8904 JASPER LANE PARKVILLE, 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALLEN E. FITCH
Address: 8904 JASPER LANE
PARKVILLE, MD. 21234

Telephone Number: 410-665-5985

CERTIFICATE OF POSTING

RE: Case No.: 08-105-A

Petitioner/Developer: _____

A-FITCH

Date of Hearing/Closing: 9/17/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 located at _____

8904 JASPER

The sign(s) were posted on _____

CASE # 08-105-A

9/2/07

(Month, Day, Year)

Sincerely,

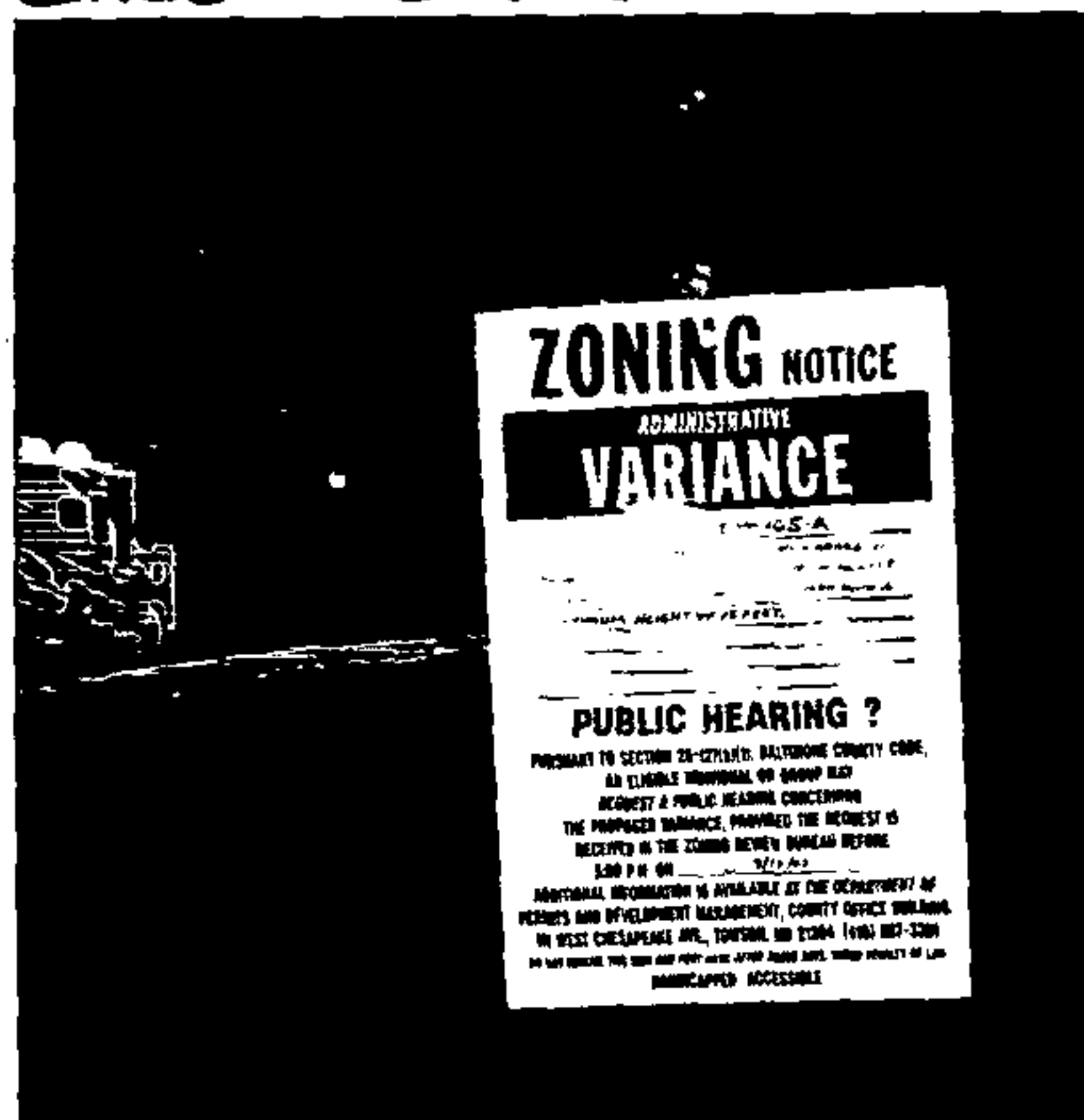
Richard E. Hoffman 9/2/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



8904 JASPER

POSTED 9/2/07

Richard E. Hoffman 9/2/07

0/1/1/1 20/1/1 7/1/0/1

CERTIFICATE OF POSTING

RE: Case No.: 08-105-A

Petitioner/Developer: _____

A-FITCH

Date of Hearing/Closing: 9/17/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

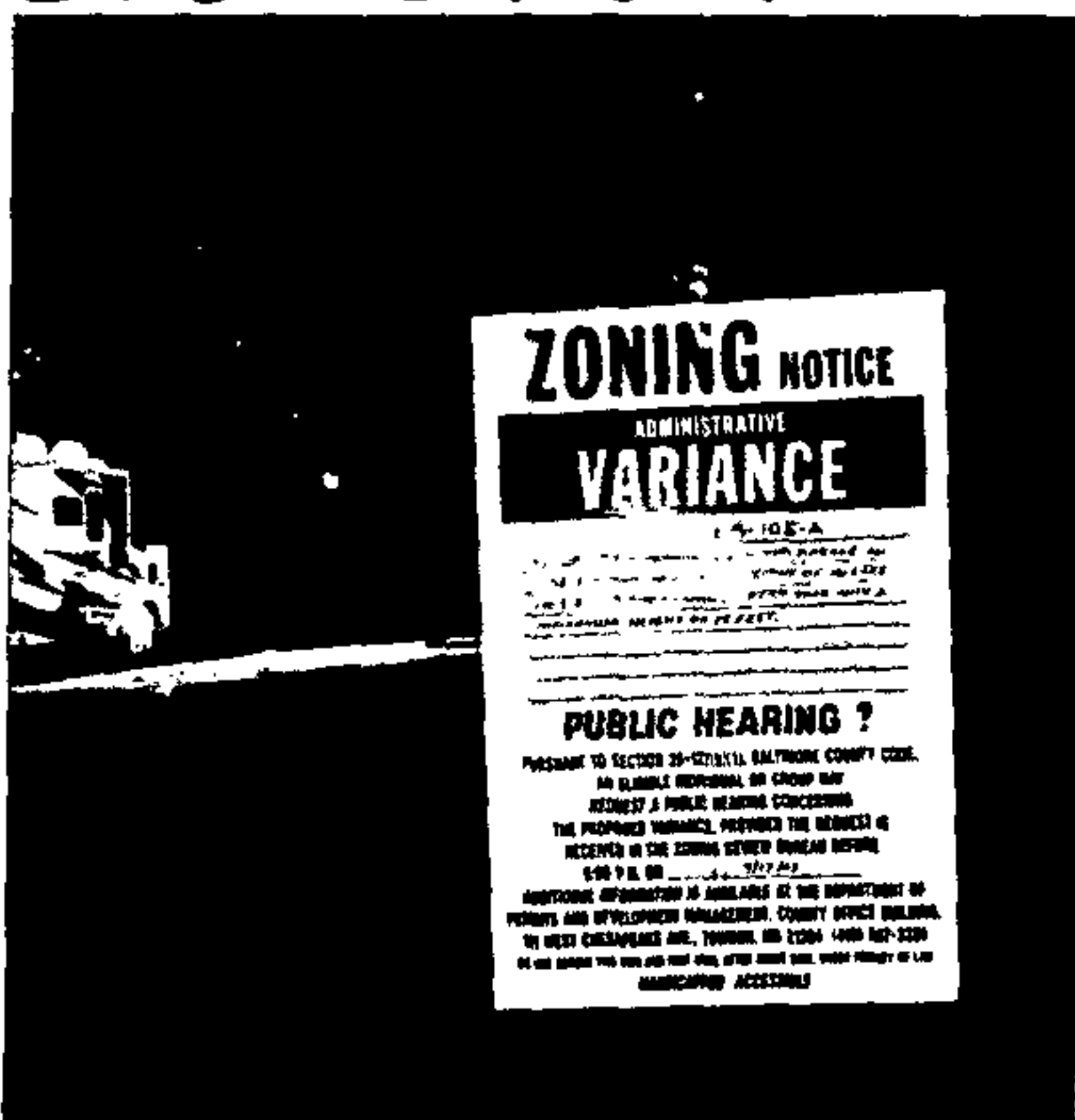
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

8904 JASPER

The sign(s) were posted on _____

9/2/07
(Month, Day, Year)

CASE # 08-105-A



8904 JASPER

POSTED 9/2/07

Richard E. Hoffman 9/2/07

Sincerely,

Richard E. Hoffman 9/2/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 13, 2007

Allen E. Fitch
Patricia A. Fitch
8904 Jasper Lane
Parkville, Maryland 21234

Dear Mr. and Mrs. Fitch:

RE: Case Number: 08-105-A, 8904 Jasper Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 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



State Highway
Administration

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

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

Maryland Department of Transportation

Date: SEPT. 10, 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. 8-105-A
890A JASPER LANE
FITCH 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. 8-105A.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2007

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

RECEIVED
OCT 01 2007

BY:

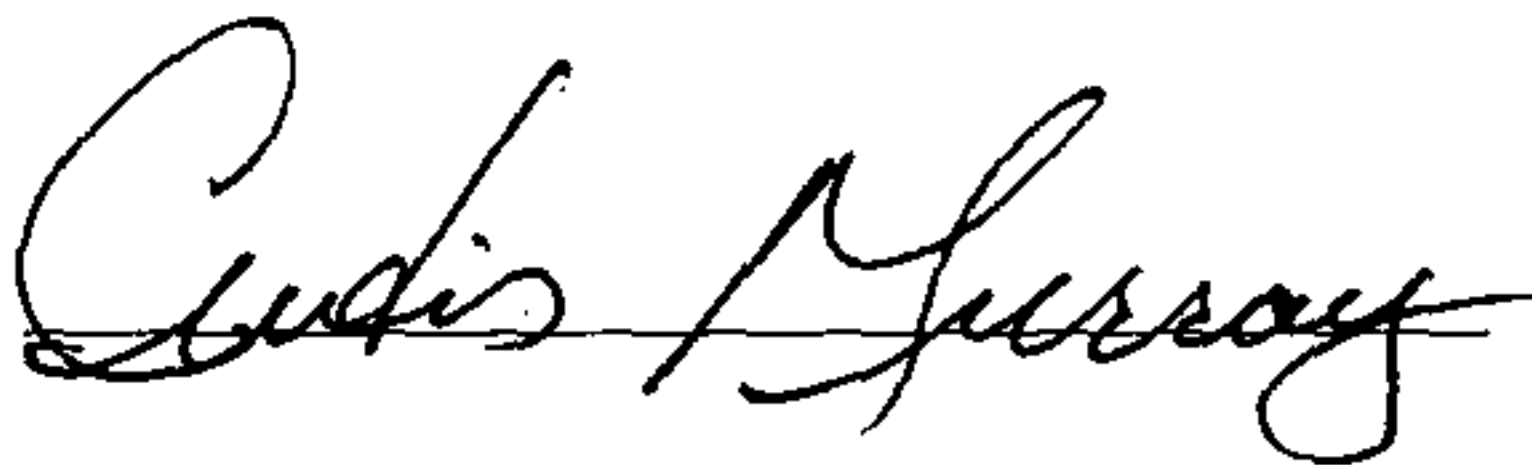
SUBJECT: 8-105 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 16 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Reviewed by:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

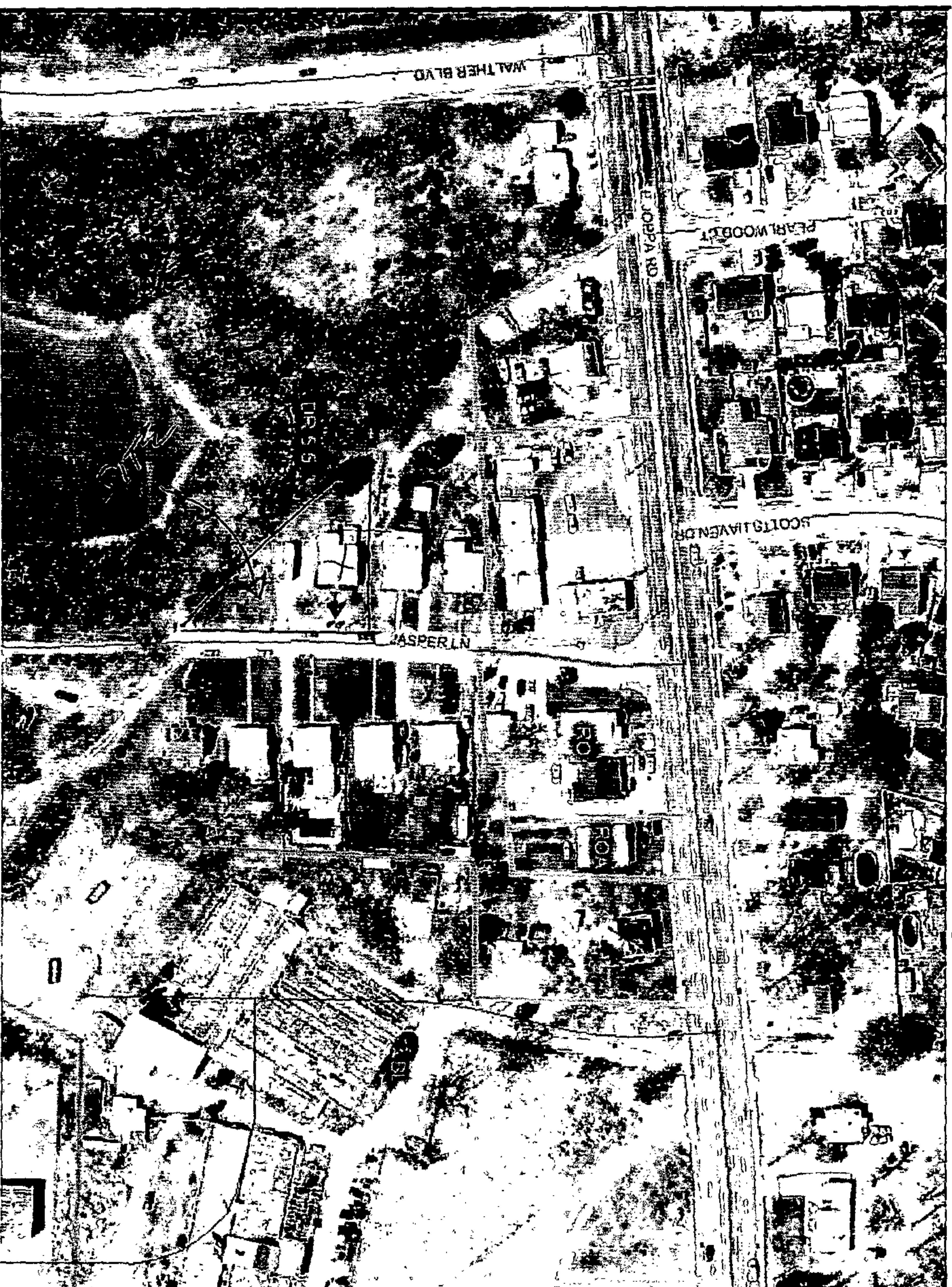
SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2007
Item Nos. 08-069, 082, 105, 106, 107, 108,
109, 111, 113, 114, 115, 117, 118, 119, 120,
122 and 123

DATE: September 17, 2007

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- 09172007.doc

105





#105



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08 105 -A Address 8904 JASPER LA.

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/24/07 Posting Date: 9/02/07 Closing Date: 9/17/07

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 08 105 -A Address 8904 JASPER LA

Petitioner's Name ~~JOHN LEWIS~~ FITCH Telephone 410 665 5985

Posting Date: 9/02/07 Closing Date: 9/17/07

Wording for Sign: To Permit TO PERMIT A PROPOSED DETACHED GARAGE IN SIDE AND FRONT YARD WITH A HEIGHT OF 16 FT. IN LIEU OF THE REQUIRED REAR YARD WITH A MAXIMUM HEIGHT OF 15 FT.