IN RE: PETITION FOR ADMIN. VARIANCE \*

S side of Worthington Avenue,

1200 feet +/- E of Timber Knoll Drive

4<sup>th</sup> Election District

2<sup>nd</sup> Councilmanie District

(3629 Worthington Avenue)

Albert Ross Z. and Caron McCausland Petitioners BEFORE THE

**DEPUTY ZONING** 

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-107-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, Albert Ross Z. and Caron McCausland for property located at 3629 Worthington Avenue. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage in the front yard with a height of 25 feet in lieu of required rear yard and permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the proposed garage will be used to store lawn equipment, two farm tractors, mowers and small equipment used to maintain the surrounding 30 acres which they also own. The second floor of the garage will be used for storage. Petitioners own the surrounding 30 acres of farmland as well as the adjacent property to the east. The closed neighbor is approximately 1,000 feet to the southeast on Timber Knoll Road. Therefore, the garage will not have any impact on adjacent properties.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Office of Planning dated September 19, 2007, and state that the Petitioners indicate the existing dwelling is approximately 3,824 square feet in size. Option A elevation drawing depicts the 30 foot x 60 foot accessory building as a two story building in the center with two, one story shed like

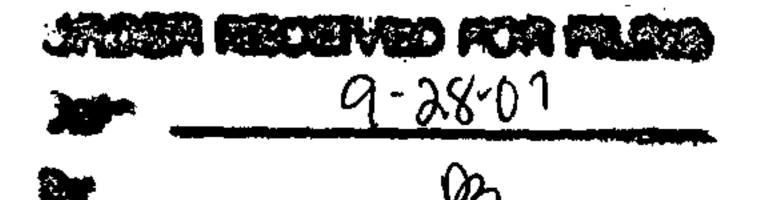
buildings appended. Architectural elevation drawings for the proposed accessory building must be submitted to the Office of Planning for final review and approval prior to issuance of any building permit. The proposed 30 foot x 60 foot building must remain accessory to the dwelling and may not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 7, 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 \_\_\_\_\_\_ day of September, 2007 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage in the front yard with a height of 25 feet in lieu of required rear yard and permitted 15 feet 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. Architectural elevation drawings for the proposed accessory building shall be submitted to the Office of Planning for final review and approval prior to issuance of any building permit. The proposed 30 foot x 60 foot building must remain accessory to the dwelling and may 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 26, 2007

ALBERT ROSS Z. AND CARON MCCAUSLAND 3629 WORTHINGTON AVENUE GLYNDON MD 21071

Re: Petition for Administrative Variance Case No. 08-107-A

Property: 3629 Worthington Avenue

Dear Mr. and Mrs. McCausland:

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



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3629 WORTHINGTON AVE which is presently zoned 12C-2

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) 400.1 + 400.3, 73CZR

TO PERNIT A GARAGE IN THE FRONT YARD WITH A HEIGHT OF 25 FT IN LIEW OF REQUIRED REAR YARD AND PERMITTED 15 FT.

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 Petition.		
Contract Purchaser/Le	essee:			Legal Owner	(s):		
•				ALBGRT	ROSS .	Z MCC	AUSLAND
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Attorney For Petitione	<u>:r:</u>			Address		2107	Telephone No.
Name - Type or Print			City	GLYNDO	State	<u></u>	Zip Code
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Signature			-	<u> </u>	<u> </u>		
Company	<del></del>	<u></u>	-	Name	$\leq \Delta$	me	
Address		Telephone No.	<del></del>	Address		_ <del>_, •                                     </del>	Telephone No.
City	State	Zip Code	-	City	<del></del>	State	Zip Code
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			_	Zoning C	commissioner of I	Baltimore County	<u> </u>
CASE NO. <u>08-1</u>	07-A	Reviewed	ву $\sum$	100	_ Date	.27.0	7
REV 9/15/98			Estimat	ad Posting Date	9/9		
							-

# Affida Vit 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	3629 WORTHIN	<u>"</u>
	4 1 1	

Address
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):

We would like to construct an accessory hobby woodshop / garage on the Southwest corner of our lot.

The garage will be used to store lawn equipment, the two farm tractors, mowers and small equipment used to maintain the surrounding 30 acres which we also own.

The house is located on the Southwest corner of the lot. The south has always been designated as the front even though the entrance is from the North, Worthington Ave.

We would like to preserve the trees planted to the rear, and the views of the fields and farm to the north. In addition the selected location is close to the driveway.

We also request a height variance to 25' for second floor storage, and a possible future bedroom and bath.

I, Albert Ross McCausland am the owner of the surrounding 30 acres of farmland. The adjacent property to the east is in the estate of Charles McCausland, my father, of which I am a part owner and executor. Therefore there will be no objection from the adjacent neighbors. The next nearest neighbor is approximately 1000 feet to the southeast on Timber Knoll road.

The maximum size of the building will be 30X60 = 1800 square feet. The residence is 2260 square feet.

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.

ACBORT ROSS Z MCCAUSLAND

Name - Type or Print

Signature

A C BORT ROSS Z MCCAUSLAND

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

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

AUGUST 24,2007
Date

Notary Public

My Commission Expires APRIL 1.2011

REV 09/15/98

# ZONING DESCRIPTION

# Zoning Description For 3629 Worthington Avenue

Beginning for the same at a point in the third or South 33 degrees 30 minutes 45 seconds West 1464.90 foot line of a parcel of land which by a deed dated December 12, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5060 folio 289 was conveyed by Helen Zimmerman McCausland et al, Executrices to Katherine Zimmerman Sack, said point being distant South 33 degrees 30 minutes 45 seconds West 499.37 feet measured along said third line from the beginning thereof and running thence with and binding on a part of said third line and binding reversely on a part of the first line of a parcel of land which by a deed dated December 12, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5060 folio 294 was conveyed by Helen Zimmerman McCausland et al, Executrices to Helen Zimmerman McCausland, South 33 degrees 30 minutes 45 seconds West 243.56 feet to a pipe and thence leaving said outline and running for lines of division the three following courses and distances viz: North 63 degrees 00 minutes West 360 feet, North 33 degrees 30 minutes 45 seconds East 243.56 feet and South 63 degrees 00 minutes East 360 feet to the place of beginning.

Laid out for and containing 2.00 acres of land.

Beginning for the same at a point in the third or South 33 degrees 30 minutes 45 seconds West 1464.90 foot line of a parcel of land which deed dated December 24, 1996 and recorded among the Land Records of Baltimore County in Liber S.M. 11966 folio 457 was conveyed by Charles Patterson McCausland to the McCausland Limited Partnership, said point being distant South 33 degrees 30 minutes 45 seconds West 742.93 feet measured along said third line from the beginning thereof, said point also being the end of the first or South 33 degrees 30 minutes 45 seconds West 243.56 foot line of a parcel of land which deed dated December 6, 1990 and recorded among the Land Records of Baltimore County in Liber S.M. 8677 folio 251 was conveyed by Helen Zimmerman McCausland, and Charles Patterson McCausland to Albert Ross Zimmerman McCausland, and Jocelyn McCausland, running thence with and binding on part of said third line South 33 degrees 30 minutes 45 seconds line West 40.26 feet; thence leaving said third line the two following lines of division viz: North 63 degrees 00 minutes 00 seconds West 360.00 feet and North 33 degrees 30 minutes 45 seconds East 40.26 feet to intersect the end of the second line of the aforesaid Albert Ross Zimmerman McCausland parcel, running thence reversely on said second line South 63 degrees 00 minutes 00 seconds East 360.00 feet to the place of beginning.

Containing 0.33 acres of land more or less.

Being a part of that lot of ground described in said deed of December 24, 1996 and recorded among the Land Records of Baltimore County in Liber S.M. 11966 folio 457 was conveyed by Charles Patterson McCausland to the McCausland Limited Partnership.



# Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

## **CERTIFICATE OF POSTING**

RE: CASE# 08-\*107-A
PETITIONER/DEVELOPER:

**McCausland** 

DATE OF CLOSING: Sept. 24, 2007

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

**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

(see page 2 for full size photo)

**LOCATION:** 

3629 Worthington Avenue

-SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: September 7, 2007



# ADMINISTRATIVE VARANCE

CASE #: 08-107-A

To permit: A variance a g rage to be located in the front yard w a height of 25 ft. in lieu of the required car yard and permitted 15ft.

# PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON September 24, 2007

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE. TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL ABOVE DATE, U. ENALTY OF LAW



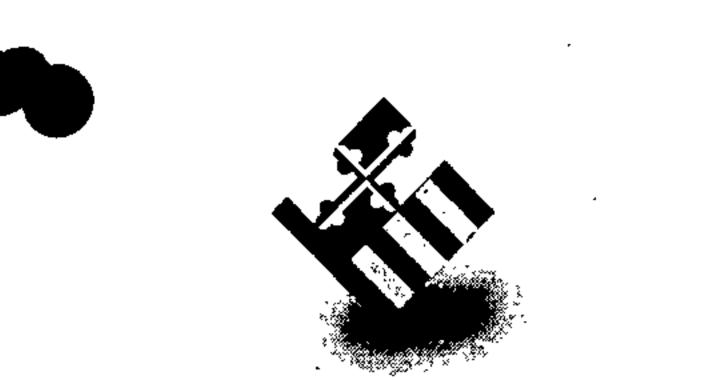
# SAING ROTI

ADMINISTRATIVE

08-107-A

25 ft. in lieu of the required rear yai located in the front yard with a heigh so permit: A variance a garage t permitted 15ft. ght of and

REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDE IS DONE IN THE ZONING OFFICE BEFORM September 24, 2007 PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COU AN ELIGIBLE INDIVIDUAL OR GROUP ZONING ADMINISTRATION AND DEVELOPMENT MAN TOWSON, MD. 21204 HEARING'S ARE HAN ( A)APPED ACCESSIBLE INFORMATION IS AVAILA TEL. 410-887-3391 BLE FORE NING AGEMENT CODE



**BALTIMORE COUNTY** 

MARYLAND

JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 24, 2007

Albert Ross Z. McCausland Caron McCausland 3629 Worthington Avenue Glyndon, MD 21071

Dear Mr. and Mrs. McCausland:

RE: Case Number: 08-107-A, 3629 Worthington Avenue

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 19, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

3629 Worthington Avenue

**INFORMATION:** 

Item Number:

8-107

Petitioner:

Albert and Caron McCausland

Zoning:

RC 2

Requested Action:

Administrative Variance

The administrative variance request is a height variance for an accessory building (garage/shop) 25 feet in height in lieu of the maximum required 15 feet in height and a location variance for a garage in the front yard in lieu of the rear yard.

The owner indicates that the existing dwelling is approximately 3824 square feet. Option A elevation drawing depicts the 30' x 60' accessory building as a two story building in the center with two, 1 story shed like buildings appended.

### SUMMARY OF RECOMMENDATIONS:

Architectural elevation drawings for the proposed accessory building must be submitted to the Office of Planning for final review and approval prior to issuance of any building permit.

The proposed 30' x 60' building must remain accessory to the dwelling and may not be used for commercial purposes.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewea by:

AFK/LL: CM



# BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 17, 2007

Department of Permits & Development

Management

FROM:

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

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



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

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

Maryland Department of Transportation

Date: SERT. 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. 8-107A

3629 WORTHINGTON AVE.

MC CAUSLAND PROPERTY ADMINISTRATION 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.8-107A.

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,

Multiple For 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

# <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 19, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

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# SUMMARY OF RECOMMENDATIONS:

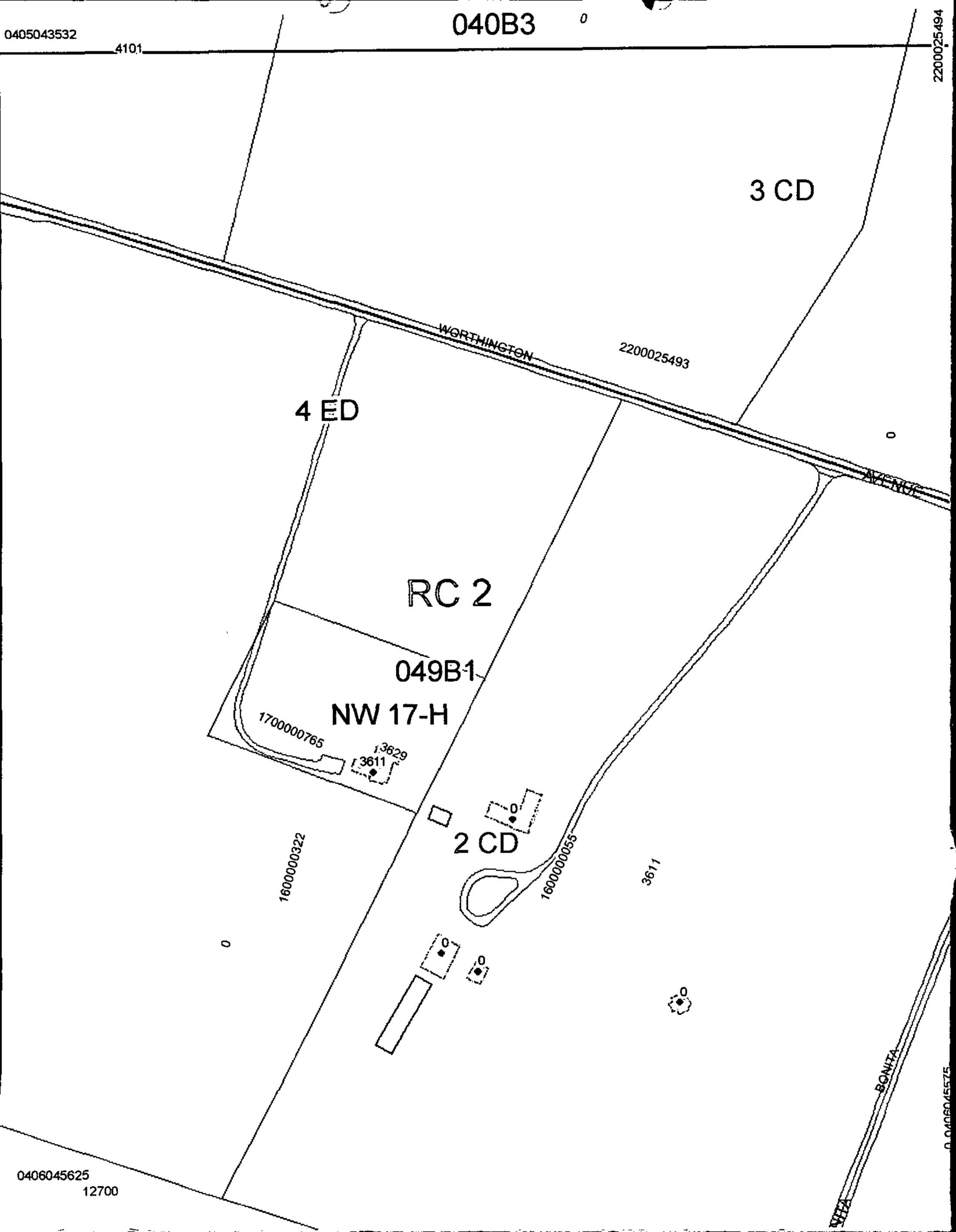
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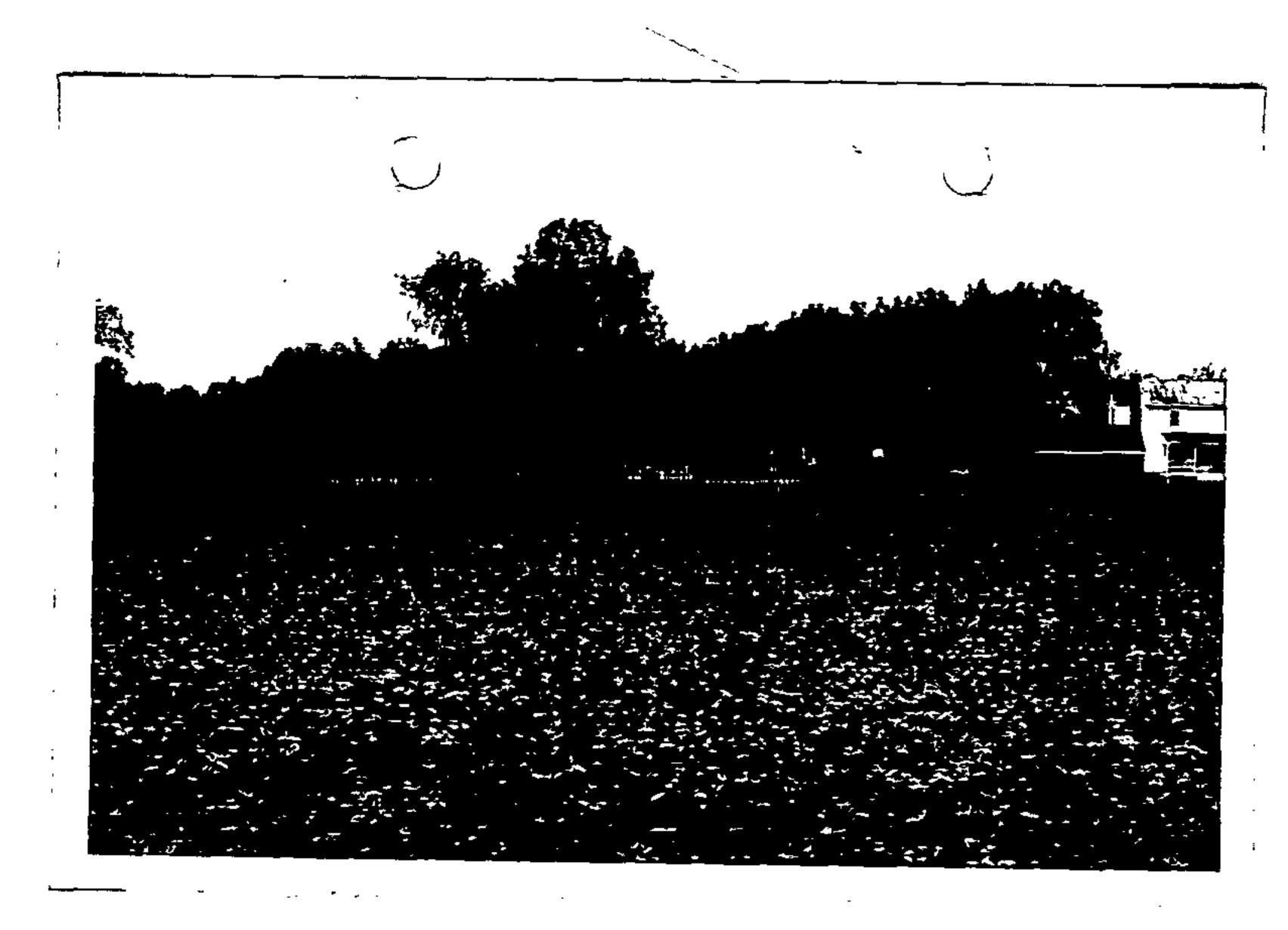
Reviewed by:

AFK/LL: CM












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