

IN RE: PETITION FOR ADMIN. VARIANCE

NW corner of Panacea Road and.

Panacea Court

2nd Election District

2nd Councilmanic District

(4624 Panacea Road)

Conrad R. and Janice R. Smith

Petitioners

*

BEFORE THE

*

DEPUTY ZONING

*

COMMISSIONER

*

FOR BALTIMORE COUNTY

*

Case No. 08-113-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, Conrad R. and Janice R. Smith for property located at 4624 Panacea Road. The variance request is from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 7 feet and a side yard setback of 5 feet in lieu of the required 11.25 feet for an open projection (deck), and to approve a lot amendment for lot #9 of the Final Development Plan for the subdivision of Old Court Grove to permit construction outside the designated building envelope. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners want to construct a deck and the proposed size will accommodate the family, deck furniture and a grill. There exists two sets of sliding glass doors to the back yard, but no direct access to the back yard from these doors. The deck will run the length of the house and be 14 feet wide x 23.7 feet on the left side of the house and 12 feet wide x 20.3' on the right side of the house.

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 20, 2007, which does not oppose the Petitioner's request. The comment further

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9-27-07

B3

indicates that the proposed open projection deck is consistent with the existing pattern in the neighborhood.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 6, 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 27th day of September, 2007 that a variance from Sections 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 7 feet and a side yard setback of 5 feet in lieu of the required 11.25 feet for an open projection (deck), and to approve a lot amendment for lot #9 of the Final Development Plan for the subdivision of Old Court Grove to permit construction outside the designated building envelope 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

ADON RECEIVED FOR PLANS

AD

9-27-01

AD

13



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 27, 2007

CONRAD R. AND JANICE R. SMITH
4624 PANACEA ROAD
BALTIMORE MD 21208

Re: Petition for Administrative Variance
Case No. 08-113-A
Property: 4624 Panacea Road

Dear Mr. and Mrs. Smith:

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 "Tom H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 2, 2007

CONRAD R. AND JANICE R. SMITH
4624 PANACEA ROAD
BALTIMORE MD 21208

Re: Petition for Administrative Variance
Case No. 08-113-A
Property: 4624 Panacea Road

Dear Mr. and Mrs. Smith:

Enclosed please find the revised page 2 of the Order in the above-referenced case. The last paragraph on that page is changed to reflect the correct variance language. Please insert this corrected page 2 into your copy of the Order.

I apologize for any inconvenience this may have caused.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia Zook".

Patricia Zook
Legal Secretary

Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4624 Panacea Rd.
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)

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

Signature

Company

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 9-27-07 day of September 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.

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

Zoning Commissioner of Baltimore County

CASE NO. 9-27-07

REV 10/25/01

Reviewed By AK Date 8/30/07

Estimated Posting Date 9/19/07

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

4624 Panacea Rd.
Address
Baltimore, Maryland
City State Zip Code
21208-2224

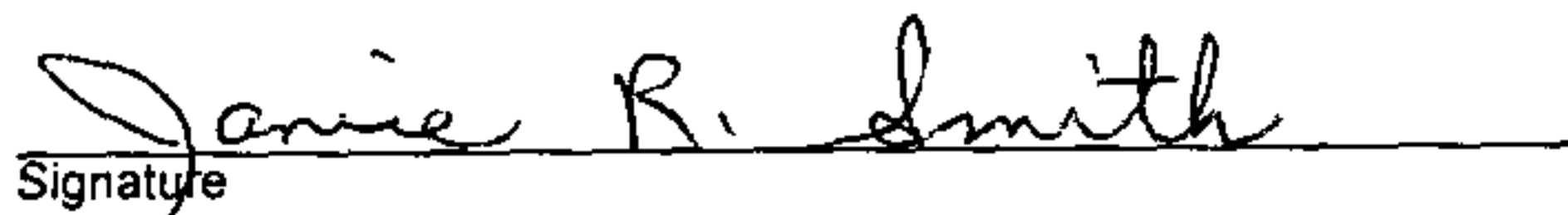
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I Need This Variance For My Deck Because
of my children, Granddaughter, Family
And Friends, Also I Need The Room For
Deck Furniture.

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.


Signature

Conrad R. Smith
Name - Type or Print


Signature

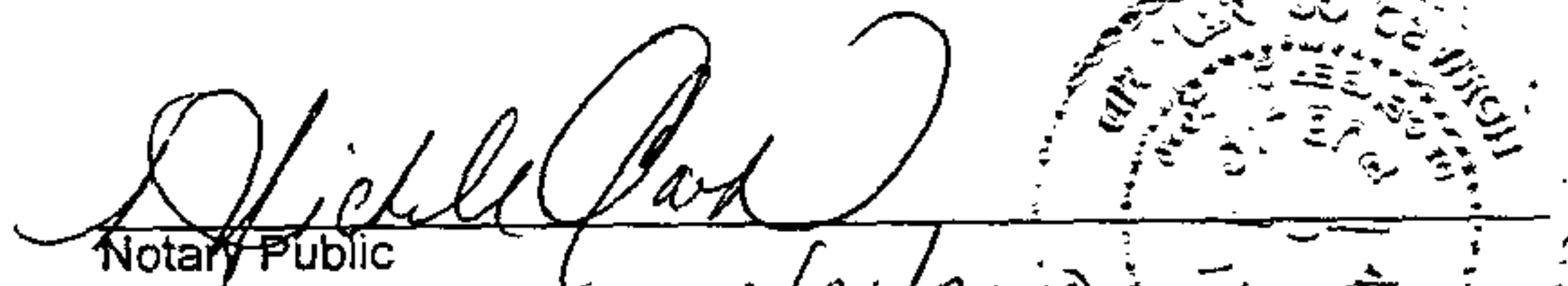
Janice R. Smith
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Conrad R. Smith and Janice R. Smith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 12/21/2010

1B02.3.B and 301.1 to permit a rear yard setback of 7 ft. and a side yard setback of 5 ft. in lieu of the required 11.25 ft. for an open projection (deck), and to approve a single lot amendment for lot #9 of the Final Development Plan for the subdivision of Old Court Grove to permit construction outside the designated building envelope.

ZONING DESCRIPTION

Zoning Description For 4624 Panacea Road

Beginning at a point on the Northwest corner of Panacea Road, which is 50 feet wide and Panacea Court, which is 50 ft. wide. Being Lot # 9, in the subdivision of Old Court Grove as recorded in Baltimore County Plat Book #52, Folio# 77, containing 6,600 square feet. Also known as 4624 Panacea Road and located in the 2nd Election District, 2nd Councilmanic District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 09/11/07

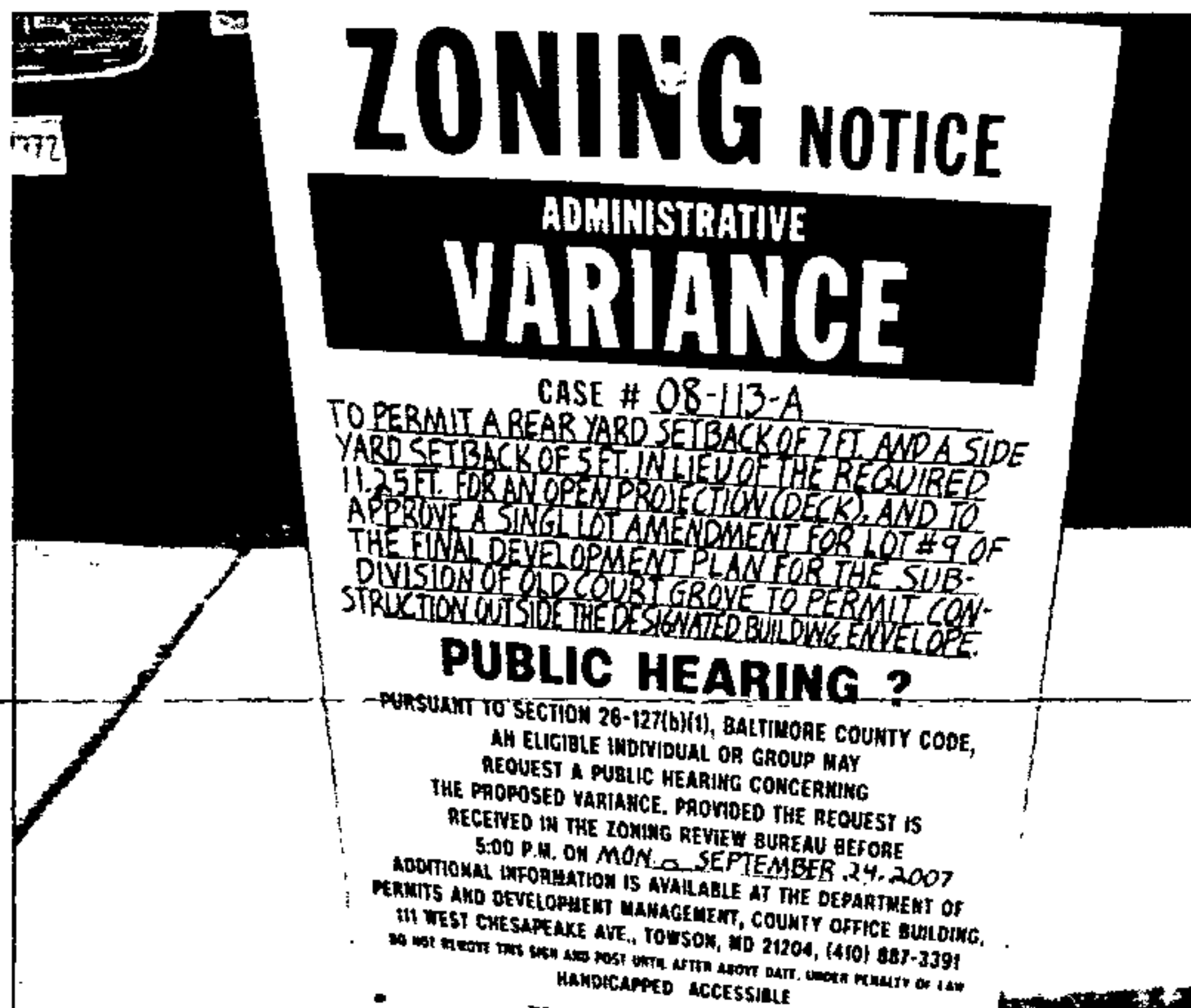
Case Number: 08-113-A

Petitioner / Developer: CONRAD & JANICE SMITH

Date of Hearing (Closing): SEPTEMBER 24, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
4624 PANACEA ROAD

The sign(s) were posted on: 09/06/07



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt-Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 24, 2007

Conrad R. Smith
Janice R. Smith
4624 Panacea Road
Baltimore, MD 21208-2224

Dear Mr. and Mrs. Smith:

RE: Case Number: 08-113-A, 4624 Panacea 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 30, 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 that reads "W. Carl Richards, Jr." in a cursive style.

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

DATE: September 20, 2007

RECEIVED
SEP 21 2007

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

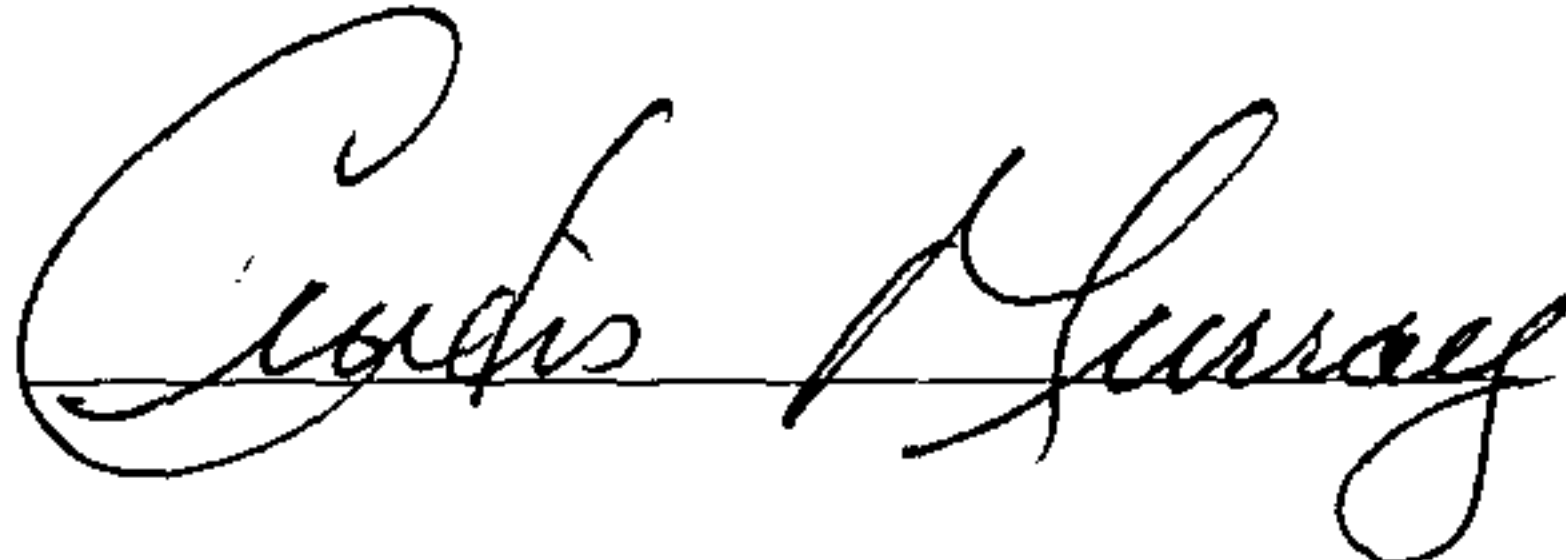
BY:.....

SUBJECT: Zoning Advisory Petition(s): ^{1/3} Case(s) 08-~~149~~- Administrative Variance

The Office of Planning does not oppose the petitioner's request. The proposed open projection is consistent with the existing pattern in the neighborhood.

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

Reviewed By:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2007

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

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

State Highway
Administration

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

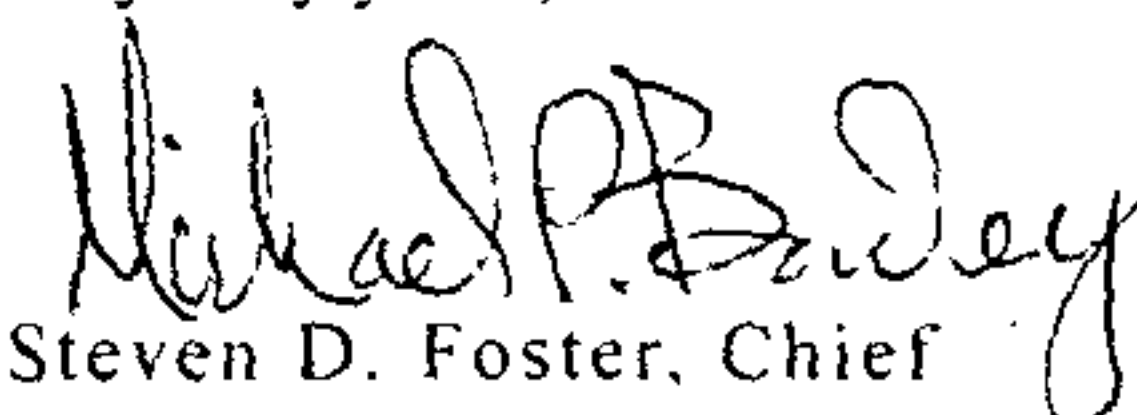
RE: Baltimore County
Item No. E-113-A
4624 PALACE ROAD
SMITH PROPERTY
ADMINISTRATIVE VARIANCE

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. E-113A.

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 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

MODE = MEMORY TRANSMISSION

START=OCT-03 10:24

END=OCT-03 10:29

FILE NO.=389

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	94109221982	003/003	00:00:40

-ZONING COMMISSIONER OFF M-

- ***** -

410 887 3468- *****



BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
COUTY COURTS BUILDING
401 BOSLEY ROAD, SUITE 405
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 10-3-07

NO. OF PAGES INCLUDING COVER SHEET: 3

TO:

Conrad Smith

FROM:

Patti

PHONE:

FAX NO.:

410 922 1982

MESSAGE:

Case 08-113-A

Corrected page

REMARKS: ☐ URGENT ☐ FOR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT
☐ PLEASE REPLY ☐ PLEASE RECYCLE

indicates that the proposed open projection deck is consistent with the existing pattern in the neighborhood.

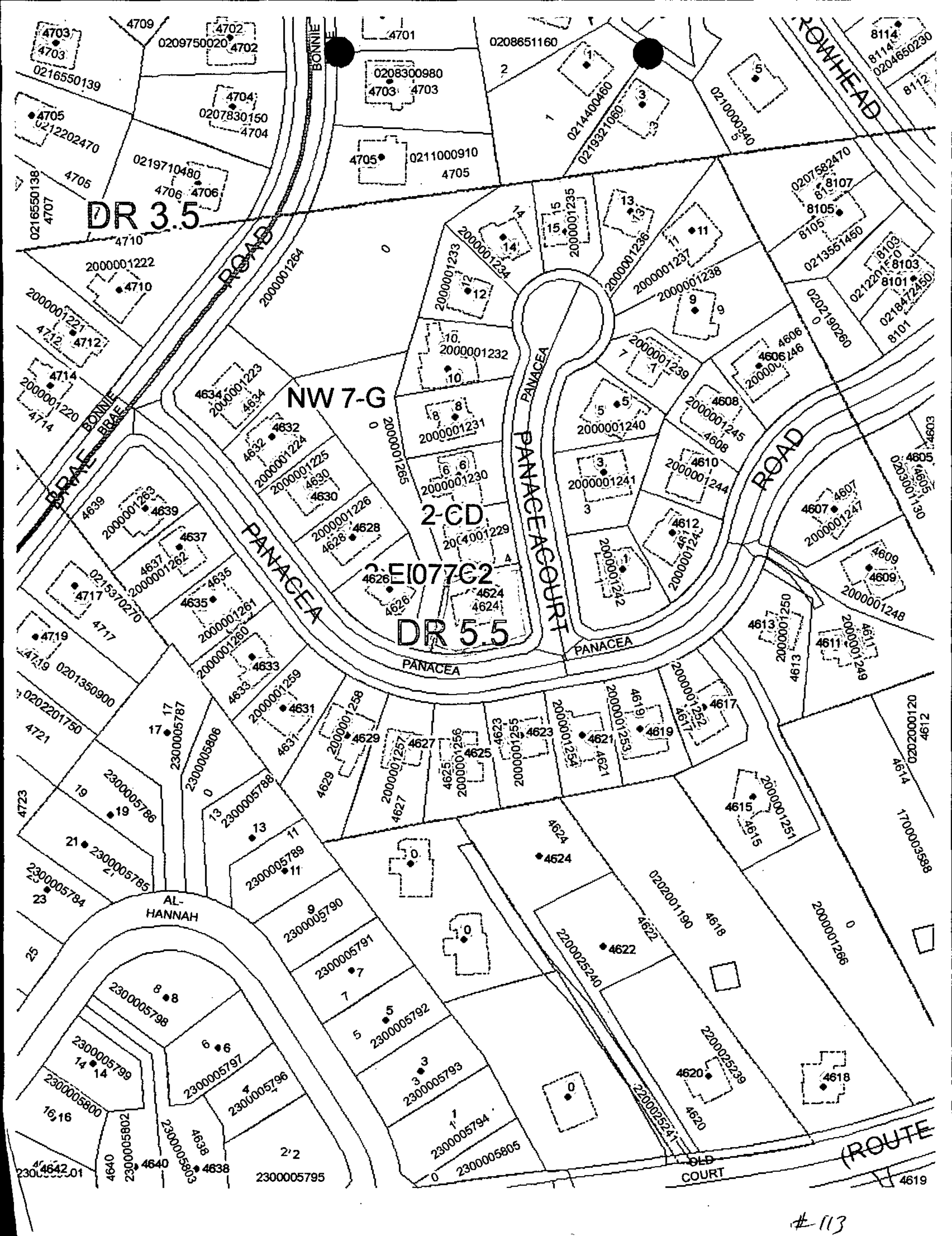
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1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from 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.



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

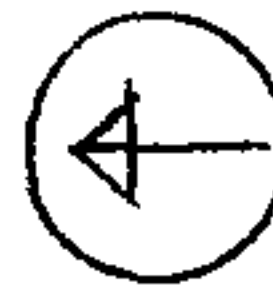
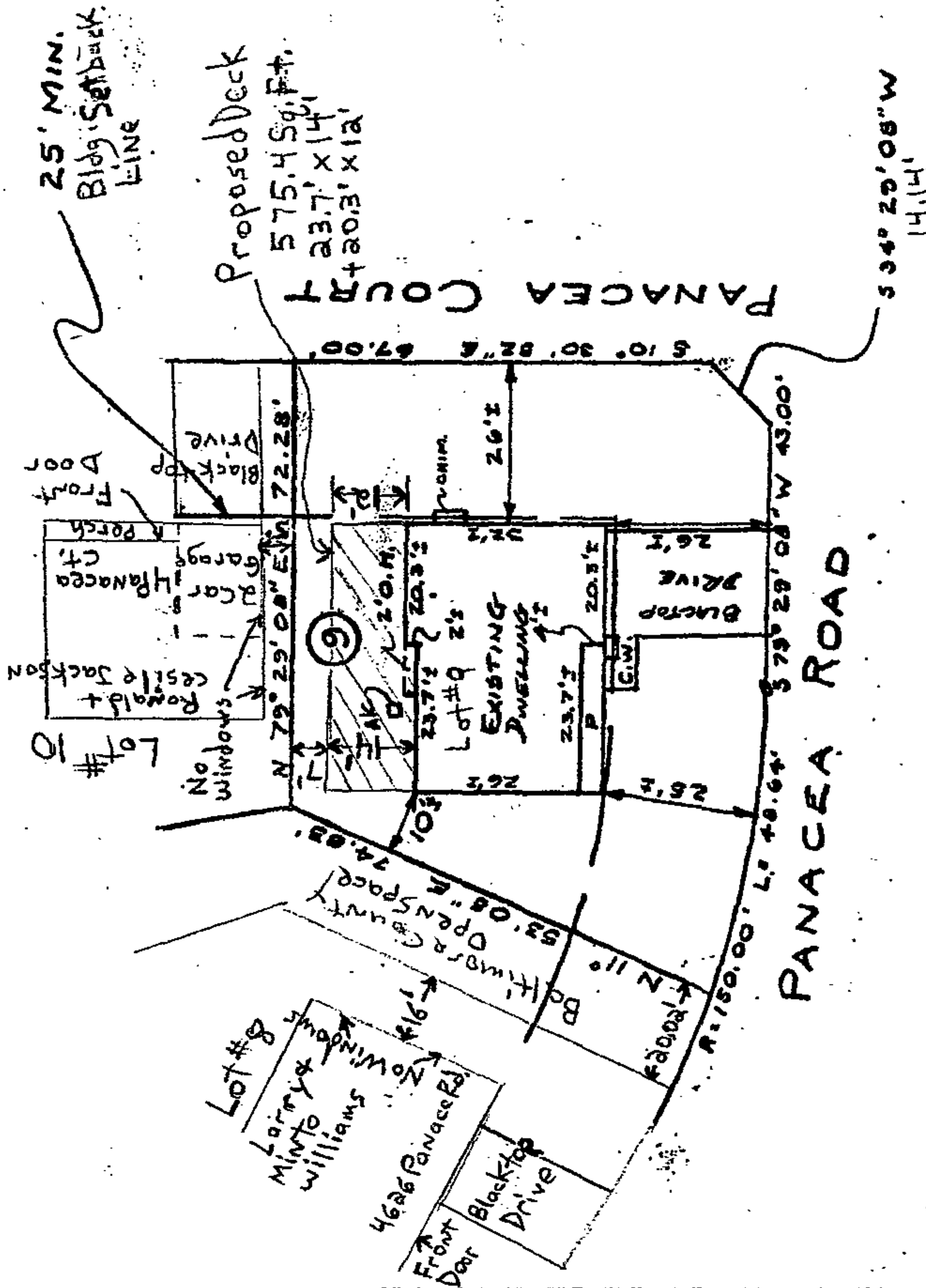
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 4624 Panacea Rd.

SUBDIVISION NAME Old Court Grove

PLAT BOOK # 52 FOLIO # 17 LOT # 9 SECTION # 1

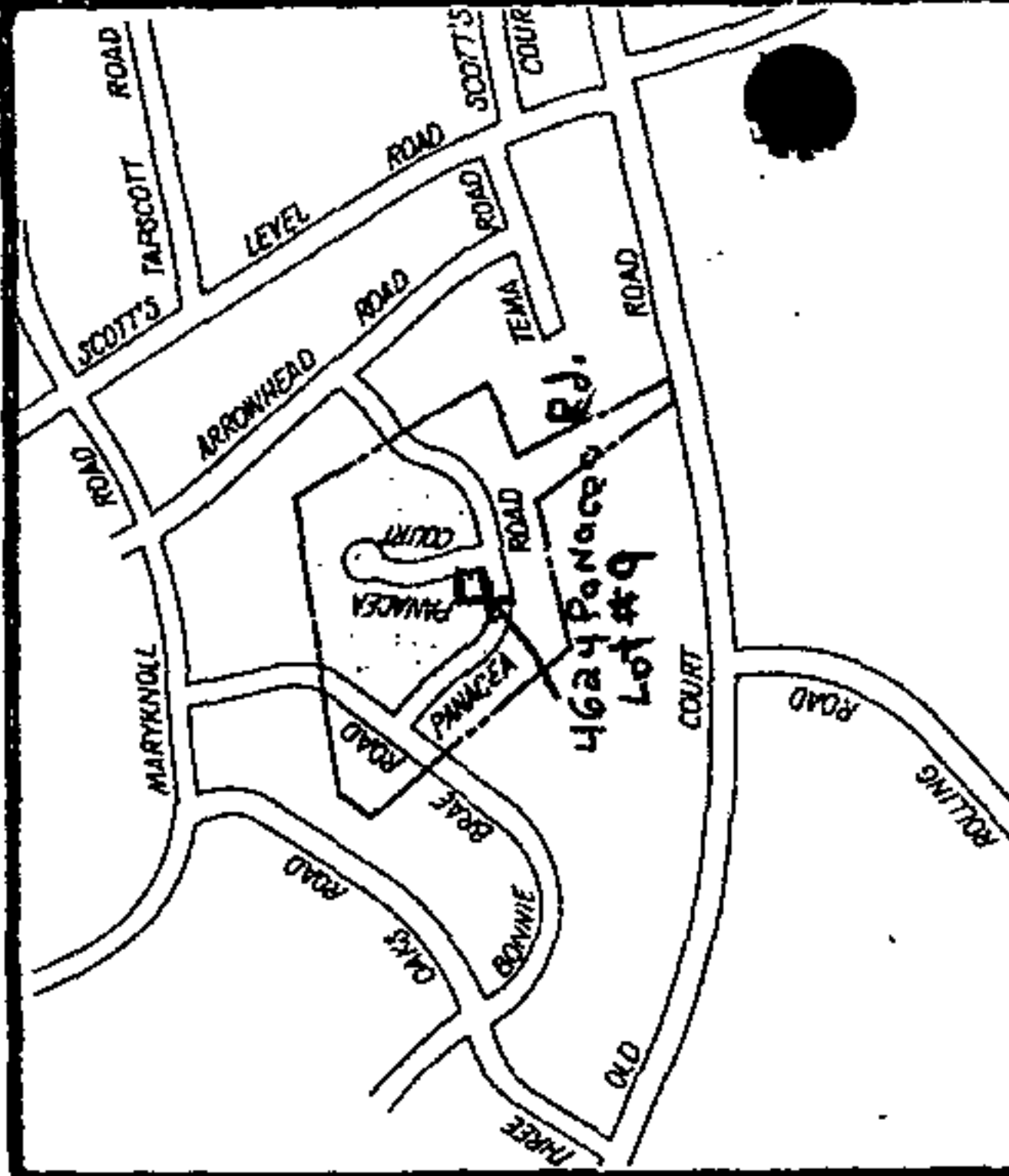
OWNER Conrad R. & Janice R. Smith



NORTH

PREPARED BY CRS

SCALE OF DRAWING: 1" = 30'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 07702

ZONING DR-5.5

LOT SIZE 0.1515 ACRES 6599.34 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☒ NO

100 YEAR FLOOD PLAIN ☒

HISTORIC PROPERTY / BUILDING ☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY 113 ITEM # 08-113-A CASE #



