IN RE: PETITION FOR ADMIN. VARIANCE

W side of Heil Manor Drive, 897 feet N of the c/l of Shawan Valley Lane 8<sup>th</sup> Election District 2<sup>nd</sup> Councilmanic District (13012 Heil Manor Drive)

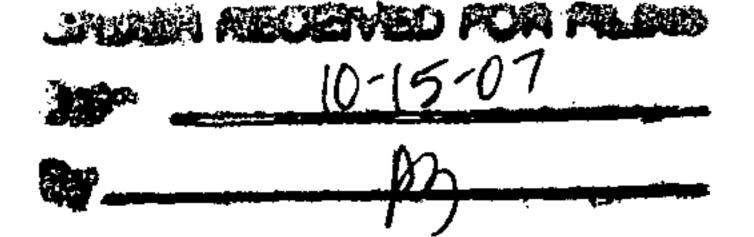
David G. and Carolyn T. Benson Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-130-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, David G. and Carolyn T. Benson for property located at 13012 Heil Manor Drive. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (proposed attached garage with breezeway) on rear/side of existing dwelling with a 45.9 feet side setback in lieu of the required 50 feet side setback, and to amend the Final Development Plan of Shawan Valley for Lot #73, Section 2. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners would like to construct a new first floor addition to the rear of the existing home. The addition consists of a breezeway with a two car side entry garage with storage. Due to the location of the existing driveway, it would be difficult to place the addition elsewhere on the property. Petitions are removing a disintegrating sunroom to construct the new addition. The house sits at a diagonal on the property so any addition at this location will require a variance. The variance of 4.1 feet will not be detrimental to the community. The subject property is 1.83 acres in size and zoned RC 5.

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



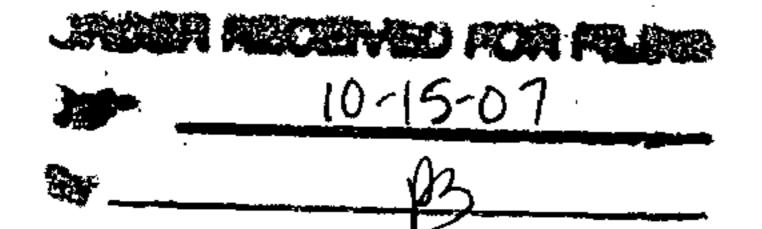
September 20, 2007, which does not oppose the Petitioner's request. The comment further indicates that there is a substantial wooded buffer separating the addition from the neighboring dwelling.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 23, 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.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 15, 2007

DAVID G. AND CAROLYN T. BENSON 13012 HEIL MANOR DRIVE REISTERSTOWN MD 21136

· Re: Petition for Administrative Variance

Case No. 08-130-A

Property: 13012 Heil Manor Drive

Dear Mr. and Mrs. Benson:

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 13012 Heil Manor Drive Reisterstown which is presently zoned RC-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) BCZR /A04.3B2.bTO PERMIT AN ADDITION (PROPOSED ATTACHED GARAGE WITH BREEZEWAY)

ON REAR/SIDE OF EXISTING DWELLING WITH A 45.9 FEET SIDE

SETBACK IN LIEU OF THE REQUIRED 50 FEET SIDE SETBACK AND, TO

AMEND THE FINAL DEVELOPMENT PLAN OF "SHAWAN VALLEY" FOR

LOT # 73, SECTION 2

of the zoning regulations of Baltimoré-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: Legal Owner(s): G. Benson Name - Type or Print Name - Type or Print Signature Carolyn T. Benson Name - Type or Print Telephone No. Address Zip Code State City Signature 410-561-1507 13012 Heil Manor Drive Attorney For Petitioner: Address Telephone No. 21136~5722 Reisterstown MD State City Name - Type or Print Zip Code. Representative to be Contacted: Signature Name Company Address Telephone No. Address Telephone No. State Zip Code 🕝 City 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, 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.

Zoning Commissioner of Baltimore County **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.

That the Affiant(s) does/do presently reside at

REV 10/25/01

13012 Heil Manor Drive

Address

MD 21136-5722

Reisterstown

City State

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 a new first floor addition to the rear of our existing home, it would consist of a breezeway with a 2 car side entry garage with storage. Due to the location of our existing driveway it would be difficult to place it anywhere else on the property. We are removing an disintegrating sunroom to construct this new addition. Due to our age, this would allow us shelter from the elements in the winter. This would not be detrimental to the neighborhood and would increase the value and beauty of the community.

That the Affiant(s) acknowledge(s) that if a formal dadvertising fee and may be required to provide addition Signature	lemand is filed, Affiant(s) will be required to pay a reposting and last information.  Signature  Signature
David G. Benson  Name - Type or Print	Carolyn T. Benson  Name - Type or Print
I HEREBY CERTIFY, this 27 day of August of Maryland, in and for the County aforesaid, personall the Affiant(s) herein, personally known or satisfactorily	before me, a Notary Public of the State y appeared
the Affiant(s) herein, personally known or satisfactorily  AS WITNESS my hand and Notarial Seal	ineritation.
	Notary Public  My Commission Expires  My Commission Expires  My Commission Expires

# 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	13012 Heil Manor Drive				
	Address	, MID	21136-5722		
	<u>Reisterstown</u>	State	Zip Code		
That based upon personal knowledge, the followariance at the above address (indicate hardship	owing are the facts upon with or practical difficulty):	hich I/we base the r	request for an Administrative		
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Danis A. C. Banana	Cai	colyn T. Benson			
David G. Benson Name - Type or Print		Type or Print			
•	•				
STATE OF MARYLAND, COUNTY OF BALT	MORE to wit	,			
I HEREBY CERTIFY, this day of the of Maryland, in and for the County aforesaid, pound the Affiant(s) herein, personally known or satisfactors.	ersonally appeared		e, a Notary Public of the State		
AS WITNESS my hand and Notarial Seal	*				
	Notary Public My Commission	n Expires	mission Expires 07/21/00		

REV 10/25/01



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 13012 Heil Manor Drive Reisterstown which is presently zoned <u>RC-5</u>

owner(s) of the property sit made a part hereof, hereby	uate in Baltimo	ore County and which Variance from Section	ch is described in the describence $BCZR$ $IA$	iption and plat attac の子・3 B Z・	hed hereto and
TO PERMIT A ON REAR SIDE SETBACK IN L TO AMEND TH  of the zoning regulations of of this petition form.	N ADDIT	THE REQUIR	SED ATTACHED LLING WITH A  SED SO FEET.	S GARAGE  45.9 FEE  SIDE SETAINA	WITH BREEZE T SIDE ACK, AND, N VALLEY
Property is to be posted an I, or we, agree to pay expense regulations and restrictions of	es of above Var	iance, advertising, po	sting, etc. and further agree to	o and are to be bound County.	led by the zoning
			I/We do solemnly declare perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	•
Contract Purchaser/Le	ssee:		Legal Owner(s):		
•			David G. Bens	son	
Name - Type or Print		<del></del>	Name - Type or Print	3	<del></del>
Signature		<del></del>	Signature	- GMAN	
Address		Telephone No.	Carolyn T. Be		<del></del>
City	State	Zip Code	Signature		<del></del>
Attorney For Petitiones	<u>r:</u>		13012 Heil Manor Address	r Drive 410-	561-1507 Telephone No.
Name - Type or Print	<u> </u>	<del></del>	<u>Reisterstown</u> City	MD State	21136-5722 Zip Code
		·	Representative to		
Signature					
Company		<del></del>	Name	<del></del>	<del></del>
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code *	City	State	,Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	th.	at the subject matter of	required, it is ordered by the this petition be set for a public he	Zoning Commissioner o	
CASE NO.	-130-1	Re	Zoning Commiss viewed By A- ISUI	ioner of Baltimore Coun	1/2/07
REV 10/25/01	M C - 15 - 0		timated Posting Date	1/23/07-	10/08/07

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

**ZONING DESCRIPTION FOR** 13012 Heil Manor Drive Reisterstown, MD 21136 Beginning at a point on the West side of Heil Manor Drive which is 20' wide at the distance of 897' North of the centerline of the nearest improved intersecting street Shawan Valley Lane which is 50' wide. Being Lot # 73 Block 21. Section 2 in the subdivision of "Shawan Valley" containing 1.83 acres. Also known as 13012 Heil Manor Drive and located in the 8<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District.

WHITE -DISTRIBUTION From: BALTIMORE COUNT CASHIER Total: Rept ACCT BS HOLLY AND ALKERY ON THE MILK DATION MIL MA 2/12/2017

# CERTIFICATE OF POSTING

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•	RE: Case No.: 08 - 130 - A
_ •	Petitioner/Developer: DAVID
	7
	DENSON
	Date of Hearing/Closing: 10.8.0
	: · · · · · · · · · · · · · · · · · · ·
ltimore County Department of rmits and Development Managemen	
unty Office Building, Room 111	
1 West Chesapeake Avenue	
wson, Maryland 21204	
ITN: Kristen Matthews {(410) 887-	-3394}
nding and Cantleman	
adies and Gentlemen:	
his letter is to certify under the penal	lties of perjury that the necessary sign(s) required by law were
sted conspicuously on the property l	,
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· * *	
-	
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## <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	08-	130	-,	A	Address	13012	HEIL	MANOR	DR
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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.										
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 5, 2007

David G. Benson Carolyn T. Benson 13012 Heil Manor Drive Reisterstown, MD 21136-5722

Dear Mr. and Mrs. Benson:

RE: Case Number: 08-130-A, 13012 Heil Manor Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 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. Carl Biobardo de

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 18, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 24, 2007

Item Nos. 08-124, 125, 126, 127, 128, 129 and 130

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-09182007.doc





#### Patricia Zook - Re: Administrative Variance cases that closed 10-8-07

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

10/11/2007 3:34 PM

Subject:

Re: Administrative Variance cases that closed 10-8-07

#### Patti:

The items that you are inquiring about are from two different agendas. Both were delivered to the zoning office in a timely fashion. In any event, we had no comment on any of the items you listed.

Dennis

>>> Patricia Zook 10/11/2007 2:32 PM >>> Hello Dennis-

Yesterday I received the case files for the administrative variances that closed October 8. However, all the files are missing comments from your office. I double checked with Kristen and she didn't have the comments.

Please review the attached descriptions and see if you have comments (or no comments).

Feel free to let me know via e-mail.

Thanks for your help, Dennis.

Patti Zook Baltimore County Office of the Zoning Commissioner 410-887-3868 pzook@baltimorecountymd.gov



#### 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: September 20, 2007

SEP 2 1 2007

BY:\_\_\_\_

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-130- Administrative Variance

The requested administrative variance is for a garage addition on lot 73 in the vested plat of Shawan Valley recorded in Liber 41 Folio 21 in 1977.

The office does not oppose the requested variance as there is a substantial wooded buffer separating the addition from the neighboring dwelling.

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

Reviewed By:

CM/LL

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

DATE: September 20, 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) 08-130- Administrative Variance

The requested administrative variance is for a garage addition on lot 73 in the vested plat of Shawan Valley recorded in Liber 41 Folio 21 in 1977.

The office does not oppose the requested variance as there is a substantial wooded buffer separating the addition from the neighboring dwelling.

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

Reviewed By

CM/LL



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

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

Maryland Department of Transportation

Date: SEPT. 17, 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. 8-130-A

13012 HEIL MANORDRIVE

BENSON 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. 2-130-A.

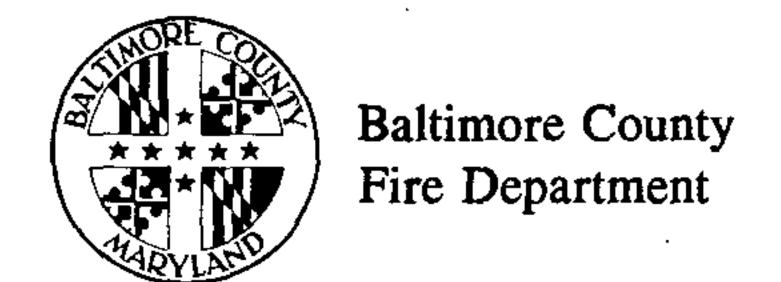
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chief \\ On-Engineering Access Permits

Division

SDF/MB



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

August 23, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 17, 2007

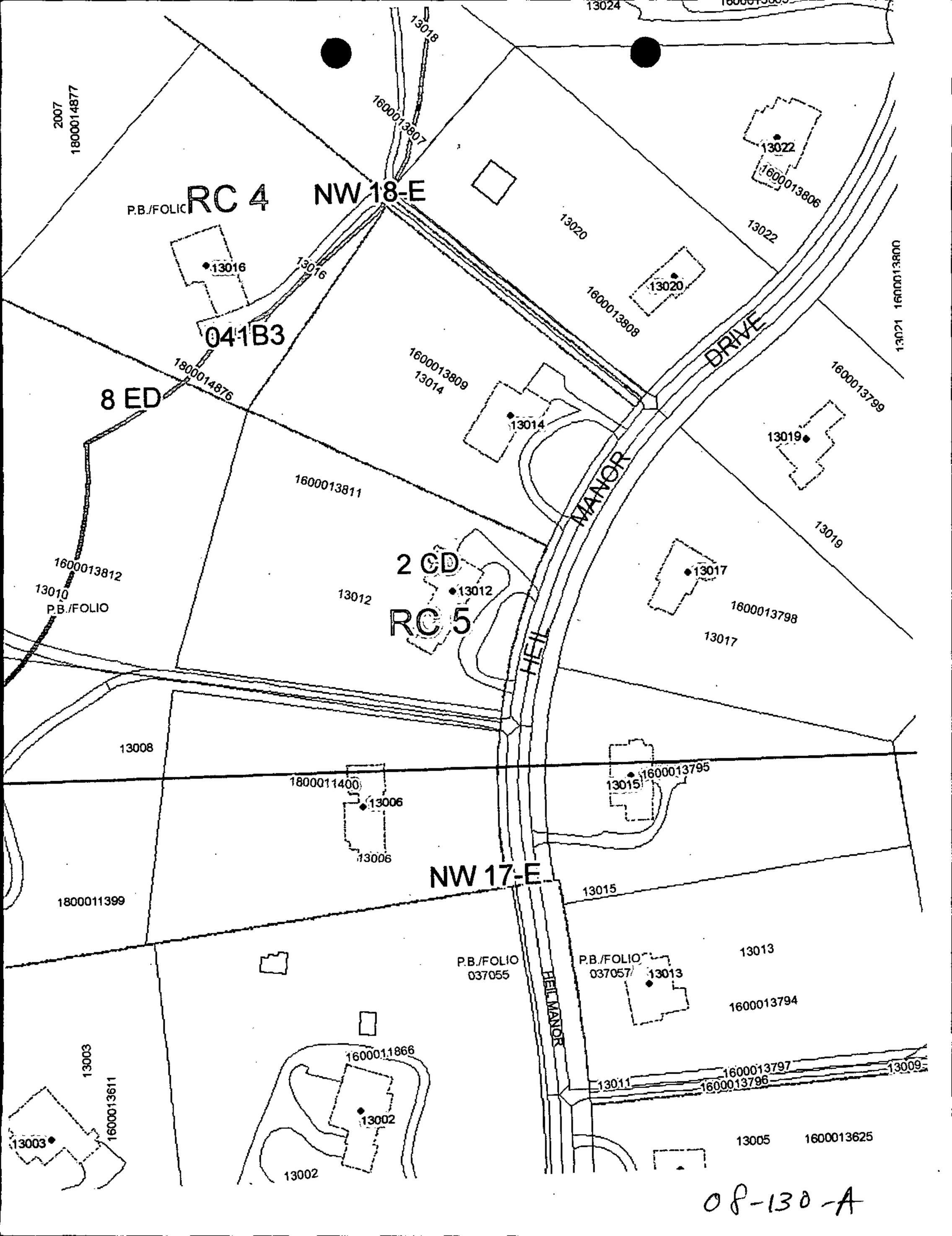
Item Number: Item Number 124,125,126,127,128,129,130

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









Rear of property- Left side is where garage is proposed





