

IN RE: PETITION FOR ADMIN. VARIANCE

E side Stone Eagle Road, 510 feet SE
of Golden Eagle Drive
10th Election District
3rd Councilmanic District
(12845 Stone Eagle Road)

Thomas J. and Elizabeth Ahearn
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-228-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, Thomas J. and Elizabeth Ahearn for property located at 12845 Stone Eagle Road. The variance request is from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (proposed garage) in side yard in lieu of rear yard with a height of 23 feet in lieu of the permitted 15 feet maximum. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a garage for the storage of vehicles, lawn equipment and incidental items. The 5.81 acre site is heavily wooded and there is an existing septic reserve area 37 feet from the rear of the house. The less invasive location for the proposed garage is at the side of the house as shown on the site plan. There is already a clearing from the existing driveway entering the existing attached garage. Due to the slope of the topography and the additional storage space above the garage, it is not possible to meet the B.C.Z.R. height restriction of 15 feet.

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 December 3, 2007, which recommends that the accessory structure not be converted into a

COPIES RECEIVED FOR FILE
12-14-07
[Signature]

dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 25, 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 14th day of December, 2007 that a variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (proposed garage) in side yard in lieu of rear yard with a height of 23 feet in lieu of the permitted 15 feet maximum 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.

ORDER RECEIVED FOR FILING

12.14.07

[Signature]

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.
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

12.14.07





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 14, 2007

THOMAS J. AND ELIZABETH AHEARN
12845 STONE EAGLE ROAD
PHOENIX MD 21131

Re: Petition for Administrative Variance
Case No. 08-228-A
Property: 12845 Stone Eagle Road

Dear Mr. and Mrs. Ahearn:

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson
MD 21286



ORIGINAL KEEP IN FILE

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12845 Stone Eagle Road
which is presently zoned RC6

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 BCZR TO PERMIT A PROPOSED

ACCESSORY STRUCTURE (PROPOSED GARAGE) IN SIDE YARD IN LIEU OF REAR YARD
WITH A HEIGHT OF 23 FT. IN LIEU OF THE PERMITTED 15 FT. MAXIMUM

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

12845 Stone Eagle Road 443 622 7622

Address

Telephone No.

Phoenix, MD 21131

City

State

Zip Code

Representative to be Contacted:

Site Rate Surveying Inc.

Name

200 E. Joppa Road Rm 101 410 828 9060

Address

Telephone No.

Towson, MD 21286

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 08-228-A day of August 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.

Zoning Commissioner of Baltimore County

CASE NO. 08-228-A

Reviewed By JL

Date 11/15/07

REV 10/25/01

Estimated Posting Date 11/25/07

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

Address 12845 Stone Eagle Road
City Phoenix MD State 21131 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):

see attached

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.

Thomas Ahearn
Signature
Name - Type or Print

Elizabeth Ahearn
Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of June, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas and Elizabeth Ahearn
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rosemarie Kroschke
Notary Public
My Commission Expires May 1, 2010

REASON TO ACCOMPANY PETITION

The garage is being proposed for additional vehicle storage, lawn equipment and incidental storage space. This lot is heavily wooded and has an existing septic reserve area 37 feet from the rear line of the house. The less invasive location for the proposed garage is at the side of the house as shown on the Variance Site Plan. There is already a clearing from the existing driveway entering the existing attached garage. The Septic Reserve Area restricts the rear location for the garage size proposed. Due to the slope of the topography and the additional storage space above the garage, it is not possible to meet the B.C.Z.R. height restriction of 15 feet.

It is our opinion that this is the best location of the proposed garage to minimize tree clearing and to avoid filling the area to create a level surface to minimize the height violation.

ZONING DESCRIPTION
#12845 STONE EAGLE ROAD

BEGINNING at a point on the east side of Stone Eagle Road which is 60 feet wide at the distance of 510 feet southeast of the centerline of Golden Eagle Drive which is 50 feet wide. Being Lot #5, Block "D", in the subdivision of "Eagles Nest" as recorded in Baltimore County Plat Book #35, Folio #82, containing 5.81 acres, more or less. Also known as #12845 Stone Eagle Road and located in the 10th Election District, 3rd Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
410.828.9060

228

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

728
 228
 JL

No. **07633**

Date: **11/15/07**

PAID RECEIPT

BUSINESS 4/1/04 1/08 0001
 11/16/2007 11/15/2007 11/21/27 2
 002 MAIL JUNE 03
 >>RECEIPT # 588151 11/15/2007 0014
 Dept 5 500 GROUP VERIFICATION
 007633
 Recpt Tot 465.00
 \$ 00 CR 470.00 CA
 \$5.00-00
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				55.00 65.00

Total: **65.00**

Rec
 From:

S. R. J.

For:

RV. Filing 12845 Stone Eagle Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 08-228-A

Petitioner/Developer: THOMAS AHEARN

Date Of Hearing/Closing: 12/13/07

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

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
at 12845 STONE EAGLE RD

This sign(s) were posted on November 25, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 11/25/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-228-A
TO PERMIT A PROPOSED ACCESSORY DETACHED GARAGE
STRUCTURE IN SIDE YARD IN LIEU OF REAR YARD WITH
A 23 FT. H'T IN LIEU OF THE 15 FT. H'T
ALLOWED

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE STREET 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 Monday, December 10, 2007.

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 N. CALHOUN STREET
BALTIMORE, MD 21202

TEL: 897-3391

nyantua
11/25/07

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEWADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08 228 -AAddress 12845 STONE EAGLE RDContact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/15/07Posting Date: 11/25/07Closing Date: 12/10/07

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 FORMATCase Number 08 228 -AAddress 12845 STONE EAGLE RD

Petitioner's Name _____

Telephone 410 443-622-7622Posting Date: 11/25/07Closing Date: 12/10/07

Wording for Sign: To Permit A PROPOSED ACCESSORY (DETACHED GARAGE) STRUCTURE
IN SIDE YARD IN LIEU OF REAR YARD WITH A 23 FT. HT. IN LIEU OF
THE 15 FT. HT. ALLOWED.

WCR - Revised 6/25/04

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/neighbors 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: 08-228-A

Petitioner: Thomas and Elizabeth Ahearn

Address or Location: 12845 Stone Eagle Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas Ahearn

Address: 12845 Stone Eagle Road
Phoenix, MD 21131

Telephone Number: 443-622-7622

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

December 10, 2007

Thomas J. Ahearn
Elizabeth Ahearn
12845 Stone Eagle Road
Phoenix, Maryland 21131

Dear Mr. and Mrs. Ahearn:

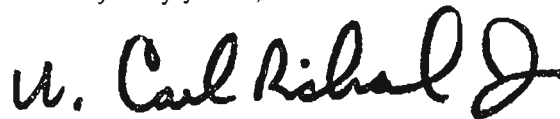
RE: Case Number: 08-228-A, 12845 Stone Eagle Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 15, 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
Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286



Baltimore County
Fire Department

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 217,218,219,220,222,224,225,226,227,228,229,232

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
410-887-4880 (C)443-829-2946
MS-1102F

cc: File



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: Nov. 26, 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. 8-228A
12845 STONE EAGLE ROAD
AHEARN 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. 8-228A.

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2007
Item Nos. 08-219, 220, 225, 226, 227, 228,
229, 230, 232, 233, and 234

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-11282007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 3, 2007

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

SUBJECT: 8-228 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet and to be located in the side yard in lieu of the required rear yard provided the following conditions are met:

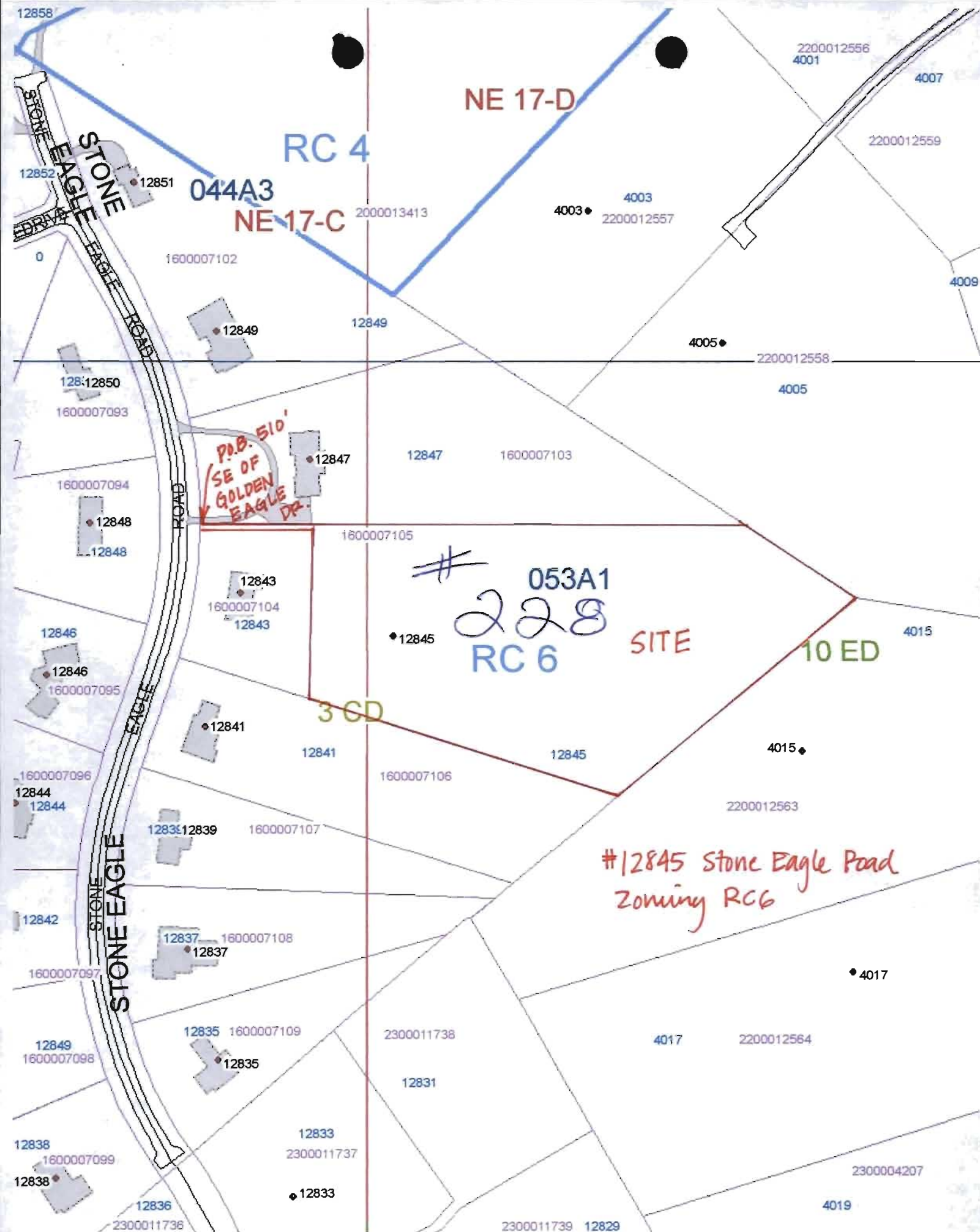
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



AFK/LL: CM





Proposed garage location looking
from the rear of the ex. dwlg.
#12845 Stone Eagle Rd



#12845 Stone Eagle Road
Existing garage/dwlg. - prop. gar.
to be located to the right



looking toward side of #12847
from proposed garage location



looking to the rear of #12843
from proposed garage location



Proposed garage location from
existing driveway
#12845 Stone Eagle Road



standing in driveway looking at
the front of #12845 Stone Eagle Rd



EX. Drwy. heading toward Stone
Eagle Rd. #12847 to the right and
#12843 to the left

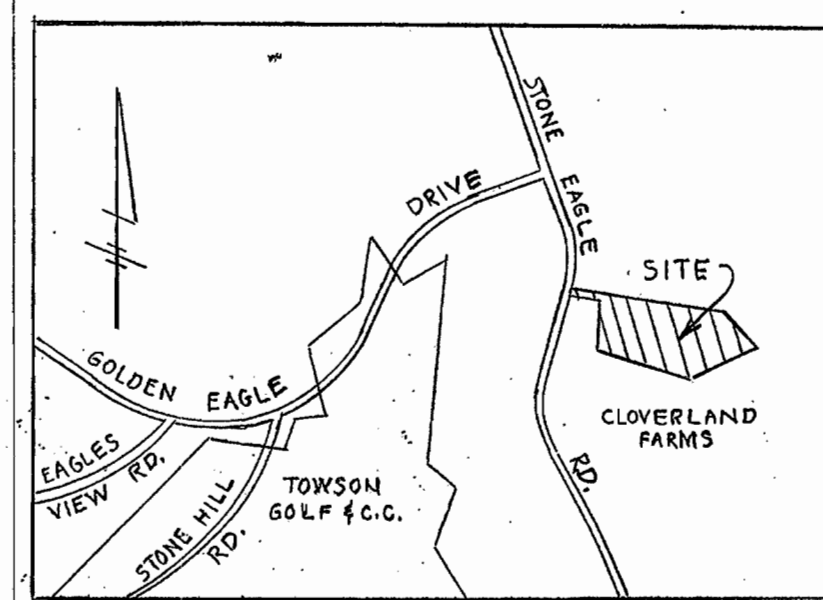
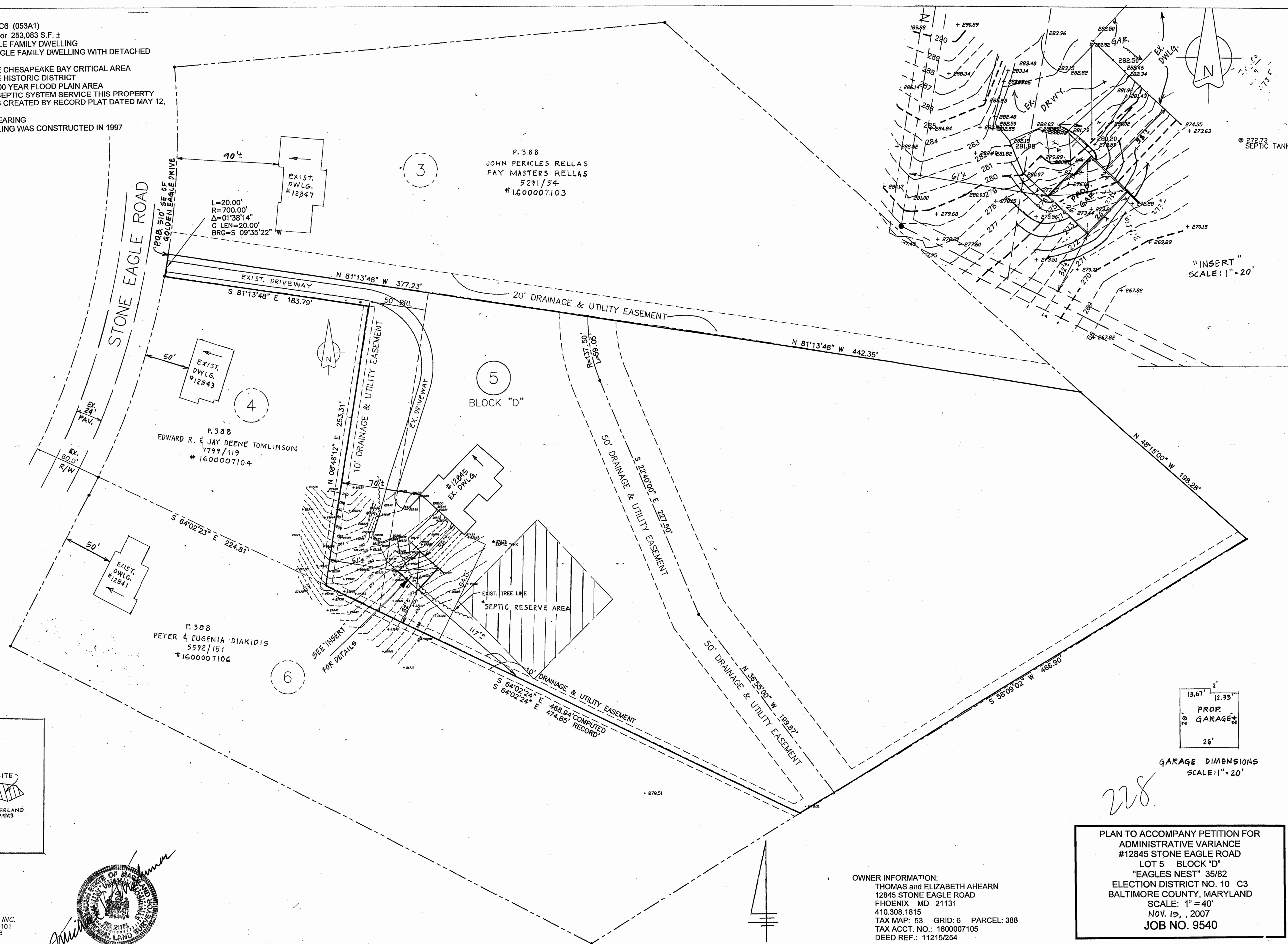


standing in driveway looking at the
side of #12847 Stone Eagle Road



Standing in driveway looking at the
rear of #12843 Stone Eagle Road.

- GENERAL NOTES
1. EXISTING ZONING: RC6 (053A1)
 2. LOT AREA: 5.81 Ac ± or 253,083 S.F. ±
 3. EXISTING USE: SINGLE FAMILY DWELLING
PROPOSED USE: SINGLE FAMILY DWELLING WITH DETACHED GARAGE
 4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 5. NOT LOCATED IN THE HISTORIC DISTRICT
 6. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
 7. PRIVATE WELL AND SEPTIC SYSTEM SERVICE THIS PROPERTY
 8. THIS PROPERTY WAS CREATED BY RECORD PLAT DATED MAY 12, 1972
 9. NO PRIOR ZONING HEARING
 10. THE EXISTING DWELLING WAS CONSTRUCTED IN 1997



VICINITY MAP
SCALE 1"=1000'



OWNER INFORMATION:
THOMAS AND ELIZABETH AHEARN
12845 STONE EAGLE ROAD
PHOENIX MD 21131
410.308.1815
TAX MAP: 53 GRID: 6 PARCEL: 388
TAX ACCT. NO.: 1600007105
DEED REF.: 11215/254

PLAN TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
#12845 STONE EAGLE ROAD
LOT 5 BLOCK "D"
"EAGLES NEST" 35/82
ELECTION DISTRICT NO. 10 C3
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 40'
NOV. 15, 2007
JOB NO. 9540