#### IN RE: PETITION FOR ADMIN. VARIANCE

S side Clairmour Lane, 2,000 feet S of c/l of Broadway Road 8<sup>th</sup> Election District 2<sup>nd</sup> Councilmanic District (11700 Clairmour Lane)

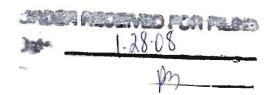
George M. and Kimberly Ballantine *Petitioners* 

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-268-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, George M. and Kimberly Ballantine for property located at 11700 Clairmour Lane. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed pool house) in the rear yard of existing dwelling with a height of 17.5 feet in lieu of the maximum allowed height of 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The pool house measures 15 feet x 20 feet in size. The additional building height is necessary to that the pool house is architecturally compatible with the existing dwelling. The pool house will be used for the storage of equipment, tables, chairs and umbrellas. The additional height of 2.5 feet will not have any impact on adjacent properties. The subject property contains 4.301 acres zoned RC 5.

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 January 24, 2008, 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.



The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 30, 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 Petitioners.

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.
- 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

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.

that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	11700	LARNOOR	hano
	is presently zo		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)

TO PERMIT AN ACCESSARY BUILDING (PROPOSED POOL HOUSE)

IN THE REAR YARD OF EXISTING DWELLING WITH A HEIGHT OF

17.5 FEET IN LIEU OF THE MAXIMUM ALLOWED HEIGHT OF

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.

regulations of Baltimore County and that the property be reposted.

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.

Contract Purchaser/Le	ssee:		Legal Owner(s):
			Course M. Brillastine.
Name - Type or Print			Name - Type or Print
Signature			Signature
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petitionei	<u>::</u>		Address Clairmoor Ln (410) 252
			Lutherville MD 21093
Name - Type or Print			City State Zip Code  Representative to be Contacted:
Signature			Lee Giroux
Company	10		Name 443-901-
Address		Telephone No.	Address Telephone No.
City	State	Zip Code	Oity State Zip Code
A Bublic Hearing baying been	formally deman	ded and/or found to be	required, it is ordered by the Zonino Commissioner of Baltimore County

CASE NO. 08-268-A

Reviewed By A 78W Date 12/12/2507

REV 10/25/01

Estimated Posting Date 12/30/07 - 01/14/2508

# 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 a	Address	1.1
. N. 197	City State	2186 Zip Code
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1 1 La Lall Olinia	JUL CHATING	weeting
3 No slumbing, or	bathroom 18 refisions a evillorly be used for new Theme!	The (
accessory Structur	e will only be used for	stolage
of above mention	ned un Iterati.	
y		
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provid	formal demand is filed, Affiant(s) will be required le additional information.	to pay a reposting and
Signature Signature	Signature	
Lee Girox		
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALT	FIMORE, to wit:	
of Maryland, in and for the County aforesaid,	November, 2007, before me, a November personally appeared	otary Public of the State
the Affiant(s) herein, personally known or sati	sfactorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		2
	Notary Public ,	<u></u>
	My Commission Expires 4/13/200	8

REV 10/25/01

# Affidavit in Support of Administrative Variance

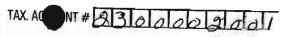
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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That the Affiant(s) does/do presently reside at	Address (I) AU	
	City State 91289	Zìp Code
That based upon personal knowledge, the following	lowing are the facts upon which I/we base the request	
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advertising fee and may be required to provide	additional information.	pay a reposting and
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Signature  Signature  Rame - Type or Print  STATE OF MARYLAND, COUNTY OF BALTII	Signature  Name - Type or Print  MORE, to wit:	pay a reposting and
Signature  Signature  Name - Type or Print  STATE OF MARYLAND, COUNTY OF BALTII  I HEREBY CERTIFY, this 13th day of of Maryland, in and for the County aforesaid, per	Signature  Name - Type or Print  MORE, to wit:	
Signature  Signature  Rame - Type or Print  STATE OF MARYLAND, COUNTY OF BALTII	Signature  Name - Type or Print  MORE, to wit:    OUTUBER	
Signature  Signature  Rame - Type or Print  STATE OF MARYLAND, COUNTY OF BALTIN  Of Maryland, in and for the County aforesaid, per	Signature  Name - Type or Print  MORE, to wit:    OUTUBER	
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Signature  Signature  Signature  STATE OF MARYLAND, COUNTY OF BALTIN  I HEREBY CERTIFY, this 13th day of of Maryland, in and for the County aforesaid, per  the Affiant(s) herein, personally known or satisf	Signature  Name - Type or Print  MORE, to wit:    OUTUBER	
Signature  Signature  Signature  STATE OF MARYLAND, COUNTY OF BALTIN  I HEREBY CERTIFY, this 13th day of of Maryland, in and for the County aforesaid, per  the Affiant(s) herein, personally known or satisf	Signature  Name - Type or Print  MORE, to wit:    OUTUBER	

REV 10/25/01







I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Zoning Commissioner of Baltimore County

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	11700(	LAIR	DOR	hana
	is presently			

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)

TO PERMIT AN ACCESSORY BUILDING (PROPOSED POOL HOUSE) IN THE REAR YARD OF EXISTING DWELLING WITH A HEIGHT OF 17.5 FEET IN LIEU OF THE MAXIMUM ALLOWED HEIGHT OF 15 FEET

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.

regulations of Baltimore County and that the property be reposted.

CASE NO.

REV 10/25/01

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.

City	State	Zip Code	Cirly State Zip Co
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Address		Telephone No.	573 M CM Quy WAV 0735 Address Telephone 1
Company	1		Name 443-70
Signature			LOO GLOUN
	<u></u>		Representative to be Contacted:
Name - Type or Print			City State Zip C
			Lutherville MD 21093
Attorney For Petitioner:			11700 Clairmea La Que 232-32 Address Telephone
City	State	Zip Code	Signature (A.) 272 23
		respirate No.	K Baery
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Contract Furchaser/Lesse	: <del>C.</del>		14 1 18 1 1981 IV
Contract Durchasor/Losse	· · ·		
Contract Purchaser/Lesse	e:		is the subject of this Petition.  Legal Owner(s):

Zoning description for 11700 Clairmoor Lane beginning at a point on the southside of Clairmoor Lane which is 40' wide at the distance of 2,000 ft. south of the centerline of the nearest improved intersecting street:Broadway Rd. which is 60' wide. Lot #1, Block # section # in the subdivision of Clairmoor. Formally Alsruhe property as recored in Baltimore County plat book #sm70 folio 24 containing 4.301 acreage. Also known as "AKA" 11700 Clairmoor Lane & located in the 8<sup>th</sup> election district and 3<sup>rd</sup> councilmatic district.

08-268-A

OFFICE	OF BUI	DUNTY, DGET AI US REC	ND FINA				No. Date:	9751 PAID FECEIPT  12/17/0 PHENESS ACTION THE NEW  12/17/0 PHENESS ACTION OF SELECT
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# VARIANCE

THE PERRIT AND ACCESSORY BUILDING (PROPOSED POOL HOUSE) IN THE REAR YARD OF ESISTING DWELLING WITH A HEART OF 17.5 FEET IN LIEU OF THE ACCESSMILLY ALLOWED HEIGHT OF 15.5 FEET PER BOZE 400.3

## PUBLIC HEARING

PORSHART TO SECTION 25-127(b)(1), BALTIMORE COUNTY CORE
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 MORRY ZADUARY 14, 2008
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
THE WASSEMPANE BY
THE RESERVE OF THE PROPOSED TO SECTION OF THE PROPOSED TO

MEATING IS MANUSCAP ASTRONOMY



	RE: Case No: 28-248-A
	Petitioner/Developer:  BALLANTINE (GIEVEN)
••	Date Of Hearing/Closing: 1/14/08
Baltimore County Department of Permits and Development Manage County Office Building,Room 111 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
71.	
sign(s) required by law were poste	enalties of perjury that the necessary ed conspicuously on the property  CLAICMOR LAWE

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

		•						
Case I	Number 08-	268	-A	Address	s 11700	CLAIRMOO	IR LA	INE
Conta	ct Person: _	AA Planner	RON -	TSUI our Name		Phone Number:	410-887	-3391
Filing	Date: <u>[2/</u>	7/2007	_ Po	sting Date:	12/30/07	Closing Dat	e: 01/14	1/2005
Any co	ontact made h the contac	with this of t person (plan	fice regard ner) using	ing the state the case nu	tus of the ac mber.	lministrative variai	nce shou	ıld be
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	a formal red	quest for a p	ublic hear	ing. Please	e understand	or owner within 1, that even if there e closing date.	000 feet e is no f	to file ormal
	commissione order that t (typically wit	er. He may: ne matter be hin 7 to 10 da	(a) grant set in for ays of the o	the request r a public h closing date	ed relief; (b) nearing. You ) as to whethe	by the zoning or deny the requeste will receive writter the petition has you by First Clas	ed relief; en notific been gra	or (c) cation
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WITH	A HE	GHT OF	19.5	FEET	IN LIEU	OF THE MI	Axmun	n
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				•	•		- Revised 6	3/25/04



JAMES T. SMITH, JR. County Executive

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

January 14, 2008

George M. Ballantine Kimberly Ballantine 11700 Clairmoor Lane Lutherville, MD 21093

Dear Mr. and Mrs. Ballantine:

RE: Case Number: 08-268-A, 11700 Clairmoor Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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

Lee Giroux 573 McManus Way Towson 21286



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

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

Maryland Department of Transportation

Date: JANUARY 3, 2008

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 8-268-A

11700 CLAIRMOUR LANE
BALLANTING 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. 8-268-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,

For Steven D. Foster, Chief V Engineering Access Permits

Division

SDF/MB



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

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

December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257,259,260,265,266,267,268)269,270,271,272,273,274

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.

. 1The 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

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 3, 2008

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 24, 2007

Item Nos. 08-257, 259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, 271, 272, and 274

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- 01032008.doc

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8-268 – Administrative Variance

**DATE:** January 24, 2008



BY:\_\_\_\_

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17.5 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 Diana Itter at 410-887-3480.

Prepared by:

AFK/LL: CM

### Patricia Zook - Planning comments needed for Admin. Var. cases that closed 1-14-08

From:

Patricia Zook

To:

Murray, Curtis

Date:

1/24/2008 3:35 PM

Subject: Planning comments needed for Admin. Var. cases that closed 1-14-08

CC:

Bostwick, Thomas

### Hello Curtis -

We need comments from the Planning Office for the following administrative variance cases that closed January 14, 2008:

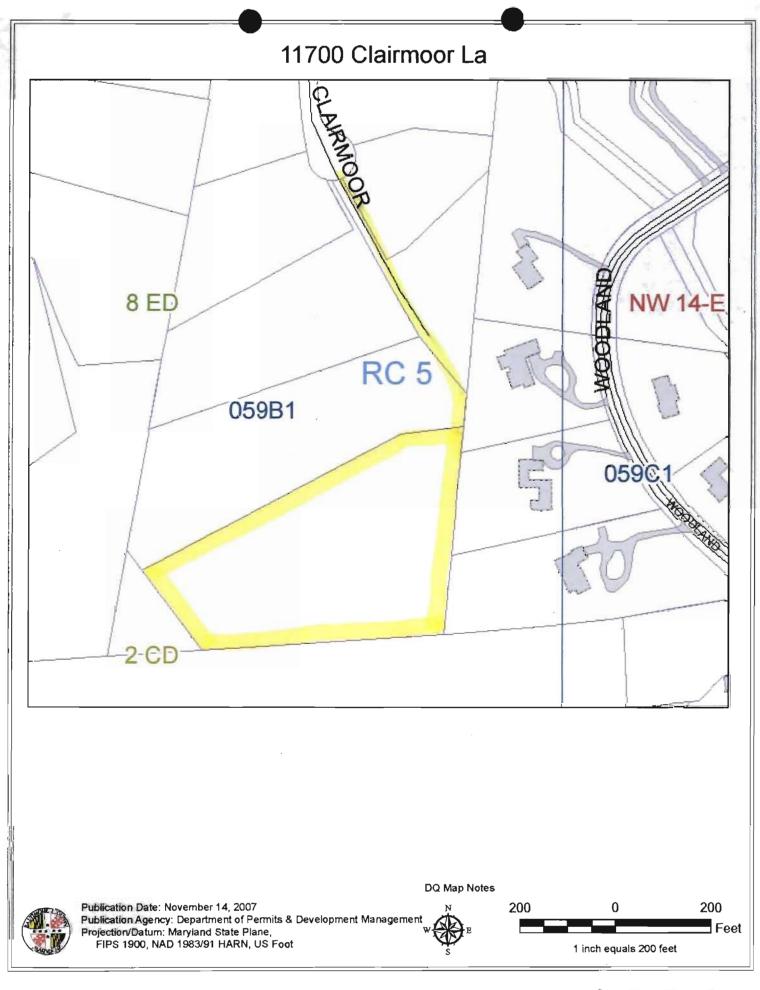
08-276-A, located at 2501 Londonderry Road

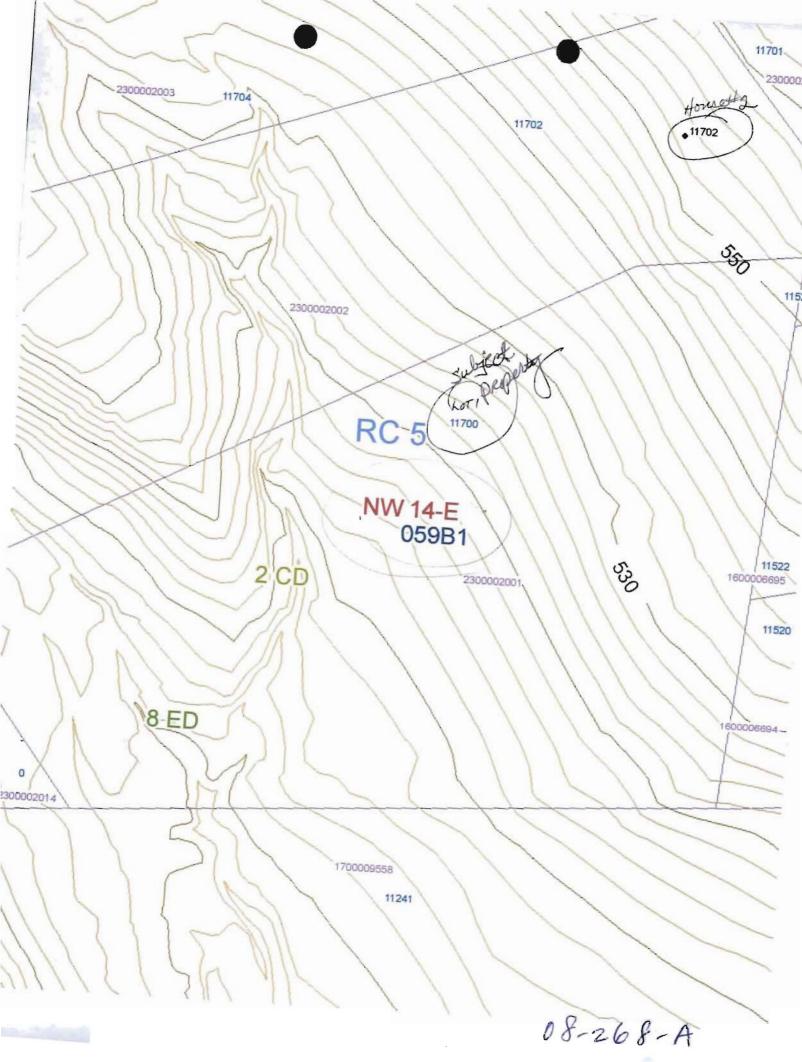
08-272-A, located at 3 Valley Glen Court

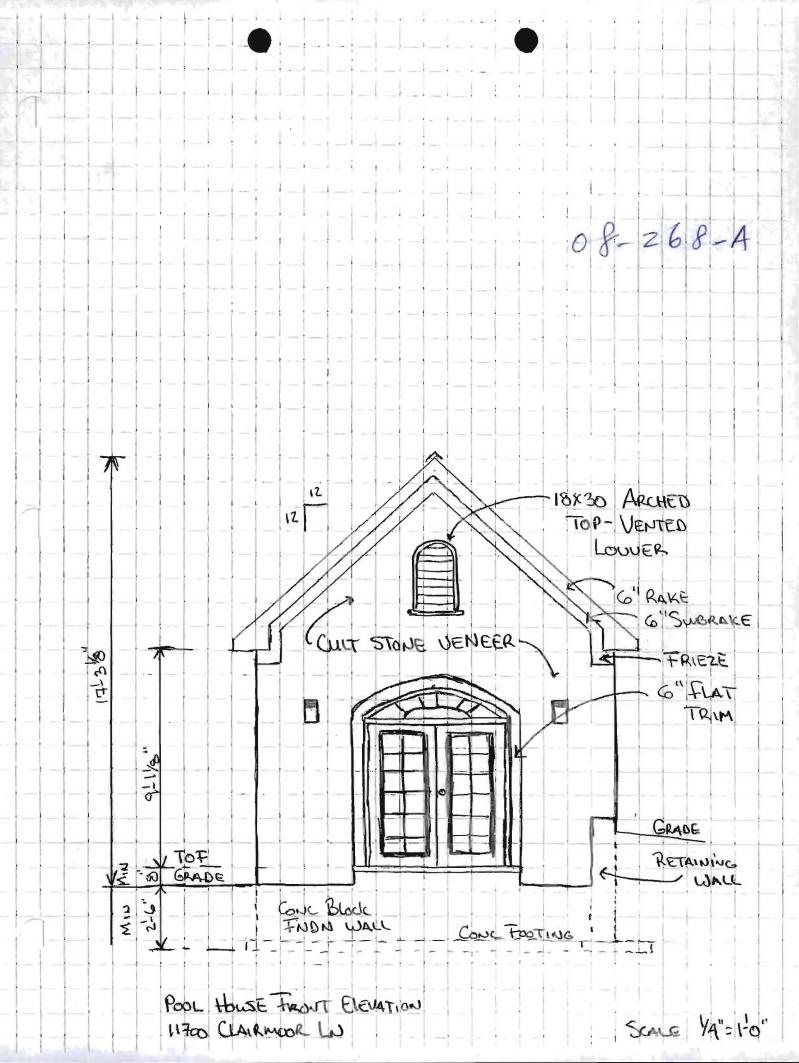
08-268-A, located at 11700 Clairmoor Lane

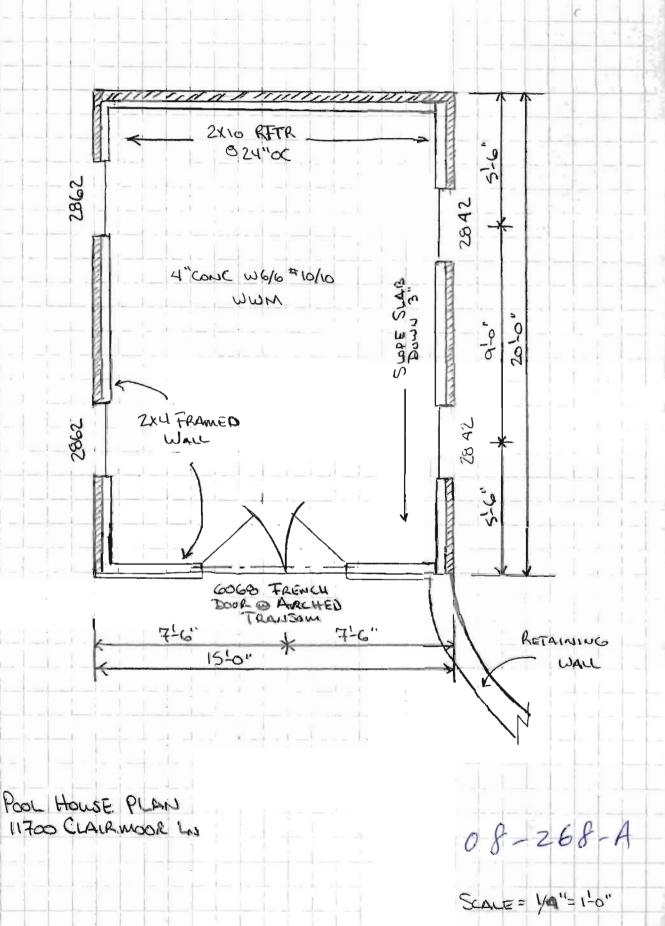
## Thanks for your help.

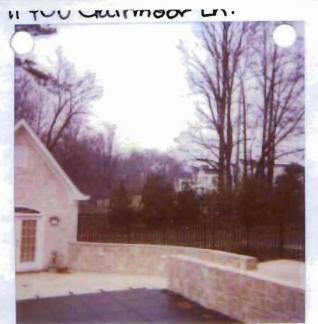
Patti Zook **Baltimore County** Office of the Zoning Commissioner County Courts Building 401 Bosley Avenue, Room 405 Towson MD 21204 410-887-3868 pzook@baltimorecountymd.gov



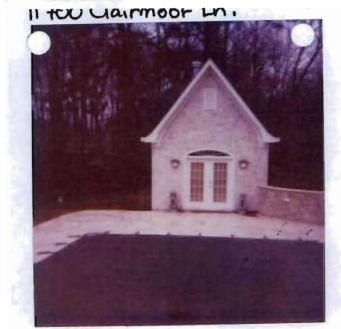








Northwest looking in neighbor's rear yard



Northwest or "front" View

# 11700 Clairmoor Ln.



Impact from front of my home

## 11700 Clairmoor Ln.



Southeast or rear View

# 11700 Clairmoor Ln.



Northeast or side view away from neighbors

# 11700 Clairmoor Ln.



Southwest expanded view looking into my rear yard

11700 Clairmoor Ln.

Southwest or side



Northwest looking into neighbor's rear yard

PLAT TO ACCOMPANY PETITION PROPERTY ADDRESS 1/700 CLAIRMOOK LANE	FOR ZONING VARIANC SEE PAGES 5 & 6 OF THE CHECKLIST FO	· · · · · · · · · · · · · · · · · · ·
SUBDIVISION NAME CLAIR MORE  PLAT BOOK # 1 FOLIO # 24 LOT # 1 SECTION #  OWNER GRORGE & Kinderly Ballantine		Broadway  SITE  SITE
FOREST BUFFER EASEMENT  PROPOSED  15 × 20 pool  HOUSE  WILLIAM  REASEMENT  PROPOSED  15 × 20 pool  HOUSE  WILLIAM  REASEMENT  PROPOSED  15 × 20 pool  HOUSE  WILLIAM  REASEMENT  PROPOSED  15 × 20 pool  HOUSE  REASEMENT  R	TT. 15. 56	VICINITY MAP  SCALE: 1" = 1000'  LOCATION INFORMATION  ELECTION DISTRICT &  COUNCILMANIC DISTRICT &  1"=200' SCALE MAP # 059BI  ZONING &C-5  LOT SIZE 4.30I  ACREAGE SQUARE FEET  PUBLIC PRIVATE  SEWER
S 06° 03' 46" W 435'  NORTH	PANHANDLE TO CLAIRMOOR RD	CHESAPEAKE BAY CRITICAL AREA  100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE  ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
NORTH  PREPARED BY	SCALE OF DRAWING: 1" = 50	A. TSU 268 08-268-