IN RE: PETITION FOR ADMIN. VARIANCE

SW side Cuba Road, 3000 feet N of

c/l Shawan Road

8th Election District

3rd Councilmanic District

(13910 Cuba Road)

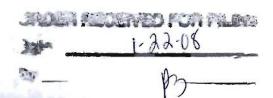
Patrick Craig and Margaret Campbell Walsh Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-274-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, Patrick Craig and Margaret Campbell Walsh for property located at 13910 Cuba Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool house) with a height of 24 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a pool house adjacent to the existing pool for convenience and storage of appurtenances and equipment. In order for the structure to be architecturally compatible with the existing dwelling, the height of the proposed pool house must exceed the 15 foot height limitation. The pool house will be approximately 400 square feet in size and will have a bathroom with a shower and sink. The structure will be heated and air conditioned, but will not be used as living quarters. The property contains 5.898 acres zoned RC-2.

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 December 31, 2007, which recommends that the accessory structure not be converted into a



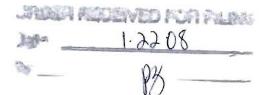
dwelling unit or apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 28, 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 Petitioners 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 or kitchen 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



CASE NO. ____08-274-A

1.22.08

REV 10/25/01

Petition for Administrative Variance

for the property located at 3910 CURA POAD

to the Zoning Commissioner of Baltimore County

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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
Cockiessaue MD 21030
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 wish to construct a pool house adjacent to the existing pool, for convenience and storage of appurtenances and equipment. In order to construct a building which is functional, contextually appropriate, and architecturally compatible with the existing site, the height of the building must exceed the prescribed minimum.

THIS PULLDING WILL BE APPROXIMATION 400 SQ. FT, AND WILL HAVE A BATTHROOM W/A SHOWLER SISING. IT WILL BE HEATED /ATR CONDITIONS, BUT WILL NOT BE USED AS LIVILS QUARTERS.

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.

Patrick Craig Walsh MARGARET CAMPBELL
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

of Maryland, in and for the County aforesaid, personally appeared

2 of 7, before me, a Notary Public of the State

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

2008

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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Address

COCKEYSMUE HD 21030

Zip Code

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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.

Patrick Craig Walsh
Name-Type or Print

Ratick Craig Walsh
Name-Type or Print

Name-Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this / b day of 1 & C of Maryland, in and for the County aforesaid, personally appeared

2007

before me, a Notary Public of the State

Contra Portlander

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 ___

14 1, 2008

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13910 CUBA PORO which is presently zoned PC-2

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A Public Hearing having been for this day of regulations of Baltimore County and	_, that	the subject matte	o be required, it r of this petition b	is ordered e set for a	by the public he	Zoning Commi aring, advertis	ssioner of B ed, as requir	altimore red by the	County, e zoning
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CASE NO	274-A		Reviewed By	B	1	Date	12/20	107	

ZONING DESCRIPTION for the WALSH PROPERTY, 13910 CUBA ROAD, COCKEYSVILLE, MARYLAND 21030

Beginning at a point on the West side of Cuba Road, which is 30 ft. wide at the distance of 3,000 ft. North of the centerline of the nearest intersecting street, Shawann Road, which is 30 ft. wide, thence running S 43°12' E 53.39', thence S 49°59' E 255.45 ft., thence S 59°29'30" W 827.54 ft., thence N 15°34'25" W 412.85 ft., thence N 73°10'E 625.16 ft., to the point of beginning, Also known as Lot No. 1, Platbook No. 39, Folio 76, containing 5.898 acres.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 01/03/08

Case Number: <u>08-274-A</u>

Petitioner / Developer: PATRICK & MARGARET WALSH~

AUSTIN B. CHILDS AIA

Date of Hearing (Closing): JANUARY 14, 2008

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: 13910°CUBA ROAD

The sign(s) were posted on: 12/28/07



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 274 -A Address 13910 Cuba Cd.							
Contact Person: Bruno Ruda, tis Planner, Please Print Your Name Phone Number: 410-887-3391							
Filing Date: 12/20/07 Posting Date: 12/30/07 Closing Date: 1/15/03							
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.							
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 FORMAT							
Case Number 08- 274 -A Address 13910 Cuba Rd.							
Petitioner's Name Patrick & Margaret Walsh Telephone 410-584-2906							
Posting Date: 12/30/07 Closing Date: 1/14/08							
Wording for Sign: To Permit an accessory structure (pool house) with a height of							
24 ft. in lieu of the required 15 ft.							

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring 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: 08-274- A
Petitioner: AUSTIN B. CHILDS
Address or Location: 13910 CUDA PD.
PLEASE FORWARD ADVERTISING BILL TO: Name: MARCAPLET WAVEH Address: 13910 CUBA PD, HUNT VALLEY, MD 21030
Telephone Number: 410 - 527. 9808



JAMES T. SMITH, JR. County Executive

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

January 14, 2007

Patrick Craig Walsh Margaret Campbell Walsh 13910 Cuba Road Cockeysville, MD 21030-1209

Dear Mr. and Mrs. Walsh:

RE: Case Number: 08-274-A, 13910 Cuba Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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

People's Counsel

Austin Childs 16260 Falls Road Monkton 21111



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:

8-274- Administrative Variance

DATE: December 31, 2007

IAN 0 8 2008

BY:____

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 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 or kitchen 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



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



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

Maryland Department of Transportation

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

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. 8-274-A

13910 CUBA ROAD WALGH 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.8-274-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,

Steven D. Foster, Chief
For Engineering Access Permits

Division

SDF/MB

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

DATE: December 31, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 8-274- Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

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- 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.

AFK/LL: CM

AUSTIN B. CHILDS AIA

FACSIM	ILE TRANSMITTAL SHEET	
то: Bruno Rudaitis	FROM: Austin Childs	Market and the second s
COMPANY: Balto. County Zoning	date: 12/20/2007	
FAX NUMBER: 410.887.3048	TOTAL NO. OF PAGES INCLUDING C	JOVER:
рноне number: 410.887.3391	SENDER'S REFERENCE NUMBER.	
RE: Case no. 08-274-A	YOUR REFERENCE NUMBER:	
□ urgent x for review □ pl	EASE COMMENT DPLEASE REPLY	☐ PLEASE RECYCLE
NOTES/COMMENTS:		
Bruno:		
Attached are the floor plans for th	ne pool house in the above-mentioned po	etition
(CASE NO. 08-274-A).		
Thanks,		
Austin		

