

IN RE: PETITION FOR ADMIN. VARIANCE
W side Eastship Road, 275 feet N of centerline
of Shipway
12th Election District
7th Councilmanic District
(16 Eastship Road)

Ronald S. and Robin Miller
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-295-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, Ronald S. and Robin Miller for property located at 16 Eastship Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 35 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a single story addition measuring 15 feet x 18 feet in size. Due to Mrs. Miller's physical disabilities, it has become increasingly difficult for her to use the stairs in the home. They would like to build an addition to the back of the home that would provide a bedroom, bathroom and laundry facilities. Because of the progressive nature of her illness, this additional space will greatly improve her quality of life. Petitioners note that many of residences of similar construction and floor plan have similar additions, as evidenced in the submitted photographs.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER RESERVED FOR FILING
2-19-08
PB

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 20, 2008 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.

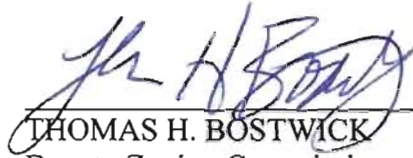
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of February, 2008 that a variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 35 feet in lieu of the required 50 feet 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 RESERVED FOR FILE
2-19-08
[Signature]

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

ORDER RECEIVED FOR FILING
2-19-08
Bj



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 16 EASTSHIP RD
which is presently zoned DR 10.5

Deed Reference: 126370 / 543 Tax Account # 1219003230

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) 1802.3A.5. + 1802.3B. (BCZR)

TO PERMIT AN ADDITION WITH A REAR YARD SETBACK
OF 35-FEET IN LIEU OF THE REQUIRED 50-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

N/A

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

RONALD S. MILLER

Name - Type or Print

Signature

ROBIN MILLER

Name - Type or Print

Signature

16 EASTSHIP RD

410-284-9559

Address

Telephone No.

BALTIMORE

MD

21222-4403

City

State

Zip Code

Representative to be Contacted:

ROBIN MILLER

Name

16 EASTSHIP RD

410-284-9559

Address

Telephone No.

BALTIMORE

MD

21222-4403

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 11 day of January, 2008, 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.

08-295-A

Reviewed By

D.T.

Date

1/9/08

REV 7/20/07

Estimated Posting Date

1/20/08

ORDER RECEIVED FOR FILING

2-19-08

m

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

16 EASTSHIP RD

Address		
BALTIMORE	MD	21222-4403
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):

DUE TO MY WIFE'S PHYSICAL DISABILITIES IT HAS BECOME INCREASINGLY DIFFICULT FOR HER TO USE THE UPPER AND LOWER STAIRCASES IN OUR HOME. WE WOULD LIKE TO BUILD AN ADDITION TO THE BACK OF OUR HOME THAT WOULD PROVIDE A BEDROOM, BATHROOM AND LAUNDRY FACILITIES. BECAUSE OF THE PROGRESSIVE NATURE OF HER ILLNESS THIS ADDITIONAL SPACE WILL GREATLY IMPROVE HER QUALITY OF LIFE.

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.

Ronald S. Miller
Signature

Robin Miller
Signature

RONALD S. MILLER
Name - Type or Print

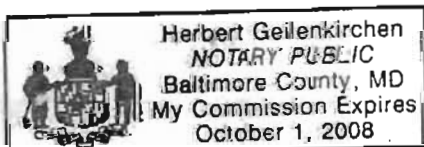
ROBIN MILLER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7TH day of JANUARY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RONALD S. MILLER & ROBIN J. MILLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Herbert Geilenkirchen
Notary Public

My Commission Expires 10-1-2008

ZONING DESCRIPTION FOR: 16 EASTSHIP RD. DUNDALK MD. 21222

Beginning at a point on the west side of Eastship Rd. which is 16 ft. wide at the distance of 275' ft. North of the centerline of the nearest improved intersecting street Shipway which is 25' ft. wide.

Being lot # 10 , Block 30, section # 1 in the subdivision of Dundalk as recorded in Baltimore County Plat book # wpc 5 Folio # 56 containing 1,836.49 sq ft .

Also known as 16 Eastship Rd. and located in the 12th election district, 7th Council manic district.

08-295-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09725**

Date: **1/9/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			0150				65.00

Total: **65.00**

Rec

From: **ROBIN MILLER**

For: **ITEM # 295 08-295-A**
16 EASTSHIP RD.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED - ACTUAL TYPE DATE
 1/10/2008 1/10/2008 16:13:20
 BY: [Signature] BAL. BUD.
 OFFICE OF BUDGET AND FINANCE
 100 E. CALVERT ST. BALTIMORE, MD 21202
 (410) 396-1000
 Receipt No. 09725
 \$65.00 (16) \$65.00 To
 Baltimore County Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-295-A

Petitioner/Developer: MILLER

Date of Hearing/Closing: 2-4-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at:

16 EASTSHIP RD

The sign(s) were posted on

1-20-08
(Month, Day, Year)

Sincerely,

Robert Black 1-22-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

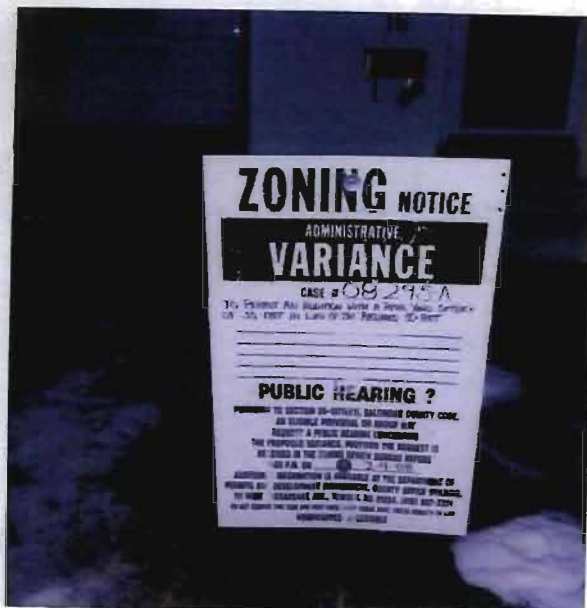
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 295 -A

Address 16 EASTSHIP RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/9/08

Posting Date: 1/20/08

Closing Date: 2/4/08

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 FORMAT

Case Number 08- 295 -A

Address 16 EASTSHIP RD.

Petitioner's Name MILLER

Telephone 410-285-9559

Posting Date: 1/20/08

Closing Date: 2/4/08

Wording for Sign: To Permit AN ADDITION WITH A REAR YARD SETBACK
OF 35- FEET IN LIEU OF THE REQUIRED 50- FEET.

**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/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: 08-295-A

Petitioner: MILLER

Address or Location: 16 EASTSHIP RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. RONALD MILLER

Address: 16 EASTSHIP RD.

BALTO. MD 21222-4403

Telephone Number: 410-284-9559

Revised 7/11/05 - SCJ



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

February 4, 2008

Ronald S. Miller
Robin Miller
16 Eastship Road
Baltimore, MD 21222-4403

Dear Mr. and Mrs. Miller:

RE: Case Number: 08-295-A, 16 Eastship Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2008. 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 15, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2008
Item Nos. 08-288, 289, 290, 291, 293,
294, 295, 296, and 297

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-01152008.doc



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 15 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. 8-295-A
16 EASTSHIP ROAD
MILLER 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. 8-295-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
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

INTER-OFFICE CORRESPONDENCE

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

DATE: February 11, 2008

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

RECEIVED
FEB 13 2008

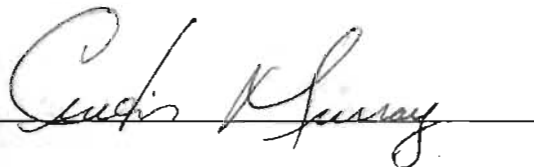
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-295- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request for variance.

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

Prepared By:



CM/LL

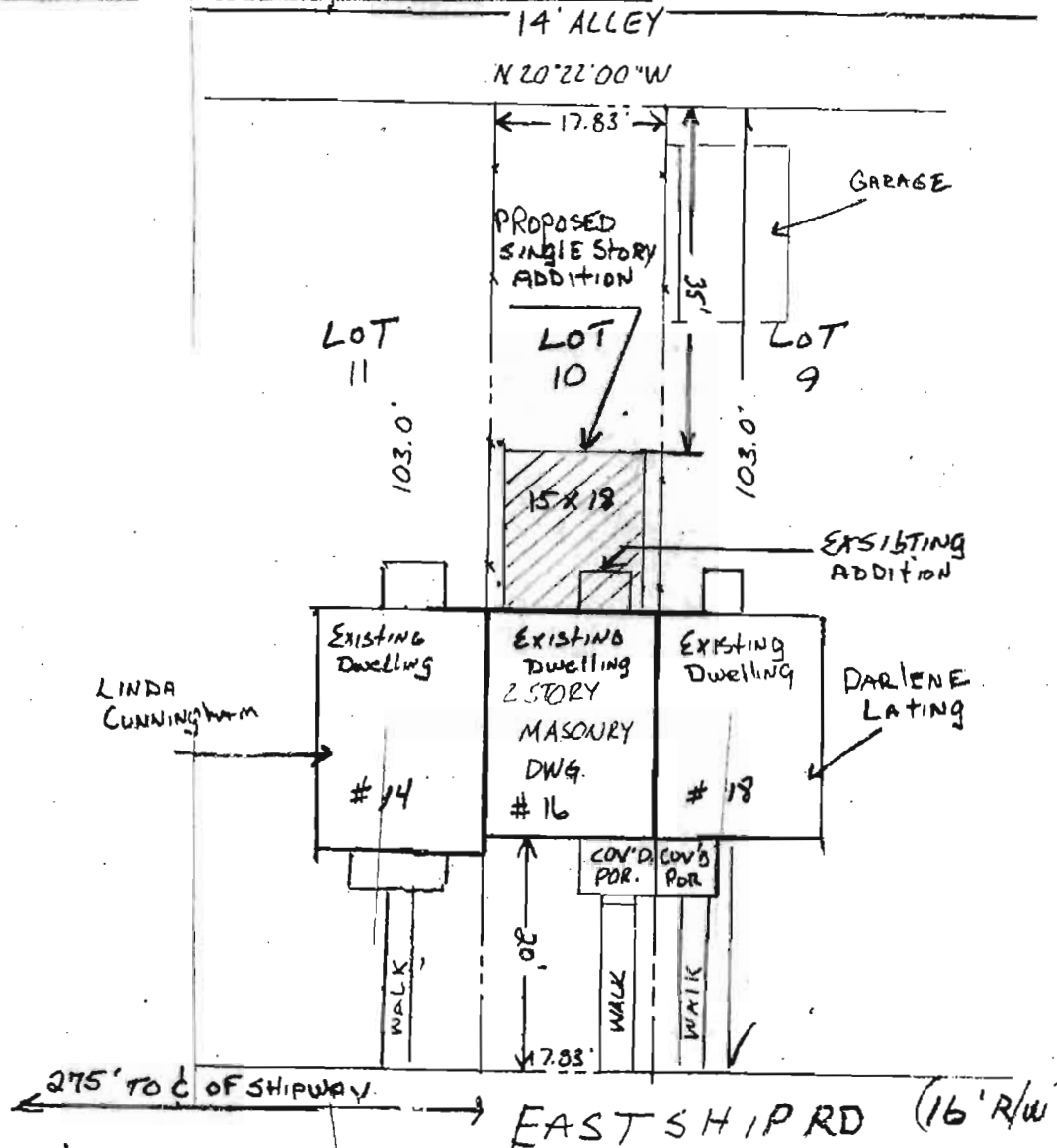
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 16 Eastship Rd. SI

SUBDIVISION NAME DUNDAIK

PLAT BOOK # wpc5 FOLIO # 56 LOT # 10 SECTION # 103 B2

OWNER RONALD S. MILLER & ROBIN MILLER



PREPARED BY LB

SCALE OF DRAWING: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT **12th**
COUNCILMANIC DISTRICT **7th**
1"=200' SCALE MAP # **103 B2**
ZONING **DR 10.5**
LOT SIZE **0.042** **1,836.49**
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING **NONE**

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

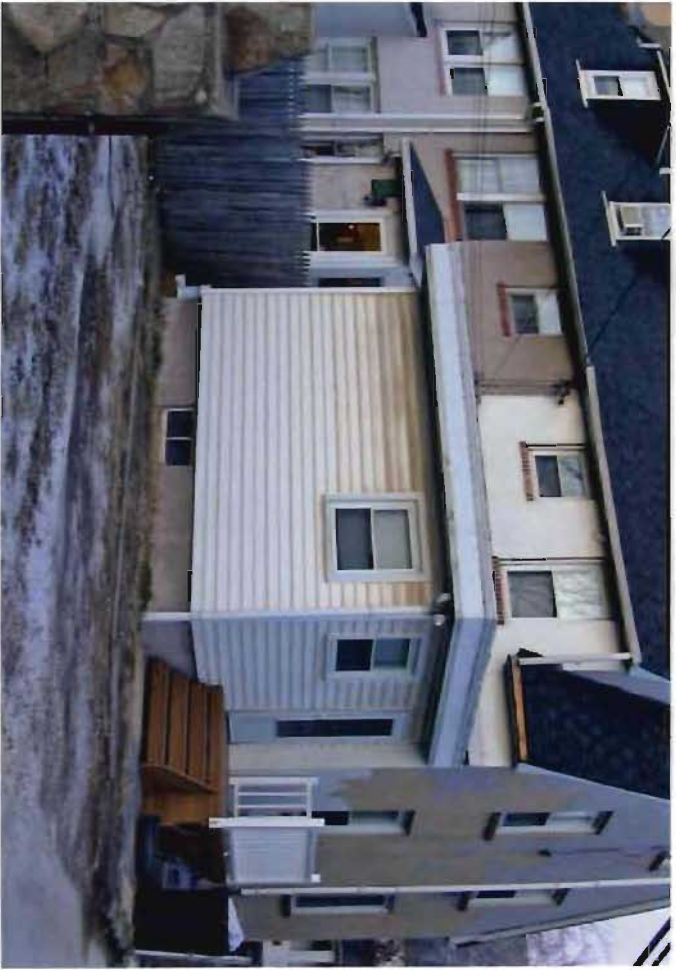
D.T. 295 08-295-A



12 EASTSHIP RD.



ADDITIONS IN AREA





14 EASTSHIP RD.



PETITIONER'S HOUSE



08-2915-A



08-245-A