IN RE: PETITION FOR ADMIN. VARIANCE

S side Cottington Road, 180 feet W of Chardel Road
11<sup>th</sup> Election District
5<sup>th</sup> Councilmanic District
(4213 Cottington Road)

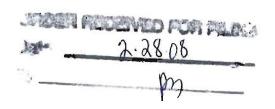
David R. and Victoria L. Rummel *Petitioners* 

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-333-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 R. and Victoria L. Rummel for property located at 4213 Cottington Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (a proposed garage) with a height of 21 feet in lieu of the maximum permitted 15 feet height and to amend the Final Development Plan for Herring Manor Lot #5. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 28 foot x 32 foot garage to safely park their vehicles. A speed reduction device (island) was installed in front of the Petitioners' home and their vehicles, while parked on the street, have been hit with eggs numerous times. The additional height is needed so that the structure can be 1 ½ stories high. The height will allow the upper story/loft to be used for the storage of family heirlooms while being able to maintain an architectural design and roof pitch consistent with the current home.

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 February 11, 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 February 3, 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.

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, 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

February 26, 2008

DAVID R. AND VICTORIA L. RUMMEL 4213 COTTINGTON ROAD BALTIMORE MD 21236

Re: Petition for Administrative Variance

Case No. 08-333-A

Property: 4213 Cottington Road

Dear Mr. and Mrs. Rummel:

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

# · ORIG. KEEP IN FILE

## **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property located at 4213 Cottington Road, Baltimore, MD. 21236-2482

which is presently zoned DR 5.5

Deed Reference: 8703 \_ \_ / 628 \_ Tax Account # 2200002716 \_ \_ \_

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. 3 BCZR TO ALLOW AN ACCESSORY STRUCTURE. (A PROPOSED GARAGE) WITH A HT. OF ALFF, IN LIEU OF THE MAXIMUM PERMITTED 15 FT HT. AND TO AMEND THE FIMAL DEVELOPMENT PLAN FOR HERRING MANCR LOT # 5,

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.

			perjury, that I/we are the leg is the subject of this Petition	al owner(s) of th	
Contract Purchaser/L	essee:		Legal Owner(s):		
	<del></del> -	•	David R. Rumr	nel	
Name - Type or Print			Name - Type or Print	1 1	
Signature		_	Signature		
			Victoria L. Rummel		<u> </u>
Address		Telephone No.	Name -Type or Print	. Runer	nel
City	State	Zip Code	Signature	- d /44/	) ))))[0.4404
<b>Attorney For Petitions</b>	<u>er:</u>		4213 Cottington Ro	ad (410	0)256-1121
			Address	MD	Telephone No.
Name - Type or Print			Baltimore,	MD State	21236-2482 Zip Code
Name - Type of Fint			City		Zip Code
Signature			Representative to be	Contacted:	
Company	,		Name		
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	. that	the subject matter of	equired, it is ordered by the Zoning C f this petition be set for a public hearn Zoning Commissione	ig, advertised, as n	equired by the zoning

ORIG KEEP IN FILE

Baltimore County
Commission Expires July 05, 2010

## 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 7/24/07

## 4213 Cottington Road

Address Baltimore,	MD.	21236-2482
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):

The variance request is from Section 400.3 of the Baltimore County Zoning Regulations to permit an accessory structure (garage) with a height of 20 feet six inches (1 1/2 story) instead of the maximum 21 feet height of 15 feet.

I want to build a garage to safely park my vehicles. Since a speed reduction device (Island) has been installed in front of my residence my vehicles have been hit with eggs five times because people need to slow down to go around my vehicles parked on the street. Without these vehicles on the street, drivers can just drift closer to the curb as they pass the island without slowing down. I am in the process of having a historic car restored and want to park in safely in a garage. I also want to store an antique truck which will be used in local parades once it is restored.

The additional height is needed so the structure can be 1 ½ storied tall. The height will allow the upper story/loft to be used for storage family of heirlooms while being able to maintain an architectural design and roof pitch consistent with the neighborhood.

That the Affiant(s) acknowledge(s) that if a formal of advertising fee and may be required to provide additional Signature	demand is filed, Affiant(s) will be required to pay a reposting and nal information.  Signature
David R. Rummel Name - Type or Print	Victoria L. Rummel Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE,  I HEREBY CERTIFY, this 21st day of January	to wit:, 2008, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personal  Out of Maryland, in and for the County aforesaid, personal  the Affiant(s) herein, personally known or satisfactorily	ctoria L. Rummel
AS WITNESS my hand and Notarial Seal	Notary Public
REV 7/24/07	My Commission Expires RPIAN KEITH KINNEAR Notary Public-Maryland

## **Zoning Description for 4213 Cottington Road**

Beginning at a point on the south side of Cottington Road which is 50 feet wide and at the distance of 180 feet west of the centerline of the nearest improved intersecting street Chardel Road which is 50 feet wide. Being Lot #5 in the subdivision of Herring Manor as recorded in the Baltimore County Plat Book #61, Folio# 150 containing 10,964 square feet. Also know as 4213 Cottington Road and located in the 11<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

433

**BALTIMORE COUNTY, MARYLAND** No. 09760 OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT nchie The Date: 2000 1/25/2000 10/42/01 / 2 DA MAKEN DEE NO -- / Sub Rev Sub Rept BS 160 HPT # 441402 1725/2008 16134 Fund Agcy Orgn Orgn Source Rev Catg Acct 5 SER ZUHDER VERSELLATER Amount \$1077/01 450 Recot Ten 1115,00 \$1151.00 CK 1.00 Battiagre County, Haryland Total: Rec From: - AMEND FDP For: **CASHIER'S VALIDATION** DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

# **Certificate** of Posting

RE: Case NO.	08	333 A
D-4Minner (Done		
Petitioner/Deve		
DAVE &	VICTURI	A RUMMEL
Date of Hearing	g/Closing	2/18/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

#### Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at  4213 Corring Foo Ro	
4213 (	COTTINGTON RD
The sign(s) were posted on	2 /03 /08 (Month, Day, Year)

Sincerely,



(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)



# VARIANCE

CASE # 08-333-A

TO PERMIT A PROPOSED DETACHED GARAGE WITH

A HT. OF 21 FT. IN LIEU OF MAXIMUM ALLOWED

IS FT. AND TO AMEND THE FINAL DEVELOPMENT

PLAN FOR HERRING MANOR LOT #5

# **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 2/18/08

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number	08 333	-A .	Address _	4213 Co	MOTON	RD,
Contact Perso	n: John	LEWIS Please Print Your N	Name :		Phone Numb	er: 410-887-3391
Filing Date:	1/25/08	_ Posti	ing Date: _	2/03/08	Closing	Date: 2/18/08
Any contact r		fice regarding nner) using the	g the status case numb	of the admoer.	ninistrative va	ariance should be
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a forma	INE: The closing all request for a public hearing	public hearing	. Please ι	indersťand t	hat even if t	n 1,000 feet to file here is no formal
commis order the (typicall	sioner. He may: nat the matter be	a) grant the set in for a ays of the clos	e requested public heasing date) a	relief; (b) d aring. You s to whether	eny the requi will receive v the petition l	or deputy zoning ested relief; or (c) written notification has been granted, class mail.
(whethe commis change	er due to a neight sioner), notification d giving notice of certification of thi	nbor's formal on will be for the hearing da	request or warded to ate, time an	by order of you. The side location.	the zoning sign on the As when the	o a public hearing or deputy zoning property must be sign was originally st be forwarded to
		(Detac	h Along Dolted Li	ne)		
Petitioner: This Part of the Form is for the Sign Poster Only						
	USE THE	ADMINISTRA	TIVE VARI	ANCE SIGN	FORMAT	
Case Number	08 333 -	A Addre	ess <u>42</u> 1	3 Com	-INV-TON !	RD
Petitioner's Na	me DAVET	VICTURIA RU	MINEL	Те	lephone 4	10-256-1121
Posting Date:	2/03/08		_ Clo	sing Date:	2/18	108
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OF ALFT.	INLIEU OF	THE MASI	MUM ALL	UNED 15	FT. ANT	D TO AMEND
THE FIA	JAL DEVELO	PMENT P	LAN FO	R HERR	ING MANO	e Cot #5

# 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.

OPÍNIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

100	paper Advertising:		
Item Numb	per or Case Number:	333 A	
Petitioner:	RUMMEL		
Address or	Location: 4213 Corria	16-TON ROAD	
	ORWARD ADVERTISING BILL		
Name:	David Rummel Jr	<u>.                                    </u>	
Address: _	4213 Cottonston Rd.		
_	4213 Cottongton Rd. Baltimore, MD. 21236	-2482	
- Telephone	Number: (410) 925-146	7 / (410) 256-1121	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 18, 2008

David R. Rummel Victoria L. Rummel 4213 Cottington Road Baltimore, MD 21236

Dear Mr. and Mrs. Rummel:

RE: Case Number: 08-333-A, 4213 Cottington 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 25, 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,

U. Cal Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

## 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:** 

8-333 – Administrative Variance

permit an accessory structure

DATE: February 11, 2008

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 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 Donnell Zeigler at 410-887-3480.

Prepared by:

AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: February 7, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 11, 2008

Item Nos. 07-456, 08-325, 326, 328, 329, 330, 331, 333, 334, 335, 336, 338, and 339

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- 02072008.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

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

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 325,326,328,329,330,331,332,333,334,335,336,338,339

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

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

Maryland Department of Transportation

Date: FEB. 4, 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. 8-333-A AZI3 COTTINGTON POAD RUMMEL 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. 8-353-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,

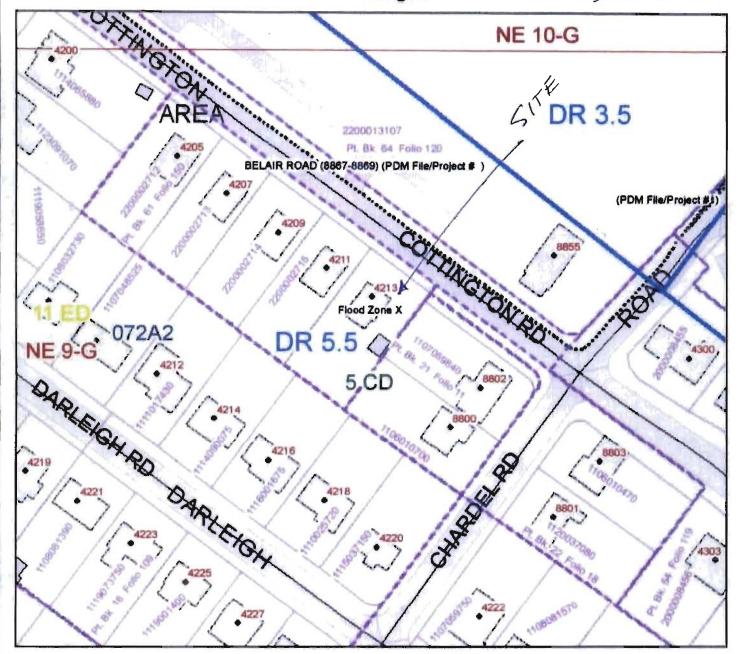
For Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

# 4213 Cottington Rd

333





Publication Date: January 15, 2008 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



