

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Myrtlewood Road, 150 feet S
of c/l intersection of Thistlewood and
Myrtlewood Roads
3rd Election District
2nd Councilmanic District
(2031 Myrtlewood Road)

Curtis C. and Jennifer M. Layton
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **Case No. 08-339-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, Curtis C. and Jennifer M. Layton for property located at 2031 Myrtlewood Road in the Bonnie View Estates subdivision in the Pikesville area of the County. The variance request is from Sections 1B01.2.c.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 19 feet in lieu of the required 22.5 feet for an open deck addition, and to approve a single lot amendment for Lot #130 of the Final Development Plan for the subdivision of "Bonnie View Estates" to permit construction outside the designated building envelope. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' variance request is to allow the proposed deck to encroach 3.5 feet into the required rear yard setback. The deck measures 22 feet wide x 10 feet deep at one end and 12 feet deep at the other end. The size of the proposed deck is not unreasonable. A deck smaller than 12 feet wide would not be of sufficient size to allow Petitioners to have a table, chairs and a grill on the deck. A number of similar size decks have been approved in the Bonnie View Estates subdivision. It would be impractical to have a deck only 8.5 feet deep, and Petitioners would be unable to enjoy reasonable use of their

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JAN 3-3-08
BY [Signature]

property, suffering further practical difficulty. No adjacent property owners voiced any objection to the request.

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, indicate that the Office reviewed Petitioner's request and recommends denial. The Office indicated that there appears to be no practical difficulty or hardship in this matter because the subject lot is an average size lot that is not unique for this subdivision.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 6, 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 3rd day of March, 2008 that a variance from Sections 1B01.2.c.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 19 feet in lieu of the

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the required 22.5 feet for an open deck addition, and to approve a single lot amendment for Lot #130 of the Final Development Plan for the subdivision of "Bonnie View Estates" to permit construction outside the designated building envelope 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.

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

3-3-06
pz

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 2031 Myrtlewood Road, Baltimore, MD 21209
which is presently zoned DR2

Deed Reference: 25396 / 35 Tax Account # 24000 / 2 / 63

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)

1B01.2.c.1b; 301.1A; To permit a rear setback of 19 ft. in lieu of the required 22-1/2 ft. for an open deck addition, and to approve a single lot amendment for lot # 130 of the Final Development Plan for the subdivision of "Bonnie View Estates" to permit construction outside the designated building envelope.

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:

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

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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 day of 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. 08-339-A

Reviewed By W Date 1/30/08

REV 7/20/07

Estimated Posting Date 2/10/08

3308
P2

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

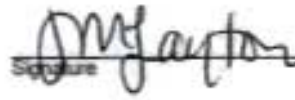
2031 Myrtlewood Road
Address
Baltimore MD 21209
City State Zip Code

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 have 31' backyard space but 30' building restriction line. County allows us to build on 25' of the 30', however that would only allow for an 8.5' deck, which is not sufficient deck space. We are requesting additional deck space not to exceed 12' at the largest portion of the deck. This is an additional 3.5'.

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.


Signature
Curtis C. Layton
Name - Type or Print

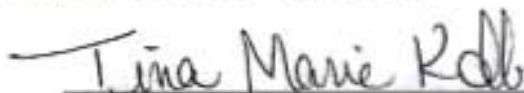

Signature
Jennifer M. Layton
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jennifer M. Layton
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 April 1, 2011

Zoning Description for 2031 Myrtlewood Road, Baltimore, Maryland 21209.

Beginning at a point on the North side of Myrtlewood Rd. 150ft south Thistlewood Rd. Being known and designated as Lot # 130 as shown on the plat entitled, PLAT TWO PHASE TWO, "BONNIE VIEW ESTATES" AS RECORDED IN THE Baltimore County Plat Book #78, Folio #17, containing 9051 square feet. Also known as 2031 Myrtlewood Rd, and located in the 3rd Election District/2nd Councilmanic District.

08-339-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09772**

Date: 1/30/08

PAID RECEIPT

BUSINESS ACTUAL TIME MIN
 1/31/2008 1/30/2008 15:25:01 2
 FEB 02 0411 0004 JET
 RECEIPT # 06070 1/30/2008 0918

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				115.00

Total: 115.00

Rec

From: Cust. Payment 2031 Hyattstown Rd

For: Admission Vehicle and Animal Exp. 08-339-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

5 520 JIMING VERIFICATION
 09772
 Receipt for 115.00
 115.00 OK 4.00 CA
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 02/07/08

Case Number: 08-339-A

Petitioner / Developer: CURTIS LAYTON

Date of Hearing (Closing): FEBRUARY 25, 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:
2031 MYRTLEWOOD ROAD

The sign(s) were posted on: FEBRUARY 6, 2008



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- 339 -A Address 2031 Myrtlewood Rd
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/30/08 Posting Date: 2/10/08 Closing Date: 2/25/08

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- 339 -A Address 2031 Myrtlewood Rd
Petitioner's Name Curtis Layton Telephone 443-745-0328
Posting Date: 2/10/08 Closing Date: 2/25/08
Wording for Sign: To Permit a rear setback of 17ft in lieu of the permitted
22 1/2 ft for an open deck addition.

WCR - Revised 6/25/04



JAMES T. SMITH, JR.
County Executive

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

February 25, 2008

Curtis Layton
Jennifer M. Layton
2031 Myrtlewood Road
Baltimore, MD 21209

Dear Mr. and Mrs. Layton:

RE: Case Number: 08-339-A, 2031 Myrtlewood 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 30, 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



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: 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. 8-339-A
2031 MYRTLEWOOD ROAD
LAYTON 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. 8-339-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
M A R Y L A N D

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 7, 2008

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

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

SUBJECT: 2031 Myrtlewood Road

INFORMATION:

Item Number: 8-339

Petitioner: Curtis and Jennifer Layton

Zoning: DR 2

Requested Action: Administrative Variance

The subject property is within a subdivision that is still under construction known as Bonnie View Estates. The pattern book approved with the development plan shows a smaller deck as an option.

The Office of Planning has reviewed several similar requests for administrative variances for decks and has consistently stated that they should comply with the pattern book, which allows decks that meet the required rear yard setback.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the requested variance. If the deck was reduced in depth, it could comply with the required setback of 22 ½ feet. The petitioner has not demonstrated a significant hardship or practical difficulty.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM



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FEB 11 2008

BY:

PLAT TO ACCOMPANY PERMIT FOR CONSTRUCTION OF VARIANCE

PROPERTY ADDRESS: 2031 Myrtlewood Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME: Boast & View Estates

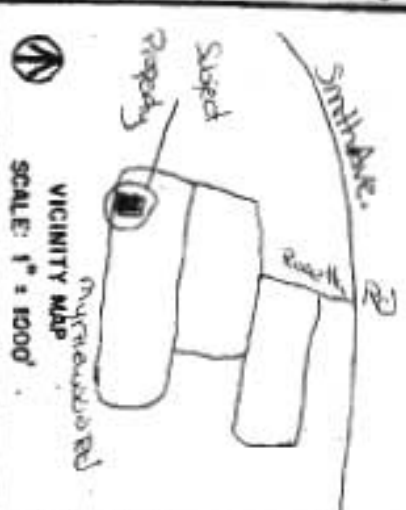
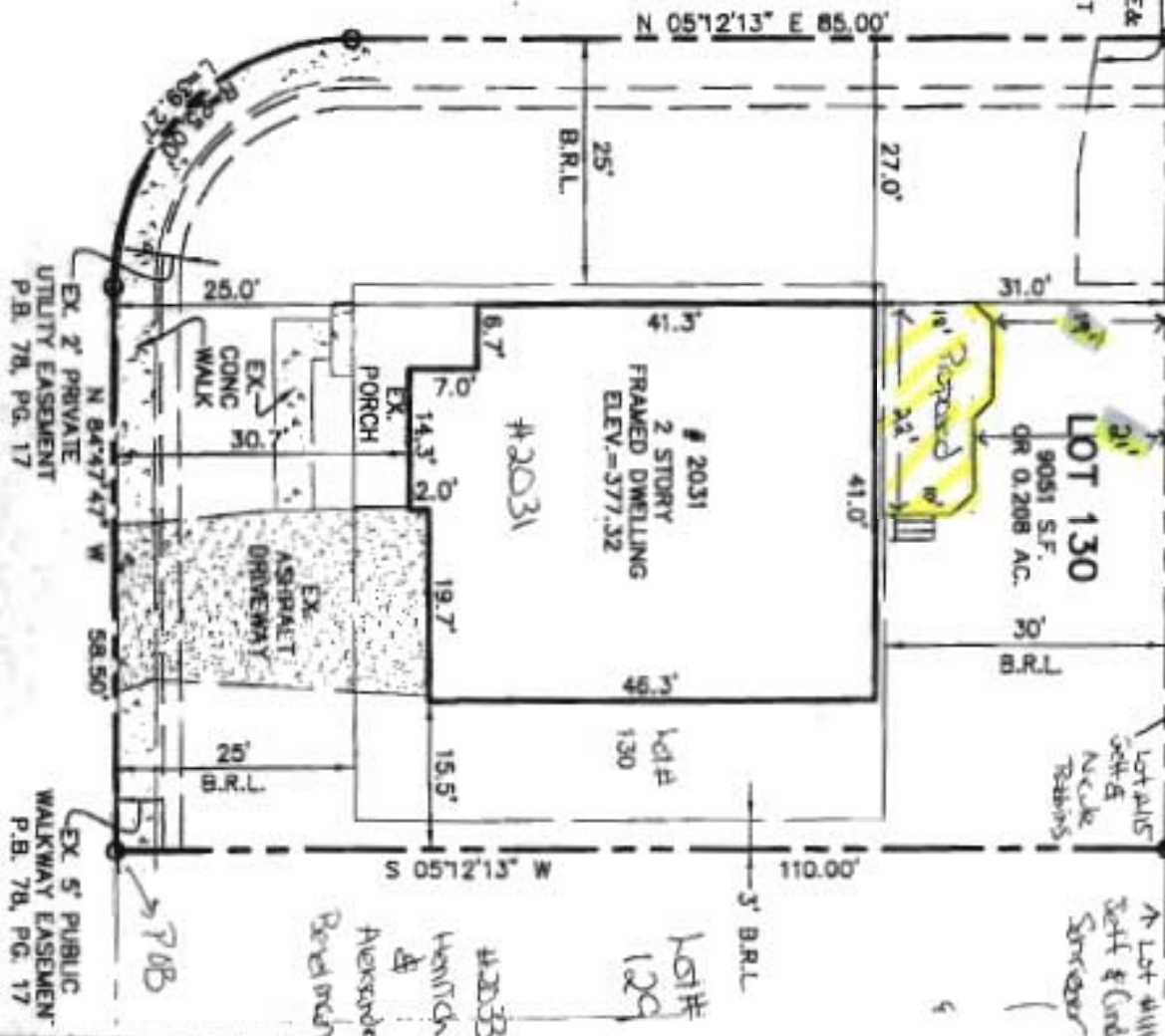
PLAT BOOK # 78 FOLIO # 17 LOT # 130 SECTION # —

OWNER: Curtis & Jennifer Cooper

EX. DRAINAGE & UTILITY EASEMENT

Lot #130
9051 S.F.
OR 0.208 AC.
Lot #130
Soft & Under
Rubbish
Lot #130
Soft & Under
Rubbish

MYRTLEWOOD ROAD
(EX. 40' R/W)
P.B. 78, PG. 17



LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP # NW 7-C

ZONING DR2 07941

LOT SIZE .208 ACRES 9051 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 ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY Creative Data

MYRTLEWOOD ROAD

SCALE OF DRAWING: 1" = 30'

08-331-A

00000698

2500000654

Pl. Bk. 78 Folio 134

Pl. Bk. 78 Folio 17

2400012183

BONNIE VIEW ESTATES (PDM File/Project # 3-454)

3 ED

NW 7-C

Flood Zone X

2016
2400012164

2018
2400012165

2020
2400012166

2400012167

2400012168

2400012169

2400012170

2400012181

2100002943

Jones Falls Hydrology 100 Foot Stream Buffer

0013170

2009
2400012138

2007
2400012139

2005
2400012140

2003
2400012141

2000
2400012147

2400012146

2400012145

2400012144

THISTLEWOOD RD

DR 2

2400012148

2400012149

2400012150

2400012151

2400012152

079A1
2 CD

2400012163

Site

2400012162

2400012161

2400012160

2400012159

MYRTLEWOOD RD

2400012178

2400012180

DR 3.5

6217

0312034320
6215

0319002080
62

0323076240

08-339-A



2031 Myrtlewood - Rear facing West

08-339-A



2031 Myrtlewood - Rear facing Property - South

08-339-A



2031 Myrtlewood Rd - Rear Facing East

08-339-A