IN RE: PETITION FOR ADMIN. VARIANCE

W side Millstone Road, 700 feet NE of c/l Sheraton Road

2<sup>nd</sup> Election District

4<sup>th</sup> Councilmanic District

(22 Millstone Road)

Daniel D. and Holly F. Kosten *Petitioners* 

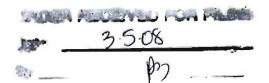
- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-355-A

#### 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, Daniel D. and Holly F. Kosten for property located at 22 Millstone Road. The variance request is from Sections 1B02.3.A.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) and R-20 (1958 Section 205.3) of the B.C.Z.R. to permit an addition and open projection with a 10 foot side setback in lieu of the required 15 feet and 11.25 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners desire to construct an addition measuring 25.5 feet x 26 feet in size on the right side of the home. This is a two story addition containing a two-car garage and a new bedroom and bathroom on the second floor. The proposed deck will be in the rear of the home. Currently the home does not have a garage. The subject property contains 20,000 square feet zoned RC 5.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 17, 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, day of March, 2008 that a variance from Sections 1B02.3.A.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) and R-20 (1958 Section 205.3) of the B.C.Z.R. to permit an addition and open projection with a 10 foot side setback in lieu of the required 15 feet and 11.25 feet, respectively 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.

Deputy Zoning Commissioner

for Baltimore County

THB:pz

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

March 5, 2008

DANIEL D. AND HOLLY F. KOSTEN 22 MILLSTONE ROAD RANDALLSTOWN MD 21133

Re: Petition for Administrative Variance

Case No. 08-355-A

Property: 22 Millstone Road

Dear Mr. and Mrs. Kosten:

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

c: Beverly True, 3920 London Bridge Road, Sykesville MD 21784

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# **CERTIFICATE OF POSTING**

The finance on applies on the relation with a final first format a safe or for America Artist and the safe of the	7.
VARIANCE	(Address)  Dundalk, Maryland 21222
ZONING NOTICE	1508 Leslie Road
	(Print Name)
	SSG Robert Black
	(Signature of Sign Pester) (Date)
	(Signature of Sign Poster) (Date)
	Sincerely,
A second	(Month, Day, Year)
The sign(s) were posted or	2-17-08
•	
22 1	MILLSTONE LD
This letter is to certify under the penalti posted conspicuously on the property lo	ies of perjury that the necessary sign(s) required by law were cated at:
Ladies and Gentlemen: description	and the same of th
ATTN: Kristen Matthews {(410) 887-3	394}
Towson, Maryland 21204	
County Office Building, Room 111 111 West Chesapeake Avenue	And the same
Baltimore County Department of Permits and Development Management	- market - "All - Comment of the com
	Date of Hearing/Closing: 3-3-0
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The state of the s	Petitioner/Developer: 1087EN

## 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

## 22 Millstone Road

Address Randallstown,	MD	21133
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 hereby are requesting a variance for the addition of a garage, with a room above it, on to our existing family residence. This request is being made for the following reasons: 1. Currently, without a garage, entering the house requires one to walk through the rain, sleet, ice, and snow. This is a particular hardship for my family especially in terms of unloading groceries or other items from the car. 2. Without the garage the vehicles are subject to the detrimental affects of the weather impacting their value, longevity, and maintenance. 3. Without a garage storage of items such as bicycles, yard furniture, paint, oils, and the like have to be kept in the house, or outside shed. This takes up a lot of space inside and presents potential health and safety risks.

This addition has also been designed to fit in with the existing houses in the community, to appear as part of the original house, and so as not to draw attention to it self (modest and orderly).

That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Signature P. Maley	Signature & F. Kad
Daniel D. Kosten	Holly F. Kosten
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:
I HEREBY CERTIFY, this 2nd day of	bruary Public of the State
of Maryland, in and for the County aforesaid, pe	
Daniel D. and Holly	
the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Notaty Public Carr
	. No.
	My Commission Expires /2-30-07

# **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property located at 22 Millstone Road, Randallstown MD 21133

which is presently zoned R.C

Deed Reference: 1 6488/682 Tax Account # 0423751230

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) 1000, 34,1. + 301.1A. (DCZP)

R. 20 (1958 - 205, 3 BCZR)

I/We do solemnly declare and affirm, under the penalties of

TO PERMIT AN ADDITION AND OPEN PROTECTION WITH A 10-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 15-FEET AND 11.25-FEET, RESPECTIVELY.

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 legal is the subject of this Petition.	al owner(s) of the property which				
Contract Purchaser/Lessee:		Legal Owner(s):	Legal Owner(s):				
		Daniel D. Koste	en				
Name - Type or Print		Name - Type or Print	<u> </u>				
Signature		Signature					
Japa Tehrlan		Holly F. Kosten					
Address	Telephone No.	Name - Type or Print					
City	toto Zío Codo	Simple F. Kust					
	tate Zip Code	Signature 🐧 22 Millstone Road	410-655-4215				
Attorney For Petitioner:		Address	Telephone No.				
		Randallstown,	MD 21133				
Name - Type or Print		City	State Zip Code				
4 5		Representative to be	Contacted:				
Signature	-	Beverly True	14.				
Company	_	Name 3920 London Bridge	Road 443-398-0988				
Address	Telephone No.	Address	Telephone No.				
		Sykesville	MD 21784				
Čity S	tate Zip Code	City	State Zip Code				
A Public Hearing having been formally of this day of regulations of Baltimore County and that the	that the subject matter	be required, it is ordered by the Zoning C er of this petition be set for a public hearing Zoning Commissioner	g, advertised, as required by the zoning				
Case No. 08-355-	A	Reviewed By D.T.	Date 17 08				
REV 7/20/07	Estimate	t i					

## 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

## 22 Millstone Road

Randallstown,	MD	21133	
City	State	Zip Code	

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advertising fee and may be required to provide additional in	and is filed, Affiant(s) will be required to pay a reposting and information.
Signature	Signature O humaday no Ammona
Daniel D. Kosten	Holly F. Kosten
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to we I HEREBY CERTIFY, this day of	peared  Kosten
the Affiant(s) herein, personally known or satisfactorily idea	ntified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Michelle Can
N. S.	lotary Public
No.	ty Commission Expires 12-30-0

## **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property located at 22 Millstone Road, Randallstown MD 21133

which is presently zoned R.C.S

Deed Reference: 16438/682 Tax Account #0113151130

is the subject of this Petition

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) | DOD | DA. I. + DOI. IA. (BCER)

R.20 (1958 -205.3 BOZE)

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

TO PERMIT AN ADDITION AND OPEN PROJECTION WITH A 10-FOOT SIDE SETEACK IN LIEU OF THE REQUIRED 15-FEET AND 11, 25-FEET, RESPECTIVELY,

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.

Contract Purchaser/	Lessee:		Legal Owner(s):		
			Daniel D. Kost	ton	
Name - Type or Print			Name - Type or Pri	nt	Makel A
			lotter F. Kes	tet	Marine a James (
Signature			Signature		1
DOM A No.			Holly F. Kosten		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Address		Telephone No.	Name - Type or Print	E LINE W	
			Italyac F. Kasal		
City	State	Zip Code	Signature 0		
Attorney For Petition	ner:		22 Millstone Road		410-655-4215
100111071101110111011			Address		Telephone No.
	TTE.		Randallstown,	MD	21133
Name - Type or Print			City	Stat	e Zip Code
			Representative to be	. Contacte	d:
Signature				<del>, comunic</del>	<u>u.</u>
			Beverly True		
Company			Name		
SKS#4M1			3920 London Bridge	e Road	443-398-0988
Address		Telephone No.	Address		Telephone No.
			Sykesville	MD	21784
City	State	Zip Code	City	Stat	e Zip Code
A Bublic Hearley begins bee	- farmally damanda	landler found to be re	quired, it is ordered by the Zoning	Commissioner	of Paltimore County
this day of	. th	at the subject matter of	this petition be set for a public hear	ing. advertised,	as required by the zoning
regulations of Baltimore Count	ty and that the property	be reposted.			
					A MESSAGE
			Zoning Commission	er of Baltimore	County
C No 00 0	855-A		. n 17	7	in ma
Case No	255-H	Rev.	iewed By	Date	17100
REV 7/20/07	- Principal Villa J	Estimated Po	sting Date 217 08		(5) (407) II
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#### **ZONING DESCRIPTION FOR 22 MILLSTONE ROAD**

Beginning at a point on the West side of Millstone Road which is 50' wide at the distance of 700' North East of the centerline of the nearest improved intersecting street Sheraton Road which is 50' wide. Being Lot # 10 Section E in the subdivision of Hernwood Heights as recorded in Baltimore County Plat Book # 24, Folio # 148, containing 20,000 Square Feet. Also known as 22 Millstone Road and located in the 2<sup>nd</sup> Election District, 4<sup>th</sup> Councilmanic District.

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case	Number: 08-	355	-A	Address	22 MILL	STONE RO	
	l lct Person:	DONNA	THOMPSON	,			er: 410-887-3391
			Please Print Your N				200
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3.	commissione order that the (typically with	er. He may: ne matter be nin 7 to 10 da	a) grant the) set in for a ays of the clos	e requeste public he sing date)	d relief; (b) d earing. You as to whethe	deny the reque will receive w	or deputy zoning sted relief; or (c) ritten notification as been granted, ass mail.
4.	(whether du commissione changed givi	e to a neigh er), notification ng notice of t	bor's formal on will be for the hearing da	request o warded to ate, time a	r by order o you. The nd location.	of the zoning of sign on the p As when the s	o a public hearing or deputy zoning property must be ign was originally t be forwarded to
			(Detacl	h Along Dotted	Line)		
Petitio	oner: This P	art of the Fo	rm is for the	Sign Post	er Only		
		USE THE	ADMINISTRA	TIVE VAR	IANCE SIGN	FORMAT	
Case	Number: 08-	355 -	A Addre	ess <u>22</u>	MILLSTON	E RO.	
Petitio	ner's Name _	KOSTE	EN		T	elephone <u>HID</u>	-655-Ha15.
Posti	ng Date:	2/17/	08	_ CI	osing Date:	3308	
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	RESPECT	WELY.					

# 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: 08-355-A	
Petitioner: KOSTEN	
Address or Location: 22 MILLSTONE RD	1.5
PLEASE FORWARD ADVERTISING BILL TO:	
Name: MR + MRS DANIEL KOSTEN	
Address: 22 MILLSTONE RD.	
RANDALLSTOWN, MD 21133	
<u></u>	<u> </u>
Telephone Number: 410 - 655 - 4215	



JAMES T. SMITH, JR. County Executive

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

March 3, 2008

Daniel D. Kosten Holly F. Kosten 22 Millstone Road Randallstown, MD 21133

Dear Mr. and Mrs. Kosten:

RE: Case Number: 08-355-A, 22 Millstone Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 7, 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. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

Beverly True 3920 London Bridge Road Sykesville 21784

## 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

**DATE:** March 3, 2008



BY:----

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-355- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By: Lucis Hussay

CM/LL



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 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 337,348,855/356,357,359,360,361,362,363,364,365,366,367,368,369

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: 2/21/2008

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

RE: **Baltimore County** 

Item No. 8-355 A

22 MILLSTONEROAD KOSTEN 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. 8-355-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,

A Steven D. Foster, Chief For Engineering Access Permits

Division

SDF/MB

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: February 21, 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 25, 2008

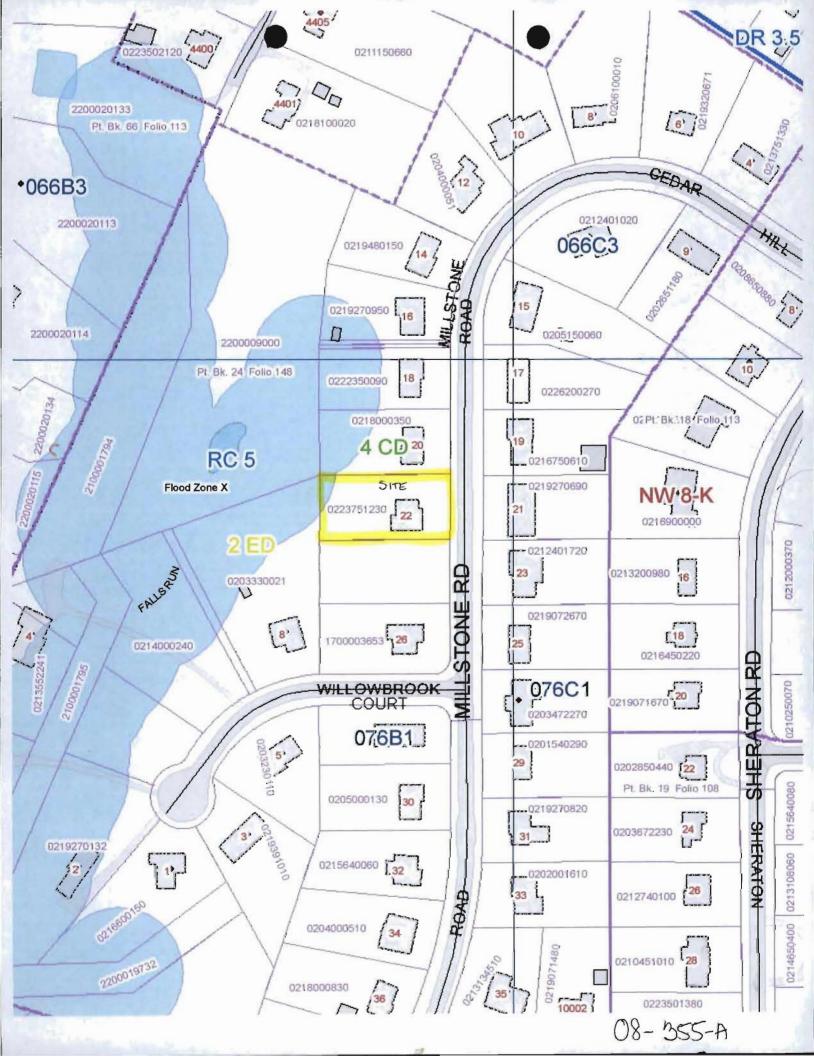
Item Nos. 08-337, 341, 348, 355, 356, 358, 359, 360, 361, 362, 363, 365, and 373

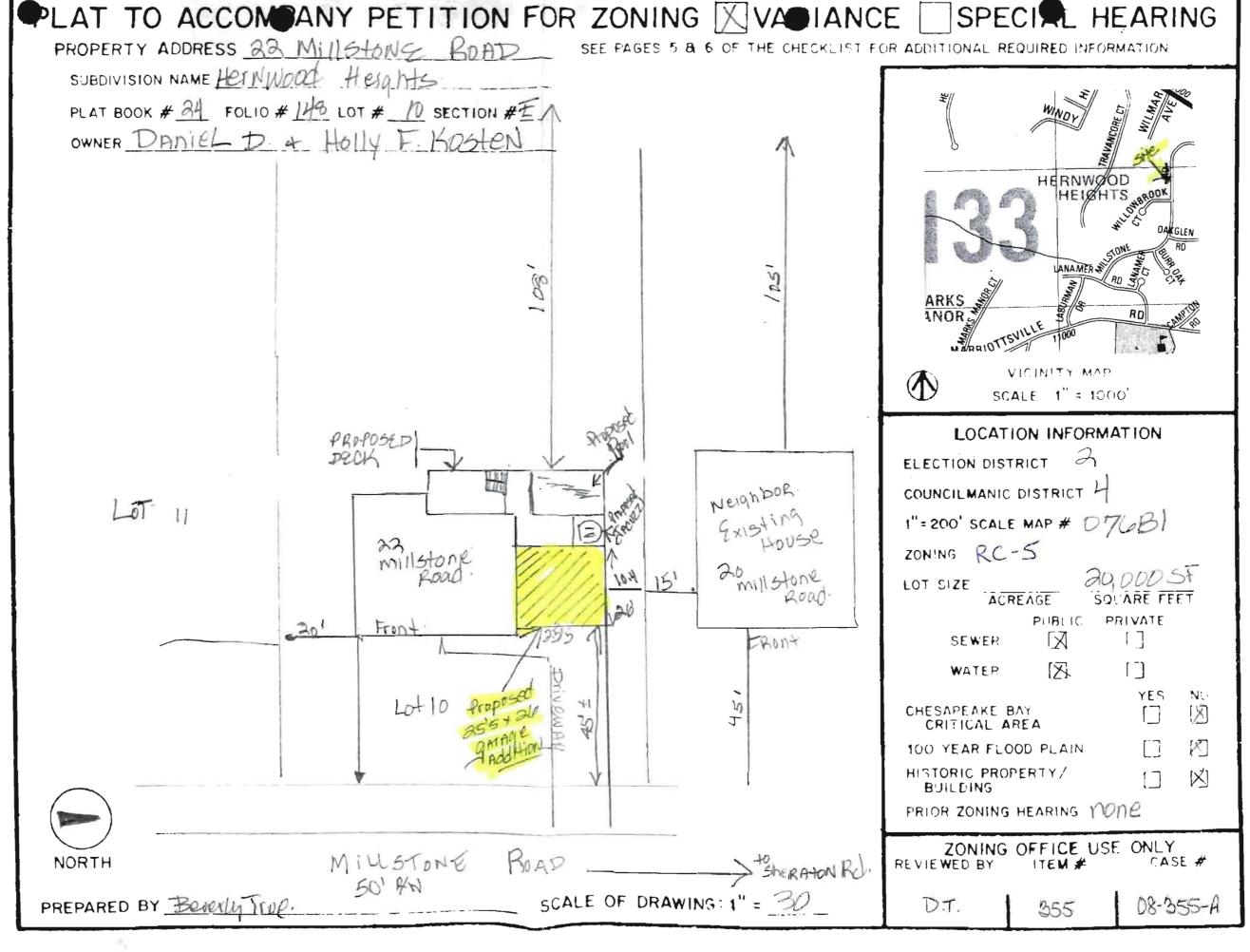
The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw

cc: File

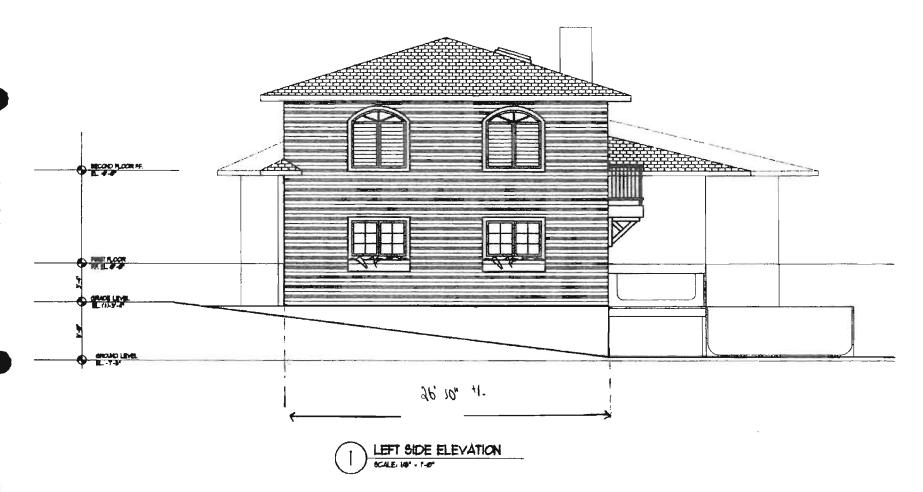
ZAC-NO COMMENTS-02212008.doc





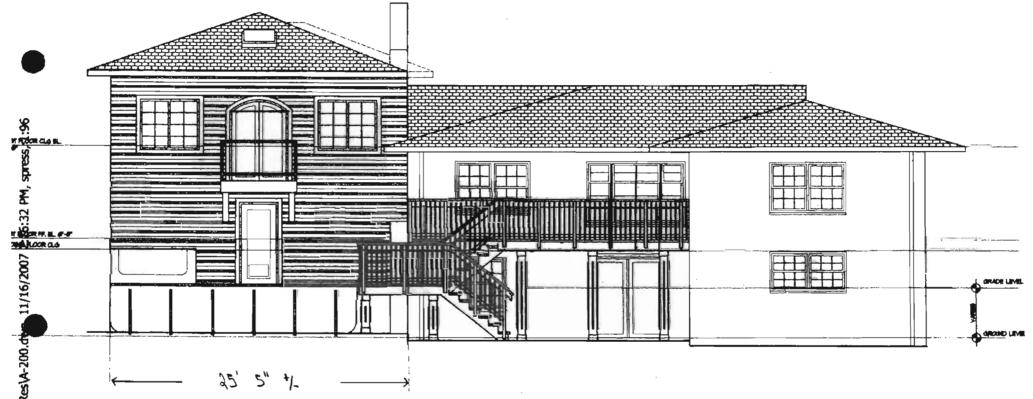
08-355-A

Tallango Bandes

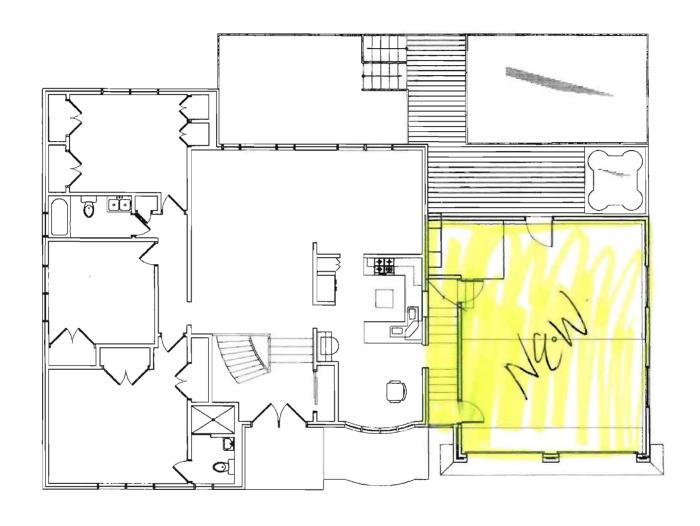


08-355-A

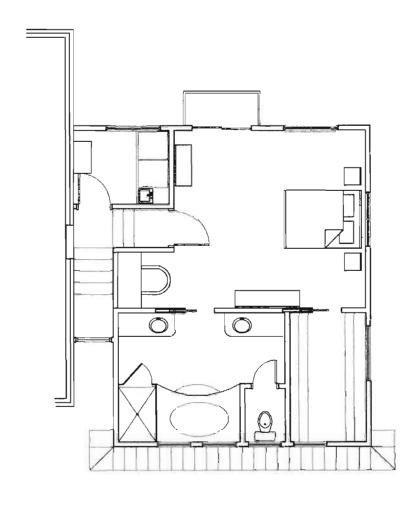




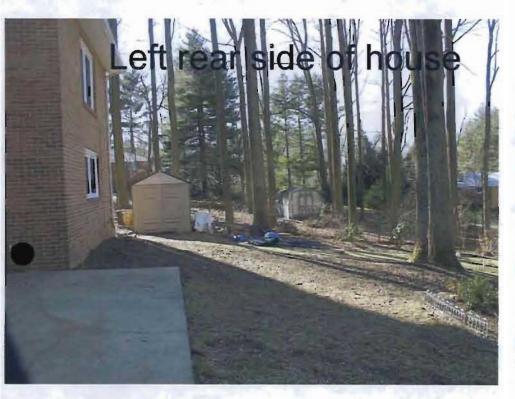
BACK ELEVATION

















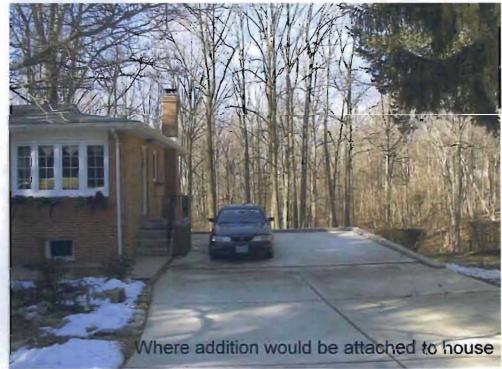
millstone Rd.

22

















22 millstone Rd