IN RE: PETITION FOR ADMIN. VARIANCE

S side of Church Lane, 440 feet W of c/l intersection of Church Lane and Glenbeck Road 3rd Election District 2nd Councilmanic District

(215 Church Lane)

Michael and Vanessa R. Ross *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-457-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, Michael and Vanessa R. Ross for property located at 215 Church Lane in the Pikesville area of the County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the front yard of a dwelling in lieu of the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a detached garage in the front yard of Parcel 2. They own Parcel 1, on which the existing two-story house is constructed, and Parcel 2, the location of the proposed structure. The proposed garage on Parcel 2 would be reached via a driveway extension past the existing home and continue past approximately 83 feet of property on Parcel 1 to the proposed location of the garage on Parcel 2. Petitioners indicated in their Affidavit that a variance is necessary due to the present location of the house. The site plan shows that Petitioners' dwelling is placed on Parcel 1 such that the front of the dwelling is perpendicular to Church Lane. They also indicated there is not enough room in the rear of the property.

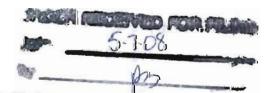
In response to Petitioners' variance request, the Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The comments received



from the Office of Planning dated April 29, 2008 indicate that the existing dwelling is on the panhandle lot shown as Parcel 1 on the site plan and faces the side lot line instead of Church Lane. The proposed accessory building is shown on Parcel 2. The property in question received a limited exemption for a lot line adjustment, 030104D, on March 1, 2004. Parcel 2 is shown as a forest buffer easement in its entirety. The existing dwelling has a 51 foot rear yard setback which that agency believes is ample area in which to locate a 30 foot by 32 foot accessory structure. Hence, the Planning Office is of the opinion that the Petitioners do not have a significant hardship or practical difficulty and the requested variance should be denied.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 13, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In considering a request for variance, I must do so in accordance with the mandate of Cromwell v. Ward, 102 Md.App. 691 (1995) and Section 307 of the B.C.Z.R. The Court of Special Appeals of Maryland interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was no evidence of unusual conditions or characteristics that are unique to this lot. In short, there is no evidence to suggest that this property meets the uniqueness requirement and in my view, the Petitioners can erect the accessory structure in compliance with the applicable zoning regulations. As such, having determined that no uniqueness exists as to the Petitioners' property, I must therefore deny the variance requested by



the Petitioners. I am in agreement with the Office of Planning comments that the Petitioners can construct a garage of sufficient size in the rear yard of Parcel 1. The configuration of the subject property and the orientation of the dwelling does not lend itself to the construction of a garage as proposed on the site plan and, therefore, the request is not within the spirit and intent of the zoning regulations. Thus, I am persuaded in this case to deny the variance.

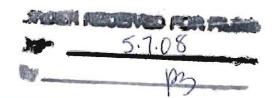
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be denied.

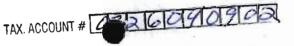
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this ______ day of May, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) in the front yard of a dwelling in lieu of the rear yard is hereby DENIED.

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. 2008-045

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>AlS Church love</u> which is presently zoned 10

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)

To permit an accessory structure/garage in the front yard of a dwelling in lieu of the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above 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: Legal Owner(s): Name - Type or Print Signature Signature Address Telephone No. State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No. City State Zip Code 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this ____ day of ____, ___ that the subject negulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

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.

competent to testify thereto in the event that a pro-	ublic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	Address 2 CHANGEL LANCE
	Likesviller Md. 21208
That based upon personal knowledge, the followariance at the above address (indicate hardship)	State Zip Code wing are the facts upon which I/we base the request for an Administrative or practical difficulty):
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	mal demand is filed, Affiant(s) will be required to pay a reposting and dditional information.
Clifebra Harris	Signature
Name - Type or Print	Name - Type or Print
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HERERY CERTIFY this 28 th day of May	
of Maryland, in and for the County aforesaid, per	USA KUSE
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
ON THATES SUSTE	ruc Tomaella
NOT	Ny Commission Expires Oct 23, 2011

REV 10/25/01

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	215 CHWAH LANC
	Address City State 2/202 Zip Code
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Room IN Rear.	
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That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
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Michael Oss	Signature Riverson Ross
Name - Type or Print	Name Type or Print ′.
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:
of Maryland, in and for the County aforesaid, po	ersonally appeared? Vanessa Koss
the Affiant(s) herein, personally known or satisf	factorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Vacator /
38	Notal Public
NOTARY 3	My Commission Expires Wet. 23, 2011

REV 10/25/01



REV 10/25/01

FILTER

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>3/5</u> CHyceH which is presently zoned R-4

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.i

To permit an accessory structure/garage in the front yard of a dwelling in lieu of the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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I, or we, agree to pay expenses of above 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 of perjury, that I/we ar is the subject of this	declare and affirm, under the the legal owner(s) of the s Petition.	ne penalties of property which
Contract Purchaser/L	_essee:		Legal Owner(s	<u>):</u>	
and the same			Michael	A. 6058	
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Attorney For Petition	<u>er:</u>		Address	My DIZ	Telephone No.
Name - Type or Print			City	State	Zip Code
Signature			Representative	e to be Contacted:	
Company			Name	L. N. M.	
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee this day of regulations of Baltimore County	to the property and that the property	at the subject matter of the reposted.	this petition be set for a pub	y the Zoning Commissioner of polic hearing, advertised, as reconstruction of the commissioner of Baltimore Coun	quired by the zoning
CASE NO. Zooe	3-0457-1	9 Rev	riewed By	Date 3/3	1108

stimated Posting Date

7.08

PARCEL #1

BEGINNING FOR THE SAME at a point on the south side of Church Lane (33 feet wide) said point being at the beginning of the second line of the second parcel described in a Deed dated November 2, 1961 and recorded among the Land Records of Baltimore County in Liber 3918, folio 599 which was conveyed by the Murray Hill Company to George W. Zimmer and Beulah E. Zimmer his wife thence leaving the south side of said Church Lane and binding along said second line as now surveyed (1) S 06 degrees 39' 00" E 250.00 feet, thence leaving said second line and binding along the third line of said second parcel and reversely along the second line of the first parcel of said conveyance in all (2) S 83 degrees 14' 45" W 120.00 feet to a point at the end of the first line of said first parcel and binding reversely thereon for a part of it's distance (3) N 06 degrees 39' 00" W 130.00 feet, thence leaving said first line and running for new lines of division through said first and second parcels, the two following courses and distances viz: (4) N 83 degrees 14' 45" E 100 feet and (5) N 06 degrees 39" 00' W 120.00 feet to a point on the south side of Church Lane, thence binding thereon (6) N 83 degrees 14' 45" E 20.00 feet to the place of beginning. Containing 0.413 acres of land, more or less.

PARCEL #2

BEGINNING FOR THE SAME at a point at the beginning of the first line of the third parcel described in the above-mentioned conveyance, thence binding along said first line and along the second, third and four lines of said third parcel, the four following courses and distances as now surveyed (1) N 83 degrees 14' 45" E 146.00 feet (2) S 06 degrees 39' 00" E 99.50 feet (3) S 83 degrees 14' 45" W 146.00 feet (4) N 06 degrees 39' 00" W 99.50 feet to the place of beginning. Containing 0.333 acres of land, more or less.

0457-A

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DISTRIBL	JTION	15.5	E	GENCY			74.75	- CUSTOMER		VALIDATION

Certificate of Posting

	RE: Case NO 08-045	57-A
	Petitioner/Developer	
	Michael I	Ross
	Date of Hearing/Closing	4/28/08
		REVISED PA
Baltimore County Department of Permits and Develo County Office Building – Room 11 111 W. Chesapeake Ave. Towson, Md. 21204	•	
Attention:		
This letter is to certify, under pena required by law, were posted cons	X 0 0 7	• 0 (/
	215 Church Lane	
The sign(s) were posted on	4/13/08	
	(Month, Day, Year)	
	Sincerely, Sincerely, (Signature of sign Pos	4 13 09 ter and date)
	Richard E. Hoffma	an
C A44 1 1	(Printed Name)	
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Photograph	904 Dellwood Dr (Address)	<u>ave</u>
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	Fallston, Md. 210	
	(City, State, Zip C	.ouej
	410-879-3122	
	(Telephone Numb	oer)

Certificate of Posting Photograph Attachment

Ke: _	<u> </u>	
Petit	ioner/Developer:	
	Michael Ross	

Date of Hearing/Closing: 4/20/08

POSTING DATE



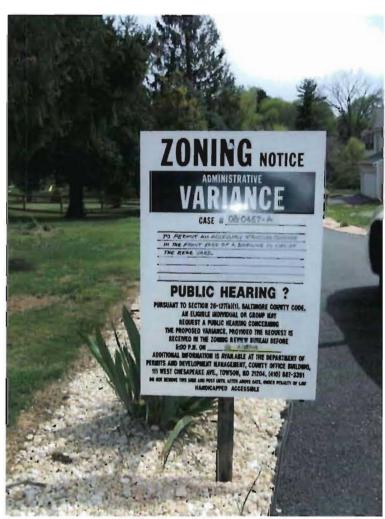
215 Church La.

Posting Date: 4/13/08

Certificate of Posting Photograph Attachment

ке:	2008-0457-A	
Petitio	ner/Developer:	
	Michael Ross	

Date of Hearing/Closing: 4/28/08



215 Church Lane

Posting Date: 4/13//08
Closing Date Corrected: 4/24/08

BACTIMONE COOKET DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **ZONING REVIEW**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-0457 -A Address 215 Church Lawe
Contact Person: LEONARD WASILOWSKI Phone Number: 410-887-3391
Filing Date: 3 31 08 Posting Date: 4 13 08 Closing Date: 4 29 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.
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.
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 08-0457 -A Address 215 Church LANC
Petitioner's Name Michael Koss Telephone
Posting Date: 4/13/08 Closing Date: 4/28/08
Vording for Sign: To Permit AN Access ORY Strencture GARAGE
IN the front yard of a Jowelling VinsView
of the Rober youd
WCR - Revised 6/25/04



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 28, 2008

Michael Ross Vanessa Ross 215 Church Lane Pikesville, MD 21208

Dear Mr. and Mrs. Ross:

RE: Case Number: 2008-0457-A, 215 Church Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

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

Maryland Department of Transportation

Date: April 14, 2008

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

RE: Baltimore County

POSS PROPERTY

ADMINISTERTIVE 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.8-457-4.

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 Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 16, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 21, 2008

Item Nos. 08-450, 451, 452, 453, 454, 456, 457, 458, 459, 460, 462, 463, 464,

465, 466, 468, 469.

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

DAK:CEN:lrk

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 29, 2008

BY:_____

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, Ill

Director, Office of Planning

SUBJECT:

217 Church Lane

INFORMATION:

Item Number:

8-457

Petitioner:

Michael and Vanessa Ross

Zoning:

DR 3.5

Requested Action:

Administrative Variance

The requested administrative variance is to permit an accessory structure (garage) in the front yard in lieu of the required rear yard. The existing dwelling is on a panhandle lot, shown as Parcel 1 on the site plan, and faces the side lot line instead of Church Lane. The proposed accessory building is shown on Parcel 2. The property in question received a limited exemption for a lot line adjustment, 030104D, on 3/01/04. Parcel 2 is shown as a forest buffer easement in its entirety. See DEPRM comments for more information.

SUMMARY OF RECOMMENDATIONS:

The existing dwelling has a 51-foot rear yard setback, which is an ample area in which to locate a 30' x 32' accessory structure. The Office of Planning is of the opinion that the petitioner does not have a significant hardship or practical difficulty and the requested administrative variance should be **denied.**

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

Reviewed by:

Division Chief:

AFK/LL: CM

January 21, 2008

From: Gregory A. Frick

212 Oak Ave. Pikesville, Md. 21208 (410) 486- 4481 (H) (443) 255- 6859 (cell)

Ref: Variance for property usage at 215 Church La. Pikesville, Md.21208 Owner Michael Ross

To whom it may concern,

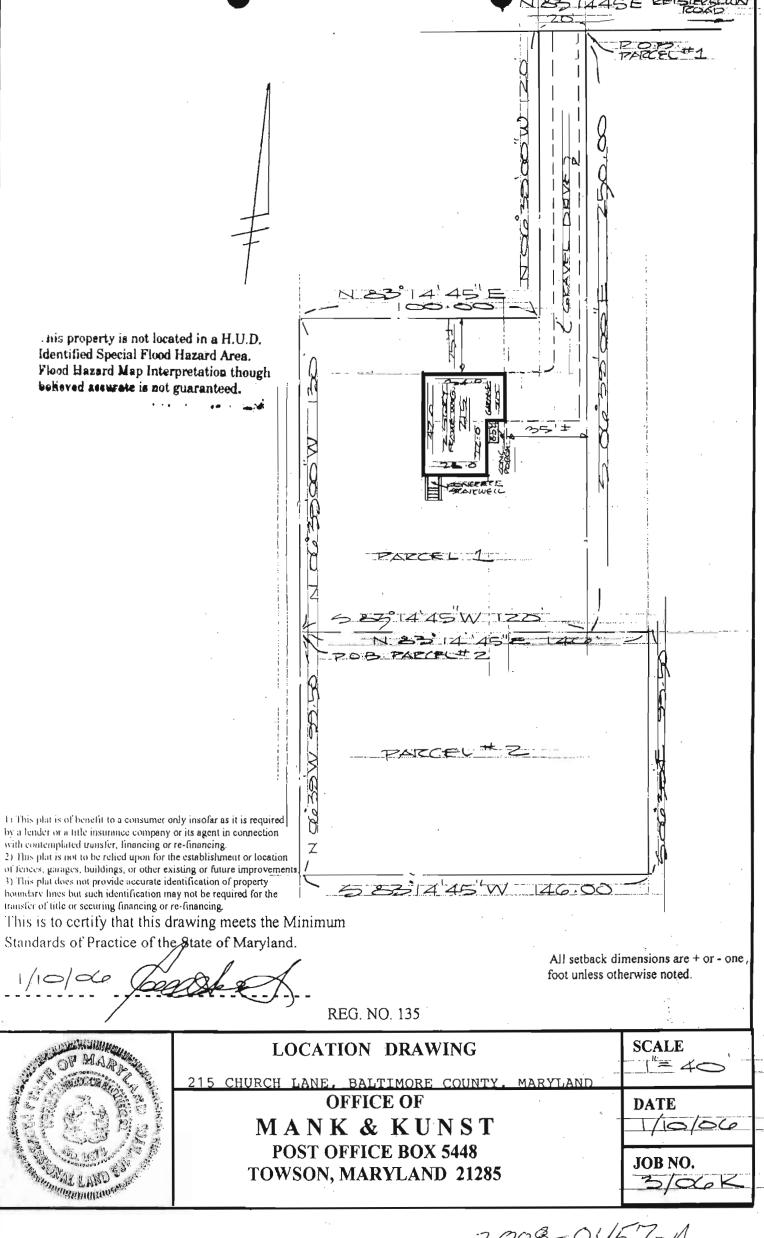
I have reviewed the plat for the proposed garage structure on the rear Property of 215 Church Lane.

I see no current or future interference with my property at 212 Oak. Ave. For further inquiry. I have provided contact information above.

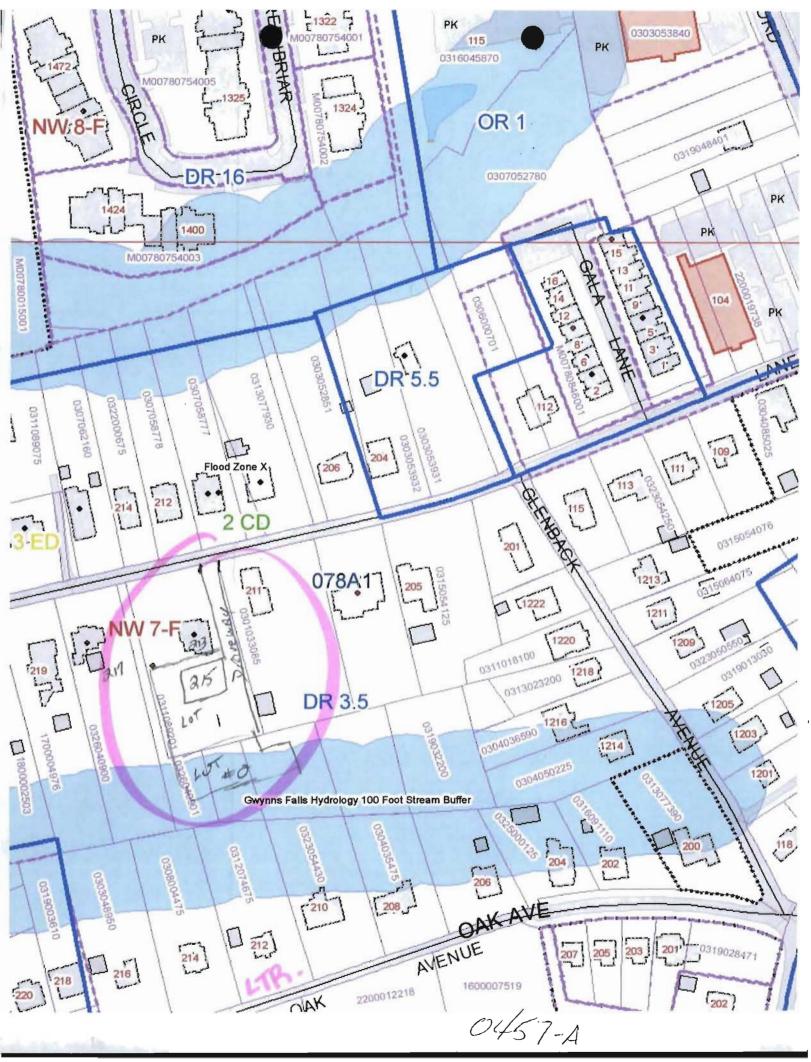
Thank you,

Gregory A. Frick

0457-A



2008-0457-A











7008 00457

Ac 16# 12/25

PLAT TO ACCOMPANY PETITION FOR ZONING XVAR	IANCE SPECIAL HEARING
PROPERTY ADDRESS - 315 CHURCH LANE SEE PAGES 5 & 6 OF THE CHE	CKLIST FOR ADDITIONAL REQUIRED INFORMATION
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PLAT BOOK # 1 FOLIO # 1/1 LOT # N/ SECTION # 17/1-)	E 695 POMPINA TOMONE DE 2
OWNER Michael A Rus / Winessa R. Russ	CEDARNO OB
	2 EAST LIGHT STATE COURT
	SOUTH CHARLES SO
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N 06:39:00: W 80	HISTORIC PROPERTY/ BUILDING
	PRIOR ZONING HEARING NOME
NORTH	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY LDD SCALE OF DRAWING: 1" = 56	2003 0457-4