

IN RE: PETITION FOR ADMIN. VARIANCE
SE side of Jerome Avenue, 285 feet +/- NE
Carrington Drive
11th Election District
5th Councilmanic District
(11713 Jerome Avenue)

James T. and Marlene M. Barbey
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-465-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, James T. and Marlene M. Barbey for property located at 11713 Jerome Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' wish to construct a 30 foot x 40 foot detached garage with the roof style and pitch to architecturally match their existing home. Elevation plans submitted with the Petition depict an attractive three-car garage with three dormer windows, dentil molding and stone trim.

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 April 15, 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.

COPIES RESERVED FOR FILED
JUL 5 8 08
12

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 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 8th day of May, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 23 feet in lieu of the permitted 15 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.
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.

ORDER RECEIVED FOR FILING
5-8-08
[Signature]

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

ORDER RECEIVED FOR FILING

5.8.08



Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 11713 JEROME AVENUE
which is presently zoned DR-2

Deed Reference: 24614-1415 Tax Account # 2400011253

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 PERMIT AN ACCESSORY STRUCTURE
WITH A HEIGHT OF 23 FEET IN LIEU OF THE PERMITTED
15 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:

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):

JAMES T. BARBEY

Name - Type or Print

Signature

MARLENE M. BARBEY

Name - Type or Print

Signature

11713 JEROME AVE. (410) 335-8848

Address

Telephone No.

WHITE MARSH MD. 21167

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD MD. 21040

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. 2008-0465-A

Reviewed By J. Chen

Date 4.7.08

REV 7/20/07

Estimated Posting Date 4.20.08

NOTICE RECEIVED FOR PLANS

5.8.08

P3

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

11713 JEROME AVENUE

Address

WHITE MARSH

MD.

21162

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):

SEE ATTACHED

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.

James T Barbey
Signature

JAMES T. BARBEY

Name - Type or Print

Marlene M. Barbey
Signature

MARLENE M. BARBEY

Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{HARFORD}, to wit:

I HEREBY CERTIFY, this 31ST day of MARCH, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES T. BARBEY AND MARLENE M. BARBEY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sharon C. Harwood
Notary Public

My Commission Expires

01.21.12

REASON FOR VARIANCE REQUEST
11713 JEROME AVENUE

WE WISH TO CONSTRUCT A GARAGE WITH A 12 FOOT CEILING HEIGHT (NO SECOND FLOOR) WITH A ROOF STYLE AND PITCH THAT WILL BE COMPATABLE WITH OUR HOUSE AS WELL AS THOSE IN THE NEIGHBORHOOD. ARCHITECTURAL PLANS AND PHOTOS HAVE BEEN SUBMITTED WITH THE APPLICATION.

ZONING DESCRIPTION

11713 JEROME AVENUE

Beginning at a point on the southeast side of Jerome Avenue (50 feet wide), distant northeasterly 285 feet from it's intersection with the northeast side of Carrington Drive (50 feet wide), thence (1) N 40 32 56 E 163.35 feet (2) S 48 15 48 E 136.57 feet (3) S 40 32 56 W 129.60 feet and (4) N 62 12 36 W 140.00 feet to the place of beginning. Containing 20,000 square feet or 0.459 acre of land, more or less.

Being known as 11713 Jerome Avenue. Also being known as Lot 3B as shown on the Minor Subdivision Plan entitled the Woolford Property (04050M). Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Maryland.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12133**

Date: **4.7.08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/07/2008 4/07/2008 08:00:33 2
 505 WALKIN DEEL IND
 >>RECEIPT # 439617 4/07/2008 OFLH
 Rpt 5 528 ZOWING VERIFICATION
 012133
 Rpt tot 65.00
 \$65.00 CR 1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	026			6150				65.00

Total: **65.00**

Rec From: **J. BARBER**

For: **2008-0463-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2008-0465

Petitioner/Developer: Jim
BARLEY

Date Of Hearing/Closing: 5/5/08

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

Attention:

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
at 11713 JEROME AVE.

This sign(s) were posted on April 20, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 4/20/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2008- 200465 -A Address 11713 Jerome Ave.Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 4.7.08 Posting Date: 4/29 Closing Date: 5/5/08

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.
- 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 2008- 0465 -A Address 11713 Jerome Ave.
Petitioner's Name Jim BARBEY Telephone 410-335-8848
Posting Date: 4/29/08 Closing Date: 5/5/08
Wording for Sign: A VARIANCE - To Permit AN ACCESSORY WITH A HEIGHT of

WCR - Revised 6/25/04

**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: 465

Petitioner: Jim BARBER

Address or Location: 11713 Jerome Ave, White Marsh Md. 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-335-8848

Revised 2/20/98 - SCJ

Westbury 4/20/08





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

May 5, 2008

James T. Barbey
Marlene M. Barbey
11713 Jerome Avenue
White Marsh, MD 21162

Dear Mr. and Mrs. Barbey:

RE: Case Number: 2008-0465-A, 11713 Jerome Avenue

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood 21040

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2008

FROM: Dennis A. Kennedy, ^{DAK}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

ZAC- 04162008-NO COMMENTS

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



Maryland Department of Transportation

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

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
Item No. 8-465-A
11713 JEROME AVENUE
BARBEY 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.

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 handwritten signature in blue ink that reads "Steven D. Foster".

Foster
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: April 15, 2008

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

RECEIVED
APR 18 2008

SUBJECT: 8-465 – Administrative Variance

BY: _____

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23 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



2



1



3



4



5





FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

40'-0"

KEYWAY FOR SLAB SUPPORT
8" DEEP AT REAR SLOPE
TO 12" DEEP AT FRONT

STRUCTURAL GARAGE SLAB

GRADE BEAMS (SEE DETAIL SHT.)

STRUCTURAL NOTES:

1. $F_c = 3500$ psi
2. GRADE 40 STEEL
3. LIVE LOAD 50 psf
4. MIN. BAR LAP 18"

6" CONCRETE SLAB w/
#4 BARS @ 18" O.C. ONE WAY
AS SHOWN w/ 6"x6" - 10/10
WELDED WIRE MESH ON 6 MIL
POLY VAPOR BARRIER

8" x 4'-0" FDTN. WALL
ON 16"x8" CONC. FTG.

BEAM POCKET (TYP)
(SEE DETAIL)

FOUNDATION PLAN

8" POURED CONC. FROST WALL

2'-4 1/2"

10'-3"

2'-4 1/2"

10'-3"

2'-4 1/2"

10'-3"

2'-4 1/2"

30'-0"

4'-8"

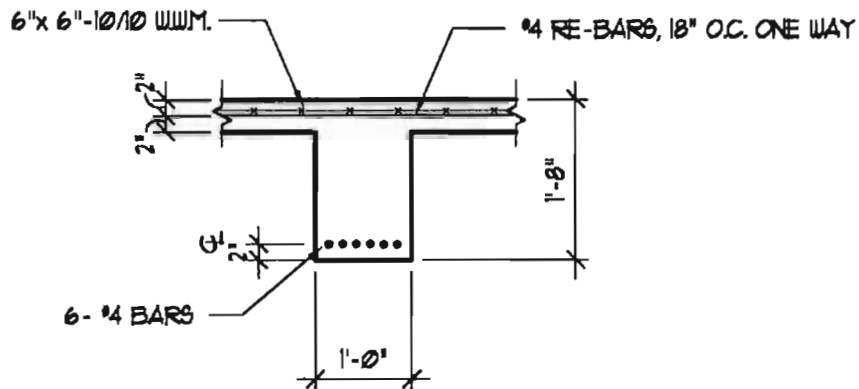
5'-0"

5'-0"

5'-0"

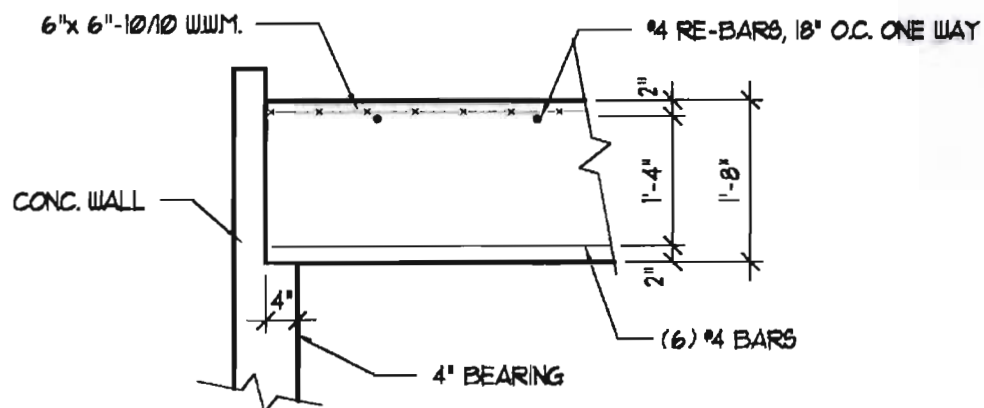
5'-0"

5'-0"



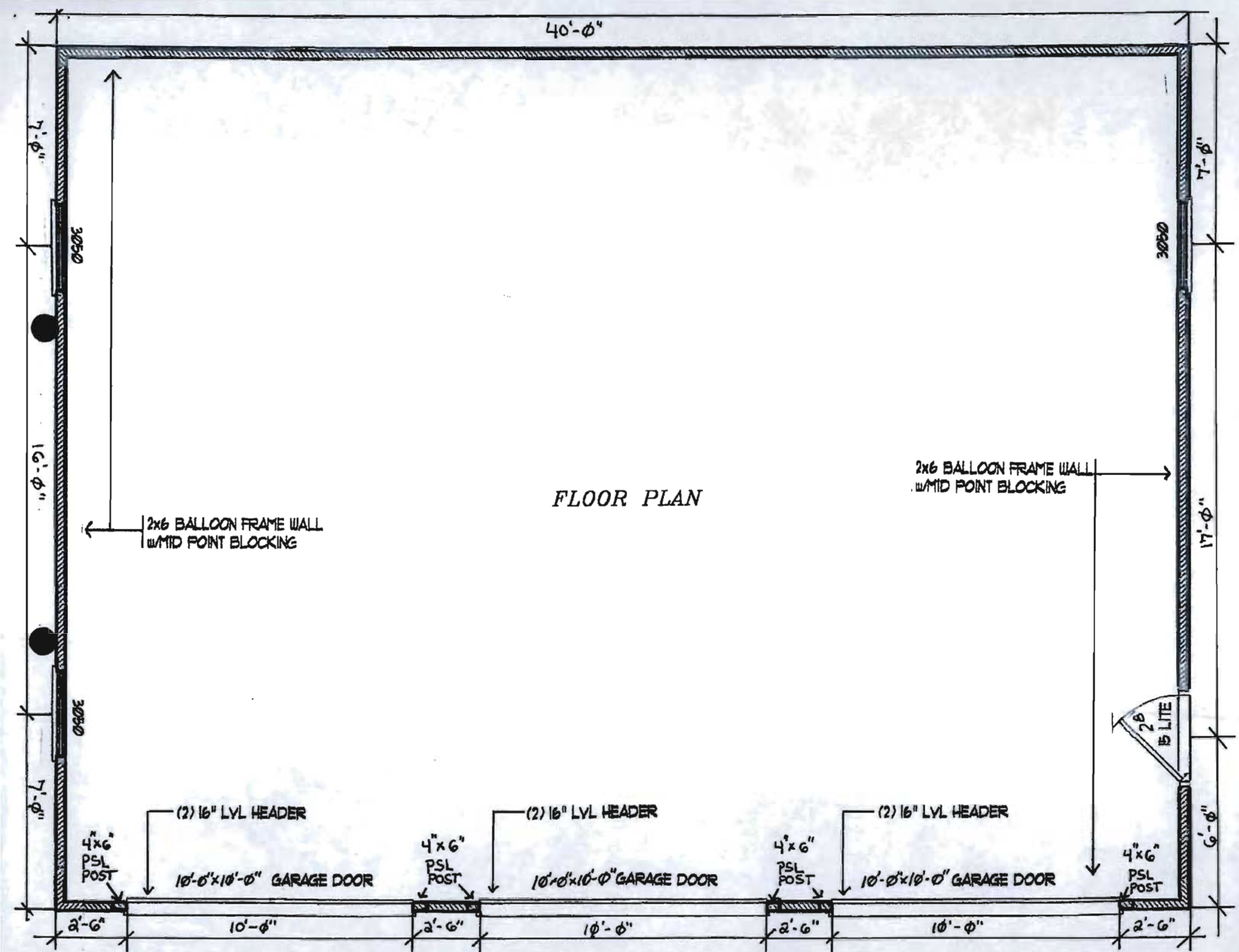
GRADE BEAM DETAIL A-A

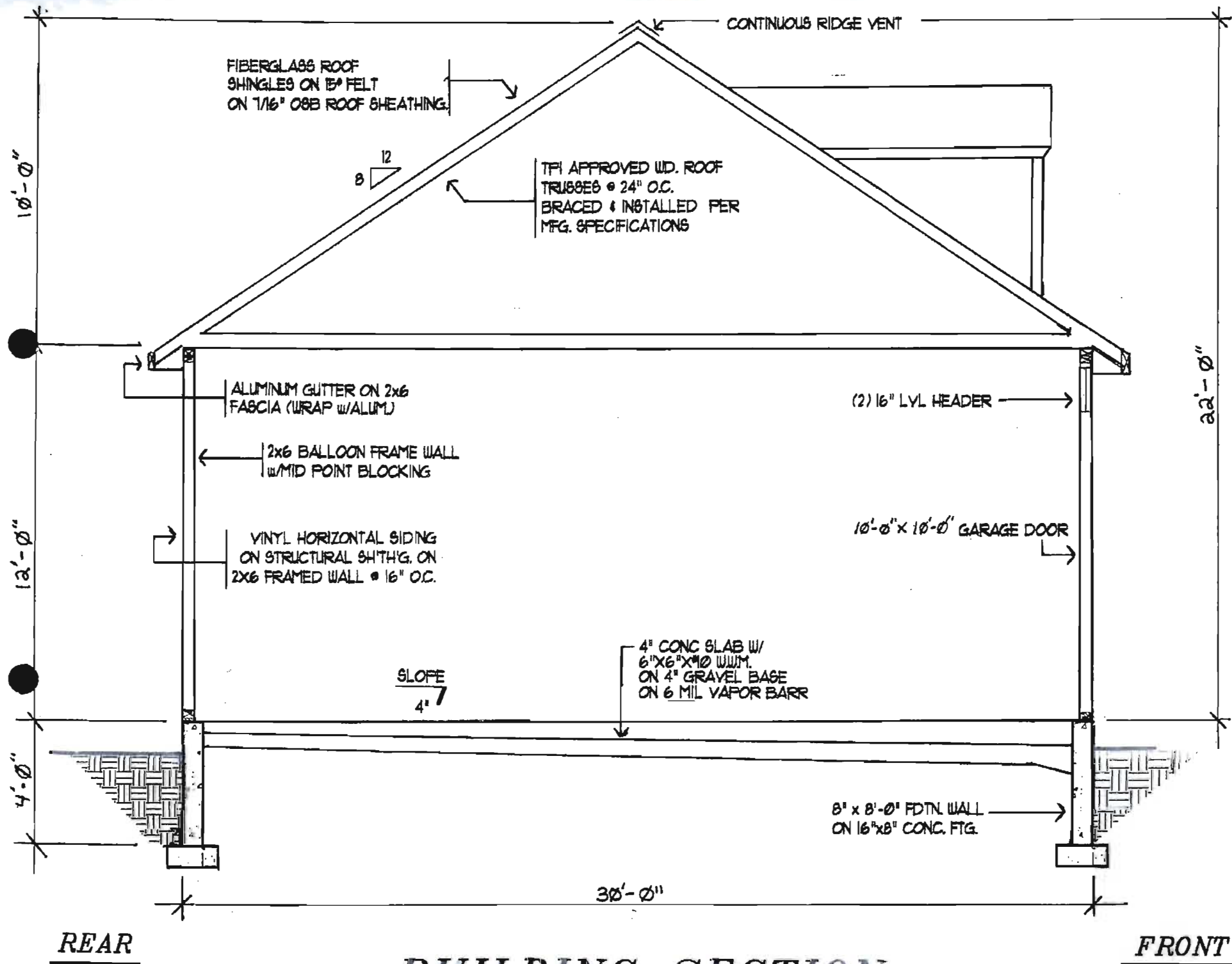
SECTION VIEW
SCALE: 1/4" = 1'-0"



BEAM POCKET DETAIL B-B

SECTION VIEW
SCALE: 1/4" = 1'-0"





BUILDING SECTION

BLOWN OR BATT
INSULATION W/ BAFFLE
IN ACCORDANCE WITH
M.E.C. CHECK VALUES

FIBERGLASS SHINGLES
ON 15° ROOF FELT OVER
7/16" OSB. SHEATHING W/
H-CLIPS

(1) HURRICANE CLIP EACH
END OR PER CODE

T.P.I. APPROVED WOOD ROOF
TRUSSES @ 24" O.C. BRACED
AND INSTALLED ACCORDING
TO MANUF. SPECIFICATIONS.

ALUM. GUTTER ON 2x6 FASCIA
TRIM WRAPPED W/ ALUMINUM

VINYL VENTED SOFFIT

(2) 2x6 TOP PLATE

2x8 FRIEZE BOARD W/ WRAPPED
ALUM. TRIM - GAP 1/8" @
WINDOW FOR ALUM. RETURN

STRUCTURAL SHEATHING
OVER 2x6 FRAMING @ 16" O.C.

8" CONCRETE FOUNDATION WALL
(MAX. BACKFILL HEIGHT = 4'-0")
(BACKFILL MATERIAL TO MEET
CODE REQUIREMENTS)

16"x 8" CONTINUOUS CONC. FTG.

ROOF PITCH AS
PER DRAWINGS

1/2" GYPSUM

WINDOW HEADER

STRUCTURAL HEADER (TYP)

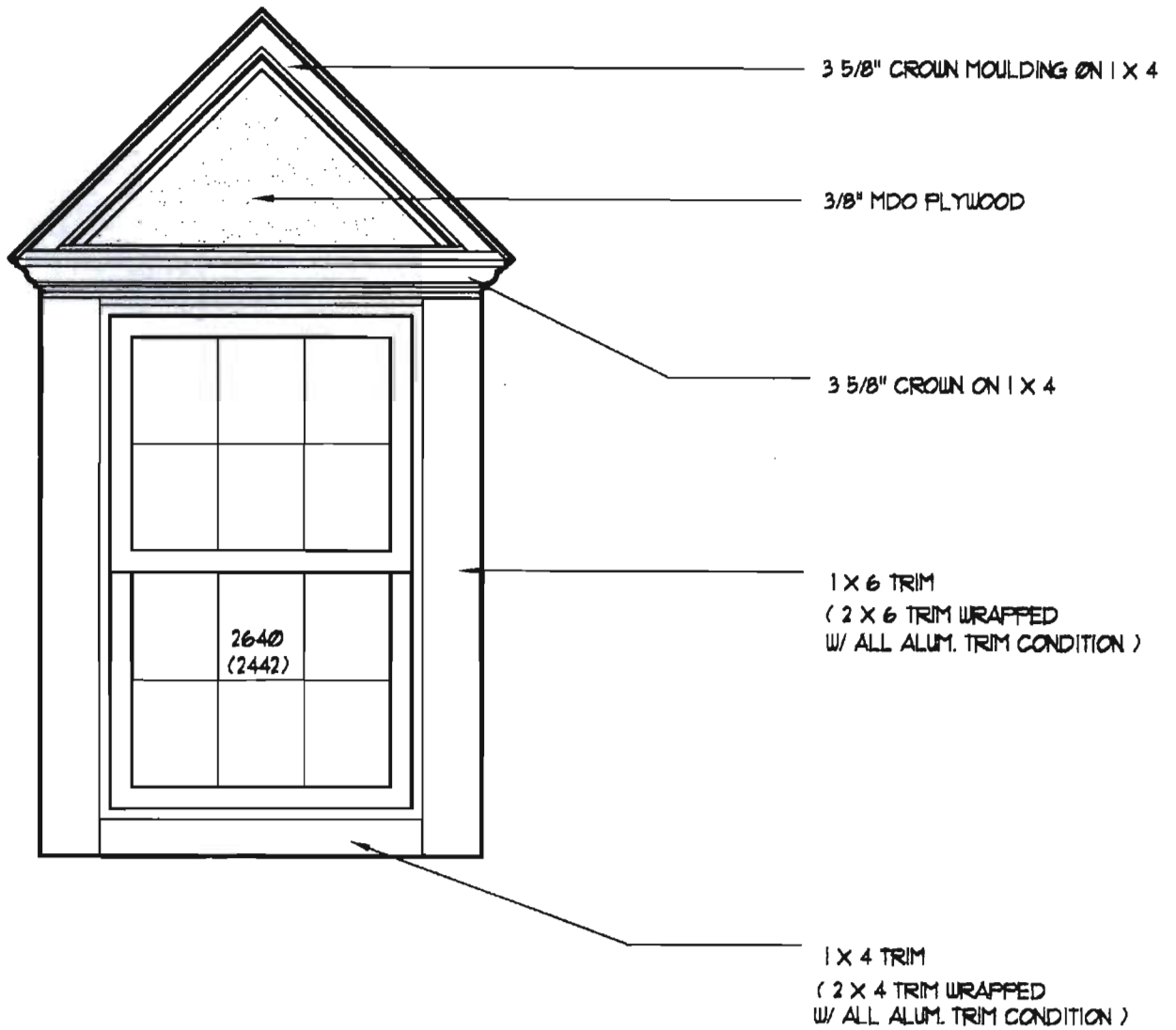
6" CONCRETE SLAB W/ 6"x
6" x 9" W/M. ON 6 MIL.
VAPOR BARRIER ON 4"
GRAVEL BASE.

12'-0"

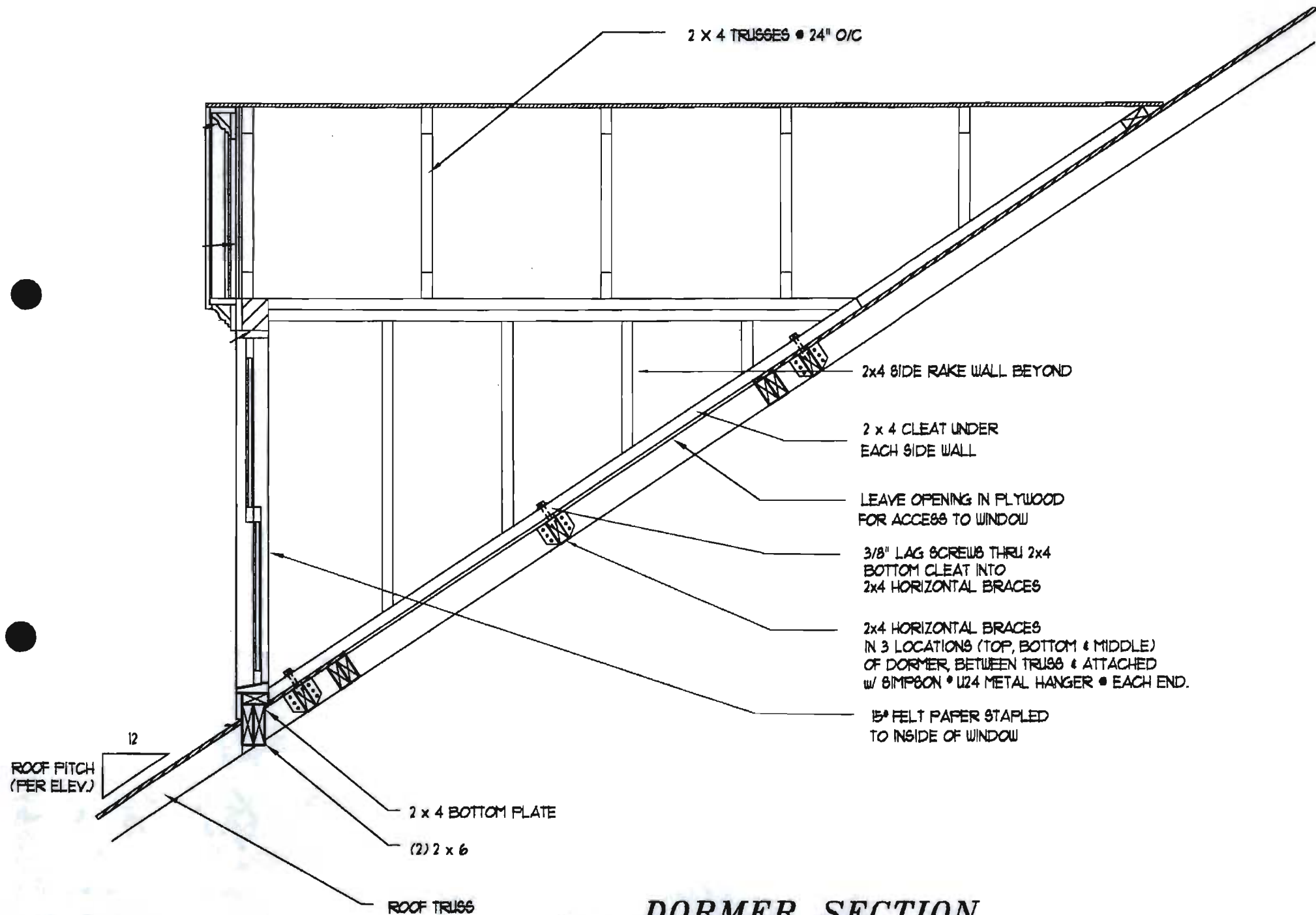
4'-0"

8"

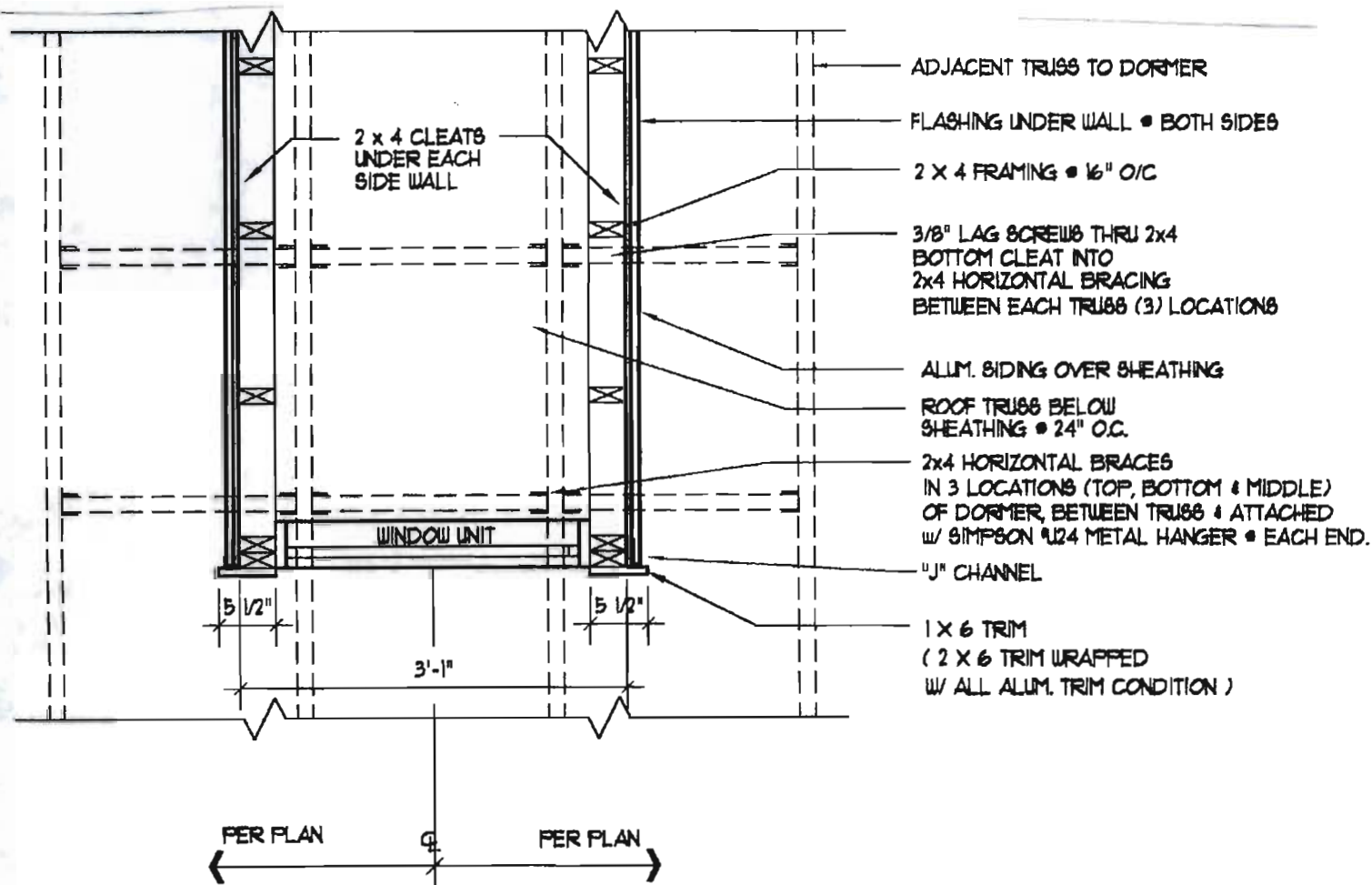
WALL SECTION



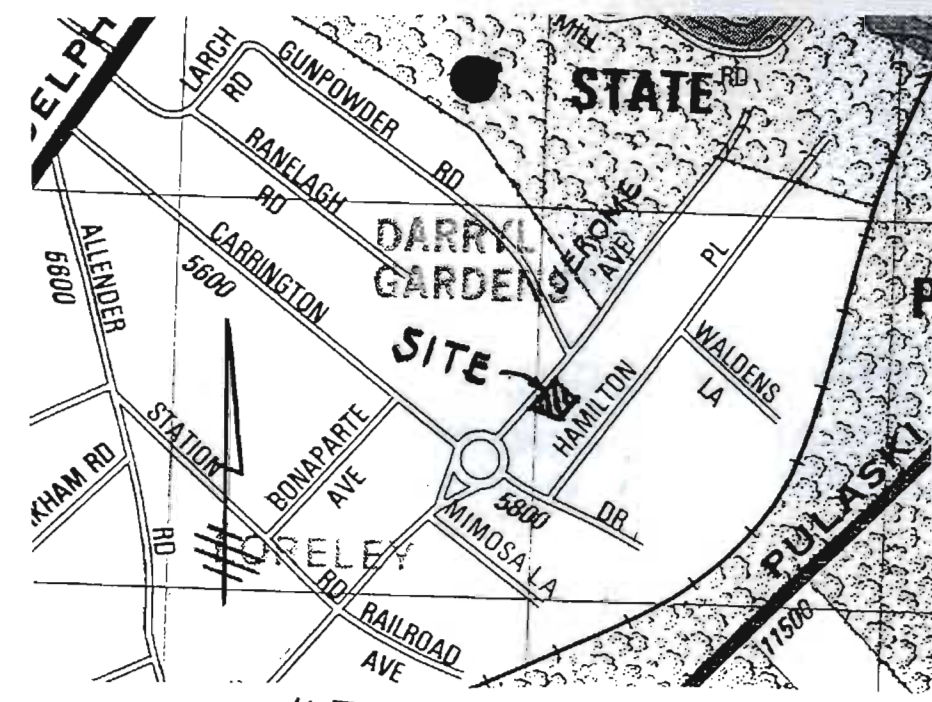
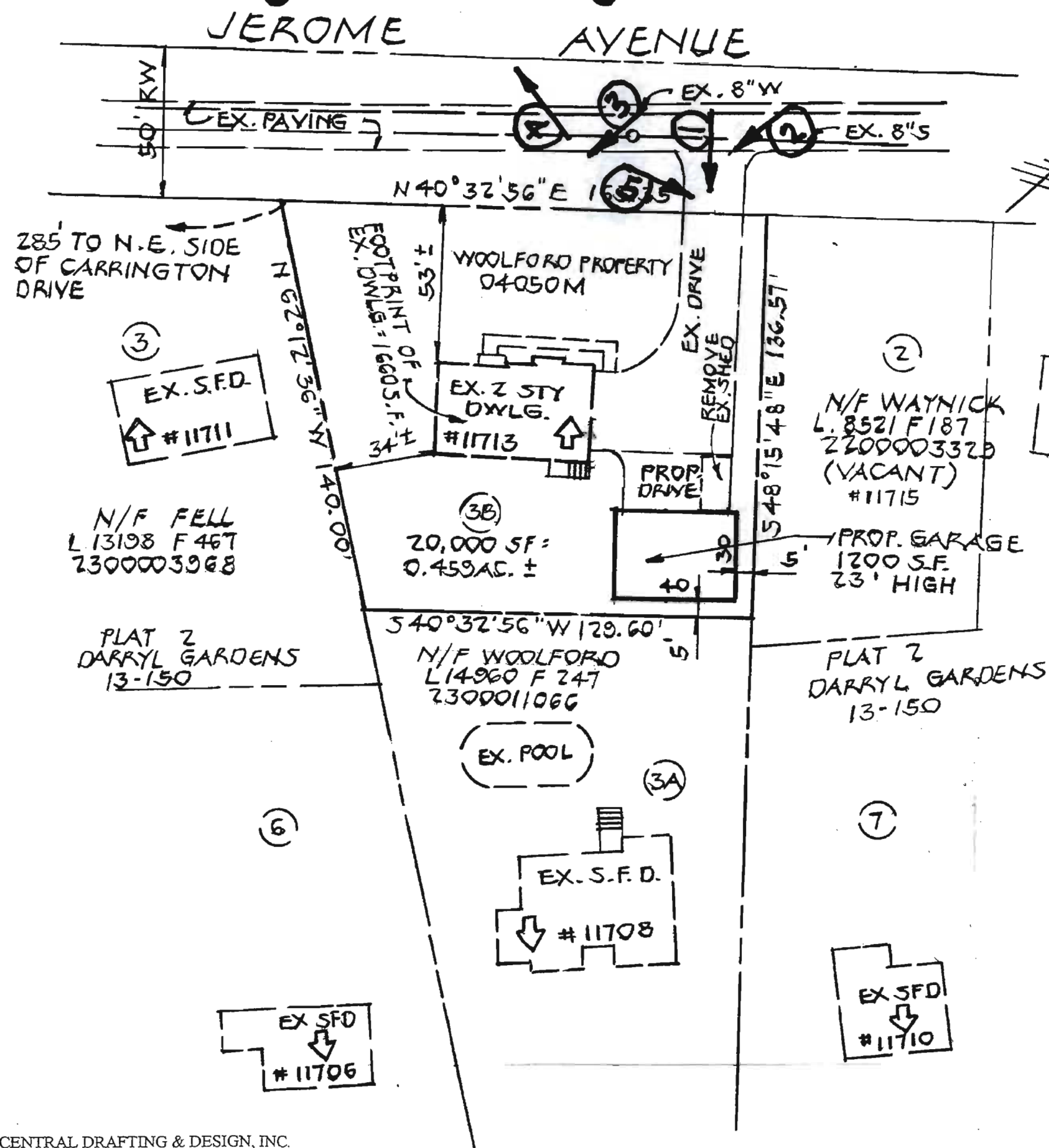
DORMER ELEVATION



DORMER SECTION



DORMER PLAN VIEW

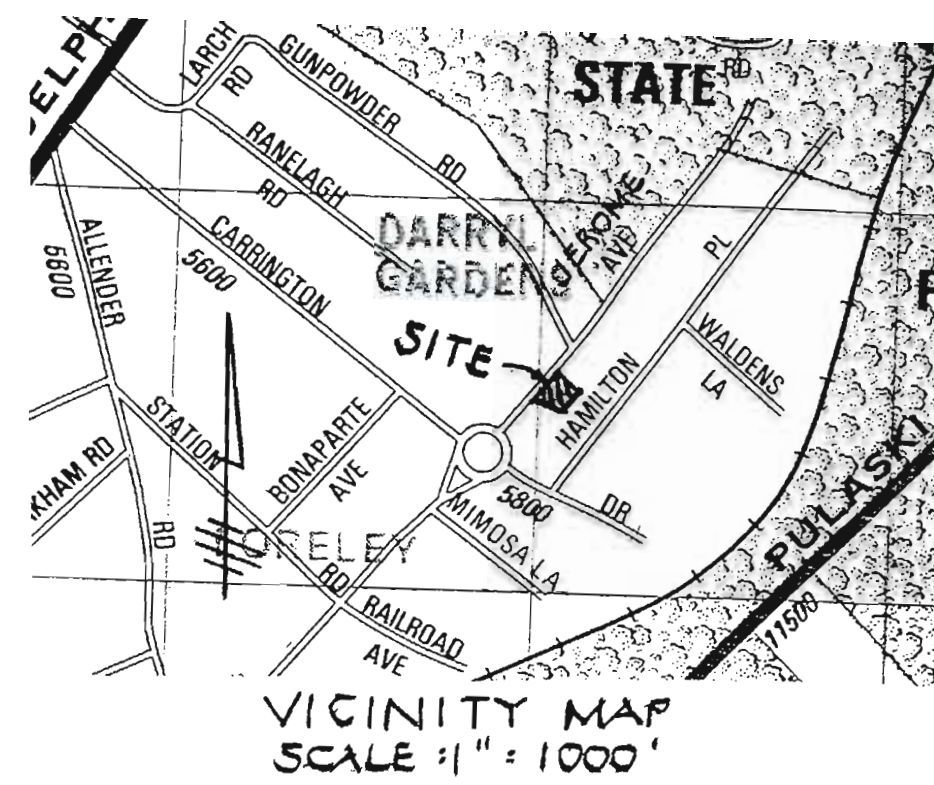
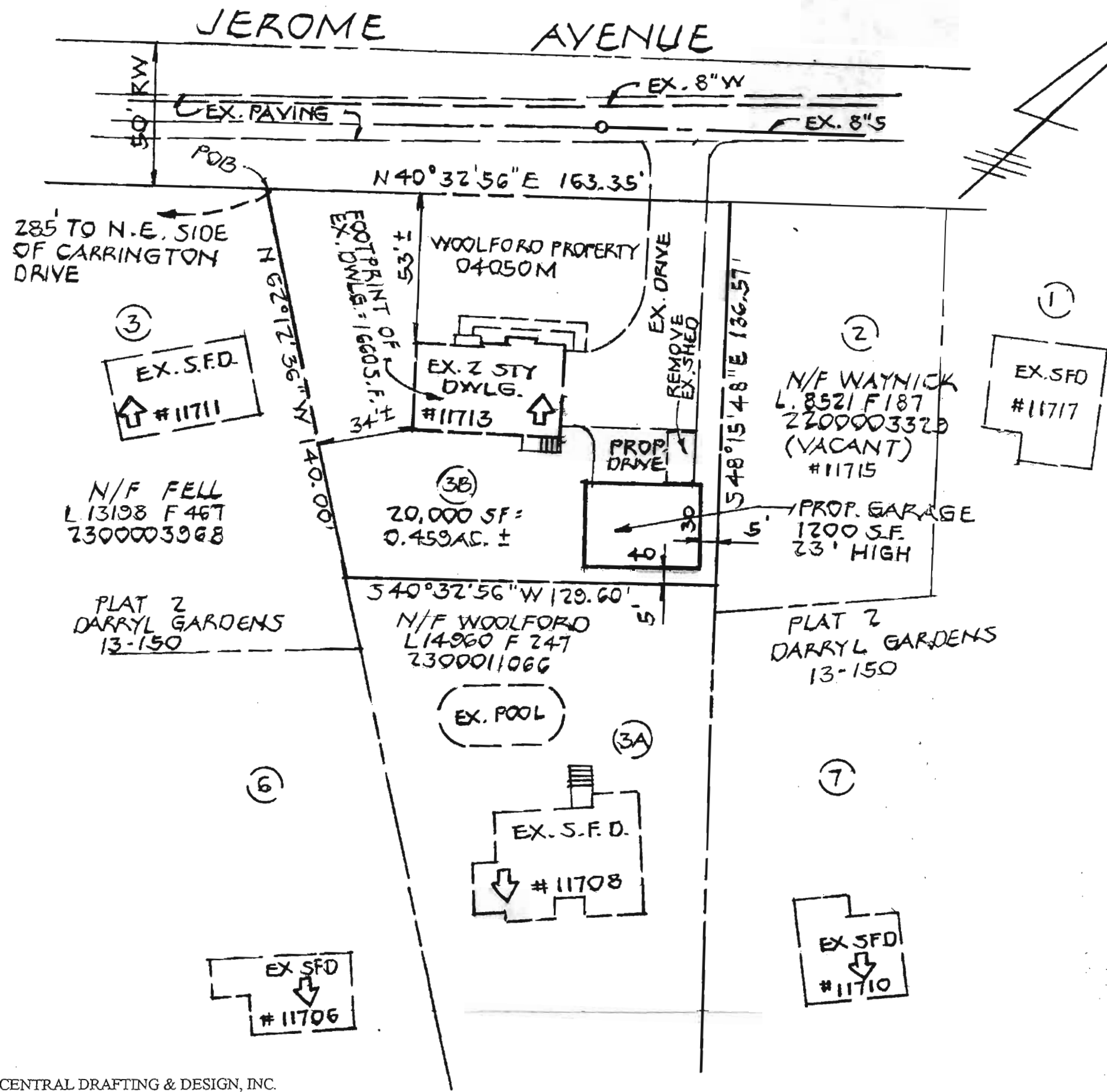


VICINITY MAP
SCALE: 1" = 1000'

OWNER
JAMES T. & MARLENE M. BARBEY
11713 JEROME AVENUE
WHITE MARSH, MD. 21162
DEED REF.: L. 24614 F.415
ACCT. NO. 2400011253

- NOTES
1. ZONING.....DR 2 (MAP NO. 073B1)
 2. LOT AREA20,000 S.F. = 0.459 ACRE
 3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
 4. PUBLIC WATER AND SEWER IS EXISTING
 5. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOOD PLAIN
 6. NO CRITICAL AREAS, WETLANDS, HISTORIC STRUCTURES OR ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST

PHOTOS
PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
11713 JEROME AVENUE
LOT 3B WOOLFORD PROPERTY 04050M
ELECTION DISTRICT 11C5
BALTIMORE COUNTY, MD
SCALE: 1 INCH = 40 FEET MARCH 31, 2008



OWNER
 JAMES T. & MARLENE M. BARBEY
 11713 JEROME AVENUE
 WHITE MARSH, MD. 21162
 DEED REF.: L. 24614 F.415
 ACCT. NO. 2400011253

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**PLAT TO ACCOMPANY PETITION FOR
 ADMINISTRATIVE VARIANCE
 11713 JEROME AVENUE
 LOT 3B WOOLFORD PROPERTY 04050M
 ELECTION DISTRICT 11C5
 BALTIMORE COUNTY, MD
 SCALE: 1 INCH = 40 FEET MARCH 31, 2008**