

IN RE: PETITION FOR VARIANCE

NE side of Gunpowder Road, 250 feet SE
of Birch Street
11th Election District
5th Councilmanic District
(5651 Gunpowder Road)

Ralph and Susan Cox-Williams
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0545-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Ralph and Susan Cox-Williams. Petitioners are requesting variance relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 22 ½ feet in lieu of the maximum allowed 15 feet height. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Lee Giroux, representative for the Petitioners and Howard Homes, the home builder. There were no Protestants or other interested persons in attendance as the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments were received from the Office of Planning dated June 26, 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.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains 12,793 square feet and is improved with the Petitioners' existing single family home

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8.7.08
[Signature]

and detached garage, which is the focus of the instant Petition. The property is 100 feet wide at the front property line and widens to 105.01 feet at the rear property line, 326.65 feet at the right property line and 357.71 feet at the left property line.

Ms. Giroux revealed that the property was once part of 5655 Gunpowder Road and was subdivided and the subject property was renamed 5651 Gunpowder Road. The dwelling was built for the Petitioners and the garage went up immediately after the home was constructed. Ms. Giroux handles most of the permit requirements for Howard Homes and it was not until after the garage was almost completed they realized there were no permits specific to the garage. Due to the height of the garage, they also realized a variance would be needed. The reason for the height variance for the detached garage is to make the roofline in keeping with the newly constructed home. The house has a 12/12 roof pitch and normally a garage would be a 6/12 or 9/12 pitch. Because the structure is a two car garage and to make the roof pitch architecturally complement at 12/12, the height variance for 22.5 feet is necessary. Elevations of the proposed garage were admitted and marked into evidence as Petitioners' Exhibit 2. These drawings depict an attractive frame and cultured stone veneer garage that is in keeping with the style of the existing home. The garage measures 22 feet x 22 feet in size. This additional garage height will provide a storage area in the attic portion of the garage.

Photographs submitted as further evidence were admitted and marked as Petitioners' Exhibits 3A-3F and depict a partially-completed two car garage. The detached garage is located in the rear yard approximately 16 feet from the home.

Considering all the testimony and evidence presented, I am convinced that the requested relief should be granted. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

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I further find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. The Petitioners would be unable to finish the construction of a two car garage that architecturally complements the existing home.

I further find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. None of the adjacent properties voiced any objection to the height of the proposed detached garage. Thus, I find that this variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).


Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 7th day of August, 2008 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) with a height of 22 ½ feet in lieu of the maximum allowed 15 feet height be and is hereby GRANTED, subject to the following:

1. Petitioners are advised that they may apply for any required building permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. 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.
3. The accessory structure shall not be used for commercial purposes.

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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

JULY 2008 RECEIVED FOR FILING

8-7-08
B



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 7, 2008

RALPH AND SUSAN COX-WILLIAMS
12 MISTY MEADOWS
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2008-0545-A
Property: 5651 Gunpowder Road

Dear Mr. and Mrs. Williams:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Lee Giroux, 573 McManus Way, Towson MD 21286



ORIGINAL KEEP IN FILE

TAX. UNIT # 11104065350

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5651 Gunpowder Rd.

which is presently zoned DR-2

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)

STRUCTURE (DETACHED GARAGE) WITH A HT. OF 22 1/2 FT. IN LIEU OF THE MAXIMUM ALLOWED 15 FT. HT. 400 BCZR TO PERMIT AN ACCESSORY

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DETERMINED AT HEARING

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:

Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Legal Owner(s):

Ralph Williams
Name - Type or Print
Signature
Susan Cox - Williams
Name Type or Print
Signature
12 Misty Meadows 40-682-4808
Address Telephone No.
Baltimore MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Representative to be Contacted:

Lee Giroux
Name
573 McManus Way
Address Telephone No.
Towson Md. 21286 413-564-8875
City State Zip Code

OFFICE USE ONLY

Case No. 2008 0545 A

ESTIMATED LENGTH OF HEARING 1HR

Reviewed By 8708 JL

UNAVAILABLE FOR HEARING —
Date 5/23/08

Zoning Description

Zoning description for 5651 Gunpowder Rd.

Beginning at a point on the northside of **Gunpowder Rd.** which is 50' wide at the distance of 250' S.E.,
of the centerline of the nearest intersecting improved street: Birch St. which is 50' wide. Being
lot #20 Block L, Section # in the subdivision of Darryl Gardens as recorded in the Baltimore
County Plat Book #2, Folio #13/150 containing 31,518.00 SF. Also known as 5651 Gunpowder
Rd. & located in the 11th Election District, 5C Councilmatic District.

0545

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2008-0545-A
5651 Gunpowder Road
N/east side of Gunpowder
Road, 250 feet S/east of Birch
Street

11th Election District
5th Councilmanic District
Legal Owner(s): Ralph & Susan
Cox-Williams

Variance: to permit an accessory structure (detached garage) with a height of 22 1/2 feet in lieu of the maximum allowed 15 feet height.

Hearing: Thursday, July 31, 2008 at 2:00 p.m. In the Jefferson Building, 1st Floor, 105 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

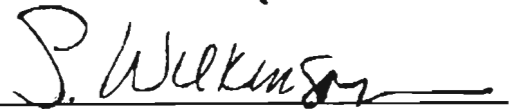
JT 7/637 July 15 178339

CERTIFICATE OF PUBLICATION

7/17/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/15/2008.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News



LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT**

*JL
0545*

No. *15349*

Date: *5/23/08*

PAID RECEIPT

BUSINESS ACTUAL TIME
5/23/2008 10:30:00
WEIGHT BOX DIM
CASHIER'S VALIDATION

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
<i>001</i>	<i>016</i>			<i>1150</i>				<i>66.00</i>

Total: *66.00*

Rec From: *Garage*

For: *RV 5651 Gas purchase*

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2008-0545-A

Petitioner/Developer: LEE
GIBOUX

Date Of Hearing/Closing: 7/31/08

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 5651 GUNPOWDER ROAD

This sign(s) were posted on July 16, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 7/16/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

CASE # 2008-0546-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

JEFFERSON BUILDING, 1ST FLOOR

PLACE: 106 W CALSAPEAK AVENUE TOWSON 21286

DATE AND TIME: THURSDAY, JULY 31, 2008
AT 2:00 P.M.

REQUEST: PERMITS TO PERMIT AN ACCESSORY STRUCTURE
(DETACHED GARAGE) WITH A HEIGHT OF 22.5 FEET
INSTEAD OF THE MAXIMUM ALLOWED 15 FEET
HEIGHT.

FOR MORE INFORMATION OR TO REGISTER AS A PARTICIPANT, PLEASE CONTACT THE ZONING COMMISSIONER
BY CALLING (410) 326-7000.

FOR MORE INFORMATION, VISIT OUR WEBSITE AT www.towsonmd.gov

HANDICAPPED ACCESSIBLE

Matthew D. Jones
7/14/08

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/neighbor 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: 05145

Petitioner: Cox-Williams

Address or Location: 5651 Gunpowder Rd.

PLEASE FORWARD ADVERTISING BILL TO:

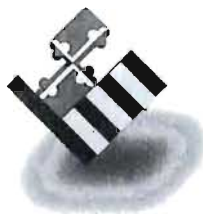
Name: HARVARD Jones

Address: 10045 Red Run Blvd #150
OWINGS Mills, MD 21117

Telephone Number: ~~410-907~~ 410-356-9229 Kevin

GEORGE BALLANTINE

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 18, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0545-A

5651 Gunpowder Road

N/east side of Gunpowder Road, 250 feet S/east of Birch Street

11th Election District – 5th Councilmanic District

Legal Owners: Ralph & Susan Cox-Williams

Variance to permit an accessory structure (detached garage) with a height of 22 ½ feet in lieu of the maximum allowed 15 feet height.

Hearing: Thursday, July 31, 2008 at 2:00 p.m. in the Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Williams, 12 Misty Meadows, Baltimore 21221
Lee Giroux, 573 McManus Way, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 16, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 15, 2008 Issue - Jeffersonian

Please forward billing to:

Harvard Homes
Attn: Kevin or George Ballantine
10045 Red Run Blvd., #150
Owings Mills, MD 21117

410-356-9229

NOTICE OF ZONING HEARING

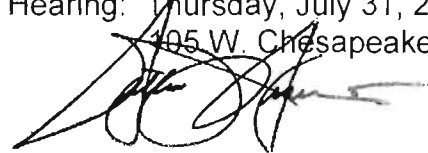
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5651 Gunpowder Road
N/east side of Gunpowder Road, 250 feet S/east of Birch Street
11th Election District – 5th Councilmanic District
Legal Owners: Ralph & Susan Cox-Williams

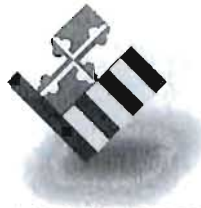
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

July 22, 2008

Ralph & Susan-Cox Williams
12 Misty Meadows
Baltimore, Md. 21221

Dear: Ralph & Susan-Cox Williams

RE: Case Number 2008-0545-A, Address: 12 Misty Meadows

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 23, 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:lnw

Enclosures

c: People's Counsel
Lee Giroux, 573 McManus Way, Towson, Md. 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 3, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 9, 2008
Item Nos. 08-0542, 0544, and 0545

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

DAK:CEN:lrk
ZAC-06032008-NO COMMENTS
cc: File



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: 6/20/2008

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

RE: Baltimore County
Item No 2008-0545-A
5651 GUNPOWDER RD.
WILLIAMS PROPERTY
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. 2008-0545-A

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

for

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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



RE: PETITION FOR VARIANCE
5651 Gunpowder Road; NE/S Gunpowder
Road, 250' SE of Birch Street
11th Election & 5th Councilmanic Districts
Legal Owner(s): Ralph & Susan Williams
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-545-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
JUN 06 2008
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

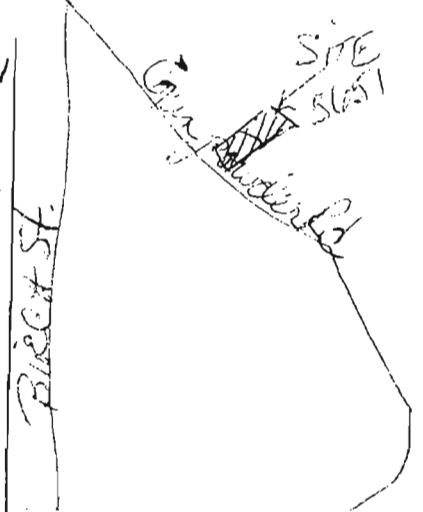
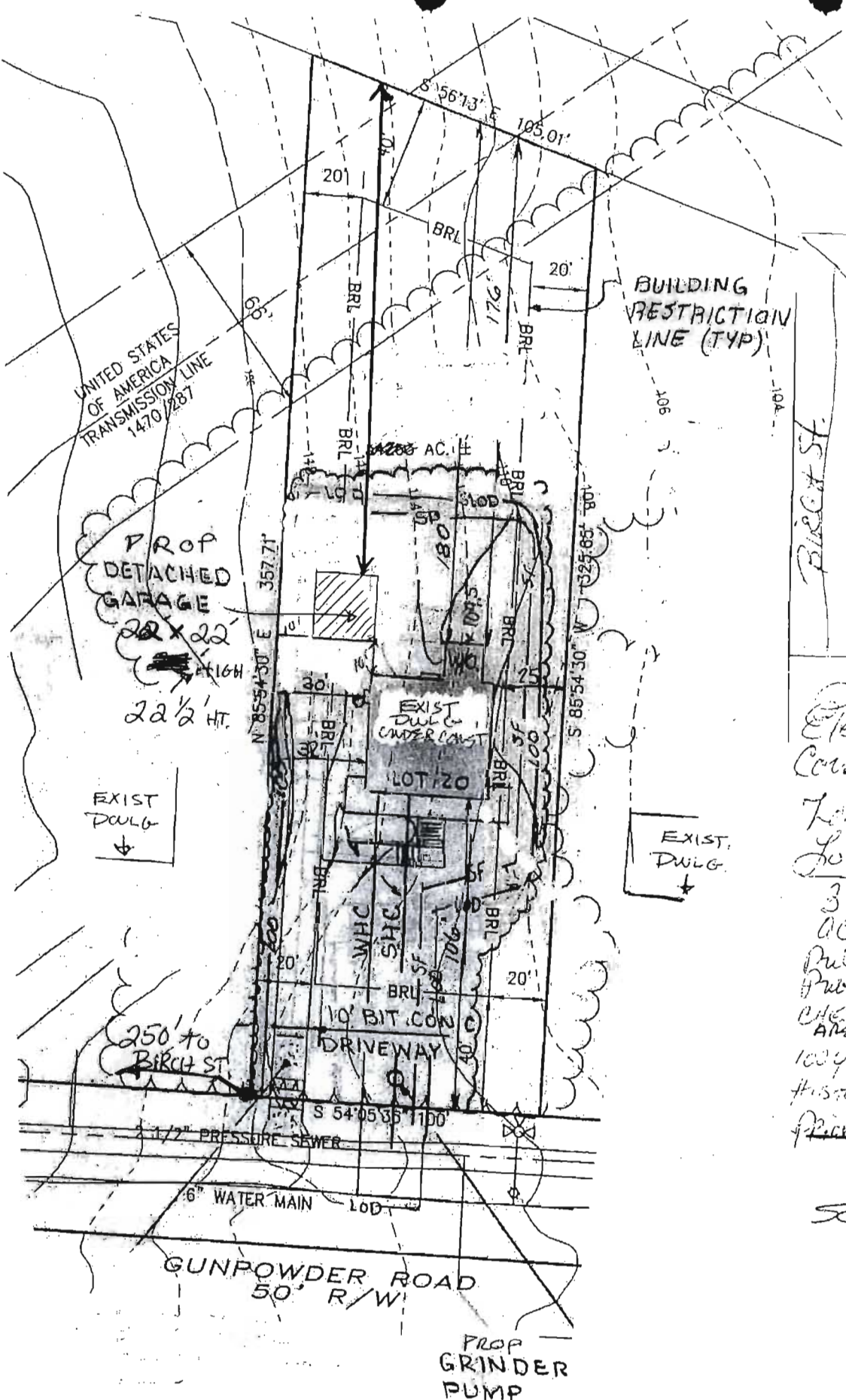
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Lee Giroux, 573 McManus Way, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

(12) Mike



Location Info.
 Electric Dist. 11
 Councilmatic 5
 Zoning DR-2
 MAP# 07381
 Lot Size
 31,518.00 920
 Acreage Sq. Ft.
 Public Sewer NO
 Public Water
 CHESA. BAY CRIT. AREA
 100yr Flood Plain
 Historic Property
 Price Zoning Acreage

SCALE 1" = 50'

ZONING VARIANCE PLAN
 5651 GUNPOWDER RD.

REV. BY Lee Girard

5/23/08

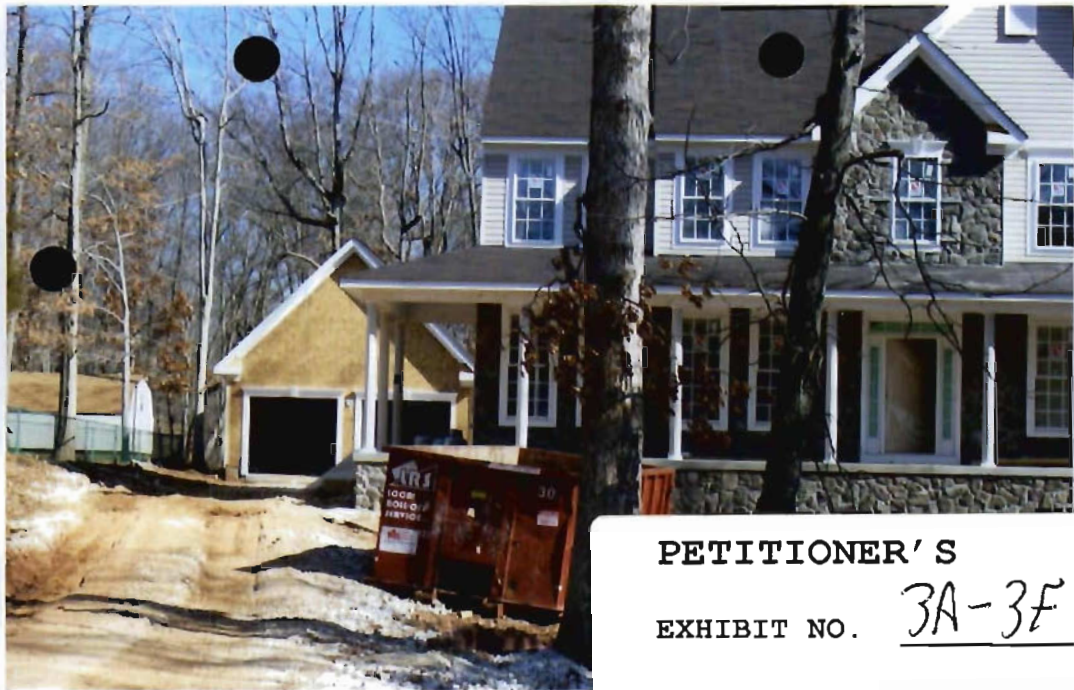
OWNERS: SUSAN WILLIAMS
 RALPH WILLIAMS
 ADD: 12 MISTY MEADOWS CT
 BALTO MD. 21221

PETITIONER'S

EXHIBIT NO. 1

SUBDIVISION: DARRYL GARDENS
 PLAT BOOK 13/150
 PLAT # 2 LOT # 20
 BLOCK L.

2008



PETITIONER'S

EXHIBIT NO. 3A-3F



**LOCAL
ROLL-OFF
SERVICE**

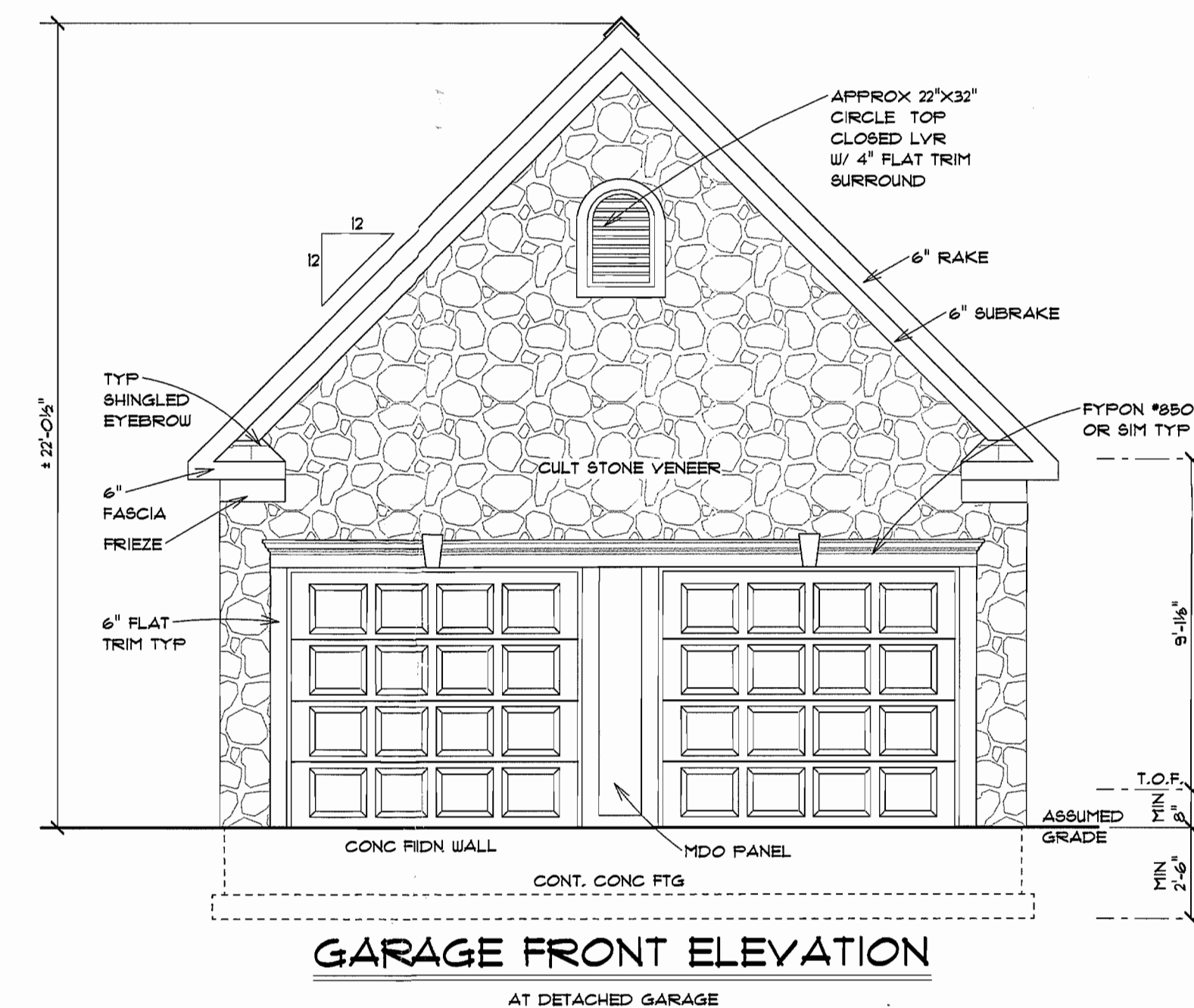
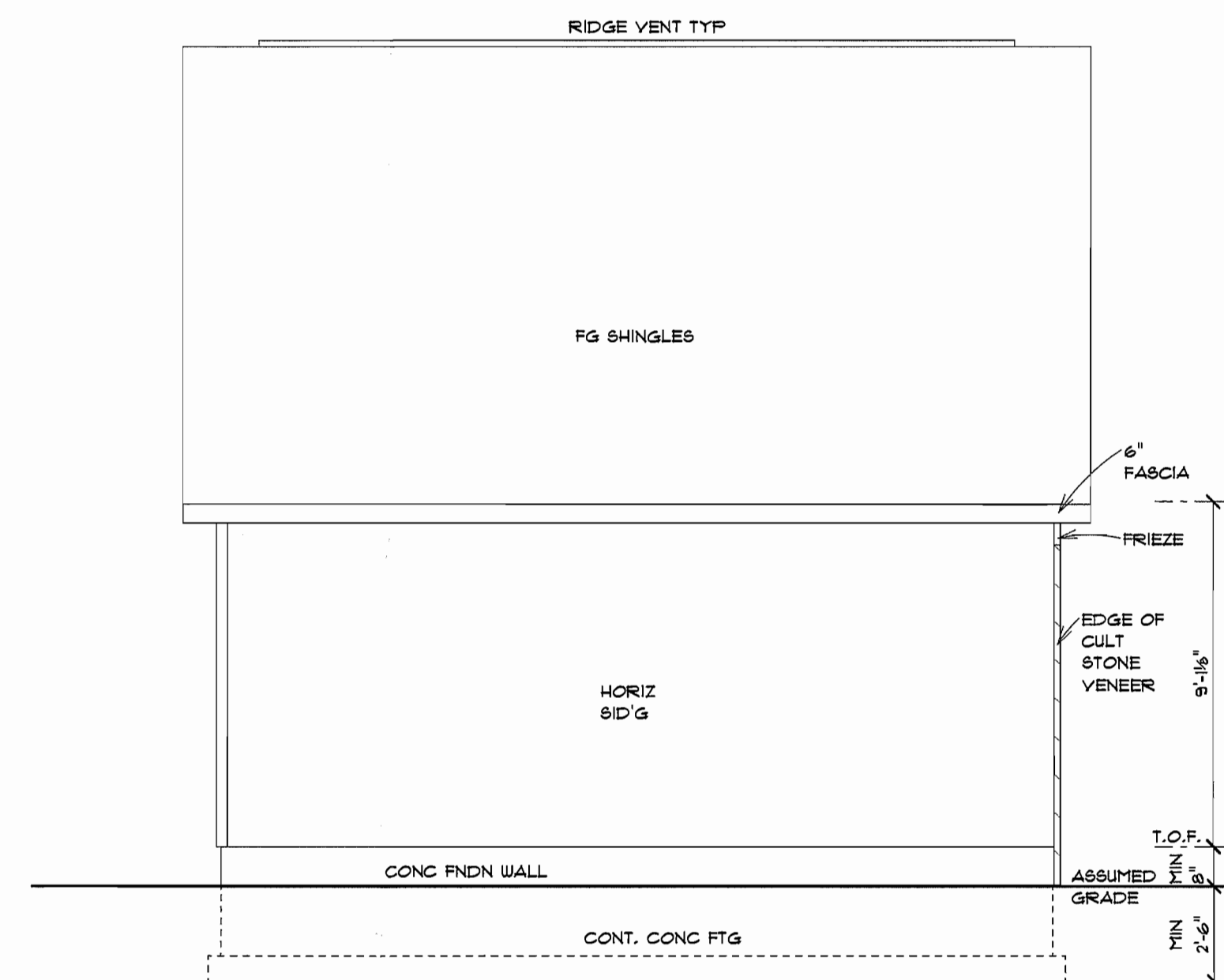
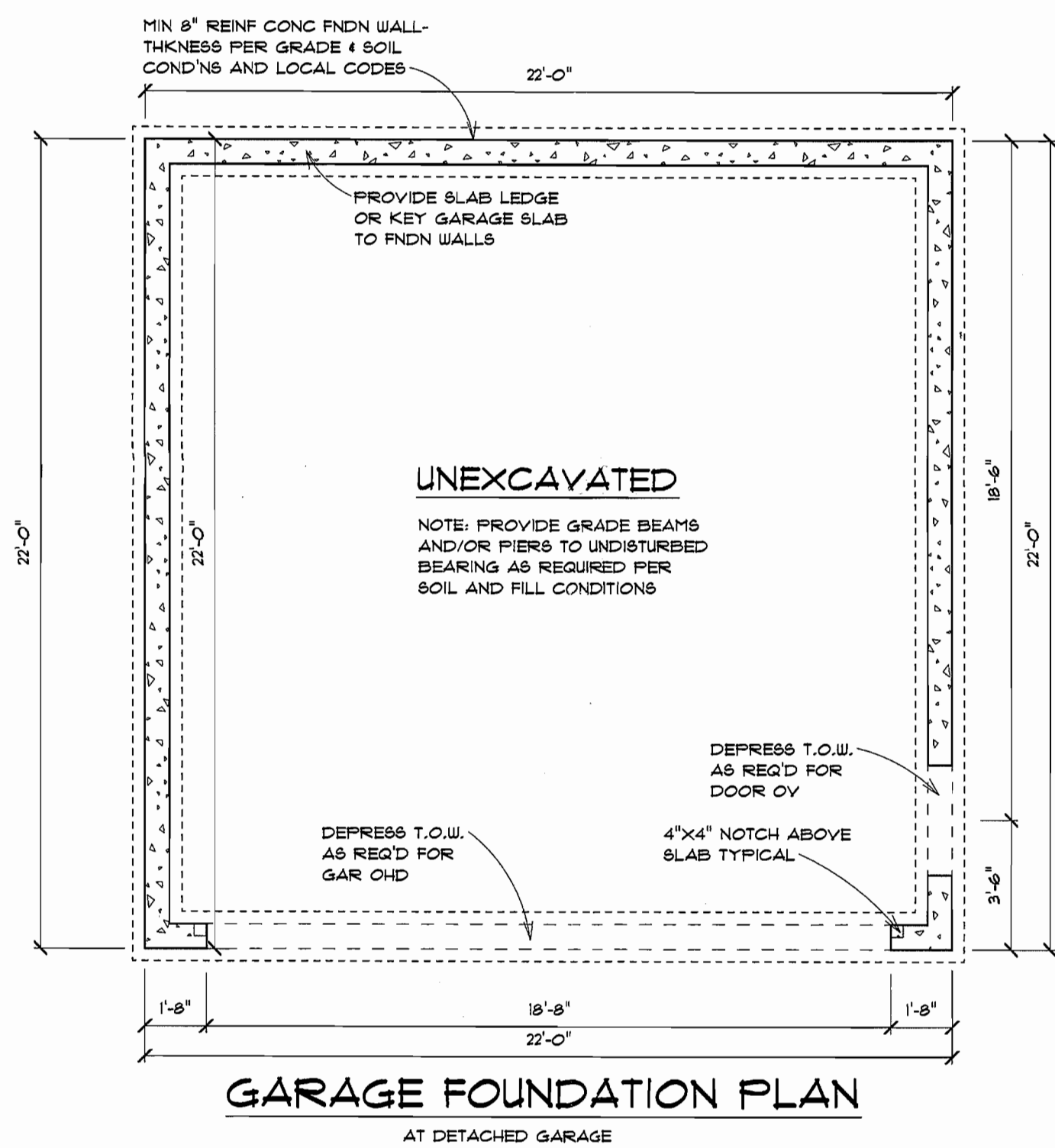
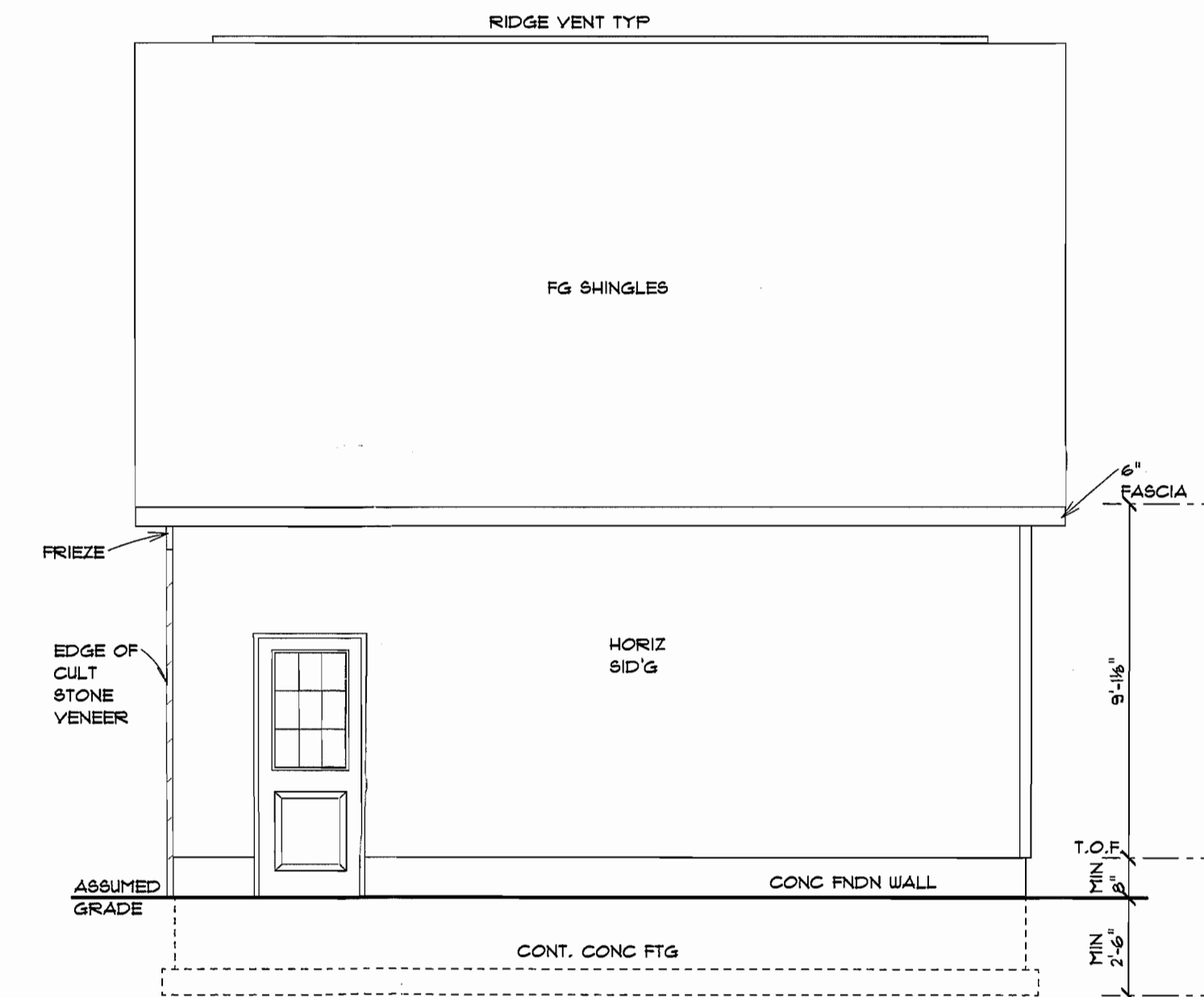
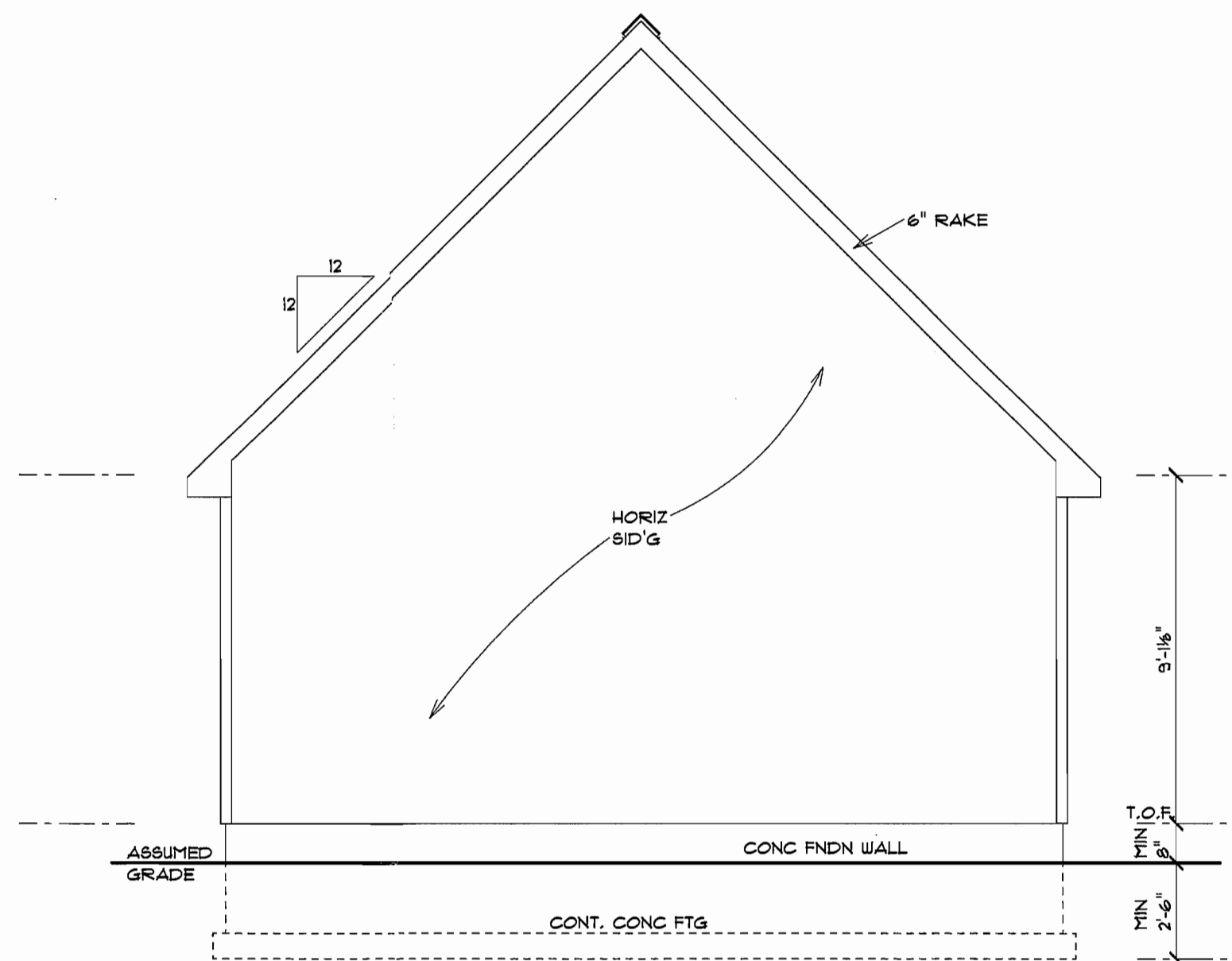
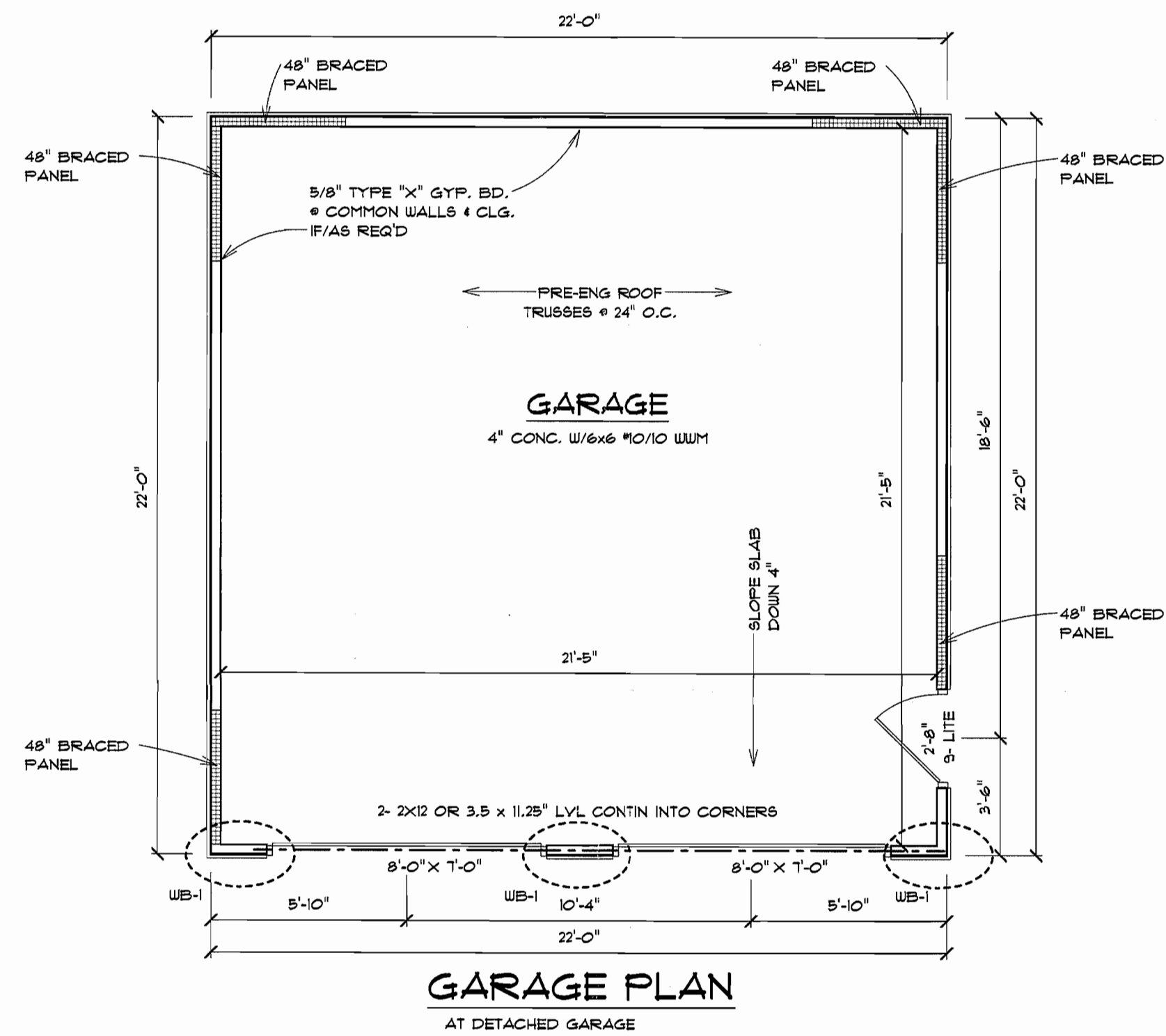




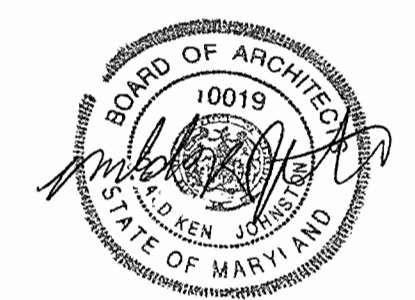
7057 Gu...
Ed.
GARAGE







PETITIONER'S
EXHIBIT NO. 2



Oct 11/17
4864