IN RE: PETITION FOR ADMIN. VARIANCE

SW corner of Moales Land and Greenspring Valley Road 3rd Election District 2nd Councilmanic District (3 Moales Lane)

Charles and Pamela Ward Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2009-0074-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, Charles and Pamela Ward for property located at 3 Moales Lane. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18.5 feet in lieu of the required 35 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition behind and to the east of their dwelling. This addition will connect a proposed side entrance, mudroom and garage to their existing home. As shown on the site plan, floor plan and elevation plans, the addition would be rectangular in shape (24 feet, 6 inches wide by 47 feet, 6 inches long) and house approximately three (3) vehicles as well as a mudroom and new side entry. The Petitioners approached their neighbors who do not object and are supportive of the proposed addition. The property contains 1.35 acres (58,895 square feet) and is zoned R.C.2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 14, 2008, which does not oppose the Petitioners request. The comment further indicates that the existing vegetation at the rear of the property shall remain, as it will create a natural buffer for the property



on the south side. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated October 16, 2008 which indicates that prior to building permit approval, the location of the well and septic system must be shown on the site plan, an evaluation of the septic system may be required, soil evaluations may be required, and to contact the Ground Water Management Section of DEPRM for more information.

The Petitioner having filed a Petition for Administrative Variance and the subject property

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 18, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 _______ day of October, 2008 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18.5 feet in lieu of the required 35 feet for an addition 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. Preservation of the existing vegetation at the rear of the property shall remain, as it will create a natural buffer for the property on the south side.
- 3. Prior to building permit approval, the location of the well and septic system must be shown on the site plan, an evaluation of the septic system may be required, soil evaluations may be required, and to contact the Ground Water Management Section of DEPRM for more information.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTAVIEK

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 17, 2008

CHARLES AND PAMELA WARD 3 MOALES LANE OWINGS MILLS, MD 21117

> Re: Petition for Administrative Variance Case No. 2009-0074-A

Property: 3 Moales Lane

Dear Mr. and Mrs. Ward:

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: People's Counsel; Office of Planning; DEPRM



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

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STATE OF MARYL	AND, COUNTY OF	BALTIMORE, to v	· vit:			
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Affidavit in Support of Administrative Variance

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CHALIB RUSELL WALD Name - Type or Print	Name - Type or Print	Ind
STATE OF MARYLAND, COUNTY OF BALTIMORE,		
of Maryland, in and for the County aforesaid, personall	y appeared	ary Public of the State
the Affiant(s) herein, personally known or satisfactorily	identified to me as such Affiant(s).	***************************************
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PROPERTY DESCRIPTION 3 MOALES LANE

Exhibit A

BEGINNING for the same at a point on the westernmost side of the Greenspring Valley Road and at the beginning of a parcel of land which by a Deed dated July 16, 1962, and recorded among the Land Records of Baltimore County in Liber WJR No. 4018, folio 229 was conveyed by Osborne P. Beall and wife to William G. Fastie and wife and running thence with and binding on a part of the first line of said parcel of land and binding on the westernmost side of the Greenspring Valley Road, as surveyed in 1966. South 17 degrees 45 minutes West 316.06 feet to the beginning of a parcel of land which by a Deed dated December 31, 1965, and recorded among the Land Records of Baltimore County in Liber OTG No. 4567 folio 373, was conveyed by William G. Fastie and wife to M. Tyler Kohler and wife, thence leaving said road and binding reversely on the last line of said parcel of land North 74 degrees 47 minutes West 205.94 feet to a pipe, thence leaving said outline and running for lines of division the two following courses and distances viz: North 13 degrees 36 minutes East 144 feet to a pipe and North 46 degrees 59 minutes East 198.32 fee to a point in the center of Moales Lance and to intersect the last line of the aforesaid parcel of land which was conveyed by Beall to Fastie and thence running with and binding on a part of said last line and binding in the center of Moales Lane South 76 degrees 19 minutes East 119.61 feet to the place of beginning. Containing 1.35 acres of land more or less. The improvements thereon being known as 3 Moales Lane.

BEING the same property described in a Deed dated April 22, 1985 and recorded among the Land Records of Baltimore County in Liber 6910 folio 540, which was granted and conveyed by John P. Ward and Helen Z. Ward, his wife, unto the said parties of the first part.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/22/08

Case Number: 2009-0074-A

Petitioner / Developer: C. WARD~PETER W. RATCLIFFE, AIA

Date of Hearing (Closing): OCTOBER 6, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3 MOALES LANE

The sign(s) were posted on: <u>SEPTEMBER 18, 2008</u>



Synclu O Kiefe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

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PLEASE PRESS HARD!!!!

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- DO 74 -A Address 3 MOALES CANE.
Contact Person: Phone Number: 410-887-3391
Filing Date: 9-11-08 Posting Date: 921 Closing Date: 10/6
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> 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, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2009- 0074 - A Address 3 MOALES CANE.
Petitioner's Name <u>C-WAPD</u> Telephone <u>410-363-627</u>
Posting Date: $9/21/08$ Closing Date: $10/6/08$
Wording for Sign: To Permit A REARYARD SETRACK OF 18.5 FT
IN CIEY of The REQUIRED 35HT. FOR AN
ADDITION.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 6, 2008

Charles R. & Pamela P. Ward 3 Moales Ln. Owings Mills, MD 21117

Dear: Charles R. & Pamela P. Ward

RE: Case Number 2009-0074-A, 3 Moales Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 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. Cal Rishal 2

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE:

September 23, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 29, 2008

Item Nos. 2009-0065, 0066, 0067, 0068,

0070, 0072, 0073, 0074, and 0076

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

DAK:CEN:lrk

cc: File

ZAC-09232008 -NO COMMENTS



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

Neil J. Pedersen, Administrato

John D. Porcari, Secretary

Maryland Department of Transportation

Date: SEPT. 23, 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 2009 - 0074-A

3 Modles Lane Ward Property

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. 2009-0074-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,

Engineering Access Permits

SDF/MB



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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1		١.
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Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

October 16, 2008

SUBJECT:

Zoning Item

Address

09-074-A 3 Moales Lane

(Ward Property)

DECEIVE L OCT 1 6 2008 BY:____

Zoning Advisory Committee Meeting of September 22, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Prior to building permit approval: The location of the well and septic system must be shown on the site plan. An evaluation of the septic system may be required. Soil evaluations may be required. Contact GWM for more information.

Reviewer:

S.Farinetti

Date: 9/26/08

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

DECEIVE L OCT 1 4 2008

DATE: October 14, 2008

BY:____

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-074- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The existing vegetation at the rear of the property shall remain, as it will create a natural buffer for the property on the south side.

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

Prepared By:

CM/LL

Patricia Zook - Administrative Variances that closed October 6 - comments needed

From:

Patricia Zook

To:

Murray, Curtis

Date:

10/7/2008 10:52 AM

Subject: Administrative Variances that closed October 6 - comments needed

CC:

Bostwick, Thomas; Wiley, Debra

Curtis -

Below are the descriptions for the administrative variance cases that were just delivered to our office. None of these folders have comments from the Planning Office.

CASE NUMBER: 2009-0069-A

9501 Dawnvale Road

Location: E side of Dawnvale Road, 36 feet N of Walter Avenue.

11th Election District, 5th Councilmanic District Legal Owner: Louis J. and Deborah A. Sellmaver

Closing Date: 10/6/2008

ADMINISTRATIVE VARIANCE to allow a fence height of 72 inches in lieu of the allowed 42 inches.

CASE NUMBER: 2009-0068-A

1041Mace Avenue

Location: N side of Mace Avenue, 100 feet +/- N of centerline of Essex Avenue.

15th Election District, 7th Councilmanic District Legal Owner: Jonathan M. and Judy A. Goff

Closing Date: 10/6/2008

ADMINISTRATIVE VARIANCE to permit a side setback of 1.5 feet for an attached garage in lieu of the required 10

feet.

CASE NUMBER: 2009-0074-A

3 Moales Lane

Location: SW corner of Moales Lane and Greenspring Valley Road.

3rd Election District, 2nd Councilmanic District

Legal Owner: Charles and Pamela Ward

Closing Date: 10/6/2008

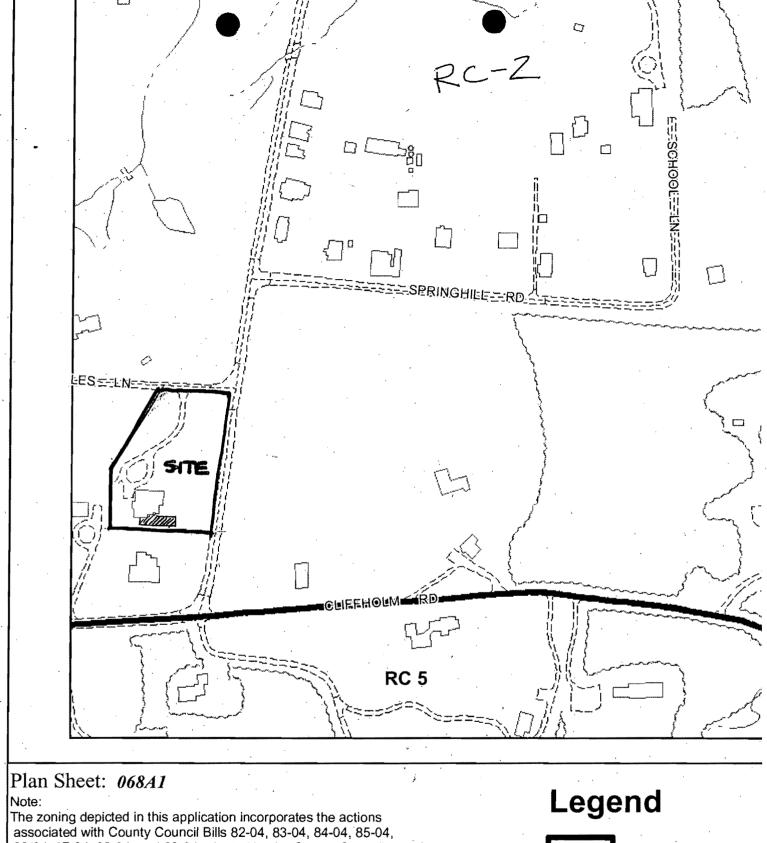
ADMINISTRATIVE VARIANCE to permit a rear setback of 18.5 feet in lieu of the required 35 feet for an addition.

Please respond to Debbie as I am heading for the Islands later today.

Thanks for checking into this for us.

Patti Zook **Baltimore County** Office of the Zoning Commissioner Jefferson Building, Suite 103

105 West Chesapeake Avenue Towson MD 21204 410-887-3868 pzook@baltimorecountymd.gov



The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Zoning

Buildings -

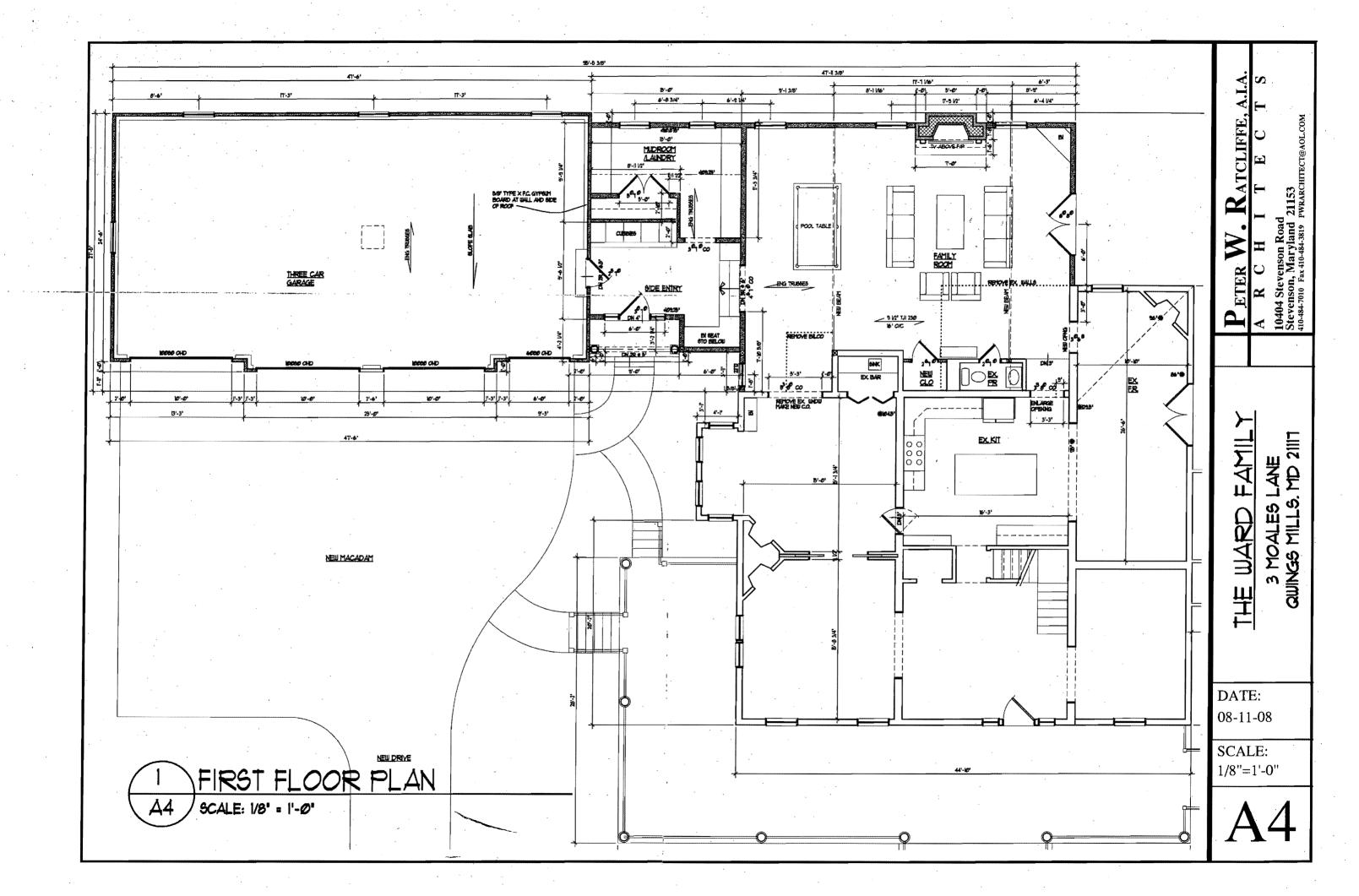


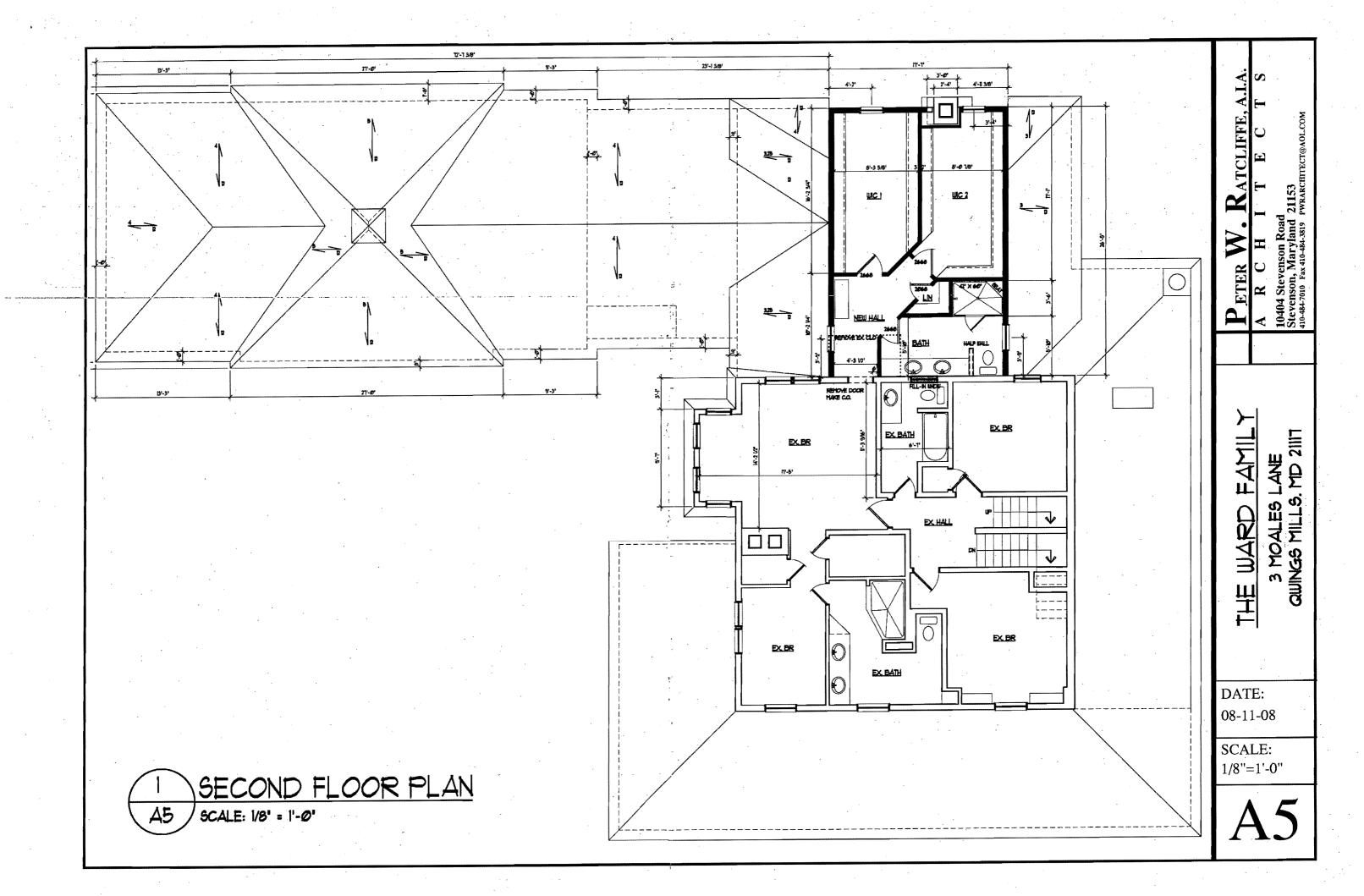




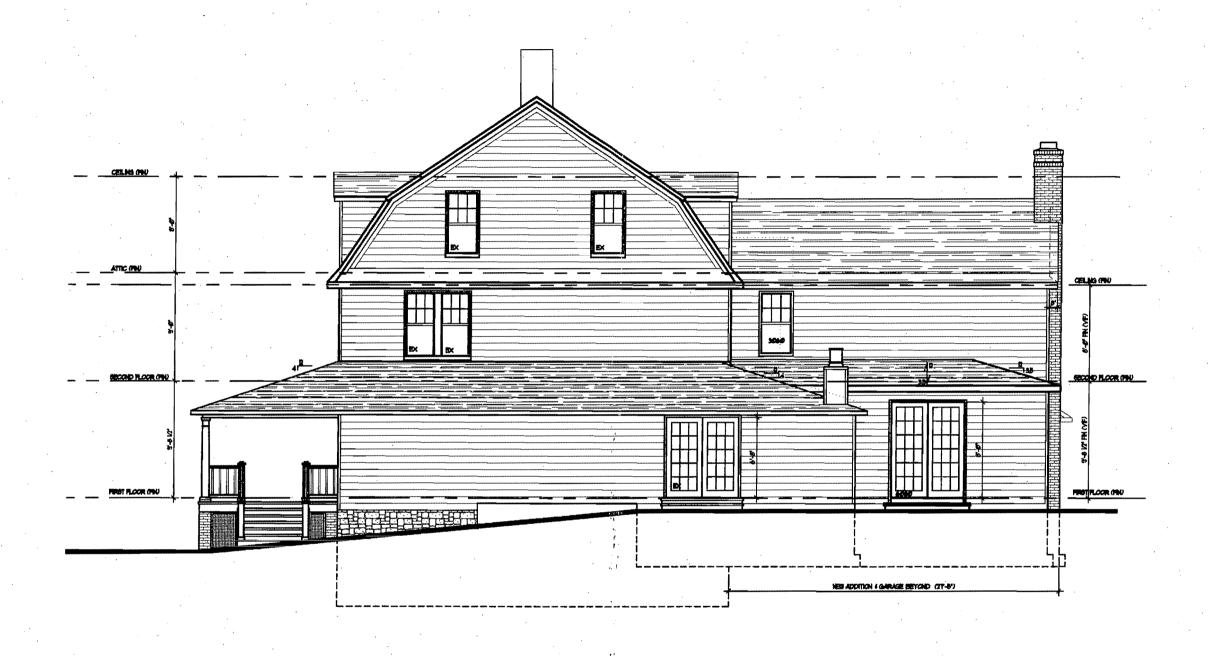


SUBDIVISION NAME LIBER PLAT BOOK #69/0	7 FOLIO # 540 LOT #	SECTION #	PAGES 5 & 6 OF THE CHE	CKLIST FOR ADDITIONAL R	EQUIRED INFORMATIO		
OWNER C. RUSS. NORTH	ELL & PAMELA TONIES TANK	JOHN P., JR & LEA C. WARD IN POALES LAWE OWNES MILLS, PRO 2017 TID - 0306001720 C. RUSSELL & PAPELA P, WARD S PROALES LAWE 3 PROALES LAWE	ID - 0313004650	WIND SEE SEE SEE SEE SEE SEE SEE SEE SEE SE	FHILIP II & DENIGE A ANDREUG 222 GREBNSPRING VALLET ROAD CUINCE MILLS, IND 21111 TID - Ø3106 TTT9	VICINITY MAP SCALE: 1" = 1000' LOCATION INFORMATION ELECTION DISTRICT 1"=200' SCALE MAP # 068A1 ZONING RCZ LOT SIZE 1.35 SQUARE F PUBLIC PRIVATE SEWER PUBLIC PRIVATE SEW	EET SO X









RIGHT ELEVATION SCALE: 1/8' = 1'-0'

3 MOALES LANE QUINGS MILLS. MD 21117 FAMIL

THE WARD

DATE: 08-11-08

> SCALE: 1/8"=1'-0"





LEFT ELEVATION

THE WARD FAMILY

3 MOALES LANE QUINGS MILLS. MD 21117

SCALE: 1/8"=1'-0"

DATE:

08-11-08