

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Crisfield Road, SE corner of
Carrollwood Road and Crisfield Road
15th Election District
6th Councilmanic District
(400 Crisfield Road)

Thomas S. and Joy L. Shaneybrook
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER.
* FOR BALTIMORE COUNTY
* Case No. 2009-0102-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, Thomas S. and Joy L. Shaneybrook for property located at 400 Crisfield Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) to be located outside of the thrid of the lot farthest removed from any street, and with a height of 20 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to replace an existing storage shed with a garage structure of sufficient size and height to accommodate off-season storage of their pleasure boat as well as an antique vehicle. The 20 foot height is requested to allow an opening of sufficient size to permit the boat to be stored without having to remove the radar, etc., from the top of the boat. The size of the garage is severely limited by the requirement to place it in the third of the lot farthest from any street. Adjacent property owners located at 402 Crisfield Road and 419 Carrollwood Road did not express any opposition to the requested relief. This new garage will be constructed to conform architecturally with the residences in the area.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning

ORIGINAL RECEIVED FOR FILING

11-14-08


the requested relief. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions 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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 23, 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 14th day of November, 2008 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) to be located outside of the thrid of the lot farthest removed from any street, and with a height of 20 feet in lieu of the permitted 15 feet is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING
11-14-08
[Signature]

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.
3. The accessory structure shall not be used for commercial purposes.

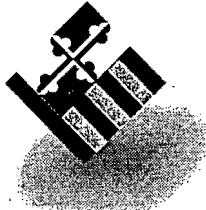
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

11.14.08
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 14, 2008

THOMAS S. AND JOY L. SHANEYBROOK
400 CRISFIELD ROAD
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2009-0102-A
Property: 400 Crisfield Road

Dear Mr. and Mrs. Shaneybrook:

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 dark ink, appearing to read "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD
21040

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 400 CRISFIELD ROAD
which is presently zoned DR 5.5

Deed Reference: 22209 / 354 Tax Account # 1505431000

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)

SEE ATTACHED

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):

THOMAS S. SHANEYBROOK
Name - Type or Print _____
Signature _____
JOY L. SHANEYBROOK
Name - Type or Print _____
Signature _____
400 CRISFIELD ROAD (410) 218-9770
Address _____ Telephone No. _____
BALTO MD. 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name _____
601 CHARYWOOD 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. 2009-0102-A

Reviewed By A-TSUI Date 10/15/08

REV 7/20/07

Estimated Posting Date

10/26/08 - 11/10/08

11.14.08

PM

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 400 CRISFIELD ROAD
Address
BALTO. MD 21220
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.

Thomas S. Shaneybrook
Signature

THOMAS S. SHANEYBROOK

Name - Type or Print

Joy L. Shaneybrook
Signature

JOY L. SHANEYBROOK

Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ HARFORD, to wit:

I HEREBY CERTIFY, this 10TH day of OCTOBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

THOMAS S. SHANEYBROOK AND JOY L. SHANEYBROOK
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Marie C. Warner
Notary Public

My Commission Expires 01.21.12

2009-0102-A

SECTION 400.1 AND 400.3 (BCZR) TO PERMIT AN ACCESSORY BUILDING
(GARAGE) TO BE LOCATED OUTSIDE OF THE THIRD OF THE LOT FARTHEST
REMOVED FROM ANY STREET WITH A HEIGHT OF 20 FEET IN LIEU OF THE
PERMITTED 15 FEET

2009-0102-A

JUSTIFICATION FOR VARIANCE REQUEST

400 CRISFIELD ROAD

The petitioners wish to replace an existing storage shed with a garage structure of sufficient size and height to accommodate off season storage of their pleasure boat as well as an antique vehicle.

The 20 foot height is requested to allow an opening of sufficient size (approximately 12 feet high) to permit the boat to be stored without having to remove radar, etc from the top of the boat.

The third of the lot farthest removed from any street has been shown on the plan. It is obvious that the size of the structure is severely limited by the requirement to place it in this area.

The structure will not be used for commercial purposes and will be constructed to conform architecturally with the residences in the area.

2009-0102-A

ZONING DESCRIPTION

400 CRISFIELD ROAD

Beginning at a point on the east side of Carrollwood Road (60 feet wide), distant southerly 52 feet from it's intersection with the center of Crisfield Road (50 feet wide), thence being all of Lot 6, Block I as shown on the plat entitled Carrollwood recorded among the plat records of Baltimore County in Plat Book 30 Folio 123.

Containing 8,208 square feet or 0.188 acre of land, more or less.

Being known as 400 Crisfield Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2009-0102-A

No. 20070

Date: 10/15/00

ANNEX 1

[illegible]

15-00000 11/15/2009 09:18:57

REG. MAIL - YOUR TURN

06/11/27 06/15/2009 OFLN

52B-20715-VERI 10A 101

Wolcott

What's in a Name?

2171.03 1K 3.00 CA

10-11-1964

**CASHIER'S
VALIDATION**

[illegible]

Total: 65

Rec
From:

For

400 PRISFIELD RD

2009-0102-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0102 -A Address 400 CRISFIELD ROAD

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/15/08 Posting Date: 10/26/08 Closing Date: 11/10/08

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, 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.
- 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- 0102 -A Address 400 CRISFIELD ROAD
Petitioner's Name SHANEYBROOK Telephone (410) 218-9770

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit AN ACCESSORY BUILDING (GARAGE) TO
BE LOCATED OUTSIDE OF THE THIRD OF THE LOT FARTHEST
REMOVED FROM ANY STREET WITH A HEIGHT OF 20 FEET
IN LIEU OF THE PERMITTED 15 FEET

WCR - Revised 7/7/08

CERTIFICATE OF POSTING

RE: Case No: 2009-0102-A

Petitioner/Developer: DAVE
BILLINGSLEY

Date Of Hearing/Closing: 11/10/08

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 400 CRISFIELD RD

This sign(s) were posted on October 23, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 10/23/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

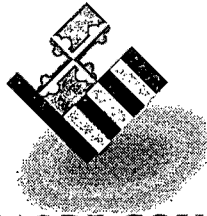
Address

Balto. Md 21220

(443-629 3411)



10/23/2008



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
November 10, 2008

Thomas S. & Joy L. Shaneybrook
400 Crisfield Rd.
Baltimore, MD 21220

Dear: Thomas S. & Joy L. Shaneybrook

RE: Case Number 2009-0102-A, 400 Crisfield Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 15, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2008

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

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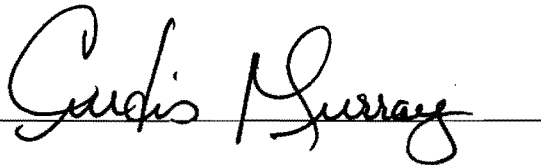
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-102- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:
CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 31, 2008

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, (102), 103, 104,
105, 106, 107 and 108

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

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107 ¹⁰²

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: Oct. 24, 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. 2009-0102-A
400 CRISFIELD ROAD
SHANEYBROOK 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. 2009-0102-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





2009-0102-A

1



2



4



3

2009-0102-A

5

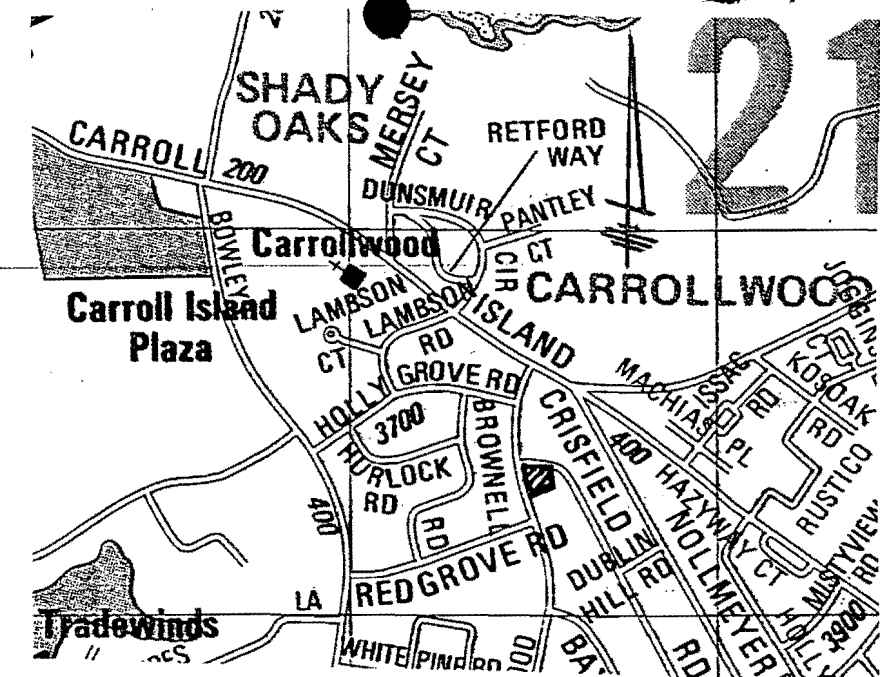
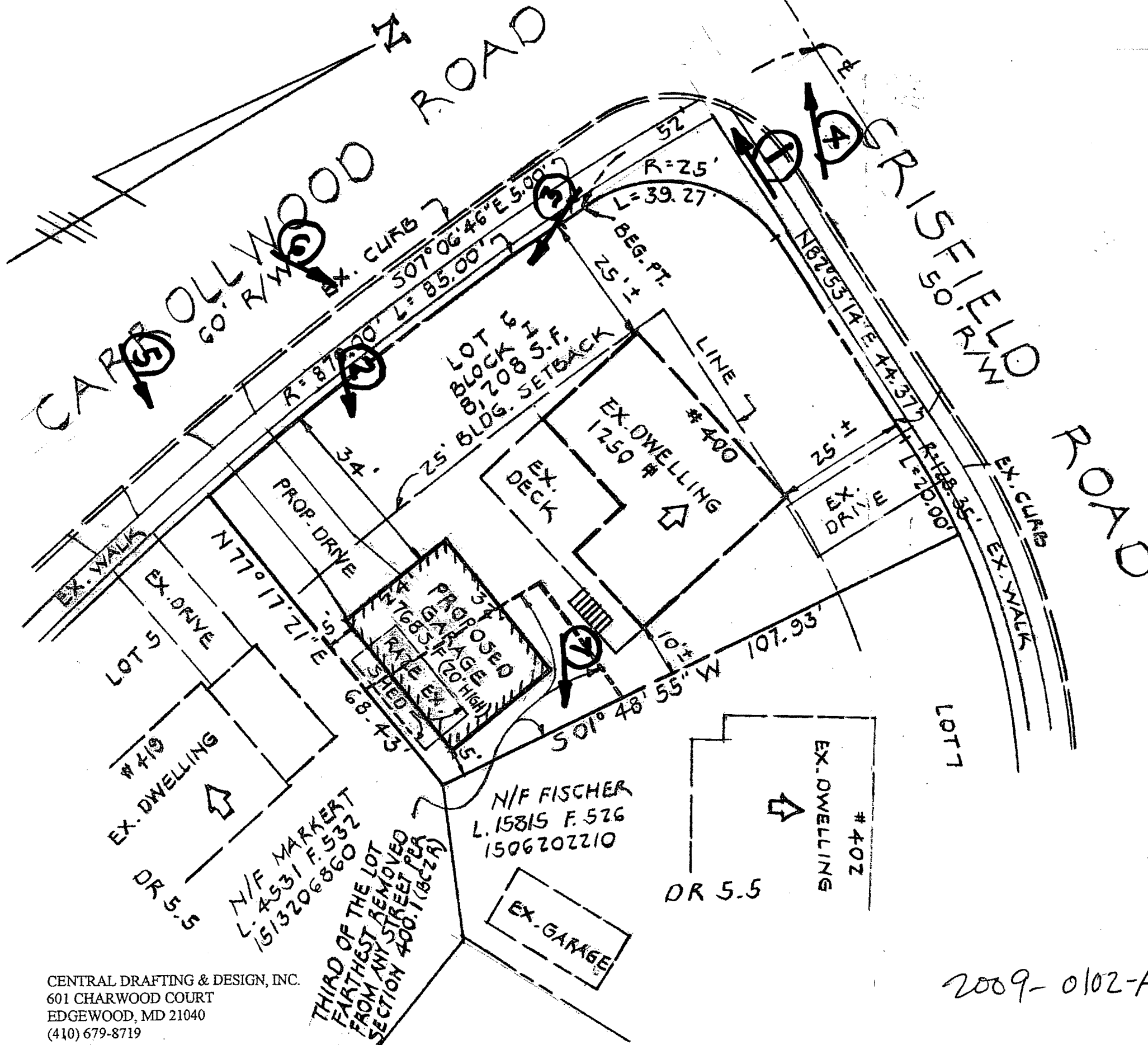


7



6

2009-0102-A



LOCATION PLAN
SCALE: 1" = 1000'

NOTES

1. ZONING.....DR 5.5 (MAP NO. 091B2)
2. AREA.....8,208 S.F. = 0.188 ACRE +/-
3. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOOD ZONE
4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN
5. PUBLIC WATER AND SEWER IS EXISTING
6. NO HISTORIC SITES OR STRUCTURES, ARCHOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

OWNER

THOMAS S. AND JOY L. SHANEYBROOK
400 CRISFIELD ROAD
BALTIMORE MD., 21220
DEED REF. L.22209 F.354
PROP. NO. 1505431000

PHOTOS

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
400 CRISFIELD ROAD
LOT 6 BLOCK I
CARROLLWOOD P.B. 30 F. 123
ELECTION DISTRICT 15C6 BALTO. CO., MD.
SCALE: 1 INCH = 20 FEET OCTOBER 9, 2008

2009-0102-A