

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Corbett Road, 1900 feet E of
Chesterfield Court
8th Election District
3rd Councilmanic District
(1039 Corbett Road)

Leo V. Miller Jr. and Vicki L. Devalck
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0165-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, Leo V. Miller Jr. and Vicki L. Devalck for property located at 1039 Corbett Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 47 feet in lieu of the minimum required 50 feet (RC-5 zoning was in effect at the time of subdivision approval). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a garage addition adjacent to an existing mudroom. Due to the location of the dwelling on the property, the addition cannot practically be situated elsewhere. The property contains 6.539 acres and is served by private well and septic system. In a telephone call with Vicki L. Devalck, she confirmed that the Petitioners currently reside at 17206 Hunter Green Road in Upperco, Maryland and purchased the subject property in September, 2008 and commenced remodeling. After the remodel is complete, Petitioners will reside at 1039 Corbett Road in Monkton, Maryland.

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 the requested relief.

~~RECEIVED FOR FILED~~
1-14-09
m

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 14, 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 14th day of January, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 47 feet in lieu of the minimum required 50 feet (RC-5 zoning was in effect at the time of subdivision approval) 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.

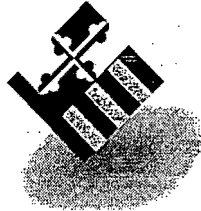
ORDERED FOR FILED
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Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR PLANNING
1.14.09
PM



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 14, 2009

LEO V. MILLER JR. AND VICKI L. DEVALCK
1039 CORBETT ROAD
MONKTON MD 21111

LEO V. MILLER JR. AND VICKI L. DEVALCK
17206 HUNTER GREEN ROAD
UPPERCO MD 21155

Re: Petition for Administrative Variance
Case No. 2009-0165-A
Property: 1039 Corbett Road

Dear Mr. Miller and Ms. Devalck:

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 "John H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 1039 Corbett Rd.

which is presently zoned RC-5 (applicable Zoning) RC-7 (current zoning)
Deed Reference: 27294 / 385 Tax Account # 2300010218

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) 1A04, 3B2, b to allow a rear

yard setback of 47 feet in lieu of the minimum required 50 feet

(RC-5 zoning was in effect at the time of subdivision approval).

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):

Leo V. Miller Jr.
Name Type or Print

Signature

Vicki L. Devalck
Name Type or Print

Signature

Address

Telephone No. 443-891-4045

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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. 2009-0165-A

Reviewed By A-TSUI

Date 12/09/08

REV 7/20/07

Estimated Posting Date 12/21/08 - 01/05/2009

114.09

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 1039 Corbett Road
Address
Monkton MD 21111
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):

The proposed garage addition will be constructed adjacent to an existing mudroom. The garage has been sighted to minimize the blocking of windows of the existing house. Due to existing location of the house on the lot, the addition cannot practically be situated without the relief requested.

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.

x
Signature
Leo V. Miller Jr.
Name - Type or Print

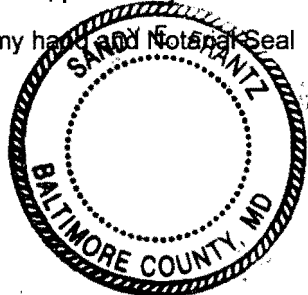
x
Signature
Vicki L. DeValck
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of December, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Leo V. Miller, Jr + Vicki L. DeValck
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Sandy E. Frantz
Notary Public

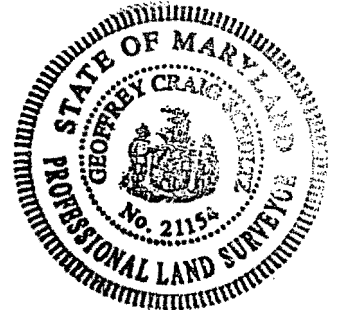
My Commission Expires

8/11/2012

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

Zoning Description
1039 Corbett Road
8th Election District
3rd Councilmanic District
Baltimore County, MD



Beginning at a point in the center of Corbett Road, said point being 1900 feet more or less east of Chesterfield Court, thence running:

- 1) N 81-19-20E 93.99 feet,
- 2) S 03-35-40W 242.19 feet,
- 3) S 10-21-56W 311.68 feet,
- 4) S 17-05-27W 206.40 feet,
- 5) S 23-40-18W 168.25 feet,
- 6) N 59-48-52W 547.57 feet,
- 7) N 51-21-35E 305.88 feet,
- 8) N 30-03-24E 131.31 feet,
- 9) N 37-00-37E 171.38 feet,
- 10) N 45-33-49E 240.93 feet, and
- 11) N 81-19-20E 93.99 feet to the place of beginning.

Containing 6.539 acres as recorded in Deed Liber 27294 Folio 385.

Being known as Lot 1, as shown on a Minor Subdivision Plan of the Goldberg Property, approved November 28, 2000 as minor subdivision no. 00-088M.

2009-0165-A

No. 33012

Date _____

12/09/08

SAINT PETERS

BETWEEN ACTUAL AND THE...

10/2009 - 12/09/2009 10:20:25

FROM: 2011-01-10 10:16 AM

REF ID: A61314 12/09/2009

5-439. CHAIRS AND SEATING

111

Rec'd: 10/1/54

445.00 100

Baltimore County, Maryland

[illegible]

Total

[illegible]

Rec
From:

VICKI DEVALCK

For

1029 PORBETT RD

2009-0165-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/16/08

Case Number: 2009-0165-A

Petitioner / Developer: LEO MILLER & VICKIE DEVALCK

Date of Hearing (Closing): DECEMBER 29, 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:
1039 CORBETT ROAD

The sign(s) were posted on: DECEMBER 14, 2008



Linda O'Keefe
(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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0165 -A Address 1039 CORBETT RD.

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

Filing Date: 12/09/08 Posting Date: 12/21/2008 Closing Date: 01/05/2008

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

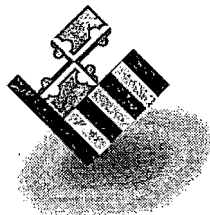
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0165 -A Address 1039 CORBETT RD
Petitioner's Name VICKI DEVALCK Telephone 443-871-4045

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit AN ADDITION WITH A REAR SETBACK
OF 47 FEET IN LIEU OF THE REQUIRED 50 FEET.

WCR - Revised 7/7/08



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
January 05, 2008

Leo V. Miller Jr. & Vicki L. Devalck
1039 Corbett Rd.
Monkton, MD 21111

Dear: Leo V. Miller Jr. & Vicki L. Devalck

RE: Case Number 2009-0165-A, 1039 Corbett Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 09, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 16, 2008

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

RECEIVED
DEC 18 2008

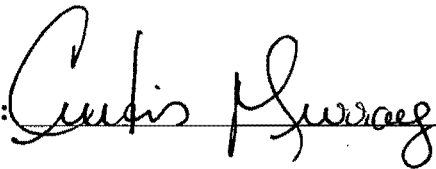
BY:.....

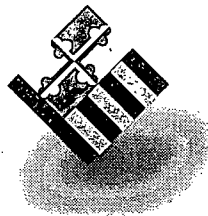
SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-165- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:
CM/LL





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

December 16, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 15, 2008

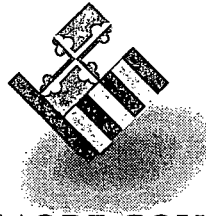
Item No.: 2009-0135-A, 2009-0153-X, 2009-0158-SPHAXA, 2009-0159-A,
2009-0160-A, 2009-0161-SPHXA, 2009-0162-A, 2009-0163-A,
2009-0165-A, AND 2009-0166-SPH.

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0152, 0156, 0157, 0158, 0160, 0161, 0162, 0163, 0164, 0165

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 22, 2008
Item Nos. 2009-0153, 0158, 0159, 0160,
0161, 0162, 0163, 0164, ~~0165~~ and 0166 .

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

DAK:CEN:lrk
cc: File
ZAC-122208 -NO COMMENTS



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: 12/16/2008

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

RE: Baltimore County
Item No 2009-0165-A
1039 GORRETT
MILNER/DEVALCK 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. 2009-0165-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



Patricia Zook - Re: 1039 Corbett Rd.

From: Patricia Zook
To: 1housecat@comcast.net
Date: 1/14/2009 10:35 AM
Subject: Re: 1039 Corbett Rd.

Good morning -

The pictures came through and printed very clearly. Since we can't do site visits, we rely on the pictures to show us any site constraints, location of the proposed improvements, and even neighborhood conditions.

We anticipate issuing an Order in the next few days.

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

>>> <1housecat@comcast.net> 1/14/2009 9:42 AM >>>
Patty,

Here are the two pictures of where we are going to put the garage. It will be directly attached to the small room that has the Tyvek wrap on it.

Any questions please call 443-871-4045 ASAP.

Thanks,

Vicki De Valck & Leo Miller

From: <1housecat@comcast.net>
To: pzook@baltimorecountymd.gov
Date: 1/14/2009 9:44:06 AM
Subject: 1039 Corbett Rd.

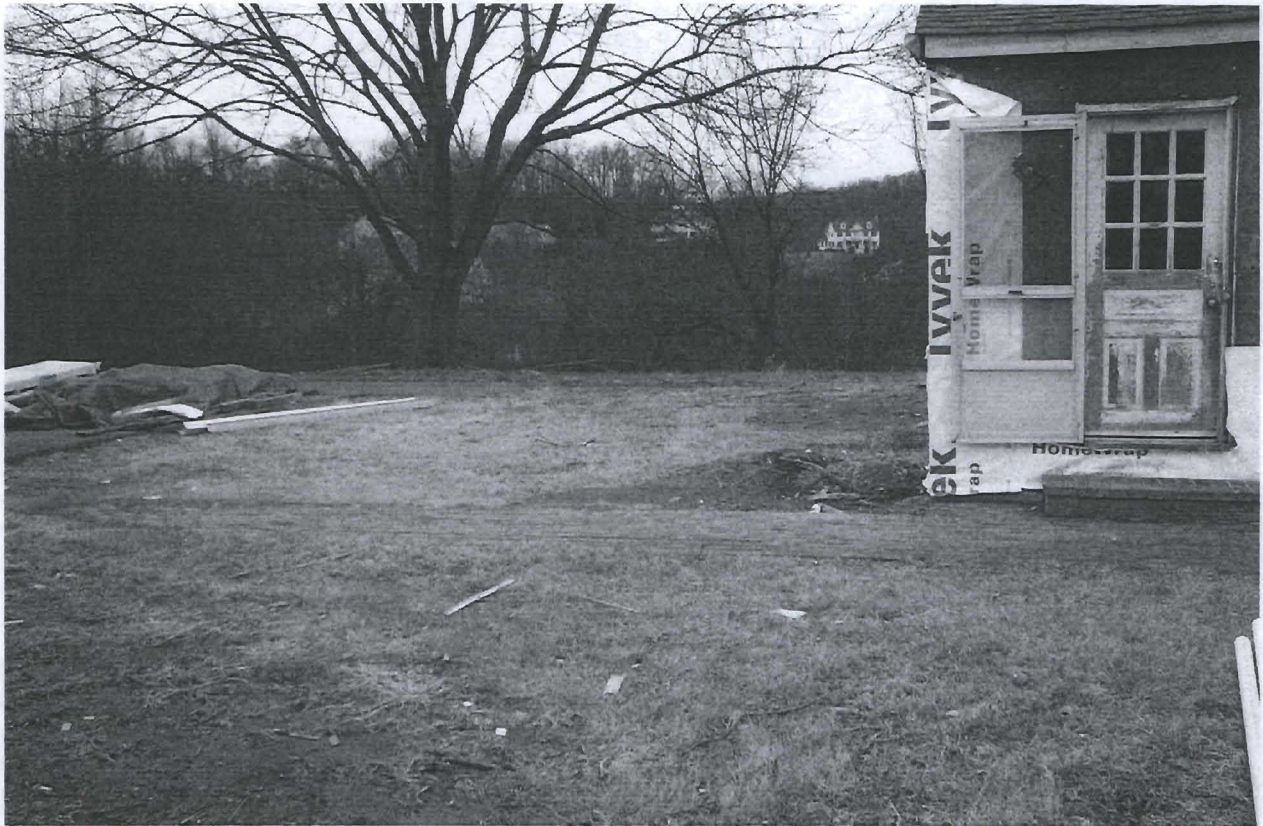
Patty,

Here are the two pictures of where we are going to put the garage. It will be directly attached to the small room that has the Tyvek wrap on it.

Any questions please call 443-871-4045 ASAP.

Thanks,

Vicki De Valck & Leo Miller







200 SCALE ZONING MAP

#1039 CORBETT ROAD

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=200'
DATE: DECEMBER 8, 2008

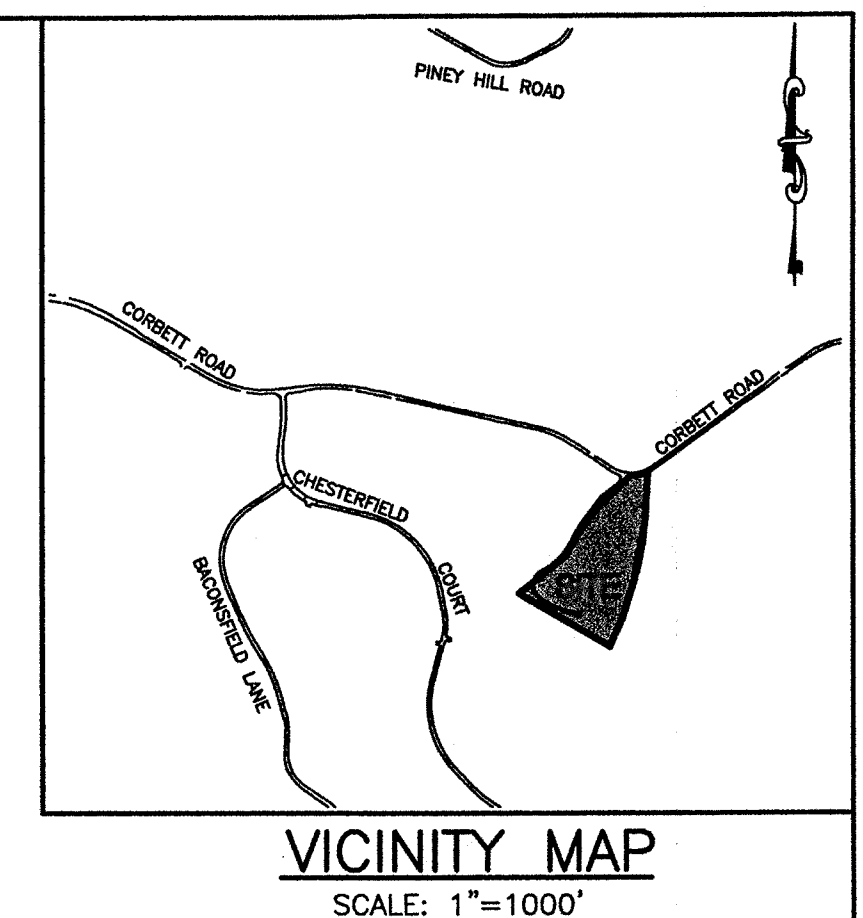
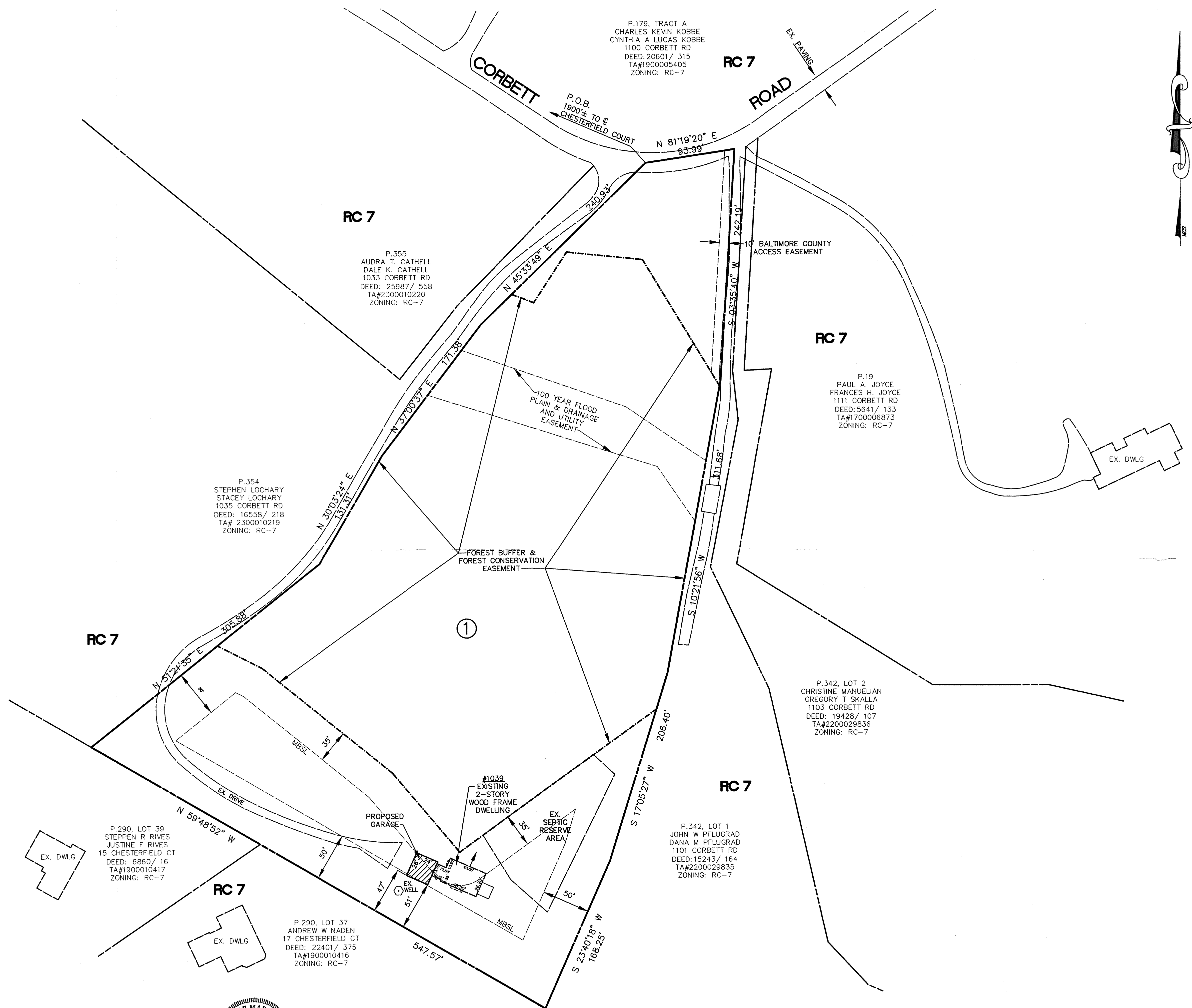
OWNERSHIP INFORMATION

LEO V. MILLER
VIVKI L. DEVALCK
1039 CORBETT ROAD
DEED REFERENCE: 27294/385
TAX ACCT.# 2300010218
TAX MAP 28, GRID 10, PARCEL 257
BEING LOT 1
MINOR SUBDIVISION PLAN
"GOLDBERG PROPERTY"
00-088M

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

2009-0165-A

P:\askira\08-170\ang08-170-ZONING VARIANCE.dwg, 12/9/08 10:38:20 AM, Doc ID: 540403



LOCATION INFORMATION			
ELECTION DISTRICT: 8TH			
COUNCILMANIC DISTRICT: 3RD			
200 SCALE MAP No.: 021B2 & 021B3			
PRESENT ZONING: RC-7(RC-5 VESTED BY MINOR SUBDIVISION)			
LOT SIZE: 6.539 ACRES +/-			
	PUBLIC	PRIVATE	
WATER	☐	☒	
SEWER	☐	☒	
		YES	NO
CHESAPEAKE BAY CRITICAL AREA:		☐	☒
100-YEAR FLOOD PLAIN:		☒	☐
HISTORIC PROPERTY/ BUILDING:		☐	☒
PRIOR ZONING HEARINGS:		☐	☒
THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.			
OWNER INFORMATION:			
SITE ADDRESS: #1039 CORBETT ROAD			
DEED/MORTGAGE REFERENCE: 27294/385			
TAX MAP 28, GRID 10, PARCEL 57			
PROPERTY TAX ACCT. No.: 23-00-010218			

PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE
#1039 CORBETT ROAD
3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 50'
DATE: DECEMBER 8, 2008

OWNERSHIP INFORMATION
LEO V. MILLER
VIVKI L. DEVALCK
1039 CORBETT ROAD
DEED REFERENCE: 27294/385
TAX ACCT.# 2300010218
TAX MAP 28, GRID 10, PARCEL 257
BEING LOT 1
MINOR SUBDIVISION PLAN
"GOLDBERG PROPERTY"
00-088M

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



2009-0165-A