

IN RE: PETITION FOR ADMIN. VARIANCE *

S side of Star Circle, 275 feet E of c/l
of McDonogh Road
2nd Election District
4th Councilmanic District
(4308 Star Circle)

Michelle A. Bland
Petitioner

BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 2009-0169-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 owner of the subject property, Michelle A. Bland for property located at 4308 Star Circle. The variance request is from Sections 504.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit a deck with a rear setback of 8 feet in lieu of the required 11.25 feet, and to amend the Final Development Plan of Starwood Lot # 52 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No.

1. The townhomes located behind the Petitioner's property are situated on a hill which causes water runoff and muddy conditions in the Petitioner's backyard. These conditions result in the Petitioner's loss of reasonable use of his backyard. Existing rear doors will lead to the proposed deck. The right side of the rear of the home contains outside stairs leading to the basement. Photographs submitted by the Petitioner depict many decks in the townhouse neighborhood similar to that being proposed. None of the adjacent neighbors voiced any objection to the proposed deck.

~~REMOVED FOR FILING~~

1-13-09

MB

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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 21, 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, 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.

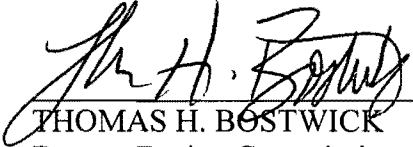
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13th day of January, 2009 that a Variance from Sections 504.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit a deck with a rear setback of 8 feet in lieu of the required 11.25 feet, and to amend the Final Development Plan of Starwood Lot # 52 only be and is hereby GRANTED, subject to the following:

1.13.09
PB

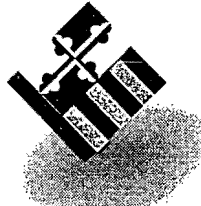
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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 FILED
6.13.09
m



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 13, 2008

MICHELLE A. BLAND
4308 STAR CIRCLE
RANDALLSTOWN MD 21133

Re: Petition for Administrative Variance
Case No. 2009-0169-A
Property: 4308 Star Circle

Dear Ms. Bland:

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 4308 Star Circle
which is presently zoned DR 5.5

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) 504.2; BCZR AND V.B.6b (CMB) AND 301.1; BCZR, TO PERMIT A DECK WITH A REAR SETBACK OF 8 Ft IN LIEU OF THE REQUIRED 11.25 Ft, AND TO AMEND THE FDP OF "STARWOOD."

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Mrs. Michelle A. Bland (Salmon)

Name - Type or Print

Signature

Name - Type or Print

Signature

4308 Star Circle 410-654-1984

Address

Telephone No.

Randallstown MD 21133

City

State

Zip Code

Representative to be Contacted:

Mr. Myron T. Bland

Name

4308 Star Circle 410-654-1984

Address

Telephone No.

Randallstown MD 21133

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 13 day of January 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. 2009-0169-A

Reviewed By Jim Date 12-12-08

REV 10/25/01

Estimated Posting Date 12-21-08

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

4308 Star Circle

Address

Randallstown

City

MD

State

21133

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 ATTACHMENT)

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.

Michelle A. Bland (Salmon)

Signature

Michelle A. Bland (Salmon)

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of November, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

Kenneth C. Corley

My Commission Expires

My Commission Expires
June 1, 2009

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 4308 Star Circle
Address
Randallstown MD 21133
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 ATTACHMENT)

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.

Michelle A. Bland (Salmon)
Signature

Michelle A. Bland (Salmon)
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of November, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Kenneth C. Corley
Notary Public
My Commission Expires June 1, 2009

ATTACHMENT:

**PETITION FOR VARIANCE
HARDSHIP/PRACTICAL DIFFICULTY**

- A. The Proposed Deck's Variance would provide a third exit to the ground level in case of fire. Additionally, this exit will increase the percentage for saving lives in the event of a fire. The Proposed Deck Variance would make practical use of the backyard because of its location at the foot of a hill. Additionally, Proposed Deck Variance borders an open area; therefore, it does not affect any surrounding properties or cause any undue hardship or practical difficulty.
- B. The strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship for the following reasons:
 - 1. The backyard receives a lot of run-off after it rains and it becomes muddy and slippery.
 - 2. The property owner loses the reasonable use of most of the backyard at all times after it rains.
 - 3. In the event of fire on the 1st floor, there is only one exit to the ground level.
 - 4. To exit via the deck area under the BCZR compliance, in the event of fire, one would have to jump risking injury or possible lost of life if they landed wrong.
 - 5. The above mentioned hardships are not due to, in part by, any actions of the homeowner but to the unique location and restrictions to the property.
- C. The residential density will not increase beyond that which is allowed by BCZR.
- D. The proposed structure will be located on the rear of the property and its' height: 6' does not interfere with parking or sign regulations. The structure fits simplistic harmony with surrounding structures.
- E. The grant will in no way cause or has the potential to cause injury to the public health safety and general welfare. Actually, it will increase safety as it observes the spirit of the ordinance.

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 4308 Star Circle, beginning at a point on the
South side of the front of Star Circle which is
60 ft wide at the distance of 275ft East of the
centerline of the nearest improved intersecting street Mc Donogh RD which is
70 ft wide. *Being Lot #: 52, Block: N/A, Section#: 1, in the
subdivision of STARWOOD as recorded in Baltimore County Plat Bk #:
65. Folio #: 39, containing 1600 Sq Ft. Also known as 4308 Star
Circle and located in the second Election District, fourth
Councilmanic District

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/25/08

Case Number: 2009-0169-A

Petitioner / Developer: MYRON BLAND

Date of Hearing (Closing): JANUARY 5, 2009

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:
4308 STAR CIRCLE

The sign(s) were posted on: DECEMBER 21, 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- 0169 -A Address 4308 STAR CIRCLE

Contact Person: J. Meppen Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12.12.08 Posting Date: 12/21/08 Closing Date: 1/5/09

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. **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.
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.
3. **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- 0169 -A Address 4308 STAR CIRCLE

Petitioner's Name Michelle BLAND Telephone 410-654-1984

Posting Date: 12/21/08 Closing Date: 1/5/09

Wording for Sign: To Permit A DECK WITH A REAR YARD
SETBACK OF 8ft. IN LIEU OF THE REQUIRED
11.25 ft.

WCR - Revised 7/7/08

**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/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: 0169

Petitioner: Michelle BLAND

Address or Location: 4308 STAR Circle, RANDALLSTOWN, Md. 21133

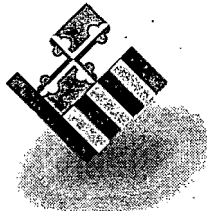
PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAME

Telephone Number: 410-654-1984



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, 2009

Mrs. Michelle Bland
4308 Star Cir.
Randallstown, MD 21133

Dear: Mrs. Michelle Bland

RE: Case Number 2009-0169-A, 4308 Star Cir

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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: 12/23/2008

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

RE: Baltimore County
Item No 2009-069-A
4308 STAR CIRCLE
BLAND PROPERTY
ADMIN. VAR.

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. 2009-069-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: 410.545.0200



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 31, 2008

RECEIVED

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

JAN 05 2008

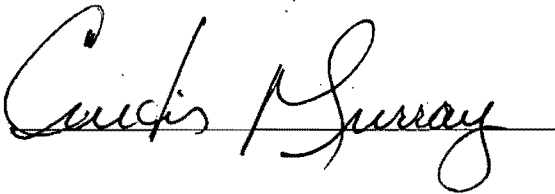
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-169- 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 Dave Green 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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168,
~~0169~~, 0170, 0171, and 0173.

DATE: January 6, 2009

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

DAK:CEN:lrk
cc: File
ZAC-122908 -NO COMMENTS

AV
1-5-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-169-A
Address 4308 Star Circle
(Bland Property)

Zoning Advisory Committee Meeting of December 22, 2008

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

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

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer:

Date:

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2009\ZAC 09-169-A 4308 Star Circle.doc

2400004243
Bk. 76 Folio 40

2200027846
Pt. Bk. 68 Folio 118

Flood Zone A

2200027842
Pt. Bk. 68 Folio 117

CASE # 2003-0003

STONERIDGE (PDM File/Project #)

M00670290013

Gwynns Falls Hydrology 100 Foot Stream Buffer

HORSEHEAD BRANCH

MC DONOUGH RD

43

067B3

DR 5.5

STAR CIR

DR 3.5

NW 8-1

PINEFIELD CT

NW 9-H

H-8-MK

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

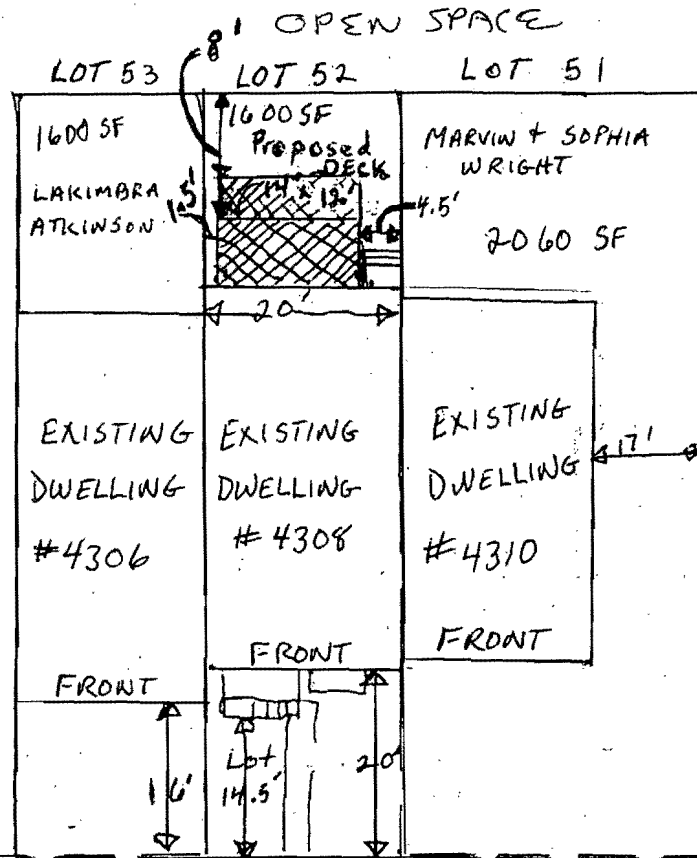
PROPERTY ADDRESS 4308 Star Circle

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

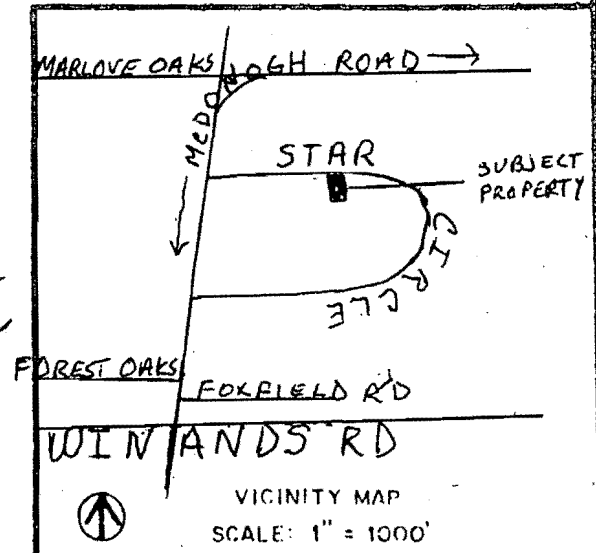
SUBDIVISION NAME STAR WOOD

PLAT BOOK # 65 FOLIO # 39 LOT # 52 SECTION # 1

OWNER Salmon Michelle A



Proposed Deck HT 6 FT
Proposed Deck Rear Stk 8'



LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 06TB3

ZONING DR 5.5

LOT SIZE 1600
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		



NORTH

PREPARED BY Myron T. Bland

SCALE OF DRAWING: 1" = 20'

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #





