

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Thornton Mill Road, 200 feet SE
of the c/l of Priceville Road
8th Election District
3rd Councilmanic District
(14824 Thornton Mill Road)

Robert and Barbara Jones
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0001-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, Robert and Barbara Jones for property located at 14824 Thornton Mill Road. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 31 feet in lieu of the required 35 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The proposed addition can only be situated on the property as depicted on the site plan. The northwest side of the home contains the septic system. No homes are within 1,000 feet of the property; therefore the 4 feet setback variance will not impact any adjacent properties. This property contains 0.827 acres and is served by private sewer and water systems.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 12, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

PAID RECEIVED FOR FILING
8-10-09
[Signature]

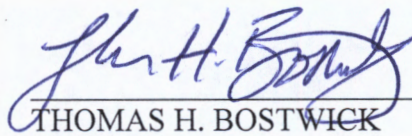
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 10th day of August, 2009 that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 31 feet in lieu of the required 35 feet 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.

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 FROM FILE
8-10-09
pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 10, 2009

ROBERT AND BARBARA JONES
14824 THORNTON MILL ROAD
SPARKS MD 21152

Re: Petition for Administrative Variance
Case No. 2010-0001-A
Property: 14824 Thornton Mill Road

Dear Mr. and Mrs. Jones:

Enclosed please find the decision rendered in the above-captioned case.

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



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 14824 THORNTON MILL RD
which is presently zoned RC-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) 1A01.3.B.3 - to permit a

proposed addition to have a side yard setback of 31 feet in lieu of the required 35

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

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.

DEBORAH J. UNDERWOOD
BALTIMORE PUBLIC STATE OF MARYLAND
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Legal Owner(s):

ROBERT E JONES

Name - Type or Print

Signature

BARBARA A JONES

Name - Type or Print

Signature

14824 THORNTON MILL RD 410-472-4732

Address

Telephone No.

SPARKS

MD

21152

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 2010-0001-A

Reviewed By RDO Date 7/1/09

REV 10/25/01

Estimated Posting Date 7/12/09

8-10-09

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 14824 THORNTON MILL RD
Address
SPARKS MD 21152
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):

We would like to add to our home and have looked at many options but none really work well. The attached is our and our architect's best placement solution. We would prefer to add on to the end of the house on the northwest side where we have space but the septic system precludes that. We can't add onto the home to the front because of the 75 foot setback also that would not result in a pleasing view even if the 75 foot setback didn't exist. The only workable solution was to add on to the home to the southeast. The architect's best effort brings us just inside the 35 foot setback from the side property line by about 4 feet. To foreshorten the room dimensions to meet the 35 foot requirement would defeat the purpose of the addition resulting in insufficient space for the intended purpose. There are no other homes within 1,000 feet of ours; in fact the nearest is about ¼ mile away. Please refer to the attached photographs depicting the views from that side of the property. I have talked to my neighbor that owns the farm adjacent to the property on that side and they have no problem with us placing the addition as proposed.

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.

Robert E Jones
Signature

ROBERT E JONES
Name - Type or Print

Barbara A Jones
Signature

BARBARA A JONES
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of June, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Deborah J Underwood
Notary Public

My Commission Expires DEBORAH J. UNDERWOOD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 12, 2012

Zoning Description for 14824 Thornton Mill Rd, Sparks MD 21152

Beginning at a point on the southwest side of Thornton Mill Rd which is 18 feet wide at the distance of 200 feet south-east of the centerline of the nearest intersecting street (Priceville Road) which is 18 feet wide. Thence S 35D 45M W 164.08' then S54D E 167.99' then S67D 33M 35S E 194.16' and N54-1/4D W 264.0' to the place of beginning. Also known as 14824 Thornton Mill Rd, Sparks MD 21152 and located in the 8th Election District, 3rd Council manic District.

Item #0001

CASHIER'S VALIDATION

Certificate of Posting

RE: Case NO. 2010-0001-A

Petitioner/Developer _____

Robert E. Jones

Date of Hearing/Closing 7/27/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

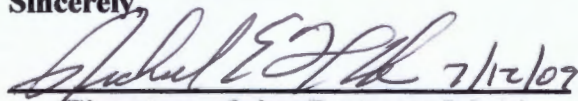
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

14824 Thornton Mill Rd.

The sign(s) were posted on 7/12/09
(Month, Day, Year)

Sincerely

 7/12/09
(Signature of sign Poster and date)

Richard E. Hoffman

(Printed Name)

904 Dellwood Drive

(Address)

Fallston, Md. 21047

(City, State, Zip Code)

410-879-3122

(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2010-0001-A

Petitioner/Developer: _____

Robert E. Jones

Date of Hearing/Closing: 7/27/09



14824 Thornton Mill Rd.

Posting Date: 7/12/09

Robert E. Jones
(Signature and date of sign poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0001 -A Address 14824 Thornton Mill Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/1/09 Posting Date: 7/12/09 Closing Date: 7/27/09

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 2010- 0001 -A Address 14824 Thornton Mill Rd

Petitioner's Name Robert E Jones Telephone 410 472 4732

Posting Date: 7/12/09 Closing Date: 7/27/09

Wording for Sign: To Permit a proposed addition to have a side yard setback
of 31 feet in lieu of the required 35

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/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: 2010-0001-A

Petitioner: ROBERT E JONES

Address or Location: 14824 THORNTON MILL RD 21152

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME AS ABOVE

Address: _____

Telephone Number: 410-472-4732

Revised 7/11/05 - SCJ



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 27, 2009

Robert & Barbara Jones
14824 Thornton Mill Rd.
Sparks, MD 21152

Dear: Robert & Barbara Jones

RE: Case Number 2010-0001-A, 14824 Thornton Mill Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 1, 2009. 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

AV
7-27-09
closing

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****SEP 09 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 9, 2009

SUBJECT: Zoning Item # 10-001-A
Address 14824 Thornton Mill Rd
(Jones Property)

Zoning Advisory Committee Meeting of July 20, 2009

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

A variance has been approved to construct the addition closer than 30 feet to the well.

Reviewer: S. Farinetti

Date: 8/4/09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2009

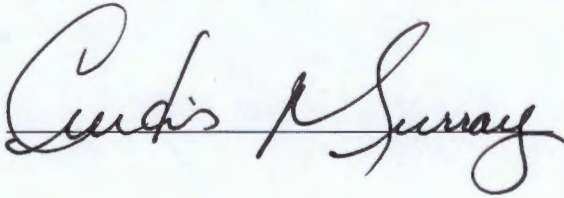
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-001- 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



RECEIVED

AUG 05 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 27, 2009

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

RECEIVED

SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2009
Item Nos. 2010-001, 003, 004, 005, 006,
007, 008, 009, 010, 011, 013, 016, 017,
018 and 019

JUL 30 2009

ZONING COMMISSIONER

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

DAK:CEN:hta

cc: File

ZAC-072709-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

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers: 0001, 0002, 0003, 0004, 0005, 0007, 0008, 0009, 0010, 0013, 0014, 0016, 0017, 0019

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

State Highway
Administration

Beverly K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 21, 2009

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

RE: Baltimore County
Item No. 2010-0001-A
14824 THORNTON MILL RD
JONES PROPERTY
ADMIN. 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. 2010-0001-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 - Case 2010-0001-A and Case 2010-0003-A - comments needed

From: Patricia Zook
To: Kennedy, Dennis; Murray, Curtis
Date: 7/30/2009 1:42 PM
Subject: Case 2010-0001-A and Case 2010-0003-A - comments needed

Gentlemen -

The below described administrative variance cases were just delivered to our office. Both of the files are missing comments from our offices.

CASE NUMBER: 2010-0001-A

4824 Thornton Mill Road
Location: SW side of Thornton Mill Road, 200 feet SE of the centerline of Priceville Road.
4th Election District, 3rd Councilmanic District
Legal Owner: Robert and Barbara Jones
Closing Date: 7/27/2009

ADMINISTRATIVE VARIANCE To permit a proposed addition to have a side yard setback of 31 feet in lieu of the required 35 feet.

CASE NUMBER: 2010-0003-A

509 Park Drive
Location: SE side of Park Drive and Hillcrest Avenue.
4th Election District, 5th Councilmanic District
Legal Owner: Thomas and Elizabeth Billings
Closing Date: 7/27/2009

ADMINISTRATIVE VARIANCE To permit an accessory structure (garage) to be located in the third of the lot closest to the side street and occupying 66% of such third in lieu of the required third of the lot farthest and occupying not more than 50%.

If you don't have comments, simply let me know via e-mail and I'll place it in the case file.

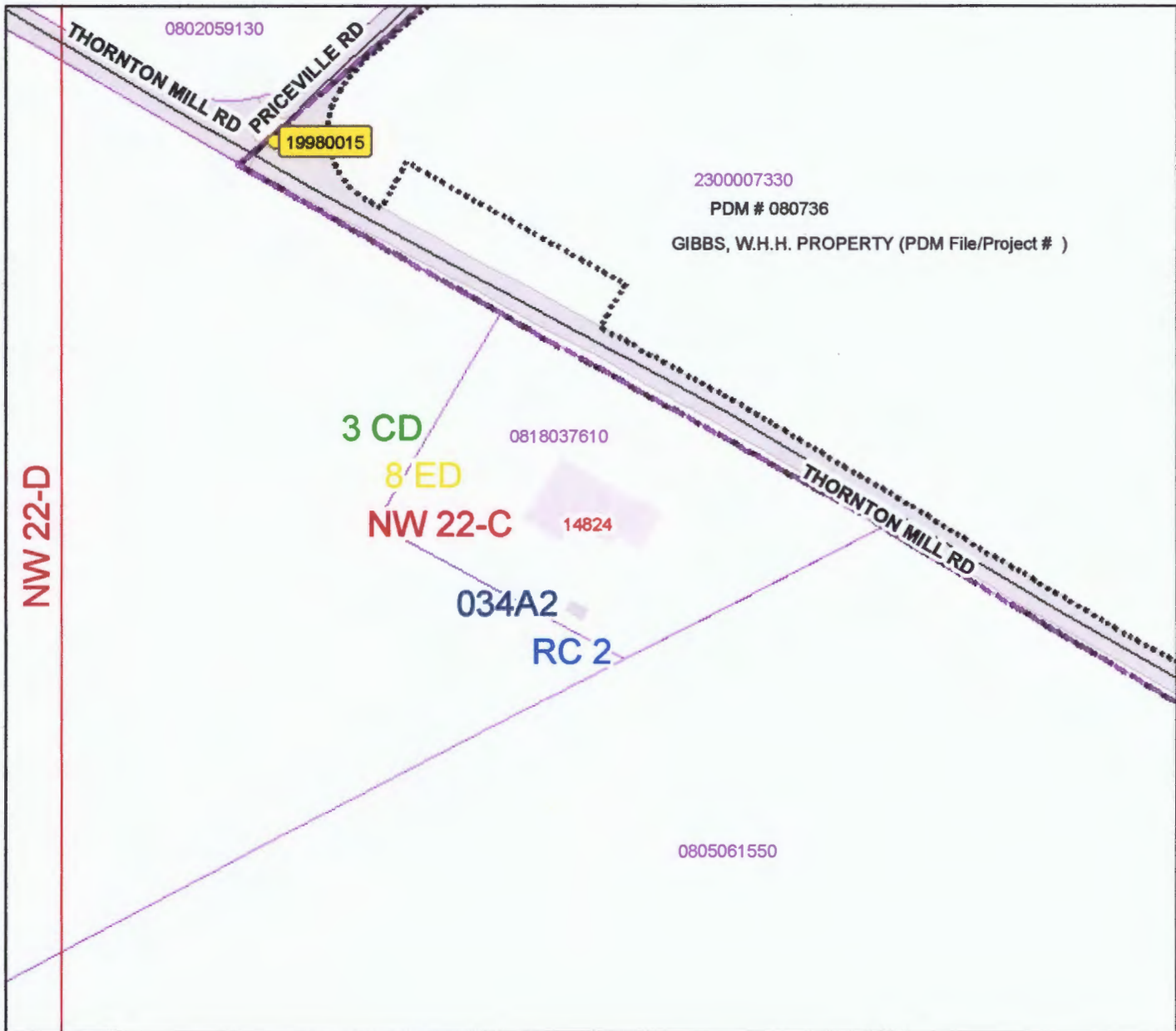
As always, thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Crownson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

14824 Thornton Mill Road



Publication Date: July 01, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



100 0 100
Feet
1 inch equals 100 feet

Item #0001



1. Looking south. Flag is location of far corner of addition.



2. Looking south. Fence in foreground is top rail as seen in pix #1



3. From location in pix 2 looking west.



4. From location in pix2 looking east. Poles are along Thornton Mill Rd

14824 THORNTON MILL RD 21152

Item #0001

