IN RE: PETITION FOR ADMIN. VARIANCE

SE side of intersection of Park Drive and Hillcrest Avenue 9th Election District 5th Councilmanic District (7509 Park Drive)

Thomas J. and Elizabeth A. Billings *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- FOR BALTIMORE COUNTY
- * Case No. 2010-0003-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 J. and Elizabeth A. Billings for property located at 7509 Park Drive. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) 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%. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners own a corner parcel and wish to replace the existing garage. The existing garage has smaller setbacks than the proposed garage, but the proposed garage will be slightly longer. The need for a variance is created by the combination of the corner lot, 45 feet width of the lot and the position of the house. Because of the narrow width of the lot it is impractical to locate an accessory garage on 50% of the third of the lot farthest from the street. The proposed garage will occupy less than 40% of the rear yard.

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 10, 2009 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 10th day of August, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) 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% 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 10, 2009

JOHN GONTRUM, ESQUIRE WHITEFORD, TAYLOR & PRESTON, L.L.P. TOWSON COMMONS, SUITE 300 ONE WEST PENNSYLVANIA AVENUE TOWSON, MD 21204-5025

Re: Petition for Administrative Variance

Case No. 2010-0003-A Property: 7509 Park Drive

Dear Mr. Gontrum:

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

c: Thomas J. and Elizabeth A. Billings, 7509 Park Drive, Baltimore MD 21234

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 7509 Park Drive

which is presently zoned D.R. 5.5

Deed Reference: 4732 / 228 Tax Account # 0902371750

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) 400.1 (DC22)

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%.

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.	l
Contract Purchaser/Lessee:	Legal Owner(s):	
	Thomas J. Billings	
Name - Type or Print	Name - Type or Pant	_
Signature	Signature Elizabeth A. Billings	
Address Telephone No.	Name - Type or Print Elizabeth A Billing 3 - Elizabeth A	R
City State Zip Code	Signature	j
Attorney For Petitioner:	7509 Park Drive 410-668-168	
John D. Contrum	Address Telephone N	10.
John B. Gontrum Name - Type or Print	Baltimore, Maryland 21234 City State Zip Coc	10
		16
Signature ADS	Representative to be Contacted:	
Whiteford, Taylor & Preston, LLP		
Company	Name,	-
One W. Pennsylvania Avenue. 410-832-2000	-	
Address Telephone No.	Address Telephone No.).
Towson, Maryland 21204-5025		
City State Zip Code	City State Zip Code	е
A Public Hearing having been formally demanded and/or found to be rethis day of that the subject matter of regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, if this petition be set for a public hearing, advertised, as required by the zonion Zoning Commissioner of Baltimore County	ing
Case No. 2010-0003-A Rev	riewed By D.T. Date 1/109	
FORESTEEN PO	osting Date 7 12 09	
FRM476 0 4 10 09	Rev 3/09	

Affidavit in Support of Administrative Variance

	alties of perjury to the Zoning Commissioner of Baltimore
• •	n given is within the personal knowledge of the Affiant(s)
	thereto in the event that a public hearing is scheduled in
the future with regard thereto.	7509 Park Dr., Balto., Md. 2123
That the Affiant(s) does/do presently own and	reside at
	Address number Road or Street name
and that this address is the subject of this varia	nce request as required by law.
an Administrative Variance at the above address additional sheet if needed) Petitioners own a corner purchasely smaller setbacks than the proposed garage, but the proposed ground combination of the corner lot, the 45' width of the lot and the proposed garage.	owing are the facts upon which I/we base the request for ess (indicate the hardship or practical difficulty; attach an arcel and wish to replace an existing garage. The existing garage has arage will be slightly longer. The need for a variance is created by the osition of the house. Because of the narrow width of the lot it is red of the lot farthest from the street. The proposed garage will occupy
	sible for reposting the property and for payment of the y may be required to provide additional information. Signature
ELIZABETH BILLING	S THOMAS BILLINGS
Name- print or type	Name- print or type
A Notary Public must complete the fo	llowing section prior to the filing appointment.
STATE OF MARYLAND, BALTIMORE C	OUNTY, to wit:
I HEREBY CERTIFY, this day of the State of Maryland, in and for the County af	foresaid, personally appeared:
(Name Affiant(s) here): 1 Selland the Affiant(s) herein, personally	nown or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Land D Romer 4/110
- 1 Committee asserted to	Name of Notary Public Commission expires
Marie and a control of the control o	
PLACE SEAL HERRAH D RAMSEY NOTARY PUBLIC BALTIMORE COUNTY MARYLAND MY COMMISSION EXPIRES APRIL 1, 2010	

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7509 Park Drive, Parkville, Maryland 21234.

Beginning at a point on the southeast side of the intersection of Park Drive which is 50' wide and Hillcrest Avenue, which is 50' wide. Being Lot # 59, 60, Block 4, in the subdivision of Section A Harford Park as recorded in Baltimore County Plat Book # 5, Folio # 62 containing 5,400 square feet. Also known as 7509 Park Dive and located in the 9th Election District, 5th Councilmanic District.

OFFIC	E OF BUD	GET AND	IARYLANI D FINANC RECEIPT	E		No.	392	37 1109	•	PAID RECEIPT MISTHESS ACTIVAL TIME TOWN 7/80/2009 7/01/2009 14:31:57 S
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For:										
D.THOMPSON CASHIER'S VALIDATION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING										
		PLEA	SE PRES	S HARD!!				in paren	h. West zon	

CERTIFICATE OF POSTING

	RE: 2010-0003-A
	Petitioner/Developer:
	Billings
	Date of Hearing/closing July 27, 2009
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn; Kristin Matthews,	
Ladies and Gentlemen:	
7509 Park Drive	ted at,
The sign(s) were posted on	July 10 ,2009 (Month, Day, Year)
	Sincerely,
	Thut Black July 17, 2009
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



VARIANCE

CASE #2010-0003. A

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO

BE LOCATED IN THE THIRD OF THE LOT CLOSEST TO THE SIDE STREET

AND OCCUPYING 667. OF SUCH THIRD IN LIEU OF THE REQUIRED

THIRD OF THE LOT FRETHEST AND OCCUPYING NOT MORE THAN 507.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE

111 W. CHESAPEAKE AVE. TOWSON, MD. 21204 TEL. 887-3391

BO NOT BEMOVE THIS SIZE AND POST INTEL AFTER ABOVE DATE, WHOLD PENALTY OF LTW. RETURN BOTH TO ZAPIN, RM. 104

MEETING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

0250	Qoio Number 20	0000	-A	Address	7509	Door T	DO WE	
Case		0003	-/\	Address	130 1			
Conta	ct Person:	DONNA HO	mPSON ease Print Your	Name		_ Phone	e Number:	410-887-339
Filing	Date: 7	09	Post	ing Date:	7/12/09	C	losing Dat	e: <u>7/27/09</u>
Any c throug	ontact made In the contact	with this office person (planne	e regarding er) using the	g the statu e case num	s of the aber.	administra	ative variar	nce should b
1.	reverse side reposting muis again response.	OST: The petit of this form) a ust be done only consible for all or before the po	nd the pet by one of associated	tioner is re the sign po costs. Th	sponsible osters on the zoning	for all pr the appro notice sig	inting/posti ved list and in must be	ng costs. And the petitione visible on the
2.	a formal rec	The closing da juest for a pub public hearing,	lic hearing	. Please	understan	d that ev	en if there	000 feet to file is no forma
3.	commissione order that the within 10 da whether the	fter the closing er. He may: (a e matter be set lys of the clos petition has bed u by First Class	a) grant the in for a pul ing date if en granted	e requested olic hearing all County	d relief; (b . You will y agencie) deny the receive was common receive was	e requeste vritten notifi ents are re	d relief; or (c cation, usuall eceived, as t
4.	(whether due commissione changed givi	PUBLIC HEARI e to a neighborn, notification ng notice of the fication of this o	or's formal will be for hearing d	request or rwarded to ate, time ar	by order you. Thad location	of the and of the sign of the	zoning or on the proper the sign	deputy zoning perty must be was originally
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	(USE THE AD	MINISTRA	TIVE VARI	ANCE SIG	SN FORM	IAT	
Case N	Caoic) Number 20€€	0003 -A	Addre	ess 7509	PARK	DRIVE		
Petitio	ner's Name _	BILLINGS				Telephor	ne 410-6	68-1687
Postin	g Date:	7/12/09		_ Clo	sing Date	e:	127/09	
Wordir	ng for Sign: _	To Permit AN	ACCESSO	RY STRUC	TURE (6	ARAGE)-	TO BE L	CATED
IN	THE THIRD	OF THE LOT	CLOSEST	TO THE S	IDE STRE	ET AND	OCCUPYI	KG 6670
OF	SUCH THIS	SD IN LIEU C	F REQUI	REDTHIR	D OF TH	E LOT FA	ARTHEST I	DAF
0	CCUPYING N	OT MORE TH	AN 50%					,
							WCR	- Revised 7/7/08

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is ubject 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 A	
	ase Number: 2010 - 0003 - A
Petitioner:	BILLINGS
Address or Location	on: 7509 PARK DRIVE
PLEASE FORWAR	RD ADVERTISING BILL TO:
Name:	MR. + MRS. THOMAS J. BILLINGS
Address:	7509 PARK DR.
	BALTO. MD 21234
	·
Telephone Number	er: 410-668-1687



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

July 27, 2009

John B. Gontrum Whiteford, Taylor & Preston, LLP 1 W. Pennsylvania Ave. Towson, MD 21204

Dear: John B. Gontrum

RE: Case Number 2010-0003-A, 7509 Park Dr.

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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Thomas & Elizabeth Billings: 7500

Thomas & Elizabeth Billings; 7509 Park Dr.; Baltimore, MD 21234

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-003- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: August 5, 2009

AUG 05 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & **Development Management**

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

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

DATE: July 27, 2009

RECEIVED

JUL 3 0 2009

ZONING COMMISSIONER

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

DAK:CEN:kta cc: File

ZAC-072709-NO COMMENTS



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 Beverley 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 - 0003-4

7509 PARKDRIVE BILLINGS 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. 2010-0003-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,

ASteven D. Foster, Chief Engineering Access Permits Division

Divisio

SDF/MB

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 # 10-003-A

Address

7509 Park Drive

(Billings Property)

Zoning Advisory Committee Meeting of July 20, 2009

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

Reviewer:

JWL

Date: 9/9/09

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 your offices.

CASE NUMBER: 2010-0001-A

14824 Thornton Mill Road

Location: SW side of Thornton Mill Road, 200 feet SE of the centerline of Priceville Road.

8th 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

7509 Park Drive

Location: SE side od Park Drive and Hillcrest Avenue.

9th 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 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov









7609 PARK DRIVE



PLAT TO ACCOMPANY PETITION FOR ZONING X VARIA PROPERTY ADDRESS 7509 PARK DRIVE SEE PAGES 5 & 6 OF THE CHECKL	
SUBDIVISION NAME HARFORD PARK	
PLAT BOOK # 5 FOLIO # 62 LOT # 50 BECTION # 4	SUBSECT PROPERTY OF THE
OWNER THOMAS & ELIZABETH BILLINGS	PROPERTY OF
PARK DRIVE TO TAYLOR AVE -> A HAH : JEAN 45' BROSWELL 31' 31'	PROPERTY DE LA LILLE REST. AUG.
FRONT 75 75 FRONT HI 7507 36 7509 MI EXISTING EXISTING	VICINITY MAP SCALE: 1" = 1000'
7507 36 7609 MI EXISTING EXISTING S	LOCATION INFORMATION
4	ELECTION DISTRICT 9
1 23' N E	COUNCILMANIC DISTRICT 5
	1"=200' SCALE MAP # 08/A
P RO POSED	ZONING DR. 5.5
MOITIDA	ACREAGE SQUARE FEET
38 ZZ' X 38'	SEWER TO THE
20-3	WATER SEL
91 431	CHESAPEAKE BAY CRITICAL AREA
<u> </u>	100 YEAR FLOOD PLAIN
2601	HISTORIC PROPERTY/
EXISTING E 26	PRIOR ZONING HEARING NOVE
NORTH SEAN & JANELLE	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
OMEARA	0 = 1 2000 1 2010-
PREPARED BY TJ.B. SCALE OF DRAWING: 1" = 30"	D.T. 0003 0003-A