

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Oakway Road; 220 feet W
of the c/l of Tree Lane
8th Election District
3rd Councilmanic District
(65 Oakway Road)

James Martin and Karen Frances Hill
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0012-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, James Martin and Karen Frances Hill for property located at 65 Oakway Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to an existing accessory structure (garage) in the rear yard of a single family dwelling with a height of 19 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. An existing two-story detached garage is undersized for vehicle use. The proposed improvements include building an extension to the north for vehicle parking clearance below. This expanded accessory building to have increased ceiling height for adequate head height and usable garage storage space.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 10, 2009, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

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8-19-09
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The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 19, 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.

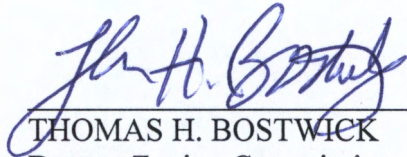
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of August, 2009 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to an existing accessory structure (garage) in the rear yard of a single family dwelling with a height of 19 feet in lieu of the required 15 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.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.

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8-19-09
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3. The accessory structure shall not be used for commercial purposes.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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8-19-09

pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 19, 2009

JAMES MARTIN AND KAREN FRANCES HILL
65 OAKWAY ROAD
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 2010-0012-A
Property: 65 Oakway Road

Dear Mr. and Mrs. Hill:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jane Willeboordse, Architect, 138 Newburg Avenue, Baltimore MD 21228



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 65 Oakway Rd Luth-Timonium 21093
which is presently zoned DR 5.5

Deed Reference: 75941603 Tax Account # 0819007175

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)

400.3

To permit an addition to an existing accessory structure/garage in the rear yard of a single family dwelling with a height of 19 feet in lieu of the required 15 feet.

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):

James Martin Hill
Name - Type or Print _____
Signature [Signature] _____
Karen Frances Hill
Name - Type or Print _____
Signature [Signature] _____
65 Oakway Rd home/work
Address _____ Telephone No. 410.252.0486
Timonium MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Jane Williboordse, Architect
Name _____
138 Newburg Ave 410.402.3241
Address _____ Telephone No. _____
Baltimore MD 21228
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. 2012-001234 Reviewed By [Signature] Date 7/9/09
8-19-09 Estimated Posting Date 7/19/09

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 own and reside at 65 Oakway
Address number Road or Street name
and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an

Zoning variance requested for 1949 garage (accessory building) for the following reasons:

- 1) Existing 2-story, detached garage is **undersized** for vehicle use (13' wide x 18' long x 6'-10" clearance).
- 2) Proposed improvement to include building extension to the north for vehicle parking clearance below.
- 3) The expanded accessory building to have increased ceiling height for adequate head height and usable garage space (2-story).
- 4) New roof of accessory building to serve as lot amenity with landscaped 'green' roof for added vegetation and to minimize heat island effects of the existing asphalt drive.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Name- print or type

Signature

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 2nd day of July, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): James M Hill & Karen F. Hill
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public

Commission expires

PLACE SEAL HERE:

ELIZABETH A. RICHARDSON
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES MARCH 20, 2012

Zoning Description for 65 Oakway Road.

Beginning at a point on the south side of Oakway Rd, ^{with} is 40 feet wide at the distance of 220 feet west of the centerline of the nearest improved intersecting street Tree Lane which is 40 feet wide. Being Lot # 14, Block --, Section E in the subdivision of Addition to Yorkshire as recorded in Baltimore County Plat Book # 13, Folio # 90, containing 8,350 square feet. Also known as 65 Oakway Road and located in the 8th Election District, 3rd Councilmanic District.

2010-0012-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 39297

Date: 7/9/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					65.00

Total: 65.00

Rec From:

Jim & Karen Hill

For:

150 Oakway Rd
21453

2010-0012-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DEN
 7/09/2009 7/09/2009 11:24:27 2
 TO WAGE WALTER TERA JEE
 RECEIPT # 600981 7/09/2009 0512
 Dept 5 528 PENDING VERIFICATION
 BAL 039297
 Recpt Tot \$45.00
 \$45.00 CA \$45.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/19/09

Case Number: 2010-0012-A

Petitioner / Developer: JIM & KAREN HILL~JANE WILLEBOORDSE, AIA

Date of Hearing (Closing): AUGUST 3, 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:
65 OAKWAY ROAD

The sign(s) were posted on: JULY 19, 2009



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000- 0012 -A Address 65 Oakway Rd
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/9/09 Posting Date: 7/19/09 Closing Date: 8/3/09

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 2000- 0012 -A Address 65 Oakway Rd
Petitioner's Name Jim & Karen Hill Telephone _____
Posting Date: 7/19/09 Closing Date: 8/3/09

Wording for Sign: _____
To permit an addition to an existing accessory structure/garage in the rear yard of a single family dwelling with a height of 19 feet in lieu of the required 15 feet.

WCR - Revised 7/7/08

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/9/09 Posting Date: 7/19/09 Closing Date: 8/3/09

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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
August 14, 2009

James & Karen Hill
65 Oakway Rd.
Timonium, MD 21093

RE: Case Number: 2010-0012-A, 65 Oakway Rd.

Dear:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 2009.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lw

C: People's Counsel
Jane Willeboordse; 138 Newburg Ave.; Baltimore, MD 21228

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2009

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

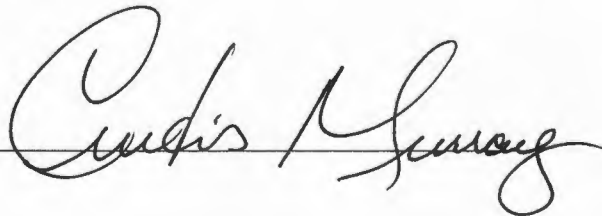
SUBJECT: 10-012 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 13, 2009

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

SIGNED: Dennis A. Kennedy

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos. 2009-0326, 2010-002, 012, 027, 028,
029, 030, 031, 033 and 035

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

DAK:CEN:kmt
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-08132009-NO COMMENTS.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: AUGUST 4, 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 2010-0012-A
65 OAKWAY RD
HILL 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. 2010-0012-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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 10, 2009

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

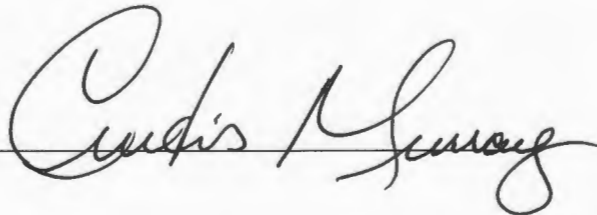
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For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:
AFK/LL: CM



RECEIVED

AUG 18 2009

ZONING COMMISSIONER

AV
8-309
closing

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****SEP 10 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 10, 2009
SUBJECT: Zoning Item # 10-012-A
Address 65 Oakway Road
Hill Property

Zoning Advisory Committee Meeting of August 3, 2009

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

Reviewer: JWL

Date: 9/10/09

Patricia Zook - Re: Case 2010-0012-A - administrative variance

From: Dennis Kennedy
To: Zook, Patricia
Date: 8/18/2009 3:21 PM
Subject: Re: Case 2010-0012-A - administrative variance
CC: Richards, Carl

Patti:
We had no comment on this item.
Dennis Kennedy

>>> Patricia Zook 8/18/2009 1:47 PM >>>
Good afternoon Dennis -

The below-described case was missing comments from all County departments. I now have comments from Planning and Fire, and wondered if your office had any comments. If no comments, just reply to this e-mail and I'll place it in the file.

CASE NUMBER: 2010-0012-A

65 Oakway Road

Location: S side of Oakway Road; 220 feet W of the c/l of Tree Lane.

8th Election District, 3rd Councilmanic District

Legal Owner: James and Karen Hill

Closing Date: 8/3/2009

ADMINISTRATIVE VARIANCE To permit an addition to an existing accessory structure (garage) in the rear yard of a single family dwelling with a height of 19 feet in lieu of the required 15 feet.

Thanks again, Dennis, for your help in getting comments.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 2010-0012-A - administrative variance

From: Patricia Zook
To: Kennedy, Dennis
Date: 8/18/2009 1:47 PM
Subject: Case 2010-0012-A - administrative variance

Good afternoon Dennis -

The below-described case was missing comments from all County departments. I now have comments from Planning and Fire, and wondered if your office had any comments. If no comments, just reply to this e-mail and I'll place it in the file.

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Location: S side of Oakway Road; 220 feet W of the c/l of Tree Lane.

8th Election District, 3rd Councilmanic District

Legal Owner: James and Karen Hill

Closing Date: 8/3/2009

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Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 2010-0012-A - administrative variance - closed 4-4-09

From: Patricia Zook
To: Bosley, Roland; Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis
Date: 8/4/2009 3:54 PM
Subject: Case 2010-0012-A - administrative variance - closed 4-4-09

Gentlemen -

The below-described administrative variance file was just delivered to me. The file is missing comments from all County agencies.

CASE NUMBER: 2010-0012-A

65 Oakway Road

Location: S side of Oakway Road; 220 feet W of the c/l of Tree Lane.

8th Election District, 3rd Councilmanic District

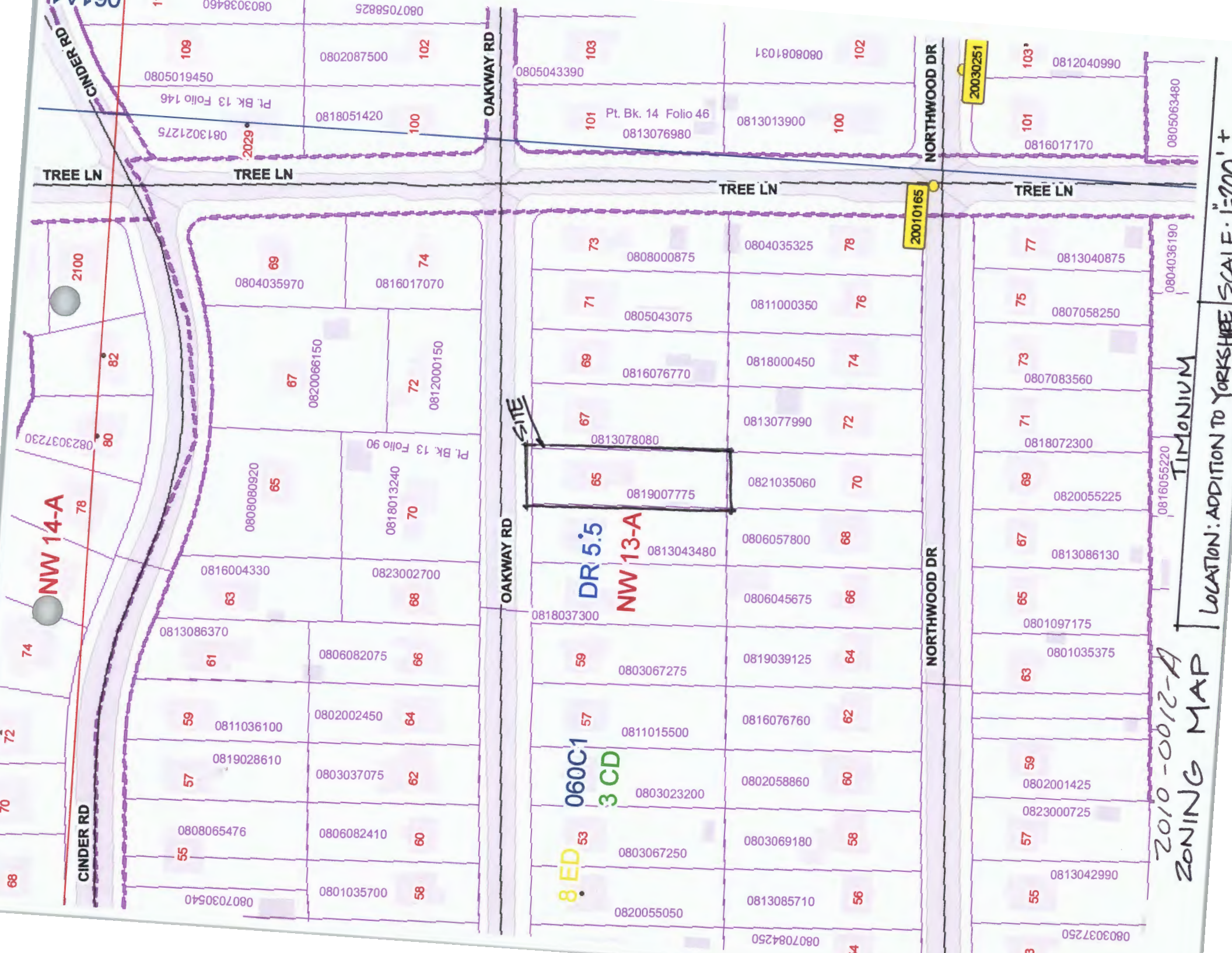
Legal Owner: James and Karen Hill

Closing Date: 8/3/2009

ADMINISTRATIVE VARIANCE To permit an addition existing structure (garage) in the rear yard of a single family dwelling with a height of 19 feet in lieu of the required 15 feet.

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



NW 14-A

SITE

DR 5.5

NW 13-A

060C1
3 CD

8 ED

2010-0012-A
ZONING MAP

TIMONIUM

LOCATION: ADDITION TO YORKSHIRE SCALE: 1"=200' +



65 Oakway

2010-0012-A

west

63 Oakway
→



2010-0012-A

Area of Variance
existing garage (14' to peak ht.)



2010-0012-A

63 Oakway



67 Oakway

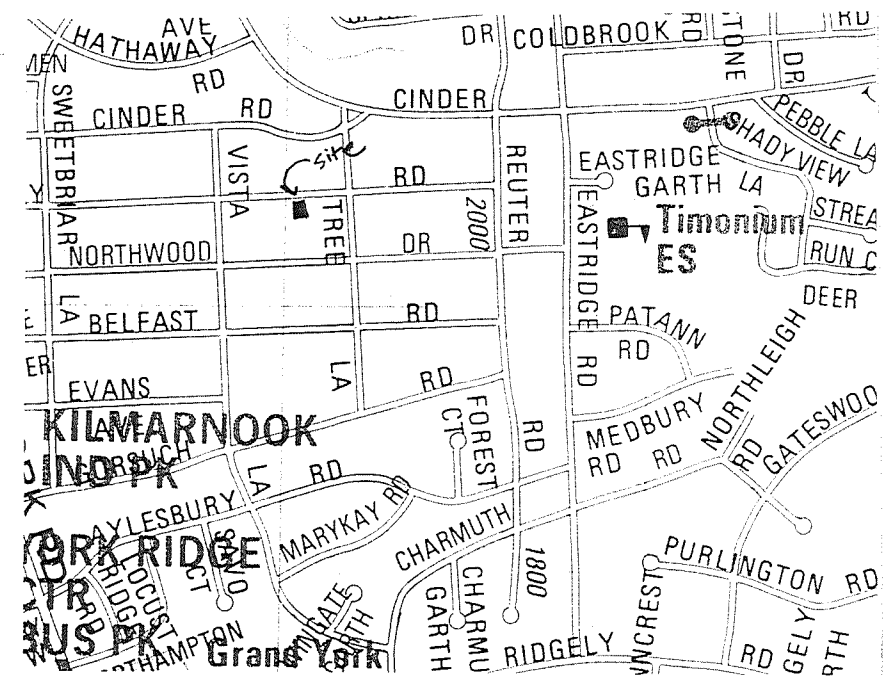
2010-0012-A

65

← east

PLAT - TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 65 OAKWAY RD.
TIMONIUM MD 21093
SUBDIVISION NAME: ADDITION TO YORKSHIRE
PLAT BOOK # 13 FOLIO # 90 LOT # 14 SECTION E
OWNERS: JAMES & KAREN HILL



VICINITY MAP SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 08
COUNCILMANIC DISTRICT 03
1" = 200' SCALE MAP #060C-1(DRS.5)
LOT SIZE 0.2 AC 8,350 SF
SEWER PUBLIC ☒
WATER PUBLIC ☒
CHESAPEAKE BAY CRITICAL AREA ☒ NO
100 YR. FLOODPLAIN ☒ NO
HISTORIC PROP/BLDG ☒ NO
NO PRIOR ZONING HEARING

ZONING OFFICE USE

REVIEWED BY	ITEM #	CASE #
<i>[Signature]</i>	2010	0012-A

