

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Worthington Heights Parkway;
1878 feet E of Cuba Road
8th Election District
3rd Councilmanic District
(1627 Worthington Heights Parkway)

Kathleen Simmers
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0048-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 Kathleen Simmers for property located at 1627 Worthington Heights Parkway. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front yard with a height of 31 feet in lieu of the required rear yard and the maximum permitted 15 feet height. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct a garage tall enough to accommodate storage of a 12 foot high camper and woodworking lumber on the second floor. The south facing garage roof has been located optimally for the installation of solar panels. The garage roof must be located high enough to be out of the shadow of the house and has been designed at the appropriate angle to accept solar panels to reduce electricity use. Placing the garage in another location on the property would place it in the shadow of the house and the garage could not accept solar panels for electricity reduction. The property contains 1.24 acres and is served by private water and sewer systems.

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

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[Signature]

September 8, 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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 23, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the 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 14th day of September, 2009 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the front yard with a height of 31 feet in lieu of the required rear yard and the maximum permitted 15 feet height is hereby GRANTED, subject to the following:

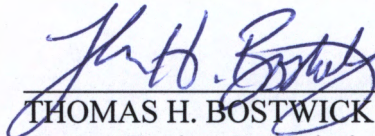
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for

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9.14.09
pm

whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. 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 or kitchen facilities.
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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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 14, 2009

KATHLEEN SIMMERS
1627 WORTHINGTON HEIGHTS PARKWAY
COCKEYSVILLE MD 21038

Re: Petition for Administrative Variance
Case No. 2010-0048-A
Property: 1627 Worthington Heights Parkway

Dear Ms. Simmers:

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 cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Zachary Smith, 3941 Tabernacle Road, Whiteford MD 21160



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1627 Worthing Heights PKWY.
which is presently zoned Residential R.C. 7

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, 400.3 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE FRONT YARD WITH A HEIGHT OF 31-FEET IN LIEU OF THE REQUIRED REAR YARD AND THE MAXIMUM PERMITTED 15-FEET.

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. 1, 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

410 584 1448
Telephone No.

City

MD
State

21038
Zip Code

Representative to be Contacted:

Name

Address

City

MD
State

410 588 9119
Telephone No.

21160
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. 2010-0048-A

REV 10/25/01

Reviewed By D.T. Date 8/12/09

Estimated Posting Date 8/23/09

9.14.09

m

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 1637 Worthington Hts Pkwy
Address
Cockeysville M.D. 21030
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):

1. Need to park 12-foot tall camper inside the garage, to prevent premature, unnecessary damage from weathering, hail, falling branches, and freezing conditions.
2. Lumber for woodworking that is presently stored outside will be stored inside on the second floor, out of sight to improve appearance of property, reduce damage to purchased lumber from termites and other pests, and protect it from weather.
3. New south-facing roof of garage has been located optimally for installation of solar electric panels. The roof must be located high enough to be out of the shadow of the house, and has been designed at the appropriate angle to accept solar electric panels, to reduce future electricity use.
4. The space between the house and the proposed garage accommodates sidewalk, landscape gardens and driveway. Decreasing the distance to 20 feet and attaching the garage to the house would not leave space for the driveway, space for the driveway, and would place the roof in the shadow of the house.

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.

Kathleen W Simmers
Signature

Signature

Kathleen W Simmers
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of August 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Renee R Nelson
Notary Public

My Commission Expires 3-16-10

Zoning Description for 1627 Worthington Heights Parkway

BEGINNING FOR THE SECOND thereof at a point in the center of a private 40 foot right of way sometimes referred to as Worthington Heights Parkway, said place of beginning being situated South 88 degrees 33 minutes East 124.06 feet from the end of the second line of a Deed from Andrew H. Carrigan, et al, to Charles J. Grundziecki, et al, dated December 6, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. 1629, folio 380, and then running with and binding on the center line of said 40 foot right of way the two following courses and distances: South 82 degrees 55 minutes East 171.61 feet, thence North 67 degree 41 minutes East 53.91 feet, thence leaving said center line South 2 degrees 47 minutes 261.4 feet, thence North 87 degrees 13 minutes West 220 feet, thence running North 2 degrees 47 minutes East 251.50 feet to the place of beginning. Containing 1.24 acres more or less.

(CONTINUED)

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per: *[Signature]*
Authorized Signature
Date: 2/10/81 Sec. 11-89A

Located in the 8th Election District and 3rd Councilman District.

2010-0048-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰¹⁰~~2009~~ 0048 -A Address 11627 WORTHINGTON HEIGHTS PRKY

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/13/09 Posting Date: 8/23/09 Closing Date: 9/7/09

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.

Petitioner: This Completed Form must be FAXED or MAILED to your chosen Sign Poster!

Sign Poster: USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ²⁰¹⁰~~2009~~ 0048 -A Address 11627 WORTHINGTON HEIGHTS PRKY

Petitioner's Name SIMMERS Telephone 410-584-1448

Posting Date: 8/23/09 Closing Date: 9/7/09

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED
IN THE FRONT YARD WITH A HEIGHT OF 31-FEET IN LIEU OF THE REQUIRED
REAR YARD AND MAXIMUM PERMITTED 15-FEET.

THE

**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: ~~P#~~ 2010-0048-A

Petitioner: SIMMERS

Address or Location: 1627 WORTHINGTON HEIGHTS PRUN

PLEASE FORWARD ADVERTISING BILL TO:

Name: MRS. KATHLEEN W. SIMMERS

Address: 1627 WORTHINGTON HEIGHTS PRUN.

COCKEYSVILLE, MD 21030

Telephone Number: 410-584-1448

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

No. 25714

Date: 8/13/07

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

Total: 65.00

Rec

From: KATHLEEN W. JENNINGS

For: 2010-0048-A

1621 WORTHINGTON HEIGHTS DRIVE

W. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/23/09

Case Number: 2010-0048-A

Petitioner / Developer: SIMMERS

Date of Hearing (Closing): SEPTEMBER 7, 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:
1627 WORTHINGTON HEIGHTS PKWY.

The sign(s) were posted on: AUGUST 23, 2009



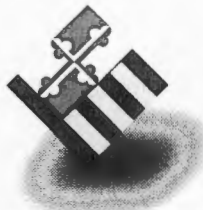
Linda O'Keefe
(Signature of Sign Poster)

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)



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

September 8, 2009

Kathy Simmers
1627 Worthington Heights Parkway
Cockeysville, MD 21038

Dear: Kathy Simmers

RE: Case Number 2010-0048-A, 1627 Worthington Heights Parkway

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 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
Zachary Smith; 3941 Tabernacle Rd.; Whiteford, MD 21160

AV
9-7-09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2009

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

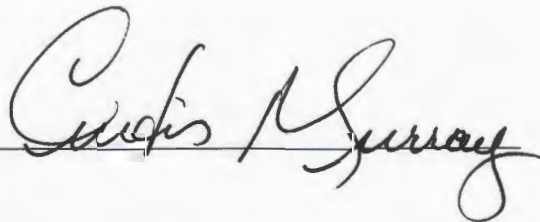
SUBJECT: 10-048 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 31 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



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SEP 09 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 31, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2009
Item Nos. 10-007, 048, 049, 050,
051, 052, 054 and 055

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-09072009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2009

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

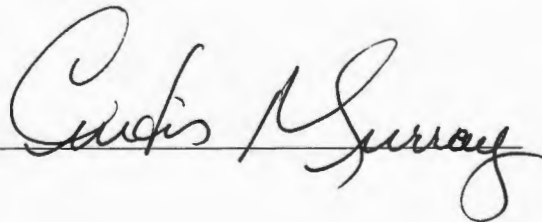
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Prepared by:
AFK/LL: CM





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: August 27, 2009

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

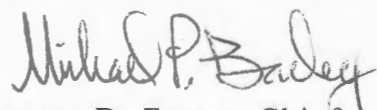
RE: Baltimore County
Item No. 2010-0048-A
1627 WORTHINGTON HEIGHTS PKWY.
SIMMERS PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0048-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



2010-0048-A



5010-0048-A



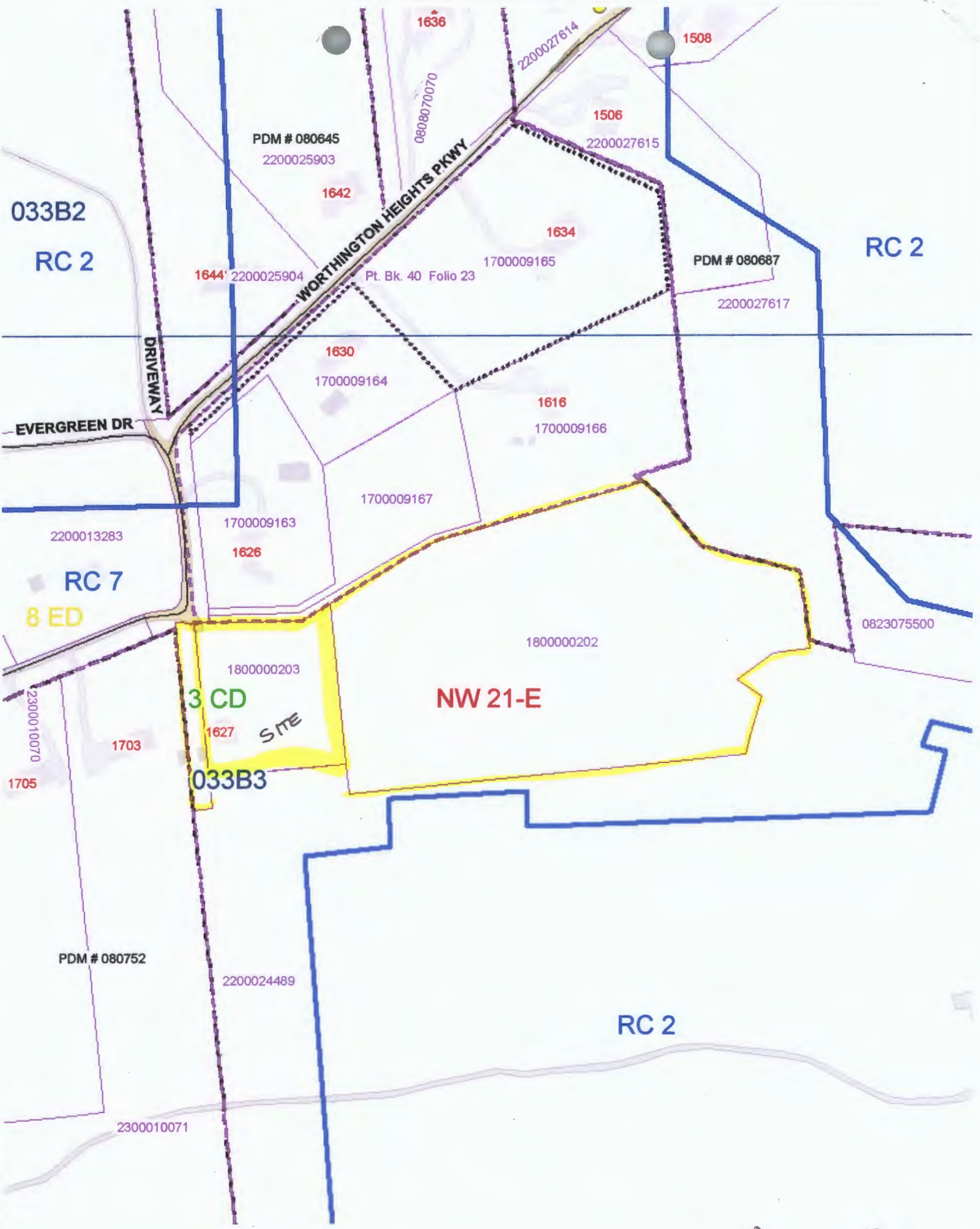
2010-0048-A



2010-0048-A



2010-0048-A



2010-0048-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

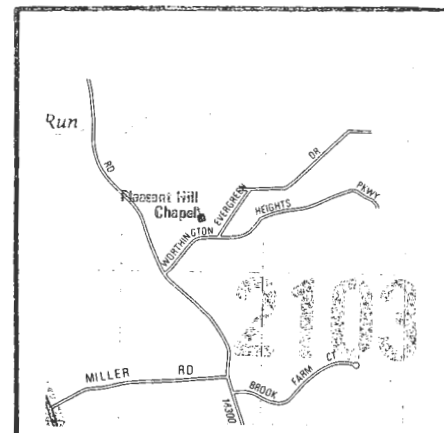
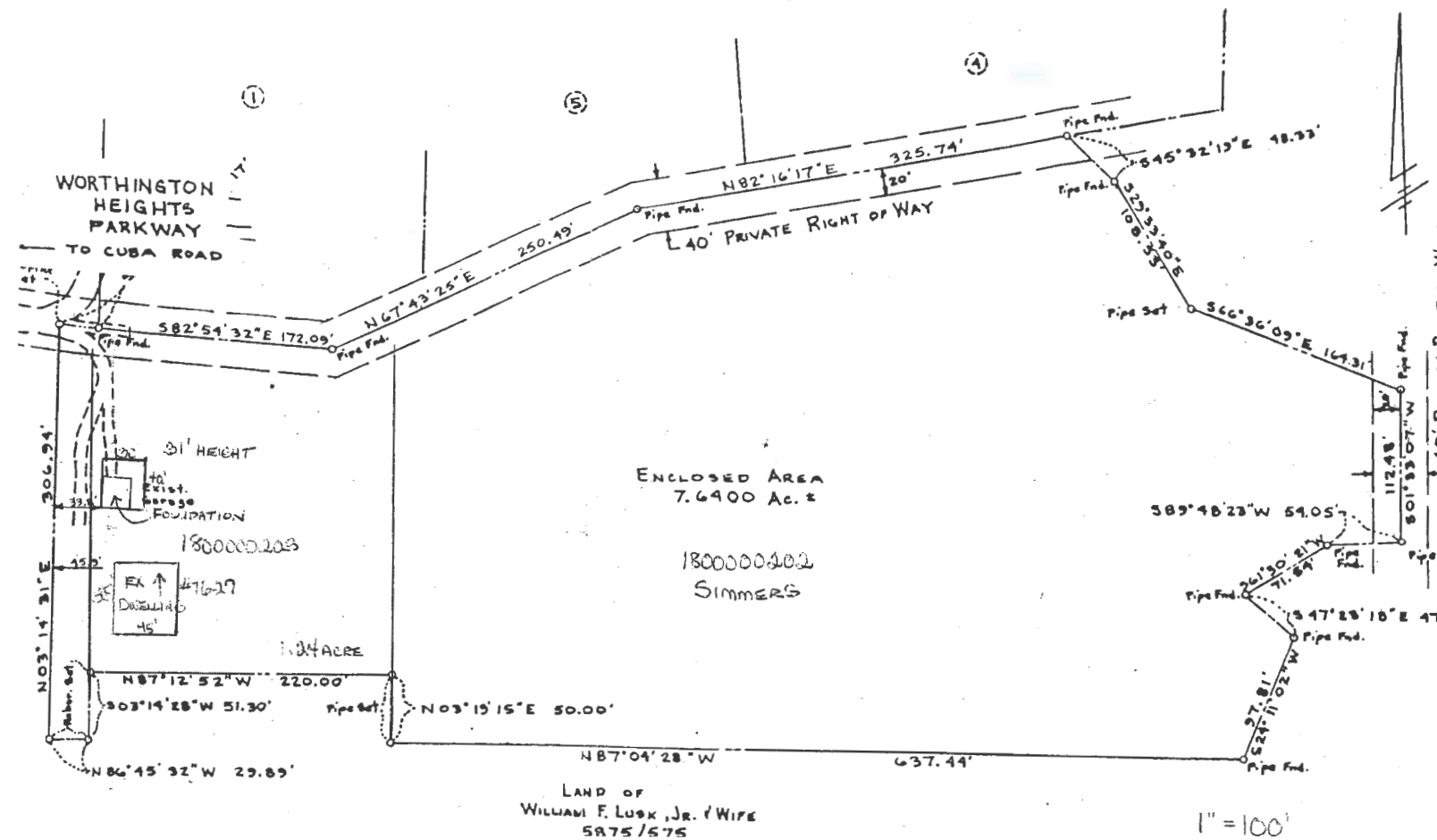
PROPERTY ADDRESS 1627 WORTHINGTON HEIGHTS PKWY.

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

SUBDIVISION NAME

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER KATHLEEN W. SIMMERS



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 05323

ZONING R.C.7

LOT SIZE 1.24

ACREAGE	SQUARE FEET
1.0	

PUBLIC PRIVATE

SEWER ☐ ☒

WATER ☐ ☒

	YES	NO
QUESTIONS		

CHESAPEAKE BAY ☐ ☒
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING *1/2/15*

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

2010-

D.T.

0048

2010-
cc-48-A

$$1'' = 100'$$

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1627 WORTHINGTON HEIGHTS PKWY.

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

SUBDIVISION NAME _____

PLAT BOOK # — FOLIO # — LOT # — SECTION # —

OWNER KATHLEEN W. SIMMERS

