IN RE: PETITION FOR ADMIN. VARIANCE

S side of Newbridge Court; 133 feet E of

Amy Lane

2<sup>nd</sup> Election District

4<sup>th</sup> Councilmanic District

(3 Newbridge Court)

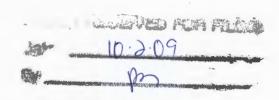
Keith L. and Frances V. Garner Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2010-0061-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, Keith L. and Frances V. Garner for property located at 3 Newbridge Court. The variance request is from Sections 211.2 and 211.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition with a side and front setback to lines of as close as 7½ feet in lieu of the required minimum setbacks of 8 feet and 25 feet respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an attached garage. Subject property is irregular in shape and constructing a garage anywhere on the property would require a variance. The proposed garage will utilize the existing driveway. Photographs submitted by the Petitioners indicate that other homes in the cul-de-sac have attached garages. None of the neighbors voiced any objection to the variance request.

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.



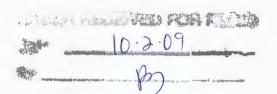
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 29, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 Jrd day of October, 2009 that a variance from Sections 211.2 and 211.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage addition with a side and front setback to lines of as close as 7½ feet in lieu of the required minimum setbacks of 8 feet and 25 feet respectively 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.

Deputy Zoning Commissioner for Baltimore County

COURS RECEIVED FOR FOLD

THB:pz



JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 2, 2009

KEITH L. AND FRANCES V. GARNER 3 NEWBRIDGE COURT RANDALLSTOWN MD 21133

Re: Petition for Administrative Variance

Case No. 2010-0061-A Property: 3 Newbridge Court

Dear Mr. and Mrs. Garner:

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

SRIGHWO FILZ

TAX. ACCOUNT # 1600001965

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3 NEWBRIDGE CT.

which is presently zoned DR 5, 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 211.2 AND 211.3 (1955-1971 BCZR) TO PERMIT A GARAGE ADDITION WITH A SIDE AND FRONT SETBACK TO LOT LINES OF AS CLUSE AS TYZ FT. IN LIEU CRITHE REQUIRED MINIMUM SETBACKS OF 8 FT. AND 25 FT. RESPECTIVELY.

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: Legal Owner(s): Name - Type or Print Signature Signatur Address Telephone No. Name City Zip Code State Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Name Company Address Address Telephone No. Telephone No. Zip Code City State Zip Code City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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

Reviewed By

**Estimated Posting Date** 

REV 10/25/01

# Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

REV 10/25/01

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 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):
The Above Address is A bi-level Home. In order to enter the
Home from the proposed 2 CRT agrage
build A STAIR CASE CONTAINING SEVEN STEPS. Also, theres AN
exterior brick fireplace between the House And garage
These two structures of the House And GATAGE
in the GATHER The Care with prevent 2 CARS FIHING
garage wid would like to build A 24' wid
These two structural feature will prevent a cars fitting in the Garage, Therefore we would like to build a 24' wid garage. The shape of the Lot does not set back compliance
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.
Keiten Darner Frances Januar Signature
A'A
Name - Type or Print  RANCES GARNER  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 20 day of August ,2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
REGINA E. WHITLOCK NOTARY PUBLIC STATE OF MARYLAND NOTARY PUBLIC NOTARY PUBLIC
NOTARY PUBLIC STATE OF MARYLAND City of Baltimore My Commission Expires June 27, 2012  My Commission Expires June 27, 2012  My Commission Expires June 27, 2012

ZONING DESCRIPTION FOR 3 NEWBRIDGE CT. RANDAUSTOWN MD. 21133

BEGINNING AT A POINT ON THE SOUTH SIDE DF

NEWBRIDGE CT. WHICH IS 50'

WIDE AT THE DISTANCE OF 133' EAST OF THE

CENTERLINE OF THE NEAREST IMPROVED INTERSECTING ST. AMY CN.

WHICH IS 50' WIDE. BEING LOTH ZZ

BLOCK D SECTION #3, PLAT I, IN THE SUBDIVISON OF MCDONWACH PARK
AS RECORDED IN BAHMORE COUNTY PLAT BOOK # 33 FOLIO #92

CONTANING 17,288' ALSO KNOWN AS 3 NEWBRIDGE CT.

AND LOCATED IN THE 2 ELECTION DISTRICT 4 COUNCILMANIC DISTRICT

BALTIMORE COUNTY DE RTMENT OF PERMITS AND DEV ZONING REVIEW Z	OPMENT MANAGEMENT FUR CAPP H DS THIS OR 16-
ADMINISTRATIVE VARIANCE INFORMATION S	HEET AND DATES
Case Number # 0061 -A Address 3 NEWB	
Contact Person: John Lowis Planner, Please Print Your Name	Phone Number: 410-887-3391
Filing Date: 8/21/69 Posting Date: 8/30/09	Closing Date: 9/4/09

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.
- 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 (typically within 7 to 10 days of the closing date) 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 Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

2010

Case Number ON 61 -A Address 3 NEWBRIDGE CT.

Petitioner's Name Telephone 410 521 2294

Posting Date: 830 09 Closing Date: 914 09

Wording for Sign: To Permit & GARAGE ADDITION WITH A SIDE AND FRONT

SETBACK TO LOT LINES OF AS 72 FT. IN LIEU OF THE REGUIRED

MINIMUM SETBACKS OF SETT. AND 2.5 FT. RESPECTIVELY

# 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 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.

Item Number or Case Number: 2010 0061	A
Petitioner: GARNER	
Address or Location: 3 NSWBRIDGE, CT.	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: KEITH GARNER	
Address: 3 NEWBRIDGE CT	
PANDAIISTOWN MD. 211.33	
Telephone Number: 410 5:21-2294	

OFFICE	OF BUD	GET AN	MARYLANI D FINANC RECEIPT	E		No.			
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For:									
DISTRIBL		DINK AC			CUSTOME			COUNTING	CASHIER'S VALIDATION

PLEASE PRESS HARD!!!!

## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN MATHHEWS** 

**DATE:** 08/29/09

Case Number: 2010-0061-A

Petitioner / Developer: KEITH GARNER

Date of Hearing (Closing): SEPTEMBER 14, 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: 3 NEWBRIDGE COURT

The sign(s) were posted on: AUGUST 29, 2009



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)



JAMES T. SMITH, JR. County Executive

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

September 15, 2009

Mr. & Mrs. Garner 3 Newbridge Ct. Randallstown, MD 21133

Dear: Mr. & Mrs. Garner

RE: Case Number 2010-0061-A, 3 Newbridge Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 30, 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



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 September 10,2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 31.2009

Item Numbers 0103,0056,0057,0058,0059,0060,061,0062,0063 and 0064

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

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: SERT. 3, 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. 2010-0061-A 3 NEWBRIDGE CT CARNER 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 - 0061-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/mb

### 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)10-061- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By: \_

CM/LL

RECEIVED

**DATE:** September 30, 2009

OCT 01 2009

ZONING COMMISSIONER

**BALTIMORE COUNTY, MARYLAND** 

#### INTEROFFICE CORRESPONDENCE

DATE: September 4, 2009

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 response date September 14, 2009 Item Nos. 2008-103, 2010-056, 057, 058,

059, 060, 061, 062, 064, 065, 066

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-09142009 -NO COMMENTS.doc

AV 9/14

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



**RECEIVED** 

SEP 29 2009

**ZONING COMMISSIONER** 

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

September 29, 2009

SUBJECT:

Zoning Item # 10-061-A

Address 3

3 Newbridge Court

(Garner Property)

Zoning Advisory Committee Meeting of September 14, 2009

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

Reviewer:

JWL

Date: 9/29/09

#### Patricia Zook - Case 2010-0061-A - comments needed

From:

Patricia Zook

To:

Murray, Curtis

Date:

9/23/2009 4:04 PM

Subject: Case 2010-0061-A - comments needed

#### Curtis -

We need comments for this administrative variance case:

#### CASE NUMBER: 2010-0061-A

3 Newbridge Court

Location: S side of Newbridge Court; 133 feet E of Amy Lane.

2nd Election District, 4th Councilmanic District

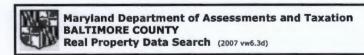
Legal Owner: Keith and Frances Garner

**Closing Date: 9/14/2009** 

ADMINISTRATIVE VARIANCE To permit a garage addition with a side and front setback to lot lines of as close as 7½ feet in lieu of the required minimum setbacks of 8 feet and 25 feet, respectively.

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



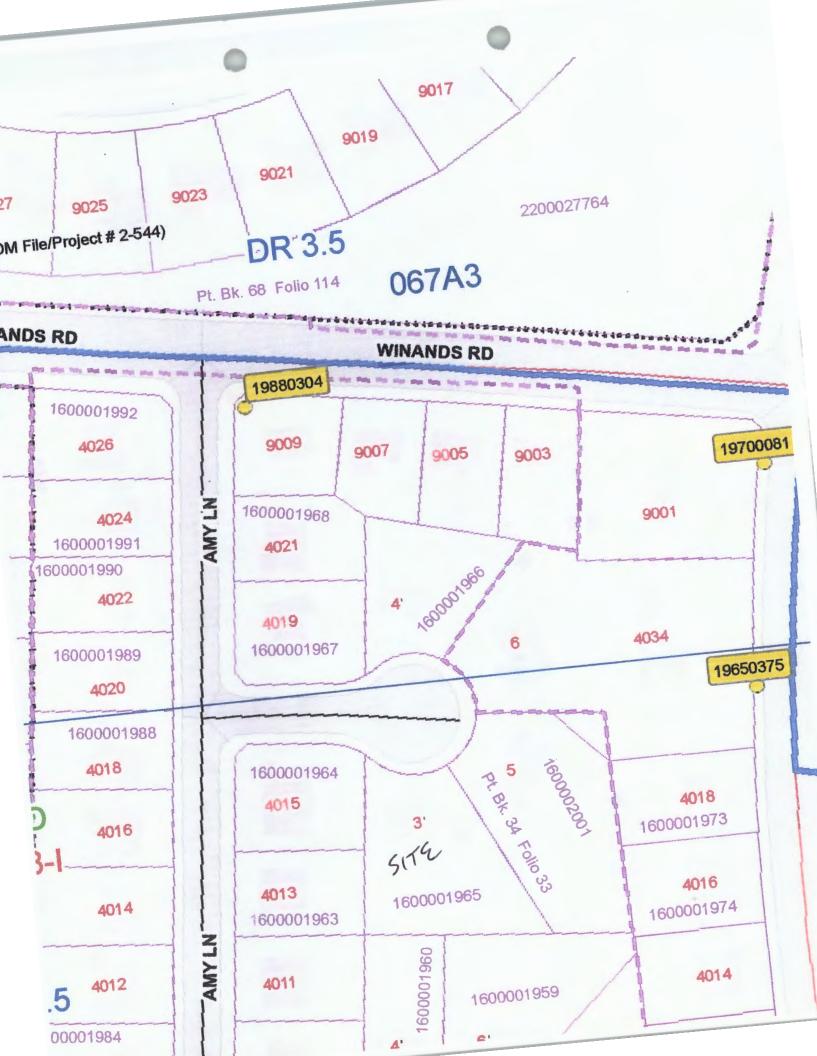
Go Back View Map New Search

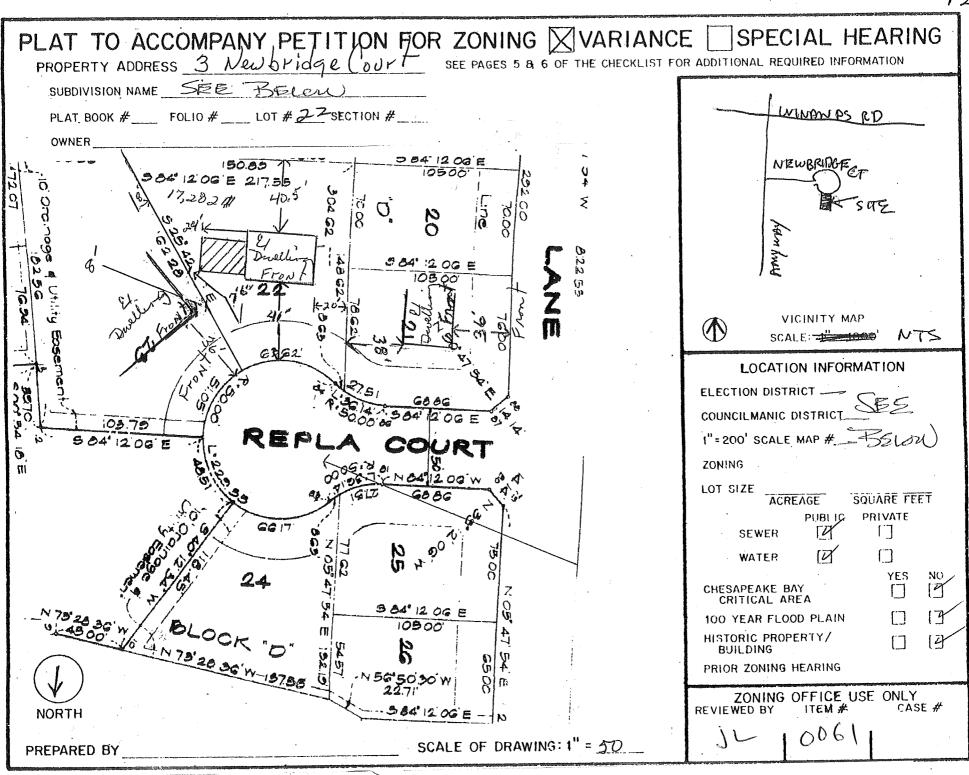
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r Name: GARNER KEITH L Use: BROCKINGTON FRANCES V Principal Residence:						RESIDENTIA YES	L			
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Addition Notes

1. Owners NAMES: Keith L. GANNER

a. Address: 3 Newbridge Ct.

3. MAP Grid PARCEL Section BLOCK Lot# 77 2 1105 3 D 22

4. PLA+ \$1 PLA+ Ref: 33/92

5. Deed Reference: 8606/468

6. District-02, Acc#-160000 1965

7. Lot #22; AreA: 17.282.00; Acres: 39

B. County Use: D4 SFD.

9. Need VATIANCE For Proposed 2 CAR GARAGE

10. Mc DONOgh Parkinn)