

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Greencove Circle; 30 feet N
of the c/l of Cove Point Road
15th Election District
7th Councilmanic District
(4400 Greencove Circle)

Robert H. and Patty A. Francis
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0072-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Robert H. and Patty A. Francis for property located at 4400 Greencove Circle. The variance request is from Section 1B02.3.C.1 to permit a minimum rear yard depth of 20 feet in lieu of the minimum required rear yard depth of 30 feet for a proposed addition, and to amend the Final Development Plan of Beachwood Estates, Section 1, Phase 1, Lot 190 only, to amend the building area. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The current living space is not sufficient for the needs of the family. Due to the configuration of the lot and environmental features, any addition of appropriate size will require a variance. The neighbors residing at 4404 Greencove Circle and 4402 Greencove Circle provided letters of support for the proposed addition.

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 12, 2009 which indicates that the property is a corner lot with no residential use or structure to the rear. Petitioners should provide elevations that show that the addition matches the existing structure

ORDER RECOMMENDED FOR FILING
10.5.09
[Signature]

architecturally and in exterior materials. The Planning Office does not oppose the Petitioners' request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 13, 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 5th day of October, 2009 that a variance from Section 1B02.3.C.1 to permit a minimum rear yard depth of 20 feet in lieu of the minimum required rear yard depth of 30 feet for a proposed addition, and to amend the Final Development Plan of Beachwood Estates, Section 1, Phase 1, Lot 190 only, to amend the building area is hereby GRANTED, subject to the following:

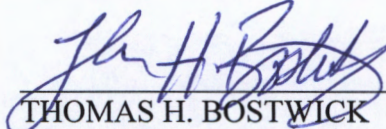
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

~~WORK REQUIRED FOR PLANS~~

10.5.09

2. Petitioners shall provide elevations that show that the addition matches the existing structure architecturally and in exterior materials. Said elevation drawings shall be submitted to the Office of Planning for review and approval.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
10.5.09
[Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 5, 2009

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Administrative Variance
Case No. 2010-0072-A
Property: 4400 Greencove Circle

Dear Mr. Schmidt:

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 "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Robert H. and Patty A. Francis, 4400 Greencove Circle, Baltimore MD 21219



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4400 Greencove Circle

which is presently zoned D.R. 3.5

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)

PLEASE SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Robert H. Francis

Name - Type or Print

Signature

Patty A. Francis

Name - Type or Print

Signature

4400 Greencove Circle

(410) 365-9090

Address

Telephone No.

Baltimore

MD

21219

City

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

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. 2010-0072-A

Reviewed By D.T

Date 8/31/09

REV 9/15/98

Estimated Posting Date 9/13/09

10.5.09
pm
DROP-OFF

ATTACHMENT TO PETITION FOR ADMINISTRATIVE VARIANCE

4400 Greencove Circle

1. 1B02.3.C.1 to permit a minimum rear yard depth of 20 feet in lieu of the minimum required rear yard depth of 30 feet; and *
2. To amend the Final Development Plan of Beachwood Estates, Section I, Phase I, to amend the building area for Lot 190, only.

* for a proposed addition
JEB

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 4400 Greencove Circle
Address
Baltimore MD 21219
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. The current living space is not sufficient for the needs of our family;
2. The unique configuration of the lot, including its corner location and environmental features, is such that an appropriate addition will necessitate a variance;
3. Moving, as an alternative, poses several issues, including, but not limited to, financial, personal and professional difficulties; and
4. Additional reasons to be offered upon request.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert H. Francis
Signature

Robert H. Francis
Name - Type or Print

Patty A. Francis
Signature

Patty A. Francis
Name - Type or Print

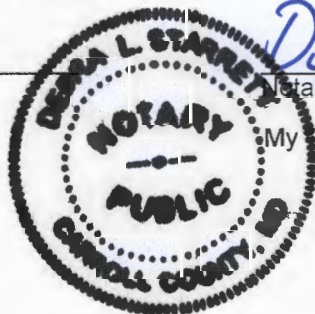
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of August, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Robert H. Francis and Patty A. Francis

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

8/27/09 Date
Debra L. Stanett Notary Public
My Commission Expires 1/23/2013



REV 09/15/98

2010-0072-A

ZONING DESCRIPTION

4400 Greencove Circle

BEGINNING at a point on the west side of Greencove Circle, which is 50' wide, at the distance of 30' north of the centerline of the nearest improved intersecting street, Cove Point Road, which is 60' wide. Being Lot 190, Phase I, Section I, of the subdivision known as Beachwood Estates, as recorded in Baltimore County Plat Book SM 68, folio 98, containing 7,889 sq. ft. Also known as 4400 Greencove Circle and located in the 15th Election District, 7th Councilmanic District.

2010-0072-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010 0072 -A Address 4400 GREENCOVE CIRCLE

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

Filing Date: 8/31/09 Posting Date: 9/13/09 Closing Date: 9/28/09

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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, 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.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2010 0072 -A Address 4400 GREENCOVE CIRCLE

Petitioner's Name FRANCIS Telephone 410-365-9090

Posting Date: 9/13/09 Closing Date: 9/28/09

Wording for Sign: To Permit AN ADDITION WITH A 20-FOOT REAR YARD SETBACK
IN LIEU OF THE REQUIRED 30-FEET AND TO AMEND THE F.D.P. FOR
BEACHWOOD ESTATES, SECTION 1, PHASE 1, LOT 190 ONLY

WCR - Revised 7/7/08

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

No. 15705

Date: 7/1/01

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	406	0000		6050				115.00

Total:

115.00

Rec

From:

GILBERT T. THOMPSON, JR.

For:

2010-0072-A

4400 GREENDOVE CIRCLE

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: 2010-0072 A

Petitioner/Developer: _____

Francis

Date of Hearing/closing: September 28 2009

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn; Ktistin Matthews;

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____
4400 Greencove Circle

The sign(s) were posted on Sept. 13 2009
(Month, Day, Year)

Sincerely,

Robert Black Sept 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)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2010-0072-A

TO PERMIT AN ADDITION WITH A 20-FOOT REAR YARD
SETBACK IN LIEU OF THE REQUIRED 30- FEET AND TO
AMEND THE F.D.P. FOR BEACHWOOD ESTATES, SECTION 1,
LOT 190 ONLY.

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
4:30 p.m. ON

9-28-09

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE
FOWLER, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND KEEP WITH OTHER DOCUMENTS WHEN RETURNING TO ZONING, OR, IF

MEETING IS HANDICAP ACCESSIBLE



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 29, 2009

Lawrence Schmidt
Gildea & Schmidt, LLC
600 Washington Ave.
Towson, MD 21204

Dear: Lawrence Schmidt

RE: Case Number 2010-0072-A, 4400 Greencove Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 31, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "Carl Richards Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Mr. & Mrs. Francis; 4400 Greencove Circle; Baltimore, MD 21219

AV
9-28-09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008

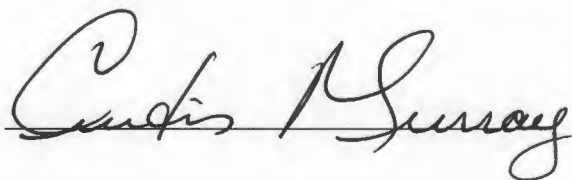
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-072- Administrative Variance**

The subject property is a corner lot with no residential use or structure to the rear. The applicant should provide elevations that show that the addition matches the existing structure architecturally and in exterior materials. The Office of Planning does not oppose the petitioner's request.

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

Prepared By:
CM/LL



RECEIVED

SEP 25 2009

ZONING COMMISSIONER

AV 9/28

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 # 10-072-A
Address 4400 Greencove Circle
(Francis 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.

Additional Comments:

Reviewer: Adriene Metzbower

Date: 9/22/2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 21, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 21, 2009
Item Nos. 10-068, 069, 072, 073, 074, 075,
076, 081, 082, 083, 084, 085 and 086

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-09212009(b) -NO COMMENTS.doc



BALTIMORE COUNTY
MARYLAND

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 067,068,070,071,072,073,074,075,076,077,079,080,081,082,083,084
and 0085

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, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 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. 2010-0072-A
4400 GREENCOVE CIRCLE
FRANCIS 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. 2010-0072-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,

A handwritten signature in blue ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

I/We, Harvey Russell, Pat Krause, of

Greencove Circle, Baltimore, Maryland 21219 have reviewed the plans
Titled 'Francis Residence, 4400 Greencove Circle, Essex, MD 21219, Living & Kitchen
Addition & Modification' designed by ARCHTECH on August 15, 2009 and have no
objections to this addition. I/We understand the Francis' shall request a zoning variance
as required by the addition and have no objections to said zoning variance.

Harvey Russell

(Signature)

8-15-09

(Date)

Patricia A. Krause

(Signature)

8-15-09

(Date)

4404 Greencove Circle

September 28, 2009

Dear Bob & Patty,

I support what you are doing with the addition.

Wish you well this afternoon.

Respectfully

Mario Florio
next door

4402 Greencore Circle





















MORSE LN
MORSE LN

2200028504

TODD POINT LN

2200026772

2200026773

Pt. Bk. 68 Folio 98

SE 4-H

DR 3.5

104B3
7 CD

MH IM
15 ED

MORSE LN

BLUECRAB CT

GREENCOVE CIR

OYSTER CT

COVE POINT RD

GREENCOVE CIR

COVE POINT RD

SE 5-H

CORAL CT

SANDWOOD RD

PERWINKLE CT

Pt. Bk. 71 Folio 98
2300008652

MORSE LN

1 695

1 695

2010-0072-A

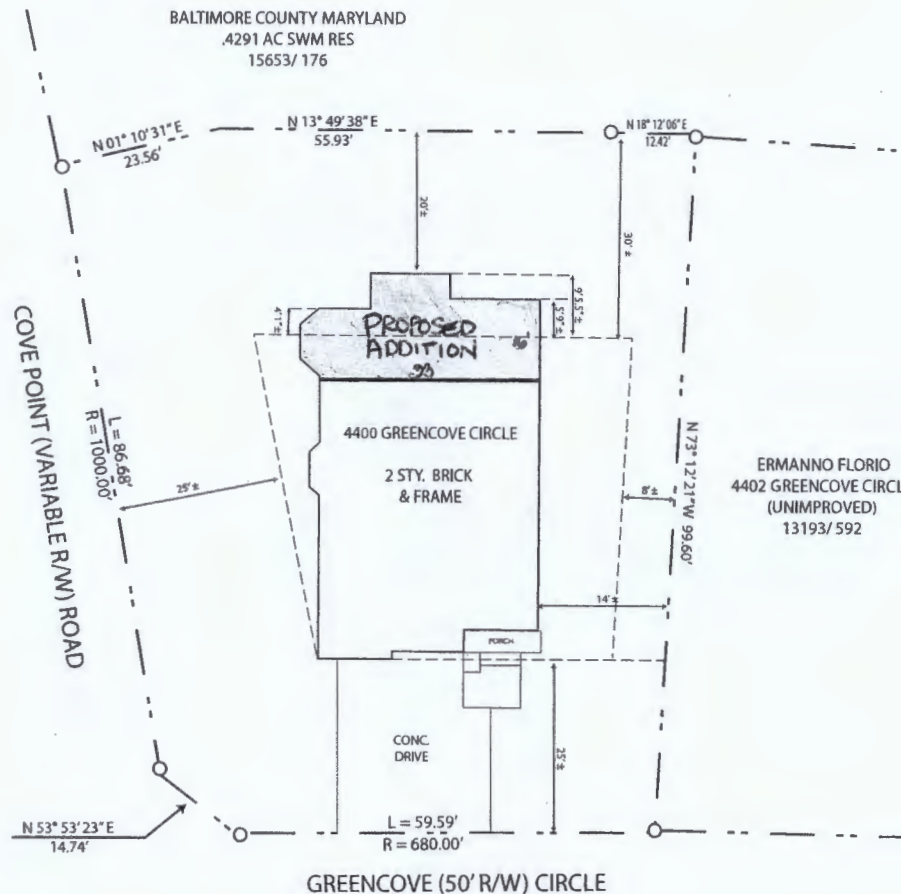
PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

PROPERTY ADDRESS: 4400 Greencove Circle

SUBDIVISION NAME Beachwood Estates

PLAT BOOK #: SM 68 **FOLIO:** 98 **LOT #** 190

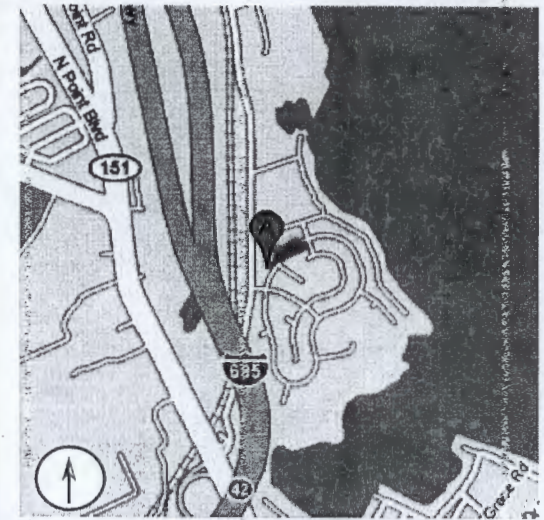
OWNER Robert H. Francis and Patty A. Francis



NORTH

PREPARED BY: Robert H. Francis

SCALE OF DRAWING: 1" = 30'



VICINITY MAP

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 10483

ZONING D.R. 3.5

LOT SIZE

	ACREAGE	SQUARE FEET
		7,889.00

	PUBLIC	PRIVATE
SEWER	☒	☐

WATER	☒	☐
-------	-------------------------------------	--------------------------

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

ZONING OFFICE USE ONLY

REVIEWED BY **ITEM #** **CASE #**

D.T.

0072

2010-
0072-A