

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Old York Road; 635 feet W of the
c/l of Twig Court
7th Election District
3rd Councilmanic District
(19708 Old York Road)

Judith E. Hall and Susan L. Hall
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0076-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, Judith E. Hall and Susan L. Hall for property located at 19708 Old York Road. The variance request is from Section 1B02.3.B (R.D.P. 1970 1A00.3.B.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition containing a family room for their growing family. The east end of the dwelling where the proposed location will be constructed is level and already clear of trees. Constructing the addition at this location works with the layout of the split-level home.

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 September 23, 2009 which indicates that since the property is located along a scenic route certain conditions related to screening and vegetation should apply.

10-6-09
10-6-09

10-6-09
10-6-09

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.

Petitioners are requesting a minor intrusion of only 8 feet into the side yard setback. Photographs submitted by the Petitioners clearly illustrate that the side property line contains numerous coniferous and deciduous trees along this border. The front yard contains several large deciduous trees. Petitioners' property contains 1.37 acres and the existing dwelling is set back 60 feet from the front property line. This proposed addition will be an attractive improvement to the neighborhood and will not impact any of the neighbors. I have determined that significant vegetation already exists on the subject property which will screen the addition from the street and the adjacent property. Therefore, I will not impose any conditions related to landscaping or screening as suggested by the Office of Planning.

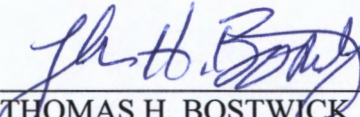
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

SEARCHED INDEXED FOR PLAIN
10-6-09
m

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of October, 2009 that a variance from Section 1B02.3.B (R.D.P. 1970 1A00.3.B.3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50 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.

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

STATION FILED FOR FILING
10-609
m



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 6, 2009

JUDITH E. HALL AND SUSAN L. HALL
19708 OLD YORK ROAD
WHITE HALL MD 21161

Re: Petition for Administrative Variance
Case No. 2010-0076-A
Property: 19708 Old York Road

Dear Ms. Hall and Ms. Hall:

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



TAX. DUNT # 11710106113358

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 19708 Old York Rd
which is presently zoned RC2 (RDP)

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) 1B02.3.B-BCZR (RDP-1970

1A00.3.B.3) - to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50

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:

Owner
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):

Judith E. Hall
Name - Type or Print
Judith E. Hall
Signature
Susan L. Hall
Name - Type or Print
Susan L. Hall
Signature
19708 Old York Rd 410-357-4400
Address Telephone No.
White Hall, MD 21161
City State Zip Code

Representative to be Contacted:

Owner
Name
Address Telephone No.
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 9 day of September 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. 2010-0076-A

Reviewed By KID Date 9/3/09

REV 10/25/01

Estimated Posting Date 9/13/09

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 reside at 19708 Old York Rd
Address
White Hall MD 21161
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):

Our family is expanding, and we would like to add a family room to our home. If we were to place it on the west end of our house, a variance would still be needed due to the close proximity to the neighboring property and a great deal of grade work would be required and mature trees would have to be removed. If we were to place it on the back of our house, we would have to remove the existing deck. Therefore, we have chosen a site at the east end of the house where the property is level and already cleared. Due to the split-foyer design of our house, it is difficult to place an addition. After discussing this with an architect, this site will look the best and require the least amount of disturbance to the property.

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.

Judith E. Hall
Signature
Judith E. Hall
Name - Type or Print

Susan L. Hall
Signature
Susan L. Hall
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of August, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Judith E. Hall & Susan L. Hall
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Thomas Bandy
Notary Public
My Commission Expires 3/11/13

ZONING DESCRIPTION FOR

19708 Old York Road, White Hall, Baltimore County, Maryland.

Beginning at a point on the south side of Old York Road which is 80 feet wide (right of way width) at the distance of 635 feet west of the centerline of the nearest improved intersecting street, Twig Court, which is 50 feet wide. Being Lot 29 in the Walnut Springs subdivision of Baltimore County as recorded in Book 40, Folio 77. The property contains 1.37 acres, and is known as 19708 Old York Road. It is located in the 7th Election District and 3rd Councilmanic District.

Item # 0076

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010 0076 -A Address 19708 Old York Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/3/09 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 0076 -A Address 19708 Old York Rd

Petitioner's Name J+S Hall Telephone 410 357 4400

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

Wording for Sign: To Permit a proposed addition to have a side yard
setback of 42 feet in lieu of the required 50

WCR - Revised 7/7/08

**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: 2010-0076-A
Petitioner: Judith & Susan Hall
Address or Location: 19708 Old York Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Judith & Susan Hall
Address: 19708 Old York Rd
White Hall Maryland
21161
Telephone Number: 410 357 4400

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

No. 44770

Date: 9/3/09

PAID RECEIPT

BUSINESS ACTUAL TIME BRN
 9/03/2009 9/03/2009 15:00:52 2

REF: 8502 MAIL JENA JEE

RECEIPT # 652027 9/03/2009 0711

5 528 ZONING VERIFICATION

CR NO. 044770

Recpt Tot 165.00

\$65.00 OK \$.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				165

Total: \$65

Rec From: _____

For: zoning hearing - case # 2010-0076-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 PLEASE PRESS HARD!!!!

GOLD - ACCOUNTING

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 9/13/09

RE: Case Number: 2010-0076-A

Petitioner/Developer: Susan Hall

Date of Hearing/Closing: 9/28/09

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 19708 Old York Rd

The sign(s) were posted on 9/13/09
(Month, Day, Year)

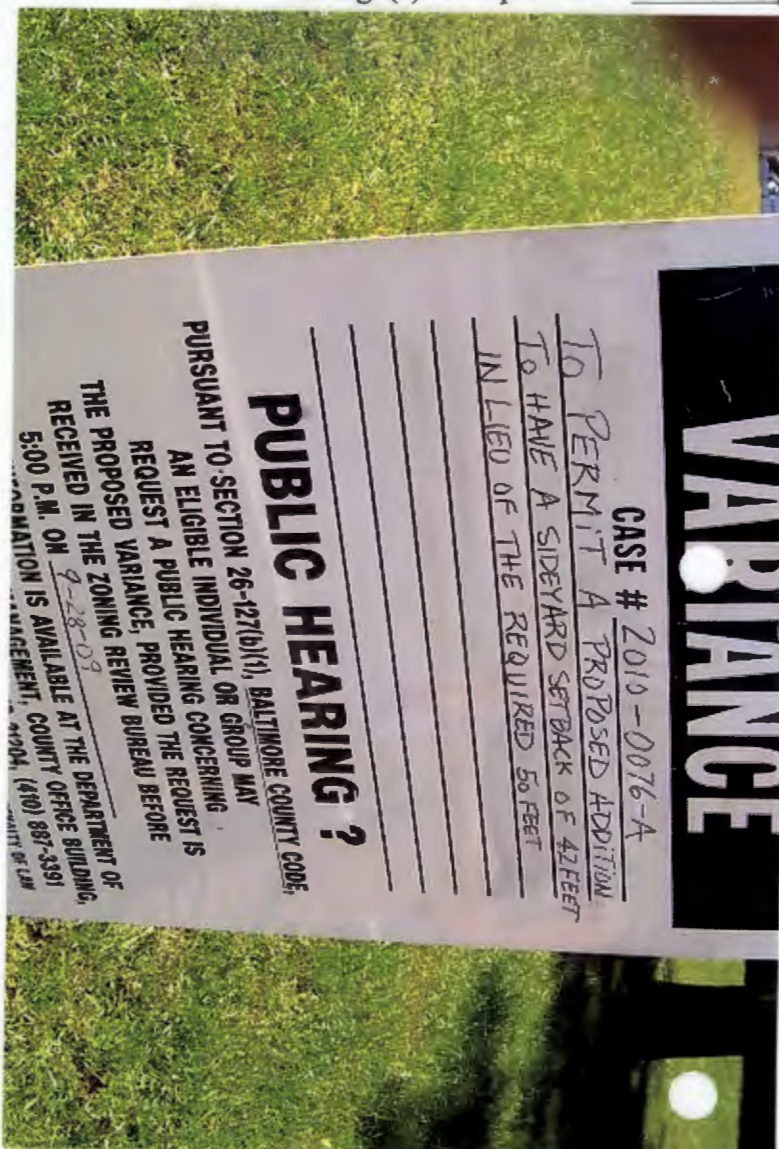
J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(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 29, 2009

Mr. & Mrs. Hall
19708 Old York Rd.
White Hall, MD 21161

Dear: Mr. & Mrs. Hall

RE: Case Number 2010-0076-A, 19708 Old York Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 3, 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

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

INTER-OFFICE CORRESPONDENCE

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

DATE: September 23, 2009

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

RECEIVED

SUBJECT: 19708 Old York Road

SEP 24 2009

Item Number: 10-076

ZONING COMMISSIONER

Petitioner: Susan and Judith Hall

Zoning: RC 2

Requested Action: Administrative Variance

The petitioner requests an administrative variance from Section 1B02.3.B of the BCZR to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for an administrative variance from Section 1B02.3.B of the BCZR to permit a proposed addition to have a side yard setback of 42 feet in lieu of the required 50 feet. However, the following conditions shall apply:

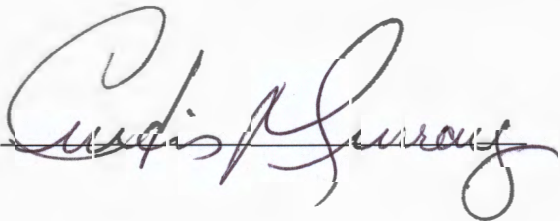
The proposed addition will be located along a scenic route, therefore:

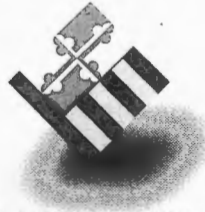
- A row of vegetation needs to be planted along the northern property line to provide a visual buffer from the scenic road.
- Design and locate fences and walls to harmonize with the surroundings and to create the least visual impact and that vegetation is used to buffer them as well.
- Use indigenous species or ones commonly found in the area when landscaping. Planting designs should reinforce the character of the site.
- Complement existing vegetation with flowering or evergreen trees and shrubs, wildflowers, etc., for seasonal interest.

A row of vegetation should also be planted along the eastern property line to provide a buffer that will shield the adjacent neighbor from the proposed addition.

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

Prepared by:
AFK/LL: CM





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. 22, 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. 2010-0076-A
MD 439
19708 Old York Rd
HALL PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 9/24/09. A field inspection and internal review reveals that an entrance onto MD 439 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 19708 Old York Rd, Case Number 2010-0076-A.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may email him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

For [^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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

AV
9-2809

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 3, 2009

SUBJECT: Zoning Item # 10-076-A
Address 19708 Old York Road
(Hall 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: November 3, 2009

11/3

Please place
in the
case file.

Thanks.







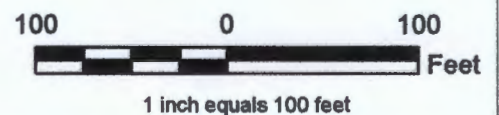
19708 Old York Road



DQ Map Notes



Publication Date: September 03, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



Item #0076

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

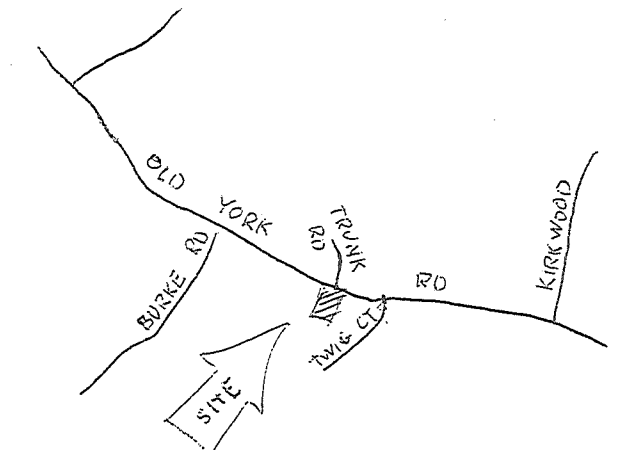
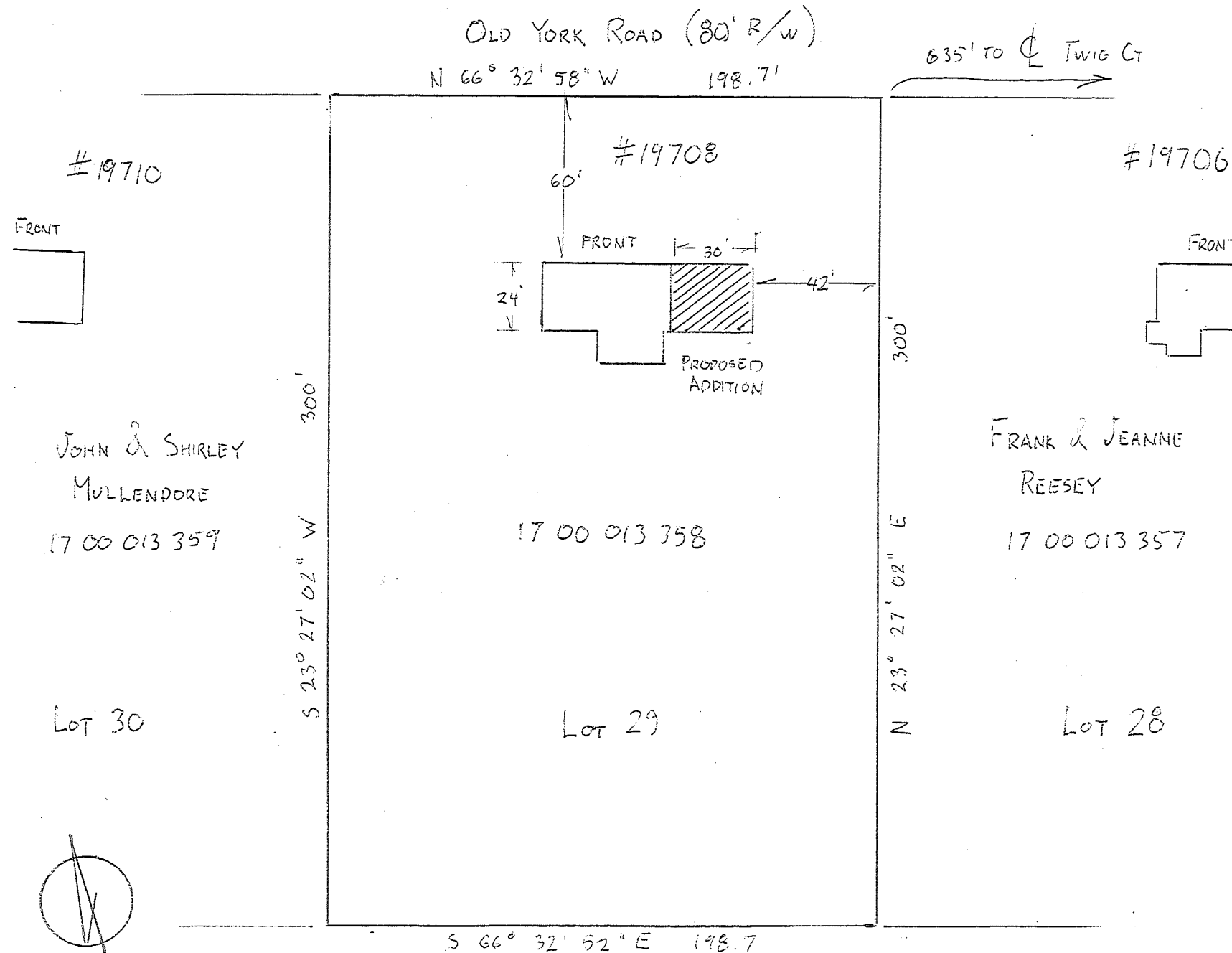
PROPERTY ADDRESS 19708 Old York Rd

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

SUBDIVISION NAME WALNUT SPRING

PLAT BOOK # 40 FOLIO # 77 LOT # 29 SECTION #

OWNER JUDITH & SUSAN HALL



VICINITY MAP
SCALE: 1" = 1000'

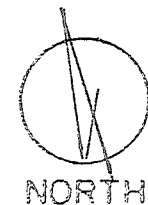
LOCATION INFORMATION

ELECTION DISTRICT 7TH
 COUNCILMANIC DISTRICT 3RD
 1" = 200' SCALE MAP # 013B2
 ZONING RC 2 (RDP)
 LOT SIZE 1.37 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

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

PRIOR ZONING HEARING



PREPARED BY

SCALE OF DRAWING: 1" = 50'

ZONING OFFICE USE ONLY
 REVIEWED BY K.D. ITEM # CASE # 2010-0076-A