IN RE: PETITION FOR ADMIN. VARIANCE

E side of Pheasant Cross Drive; 200 feet S of the c/l of Sugarcane Road 3rd Election District 2nd Councilmanic District (7019 Pheasant Cross Drive)

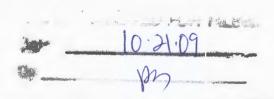
David and Marilyn Carp
Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0088-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, David and Marilyn Carp for property located at 7019 Pheasant Cross Drive. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 35 foot setback to the street right-of-way and 60 feet to the centerline of the street in lieu of the required 50 feet and 75 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a carport onto the front of their dwelling to provide shelter from inclement weather when entering and exiting the home. A neighbor at 7015 Pheasant Cross Drive recently constructed an attractive brick carport. Petitioners provided letters of support from their neighbors residing at 7018 Pheasant Cross Drive, 7016 Pheasant Cross Drive, 7015 Pheasant Cross Drive, 7017 Pheasant Cross Drive, and 7021 Pheasant Cross Drive. Petitioners are aging and the carport will provide protection from the elements.

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 the site plan shows a 4.5 foot side yard from the proposed carport to the

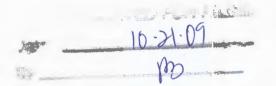


property line. The adjacent 10 foot walkway is owned by HMH Construction, the original developer of Greengate, according to the Maryland State Assessments and the record plat of Greengate Plat 2 Section One. The Office of Planning does not oppose the variance request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 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.



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

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 21, 2009

DAVID AND MARILYN CARP 7019 PHEASANT CROSS DRIVE BALTIMORE MD 21209

Re: Petition for Administrative Variance

Case No. 2010-0088-A

Property: 7019 Pheasant Cross Drive

Dear Mr. and Mrs. Carp:

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 Orcler 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

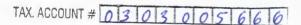
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Welsh Construction Remodeling Company, 3901 East Monument Street, Baltimore MD 21205





CASE NO. 2010-0088-A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

7019 Pheasant Cross Drive for the property located at Baltimore, MD 21209

which is presently zoned DR-

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Date

07/10/09

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)

yard setback of 4.5 ft. in lieu of the required 11.25 ft, for an open projection (carport).

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.

		Zip Code	City Stat	e Zip Code
			Baltimore, MD 21205	
Address		Telephone No.	Address	Telephone No.
Company				0-732-1360
Company			Name	.19 00.
Signature			Welsh Construction Remodelin	ng Co
Cionatura			Representative to be Contacte	<u>d:</u>
Name - Type or Print			City State	
			Baltimore, MD 21209	
AUDITIES FOI FEITIONE	<u> </u>		Address	Telephone No.
Attorney For Petitions			7019 Pheasant Cross Drive	410_484_0381
City	State	Zip Code	Signature	-
Address		rejepnone No.	Name - Type or Print	B
Adden		Telephone No.	Marilyn Carp	
Signature			Signature	
Tallio - Type of Tillio			I at Carp	
Name - Type or Print			Name - Type or Print	
			David Carp	
Contract Purchaser/Le	essee:		Legal Owner(s):	

Reviewed By __

Estimated Posting Date

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	7019 Pheasant Cross Drive	
	Address	
	Pr. 1 1 21 200	

Baltimore, MD 21209 City

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):

Zip Code

State

The purpose of this request is to add an open projected carport to the front of our house. We feel it is necessary to have cover when entering our house due to Maryland's climate. We are getting older and would hate to leave our home due to our issue. Seeing our neighbor at 7015 Pheasant Cross Drive

place a carport on front of their house gave us comfort knowing it is possible

for us.

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.

A -1 Cays	Intarelyn Carl
Signature	Signature
DAN ID CHAP	MARILYN CARP
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this 8 day of September of Maryland, in and for the County aforesaid, personally appear	2009, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appear	ared , , , , , , , , , , , , , , , , , , ,
David & Marilyn Carp	
the Affiant(s) herein, personally known or satisfactorily identifie	ed to me as such Affiant(s).

My Commission Expires

REV 10/25/01

AS WITNESS my hand and Notarial Seal

Zoning Description

Zoning Description for 7019 Pheasant Cross Drive, Baltimore, MD 21209

Beginning at a point on the east side of Pheasant Cross Drive which is 50 feet wide at the distance of 200 feet south of the centerline of the nearest improved intersecting street Sugarcone Road which is 60 feet wide. Being Lot #4, Block 1, Section 1 in the subdivision of Greengate as recorded in Baltimore County Plat Book #33, Folio #48, containing 13090 square feet. Also known as 7019 Pheasant Cross Drive and located in the 03 Election District, 02 Councilman District.

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 20 00 -	0088 -A	Addre	ess /0/9	theosaut Cross Dr.
	ict Person:				
Filing	Date:9/	10/09	Posting Da	te: 9/20/69	Closing Date: 10/5/09
Any o	contact made v gh the contact p	with this office re erson (planner) u	egarding the s ising the case	tatus of the ac number.	dministrative variance should be
1.	reverse side of reposting mus is again response	of this form) and to t be done only by consible for all ass	the petitioner in the sign ociated costs.	s responsible for n posters on the The zoning no	sters on the approved list (on the or all printing/posting costs. Any e approved list and the petitioner office sign must be visible on the remain there through the closing
2.	a formal requ	The closing date is est for a public bublic hearing, the	hearing. Plea	ise understand	t or owner within 1,000 feet to file that even if there is no formal se closing date.
3.	commissioner, order that the within 10 day whether the pe	He may: (a) g matter be set in fo s of the closing	rant the reque or a public hea date if all Co granted, denied	ested relief; (b) ring. You will re ounty agencies'	by the zoning or deputy zoning deny the requested relief; or (c) eceive written notification, usually comments are received, as to public hearing. The order will be
4.	(whether due commissioner) changed giving	to a neighbor's , notification will g notice of the he	formal reques be forwarded aring date, tim	t or by order or to you. The end location.	that must go to a public hearing of the zoning or deputy zoning sign on the property must be As when the sign was originally ltered sign must be forwarded to
			(Detach Along Do	etted Line)	
Petitio	oner: This Par	t of the Form is	for the Sign P	oster Only	
		USE THE ADMIN	NISTRATIVE V	ARIANCE SIGN	FORMAT
Case	Number 20 09 -	-A	Address	7019 Plie	usant Cross Dr.
Petitio	ner's Name <u>D</u>	avide Murily	4 carp	T	elephone 410-732-1360
Postir	ng Date:	9/20/00	i	Closing Date:	10/5/09
Wordi (car	ng for Sign: _7	o Permit a si	4.5 ft.	setback f	of the required 11.25 ft

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 - 0088 - A
Petitioner: David o Marilyn (grp
Address or Location: 7019 Pheasant Cross Dr.
PLEASE FORWARD ADVERTISING BILL TO: Name: Marilyn and David Carp Address: 7019 Pheasant Cross Dr.
Address: 7019 Pheasant Cross Dr.
Balto Md. 2/209
Telephone Number: 410 - 484 - 0381

			D FINANC RECEIPT			No.	4478	11
und	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Ohi	Dept Obj		Amount
WI C	Д	June	Oub Olik	(VI)	Out Obj	Dept Obj	DO ACCC	g (3.14
-								
						Total:	- 1	
Rec rom:						1		
For:					×			
						C/ #	1475	

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/22/09

Case Number: 2010-0088-A

Petitioner / Developer: DAVID & MARILYN CARP ~ JOHN DEGRAW

Of WELSH REMODELING CO.

Date of Hearing (Closing): OCTOBER 5, 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: 7019 PHEASANT CROSS DRIVE

The sign(s) were posted on: <u>SEPTEMBER 20, 2009</u>



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

October 5, 2009

Mr. & Mrs. Carp 7019 Pheasant Cross Dr. Baltimore, MD 21209

Dear: Mr. & Mrs. Carp

RE: Case Number 2010-0088-A, 7019 Pheasant Cross Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 10, 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,

U. Cal Richard

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

People's Counsel
 Welsh Construction Remodeling Co.; 3901 E. Monument St.; Baltimore, MD 21205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

RECEIVED

OCT **2 1** 2009

DATE: September 23, 2009

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-088- Administrative Variance

The petitioner requests a side yard setback of 10 feet in lieu of the required 11.25 feet in order to add a carport to the front of the existing dwelling. This is in line with the existing dwelling.

The site plan actually shows a 4.5 foot side yard from the proposed carport to the property line. The adjacent 10' walkway is owned by HMH Construction, the original developer of Greengate, according to GIS, Maryland State Assessments and the record plat of Greengate Plat 2 Section One.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the 4.5 feet variance and has been informed that an amended petition has been filed.

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

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: October 5, 2009

CEN 11/5/09

FOR SIGNED: Dennis A. Kennedy

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 October 19, 2009 Item Nos. 10-088

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-10192009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 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 October 5, 2009

Item Nos. 10-087, 088, 089, 090, 091, 092, 093, 095 and 096

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-10052009 -NO COMMENTS.doc



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 October 2,2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 21. 2009

Item Numbers 0087, 0088, 0090, 0091, 0092, 0093, 0094, 0095 and 0096

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



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 October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers 0006,0034,0088,0096,0097,0098,0099,0100,0102,0103,0104,0106,0107,0108,0109,0 111,0113 and 0115

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: SEDT, 29,2009

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

Baltimore County RE:

Item No. 2010-0088-A 7019 PHEASANT CROSS DZIVF CARP 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. -0088.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

SDF/mb



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 7,2009

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

RE:

Baltimore County

Item No. 2010-0088-A

7019 PHEASANT CROSS DRIVE DAVE CARP 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. 0088-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

David and Marilyn Carp
7019 Pheasant Cross Drive
Baltimore, MD. 21209

To the Zoning Commissioner of Baltimore County:

We have lived in Baltimore County in our current house for 38 years since November, 1971. Over these years at this address, we have really enjoyed living in Baltimore County.

We are seeking an administrative variance so that we may construct an open air carport at our home. This carport is needed as follows:

- As we are both in our sixties, it is increasingly more difficult to endure the weather elements.
- We both work and volunteer at various organizations and often come home after dark. A carport will allow for coming and going in a safe environment.

Thank you for addressing this administrative variance.

17. Cays 47/09

Sincerely,

David L. Carp

arilya Cara

This letter acknowledges that our neighbor on 7016 Pheasant Cross Drive is fully aware of our intentions to add a carport to the front of our house and has no objections.

Date

Signature

This letter acknowledges that our neighbor on 7015 Pheasant Cross Drive is fully aware of our intentions to add a carport to the front of our house and has no objections.

9/7/09

Date

Signature

JRA K. HIMMEL

This letter acknowledges that our neighbor on 7017 Pheasant Cross Drive is fully aware of our intentions to add a carport to the front of our house and has no objections.

Signature

ruce Lubich

This letter acknowledges that our neighbor on 7021 Pheasant Cross Drive is fully aware of our intentions to add a carport to the front of our house and has no objections.

Signature

This letter acknowledges that our neighbor on 7018 Pheasant Cross Drive is fully aware of our intentions to add a carport to the front of our house and has no objections.

Date

Signature

This letter acknowledges that our neighbor on 7020 Pheasant Cross Drive is fully aware of our intentions to add a carport to the front of our house and has no objections.

Date

Signature





\$000

7015 Pheasant Cross Dr.



#W88

\$600 th

7017 Pheasant Cross Dr.



A 008

7021 Philysont Cross Dr

	ar with the standard control of the standard o
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 7019 PHONEST CROSS DR SEE PAGES 5 8 6 OF THE CHECKLIST F	
SUBDIVISION NAME GREEN CATE	A THE STATE OF THE
PLAT BOOK # 33 FOLIO # 48 LOT # SECTION # 1	
OWNER DAVID MARILYN CARP	2 .24
OHNER STATE OF THE	To Produce
	Ch. (2053
17.88 513-02-30W	PHENS AND
W was an area of the same of t	SUGAR CONE SHEFFIN PROPERTY
88	a do inlico
2// 20	
60//_ 'W	
DR-2 7 Lot #3	VICINITY MAP
7 Loi #3	SCALE: 1" = 1000'
13 Tours Room Addition	LOCATION INFORMATION
Som addition	LOCATION INFORMATION
27 13: 10 3	ELECTION DISTRICT 03
7021 50± E A . 42019 20 10	COUNCILMANIC DISTRICT 02
1021 HOS EXISTRA 33.1 145 7017	1"= 200' SCALE MAP # 069 A 3
5 122 22	ZONING DR-Z
27 122 22	LOT SIZE / 13090 ACREAGE SQUARE FEET
1 22	PUBLIC PRIVATE
31t Proposed open	SEWER []
98.65 Peoples carpet	WATER []
	CHESAPEAKE BAY CRITICAL AREA
50' Du = 1	100 YEAR FLOOD PLAIN
PHEASANT CROSS DR.	HISTORIC PROPERTY/
	PRIOR ZONING HEARING
	ZONING OFFICE USE ONLY
NORTH	REVIEWED BY ITEM # CASE #
PREPARED BY John DECEMENT SCALE OF DRAWING: 1" = 50	BK 0088 2010-0088-St