IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Carriage Walk Court; 400 feet SE of the c/l of Satyr Hill Road 9th Election District 5th Councilmanic District (13 Carriage Walk Court)

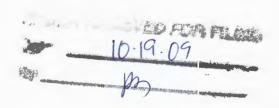
Thomas L. Nickerson
Petitioner

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0095-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Thomas L. Nickerson for property located at 13 Carriage Walk Court. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (1B01.2.C.2.a, 301.1 and 504 1970 zoning regulations and V.B.5.a. 1970 Comprehensive Manual of Development Policies) to permit a proposed open projection (deck) to have a tract boundary setback of 25 feet in lieu of the required 26¼ feet, and to amend the Final Development Plan of Carriage Walk, Lot 23 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner's existing deck measures 8 feet x 12 feet in size which is a small area for outdoor furniture and a grill. Petitioner wishes to construct a deck measuring 12 feet x 18 feet in size which would be similar in size and style to that of adjacent properties. The photographs submitted with the Petition illustrate that neighboring homes enjoy larger decks than the Petitioner's.

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.



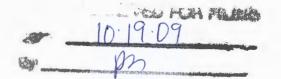
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 26, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 19th day of October, 2009 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (1B01.2.C.2.a, 301.1 and 504 1970 zoning regulations and V.B.5.a. 1970 Comprehensive Manual of Development Policies) to permit a proposed open projection (deck) to have a tract boundary setback of 25 feet in lieu of the required 26¼ feet, and to amend the Final Development Plan of Carriage Walk, Lot 23 only is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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

10.19.09

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 19, 2009

THOMAS L. NICKERSON
13 CARRIAGE WALK COURT
PARKVILLE MD 21234

Re: Petition for Administrative Variance

Case No. 2010-0095-A

Property: 13 Carriage Walk Court

Dear Mr. Nickerson:

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

: Ned Heller, 1611 Feldbrook Road, Towson MD 21286





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MARYLAND	for the propert	v located at 12	Carriage Walk ct.
	for the propert	which is present	tly zoned $DR-16$
This Petition shall be filed with the De	epartment of Perm	its and Development Mar	nagement. The undersigned, legal
This Petition shall be filed with the De owner(s) of the property situate in Baltim made a part hereof, hereby petition for a	Variance from Secti	ch is described in the describin(s) $1802.3.8-1$	BCZR (1BO1.2.C.2.a)
301:1 and 504-1970 zoni	ing regs. and	V. B. 5. 9 - 1970	CMDP) to permit a
proposed open projection in lieu of the required 20	(deck) to hav	re a tract bounda	ry setback of 25 feet
Carriage Walk, lot 23 c	oly; and to	amend the final	development plan of
of the zoning regulations of Baltimore Co of this petition form.		aw of Baltimore County, for	the reasons indicated on the back
Property is to be posted and advertised a I, or we, agree to pay expenses of above Var regulations and restrictions of Baltimore Cour	riance, advertising, po	sting, etc. and further agree to	o and are to be bounded by the zoning county.
		I/We do solemnly declar perjury, that I/we are the is the subject of this Peti	e and affirm, under the penalties of legal owner(s) of the property which tion.
Contract Purchaser/Lessee:		Legal Owner(s):	
Name Tara de Driva		THOMAS L. N	ic kerson
Name - Type or Print		Name - Type or Print	
Signature		Signature	*************************************
Address	Telephone No.	Name - Type or Print	W/0.
City State	Zip Code	Signature	W-965-65
Attorney For Petitioner:		13 CARRIAGE Address	WACK CT H- 882-5 Telephone No.
Name - Type or Print		PARK VILLE	Md 7/239 State Zip Code
		Representative to I	
Signature		Ned Hell	er
Company		Name	200 / Pd 410-209-511
Address	Telephone No.	Address	Telephone No.
City State	Zip Code	City	State Zip Code
A Public Hearing having been formally demand	ded and/or found to be	required, it is ordered by the 2	Zoning Commissioner of Baltimore County.
this day of the regulations of Baltimore County and that the proper	at the subject matter of t	this petition be set for a public he	aring, advertised, as required by the zoning
		Zening Commissi	oner of Baltimore County
CASE NO. 2010-009	5-A Rev	viewed By	_ Date 9/15/09
REV 10/25/01 10 19 1	09 Est	imated Posting Date	9/27/09
N N			

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	13 Carriage Wall of
	Address NK. 11/2 MA 21234
	City State Zip Code
Variance at the above address (indicate hardship	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
The WIELLINGE SOUGHT WO	ould provide REASONABLE AREA for A NORHAL
supplished at the	SEN ARE THE PERFECT PROPORTION, BOTH SEN ARE THE PERFECT PROPORTION, BOTH SEN ARE THE WINDTH/SIZE OF MY HOME
1 Th-TI-ALLY AND SPA	SEN ARE The PERSECT PROSENT OF MY HOME CE-WISE, FOR THE WIGHT STEED OF MY HOME
Hestherically PROVIDE UN	SORMITY WITH THE PRESENT CHARACTER
of The IMMEDIATE NO	erapporhood.
of the immediate	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information
11711	
Signature	Signature
THOMAS L. Nickerson	
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	LICA PAR AND
of Maryland in and for the County aforesaid per	plenubure_, 2009, before me, a Notary Public of the State
Thomas 1. Nich	Kersno
the Affiant(s) herein, personally known or satisfa	
	T.
AS WITNESS my hand and Notarial Seal	
the same and the s	Chail Sanning
	Notary Public ()
	My Commission Expires 6/1/10
	IVIY CUITITIOSIUTI EXPITES

REV 10/25/01

Zoning Description

Zoning description for 13 Comage auth of Particille, Md. 2123, beginning at a point on the southeast side of Comage wall a which is 44' wide at the distance of 400' south east of the centerline of the Marest improved in tensecting street Satyr Hill Rd. which is 50' wide. Being Lot #23 Black MA , Section # N/A in the subdivision of Carriage Utille as recorded in Baltimore County Plat Book #49, Folio #58 containg 2463 gg. At., Also Unown as 13 Carriage Utill of and located in the 9th election district, 5th council magic district-

Item #0095

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2	010	0095	-A	Address					
	ct Person		Planner.	Please Print Yo	our Name)-887-3391
Filing	Date: _	9/15	109	Po	sting Date:	9/27	1/09	Closin	g Date:	10/12/0
Any of through	contact m gh the con	ade w	ith this off erson (plan	ice regard ner) using	ling the state the case nu	tus of the	e administ	rative	variance	should be
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2.	a formal	reque	st for a p	ublic hear	deadline fo ing. Please cess is not c	e underst	and that e	even if	there is) feet to file no formal
3.	commiss order that within 10 whether	sioner. at the n 0 days the pe	He may: natter be se of the cle	(a) grant et in for a posing date been grant	he file will the request oublic hearing if all Courted, denied,	ed relief; ng. You w nty agend	(b) deny to vill receive cies' comn	the req written nents a	uested re notificati are recei	elief; or (c) on, usually ved, as to
4.	(whether commiss changed	due lioner), giving certifica	to a neigh notificatio notice of t	bor's form n will be he hearing	nal request forwarded g date, time and a photog	or by ord to you. and locat	der of the The sign ion. As w	zoning on the hen the	or dep propert sign wa	uty zoning y must be is originally
				(D	etach Along Dotte	d Line)				
Petitioner: This Part of the Form is for the Sign Poster Only										
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT										
Case	Number 2	2010	0095	A Ad	dress /	3 Car	riage	Wall	k Ct	
Petitic	ner's Nar	ne <u>I</u>	homas	L Nick	kerson		Telepho	one 4	10 882	5339
Posti	ng Date:	9	/27/	29		Closing D	ate: 10	/12	169	
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	,	0	23 on 1	7					WCR - R	evised 7/7/08

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 C	ase Number:	2010-00	295-A		
Petitioner:	Tho	mas Nicker	Son		
Address or Locati	on: /3	mas Nicker Camage Wa	IK ct.	Part ville,	md 21234
PLEASE FORWA					
Name:	led Heller	Most Builde	en Inc.		
		100 A Rd			
T	mosta no	- 21286			

				Rev Source/	Sub Rev/	Date:			
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/28/09

Case Number: 2010-0095-A

Petitioner / Developer: THOMAS NICKERSON ~ NED EGLER

Date of Hearing (Closing): OCTOBER 12, 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: 13 CARRIAGE WALK COURT.

The sign(s) were posted on: <u>SEPTEMBER 26, 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 13, 2009

Thomas Nickerson 13 Carriage Walk Ct. Parkville, MD 21234

Dear: Thomas Nickerson

RE: Case Number 2010-0095-A; 13 Carriage Walk Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 15, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Ned Heller; 1611 Feldbrook Rd.; Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 1, 2009

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) 10-095- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



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

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



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT, 25, 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 = 0095-A
13 CARRIAGE WALK CT
NICKETZGON PROPETETY
ADMINIVARIANCE -

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.

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,

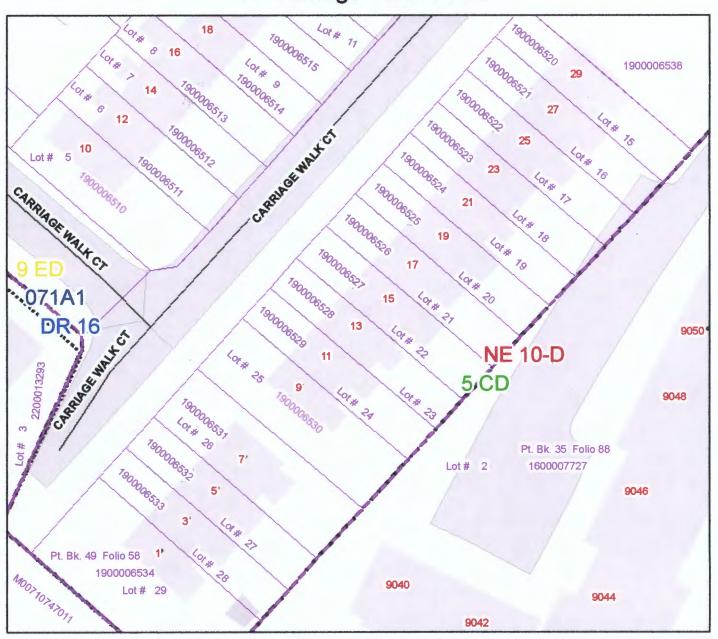
Steven D. Foster, Chie

Engineering Access Permits

Division

SDF/mb

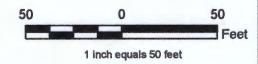
13 Carriage Walk Court





Publication Date: September 15, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot







tooking from house onto existing OH 2 deck and into varyad



lacking north east to been of existing BX 12 deck



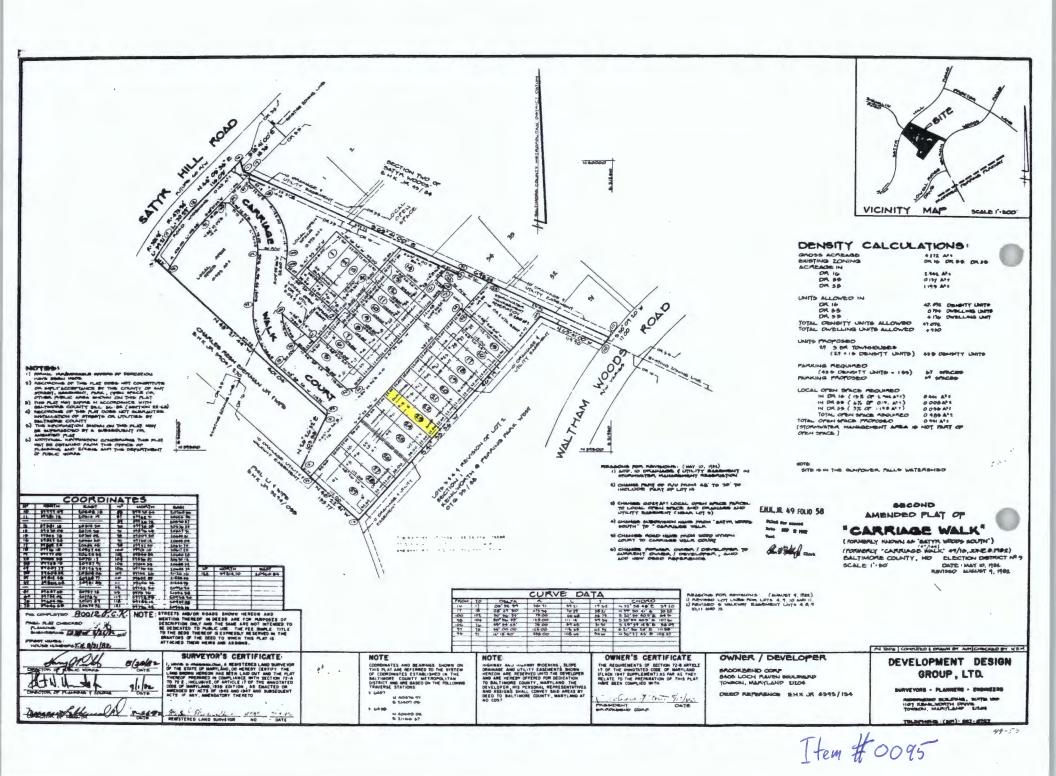
looking at view of neighbors 12x18'ded w/ steps out part 12' line



of east in neighborn 12x 18 deck



looking northwest @ corner of existing dech to neighbor 12 x12 dech



SUBDIVISION NA PLAT BOOK #_	CCOMPANY PETITION FOR ZONING XVAF ORESS 13 Carriage US/MCt, SEE PAGES 5 B 6 OF THE CH ME Carriage Walk 49 FOLIO #58 LOT #23 SECTION # OMAS NICHELSON Carriage Walk Ct- 1421-1	RIANCE SPECIAL HEARING ECKLIST FOR ADDITIONAL REQUIRED INFORMATION
	#9 #11 to Tounhouse #15	VICTNITY MAP SCALE: 1" = 1000' LOCATION INFORMATION ELECTION DISTRICT 9 COUNCIL MANIC DISTRICT 5 1"= 200' SCALE MAP # 07/A
	proposed 12×16 open air dech w/ roof Lot 22 Lot 23 Lot 24 dvainage / Utility / wa ease ment	ZONING DR 16 LOT SIZE 2463 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER [] WATER [] CHESAPEAKE BAY CRITICAL AREA
NORTH PREPARED BY	NC # SCALE OF DRAWING: 1" = 3	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE # 2010 -

15-