IN RE: PETITION FOR ADMIN. VARIANCE

S side of Piney Hill Road; 3,192 feet SE of the c/l of Hereford Road 8th Election District 3rd Councilmanic District (949 East Piney Hill Road)

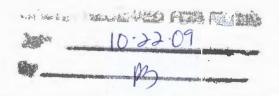
Nicholas Markakis

Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- FOR BALTIMORE COUNTY
- * Case No. 2010-0100-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, Nicholas Markakis, for property located at 949 East Piney Hill Road in the Monkton area of Baltimore County. The Variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the required 15 feet from the highest point at grade. The subject property and requested relief are more particularly described on the site plan that was filed with the Petition for Variance. Petitioner wishes to construct a detached garage with a proposed footprint measuring approximately 45 feet wide by 32 feet deep, measuring 1,400 square feet in size. The ground level of the garage would have space for vehicles and storage, and the second floor would contain an exercise room. According to his Affidavit in support of the variance request, Petitioner is a professional athlete and the exercise room is necessary due to the physical requirements demanded by his job. It is essential that he have an area in which to train and work out during the winter months. There is no other place available in the home for a designated work out area. The property contains 1.72 acres and is served by private well and septic systems.

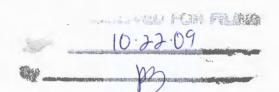


The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 13, 2009, which does not oppose the request, but recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 3, 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.

It is also worth noting, in the context of this request, that the Petitioner is a well-known local professional athlete in the midst of a promising career as an outfielder with the Baltimore Orioles professional baseball team. The team has presently made Petitioner a cornerstone of the franchise and it appears Petitioner desires to maintain his high level of play by keeping in top physical condition. The Petitioner is moving to the residence where he will live during the offseason to train. As such, he will need a comprehensive facility for his use and convenience. I find that allowing the Petitioner to have a bathroom in the training facility located on the second floor of the garage, as shown on the site plan, is also appropriate in this instance. Therefore, I will only



impose conditions that the Petitioner not convert the subject accessory structure into a dwelling unit or apartment, and the accessory structure shall not be used for commercial purposes.

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 Hall day of October, 2009 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the required 15 feet be and is hereby GRANTED, subject to the following:

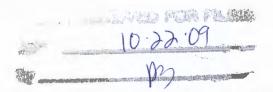
- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner or subsequent owner shall not convert the subject accessory structure into a dwelling unit or apartment.
- 3. The accessory structure shall not be used for commercial purposes.

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 22, 2009

NICHOLAS MARKAKIS 7002 HUNTERS RIDGE WOODSTOCK GA 30189

Re: Petition for Administrative Variance

Case No. 2010-0100-A

Property: 949 East Piney Hill Road

Dear Mr. Markakis:

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

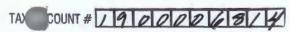
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Beverly True, 3920 London Bridge Road, Sykesville MD 21784





CASE NO. 2010-0100

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 949 EPiney Hill Rd which is presently zoned RC 2/ RC7

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

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)

400.3 + permit an accessory

structure (garage) with a height of 24 ft. in live of the required 10 ft.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company Address Telephone No. City 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, 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. ald Trace Zoning Commissioner of Baltimore County

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	949 E. Pinen	Hill RO	
of chick and the agreement investigate	Monk-tow	uno	21111

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):

We are requesting to build a detached garage with an exercise room above. The location of our existing driveway and grade of my lot would make this difficult to place this anywhere else on our lot. It would connect into the existing driveway. The garage would house our vehicles from the weather elements in the winter and the exercise room above is necessary due to requirements demanded by my job, so I can work out in the winter months and stay in shape to play ball for he Baltimore Orioles, I have no where else in my existing home I could accommodate a designated area for this.

My Commission Expires

Baltimore County

My Commission Expires June 5, 2012

REV 10/25/01

ZONING DESCRIPTION FOR 949 E PINEY HILL ROAD

Beginning at a point on the South side of Piney Hill Road which is 50' wide at the distance of 3192' South East of the centerline of the nearest improved intersecting street Hereford Road. which is 60' wide. Being Lot # 1, Block 4, in the subdivision of Piney Hill as recorded in Baltimore County Plat Book # 36, Folio # 36, and containing 1.72 Acres. Also known as 949 E Piney Hill Road and located in the 8th Election District, 3rd Councilmanic District.

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.

For Newspaper Advertising:
Petitioner:
PLEASE FORWARD ADVERTISING BILL TO: Name: Beverly True Address: 3920 London Bridge Pol Syleville, mb 2/184.
Telephone Number: 410-795-4840.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

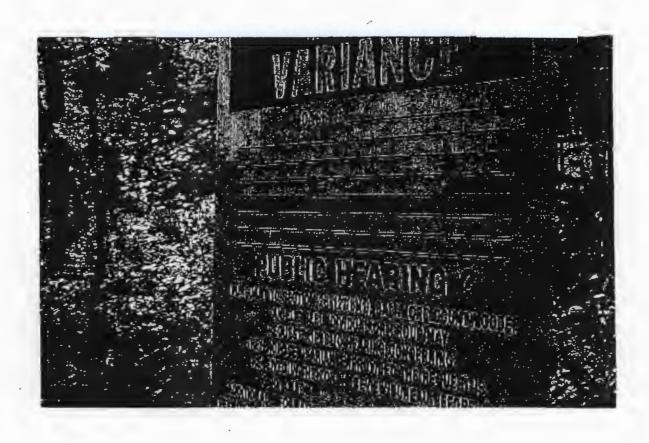
Case Number 2010 -A Address 949 E. P. ney H:// RD.								
Contact Person: Rudaiti Phone Number: 410-887-3391								
Filing Date: 9/21/09 Posting Date: 10/4/09 Closing Date: 10/19/09								
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.								
1. POSTING/COST : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.								
 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.								
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.								
(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 0100 -A Address 949 E. Piney Hill Rd.								
Petitioner's Name Nicholas Markakis Telephone 443-797-2845								
Posting Date: 10/4/09 Closing Date: 10/19/09								
Wording for Sign: To Permit an accessory structure (garage) with a height of								
Wording for Sign: To Permit an accessory structure (garage) with a height of 24 ft. in lire of the required 15 ft. from the heighest point of grade.								

WCR - Revised 7/7/08

			RECEIPT			Date:			
				Rev Source/	Sub Rev/				
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	
Hu				1					
	·								
						T-t-1			
Rec						Total:			
rom:									
*									
For:							<u> </u>		
	-		•						
									CASHIER

CERTIFICATE OF POSTING

Date: 10-3-09 RE: Case Number: 2010-0100-4 Petitioner/Developer: Yickolas Harkekie Date of Hearing/Closing: 10-19-09 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 949 E. Piney fill Rd The signs(s) were posted on 10-3-09 (Month, Day, Year) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)





JAMES T. SMITH, JR. County Executive

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

October 19, 2009

Nicholas Markakis 7002 Hunters Ridge Woodstock, GA 30189

Dear: Nicholas Markakis

RE: Case Number 2010-0100-A, 949 Piney Hill 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 21, 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 Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

Beverly True; 3920 London Bridge Rd.; Skyville, MD 21784

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 10-100 - Administrative Variance

DATE: October 13, 2009

RECEIVED

OCT 14 2009

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:

AFK/LL: CM



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

1

DATE: October 9, 2009

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. 10-006, 034, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 113 and 115

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.b -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: 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. 2010-0100-A
949 E. PINEY HILL RD
MARKAKIS PROPERTY
ADMIN. VARIANCE-

Dear Ms. Matthews:

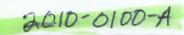
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010. 0100-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,

Steven D. Foster, Chief Engineering Access Permits

SDF/mb





Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw4.3d)

Go Back **View Map New Search**

				Ov	vner Inform	nation					
Mailing Address: 7002 HUNT		7002 HUNTER	S NICHOLAS W		Use: Principal Residence: Deed Reference:			N 1	RESIDENTIAL NO 1) /26823/ 377 2)		
			WOODSTOCK		& Structure	Inform	ation		-	,	
Premise	as Ada	dress		<u> </u>	a beraceare	211101111	acion	Legal Desc	ription		
949 PIN								1.72 AC			
MONKTO	ON 211	111-1426			-			949 PINEY H	HILL RD		
Map 28	Grid 4	Parcel 22	Sub District	Subdivision	Section	Block	Lot 1	Assessmen 2	t Area	Plat No: Plat Ref:	36/ 3
Special	Tax /	Areas	A	own d Valorem ax Class							
Primary Structure Built 2006				Enclosed Area 3,600 SF			Property Land Area 1.72 AC			County Use 04	
Stories Basem				nent		Туре				Exterior	
	2		YES	S		STAN	DARD	UNIT		FRAME	
				V	alue Inform	ation					
	Base Value				Phase-in	e-in Assessments					
			· /	As Of 01/01/2008	07/01/20	Of 09 0	7/01/2	s Of 2010			
	Tmm	Lan rovements									
	Imp	Tota			681,4	46	708	,050			
Pi	refere	ential Land				0		0			
				Tra	nsfer Infor	mation					
Seller: Type:		DD BROTHE	ERS INC MS-LENGTH			Date: Deed1		28/2008 823/ 377	Price: Deed2:	\$750,000	
Seller: Type:		CAL SUE EI				Date: Deed1		10/2006 376/ 69 8	Price: Deed2:	\$335,000	
Seller: Type:	NOT	ARMS-LEN	IGTH			Date: Deed1		04/1982 370/ 803	Price: Deed2:	\$0	
7,5-1				Exe	mption Info						
Partial	Exem	pt Assess	ments			ass		01/2009	07/	01/2010	
County					00		0		0		
State					00	0	0		0		
Municip	al				00	0	0	1000	0		
Tax Exe			10				Specia	* NONE *			

