

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Velvet Ridge Drive; 932 feet W of the
c/l of Park Heights Avenue
3rd Election District
2nd Councilmanic District
(2310 Velvet Ridge Drive)

Howard and Cindy Cummins
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0151-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, Howard and Cindy Cummins for property located at 2310 Velvet Ridge Drive. The variance request is from Section 1B02.3.B [1963 regulations) and Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 36 feet in lieu of the required 50 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to replace an existing porch with a 20 ft. x 24 ft. one story sunroom addition. The most affected property owner at 2312 Velvet Ridge Drive, submitted a letter in support of the variance request. That correspondence indicates that the proposed addition will be approximately the same size as the screened porch that was destroyed by a tree and the appearance of the addition will match the existing dwelling. Photographs submitted with the Petition illustrate the area surrounding the location of the proposed addition contains dense tree cover. Petitioners' property contains .93 acres and is served by private sewer and water systems.

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.

12-4-09

123

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 12, 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.

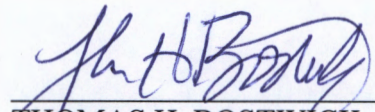
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 4th day of December, 2009 that a variance from Section 1B02.3.B [1963 regulations] and Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 36 feet in lieu of the required 50 feet for an addition 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.

12-4-09
PM

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 FILE
12-4-09
pb



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 4, 2009

HOWARD AND CINDY CUMMINS
2310 VELVET RIDGE DRIVE
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2010-0151-A
Property: 2310 Velvet Ridge Drive

Dear Mr. and Mrs. Cummins:

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 "Th H Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Joseph D. McDowell, 3746 Peach Orchard Road, Street, MD 21154



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2310 Velvet Ridge Drive
which is presently zoned RC-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) 1B02.3.B (BCZR) (1963 REGS) & 1B02.3.C, BCZR, TO PERMIT A REAR SETBACK OF 36 ft. IN LIEU OF THE REQUIRED 50 ft. for an addition.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Howard A. Cummins

Name - Type or Print

Signature

Cindy L. Cummins

Name - Type or Print

Signature

2310 Velvet Ridge Drive

410-356-2916

Address

Telephone No.

Owings Mills, MD 21117

City

State

Zip Code

Representative to be Contacted:

Joseph D. McDowell

Name

3746 Peach Orchard Rd.

410-983-0505

Address

Telephone No.

Street, MD 21154

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. 2010-0151-A

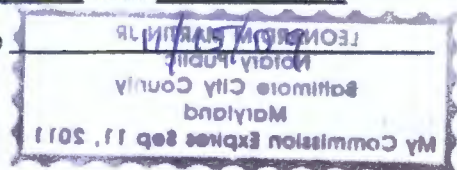
Reviewed By JCM

Date

11-5-09

REV 10/25/01

Estimated Posting Date



12-4-09

pm

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 2310 Velvet Ridge Drive

Address

Owings Mills, MD 21117

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):

During the course of applying for a permit for a 480 SF sunroom addition it came to my attention that the addition would not comply with the zoning regulations for setback requirements. According to the Zoning Dept. examiner that we talked to the rear wall (north side) of the addition would have to step in from the rear wall of the existing building 2'-0" to align with the closest point of the existing building to the rear property line in order to comply with the requirements.

According to the examiner the west wall of the addition would be in compliance with the setback requirements but the plan includes an uncovered stoop and steps on that side that would access the addition. The stoop and steps would extend past the envelope of the existing building towards the west side property line by 4'-0".

My reason for building the addition is to have a covered transition from the outside of the house to my kitchen and family room without having to access the house from my garage. It is my belief that a 2' stepback of the rear wall of the addition would have a negative impact on the floorplan, roofline and cause an awkward wall transition at the rear of the building. The stoop and steps are needed to access the addition. This is a large property and the addition would be situated in a secluded location. I am asking that I would be allowed the additional 2' at the rear of the building and construct the stoop and steps as shown in the site plan. Thank You.

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.

Howard A. Cummins

Signature

Howard A. Cummins

Name - Type or Print

Cindy L. Cummins

Signature

Cindy L. Cummins

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of October, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/01

Frank [Signature]
Notary Public

My Commission Expires

Sep 11, 2011

Zoning Description for 2310 Velvet Ridge Drive, Owings Mills, MD 21117

Beginning at the point on the North side of Velvet Ridge Drive which is 50 feet wide at the distance of 932' West of the centerline of the nearest improved intersecting street Park Heights Ave. which is 60 feet wide. Being lot #6, Block A, Section #2 in the subdivision of Velvet Ridge as recorded in Baltimore County Plat Book # O.T.G. 33, Folio #35 containing .93 acres. Also known as 2310 Velvet Ridge Drive and located in the Third Election District, Second Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0151 -A Address 2310 VELVET RIDGE DR.

Contact Person: J. Murren Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/5/09 Posting Date: 11/15 Closing Date: 11/30

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.
2. **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.
3. **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- 0151 -A Address 2310 VELVET RIDGE
Petitioner's Name HOWARD Cummins Telephone 410-356-2916
Posting Date: 11/15/09 Closing Date: 11/30/09
Wording for Sign: To Permit A REAR YARD SETBACK OF 36 ft.
IN LIEU OF THE REQUIRE 50ft FOR AN
ADDITION.

Revised 8/20/09

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 2010-0156-A
Petitioner: HOWARD Cummins
Address or Location: 2310 Velvet Ridge Dr, Owings Mills, Md-21117

PLEASE FORWARD ADVERTISING BILL TO

Name: _____

Address: _____

Telephone Number: 410-356-2916

No.

Date:

Total:

For:

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 11/12/09

Case Number: 2010-0151-A

Petitioner / Developer: HOWARD CUMMINS~JOE McDOWELL

Date of Hearing (Closing): NOVEMBER 30, 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:
2310 VELVET RIDGE DRIVE

The sign(s) were posted on: NOVEMBER 12, 2009



Linda O'Keefe

(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)



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

December 1, 2009

Howard & Cindy Cummins
2310 Velvet Ridge Dr.
Owings Mills, MD 21117

Dear: Howard & Cindy Cummins

RE: Case Number 2010-0151-A, 2310 Velvet Ridge Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 05, 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
Joseph McDowell; 3746 Peach Orchard Rd.; Street, MD 21154

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 1, 2009

RECEIVED

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

DEC 01 2009

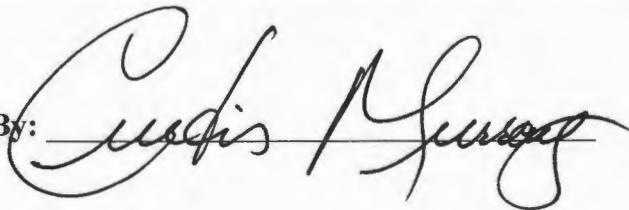
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 010-151 Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

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

DATE: November 25, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 7, 2009
Item Nos. 2010-0141, 148, 149, 151,
152, 153, 154 and 155

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12072009 -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: Nov. 24, 2009

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

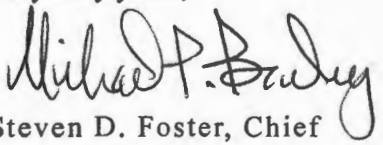
RE: Baltimore County
Item No. 2010-0151-A
2310 VELVET RIDGE CT
CUMMINS PROPERTY
ADMIN. VARIANCE

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. 2010-0151-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
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

0320000200

0311001650

KAUFMAN/ HOLDRIDGE PROPERTY (PDM File/Project # 3-462)

0301054250

0320001377

NW 13-F

2 CD

RC 5

059A2

3 ED

0313078172

2314

Lot # 8

0305033780

2310

Lot # 6 0311019410

Pl. Bk 33 Folio 35

2308

0312042751

Lot # 5

0312042750 Lot # 4

Pl. Bk 48 Folio 145

20010390

VELVET RIDGE DR

19940324

Lot # 7 0306011800

Lot # 11 0315037360

Lot # 13 0307053240 2325

Pl. Bk 33 Folio 134

2327

Lot # 14A

Lot # 12 0313078173

2323

0312042757

Lot # 10

20040372

2319

0312042756

Lot # 9

2317

0302038050

Pl. Bk 32 Folio 137

1600000381

NW 12-F

1600000362

1600000363

Lot # 17

1600000364

Lot # 18

1600000365

1600000366

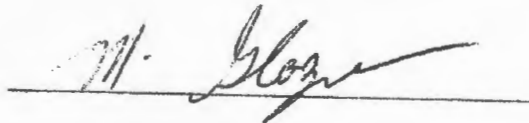
Lot # 19

Lot # 20
1600000367

MORDECHAI GLAZER
2312 VELVET RIDGE DRIVE
OWINGS MILLS, MD 21117
NOVEMBER 2, 2009

To Whom it May Concern:

This is to confirm that I have no objection to the sunroom addition being built by Cindy and Howard Cummins at 2310 Velvet Ridge Drive. I fully understand that part of the addition will be less than 50 feet from the property line between us and that the location will be approximately the same as the screened in porch that was destroyed by a tree, and that the appearance will be matched with the rest of the house.



RENDERINGS TO ACCOMPANY PETITION FOR ZONING VARIANCE - 2310 VELVET RIDGE DR. - OWINGS MILLS, MD 21117



PHOTOS TO ACCOMPANY PETITION FOR ZONING VARIANCE - 2310 VELVET RIDGE DR. - OWINGS MILLS, MD 21117



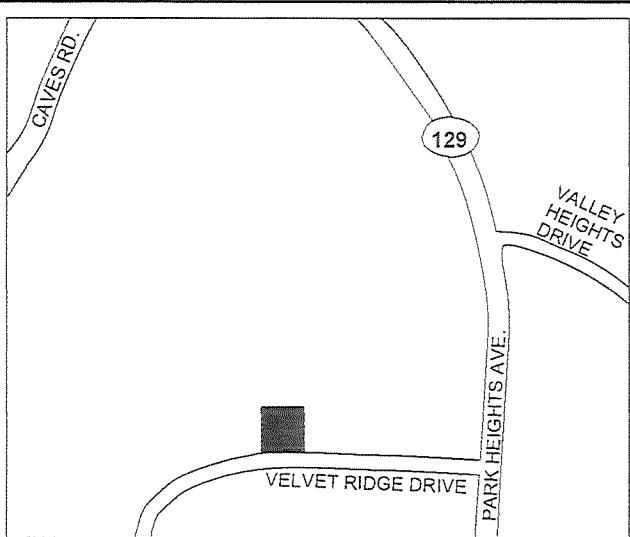
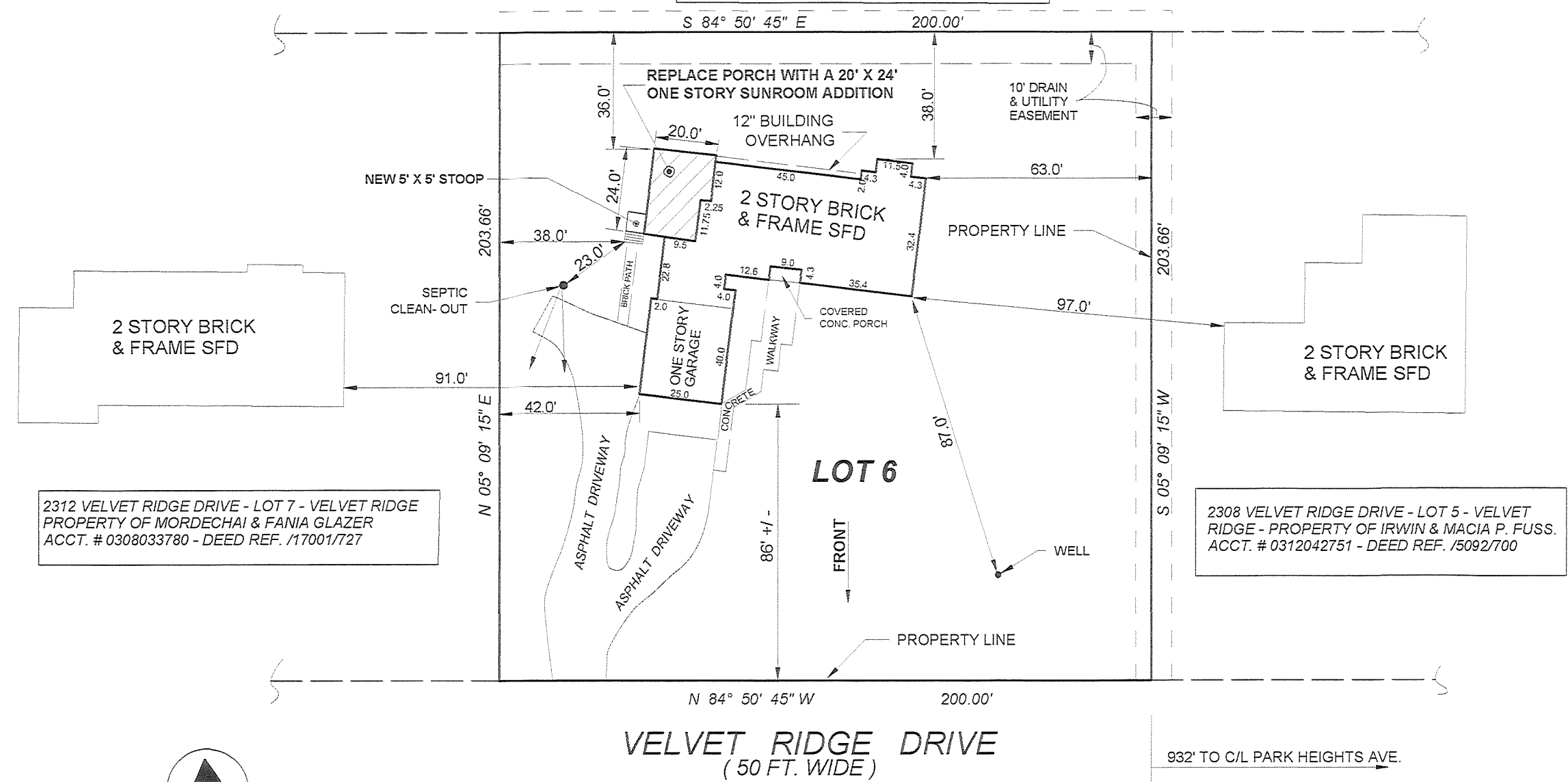
NOTE: PORCH COVER IS MISSING DUE TO TREE DAMAGE

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

PROPERTY ADDRESS 2310 Velvet Ridge Drive
SUBDIVISION NAME VELVET RIDGE - SECTION 2
PLAT BOOK # 33 FOLIO # 35 LOT # 6 SECTION # 2
OWNER Howard A. Cummings & Cindy L. Cummings

2627 CAVES RD. - PARCEL 98
PROPERTY OF BARBARA HOLDRIDGE
ACCT. # 0320001377 - DEED REF 1 - /15574/246
2 - /15574/239



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 03
COUNCILMANIC DISTRICT 02
1" = 200' SCALE MAP #059A2
ZONING RC5
LOT SIZE .93 ACREAGE 40,597 SQUARE FEET
SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☐ PUBLIC ☒ PRIVATE
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #



NORTH

PREPARED BY Joseph D. McDowell SCALE OF DRAWING: 1" = 40'