IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Hilldale Road; 628 feet NW of the

c/l of Old Philadelphia Road

5<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

(1219 Hilldale Road)

Steven E. and Fabienne Jones

Petitioners

BEFORE THE

16

**DEPUTY ZONING** 

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 2010-0245-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, Steven E. and Fabienne Jones for property located at 1219 Hilldale Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to have a height of 19 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a detached garage measuring 24 feet x 24 feet x 19 feet. The proposed garage will protect their SUVs from the elements as well as provide much needed storage space. The neighbor at 1217 Hilldale Road has a detached garage also measuring 24 feet x 24 feet in size. None of the neighbors voiced any objection to the additional 4 feet of garage height.

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 April 5, 2010, which 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.

ORDER RE	CEIVED FOR FILING
Date	4.20.10
Ву	<b>P</b>

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2010 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 day of April, 2010 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to have a height of 19 feet in lieu of the maximum allowed 15 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.
- 2. The Petitioners 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 or kitchen facilities.

Date 2

By 2

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.

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

April 20, 2010

STEVEN E. AND FABIENNE JONES 1219 HILLDALE ROAD BALTIMORE MD 21237

Re: Petition for Administrative Variance

Case No. 2010-0245-A Property: 1219 Hilldale Road

Dear Mr. and Mrs. Jones:

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

# **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property located at 1219 Hilldale Rd Rosedale, Md 21237

DR 5. which is presently zoned

Deed Reference: \_\_1896 \_\_/533 \_ Tax Account # 1519711880

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 - to permit a proposed detached accessory structure (garage) to have a height of 19 fect in lieu of the maximum allowed 15

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded

by the zoning regulat	tions and restrictions of Bal	timore County adop	ted pursuant to the zoning	law for Baltimore	County.
				the legal owner(s	under the penalties of s) of the property which
Contract Purcha	aser/Lessee:		Legal Owner(s):		
			Steven Jo		
Name - Type or Print			Name Type		
8			de	no de	
Signature			Signature Fabienne Jon	20	
Address		Telephone No.	Name - Type or Print	III Que	<b>*</b>
City	State	Zip Code	Signature 1219 Hilldale	e Rd	
Attorney For Pe	titioner:		Address	CING	Telephone No.
			Baltimore	MD	21237
Name - Type or Print			City		tate Zip Code
			Representative	to be Contact	ted:
Signature			Steven Jone		-
Company			Name 1219 Hilldale	Rd	
Address		Telephone No.	Address		Telephone No.
A1.		7.0.1	Baltimore	MD	21237
City	State	Zip Code	City	SI	tate Zip Code
this day of regulations of Baltimore	O 10 - 0245 - F	t the subject matter of be reposted.  Rev	Zoning Compriewed By 3/28	nissioner of Baltimo	ed, as required by the zoning
	D 0				

**Affidavit in Support of Administrative Variance** 

County, as follows: That the information herein give	es of perjury to the Zoning Commissioner of Baltimore ven is within the personal knowledge of the Affiant(s)
the future with regard thereto	reto in the event that a public hearing is scheduled in
That the Affiant(s) does/do presently own and residual	de at 1219 Hilldale rd
	Address number Road or Street name
and that this address is the subject of this variance	request as required by law.
	ng are the facts upon which I/we base the request for (indicate the hardship or practical difficulty; attach an
	garage to be build on our property. The garage will be used for
	orage space above. Our home is small and lacks in storage.
We also own two motorcycles and need a place to keep the	nem. The garage will be detached 24 x 24 x 19
with their variance request, they will be responsible advertising fees. They also understand that they may	demand is filed, and the Affiant(s) desire to proceed the for reposting the property and for payment of the ay be required to provide additional information.
Signature	Signature
Steven Jones	Fabienne Jones
Name- print or type	Name- print or type
A Notary Public must complete the follow	wing section prior to the filing appointment.
STATE OF MARYLAND, BALTIMORE COU	NTY, to wit:
HEREBY CERTIFY, this 17 <sup>+10</sup> day of Maryland, in and for the County afores	said, personally appeared:
(Name Affiant(s) here): Steve Jones and the Affiant(s) herein, personally know	vn or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal Name	ina Conroy 5/4/13 ne of Notary Public Commission expires
DI ACE SEAL HERE	

Item #0245

### **Zoning Description**

### 1219 Hilldale Rd Rosedale ,Md 21237

Zoning description for address 1219 Hilldale Rd

40

Beginning at a point on the south side of Hilldale rd which is 25'Wide at the distance of 628' N/W of the centerline of the nearest improved intersection street Old Philadelphia Rd which is 40' wide.

Being Lot # 10 in the subdivision of Berk Plat as recorded in Baltimore County Plat Book # 14, Folio 116 containing .14 square acres. Also known as 1219 Hilldale rd and located in the 15<sup>th</sup> Election District 7<sup>th</sup> Councilmanic District.

I tem #0245

# BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVENPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0245 -A Address 1219 Hilldale To	Rd
Contact Person: Planner, Please Print Your Name Phone Number:	,
Filing Date: 3/17/10 Posting Date: 3/28/10 Closing Date	ite: 4/12/10
Any contact made with this office regarding the status of the administrative varia through the contact person (planner) using the case number.	ance should be
1. POSTING/COST: The petitioner must use one of the sign posters on the appropriate reverse side of this form) and the petitioner is responsible for all printing/postion reposting must be done only by one of the sign posters on the approved list and is again responsible for all associated costs. The zoning notice sign must be property on or before the posting date noted above. It should remain there through	ting costs. Any nd the petitioner e visible on the
<ol> <li>DEADLINE: The closing date is the deadline for an occupant or owner within 1 a formal request for a public hearing. Please understand that even if ther request for a public hearing, the process is not complete on the closing date.</li> </ol>	1,000 feet to file re is no formal
ORDER: After the closing date, the file will be reviewed by the zoning or commissioner. He may: (a) grant the requested relief; (b) deny the requested order that the matter be set in for a public hearing. You will receive written notif within 10 days of the closing date if all County agencies' comments are rewhether the petition has been granted, denied, or will go to public hearing. The mailed to you by First Class mail.	ted relief; or (c) ification, usually received, as to
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a (whether due to a neighbor's formal request or by order of the zoning or commissioner), notification will be forwarded to you. The sign on the prochanged giving notice of the hearing date, time and location. As when the sign posted, certification of this change and a photograph of the altered sign must be this office.	operty must be n was originally
(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- 0245 -A Address 1219 Hilldale Rd	
Petitioner's Name Steven Jones Telephone 410	687 9634
Posting Date: 3/28/10 Closing Date: 4/12/10	
Wording for Sign: To Permit a proposed detached accessory struc	ture
(garage) to have a height of 19 feet in lieu of the max allowed 15	ximum

# 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:
Item Number or Case Number: 2010 - 0245 - A
Petitioner: STEVEN JONES
Address or Location: 1219 HILLDALIS P.D. Roser Dalis, MI 21237
PLEASE FORWARD ADVERTISING BILL TO:
Name: STEVEN JONES
Address: 1219 HILLAAN RI.
BALTIMONE Ma. 21237
Telephone Number: 4/0 687-9634

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# +-CERTIFICATE OF POSTING

2010-0245-A

	Petitioner/Developer:
	Steven Jone
	April 12 2010 Date of Hearing/Closing:
Baltimore County Department of	9.
Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204	
ttn: Kristin Matthews	
adies and Gentlemen:	
	of perjury that the necessary sign(s) required by law were ted at:
	March 28 2010
he sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Rout Black 4/2/10
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
·	



# VARIANCE

CASE # 2010-0245-A

TO PERMIT A PROPOSED DETACHED ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM ALLOWED 15.

# PUBLIC HEARING ?

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE



JAMES T. SMITH, JR. County Executive

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

April 13, 2010

Steven & Fabienne Jones 1219 Hilldale Rd. Baltimore, MD 21237

Dear: Steven & Fabienne Jones

RE: Case Number 2010-0245-A, 1219 Hilldale Rd.

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 17, 2010. 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

People's Counsel c:



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 March 8,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 22, 2010

Item Numbers: 0237,0238,0239,0240,0241,0242,0243,0244 and 0245

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

**DATE:** March 24, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 5, 2010

Item Nos. 2010-238, 239, 240, 241,

242 and 245

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-04052010 -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: MARCH 21, 2010

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

RE: Baltimore County

Item No. 2010-0245-A 1219 HILLDALE RD JONES 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.

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, C

Engineering Access Permits

Division

SDF/mb

## 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

**DATE:** April 5, 2010

RECEIVED

APR 0 6 2010

**ZONING COMMISSIONER** 

**SUBJECT:** 10-245 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 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 John Alexander at 410-887-3480.

Prepared by:

AFK/LL: CM

### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**



RECEIVED

APR 2 9 2010

**ZONING COMMISSIONER** 

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

April 29, 2010

SUBJECT:

Zoning Item # 10-245-A

Address

1219 Hilldale Road

(Jones Property)

Zoning Advisory Committee Meeting of March 22, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer:

JWL

Date: 4/29/10

### Patricia Zook - Case 2010-0245-A - no site plan

From:

Patricia Zook

To:

Williams, LaShenda

Date:

4/19/2010 2:01 PM

00.

Subject: Case 2010-0245-A - no site plan

CC:

Bostwick, Thomas; Lewis, Kristen; Wiley, Debra

#### LaShenda -

I haven't been able to reach you on the phone today so I am now sending an e-mail.

This administrative variance case closed on April 12 and was brought to our office on April 16. The file is missing the site plan. Please see if you can find the site plan and bring it over.

Thanks.

Patti Zook Baltimore County Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From:

LaShenda Williams

To:

Bostwick, Thomas; Wiley, Debra; Zook, Patricia

Date:

4/19/2010 2:19 PM

Subject:

Fwd: Scanned from cpr111 04/19/2010 13:12

Attachments: DOC041910.pdf

>>> "Copier111" <cpr111@baltimorecountymd.gov> 4/19/2010 1:12 PM >>>

Scanned from cpr111. Date: 04/19/2010 13:12

Pages:1

Resolution:200x200 DPI



**Exempt Class:** 

Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw6.3d)

Go Back View Map New Search

Account Iden	tifier:	District -	15 Account Nu	mber - 15	1971188	0					
			01	wner Info	rmation						
Owner Name: JONES STEVEN E					Use:				RESIDENTIAL		
		JONES FAB		Principal Residence: Deed Reference:				YES			
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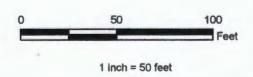
# 1219 Hilldale Road





Publication Date: March 17, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot





Item #0245



Item #0245



Item #0245



Item#0245



Item #0245



