IN RE: PETITION FOR ADMIN. VARIANCE

E side corner of Bunker Hill Road; 20 feet S of the c/l of Williams Street 7th Election District 3rd Councilmanic District (17905 Bunker Hill Road)

Christopher Nickerson Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0251-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, Christopher Nickerson for property located at 17905 Bunker Hill Road. 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 27 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a garage measuring 49 feet x 33 feet x 27 feet in size. The growing family needs additional storage space. Photographs submitted with the Petition depict an attractive four car garage with dormer windows. Petitioner's property contains 4.542 acres and is served by private water and sewer.

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 13, 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	ECEIVED FOR FILING	
Date	4.21.10	
Ву	my	

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 1, 2010 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 21 5t day of April, 2010 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 27 feet in lieu of the maximum permitted 15 feet 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. The structure shall not contain any sleeping quarters, living area or kitchen facilities.

ORDER RECEIVED FOR FILING

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

3

THB:pz

ORDER RECEIVED FOR FILING

Date	4-21-10
	- /
Bv	226



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

April 21, 2010

CHRISTOPHER NICKERSON 17905 BUNKER HILL ROAD PARKTON MD 21120

Re: Petition for Administrative Variance

Case No. 2010-0251-A

Property: 17905 Bunker Hill Road

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

c: Ric Raynor, 3226 Suffolk Lane, Fallston Md 21047



CASE NO. 2010-0251-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	17905 Burnere Hice Ro	,
which	is presently zoned R.C. 8	

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)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 27-FEET IN LIEU OF THE MAXIMUM PERMITTED 15-FEET.

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:	Legal Owner(s):
	CHRISTOPHER NICHERSON
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	17905 BURNER HILL 410-357-4097
	Address Telephone No.
	PARATON MD 21120
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature ORDER RECEIVED FOR FILING	Rie Raynol
Company Date_ 4.210	Name
	- 3226 SUFFOLK LANE 443-807-0645
Address By Telephone No.	Address Telephone No.
190	- FALLSTON MD 21047
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to this day of that the subject matter of regulations of Baltimore County and that the property be reposted.	pe required, it is ordered by the Zoning Commissioner of Baltimore County, if this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
	Lonning Continuosioner of Daltimero County

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.

competent to testify thereto in the event that a p	bublic hearing is	scheduled in the futur	re with regard therei	ю.
That the Affiant(s) does/do presently reside at	17905 Address	BUNKER HILL R	D.	
	PARKTON	mp		21120
	City	Sta	te .	Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardsh	owing are the fac ip or practical dif	cts upon which I/we b ficulty):	pase the request for	an Administrative
SE	E ATTACH	ED		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional inform	s filed, Affiant(s) will ation.	be required to pa	y a reposting and
Signature		Signature		
CHAISTORAGE WICKERSON				
Name - Type or Print		Name - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:			
of Maryland, in and for the County aforesaid, pe		, <u>2010</u> , b	efore me, a Notary	Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Affian	nt(s).	E
AS WITNESS my hand and Notarial Seal		TO STATE HOLDER	TRACTION NOW THEN BE	
	Y	undarfis	ranea	
	Notary	Public	WY COMMISSION	EXPIRES
	My Co	mmission Expires	OCTOBER 1,	2010

March 24, 2010

Department of Permits and Development Management

111 West Chesapeake Avenue, Room 111

Towson, MD 21204

Dear Ms. Thompson,

I am requesting an administrative variance to change the existing attached garage to a detached garage located on 17905 Bunker Hill Road Parkton, MD 21120. I needed to build this structure because of the increasing size of my family and the need from more storage space.

Thank you for your time and consideration, I can be reached at 443-621-4566.

Best Regards,

Christopher Nickerson

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 17905 Bunker Hill Road Parkton MD, 21120

Beginning at a point on the South side of Williams Street (East of Bunker Hill Road), dwelling is 205 feet from Williams Street and 120 feet from Bunker Hill Road. Being Lot # 5, Block 17905, in Section # 1600001336 as recorded in Baltimore County Plat Book # 34, Folio # 41 containing 4.542 acres. Also known as 17905 Bunker Hill Road and is located in the 3rd Election District, Councilman T. Bryan McIntire.

BALTIMORE COUNTY DEFETMENT OF PERMITS AND DEVENOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

0251

l-A

Case Number 2010-

Address 17905 BUNKER HILL RD.

Conta	ct Person: _	DONNA THO	Print Your Name		Phone Number: 410-887-3	3391
Filing	Date:3	124/10	Posting Date:	4/4/10	Closing Date: 4 19	10
Any c	ontact made		egarding the stat	us of the adm	inistrative variance should	
1.	reverse side reposting me is again res	of this form) and ust be done only b ponsible for all as	the petitioner is r y one of the sign p sociated costs. T	esponsible for posters on the a he zoning notion	ers on the approved list (or all printing/posting costs. approved list and the petition of the petition of the company the clo	Any oner the
2.	a formal red	The closing date quest for a public public hearing, the	hearing. Please	understand th	r owner within 1,000 feet to nat even if there is no for closing date	file rmal
3.	commissione order that th within 10 da whether the	er. He may: (a) e matter be set in ays of the closing	grant the requeste for a public hearing date if all Coun granted, denied, d	ed relief; (b) de g. You will rece ty agencies' c	the zoning or deputy zo eny the requested relief; o eive written notification, usu omments are received, a blic hearing. The order wi	r (c) ually s to
4.	(whether du commissione changed giv	e to a neighbor's er), notification wi ing notice of the h	formal request of the forwarded to earing date, time a	or by order of o you. The s and location. A	nat must go to a public heat the zoning or deputy zoning gign on the property must as when the sign was origing ared sign must be forwarde	ning t be nally
			(Detach Along Dotted	I Line)		
Petitio	oner: This P	art of the Form is	for the Sign Pos	ter Only		
		USE THE ADMI	NISTRATIVE VAF	RIANCE SIGN I	FORMAT	•
Case	Number 2010	0251 -A	Address 179	05 BUNKE	R HILL RD.	
Petitio	ner's Name	NICKERSON		Tel	ephone 410-357-4097	
Postir	ng Date:	4/4/10	с	losing Date: _	4/19/10	
Wordi	ng for Sign:	To Permit AN AC	CESSORY STRUCT	URE (GARAGE	WITH A HEIGHT	
	OF 27-FEE	T IN LIEU OF T	E MAXIMUM PE	EMITTED IS-FE	ET.	

			RECEIPT	Rev	Sub	Date:	3/0	94/10	and the sound
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

3/24/10

TO: CHRIS NICKERSON

FROM: DONNA THOMPSON ZONING REVIEW 410-887-3391

> HERE IS THE WORDING FOR THE SIGN. SIGN NEEDS TO BE UP BY 4/4/10. I WILL MAIL YOU ORIGINAL.



CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/4/10

Case Number: 2010-0251-A

Petitioner / Developer: NICKERSON

Date of Hearing (Closing): APRIL 19, 2010

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:

17905 BUNKER HILL ROAD

The sign(s) were posted on: APRIL 1, 2010



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

April 19, 2010

Christopher Nickerson 17905 Burner Hill Parkton, MD 21120

Dear: Christopher Nickerson

RE: Case Number 2010-0251-A, 17905 Burner Hill

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 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

c: People's Counsel

Ric Raynor; 3226 Suffolk Ln.; Fallston, MD 21047

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:

10-251 - Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 27 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

RECEIVED

DATE: April 13, 2010

APR 1 6 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 8, 2010

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 April 19, 2010

Item Nos. 2010-251, 252, 253, 255,

256, 257, 258 and 260

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-04192010 -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: APRIL 12, 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. 2010-0251-A

17905 BLINKER HILL RD. NICKERSON PROPERTY

ADMIN. VATZIANCE -

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-.0251-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,

For Steven D. Foster, Chief Engineering Access Permits

Division

SDF/mb



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 April 19,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 19, 2010

Item Numbers: 0250 through 0260

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

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

May 10, 2010

SUBJECT:

Zoning Item # 10-251-A

Address

17905 Bunker Hill Road

(Nickerson Property)

Zoning Advisory Committee Meeting of April 5, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The existing well and septic system must be shown on the plan. Groundwater Mgmt. Section will check for proper setbacks before approving the permit for the garage.

Reviewer:

Dan Esser

Date: 4/26/10

BALTIMORE COUNTY, MARYLAND Interoffice Memorandum

DATE:

March 24, 2010

TO:

Zoning Commissioner and File

FROM:

Donna Thompson, Planner II, Zoning Review

SUBJECT:

Petition for Variance

Case No. 2010-0251-A 17905 Bunker Hill Rd.

The garage at the above referenced address has been constructed and was supposed to be connected with a functional breezeway. The owner is trying to upgrade the electric and will need an additional electrical meter. No permit can be obtained with the connection so the owner is requesting that the accessory structure (garage) is freestanding.

dt



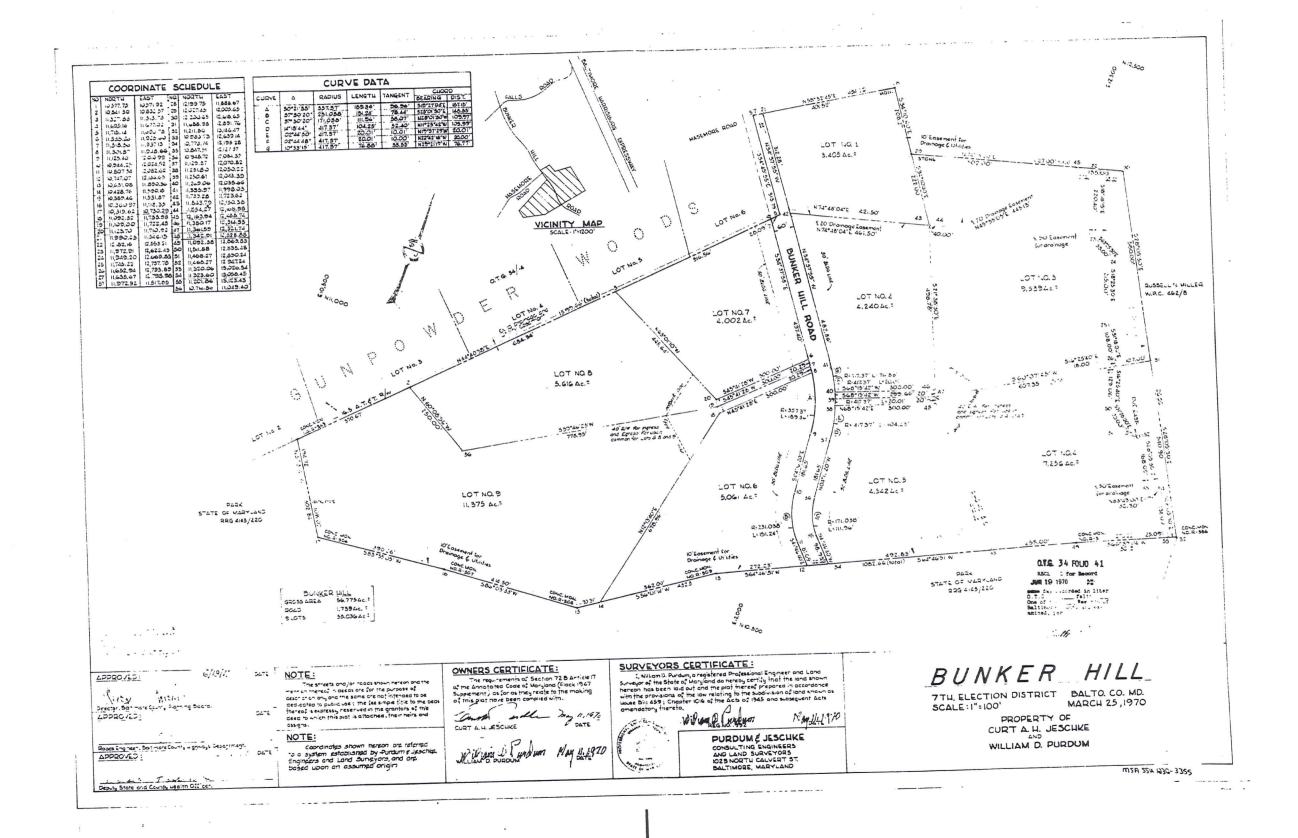


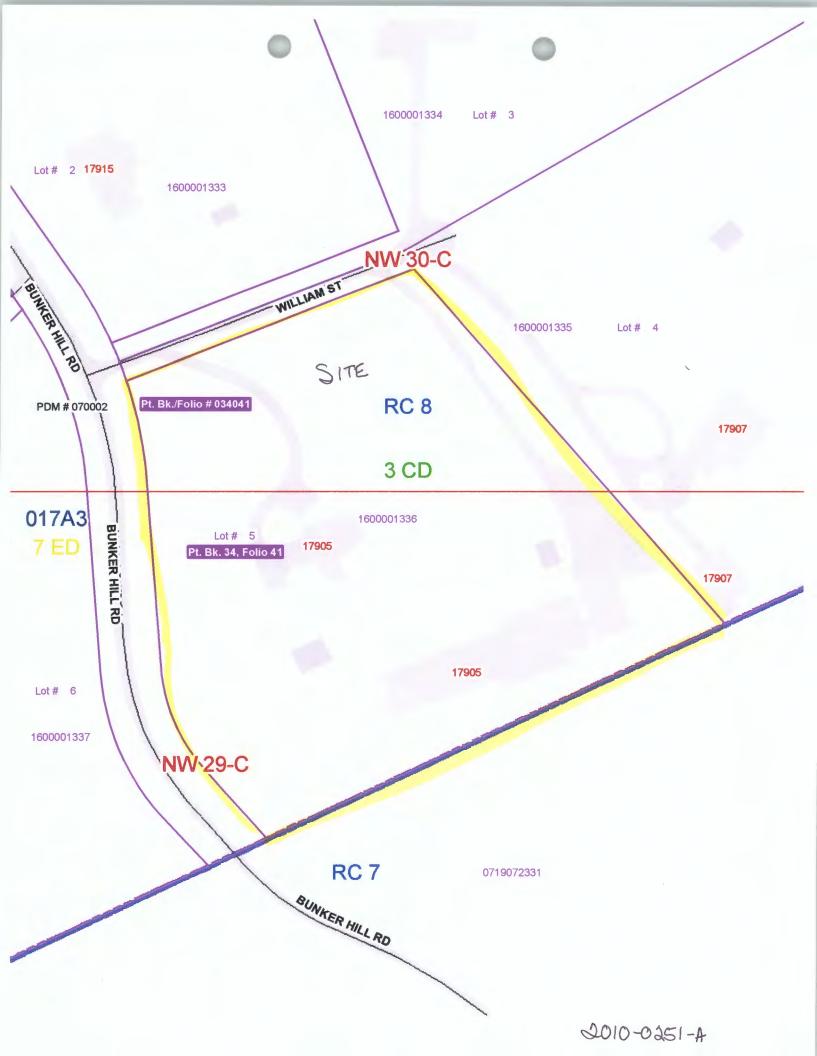












PLAT TO ACCOMPANY PETITION FOR ZONII	G XVARIANCE SPECIAL HEARING
--------------------------------------	-----------------------------

SCALE OF DRAWING: 1" = 1001

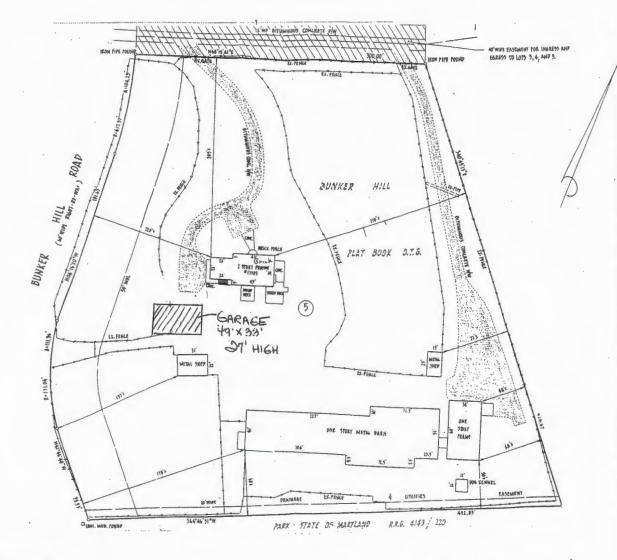
PROPERTY ADDRESS 17905 BUNKER HILL RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BUNKER HILL

PLAT BOOK # 34 FOLIO # 41 LOT # 5 SECTION # -

OWNER CHRISTOPHER NICKERSON

PREPARED BY



Gillcres^t LOCATION INFORMATION ELECTION DISTRICT 7 COUNCIL MANIC DISTRICT 3 1"=200' SCALE MAP # 017A3 ZONING R.C. 8 LOT SIZE 4.542 SQUARE FEET PUBLIC PRIVATE SEWER (X) WATER

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T.

BUILDING

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN HISTORIC PROPERTY/

PRIOR ZONING HEARING

0251

0251-A

YES NO

X

X