IN RE: PETITION FOR ADMIN. VARIANCE

-

W side of Greentop Road; 265 feet SW of the

c/l of Hidey Road

8th Election District

3rd Councilmanic District

(10320 Greentop Road)

Samuel E. and Margaret A. Nuttall *Petitioners*

* BEFORE THE

K

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

Case No. 2010-0324-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, Samuel E. and Margaret A. Nuttall for property located at 10320 Greentop Road. The variance request is from Section 1B02.3 (1953 to 1955 B.C.Z.R. Section III C.2) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front porch addition with a front setback of 21 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a porch addition measuring 9 feet x 33 feet. Photographs submitted with the Petition clearly show that adjacent dwellings have porches similar to what the Petitioners are requesting.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 6, 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

Date Le-23-10

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.

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.

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

Date 6 33.10



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

June 23, 2010

SAMUEL E. AND MARGARET A. NUTTALL 10320 GREENTOP ROAD COCKEYSVILLE MD 21030

Re: Petition for Administrative Variance

Case No. 2010-0324-A

Property: 10320 Greentop Road

Dear Mr. and Mrs. Nuttall:

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,

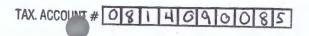
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



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

Zoning Commissioner of Baltimore County



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	10320	GREENTOP	RD
whice	h is present	ly zoned	R3,5

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)

Section: 1B02.3

1953 to 1955 Baltimore County Zoning Regulations

regulations of Baltimore County and that the property be reposted.

CASE NO.

REV 10/25/01

Section III C.2

To permit a front porch addition with a front setback of 21 feet in lieu of the required 25 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.

			is the subject of this	or ethion.	4
Contract Purchase	r/Lessee:	de sign is	Legal Owner(s	F. geracios vic	0
plainer sha	with with it	garbers &	Samuel	Forest 1	Vittall
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Signature			Signature	Mall	
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			111011011	1 /7: 1/ 1	man
City	State	Zip Code	Signature		
Attorney For Petition		Zip Code	Signature 10320 Address Cackers	ille me	Telephone No.
Attorney For Petition Name - Type or Print	oner:	1986	10320 0	ille me	Telephone No.
Attorney For Petition Name - Type or Print	CEIVED FOR FIL	1986	Address Cockeys City Representative	e to be Contacted	Telephone No. 21050 Zip Code
Name - Type or Print Signature Company ORDER REC		1986	Address Cockeys City Representative Name	e to be Contacted	Telephone No. 21050 Zip Code
Attorney For Petition Name - Type or Print	CEIVED FOR FIL	1986	Address Cockeys City Representative Name	e to be Contacted	Telephone No. 21050 Zip Code

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

REV 10/25/01

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.

Ca	elleysurille mp 21030
City	State Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pra-	e the facts upon which I/we base the request for an Administrative ctical difficulty):
1. THE SETBACK IN THE FRONT OF	THE HOUSE DOES NOT ALLOW FOR A
9' PORCH ROOF.	
2. WITH THE FRONT SETBACK A 5' PORCH ROOF.	T 30' IT ONLY ALLOWS FOR A
3. WE ARE PROPOSING TO ADD L OF THE PORCH . THE WIDTH	
THE PORCH WILL HAVE ONE	STEP AND WILL BE CONSTRUCTED
SHINGLED . VINYL RAILINGS AT	L BE FRAMED WITH LUMBER AND UD COLUMNS WILL BE INSTALLED.
5. We would wike a large	in porch in the knowt of the house
For social peticities	sesting, etc. with oxternoon show
, , , , , , , , , , , , , , , , , , , ,	cos Hay, cre, with spremien shall
That the Affiant(s) acknowledge(s) that if a formal de advertising fee and may be required to provide additional	emand is filed, Affiant(s) will be required to pay a reposting and al information.
WELCHE CONTRACTED SE	
Sam MISTAIL	Margaret A. Muttall
Signature	Signature 0
Samuel Enert Nottell Name-Type or Print	MARGARET ANNE NUTTAL
	Dia a-
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	o wit:
	THE PARTY OF THE P
I HEREBY CERTIFY, this and day of Maryland, in and for the County aforesaid, personally	appeared, a Notary Public of the State
Sam Nuttall	
the Affiant(s) herein, personally known or satisfactorily in	lentified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Nous J. Jacovelli
	Notary Public
	My Commission Expires 4/1/20/3

Zoning Description

ZONING DESCRIPTION FOR 10320 GREENTOP ROAD

Beginning at a point on the West side of Greentop Road which is 50' wide at a distance of 265 S/west of the centerline of the nearest improved intersecting street Hidey Road which is 50' wide. Being lot #5, in the subdivision on Greentop Manor as recorded in Baltimore County Plat Book # 02, February BIA, containing 12,301. Also known as 10320 Greentop Road and located in the 8th Election District, 3rd Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2010- 0324 -A Address 10320 Gerentop Read
Contact Person: Leonard Wasilewski Phone Number: 410-887-3391
Filing Date: 5/24/10 Posting Date: 6/06/10 Closing Date: 6/21/10
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.
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- 0324 -A Address 10320 Green to PRood Petitioner's Name Samuel Nuttall Margaret Nuttall Telephone 443 668-2862 Posting Date: 6/6/10 Closing Date: 6/21/10
Petitioner's Name Samuel Nuttall Margaret Nuttall Telephone 443 668-2862
Posting Date: 6/6/10 Closing Date: 6/21/10
Wording for Sign: To permit a front porch addition with a front setback of 21 feet in lieu of the required 25 feet

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 0324 - A
Petitioner: SAMUEL NUTTALL
Address or Location: 10320 GREENTOP RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: San Nuttall
Address: 10320 acentop Rd.
Coellysuite, mp 2/030
Telephone Number: 443-668-2862

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 06/08/2010

Case Number: 2010-0324-A

Petitioner / Developer: SAMUEL NUTTALL & MARGARET NUTTALL

Date of Hearing (Closing): JUNE 21, 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: 10320 GREENTOP ROAD

The sign(s) were posted on: JUNE 6, 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

June 18, 2010

Samuel & MargaretNuttall 10320 Greentop Rd. Cockeysville, MD 21080

Dear: Samuel & MargaretNuttall

RE: Case Number 2010-0324-A, 10320 Greentop Rd.

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: June 10, 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 June 21, 2010

Item Nos. 2010- 324, 327, 330, 332,

333, 335, 336 and 337

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06212010 -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: 6-14-2010

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

RE: **Baltimore County**

Item No. 2610 -0324-A NUTTALL PROPERTY ADMIN. VAIZMOCE

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 . 0324-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

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: Zoning Advisory Petition(s): Case(s) 10-324- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By: CM/LL

RECEIVED

DATE: June 22, 2010

JUN 2 2 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



JUN 2 9 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 28, 2010

SUBJECT:

Zoning Item # 10-324-A

Address

10320 Greentop Road

(Nuttal Property)

Zoning Advisory Committee Meeting of June 7, 2010.

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

Reviewer:

JWL

Date: 6/28/10

Patricia Zook - Comments Needed - Admin. Variances that closed 6-21-10

From:

Patricia Zook

To:

Murray, Curtis

Date:

6/22/2010 11:22 AM

Subject: Comments Needed - Admin. Variances that closed 6-21-10

Hello Curtis -

We need Planning comments for the following administrative variance cases that closed June 21:

2010-0324-A

2010-0329-A

2010-0330-A

Thanks for your help!

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

410-887-3868

pzook@baltimorecountymd.gov

CHECKLIST

Received	<u>Department</u>	Support/Oppose No Comment		
6-10-10	DEVELOPMENT PLANS REVIEW	NC		
	DEPRM			
	FIRE DEPARTMENT			
6-22-10	PLANNING (if not received, date e-mail sent)	N C		
6-14-10	STATE HIGHWAY ADMINISTRATION	hc		
	TRAFFIC ENGINEERING			
	COMMUNITY ASSOCIATION			
	ADJACENT PROPERTY OWNERS			
ZONING VIOL	ATION (Case No			
PRIOR ZONING	G (Case No.			
NEWSPAPER A	ADVERTISEMENT Date:			
SIGN POSTING	Date: <u>6-6-10</u>			
PEOPLE'S COU	INSEL APPEARANCE Yes No			
PEOPLE'S COU	NSEL COMMENT LETTER Yes No			
	y:			

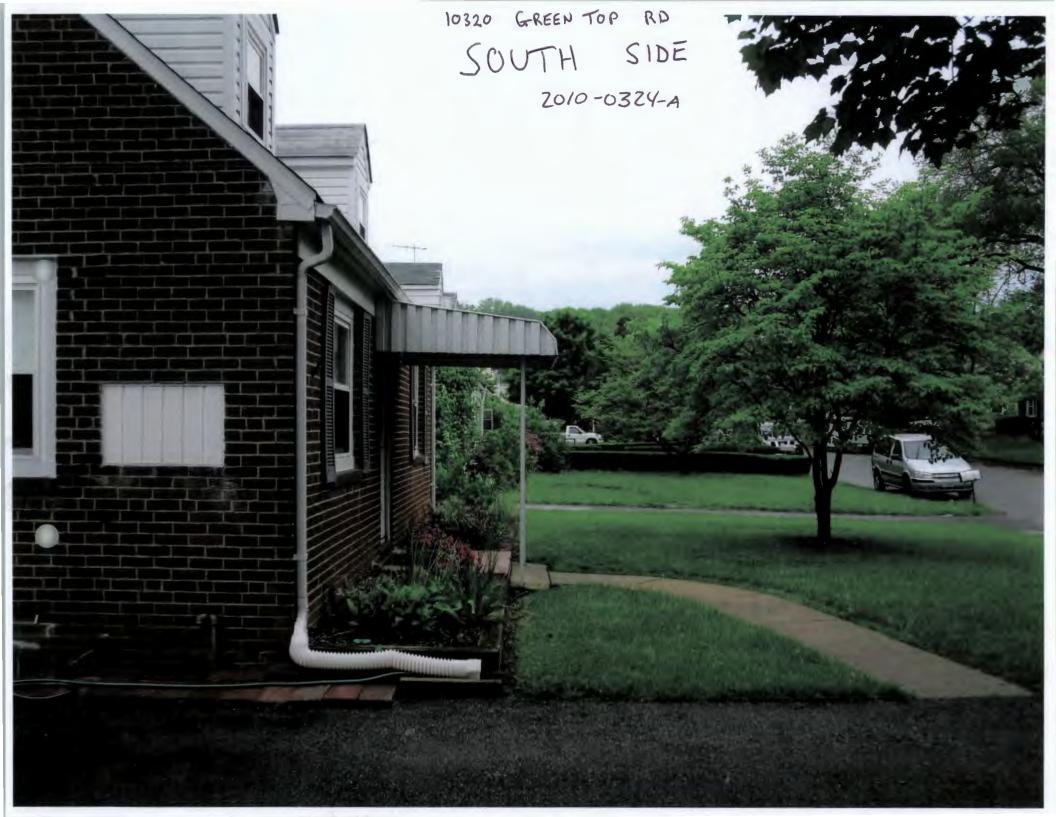


Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw2.3d)

Go Back **View Map New Search**

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		20	Deed Reference:					271	
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Sub District	Subdivision	Section					Plat No:		
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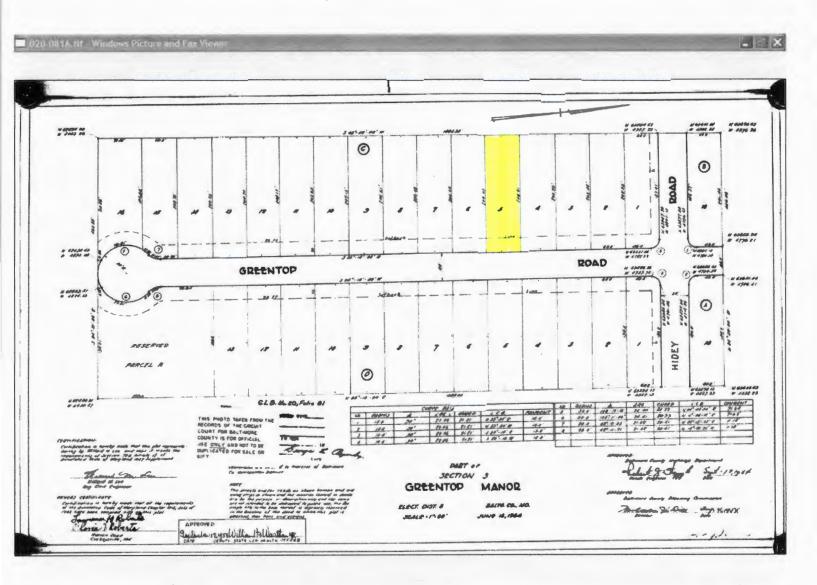


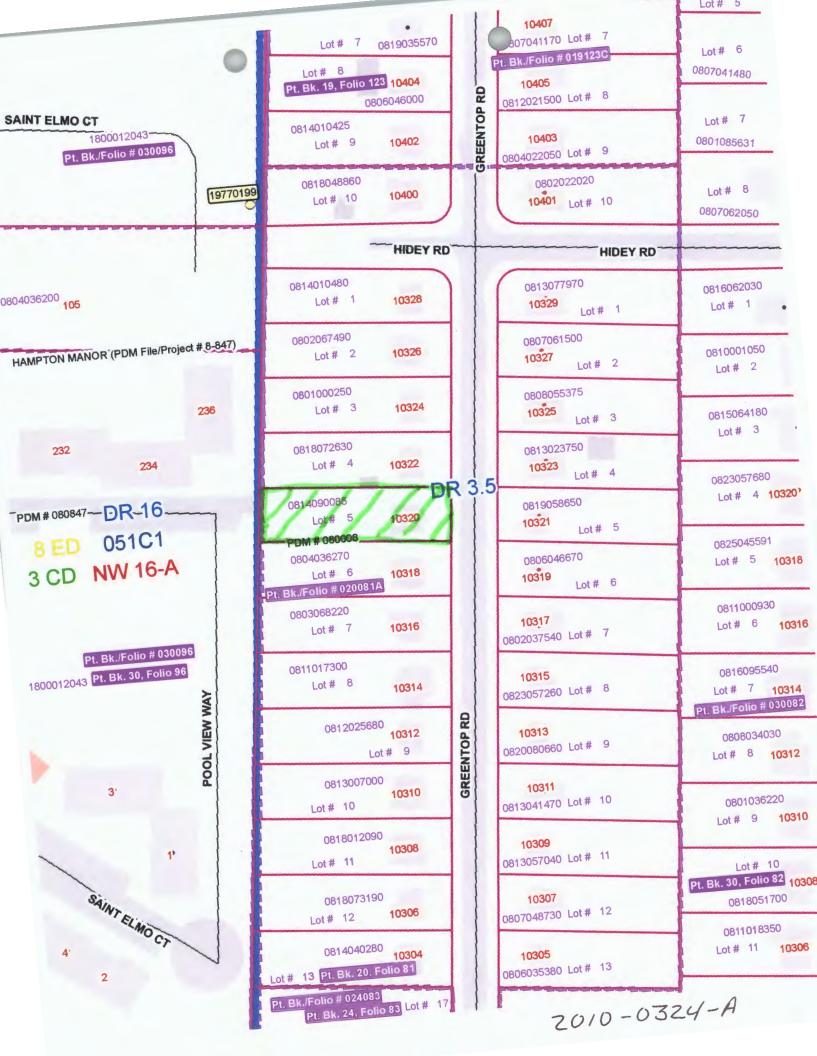












PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANC	E SPECIAL HEARING
	OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME GREEN TOP MANOR	
PLAT BOOK # 20 FOLIO # 81 ALOT # 5 SECTION #	
OWNER SAMUEL NUTTALL	WARREN ROAD
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	PROPERTY (
	S S
	3
	VICINITY MAP SCALE: 1" = 1000'
PROPOSED	SUREE! 1 4 101/0
9×33 PORCH) 0	LOCATION INFORMATION
	ELECTION DISTRICT
	COUNCILMANIC DISTRICT 3
	1"=200' SCALE MAP #051C1
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The state of the s	LOT SIZE 0.28 12,301.00
25 36	PUBLIC PRIVATE
60 4 265' + ft. to Hidey Rd	SEWER [%]
3.5° 10 W.	WATER 🔀
C D E ENTED	CHESAPEAKE BAY
GREENTOP	100 YEAR FLOOD PLAIN
	HISTORIC PROPERTY/
Sth District, Baltimore County Maryland	DOLOR TOURIS UPARING
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NORTH Scale: - 1" - 58'	REVIEWED BY ITEM # CASE #
PREPARED BY LOUIS S SZAFARZ III SCALE OF DRAWING: 1" = 50'	Tal 2010 0324-A