IN RE: PETITION FOR ADMIN. VARIANCE

W side corner of the intersection of Gent Road and Billy Barton Circle 8th Election District 2nd Councilmanic District (13000 Gent Road)

Bryan P. and Elizabeth Fitzgerald *Petitioners*

* BEFORE THE

1

- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0364-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, Bryan P. and Elizabeth Fitzgerald for property located at 13000 Gent Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 40 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 are constructing improvements to their dwelling to include a new attached garage, patio, kitchen and family room. The proposed attached garage is the portion of the addition that requires variance approval. There is an existing detached garage that will be removed to accommodate the new attached garage. The Petitioners' property is a square shaped corner lot and the dwelling was constructed at an angle on the property. The property contains .94 acre zoned RC 5.

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 July 22, 2010 which requests review and approval of architectural elevation drawings and floor plans prior to the issuance of any building permit due to the size of the overall addition.

ORDER RECEIVED FOR FILING							
Date	7-23-10						
Ву	B						

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 3, 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 23 day of July, 2010 that an Administrative Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 40 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.
- 2. Architectural elevation drawings and floor plans shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.

ORDER REC	EIVED FOR FILING	
Date	7-23-10	
Bv	p	

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICE

Deputy Zoning Commissioner

for Baltimore County

THB:pz

ORDER	RECEI	VED F	FOR	FILING
-------	-------	-------	-----	--------

Date 7-23-10

Ву_____



JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 23, 2010

BRYAN P. AND ELIZABETH FITZGERALD 13000 GENT ROAD REISTERSTOWN MD 21136

Re: Petition for Administrative Variance

Case No. 2010-0364-A Property: 13000 Gent Road

Dear Mr. and Mrs. Fitzgerald:

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.

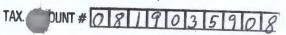
Very truly yours,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

for the property located at _	13000	GenT	Road	
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) 14043, B.2.6; BC2P, TO

PERMIT A REARYARD SETBACK OF 40ft. IN LIEU OF THE REQUIRED 50ft. 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.

	*		is the subject of this	the legal owner(s) of the p Petition.	property writer
Contract Purchaser/L	essee:		Legal Owner(s):		
			Bryan	Fitzgerald	
Name - Type or Print			Name - Type or Print	The to	
Signature		Own	Signature	eth Filizgen 12	
Address		Telephone No.	Name - Type or Print	la Armera	
City	State	Zip Code	Signature	and the second	
Attorney For Petitione		3367	13000 Gev	nt Road 4	110-561-237
		LING	Restour	MD	Telephone No.
Name - Type or Print	IVED FOR THE		City	State to be Contacted:	Zip Code
Name - Type or Print Signature ORDER RECE	-83.10		Representative	Contacted.	
Company	Po		Name	Ame	
Address		Telephone No.	Address)	Telephone No.
City	State	Zip Code	City	State	Zip Code

regulations of Baltimore County and that the property be reposted.

	Zoning Commissioner of Baltimore County
CASE NO.	2010-0364-A Reviewed By Prupate 6-25-10
REV 10/25/01	Estimated Posting Date 7/4/10

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.

13000 GOOT ROOM

That the Affiant(s) does/do presently reside at	13000 G	ant Kogd	
	Restarstow	n MD State	21136 Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardsh	wing are the facts upon practical difficulty	on which I/we base the requ	est for an Administrative
Building a garage	To be all	ached To The	house and
tomoving the previous	garage co	termit in progress	
	.*		•
-			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed additional information.	, Affiant(s) will be required	to pay a reposting and
Signature Signature	Signa	Chabeth For	facel
Bryan P. Fil eggald Name - Type or Print	E	-Type or Print	itograld
STATE OF MARYLAND, COUNTY OF BALTIN		-110 M 1 M 2 M 22 M	
of Maryland, in and for the County aforesaid, pe	rsonally appeared	_, $\frac{\partial 00}{\partial 0}$, before me, a N	lotary Public of the State
the Affiaht(s) herein, personally known or satisfa	Fitzeroud	as such Affiant(s).	_alsg
AS WITNESS my hand and Notarial Seal	200	110	
	Notary Public	700	
	My Commiss	sion Expires Hugge	10,2013

REV 10/25/01

Zoning Description for: 13000 Gent Road

Reisterstown, Maryland 21136

Beginning at a point on the West side of Billy Barton Circle (originally Brace Bridge Circle) which is 70 feet wide at the distance of 180 feet south of the centerline of the nearest improved intersecting street Gent Road which is 60 feet wide. Being lot #1, Block D in the subdivision of Falls Estates as recorded in Baltimore County Plat Book #33, Folio #34, containing .94 acres. Also known as 13000 Gent Road and located in the 8th. Election district, 2nd. Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **ZONING REVIEW**

ADMINIS! RATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2010- 0364 -A Address 13000 GENT Pol.
Contact Person: J. MEDIZEM Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 6/25 Posting Date: 7/4 Closing Date: 7/9
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- 0364 -A Address 13000 GENT Rol.
Petitioner's Name BRYAN FITZGERALD. Telephone 40-561-2370
Posting Date: 7/4 Closing Date: 7/19
Wording for Sign: To Permit A REAPHARD SETBACK OF 40+1-1N
LIEU OF THE PROVINED SOFT. FOR AN ADDITION

OFFICE	OF BUD	GET AN	MARYLANI ID FINANC I RECEIPT	E Rev	Sub	No.		9	PAID SECURIT MESONAL ACTION THE GARS
Fund	Dept	Unit	Sub Unit	Source/ Obj	Rev/ Sub Obj	Dept Obj	BS Acct	Amount	0.00
				1 4					
			-	77					The state of the s
							·		
Rec From:					AL	Total:			
For:			-	_	1 4			94	
									CASHIER'S
DISTRIBU						-			VALIDATION
VHITE - C	CASHIER	PINK - AC	SENCY ASE PRES		CUSTOME	R	GOLD - ACC	COUNTING	

malu 0 /2/10



ZUNING NOTICE

CASE # 2010-0364-A
TO PERMIT A REAR YARD SETBACK OF 40-FT.
IN URL OF THE REPLIEED SOPT FOR AN ADDITION

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE PURSUANT TO SECTION 26-127(b)(1), BALTIMORE CONATY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MOUDAN TOWN 19, 2010
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND BEVELOPMENT MANAGEMENT
111 W. CHTEAMARE AND THE AND THE ARM TO SHARE AND TO SHARE AND THE ARM TO SHARE AND TO SHARE AND THE SHARE AND TO SHARE AND TO SHARE AND THE SHARE AND TO SHARE AND THE SHA

MICETURE IS MANDICAP ACCESSIBLE





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 20, 2010

Bryan & Elizabeth Fitzgerald 13000 Gent Rd. Reisterstown, MD 21136

Dear: Bryan & Elizabeth Fitzgerald

RE: Case Number 2010-0364-A, 13000 Gent Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 25, 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

AV 7-19-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 1 3 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 13, 2010

SUBJECT:

Zoning Item # 10-364-A

Address

13000 Gent Road

(Fitzgerald Property)

Zoning Advisory Committee Meeting of July 5, 2010

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

Additional Comments:

Permit(s) will be reviewed by Groundwater Mgmt., since the dwelling is on well and septic.

Reviewer:

Dan Esser

Date: 7/29/10

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 7, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 19, 2010

Item Nos. 2010-340, 360, 361, 363,

364, 365, 366, 367, and 368

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-07192010 -NO COMMENTS.doc

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) 10-364- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and requests review and approval of architectural elevation drawings and floor plans prior to the issuance of building permit due to the size of the overall addition.

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

RECEIVED

DATE: July 22, 2010

JUL 2 3 2010

ZONING COMMISSIONER



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 7, 2010

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: ZONING REVIEW

Distribution Meeting of: July 5, 2010

Item No.: Administrative Variance: 2010-0360A, 2010-364A 0366A,

2010-0368A.

Special Hearing Variance: 2010-0340-SPHA, 2010-0361-SPHA.

Variance: 2010-0363A, 2010-0367A

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

The Fire Marshal's Office has no comments at this time.

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF THANSPORTATION

Date: - JULY 8,2010

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

Baltimore County RE:

Item No. 2016-0364-A 13000 GRUTRD

FITZ GERALD PROPERTY

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 - . 0364-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,

En Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb

Patricia Zook - Cases 2010-0360-A and 2010-0364-A - comments needed for admin. variances

From:

Patricia Zook

To:

Murray, Curtis

Date:

7/21/2010 12:06 PM

Subject: Cases 2010-0360-A and 2010-0364-A - comments needed for admin. variances

CC:

Are, Kathy; Bostwick, Thomas

Good afternoon -

The below listed administrative variances need comments from the Office of Planning: Case No. 2010-0360-A and Case No. 2010-0364-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

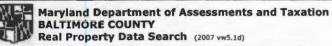
pzook@baltimorecountymd.gov

CHECKLIST

Comment Received	<u>Department</u>		Support/Oppose/ Conditions/ No Comment
7-7-10	DEVELOPMENT PLANS R	EVIEW	nc_
	DEPRM (if not received, date e-mail s	sent)	
7-7-10	FIRE DEPARTMENT		nc
7-22-10	PLANNING (if not received, date e-mail s	sent 7-21-10	condition
9-8-10	STATE HIGHWAY ADMIN	NISTRATION	nc
	TRAFFIC ENGINEERING		· · ·
	COMMUNITY ASSOCIATE		
ZONING VIOLA	ATION (Case No		
PRIOR ZONING	(Case No		
NEWSPAPER A	DVERTISEMENT Date:		
SIGN POSTING	Date:	7-3-10	
	NSEL APPEARANCE NSEL COMMENT LETTER	Yes No No	
Comments, if any	7:		







Go Back View Map New Search

	7		Ow	ner Infor	mation					
Owner Name: Mailing Addres	FI s: 13	000 GENT P	LIZABETH M		Use: Principal Residence: Deed Reference:			ice:	RESIDENTIAL YES 1) /14303/ 475 2)	
			Location 8	Structure	e Infor	matio	n		-	
Premises Addr	ess						Legal D	escription		
13000 GENT RD								GENT RD		
	cel Sub	District S	Subdivision	Section	Block D	Lot 1		ent Area	Plat No: Plat Ref:	33/ 34
Special Tax Arc	eas	Ad	wn Valorem x Class							
Primary	Structure 1974	Built		ed Area 72 SF		Prop	erty Land .94 AC	Area	County 04	
Stories 2		Baseme YES	ent		STANZ	Type	UNIT		Exterio	-
			Va	lue Inforr	nation					
	Ва	se Value	Value							
Improven Preferential	Total:	188,000 276,670 464,670	As Of 01/01/2008 188,000 356,980 544,980			As /01/20 544,				
Preferencial	Land.			nsfer Info		n				
Seller: TORRIE Type: IMPROV	ED ARMS-				Date: Deed	02/ 1: /14	10/2000 303/ 475	Dead2		
Seller: TORRIE Type: NOT AR	Marie	н			Deed	1:/12	12/1997 488/ 521		: /12488/ 5	
Seller: MCCORI Type: IMPROV					Deed	1:/10	26/1977 171/ 354	Price: Deed2	\$104,500 :	
			Exen	nption Imf						
Partial Exempt County State Municipal	Assessm	ents		00	1 ass 00 00 00	07/ 0 0 0	01/2009	07, 0 0 0	/01/2010	
Tax Exempt: Exempt Class:	NO						Spec	ial Tax Rec		

13000 Gent Road Reisterstown, MD 21136 410-561-2376

Case Number-0364

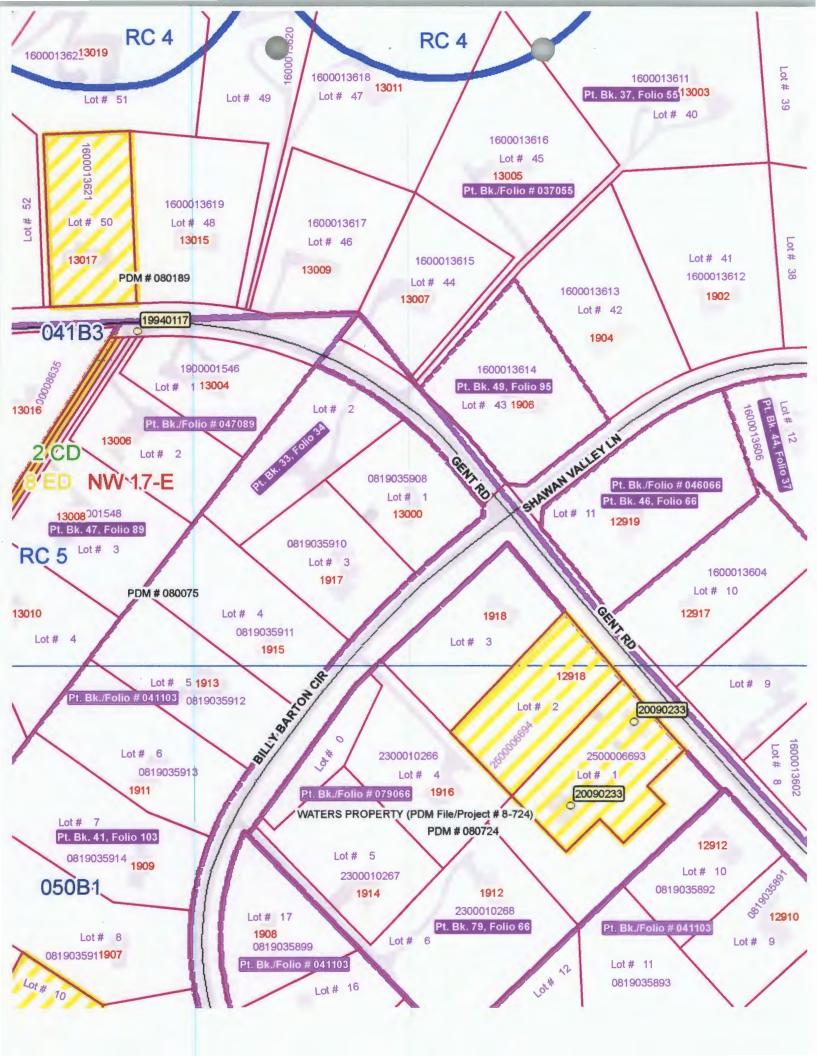








≤Garage side



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 13000/ENT ROAD SEE PAGES 5 & 6 OF THE CHECKLIST FOR SUBDIVISION NAME FALCS ESTRATES	E SPECIAL HEARING R ADDITIONAL REQUIRED INFORMATION
PLAT BOOK #33 FOLIO #34 LOT # 1 SECTION # OWNER_BRYAH P. & ECIZABETH M.K. FITZGERACO GENT ROAD	A CONTRACTOR OF THE PARTY OF TH
127. 44' 85.37' 8'-61.	VICINITY MAP SCALE: 1" = 4000'
235.37'	LOCATION INFORMATION ELECTION DISTRICT & THE COUNCILMANIC DISTRICT & hd I"=200' SCALE MAP # 04/83 ZONING R C - 5 LOT SIZE 94 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER
NORTH PREPARED BY BRYAN FITZGERALD SCALE OF DRAWING: 1" = 40'	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #