IN RE: PETITION FOR ADMIN. VARIANCE

W side of Keeney Mill Road; 25 feet N of Brook Valley Court 6th Election District 3rd Councilmanic District (20908 Keeney Mill Road)

Kevin L. Bowlby Petitioner

- BEFORE THE
- **DEPUTY ZONING**
- COMMISSIONER
- FOR BALTIMORE COUNTY
- Case No. 2011-0020-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, Kevin L. Bowlby for property located at 20908 Keeney Mill Road. The variance request is from Section 1A00.3.B.3 (1971-92 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (attached garage) with a side setback of 27 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Currently, there is a one car garage attached to the dwelling. Petitioner desires to construct a two car garage connected to the With the location of the dwelling being set back approximately 64 feet and the dimensions of this moderate garage being 26 feet wide with 12 feet connector, this results in a proposed setback from the neighboring property of 26 feet. Additionally, the neighboring home is setback approximately 60 feet from the proposed garage location. There are numerous trees between the properties resulting in minimal visual exposure. Reduction of the proposed attached garage dimensions in an amount to accommodate the current required setback would not be feasible for a functioning, usable space. Plans of the proposed attached garage were shown to the neighbors who are in support of the project. The property contains 3 acres and is served by private water and septic.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 19, 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.

ORDER RECEIVED FOR FILING

Date 8-16-10

By

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.

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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 16, 2010

KEVIN L. BOWLBY 20908 KEENEY MILL ROAD FREELAND MD 21053

Re: Petition for Administrative Variance

Case No. 2011-0020-A

Property: 20908 Keeney Mill Road

Dear Mr. Bowlby:

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

ORIGINAL KEEP IN FRE

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 20908 Keeney Mill Road Freeland MD 21053

which is presently zoned RC2 (zoned RDP when filed in 1972)

Deed Reference: 0021739 / 306 Tax Account # 1600008723

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) 1 A 00.3.8.3. (1971-92 BCZR)

TO PERMIT AN ADDITION (ATTACHED GARAGE) WITH A SIDE SETBACK OF 27FT. IN LIEU OF THE REQUIRED 50 FT.

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 regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly decla perjury, that I/we are the is the subject of this Pe	e legal owner(s)	
Contract Purchaser/Le	essee:		Legal Owner(s):		
			Kevin L. Boy	vlby	
Name - Type or Print			Name Type or		
Signature			Signature	0	
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Attorney For Petitione	r:		20908 Keeney M	Aill Road	(410)357-0882
			Address		Telephone No.
			Freeland	M	
Name - Type or Print			City	Stat	e Zip Code
			Representative to	be Contacte	d:
Signature			Kevin L. Bowlby		
Company			Name 20908 Keeney Mi	II Road	
Address		Telephone No.	Address , Freeland	MD	Telephone No. 21053
City	State	Zip Code	City	Stat	e Zip Code
A Public Hearing having been this day of regulations of Baltimore County at	OO20 -	Rev Estimated Po	Zoning Commissions and By VL parting Date 7/25	earing, advertised,	as required by the zoning
	Date8	(4-(0			

Affidavit in Support of Ad	ministrative	Variance
The undersigned hereby affirms under the penalties of		
County, as follows: That the information herein given is		
and that Affiant(s) is/are competent to testify thereto i		
	n me event mat a	public hearing is scheduled in
the future with regard thereto.	20908	Keeney Mill Road
That the Affiant(s) does/do presently own and reside at	Address sumber	Pand on Street name
and that this address is the subject of this variance reque	est as required by	iaw.
That based upon personal knowledge, the following ar	e the facts upon y	which I/we have the request fo
an Administrative Variance at the above address (indicated)		
additional sheet if needed) Affiant desires to construct a 2 car gar		
With the location of the house being set back approximately 64 feet current		
with a 12 foot connector this results in a proposed set back from neighbor		
home is set back considerably (approximately 60 feet) from the proposed		
visual exposure. Reduction of dimensions in an amount to accommodate		
functioning, usable space.	210 221101101	
Plans have been drawn up and shown to the neighbors who are in suppor	t of the project	
That the Affiant(s) acknowledge(s) that if a formal dem with their variance request, they will be responsible for advertising fees. They also understand that they may be Signature	reposting the prop	perty and for payment of the
Kevin L. Bowlby		
Name- print or type	Name- print or ty	ype
A Notary Public must complete the following	g section prior	to the filing appointment
STATE OF MARYLAND, BALTIMORE COUNTY	, to wit:	
I HEREBY CERTIFY, this /2 day of	y, Zoro personally appear	, before me, a Notary Public o
(Name Afficiant(s) here): KEVIV L. R. NA	(Du	

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

AS WITNESS my hand and Notarial Seal

PLACE SEAL HERE:

2020

July 12, 2010

Property Description to accompany Petition for Administrative Variance

Zoning description for 20908 Keeney Mill Road, Freeland, MD, 21053

Beginning at a point on the West side of Keeney Mill Road which is 60 feet wide at the distance of 27 feet North of the centerline of the nearest improved intersecting street, Brook Valley Court.

Being lot #10, Section #1 in the subdivision of Keeney Mill Farms as recorded in Baltimore County Plat Book #36, folio #27, containing 130,680 square feet (3 acres). This property is also known as 20908 Keeney Mill Road, Freeland MD, 21053 and located in the 6th election district, 3rd councilmanic district.

BALLIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES Case Number 201 Phone Number: 410-887-3391 Contact Person: Planner, Please Print Your Name Posting Date: Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number. 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.

1.

- **DEADLINE**: The closing date is the deadline for an occupant or owner within 1,000 feet to file 2. 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 3. 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.
- POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing 4. (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 AD	MINISTRATIVE	VARIANCE SIG	GN FURINAI	
Case Number 201 -A	Address _	20908	KEENEY N	TILL RD
Petitioner's Name KSUN Bo	DWLBY		Telephone4/	0 35 7 0882
Posting Date: 7/25/10	/	Closing Date	e: <u>8/09/</u>	110
Wording for Sign: To Permit A	PROPESED	CARAGE	ADDITION	WITH A SIDE
SETBACK OF 27 FT.	IN LIEU O	FTHE RE	QUIRED	SOFT.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING RECLASSIFICATION 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 reclassification hearing. This is accomplished by Baltimore County posting a sign on the property at least fifteen (15) days before the hearing and advertising in local newspapers. The advertising consists of a list and map of all reclassification petitions (cost evenly distributed between all petitioners), as well as individual advertising in local newspapers. The list and map must be published in two newspapers for three different weeks and the individual advertisements must be published in two newspapers fifteen (15) days prior to 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: 2011-0020-A
Petitioner: Bowley
Address or Location: 20908 Keeney Mill Rd Fredand MD 2/053
PLEASE FORWARD ADVERTISING BILL TO:
Name: Kern Bowlby
Address: 20908 Keeney Mill Rd
Freeland MD 21053
Telephone Number: (410) 357-0882

OFFIC	MORE CO E OF BUE ELLANEOU	GET AN	DFINANC	E	20 Sub	No.	533	379	7 -47 3 20	14/2010 - 7/14/2010 10:	THE 56426	HON
Fund	Dept COB	Unit	Sub Unit	Source/ Obj	Rev/	Dept Obj	BS Acct	Amount 6.5.00	Digital Bipt	5 528 20000 WEST 063379 Recpt Tot # 1.00 CK #	CATTON 65.00 86.00 45.00	OFF)
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DISTRIBI WHITE -	UTION CASHIER	PINK - AGI	ENCY SE PRES		CUSTOME	R	GOLD - AC	COUNTING		CASHIER'S VALIDATION		

CERTIFICATE OF POSTING

Date: 7-19-10

RE: Case Number: 2011-0020-A

Petitioner/Developer: Kevin Bowlby

Date of Hearing/Closing: 8-9-10

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 20908 Keeney Mill Rd



7-19-10 (Month, Day, Year)

(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road (Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443 (Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

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

August 10, 2010

Kevin Bowlby 20908 Keeney Mill Rd. Freeland, MD 21053

Dear: Kevin Bowlby

RE: Case Number 2011-0020-A, 20908 Keeney Mill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 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

TO:

Timothy M. Kotroco, Director

DATE: July 30, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 2, 2010

Item Nos. 2010-363, 2011- 008, 009, 010, 011, 012, 013, 014, 015, 018, 019 and 020

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-08022010 -NO COMMENTS.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 20, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 2, 2010

Item No.: Variance: 2010-0363A, 2011-0008A - 0010A,

2011-0012A - 0014A, and 2011- 0017A.

Administrative Variance: 2011- 0011A, 2011- 0016A, and

2011- 0019A - 0020A.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore** County Fire Marshal's Office and the comment below is applicable and required to be corrected or incorporated into the final plans for the above 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 TRANSPORTATION

Date: JULY 26, 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. 2011-0020-A 20908 KEENEY MILL RD KEVIN BOWLBY 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. 2011. 0020-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

RECEIVED

DATE: August 2, 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

AUG 03 2010

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-020- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

TB AV 8/9/10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 2 3 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 20, 2010

SUBJECT:

Zoning Item # 11-020-A

Address

20908 Keeney Mill Road

(Bowlby Property)

Zoning Advisory Committee Meeting of July 19, 2010

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

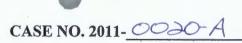
Additional Comments:

The proposed bldg. permit will be reviewed by Groundwater Mgmt.

Reviewer:

Dan Esser

Date: 8/4/10



CHECKLIST

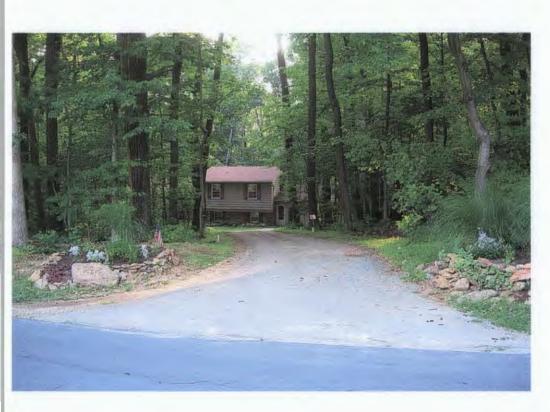
Comment Received	Department	Conditions/ No Comment
7-3070	DEVELOPMENT PLANS REVIEW	nc
	DEPRM (if not received, date e-mail sent)	
7-20-10	FIRE DEPARTMENT	nc
8-2-10	PLANNING (if not received, date e-mail sent)	nc
7-26-10	STATE HIGHWAY ADMINISTRATION	nc
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATIO		
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	ERTISEMENT Date:	
SIGN POSTING	Date: 7-19-10	Pelson
PEOPLE'S COUNSE	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	
Comments, if any: _		· · · · · · · · · · · · · · · · · · ·



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

Go Back View Map New Search

Account Identifier:	District -	06 Account N	umber - 1	600008	723					
		Ow	ner Infor	nation						
Owner Name:	BOWLBY KE		Use:				ESIDENTIAL			
						Residence:		ES		
Mailing Address:	20908 KEEN FREELAND N	IEY MILL RD MD 21053-963	9	Deed	Refe	rence:		1) /21739/ 306 2)		
		Location 8		e Infor	matio	n		,		
Premises Address						Legal D	escription			
20908 KEENEY MILL RD						3 AC				
							KEENEY MIL			
							MILL FARM			
Map Grid Parcel St 6 9 273	ID DISTRICT	Subdivision	Section 1	Block	10	Assessm		Plat No: Plat Ref:	1 36/2	
0 9 2/3	To	wn			10			riat Keil	30/ 2	
Special Tax Areas		l Valorem								
	Та	x Class								
Primary Structu	re Built	Enclos	ed Area		Prop	erty Land	Area	County	Use	
1976		2,00	00 SF			3.00 AC		04		
Stories	Basement		Type Exterior							
2	NO		SPLIT LE	VEL	/EL 1/2 E			BRICK FRAME		
		Va	lue Inforn	nation						
	Base Value	Value								
		As Of 01/01/2008	As 07/01/20		As 01/20	Of 010				
Land	120,000	168,000	07/01/20	05 07	/01/2	310				
Improvements:	151,110	166,520								
Total:	271,110	334,520	313,3	82	334,	520				
Preferential Land:	0	0		0		0				
		Trai	nsfer Info	rmatio	n					
Seller: SCHWARZMANN				Date	04/	20/2005	Price:	\$345,000		
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Seller: COMPHER C ED	WARD			Date	06/	10/1974	Price:	\$11,750		
Type: IMPROVED ARM	S-LENGTH			Deed	1:/5	451/ 940	Deed2	: '		
Seller:				Date			Price:			
Type:				Deed			Deed2	2:		
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Partial Exempt Assess	ments			ass		01/2009		/01/2010		
County			00	_	0		0			
State Municipal			00		0		0			
Tax Exempt: NO						Ence	ial Tax Re	canturo		
Exempt Class:						Spec	* NONE			



Verw from & of Keenay Milled Back to existing house Site of proposed attached garage is to Arght of existing house.



Existing house Front



existing garage with site of proposed attached garage



Site of proposed garage



53, Lo+ # 11 Lot # 10 Kevin L. Bowlby Donald and Patricia 12 rchardchilds Schnably and Tax ID 1600013038 Janeo-tman JST 80000 8122 Proposed Carage | 681 Existing Dwelling BREEZUAN WITH DOOR ACCESS ON BOTH END 40' well Macadem Orive 2011-0020-A 1 10 easment middle town & Keeney Mill Road - 60' wide Road Brook Valley Court

Plat to accompany petition for zoning variance

Property address: 20908 Keeney Mill Road

Subdivision title: Keeney Mill Farms

Plat book <u>#36</u> Folio #27

Lot <u>#10</u>

Owner: Kevin L. Bowlby Date: July 11, 2010

Prepared by: Kevin L. Bowlby

North

Location information

Election district: 6

Councilmanic district: 3

Drawing scale: 1" = 40'

Zoning: RC2 (FORMER RDP)

Lot size: 130,680 SF 3 acres

Sewer: Private - Septic Water: Private - Well

Chesapeake Bay Critical area: No

100 Year flood plain: No

Historic Property/building: No

Prior Zoning Hearings: \$\\\ \9880164 \\
NO LONGER APPLICABLE RCC. STRUCTURE NOW IN COMPLIMNE.

