#### IN RE: PETITION FOR ADMIN. VARIANCE

E side of Hill Top Road; 44 feet N from the.

c/l of Concert Way

1<sup>st</sup> Election District

1<sup>st</sup> Councilmanic District

(3 South Hill Top Road)

Ray C. and Deborah A. Paul *Petitioners* 

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- FOR BALTIMORE COUNTY
- \* Case No. 2011-0023-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, Ray C. and Deborah A. Paul for property located at 3 South Hill Top Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the rear yard of an existing single family dwelling with a height of 24 feet in lieu of the required 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 28 feet x 26 feet. The additional garage height is necessary to accommodate the Petitioners' personal belongings as well as the belongings of Mrs. Paul's mother. The dwelling does not have a basement and the attic space is very limited. The perimeter of the property is heavily wooded and the garage will be screened from neighboring properties.

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 August 2, 2010 which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 1, 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 August, 2010 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the rear yard of an existing single family dwelling with a height of 24 feet in lieu of the required 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.

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

Date

Price

By



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 17, 2010

RAY C. AND DEBORAH A. PAUL 3 SOUTH HILL TOP ROAD CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 2011-0023-A

Property: 3 South Hill Top Road

Dear Mr. and Mrs. Paul:

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

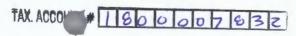
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: John C. Mellema Sr., Inc. Land Surveyors, 5409 East Drive, Baltimore MD 21227





# **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

for the property located at	3	5.	14:110	P	RI	
which	h is pre	sentl	y zoned _	DR	. 5.5	

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)

To permit a garage in the rear yard of an existing single family with a height of 24 feet in lieu of the required 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): Name - Type or Print Signature Signature Address Telephone No. Zip Code Attorney For Petitioner: Representative to be Contacted: Signature Date CompanyBv Address Telephone No. Address elephone No. 21227 City ORW replic hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning Date that the subject not that the property be reposted.

**Estimated Posting Date** 

2011-0023-A

CASE NO.

REV 10/25/01

# 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.

That the Afriant(s) does/do presently reside at	dress	HOP KOND	
de all from a mall from agricult	CATONSVILLE	MARYLAND	21228
Cit	у	State	Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or	g are the facts upon v practical difficulty):	which I/we base the red	quest for an Administrative
See Attached			
Jee Attacheo			
the state of the s			
and the second second			
All to a fortal till			
That the Affiant(s) acknowledge(s) that if a forma	al demand is filed, A	ffiant(s) will be require	d to pay a reposting and
advertising fee and may be required to provide addit	tional information.		
/ Cont		Jeboerh a	In Vaul
Signature	Signature		
RAY CROMLEY PAUL	·	DEBORAH AL	UN PAUL
Name - Type or Print	Name - T	ype or Print	
STATE OF MARYLAND, COUNTY OF BALTIMOR	F. to wit:	VEO FOR EILING	godd spidled
~		_	
I HEREBY CERTIFY, this 6 day of 4 full of Maryland, in and for the County aforesaid, person	ally appeared	2010, before me, a	Notary Public of the State
Maryland			
the Affiant(s) herein, personally known or satisfactor	ily identified to me as	such Affiant(s).	
AS WITNESS my hand and Notarial Seal			,
		1///	
	Notany Public	12/14	

My Commission Expires

REV 10/25/01

JOHN C. MELLEMA SR., INC. LAND SURVEYORS 5409 EAST DR. BALTO. MD. 21227 PHONE: 410-247-7488 FAX: 410-247-2507 JULY 19, 2010

#### EXPLAINATION OF HARDSHIP #3 S. HILLTOP ROAD

OUR CLIENTS, DEBBIE AND RAY PAUL, WOULD LIKE TO SEEK RELIEF FROM THE HIGHT RESTRICTION FOR THE PROPOSED GARAGE THEY WOULD LIKE TO CONSTRUCT BECAUSE OF LIMITED STORAGE SPACE AT THEIR EXISTING HOME. THE EXISTING HOME DOES NOT HAVE A BASEMENT AND HAS A SMALL ATTIC SPACE THAT IS INSUFICENT FOR THE BELONGINGS THAT THEY HAVE IN ADDITION TO STORING BELONGINGS FOR DEBBIE'S MOTHER WHO HAS MOVED FROM AN INDIVIDUAL HOME TO A CONDOMINIUM. TO ACCOMADATE DEBBIE'S MOTHER'S BELONGINGS THEY HAVE HAD TO GET OTHER FAMILY MAMBERS TO ASSIST IN THE STORAGE OF SOME OF THEIR OWN THINGS. THE ADDED STORAGE AREA ABOVE THE GARAGE WOULD ALLOW THEM ENOUGH ROOM FOR ALL THEIR BELONGINGS AS WELL AS THE ITEMS THEY ARE HOLDING FOR DEBBIE'S MOTHER, TO BE STORED ON SITE.

THANK YOU FOR YOUR CONSIDERATION OF THIS REQUEST.

JOHN C. MELLEMA JR.

JOHN C. MELLEMA SR., INC. LAND SURVEYORS 5409 EAST DR. BALTO. MD. 21227 PHONE: 410-247-7488 FAX: 410-247-2507 JULY, 2010

#### ZONING DESCRIPTION #3 SOUTH HILLTOP ROAD

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF SOUTH HILLTOP ROAD A 20' RIGHT OF WAY NORTH 44 FEET FROM THE CENTERLINE OF CONCERT WAY A 50 FOOT RIGHT OF WAY.

BEING LOT 2 AS SHOWN ON A PLAT ENTITLED "LALLY SUBDIVISION" AND RECORDED IN BALTIMORE COUNTY PLAT BOOK E.H.K. JR. 44 FOLIO 25, CONTAINING 0.66 ACRES OF LAND MORE OR LESS.

ALSO KNOWN AS #3 SOUTH HILLTOP ROAD AND LOCATED IN THE FIRST ELECTION DISTRICT AND THE FIRST COUNCILMANIC DISTRICT.



### ZONING REVIEW

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010-	0023	-A Addı	ess 3	South Hillto	P Koa	d
	act Person:	LEONARI) Planner, Pl	ASI lews A	ć,	Phone Num	nber: 410	-887-3391
Filing	Date: 7/1	9/10	Posting Da	ite: 8/1/	Closin	g Date:	8/16/10
Any o	contact made v gh the contact p	vith this office erson (planne	e regarding the er) using the case	status of the number.	e administrative	variance	should be
1.	reverse side or reposting must is again respo	f this form) a t be done only nsible for all	ioner must use or nd the petitioner y by one of the si- associated costs sting date noted	is responsib gn posters o The zonin	le for all printing/ n the approved lis g notice sign mu	posting c st and the st be visi	osts. Any petitioner ble on the
2.	a formal requi	est for a pub	te is the deadline lic hearing. Ple the process is no	ase underst	and that even if	there is	feet to file no formal
3.	commissioner. order that the rwithin 10 days	He may: (a matter be set s of the clos etition has bee	date, the file wa) grant the requirements of the control of the co	ested relief; aring. You wounty agence	(b) deny the req ill receive written ies' comments a	uested re notification are receive	elief; or (c) on, usually red, as to
4.	(whether due commissioner) changed giving	to a neighbo , notification , notice of the	NG AND REPOS or's formal reque- will be forwarded hearing date, time hange and a pho	st or by ord d to you. ne and locati	er of the zoning The sign on the on. As when the	or depution or property sign was	ty zoning must be originally
			(Detach Along D	otted Line)			
Petitio	oner: This Part	of the Form	is for the Sign P	oster Only			
		USE THE AD	MINISTRATIVE V	ARIANCE S	IGN FORMAT		,
Case I	Number 2010-	0023 -A	Address	3 Soun	th Hilltop	Koad	
Petitio	ner's Name 3	By & DeboRA	4-Awn Poul		Telephone4	110-744	-8354
Postir	ng Date:	18/1/10		Closing Da	ate: 8/16	10	
Wordi	ng for Sign:.	To perm eet in lieu of th	it a garage in the re e required 15 feet.	ar yard of an e	existing single fami	ly with a h	eight of 24

OFFIC	E OF BUD	DGET AND	IARYLAN D FINANC RECEIPT	E	Sub	No.	586	10/19/10		PALO RECEIPT DUSTNESS ACTIVAL TIME 72072010 7/19/2010 09:55:59 WHX WALKER ROOS LINE
Fund	Dept 306	Unit OOOO	Sub Unit	Source/ Obj	Rev/	Dept Obj	BS Acct	Amount 63.00	) files	EIPT # 464969 7/19/2010 0 5 929 200100 (ERIFICATION 1. 650410 Recpt fot #65.00 #65.00 Cr #.00 CA Baltimore County, Maryland
Rec From:	FA	y ( , f	201	1.114.		Total:		65,00	9	
For:	JTION .	250	21228	11/1	0	Vari	ance 1	ZO11-0023	· pl	CASHIER'S VALIDATION

### **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN MATHHEWS** 

DATE: 08/01/2010

Case Number: 2011-0023-A

Petitioner / Developer: RAY & DEBORAH-ANN PAUL

Date of Hearing (Closing): AUGUST 16, 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: 3 SOUTH HILLTOP ROAD

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



Linda O Keyle
(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

August 16, 2010

Ray Cromley & Deborah Paul 3 South Hilltop Rd. Catonsville, MD 21228

Dear: Ray Cromley & Deborah Paul

RE: Case Number 2011-0023-A, 3 South Hilltop 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 19, 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 Rich

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel John Susueyurs; 5409 East Dr.; Arbutus, MD 21227

### BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: August 5, 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 August 9, 2010

Item Nos. 2011- 021, 022, 023, 025

And 027

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08092010 -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

**DATE:** August 2, 2010

RECEIVED

AUG 06 2010

ZONING COMMISSIONER

**SUBJECT:** 11-023 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 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 Dennis Wertz at 410-887-3480.

Prepared by

**Division Chief:** AFK/LL: CM



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 27, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 9, 2010

2011-00-23-A Item No.: Administrative Variance: 2011-0021A - 0025A, and 2011-0027A

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, 3<sup>RD</sup> Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File

TB AV 8-16-10

### **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 # 11-023-A

Address

3 South Hilltop Road

(Paul Property)

Zoning Advisory Committee Meeting of July 26, 2010

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

Reviewer:

JWL

Date: 8/20/10

# CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ No Comment
8-5-10	DEVELOPMENT PLANS REVIEW	NC
	DEPRM (if not received, date e-mail sent)	
7-27-10	FIRE DEPARTMENT	nc
8-2-10	PLANNING (if not received, date e-mail sent)	conditions
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	TON (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date:	_
SIGN POSTING	Date: 8-1-10	by O'Keefe
PEOPLE'S COUN	SEL APPEARANCE Yes No	
PEOPLE'S COUN	SEL COMMENT LETTER Yes No	
Comments, if any:		
		-

**Exempt Class:** 

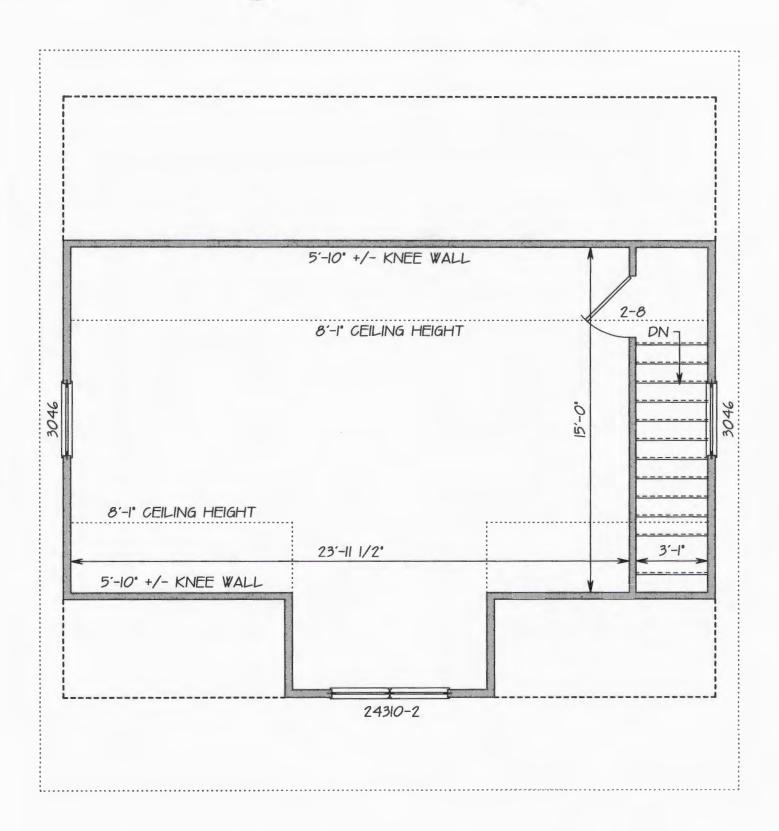




Go Back View Map New Search

\* NONE \*

	1 Account Nur								
DALL BAY C	Ow	ner informa					CIDENTIAL		
					osidonso				
	•						-	:0	
			Deec	Rele	ence.			) 5	
	Location 8	Structure	Inform	nation					
					Legal Desc	ription			
					.6593 AC				
					3 HILLTOP	RD			
					LALLY				
Sub District	Subdivision	Section I	Block		Assessment	Area	Plat No:		
				2	1		Plat Ref:	44/ 2	
			* *			ea	-		
7	1,87	77 SF			8,722.00 SF				
		• • • • • • • • • • • • • • • • • • • •			Exterior				
NO				DARD L	WII		SIDING	j	
D M-l									
Base value									
	, , , ,								
146,930	146,900	, ,							
189,080	166,900								
336,010	313,800	313,80	0	313,8	300				
. 0	0		0		0				
	Tra	nsfer Inforn	nation						
MLEY					•	Price:	\$0		
NGTH			Deed:	L: /275	74/ 469	Deed2:			
EPH T			Date:	09/2	29/1986	Price:	\$155,000		
MS-LENGTH			Deed:	<b>L:</b> / 72	76/ 655	Deed2:			
			Date:			Price:			
			Deed:	L:		Deed2:			
	Exen	nption Infor	matio	n					
sments		Cla	Class 07/01/2010		07/01/2011				
				0		0			
		000	1	0		0			
		000	,			_			
		000		0		0			
	3 S HILLTOP BALTIMORE I	PAUL RAY C PAUL DEBORAH A,TRUSTEES 3 S HILLTOP RD BALTIMORE MD 21228-5520  Location 8  Sub District Subdivision  Town Ad Valorem Tax Class  Sture Built Enclose 1,87  Basement NO  Va  Base Value As Of 01/01/2010 146,930 146,900 189,080 166,900 189,080 166,900 1336,010 313,800 10 0  Trai  MLEY NGTH EPH T MS-LENGTH  Exem	PAUL RAY C PAUL DEBORAH A, TRUSTEES 3 S HILLTOP RD BALTIMORE MD 21228-5520  Location & Structure:  Town Ad Valorem Tax Class  ture Built Enclosed Area 1,877 SF  Basement NO  Value Information  Base Value As Of As C 01/01/2010 07/01/2011 146,930 146,900 189,080 166,900 189,080 166,900 1336,010 313,800 313,800 Transfer Information  MLEY NGTH EPH T MS-LENGTH  Exemption Information  Exemption Information  Exemption Information  Exemption Information  Exemption Information	PAUL DEBORAH A,TRUSTEES 3 S HILLTOP RD BALTIMORE MD 21228-5520  Location & Structure Inform  Location & Structure Inform  Town Ad Valorem Tax Class  Lure Built Finct Subdivision  Enclosed Area 1,877 SF  Basement NO STANG  Value Information  Base Value Value Phase-in Assess As Of As Of 01/01/2010 07/01/2010 07  1 146,930 146,900 189,080 166,900 189,080 166,900 1336,010 313,800 313,800 10 0 0 Transfer Information  MLEY NGTH Deed: PH T Date: MS-LENGTH Deed: Exemption Information	PAUL RAY C	PAUL RAY C	PAUL RAY C	PAUL RAY C	



SECOND LEVEL FLOOR PLAN



FRONT ELEVATION



CAR A ZOII 00234

