

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Wright Mill Road; 2,640 feet S of
Dogwood Road
2nd Election District
4th Councilmanic District
(9229 Wrights Mill Road)

Thomas S. Luchini
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0027-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, Thomas S. Luchini for property located at 9229 Wrights Mill Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a detached garage with a height of 18 feet to be located in the front yard in lieu of the permitted 15 feet height and rear yard location respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a garage measuring 30 feet x 30 feet in size. This garage cannot be constructed in the rear yard due to steep slopes on the property as evidenced by the photographs submitted with the Petition. The rear yard also contains the septic drain field. Petitioner would like the garage to have a 12 feet high door with an 18 feet roof pitch to allow the snow to slide off. The property contains 2.585 acres.

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, kitchen or bathroom facilities, and not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 8-18-10

By PS

The Petitioner 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 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 18th day of August, 2010 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a detached garage with a height of 18 feet to be located in the front yard in lieu of the permitted 15 feet height and rear yard location respectively 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.

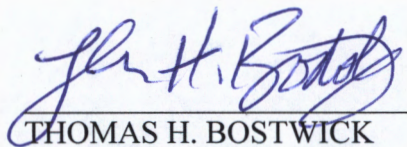
ORDER RECEIVED FOR FILING

Date 8-18-10

By B

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 8.18.10

By PJ 3



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 18, 2010

THOMAS S. LUCHINI
9229 WRIGHTS MILL ROAD
WOODSTOCK MD 21163

Re: Petition for Administrative Variance
Case No. 2011-0027-A
Property: 9229 Wrights Mill Road

Dear Mr. Luchini:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 9229 Wrights Mill Road, Woodstock, MD 21163 which is presently zoned RC2

Deed Reference: 21899 / 382 Tax Account # 2200009363

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)

400.1 & .3; BCZR DETACHED

To permit a garage with a height of 18 feet to be located in the side/front yard in lieu of the permitted 15 feet and rear yard. Location respectively.

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 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Thomas S Luchini

Name - Type or Print

Signature

Name - Type or Print

Signature

9229 Wrights Mill Road, 410-718-8342

Address Telephone No.

Woodstock, MD 21163

City State Zip Code

Representative to be Contacted:

Thomas S Luchini

Name

9229 Wrights Mill Road, 410-718-8342

Address Telephone No.

Woodstock, MD 21163

City State Zip Code

A Public 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 regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2011 0027 A

Reviewed By JL Date 7/21/10

Estimated Posting Date 8/01/10

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.

That the Affiant(s) does/do presently own and reside at 9229 Wrights Mill Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed)

Most of the property to the rear of the house is the drain field for the septic system. The rest of the area behind the house that is not the drain field is very sloped and getting a vehicle back there would be challenging. The ideal place for a garage on this property is the right side/front yard, the property is somewhat level and access to the garage would be easy. The reason for the 18 foot high building is I would like a 12 foot high door on the garage and in order to do that and get a roof that has enough slope to allow the snow to slide off in the winter I need to have the peak of the roof at 18 feet.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Thomas S Luchini
Signature

Thomas S Luchini

Name- print or type

Signature

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 20th day of July, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Thomas S Luchini
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public
Name of Notary Public

10/12/2011
Commission expires

PLACE SEAL HERE:

0027

**ZONING DESCRIPTION FOR 9229 Wrights Mill Road Woodstock, MD
21163.**

Beginning at a point on the WEST side of WRIGHTS MILL ROAD which is 40 ft. wide at the distance of 2640 ft. SOUTH of the centerline of the nearest improved intersecting street DOGWOOD ROAD which is 50 ft. wide. Containing 2.585 acres, also known as 9229 WRIGHTS MILL ROAD and located in the 2nd Election District, 4th Councilmanic District.

2 F COPY APP HAS ORIG + POST LIST

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009-0027-A Address 9229 WRIGHTS MILL RD

Contact Person: John Davis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/21/10 Posting Date: 8/01/10 Closing Date: 8/16/10

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.
3. **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 2009-0027-A Address 9229 WRIGHTS MILL RD
Petitioner's Name THOMAS LUCHINI Telephone 410 718 8342
Posting Date: 8/01/10 Closing Date: 8/16/10
Wording for Sign: To Permit A DETACHED GARAGE WITH AN 18 FT. HEIGHT
AND LOCATED IN FRONT YARD IN LIEU OF A MAXIMUM 15 FT.
HEIGHT AND IN THE REQUIRED REAR YARD RESPECTIVELY.

WCR - Revised 7/7/08

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

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING
RECLASSIFICATION HEARINGS**

The Baltimore County Zoning Regulations (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 0027 A
Petitioner: Thomas S Luchini
Address or Location: 9229 Wrights Mill Rd, Woodstock, MD 21163

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: S A M E

Telephone Number: 410-718-8342

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **58611**

Date: **7/21/10**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/22/2010 7/21/2010 14:23:38

RES WORK WALKIN TAY TST
 RECEIPT # 455435 7/22/2010

Inst 5 150 MISCELLANEOUS - IN
 CR NO 050611

Recpt Tot 865.00
 865.00 CR 8.00 CR
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6170				15.00

Total: **65.00**

Rec From:

For: Mrs Van (Belmont)
9229 W. ...

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 8-1-10

RE: Case Number: 2011-0027-A

Petitioner/Developer: Thomas Luchini

Date of Hearing/Closing: 8-16-10

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 9229 Wrights Mill Rd

The signs(s) were posted on 8-1-10
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

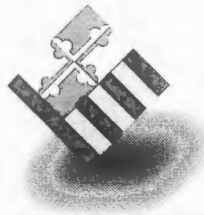
Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

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

**ADMINISTRATIVE
VARIANCE**

CASE # 2011-0027-A
TO PERMIT A DETACHED GARAGE
WITH AN 18-FOOT HEIGHT
LOCATED IN THE SIDE/FRONT YARD IN LIEU
OF 15-FOOT HEIGHT AND IN THE
REQUIRED REAR YARD, RESPECTIVELY

PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY 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 8-16-10
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TEL. 887-3391



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 16, 2010

Thomas S. Luchini
9229 Wright Mill Rd.
Woodstock, MD 21163

Dear: Thomas S. Luchini

RE: Case Number 2011-0027-A, 9229 Wright 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 21, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 2, 2010

RECEIVED

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

AUG 03 2010

ZONING COMMISSIONER

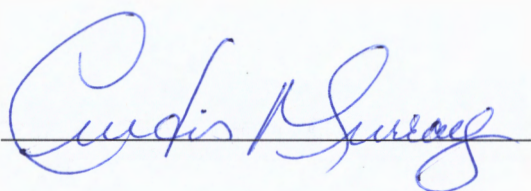
SUBJECT: 11-027 – Administrative Variance

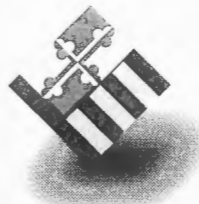
The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 18 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

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 Dave Green at 410-887-3480.

Prepared by:
AFK/LL: CM





BALTIMORE COUNTY
MARYLAND

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

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, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

FROM: ^{DM} 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

DATE: August 5, 2010

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-08092010 -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: August 2, 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. 2011-0027-A
9229 WRIGHT MILL RD
LACHINI 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. 2011-0027-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,

A handwritten signature in blue ink that reads "Michael P. Bailey".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

TB AV 8-16-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 23 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 20, 2010
SUBJECT: Zoning Item # 11-027-A
Address 9229 Wright Mill Road
(Luchini Property)

Zoning Advisory Committee Meeting of July 26, 2010

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

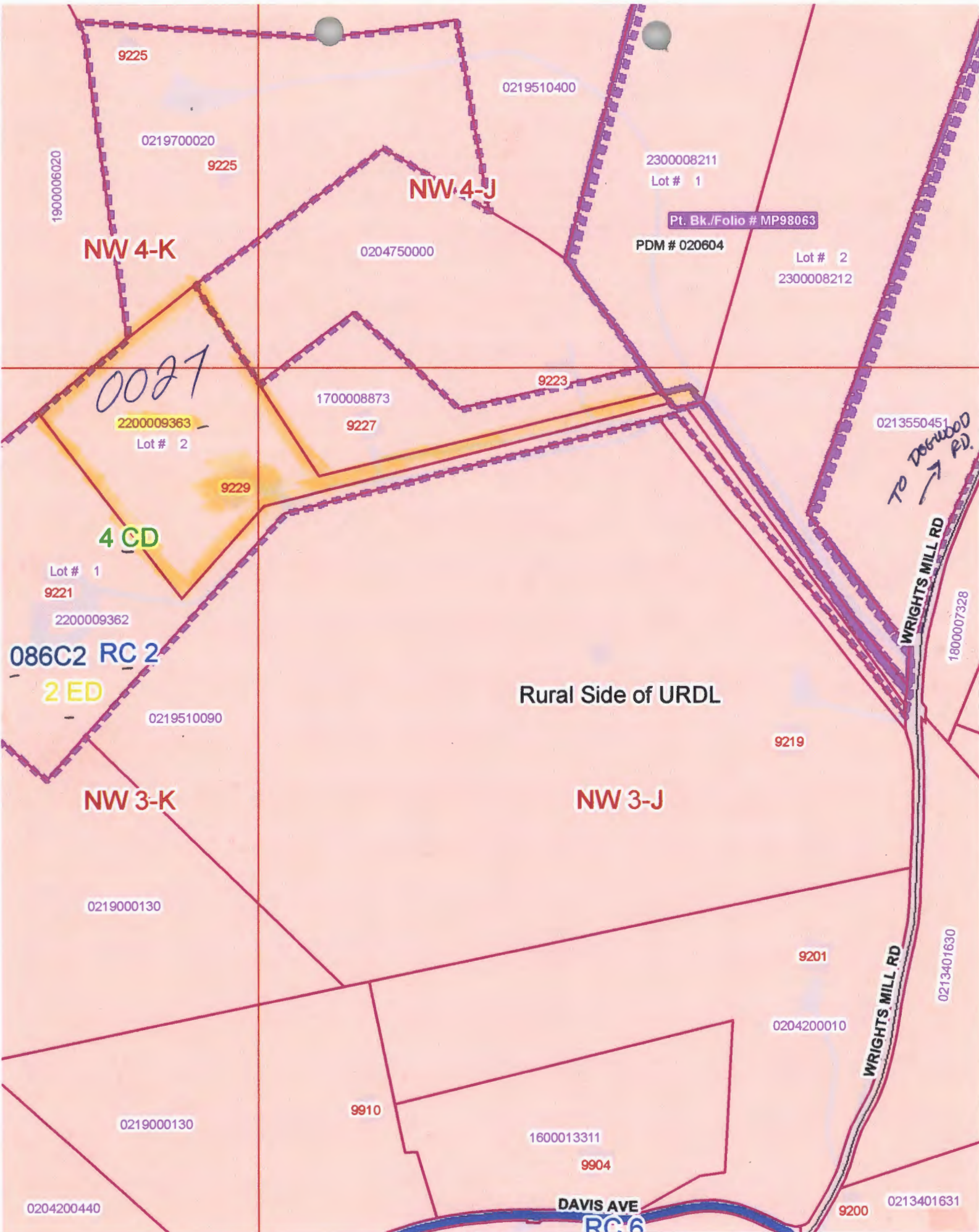
Reviewer: J. Russo

Date: 8/20/10









9225

0219510400

0219700020

9225

2300008211

Lot # 1

Pt. Bk./Folio # MP98063

PDM # 020604

Lot # 2

2300008212

NW 4-K

0204750000

NW 4-J

1700008873

9223

9227

2200009363

Lot # 2

9229

4 CD

Lot # 1

9221

2200009362

086C2 RC 2

2 ED

0219510090

Rural Side of URDL

9219

NW 3-K

NW 3-J

0219000130

9201

0204200010

0219000130

9910

1600013311

9904

DAVIS AVE

RC 6

0204200440

9200

0213401631

WRIGHTS MILL RD

0213401630

1800007328

TO DOGWOOD RD.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

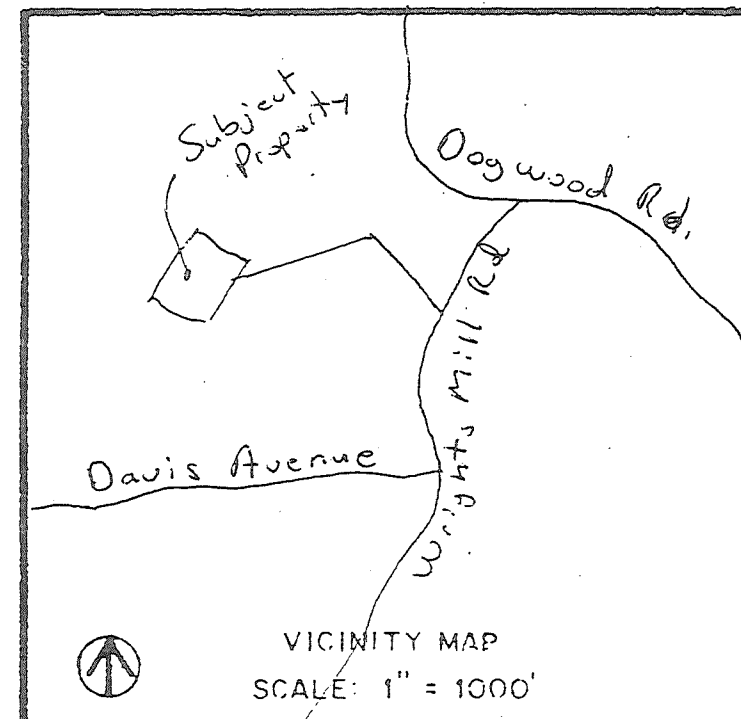
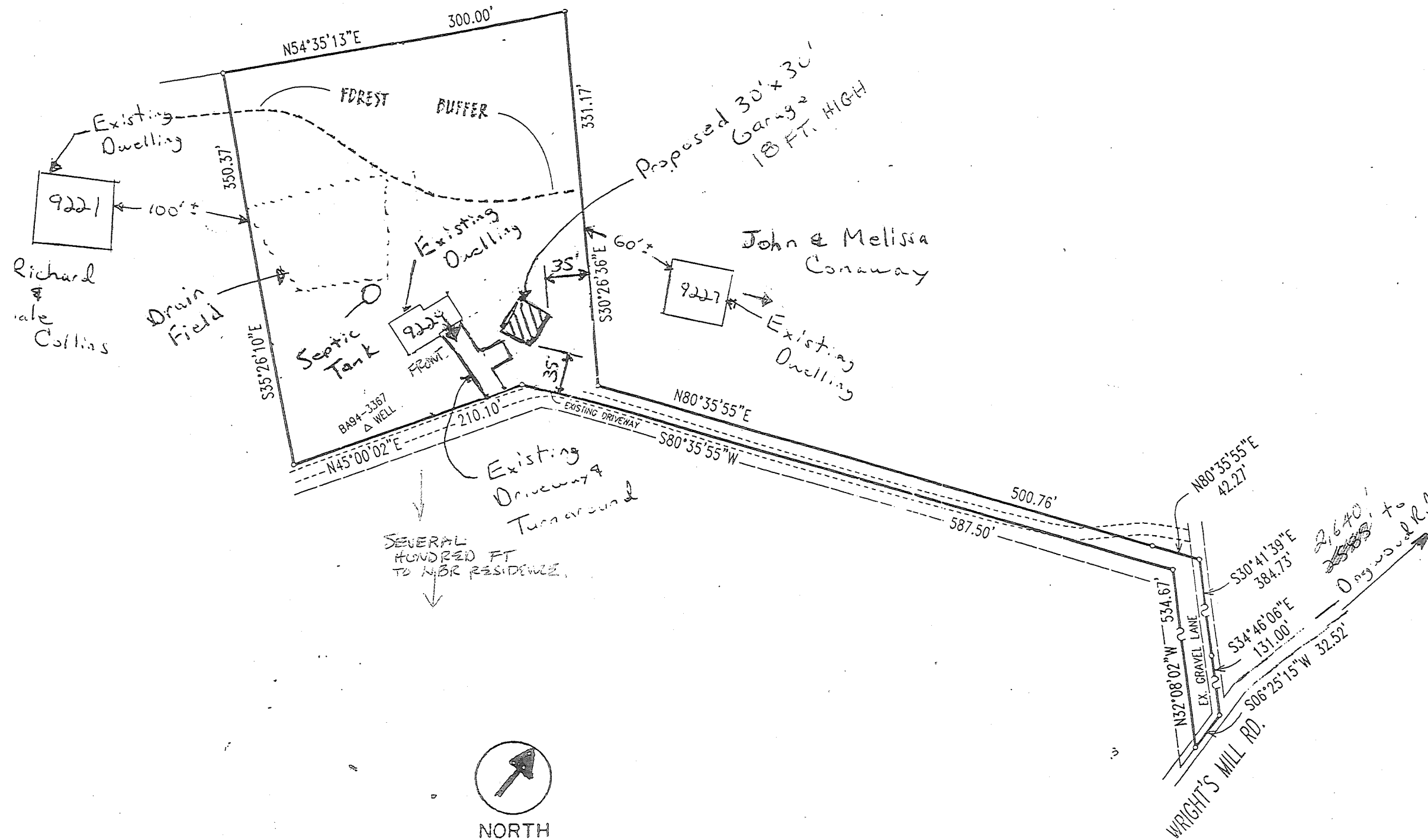
PROPERTY ADDRESS 9229 Wrights Mill Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER Thomas S. Luchini



LOCATION INFORMATION

ELECTION DISTRICT 2nd

COUNCILMANIC DISTRICT 4th

1"=200' SCALE MAP # 08602

ZONING RC 2

LOT SIZE 2.585 ACRES 112,603 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING _____

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

2011-0027-A

PREPARED BY Thomas S. Luchini

SCALE OF DRAWING: 1" = 100'