IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gunopowder Road; 620 feet N of Jerome Avenue 11th Election District 5th Councilmanic District

(5658 Gunpowder Road)

Michael McCarty

Petitioner

BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

* Case No. 2011-0044-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, Michael McCarty for property located at 5658 Gunpowder Road. The variance request is from Sections 400.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and an attached garage to be located within 3 feet of the side property line in lieu of the required 15 feet. The subject property and requested relief are more particularly described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

On September 1, 2010, the Undersigned called for a formal hearing on this matter based on the negative Zoning Advisory Committee (ZAC) comments from the Office of Planning. The hearing was subsequently scheduled for Monday, November 15, 2010 at 9:00 AM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

Appearing at the public hearing in support of the variance request was Petitioner Michael McCarty. There were no Protestants or other interested persons in attendance at the hearing.

ORDER RECEIVED FOR FILING

Testimony and evidence received in the case revealed that the subject property is square-shaped and contains approximately 0.42 acre, more or less, zoned D.R.2. The property is located on the south side of Gunopowder Road, approximately 620 feet north of Jerome Avenue, in the White Marsh area of Baltimore County. The property is presently improved with a single-family dwelling consisting of 1,137 square feet and a shed measuring 10 feet by 17 feet. According to tax records, the home was built in 1960 and Petitioner acquired the property in 2010 and has lived there for about six months. Petitioner owns a 35 foot long recreational vehicle (RV) that he wishes to store under cover. Petitioner also wants to build an attached garage that would enable him to store his vehicle as well as other household and lawn items. If the garage is permitted, Petitioner indicated he would remove the existing shed located in the rear yard that is not in very good condition. The reason he needs to put these structures in the side (garage) and front (RV port) is because of the topography and terrain of his property. Petitioner's property slopes from right to left and toward a stream located behind his property.

Petitioner states in the Affidavit that accompanied the variance Petition that the proposed location for the garage alleviates two drainage concerns that would be created by placing the garage behind the house. Due to the grade and elevation of the driveway there would be a long downward slope along the side of the house to the garage door. This would create water accumulation in front of and inside the garage. The building would also be subjected to the drainage from the property adjacent to the Petitioner's. The shed that is presently located behind the house has water in it whenever it rains. As stated above, this shed will be removed when the garage is built. By moving the garage up the grade and beside the house, both of these issues are resolved and the current drainage will not be disturbed. Petitioner also stated in the Affidavit that the proposed position of the RV port addresses the same concerns.

ORDER RECEIVED FOR FILING

Date____

-

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 16, 2010 which indicates that they do not support an accessory structure (proposed RV port) in the front yard. There are no other instances wherein a large carport is present in the front yard in the neighborhood. As such, a precedent should not be set by allowing large carports in the neighborhood. However, the Planning Office would not object if the RV port were located behind the front façade at least 10 feet. The Planning Office does support additional relief for the proposed attached garage provided the Petitioner submits architectural elevations to them for review and approval.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief as to the proposed attached garage. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I find the property to be unique based on the topography of the property and drainage issues. Additionally, a property owner has a common law right to use his property in a manner so as to realize its highest and best use. *See Aspen Hill Venture v. Montgomery County Council* 265 Md. 303 (1972). A garage is a reasonable accessory use to a residence. As to the variance for the RV port, I agree with the Planning Office that this structure is permissible so long as it is placed at least 10 feet behind the rear façade of the dwelling. Therefore, the Petition and the relief granted shall be amended as follows: to request variance relief from Section 400.1 of the B.C.Z.R. to permit an accessory structure (RV port) to be located in the side yard at least 10 behind the front façade of the dwelling in lieu of the required rear yard.

I further find that Petitioner would suffer practical difficulty and undue hardship if the variance requests were to be denied. Petitioner would not be able to construct a garage to protect

ORDER R	RECEIVED FOR FILING	
Date	11.16.10	3
Bv		

his vehicles and store personal belongings. Likewise, Petitioner would be unable to protect his RV investment without a cover to shield it from the elements. Finally, I find that the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Photographs submitted with the Petition (Petitioner's Exhibits 3A and 3B) clearly show that the perimeter of the property is heavily wooded.

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 variances should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this ______ day of November, 2010 that a Variance from Sections 400.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (RV port) to be located in the side yard at least 10 feet behind the front façade of the dwelling in lieu of the required rear yard (as redlined on the attached site plan), and an attached garage to be located within 3 feet of the side property line in lieu of the required 15 feet, be and are hereby **GRANTED**, subject to the following:

- 1. 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. Architectural elevations for the proposed garage shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.
- 3. At such time as Petitioner decides to construct the RV port accessory structure, it shall be constructed of materials similar and complementary to that of the dwelling.
- 4. The RV port shall be located at least 10 feet behind the front façade of the dwelling.

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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner.

November 16, 2010

MICHAEL MCCARTY 5658 GUNPOWDER ROAD WHITE MARSH MD 21162

Re: Petition for Administrative Variance

Case No. 2011-0044-A

Property: 5658 Gunpowder Road

Dear Mr. McCarty:

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

MEMORANDUM

DATE:

October 19, 2010

TO:

To The File

FROM:

Thomas H. Bostwick

Deputy Zoning Commissioner for Baltimore County

SUBJECT: Case No. 2011-0044-A - 5658 Gunpowder Road

The above-referenced case came before me on Friday, October 15, 2010 at 9:00 AM in Room 106 of the County Office Building. The Petitioner, Mr. Michael McCarty, contacted this Office on October 12, 2010 to say that he was still out of the state and would not return in time for the hearing on October 15.

I did not open the hearing or take any testimony. The case was then postponed. The Petitioner is to contact Kristen Lewis to have the matter rescheduled in the normal course. This matter can be assigned to either Bill Wiseman or myself once the public hearing is rescheduled. The property shall be posted and readvertised at the Petitioner's expense.

The case file is being returned to the Department of Permits and Development Management.

Kristen Lewis, Zoning Review Office C:

Inter-Office Memorandum

DATE: September 1, 2010

TO: Kristen Matthews

Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to

Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance

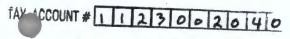
Case No. 2011-0044-A -- located at 5658 Gunpowder Road

After a review of the above-captioned case file and negative comments from the Office of Planning, Tom Bostwick has requested that this case be set in for a public hearing. The comments from the Office of Planning do not support the proposed RV port in the front yard. The public hearing will allow the Petitioner to provide additional information in support of the variance request.

We are returning the file to you for further processing, i.e., notifying the Petitioner, posting of the hearing notice, advertising, etc. Per Tom, the County is to post and advertise the hearing. This administrative variance case can be scheduled for Tom to hear.

Thank you for your attention and cooperation in this matter.

c: Case File LaShenda Williams, Zoning Review Office





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5658 Trunpowder Rd. White Marsh which is presently zoned 0 R 2

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Zoning Commissioner of Baltimore County

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 AND.1802.3.C.1; BCZR

TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REARYARD, AND AN ATTACHED GARAGE TO BE LOCATED WITHIN 3ft. of The SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 15ft.

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.

Legal Owner(s):
2094. 0 1110. (0).
Michael M= Carty
Name Type of Print
Signature
Name - Type or Print
Signature W 410-918-641
5658 Cunpowderhd H 802-734-135 Address Telephone No.
White Marsh MO 21162
City State Zip Code
Representative to be Contacted:
Name AN
Address Telephone No.
City State Zip Code

Estimated Posting Date

regulations of Baltimore County and that the property be reposted.

Notary Public

Baltimore County Inte commission Exp

CASE NO.

REV 10/25/01

Affidavit in Support of Administrative Variance

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

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.

5658 Cumpowder Rd

	White	Marsh	MO	21/62
That based upon personal knowledge, the fol	llowing are the	facts upon whi	ich I/we base the requ	est for an Administrative
Variance at the above address (indicate hards	ship or practica	al difficulty):		
The proposed location for the ga	-			
the garage behind the house. Due to the			and the second s	
slope along the side of the house to the g	-			
the garage. The building would also be su is presently located behind the house has				
is built. By moving the garage up the grad				
current drainage will not be disturbed.	at and beside a	ic nouse, bout or	these issues are resorred	
The proposed positioning of the	RV port has add	ressed the same	concerns. This proposal	will position the
building in the dry region of the lot.			·	
That the Affiant(s) acknowledge(s) that if a	formal damag	d is filed Affin	at(a) will be required	to now a reposition and
advertising fee and may be required to provide	additional info	ormation.	in(s) will be required	to pay a reposting and
Michael &ME				
Signature		Signature		
Michael McCarty				
Name - Type or Print		Name - Type	or Print	
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:			
of Maryland, in and for the County aforesaid, p	ersonally appe	eared	O , before me, a N	otary Public of the State
michael McCan	44			S11504
the Affiant(s) herein, personally known or satis	factorily identif	fied to me as su	ch Affiant(s).	2
AS WITNESS my hand and Notarial Seal				1-20 -1
		LIM	My Motar	u Brady VPublic
	Not	any Public	This commi	re County assign Expires

My Commission Expires

ZONING DESCRIPTION FOR 5658 GUNPOWDER RD, WHITE MARSH, MD 21162

Beginning at a point on the south side of Gunpowder Rd which is 60 feet wide at the distance of 660 feet north of the intersection of the nearest improved intersecting street, Jerome Ave which is 60 feet wide. *Being lot #16, Block D, Section#__ in the subdivision of Darryl Gardens as recorded in Baltimore County Plat Book #13, Folio#150, containing .42 acres. Also known as 5658 Gunpowder Rd, White Marsh, MD 21162 and located in the 11Election District, 5 Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 20	0044	-A	Address	5658	GUNF	owiner	Rd.
Conta	ct Person:	Planner, Pl	i Mere ease Print Your N	2/2E-1				0-887-3391
Filing	Date: 7/2	-8/10	Posti	ing Date:	8/8	Clos	ing Date:	8/23
Any o	contact made with the contact p	vith this offic erson (planne	e regarding er) using the	the statue case num	s of the adr	ministrative	e variance	should be
1.	POSTING/CO reverse side of reposting mus is again response property on or date.	of this form) a t be done only consible for all	nd the peti y by one of associated	tioner is re the sign pe costs. Th	sponsible for osters on the zoning no	r all printir approved tice sign n	ng/posting of list and the nust be vis	costs. Any e petitioner ible on the
2.	DEADLINE: Ta formal request for a p	est for a pub	olic hearing	. Please	understand	that even	if there is	feet to file no formal
3.	ORDER: After commissioner order that the within 10 days whether the permailed to you is	He may: (matter be set s of the clos etition has be	a) grant the in for a pub ing date if en granted,	e requested plic hearing all Count	d relief; (b) o . You will red v agencies'	leny the re ceive writte comments	equested re en notificati s are recei	elief; or (c) on, usually ved, as to
4.	POSSIBLE PL (whether due commissioner) changed giving posted, certific this office.	to a neighbor, notification a notice of the	or's formal will be for hearing da	request or warded to ate, time a	by order o you. The nd location.	f the zoni sign on t As when t	ing or dep he propert he sign wa	uty zoning y must be s originally
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		USE THE AD	MINISTRA	TIVE VARI	ANCE SIGN	FORMAT		_
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Petitio	ner's Name	Michael		ARTY	Те	elephone _	410-918	1-6415
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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.

Item Number or C	·had	mo	Catu	11-0				
Address or Location	on: <u>56</u>	58 0	Empowe	der Bol	White	Marsh	mo	21162
PLEASE FORWA	RD ADVE	RTISIN	G BILL T	0:				
Name:								
				SA	M			

			ID FINANC I RECEIPT	Rev	Sub	Date:		-,-
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For:		-		4	A			

CASHIER'S VALIDATION

NOTICE OF ZONING
HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0044-A
5658 Gunpowder Road
5658 Gunpowder Road,
620 feet +/- north of
Jerome Avenue
11th Election District
5th Councilmanic District
Legal Owner(s): Michael
McCarty
Variance to permit an accessory structure to be located in the front yard in
lieu of the required rear
yard, and an attached garage to be located within 3
feet of the side property
line in lieu of the required
15 feet. 15 feet.

Hearing: Monday, November 15, 2010 at 9:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-4386.
(2) For Information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

3391. 10/432 October 28 259396

CERTIFICATE OF PUBLICATION

10 28 20 10
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1028 ,2010.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0044-A
5658 Gunpowder Road,
5/side of Gunpowder Road,
620 feet +/- north of Jerome Avenue 11th Election district -- 5th
Councilmanic District
Legal Owners: Michael
McCarty
Variance: to permit an ac-

variance: to permit an ac-cessory structure to be lo-cated in the front yard in lieu of the required rear yard, and an attached ga-rage to be located within 3 feet; of the side property line in lieu of the required

15 reet. Hearing: Friday, October 15, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesa-peake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/467 Sept. 30 256091

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9/30 .20/0
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in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 9/30 ,2010 .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

Wilkinson

CERTIFICATE OF POSTING

Petitioner/Developer Michigan

Date Of Hearing/Closing: 11/15/10

Baitimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This sign(s) were posted on October 30, 2010

Month, Day, Year Sincerely,

Signature of Sign Poster and Date

Martin Ogle 60 Chelmsford Court Baltimore, Md, 21220 443-629-3411



CERTIFICATE OF POSTING

RE: Case No 2011-0044-A

	MICHAL MICATY
	Date Of Hearing/Closing: 8/23/10
Baltimore County Department of Permits and Development Mana County Office Building, Room 11 111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen	
sign(s) required by law were post	alties of perjury that the necessary ted conspicuously on the property
This sign(s) were posted on	August 8, 200 Month, Day, Year
	Sincerely,
	Signature of Sign Poster and Date Martin Ogle
	60 Chelmsford Court
	Baltimore,Md,21220 443-629-3411

Commence (March 1997) and the control of the contro



maludgle 8/8/10

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 30, 2010 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple Permits & Development Management 111 West Chesapeake Avenue Towson, MD 21204 410-887-4587

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0044-A

5658 Gunpowder Road

S/side of Gunpowder Road, 620 feet +/- north of Jerome Avenue

11th Election District – 5th Councilmanic District

Legal Owners: Michael McCarty

<u>Variance</u> to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and an attached garage to be located within 3 feet; of the side property line in lieu of the required 15 feet.

Hearing: October 15, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL

ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
September 15 page 120

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CASE NUMBER: 2011-0044-A

5658 Gunpowder Road

S/side of Gunpowder Road, 620 feet +/- north of Jerome Avenue

11th Election District - 5th Councilmanic District

Legal Owners: Michael McCarty

<u>Variance</u> to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and an attached garage to be located within 3 feet; of the side property line in lieu of the required 15 feet.

Hearing: October 15, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:kll

C: Michael McCarty, 5658 Gunpowder Road, White Marsh 21162

NOTES: (1) THE ZONING OFFICE WILL HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THUR., SEPTEMBER 30, 2010

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
October 21, 2012 Open

NEW NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0044-A

5658 Gunpowder Road

S/side of Gunpowder Road, 620 feet +/- north of Jerome Avenue

11th Election District - 5th Councilmanic District

Legal Owners: Michael McCarty

<u>Variance</u> to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and an attached garage to be located within 3 feet; of the side property line in lieu of the required 15 feet.

Hearing: Monday, November 15, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:kll

C: Michael McCarty, 5658 Gunpowder Road, White Marsh 21162

NOTES: (1) THE ZONING OFFICE WILL HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., OCTOBER 30, 2010.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 28, 2010 Issue - Jeffersonian

Please forward billing to:

Michael McCarty 5658 Gunpowder Road White Marsh, MD 21162 410-918-6415

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0044-A

5658 Gunpowder Road

S/side of Gunpowder Road, 620 feet +/- north of Jerome Avenue

11th Election District - 5th Councilmanic District

Legal Owners: Michael McCarty

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Hearing: Monday, November 15, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

November 10, 2010

November 10, 2010

Department of Permits and Development Management

Michael McCarty 5658 Gunpowder Rd. White Marsh, Maryland 21162

RE: 5658 Gunpowder Rd, 20110044-A

Dear Mr. McCarty:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:lw

C: People's Counsel



JAMES T. SMITH, JR. County Executive

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

August 23, 2010

Michael McCarty 5658 Gunpowder Rd. White Marsh, MD 21162

Dear: Michael McCarty

RE: Case Number 2011-0044-A, 5658 Gunpowder 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 28, 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,

U. Cul Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 11-044- Administrative Variance **SUBJECT:**

(REVISED COMMENTS):

To permit an accessory structure to be located in the front yard of the required rear yard; and an attached garage to be located 3 feet off the side property line in lieu of the required 15 feet.

SUMMARY OF RECOMMENDATIONS:

During the Hearing for the subject case the petitioner agreed to move the proposed RV port ten feet further back from the originally proposed location so that the port will be on the side of the subject dwelling and not in the front yard. The aforementioned being said, the Office of Planning supports the requested variance.

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

RECEIVED

DATE: November 22, 2010

NOV 2 4 2010

ZONING COMMISSIONER

\11-044revised.doc

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** August 16, 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

5658 Gunpowder Road

AUG 17 2010

ZONING COMMISSIONER

INFORMATION: Item Number:

Petitioner:

Michael McCarty

Zoning:

DR 2

11-044

Requested Action:

Administrative Variance

To permit an accessory structure to be located in the front yard in lieu of the required rear yard; and an attached garage to be located 3 feet of the side property line in lieu of the required 15 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning <u>does not support</u> an accessory structure (proposed RV Port) in the front yard. There are no other instances wherein a large carport is present in the front yard in the neighborhood. As such, a precedent should not be set by allowing large carports in the neighborhood. However, the Office Planning would not object if the carport were located behind the front façade at least 10 feet.

The Office of Planning does support additional relief for the proposed attached garage provided the petitioner submits architectural elevations to this office for review and approval.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director Department of Permits &

Development Management

DATE: August 5, 2010

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 16, 2010

Item Nos. 2007-352, 2011-029, 030, 031, 033, 034, 035, 036, 042, 043,

044 and 045

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-08162010 -NO COMMENTS.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

August 18, 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.: Administrative Variance: 2011-0035A - 0036A, 2011-0042A-0045A

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.

Comments:

The above plans were not attached to the paperwork that was sent over to the Fire Marshal's Office on August 4, 2010. I will need copies of the above plans before making any comments.

The above plans were received and reviewed on Wednesday August 18, 2010, with the following comment:

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. Swalm-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: AUGUST 6, 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. 2011-0044-A 5658 GULPOWDER RO MCCARTY PROPERTY

ADMIN, VATZLANCE -

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-.

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

From:

Patricia Zook

To:

Lewis, Kristen; Williams, LaShenda

Date:

9/1/2010 10:12 AM

Subject:

Case No. 2011-0044-A -- located at 5658 Gunpowder Road - Schedule Hearing

Attachments: IO-2011-0044-A AV schedule hearing-OP comments.doc

Good morning Ladies -

Please see the attached memorandum regarding this administrative variance case. Tom has called for a hearing on this case based on the negative Planning comments.

The file is being returned to your office.

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

410-887-3868

pzook@baltimorecountymd.gov

From:

Patricia Zook

To:

Lewis, Kristen 10/19/2010 4:03 PM

Date: Subject:

Case No. 2011-0044-A - 5658 Gunpowder Road - reschedule hearing

Attachments: 11-0044-A memo to file-reschedule hearing.doc

Kristen -

Please see Tom's memorandum to the file regarding this case that was scheduled for a hearing on Friday, October 15, 2010.

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

410-887-3868

pzook@baltimorecountymd.gov

Thomas Bostwick - Case 2011-0044-A - Friday, October 15

From:

Patricia Zook

To:

Lewis, Kristen

Date:

10/12/2010 3:24 PM

Subject:

Case 2011-0044-A - Friday, October 15

CC:

Bostwick, Thomas; Wiley, Debra

FYI

Tom has agreed to postpone this matter as the Petitioner is still in Idaho on a job assignment and won't be back until next Monday. I'm not sure if he'll contact you for a new hearing date before Monday.

CASE NUMBER: 2011-0044-A

5658 Gunpowder Road

Location: S side of Gunopowder Road; 620 feet N of Jerome Avenue.

11th Election District, 5th Councilmanic District

Legal Owner(s): Michael McCarty

ADMINISTRATIVE VARIANCE To permit an accessory structure to be located in the front yard in lieu of the required rear yard, and an attached garage to be located within 3 feet of the side property line in lieu of the required 15 feet.

Hearing: Friday, 10/15/2010 at 9:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106.

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>	Conditions/ No Comment
8-5-10	DEVELOPMENT PLANS REVIEW	nc
	DEPRM (if not received, date e-mail sent)	
8-18-10	FIRE DEPARTMENT	nc
8-16-10	PLANNING (if not received, date e-mail sent)	comment
8-6-10	STATE HIGHWAY ADMINISTRATION	nc
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	TON (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER AD	VERTISEMENT Date: 10-28-10	
SIGN POSTING	Date: 10-30-10	Ogle
	SEL APPEARANCE Yes No C	
Comments, if any:		-
-		

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)	
8-18-10	FIRE DEPARTMENT		can't comment; N
8-16-10	PLANNING (if not received, date e-mail sent)	doesn't support party
8-6-10	STATE HIGHWAY ADMINISTRATION		nc
<u> </u>	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS		
ZONING VIOLAT	ION (Case No		
PRIOR ZONING	(Case No.		
NEWSPAPER AD		W	
SIGN POSTING	Date:	-8-10 but	not for hearing
PEOPLE'S COUNS	SEL APPEARANCE Yes	No 💟	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes	No 🖸	
Comments, if any:			
	·		



Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1) BALTIMORE COUNTY

Account Identifier:			Dis	District - 11 Account Number - 1123002040					
				(Owner Inform	ation			
Owner Name: MCCARTY MICHAE Mailing Address: 5658 GUNPOWDER I WHITE MARSH MD		RD	Principal Resident RD Deed Reference:			RESIDENTIAL YES 1) /29611/ 455 2)			
				Locatio	n & Structure	Information	on		
Premises Address 5658 GUNPOWDER WHITE MARSH 211				5658	Description GUNPOWDER RYL GARDEN				
	Parcel 5	Sub Distric	t Sub	division	Section	Block D	Lot 16	Assessment 3	Area
Special Tax Areas	Ad Valo								
Primary Structure 1 1960				nclosed Area 137 SF		Property Land Area 18,125.00 SF		ea	<u>C</u>
Stories Basemen 1 YES		NDARD UN	Exterio						
					Value Inform	ation			
Land Improvements:	113, 115,	120	Value As Of 01/01/20 113,530 122,610	09	Phase-in Ass As Of 07/01/2010	As Of 07/01/20			
		236,140 233,642		233,642	236,140				
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Seller GUTDID	GE DEENA	N.T.			Tansier Intol	Date:	06/23/2	010	Price:
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Seller: WAGA T	HEODORI MS-LENG					Date: Deed1:	06/18/2 /27107/		Price: Deed2:
	HEODORI MS-LENG					Date: Deed1:	05/12/2 /23836/		Price: Deed2:
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	NO	000				Special Ta	x Recapt	ture:	

PLEASE PRINT CLEARLY

CASE NAME	Michael Migarty
	R 2011-0044-A
DATE 10-	15-10

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Michael McCarty	5658 Cumporder Ad	White Marsh Md 21162	
	V		
4-4-7			
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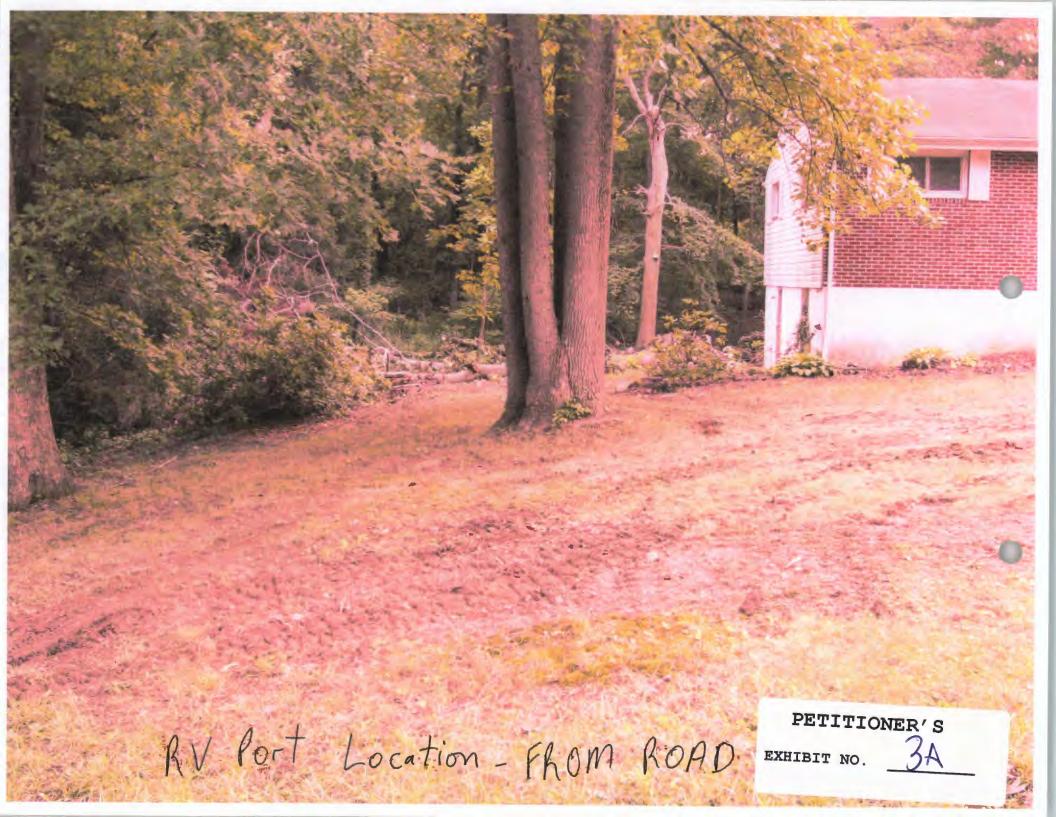
Case No.: 2011-0044-A

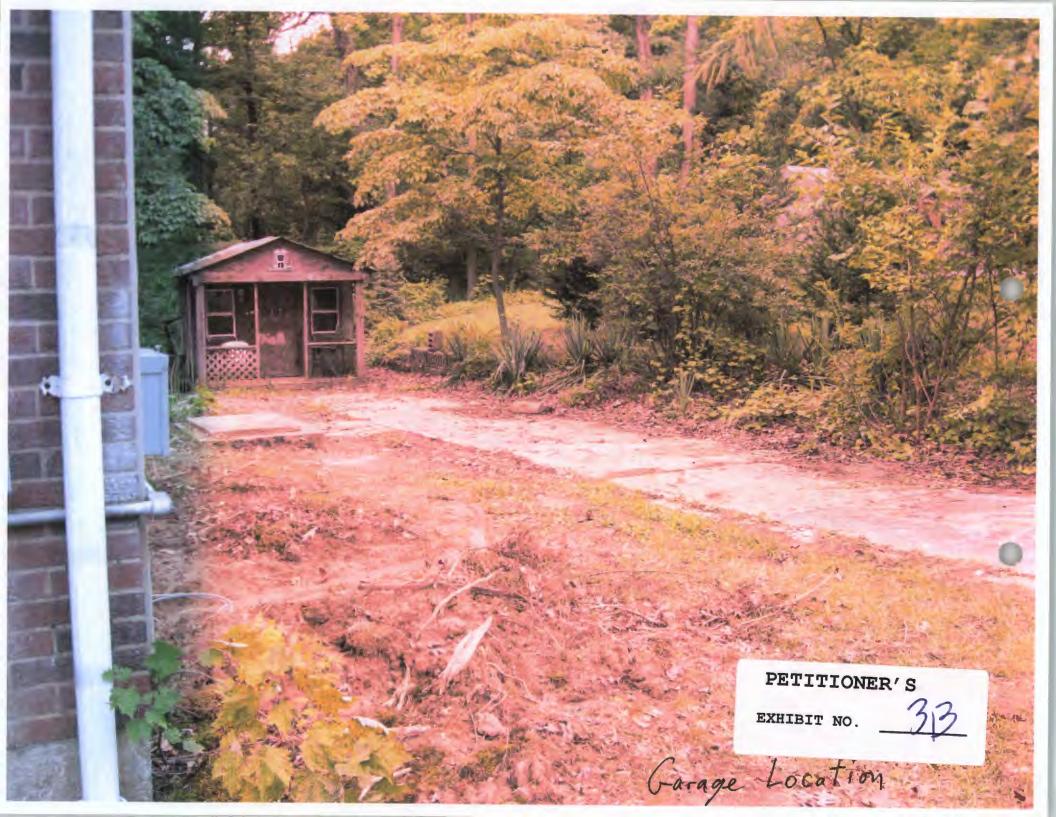
Exhibit Sheet

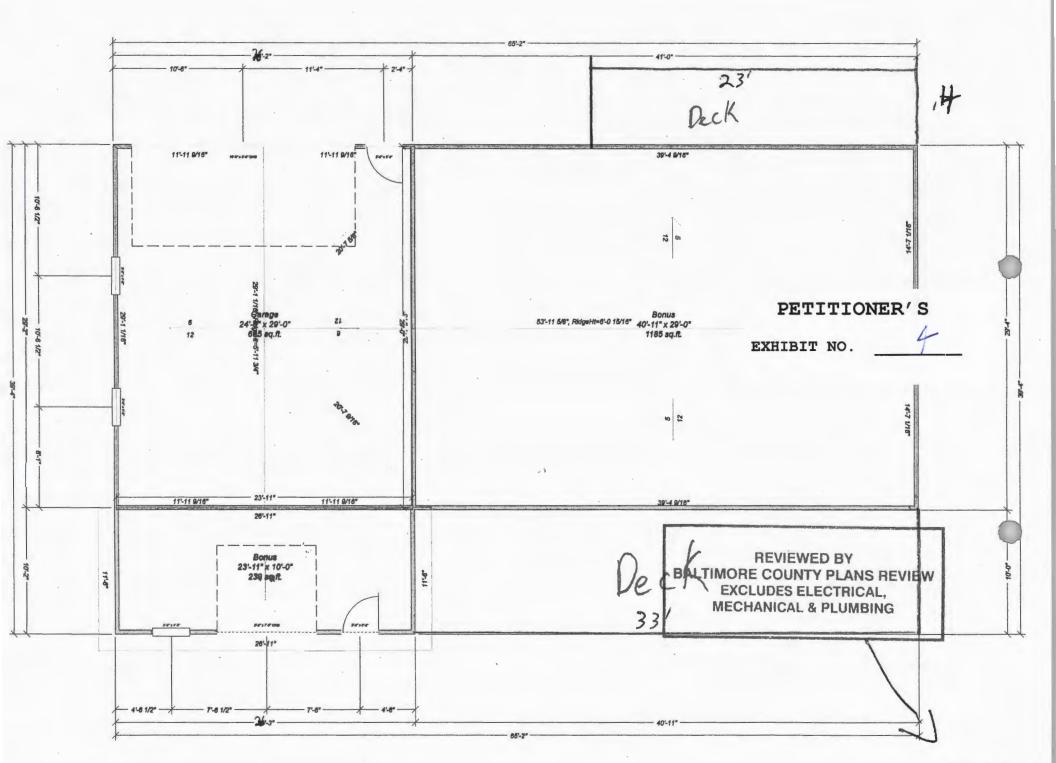
Petitioner/Developer

Protestant

No. 1	site plan		
No. 2	site plan Zoning map		
No. 3			
A+B	photos of property		
No. 4	design of garage		. ,
No. 5		,	
No. 6			-
No. 7			
No. 8			
No. 9			
No. 10	to the contract		
No. 11			
No. 12			
Y			







OK G-BEDDY



PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE SPECIAL HEARING PROPERTY ADDRESS 5658 Composed R.D. White March SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION					
SUBDIVISION NAME Darcyl Gardens	25.				
OWNER Michael ME Carty	Subject Subject				
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	1"= 200' SCALE MAP #				
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Jerome Ave OVON BEGMONDS \ PETITIONER'S	100 YEAR FLOOD PLAIN				
(60' R/W, 20' paved)	HISTORIC PROPERTY/				
EXHIBIT NO.	PRIOR ZONING HEARING				
NORTH	ZONING OFFICE USE ONLY				
	REVIEWED BY ITEM # CASE #				
PREPARED BY Michael Mª Carty scale of DRAWING: 1" = 40'					

PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE PROPERTY ADDRESS 5658 Gungander RD. White March SEE PAGES 5 & 6 OF THE CHECKLIST FOR	
SUBDIVISION NAME Darcyl Gardens PLAT BOOK # 13 FOLIO # 150 LOT # 16 SECTION # OWNER Michael Mc Carty No Improvements Lot # O Win some at Carrington Ridge LLC Deed Ref. none Tax Acct 2300010370	Subject subject property
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(J)	PRIOR ZONING HEARING
	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY Michael Mª Carty Scale of DRAWING: 1" = 40	

