IN RE: PETITION FOR ADMIN. VARIANCE

S side of Murdock Road; 325 feet E of the c/l of Holly Lane 9th Election District 5th Councilmanic District (613 Murdock Road)

Robert Moore

Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0141-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, Robert Moore for property located at 613 Murdock Road. The variance request is from Section 400.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the rear yard with a side yard setback of 1 foot in lieu of the required 2.5 feet setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing garage, which has been in place since the house was constructed in 1924, must be replaced due to deterioration. The new garage will be positioned in the same location with n o differences in proximity toward adjoining properties. The existing setbacks are 5 feet from the property line to the south and 1 foot from the property line to the east. The new garage would be placed on its existing foundation at those points. The proposed garage is 20 feet wide which is 10 feet wider than the existing garage so the new setback from the property line to the west would be 29 feet. To move the garage to meet today's standards would require the removal and replacement of the original 105 feet long x 9 feet wide driveway and the existing garage foundation. It would also require the remove of the adjoining sidewalk that runs along the driveway and immediately next to the dwelling. To do so would jeopardize the foundation and grade of the house. The

ORDER RECEIVED FOR FILING
Date
By

placement of the current garage and driveway is consistent with other driveways and garages in the Annelise neighborhood. Photographs were submitted that show five driveways and garages on the same block showing similar proximity to neighboring houses as the Petitioner's house. Petitioner submitted a letter of support from the most affect property owner, Roy Haughwout, who resides at 615 Murdock Road.

There is an existing garage measuring 10 feet x 20 feet and Petitioners desire to construct a replacement garage measuring 20 feet x 20 feet.

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 October 29, 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	11-16-10	
	0	2
By	m	

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of November, 2010 that a variance from Section 400.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the rear yard with a side yard setback of 1 foot in lieu of the required 2.5 feet setback 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.

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 11-16-10

Ву_____



JAMES T. SMITH, JR. ... County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 16, 2010

ROBERT MOORE 613 MURDOCK ROAD TOWSON MD 21212

> Re: Petition for Administrative Variance Case No. 2011-0141-A Property: 613 Murdock Road

Dear Mr. Moore:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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.

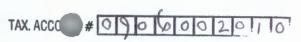
Sincerely.

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 613 which is presently zoned

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)

Section: 400.2

To permit an accessory structure/garage in the rear yard with a side yard set back of 1 foot in lieu of the required 2 1/2 feet set back.

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.

				eclare and affirm, under the the legal owner(s) of the Petition.	
Contract Purchase	r/Lessee:		Legal Owner(s)	<u>:</u>	
			Robert J	Moore	
Name - Type or Print			Name - Type or Print		
Signature			Signature		
Address		Telephone No.	Name - Type or Print		
City Attornov For Potitie	State	Zip Code	Signature 613 Mul	dock Rd 41	0.929-5684
Attorney For Petition	oner.		Address Towson	mp 21	Telephone No.
Name - Type or Print	RECEIVED FOR	FILING	City	State to be Contacted:	Zip Code
Signature ORDER P	11-16-10				
Company Date—	M/-		Name		,
Address By—	10	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having this day of	tha tha	t the subject matter of	required, it is ordered by his petition be set for a pub	the Zoning Commissioner of the Loning Commission	of Baltimore County, quired by the zoning

		Zoning Commissioner of Baltimore County				
CASE NO.	2011-0141-A	Reviewed By	Date 10/18/10			
REV 10/25/01		Estimated Posting Date	10/31/10			

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 reside at	Le 13 Murdock Road
	Towson MD 21212
	City State Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
The existing garage, which has been in place si	nce the house was built in the 1920s, must be removed due to deterioration.
setbacks are 5' from the property line to the sou	location, with no differences in proximity toward adjoining properties. The existing that and 1' from the property line to the east. The new garage would be placed on it sed garage is 20' wide which is 10' wider than the existing garage, so the new setbal.
and the existing garage foundation. It would al	would require removal and replacement of the original 105' long x 9' wide drivewalso require removal of the adjoining sidewalk that runs along the driveway and i jeopardize the foundation and grade of the house.
Another option might be to pave over an additional however, would reduce yard area unreasonably	onal portion of the rear yard to provide room to enter and exit the garage. This, and increase impervious ground space substantially.
The placement of the current garage and drivew Photos are attached of five driveways and garage petitioner's house.	way is consistent with other driveways and garages in the Anneslie neighborhood. ges on the same block, showing similar proximity to neighboring houses as the
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	ermal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Signature (A)	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	IOPE to with
of Maryland, in and for the County aforesaid, per Robert J. Moore	56er 2010 before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Aubara PRaki Notary Public
	My Commission Expires
BEN 4000 104	

ZONING DESCRIPTION FOR 613 Murdock Road

Beginning at a point on the south side of Murdock Road which is 50 feet wide at the distance of 325 feet East of the centerline of the nearest improved intersecting street Holly Lane which is 50 feet wide. Being Lot # 13, Block G in the subdivision of Anneslie as recorded in Baltimore County Plat Book # 7, folio # 40, containing 6,250 square feet. Also known as 613 Murdock Road and located in the 9th Election District, 5th Councilmanic District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/31/2010

Case Number: 2011-0141-A

Petitioner / Developer: ROBERT MOORE

Date of Hearing (Closing): NOVEMBER 15, 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: 613 MURDOCK ROAD

The sign(s) were posted on: OCTOBER 29, 2010



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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 20 0141 -A Address 613 Mardock Rd			
	ct Person: hone Number: 410-887-3391			
Filing	Date: 10/18/10 Posting Date: 10/31/10 Closing Date: 11/15/10			
Any c	ontact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.			
1.	<u>POSTING/COST:</u> 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.	<u>DEADLINE:</u> 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)			
Petitio	oner: This Part of the Form is for the Sign Poster Only			
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT			
Case	Number 20 - 0.141 -A Address 613 Mindock Rd			
Petitio	ner's Name Kubert Moore Telephone 410-929-5684			
Postir	ng Date: 10/31/10 Closing Date: 11/15/10			
Wording for Sign: To permit an accessory structure/garage in the rear yard with a side yard set back of 1 foot in lieu of the required 2 ½ feet set back.				

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 27,2010

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

RE:

Baltimore County

Item No. 2011-0141-A

613 MURDOCK ROAD MOORE PROPERTY ADMIN, VARLANCE

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 -OIA1-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,

Division

SDF/mb



JAMES T. SMITH, JR. County Executive

November 15, 2010

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

Robert J. Moore 613 Murdock Road Towson, Md 21212

Dear Mr. Moore:

RE: 2011-0141-A, 613 Murdock Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:rjc Enclosures

c: People's Counsel File

Patricia Zook - Re: Comments needed - Administrative Variances that closed 11-15-10

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

11/16/2010 11:40 AM

Subject: Re: Comments needed - Administrative Variances that closed 11-15-10

Patti:

We have no comment on Items 2011-0141, 0142, 0146, and 0147. Carol will bring you a copy of our comment on 2011-0143.

Dennis

>>> Patricia Zook 11/16/2010 10:59 AM >>>

I forgot to mention that if you don't have comments, feel free to reply to this e-mail and I'll place it in the file(s).

Thanks again.

Good morning Dennis -

The following administrative variance case files were just brought over and they are missing comments from your office:

2011-0147-A, 2011-0146-A, 2011-0142-A, 2011-0143-A and 2011-0141-A.

Thanks for your help, Dennis.

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:

Kennedy, Dennis

Date:

11/16/2010 10:50 AM

Subject: Comments needed - Administrative Variances that closed 11-15-10

Good morning Dennis -

The following administrative variance case files were just brought over and they are missing comments from your office:

2011-0147-A, 2011-0146-A, 2011-0142-A, 2011-0143-A and 2011-0141-A.

Thanks for your help, Dennis.

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

410-887-3868

pzook@baltimorecountymd.gov

615 Murdock Road Baltimore MD 21212 November 12, 2010

Robert Moore 613 Murdock Road Baltimore MD 21212

To Robert:

I am writing with regard to your plans to rebuild your garage. I appreciate that you let me know that the original structure, along with being unsound, is too small for your needs. I understand that you wish to rebuild the garage and widen it from 10' to 20'. I have no problems with your plans whatsoever.

I understand the zoning requirements are for a 2.5' setback from our property line. I know that the original garage sits only 1' from the property line. So, you want to place the garage on the existing foundation, so that the new garage would be the same 1' distance from my property. Again, I am comfortable with your plan to rebuild the garage and I look forward to the new garage's completion.

Sincerely,

RECEIVED

NOV 16 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-141- 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

RECEIVED

DATE: November 8, 2010

NOV 092010

ZONING COMMISSIONER

Closing 11/15/10
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 8, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-141- 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:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 1, 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 November 8, 2010

Item Nos. 2011-126, 137, 140, 141,

142, 144, 145, 146 and 147

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-11082010 -NO COMMENTS.doc

Closerie 11/15/10

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 1, 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 November 8, 2010

Item Nos. 2011-126, 137, 140, 141, 142, 144, 145, 146 and 147

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

AV 11-15-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

December 1, 2010

SUBJECT:

Zoning Item # 11-141-A

Address

613 Murdock Road

(Moore Property)

Zoning Advisory Committee Meeting of October 25, 2010.

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

Reviewer:

JWL

Date: 12/1/10

		0904752110 Lot # 5		0904503730 Lot # 75	
	Lot # 73	0904752110 Lot # 5		Lot # 73	
YLN	0923501020 Lot # 73	0920551450 Lot # 7		0903477800 Lot # 73	1
	0908304850 Lot # 71	0922450130 Lot # 9		0919513250 Lot # 71	
D	Lot # 71	Lot # 9		Lot # 71	-
DUNKIRK RD	0919076130 Lot # 69	0920450080 Lot # 11		0910453030 Lot # 69 Pt. Bk. 7, Folio 40	1
	Lot # 69	Lot # 11	MUR	Lot # 69	
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2011-0141-A	0911570220 <mark>9</mark> Lot # 63	0907583340 Lot # 17		0920950100 Lot # 63	Lot;
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		Lot # 21			

Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1) BALTIMORE COUNTY

0906002	010				
Owner Information					
Use: Principal Residence: Deed Reference:				RESIDE YES 1) /2029 2)	
Informa	tion			-/	
ription DCK RD	, 1,000				
Block G	Lot 13	Assessi 2	ment Area	Plat Plat	
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627 Murdock Rd.



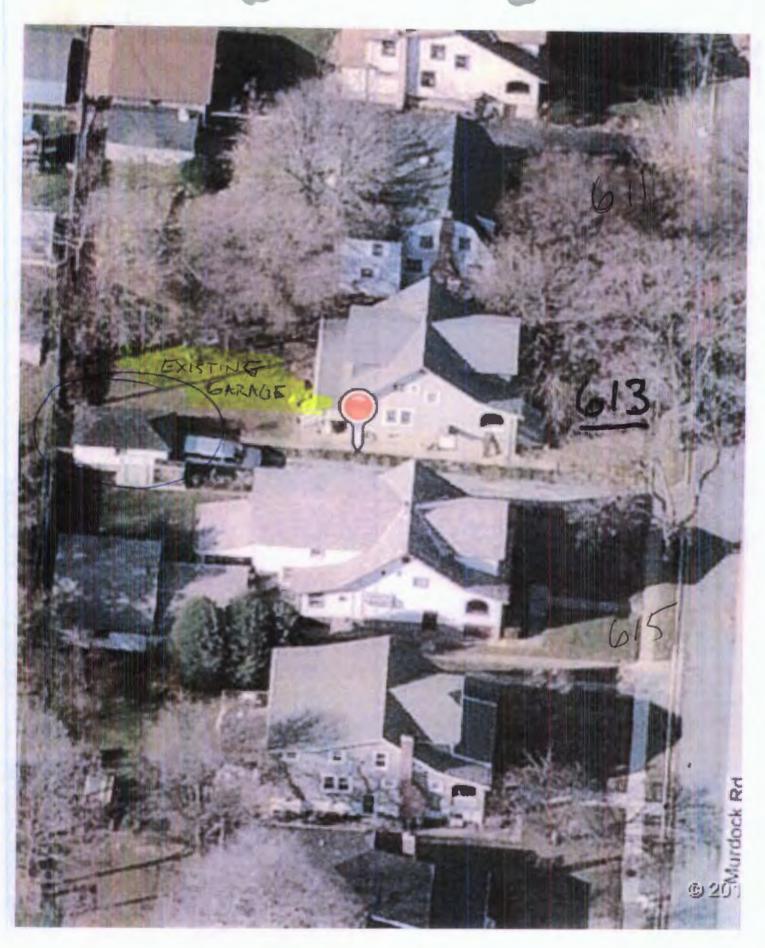
633 MURDOCK RD.

FIVE (5)
ANNESLIE NEIGHBORHOOD
DWELLINGS WITH
SIMILARLY LOCATED
GARAGES



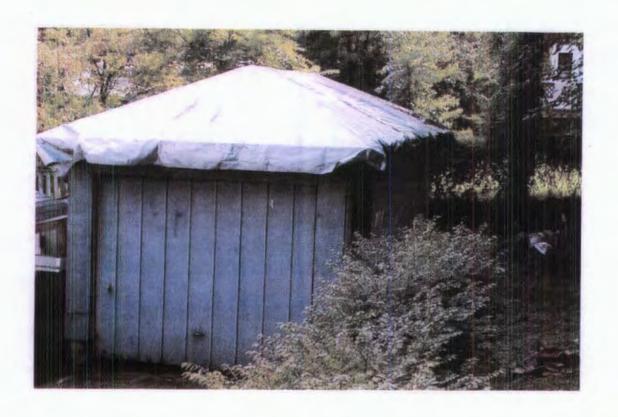
637 MURDOCK RD

604 Dunkick Rd.



2011-0141-A

Existing Garage at 613 Murdock Road



PLAT TO ACCOMPANY PETIT		
SUBDIVISION NAME ANNESLIE		
PLAT BOOK # 7 FOLIO # 40 LOT # 13 SECT	TION #	ASS
OWNER ROBERT MOORE		NE
DALE HEDDING JOHN & ERIN W # 614 DUNKIRK RD # 612 DUNK	1000WARD SETHRHEATHER BERKOWITZ IRK RD # GIO DUNKIRK RD	REGESTER AVE
LOT 65 LOT 6	7 LOT 69	DUNKIRK & ROAD O
EXISTING FRAME GARAGE 10'x 20'	SROPOSED FRAME SARRAE 20×20° SARRAE NAHO NAHO NAHO NAHO NAME	SUBJECT PROPERTY SO WICINITY MAP SCALE: 1" = 1000'
KATHRYN HAUGHWOUT S		LOCATION INFORMATION
2		ELECTION DISTRICT
Cove	RED FRAME DECK	COUNCILMANIC DISTRICT
-21		1"=200' SCALE MAP # 080 A1 ZONING DR 5,5
24'	EXISTING	LOT SIZE 0.14 6,250
EXISTING 2-STORY DWELLING V CY FRAME		ACREAGE SQUARE FEET
DWELLING OF DWELL)	NG +611	PUBLIC PRIVATE SEWER []
#615 #61		WATER []
FRONT J & FR	THOS	YES NO CHESAPEAKE BAY CRITICAL AREA
25' COVERED FRT PORC	# 33'	100 YEAR FLOOD PLAIN
LOT 15 LOT	13 25' LOT 11	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING
	0' 275170 1 05	ZONING OFFICE USE ONLY
NORTH MURDOCK ROAD	325' TO Q OF HOLLY LANE	REVIEWED BY ITEM# CASE#
PREPARED BY R MOORE	SCALE OF DRAWING: 1" = 20	Tul 2011 0141-A