

JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 7, 2011

James Djunia Osborne 5701 Allender Road White Marsh, Maryland 21162

Dear Mr. Osborne:

RE: 2011-0192-A Case Number, 5701 Allender Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 13, 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



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Dec. 28, 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- 019Z-A

5701 ALLEWSER RD

JAMES DJUNIA OSBORNE 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. 2011-0192-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief Access Management Division

SDF/mb

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

DATE: December 27, 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 January 10, 2011

Item Nos. 2011- 192, 193, 195 and

196

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-01102011 -NO COMMENTS.doc

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

George Klunk, Interim Director

Department of Permits and Development Management

FROM:

Michael J. Mayhew

(Acting) Director, Office of Planning

**SUBJECT:** 

11-192 - Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 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 Donnell Zeigler at 410-887-3480.

Prepared by:

JM/LL: CM

RECEIVED

DATE: January 4, 2011

JAN 10 2011

ZONING COMMISSIONER

AV 1-10-11

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**

**RECEIVED** 



FEB 0 4 2011

**ZONING COMMISSIONER** 

TO:

Office of Administrative Law

FROM:

Dave Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

February 2, 2011

SUBJECT:

Zoning Item # 11-192-A

Address

5701 Allender Road

(Osborne Property)

Zoning Advisory Committee Meeting of December 27, 2010.

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

Reviewer:

JWL

Date: 2/2/11



KEVIN KAMENETZ County Executive

JOHN J. HOHMAN, Chief
Fire Department

January 3, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: December 27, 2010

Item No.:

**Administrative Variance:** 2011-0192A – 0193A, 0196A.

Variance: 2011-0194A - 0195A.

#### Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3<sup>RD</sup> F'loor Towson, Maryland 21286 Office: 410-887-4880 dmuddiman@baltimorecountymd.gov

cc: File

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

			Owner Information								
Owner N	lame:		OSBORNE .	JAMES D		Use:					
							al Reside	ence:			
Mailing	Addres	s:	<b>5701 ALLEN</b>			Deed F	Reference	):			
			WHITE MAR	RSH MD 21162-1							
				Locati	on & Structure	Information	1				
Premise						scription					
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					.869 AC						
						HILADELPH	IA RD				
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To whom it may concern:

I do not uphold any issues with the garage building itself or the height of the garage building on the property of 5701 Allender Road, White Marsh, MD 21162. In fact I support my neighbor, James D. Osborne in the construction of this garage building and I recognize that it adds value to the community.

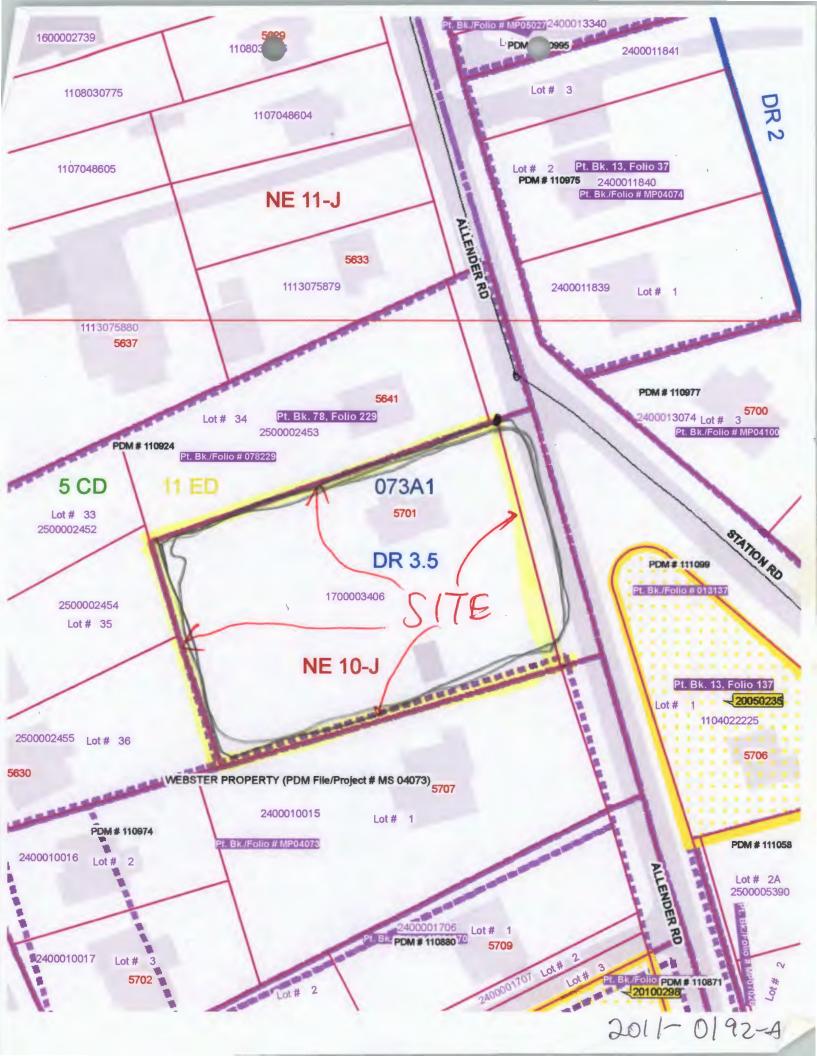
Sincerely,

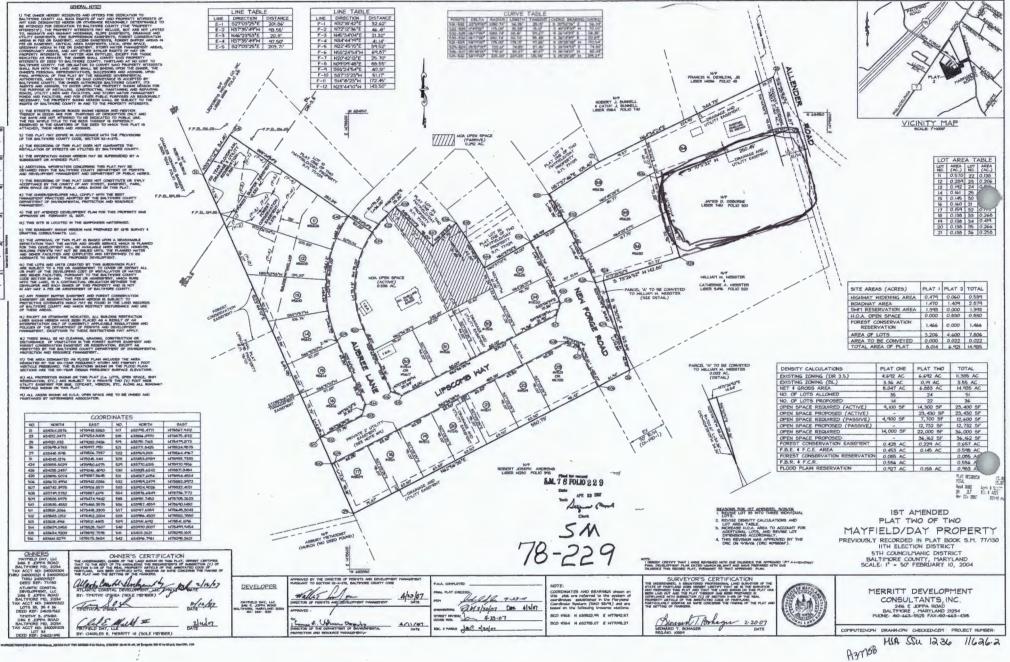
FRED DUENDUCK 5704 Allewdurla

To whom it may concern:

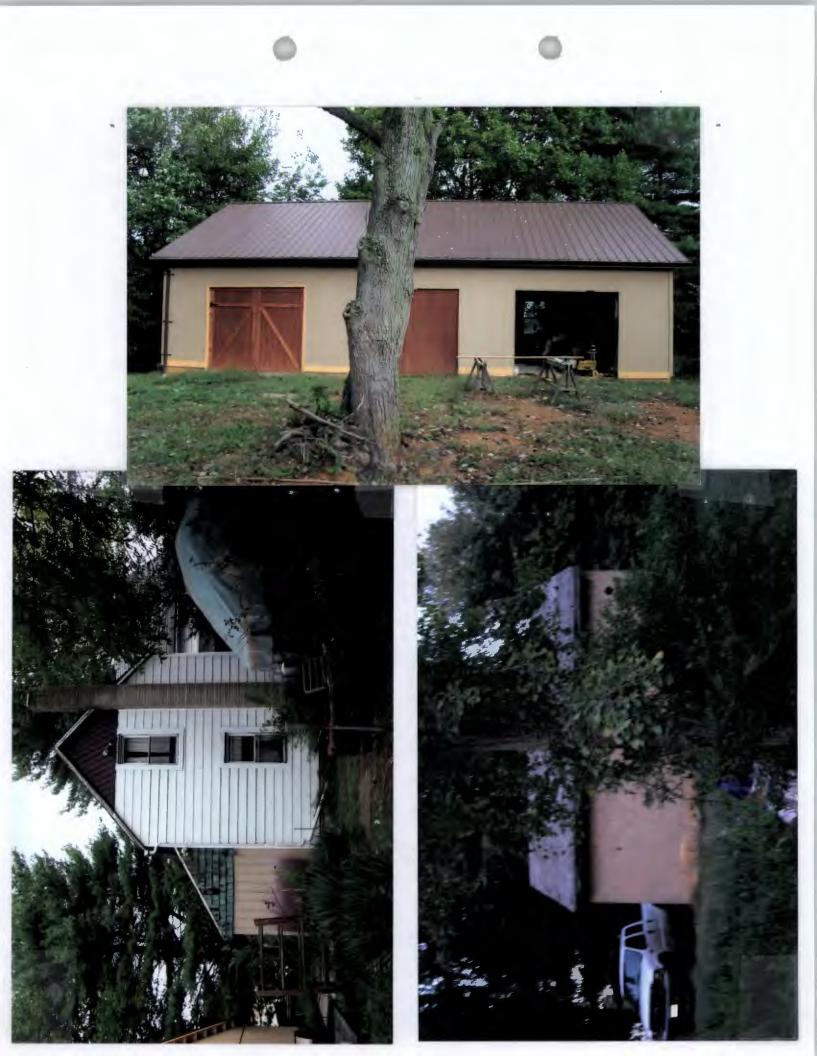
I do not uphold any issues with the garage building itself or the height of the garage building on the property of 5701 Allender Road, White Marsh, MD 21162. In fact I support my neighbor, James D. Osborne in the construction of this garage building and I recognize that it adds value to the community.

Sincerely,





2011-0192-2



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

SW side of Allender Road, 25 feet SW of Station Road
11<sup>th</sup> Election District
5<sup>th</sup> Councilmanic District
(5701 Allender Road)

James Djunia Osborne
Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2011-0192-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, James Djunia Osborne for property located at 5701 Allender Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory building (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The garage measures 40 feet x 30 feet in size. The additional garage height will allow the Petitioner to store his 4x4 pick up truck. Also, the roof pitch should help to prevent snow build up during a snowstorm. The file contains four letters of support from the Petitioner's neighbors. The property contains 0.869 acre or 37,848 square feet zoned D.R. 3.5.

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 January 4, 2011, 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 RE	CEIVED FOR FILING
Date	1-13-11
Ву	B

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 26, 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 day of January, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory building (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet 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.
- 3. The accessory structure shall not be used for commercial purposes.

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Date	1-13-11	2
By	8	
7		

ODDED DECEIVED FOR FILING

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

IMOTHY M. KOTROCO

Deputy Zoning Commissioner for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 1-13-11

Ву\_\_\_\_\_



KEVIN KAMENETZ County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 13, 2011

JAMES DJUNIA OSBORNE 5701 ALLENDER ROAD WHITE MARSH MD 21162

> Re: Petition for Administrative Variance Case No. 2011-0192-A Property: 5701 Allender Road

Dear Mr. Osborne:

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,

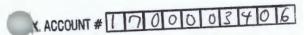
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:pz

Enclosure





## **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

for the property located at	5701	Allen	
which	h is presen	tly zoned	DK 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400,3, BCZR, to permit an existing garage accessory building with a height of 17 feet in lieu of the maximum permitted 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

regulations and restrictions of	1 1 1 1 1 1				1.4	
		1	perjury, the	olemnly declare ar at I/we are the leg ect of this Petition	nd affirm, under the part of t	penalties of property which
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Address		Telephone No.	Name - Typ	e or Print		
City	State	Zip Code	Signature			
Attorney For Petitioner			570 Address		uderkd.4	10-802-460 Telephone No.
Name - Type or Print Signature ORDER RECI	EIVED FOR	FILING	City	entative to be	State	21162 Zip Code
Signature ORDER REGI	1-13-11		11001000			74.4
Company Date	B		Name			r
Address By	0	Telephone No.	Address	• 4	<u> </u>	Telephone No.
City	State	Zip Code	City	*	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County are	that	the subject matter of t	his petition be se	et for a public hearing	g, advertised, as requ	uired by the zoning
			7	oning Commissione	er of Baltimore County	1

**Estimated Posting Date** 

2011-0192-4

REV 10/25/01

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5701	Allender Rd,
White City	Marsh MP, 21162 State Zip Code
Variance at the above address (indicate hardship or practical	e facts upon which I/we base the request for an Administrative all difficulty):
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Though live here for	3 Syears Never complain about anything, and is filed, Affiant(s) will be required to pay a reposting and
I have the her ever	anything
That the Affiant(s) acknowledge(s) that if a formal demar advertising fee and may be required to provide additional info	nd is filed, Affiant(s) will be required to pay a reposting and ormation.
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James Dyunise Osborne	
Signature	Signature
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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit	
of Maryland, in and for the County aforesaid, personally appe	eared, 2010, before me, a Notary Public of the State
James Djunia Osborne	
the Affiant(s) herein, personally known or satisfactorily identi	fied to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
Nic	Genz Bul Schule J.
140	Commission Expires 9/29/12
	Continues in the contin
REV 10/25/01	

## **ZONING DESCRIPTION**

Zoning Description For 5701 Allender Road Southwest side of Allender Road 25 feet southeast of Station Road

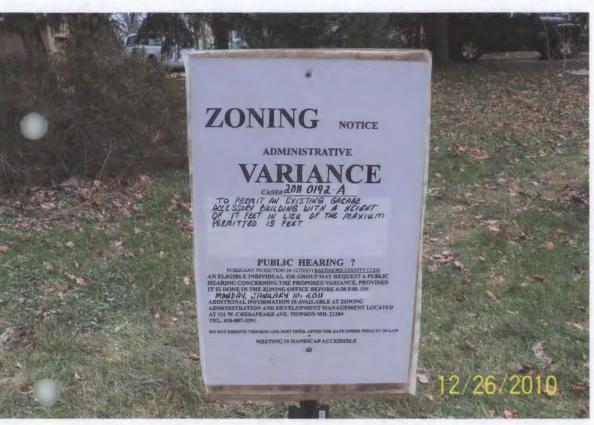
BEGINNING for the same at a point in the center of said road in the extreme northeaster corner of the lands being conveyed, and in the boundary line of the lands of William lebster and running thence along the center of said road North 9° 39' West 159.00 feet to a point; and thence leaving said road, (and passing through an iron pin 20.03 feet from the center of said road), for a division, South 77° 08' West 249.39 feet to a pipe and thence South 9° 39' East 145.00 feet to a pipe and thence North 80° 21' East 249.00 feet to the point of beginning; containing 0.869 of an acre as surveyed by William G. Ulrich, Jr., County Surveyor, on October 19, 1970; being premises No. 824 Allender Rose thite Marsh, Maryland; and being a part of the lands as described in a deed dated october 14, 1963 from Robert L. Whishard and wife to the said grantors and recorded mong the Land Records of Baltimore County in Liber 4216, folio 164.

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## CERTIFICATE OF POSTING

RE: Case No 2011-042-A

	Petitioner/Developer  TAKES OSHOLNE
•	Date Of Hearing/Closing: 1/10/11
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenu	nagement 111
Attention:	
Ladies and Gentlemen	
sign(s) required by law were po	enalties of perjury that the necessary osted conspicuously on the property
This sign(s) were posted on	Decamber 26, 2010
	Month, Day, Year Sincerely,
	Signature of Sign Poster and Date  Martin Ogle
	60 Chelmsford Court Baltimore,Md,21220 443-629-3411



Madento le 12/24/10

# BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011 - 0192 -A Address 5701 Allender Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391  Filing Date: 12/13/2010 Posting Date: 12/26/2010 Closing Date: 1/10/201
Filing Date: 12/13/2010 Posting Date: 12/26/2010 Closing Date: 1/10/201
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. <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)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2011-0192 -A Address 5701 Allender Road
Petitioner's Name James Osborne Telephone, 410-802-4605
Posting Date: 12 26 2010 Closing Date: 1/10/2011
Wording for Sign: To Permit an existing garage accessory building with a height of 17 feet in lieu of the maximum permitted 15 feet.

Plat to accompany Petition for Zoning Varianc	
PROPERTY ADDRESS: 5701 ALLENder Rd. White Marsh MD. 21162 see pages 5 & 6 of the c	CHECKLIST for additional required information
Subdivision name:	GUNPOWDER 11900 ROP
plat book#,folio#,lot#,section#	
OWNER: JAMES D'UNIA OSBOTNE	FALLS
9 Feet by 5 Feet drain ALLENDER ROAD.	ST S
N 9° 39' W 159.00'	FORGE ACRES
IRON PIN 19x5	DARRY GARDENS
66'± ±	CHURCH NO MANUAL LOSEL EVITOR AND AND STATE OF S
95'± 	Vicinity Map  Scale: 1'=1000'
20'± STORY & S	LOCATION INFORMATION
20'± - 23'±	Election District:
ON Pelec,	1'=200' scale map#: 073A
.   Capace   5	zoning: DR3.5
ο° 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Lot size: 0.869 37,848  acreage square feet
Neight 16'7' 249.00	SEWER: V
00.	WATER: 🗸
SCALE: 1" = 40'	Chesapeake Bay, Critical Area:
	Chesapeake Bay, Critical Area: V  100 Year Flood Plain  Prior Zoning Hearings: No  Historic Building
S 9° 21' E 145.00'	Zoning Office USE ONLY!
North	reviewed by: ITEM #: CASE#:
prepared by: James Dynia Osborne Scale of Drawing: 1 = 40'	JNP 0192 2011- 0192-A

The second secon