IN RE: PETITION FOR ADMIN. VARIANCE

E side of Brett Manor Court, 500 feet N of the c/l of Gardiner Road 8th Election District 3rd Councilmanic District (6 Brett Manor Court)

Patricia M. and Steven E. Peck, Sr. *Petitioner*

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0204-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Patricia M. and Steven E. Peck, Sr. for property located at 6 Brett Manor Court. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 29 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a detached garage for the storage of cars, lawn equipment, and other personal belongings. These items have been vulnerable to damage by exposure to the elements. The height of the garage cannot be reduced without sacrificing architectural compatibility with the existing dwelling. The Homeowners Association has granted approval of the proposed garage. The property contains 3.47 acres and is served by private water and sewer.

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 8, 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.

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Ву	Jan	

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 12, 2011 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this day of February, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 29 feet in lieu of the maximum permitted 15 feet is hereby GRANTED, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of
 this Order; however, Petitioners are hereby made aware that proceeding at this time is at
 their own risk until such time as the 30 day appellate process from this Order has expired.
 If, for whatever reason, this Order is reversed, the Petitioners would be required to return,
 and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.

ORDER RE	CEIVED FOR FILING	
Date	2-3-11	2
Ву	- P	

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

TIMOTHY M. KOTROCO

Administrative Law Judge for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 2-3-11

Ву_____



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 3, 2011

PATRICIA M. AND STEVEN E. PECK, SR. 6 BRETT MANOR COURT COCKEYSVILLE MD 21030

Re: Petition for Administrative Variance Case No. 2011-0204-A Property: 6 Brett Manor Court

Dear Mr. and Mrs. Peck:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

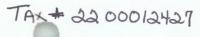
Sincerely,

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK:pz

Enclosure

c: Astin Childs Architecture, Chickenranch Design Studio, 16260 Falls Road, Monkton MD 21111



I/We do solemnly declare and affirm, under the penalties of



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6 Brett Manor Court
which is presently zoned RC-7

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) 以の、3(2001)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 29-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.

perjury, that I/we are the legal owner(s) of the property which s the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Steven & Patricia Peck Name -Name - Type or Print Signatur Signature Address Telephone No. State Zip Code Address 6 Brett Manor Court Attorney For Petitioner: Cockeysville, Maryland COMPANY ORDER RECEIVED FOR FILING Name - Type or Print Representative to be Contacted: Austin Childs 16260 Falls Road 410-472-2488 Address Date elephone No. Address Monkton, Maryland 21111 Telephone No. City Zip Code 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, 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. 2011-0204-A REV 10/25/01 **Estimated Posting Date**

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

REV 10/25/01

6 Brett Manor Court

Address
Cockeysville, Maryland 21030
City State Zip Code

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 hardship or practical difficulty):

The Peck family wishes to construct a garage on their property, for storage of cars, lawn equipment, etc. These items have been vulnerable to damage by exposure to the elements.

As illustrated in the attached photographs and sketches, the height of the garage can not be reduced without sacrificing appropriate architectural compatibility with the adjacent buildings and neighborhood.

The neighbors have seen the proposed design, and are in full support of the project. The Home Owner's Association has also granted approval of the proposed garage.

That the Affiant(s) acknowledge(s) that if a formal der advertising fee and may be required to provide additional	nand is filed, Affiant(s) will be required to pay a reposting and information.
The Date of the Control of the Contr	Patrick Peck
Signature	Signature
STEKEN PREK	PATRICIA PECK
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	
of Maryland, in and for the County aforesaid, personally a	_
the Affiant(s) herein, personally known or satisfactorily ide	entified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public
	My Commission Expires 8/28/2011
	· ·

ZONING DESCRIPTION for the PECK PROPERTY, 6 BRETT MANOR COURT, COCKEYSVILLE, MARYLAND 21030

Beginning at a point on the East side Brett Manor Court, which is 40 ft. wide at the distance of 500 ft. north of the centerline of the nearest intersecting street, Gardiner Road, which is 40 ft. wide, thence running N 89°54' 02"E 370 ft., thence S 01°17' 05" W 402.93 ft., thence S 88°25'26" W 390 ft., thence S 86°50'17" W 393.3 ft., to the point of beginning, containing 3.47 acres.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 1/14/2011

Case Number: 2011-0204-A

Petitioner / Developer: PECK~AUSTIN B. CHILDS, AIA

Date of Hearing (Closing): JANUARY 31, 2011

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:

6 BRETT MANOR COURT

The sign(s) were posted on: JANUARY 12, 2011



Lenda O Keyle
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011 - 0204 -A Address 6 BRETT MANOR CT.
Contact Person: Donna Thompson Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: 1311 Posting Date: 11011 Closing Date: 13111
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 petitione 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.
 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 forma request for a public hearing, the process is not complete on the closing date.
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 - 0204 -A Address 6 BRETT MANOR CT.
Petitioner's Name PECK Telephone 410-473-2488
Posting Date: 16 1 Closing Date: 3 11
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 29-FEET IN LIEU OF THE MAXIMUM PERMITTED 15-FEET.

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.

OPÍNIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

	or Case Number: 2011-0304-A	
Petitioner:	PECK	
Address or Lo	cation: 6 BRETT MANOR CT.	
PLEASE FOR	WARD ADVERTISING BILL TO:	
Name:	MR. AUSTIN CHILDS	
Address:	16260 FALLS RD.	
	MOKKTOK MD 21111	
Telephone Nu	ımber: 410-472-2488	



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 25, 2011

Steven & Donna Peck 6 Brett Manor Court Cockeysville, Maryland 21030

Dear Mr. & Mrs.Peck:

RE: Case Number 2011-0204, Address 6 Brett Manor Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 3, 2011. 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. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel Austin Childs 16260 Falls Road Monkton MD 21111 **BALTIMORE COUNTY, MARYLAND**

AV 1-31-11

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 # 11-204-A

Address

6 Brett Manor Court

(Peck Property)

Zoning Advisory Committee Meeting of January 24, 2011.

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

1. A proposed garage bldg. permit will need Groundwater Mgmt. review, for well and septic setbacks.

Reviewer:

Dan Esser; Groundwater Management

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

George Klunk, Interim Director

Department of Permits and Development Management

FROM:

Jeff Mayhew

(Acting) Director, Office of Planning

SUBJECT:

11-204 - Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 29 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 Jessie Bialek at 410-887-3480.

Prepared by:

JM/LL: CM

RECEIVED

DATE: January 18, 2011

JAN 19 2011

ZONING COMMISSIONER



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

Maryland Department of Transportation

Date: Jan, 12, 2011

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

RE: Baltimore County

Item No 2011-0204-A

GBRETT MANOIR CT

PECK PROPERTY

ADMIN YARRIANCE -

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. 201-0204-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

Steven D. Foster, Chief Access Management Division

SDF/mb

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 7, 2011

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 31, 2011

Item Nos. 2011- 202, 203 and 204

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-01312011 -NO COMMENTS.doc



KEVIN KAMENETZ County Executive

JOHN J. HOHMAN, Chief Fire Department

January 6, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: January 24, 2011

Item No.:

Administrative Variance: 2011)0203A (0204

Special Hearing: 2011-0202-SPH

Variance: 2011-0202-SPH

Comments:

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

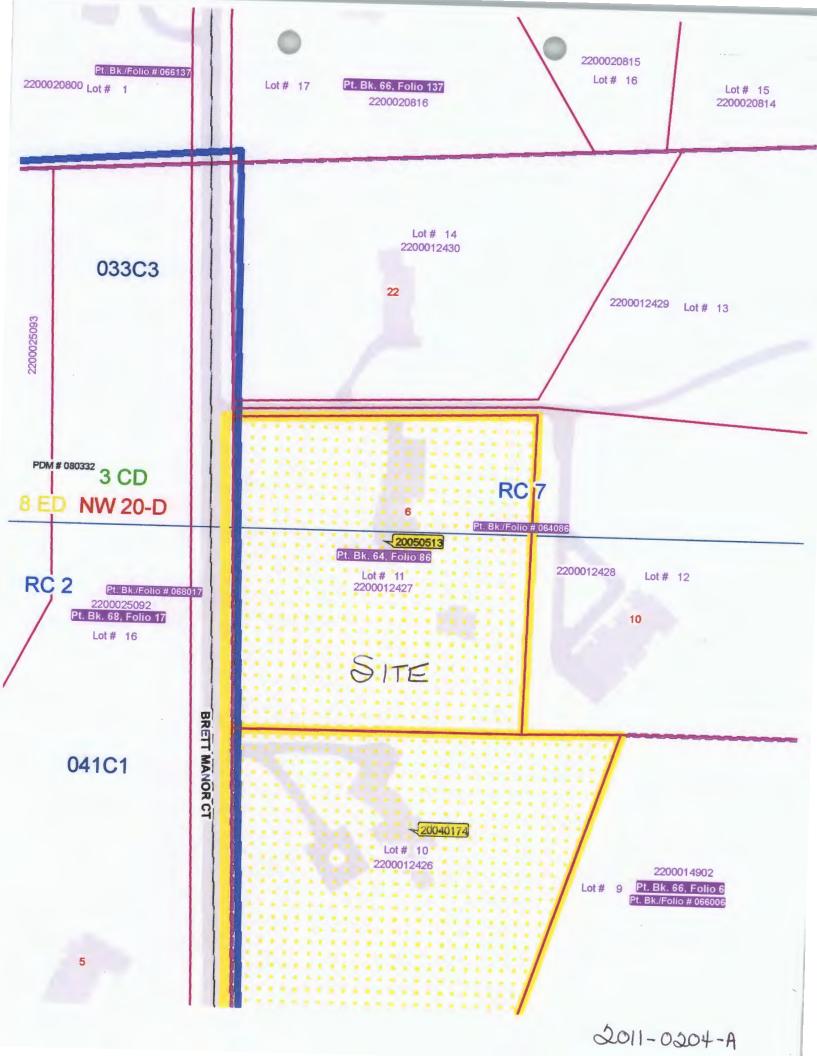
Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 Office: 410-887-4880

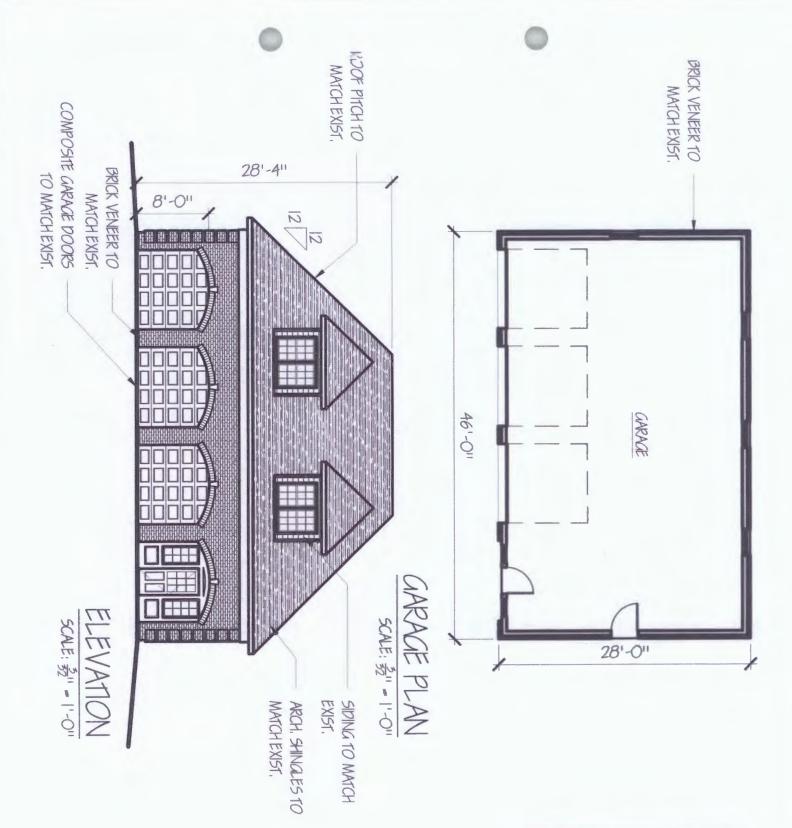
dmuddiman@baltimorecountymd.gov

cc: File

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1) BALTIMORE COUNTY Go Back View Map New Search

	t Identifi			District - 08 Acc								
					Owner Infor	mation						
Owner N	lame:		PECK STEVE			Us	e:			RESIDENTIAL		
			PECK PATRI	PECK PATRICIA M				Residence:		YES		
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41	5	62	102		1		11	2		Plat Ref:	64/86	
Special Areas	Тах	Ad	wn I Valorem x Class									
Primary Structure Built Enclosed Are 2003 8,050 SF			a	Propert 3.47 AC	-	Area		County Use 04				
Stories 2 1/2	Base YES	ment	Type STANDARD UNIT	Exterior BRICK								
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			Base Value	Value	Phase-in As	sessment	S					
				As Of 01/01/2011	As Of 07/01/2010	As Of 07/01/						
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THE PECK RESIDENCE

PROPOSED GARAGE

DEC. 20, 2010







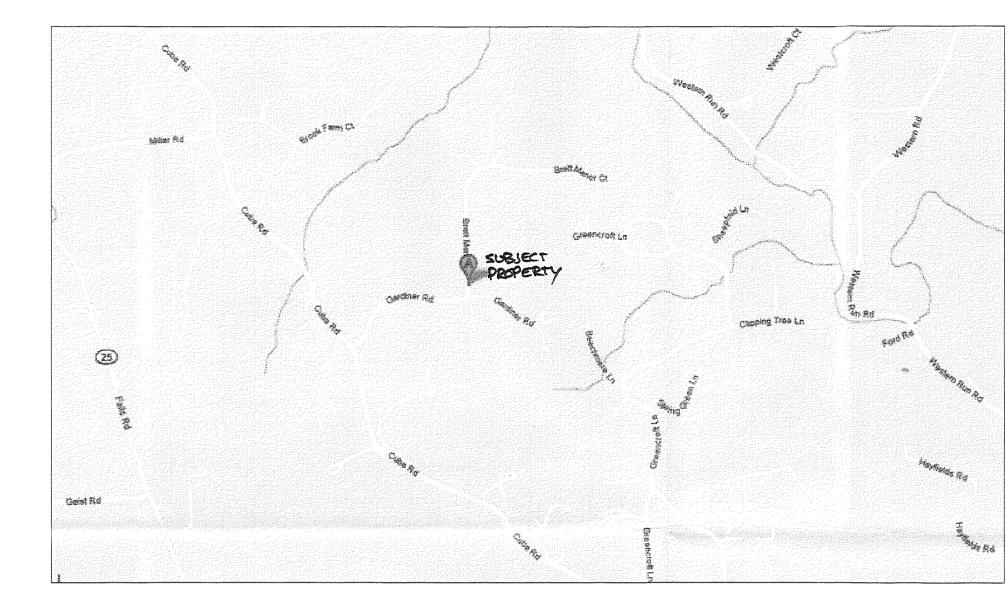




BRETT MANOR COURT (40FT R/W) 393,00' 50' STEVEN E PECK, SR. PATRICIA M. PECK 6 BRETT MANOR COURT COCKEYSVILLE, MD 21030 DEED REF: 13957/582 TAX ACCT: 2200012427 PARCEL NO. 62 219' EXIST. MACADAM D/W EXIST, DWELLING MICHAEL T. SHIELDS 2 BRETT MANOR COURT COCKEYSVILLE, MD 21030 DEED REF: 29648 / 346 TAX ACCT: 2200012426 PARCEL NO. 62 PROPOSED GARAGE 291 | HEIGHT ACRYLIC LATEX POOL HOUSE SPORT COURT EXIST, POOL EXISTING — (40' X 60') PROPANE TANKS 5 01°17'05" W 402,93' CLIFFORD M. JOHNSON, JR. DOROTHY M. JOHNSON 10 BRETT MANOR COURT COCKEYSVILLE, MD 21030 SITE PLAN DEED REF: 17062/107 TAX ACCT: 2200012428 SCALE: |" = 30' PARCEL NO. 62

10 —

11 —



DALE A WATERS, JR.
SUSAN WALTERS
22 BRETT MANOR COURT
COCKEYSVILLE, MD 21030
DEED REF: 12624 / 234
TAX ACCT: 2200012430
PARCEL NO. 62



PROJECT DATA:

PROPERTY ADDRESS: 6 Brett Manor Court Steven E. & Patricia M. Peck OWNER: LOCATION INFORMATION 08 ELECTION DISTRICT: COUNCILMANIC DISTRICT: 03 1'-200' SCALE MAP #: 04101 ZONING: RC-7 LOT SIZE: 3,47 Acres SEWER: PRIVATE WATER: CHES. BAY CRITICAL AREA: 100 YEAR FLOOD PLAIN: HISTORIC PROPERTY: # CASENO. 05.513A PRIOR ZONING HEARING:

LOT COVERAGE:

EXISTING HOUSE

EXISTING SHED

EXISTING DRIVEWAY/
WALKS

TOTAL

PROPOSED GARAGE

PROPOSED DRIVEWAY (ADDITONAL)

-

TOTAL (INCL. PROPOSED)

THE
PECK
RESIDENCE

GARAGE

6 Brett Manor Court Cockeysville, MD 21030

Copyright Austin B. Childs Architecture, LLC 2010. Unauthorized use, reproduction or distribution strictly prohibited.

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		REVISIONS
		100/101010

 $_{eta}$ Drawn

Checked

Approved

austin b childs architecture

chickenranch design studio

16260 falls road monkton, maryland 21111 410.472.2488 achildsaia@msn.com

2011-020H-A

-11 SITE PL/

CONTRACT NO.

SCALE 1" = 30'

DATE DECEMBER 2, 2010