

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Danbury Road, 129 feet N of the
c/l of Pleasant Brook Court
4th Election District
4th Councilmanic District
(114 Danbury Road)

Mary E. Buckman
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0291-A**

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Mary E. Buckman for property located at 114 Danbury Road. The variance request is from Section 1B02.3.A.1 (208.3 1955 R 10 zone) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (garage with second floor sunroom) with a 7 feet side setback in lieu of the minimum required 10 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an attached garage measuring 26 feet x 16 feet to protect her from inclement weather. The new garage will be accessed via the existing concrete driveway. Petitioner's dwelling is 20 feet from the 10 feet wide utility and drainage easement along the north side property line.

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 April 10, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 5-2-11

By [Signature]

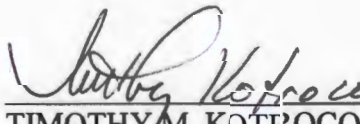
The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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 2nd day of May, 2011 that a variance from Section 1B02.3.A.1 (208.3 1955 R 10 zone) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (garage with second floor sunroom) with a 7 feet side setback in lieu of the minimum required 10 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 5-2-11
By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 2, 2011

MARY E. BUCKMAN
114 DANBURY ROAD
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2011-0291-A
Property: 114 Danbury Road

Dear Ms. Buckman:

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,

A handwritten signature in black ink that reads "Timothy Kotroco". The signature is written in a cursive style.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 114 DANBURY ROAD, REISTERSTOWN

which is presently zoned D.R. 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) 1002.3A.1. (208.3-1955-R.10 ZONE)

TO PERMIT AN ADDITION (GARAGE WITH 2ND FLOOR SUNROOM) WITH A 7-FOOT SIDE SETBACK IN LIEU OF THE MINIMUM REQUIRED 10-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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MARY E. BUCKMAN

Name - Type or Print

Signature

Name - Type or Print

Signature

114 DANBURY RD.

410-833-6145

Address

Telephone No.

REISTERSTOWN

MD

21136

City

State

Zip Code

Representative to be Contacted:

MARY E. BUCKMAN

Name

114 DANBURY ROAD

(410) 833-6145

Address

Telephone No.

REISTERSTOWN, MARYLAND 21136

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this March day of 2011 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.

CASE NO. 2011-0291-A

REV 10/25/01

Reviewed By

DT. Date

3/28/11

Estimated Posting Date

4/10/11



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 114 DANBURY ROAD
Address
REISTERSTOWN, MARYLAND 21136
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):

A GARAGE IS NEEDED TO FACILITATE ME, A SENIOR CITIZEN, BEING ABLE TO GO TO WORK (I WORK FULL-TIME) WITHOUT HAVING TO FACE BAD WEATHER OR CLEAN OFF THE "BAD WEATHER" ON MY CAR.

THE SUNROOM BEING BUILT ABOVE THE GARAGE IS FOR ADDITIONAL PLEASANT LIVING SPACE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mary E. Buckman
Signature
MARY E. BUCKMAN
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of MARCH, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARY E. BUCKMAN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires 04-08-13

ZONING DESCRIPTION FOR 114 DANBURY ROAD, REISTERSTOWN,
MARYLAND 21136

BEING ALL THAT LOT OF GROUND SITUATE IN BALTIMORE COUNTY,
STATE OF MARYLAND, AND DESCRIBED AS FOLLOWS, THAT IS TO SAY:

BEGINNING FOR THE SAME AND BEING KNOWN AND DESIGNATED AS LOT
NO. 31, BLOCK D, AS SHOWN ON THE PLAT ENTITLED, "PLAT THREE,
HATHAWAY," WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF
BALTIMORE COUNTY IN PLAT NOOK OTG NO. 31, FOLIO 19. THE
IMPROVEMENTS THEREON BEING COMMONLY KNOWN AS 114 DANBURY
ROAD, REISTERSTOWN, MARYLAND 21136 AND LOCATED IN THE 4TH
ELECTION DISTRICT, 4TH COUNCILMANIC DISTRICT. LOCATED ON THE
EAST SIDE OF DANBURY ROAD 129' NORTH OF THE CENTERLINE
OF PLEASANT BROOK COURT.

2011-0291-A



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Date April 19, 2011

Mary Buckman
114 Danbury Road
Reisterstown, MD 21136

RE: Case Number 2011-0291A, 114 Danbury Road

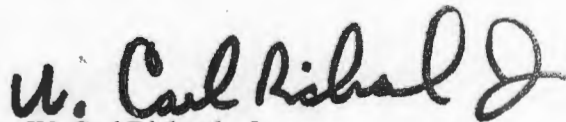
Dear Ms. Buckman,

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


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4-6-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

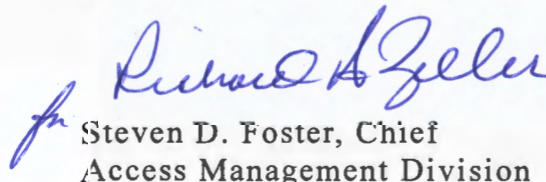
RE: Baltimore County
Item No. 2011-0291-A
Variance
Mary E. Buckman
114 Danbury Road

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. 2011-0291-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

Special Hearing: 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

Comments:

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

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 11, 2011

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2011
Item Nos. 2011- 283, 284, 285, 286,
287, 288, 289, 290, 291, 292 and
293

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-04112011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
APR 07 2011
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-291-A
Address 114 Danbury Road
(Buckman Property)

Zoning Advisory Committee Meeting of April 4, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

CERTIFICATE OF POSTING

RE: Case No. 2011-0291-APetitioner/Developer
BELCHMANDate Of Hearing/Closing: 4/25/11

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 114 DANBURY RD

This sign(s) were posted on April 10, 2011
Month, Day, Year

Sincerely,

Martin Ogle 4/10/11
Signature of Sign Poster and Date

Martin Ogle
80 Chelmsford Court
Baltimore, Md, 21220
443-829-3411





2011-03-29-7



2011-0391-A

Lot # 6
0419003070

0415007500

Lot # 34

108

0416016160

Lot # 6

Pt. Bk. 31, Folio 128
0411068030

Lot # 7

0418072630

Lot # 33

110

DR 5.5

0408056110

Lot # 5

107

0408003780 Lot # 8

Pt. Bk. 31, Folio 128

Lot # 32

Pt. Bk. 31, Folio 19
0413041260

112

Lot # 4
0408070500

109

Lot # 9

19960156

Pt. Bk. 31, Folio 19

SITE

0402086520

Lot # 31

114

DR 3.5

PDM # 040061

NW 14-J
4 CD

057C1
4 ED

0402037570

Lot # 3
111

Lot # 28
0411016380

6

0408004210
Lot # 29

4

0406046170

Lot # 30

0402068230 Lot # 2

113

PLEASANT BROOK CT

0411016480

Lot # 1

124

0408031291
Lot # 24

0419073810 Lot # 23

19950444

19950444

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0291 -A Address 114 DANBURY RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/28/11 Posting Date: 4/10/11 Closing Date: 4/25/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0291 -A Address 114 DANBURY RD.

Petitioner's Name BUCKMAN Telephone 410-833-6145

Posting Date: 4/10/11 Closing Date: 4/25/11

Wording for Sign: To Permit AN ADDITION (GARAGE WITH 2ND FLOOR SUNROOM)
WITH A 7-FOOT SIDE SETBACK IN LIEU OF THE MINIMUM REQUIRED
10- FEET.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning 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.

For Newspaper Advertising:

Item Number or Case Number: 2011-0291-A

Petitioner: BUCKMAN

Address or Location: 114 DANBURY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. MARY E. BUCKMAN

Address: 114 DANBURY RD.

REISTERSTOWN, MD 21136

Telephone Number: 410-833-6145

Revised 2/17/11 DT

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 114 DANBURY ROAD, REISTERSTOWN SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HATHAWAY

PLAT BOOK # O.T.G. 31 FOLIO # 19 LOT # 31 BLOCK SECTION # D

OWNER MARY E. BUCKMAN



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT #4

COUNCILMANIC DISTRICT #4

1"=200' SCALE MAP # NW 14-J
057C1

ZONING DR 3.5

LOT SIZE 0.24 10,353.00
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE
[X] []

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☐ ☒

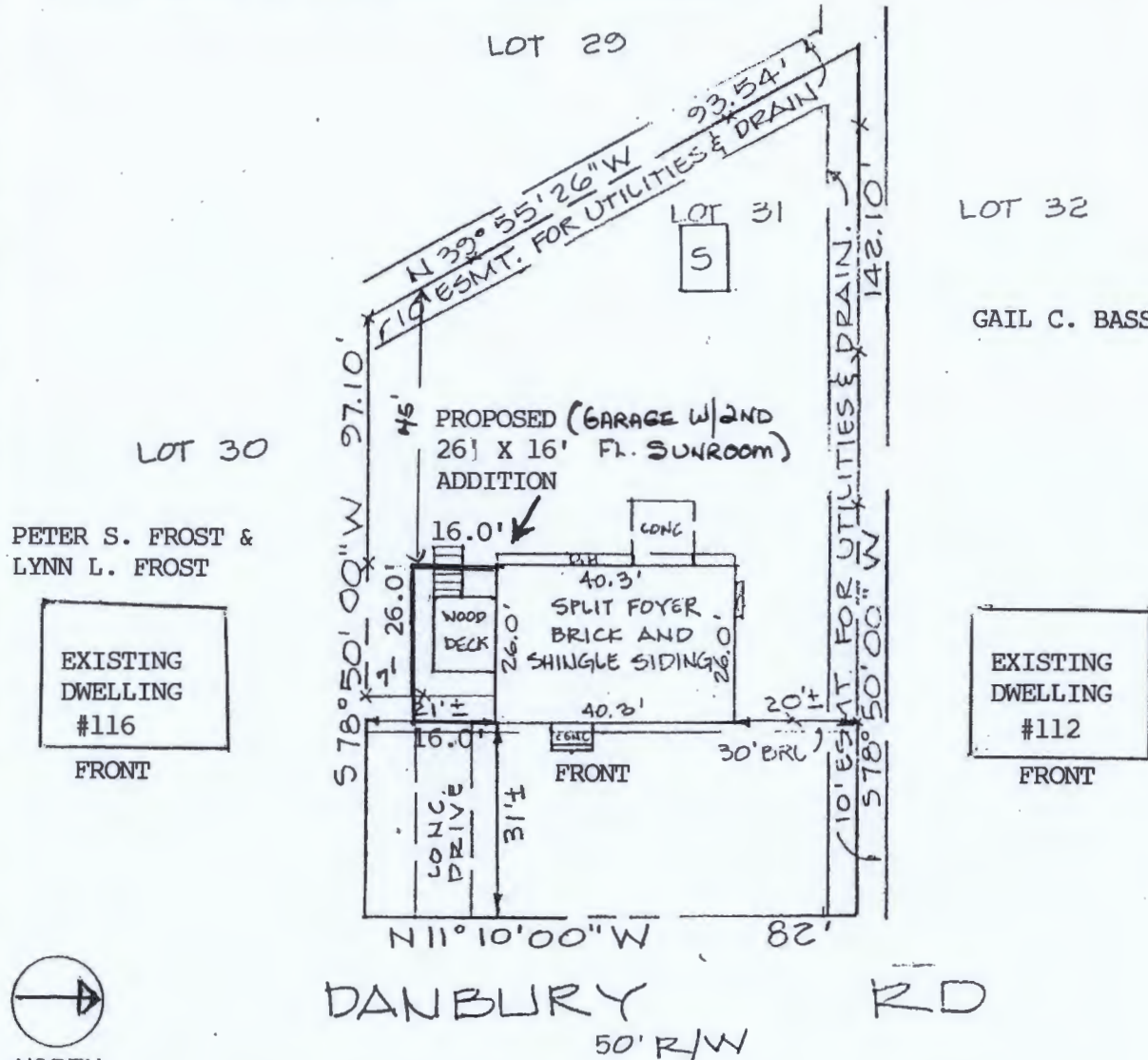
HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D.T. | 0291 | 0291-A



PREPARED BY MARY E. BUCKMAN

SCALE OF DRAWING: 1" = 30'

CERTIFICATE OF POSTING

RE: Case No. 2011-0291-A

Petitioner/Developer BELTMAN

Date Of Hearing/Closing: 4/25/11

*Closing
4/25/11*

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 114 DANBURY RD

This sign(s) were posted on April 10, 2011

Month, Day, Year

Sincerely,

Martin Ogle 4/10/11
Signature of Sign Poster and Date

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2011-0291-A

TO PERMIT AN ADDITION (GARAGE WITH 2ND
FLOOR SUITROOM) WITH A 7-FOOT SIDE SETBACK
IN LIEU OF THE MINIMUM REQUIRED 10-FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY APRIL 25, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204 TEL. 887-3391

NO ONE REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. VIOLATION OF LAW. RETURN BOTH TO ZAPW, RM. 104

MEETING IS HANDICAP ACCESSIBLE

04/10/2011

W. J. Ode 4/10/11