

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Rob caste Road, 735 N from
Paper Mill Road
10th Election District
3rd Councilmanic District
(14205 Robcaste Road)

Thomas and Karen Carroll
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0319-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Thomas and Karen Carroll for property located at 14205 Robcaste Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition within 36 feet of the side yard in lieu of required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a one story addition for the growing family. Based on the architectural layout of the dwelling, this is the only location where the addition can be constructed. The property contains 1.65 acres zoned RC 5 and is served by private water and sewer systems. The file contains a letter of support from Jodi and Tom Howe residing at 14207 Robcaste Road.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 8, 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 6-3-11

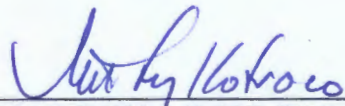
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 Petitioners.

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 3rd day of June, 2011 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition within 36 feet of the side yard in lieu of required 50 feet only be and is hereby GRANTED, subject to the following:

1. 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.

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 6-3-11 2

By 



KEVIN KAMENETZ
County Executive

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

June 3, 2011

THOMAS AND KAREN CARROLL
14205 ROBCASTE ROAD
PHOENIX MD 21131

Re: Petition for Administrative Variance
Case No. 2011-0319-A
Property: 14205 Robcaste Road

Dear Mr. and Mrs. Carroll:

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 cursive script, reading "Timothy Kotroco".

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

14205 Robcaste Rd Phoenix MD 21131

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) 1A04.3, B.2.6; BCZR,

To permit an addition within 36 ft. of the Sideyard
in lieu of required 50 ft.

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

Date

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 _____ day of _____ 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. 2011-0319-A

Reviewed By Jem

Date

4.27.11

Estimated Posting Date

5.8.11

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

Address 14205 Robcote Pl.
City Phoenix State MD Zip Code 21131

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):

Additional space is required for
the growing family.

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.

Karen Carroll
Signature

Name - Type or Print

Karen Carroll

Thomas J. Carroll
Signature

Name - Type or Print

Thomas J. Carroll

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of April, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Aaron Whitaker
Notary Public

My Commission Expires 10/20/2013

ZONING DESCRIPTION
FOR

14205 ROSCASTE ROAD

THAT PROPERTY LOCATED ON THE WEST
SIDE OF ROSCASTE ROAD, 735ft.[±] FROM
THE NEAREST INTERSECTING STREET
PAPER MILL ROAD. CONSISTING OF
1.65 ACRES [±], ELECTION DISTRICT 3, COUNCILMANIC
DISTRICT 10. A/K/A, 14205 ROBCAST ROAD.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 67413

Date: 4/27/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
0N	806	0000		6150						75.-
										75.-
Total:										75.-

Rec From: THOMAS CARROLL

For: 2011-0319-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME INN
4/28/2011 4/27/2011 09:24:21 2
BUS NO2 MAIL JENH JEE
RECEIPT # 733541 4/27/2011 OFLN
DEPT 5 528 ZONING VERIFICATION
CR NO. 067413

Recpt Tot \$75.00
6.00 CK \$100.00 CA
Baltimore County, Maryland \$25.00- CD

CASHIER'S
VALIDATION



CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/9/11

Case Number: 2011-0319-A

Petitioner / Developer: THOMAS CARRDL~BILL HEARN

Date of Hearing (Closing): MAY 23, 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:
14205 ROBCASTE ROAD

The sign(s) were posted on: MAY 8, 2011



Linda O'Keefe
(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, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0319 -A Address ~~14205~~ 14205 ROBCASTLE Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/27/11 Posting Date: 5/8 Closing Date: 5/23

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

- 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.
- 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.
- 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.
- 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- 0319 -A Address 14205 ROBCASTLE Rd.

Petitioner's Name THOMAS CARROLL Telephone 410-527-0783

Posting Date: 5/8/11 Closing Date: 5/23/11

Wording for Sign: To Permit A SIDE SETBACK of 36ft. for
AN ADDITION IN LIEU of THE REQUIRED 50ft.

AV 5/23/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: June 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-319-A
Address 118 Shawan Road
(Hunt Valley Towne Centre)

Zoning Advisory Committee Meeting of May 9, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUN 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 9, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 9, 2011**

Item No.:

Administrative Variance: 2011-0319A, 2011-0321A

Special Hearing: 2011-0152-SPHA, 2011-0320-SPH, 2011- 0322-SPH, 2011-0325-SPH

Variance: 2011- 0152-SPHA, 2011-0323-SPHXA

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 23, 2011
Item Nos. 2011-152, 319, 320, 321,
And 323

DATE: May 11, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-052322011 -NO COMMENTS.doc



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: 5-16-11

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

RE: Baltimore County
Item No. 2011-0319-A
Administrative Variance
Thomas and Karen Carroll
14205 Robcaste 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. 2011-0319-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

April 12, 2011

Jodi and Tom Howe of 14207 Robcaste Rd are neighbors to the Carroll home at 14205 Robcaste Rd. Phoenix MD 21131, and we have a view from the rear of our home of the Carroll's proposed addition.

The property line at the rear of our home is over 175 feet from the Carroll's addition and the front of their home. We understand the addition will be constructed to the left side of their house and there will be 38 feet to the closest property line to the left of their home.

We do not have an objection to the Carroll's contracting of the addition to their house.

Regards

Jodi Howe

Tom Howe

JWH Date: 5-2-2011 [Signature] Date: 5-2-2011

14207 Robcaste Rd

#2011-379-A

View from proposed Addition to rear Yard.



View from proposed addition towards side yard.



View from proposed Addition towards front yard.



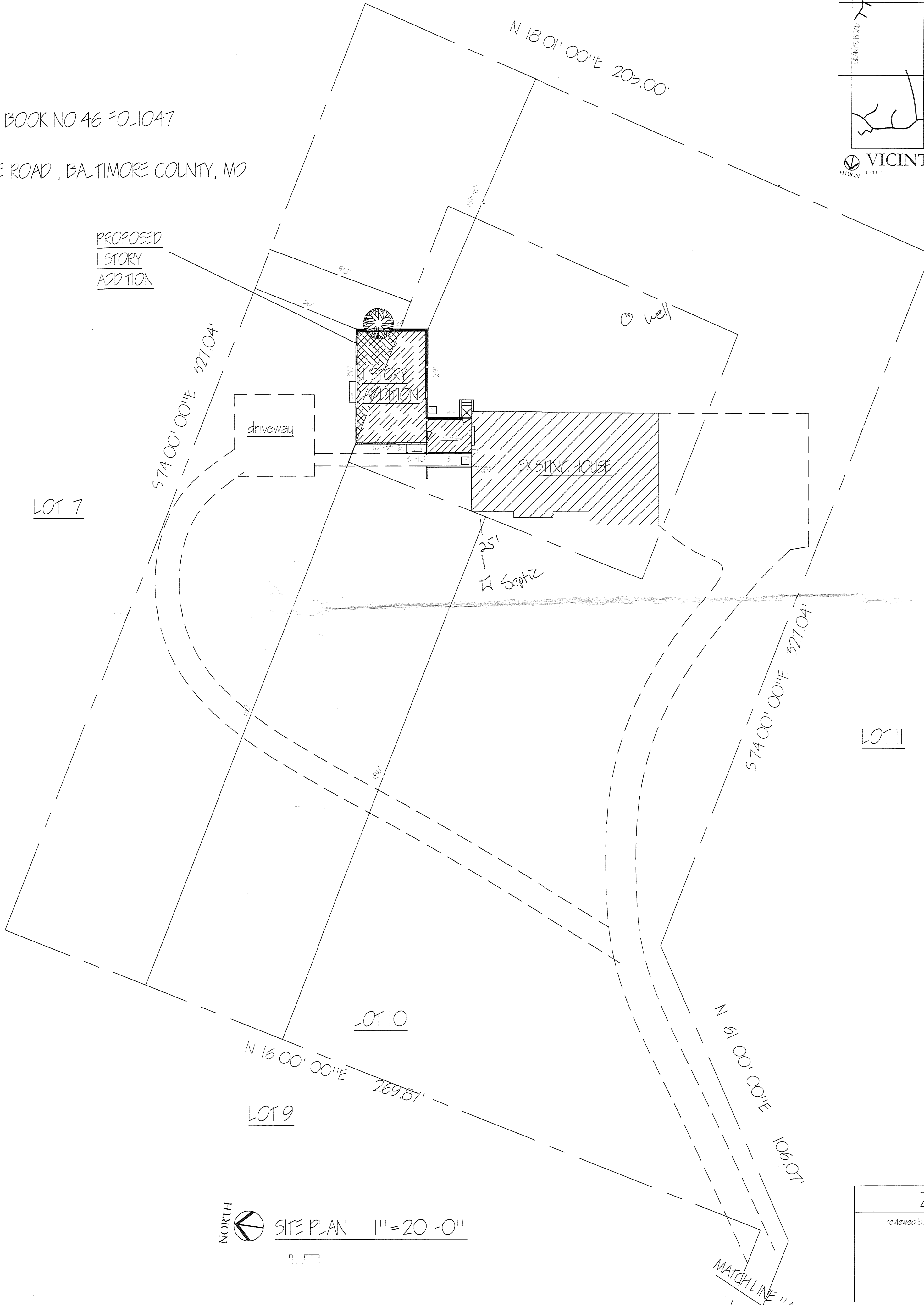
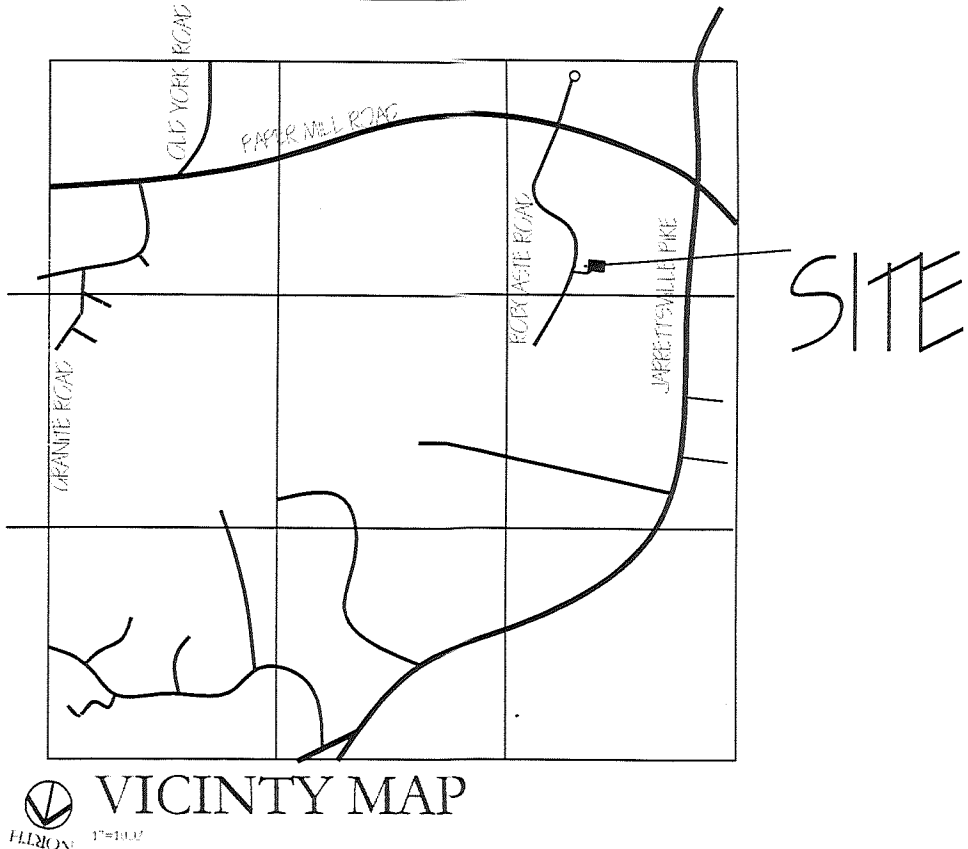
PLAT TO ACCOMPANY PETITION FOR ZONING ADMINISTRATIVE VARIANCE

PROPERTY ADDRESS- 14205 ROBCASTE ROAD, BALTIMORE COUNTY, MD 21131

SUBDIVISION NAME: ASCOT ESTATES

PLAT BOOK: LOT 10, FINAL PLAT, REVISED SECTION 3 - ASCOT ESTATES, PLAT BOOK NO.46 FOLIO 47

OWNER: - THOMAS JOHN CARROLL & KAREN H. CARROLL - 14205 ROBCASTE ROAD , BALTIMORE COUNTY, MD



Councilmanic District : 3

Election District: 10

1" = 200' scale map:

Zoning: RC5

Lot Size: 72,138 SF or 1.65 AC

Sewer : PRIVATE

Water: PRIVATE

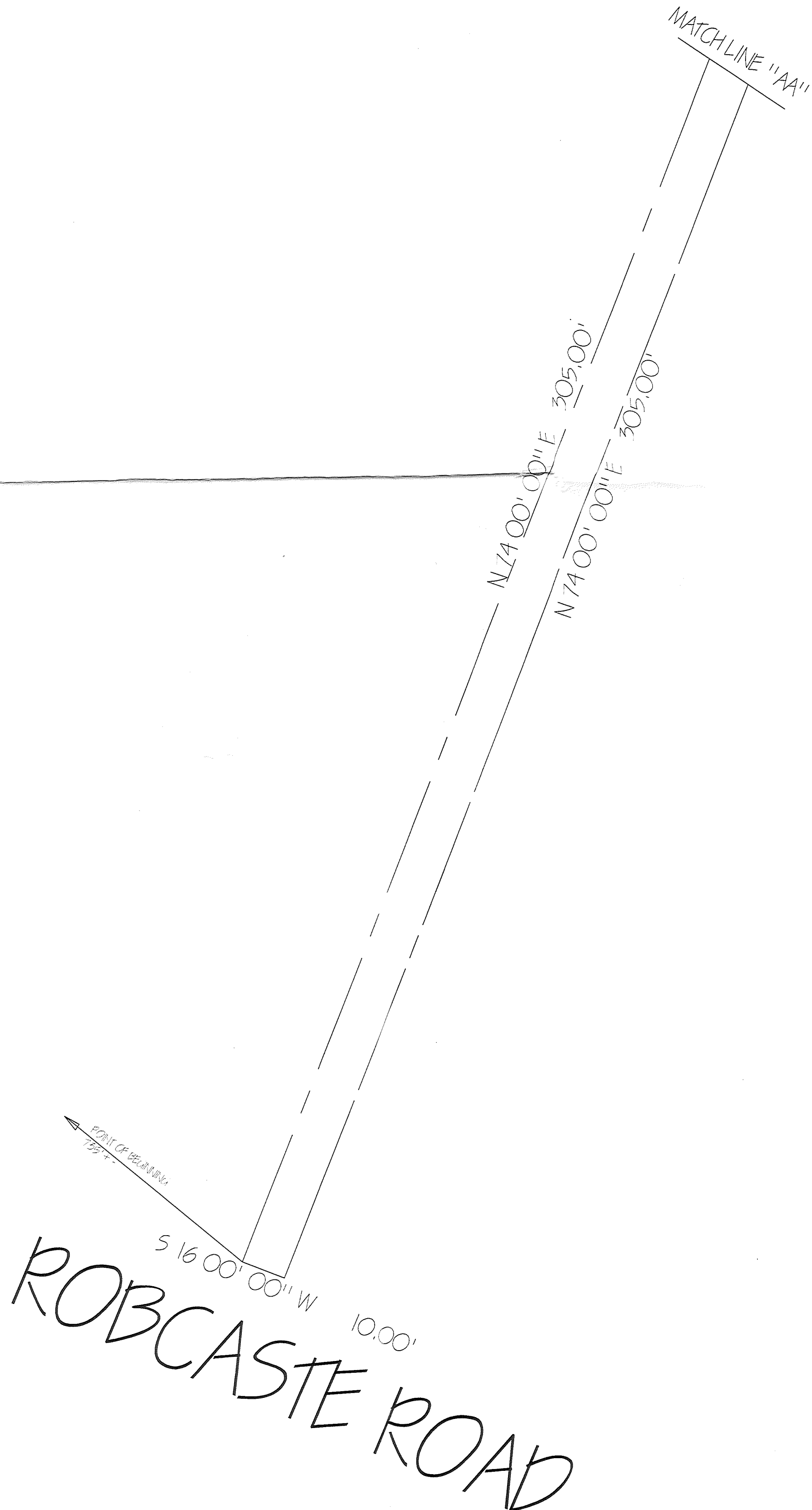
Chesapeake Bay Critical Area: No

100 Year Flood Plain : NONE

FEMA MAP:

Historic Property: No

Prior Zoning Hearings: None



NORTH SITE PLAN 1" = 20'-0"

Zoning Office Use Only		
reviewed by:	item #:	case #:

DANIELS & ASSOCIATES
ARCHITECTS, Ltd.

1113 Ivy Hill Road
Hunt Valley, MD 21030
(410) 560-3588
Suite #100

IN-LAW APARTMENT ADDITION TO AN EXISTING RESIDENCE
14205 ROBCASTE ROAD
BALTIMORE COUNTY, MARYLAND

Date: 3/31/11

Revisions
No. Date Reference

Drawing Title
SITE PLAN

Drawing Number
SITE