

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Willow Run Road, 698 feet N
of the c/l of Dogwood Road
2nd Election District
4th Councilmanic District
(8609 Willow Run Road)

Timothy B. Simonc
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0017-A

* * * * *

OPINION AND ORDER

This matter comes before this Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the subject property, Timothy B. Simonc for property located at 8609 Willow Run Road. The variance request is from Section 1A02.3.B.4 (1998 RC 3) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 20 foot side yard setback in lieu of the required 25 feet, and to amend the latest Final Development Plan for Shecter Property Lot 10 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner proposes to construct a 50 feet x 24 feet addition and two car garage. The proposed 20 feet x 24 feet addition with full basement and 30 feet x 24 feet attached two car garage must be located where shown on the site plan because the septic reserve area prevents locating it on the opposite side. The new garage will be located near the existing garage and driveway. There will be a walkout from the new basement that must exit into the new garage to eliminate drainage issues since the slope of the land prevents draining the walkout via gravity. It is necessary to attach the new garage to the existing dwelling, and make the new garage 30 feet wide to accommodate the new basement walkout and 24 feet deep to accommodate a large pickup truck. The property contains 1.743 acres zoned RC 6.

ORDER RECEIVED FOR FILING

Date 8.25.11

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated July 29, 2011 which indicate that the proposed building permit for a garage/addition will need Groundwater Management Section review.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 31, 2011, 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 Administrative Law Judge for Baltimore County, this 24th day of August, 2011 that a variance from Section 1A02.3.B.4 (1998 RC 3) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 20 foot side yard setback in lieu of the required 25 feet, and to amend the latest Final Development Plan for Shecter Property Lot 10 only be and is hereby GRANTED, subject to the following:

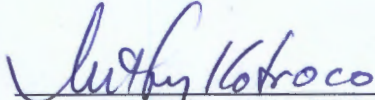
ORDER RECEIVED FOR FILING

Date 8.25.11 2

By [Signature]

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 proposed building permit for the garage/addition shall be reviewed by the Groundwater Management Section of the Department of Environmental Protection and Sustainability.

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 8.25.11

By 



KEVIN KAMENETZ
County Executive

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

August 24, 2011

TIMOTHY B. SIMONIC
8609 WILLOW RUN ROAD
WINDSOR MILL MD 21244

Re: Petition for Administrative Variance
Case No. 2012-0017-A
Property: 8609 Willow Run Road

Dear Mr. Simonic:

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, Approvals 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, 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 8609 WILLOW RUN RD
which is presently zoned RC6

Deed Reference: 131911737 Tax Account # 2300002306

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) 1A02.3B.4. (BCER-1998-R.C.3)

TO PERMIT AN ADDITION WITH A 20-FOOT SIDE YARD SETBACK IN LIEU
OF THE REQUIRED 25-FOOT AND TO AMEND THE LATEST F.D.P. FOR
"SHECTER PROPERTY", LOT 10 ONLY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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 8.25.11 Telephone No.

City By [Signature] State Zip Code

Legal Owner(s):

TIMOTHY B. SIMONIC

Name - Type or Print

Signature

Name - Type or Print

Signature

8609 WILLOW RUN RD 410 265-1055
Address Telephone No.

WINDSOR MILL MD 21244
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. 2012-0017-A

Reviewed By D.T. Date 7/18/11

Estimated Posting Date 7/31/11

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 own and reside at 8609 WILLOW RUN RD
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) see attached sheet

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Signature

Name- print or type

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 15 day of July, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): TIMOTHY B SIMONIC
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kristen Lee Morrell 02/16/2015
Name of Notary Public Commission expires

PLACE SEAL HERE:

KRISTEN LEE MORSELL
Notary Public
Anne Arundel County, Maryland
Commission Expires 02/16/2015

The south-west side of the existing dwelling is 59.6' from the property line and just 34.6' from the 25' side setback. The proposed 20' x 24' addition with full basement and 30' x 24' attached two-car garage must be located on this side of the dwelling because the septic reserve area prevents locating it on the opposite side. Also, I would like to locate the new garage near the existing garage and driveway. There will be a walk-out from the new basement that must exit into the new garage to eliminate drainage issues since the slope of the land prevents draining the walkout via gravity. As a result, it is necessary to attach the new garage to the existing dwelling, and make the new garage 30' wide to accommodate the new basement walkout and 24' deep to accommodate a large pickup truck. The required dimensions of the new garage will cause the south-west corner of said garage to cross into the 25' side setback by 5', requiring this request for an administrative variance.

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ZONING PROPERTY DESCRIPTION FOR 8609 Willow Run Rd.

Beginning at a point on the Southeast corner of Willow Run Rd which is 50 ft. wide and Caitlins Ct. which is 50 ft. wide. Being Lot #10, in the subdivision of Willow Creek (fka Shecter Property) as recorded in Baltimore County Plat Book #70, Folio #45, containing 1.743 acres. Located in the 2nd Election District and 4th Council District.

2012-0017-A

Certificate of Posting
Photograph Attachment

Re: 2012-0017-A

Petitioner/Developer: _____

Tim Simonic

Date of Hearing/Closing: 8/15/11



8609 Willow Run Rd.

Posting Date: 7/31/11

John C. Gifford 7/31/11
(Signature and date of sign poster)

AV 8/15

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUL 29 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: July 29, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-017-A
Address 8609 Willow Run Road
(Simonic Property)

Zoning Advisory Committee Meeting of July 25, 2011.

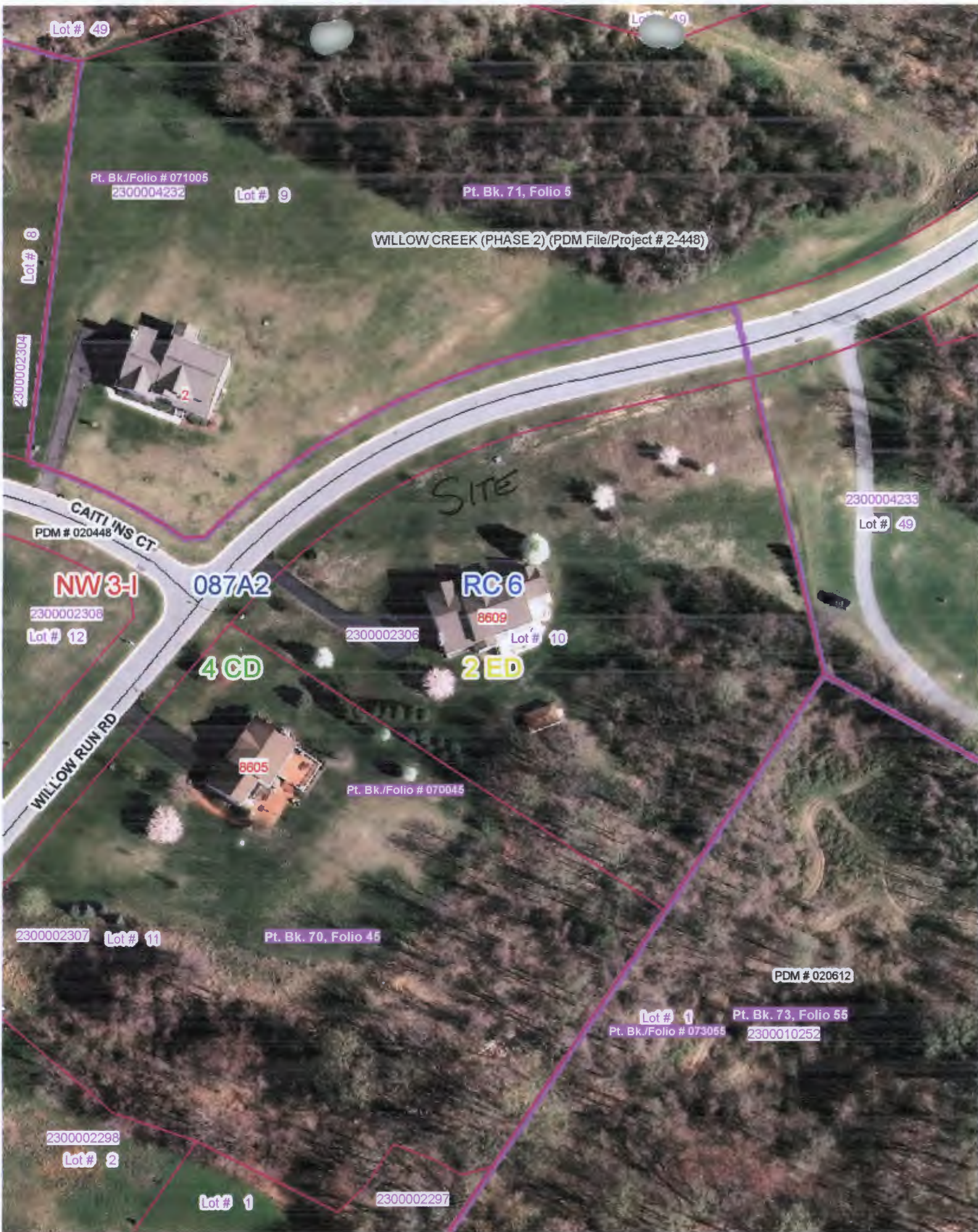
X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. A proposed building permit for a garage/addition will need Groundwater Mgmt. Section review.

Reviewer: *Dan Esser; Groundwater Management*

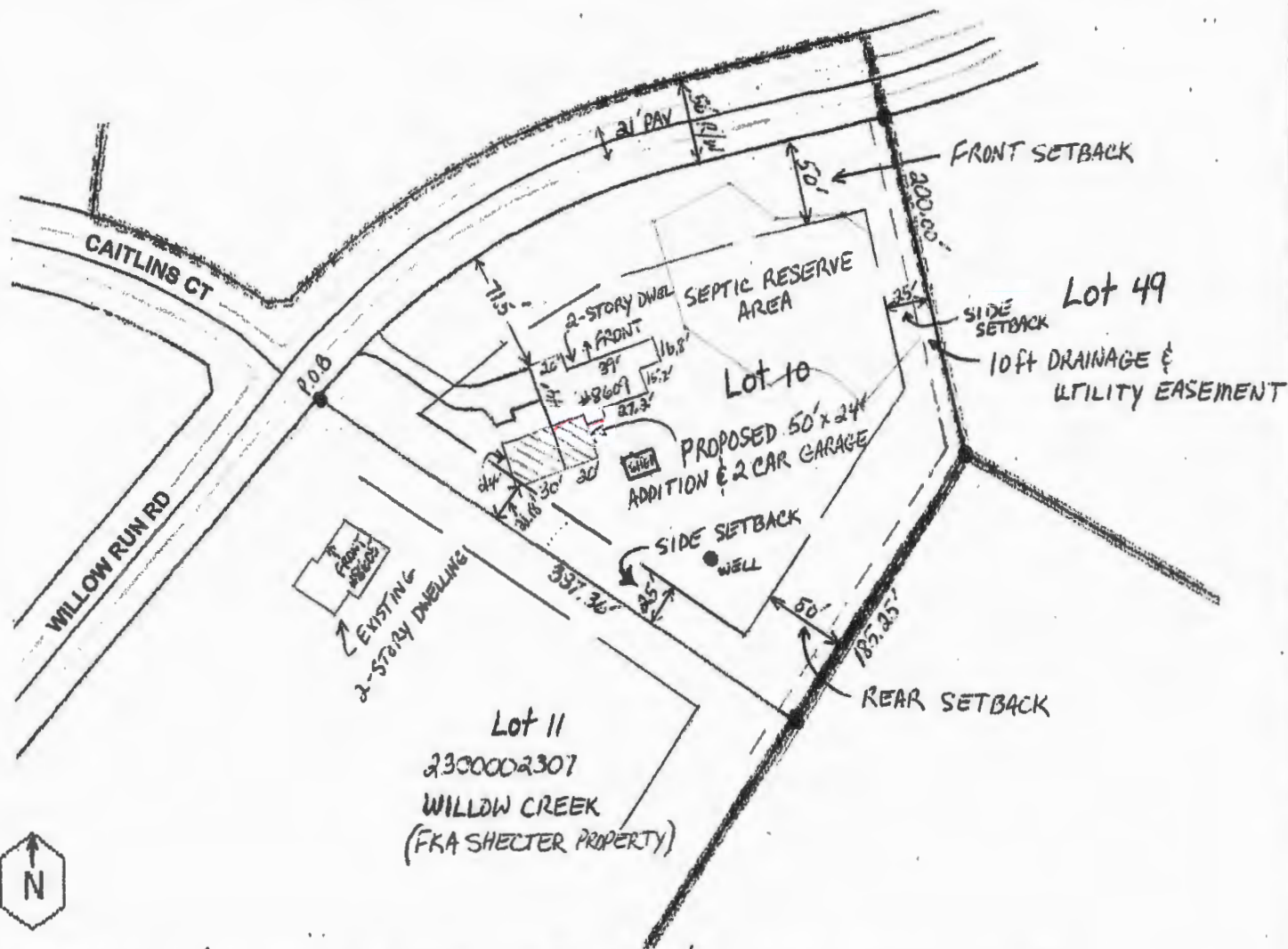


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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 8609 WILLOW RUN ROAD OWNER(S) NAME(S) TIMOTHY B. SIMONIC
 SUBDIVISION NAME WILLOW CREEK (FKA SHECTER PROPERTY) LOT # 10 BLOCK # N/A SECTION # N/A
 PLAT BOOK # 70 FOLIO # 45 10 DIGIT TAX # 2300002306 DEED REF. # 131911-737



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 087A2
 SITE ZONED RC6
 ELECTION DISTRICT 2nd
 COUNCIL DISTRICT 4th
 LOT AREA ACREAGE 1.743
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH 2
 WATER IS:
 PUBLIC _____ PRIVATE X
 SEWER IS:
 PUBLIC _____ PRIVATE X
 PRIOR HEARING? NO
 IF SO-GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY TIMOTHY B. SIMONIC DATE 7/15/11 SCALE: 1 INCH = 100 FEET

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