

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Sugar Mill Circle, 380 feet
S of Myersview Drive
15th Election District
6th Councilmanic District
(12116 Sugar Mill Circle)

Lawrence A. and Lois E. Pelletier
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0092-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, Lawrence A. and Lois E. Pelletier for property located at 12116 Sugar Mill Circle. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.5.a. of the Comprehensive Manual of Development Policies (CMDP) to permit a 24 foot rear yard setback in lieu of the required 35 feet for an enclosed sunroom, and to amend the Final Development Plan of Chase Manor, Lot 55 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a sunroom measuring 16 feet x 12 feet on the rear of the dwelling. An existing deck will be removed to accommodate the sunroom. The dwelling is offset 16 inches back further than either of its neighbors. Photographs submitted with the Petitioner illustrate existing sunrooms in the neighborhood.

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 October 9, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

10-31-11

Date

23

By

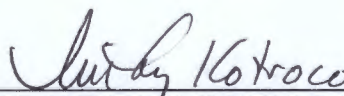
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 31st day of October, 2011 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.5.a. of the Comprehensive Manual of Development Policies (CMDP) to permit a 24 foot rear yard setback in lieu of the required 35 feet for an enclosed sunroom, and to amend the Final Development Plan of Chase Manor, Lot 55 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

10-31-11

By

23



KEVIN KAMENETZ
County Executive

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

October 31, 2011

LAWRENCE A. AND LOIS E. PELLETIER
12116 SUGAR MILL CIRCLE
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2012-0092-A
Property: 12116 Sugar Mill Circle

Dear Mr. and Mrs. Pelletier:

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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Dave McMahon, 7110 Golden Ring Road, Baltimore MD 21221



Tax account#2200014795

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

TO AMEND THE FDR OF CHASE MANOR.

for the property located at 12116 Sugar Mill Circlewhich is presently zoned DR 5.5

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) V.B.5.a (CMDR) and 1802.3B-BC2R,

To Permit A 24ft. ^{REAR YARD} Set Back in Lieu of the Required 35 ft for An Enclosed Sun-Room

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):

LAWRENCE PELLETIER

Name - Type or Print

Signature

LOIS PELLETIER

Name - Type or Print

Signature

12116 Sugar Mill Circle (410) 335-9681

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

Representative to be Contacted:

Dave McMahon

Name

7110 Golden Ring Rd

(410) 780-0062

Address

Telephone No.

Baltimore

MD

21221

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.

2012-0092-AReviewed By

Date

9/28/11

REV 10/25/01

ORDER RECEIVED FOR FILING

Estimated Posting Date

10/9/11

Date

10-31-11

By

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 12116 Sugar Mill circle
Address
Baltimore MD 21220
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):

We would like to construct a patio room (12'x16') on our home the problem is we will only have 24ft to the rear property line, 2.25 ft short of the required 26.25 to the track boundary line, this is cause by the offset of our house 16" back further then either of our nieghbors. also the fact that we are on the track boundary line. the rear of the house is the only location we can build the patio room being there is an existing door that will lead into the patio room therefore we are asking for a varience of 24ft. in leiu of the required 26.25 to the track boundary line.

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.

Lawrence Pelletier
Signature

LAWRENCE PELLETIER
Name - Type or Print

Lois Pelletier
Signature

LOIS PELLETIER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of Sept, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Delores A. Scott
Notary Public

My Commission Expires 11/27/2013

Zoning Descripton for 12116 Sugar Mill Circle.

Beginning at a point on the South side of Sugar Mill Circle which is fifty foot wide. and located approx 380ft sounth of the nearest improved intersecting street being Myersveiw dr being a 50ft right of way *Being Lot# 55, in the subdivision of Chase Manor as recorded in the baltimore county plat book #65, Folio #135 Containing 1,660sq ft. Also known as 12116 Sugar Mill Circle. and located in the 15th election district. 6th concilmanic district.

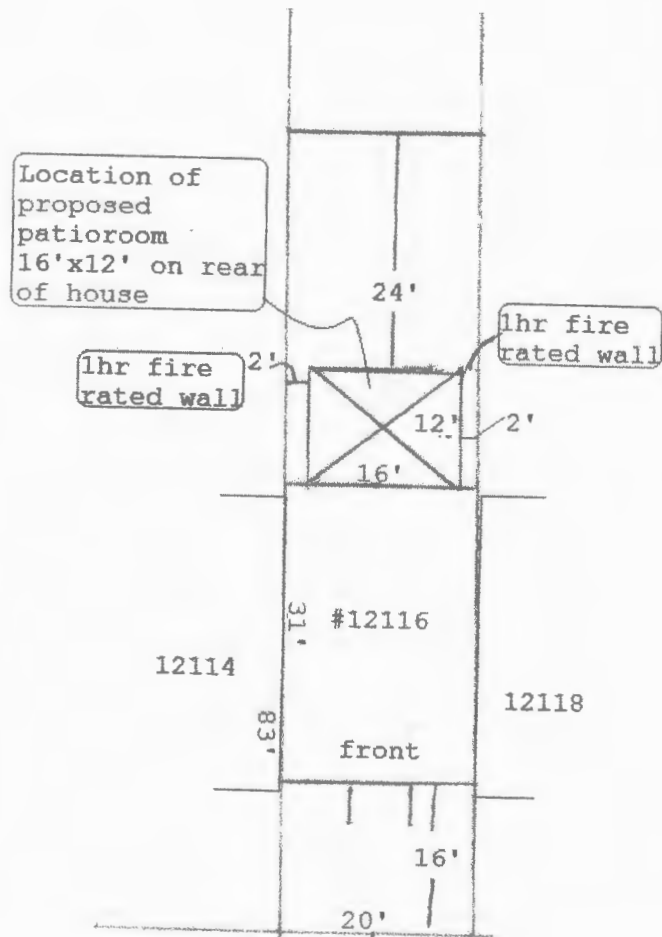
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 12116 Sugar Mill Circle

SUBDIVISION NAME Chase Manor

PLAT BOOK # 65 FOLIO # 135 LOT # 55

OWNER LAWRENCE & LOIS PELLETIER



PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 6th
1" = 200' SCALE MAP # 083C3
ZONING DR5.5
LOT SIZE 1,660
SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

Case No.: 2012-6092-A

Exhibit Sheet DW 11/2 B 12/6/11

Petitioner/Developer

Protestant

No. 1	Site Plan of the property	
No. 2	(2) Photos of the property	
No. 3	Design of Addition	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

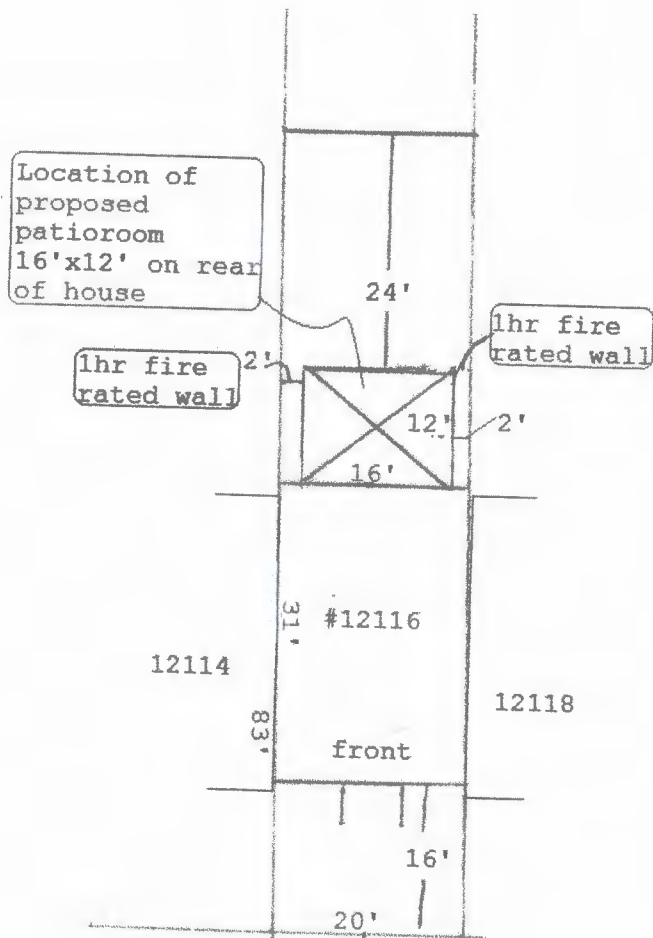
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 12116 Sugar Mill Circle

SUBDIVISION NAME Chase Manor

PLAT BOOK # 65 FOLIO # 135 LOT # 55

OWNER LAWRENCE & LOIS PELLETIER



NORTH

PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 20'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 083C3

ZONING DR5.5

LOT SIZE 1,660
SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

#2



location of proposed patio
room on rear of house,
(removing existing deck)



Existing patio room located in
neighborhood

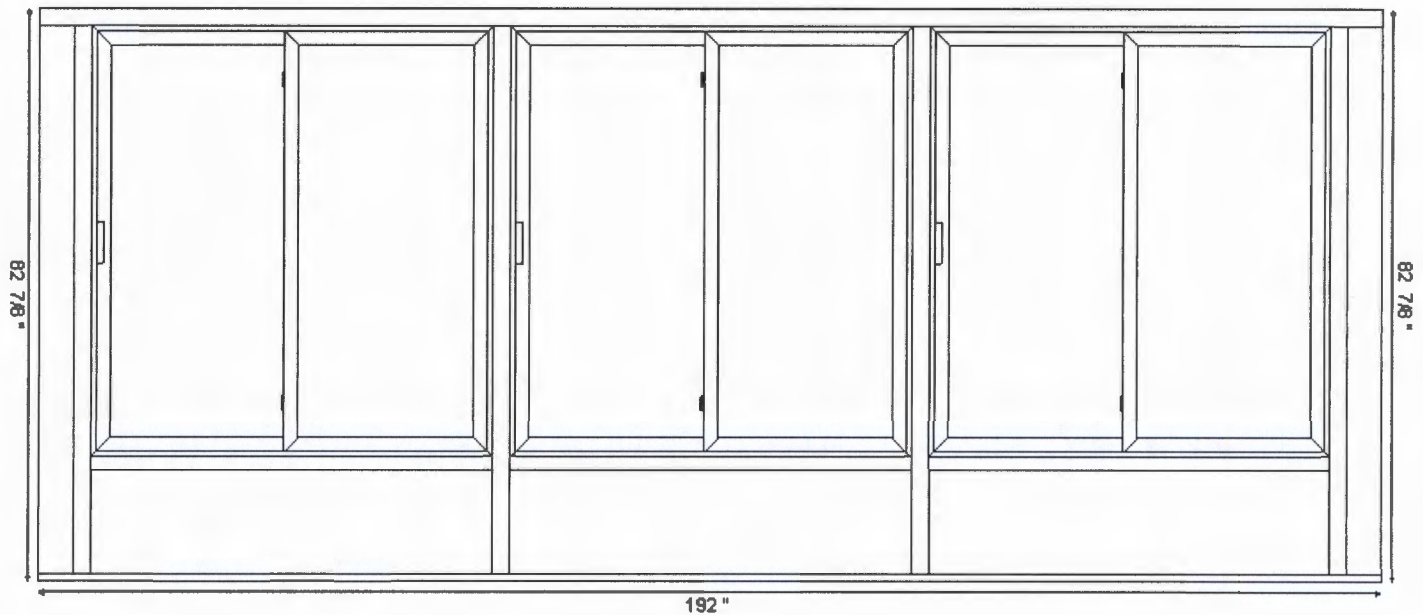


Front of 12116 Sugar Mill Circle



ORDER NO: 637
ITEM: 1
DATE: 09/12/11

B Wall



Dimensions

Attachment Height: 120 "
B Wall Height: 82.875 "
B Wall Width: 192 "
Roof Overhang: 12 "

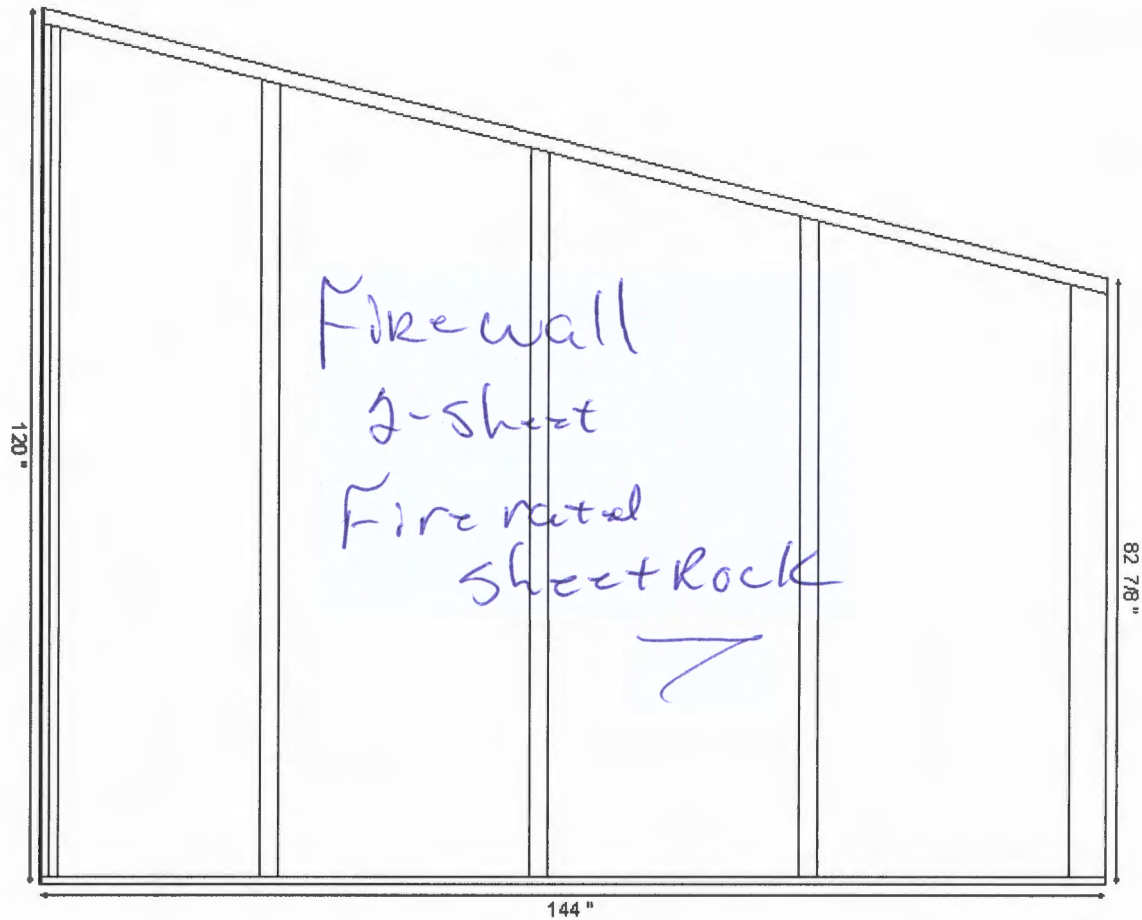
Layout

4" (Corner Post) + 1.9375" (Foam) + 0.5" (Non-Thermal H) + 59.375" (2 Lite Window) + 0.5" (Non-Thermal H) + 59.375" (2 Lite Window) + 0.5" (Non-Thermal H) + 59.375" (2 Lite Window) + 0.5" (Non-Thermal H) + 1.9375" (Foam) + 4" (Corner Post)

#3

ORDER NO: 637
ITEM: 1
DATE: 09/12/11

A Wall



Dimensions

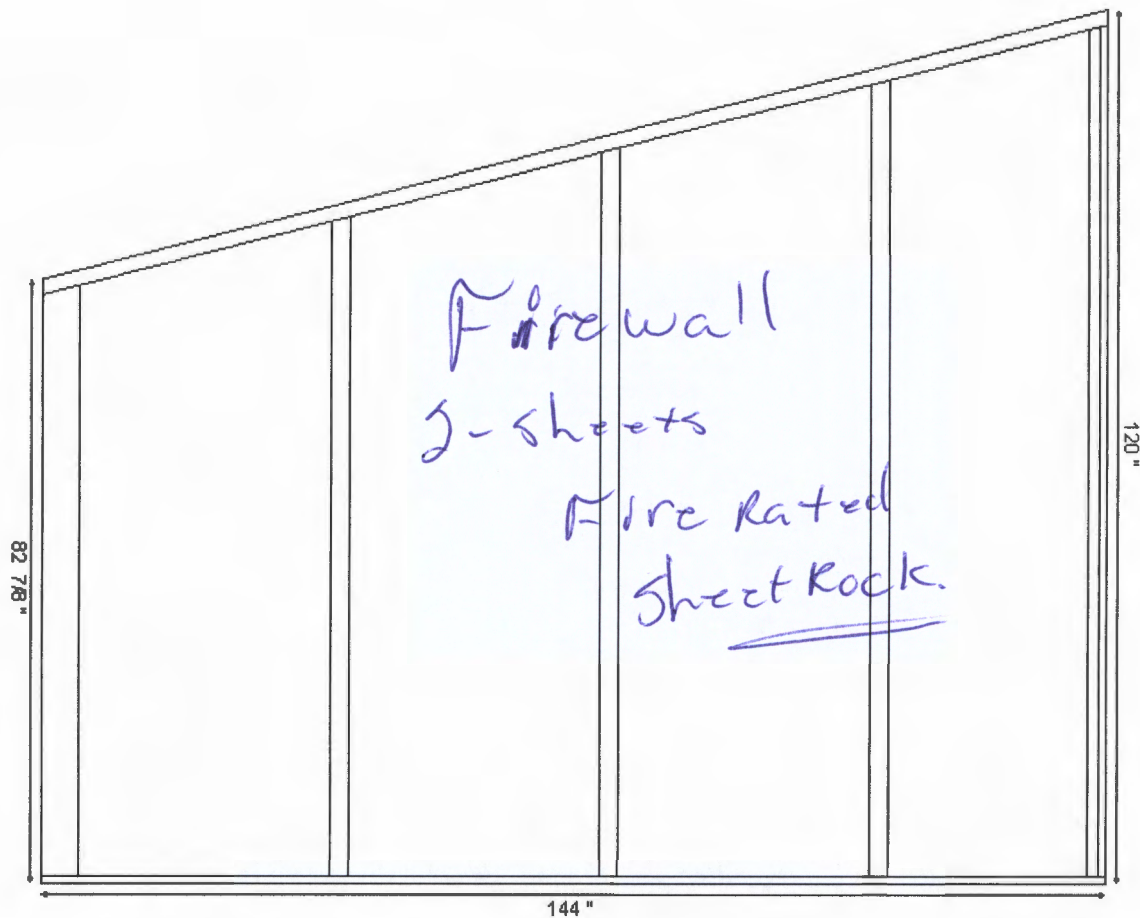
Attachment Height: 120 "
B Wall Height: 82.875 "
A Wall Width: 144 "
Roof Overhang: 12 "

Layout

1" (Fascia) + 0.5" (Non-Thermal H) + 29" (Foam) + 0.5" (Non-Thermal H) + 36" (Panel) + 0.5" (Non-Thermal H) + 36" (Panel) + 0.5" (Non-Thermal H) + 36" (Panel) + 4" (Corner Post)

ORDER NO: 637
ITEM: 1
DATE: 09/12/11

C Wall



Dimensions

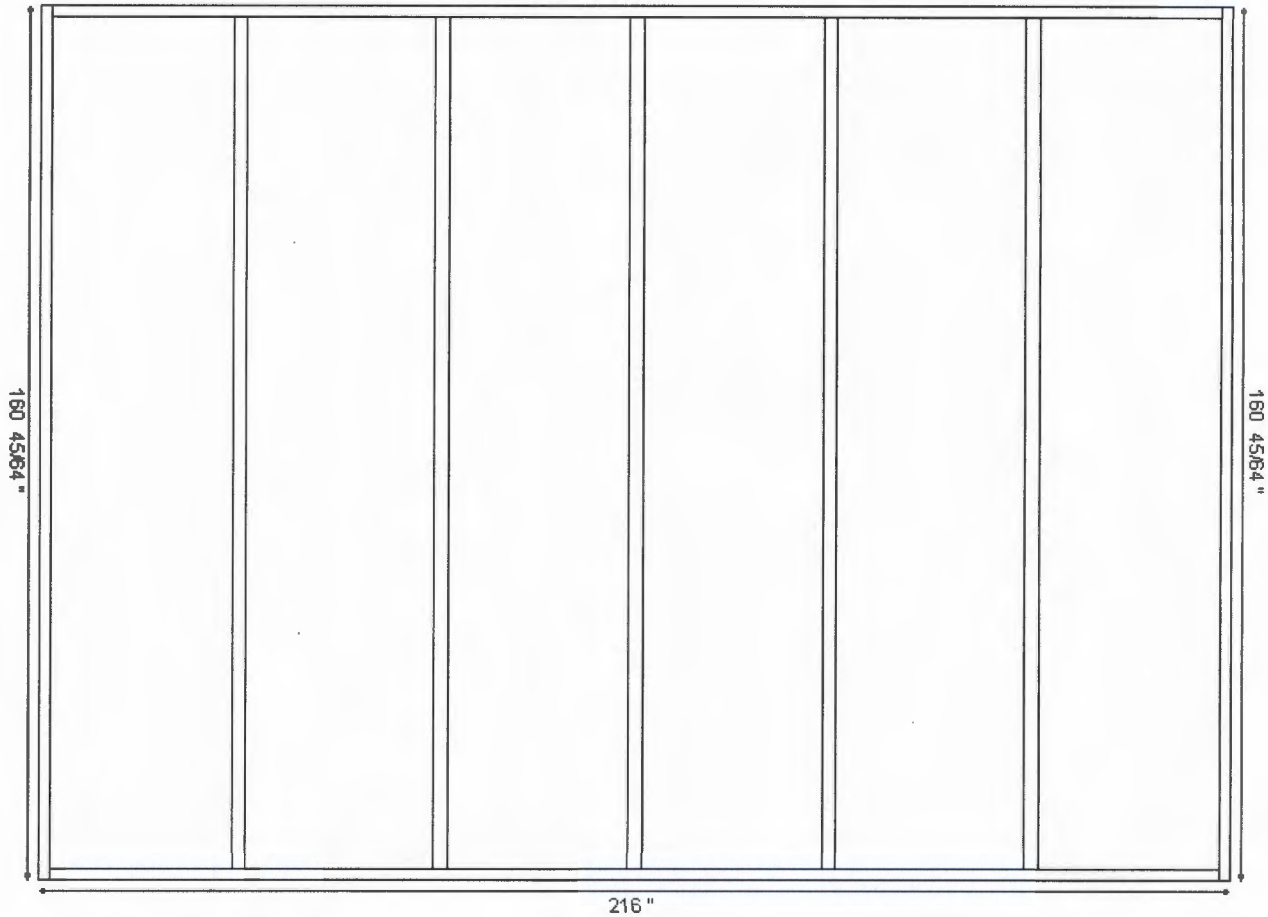
Attachment Height: 120 "
B Wall Height: 82.875 "
C Wall Width: 144 "
Roof Overhang: 12 "

Layout

4" (Corner Post) + 36" (Panel) + 0.5" (Non-Thermal H) + 36" (Panel) + 0.5" (Non-Thermal H) + 36"
(Panel) + 0.5" (Non-Thermal H) + 29" (Foam) + 0.5" (Non-Thermal H) + 1" (Fascia)

ORDER NO: 637
ITEM: 1
DATE: 09/12/11

Roof



Dimensions

Attachment Height: 120 "
B Wall Height: 82.875 "
B Wall Width: 192 "
A Wall Width: 144 "
C Wall Width: 144 "
Roof Overhang: 12 "

CERTIFICATE OF POSTING

2012-0092-A

RE: Case No.: _____

Petitioner/Developer: _____

L Pelletier

October 24, 2011

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

12116 Sugar Mill Circle

October 9, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

October 13, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE
ADMINISTRATIVE VARIANCE
CASE # 2012-0092-A
TO PERMIT A 24' REAR YARD SETBACK IN LNU
OF THE REQUIRED 35' FOR A SOUNDCOM.
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 10-24-11
ADDITIONAL INFORMATION IS
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE. TEL. 887-3391
TOWSON, MD. 21204
MEETING IS HANDICAP ACCESSIBLE