

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Dunkirk Road, 575 feet W
of Edgewood Road
9th Election District
5th Councilmanic District
(607 Dunkirk Road)

Donald H. and Diana S. Romano
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0096-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 owners of the subject property, Donald H. and Diana S. Romano for property located at 607 Dunkirk Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing accessory structure (garage) and proposed garage addition with a height of 17 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to enlarge their garage which is approximately 10 feet x 20 feet by widening the structure 3.5 feet. They also wish to change the roof style to 17 feet to allow for storage space. The existing dwelling was constructed in 1924. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

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.

ORDER RECEIVED FOR FILING

Date 11-7-11

By 83

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 16, 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 Petitioners.

Although the Office of Planning did not make any recommendations related to the shed height and usage, I will impose conditions 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.

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 7th day of November, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing accessory structure (garage) and proposed garage addition with a height of 17 feet in lieu of the maximum allowed 15 feet, be and is hereby GRANTED, subject to the following:

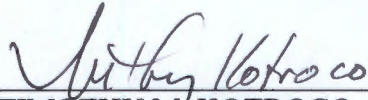
ORDER RECEIVED FOR FILING

Date 11-7-11

By 

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.
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.

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 11-7-11

By 



KEVIN KAMENETZ
County Executive

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

November 7, 2011

DONALD H. AND DIANA S. ROMANO
607 DUNKIRK ROAD
BALTIMORE MD 21212

Re: Petition for Administrative Variance
Case No. 2012-0096-A
Property: 607 Dunkirk Road

Dear Mr. and Mrs. Romano:

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 M. 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 607 Dunkirk Road
which is presently zoned DR S.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)

400.3, Bc2R, to permit an existing accessory building (detached garage) and proposed garage addition with a height of 17 feet in lieu of the maximum allowed 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.

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

ORDER RECEIVED FOR FILING

Address

Telephone No.

Date 11-7-11

City

State

Zip Code

By [Signature]

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11-7-11 day of November, 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.

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

Zoning Commissioner of Baltimore County

CASE NO. 2012-0096-A

REV 10/25/01

Reviewed By JNP Date 10/3/2011

Estimated Posting Date 10/16/2011

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 607 DUNKIRK Rd
Address
BALTIMORE MD 21212
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 wish to enlarge our garage, which is approximately 10' x 20'. We wish to widen it by 3 1/2 feet and change the roof from a hip roof to a gable roof. The new height of the roof would be approximately 17' which is higher than allowed under the zoning. We would like this height to give us enough space for storage & the addition of a Rec. Room. That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and because advertising fee and may be required to provide additional information.

Signature

DONALD H. ROMANO

Name - Type or Print

Signature

DIANA S. ROMANO

Name - Type or Print

there is not enough space in the main dwelling.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of August, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

WENDY WALLACE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

Notary Public My Commission Expires July 17, 2014

My Commission Expires July 17, 2014

Administrative Variance Petition
Don & Diana Romano, 607 Dunkirk Rd
Requirement #3 – Property Description

ZONING DESCRIPTION FOR 607 Dunkirk Road

Beginning at a point on the South side of Dunkirk Road which is 50' R/W (number of feet of right-of-way width) wide at the distance of 575' West of the centerline of the nearest improved intersecting street Egde^{and lot 8}wood Road which is 50' R/W (number of feet right-of-way width) wide. Being Lot # 7, Block K, in the subdivision of Anneslie as recorded in the Baltimore County Plat Book # 7, Folio # 40, containing 6,250 square feet. Also known as 607 Dunkirk Road and located in the 9th Election District, 5th Councilmanic District.

2012-0096-A



Existing Garage - Front & Side

2012-0096-A

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0096-A

PETITIONER/DEVELOPER _____

DONALD & DIANA ROMANO

DATE OF HEARING/CLOSING: _____

10/31/11

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 607 DUNKIRK ROAD

THIS SIGN(S) WERE POSTED ON _____

October 16, 2011

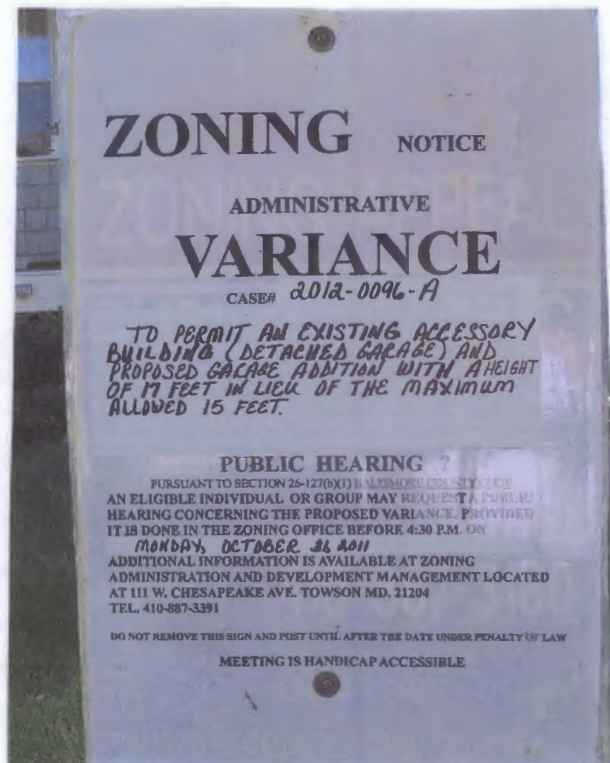
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)

PHONE NUMBER: 443-629-3411



Martin Ogle 10/16/11

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

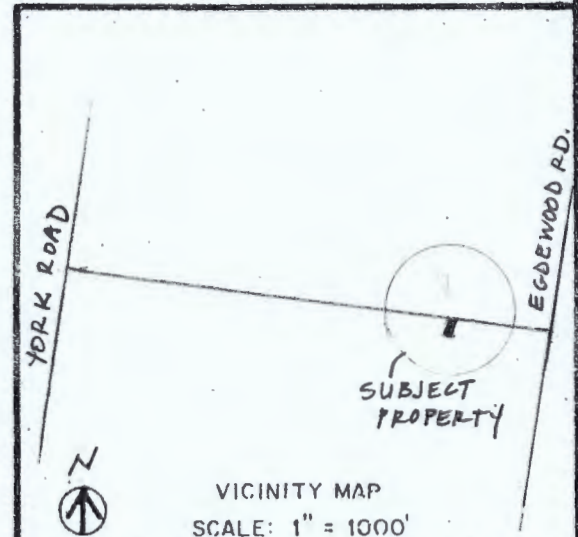
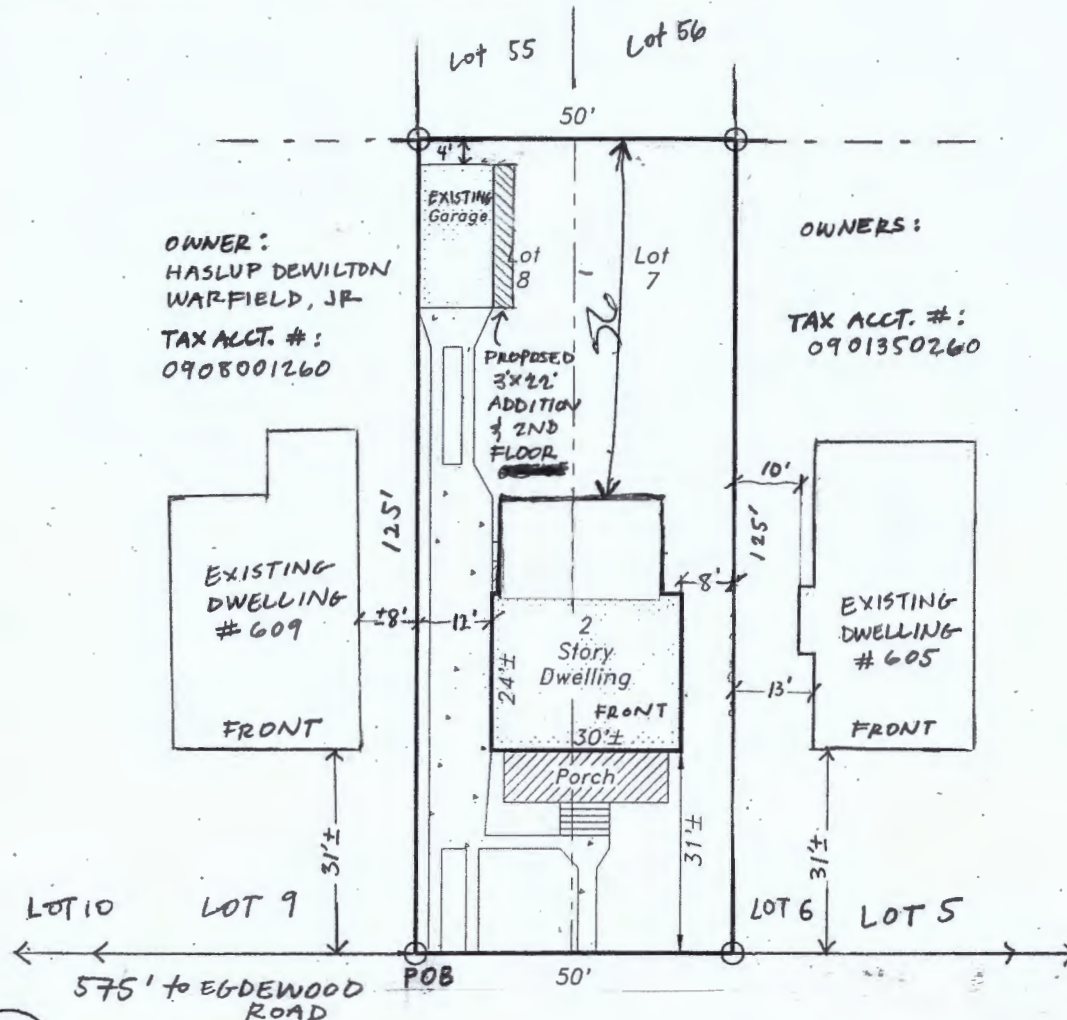
PROPERTY ADDRESS 607 DUNKIRK ROAD

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME ANNESLIE

PLAT BOOK # 7 FOLIO # 40 LOT # 7 SECTION # BLOCK K

OWNER DONALD & DIANA ROMANO



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 080A1

ZONING DR 5.5

LOT SIZE .14 6,250
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM # 0096 CASE # 2012-0096-A

PREPARED BY CEE

SCALE OF DRAWING: 1" = 30'