IN RE: PETITION FOR ADMIN. VARIANCE *

BEFORE THE

(6 Coniston Road)

8th Election District

2nd Election District

Christopher P. & Victoria A. Compton

Petitioners

HEARINGS FOR

OFFICE OF ADMINISTRATIVE

BALTIMORE COUNTY

CASE NO. 2017-0257-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Christopher P. and Victoria A. Compton ("Petitioners"). The Petitioners are requesting Administrative Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed garage (accessory structure) with a height of 27 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 4, 2017, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). 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 ORDER RECEIVED FOR FILING

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Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 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 Department of Planning did not make any recommendations related to the proposed detached garage height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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, this <u>28th</u> day of April, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Administrative Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed garage (accessory structure) with a height of 27 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- 2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

ORDER I	3. The garage shall not be used for com RECEIVED FOR FILING	nmercial purposes.
Date	4-28-17	2

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Administrative Law Judge for

Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	4-28-17	
	100	



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 28, 2017

Christopher P. and Victoria A. Compton 6 Coniston Road Towson, MD 21204

RE: Petition for Administrative Variance

Case No. 2017-0257-A Property: 6 Coniston Road

Dear Petitioners:

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOÉN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

Deed Reference 35140 / 00484	10 Digit Tax Account # 0 8 1 9 0 9 5 1 0 1
Owner(s) Printed Name(s)	
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE AP	PROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on t	the reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situattached hereto and made a part hereof, hereby petition	tate in Baltimore County and which is described in the plan/plat for an:
. X ADMINISTRATIVE VARIANCE from Section(s)	400.3 per Gory 4-27-17
To permit a proposed garage (accessory	structure) with a height of 27 ft. in lieu of the required 15 ft.
of the zoning regulations of Baltimore County, to the zon	ning law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to ap County Code: (indicate type of work in this space: i.e., to	oprove a waiver pursuant to S ection 32-4-107(b) of the Baltimore or raze, alter or construct addition to building)
of the Baltimore County Code, to the development law or Property is to be posted and advertised as prescribed by the zoning re we agree to pay expenses of above petition(s), advertising, posting, Baltimore County adopted pursuant to the zoning law for Baltimore Co	egulations. etc. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	Christophes Compton / Victoria Compton Name #1 - Type or Print Name #2 - Type or Print
	Christophes Compton / Victoria Compton
	Christophes Compton / Victoria Compton Name #1 - Type or Print Name #2 - Type or Print A Compton
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Maria 17.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.	Christoples Compton / Victoria Compton Name #1 - Type or Print Signature #1 Co Consten Rd Towson Mi) Mailing Address City State ZIZOY / 410-321-9019 / Christa Compton Representative to be contacted: Name - Type or Print Signature Signature #2 Name - Type or Print
Zip Code Felephone # Email Address A PUBLIC HEARING having been formally demanded and/or foun	Christoples Compton / Victoria Compton Name #1 - Type or Print Signature #2 Co Conston Rd Towson Min Signature #2 Co Conston Rd Towson Min State Zizoy / 410 - 321 - 9019 / Christople G Mailing Address Representative to be contacted: Name - Type or Print Signature Mailing Address City State

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address	: 6 Coniston Kd	Towson	MD	21204
	Print or Type Address of property	City	State	Zip Code
Rased III	pon personal knowledge, th	ne following are the facts u	inon which I/we base	the request for an
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, tarriinio	dive variance at the abov	e address. (Glearly state	practical annicalty	or narasinp nere
Page 3	. See Attached.			
8				
(If add	itional space for the petition re	equest or the above statemen	it is needed, label and a	attach it to this Form)
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Signature	of Owner (Affiant)	Sig	nature of Owner (Affiant)	
01	2 0			
Christon Name- Pri			lictoria A. Com	pton
Name- Pri	nt or Type	Nar	ne- Print or Type	
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Print name(s) h	nere: (1)/1570p/u	1 Compton		
the Affian	t(s) herein, personally known	or satisfactorily identified to	me as such Affiant(s).	
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		Notary Public	111111	
	RYSTAL L BROTH	Notally Fublic	14/2020	
	NOTARY PUBLIC	My Commission Expires		

HARFORD COUNTY
MARYLAND
My Commission Expires 01-14-2020

REV. 5/5/2016

The owners propose to build a 3 car garage with a personal use workshop area on the ground level, with storage above. It would be sited in the northwest corner of the lot, 50'-0" from the rear of the lot (on the rear yard setback) and 20'-0" from the side of the property (on the side yard setback).

There are several practical difficulties in building this garage within the strict interpretation of the zoning code. If the proposed garage were attached to the existing house, it would be at odds with the scale and historic nature of the existing 1936 house due to the size of the proposed garage. Attaching the garage to the house would also eliminate natural light in the house. The lot is quite large, and so it makes sense to build the garage towards the rear of the lot, rather than attaching it to the house.

As a detached accessory building, the height limitation is the 15'-0". The ceiling of the garage will be 9'-0" and the ceiling structure will be approximately 12". Therefore the total rise of the roof would be approximately 5'-0". The slope of the roof would then be less than 3:12 which is a lower slope that roofing manufacturers recommendations. It would also eliminate the possibility for any storage in the "attic" of the garage. Storage is badly needed.

Finally, allowing the roof slope to be steeper in more in keeping with the unique architectural character of the original 1936 house. This would create a garage with a total height of approximately 26'-6".

Zoning Description for 6 Coniston Drive, Towson Maryland 21204

Beginning at a point on the North side of Coniston Drive which is 30 feet wide at the distance of 450'-0" to the centerline of the nearest improved street Joppa Road which is 40'-0" wide.

Being Lot #3, Plat Book 10, Folio 93 in the plat entitled Plat of Ellenham Farm as recorded in Baltimore County Plat Book #10, Folio #93

Containing 2.88 acres

Also known as 6 Coniston Drive

And located in the 8 Election District, 2 Councilmanic District.

2017-0057-A

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Bruce . Doak Consulting, LLC

Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

April 5, 2017

Re:

Zoning Case No. 2017-0257-A

Legal Owner: Christopher & Victoria Compton

Closing date: April 27, 2017

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 6 Coniston Road.

The sign was posted on April 4, 2017.

Sincerely,

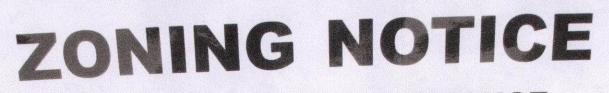
Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



ADMINISTRATIVE VARIANCE CASE NO. 2017-0257-A

6 Coniston Road

REQUEST: TO PERMIT A PROPOSED GARAGE (ACCESSORY STRUCTURE) WITH A HEIGHT OF 27 FEET IN LIEU OF THE REQUIRED 15 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 APRIL 27, 2017.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT111 W. CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391

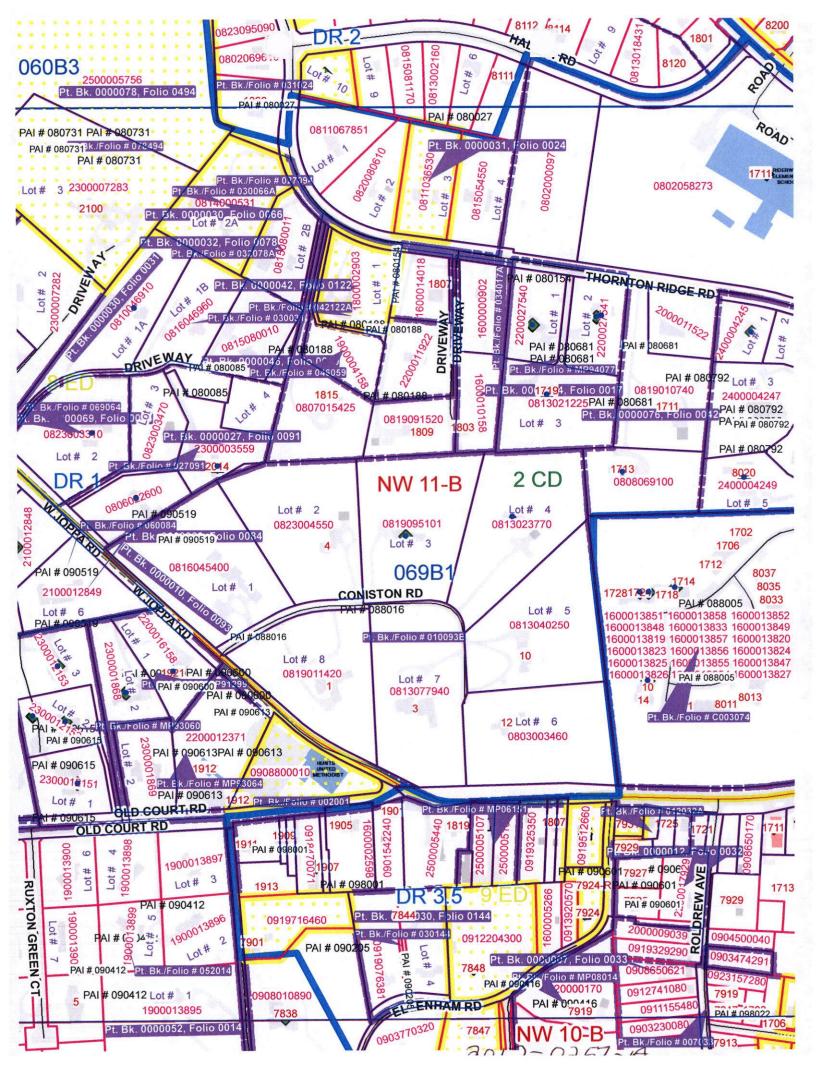


BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVATIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Google Maps

Attached is a photo of the property. The location of the garage is in the Northwest corner of the property at the end of the driveway.

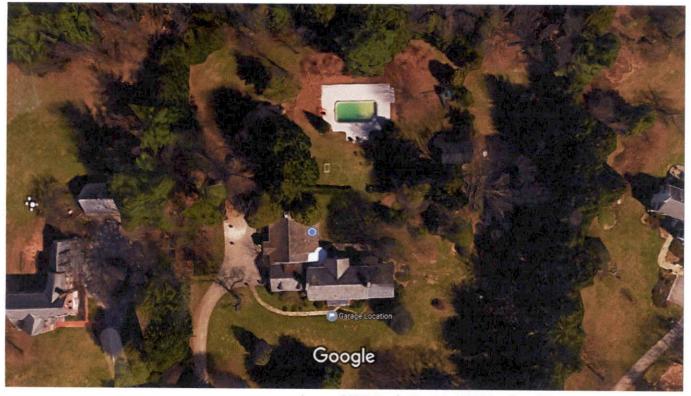


Imagery @2017 Google, Map data @2017 Google 200 ft

2017-0257-A

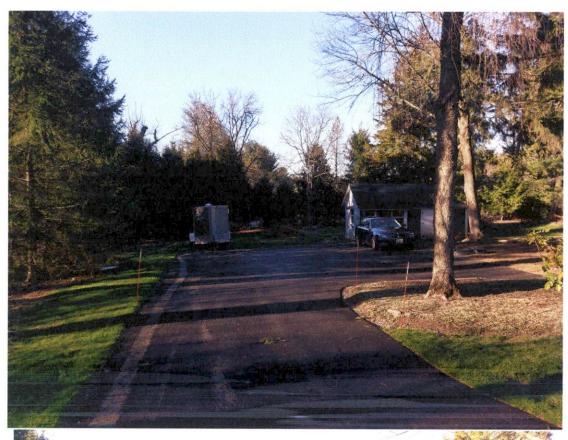
Google Maps

Attached is a closer image of the property. The garage will be directly west of the pool in the open grassy area. It is completely screened from all neighboring properties by pine trees that are over 40'.



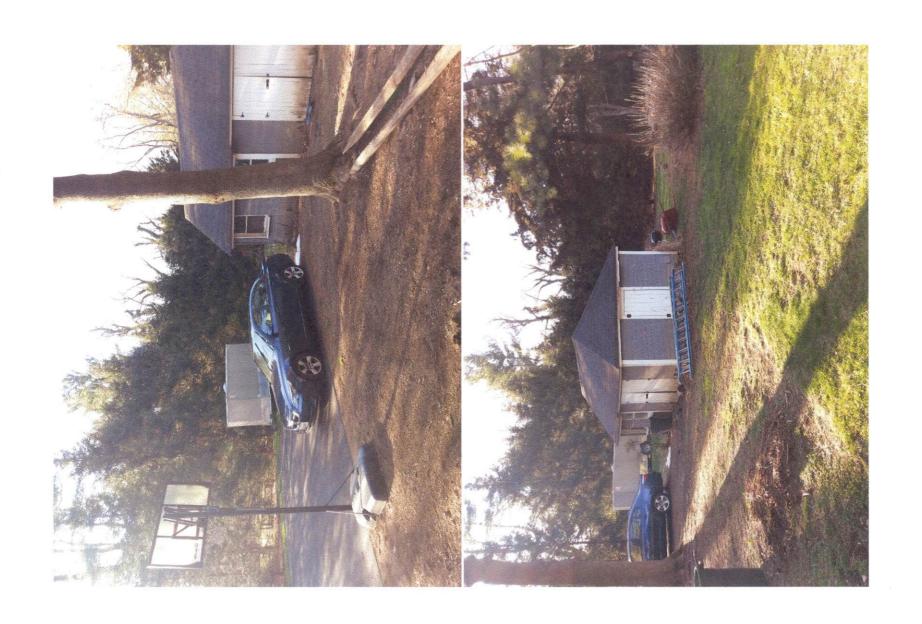
Imagery ©2017 Google, Map data ©2017 Google

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2017-0257-A











2017-0257-A





KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 25, 2017

Christopher & Victoria Compton 6 Coniston Road Towson MD 21204

RE: Case Number: 2017-0257 A, Address: 6 Coniston Road

Dear Mr. & Ms. Compton:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 27, 2017. 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 Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



Date: 4/5/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0257-A

Administrative Variance

Christopher & Victoria Compton

6 Coniston Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA

Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 10, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2017

Item No. 2017-0257, 0258, 0259, 0260, 0262, 0263, 0264, 0265, 0267

and 0268

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

DAK:CEN cc:file

Real Property Data Search

Search Result for BALTIMORE COUNTY

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MEMORANDUM

DATE:

May 31, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0257-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS G CONISTON DO OWNER(S) NAME(S) CHOOSTOPHER VICTORIA COMP	TO
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LOT 3

CONISTON ROAD

PLAN DRAWN BY LIGA KYLE

DATE 3 20 2017 SCALE: 1 INCH = 100 FEET

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AND ORDER RESULT BELOW

NA

VIOLATION CASE INFO:

2017-0257-A

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