

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
NW/Corner Armstead Road at
Cedarcrest Avenue
(2900 Cedarcrest Avenue)
15th Election District
7th Councilmanic District
Howard L. Donovan, Jr., et ux
Petitioners
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-10-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 303.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (deck) in a side and front yard 2.5 feet from the side property line and 29.5 feet from the front property line, in lieu of the required front average of 34.5 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Petitioners also submitted a letter of support which had been signed by the adjoining affected property owner and the property owner across from the subject site. 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1991 that the Petition for Residential Variance from Sections 303.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (deck) in a side and front yard 2.5 feet from the side property line and 29.5 feet from the front property line, in lieu of the required front average of 34.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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 subject deck shall remain open on the side facing the adjoining property at 2902 Cedarcrest Avenue.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/3/91
By [Signature]

JRH:bjs

- 2 -

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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, petition for a Variance from Section 303.1 & 400.1 To Allow a detached accessory structure in a side and front yard 2.5' from side property line & 29.5' front property line in lieu of required 34.5' front yard average

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

41. For reasonable use of the property as the house is designed and configured on the lot, the rear of the house faces the side of the property; consequently normal and reasonable use of the rear yard for entertainment and relaxation is hampered. Property is to be advertised and/or posted as prescribed by Zoning Regulations. (See Diagram)

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 4 day of Aug, 1991, that the subject matter of this petition be posted on the property on or before the 4 day of Aug, 1991.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 4 day of Aug, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 102, County Office Building in Towson, Baltimore County, on the 4 day of Aug, 1991, at 10 o'clock, A.M.



ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE NUMBER

PETITIONER'S EXHIBIT # 2

Howard L. Donovan Jr.
Nancy L. Donovan
2900 Cedarcrest Ave.
Baltimore, Md. 21219

We approve and consent to Howard and Nancy Donovan to build one free standing deck 8" high (approx. 182 sq. ft.), fence, arbor and shed. This is to be added to the existing patio and with-in 30" of the property line at 2902 Cedarcrest Ave.

Jay Brown
Carol Brown
2902 Cedarcrest Ave.

Date: 7-9-91 Signed: [Signature]

Date: 7-9-91 Signed: [Signature]

Elwood Goliday
Jan Goliday
2901 Cedarcrest Ave.

Date: 7-9-91 Signed: [Signature]

Date: 7-9-91 Signed: [Signature]

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING 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 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/so presently reside at 2900 Cedarcrest Ave.
Edgemere, Md. 21219
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
1. For reasonable use of the property as the house is designed and configured on the lot, the rear of the house faces the side of the property; consequently normal and reasonable use of the rear yard for entertainment and relaxation is hampered.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Nancy L. Donovan
AFFILIANT (Handwritten Signature)
Nancy L. Donovan
AFFILIANT (Printed Name)
Howard L. Donovan, Jr.
AFFILIANT (Handwritten Signature)
Howard L. Donovan, Jr.
AFFILIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of July, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Nancy L. Donovan & Howard L. Donovan, Jr.

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 8, 1991
DATE

[Signature]
NOTARY PUBLIC

My Commission Expires: June 1994

ZONING DESCRIPTION

Beginning at a point on the northwest side of Cedarcrest Avenue which is 50 feet wide, at the distance of 20 feet Northeast of the centerline of the nearest improved intersecting street Armstead Road, which is 40 feet wide. Being lots # 21,22,23, Block # , section # 08, in the subdivision of Cedarcrest as recorded in Baltimore County Plat Book # 12, Folio # 031, containing 10,600 square feet. Also known as 2900 Cedarcrest Avenue and located in the # 15 Election District.

CASE NUMBER

PETITIONER'S EXHIBIT # 2

Howard L. Donovan Jr.
Nancy L. Donovan
2900 Cedarcrest Ave.
Baltimore, Md. 21219

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Carol Brown
2902 Cedarcrest Ave.

Date: 7-9-91 Signed: [Signature]

Date: 7-9-91 Signed: [Signature]

Elwood Goliday
Jan Goliday
2901 Cedarcrest Ave.

Date: 7-9-91 Signed: [Signature]

Date: 7-9-91 Signed: [Signature]

Request for a residential zoning variance for 2900 Cedarcrest Avenue, Edgemere, Md. 21219

Reason: Hardship

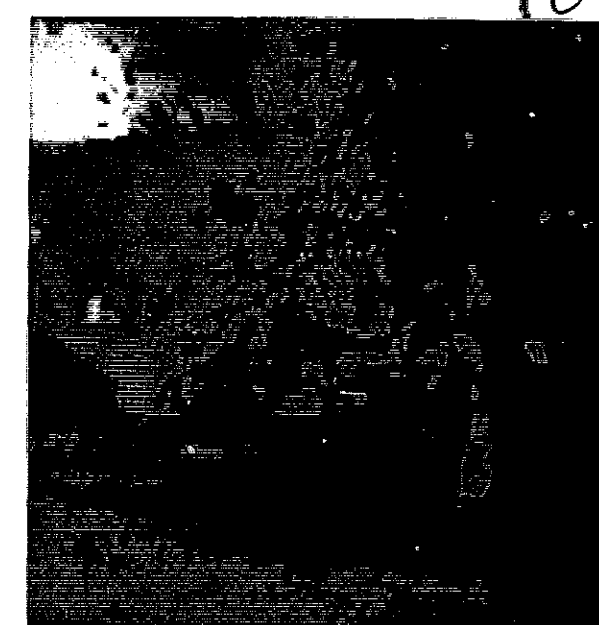
#1. cont'd.
by side set-back restrictions. This is caused by the orientation of the front door (which faces Cedarcrest Ave. instead of facing Armstead Rd.), however it is located in the middle of the side of the house that faces Armstead Rd. and for all intents and purposes that side is generally considered to be the front of the home. The architecture of the home is a rancher, with standard interior layout. The front door is in the side yard, and the back door is in the side yard.

2. The design and configuration of the house as described in #1 above is unique in the neighborhood.

3. This condition pre-existed the purchase of the house, by the present owner/occupant.

CASE NUMBER

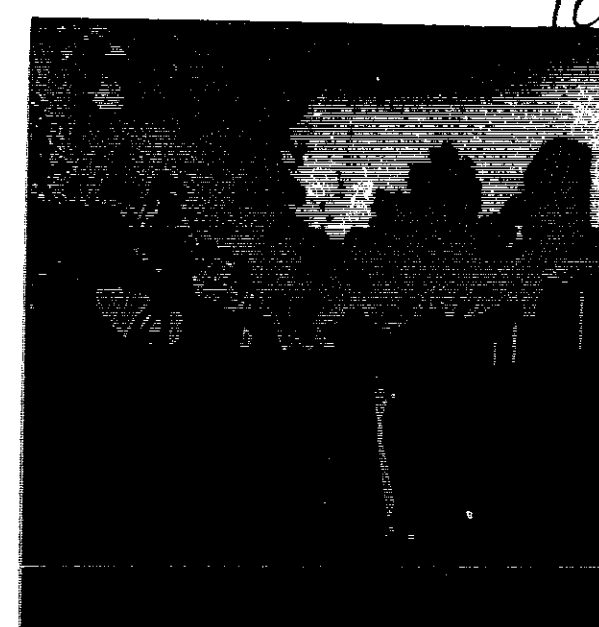
PETITIONER'S EXHIBIT # 3



#1

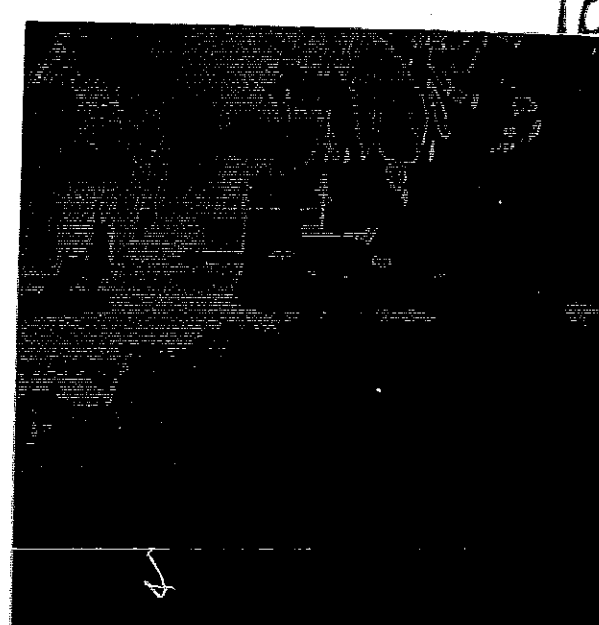


#2



VIEW OF SIDE FROM FRONT

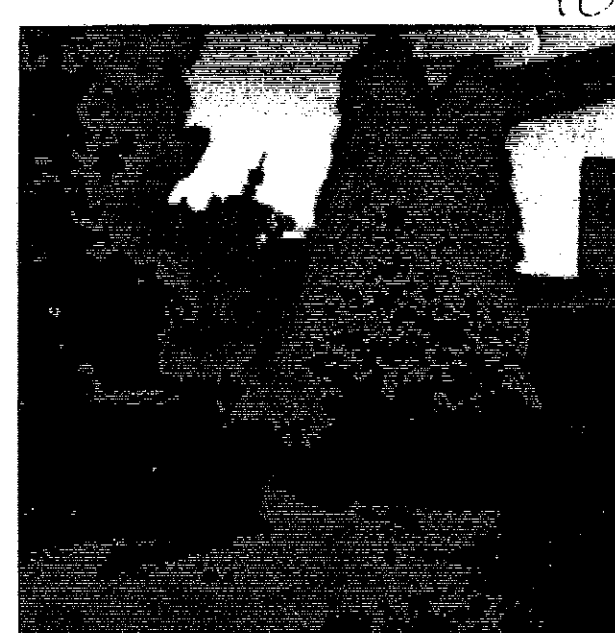
#3



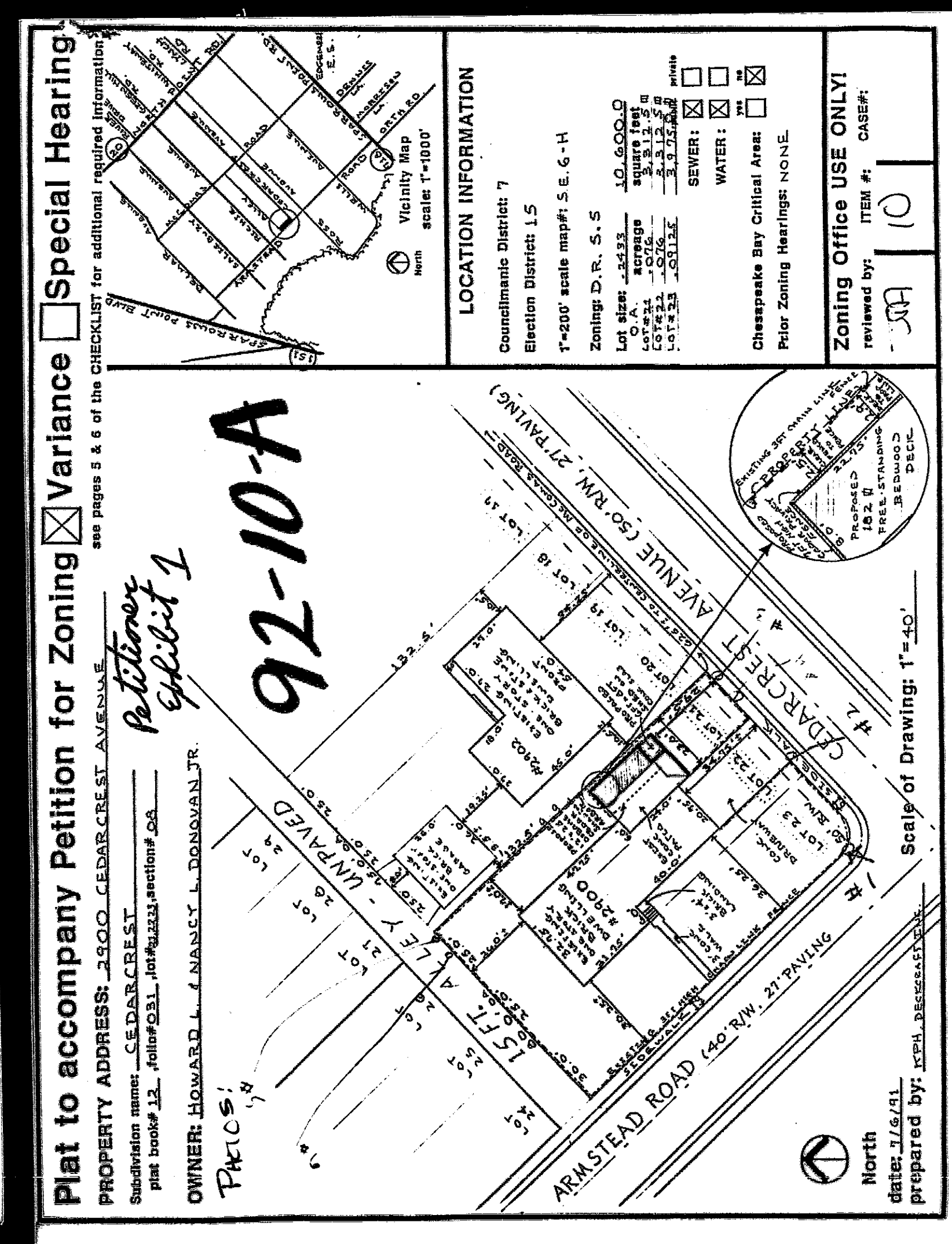
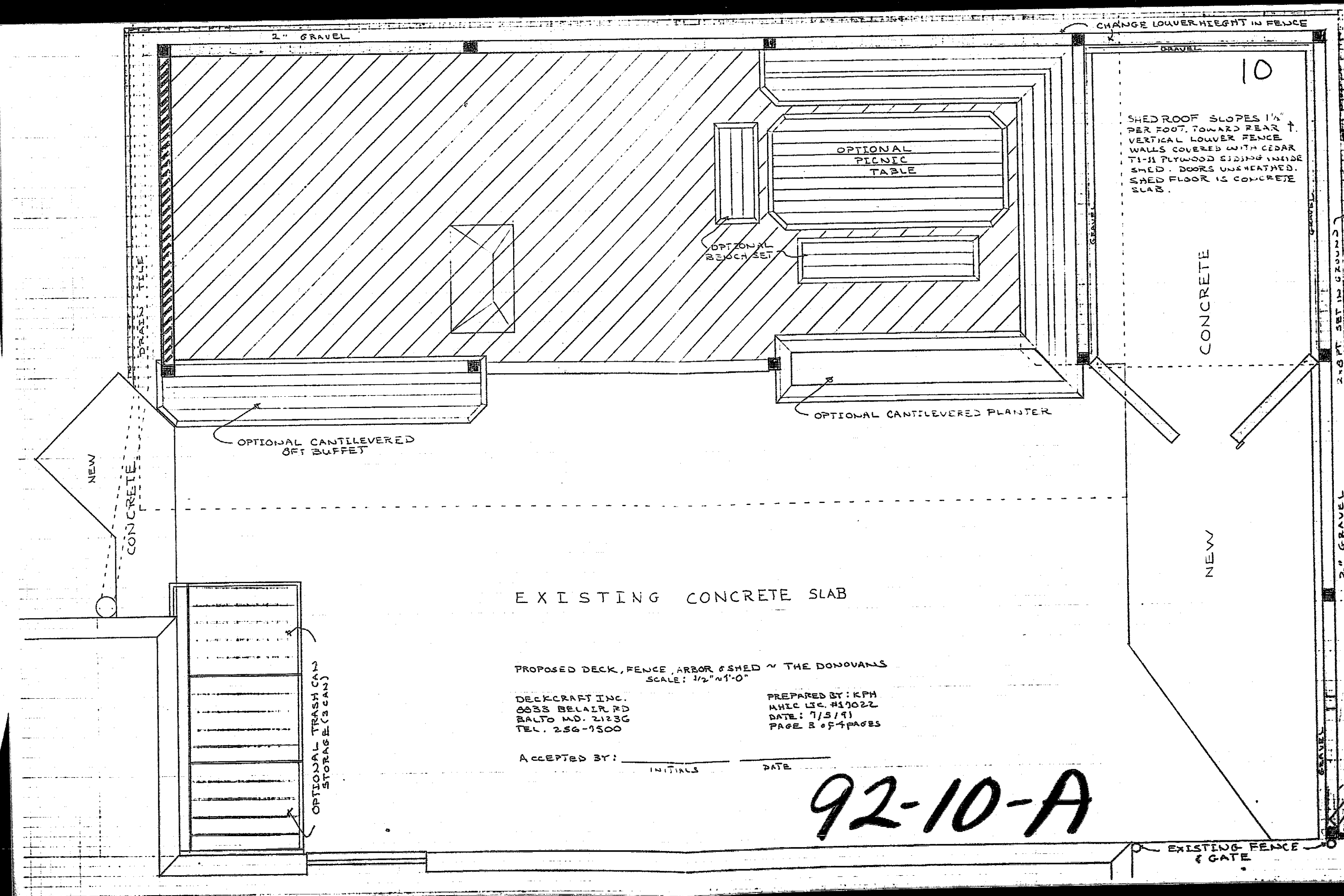
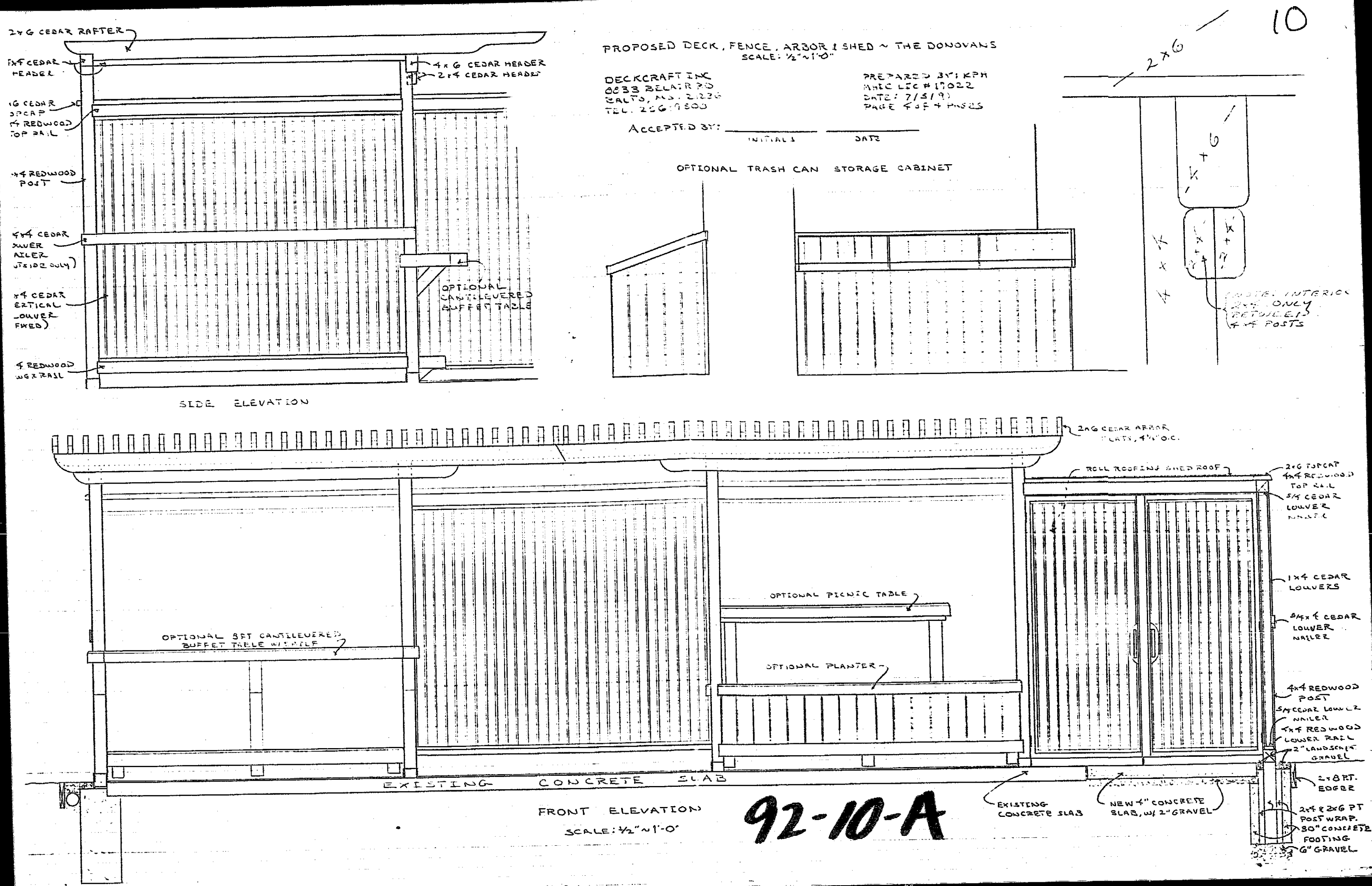
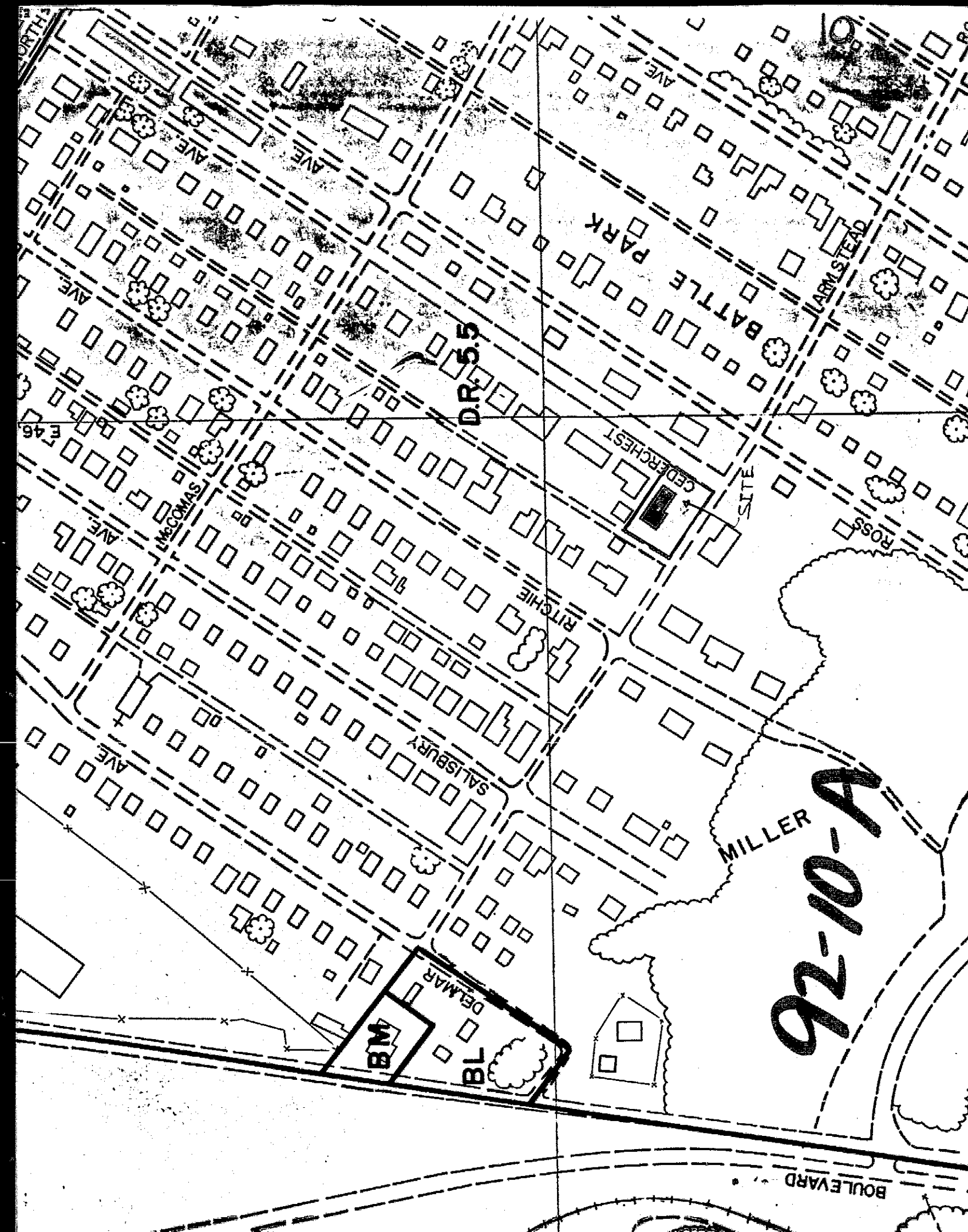
VIEW OF SIDE FROM FRONT

#4

CASE NUMBER **92-10-A**
PETITIONER'S EXHIBIT # **4**



From Across Armstead Ave - Front Door



Baltimore County
Zoning Commissioner
County Office Building
711 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

1

1.000 NEWING FEE \$100.00
1.000 ZONING FEE \$100.00
1.000 PLANNING FEE \$100.00
1.000 REVIEW FEE \$100.00
1.000 TOTAL \$400.00

LAST NAME OF OWNER: **DONOVAN**

Please Make Checks Payable To: Baltimore
04404800831CHRC
04404800831CHRC
04404800831CHRC

660.00



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 23, 1991

Mr. & Mrs. Howard L. Donovan, Jr.
2900 Cedarcrest Avenue
Edgemere, Maryland 21219

RE: PETITION FOR RESIDENTIAL VARIANCE
NW/Corner Armstead Road at Cedarcrest Avenue
(2900 Cedarcrest Avenue)
15th Election District - 7th Councilmanic District
Howard L. Donovan, Jr., et ux - Petitioners
Case No. 92-10-A

Dear Mr. & Mrs. Donovan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
August 15, 1991

RECEIVED
AUG 23 1991

ZONING OFFICE

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

ZONING ITEM #: 910
PROPERTY OWNER: Howard L. Donovan, Jr., et ux
LOCATION: NWC of Armstead Road at Cedarcrest Ave
(#2900 Cedarcrest Avenue)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER - Exterior walls of houses 3 feet or less from a property line shall be 1 hour fire resistance rated for exposure from both sides and be without openings.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 16, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Walker Property, Item No. 505
Parsons Property, Item No. 9
Donovan Property, Item No. 10
Wolf Property, Item No. 17
Pearson Property, Item No. 19
Stifler Property, Item No. 22
Felts Property, Item No. 24
Melchor Property, Item No. 25
Faulkner Property, Item No. 27
McJilton Property, Item No. 32
Horne Property, Item No. 33
Elsnic Property, Item No. 38
Mugrage Property, Item No. 39
Copeland Property, Item No. 42
Eckert Property, Item No. 44
Hartel Property, Item No. 50
Gimbel/Gaffney Property, Item No. 51

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

NUMEROUS.ITM/ZAC1



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 23, 1991

Mr. & Mrs. Howard L. Donovan, Jr.
2900 Cedarcrest Avenue
Edgemere, Maryland 21219

RE: PETITION FOR RESIDENTIAL VARIANCE
NW/Corner Armstead Road at Cedarcrest Avenue
(2900 Cedarcrest Avenue)
15th Election District - 7th Councilmanic District
Howard L. Donovan, Jr., et ux - Petitioners
Case No. 92-10-A

Dear Mr. & Mrs. Donovan:

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In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

Date: August 30, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. Comments

Z. A. C. MEETING DATE: July 30, 1991

This office has no comments for item numbers 505, 3, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30 and 31.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF:bza

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

July 23, 1991

887-3353

Howard L. and Nancy L. Donovan, Jr.
2900 Cedarcrest Avenue
Edgemere, Maryland 21219

Re: CASE NUMBER: 92-10-A
LOCATION: NWC Armstead Road at Cedarcrest Avenue
2900 Cedarcrest Avenue

COPY

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 4, 1991. The closing date is August 19, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

15/
C. G. Stephens
(301) 887-3391

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 7/19/91
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 7/19/91
Number of Signs: 1