

NAME: PETITION FOR RESIDENTIAL ZONING VARIANCE
1504 Ivanhoe Avenue, 1st fl.
E of Montrose Avenue
1st Election District
1st Councilmatic District
Kevin J. Flamm, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-157-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 15 ft. (for 2-story addition), in lieu of the required 40 ft., when the house becomes attached to the garage by the proposed addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted 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 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 variance 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, 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 Zoning Commissioner for Baltimore County this 15 day of November, 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 15 ft. (for 2-story addition), in lieu of the required 40 ft., when the house becomes attached to the garage by the proposed addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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 shall not allow or cause the 2-story addition to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING
Date: 11/15/91
By: M. H. B. B. B.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21286

887-3353

November 15, 1991

Mr. and Mrs. Kevin J. Flamm
1504 Ivanhoe Avenue
Baltimore, Maryland 21228-5732

RE: Petition for Residential Zoning Variance
Case No. 92-157-A

Dear Mr. and Mrs. Flamm:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mnn
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **92-157-A**
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 1802.3C.1 - to allow a rear setback of 15' in lieu of the required 40', when house becomes attached to garage by proposed addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):
1) current house and garage layout makes it impractical to leave separation between proposed addition and existing garage.
2) drainage and maintenance problems would be created if a space were left between addition and garage.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.
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 this property which is the subject of this Petition.

Signature of Petitioner(s):
Kevin J. Flamm
Katherine K. Flamm
Address: 1504 Ivanhoe Avenue (W) 744-4757
Baltimore, MD 21228-5732
Name, address and phone number of legal owner, without purchase or mortgage to be attached:
Robert Scowen (owner)
670 Monaghan Ln. (W) 782-2200

Address: 1504 Ivanhoe Avenue (W) 744-4757
Baltimore, MD 21228-5732
Name, address and phone number of legal owner, without purchase or mortgage to be attached:
Robert Scowen (owner)
670 Monaghan Ln. (W) 782-2200

RECEIVED by the Zoning Commissioner of Baltimore County, this 7 day of Oct, 1991, that the subject matter of this petition be posted on the property on or before the 27 day of Oct, 1991.

A PUBLIC HEARING HAS BEEN REQUESTED AND/OR POSTED TO BE HELD ON, IT IS HEREBY ORDERED by the Zoning Commissioner of Baltimore County, this 7 day of Oct, 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 opened, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 303, County Office Building in Towson, Baltimore County.

RECEIVED BY: _____ DATE: _____
ZONING COMMISSIONER OF BALTIMORE COUNTY
ORDER RECEIVED FOR FILING
Date: _____
By: _____

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
92-157-A

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/do presently reside at 1504 Ivanhoe Avenue
Baltimore, MD 21228-5732
(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) Current house and garage layout makes it impractical to leave separation between proposed addition and existing garage.
- 2) Drainage and maintenance problems would be created if a space were left between addition and garage.

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.

Kevin J. Flamm
AFFIDANT (Handwritten Signature)
Katherine K. Flamm
AFFIDANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 1 day of OCTOBER, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kevin J. Flamm only

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and each each in due form of law that the contents 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.
DATE: 10-1-92
Suzette B. Gault
NOTARY PUBLIC
My Commission Expires: 10-1-92

Since I attested before me appeared Katherine K. Flamm on October 1st, 1991 Howard Co. Maryland
Kevin J. Flamm
My Commission Expires 10-94

THE DESCRIPTION
ZONING DESCRIPTION **92-157-A**

Beginning at point on the north side of Ivanhoe Avenue which is 50' wide at the distance of 168' East of the ^{664 1/2} centerline of the nearest improved intersecting street Montrose Avenue ~~which is~~ ^{wide}. As recorded in Deed Liber RJS #2390, Folio 378, and include the measurements and directions here and on the plat in the correct location: N. 73° 35' E. 71 ft., N. 7° 4' W. 138 ft., S. 77° 38' W. 70.35 ft., S. 7° 4' E. 143.08 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1504 Ivanhoe Avenue Date of Posting: October 19, 1991
Posted for: Residential Variance
Petitioner: Kevin J. Flamm, et ux
Location of property: 1504 Ivanhoe Avenue, E of Montrose Avenue
Location of Sign: on north side of 1504 Ivanhoe Avenue
Remarks: _____
Posted by: J. H. B. B. Date of return: October 26, 1991
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21286

receipt

Account: R-001-6150
Number: _____
DATE: _____
TIME: _____
PLACE: _____
NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____
ZIP: _____
PLEASE MAKE CHECKS PAYABLE TO BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21286
887-3353

Kevin and Katherine K. Flamm
1504 Ivanhoe Avenue
Baltimore, MD 21228

RE: CASE NUMBER: 92-157-A
LOCATION: 1504 Ivanhoe Avenue, 168' E of Montrose Avenue
1504 Ivanhoe Avenue
1st Election District - 1st Councilmatic

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 reaffirmation regarding the administrative process.

- 1) Your property will be posted on or before October 27, 1991. The closing date is November 12, 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 advertised 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.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

Form to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1504 IVANHOE AVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: None
 plat book# : folio# : lot# : sections

OWNER: Mr. & Mrs. Kevin Flynn **92-157-A**

(144) FREDERICK A.
 IVANHOE AVE
 ILLINOIS AVE

Vicinity Map
 scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 1ST
 Election District: 1ST
 1"=200' scale map#: SW-3G
 Zoning: DR-2
 Lot size: .25 ± acres 9926 sq. feet

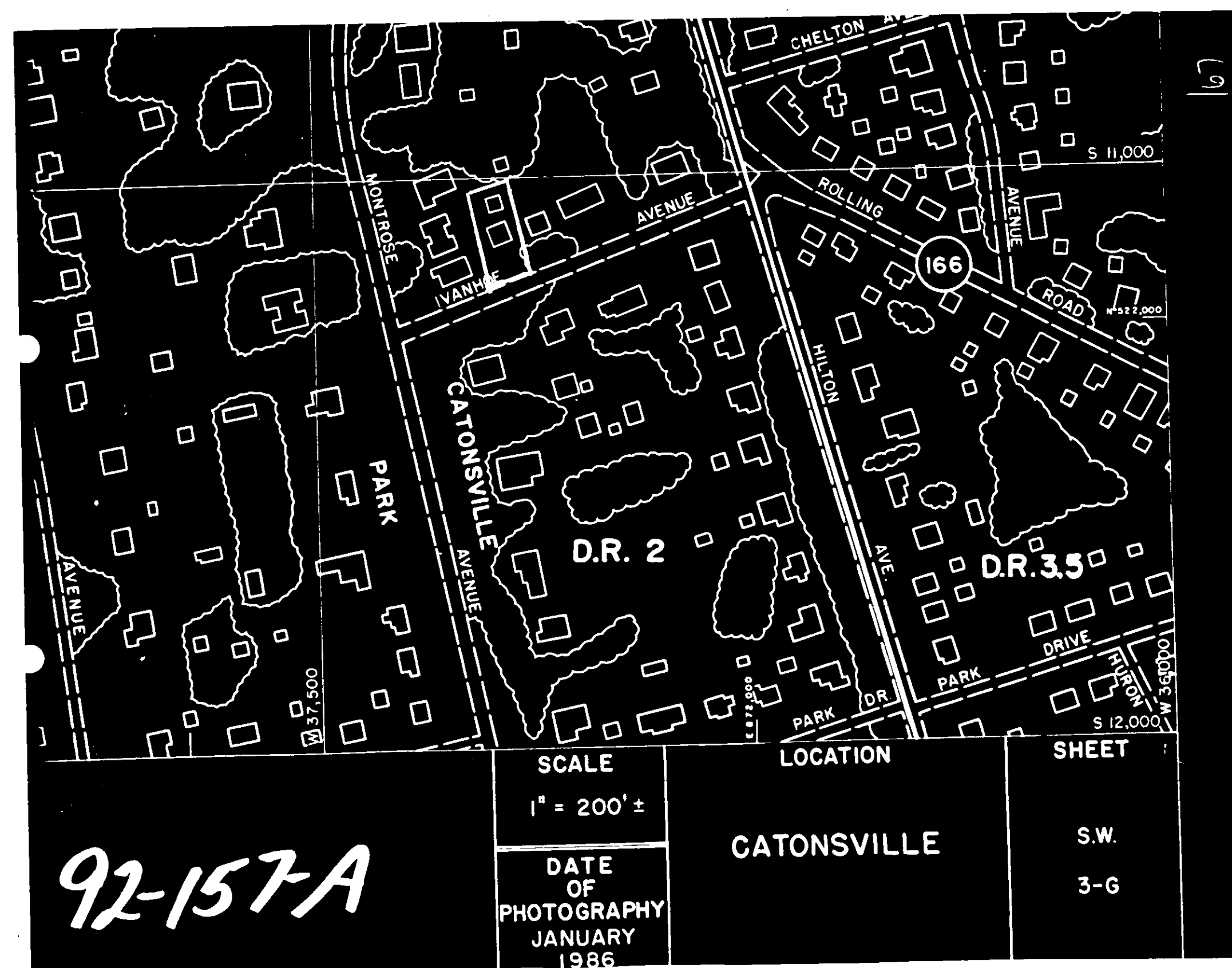
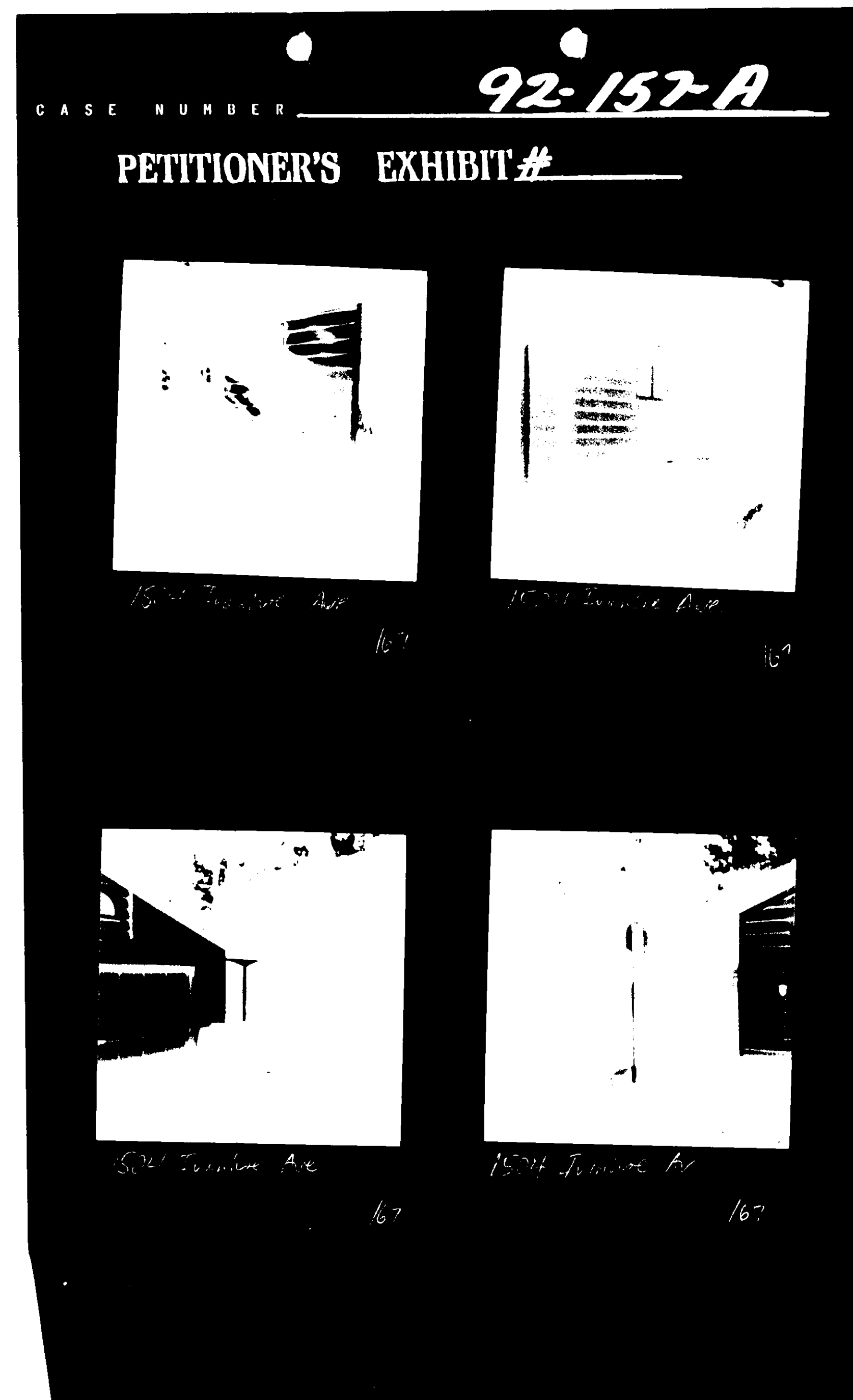
SEWER:
 WATER:
 Chesapeake Bay Critical Area:
 Prior Zoning Hearings: None

Zoning Office USE ONLY!
 reviewed by: ITEM #: CASE#: 167

NOTE: NEIGHBOR'S WIRE-FENCING LINE FORCES APPEAR TO ENCROACH OVER LOT LINE

20' PAVING (50' R/W) IVANHOE AVE
 12' PAVING

North
 date: 12-7-91
 prepared by: [Signature] Scale of Drawing: 1"=30'



SCALE 1" = 200' ±	LOCATION CATONSVILLE	SHEET S.W. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986	92-157-A	