IN RE:

PETITION FOR ADMIN. VARIANCE S/S Montrose Avenue, 1,250' W of the c/l of Mace Avenue (307 Montrose Avenue) 15th Election District

15th Election District 5th Councilmanic District

Ford W. Edwards, Jr., et ux

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 97-552-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by Ford W. Edwards, Jr., and his wife, Patricia L. Edwards, owners of the subject property, known as 307 Montrose Avenue. The property is located in the vicinity of Mace Avenue in Essex, not far from the boundaries of Northeast Creek, and as such, is considered to be within the Chesapeake Bay Critical Areas. The Petitioners seek relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet, 3 inches, in lieu of the required 10 feet for a proposed addition (deck and enclosure). The subject property and relief sought are more particularly described on the site plan submitted which has been marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, it appears that the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the

ORDER RECEIVED FOR FILING

ORDER RECEIVED FOR FILING
Date
By

record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- Conserve fish, wildlife, and plant habitat; and

ORDER RECEIVED FOR FILING
Date
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3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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 Deputy Zoning Commissioner for Baltimore County this ______ day of July, 1997 that the Petition for Administrative Variance seeking relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet, 3 inches, in lieu of the required 10 feet for a proposed addition (deck and enclosure), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management, with a due date of June 30, 1997.

ORDER RECEIVED FOR FILING
Date

By

TMK:bjs

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

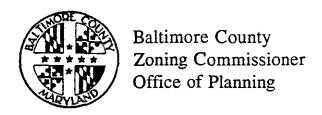
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

- 4-

	Attach original petition	Due Date <u>06/30/27</u>
То:	Arnoid L. Jablon	
From:	Bruce Seeley $\mathbb{N}^{\mathcal{H}}$	
Subject:	Zoning Item <u>#552</u>	
	Edwards 307 Montrose Aver	ue
	Zoning Advisory Committee M	Meeting of 6/23/97
	Department of Environmental P ments on the above-referenced	rotection and Resource Management has no zoning item.
exte		rotection and Resource Management requests an e-referenced zoning item to determine the extent to ply to the site.
	Department of Environmental P wing comments on the above-re	rotection and Resource Management offers the ferenced zoning item:
	 Development of the property of Water Quality, Streams, 14-350 of the Baltimore Cou 	must comply with the Regulations for the Protection Wetlands and Floodplains (Sections 14-331 through nty Code).
	 Development of this property Regulations (Sections 14-40 	must comply with the Forest Conservation 1 through 14-422 of the Baltimore County Code).
_X	Development of this property Requiations (Sections 26-436 Baltimore County Code).	must comply with the Chesapeake Bay Critical Area through 26-461, and other Sections, of the
<u> </u>		
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E OH		
R R		
ORDER RECEI		



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 11, 1997

Mr. & Mrs. Ford W. Edwards, Jr. 307 Montrose Avenue Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Montrose Avenue, 1,250' W of the c/l of Mace Avenue

(307 Montrose Avenue)

15th Election District - 5th Councilmanic District

Ford W. Edwards, Jr., et ux - Petitioners

Case No. 97-552-A

Dear Mr. & Mrs. Ford:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

lenthy llotron

for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, Annapolis, Md. 21401

DEPRM; People's Counsel

File



ESTIMATED POSTING DATE:

Petrion for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 307 Montrose AVE.

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & 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)

(1) Cheson D. Could Becau	pete 13 not co se of H	oy Ku reply u he Lot s	n Off Area with the Setb Size & the Si	ock Requirements
Property is to be pos	sted and advert enses of above Var	tised as prescri	bed by Zoning Regulations	S.
			. I/We do solemnly declare and affile legal owner(s) of the property which	rm, under the penalties of perjury that I/we are the in is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)	<i>51</i> 33 1 5
(Type or Print Name)			(Type or Print Name)	Equaras or
Signature		-	Signature W-	July S
Address			(Type or Print Name)	191
City	State	Zipcode	Signature	Lann
Attorney for Petitioner			307 Month	rose AU. 686-128
(Type or Print Name)			Balto	Md. 2122
Signature			City Name, Address and phone number	State Zipcode of representative to be contacted
Address	Phone No	 	Nалте	
City	State	Zipcoae	Address	Phone No
A Public Hearing having been rec	quested and/ar found to	hearing advertised, o	red by the Zaning Commissioner of Battir is required by the Zaning Regulations of E	nare County this day of19
hat the subject matter of this peti arculation throughout Baltimore	County, and that the or	roperty be reposted.		

Printed with Soybean link on Recycled Paper

in support of **Iministrative 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 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) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: of Maryland, in and for the County aforesaid, personally appeared 19 97, before me, a Notary Public of the State the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due 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.

1:35

My Commission Expires: 7/91

Affidavit

.7912

in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

Maria Contraction 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. Montrose That the Affiant(s) does/do presently reside at 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) That Affiant(s) acknowledges) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information STATE OF MARYLAND, COUNTY OF BALTIMORE, to with 97, before me. a Notary Public of the State I HEREBY CERTIFY, this day of __ of Maryland, in and for the County aforesaid, personally appeared the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due 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. My Commission Expires: 1/9

CRITICAL AREA



practical difficulty)

Petrion for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 307 Montrose AJe.

which is presently zoned

This Petition shall be filed with the office of Zoning Administration & 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)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

1 Chesopeke Boy	Run off Area.
@ Could not comple Bleause of the	with the Set back Requirement of Size & the Existing
l, or we, agree to pay expenses of above Variance adve	rescribed by Zoning Regulations. tising, posting, etc., upon filing of this petition, and further agree to and are to altimore County adopted pursuant to the Zoning Law for Baltimore County
	VWe 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	Legal Owner(s). Flow left Flow and Shape
(Type or Print Name)	(Type or Wint Name)
Signature	Patricia L. Edwards
Address	(Type or Print Name)
City State Zipcool Attorney for Petitioner	Signature Add 400-
(Type or Print Name)	Balto. Md. 21221
Signature	City State Zipcode Name, Address and phone number of representative to be contacted
Address Phone No	Name
City State Zipcoo	e Address Phone No.
A Public Hearing having been requested and/or found to be required, that the subject matter of this petition be set for a public hearing, advanculation throughout Baltimore County, and that the property be rep	it is ordered by the Zoning Commissioner of Ballimore County, thisday of
	Zoning Commissioner of Bailtimore County



REVIEWED BY: E. DATE 6-11-97



rinted with Soybean Ink on Recycled Paper

ITEM #: 552

ITEM# 552

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 307 MONTROSE AVE.

Beginning at a point on the SOUTH side of MONTROSE AVE.

which is 30 FEET wide at the distance of 1250 FEET WEST

of the centerline of the nearest improved intersecting

street MACE AVE. which is APPROX.40 FEET wide.

Lot #85, Block ______, Section #D. in the subdivision of

MONTROSE FARMS as recorded in Baltimore County Plat Book #6,

Folio #183, containing 8750 SUARE FEET, Also known as

307 MONTROSE AVE, and located in the 5th Election District,

15th Councilmanic District.

1		CASHIER'S VALIDATION CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE O/O - VA7Z/4 ACE AMOUNT \$ 50 00 00 00 00 00 00 00 00 00 00 00 00	FOR 307 Nontrase Ave Ray	DISTRIBUTION WHITE - CASHIER WHITE - CASHIER CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-552-A

Petitioner/Developer:
(Pat Edwards)

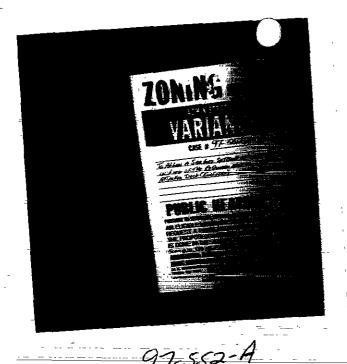
Date of Hearing/Closing:
(July 7, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) req	uired by law
were posted conspicuously on the property located at	
367 Montrose Ave. Baltimore, Maryland 21221	
The sign(s) were posted onjun. 20, 1997(Month, Day, Year)	_



Champ Ol Supro
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr.
(Printed Name)
AAF Britain in a The Li
325 Nicholson Road
(Address)
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

Request for Zoning: Aministrative Variance

* 622.47

Date to be Posted: Anytime before but no later than __

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No. 97-552 A

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 THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

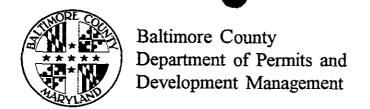
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 552
Petitioner: FORD W.JR. & PATRICIA L. EDWARDS
Location: 307 MONTROSE AVE. BALTIMORE, MD. 21221
PLEASE FORWARD ADVERTISING BILL TO:
NAME: FORD W EDWARDS JR.
ADDRESS: 307 Montrose Ave. Baltimore , Md. 21221
PHONE NUMBER: (Home) 410-686-1285
AJ:ggs (Revised 09/24/96)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 24, 1997

ABOUT YOUR ADMENISTRATIVE VARIANCE

CASE NUMBER: 97-552-A
387 Montrose Avenue
S/S Montrose Avenue, 1250*+/- W of c/l Mace Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Ford W. Edwards, Jr. and Patricia L. Edwards
Post by Date: 06/29/97
Closing Date: 07/07/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

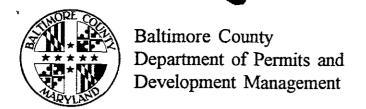
- The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Ford and Patricia Edwards





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 8, 1997

Mr. and Mrs. Ford Edwards, Jr. 307 Montrose Avenue Baltimore, MD 21221

> RE: Item No.: 552

> > Case No.: 97-552-A

Petitioner: Ford Edwards, et ux

Dear Mr. and Mrs. Edwards:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 11, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

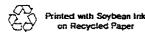
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

? Richards y W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



	_	Attach original petition	Due Date <u>06/30/97</u>
То:		Arnold L. Jablon	
From:		Bruce Seeley (1/4)	
Subje	ct:	Zoning Item #552	
		Edwards 307 Montrose Avenue	
		Zoning Advisory Committee Meeting of	f <u>6/23/97</u>
		epartment of Environmental Protection ents on the above-referenced zoning ite	
(extens		and Resource Management requests an ced zoning item to determine the extent to site.
		epartment of Environmental Protection ng comments on the above-referenced	
		• • • • • • •	aply with the Regulations for the Protection and Floodplains (Sections 14-331 through).
		Development of this property must com Regulations (Sections 14-401 through	nply with the Forest Conservation 14-422 of the Baltimore County Code).
	X	Development of this property must con Requiations (Sections 26-436 through Baltimore County Code).	nply with the Chesapeake Bay Critical Area 26-461, and other Sections, of the
•			
			•



David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County 6.2.97

Item No.

27

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

P. N. Doell

In Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 20, 1997

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

· bery Herns)

Item Nos. 552, 553, 554, 555, 557, 558 and 562

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Division Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 1, 1997

Department of Permits & Development

Management

FROM:

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 30, 1997

Item Nos. 550, 551, 552, 554, 555, 556, 557, 558, 559, 560, & 562

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

date: 5-26-97 prepared by: F.W.EDVIARTS Scale of Drawing: 1'= 50'	North MONTRICK AVE	198 188 DE S	DO INSTANCE OF STEVE	VAY	Proposed 22 2566	26.	*22'+ 196"	EP	1 # 316	10 =	PHOPERTY ADDRESS: 307 Montrose Ave see pages 5 & 6 of the CHE subdivision name: Montrose forms
552	Zoning Office USE ONLY!	Chesapeake Bay Critical Area: 🛱 [Prior Zoning Hearings:	SEWER: SEWER: SEWER:	Zoning: DR-S.5 Lot size: .7 8750 acreage square feet	Councilmanic District: 5	LOCATION INFORMATION	Wicinity Map	OBERUEA	MONTROSE AV.	HAUE IDA AJE VE	Flance Special Hearing to the CHECKLIST for additional required information



