

IN RE: PETITION FOR VARIANCE

E/S Dale Avenue
opposite Daleville Road
14th Election District
6th Councilmanic District
(703 Dale Avenue)

Diana L. & Timothy T. McKenzie
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-510-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Timothy T. & Diana L. McKenzie. The Petitioners are requesting a variance for property they own at 703 Dale Avenue. The Petitioners are requesting variances from Sections 1B02.3.C.1 and 503.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two additions to be constructed onto their house with a 0 ft. sideyard and rear yard setback, and an 18 ft. front yard setback in lieu of the required 10 ft., 30 ft. and 25 ft. respectively.

Appearing at the hearing on behalf of the variance request were Timothy and Diana McKenzie and their two daughters. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.15 acres, more or less, zoned D.R.5.5. The subject property is improved with and existing single family dwelling wherein the McKenzie's reside. They are interested in constructing a 13' x 14' addition on the rear of their home and a 20' x 26' addition on the side of their home, all of which is shown on the site plan of the property marked as Petitioners' Exhibit No. 1. The purpose of constructing the additions onto the house is to provide living quarters for their two daughters, both of whom are developmentally disabled. The new additions will provide ramps,

ORDER RECEIVED FOR FILING

Date

8/5/99

By

R. J. Jenson

wider doorways and appropriate accommodations for the two girls. In order to proceed with the construction of these additions, the variance requests are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

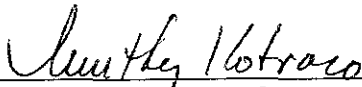
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 5th day of August, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1B02.3.C.1 and 503.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow two additions to be constructed onto their house with a 0 ft. sideyard and rear yard setback, and an 18 ft. front yard setback in lieu of the required 10 ft., 30 ft. and 25 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for the building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 8/15/99
By 



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 6, 1999

Mr. & Mrs. Timothy McKenzie
703 Dale Avenue
Baltimore, Maryland 21206

Re: Petition for Variance
Case No. 99-510-A
Property: 703 Dale Avenue

Dear Mr. & Mrs. McKenzie:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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 an appeal within thirty (30) days from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



ORIGINAL KEEP IN FILE

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 703 DALE AVE

which is presently zoned DR 5.5

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) 1 B02.3, C.1 AND 303.1 BCZR TO PERMIT 0 FT. SIDE AND REAR SETBACKS ~~AND~~ AND AN 18 FT FRONT SETBACK IN LIEU OF THE REQUIRED 10 FT. 30 FT AND 25 FT RESPECTIVELY (AS SHOWN ON THE SITE PLAN FOR PROPOSED ADDITIONS)

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

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

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 6/17/99

Case No. 99-510-A

REC 9/15/98

COPIES RECEIVED FOR FILING
8/5/99

LOT SHAPE - The shape of the lot & the location of the dwelling are such that there is no room for reasonable sized additions without a variance.

LOC. OF PAPER ALLEY - To the rear of the property & to the side there is an unimproved paper alley which we have maintained over time. It is not utilized by anyone so far as we've seen.

NEED FOR HANDICAP - ACCESSABILITY - We have two disabled children who have special needs & these are dictating the size of the addition. We need to make the house accessible for them so that they can utilize it to their advantage.

510

ZONING DESCRIPTION FOR : 703 Dale Avenue

Beginning at a point on the East side Dale Avenue which is 40 feet wide at the

~~distance of 62 feet North~~ ^{DIRECTLY EAST} of the centerline of the nearest improved intersecting

street Danville Road which is 40 feet wide. Being Lot # 13 & 14, Section # E in

the subdivision of Kenwood as recorded in Baltimore County Plat Book # 4,

Folio # 36, containing 6260.44 square feet. Also known as 703 Dale Avenue and

located in the 14th Election District, 6 Councilmanic District.

99.510-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JK 510 No. 069890

DATE 6/17/99

ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM: M'KENZIE

FOR: RVEILINL

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

99-510-A

PAID RECEIPT

PROCESSED 6/17/1999 6/17/1999 10:02:53

REF 4006 CASHIER KIM KIM DANNER 4

DEPT 5 528 ZONING VERIFICATION DELA

Receipt # 076066

CR NO. 069890

Receipt Tot 50.00

50.00 OK .00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-510-A
703 Dale Avenue
E/S Dale Avenue opposite
Danville Road
14th Election District
6th Councilmanic District
Legal Owner(s):
Diane L. &
Timothy T. McKenzie
Variance: to permit zero foot
side and rear setbacks and an
18-foot front setback in lieu of
the required 10 feet, 30 feet
and 25 feet respectively.
Hearing: Wednesday, August
4, 1999 at 10:00 a.m. in
Room 106, County Office
Bldg., 111 West Chesapeake
Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please, Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
JT 7/6/95 July 28 C326907

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/22/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/20/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-510-A
PETITIONER/DEVELOPER:
{Diana L. McKenzie}
DATE OF Hearing
{Aug. 4, 1999}

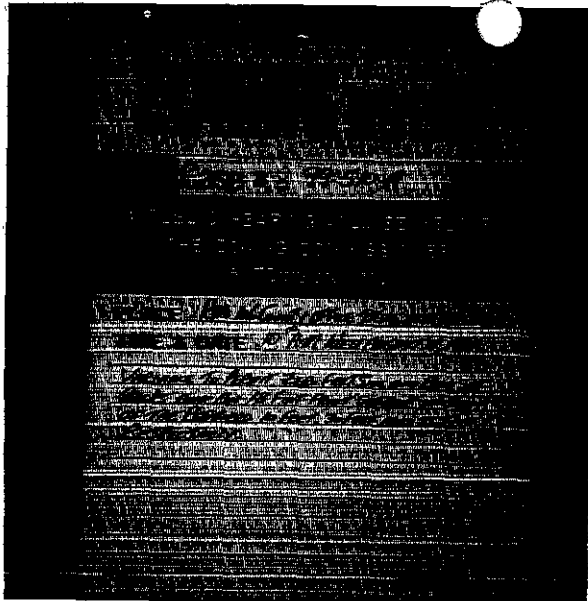
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

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 located at
703 Dale Avenue Baltimore , Maryland 21206_____

The sign(s) were posted on _____ 7-19-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 510

Petitioner: Timothy T. & Diana L. McKenzie

Address or Location: 703 Dale Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy T. McKenzie

Address: 703 Dale Ave.

Balt., Md. 21206

Telephone Number: 410-882-6552

Revised 2/20/98 - SCJ

99-510-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 12, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-510-A
703 Dale Avenue
E/S Dale Avenue opposite Danville Road
14th Election District – 6th Councilmanic District
Legal Owner: Diana L. & Timothy T. McKenzie

Variance to permit zero foot side and rear setbacks and an 18-foot front setback in lieu of the required 10 feet, 30 feet, and 25 feet respectively.

HEARING: Wednesday, August 4, 1999 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Diana & Timothy McKenzie

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 20, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 20, 1999 Issue – Jeffersonian

Please forward billing to: 410-882-6552
Timothy T. McKenzie
703 Dale Avenue
Baltimore, MD 21206

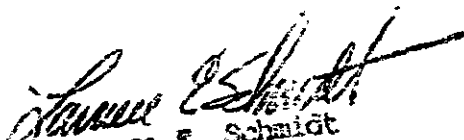
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-510-A
703 Dale Avenue
E/S Dale Avenue opposite Danville Road
14th Election District – 6th Councilmanic District
Legal Owner: Diana L. & Timothy T. McKenzie

Variance to permit zero foot side and rear setbacks and an 18-foot front setback in lieu of the required 10 feet, 30 feet, and 25 feet respectively.

HEARING: Wednesday, August 4, 1999 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



Lawrence E. Schmidt

569
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 30, 1999

Mr. & Mrs. Timothy McKenzie
703 Dale Avenue
Baltimore, MD 21206

Dear Mr. & Mrs. McKenzie:

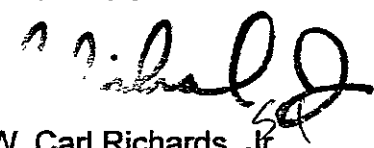
RE: Case Number 99-510-A, 703 Dale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 17, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 the case. All comments 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 agency.

Very truly yours,



W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 13, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for July 12, 1999
Item Nos. 501, 502, 503, 504, 505,
507, 508, 509, 510, 511, 512, 513,
514, 516, 518, 519, 520, 521, 522,
523, 524,

and

Case Number 99-477-SPHA
Windsor Commons

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

RWB:jrb

cc: File

Line
8/4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 12, 1999

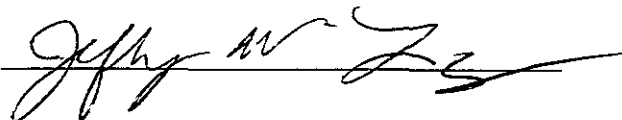
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 507, 510, 511, 512, 513, 515, 518, 521, 522, and 523

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 31, 1999

Arnold Carlson, Director
During Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 3, 1999

Item No.: SEE BELOW Conine Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been approved by this Bureau and the comments below are applicable and should be corrected or incorporated into the final plans for the property.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEM NUMBERS:

501, 502, 514, 505, 507, 508, 510, 511, 512, 513, 514,
515, 516, 517, 518, 520, 521, 524,

REVIEWED: LT. ROBERT J. BAUEPWALL
Fire Marshal Office, PHONE 887-4081, MC 1105
END FILE

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR VARIANCE
703 Dale Avenue, E/S Dale Ave,
opposite Danville Rd
14th Election District, 6th Councilmanic

Legal Owner: Timothy J. & Diana L. McKenzie
Petitioner(s)

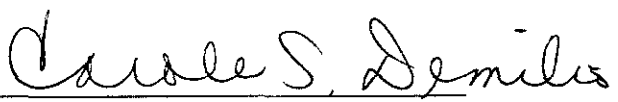
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-510-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to Timothy J. & Diana L. McKenzie, 703 Dale Avenue, Baltimore, MD 21206, Petitioners.

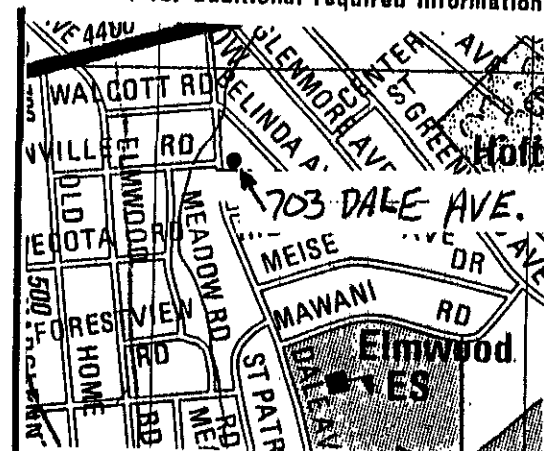

PETER MAX ZIMMERMAN

॥

see pages 5 & 6 of the CHECKLIST for additional required information

plat book # 4, folio # 36, lot # 13+14, section # E

OWNER: Timothy + DIANNA MCKENZIE



National Endowment for the Humanities

Vicinity Map
scale: 1"=1000'

Election District: 14

Councilmanic District: 6TH

1"=200' scale map#: NE 5 E

Zoning: DR 5.5

Lot size: 15 6260.44
acres square feet

SEWER: ☒ public ☐ private

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: NOT IN

FIRM MAP PANEL 410 100 YR FLOOD PLAIN.

Zoning Office USE ONLY:

reviewed by: ITEM #: CASE#:

VL 510

THE UNDERSIGNED PROPERTY
OWNERS ACCEPT RESPONSIBILITY
FOR ANY INFO. AS DRAWN
BY BALTO. CO.

Timothy T. McKenzie 6/17/99
Deane S. McKenzie 6/17/99

Scale of Drawing: 1"= 50'

Роб,
Рет-х #1



North

date: _____

prepared by:



NE 5 E

#510

99-510-A

DANVILLE

ROAD

BELINDA

AVE

RIDGEWAY

WECOTA

ROAD

MEADOW

ELMWOOD

MEISE

MAWAN

FORESTVIEW

ROAD

HOME

SILVERDALE

ROAD

ROAD

SAINT PATRICK

DALE

MARGLENN

AVENUE

MEADOW

ROAD

ROAD

25.5

25.500