

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Walnut Avenue, 1,065' W of
the centerline of Greenspring Avenue
4th Election District
3rd Councilmanic District
(2927 Walnut Avenue)

Kenneth & Jacqueline Briggs
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-031-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Kenneth & Jacqueline Briggs, property owners, for that property known as 2927 Walnut Avenue in the Owings Mills area of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 33 ft. in lieu of the required 50 ft. to build an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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.

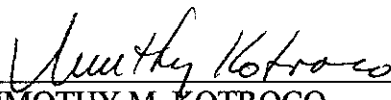
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy 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.

ORDER RECEIVED FOR FILING
Date 8/19/99
By [Signature]

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 Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1999 that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 33 ft. in lieu of the required 50 ft. to build an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

FMK:raj

CASES RECEIVED FOR FILING

Date 8/19/99

By R. Jensen



Baltimore County
Zoning Commissioner

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

August 19, 1999

Mr. & Mrs. Kenneth Briggs
2927 Walnut Avenue
Owings Mills, Maryland 21117

Re: Petition for Administrative Variance
Case No. 00-031-A
Property: 2927 Walnut Avenue

Dear Mr. & Mrs. Briggs:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2927 WALNUT AVENUE OWINGS MILLS
which is presently zoned RC5

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) 1A04.3.B.2 to permit a side yard setback of 33 ft. in lieu of the required 50 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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):

KENNETH BRIGGS
Name - Type or Print

Signature

JACQUELINE BRIGGS
Name - Type or Print

Signature 410-545-8761 (W)

2927 WALNUT AVENUE 410-356-3935 (H)

Address Telephone No.

OWINGS MILLS, MD 21117

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 8/19/99 day of August, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-31-A

Reviewed By BR Date 7/23/99

Estimated Posting Date 8/11/99

REC'D 9/15/98

ORDER RECEIVED FOR FILING
8/19/99

Affidavit in Support of Administrative 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 2927 WALNUT AVENUE.
Address
OWINGS MILLS, MD 21117
City State Zip Code

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):

The subject house is a 1 1/2 story frame dwelling situated on a 0.8 acre lot and zoned RC5. RC5 requires a 50' sidesetback from the property line and a minimum one acre lot. Many of the existing houses on Walnut Avenue were built over 40 years ago and have smaller lots with setbacks less than 50'.

I am applying for a variance to replace the 8'x30' existing porch on the west side of house with a 14'x30' kitchen/porch. The existing kitchen is extremely small (9x12) and to meet the needs of my family, I am applying to build an adequate kitchen. The existing porch is 39' from the property line and the proposed kitchen addition would be 33' from the property line. The distance to the closest neighbor is 75' plus or minus and thoroughly screened by evergreen trees and shrubs.

I feel this addition is consistent with the existing homes on Walnut Avenue and would be a reasonable use of the property. The granting of this variance would not cause any impact to neighboring properties and would meet the spirit of the BCRZ.

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

Kenneth Briggs
Signature
Kenneth Briggs
Name - Type or Print

Jacqueline Briggs
Signature
Jacqueline Briggs
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of July, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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

Date

Carol Deacock
Notary Public

My Commission Expires 8/01/01

Affidavit in Support of Administrative 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 2927 WALNUT AVENUE
Address
OWINGS MILLS, MD 21117
City State Zip Code

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):

The subject house is a 1 1/2 story frame dwelling situated on a 0.8 acre lot a zoned RC5. RC5 requires a 50' side setback from the property line and a minimum one acre lot. Many of the existing houses on Walnut Avenue were built over 40 years ago and have smaller lots with setbacks less than 50'.

I am applying for a variance to replace the 8'x30' existing porch on the west side of house with a 14'x30' kitchen/porch. The existing kitchen is extremely small (9x12) and to meet the needs of my family, I am applying to build an adequate kitchen. The existing porch is 39' from the property line and the proposed kitchen addition would be 33' from the property line. The distance to the closest neighbor is 75' plus or minus and thoroughly screened by evergreen trees and shrubs.

I feel this addition is consistent with the existing homes on Walnut Avenue and would be a reasonable use of the property. The granting of this variance would not cause any impact to neighboring properties and would meet the spirit of the BCRZ.

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

Kenneth Briggs
Signature
Kenneth Briggs
Name - Type or Print

Jacqueline P. Briggs
Signature
Jacqueline Briggs
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of July, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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

Date

[Signature]
Notary Public

My Commission Expires 8/01/01



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2927 WALNUT AVENUE OWINGS MILLS
which is presently zoned RC5

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)

1A04.3.B.2 to permit a side yard setback of 33 ft. in lieu of the required 50 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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):

KENNETH BRIGGS

Name - Type or Print

Signature

JACQUELINE BRIGGS

Name - Type or Print

Signature

410-545-8761 (W)

410-356-3935 (H)

2927 WALNUT AVENUE

Address

Telephone No.

OWINGS MILLS, MD

City

State

21117

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-31-A

Reviewed By BR Date 7/23/99

REU 9/15/98

Estimated Posting Date 8/1/99

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2927 Walnut Avenue.

Beginning at a point on the south side of Walnut Avenue which is 40 feet wide at the Distance of 1,065'± west of the centerline of the nearest improved intersecting street Greenspring Avenue which is 50 feet wide. Being Lot #N/A, Block N/A/, Section #N/A in the subdivision of N/A as recorded in Baltimore County Plat Book #N/A, Folio #N/A containing 0.8 acres. Also known as 2927 Walnut Avenue and located in the 4th Election District.

00-031-A
#31

A-180.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070462

DATE 7/23/99 ACCOUNT 8001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Ken Briggs

FOR: code 010 zoning variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item #31

CASHIER'S VALIDATION

PAID RECEIPT

PROFESSOR 7/23/1999 14:51:11

REG 18005 CASHIER NOTE MES DROMER

Dep 5 528 ZONING VERIFICATION

Receipt # 117752

CR NO. 070462

Rept Tot 50.00

.00 CK 60.00

10.00

Hallimore County, Maryland

00-031-A

CERTIFICATE OF POSTING

ADMIN. VAR.

RE Case No

00-31-A

Petitioner/Developer

BRIGGS, ETAL

Date of Hearing/Closing

8/16/99

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

#2927 WALNUT AVE

The sign(s) were posted on

7/31/99

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 7/31/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

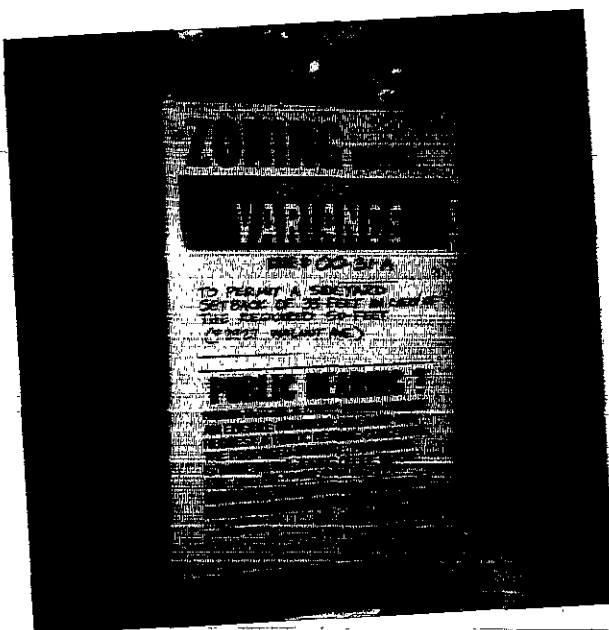
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



00-31-A

#2927 WALNUT AVE

BRIGGS

CL-8/16/99

CL-8/16/99

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁰~~90~~- 31 -A Address 2927 Walnut Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/23/99 Posting Date: 8/1/99 Closing Date: 8/16/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ~~90~~- 31 -A Address 2927 Walnut Ave.
Petitioner's Name Ken Briggs Telephone 410-356-3935 H
Posting Date: 8/1/99 Closing Date: 8/16/99
Wording for Sign: To Permit a side yard setback of 33 ft. in
lieu of the required 50 ft.

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: 00-31-A
Petitioner: Ken Briggs
Address or Location: 2927 Walnut Ave, Owings Mills MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kenneth Briggs
Address: 2927 Walnut Ave
Owings Mills, MD 21117
Telephone Number: (H) 410-356-3935 (W) 410-545-8761

Revised 2/20/98 - SCJ

FILE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

AUG 29

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 17, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2000
Item Nos. 022, 023, 024, 026, 027, 028
030, 032, 033, 034, 035, 036

and

00-550-A, Revised 7/14/2000

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

RWB:HJO:jrb

cc: File

ZAC-8-7-2000-NO COMMENT ITEMS.doc

SENT TO ZONING COMMISSION 8-14-00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 17, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2000
Item No. 025

The Bureau of Development Plans Review has reviewed the subject zoning item. The developer is to dedicate the right-of-way for the cut-back of the property lines at the intersection of Taylor Avenue and Chestnut Avenue at no cost to the county.

Per the Department of Public Works' Design Manual, Road and Streets, Section II, Paragraph I, *"the minimum distance from the property line P.I. at an intersection and the property line chord points shall be a minimum of 10 feet"*.

The issue of on-site parking should be addressed.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: August 11, 1999

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

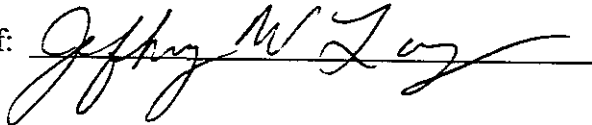
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

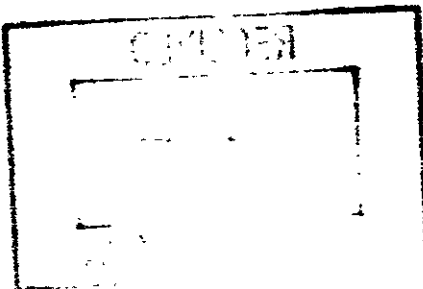
Item No(s): 001, 005, 023, 028, 030, 031, 032, 033, 034, 035, 038, 043, and 044

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





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 631

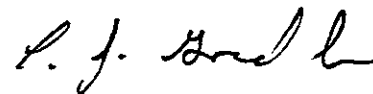
TR

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

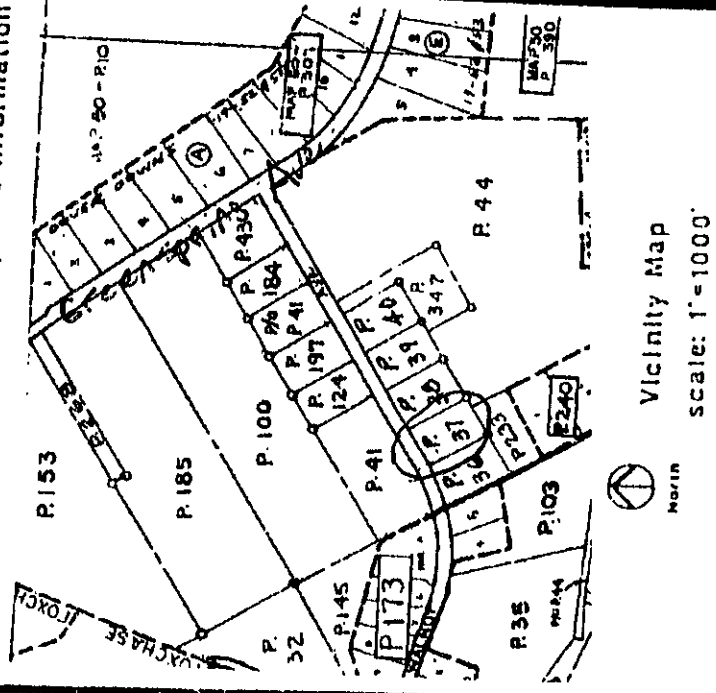
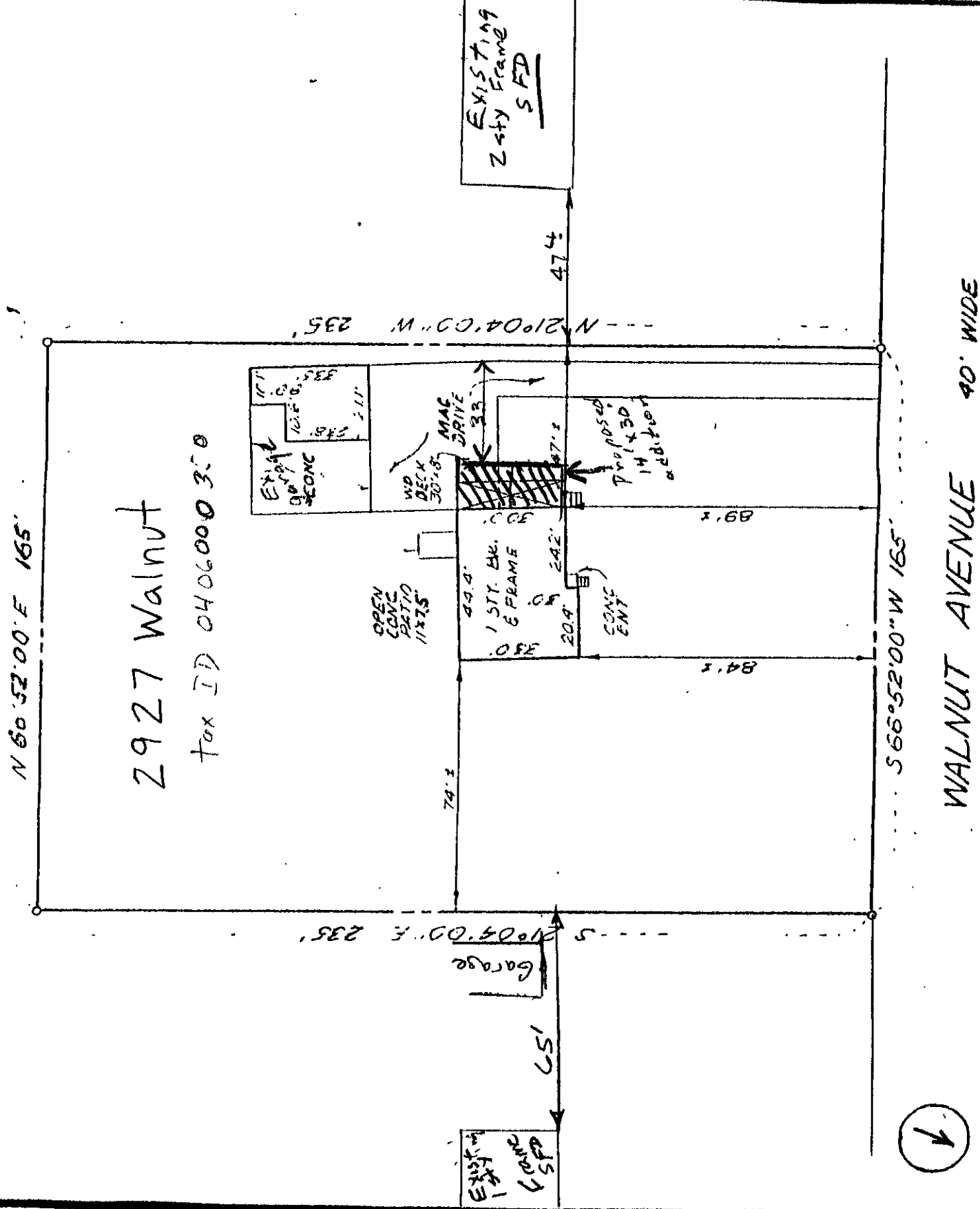
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2927 Walnut Ave Owings Mills

Subdivision name: N/A

plat book # , folio # , lot # , section #

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



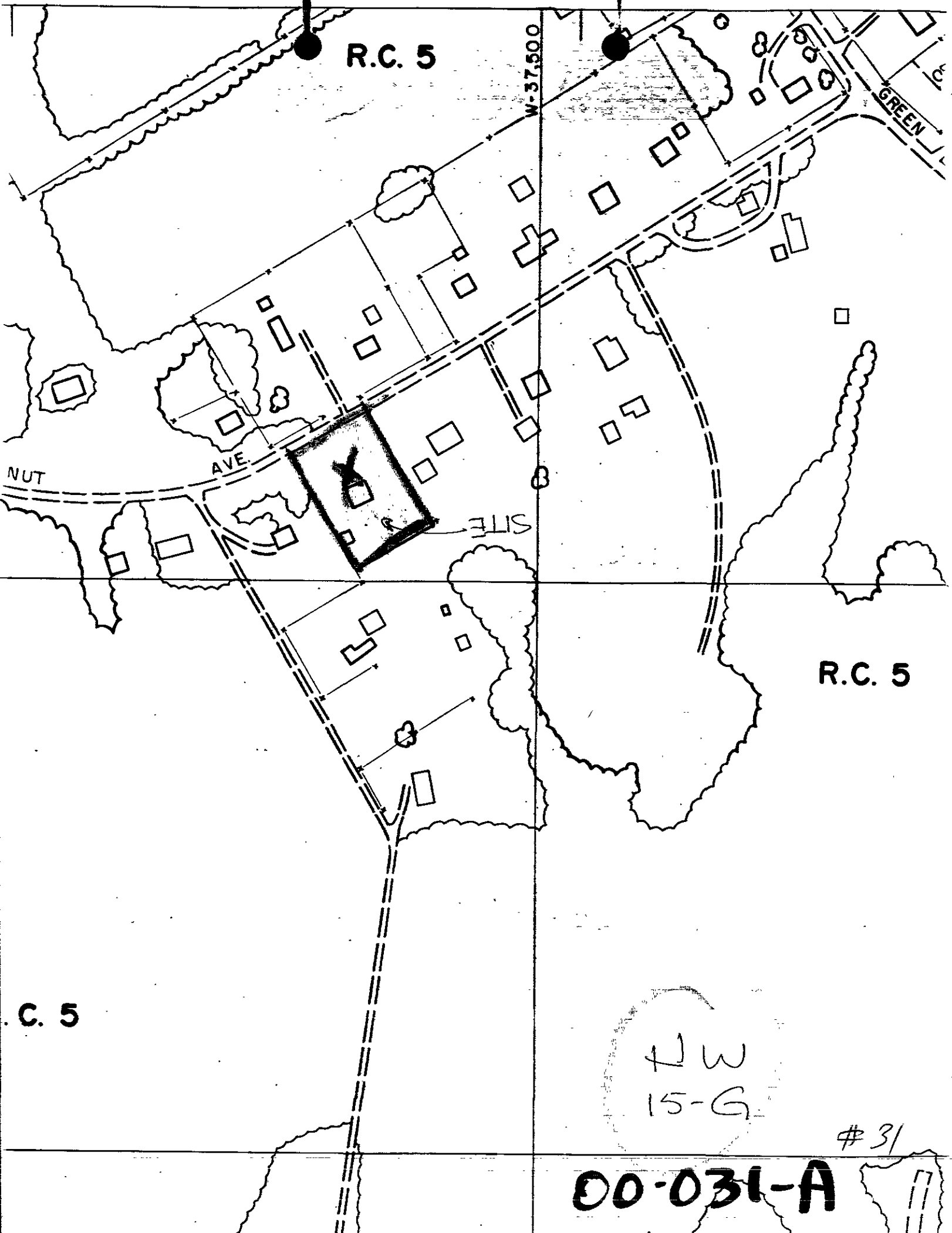
LOCATION INFORMATION

Election District: 4th
Councilmanic District: 3rd
1"-200 scale map#: NW, 15-G
Zoning: R25
Lot size: 0.3 acreage 34,848 square feet $\pm$
SEWER: ☐ PUBLIC ☒ PRIVATE
WATER: ☐ ☒
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!
reviewed by: BH ITEM #: 31 CASE#: 00-31-A

North
date: 7/23/99
prepared by: KB Scale of Drawing: 1"=40'

PET. EX. 1



R.C. 5

W-37,500

GREEN

AVE

SITE

R.C. 5

C. 5

NW
15-G

#31

00-031-A



00-031-A



00-031A

4-31

LOCATION

WORTHINGTON

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET

NW
15-G

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

MICROFILMED