

IN RE: PETITION FOR VARIANCE
S/S Malvern Avenue, 500' W
West Wind Road
9th Election District
4th Councilmanic District
(1009 Malvern Avenue)

James & Lois Johnston
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-500-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, James and Lois Johnston. The variance request is for property located at 1009 Malvern Avenue, in the Ruxton area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 28 ft. in lieu of the required 40 ft. to construct 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 Petitioners.

ORDER RECEIVED FOR FILING

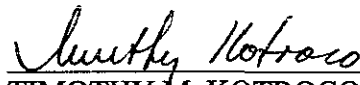
Date 6/27/00

By M. P. Jameson

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 27th day of June, 2000, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 28 ft. in lieu of the required 40 ft. to construct 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

TMK:raj

ORDER RECEIVED FOR FILING

Date

6/27/00

By

R. Jameson



Baltimore County
Zoning Commissioner

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

June 27, 2000

Mr. & Mrs. James S. Johnston
1009 Malvern Avenue
Ruxton, Maryland 21204

Re: Petition for Administrative Variance
Case No. 00-500-A
Property: 1009 Malvern Avenue

Dear Mr. & Mrs. Johnston:

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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1009 Malvern Avenue Baltimore, MD 21204
which is presently zoned DR-2

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) 1B02.3.C.1; BC22, TO PERMIT

A REAR YARD SETBACK OF 28ft. IN LIEU OF THE
REQUIRED 40ft. FOR AN ADDITION -

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 _____

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.

Legal Owner(s):

James S. Johnston
Name - Type or Print _____
Signature _____
Lois A. Johnston
Name - Type or Print _____
Signature _____
1009 Malvern Avenue 410-296-9151
Address Telephone No. ~~4476~~
Ruxton Maryland 21204
City State Zip Code

Representative to be Contacted:

Same
Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

CASE NO. 00-500A

Reviewed By gcm Date 5-26-00

Estimated Posting Date 6-4-00

ORDER RECEIVED FOR FILING

Date 6/27/00
By [Signature]
RE 9/15/98

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 1009 Malvern Avenue
Address
Ruxton, Maryland 21204
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):

We would like to build a family room addition extending 24' from the rear of our existing residence. Currently we do not have a room of this type and one is needed for our growing family. It is also important to note that currently our home is one of the smallest in the neighborhood and needs to be brought closer to standards with the surrounding homes. Our property is unusual due to the contours of the site as well as the proximity of the house to the rear property line. The site has a relatively steep grade from the front of the house to the street. This, in conjunction with the layout of the house, makes it impractical to build anywhere other than onto the rear of the house. The rear most corner of the original house is located within 33 feet of the existing rear property line. This further hinders the ability to build onto the rear and stay within current zoning guidelines. In addition it should be considered that there is more than adequate dense vegetative screening along the rear of our property obscuring us from the properties behind us. We therefor request that the 40' rear setback requirement be reduced to 28' in order to accommodate this addition. *WHICH IS THE ENLARGEMENT OF THE EXISTING SCREENED PORCH THAT WAS BUILT WITH THE ORIGINAL HOUSE.*

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.

James S. Johnston
Signature
JAMES S. JOHNSTON
Name - Type or Print

Lois A. Johnston
Signature
LOIS A. JOHNSTON
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of May, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James S. Johnston & Lois A. Johnston

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

May 25, 2000
Date

C. Bella Chou
Notary Public
C. BELLA CHOU
Notary Public State of Maryland
My Commission Expires May 1 2002

ZONING DESCRIPTION FOR 1009 MALVERN AVENUE
RUXTON, MD 21204

BEGINNING AT THE SOUTH SIDE OF MALVERN AVENUE
WHICH IS 20' WIDE AT THE DISTANCE OF 500' WEST OF
WEST WIND ROAD WHICH IS 20' WIDE.

BEING PARTS OF LOTS 4 AND 5 AS RECORDED IN LIBER
13 FOLIO 28 CONTAINING .620 AC. $\pm$ }

~~SQUARE FEET~~ ALSO KNOWN AS 1009 MALVERN
AVENUE AND THE LOCATION IN THE 9TH DISTRICT AND 4TH
COUNCELMANIC DISTRICT.

500

00-500-A

CERTIFICATE OF POSTING

ADMIN.

RE Case No.: 00-500-A

Petitioner/Developer: JOHNSON, ETAL

Date of Hearing/Closing: 6/19/00

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

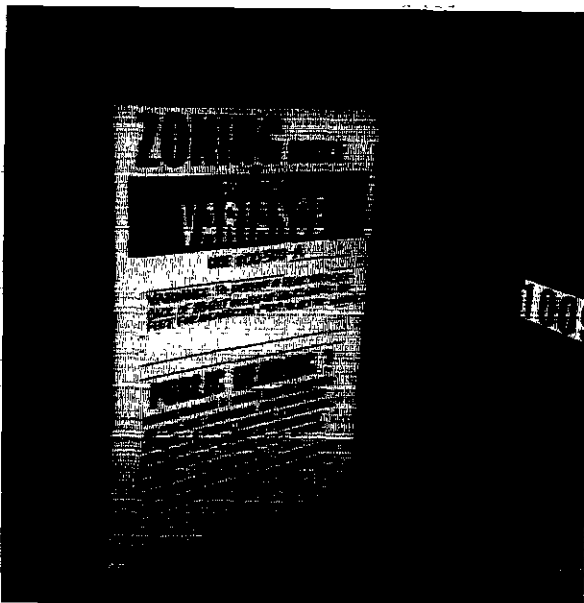
Attention: Ms. Gwendolyn Stephens

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 #1009 - MALVERN AVE

The sign(s) were posted on

6/3/00
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 6/12/00
(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)

00-500-A
1009 - MALVERN AVE.

6/19/00

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 00- 500 -AAddress 1009 MALVERN Ave.Contact Person: J. Manning

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5-26-00Posting Date: 6-4Closing Date: 6-19

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 00- 500 -AAddress 1009 MALVERN Ave.Petitioner's Name JAMES JOHNSTONTelephone (410) 296-9151Posting Date: 6-4Closing Date: 6-19

Wording for Sign: A VARIANCE
To Permit A REAR YARD SETBACK of
28ft. IN LIEU of The REQUIRED 40ft.
for AN ADDITION.

Posting Requirements Covered with applicant: JD

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/neighbor 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: 500

Petitioner: JAMES JOHNSTON

Address or Location: 1009 MALVERN AVE. RYTON MD. 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME

Address: SAME

Telephone Number: (410) 296-9151

Revised 2/20/98 - SCJ

00-500-A

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 14, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2000
Item Nos. 489, 490, 491, 492, 493, 494,
495, 497, 498, 499, 500, and 502

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: July 17, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of June 5, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
489	1100 Sparks Road
491	3510 Loganview Drive
492	17441 Troyer Road
493	10 Marks Manor Court
494	1424 Armacost Road
495	1306 Old Eastern Avenue
496	610 Old North Point Boulevard
497	7373 Edsworth Road
498	7206 Denberg Road
499	230 Pidco Road
500	1009 Malvern Avenue
501	2205-2207 Frederick Road

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 16, 2000

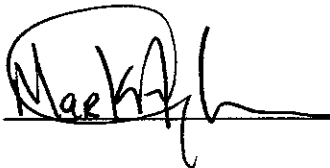
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 500 & 502.

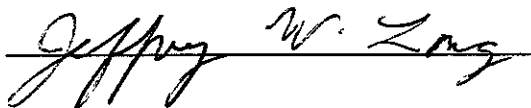
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

_____

Section Chief:

_____

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 6.8.00

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

RE: Baltimore County
Item No. 500 JSM

Dear Ms. Jackson:

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 Kenneth A. McDonald Jr., 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: 1009 MALVERN AVENUE RUXTON, MD 21204

MAY 26, 2000 PREPARED BY GREG DOWNING/DCC

PLAT BOOK 13-28 OWNER: JAMES AND LOIS JOHNSTON TAX ACCT # 09-16-750670

4 Malvern Ct.

6 Malvern Ct.

Paul E. Gaezermiller

Paul E. Gaezermiller

#09-04-500461

#09-04-500460

1611

Mr. Robinson

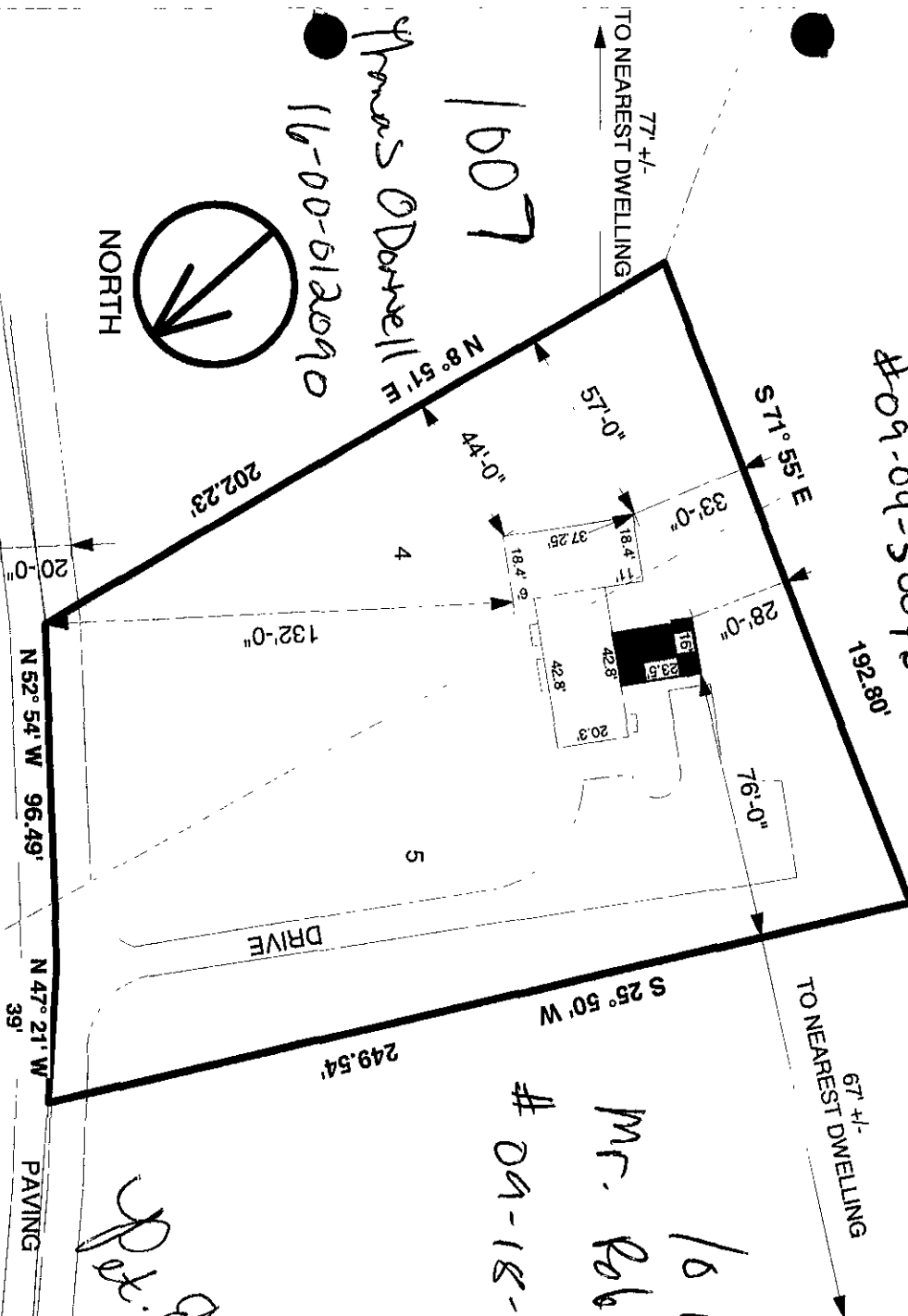
#09-18-470860

1607

Thomas O'Donnell

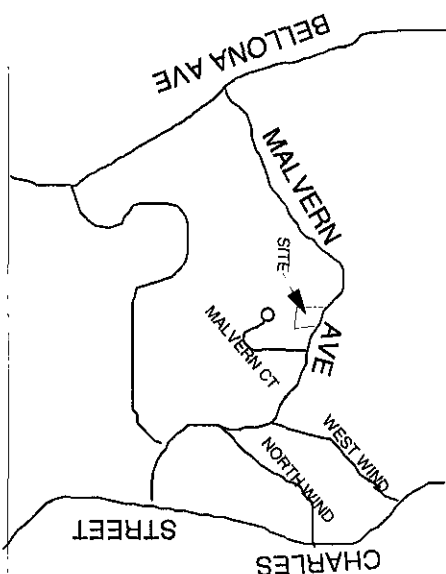
16-00-612090

NORTH



SCALE: 1"=50'

MALVERN AVENUE



NORTH

VICINITY MAP

SCALE: 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCELMANIC DISTRICT 4

1"=200' MAP # NW 10A

ZONING: DR-2

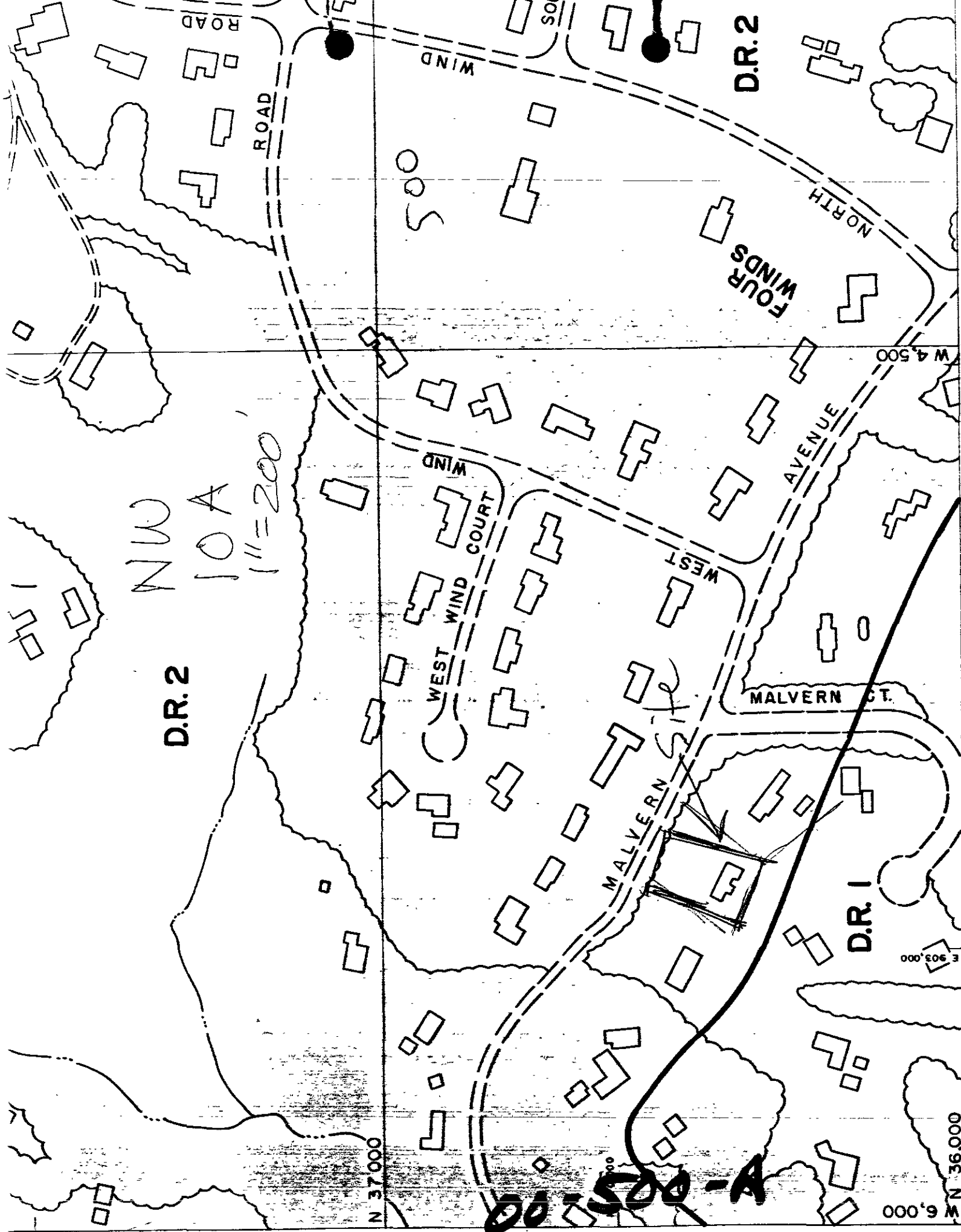
LOT SIZE: 1,620 AC

PUBLIC SEWAR AND WATER

CHESAPEAKE BAY CRITICAL AREA: NO

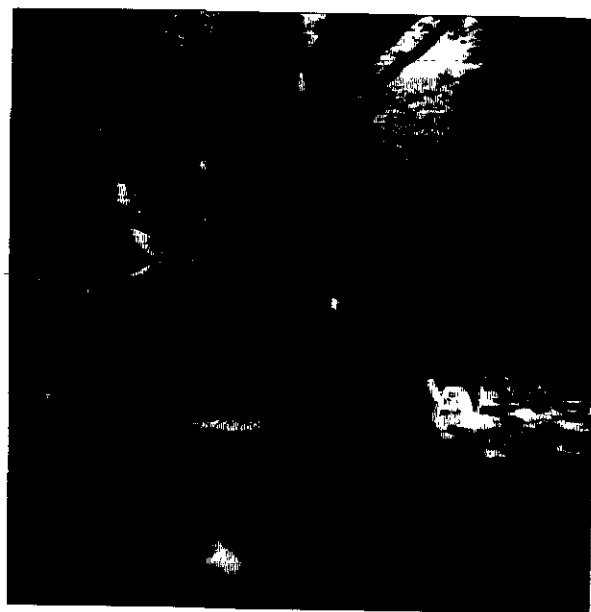
PRIOR ZONING HEARINGS: NONE

00-500-A



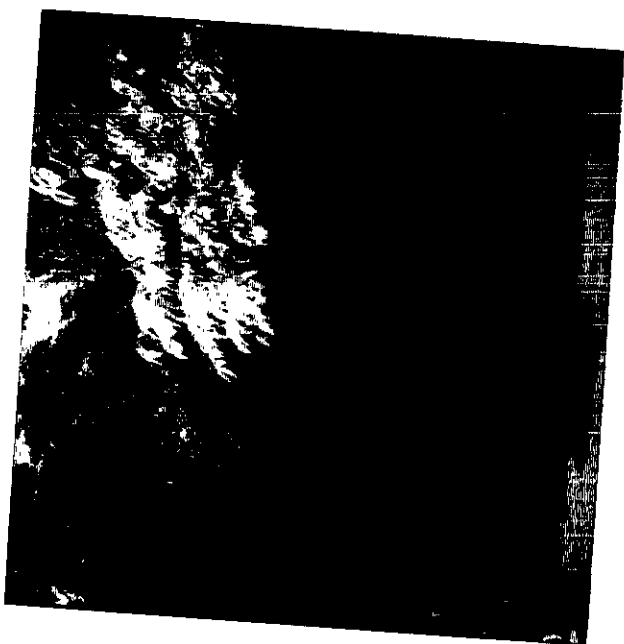


1009 malvern



1009 malvern

00.500-A



1009 Malvern



1009 Malvern

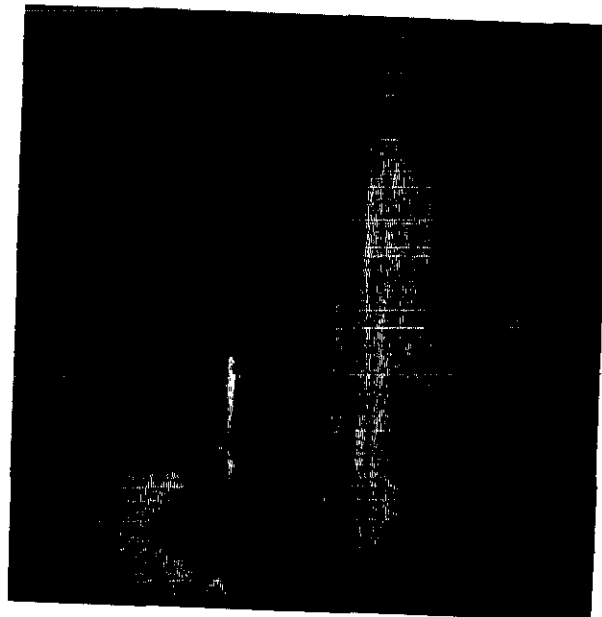


1009 Malvern

00-500-A



1009 malver



1009 malver



1009 malver



1009 malver



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

TOWSON

N.W.

10-A

00-500-A

SHEET

CROFTLAND