IN RE: PETITION FOR ADMIN. VARIANCE E/S Sutton Avenue, 60' N centerline of Willow Avenue 13th Election District 1st Councilmanic District (1807 Sutton Avenue)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-232-A

Elaine and Richard J. O'Heir, Jr. Petitioners

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Elaine and Richard J. O'Heir, Jr. The variance request is for property located at 1807 Sutton Avenue in the Relay area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with side yard setbacks of 2 ft. and 3.5 ft. and rear yard setback of 8 ft. in lieu of the required setbacks of 10 ft. on each side and 30 ft. on the rear, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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 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.

In addition, the relief granted herein is subject to the Petitioners' compliance with the recommendations made by the Office of Planning set forth in their correspondence dated December 21, 2000, a copy of which is attached hereto and made a part hereof.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 2001, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with side yard setbacks of 2 ft. and 3.5 ft. and rear yard setback of 8 ft. in lieu of the required setbacks of 10 ft. on each side and 30 ft. on the rear, respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning dated December 21, 2000, a copy of which is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

₹ TMK:raj



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

Fax: 410-887-3468

January 2, 2001

Mr. & Mrs. Richard J. O'Heir, Jr. 1807 Sutton Avenue Baltimore, Maryland 21227

Re: Petition for Administrative Variance

Case No. 01-232-A

Property: 1807 Sutton Avenue

Dear Mr. & Mrs. O'Heir:

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,

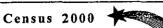
Timothy M. Kotroco

Deputy Zoning Commissioner

lunthy Hotroco

TMK:raj Enclosure















Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1819 Suffer	Avenue Ba	Himire	MD 21277
whiel	h is presently a	zoned D.P.	.5.5.	

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Name - Type or Print	Richard J. O'fleir Jr.
Tranto - Type of Frant	Name - Type or Print
Signature	Signature 1/11/
Address Telephone No	Name - Type or Print - 2/2 1/2/2011
City State Zin Code	Claim hallman - Viller
State Zip Code Attorney For Petitioner:	4 11 1
Succession of Feddories,	Address Telephone No.
Name - Type or Print	City State Zin Code
3	
Signature	Representative to be Contacted:
Company	Name
Address Telephone No	Address Telephone No.
City State Zip Code	City State Zip Code
Public Hearing having been formally demanded and/or found	to be required, it is ordered by the Zoning Commissioner of Baltimore County.
egulations of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 01-232-A	Reviewed By JPF Date 11/27/00
R8V 9 15 98	Reviewed By $P \neq Date 11/27/00$ Estimated Posting Date 12/10/00

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	1809 Button	Avenue,			
•	Address Bullium	ve <u>u</u>	u C	21277	
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law that the matters and facts hereinabove set for	orth are true and	correct to the best	of his/her/	their knowledge	and belief.
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-	My Con	nmission Expires _	71114	12002	

REV 09/15/98

Affidavit in Support of Administrative Variance

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REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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			Zoning Commissioner of Baltimore County
Zoning Commissioner of	Zoning Commissioner of Baltimore County	CASE NO. 01-232-A	1/27/00

Estimated Posting Date

Zoning Description11/27/00

Zoning Description for 1807 Sutton Avenue.

Beginning at a point on the east side of Sutton Avenue which is 19 feet wide at the

distance of 60 feet north of the centerline of the nearest improved intersecting street,

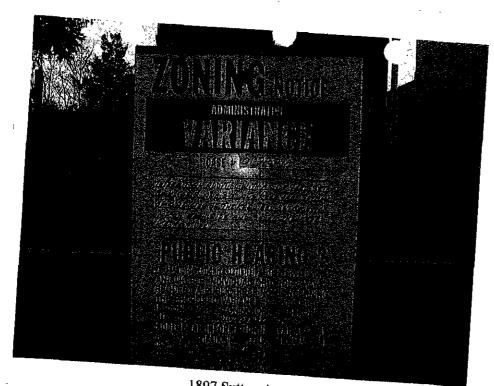
Willow Avenue. Being lot #28 and #51, respectively, in the subdivision of Saint Dennis.

As recorded in Baltimore County Plat Book #1, Folio #9, containing Lot #28, 4,400

square feet and Lot #51, 4,400 square feet. Also known as 1807 Sutton Avenue and

located in the 13th Election district, Tth Councilmanic District.

222



1897 Sutton Ave.

CERTIFICATE OF POSTING

RE: CASE # 01-232-A
PETITIONER/DEVELOPER
(Richard O'Heir)
DATE OF Closing
(12-25-00)

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 SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

1807 Sutton Ave. Baltimore , Maryl	and 21227
THE SIGN(S) WERE POSTED ON	12-8-00
	(MONTH, DAY,YEAR)
	SINCERELY,
	Ohom! Delstiz/8/00
	(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 <u>Baltimore County Zoning Regulations</u> (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.

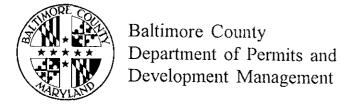
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number: 01 - 232 -A Petitioner: RICHARD O'HEIR
Address or Location: 1807 SUTTON AUE
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 1807 SUTTON AUE
BALTIMORE, MD 21227
Telephone Number: 410-536-0115

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 232 -A Address 1807 Sutton Ave.
Contact Person: Jun Fernando Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 1/2-27-00 Posting Date: 1/2-10-00 Closing Date: 1/2-25-0
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.
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 01- 232 -A Address 1807 Sufton Ave. Balto. Md. 2122
Petitioner's Name Richard O'Heir Telephone 410-536-0115
Posting Date: 12-10-00 Closing Date: 12-25-00
Wording for Sign: To Permit an addition with a side yard schooks of 2' and sear yard schook of 8' in lieu of the regulations with a side yard schook of 8' in lieu of the regulations with a side yard schook of 8' in lieu of the regulations with a side yard schook of 8' in lieu of the regulations with a side yard schook of 10' on each side and 30' on the rear repositively
setbacks of 10'on each side and 30' on the rear remotively



Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

December 27, 2000

Elaine & Richard J. O'Heir, Jr. 1807 Sutton Avenue Baltimore, MD 21227

Dear Mr. & Mrs. O'Heir, Jr.:

RE: Case Number: 01-232-A, 1807 Sutton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 27, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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 this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Ar

Arnold Jablon, Director

DATE: January 9, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 18, 2000

Item Nos. 222, 223, 224, 225, 226, 227,

228, 230, and 232

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

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 20, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF DECEMBER 11, 2000

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

222, 223, 225, 226, 227, 228, 230, 232,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley ALRBS

DATE:

January 18, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of December 11, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
222	3019 Ohio Avenue
223	3017 Ohio Avenue
224	607 Stoney Lane
225	3023 Ohio Avenue
226	3021 Ohio Avenue
227	3507 Hiss Avenue
228	7464 Bradshaw Road
229	6975 Rockfields Road
230	3012A Hernwood Road
232	1807 Sutten Avenue

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 21, 2000

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

2

SUBJECT:

1807 Sutten Avenue

INFORMATION:

Item Number:

01-232

Petitioner:

Richard O'Heir

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested administrative variance provided that the applicant submit elevation drawings to this department for review and approval prior to the issuance of any building permits. Said drawings should show the façade treatment for the proposed addition.

Prepared by:

Section Chief:

ÀFK:MAC:



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

BR

Date: 1.3.00

Baltimore County

Item No. 232

RE:

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

Towson, Maryland 21204

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.

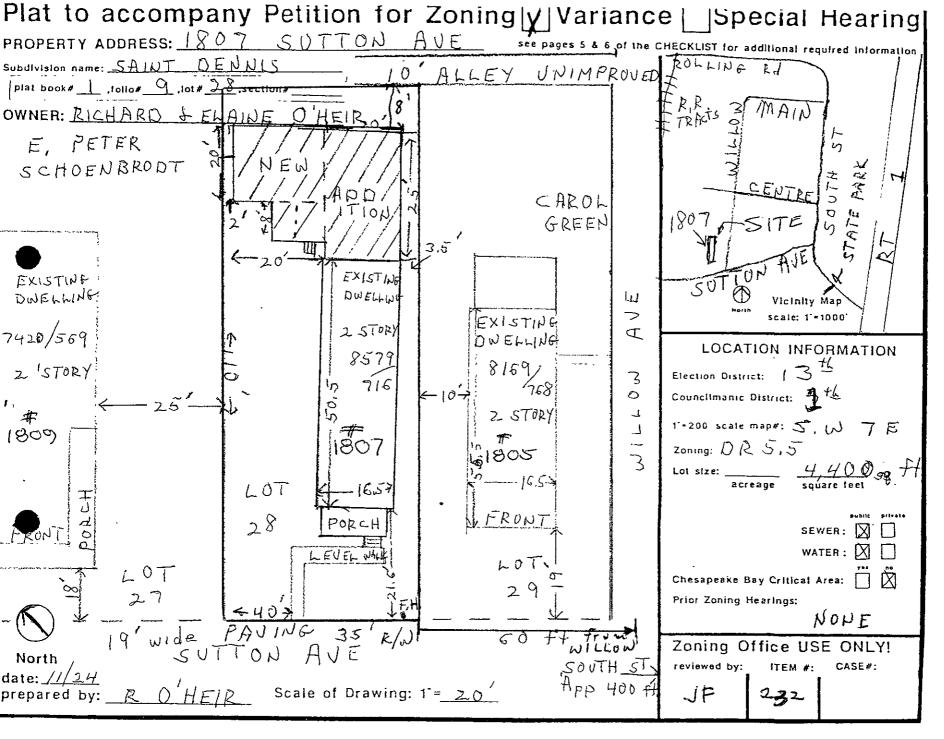
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.ind.us).

Very truly yours,

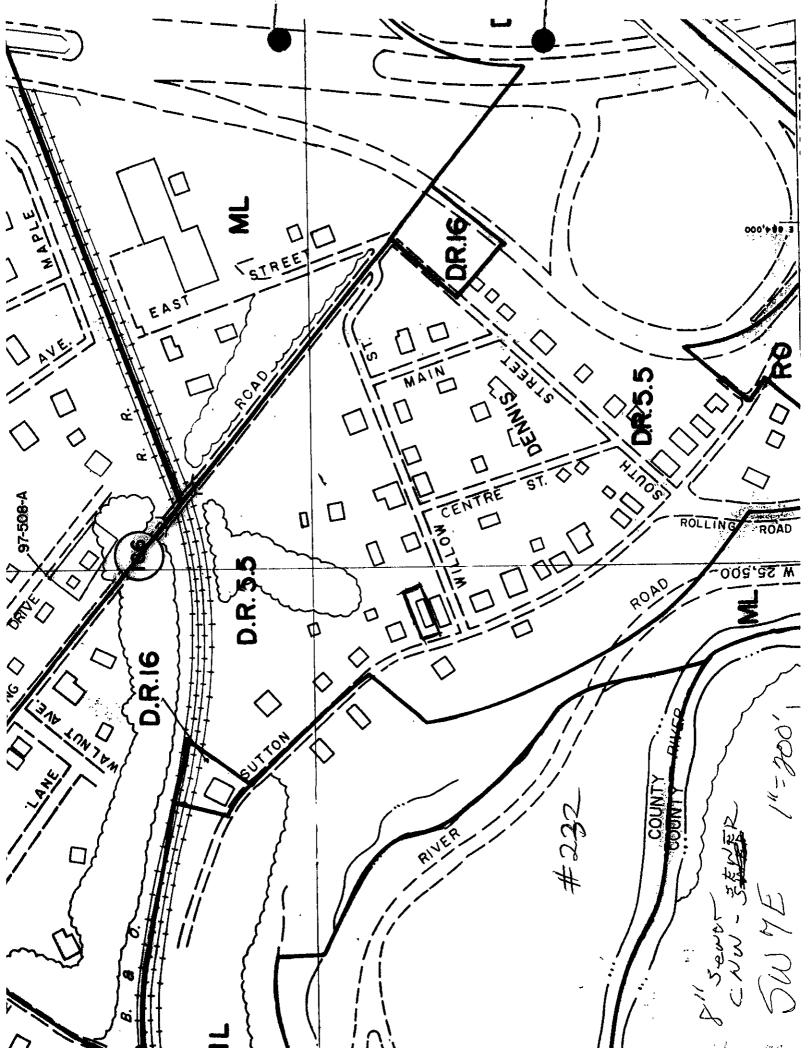
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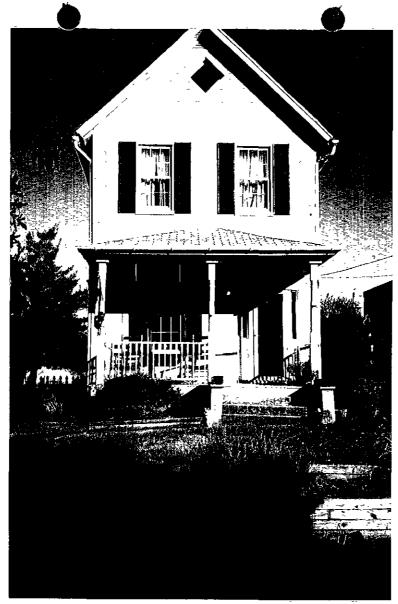
Kenneth A. McDonald Jr., Chiet Engineering Access Permits Division

My telephone number is ___



D. 9. #





& FRONT YARD



SIDE YARD

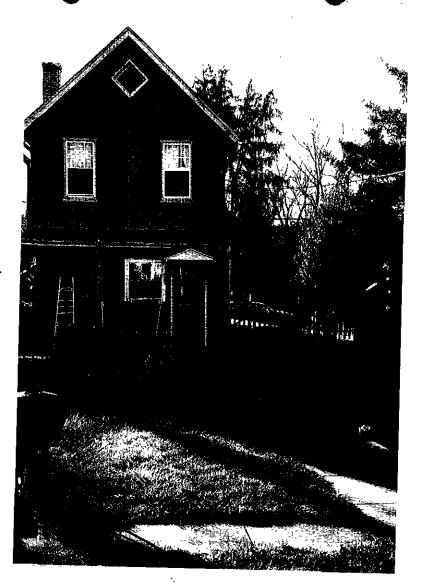
SIDE YARD

Prop. location

of the addition

towards the

rear yard.



Rear YARD Cproposed location of the addition)





Existing alley that divides

10t 51 and lot 18 which are

decded together to the petitioner.

