IN RE: PETITION FOR ADMIN. VARIANCE

N/S Academy Avenue, 200' E

Timber Grove

4th Election District

2nd Councilmanic District

(404 Academy Avenue)

Helen & Milton Richardson

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 02-025-A

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Helen and Milton Richardson. The variance request is for property located at 404 Academy Avenue, in the Owings Mills area of Baltimore County. The variance request is from Sections 1B02.3.B and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (sun room and open projection deck) with a rear yard setback of 20 ft. in lieu of the required setbacks of 30 ft. and 22.5 ft. respectively and to amend the Final Development Plan of Timber Grove, Section 2, Lot 5-E. 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

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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.

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 day of August, 2000, that a variance from Sections 1B02.3.B and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (sun room and open projection deck) with a rear yard setback of 20 ft. in lieu of the required setbacks of 30 ft. and 22.5 ft. respectively and to amend the Final Development Plan of Timber Grove, Section 2, Lot 5-E, 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.

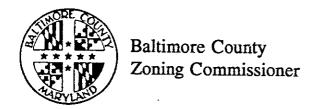
ТІМОТНУ М. КОТРОСО

DEPUTY ZONING COMMISSIONER

buther lotroco

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

August 21, 2001

Mr. & Mrs. Milton Richardson 404 Academy Avenue Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 02-025-A Property: 404 Academy Avenue

Dear Mr. & Mrs. Richardson:

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

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Deputy Zoning Commissioner

TMK:raj Enclosure

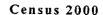
c: Mr. Gregory Falter c/o Patio Enclosures 224 8th Avenue, N.W. Glen Burnie, MD 21061















RECEIVED

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 404 ACADEMY AVE.

which is presently zoned D.R 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legi
OWNERS) Of the Connecty citiests in Relations County and which is described in the description and also also be all burners.
made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B. and 301.BCZR

TO PERMIT AN ADDITION (SUN ROOM AND OPEN PROJECTION DECK) WITH A REAR YARD, SETBACK OF ZO' IN LEXU OF THE REQUIRED SETBACKS OF 30' AND ZZ.5, RESPECTIVLY AND TO AMEND THE FOR OF TIMBER GROVE SECTION Z LOT 5-E

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 live are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee Legal Owner(s, MILTON RICHARDSON Name - Type or Print Signature Signature HELEN RICHARDSON Address Telephone No. State Zip Code 404 ACADEMY AVE. 410-363-1689 Attorney For Petitioner: Address Telephone No. **OWINGS MILLS ME 21117** Name - Type or Print State Zip Code Representative to be Contacted: Signature PATIO ENCLOSURES INC (G.A. FALTER /AGENT) Company **224 8TH AVE NW** 410-760-9322 X25 Address Address Telephone No. Telephone No. **GLEN BURNIE MD 21061** Cit City State Zip Code Zip Code Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Battimore County. day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning of Baltimore County, and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. 02-025-A Reviewed By_ 7-29-01 Estimated Posting Date

Affidavitan 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 404 academy ave Owings Mills, MD, 21117 State Zio 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): 1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns. 2. Insulate and reduce heating bills. Reduce road noise. 4. A place to sit out and not be concerned with the weather, bugs: mosquitos, flies etc... 5. Improve the apperance of the house 6. The restrictive area of the lot does not lend itself to any addition of pratical size without requiring a variance. 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 MILTON RICHARDSON HELEN RICHARDSON Name Type or Prin Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit I HEREBY CERTIFY, this 25 day of before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ichoed son JK 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

My Commission Expires

REV 09|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 record thereto.

competent to testify thereto in the event that a p	within the personal knowledge of the Affiant(s) and that Affiant(s) is/are public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	_404 academy ave
	Address
	Owings Mills, MD, 21117
That hased upon personal knowledge it. A it.	City State Zip Code
Variance at the above address (indicate hardsh	owing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
 This area lends itself to the utilizal interruption or major alterations to th 	tion of existing facilities and land without se present floor plan patterns.
2. Insulate and reduce heating bills.	,
3. Reduce road noise.	
4. A place to sit out and not be conceetc	erned with the weather, bugs: mosquitos, flies
5. Improve the apperance of the hou	se
The restrictive area of the lot does requiring a variance.	not lend itself to any addition of pratical size without
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	ermal demand is filed, Affiant(s) will be required to pay a reposting and additional information
X Millon Ruferdon, f	Signature Richardson
MILTON RICHARDSON	HELEN RICHARDSON
Name Type or Prin	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	·
I HEREBY CERTIFY, this 25 day of 30 day of Maryland, in and for the County aforesaid, personal county aforesaid, personal county aforesaid.	we
Milton Richardson JR.	Helen Richardson
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such Affiant(s), and made oath in due form of the are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	Nisa Mano
Daite	Notary Public My Commission Expires

R20 09/15/98



R2V 915198

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 404 ACADEMY AVE. which is presently zoned D.R 3.5 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) / BOZ , 3.B AND 301 BLZR. PERMIT AN ADDITION (SUN ROOM AND OPEN PROJECTION PECK) WITH REAR YARD SETBACK OF ZO' IN LEIU OF AND 22.5' RESPECTIVELY. AND TO AMEND THE TIMBER GROVE SECTION 2, LOT 5-E of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for thereasons 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 liwe are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee Legal Owner(s. MILTON RICHARDSON Name - Type or Print Signature HELEN RICHARDSON Address Name - Type or Print Telephone No. Signature State Zip Code 404 ACADEMY AVE. 410-363-1689 Attorney For Petitioner: Telephone No. OWINGS MILLS ME 21117 Name - Type or Print Zip Code Representative to be Contacted: Signature PATIO ENCLOSURES INC (G.A. FALTER /AGENT) Company Name 224 8TH AVE NW 410-760-9322 X25 Address Address Telephone No. Telephone No. **GLEN BURNIE MD 21061** City Zip Code 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. 02 - 025-A

Estimated Posting Date

ZONING DESCRIPTION FOR 404 ACADEMY AVE.

BEGINNING AT A POINT ON THE NORTH SIDE OF ACADEMY AVE.

WHICH IS 40' WIDE AT THE DISTANCE OF 200' EAST OF THE

NEAREST IMPROVED INTERSECTING STREET TIMBER GROVE

WHICH IS 34'WIDE. BEING LOT #5E BLOCK --- SECTION 2 IN THE

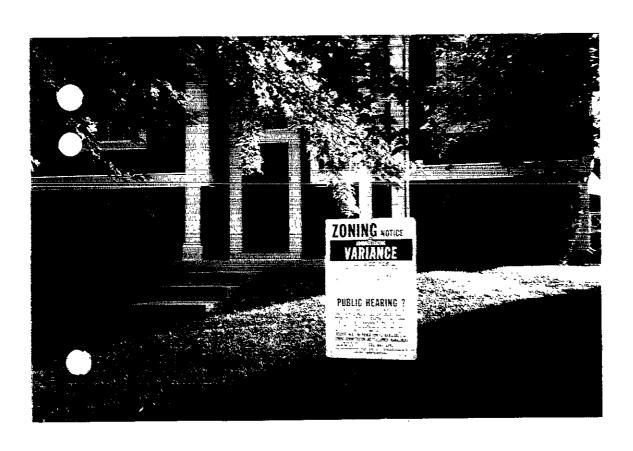
SUBDIVISION OF TIMBER GROVE AS RECORDED N COUNTY PLAT

BOOK # 44, FOLIO # 61, CONTAINING 7500 SQ'. ALSO KNOWN AS

404 ACADEMY AVE LOCATED IN THE 04th ELECTION DISTRICT,

3rd COUNCILMANIC DISTRICT.

#25



BALTIMORE COUNTY, MARYLANI

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 7-16-01

ACCOUNT OCI-COG-G150

AMOUNT \$ 100 CO

RECEIVED Patro Enclosures
FROM: HOH ACROCAMY AND ITEM # 025

FOR: OI-VARIANCE TAKEN BY: JRE

YELLOW - CUSTOMER

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY

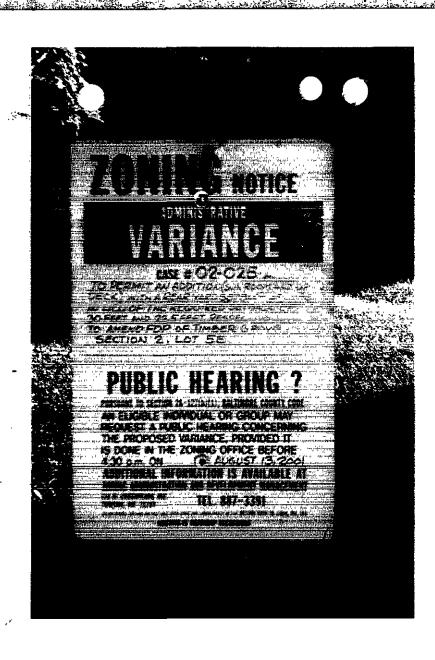
PAYMENT ACTUAL TIME
1/17/2001 7/16/2001 11:02:59

7/17/2001 7/16/2001 11:02:59
RED WS06 CASHIER KNEW KXH DRAMER 4
>>NECEIPT # 033232
DELM

Dert 5 528 ZONING VERIFICATION CRINO. 004052

Recort Tot 100.00 100.00 EK .90 CA Rallimore County, Maryland

CASHIER'S VALIDATION



CERTIFICATE OF POSTING

٠. *	RE: Case No.: 02-025-A
	Petitioner/Developer: MILTON & HOLON RICHARDSON PATIO ENCLOSUNES, INC.
	Date of Hearing/Closing: 8-13-01
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:	
were posted conspicuously on the property	of perjury that the necessary sign(s) required by law located at ACADEMY AVE.
The sign(s) were posted on	27, 200
	Sincerely.
	(Signature of Sign Poster and Date) CTAPLAND E. MOORE (Printed Name) 3225-RYERSONI CIRCLE (Address) BACTIMIONE, MD. 2177
	(City, State, Zip Code) (4)10) 2472-47263
	(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.

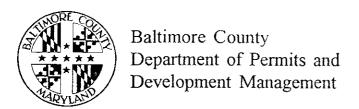
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number - 02 - 025 - A
Petitioner: _RICHARD AND HELEN MILTON
Address or Location: 404 ACADEMY AVE, OWINGS MILLS MD 21117
PLEASE FORWARD ADVERTISING BILL TO:
Name:PATIO ENCLOSURES INC.
Address: _ 224 8th AVE NW GLEN BURNIE MD 21061
Telephone Number:_ 410-760-9322 X25

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 625 -A Address 404 Academy Ave.
Contact Person: Jun R. Fernando ; Phone Number: 410-887-3391
Filing Date: 7-16-01 Posting Date: 7-29-01 Closing Date: 8-13-01
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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 01-025 -A Address 404 Academy Ave.
Petitioner's Name Milton & Helen Richardson Telephone 410-363-1689
Posting Date: 7-29-01 Closing Date: 8-/3-0/
Wording for Sign: To Permit an addition Countroom and open projection deck) with a rear yard setback of 20' in lieu of the required
setbacks of 30' and 22.5', respectively. And to amend the
FOR of Timber Grove Section 2, Lot SE.



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

August 15, 2001

Helen & Milton Richardson 404 Academy Avenue Owings Mills MD 21117

Dear Mr. & Mrs. Richardson:

RE: Case Number: 02-025-A, 404 Academy Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 16, 2001.

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. Goて Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

c: Patio Enclosures Inc, G. A. Falter/Agent, 224 8th Ave NW, Glen Burnie 21061 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 6, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 13, 2001

Item Nos. 018, 019, 021, 022, 023, 025°

026, 028, 029, 030, 031, 032, 033,

035, and 057

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

RWB:HJO:jrb

cc: File



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

August 14, 2001

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 August 6, 2001

Item No.:

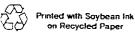
Dear Ms. Stephens:

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.

The Fire Marshal's Office has no comments regarding the item numbers:

018, 022, 023, 025, 026, 028, 029, 030, 033, 034, and 035

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



AY 8/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-017, 02-025, 02-028, 02-029 & 02-030

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

ALIG I A

DATE: August 14, 2001



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

8.10.61 Date:

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

RE:

Baltimore County

Item No. 025 3 JRF

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,

Kenneth A. McDonald Jr., Chief

1. J. Double

Engineering Access Permits Division

	DORESS: 404 ACADEMY AVE OWINGS MILLS MD 21117 TIMBER GROVE	X Variance Special Hearing	
	;section 2 I		
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(SONO TOTAL T	Weinity Map Weinity Map Scale: 1'-1000'	711-1
	1010	LOCATION INFORMATION Electron District: 04	7
	10/0 m	Councilmanic District: 02	<u>.</u>
	2337 - 72 7 - MY NATURAL AVEN	Zaning: DR. 3,5 Lot size: .17 7,500	1-1
	TIMBER CAPOUT	SEWER: X	NY.
	Acar	Chesapeake Bay Critical Area: The Prior Zoning Hearings: NONE	
	North	Zoning Office USE ONLY!	
		d by:	
		URT 025	

Petitioners Exhibit #1

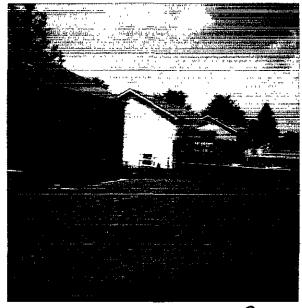


LEFT SIDE YARD.

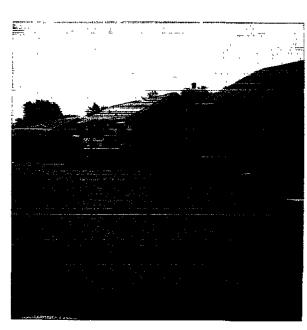


RIGHT SIDE YARD

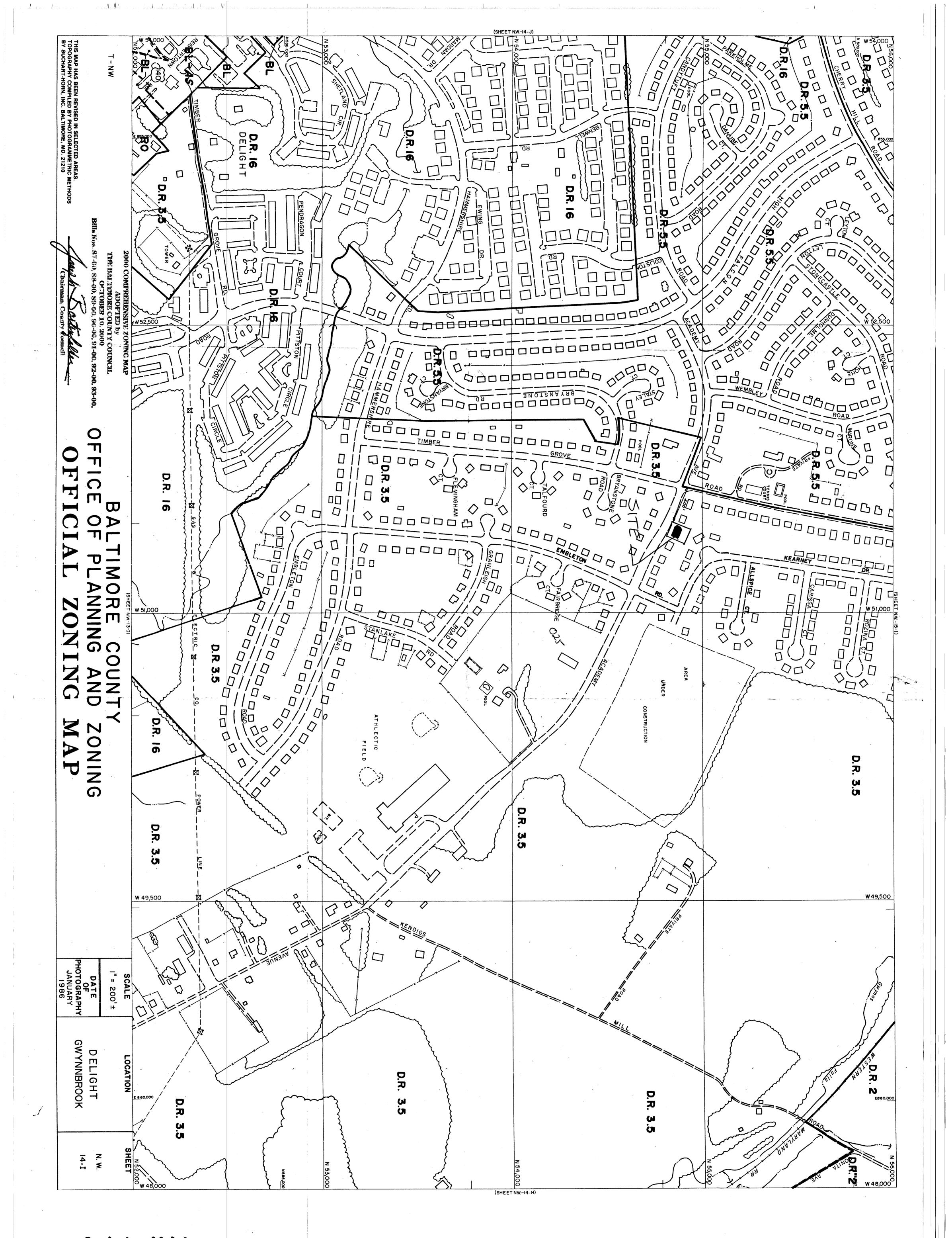
025



REAR RIGHT CORNER



REAR LEFT CORNER



1 th MN