

IN RE: PETITION FOR ADMIN. VARIANCE

NW/S Oak Avenue, 350' NE
centerline of Carol Road
3rd Election District
2nd Councilmanic District
(3712 Oak Avenue)

Carole and Donald Henderson
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 02-039-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, Carole and Donald Henderson. The variance request is for property located at 3712 Oak Avenue, in the Lochearn 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. for an addition in lieu of the required 30 ft. 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

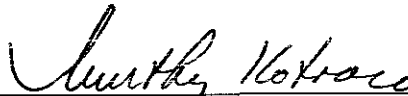
9/4/01

R. Gannon

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 4th day of September, 2001, 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. for an addition in lieu of the required 30 ft., 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, Petitioner 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

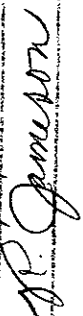
TMK:raj

ORDER RECEIVED FOR FILING

Date

9/4/01

By





Baltimore County
Zoning Commissioner

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

September 4, 2001

Mr. & Mrs. Donald Henderson
3712 Oak Avenue
Baltimore, Maryland 21207

Re: Petition for Administrative Variance
Case No. 02-039-A
Property: 3712 Oak Avenue

Dear Mr. & Mrs. Henderson:

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3712 OAK AVE.
which is presently zoned DRS-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; BC2 R, to

permit a Rear yard setback of 28 ft. for an addition in lieu of the required 30 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

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 9 day of September, 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

Reviewed By SLM Date 7-20-01

Estimated Posting Date 7-29-01

CASE NO. 02-039A

Date 9/15/98

ORDER RECEIVED FOR FILING

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 3712 OAK AVE
Address
BALTIMORE MD 21207
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 are the adoptive parents of a child disabled by Cerebral palsy. We propose to install an ENDLESS POOL as a hydrotherapy room. The pool has fixed dimensions that require the room to encroach 2' on a 30' setback requirement.

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.

Donald J. Henderson
Signature
DONALD S. HENDERSON
Name - Type or Print

Carole J. Henderson
Signature
CAROLE J. HENDERSON
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of July, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donald S. and Carole J. Henderson

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

7/19/01
Date

Matthew C. Henderson
Notary Public

My Commission Expires _____

REN 09/15/98

MATTHEW C. HENDERSON
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 8, 2005

ZONING DESCRIPTION FOR 3712 OAK AVENUE

Beginning at a point on the northwest side of Oak Avenue
which is 60' wide at the distance of 350' NE
of the centerline of the nearest improved intersecting street
Carol Road which is 60' wide. Being Lot #38, Block L,
Section 2 in the subdivision of Lochearn as recorded in
Baltimore County Plat Book # 8, Folio #76, containing 6250
square feet. Also known as 3712 Oak Avenue and located in
the 3rd Election District, 2nd Councilmanic District.

039

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

039

No.

4078

DATE 7.20.01 ACCOUNT CI-CE-6150

AMOUNT \$ 50.00

RECEIVED FROM: DON HENDERSON 3712 CAK
APR

FOR: (010) Ad. VAIL.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PAYMENT	ACTUAL	TIME
7/20/2001	7/20/2001	10:32:20
4302	CASHIER SMAT SHW	DRIVER 2
RECEIPT #	180423	OFLN
Item	5	528 ZONING VERIFICATION
CP NO.	004078	

Receipt Tot 50.00
50.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 02-039-A
Petitioner/Developer: Don Henderson
Date of Closing: 8/13/01

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

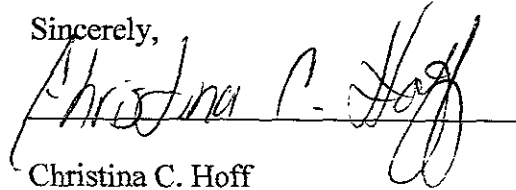
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

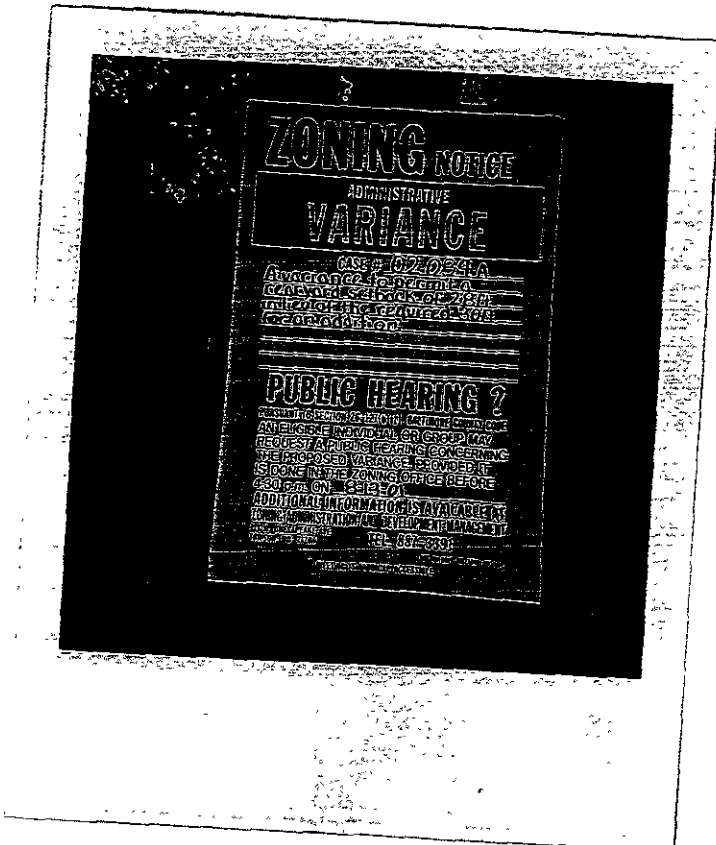
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **3712 Oak Avenue**.

The sign(s) were posted on 7/28/01.

Sincerely,



Christina C. Hoff
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



**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: 039

Petitioner: DON HENDERSON

Address or Location: 3712 OAK Ave., BALD., Md. 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAW

Address: SAW

Telephone Number: 410-597-894x

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 039 -AAddress 3712 OAK AVENUEContact Person: J. Mewery
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7.20.01Posting Date: 7.29.01Closing 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.

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 02- 039 -AAddress 3712 OAK AVENUEPetitioner's Name DON HENDERSONTelephone (410) 461-9111 EXT. 20Posting Date: 7.29.01Closing Date: 8.13.01 (H) 410-547-8944Wording for Sign: A VARIANCE
To Permit A REAR YARD SETBACK OF 28ft.IN LIEU of THE REQUIRED 30ft. for AN ADDITION.Donald Henderson

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

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

August 21, 2001

Carole & Donald S Henderson
3712 Oak Avenue
Baltimore MD 21207

Dear Mr. & Mrs. Henderson:

RE: Case Number: 01-039-A, 3712 Oak Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 11, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2001
Item Nos. 036, ~~039~~, 040, 041, 044, 045,
048, 049, 050, 051, 053, 054, and 055

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

~~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

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:

036, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050,
051, 052, 053, 054, AND 055

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

cc: File

AV
8/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 21, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-039, 02-045, 02-050, & 02-051

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:

Mark A. Cunningham

408 2 1

Section Chief:

Jeffrey W. Lutz

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: *8.23.01*

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

RE: Baltimore County
Item No. *039*

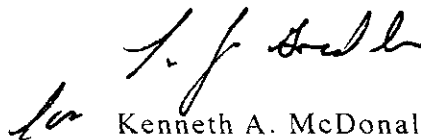
JCM

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
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

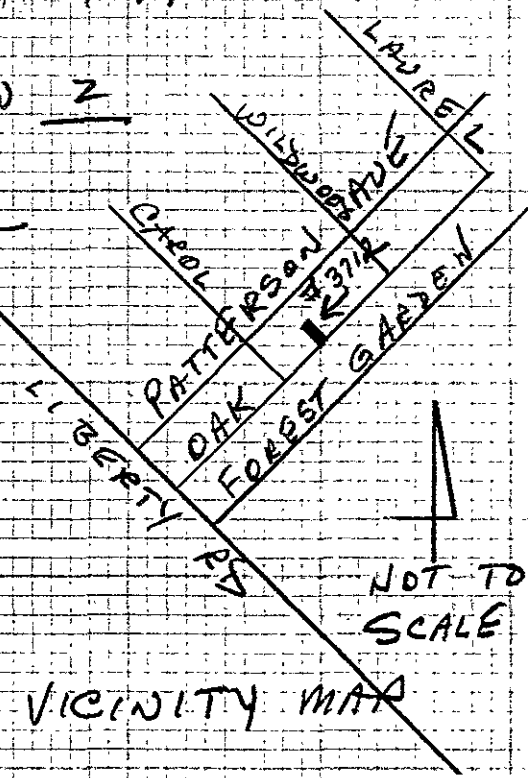
Plat to Accompany Petition for Zoning Variance

Property Address: 3712 OAK AVENUE

LIBER 08 FOLIO 16 BLOCK L SECTION 2

OWNER: DON & CARDE HENDERSON

- ✓ EXISTING DWELLING: 2 STORY BRICK
#3712 27' x 24' ±
- ✓ EXISTING ADDITION 1 STORY SIDING
19' x 26' ±
- ✓ EXISTING RAMP/DECK 30' x 18' ±
- ✓ PROPOSED ROOM 1 STORY GLASS/SIDING
19' x 16' ±
- ✓ PROPOSED DECK 16' x 13' ±



LOCATION INFO

COUNCILMANIC 2

ELECTION — 3 Precinct

ZONING DR5.5

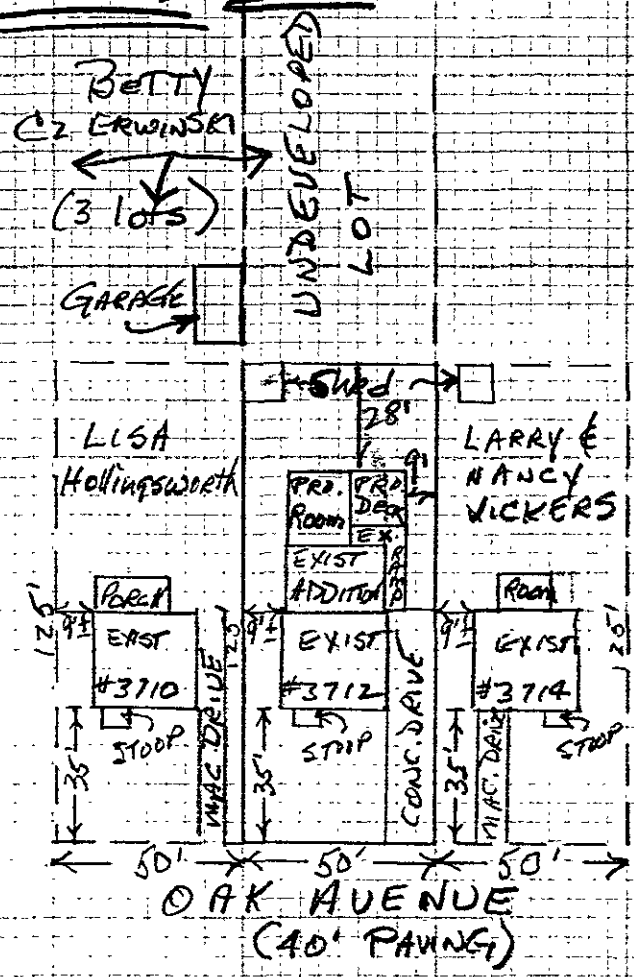
ZONING MAP NWSE

LOT SIZE 0.14 acreage

6750 sq ft

Public SEWER & WATER & GAS

NO PRIOR ZONING HEARINGS



039

#1

Feb

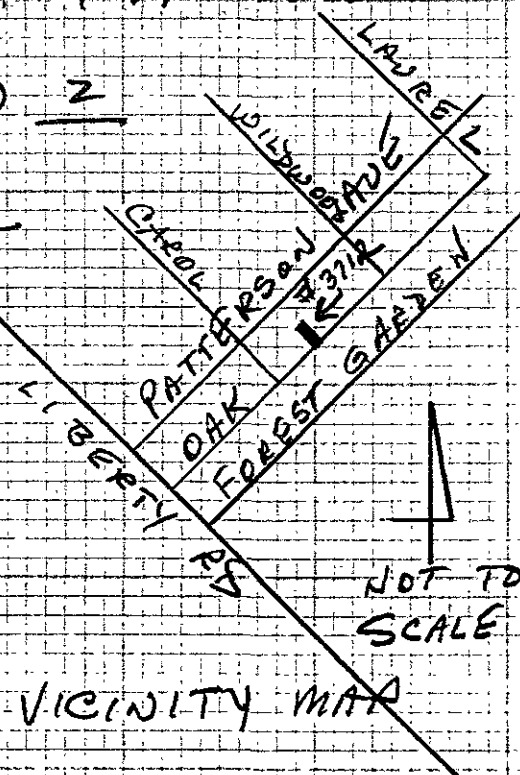
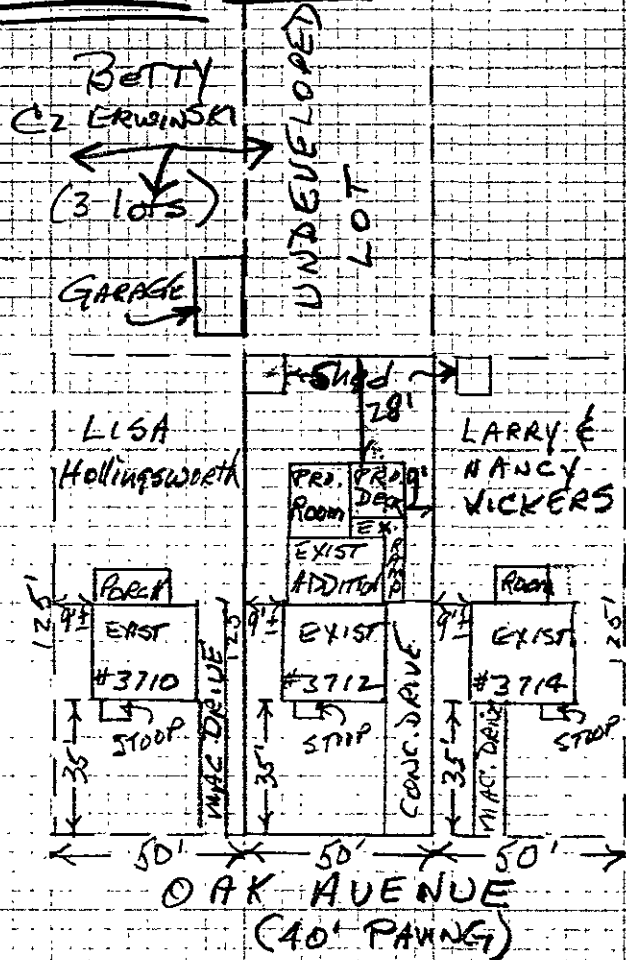
7/18/01

PREPARED BY NSLL

Scale 1" = 50'

OWNER: Don & Carde Henderson

- ✓ EXISTING Dwelling: 2 STORY BRICK
#3712 27' x 24' ±
- ✓ EXISTING ADDITION 1 STORY SIDING
19' x 26' ±
- ✓ EXISTING RAMP/DECK 30' x 18' ±
- ✓ PROPOSED ROOM 1 STORY Glass/Siding
19' x 16' ±
- ✓ PROPOSED DECK 16' x 13' ±



LOCATION INFO

COUNCILMANIC 2

ELECTION 3 Prec 1

ZONING ~~MAP~~ DR 5.3

ZONING MAP NW 5E
LOT SIZE 0.14 acres

LOT SIZE 0.14 acreage
6750 sq ft

Public SEWER

\$ WATER

① GAS

NO PRIOR ZONING
HEARINGS

039

Ref. Ex. #1

~~7/18/00~~

PREPARED by NSU

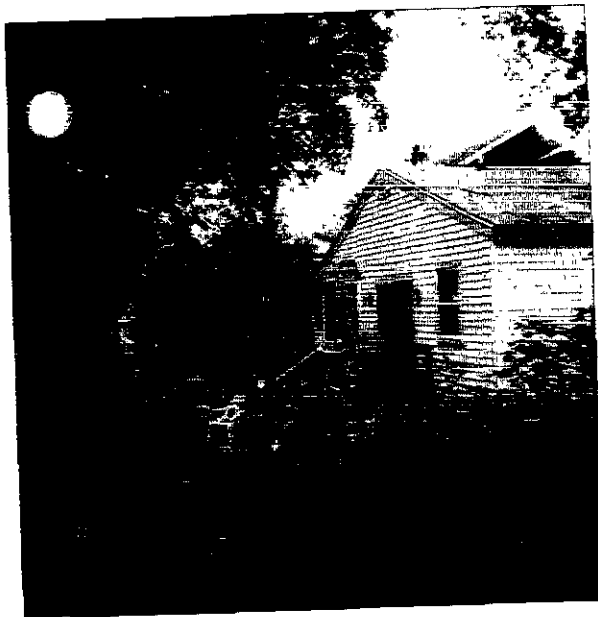
Sp. 250-1 "11-70"



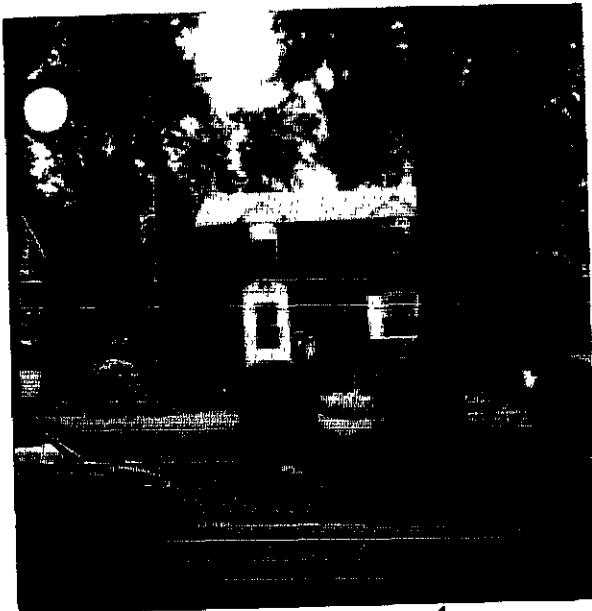
BACK VIEW



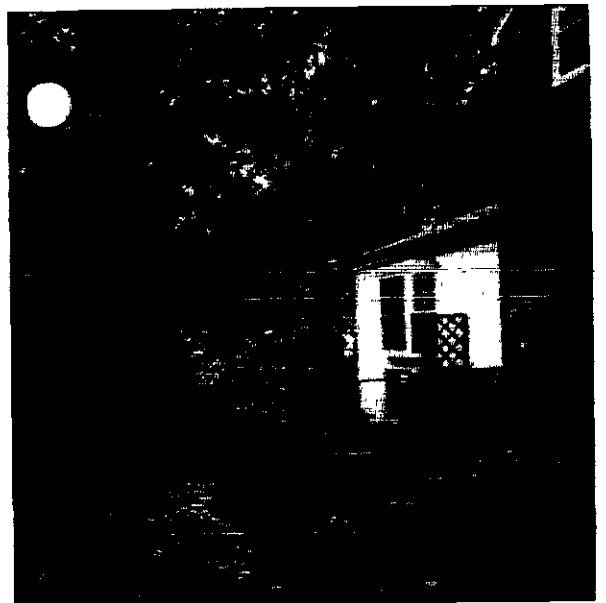
South west view



Southern View
(left side)



3712 OAK AVE
FRONT VIEW 039

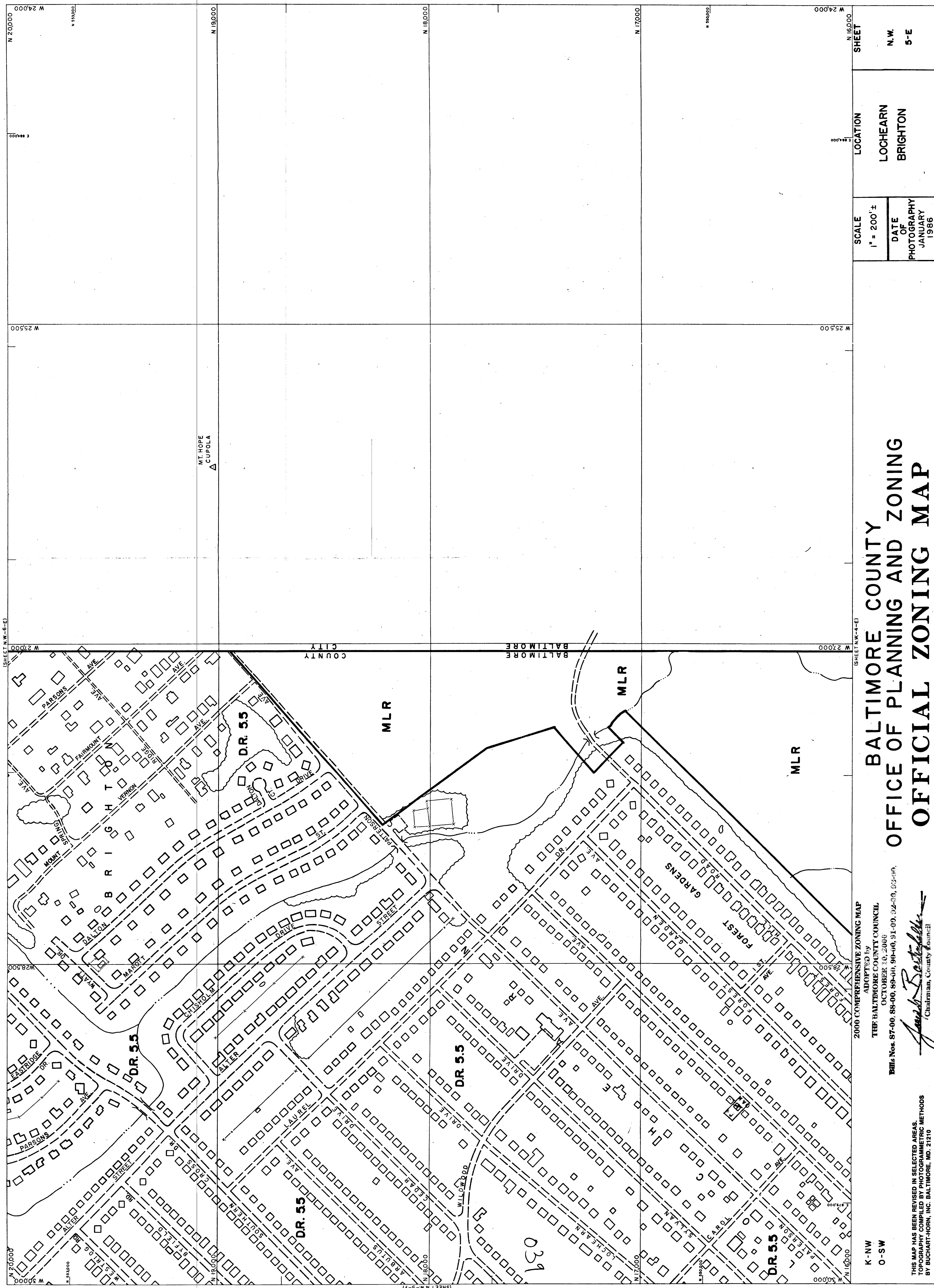


WEST SIDE
LOOKING TO BACK



EAST SIDE
LOOKING TO BACK

NW 5 E





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

039

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	LOCHEARN BRIGHTON	N.W. 5-E
DATE OF PHOTOGRAPHY JANUARY 1986		