IN RE: PETITION FOR ADMIN. VARIANCE

E/S Thackery Avenue, 100' S centerline of Halley Road 1st Election District 1st Councilmanic District (405 Thackery Avenue)

Linda A. Blackert & Lawrence J. Beyer Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-176-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, Linda A. Blackert & Lawrence J. Beyer. The variance request is for property located at 405 Thackery Avenue, in the Catonsville area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations, to permit an addition to an existing dwelling to have a front yard setback of 32 ft. In lieu of the required front yard average of 37.5 ft. and side yard setbacks of 8 ft. with a sum of 24 ft. in lieu of the required 15 ft. with a sum of 40 ft., respectively. 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.

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 20 day of November, 2001, that a variance from Section 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations, to permit an addition to an existing dwelling to have a front yard setback of 32 ft. In lieu of the required front yard average of 37.5 ft. and side yard setbacks of 8 ft. with a sum of 24 ft. in lieu of the required 15 ft. with a sum of 40 ft., respectively, 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:rai



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

Fax: 410-887-3468

November 30, 2001

Ms. Linda A. Blackert Mr. Lawrence J. Beyer 405 Thackery Avenue Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 02-176-A

Property: 405 Thackery Avenue

Dear Ms. Blackert & Mr. Beyer:

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

lusthy Hotroco

TMK:raj Enclosure

c: Michael Birner 3205 Corporate Court Ellicott City, MD 21042



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 405 fivacker Ave. which is presently zoned D.R. 2
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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)

| BO2.3.C.| and 303.| - †o

permit an addition to an existing dwelling to have a front yard setback of 32 feet in lieu of the required front yard average of 371/2 feet, and side yard setbacks of 8 feet with a sum of 24 feet in lieu of the required 15 feet with a sum of 40 feet, respectively.

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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: AWRENCE Name - Type or Print Signature -MOA Name - Type or Print Telephone No. Address Signature Zip Code State Attorney For Petitioner: Telephone No. Address City Name - Type or Print Representative to be Contacted: Signature Company 616700 elephone No. Telephone No. 21042 Address Zip Code Zip Code State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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.

CASE NO. <u>02-176-A</u>
Rev 9115198

Zoning Commissioner of Baltimore County

Reviewed By Date 10-31-61

Estimated Posting Date 11-01

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

	City	State	21228
			Zin Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ring are the facts upon who or practical difficulty):	nich I/we base the	equest for an Administrative
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15 to PERMIT THE ADDITION		5% OF THE	. GROUND FLOOR
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ADDITIONAL BEDROOM + E	Bath WhiteH is	REQUIEED 1	decause of
CUERENT SPACE LIMITATION	S BAD FAMILY	SIZE.	
That the Affiant(s) acknowledge(s) that if a forn advertising fee and may be required to provide ad-	nal demand is filed, Affia ditional information.	int(s) will be requi	ed to pay a reposting and
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Name - Type or Print	Name - Type	A. BLACKER	<u>24</u>
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STATE OF MARYLAND, COUNTY OF BALTIMO	 RE, to wit:		,
of Maryland, in and for the County aforesaid, person	che le	hefore me	a Notary Public of the State
of Maryland, in and for the County aforesaid, person	onally appeared.		a Notary Public of the State
the Affiant(s) herein, personally known or satisfact	والمرائم والمراجع والمراز والمراز والمراز والمراز		
the Affiant(s) herein, personally known or satisfaction law that the matters and facts hereinabove set fortile.	h are true and correct to the	such Afriant(s), and he best of his/her/th	I made oath in due form of eir knowledge and belief.
AS WITNESS my hand and Notarial Seal			
10 (30 (400)	Lev A	, ,	
Date	Notary Public		
	My Commission Ex	pires	
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 regard thereto.

That the Affiant(s) does/do presently reside at

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 VARIANCE REQUEST IS to PERMIT A FRONT SETBACK OF 32'
IN LIEU OF the REQUIRED 40' FOR AN ADDITION. ALSO REQUESTED
15 to PERMIT A COMBINED SETENCE OF BOTH SIDES OF 24
justiend of the Required 40' FOR AN ADDITION. ALSO Requested
15 to PERMIT THE ADDITION TO EXCEED 25% OF THE BROWN FLOOR
AREA OF THE EXISTING HOUSE.
WITHOUT THIS VARIANCE IT WOULD NOT BE POSSIBLE TO ATTAIN THE
SOUDER FOOTNER NECESSARY TOWARDS THE CONSTRUCTION OF AN
ADDITIONAL BEDROOM & BATH WHICH IS REQUIRED BECAUSE OF
CUERENT SPACE LIMITATIONS AND FAMILY SIZE.
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.
Samen Blyn Signature Signature
, 0
Name - Type or Print Lines A. Blacket Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 30 Moday of October , 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Facuera T Beyer a Levola a. Plachet
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
10(30(200) Lev fuit
Date Notary Public
My Commission Expires UV 02
REV 09/15/98



CASE NO. <u>02-176-A</u>

REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	405	+HACKERY	AVE.	
which	is pres	ently zoned	D.R.Z	

10-31-01

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) 1802.3.C.1 and 303.1 - 10

permit an addition to an existing dwelling to have a front yard setback of 32 feet in lieu of the required front yard average of 37½ feet, and side yard setbacks of 8 feet with a sum of 24 feet in lieu of the required 15 feet with a sum of 40 feet, respectively.

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.

			perjury, that	emnly declare and It I/we are the leg or of this Petition	al owner(s) of	r the penalties of the property which
Contract Purchaser/Lessee:			<u>Legal Ow</u>			
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City	State	Zlp Code	Signature	4	4	
Attorney For Petitione	er:		405	THACKER	1 ALE C	140788 9102
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Name - Type or Print			<u>City</u>	NEUKLE.	State	<u> </u>
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Signature	·····		Represer	ntative to be	Contacted:	
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Company			Name	ALVOICH		
			3205	Corporal	E Ct.	4104616700
Address		Telephone No.	Address			Telephone No.
<u></u>			ELLICO	off City	MO	21042
City	State	Zip Code	City	J	State	Zip Code
A Public Hearing having been	n formally deman	ded and/or found to be	required, it is or	dered by the Zon	ing Commission	er of Baltimore County,
this day of regulations of Baltimore County	and that the prope	nat the subject matter of terty be reposted.	his petition be set f	for a public hearin	g, advertised, as	required by the zoning
•						
			Zor	ning Commissione	er of Baltimore Co	ounty

Estimated Posting Date

ZONING DESCRIPTION FOR 405 Thackery Avenue

Beginning at a point on the East side of Thackery Avenue which is 40 feet wide at the distance of 100 feet south of the centerline of the nearest improved intersecting street Tredegar Avenue which is 40 feet wide. As recorded in Baltimore County Plat Book #5, Folio # 90, containing 11,250 square feet. Also known as 405 Thackery Avenue and located in the 1st Election District, 1st Councilmanic District.

Typical metes and bounds: N. 75.0 ft., E. 150.0 ft., S. 75.0 ft., W. 150.0 ft. to the place of beginning.

Subdivision name: Oak Forest

Item# 176

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

PINK - AGENCY

WHITE - CASHIER

No. 07712

RECEIVED FROM:

DISTRIBUTION

ACCOUNT COLLOGG GLOC

AMOUNT \$ 500 COLlogg GL

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME

10/31/2001 10/51/2001 11:55:12

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DEANT 5 528 ZONTING VERIFICATION

CR NO. 007713

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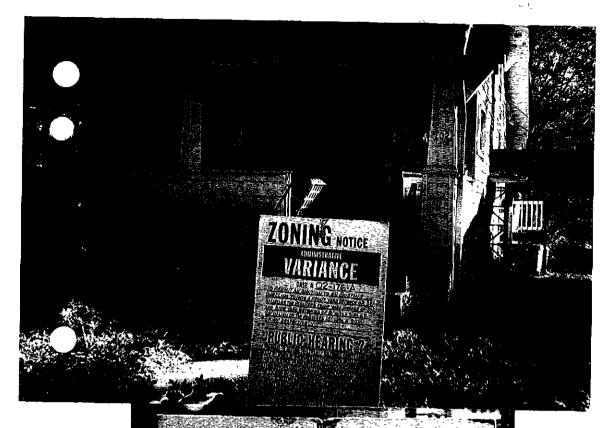
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CERTIFICATE OF OSTING

·	RE: Case No.: 02-176-A
•	Petitioner/Developer:
	LAWRENCE BEYER
	Date of Hearing/Closing: 11-26-01
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:	
	f perjury that the necessary sign(s) required by law located at 405 THACKERY AVE.
The sign(s) were posted on MOV.	TH 2001
	(Month, Day, Year)
	Sincerely, (Signature of Sign Poster and Date)
	GARLAND E, MOORE (Printed Name)
	3225 RYERSONI CIRCLE (Address)
. !	BALTIM DRE, MD, 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)

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RECEIVED

NOV 1 3 2001

DEPT. OF PERVITS AND DEVELORMENT WAYNEGEMENT

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

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

For Newspaper Advertising:
Item Number or Case Number: 02 - 176 - A
Petitioner: LANGENCE BEYER & LINON BLACKERT
Petitioner: Lawrence Beyer & Liver Brackeet Address or Location: 405 Truckery Ave.
PLEASE FORWARD ADVERTISING BILL TO:
Name: LAWRENCE BEYER & LINEA BLACKERT
Address: 405 THACKERY AVE.
CATONSVILLE, MD Z1228
Telephone Number: 410 788 910Z

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

						Ti 1	Λ
Case N	Number 02-	176	-A	Address_	405	I hackery	Ave er: 410-887-3391
	ct Person: _	Planner	. Please Print Your I	Name			
Filing	Date: <u>(</u>	-31-01	_ Post	ing Date: _	11/11	Closing	Date: 11/26
Any co through	ontact made on the contact	with this of person (plan	fice regarding ner) using the	g the status case num	s of the ac	dministrative va	riance should be
	reverse side reposting mu is again res	of this form) ust be done o consible for a	and the peti nly by one of all associated	tioner is reather sign po costs. The	sponsible fo esters on the e zoning no	or all printing/po e approved list otice sign must	proved list (on the osting costs. Any and the petitioner be visible on the prough the closing
	a formal red	quest for a p	ublic hearing	. Please	understand	t or owner withi that even if the ne closing date.	n 1,000 feet to file nere is no formal
	commissione order that tl (typically wit	er. He may: ne matter be hin 7 to 10 da	a) grant the set in for a ays of the clo	e requested public heasing date) a	I relief; (b) aring. You as to wheth	deny the reque will receive v	or deputy zoning ested relief; or (c) written notification has been granted, class mail.
	(whether du commissione changed giv	e to a neigher), notification ing notice of t	bor's formal n will be for the hearing d	request or warded to ate, time ar	by order you. The location.	of the zoning sign on the p As when the s	o a public hearing or deputy zoning property must be sign was originally at be forwarded to
			(Detac	h Along Dotted L	.ine) 	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
Petitio	ner: This P	art of the Fo	rm is for the	Sign Poste	er Only		
		USE THE	ADMINISTRA	TIVE VARI	ANCE SIG	N FORMAT	
Case N	lumber 02-	176 -	A Addre	ess <u>40</u>	5 Than	ckery Ave	
Petitior	ner's Name _	Lawrence	Beyon			Telephone <u>410</u>	788 9102
Postin	g Date:	11/11/01	· · · · · · · · · · · · · · · · · · ·	_ Clo	osing Date:	: 11/26	<u>/o</u>
Wordin	g for Sign:	To Permit	an addition	to an ex	isting due	lling to have	a front yard
setbo	ick of 32	feet in lie	u of the re	equired fr	ont yard a	average of 3	71/2 feet, and
side	yard set	packs of 8	feet with	a sum o	F 24 feet	in lieu of	the required
15 F	et with	a sum of	40 feet	respec	tively		
				*	/	W	CR - Revised 6/28/00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 26, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 10, 2001

Item Nos. 16, 177, 178, 179, 181, 184, 185, 186, 187, 188, 189, 193, 190, 191, 193, 194, 195, 196, 197, 198, 199, and

223

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 12, 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 December 3, 2001

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:

177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 193, 195, 198, 199, 223

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

Girming AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 17, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

18

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-176

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: Geffun W-Lon

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

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

Administrator

Date: /2.11.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County
Item No.

200

Dear, Mr. Zahner:

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.

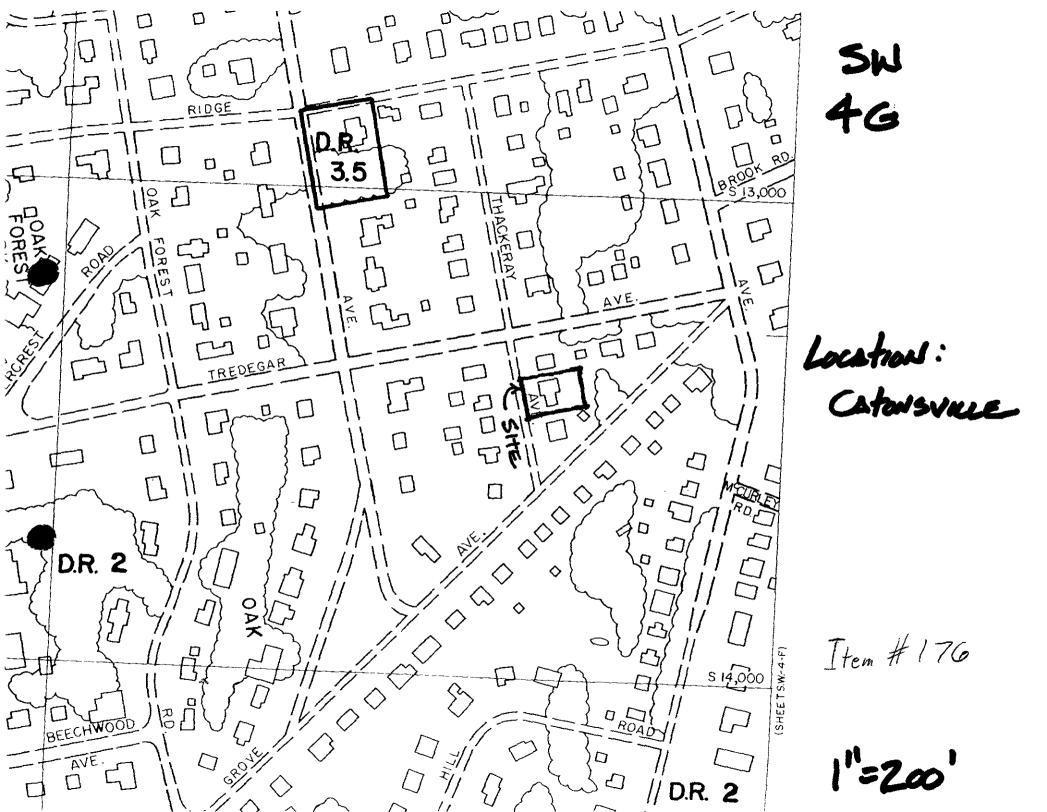
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

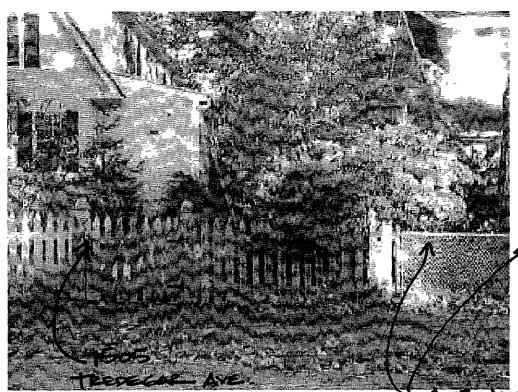
Very truly yours,

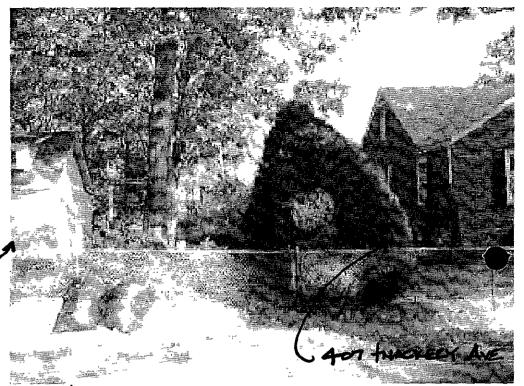
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

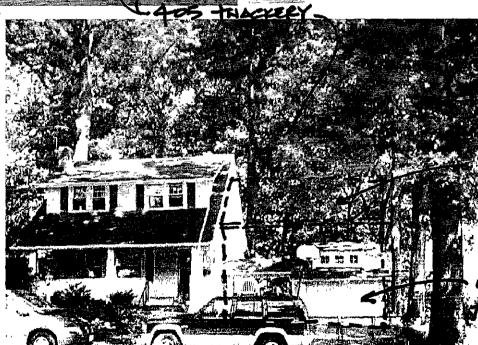
f. f. Gredh

Plat to accompany Petition for Zoning Variance	e Special Hearing
PROPERTY ADDRESS: 405 THENERY AVENUE See pages 5 & 6 of the	
Subdivision name. OAK FOREST	
plat book# 5 ,tolto# 90 ,lot# 397.section#	
OWNER: LAWRENCE BEYER & LINDA BLACKERT	
	The terms of the second
EXISTN 6 ENCLOSED SQUARE FOOLAGE	La Contraction of the Contractio
THACKERY AVENUE	1 Legender 2
1,519 SF (40'D/W) to tredegar A	
Proposed Source Footage: Front 100'	SITE
2 stoer acontral -	Jack Jack
322 SF FIRST FLOOR 3550 SF SECONDFLOOR	Vicinity Map
apport -	scale. 1'< 1000'
	LOCATION INFORMATION
REPOSED 2-5 REY ADD 25	Elec on District: 1
#401 JOREH 19 1905	Cour Almanic District. 1
Michael	1-200 scale map#: 8446
STOME STOME OF GRASOSKI	Zoning. D.R.Z
FREDERICK ALT EXISTING BIOLOGO # 01 0800 4481	Lot tze. 126 11,250 acreage square teet
# 01 053 40040] " SQUARE FOOTAGE)	
SHEDON III	SEWER: X
	WATER: 🛛 🗌
	Che: apeaxe Bay Critical Area:
'SLY 75'	Prior Zoning Hearings: None
$\wedge \wedge \wedge \neq 1$	Not Historic
Apt. W.	Zoning Office USE ONLY!
North	reviewed by. ITEM #. CASE#.
North date: losses prepared by. Scale of Drawing. 1 50'	KDD 176 02-176-A
property of	









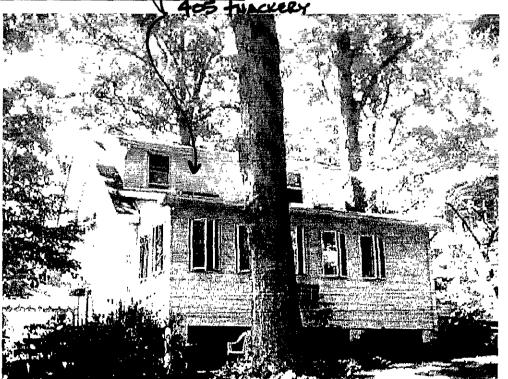
Location of Proposed Applitude.

Existing Greace to Be Penaro

FRONT VIEWS

Item #176





PEAR VIEWS

Item #176