

IN RE: PETITION FOR VARIANCE
W/S Avondale Road, 125' N
of Putty Hill Avenue
14th Election District
6th Councilmanic District
(8804 Avondale Road)

Gail A. & James E. Haddaway
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-530-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, Gail A. and James E. Haddaway. The Petitioners are requesting a variance for property they own at 8804 Avondale Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of as close to 6.8 ft. and a rear yard setback of as close as 15 ft. for a proposed addition in lieu of the minimum required 10 ft. and 30 ft.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Haddaway, owners of the property. No one appeared in opposition to the Petitioners' request.

Testimony and evidence demonstrated that the property, which is the subject of this variance request, consists of 0.807 acres, more or less, zoned D.R.5.5. The subject property is located near the intersection of Putty Hill Avenue and Avondale Road in the Parkville area of Baltimore County. The Petitioners are interested in constructing an addition to the rear of an existing 2-story frame dwelling. In order to proceed with the construction of this addition, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

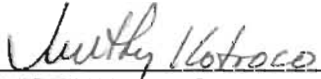
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 29th day of July, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the B.C.Z.R., to allow a side yard setback of as close to 6.8 ft. and a rear yard setback of as close as 15 ft. for a proposed addition in lieu of the minimum required 10 ft. and 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 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

7/29/02

By





Baltimore County
Zoning Commissioner

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

July 29, 2002

Mr. & Mrs. James E. Haddaway
7800 Oakdale Avenue
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 02-530-A
Property: 8804 Avondale Avenue

Dear Mr. & Mrs. Haddaway:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8804 AVONDALE RD

which is presently zoned D.R.S.S

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.C1 To allow a side yard setback as close as 6.8 ft and a rear yard setback as close as 15 ft. for a proposed addition in lieu of the minimum required 10 ft & 30 ft respectively

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT HEARING

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):

GAIL A. HADDAWAY

Name - Type or Print

Signature

JAMES E. HADDAWAY

Name - Type or Print

James E. Haddaway

Signature

7800 OAKDALE AVE (410) 661-9062

Address

Telephone No.

BALT.

City

MD

State

21234

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr.

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-28-02

Case No. 02-530-A

Zoning Description
for
8804 Avondale Rd.

Beginning at a point on the west side
of Avondale Rd., 125 ~~ft~~ North of Potty Hill
Ave. Being Lot #s 257 thru 262 in the sub-
-division of Ridge Grove as recorded in Balti-
-more County Plat Book Liben 002 folio 042
Containing 0.807 acre and located in the 14th
Election District.

#530

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Inv No. 13303
02-530-19

DATE 5-29-02 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

RECEIVED
FROM:

Sum of Haddaway (Haddaway P. 111)

FOR:

Residential Variance filing fee
8804 Avondale Rd (21234)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
5/30/2002	5/29/2002	13:06:13
REG M303	WALKTH SMAT SWM DRYER	3
>>RECEIPT # 241461 5/29/2002 OFLN		
Date 5 528 ZONING VERIFICATION		
LR NO. 013303		
Receipt Tot	\$50.00	
.00 CN	50.00 CA	
Baltimore County, Maryland		

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-530-A

Petitioner/Developer: GAIL A.

HADDADWAY

Date of Hearing/Closing: 7/16/02

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 8804 AVONDALE RD

The sign(s) were posted on 6/29/02
(Month, Day, Year)

Sincerely,

[Signature] 6/29/02
(Signature of Sign Poster and Date)

SSC ROBERT BLACK

(Printed Name)

1508 Leslie Rd

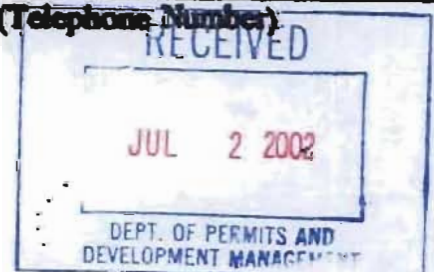
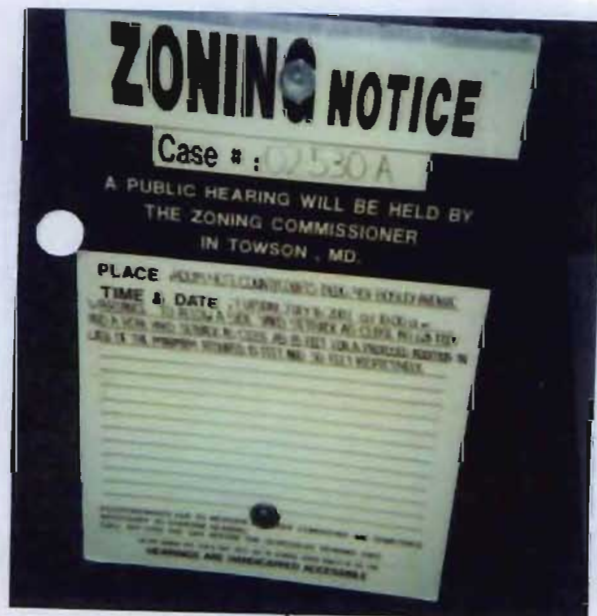
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-530-A
8804 Avondale Road
W/S Avondale Road, 125' N
of Putty Hill Avenue
14th Election District
6th Councilmanic District
Legal Owner(s): Gail A.
Haddaway

Variance: to allow a side yard setback as close as 6.8 feet and a rear yard setback as close as 15 feet for a proposed addition in lieu of the minimum required 10 feet and 30 feet respectively.

Hearing: Tuesday, July 16, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT:7/5/21 July 2 C548234

CERTIFICATE OF PUBLICATION

7/3/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/2/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

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: 02-530
Petitioner: Mr. + Mrs James Haddaway
Address or ^{site} Location: 8804 Avondale Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same
Address: 7800 Oakdale Ave.
Balto, md, 21234
Telephone Number: 410-661-9063

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 2, 2002 Issue – Jeffersonian

Please forward billing to:
James Haddaway
7800 Oakdale Avenue
Baltimore MD 21234

410 661-9063

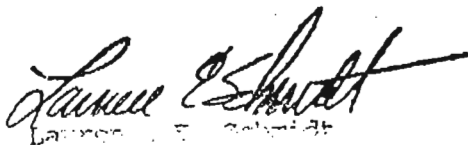
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CASE NUMBER: 02-530-A
8804 Avondale Road
W/S Avondale Road, 125' N of Putty Hill Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Gail A Haddaway

Variance to allow a side yard setback as close as 6.8 feet and a rear yard setback as close as 15 feet for a proposed addition in lieu of the minimum required 10 feet and 30 feet respectively.

HEARING: Tuesday, July 16, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT GOZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 11, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-530-A
8804 Avondale Road
W/S Avondale Road, 125' N of Putty Hill Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Gail A Haddaway

Variance to allow a side yard setback as close as 6.8 feet and a rear yard setback as close as 15 feet for a proposed addition in lieu of the minimum required 10 feet and 30 feet respectively.

HEARING: Tuesday, July 16, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDL
Director

C: Mr. & Mrs. James E Haddaway, 7800 Oakdale Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 01, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 12, 2002

Mr. & Mrs. James E Haddaway
7800 Oakdale Avenue
Baltimore MD 21234

Dear Mr. & Mr Haddaway:

RE: Case Number: 02-530-A, 8804 Avondale Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 28, 2002.

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.

W. Carl Richards, Jr. G02
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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





Baltimore County
Fire Department

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

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

June 5, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 3, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

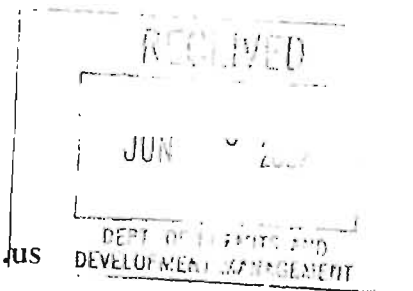
The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

530
524-534

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

cc: File

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



100
7/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** July 19, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2002
Item Nos. 524, 525, 528, 529, 530, 531,
532, and 534

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

RWB:CEN:jrb

cc: File

164
7/16

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB 1/26T*

DATE: July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 3, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

511-514, 516, 517, 519-525, 527, 529-531, 533

530

Jim
7/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 13, 2002

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



SUBJECT: Zoning Advisory Petition(s): Case(s) 02-530

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/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.4.02

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

RE: Baltimore County
Item No. 530 JJS

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

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

RE: PETITION FOR VARIANCE
8804 Avondale Rd W/side Avondale Rd
125 ft north of Putty Hill Avenue
14th Election District 6th Councilmanic District

Legal Owner: Gail A. Haddaway
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No 02-530-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO *DMZ*
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of June, 2002 a copy of the foregoing Entry of Appearance was mailed to James and Gail Haddaway, 7800 Oakdale Avenue Baltimore, Md 21234 petitioner(s).



PETER MAX ZIMMERMAN

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

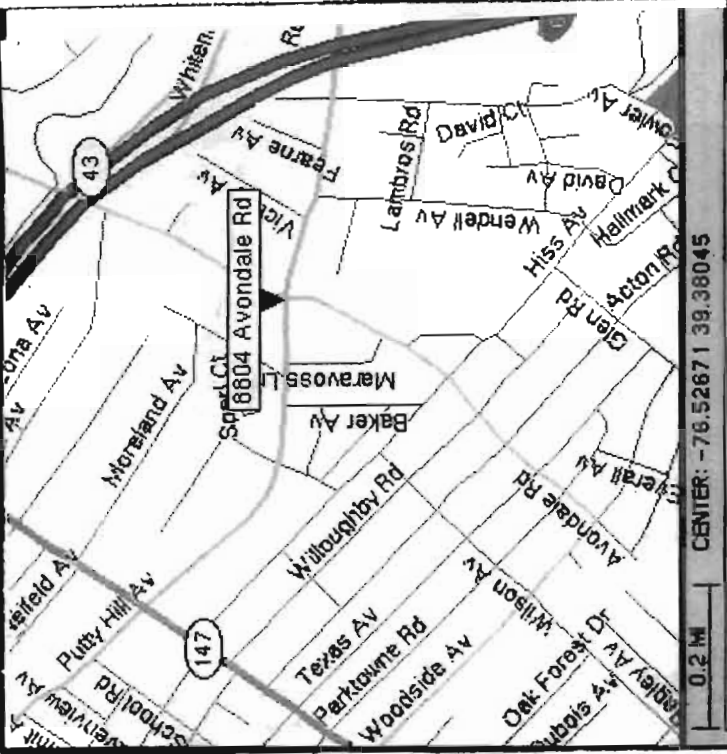
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 8804 AVONDALE RD

SUBDIVISION NAME RIDGE GROVE

PLAT BOOK # 2 FOLIO # 42 LOT # 1 SECTION # 257-262

OWNER GAIL HADDADAY



LOCATION INFORMATION

ELECTION DISTRICT 14

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE08E

ZONING DR. S-S

LOT SIZE .807 ACRES
35,149.6 SQUARE FEET

PUBLIC ☒ PRIVATE ☐

SEWER ☒

WATER ☒

YES ☐ NO ☒

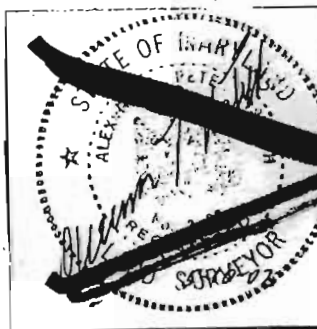
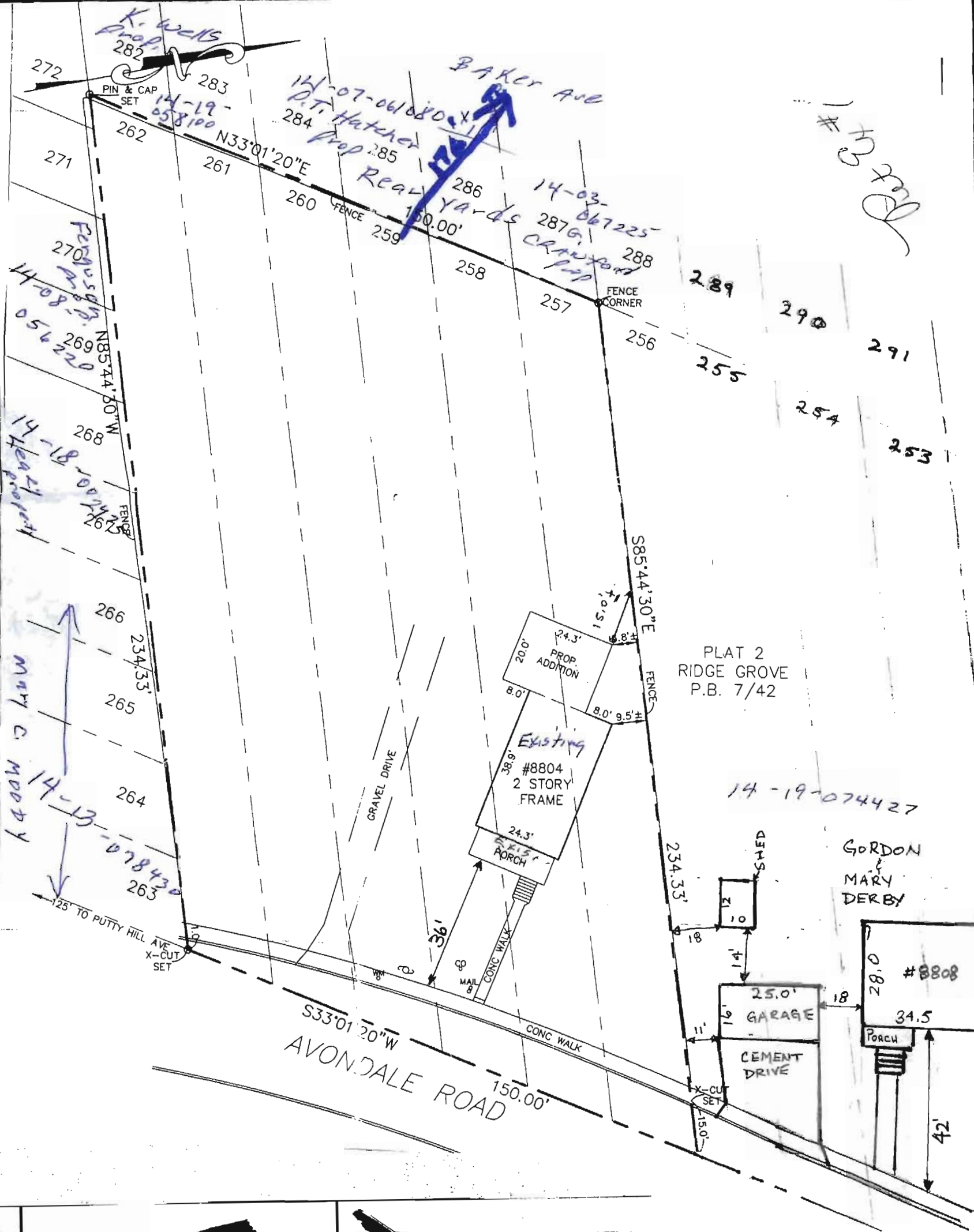
CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

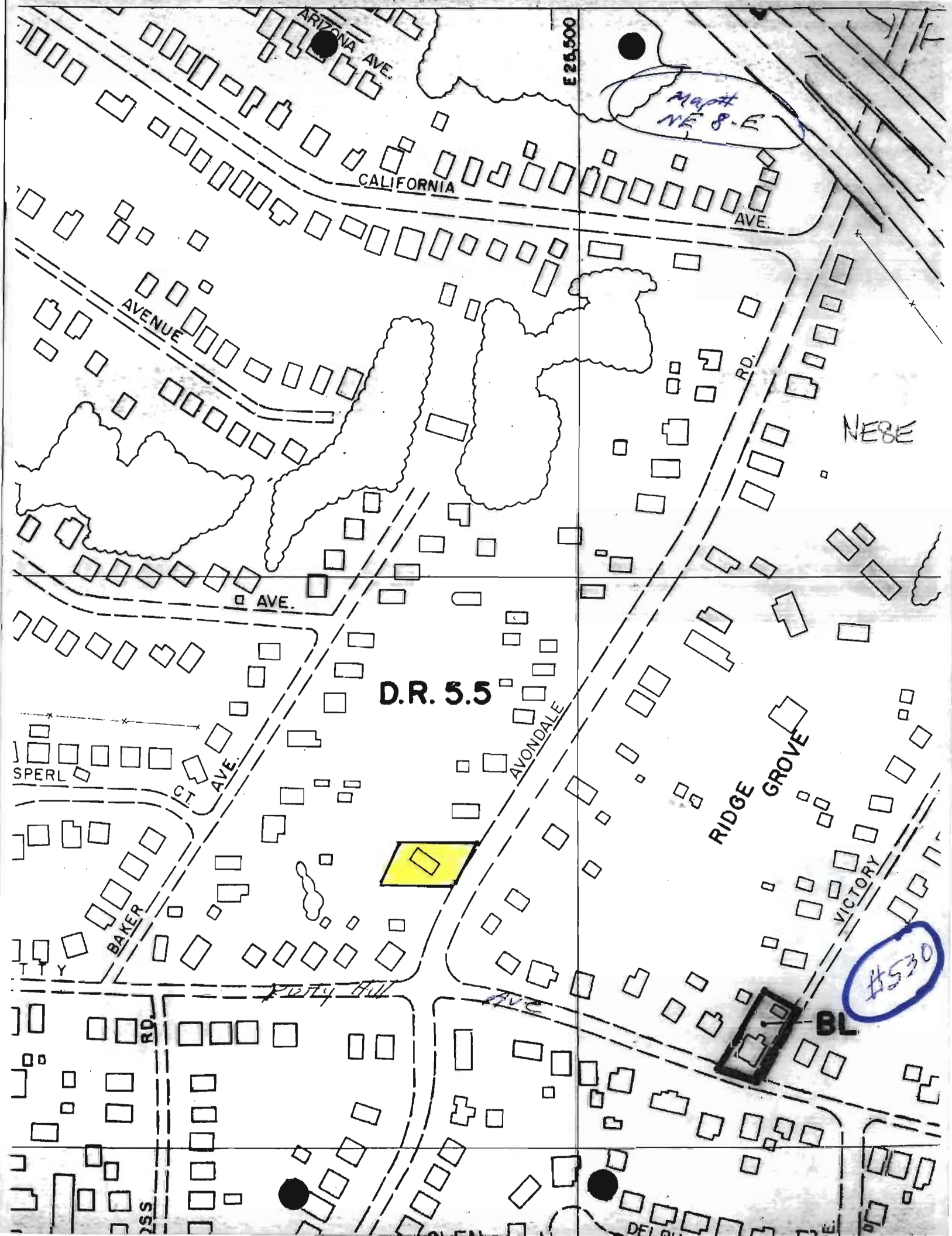
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY [Signature] ITEM # 530 CASE # 1



APR ASSOCIATES, INC.
SURVEYORS • ENGINEERS
Baltimore, Maryland 21234-7160
(410) 444-1647
E mail: [redacted]

BOUNDARY SURVEY
8804 AVONDALE ROAD
14th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: MAY 10, 2002 SCALE: 1"=30'
22036



CALIFORNIA

AVE.

AVENUE

AVE.

D.R. 5.5

AVONDALE

RIDGE GROVE

VICTORY

BL

1530



