

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Summit Avenue, 100' W
of Rosewood Avenue
1st Election District
1st Councilmanic District
(1502 Summit Avenue)

George L. & Janice B. Carlson
Petitioners

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BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 02-539-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, George L. and Janice B. Carlson. The variance request is for property located at 1502 Summit Avenue in the Catonsville 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 an addition with a side yard setback of 4 ft. and a sum of side yards of 38 ft. in lieu of the required 15 ft. and 40 ft. respectively, and to permit an addition with a rear yard setback of 23 ft. in lieu of the required 40 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

ORDER RECEIVED FOR FILING

Date

By

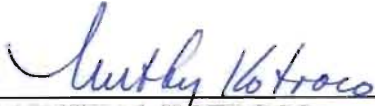
7/2/02
R. Janice

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 2nd day of July, 2002, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 4 ft. and a sum of side yards of 38 ft. in lieu of the required 15 ft. and 40 ft. respectively, and to permit an addition with a rear yard setback of 23 ft. in lieu of the required 40 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, 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 7/26/02
By P. J. [Signature]



Baltimore County
Zoning Commissioner

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

July 2, 2002

Mr. & Mrs. George L. Carlson
1502 Summit Avenue
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 02-539-A
Property: 1502 Summit Avenue

Dear Mr. & Mrs. Carlson:

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,

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

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 1502 Summit Ave, Catonsville MD 21228
which is presently zoned D.R.2

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) 1802.3C.1 (B.C.Z.R.)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4 FEET AND A SUM OF SIDE YARDS OF 38 FEET IN LIEU OF THE REQUIRED 15 FEET AND 40 FEET RESPECTIVELY, AND TO PERMIT AN ADDITION WITH A REAR YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 40 FEET.

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

n/a

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

n/a

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Janice B. Carlson

Signature

Janice B. Carlson

Name - Type or Print

George L. Carlson

Signature

[Signature]

Address

1502 Summit Ave

410 869-0529

Telephone No.

City

Catonsville

State

MD

Zip Code

21228

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 10 day of June 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. 02-539-A

Reviewed By D. THOMPSON Date 5/30/02

REV 10/25/01

Estimated Posting Date 6/11/02

ORDER RECEIVED FOR FILING
DATE 7/26/02
BY [Signature]

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 1502 Summit Ave
Address
Catonsville MD 21228
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):

1. The proposed addition, on the east side of the house, will allow us to enlarge and remodel the existing kitchen, create an adjacent family room, and provide a bathroom within easy proximity to the backyard pool.
2. The plumbing service to the house is located in the same vicinity making it easy to tie into existing supply and waste lines, as well as the mechanical system.
3. Any other location of this addition would require major alteration to the interior layout of our existing home.
4. The proposed size of the addition is determined by our minimum functional requirements but is well within the scale of other additions and outbuildings in the area.
5. The encroachment into the setback area on the east side is unavoidable but will be well screened by the existing hedges, trees and fence which separate the adjoining properties.
6. As indicated on the plot plan and existing photos, both of our neighbors have driveways and garages which further provide buffer space from the proposed addition.

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.

Janice B. Carlson
Signature
Janice B. Carlson
Name - Type or Print

George L. Carlson Jr
Signature
George L. Carlson Jr
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Janice B. & George L. Carlson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Judith A. Atkinson
Notary Public

My Commission Expires July 28, 2002

Zoning Description

ZONING DESCRIPTION FOR 1502 SUMMIT AVENUE

Beginning at a point on the north side of Summit Avenue Extended which is 30 feet wide at the distance of 100 feet west of the centerline of the nearest improved intersecting street Rosewood Avenue which is 35 feet wide.

As recorded in Deed Liber no. 12494, Folio 005.

Metes and bounds description: S. 75' 40" W. 100 ft., N. 27' 23" W. 165 ft., N. 75' 40" E. 100 ft., S. 27' 23" E. 165 ft.

ALSO CONTAINING 16,500 SQUARE FEET AND LOCATED
IN THE 1ST ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13230

DATE 5/30/02 ACCOUNT 0010066150

AMOUNT \$ 50.00

RECEIVED FROM: JANICE CARLSON

FOR: ITEM # 539 02-539-A 1502 Summit Ave.

BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

5/30/2002 5/30/2002 10:23:34

REG. NO. 268363 5/30/2002

FILED IN 268363 5/30/2002

CR. NO. 013238

50.00

50.00 CR .00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

ADMIN. V.
02-539-A

RE: Cas

Petitioner/Developer: CARLSON, ETAL

Date of Hearing/Closing: 8/26/02

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

Attention:

GEORGE ZAHNER

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: # 1502-SUMMIT AVE.

The sign(s) were posted on

6/10/02

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 6/15/02
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571

(Telephone Number)



02-539-A
#1502 - SUMMIT AVE
CARLSON
6/26/02

**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: #539, 02-539-A

Petitioner: CARLSON

Address or Location: 1502 SUMMIT AVE., 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. CARLSON

Address: 1502 SUMMIT AVE.

CATONSVILLE, MD 21228

Telephone Number: 410-869-0529

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 539 -A

Address 1502 SUMMIT AVE., 21228

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/30/02

Posting Date: 6/11/02

Closing Date: 6/26/02

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- 539 -A

Address 1502 SUMMIT AVE., CATONSVILLE, MD 21228

Petitioner's Name CARLSON

Telephone 410-869-0529

Posting Date: 6/11/02

Closing Date: 6/26/02

Wording for Sign: To Permit AN ADDITION WITH A SIDE YARD SETBACK OF 4 FEET
AND A SUM OF SIDE YARDS OF 38 FEET IN LIEU OF THE REQUIRED 15 FEET
AND 40 FEET RESPECTIVELY. AND TO PERMIT AN ADDITION WITH A REAR
YARD SETBACK OF 23 FEET IN LIEU OF THE REQUIRED 40 FEET.



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

June 26, 2002

Mr. and Mrs. George Carlson
1502 Summit Avenue
Catonsville, MD 21228

Dear Mr. and Mrs. Carlson:

RE: Case Number: 02-539-A, 1502 Summit Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr. /rlh".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

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 11, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 10, 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:

539

535-549

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 22, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For June 17, 2002
Item Nos. 535, 536, 537, 538, 539, 540,
543, 544, 545, 547, and 549

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/RT*

DATE: July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 10, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

535-537, 539, 540, 546, 547, 549

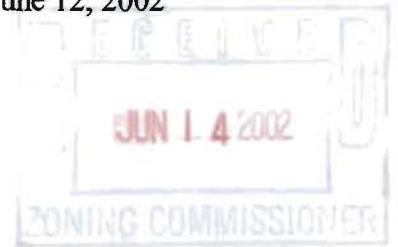
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 12, 2002

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



SUBJECT: Zoning Advisory Petition(s): Case(s) 02-539, 02-544, & 02-547

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

Section Chief: Arnold F. Keller, III

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.17.02

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

RE: Baltimore County
Item No. 539 DT

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 _____

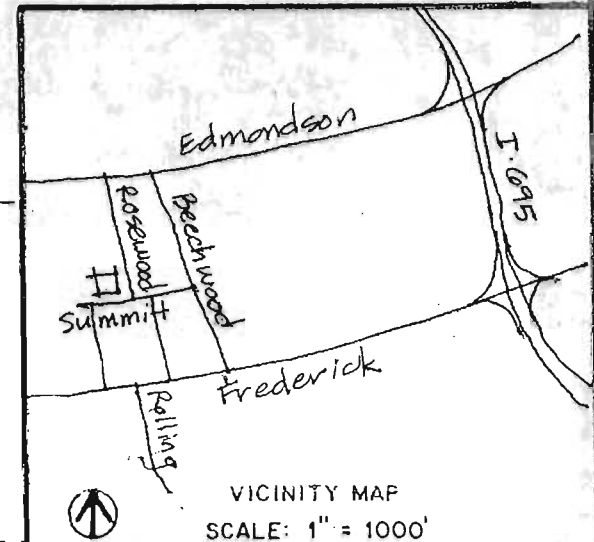
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

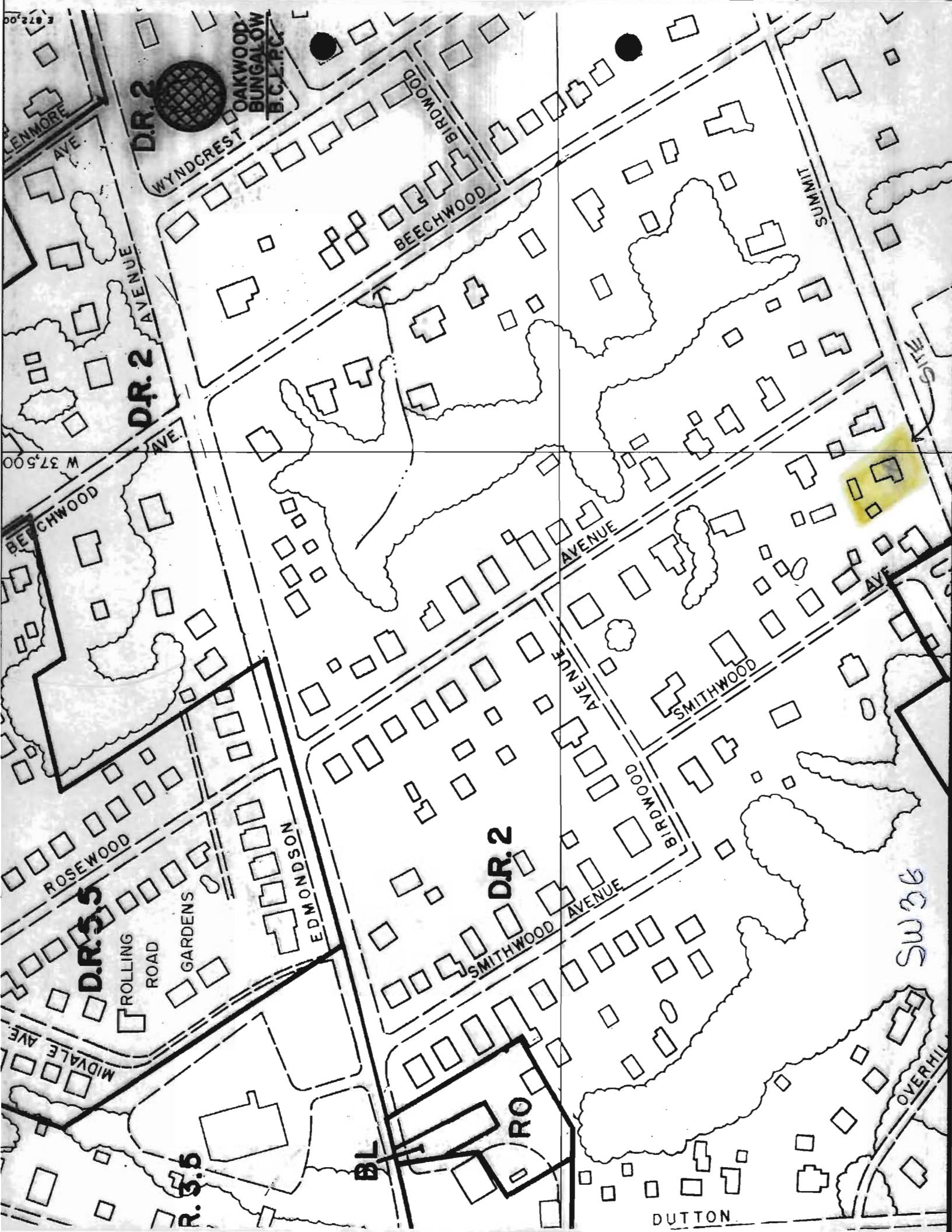
-15-

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

OWNER GEORGE & JAN CARLSON



D. THOMPSON	539	02-539-A
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DR. 2

WYNDCREST

OAKWOOD
BUNGALOW
B.C.L.P.C.

BEECHWOOD

DR. 2

AVE.

SUMMIT

STREET

AVE.

SMITHWOOD

DR. 2

SMITHWOOD

AVE.

ROSEWOOD

DR. 5.5

ROLLING
ROAD

GARDENS

EDMONDSON

MIDVALE AVE

R. 5.5

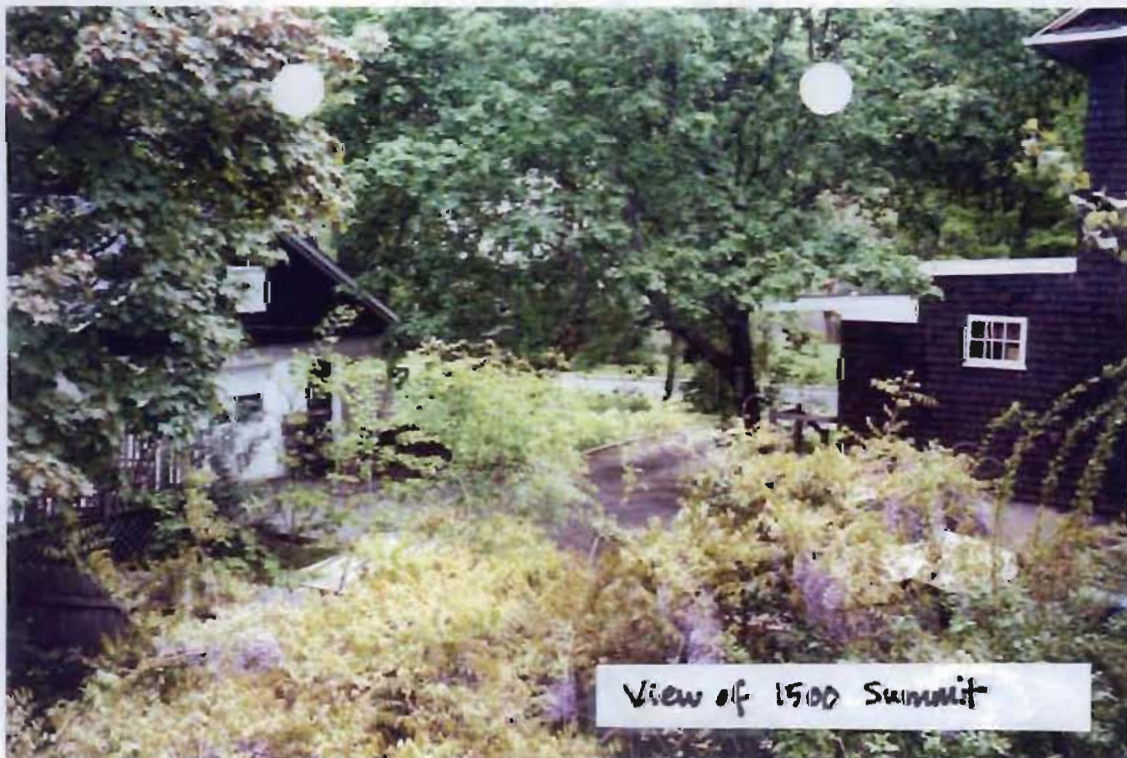
BL

RO

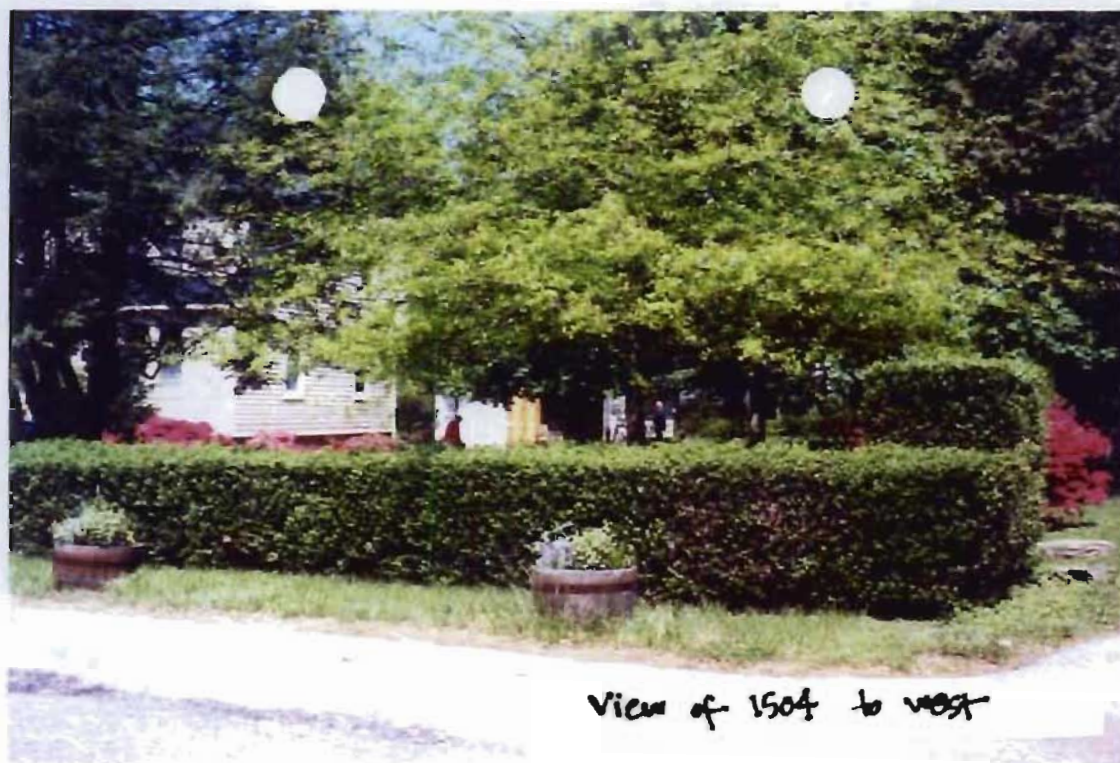
SW 36

OVERHILL

DUTTON



View of 1500 Summit





View of owners driveway



View of 1502 from Southwest



Proposed location of addition





Rear view of 1502 Summit



View of 1502 Summit Ave.