

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S First Avenue, 95' W		
centerline of Baltimore Avenue	*	DEPUTY ZONING COMMISSIONER
13th Election District		
1st Councilmanic District	*	OF BALTIMORE COUNTY
(36 First Avenue)		
	*	CASE NO. 02-547-A
Edmond C. & Madeline L. Loney, Sr.		
<i>Petitioners</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Edmond and Madeline Loney, legal owners, of that property known as 36 First Avenue in the western area of Baltimore County. The Petitioners herein seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with open projections (deck and pool) to have a side yard setback of 3 ft. and a rear yard setback of 8 ft. in lieu of the required 7.5 ft. and 22.5 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.

ORDER RECEIVED FOR FILING

Date

7/2/02

By

J.P. Emerson

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 existing single-family dwelling with open projections (deck and pool) to have a side yard setback of 3 ft. and a rear yard setback of 8 ft. in lieu of the required 7.5 ft. and 22.5 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:raj

ORDER RECEIVED FOR FILING

Date

7/2/02

By





Baltimore County
Zoning Commissioner

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

July 2, 2002

Mr. & Mrs. Edmond C. Loney, Sr.
36 First Avenue
Baltimore, Maryland 21227

Re: Petition for Administrative Variance
Case No. 02-547-A
Property: 36 First Avenue

Dear Mr. & Mrs. Loney:

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 36 FIRST AVE
which is presently zoned RESIDENTIAL DR

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 BOZ. 3. c. 1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH OPEN PROJECTIONS (DECK, POOL) TO HAVE A SIDEYARD SETBACK OF 3' AND A REARYARD SETBACK OF 8' IN LIEU OF THE REQUIRED 7.5' AND 22.5' 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.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Representative to be Contacted:

Company

Name

Address Telephone No.

Address Telephone No.

City State Zip Code

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 7/26/02 day of July, 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. 02-547-A

Reviewed By CTM Date 6/4/02

Estimated Posting Date 6/17/02

REV 10/25/01

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

Address 36 First Ave
City Baltimore State MARYLAND Zip Code 21227

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 FOLLOWING REASONS WHY THE ZONING REGULATIONS CANNOT BE MET AT 36 FIRST AVE:

- 1) THERE IS NO ACCESS TO THE REAR OF THE DWELLING.
- 2) BOTH BEDROOMS ARE AT THE REAR OF THE DWELLING.
- 3) THE PATIO DOORS FOR THE DECK ARE LOCATED ON THE NORTH SIDE OR WEST OF THE DWELLING JUST OFF OF THE KITCHEN
- 4) FOR THE CONVIENCE & SAFETY OF RESIDENCE
- 5) HARDSHIP IS WE CANNOT MOVE THE POOL OR THE HOUSE TO MEET SET-BACK.

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.

Edmond C Loney Sr
Signature

Edmond C Loney Sr
Name - Type or Print

Madeline L. Loney
Signature

Madeline L Loney
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edmond C. Loney, Sr. and Madeline L. Loney
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Christina M. Pruy
Notary Public

My Commission Expires August 17, 2005

ZONING DESCRIPTION FOR 36 FIRST AVENUE

Beginning at a point on the North side of First Avenue which is 50 feet wide at the distance of 95 feet West of the centerline of the nearest improved intersecting street Baltimore Avenue which is 50 feet wide. Being Lot # 11 & 12, in the subdivision of Landsdowne as recorded in Baltimore County Plat Book # J.W.S. 1, Folio # 49, containing 5,300 square feet. Also known as 36 First Avenue and located in the 13th Election District, 1st Councilmanic District.

#547

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **14302**

DATE 6/4/02 ACCOUNT RCO 006 0150

AMOUNT \$ 50.00

RECEIVED FROM: MR LOHEY

FOR: VA-11-101

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
6/05/2002 6/04/2002 11:40:22

REC 0806 WALKIN KNCH KXH DRAMER
>>RECEIPT # 080859 6/03/2002 OFL
Dep 5 528 ZONING VERIFICATION
CR 01. 014302

Recpt Tot \$50.00
.00 CK 50.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 02-547-A

TO PERMIT AN EXISTING SINGLE FAMILY
DWELLING WITH OPEN PROJECTION
(DECK, POOL) TO HAVE A SIDEYARD
SETBACK OF 3 FEET AND A REAR YARD
SETBACK OF 8 FEET IN LIEU OF THE
REQUIRED 7.5 FEET AND 22.5 FEET
RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON JULY 2, 2002.

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE



CERTIFICATE OF POSTING

RE: Case No.: 02-547-A

Petitioner/Developer: _____

EDMOND LONEY, SR.

Date of Hearing/Closing: JULY 2, 2002

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 # 36 FIRST AVE.

The sign(s) were posted on _____

JUNE 7, 2002

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 547 -A Address 36 FIRST AVE.

Contact Person: LOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/4/02 Posting Date: 6/17/02 Closing Date: 7/02/02

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- 547 -A Address 36 FIRST AVE.

Petitioner's Name EDMOND LONEY SR. Telephone 410 536 5882

Posting Date: 6/10/02 Closing Date: 7/02/02

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY
DWELLING WITH OPEN PROJECTIONS (DECK, POOL) TO HAVE A
SIDEYARD SETBACK OF 3' AND A REAR YARD SETBACK OF 8'
IN LIEU OF THE REQUIRED 7.5' AND 22.5' RESPECTIVELY



ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 02-547-A

Petitioner: Edmond C LONEY SR

Location: 36 1st AVE BALTO, Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Edmond C LONEY SR

ADDRESS: 36 1st AVE BALTO Md 21227

PHONE NUMBER: 410 536 5882

AJ:ggs

(Revised 09/24/96)



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 2, 2002

Mr. & Mrs. C Loney Sr.
36 First Avenue
Baltimore MD 21227

Dear Mr. & Mrs. Loney:

RE: Case Number: 02-547-A, 36 First Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 04, 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. 602
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 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:

547

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

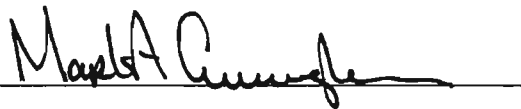
DATE: June 12, 2002

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

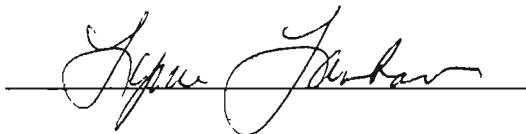
SUBJECT: Zoning Advisory Petition(s): Case(s) 02-539, 02-544, & 02-547

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:



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: 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. 547 LTM

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,

h 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

Richard A. Neukam
32 First Ave.
Baltimore, MD 21227
410.536.4467

To Whom It May Concern at the Baltimore Co. Permit Center:

Ed Loney is my neighbor. The side of his property where his deck is borders the side of my property. He has informed me of his desire to connect there deck on the side of his house to the deck by his pool. I believe that this would benefit him greatly. He has an elderly relative staying with him and it is difficult for her to go up and down the steps. I applaud his effort to help his relative. Please make it known that I have no problem with his request to expand and connect his deck. You may call me if you have any questions concerning this matter.

Sincerely;

#547


Richard A. Neukam


CHRISTINA M. CRUZ
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 17, 2005

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 36 FIRST AVENUE

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

SUBDIVISION NAME LANDSDOWNE

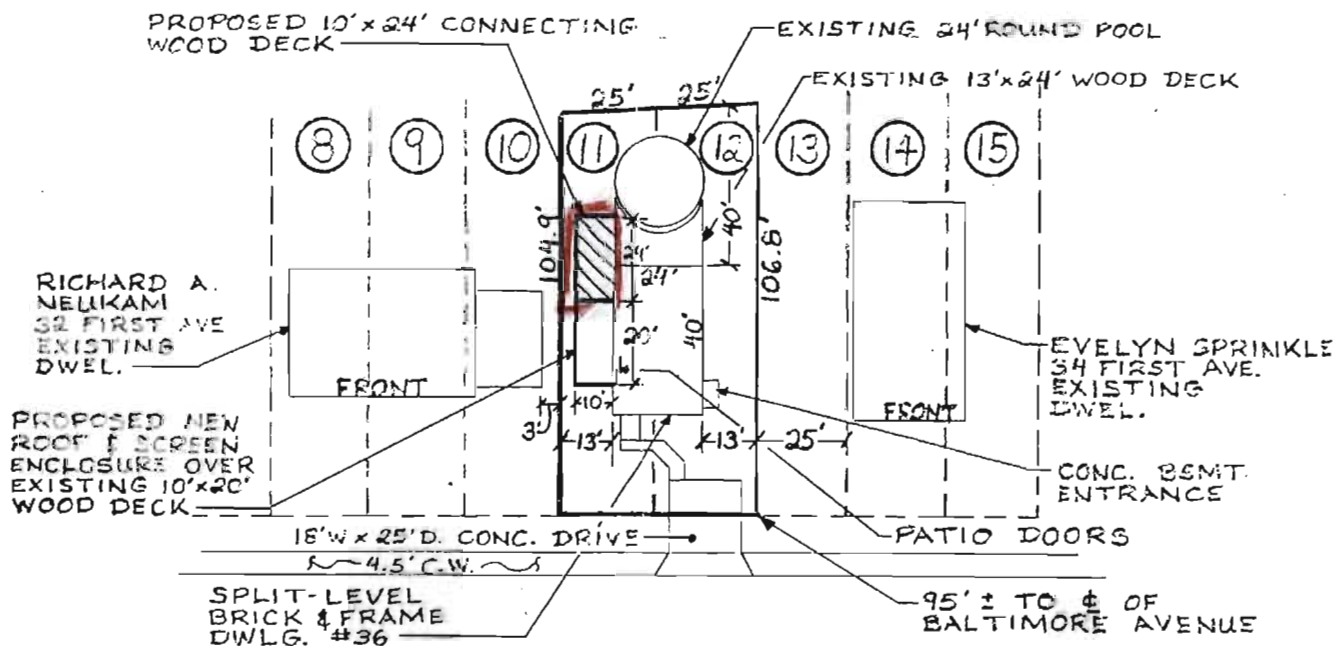
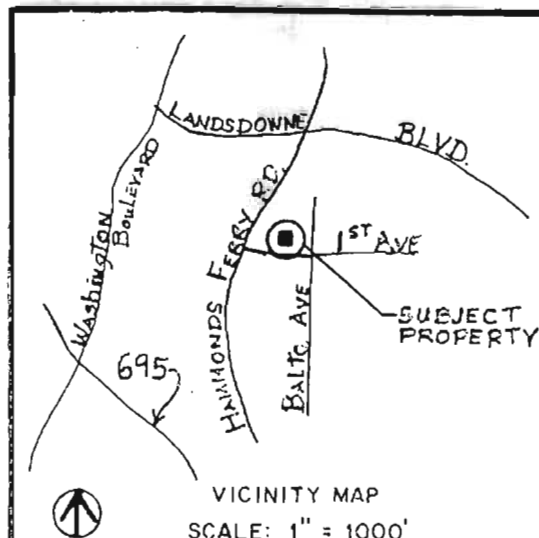
PLAT BOOK #JWS1 FOLIO # 49 LOT # 11&12 SECTION #

OWNER EDMOND & MADELINE LONEY

LIBER-SM# 9564

FOLIO-# 702

THIS PROPERTY IS NOT LOCATED
IN A FLOOD HAZARD ZONE.



FIRST AVENUE
(50' R/W, 24' PAVING)



NORTH

5-26-02

PREPARED BY: Edmond C. Loney Sr.

SCALE OF DRAWING: 1" = 50'

LOCATION INFORMATION

ELECTION DISTRICT - 13th

COUNCILMANIC DISTRICT - 1ST

1" = 200' SCALE MAP # -S.W.-5C

ZONING - D.R.5.5

LOT SIZE 0.122 5,300
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
----------------------	--------------------------	-------------------------------------

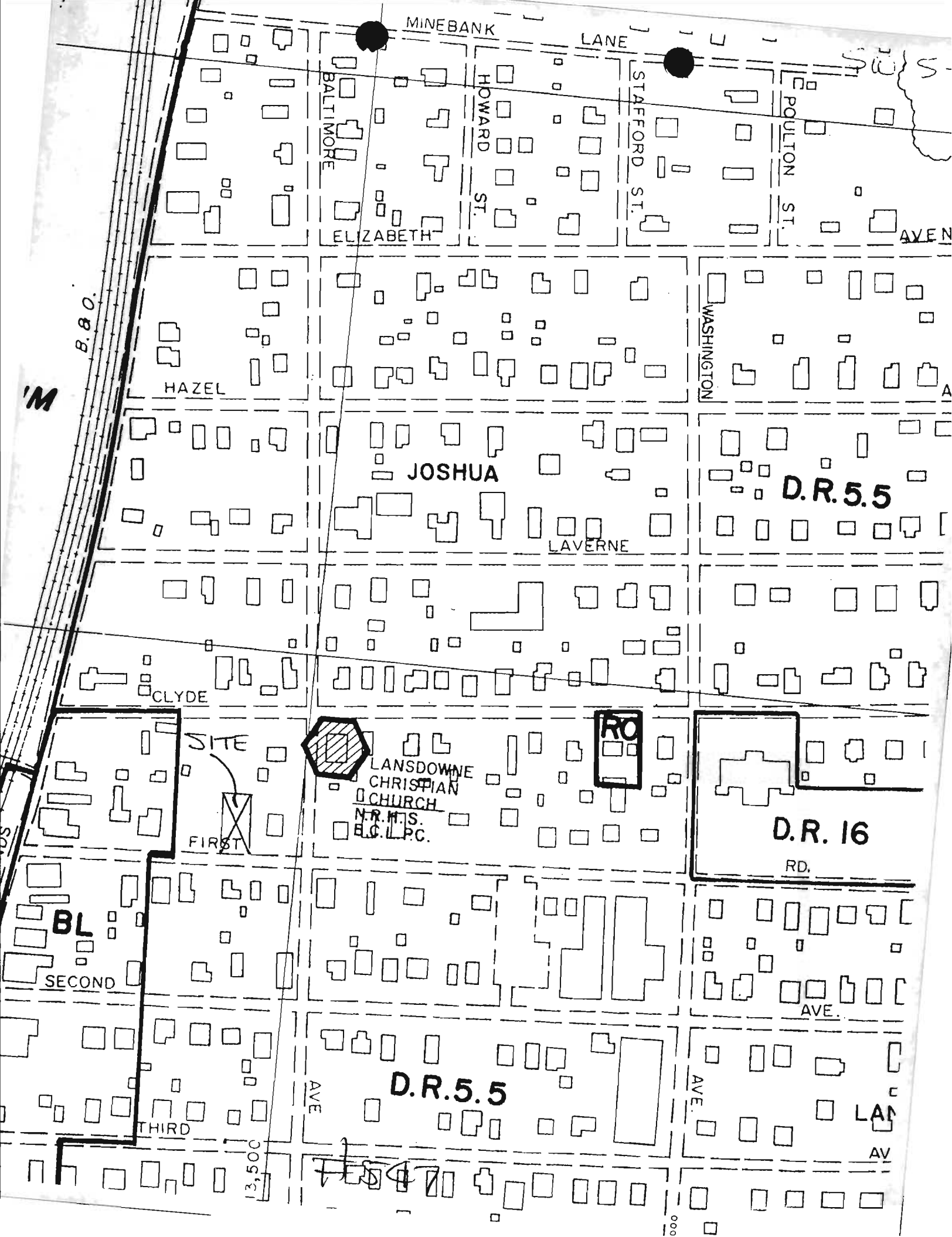
HISTORIC PROPERTY/ BUILDING	☐	☒
-----------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING - None

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # _____

Ret Ex #1



MINEBANK

LANE

BALTIMORE

HOWARD ST.

STAFFORD ST.

POULTON ST.

ELIZABETH

AVENUE

HAZEL

JOSHUA

D.R. 5.5

LAVERNE

CLYDE

SITE

LANDSDOWNE
CHRISTIAN
CHURCH
N.R. M.S.
E.C. L.P.C.

RD.

D.R. 16

RD.

FIRST

BL

SECOND

AVE.

D.R. 5.5

THIRD

13,500

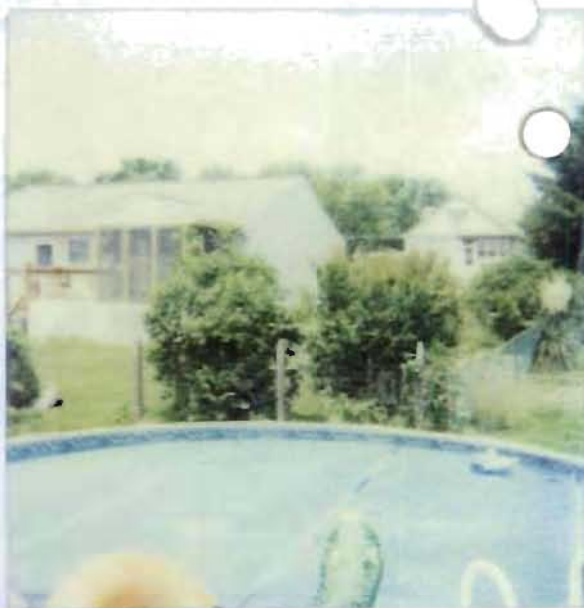
AVE.

AVE.

LAN

AV

100



View - Looking North-West of
Closest House Behind Pool.
11 Clyde Ave. #507



View - Looking North-East of
Closest House Behind Pool.
312 Baltimore Ave. #507



View - From Left side of Pool
Looking North-East at
House 312 Baltimore Ave. #507



View - Looking North, NO House
Directly Behind Pool. #507



View - Looking North, Right side
 of Pool.
 547



View - Looking North, LEFT
 side of Pool.
 547



View - From Right side of Pool
 Looking North-West AT
 House - 11 Clyde Ave
 547



View looking North



View looking South



View looking East

Looking at the west side of the dwelling at proposed location for new deck to connect the two existing decks!

547