IN RE:	PETITION FOR ADMIN. VARIANCE
	E/S Garfield Avenue, 650' S
	centerline of Monkton Road
	10th Election District
	3rd Councilmanic District
	(6902 Charles Ridge Road)

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-129-A

Cheryl S. & Jeffrey T. Bubier Petitioners

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, Cheryl S. and Jeffrey T. Bubier. The variance request is for property located at 16503 Garfield Avenue in the Monkton area of Baltimore County. The variance request is from Section 1A08.6.5.a.(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a setback of 65 ft. in lieu of the required 80 ft. between principal buildings. 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.

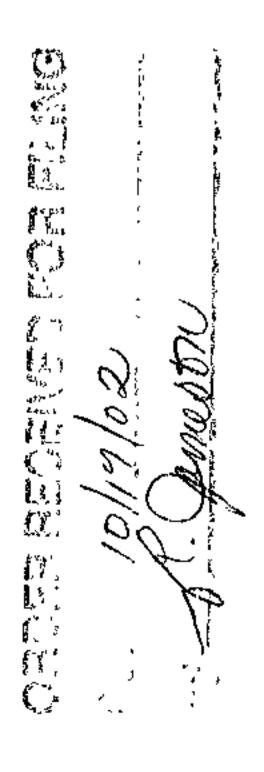
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

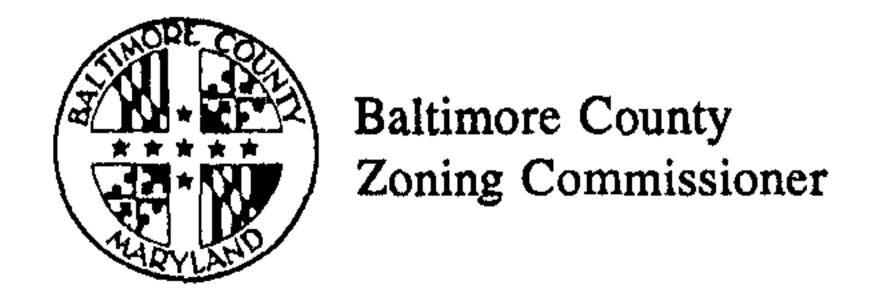
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

October 17 2002

Mr. & Mrs. Jeffrey T. Bubier 16503 Garfield Avenue Monkton, Maryland 21111

Re: Petition for Administrative Variance

Case No. 03-129-A

Property: 16503 Garfield Avenue

Dear Mr. & Mrs. Bubier:

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

Multay lotroco

TMK:raj Enclosure



CO

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10	6503 Garfi	eld Avenue	
which is	presently:	zoned RC-7	

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) 1A08.6.5. a.(2) to permit a setback of 65 ft, in live of the required soft between principal buildings.

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): N/AJeffrey T. Bubier Name - Type or Print Name - Type or Print Signature Signature Cheryl S. Bubier Address Telephone No. Name - Type or Print City State Zip Code Signature 6ar Feeld Ave <u>Attorney For Petitioner:</u> Address Telephone No. None Name - Type or Print State Žip Code Representative to be Contacted: Signature Jeffrey T. Bubier Name Company Service of the servic 16503 Garfield Avenue (410) 329-3699 Address Address 211 Telephone No Telephone No. MD Monkton City City State Zip Code 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, that the subject matter of this polition he set for a public hearing, advertised, as required by the zoning that the subject regulations of Baltimore County and that the property be reposted that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County 03-129-A JASE NO. Reviewed By REV 10/25/01 **Estimated Posting Date**

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
Monkton
City
State

Address
Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We have three children, ages 1 to 7,

and our home has only one full bathroom. We are planning to build a small addition for a bedroom and full bathroom to meet our growing family's needs. We request an administrative variance to permit the building of the addition. There is no alternative to seeking a variance, as it is not economically or structurally feasible to build the addition onto the back or other side of the house. Permitting the variance will have no negative effect on the character of our street or any of our neighbors' properties. We live on a dead-end street where there is no possibility of which I am aware of any future development, streets, easements, right-of-ways, etc. Our neighbors who live on the side of our yard where the addition is planned have no objection to the addition at all. We have lived in our house for 9 years, are good friends with all of our neighbors, have a great respect and appreciation fo the unique character of our street, and would never consider an addition that would have a harmful effect on our neighbors' properties or would impact any legitimate zoning concerns of the County. We hope that you will agree that permitting an administrative variance in these circumstances is warranted.

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.

Signature Signature	Signature
Jeffrey T. Bubier	Cheryl S. Bubier
Name - Type or Print	Name - Type or Print
~ ~ - ~	, , , , , , , , , , , , , , , , , , , ,
STATE OF MARYLAND, COUNTY OF BALTIMOR	
I HEREBY CERTIFY, this / 0// day of said, persor	Lember , 2002, before me, a Notary Public of the State rally appeared
the Affiant(s) herein, personally known or satisfactor	ChERY S. BubiER
the Amant(s) nerein, personally known or satisfactor	ny identified to me as such Amant(s)
A O 1807NICOO () A I. (

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expire

4,2004

REV 10/25/01

ZONING DESCRIPTION FOR 16503 GARFIELD AVENUE, MONKTON, MD 21111.

As recorded in Deed Liber 3680, Folio 206 and more particularly described as follows:

Beginning for the same at a stone on the west side of an alley in Lewis Parson's line running thence as follows: south 60-3/4 degrees east 27.35 perches to a stone south 28-1/4 degrees west 7.85 perches to a stone north 57-1/4 degrees west 27.6 perches to a stone on the west side of an alley in Lewis Parson's line thence on said Lewis Parson's line north 29-1/4 degrees east 6.2 perches to the place of beginning. Containing 1 acres and 32 perches of land more or less.

Also known as 16503 Garfield Avenue and located in the 10th Election District, 3rd Councilmanic District.

DISTRIBUTION
WHITE - CASHIER FOR: FROM: RECEIVED DATE MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYL OFFICE OF BUDGET & FINANCE PINK - AGENCY AMOUNT ACCOUNT YELLOW - CUSTOMER 43-ि जाने जिल्हे एक्स

CERTIFICATE OF POSTING

ADMIN

RE Case No 03-129-A

Petitioner/Developer BUBIER, ETAL

Date of Hearing Closing 0

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

Attention: Ms. Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen.

brand fax transmittal memo 7671

From

Diam'r

*

Fax

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 #16503 GARFIEL

a The sign(s) were posted on (Month, Day, Year)

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

PENNY LANE

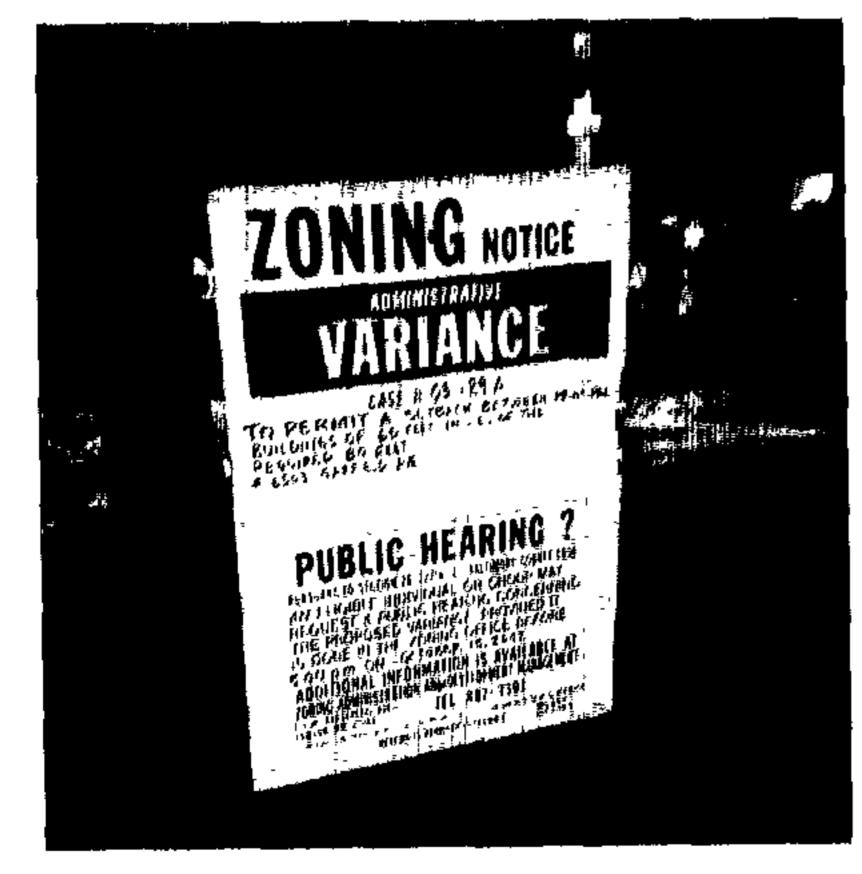
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)



02,124 -H11.5.12, Castle 11. 15 ing-Enits 18.112, 100 TIGODS GARFIELD AVE 10/15/02 わりもたく

Date # of Dages	
From	·
Co.	
Phone #	
Fax #	
	From Co. Phone #

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 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: 03-129-A Petitioner: Jeffrey T. Busies
Address or Location 16503 Garfield Avenue
PLEASE FORWARD ADVERTISING BILL TO
Name Jeffez Bobier
Address 16503 Gapfield Avenu
Mo~1c for MD 21111
Telephone Number: (4(2) 329-3699

PRETIMONE OCCURT DELANTMENT OF FEMINITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03-

Case I	Number 03-	129	-A	Address	16503	Gartield	Aup.
Contac	ct Person	Bruno Planner	Please P	udaitis rint Your Name		Phone Number:	410-887-3391
Filing	Date:	9/16/02		Posting Date:	9/30/02	Closing Dat	e: <u>/0//5/</u> 02
Any co	ontact made h the contac	with this off t person (plan	ice reg ner) us	garding the status	s of the adr ber.	ninistrative variar	nce should be
	reverse side reposting mi is again res	e of this form) ust be done o ponsible for a	and the nly by II asso	r must use one of he petitioner is re one of the sign po clated costs. The date noted above	sponsible for osters on the e zonina not	r all printing/postice approved list and ideasion must be	ng costs. Any d the petitioner visible on the
2.	a formal red	quest for a p	ublic h	the deadline for a learing. Please i process is not con	understand t	that even if there	000 feet to file is no formal
	commissione order that the (typically with	er He may: he matter be hin 7 to 10 da	a) gr) set in ys of t	e, the file will be ant the requested for a public heather the closing date) and the closing date is the order will be an	l relief; (b) d arıng You as to whether	eny the requeste will receive written the petition has	d relief; or (c) en notification been granted
	(whether du commissione changed giv	e to a neigher), notifications ing notice of t	bor's f n will he hea	and request or be forwarded to tring date, time and a photogra	by order of you. The ideal ocation.	f the zoning or a sign on the prop As when the sign	deputy zoning perty must be was originally
				Detaun Along Domla L	•		
Petitio	ner: This P	art of the For	m is fo	or the Sign Poste	er Only		····
		USE THE A	DMIN	ISTRATIVE VARI	ANCE SIGN	FORMAT	
Petition Postin Wordin	ner's Name _ g Date: ng for Sign _	Jeff 9/30/0 To Permit	Bub 2		sing Date:	lephone 410 10/15/02 een princis	329-3699 - Dal
	······································	·				WCR -	Revised 6/28/00

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.

Address
Monkton
MD
21111
City
State
Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We have three children, ages 1 to 7,

h 1,2004

and our home has only one full bathroom. We are planning to build a small addition for a bedroom and full bathroom to meet our growing family's needs. We request an administrative variance to permit the building of the addition. There is no alternative to seeking a variance, as it is not economically or structurally feasible to build the addition onto the back or other side of the house. Permitting the variance will have no negative effect on the character of our street or any of our neighbors' properties. We live on a dead-end street where there is no possibility of which I am aware of any future development, streets, easements, right-of-ways, etc. Our neighbors who live on the side of our yard where the addition is planned have no objection to the addition at all. We have lived in our house for 9 years, are good friends with all of our neighbors, have a great respect and appreciation fo the unique character of our street, and would never consider an addition that would have a harmful effect on our neighbors' properties or would impact any legitimate zoning concerns of the County. We hope that you will agree that permitting an administrative variance in these circumstances is warranted.

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.

Signature Signature Jeffrey T. Bubier	Signature Cheryl S. Bubler
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	, ~
I HEREBY CERTIFY, this 104h day of Section of Maryland, in and for the County aforesaid, personally appear	Λ
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16503 Garfield Avenue	
which is presently zoned RC-7	

I/We do solemnly declare and affirm, under the penalties of

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) 1A08.6, 5. a. (2) to permit a Setback of 65 ft. in line of the required so ft. between

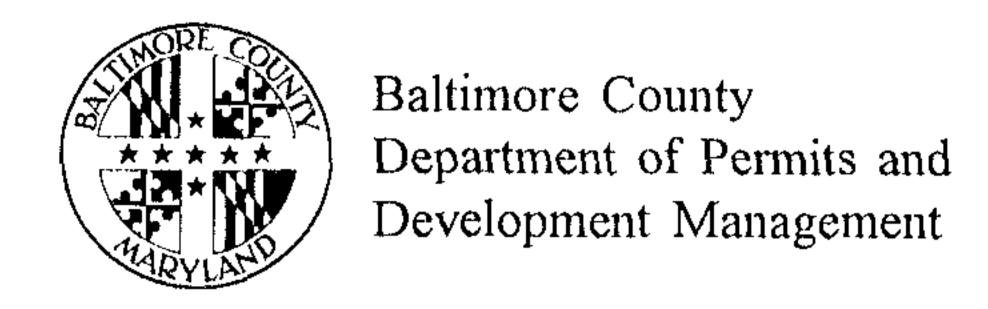
principal buildings,

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 I/we are is the subject of this	the legal owner(s) or Petition.	of the property which
Contract Purchaser/Le	essee:		Legal Owner(s)	i	
N/A Name - Type or Print			Jeffrey T. B Name - Type or Print	ubier	
Signature		·····	Signature Cheryl S. Bub	der	·
Address		Telephone No	Name - Type or Print	3	······································
City	State	Zıp Code	Signature		—
Attorney For Petitione	<u>r:</u>		16505 6a7 Address	Field Ave	(10) 529-1655 Telephone No
None Name - Type or Print			Monkter	MD	2(11)
Martie - Type of Print			City	State	—, ,, — • • • •
Signature			<u>Representative</u> Jeffrey T. Bu	_	<u>f:</u>
Company			Name 16503 Garfi	eld Avenue (4)	10) 329-3699
Address	·····	Telephone No	Address Monkton	MD	21111
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	B F	THE THE CHIMBET PRINTER	of this petition be set for a public	the Zoning Commission of hearing, advertised, a	is required by the zoning
CASE NO. <u>03-</u>	129- A	F	Reviewed By	Date 9	/16/02
REV 10/25/01		E	stimated Posting Date _	9/30/02	



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

October 15, 2002

Jeffrey T. Bubier 16503 Garfield Avenue Monkton, MD 21111

Dear Mr. Bubier:

RE: Case Number:03-129-A, 16503 Garfield Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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.

Supervisor, Zoning Review

W. Carl Bichards, Jr.

WCR:rllı

Enclosures

c: People's Counsel



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

September 24, 2002

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

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 129
116-117, 121-130

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 21, 2002

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 30, 2002

Item Nos. 106, 116, 117, 118, 119, /120, 121, 122, 123, 124, 126, 128,

(129), and (130)

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

RWB:CEN:jrb

cc: File

10/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 24, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-114, 03-121, & 03-129

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: 7.24.02

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

RE: Baltimore County

> Item No. 129 乃ス

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

1. J. Gredle



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W Kienitz Secretary Mary Abrams Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re:

Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

