IN RE: PETITION FOR ADMIN. VARIANCE
SE/corner Boyce Avenue
and Greenwood Road
9th Election District
2nd Councilmanic District
(1107 Boyce Avenue)

Margaret C. & William B. Stratton Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-296-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, Margaret C. and William B. Stratton. The variance request is for property located at 1107 Boyce Avenue in the Towson area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear one third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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.

1/21/03 T. Jerneson. 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 Aday of January, 2003, that a variance from Section 400.1 of the B.C.Z.R., to permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear one third of the lot farthest removed from any street, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

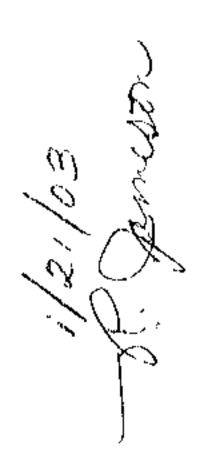
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

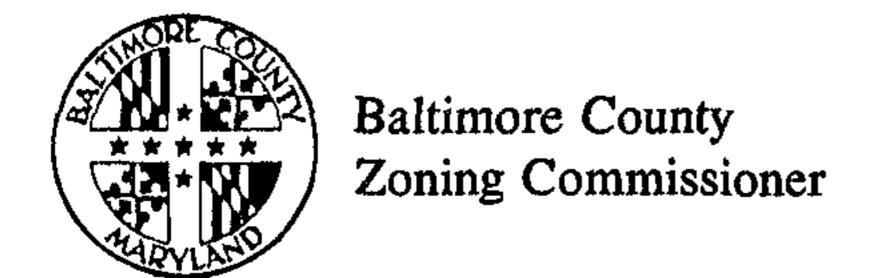
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

January 21, 2003

Mr. & Mrs. William B. Stratton 1107 Boyce Avenue Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 03-296-A

Property: 1107 Boyce Avenue

Dear Mr. & Mrs. Stratton:

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

Muthy llotro co

TMK:raj Enclosure



REV 10/25/01

# Petition for Administrative Variance

for the property located at 1107 BOYCE

### to the Zoning Commissioner of Baltimore County

which is presently zoned <u>DR-Z</u>

-owner(s) of the property	v situate in Raltim	ore County and wh	nits and Development nich is described in the d ction(s)	docarinfian and plat atta	shed harata and
made a part hereof, here accessory struct required rear	ure Cominmin	10 000 1 to 6	e located in the	cide permit of	lieu of t
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of the zoning regulation of this petition form	s of Baltimore Co	unty, to the zoning	law of Baltimore Count	ty, for the reasons indica	ated on the back
Property is to be posted i, or we, agree to pay experegulations and restriction	enses of above Var	iance, advertising, p	osting, etc. and further ag	ree to and are to be boun imore County.	ded by the zoning
÷			I/We do solemnly d perjury, that I/we are is the subject of this	eclare and affirm, under the the legal owner(s) of the securition.	ne penalties of property which
Contract Purchaser	<u>Lessee:</u>		Legal Owner(s)	<u>):</u>	
			WILLIAM F	BENN STRATTON	
Name - Type or Print			Name - Type or Print		<del> </del>
Signature	· · · · · · · · · · · · · · · · · · ·		Signature	whi	
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City	State	Zip Code	V (2		
Attorney For Petition	<u>ner:</u>			DYCE AVE 4/	
			Address TO WSのN	W. I. N	Telephone No /スの4
Name - Type or Print	<del></del>		City	₩D ~. State	Zip Code
			Representative	to be Contacted:	
Signature					
Company	<del></del>	······································	Name		<del></del>
Address		Telephone No.	Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
City (S)	State	Zip Code	City	State	Zip Code
A Public Hearing having be day of equilations of Baltimore Count	. tha	it the subject matter of	e <b>required, it is ordered</b> by this petition be set for a publ	the Zoning Commissioner o lic hearing, advertised, as rec	f Baltimore County, juired by the zoning
M. T.	<b>\</b>		Zoning Com	missioner of Baltimore Count	У
CASE NO	3-296-A	Re	viewed By	Date $\frac{12}{2}$	0/02
REV 10/25/01		Est	timated Posting Date	12/30/02	·

# 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.

1107 BOYCE AVENUE

That the Affiant(s) does/do presently reside at	Address AVINUE
	TOWSON UD Z/ZOM  City Zip Code
That based upon personal knowledge, the follow	wing are the facts upon which I/we base the request for an Administrative
Variance at the above address (indicate hardship	or practical difficulty):
THE CUERTNIT STRUCTURE	WAS BUILT IN 1937, PRIOR TO CURREN
TONING AND SET BACK	KERUIKEMENTS, THE CURRENT STRUCTURE
IC SITUATED ON THE	TAK FITHE COPNER OF THE LOT
CONLY 27 1/2 FT FROM	THE FEAR PROPERTY LINE). AS A
RESOLT, ANY SIGNIFO	ANT ADDITION OR IMPROVEMENT
(1.E. POOL GARAGE)	WILL REQUIRE A VARIANCE IN)
DRICER TO EE SITUA	
FRONT OF THE CURR	ENT STRUCTURE. DUE TO BRAINAGE,
TREES, AND TOPOGE	APH , THE POOL CANNOT BE LOCATE
IN THE REAR YARD	· ·
advertising fee and may be required to provide a	
Signature (Signature)	Signature
MARGARET C STRATTON	WILLIAM B STRATTON
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
HEREBY CERTIFY, this <u>13<sup>Th</sup></u> day of <u>Dea</u>	<u>centee</u> , <u>2002</u> , before me, a Notary Public of the State
	· · · · · · · · · · · · · · · · · · ·
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public / Notary Public
	My Commission Expires 4/1/2003

REV 10/25/01

#### Zoning Description for 1107 Boyce Avenue

Beginning at the point from the intersection of the centerline of Greenwood Road as laid out 30 feet wide and the centerline of Boyce Avenue running thence southwesterly binding on the said centerline curving to the left with a 300 ft radius the distance of 188.8 feet, thence binding on said centerline of Greenwood Road South 21 degrees 29 Minutes West 98.14 feet, thence South 59 Degrees 23 Minutes East 199.23 feet, thence North 17 Degrees 31 Minutes East 295 Feet to said centerline of Boyce Avenue, thence binding on said centerline of Boyce North 62 Degrees 43 Minutes East 119.56 Feet to the Point of Beginning. As recorded in Oeed Liber 16769, Folio 468.

The improvements on the above lots of ground being known as 1107 Boyce Avenue and located in the 9<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District, Tax Account #09-02-657420 containing 1.0 acres.

BALTIMORE OFFICE OF BUDGET & FINANCE MISCELLANEOUS COUNTY, RECEIPT MARYL

No. 19391

DATE FROM: RECEIVED FOR:  $\Sigma_{i}^{\prime}$ ACCOUNT AMOUNT 40 1

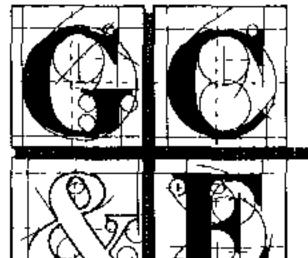
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VALIDATION

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

LIMITED

#### **CERTIFICATE OF POSTING**

RE: CASE #03-296-A PETITIONER/DEVELOPER: WILLIAM & MARGARET STRATTEN DATE OF CLOSING: **JANUARY 14, 2003** 

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **COUNTY OFFICE BUILDING, ROOM 111** 111 WEST CHESAPEAKE AVE. **TOWSON, MARYLAND 21204** 

**ATTENTION: REBECCA HART** 

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

> 12/31/02 photographed: 2002 30, ON: December

LOCATION:

1107 Boyce Avenue

DATE:

January 2, 2003

SIGNATURE OF SIGN POSTER

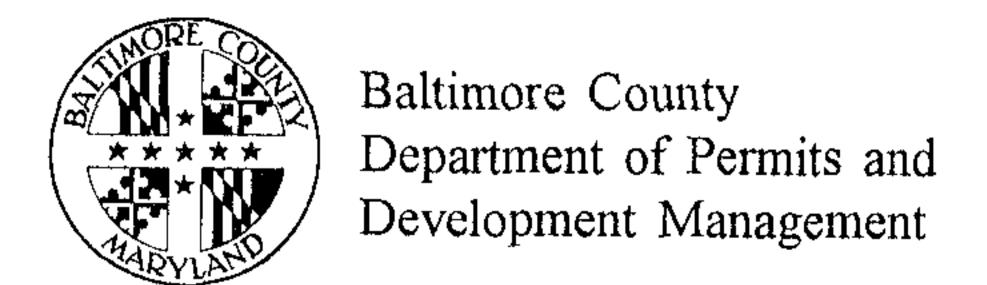
**BRUCE DOAK** 

GERHOLD, CROSS & ETZEL, LTD **SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286** 410-823-4470 PHONE 410-823-4473 FAX



### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 296 :- A Address 1107 Boyce Avenue
Contact Person. Jeffrey Perlow Phone Number: 410-887-3391
Filing Date: $\frac{12 20 02}{20 02}$ Posting Date: $\frac{12 30 02}{20 02}$ Closing Date: $\frac{1}{14 03}$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number
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.
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.
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.
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 'ne 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.
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 296 - Address 1107 Boyce Avenue
Pellioners Name William & Margaret Stratton Telephone 410-823-2412
Posting Date: $1\lambda/30/02$ Closing Date: $1/14/03$
Wording for Sign To Permit a proposed accessory structure (swimming pool) to be located in the side yard in lieu of the required rear one third of the lot farthest
in the side yard in lieu of the required rear one third of the lot farthest
removed from any street.
\\\(CD\) Days and C 00 mo



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

January 13, 2003

Mr. and Mrs. William Stratton 1107 Boyce Avenue Towson, MD 21204

Dear Mr. and Mrs. Stratton:

RE: Case Number: 03-296-A, 1107 Boyce Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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.

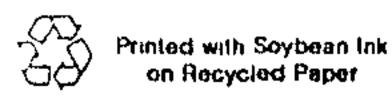
Supervisor, Zoning Review

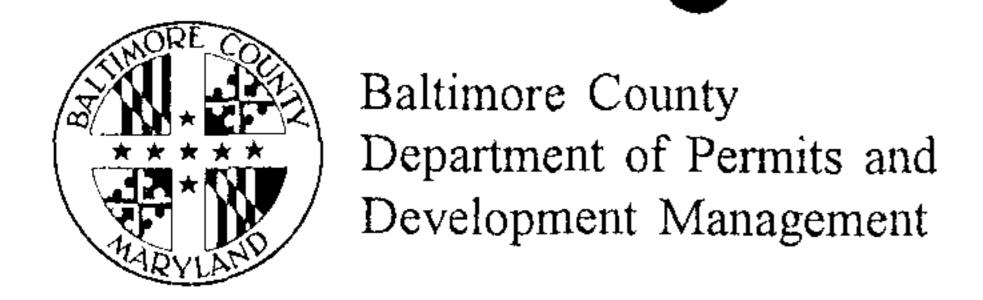
U. Callibal)

WCR:rlh

Enclosures

People's Counsel c:





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

Fax: 410-887-5708

April 11, 2003

William B. Stratton Margaret C. Stratton 1107 Boyce Avenue Towson, MD 21204

Dear Mr. and Mrs. Stratton:

RE: Spirit and Intent, Case # 03-296-A, 1107 Boyce Avenue, 9th Election District

Your recent letter to Arnold Jablon, Director, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

- After consultation with Carl Richards, Zoning Review Supervisor, this office considers the modified pool location to be within the "spirit and intent" of the Baltimore County Zoning Regulations (BCZR), relative to the orders and plans contained in the above referenced zoning case.
- 2. This "spirit and intent" approval applies to the zoning regulations (BCZR) and policies only and does not apply to regulations enforced by other County and State agencies.

A copy of this response and your modified site plan will be recorded and made a permanent part of the zoning case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey N. Perlow

Jeffrey N. Pirlow-

Planner II

Zoning Review

JNP



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams

Administrator

Date: 1.10.03

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

RE: Baltimore County

Item No. 236 3MP

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



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

January 14, 2002

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

ATTENTION: Rebecca Hart

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.

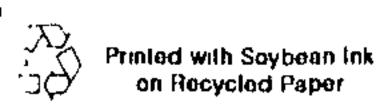
7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

items: 296 291, 293-301, 303 +304

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley 1235 The

DATE:

February 3, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 13, 2003

SUBJECT: NQ COMMENTS FOR THE FOLLOWING ZONING ITEMS:

291, 292, 295, 296, 299, 300, 302, 303.

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** January 17, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

AN2 1 13

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-296 - Administrative Variance

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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits & Development Management

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** Zoning Advisory Committee Meeting

For January 21, 2003

Item No. 296

The Bureau of Development Plans Review has reviewed the subject-zoning item.

**DATE:** January 27, 2003

Greenwood Road is an existing road which shall ultimately be improved as a 24-foot street cross section on a 40-foot right-of-way. The pool setback from the ultimate road right-of-way must be verified.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

January 14, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda 01/21/03 re: case numbers 03-291-A, 03-292-SPHA, 03-293-A, 03-294-A, 03-295-A, 03-296-A, 03-297-SPHA, 03-299-A, 03-300-SPH, 03-301-A, 03-302-SPHXA, 03-303-SPHXA, 03-304-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/14/03. 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

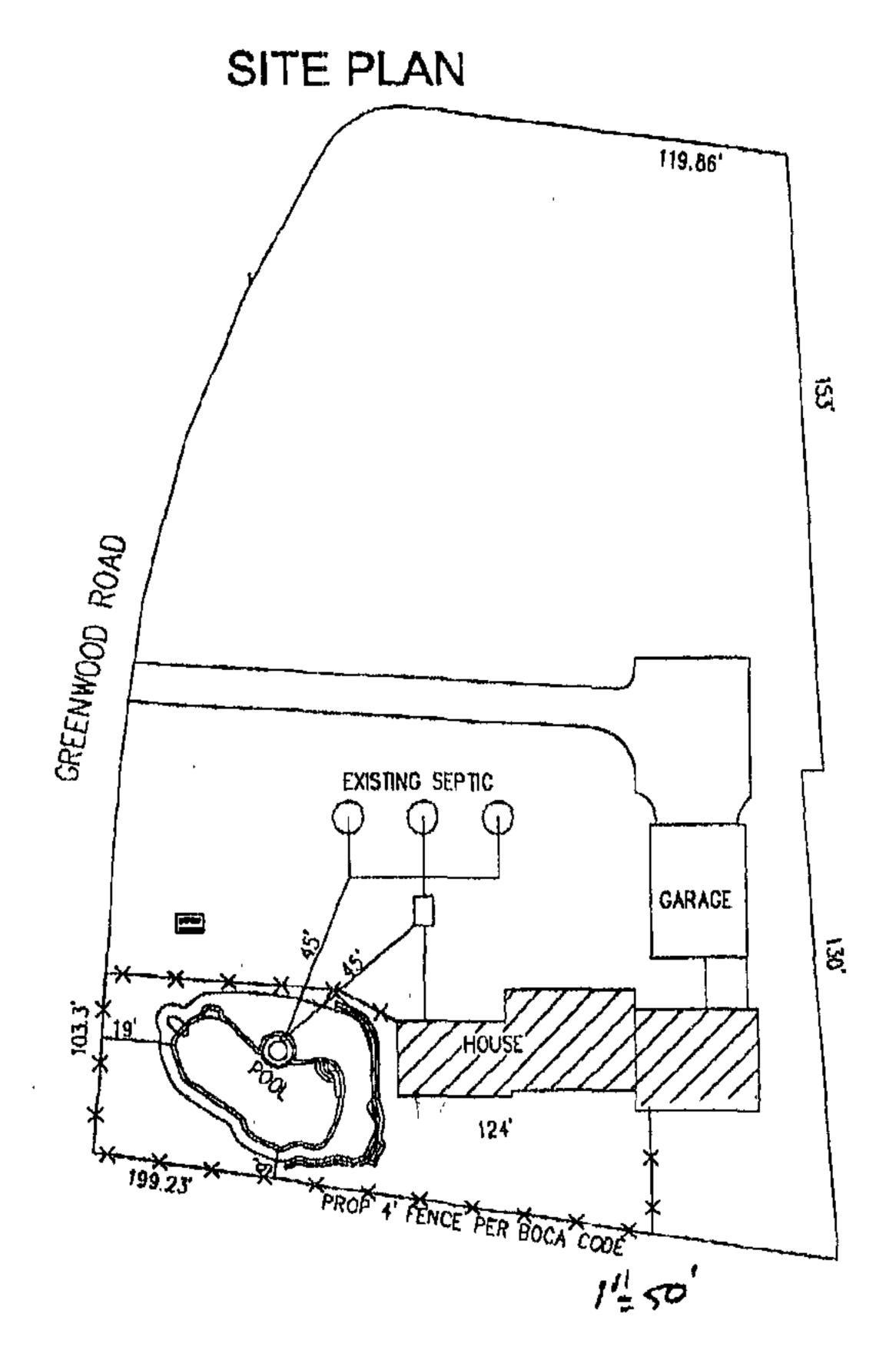
Manager

Metropolitan Planning

Canill Staffe for

Local Planning Assistance Unit

cc: Mike Nortrup



ACCESS

<u>ب</u>



PAGE 2 OF 2

Approved as being within the Spirit & Intent of the original plan and order in Zoning Case
No. 03-296-A.

Signed by Date

1107 BOYCE AVE, FACING SOUTH FROM FRONT PROPERTY UNE

(CENTERLINE OF BOYCE AVE)

1107 BOYCE FACING EAST FROM SW CORNER OF LOT



1107 BOYCE AVE FACING NW FROM SE CORNER OF LOT



BOYCE



1101 BOYCE AVE ADJACENT
PROPERTY (FROM CENTER OF LOT)

1107 BOYCE AVENUE



1109 BOYCE ADJACENT PROPERTY FROM EASTERN PROPERTY LINE

