IN RE: PETITION FOR ADMIN. VARIANCE

N/S Hopkins Road, 488' E

intersection of Hopkins & Dumbarton Rds.

9th Election District

5th Councilmanic District

(144 Hopkins Road)

Nicole P. & Sean R. Swift

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 03-480-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, Nicole P. and Sean R. Swift. The Petitioners are requesting variance relief for their property located at 144 Hopkins Road in the Rodgers Forge 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 existing dwelling with proposed open projection (deck) to have a rear yard setback of 36 ft. in lieu of the required 37.5 ft.

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.

5/19/03 5/19/03 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 19 day of May, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling with proposed open projection (deck) to have a rear yard setback of 36 ft. in lieu of the required 37.5 ft, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
- 2) The deck to be constructed to the rear of the Petitioners' home shall remain an open projection. That is, these Petitiones or any subsequent owners of the property shall be prohibited from enclosing the deck in any fashion, either above or below the structure.
- 3) The Petitioners shall be permitted to install a set of steps coming from the deck to the ground as represented on the site plan attached to this Order.

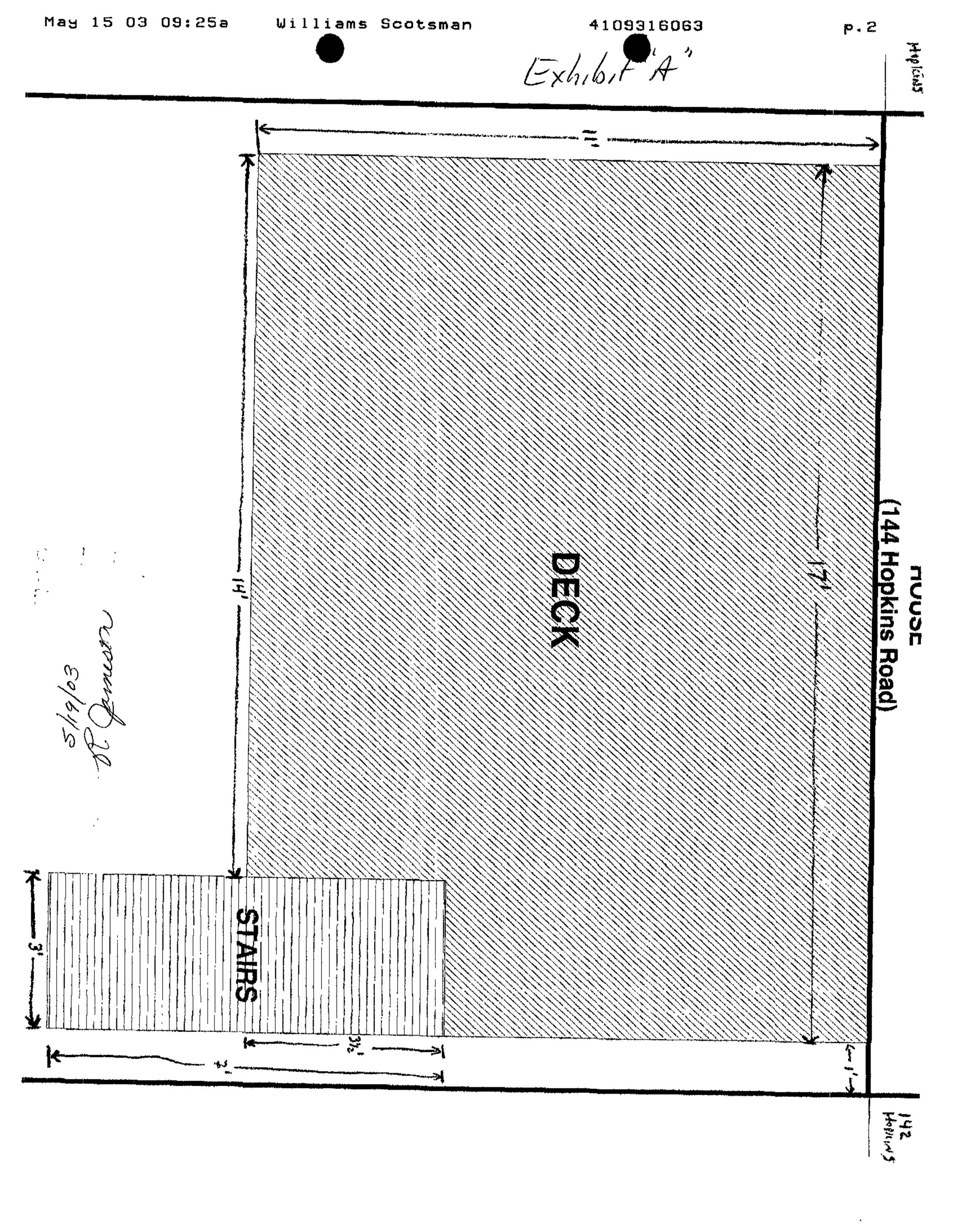
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

ГМК:raj

2





CASE NO. 03-480-A

REV 10/25/01

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 144 HOPKINS ROad which is presently zoned DR 10,5

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 DWELLING WITH PROPOSED OPEN PROJECTION (DECK) TO HAVE A REAR YARD SETBACK OF 36' IN LIEU OF THE REQUIRED 37.5!

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 the legal owner(s) of the property which is the subject of this Petition.
<u>Contract Purchaser</u>	/Lessee:		<u>Legal Owner(s):</u>
			Sean Ryan Swift
Name - Type or Print	······································		Name - Type or Print
Signature	······································		Signature,
Address	<del></del>	Telephone No	Nicole Patrice Swift
		releptione 140	Name - Type or Print MCDU Patrice Surft
City	State	Zip Code	Signature
Attorney For Petitio	ner:		144 HOPKINS Rd. 410372 0655 Address Telephone No.
			Baltimore MD 21212
Narne - Type or Print			City State Zip Code
Signature			Representative to be Contacted:
	<del></del>	***	Nicole Swift
Company			Name
Address		Telephone No.	144 Hopkins Koad 410 372 065.  Address Telephone No.
		raiopiione ito.	Baltimore MD 21212
Sity 2	State	Zip Code	City State Zip Gode
Public Hearing having be	en formally demande	d and/or found to be	required, It is ordered by the Zoning Commissioner of Baltimore County
day of Baltimore Coun	that	t the subject matter of to be reposted.	required, It is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
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A) (7-7)			Zoning Commissioner of Baltimore County

Reviewed By CTM Date C

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.

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That the Affiant(s) does/do presently reside at	Added	Hopkin	<u>s Koac</u>	<u>/</u>	<u></u>
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That based upon personal knowledge, the follo	-			•	'
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Sean Ryan Swift				ice Swift	
Name - Type or Print	<del></del>	Name - Type o	r Print		
STATE OF MARYLAND, COUNTY OF BALTIN					
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersopally appea	<u> 20-</u> ared	23, before me	e, a Notary Public of the	State
Sean Ryan Swiff 1 the Affiant(s) herein, personally known or satisf					
the Affiant(s) herein, personally known or satisf	actorily identific	ed to me as sucl	h Affiant(s).		
AS WITNESS my hand and Notarial Seal	n/		1 1		
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		Commission Exp	ires / 0 1 -	-04	
	•				

# Affidavit in Support of Administrative Variance

follows: That the information herein given is a competent to testify thereto in the event that a pu	nalties of perjury to the Zoning Commissioner of Baltimore County, as within the personal knowledge of the Affiant(s) and that Affiant(s) is/are ublic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	144 HopKins Road Address
	Baltimore MD 21212
, That becade ones were and broadent the faller	—,p +
Variance at the above address (indicate hardship	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
We have a grown	ng family and need
a larger deck.	<b>v</b>
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
	Michaele Patrice Swyt
Signature	Mical Patrice Swift
Sean Kyan Switt Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
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Sean Ryan ວັນ:Fi the Affiant(s) herein, personally known or satisfa	Nicble Patrice Swift ctorily identified to me as such Affiant(s).
and randing of the control of catholic	
AS WITNESS my hand and Notarial Seal	Wellow Material
	Notary Public
	My Commission Expires 10-1-04



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 144 HopKins Road which is presently zoned DR 10.5

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) 1802.3.0.1 (800.00)

TO PERMIT AN EXISTING DWELLING WITH PROPOSED OPEN PROJECTION (DECK) TO HAVE A RENR YMD SETBACK OF 36' IN LIEU OF THE REQUIRED 37.5'.

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 perjury, that I/we a is the subject of the	declare and affirm, under the are the legal owner(s) of the list Petition.	e penalties of property which
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Signature			Signature	Potrice SW	i <del>f</del>
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City	State	Zip Code	Signature	The ace part	<del></del>
Attorney For Petition	<u>ner:</u>		Address	okins Road	41037200 Telephone No.
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Company	· • • • • • • • • • • • • • • • • • • •	**************************************	Name SA		
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CASE NOO	3-480	- A Rev	riewed By LTN	2 Date 4/15	5/03
REV 10/25/01		Est	imated Posting Date	4/27/0	٣٢

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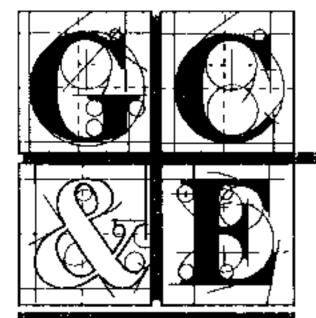
THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 144 HOPKINS ROAD.

09-0908300220

9TH ELECTION DISTRICT

574 COUNCILMANIC DISTRICT

77480



LIMIT

### 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

#### **CERTIFICATE OF POSTING**

RE: CASE # 03-480-A
PETITIONER/DEVELOPER:
Sean and Nicole Swift
DATE OF HEARING:
May 12, 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

2003

April 25,

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ZONING NOTICE

ADMINISTRATIVE
VARIANCE

CASE # 03-480 A

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LOCATION: 144 Hopkins Road

**DATE:** April 25, 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

# 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: $03-480-4$
Petitioner: Sean & Nicole Swift
Address or Location: 144 Hopkins Rd. Balto 21212
PLEASE FORWARD ADVERTISING BILL TO:
Name: Nicole Swift
Address: 144 Hopkins Rd
Baltimore MD 21212
Telephone Number: <u>4-10 372 0655</u>

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 03-	480	-A	Address_	1441	10 PKIF	13 RE	>
Conta	ict Person: _		Please Print Your N			Phone Nur	nber: 410-	887-3391
Filing	Date: 4	15/03	Posti	ing Date: ≤	+/27/0:	3 Closir	ig Date: _	5/12/0
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# Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 13, 2003

Sean Ryan Swift Nicole Patrice Swift 144 Hopkins Road Baltimore, MD 21212

Dear Mr. and Mrs. Swift:

RE: Case Number: 03-480-A, 144 Hopkins Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 15, 2003.

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

WCR:klm

Enclosures

c: People's Counsel



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 28, 2003

Item No.:

478 (480) 483-487, 489-490, 492-495

Dear Ms. Hart:

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.

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** May 6, 2003

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 May 5, 2003 Item Nos. 479 (480, 485, 486, 487, 488, 490, 492, 493, 494, and 495

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

#### INTER-OFFICE CORRESPONDENCE

MAY - 9 2003 ZONING COMMISSIONER

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

144 Hopkins Road

**INFORMATION:** 

**Item Number:** 

03-480

**Petitioner:** 

Sean Ryan Swift

Zoning:

DR 10.5

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an open projection deck to have a rear yard setback of 30 feet in lieu of the minimum required 37.5 feet.

Prepared by:

**Section Chief:** 

AFK/LL:MAC:



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pederson, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.1.03

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 480

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Dear. Ms. Hart:

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,

Menneth A. McDonald Jr., Chief Engineering Access Permits Division

### Saul & Marguerite Sonneborn 142 Hopkins Rd. Baltimore, MD 21212

April 18, 2003

To Whom It May Concern,

Saul Sonneborn and I are the owners of 142 Hopkins Rd. Our neighbors, Sean and Nicole Swift, have discussed with us their plan to construct a deck behind their home at 144 Hopkins Rd. and the requirement to seek approval of those plans from Baltimore County. We fully support their request and have no objections.

Sincerely,

Marquente Sonneborn

P01

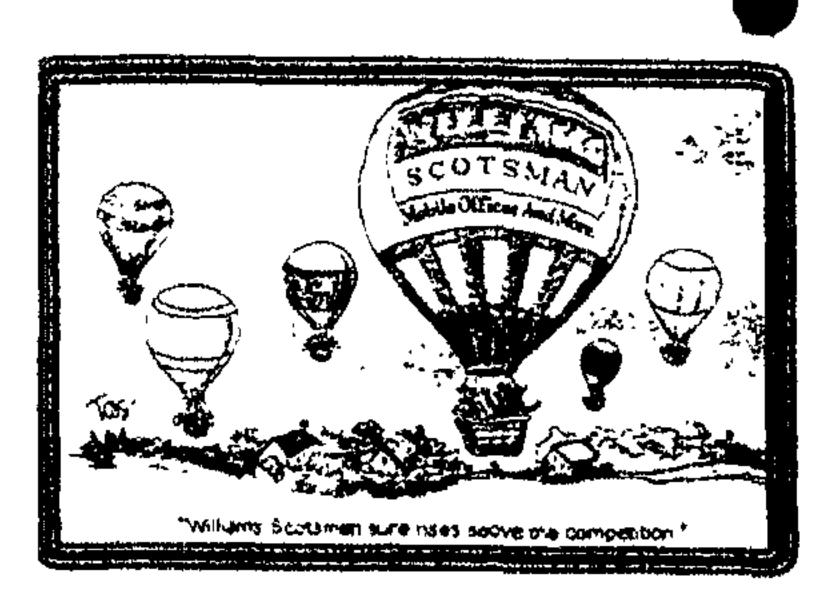
\*\*\*\*\*\* ACTIVITY REPORT \*\*\*\*\*

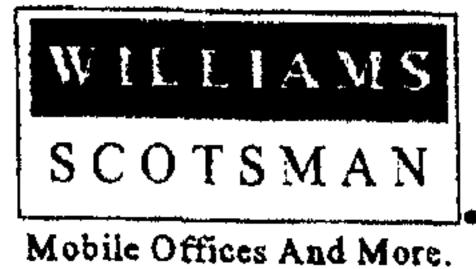
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#### TRANSMISSION OK

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CONNECTION ID
START TIME 05/21 15:28
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PAGES 3
RESULT OK

Post-it® Fax Note 7671	Date 5/2 # of pages 3
TO SAN DUVALL	From ZONING
Co /Dept	co. comm. OFC.
Phone # /	Phone #
Fax # 410-377-460	Fax #





Information Services Department 8211 Town Center Drive Baltimore, Maryland 21236 (410) 931-6000 Fax: (410) 931-6063

### FAX TRANSMITTAL

Attention: MR Tim Kotrano
Company: BALTMORE LOUNTY ZONING COMMISSION
Phone Number: 410-857-4326 Fax Number: 410-867-346
From: SEAN 12. SWIET
Phone Number: (410) 933-5980 (11. 410-913-8574
# pages (including cover page) 2
Date: 5-15-03
Message to Recipient:
Thank you for speciety with me and taking
This drawing into consideration. Also, I apologies if
= pelled pour name incorrectly
The country
If there is a problem receiving this transmission, please call:
S. Swift Telephone Number: (410) 933-5485 (Operator Sending Message)

03-480-AV 6/12/03 cls.

#### Duvall, Charles

01/2

To: Tim Kotroco

887-3468

From: Jean Duvall

FAX - 410-377-4606, TEL. 410-377-4541

Re: Case 03-480A Sean & Nicole Swift

144 Hopkins

Baltimore, Md 21212

Here is another example of a person requesting a variance of a structure and not including all of what they intend to erect. The house next to the Swift's property is an example. The Architectural Committee has no problem with the 19' across and 11' out IF it includes the steps as we have shown. They can be placed anywhere within the structure itself. It is also extremely important in this particular case that the Opinion include "No structure to be built above or below the open deck". We are almost positive that he wants to enclose it in some fashion at a later date either above or below or both. It is 5 1/2' to 6' above ground level—and he thinks he will do the work himself. The entire area below is already paved but it would not need the rodent wire because of the existing conditions of height.

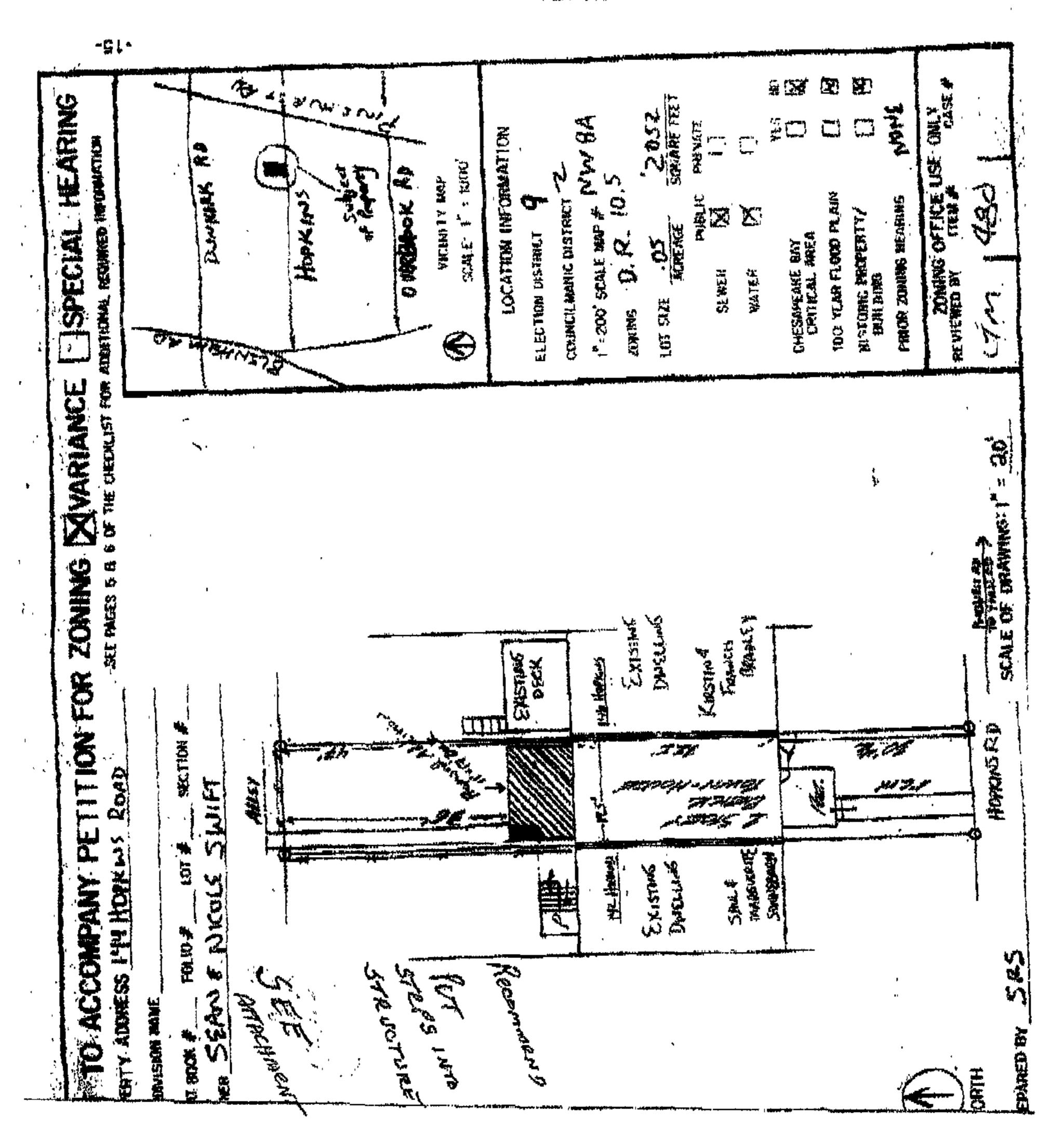
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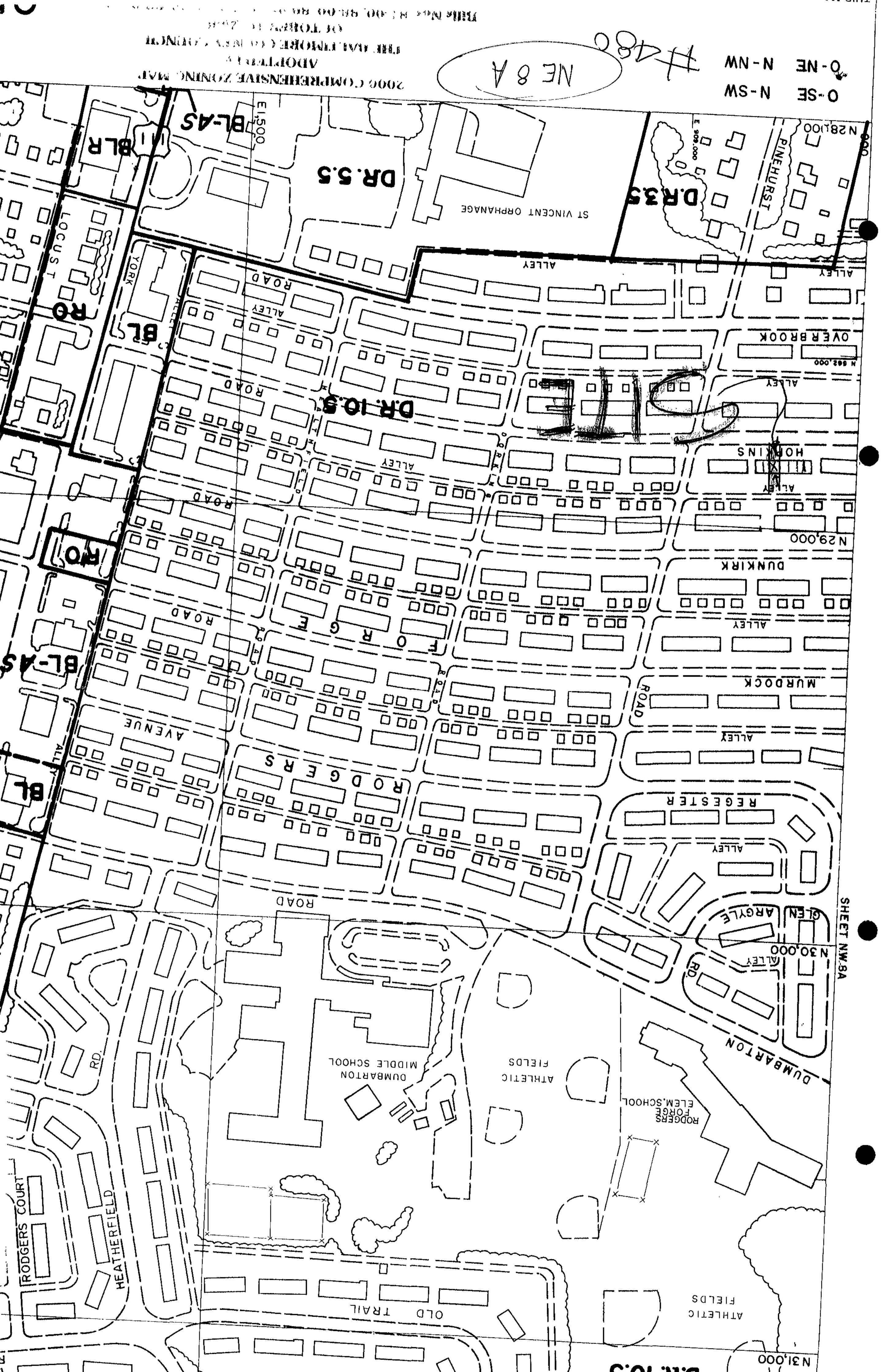
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# Affidavit in Support of Administrative Variance

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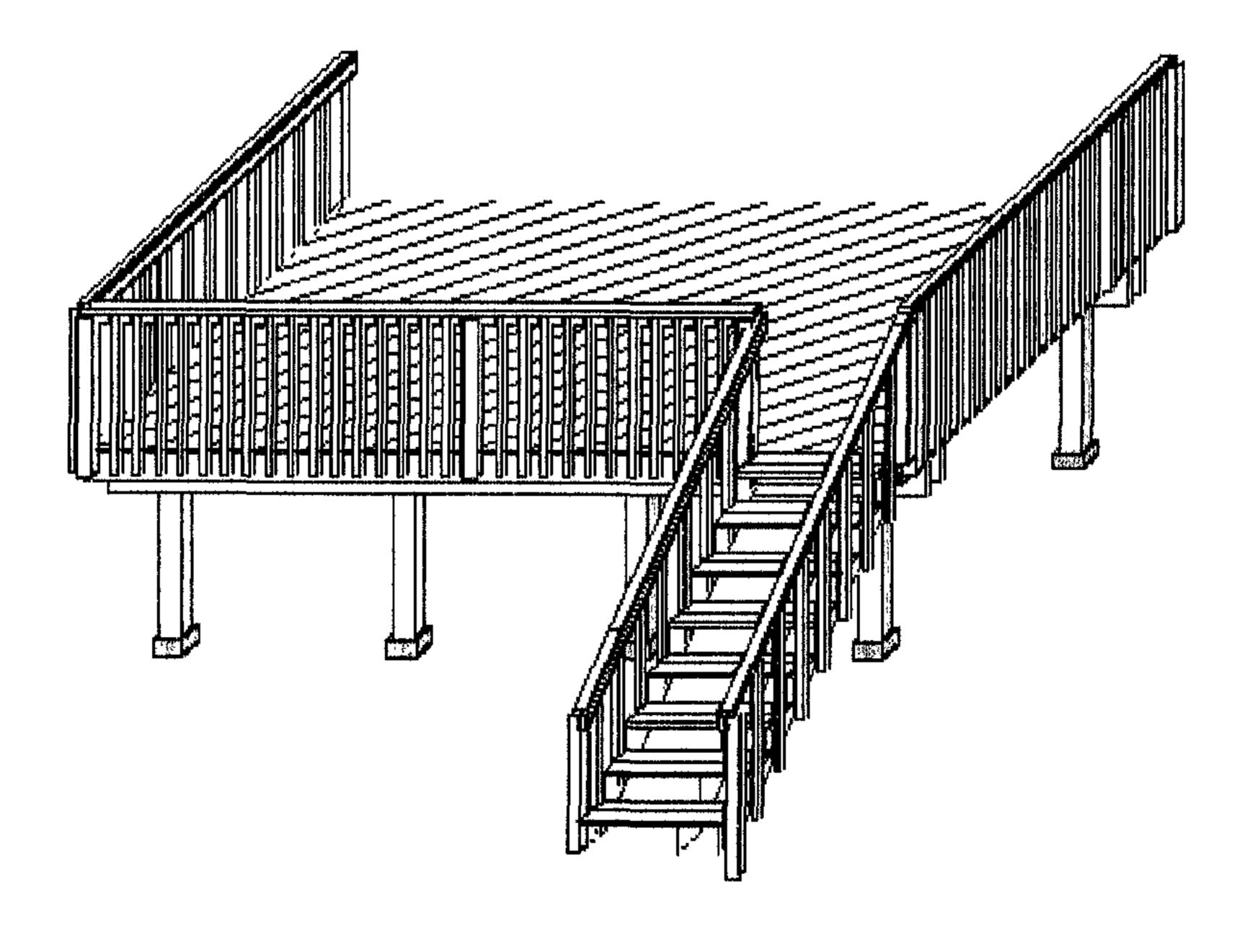
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SPECIAL HEARING FOR ADDITIONAL REQUIRED INFORMATION  ADDITIONAL REPORT ADDITIONAL REQUIRED INFORMATION  ADDITIONAL REPORT ADDITIONAL REQUIRED INFORMATION  ADDITIONAL REPORT ADDITIONAL	ACCOMPANY PETITION FOR ZONING XVARIANI DDRESS 144 HOPK WS ROAD  SEE PAGES 5 & 6 OF THE CHECKLIST  NAME  FOLIO# SECTION #  EARLY & NICOLE SWIFT  AMESY  AMESY	PLAT TO PROPERTY A SUBDIVISION PLAT BOOK A OWNER 5



Lowe's Project Design System, Store 0691, Store 0691 Mon Apr 07 13:15:02 2003 The materials in this deck will cost \$9

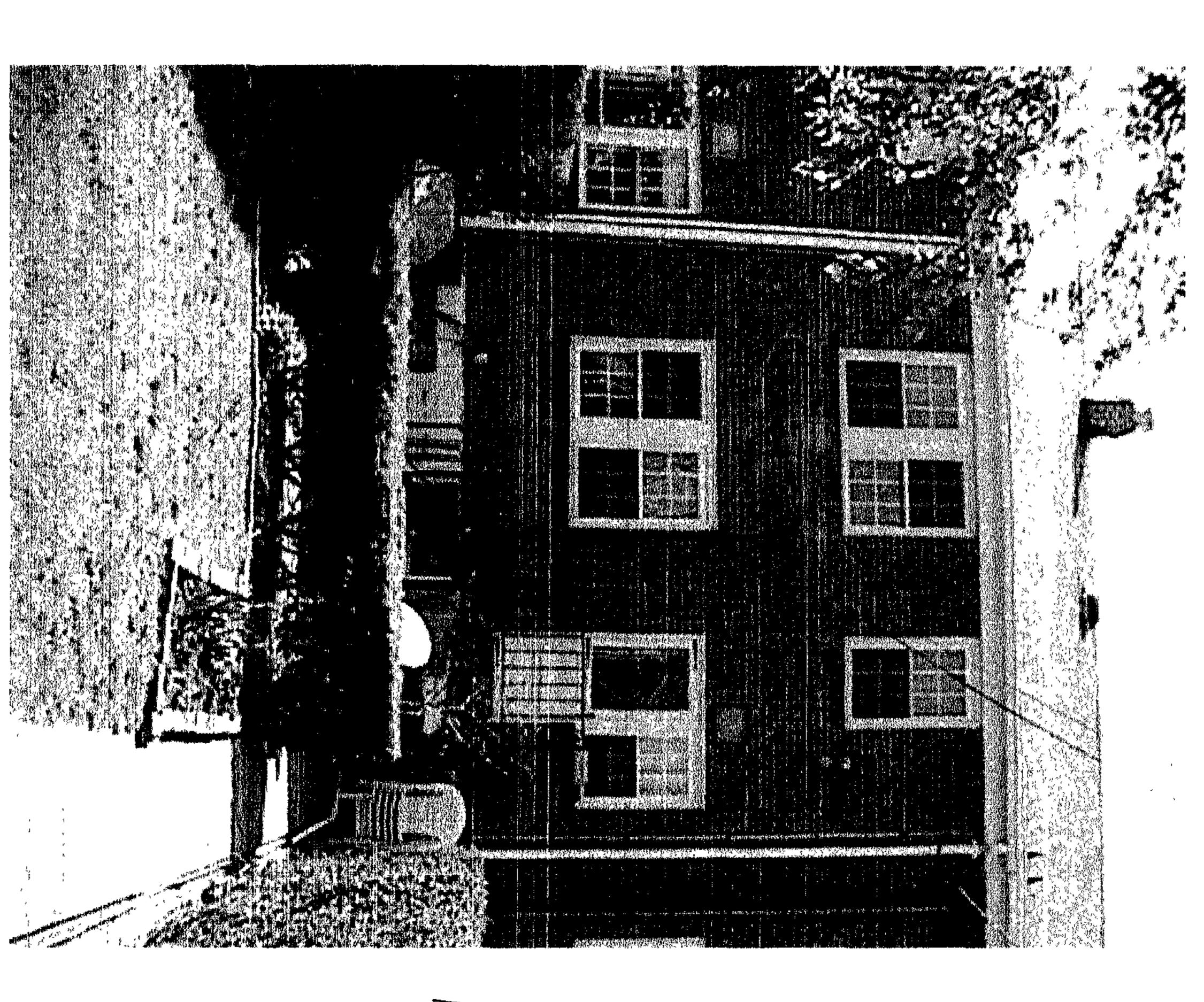
File saved as: untitled.DEK

3D View



#480

The purpose of this view is to provide a three dimensional view of the deck. Have this checked by a qualified professional or building inspector. A complete Project Package includes a Plan View, Dimensioned Plan View, Post Layout View, 3D View and a Materials list. Please consult your local building department for your code requirements and nailing techiques



142 Hoxins

April 23, 2003

To whom it may concern,

My husband and I live at 146 Hopkins Road, next to the Swift residence. We do not object to Nicole and Sean Swift's plans to build a deck on the back of their house.

Sincerely,

KULLUN Bradley

Kirsten Bradley

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