IN RE: PETITION FOR ADMIN. VARIANCE W/S of Burton Avenue, 510' S of W. Seminary Avenue

8th Election District

3rd Councilmanic District

(1430 Burton Avenue)

Tricia & Kevin Smith **Petitioners** 

BEFORE THE

ZONING COMMISSIONER \*

\* OF BALTIMORE COUNTY

CASE NO. 03-497-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Tricia and Kevin Smith. The variance request is for property located at 1430 Burton Avenue in the Lutherville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit a proposed addition with a side yard setback of 5 ft. in lieu of the minimum required side yard setback of 10 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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

A share of the state of the sta  compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

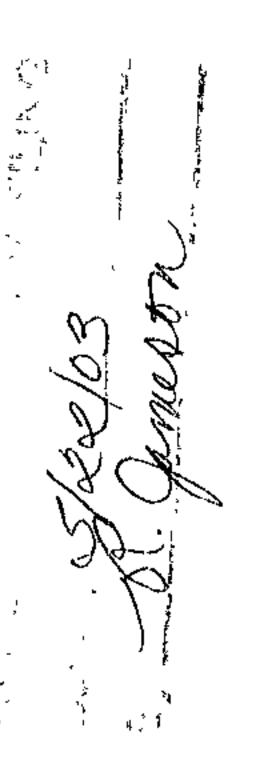
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

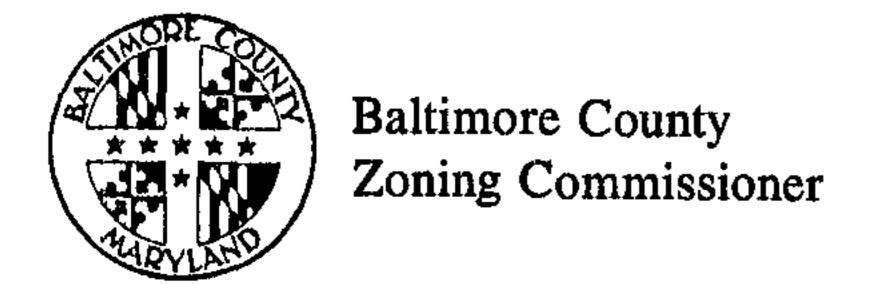
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of May, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit a proposed addition with a side yard setback of 5 ft. in lieu of the minimum required side yard setback of 10 ft, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj





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

Fax: 410-887-3468

May 22, 2003

Mr. & Mrs. Kevin Smith 1430 Burton Avenue Lutherville, Maryland 21093

Re: Petition for Administrative Variance Case No. 03-497-A

Property: 1430 Burton Avenue

Dear Mr. & Mrs. Smith:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj
Enclosure



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1430 Burton Avenue which is presently zoned DR 5,5

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) 1802, 3.C.1, BCZR to permit a proposed addition with a side yard setbade of 5 feet in lieu of the minimum required side yard setbade of 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are to the subject of this F	the legal owner(s) Petition.	of the property which
Contract Purchaser	/Lessee:		Legal Owner(s):		
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Signature			Signature Kevin Sm	14~	······································
Address		Telephone No.	Name - Type or Print	1 7 7 ~	<del></del>
City	State	Zip Code	Signature		470-337-076
Attorney For Petitio	ner:		Address Little	on Are	410,746-8289 Telephone No 21093
Name - Type or Print		<del></del>	City	State	Zip Code
Signature	<del></del>		<u>Representative t</u>	o be Contacte	<u>d:</u>
Company	<del></del>		Name	<del></del>	<del></del>
Address		Telephone No	Address		Telephone No
Pity 3	State	Zip Code	City	State	333/3 2 2
Public Hearing having be day of regulations of Baltimore Coun		at ide subject maner of t	required, it is ordered by the his petition be set for a public	nearing, advertised,	as required by the zoning .
	03-497-	- <b>1</b>		ssioner of Baltimore	
CASÉ NO.	~~~ ( 1 / <sup></sup>	/† Rev	iewed By	Data U ()	J / NA 1

**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	1430 Burton Avenue Address	
	Luth-enville MD  State	2/093 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ing are the facts upon which I/we base the representation of practical difficulty):	equest for an Administrative
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Signature	Signature	· · · · · · · · · · · · · · · · · · ·
Tricia Smith	Ju 16- Som	
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMO	ORE to wit	• • • • • • • • • • • • • • • • • • •
of Maryland, in and for the County aforesaid, personal tricia Smith and Kevin	onally appeared,,,	a Notary Public of the State
the Affiant(s) herein, personally known or satisfac		
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	Notary Public	ن.
	Notary Public  My Commission Expires	سے دردیے کے سے
	IVIY COMMISSION EXPIRES //	

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	1430 Bu Address	rton Au	, enue	··-
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That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the facts u	pon which		•
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Tricia Smith	K	<u> </u>	mith	
Name - Type or Print	Nai	me - Type or	Print	
			• <del></del>	
STATE OF MARYLAND, COUNTY OF BALTIN		-4		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally appeared		<u>년3</u> , before me,	a Notary Public of the State
Tricia Smith and Kew	<del></del>			
the Affiant(s) herein, personally known or satisfa	actorily identified to n	ne as such	Attiant(s).	
AS WITNESS my hand and Notarial Seal				
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	My Commi	ission Expi	res Nove	when 1, 2005
	-	•	-	•



REV 10/25/01

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	1430	Burton	Avenue		
_ <b>-</b> .		ntly zone	-	-	

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) 1BD2, 3.C.1, BCZR to permit a proposed addition with a side yard setback of 5 feet in lieu of the minimum required side yard setback of 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.

i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			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	· <del>····································</del>	<del>*</del>	Name - Type or Print	<u>tn</u>		
Signature		<del>-</del>	Signature		——————————————————————————————————————	
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City	State	Zip Code	Signature	<del></del>	410-337-076	
Attorney For Petition	<u>1er:</u>		Address Burton	Are	Telephone No.	
Name - Type or Print	<del></del>	<del></del>	-LUthervalle City	MAD State	Zip Code	
Signature	^- <del></del>		Representative to be	Contacted:		
Company	······································	<del></del>	Name			
Address	<del></del>	Telephone No	Address	· <u></u>	Telephone No	
City	State	Zip Code	City	State	Zip Code	
A Public Hearing having beathus day of regulations of Baltimore Count	, II	iat the subject maiter of t	required, it is ordered by the Zor his petition be set for a public hear	ning Commissioner ng, advertised, as re	of Baltimore County, equired by the zoning	
CASE NO.	3-497-	A Rev	Zoning Commission  iewed By	er of Baltimore Cou	nty	

**Estimated Posting Date** 

Zoning description for 1430 Burton Avenue, Lutherville, MD 21093

Beginning at a point on the West side of Burton Avenue which is 50' wide at the distance of 510 feet south of the centerline of the nearest improved intersecting street Seminary West which is 50 feet wide. Containing 13,740 square feet.

As recorded in Deed Liber 7941, folio 365. Also known as 1430 Burton Avenue and located in the 8<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

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S. 2.75 degrees W. 60 feet

S. 87.25 degrees E. 229 feet

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# CERTIFICATE OF POSTING

E: Case No.: 03-497-A
Petitioner/Developer:
Tricia + Kevin Smith
Date of Hearing/Closing: 5/19/03
•
•

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 1430 Burton Avenue

Lutherville, MD 21093

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2003
fonth, Day, Year)
Sincerely,  Mach Mardner 5/2/13
(Signature of Sign Poster and Date)  Stacy Gardner
LOS COMPETITIVE GOALS DR.
ELDERSRIPAddues 21784

(City, State, Zip Code)

### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 03- 497 -A Address 1430 Burton Avenue	
Contact Person: <u>Jeffrey Perlow</u> Phone Number: 410-887-33	391
Filing Date: 4/22/03 Posting Date: 5/4/03 Closing Date: 5/9	
Any contact made with this office regarding the status of the administrative variance should through the contact person (planner) using the case number	be
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on reverse side of this form) and the petitioner is responsible for all printing/posting costs reposting must be done only by one of the sign posters on the approved list and the petitions again responsible for all associated costs. The zoning notice sign must be visible on property on or before the posting date noted above. It should remain there through the closidate.	Any ner the
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to a formal request for a public hearing. Please understand that even if there is no for request for a public hearing, the process is not complete on the closing date.	file mal
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zon commissioner. He may (a) grant the requested relief, (b) deny the requested relief; or order that the matter be set in for a public hearing. You will receive written notificat (typically within 7 to 10 days of the closing date) as to whether the petition has been grant denied, or will go to public hearing. The order will be mailed to you by First Class mail	(c)
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hear (whether due to a neighbor's formal request or by order of the zoning or deputy zon commissioner), notification will be forwarded to you. The sign on the property must changed giving notice of the hearing date, time and location. As when the sign was original posted, certification of this change and a photograph of the altered sign must be forwarded this office.	inğ be ally
Delice AN 130 m 40	
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 03- 497 - Address 1430 Burton Avenue  Petitioner's Name Tricia & Kevin Smith  Telephone 4/0-337-0768.	
Petitioner's Name Tricia & Kevin Smith  Posting Date: $5/4/03$ Closing Date: $5/9/03$ Closing Date: $5/9/03$	ē (()
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lieu of the minimum required side yard set back of 10 feet.	
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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 19, 2003

Kevin Smith
Tricia Smith
1430 Burton Avenue
Lutherville MD 21093

Dear Mr. and Mrs. Smith:

RE: Case Number: 03-497-A, 1430 Burton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 22, 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.

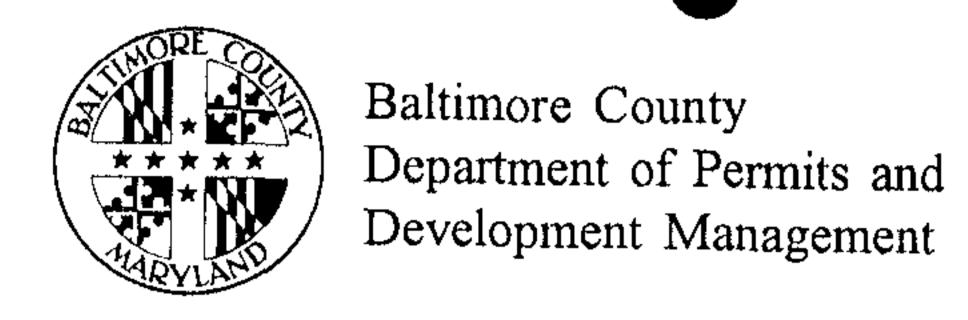
Supervisor, Zoning Review

And the state of t

WCR:klm

Enclosures

c: People's Counsel



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

June 25, 2003

Kevin and Tricia Smith 1430 Burton Avenue Lutherville, MD 21093

Dear Mr. and Mrs. Smith:

RE: Spirit and Intent, Case #03-497-A, 1430 Burton Avenue, 8th Election District

Your recent letter to the director was forwarded to me for reply. Based on the information provided therein, my review of the available zoning records and after consultation with Carl Richards, Zoning Review Supervisor, the following has been determined:

- 1. In the absence of any opposition to the variance granted relative to the above referenced case, the proposed red-lined modification to the site plan in said case is approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR).
- 2. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.
- 3. This letter must be referenced at the time of building permit application and review.
- 4. A copy of your letter, this response and the red-lined 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,

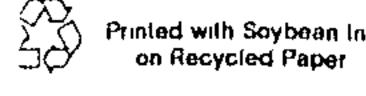
Jeffrey N. Perlow Jeffrey N. Perlow

Planner II

Zoning Review

JNP

c: Zoning Hearing File 03-497-A File-Spirit & Intent Letters





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.5.03

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

RE:

**Baltimore County** 

Item No. 497

JHP

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,

~

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



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 May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5, 2003

Item No.:

497-504, 506-511

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

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY - 6 2003 ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 03-497 and 03-498 Administrative Variances

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.

AFK/LL:MAC

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For May 12, 2003— Item Nos. 496, 497, 498, 501, 502, 503, 504, 505, 508, 509, and 511

RECENTARY 13, 2003

MAY 2 1 2003

ZONING COMMISSIONER

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

RWB:CEN:jrb

cc: File

Received 6/20/03 (Fre 7/9/03)
5+I
6/19/3

June 18, 2003

Kevin and Tricia Smith 1430 Burton Avenue Lutherville, MD 21093

Timothy Kotroco Director Permits & Development Management 111 West Chesapeake Ave Towson, MD 21204

Re.

Spirit of Intent Letter

Case No. 03-497-A

Dear Mr. Kotroco:

Please find the enclosed revised Plat for the zoning variance for case no. 03-497-A.

I hope this is within the "Sprit of Intent Letter" of the original accepted variance. Please note the changes highlighted.

Should you have any questions, please do not hesitate to contract me.

Sincerely,

Kevin Smith

Tricia Smith

JUN 19 2003

O3-2108

DEPT. OF PERSONS AND DEVELOPMENT MAN TO FINANCE PROPERTY.

Robert L. Ehrlich, Jr.

Michael S. Steele

11. Governor



May 12, 2003

Andrey E. Scott
Secretary

Florence E. Buctan
Deputy Secretary

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, 05/12/03 re; case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. 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

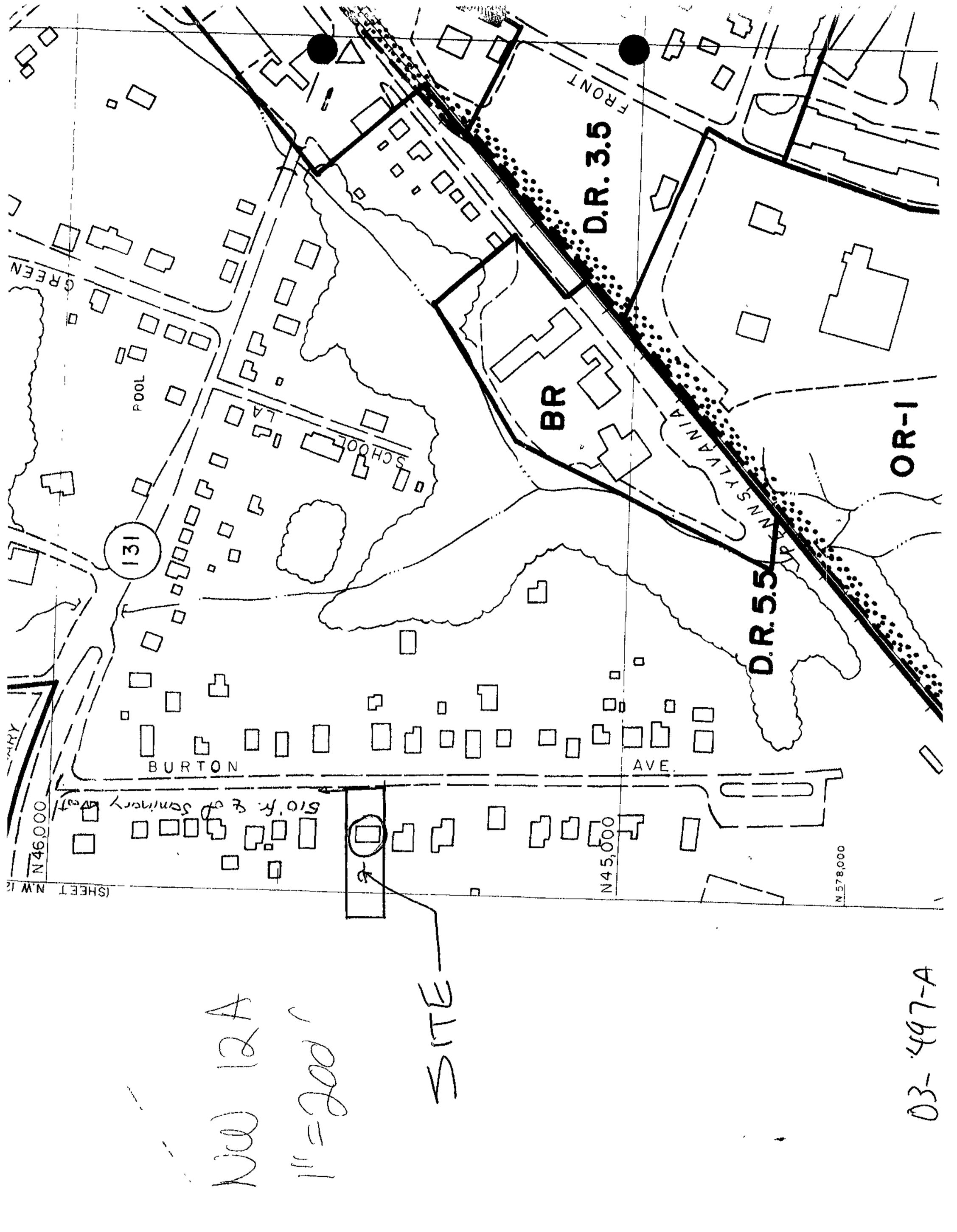
Metropolitan Planning

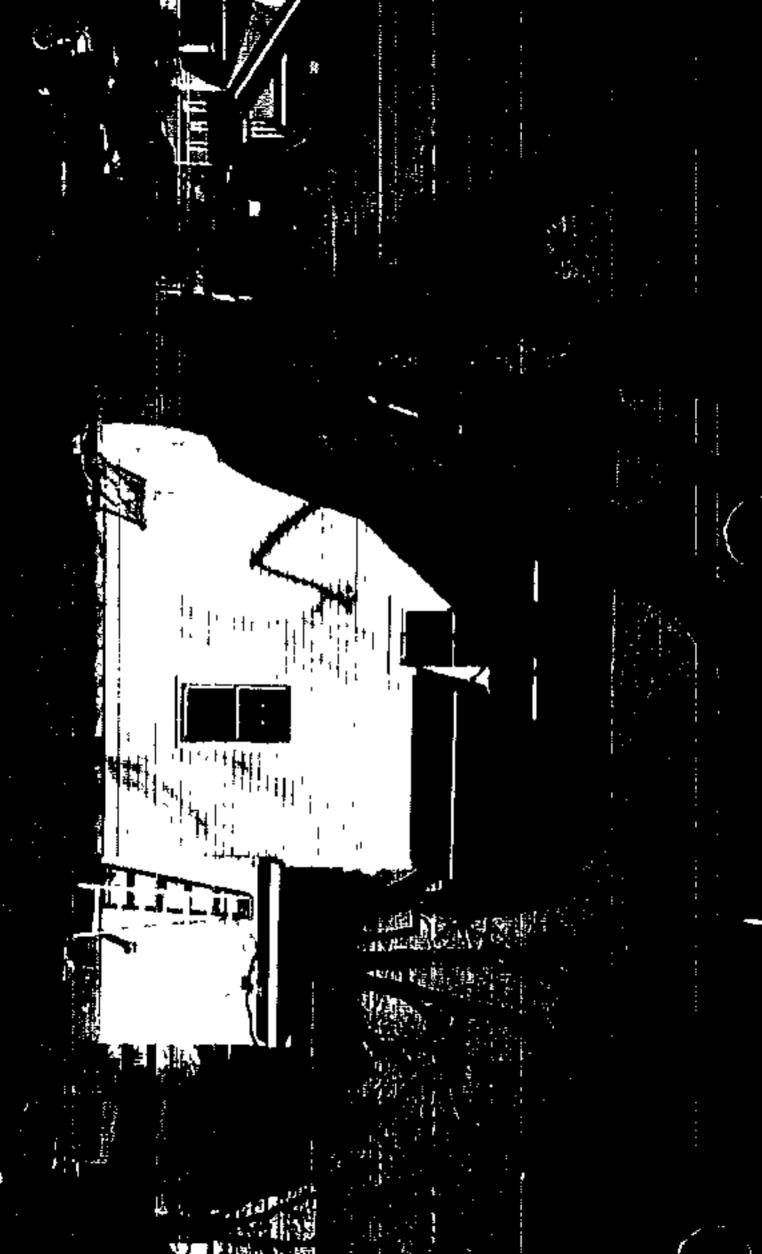
Planning Services

cc: Mike Nortrup

SPECIAL HEARING 2区 ONLY CASE # Ø 12 A REQUIRED INFORMATION NOU PRIVATE SOUTH F LOCATION INFORMATION = 1000 SCALE MAP # NW USE COUNCIL MANIC DISTRICT OFFICE ( PUBL IC 100 YEAR FLOOD PLAIN PRIOR ZONING HEARING VICINITY X Z HISTORIC PROPERTY, BUILDING ACREAGE 31.15 ELECTION DISTRICT SCALE. BAY 245 ZONING REVIEWED BY CHESAPEAKE SEWER WATER THE CHECKLIST FOR ADDITIONAL SIZE 1"= 200 ZONING VARIANCE , <sub>D</sub> O CO Ø DRAWING ZONING œ \$ SEE PAGES grown gar. QF. SCALE FOR S. Sandan ريي. <u>S</u> -2" SECTION Standarding the standard of th D. DENAN. 8 5 ) ACCOMPANY "EELLY" 03209009 0007,004 16x Pl 1430 X62 \* 1 NOOH FOLIO S 负。 ADDRESS 4 ⟨₽⟩ PP1/\* SUBDIVISION NAME PLAT BOOK # 公田 OWNER PREPARED PLAT NORTH

-C.





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back of property

1430 Butoware Luthoralle, NO 21023 03-497-14



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1430 Burton Are morne we 21093 D3~497-4