IN RE: PETITION FOR ADMIN. VARIANCE S/S S. Tyrone Road, 331' E centerline of N. Tyrone Road 9th Election District 5th Councilmanic District

> Deborah A. & Stephen B. Awalt Petitioners

(207 S. Tyrone Road)

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-526-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Variance filed by Deborah A. and Stephen B. Awalt, legal owners of that property known as 207 S. Tyrone Road in the Armagh Village area of Baltimore County. The Petitioners herein seek relief from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 20 ft. for an addition and 12.5 ft. for an open enclosure (deck) in lieu of the required 30 ft. and 22.5 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

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

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

6/4/03 Enesson 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.

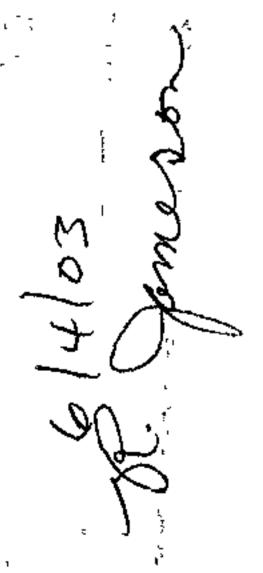
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of June, 2003, that a variance from Sections 1B02.3.C.1 and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 20 ft. for an addition and 12.5 ft. for an open enclosure (deck) in lieu of the required 30 ft. and 22.5 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

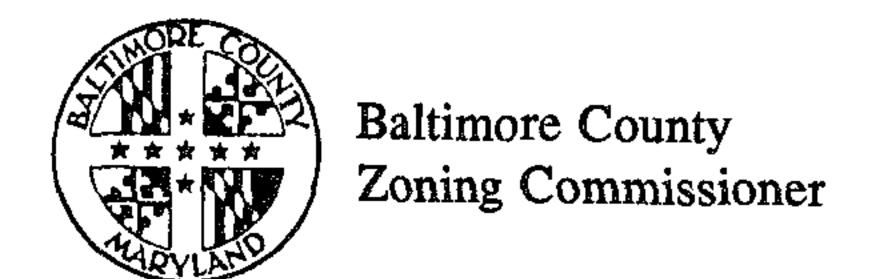
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

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

June 4, 2003

Mr. Stephen Awalt 409 Washington Avenue, Suite 420 Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 03-526-A

Property: 207 S. Tyrone Road

Dear Mr. Awalt:

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

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

Reviewed By BR Date 5/5/03

Estimated Posting Date _____ 5/18/63

| for the property located at _ | 207 S. Tyrone Road | |
|-------------------------------|-------------------------|--|
| which is | s presently zoned DR5.5 | |

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.C.1 and 301.1A +0

permit a rear yard setback of 20 ft. for an addition and 12,5 ft, for an open enclosure (deck) in lieu of the required 30ft, and 22.5 ft. respectively.

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

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

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

| | | | perjury, that I/we are is the subject of this | e the legal owner(s) of the Petition. | the property which |
|---------------------------------------|---------------------------------------|----------------------|---|---------------------------------------|------------------------------|
| Contract Purchase | r/Lessee: | | <u>Legal Owner(s)</u> | <u>.</u> | |
| Name - Type or Print | | | Stephen B. | Awalt | |
| | | | Name - Type or Print | | |
| Signature | ···· | | Signature | | |
| Address | | Tolombono No | Debőrah A. | <u>Awalt</u> | |
| , , , , , , , , , , , , , , , , , , , | 1 1 | Telephone No. | Name - Type or Print Deborah | 11-11- | |
| City | State | Zip Code | Signature | TIWALI | |
| Attorney For Petitic | oner: | | 207 S. Tyro | ne Road | 410-377-9238 Telephone No |
| | | | Baltimore, | MD | 21212 |
| Name - Type or Print | | | City | State | Zip Code |
| | | | Representative | to be Contacted: | |
| Signature | | | | | |
| <u> </u> | · · · · · · · · · · · · · · · · · · · | | Stephen Awa | <u>alt</u> | |
| Company | | | Name | | |
| Address | | Telephone No. | | gton Ave. #42 | |
| | | relephone Mg. | Address | 175 | Telephone No. |
| City , 1 | State | Zip Code | Towson | MD | 21204 |
| 3 | | · | City | State | Zip Code |
| A Public Hearing having the | een formally demande | d and/or found to be | required, it is ordered by | the Zoning Commissione | r of Baltimore County, |
| egulation of Baltimore Cou | inty and that the property | be reposted. | his petition be set for a publ | ic nearing, advertised, as | required by the zoning |
| | | | | | |
| 120 | - | | | | |
| 13 | | | Zoning Comi | missioner of Baltimore Co | untv |

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.

| competent to testify thereto in the event that a p | ublic nearing is | s scneaulea in tr | ne future with regard thei | eto. |
|--|-------------------------------------|---------------------------------|----------------------------|----------------------|
| That the Affiant(s) does/do presently reside at | | S. Tyrone | Road | |
| | Address Balti | imore | MD | 21212 |
| | City | rmore | State | Zip Code |
| That based upon personal knowledge, the followariance at the above address (indicate hardship) | wing are the fa p or practical o | acts upon which lifficulty): | l/we base the request t | or an Administrative |
| See Attac | hed | | | |
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| That the Affiant(s) acknowledge(s) that if a foradvertising fee and may be required to provide a | ormal demand additional infort | is filed, Affiant mation. | (s) will be required to | pay a reposting and |
| 18/12 | | | ah Atwalf | |
| Signature/ Stephen B. Awalt | | | A. Awalt | |
| Name - Type or Print | | Name - Type or | | |
| STATE OF MARYLAND, COUNTY OF BALTIN | | | | |
| HEREBY CERTIFY, this 2 nd day of County aforesaid, per Stephen B. August. | . | \mathcal{L} | ©∄ before me, a Notai | |
| he Affiant(s) herein, personally known or satisfa | actorily identifie | d to me as such | n Affiant(s). | |
| AS WITNESS my hand and Notarial Seal | · · | | | _ |
| | 7 | - Com | DOCC | <u>Que</u> |
| | Nota | ry Public | | |

My Commission Expires ______

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 | 207 S. Tyrone Address | Road | |
|---|--|----------------------------------|-----------------------|
| | Baltimore | MD | 21212 |
| , | City | State | Zip Code |
| That based upon personal knowledge, the followariance at the above address (indicate hardsh | owing are the facts upon wip or practical difficulty): | hich I/we base the request f | or an Administrative |
| See Attache | ∍d | | |
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| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide | ormal demand is filed, Aff additional information. | iant(s) will be required to p | ay, a reposting and |
| In Bloom to the second | Del | soraha, Awalt | |
| Signaturé \ Stephen B. Awalt | | ah A. Awalt | |
| Name - Type or Print | Name - Ty | | |
| STATE OF MARYLAND, COUNTY OF BALTIN | - | ~ | |
| HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe | | <u>3003</u> , before me, a Notar | y Public of the State |
| Stephen B. Awalt ow the Affiant(s) herein, personally known or satisfa | _ | A. Awalt such Affiant(s). | <u> </u> |
| AS WITNESS my hand and Notarial Seal | | | |
| | Notary Public | in all | <u>.e_</u> |
| | MOLAL Y TOUR | | |

My Commission Expires ______ 6 / 3

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

for the property located at 207 S. Tyrone Road

to the Zoning Commissioner of Baltimore County

| | which is presently zoned $\frac{DR5.5}{}$ |
|---|---|
| made a part hereof, hereby petition for a Variance from Section | ts and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and on(s) 1802.3.C. and 301.1A +o permit |
| a rear yard setback of 20 ft. 1 | for an addition and 12.5 ft. for an |
| | of the required 30 H, and 22.5 ft, |
| ריין אבר ליאבוץ. of the zoning regulations of Baltimore County, to the zoning la of this petition form. | aw of Baltimore County, for the reasons indicated on the back |
| Property is to be posted and advertised as prescribed by the a i, or we, agree to pay expenses of above Variance, advertising, pos regulations and restrictions of Baltimore County adopted pursuant to | sting, etc. and further agree to and are to be bounded by the zoning |
| | 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: | <u>Legal Owner(s):</u> |
| Name - Type or Print | Stephen B. Awalt 410-377-9238 Name-Type of Print |
| Signature | Signature Deborah A. Awalt |
| Address Telephone No. | Name - Type or Print |
| City State Zip Code | Deborah Awalt Signature |
| Attorney For Petitioner: | 207 S. Tyrone Road 410-377-9238 Address Telephone No |
| Name - Type or Print | Baltimore, MD 21212 City State Zip Code |
| Signature | Representative to be Contacted: |
| Company | Stephen Awalt Name |
| Address Telephone No. | 409 Washington Ave. #420 410-296-0858 Address Telephone No. |
| City State Zip Code | Towson MD 21204 City State Zip Code |
| A Public Hearing having been formally demanded and/or found to be a his day of that the subject matter of the equiations of Baltimore County and that the property be reposted. | required, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing, advertised, as required by the zoning |
| | Zoning Commissioner of Baltimore County |
| CASE NO03-526-A Revi | iewed By BR Date $5/5/63$ |

Estimated Posting Date

Variance Petition Continuation page: Awalt-207 S. Tyrone Rd. Baltimore 21212

We are seeking and area variance because of the practical difficulty using the home as designed and built. The home was built in the early 1940's and no zoning regulations were in place at that time. The zoning regulations now require a 30' rear yard setback.

The lot itself is very small, only .134 acres or 5820 square feet, and the home has only one full bathroom for a family of five. Presently, much of the rear yard is consumed by a poorly-designed and constructed carport and garage (built by a prior homeowner 30 years ago-see photos). The current plan calls for the garage and car port to be demolished, and an additional bath, bedroom and family room to be constructed. (See rendering). The current 30' set back unreasonably restricts the intended use of the property as home for a growing family, and makes construction of needed facilities unduly burdensome.

The area variance would do substantial justice to us and the surrounding owners. The immediately adjacent homeowners know of the request and plans, and approve of same. The Armagh Village HOA has been advised, has no objections, and encourages the plan as it will tend to increase property values locally. The rear-facing neighbor, a church, has a parking lot that faces the entire length of the site. (See photos) The existing garage and car port already encroach on the 30' set back by 12.5 feet, and has done so in excess of 30 years. These improvements would be a minimal additional encroachment, (five feet) and would substantially improve the look of the property, the neighborhood, and usability of the property.

Several other structures in the neighborhood have been expanded to allow for an additional bedrooms, bathrooms, and decks. The two adjacent neighbors, along with many others, have substantial garages that are flush with the rear property line. (See photos).

The variance can be granted in a way that maintains the spirit of the regulations, and protects public health, safety and welfare. The aesthetics of the property will be improved; because there is no rear-facing neighbor, there will be no relevant interference with light and air rights. Utilities are all in the front, which will be undisturbed. Views from both sides and rear will be improved, and the neighborhood will retain its residential character, with enhanced property values.

Stephen B. Kwalt

Deborah A. Awalt

ZONING DESCRIPTION FOR 207 S. TYRONE ROAD

Beginning at a point on the south side of S. Tyrone Road which is 35 feet (22.5 feet paved) wide at the distance of 331 feet east of the centerline of the nearest improved intersecting street N. Tyrone Road which is 35 feet (22.5 feet paved) wide. Being Lot #52 in the subdivision of Armagh as recorded in Baltimore County Plat Book #12, Folio #102, containing 5,820 square feet. Also known as 207 S. Tyrone Road and located in the 9th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

PINK - AGENCY

WHITE - CASHIER

No. 23654

| • | | AMOUNT \$ 65,00 |
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| FOR: | | Jaconie |

YELLOW - CUSTOMER

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CASHIER'S VALIDATION

2

CERTIFICATE OF POSTING

RE: Case No.: 03-526-#

| | Petitioner/Developer: STEPHEN |
|--|---|
| | DEBORAH AWALT |
| | Date of Hearing/Closing: $\frac{6}{2}/\frac{3}{2}$ |
| caltimore County Department of ermits and Development Management county Office Building, Room 111 11 West Chesapeake Avenue cowson, Maryland 21204 | |
| TTN: Becky Hart {(410) 887-3394} | |
| Ladies and Gentlemen: | |
| This letter is to certify under the penalties of posted conspicuously on the property located | perjury that the necessary sign(s) required by law were at: |
| 207 3.7 | |
| | |
| The sign(s) were posted on | 5/17/03 (Month, Day, Year) |
| | (Month, Day, Year) |
| - | Sincerely, Signature of Sign Poster) (Date) |
| | SSG Robert Black |
| | (Print Name) |
| | 1508 Leslie Road |
| | (Address) |
| | Dundalk, Maryland 21222 |
| | |
| | (City, State, Zip Code) |
| | (City, State, Zip Code) (410) 282-7940 |

DEPARTMENT OF PERMITS AND DEVELOPION 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.

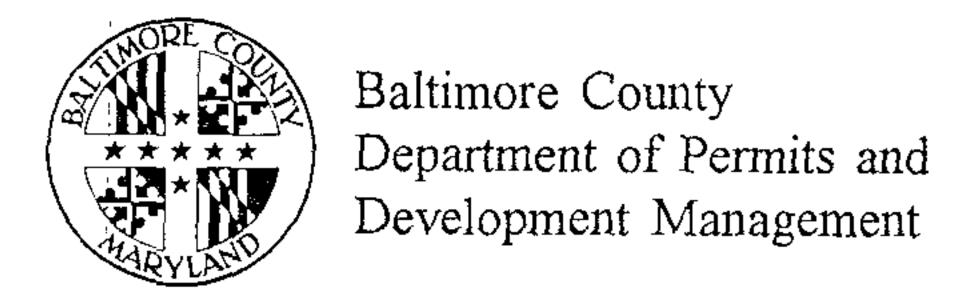
| For Newspaper Advertising: |
|--|
| Item Number or Case Number: 03-526- A |
| Petitioner STEPHEN & DEBORAH AWACT |
| Address or Location: 207. S.TGRONE RO BALDMONE MO. 21212 |
| PLEASE FORWARD ADVERTISING BILL TO. |
| Name TEPHEN B. AUDIT |
| Address 207 S. Tarrong Ro |
| BACIMONO MO |
| Telephone Number: 4/0 296 0858 |
| |

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case | Number | 03- | 526 | -, | A | Add | dress _ | <u>20</u> | 7 S | | Tyr | one | Ro | l, | |
|----------------------|----------------------------------|--------------------------------|--|------------------------------|----------------------------------|-------------------------------------|------------------------------|------------------------------|-----------------------------|---|---|--------------------------|----------------------------|-------------------------|--------------------------------|
| Conta | ct Persor | ገ: _ | | uho anner, Ple | Ruda ease Print Y | | <u></u> | , <u> </u> | | Ph | one N | Numb | er: 4 | 10-88 | 37-3391 |
| Filing | Date: _ | į. | <u> 5/5/03</u> |) | Р | osting D | ate: _ | 5/18 | 103 | | Clo | sing | Date | : 6 | /2/03 |
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| 2. | a formal | rec | The clos juest for public he | a pub | ilic hear | ing. Ple | ease u | ınderst | tand t | that | ever | า if tỉ | here | 00 fe is no | et to file formal |
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 2, 2003

Stephen Awalt Deborah Awalt 207 S. Tyrone Road Baltimore, MD 21212

Dear Mr. and Mrs. Awalt;

RE: Case Number: 03-526-A, 207 S. Tyrone Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 5, 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

u. Callabel

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 May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.:

512, 514-516, 518(526,)528-531

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.9.03

Baltimore County

Item No. 524

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

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.

RE:

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,

1

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

1. 1. And

6/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 19, 2003

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAY 2 0 2003 ZONING COMMISSIONER

RECEIVED

SUBJECT:

207 Tyrone Road

INFORMATION:

Item Number:

03-526

Petitioner:

Stephen B. Awalt

Zoning:

DR 5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a rear yard setback of 20 feet for an addition, and 12.5 feet for the construction of a deck in lieu of the minimum required 30 feet and 22.5 feet respectively.

Prepared by:

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 23, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

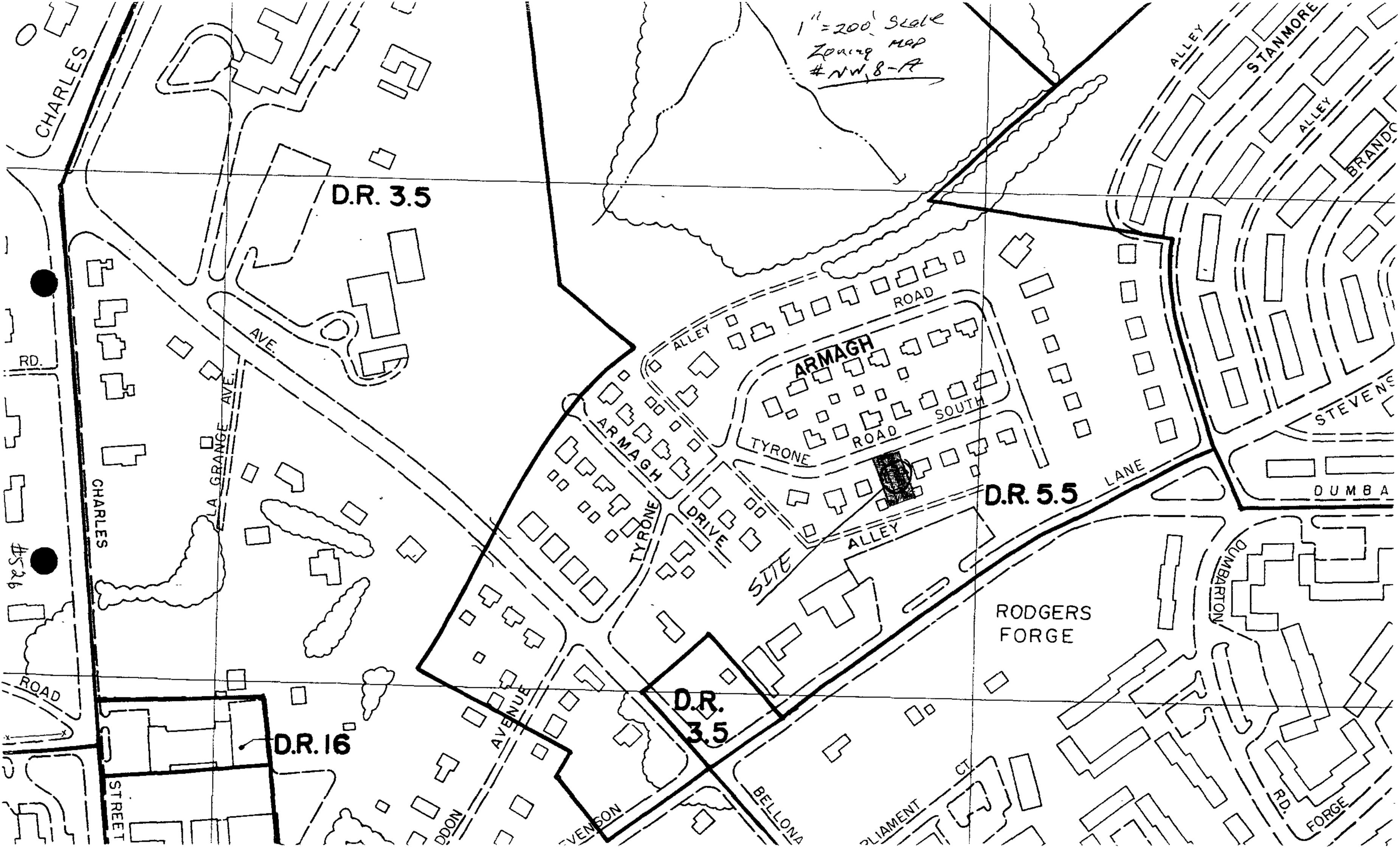
For May 19, 2003

Item Nos. 512, 514, 515, 516, 517, 518, 520, 521, 522, 524, 525, 526, 527, 528, 529, 530, and 531

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

RWB:CEN:jrb

cc: File





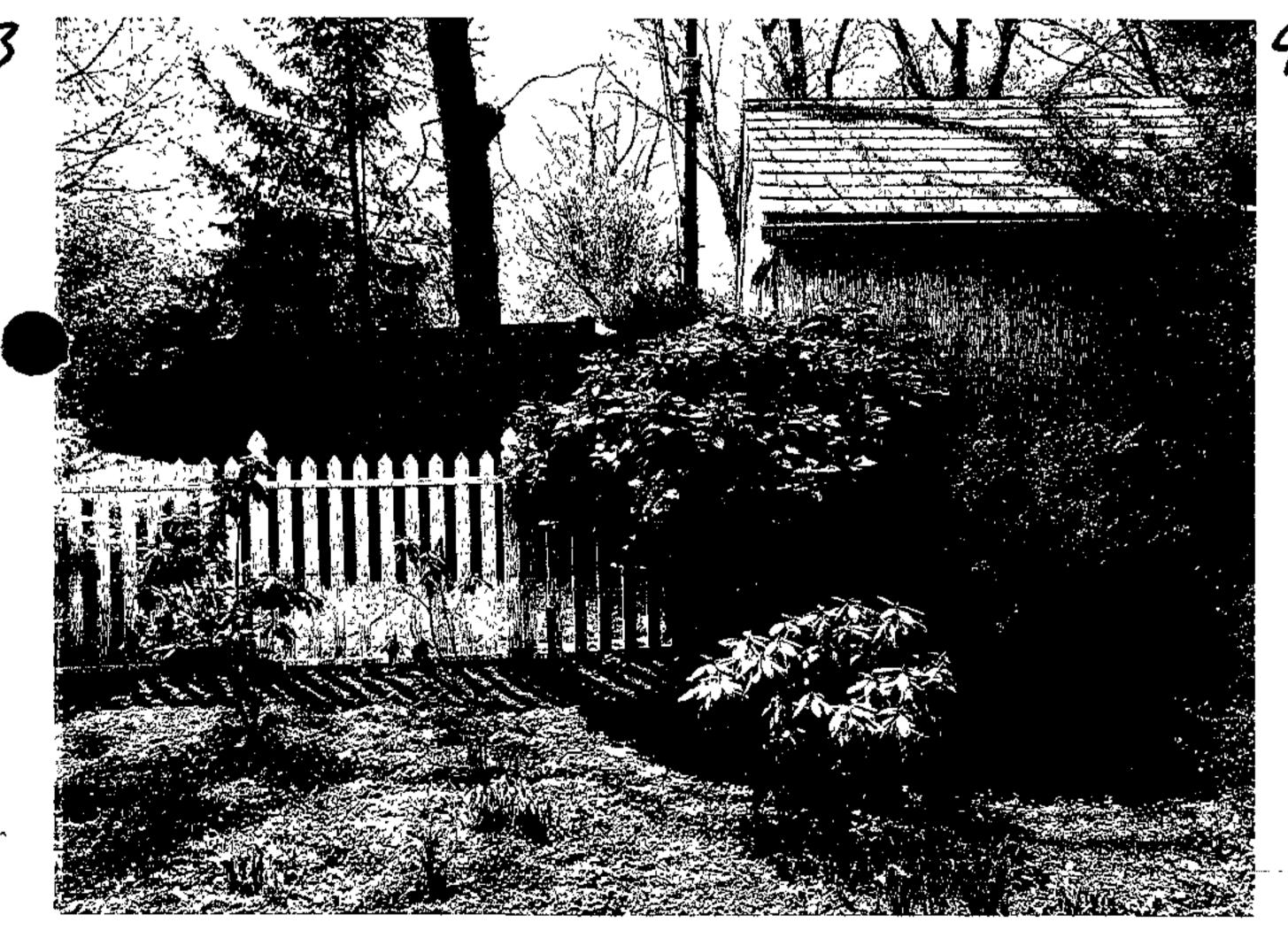
ELEVATIONS

INDEX TO PHOTOGRAPHS-207 S. Tyrone Variance

- 1. Rear yard, from rear porch, showing parking lot to Rodger's Forge United Methodist Church
- 2. Rear of home, showing existing car port and garage entry.
- 3. Lot line, shown by surveyor's stake, and garage lot 51, Barnes.
- 4. Lot line, approximately at the telephone pole, and garage, lot 53 Callanan.
- 5. Front of home, showing adjacent homes and S. Tyrone Road.
- 6. Existing car port and garage, to be demolished.
- 7. Rear yard, from parking lot at Rodger's Forge United Methodist Church.
- 8. Side yard to Lot 53, showing existing garage and addition.

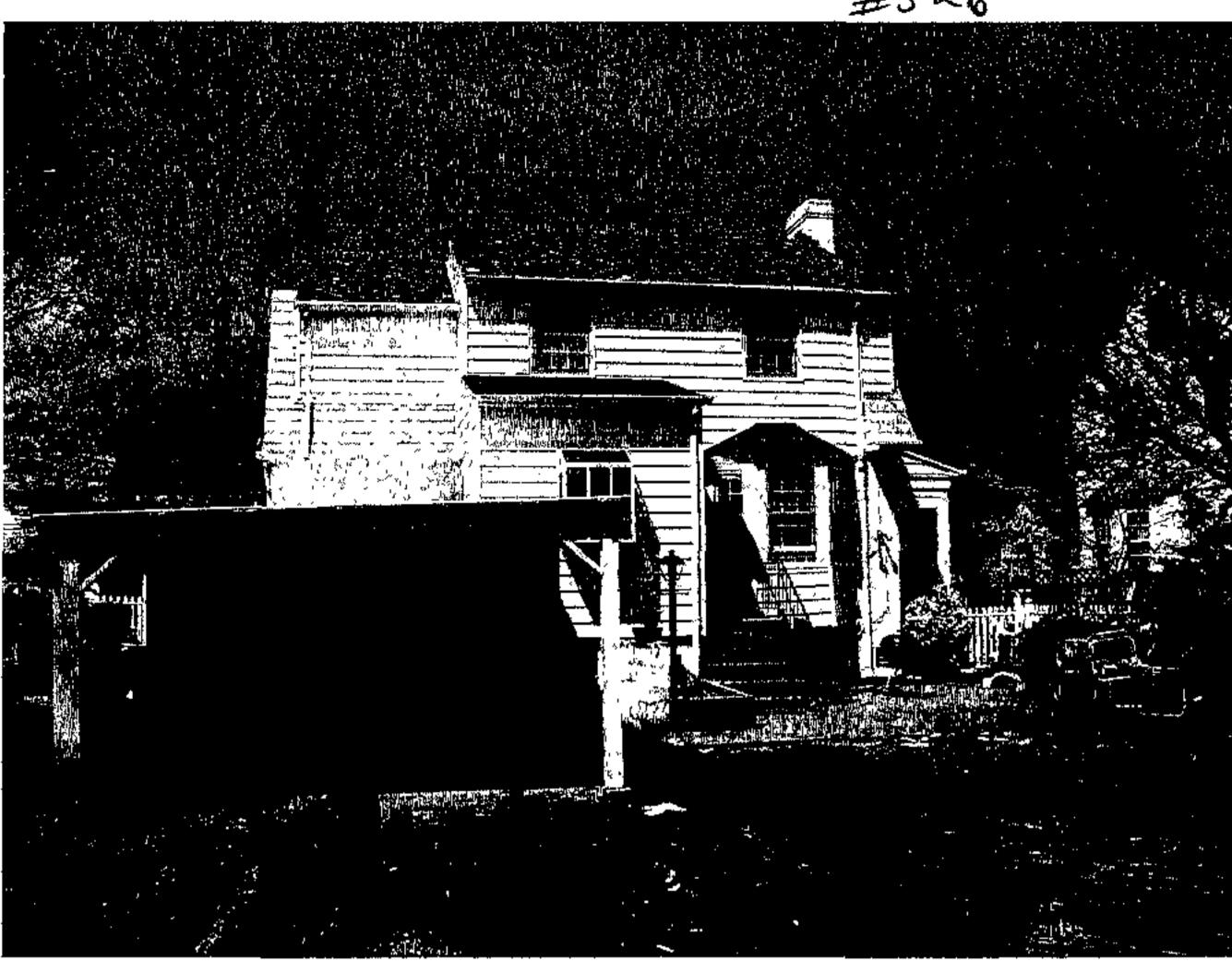
















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