

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Poplar Avenue, 1,630 ft. SW
of Old North Point Road
12th Election District
7th Councilmanic District
(7406 Poplar Avenue)

Glenn G. Fewster
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-570-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 owner of the subject property, Glenn G. Fewster. The variance request is for property located at 7406 Poplar Avenue in the eastern 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 and a proposed addition with side yard setbacks of 7 ft. and 4.5 ft., respectively, in lieu of the minimum required setback of 10 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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 Petitioner has 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

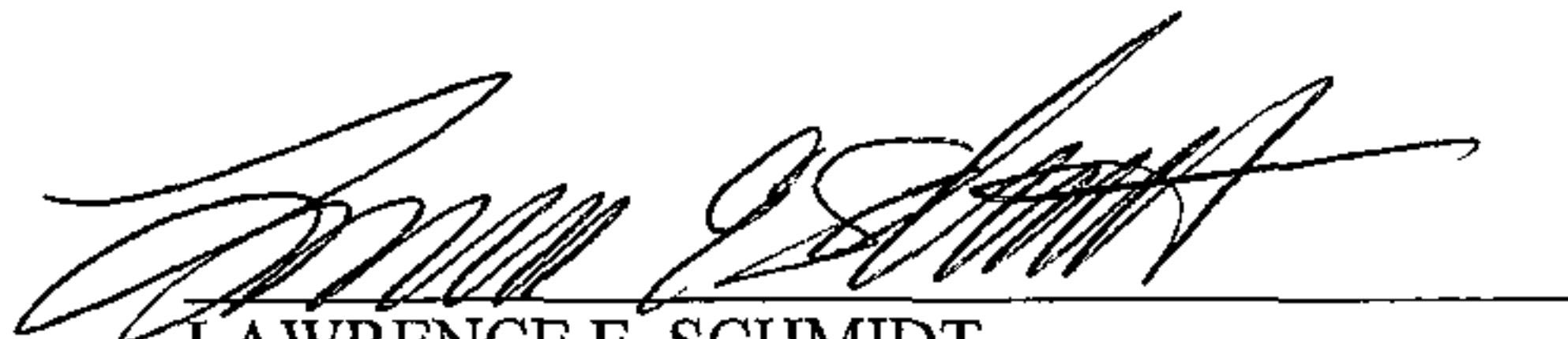
Date 2/8/03
By R. Fewster

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 8th day of July, 2003, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing dwelling and a proposed addition with side yard setbacks of 7 ft. and 4.5 ft., respectively, in lieu of the minimum required 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 Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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

2/8/03
R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 8, 2003

Mr. Glenn G. Fewster
7406 Poplar Avenue
Baltimore, Maryland 21224

Re: Petition for Administrative Variance
Case No. 03-570-A
Property: 7406 Poplar Avenue

Dear Mr. Fewster:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7406 Poplar Avenue - Balto., Md 21224
which is presently zoned DR 5.5

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) 1B02.3.C.1, BC2R, to permit an existing

dwelling and a proposed addition with side yard setbacks of 7 feet and 4.5 feet, respectively, in lieu of the minimum required 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.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Glenn G. Fewster

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

7406 POPLAR AVE. 410-282-8124
BALTO. MD. 21224

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 15 day of June, 2003, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO.

03-570-A

Reviewed By

JNP

Date

6/5/03

Estimated Posting Date

6/15/03

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 7406 Poplar Avenue
Address
Baltimore, Maryland 21224
City State Zip Code

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

1. On the south side of the property I would like to build in-line with the existing wall to give the building
 - A. An appearance of continuity that does not excessively alter architectural design. It conforms to the homes in the neighborhood.
 - B. Easy access to the backyard from the front street (8 feet wide)
2. On the north side of the property the ten foot by ten foot enclosed structure that comes within 4 1/2 feet of the property line.
 - A. To accommodate a hot tube so as to keep moisture out of the living areas of the home.
 - B. To secure said hot tub so no one can enter from the outside.
 - C. To create a recessed entry to the side of the home that provides privacy and security.

(ALSO SEE ATTACHED)

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Signature

Glenn G. Fewster
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Glenn G. Fewster
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Louis Bye
Notary Public

My Commission Expires 1/1/04

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 7406 Poplar Avenue
Address
Baltimore, Maryland 21224
City State Zip Code

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 - A. An appearance of continuity that does not excessively alter architectural design. It conforms to the homes in the neighborhood.
 - B. Easy access to the backyard from the front street (8 feet wide)
2. On the north side of the property the ten foot by ten foot enclosed structure that comes within 4 1/2 feet of the property line.
 - A. To accommodate a hot tube so as to keep moisture out of the living areas of the home.
 - B. To secure said hot tub so no one can enter from the outside.
 - C. To create a recessed entry to the side of the home that provides privacy and security.

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Signature

Signature

Glenn G. Fewster
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Glenn G. Fewster
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sas Bye
Notary Public

My Commission Expires 1/1/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7406 Poplar Avenue - Balto., Md 21224
which is presently zoned DR 5.5

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) BO2.3.C1, BCZR, to permit an existing dwelling and a proposed addition with side yard setbacks of 7 feet and 4.5 feet, respectively, in lieu of the minimum required 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.

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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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Glenn G. Fewster
Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

7406 POPLAR AVE 410-282-8124
Address Telephone No.

BALTO MD. 21224
City State Zip Code

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-570-A

REV 10/25/01

Reviewed By JNP Date 6/5/03

Estimated Posting Date 6/15/03

VARIANCE REQUEST

7406 Poplar Avenue

The proposed addition for family/hot tub rooms is being located at the rear of the existing dwelling because this is the only practical location on the subject property. The existing "nonconforming" side yard setback on the left side of the dwelling is not being changed, while the right side yard setback is being reduced.

Therefore, side yard setback variances are required.

Because of the width of the existing dwelling and coupled with the narrowness of the subject property, practical difficulty and unreasonable hardship would result if the variances are not granted. Therefore, it is requested that the subject variance request be granted.

Respectfully submitted,

Glenn Fewster, owner

VARIANCE DESCRIPTION

7406 Poplar Avenue
(50 feet wide)

Located on the west side of Poplar Avenue approximately 1630' southwest of the ^{centerline}~~south side~~ of Old

Northpoint Road ^(40 feet wide) and known as lot 33 as shown on the Plat of Eastern Heights, which is recorded in the land records of Baltimore County in Plat Book 5, Folio 83 in the 12th election district. Also known as #7406 Poplar Avenue and containing 7500 square feet.

03-570-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25500

DATE 6/5/03 ACCOUNT R-001-006-6150
AMOUNT \$ 65.00

RECEIVED
FROM:

Glen Fewster

FOR:

Adm. Val. (7406 Poplar Avenue)

03-570-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
6/05/2003	6/05/2003	09:53:09	2
RECEIVED	WALKIN	DDOL DAD	
RECEIPT #	250002	6/05/2003	OFFER
DEPT	5	528	ZURING VERIFICATION
CH/NO.	003500		
Receipt Tot		\$65.00	
15.00	OK	100	CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-570-A

Petitioner/Developer: GLEN G.
FENSTER

Date of Hearing/Closing: 6/30/03

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

ATTN: Becky Hart {(410) 887-3394}

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: _____

7406 POPLAR AVENUE

The sign(s) were posted on _____

6/14/03
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

6/14/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

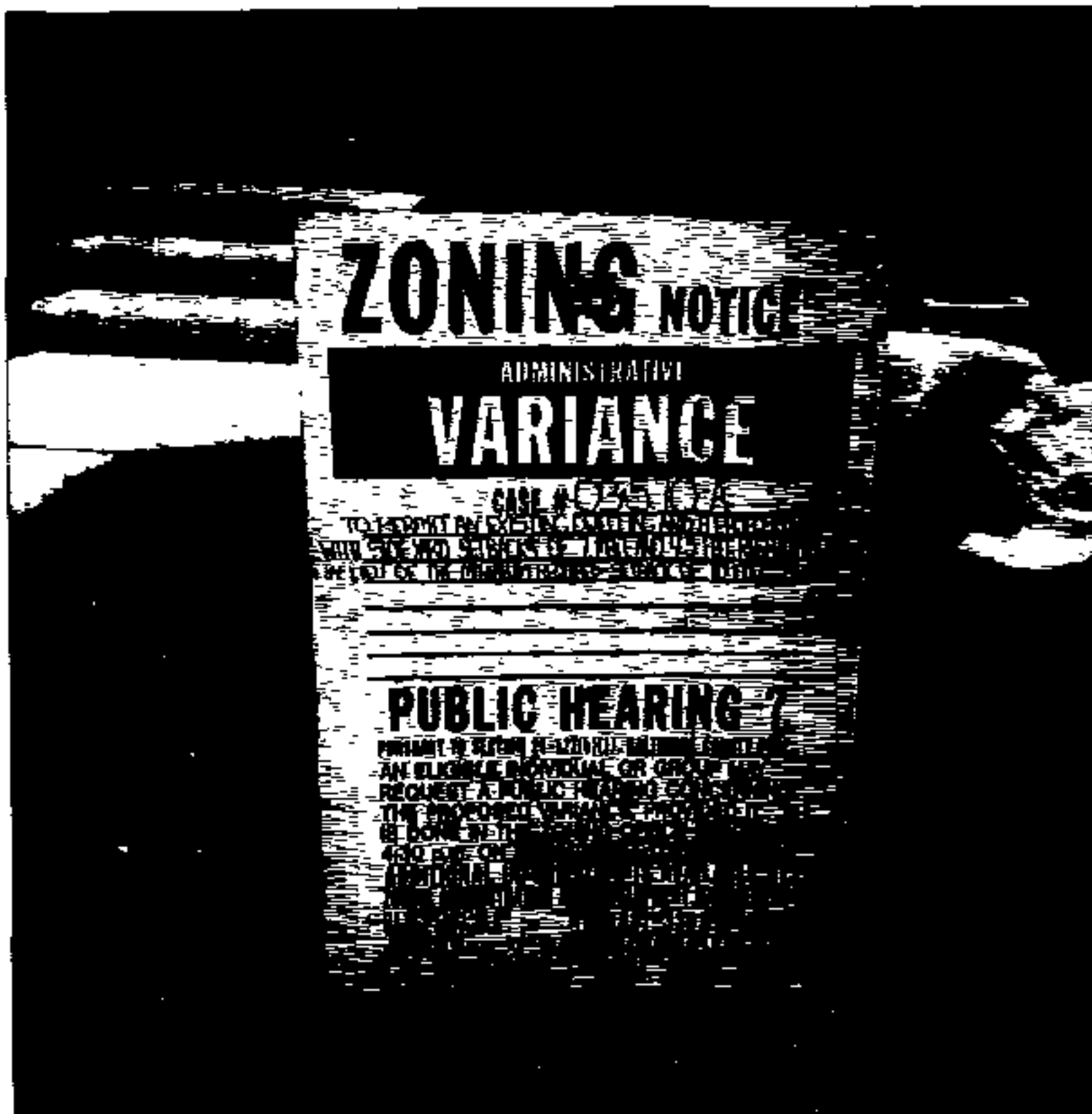
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 570 -A

Address 7406 POPLAR AVENUE

Contact Person: JEFFREY PERLOW
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/5/03

Posting Date: 6/15/03

Closing Date: 6/30/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number

1. **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.
2. **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.
3. **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.
4. **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 the 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 570 -A

Address 7406 POPLAR AVENUE

Petitioner's Name Glen G. Fewster

Telephone 410-282-8124

Posting Date: 6/15/03

Closing Date: 6/30/03

Wording for Sign: To Permit ^{an existing dwelling and} a proposed addition with side yard setbacks of 7 feet and 4.5 feet, respectively, in lieu of the minimum required setback of 10 feet.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 30, 2003

Glenn G. Fewster
7406 Poplar Avenue
Baltimore, MD 21221

Dear Mr. Fewster:

RE: Case Number: 03-570-A, 7406 Poplar Avenue

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



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



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

Date: 6.13.03

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

RE: Baltimore County
Item No. 570 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



**Baltimore County
Fire Department**

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

June 17, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 17, 2003

Item No.: 570 - 576

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

DATE: June 17, 2003

RECEIVED

JUN 18 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 03-570 – 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:

Mark A Cunningham

Section Chief:

Lynn Sanborn

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 23, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2003
Item Nos. 570, 572, 573, 574, and 576

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

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Andrey E. Scott
Secretary

Florence E. Burlan
Deputy Secretary

June 17, 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

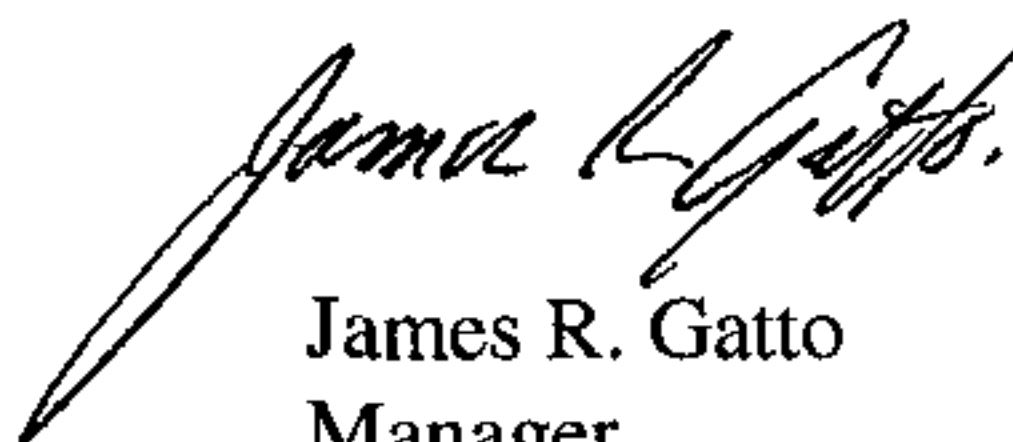
Re: **Zoning Advisory Committee Agenda, 06/23/03 re: case numbers 03-570-A, 03-571-A, 03-572-A, 03-573-SPHA, 03-574-A, 03-575-SPH, 03-576-SPHA**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 06/16/03. The information has been submitted to Mr. Mike Nortrup.

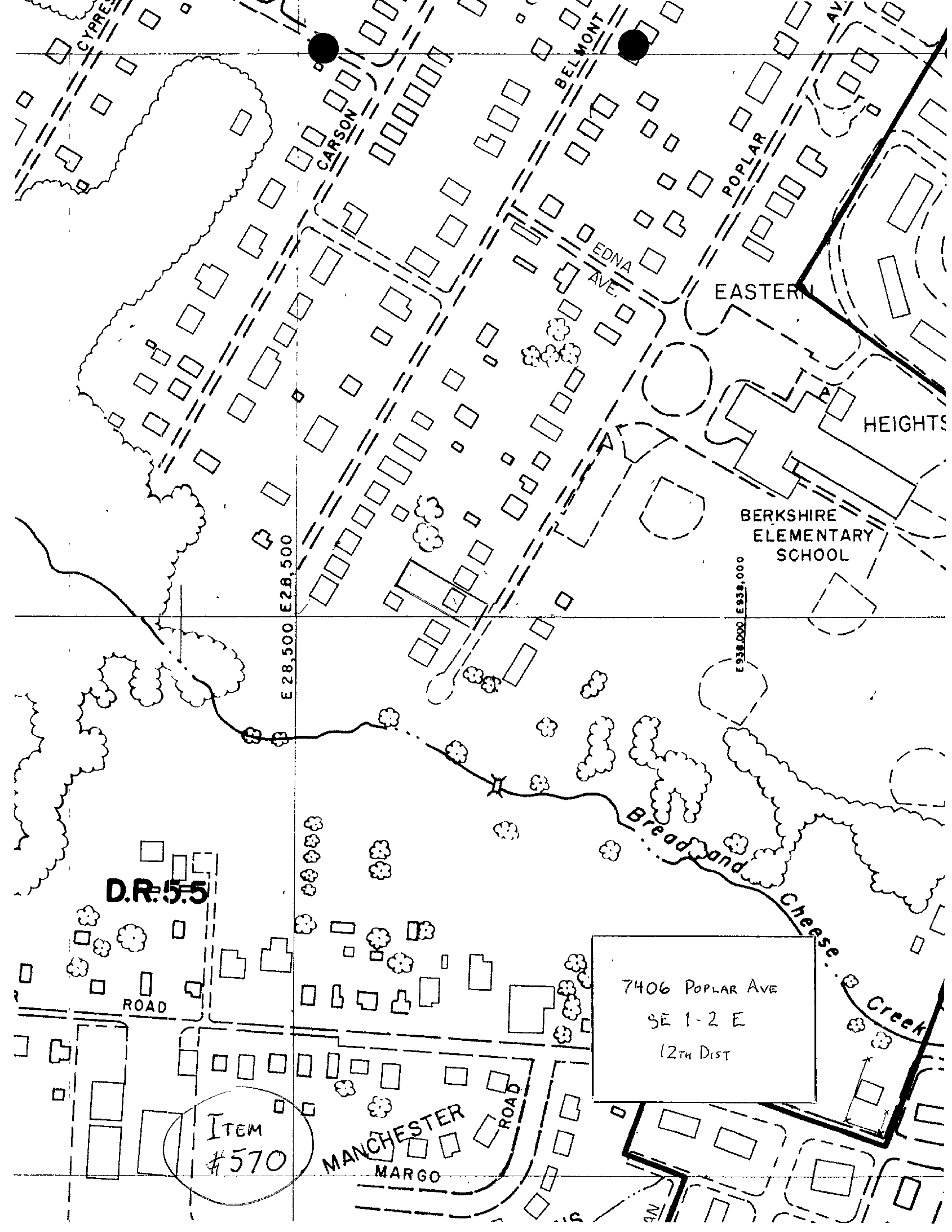
Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup



D.R. 5-5

ROAD

ITEM
#570

MANCHESTER
MARGO

ROAD

7406 POPLAR AVE
SE 1-2 E
12TH DIST

Creek

CARSON

BELMONT

POPLAR

EDNA
AVE.

EASTERN

HEIGHTS

BERKSHIRE
ELEMENTARY
SCHOOL

E 28,500

E 938,000

Bread and Cheese



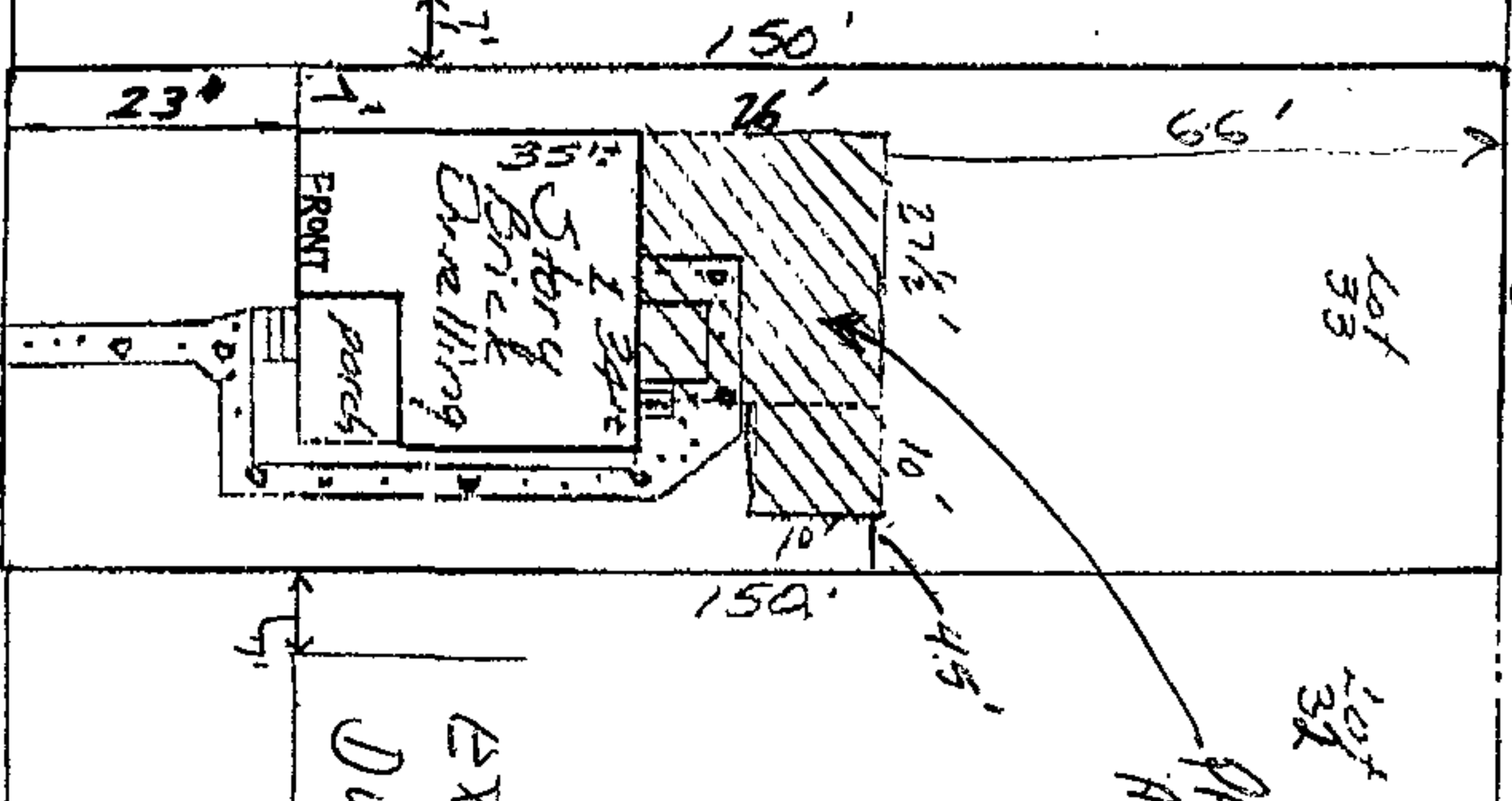
SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

ASTER

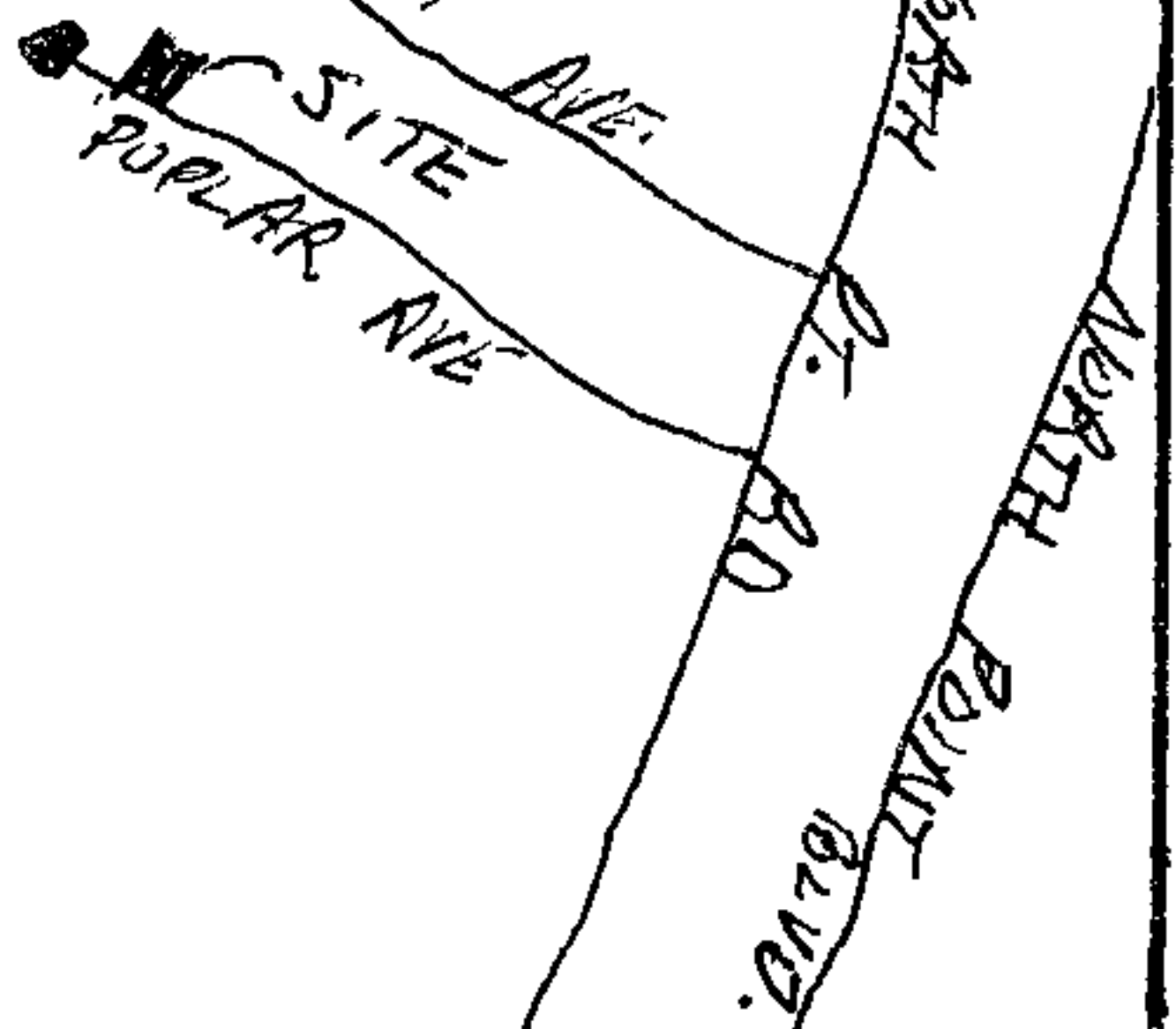
U

1



LEWIS/NE

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12

7 COUNCILMANIC DISTRICT

1"=200' SCALE MAP # 55147E

ZONING
OK-5-5

LOT SIZE 1500

ACREAGE SQUARE FEET

SEWER ☒]

WATER	☒	☐
-------	-------------------------------------	--------------------------

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING

NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JNP 1570 B3-570-A

acre 20,000 sq feet

Administrative Variances Check List

Case Number

03-570 A

$$\frac{7500}{40} = 187.5$$

Location

7406 Poplar Ave

Zoning

DR5.5

Request

permit existing dwelling & addition
with side yard setbacks of 7 feet / 4.5
feet in lieu of 10 feet

Zoning Regs

1 B02.3.C.1 - table ok small lots

Verify sign posting

A 3 - single ownership too small
to accom b d u

6/14 ok

ZAC comments

ok - no adverse

Reason for request

Wants Hot tub are within 4.5 feet
addition 7 feet in lieu of

Site Plan

Pictures

neighbor has similar addition on north

Opinion

Grant narrow lot 50 feet

existing non conforming dwelling





