

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of McHenry Avenue, 130' N
centerline of Ralston Avenue
3rd Election District
2nd Councilmanic District
(204 McHenry Avenue)

Judith Hager
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-065-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Judith Hager. The variance request is for property located at 204 McHenry Avenue, which property is located in the Pikesville 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 a side yard setback of 7 ft. in lieu of the required 10 ft. to construct an attached garage. 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 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

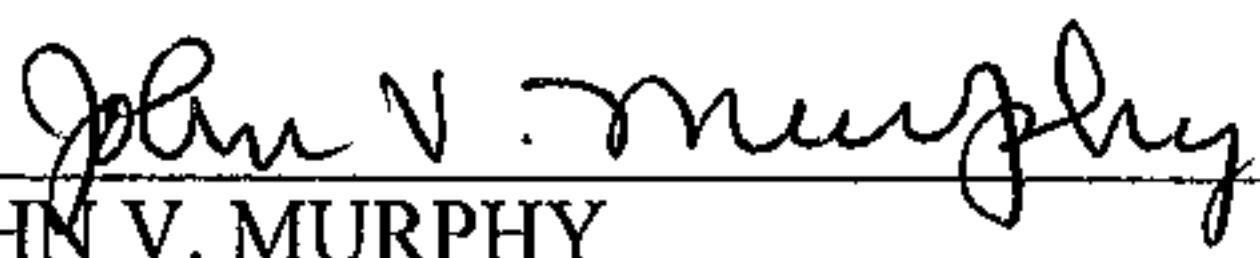
9/16/03
R. J. [Signature]

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 Deputy Zoning Commissioner for Baltimore County, this 16 day of September, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 7 ft. in lieu of the required 10 ft. to construct an attached garage, 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 her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/16/03


Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September ¹⁶12, 2003

Ms. Judith Hager
204 McHenry Avenue
Pikesville, Maryland 21208

Re: Petition for Administrative Variance
Case No. 04-065-A
Property: 204 McHenry Avenue

Dear Ms. Hager:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



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

204 McHenry Ave
Address
Pikesville City Md State 21208 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 In order to place a garage in back yard, I would have to remove 4 large trees, various flower beds, a pond and 2 storage structures, one of which is a pool house. The pool house would then have to be rebuilt in another location as it is a necessary structure. In addition, it would be cost prohibitive to put a driveway that would go all the way back and the fence would have to be reconstructed for a driveway.
 - ② No other available or accessible area on property for garage per zoning rules.
 - ③ No basement for storage etc. only crawl space
 - ④ Current 8x10 old shed needs to be rebuilt but would like to remove as size won't hold possessions. A lot of these are currently stored in friend's garage, outside or inside house.
 - ⑤ Son owns an older car which is a constant restoration project
 - ⑥ want to improve the curb appeal of home by eliminating the old shed and adding a garage onto home coordinating with the existing house shape.
 - ⑦ By building this garage, my property structures would stay within the structural features of the surrounding community properties and add value to my home & property
- 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.

Judith R Hager
Signature

Judith R Hager
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Judith R Hager
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

James S. R. R.
Notary Public

My Commission Expires 3/10/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 204 McHenry Ave 21208
which is presently zoned D.R. S.S

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 B02.3.c.1 to permit a
side yard setback of 7 ft. in lieu of the required 10 ft.
to construct an attached garage.

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):

Judith R. Hager
Name - Type or Print

Judith R. Hager
Signature

Name - Type or Print

Signature

204 McHenry Ave 410-484-4607
Address Telephone No.

Pikesville md 21208
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 04 day of August, 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. 04-065-A

Reviewed By BR Date 8/11/03

REV 10/25/01

Estimated Posting Date 8/24/03

ZONING DESCRIPTION

Zoning Description For 204 McHenry Avenue

Beginning at a point on the North side of McHenry Avenue which is 30 feet wide at the distance of 130 feet north of the centerline of the nearest improved intersecting street Ralston Avenue which is 40 feet wide. Being Lots # 29 & 30 in the subdivision of East Sudbrook Park as recorded in Baltimore County Plat Book # 3, Folio 193, containing 10,050 square feet. Also known as 204 McHenry Avenue and located in the 3rd Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27424

DATE 8/11/03 ACCOUNT 1001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: John H. Hager

FOR: Zoning Administration Services

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 65

PAID RECEIPT
PAID RECEIPT

BUSINESS ACTUAL TIME IN

8/11/2003 8/11/2003 10:31:28 5

REG US05 WALKIN MEL MAN

>> RECEIPT # 320233 8/11/2003 OFLN

Dept 5 520 ZONING VERIFICATION

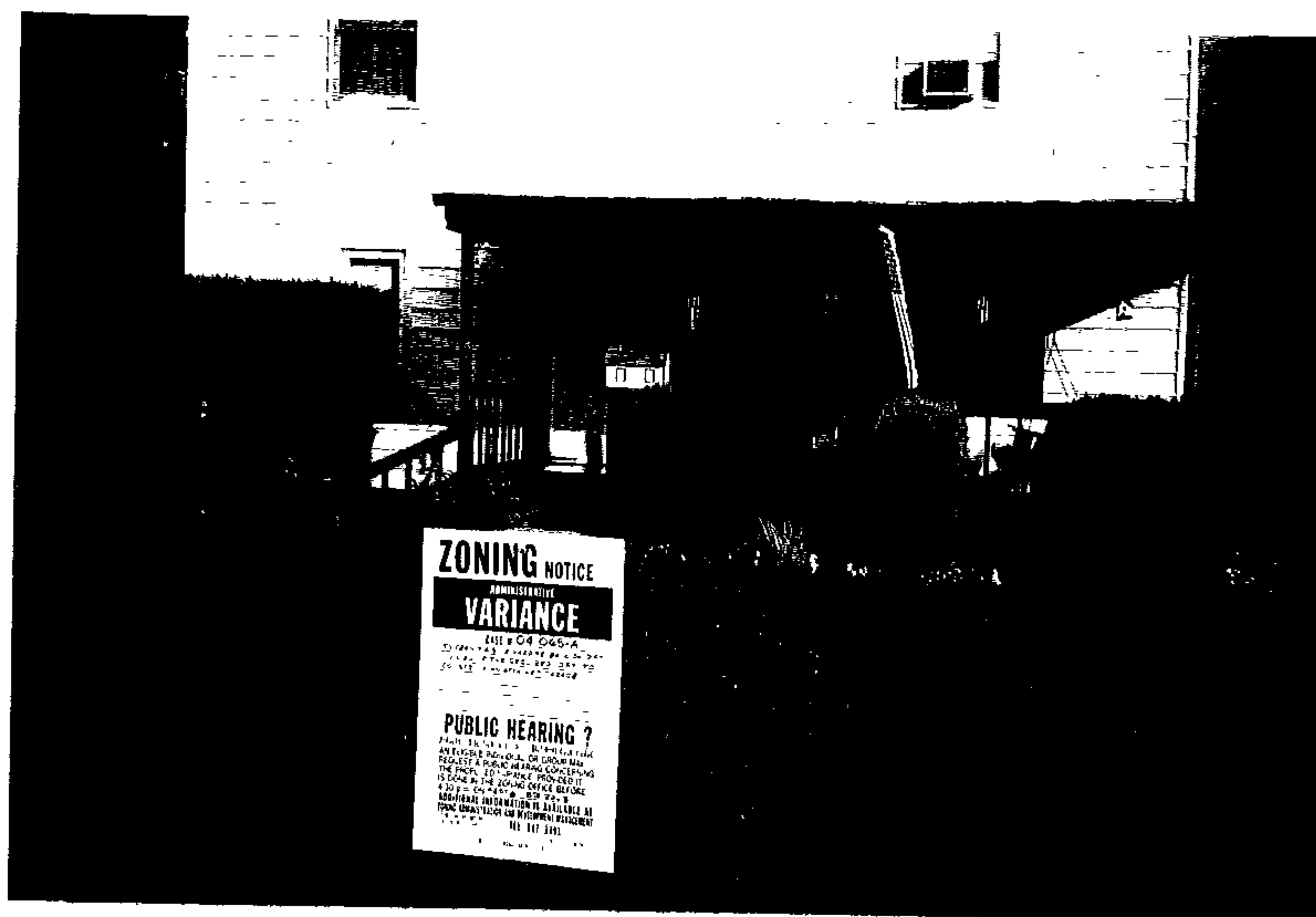
CR NO. 027424

Receipt Tot \$45.00

65.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 04-065-A

TO PERMIT A SIDE YARD SETBACK OF 7 FT
IN LIEU OF THE REQUIRED 10 FT TO
CONSTRUCT AN ATTACHED GARAGE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON SEPT. 8th 2003

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TEL. 887-3391

SEEKING IS BROADWAY ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 04-065-A

Petitioner/Developer: JUDITH HAGER

Date of Hearing/ Closing: SEPT. 8, 2003

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

Attention: BECKY 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 # 204 McHENRY AVE.

The sign(s) were posted on

AUG. 21ST 2003

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 04 065 -A Address 204 McHenry Ave.Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 8/11/03 Posting Date: 8/24/03 Closing Date: 9/8/03

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

POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of 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 04 065 -A Address 204 McHenry Ave.Petitioner's Name Judith Hager Telephone 410-484-4607Posting Date: 8/24/03 Closing Date: 9/8/03Reasoning for Sign: To Permit a side yard setback of 7 ft. in lieu of the required 10 ft. to construct an attached garage.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

or Newspaper Advertising:

Case Number or Case Number: 04-065-A
Petitioner: Judith K. Hager
Address or Location: 204 McHenry Ave Balt. 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: Judith K. Hager
Address: 204 McHenry Ave
Baltimore, Md 21208
Telephone Number: 410-484-4607

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

September 8, 2003

Judith Hager
204 McHenry Avenue
Pikesville, MD 21208

Dear Ms. Hager:

RE: Case Number: 04-065-A, 204 McHenry Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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, appearing to read "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



Printed with Soybean Ink
on Recycled Paper

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



**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

August 20, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 18, 2003

Item No.: 4-63A 4-64A 4-65A 4-66A 4-67A 4-68A

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, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-19-03

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

RE: Baltimore County
Item No. 065 BPR

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 29, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-065 – 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 L. Lankford

AFK/LL:MAC

RECEIVED

AUG 29 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2003

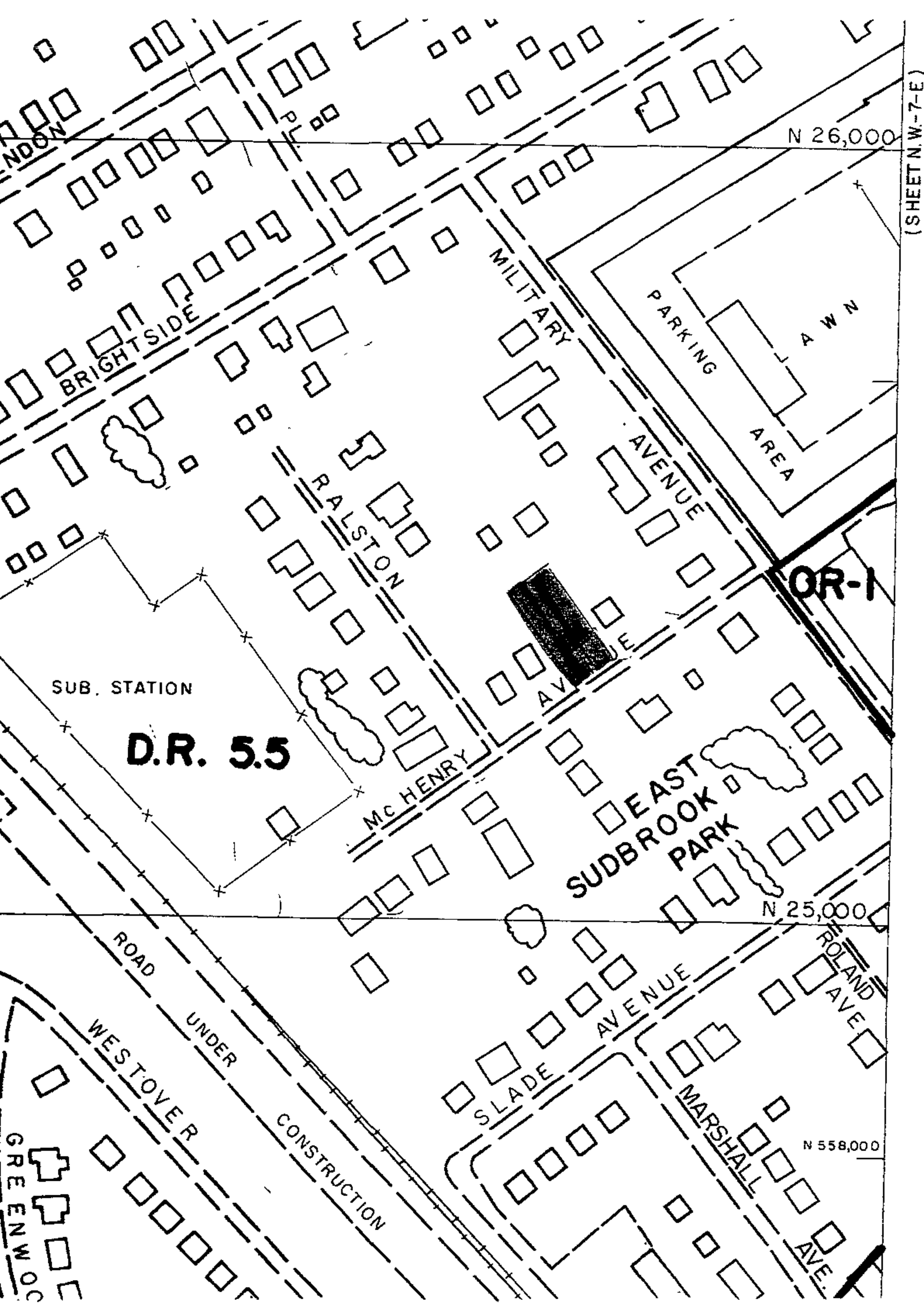
FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 25, 2003
Item Nos. 063, 064, *065*, 066, 067,
and 068

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

RWB:CEN:jrb

cc: File



NW 7E

1" = 200'

#65

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 204 McHenry Avenue

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

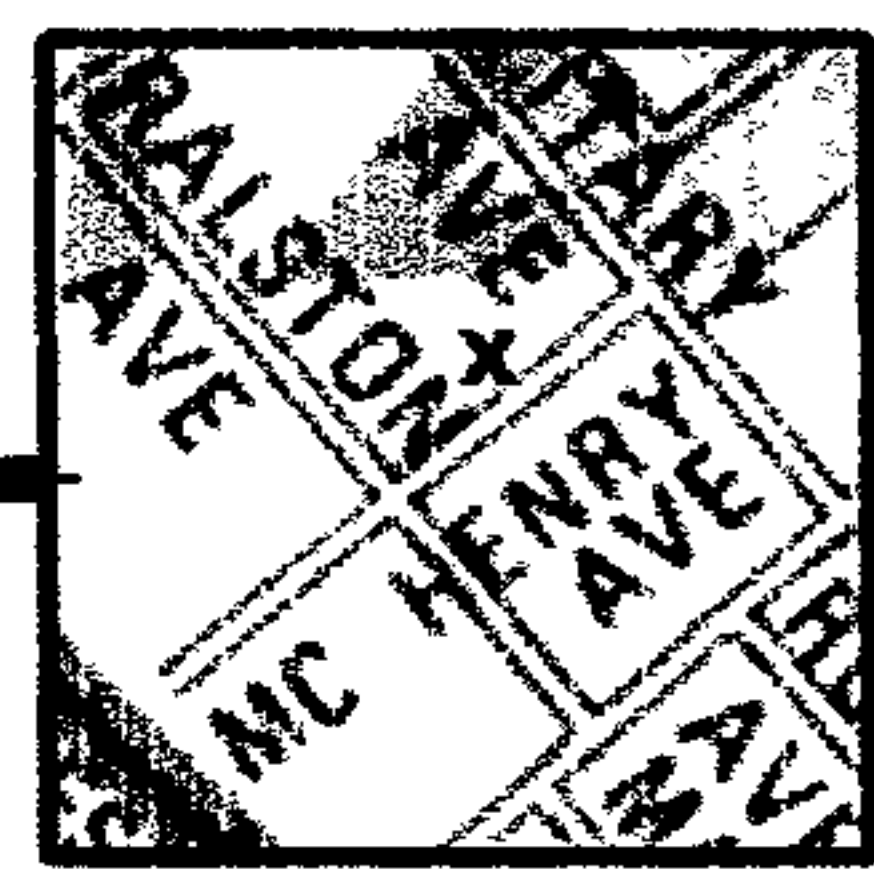
SUBDIVISION NAME East Sudbrook Park

PLAT BOOK # 3 FOLIO # 193 LOT # 29 & 30

OWNER Mrs. Judith R. Hager

Parcel # 03-08-008910

Enlarged
View

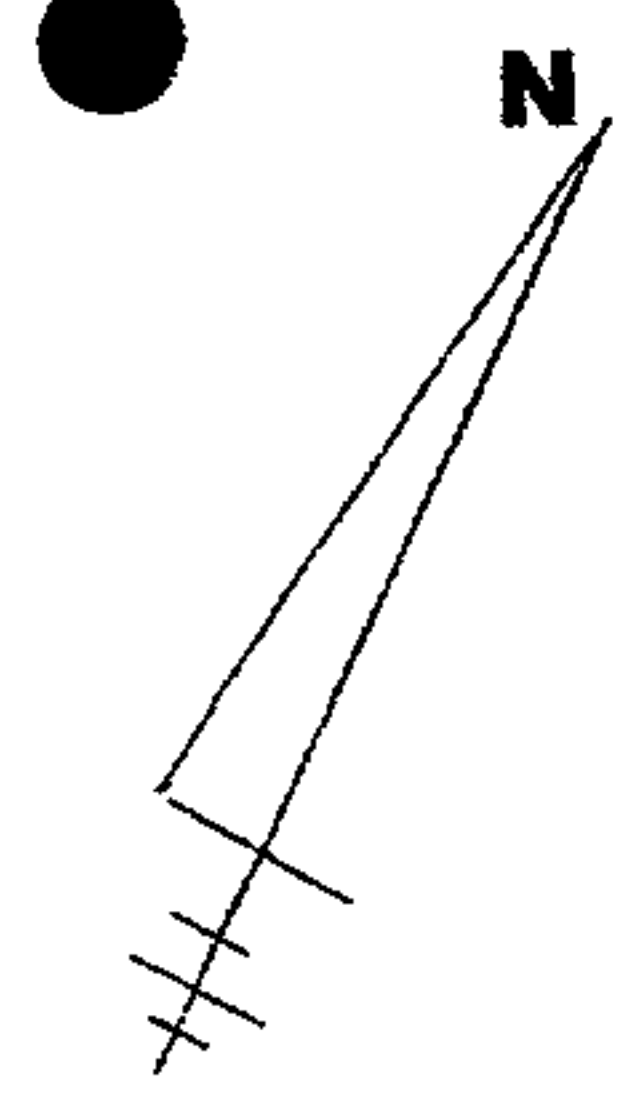


VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

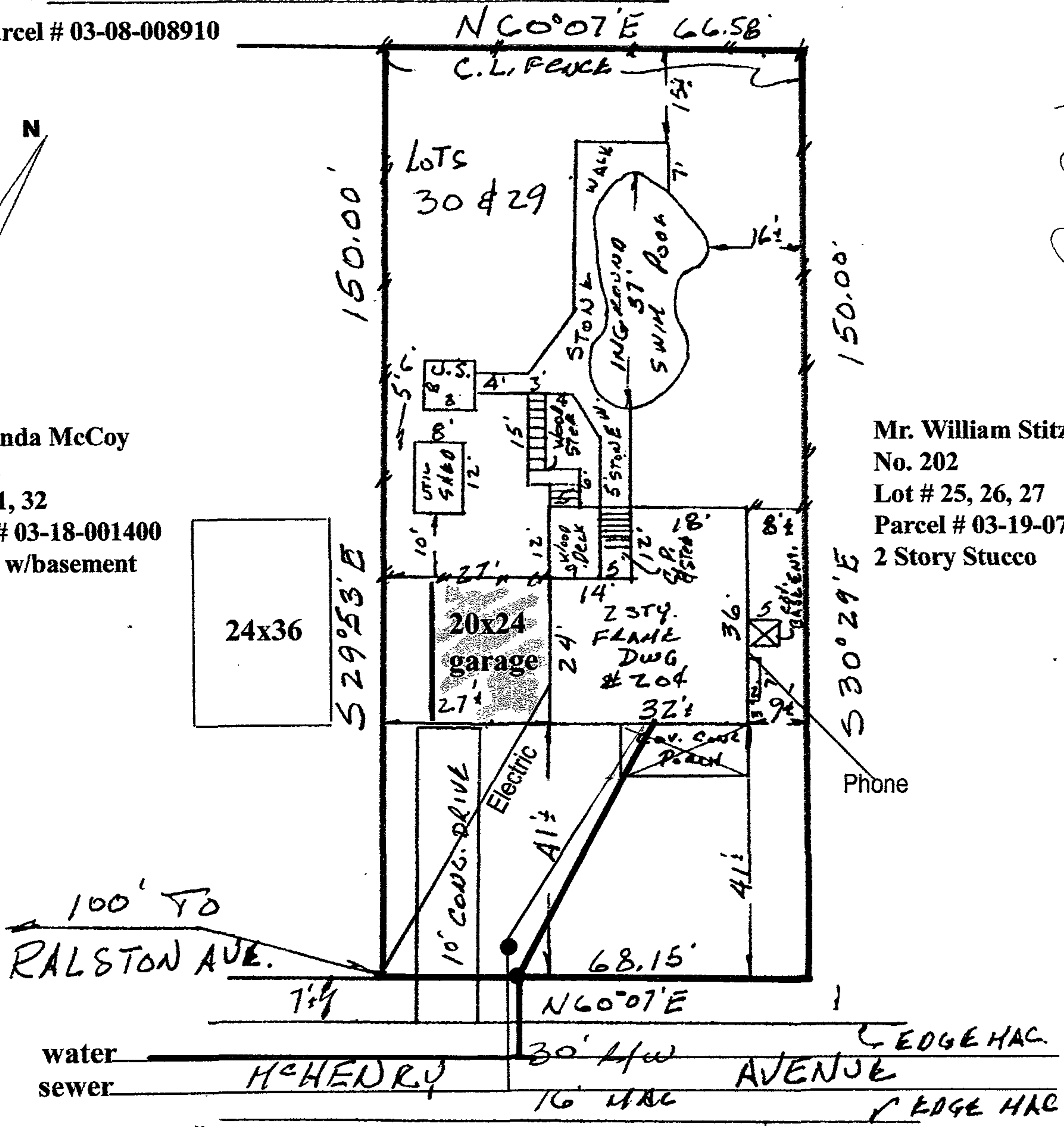
ELECTION DISTRICT 03
COUNCILMANIC DISTRICT 02
1"=200' SCALE MAP # NW 7F
ZONING D.R. 5.5
LOT SIZE 0.23
ACREAGE 0.23 SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY AK ITEM # 65 CASE # 04-065-A



Mrs Linda McCoy
No. 208
Lot # 31, 32
Parcel # 03-18-001400
1 Story w/basement

Mr. William Stitz
No. 202
Lot # 25, 26, 27
Parcel # 03-19-071875
2 Story Stucco



SCALE OF DRAWING: 1" = 20'

