IN RE: PETITION FOR ADMIN. VARIANCE E/S of Phoenix Avenue West, 130 ft. N centerline of Maryland Avenue extended 8th Election District 3rd Councilmanic District (14305 Phoenix Avenue West)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-149-A

Linda Valentine Petitioner

*

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, Linda Valentine. The variance request is for property located at 14305 Phoenix Avenue West in the Phoenix area of Baltimore County. The variance request is from Section 1A03.4.B.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 7 ft. in lieu of the required 25 ft. for an addition. 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

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 39 day of October, 2003, that a variance from Section 1A03.4.B.2.A of the B.C.Z.R., to permit a side yard setback of 7 ft. in lieu of the required 25 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

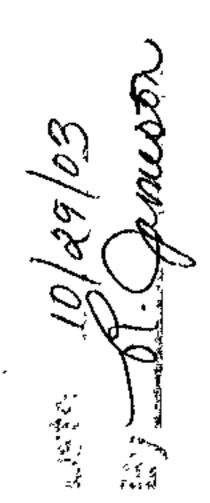
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order 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



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

October 29, 2003

Ms. Linda Valentine 14305 Phoenix Avenue West Phoenix, Maryland 21131

Re: Petition for Administrative Variance

Case No. 04-149-A

Property: 14305 Phoenix Avenue West

Dear Ms. Valentine:

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,

John V. Murphy

Deputy Zoning Commissioner

John V. Meryplry

JVM:raj Enclosure



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



 $J_{i_2}^{-1} \circ J$

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14305 Phienix Ale west Phoenix Moderated which is presently zoned (Residentual)

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) 1 0-03.4 B, 2.4. To Permit A Side Pe

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

10 1/alentra Name - Type or Print Signature Address Telephone No. Name - Type or Print City State Zip Code Signature **Attorney For Petitioner:** 14305 Phoenia Aue West 410-771-4947 Address Telephone No. PhoenIX 21131 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No... City State Zip Code 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this 🚤 day of regulations of Baltimore County and that the property be reposted.

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 a	at 14303 [40	en in Ave west	
-	Address	. 1	2.421
	City	State	کران کے (Zip Code
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Signature	S	ignature	
Linda N. Wila Mica	_	•	
Name - Type or Print	N	ame - Type or Print	
i 		•	
STATE OF MARYLAND, COUNTY OF BAL	•		
I HEREBY CERTIFY, this 15th day of of Maryland, in and for the County aforesaid,	Angust	, 2003 , before me, a	Notary Public of the State
or iviaryland, in and for the County aloresaid,	Valentine		
the Affiant(s) herein, personally known or sat		me as such Affiant(s).	
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Affidavit in Support of Administrative Variance

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I hat the Amant(s) does/do presently reside at	Address	1700 V (+102 V)	<u> </u>
·	CHYHOENIX	State	21131 Zip Code
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That the Affiant(s) acknowledge(s) that if a fording the and may be required to provide a	ormal demand is file	ed, Affiant(s) will be requi	ired to pay a reposting and
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STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 15 to day of a lot of Maryland, in and for the County aforesaid, per county aforesaid, per county aforesaid.	•	, <u>>003</u> , before me,	a Notary Public of the State
Linda D. Vale			
he Affiant(s) herein, personally known or satisfa	actorily identified to i	me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			1
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	Notary Pu	blic Mellani D. Smith	
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CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for	r the property located at	14305 PHOENIX	c Aug West 1	PHIENK M.
		s presently zoned		
This Petition shall be filed with the D	· ·		ベーツブ	

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 0 3, 43 2, 0, 70 Permit A 7 FT.

SIDE YARD SETIBACK IN LIGHT OF THE REQUIRED 25 FT.

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: <u>Legal Owner(s):</u> or Print D Valentine Name - Type or Print Name - Type or Print Signature Address Telephone No. Name - Type or Print City State Zip Code Signature **Attorney For Petitioner:** #14305 PHORNIX AUR WEST 410.7714947 Telephone No. Name - Type or Print State Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No City State Zip Code City Zip Code State 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.

Reviewed By

Estimated Posting Date

Zoning Commissioner of Baltimore County

ZONING DESCRIPTION FOR 14305 PHOENIX (-106. WEST (address)

Beginning at a point on the Side	e of
(name of street on which property fronts) (north, south, east or west) (name of street on which property fronts) (number of feet of the south, east or west) (number of feet of the south, east or west)	+ T.
wide at the distance of (30 F)	ngnt-or-way width)
wide at the distance of 130 FT, Noverth (number of feet) (north, south, east o	of the privile west)
centerline of the nearest improved intersecting street Gost Side	
(name of	street)
which iswide. *Being L (number of feet of right-of-way width)	ot #

BEGINNING for the first thereof at a planted stone standing on the eastern limits of Maryland Avenue at the end of the third line of a Deed dated April 7, 1893, from James M. Anderson and wife, to George W. Price, and running thence reversely from said line North 78 degrees East 162.2 feet to a planted stone standing on the second line of a Deed of said date from said second line reversely North 3-3/h degrees West 57 feet to the beginning of said line at a planted stone standing on the south line of a lot sold and to be hereafter conveyed by said Anderson and wife to C. Howard, thence binding on a part of said line South 78 degrees more or less West 162.2 feet to a planted stone standing on the eastern limits of Maryland Avenue, and thence binding on said Avenue on its eastern limits South 3-3/h degrees East 57 feet to the place of beginning.

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BEGINNING for the second lot at a planted stone on the east side of Maryland Avenue at the end of the third line of the lot of ground which was conveyed by the said James M. Anderson and wife, to Mary C. Coney, by Deed dated on or about April 7, 1893, and running thence on the east side of said Avenue North 3-3/h degrees West 60 feet to a planted stone a corner of the lot heretofore conveyed to Mary Hare, wife of William H. Hare, by the said James M. Anderson and wife, thence binding on said lot of land North 78-1/h degrees East 80 feet thence running parallel with the first line hereof and in a contrary direction 59-1/2 feet, more or less, to the intersection of the third line of the land conveyed to Mary E. Coney as aforesaid, and thence binding thereon South 78 degrees West 80 feet to the place of beginning.

BEING the same land, which by a Deed dated April 26, 1951, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 1961 folio 174, was granted and conveyed by Lawrence E. Ensor, Trustee, to J. Morgan Pearce and Goldie W.Pearce, his wife, as tenants by the entireties. The said Goldie W. Pearce departed this life on the twenty-first day of February, 1959, and said property thereupon became vested in her husband, J. Morgan Pearce, surviving tenant by the entireties.

04.149.A

FOR: WHITE - CASHIER DISTRIBUTION DATE FROM: RECEIVED MISCELLANEOUS OFFICE OF BALTIMORE BUDGET COUNTY, PINK - AGENCY & FINANCE RECEIPT MARY ACCOUNT AMOUNT YELLOW - CUSTOMER ₩ 的確定性的 The state of the s LIDATION **阿斯里拉斯** 10 June

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CEOTECATE OF POSTING

A	TTENTION: BECKY HART	Date October 6, 2003
RE:	Case Number 04-149-A Petitioner/Developer: Anda Vale Date of Hearing Closing: October	ntine
were	This is to certify under the penalties of perjury posted conspicuously on the property located	y that the necessary sign(s) required by law at 14305 West Phoevix Ave,
	The sign(s) were posted on	October 4, 2003 (Month, Day, Year)
14305 West Phrenix Hive.		Signature of Sign Poster) LINDA O'LEFE (Printed Name of Sign Poster) 523 PENNY LANE. (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster) 410-666-5366 (Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 43

Case	Number 43	149	-A	Address	14309	5 PAOENIX	() DC.	West
Conta	act Person.	Planner	Please Print Yo	CANDERLY	<u>. </u>	Phone Numb		
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case	Number: $94.149.4$
Petitioner:	la Valentine
Address or Location:	14305 PHOENE Aur West Phoen Mc 2113
PLEASE FORWARD	ADVERTISING BILL TO:
	Valentin
Namé: Lenal	Salestine 5 Petoens Here W
Namé: <u>Lesial</u> Address: <u> </u>	

Revised 2/20/98 - SCJ

Department of Permits And Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 20, 2003

Ms. Linda D. Valentine 14305 Phoenix Avenue West Phoenix, Maryland 21131

RE: Case Number 04-149-A 14305 Phoenix Avenue, West, Phoenix, Md 21131

Dear Ms. Clark:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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

Enclosures

C:

WCR:rjc

People's Counsel



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



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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003,

Item No.:

130 - 141, 143, 144, 147' - 150

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 13, 2003

Item Nos. 130, 131, 132, 133, 134, 135, 138, 139, 142, 143, 145, 146, 149, and 150

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-139, 04-147, and 04-149

DATE: October 20, 2003

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.

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.7.03

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

RE:

Baltimore County

Item No. 149

JRA

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,

1/2

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

TO WHOM IT MAY CONCERN,

I JOHN GROGG LIVING AT 14303 PHOENIX AVE, PHOENIX MARYLAND HAVE NO OBJECTION TO CONSTRUCTION / ADD ON AT 14305 PHOENIX AVE WHERE THE TWO PROPERTY LINES JOIN

JOHN K GROGG 14303 PHOENIX AVENUE, PHOENIX MD 21131

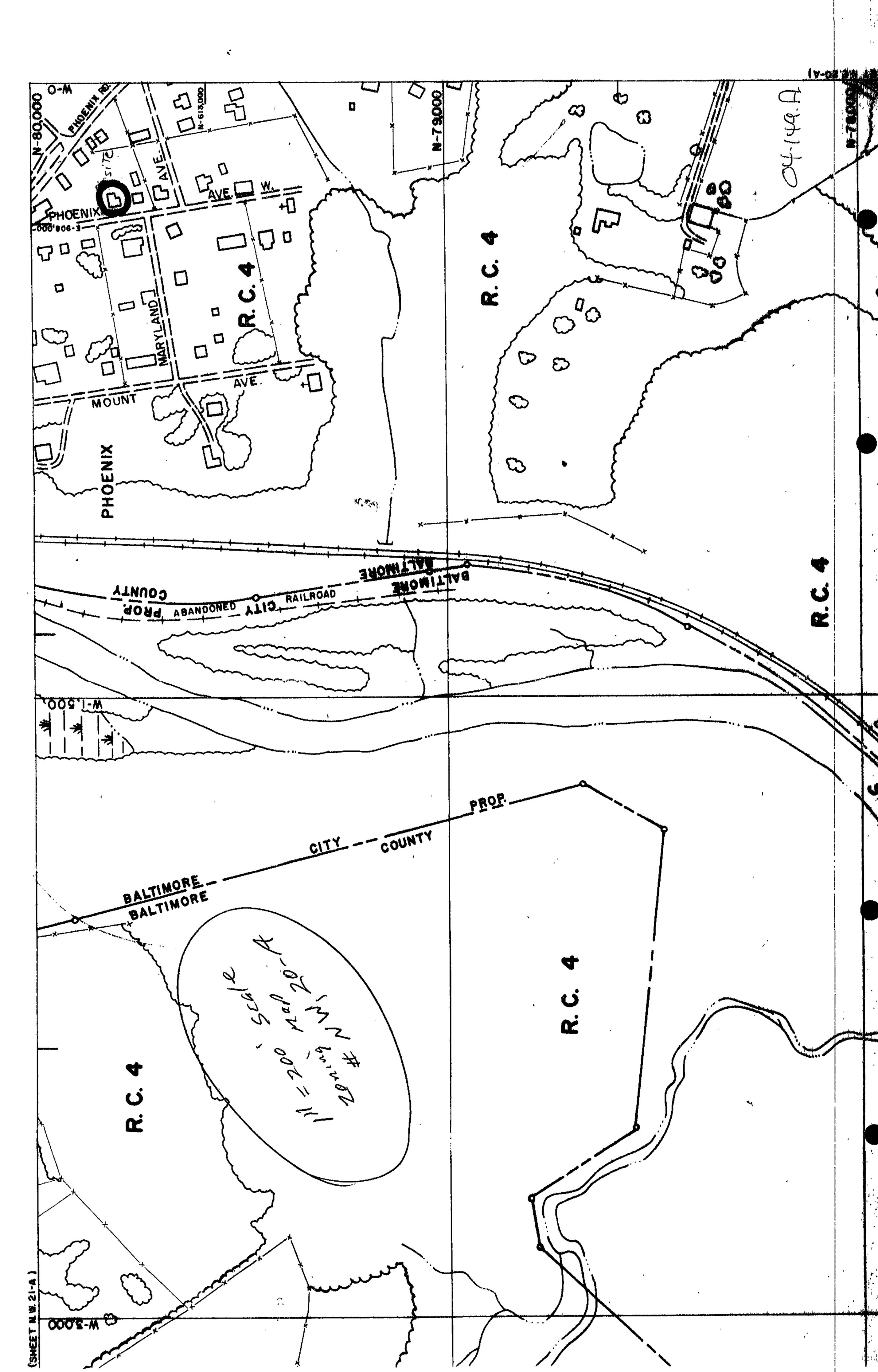
State of Maryland County of Baltimore

Subscribed and sworn to before me, a Notary Public in and for said State this 15th day of August, 2003.

McClain B. Smith, III

My Commission Expires 12/1/2006

1.4.4.0 1.4.4.0	PREPARED BY LIRIUALENTINE SCALE OF DRAWING: 1" = 50'
REVIEWED BY ITEM # CASE #	
PRIOR ZONING HEARING NONCE	
HISTORIC PROPERTY/	
100 YEAR FLOOD PLAIN	
CHESAPEAKE BAY CRITICAL AREA YES NO	
WATER	
SEWER PUBLIC PRIVATE	
SOUARE	5027
ZONING KC. T	
1"=200' SCALE MAP # ひ込、スロ・	EX137145
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コーローアルバー	14303 14305 14305
	DUG
	Phoenix Aue west
AND CO	OWNER Linda D Volentine 9-23-03
	PLAT BOOK # FOLIO # LOT # SECTION #
	SUBDIVISION NAME
FOR ADDITIONAL REQUIRED INFORMATION	PROPERTY ADDRESS 14305 Phoch 12 Aug way? SEE PAGES 5 8 6 OF THE CHECKLIST





Looking west of Dwelling

04-149-0



Looking AT Side of Dwelling

04-149-A



BACK View of Dwelling

04-149.17



Verw of Duckling Looking west



Looking EAST

04-149.7



FRONT Verw of Dweing Locking CAST

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