

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Maryland Avenue,
92 ft. W of Baltimore Street
13th Election District
1st Councilmanic District
(3021 Maryland Avenue)

Susan L. & Henry B. Boom
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-200-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Susan L. and Henry B. Boom. The variance request is for property located at 3021 Maryland Avenue in the western area of Baltimore County. The variance request is from Sections 1B02.3.C., 303.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an addition with a front average setback of 17 ft. in lieu of the required 25 ft. and to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard. 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

CASE RECEIVED

Date

11/24/03

By

[Signature]

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

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this ^{24th} day of November, 2003, that a variance from Sections 1B02.3.C., 303.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an addition with a front average setback of 17 ft. in lieu of the required 25 ft. and to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
2. The Petitioners must remove the shed on the side of the house where the garage is to be constructed;
3. The Petitioners must remove the existing Florida room and deck where the addition is to be constructed;
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

RECEIVED FOR FILE
11/24/03
D. J. JARVIS

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

November 24, 2003

Mr. & Mrs. Henry B. Boom
3021 Maryland Avenue
Baltimore, Maryland 21227

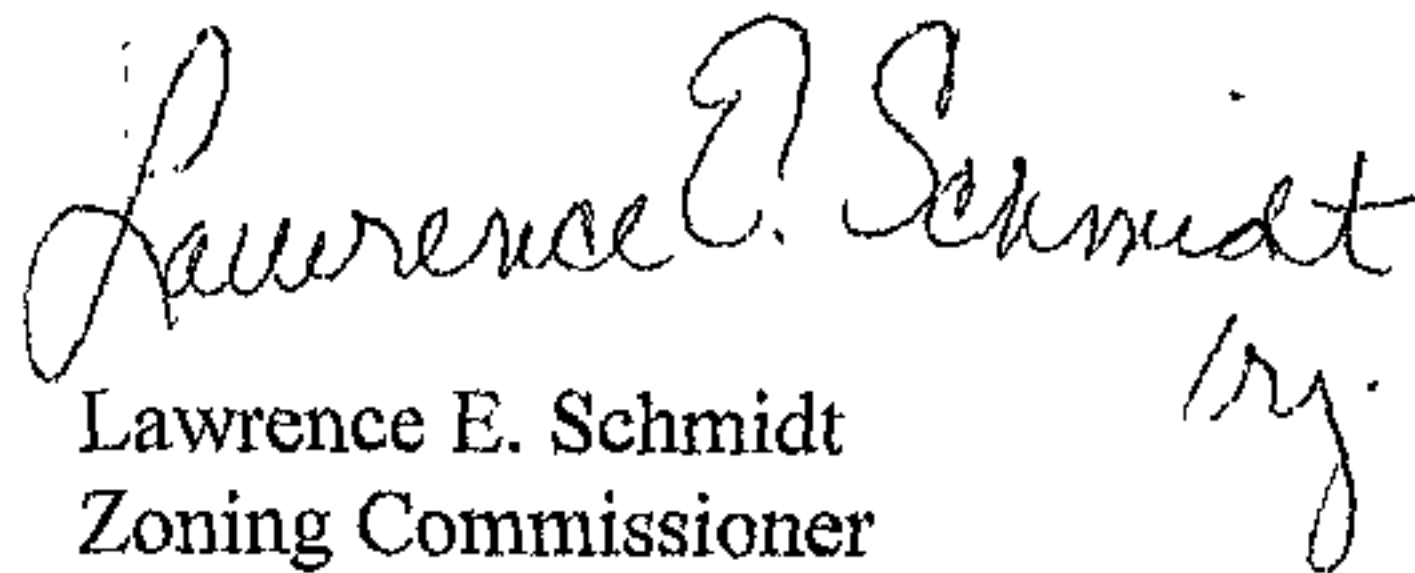
Re: Petition for Administrative Variance
Case No. 04-200-A
Property: 3021 Maryland Avenue

Dear Mr. & Mrs. Boom:

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

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 3021 Maryland Avenue
Address
Baltimore, Maryland 21227
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):

For the protection of our vehicles and other property. We would like to build a detached garage 16' x 24' on the left side of our home, 3 feet from the property line. We are unable to place the garage in the back yard due to a pre-existing inground swimming pool, pool house and animal pen.

Due to the lack of room inside the house, we would like to remove a open wood deck and construct a 19' x 12' room with a 7' x 8' covered deck on the side. In order to do this we seek a variance of the front setback from 25' to 17' from the property line.

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.

Henry B. Boom
Signature
Henry B. Boom
Name - Type or Print

Susan L. Boom
Signature
Susan L. Boom
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

HENRY B. Boom & SUSAN L. Boom
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Patricia A. Gendler
Notary Public
My Commission Expires 1 August 2007



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3021 Maryland Avenue
which is presently zoned D.R. 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.C., 303.1, 400.1

To allow an addition with a front Avenue Setback of 17 ft. in lieu of the required 25 ft. AND to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

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):

Henry B. Boom
Name - Type or Print _____

Henry B. Boom
Signature _____

Susan L. Boom
Name - Type or Print _____

Susan L. Boom
Signature _____

3021 Maryland Ave. 410 609 2165
Address _____ Telephone No. _____

Baltimore Maryland 21227
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. P4-200-A

REV 10/25/01

Reviewed By [Signature] Date 10-20-03

Estimated Posting Date 11-02-03

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 3021

MARYLAND AVENUE.

Beginning

at a point on the ~~South~~ side of Maryland Avenue

which is 50 feet wide at the distance 92 feet

west of the

nearest improved

intersecting street Baltimore Street which is 60 feet

wide. Being Lot #27, 28, and 29, Section U in the

subdivision of Rosemont as recorded in Baltimore

County Plat Book # 7, Folio # 100 containing 7500

square feet or 0.17 acre. Also known as 3021

Maryland Avenue, and located in the 13 Election

District, 1 Councilmanic District.

#200

04-200-A
Cht- No. 27494
04-200-A

RECEIVED
FROM: Mr. Henry B. Boom

FOR: Revised Variance Analysis
at 3021 Maryland Ave.
(21227)

DISTRIBUTION:
PINK - AGENCY YELLOW - CUSTOMER
WHITE - CASHIER

YELLOW - CUSTOMER

PINK - AGENCY

WHITE - CASHIER

CASHIER'S VALIDATION

THE

[illegible]

CERTIFICATE OF POSTING

RE: Case No.: 04-200-A

Petitioner/Developer: HENRY B. BOOM

Date of Hearing/ Closing: NOV. 17, 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 # 3021 MARYLAND AVE.

The sign(s) were posted on NOV. 1, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

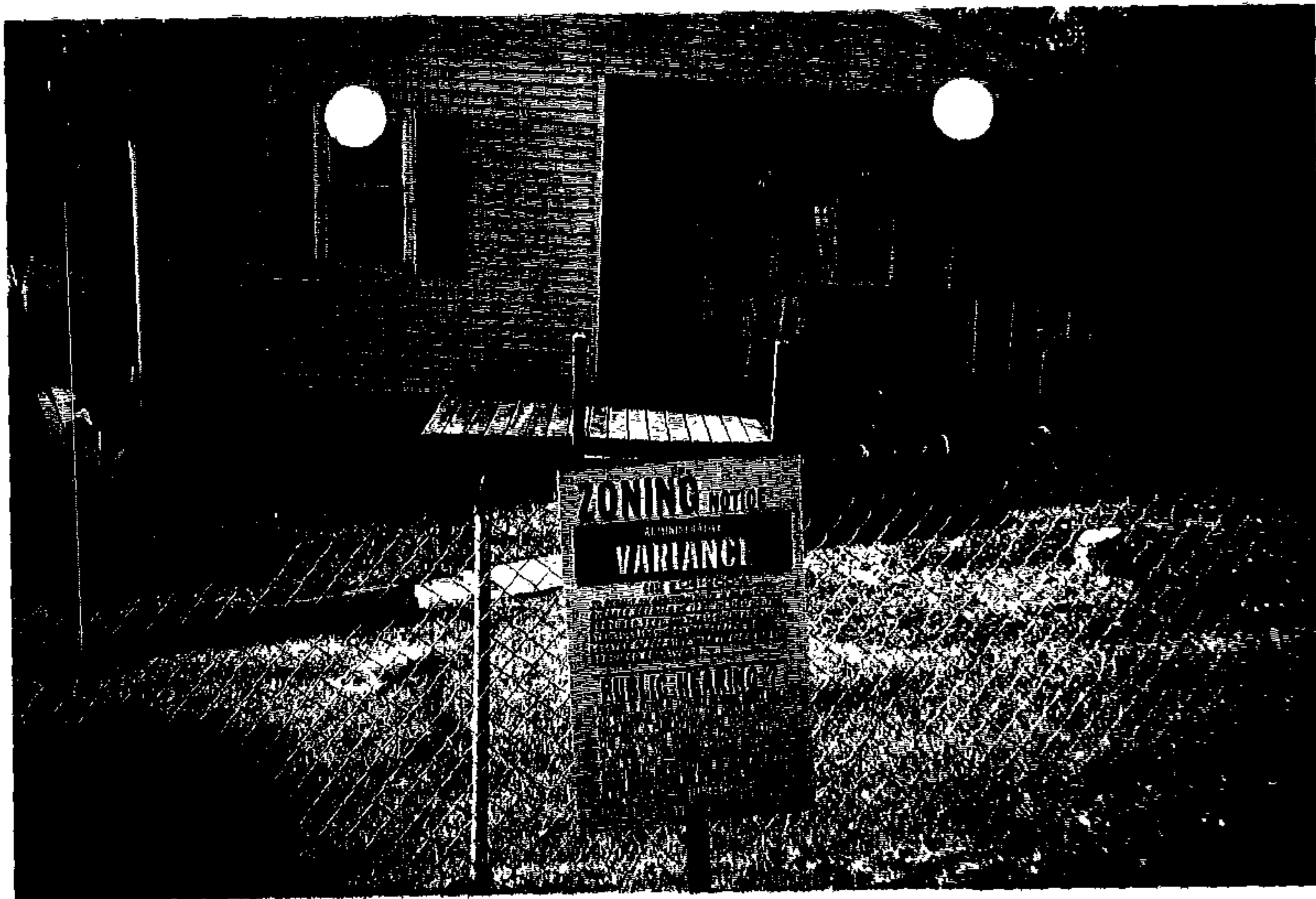
(Address)

BAUTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



ZONING NOTICE
ADMINISTRATIVE VARIANCE

CASE # 04-200-A

TO PERMIT AN ADDITION WITH A FRONT AVERAGE SETBACK OF 17 FT. IN LIEU OF THE REQUIRED 25 FT. AND TO ALLOW AN ACCESSORY STRUCTURE (DETACHED GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(h)(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 **NOVEMBER 17, 2004**

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TEL. 887-3381

IF YOU REQUEST THE TIME FOR THE HEARING, YOUR VARIANCE WILL BE HEARD AT 10:00 AM, NOV. 17, 2004. MEETING IS HANDICAP ACCESSIBLE.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 200 -A Address 3021 Maryland Ave.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 10-20-03 Posting Date: 11-02-03 Closing Date: 11-17-03

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 04 200 -A Address 3021 Maryland Ave.
Petitioner's Name Henry B. Boom Telephone 410-609-2165
Posting Date: 11-02-03 Closing Date: 11-17-03

Wording for Sign: To Permit an addition with a front average setback of
17 ft. in lieu of the required 25 ft. and to allow an accessory
structure (detached garage) to be located in the side yard
in lieu of the required rear yard.

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.

For Newspaper Advertising:

Item Number or Case Number: 04-200-A

Petitioner: Henry B. BOOM

Address or Location: 3021 Maryland Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: _____

Balto, Md, 21227

Telephone Number: 410-609-2165

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

November 17, 2003

Henry Boom
Susan Boom
3021 Maryland Avenue
Baltimore, MD 21227

Dear Mr. and Mrs. Boom:

RE: Case Number: 04-200-A, 3021 Maryland Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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



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

November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.: 195, 197-211²⁰⁰

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

DATE: November 6, 2003

RECEIVED

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

NOV - 7 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-205 and 04-200
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:

John LaPrade

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 13, 2003

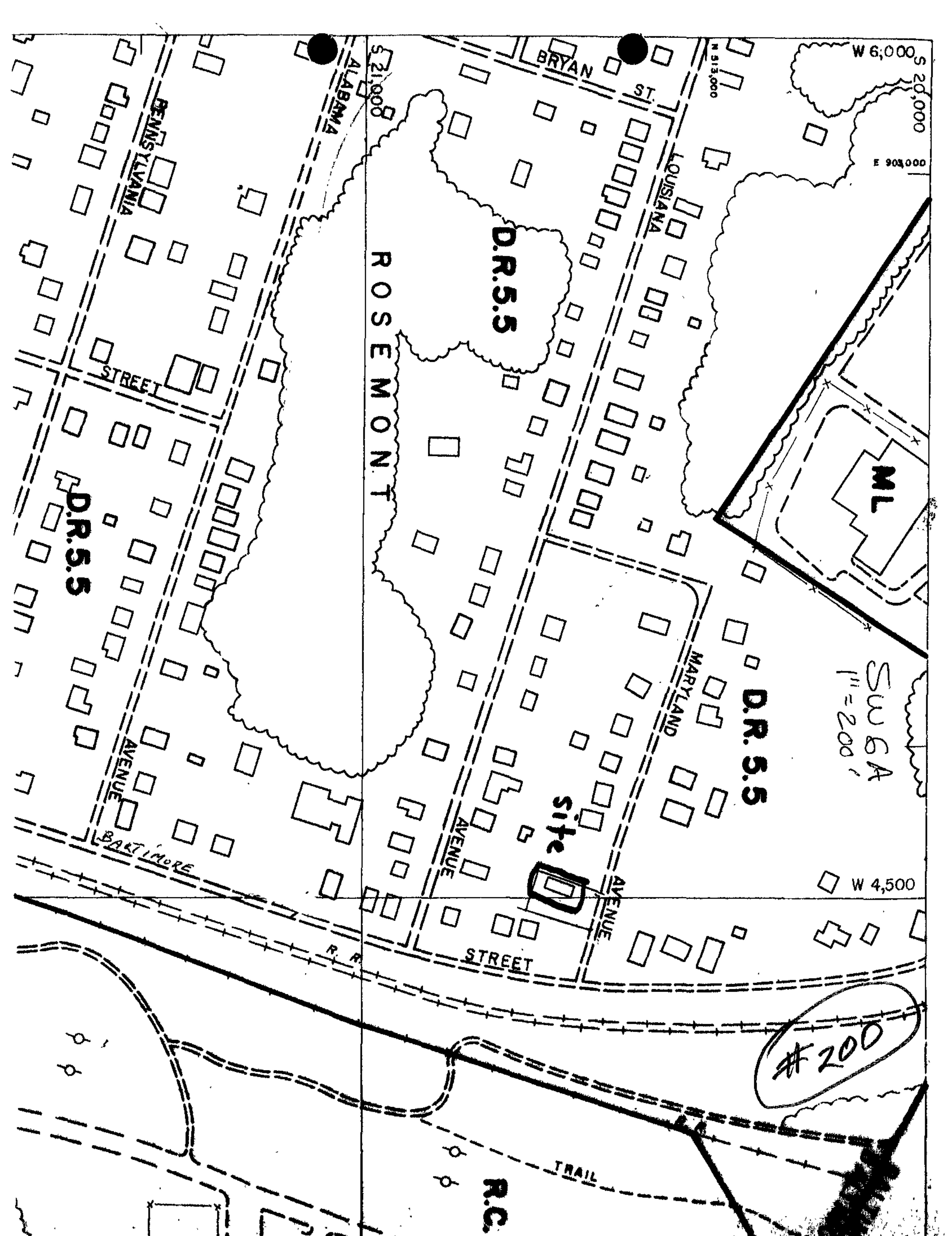
FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2003
Item Nos. 195, 196, 197, 198, 199,
200, 202, 203, 204, 205, 206, and 211

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

RWB:CEN:jrb

cc: File



ML

SU 6A
1" = 200'

D.R. 5.5

D.R. 5.5

D.R. 5.5

#200

R.C.

TRAIL

STREET

AVENUE

AVENUE

MARYLAND

LOUISIANA

BRYAN

ALABAMA

PENNSYLVANIA

STREET

AVENUE

BARTIMORE

ROSE MONT

S 21,000

N 513,000

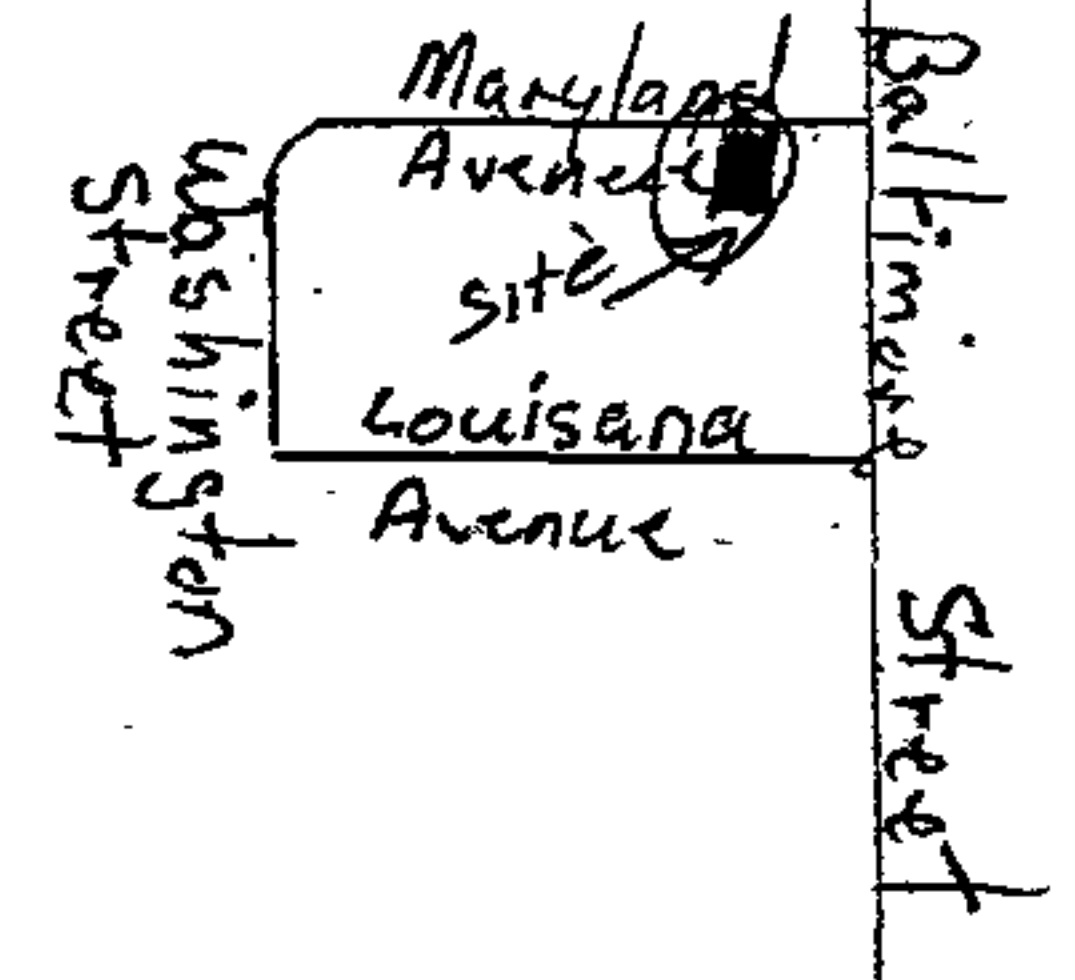
S 20,000
W 6,000
E 90,000

W 4,500

19

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

OWNER Henry B. and Susan L. Boom



④

SCALE: 1" = 1000'

200

William & Christine
Bartholomew

Existing
Dwelling
3017
Front

Proposed
12' x 19' Addition

SCALE OF DRAWING: 1" = 30'

Pet Exp #1



Subject Side proposed garage site



200



3017
Maryland Ave
from street



3017
Maryland Ave.
from porch

*
200

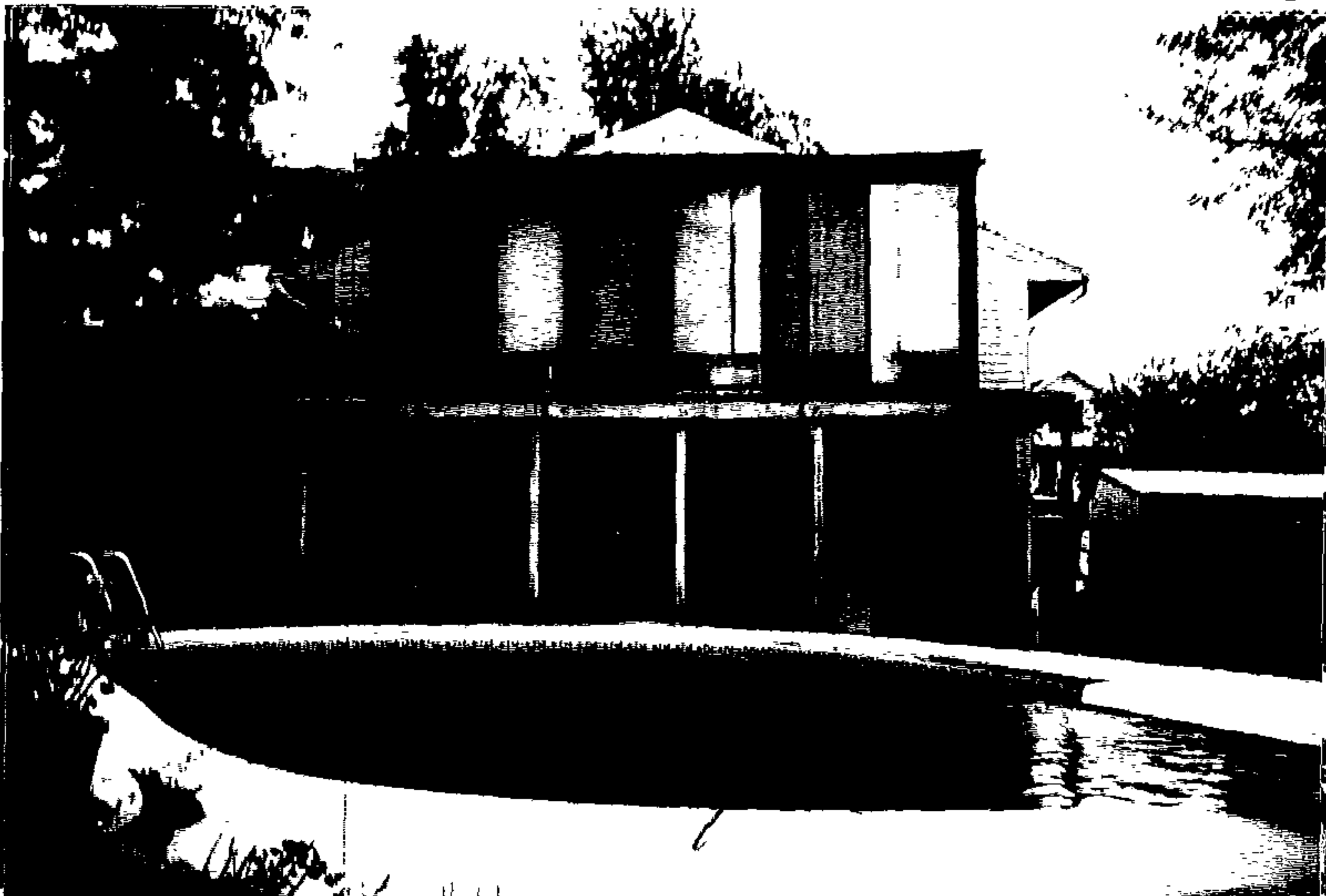
Subject Photo Page

Borrower/Client H.B. & S.L. Boom			
Property Address 3021 Maryland Avenue			
City Baltimore	County Baltimore	State Md	Zip Code 21227
Lender Leeds Federal Saving Bank			



Subject Front

3021 Maryland Avenue
Sales Price 90,000
GLA 1,021
Total Rooms 5
Total Bedrms 3
Total Bathrms 1
Location English Consul
View Avg/SFR
Site 0.17 acres+-
Quality Avg/Alum.
Age 18+-



Subject Rear



Subject Street

#200