IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Carrollton Avenue, 120 +/- ft.
from centerline of Chelsea Avenue
9th Election District
2nd Councilmanic District
(1302 Carrollton Avenue)

Theresa & David Westerlund

Petitioners

BEFORE THE

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 04-226-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, Theresa and David Westerlund. The variance request is for property located at 1302 Carrollton Avenue in the Towson area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (existing garage with proposed 2<sup>nd</sup>-story addition) to be located in the front yard in lieu of the required rear yard and to permit a 0 ft. setback in lieu of the required 2 ½ ft. 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

Server Company of the Same of

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 Lth day of December, 2003, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (existing garage with proposed 2<sup>nd</sup>-story addition) to be located in the front yard in lieu of the required rear yard and to permit a 0 ft. setback in lieu of the required 2 ½ ft., 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.
- 2. The Petitioners or subsequent owners shall not allow or cause the garage to be used as a separate residence or for commercial/business purposes.

3. 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:rai

### 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,

December 4, 2003

Mr. & Mrs. David Westerlund 1302 Carrollton Avenue Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 04-226-A

Property: 1302 Carrollton Avenue

Dear Mr. & Mrs. Westerlund:

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



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	1302	[ARRO]	Han	AUE	; ! !
		ly zoned			

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) 400.1 BCZP

To permit an accessory structure (Existing garage with proposed 2nd story addition) to be located in the front yard in lieu of the required rear yard. And to permit a o'selback in lieu of the required 21/2'.

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.

			is the subject of t	his Petition.	or the broberty willett
Contract Purchaser/Le	essee:	•	Legal Owner	<u>(s):</u>	
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Attorney For Petitione				ARROLLTON F	AVE 410-823-17
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	**	······································	Towson	m	21204
Name - Type or Print			City	State	Zip Code
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City	State	Zip Code	Tenson		21204
, <u> </u>		zip Code	City	State	Zip Code
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this ay of removations of Baltimore County a	that	the subject matter of thi	s petition be set for a pr	ublic hearing, advertised,	as required by the zoning
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REV 10 25/01		Estin	nated Posting Date	• <u> </u>	6-03
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# 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.

Address

That the Affiant(s) does/do presently reside at

1302 Carrollton Avenue

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the Affiant(s) herein, personally known o		to me as such Affiai		LINK
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# Affidavit in Support of Administrative Variance

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Address

That the Affiant(s) does/do presently reside at 🐪 \_\_

1302 Carrollton Avenue

	Baltimore Chv	MD State	21204 Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har	following are the facts upon w dship or practical difficulty):	hich I/we base the re	quest for an Administrative
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STATE OF MARYLAND, COUNTY OF BAI		<b></b>	
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David bWesterlein.	d and fferes		lund
the Affiant(s) herein, personally known or sa	tisfactorily identified to me as	such Affiant(s).	1
AS WITNESS my hand and Notarial Seal	Shu	ion U	Chutz
JAN TARY	My Commission	Evniros 8/1/	0/0
REV 10/25/01	wy Commission	().//./	<u> </u>



CASE NO. 04-226-A

REV 10/25/01

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1302 CARRO HAN AVE which is presently zoned DR 3.5

This Petition shall be filed with the E owner(s) of the property situate in Baltin made a part hereof, hereby petition for a	nore County and which a Variance from Section	is described in the descri (s) Amount acan	ription and plat attac	ched hereto and
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Property is to be posted and advertised I, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Co.	ariance, advertising, posti	ng, etc. and further agree to	o and are to be bound e County.	ed by the zoning
		I/We do solemnly declar perjury, that I/we are the is the subject of this Peti	legal owner(s) of the p	e penalties of property which
Contract Purchaser/Lessee:	i.	Legal Owner(s):		
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Zph/Som MD State	Zip Code	Signature Last	my/	
Attorney For Petitioner:		1302 CARRO	OLLTON AVE	410-823-17
-	i	Address	<i>A</i>	Telephone No.
Name - Type or Print		Zowson/ City	State	21204 Zip Code
**************************************	- 	Representative to I	be Contacted:	
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A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the property	hat the subject matter of this	petition be set for a public hea	aring, advertised, as requ	lired by the zoning
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		Zoning Commissi	oner or partitions County	t en

Reviewed By JRF

Estimated Posting Date

#### **ZONING DESCRIPTION FOR 1302 CARROLLTON AVENUE**

BEGINNING FOR THE SAME at a point on the north side of Carrollton Avenue which is 40 feet wide at the distance of 120' more or less from the centerline of the nearest improved intersecting street Chelsea Avenue which is 40' wide. Being Lots #82, 82A, 83 and 83A in the subdivision of Ruxton Heights as recorded in Baltimore County Plat book #1, Folio 185 containing 11,500 square feet of land more or less. Also known as 1302 Carrollton Avenue and located in the 9<sup>th</sup> Election District and 2<sup>nd</sup> Councilmanic District.

**Ž**ių



RE: Case No. 04-226-A
Petitioner/Developer:
David Westerlund
Closing Date: 12/01/03

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

Attention: Ms. 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 1302 Carrolton Ave.

The sign(s) were posted on 11/16/03.

Diana Sugiuchi

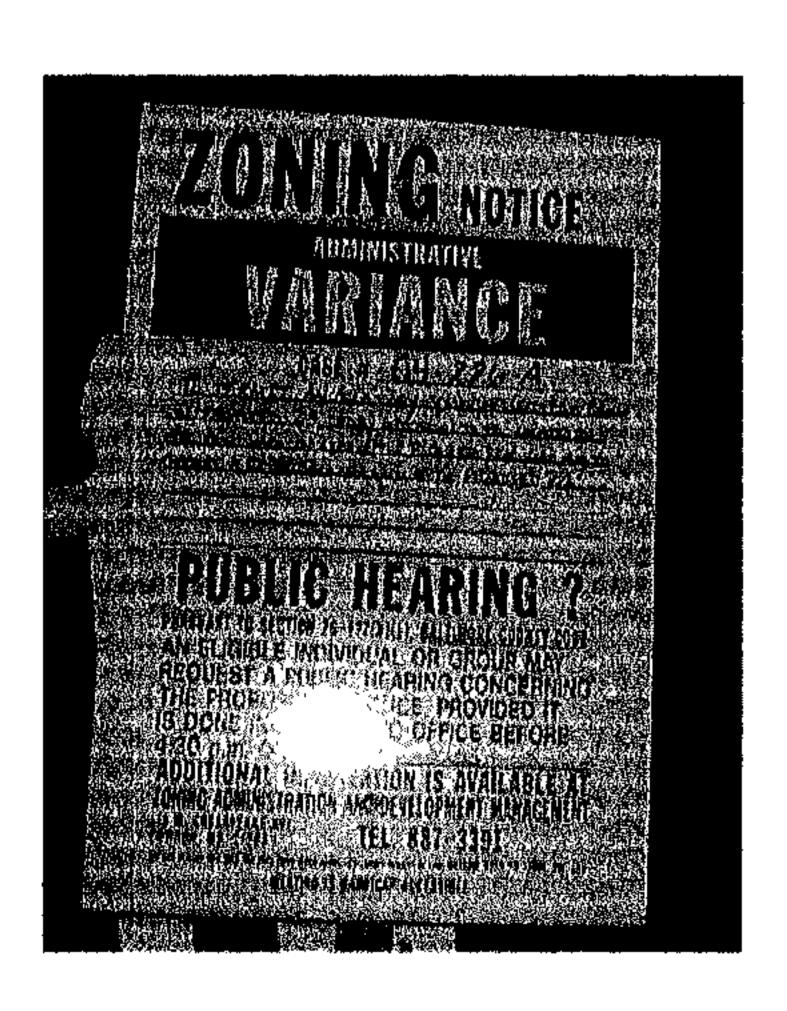
Sincerely,

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668





# 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.

For Newspaper Advertising:
Item Number or Case Number: 04-226-
Address or Location: 1302 CARROLITON AVE, RUXTON MD  21204
PLEASE FORWARD ADVERTISING BILL TO:
PLEASE FORWARD ADVERTISING BILL TO: Name: DAVID AND TERRI WESTER/UND
Address: 1302 CARROllion AVE.
RUXTON, MD 21204
Telephone Number: <u>410-823-1733</u>

Revised 2/20/98 - SCJ

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# Baltimore County Department of Permits and Development Management

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

December 1, 2003

David Westerlund Theresa Westerlund 1302 Carrollton Avenue Towson, MD 21204

Dear Mr. and Mrs. Westerlund:

RE: Case Number: 04-226-A, 1302 Carrollton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 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,

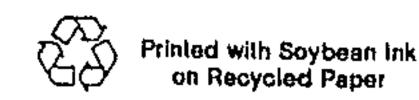
W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callidal D

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

November 19, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 17, 2003

Item No.:

220, 221, 223-228, 230, 231

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 '

MARYLAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 11.18.03

Baltimore County

Item No. 226

Robert L. Flanagan, Secretary

Neil J. Pedersen, Administrator

JRF

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.

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, 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

NOV 2 4 2003 ZONING COMMISSIONER

Zoning Advisory Petition(s): Case 04-226 - Administrative Variance **SUBJECT:** 

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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 26, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting For Item Nos. 222, 223, 225 (226, 227,

228, 229, 230, and 231

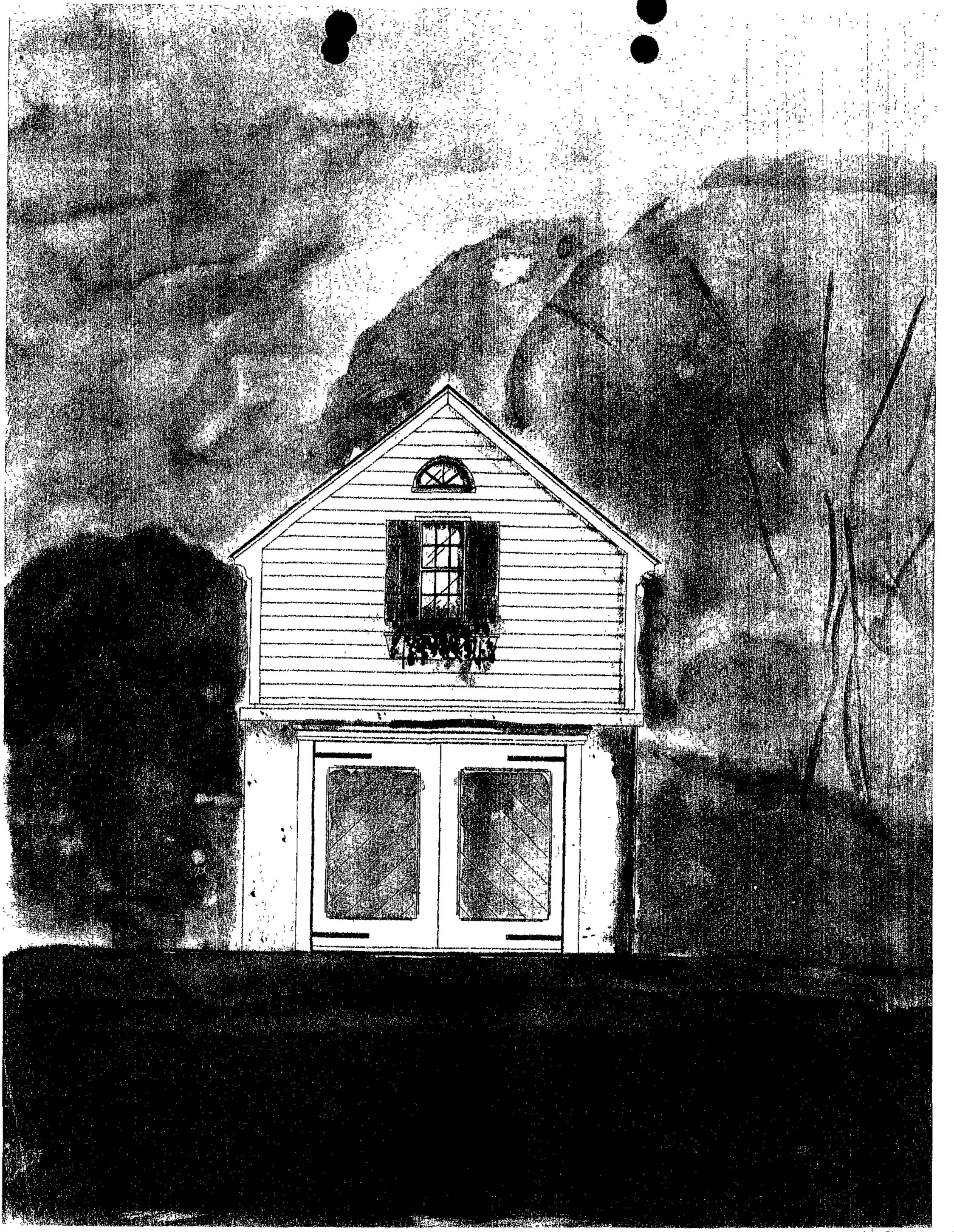
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

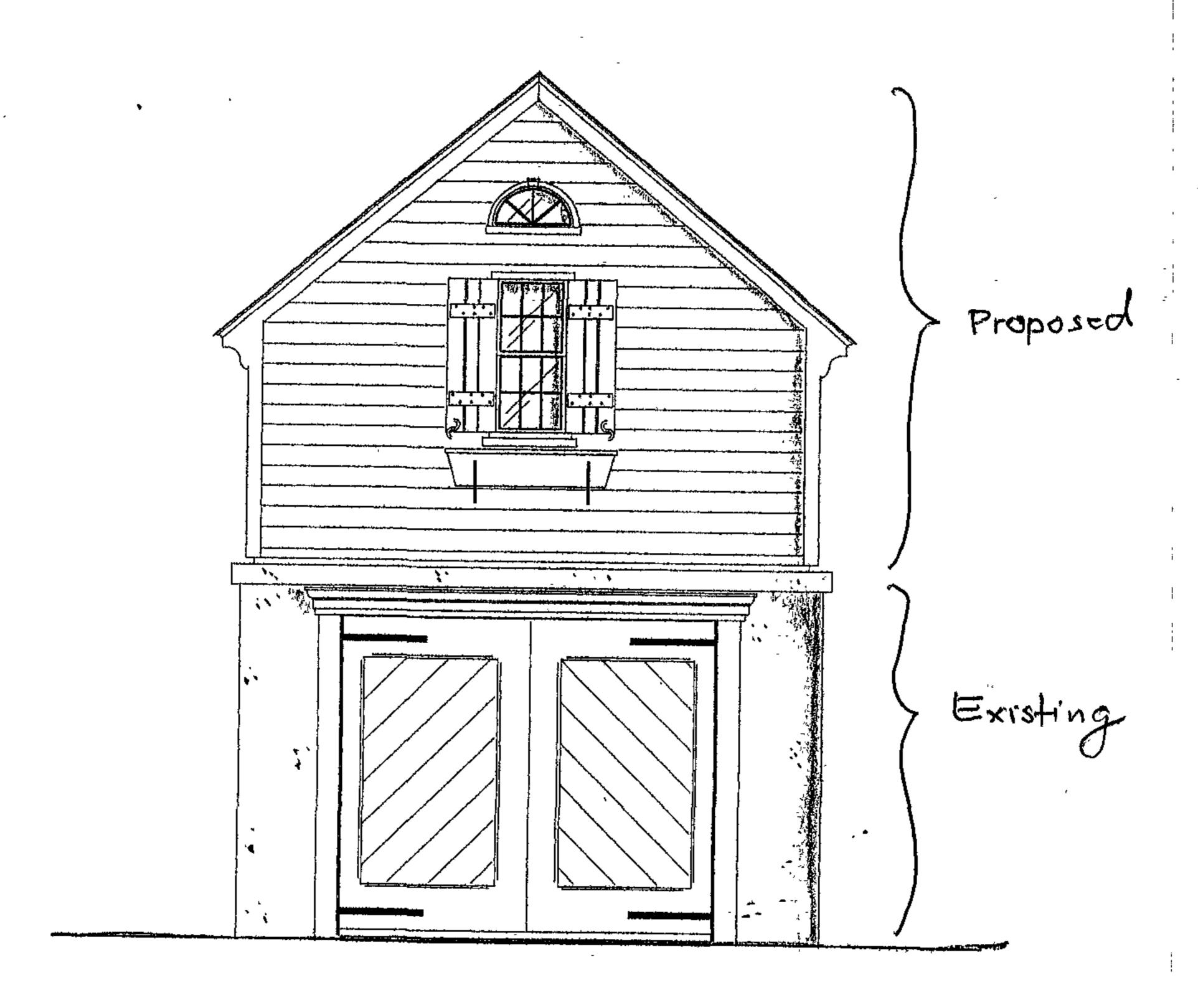
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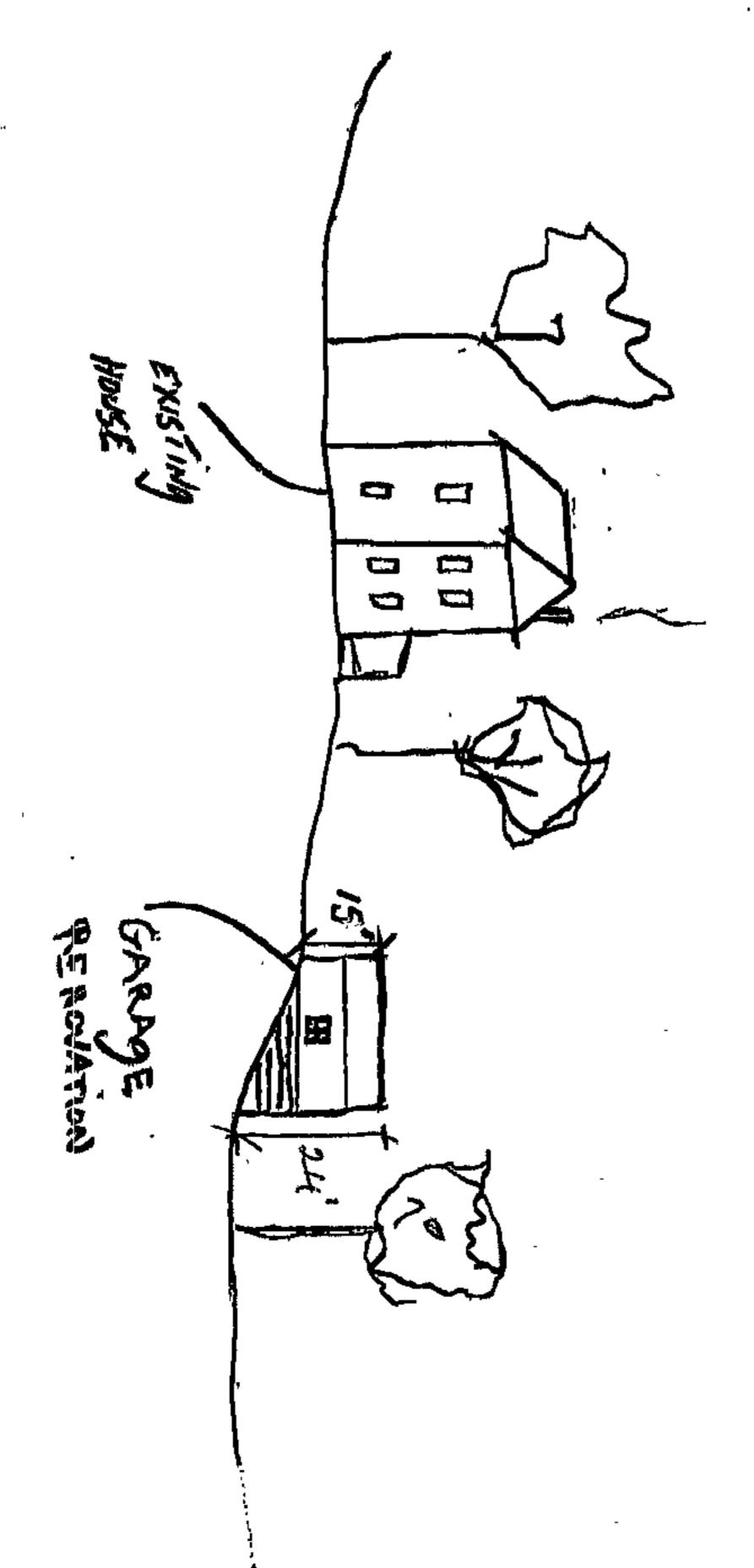
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JRT 226	REVIEWED BY ITEM # USE ONLY	IC PROPERTY/ DING ONING HEARING NO	WATER  WATER  YES  CRITICAL AREA  O YEAR EL CON PLANT	Ridge Manual Registration of the policy of t	SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION

Ret. Ex. #/



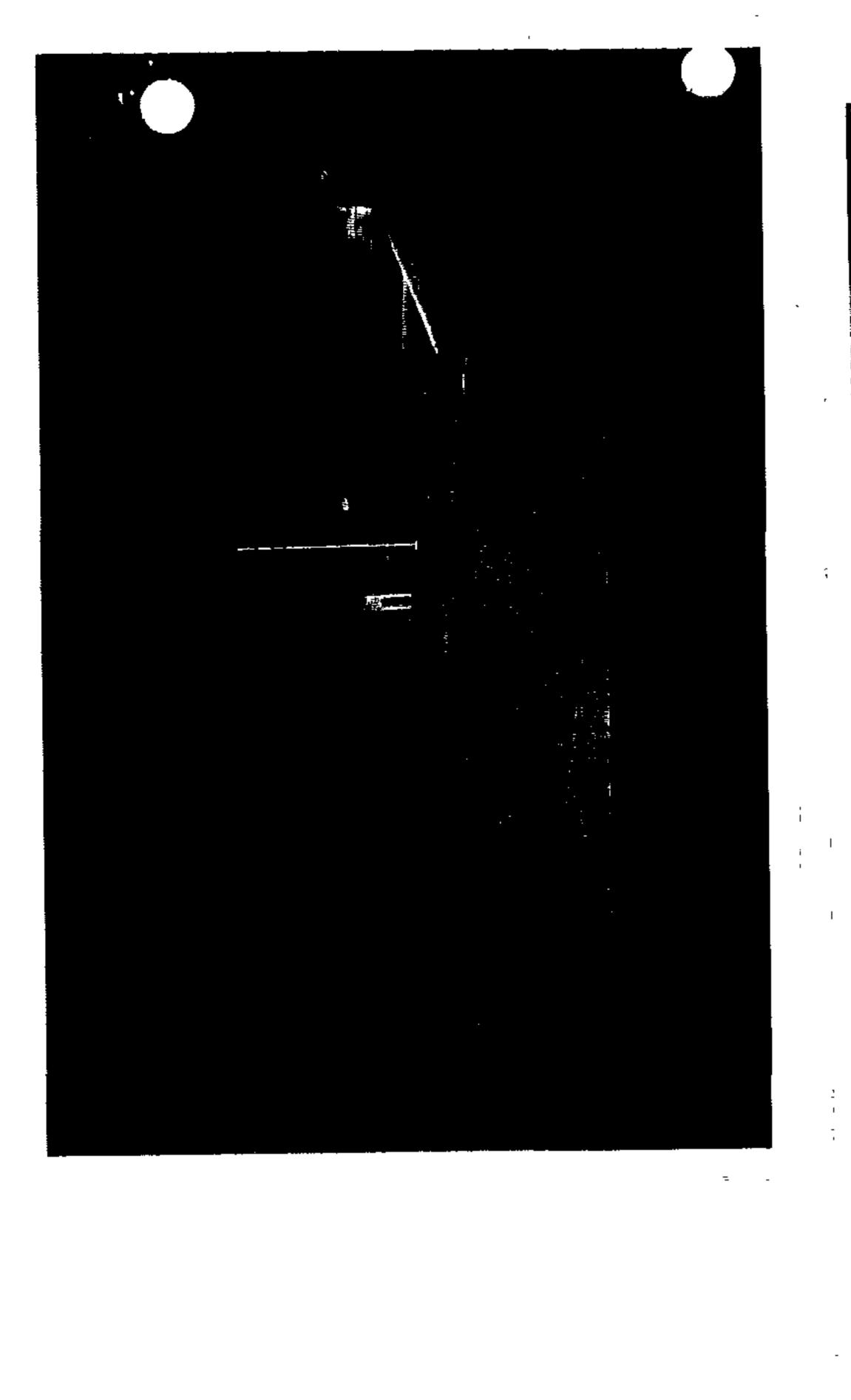


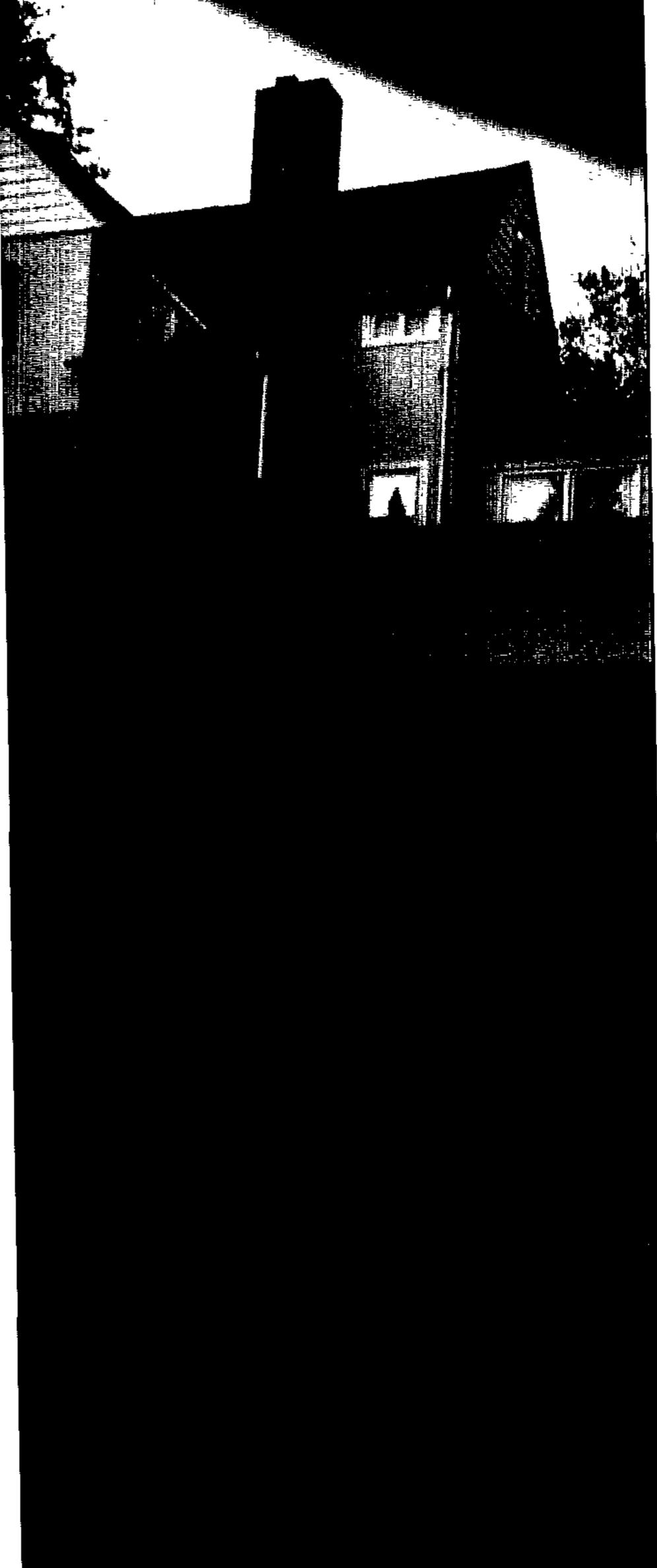
From-THE CORDISH COMPANY.



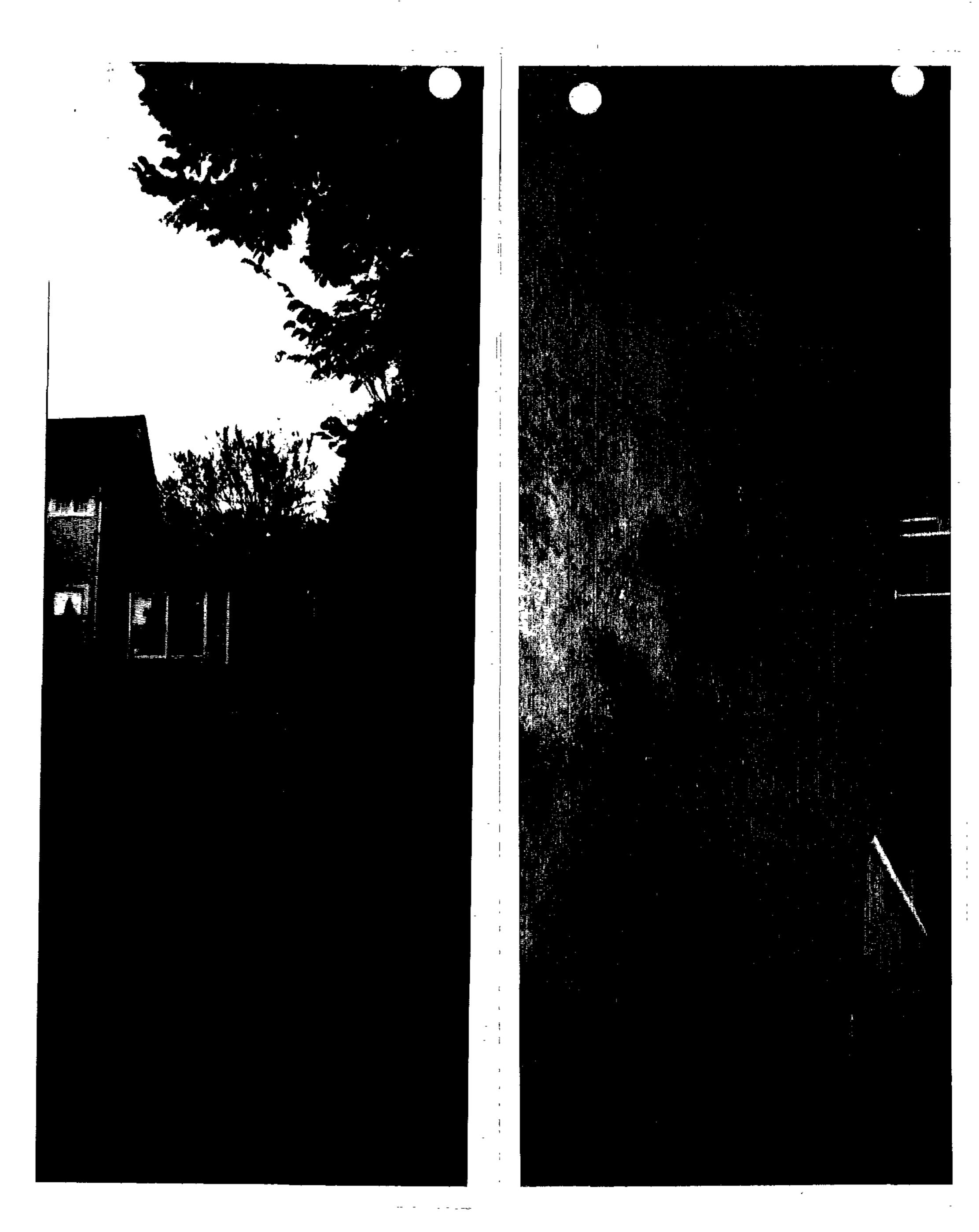
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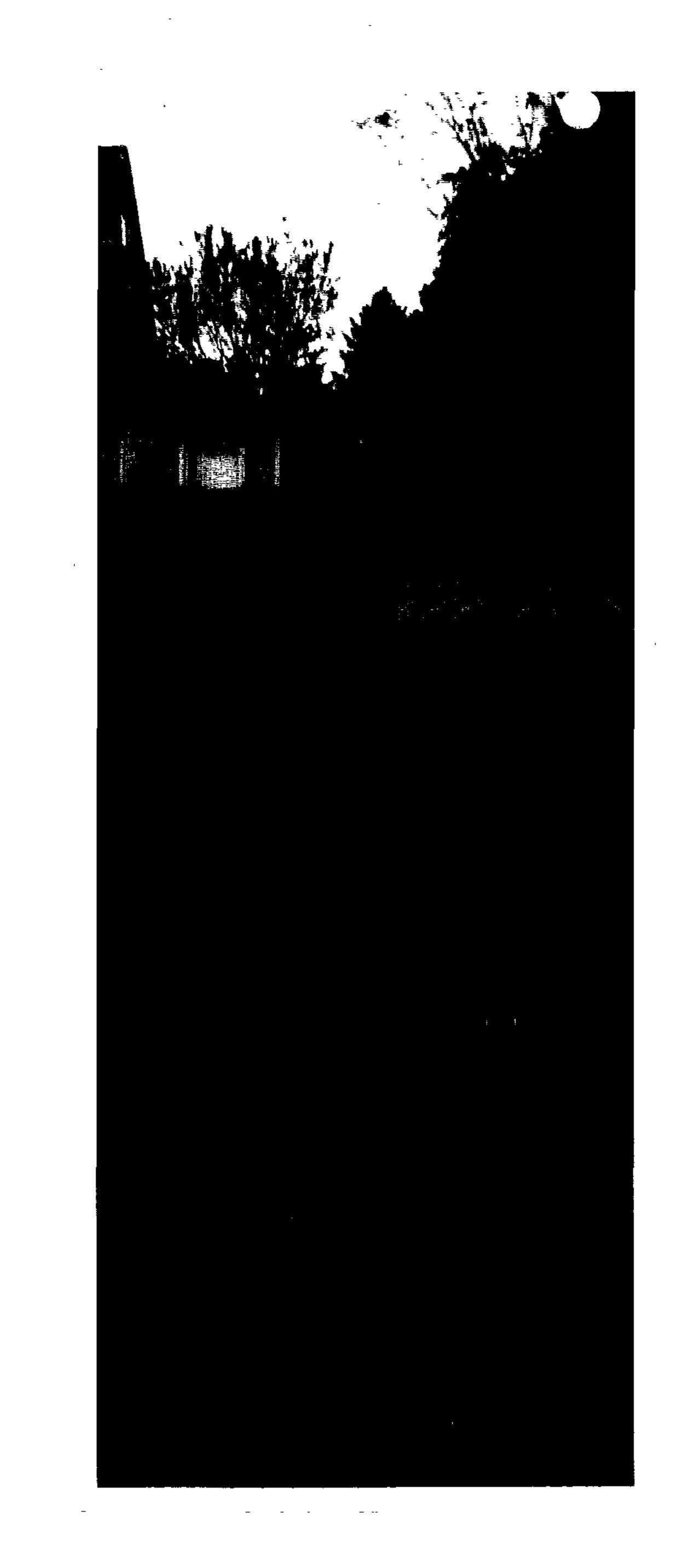
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