

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Erie Avenue, 140 ft. E
centerline of Montego Avenue
9th Election District
3rd Councilmanic District
(2709 Erie Avenue)

Jeffrey John Foard
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-388-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, Jeffrey John Foard. The variance request is for property located at 2709 Erie Avenue in the "Mis-Jan Estates" subdivision of Baltimore County. The variance request is from Section 1B02.3.B (old Regs, R-6, 211.3), to allow a side yard setback of 4.5 ft. in lieu of the minimum required 6 ft. for a carport. 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 on March 7, 2004, 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

ORDER RECEIVED FOR FILING

Date

3/31/04

By

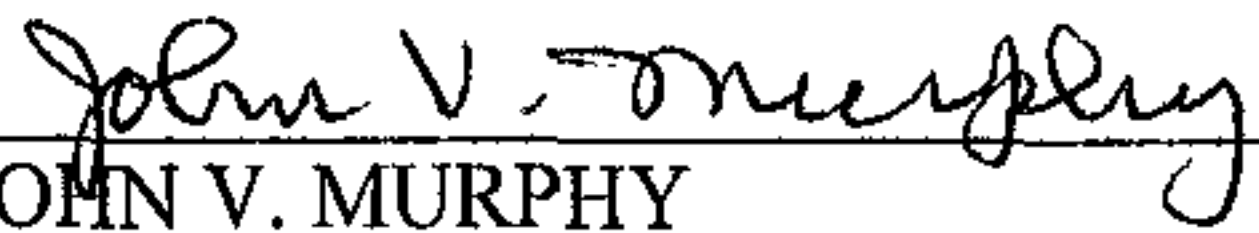
J.R. Quisenberry

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 31 day of March, 2004, that a variance from Section 1B02.3.B (old Regs, R-6, 211.3), to allow a side yard setback of 4.5 ft. in lieu of the minimum required 6 ft. for a carport, 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;


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

DEPT. RECEIVED FOR FILING
3/31/04
R. Johnson

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

March ³¹~~29~~, 2004

Mr. Jeffrey John Foard
2709 Erie Avenue
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 04-388-A
Property: 2709 Erie Avenue

Dear Mr. Foard:

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2709 Erie Ave
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-B (Old Res, R-6, 211.3)

TO allow a side yard setback of 4 1/2 ft. in lieu of the minimum required 6 ft. for a rampant

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

Address Telephone No.

City State Zip Code

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 regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 2-24-04

Estimated Posting Date 3-07-04

ORDER RECEIVED FOR FILING

Date

CASE NO.

REV 10/25/01

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

2709 Erie Ave
Address
Baltimore Md. 21234
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):

I am requesting this variance due to the water ~~water~~ penetrating my foundation and to keep water from the basement. I have had the carpet replaced and mold has been continually reappearing after repairs have been made. The proposed carpet will have downspouts that will divert the water.

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 Jeffrey J. Foard
Name - Type or Print Jeffrey J. Foard

Signature Julie A. Foard
Name - Type or Print Julie A. Foard

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of February, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeffrey John Foard and Julie Foard
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Cathy D. Cole
Notary Public
My Commission Expires April 1, 2004

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

2709 Erie Ave
Address
Balt. Md. 21234
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):

I am requesting this variance due to the water penetrating my foundation and keep water from the basement. I have had the carpet replaced and mold has been continually reappearing after repairs have been made. The proposed carpet will have drainspouts that will divert the water.

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.

Jeffrey J. Foard
Signature
Jeffrey J. Foard
Name - Type or Print

Julie A. Foard
Signature
Julie A. Foard
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of February, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jeffrey John Foard and Julie Foard
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Cathy D. Coyle
Notary Public
My Commission Expires April 1, 2004



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2709 Erie Ave
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.B. (old Regs, R-6, 211.3)
To allow a sideyard setback of 4 1/2 ft. in lieu of the
minimum required 6 ft. for a driveway easement.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address 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 1 day of March 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. 04-388-A

REV 10/25/01

Reviewed By [Signature] Date 2-24-04

Estimated Posting Date 3-07-04

ZONING DESCRIPTION

Zoning Description For 2709 Erie Avenue

Beginning at a point on the south side of Erie Avenue which is 50 feet wide at the distance of 140 feet east of the centerline of the nearest improved intersecting street Montego Avenue which is 50 feet wide. Being Lot # 20, in the subdivision of Mis-Jan Estates as recorded in Baltimore County Plat Book #31, Folio 119, containing 6,600 square feet. Also known as 2709 Erie Avenue and located in the 9th Election District, 3rd Councilmanic District.

388

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Car No. 29928
04-388-A

DATE 2-24-04 ACCOUNT R-001-006-6150
AMOUNT \$ 65.00

RECEIVED FROM: Mr. J. Ford
FOR: Residential Variance Filing Fee
at 2709 ERIC Ave (21214)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
2/24/2004 2/24/2004 10:51:33
REC. NO. 0006 WILKIN KIM RUM
RECEIPT N 235042 2/24/2004
Dept. 5 520 ZENITH VERIFICATION
CR NO. 029720
Receipt Tot \$45.00
\$65.00 CK \$0.00
Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-388-A

Petitioner/Developer: JEFFREY FOARD

Date of Hearing/Closing: 3/22/04

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

Attention:

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
at 2709 ERIE AVE

BALTO. MD 21234

This sign(s) were posted on 3 7 04

(Month, Day, Year)

Sincerely,

Martin Ogle
(Signature of Sign Poster and Date)

MARTIN OGLE

(Printed Name)

5016 CASTLESTONE DR.

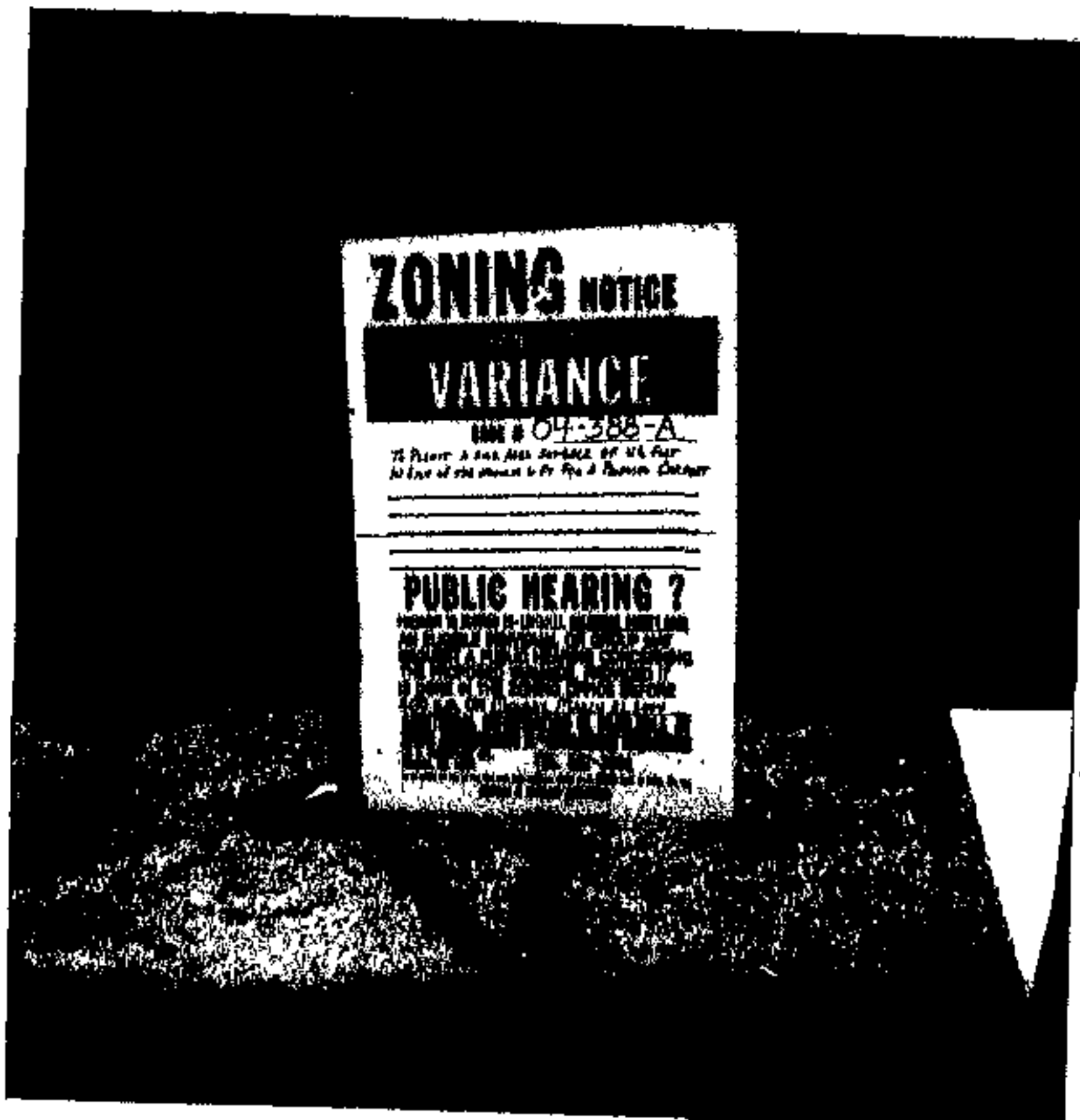
(Address)

BALTO MD 21237

(City, State, Zip Code)

410-933-9410

(Telephone Number)



March 7 2004
Martin Ogle

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 388 -A Address 2709 Eric Ave.

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

Filing Date: 2-24-04 Posting Date: 3-07-04 Closing Date: 3-22-04

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 04 388 -A Address 2709 Eric Ave.

Petitioner's Name Jeffrey FARD Telephone 410-668-3399

Posting Date: 3-07-04 Closing Date: 3-22-04

Wording for Sign: To Permit a side yard setback of 4 1/2 ft. in lieu of the
minimum 6 ft. for a proposed garage.

WCR - Revised 6/28/00

**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: 04-388-A

Petitioner: Mr & Mrs Jeff Ford

Address or Location: 2709 Erie Ave 21234
BALTO

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: _____

Telephone Number: 410-668-3399

**Department of Permits
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*

March 22, 2004

Jeffrey John Foard
2709 Erie Avenue
Baltimore, Maryland 21234

Dear Mr. Foard:

RE: Case Number:04-388-A, 2709 Erie Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 24, 2004.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

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



Robert L. Flanagan, *Secretary*
Nell J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.27.04

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

RE: Baltimore County
Item No. 388 JJS

Dear Ms. Matthews:

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: 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *AMS*

DATE: March 25, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 1, 2004

 X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-376
04-377
04-378
04-379
04-380
04-382
04-384
04-386
04-388

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 17, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-388, 4-395, and 4-403**
Administrative Variance

RECEIVED

MAR 19 2004

ZONING COMMISSIONER

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:

Lynne L. Latham

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 25, 2004

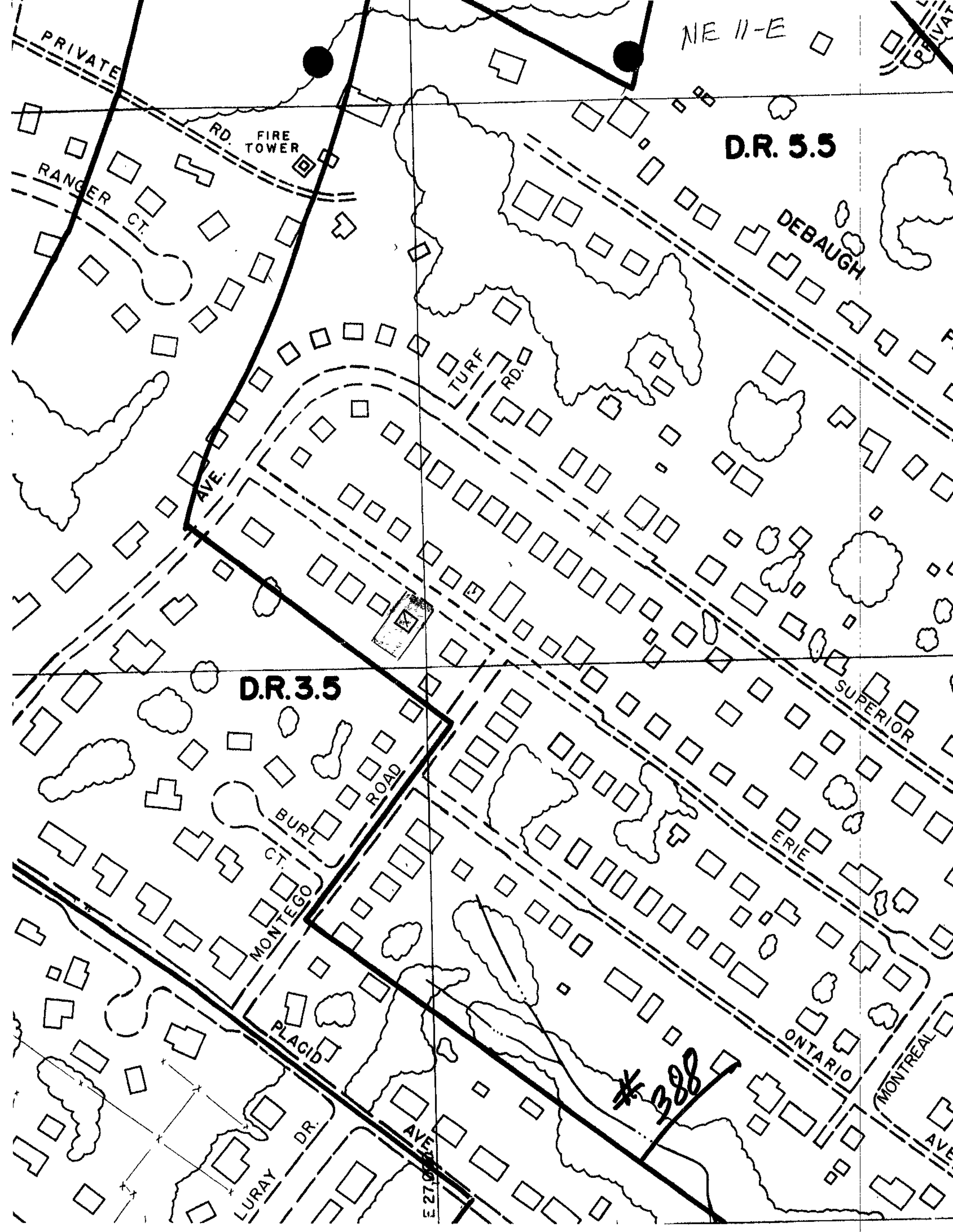
FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 8, 2004
Item Nos. 349, 376, 377, 378, 379, 380,
381, 382, 384, 385, 388 and 389

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

RWB:CEN:jrb

cc: File



NE 11-E

D.R. 5.5

DEBAUGH

TURF RD.

D.R. 3.5

SUPERIOR

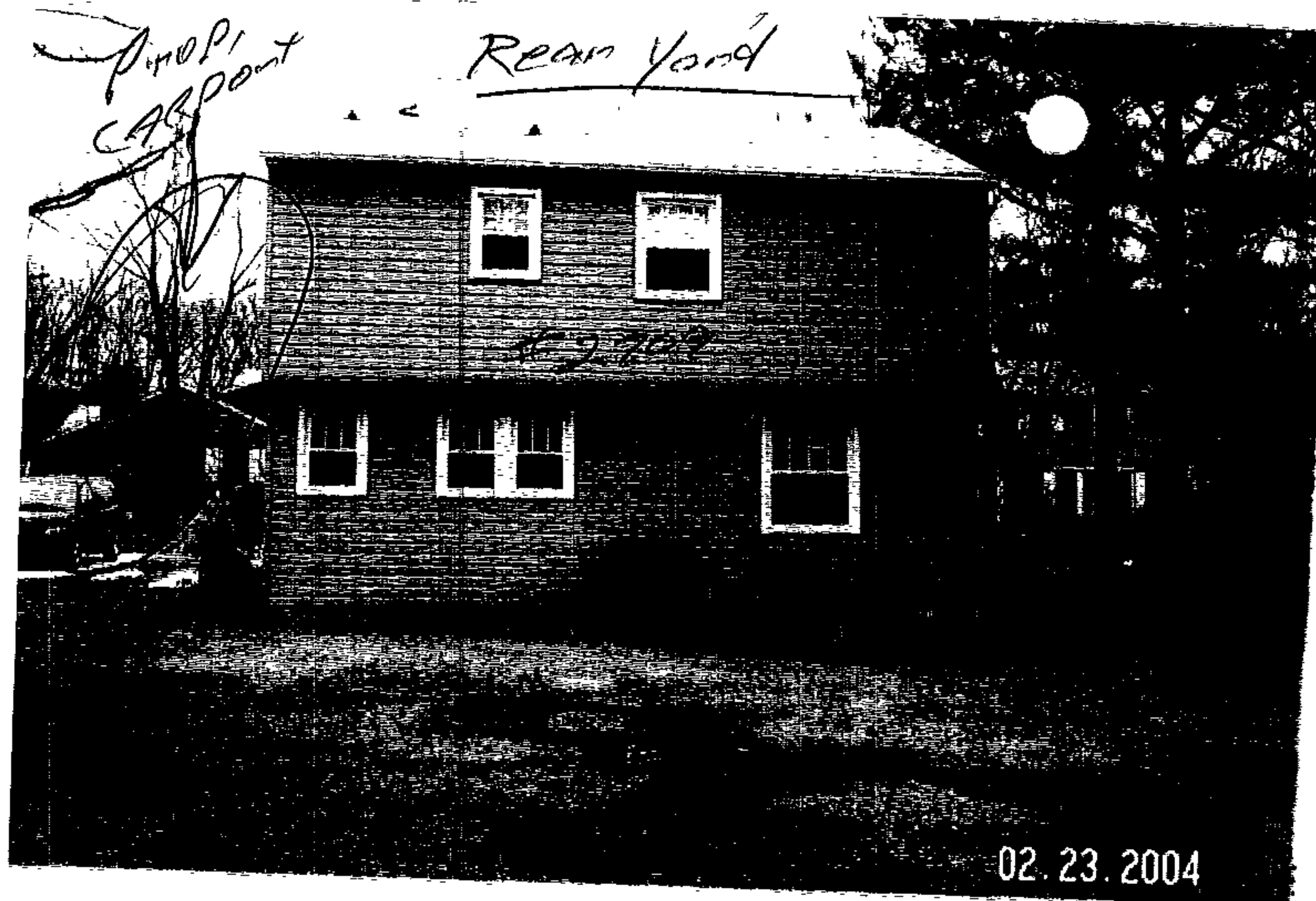
ERIE

ONTARIO

MONTREAL AVE.

*388

E 27 00 00





pro-pp

02.23.2004

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

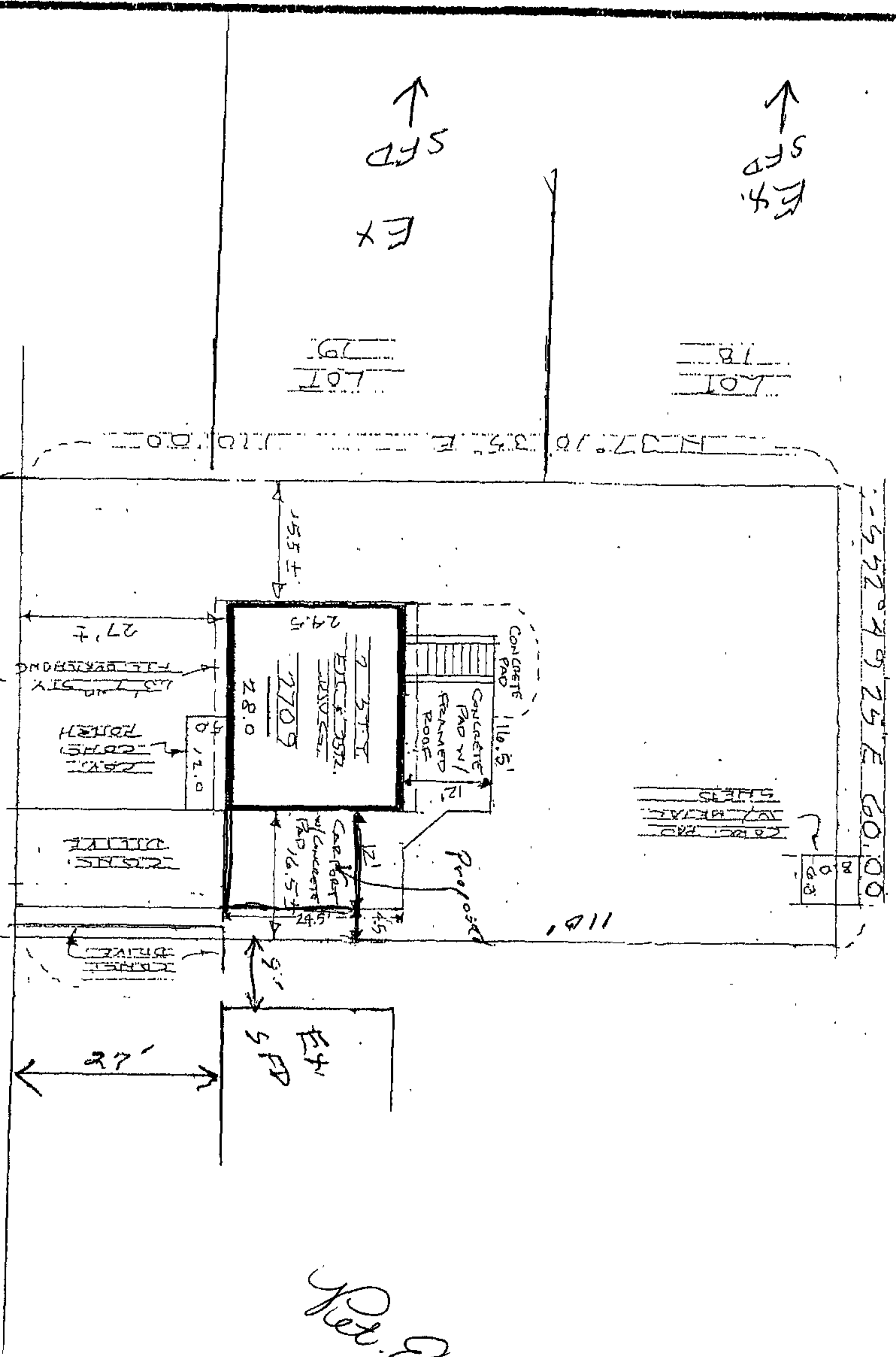
PROPERTY ADDRESS 2704 Erie Ave. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Mis-Jen Estates

PLAT BOOK # 31 FOLIO # 119 LOT # 20 SECTION #

OWNER Jeffrey & Julie Ford

LOCAL OPEN SPACE



Red. City #1

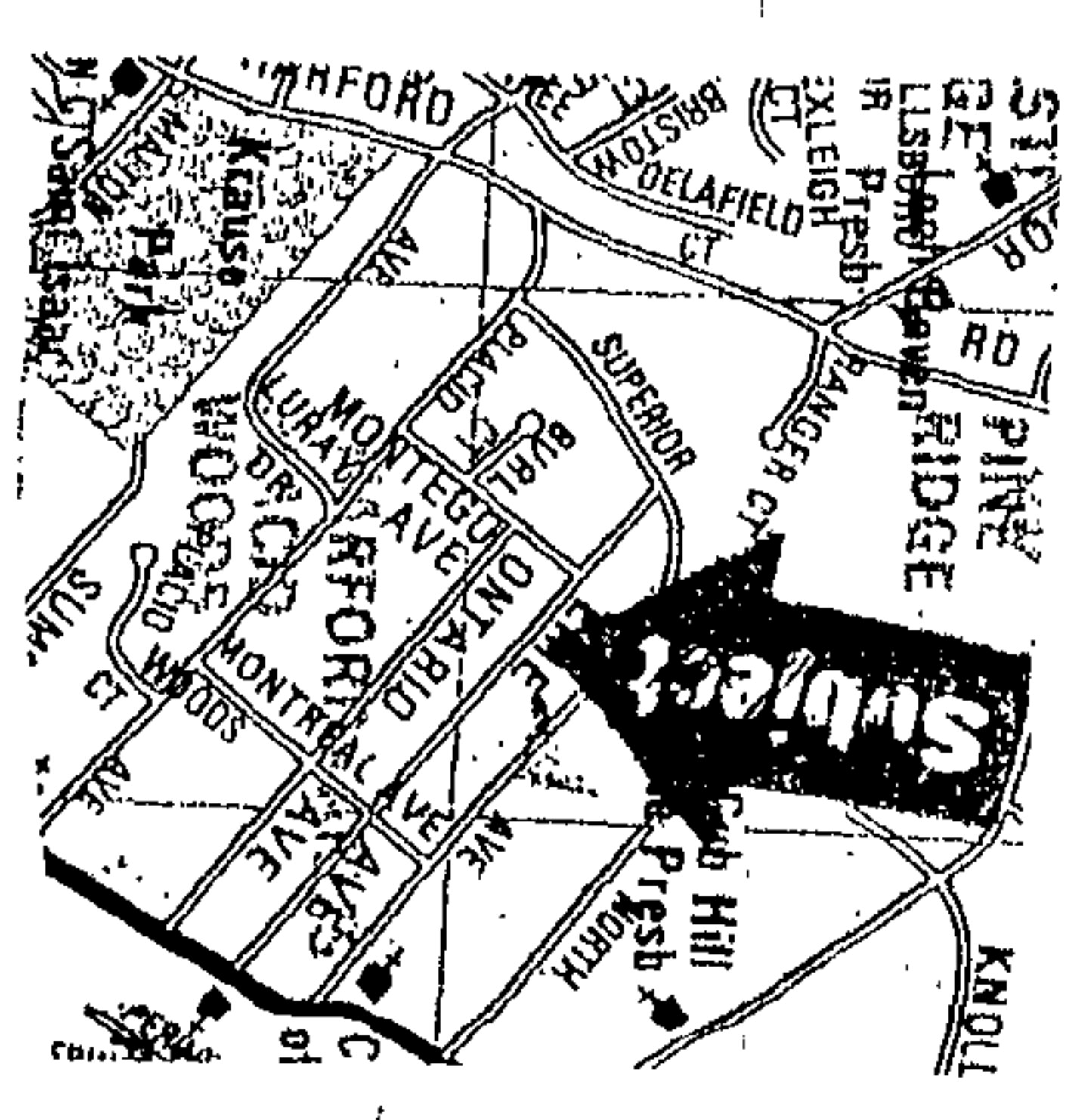
140' to NE
140' to SE
140' to SW
140' to NW
Erie Avenue
(50 FT. WIDE)
NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 80'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 9th

COUNCILMANIC DISTRICT 3rd

1"=200' SCALE MAP # NE 11-E

ZONING DR-S.5

LOT SIZE 0.15 ± ACREAGE 6,662 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒

☐

WATER ☒

☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
REVIEWED BY 388 ITEM # 1 CASE # 1