

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Dixie Drive, 250 ft. E
centerline of Chesapeake Avenue
9th Election District
5th Councilmanic District
(309 Dixie Drive)

Douglas A. Williams
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-400-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, Douglas A. Williams. The variance request is for property located at 309 Dixie Drive in the Towson 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. for an addition in lieu of the required 10 ft. 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 14, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioner must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning dated March 25, 2004 and their revised comments dated April 22, 2004, copies of which are attached hereto and made a part hereof.

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

RECEIVED FOR FILING

4/29/04
By *[Signature]*

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 27 day of April, 2004, 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. for an addition in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
2. Compliance with the ZAC recommendations submitted by the Office of Planning dated April 22, 2004, a copy of which is attached hereto and made a part hereof;
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.

ORDER RECEIVED FOR FILING

Date

By

4/27/04
J. V. Murphy

JVM:raj

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 309 Dixie Drive, Towson, MD 21204

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)

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

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):

Douglas A. Williams

Name - Type or Print

Signature

Name - Type or Print

Signature

309 Dixie Drive,

410-321-6467

Address

Telephone No.

Towson,

MD

21204

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. 04-400-A

Reviewed By BH

Date

3/3/04

REV 10/25/01

Estimated Posting Date

3/14/04

ZONING DESCRIPTION FOR 309 DIXIE DRIVE, TOWSON, MD 21204

Beginning at a point on the south side of Dixie Drive, which is 50 feet wide at the distance of 250 feet east of the centerline of the nearest improved intersecting street, Chesapeake Avenue, which is 30 feet wide.

Being lot # 39, Block # 5 in the subdivision of Southland Hills as recorded in Baltimore County Plat Book # 12, Folio # 30 containing .17 acres.

Also known as 309 Dixie Drive, Towson, MD and located in the 9th election district, 5th councilmanic district.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **19058**

DATE 9/3/89

ACCOUNT 1-600-000-618

AMOUNT \$ 65.00

RECEIVED FROM Donnell, W. H.

FOR 11 months for 1989

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

11-08-89

PAID RECEIPT

BUSINESS ACTUAL TIME
AUG 2004 3/03/2004 03:06:30

REG NO: 176139 3003/2004 OPEN

DEV 5 528 ZIMING VERIFICATION

Receipt Tot \$65.00

\$65.00 18 4.00 CA

Baltimore County, Maryland

CASHER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-400-A

Petitioner/Developer: DOUG

WILLIAMS

Date of Hearing/Closing: 3/29/04

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

309 DIXIE DRIVE

The sign(s) were posted on _____

3/14/04
(Month, Day, Year)

Sincerely,

Robert Black 3/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

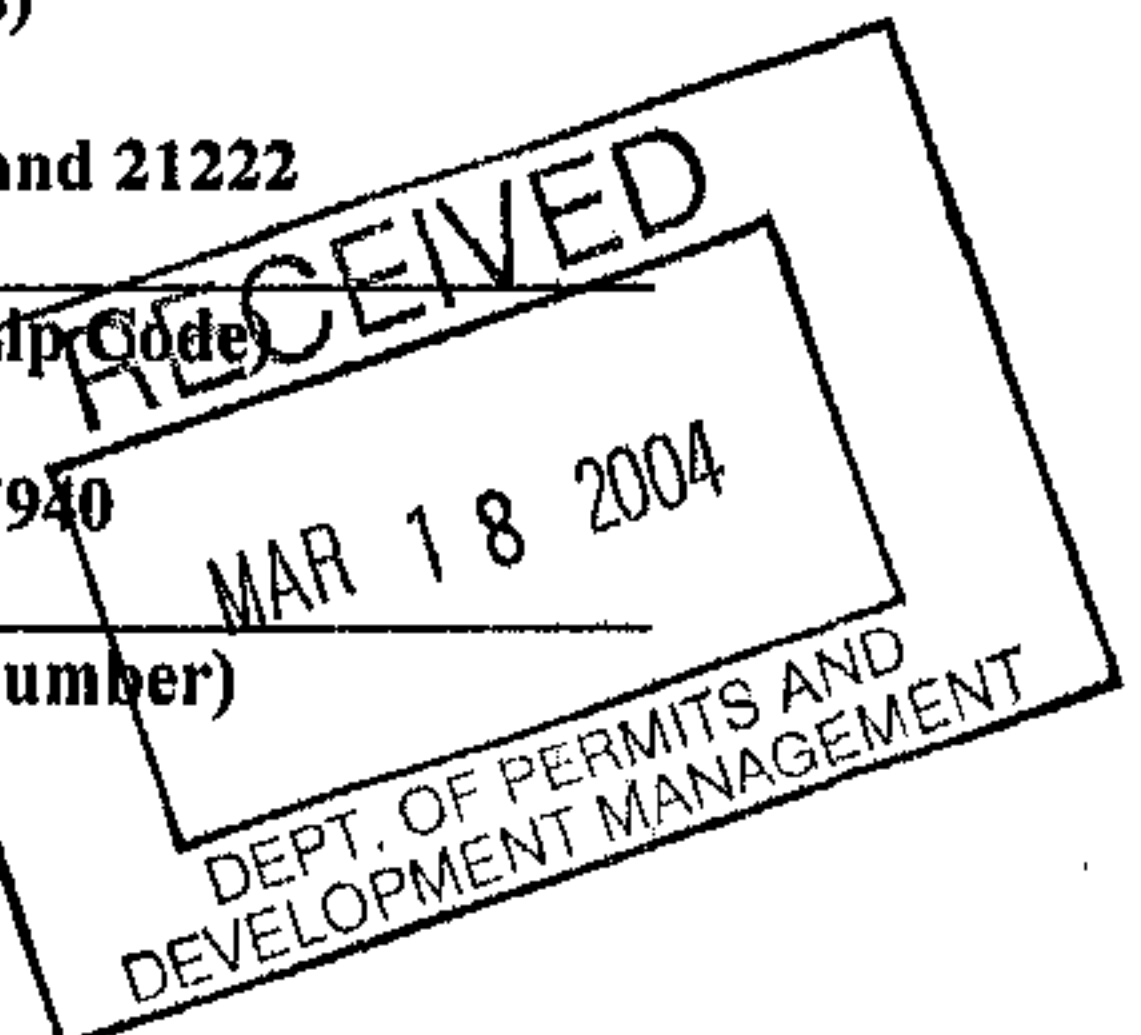
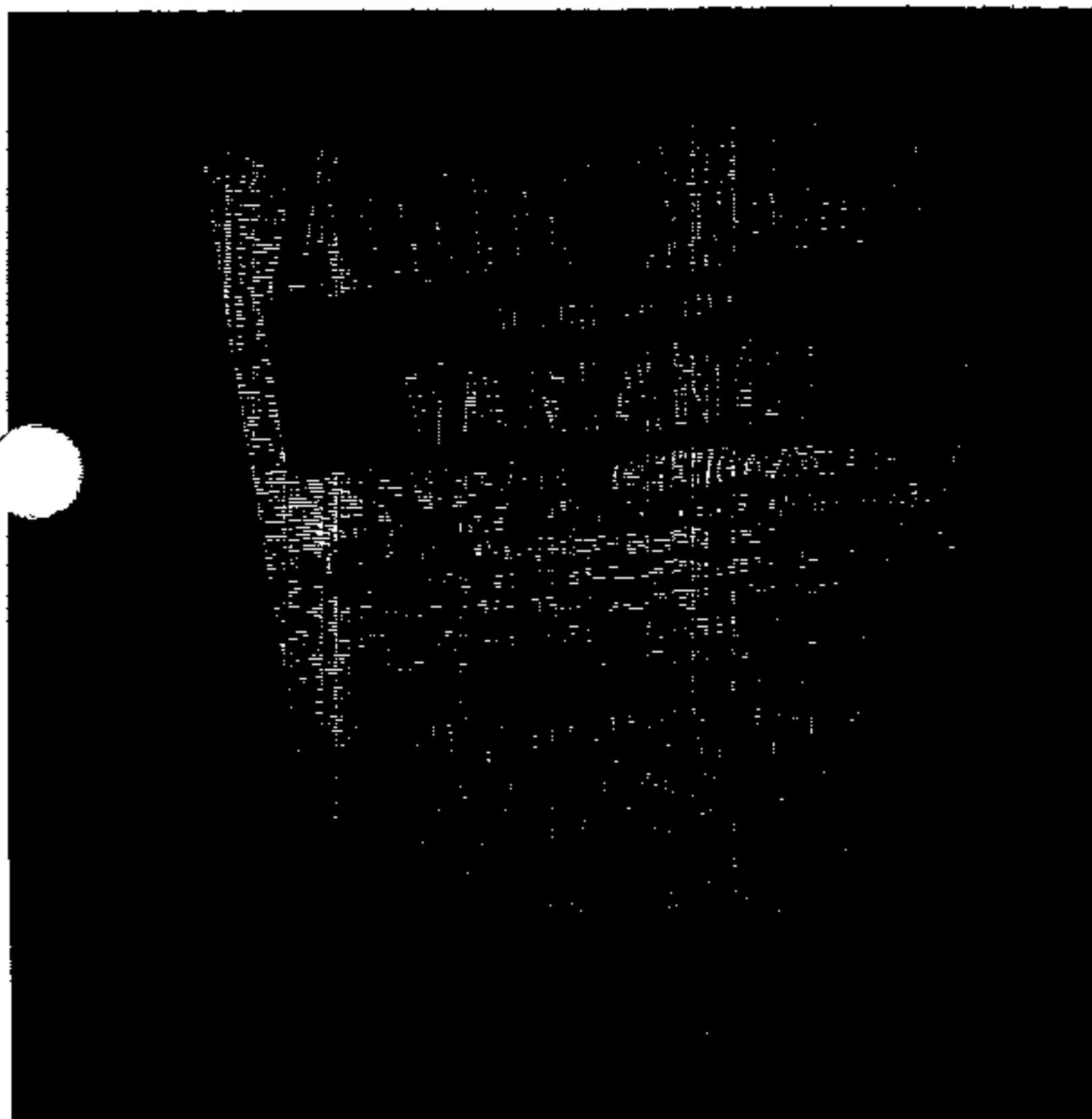
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 400 -A Address 309 Dixie Drive
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/3/04 Posting Date: 3/14/04 Closing Date: 3/29/04

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

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- 400 -A Address 309 Dixie Drive
Petitioner's Name Doug Williams Telephone 410-321-6467
Filing Date: 3/14/04 Closing Date: 3/29/04
Requesting for Sign: To Permit a side yard setback for an addition of 7 ft.
in lieu of the required 10 ft.

**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: 04-400-A
Petitioner: DOUGLAS WILLIAMS
Address or Location: 309 DIXIE DRIVE TOWSON, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: DOUGLAS A. WILLIAMS
Address: 309 DIXIE DRIVE
TOWSON MD 21204

Telephone Number: 410-321-6467

**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*

March 29, 2004

Douglas A. Williams
309 Dixie Drive
Towson, Maryland 21204

Dear Mr. Williams:

RE: Case Number:04-400-A, 309 Dixie Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 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.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.: 341, 399-412 ⁴⁰⁰

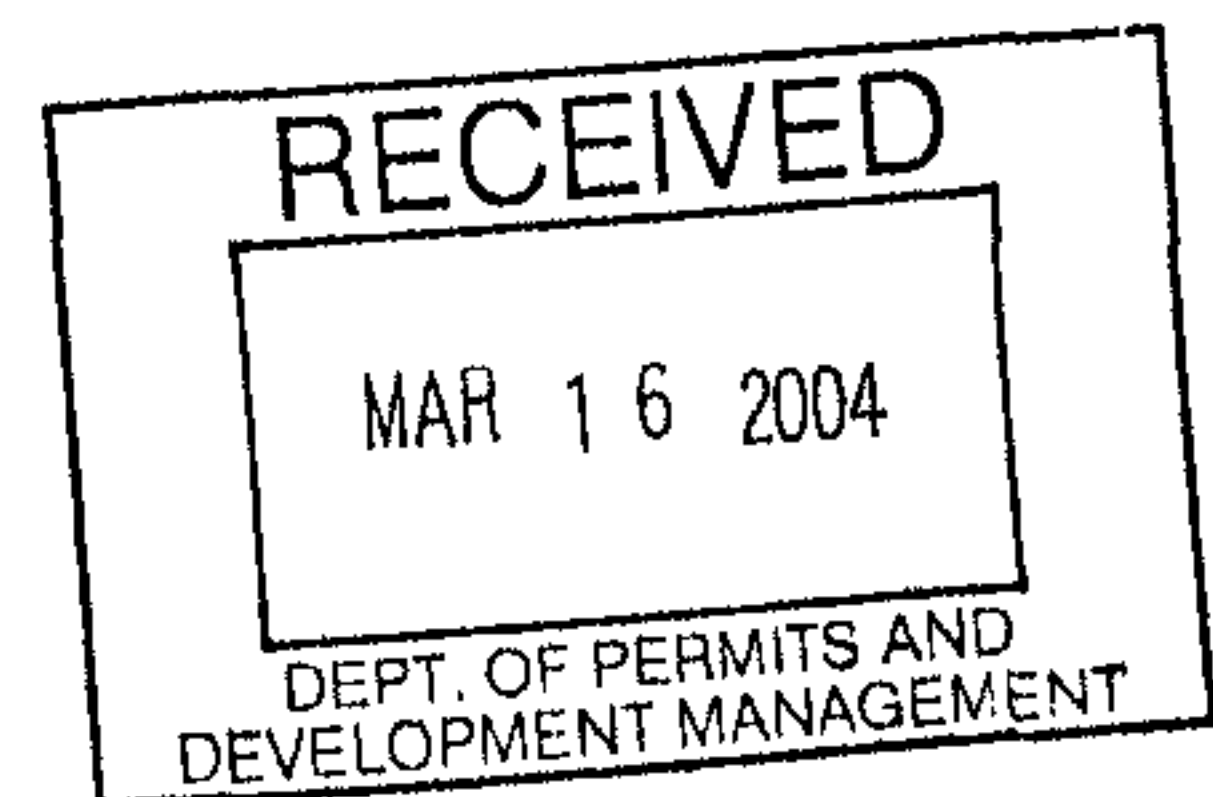
Dear Ms. Hart:

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.

6. 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



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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.16.04

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

RE: Baltimore County
Item No. 400

BPR

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley RBS/JDU
DATE: April 5, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

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

04-341
04-399
04-400
04-401
04-402
04-405
04-407
04-412

Reviewers: Sue Farinetti, Dave Lykens

INTER-OFFICE CORRESPONDENCE



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 25, 2004

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

RECEIVED

MAR 24 2004

SUBJECT: 309 Dixie Drive

INFORMATION:

Item Number: 4-400

Petitioner: Douglas A. Williams

Zoning: DR 5.5

Requested Action: Administrative Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning is unable to provide a recommendation for the subject request due to insufficient information. The petitioner should submit elevation drawings (all sides) to this office for review and approval.

For further information concerning the matters stated herein, please contact Karin Brown and at 410-887-3480.

Prepared by:

Mae A Cunningham

Division Chief:

Lyn Jenkins

AFK/LL:MAC:

ORDER RECEIVED FOR FILING
4/27/04
Date
By

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 5, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2004
Item Nos. 341, 400, 401, 402, 403,
405, 406, 407, 408, 410, 411, and 412

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

RWB:CEN:jrb

cc: File

Attachment to Administrative Variance Petition # 04-400-A

We, the undersigned, agree to the following terms concerning variance petition # 04-400-A, which pertains to 309 Dixie Drive, Towson, MD 21204.

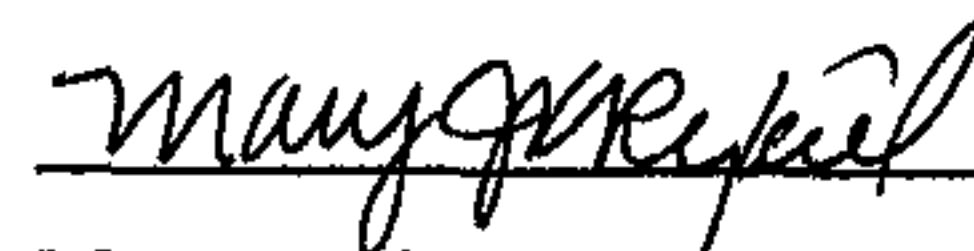
The variance will not convey to future owners of the property unless the variance has been used by the current owners and improvements have been completed as provided in the petition.

Materials used in the exterior construction of the proposed addition will be compatible with existing homes in the neighborhood. Vinyl siding will not be used on the proposed structure.

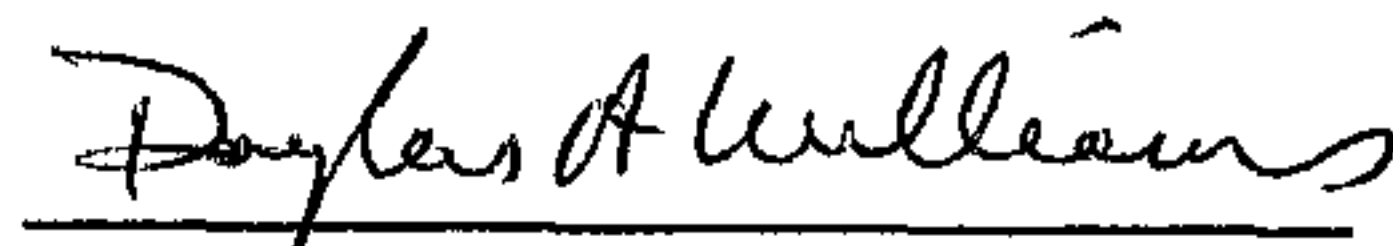
The exterior architecture will have similar appearance to the current structure.



Scott J. Rykiel
Owner, 307 Dixie Drive
410-296-9121



Mary Rykiel
Owner, 307 Dixie Drive
410-296-9121



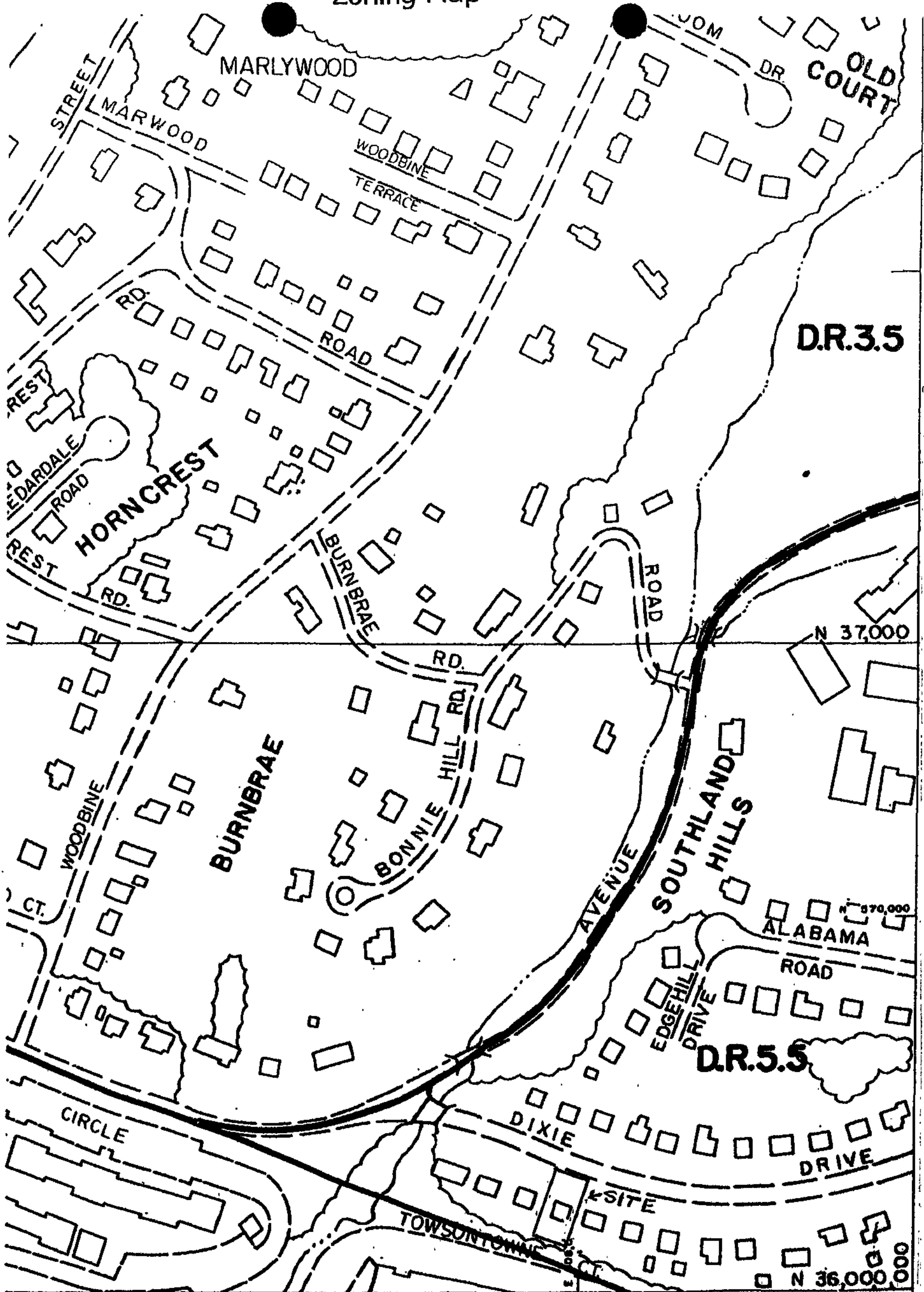
Douglas A. Williams
Owner, 309 Dixie Drive
410-321-6467



Robin R. Williams
Owner, 309 Dixie Drive
410-321-6467

Dated: 3/24/2004

Zoning Map



SCALE 1" = 200'

LOCATION SOUTHLAND HILLS

SHEET N.W. 10 - A

#400

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

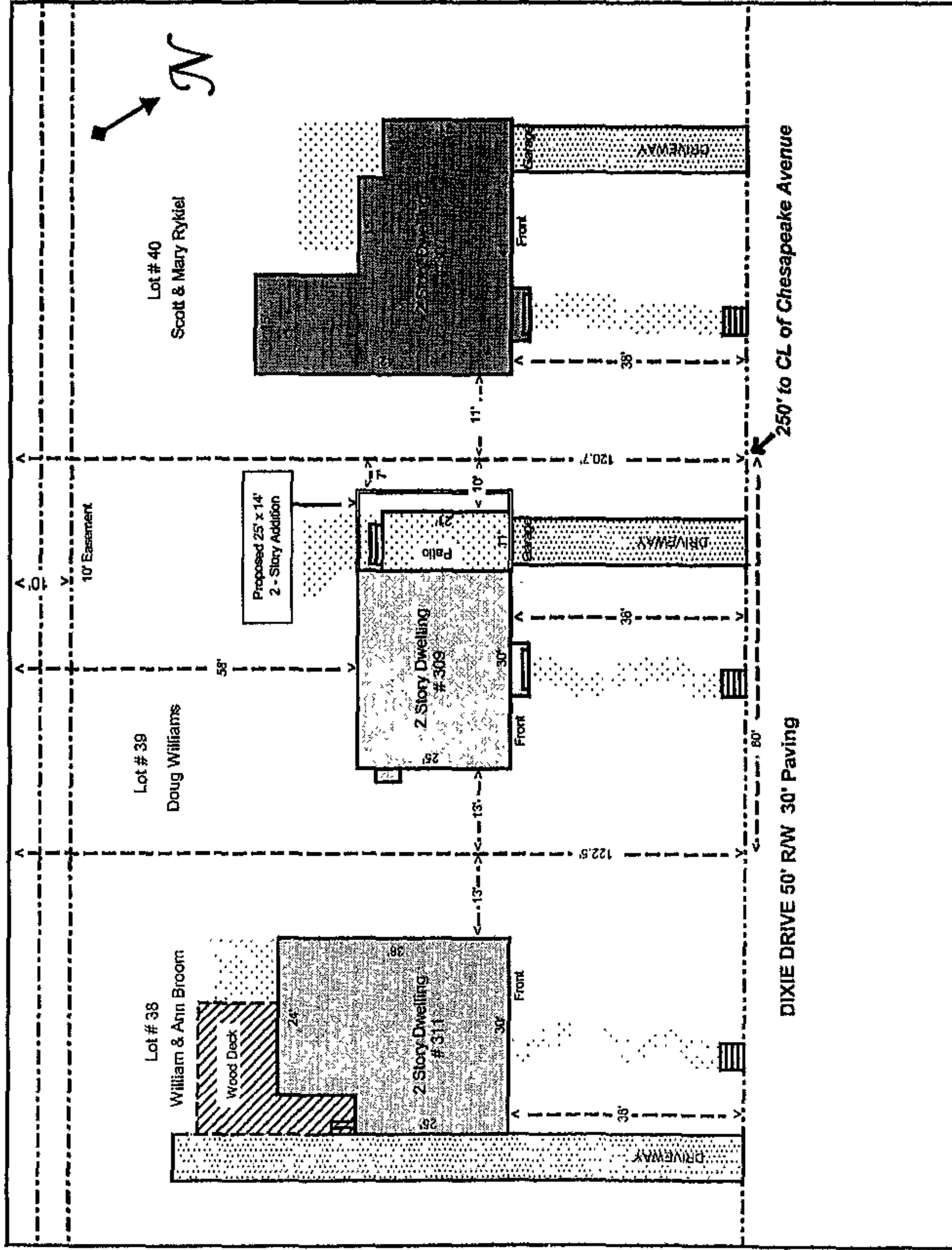
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 309 DIXIE DRIVE

SUBDIVISION NAME SOUTHLAND HILLS

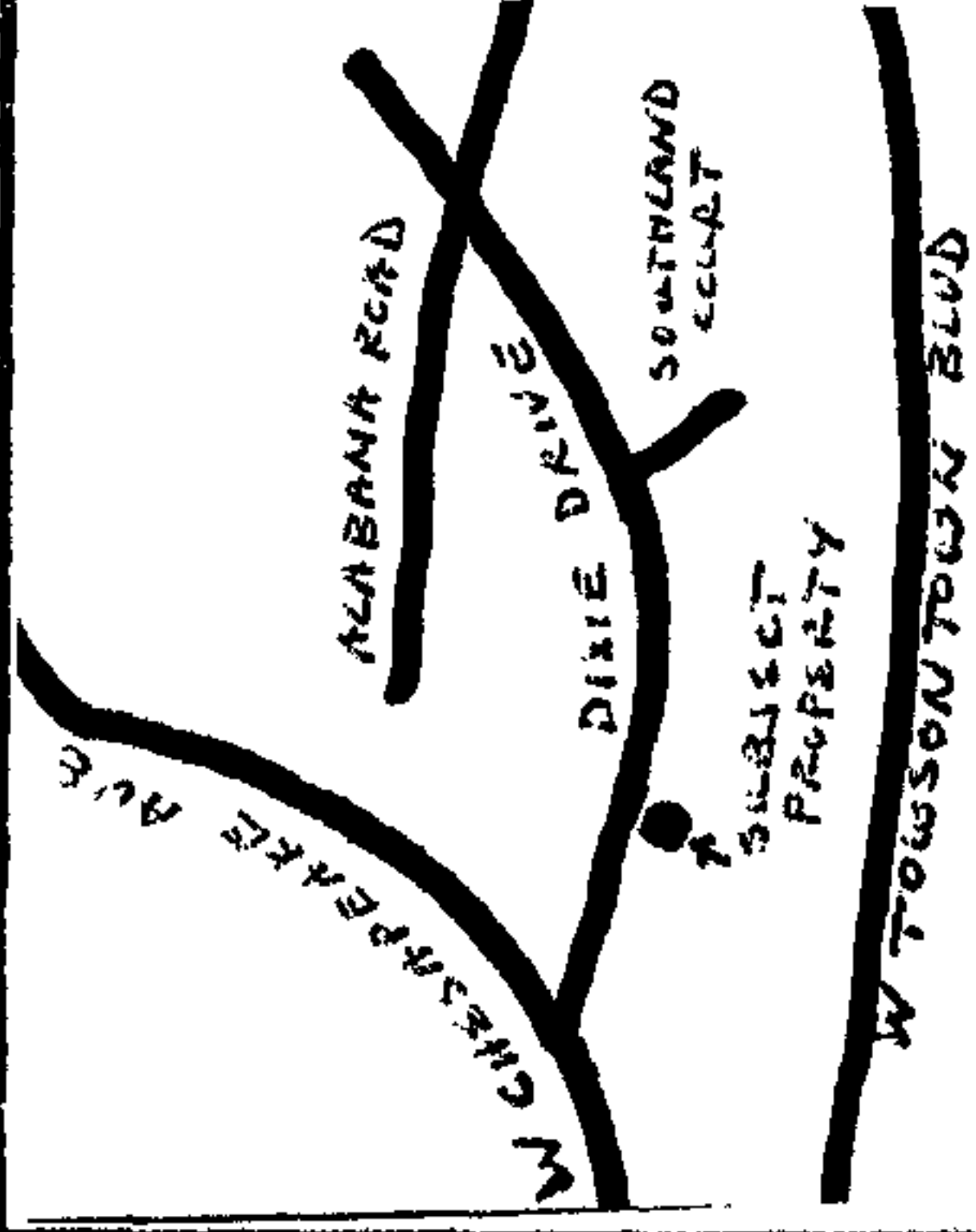
PLAT BOOK # 12 FOLIO # 30 LOT # 39 SECTION # 5

OWNER DOUGLAS A. WILLIAMS



PREPARED BY DOUG WILLIAMS

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9TH

COUNCILMANIC DISTRICT 5TH

1" = 200' SCALE MAP # N.W. 10-A

ZONING D.R. S.S

LOT SIZE .17 ACRES

7,260 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒

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 ITEM # CASE #

DA | 400 | 04-400-A

See Ex #1

309 DIXIE DRIVE, PETITION FOR VARIANCE



Front View



Backyard View

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

April 27, 2004

Mr. Douglas A. Williams
309 Dixie Drive
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 04-400-A
Property: 309 Dixie Drive

Dear Mr. Williams:

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



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