IN RE: PETITION FOR ADMIN. VARIANCE
N/S of South Tyrone Road, 390 ft. W
centerline of North Tyrone Road
15th Election District
7th Councilmanic District
(207 South Tyrone Road)

Kathryn C. & Scott D. Ketchen Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-446-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 owners of the subject property, Kathryn C. and Scott D. Ketchen. The variance request is for property located at 207 South Tyrone Road in the Towson area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.),to permit an addition with a 27 ft. rear yard setback in lieu of the required 30 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 on April 9, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

MAN RECEIVED FOR FILLING

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 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 Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>30</u> day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 27 ft. rear yard setback in lieu of the required 30 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

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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;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

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

April 29, 2004

Mr. & Mrs. Scott D. Ketchen 208 South Tyrone Road Baltimore, Maryland 21212

> Re: Petition for Administrative Variance Case No. 04-446-A Property: 208 South Tyrone Road

Dear Mr. & Mrs. Ketchen:

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

JVM:raj Enclosure





# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 208 South Tyrone	Road	Ĵ
which is presently zoned DR		

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) 1002.38. (8028)

TO PERMIT AN ADDITION WITH A 57' REAR SETBACK IN HEU OF THE REQUIRED 30'.

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/	<u>Lessee:</u>		<u>Legal Owner(s):</u>
Name - Type or Print	<del></del>	<del>,</del>	Name - Type or Print
Signature			Signature
Address	State	Telephone No.	Name/- Type or Print Signature  Keting  Keting  Signature
Attorney For Petition		•	208 South Tyrune Rd 410-372-020 Address Baltimore MD 21212
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		City State Zip Code
Signature		······································	Representative to be Contacted:
Con pany		······································	Kathryn C. Ketchen
Addless	<u></u>	Telephone No.	Name  208 South Tyrone Rd. 410-372-026  Address Telephone No.
L City	State	Zip Code	City State Zip Code
A Public Hearing having be this day of regulation of Baltimore Count	en formally demanded that y and that the property	d and/or found to be the subject matter of the be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
	· . • . • . •		Zoning Commissioner of Baltimore County
CASE NO	-446-A	Rev	riewed By DTHOMPSON Date 3 29 04
** REV 10025/01	•	Est	Imated Posting Date

Estimated Posting Date \_

# 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 208 South Tyrone. Koad  Address  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):
Practical Difficulty
) House does not allow ample space for growing
family of three young boys.
2) Back deck is rotting, and it would be more P I to expand the enclosed livable space.
P I to expand the enclosed livable space.
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 Signature C. Ketcher
Signature  Signature  Signature  Name - Type or Print  Signature  Name - Type or Print  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 27 day of Maryland, in and for the County aforesaid, personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
nie wnande) neten, hereotian wiomi of safistation's mennian in the as ench whatifa).
AS WITNESS my hand and Notarial Seal  Witness my hand and Notarial Seal  Witness my hand and Notarial Seal

My Commission Expires \_\_\_

Notary Public

FRANK LAY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 1, 2007

# 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	208 South Tyrone Road
	Address Baltimore, MD 2/2/2 City State Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the facts upon which I/we base the request for an Administrative
Practical	Difficulty
DHouse does not a	Now ample space for a growing
family of 3 young	
2) Back deck is rolling	g, and it would be more
Practical to expar	nd the enclosed livable space.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Signature	Bathy C. Kath
Name - Type or Print	Name-Type or/Print
	·
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, personance of Maryland, in and for the County aforesaid, personance of the county aforesaid.	Mach, 2004, before me, a Notary Public of the State rsonally appeared
the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	June Lay
	Notary Public  FRANK LAY  My Commission Expires NOTARY PUBLIC STATE OF MARYLAND
REV 10/25/01	My Commission Expires June 1, 2007

REV 10/25/01



CASE NO.

REV 10/25/01

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at	208	South T	Livone-	Road
		ntly 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) 1000.36. (BCZR)

TO PERMIT AN ADDITION WITH A 27 REAR SETBACK IN LIEU OF THE REQUIRED 30'.

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	r/Lessee:		Legal Owner(s):
	l í		Scott D. Ketchen
Name - Type or Print	 		Name - Type or Print
Signature	<u> </u>	<del></del>	Signature Kathrun C. Ketzhen
Address		Telephone No.	Name - Type of Print
City	State	Zip Code	Signature /
Attorney For Petitio	oner:	- 4	208 South Tyrone Rd. 410-372-0269 Address Telephone No
larne - Type or Print	<u></u>		Baltimore, MTD 21212 State Zip Code
	<del></del>	··-··	Representative to be Contacted:
ignature	i		Kathrun C. Ketchen
Company	<u> </u>		Name
ddress	·	Telephone No.	Address Tyrone Kd. 410-372-0269 Telephone No.
ity	State	Zip Code	City State Zip Code
Public Hearing having b	een formally deman	ded and/or found to be at the subject matter of the	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
egulations of Baltimore Coul	nty and that the prope	rty be reposted.	his petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County

Reviewed By D.THOMPSON Date

Estimated Posting Date \_\_\_\_

## Zoning Description for 208 South Tyrone Rd.

Beginning at the point on the north side of South Tyrone Road, which is 35 feet wide at the distance of 390 feet west of the centerline of the nearest improved intersecting street North Tyrone Road, which is 35 feet wide. Being lot #45 in the subdivision of Armagh as recorded in Baltimore Plat Book #12, Folio #102, containing 5880 square feet. Also known as 208 South Tyrone Road and located in the 9<sup>th</sup> election district, 5<sup>th</sup> councilman district.

WHITE CASE			
MALLE CYCHIEN  MALLE CYCHIEN  PA			
AGRICA AGRICA			
YELLOW CUSTOMEN		TINDOMA TINDOMA	
ASHIER'S VALIDATION			

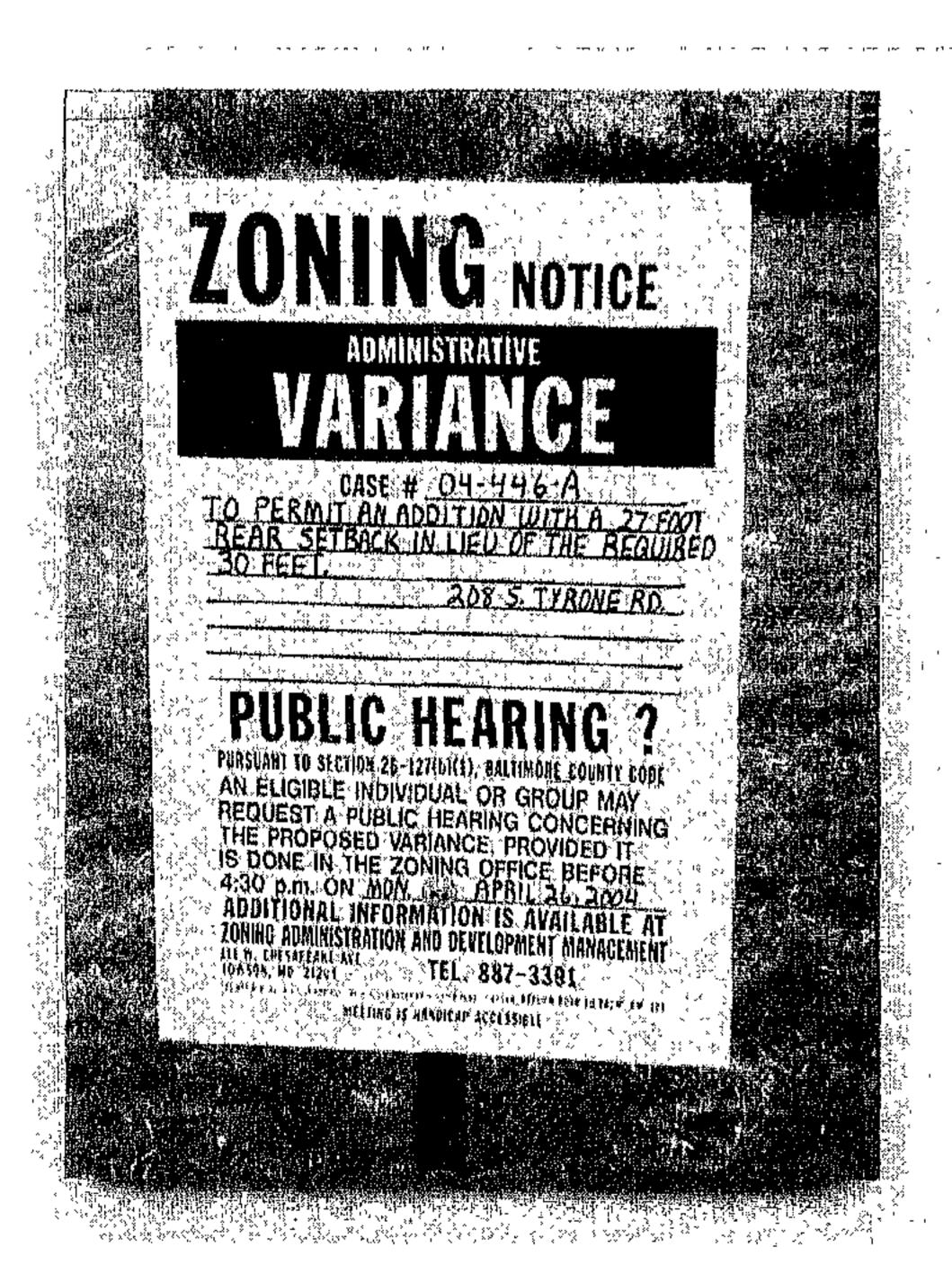
# CENTIFICATE OF POSTING

Petitioner/Developer SCOTT + KATIE KETCHEN

Date of Hearing/Closing ARIL 26, 2004

The sign(s) were posted on

aprul 9,2004



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

# 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 Advertisir	<u>1q:</u>
Item Number or Case Numi	04-446-A
Petitioner	ETCHEN
Address or Location	208 S. THRONE RD.
PLEASE FORWARD ADVE	ERTISING BILL TO
Address 208 S.Ty	
	0 21212
Telephone Number <u>H</u>	0-372-0269

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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	se Number 🐠	110	-A	Address 208	8 SITYR	RONE RD.	
Con	itact Person: _		ompson		P	hone Number: 4	410-887-339·
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Any thro	contact made ugh the contact	with this office person (plann	ce regarding ner) using the	the status of case number.	the admin	istrative variand	ce should be
1.	POSTING/Coreverse side reposting must be again response.	OST: The pet of this form) ist be done on consible for all	itioner must uand the petit	use one of the sioner is responsible sign posters	on the ap	s on the approved printing/posting proved list and sign must be valued through	g costs. Any the petitione
2.	DEADLINE: a formal request for a	The closing da uest for a pul public hearing	ate is the dea blic hearing. , the process	adline for an occ Please unders is not complete	supant or countries that on the clo	owner within 1,0 even if there osing date.	00 feet to file is no formal
3.	ORDER: Afficommissioner order that the (typically with) denied, or will	ter the closing.  He may. ( matter be so n 7 to 10 days go to public h	g date, the fa) grant the set in for a sof the closic earing. The	ile will be revie requested relief public hearing. ng date) as to worder will be ma	wed by the symmetry ou will whether the siled to you	ne zoning or de the requested receive writter petition has be by First Class	relief; or (c) notification een granted. mail.
<del>4</del> ,	(whether due commissioner changed givin	to a neighbors), notification	or's formal rewards bearing date	POSTING: In concept of by or arded to you.	cases that rder of the The sign	must go to a pue e zoning or de on the prope when the sign w d sign must be f	ublic hearing puty zoning rty must be
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Petitio	ner: This Par	t of the Form		gn Poster Only		***************************************	
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Case N	Number 04- N	<del></del>		208 S.J			
Petition	ner's Name	ONNA THO	mp <del>S</del> oN	<u> </u>			ΛΛ/ Ω
ostin	g Date:	4/11/04			)ate.	H126/04	0207
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						<del></del>	<del></del>

# 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

April 26, 2004

Scott Ketchen Kathryn Ketchen 208 South Tyrone Road Baltimore, Maryland 21212

Dear Mr. and Mrs. Ketchen:

RE: Case Number:04-446-A, 208 South Tyrone Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 29, 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 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,

U. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

## Fire Department

700 East Joppa Road

Towson, Maryland 21286-5500

Tel: 410-887-4500









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 31, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2004

Item No.:

136-449

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



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

4.5.004

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

RE:

Baltimore County

Item No. 444

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,

1. 1. Soul

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 (25/100)

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:

04-436

04-437

04-438

04-439

04-440

04-441

04-445

04-446

04-447

04-448

04-449

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

## 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 4-446 – 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:

RECEIVED

**DATE:** April 12, 2004

APR 1 4 2004

**Division Chief:** 

ZONING COMMISSIONER

AFK/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** May 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

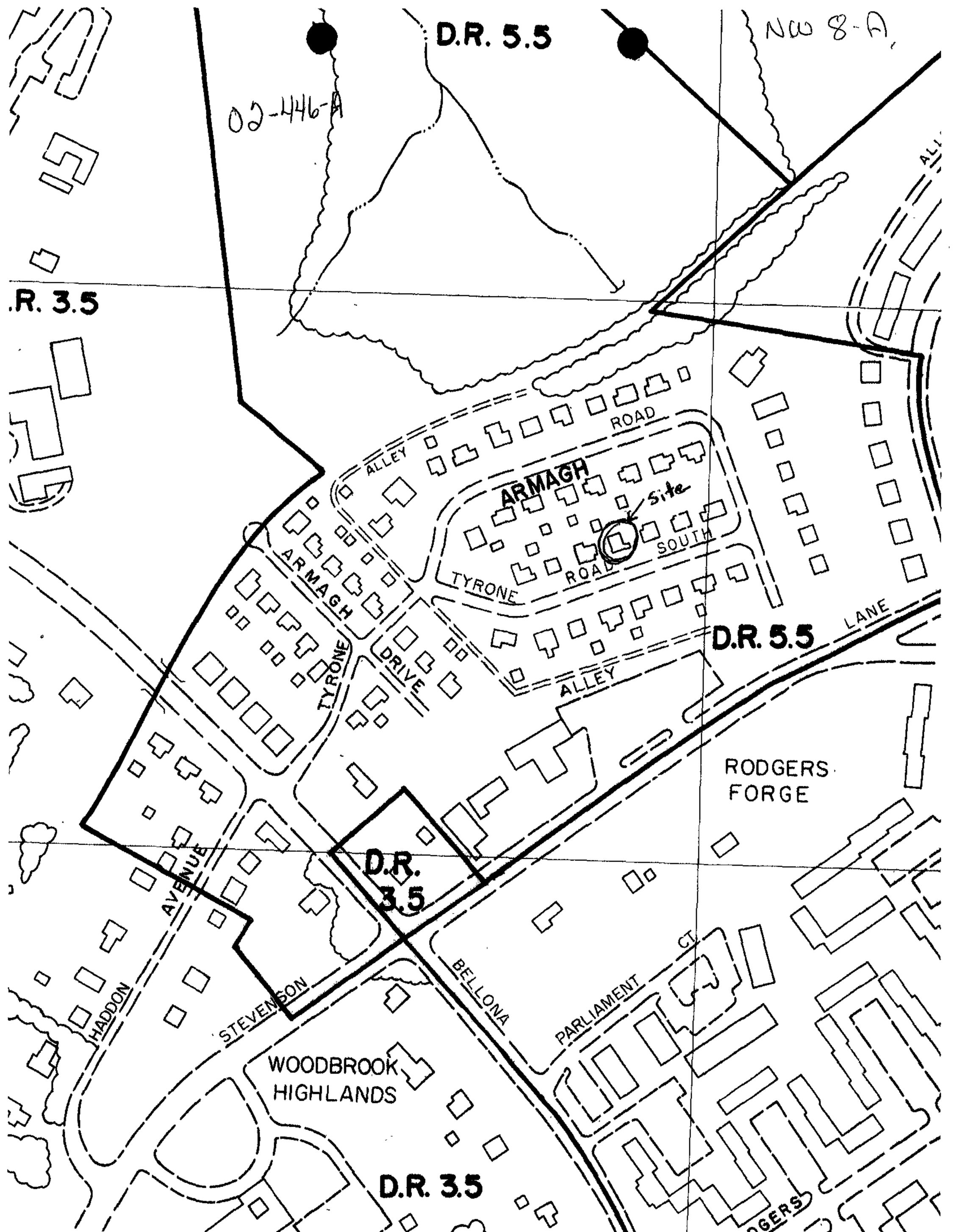
For April 12, 2004

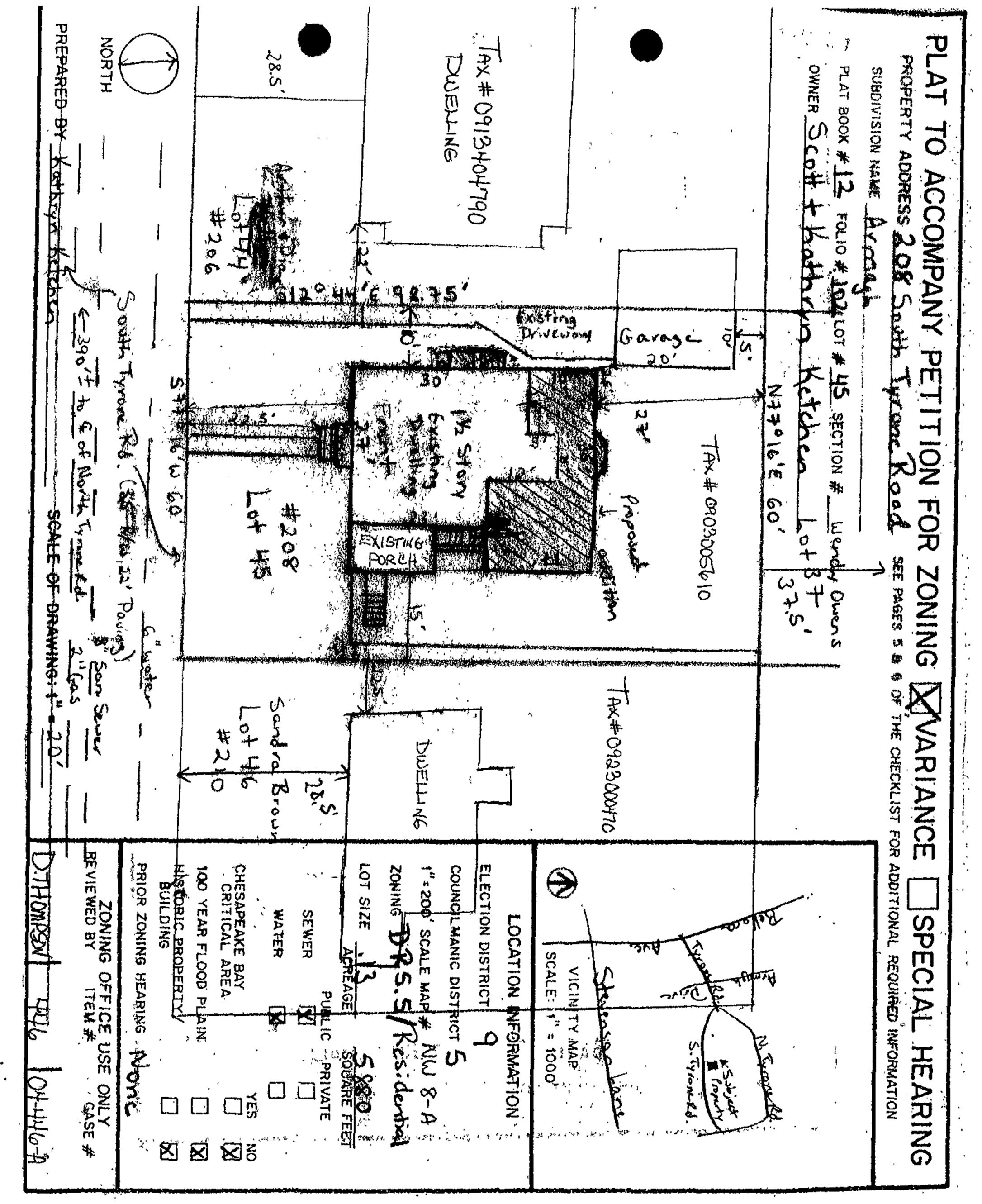
Item Nos. 436, 437, 438, 439, 440, 441, 445, 446, 447, 448, and 449

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

RWB:CEN:jrb

cc: File





Di Att

## Subject Photo Page

Borrower/Client Scott & Kathryn Ketchen Property Address 208 S Tyrone Road City Baltimore Lender Residential Mortgage Solutions



County Baltimore

State Md.

Zip Code 21212-1125



### Subject Front

208 S Tyrone Road
N/A
1,484
6
3
1
Average
Typical
.13 Ac
Average

Subject Rear

62 Years

Subject Street

04-446-A

### PHOTOGRAPH ADDENDUM

Borrower/Client Property Address Scott & Kathryn Ketche 208 S Tyrone Road

address ∠∪o Baltimore

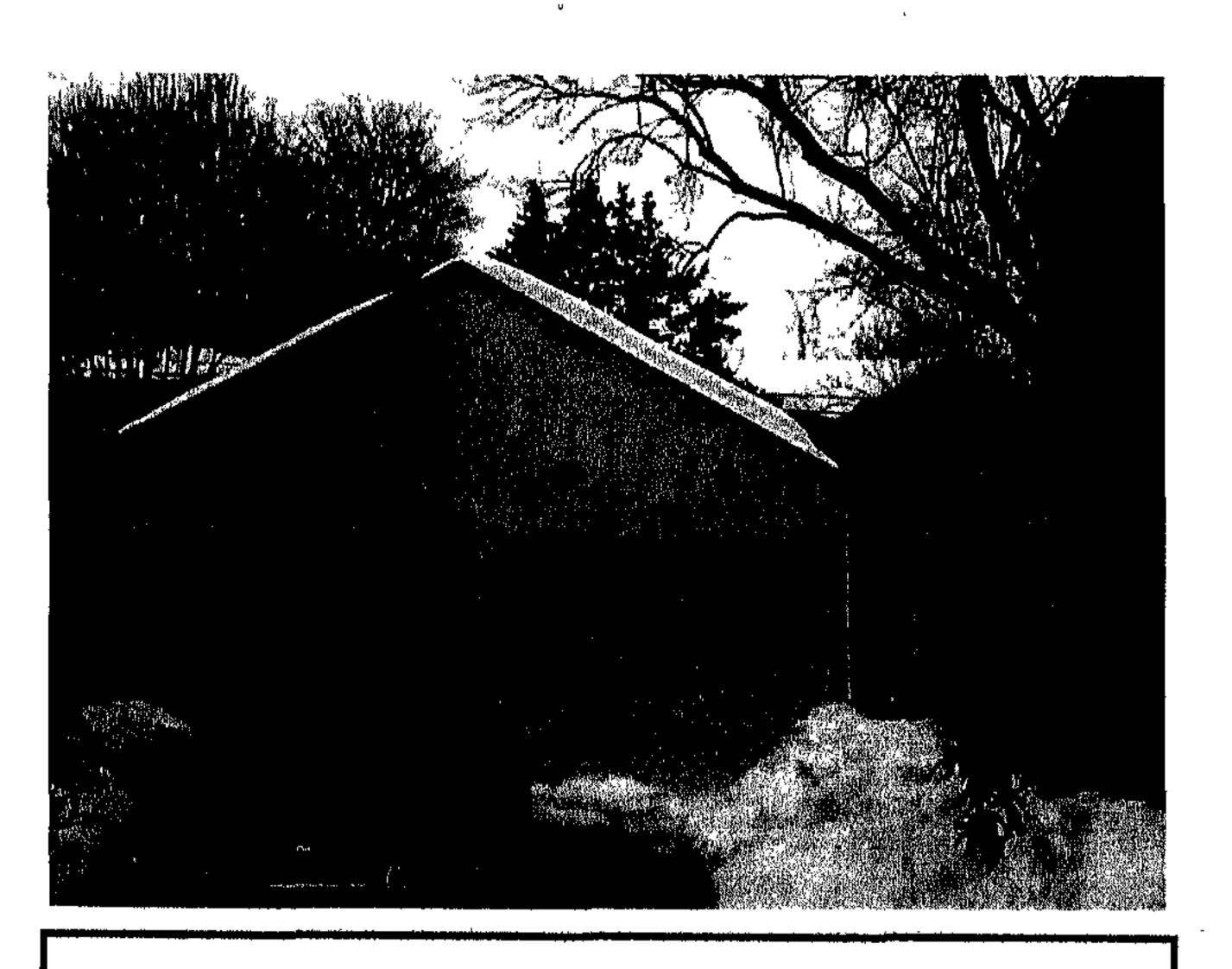
County Baltimore

State Md.

Zip Code 21212-1125

City Lender

Residential Mortgage Solutions



Garage