4 FILING

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Redwood Avenue, 400' E of the c/l

Oakleigh Road

(1819 Redwood Avenue)

9th Election District 5th Council District

Raymond A. Peloquin, et ux Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 04-460-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Raymond A. Peloquin and his wife, Mary E. Peloquin. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the required 10 feet for a proposed (attached) garage. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence presented therein, I find that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the

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health, safety and general welfare of the surrounding locale. As shown on the site plan, the property abuts a drainage/utility easement on the affected side and thus the proposal will not adversely impact any adjacent property. There were no adverse comments submitted by any County reviewing agency and apparently none of the neighbors are opposed. For all of these reasons, I am persuaded to grant the variance.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of May 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the required 10 feet for a proposed (attached) garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

> > LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

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

May 5, 2004

Mr. & Mrs. Raymond A. Peloquin 1819 Redwood Avenue Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Redwood Avenue, 400' E of the c/l Oakleigh Road
(1819 Redwood Avenue)
9th Election District – 5th Council District
Raymond A. Peloquin, et ux - Petitioners
Case No. 04-460-A

Dear Mr. & Mrs. Peloquin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18/9 RED WOOD AVE.

which is presently zoned RESTDENTIAL

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) \(\lambda \text{B} \cdot 2.3.c.i \(\beta \cdot 2.2.\)

To permit an addition (garage) with a side yard setbook of o' in lieu of the required 10.

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 is the subject of this	the legal owner(s) of the Petition.	e property which
Contract Purchaser/Less	ee:		Legal Owner(s)	<u>:</u>	
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Attorney For Petitioner:			18-19 RED	WOOD AVE.	
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Address		Telephone No.	Address		Telephone No
5 ^{City}	State	Zip Code	City	State	Zip Code
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5/4/1	<i>a</i>		Zoning Comr	nissioner of Baltimore Cour	nty
CASE NO. 04-	160 -A	Re	viewed By	Date <u> </u>	104
REV 10/25/01	-	Est	imated Posting Date _	4/18/04	· · · · · · · · · · · · · · · · · · ·

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. 1819 REDWOOD AVE.

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

	BALTIMO	ORE, MD. State	ス/234 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship I WOULP LIKE TO MY HOUSE UP I WANT A LEVEL MY CAR. MY PROPOSED (CORRECTED TO MY PROPOSED (CORRECTED)	wing are the facts upon practical difficulty of PUILL TO MY PERTY SI	on which I/we base the required in the second in the secon	est for an Administrative ATTACHE LINE WORK ON
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Recognitive of the second signature of the second s	edditional information. Signature Signatur		FLOQUIN
STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this 5th day of of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfactors.	sphally appeared	, <u>2004</u> , before me, a N	lotary Public of the State
AS WITNESS my hand and Notarial Seal	Notary Public	nie S. Kneuz	<i>f</i>

My Commission Expires

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		REDWO	OD AVE	<i>σ</i>
	Address BALT / / City	nore ,	MD, State	21234 Zip Code
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RAYMOND A. PELO		Name - Type or F	E. Belo	quo
Name - Type or Print	·—	Name - Type or P	rint	
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit :			—————————————————————————————————————
of Maryland, in and for the County aforesaid, petthe Affiant(s) herein, personally known or satisfa	rsonally appeare	<u></u> , <u>201</u> d	<u>U</u> , before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such	Affiant(s).	
AS WITNESS my hand and Notarial Seal				
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1819 RED WOOD AVE.

which is presently zoned RES IDENTIFIED

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) 1302.3.0.1 BCZR

To permit an addition (garage) with a side yard setback of o' in lieu of the reguired io'.

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.

			is the subject of this	Petition.		
Contract Purchaser/L	essee:		Legal Owner(s)	<u>:</u>		
			RAYMO	ND A.	PEL	OPUIN
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Attorney For Petitione	<u>er:</u>		1819 RED Address	WOOD	AVE	4/0-882 Telephone No
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			Zoning Com	missioner of Ba	Itimore Count	у
CASE NO. 04	-460 -A	Rev	iewed By	Date	4/7	104
REV 10/25/01		Fst	imated Posting Date	4/13	104	

EXAMPLE 3 -- Zoning Description

Z	CONING DESCRIPTION FOR 1819 REDWOOD AVE, BALT, MD. 2 1234
	(address)
E	Beginning at a point on theSOUTHside ofside of
	REDWOOD AVENUE which is 65 FEET
(name of street on which property fronts) (number of feet of right-of-way width)
٧	wide at the distance of $\frac{400}{195}$ FET SOMTH EAST of the (number of feet) (north, south, east or west)
C	centerline of the nearest improved intersecting street <u>OAKLEIGH</u> ROAD (name of street)
٧	which is
E	Block, Section # in the subdivision of HILLENDALE FARMS (name of subdivision)
a	as recorded in Baltimore County Plat Book #8 Folio #_ 8 9 ,
C	containing 12,675 sq.ft. Also known as 1819 RED WOOD AVENUE (square feet or acres) (property address)
	and located in the \mathscr{T} Election District, \mathscr{F} Councilmanic District.

460

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RE: Case No.: 04-460-A

Petitioner/Developer: RAYMOND &

MARY PELOQUIN Date of Hearing/Closing: 5-3-04 **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: 819 REDWOOD AVE The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

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

Item Number or Case Number Petitioner RAYMOND			
н т — Т	remain the restriction to the first of the restriction of	THE PROPERTY OF THE PARTY OF TH	IE., BALT., MD. 2123
PLEASE FO	RWARD ADVERT	SING BILL TO	
Name RA	TYMOND A	. PELOQUIN	**
	210 0-3	nnt au	
Address <u>/&</u>	STY KEPWO	JOD AVE.	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

			٠						
Case N	Number 04	460	-A	Address	1819	REOW	.00D	AYE.	. <u> </u>
Contac	ct Person:		FERNA, Please Print Your I		<u> </u>	Phor	ne Numbe	r: 410-88	37-3391
Filing	Date: <u></u>	-7-04		ing Date:	4-18	-04	Closing D	ate: <u></u> <u></u>	-3-o ʻ
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Department of Permits Development Management

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





James T. Smith, Jr., County Executive Timothy M Kotroco, Director

April 29, 2004

Raymond A. Peloquin Mary E. Peloquin 1819 Redwood Avenue Baltimore, Maryland 21234

Dear Mr. and Mrs. Peloquin:

RE: Case Number:04-460-A, 1819 Redwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 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,

W. Callaball

Delivery

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:



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

April 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

7-00 157-469

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.13.04

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

RE:

Baltimore County

Item No. 460

ンアド

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

1. J. Dell



TO:

Tim Kotroco

FROM:

R. Bruce Seeley (B)

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:

04-457

04-458

04-459

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Reviewers:

Sue Farinetti, Dave Lykens

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 23, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-457 and 4-460 – 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.

RECEIVED

Prepared By:

APR 2 7 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 26, 2004

Item Nos. 457, 458, 459, 460, 461, 462, 465, 466, 468, and 469

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

RWB:CEN:jrb

cc: File













