

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Betlou James Place, 15' E of
Van Yerrell Road
(10 Betlou James Place)
2nd Election District
4th Council District

Keith A. Yancy, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-462-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, Keith A. Yancy and his wife, Renee C. Yancy. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a tract boundary setback of 13 feet in lieu of the required 20 feet for a proposed addition, and to amend the Final Development Plan for Saint Lukes Estates, Lot 25, only, accordingly. 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 Petitioners have 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. That information, including signed statements of support from adjacent property owners, is sufficient to support a finding that the relief requested meets the spirit

ORDER RECEIVED FOR FILING

Date

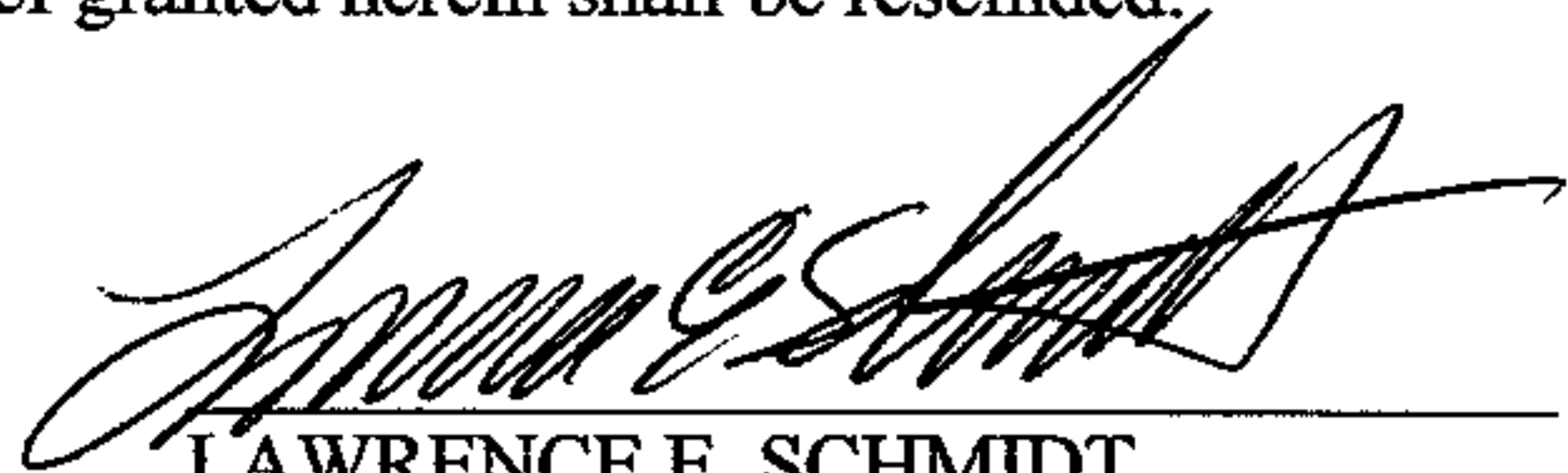
By

and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale. There were no adverse comments submitted by any County reviewing agency and the Petitioners have the support of their immediately affected neighbors. 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 this 5th day of May 2004 that the Petition for Administrative Variance seeking relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a tract boundary setback of 13 feet in lieu of the required 20 feet for a proposed addition, and to amend the Final Development Plan for Saint Lukes Estates, Lot 25, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/5/14
By [Signature]

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. Keith A. Young
10 Betlou James Place
Baltimore, Maryland 21207

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Betlou James Place, 15' E of Van Yerrell Road
(10 Betlou James Place)
2nd Election District – 4th Council District
Keith A. Yancy, et ux - Petitioners
Case No. 04-462-A

Dear Mr. & Mrs. Young:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

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



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 10 Betlou James Place
Address
Baltimore Maryland 21207
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):

This letter is in request for relief for an Administrative Variance pursuant to the requirements set forth under the Baltimore County Zoning Regulations (BCZR). As a resident to the dwelling known as 10 Betlou James Place, Baltimore, MD 21207, I along with my family came to the decision (given the fact that we have outgrown the current structure) that additional space was necessary in order to sustain the level of comfort that we have grown accustom to living. Because this property affords us with the depth, space and most importantly land needed to satisfy this desire, we felt expansion of the property was our only alternative both communally and financially. ~~30 FT WE ARE SERIOUSLY RESTRICTED TO PUT OUR ADDITION FOR A GROWING FAMILY ON THIS LOT WHERE IT MAKES ARCHITECTURAL SENSE.~~ DUE TO THE TRACT BOUNDARY SETBACK OF
We have resided in this area of Baltimore County for over 15 years and have grown very fond of the neighbors in this community. This neighborhood provides my family and I with all the conveniences we have come to enjoy, such as school, shopping and work. Although moving can be viewed as an option, it is one that we have no intention of exploring.

Our roots have been planted in this community, and we implore the reviewing body responsible for granting this relief, to take this into consideration when rendering a decision. We strongly believe that expanding the structure of our home is the only viable option.

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.

Renee C. Yancy
Signature
Renee C. Yancy
Name - Type or Print

Keith A. Yancy
Signature
Keith A. Yancy
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of March, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Renee C. Yancy & Keith Yancy
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 11/22/04



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10 BETLOU JAMES PLACE
which is presently zoned DR5.5

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) 504 BCZR AND V.B.5.6 (1971 REGS)

TO PERMIT A TRACT BOUNDARY SETBACK OF 13 FT. IN LIEU OF 30 FT.
AND TO AMEND THE FINAL DEVELOPMENT PLAN OF SAINT LUKES ESTATES
FOR LOT #25

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:

Legal Owner(s):

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

Renee C. Yancy

Name - Type or Print

Signature

Keith A. Yancy

Name - Type or Print

Signature

10 Betlou James Place

Address

Baltimore, Maryland

City

State

410-962-0617 (W)

410-298-5861 (H)

Telephone No.

21207

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.

04 462 A

Reviewed By

JL

Date

4/07/04

Estimated Posting Date

4/18/04

A6Z

Zoning Description

ZONING DESCRIPTION FOR 10 Betlou James Place, Baltimore, Md 21207

Beginning at a point on the north side of Betlou James Place which is 50 feet wide at the distance of 15 feet east of the centerline of the nearest improved intersecting street

Van Yerrell Road which is 50 feet wide. ^{BEING} *~~Begin~~ Lot# 25 in the subdivision of St. Lukes

Estates as recorded in Baltimore County Plat Book #54, Folio# 11, containing .31 acres. Also

known as 10 Betlou James Place and located in the 2nd Election District, 4th Councilmanic

District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **462** **32680**

DATE

4/27/04

ACCOUNT

0010866150

AMOUNT

\$ 130.00

RECEIVED

K. H. H.

FOR

Baltimore & Annapolis (MD) 2

65-00 R1

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
4/28/2004 4/27/2004 16:02:05

REQ NO: 0010866150

RECEIPT # 201071 4/27/2004

Dept. 15 153 ZONING VERIFICATION

Dr. NO. 032680

Receipt Tot

\$130.00

\$130.00

4.00

Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-462-A

Petitioner/Developer: RENEE
KEITH YANKY

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, 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 10 BETLUK JAMES PLACE

This sign(s) were posted on 4 17 04
(Month, Day, Year)

Sincerely,

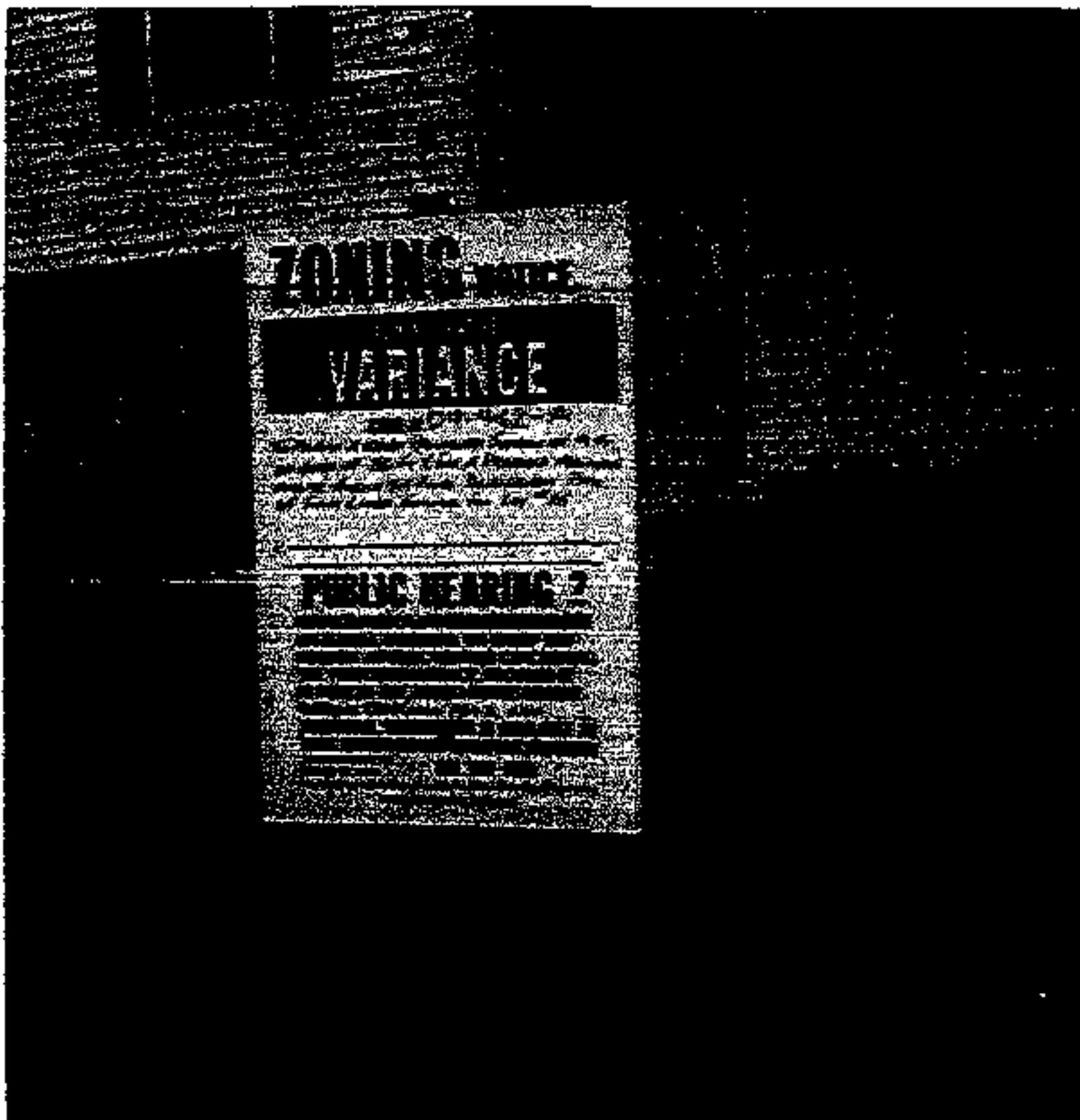
Martin Dole 4/17/04
(Signature of Sign Poster and Date)

MARTIN DOLE
(Printed Name)

5016 CASTLESTONE DR
(Address)

BALTO. MD 21237
(City, State, Zip Code)

410-933-9470
(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 04- 462 -A Address 10 BETLOU JAMES PLACEContact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 4/07/04 Posting Date: 4/18/04 Closing Date: 5/03/04

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- 462 -A Address 10 BETLOU JAMES PLACEPetitioner's Name RENEE + KEITH YANCY Telephone 410-298-5861Posting Date: 4/18/04 Closing Date: 05-03-04Wording for Sign: To Permit To PERMIT A TRACT BOUNDARY SETBACK OF ¹³ FT.
IN LIEU OF 30 FT (FOR A PROPOSED ADDITION) AND TO AMEND THE
FINAL DEVELOPMENT PLAN OF SAINT LUKES ESTATES FOR LOT #25

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

04-462-A

Petitioner

* YANCY

Address or Location

* 10 BETLOU JAMES PLACE

PLEASE FORWARD ADVERTISING BILL TO

Name

Renee Yancy

Address

10 BETLOU JAMES PLACE

BALTIMORE, Md 21207

Telephone Number

410-298-5861

**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*

April 29, 2004

Renee C. Yancy
Keith A. Yancy
10 Betlou James Place
Baltimore, Maryland 21207

Dear Mr. and Mrs. Yancy:

RE: Case Number:04-462-A, 10 Betlou James Place

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,

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



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.: ⁴⁶² 457-469

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

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: 4.19.04

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

RE: Baltimore County
Item No. 462 JLL

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 *RS/TDD*

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

04-460

04-461

04-462

04-465

04-466

04-467

04-468

04-468

04-469

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: APR 22, 2004
RECEIVED

APR 23 2004

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case 4-462 – 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: Mark A. Cunningham

Division Chief: Jim Farhan

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 18, 2004

FROM:  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

From the Desk
of
Keith & Renee Yancy

462

Pursuant to our conversation, this letter serves as confirmation that the structural addition to the dwelling known 10 Betlou James Place, Baltimore, MD 21207, will not pose an impact upon or will not impede your view of the surrounding area of the neighborhood.

Name

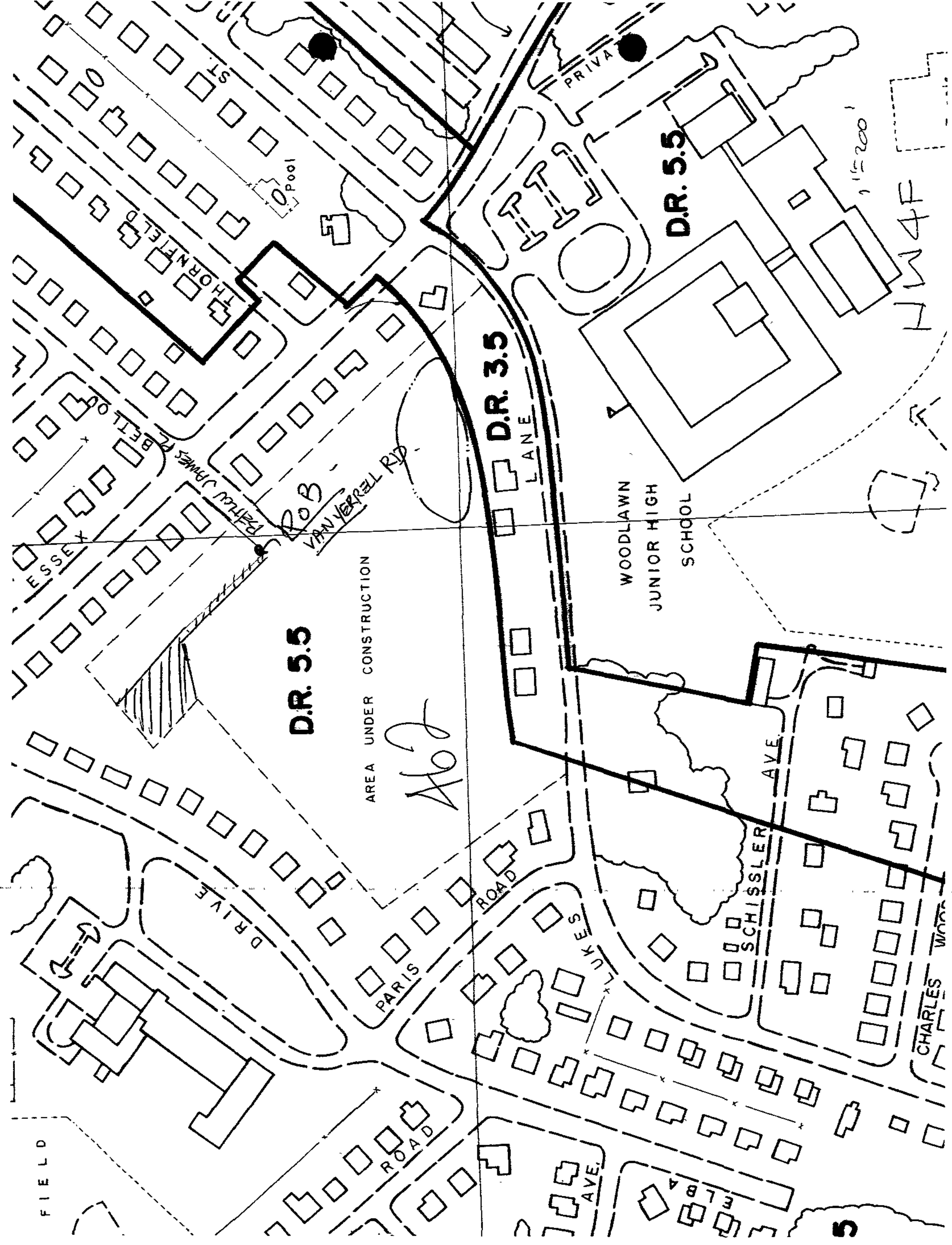
Address

Phone #

Clayton C. Stansbury
Sharon M. Williams

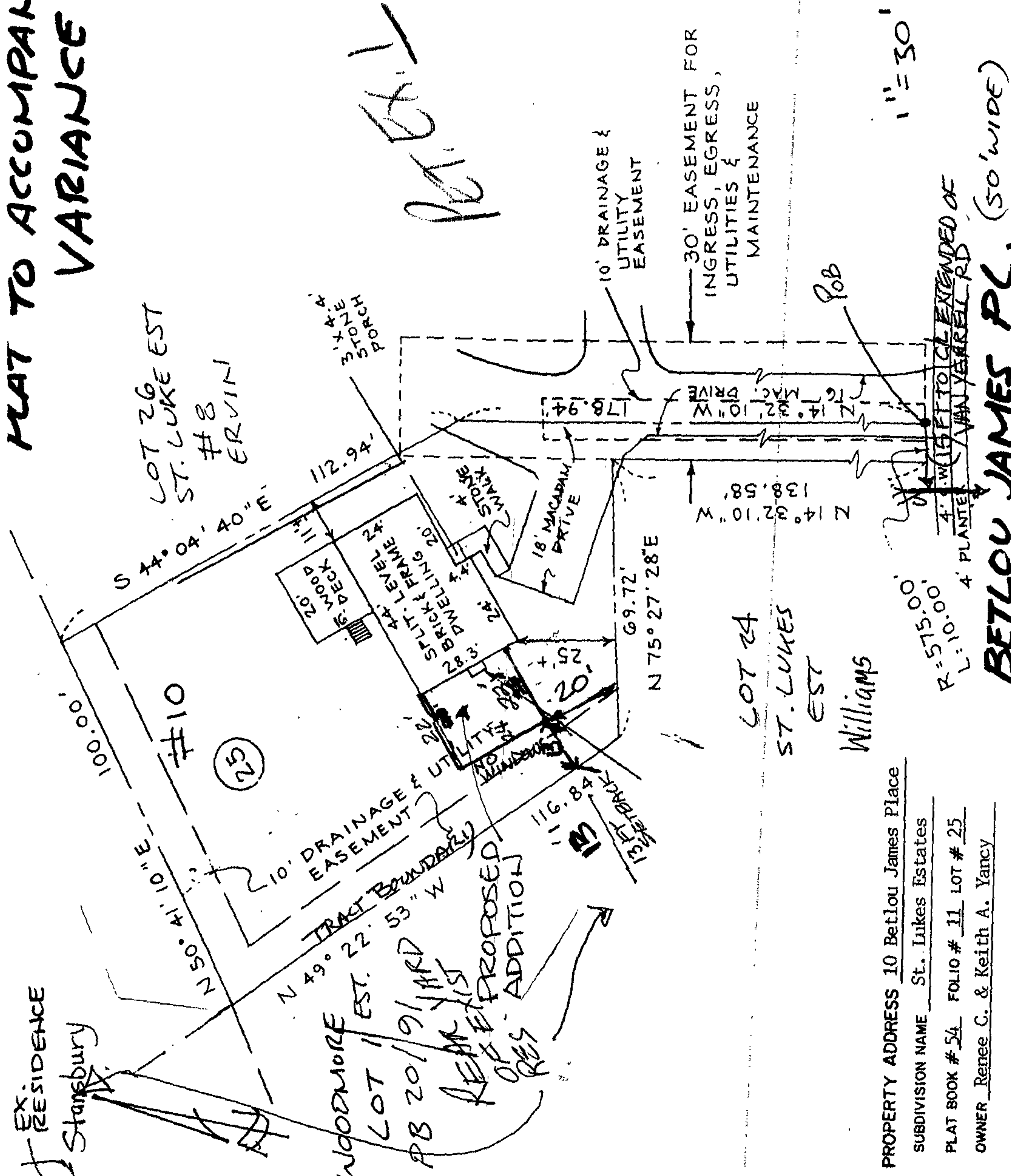
3215 Elba Drive
Baltimore, MD 21207
12 Betlou James Pl
Balto. Md. 21207

410-265-8655
410-298-2435



MAP TO ACCOMPANY ZONING VARIANCE

EX-RESIDENCE
Stansbury



PROPERTY ADDRESS 10 Betlou James Place
SUBDIVISION NAME St. Lukes Estates
PLAT BOOK # 54 FOLIO # 11 LOT # 25
OWNER Renee C. & Keith A. Yancy

VICINITY MAP SCALE: 1" = 1000'	
LOCATION INFORMATION ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 4TH 1"=200' SCALE MAP # NW4F ZONING PR 5.5	
LOT SIZE 1.31 ACREAGE SQUARE FEET	PUBLIC ☒ PRIVATE ☐ SEWER ☒ WATER ☒
CHESAPEAKE BAY CRITICAL AREA ☐ 100 YEAR FLOOD PLAIN ☐ HISTORIC PROPERTY/BUILDING ☐	YES ☐ NO ☐
PRIOR ZONING HEARING NOXIE	
ZONING OFFICE USE ONLY REVIEWED BY JV ITEM # 104462A CASE #	



#469

Lot #25 - 10 Bet Lou James Place
Renee C. + Keith A. Yancy



#462

Lot #25 - 10 Bethel James Place
Renee C. & Keith A. Yancy



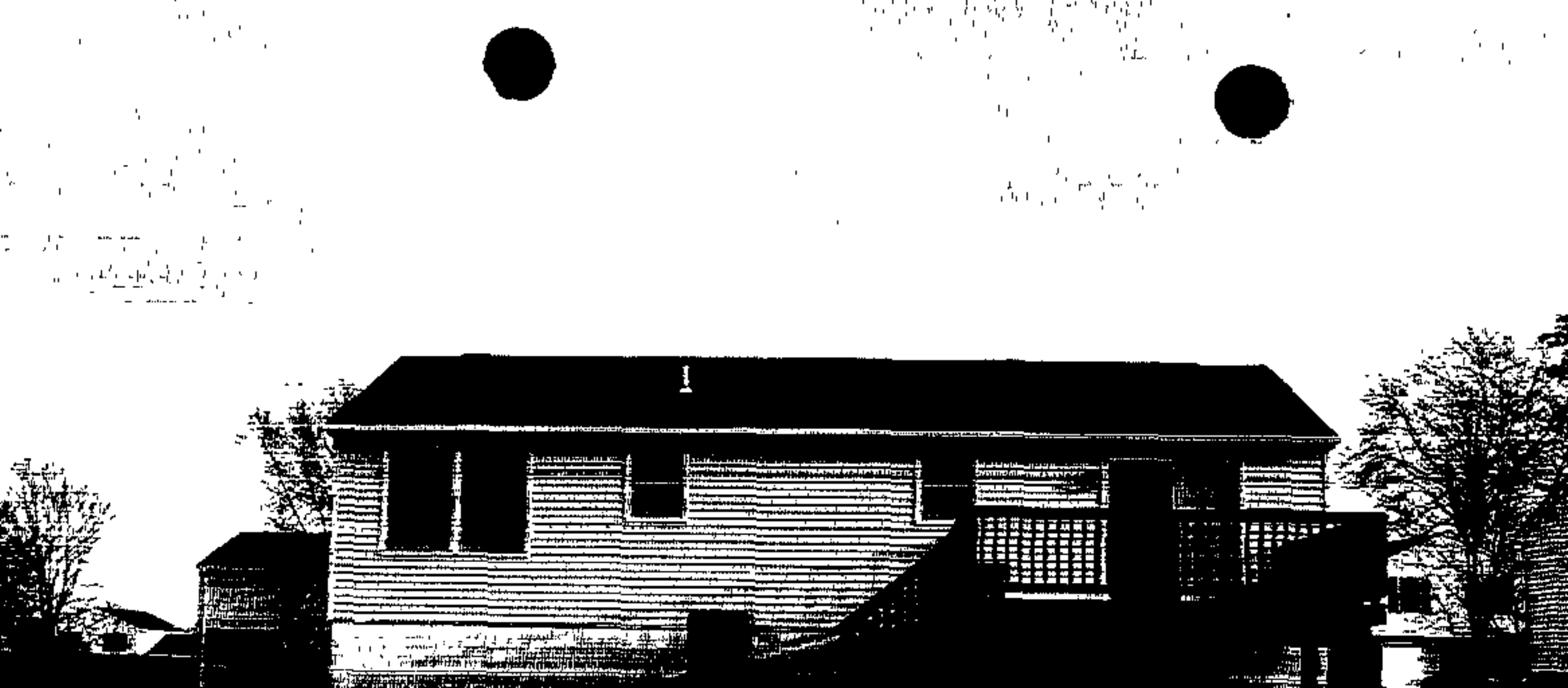
#462

Lot # 25 - 10 Bethou James Place
Renee C. & Keith A Yancy



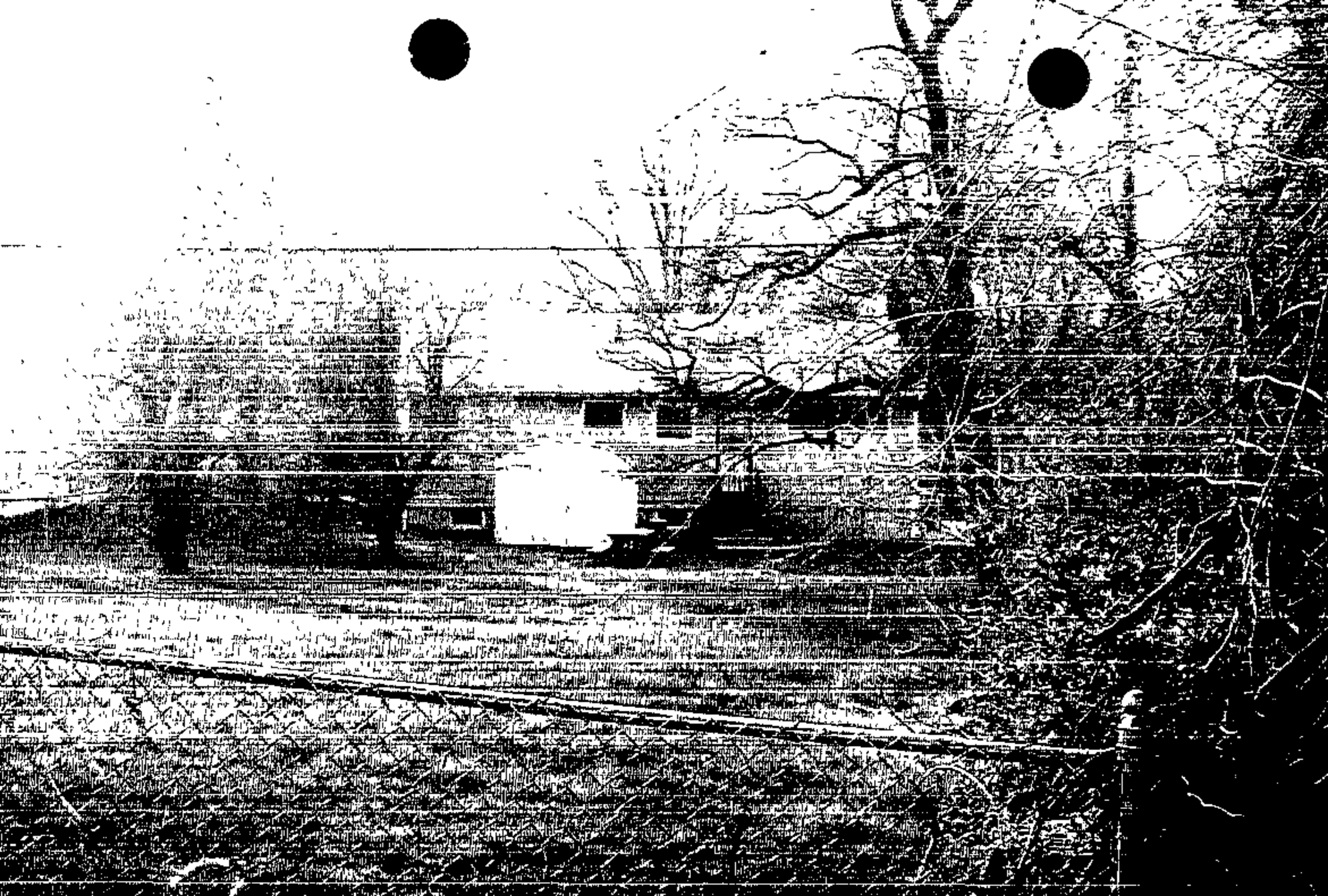
#46✓

Lot #25 - 10 Below James Place
Renee C. & Keith A. Yancy



#462

Lot #24 - 12 Bettov James Place
Sharon Williams



#462

3215 Elba Drive
Clayton Stansbury