IN RE: PETITION FOR ADMIN. VARIANCE S/S Haystack Drive, 320' N of the c/l Windsor Boulevard **(7509 Haystack Drive)** 2nd Election District 4th Council District Tamara L. Lewis Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-483-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 owner of the subject property, Tamara L. Lewis. The Petitioner seeks relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet, to permit an addition to be located outside of the building envelope, and approval of an amendment to the final Development Plan for Claybrook, II, Lot 26, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked 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 regard, 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.

ORDER RECEIVED FOR FILING
Date 5/28/04
By

Based upon the information contained therein, I am persuaded to grant the requested relief. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. The location of existing improvements on the property and site conditions thereon dictate the proposed location of the addition and it is clear that strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Moreover, there were no adverse comments submitted by any County reviewing agency and apparently the neighbors are not opposed. Thus, it appears that relief can be granted and that there would be no detrimental impact upon the health, safety or general welfare of the surrounding community.

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 28th day of May 2004 that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 10 feet in lieu of the required 30 feet, to permit an addition to be located outside of the building envelope, and approval of an amendment to the final Development Plan for Claybrook, II, Lot 26, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 5/28/04
By

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 28, 2004

Ms. Tamara L. Lewis
7509 Haystack Drive
Baltimore, Maryland 21244

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Haystack Drive, 320' N of the c/l Windsor Boulevard
(7509 Haystack Drive)
2nd Election District – 4th Council District
Tamara L. Lewis - Petitioners
Case No. 04-483-A

Dear Ms. Lewis:

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

Printed on Recycled Paper

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 7509 Haystack Drive
Address

Baltimore MD 21244
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):

Variance is requested due to practical difficulty.

A. The property whereon structure is to be located is different from the surrounding properties in that the deck located on the back of the property will be closed in to form an 18'x12' sunroom. The uniqueness of the structure will cause the zoning provision to impact more on the subject property in that it does not interfere with the property boundary lines.

B. Strict compliance with the BCZR would result in practical difficulty.

(i) Strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose by preventing the applicant from making maximum use of the space available on the property.

(ii) Denial of the grant would be substantial injustice to the applicant because it would prevent the applicant from making maximum use of the property.

(iii) Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. The contractor will build the structure to the proper code and regulations of the BCZR. The contractor will use the appropriate materials and build to the correct standards to pass inspection.

See attached

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.

Tamara L. Lewis
Signature

N/A
Signature

Tamara L. Lewis
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of 4, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Tamara L. Lewis the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 5-1-2006

REV 10/25/01

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES 5-1-2006

Variance Request for 7509 Haystack Drive

(continued from previous page)

Variance is requested due to practical difficulty because the homeowner needs extra room for a growing family. In addition, the angle of the house on the lot combined with an irregular lot shape, and the deck to be enclosed is existing, prevents compliance with BCZR.

Zoning Description

ZONING DESCRIPTION FOR 7509 Haystack Drive, Baltimore, MD 21244.

Beginning at a point on the south side of Haystack Drive which is 50' wide at the distance of 320' north of the centerline of the nearest improved intersecting street Windsor Blvd. which is 50' wide. Being Lot # 26, Block _____-_____, Section # _____-_____ in the subdivision of Claybrooke II as recorded in Baltimore County Plat Book # 67, Folio # 145, containing 5,000 sq. ft. ± Also known as 7509 Haystack Drive and located in the 2nd Election District, 4th Councilmanic District.

483

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL 483

No. 35717

DATE 4/22/04

ACCOUNT 001 006 6150

AMOUNT $ 130.00

RECEIVED FROM: Lewis

FOR: Res Var. + Amend Fee 65.00 ea.
7509 Haystack DR.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/23/2004	4/22/2004	14:42:54	2

REG 16002 MAIL JEVA JEE
>>RECEIPT # 333941 4/22/2004 DFLN
Dept 5 320 ZONING VERIFICATION
CR NO. 035717
Rcpt Tot $130.00
$130.00 CH $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-483-A

Petitioner/Developer: Tamara Lewis

Date of Hearing/Closing: 5/17/04

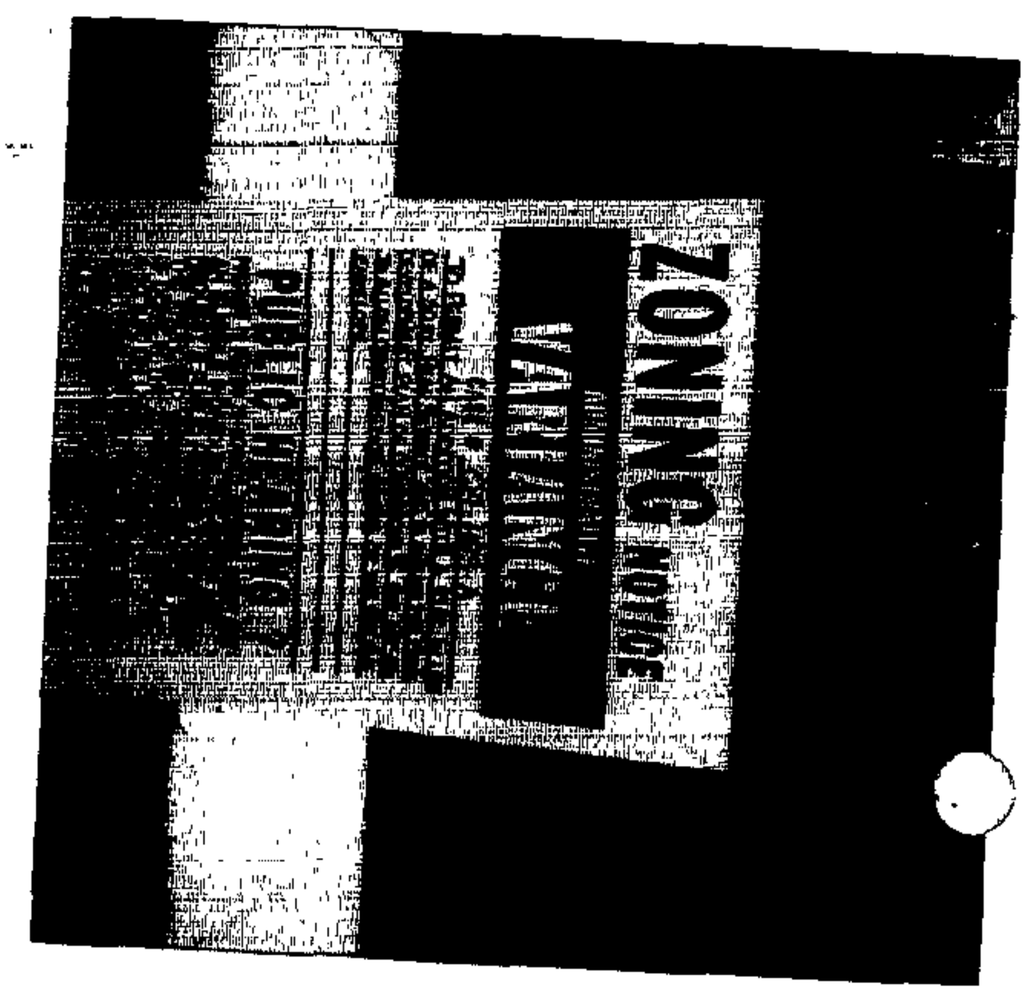
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Becky Hart

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 7509 Haystack Drive Woodlawn, MD 21244

The sign(s) were posted on April 30, 2004
(Month, Day, Year)



Sincerely,

Stacy Gardner
(Signature of Sign Poster and Date)

Stacy Gardner
(Print Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
410-781-4000
(City, State, Zip Code)

APP HAS ORIG + POST LIST

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-483 -A Address 7509 HAYSTACK DR.

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/22/04 **Posting Date:** 5/02/04 **Closing Date:** 5/17/04

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 04-483 -A Address 7509 HAYSTACK DR.

Petitioner's Name TAMARA LEWIS Telephone 410-597 8471

Posting Date: 5/02/04 **Closing Date:** 5/17/04

Wording for Sign: To Permit AN ADDITION WITH A 10 FT. IN LIEU OF A 30 FT. REAR SETBACK AND TO AMEND THE FINAL DEVELOPMENT PLAN OF CLAYBROOKE II FOR LOT 26 TO ALLOW CONSTRUCTION OUTSIDE OF THE BUILDING ENVELOPE.

WCR - Revised 6/28/00

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

May 17, 2004

Tamara L. Lewis
7509 Haystack Drive
Baltimore, Maryland 21244

Dear Mr. Lewis:

RE: Case Number:04-483-A, 7509 Haystack Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Baltimore County
Fire Department

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

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

May 10, 2004

ATTENTION: Rebecca Hart

Distribution Meeting ~~of:~~ May 3, 2004

Item No.: 479, ~~482~~ 463-487

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

Printed with Soybean Ink
on Recycled Paper

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 May 10, 2004
Item Nos. 479, 482, 483, 484, and 485

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDO

DATE: May 18, 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:

04-479
04-483
04-485

Reviewers: Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED

MAY - 7 2004

ZONING COMMISSIONER

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

DATE: May 7, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-483 – 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: Lyn Lanham

MAC/LL

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.30.04

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

RE: Baltimore County
Item No. 483 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,

K. A. McDonald

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING ☑ VARIANCE ☐ SPECIAL HEARING

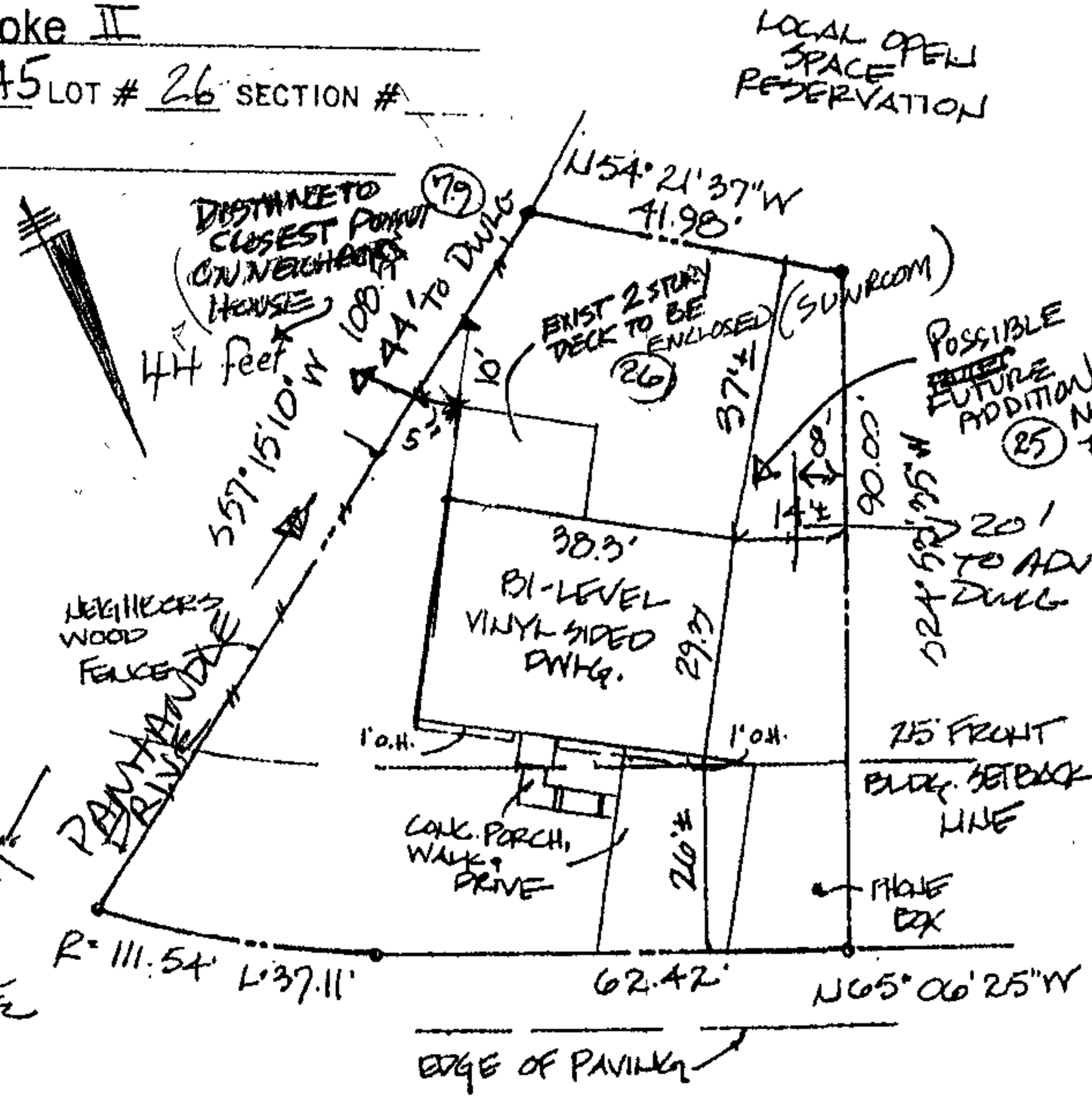
PROPERTY ADDRESS 7509 Haystack Drive

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

SUBDIVISION NAME Claybrooke II

PLAT BOOK # 67 FOLIO # 145 LOT # 26 SECTION #

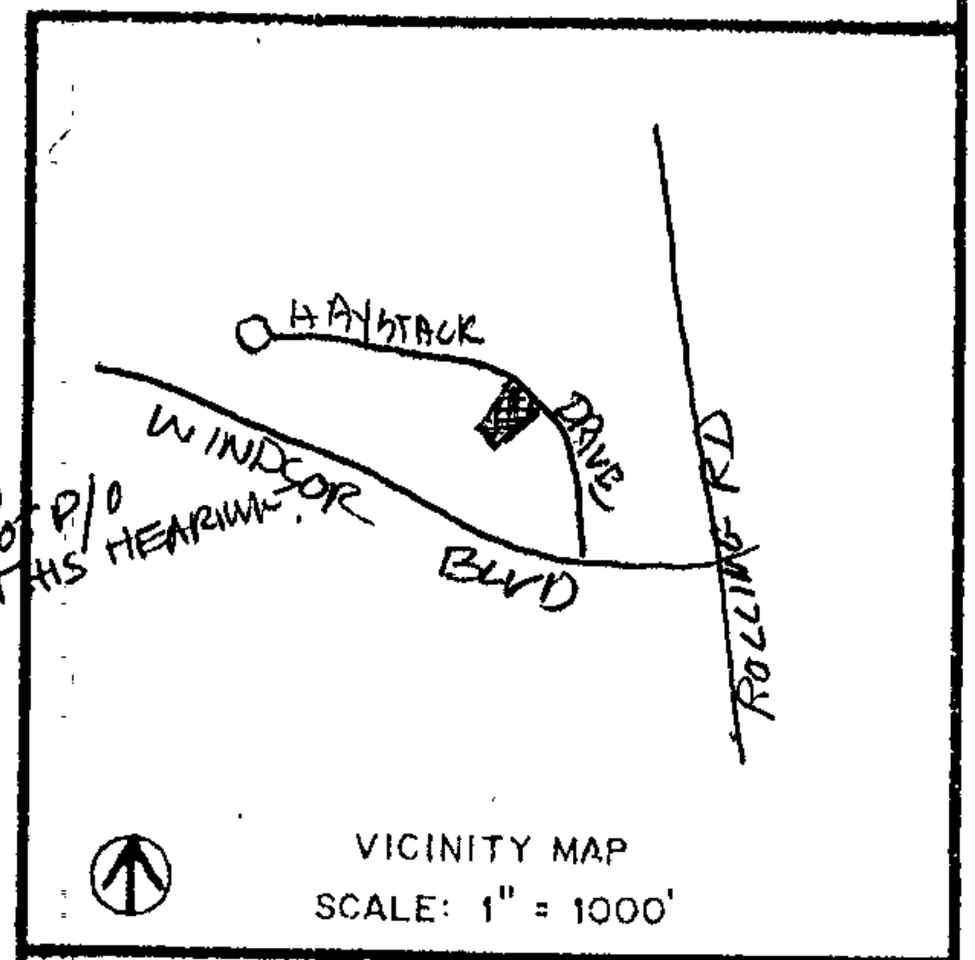
OWNER Tamara L. Lewis



LOT 26
CLAYBROOKE 2
A PORT DIVISION OF
LOT 79 & PARCELS A, B & C
OF THE FIRST AMENDED
PLAT 2 "CLAYBROOKE"
W.M. No. 67-130
(67-145)
2ND ELECTION DIST.
BALTIMORE COUNTY, MD.

I AM RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION AS DRAWN BY BALTO. CO.

Mina Dews 4-9-07



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 2ND

COUNCILMANIC DISTRICT 4TH

1" = 200' SCALE MAP # ~~DR 16~~ DR 5.5

ZONING NWAG

LOT SIZE ACREAGE 5,000± SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☑	☐
WATER	☑	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☑
100 YEAR FLOOD PLAIN	☐	☑
HISTORIC PROPERTY/ BUILDING	☐	☑

PRIOR ZONING HEARING NA

I have examined Flood Insurance Rate Map Panel Number 24005C0360B for the subject property and it appears to lie within zone C per said map.
Dimensions shown to apparent lot line are ± 3'.
Date of field work: 12-16-97.

LOCATION DRAWING

#7509 HAYSTACK DRIVE

Surveying & Engineering
13523 Long Green Pike
Baldwin, MD. 21013

Date: 12-17-97
Scale: 1" = 30'
Job Number: HP-1832
Drawn By: [illegible]
Checked By: VSD

NORTH

Petit #1

PREPARED BY

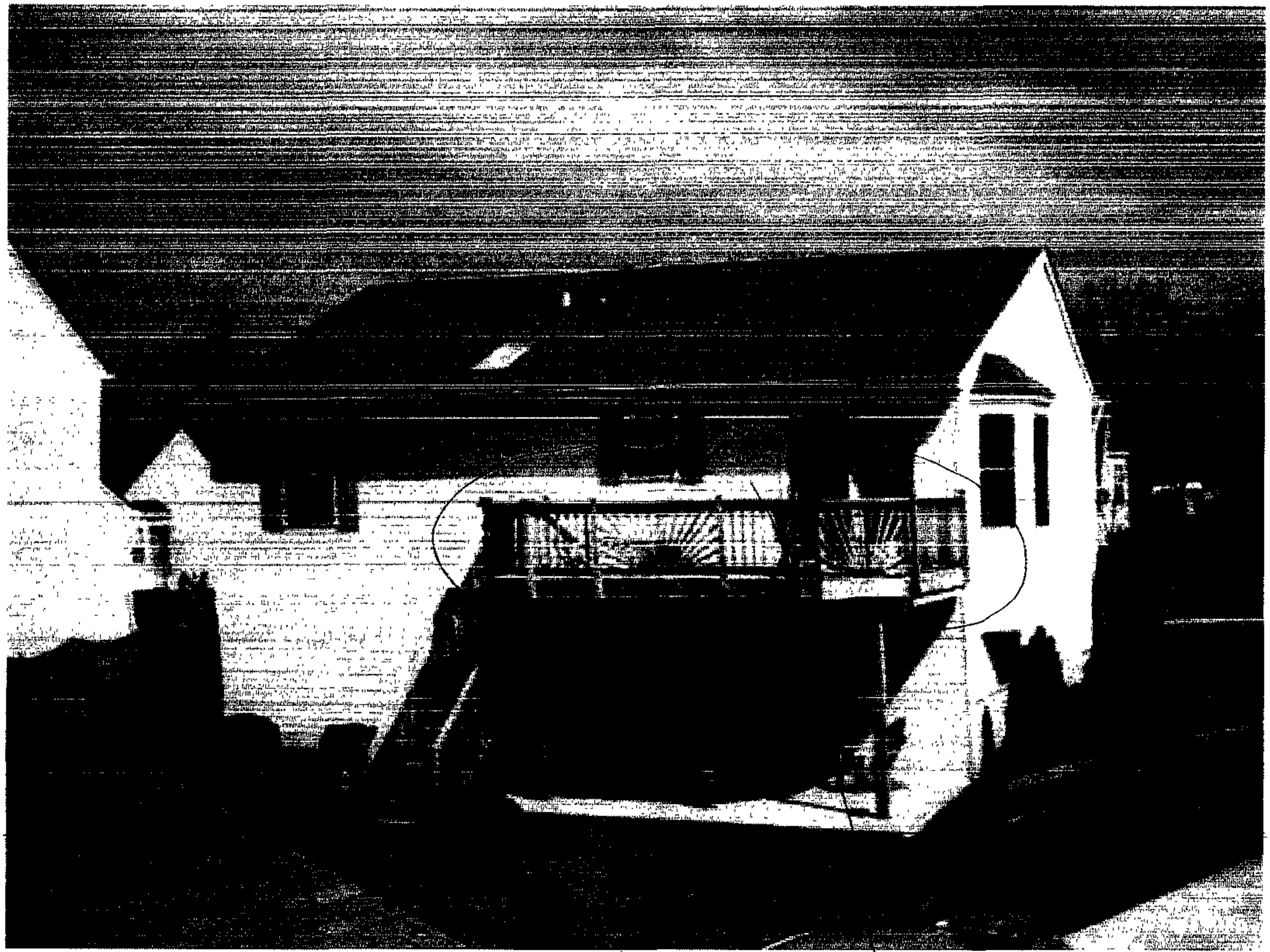
SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JL	1	104483A

A83

Photograph of the property with existing conditions



7509 Haystack Drive

area of proposed changes

Photograph of immediately adjacent Dwelling

7511 Haystack Drive

7509 Haystack Drive

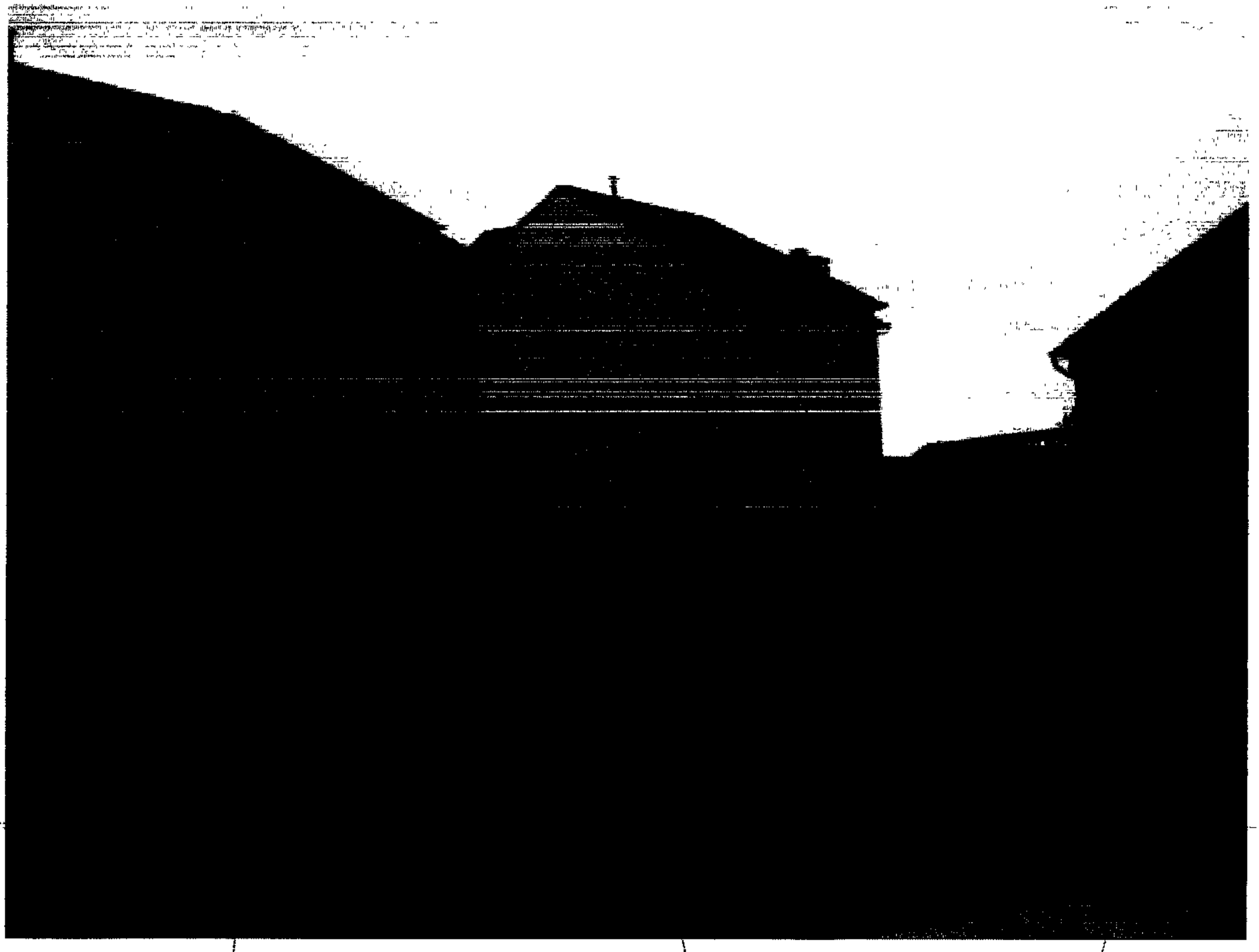
483

Photograph of Immediately Adjacent Dwelling

7505 Haystack Drive

A83

Photograph of Surrounding Dwellings



7503 Haystack Drive

7500 Haystack Drive

7507 Haystack Drive

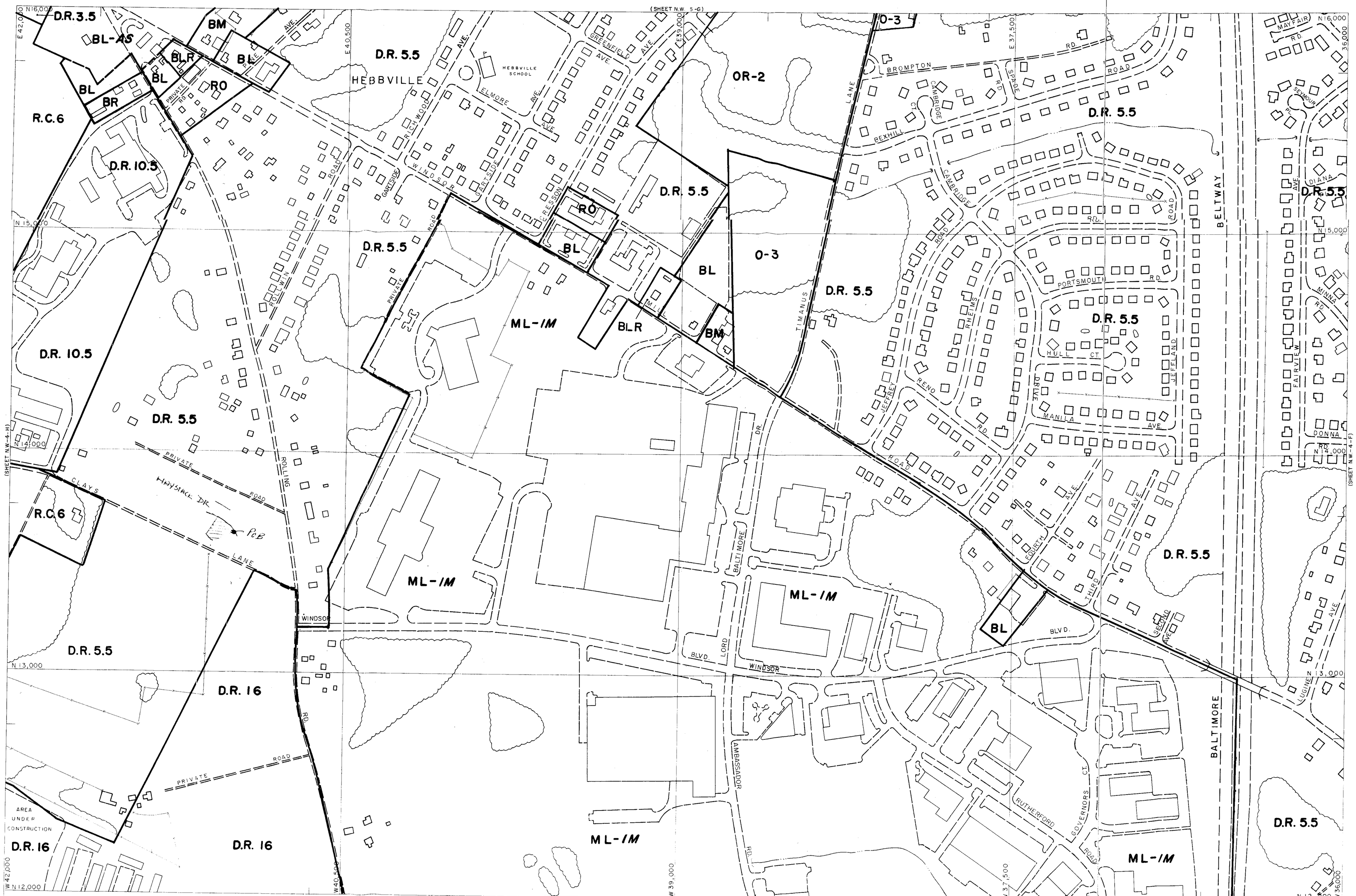
A83

Side view of 7509 Haystack Drive

private driveway belonging
to 7509 Haystack Drive

A83

Side view of 7505 Haystack Drive



L-NE

483

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HEBBVILLE	N. W. 4-G
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 4 G

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7509 Haystack Drive
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) 1 B01.2.C.1.b BCZR To Permit A Rear yard setback of 10 ft. in Lieu of 30 ft. And to Allow An Addition to be Located outside of the Building Envelope And Amend The Final Development Plan For Clay Brooke II, Lot 26

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):

Tamara L. Lewis
Name - Type or Print

Tamara L. Lewis
Signature

N/A
Name - Type or Print

N/A
Signature

7509 Haystack Drive — (410) 597-8471 home, (410) 767-0074 work
Address — Telephone No.

Baltimore — MD — 21244
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

ORDER RECEIVED FOR FILING
Date 5/28/04
By

CASE NO. 04 483 A

Reviewed By JL **Date** 4/22/04

Estimated Posting Date 5/02/04

REV 10/25/01