IN RE: PETITION FOR ADMIN. VARIANCE

SW/Corner of Tredegar and Hilton Avenues 1st Election District

1st Councilmanic District

(1501 Tredegar Avenue)

Bonnie A. & John D. Kearney Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-502-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 Bonnie A. and John D. Kearney. The administrative variance is requested for property located at 1501 Tredegar Avenue in the Catonsville area of Baltimore County. The administrative variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 15 ft. in lieu of the required 40 ft. to construct an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

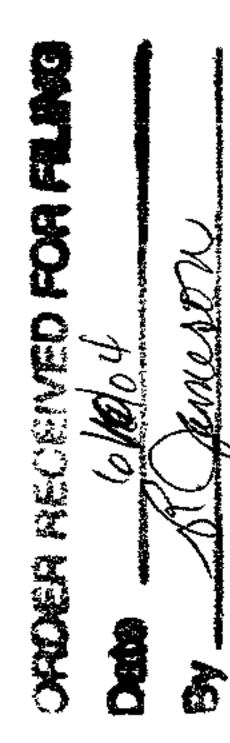
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 12, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

#### 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.



SANCE OF FORM

"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 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, offstreet 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 Petitioners, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>io</u> day of June, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 15 ft. in lieu of the required 40 ft. to construct an addition 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 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.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

De policiente de la pol

#### 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

June 8, 2004

Mr. & Mrs. John D. Kearney 1501 Tredegar Avenue Catonsville, Maryland 21228-5663

Re: Petition for Administrative Variance

Case No. 04-502-A

Property: 1501 Tredegar Avenue

Dear Mr. & Mrs. Kearney:

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



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



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1501 TREDEGAR AVE., CATONSVILLE, MD. which is presently zoned D.R.-2

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)

Yard setback of 15 Ct, in lieu of the required 40 ft. to construct an addition.

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 is the subject of	are the legal this Petition.	owner(s) of the	e property which
Contract Purchaser/Less	see:		Legal Owner	<u>(s):</u>		
			JOHN	D.	KEARI	NEY
Name - Type or Print			Name—Type or Pri		Kear	mess
Signature			Signature		1 V	
Address		Telephone No.	Name - Type or Pri	int	<u> </u>	671(7)E
City	State	Zip Code	Signature	mol	$\Delta L_{0}$	N(301)281
Attorney For Petitioner:			1501 TR Address	EDEGAR	AVE.	1(410) 45
			CATONSVIL	LT	MD.	Telephone
Name - Type or Print	<u></u>	<del></del>	City	— <del>"                                      </del>	State	Zip C
Company		<u></u>	Name	<u> </u>		
Address		Telephone No.	Address		<u></u>	Telephone N
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CASE NO. 04-	502-A	? Rev	Zoning Co	A	Baltimore Coun	nty -

# 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	1501	TREDEG	AR AI	/E
•	Address CATONA	SVILLE	-MD. State	2/228-50 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship of the transfer	ip or practical AR このい	difficulty): FIGURATIO	we base the reque	st for an Administrative
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2) SMALL KITCHE	N AN	DDININ	14 ROOM	AREAS AT ADDITION
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional info	d is filed, Affiant(s) rmation.	will be required t	o pay a reposting and
Signature  JOHN D. KEARNE  Name - Type or Print	Y	Signature Name - Type or Pr	a Cook	LARDEY
STATE OF MARYLAND, COUNTY OF BALTING  I HEREBY CERTIFY, this 5 day of day of for Maryland, in and for the County aforesaid, per	-	ared	<u>∠,</u> before me, a No	tary Public of the State
the Affiant(s) herein, personally known or satisfa	l Son actorily identifi	ed to me as such A	ffiant(s).	
AS WITNESS my hand and Notarial Seal	<sup>^</sup> Not	Surelle () ary Public () Commission Expire	. 1	Jamp)

REV 10/25/01

# 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	1501 TREDEGAR AVE.
	Address  CATONSVILLE MD, 21228-566  City State Zip Code
REDEGAR AVE., THE H REAR SETBACK REGULA'  1) THIS WILL DEFIN  PRACTICAL LIVING	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):  GONFIGURATION OF LOT # 404, 1501  OME REQUIRES A VARIANCE OF THE  TION OF MINIMUM 40 FEET.  NITTELY ENHANCE THE HOME'S  SPACE.
2) SMALL KITCHEN PROPOSED END ARE	AND DINING ROOM AREAS AT THE IN NEED OF ADDITION.
3) STANDARD ROOF AESTHETIC IMPROVEM TRANSITION DURIN	LINE WILL BE A GREAT SENT AND PROVIDE AN EASIER G HOME REMODELING PROCEDURE.
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  John D. KEARNEY  Name - Type or Print	Bossie a longing  Signature  Longe A. Kenesey  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:
of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfa	
AS WITNESS my hand and Notarial Seal	Severely Dewitte Hamp)  Notary Public  My Commission Expires 8/1/2004
~	My Commission Expires 8/1/2004

REV 10/25/01



CASE NO. \_\_04-502-A

REV 10/25/01

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

foi	r the property k	ocated at 1501 TREDEGAR	
-		which is presently zoned	1 1.72
This Petition shall be filed with the Downer(s) of the property situate in Baltin made a part hereof, hereby petition for a	nore County and which Variance from Section	ch is described in the description an	d plat attached hereto and
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of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning la	aw of Baltimore County, for the reas	ons indicated on the back
Property is to be posted and advertised a i, or we, agree to pay expenses of above Va regulations and restrictions of Baltimore Cou	iriance, advertisina, pos	sting, etc. and further agree to and are	to be bounded by the zening
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Contract Purchaser/Lessee:		Legal Owner(s):	· _ 1
Name - Type or Print		Name - Type or Print	EARNEY
Signature		Signature	Keneney
Address	Telephone No	Name - Type or Print	1001001
State  Attorney For Petitioner:	Zip Code	Signature  1501 TREDEGAR A  Address	W(301) 2-86-3 VE. H(410) 455-5 Telephone No
Name - Type or Print		CATONSVILLE,	MD. 21228-5 State Zip Code
Signature	···	Representative to be Conta	acted:
Company		Name	<del></del>
Address	Telephone No.	Address	Telephone No
City State	Zip Code	Cıty	State Zip Code
A Public Hearing having been formally demand his day of the equilations of Baltimore County and that the proper	lat the subject matter of th	required, it is ordered by the Zoning Comis petition be set for a public hearing, adver	missioner of Baltimore County, tised, as required by the zoning
		Zoning Commissioner of Ball	imoro (Pari atri

Reviewed By \_

Estimated Posting Date \_\_



ZONING DESCRIPTION FOR 1501 TREDEGAR AVE.,
CATONSVILLE, MD. 21228-5663.

BEGINNING AT A POINT ON THE SOUTHWEST CORNER OF TREDEGAR & PARK GROVE AVENUES.

BEING LOT # 404, IN THE SUBDIVISION OF

OAK FOREST PARK AS RECORDED IN BALTIMORE

COUNTY PLAT BOOK # 5, FOLIO # 090,

CONTAINING 9,475 SQ. At. ALSO KNOWN AS

1501 TREDEGAR AVE., CATONSVILLE, MD. 21228-5663

AND LOCATED IN THE 1ST ELECTION DISTRICT,

1ST COUNCIL MANIC DISTRICT.

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# CEMFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS May 15, 2004

RE: Case Number 04-502-A

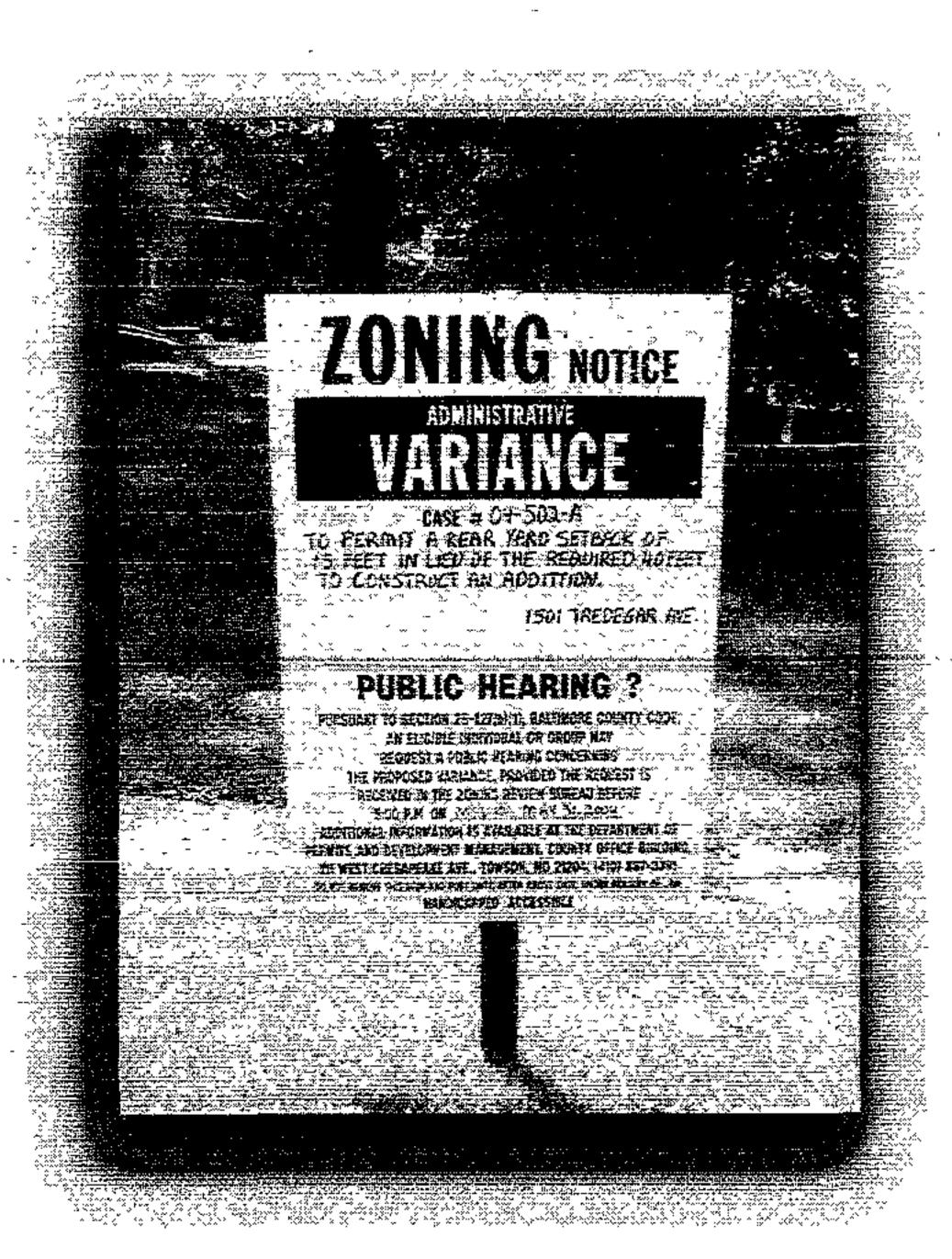
Petitioner/Developer JOHN KEARNEY

Date of Hearing/Closing) May 31, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1501 TREDEGAR AVE .

The sign(s) were posted on

May 12, 2004



Lindu O Keife (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)

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	<u> </u>					
Case Number 04-		Address_		Tredegar,	Ave.	
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<u> </u>						

# 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 Advertising:	
tem Number or Case Number: 04-502-A	
Petitioner: JOHN D. KEARNEY	
Address or Location: 1501 TREDEGAR AVE., CATONSVILLE, MD.  2/228-50	'L
PLEASE FORWARD ADVERTISING BILL TO:	
Name: JOHN D. KEARNEY	
Address: 1501 TREDEGAR AVE	
CATONSVILLE, MD.	
21228-5663	
Telephone Number: HOME (410) 455-5312 WORK (301) 286-3695	-

Revised 2/20/98 - SCJ

#### Department of Permits Di 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

June 1, 2004

John D. Kearney Bonnie A. Kearney 1501 Tredegar Avenue Catonsville, Maryland 21228-5663

Dear Mr. and Mrs. Kearney:

RE: Case Number: 04-502-A, 1501 Tredegar Avenue

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

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

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

May 18, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 18, 2004

Item No.:

495, (502-511, 513-515, 517

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.

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:

5.17.04

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

RE:

**Baltimore County** 

Item No.

502

否尸化

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

DATE:

May 24, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 17, 2004

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

04-495

04-502

04-503

04-506

04-507

04-508

04-509

04-512

04-513

04-514

04-517

Reviewers:

Sue Farinetti, Dave Lykens

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

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 7, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-502 – 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

JUN - 6 2004

Division Chief:

ZONING COMMISSIONER

MAC/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 2, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 24, 2004 Item Nos. 502, 503, 507, 508, 509,

512, 513, 514, 515, and 517

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

RWB:CEN:jrb

cc: File



HH 136/44

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#502



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