OHDER RECEIVED FOR FLANS

IN RE: PETITION FOR ADMIN. VARIANCE SS of Payson Avenue, 150 W of Newburg Avenue

1st Election District

1st Councilmanic District

(5 Payson Avenue)

Lisa M. & Kenneth R. Boone Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-524-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 Lisa M. and Kenneth R. Boone. The administrative variance is requested for property located at 5 Payson Avenue the Catonsville area of Baltimore County. The administrative variance request is from Section 1B02.3c. (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 14 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 22, 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

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 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 1B02.3c. (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 14 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

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

10 June 8, 2004

Mr. & Mrs. Kenneth R. Boone 5 Payson Avenue Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 04-524-A

Property: 5 Payson Avenue

Dear Mr. & Mrs. Boone:

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

JVM:raj Enclosure



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



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	5	Payso	n Avenue
	presen	tly zoned	DR-2

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of the zoning regulations of B of this petition form.				ity, for the reasons indica	ated on the back
Property is to be posted and a i, or we, agree to pay expenses regulations and restrictions of Ba	of above Vari	iance, advertising, po	osting, etc. and further a	gree to and are to be bound Itimore County.	ded by the zoning
			I/We do solemnly operjury, that I/we a is the subject of the	declare and affirm, under the are the legal owner(s) of the is Petition	ne penalties of property which
Contract Purchaser/Less	ee:		Legal Owner(s	<u>s):</u>	
			Kenne	th R. Boo	ne
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Attorney For Petitioner:			Address Address	• • • • • •	Telephone No.
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Company			Same C	as above	
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Address		Telephone No.	Address		Telephone No
City V	State	Zip Code	City	State	Zip Code
A Public Hearing having been for thisday of regulations of Baltimore County and the second secon	, tha	at the subject matter of	required, it is ordered be this petition be set for a pul	y the Zoning Commissioner of blic hearing, advertised, as req	f Baltimore County, juired by the zoning
		_	Zoning Cor	mmissioner of Baltimore Count	<u>y</u>
CASENO. OU-	$CZ\Psi$, A Re	viewed By	Date (*) 5-(12.0W

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

REV 10/25/01

Cito	Catonsville	State	Z1228 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or	practical difficulty):		
In order to provide a our family, we request o	safe and se	cure living.	space for
our family, we request o	e vanance to	build wr	thin the
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predates zoning conside	rations.	me rear	45 SUK
house is the logical house is the logical living space. If we are of enjoyment and full you for your consider	place to an	would be	deprived
of hour and ful	1 useage of 0	ur property	. Thank
Lisa for work consider	ation	9	
gove in gove			
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additi	demand is filed, Affiant onal information.	(s) will be required to	o pay a reposting and
Rungh R. Borno		sa N Boo	<u></u>
Signature	Signature	- M R	4070 a a
Name - Type or Print	Name - Type or	Print	<u>corre</u>
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
STATE OF MARYLAND, COUNTY OF BALTIMORI	E, to wit:		
HEREBY CERTIFY, this A day of Maryland, in and for the County aforesaid, personal Renneth R. Boone	thy appeared $200$	before me, a No	tary Public of the State
Kenneth K. Boone	Lisa M.	Boone	<del></del>
the Affiant(s) herein, personally known or satisfactori	ly identified to me as such	i Aπiani(S).	
AS WITNESS my hand and Notarial Seal		•	*
	Delen M.	Einglish	
	Notary Public  My Commission Exp	7	~
	My Commission Exp	ires <u> </u>	<u>/</u>

# Affidavit in Support of Administrative Variance

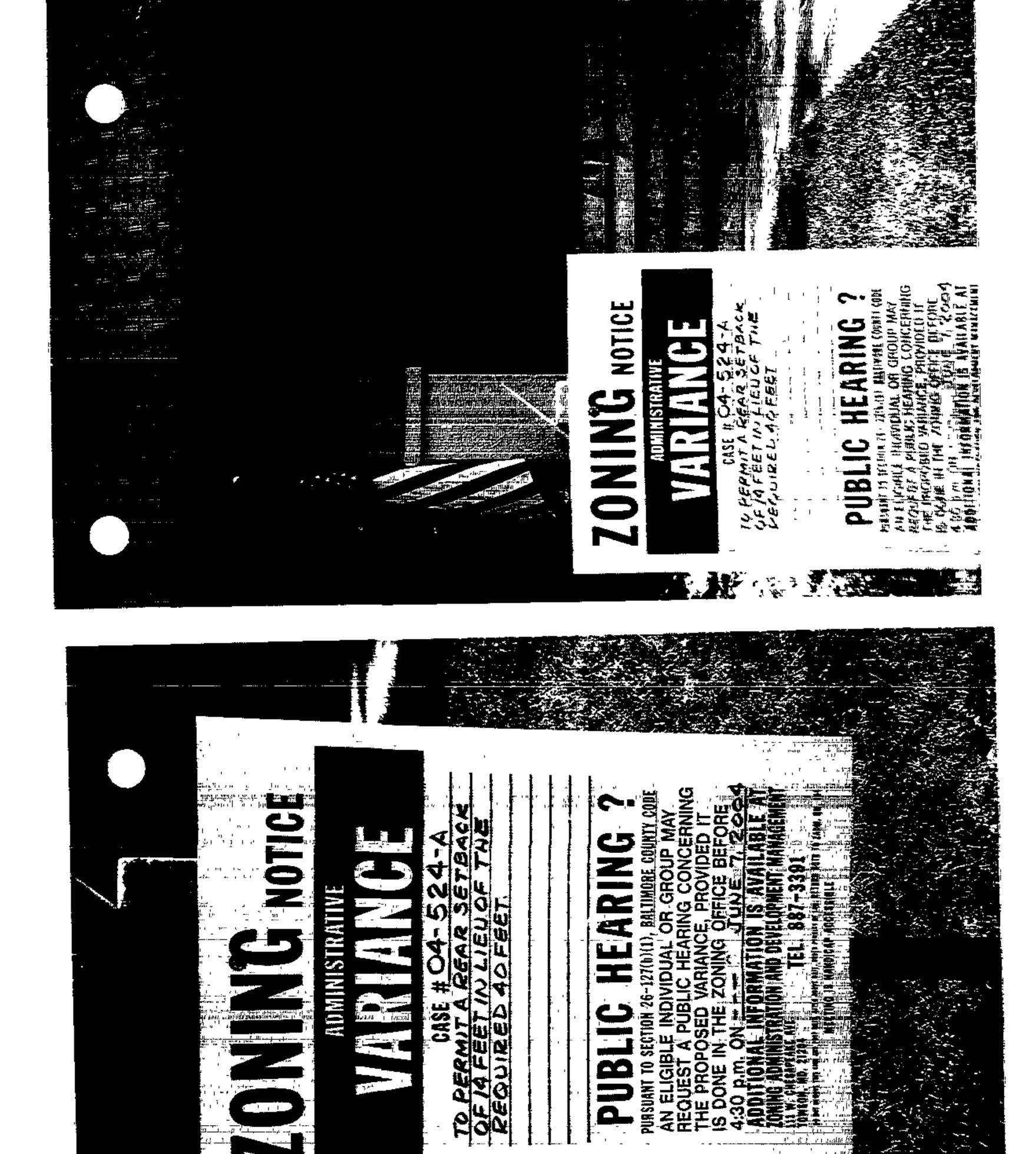
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	5 Payson Ave	) - :	<del>, ,</del>
Addre	Catonsville	State	Z1228 Zip Code
That based upon personal knowledge, the following a Variance at the above address (indicate hardship or p	are the facts upon which tractical difficulty):	1/we base the reque	est for an Administrative
In order to provide a	safe and se	cure living	space for
Our family, we request a	variance to	bula w	Min The
Our family, we request a 40' rear setback. Our h	ome was bu	H IN 1912	and Hims
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house is the logical,	lace for an	LA TOURSE	- Decrie
Tiving space. I we will	usease of t	ur property	. Thank
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of enjoyment and full you for your consider			
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition		(s) will be required	to pay a reposting and
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Name - Type or Print	Name - Type or	Print	
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STATE OF MARYLAND, COUNTY OF BALTIMORE,	, to wit		
HEREBY CERTIFY, this $\frac{\sqrt{2}}{\sqrt{2}}$ day of $\frac{\sqrt{2}}{\sqrt{2}}$ of Maryland, in and for the County aforesaid, personal	by appeared $\frac{200}{100}$	before me, a N	otary Public of the State
HEREBY CERTIFY, this 2 th day of May of Maryland, in and for the County aforesaid, personal Renneth R. Boone	Lisa M.	Bonne	
he Affiant(s) herein, personally known or satisfactorily	identified to me as such	Affiant(s).	
AS WITNESS my hand and Notarial Seal			_
TO THE THE HOLD MY MAIN AND MORALIAN SEAL		_ ` ,	
	Motor Bublic	Cirquest	
	Notary Public  My Commission Exp	. 7/1/2-	7
	My Commission Exp	ıres _ <i>_                                  </i>	

Zoning Description for 5 Payson Avenue, Catonsville, Maryland. Beginning at the point on the south side of Payson Avenue 150' west of Newburg Avenue. As recorded in deed Liber 14686, Folio 132. Beginning for the first thereof on the southernmost side of Payson Avenue "A" at a distance of 160' westerly from the southwest corner of Newberg Avenue and said Payson Avenue "A"; and running thence westerly binding on the South side of Payson Avenue "A" 102'8"; thence southerly on the east side, 86'7'; and thence easterly parallel with Payson Avenue "A" 102'8"; thence northerly by a straight line 86'7' to the place of beginning. Lot size contains 9,264 square feet. Also known as 5 Payson Avenue, and located in the 1st election District, 1st Councilmanic District.

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ADMINISTRAT

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PERMIT A RE

	Petitioner/Developer: KEWELISA BOOKIT
•	Date of Hearing/Closing: 6-7-2004
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 th	e penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located	at 5 PAYSON AVONUE
The sign(s) were posted on MAY 27	2004
	nth, Day, Year)
	Sincerely,  Darland L. Moore  (Signature of Sign Poster and Date)  GARLAND E. Moore  (Printed Name)  3225 RYERSON CIRCLE  (Address)  DAUTIMORE, MD. 21227  (City, State, Zip Code)  (Glephone Number)

RE: Case No.: 04-524-A

#### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number 04- 574 -A Address	
Conta	ct Person: South Flanner, Please Print Your Name  Planner, Please Print Your Name	-3391
Filing	Date: <u>05・1ス・0学</u> Posting Date: <u>05-23</u> ⁰⁴ Closing Date: <u>の</u>	<u>507.0</u>
	ontact made with this office regarding the status of the administrative variance shound the contact person (planner) using the case number.	ıld be
1.	<u>POSTING/COST</u> : The petitioner must use one of the sign posters on the approved list (reverse side of this form) and the petitioner is responsible for all printing/posting costs, reposting must be done only by one of the sign posters on the approved list and the petitis again responsible for all associated costs. The zoning notice sign must be visible of property on or before the posting date noted above. It should remain there through the codate.	Any itioner on the
2.	<b><u>DEADLINE:</u></b> The closing date is the deadline for an occupant or owner within 1,000 feet a formal request for a public hearing. Please understand that even if there is no frequest 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 zonmissioner. He may: (a) grant the requested relief; (b) deny the requested relief; order that the matter be set in for a public hearing. You will receive written notifically within 7 to 10 days of the closing date) as to whether the petition has been gradenied, or will go to public hearing. The order will be mailed to you by First Class mail.	or (c) cation
4.	POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public he (whether due to a neighbor's formal request or by order of the zoning or deputy z commissioner), notification will be forwarded to you. The sign on the property must changed giving notice of the hearing date, time and location. As when the sign was originated, certification of this change and a photograph of the altered sign must be forward this office.	coning ist be ginally
	(Detach Along Dotted Line)	
Petitio	ner: This Part of the Form is for the Sign Poster Only	
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
	Number 04- 524 -A Address #5 Parison Der	
	ner's Name <u>Booல</u> Telephone <u>40-797-</u>	
Postir	g Date: <u>05-ス3-04.</u> Closing Date: <u>06-07-04</u>	
	ng for Sign: To Permit A REAL SELBOUR OF 14F7. IN (	<u>.C-w</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:
Item Number or Case Number: 04-524-4
Petitioner: Kenneth & Usa Boone
Address or Location: 5 Payson Avenue.
PLEASE FORWARD ADVERTISING BILL TO:  Name: _ Ken & Wai Doone
Address: 5 Payson Ave Catonsville MD 21228
Telephone Number:

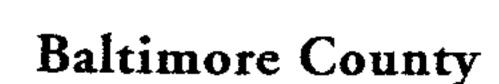
Revised 2/20/98 - SCJ

04-524.A

# Department of Permit Development Management

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





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

June 7, 2004

Kenneth R. Boone Lisa M. Boone 5 Payson Avenue Catonsville, Maryland 21228

Dear Mr. and Mrs. Boone:

RE: Case Number:04-524-A, 5 Payson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

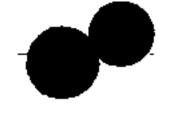
**Enclosures** 

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

May 9, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: May 1, 2004

Item No.:

516, 518, 519-522, (524), 525, 527-529

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



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** June 3, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 1, 2004

Item Nos. 516, 518, 519, 524, \$25,

527, and 528

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 (185)

DATE:

June 9, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 24, 2004

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

04-518 04-524 04-525 04-528

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 4-524

**DATE:** June 1, 2004

RECEIVED

JUN - 3 2004

ZONING COMMISSIONER

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.

MAC/LL







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.25.04

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

RE:

Baltimore County

Item No. 5 Z4

JRA

Dear. Ms.Matthews:

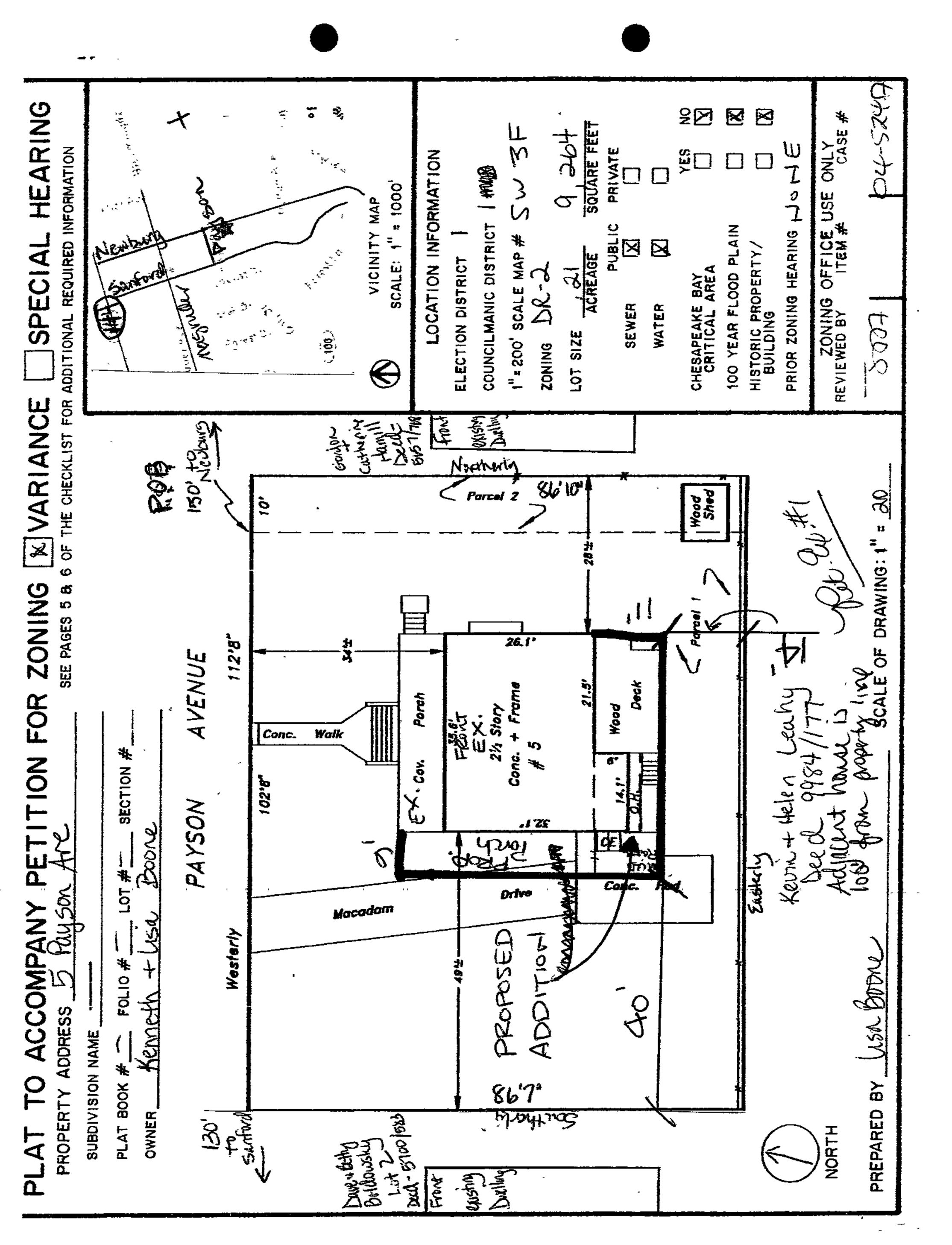
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

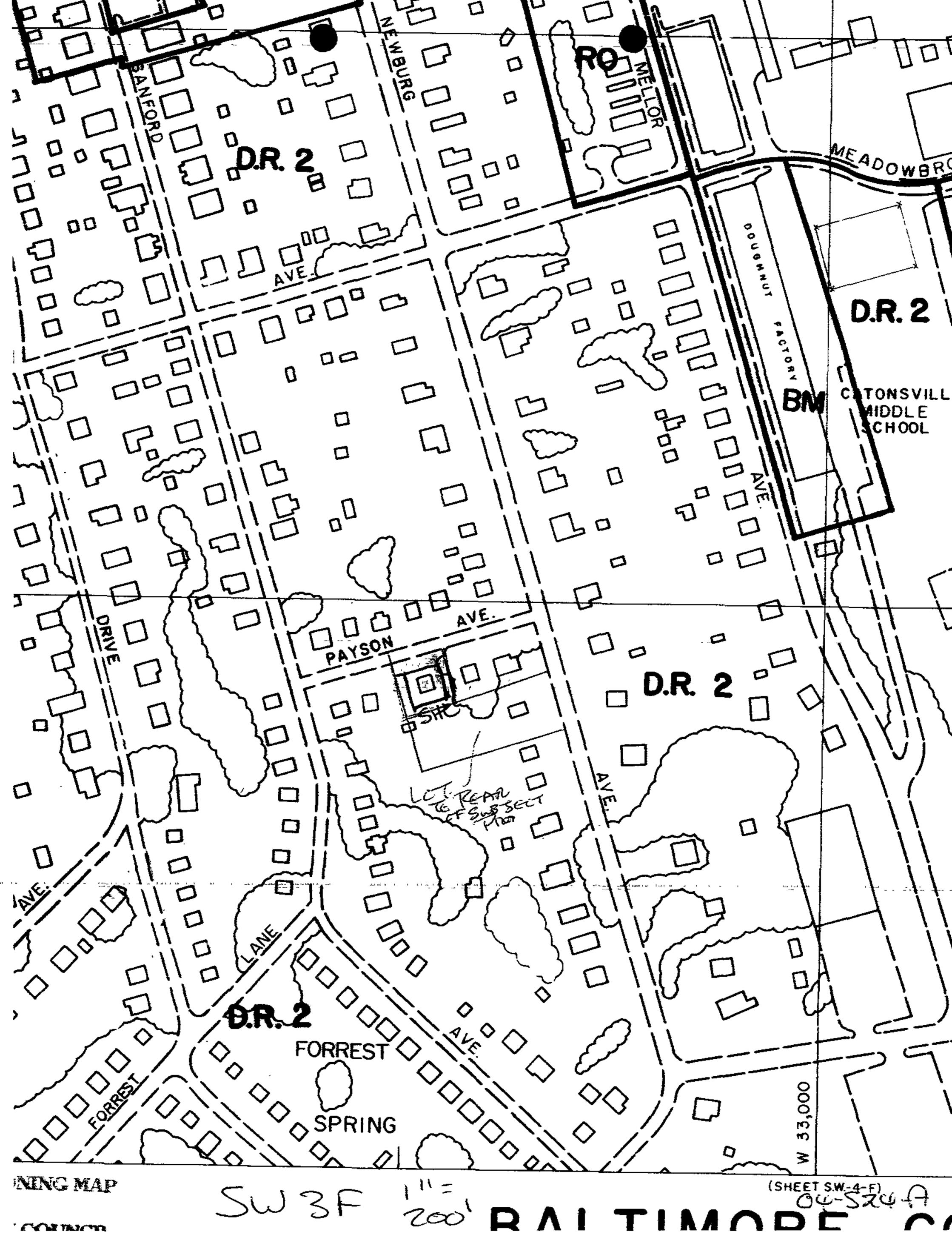
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

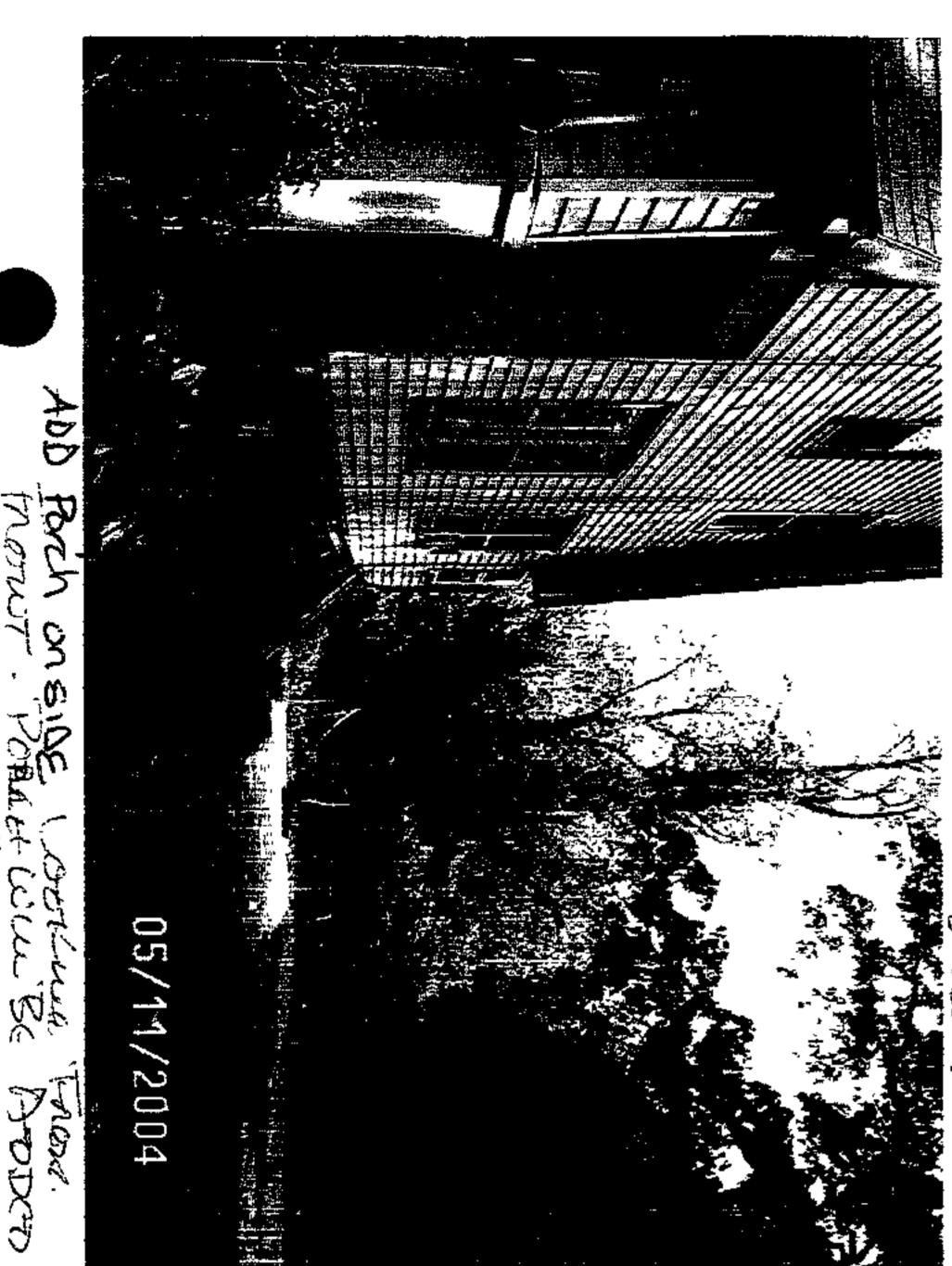
Very truly yours,

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

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