

IN RE: PETITION FOR ADMIN. VARIANCE
E/S S. Beechwood Avenue, 265' S of the c/l
Frederick Road
(3 S. Beechwood Avenue)
1st Election District
1st Council District

David W. Farmer, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-545-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, David W. Farmer and his wife, Eileen A. Farmer. 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 12 feet in lieu of the required 15 feet and to permit a sum of the side yard setbacks of 32 feet in lieu of the minimum required 40 feet for a proposed 9'9" x 19'7" addition. 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.

ORDER RECEIVED FOR FILING

Date

By

7/27/04
Bp

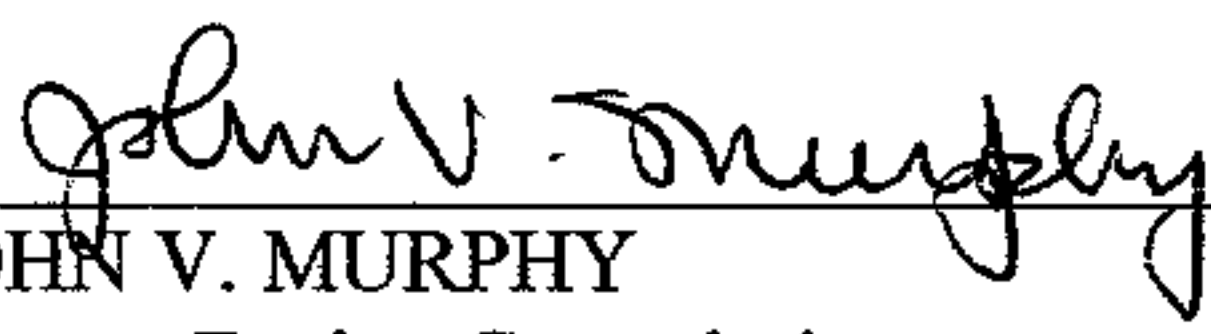
Based upon all of the evidence presented therein, I am persuaded to grant the requested relief. It was indicated that the layout of the existing dwelling and its location on the property necessitated the requested variance. I find that the proposal is appropriate and that strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioners. There were no adverse comments submitted by any County reviewing agency and the Petitioners submitted signed statements of support from their immediately adjoining neighbors on both sides. Thus, I find that relief can be granted and that there will be no detrimental impact to the surrounding locale.

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 Deputy Zoning Commissioner for Baltimore County this 2 day of ^{July}~~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 12 feet in lieu of the required 15 feet and to permit a sum of the side yard setbacks of 32 feet in lieu of the minimum required 40 feet for a proposed 9'9" x 19'7" addition, 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.

JVM:bjs


JOHN V. MURPHY
Deputy 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

July 6, 2004

Mr. & Mrs. David W. Farmer
3 S. Beechwood Avenue
Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S S. Beechwood Avenue, 265' S of the c/l Frederick Road
(3 S. Beechwood Avenue)
1st Election District – 1st Council District
David W. Farmer, et ux - Petitioners
Case No. 04-545-A

Dear Mr. & Mrs. Farmer:

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 cursive script, reading "John V. Murphy".

JOHN V. MURPHY
Deputy Zoning Commissioner
for Baltimore County

JVM:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3 South Beechwood Ave
which is presently zoned DR 2

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)

1B02, 3, C, 1, BC2R, to permit two proposed
additions with a side yard setback of 12 feet in lieu of the minimum required
15 feet and to permit a sum of side yard setbacks of 32 feet in lieu of the
minimum required 40 feet.

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

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.

Legal Owner(s):

David W. Farmer

Name - Type or Print

Signature

EILEEN A. Farmer

Name - Type or Print

Eileen A. Farmer

Signature

3 South Beechwood Ave. 410

Address Telephone No.

Catonsville MD 21228

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 5/25/04

Estimated Posting Date 6/6/04

CASE NO. 04-545-A

REV 10/25/01

Date By

ORDER RECEIVED FOR FILING

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 3 South Beechwood Avenue
Address
Catonsville, Maryland 21228
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):

We wish to continue living in Catonsville. However, when our ^{house} was built, only 1 bathroom, a small kitchen and family room, and small bedrooms were used. We wish to build an addition to add a bathroom and enlarge the kitchen, family room, and 1 bedroom.

Although part of the addition will be to the side, it will go no further out than the present dimensions of the house. It would not have been practical to go further into rear of house for practical architectural reasons, as the side addition is an enlargement of the kitchen and the back involves the family room.

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.

[Signature]
Signature
David W. Farmer
Name - Type or Print

Eileen A. Farmer
Signature
EILEEN A. Farmer
Name - Type or Print

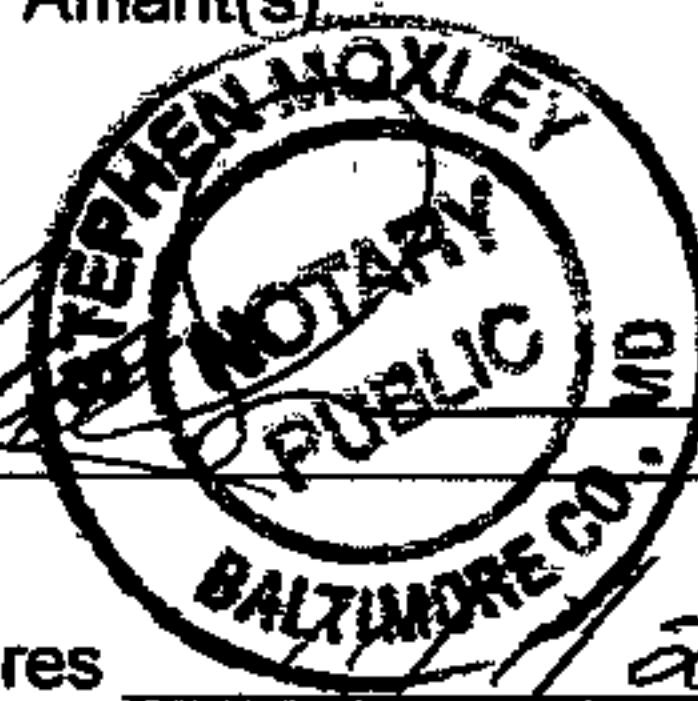
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of May, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID W. Farmer & EILEEN A. Farmer
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 2007



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 3 South Beechwood Ave
Address
Catonsville, MD 21228
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):

We wish to continue living in Catonsville. However, when our ^{house} was built, only 1 bathroom, a small kitchen and family room, and small bedrooms were used. We wish to build an addition to add a bathroom and enlarge the kitchen, family room, and 1 bedroom. Although part of the addition will be to the side, it will go no further out than the present dimensions of the house. It would not have been practical to go further into rear of house for practical architectural reasons, as the side addition is an enlargement of the kitchen and the back involves the family room.

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.

[Signature]
Signature
DAVID W. Farmer
Name - Type or Print

Eileen A. Farmer
Signature
EILEEN A. Farmer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of May, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David W. Farmer and Eileen A. Farmer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

May 24, 2004
Date

[Signature]
Notary Public
My Commission Expires 07/13/05

ZONING DESCRIPTION FOR No. 3 SOUTH BEECHWOOD AVENUE

Beginning at a point on the east side of South Beechwood Avenue, which is 40 feet wide, at a point 265 feet south of ~~the corner of~~ the intersection of Frederick Road and ~~the east side~~ ^{which is 80 feet wide} of South Beechwood Avenue, as recorded in Deed Liber SM 10994, Folio 675, and also on a plat dated 1975 by Gary & Associates, Inc., running N 80 16' 36" E, 185.00 ft., S 00 43' 49" E, 75.00 ft., S 80 16' 36" W, 185.00 ft., N 00 34' 49" W, 75.00 ft. to the place of beginning. Also known as No. 3 South Beechwood Avenue and located in the First Election District, First Councilmanic District. Containing .32 acres

04-545-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 15056

DATE

12/04

ACCOUNT

R-001-006-6150

AMOUNT

\$ 65.00

RECEIVED FROM:

CASH

FOR:

Alon, Varian - 3 S Rockwood Ave

CA 545-A (Furnace)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL DATE

NO.

5/26/2004 5/26/2004 11/20/20

4

REG. NO. 013656

013656

REG. NO. 013656

013656

REG. NO. 013656

013656

REG. NO. 013656

013656

Receipt Tot

\$65.00

\$65.00

CA

Baltimore County, Maryland

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-545-A

Petitioner/Developer: DAVID
EILEEN FARMER

Date of Hearing/Closing: 6/21/04

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 3 SOUTH BEECHWOOD AVE

This sign(s) were posted on 6 / 5 / 04
(Month, Day, Year)

Sincerely,

Martin Ogle 6/5/04
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 04-545 A

TO PRESENT, TWO PROPOSED ADDITIONS WITH A SIDE YARD
DEVELOPMENT OF 11 FEET IN AREA OF THE MINIMUM REQUIRED
FEET AND TO PRESENT A SIGN OF SIDEYARD DEVELOPMENT OF
32 FEET IN LIEU OF THE MINIMUM REQUIRED FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, JUNE 21, 2004

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CRESAPENNE AVE
TOWSON, MD 21204

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

Walter Dgl 6/5/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 545 -A Address 3 South Beechwood Ave.

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, (Please Print Your Name)

Filing Date: 5/25/04 Posting Date: 6/6/04 Closing Date: 6/21/04

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- 545 -A Address 3 South Beechwood Ave.

Petitioner's Name David & Eileen Farmer Telephone 410-788-5708

Posting Date: 6/6/04 Closing Date: 6/21/04

Wording for Sign: To Permit two proposed additions with a side yard setback of 12 feet in lieu of the minimum required 15 feet and to permit a sum of side yard setbacks of 32 feet in lieu of the minimum required 40 feet

**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*

June 21, 2004

David W. Farmer
Eileen A. Farmer
3 South Beechwood Avenue
Catonsville, Maryland 21228

Dear Mr. and Mrs. Farmer:

RE: Case Number:04-545-A, 3 South Beechwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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



**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

June 8, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 7, 2004

Item No.: 540-549, ⁵⁴⁵552 & 553

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: 6.5.04

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

RE: Baltimore County
Item No. 545 JHP

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



*Granted
7/2/04*

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr
DATE: June 22, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 7, 2004

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

04-540
04-542
04-543
04-544
04-545
04-546
04-547
04-549
04-551
04-552
04-558

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 22, 2004

RECEIVED

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

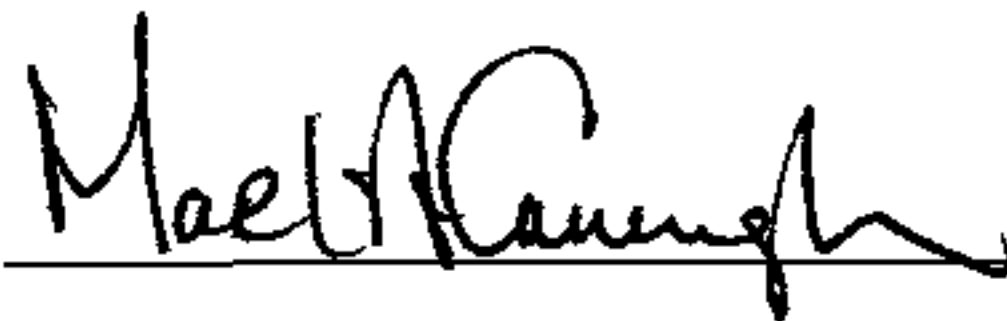
JUN 23 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-545 – 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:



Division Chief:



MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 1, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 14, 2004
Item Nos. 540, 542, 543, 544, 545,
546, 547, 548, 549, 552, 553, and 558

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

RWB:CEN:jrb

cc: File

May 22, 2004

We live at 5 South Beechwood Avenue, and have been informed by David and Eileen Farmer, who live at 3 South Beechwood Avenue, that they would like to build an addition on the left side of their house. We understand that the addition would be over the setback measurement for Baltimore County. We have no objection to the Farmer's building their addition.

Mary P. Whiffen
Peter E. Whiffen

04-545-A

May 21, 2004

To whom it may concern:

We have been informed by David and Eileen Farmer, who live at 3 South Beechwood Avenue, Catonsville, MD 21228, that they would like to build an addition which would encroach on the setback determined by Baltimore County Zoning Rules. We live at 1 South Beechwood Avenue, on the side on which the addition will be built. We have been shown where the addition will be built and it's dimensions. We have no objection to the building of the proposed addition and urge you to grant the variance.


GUY DAVIS


NORMA HENSLER DAVIS

04-545-A

Front View





Ⓡ side - adjacent property

right side



① side adjacent prop & proposed adj. (orange tape)





② side (orange tape marks
proposed add.)

Side view (orange tape = proposed add)

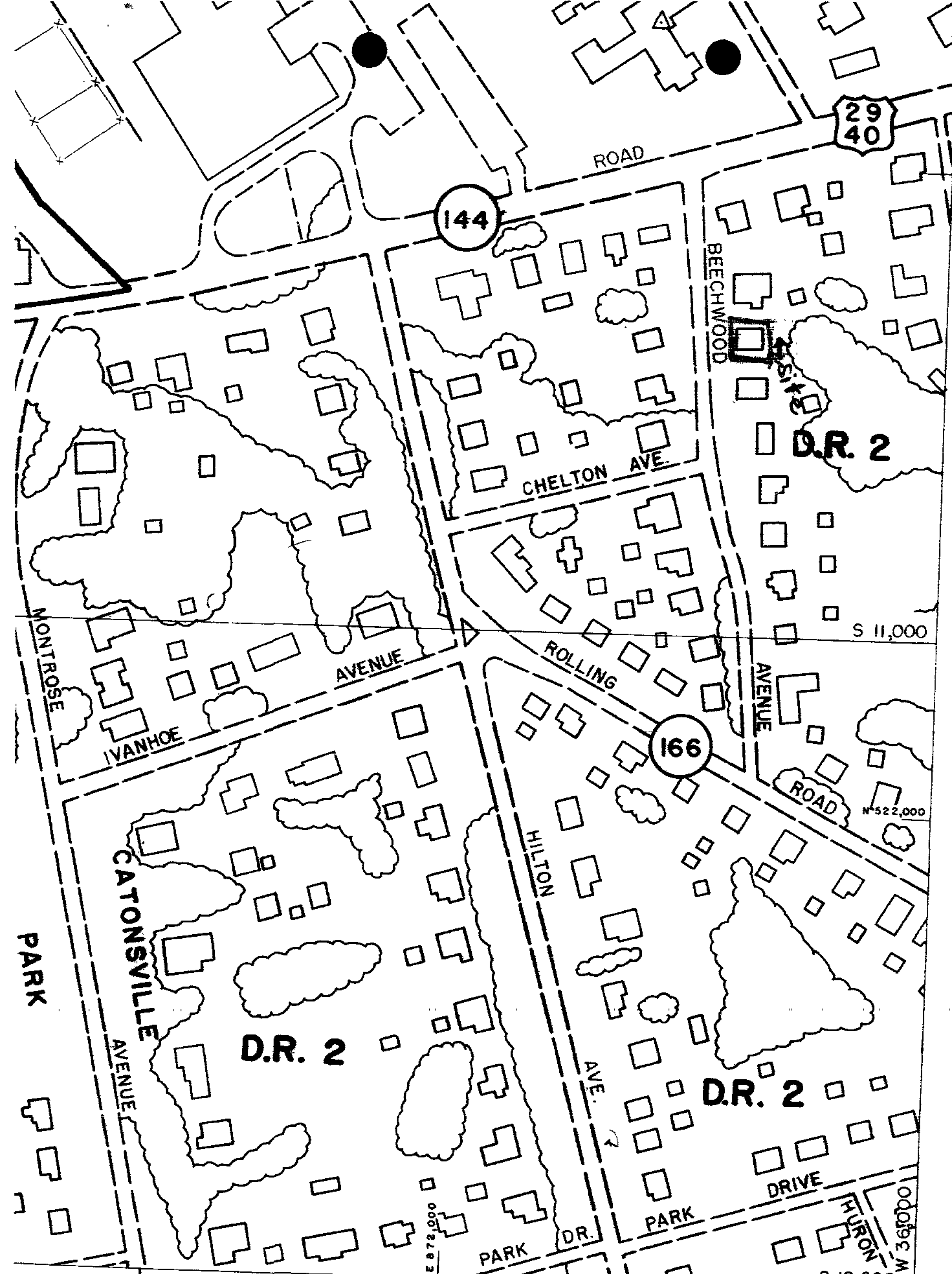


Orange type = proposed add.





Back of house



(SHEET)

SCALE
1" = 200' ±
DATE

LOCATION
CATONSVILLE

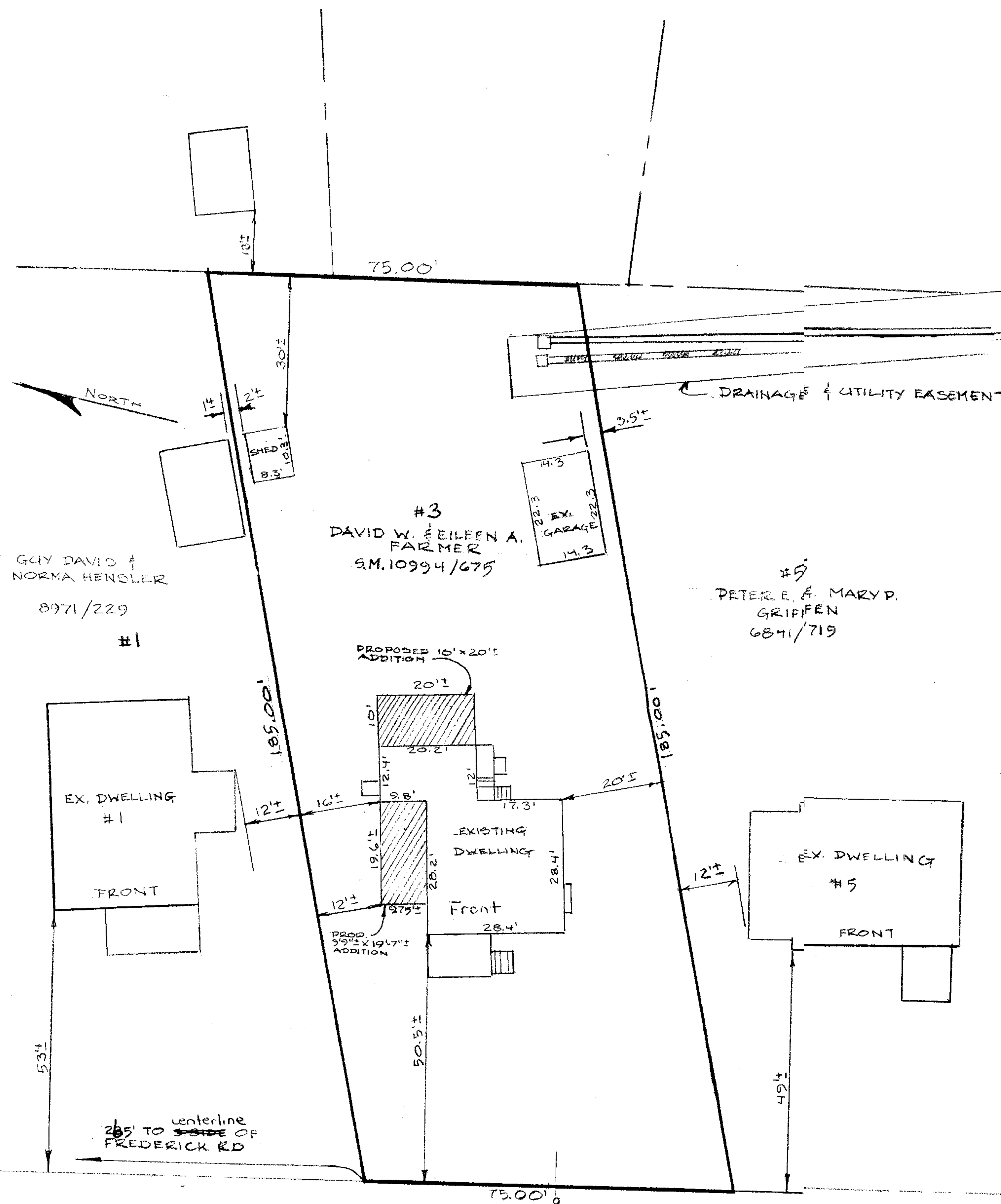
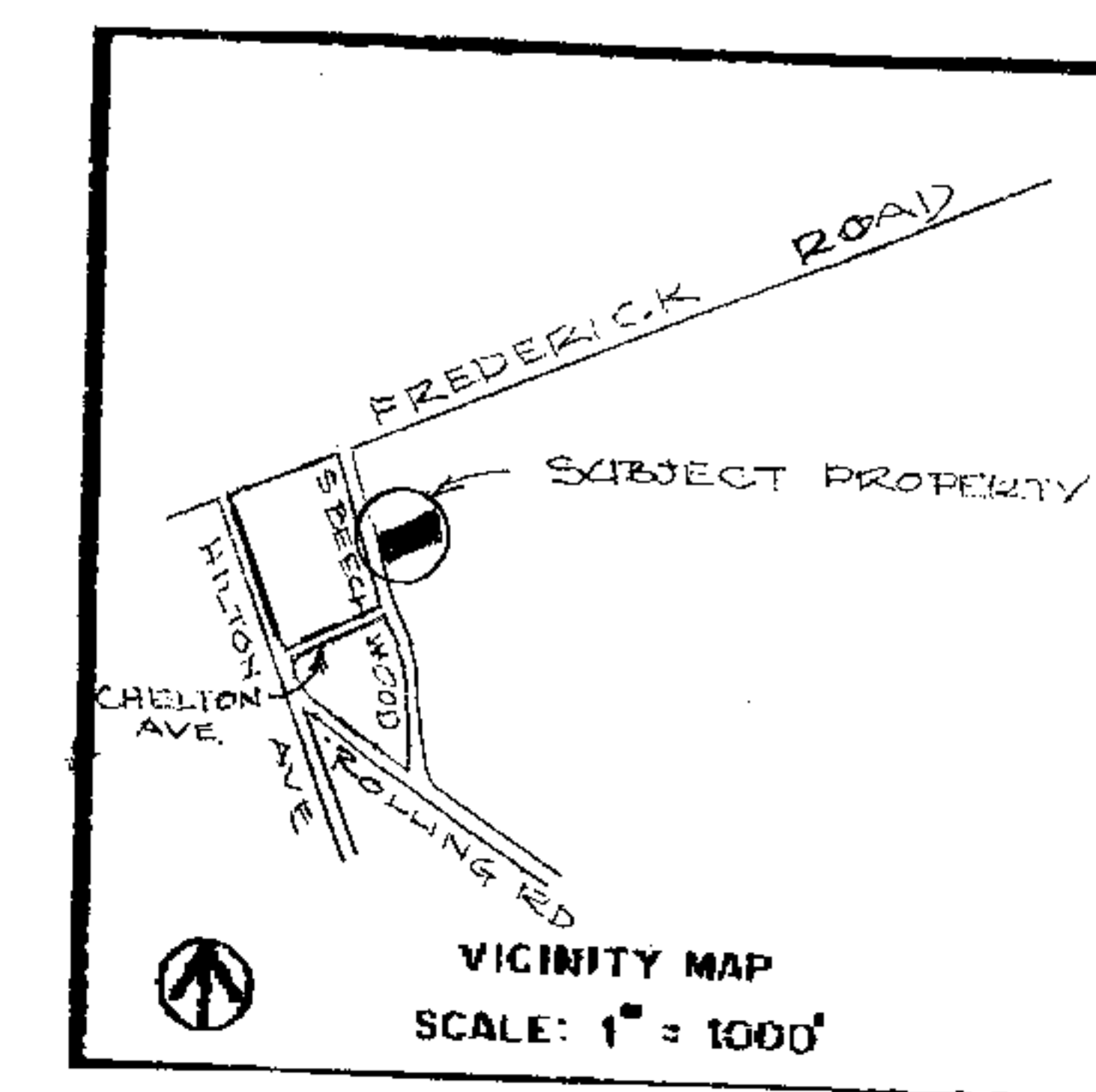
SHEET
SW 3-G
SW

04-545-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3 S. BEECHWOOD AVENUE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SM 10994
 PLAT BOOK # 675 LOT # SECTION #
 OWNER DAVID W. & EILEEN A. FARMER



265' TO centerline
 OF FREDERICK RD

S. BEECHWOOD AVE. 40' R/W 23'± MAC.

PREPARED BY BG

SCALE OF DRAWING: 1" = 20'

LOCATION INFORMATION	
ELECTION DISTRICT	1
COUNCILMANIC DISTRICT	1
1"=200' SCALE MAP #	SW 8 G.
ZONING	DR. 2
LOT SIZE	0.32
ACREAGE	13,875
SQUARE FEET	
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING	☐ YES ☒ NO
PRIOR ZONING HEARING	NO
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
CASE #	
JNP	545
04-545A	