IN RE: PETITION FOR ADMIN. VARIANCE
NE/S of Potomac Avenue,
70 ft. SE of Lynden Avenue
15th Election District
7th Councilmanic District
(414 Potomac Avenue)

Lydia M. & George A. Foy, Jr. Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-577-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, Lydia M. and George A. Foy, Jr. The variance request is for property located at 414 Potomac Avenue in the "Chesaco Park" subdivision of Baltimore County. The variance request is from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached garage in the side yard in lieu of the rear yard. 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 June 19, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of July, 2004, that a variance from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached garage in the side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

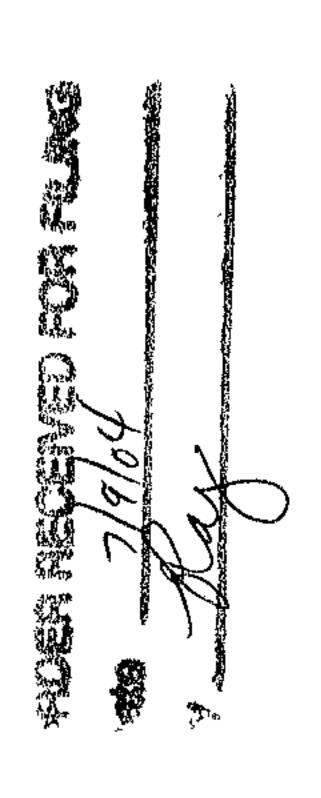
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning said property to its original condition;

JOHN 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

July 9, 2004

Mr. & Mrs. George A. Foy, Jr. 414 Potomac Avenue Baltimore, Maryland 21237

Re: Petition for Administrative Variance

Case No. 04-577-A

Property: 414 Potomac Avenue

Dear Mr. & Mrs. Foy:

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





E NO.

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 414 Potomic AUC which is presently zoned DR 5.5 < RC-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)

400 BCZR TO PERMIT A DETACHED

GARAGE IN SIDE YARD IN LIEU OF THE REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name -Signature Signature Address Telephone No. Name -/Type or Print City State Zip Code Attorney For Petitioner: Telephone No. 2/23/ Name - Type or Print State Representative to be Contacted: Signature SAME mpan Name Address Telephone No. Address Telephone No. Cky Zip Code State City State Zip Code APublic Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning gulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

Zoning Commissioner of Baltimore County

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 A14 POTOMAC AVE

Address

BALTIMORE MD 21237

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 TO CONSTRUCT A DETACHED 2-CAR GARAGE IN SIDE YARD, (26 FT WIDE X 30 FT DEEP) ON THE LEFT SIDE OF THE DWELLING (FACE FRONT DOOR):

- Older community
- No homeowners association
- Other residents in community have existing detached garages in side yard
- Right side and right back yards have existing mature trees
- Area is used as parking; current parking area (gravel) is existing in side yard
- Neighbor on side yard (left) has existing 6ft privacy fence constructed that provides privacy (i.e. new construction shall introduce any new blockage issues)
- Central back yard has existing 16 ft x 31 ft above ground swimming pool and deck, with concrete pad in place
- Rear side (left) yard currently:
 - o is the only area available for use for recreational activities (i.e. playing with pets, children)
 - has pond in place
 - fenced to contain pets
 - o provide area to facilitate the defecation by pets
- Neighbor on side yard (left) has existing 12ft paved driveway from the dwelling to the property line adjoining our property, used to park vehicles (i.e. new construction should not impinge the ascetic appearance of this immediate area)

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 SEORGE A. FOY JR Name - Type or Print	Signature Naryte - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMON I HEREBY CERTIFY, this graph day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in and for the County aforesaid, personal day of Maryland, in an another day of Maryland	
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	·
	Notary Public Chapman
	My Commission Expires Oct 1, 8004

Permits and Licenses
Building Permit Processing

Douglas A Swam, Permit Service Supervisor Room 100 County Office Building 111 West Chesapeake Ave Towson, MD 21204

410-887-3900

I George A. Foy, Jr. of 414 Potomac Ave Baltimore, MD 21237 here by give notice that I will be having a 2 car garage 26'x30' constructed on the south side of my residence.

The undersigned have been contacted regarding the construction of the garage and have no opposition to this construction.

Name	Address	Date
Charles Fourte	417 Patomire AUR	5/11/04
2. RAPUBOUSHI, NOE	402 FOTOMAC AUE.	5/11/04
3. STEVEN M. HILL	419- POTUMAC PUE.	5/11/02
4. Mal How	422 POTOMAC AUG.	5/13/04
5. here m. Mulowski	404 POTUMAE AVE.	5/13/04
6		

5

ZONING DESCRIPTION

FOR

414 POTOMAC AVENUE, BALTIMORE, MD 21237

Beginning at a point on the N.E. side of Potomac Avenue which is 40 feet wide at the distance of feet S.E. of the centerline of the nearest improved intersecting street Lynden Avenue which is 40 feet wide. * Being Lots # 926-931, in the subdivision of Chesaco Park as recorded in Baltimore County Plat Book # 6, Folio # 164, containing 15,000 square feet. Also known as 414 Potomac Avenue and located in the 15th Election District, 7th Councilmanic District.

Also as describe as follows:

BEING lots forming 100 feet on the Northeast side of Potomac Avenue with a depth of one hundred feet, being Lot Nos. 926, 927, 928 and 929 on the Plat of CHESACO PARK, which plat is on file in the Office of the Clerk of the Circuit Court for Baltimore County, Maryland; Plat entitled, "Sheet 1 — Plan D, CHESACO PARK", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book No. 6, folio 164.

The improvements thereon being known as No. 414 Potomac Avenue.

AND;

BEING KNOWN AND DESIGNATED as Lots fronting fifty feet on the Northeast side of Potomac Avenue with a depth of one hundred feet being Lots 930 and 931 on the Plat of Chesaco Park, which plat is on file at the office of the Clerk of the Circuit Court for Baltimore County in Plat Book WPC No. 6, folio 164.

BEING the same lots or parcels of ground which by Deed, dated January 15, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 12709, folio 286, was granted and conveyed by Kenneth Millard Berlett and Debra J. Berlett unto Douglas Norwood and Beverly Norwood, the Grantors herein.

BEING also the same lots or parcels of ground which by Deed, dated December 11, 2000 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 14918, folio 149, was granted and conveyed from Naomi Florence Berlett, by Douglas N. Norwood, her Attorney-in-Fact and Beverly Lois Norwood unto Beverly Lois Norwood and Douglas N. Norwood, the grantors herein.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

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ITY, MARYLAND						
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BALTIMORE COUR	MISCELLA			HECENTO		DISTRIBUTION WHITE CASHIER

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CERTIFICATE OF POSTING

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RE: Case No.: 04-577-A Petitioner/Developer: GEORGE Date of Hearing/Closing: 7/5/ **Baltimore County Department of** Permits and Development Management County Office Büilding, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: The sign(s) were posted on Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

ZONING REVIEW applied forms will a
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES Sile HSAP
Case Number 04. 577 -A Address 4.14 POTOMAC AVE.
Contact Person: John LEWIS Planner Please Print Your Name Phone Number: 410-887-3391
Filing Date: 6/10/04 Posting Date: 6/20/04 Closing Date: 7/05/04
Any contact made with this office regarding the status of the administrative variance should be arough the contact person (planner) using the case number.
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.
<u>DEADLINE:</u> 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.
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.
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.
Distant Albert Distinct Color A
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 04. 577 -A Address 414 POTOMAC AVE.
etitioner's Name GEORGE+LYDIA FOY Telephone 40,574 4 798
osting Date:6/10/04 Closing Date:7/05/04
Jording for Sign: To Permit A DETACHED GARAGE IN SIDE VARD IN LIEU
OF THE REAR YARD.
WCR - Revised 5/28/00

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: 04 577 A
Petitioner: Foy, George, A.
Address or Location: 414 Potomac AUE 21237
PLEASE FORWARD ADVERTISING BILL TO:
Name: Grover A Foy TE,
Address: 414 Potomac AUC.
Balto. Mol. 21237.
Telephone Number: 410-574-4798

Department of Permits Development Management

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



Baltimore County

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

July 6, 2004

George A. Foy, Jr. Lydia M. Foy 914 Potomac Avenue Rosedale, Maryland 21237

Dear Mr. and Mrs. Foy

RE: Case Number: 04-577-A, 414 Potomac Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 10, 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 D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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



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 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 21, 2004

Item No.:

Dear Ms. Mathews:

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: 6.22-04

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

RE:

Baltimore County

Item No. <-7

166

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

Grantad 109

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 28, 2004

SUBJECT:

Zoning Items # See List Below.

Zoning Advisory Committee Meeting of June 21, 2004

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

04-572

04-573

04-575

04-576

04-577

04-578

04-579

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 **DATE:** July 7, 2004

CEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL - 8 2004

SUBJECT:

ZONING COMMISSIONER Zoning Advisory Petition(s): Case(s) 4-577 and 4-588

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.

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 23, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 28, 2004 Item Nos. 572, 573, 575, 576, 577,

578, and 579

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

RWB:CEN:jrb

cc: File

PREPARED WIDE) LWDEN 40'EN ξŽ **BY**: MARK CHRICK 60deg **#**S: CDSM 38 Ö Z 926-93 3 2 SC E (40) <u>A</u>LE (X) ----R ZONING 유 100 DRAWING: }**}** --- 73.1 VARIANCE **50**[†] LOT SIZE: **ELECTION DISTRICT:** REVIEWED BY PRIOR ZONING HEARING: 100 YEAR FLOOD PLAIN: 1" = 200' SCALE MAP # COUNCILMANIC DISTRICT: HISTORIC PROPERTY / CHESAPEAKE BAY ZONING: CRITICAL AREA: **BUILDING:** ZONING LOCATION INFORMATION SPECIA WATER SEWER LYNDEN) SCALE: **VICINITY** WE, X OFFICE PUBLI DR 5 MAP = 500' **HEARING** 1.E. 2.F 1.5 & RC-2 1.0 SQ.FT. CASE # ONLY PRIVATE

