

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Mount Avenue, 128' N of the c/l
Maryland Avenue
(14303 Mount Avenue)
8th Election District
3rd Council District

Kenneth Drews, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-598-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 owners of the subject property, Kenneth Drews and his wife, Joan Drews. The Petitioners seek relief from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7.5 feet in lieu of the required 25 feet for a proposed 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. That Section 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.

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. It was indicated that the location and configuration of existing improvements on the

ORDER RECEIVED FOR FILING

Date

By

7/25/04
Rgo

property limit development on the site and that strict compliance with the B.C.Z.R. would result in a practical difficulty upon the Petitioners. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, I find that there will be no detrimental impact to the surrounding locale and that relief can be granted.

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 21st day of July 2004 that the Petition for Administrative Variance seeking relief from Section 1A03.4.B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7.5 feet in lieu of the required 25 feet for a proposed 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/21/04
By [Signature]

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 21, 2004

Mr. & Mrs. Kenneth Drews
14303 Mount Avenue
Phoenix, Maryland 21131

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Mount Avenue, 128' N of the c/l Maryland Avenue
(14303 Mount Avenue)
8th Election District – 3rd Council District
Kenneth Drews, et ux - Petitioners
Case No. 04-598-A

Dear Mr. & Mrs. Drews:

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 black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. David Naill, Manifold Design
1528 Hollins Street, Baltimore, Md. 21223
People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14303 Mount Avenue
which is presently zoned RC-4

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)

*1A03.4.B.2.a to permit
a side yard setback (for a new addition) of 7.5 ft. in lieu of
the required 25 ft.*

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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

KENNETH DREWS
Name - Type or Print _____
Signature *Kenneth Drews* _____
JOAN DREWS
Name - Type or Print _____
Signature *Joan Drews* _____
14303 MOUNT AVE 410-472-9068
Address Telephone No.
PHOENIX MD 21131
City State Zip Code

Representative to be Contacted:

DAVID NAILL MANIFOLD design
Name _____
1528 HOLLINS ST 410-945-1887
Address Telephone No.
BALTIMORE MD 21223
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

FILE NO. 04-598-A Reviewed By BN Date 6/24/04

Estimated Posting Date 7/4/04

ORDER RECEIVED FOR FILING

Date _____
By _____

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 14303 Mount Avenue
Address
Phoenix Maryland 21223
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):

1. Existing well prevents addition to the north side of dwelling
2. Existing septic prevents addition to the east side of the dwelling
3. Setback from Mount Ave. prevents addition to the west (front) of the existing dwelling.
4. With adjacent owner's approval, the proposed addition will extend to the south side. Its 13'-0" x 23'-0" footprint will not encroach past the existing concrete driveway and concrete block foundation.

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.

Kenneth Drews Joan P. Drews
Signature Signature
KENNETH DREWS JOAN DREWS
Name - Type or Print Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of May 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth Drews & Joan Drews
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

5/28/04
Date

Denise A. Crane
Notary Public
My Commission Expires 4-01-07

ZONING DESCRIPTION FOR 14303 MOUNT AVENUE PHOENIX MD 21131

Typical metes and bounds: N $3 \frac{1}{8}$ W 103.13 ft. , N $86 \frac{1}{2}$ E 173.25 ft. , S $3 \frac{1}{8}$ E 103.13 ft. , S $86 \frac{1}{2}$ W 173.25 ft. to the place of beginning.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 40396

DATE 6/24/04 ACCOUNT ROAD - 2006 - 6130

AMOUNT \$ 65.00

RECEIVED FROM: Dan

FOR: Administrative Services

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

7/2/04 - 578

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
6/23/2004 6/24/2004 15:30:00 2
JES MEEZ MAIL JES MEEZ

SYNOPSIS 6/24/2004 6/24/2004 07:00
Dept: S 528 ZONING VERIFICATION
EX NO. 000396

Receipt Tot \$65.00
\$65.00 EX \$0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

RE: Case Number 04-598-A Date JULY 7, 2004

Petitioner/Developer KENNETH & JOAN DREWS

Date of Hearing/Closing JULY 19, 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 14303 MOUNT AVE.

The sign(s) were posted on JULY 3, 2004

Linda O'Keefe
(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)

ZONING NOTICE ADMINISTRATIVE VARIANCE

CASE # 04-598-A
TO PERMIT A SIDE YARD SETBACK
(FOR AN ADDITION) OF 7 FEET
LIED OF THE REQUIRED 25 FEET
14303 MT. AVE.

PUBLIC HEARING

PURSUANT TO SECTION 26-12716(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED
IS DONE IN THE ZONING OFFICE BETWEEN
4:30 p.m. ON MON. JULY 19, 2004
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT DEPARTMENT
100 W. GREGORY AVE.
TOWSON, MD 21204
TEL: 887-3361

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 04-598-A

Petitioner: KEN & JOAN DREWS

Address or Location: 14303 MOUNT AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEN & JOAN DREWS

Address: 14303 MOUNT AVE

PHOENIX MARYLAND 21131

Telephone Number: 410-472-9068

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 598 -A Address 14303 Mount Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 6/24/04 Posting Date: 7/4/04 Closing Date: 7/19/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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.

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.

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.

(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- 598 -A Address 14303 Mount Ave.
Petitioner's Name Kenneth & Joan Drews Telephone 410-472-9068
Posting Date: 7/4/04 Closing Date: 7/19/04
Reasoning for Sign: To Permit a side yard setback (for an addition) of 7.5 ft.
in lieu of the required 25 ft.

**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

July 19, 2004

Kenneth Drews
Joan Drews
14303 Mount Avenue
Phoenix, Maryland 21131

Dear Mr. and Mrs. Drews:

RE: Case Number:04-598-A, 14303 Mount Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Naill Manifold Design 1528 Hollins Street Baltimore 21223

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

July 1, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 1, 2004

Item No.: 585, 592-596, 598-609

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 23, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For July 12, 2004
Item Nos. 585, 592, 593, 594, 595, 596,
597, 598, 599, 600, 601, 602, 603, 605,
606, 607, 608, and 609

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: John D. Oltman, Jr JDO
DATE: July 21, 2004
SUBJECT: Zoning Item # 04- 598
Address 14303 Mount Ave.

Zoning Advisory Committee Meeting of July 6, 2004.

The Agricultural Preservation section of DEPRM offers the following comments regarding the above Zoning item:

Be advised that RC-4 limits the amount of impervious surfaces to 10%. This limits the amount of additional buildings and other impervious surfaces permitted on this lot.

Reviewer: Wally Lippincott

Date: July 21, 2004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr JPO
DATE: July 21, 2004
SUBJECT: Zoning Item # 04-598
Address 14303 Mount Ave.

Zoning Advisory Committee Meeting of July 6, 2004.

The Groundwater Management section of DEPRM offers the following comments regarding the above Zoning item:

A site inspection of the well and septic system may be required prior to building permit approval

Reviewer: Sue Farinetti

Date: July 21, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2004

RECEIVED

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

JUL - 8 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 4-598 and 4-599**
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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7.2.04

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

RE: Baltimore County
Item No. 598 BPR

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

N 88 1/2° E 10.68 F.

14303 MOUNT AVE
KEN & JOAN
DREWS

OPOSED
TORY
AME DWELL
(D FOUND.)
OPOSED
1/2 STORY
AME DWELL

S 86 1/2° W 173.25' 10.68 P.

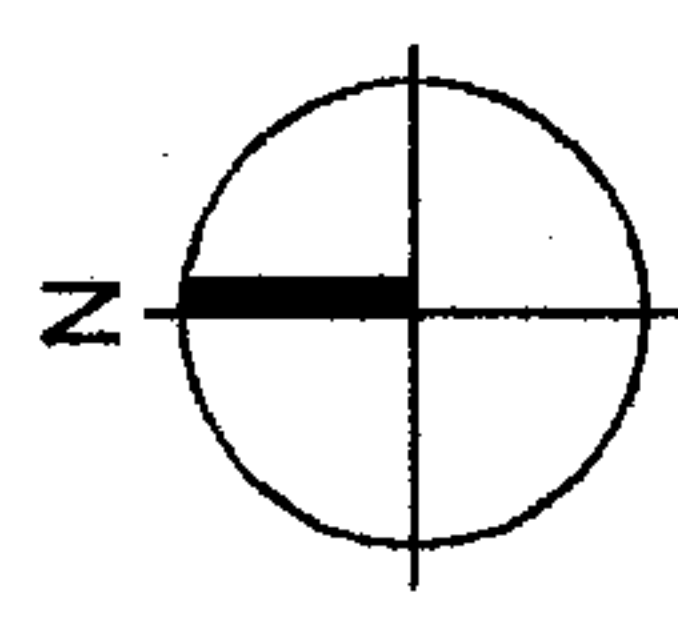
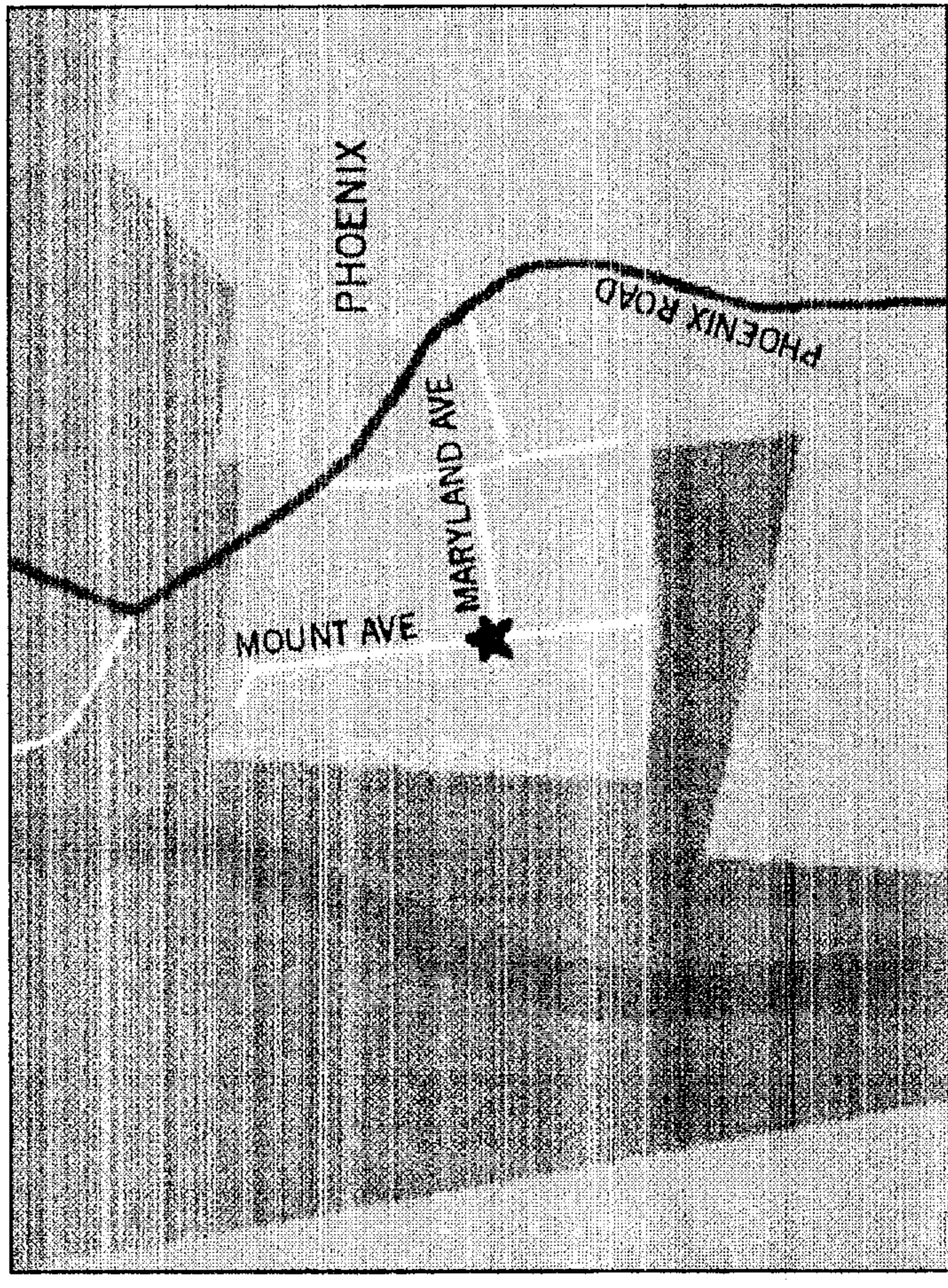
14301 MOUNT AVE
WAYNE & DOROTHY
WRIGHT

176.0' ±
S 86 1/2° W

6.25 P. S 3 1/8° E 103.13'

S 3 1/8° E 113.0' ±

PROPERTY ADDRESS - 14303 MOUNT AVENUE PHOENIX, MARYLAND 21131
PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____



VICINITY MAP

SCALE OF DRAWING : 1 INCH = 1000 FEET

LOCATION INFORMATION

ELECTION DISTRICT 8
COUNCILMANIC DISTRICT 3
1" = 200'-0" SCALE MAP # **NW 20 A**
ZONING - RC-4
LOT SIZE - 0.41 ACRE = 17968 SQ. FT.
SEWER - PRIVATE
WATER - PRIVATE
CHESAPEAKE BAY CRITICAL AREA NO

105, 6th - 1

ZONING OFFICE USE ONLY