IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Burnham Road at Drexel Road
15th Election District
7th Councilmanic District
(1751 Burnham Road)

Robert L. McKenzie

Petitioner

BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-605-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Robert L. McKenzie. The administrative variance is requested for property located at 1751 Burnham Road in the "Edgepoint" subdivision of Baltimore County. The administrative variance request is from Sections 1B02.3.B and Section 111 (1945 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition (garage) to have a front yard setback of 20 ft., side street building line of 22 ft. and rear yard setback of 5 ft. 7 inches in lieu of the required 25 ft., 25 ft. and 15 ft. respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 11, 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.

DEFINED FOR FLED

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner has 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 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 Petitioner.

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 Petitioner, I find that the Petitioner's variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this 25th day of July, 2004, by this Zoning Commissioner, that the Petitioner's request for variance from Sections 1B02.3.B and Section 111 (1945 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition (garage) to have a front yard setback of 20 ft., side street building line of 22 ft. and rear yard setback of 5 ft. 7 inches in lieu of the required 25 ft., 25 ft. and

- 15 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:
 - 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;

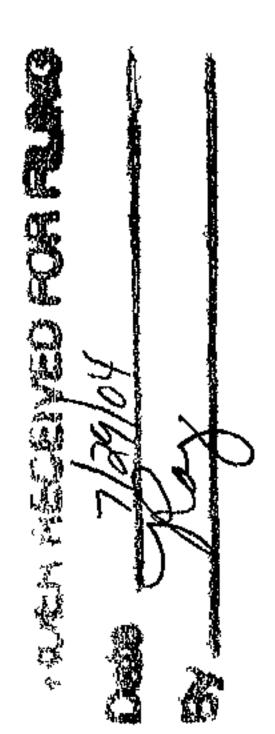
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES: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 29, 2004

Mr. Robert McKenzie 1751 Burnham Road Baltimore, Maryland 21222

> Re: Petition for Administrative Variance Case No. 04-605-A Property: 1751 Burnham Road

Dear Mr. McKenzie:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1751 Burnham Rd.

which is presently zoned residential DRS. 5

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) 1 BOZ. 3. B (BCZR) SECT. 111

TO PERMIT AN EXISTING SINGLE FAMILY PWELLING WITH (45 "BCZR) (GARAGE) TO HAVE A FRONTYARD SETBACK OF 20' SIDE STREET BUILDING LINE OF 22' AND REALYARD SETBACK OF 5'7" IN LIEU OF THE REQUIRED 25', 25' AND 15' RESPECTIVELY

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: <u>Legal Owner(s):</u> Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Y16477*355[* Address Telephone No. Name - Type or Print State Representative to be Contacted: Signature mpar Name ABOVE Address Telephone No. Address Telephone No. City State Zip Code City State Zip Code Public 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 ulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By Date **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 1751 Bu	enham Road	
	BALTIMORE	/ND State	2/22 Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har	following are the fac rdship or practical dif	ts upon which I/we base the requ	
Reasons the Zoning regu	MATIONS CANN	or be mer -	
IT 15 A ZONING re	quirement the	to there be a 251.	serback
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251 Setback I W			
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That the Affiant(s) acknowledge(s) that if advertising fee and may be required to prov			
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Robert 1. McKenzie			
Robert L. McKenzie Name-Type or Print (Home phone) 410-4- (Cell phone) 443.28	77-3551 6-6109	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to wit:		*
I HEREBY CERTIFY, this 284, day of of Maryland, in and for the County aforesaid	ປັບທຣ I, personally appeare	<u>, ∠ooy</u> , before me, a Ned	Notary Public of the State
Robert L. McKenzie			
the Affiant(s) herein, personally known or sa	atisfactorily identified	to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
i !	Notary	Public	
	Mv Co	mmission Expires 05/24	105

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

1751 BURNHAM ROAR

	BANT. MOVE	MO	2-1222
That based upon personal knowledge, the	,	State n which I/we base the regi	Zip Code Jest for an Administrative
Variance at the above address (indicate har	dship or practical difficulty):		
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Signature	Signat	ure	<u> </u>
Robert L. McKenzie Name-Type or Print (Home phone) 410-4 (Cell phone) 443-284	Name	- Type or Print	<u></u>
((ell phone) 443-286	-6109		
STATE OF MARYLAND, COUNTY OF BAL	LTIMORE, to wit:	,	· #
HEREBY CERTIFY, this 28th day of of Maryland, in and for the County aforesaid	JUNE	_, <u>Z&Y_</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally known or sa	tisfactorily identified to me	as such Affiant(s).	<u> </u>
AS WITNESS my hand and Notarial Seal			
, -	12-	- land	
• •	Notary Public		
-	My Commissi	ion Expires <u>05 /24/</u>	05
REV 10/25/01			



CASE NO. 04-605-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1751 Burnham Rd.

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i !		which is presently zoned residential DRS.
This Petition shall be filed with the owner(s) of the property situate in Balmade a part hereof, hereby petition for	Department of Permit Itimore County and which or a Variance from Section	As and Development Management. The undersigned, legal h is described in the description and plat attached hereto and on(s) 1802.3. B (BCZR) SECT III FAMILY DWELLIHM WITH ADDITION SETBALL ASSETSALL
TO PERMIT AN EXIST	Tibles since	("45" BCZIZ)
(GARAGE) TO HAVE A	FRONTYARD	SETBACK OF ZO', SIDE STREET
DUILDING CIME OF	C'L ALID DEV	1// YADA
LIEU OF THE REQ	UIRED 251	, 25' AND 15' RESPECTIVELY
of the zoning regulations of Baltimore of this petition form.	County, to the zoning la	w of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertise I, or we, agree to pay expenses of above regulations and restrictions of Baltimore	Variance, advertising, pos	ting, etc. and further agree to and are to be bounded by the zoning
! !		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:		<u>Legal Owner(s):</u>
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Robert L. McKew21e- Name - Type or Print
Signature	<u> </u>	Signature 2 200 Signature
Address	Telephone No.	Name - Type or Print
City	Zip Code	Signature
Attorney For Petitioner:	1	1751 Burnhum Rd 410477335 Address Telephone No. Bollo MD 21222
Narne - Type or Print	i	City State Zip Code
Signature	i 	Representative to be Contacted:
Company	<u> </u>	Name SAME AS ABOVE
Address	Telephone No.	Address Telephone No.
City	Zip Code	City State Zip Code
A Public Hearing having been formally dentithis day of regulations of Baltimore County and that the pro-	I that the subject matter of th	equired, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing, advertised, as required by the zoning
	1	·
		Zoning Commissioner of Baltimore County

Reviewed By CTM

Estimated Posting Date

Date

Zoning Description for 1751 Burnham Road, Baltimore County, Maryland 21222

Beginning at a point on the East side of 1751 Burnham Road which is 50 feet wide at the distance of 25 feet of the centerline of the nearest improved intersecting street Drexel Road which is 50 feet wide. *Being Lot # 11, Block (Not Applicable) Section B in the subdivision of Edgepoint. As recorded in Baltimore County Plat Book #18, Folio #18 containing 11,049 square feet. Also known as 1751 Burnham Road and located in the 15 Election District, 7 Councilmanic District.

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IMORE CO			
			WHITE

CERTIFICATE OF POSTING

	RE: Case No.: 04-605-A
:	Petitioner/Developer: 20BERT
	MCKENZIE
	Date of Hearing/Closing: 7/24/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394	4} .
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property locate	of perjury that the necessary sign(s) required by law were
	BURNHAM
*	1201677777
The sign(s) were posted on	7/11/04
	(Month, Day, Year)
	Sincerely, -
LONING NOTICE	(Signature of Sign Poster) (Date)
ADMINISTRATIVE TO THE PARTY OF	(Signature of Sign Poster) (Date) SSG Robert Black
TO PERMIT AND DESIGN BURLE WALL FAME DESIGN AND DESIGN BURLE WAS DESIGN BU	(Print Name)
	1508 Leslie Road
PUBLIC HEARING?	(Address)
RECURSO A PUBLIC WARRING CONCERNMO THE PROPERTY OF THE PROPER	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

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.

or Newspaper Advertising:	
m Number or Case Number: 04-605-A	-
etitioner: Robert L'mckenzie	_
dress or Location: 1751 Burnham Rd Ballo MO 2122	2
EASE FORWARD ADVERTISING BILL TO: ame: <u>Robert L MYCenzie</u>	-
dress: 1751 Burnham Rd.	-
Bolto MO 21222	-
elephone Number: <u>410 477 3551</u>	- -

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 65 -A Address 1751 150 211 11
Contact Person: LIOYDT. MOXLEY Phone Number: 410-887-3391
Filing Date: 6/29/04 Posting Date: 7/11/04 Closing Date: 1/26/04
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.
2. <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.
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 04-605 -A Address 1751 BURLIHAM Petitioner's Name ROBERT MCKENZIE Telephone 410 477 3551 Posting Date: 71104 Closing Date: 7/26/04
Nording for Sign: To Permit AH EXISTILLY SIHGLE FAMILY DWELLING WITH
ADDITION (GARAGE) TO HAVE A FRONTISETBACK OF ZO, SIDE
STREET BUILDING LINE SETBACK OF ZZ' AND REARYARD SETBACK
OF 5'7" IN LIEU OF THE REQUIRED 25', 25' AND AVER 15' 2ESPECTIVELY
WCR - Revised 6/28/00

Department of Permits and Development Management

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





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

July 26, 2004

Robert L. McKenzie 1751 Burnham Road Baltimore, Maryland 21222

Dear Mr. McKenzie:

RE: Case Number:04-605-A, 1751 Burnham Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 29, 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



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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr J

DATE:

July 30, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of July 19, 2004

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

04-585

04-592

04-593

04-594

04-595

04-596

04-600

04-601

04-603

04-604

04-605

04-606

04-607

04-608

04-609

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 16, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL 1 9 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 4-605 – 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 THANSPORTATION

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. 605

LTM

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 Date: 07/08/2004

Re: Proposed Zoning Variance to Edgepoint Lot 11; Section B

To Whom It May Concern:

I am the homeowner located at 1757 Drexel Road Baltimore, MD 21222 identified as Edgepoint Lot 12, directly next to Mr. Mckenzie. He has given me a copy of his proposed zoning variance which I have reviewed and hereby give my endorsement. If you need to reach me in regard to this matter my phone number is 410/477-3560.

Moman A. Ruchnil

Norman A. Prachniak