

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Councilman Avenue, 375' W of the c/l
Kenwood Avenue
(9 Councilman Avenue)
14th Election District
6th Council District

Emma M. Shelsby
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-053-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 owner of the subject property, Emma M. Shelsby. The Petitioner seeks relief from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 23 feet in lieu of the required 30 feet and an open projection (future deck) with a rear yard setback of 13 feet in lieu of the minimum required 22½ feet. 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.

Based upon all of the evidence contained therein, I am persuaded to grant the variance. It was indicated that the proposed addition was necessary to provide additional living space and

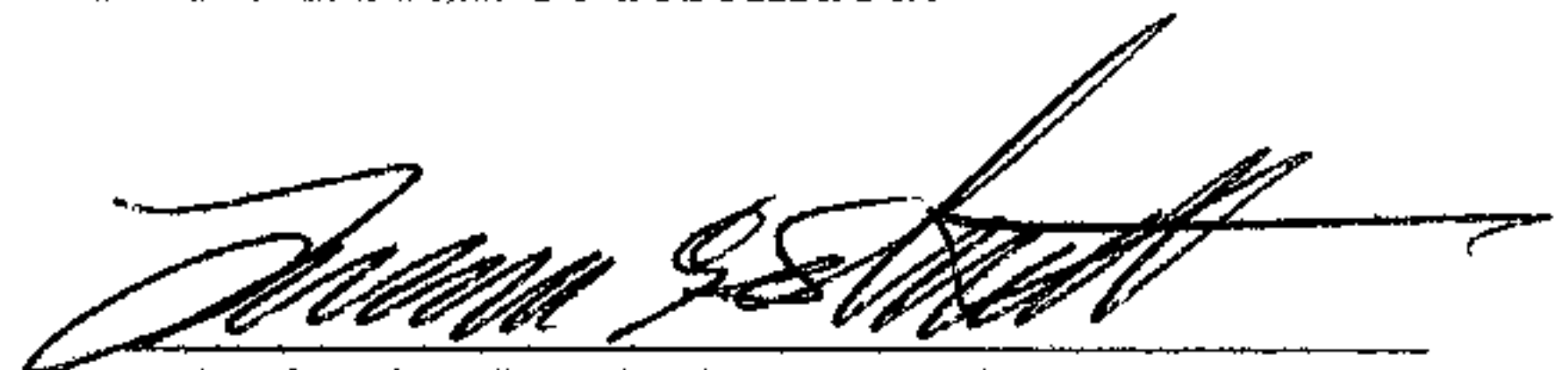
ORDER RECEIVED FOR FILING
Date 8/3/04
By [Signature]

allow construction of a deck to the rear of the home at some point in the future. Due to the small size of the property and the location of existing improvements thereon, the requested variance is necessary. There were no adverse comments submitted by any County reviewing agency and apparently no opposition from any of the neighbors. In my view, the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and there will be no detrimental impact to the health, safety and general welfare of 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 Zoning Commissioner for Baltimore County this 31st day of August 2004 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 23 feet in lieu of the required 30 feet and an open projection (future deck) with a rear yard setback of 13 feet in lieu of the minimum required 22½ feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her 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 8/31/04
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

August 30, 2004

Ms. Emma M. Shelsby
9 Councilman Avenue
Baltimore, Maryland 21206

RE: PETITION FOR VARIANCE
S/S Councilman Avenue, 375' W of the c/l Kenwood Avenue
(9 Councilman Avenue)
14th Election District – 6th Council District
Emma M. Shelsby - Petitioner
Case No. 05-053-A

Dear Ms. Shelsby:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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: People's Counsel; Case File

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



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

9 COUNCILMAN AVE
Address
BALTIMORE MD. 21206
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 NEED THIS ADDITIONAL ROOM BECAUSE OUR DAUGHTER AND FAMILY ARE MOVING IN WITH US FOR AN UNDETERMINED LENGTH OF TIME. WE CAN NOT BUILD OUT TO THE SIDES BECAUSE THERE IS NO 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.

Emma M. Shelsby
Signature

EMMA M. SHELSEBY
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Emma Shelsby
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 3-1-08



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Councilman Avenue
which is presently zoned DR S.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) BO2.3.C.1 and 301.1.A, BCZR, to permit

a proposed addition with a rear yard setback of 23 feet in lieu of the minimum required 30 feet, and an open projection (future deck) with a rear yard setback of 13 feet in lieu of the minimum required 22½ 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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No

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

CASE NO.

05-053-A

Reviewed By

JWP

Date

7/28/04

Estimated Posting Date

8/8/04

ZONING DESCRIPTION FOR 9 COUNCILMAN AVE, BALTIMORE,
MARYLAND 21206

BEGINNING AT A POINT ON THE SOUTH SIDE OF COUNCILMAN
AVE. WHICH IS 30 FT WIDE AT A DISTANCE OF 375' ~~375'~~
EAST OF THE NEAREST IMPROVED INTERSECTING STREET KENWOOD
AVE. WHICH IS 30 FT. WIDE. BEING LOT #19 IN THE
SUBDIVISION OF COUNCILMAN HEIGHTS AS RECORDED IN
BALTIMORE COUNTY PLAT BOOK # WPC #8 FOLIO #66
CONTAINING 5200 SQUARE FT. ALSO KNOWN AS 9 COUNCILMAN
AVE. AND LOCATED IN THE 14TH ELECTION DISTRICT,
6TH COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39362

DATE 7/28/04 ACCOUNT R-007-0266150

AMOUNT \$ 65.00

RECEIVED FROM: Emma Shelsky

FOR: Attn: Vice - 9 Councilman Ave

05-052-A (Shelsky)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED
7/28/2004 7:28:00 PM 07:33:11

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7/28/2004 7:28:00 PM 07:33:11

CERTIFICATE OF POSTING

RE: Case No.: 05-053-A

Petitioner/Developer: SHELSEBY

Date of Hearing/Closing: 8/23/04

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}

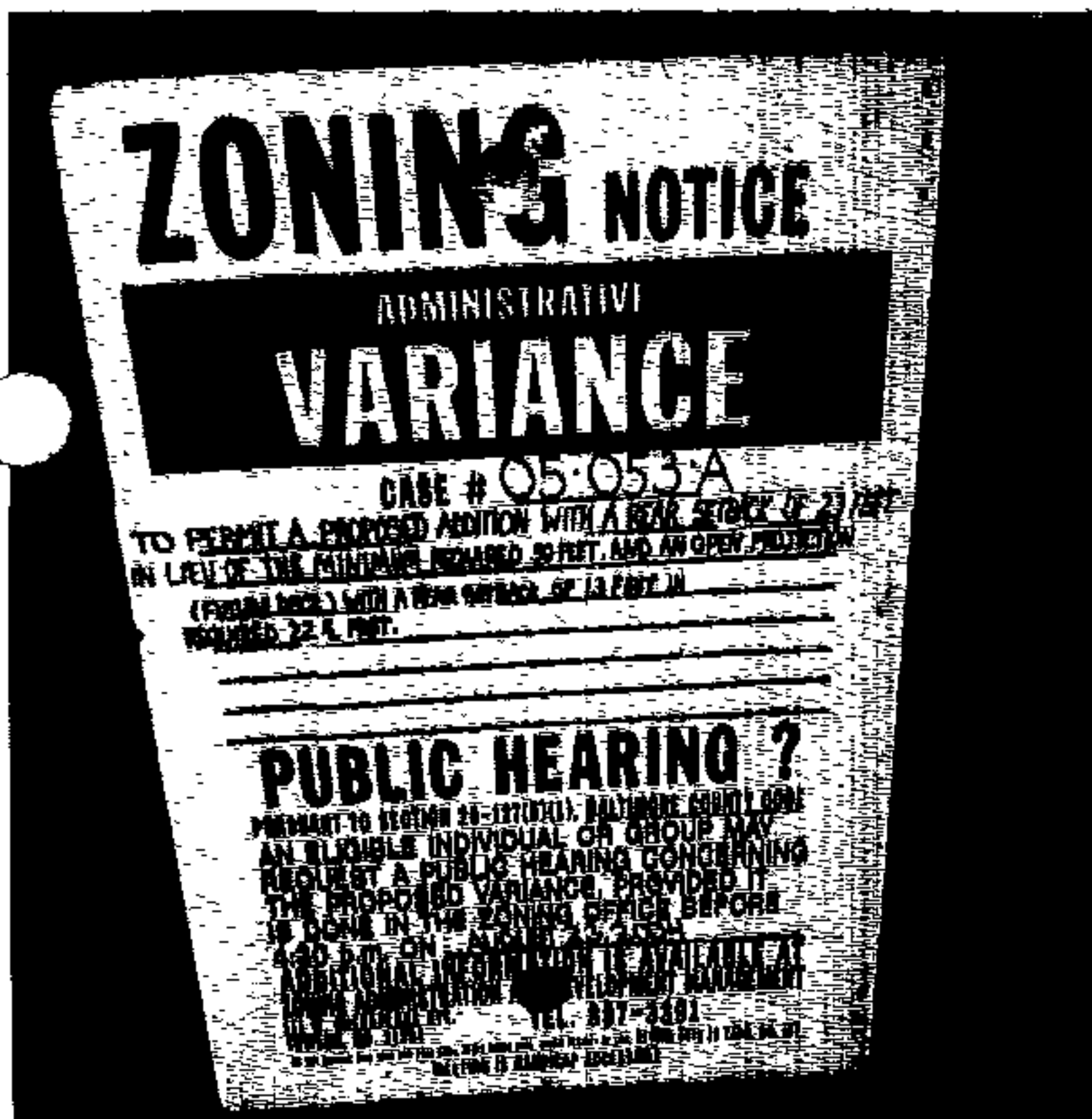
Ladies and Gentlemen:

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:

9 COUNCILMAN AVE

The sign(s) were posted on 8/8/04
(Month, Day, Year)

Sincerely,



Robert Black 8/10/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 053 -A

Address 9 Councilman Avenue

Contact Person: Jeffrey Perlow
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7/28/04

Posting Date: 8/8/04

Closing Date: 8/23/04

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 05- 053 -A

Address 9 Councilman Avenue

Petitioner's Name Shelsby

Telephone 410-665-2097

Posting Date: 8/8/04

Closing Date: 8/23/04

Wording for Sign: To Permit a proposed addition with a ^{rear} setback of 23 feet in lieu of the minimum required 30 feet, and an open projection (future deck) with a ^{rear} setback of 13 feet in lieu of the minimum required 22½ feet.

WCR - Revised 6/25/04



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Councilman Avenue

which is presently zoned DR S.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) 1B02.3.C.1 and 301.1.A, BCZR, to permit a proposed addition with a rear yard setback of 23 feet in lieu of the minimum required 30 feet, and an open projection (future deck) with a rear yard setback of 13 feet in lieu of the minimum required 22½ 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

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 regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 7/28/04

Estimated Posting Date 8/8/04

CASE NO. 05-053-A

REV 10/25/01

ORDER RECEIVED FOR FILING
8/3/04
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

9 CONVICULMAN AVE.
Address
BALTIMORE MARYLAND 21206
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 NEED THIS ADDITIONAL ROOM BECAUSE OUR DAUGHTER AND FAMILY ARE MOVING IN WITH US FOR AN UNDETERMINED LENGTH OF TIME. WE CAN NOT BUILD OUT TO THE SIDES BECAUSE THERE IS NO 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.

Emma M. Shelsby
Signature

Signature

EMMA M. SHELSEBY
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Emma Shelsby
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Ruben Testa
Notary Public

My Commission Expires 3-1-08

**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*

August 23, 2004

Emma M. Shelsby
9 Councilman Avenue
Baltimore, Maryland 21206

Dear Ms. Shelsby:

RE: Case Number: 05-053-A, 9 Councilman Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 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

August 5, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 9, 2004

Item No.: 050, ⁰⁵³052-060

Pursuant to your request, the referenced plan(s) have been reviewed 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

Come visit the County's Website at www.co.ba.md.us

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



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

Maryland Department of Transportation

Date: 8.6.04

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

RE: Baltimore County
Item No. 053 JNP

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,

Steven D. Foster, Acting 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 9, 2004

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

05-050

04-052

04-053

04-054

04-055

04-056

04-057

04-058

04-059

04-060

Reviewers: Sue Farinetti, Dave Lykens

8/23 AN
Granted 8/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 19, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-053 and 5-054**
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: Mark A. Cunningham

Division Chief: Lynn L. Latham

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 27, 2004

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

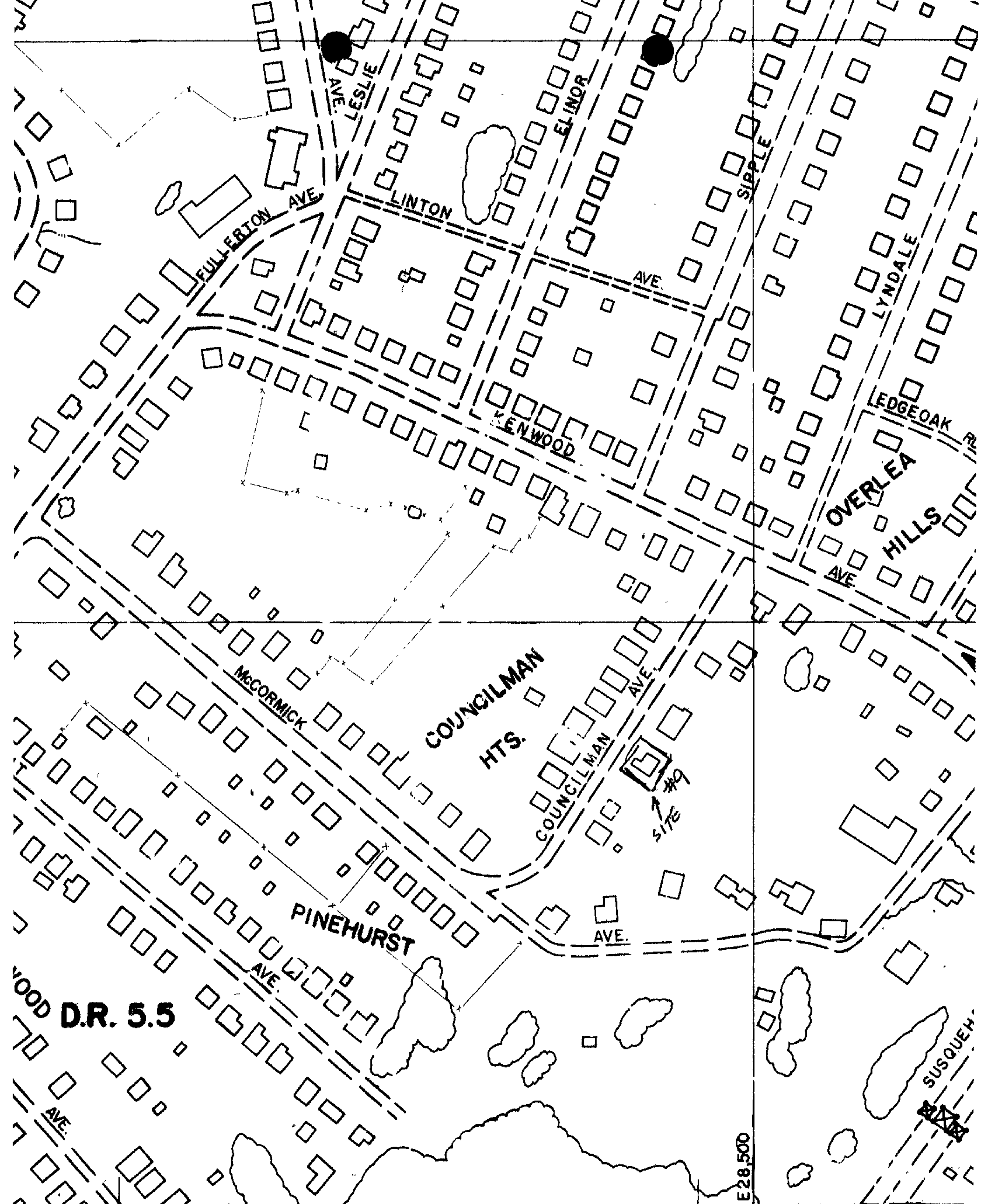
RWB/cab

SUBJECT: Zoning Advisory Committee Meeting
For August 16, 2004
Item Nos. 050, 052, 053, 054, 055,
and 060

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

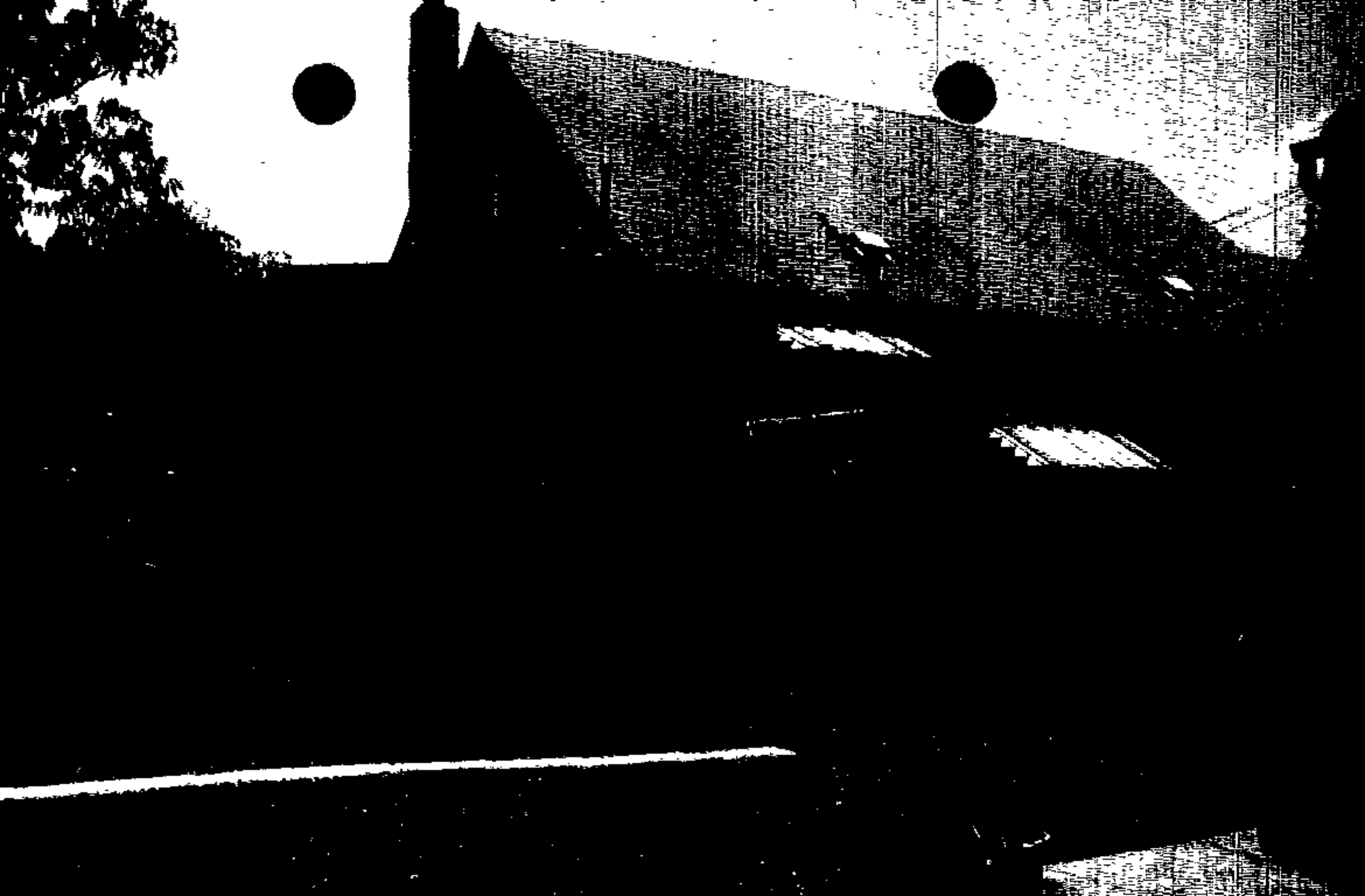
RWB:CEN:jrb

cc: File

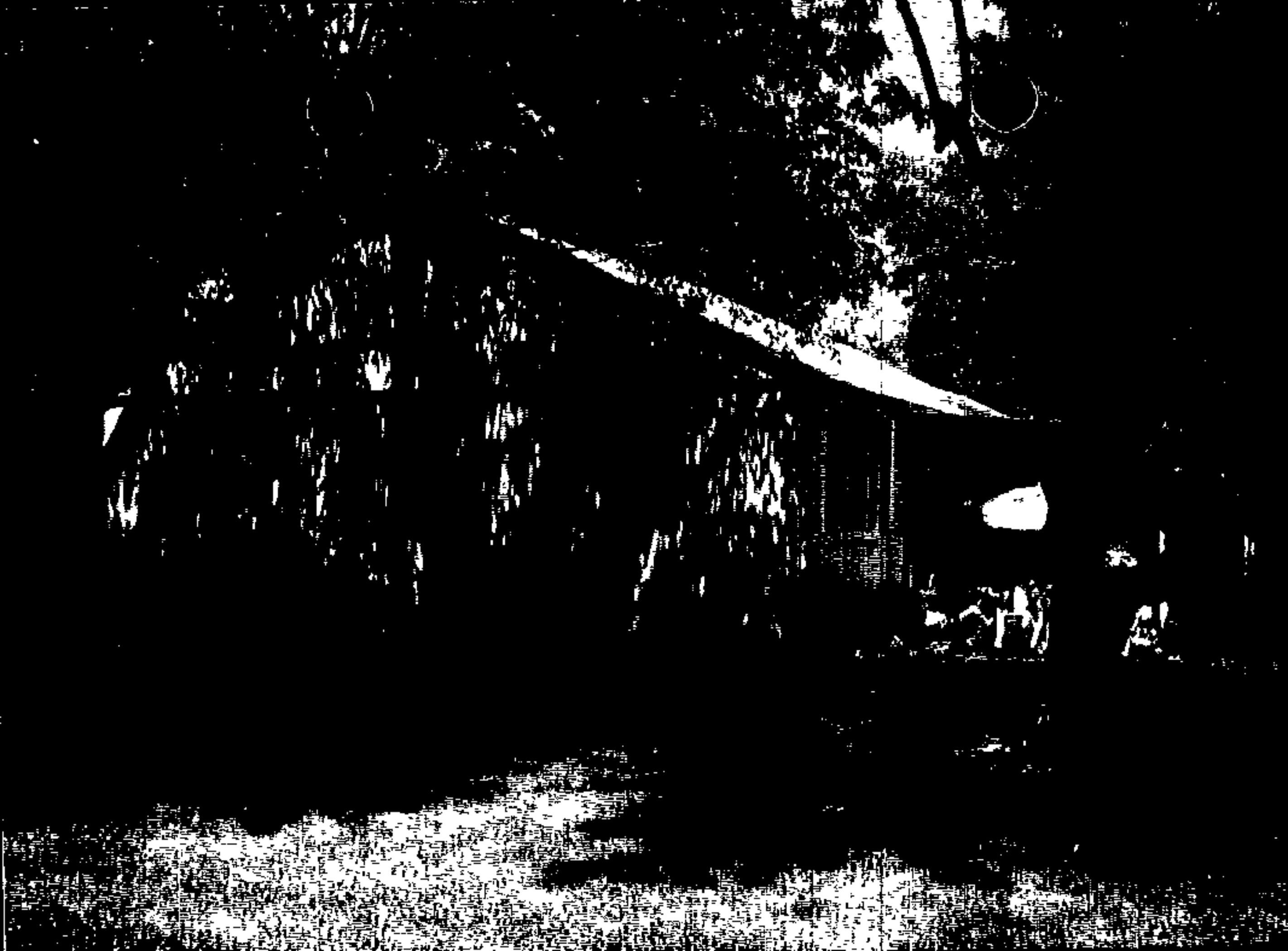










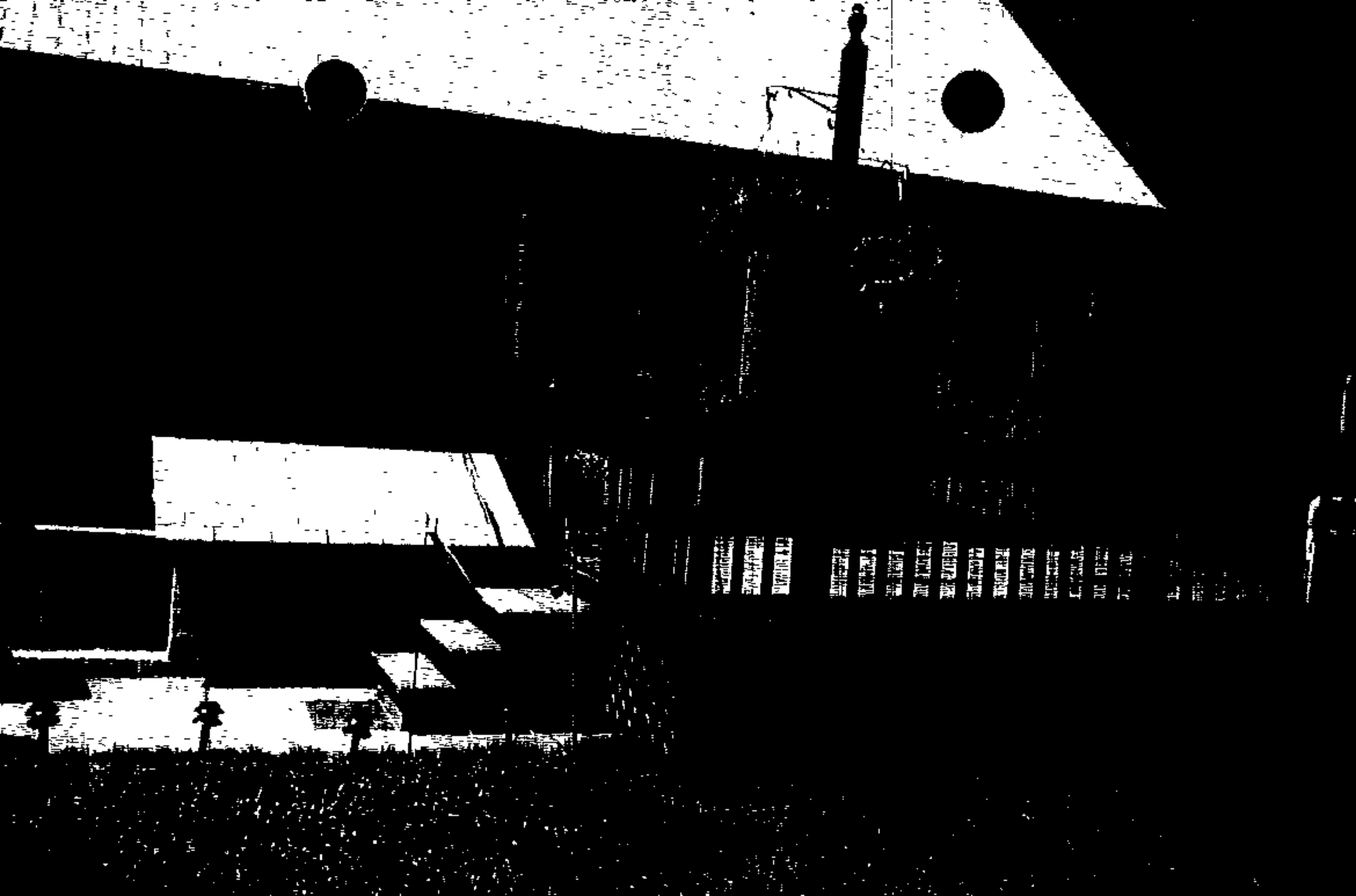




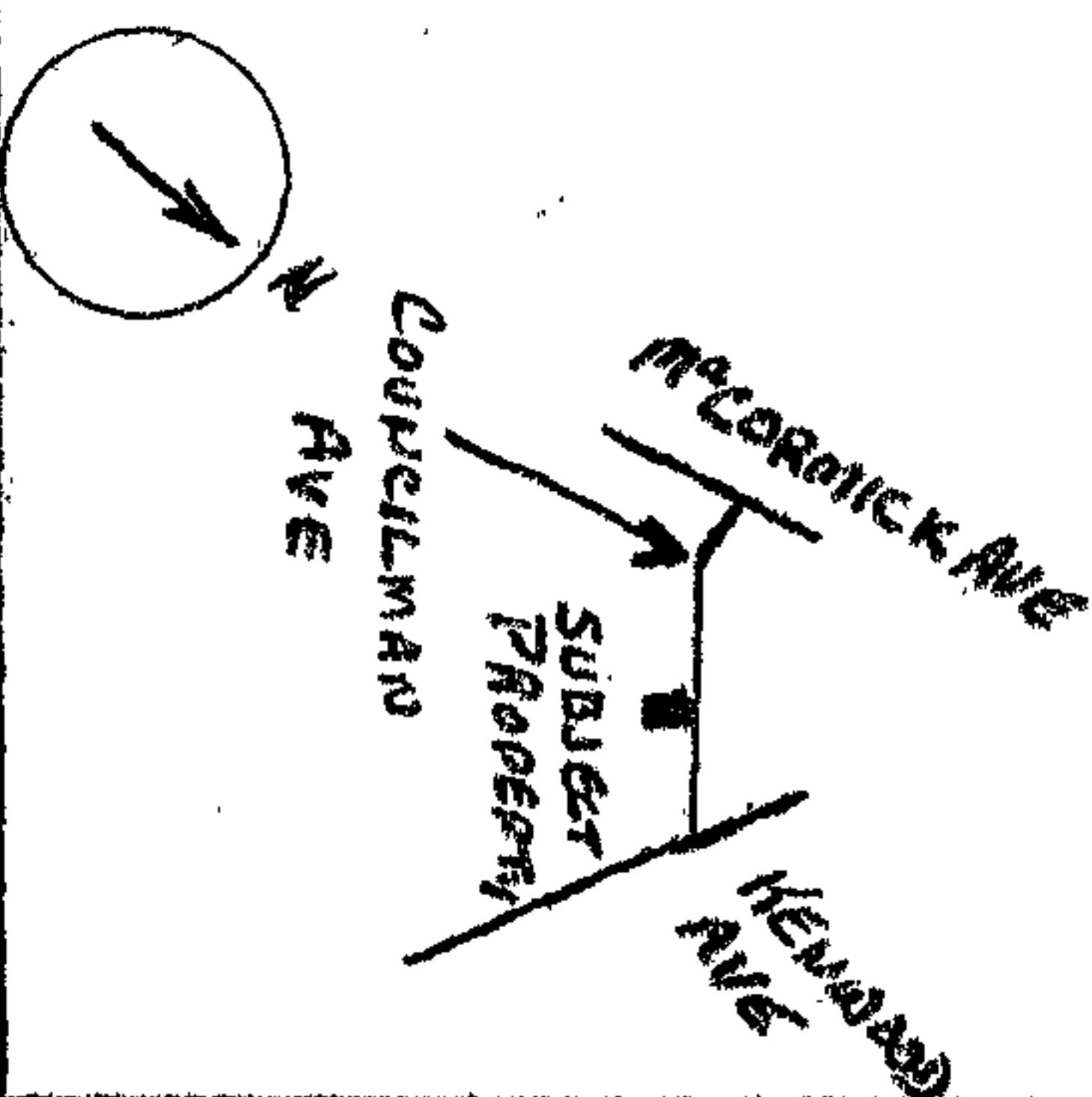
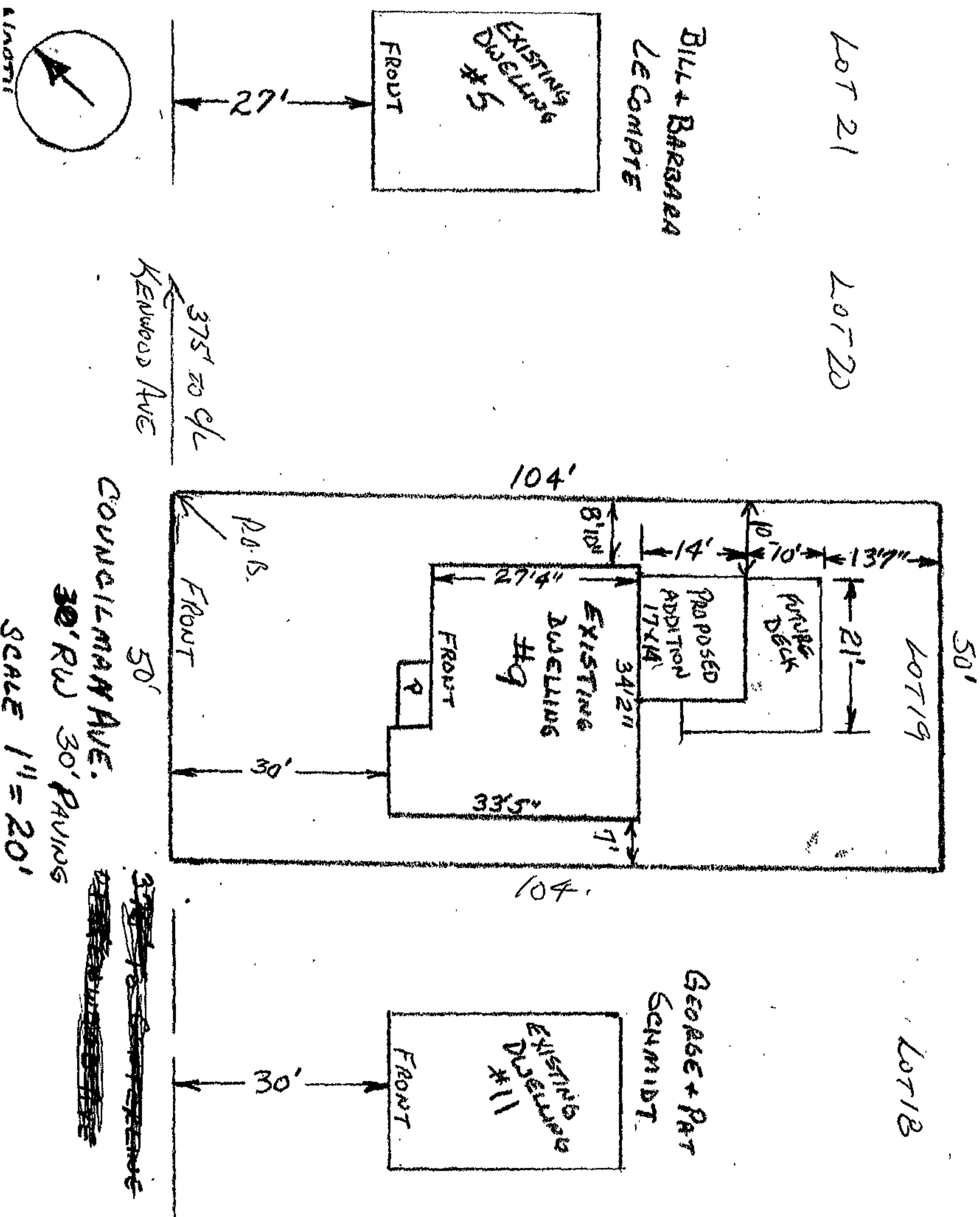








PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE
 PROPERTY ADDRESS 9 COUNCILMAN AVE
 SUBDIVISION NAME COUNCILMAN HEIGHTS
 PLAT BOOK # LSPC # 8 FOLIO # 66 LOT # 19
 OWNER EMMA M. SHELSEY
 JULY 9, 2004

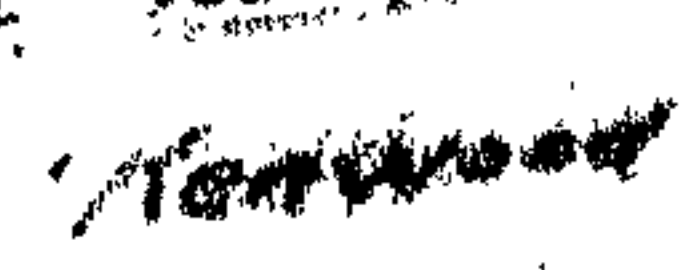


LOCATION INFORMATION		
ELECTION DISTRICT 14		
COUNCILMAN DISTRICT 6		
1"=200' SCALE MAP # NE 66		
ZONING D.R. 5.5		
LOT SIZE	0.119	5200
	ACREAGE	SQ. FT.
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY	☐	☒
CRITICAL AREA	☐	☒
100 YR. FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/	☐	☒
BUILDING	☐	☒
PRIOR ZONING HEARING - NONE	☐	☒
REVIEWED BY	ITEM #	CASE #
JMP	053	05053-4

50' 30' RW 30' PAVING
 SCALE 1"=20'

8/16

05-053-4



FILED FOR RECORD WITH AGRICULTURE
CHARLES E. COUNCILMAN, ETAL
TO RICHARD L. MARTINE ETAL
DECEMBER 8TH, 1926 @ 12:30 P.M.

Technology

50, 12-1-1947