

IN RE: PETITION FOR VARIANCE
E/S of Gladway Road, 340 ft. N
centerline of Bengies Road
15th Election District
6th Councilmanic District
(709 Gladway Road)

Shirley Davis
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-078-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property Shirley Davis. The variance request is for property located at 709 Gladway Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the construction of a single-family dwelling with side yard setbacks of 7.5 ft. and 12 ft. totaling 19.5 ft. in lieu of the minimum required 15 ft. totaling 40 ft. respectively.

The property was posted with Notice of Hearing on September 21, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 21, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"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, off-street 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.

ORDER RECEIVED FOR PLANS

10/16/04

Ray

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."

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.

Interested Persons

Appearing at the hearing on behalf of the variance request was Shirley Davis, Petitioner. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 10,557 sq. ft. and is zoned DR 2. Ms. Davis indicated that the property is improved by a single-family dwelling approximately 20 ft. x 30 ft. in size and in very bad repair. The home has only four small rooms and the heating system is located in one of the rooms. She proposes to raze the existing home and build a new modern home on the lot.

She indicated that she looked at modular homes because other homes were too expensive and chose a standard 48 ft. wide x 28 ft. deep home to place on the lot. At the location, which will be in line with the neighboring homes, her lot is 67.5 ft. wide. See Petitioner's Exhibit No. 1. She noted that if she were to conform to the DR 2 regulations (sum of side yards 40 ft.), she could only have a home 27.5 ft. wide. This was not only not a standard size for modular homes but far too small for her needs. This size would be only slightly larger than the existing unusable home.

She indicated that she knew that there was a home on the property since 1954 and that the lot was laid out before that time. Finally, she said that the new home would not change the character of

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10/6/04
Ray

the neighborhood but would be a great improvement. She contacted all her neighbors most of whom are related, and they had no objection to her proposed home.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request. The home was erected on the property in the 1950's much before the imposition of the DR zoning regulations. As such, I find that the DR regulations impact this property more severely than lots laid out in conformance with the regulations.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. She will be buying a modular home for reasons of cost and there are no modular homes that will meet the regulations and at the same time be useful for her needs. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting these variances. There already is a home on the lot. She will simply replace it. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. She indicated that this home would be an improvement to the neighborhood and not change its character. Her neighbors do not object.

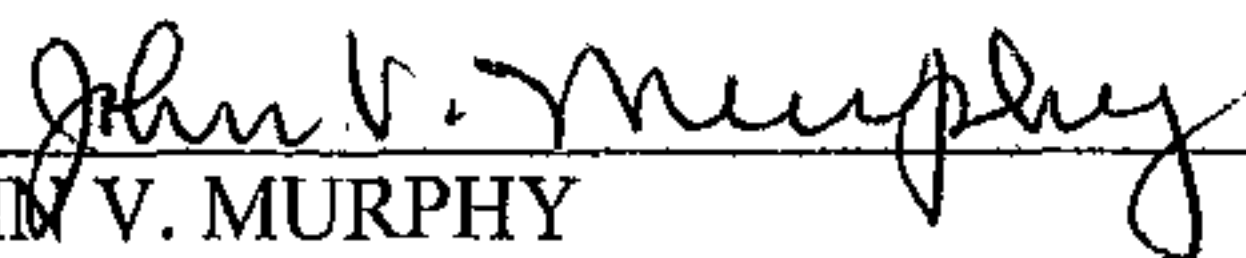
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this 6 day of October, 2004, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the construction of a single-family dwelling with side yard setbacks of 7.5 ft. and 12 ft. totaling 19.5 ft. in lieu of the minimum required 15 ft. totaling

40 ft. respectively, be and it 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 her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 10/6/04
Ray

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

October 6, 2004

Ms. Shirley Davis
701 Gladway Road
Baltimore, Maryland 21220

Re: Petition for Variance
Case No. 05-078-A
Property: 701 Gladway Road

Dear Ms. Davis:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 709 Gladway Rd
which is presently zoned D.R. 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) 1802.3B. (BCZR)

TO PERMIT THE CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH
SIDE YARD SETBACKS OF 7.5-FEET AND 12-FEET TOTALING 19.5-FEET
IN LIEU OF THE MINIMUM REQUIRED 15-FEET TOTALING 40-FEET RESPECTIVELY,

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

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 _____

Case No. 05-078-A

Legal Owner(s):

Shirley DAVIS
Name - Type or Print _____
Signature _____
Name - Type or Print _____

Signature _____
Address Gladway Road 410
Middle River MD 2380085
City _____ State _____ Zip Code 21220

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 8/10/04

Zoning Description for 709 Gladway Road

Beginning at a point on the east side of Gladway Road which has a 50-foot wide right-of-way at a distance of 340-feet north of the centerline of nearest improved intersecting street, Bengies Road having a 50-foot wide right-of-way. Being lot #2 as laid out and shown on the recorded plat for "Middle River Garden Farms" as recorded in Baltimore County Plat Book #6, Folio #96 containing 10,557 square feet. Also known as 709 Gladway Road and located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39703

DATE 8/10/04 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM: SHIRLEY DAVIS

FOR: ITEM # 018 05-018-A

101 GLADWIN RD BRY D THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTUAL TIME BWM
8/11/2004 8/10/2004 14:57:53 1

REQ 4801 WALKER RIC JR

RECEIPT # 200007 8/10/2004 0614

Dept 5 528 ZIMING VERIFICATION

SP NO. 030703

Receipt Tot 65.00

65.00 0X 6.00 04

Baltimore County, Maryland

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 05-078-A

709 Gladway Road

East side of Gladway Road, 340 feet north of centerline of Bengles Road.

15th Election District - 6th Councilmanic District

Legal Owner(s): Shirley Davis

Variance: to permit the construction of a single family dwelling with side dwelling with side yard setbacks of 7.7 feet and 12 feet totaling 19.5 feet in lieu of the minimum required 15 feet totaling 40 feet respectively.

Hearing: Wednesday, October 6, 2004 at 9:00 a.m. in Room 108, Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/735 Sept. 21

22476

CERTIFICATE OF PUBLICATION

9/23/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-078-A

Petitioner/Developer: SHIRLEY

DAVIS

Date of Hearing/Closing: OCT 6, 2004

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Don Rosco {(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: _____

709 GLADWAY RD

The sign(s) were posted on _____

9/21/04
(Month, Day, Year)

Sincerely,

Robert Black 9/22/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

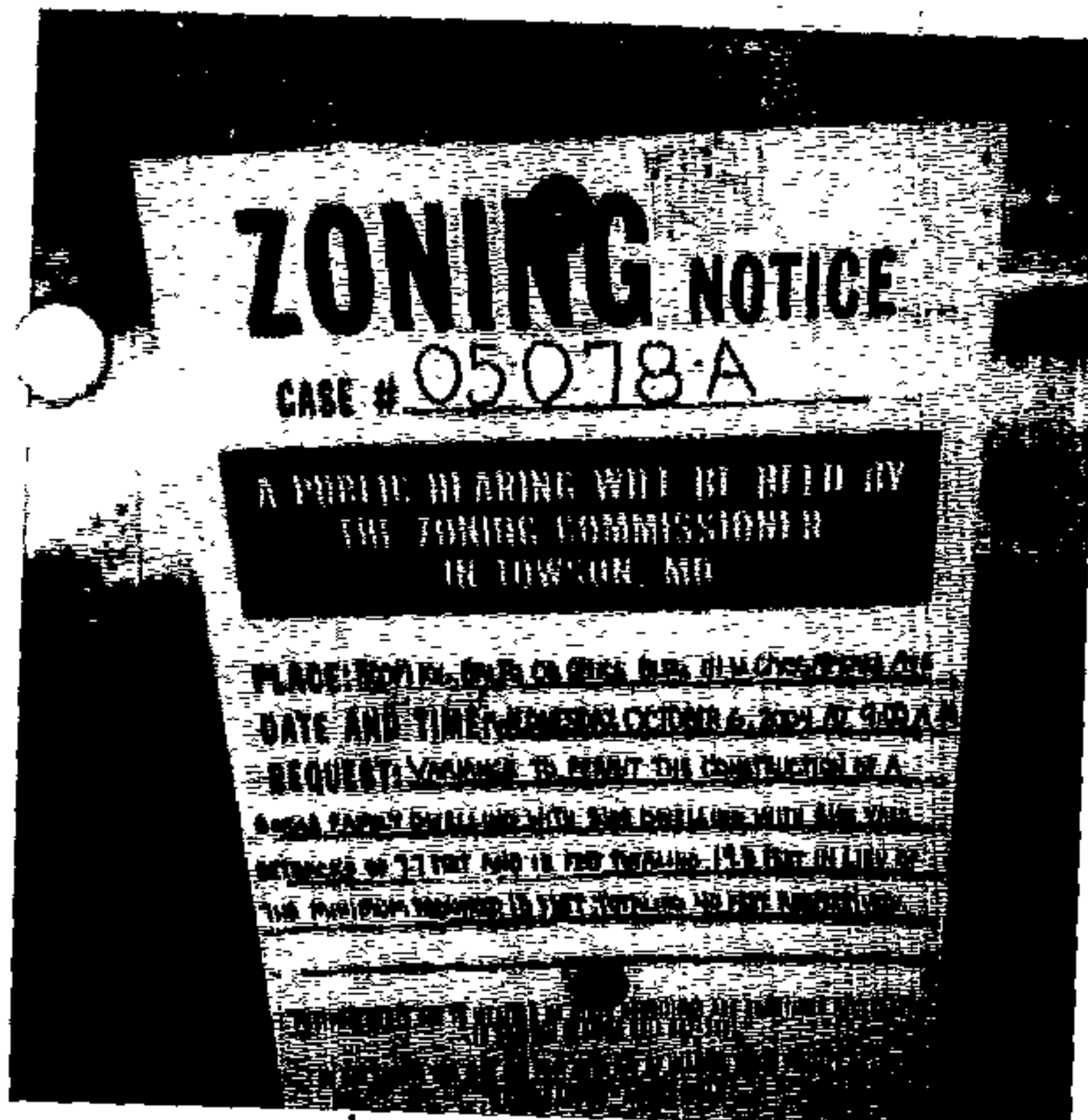
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RECEIVED

SEP 24 2004

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 21, 2004 Issue - Jeffersonian

Please forward billing to:

Shirley Davis
701 Gladway Road
Middle River, Maryland 21220

410-238-0085

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-078-A

709 Gladway Road
Eat side of Gladway Road, 340 feet north of centerline of Bengies Road.
15th Election District—6th Councilmanic District
Legal Owners: Shirely Davis

Variance to permit the construction of a single family dwelling with side dwelling with side yard setbacks of 7.7 feet and 12 feet totaling 19.5 feet in lieu of the minimum required 15 feet totaling 40 feet respectively.

Hearing: Wednesday, October 6, 2004 at 9:00 am in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



August 23, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-078-A

709 Gladway Road

Eat side of Gladway Road, 340 feet north of centerline of Bengies Road.

15th Election District—6th Councilmanic District

Legal Owners: Shirely Davis

Variance to permit the construction of a single family dwelling with side dwelling with side yard setbacks of 7.7 feet and 12 feet totaling 19.5 feet in lieu of the minimum required 15 feet totaling 40 feet respectively.

Hearing: Wednesday, October 6, 2004 at 9:00 am in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C: Shirley Davis 709 Gladway Road Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY SEPTEMBER 21, 2004.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



**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: 700
Petitioner: Shirley DAVIS
Address or Location: 709 Gladway Road, Middle River, MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Shirley DAVIS
Address: 701 Gladway Road
Middle River, MD 21220
Telephone Number: 410 238 0085

**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*

September 27, 2004

Shirley Davis
709 Gladway Road
Middle River, Maryland 21220

Dear Ms. Davis:

RE: Case Number:05-078-A, 709 Gladway Road

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

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

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 23, 2004

Item No.: 073, 078, 082-089

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 10, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 30, 2004
Item Nos. 073, 078, 082, 083, 086,
087, and 089

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

RWB:CEN:jrb

cc: File

gm
10/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 1, 2004

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-074 and 05-078

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:

John J. H. [Signature]

MAC/LL

RECEIVED

SEP - 9 2004

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 8.20.04

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

RE: Baltimore County
Item No. 078 DT

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

RE: PETITION FOR VARIANCE
709 Gladway Road, E/side of Gladway
Road, 340' N c/line of Bengies Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Shirley Davis
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-078-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to, Shirley Davis, 701 Gladway Road, Middle River, MD 21220, Petitioner(s).

RECEIVED

AUG 26 2004

Per.....



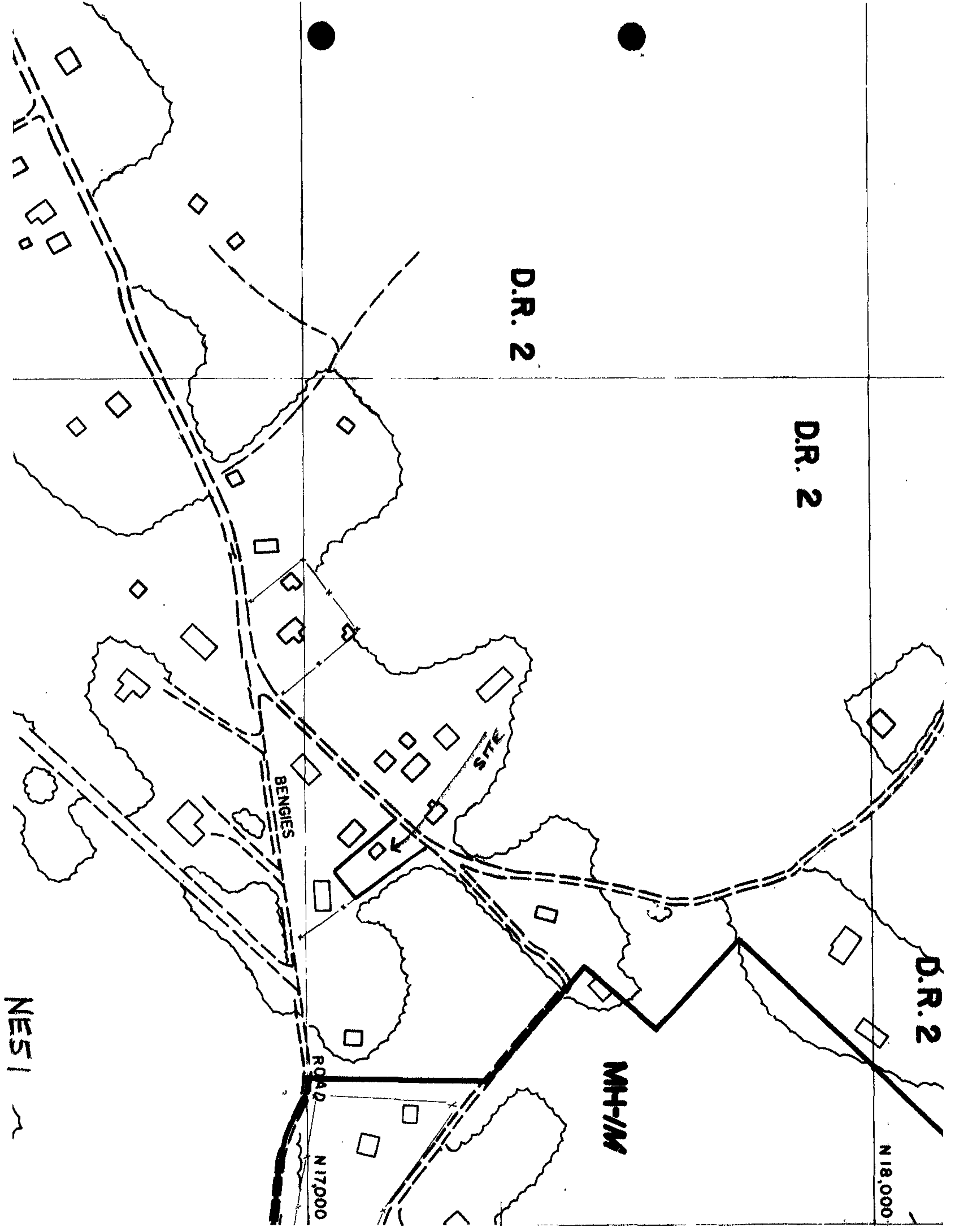
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE _____

E-MAIL

Middle River MD 21220 Shirleycd57@aol.com

[illegible]



D.R. 2

D.R. 2

D.R. 2

MH-/M

BENGIES

SITE

ROAD

N17,000

N18,000

NESI