IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Middleford Road, 22 ft. N
centerline of Wheatland Road
1st Election District
1st Councilmanic District
(1335 Middleford Road)

Ruth E. MacGregor Petitioner BEFORE THE

\* ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 05-094-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, Ruth E. MacGregor. The administrative variance is requested for property located at 1335 Middleford Road in the Catonsville area of Baltimore County. The administrative variance request is from Section 1B02.3.C (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 17 ft. in lieu of the required 25 ft. for an addition. 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 August 27, 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.

"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

CAN RECEIVED FOR FLAN

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

THEREFORE, IT IS ORDERED, this John day of September, 2004, by this Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.C (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 17 ft. in lieu of the required 25 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

MA THE SELECTION

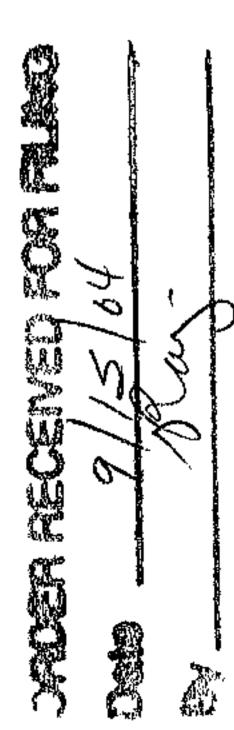
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own

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.

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

September 15, 2004

Ms. Ruth E. MacGregor 1335 Middleford Road Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 05-094-A

Property: 1335 Middleford Road

Dear Ms. MacGregor:

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

c: Joseph L. Moineau 5799 Railroad Avenue Elkridge, MD 21075



RB\$ 10/\$5/01

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	1335 Middleford	Road, Catonsville
_ <b>_ _</b> •		DR.S.5

	_	<del></del>	
This Petition shall be filed with the Department of owner(s) of the property situate in Baltimore County a made a part hereof, hereby petition for a Variance from A Trond CALD SETBACK OF	nd which is described in the d n Section(s)	lescription and plat a	ttached hereto and
			'

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Ruth E. MacGregor Name - Type or Print Name - Type or Print 2 Vac arego-Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature 1335 Middleford Road (410) 747-0322 **Attorney For Petitioner:** Address Telephone No. 21228-2751 Catonsville, MDName - Type or Print City Zip Code State Representative to be Contacted: Signature Joseph L. Moineau Name 562-0745 5799 Railroad Avenue (443) addres Telephone No. Address Telephone No. Elkridge, 21075 MD ity State Zip Code City Zip Code State Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, day of \_\_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning one Baltimore County and that the property be reposted.

Reviewed By

**Estimated Posting Date** 

Zoning Commissioner of Baltimore County

# 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.

Address

That the Affiant(s) does/do presently reside at

1335 Middleford Road

•		Catonsville,	MD	21228-2751
£	ן כ	ity	State	Zip Code
That based upon personal leading	knowledge, the followings (indicate hardship o	ng are the facts upon wor practical difficulty):	hich I/we base the re	quest for an Administrative
<u> </u>	galized 11/2001,	ter is a college and another attemp		F
entry. Existing The addition of	steel framed do two small octago lew of front prop	nstruction of a stor will be turned nal windows (facinerty. Small porch	from street viewing street and side	w to side view. de) will afford
This will allow answering door t		onal safety for re	esidents when en	tering house or
	•		•	
That the Affiant(s) acknowledge advertising fee and may be in	edge(s) that if a form required to provide add	nal demand is filed, Affiliation information.	fiant(s) will be require	∍d to pay a reposting and
100 lac ano	· · · · · · · · · · · · · · · · · · ·		· <u>····································</u>	
Signature (	 	Signature	ı	
Ruth E. MacGregor	· · · · · · · · · · · · · · · · · · ·			
Name - Type or Print	I	Name - Ty	pe or Print	
	į			
STATE OF MARYLAND, CO	OUNTY OF BALTIMO	RE. to wit:		
			Octobel hadana ma	Notary Public of the State
I HEREBY CERTIFY, this of Maryland, in and for the C	ounty aforesaid, perso	nally appeared	, belore me, a	I Notary Public of the State
	Mac Grosor			
the Affiant(s) herein, person	ally known of satisfacto	orlly identified to me as	such Affiant(s).	
AS WITNESS my hand and	Notarial Seal			
		Notary Public		1/1 0
	~ 1	My Commission	Expires August	14,2006
REV 10/25/01	, ,			

# 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	1335 Middleford	Road	
	Address		<del></del>
•	Catonguille	MT	21228-2751

City Catonsville, MD 21228-2751
State Zip Cod

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):

Owner is a single female. Daughter is a college student. Property (purchased 7/2001) was burgalized 11/2001, and another attempt made 9/2003, despite security system warning signs.

Variance request is to permit construction of a small vestibule area at front entry. Existing steel framed door will be turned from street view to side view. The addition of two small octagonal windows (facing street and side) will afford a three-angle view of front property. Small porch will allow for conversion to handicap accessibility.

This will allow for greater personal safety for residents when entering house or answering door to callers.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature Was Cases	Signature
Ruth E. MacGregor  Name - Type or Print	Name - Type or Print
	, 
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  I HEREBY CERTIFY, this 22 day of 10 day of 10 day aforesaid, personally appears  Of Maryland, in and for the County aforesaid, personally appears	, <u>2004</u> , before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	

Notary Public

My Ophomission Expires /

REV 10/25/01



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	1335	Middleford	_	Catonsville
which is	s pres	ently zoned	` <u></u>	

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)

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Ruth E. MacGregor Name - Type or Print Name - Type or Print to Blackrew Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature 1335 Middleford Road (410) 747-0322 **Attorney For Petitioner:** Address Telephone No. 21228-2751 Catonsville, MD Name - Type or Print City State ZIp Code Representative to be Contacted: Signature Joseph L. Moineau Company Name (443) 562-07455799 Railroad Avenue Address Telephone No. Address Telephone No. 21075 Elkridge, MD City State City Zip Code 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
CASE NO.	05.094.7	Reviewed By 377 Date 08 (8.04
REV 10/25/01	,	Estimated Posting Date 08-29-04

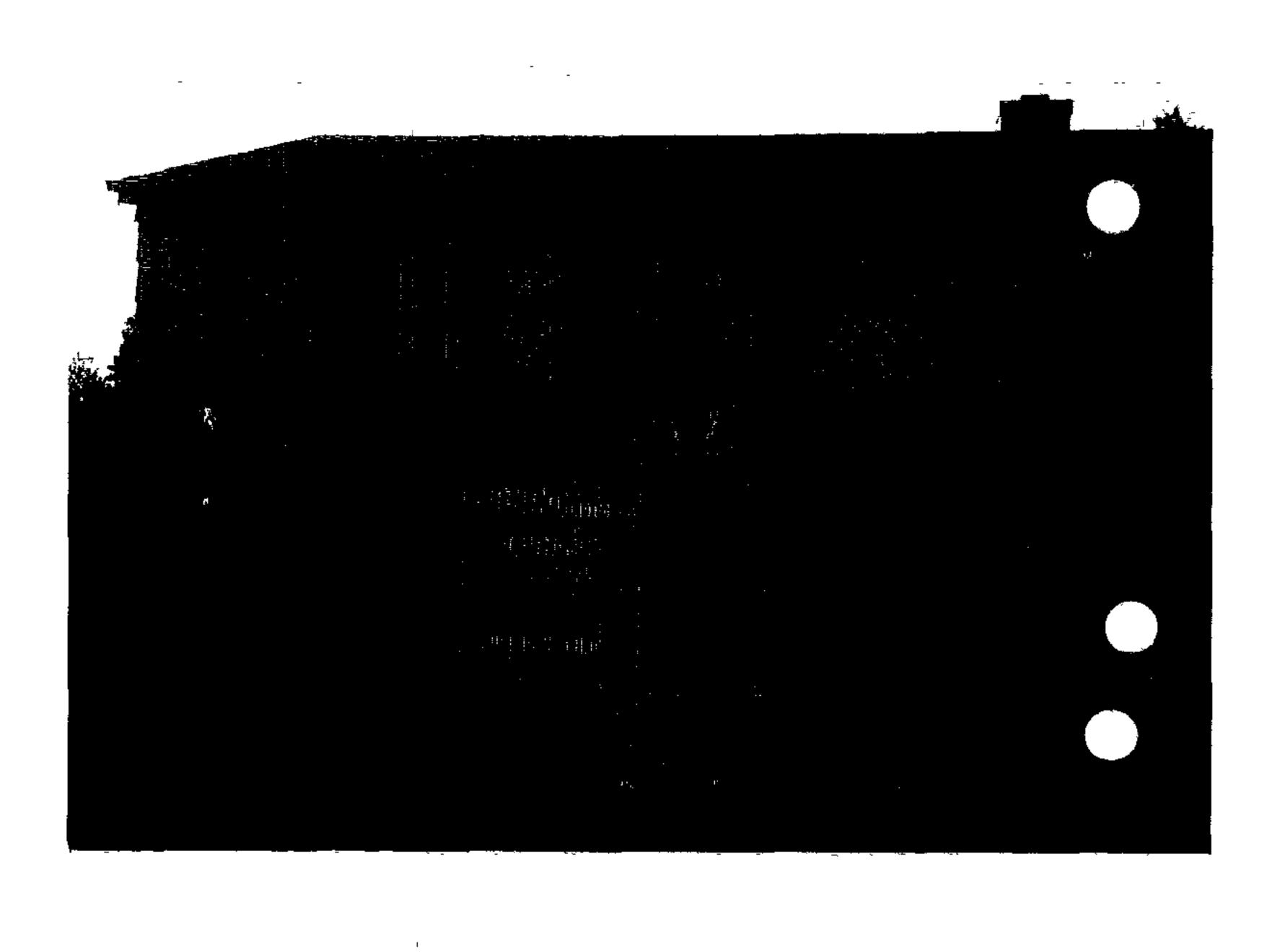
### PETITION FOR ADMINISTRATIVE ZONING VARIANCE

Zoning Description for 1335 MIDDLEFORD ROAD

Beginning at a point on the EAST side of MIDDLEFORD ROAD, which is 50 feet (right of way) wide, at the distance of 22 feet NORTH of the centerline of the nearest intersecting street, WHEATLAND ROAD, which is also 50 feet (right of way) wide. Being Lot #3, Block J, Section #7-A, in the subdivision of WESTVIEW PARK as recorded in Baltimore County Plat Book # WJR 26, Folio # 149, containing 7,350 sf (approx. .17 acre). Also known as 1335 MIDDLEFORD ROAD and located in the 1st ELECTION District, 1st COUNCILMANIC District.

	<b>3</b>	¥ ;;		ď	P.P.	કેંગ્લ્લ્ <u>ય</u>	W	, <sup>1</sup> 4(3 m) -			
	1176		100	Tration	W. W.						500
			9 (19)	MINE VENT	3° 100						
			表に申せ	A PROPERTY OF THE PROPERTY OF	1						
7 2 2 1 1 1 1 1 1 1 1 1 1				*				Solf - 1			
											はない。
			ACCOUNT ACCOUNT		AMOUNT S 12 S						
RE COUNTY, MARYLAND											an the second
						,					
CORE CO	10°N 7			Crol (S							
BALTINORE										HELMON	

•



### CERTIFICATE OF POSTING

• • • • • • • • • • • • • • • • • • •	Date of Hearing/Closing: SEPT. 13, 2004
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Becky Hart	
Ladies and Gentlemen: This letter is to certify under th	te penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located	at 1335 MIDDLE FORD POAD
The sign(s) were posted on Aug. 2^	Sincerely,  Sincerely,  Signature of Sign Poster and Date)  Grarland E. Moore  (Printed Name)  3225 RYERSON CIRCLE  (Address)  DAUTINIORE, MD. 21227  (City, State, Zip Code)  C410) 242-4263  (Telephone Number)

RE: Case No.: 05-094-A

Petitioner/Developer: RUTH E, MACGRAGER

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number
Petitioner: Att MacGregor
Address or Location: 1335 Middleford Boad, Catorisvite, MD 31338
PLEASE FORWARD ADVERTISING BILL TO
Name: Alt MacGregor
Address 1335 Middleford Boad
Cotonsville MD 21228-2781
Telephone Number: (๚๐) 747-0332

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 094 -A Address 1335 Minute Tool 720.
Contact Person: Sound Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: 08-18-04 Posting Date: 08-29-04 Closing Date: 09-13-
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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 094 -A Address 335 Typic-Ford Top.
etitioner's Name <u>Future Mac Greeon</u> Telephone Worzeros
osting Date: $08-29-04$ Closing Date: $09-03-04$
ording for Sign: To Permit A THOOUT CAND SATEDER OF 17 TH
LIGNOF THE REQUIRED 25 FT.
WCP - Povisod 6/25/04

### Department of Permits Development Management

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





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

September 13, 2004

Ruth MacGregor 1335 Middleford Road Catonsville, Maryland 21228-2751

Dear Ms. MacGregor:

RE: Case Number: 05-094-A, 1335 Middleford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 18, 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. Call Rilla (S)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel Joseph L. Moineau 5799 Railroad Avenue Elkridge 21075

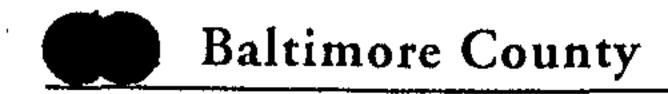


Visit the County's Website at www.baltimorecountyonline.info

## Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





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 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 30, 2004

Item No.:

091, 092, (094)100

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



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



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

Maryland Department of Transportation

Date:

8.27.04

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

RE:

Baltimore County

Item No. 0 9 4

JRA

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

AV 13

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr (300)

DATE:

September 14, 2004

RECEIVED

SEP 1 4 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 30, 2004

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

05-092

04-094

04-095

04-096

04-097

04-098

04-099

04-100

Reviewers:

Sue Farinetti, Dave Lykens

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DAFFE September 2, 2004

SEP - 3 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING CONSISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-094 – 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: Wina all Juff Man Lew

MAC/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 14, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

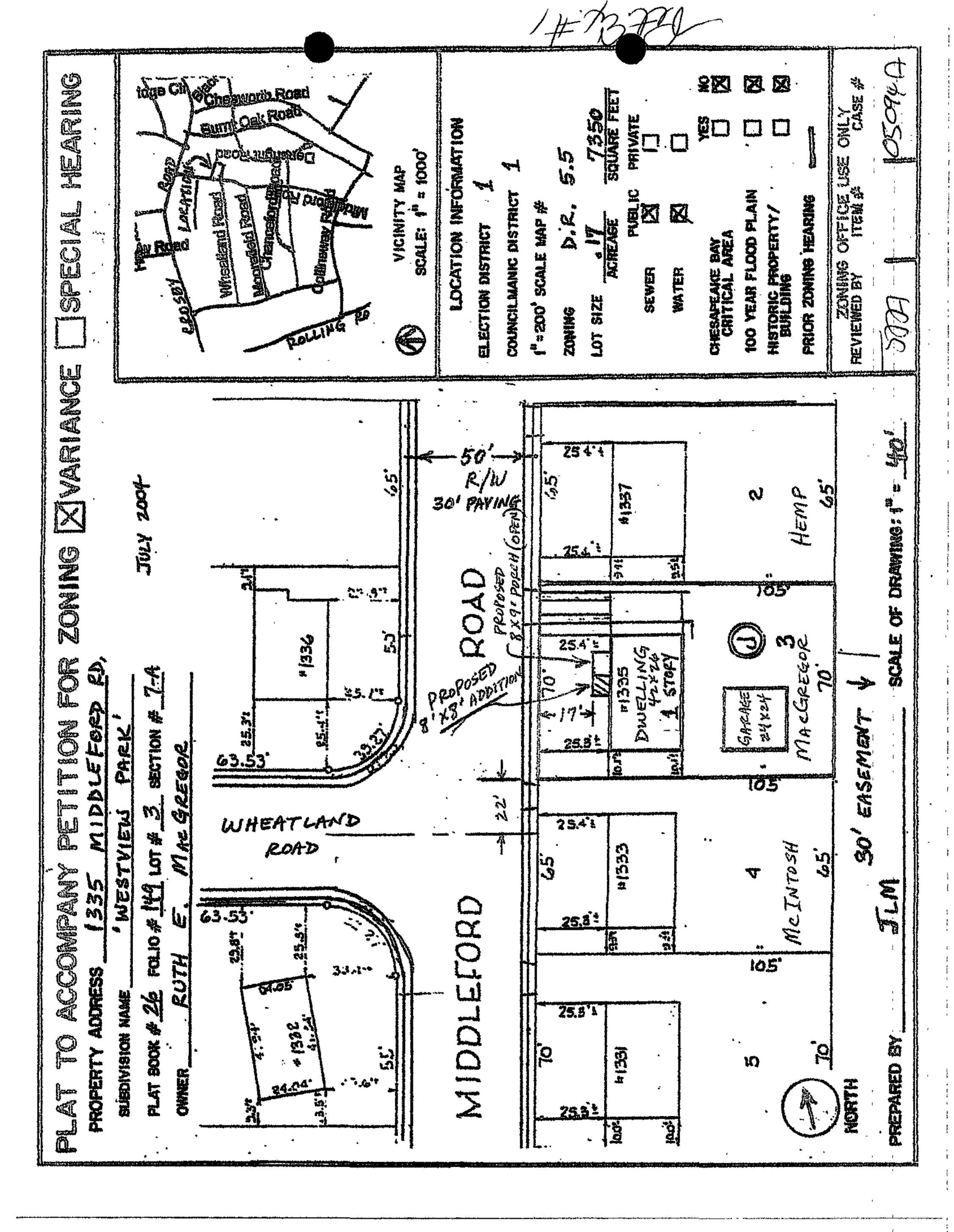
For September 7, 2004. Item Nos. 091, 092, 094, 095, 096,

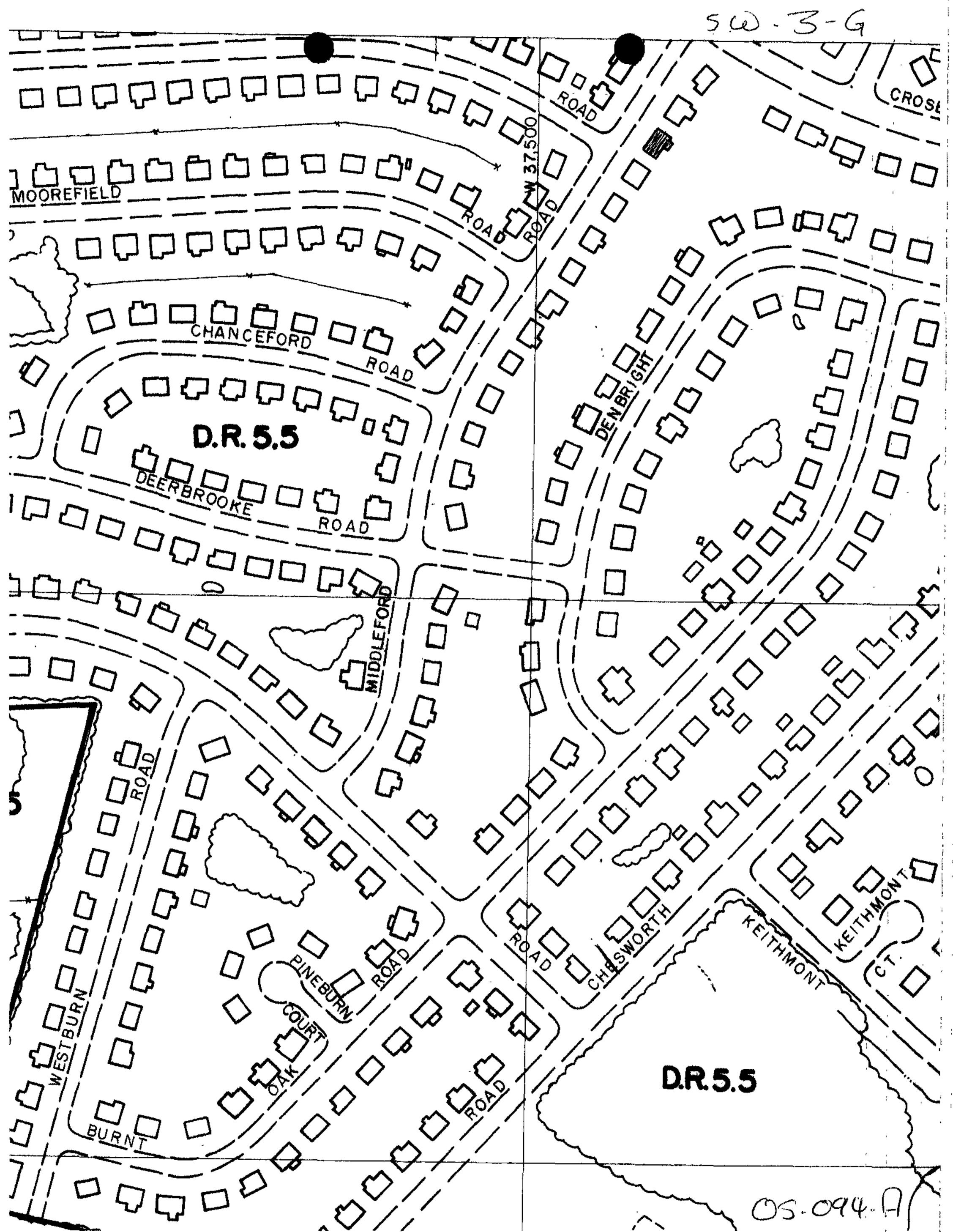
097, 098, 099, and 100

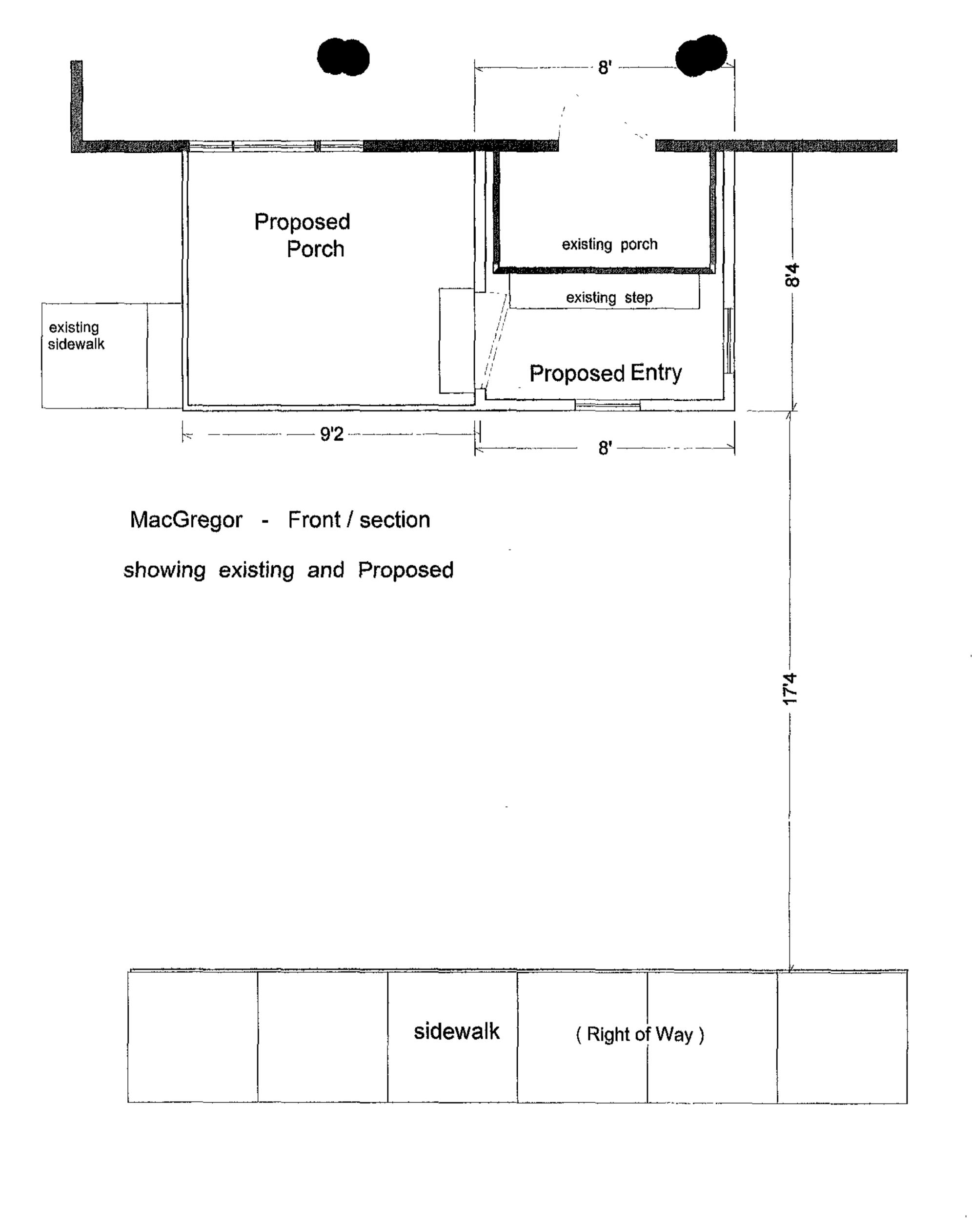
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

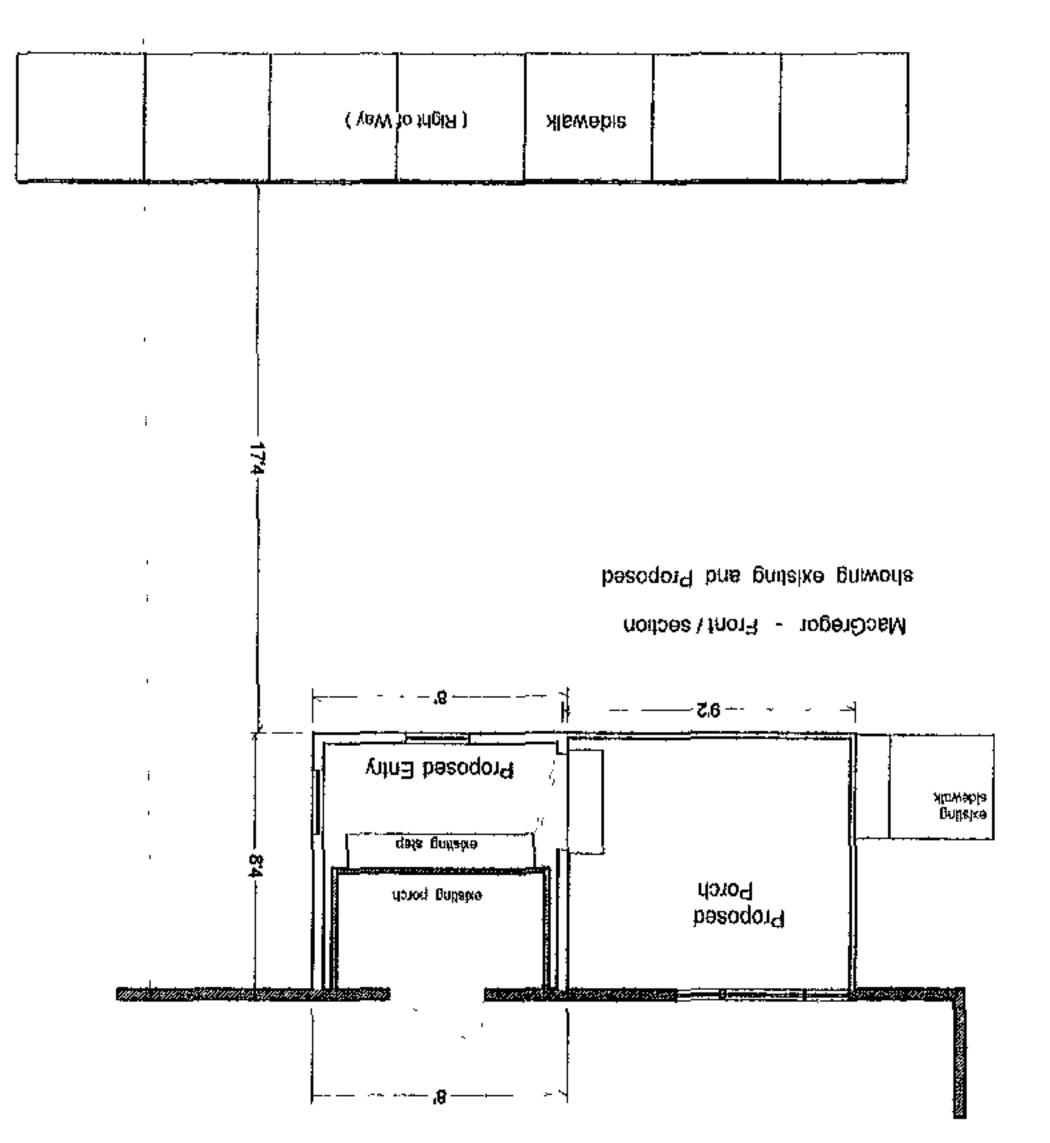
cc: File

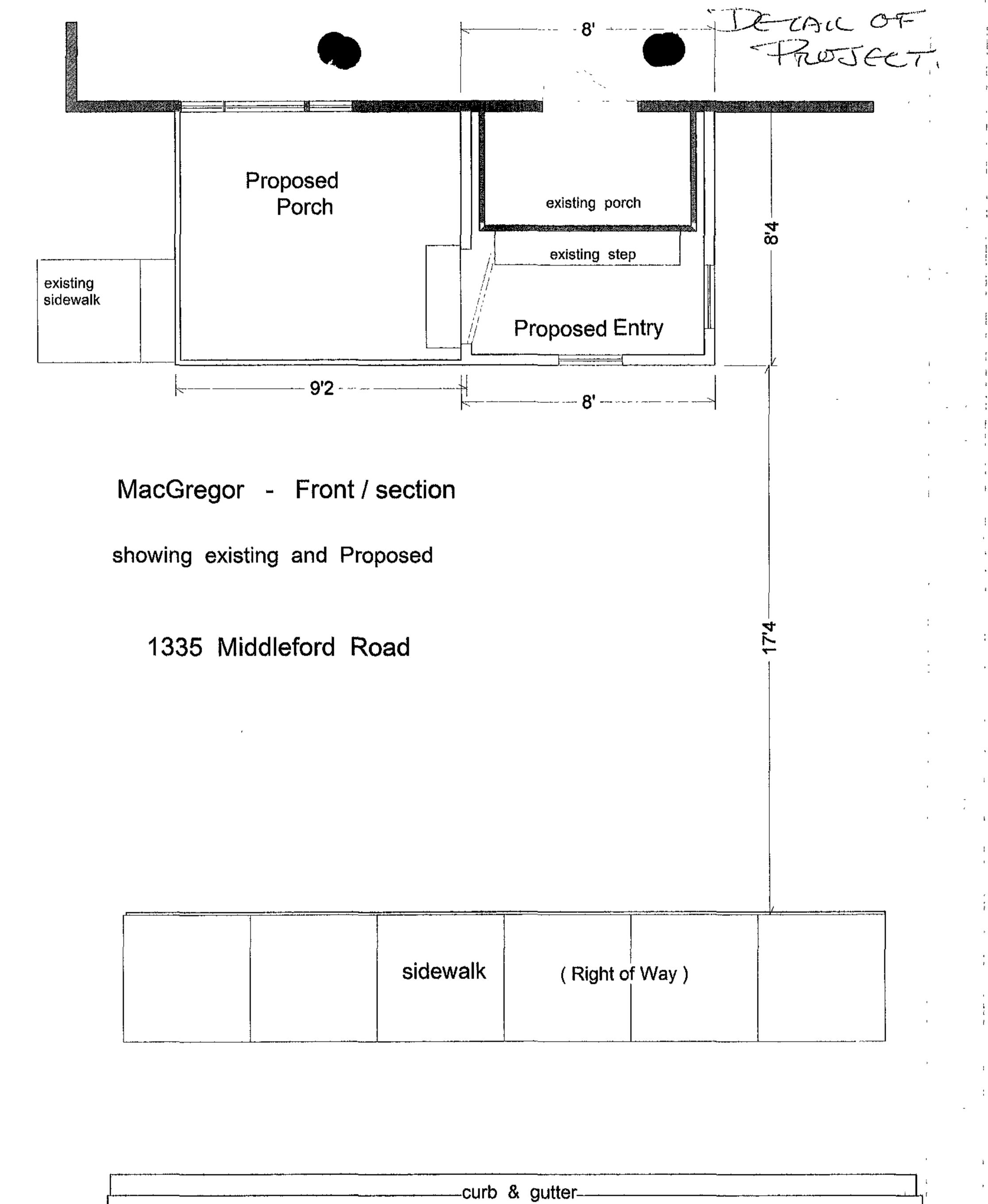


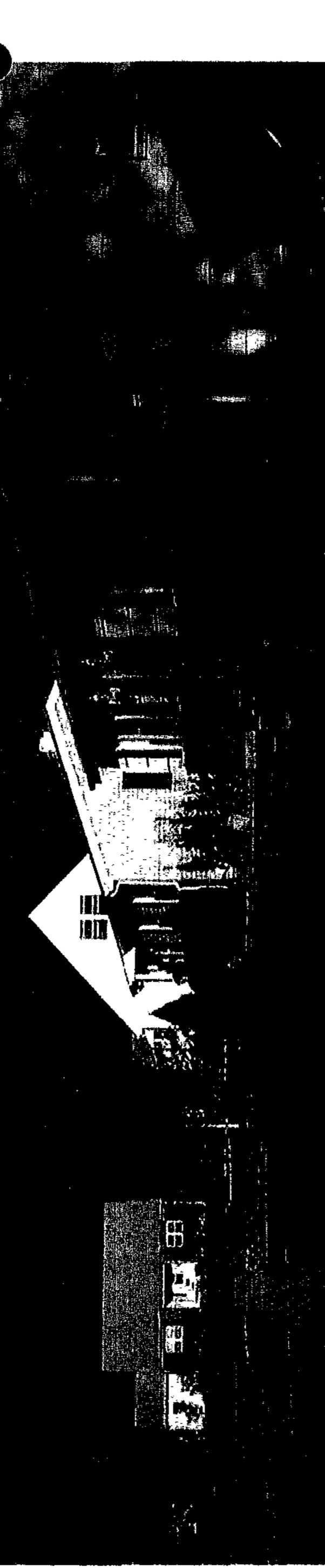




curb & gutter	







OS. OYU. A

T .

-

1

-

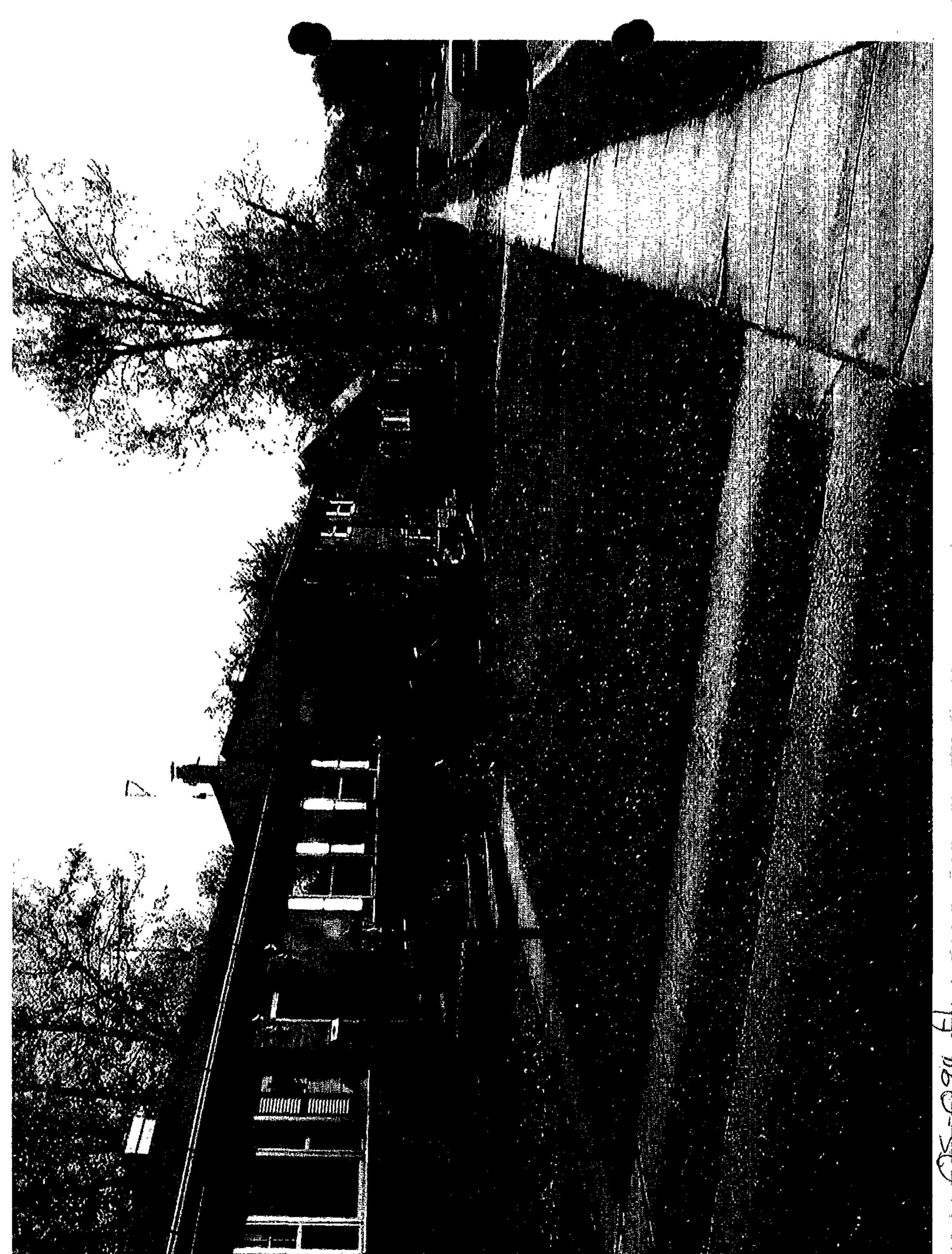
-†

i

--

-

-



Mac Crespir 1335 Middleford Hoad Catomsville, MD 21238

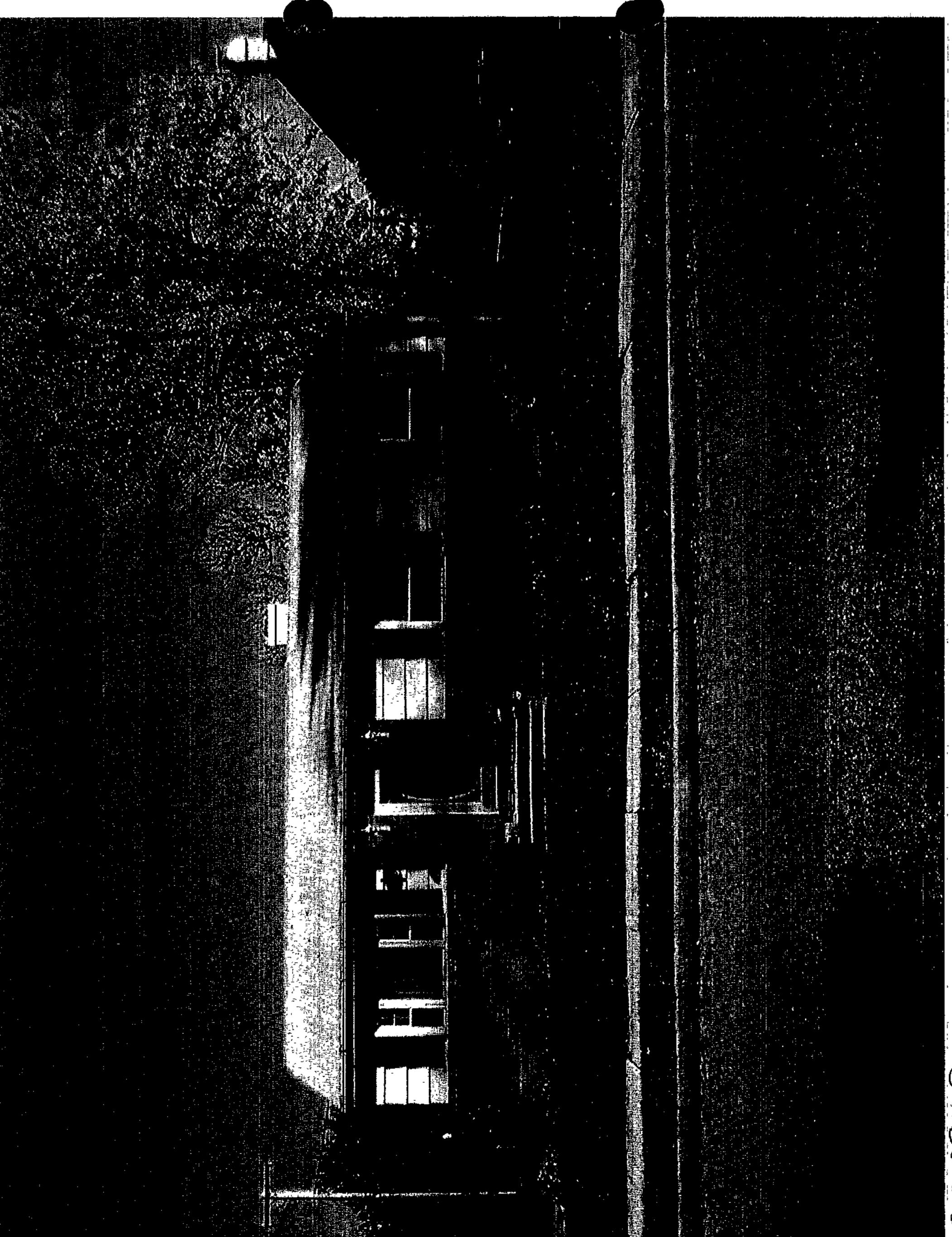
DON DON

-

-

- -

- <u>-</u>



しったのうろの