ORDEN RECEIVED FOR FILING Date

By

By

IN RE: PETITION FOR ADMIN. VARIANCE

SW/S Fairway 280' W of the c/l

Wilkens Avenue

(830 Fairway Avenue)

1st Election District
1st Council District

Linda M. Gallagher

Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- Case No. 05-178-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, Linda M. Gallagher. The Petitioner seeks relief from Section 303.1 of the Baltimore County Zoning Regulations to permit a front yard setback of 31 feet in lieu of the required 50 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 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 regard, a letter of opposition was received from the adjacent property owners, Dennis G. and Catherine Z. Stewart. Their letter raised a number of concerns and requested that the variance be denied. Thus, the Deputy Zoning Commissioner determined that a public hearing would be appropriate so that all parties could review and discuss the matter and a hearing was scheduled before the undersigned Zoning Commissioner on December 6, 2004.

Appearing at the public hearing in support of the request were Linda M. Gallagher-Tsao and her husband, Clint Tsao. Also appearing on behalf of the Petitioner was Jeff Mohler, a builder in the area who owns property immediately across from the subject site. His property is located immediately adjacent to the property owned by Mr. & Mrs. Stewart, who appeared at the hearing in opposition to the request.

Testimony and evidence presented revealed that the subject property is a rectangular shaped parcel located on the southwest side of Fairway Avenue, just north of Holmes Road and Wilkens Avenue in Catonsville. The property is comprised of three lots, identified as Lots 88, 89 and 90 of the subdivision known as Golf Park Acres, an older community of modest homes that was recorded in the Land Records of Baltimore County many years ago. The subject property contains a combined gross area of 0.333 acres, more or less, zoned D.R.3.5 and is improved with a 1½ story, single-family dwelling. Other improvements on the site include an in-ground swimming pool, which features an attached concrete patio, and a small accessory shed.

Testimony indicated that the subject property has been in Mrs. Gallagher-Tsao's family for many years. Apparently, her grandfather built the existing home in 1955, and her parents lived there until they gave her the property in 1987. Mrs. Gallagher-Tsao testified that her parents are now elderly and she would like to expand her home so that they can come to live with her. As shown on the site plan, a two-story addition is proposed on the south side of the existing home. The addition will feature a new front foyer/entrance, as well as provide a first floor bedroom for Mrs. Gallagher-Tsao's parents and allow expansion of the existing kitchen. The second floor would provide additional living space and storage room for her and her family. As shown on the site plan, the front portion of the addition will be 21 feet wide and 8 feet deep. In this regard, the design of the existing house is such that the addition will actually be recessed approximately 1 foot into the front of the existing home. Thus, it will actually extend into the front yard approximately 7 feet further than the existing house. The side portion of the addition will be 16 feet wide and 45 feet deep and extend from the front of the house to the back, connecting to the existing wood deck that leads to the pool and concrete patio. Due to the location of the existing dwelling on the property, the requested

variance relief is necessary. In this regard, the existing house is located 40 feet from the centerline of Fairway Avenue; however, the current regulations require a minimum average setback of 50 feet. Thus, relief is requested to legitimize existing conditions and allow construction of the proposed addition. Mrs. Gallagher-Tsao testified that she spoke with several of her immediate neighbors, including those on the side of the proposed addition, and no one voiced any opposition to the request. In fact, she entered into evidence as Petitioner's Exhibit 5, a Petition of Support, which had been signed by 12 of her immediate neighbors, including the adjacent property owners on both sides of the subject property.

Mr. Jeff Mohler also appeared and testified on behalf of the Petitioners. Testimony indicated that Mr. Mohler will be marrying into the family shortly and is planning to build a home on the property across the street, immediately adjacent to the Stewart property. Mr. Mohler testified that all of the houses on the other side of the street, including the Stewart home, are setback 30 feet from Fairway Avenue. Thus, he does not believe that the Petitioner's proposal is out of character with the neighborhood.

As noted above, Mr. & Mrs. Stewart appeared in opposition to the request. They reside immediately across from the subject property at 833 Fairway Avenue. Mr. Stewart indicated that he is opposed to the size of the proposed addition. He also argued that the proposed front porch would actually place the addition further into the front yard than the 31 feet indicated on the plan. Mrs. Steward believes that the proposed two-story addition would be out of character with other homes in the neighborhood. They requested that if approval is granted, that a condition be imposed upon the grant of any further variance relief from front yard setback requirements.

Based upon all of the testimony and evidence presented, I am persuaded to grant the requested variance. In this regard, the variance is necessitated due to the location of the existing dwelling on the subject property. As shown on a plat of the property and as testified at the hearing, the houses on the opposite side of the street are setback only 30 feet from Fairway Avenue. However, on this side of the street, the homes on either side of the subject property are setback further from the road than the existing dwelling. Thus, an "average" front setback of 50 feet is

OFDER RECORDED FOR FILING
Date

Sylvania

required for the subject property. In that the existing dwelling is located 40 feet from the road, any improvements to the front side of the house would necessitate variance relief. It is to be noted that the proposed foyer/entrance will extend only 7 feet beyond the front of the existing dwelling. It is also to be noted that no other variance relief is requested. There were no adverse comments from any County reviewing agency and the neighbors on both sides of the subject property, including those who will be most affected by the addition, support the Petitioners' plans. Mrs. Gallagher-Tsao indicated that the addition was designed to be consistent with other homes in the area and will greatly improve existing conditions on her property. For all of these reasons, I am persuaded that relief can be granted and that there will be no detrimental impact to adjacent properties or 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.

this 22 day of December 2004 that the Petition for Administrative Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations to permit a front yard setback of 31 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no further variances requested from front setback requirements.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Zoning Commissioner for Baltimore County

WJW:bjs

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
William J. Wiseman III, Zoning Commissioner

December 22, 2004

Mrs. Linda Gallagher-Tsao 830 Fairway Avenue Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE

SW/S Fairway Avenue, 280' W of the c/l Wilkens Avenue

(830 Fairway Avenue)

1st Election District – 1st Council District

Linda M. Gallagher - Petitioner

Case No. 05-178-A

Dear Mrs. Gallagher-Tsao:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly Jours,

Zoning Commissioner

for Baltimore County

WJW:bjs

cc: M

Mr. & Mrs. Dennis Stewart 833 Fairway Avenue, Baltin

833 Fairway Avenue, Baltimore, Md. 21228

People's Counsel; Case/File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| MARYLAND | | | 230 E | | Δ |
|--|--|--|--|---------------------------|--|
| ior the pr | operty io | cated at | <u> </u> | arwa | y Avenue DR 3.5 |
| | | | | | _ |
| This Petition shall be filed with the Department owner(s) of the property situate in Baltimore Count made a part hereof, hereby petition for a Variance | t of Permits ty and which from Section | s and Devel n is describe n(s) ろつる | opment Mana d in the descrip | agement. To ption and pla | he undersigned, leg it attached hereto ar |
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| lies of the required ma | KIMUM | front | averag | e 5 e 4 | back of |
| 50' in DR 3.5 30ne. | | | | | |
| of the zoning regulations of Baltimore County, to the first petition form. | ne zoning lav | w of Baltimo | re County, for | the reasons | indicated on the bac |
| Property is to be posted and advertised as prescrib or we, agree to pay expenses of above Variance, advergulations and restrictions of Baltimore County adopted | rertisina, post | ing, etc. and t | further agree to | and are to be County. | bounded by the zonir |
| | | perjury, the | | egal owner(s) | nder the penalties of of the property which |
| Contract Purchaser/Lessee: | | Legal O | wner(s): | | |
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| ddress Telepho | one No. | Name - Typ | e or Print | | · · · · · · · · · · · · · · · · · · · |
| ity State Zi | p Code | Signature | | | 410-747-0512 |
| Attorney For Petitioner: | | 850 f Address | airway 1 | treaue | Telephone No |
| • | | Catons | sville | MD | 2/228 |
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| y State Zi | p Code | City | - | State | e Zip Code |
| Public Hearing having been formally demanded and/or | found to be re | equired, it is o | rdered by the Zo | ning Commissi | oner of Baltimore Count |
| day of, that the subjections of Baltimore County and that the property be repost | ct matter of this | s petition be se | t for a public hear | ing, advertised, | as required by the zonin |
| | | Jun Jan | | | |
| ASH NO. 05-178-A | D | | oning Commission | | 10 -7 -04 |
| | | ewed By | na Dota | _ Date/ | |
| V 25/01 | ⊏Stiff | nated Postin | ig vate | v - i · | <u> </u> |

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

830 FAIRWAY AVENUE

| | BALTIMORE | MD | 21228 |
|--|--|---|--|
| That based upon personal knowledge, the following | owing are the facts upon which | State h I/we base the req | Zip Code uest for an Administrative |
| Variance at the above address (indicate hardsh | hip or practical difficulty): | | |
| Based on plans for | the addition in | eluding an | expanded |
| Kitchen, there is a | need for exte | inding out | the front |
| hecause there i | s an adjacent | Swimmin | g pod in |
| the back yard w | hich limits exp | anding th | e rear of |
| the house. | . 11 | . 1 | - 201 in 100 |
| The larger house | e will accommod | date our | growing |
| Jue larger nouse Samily including | our elderly in | -laus with | 1001 adding |
| another kitchen | | | |
| That the Affiant(s) acknowledge(s) that if a jadvertising fee and may be required to provide | formal demand is filed, Affian additional information. | it(s) will be required | d to pay a reposting and |
| Mdw Mellowker Signature | | <u></u> | |
| LINDA M. GALLAGH | FER | | |
| Name - Type or Print | Name - Type o | or Print | |
| STATE OF MARYLAND, COUNTY OF BALTI | MORE, to wit: | ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ | |
| I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, po | ersonally appeared | <u>√</u> , before me, a | Notary Public of the State |
| The Affiant(s) herein, personally known or satisf | factorily identified to me as suc | h Affiant(s). | <u></u> |
| AS WITNESS my hand and Notarial Seal | A | | |
| | 100 | ans (1) as | 2 |
| | Notary Public | NOTARY PUBL | |
| | My Commission Ex | pires | The state of the s |

Affidavit in Support of Administrative Variance

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

830 Fairway Ave

| | Baltimore | MD | 21228 |
|---|-------------------------------|--|------------------------------|
| | City | State | Zip Code |
| That based upon personal knowledge, the follow Variance at the above address (indicate hardship | p or practical difficulty): | | |
| Based on plans for | The additi | on includin | ng an expande |
| Kitchen, there is a r | reed for ext | ending ou | t the front |
| hopaus there is | an adjace | at Swimi | ming pool 14 |
| the back yard whi | ch limits l | Manding | the rearof |
| the house. | | | · |
| The avoier nouse | vill accommo | date our | growing |
| family including or | or elderly 1 | 1-laws wi | thout adding |
| another Kitchen | | | |
| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a | rmal demand is filed, Aff | iant(s) will be requir | red to pay a reposting and |
| 1. 11/ | | | |
| Signature M. GALLAGHER | Signature | | |
| Name - Type or Print | Name - Typ | oe or Print | |
| | , | | |
| STATE OF MARYLAND, COUNTY OF BALTIM | • | | |
| I HEREBY CERTIFY, this $_/$ day of $_/$ of Maryland, in and for the County aforesaid, per | sonally appeared | before me, | a Notary Public of the State |
| LINDA M. GALLAGHEA | | | |
| the Affiant(s) herein, personally known or satisfa | ctorily identified to me as s | uch Affiant(s). | |
| AS WITNESS my hand and Notarial Seal | | | |
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| | Notary Public | * CTARY PUSIC * 10 ket mand Maleuri | - |
| | My Commission I | Expires <u>My Commission</u> | |



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 830 | Fairway | Avenue | |
|-----------------------------|-------|------------|--------|--|
| which is | prese | ntly zoned | DR 3,5 | |

I/We do solemnly declare and affirm, under the penalties of

Estimated Posting Date ______10~i7~04

| owner(| etition shall be file s) of the property sit a part hereof, hereby | uate in Baltimore | County and which | h is described in | n the description an | it. The undersigned, leg d plat attached hereto ar | ial nd |
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| lie | of the | reguired | moximu | | | | |
| $\alpha \pm$ | 50' in D | R 3.5 20 | 70. | | | | |

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.

| | | | perjury, that I/we are is the subject of this I | | of the property which |
|---|--------------------|------------------------|---|-------------------------------------|---------------------------|
| Contract Purchaser/L | .essee: | | Legal Owner(s): | | |
| | | | LINDA N | 1. GALLA | SHER |
| Name - Type or Print | <u></u> | | Name - Type of Print | 1 Jacola | |
| Signature | ···· | | Signature | | 3 |
| Address | | Telephone No. | Name - Type or Print | | |
| City | State | Zip Code | Signature | | |
| Attorney For Petition | er: | | | ay Avenue | 410-747-0512 |
| | | | Address Catonsus (Baltimore) | lle | Telephone No |
| | | <u> </u> | (Baltimore) | MD | 85515 |
| Name - Type or Print | | | City | State | Zip Code |
| Signature | | | Representative t | o be Contacted | <u>d:</u> |
| Company | | | Name | <u> </u> | |
| Address | <u> </u> | Telephone No | Address | ـــــــــــــــــــــــــــــــــــ | Telephone No |
| City | State | Zip Code | City | State | Zip Code |
| A Public Hearing having bee this day of | n formally demand | ded and/or found to be | required, it is ordered by the petition be set for a public | he Zoning Commissio | oner of Baltimore County, |
| regulations of Baltimore County | and that the prope | rty be reposted. | this petition be set for a public | , neamig, advertised, | as required by the zoning |
| | | | Zoning Comm | issioner of Baltimore | County |
| ~~~~ | -178-1 | | | | |
| CASE NO. 05 | 1 / 0 / | Rev | riewed By | Date <i>l</i> | 0-7-04 |

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 830 Fairway Avenue.

Beginning at a point on the South side of Fairway Avenue which is 40 feet wide at the distance of 280+/- West of the centerline of the nearest improved intersecting street Wilkens Avenue which is 40 feet wide. Being Lot # 103/104/105, in the subdivision of Golf Park Acres as recorded in Baltimore County Plat Book # 8, FOLIO # 10, containing 8368 square feet. Also known as 830 Fairway Avenue, and located in the 1 Election District, 1 Councilmanic District.

MARYLAND
NANCE
No. 41554
BETHES WITH IN THE INFORMATION

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OTICE OF ZONING HEARING

The Zonling Commissioner of Baltimore County, by authority of the Zonling Act and Regulations of Baltimore County will hold a public hearing in Towson. Marylatid on the proberty Identified herein as follows:

Case: #05-178-A

830 Fairway Avenue
830 Fairway Avenue
836 Fairway Avenue
836 Fairway Avenue
836 Fairway Avenue
836 Fairway Avenue
837 Fairway Avenue
151 Elegal Owner(s): Linda M. Gallagher
152 Elegal Owner(s): Linda M. Gallagher
153 Feet in lieu of the required maximum front average
854 Feet in lieu of the required maximum front average
855 Feetback of 50 feet in D.R. 3.5 zone
865 Fairway December 6, 2004 at 11:00 a.m. in
866 Fairway December 6, 2004 at 11:00 a.m. in
866 Fairway Fairway Courts Building, 401 Bosiey

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
Commissioner's Office at (410) 887-4386.
Commissioner's Office at (410) 887-3391, 2001, 21, 11,809 Nov. 23

OF PUBLICATION

1124 3004

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

🖄 The Jeffersonian Arbutus Times

Catonsville Time

Towson Times

Owings Mills Times

lews North County N

porter

NE Booster/Re

Muling.

LEGAL ADVERTISING

CERTIFICATE OF POSTING

| | RE: Case No.: <u>05-118-H</u> |
|--|--|
| | Petitioner/Developer: ムルロA M・ |
| | GALLAGHER |
| | Date of Hearing/Closing: 1/1/1/04 |
| 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 perju- posted conspicuously on the property located at: | ry that the necessary sign(s) required by law were |
| 830 FAIRWA | |
| | |
| | 17/11/11 |
| The sign(s) were posted on(! | Month, Day, Year) |
| | incerely, |
| | Robert Bluck 15/25/04 |
| | (Signature of Sign Poster) (Date) |
| | SSG Robert Black |
| | (Print Name) |
| | 1508 Leslie Road |
| | (Address) |
| | Dundalk, Maryland 21222 |
| | (City, State, Zip Code) |
| The property of the second sec | (410) 282-7940 |
| | (Telephone Number) |

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 23, 2004 Issue - Jeffersonian

Please forward billing to:
Catherine Burger
111 W. Chesapeake Avenue
Towson, MD 21204

410-887-3353

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: 05-178-A

830 Fairway Avenue

S/side of Fairway Avenue, at the distance of 280 ft. w/of centerline of Wilkens Avenue 1st Election District – 1st Councilmanic District

Legal Owner: Linda M. Gallagher

Variance to permit an addition with a front yard setback of 31 feet in lieu of the required maximum front average setback of 50 feet in D.R. 3.5 zone.

Hearing: Monday, December 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

AVILLIAM WISEMAN

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.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

November 16, 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: 05-178-A

830 Fairway Avenue

S/side of Fairway Avenue, at the distance of 280 ft. w/of centerline of Wilkens Avenue 1st Election District – 1st Councilmanic District

Legal Owner: Linda M. Gallagher

Variance to permit an addition with a front yard setback of 31 feet in lieu of the required maximum front average setback of 50 feet in D.R. 3.5 zone.

Hearing: Monday, December 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Linda Gallagher, 830 Fairway Avenue, Catonsville 21228

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 20, 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.



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

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 newscaper.

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

| 05-178 | 3-4 |
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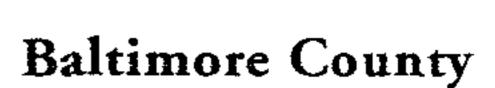
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 05- 178 -A Address 830 FAIRWAY AVE | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|
| Contact Person: JUN FERNANDO Phone Number: 410-887-3391 | | | | | | | | | |
| Filing Date: 10-7-04 Posting Date: 10-17-04 Closing Date: 11-1-0 | | | | | | | | | |
| 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. | | | | | | | | | |
| 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- 178 -A Address 830 FARWAY AYE. | | | | | | | | | |
| Petitioner's Name LINDA M. GALLAGHER Telephone 410-747-0513 | | | | | | | | | |
| Posting Date: | | | | | | | | | |
| Wording for Sign: To Permit an addition with a C_{-} , | | | | | | | | | |
| of 31 in lieu of the required movimum for | | | | | | | | | |
| setback of 50' in DR 3.5 zone. | | | | | | | | | |

Department of Permits Ad Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue 31 Towson, Maryland 21204





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

November 1, 2004

Linda M. Gallagher 830 Fairway Avenue Catonsville, Maryland 21228

Dear Ms. Gallagher:

RE: Case Number:05-178-A, 830 Fairway Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 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 Rill Of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



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

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

November 29, 2004

Linda M. Gallagher 830 Fairway Avenue Catonsville, Maryland 21228

Dear Ms. Gallagher:

RE: Case Number: 05-178-A, 830 Fairway Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 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 Rillall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

Enclosures

People's Counsel



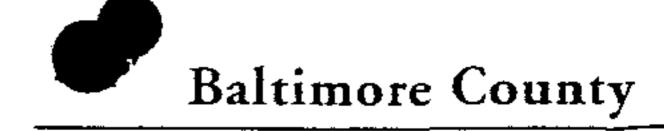
Visit the County's Website at www.baltimorecountyonline.info

Fire Department



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





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

October 19, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 18, 2004

Item No.: 170, 171, 173, 175, 176, (178) 180-182

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.

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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 3, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For October 25, 2004

Item Nos. 170, 171, 173, 175, 176, 178, 179, 180, 181, and 182

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

RWB:CEN:jrb

cc: File

1216

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

November 16, 2004

NOV 1 8 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 18, 2004.

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

05-171

0**9**-173

0**≰**176

04-178

0≸1**7**9

0≰-180

04-181

04-182

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 12, 2004

RECEIVED

OCT 2 8 2004

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

830 Fairway Avenue

INFORMATION:

Item Number:

5-178

Petitioner:

Linda M. Gallagher

Zoning:

DR 3.5

Requested Action:

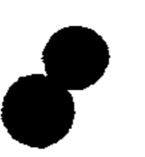
Administrative Variance

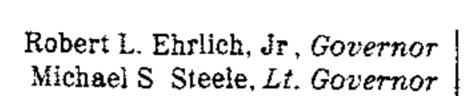
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the exterior design of the addition (including color, materials, and roof style) is consistent with the existing red brick cape cod house.

Division Chief:

AFK/LL:MAC:







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

Maryland Department of Transportation

Date: //-9.64

Baltimore County

Item No. 178

RE:

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

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, Chief

4. 1. Andl

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

Kristen Matthews

DATE: November 10, 2004

Dept. of Permits & Development Mgmt.

FROM Robin Jameson, Secretary to
John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Petition for Administrative Variance

Case No. 05-178-A (830 Fairway Avenue – Gallagher) 11/1/04 Closing

After reviewing of the above-captioned case file, Jack Murphy has requested that the administrative variance be set in for hearing.

Once a hearing has been scheduled, it would be appreciated if you would have Dave Duvall prepare a "Notice of Hearing" sign and have Gary Freund post the property.

Thank you for your attention and cooperation in this matter.

:raj

Attachment

Mr. and Mrs. Dennis G. Stewart 833 Fairway Avenue Baltimore, MD 21228 27 October 2004

Reference: Case #05-178A

Mr. Timothy Kotroco Director Dept. of Permits and Development Management Room 111 111 W. Chesapeake Ave Baltimore, MD 21204

Dear Mr. Kotroco,

We are writing to express our concerns regarding the referenced petition for an administrative zoning variance and request that you consider them in your decision process.

Our home, located at 833 Fairway Avenue, is directly across the street from the property (830 Fairway Ave.) for which the variance is being requested. Our dwelling is approximately 100 feet from the dwelling located at 830 Fairway Ave. The Petition for variance and its attachments indicate that the petitioner proposes to make an addition to the dwelling that would reduce the current setback from 40 feet to 31 feet. This is 19 feet less than the 50 foot setback required by the Baltimore Country Zoning Regulations for property zoned DR3.5. The submitted floor plans also show that the dwelling would change from 1½ stories to 2 stories. We are opposed to the requested variance because of its esthetic impact and potential to reduce the value of nearby properties.

The plans for the proposed addition show that the existing enclosed front porch will be removed to allow for more interior living space. No replacement front porch is indicated in the submitted drawings. At a later data the petitioner may decide to request a further variance to allow a new porch to be constructed. Should you decide to grant the petitioner's request for a 9 foot variance; we ask that your decision make clear that no further reduction in the setback will be considered.

The affidavit submitted in support of the variance claims more room is needed to accommodate "elderly in-laws". Based on our personal observations over the last 4 years, the only occupants of the dwelling at 830 Fairway Ave. are the petitioner, Linda Gallagher, and her husband Clint Tsao.

The "Plat to Accompany Petition for Zoning Variance" contains several errors. The property owned by John and Naomi Ward is actually located at 824 Fairway Ave. and not at 826 Fairway Ave as shown. The dwelling labeled, Existing Dwelling #826, is actually known as 839 Hilltop Rd. and is owned by William S. Miller, 3rd and Vickie L. Miller. It occupies lots 85, 86, 87, 106, 107, and 108 of the Golf Park Acres subdivision. Golf Park Acres contains no dwelling known as 826 Fairway Ave.

The Zoning Description attached to the petition states that the property consists of 8,368 square feet. However the "Plat to Accompany Petition for Zoning Variance" clearly shows that the land area of the property known as 830 Fairway consists of 14,500 square feet.

Thank you for considering this information in deciding whether to grant the requested variance.

Dennis G. Stewart

Catherine Z. Stewart

Catherine 3. Stewart

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search **Ground Rent**

8/10

Account Identifier:

District - 01 Account Number - 2000011888

Owner Information

Owner Name:

GALLAGHER LINDA M

Use: Principal Residence: RESIDENTIAL

Mailing Address:

830 FAIRWAY AV **BALTIMORE MD 21228** **Deed Reference:**

1) / 7683/804

2)

YES

Location & Structure Information

Premises Address

830 FAIRWAY AVE

Legal Description

.332AC L 103-104-105 830 FAIRWAY AV SW

LYNCREST

Map Grid **Sub District** Parcel **Subdivision** Section Block Lot Group Plat No: 15 101 1097 103 80 Plat Ref:

Town

Special Tax Areas **Ad Valorem Tax Class**

Primary Structure Built Enclosed Area Property Land Area County Use 1956 1,530 SF 14,500.00 SF 04 **Stories Basement Type** Exterior 1 1/2 YES STANDARD UNIT BRICK

Value Information

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2004 07/01/2004 07/01/2005 Land: 43,120 43,120

Improvements: 97,400 105,900 Total: 140,520

149,020 Preferential Land: 0

143,353 146,186

WI Transfer Information TOLZMAN GEORGE H E Seller:

Date: 09/28/1987 **Deed1:** / 7683/ 804 Price: \$0 Deed2:

Seller: Type: Seller:

Date: Deed1: Date: Deed1:

Price: Deed2:

Deed2:

Price:

Exemption Information

Partial Exempt Assessments Class 07/01/2004 07/01/2005 County 000 0 **State** 000 Municipal 000 0 0

Tax Exempt: **Exempt Class:**

Type:

Type:

NO

NOT ARMS-LENGTH

Special Tax Recapture:

* NONE *



Click here for a plain text ADA compliant screen.



Go Back View Map New Search **Ground Rent**

STR

Account Identifier:

District - 01 Account Number - 0123001292

Owner Information

Owner Name:

Mailing Address:

WARD JOHN W

WARD NAOMI P

Use:

RESIDENTIAL

Principal Residence:

YES

824 FAIRWAY AV **BALTIMORE MD 21228** Deed Reference:

1) / 3828/ 626

Location & Structure Information

Premises Address

824 FAIRWAY AVE

Legal Description

LT 111-112 PT 110

LYNCREST

Parcel Map Grid **Sub District** Subdivision Section Block Lot Plat No: Group 101 15 1097 111 80 Plat Ref: Town

Special Tax Areas

Primary Structure Built

Ad Valorem Tax Class

> **Enclosed Area Property Land Area**

County Use 04

8/10

1956 1,876 SF 13,377 00 SF **Stories Basement** Type Exterior YES STANDARD UNIT FRAME

Value Information

Base Value Phase-in Assessments As Of Value As Of As Of 01/01/2004 07/01/2004 07/01/2005

Land: 42,840 42,840 Improvements: 96,360 104,670

Total: 139,200 147,510 Preferential Land:

144,740

Transfer Information

141,970

HEAPS EDGAR M & CHRISTIN Seller: Date: 04/13/1961 Price: \$0 NOT ARMS-LENGTH Type: **Deed1:** / 3828/ 626 Deed2: Seller: Date: Price: Type: Deed1: Deed2:

Seller: Date: Type: Deed1:

Exemption Information

Partial Exempt Assessments Class 07/01/2004 07/01/2005 County 000 State 000 Municipal

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture: HOMEOWNERS TAX CREDIT

Price:

Deed2:

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-1784
DATE Dec. 6, 2004

CITIZEN'S SIGN-IN SHEET

| E- MAIL | dsteinartogis net | 7 | | | | | | | | | | |
|------------------|-------------------|--------------------|---|--|--|--|--|--|--|---|--|--|
| CITY, STATE, ZIP | 12/16, M) 21.26 | Baltimore MD 21228 | ~ | | | | | | | | | |
| ADDRESS | Fairmay | 833 Fairway Ave. | 9 | | | | | | | | | |
| NAME | Dennis Stewart | ine of | | | | | | | | • | | |

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER OS. 178 A
DATE

PETITIONER'S SIGN-IN SHEET

| E- MAIL | Dallalia in mi. edi | | | | | | | | | |
|------------------|---------------------------------------|----------|--|--|--|--|--|--|--|--|
| CITY, STATE, ZIP | Bathmar MD 21228 Asograms MM 21228 | ع | | | | | | | | |
| ADDRE | Fairway And | | | | | | | | | |
| NAME | LINDA Gallagher-Tan | JAN WENT | | | | | | | | |

| Case No.: | 05- | 1 | 7 | 8 | Δ |
|-----------|-----|---|---|---|-------|
| | | | | | |

Exhibit Sheet

Petitioner/Developer

Protestant

| No. 1 | SITE PLAN | |
|--------|--|--|
| No. 2 | | |
| 1.0.2 | HOUSE PLANS | |
| No. 3 | Photo's OF ExorstiNG Jan | |
| No. 4 | HOMES ON OTHER SIDE - 30'SETB | |
| No. 5 | 28 NAMES OF Residents Supporting Petitioner's improved | |
| No. 6 | DR BARTHEL'S LEHER Monmending approval | |
| No. 7 | | |
| No. 8 | - | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | | |

Aug 13 244 10:31 P. UZ

- Mathy and solition - Mathy and solition

IN RE: PETITIONS SPECIAL HEARING

AND VARIANCE

NW/S of Farmfield Court, of 1,101' NE of the E/S of

Dairydale Court -

10th Election District

Richard P. Kidwell, et ux,

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 87-88-SPHA

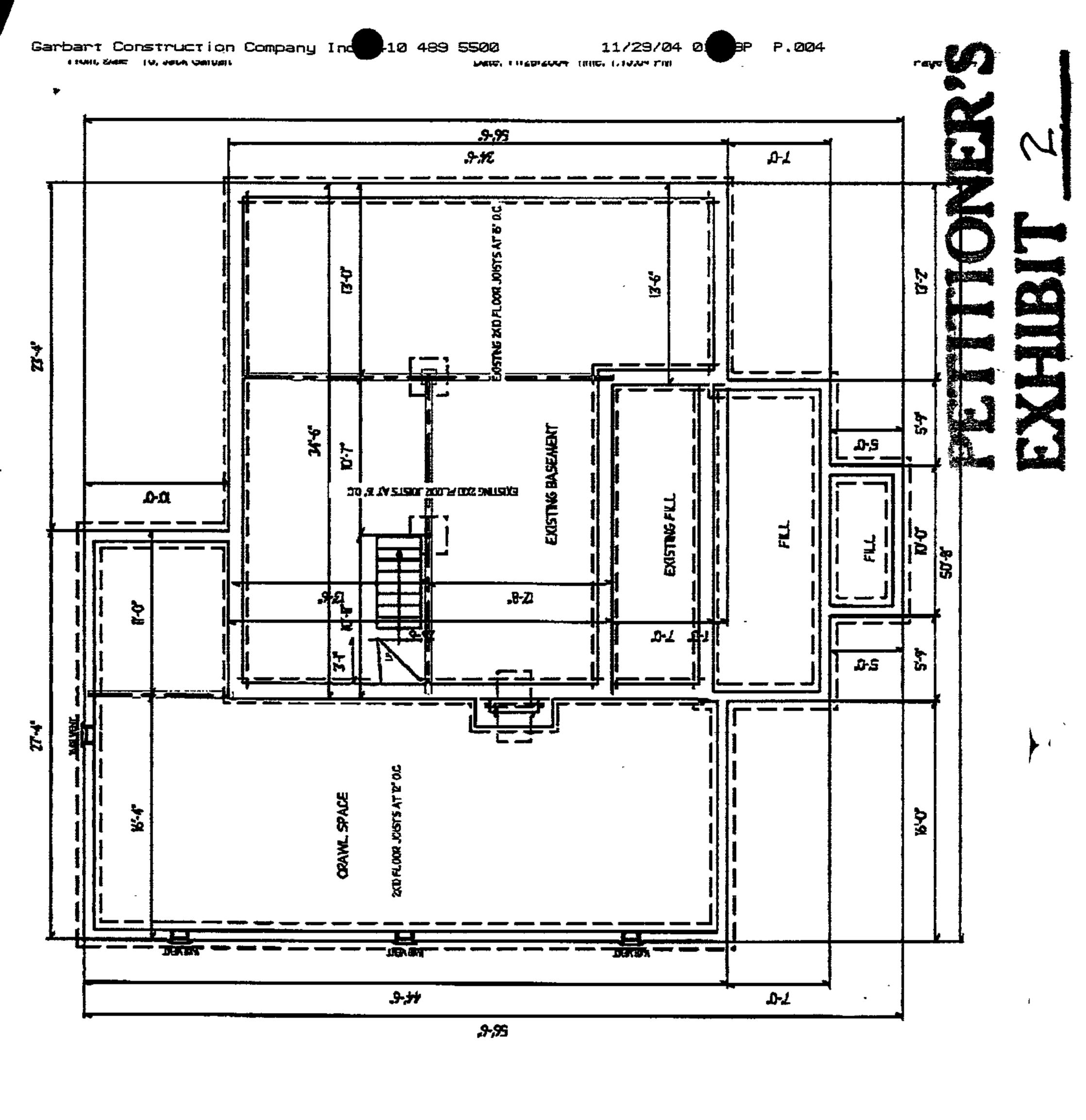
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval by the Zoning Commissioner to permit a second living unit to be added to their home and, additionally, a variance to permit a side yard setback of 42 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. John Rommel, the contractor, also testified. William Beschorner, an adjacent property owner, appeared in opposition.

Testimony indicated that the subject property, zoned R.C.5 and measuring 260' x 560' x 266' x 504', is improved with a single-family dwelling. The Petitioners propose to construct a 26' x 38' addition to the north side to be used by Mrs. Kidwell's mother, Lucille Kelley. The addition would contain a separate kitchen and living unit.

Mrs. Kelley would like to live with her daughter and son-in-law but only if she could have some semblance of independence, as is common with the elderly. The Petitioners have no intent of creating a permanent second living unit; in fact, the purpose of it is solely for use by Mrs. Kelley. Upon her death, if she should reside elsewhere, or if the property is sold, the Petitioners will remove the kitchen and open up the addition to the rest of the house by providing access through.



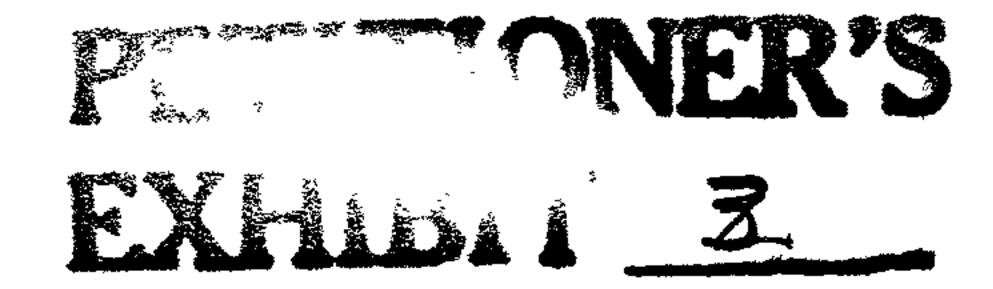
JACK, WHEN READY, CALL, NE TO FINALIZE THIS PLAN - DRP

JACK GARBART OF GARBART CONSTRUCTION
GALLAGHER REMOVATION/ADOITION
FROM. DRP 11-29-2004 REV.
SCALE 1/8" - "

<u>6</u>



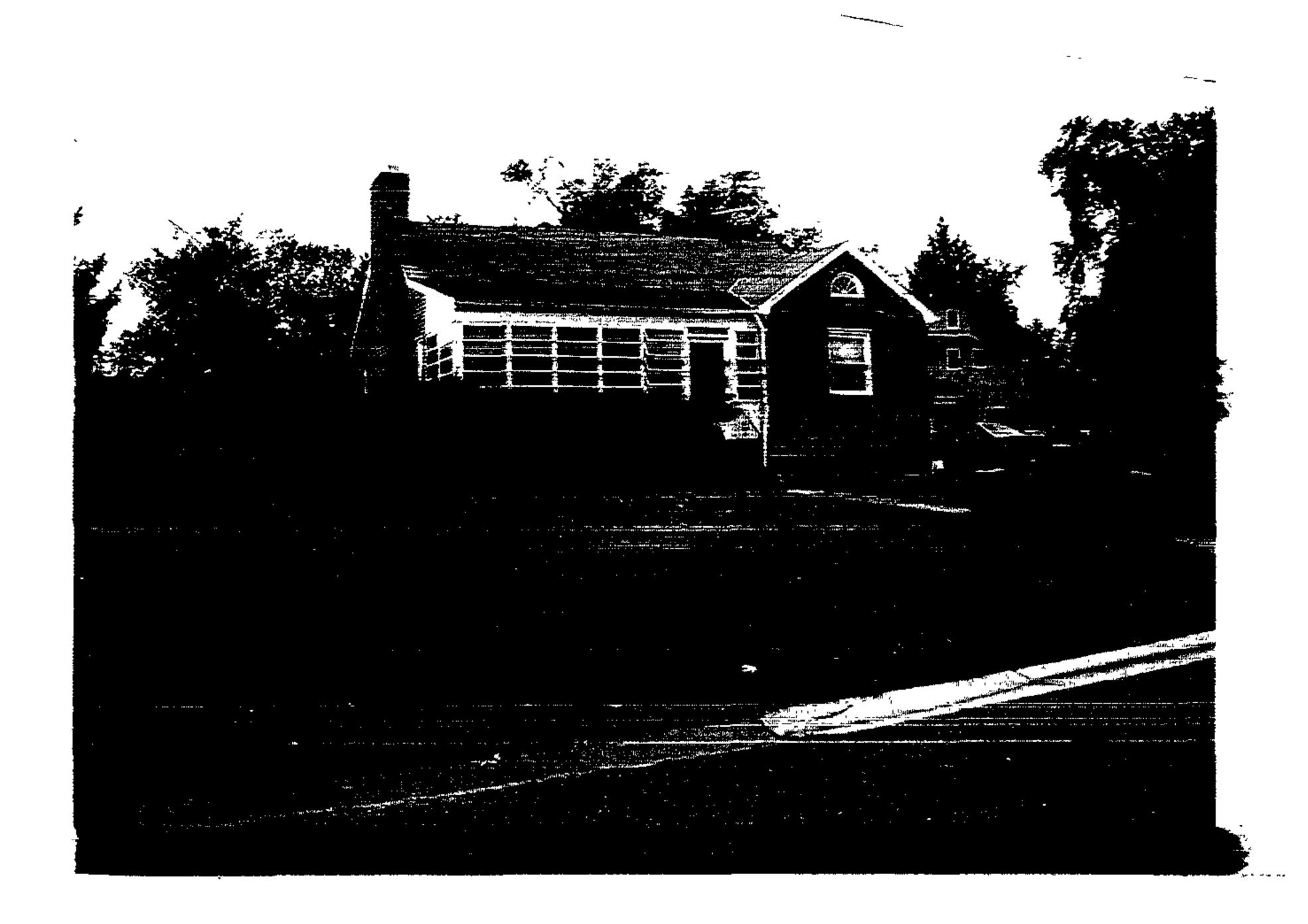
178











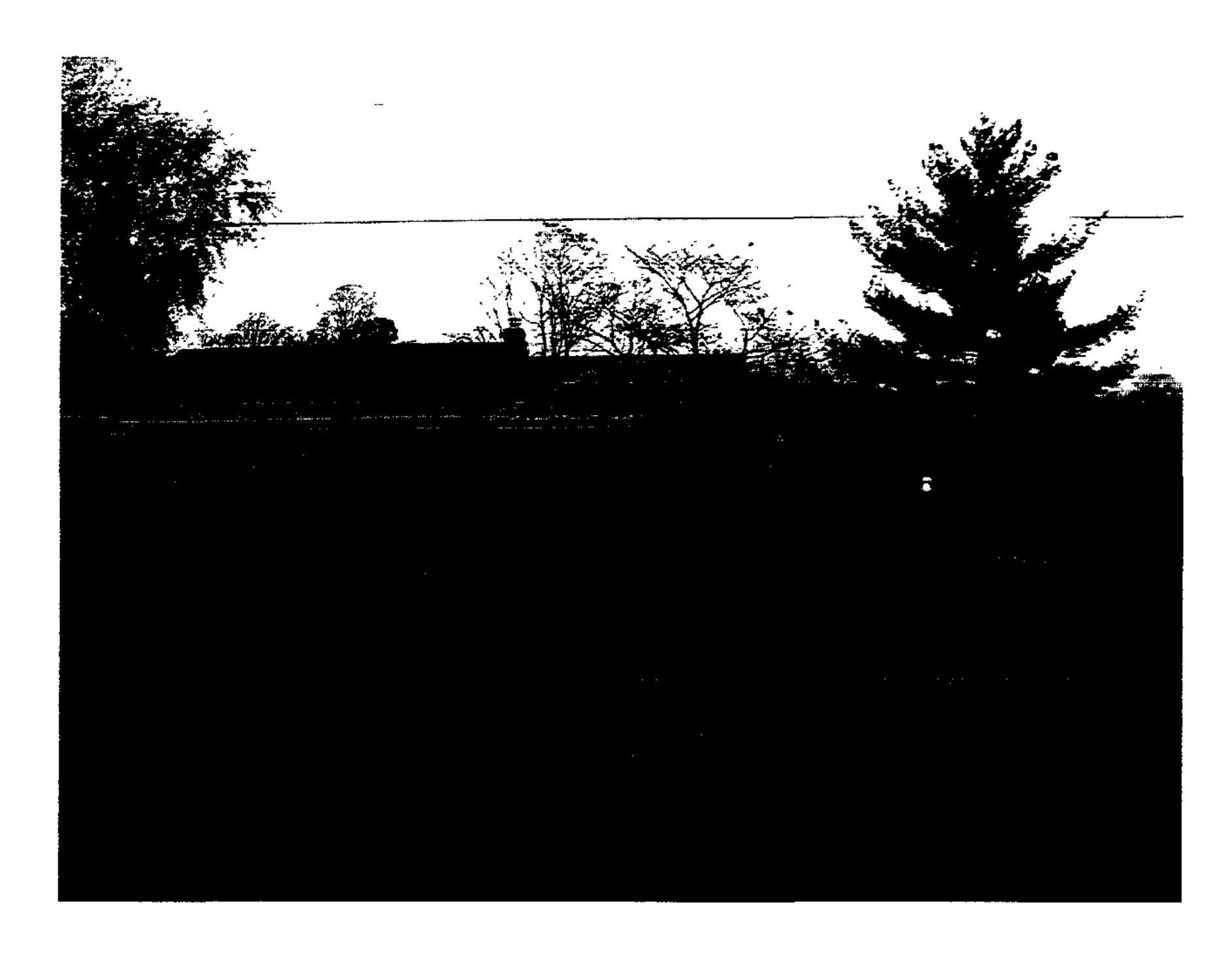


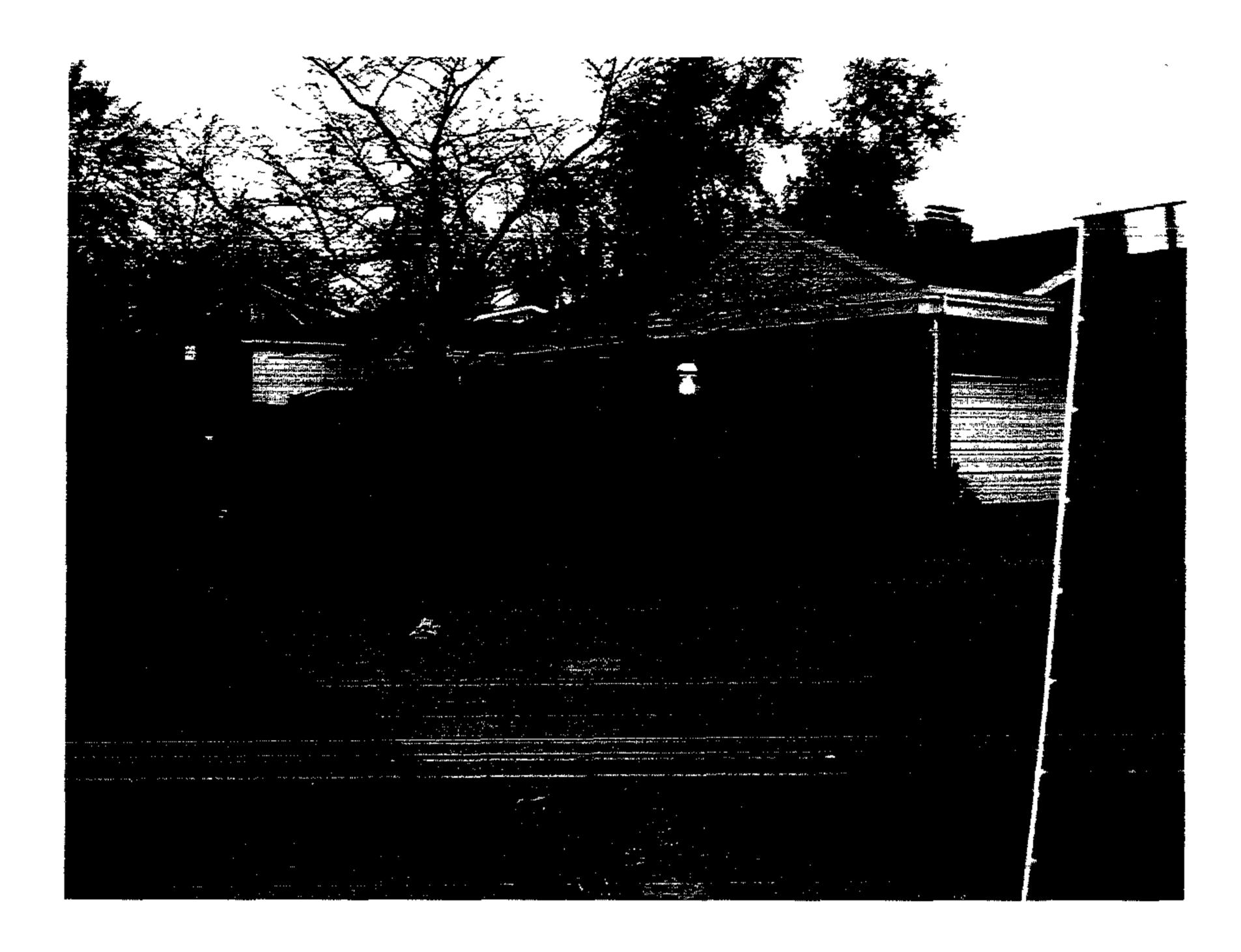


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PETITIONER'S

EXHLBIT
4

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Corner of Laverne + Fairway

CALBIT 6



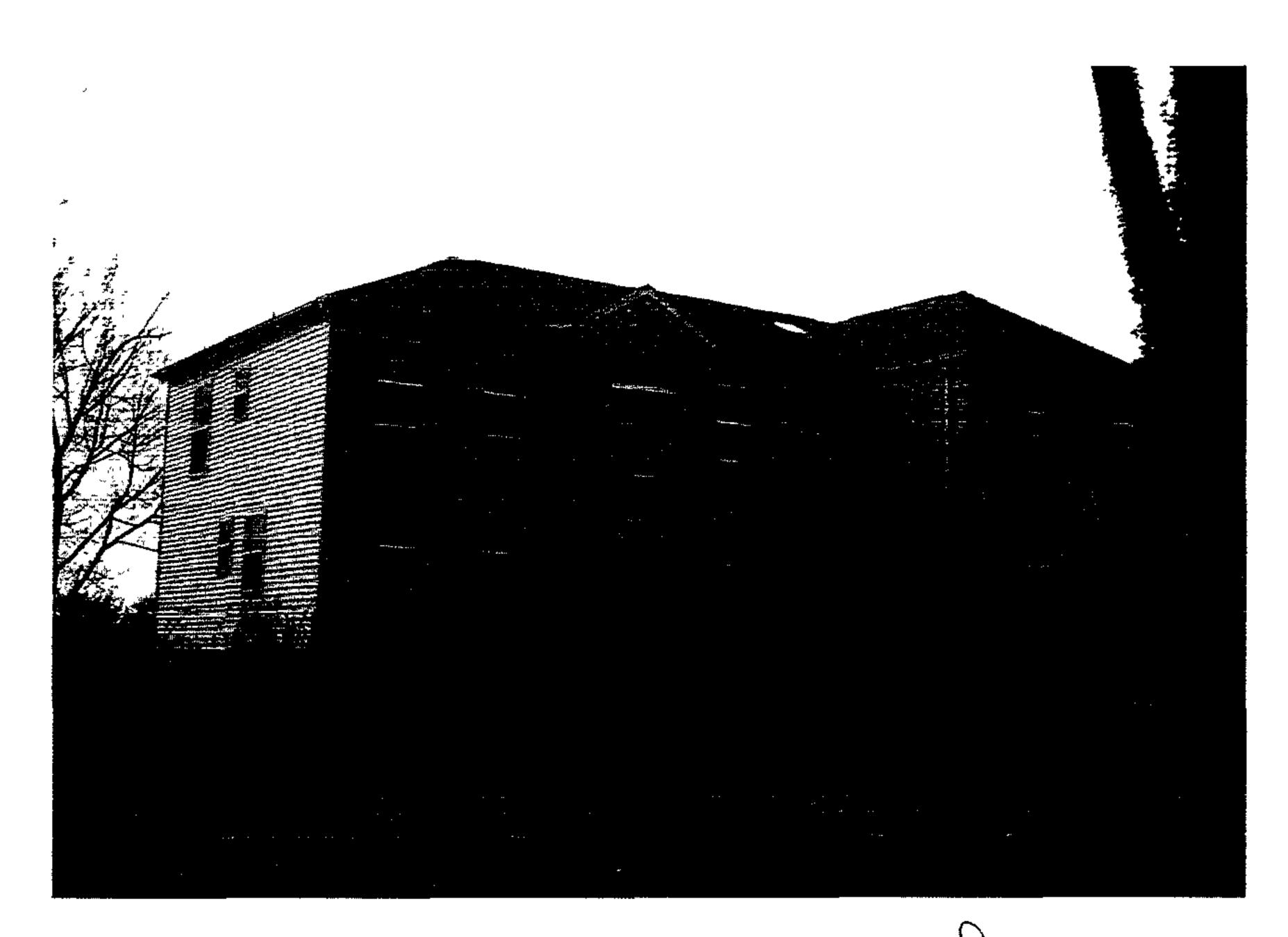
Corner of Fairway + haverne



810 Fairway Aue



810 Fairway



Laverne - Corner of Laverne + tairway



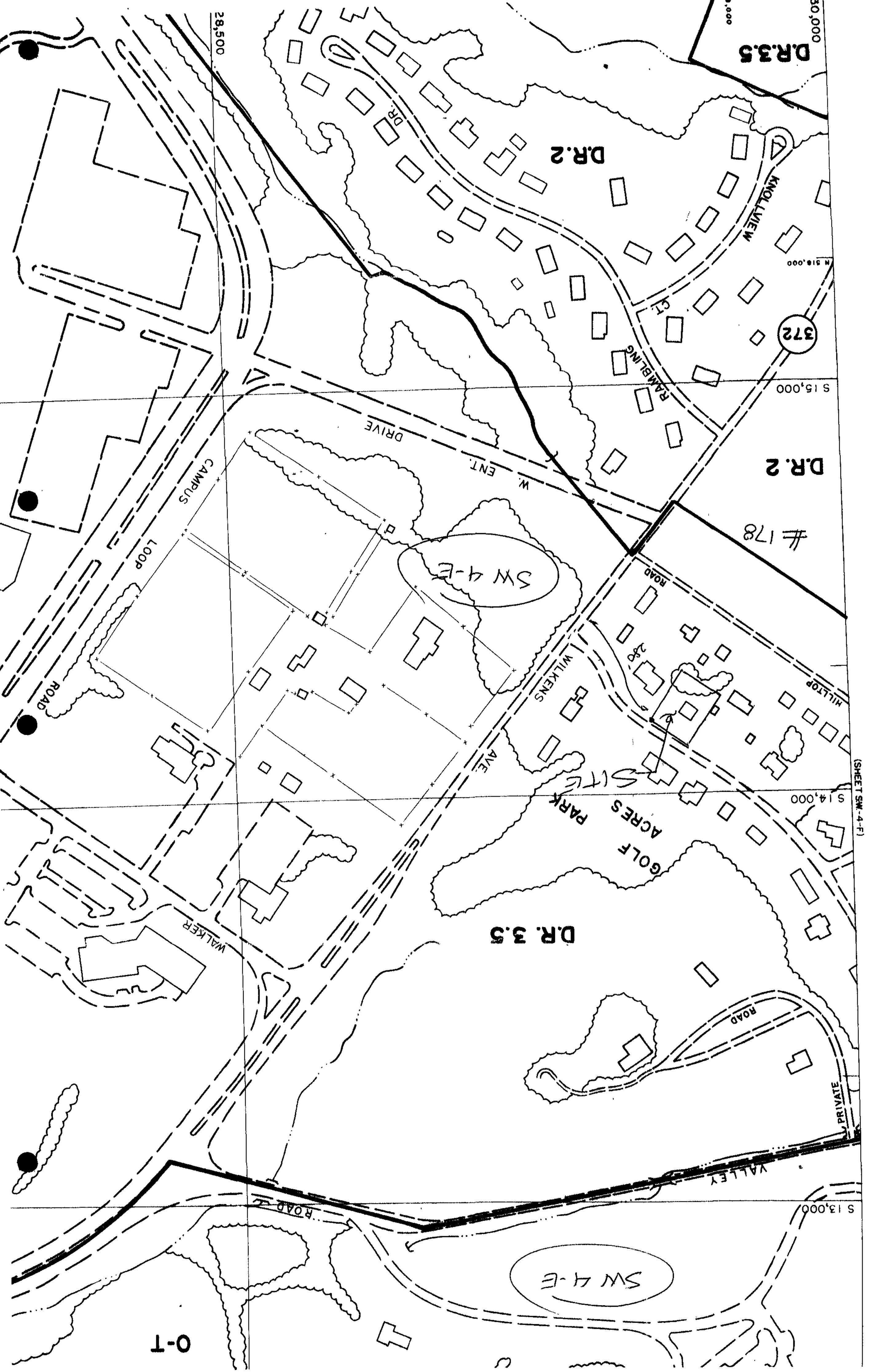
820 Fairway Aue



He Back is to the left of 830 Fairway



839 Hilltop The back is to the 18th of 830 Fairway



PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE - SPECIAL HEARING

PROPERTY ADDRESS: 830 FAIRWAY AVENUE

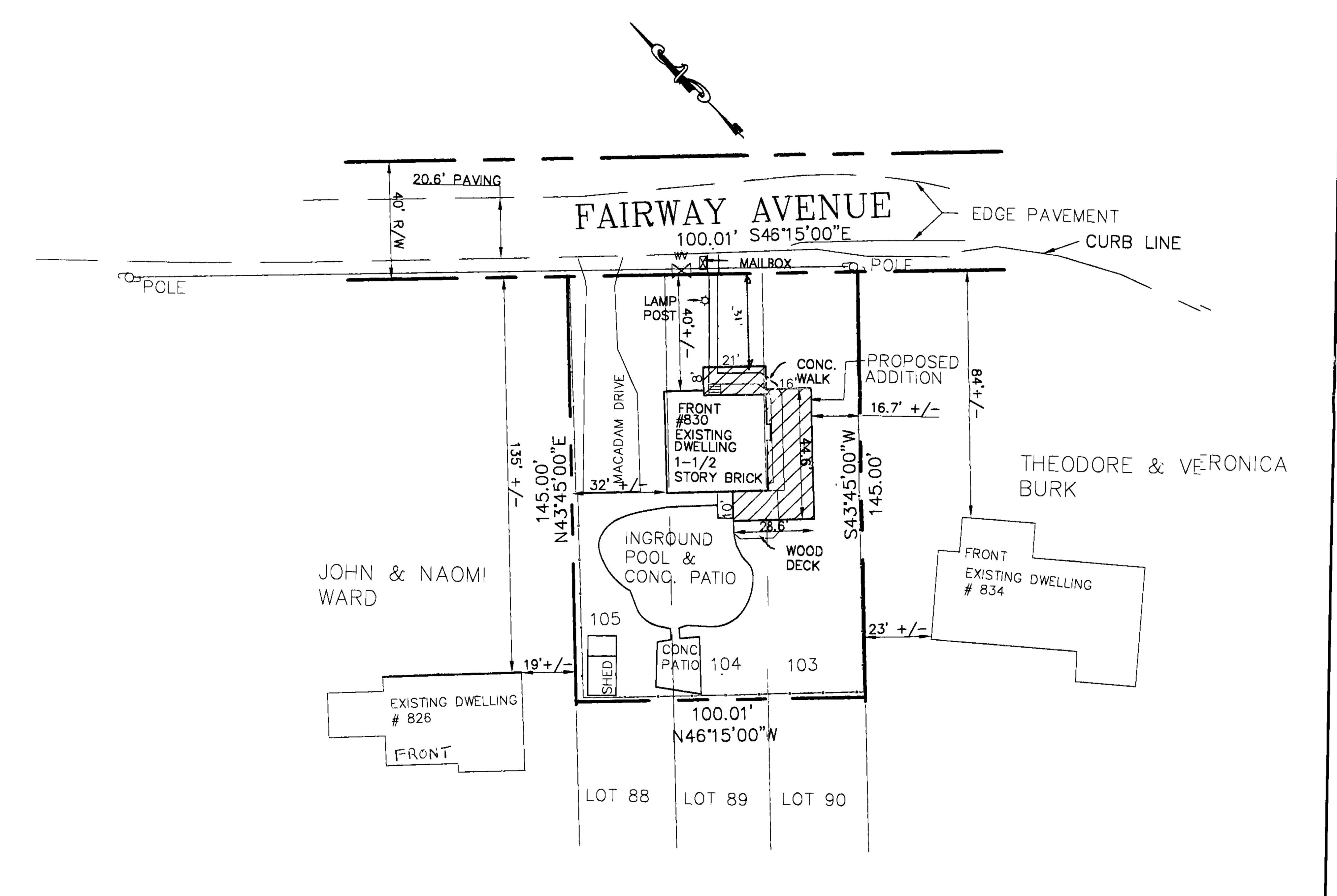
CATONSVILLE, MARYLAND 21228

SUBDIVISION NAME: GOLF PARK ACRES

PLAT BOOK # 8 FOLIO # 10 LOT 103 104 105

RECORDED IN LIBER 7683 AT FOLIO 804

OWNER: LINDA M. GALLAGHER



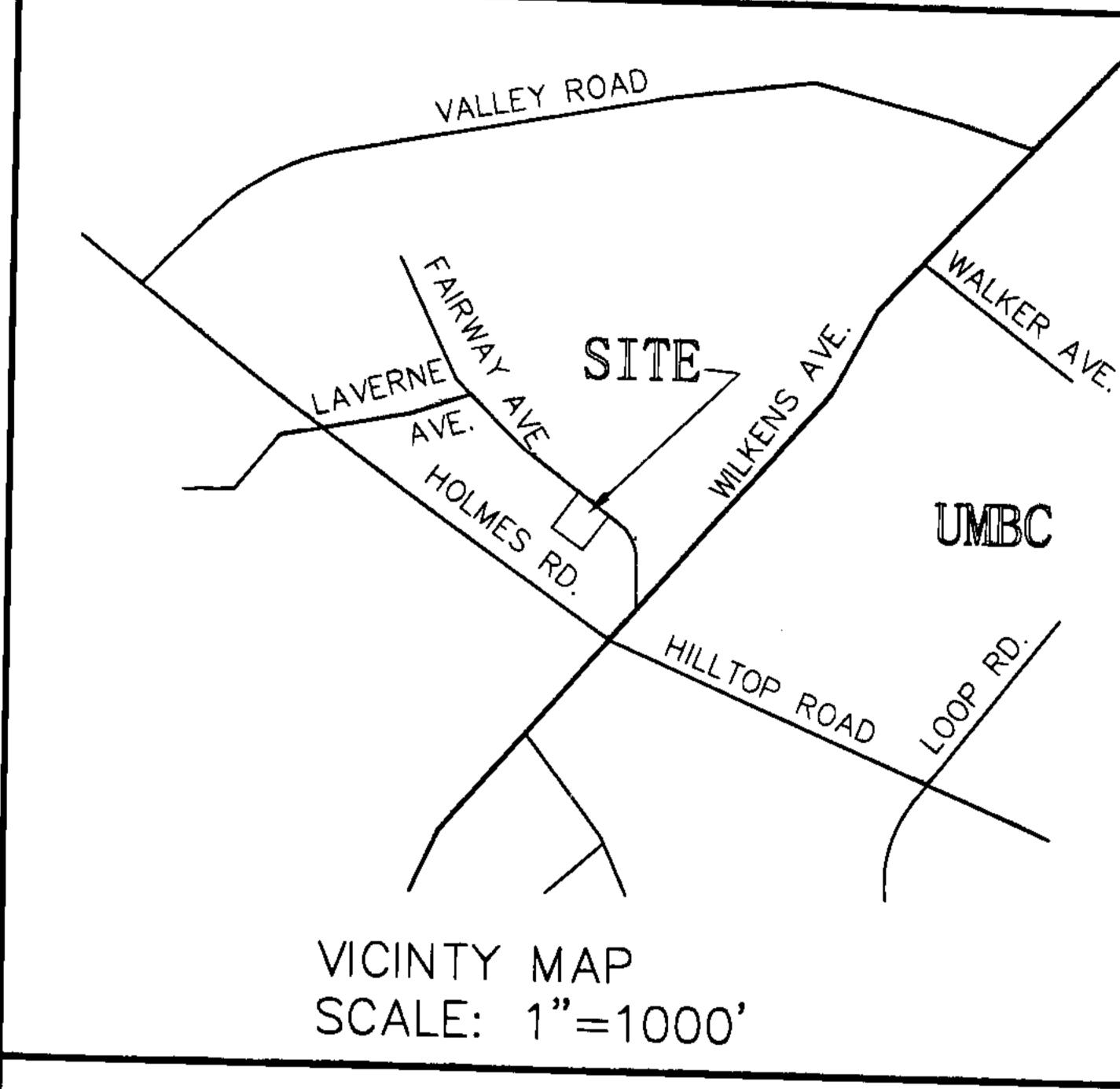
DATE: 08/29/04

PREPARED BY: MARKS & ASSOCIATES LLC 4531 COLLEGE AVENUE ELLICOTT CITY, MARYLAND 21043 PH. (410) 747-8738 FAX (410) 747-8547

SCALE OF DRAWING: 1"- 30'

ETTONER'S REVIEWED BY

EXHIBIT 1



LOCATION INFORMATION

ELECTION DISTRICT:

COUNCILMATIC DISTRICT:

1"=200' SCALE MAP # 5W4E

ZONING: D.R. 3.5

PARCEL SIZE: 0.1921

0.1921 8,368 ACREAGE SQUARE FEET

PUBLIC PRIVATE
SEWER

WATER

CHESAPEAKE BAY STES NO CRITICAL AREA

100 YEAR FLOOD DE NOON DE NOON

HISTORIC PROPERTY/

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
VIEWED BY ITEM# CASE#