IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Loganview Drive, 200 ft. E centerline of Yardley Drive
12th Election District
7th Councilmanic District

(3513 Loganview Drive)

Christine & Ryan Bowman Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-203-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 owners of the subject property, Christine and Ryan Bowman. The variance request is for property located at 3513 Loganview Road in the eastern area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck and swimming pool) with a side yard setback of 4 ft. 9 in. and rear yard setback of 10 ft. in lieu of the required 7 ft. 6 in. and 22 ft. 6 in., respectively.

The property was posted with Notice of Hearing on November 17, 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 November 16, 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-

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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."

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 were Marie Hare and Christine Bowman, 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 5,200 sq. ft. and is zoned D.R. 5.5. The Property is improved by an existing single family dwelling, which the Petitioner noted was Lot # 4 of the "Dundalk" subdivision. The home was purchased by the Petitioners in 2002 and had an existing pool and deck connecting to the pool in the back yard. See Petitioner's Exhibit 1.

Apparently, the Petitioner had complaints from neighbors about her children playing basketball in the front street with a portable hoop and backboard. To accommodate these complaints Ms. Bowman testified that she moved the backboard and hoop to the rear yard next to the pool as shown in photographs 2A and 2B. She then built an addition to the existing deck that would allow the children to play ball in cold weather when she had the pool covered. She had no permit to build the addition to the deck and received a complaint from the Zoning Enforcement Office.

She measured the addition to the deck and found that although the addition meets the 10 ft. setback on the portion nearest the house, the portion farthest from the house was only 4 ft. 9 in. from the property line. This is because of the odd configuration of the lot, which is trapezoidal in shape. She presented other photographs that show the vegetation and lattice fence on the property line and opined that the deck addition would not be seen by the neighbor on that side of the property. See Exhibits 2C through 2E.

In addition, she found that the existing pool was 10 ft. from the rear property line whereas it should have been 22.5 ft. from this line. She indicated that the pool was at this location when she bought the property and she did not move the pool. She noted, however, that since she moved the hoop and backboard to the present location there have been no complaints about the children playing ball.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure. The lot is oddly shaped and but for this configuration, the deck addition would meet the 10 ft. side yard setback requirements. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other place for the children to play and the pool was nonconforming when she purchased the property. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. The pool and deck additions are apparently keeping the children off the front streets where neighbors have complained about their activities.

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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this <u>\$</u> day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit and open projection (deck and swimming pool) with a side yard setback of 4 ft. 9 in. and rear yard setback of 10 ft. in lieu of the required 7 ft. 6 in. and 22 ft. 6 in., respectively, be and is hereby GRANTED.

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

JOHN 🕅. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 9, 2004

Mr. & Mrs. Ryan Bowman 3513 Loganview Drive Dundalk, Maryland 21222

Re: Petition for Variance
Case No. 05-203-A
Property: 3513 Loganview Drive

Dear Mr. & Mrs. Bowman:

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,

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 3513 LOGANVIEW DRIVE

	which is presently zoned DR 5.5
ereof, hereby petition for a Variance from Section(s) i Bo 2	and Development Management. The undersigned, legal owner(cribed in the description and plat attached hereto and made a pa
le permit en epen projection ado	and rear word subming pool) will
in lieu of the required 7'-6" and	22'-6", respectively.
f the Zoning Regulations of Baltimore County, to the zoning la r practical difficulty) REPLACING EXISTING DECK WHICH WAS PART OF VA	aw of Baltimore County, for the following reasons: (indicate hardship LUE DURING THE TIME OF PURCHASE
roperty is to be posted and advertised as prescribed by the zoor we, agree to pay expenses of above Variance, advertising, page and restrictions of Baltimore County adopted pursuant to	posting, etc. and further agree to and are to be bounded by the zonii
	do solemnly declare and affirm, under the penalties of ve are the legal owner(s) of the property which lition.
ontract Purchaser/Lessee:	<u>Legal Owner(s):</u>
ame - Type or Print	CHRISTINE BOWMAN Name - Type or Print OMIMAL OMIMAL
ignature	Signature RYAN ROUMAN

Na Si Address Telephone No. Name - Type or Print City Zip Code State Signature Work (443) 259-1307 Home (410) 285-3562 **Attorney For Petitioner:** 3513 LOGANVIEW DRIVE Telephone No **Address** 21222 DUNDALK, MD Name ** pe og Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Telephone No. Address City State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 05-203-A

Reviewed By

UNAVAILABLE FOR HEARING
Date 10/17

Zoning Description for 3513 Loganview Drive

Beginning at a point on the North side of Loganview Drive which is 40 feet wide at the distance of 200 feet East of the centerline of the nearest improved intersecting street Yardley Drive which is 40 feet wide. *Being Lot # 4, Block 3 in the subdivision of Dundalk as recorded in Baltimore County Plat Book # 14, Folio # 114 and 115, containing 5,200 square feet. Also known as 3513 Loganview Drive and located in the 12th Election District, 7 Councilmanic District.

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OTICE 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: #05-203-A
3513 Loganview Drive
N/side of Loganview Drive at the distance of 200 feet east of the centerline of Yardiey Drive
12th Election District — 7th Councilmanic District
Legal Owner(s): Christine and Ryan Bowman
Variance: to permit an open projection addition (deck and swimming pool) with a side yard setback of 4 feet 9 inches and rear gard setback of 10 feet in lieu of the required 7 feet 6 inches and 22 feet 6 inches respectively,
Hearing: Thirsday, December 2, 2004 at 11:00 a.m. In Room 106, County Office Building, 111 W. Chesapeake
Avenue.

will tray wieth All and the Courty of the Soling 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 11/709 Nov. 16 29886

_, 20<u>C</u>H-

the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that

successive weeks, the first publication appearing once in each of <u>=</u>

翼 The Jeffersonian

Catonsville Times Arbutus Times

Towson Times

Owings Mills Times

North County News

NE Booster/Reporter

Mulusy

EGAL ADVERTISING

CERTIFICATE OF POSTING

•	RE: Case No.: 05-203-A
	Petitioner/Developer: CARISTINE
	AND RYAN BOWMAN
	Date of Hearing/Closing: 12/2/04
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
35/3 LOGA	NVIEW DRIVE
	Month, Day, Year) incerely,
ZONING NOTICE CISE * O5-203-A	Robert Black (Signature of Sign Poster) SSG Robert Black
E DUBLIC GEAR NO WILL BE HELD BY THE TON NO COMMISSIONES	(Print Name)
	1508 Leslie Road
PLACE: HOW RE COMMY CHIEF HE HAD COME SECURIOR AND	(Address)
CONTRACTOR OF THE PARTY OF THE PERSON OF THE	Dundalk, Maryland 21222
	(City, State, Zip Code)
the highest and the latest the second	(410) 282-7940
	(Telephone Number)

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 1, 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: 05-203-A

3513 Loganview Drive

N/side of Loganview Drive at the distance of 200 feet east of the centerline of Yardley Drive 12th Election District – 7th Councilmanic District

Legal Owners: Christine and Ryan Bowman

<u>Variance</u> to permit an open projection addition (deck and swimming pool) with a side yard setback of 4 feet 9 inches and rear yard setback of 10 feet in lieu of the required 7 feet 6 inches and 22 feet 6 inches respectively.

Hearing: Thursday, December 2, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Christine and Ryan Bowman, 3513 Loganview Drive, Dundalk 21222

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 17, 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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 16, 2004 Issue - Jeffersonian

Please forward billing to:
Christine Bowman
3513 Loganview Drive
Baltimore, MD 21222

410-285-3562

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: 05-203-A

3513 Loganview Drive

N/side of Loganview Drive at the distance of 200 feet east of the centerline of Yardley Drive 12th Election District – 7th Councilmanic District

Legal Owners: Christine and Ryan Bowman

<u>Variance</u> to permit an open projection addition (deck and swimming pool) with a side yard setback of 4 feet 9 inches and rear yard setback of 10 feet in lieu of the required 7 feet 6 inches and 22 feet 6 inches respectively.

Hearing: Thursday, December 2, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson 21204

WILLIAM 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

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. Christine L. Bowman
Address or Location: 3513 Haganville Dr.
PLEASE FORWARD ADVERTISING BILL TO
Name: Christin Bournan
Address 3513 Loganviuw Dr.
Baltimon, MD 21222
*
Telephone Number (410) 285-3562

Department of Permits and Development Management

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





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

November 29, 2004

Christine Bowman Ryan Bowman 3513 Loganview Drive Dundalk, MD 21222

Dear Mr. and Mrs. Bowman:

RE: Case Number: 05-203-A, 3513 Loganview Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 19, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Callibal)

WCR:klm

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





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

November 3, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 1, 2004

Item No.: 196-204, 206

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



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



Robert L. Ehrlich, Jr., Governor Michael S Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JRF

Maryland Department of Transportation

Date: 11.9.04

Item No.

Baltimore County

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

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Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ROV 5 0 2004

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Do

DEPRM

DATE:

November 29, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 1, 2004.

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

05-197

05-200

05-201

05-202

05-203

05-204

05-206

Reviewers:

Sue Farinetti, Dave Lykens

972

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: November 15, 2004

NOV 1 & 2004

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-203

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 4, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 8, 2004

Item Nos. 197, 198, 200, 201, 202,

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE

3513 Loganview Drive; N/side of Loganview
Drive, 200' E c/line Yardley Drive * ZONING COMMISSIONER

12th Election & 7th Councilmanic Districts
Legal Owner(s): Christine & Ryan Bowman * FOR

Petitioner(s)

* BALTIMORE COUNTY

* * * * * * * *

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.

RECEIVED

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

05-203-A

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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to, Christine & Ryan Bowman, 3513 Loganview Drive, Dundalk, MD 21222, Petitioner(s).

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NUMBER 25

PETITIONER'S SIGN-IN SHEET

	(. Com										<u> </u>		
E-MAIL	a bowmane city financial.												
CITY, STATE, ZIP	Paltimore, MD SISS	72e/											
ADDRESS	3573 - ogantien Dr.	Some											
NAME	Christing Bowman	0	•										

ON AV MA 25 \leq ONLY ADDITIONAL REQUIRED INFORMATION LOCATION INFORMATION 5,200 SQUARE MOME 1000 :: USE VICINITY MAP OFFICE L 3 YEAR FLOOD PLAIN COUNCIL MANIC DISTRICT PUBLIC PRIOR ZONING HEARING SCALE MAP # <u>رکح:</u> <u>~</u> ACHEAGE HISTORIC PROPERTY RUIL DING DRESS ELECTION DISTRICT SCALES BAY AREA J. Solver ZONING REVIEWED BY SE WER CHESAPEAKE CRITICAL SIŽE 1":200 ZONING 001 101 AFIANCE CHECKLIST FOR 25'BEC XX DRAWING: ZONING 3. SI.DE . E19 SEE PAGES DRING \$5.001 0.99 OF. SCALE 39.14 DM(d. D.48 112 STORY COGANVIEW BEOFFON## 20 MINE R= 384.75 peck 3.. 81.05.1CN CORCH. Kook-DRIVE 18:1011 3513 LOGANUTEM LOT 3% BOUNAN ANVAMOSSY OI ヨログ DNOT PLAT BOOK # JWB KAFOLIO # 115 DUNDALK OWNER RYAN AND CHRISTINE 3.12.2551N , E1:00/ PROPERTY ADDRESS SUBDIVISION NAME PREPARED BY NORTH

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