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IN RE: PETITION FOR ADMIN. VARIANCE W/S of Susquehanna Avenue, 600 ft. +/N centerline of Chester Road
15th Election District

6th Councilmanic District (924 Susquehanna Avenue)

Tammy M. & Gary L. Means, Jr. Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 05-215-A

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Tammy M. & Gary L. Means, Jr. The administrative variance is requested for property located at 924 Susquehanna Avenue in the eastern area of Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the front yard in lieu of the rear yard and too have a height of 20 ft. in lieu of the permitted 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 7, 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: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated December 6, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Bureau

of Development Plans Review dated November 12, 2004, a copy of which is attached hereto and made a part hereof. Finally, a ZAC comment was received from the Office of Planning dated December 9, 2004, a copy of which is attached hereto and made a part hereof.

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, offstreet 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 Petitioners have 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 Deputy 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 Petitioners.

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.

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THEREFORE, IT IS ORDERED, this <u>r</u> day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the front yard in lieu of the rear yard and too have a height of 20 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments made by DEPRM dated December 6, 2004, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated November 12, 2004, a copy of which is attached hereto and made a part hereof;
- 4. Compliance with the ZAC comments made by the Office of Planning dated December 9, 2004, a copy of which is attached hereto and made a part hereof, where it is stated that: the Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment; there shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure; and the accessory structure shall not be used for commercial purposes. In addition, the Petitioners shall provide elevations of the proposed garage to the Office of Planning for review and approval. The exterior of the garage shall be similar in materials and color as the existing dwelling.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

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 14, 2004

Mr. & Mrs. Gary L. Means, Jr. 924 Susquehanna Avenue Baltimore, Maryland 21220

Re: Petition for Administrative Variance Case No. 05-215-A Property: 924 Susquehanna Avenue

Dear Mr. & Mrs. Means:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mr. Paul M. Naldrett 200 E. Joppa Road, Suite 402 Towson, MD 21286





Y THE

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 924 | Susque | hanne | Ane | |
|-----------------------------|------------|--------|-------|-----|--|
| which | is present | | りつ | 3.8 | |

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

perjury, that I/we are the legal owner(s) of the property which

| This Petition shall be filed owner(s) of the property sit and made a part hereof, be- | usta in Raltimora Co | unty and which is | described in the des | crintian and nist | attached hereta |
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| and made a part hereof, here | garzge to | be locz | Fed in the | 400.3 j | esczn To |
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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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): MEANS, JR. Name - Type or Print Name - Type or Print Signature Signature Name - Type or Pfint Address Telephone No. mmi City Zip Code Signature State Attorney For Petitioner: Address MO 21220 Name - Type or Print State Zip Code City Representative to be Contacted: Signature NATORET Name Company 410-494 0001 Address Address Telephone No. Telephone No. 21286 owser City Zip Code State Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations day of of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County .05-215A CASE NO. Reviewed By TEV 9/15/98 **Estimated Posting Date**

Affidavit in Support of Administrative Variance

Address

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

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 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):

21220

Zip Code

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| | | | | |
| Signature Anny | knowledge(s) that if a formal day be required to provide addition | nal information. Signature | mmy M. M mme/ M. N | |
| State of Maryland, in a | ND, COUNTY OF BALTIMORE, this 28 day of September day of | rsonally appeared | | ne, a Notary Public of the |
| AS WITNESS my han Date | nd facts hereinabove set forth and and Notarial Seal | re true and correct | to the best of his/her/ti | heir knowledge and belief. |
| REV 09/15/98 | PUBLIC | My Commissio | n Expires | |



200 East Joppa Road, Suite 402 Towson, Maryland 21286-3160 /410/494-0001 Facsimile: /410/821-8890

ZONING DESCRIPTION

~600 H- NURTHWEST

BEGINNING at a point formed by the intersection of the north side of Chester Road, thirty-foot wide right of way, with the west side of Susquehanna Avenue, thirty-foot wide right of way, thence, running with the said west side of Susquehanna Avenue,

- 1) North 29 degrees 36 minutes East 200.00 feet to a point, thence leaving said east right of way and running thence,
- 2) North 60 degrees 34 minutes West 551.55 feet to a point on the south side of Severn Road (unimproved), thence, along said south side of Severn Road,
- 3) South 18 degrees 15 West 203.99 feet to a point, thence leaving said Severn Road,
- 4) South 60 degrees 34 minutes East 511.70 feet to the Point of Beginning, as recorded among the Land Records of Baltimore County, Maryland in Liber 17040 at Folio 642

BEING KNOWN AS Lot 281 on a plat entitled "Plan C of Long Beach Estates", recorded among the Land Records of Baltimore County, Maryland in plat book 4 folio 131, being further known as #924 Susquehanna Avenue.

CONTAINING 106,286 square feet or 2.44 acres of land, more or less.

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CERTIFICATE OF POSTING

| | RE: Case No.: 05-215-A |
|--|--|
| | Petitioner/Developer: G. MEANS |
| | Date of Hearing/Closing: 11-22-0 |
| 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 perjuposted conspicuously on the property located at: | ry that the necessary sign(s) required by law were |
| 924 30500 | EHANNA AVE |
| | |
| The sign(s) were posted on | 1/7/24 |
| | Month, Day, Year) |
| Si | incerely, |
| | |
| | (Signature of Sign Poster) (Date) |
| | SSG Robert Black |
| | (Print Name) |
| | 1508 Leslie Road |
| | (Address) |
| | Dundalk, Maryland 21222 |
| | (City, State, Zin Code) |

(410) 282-7940

(Telephone Number)

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.

| squehrunz Avenue |
|------------------|
| squehrunz Avenue |
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| LANE |
| 70 21221 |
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| -50-7700 |
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 05- 215 -A Address 924 SUSQUEHANNA Re |
|--|
| Contact Person: Planner, Please Phint Your Name Phone Number: 410-887-3391 |
| Filing Date: 10-28-04 Posting Date: 11-7-04 Closing Date: 11-22-04 |
| Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number. |
| 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- Z15 -A Address 924 SUSQUENTANNA AVENUE |
| Petitioner's Name G MEANS Telephone 443-250-77 |
| Posting Date: 11.7.04 Closing Date: 11.22-04 |
| Wording for Sign: <u>To Permit</u> A GAPAGE IN THE FRONT YARD |
| OF ZOFT IN LIEU CF THE REGUIRED REAR YARD WITH A HEIGHT |
| OF ZOFT. IN LIEU OF THE MAYIMUM 15ft. |
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Department of Permits and Development Management

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



Baltimore County

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

November 22, 2004

Garry L. Means, Jr. Tammy M. Means 924 Susquehanna Avenue Baltimore, Maryland 21220

Dear Mr. and Mrs. Means:

RE: Case Number: 05-215-A, 924 Susquehanna Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours, •

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Paul M. Nalorett 200 E. Joppa Road Ste. 402 Towson 21286



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

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MING COMMISSIONER

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

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Tim Kotroco

PDM

FROM:

John D. Oltman, Jr J^{OO}

DEPRM

DATE:

December 6, 2004

SUBJECT:

Zoning Item

05-215

Address

924 Susquehanna Ave. (Means Property)

Zoning Advisory Committee Meeting of November 8, 2004.

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The proposed development must comply with the 15% Maximum Impervious Surface Requirements of the CBCA regulations.

Reviewer:

Martha Mickey

Date: December 6, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

DATE: November 12, 2004

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 15, 2004

Item No. 218

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A 40-foot minimum right-of-way for Susquehanna Avenue shall be shown, and the requested variances shall be modified accordingly.

RWB:CEN:jrb

cc: File

SEPTEMBER OF THE STATE OF THE S

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

SUBJECT: 5-215

DATE: December 9, 2004

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DEC 9 2004

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 20 in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Provide elevations of the proposed garage to this office for review and approval. The exterior of the garage shall be similar in materials and color as the existing dwelling.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

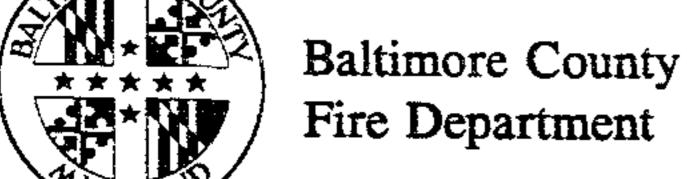
Prepared by:

Section Chief:

OR FILING

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AFK/LL: MAC



fice Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.: 207-220

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.

700 East Joppa Road

410-887-4500

November 8, 2004

Towson, Maryland 21286-5500

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: 11.15.04

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

RE: Baltimore County

Item No. 215 Jcm

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

1.1. Godl

Engineering Access Permits Division

| Date: | 10 | 101 | 104 | |
|-------|----|-----|-----|--|
| | | , | | |

| 1. Harold Turner | | | , who resides at: |
|------------------|-------------|---------|-------------------|
| Name | | | |
| 928 Susquehanna | Aue. | Balt. M | d.#21220 |
| Full address | | | |

agree with the construction of a 3-car garage to be located at:

924 Susquehanna Avenue, Baltimore, Maryland 21220.

This agreement is signed with the following variance conditions:

- > Garage will be located in the front of the house
- > "Peak" height of the garage will be 20 feet (in lieu of 15 feet)
- > Property setback will be 5 feet (in lieu of 10 feet)

Flauld Lune Signature

