

IN RE: PETITION FOR ADMIN. VARIANCE  
W/S of Holder Avenue, 230 ft. S  
centerline of Carl Avenue  
2nd Election District  
4th Councilmanic District  
(2114 Holder Avenue)

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-358-A

Gloria R. Hartwell (Gloria H. McFarland)  
*Petitioner*

\* \* \* \* \*

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 owner of the subject property, Gloria R. Hartwell (Gloria H. McFarland). The variance request is for property located at 2114 Holder Avenue in the western area of Baltimore County. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 23 ft. in lieu of the required front yard average of 40 ft. for an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 22, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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

RECEIVED FOR FILING

2/22/05

Ray

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22 day of February, 2005, that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 23 ft. in lieu of the required front yard average of 40 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning said property to its original condition;

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

  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING  
2/22/05  
raj



## Zoning Commissioner

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



## Baltimore County

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

February 22, 2005

Ms. Gloria R. Hartwell (McFarland)  
2114 Holder Avenue  
Baltimore, Maryland 21207

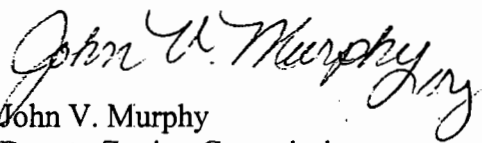
Re: Petition for Administrative Variance  
Case No. 05-358-A  
Property: 2114 Holder Avenue

Dear Ms. Hartwell (McFarland):

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





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2114 Holder Ave.  
which is presently zoned D.R. - 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

303.1 to permit a front yard setback of 23 ft. in lieu of the required front yard average of 40 ft. for an addition.

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Legal Owner(s): GLORIA R. HARTWELL

Gloria McFarland (HARTWELL)  
Signature \_\_\_\_\_  
Gloria R. Hartwell (Gloria H. McFarland)  
Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_  
2114 Holder Ave 410 298 6691  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Baltimore MD 21207  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County, and that the property be reposted.

\_\_\_\_\_  
Zoning Commissioner of Baltimore County

CASE NO. 05-358-A

Reviewed By BN Date 1/14/05

REV 10/25/01

Estimated Posting Date 1/23/05

# 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 2114 Holder Avenue  
Address  
Baltimore Maryland 21207  
City State Zip Code

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):

Homeowners has severe year round allergies and desires to have outside, contained use of porch so as not to aggravate allergy condition.

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

Gloria R. Hartwell (Gloria H. McFarland)  
Signature  
GLORIA R. HARTWELL (GLORIA H. MCFARLAND)  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of December, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gloria R. Hartwell - McFarland  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Suzette C. Dorsey  
Notary Public  
My Commission Expires 4-1-06

## ZONING DESCRIPTION

### Zoning Description For 2114 Holder Avenue

Beginning at a point on the West side of Holder Avenue, which is 40 feet wide at a distance of 230 feet south of Carl Avenue which is 40 feet wide. Being Lots #29 and 30, in the subdivision known as Holder Park as recorded in Baltimore County Plat Book #4, Folio# 38, containing 15,000 square feet. Also known as 2114 Holder Avenue and located in the 2<sup>nd</sup> Election District, 4<sup>th</sup> Councilmanic District.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 441306

DATE 1/14/05 ACCOUNT 10041006-605

AMOUNT \$ 651.00

RECEIVED FROM Long Ford

FOR Advance for Vehicle

DISTRIBUTION  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER  
17

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No.: 05-358-A

Petitioner/Developer: GLORIA

HARTWELL

Date of Hearing/Closing: 2/2/05

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 perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

2114 HOLDER AVE

The sign(s) were posted on 1/22/05  
(Month, Day, Year)

Sincerely,



Robert Black 1/24/05  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 05- 358 -A Address 2114 Holder Ave.

Contact Person: Bruno Redaitis Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 1/14/05 Posting Date: 1/23/05 Closing Date: 2/7/05

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. **DEADLINE:** 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.
3. **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- 358 -A Address 2114 Holder Ave.

Petitioner's Name Gloria Hartwell Telephone 410-298-6691

Posting Date: 1/23/05 Closing Date: 2/7/05

Wording for Sign: To Permit a front yard setback of 23 ft. in lieu of  
the required front yard average of 40 ft. for an addition.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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

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

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

---

---

**For Newspaper Advertising:**

Item Number or Case Number: 05-358-A  
\* Petitioner: Gloria R. Hartwell (McFarland)  
\* Address or Location: 2114 Holder Avenue

**PLEASE FORWARD ADVERTISING BILL TO:**

\* Name: Gloria R. Hartwell  
\* Address: 2114 Holder Ave  
Baltimore, Maryland 21207  
\* Telephone Number: 410-298-6691

**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*

February 7, 2005

Gloria Hartwell  
Gloria McFarland  
2114 Holder Avenue  
Baltimore, Maryland 21207

Dear Ms Hartwell and Ms. McFarland:

RE: Case Number: 05-358-A, 2114 Holder Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2005.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



## Fire Department

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



## Baltimore County

*James T. Smith, Jr., County Executive*  
*John J. Hohman, Chief*

County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348,349,351,351-358

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook  
Fire Marshal's Office  
(O) 410-887-4881 (C) 443-829-2946  
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: 1.21.05

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

RE: Baltimore County  
Item No. 358 B7R

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,

A handwritten signature in black ink, appearing to read 'S. D. Foster', is written over a horizontal line.

Steven D. Foster, Chief  
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco  
PDM

FROM: John D. Oltman, Jr. JDO  
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 24, 2005.

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

05-348

05-351

05-357

05-358

05-370

Reviewers: Sue Farinetti, Dave Lykens

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** February 9, 2005

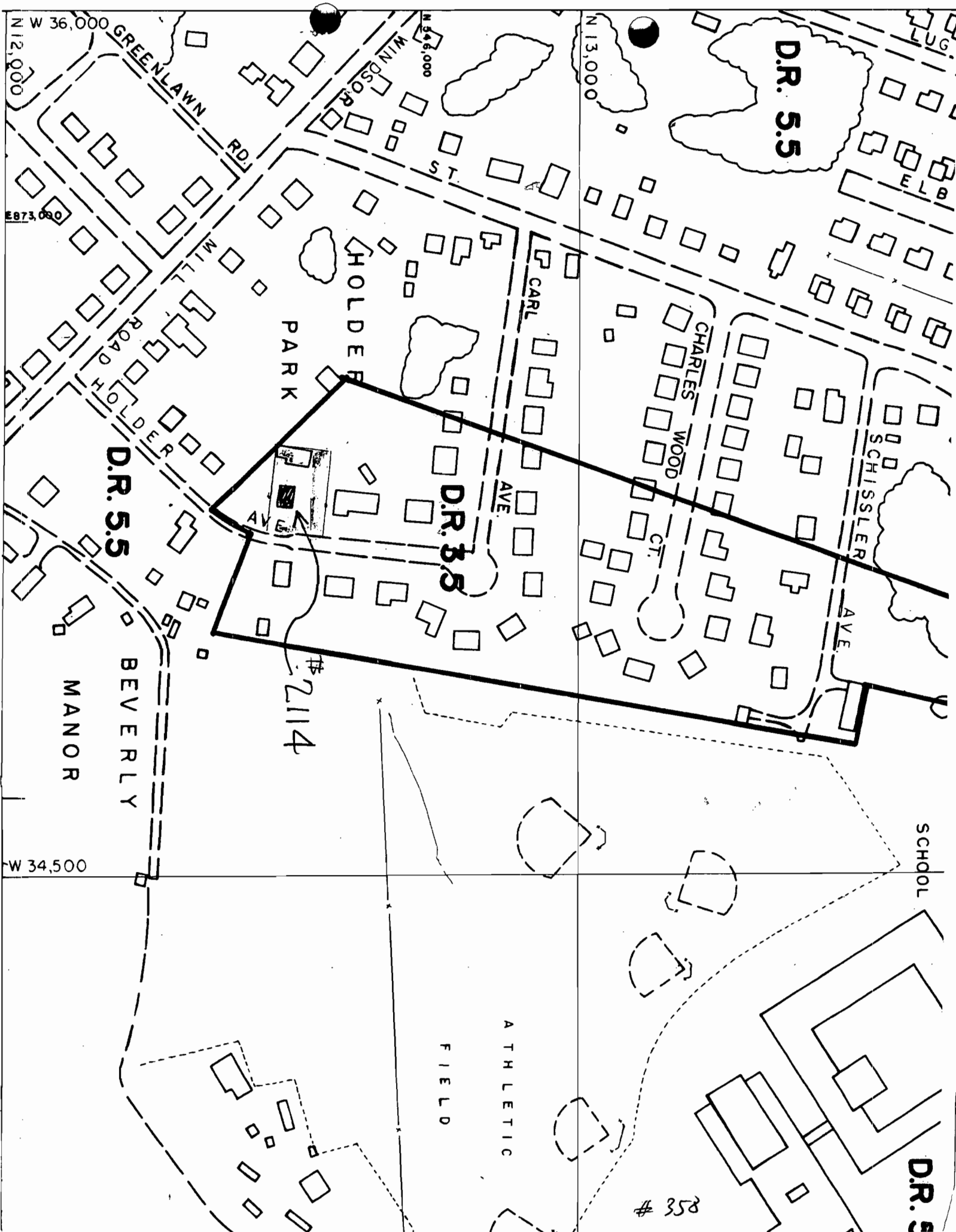
**FROM:** Robert W. Bowling, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 31, 2005  
Item Nos. 348, 349, 350, 351, 352, 355,  
357, 358 and 359

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

RWB:CEN:cp

cc: File



D.R. 5.5

HOLDER PARK

D.R. 5.5

D.R. 5.5

#2114

MANOR

BEVERLY

SCHOOL

ATHLETIC FIELD

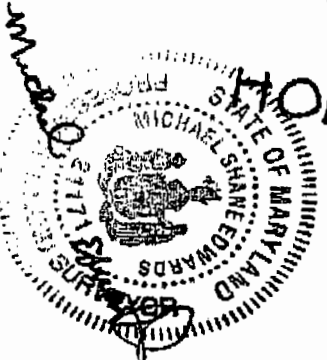
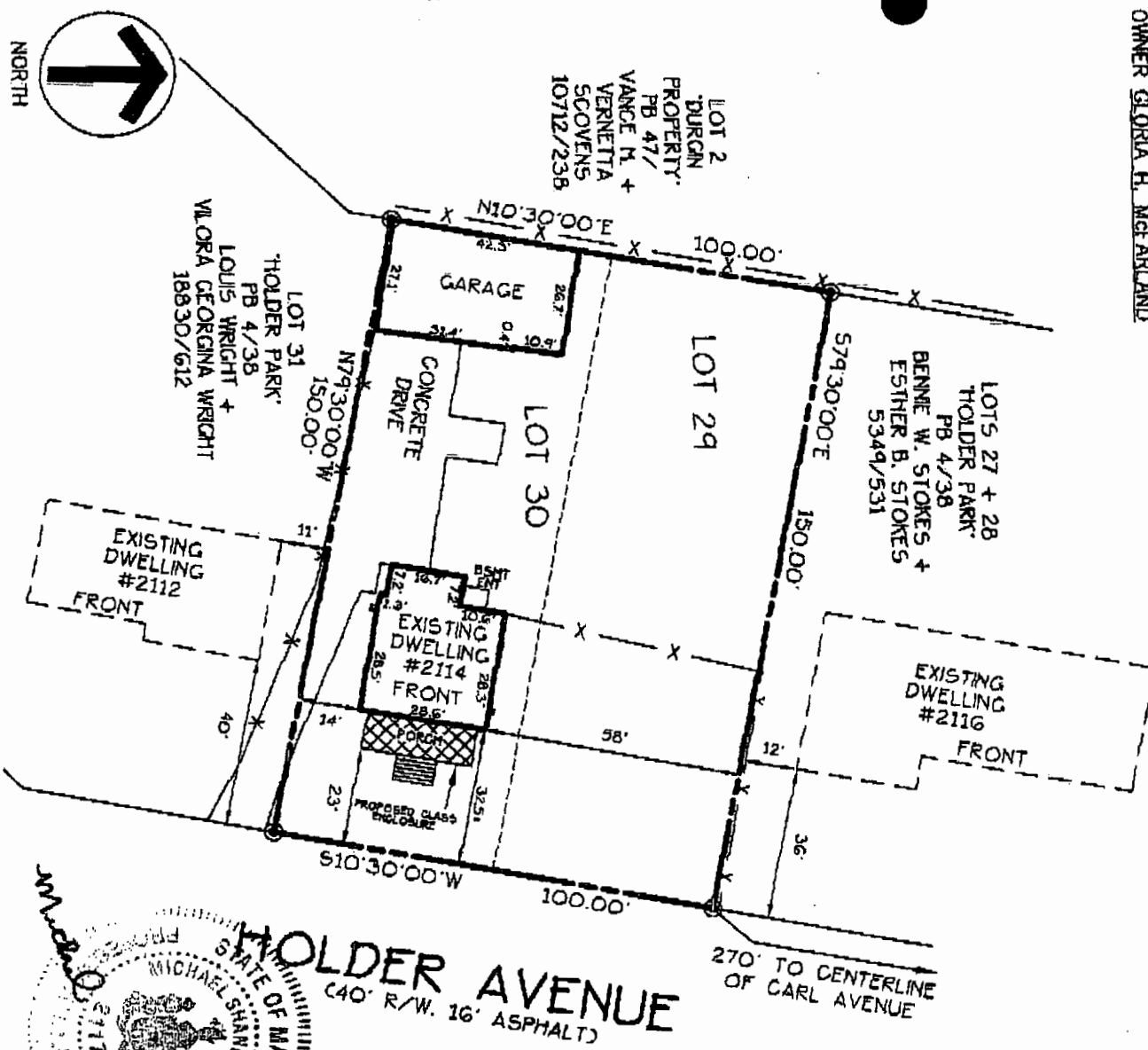
#358

D.R. 5.5

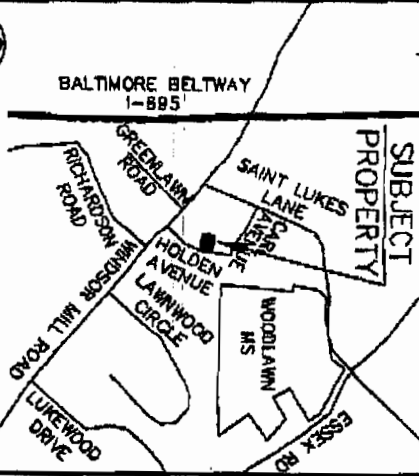
# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2114 HOLDER AVENUE  
 SUBDIVISION NAME: HOLDER PARK  
 PLAT BOOK 4 FOLIO 38 LOT # 29 & 30  
 OWNER GLORIA H. McFARLAND

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



VICINITY MAP  
 SCALE: 1" = 2000'



## LOCATION INFORMATION

ELECTION DISTRICT: 2nd

COUNCILMANIC DISTRICT: 4th

1"=200' SCALE MAP # NW 4-F

ZONING: DR 3.5

LOT SIZE: 0.34 15,000

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY ☐ YES ☒ NO

CRITICAL AREA ☐ ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY ☐ ☒

BUILDING ☐ ☒

PRIOR ZONING HEARING

## ZONING OFFICE USE ONLY

REVIEWED BY ITEM# CASE#

GM 358 05-358-A

*Ret. Ex. #1*

# SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED  
Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

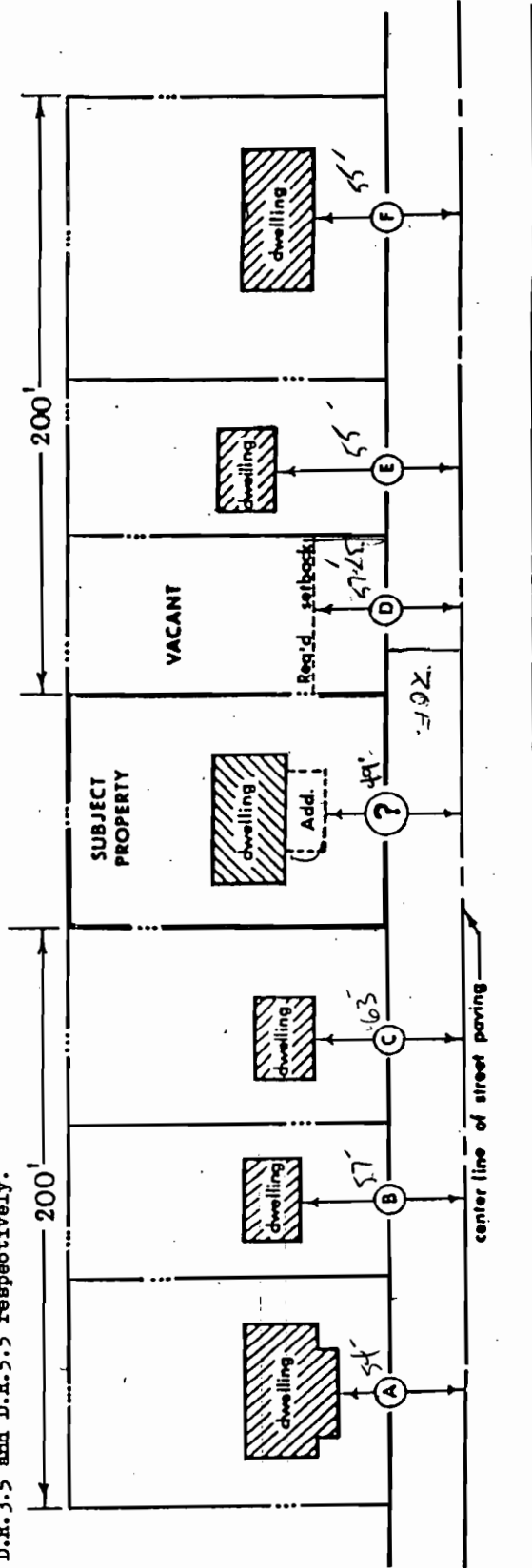
|   |    |     |  |  |  |  |
|---|----|-----|--|--|--|--|
| A | 63 | FI. |  |  |  |  |
| B | 57 | FI. |  |  |  |  |
| C |    | FI. |  |  |  |  |
| D | 57 | FI. |  |  |  |  |
| E |    | FI. |  |  |  |  |
| F |    | FI. |  |  |  |  |

$$= 120 \div 2 = 60$$

$$\text{TOTAL } (241) \div (\text{# of dwellings}) = 60.0$$

REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS  
D.R.2 - 65 ft.  
D.R.3.5 - 55 ft.  
D.R.5.5 - 50 ft.





# 2116

# 358



#2110



#2112

#358



#2108

#358