

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Dunbar Road, 232.1 ft. W
centerline of McShane Way
12th Election District
7th Councilmanic District
(7036 Dunbar Road)

Annette L. Watts
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-394-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 owner of the subject property, Annette L. Watts. The variance request is for property located at 7036 Dunbar Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 36 ft. for a proposed addition in lieu of the minimum required 50 ft. 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 February 12, 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 32-3-303 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 Petitioner.

ORDER RECEIVED FOR FILING

3/11/05

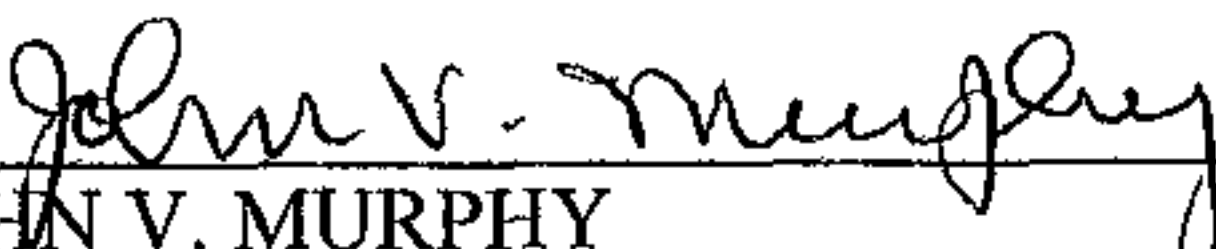
Reg

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 11 day of March, 2005, that a variance is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 36 ft. for a proposed addition in lieu of the minimum required 50 ft., 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
3/11/05
Ray

Zoning Commission

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

March 7, 2005

Ms. Annette Watts
7036 Dunbar Road
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 05-394-A
Property: 7036 Dunbar Road

Dear Ms. Watts:

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Michael Bakas, 312 S. Oldham St., Baltimore, MD 21224

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



Printed on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7036 DUNBAR ROAD

which is presently zoned DR-10.5

BALTIMORE, MD 21222

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) 1802.3.C.1

To allow a rear yard setback of 36 ft. for a proposed addition in lieu of the minimum required 50 ft.

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

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3/11/05 day of March 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.

Legal Owner(s):

ANNETTE L. WATTS

Name - Type or Print

Annette L. Watts

Signature

Name - Type or Print

Signature

7036 DUNBAR ROAD (410) 285-8964

Address

Telephone No.

BALTIMORE, MD

21222

City

State

Zip Code

Representative to be Contacted:

MICHAEL BAKAS

Name

312 S. OLDHAM ST (410) 276-3882

Address

Telephone No.

BALTIMORE, MD

21224

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 2-04-05

Estimated Posting Date 2-13-05

CASE NO. 05-394-A

REV 10/25/01

ORDER RECEIVED FOR FILING

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 7036 DUNBAR ROAD
Address
Baltimore MD 21222
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):

THIS IS AN 80YR OLD WOMAN (WIDOW) LIVING WITH HER 56 YR OLD
RETAIRED DAUGHTER - CONTRACTOR (R) DID WORK THAT WOULD NOT PASS
INSPECTION, HAD NO PERMIT

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.

Annette L. Watts
Signature

Ronald S. Allowatt Sr.
Signature

ANNETTE L. WATTS
Name - Type or Print

RONALD ALLOWATT SR
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21ST day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald S. Allowatt, Jr.
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Jill M. Baxter
Notary Public

My Commission Expires 10-01-08

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7036 DUNBAR ROAD (21222)

BEGINNING AT A POINT ON THE NORTH SIDE OF DUNBAR ROAD WHICH IS

30' WIDE AT THE DISTANCE OF 232' 11"
OF FEET OF RIGHT AWAY # OF FEET

WEST OF THE CENTERLINE OF THE NEAREST
(north, south, east or west)

IMPROVED INTERSECTING STREET McSHANE WAY WHICH IS
(Name of street)

40' WIDE. *BEING LOT# 329
(number of feet of right-of-way width)

BLOCK 20 SECTION# NONE IN THE SUBDIVISION OF DUNDALK HIGHLANDS
(Name of subdivision)

AS RECORDED IN BALTIMORE COUNTY PLAT BOOK# 9,

FOLIO# 29 CONTAINING 1620 ALSO KNOWN AS 7036 DUNBAR RD
(Square ft of acres) (Property address)

AND LOCATED IN THE 12th ELECTION DISTRICT, 7th

COUNCILMANIC DISTRICT.

394

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

(Check No. 39810)
05-394-22

DATE 2-04-05

ACCOUNT 11-101-0006-6150

AMOUNT \$ 65.00

RECEIVED FROM William and Anne Thompson

FOR Residential Home-Making Fee

in 7036 Dundas Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DATE 2-04-05 TIME 11:00
BY William and Anne Thompson
FOR Residential Home-Making Fee
IN 7036 Dundas Rd
AMOUNT \$ 65.00
EX. NO. 00000

PAID TO William and Anne Thompson
FOR Residential Home-Making Fee
IN 7036 Dundas Rd
AMOUNT \$ 65.00
EX. NO. 00000

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-394-A

Petitioner/Developer: ANNETTE

L. WATTS

Date of Hearing/Closing: 2/28/05

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}

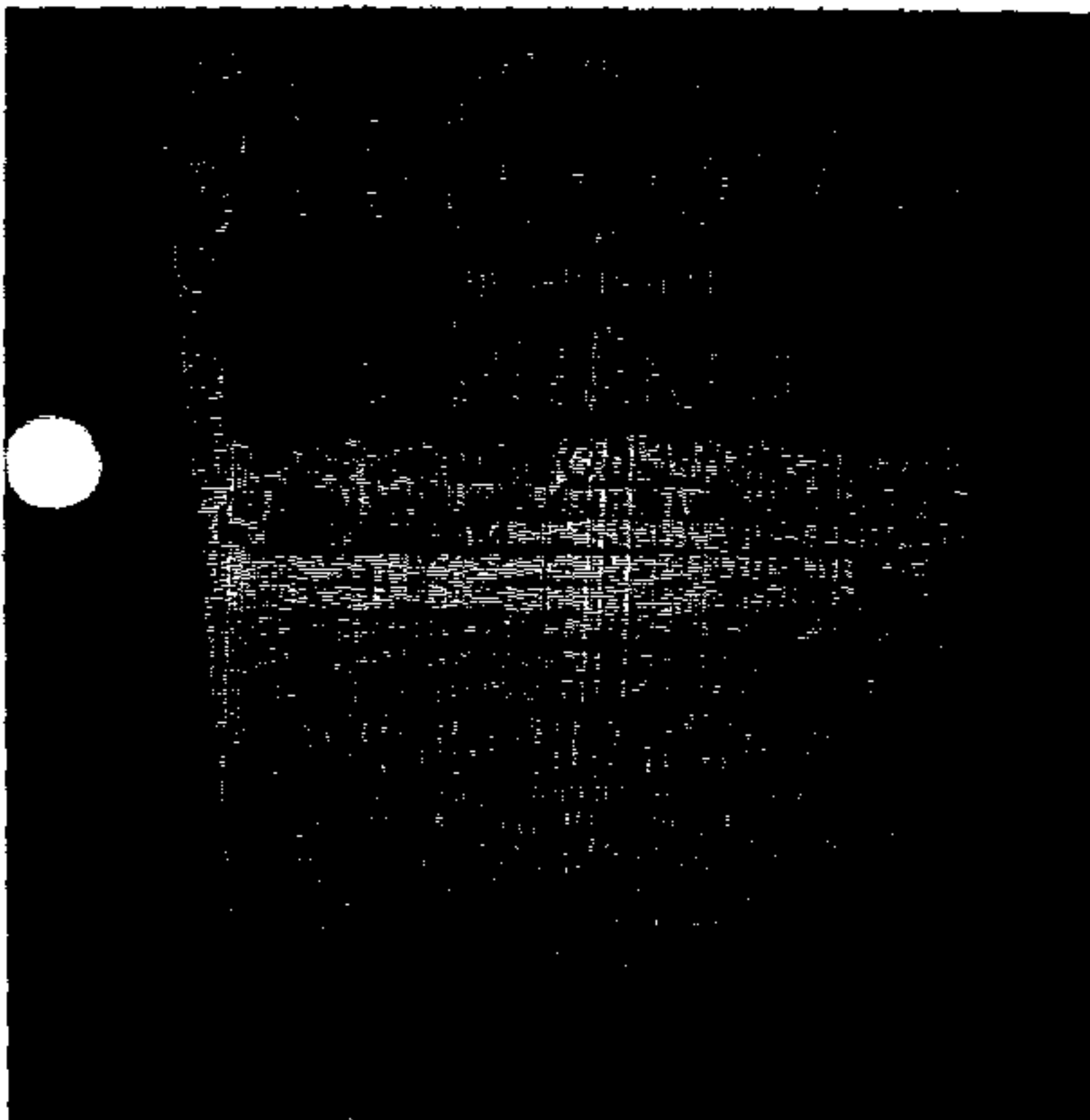
Ladies and Gentlemen:

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: _____

7036 DUNBAR RD

The sign(s) were posted on 2/24/05
(Month, Day, Year)

Sincerely,



7036
DUNBAR RD

Robert Black 2/15/05
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 394 -A

Address 7036 Dunbar Rd.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2-04-05

Posting Date: 2-13-05

Closing Date: 2-28-05

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- 394 -A

Address 7036 Dunbar Rd.

Petitioner's Name Annette L. Watts

Telephone 410-285-8964

Posting Date: 2-13-05

Closing Date: 2-28-05

Wording for Sign: To Permit A rear yard setback of 36 ft for
a proposed addition in lieu of the minimum re-
quired 50 ft

**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: 05-394 A
Petitioner: Annette L. Watts
Address or ^{site} Location: 7036 Dunbar Rd. (21222)

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: Sam E

Telephone Number: 410-285-8964

**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 28, 2005

Annette L. Watts
7036 Dunbar Road
Baltimore, Maryland 21222

Dear Ms. Watts:

RE: Case Number: 05-394-A, 7036 Dunbar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 4, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Michael Bakas 312 S. Oldham Street Baltimore 21224

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Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Holman, Chief

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

February 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 379, 380-392, 394

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

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*

Maryland Department of Transportation

Date: 2.11.05

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

RE: Baltimore County
Item No. 394 JJS

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
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: February 25, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 14, 2005

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

05-379
05-381
05-385
05-386
05-387
05-388
05-389
05-390
05-391
05-394

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2005

RECEIVED

MAR - 7 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-394 – Administrative Variance

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

Prepared By:

Mark A. Cunningham

Division Chief:

Jeff Meyer

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2005

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

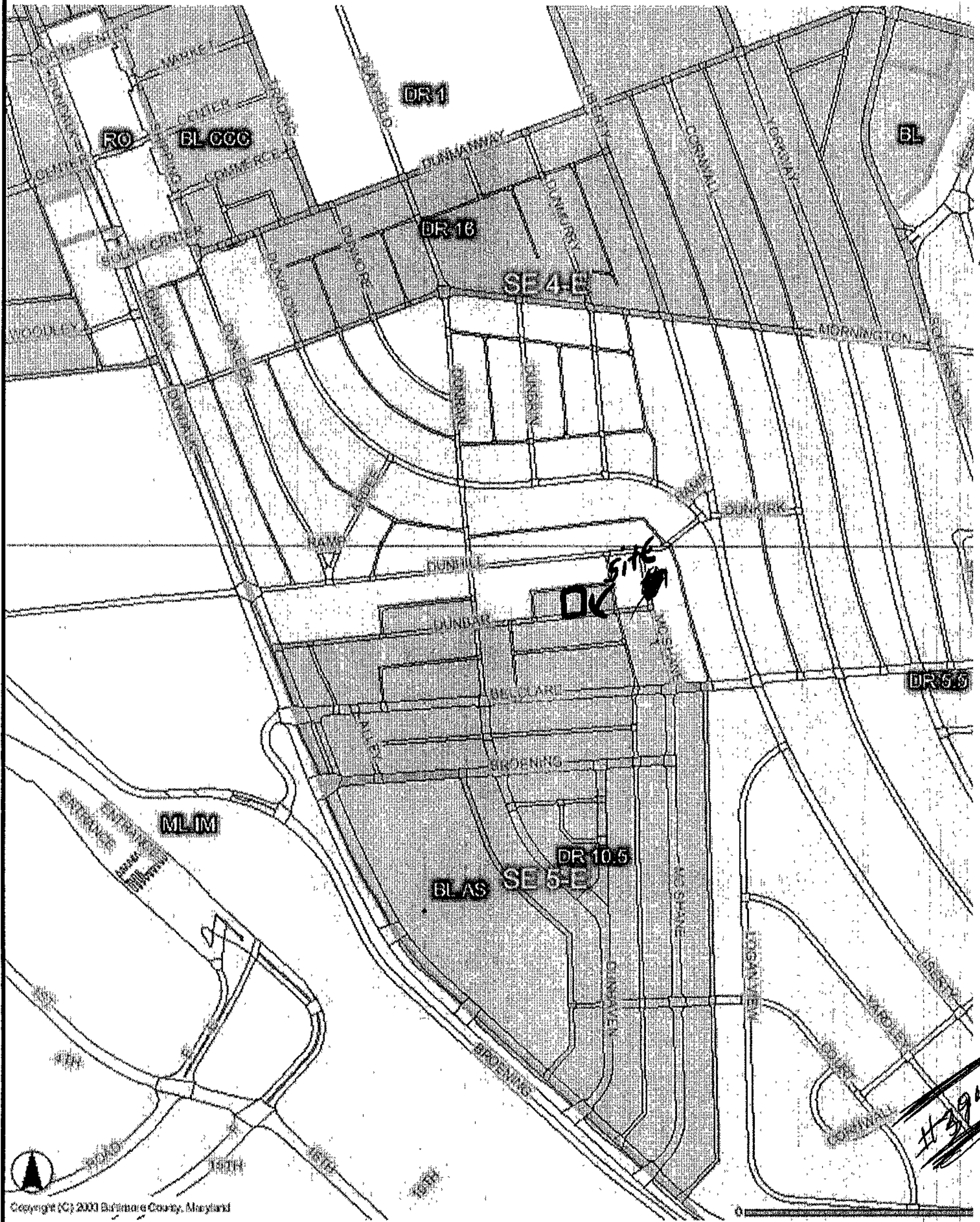
SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2005
Item Nos. 379, 380, 381, 383, 384, 386,
387, 388, 390, 391, 392, 393, and 394

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

RWB:CEN:jrb

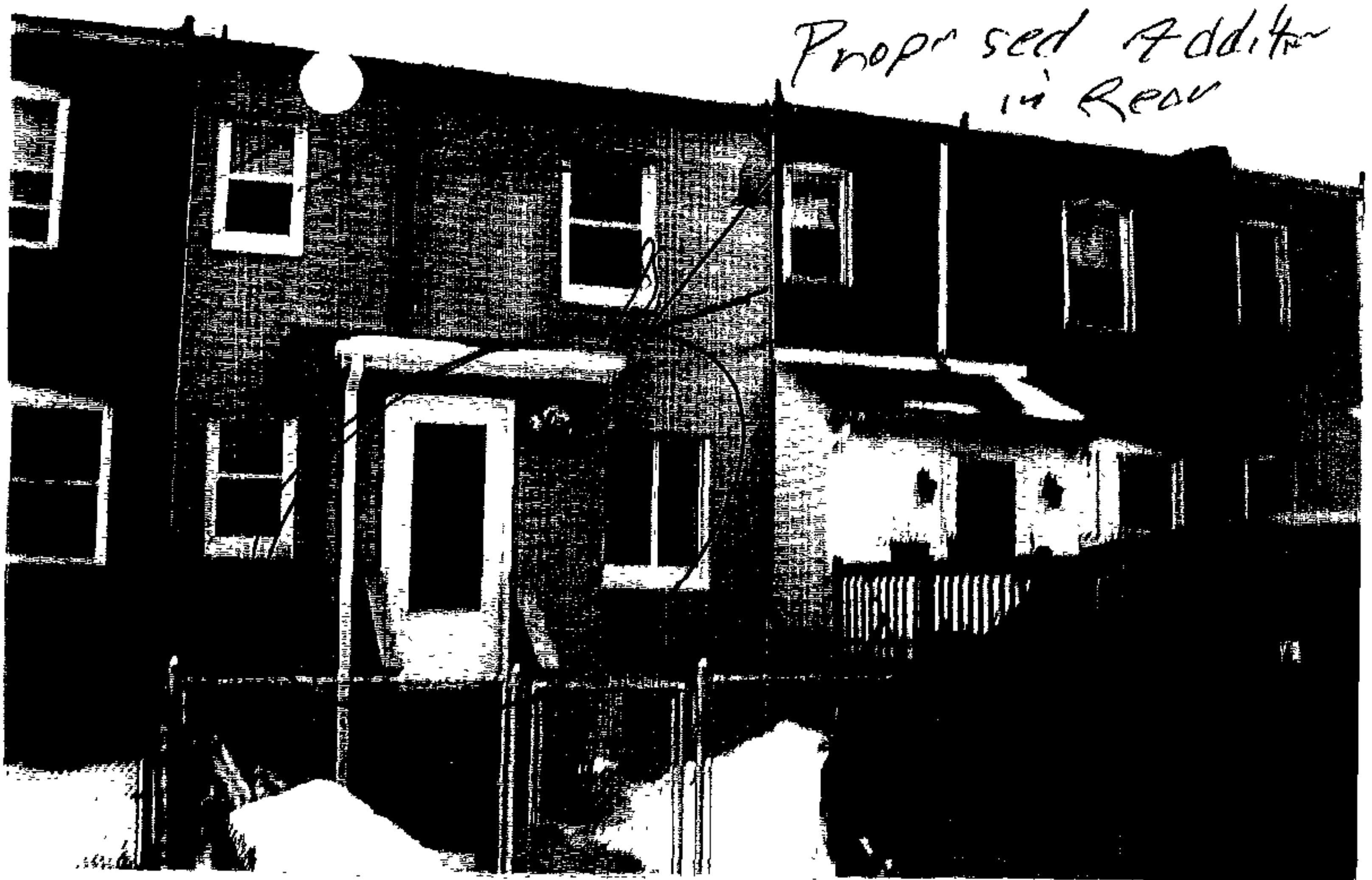
cc: File

Baltimore County - My Neighborhood

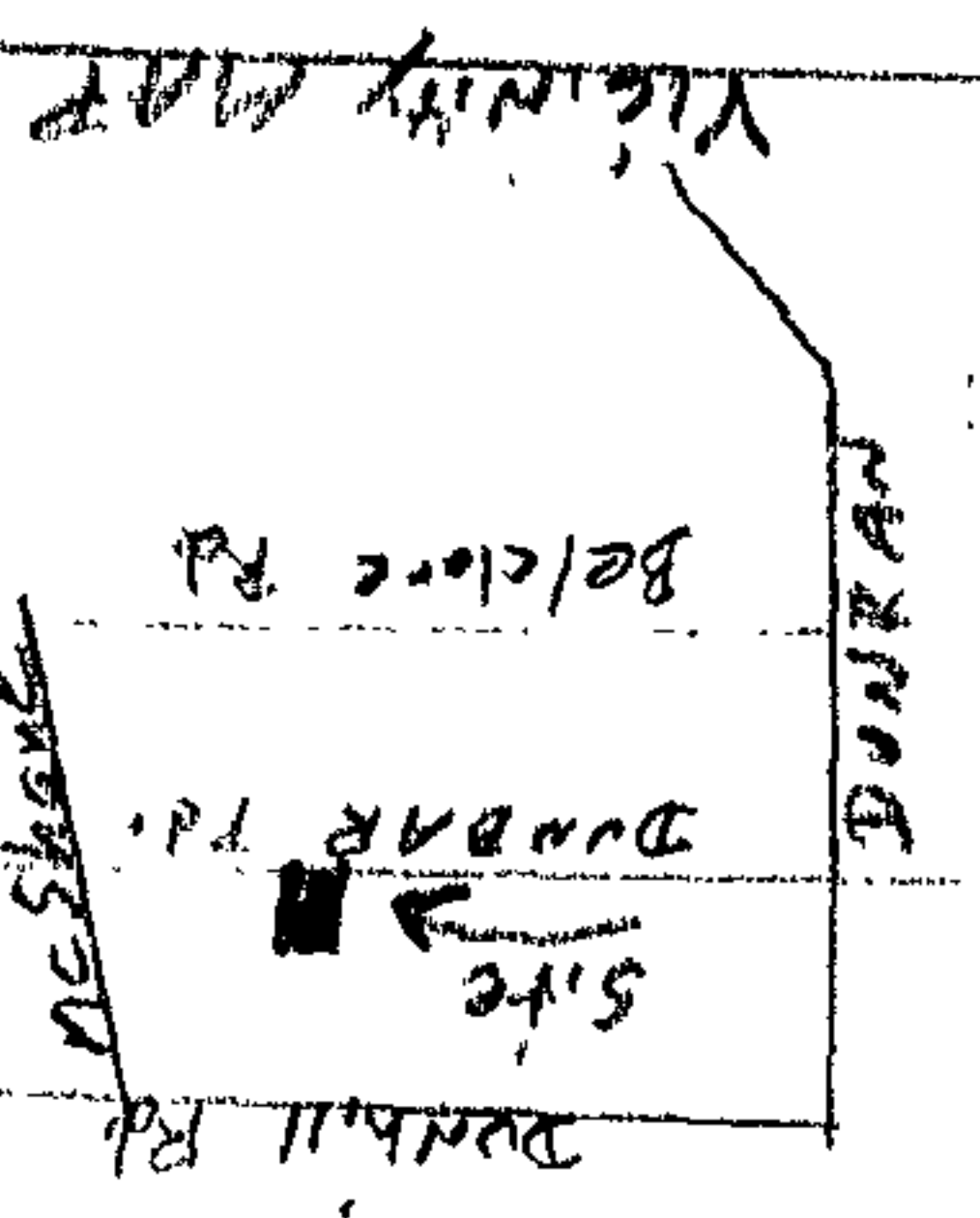


#394

05-394A



PLAT TO ACCOMPANY PETITION - ZONING - SPECIAL HEARING - VARIANCE



PROPERTY ADDRESS 7036 DUNBAR ROAD
SUB-DIVISION - DUNDALK
PLAT BOOK-9 FOLIO-029 PLAT-003
OWNER - ANNETTE WATTS

ELECTION DIST-12

COUNCILMANIC DIST-7

LOT SIZE - 16,204 SQ FT

SEWER - PUBLIC

WATER - PUBLIC

CHESAPEAKE BAY CRITICAL

AREA - NO

100 YEAR FLOOD PLAN-NO

HISTORIC PROPERTY

BUILDING - NO

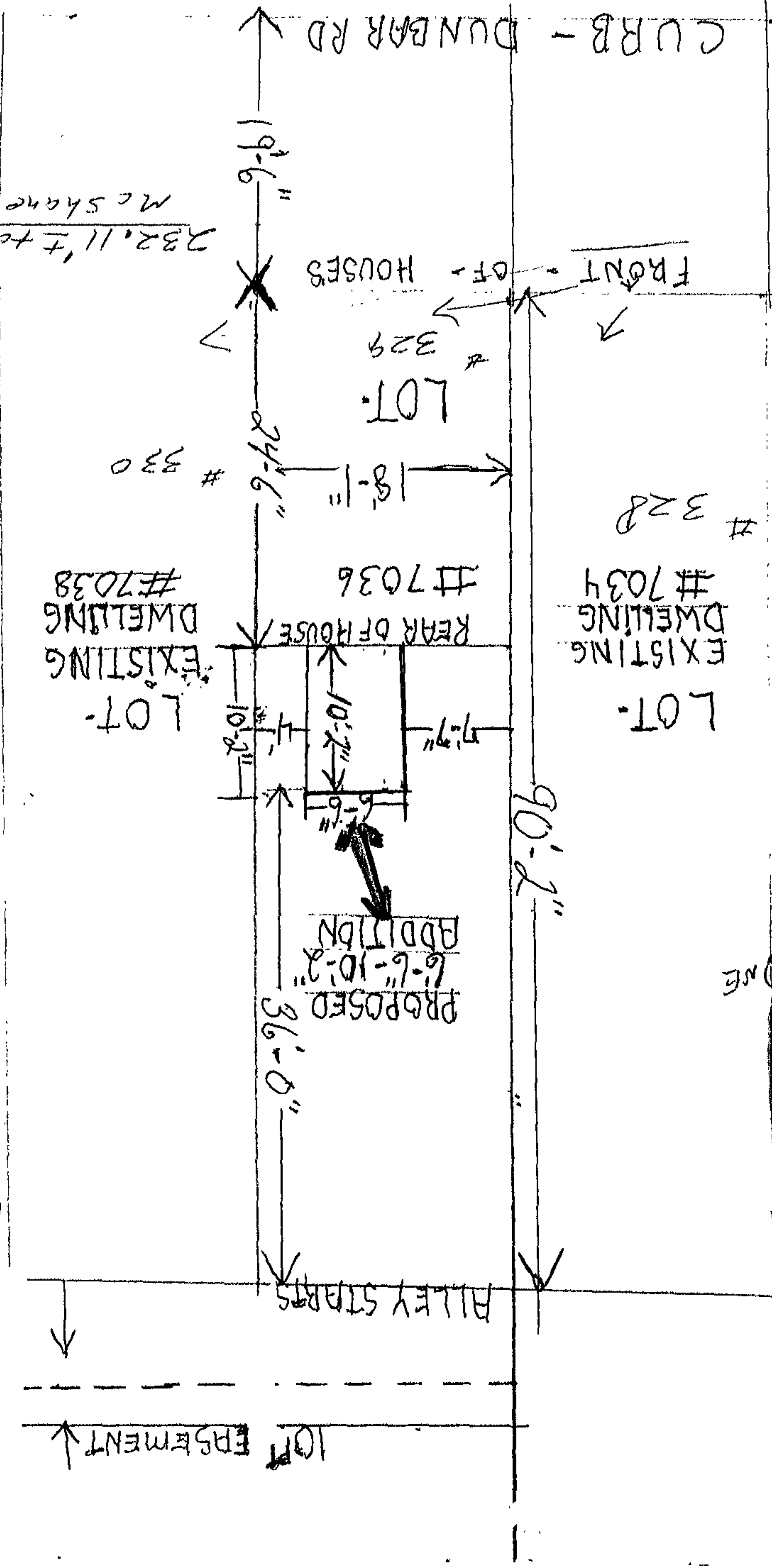
PRIOR ZONE HEARG-NO

1" = 200' Scale

MAP # 855 E

NO change in NEP

Comprehensive Maps



PREPARED BY RDA - SCALE OF DRAWING 1"=10'

Plot # 394

