

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Terrace Road @ corner of
W/S of Ridgemoor Road
15th Election District
7th Councilmanic District
(39 Terrace Road)

Flora & George Adams
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 05-475-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Flora and George Adams. The variance request is for property located at 39 Terrace Road in the eastern area of Baltimore County. The variance is requested from the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 20 ft. rear setback in lieu of the required 30 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 April 3, 2005, 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 April 28, 2005, a copy of which is attached hereto and made a part hereof. In addition, ZAC comments were received from the Office of Planning dated April 1, 2005, a copy of which is attached hereto and made a part hereof.

5/3/05
J. Ray

The Office of Planning ZAC comments state that, "It is incumbent upon the Petitioners to demonstrate to the Zoning Commissioner that there are no special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the B.C.Z.R. would result in practical difficulty and unreasonable hardship." It is the opinion of this office that the Petitioners have demonstrated such practical difficulty and unreasonable hardship as set forth in their "Affidavit in Support of Administrative Variance" that was filed along with their request for "Petition for Administrative Variance" dated March 22, 2005. See copy of Petitioners' Exhibit No. *V*, which is attached hereto.

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-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."

The Petitioners have 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

5/3/05
[Signature]

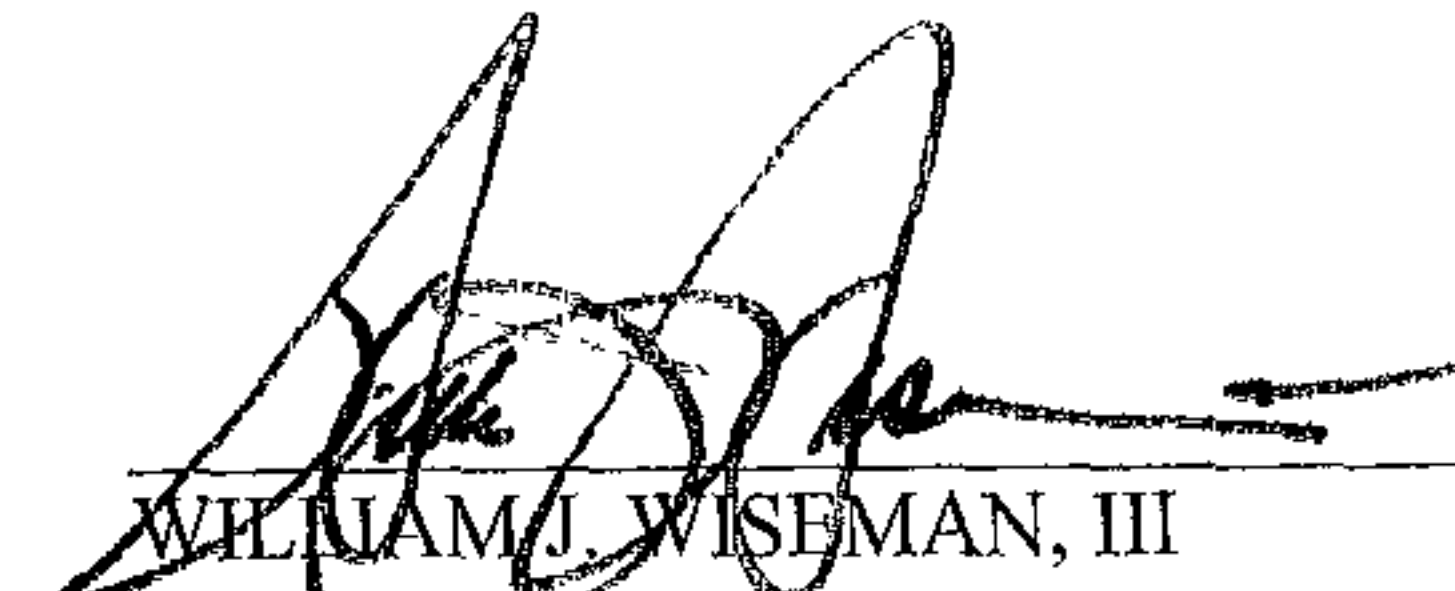
requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 3rd day of May, 2005, that a variance from the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 20 ft. rear setback in lieu of the required 30 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 submitted by DEPRM dated April 28, 2005, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan field 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.


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

5/3/05
Ray

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

May 3, 2005

Mr. & Mrs. & George Adams
39 Terrace Road
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 05-475-A
Property: 39 Terrace Road

Dear Mr. & Mrs. Adams:

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 black ink, appearing to read "WJW", is written over a circular stamp. The stamp contains the text "William J. Wiseman, III" and "Zoning Commissioner".

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

c: George Adams
1338 Gooseneck Road
Baltimore, MD 21220

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





CDBCA

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 39 Terrace Road
which is presently zoned DR 5.5

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)

TO PERMIT AN ADDITION WITH A 20-FOOT REAR SETBACK IN LIEU
OF THE REQUIRED 30- FEET.

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 _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ 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.

Legal Owner(s):

George Adams
Name - Type or Print _____

[Signature]
Signature _____

Flora Adams
Name - Type or Print _____

[Signature]
Signature _____

39 Terrace Road 4106864988
Address _____ Telephone No. _____

Baltimore MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

George Adams
Name _____

1338 Goose Neck Rd 4103356886
Address _____ Telephone No. _____

Baltimore MD 21220
City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

CASE NO. 05-475-A

Reviewed By DT. Date 3/22/05

Estimated Posting Date 4/3/05

REV 10/25/01

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

39 Terrace Road
Address
Baltimore MD 21221
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):

I am a 78-year-old male who resides at 39 Terrace Road, Baltimore County Maryland with my wife who is 75 years old. On January 25, 2005 I became a bilateral amputee. My home is not wheel chair accessible and my request for this variance is to allow my sons to remodel my home, making it safe and handicap accessible. We need to enlarge an existing bedroom and include a handicap equip bathroom.

I am currently recovering from my surgery, in rehabilitation at the Manor Care facility and my home needs to be safe and wheel chair accessible for me to be able to return home. Please allow us to make the necessary corrections to my home, because without them it would place us in a hardship.

Thank you in advance, for your help.

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.

[Signature]
Signature

George Adams
Name - Type or Print

[Signature]
Signature

Flora Adams
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of February 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George and Flora Adams
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 2/1/06

ZONING DESCRIPTION FOR 39 TERRACE RD

Beginning at a point on the northwest side of Terrace Rd which is 50' Fifty feet wide at the corner of the west side of Ridgemoor Rd which is 50' Fifty feet wide. Being Lot #23 Block D, Section D in the subdivision of Eastern Terrace as recorded in deed Liber 12, Folio 45. The property contains 5,856 square feet. Also known as 39 Terrace Rd and located in the 15 Election District, 7 councilmanic District.

05-475-A

CERTIFICATE OF POSTING

RE: Case No.: 05-475-A

Petitioner/Developer: ADAMS

Date of Hearing/Closing: 4/18/05

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:

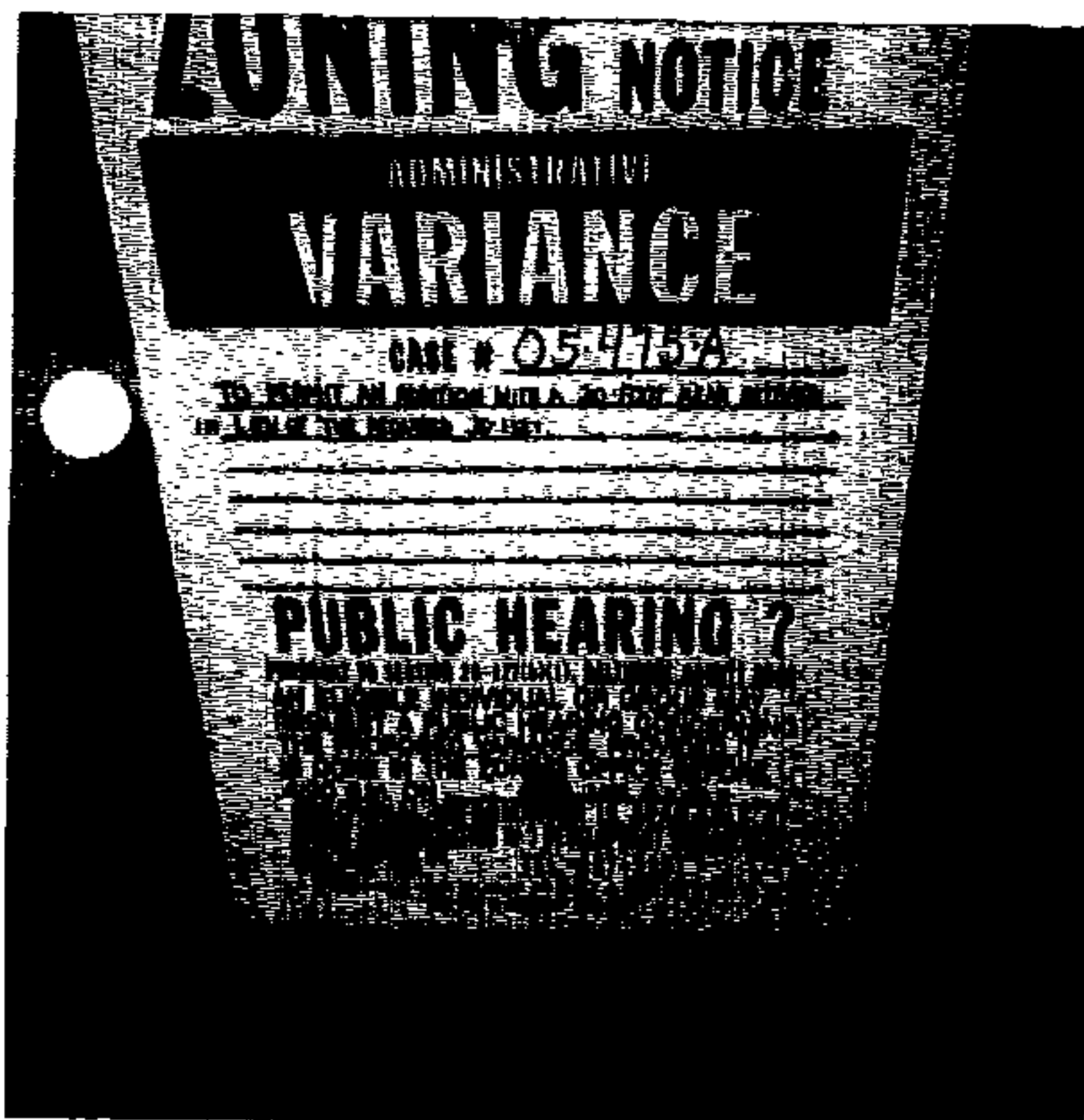
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

39 TERRACE RD

The sign(s) were posted on _____

4/3/05
(Month, Day, Year)

Sincerely,



39 TERRACE RD

Robert Black 4/4/05
(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- 475 -A Address 39 TERRACE RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/22/05 Posting Date: 4/3/05 Closing Date: 4/18/05

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- 475 -A Address 39 TERRACE RD ^{CALL WITH 715 410-835-6886}

Petitioner's Name ADAMS Telephone 410-686-4988

Posting Date: 4/3/05 Closing Date: 4/18/05

Wording for Sign: To Permit AN ADDITION WITH A 20-FOOT REAR SETBACK
IN LIEU OF THE REQUIRED 30-FEET.

**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*

April 18, 2005

George Adams
Flora Adams
39 Terrace Road
Baltimore, Maryland 21221

Dear Mr. and Mrs. Adams:

RE: Case Number: 05-475-A, 39 Terrace Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

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



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

March 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 11, 2005

Item No. 473, 474, (475), 476, 477, 478, 479, 480, 481, 482, 483, 484

Pursuant to your request, the above 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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2005
Item No. 475

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-foot. Set backs shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 475-04202005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: April 28, 2005

SUBJECT: Zoning Item # 05-475
Address 39 Terrace Road

Zoning Advisory Committee Meeting of April 11, 2005

_____ 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:

Prior to development or redevelopment, the applicant must comply with the Intensely Development Area Regulations to reduce pollutant loading to the CBCA by 10% of the current level onsite. The planting requirement necessary to obtain a 10% reduction for an individual homeowner is 1 tree or 3 shrubs per 100 square feet of new impervious surface created.

Reviewer: Martha Stauss Date: April 28, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 1, 2005

RECEIVED

APR 6 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-475 – Administrative Variance

It is incumbent upon the petitioner to demonstrate to the Zoning Commissioner that there are no special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the BCZR would result in practical difficulty and unreasonable hardship.

Prepared By:

Maebh Cunningham

Division Chief:

John L. Landon

MAC/LL

5/3/05
Landon

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



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

Maryland Department of Transportation

Date: 3.25.05

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

RE: Baltimore County
Item No. 475 DT

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 39 Terrace Rd.

SUBDIVISION NAME Eastern Terrace, Plat 1

PLAT BOOK # 12 FOLIO # 45 LOT # 23 SECTION # D Block D

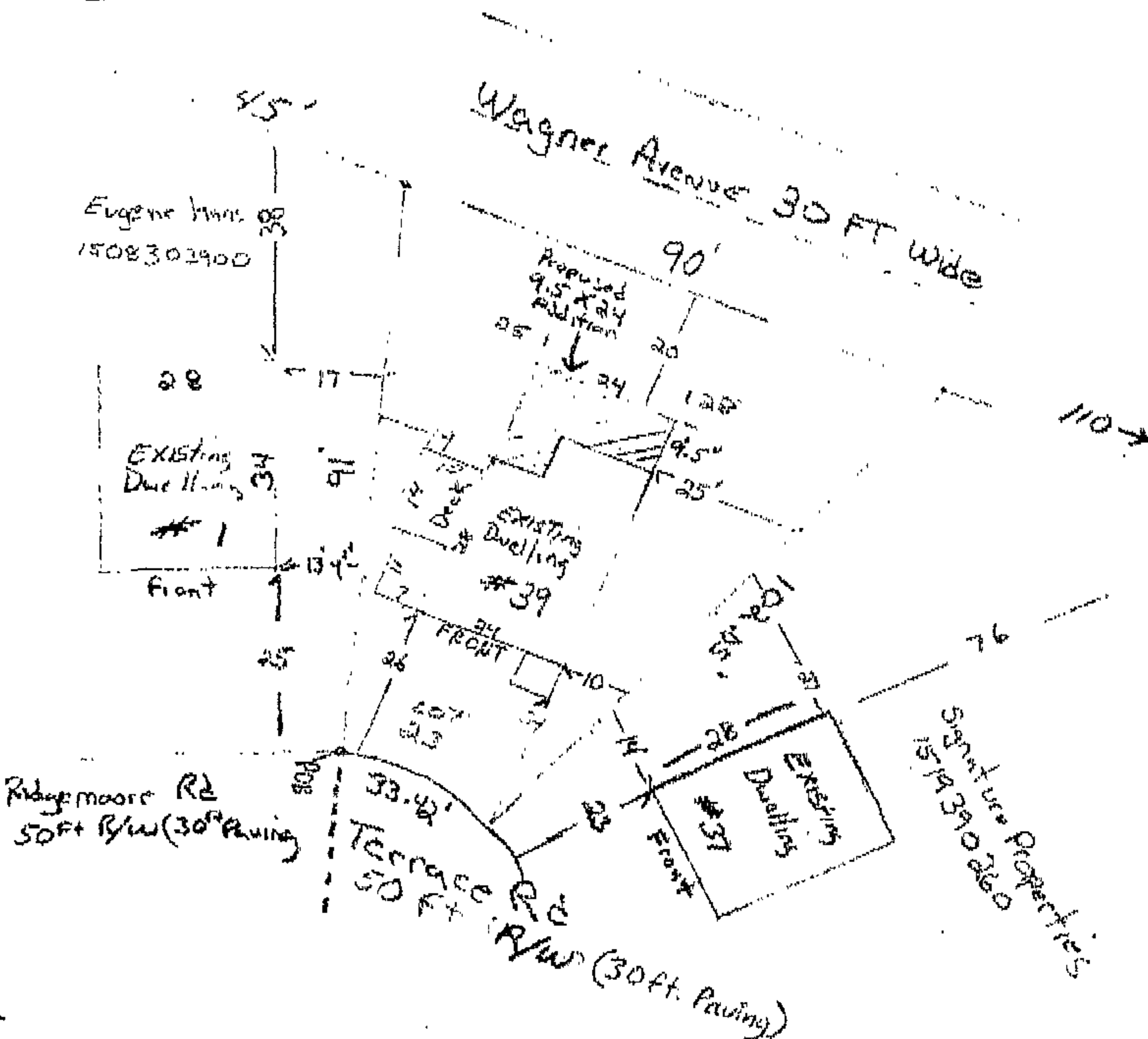
OWNER George & Flora Adams

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

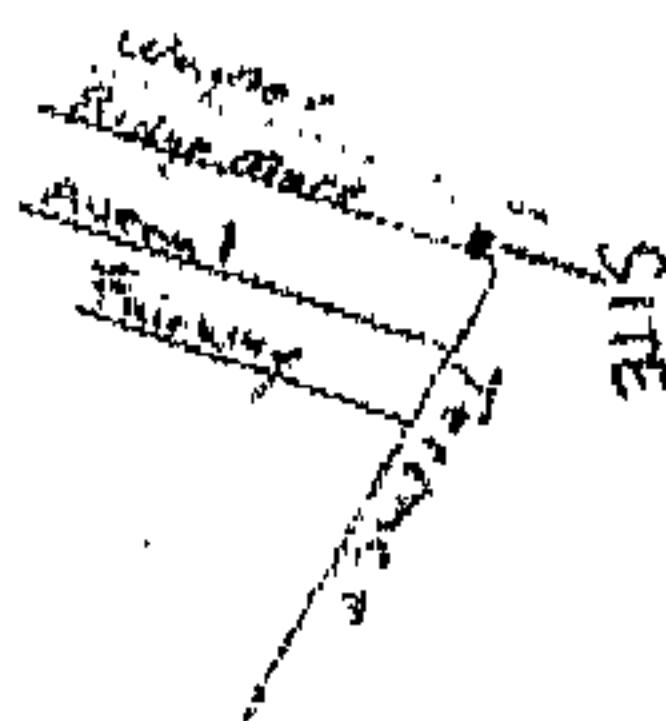


PREPARED BY George Adams

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A1

ZONING DR S, S

LOT SIZE .134 ACRES 5856.00 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒

WATER ☒

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

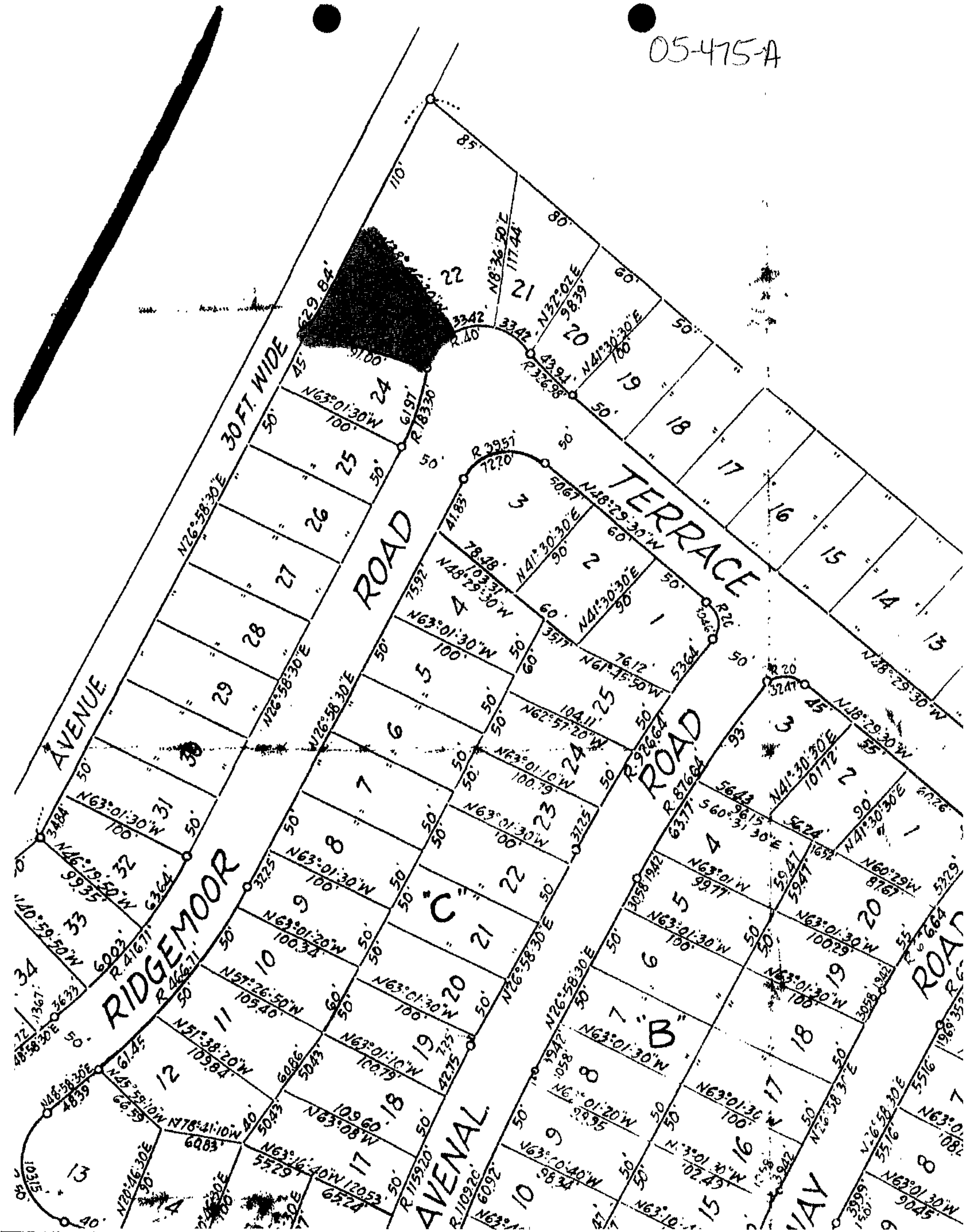
HISTORIC PROPERTY/
BUILDING

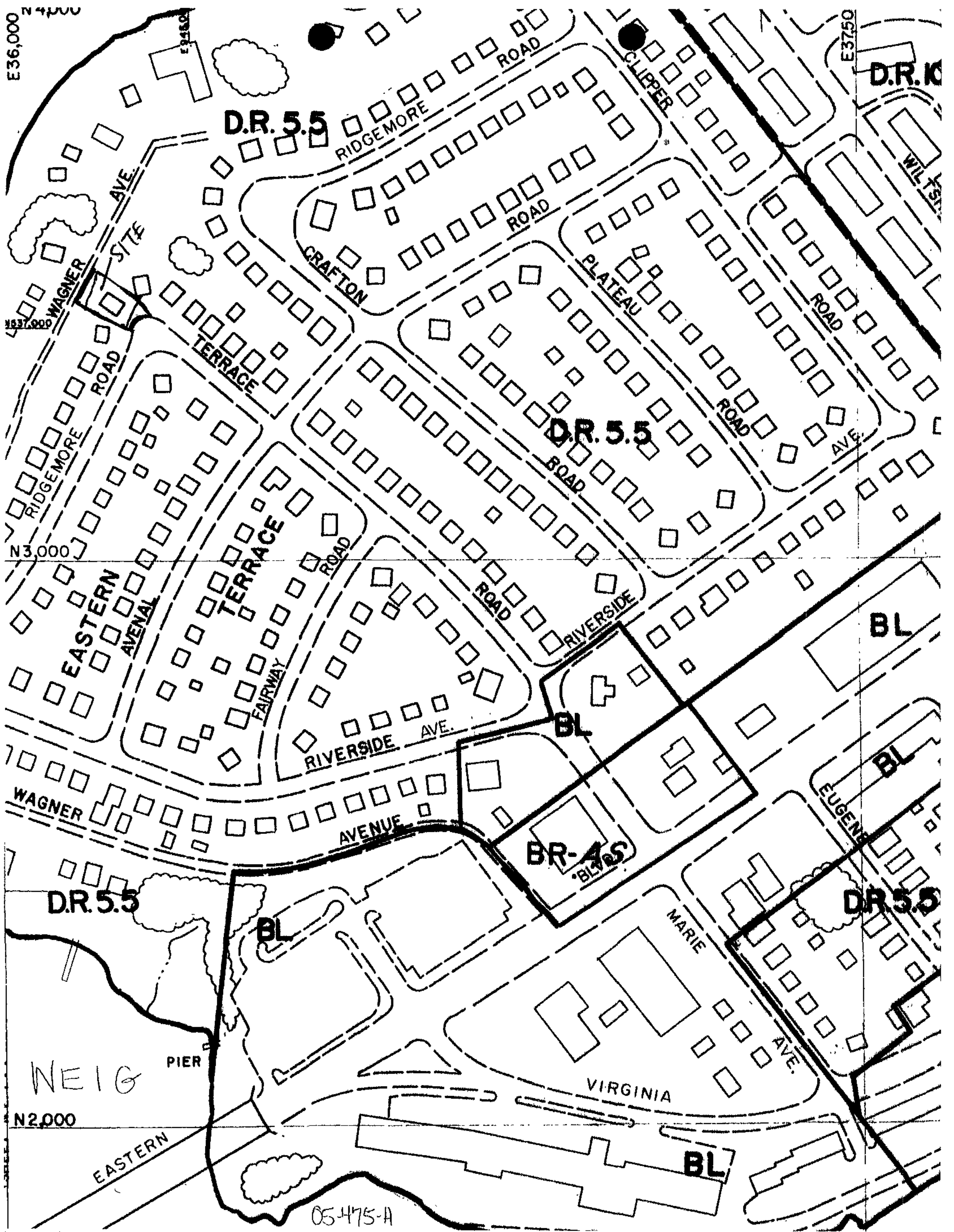
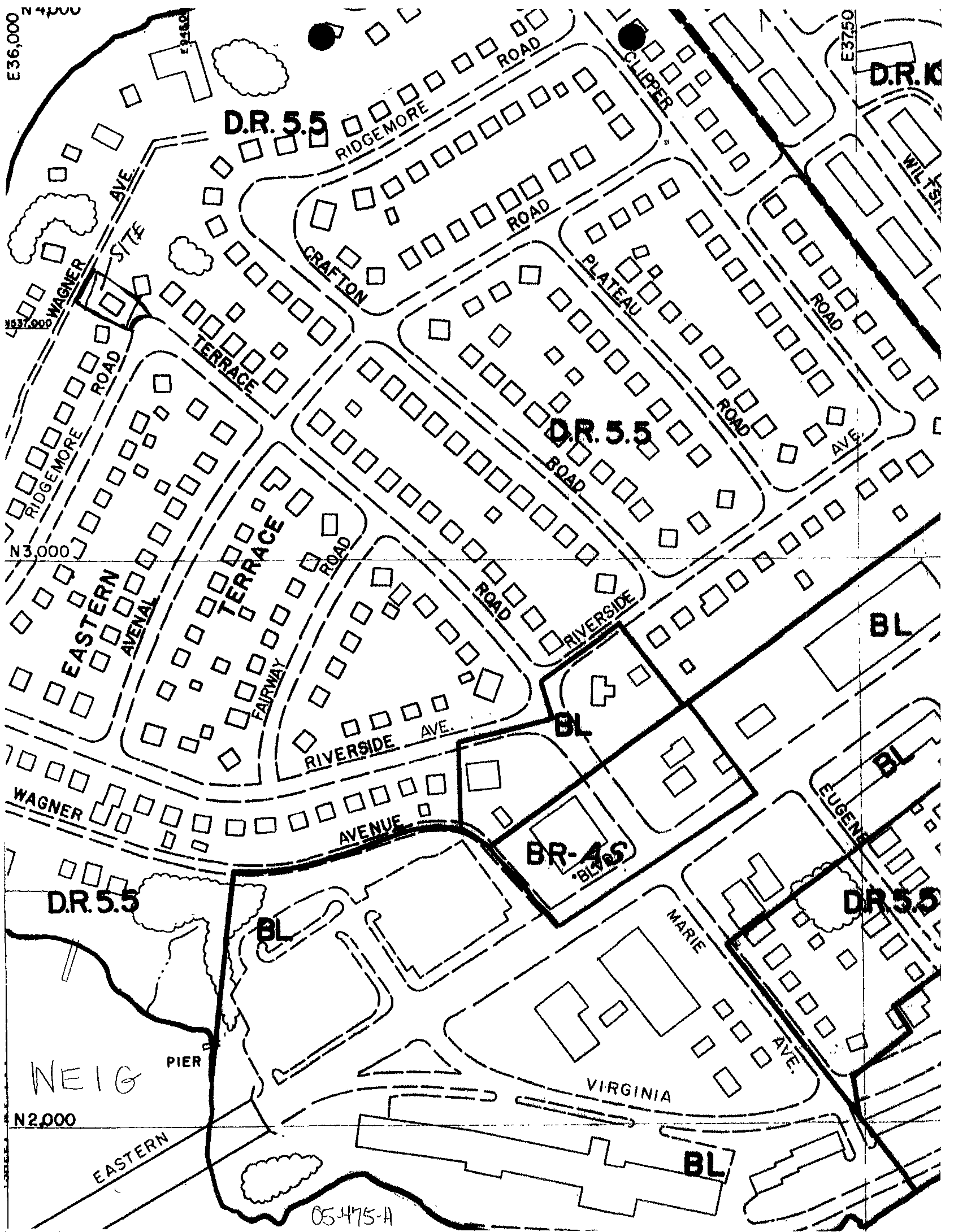
PRIOR ZONING HEARING None

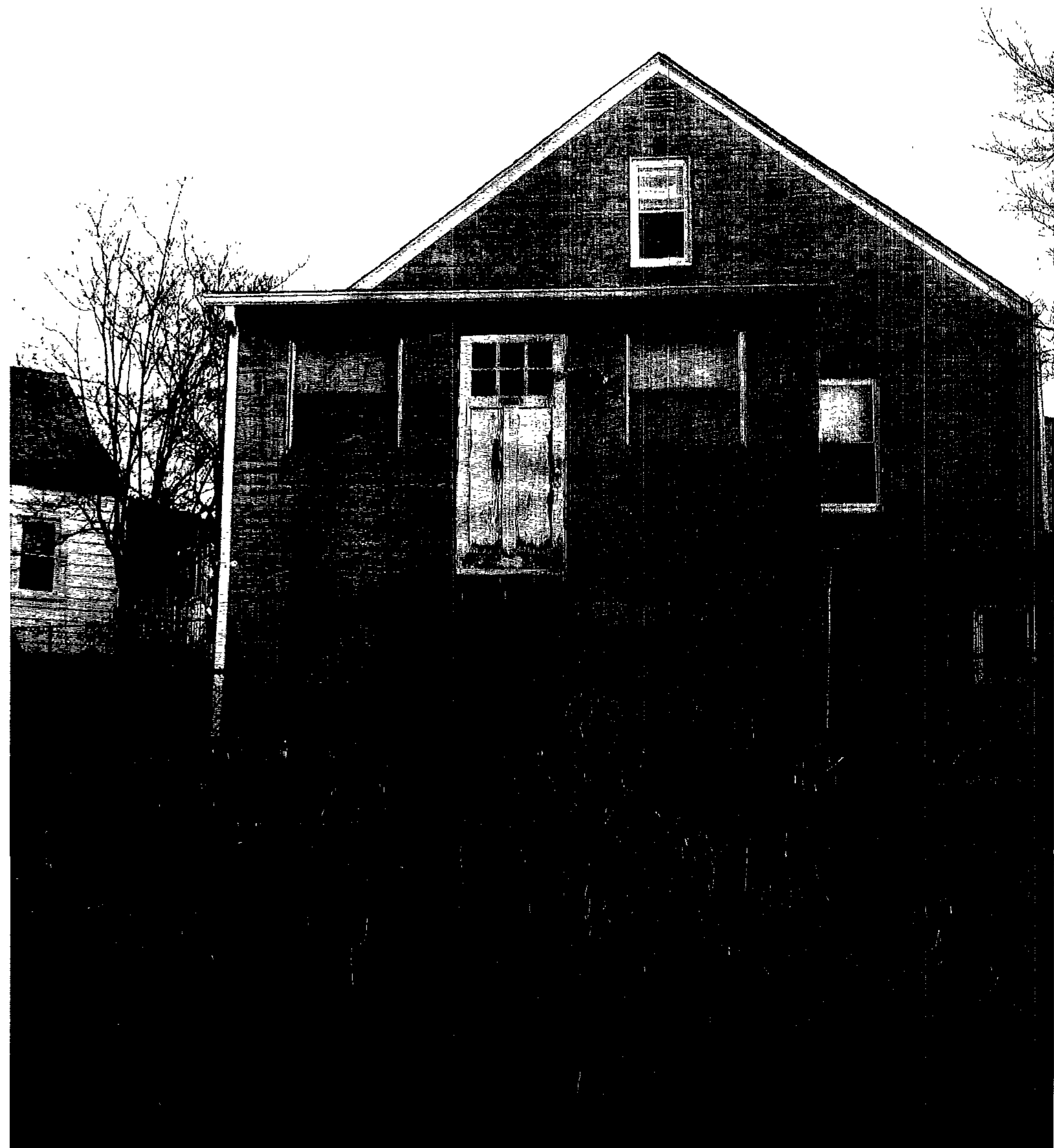
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

DT. 4/15 05475-A

05-475-A







05-475-A

05-475-A

