THE CONTROLL OF THE STATE OF TH

IN RE: PETITION FOR ADMIN. VARIANCE

NW/Corner of 1st Street and

Cuckold Point Road

15th Election District

7th Councilmanic District

(2801 1st Street)

Vena M. & David L. Steck

Petitioners

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-572-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, Vena M. and David L. Steck. The Petitioners are requesting variance relief for property located at 2801 1st Street in the eastern area of Baltimore County. Variance relief is requested from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling with a front yard setback of 18 ft. (for the deck and landing) and a side street setback of 16.95 ft. in lieu of the minimum required 18.75 ft. and 25 ft. respectively.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 15, 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 Bureau of Development Plans Review dated May 20, 2005 stating that the Petitioners must conform with the Federal Flood insurance requirements, etc., 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, 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 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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>iO</u> day of June, 2005, 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 a dwelling with a front yard setback of 18 ft. (for the deck and landing) and a side street setback of 16.95 ft. in lieu of the

minimum required 18.75 ft. and 25 ft. respectively, 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 the Bureau of Development Plans Review dated May 20, 2005, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with recommendations, if any, made by the Department of Environmental Protection & Resource Management (DEPRM) prior to the issuance of permits.
- 4. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

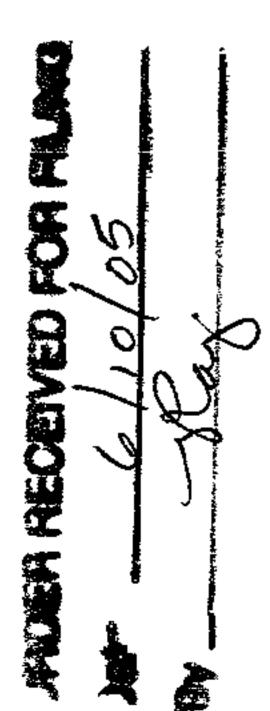
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. 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



### Baltimore County

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

June 10, 2005

Mr. & Mrs. David L. Steck 931 Felicia Court Bel Air, Maryland 21014

Re: Petition for Administrative Variance Case No. 05-572-A

Property: 2801 1st Street

Dear Mr. & Mrs. Steck:

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



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





### Petition for Administrative Variance

to the Zoning Commissioner of 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

for the property located at 2801 154 547664
which is presently zoned 77-5-5

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 a dwelling with a front yand setback of 18 th. for the deck & landing) and a side street setback of 16:95 th. in lieu of the minimum required 18.75 ft & 25 ft nespectively

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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code State Signature City Attorney For Petitioner: Telephone No. Address Zip Code State Name - Type or Print Representative to be Contacted: igna**s**re Name Company Telephone No. Telephone No. **Address** Address Zip Code City State Zip Code State Public Paring having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning his that the subject me that the Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Estimated Posting Date 575-03 05-5724 REV 10/25/01

# Affidavit in Support of Administrative Variance

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

REV 10/25/01

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.

Zip Code

That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pra	e the facts upon which I/we base the request for an Administrative ctical difficulty):
See at	tached
advertising fee and may be required to provide additional signature.	- Signature
STATE OF MARYLAND, COUNTY OF BALTIMORE, to HEREBY CERTIFY, this to day of Maryland, in and for the County aforesaid, personally STOCK (CARY)	Name - Type or Print  o wit:, 2005, before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactority in the Affiant (s) herein, personally known or satisfactority known or	dentified to me as such Affiant(s).  Notary Public
	My Commission Expires 7-1-200

## Affida Vit 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	28011-57- Address
	Balton Md. 212
Ţ	City Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ring are the facts upon which I/we base the request for an Administrative or practical difficulty):
Sie	attached
,	
That the Affiant(s) acknowledge(s) that if a formadvertising fee and may be required to provide advertising fee and f	mal demand is filed, Affiant(s) will be required to pay a reposting and additional information.  Signature  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMON HEREBY CERTIFY, this A day of Maryland, in and for the County aforesaid, pers	ORE, to wit:  , 2005, before me, a Notary Public of the State sollally appeared
VENUA M. STOCK COM	ky)
the Affiant(s) herein, personally known or satisfac	torry identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	bueld / Land
	Notary Public  My Commission Expires 7-1-200

Othersterionhausy was included as far as the setback-union can not paper. error would not have been disovered if I had not notified the zoning affice which is through my honeoty & wanting to do things the right way. I came in for a variance appointment april 2004 but baced on uell intention but inacurate information From acquaintence uno is a payor employee I was told that the Marance was not reaction 10000005 our point DO DOORD DO COU the muse rocagn construction since tron Time is money in our lives right now we have invested Lich over 15 thousand dollars in the due lling already Our Le are expecting our 2nd baby in September. avery stressful situation There has been no heighborhood omplaints or concerns since muse mas men under construction Our lumber package is ready for delivery NOW: #572

## ZONING DESCRIPTION FOR 2501 151 51 604. (address)

Beginning at a point on the <u>リカロストレのカナ</u> side of
(north, south, east or west)
which is which is (name of street on which property fronts) (number of feet of right-of-way width)  wide at the distance of (number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street <u>\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \</u>
which is \( \frac{40 \frac{1}{20 \frac{1}{
Block, Section # in the subdivision of <u>ラマン ラマック ラマック ラック (name of subdivision)</u>
as recorded in Baltimore County Plat Book #, Folio #,
containing 1: 533 15 54
and located in the 15 Election District, 1 Councilmanic District.

# 572

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
DATE ACCOUNT ROLL TO THE PROPERTY OF THE PROPE	
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FOR	
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### CERTIFICATE OF POSTING

RE: Case No.: 05-572-A

	<i>,</i>			Petitioner/Developer:	DAVIDE
				VENA STECK	<u>.</u>
				Date of Hearing/Closic	5/30/05
	Baltimore County Department Permits and Development Man County Office Building, Room 111 West Chempeake Avenue Townen, Maryland 21204	nagement 111			
	ATTN: Kristen Matthews {(4)	10) 887-3394}			
	Ladies and Gentlemen:		,		
	This letter is to certify under t	he penalties of	perjury tha	t the necessary sign(s) requi	ired by law were
	posted conspicnously on the pr	roperty jocated	at:	<del></del>	<del>-</del>
		2801		STREET	
		<del></del>		·	
	The sign(s) were posted on		Month	15, 2005 Day, Year)	
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			· · · —	Robert Black	5/17/05
				(Signature of Sign Poster	(Date)
			•	SSG Robert Blac	<b>k</b> .
			•	(Print Name)	<del></del>
		1		1508 Leslie Road	
		. ' 1	. ,	(Address)	<u> </u>
	State of the state		•	Dundalk, Maryland 2	1222
	The district of the state of th		-	(City, State, Zip C	ode)
		,		(410) 282-7940	•
				(Telephone Namb	
				( 1.488163)	~= <i>j</i>



### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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**ZONING REVIEW** 

## 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 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.

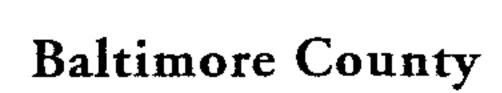
#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 05-5724
Petitioner: David + Vena Steck
Address or Location: 280/ First Ave-
PLEASE FORWARD ADVERTISING BILL TO:
Name: David Steck
Address: 93/ Felicia 14.
Bel Air Md. 21014
Telephone Number:

### Department of Permits a Development Management

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





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

May 31, 2005

David L. Steck Jena M. Steck 931 Felicia Court Belair, Maryland 21014

Dear Mr. and Mrs. Steck:

RE: Case Number: 05-572-A, 2801 1st Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 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,
U. Callielle Callielle State of the Callielle Stat

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE: May 20, 2005** 

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 23, 2005

Item No. 572

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

The flood protection elevation for this site is 11.2.

In conformance with *Federal Flood insurance* Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

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

DAK:CEN:clw

cc: File

ZAC-ITEM NO 572-05202005.doc

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco				
FROM:	John D. Oltman, Jr 🗫				
DATE:	June 14, 2005				
SUBJECT:	Zoning Item # 05-572 Address 2801 1 Street				
Zoni	ng Advisory Committee Meeting of January May 16, 2005				
·	Department of Environmental Protection and Resource Management has no nents on the above-referenced zoning item.				
	Department of Environmental Protection and Resource Management offers ollowing comments on the above-referenced zoning item:				
<u></u>	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).				
<u>X</u>	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 (4) native, deciduous trees (approximately 5/6-feet in height) must be planted prior to issuance of a Use & Occupancy Permit from this Department.

Reviewer: Mike Kulis, Sue Farrinetti Date: June 14, 2005

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** May 19, 2005

RECEVED

MAY I 9 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

TOMING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-557 and 5-572

Administrative Variance(s)

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

**Division Chief:** 

MAC/LL

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



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

#### Maryland Department of Transportation

RE:

Date: 5.13.05

Baltimore County

Item No. 572 335

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

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

Engineering Access Permits Division

1. 1. And l

From:

Roberta Jameson

To:

Oltman, John

Subject:

ZAC comments

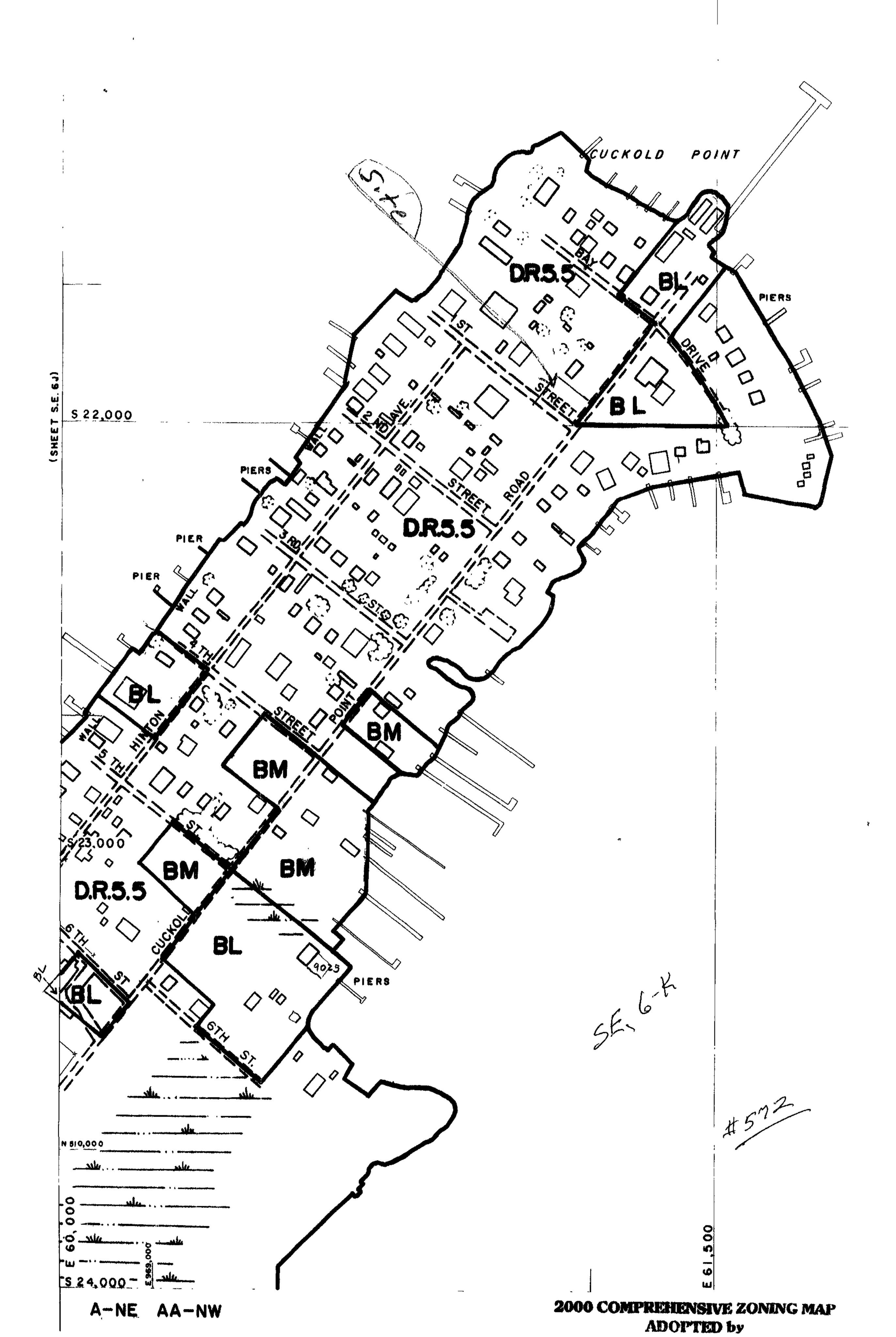
F.Y.I., I need ZAC comments for the following admin. variances:

05-570-A (5/30/05 closing) 05-572-A (5/30/05 closing)

Thanks.

Robin (6)3/05

ONLY PijBLIC COUNCIL MANIC DISTRICT PRICE ZONING HEARING X HISTORIC PROPERTY, BUILDING ELECTION DISTRICT CHESAPEAKE BAY SIZE ( ) 14 SEWER HALF SIZE PLOTS) ₹#E SALE SALE oot. W. W. p pen No. PORCH \N/O 井 SECTION  $\sim$ PROPOSED ELEVATED 2 STORY, 1 FAMILY RESIDENCE 00:50 STREE Last. 3,00,00 548 POINT FRONT STOOP & STAIR IRST A STATE OF THE PARTY OF THE PAR SWAN 101 2801 S 4 NEW RIVEWAY Ó. S # 6,2  $\otimes$ THE STATE OF THE PROPERTY OF T ADDRESS  $\odot$ NAME 井 SUBDIVISION BOOK PROPERTY OWNER PLAT



# 05-572-A

