

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Franklin Avenue, 228 ft. NE
centerline of Woodward Drive
15th Election District
7th Councilmanic District
(609 Franklin Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-599-A

Henry Branden Hemling
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 Henry Branden Hemling. The variance request is for property located at 609 Franklin Avenue in the eastern area of Baltimore County. The variance request is from Sections 301.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection addition (deck with roof) with a side yard setback of 5 ft. and front yard setback of 12 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively. 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 May 29, 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.

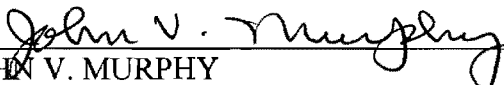
RECEIVED FOR FILE
6/21/05
JLH

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 21 day of June, 2005, that a variance from Sections 301.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection addition (deck with roof) with a side yard setback of 5 ft. and front yard setback of 12 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively, 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 his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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
6/21/05
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

June ²¹~~20~~, 2005

Mr. Henry Branden Hemling
609 Franklin Avenue
Baltimore, Maryland 21221

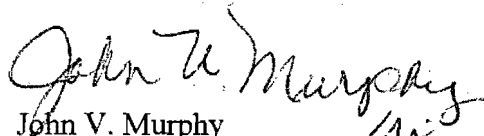
Re: Petition for Administrative Variance
Case No. 05-599-A
Property: 609 Franklin Avenue

Dear Mr. Hemling:

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 609 Franklin Avenue, Essex, MD 21221
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) 301.1 AND 1B02.3.C.1 BC2R

To permit an open projection addition (deck with roofed) with a side yard setback of 5' and front yard setback of 12' in lieu of the required 7.5' and 18.75', respectively.

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

Address

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Henry Branden Hemling

Name - Type or Print

Signature

Name - Type or Print

Signature

609 Franklin Avenue

410-686-7502

Address

Telephone No.

Essex,

MD

21221

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, 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.

Zoning Commissioner of Baltimore County

Reviewed By JF

Date

5-18-05

Estimated Posting Date

5-29-05

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 609 Franklin Avenue
Address
Essex 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):

Reasons for hardship

- 1. Safty for my small children from street.*
- 2. Reduce rain & ~~the~~ wind from front & side of house*
- 3. Reduce sun on house lower level.*

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

Henry B. Hemling
Signature

Name - Type or Print

Henry B. Hemling
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Henry B Hemling
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sandra Howell
Notary Public

My Commission Expires 6/1/2007

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Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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Henry B Hemling
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 609 Franklin Avenue, Essex, MD 21221
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) 301.1 AND 1B02.3.C.1 DC2R

To permit an open projection addition (deck with roofed) with a side yard setback of 5' and front yard setback of 12' in lieu of the required 7.5' and 18.75', respectively.

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):

Henry Branden Hemling
Name - Type or Print _____
Signature Henry Branden Hemling
Signature _____
Name - Type or Print _____
Signature _____
609 Franklin Avenue 410-686-7502
Address Essex, MD Telephone No. 21221
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, 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.

Zoning Commissioner of Baltimore County

CASE NO. 05-599-A

REV 10/25/01

Reviewed By JF Date 5-18-05

Estimated Posting Date 5-29-05

Zoning Description for 609 Franklin Avenue

Beginning at a point on the Northwest side of Franklin Avenue which is 50' wide at the distance of 228' Northeast of the centerline of Woodward Drive which is 60' wide.

Beginning for the same at a point on the south side of Franklin Avenue situated North 68 degrees, 49', 30", East 200 feet from the Southeast corner of Woodward Drive and Franklin Avenue as shown on the plat of section A, Essex Sub-Division, which plat book # 3, Folio 15; and Running thence from said beginning point along the South side of Franklin Avenue North 68 Degrees, 49', 30", East 50 feet, Thence leaving said avenue and running South 21 degrees, 10', 20", East 145 feet: Thence South 68 degrees, 49', 30", West 50 feet; and Thence North 21 degrees, 10', 30", West 145 feet to the place of beginning.

Baltimore County Plat book #3, Folio #15, containing 7,250 square feet. Also known as 609 Franklin Avenue, and located in the 12th Election District, 7th Councilmanic District.

Tax map reference: 15-08-303130

599

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 445089

DATE 5-18-95 ACCOUNT 001-0000-0150

AMOUNT \$ 65.00

RECEIVED FROM: Henry H. ...
FOR: ... ITEM # 599

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS METHOD TIME
5/18/2005 5/18/2005 10:20:23
5/18/2005 5/18/2005 10:20:23
RECEIPT # 445089 5/18/2005 10:20:23
RPT. 5 208 ZONING VERIFICATION
RPT. 445089
Receipt for \$65.00
\$65.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-599-A

Petitioner/Developer: HENRY &

CAROLINE HEMMING

Date of Hearing/Closing: 6/13/05

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:

609 FRANKLIN AVE

The sign(s) were posted on

MAY 29, 2005
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

5/31/05
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

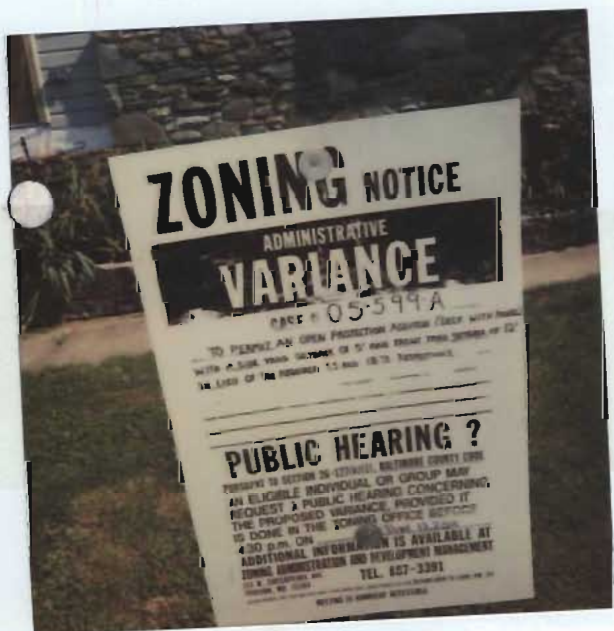
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RECEIVED

JUN 1 2005

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

**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: 05-599-A

Petitioner: Henry Hemling

Address or Location: 609 Franklin Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Henry Hemling

Address: 609 Franklin Avenue

Essex MD 21221

Telephone Number: 410-686-7502

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 599 -A

Address 609 Franklin Ave.

Contact Person: JUN FERNANDO
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5-18-05

Posting Date: 5-29-05

Closing Date: 6-13-05

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- 599 -A Address 609 Franklin Ave.

Petitioner's Name Henry Branden Hemling Telephone 410-686-7502

Posting Date: 5-29-05 Closing Date: 6-13-05

Wording for Sign: To Permit an open projection addition (deck with
roofed) with a side yard setback of 5' and front yard
setback of 12' in lieu of the required 7.5' and 18.75',
respectively.

WCR - Revised 6/25/04

**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*

June 13, 2005

Henry Branden Hemling
609 Franklin Avenue
Essex, Maryland 21221

Dear Mr. Hemling:

RE: Case Number: 05-599-A, 609 Franklin Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 18, 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



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

May 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 30, 2005

Item No.: 578, 597, 598, (599), 600, 602, 603, 604, 605 and 606

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.

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

Acting Lieutenant Don W. Muddiman
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



Printed on Recycled Paper



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

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

Maryland Department of Transportation

Date: 5.24.05

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

RE: Baltimore County
Item No. 599 JRF

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: June 14, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 31, 2005

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

05-596

05-597

05-598

05-599

05-600

05-601

05-602

05-603

05-604

05-605

05-606

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005

RECEIVED

JUN 10 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-599 – 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 Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

John Sabbarwal

CJM/LL

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 609 Franklin Avenue

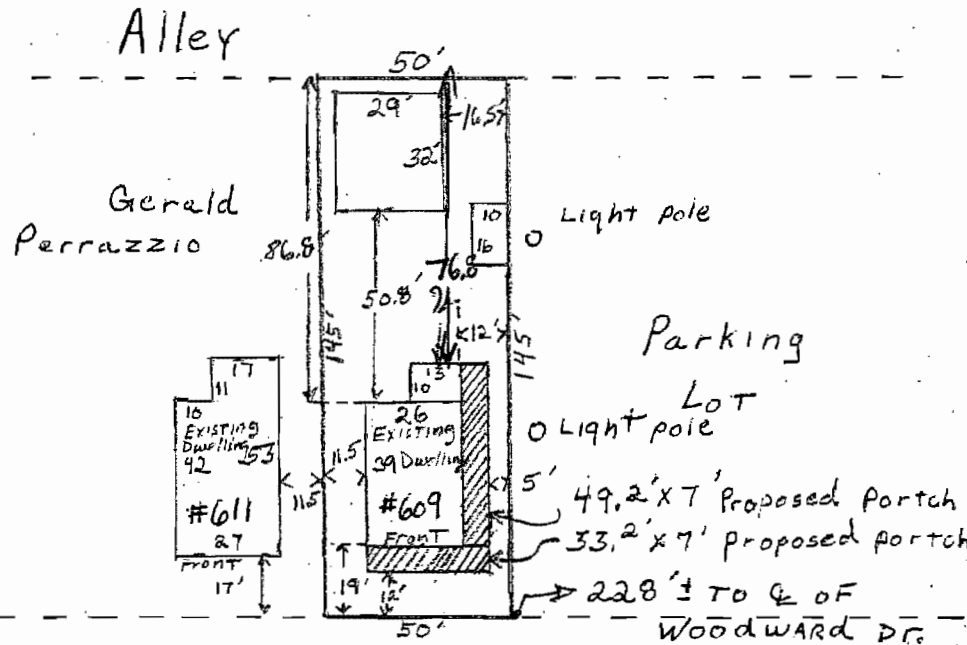
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME ESSEX SUBDIVISION

PLAT BOOK # 3 FOLIO # 15 LOT # 28 SECTION # 2

OWNER Henry Branden Hemling

Lot 28 ?

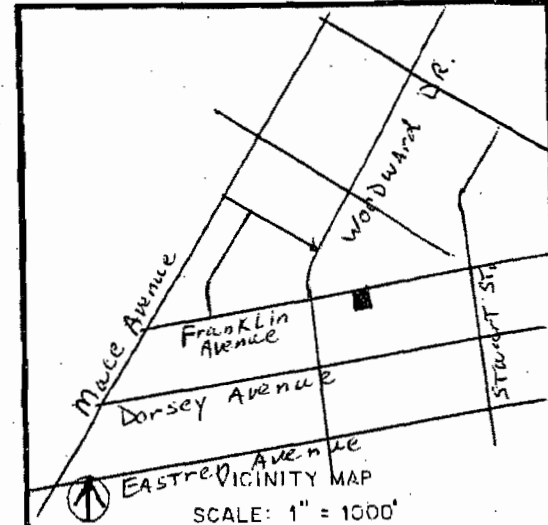


Franklin Avenue
(50' R/W 30' Paving)



PREPARED BY HBH

SCALE OF DRAWING: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 097-A1

ZONING DR. 5.5

LOT SIZE 0.16 7250

ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/ BUILDING ☐ ☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JF 599

599

MAP # 097 - A1

ZONE DR. S. S. C. H.























