

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Arbutus Avenue, 25 ft. N
centerline of Sulphur Spring Road
13th Election District
1st Councilmanic District
(5235 Arbutus Avenue)

Donna Lynn & Alfred Lyle Adcock, II
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-605-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, Donna Lynn and Alfred Lyle Adcock, II. The variance request is for property located at 5235 Arbutus Avenue in the western area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a street building line setback of 19.4 ft., a street building line setback for an open projection (deck) of 10 ft. and an accessory structure (pool) to be located in the third of the lot closest to the side street in lieu of the required 25 ft., 18.75 ft. and third of lot farthest removed from side street. 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 May 28, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

RECEIVED FOR FILING
6/21/05
[Signature]

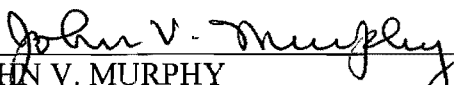
that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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, 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 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a street building line setback of 19.4 ft., a street building line setback for an open projection (deck) of 10 ft. and an accessory structure (pool) to be located in the third of the lot closest to the side street in lieu of the required 25 ft., 18.75 ft. and third of lot farthest removed from side street, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

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

NOTED RECEIVED FOR PLANNING

6/21/05

JVM:raj



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5235 Arbutus Ave
which is presently zoned OR 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) 1302.3.C.1, 400.1 BCZR

To permit an existing single family dwelling with addition to have a street building line set back of 19.4', a street building line set back for an open projection (ex-deck) of 10' and an accessory structure (garage) to be located in the third of the lot closest to the side street farthest removed from side street.

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

City

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):

Alfred Lyle Adcock II

Name - Type or Print

Signature

Donna Lynn Adcock

Name - Type or Print

Signature

5235 Arbutus Ave

410 247-3246

Address

Telephone No.

Baltimore

MD

21227

State

Zip Code

Representative to be Contacted:

S/a

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. DS-605-A

Reviewed By LTN

Date 5/19/05

REV 9/15/98

Estimated Posting Date

5/29/05

* in lieu of the required 25 feet, 18.75 feet and third of lot farthest removed from side street

MAILED
6/21/05
JANUARY 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 5235 Arbutus Ave
Address
Baltimore MD 21227
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):

We are requesting this variance to increase our living space. Our lot is bordered by 2 streets and our neighbors lot. Because of the odd shape of the lot our addition would require relief from the current zoning. If unable to obtain variance would not be able to increase our living space as required by our growing family. Please consider granting a variance for our existing pool. We would be unable to move it and would like to keep it.

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.

Alfred Lyle Adcock II
Signature

Donna Lynn Adcock
Signature

Alfred Lyle Adcock II
Name - Type or Print

Donna Lynn Adcock
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

5/19/05
Date

Kimberly A. Waldt
Notary Public
My Commission Expires 8/11/07

Kimberly A. Waldt

ZONING DESCRIPTION FOR 5235 Arbutus Avenue

Beginning at a point on the east side of Arbutus Avenue which is 50.0' wide at the distance of 25.0' north of the centerline of the nearest improved intersecting street Sulphur Spring Road (formerly known as Old Sulphur Spring Road) which is 50.0' wide. Being Lot #39, ~~Block~~ ARBUTUS Section # in the subdivision of as recorded in Baltimore County Plat Book # 4, Folio # 87, containing 9,375 square foot. Also known as 5235 Arbutus Ave. and located in the 13th Election District, 1st Councilmanic District.

#605

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 445388

DATE 5/19/05 ACCOUNT POSTAGE

AMOUNT \$ 65.00

RECEIVED FROM: A. ADORAK III

FOR: OS-COSTA

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY
5/20/2005 5/19/2005 10:38:07
504034 - WALKIN WOOD NW
RECEIPT # 445388 5/19/2005
TR NO. 445388

Receipt Tot 65.00
8/5/05 OK 65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 605 -A Address 5235 ARBUTUS AVE
Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/19/05 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- 605 -A Address 5235 ARBUTUS AVE
Petitioner's Name A. L. ADCOCK II Telephone 410 247 3246
Posting Date: 5/29/05 Closing Date: 6/13/05

Wording for Sign: TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION
TO HAVE A STREET BUILDING LINE SETBACK OF 19.4', A STREET BUILDING LINE
SETBACK FOR AN OPEN PROJECTION (EX. DECK) OF 10' AND AN ACCESSORY STRUCTURE
(POOL) TO BE LOCATED IN THE THIRD OF THE LOT CLOSEST TO THE SIDE STREET
IN LIEU OF THE REQUIRED 25', 18.75' AND THIRD OF LOT
FARTHEST REMOVED FROM SIDE STREET

I HAVE RECEIVED POSTING INFO 4/14/05

**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/neighbor 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: x 05-605-A

Petitioner: Alfred Lyle Adcock II and Donna Adcock

Address or Location: 5235 Arbatus Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Alfred Lyle Adcock

Address: 5235 Arbatus Ave

Baltimore, MD 21227

Telephone Number: 410 247 3246

CERTIFICATE OF POSTING

RE:Case No. 05-605-A

Petitioner/Developer: _____

A. L. ADDICK II

Date of Closing/Hearing: 6/13/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 5235 ARBUTUS AVENUE

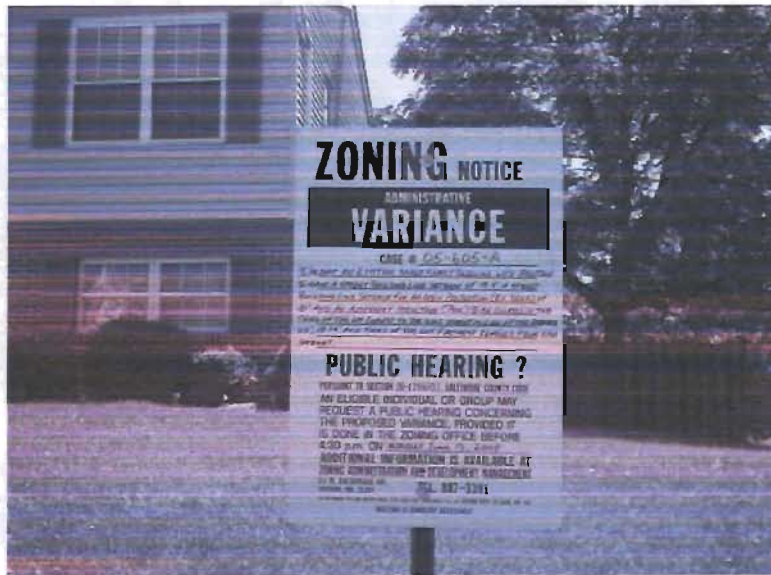
This sign(s) were posted on May 28, 2005
Month, Day, Year

Sincerely,

Martin Ogle 5/28/05
Sign Poster and Date

Martin Ogle
5016 Castlestone Drive
Baltimore Maryland 21237
(443-629-3411)

im000317 (576x432x256 jpeg)



Ygarter Ogle 5/28/05

**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

Alfred Lyle Adcock II
Donna Lyn Adcock
5235 Arbutus Avenue
Baltimore, Maryland 21227

Dear Mr. and Mrs. Adcock:

RE: Case Number: 05-605-A, 5235 Arbutus Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

21
June 20, 2005

Mr. & Mrs. Alfred Lyle Adcock, II
5235 Arbutus Avenue
Baltimore, Maryland 21227

Re: Petition for Administrative Variance
Case No. 05-605-A
Property: 5235 Arbutus Avenue

Dear Mr. & Mrs. Adcock:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2005

RECEIVED

JUN - 7 2005

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

ZONING COMMISSIONER

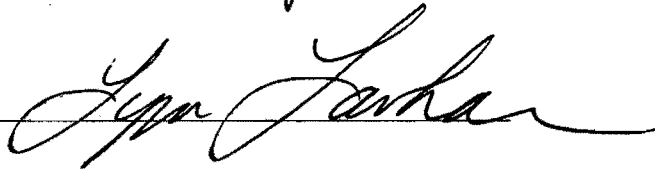
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-605 – Administrative Variance(s)

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

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. 605 LTM

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2005

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

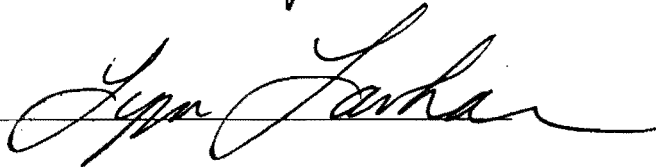
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-605 – Administrative Variance(s)

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

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

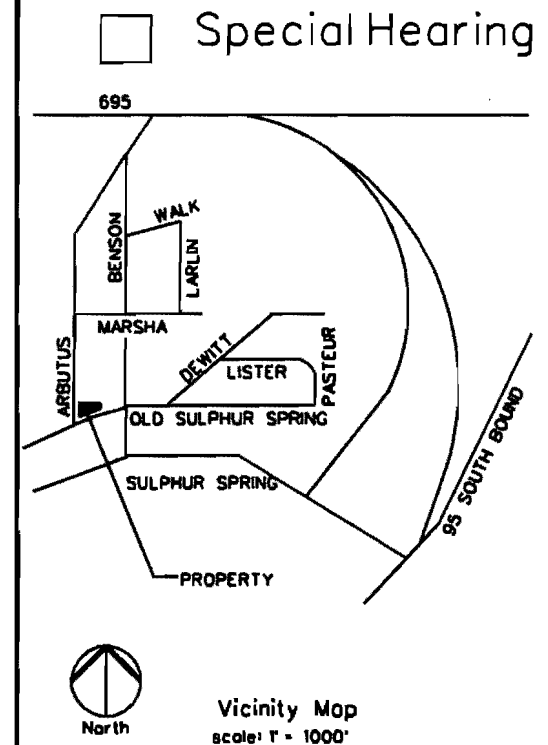
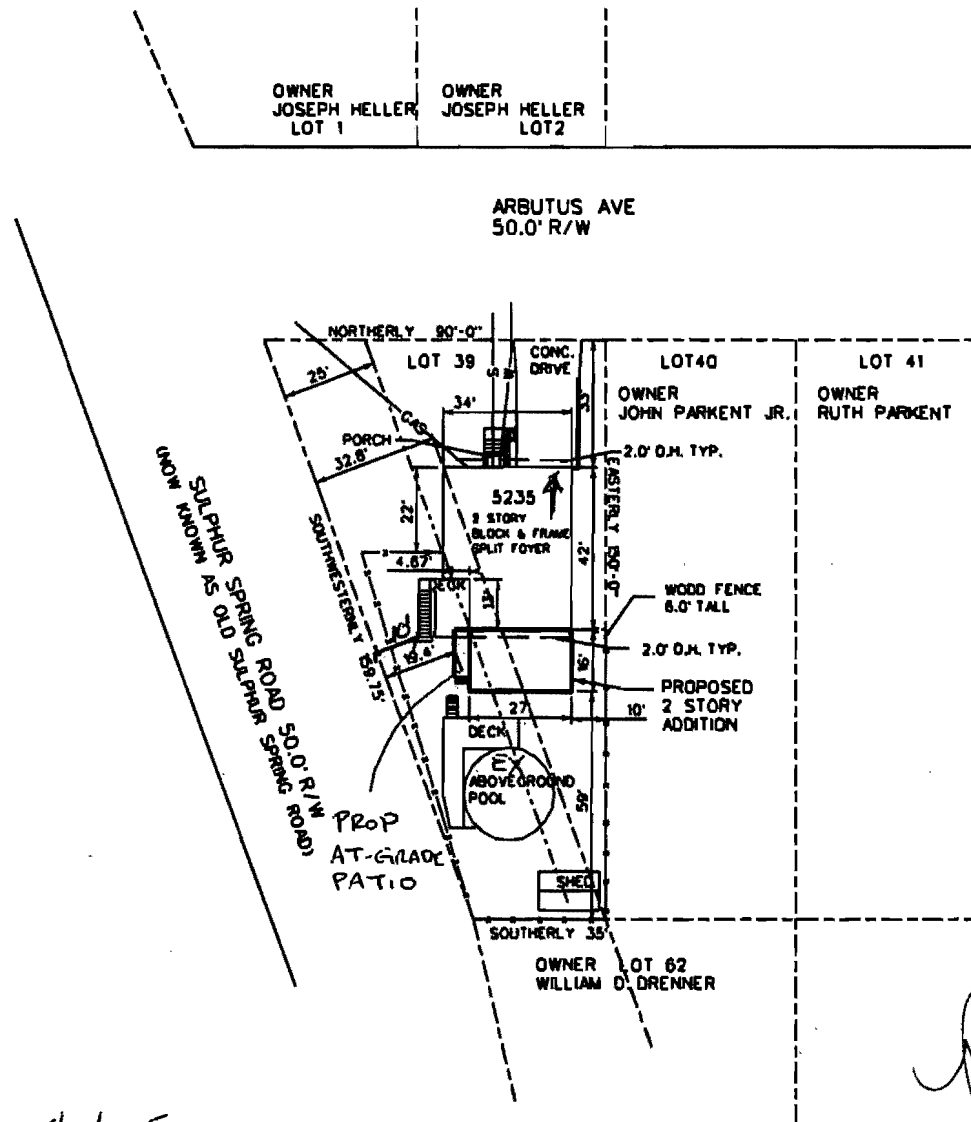
Plat to accompany Petition for Zoning

☒ Variance

PROPERTY ADDRESS: 5235 Arbutus Avenue

Subdivision name: ARBUTUS
 PLAT BOOK 4 folio 87 parcel 1 section 1 Grantor Alfred L. Adcock II & Donna L. Adcock

OWNER: Alfred L. Adcock II & Donna L. Adcock



LOCATION INFORMATION

Election District: 13th
 Councilmanic District: 1st
 1"=200' scale map =:
 Zoning: DR 5.5
 Lot size: .21 acreage 9375 square feet

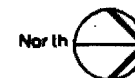
SEWER: ☒ public ☐ private
 WATER: ☒ yes ☐ no
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: CTM ITEM #: 605 CASE #:

date: 5/16/2005
 prepared by: FA

Scale: 1" = 50'





605



Front of House
(Arbutus Ave)



A
Sulphur
Spring
Rd

Front of House & nearest House
(Arbutus Ave) Taken from intersection of
Sulphur Spring & Arbutus

#605



Proposed Area of Addition, Rear of Home



Rear of home & Proposed Area of Addition

#605