IN RE: PETITION FOR ADMIN. VARIANCE
Eastern intersection of Tredegar Avenue
and Timbercrest Drive
1st Election District
1st Councilmanic District
(1600 Tredegar Avenue)

Carol A. & John F. Jackson

Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-670-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, Carol A. and John F. Jackson. The administrative variance is requested for property located at in the 1600 Tredegar Avenue in the Catonsville area of Baltimore County. The administrative variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear and side yard setback of as close as 9 ft. in lieu of 40 ft. for a proposed garage addition. 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 June 23, 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 Office of Planning dated July 8, 2005, 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 26-127 (b)(1) 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 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.

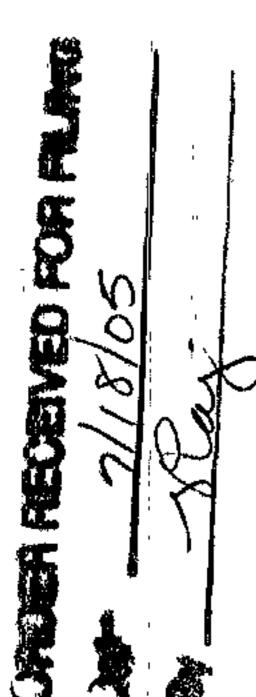
subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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 Office of Planning dated July 8, 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

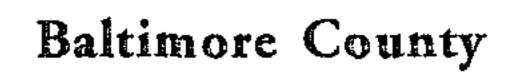
WJW,III:raj



#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





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

July 18, 2005

Mr. & Mrs. John F. Jackson 1600 Tredegar Avenue Baltimore, Maryland 21228

> Re: Petition for Administrative Variance Case No. 05-670-A Property: 1600 Tredegar Avenue

Dear Mr. & Mrs. Jackson:

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.

William J. Wiseman, III Zoning Commissioner

WJW,III:raj Enclosure





SALE CANCELLAND

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	600	TREDE	GAR	THE HAM
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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) | BO2, 3.C.1 BCZR TO PERMIT A REAR YARD SETBACK FOR OF AS (LOSE AS 9 FT, IN LIEU OF 40 FT. FOR A PROPOSED CARAGE ADDITION).

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.

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dase no. 05 670	Rev	riewed By	Date6//6	105
REV 10/25/01	Est	imated Posting Date	6/26/05	

# 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.

competent to testify thereto in the event that a p	public nearing is scheduled in the future with regard thereto.	
That the Affiant(s) does/do presently reside at	Address Address	<del>,</del>
	BALTIMORE MAD 21228 City State	Code
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That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed, Affiant(s) will be required to pay a reposting	and
advertising fee and may be required to provide a	additional information.	
Signature (	Signature List College	
Caro A Jackson	Signature John F. Jackson	
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:	~
of Maryland, in and for the County aforesaid, per the Affant(s) herein personally known or satisfa		itate
the Afflant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Ahmda M. 3/Mass Notary Public	
- ·	My Commission Expires <u>March 08, 2009</u>	

REV 10/25/01

# Affidavit in Support of Administrative Variance

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

REV 10/25/01

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the Affiant(s) herein, personally known or satisfactors.  AS WITNESS my hand and Notarial Seal	factorily identified to n	ne as such Affiant(s).	
	Notary But	da M. Bhillian	1
	My Commi	ssion Expires Much	. 08.2009



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

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).  A rear ward set hack of as close as 9 th. In LIEU of 40 th.  For a proposed Garage addition.  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, betting, 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.  **We do solemnly declare and affirm, under the penalties of perjury, that live are the legal owner(s) of the property which is the subject of this Petition.  **Contract Purchaser/Lessee:**  Legal Owner(s):  **Tackson**  Name Type or Print  **Signature**  **Signature**  **Legal Owner(s):**  **Tackson**  **Name Type or Print  **Signature**  **Signature**  **Address**  **Telephone No.**  **Representative to be Contacted:**  **Representative to be Contacted:**  **Representative to be Contacted:**  **Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County.  **Address**  **Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County.	THE PARTY OF THE P	for the property	located at	OO THE	DEGAR AVE.
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Signature  Address Telephone No.  City State Zip Code Attorney For Petitioner:  Name - Type or Print  Name - Type or Print  City Signature  Representative to be Contacted:  Company  Address Telephone No.  Address Telephone No.  Address Telephone No.  City State Zip Code  City State Zip Code  City State Zip Code	Contract Purchaser/Lessee:				
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regulations of Baltimore County and that the property be reposted.		, , , , , , , , , , , , , , , , , , ,	,		

CASE NO.

REV 10/25/01

Reviewed By

**Estimated Posting Date** 

# onince DESCRIPTION

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, THE NORTH SIDE OF BEGINNING AT A POINT AT THE INTERSECTION OF TREDEGAR AVE, A GOFT RIGHT-OF-CURY WITH THE SOUTH SIDE OF TIMBERCREST DRIVE A 40 FT. RICHTOF WAY. BEING, LOT# 121 IN THE SUBDIVISION OF OAK FOREST PARK AS RECORDED IN PLAT BOOK 8 FOLIO 11, CONTAINING 14,933 SQ FT AND BENG IN THE IST E, D, ISTCD

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GARAGE ADDITION

PURSUANT TO SECTION REPRESENTATION AND ELIGIBLE IN THE PROPERTY OF THE PROPERT

#### CERTIFICATE OF POSTING

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		Petitioner/Developer: JOHNE CARRELL JACKSON
•		Date of Hearing/Closing: JUU 11, 2005
altimore County Department ermits and Development Man ounty Office Building, Room 11 West Chesapeake Avenue owson, MD 21204	agement	
ttention: Becky Hart	•	
adics and Gentlemen: This let	ter is to certify under	the penalties of perjury that the necessary sign(s) required by
w were posted conspicuously	on the property locat	the penalties of perjury that the necessary sign(s) required by ed at #1600 TREDEGAR AVE.
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<del></del>	<del></del>	· · · · · · · · · · · · · · · · · · ·
he sign(s) were posted on		13, 2005 Jonth, Day, Year)
•		
	:	Sincerely,
•		Darland De Moore
# #	•	(Signature of Sign Poster and Date)  CHARLANDE, MOORE
		(Printed Name)
		3225 RYERSON CIRCLES (Address)
•		PAUTINIARE, MD. 21227 (City, State, Zip Code)
<b>▼</b> ,		C410) 242-4263
1	•	(Telephone Number)

RE: Case No.: 05-670-A





## 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 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. (25670 A
Petitioner: * John F. Jackson
Address or Location: > 1600 Tredegar ave
PLEASE FORWARD ADVERTISING BILL TO:
Name: Stohnt. Jackson
Address: 1600 Tredes as ave
Bactimore, Md. 21228
Telephone Number: 410 - 747-0209

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-A

Address

TREDEGAR AUE.

Case Number 05-

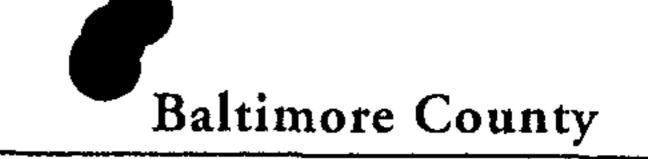
Contact Person:

Planner, Please		Ph	one Number: 41	0-887-3391
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ORDER: After the closing dat commissioner. He may: (a) growder that the matter be set in (typically within 7 to 10 days of the denied, or will go to public hearing).	e, the file will be ant the requested for a public here.	reviewed by the relief; (b) deny aring. You will	e zoning or der the requested r receive written	elief; or (c) notification
POSSIBLE PUBLIC HEARING (whether due to a neighbor's formmissioner), notification will changed giving notice of the heaposted, certification of this change this office.	ormal request or be forwarded to	In cases that by order of the you. The sign	must go to a pu zoning or dep on the proper	blic hearing outy zoning ty must be
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BALTIMORE COUNTY DEPART	MENT OF DEDINTO A	ND DEVE: America :		

## Department of Permits and Development Management

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





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

July 11, 2005

John F. Jackson Carol A. Jackson 1600 Tredegar Avenue Baltimore, Maryland 21228

Dear Mr. and Mrs. Jackson:

RE: Case Number: 05-670-A, 1600 Tredegar Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 16, 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.

U. Callila Double

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

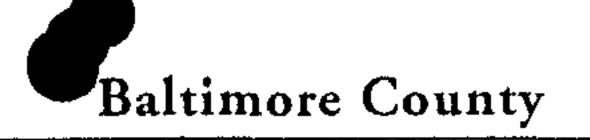
c: People's Counsel

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

#### Fire Department

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





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 June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-666, 668-678

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lt J.D.Mezick Fire Marshal's Office 410-887-5178 MS-1102F

cc: File









Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

6.27.05

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

RE:

Baltimore County

Item No.\

166

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

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Engineering Access Permits Division

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

EIVED

**DATE:** July 8, 2005

JUL 0 7 2005

SUBJECT:

1600 Tredegar Avenue

MING CAMISSIONER

INFORMATION:

Item Number:

5-670

Petitioner:

John F. Jackson

Zoning:

DR 2

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a rear yard and side yard setback of 9 feet in lieu of the minimum required 40 feet for a proposed garage addition. The proposed garage shall be architecturally consistent with the existing dwelling.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

W:\DEVREV\ZAC\5-670.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 5, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 30, 2005

Item Nos. 664, 666, 667, 668, 669, 670,

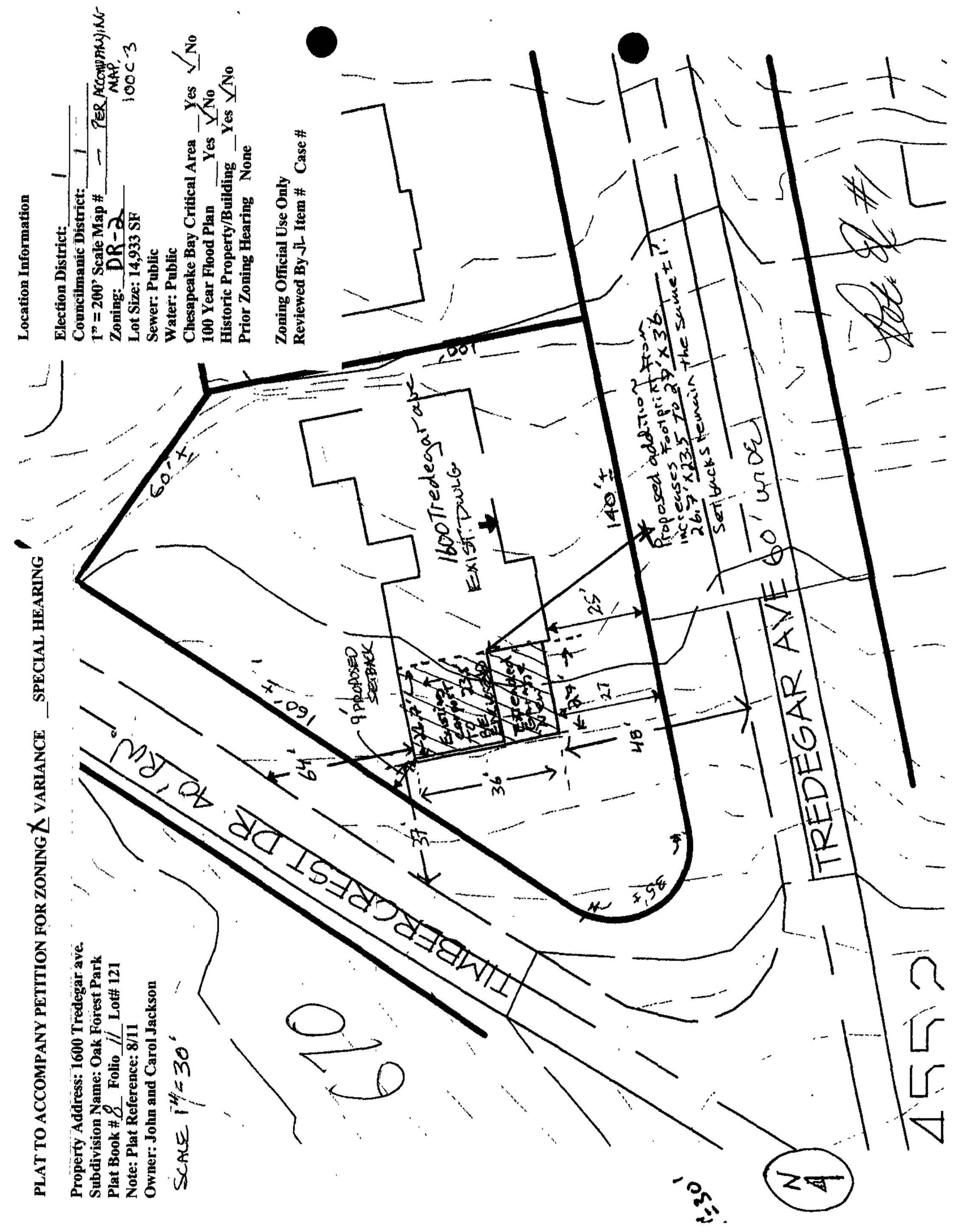
671,673, 674, 676, 677, and 678

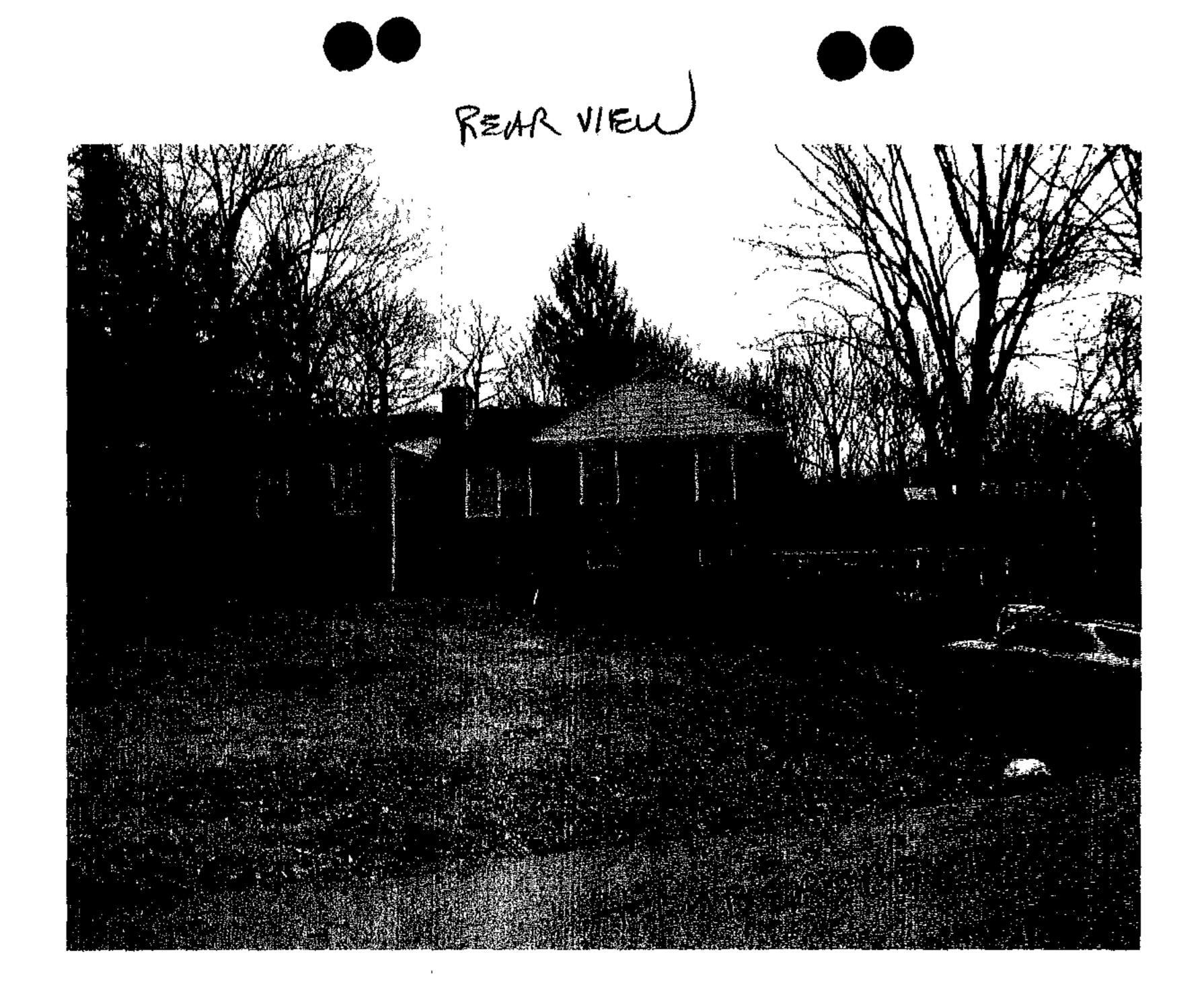
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-07052005.doc





SIDE SIEM

FRONT VIEW



FRONT VIEW



TRapsonr AVE.

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