IN RE: PETITION FOR ADMIN. VARIANCE *

* BEFORE THE

SE/Corner Berwick Road & Paulding Street

(1501 Berwick Road)

9th Election District 2nd Council District

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Mary Sue McCarthy
Petitioners

* Case No. 06-125-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Mary Sue McCarthy. The Petitioner seeks relief from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 23 feet and a rear yard setback of 19 feet in lieu of the required 30 feet each for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if lieemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

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Based upon the evidence contained therein, I am persuaded to grant the requested relief. It was indicated that the proposed addition would expand the existing kitchen and replace a kitchen "porch" and slab located on the southeast side of the home, which faces Paulding Street. Given the property's corner location and the layout and location of the existing dwelling, the proposed addition will have reduced setbacks from the side and rear property lines as well as from the centerline to the street. Thus, the requested variances are necessary. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors support the proposal. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October 2005 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 23 feet and a rear yard setback of 19 feet in lieu of the required 30 feet each for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WHE LIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

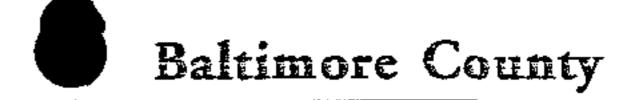
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Zoning Commissioner

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

October 3, 2005

Ms. Mary Sue McCarthy 1501 Berwick Road Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/Corner Berwick Road & Paulding Street (1501 Berwick Road)

9th Election District – 2nd Council District Mary Sue McCarthy - Petitioner Case No. 06-125-A

Dear Ms. McCarthy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

Very truly yours,

WJW:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 1501 Berwick Road which is presently zoned Dr 3.4

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) 1001.3A.5., 1002.36. (BCZP)

TO PERMIT AN ADDITION WITH A 23-FOOT STREET SETBACK AND A 19-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 30-FEET, 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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: nk mccarthu Name - Type or Print Signature Signature Telephone No. Name - Type or Print Address Zip Code Signature State City serwick Attorney For Petitioner: Telephone No. <u>Address</u> MUSON 21704 Zip Code City State Name - Type or Print Representative to be Contacted: Signature Company Name Telephone No. Telephone No. <u>Address</u> MONY 1990 Zip Code State Public Hearing 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 of day of equipment of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Date 82905 CASE NO. 06-125-A R**E**V 10/25/01

Estimated Posting Date

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.

competent to testify thereto in the event that a pu	ublic hearing is sched	luled in the future with regar	rd thereto.
That the Affiant(s) does/do presently reside at	1501 Benw	ick Road	<u> </u>
	Address	Maryland	21204 Zip Code
That based upon personal knowledge, the follow ariance at the above address (indicate hardship)	wing are the facts up	on which I/we base the rec	- •
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is file	d, Affiant(s) will be require	ed to pay a reposting and
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Name - Type or Print	Nam	ne - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:		·
HEREBY CERTIFY, this 29TH day of AUG		hoforo mo c	Notary Public of the State
of Maryland, in and for the County aforesaid, per	rsonally appeared	, <u>2005</u> , belore frie, a	rectary rabile or and ottate
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MARY SUE MCCARTHY the Affiant(s) herein, personally known or satisfa AS WITNESS my hand and Notarial Seal	actorily identified to m	e as such Affiant(s).	VALERIE W. FOY Notary Public Itimore City, Maryland
MARY SUE MCCARTHY he Affiant(s) herein, personally known or satisfa	actorily identified to make the property of th	e as such Affiant(s).	VALERIE W. FOY Notary Public

Affidavit in Support of Administrative Variance

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

Variance at the above address (indicate hardship or practical difficulty):

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 based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

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identified to me as such Affiant(s).
VALERIE W. FOY
Notary Public
Baltimore City, Maryland My Commission Expires May 1, 2007
Notary Public
My Commission Expires
-



CASE NO.

REV 10/25/01

06-125-A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

Date 8119105

for the property located at 1501 Berwick Road which is presently zoned 083.5

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) 1002.38.5., 1003.38. (1002.8)

TO PERMIT AN ADDITION WITH A 23-FOOT STREET SETBACK AND A 19-FOOT REAR SETBACK IN NEU OF THE REQUIRED 30-FEET, 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.

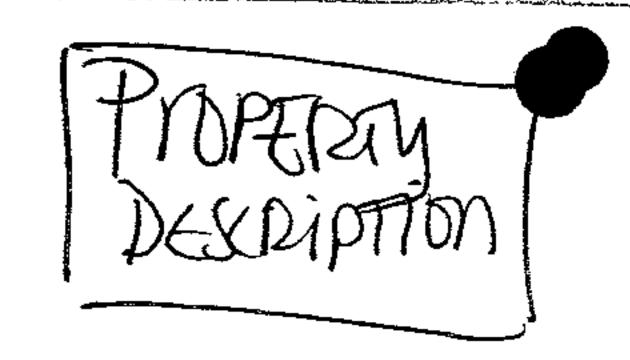
Property is to be posted and advertised as prescribed by the zoning regulations.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Signature Signature Name - Type or Print Telephone No Address Zip Code City Signature State Attorney For Petitioner: Address Telephone No. 10mia Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Address Zip Code City State A Public Hearing 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 day-of 可是一句 "一篇" this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By D.T.

Estimated Posting Date



MCEARHY 1501 Bowill Rd Town, mo 21204

Zoning Description For 1501 Berwick Rd Beginning at a point on the South East cornery Buwill Rd Whilh is 40 Fear Wide attendistance and Paulding Street Which is 40 Feet wide. Being lots # 195+196 in the Subdivision of Ruxan Heights as recorded in Bartinne County Plas Book #1, Folio 64 Containing 11, 413 sq. feet. Also Known rs 15D1 Berwick Road and Tocated in the 9th Election Disknica, 3rd councilmania Disknica

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	Petitioner/Developer:
	Mc CARTHY
	Date of Hearing/Closing: 9/26
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, MD 21204	
ittention:	•
adies and Gentlemen:	•
	ties of perjury that the necessary sign(s) required by laresty located at BERWICK RD.
/50/	BERWICK RD.
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1501 e sign(s) were posted on +SE# 06-125-A	Sincerely, Sincerely, Manual Coll. 2/11
e sign(s) were posted on	Sincerely, (Signature of Sign Poster and Date)
e sign(s) were posted on	SERVICK RD. 9/11/05 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN
e sign(s) were posted on ASE# OG-125-A	Sincerely, (Signature of Sign Poster and Date)
le sign(s) were posted on ASE# OG-125-A	Servick RD. 9/11/05 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) Richard E. Hoppman (Printed Name) 904 Dellwood Dr. (Address) Falls Ton, Mo 2104
le sign(s) were posted on ASE # 06-125-A	SERVICK RD. 9/11/05 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN

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 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:	06-125-A
Petitioner: MAY SUE MUCHE	
Address or Location: 1501 Berwick	COAD TOWS.
	Maryland
PLEASE FORWARD ADVERTISING BILL TO:	21204
Name: MAYUSUL MUCAHU	
Address: 50 Burick N	
Address: 1501 Berwick M. Town Manked 2128	4
Telephone Number: 110-321-1656	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 125 -A Address 1501 BERWICK RD.
Contact Person: Donna Thompson Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 8-29-05 Posting Date: 91105 Closing Date: 9505
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. <u>DEADLINE:</u> 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.
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 06- 125 -A Address 1501 BERWICK RD.
Petitioner's Name McCARTHY Telephone 410-321-1656
Posting Date: 9/1/05 Closing Date: 9/1/05
Wording for Sign: To Permit AN ADDITION WITH A 23-FOOT STREET SETBACK AND
A 19-FOOT REAR SET BACK IN HEU OF THE REQUIRED 30-FEET, RESPECTIVELY

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

September 26, 2005

Mary Sue McCarthy 1501 Berwick Road Towson, Maryland 21204

Dear Ms. McCarthy:

RE: Case Number: 06-125-A, 1501 Berwick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 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. Callibal)

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 September 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: September 12, 2005

Item No.: 11 -125

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.

Lieutenant J.D.Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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



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

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

Maryland Department of Transportation

Date: 9.6.65

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

RE:

Baltimore County

Item No. 125

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

1. 1. Houll

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 13, 2005

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-125

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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 12, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 19, 2005

Item Nos 16, 117, 118, 119, 120, 122,

123, and 125

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- 09122005.doc

August 26, 2005

To Whom It May Concern:

We have met with Mary Sue McCarthy the owner of 1501 Berwick Road about the proposed addition to her kitchen. We approve the addition and do not think this addition will cause us any hardship.

If you wish to speak to us directly, please call us at 410-296-8024.

Sincerely,

Bruce and Niki Leopold 1502 LaBelle Avenue

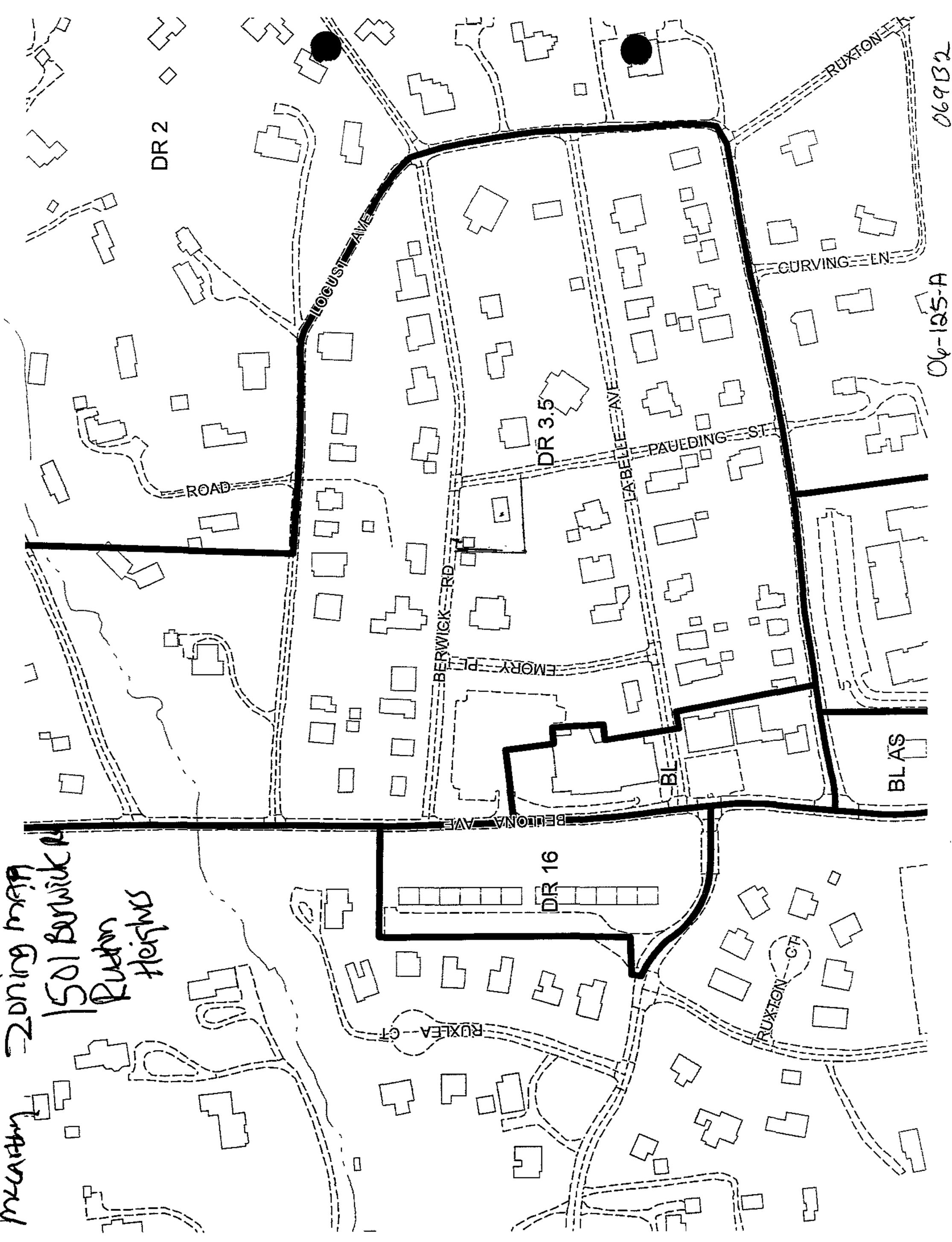
Ruxton, Maryland 21204

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délicious Aromas!

PREPARED BY MAN SCALE OF DRAWING: 1" = 40	NORTH	PROPERTY ADDRESS ISO BELLICK RD SEE PAGES 5 A 6 OF THE CHECKIST F PLAT BOOK # L FOLIO # 64 LOT # 1824 SECTION # OWNER May Six Ma Saith PROPOSED FRONT ACANT AC	ACCOMPANY PETITIO
D.H.	ZONING REVIEWED BY	O PO	E SPE
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06-125-A	SE ONLY		EARING



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Change
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