

IN RE: PETITION FOR ADMIN. VARIANCE
N/ side of First Avenue, 100' North of
c/l of Eastview Drive
3rd Election District
3rd Councilmanic District

(5404 First Avenue)

Susan E. Leslie
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-211-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 owner of the subject property, Susan E. Leslie. The variance request is for property located at 5404 First Avenue in the Upperco area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a shed to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, 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

ORDER RECEIVED FOR FILING
Date 11-18-05
By [Signature]

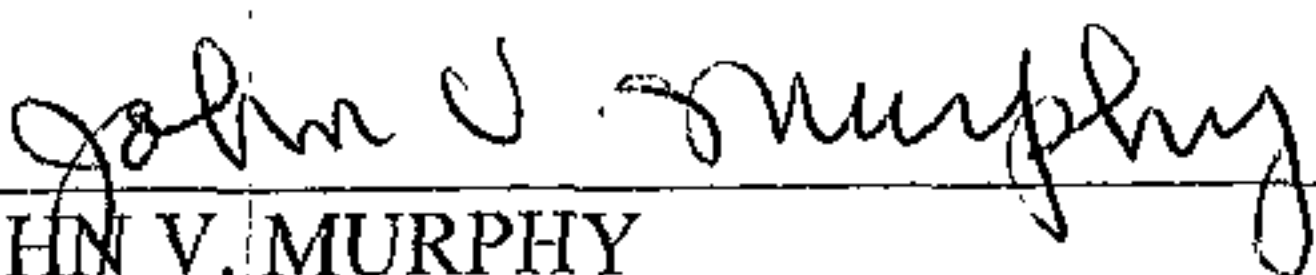
Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 18 day of November, 2005, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a shed to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is 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 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:dlw

ORDER RECEIVED FOR FILING
Date 11-18-05
By Debra W. [signature]

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

November 18, 2005

Susan E. Leslie
5404 First Avenue
Upperco, Maryland 21155

Re: Petition for Administrative Variance
Case No. 06-211-A
Property: 5404 First Avenue

Dear Ms. Leslie:

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
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File

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



Zoning Description For 5401 First Ave., Upperco, MD 21155

Begining at a point on the North side of First Ave which is 90' wide at the distance of 100' North of the Centerline of the nearest improved intersecting street First Ave., which is 90' wide. Being lots 13, 14, 15, and lot 16, Block A in the subdivision of Henry Rohrbaugh as recorded in the Baltimore County Plat Book #8, Folio #4 also known as 5404 First Ave., Upperco, MD 21155.

EASTVIEW DRIVE

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

211

No. 0338

DATE 10-20-05

ACCOUNT 611-616-6150

AMOUNT \$ 65.00

RECEIVED FROM: S. LESLIE

5404 FIVE

FOR: PA. WALL

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED 10/20/2005 11:44:18

RECEIPT # 434134 10/20/2005

RECEIVED 10/20/2005 11:44:18

RECEIVED 10/20/2005 11:44:18

RECEIVED 10/20/2005 11:44:18

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 10-30-05

RE: Case Number 06-211-A
Petitioner/Developer: Susan Leslie
Date of Hearing/Closing: 11-14-05

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5405 First Ave

The sign(s) were posted on 10-30-05
(Month, Day, Year)

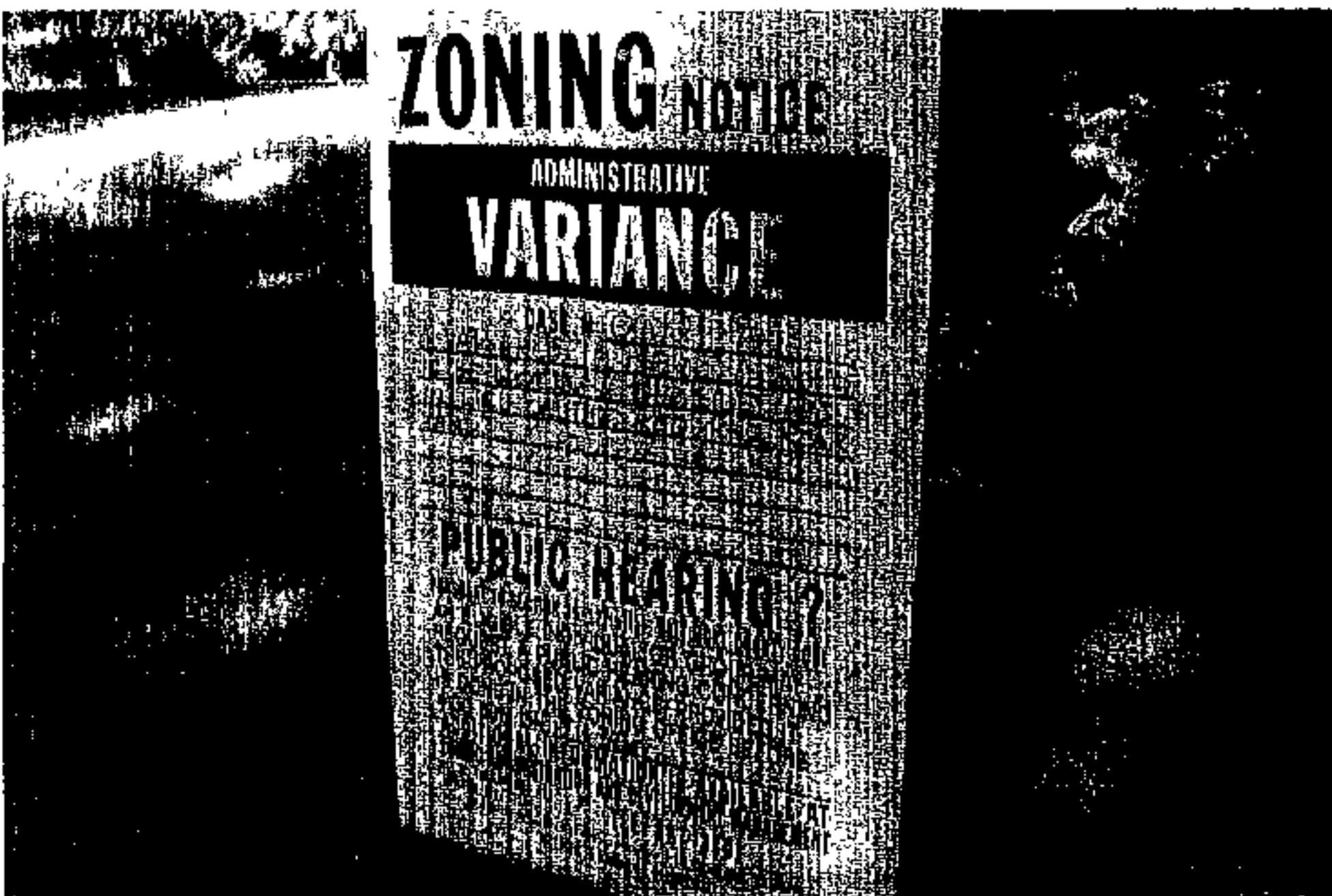
J. Lawrence Pilson, R-S
(Signature of Sign Poster)

J. LAWRENCE PILSON, R-S
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



**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/neighborhood 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: 211
Petitioner: SUSAN LESLIE
Address or Location: 5404 FIRST AVE., UPPER CO MD., 21155

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUSAN LESLIE
Address: SAME

Telephone Number: 410-429-4954

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 211 -A Address 5404 FIRST Ave.

Contact Person: J. M. Mene Phone Number: 410-887-3391
(Planner, Please Print Your Name)

Filing Date: 10.20.05 Posting Date: 10.30.05 Closing Date: 11.14.05

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 06- 211 -A Address 5404 FIRST Ave.

Petitioner's Name SUSAN LESLIE Telephone 410-429-4954

Posting Date: 10.30.05 Closing Date: 11.14.05

Wording for Sign: A VARIANCE
To Permit A SHED TO BE LOCATED IN
THE SIDE YARD IN LIEU OF THE REQUIRED
REAR YARD.

WCR - Revised 6/25/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5404 FIRST AVENUE, UPPERCO, MD 21155
which is presently zoned R.C. 2

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) 400.1 AND ~~400.3~~; BCZR, TO PERMIT A SHED (DETACHABLE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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):

SUSAN E. LESLIE
Name - Type or Print

[Signature]
Signature

Name - Type or Print

Signature

5404 FIRST AVENUE (410) 429-4954
Address Telephone No.

UPPERCO MARYLAND 21155
City State Zip Code

Representative to be Contacted:

SAME
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.

CASE NO. 06-211A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 10-20-05

Estimated Posting Date 10-30-05

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

5404 FIRST AVENUE
Address
UPPERCO MARYLAND 21155
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):

It's the only practical space for the garage because:

it's the end of the driveway

the septic is in the back

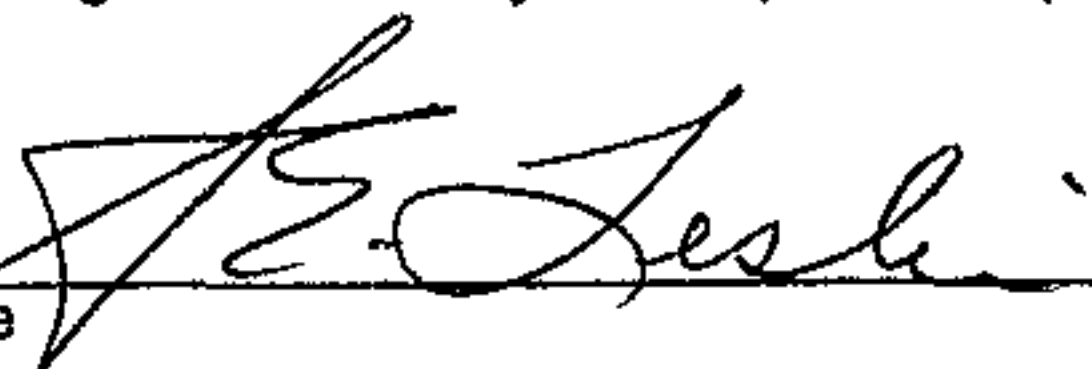
the property is narrow

the neighbors on the west side are in agreement (letter attached)

the neighbor's house is not adjacent to the garage location (photographs attached)

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



Signature

Name - Type or Print

SUSAN E. LESLIE

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of Sept., 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SUSAN LESLIE

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



9-1-07

**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*

November 14, 2005

Susan E. Leslie
5404 First Avenue
Upperco, Maryland 21155

Dear Ms. Leslie:

RE: Case Number: 06-211-A, 5404 First Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a long, sweeping "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **October 24, 2005**

Item No.: 204-218

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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 123
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

NOV. 02, 2005

ATTENTION:

Distribution Meeting of: OCTOBER 24, 2005

Item No.: 204-218

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. PACK
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2005

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 31, 2005
Item Nos. 204, 205, 206, 208, 209, 211, 213, 214, 215, 216,

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-11092005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 8, 2005
RECEIVED

NOV 15 2005

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

PLANNING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-211- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

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



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

Maryland Department of Transportation

Date: 10-31-05

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

RE: Baltimore County
Item No. 211 JLM

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: 1800.735.2258 Statewide Toll Free

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

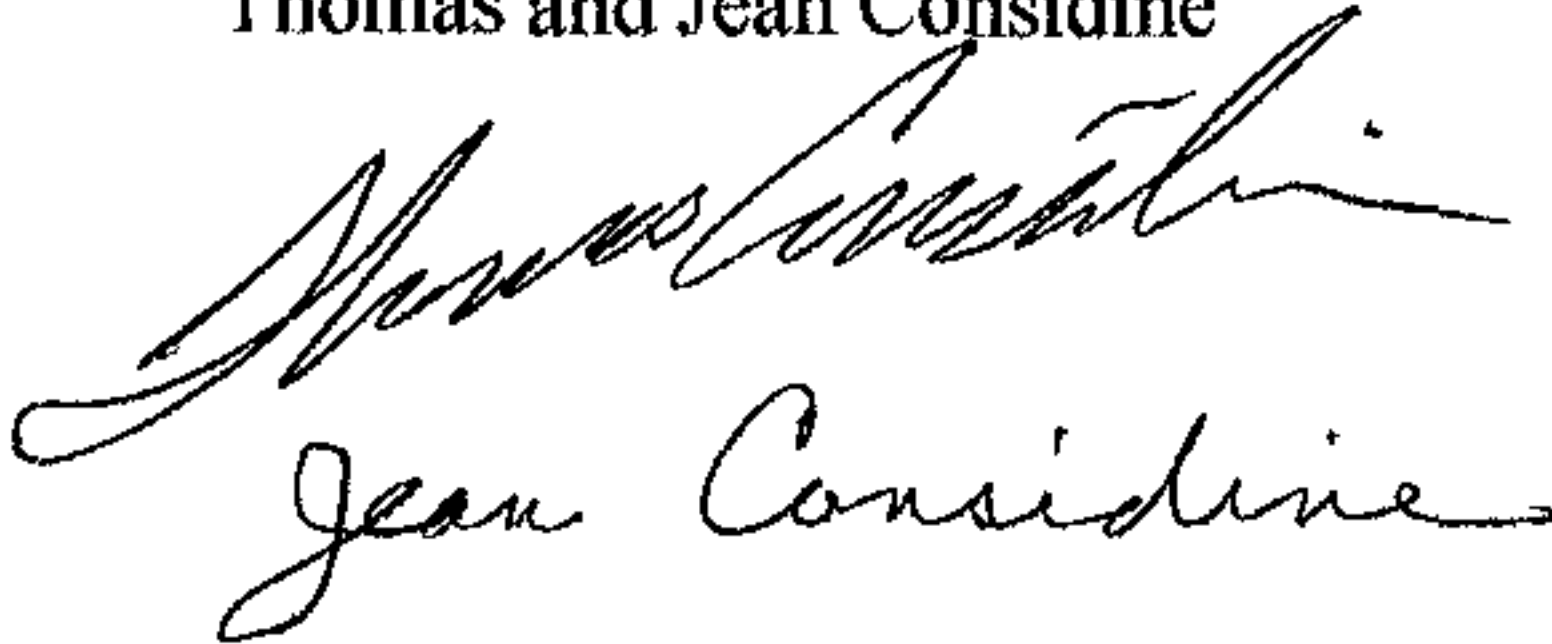
September 10, 2005

Petition for Administrative Variance for the property located at
5404 First Avenue, Upperco, Maryland, 21155

To: Zoning Commissioner of Baltimore County

We have seen the copy of the location survey and agree with the proposed area of the
garage.

Thomas and Jean Considine

A handwritten signature in cursive script, appearing to read "Jean Considine", written over the printed name.

5417 Emory Road
Upperco, Maryland 21155

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

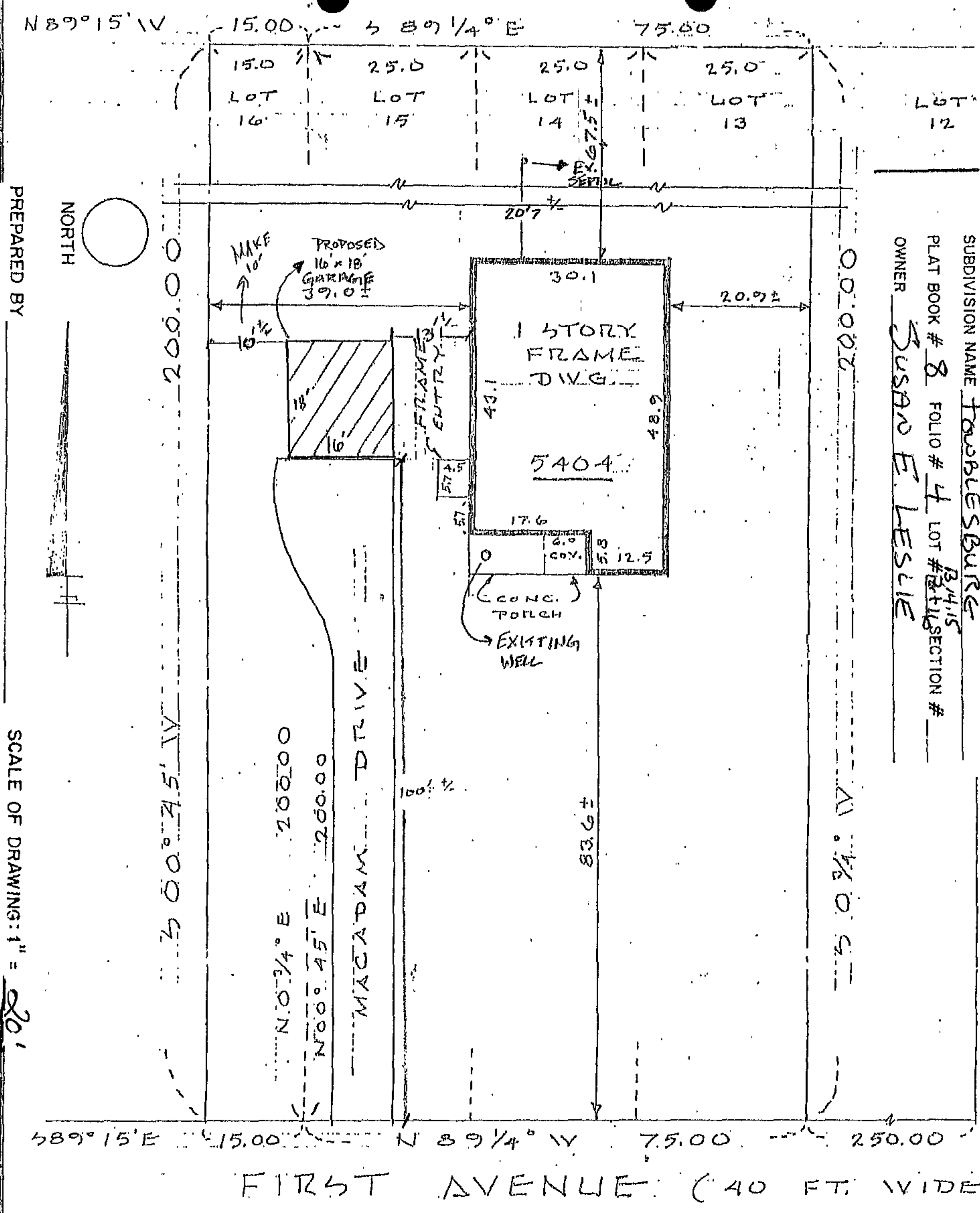
PROPERTY ADDRESS 5404 FIRST AVE

HAVER RD Route 30

SUBDIVISION NAME TRAUBESBURG

PLAT BOOK # 8 FOLIO # 4 LOT # 14 SECTION # 34

OWNER SUSAN E. LESLIE



This reproduction subject to 1% reduction in scale.

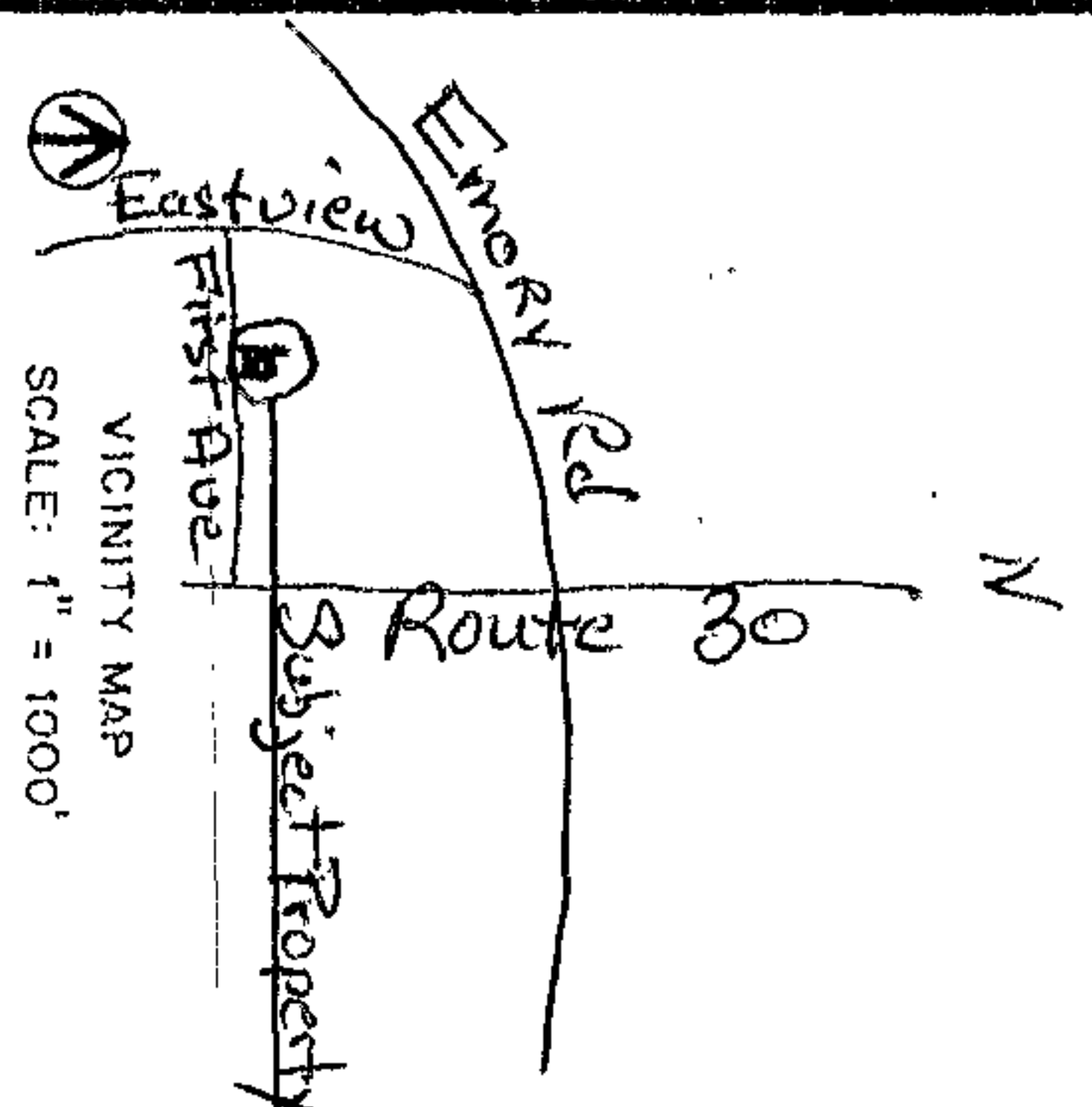
I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

12/21/82 [Signature]

All of Lots 13, 14 & 15, and part of Lot 16, Block A, Plat of the Property of HENRY ROHRBAUGH, Plat Book W.P.C. No. 8, Folio 4. This plat is not to be used for the establishment of property lines.

REG. NO. 2000

SCALE	1" = 20'
DATE	12/21/82
JOB NO.	194 82 G



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP #

ZONING R.C.2

LOT SIZE .49 ACRES 18,000 SQUARE FEET

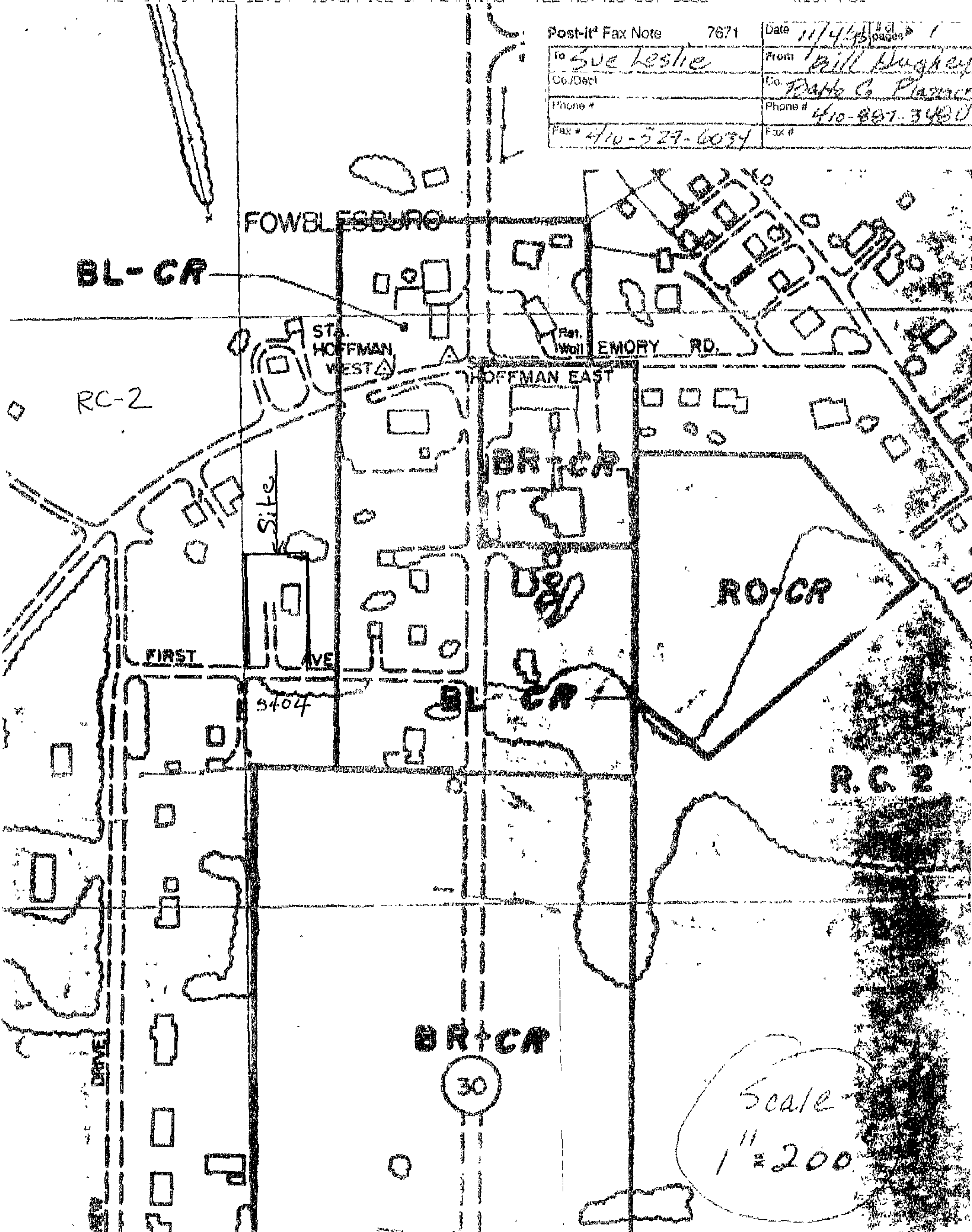
SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY 1 CASE # 1

Post-It® Fax Note 7671

Date	11/4/93	pages	1
To	Sue Leslie	From	Bill Hughes
Co./Dept		Co.	Datto Co Planning
Phone #		Phone #	410-887-3430
Fax #	410-529-6034	Fax #	





5417 Emory Rd



5404

FIRST AVENUE



5404 FIRST AVE

SUSAN LESLIE