ORDER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

NW/Side of Montrose Avenue

800' nw of Pratt Avenue 9th Election District

2nd Councilmanic District

(6527 Montrose Avenue)

Michael S. and Margaret H. Hoffberger Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 06-272-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, Michael S. and Margaret H. Hoffberger. The variance request is for property located at 6527 Montrose Avenue in the Towson area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (pool) and an accessory building (pool house) to be located in the side and front yards in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' 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 December 4, 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

PARCEIVED FOR FILMS

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.

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 \_\_\_\_\_ day of January 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (pool) and an accessory building (pool house) to be located in the side and front yards 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 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

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FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 4, 2006

Michael S. Hoffberger Margaret H. Hoffberger 6527 Montrose Avenue Towson, Maryland 21212

Re: Petition for Administrative Variance Case No. 06-272-A

Property: 6527 Montrose Avenue

Dear Mr. and Mrs. Hoffberger:

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

for Baltimore County

JVM:dlw Enclosure

c: People's Counsel; Case File

# 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.

AS WITNESS my hand and Notarial Seal

THITIMIN THE REAL PROPERTY.

REV 10/25/01

6527 Montrose Avenue
Address

Baltimore, MD 21212
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):

The rear of the property has 20' of fill. We have contacted several contractors and none are willing to build a pool with those conditions. Also, in the rear of the house is the septic reserve area.

Notary Public

My Commission Expires



REX 10/25/01

# Petition for Administrative Variance

for the property located at 6527 Montrose Avenue

# to the Zoning Commissioner of Baltimore County

	which is presently zoned
This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	
owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	ling (pool house) to be located in the side ed rear yard.
of the zoning regulations of Baltimore County, to the zoning la of this petition form.	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the solution, agree to pay expenses of above Variance, advertising, por regulations and restrictions of Baltimore County adopted pursuant to	sting, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u>
Name - Type or Print	Michael S. Hoffberger  Name Type or Print
Signature	Signature : Margaret H. Hoffberger
Address Telephone No.	Name - Type or Print  Mayard a Took
City State Zip Code	Signature 6527 Montrose Avenue 410-977-0679
Attorney For Petitioner:	Address Telephone No
None Name - Type or Print	Baltimore, MD 21212  City State Zip Code
	Representative to be Contacted:
Signature	
Company	Sem Above Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
this 4 day of, that the subject matter o	be required, it is ordered by the Zoutty Osmmissioner of Baltimore Count of this petition be set for a publicate aring advertised, as required by the zoning
regulations of Baltimore County and that the property be reposted.	CAID COMMISSION OF THE PARTY OF
5 1 NO. 06-272-A	Zoning Commissioner of Baltimore County
	stimated Posting Date
R (1) 0/25/01	Surfaced Fosting Date W. Foth 37 - W. Lat.

## **ZONING DESCRIPTION**

# Zoning Description For 6527 Montrose Avenue

DESCRIPTION OF NORTH PARCEL MELVIN C. NICKELS PROPERTY
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the northwesterly side of Montrose Avenue 800'NW of PraH Avenue and at the end of the first line of a conveyance from Mary W. Morrison, widow, to Melvin C. Nickels by deed dated October 16, 1950, recorded among the Land Records of Baltimore County in Liber TBS 1899, folio 156, thence reversely with part of said line, as now surveyed:

- (1) North 54° 53' 00" West 11.89 feet to the end of the fourth line in the first parcel described in a conveyance from Joseph A. Doyle, Jr. and wife to Melvin C. Nickels, unmarried, by deed dated December 19, 1950, recorded among the said Land Records in Liber GLR 1911, folio 428, thence binding reversely on fourth and third lines of the last mentioned conveyance, as now surveyed, the two (2) following courses and distances:
  - (2) North 82° 56' 00" West 42.52 feet and
- (3) North 54° 53′ 00" West 51.24 feet, thence running for adjusted lines of division over, through and across the conveyance from Channing W. Wilson and wife to Melvin C. Nickels by deed dated September 22, 1950, recorded among the said Land Records in Liber TBS 1885, folio 121 the three (3) following courses and distances:
  - (4) North 64° 55' 03" West 64.20 feet.
  - (5) North 86° 56' 59" West 33.81 feet and
- (6) North 72° 28' 48" West 455.98 feet to intersect a point on the fifth line of the last mentioned conveyance, thence binding on said line, to the end thereof, and continuing on the same course at the beginning of the second line of the first parcel of the conveyance from Mary Louise Watters Morrison, widow to Melvin C. Nickels and Patricia A. Nickels, his wife, by deed dated February 8, 1954, recorded among the said Land Records in Liber GLB 2430, folio 208, thence binding on said second line to the end there, in all, as now surveyed:
- (7) North 51° 06' 00" East 718.74 feet to the beginning of the third line in the last mentioned conveyance In Liber GLB 2430, folio 208, thence binding on the third, fourth, fifth and sixth lines consecutively of the last mentioned conveyance the four (4) following courses and distances, as now surveyed:
  - (8) South 05° 06' 00" West 333.85 feet,
  - (9) South 08° 11' 55" West 136.51 feet,
  - (10) South 12° 29' 00" West 24.50 feet and
- (11) South 22° 43' 10" East 32.33 feet to intersect a point on the sixth line of the last said conveyance, thence binding on said line, to a point 18.85 feet from the end of thereof, as now surveyed:

### **ZONING DESCRIPTION**

# Zoning Description For 6527 Montrose Avenue Continued:

- (12) South 58° 20' 35" East 34.54 feet to the end of the second line of the conveyance from Melvin C. Nickels and Patricia A. Nickels, his wife to Harvey R. Clapp, Jr. and Katherine L. Clapp, his wife by deed dated February 8, 1954, recorded among the said Land Records in Liber GLB 2430, folio 214, thence binding reversely on said line to the beginning thereof, and continuing on the same course to the beginning of the second line of the second parcel of a conveyance from Mary Louise Watters Morrison, widow, to Melvin C. Nickels and Patricia A. Nickels, his wife, by deed dated February 8, 1954, recorded among the said Land Records, thence binding on said second line to the end thereof, in all, as now surveyed:
- (13) South 13° 03' 30" East 51.44 feet to the beginning of the third line of the said second parcel of the conveyance in Liber 6LB 2430, folio 208, thence binding on the third and fourth line of the last said conveyance, as now surveyed, the two (2) following courses and distances:
  - (14) South 64° 09' 00" East 65.96 feet,
- (15) South 67° 46' 00" East 30.28 feet to intersect the said northwesterly side of Montrose Avenue, thence binding on said Montrose Avenue and binding on the fifth line of the last mentioned conveyance and continuing to bind on second line of the first mentioned conveyance in Liber TBS 1899, folio 156, as now surveyed:
- (16) By a line curving left with a radius of 36.25 feet, an arc length of 40.82 feet and a chord bearing and distance of South 40° 43′ 29″ West 38.70 feet to the place of beginning.

Containing 164,748 square feet or 3.782 acres of land, more or less.

Subject to any and all easements, rights of way and/or covenants of record and law.

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	RE: Case No.: 06-272-A
	Petitioner/Developer:
	MICHAEL & MARGARET HOFFBERGE
4	Date of Hearing/Closing: 12/19/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	•
Attention:	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of were posted conspicuously on the property le	perjury that the necessary sign(s) required by law
<u> </u>	MOUTROSE AVE
ine sign(s) were posted on	12/4/05
	- (Month, Day, Year)
CASE COCTO	· • • • • • • • • • • • • • • • • • • •
	Sincerely,
in	- 12/a/os
The state of the s	(Signature of Sign Poster and Date)
	,
	(Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)
ingradingsprometry of the second seco	RICHARD E. HOFFMAN
ingraph page of the specific of the state of	RICHARD E. HOFFMAN (Printed Name)  904 DELLWood Dr. (Address)
	RICHARD E. HOFFMAN (Primed Name)  904 DELLWOOD DR. (Address)  FALLS TON, MO 21047
	RICHARD E. HOFFMAN (Printed Name)  904 DELLWood DR. (Address)
	RICHARD E. HOFFMAN (Printed Name)  904 DELLWOOD DR. (Address)  FALLSTON, MO 21047 (City, State, Zip Code) (210) 879-3127
	RICHARD E. HOFFMAN (Primed Name)  904 DELLWOOD DR. (Address)  [Falls TON, Mo 21047
	RICHARD E. HOFFMAN (Printed Name)  904 DELLWOOD DR. (Address)  FALLSTON, MO 21047 (City, State, Zip Code) (210) 879-3127

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	lumber 06-	272	-A	Address	6527	Montrose Avenue	
Contac	ct Person:	Q (1	Please Print Your			Phone Number: 410-887-33	91
Filing I	Date: <i>[l</i>	22/05	Pos	ting Date:	12/4/05	Closing Date: (2/(9/	05
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	a formal req	uest for a p	ublic hearin	g. Please	understand	or owner within 1,000 feet to that even if there is no forme closing date.	file nal
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	(whether due commissione changed givi	e to a neigher), notification	bor's forma n will be forma he hearing o	l request or orwarded to date, time ar	r by order or you. The nd location.	that must go to a public hearing of the zoning or deputy zoning sign on the property must As when the sign was original ltered sign must be forwarded	ing be ally
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Petitio	ner: This Pa	art of the For	m is for the	₃ Sign Post	er Only		
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Case N	Number 06-[	272 -	Add	ress <u>652</u>	7 Montre	se Avenue	<del></del>
Petition	ner's Name 🏻	Nichael &	Margaret	Hoffberg	<u>er</u> T	elephone 4/0-977-0679	<del></del>
Postin	g Date:	12/4/05	_	Cle	osing Date:	12/19/05	
Wording to be	ng for Sign: _ located i	To Permit a	naciessor and fro	nt yards	e (pod) an in lieu o	d an accessory building (po f the required rear yo	ol hous
						WCR - Revised 6/25	<del></del> 5/04

# Department of Permits Development Management

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





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

December 19, 2005

Michael S. Hoffberger Margaret H. Hoffberger 6527 Montrose Avenue Baltimore, Maryland 21212

Dear Mr. and Mrs. Hoffberger:

RE: Case Number: 06-272-A, 6527 Montrose Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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. Call Rille D

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, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: December 20, 2005

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For December 5, 2005

Item Nos. 251,267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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-12202005.doc

### 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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 265, 267, 271  $\frac{7}{4}$  272, 273, 274, 275, 276, 277, 279, 280, 282, 283,

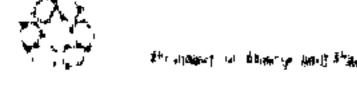
284, 285.

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

cc: File



# 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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-272- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By

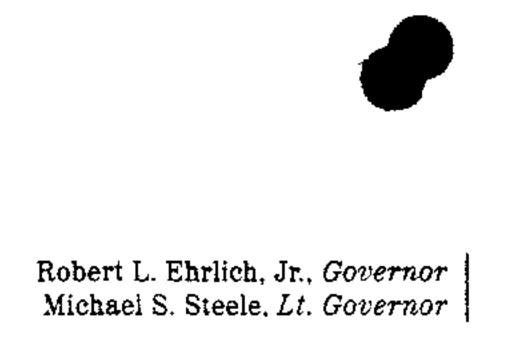
**Division Chief:** 

CM/LL

HELLE AND STREET OF THE PARTY O

**DATE:** December 23, 2005

DEC 20 2005





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

#### Maryland Department of Transportation

Date:

RE:

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

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.

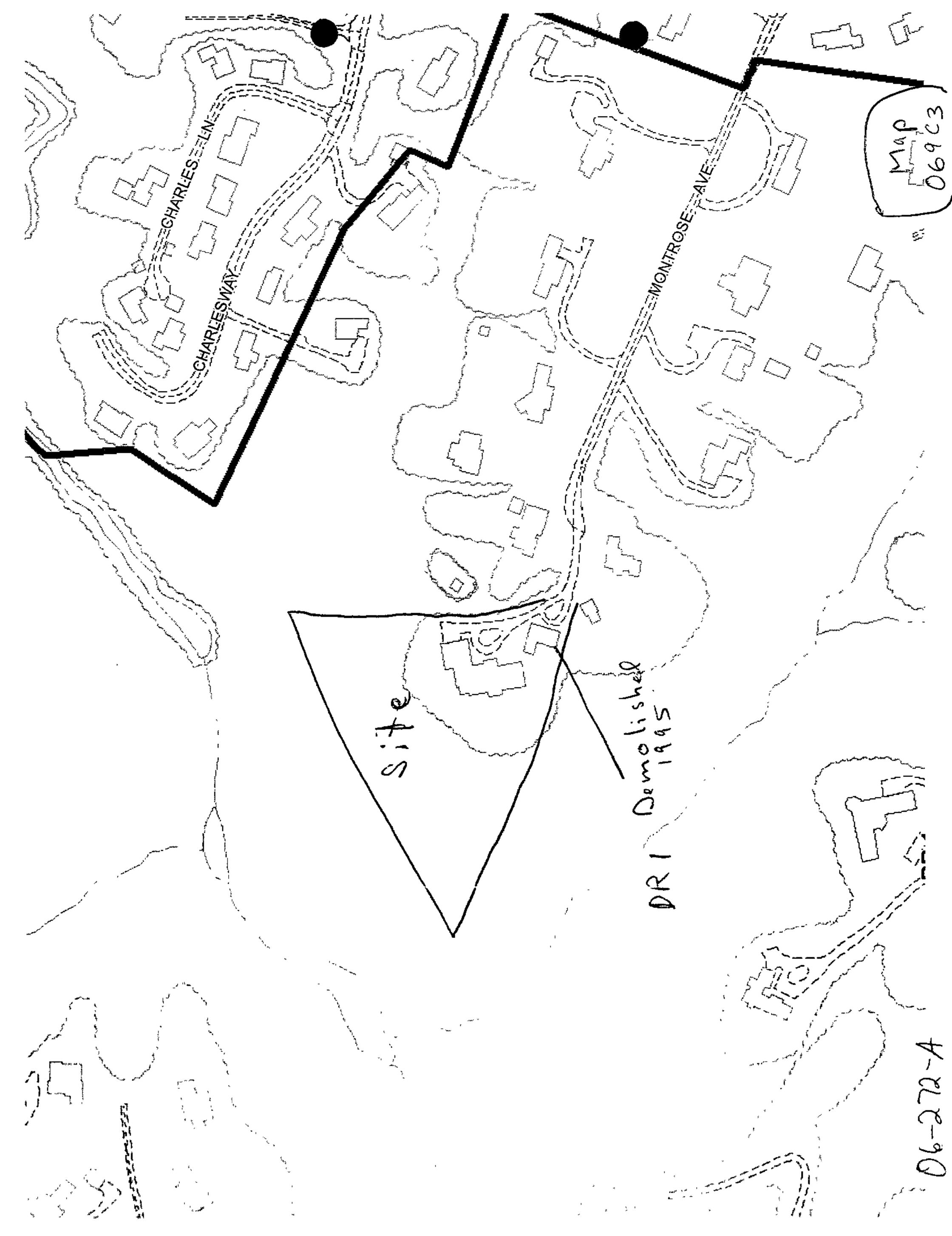
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

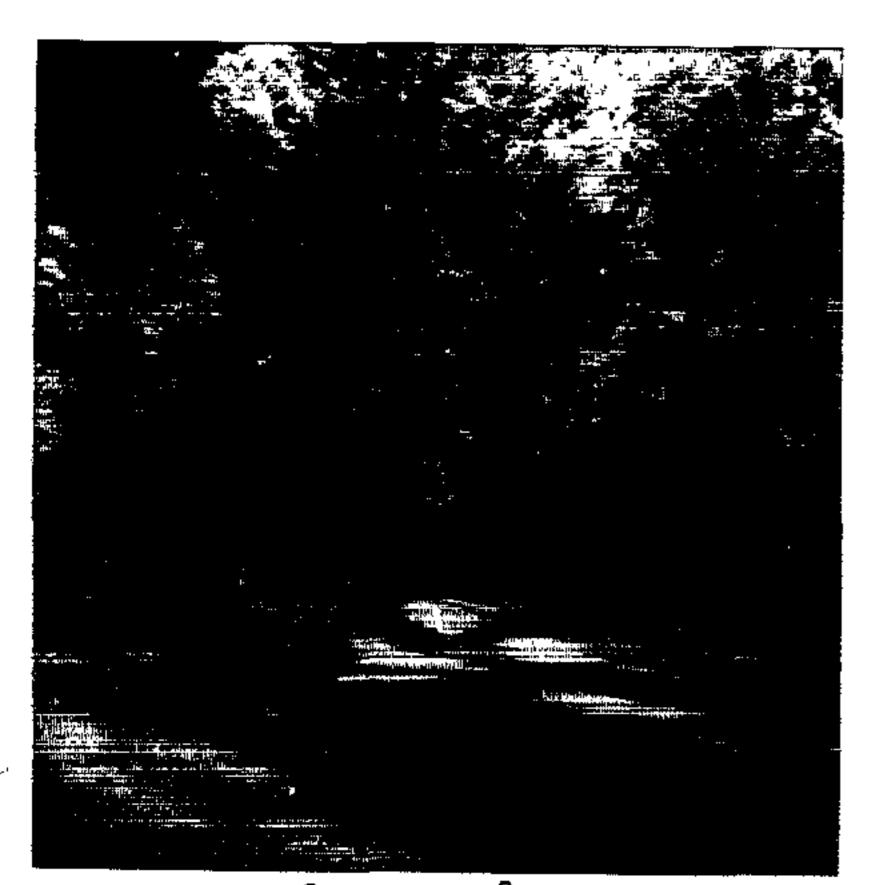
Very truly yours,

Steven D. Foster, Chief Engineering Access Permits Division

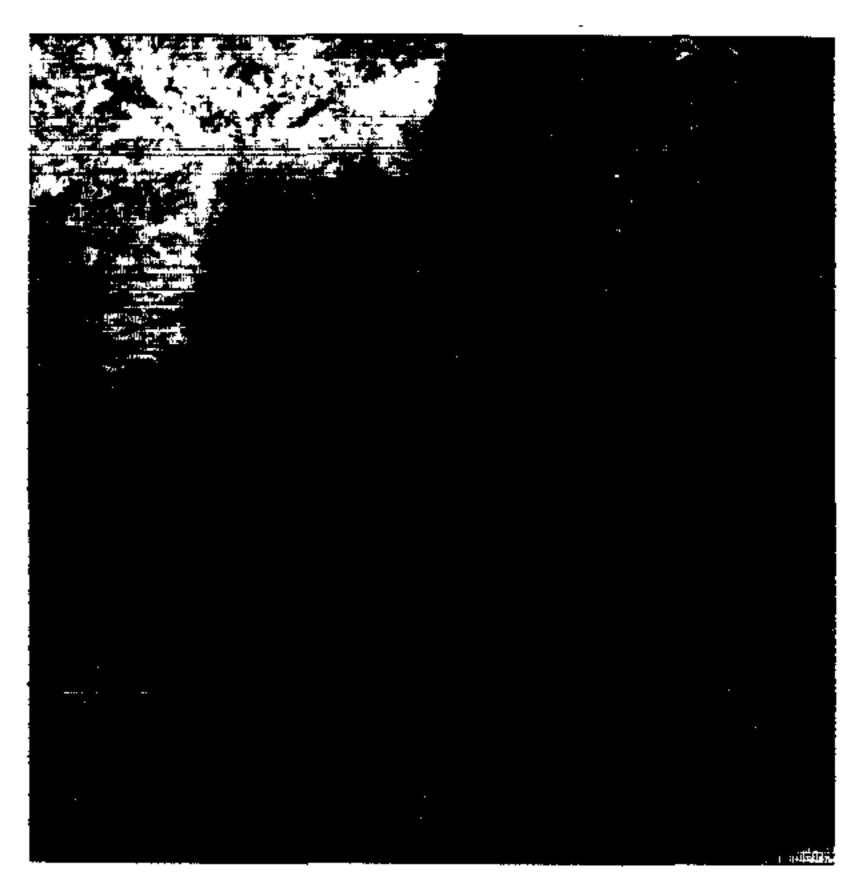
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Baltimore County

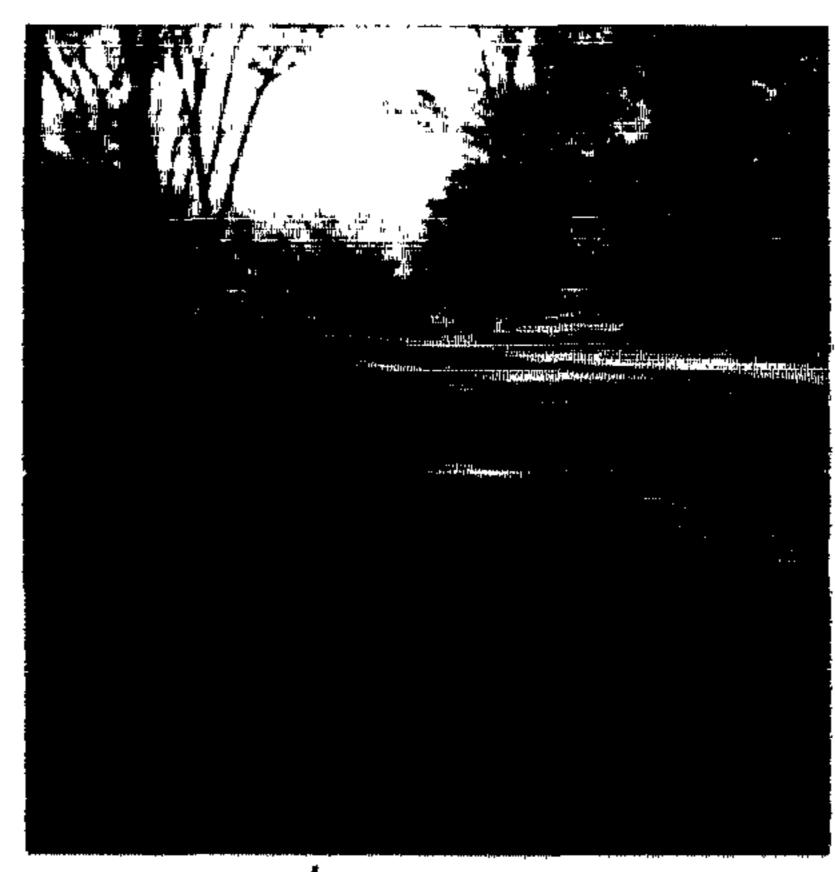




Looking South South East towards adjacent Mckhann Property.



Looking South Lowards adjacent Hathaway property



Low. Swith with white

