השטביה חשטה Date. IN RE: PETITION FOR ADMIN. VARIANCE West Side of Howard Avenue, 905' S of Centerline of Back River Neck Road 15th Election District

6th Councilmanic District

(1631 Howard Avenue)

Glen and Jane Welch **Petitioners** BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-274-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, Glen and Jane Welch. Resolution 171-05 concerning the public disclosure of Glen Welch, an employee of the Baltimore County Department of Public Works, was approved at the County Council meeting held on December The variance request is for property located at 1631 Howard Avenue in the Middle River area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a detached accessory structure (garage) with a height of 24 feet in lieu of the required 15 feet. 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: ZAC comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated December 16, 2005 and the Office of Planning dated December 20, 2005, copies of which are attached hereto and made a part hereof.

Date TECEIVED FOR FILING

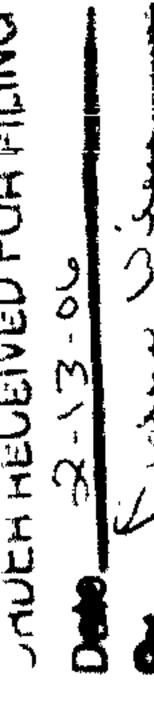
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 1, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 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 Zoning Commissioner for Baltimore County, this day of February, 2006, that a variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a detached accessory structure (garage) with a height of 24 feet in lieu of the required 15 feet, 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.
- 2. The Petitioners must be in compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated December 16.



2005, and the Office of Planning dated December 20, 2005, copies of which are attached hereto and made a part hereof.

3. When applying for a building permit, the site plan filed 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:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 13, 2006

Glenn Welch Jane Welch 1631 Howard Avenue Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 06-274-A

Property: 1631 Howard Avenue

Dear Mr. and Mrs. Welch:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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,

William J. Wiseman, III Zoning Commissioner

for Baltimore County

WJW:dlw Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401

Buck Jones, 500 Vogts Lane, Baltimore, MD 21221

People's Counsel; Case File



OR FILING

ANDER RECEIVED

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1631	Howard	Avnue	
which is				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)

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24' IH LIEU OF THE REQUIRED 15'

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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	e Zoning Comi hearing, advert	hised, as requir	red by the zoning
/ 4 it	on be set for a public	on be set for a public hearing, advert	Zoning Commissioner of Baltimore County Date 11/23/

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	1631 Howard	Avenue	
	Address	367	24224
	Baltimore,	MD	21221
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts uip or practical difficul	pon which I/we base ty):	e the request for an Administrative
he homeowners are requesting t			
n the northern side. 5' off th	heir rear nro	nerty line	The purpose of a

The homeowners are requesting to construct a 30' x 26' two story garage on the northern side, 5' off their rear property line. The purpose of a two story garage is to use the second floor for storage due to the fact that the existing house is on a crawlspace that is not suitable for storage and the truss roof system does not allow for storage in the attic. Hence storage is very difficult and to some degree unsafe. The new structure would be at least 125' from any adjoining neighbors homes and would be considered unsightly or negtively impact the sight of the neighborhood.

That the Affiant(s) acknowledge(s) that if a formal der advertising fee and may be required to provide additional	mand is filed, Affiant(s) will b	e required to pay a reposting and
activities for and may be required to provide additional	landa	Jehr-
Signature	Signature	
Jane Welch	Glen Welch	
Name - Type or Print	Name - Type or Print	·· ·······························
STATE OF MARYLAND, COUNTY OF BALTIMORE, to I HEREBY CERTIFY, this 24 day of October of Maryland, in and for the County aforesaid, personally a		re me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily ide	entified to me as such Affiant(s	<u>).</u>
	· ·	
AS WITNESS πy hand and Notarial Seal		
NOTARY	Deborar 8	Martin
Du ne Lie	Notary Public	Deborah J. Mertin Notary Public
	My Commission Expires	Bettmore County, Maryland

My Comm. Exp. 11/01/07

REV 10/25/01

ZONING DESCRIPTION FOR 1631 HOWARD AVENUE

BEGINNING AT A POINT ON THE WEST SIDE OF HOWARD AVENUE WHICH IS 40' WIDE AT THE DISTANCE OF 905' SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET BACK RIVER NECK ROAD WHICH IS 60' WIDE. * BEING LOT #92-93-94, IN THE SUBDIVISION OF FRENCHS PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #6, FOLIO # 138, CONTAINING 15,000/.344. ALSO KNOWN AS 1631 HOWARD AVENUE AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date JANUARY 1, 2006

RE Case Number 06-274-A

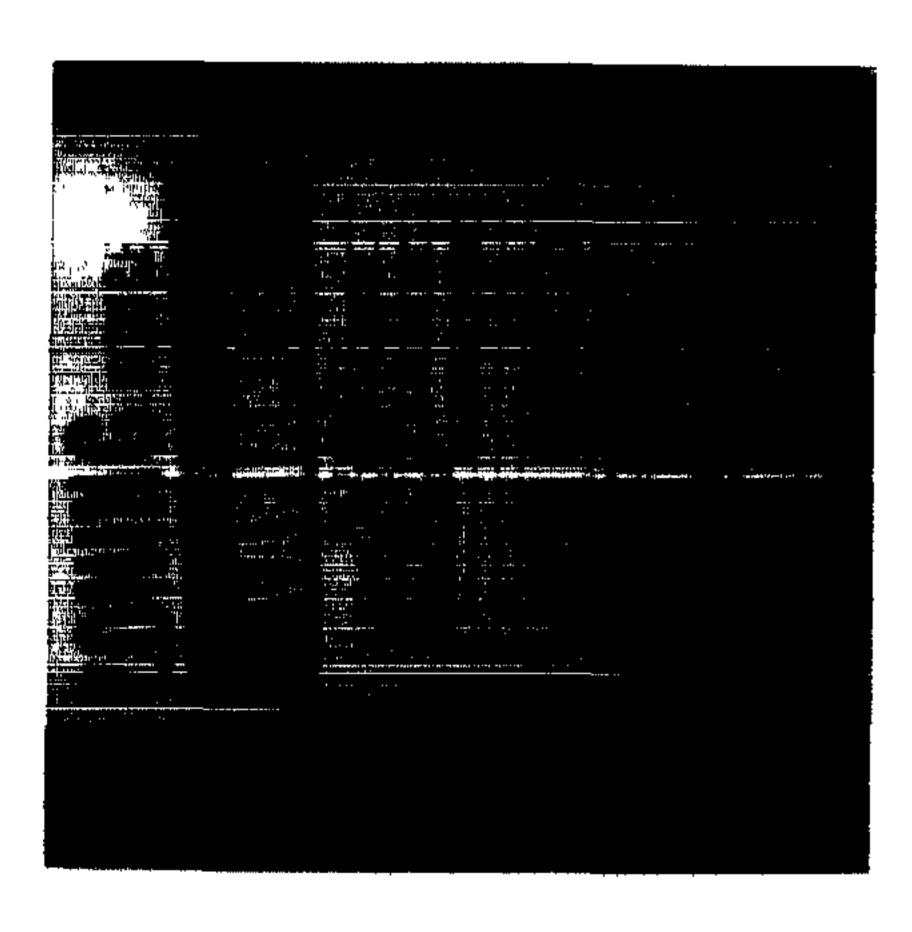
Peritioner/Developer. GLEN WELCH ETUX / BUCK JONES

Date of Hearing(Closing) JANUARY 16, 2006

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 1631 HOWARP AVENUE

The sign(s, were posted on _

DECEMBER 25, 2005 (Morin, Day, Year)



Signature of Sign Poster)

Printed Name of Sign Poster

523 PENNY LANE (Street Address of Sign Poster)

HUNT VALLEY MD 21030

- 410-66-5366 Thiermone Vumber of Sign Poster

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.

	mber or Case Number: <u>OG-Z74-A</u>	
	er: Glen & Jane Welch or Location: 1631 Howard Avenue	
PLEASE	FORWARD ADVERTISING BILL TO:	
Name: _	Glen & Jane Welch	
Name: Address:	1631 Warrand Arrange	

Revised 2/20/98 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Phone Number. 410-887-3391

Case Number 06- 274 -A Address 1631 HOWARD AVEHUE

Contact Person: _LIOYO T. NOXLEY

				Planner Please	Print Your Nam	e				
Filing	Date:	11]	23/0	5	Posting	Date:	12/4/0	5	Closing D	ate: 12/19/05
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2.	a form	nal red	quest fo	r a public		Please	understan	d that	even if the	1,000 feet to file ere is no formal
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4.	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 Aid	ong Dotted	Line)			
Petitioner: This Part of the Form is for the Sign Poster Only							<u></u>			
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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

December 19, 2005

Glen Welch Jane Welch 1631 Howard Avenue Baltimore, Maryland 21221

Dear Mr. and Mrs. Welch:

RE: Case Number: 06-274-A, 1631 Howard Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 23, 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 Rill D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Buck Jones 500 Vogts Lane Baltimore 21221



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

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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28 2005

Item No.: 265, 267, 271, 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

INTEROFFICE CORRESPONDENCE

DATE: December 20, 2005

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

DAK/ C.b

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley, DEPRM

DATE:

December 16, 2005

SUBJECT:

Zoning Item # 06-274-A

Address

1631 Howard Avenue

(Welch Property)

Zoning Advisory Committee Meeting of November 28, 2005

<u>X</u> The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property has to comply with the Limited Development Area (LDA) regulations concerning impervious surface area and tree cover.

Reviewer:

K. Brittingham

Date: December 14, 2005



DATE: December 20, 2005

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: 6-274 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by

Section Chief:

AFK/LL: CM



Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

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

1.1. South

Date: 12.2.05

Baltimore County

Engineering Access Permits Division

11/23/05

APP. 15 CO. EMPLOYEE

RESOLUTION LETTER 15 TO BE

SUBMITTED BY BUCH JOHES



County Council of Baltimore County

Court House Towson, Maryland 21204

> 410-887-3196 Fax: 410-887-5791

S.G. Samuel Moxley FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

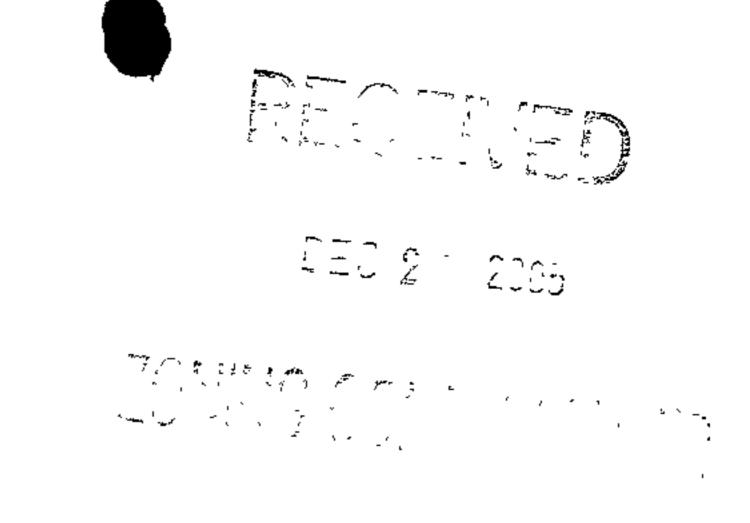
Kenneth N. Oliver FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder SIXTH DISTRICT

John Olszewski, Sr. SEVENTH DISTRICT

Thomas J. Peddicord, Jr. LEGISLATIVE COUNSEL SECRETARY



December 20, 2005

William Wiseman, Zoning Commissioner Courts Building 401 Bosley Avenue Towson, Maryland 21204

Dear Mr Wiseman:

Attached please find a copy of Resolution 171-05 concerning the public disclosure of Glen Welch, an employee of the Department of Public Works, who has applied for a zoning variance to construct a garage at his residence at 1631 Howard Avenue, Baltimore, Maryland, 21221.

This Resolution was approved by the County Council at its December 19, 2005 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.

Hers (Cultival)

Legislative Counsel/Secretary

TJP:dp Enclosure

cc: Glen Weich

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2005, Legislative Day No. 23

Resolution No. 171-05

Mr. Joseph Bartenfelder, Councilman

By the County Council, December 19, 2005

A RESOLUTION concerning the public disclosure of Glen Welch, an employee of the Baltimore County Department of Public Works.

WHEREAS, Glen Welch, an employee of the Baltimore County Department of Public Works, has applied for a zoning variance to construct a garage at his residence at 1631 Howard Avenue, Baltimore, Maryland 21221; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the application for a zoning variance filed by Glen Welch does not contravene the public welfare and is hereby authorized.

r17105.wpd

READ AND PASSED this 19TH day of DECEMBER, 2005.

BY ORDER

Thomas J. Feddicord, Jr.

Secretary

ITEM: RESOLUTION 171-05

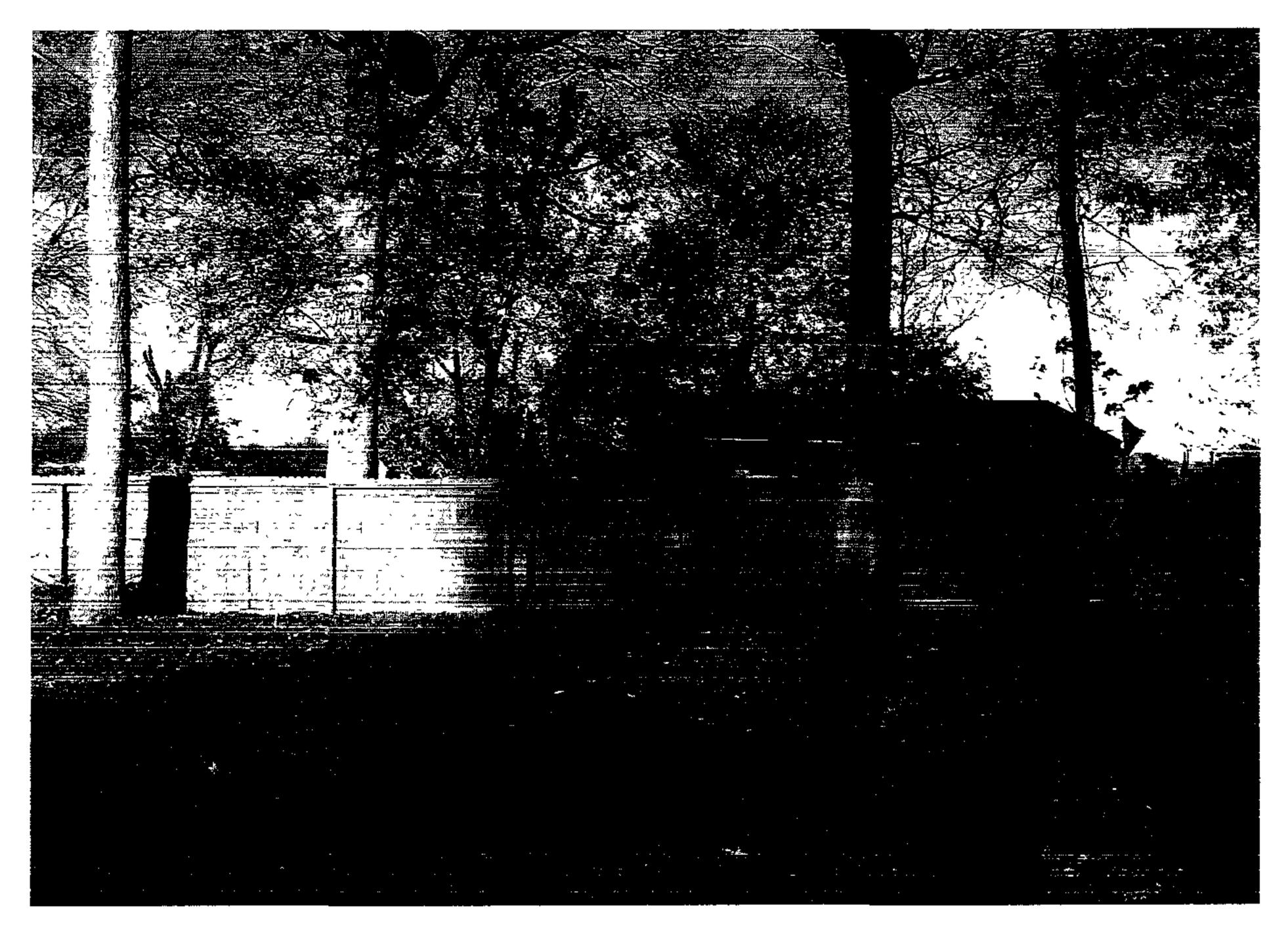




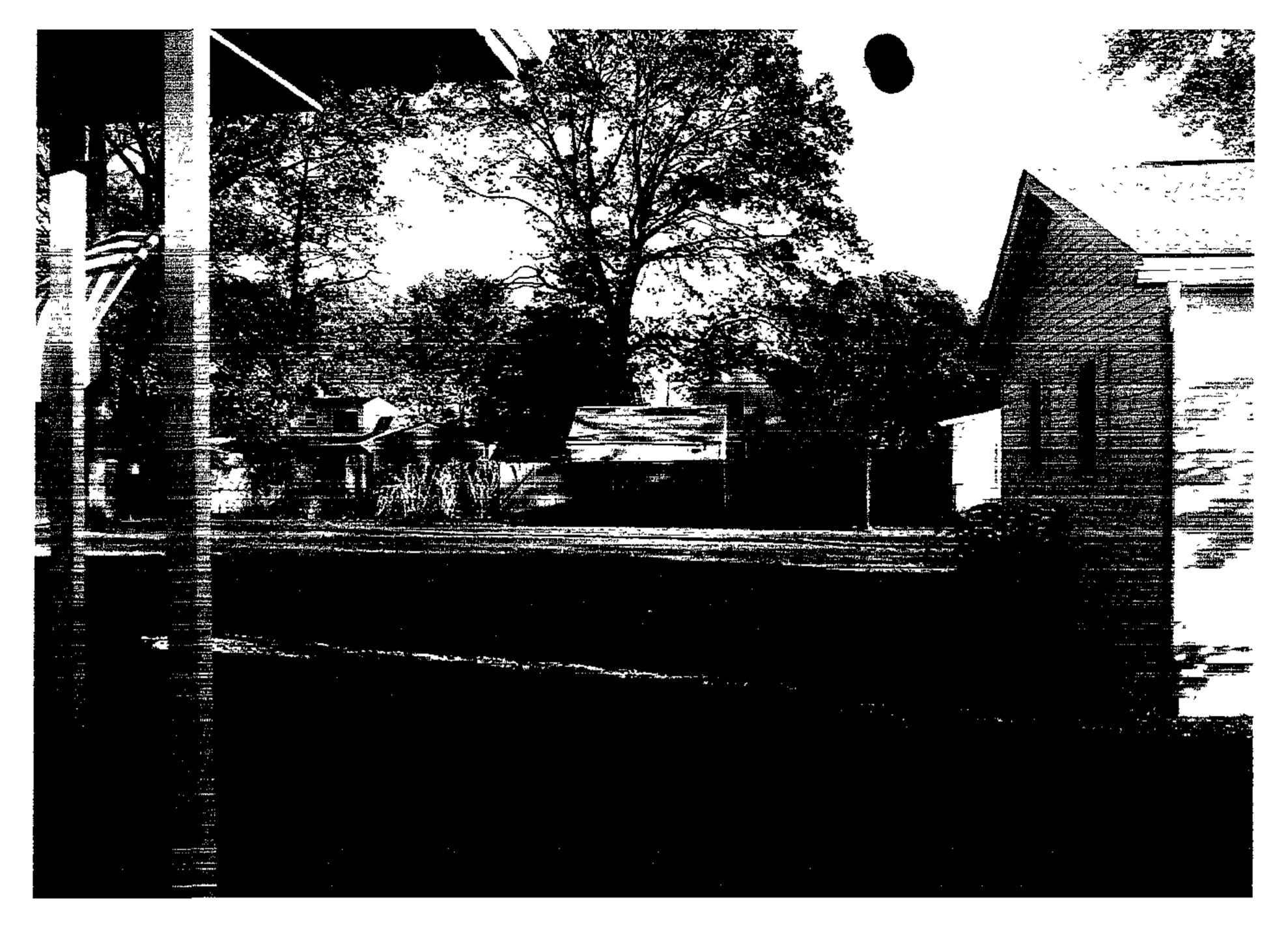
STANDING ON HOWARD AVENUE LOOKING IN A NORTH WEST DIRECTION PROPOSED PROPERTY ON LEFT.



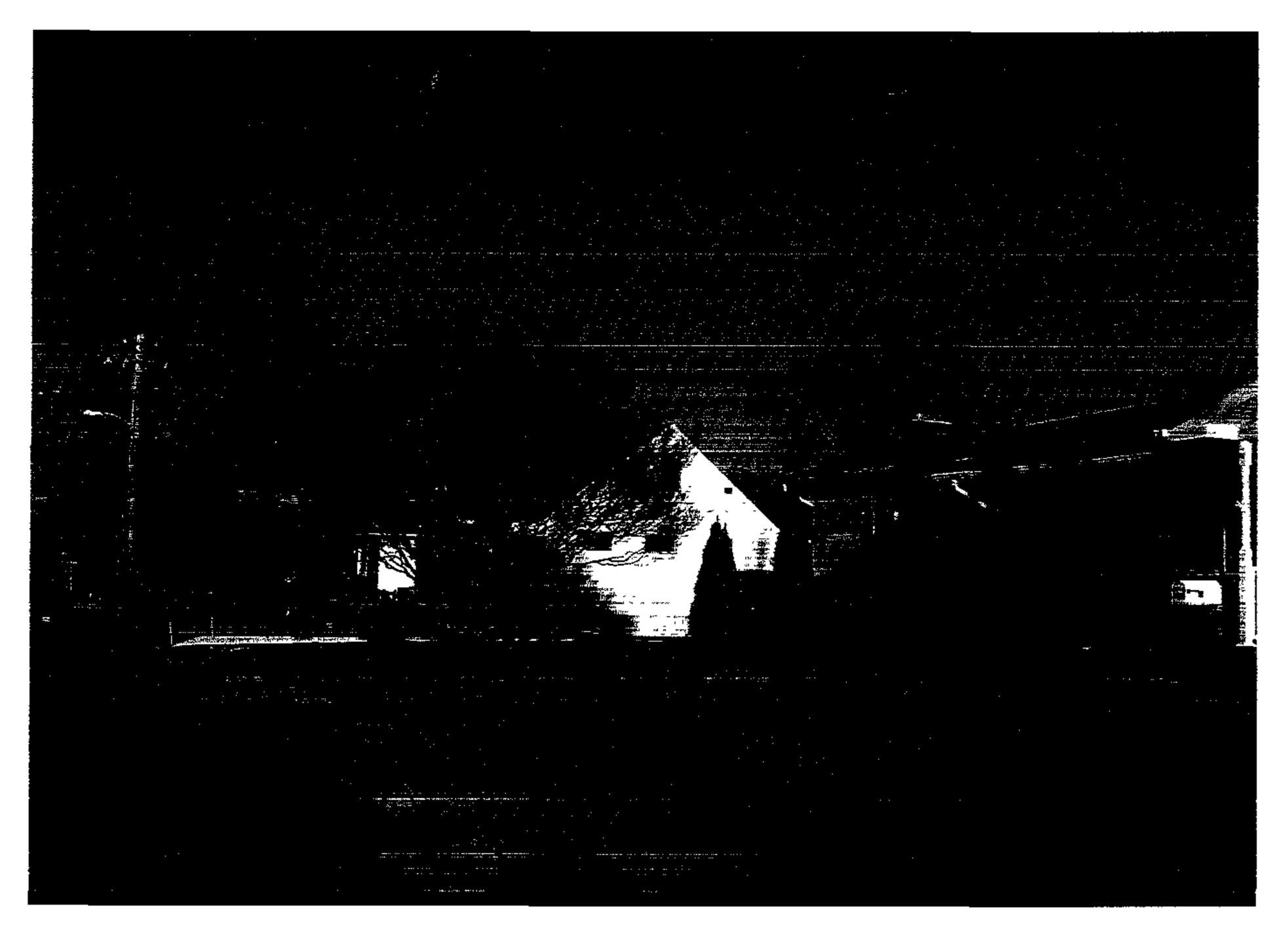
STANDING AT REAR OF PROPERTY LOOKING SOUTH WEST TOWARDS FRONT ROAD.



STANDING WHERE PROPOSED GARAGE WILL SIT LOOKING SOUTH WEST AT NEIGHBOR'S PROPERTY.



STANDING NEXT TO HOUSE LOOKING TOWARDS REAR OF YARD PROPOSED GARAGE TO GO IN REAR RIGHT CORNER.

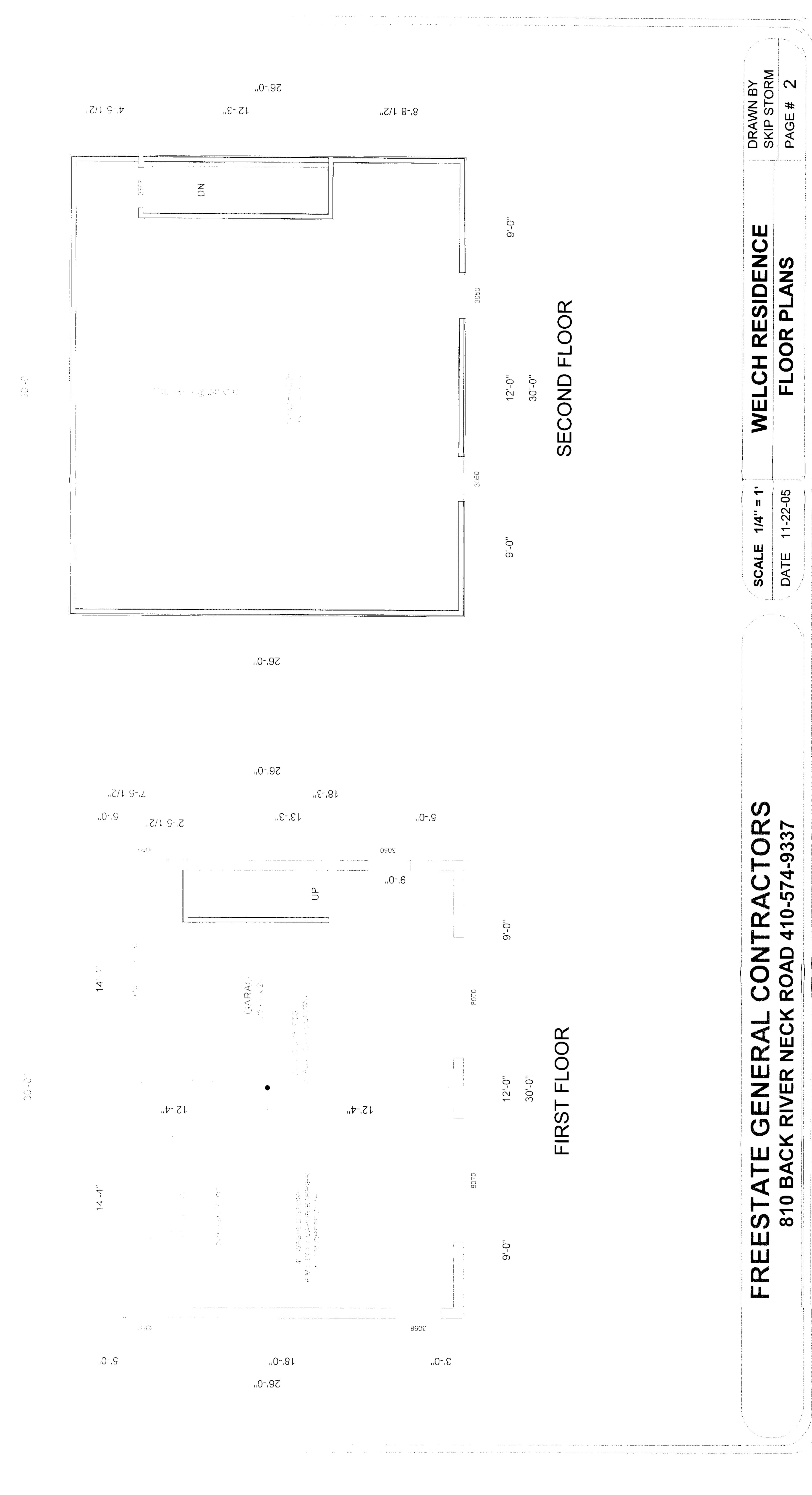


STANDING ON HOWARD AVENUE LOOKING SOUTH WEST DOWN THE STREET.

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1-22-05



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