IN RE: PETITION FOR ADMIN. VARIANCE

3rd Councilmanic District (121 Othoridge Road)

Thaddeus & Patricia Dobry

Petitioners

9th Election District

BEFORE THE ZONING COMMISSIONER

4 OF BALTIMORE COUNTY

CASE NO. 06-531-AV

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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X.

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Thaddeus and Patricia Dobry. The variance request is for property located at 121 Othoridge in the Orchard Hills subdivision of Baltimore County. The variance request is from Section III.C.3 (1953-1955 B.C.Z.R.) of the Baltimore County Zoning Regulations to permit a side yard setback of three feet in lieu of the required minimum 10 foot side yard setback for a proposed patio room addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance. The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 7, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Upon review of the request, a question arose as to why the proposed addition could not have been made to the other side of the home which from Petitioner's exhibit 1 would not A letter to that effect was sent to the Petitioner on May 26, 2006. require a variance. response the Petitioner sent a letter dated June 5, 2006 which explained that there was no viable access to addition from the existing house if erected on the other side of the house. In addition there already is a door leading to a deck on this side of the house.

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

welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information 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, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 8th day of June 2006, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with patio room addition to have a property line setback of three feet in lieu of the required 10 foot minimum side yard setback, be and is hereby GRANTED, subject, however, to the following restriction 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

FOR BALTIMORE COUNTY

1 Section of the sect



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

MR. AND MRS. THADDEUS DOBRY 121 OTHORIDGE ROAD BALTIMORE MD 21083

> Re: Petition for Administrative Variance Case No. 06-531-AV Property: 121 Othoridge Road

June 8, 2006

Dear Mr. ad Mrs. Dobry:

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.

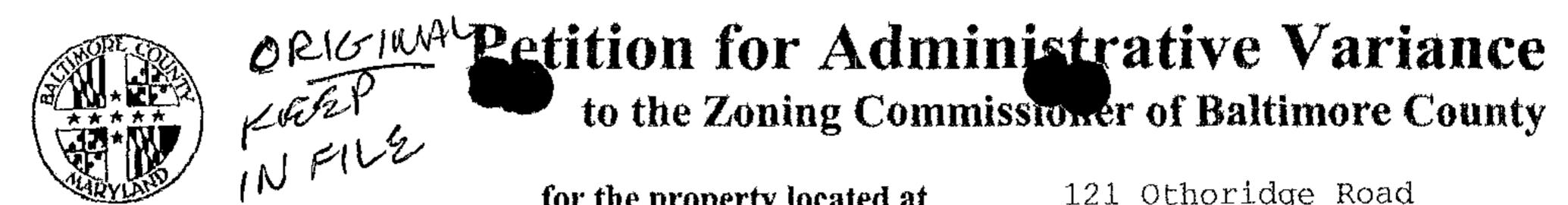
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V: Murphy

Deputy Zoning Commissioner

JVM:pz Enclosure



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ADDITION	•						
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				perjury, tha	emnly declare and t I/we are the legal ct of this Petition.		
Contract Purc	haser/Less	<u>see:</u>		Legal Ov	vner(s):		
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City		State	Zip Code	Signature	V		
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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.

	City	State	Zip Çode
	Baltimore	MD	21093
	Address		
That the Affiant(s) does/do presently reside at	121 Othori	.dge Road	بعدور والمستخدر والمستحد
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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):

We are asking for a variance of a side setback of 3ft. In lieu of the required 8ft. The difficulty is our home is not centered on our lot, and the lot is only 71ft. wide. This and the fact that we already have an existing deck with door leading in to our house at this location. This is the only place we can realistically build this room.

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.

Mudde Dely	Signature Sofry
Thaddeus Dobry Name - Type or Punit	Patricia Dobry Name · Type or Print
	** ***
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
HEREBY CERTIFY, this 18 day of Aprilo appear of Maryland, in and for the County aforesaid, personally appear	ed 2-ででん, before me, a Notary Public of the State
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AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD My Comm. Exps. Nov. 1, 2009

REV 10/25/01

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.

That the Affiant(s) does/do presently reside at		idge Road	┍╫╒ ══┡┡╇_┪╶┈┈╗╛┈┈┊╬╌╻ ┇╏╌╌ ┈╠╒╇ ┇═╴╫╒╾╒╕╃ ^{╸╇} ╾┈╇═┯╧╾┯╴╫ ╇ ╫ <u>╅</u> ┎╸┈╜╷╛┎┺ ╸ ╧╸
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Thaddeus Dobry Name - Type or Print	Nam	Patricia Dobry ne - Type or Print	· · · · · · · · · · · · · · · · · · ·

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

of Maryland, in and for the County aforesaid, personally appeared 2006, before me, a Notary Public of the State

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

My Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD

My Comm. Exps. Nov. 1, 2009

REV 10/25/01

Name - Type or Print



/25/01

Betition for Administrative Variance

for the property located at 121 Othoridge Road

to the Zoning Commissioner of Baltimore County

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Signature		<u></u>	<u> </u>	*************************************	Signature			
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City		State	Zip C	ode	Signature		· · <u>, , , , , , , , , , , , , , , , , ,</u>	<u> </u>
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Estimated Posting Date

Zoning Description for 121 Othoridge Rd.

Beginning at a point on the South side of authoring Road. which is 60 ft. wide at the distance of 426 ft. east of the centerline of the nearest improved intersecting street Westbury Road which is 50 ft. wide. *Being lot #9, Block# 2 Section# 1 in the subdivision of Orchard Hills as recorded in the Baltimore county Plat Book #20, Folio #140, containing 7,810 sq. ft. Also known as 121 Othoridge Road. and located in the 9th election district, **Councilmanic District.

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S. AND AMOUNT YELOW COUNTY, MARYL I I MAR ANTA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT Vedoris Assessed BALTIMORE WHITE - CASHIER





CERTIFICATE OF POSTING

RE: Case No.: Ob-531-A

Petitioner/Developer: ZHADDOS

AND PATRICIA DOBRY

Date of Hearing/Closing: 5-22-

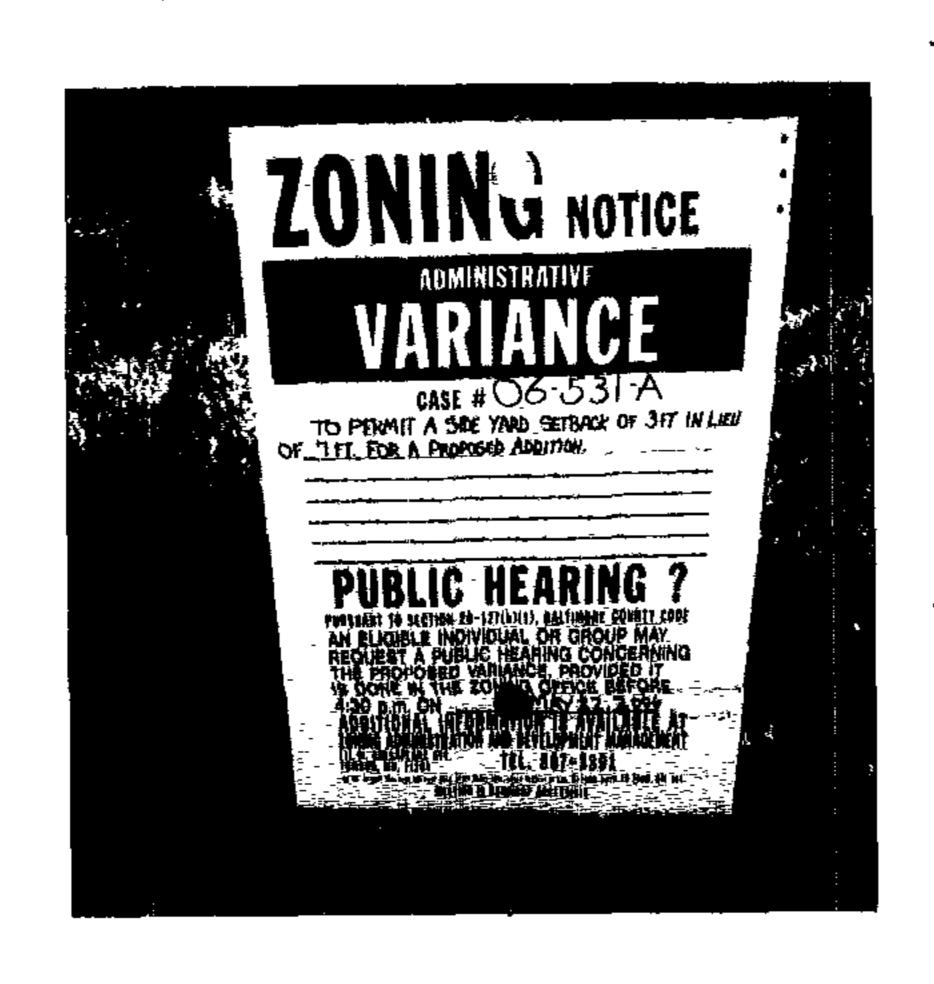
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the pena posted conspicuously on the property	lties of perjury that the necessary si located at:	gn(s) requi	red by law were
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The sign(s) were posted on	5-7-06	<u> </u>	
ARE OFFICE AND LOSSON OF THE PROPERTY OF	(Month, Day, Year)		r 4 1

Sincerely,



(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address),
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 53 -A Address 121@FHORIDGE RD
Contact Person: John Caus Drop Jes Phone Number: 410-887-3391
Filing Date: 42406 Posting Date: 50706 Closing Date: 522
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.
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.
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- 53(-A Address 121 COTHORIDGE, RI) Petitioner's Name THADDENS & PATRICIA DOBRY Telephone 410 3218782 Posting Date: 5/07/06 Closing Date: 5/22/06 Wording for Sign: To Permit A SIDE YARD SETBACK OF 3 FT IN LIEU OF 7FT FOR A PROPOSED ADDITION.
WCR - Revised 6/25/04

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.

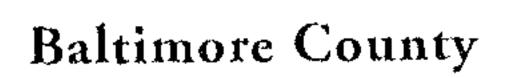
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
A (621 A
TOTAL TOTAL OF COOC PROMICE.
Petitioner: Thaddeus + Patricia. Dobry
Address or Location: 1210thoridge Rd
PLEASE FORWARD ADVERTISING BILL TO:
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Champion</u>
Name: <u>Champion</u>
•

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





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

May 22, 2006

Thaddeus Dobry Patricia Dobry 121 Othoridge Road Baltimore, MD 21083

Dear Mr. and Mrs. Dobry:

RE: Case Number: 06-531-A, 121 Othoridge Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 2006.

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

May 2,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: May 1,2006

Item No.: 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, $\{31\}$ 532, 533, 534, 535, 536.

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 Phone(0)410-887-4881 Mail Stop - 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 Nell J. Pedersen, Administrator

Maryland Department of Transportation

Date: 4.28.06

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

RE: Ba

Baltimore County

Item No. 53/

144

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

1. 1. Sall

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 10, 2006

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) 6-531- Administrative Variance

The Office of Planning normally requests 10-foot minimum side yard setbacks.

If the petitioner is able to demonstrate a hardship or practical difficulty, resulting in the Zoning Commissioner granting the variance, the Office of Planning has no objection.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 5, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 8, 2006

Item No. 519, 520, 521, 523, 524, 525, 526,527, 529, 530, 631, 532, 533, 534,

535, and 05-558 SPH XA

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-05032006.doc



JAMES T. SMITH, JR. County Executive

May 26 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

MR. AND MRS. THADDEUS DOBRY 121 OTHORIDGE ROAD BALTIMORE MD 21083

> Re: Petition for Administrative Variance Case No. 06-531-AV Property: 121 Othoridge Road

Dear Mr. ad Mrs. Dobry:

You recently submitted a petition for administrative variance which is under review. You noted that your house is not centered on your lot. From the sketch plan I see you have 10 feet on the Parker-Rollins side and 15.6 feet on the Kuhn side. If you erected your 7 foot wide addition on the Kuhn side, presumably you would not need a variance as the 1953-1955 regulations apparently allows a side yard setback of 7 feet. In fact, you could make the addition a little wider without a variance.

Would you let me know in writing at your convenience why the addition could not be located on the other side.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Snerphy

JVM:pz Enclosure John V. Murphy
Deputy Zoning Commissioner
Baltimore County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

Re: Petition for Administrative Variance Case No. 06-531-AV

Property: 121 Othoridge Road

Dear Mr. Murphy:

We appreciate your input!

There is no viable access to a room from the inside of our existing home on the Kuhn side. There is viable access from the inside of our existing home on the Parker-Rollins side.

The purpose of the Home Improvement Project is to accommodate an enclosed area with a Hot Tub for my wife's medical condition as prescribed by her Orthopedic Physician.

Thank you for your time and consideration,

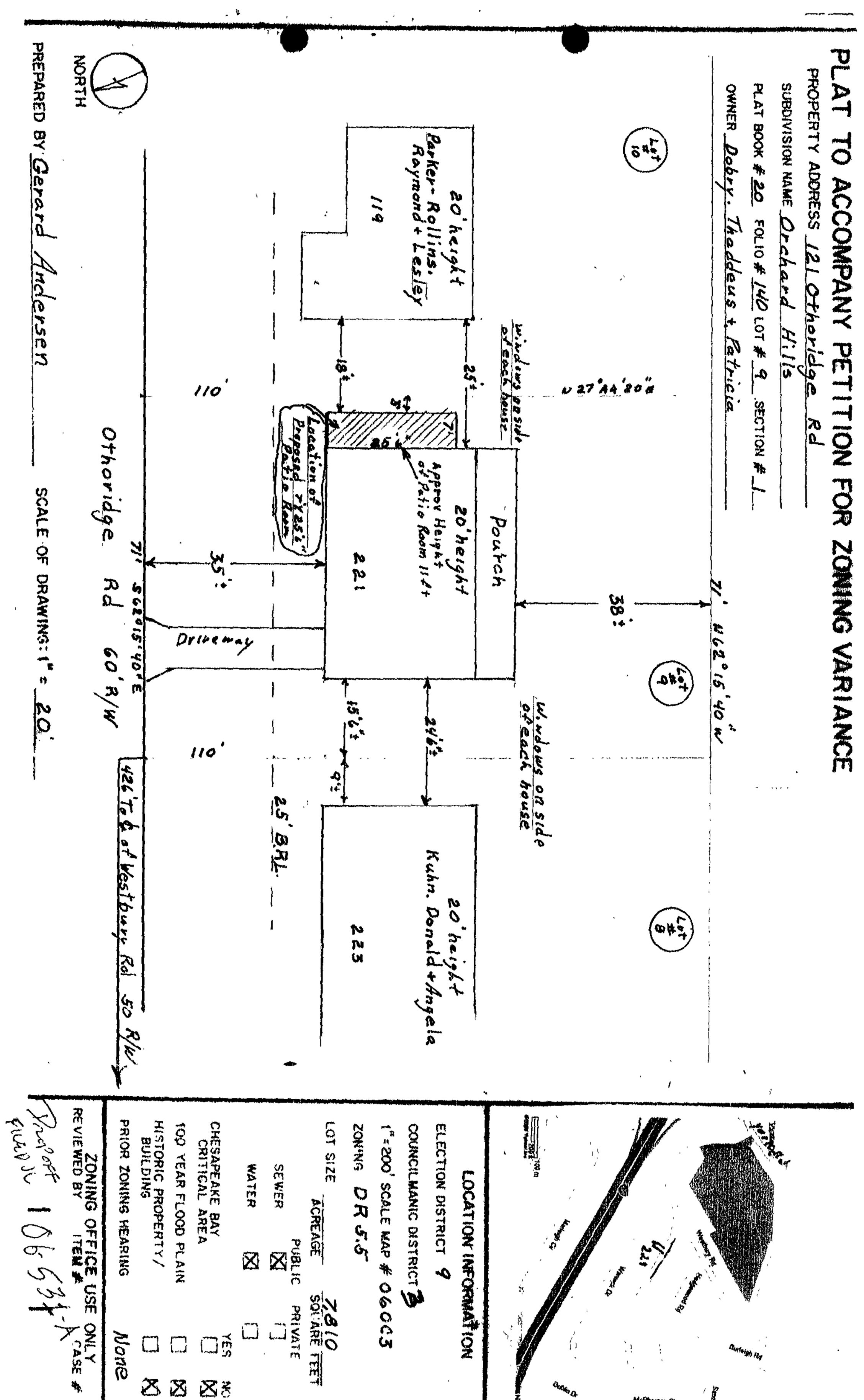
Thadleus Dobry Datricia Lobry
Thaddeus Dobry

RECEMED

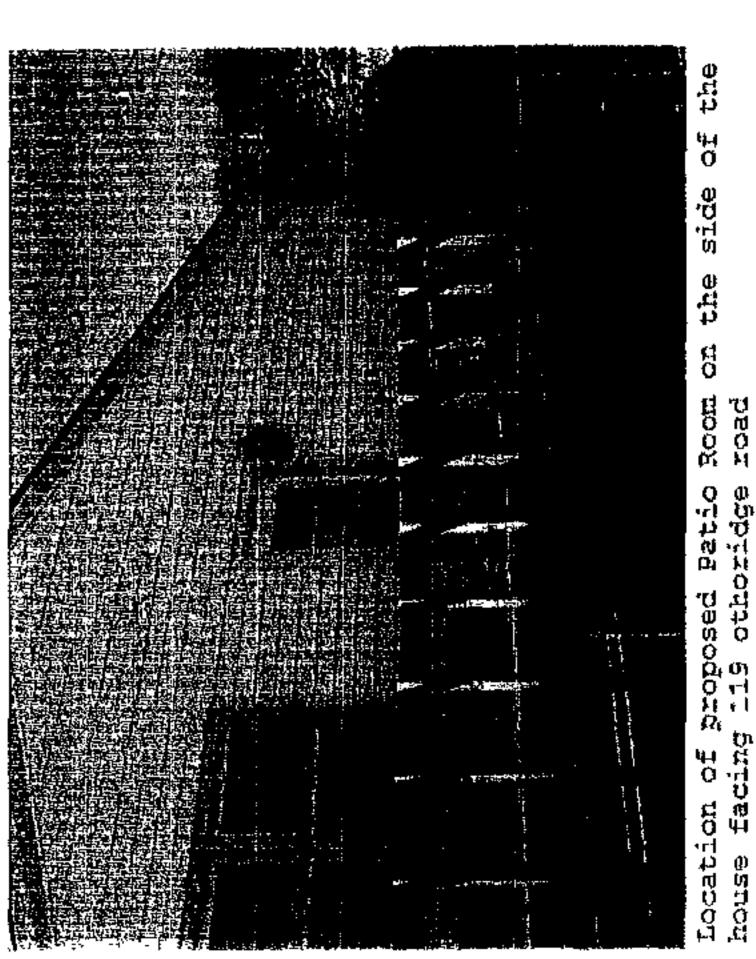
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ZONING COMMISSIONER

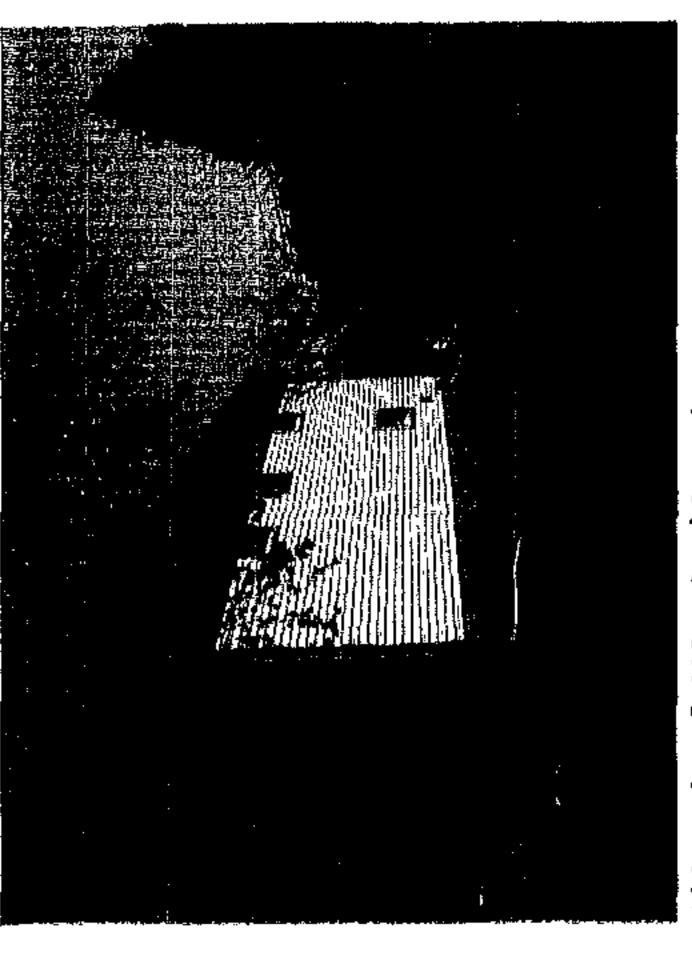




McPherenn Ct



on of proposed Patio facing 119 othoridge



othoridge Side



othoridge 123 4H D