IN RE: PETITION FOR ADMIN. VARIANCE
S/E corner of Avalon Avenue and
Mavista Avenue
12th Election District
7th Concilmanic District
(49 Avalon Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Franklin R and Sandra L. Oliver Petitioners

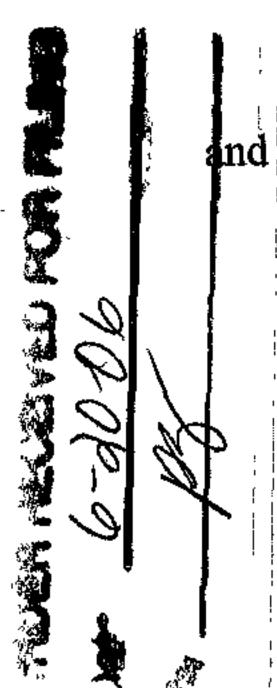
CASE NO. 06-572-A

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, Franklin R. and Sandra Oliver. The variance request is for property located at 49 Avalon Avenue in the Inverness Annex No. 1 subdivision area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition (enclose existing deck) with a rear yard setback of 6 feet in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that that there is currently a covered wood deck measuring 12 feet x 10 feet which was existing when they purchased the property. The covered wooden deck is only 6 feet off the property of lot #134. They want to enclose the existing deck and make it into usable living space.

Zoning Advisory Committee Comments

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



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Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 21, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner have filed the supporting affidavits and photographs 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 Deputy Zoning Commissioner for Baltimore County, this 20th day of June, 2006, that a Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition (enclose existing deck) with a rear yard setback of 6 feet in lieu of the minimum required 30 feet is granted.

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

JVM:pz

COOCAR.



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 20, 2006

FRANKLIN R. AND SANDRA L. OLIVER 49 AVALON AVENUE BALTIMORE MD 21222

Re: Petition for Administrative Variance

Case No. 06-572-A

Property: 3106 Rices Lane

Dear Mr. and Mrs. Oliver:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	49	Avalon	Ave.	
		esently zoned		

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) 1802.3 C.1. To 9/10W a proposed adds from (enclose cxisting perch) with a rear yard setback of left, in lies of the minimum required 30 ft.

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

Contract Purchaser/Lessee: Name - Type or Print Signature Signature Address Telephone No. Signature Signature Attorney For Petitioner: Name - Type or Print City State Zip Code Signature Address Telephone No. Ralfmore Ralfmore Representative to be Contacted: Signature Name Telephone No. Address	Contract Purchaser/Les	ssee:	!		[O		
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Attorney For Petitioner: Attorney For Petitioner: Name - Type or Print City Name - Type or Print City Representative to be Contacted: Company Address Telephone No.	Signature		· · · · · · · · · · · · · · · · · · ·	-,	- A	liver	
Attorney For Petitioner: Address Telephone No.	Address	! !	Telephone No	0,		L'alie	2
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Affidavit in Support of Administrative Variance

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

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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	June
That based upon personal knowledge, the following	are the facts upon which I/we base the request for an Administrative practical difficulty):
Variance at the above address (indicate hardship or	practical difficulty):
1) Covered Wooden Deck 12 X	10' which was existing when we ily 6' off the property line of Lot # 134.
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purchased the property is or	14 6 off the property line of Lot ~ 134.
would like to enclose existi	ing deck and make into usable living space.
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That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addit	demand is filed, Affiant(s) will be required to pay a reposting and
advertising lee and may be required to provide additi	, jorial intollitation.
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Signature	Signature
Franklin R. Oliver	Sandra L. Oliver
Name - Type or Print	Name - Type or Print
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STATE OF MARYLAND, COUNTY OF BALTIMOR	
HEREBY CERTIFY, this 17 TH day of APRIL State of Maryland, in and for the County aforesaid, p	- Zoo 6 , before me, a Notary Public of the
The state of the s	SANDRA L. OLIVER
the Affiant(s) herein, personally known or satisfactor	rily identified to me as such Affiant(s), and made oath in due form of are true and correct to the best of his/her/their knowledge and belief.
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AS WITNESS my hand and Notarial Seal	$\sim \sim \sim \sim$
April 17, 2006	Herbert Feilenkricke
Date	Notary Public
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10/20/01	Reltimore County, MD
	My Commission Expires October 1, 2008
3.	Charles Antona . I mana

Zemny Description for 49 Avalon Ave. Baltimore Morphad 21222.

Geginning at a point 5.5 of the intersection of Avalon Ave 40' Alward Marista Ave. 40' Alw. Metes and bounds are as follows

B. 60°41'6. 90 ft., N. 29°19'6. 73.58 ft., 5.58°26'6. 99.45 ft.,

N. 28°49'E. 59.66 ft. to the place of beginning. Being Let # 110

in the subdivision of Inverness Annex *1 as recorded in

Baltimore County Plat Beck #13, Folio *27, containing 6860 ft?

Also known as 49 Avalon Ave. and located in the 122

Glection District, 7th Councilments District.

X 572

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CERTIFICATE OF POSTING

RE: Case No.: 26-572-A

Petitioner/Developer: FRANK R

OLIVER

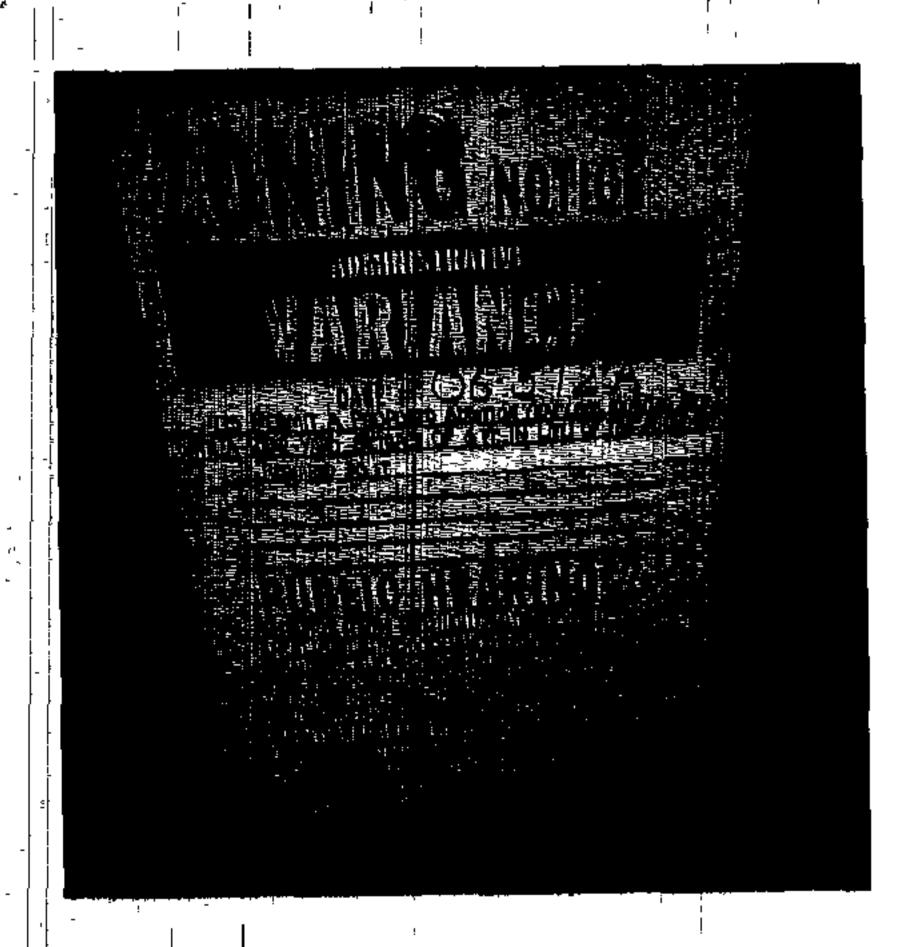
Date of Hearing/Closing: 6-5-06

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:

Sincerely,



Robert Black 5-22-00
(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

-A

Address 49 AVALOW AVE.

Case Number 06- 572

Conta	ct Pers	on:		ر از الراكاري , Please Print Your		Phone Number: 410-887-3391
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2.	a form	al reque	st for a p	ublic hearing	eadline for an occupant Please understand is is not complete on the	or owner within 1,000 feet to file that even if there is no formal e closing date.
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BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONNG 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.

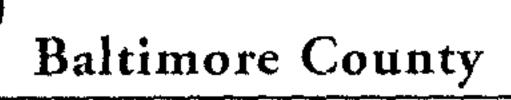
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

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Petitioner: Franklin and Sandra Olive	THE PROPERTY OF THE PROPERTY O
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Department of Permits a 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

June 5, 2006

Franklin R. Oliver Sandra L. Oliver 49 Avalon Ave. Baltimore, MD, 21222

Dear: Mr. Oliver and Mrs. Oliver

RE: Case Number: 06-572-A, 49 Avalon Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 9, 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,

U. Callabal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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 May 16,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15,2006

Item Numbers: 558 thru 573

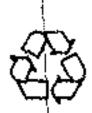
572

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 Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



State Highway
Administration

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

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

Maryland Department of Transportation

Date: 5.16.06

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

Dear. Ms. Matthews:

RE: Baltimore County

Item No. 572 115

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. Buth

Engineering Access Permits Division

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) 6-572- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

DATE: May 24, 2006

MAY 2 6 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 17, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kenbedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 22, 2006

Item Nos. 558, 560, 561, 562, 563, 564, 565, 566, 567, 568, 571, \$72, 573

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-05172006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



Timothy M. Kotroco TO: Dave Lykens, DEPRM - Development Coordination FROM: June 16, 2006 DATE: # 06-572-A SUBJECT: Zoning Item E/S of Pleasant Hill Road opposite Run Crossing Road Address (Schuster Property) Zoning Advisory Committee Meeting of May 15, 2006 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). 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:

Date: June 8, 2006

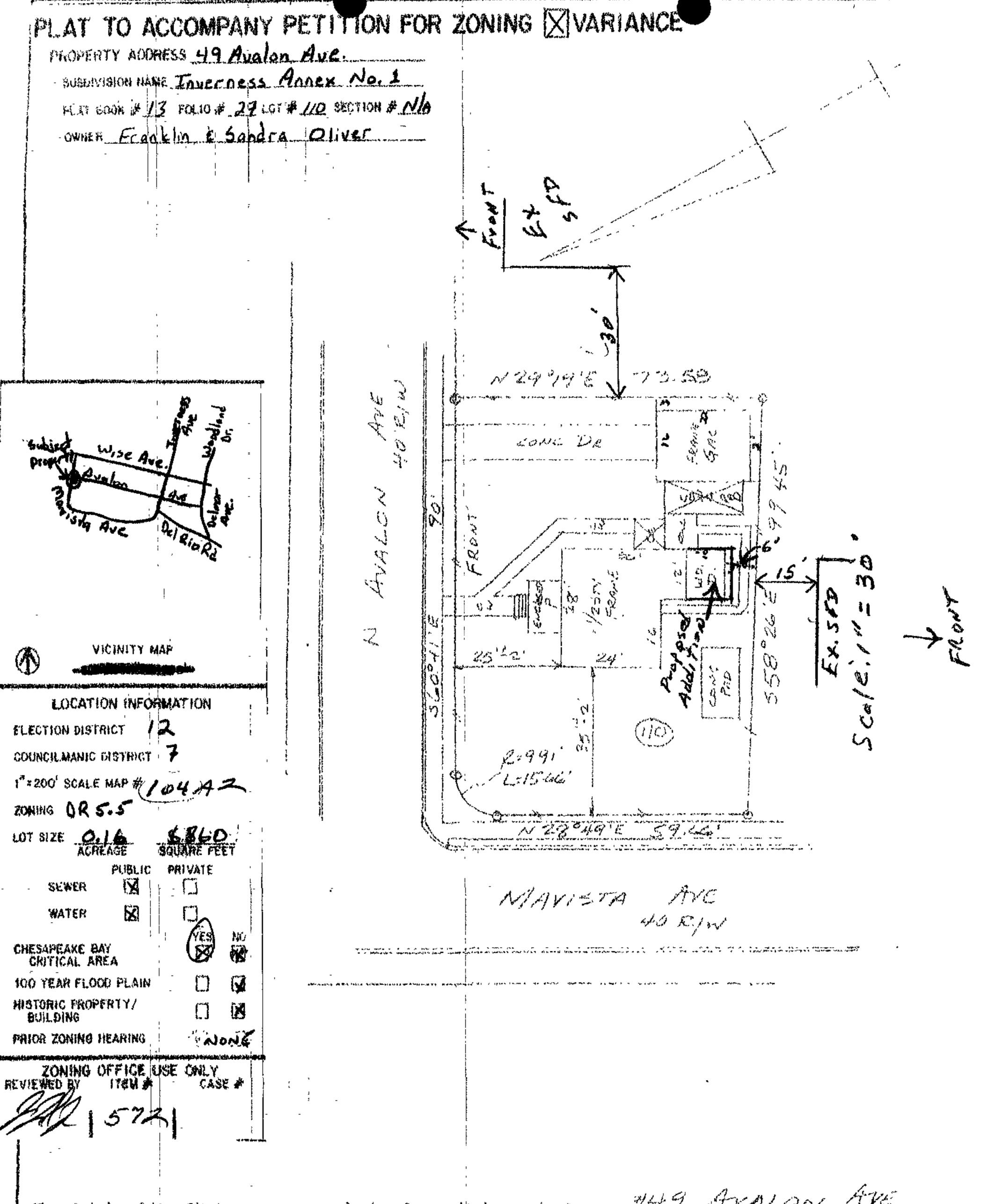
G. Shaffer

Reviewer:

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. C6-572-A

Date Completed/Initials	-
5/10/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
5/21/ou	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
0/5/06.	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



The plat is of benefit to a consumer only insofar as it is required by a lander or a title insurance company or its agent in connection with contemplated transfer, financing or ratinancing. The plat is not to be relied upon for the establishment or location of fences, curaces, buildings, or other existing or future improvements. The

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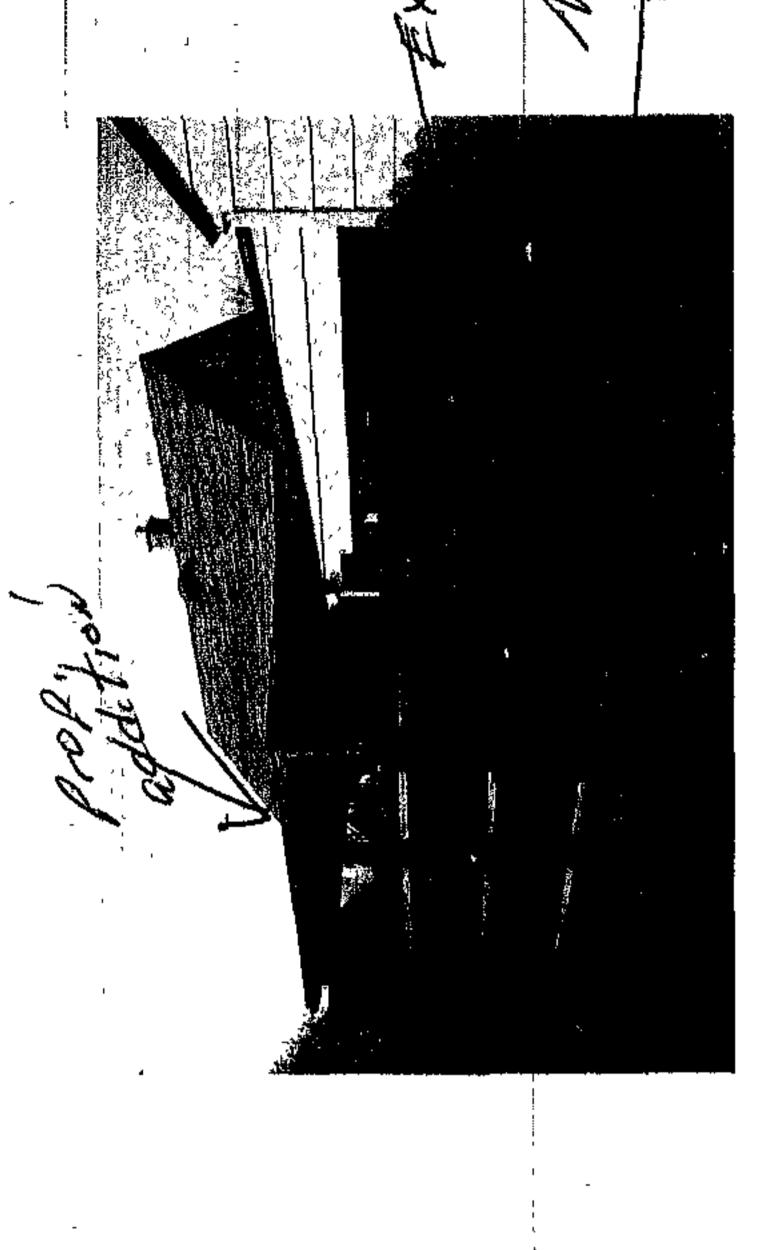
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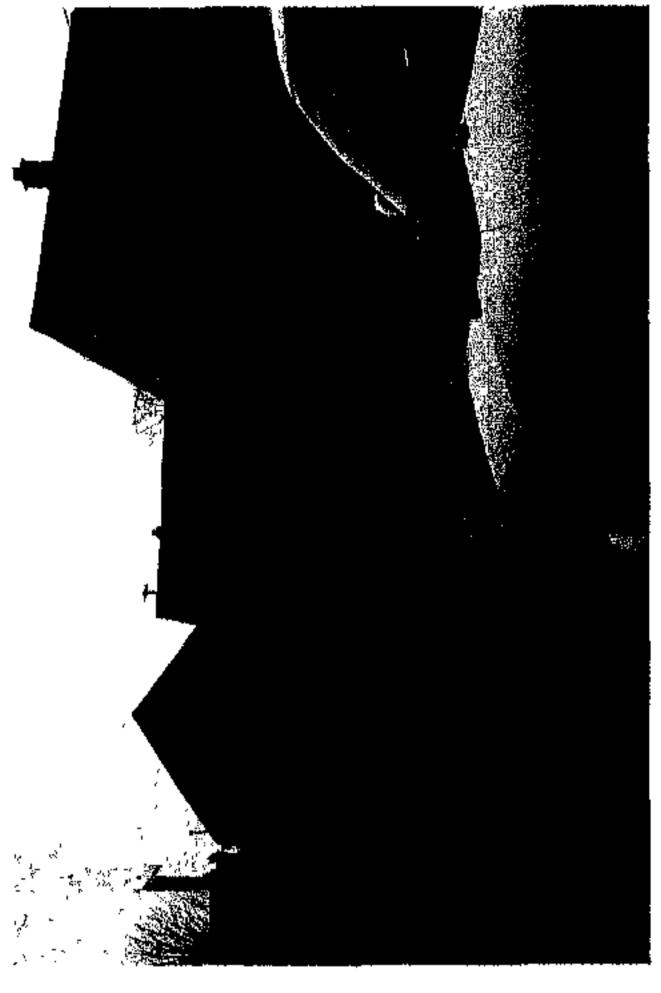
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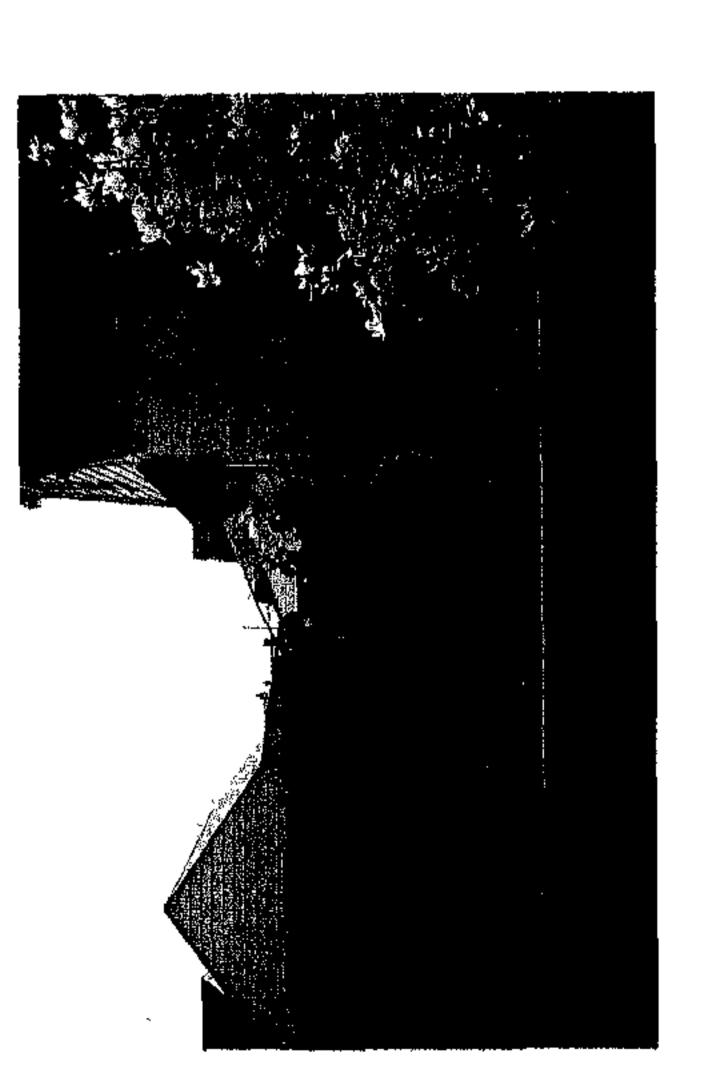


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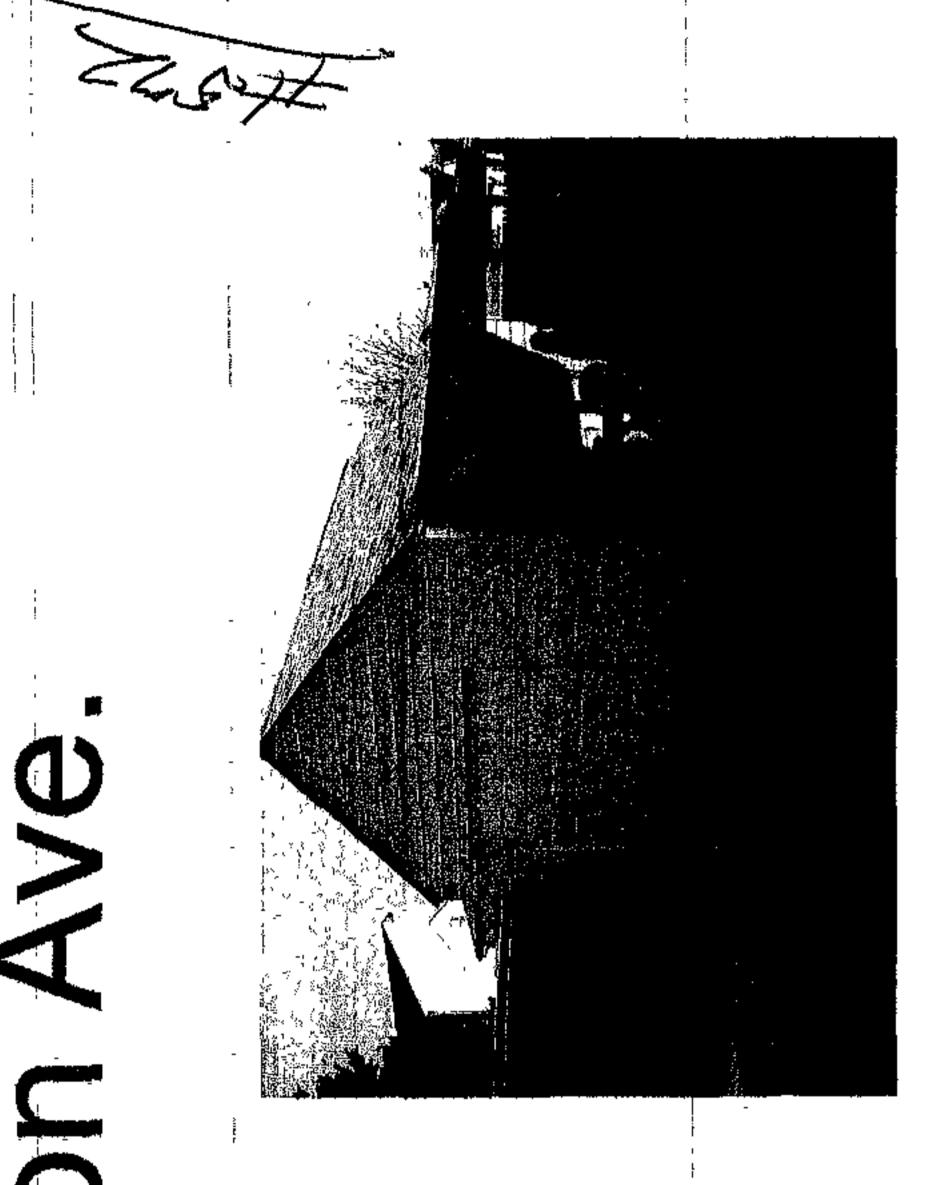


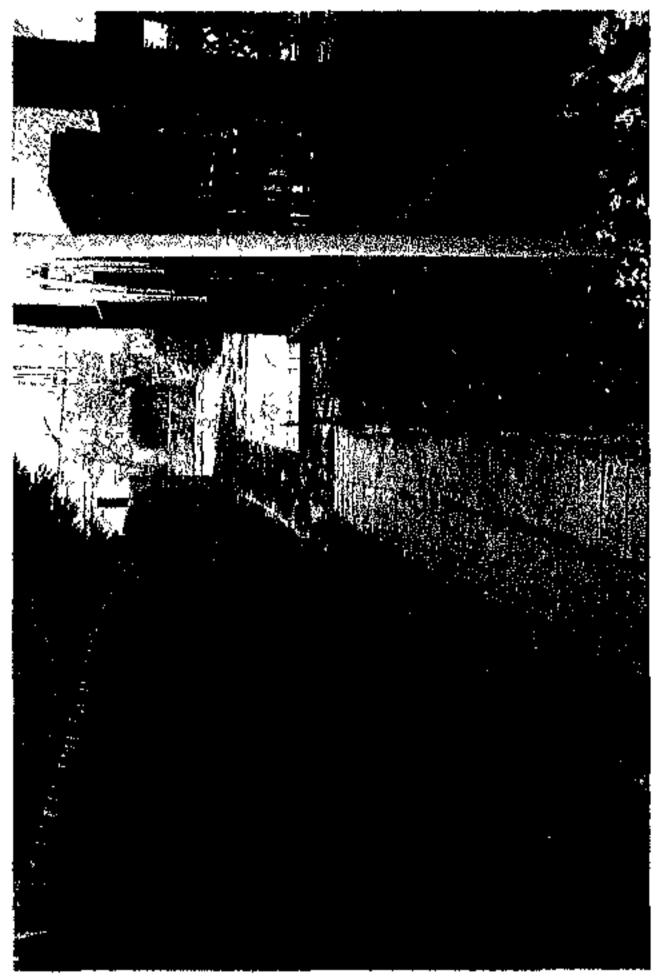


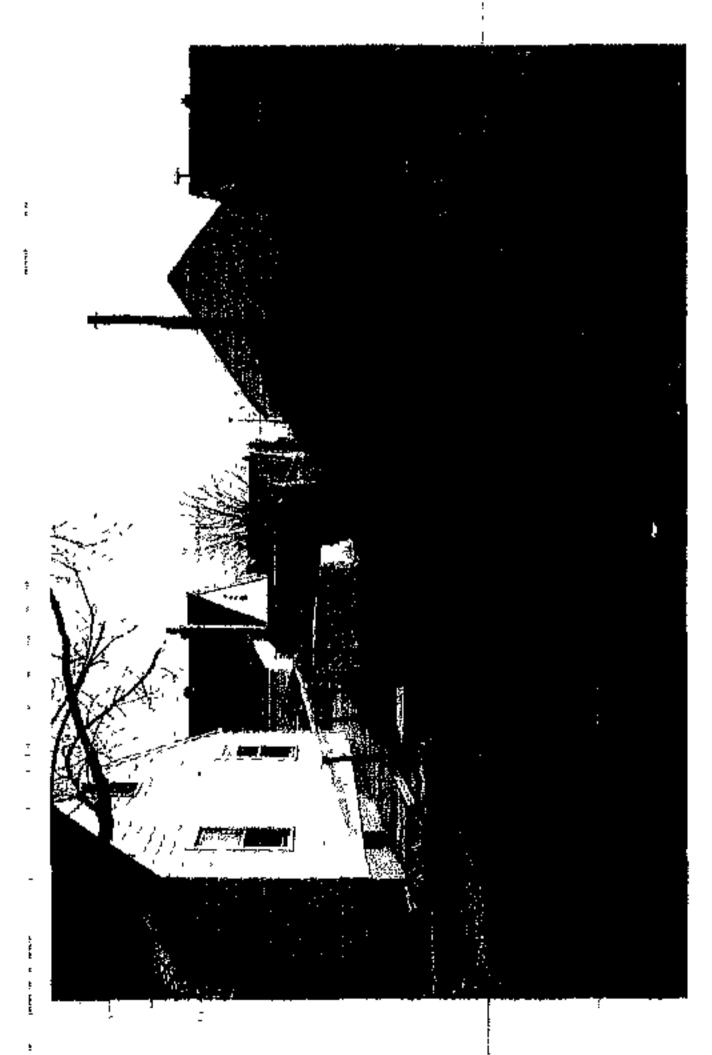


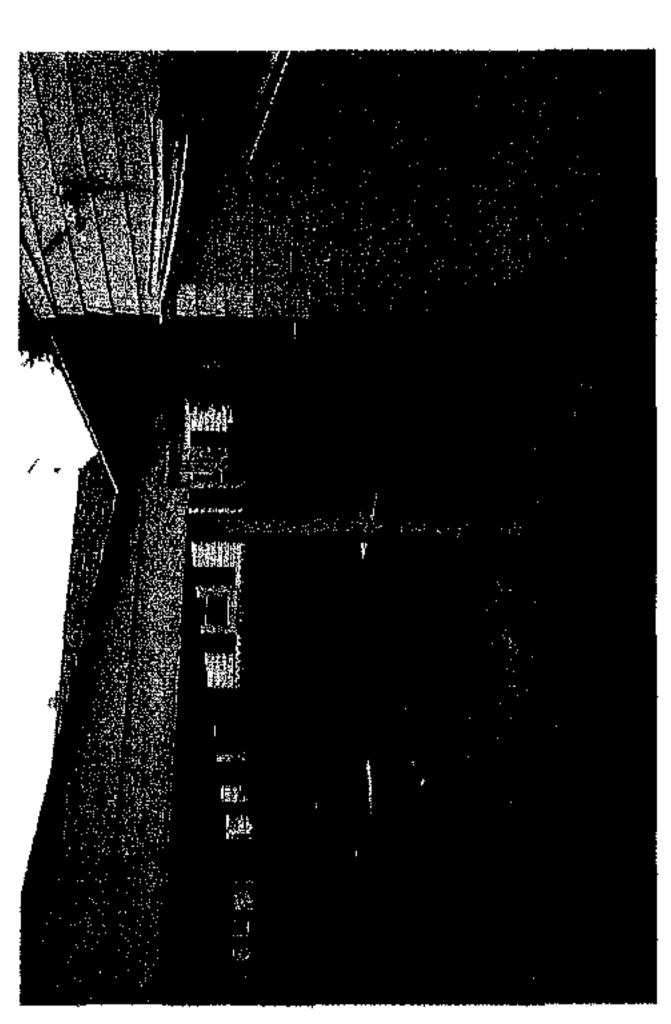


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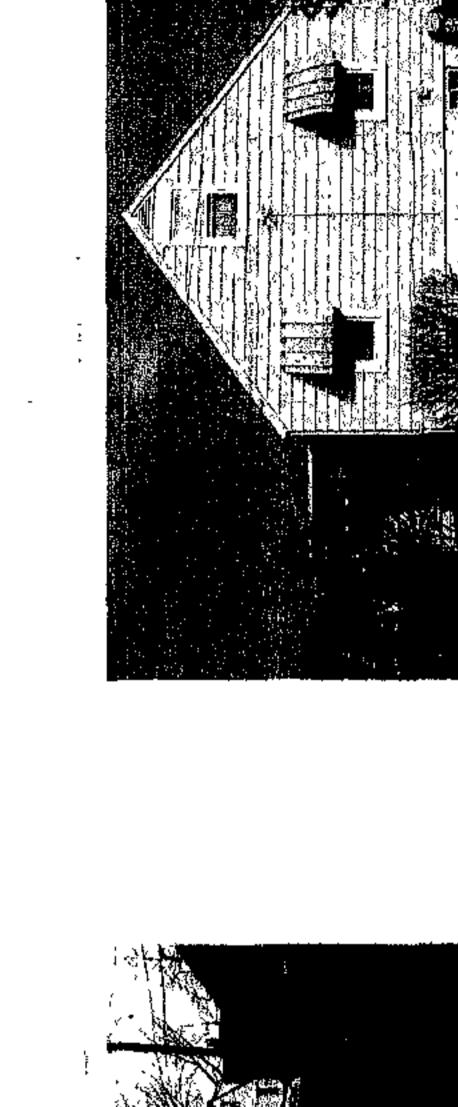








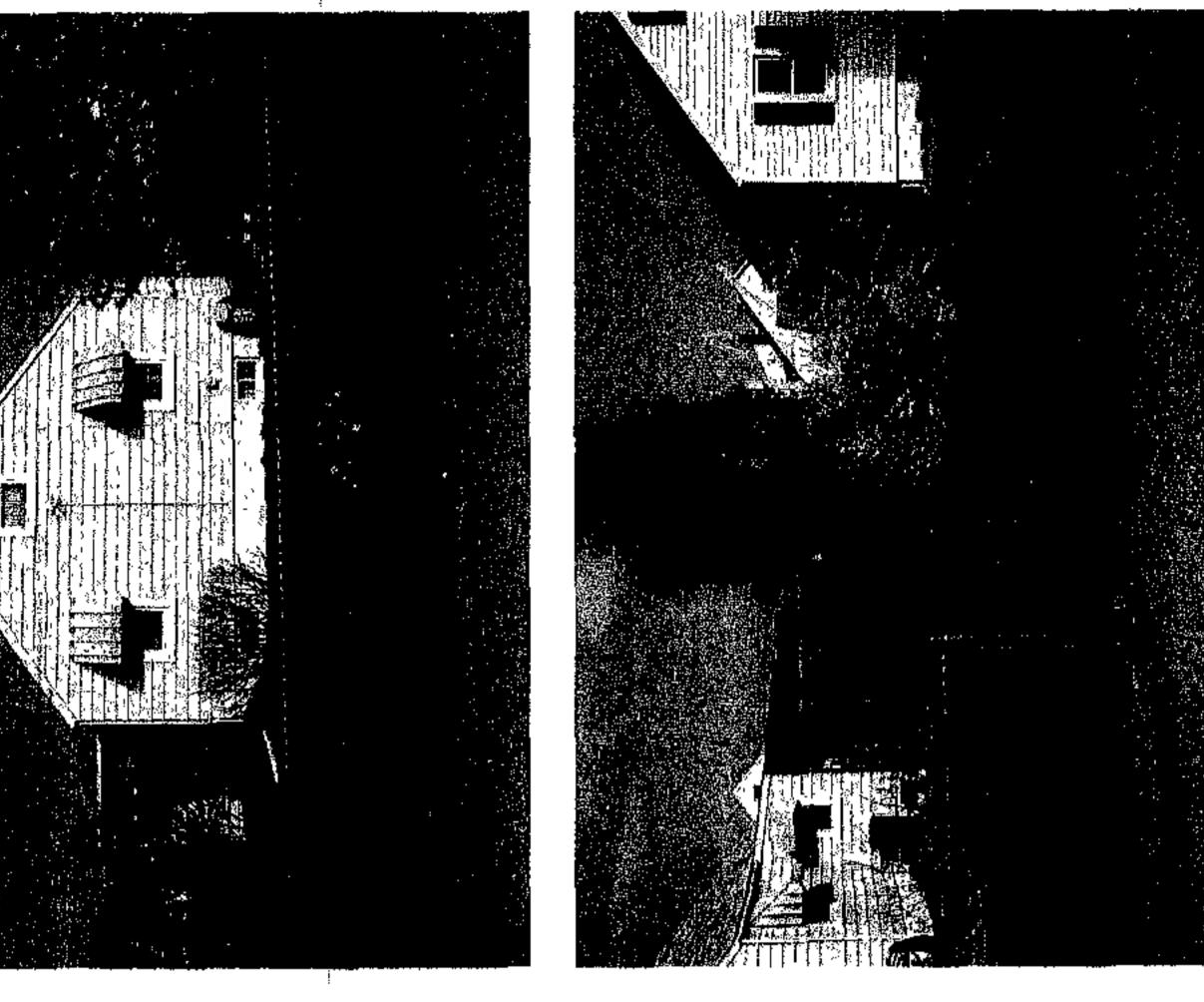
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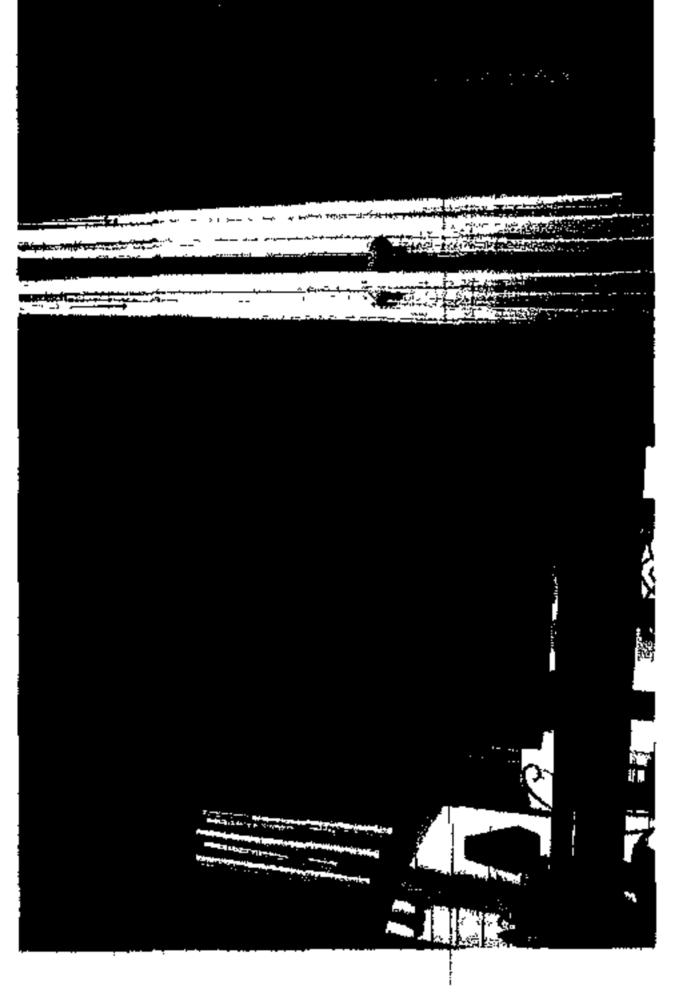
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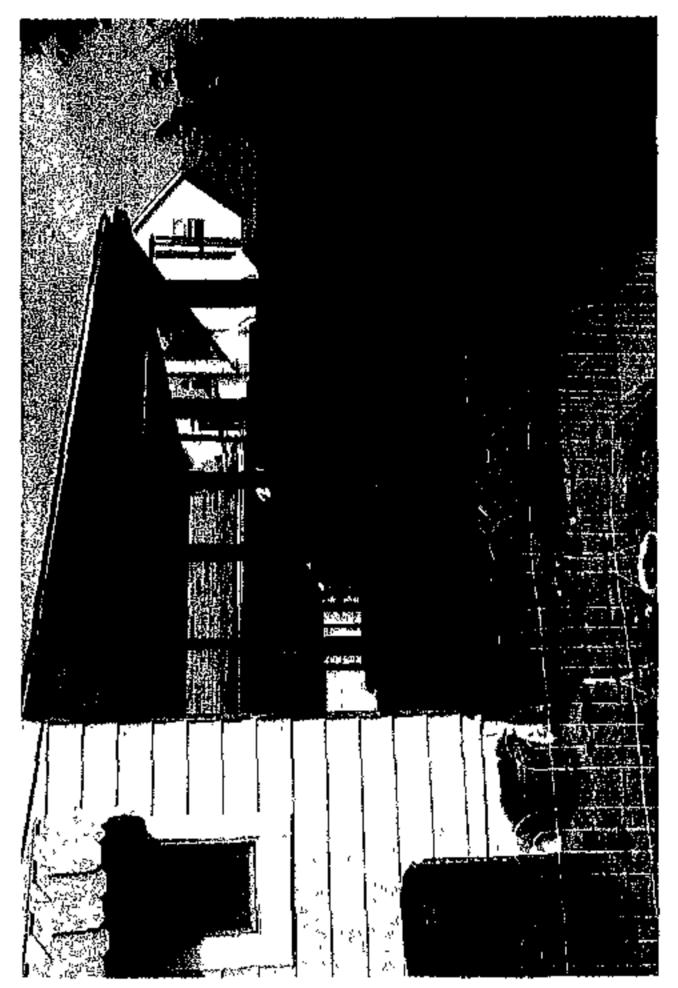


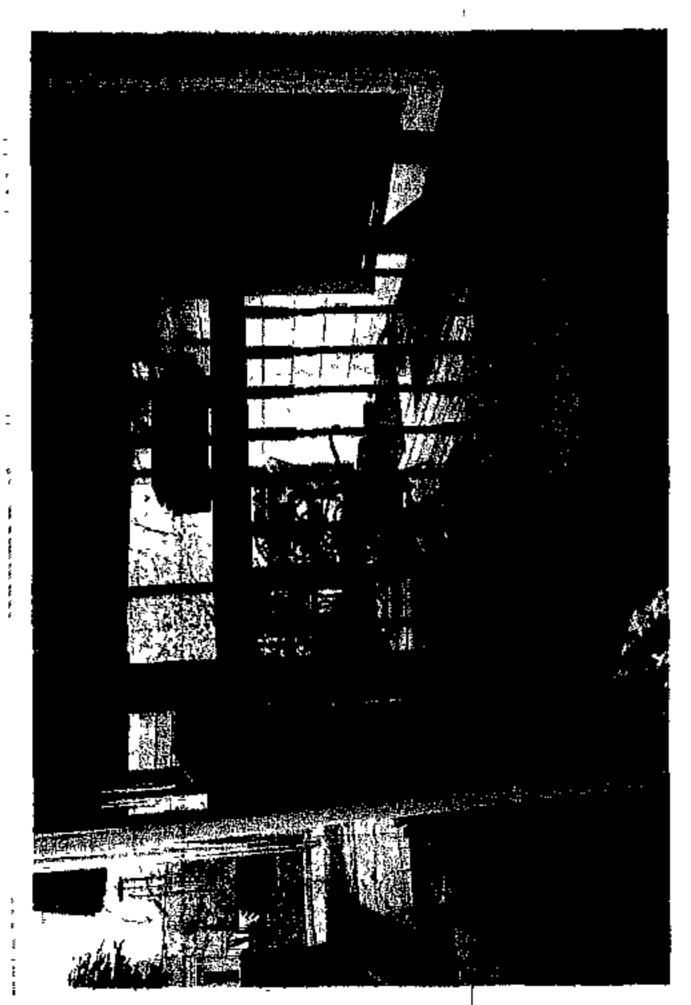
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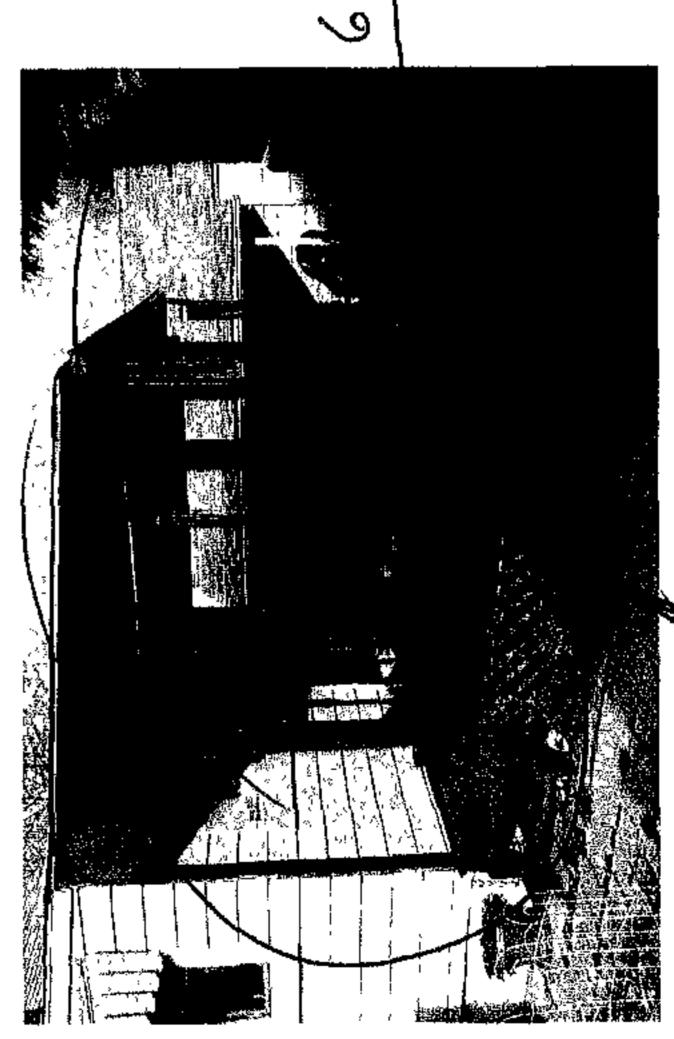
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