IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Cedar Crest Avenue,
S/W of McComas Road
15th Election District
7th Councilmanic District
(2907 Cedar Crest Avenue)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

William F. and Charlotte N. Armstrong *Petitioners*

CASE NO. 06-596-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, William F. and Charlotte N. Armstrong. The variance request is for property located at 2907 Cedar Crest Avenue in the Edgemere area of Baltimore County. The variance request is from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow proposed additions with a front setback of 32.5 feet and a rear setback of 22 feet 7 inches and an accessory structure (shed) to be located in the side yard in lieu of the minimum required 41.37 feet front average setback, 30 feet rear setback and rear yard respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state the existing home was built in 1937 before the current zoning rules were enacted. Any additions to the residence would have to comply with the current zoning requirements. These requirements will prevent any addition from conforming to the existing building front and back footprint lines. The improvements call for the front and back of the residence to follow the existing front and rear structure lines defined during initial construction. One proposed addition measures 7 feet x 12 in size. The other addition measures 16 feet x 24 feet in size. The proposed shed measures 24 feet x 14 feet in size. The Petitioners also propose a 3 foot porch extension.

COR FRONNED FOR FLEE

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Bureau of Development Plans Review dated May 30, 2006, which contains restrictions and is attached hereto and made a part hereof.

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 June 4, 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 6th day of July, 2006, that a variance from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow proposed additions with a front setback of 32.5 feet and a rear setback of 22 feet 7 inches and an accessory structure (shed) to be located in the side yard in lieu of the minimum required 41.37 feet front average setback, 30 feet rear setback and rear yard respectively, be and is hereby GRANTED with conditions:

- 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. In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
- 3. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
- 4. The building engineer shall require a permit for this project.
- 5. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.
- 6. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

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Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 6, 2006

WILLIAM F. AND CHARLOTTE N. ARMSTRONG 2907 CEDAR CREST AVENUE SPARROWS POINT MD 21215

> Re: Petition for Administrative Variance Case No. 06-596-A Property: 2907 Cedar Crest Avenue

Dear Mr. and Mrs. Armstrong:

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

John v. musphy

JVM:pz Enclosure







to the Zoning Commissioner of Baltimore County

for the property located at 2907 CEDANCIO Acces which is presently zoned DR 5.5

of the zoning regulation back of this petition fo		ounty, to the z	oning law of Baltimore Co	unty, for the reasons in	ndicated on
I, or we, agree to pay ex	penses of above Vari	ance, advertisin	y the zoning regulations. g, posting, etc. and further agr cuant to the zoning law for Bal	ee to and are to be bound timore County.	ied by the zon
				eclare and affirm, under the the legal owner(s) of the Petition	•
Contract Purchase	r/Lessee:		Legal Owner(s)	<u>:</u>	
Name - Type or Print			Name - Type of Print	Hrmstnang	410-612
Signature			Signature	V) Ma. C.10.	
Address		Telephone No	Name - Type or Print	C. April S-Max	J -110 - 7
City Attorney For Petitic	State oner:	Zıp Code	2907 CED+ Address	n Crest Ane	Telephone N
Name - Type or Print			_city Sparacous	/ State Z	ip Code
Signature			Representative	to be Contacted:	
Company			Name		· · ·
Address		Telephone No	Address		Telephone No
City	State	Zıp Code	City	State	Zip Code
A Public Hearing having be day of of Baltimore County and that	, that the s		be required, it is ordered by the petition be set for a public hearing		

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, 3,2,4,90.

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.

competent to testify thereto in the event that a p				h regard thereto.
That the Affiant(s) does/do presently reside at	2907 CEDA Address Spallows	Dont		21219-1202
	City		State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship)			n I/we base th	ne request for an Administrative
The existing structure was built enacted. Any additions to the zoning requirements. These reconforming to the existing built improvements call for the front front and rear structure lines described in the structure lines of the structure lines of the existing built in the existing b	residence wou equirements we ding front and t and back of t	uld have to vill preven back foot he resider	o comply we tany addit print lines.	vith the current ion from The current
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide agnature William Humstnows To Name - Type or Print	additional informa	ition Signature HARU	tte K. al	equired to pay a reposting and
STATE OF MARYLAND, COUNTY OF BALTIN	•	,	100 (hafa	un man o Nickon Dublic of Abo
I HEREBY CERTIFY, this _22 day of State of Maryland, in and for the County aforesa	aid, personally app	, <u>«</u> peared	<u>≠0 → </u> , pero	ore me, a Notary Public of the
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set for	actorily identified	to me as su	ich Affiant(s).	and made oath in due form of
AS WITNESS my hand and Notarial Seal			usk -	
Date 3/22/06	Notary P	ublic		<u>a j</u>
	{	mission Exp	oires	FRANK LAY
REV 09/15/98	•			Notary Public State of Maryland Commission Expires June 1, 2007

7/206

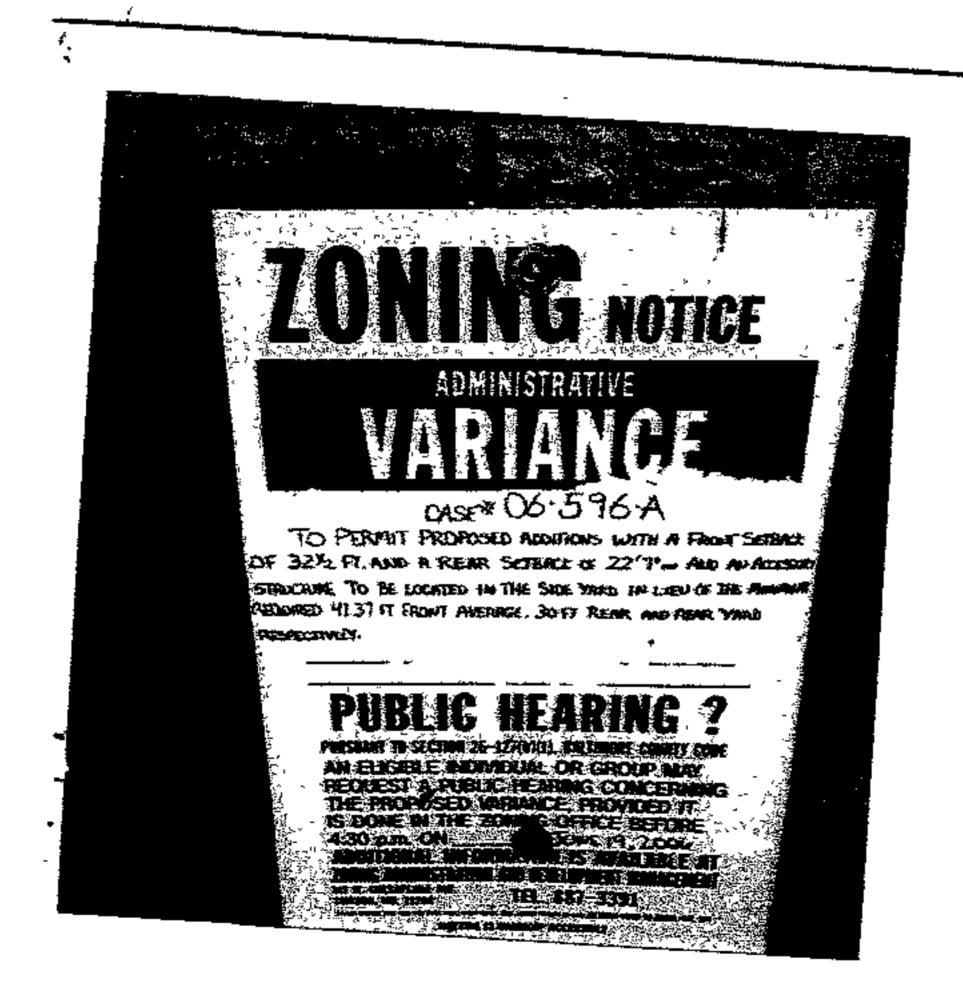
ZONING DESCRIPTION FOR 2907 CEDARCREST AVENUE, SPARROWS POINT, MD 21219-1202.

Beginning at a point on the southeast side of Cedarcrest Avenue which is fifty feet wide at the distance of one hundred and sixty feet southest of the centerline of the nearest improved intersecting street MCComas Road which is forty feet wide. Being Lot #7, Block A, in the subdivision of Cedarcrest as recorded in Baltimore County Plat Book #10, Folio #103, containing 7697 square feet. Also known as 2907 Cedarcrest Avenue and located in the 15th Election District, 7th Councilmanic District.

			CASHIER'S VALIDATION
No. No. Yes			TOMER
BALTIMORE CCUNTY, MARYLAND OFFICE OF BUDGEL & FINANCE MISCELLANGOUS RECEIRT DATE ACCOUNT	PRECEIVED FROM:	FOR	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUS

CERTIFICATE OF POSTING

	RE: Case No.: 06-596-A
	Petitioner/Developer: (U//LL/AM)
	ARMSTROWG
	Date of Hearing/Closing: 6-17-00
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 penalties o posted conspicuously on the property locate	f perjury that the necessary sign(s) required by law were ed at:
. Z907 CEDAR	CREST AVE
•	
The sign(s) were posted on	6-4-06
	(Month, Day, Year)
	Sincerely,



Black 6-6-00
(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)

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

Case Number 06- 596 -A Address 2907 Cedarcrest Ave

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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:
Item Number or Case Number: 06-596 4
Petitioner: William Armstrogg
Petitioner: William Armstrong Address or Location: 2907 Cedar Crest Ave:
PLEASE FORWARD ADVERTISING BILL TO: Name: Same
Address:
Spannows Point Md, 21219
Telephone Number: $(H) 410-388-0509$ $(B) 410-612-4808$
(B)410-612-4808
Revised 7/11/05 - SCJ

Department of Permits an 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 20, 2006

William Armstrong
Charlette Armstrong
2907 Cedar Crest Ave.
Sparrows Point, MD 21219

Dear: Mr. & Mrs. Armstrong,

RE: Case Number: 06-596-A, 2907 Cedar Crest Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 22, 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:sma

Enclosures

c: People's Counsel



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

TOOPERE TERM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

....

Timothy M. Kotroco, Director

DATE: May 30, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 5, 2006 Item No. 596

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 596-05302006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:	Timothy M. Kotroco						
FROM:	Dave Lykens, DEPRM - Development Coordination						
DATE:	June 22, 2006						
SUBJECT:	Zoning Item Address	# 06-596-A 2907 Cedar Crest Avenue Armstrong Property					
Zoning	g Advisory Con	nmittee Meeting of May 30, 2	2006				
	~	nvironmental Protection and Fore-referenced zoning item.	Resource	Management has no			
	•	nvironmental Protection and Forts on the above-referenced zero.					
	 Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 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).						
<u>Additi</u>	onal Comments	<u>S:</u>					
Reviev	wer: G. Sha	ıffer	Date:	June 22, 2006			

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 20, 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) 6-596- 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



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

Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

172

Maryland Department of Transportation

Date: 5.25.04

Baltimore County

Item No. 596

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. J. Hell

Engineering Access Permits Division



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

May 8,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 30,2006

Item Numbers: Item Number 590-596

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

ZONING MAP# 111B/

Cloud Zouk

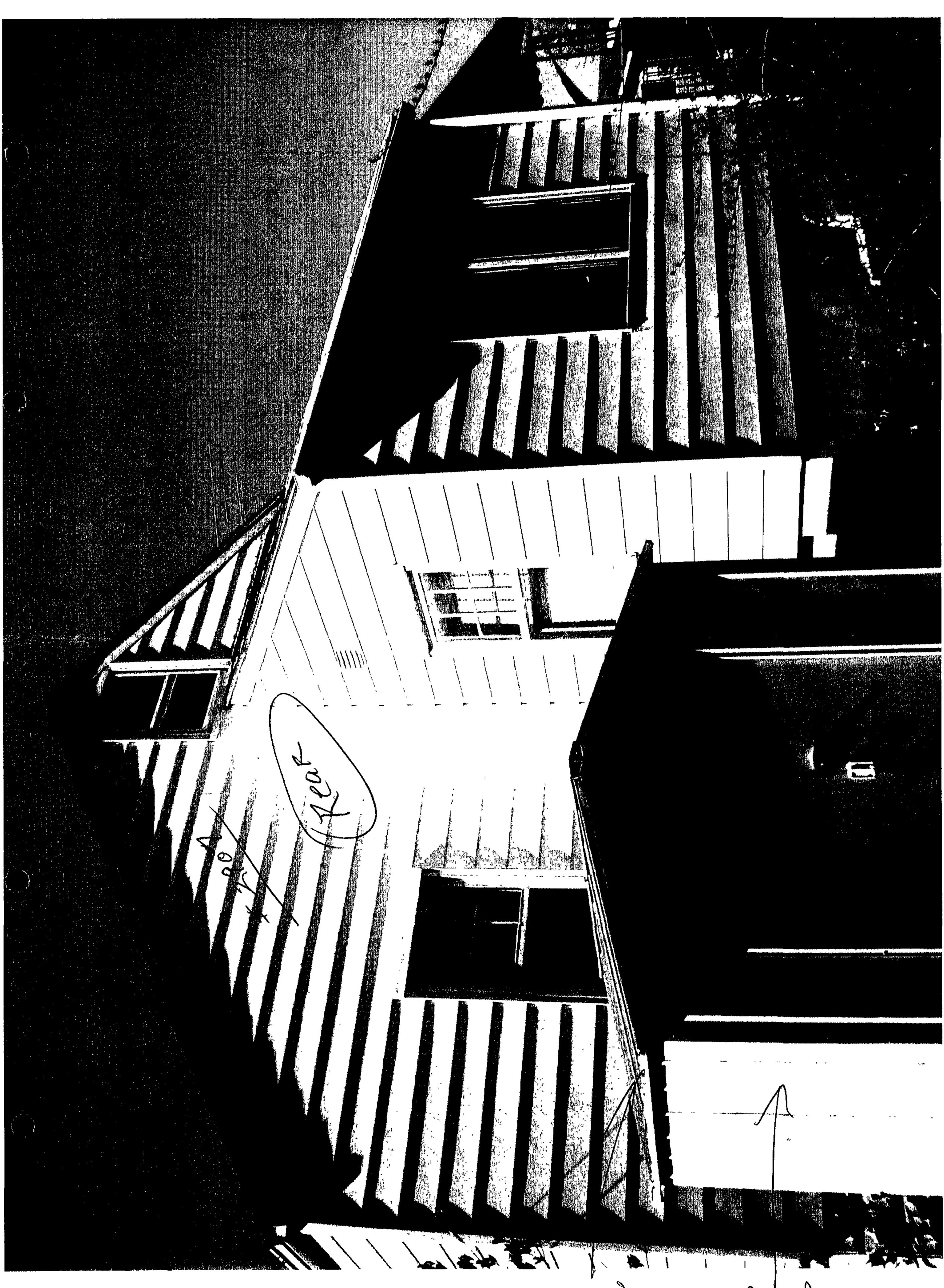
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