

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of South Side Avenue
South of Jarrettsville Pike
10th Election District
3rd Councilmanic District
(3635 South Side Avenue)

Ellison and Mildred Ensor
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-605-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, Ellison and Mildred Ensor. The variance request is for property located at 3635 South Side Avenue. The variance request is from Section 1A04.3.B.2.6 to allow a side yard of 18 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to convey to their daughter and son-in-law, Dianne and Wilson Fowler of 3633 South Side Avenue, who live next door, a strip of land. This strip of land contains the daughter's shed (11.5 feet x 16 feet) and will also enlarge the daughter's backyard and side yard areas. The new line of division will create a side yard of 18 feet on the Petitioners' side. The Petitioners' property is 2.06 acres in size and zoned RC 5.

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.

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

RECEIVED FOR FILING
6-29-06
PZ

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 8, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

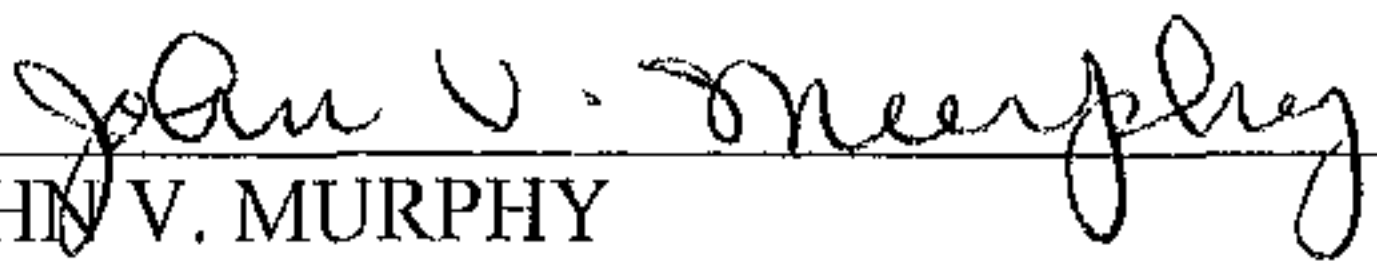
The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare 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 29th day of June, 2006, that a variance from Section 1A04.3.B.2.6 to allow a side yard of 18 feet in lieu of the required 50 feet be and is hereby GRANTED.

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 29, 2006

ELLISON AND ILDRD ENSOR
3635 SOUTH SIDE AVENUE
JACKSONVILLE MD 21121

Re: Petition for Administrative Variance
Case No. 06-605-A
Property: 3635 South Side Avenue

Dear Mr. and Mrs. Ensor:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

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 3635 South Side Ave.
Address
Jacksonville, MD City 21131 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):

We wish to convey to our daughter, who lives next door, Dianne & Wilson Fowler at 3633 South Side Ave., a strip of land that already contains her shed and will also enlarge her backyard area. As a result, the new line of division would create a sideyard of 18' for us.

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.

Ellison W. Ensor
Signature

Ellison W. Ensor
Name - Type or Print

Mildred C. Ensor
Signature

Mildred C. Ensor
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Marej Stump
Notary Public

My Commission Expires 4/8/09



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3635 South Side Ave.
which is presently zoned RC 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)

1A04.3.B.2.b. to allow a side yard of 18' in lieu of the required 50'

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 perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Ellison W. Ensor
Name - Type or Print

Signature

Mildred C. Ensor
Name - Type or Print

Signature

3635 South Side Ave. 410-666-2467
Address Telephone No.

Jacksonville, MD 21131
City State Zip Code

Representative to be Contacted:

Douglas W. DuVal, L.S.
DuVal & Associates, P.A.
Name

Name

1729 York Rd., Ste. 205 410-666-5467
Address Telephone No.

Lutherville, MD 21093
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2106-605-A
RECEIVED ON FILE

REV 10/25/00

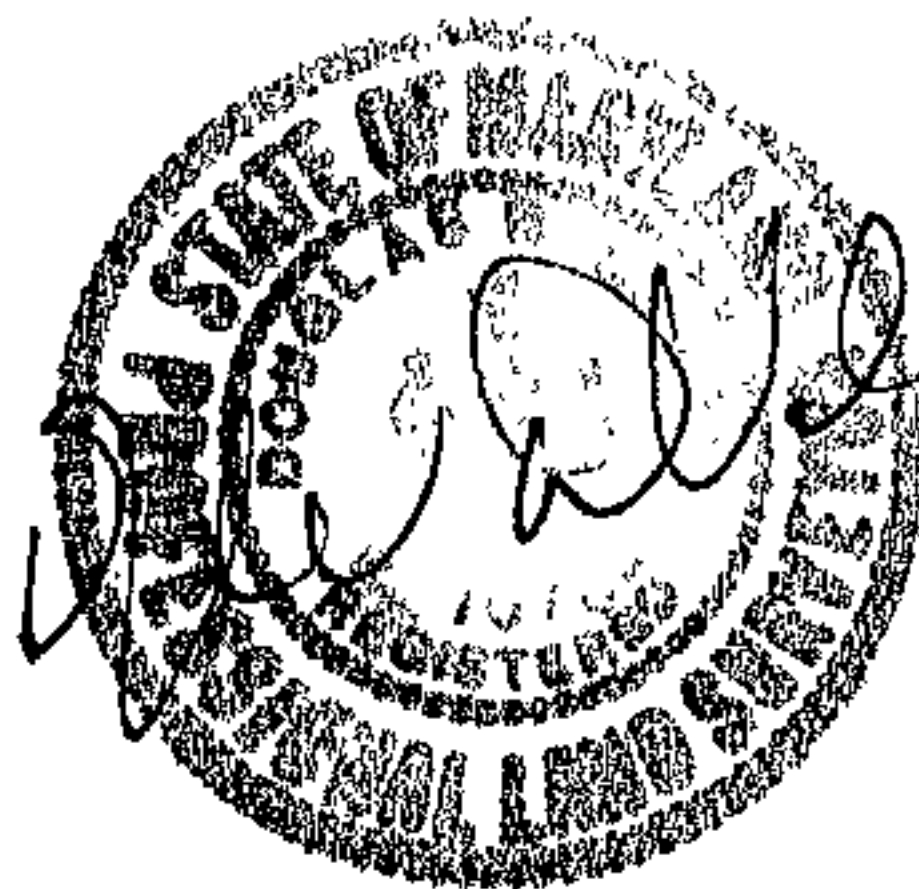
Reviewed By BR Date 5/31/06

Estimated Posting Date 6/1/06

Administrative Variance
3635 South Side Avenue
10 C 3

Starting at a point South $89^{\circ}53'04''$ East 1961.07' from the intersection of Jarrettsville Pike and South Side Avenue; thence 1) South $08^{\circ}21'$ West 12.00'; 2) South $81^{\circ}39'$ East 619.95'; 3) South $08^{\circ}21'$ West 273.90'; 4) South $83^{\circ}15'$ East 252.35'; 5) North $24^{\circ}39'$ East 290.54'; and 6) North $81^{\circ}39'$ West 953.75' to place of beginning.

Containing 2.06 acres of land, more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

DATE 11/1/80 ACCOUNT 601-306-6150

AMOUNT \$ 63.00

RECEIVED FROM: _____

FOR: _____

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID 11/1/80

POWER ACCT. THE
5.71 AM. 5/31/80 142015
SER. 1000. 10/1/80 1000
RECEIVED 11/1/80 11/1/80
DATE 11/1/80 11/1/80
IN AM. 11/1/80

PAID IN
\$65.00 OF
\$65.00
BALANCE 11/1/80 11/1/80

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-605-A

Petitioner/Developer: ELLISON
MILDRED ENSOR

Date Of Hearing/Closing: 6/26/06

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 3635 SOUTH SIDE AVE

This sign(s) were posted on June 10, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto, Md 21220

(443-629 3411)



Walter Ogle 6/10/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 605 -A Address 3635 South Side Ave.

Contact Person: Bruno Rukaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/31/06 Posting Date: 6/11/06 Closing Date: 6/26/06

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.
2. **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.
3. **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- 605 -A Address 3635 South Side Ave.

Petitioner's Name Ellison & Mildred Ensor Telephone 410-666-2467

Posting Date: 6/11/06 Closing Date: 6/26/06

Wording for Sign: To Permit a side yard setback for an existing dwelling
of 18 ft. in lieu of the required 50 ft.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 06-605-A

Petitioner: Ellison & Michael Ensor

Address or Location: 3635 South Side Ave., Jacksonville, MD
21131

PLEASE FORWARD ADVERTISING BILL TO:

Name: Douglas W. DuVal, L.S. c/o DuVal & Associates, P.A.

Address: 7729 York Rd., Ste. 205
Lutherville, MD 21093

Telephone Number: 410-666-5467

**Department of Permits and
Development Management**



Baltimore County

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

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

June 28, 2006

Ellison Ensor
Mildred Ensor
3635 South Side Ave.
Jacksonville, MD 21131

Dear: Mr. & Mrs. Ensor,

RE: Case Number: 06-605-A, 3635 South Side Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 31, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel
Douglas W. DuVal, L.S. DuVal & Associates, P.A. 1729 York Rd. Suite 205
Lutherville, MD 21093

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





Baltimore County
Fire Department

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

June 6, 2006

(00)

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 5, 2006

Item Numbers: Item Number 176, 598 through 608

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: June 7, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, ~~605~~, 606, 607, and 608

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-06072006.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: June 20, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, 607, and 608

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-06202006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 14, 2006

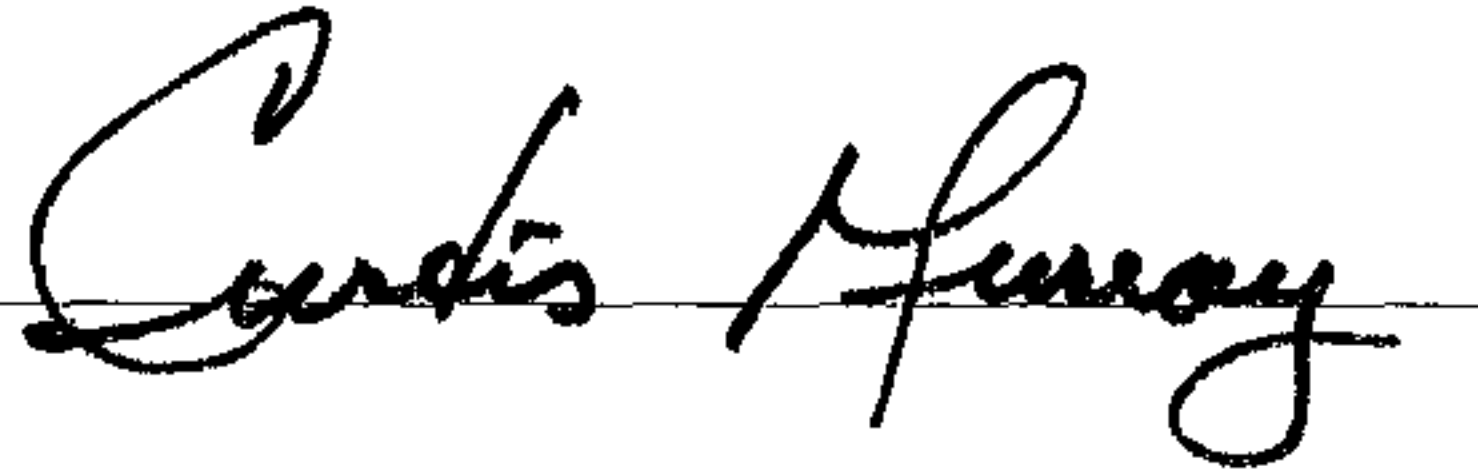
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-605- Administrative Variance**

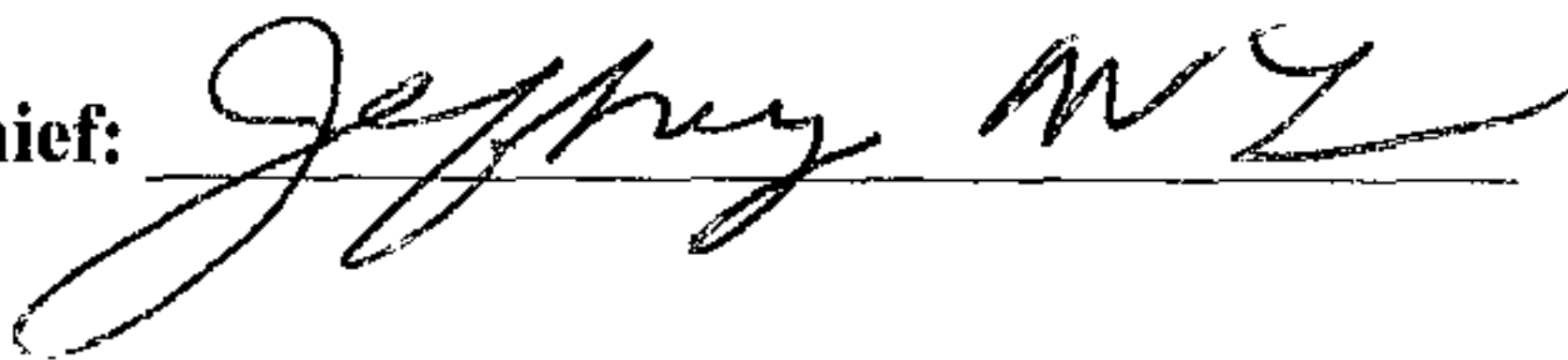
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 19 2006

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date: 6.5.06

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

RE: Baltimore County
Item No. 605 BPR

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

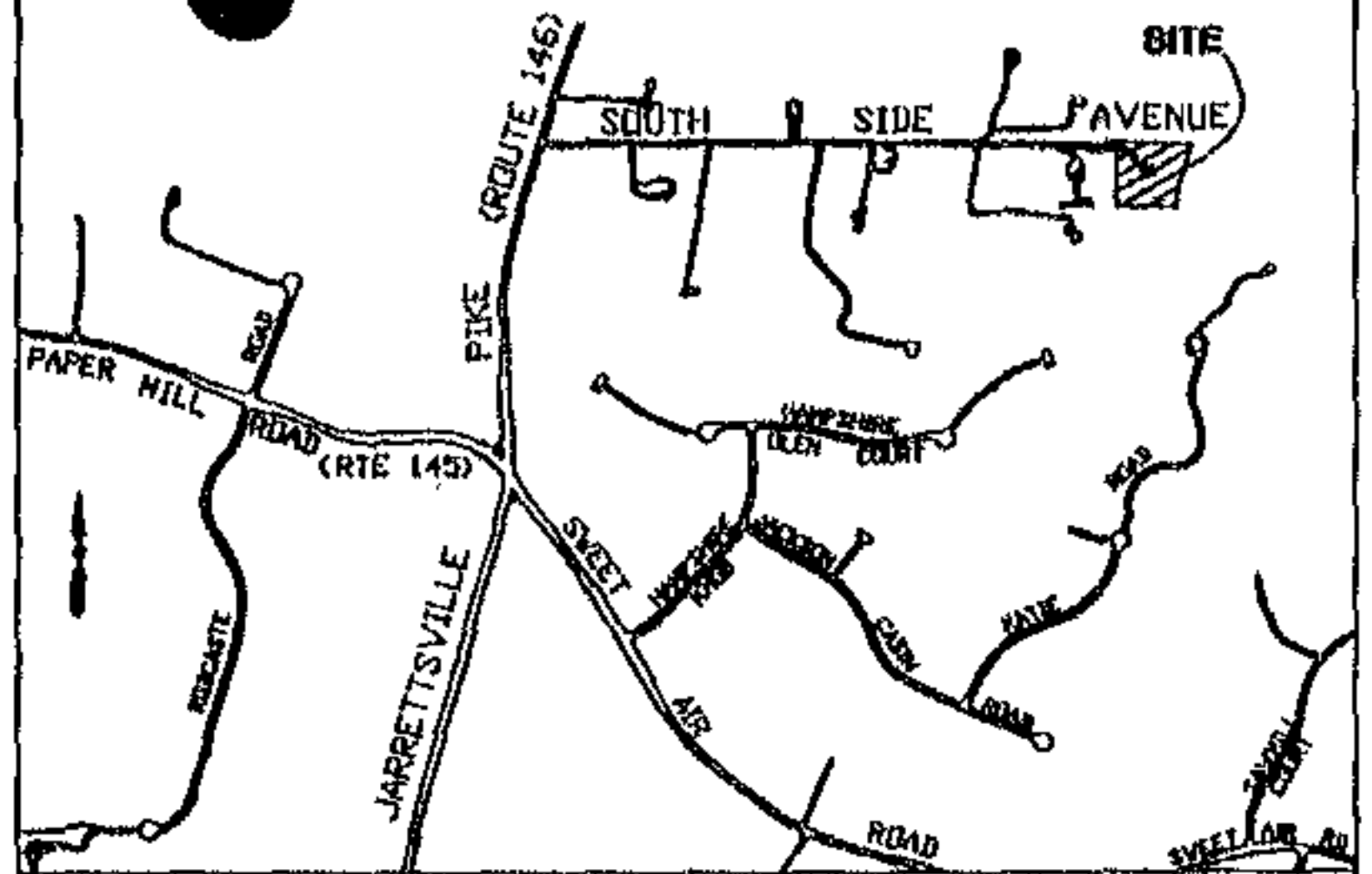
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

ZONING : RC5

LIT SIZE : 2.0672 AC

SEWER PUBLIC ☐ PRIVATE ☒
WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100YR FLOOD PLAIN ☐ ☒
HISTORIC PROP/BLDG ☐ ☒
PRIOR ZONING HEARING ☐ ☒



VICINITY MAP 1" = 2000'

ANNETTE ARMSTRONG
TAX ID#1700004107
14399-701

	EXISTING AREA	PROPOSED AREA
ELLISON & MILDRED ENSOR	2.06 AC	1.83 AC

ELLISON & MILDRED ENSOR (FATHER)
TAX ID#2100008922
10565-52

1-STY FRAME GARAGE

1-STY MASONRY & FRAME

FREDERICK & ROSINA CRAIG
TAX ID#2100008270
8300-631

1-STY FRAME SHED (11.5' X 16')

EXISTING PROPERTY LINE

PROPOSED PROPERTY LINE

WILSON & DIANNE FOWLER (DAUGHTER)
TAX ID#1700009433
6675-736

ELLISON & SALLY ENSOR, JR.
TAX ID#1005061390
4979-437



SOUTH SIDE AVE.

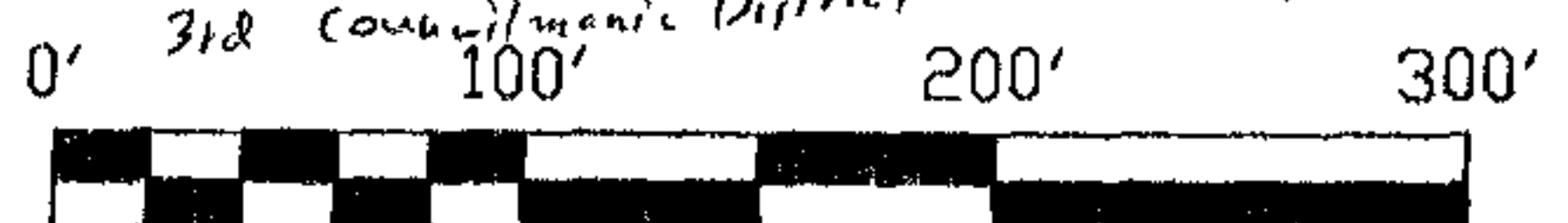
TO JARRETTSVILLE PIKE (ROUTE 146)

S 08°21' W 12.00'

PLAT TO ACCOMPANY
PETITION FOR ADMINISTRATIVE VARIANCE
3635 SOUTH SIDE AVENUE

MAP #36, GRID #19, PARCEL #226

10th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100' Date: MAY 30, 2006



DUVAL & ASSOCIATES, P.A.

SURVEYING • ENGINEERING
1729 YORK ROAD
SUITE 205
LUTHERVILLE, MD 21093

PHONE: 410-666-5467 FAX: 410-553-4688
E-MAIL: DUVALAPA@VERIZON.NET

R.C. 5
D.T.

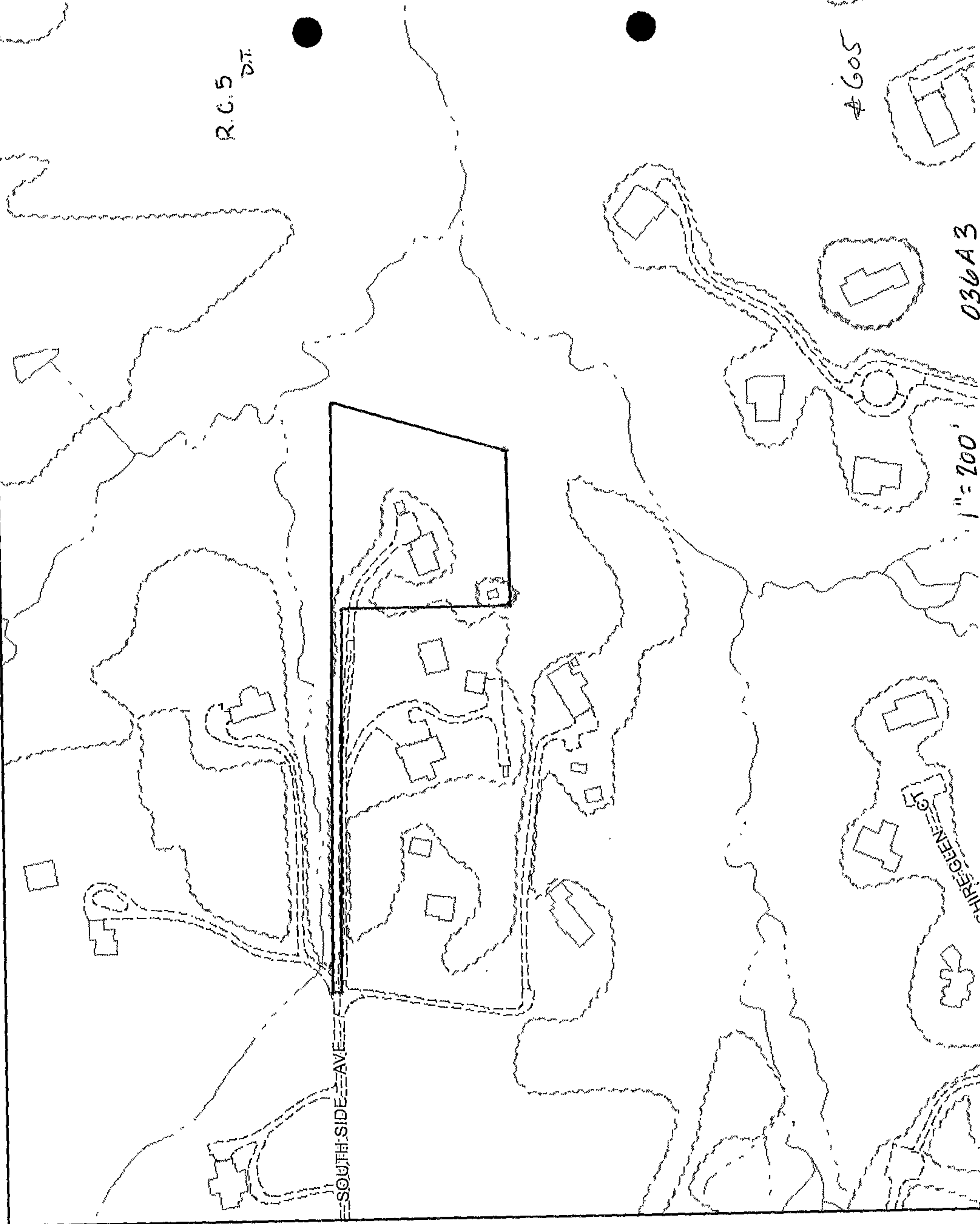
#605

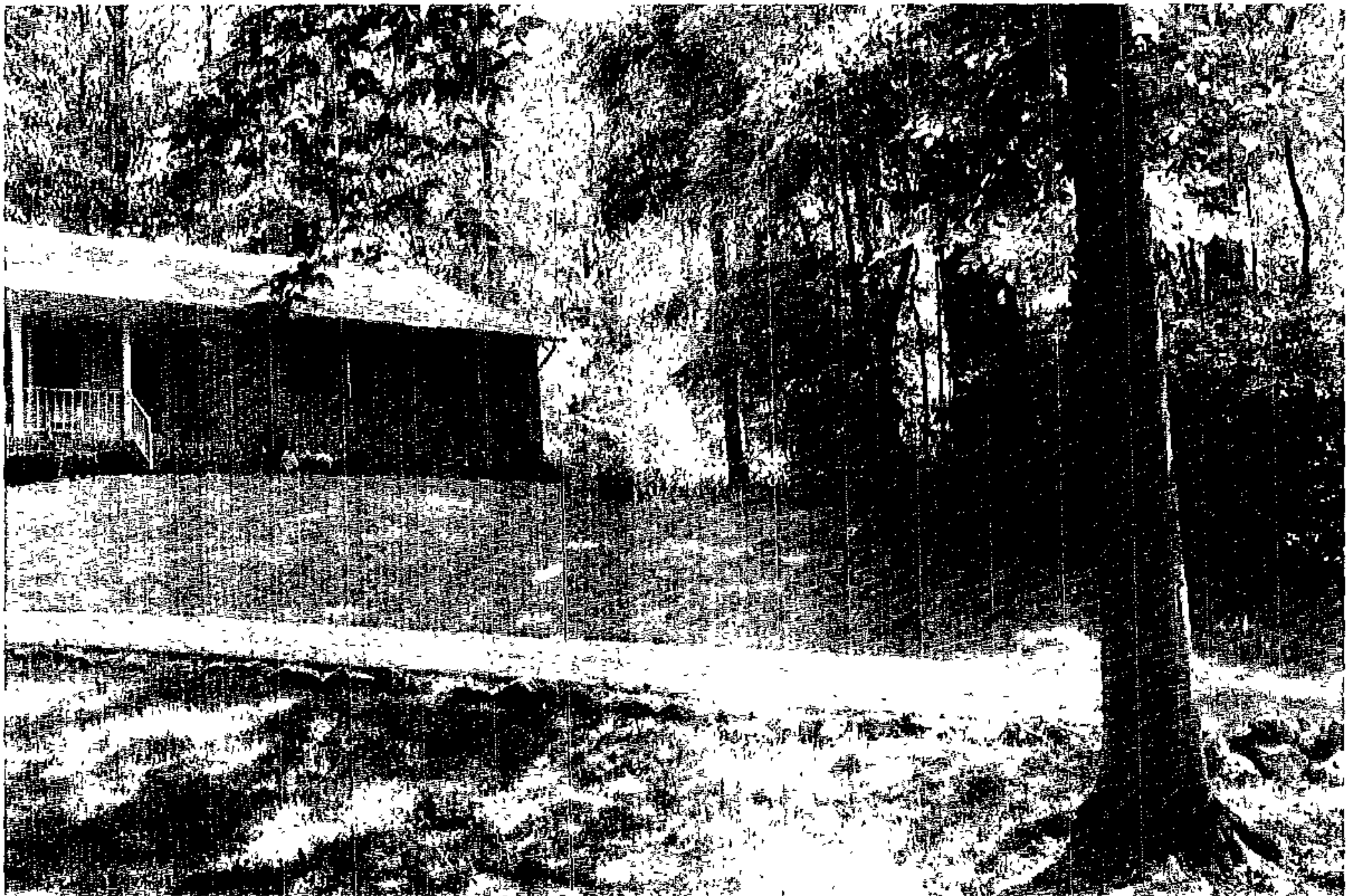
036A3

1" = 200'

SOUTH SIDE AVENUE

HIREGREEN GT

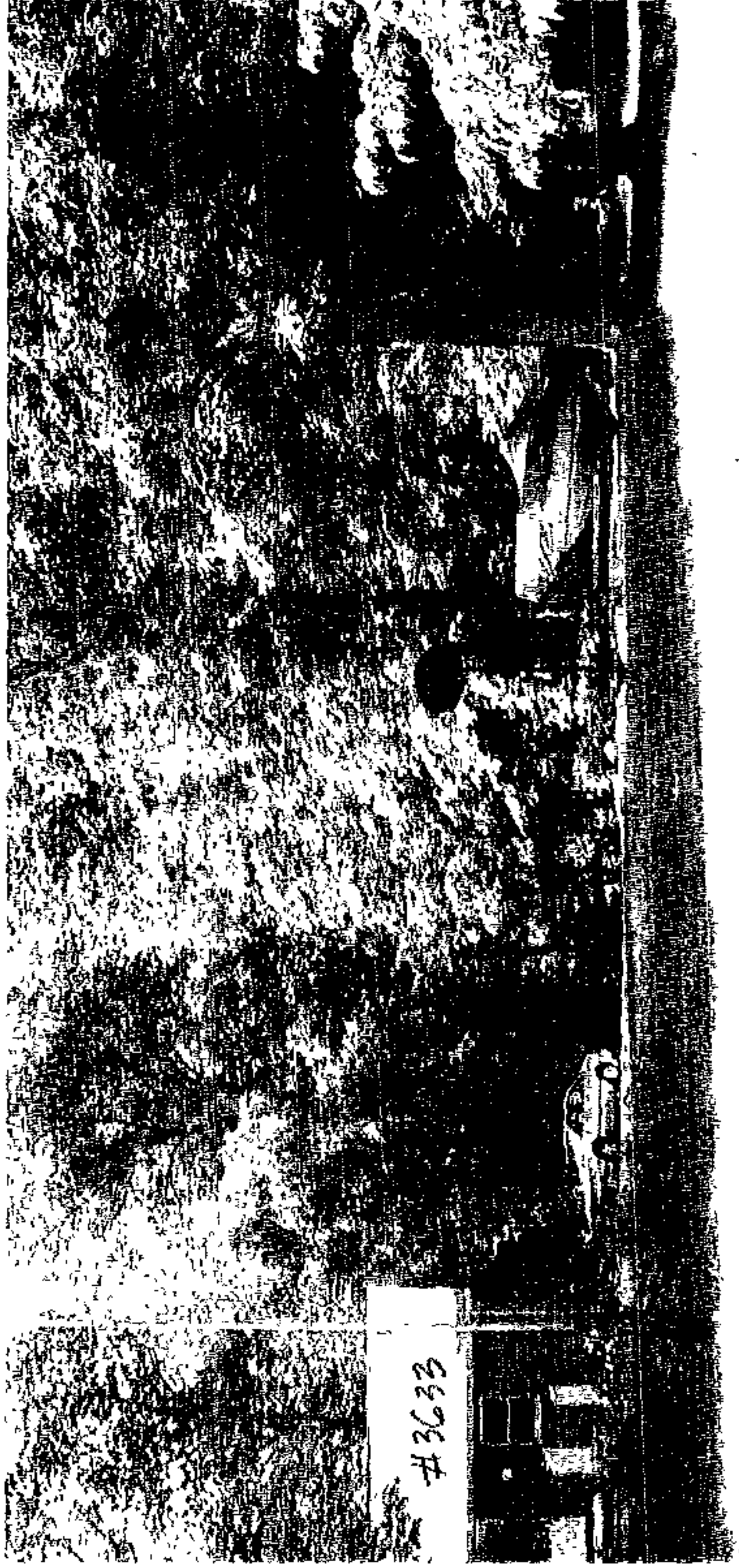




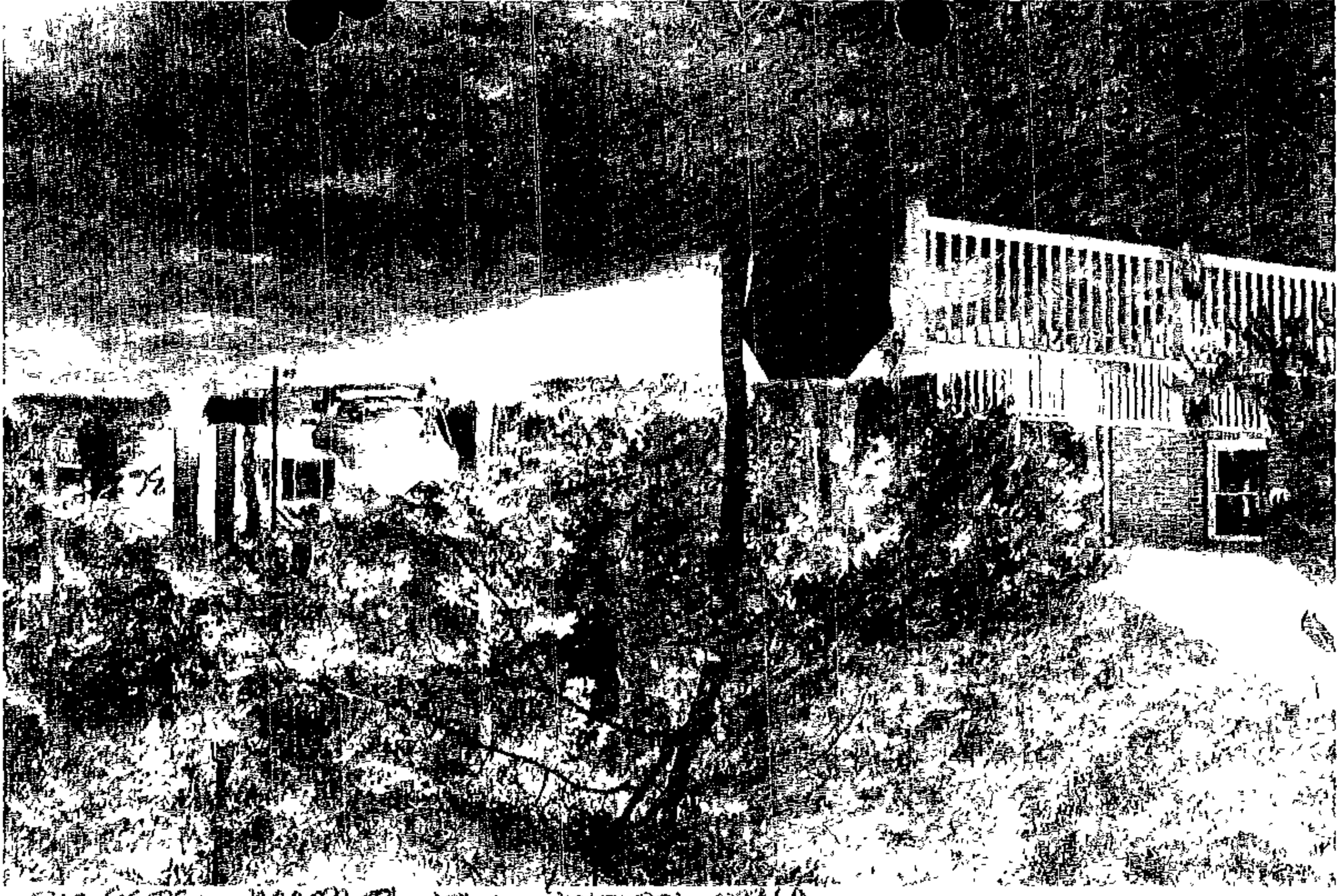
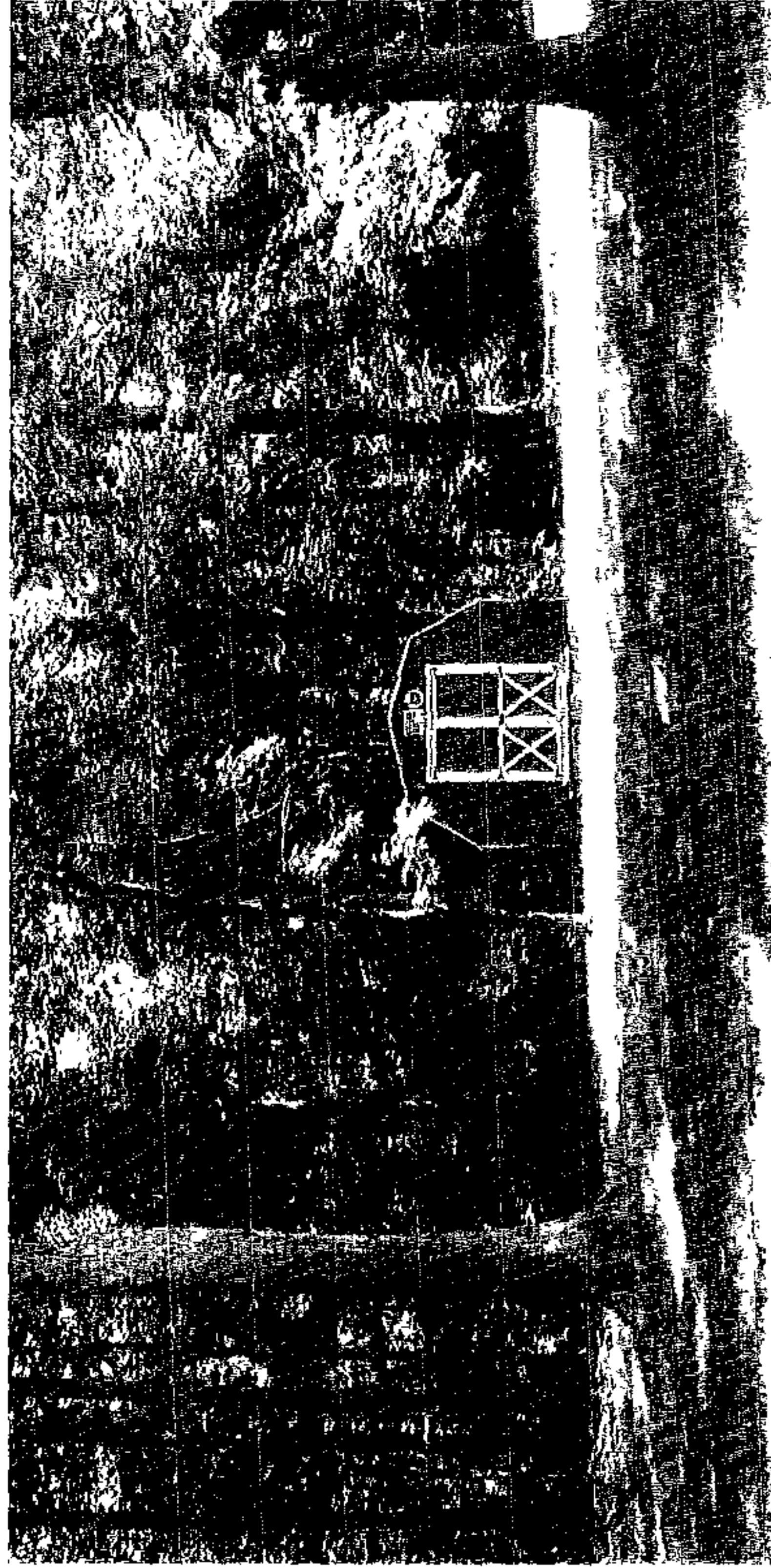
Front yard between 3635 (parents) and 3633 (daughter)



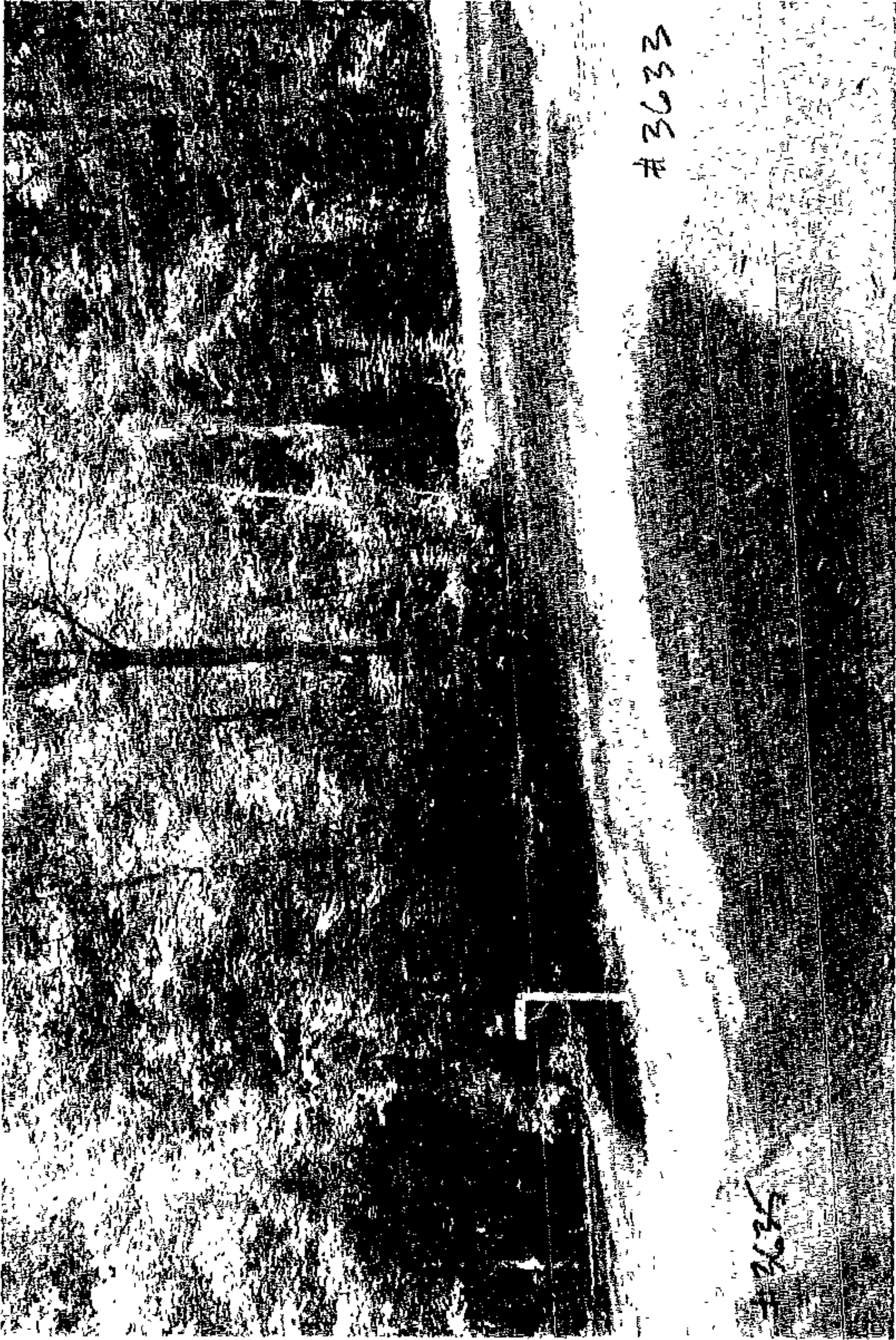
Front of 3635 South Side Ave. (Parents)



View of new strip of land between
#3633 and #3635 looking North.

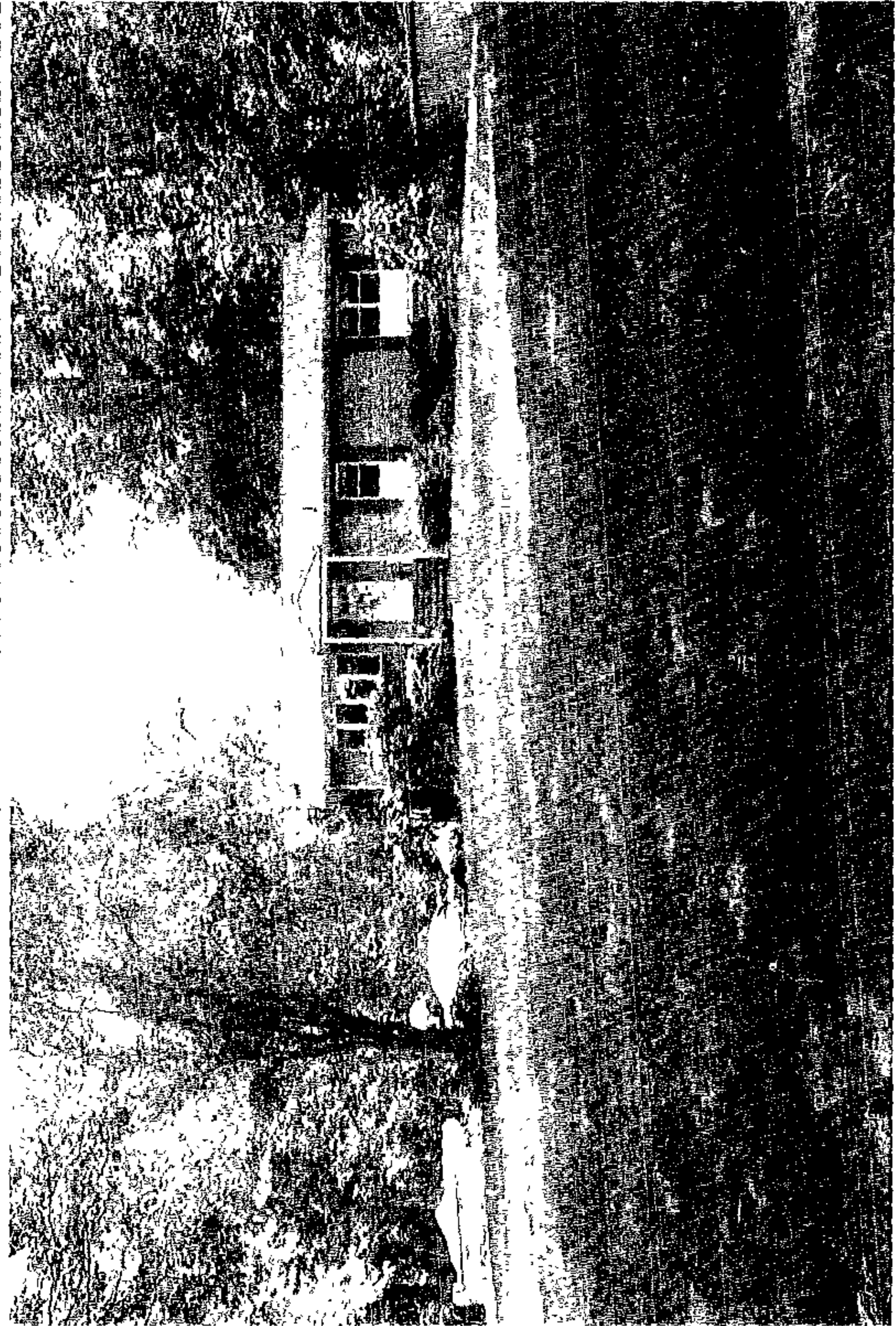


View of new strip, including shed between
#3633 and #3635 looking South.

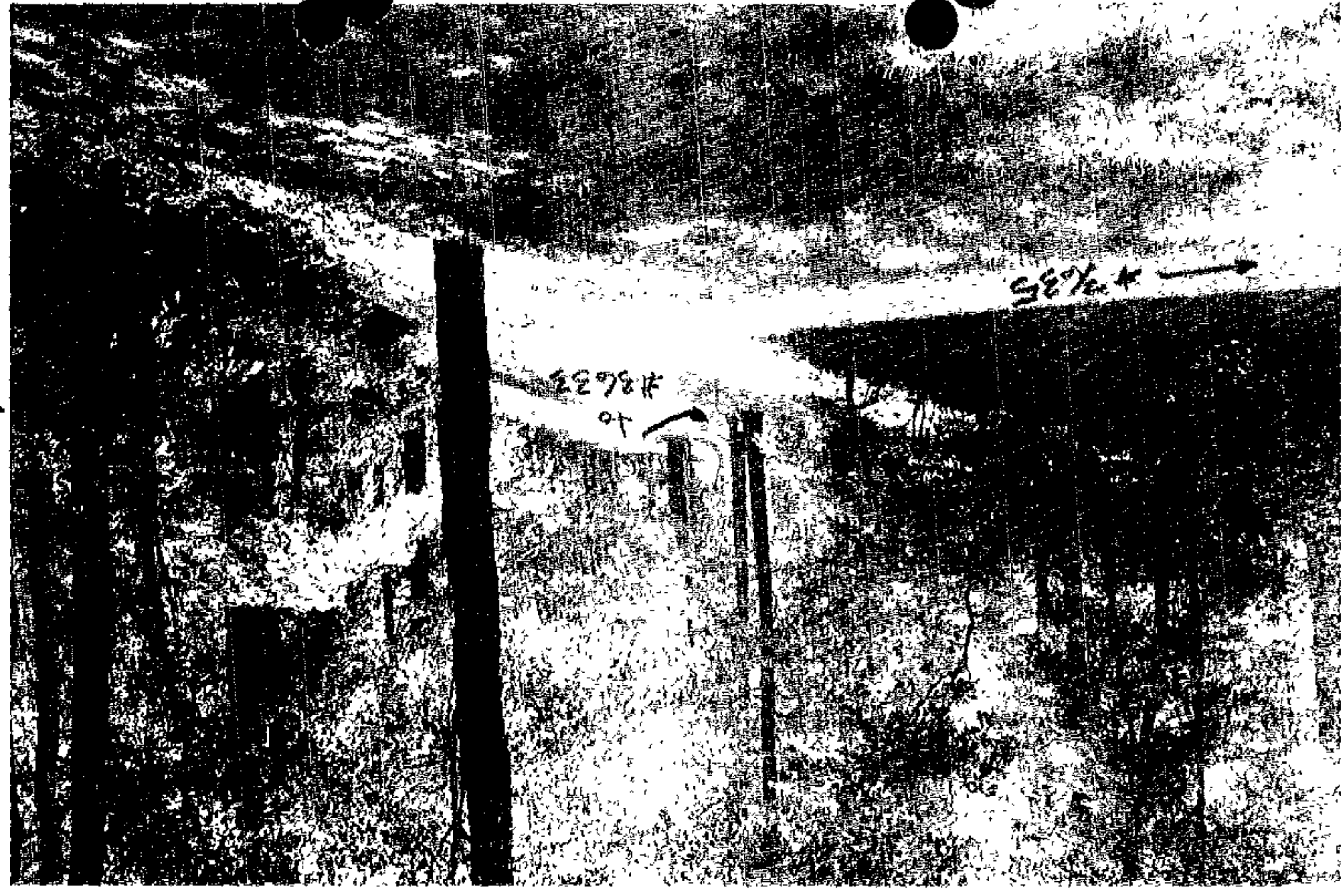


#3633

#3635



Front yard between 3633 (daughter) and 3635 (parent)



#3638

91

58 1/2' →

Front of 3633 South Side Ave.
(daughter)

#605