IN RE: PETITION FOR ADMIN. VARIANCE E/S of Edwards Lane, 48 feet north Of c/l of Park Drive 15<sup>th</sup> lection District 6<sup>th</sup> Councilmanic District

Jeffrey M. Dorsey
Petitioner

(3511 Edwards Lane)

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 06-630-A

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner a Petition for Administrative Variance filed by Jeffrey M. Dorsey, Petitioner. The variance request is for property located at 3511 Edwards Lane. The variance request is from Section 1B02.3.C.1 and 301.1A to permit an addition with a rear yard setback of 15 feet and an open projection (deck) with a rear yard setback of 3 feet in lieu of the required 30 feet and 22.5 feet respectively.

A Formal Demand for Hearing was filed by Daniel Welsh, an adjacent property owner on June 29, 2006. As a result, the case was set for public hearing.

The property was posted with a notice of the public hearing date and time on July 17, 2006 and notice was given to the general public by publication in the Jeffersonian Newspaper on July 18, 2006.

### **Interested Persons**

Appearing at the hearing on behalf of the variance request was Jeffrey and Jill Dorsey, Petitioners. Daniel Welsh, who filed the formal demand for hearing, appeared in opposition to the request. There were no other protestants or citizens attending the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

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### **Zoning Advisory Committee**

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 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."

### Testimony and Evidence

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Testimony and evidence indicated that the property contains 0.827 acres zoned DR 3.5 and is improved by the Petitioner's home as shown on Petitioner's exhibit 1, the Plat to Accompany. The Petitioners would like to build a one story 10 x 28 foot addition to the rear of house to expand the kitchen and family rooms to make them more serviceable for the family. Mrs. Dorsey indicated that the kitchen was so small that there was no room to pass by a table and chairs. There is no basement.

However the Petitioner's house is pushed back toward the rear of the lot by the wetlands and setbacks therefrom as shown on exhibit 1. This means that the rear edge of the house is

exactly on the 30 foot rear yard setback line required by the DR 3.5 regulations. Consequently any addition to the rear will require a variance.

The Petitioners presented photographs of their home as Petitioners' exhibit 2. Exhibit 2A shows the rear of the house where the addition would go including sliding glass doors in the center of the house which are several feet above the back yard. No steps to the back yard are shown from the sliding glass doors. Photograph 2 B shows the east side of the house has a garage which is one reason the addition can not be added on this side. The Petitioners indicated that their outside heat pump unit is located on the other side and would be costly to relocate if the addition had to go on that side. Also additions to either side would not provide the additional space needed for the kitchen.

The Petitioners also propose to build a deck beyond the 10 x 28 foot addition which would come within 3 feet of the rear property line. The Petitioners suggested that a line of Leyland Cypress trees along the rear property line would protect the Welsh property to the rear.

Mr. Welsh opposed any relief at this time for the Petitioners. He indicated that his house to the rear is located in such a way that the rear yard of the Petitioners is his front yard where any addition would be objectionable. In support thereof he presented extensive photographs of his home and the subject property which were entered into evidence as protestant's exhibit 2. Protestant's Exhibit 2 H in particular shows the relationship of his front yard to the Petitioner's rear yard. He indicated that at one time he agreed to the addition to the rear of the Petitioner's house but was surprised by the added request for a deck to come within 3 feet of the property line. He now opposed any relief and asked the Petitioners to withdraw the request until he could sell his home.

Mrs. Dorsey pointed out that the Welsh home had few windows on the side which could view the Petitioner's addition, that there was 55 feet from the Welsh house to the property line,

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an extent that the rear foundation line is on the 30 foot setback limit. Therefore I find the zoning regulations impact this property differently from those in the immediate area.

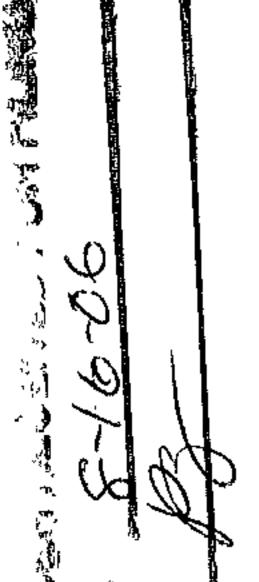
I further find that the Petitioners would suffer hardship or practical difficulty if the regulations were strictly enforced. The Petitioners could not build a clearly needed addition to the kitchen and family room.

Finally I find variance for the addition can be granted within the spirit and intent of regulations and will not adversely affect the community in general and Mr. Welsh in particular. The addition will only extend the Petitioners' house 10 feet leaving 20 feet to the property line for grass and normal back yard. However building a deck to within 3 feet of the property line is unreasonable under these circumstances given the unusual orientation of the front of the Welsh home vis a vis the Petitioner's rear yard. However I will not require the Petitioners to submit a landscape plan to the County Architect for the addition.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16<sup>th</sup> day of August, 2006, that the Petitioners' request for a variance from Section 301.1A to permit an open projection (deck) with a rear yard setback of 3 feet in lieu of the required 22.5 feet be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioners' request for a variance from Section 1B02.3.C.1 to permit an addition with a rear yard setback of 20 feet in lieu of the required 30 feet be and is hereby GRANTED with condition:



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.

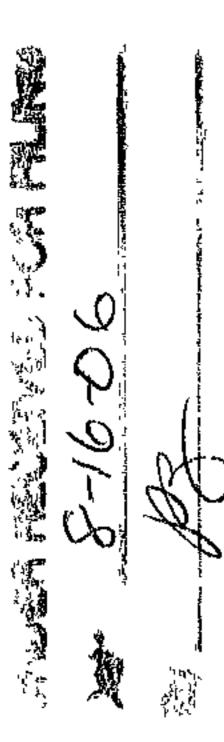
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 16, 2006

JEFFREY AND JILL DORSEY 3511 EDWARDS LANE BALTIMORE MD 21220

> Re: Petition for Variance Case No. 06-630-A Property: 3511 Edwards Lane

Dear Mr. and Mrs. Dorsey:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in part and denied in part 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

c: Daniel Welsh, 3662 Galloway Road, Middle River, MD 21220



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	3511	Edwards	Lane	
		ently 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)

see attached

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. Legal Owner(s): Contract Purchaser/Lessee: Jeff P. Name - Type or Print-Name - Type or Print Signature Signature Telephone No. Name -Address Zip Code Signature State City W. 443-744-9635 14 4/0 · 335 - 710 9 Telephone No. • Edwards Attorney For Petitioner: Address altimore COM21220 Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Address Telephone No. City State Zip Code Zip Code State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this \_\_\_\_ that the subject many that the subject many that the subject many that the subject many that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By 3/1 Date CASE NO. REV 10/25/01 Estimated Posting Date

# 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	3511 Edwa	als Lane	
	Baltimore	MD.	21220
	City	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):

When our home was built, the blueprints seemed to make the kitchen and family room look bigger then it actually is. There is not even enough clearance space to walk past a kitchen table with four chairs and not much more clearance in the family room area with a minimal amount of furniture. Because of the area where our house is located, there are restrictions on where we could build. We were not allowed to have a basement because of being located in a flood plain. This being the case, it has given us a very limited and cramped space in which to relax while eating and enjoying leisure activities. All things considered, the only logical place to build an addition would be on the back of the house.

That the Affiant(s) acknowledge(s) that if a formal de advertising fee and may be required to provide additional	mand is filed, Alfiant(s) will be required to pay a reposting and information.
Carl Dec.	1/4/005/
Jeffrey M. Dorsey	Signature DRSQ /
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	wit: ,2006 , before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally	appeared
the Affiah (s) herein, personally known or satisfactorily ic	dentified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public Dawl 2000
	My Commission Expires

REV 10/25/01

l Cathy Jo Sauer
Notary Public
Baltimore County, Maryland
My Commisson Expires 9/01/2009

1B02.3.C.1 and 301.1A to permit an addition with a rear yard setback of 15 ft. and an open projection (deck) with a rear yard setback of 3 ft. in lieu of the required 30 ft. and 22.5 ft., respectively.



### Petition for Administrative Variance

### to the Zoning Commissioner of 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

for the property located at 3511 Edwards Lane which is presently zoned or 3.5

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)

see attached

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.

is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Signature Telephone No. Name - Type Address Zip Code Signature City State W. 443-744-9635 14, 410 · 335 - 7109 Telephone No. -Attorney For Petitioner: Address Baltimore WD 21220 Zip Code State City Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address Zip Code Zip Code City State State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ that the subject many regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By // Date REV 10/25/01 

# 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	3511 Edw	ands Lane	
•	Address		
	Baltimore	(MD)	SISS

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):

When our home was built, the blueprints seemed to make the kitchen and family room look bigger then it actually is. There is not even enough clearance space to walk past a kitchen table with four chairs and not much more clearance in the family room area with a minimal amount of furniture. Because of the area where our house is located, there are restrictions on where we could build. We were not allowed to have a basement because of being located in a flood plain. This being the case, it has given us a very limited and cramped space in which to relax while eating and enjoying leisure activities. All things considered, the only logical place to build an addition would be on the back of the house.

That the Affiant(s) acknowledge(s) that if a formal demand advertising fee and may be required to provide additional info	d is filed, Aftiant(s) will be required to pay a reposting and irmation.
Signature Signature	Signature
Jeffrey M. Dorsey  Name - Type or Print	Name - Type or Print
Name - Type of Finit	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	AKN I
of Maryland, in and for the County aforesaid, personally appe	ared ,2006, before me, a Notary Public of the State
the Affian(s) herein, personally known or satisfactorily identif	ied to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	athur So Sauer
Not	ary Public () Long

REV 10/25/01

My Commission Expires

Cathy Jo Sauer

Notary Public

Baltimore County, Maryland

My Commisson Expires 9/01/2009

### ZONING DESCRIPTION

### Zoning Description For 3511 Edwards Lane

BEGINNING FOR THE SAME in the center of Edwards Avenue at the beginning point of the parcel of land conveyed by Mildred H. Lips, unmarried, to Ernest E. Edwards and wife by a Deed dated June 11, 1926, and recorded among the Land Records of Baltimore County, Maryland in Liber W.P.C. No. 635 folio 166, etc., running thence and binding on a part of the first line in said second parcel and in the center of Edwards Avenue with the use thereof in common with others entitled thereto, South 77 degrees 03 minutes East 122.00 feet, thence leaving the avenue and binding in the center of a right of way theretofore laid out twenty feet wide with the use thereof in common with others entitled thereto South 19 degrees one minute 40 seconds West 183.75 feet to a concrete monument at the end of the first line of the lot of ground conveyed by Ernest E. Edwards and wife to George Franklin Lynn and wife by a deed dated September 24, 1952 and recorded among the Land Records of Liber G.L.B. No. 2177 folio 479, etc., thence continuing the same course and binding reversely on said first line and still in the center of said right of way South 19 degrees one minute 40 seconds West 100.00 feet to intersect the North 68 degrees 19 minutes West 330.00 feet line (erroneously described as North 68 degrees 19 minutes East) in said second parcel in the first herein mentioned deed at a point 138.80 feet from the end of said line, thence leaving the right of way and binding on a part of said North 68 degrees 19 minutes West outline North 71 degrees 09 minutes West 138.80 feet to an iron pipe at the end thereof, thence binding on the last line in said second parcel North 22 degrees 43 minutes East 271.83 feet to the place of beginning. Containing 0.827 of an acre of land, more or less. Having a street address known as No. 3511 Edwards Lane.

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-630-A

3511 Edwards Lane

East side of Edwards Lane, 480 feet north of centerline of Park Drive

15th Election District — 6th Councilmanic District

Legal Owner(s): Jeffrey M, & Jill Dorsey

Variance: to permit an addition with a rear yard setback of 15 feet and an open projection (deck) with a rear yard setback of 3 feet in lieu of the required 30 feet and 22.5

feet respectively.
Hearing: Wednesday, August 2, 2006 at 9:00 a.m. in
Room 407, County Courts Building, 401 Bosley Ave-nue, Towson 21204.

WILLIAM J. WISEMAN, III

### CERTIFICATE OF PUBLICATION

7/20,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

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# FORMAL DEMAND FOR HEARING

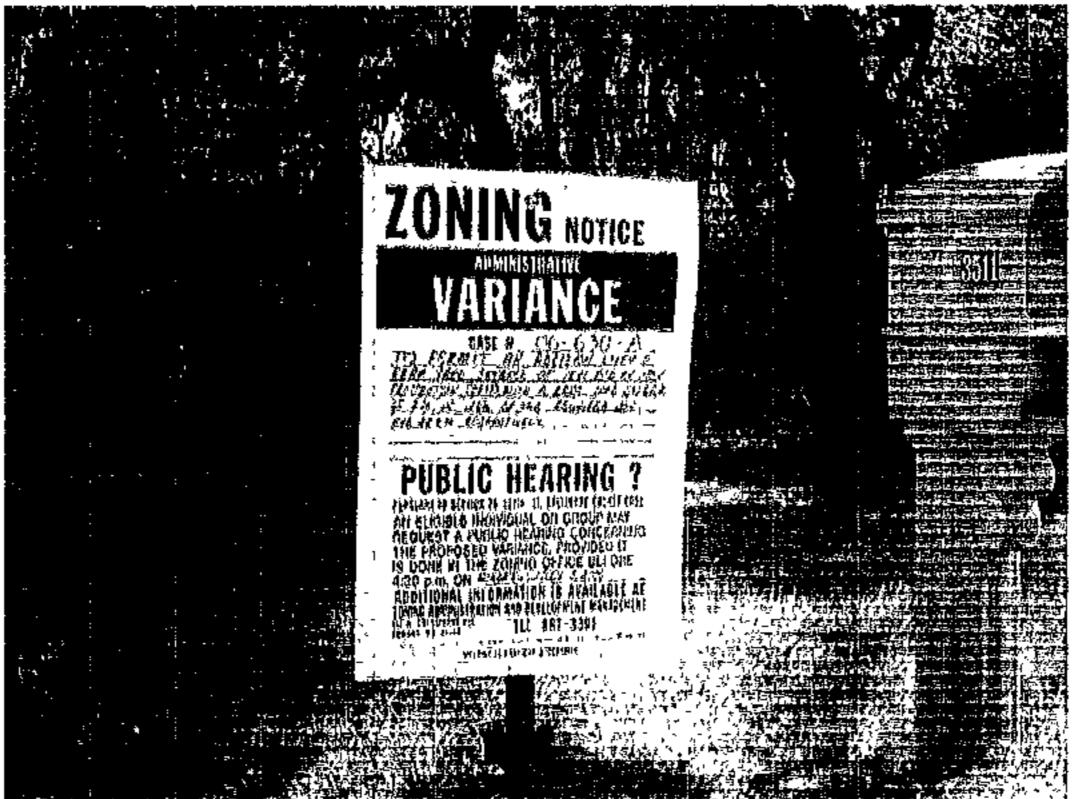
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Petitioner(s):	EFF DOESE	4
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以Legal Owner 3427 色DG	NAPOS CAR	15
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City (C) 41038266	.55 (U) 4	Zip Code りの 335 3123
	Telephone Number	
formally demand th	at a public nearl	feet from the ove petition, do hereby ng be set in this matter.  SSING FEE FOR THIS
Signature		Date
Signature Revised 9/18/98 - wcr/	'scj	Date

### CERTIFICATE OF POSTING

RE: Case No: 06-630-1

	Petitioner/Developer: JESF DORSEY
	Date Of Hearing/Closing: 7/3/06
Baltimore County Department Permits and Development Man County Office Building, Room 111 West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen:	
This latter is to portify under the	
sign(s) required by law were po	sted conspicuously on the property  EDWARDS LAWE
at	sted conspicuously on the property  EDWARDS LAWE
it	Sted conspicuously on the property  EDWARDS LAWE  June 18, 2004  (Month, Day, Year)
it	Sted conspicuously on the property  EDWARDS LAWE  June 18 2004  (Month, Day, Year)  Sincerely,
it	Sted conspicuously on the property  EDWARDS LAWE  June 18 2004  (Month, Day, Year)  Sincerely,  DatharOcle 4/18/04
it	Sted conspicuously on the property  EDWARDS LAWE  June 18 2004  (Month, Day, Year)  Sincerely,
it	Signature of sign Poster and Date)  Martin Ogle  Sign Poster  Sign Poster
sign(s) required by law were po	Sign Poster  16 Salix Court
sign(s) required by law were po	Sincerely,  (Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address
at	Sign Poster  Steed conspicuously on the property  LEXALDS LAWE  LEXALDS LAWE  LEXALDS LAWE  LEXALDS LAWE  (Month, Day, Year)  Sincerely,  Cignature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court

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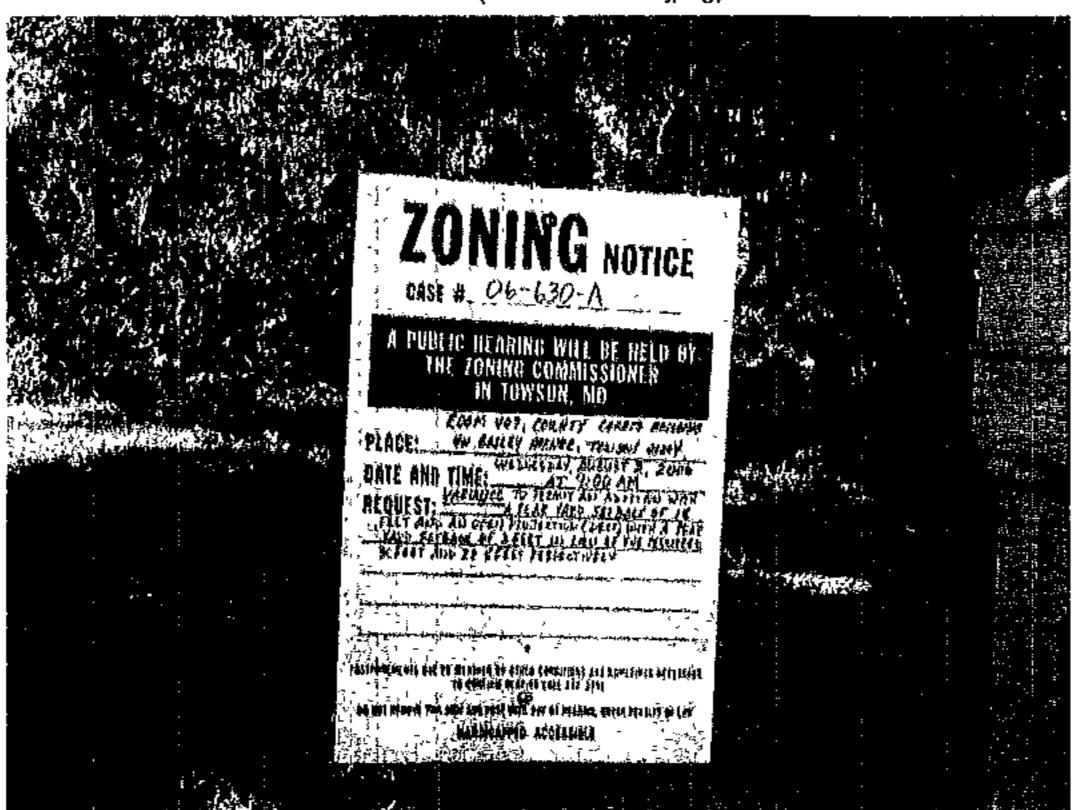


materiale 4/18/06

### CERTIFICATE OF POSTING

	RE: Case No: 06-630-4
	Petitioner/Developer: JEFFEEY & JILL DORSER
	Date Of Hearing/Closing: August 2,2000
Baltimore County Department of Permits and Development Manag County Office Building, Room 1 111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were post	penalties of perjury that the necessary ed conspicuously on the property  5/1 EDWALDS LANE
his sign(s) were posted on	
// // // // // // // // // // // // //	Month, Day, Year)
	Sincerely.
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
÷	Address Balto. Md 21220
	(443-629 3411)

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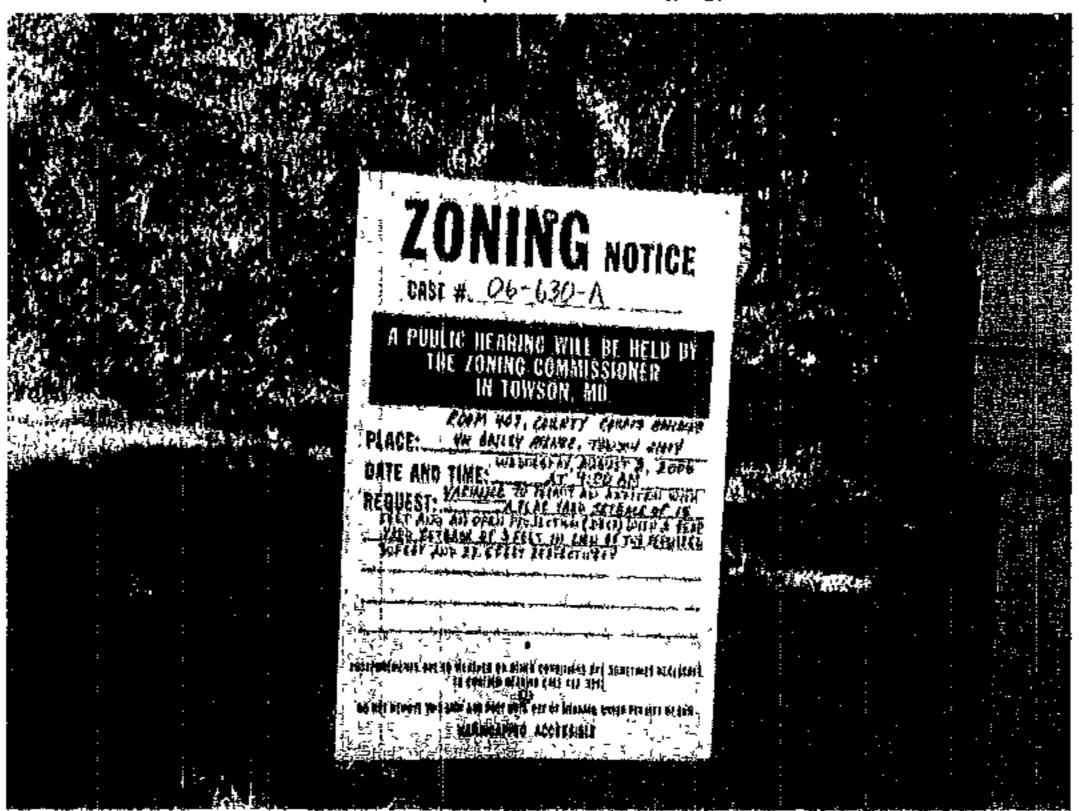


Machille 1/17/26

### CERTIFICATE OF POSTING

	RE: Case No: 06-630-A
	Petitioner/Developer: TEFFLEY 6
	Date Of Hearing/Closing: 8/2/0C
Baltimore County Department of Permits and Development Mana County Office Building, Room 11 West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen:	
ign(s) required by law were pos	e penalties of perjury that the necessary sted conspicuously on the property LANE
his sign(s) were posted on	Month, Day, Year) Sincerely,  Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address  Balto. Md 21220  (443-629 3411)

im000735 (1152x864x24b jpeg)



njatur Ole 7/17/00

TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 18, 2006 Issue - Jeffersonian

Please forward billing to:

Jeff Dorsey 3511 Edwards Lane Baltimore, MD 21220 410-335-7109

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-630-A

3511 Edwards Lane

East side of Edwards Lane, 480 feet north of centerline of Park Drive

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Jeffrey M. & Jill Dorsey

Variance to permit an addition with a rear yard setback of 15 feet and an open projection (deck) with a rear yard setback of 3 feet in lieu of the required 30 feet and 22.5 feet respectively.

Hearing: Wednesday, August 2, 2006 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits IIII Development Management

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



### **Baltimore County**

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

June 30, 2006

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-630-A

3511 Edwards Lane

East side of Edwards Lane, 480 feet north of centerline of Park Drive

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Jeffrey M. & Jill Dorsey

<u>Variance</u> to permit an addition with a rear yard setback of 15 feet and an open projection (deck) with a rear yard setback of 3 feet in lieu of the required 30 feet and 22.5 feet respectively.

Hearing: Wednesday, August 2, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Multy Kotroco
Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Dorsey, 3511 Edwards Lane, Baltimore 21220 Daniel Welsh, 3427 Edwards Lane, Middle River 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 18, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

## 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: 06-630-A
Petitioner: <u>Jeff Dorsey</u>
Address or Location: 3511 Edwards Lane Baltimore MD. 21220
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Telephone Number: 4/0 - 335 - 7/09

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	06-	630	-A	Address	3511	Edwards,	Lahre
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JAMES T. SMITH, JR. County Executive

July 26, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Jeffrey M. Dorsey Jill Dorsey 3511 Edwards Lane Baltimore, MD 21220

Dear Mr. and Mrs. Dorsey:

RE: Case Number: 06-630-A, 3511 Edwards Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 8, 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

u. Cal Rohal D

WCR:amf

Enclosures

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

**DATE:** June 27, 2006

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For June 21, 2006 Item No. 630

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 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 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 630-06272006.doc

### BALTIMORE COUNTY, MARYLAND

### **Inter-Office Correspondence**



TO:	Timothy M. K	Cotroco										
FROM:	Dave Lykens,	Dave Lykens, DEPRM - Development Coordination 340										
DATE:	August 11, 20	August 11, 2006										
SUBJECT:	Zoning Item Address	# 06-630-A 3511 Edwards Lane (Dorsey Property)										
Zon	ning Advisory Cor	nmittee Meeting of June 19, 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:											
<b>,—,</b> ,—,—	Protection of	of the property must comply with the Regulations for the Water Quality, Streams, Wetlands and Floodplains (Sections ugh 33-3-120 of the Baltimore County Code).										
	<b>-</b>	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the unty Code).										
<u>X</u>	Critical Area	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and s, of the Baltimore County Code).										
Ado	litional Comment	s:										

This variance is being sought in an effort to comply with the Chesapeake Bay Critical

Date: July 25, 2006

Area Regulations. Impervious surface limits for the lot shall not be exceeded.

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2006\ZAC 06-630-A.doc

Reviewer:

Glenn Shaffer

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** June 29, 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) 6-630- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL



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 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

(36)

Item Numbers: Item Number 611,621,624-637, 639-643

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

v - i



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

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

Maryland Department of Transportation

Date:

6.20.06

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

RE:

**Baltimore County** 

Item No. 630

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

I. J. Gradh

Engineering Access Permits Division



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and June 30, 2006 Development Management

Jeffrey M. Dorsey Jill Dorsey 3511 Edwards Lane Baltimore, MD 21220

Dear Mr. & Mrs. Dorsey:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-630-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by Daniel Welsh concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Bruno Rudaitis at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

A. Callina D.

Supervisor Zoning Review

WCR:klm

C: Daniel Welsh, 3427 Edwards Lane, Middle River 21220

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CASE NUMBER
DATE

# PETITIONER'S SIGN-IN SHEET

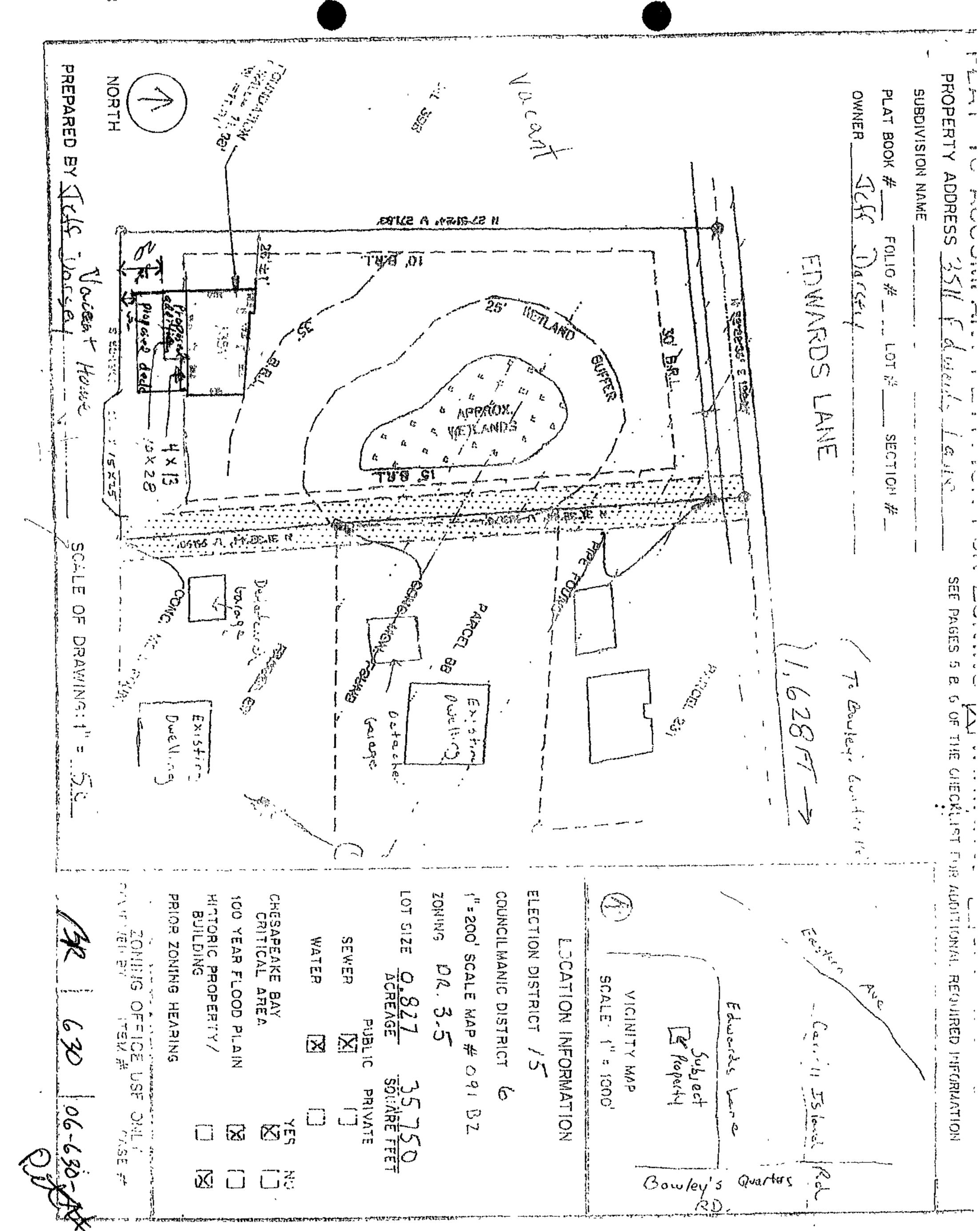
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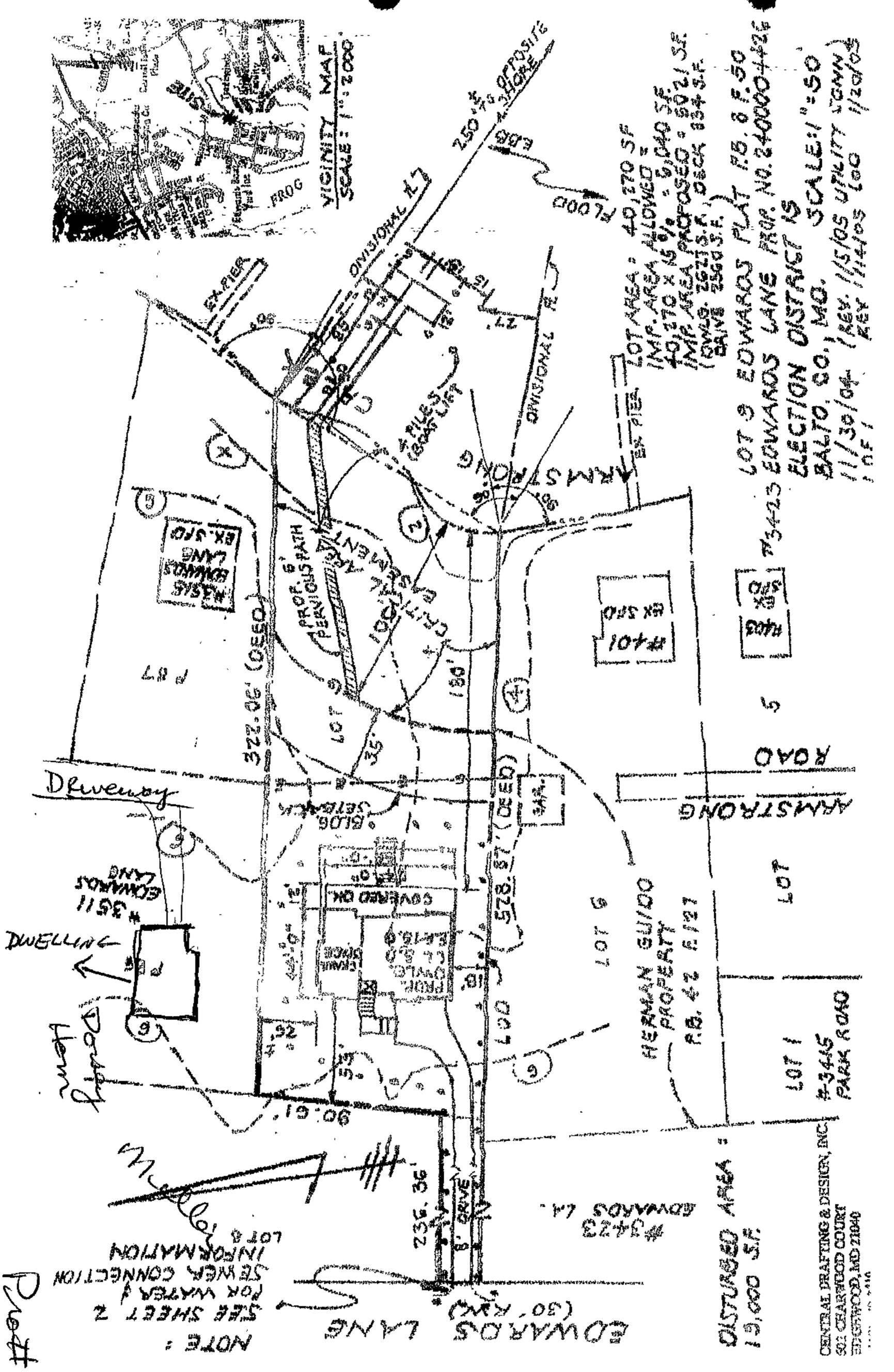
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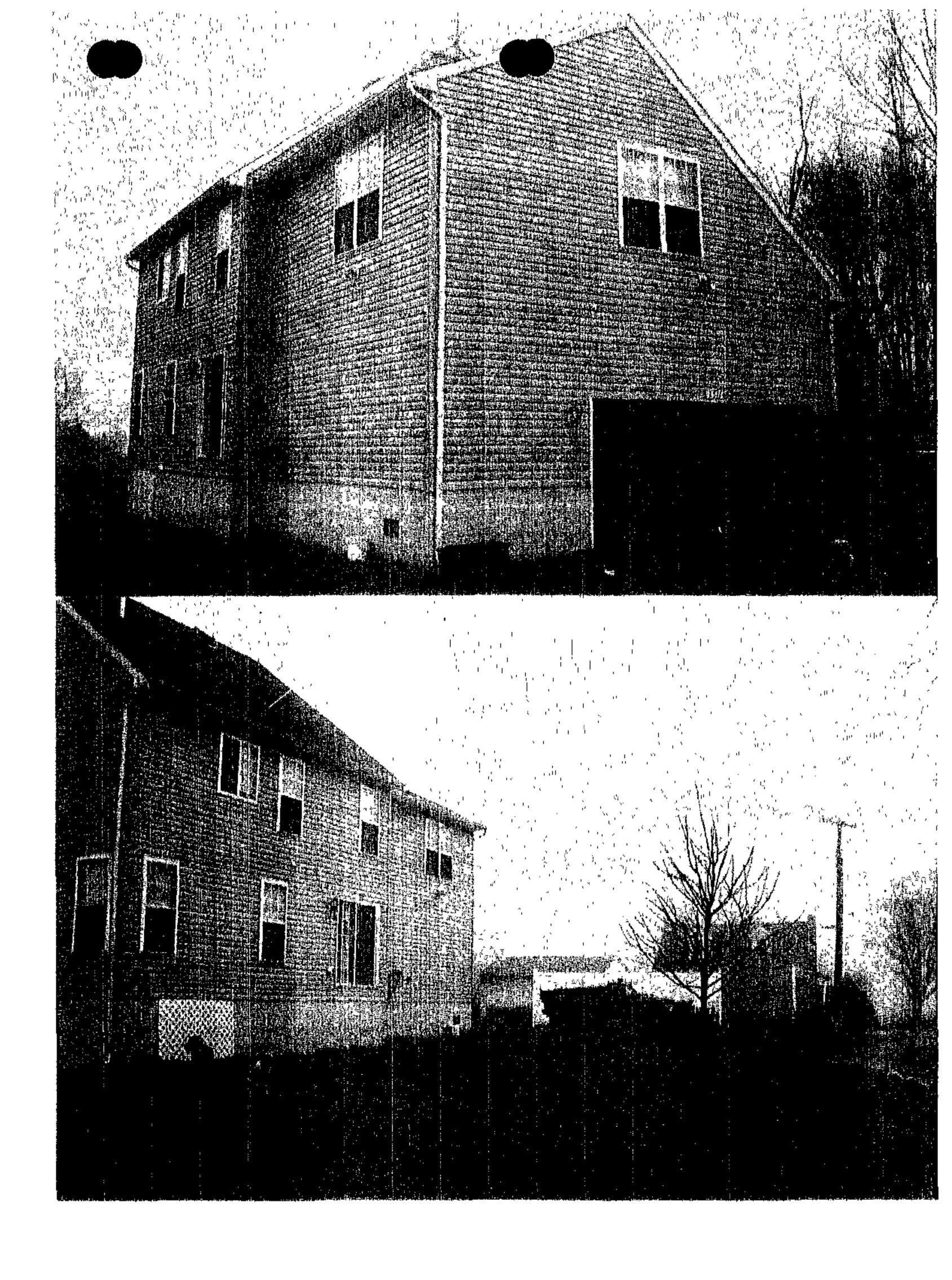
CASE NAME
CASE NUMBER GG-G30-A
DATE 8/2/06

# CITIZEN'S SIGN-IN SHEET

E-MAIL	inspections plusicalmsn.com										
CITY, STATE, ZIP	MIDZERIUER, MD. 21220										
ADDRESS	3662 GALLOWAY RD										
NAME	DAMEL WELSH										

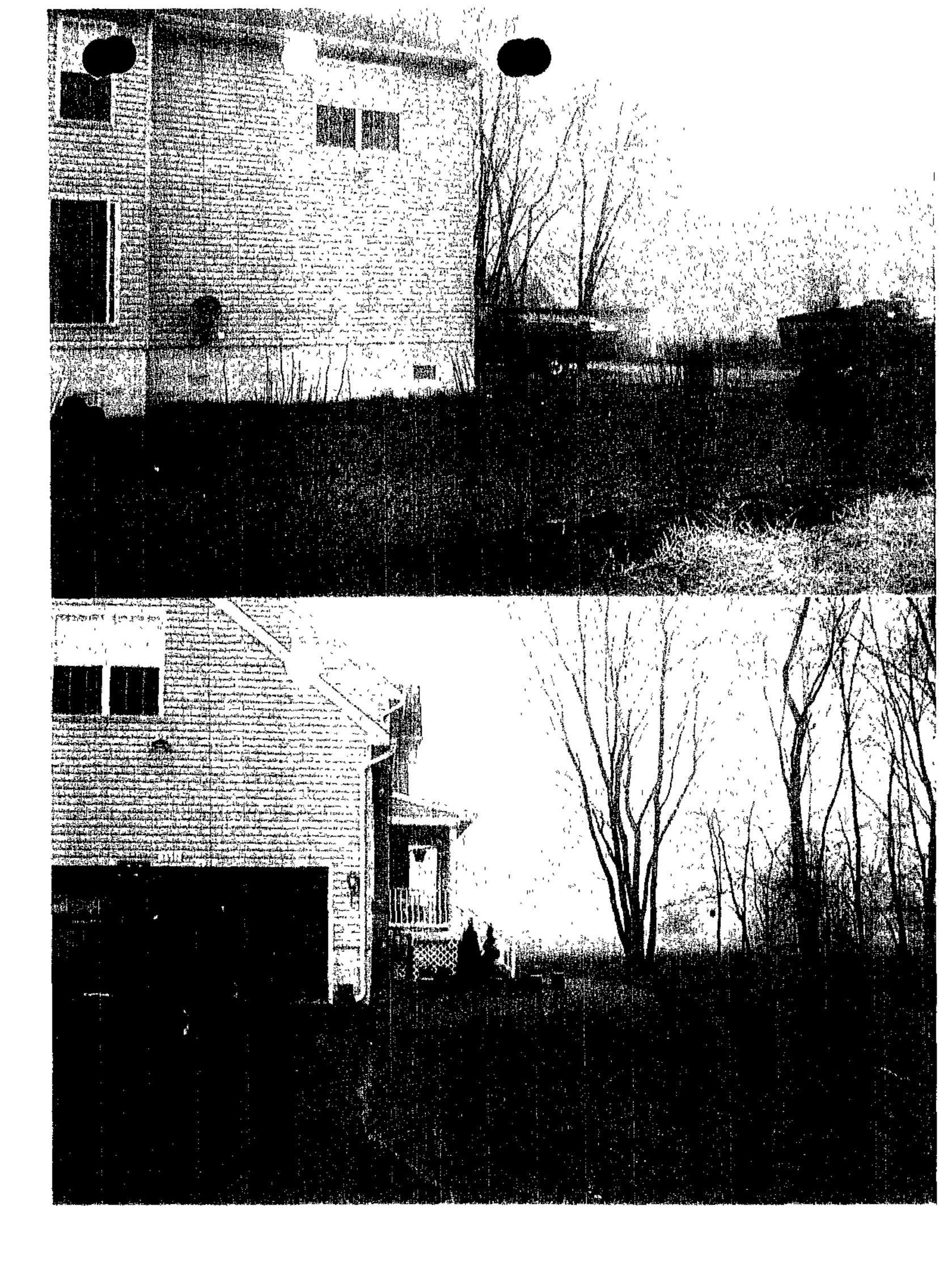






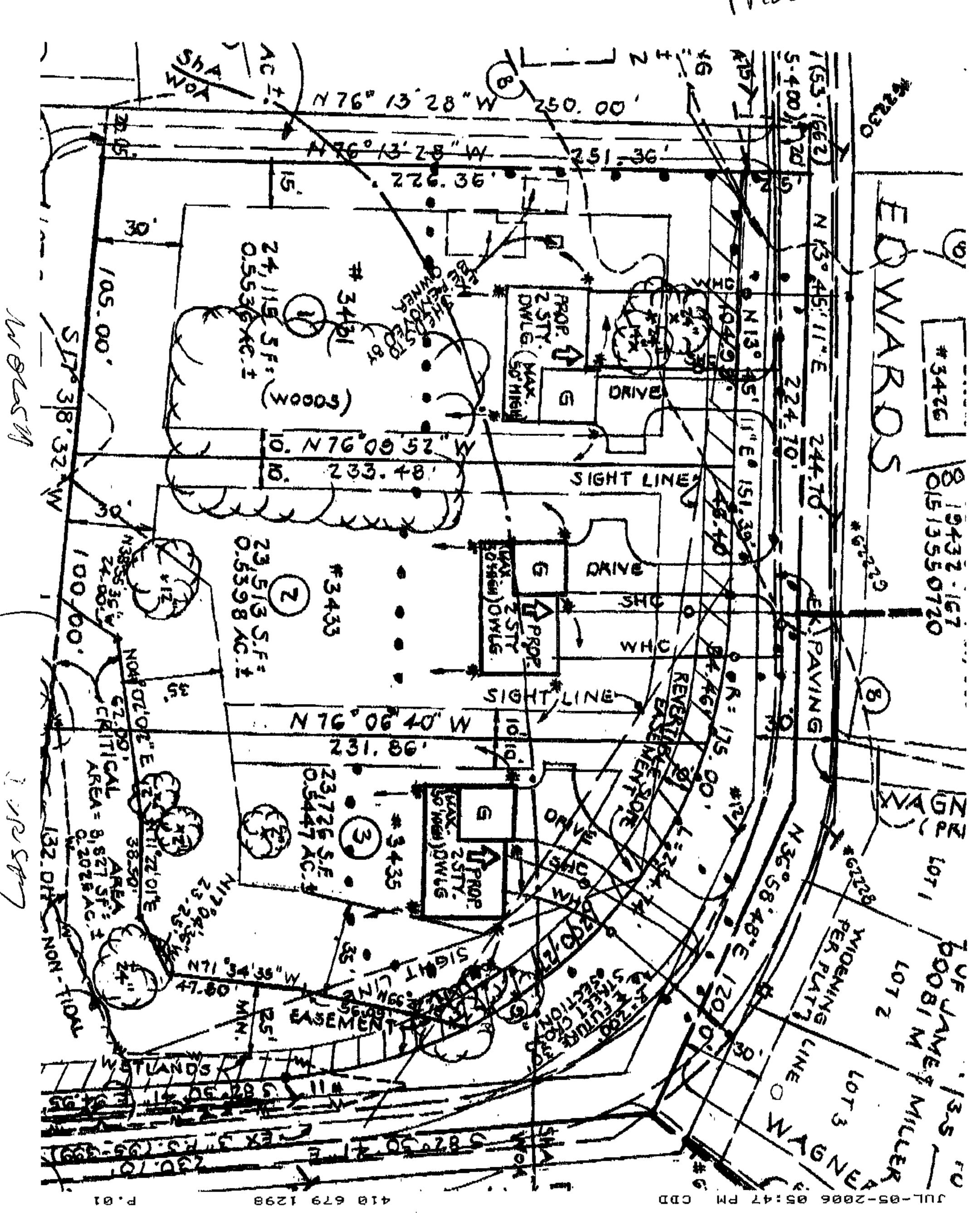
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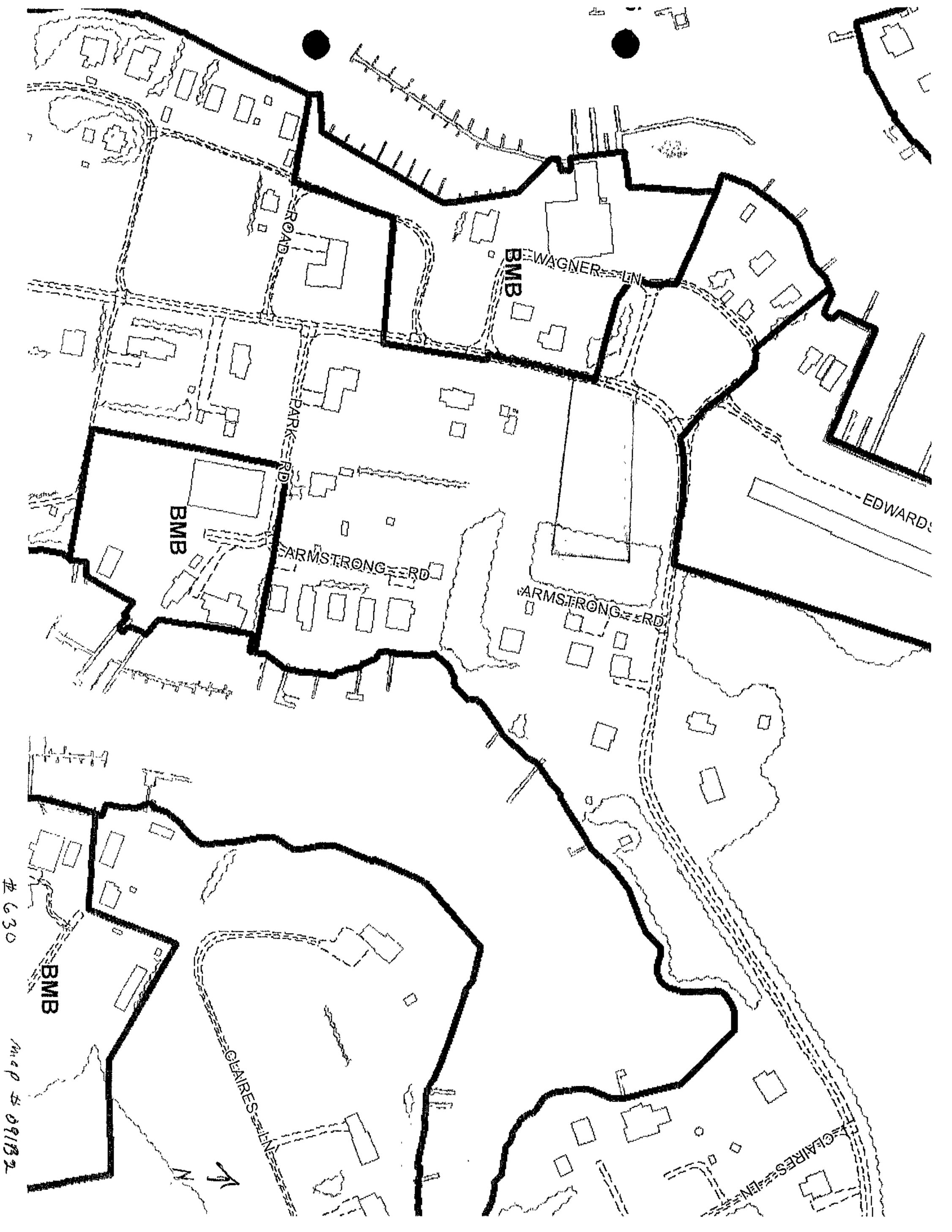
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Protesta Prof







Zoning Commissioner
Office of Planning
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland, 21204

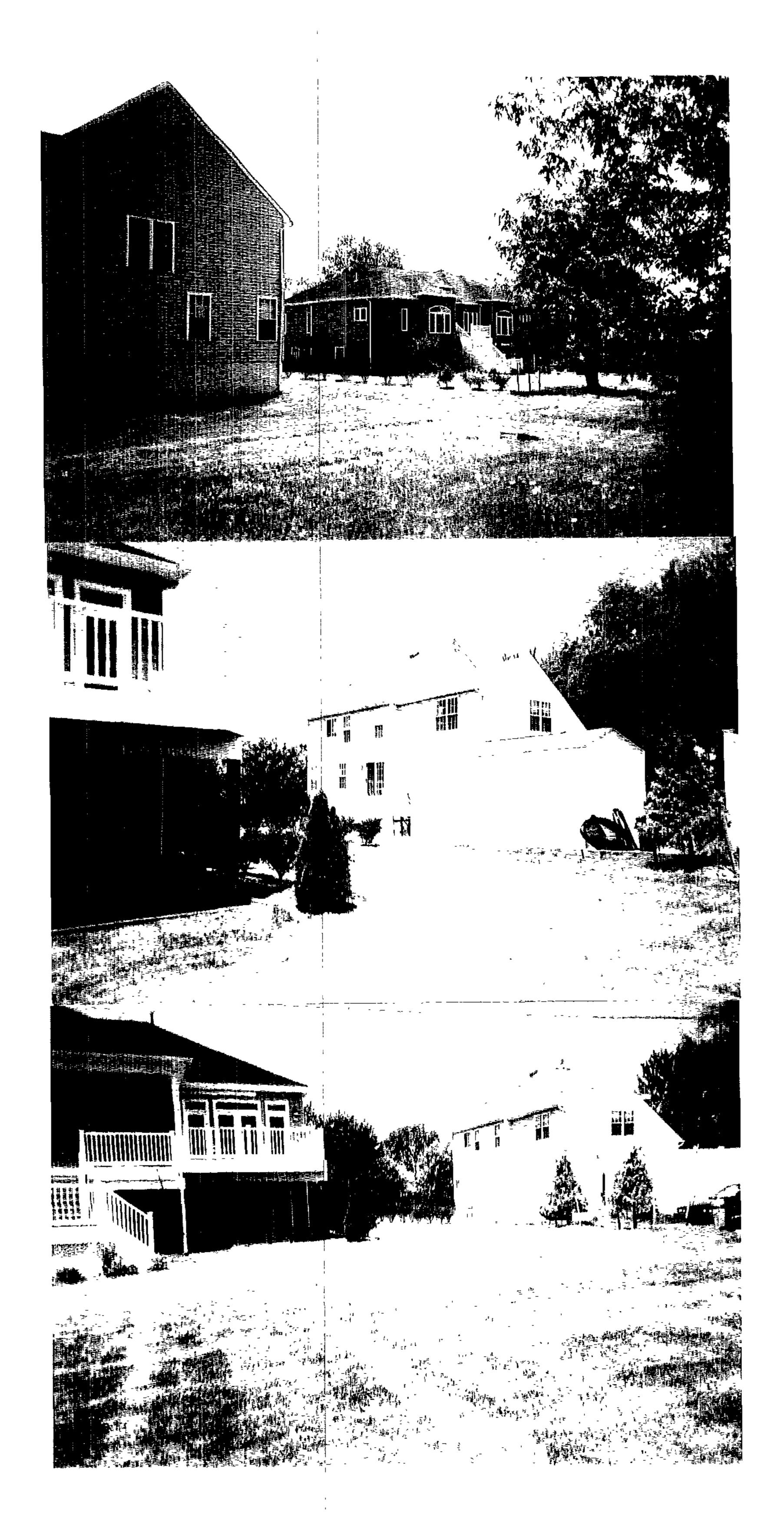
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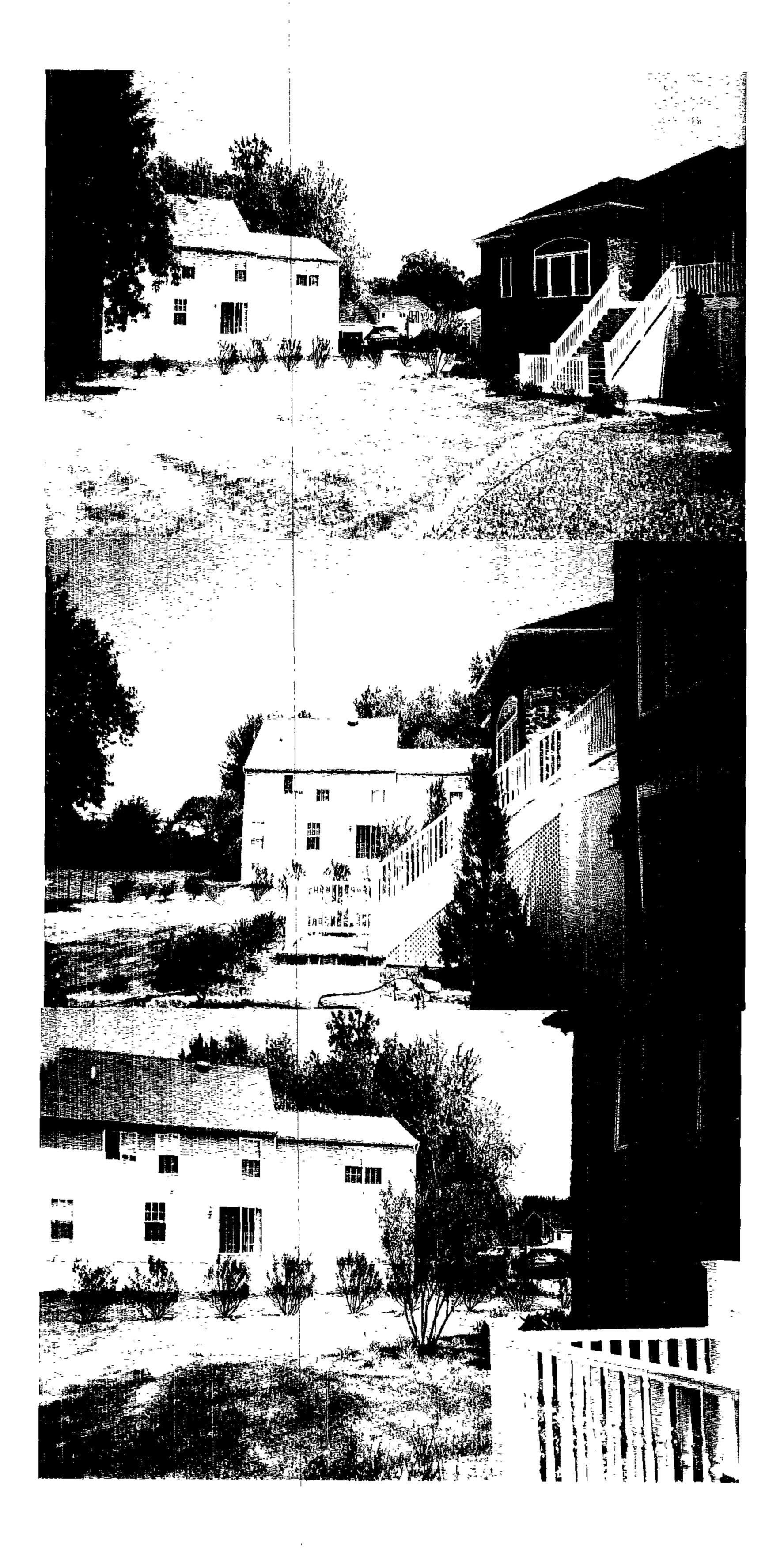
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06-630-

Return Service Requested















and that the Petitioners could put up a privacy fence which would buffer the proposed addition and deck.

At this point in the hearing the parties generally discussed the merits of submitting a landscape plan to the County Landscape Architect for review. The Petitioner asked the record be kept open to aid further consideration of Mr. Welsh's request to withdraw the Petition until the new owner could participate in a review of the proposed hearing.

### Findings of Fact and Conclusions of Law

I was happy to hold the record of this case open to allow further discussion between the parties but having heard nothing from either side in two weeks, it is apparent to me that the parties can not agree and that I should make a decision in this matter.

As discussed at the hearing the Petitioner requested a 10 x 28 foot addition to the rear of their home. This would leave 20 feet not 15 feet as shown on this Petition to the rear property line.

During the discussion between the parties at the hearing, Mr. Dorsey admitted that he had not discussed the deck with Mr. Welsh which apparently caused some anxiety on Mr. Welsh's part. Mr. Dorsey admitted that he did not have any specific plans for the deck but simply asked for as much deck as he could while the request for the addition was being considered. While I can understand the logic of asking for the maximum, the problem is that a deck built to within 3 feet of the property line would be used by the Petitioners' family out to the edge of the deck. Mr. Welsh rightly sees the Petitioner's family sitting essentially in his front yard. I can understand the objection.

Considering all the testimony and evidence, I find the property unique from a zoning standpoint. The wetland and setbacks therefrom force the house severely toward the rear to such