IN RE: PETITION FOR ADMIN. VARIANCE

S/S of Longford Road

E of Felton Road

9th Election District

3rd Councilmanic District

(1214 Longford Road)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

John W. and Catherine M. Burgess Petitioners

CASE NO. 06-658-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, John W. and Catherine M. Burgess. The variance request is for property located at 1214 Longford Road. The variance request is from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition with a 25 foot rear setback in lieu of the maximum required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No.

1. The Petitioners wants to construct an addition to the rear of their home. The proposed addition measures 20 feet x 16 feet in size. Petitioners pointed out that several neighbors also have additions. The addition will be in keeping with the character of the neighborhood.

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 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

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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 July 2, 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 21st day of July, 2006, that a variance from Section 1B02.3.A.1 of the Baltimore

County Zoning Regulations (B.C.Z.R), to permit an addition with a 25 foot rear setback in lieu of the maximum required 30 feet be and is hereby GRANTED, subject to the following:

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.

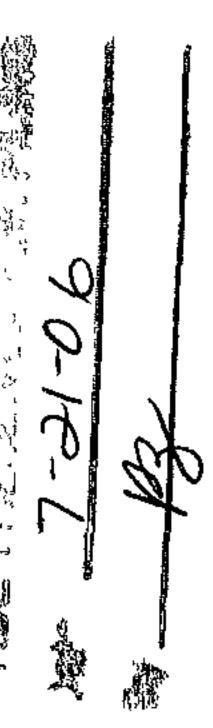
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN W. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 21, 2006

JOHN W. AND CATHERINE M. BURGESS 1214 LONGFORD ROAD TIMONIUM MD 210934

> Re: Petition for Administrative Variance Case No. 06-658-A Property: 1214 Longford Road

Dear Mr. and Mrs. Burgess:

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 Murphy

JVM:pz

Enclosure



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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	1214 Longford	Road	!
-	h is presently 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) 1003.3A.1.(DCZE)

TO PERMIT AN ADDITION WITH A 25-FOOT REAR SETBACK IN LIEU OF THE MINIMUM REQUIRED 30-FEET.

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: Legal Owner(s): John W. Burgess Name - Type or Print Name - Type or Print Signature 8ignature <u>Catherine M. Burgess</u> Telephone No. Name - Type of Print Address Zip Code Signature State City 1214 Longford Road 410-494-9312 <u> Attorney For Petitioner:</u> Telephone No. Address MD 21093 Timonium State Zip Code Name - Type or Print City Representative to be Contacted: Signature William A. Brocato Name Company 2416 E. Joppa Road 410-663-5525 Telephone No. Telephone No. Address Address Baltimore MD 21234 Zip Code City State 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, this that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations day of of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. 06-658-A Reviewed By Estimated Posting Date REV 9/15/98

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 1214 Longford Road

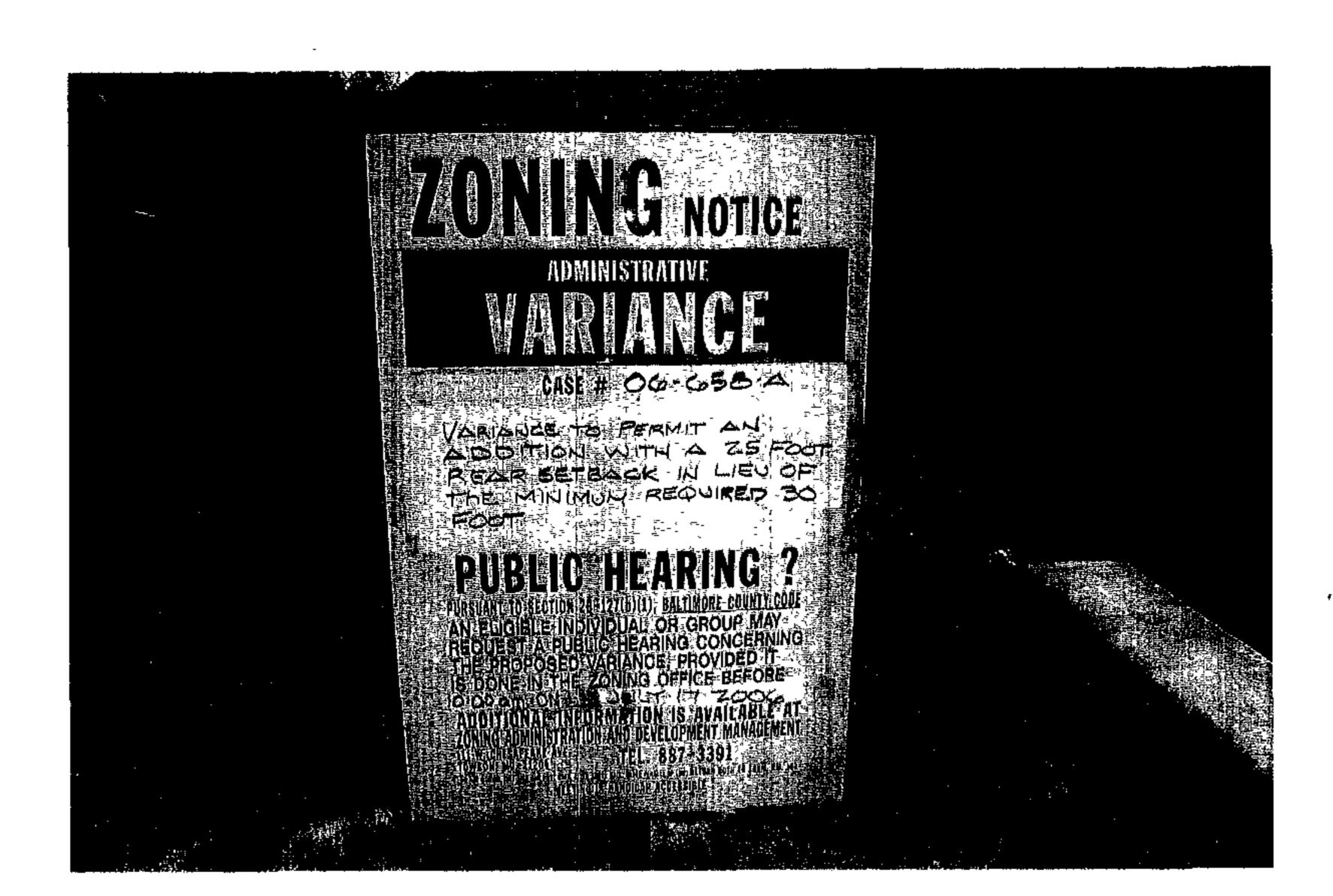
Beginning at a point on the <u>South</u> side of <u>Longford Road</u> which is <u>50 feet</u> wide at the distance of <u>350 feet east</u> of the centerline of the nearest improved intersecting street <u>Felton Road</u> which is <u>50 feet</u> wide. Being Lot # <u>4</u>, Block <u>J</u>, Section # <u>n/a</u> in the subdivision of <u>Waterford Road</u> as recorded in Baltimore County Plat Book # <u>26</u>, Folio # <u>77</u>, containing <u>7,200 sf or 0.165 ac</u>. Also known as <u>1214 Longford Road</u> and located in the <u>9th Election District</u>, <u>3rd Councilmanic District</u>.

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CERTIFICATE OF POSTING

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RE: Case Number:	CESS		••
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The sign(s) were posted on	• •	, Day, Year)	
-	· · · · · · · · · · · · · · · · · · ·	Charles E. Merritt	r)

983| Magledt Road Battlmore, MD 21234 410-665-5562



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: 06-658-A Petitioner: LONN W. & CATHERINE BURGESS
Address or Location: 1214 LONGFORD RD.
PLEASE FORWARD ADVERTISING BILL TO: Name: 40HN W. & CATHERINE M. BURGESS
Address: 1214 LONGFORD ROAD
TIMONIUM, MD, 21093
Telephone Number: 410 - 494 - 9312

Revised 2/20/98 - SCJ

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

Case	Number	06-	658	-A	A	Address	1214	LON	GFORI	RP		·
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		7								WCR	- Revis	sed 6/25/04

Department of Permits and Development Management

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



Baltimore County

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

July 17, 2006

John W. Burgess Catherine M. Burgess 1214 Longford Road Timonium, MD 21093

Dear Mr. and Mrs. Burgess:

RE: Case Number: 06-658-A, 1214 Longford Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 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. Call Rihall

D-

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel William A. Brocato 2416 E. Joppa Road Baltimore 21234



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



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 July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 657 through 673 658

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

RE:

Date: 6.30.01

Baltimore County

Item No. 658

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

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 11, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-658- 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:

RECEIVED

JUL 1 4 2006

CM/LL

100

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 10, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 10, 2006

Item Nos. 231, 657, 658, 659, 661, 662,

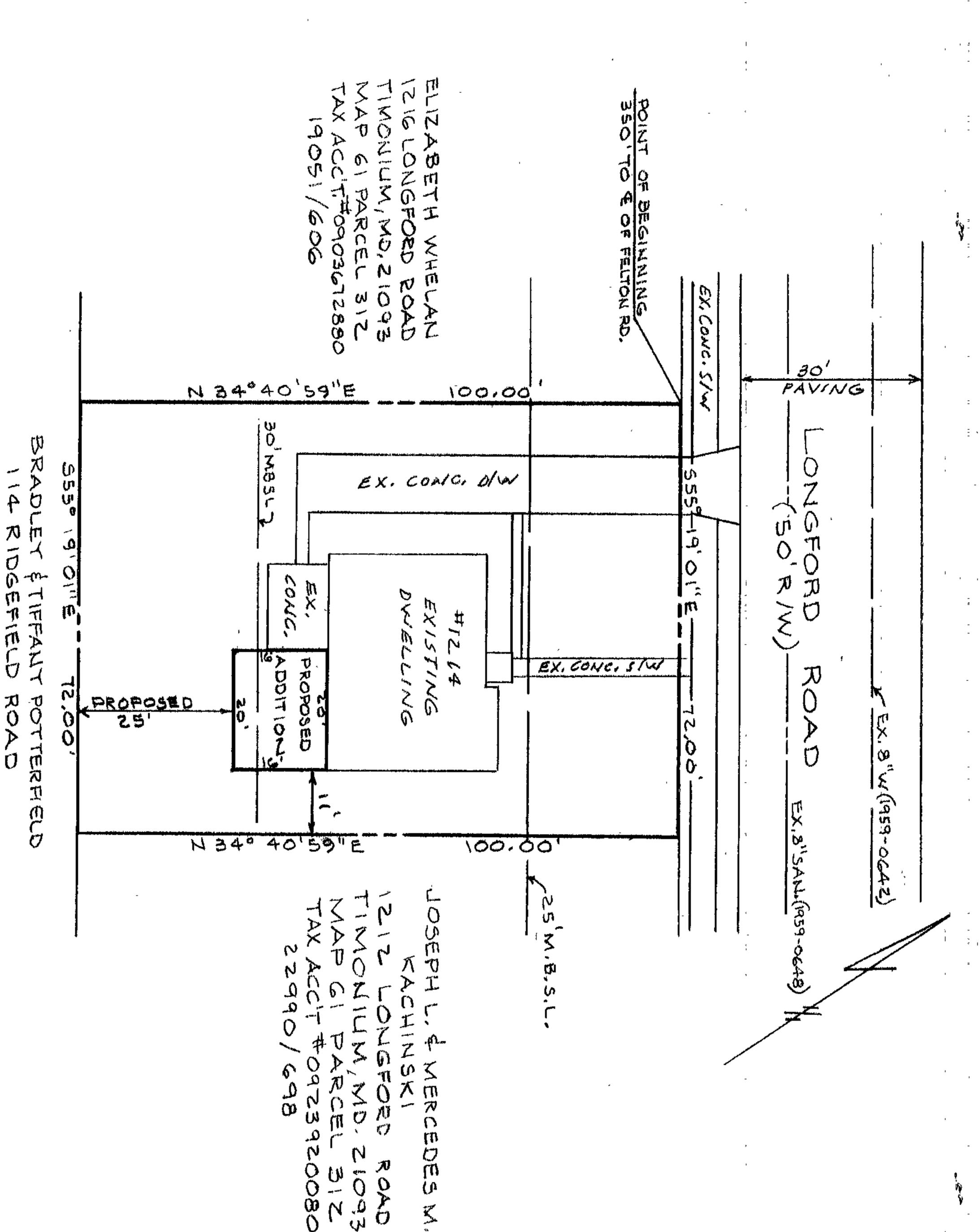
663, 664, 666,670,671, and 672

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

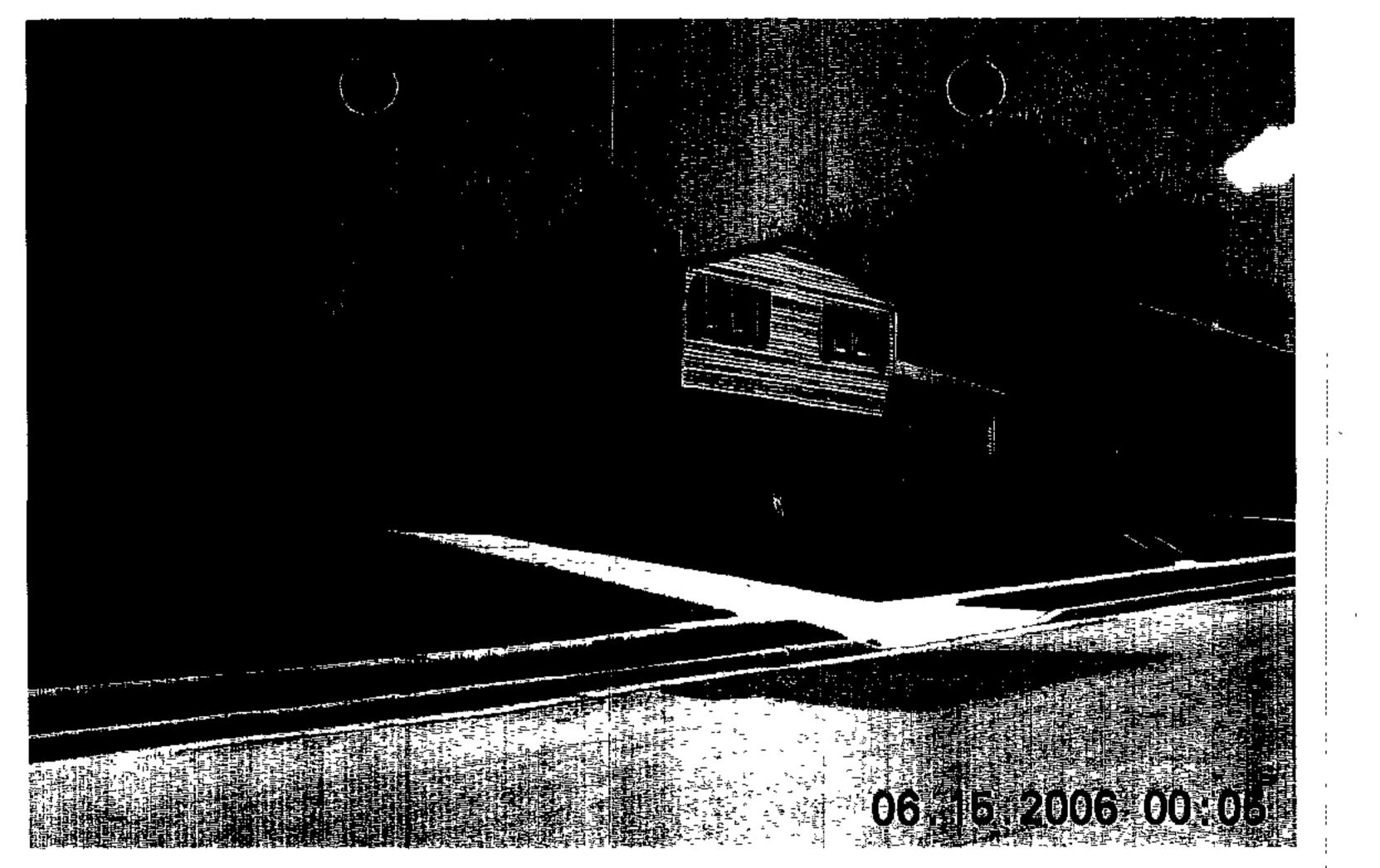
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ZAC-NO COMMENTS-07072006.doc



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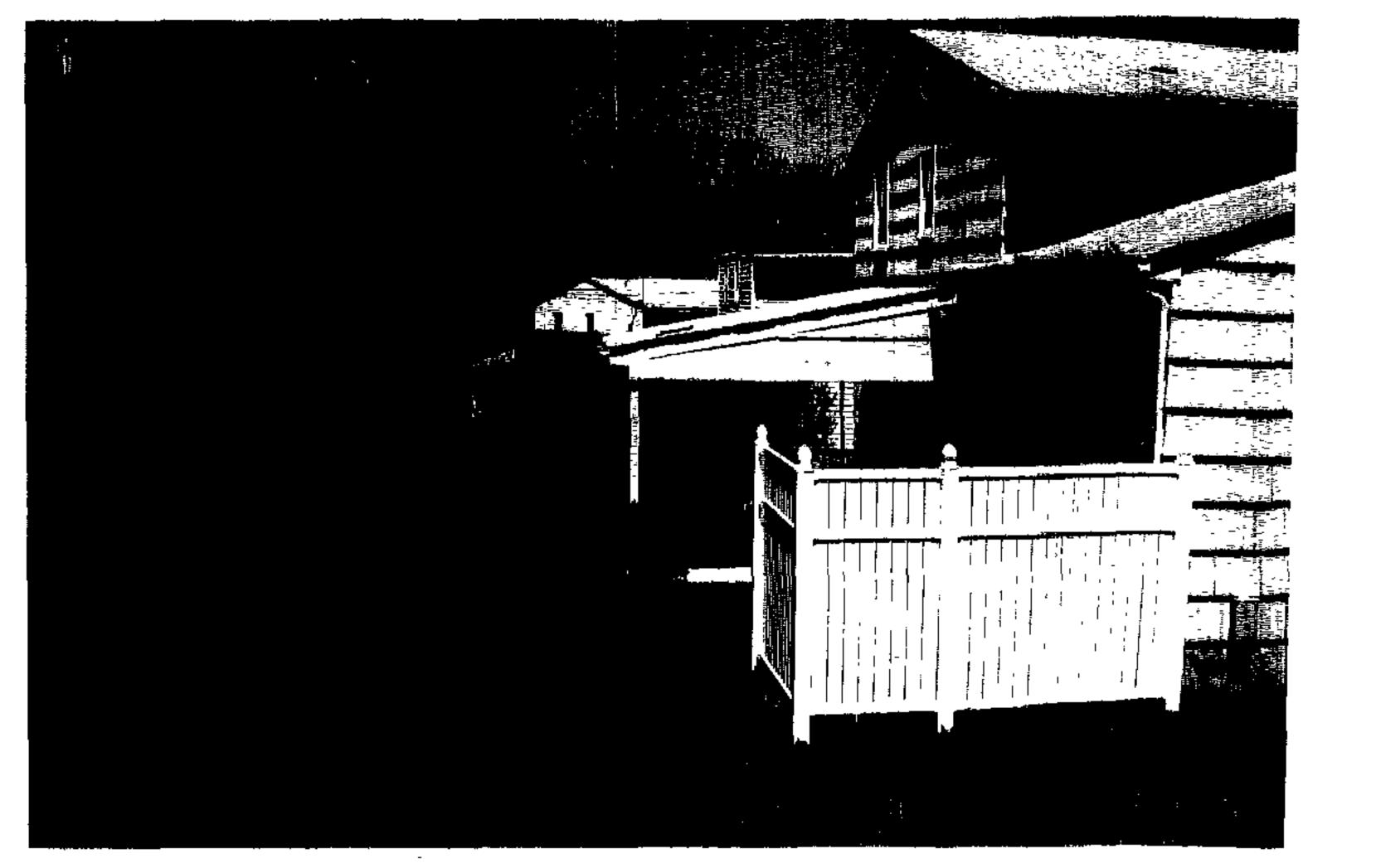
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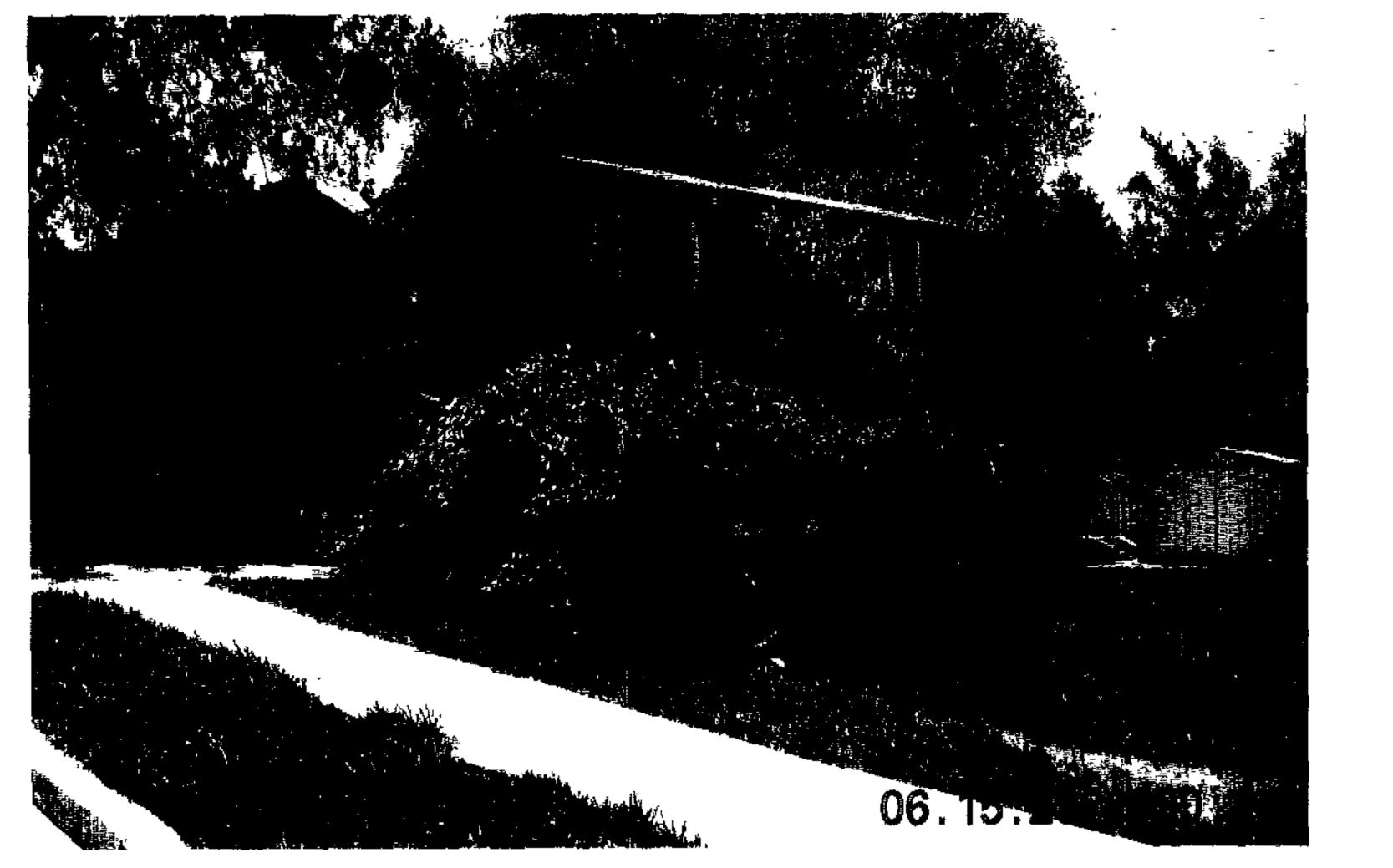
HSES. BEHIND 1214 LONGFORD

06-628-4



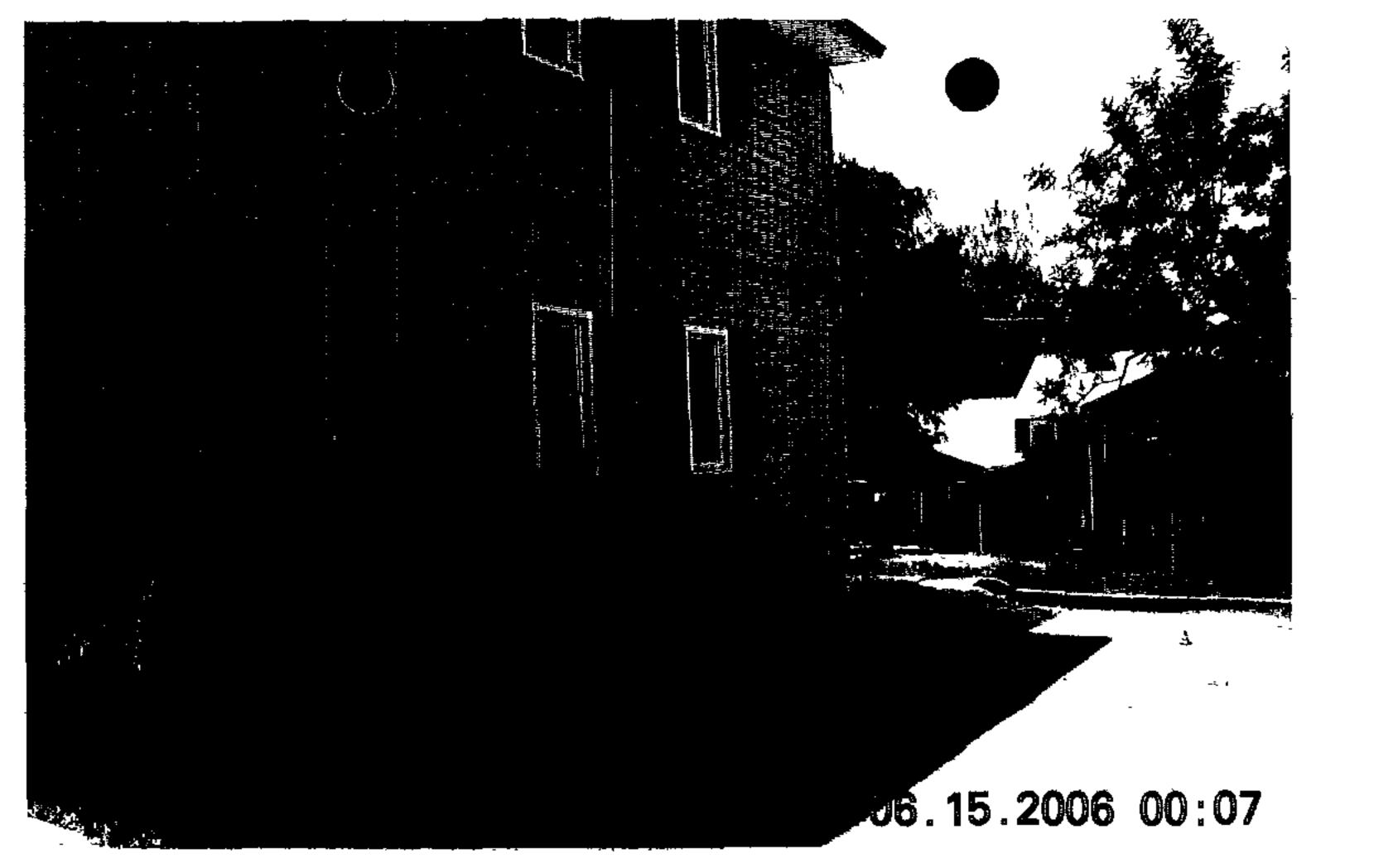


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1212 CONGFORD RD.
06-658-A

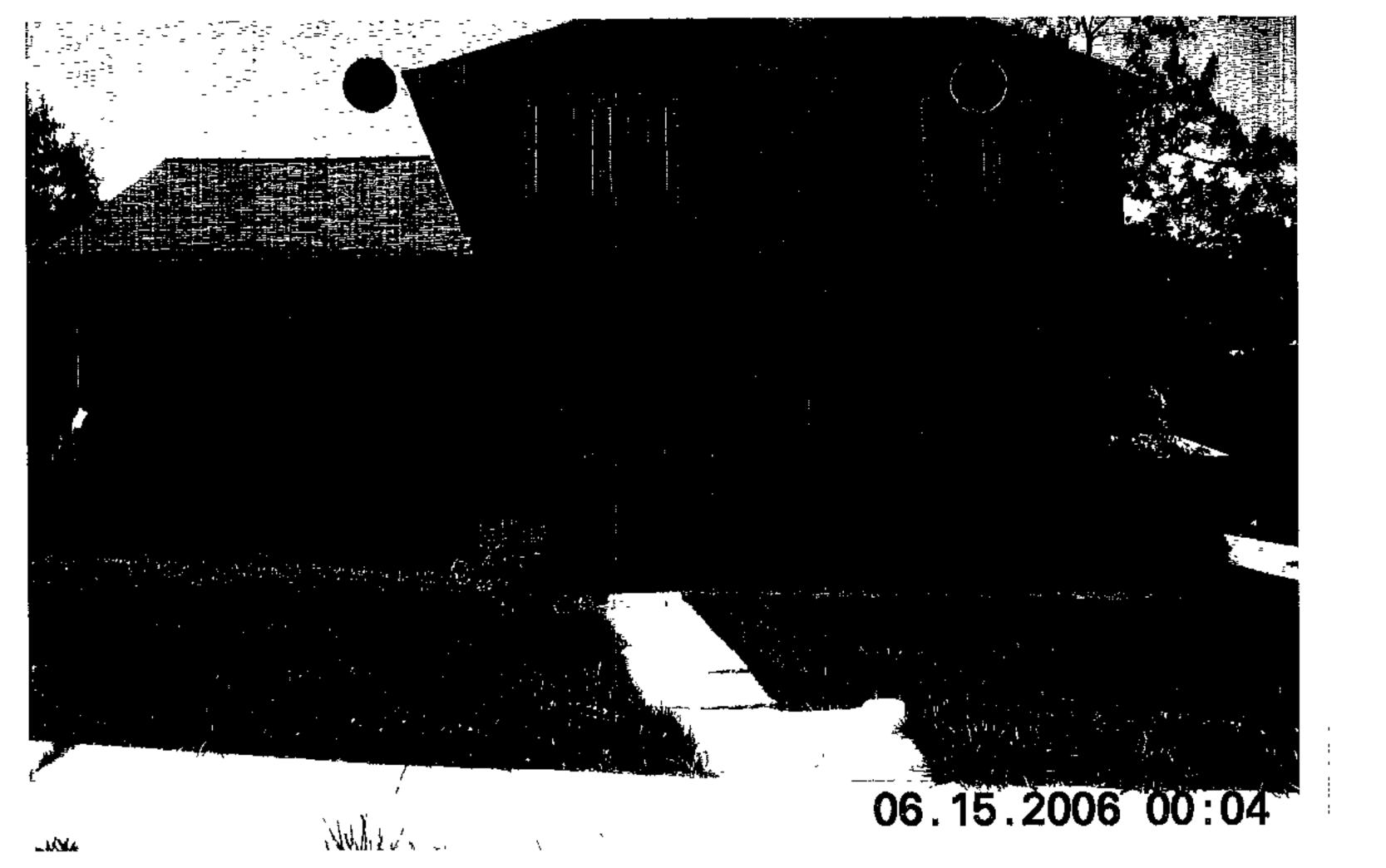







LT. SIVE 1218 LONGFORD RD. 06-658-A

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Affidava in Support of Administrative Variance

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

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.

1214 Longford Road

Address Timonium MD 21093 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): We wish to construct an addition to our single family dwelling on this lot. The addition will be on the rear (20' x 16'). The addition will encroach into the 30' rear setback by 5'. Without this request being approved we cannot build our addition to enlarge our house. The addition is in character with neighboring properties in the community. 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. Much Catherine M. Burgess John W. Burgess Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 19Th day of June State of Maryland, in and for the County aforesaid, personally appeared 2006, before me, a Notary Public of the BURGESS AND CATHENINE HI the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal Date Notary Public

My Commission Expires_

REV 09/15/98

HSES, BEHIND LONGFORD

06-458-A

1216 LONGFOURD.

06-658-A

1214 WNG FORD RD 1214 WNG FORD RD

1211 110E 1214 CODOFORD RD. 06658-A

FRONT 1214 LONGFORD RD-06-658-A