IN RE: PETITION FOR ADMIN. VARIANCE

N/S Patuxent Avenue, at W/S
Intersection with Walnut Avenue
15<sup>th</sup> Election District
7<sup>th</sup> Councilmanic District
(600 Patuxent Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Stephen B. Hopkins and Roseann M. Peters Petitioners

CASE NO. 07-016-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, Stephen B. Hopkins and Roseann M. Peters. The variance request is for property located at 600 Patuxent Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet for a proposed sunroom addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they would like to build a 10 foot x 20 foot sunroom on the west side of the home. The proposed location is the only logical place for the sunroom to be built. There is an existing sliding patio door at this location and the sunroom will be built over an existing concrete slab. Their home is on a corner lot with a 34 foot setback between the house and Walnut Avenue which leaves them with only a 13 foot side setback on the west side of the property. This is location for the proposed sunroom which will leave them with a 3 foot setback.

#### **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.

8-38-09.

#### 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 July 29, 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 28<sup>th</sup> day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet for a proposed sunroom addition 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.

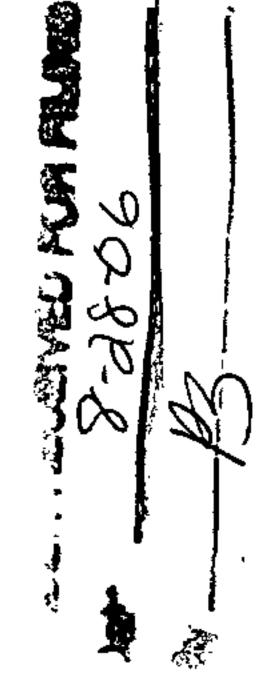
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Murphy

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 28, 2006

STEPHEN B. HOPKINS AND ROSEANN M. PETERS 600 PATUXENT AVENUE BALTIMORE MD 212377

Re: Petition for Administrative Variance Case No. 07-016-A

Property: 600 Patuxent Avenue

Dear Mr. Hopkins and Ms. Peters

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

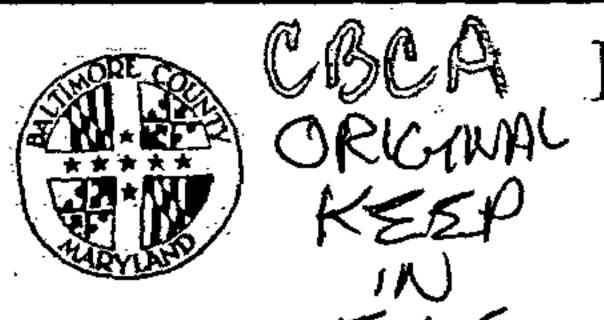
Deputy Zoning Commissioner

Jan V. Murghy

JVM:pz

Enclosure

c Mike Diehl, 7110 Golden Ring Road, Baltimore MD 21221



# CBCA Detition for Administrative Variance

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of the zoning reg of this petition for		imore Cour	ntÿ, to the zon	ing law of Baltimore County, for the reasons indicated on the back
I, or we, agree to p	bay expenses of	above Varia	nce, advertising	the zoning regulations.  g, posting, etc. and further agree to and are to be bounded by the zoning tant 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 Purch	häser/Lessee	<u>):</u>	ŧ	Legal Owner(s):
· <del></del>	'	<del></del>		Stephen B. Hopkins
Name - Type or Print			-	Name - Type or Print
Signature	<u> </u>			Signature
Address	· · · · · · · · · · · · · · · · · · ·		Telephone No.	Name - Type or Print
City	<u></u>	State	Zip Code	Signature
Attorney For P	etitioner:			600 Patuxent Ave. (410) 574-4382
•	<b>^</b> ►		۲.	Address Telephone No. Baltimore MD 21237
Name - Type or Print	<u> </u>		<del></del>	Baltimore : MD 21237 City State Zip Code
	<u></u>	_ <u></u>	<u> </u>	Representative to be Contacted:
Signature	<u>.</u>		•	That is a thing the same of
Company	<u></u>			Mike Diehl Name
	<del></del>	<del></del>		7110 Gölden Ring Road 410-780-0062
Address			Telephone No.	Address Telephone No. 21221
City City	<u> </u>	State	Zip Code	Baltimore MD 21221 City State Zip Code
	ying been forma	ily demanded	d and/or found	to be required, it is ordered by the Zoning Commissioner of Baltimore County,
this day of a limit day of a limit day of a limit day of Ballimo	ore County and tha	that it the property	the subject matte be reposted.	er of this petition be set for a public hearing, advertised, as required by the zoning
		r <sub>e</sub> , se :	e tra see ar	Zoning Commissioner of Baltimore County
CASE NO.	XX) 7	0/6	<u>A</u>	Reviewed By Do/VL Date 7/18/06
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## 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	ublic hearing is schedu	led in the future with regard th	ereto.
That the Affiant(s) does/do presently reside at	600 Patuxe	nt Ave.	· <del></del>
	Baltimore	MD State	21237 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshifted we would like to build a state only place we can realistically sliding pation door at this location existing concrete slab. Our proper allowed a certain amount of impervour problem, Our home is on a corn home and Walnut Ave. this leaves uside of our property, this is the will leave us with a 3ft setback. Lieu of the required 10ft.	unroom 10'x20' or y construct the rend the sunroom ty is location ir ious area on our er lot and we have swith only a 13f location of the procession of the	the side of our home coom being there is an will be built over a the CBCA and we are lot (25%). This bring we a 34ft setback between Side setback on the croposed 10'x20' sunroger	this is existing only sus to the west on this
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, additional information.	Affiant(s) will be required to	o pay a reposting and
Signature Signature	Signal	Secon Mile	<u></u>
Stephen B. Hopkins Name-Type or Print	Name	Roseann M. Peters - Type or Print	<u>, , , , , , , , , , , , , , , , , , , </u>
STATE OF MARYLAND, COUNTY OF BALTIN	4		
I HEREBY CERTIFY, this /S day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	_, <u>Zoo</u> , before me, a No	Stary Public of the State
the Affiant(s) herein, personally known or satisfic	actorily identified to me	as such Affiant(s).	- 100 C.

AS WITNESS my hand and Notarial Seal

Notary Public

Mý Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD

My Comm. Exps. Nov. 1, 2009

0/6

## Zoning Description for 600 Patuxent Ave. (which is a corner lot)

Beginning at a point on the north side of Patuxent Ave. which is 40 ft. and the west side of Walnut Ave. which is 40 ft. wide. \*Being lots #802,803 and 804, in the subdivision of Chesaco Pack as recorded in the Baltimore county Plat Book #3, Folio #111, containing 7,500 sq. ft. Also known as 600 Patuxent Ave. and located in the 15<sup>th</sup> election district, 7<sup>th</sup> Councilmanic District.

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## CERTIFICATE OF POSTING

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·	-	HOPKINS, ROSA	<b>.</b>
	_	Date of Hearing/Closing:	
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}	<u>.</u> .		
Ladies and Gentlemen:			•
This letter is to certify under the penalties of posted conspicuously on the property located	at:		by law were
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The sign(s) were posted on	<u></u>	29-06 Day, Year)	
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VARIANCE		(Print Name)	
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Le		(Telephone Number)	<del></del>
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### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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: 07 - 0/6 - A
Petitioner: <u>STeve Hopkins</u>
Address or Location: 600 Patuxent Ave
PLEASE FORWARD ADVERTISING BILL TO:
Name: Champion
Address: 7110 Golden Ring Rd
Balto Md 21221
Telephone Number: 410 780-0062



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

August 15, 2006

Development Management

Development Management

Stephen B. Hopkins Roseann M. Peters 600 Patuxent Avenue Baltimore, MD 21237

Dear Mr. Hopkins and Ms. Peters:

RE: Case Number: 07-016-A, 600 Patuxent Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 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. Calliball

WCR:amf

Enclosures

c: People's Counsel Mike Diehl 7110 Golden Ring Road Baltimore 21221

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

D. ATE: July 31, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 31, 2006

Item Nos. 06-010, 06-176, 07-012, 013, 016, 017, 018, 020, 021, 022, and 023

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-07282006.doc

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Correspondence



TO:	Timothy M. I	Kotroco	•	•			
FROM:	Dave Lykens	, DEPRM - Developm	ent Coordinatio	n Jul			
DATE:	August 28, 20	006					
SUBJECT:	Zoning Item Address	# 07-16-A 600 Patuxent Avenu	<b>e</b> .				
Zon	ing Advisory Co	mmittee Meeting of Ju	ıly 24, 2006				
<del></del> _	-	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.					
	4	epartment of Environmental Protection and Resource Management offers owing comments on the above-referenced zoning item:					
	Protection of	of the property must of Water Quality, Stream ough 33-3-120 of the E	ns, Wetlands and	d Floodplains (Section			
		of this property must Regulations (Sections ounty Code).					
	Critical Area	t of this property must Regulations (Sections s, of the Baltimore Co	33-2-101 throu	_			
Add	litional Commen	<u>ts:</u>					
Rev	iewer: G. Sh	affer	Date:	8/28/06			

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 9, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-016- 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

RECEIVED

AUG 1 8 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: 7. 21.01

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

RE: Baltimore County

Item No. つ16 JLし

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** 

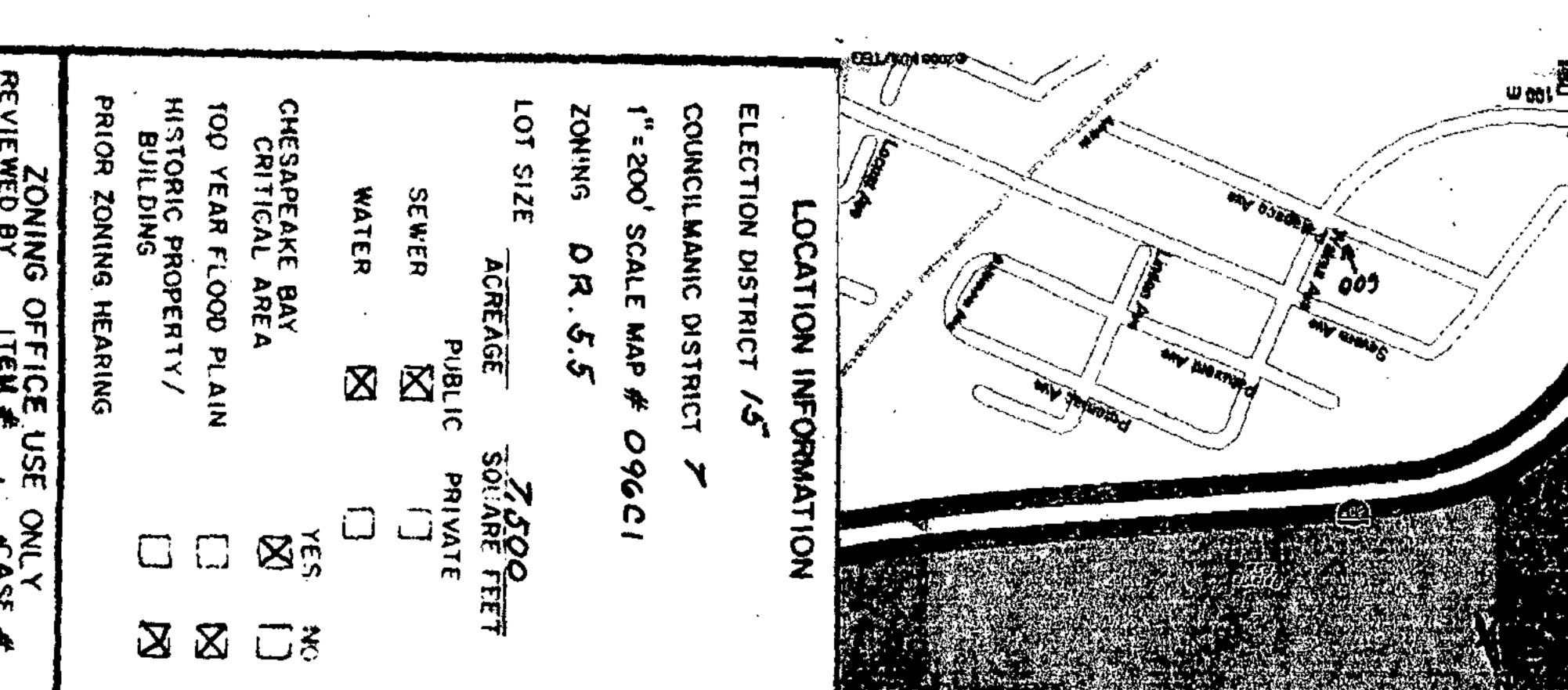
#### APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND

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BUILDING SIZE LOT SIZE	AND CERTA ATTA		AL SIGNATURES	DATE
FLOOR LOT SIZE	AND SETBACKS	BLD INSP: BLD PLAN:		<u>::</u>
WIDTH OF FRONT ST		FIRE :	<del></del>	<u> </u>
DEPTH 2- SIDE STR	The state of the s	SEDI CTL :		<u> </u>
HEIGHT FRONT SE	· · · · · · · · · · · · · · · · · · ·	ZONING :		
STORIES SIDE SET SIDE STR		PUB SERV :	1 1 1 1	FILLEDER ALIAN
CORNER LOT REAR SET	<del></del>	- ALLANDA STATE OF THE STATE OF		TINCOCA: 7/17/06:
	DR 5.5	PERMITS :	FINAL Trange	ella:8/28/06:
				<del></del>

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PREPARED BY NORTH LAT PROPERTY ADDRESS PLAT BOOK # 3 OWNER Hopkins SUBDIVISION NAME ACCOMPANY Stephen FOLIO # 111 LOT # BOZ SECTION Chesaco 600 #602 Hei Goi Paturent Paters PETI Park. TON Patuxent Proposed 40' 802 42" 100 Walnut Ave 40'R/W



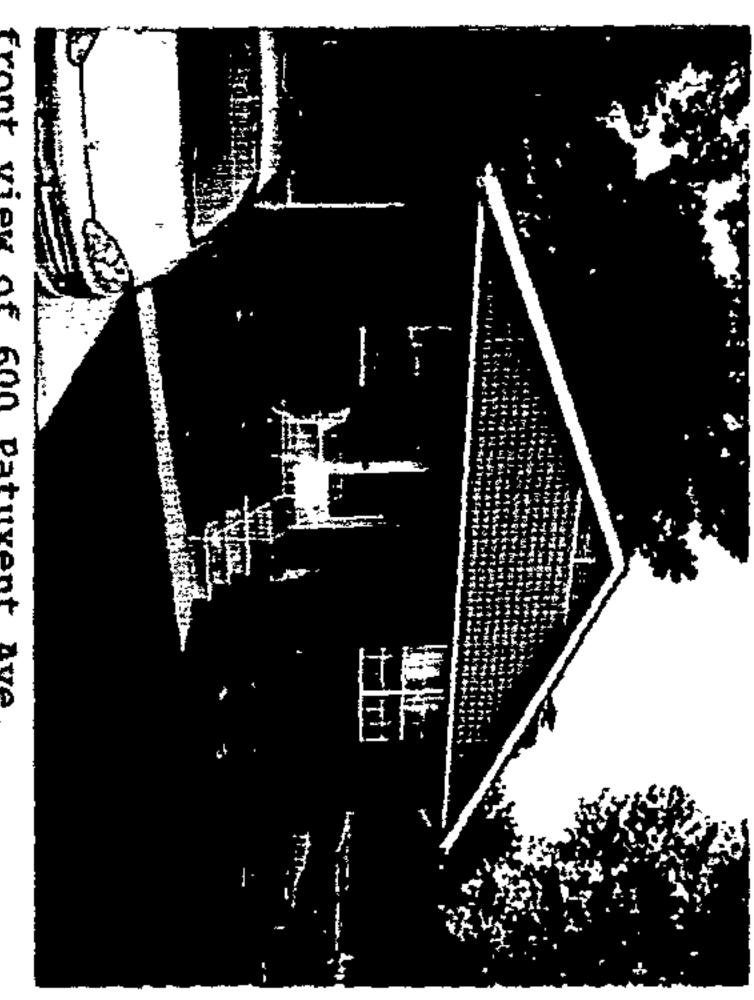


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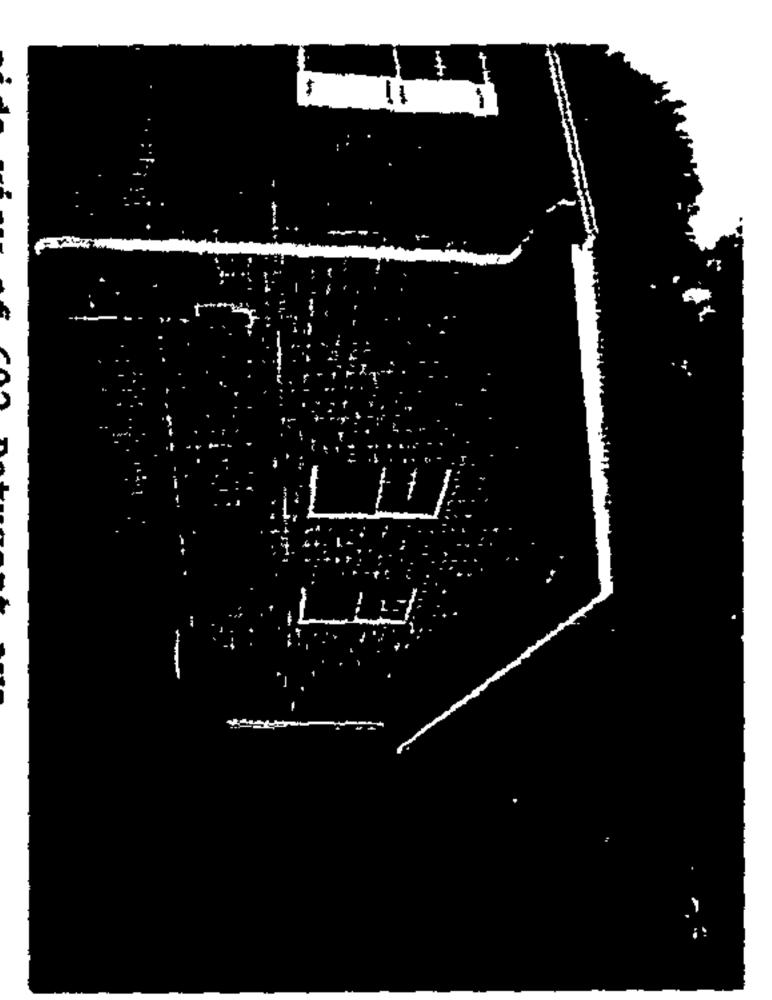
## 600 Patuxent Ave.



9/



front view of 600 Patuxent Ave.



side view of 602 Patukent ave.



over 600 location Pati existing uxent of proposed Ave. slab. S 10'x20' the side sunroom Off