IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Lawnwood, north of c/l of
Greenapple Court
2nd Election District
4th Councilmanic District

(2209 Lawnwood Circle)

* BEFORE THE* DEPUTY ZON

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Anthony Leo Doyle and Norma J. Doyle *Petitioners*

CASE NO. 07-098-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, Anthony Leo Doyle and Norma J. Doyle. The variance request is for property located at 2209 Lawnwood Circle. The variance request is from Sections 1B02.3.B and 504 (V.B. 6.b 1970 MDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have side and rear yard setbacks of 12 feet in lieu of the required 15; and to amend the Final Development Plan of Lawnwood for Lot 32 to allow construction outside the building envelope. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state their lot is extremely shallow at only 80 feet deep. They are 27 feet from the front property line and the house is 29 feet in depth. If they construct a sunroom at 12 feet x 28 feet this will leave them with a 12 foot rear and side setback. The location for the proposed sunroom is the only practical location because there is a door and existing deck. The existing deck will be removed and replaced with a new deck to code to support the sunroom.

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.

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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 September 17, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner's have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Petitioner presented a photograph showing a next door neighbor's home with an existing 2 story addition. 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 5th day of October, 2006, that a variance from Sections 1B02.3.B and 504 (V.B. 6.b 1970 MDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have side and rear yard setbacks of 12 feet in lieu of the required 15; and to amend the Final Development Plan of Lawnwood for Lot 32 to allow construction outside the building envelope 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.

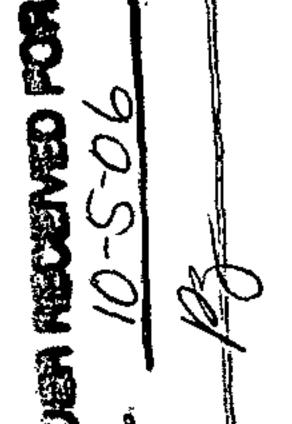
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 5, 2006

ANTHONY LEO AND NORMA J. DOYLE 2209 LAWNWOOD CIRCLE BALTIMORE MD 21207

Re: Petition for Administrative Variance

Case No. 07-098-A

Property: 2209 Lawnwood Circle

Dear Mr. and Mrs. Doyle:

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

JVM:pz

Enclosure

c: Shaun Jones, 50 Kane Street, Baltimore MD 21229



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the pro	perty located at 2209 Lawnwood Circle
	which is presently zoned DR 5.5
This Petition shall be filed with the Department of P	Permits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s) 1302.3.3 and 504 (V.B.C.b. 1970
CMDP) - to permit a proposed additi	ion (sunroom) to have side and rear yard required 15; and to amend the Final
Development Plan of Lawnwood for	rilot 32 = to allow construction outside
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of the zoning regulations of Baltimore County, to the zon of this petition form.	ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by or we, agree to pay expenses of above Variance, advertising egulations and restrictions of Baltimore County adopted pursuance.	g, posting, etc. and further agree to and are to be bounded by the zoning
	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):
Name - Type or Print	Name-Type or Print Outh Lee Ocyle
Signature	Signature
	Morma 1 Doule
City State Zip Code	
Attorney For Petitioner:	2209 Lawnwood Circle (410)944-2596 Address: Telephone No.
Jame Type or Driet	Baltimore MD 21207 City State Zip Code
Name - Type or Print Signature	City State Zip Code Representative to be Contacted:
	Shaun Jones
Company	Name 50 Kane, St. (410) 631-5102
Address Telephone No.	
City State Zip Code	Baltimore MD 21229; City Zip Code
	to be required, it is ordered by the Zoning Commissioner of Baltimore County, let of this petition be set for a public hearing, advertised, as required by the zoning
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CASE NO. OFTEN 098-A	Reviewed By Zoning Commissioner of Baltimore County
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Affidavit 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.

2209 Lawnwood circle

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Admir Variance at the above address (indicate hardship or practical difficulty): Out lot is extremely shallow at only 80ft. deep. The fact that we are 27ft. From the front property line, and that our house that is 29 ft. in depth is our difficulty. If we would construct our sunroom at 12′x28′ this will leave us with only a 12ft rear setback. So we are asking for a variance of 12ft. In lieu of the required 20ft. This is the only place on our house that a sunroom could be constructed being there is a door and existing deck at this location. The existing deck will be removed and replaced with a new deck to code to support the sunroom. That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposator of the property of the provide additional information. Anthony Leo Boyle Norma J. Doyle Name-Type or Print Signature Norma J. Doyle Name-Type or Print	
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Notary Public My Commission Expires Feb. 1, 2007	
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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	public hearing is sch	neduled in the future with	h regard thereto.
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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

which is presently zoned DR 5.5

for the property located at 2209 Lawnwood Circle

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Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print		Anthony Leo D Name - Type or Print	oyle	-
		anth Leo 1	Dy K	
Signature		Signature / Norma J. Doyl	ė	
Address	Telephone No.	Name - Type or Print		
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Attorney For Petitioner:		2209 Lawnwood Ci Address	rcle (410)944-25 Telephone	
Name - Type or Print	<u></u>	Baltimore	MD 212 State Zip Co	
		Representative to be C	·	,
Signature		Shaun Jones		
Company	- , 	Name	, , , , , , , , , , , , , , , , , , ,	
Address	Telephone No.	50 Kane St. Address	(410) 631-51 Telephone t	
City	Zip Code	<u>Baltimore</u> City	MD 212; State Zip Co	
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Zoning Description for 2209 Lawnwood Circle.

Beginning at a point on the East side of Lawnwood Circle. which is 50 ft. wide at the distance of 275 ft. north of the centerline of the nearest improved intersecting street Green Apple Court which is 50 ft. wide. *Being lot #32, Section#2 in the subdivision of Lawnwood as recorded in the Baltimore county Plat Book #53, Folio #122, containing 4,982 sq. ft. Also known as 2209 Lawnwood Circle. and located in the 2nd election district, 4th Councilmanic District.

ITEM #098

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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.



JAMES T. SMITH, JR. County Executive

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

October 2, 2006

Anthony Leo Doyle Norma J. Doyle 2209 Lawnwood Circle Baltimore, MD 21207

Dear Mr. and Mrs. Doyle:

RE: Case Number: 07-098-A, 2209 Lawnwood Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on .September 6, 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,

U. Callibal W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel C: Shaun Jones 50 Kane Street Baltimore 21229

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 20, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 18, 2006

Item Nos. 07-093, 094, 095, 096, 098, and 099

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-09192006.doc



INTER-OFFICE CORRESPONDENCE

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) 7-098- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

RECEIVED

DATE: September 26, 2006

SEP 2 7 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: September 12, 2006

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

RE: Baltimore County

Item No. 07-098-A 2209 Lawnwood Circle Lawnwood Subdivision

Variance for Sun Room Addition

Side Yard Set Back (12')

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-97-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

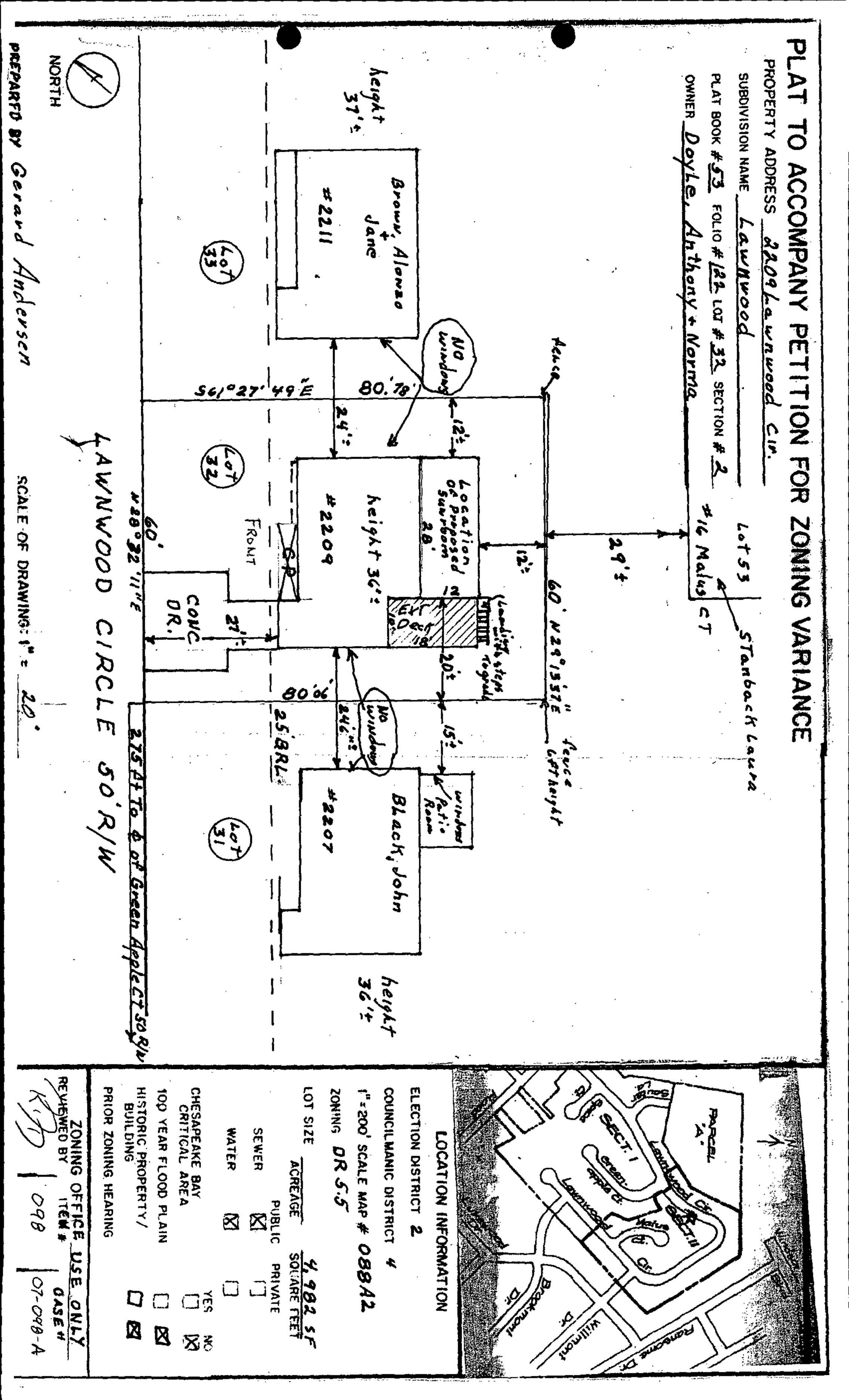
Very truly yours,

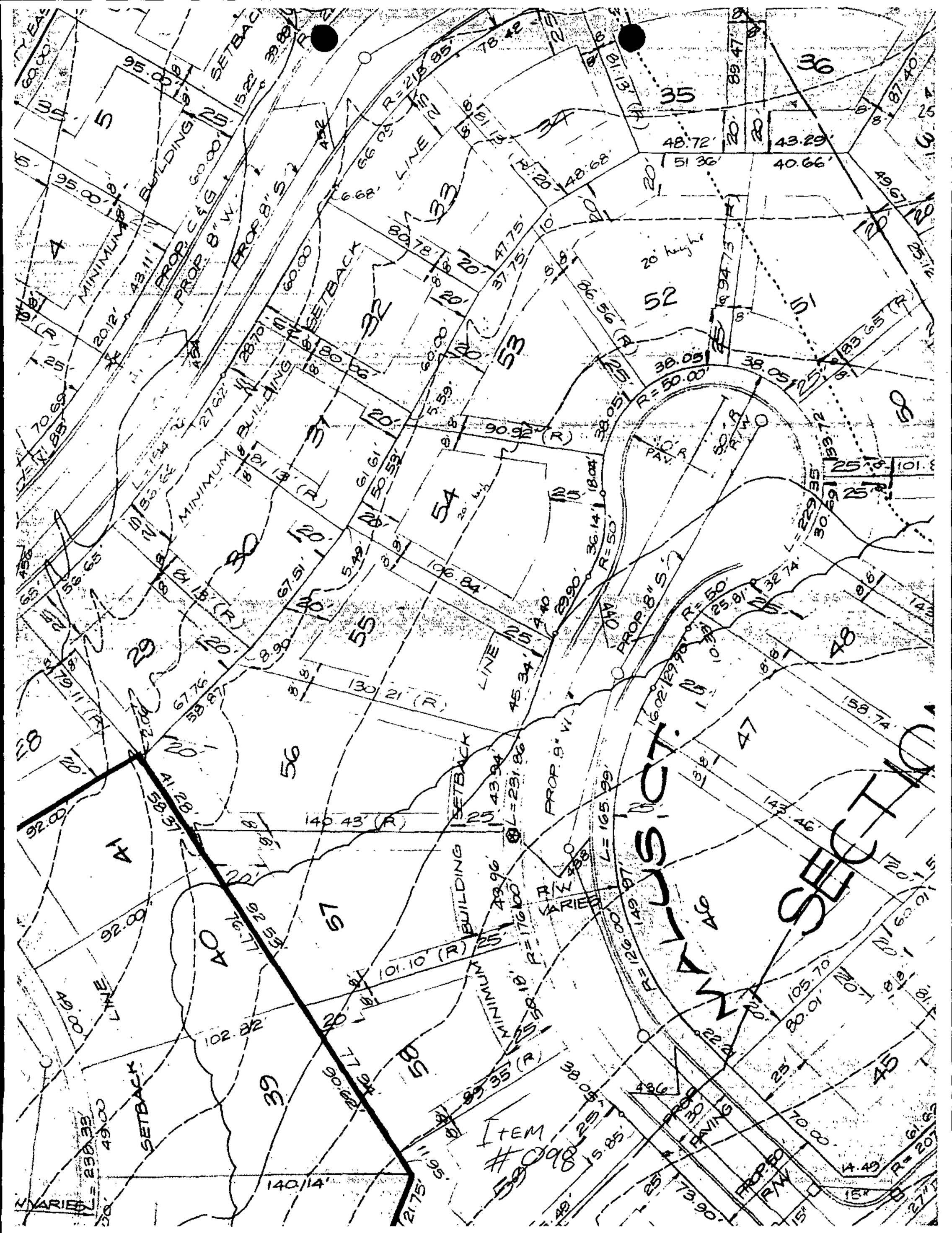
Steven D. Foster, Chief

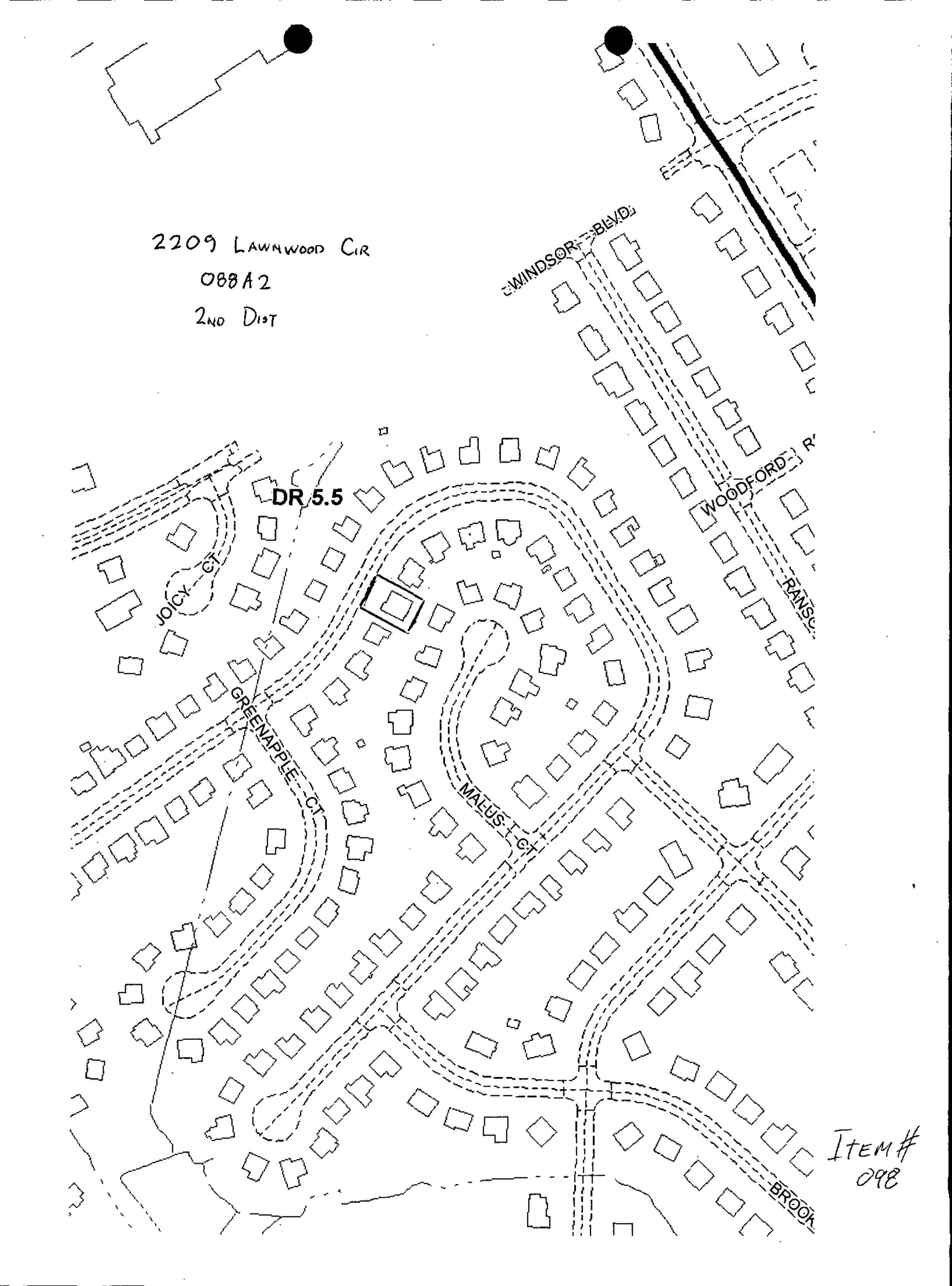
Engineering Access Permits

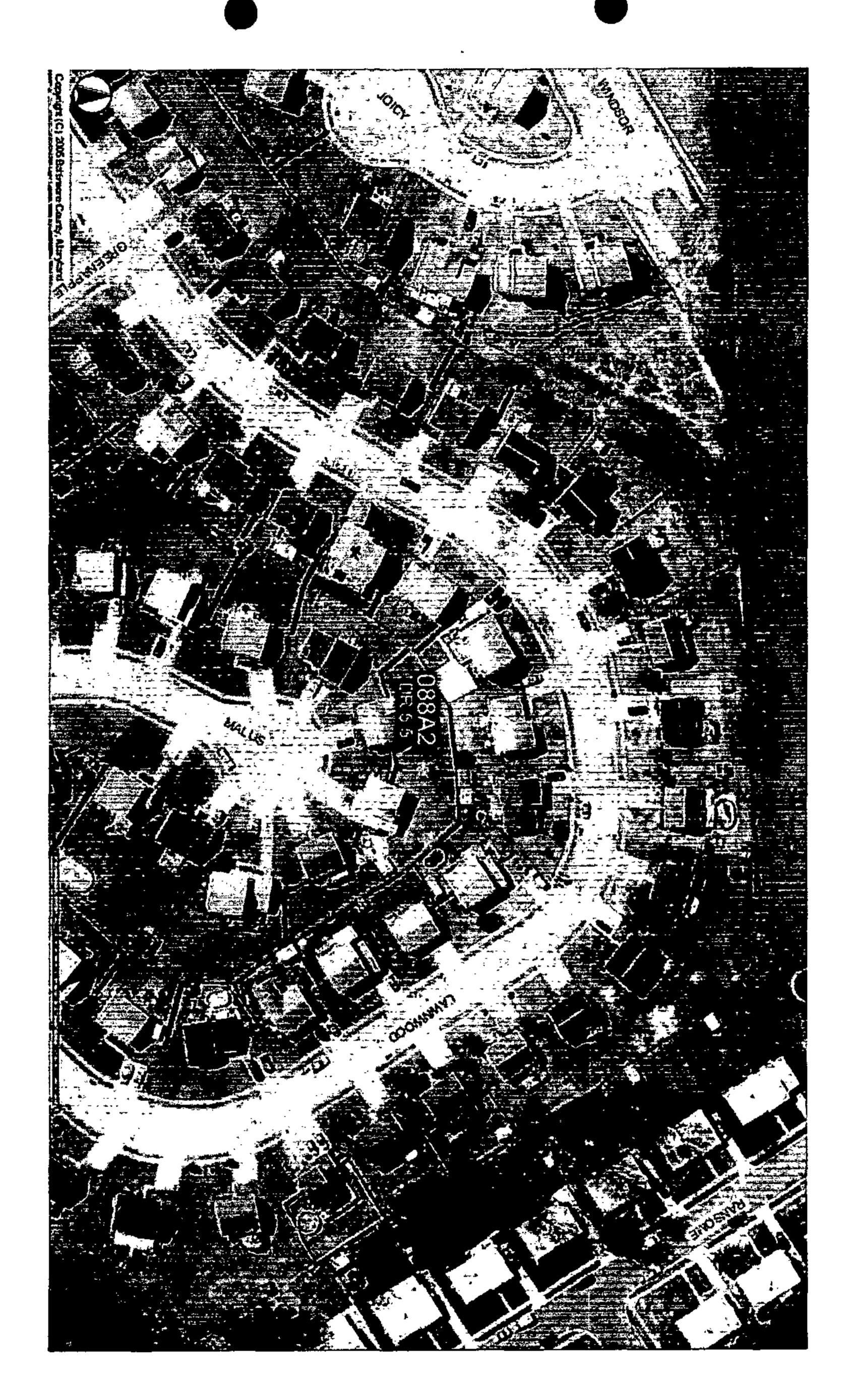
Division

SDF/MB





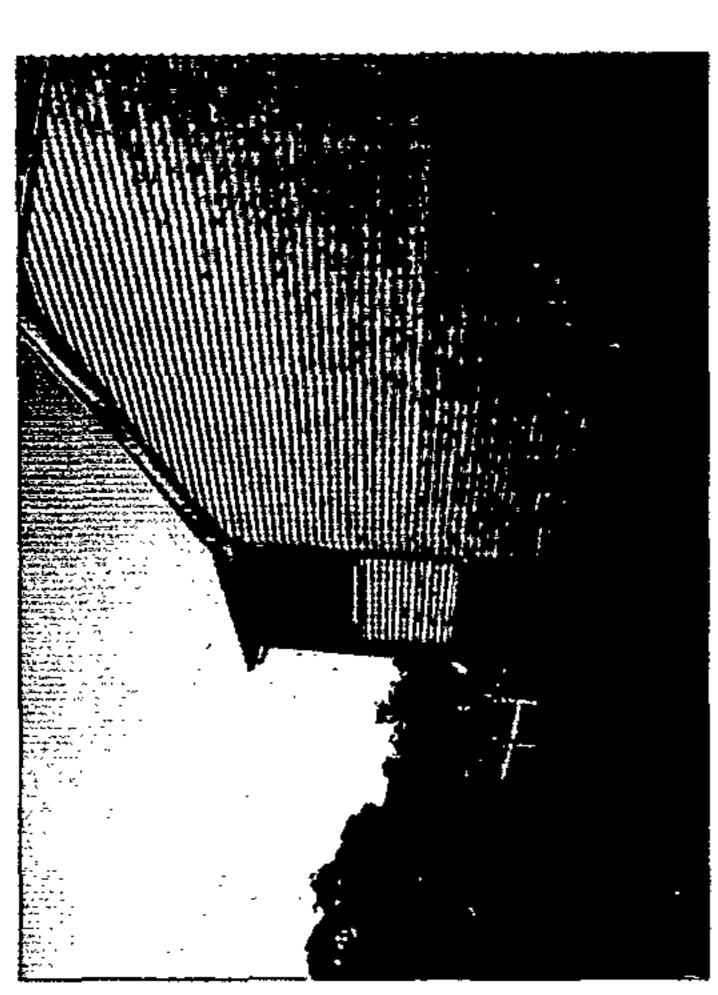




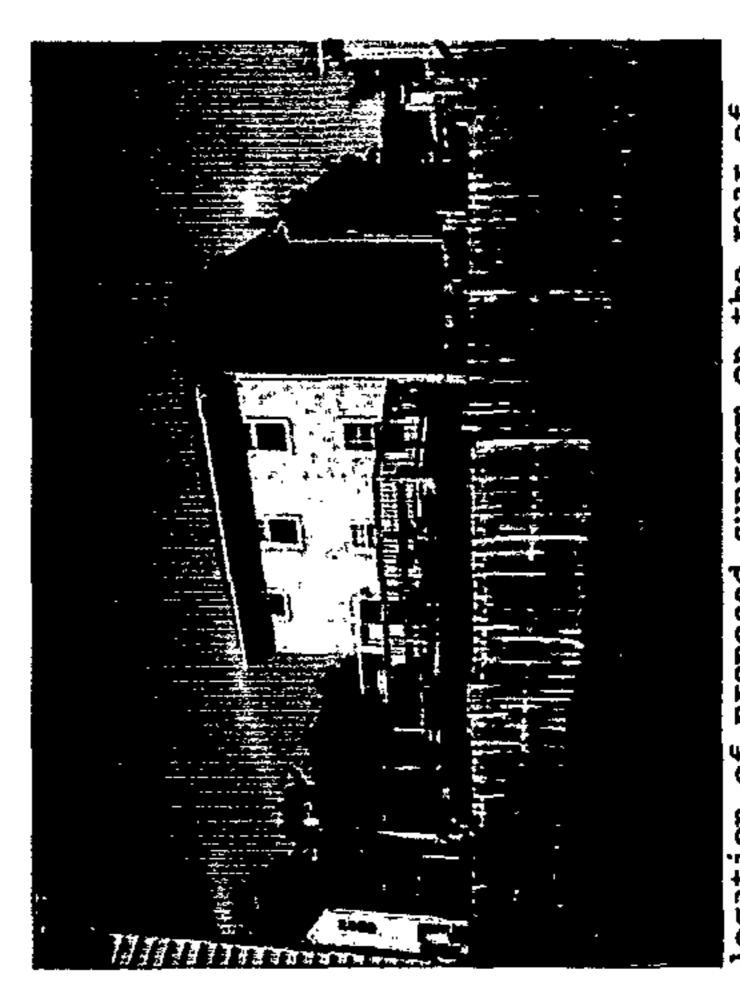
ITEM # 098



Sideview of 2211 Lawnwood circle



ideview of 2207 Lawnwood circle.



location of proposed sunroom on the rear of 2209 Lawnwood circle.

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CERTIFICATE OF POSTING

	RE: Case No.: 97-098-H
e de la companya de l	Petitioner/Developer: ANTHONY
	DOYLE
	Date of Hearing/Closing: 10-2-04
Baltimore County Department of Permits and Development Managemen County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews ((410) 887-	3394}
Ladies and Gentlemen:	• · · · · · · · · · · · · · · · · · · ·
	ties of perjury that the necessary sign(s) required by law were located at:
2209	LAUNWOOD CIRCLE
The sign(s) were posted on	9-17-06
THE SIGN(S) METE Descen on	(Month, Day, Year)
	Sincerely,
	Policit Blak 2-19-00 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)