IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Beechwood Road, NE of Edmonson Avenue 1st Election District 1st Councilmanic District

(111 North Beechwood Avenue)

Mr. and Mrs. Tom Delisa *Petitioners*

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-126-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, Mr. and Mrs. Tom Delisa. The variance request is for property located at 111 North Beechwood Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit and accessory structure (garage) with a height of 22 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they wish to construct a new detached garage. The pitch of the new garage will architecturally match their house.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated September 27, 2006, a copy of which is incorporated herein and made a part hereof the file.

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

Formal Contribution

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 27, 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 23rd day of October, 2006, that a variance from Section 400.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.) to permit and accessory structure (garage) with a height of 22 feet in lieu of the permitted 15 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.
- 2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes

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

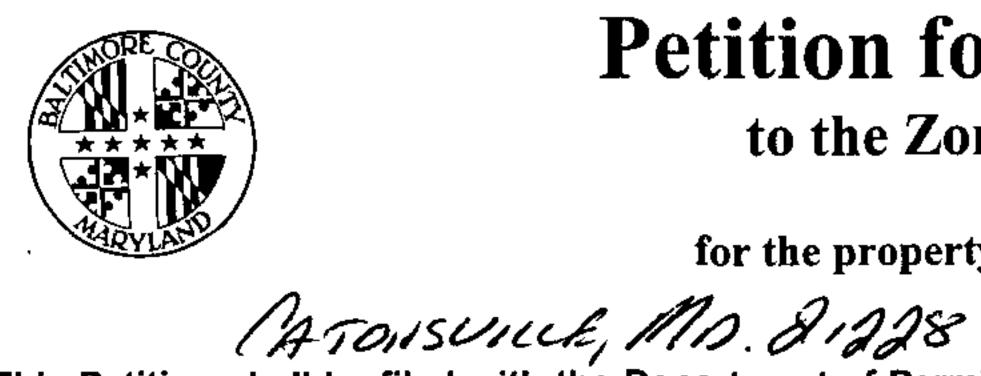
JVM:pz

19. 10.03.06 AFILING

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	III Naport	BEACHUSOS	
Trial life Amani(s) does/do presently rooted at	Address	State	S 1228 Zip Code
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That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	formal demand is filed, Affi additional information.	fiant(s) will be require	ed to pay a reposting and
Signature Anuf Delisa	Signature	homas D	elisa
Name - Type or Print	Name - Ty	pe or Print	-
STATE OF MARYLAND, COUNTY OF BALTI			
I HEREBY CERTIFY, this 23 rd day of of Maryland, in and for the County aforesaid, per		<u>№6</u> , before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisf	factorily identified to me as	such Affiant(s).	
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REV 10/25/01	-		



Petition for Administrative Variance

for the property located at /// Nonth Besch was

to the Zoning Commissioner of Baltimore County

owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	is described in the description and plat attached hereto and
AN ACCESSORY STRUCTURE WI	ITH A HEIGHT OF ZZ FT. IN
LIEU OF THE PERMITTED 1	
of the zoning regulations of Baltimore County, to the zoning lav of this petition form.	v of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zoll, or we, agree to pay expenses of above Variance, advertising, posti regulations and restrictions of Baltimore County adopted pursuant to	ing, 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 Signature HO7686711 Address Telephone No. City State State State Signature HO7686711 HO768671 HO7686711 HO768671 HO7686711 HO768671 HO7686711 HO7686711 HO7686711 HO7686711 HO7686711 HO76867	Name-Type of Print Signature Signature Signature
Attorney For Petitioner: Name - Type or Print	Address Telephone No. City State Zip Code
Signature	Representative to be Contacted:
Company	Name 1715 EDMONDSON AUE 410-744-7365
Address Telephone No.	Ralalana 7 °
City State Zip Code	Address City Address Telephone No. State Zip Code
A Public Hearing having been formally demanded and/or found to be retained this that the subject matter of this regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning
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	nated Posting Date
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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.

That the Affiant(s) does/do presently reside at	III NORTH 15	EACH WOOD	<u> </u>
	Address City	State	21228 Zip Code
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Signature Name - Type or Print		honus D Type or Print	elisa
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STATE OF MARYLAND, COUNTY OF BALTI			
I HEREBY CERTIFY, this 23 rd day of 7 of Maryland, in and for the County aforesaid, p	ersonally appeared	, <u>706</u> , before m	e, a Notary Public of the State
the Affiant(s) herein, personally known or satis	factorily identified to me a	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		M. BARNHAR	
BALT	Notary Public	on Expires 9-9-	
REV 10/25/01	•		•



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at /// Nount Sett Augus BACT Ma. 21828
which is presently zoned for the Frace DR-2

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) 400. 13 BCZR, TO PERMIT

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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.

		is the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
Name Type or Print Signature Mora Barranoo 4 Address City State	102680711 10-958-5209 Telephone No. 21224 Zip Code	Name Type or Print Name Type or Print Signature Signature
Attorney For Petitioner:		Address SEACH-WOOD 410455 50 Telephone No.
Name - Type or Print		City State Alagorian Zip Code
		Representative to be Contacted:
Signature	<u> </u>	BIG PANTA (BRYSON & COCK) Name 1715 ED MAND SON AUR 41074473
Address	Telephone No.	Address Telephone No.
City	Zip Code	City State Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the property.	at the subject matter of th	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
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CASE NO. 07-126 A	Revi	iewed By March Date 9-19-06
REV 10/25/01 100 100 100 100 100 100 100 100 100	id FILITIES Estin	mated Posting Date

EXHIBIT A

Beginning for the same at a point on the west side of Beechwood Avenue at a point distant four hundred sixty-seven feet northerly from the corner formed by the intersection of the west side of Reechwood Avenue and the north side of Summit Avenue which place of beginning is intended to be at the northeast corner of the lot of ground which by deed dated the 14th day of October 1905 and recorded among the Land Records of Baltimore County in Liber WPC No. 291, folio 442, etc. was granted and conveyed by John Hubner and wife to Mina C. Mitchell; and running thence northerly binding on the west side of Beechwood Avenue one hundred twenty-five feet; thence westerly parallel with the northernmost line of the lot conveyed to said Mitchell as aforesaid, four hundred feet more or less to intersect the first line of the whole lot of ground which by deed dated the 10th day of September 1877 and recorded among the Land Records of Baltimore County in Liber J.B. No. 100, folio 366, etc. was granted and conveyed by David W. Patterson and wife to said John Hubner; thence southerly bounding on said first line reversely one hundred twenty-five feet to the northwest corner of said lot heretofore conveyed to Mitchell as aforesaid; and thence easterly bounding on said Mitchell's lot four hundred feet more or less to the place of beginning. The improvements thereon being known as 111 North Beechwood Avenue.

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COUNTY, MARYLAND JGET & FINANCE FOUS RECEIPT. AMOUNT \$ CARRIED TO THE SELLOW CUSTOMER	
BALTIMORE OFFICE OF BUD MISCELLANE FROM: FOR: FOR: WHITE - CASHIER	

CERTIFICATE OF POSTING

	RE: Case No.: 07-126-A.
	Petitioner/Developer:
	Lon Delisa
	Date of Hearing/Closing: 10/16/06.
Baltimore County Department of Permits and Development Manager County Office Building, Room 111 111 W. Chesapeake Avenue Towson, MD 21204	ment
Attention: Brisler Marthe	US.
Ladies and Gentlemen:	
This letter is to certify under the per required by law were posted conspi	nalties of perjury that the necessary sign(s) cuously on the property at
111 Horth Beachwood	averue.
The sign(s) were posted on09	07/06 · th/Day/Year)
	Sincerely, Sincerely, (Signature of Sign Poster/Date)
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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: 126
Petitioner: Tom UBUSA
Address or Location: 111 North BESCHWOOD (ANDINGE Madille)
PLEASE FORWARD ADVERTISING BILL TO:
Name: +715 FOMONSON - BRYSON-COL CONSMICTION
Address: 1715 Eomonson Act.
BACTIMONE, MO. 21228
Telephone Number: 410- 194-1362



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 17, 2006

Mr. and Mrs. Tom Delisa 111 North Beachwood Avenue Catonsville, MD 21228

Dear Mr. and Mrs. Tom Delisa:

RE: Case Number: 07-126-A, 111 North Beachwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 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. Callibal)

WCR:amf

Enclosures

c: People's Counsel
Bill Carter 1715 Edmonson Avenue Baltimore 21228

BALTIMORE COUNTY, MARYLAND

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:

7-126- Administrative Variance

DATE: September 27, 2006 KELL VF

OCT - 3 2006

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by

Section Chief:

AFK/LL: CM



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5 EFT. 27, 2006

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

Dear Ms. Matthews:

RE: Baltimore County

Item No. 126

7-126-A

DELISA PROPERTY

III NORTH BEECHWOODAVE.

VARIANCE - ACCESSORY STRUCTURE
IN LIEU OF THE PERMITTED 15

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. 126

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,

Engineering Access Permits

Division

SDF/MB



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

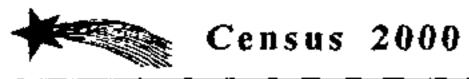
Item Number(s): 113-130

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



Printed with Soybean Ink

on Recycled Paper











BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 2, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 2, 2006

Item Nos. 07-113, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130,

and 133

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- 10022006.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 23, 2006

MR. AND MRS. TOM DELISA 111 NORTH BEECHWOOD AVENUE CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 07-126-A

Property: 111 North Beechwood Avenue

Dear Mr. and Mrs. Delisa:

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 V. Murphy

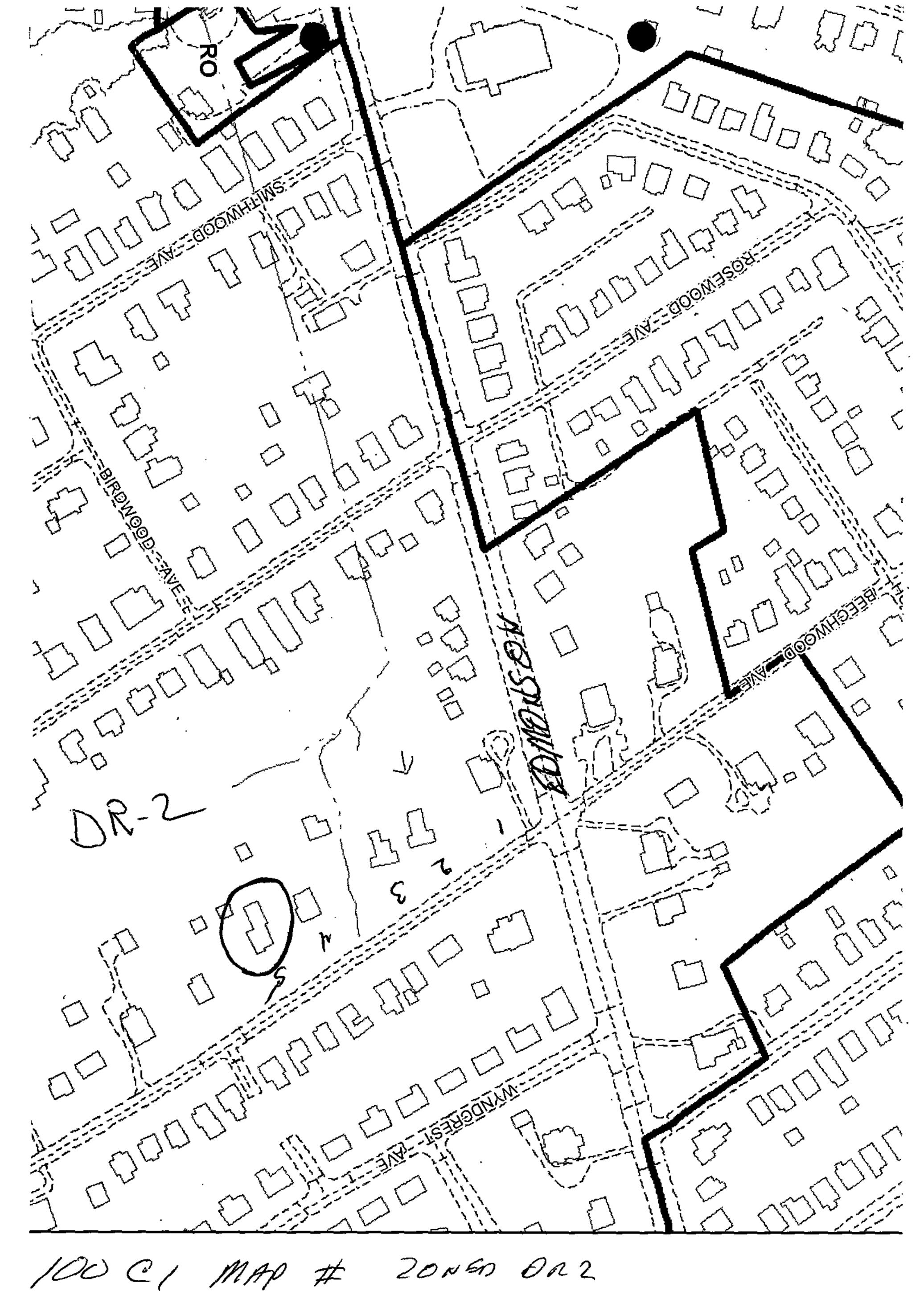
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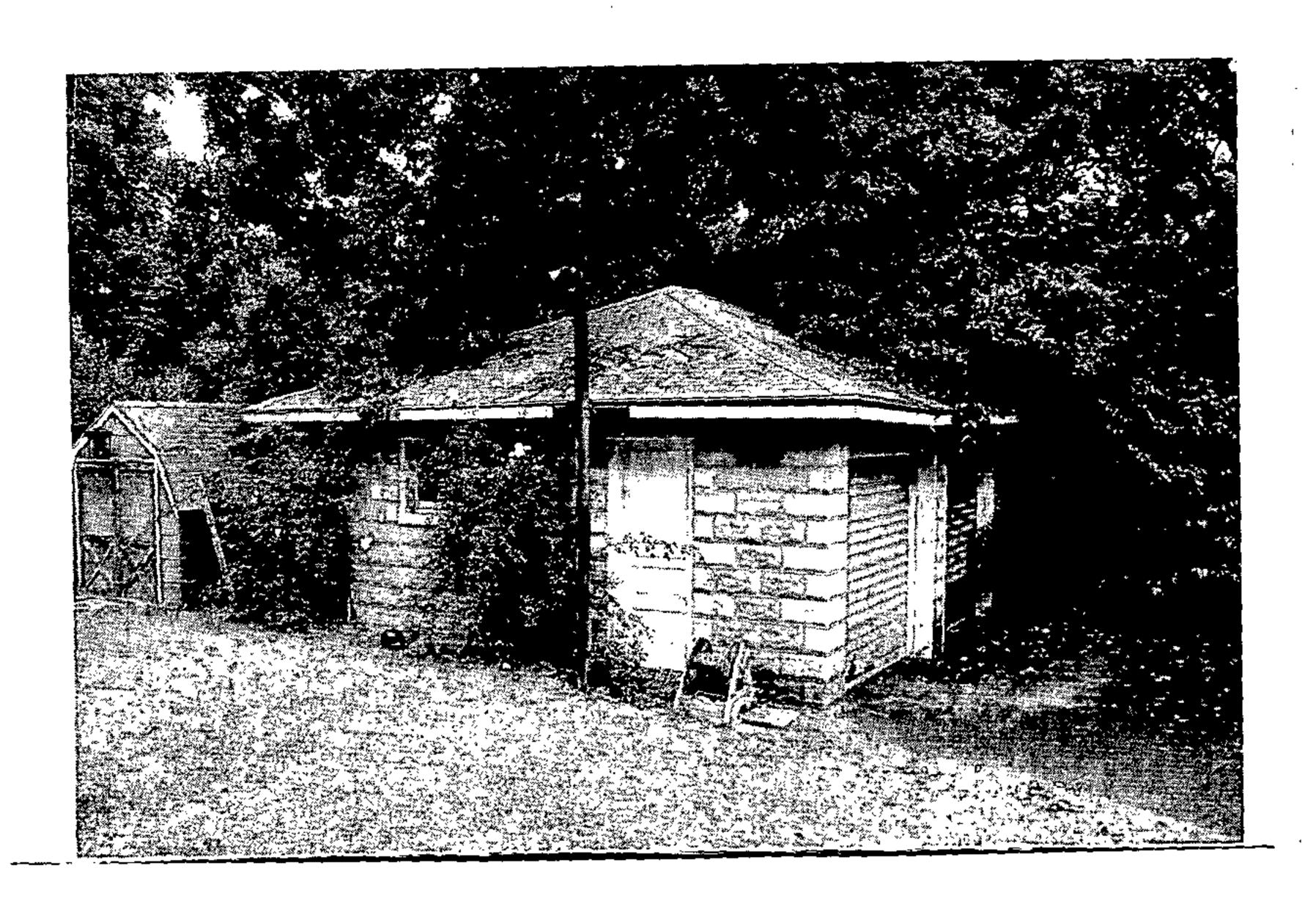
Enclosure

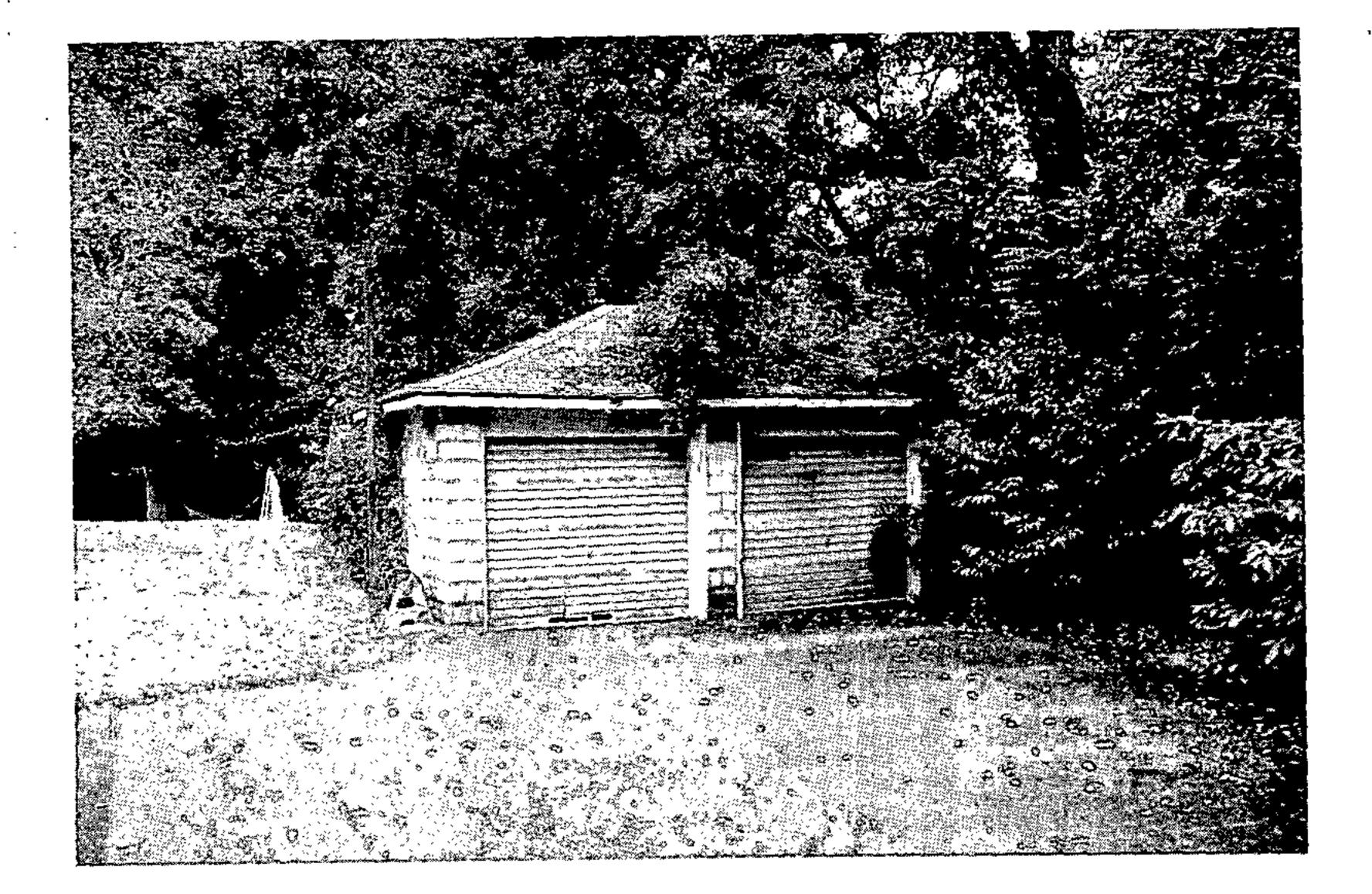
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Property known as: THIS PLAT CAN NOT BE USED TO ESTABLISH PROPERTY L. 5275 F. 932 LINES OR CORNERS. - LTIMORE COUNTY, JARN VOWS 125 13:Pf MOU2973 1015-4207 CHOUND Page , CX, 81 hunish maphent 48 **** 1 Pipe Rpe 467 #794 125 N. BEECHWOOD 40' R(W

Property known as: THIS PLAT CAN NOT BE USED TO ESTABLISH PROPERTY L. 5275 F. 932 LINES OR CORNERS. INTIMORE COUNTY JONN YOUND 125 15-61 NOUS933 1015-4007 C-MONUD V-MONC ,18x,81 hu pilo 11 ~504----087 ** 111 1 P.PE RPE FOULO 447 #71941 125 N. BEECHWOOD 40' E/W







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ACTUAL PICS

