IN RE: PETITION FOR ADMIN. VARIANCE

E side Mace Avenue, 0 feet from N side Franklin 15th Election District 7th Councilmanic District (111 Mace Avenue)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

Joseph George and Lynda Jeanne Seitz Petitioners

* CASE NO. 07-239-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, Joseph George and Lynda Jeanne Seitz. The variance request is for property located at 111 Mace Avenue. The variance request is from Section 1B01.2.C.1.b (1963 regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback for a proposed addition to an existing dwelling of 7 feet in lieu of the required 30 feet; from Section 400.1 of the B.C.Z.R to permit an existing detached accessory structure (shed) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that due to their ages, they would like to build a ground level addition to the back of their residence that will include a handicap accessible bedroom and bathroom. The second floor bedrooms are becoming harder to access. The new 1-story addition would create a rear yard setback of only 7 feet. The proposed addition measures 18 feet x 18 feet 11 inches in size. The Petitioners' property is a triangular shaped, corner lot.

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

12-22-06. i. i. i.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 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.

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

December 21, 2006

JOSEPH GEORGE AND LYNDA JEANNE SEITZ 111 MACE AVENUE BALTIMORE MD 21221

Re: Petition for Administrative Variance

Case No. 07-239-A

Property: 111 Mace Avenue

Dear Mr. and Mrs. Seitz:

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: Douglas W. DuVal, DuVal & Associates, P.A., 1729 York Road, Suite 205, Lutherville MD 21093



The same of

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

		to the 2	John B Commissioner of Darting Country
MRYLAND		for the prop	erty located at 111 MACE AVENUE
	•	for the prop	which is presently zoned DR 5.5
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the requir	ad 30 F	to and	Section 400.1 (BCZR) to parmit an structure (shed) to be located in the *
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of this petition form. * Side yava Property is to be posted a	in little of and advertised as	the veges prescribed by ance, advertising	the zoning regulations. g, posting, etc. and further agree to and are to be bounded by the zoning lant 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/L	_essee:		Legal Owner(s):
			JOSEPH GEORGE SEITZ
Name - Type or Print	<u>. </u>	<u></u>	Name - Type or Print Lisson Groupe Sul
Signature			Signature JEANNE SEITZ
Address ;		Telephone No.	Jense Jerma Sois!
City	State	Zip Code	
Attorney For Petition	<u>ier:</u>		111 MACE AVENUE Address Telephone No.
			BALTIMORE MD 21221
Name - Type or Print	<u> — ,</u>	<u></u>	City State Zip Code
Signature			Representative to be Contacted:
<u></u>			DUVAL & ASSOCIATES, P.A.
Company			1729 YORK RD. SUITE 205 410-666-5467
Address		Telephone No.	Address Telephone No.
			LUTHERVILLE MD 21093 City State Zip Code
City	State	Zip Code	, ony
A Public Hearing having betthis day of regulations of Baltimore Count	, <u> </u>	at the subject mat	to be required, it is ordered by the Zoning Commissioner of Baltimore County ter of this petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County
	7 770	_ Δ	
CASE NO.	1-657		Reviewed By (-717 Date 11/22/06
REV 10/25/01	ورية والمستان والمساب	1 的现在形象。	Estimated Posting Date 12 3/06

AffidaVit in Support of Administrative Variance

Address

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.

111 MACE AVENUE

	BAUTIMORE	MD	2/22/
			Zip Code
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advertising fee and may be required to pr	ovide additional information.		
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STATE OF MARYLAND, COUNTY OF E	· •	1907/	
I HEREBY CERTIFY, this 1/2 day of of Maryland, in and for the County afores	aid, personally appeared	<u>awo</u> , before	me, a Notary Public of the State
the Affiant(s) herein, personally known or			
the Affiant(s) herein, personally known or	satisfactorily identified to me as	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal	· 		
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A STATE OF THE STA	Notary Public	Mary All	-1198)
	My Commission	n Expires 4/	8/19
REV 10/25/01	,		

Affida Vit in Support of Administrative Variance

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

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BALTMORE

111 MACE AVENUE

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	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):				
•	JOSEPH GEORGE SEITZ				
Name - Type or Print	Name - Type or Print Own Ali Mund Lity				

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Attorney For Petitioner:				Address		MD	Telephone No.
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Signature			_	DOUGLAS TOVAL &	W. DUVA Associa	AL, L.S. ATES, P.A	•
Company			- i	Name 1729 York	L RD. 30	JITE 205	410-666-5467
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SURVEYING . ENGINEERING

Douglas W. DuVal, L.S. Raymond B. Sutton, Jr.

Administrative Variance 111 Mace Avenue 15C7

Beginning at the intersection of the easterly Right-of-Way Line of Mace Avenue and the northerly Right-of-Way Line of Franklin Avenue; thence 1) North 21° 20' 00" East 24.08'; 2) North 25° 27' 00" East 169.51'; 3) South 21° 10' 30" East 134.16'; and 4) South 68° 49' 30" West 139.48' to place of beginning.

Containing 0.2182 acres of land, more or less.

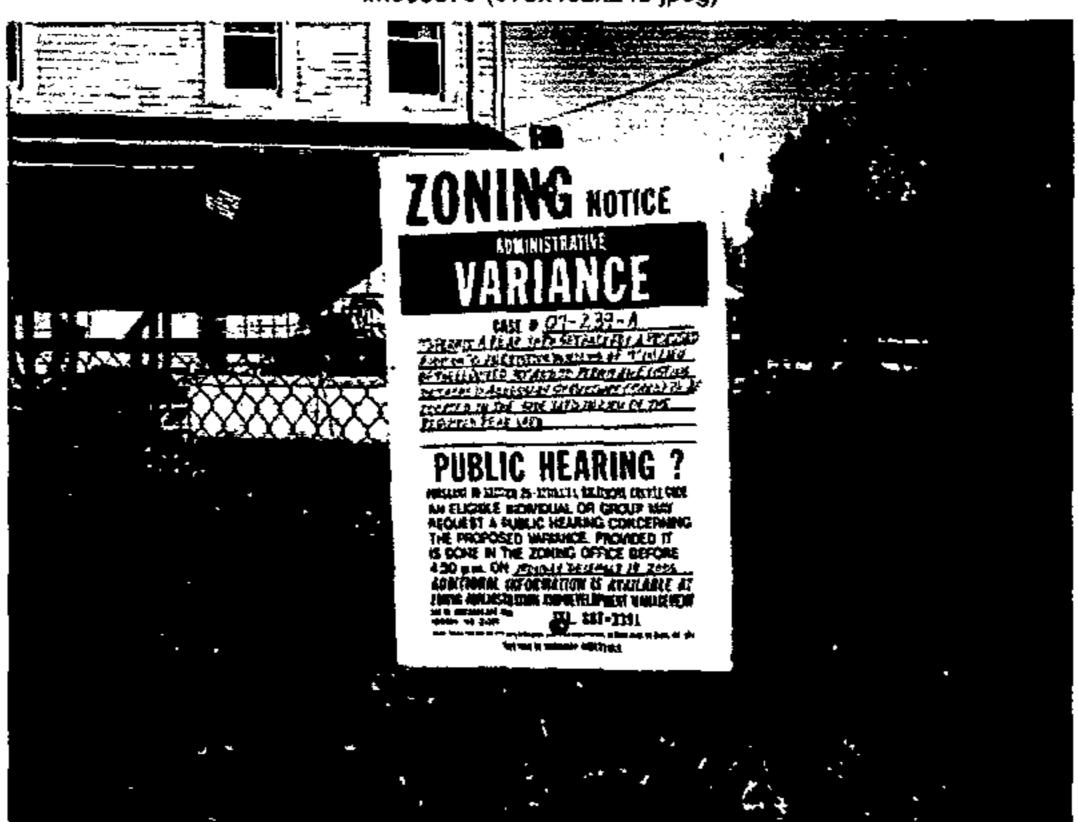


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CERTIFICATE OF POSTING

	RE: Case No: 07-239-A
	Petitioner/Developer: Jos, 6
	SE172 ETUX
	Date Of Hearing/Closing: 12/18/06
Baltimore County Department of Permits and Development Management Office Building, Room 1111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were post	penalties of perjury that the necessary ted conspicuously on the property MACE AUE
This sign(s) were posted on	elmber 2, 2006 (Month, Day, Year)
	Sincerely, Martin Och 12/2/04
	(Signature Ovsign Poster and Date)
	Martin Ogle
	Sign Poster 16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)

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Martin Ogle 12/2/26

-

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: <u>のフー23の-ム</u>
Petitioner: Joseph + Lynda Seitz
Address or Location: 111 Moce Ave., Bulton, MD 21221
PLEASE FORWARD ADVERTISING BILL TO:
Name: Douglas W. DuVal % DuVal & Assoc., P.A.
Address: 1729 York Rd., Sta 205 Luthorville, MD 21093
Luthorville, MD 21093
Telephone Number: 410-666-5467



JAMES T. SMITH, JR. County Executive

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

December 18, 2006

Joseph George Seitz Lynda Jeanne Seitz 111 Mace Avenue Baltimore, MD 21221

Dear Mr. and Mrs. Seitz:

RE: Case Number: 07-239-A, 111 Mace Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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

M. Callado

WCR:amf

Enclosures

c: People's Counsel Douglas W. DuVal, L.S. DuVal & Associates, P.A. 1729 York Road, Suite 205 Lutherville 21093

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, 233, 234, 235, 236, 237, 238, 239.

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 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) 7-239- 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

DEC 1 3 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: 12/5/2006

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

RE: Baltimore County

Item No. 7-239-A
III MACE AVENUE
SEITZ PROPERTY
VARIANCE -PEIZMIT

AREAR YARD SETBACK

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.7-239 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).

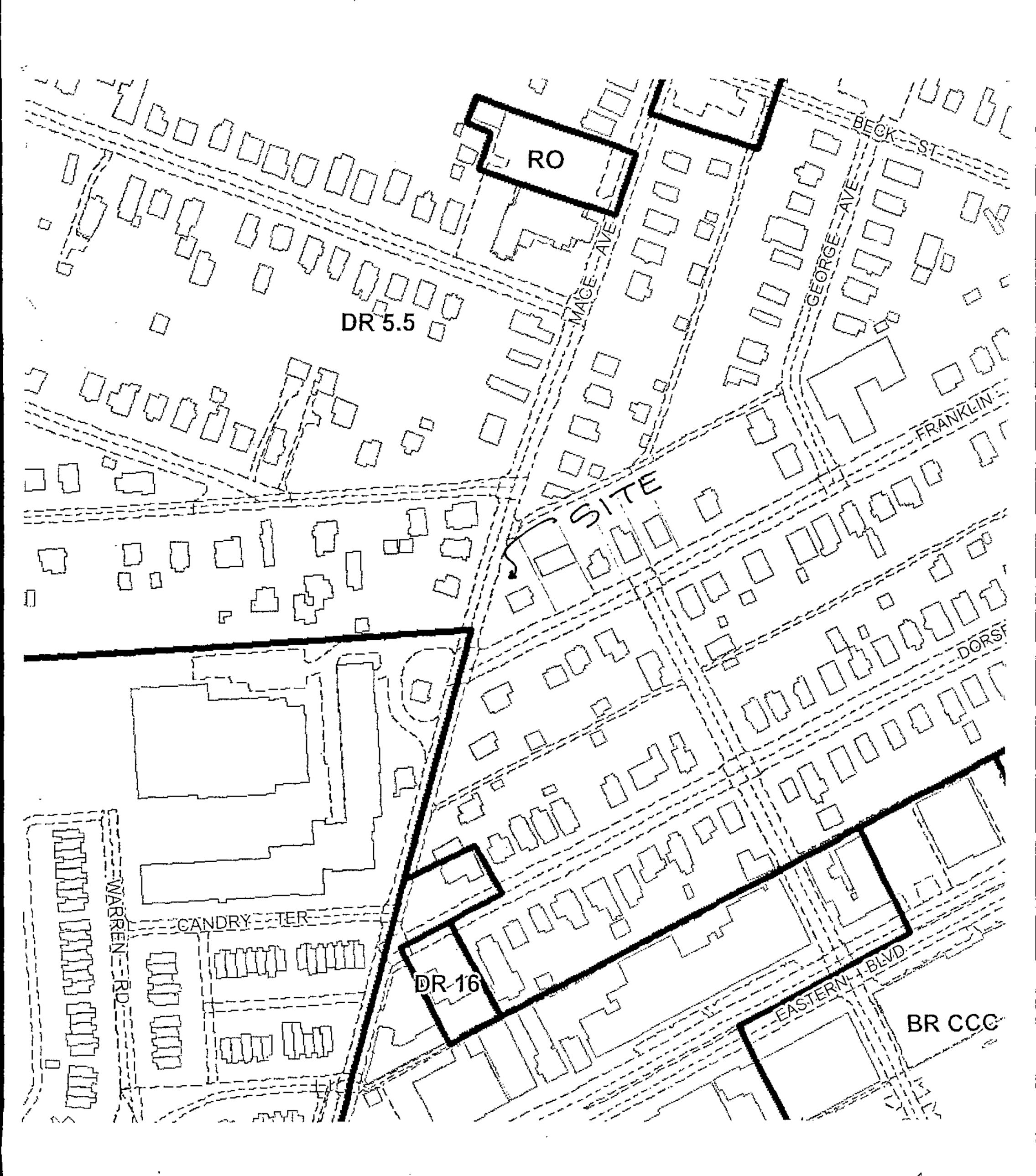
Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

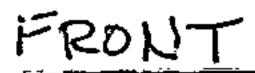
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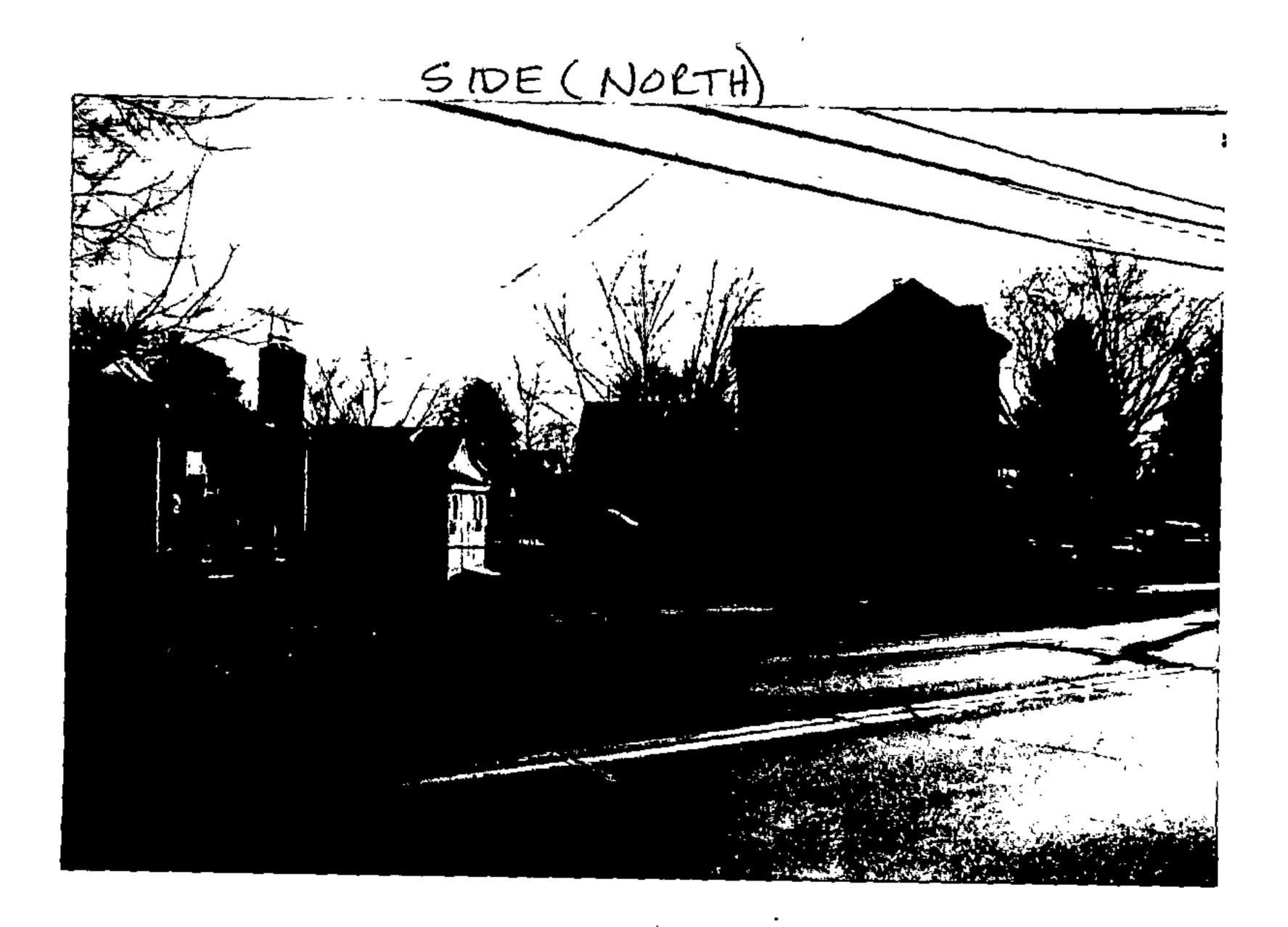
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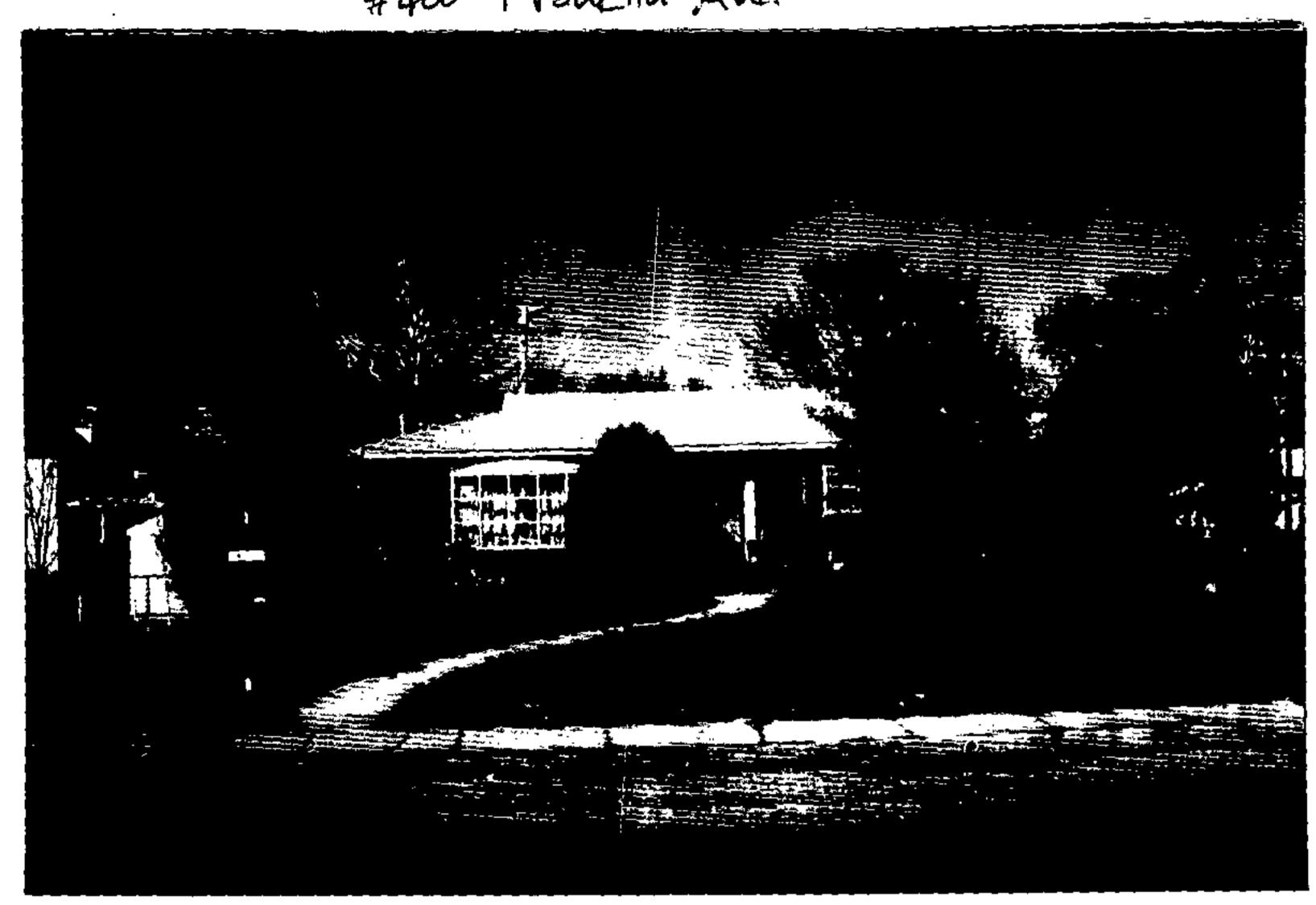
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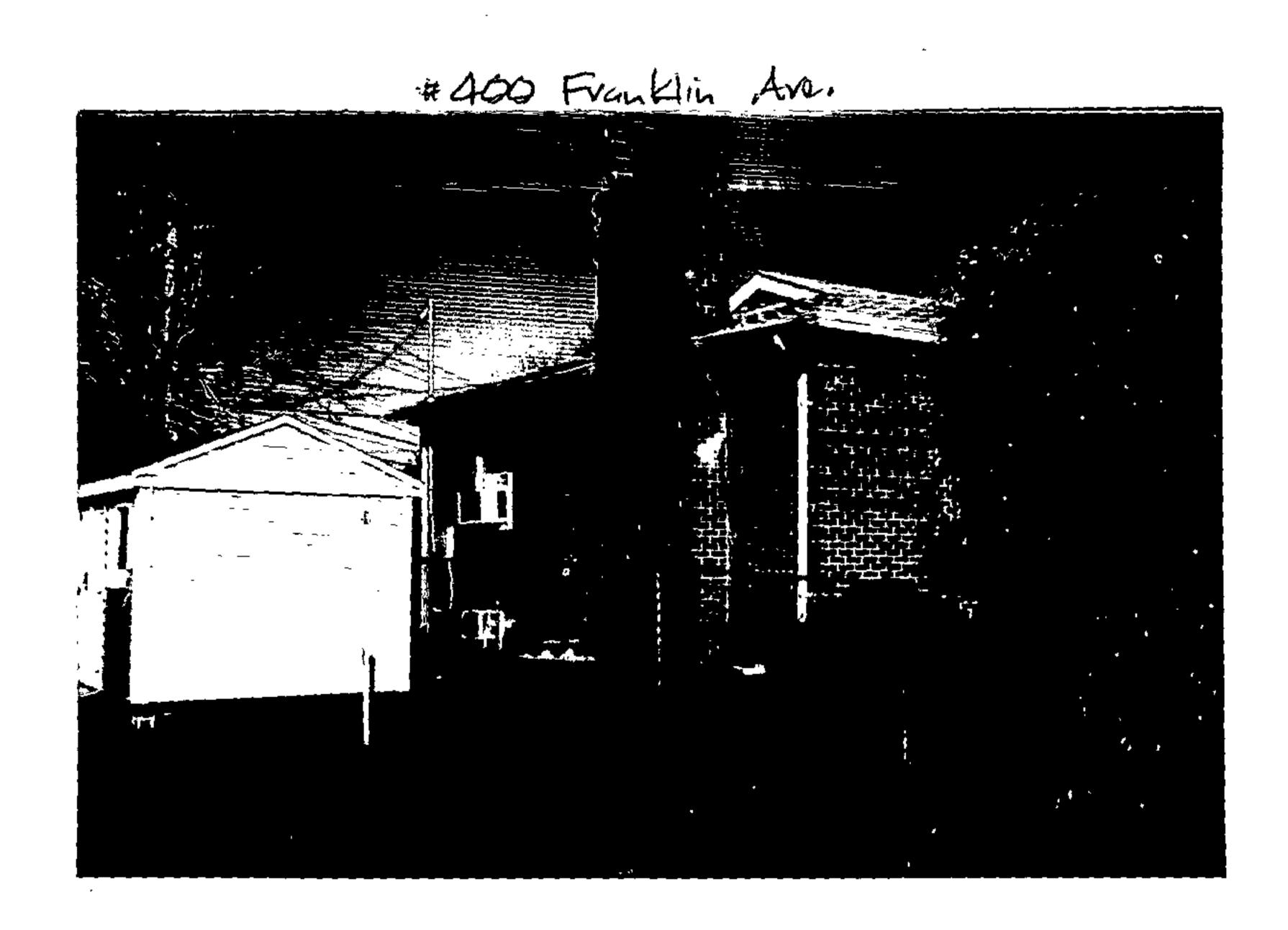
REAR (EAST)



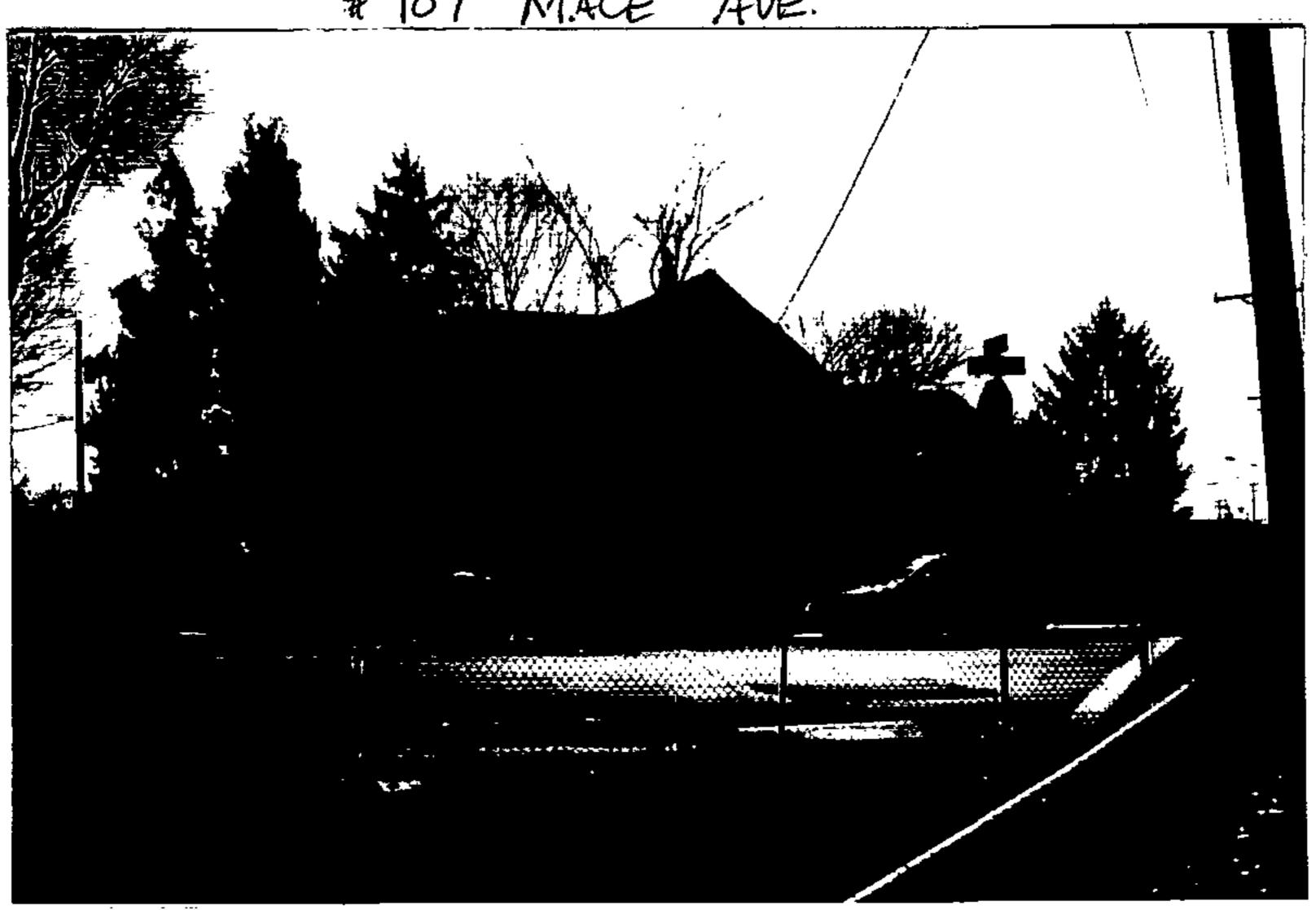


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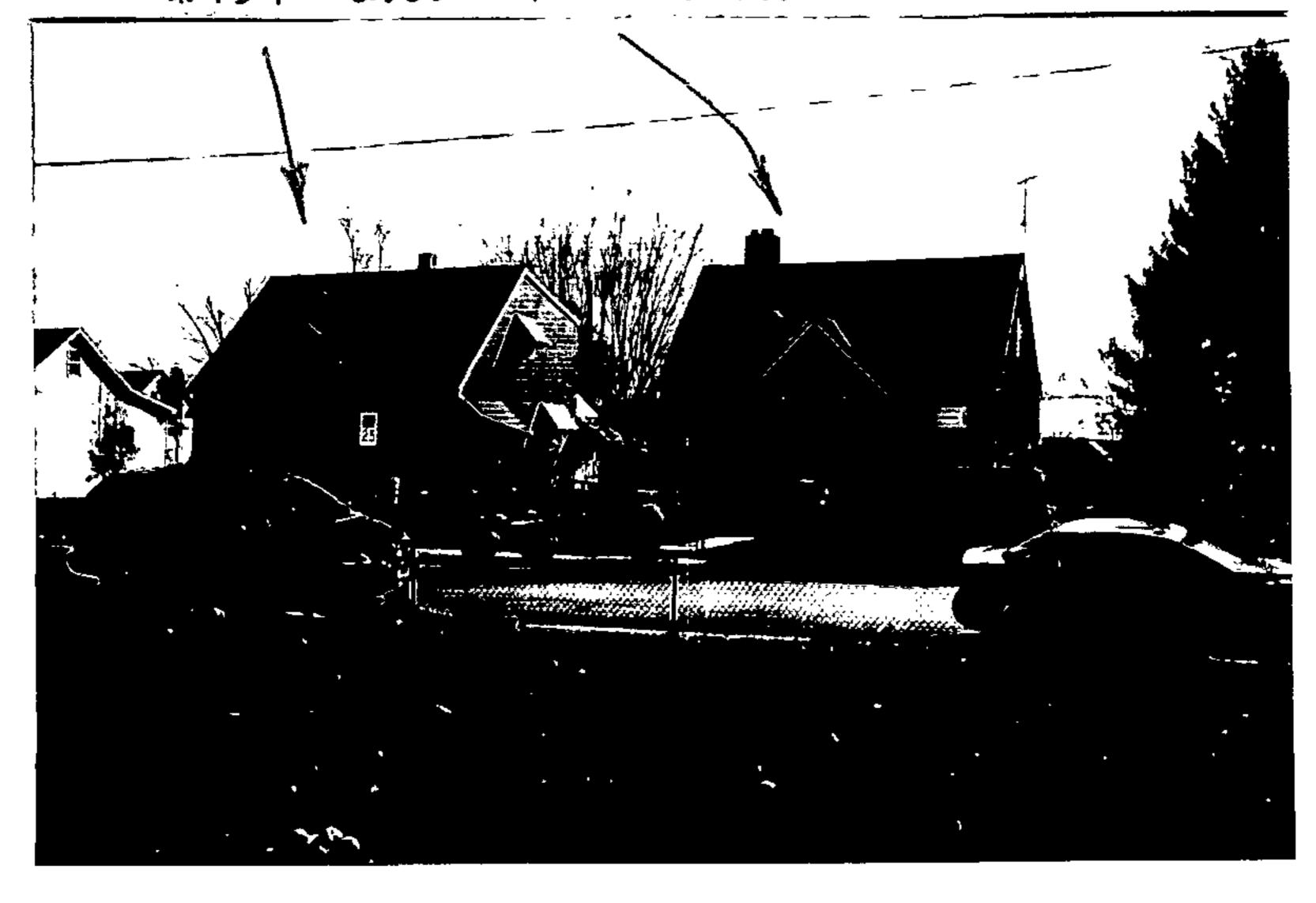


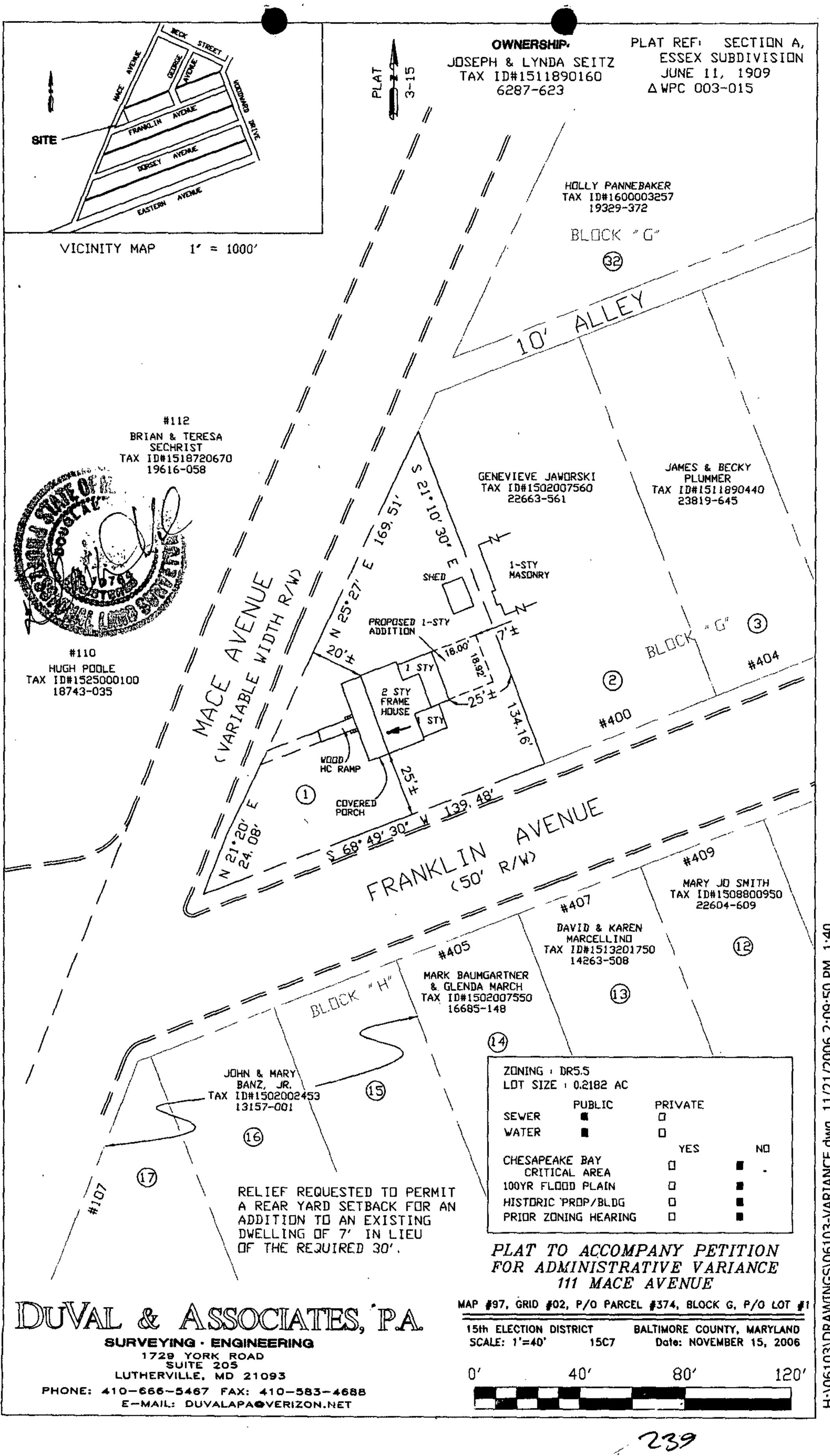


107 MACE AVE.



#407 and #405 Franklin Ava.






11/21/2006 2:09:50 PM, H:\06103\DRAWINGS\06103-VARIANCE.dwg, Seitz Residence

Seitz Residence

Ill Mace Avenue

Essex, Maryland

Phone: 410.882.7281

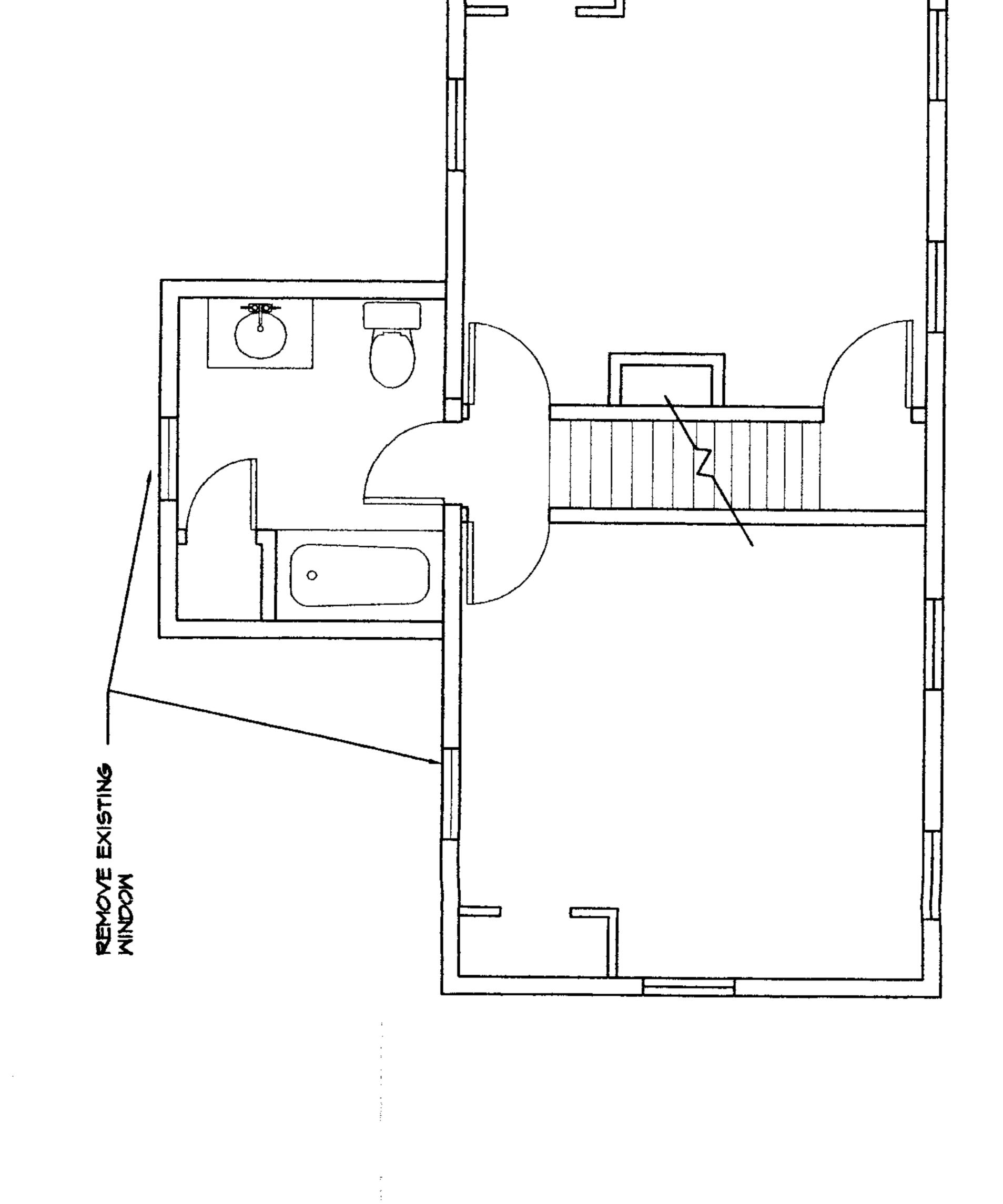


Seitz Residence

111 Mace Avenue :oT noitibbA

Baltimore, Maryland 21234 Phone: 410.882.7281

8820-B Old Harford Road



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 239 -A Address 111 WACE AVE	
Contact Person: LIOYO T. MOXLEY Phone Number: 410-887-3391	
Filing Date: 11 22 06 Posting Date: 12/3/06 Closing Date: 12/18/06	, o
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.	
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.	
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.	
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.	
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.	
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 07-239 -A Address 111 MACE AVE Petitioner's Name JOS. G. SEITZ ET UX Telephone 410 666 546 7 Costing Date: 12/3/06 Closing Date: 12/18/06	7
Vording for Sign: To Permit A REAR YARD SET FOR A PROPOSED APPITION	^
TO AN EXISTING DWEZUNG OF T'IN LIEU OF THE REQUINED 30'	
AND TO PERMIT AN EXISTING DETACHED ACCECCAL STONE	^
(SUED) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED WCR-Revised 6/25/04)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 30, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item Nos. 07-229, 230, 231, 232, 233, 234,

235, 237, 238, and 239

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-11292006.doc