

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Seminole Avenue, 20 feet +/-
SE of c/l of Idlewood Avenue
1st Election District
1st Councilmanic District
(103 Seminole Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
*
* CASE NO. 07-251-A

Richard Leonard and Marty Keech Spence
Petitioners

* * * * *

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, Richard Leonard and Marty Keech Spence. The variance request is for property located at 103 Seminole 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 11 feet in lieu of the required 15 feet and a sum of side yards of 26 feet in lieu of the required 40 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they would like to construct a 22 foot x 28 foot addition onto the side of their existing home in order to create additional living area. They are growing older and want to keep the living area on the first level of the home. Due to the interior layout and the way the home is situated on the lot it is not practical to place the addition anywhere else. An existing covered porch on the side of the home will be removed to allow for the addition.

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

90-2806
lat
12-28-06
[Signature]

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 7, 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 28th day of December, 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 11 feet in lieu

12-28-06
12-28-06
12-28-06

of the required 15 feet and a sum of side yards of 26 feet in lieu of the required 40 feet for an 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.

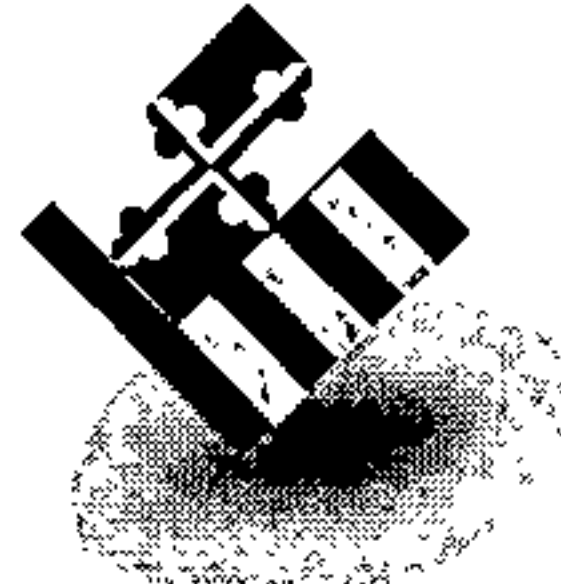
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

12-28-06
Bj



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 28, 2006

RICHARD LEONARD AND MARTY KEECH SPENCE
103 SEMINOLE AVENUE
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 07-251-A
Property: 103 Seminole Avenue

Dear Messrs. Leonard and Spence:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

RECEIVED FOR FILING
JAN 2 2007
12-28-06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 103 Seminole Ave Catonsville Md
which is presently zoned PR2 21228

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) 1B02.3.C.1; BCZR, TO PERMIT

A SIDEYARD SETBACK OF 11ft. IN LIEU OF THE REQUIRED 15ft. &
A SUM OF SIDE YARDS OF 26ft. IN LIEU OF THE REQUIRED 40ft. FOR AN ADDITION.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Richard Leonard Spence
Name - Type or Print

Richard L Spence
Signature

Marty Keesh Spence
Name - Type or Print

Marty Keesh Spence
Signature

103 Seminole Ave 410-788-1732
Address Telephone No.

Catonsville Md 21228
City State Zip Code

Representative to be Contacted:

Name

Same

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 12 day of 12, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-251-A

Reviewed By [Signature]

Date 12-1-06

REV 10/25/01

Estimated Posting Date 12-10-06

12-28-06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 103 Seminole Ave
Richard L Spence - Catonsville, MD 21228
which is presently zoned 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) 1 B02.3C.1; BCZR, to permit

A side yard setback of 11' in lieu of the required 15 ft &
A sum of side yards of 26 ft. in lieu of the required
40 ft for an addition.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 12 day of December that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-251-A

REV 10/25/01

Reviewed By [Signature]

Date 12-1-06

Estimated Posting Date 12-10-06

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

103 Semirde Ave
Address
Careville Md 21228
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 would like to build a 22' x 28' addition to our existing home, to create additional living area on our existing home. We are growing older and need to keep our living area on the 1st level of our home. Due to the interior layout and the way our home is situated on the lot it is not practical to place it anywhere else. This will improve the value of our home and neighbors homes. It would create a setback combination of 26', 15' on the right side of our home and 11' on the left side of our home.

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.

Richard L Spence
Signature
RICHARD L Spence
Name - Type or Print

Mary Keech Spence
Signature
MARY Keech Spence
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of November, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 5/28/08

ZONING DESCRIPTION FOR 103 SEMINOLE AVENUE

Beginning at a point on the East side of Seminole Avenue which is 40' wide at a distance of 20' South East of the centerline of the nearest improved intersecting street Idlewood Avenue which is 20' wide. Being Lot # 1 Block 18 Section 1-6, In the subdivision of Oak Forest Park as recorded in Baltimore County Plat Book # 5 Folio # 90 containing 11,473 SF. Also known as 103 Seminole Avenue and located in the 1st Election District, 1st Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22975

DATE 12-1-06 ACCOUNT 251-606-6150

AMOUNT \$ 65.00

RECEIVED FROM: R. SPENUE 103 Semmole Ave.

FOR: AD. VAP

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: WILLIAM DODD
DATE: 12-1-06
AMOUNT: 65.00
CHECK NO: 022975
CHECK DATE: 12-1-06
CASHIER: BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-251-A

Petitioner/Developer: _____

Richard Spence

Date of Hearing/Closing: 12/25/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property at

103 Seminole Avenue

The sign(s) were posted on 12/7/06
(Month/Day/Year)

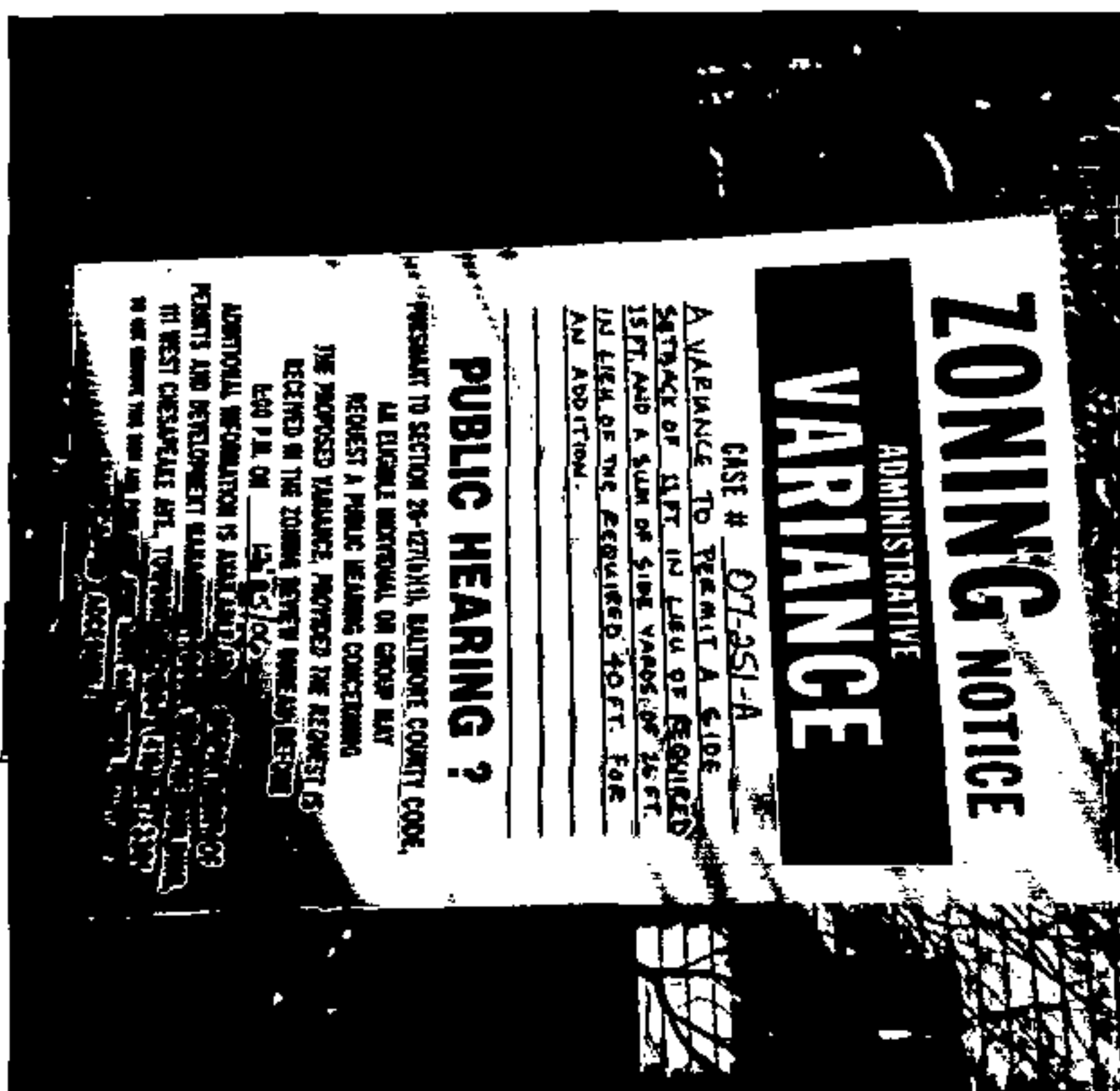
Sincerely,

Sandra L. Ego 12/8/06
(Signature of Sign Poster/Date)

SANDRA L. EGOLF
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 251 -A

Address 103 Seminole Ave.

Contact Person: J. Mellen
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12.1.06

Posting Date: 12.10.06

Closing Date: 12.25.06

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- 251 -A

Address 103 Seminole Ave.

Petitioner's Name RICHARD SPENCE

Telephone 410-788-1732

Posting Date: 12.10.06

Closing Date: 12.25.06

Wording for Sign: A VARIANCE
To Permit A SIDE SETBACK OF 11ft. IN LIEU OF
REQUIRED 15ft. AND A SUM OF SIDE YARDS OF 26ft.
IN LIEU OF THE REQUIRED 40ft. FOR AN ADDITION.

WCR - Revised 6/25/04

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 07-251

Petitioner: Richard Spence

Address or Location: 103 Seminole Ave. Catonsville, MD
21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard Spence

Address: 103 Seminole Ave.
Catonsville, MD 21228

Telephone Number: 410-788-1732



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

December 27, 2006

Richard Leonard Spence
Marty Keech Spence
103 Seminole Avenue
Catonsville, MD 21228

Dear Mr. and Mrs. Spence:

RE: Case Number: 07-251-A, 103 Seminole Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 1, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/6/2006

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

RE: Baltimore County
Item No. 7-251-A
103 SEMINOLE AVENUE
SPENCE PROPERTY
VARIANCE-PERMIT A SIDE YARD
SETBACK OF 11' IN LIEU OF 15'

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. 7-251-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



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

December 7, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 4, 2006

Item Number(s): 240 through 251

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: December 11, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2006
Item Nos. 07-240, 242, 244, 245, 246,
247, 249 and 251

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-12112006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 11, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-251- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

DEC 13 2006

ZONING COMMISSIONER

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

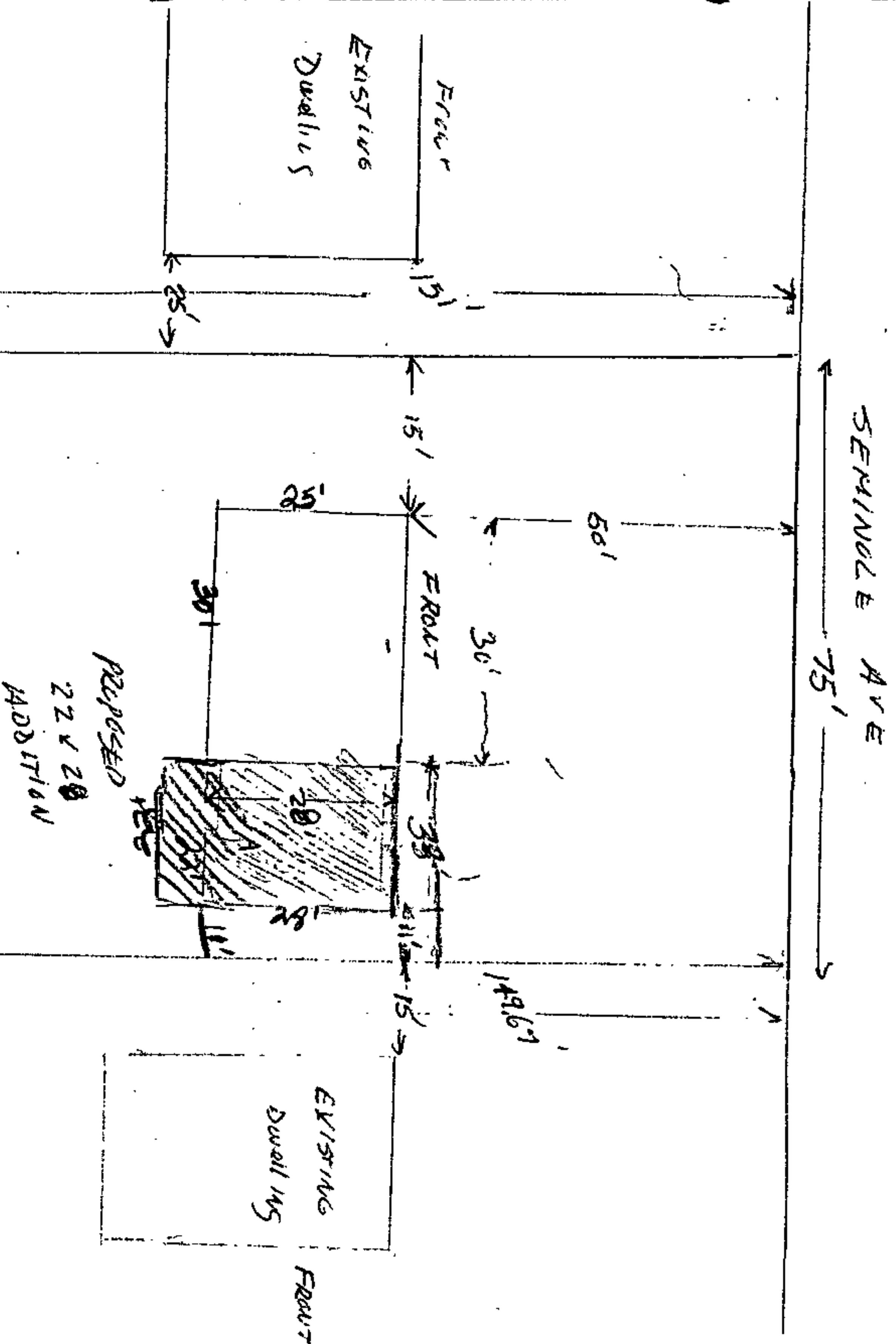
PROPERTY ADDRESS 103 Seminole Ave

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME OAK FOREST PARK

PLAT BOOK # 5 FOLIO # 90 LOT # 1 SECTION #

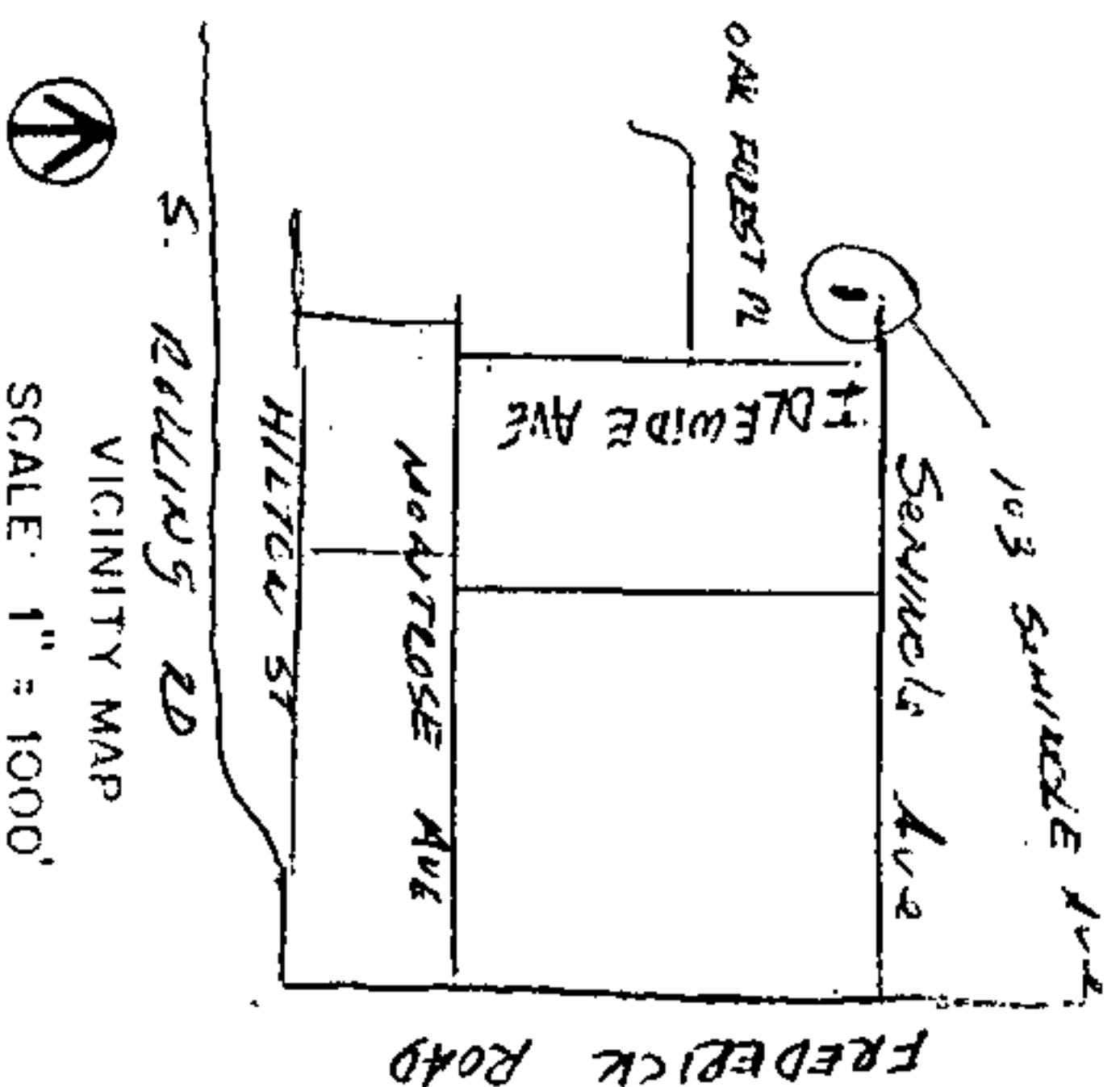
OWNER Richard & Mary Spence



NORTH

PREPARED BY

SCALE OF DRAWINGS: 1" = 25'

**LOCATION INFORMATION**01
ELECTION DISTRICT

COUNCILMANIC DISTRICT /

1"=200' SCALE MAP # 10003

ZONING DK 2

LOT SIZE 0.256

ACREAGE

SQUARE FEET

SEWER ☒ ☐☒ WATER

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPER 11/ BUILDING

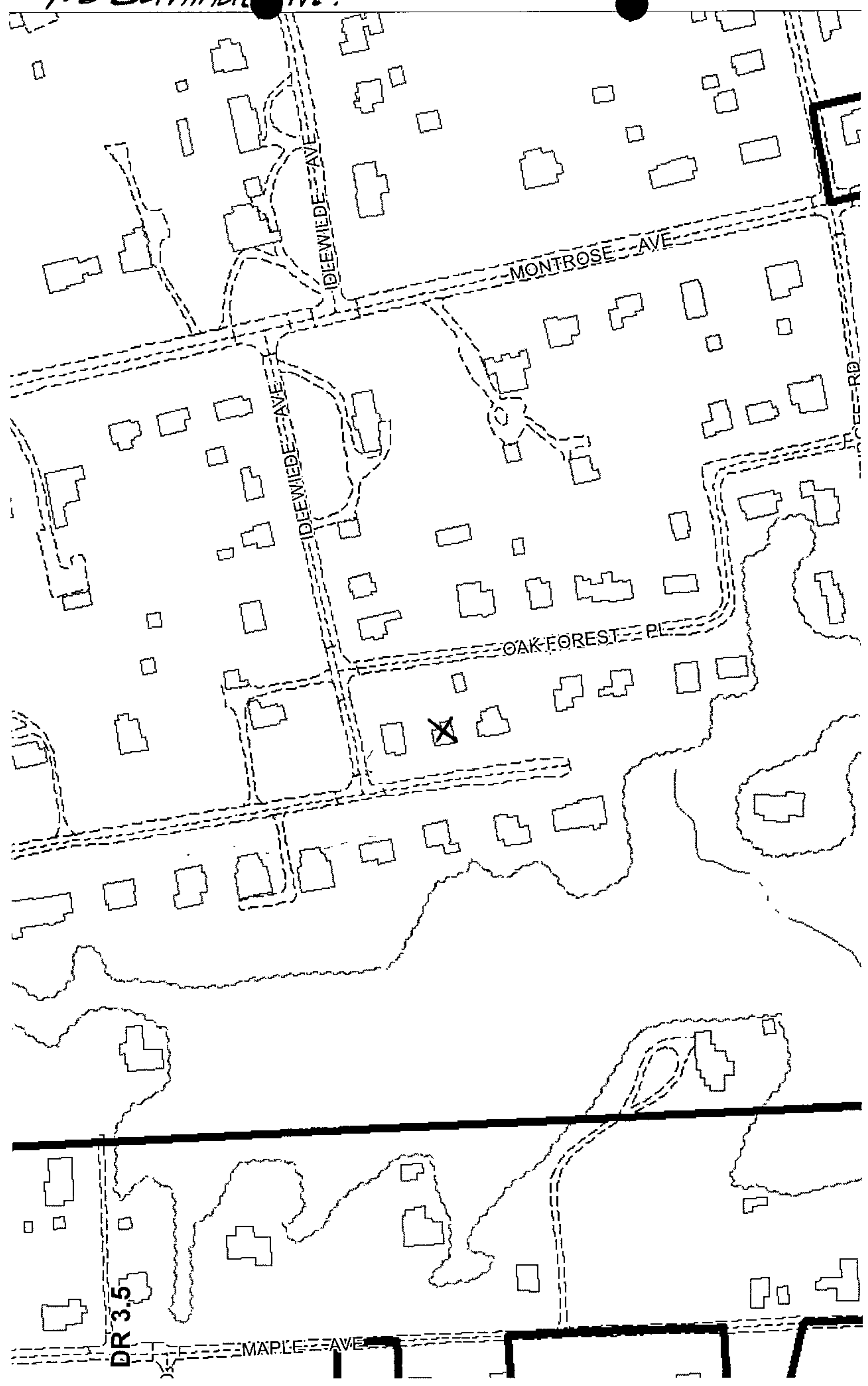
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

103 Semind Ave.

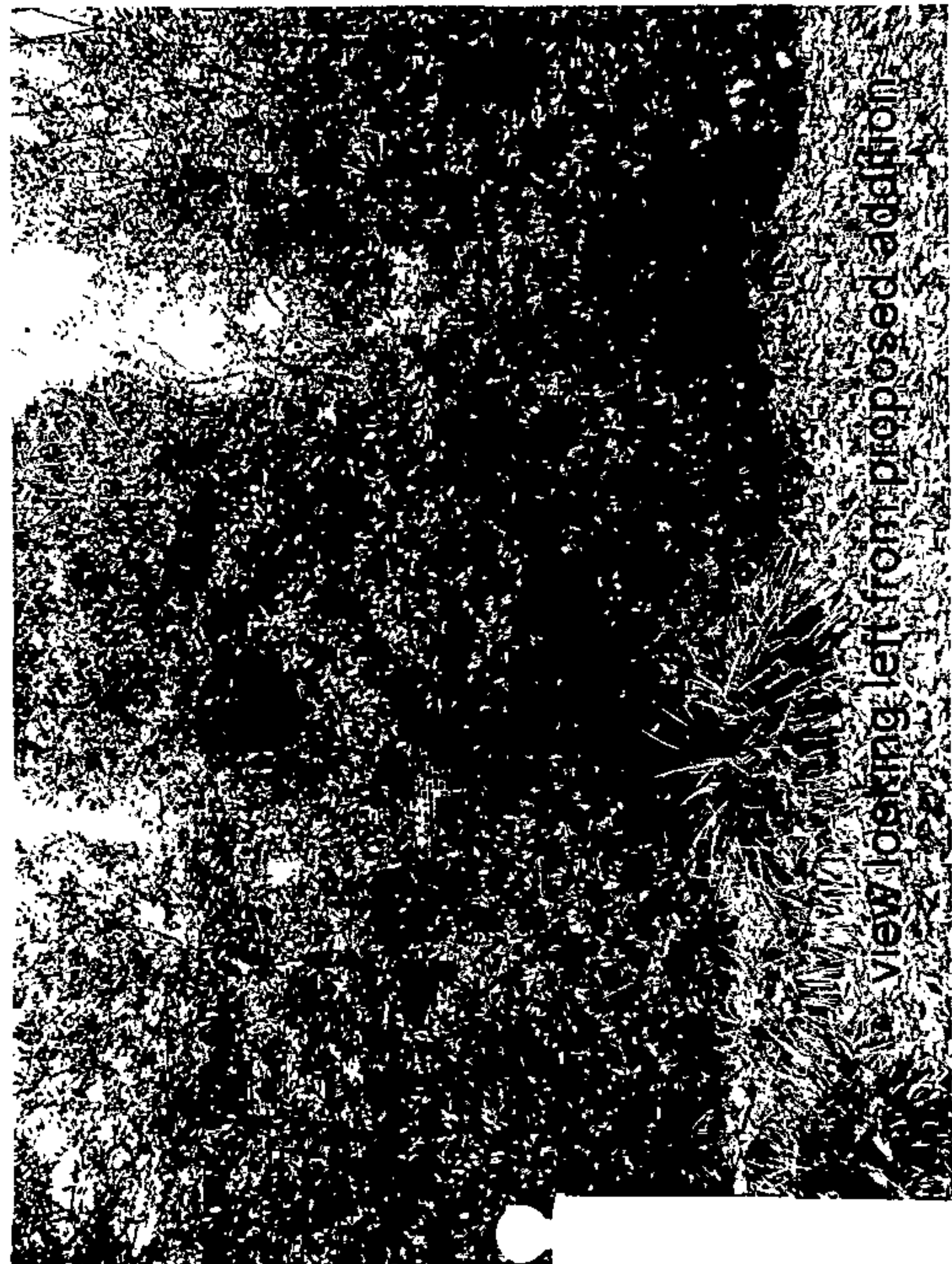
DR-2



Map # 10002

DR 3.5





view looking left from proposed addition

