

IN RE: PETITION FOR ADMIN. VARIANCE

E side Florida Avenue, 340 feet S c/l

Chesapeake Avenue

9th Election District

5th Councilmanic District

(3 Florida Avenue)

Rita Lynn and Thomas J. Aversa, Jr.

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-293-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, Rita Lynn and Thomas J. Aversa, Jr. The variance request is for property located at 3 Florida Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a side yard setback of 7 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they wish to enclose an 8 foot wide existing porch and widen the porch by 3 feet. The owners require additional living space because the house has two small rooms on the first floor. The owners need reasonable and practical living area.

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 was received from the Office of Planning dated January 12, 2007 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file.

RECEIVED FOR FILING

1-31-07

23

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 January 6, 2007 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.

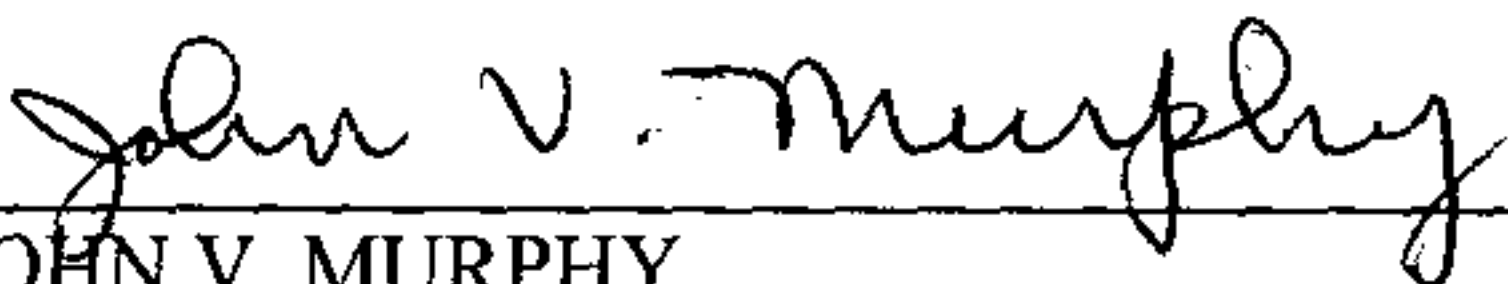
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1-31-07
PB

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 31st day of January, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a side yard setback of 7 feet in lieu of the required 10 feet be and is hereby GRANTED, subject to the following:

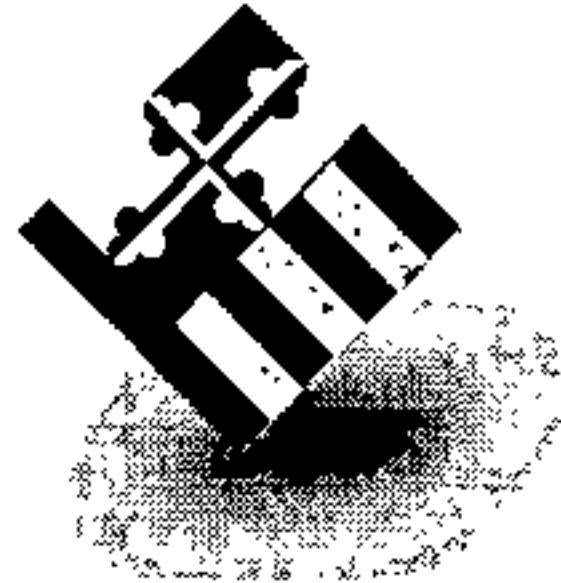
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Architectural elevation drawings must be submitted and approved by the Office of Planning prior to the application of any building permits.
3. The front façade of the proposed addition must contain windows or other architectural features. Blank facades shall be avoided.
4. Materials used during construction should compliment that of the existing dwelling.

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

RECEIVED FOR FILMS
1-31-07
JVM



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 30, 2007

RITA LYNN AND THOMAS J. AVERSA, JR.
3 FLORIDA AVENUE
TOWSON MD 21204

Re: Petition for Administrative Variance
Case No. 07-293-A
Property: 3 Florida Avenue

Dear Mr. and Mrs. Aversa:

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 FILE
1-31-07
PZ



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3 Florida Road, Towson, MD 21204
which is presently zoned DR5.5

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 AN EXISTING SINGLE FAMILY DWELLING WITH
ADDITION TO HAVE A SIDEYARD SETBACK OF 7'
IN LIEU OF THE REQUIRED 10'

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):

Thomas J. Aversa, Jr.

Name - Type or Print

Signature

Rita Lynn Aversa

Name - Type or Print

Signature

3 Florida Road

Address

410-255-1320

Telephone No.

Towson, MD 21204

City

State

Zip Code

Representative to be Contacted:

Thomas J. Aversa, Jr.

Name

3 Florida Road

Address

410-255-1320

Telephone No.

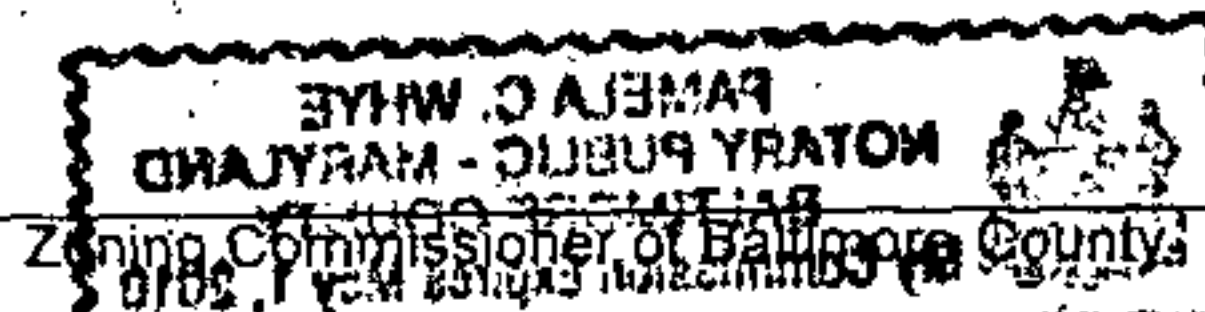
Towson, MD 21204

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 _____ day of _____ 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.



CASE NO. 07-293-A

Reviewed By CTM

Date

12/27/06

REV 10/25/01

Estimated Posting Date

1/7/07

Affidavit in Support of Administrative Variance

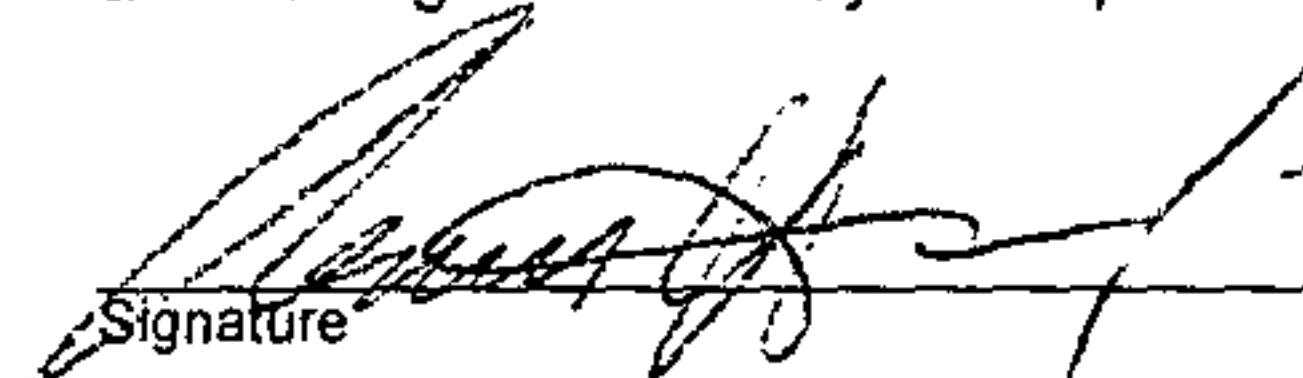
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3 Florida Road
Address
Towson, MD 21204
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):

Owners intend to enclose an 8 foot wide existing porch and widen the porch by 3 feet. Owners require additional living space in that the existing house has two small rooms on the first floor. Owners need the widening in order to have a reasonable and practical living area. ~~Without the widening the room would be severely restricted in use and would create a severe hardship on the owners.~~

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.


Signature

Thomas J. Aversa, Jr.
Name - Type or Print


Signature

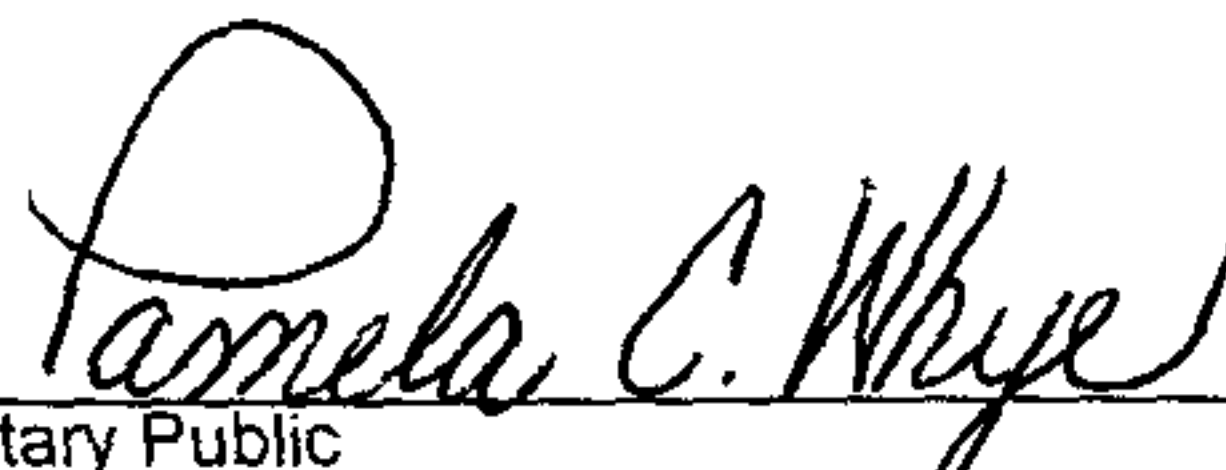
Rita Lynn Aversa
Name - Type or Print

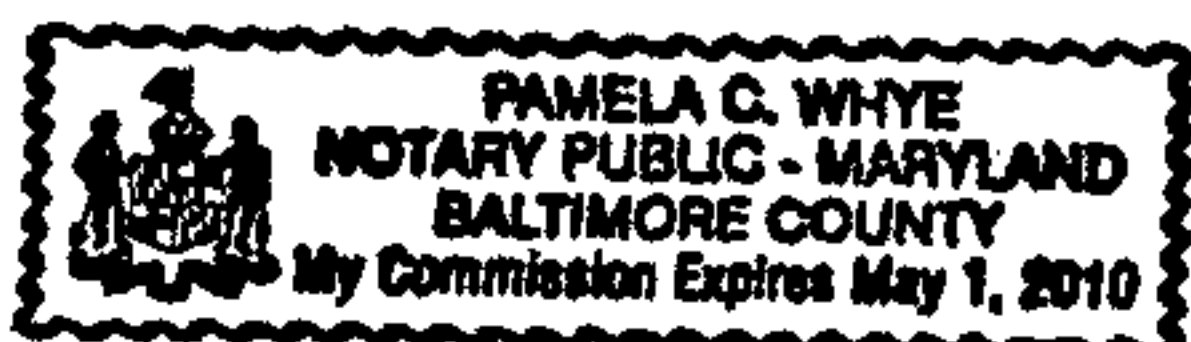
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of December, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas J. Aversa, Jr. and Rita Lynn Aversa
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 5-1-2010



ZONING DESCRIPTION

ZONING DESCRIPTION for 3 Florida Road, Towson, MD 21204.

Beginning at a point on the East side of Florida Road which is 15 +/- feet wide at the distance of 340 +/- feet South of the centerline of the nearest improved intersecting street Chesapeake Avenue which is 30 +/- feet wide. Being Lot # 4, Block 4 in the subdivision of Southland Hills as recorded in Baltimore County Plat Book # 8, folio 56, containing 7500 square feet. Also known as 3 Florida Road, Towson, MD 21204 and located in the 9th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23072

DATE 12/27/06 ACCOUNT 2001 000 6150

AMOUNT \$ 65.00

RECEIVED FROM: T. AVERSA JR.

FOR: 07-293-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

AMOUNT \$ 65.00

DATE 12/27/06

BY: WALKER KEN KIM

RECEIPT # 52451 12/27/2006

DEPT. 5 524 JIMMIES VERIFICATION

EX. NO. 023072

Receipt Tot \$65.00

\$65.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-293-A

Petitioner/Developer: THOMAS AVERSA

Date Of Hearing/Closing: 1/22/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

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 3 FLORIDA AVE.

This sign(s) were posted on January 6, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle
(Signature of sign Poster and Date)

Martin Ogle

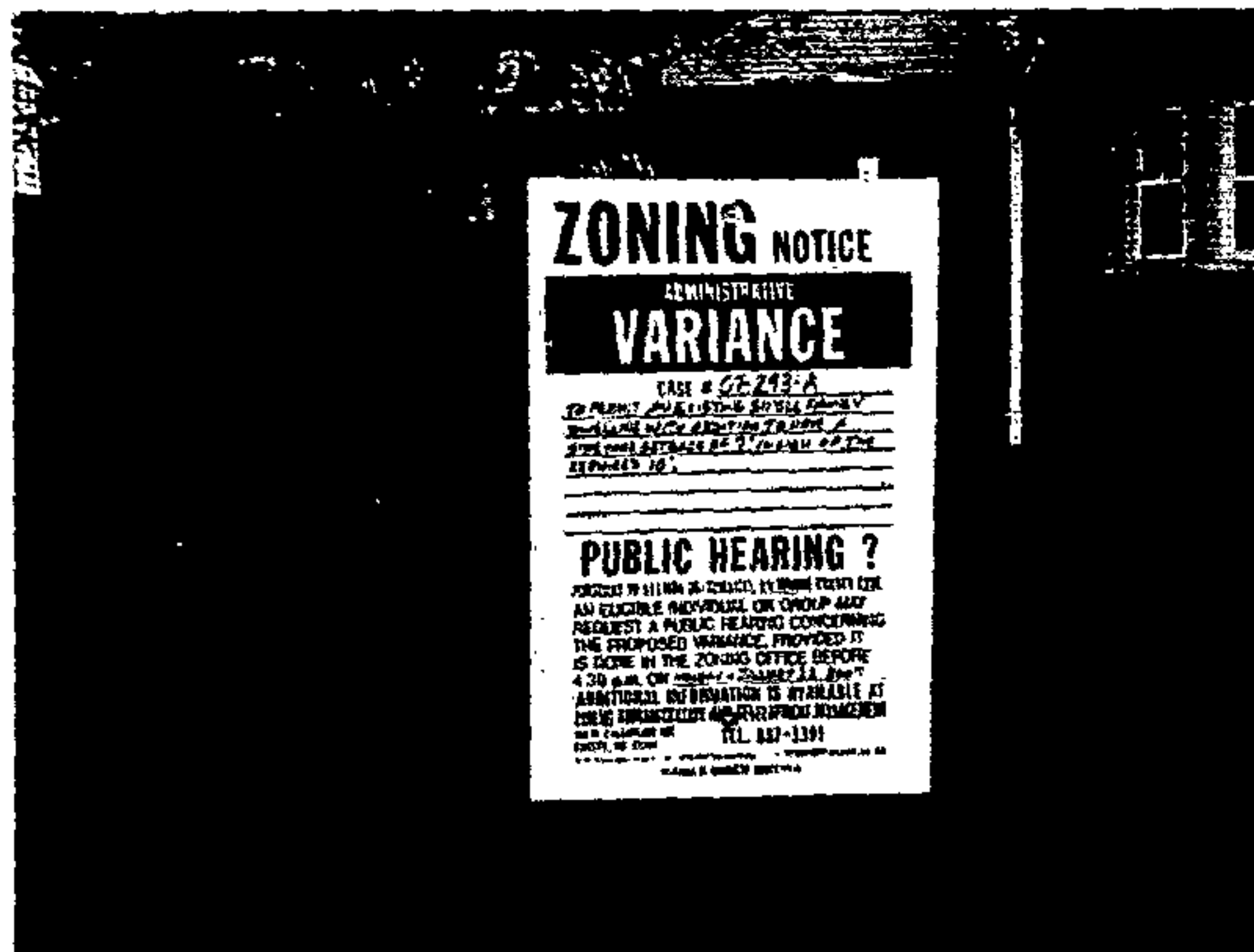
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Walter J. Janney, 2007

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 293 -A Address 3 FLORIDA AVE

Contact Person: LLOYD MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/27/06 Posting Date: 1/7/07 Closing Date: 1/22/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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.
2. **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.
3. **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.
4. **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- 293 -A Address 3 FLORIDA AVE
Petitioner's Name THOS. AVERSA ET UX Telephone 410 255 1320
Posting Date: 1/7/07 Closing Date: 1/22/07
Wording for Sign: To Permit AN EXISTING SINGLE FAMILY
DWELLING WITH ADDITION TO HAVE A SIDEYARD
SETBACK OF 7' IN LIEU OF THE REQUIRED 10'

**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: 07-293-A

Petitioner: THOMAS J. AVERSA, JR. & LYNN AVERSA

Address or Location: 3 FLORIDA RD, TOWSON MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS J. AVERSA, JR.

Address: 3 FLORIDA RD
TOWSON MD 21204

Telephone Number: 410-255-1320



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

January 22, 2007

Thomas J. Aversa, Jr.
Rita Lynn Aversa
3 Florida Road
Towson, MD 21204

Dear Mr. and Mrs. Aversa:

RE: Case Number: 07-293-A Comments, 3 Florida Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 27, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 8, 2006
Item Nos. 07-281, 284, 285, 286, 287, 288,
289, 291, 292, and 293

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-01032007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 12, 2007

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

SUBJECT: 3 Florida Avenue

INFORMATION:

Item Number: 7-293

Petitioner: Thomas J. Aversa, Jr.

Zoning: DR 5.5

Requested Action: Administrative Variance

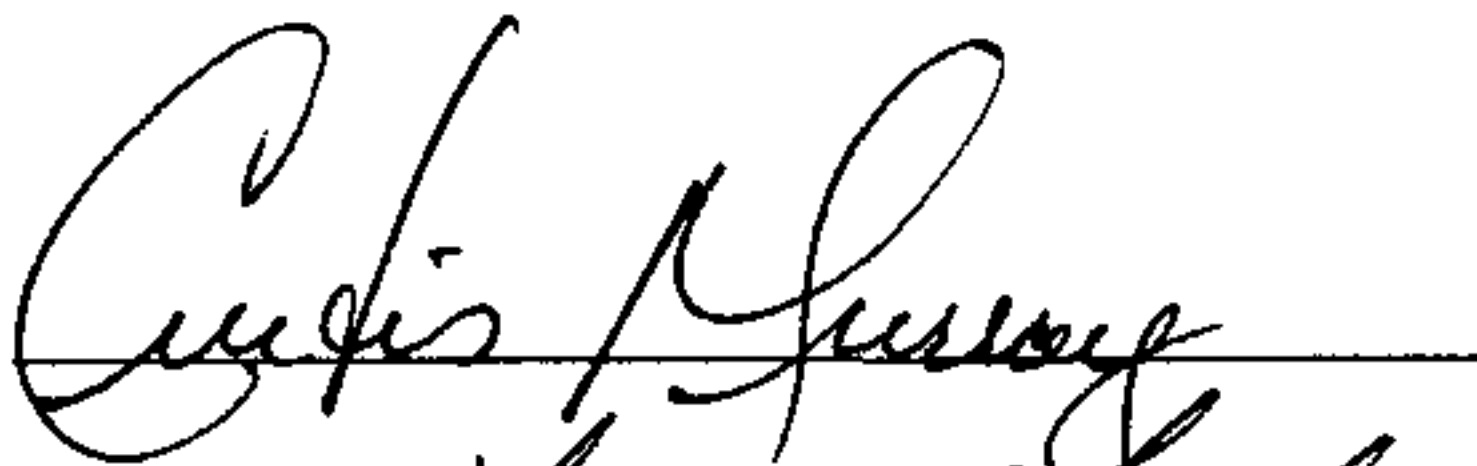
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an existing single family dwelling to have a side yard building to property line setback of 7 feet in lieu of the required 10 feet provided that the following conditions are met.

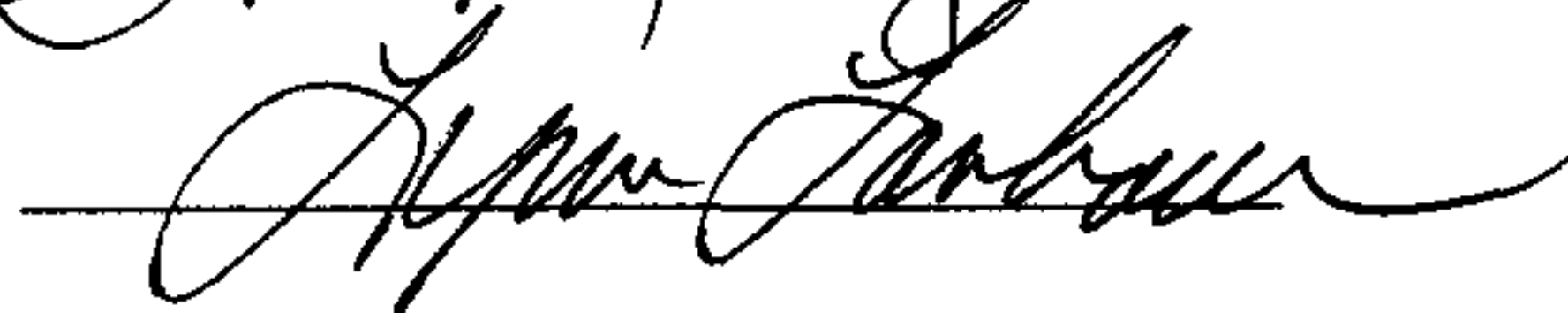
1. Architectural elevation drawings must be submitted to and approved by the Office of Planning prior to the application of any building permits.
2. The front façade of the proposed addition must contain windows or other architectural features. Blank facades should be avoided.
3. Materials used during construction should compliment that of the existing dwelling.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM





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

State Highway
Administration

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

Maryland Department of Transportation

Date: Jan. 8, 2007

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

RE: Baltimore County
Item No. 7-293-A
3 FLORIDA AVENUE
AVERGA PROPERTY
ADMINISTRATIVE VARIANCE

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: 7-293A.

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



PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3 Florida Road Toward

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

SUBDIVISION NAME SOUTHARD HILLS

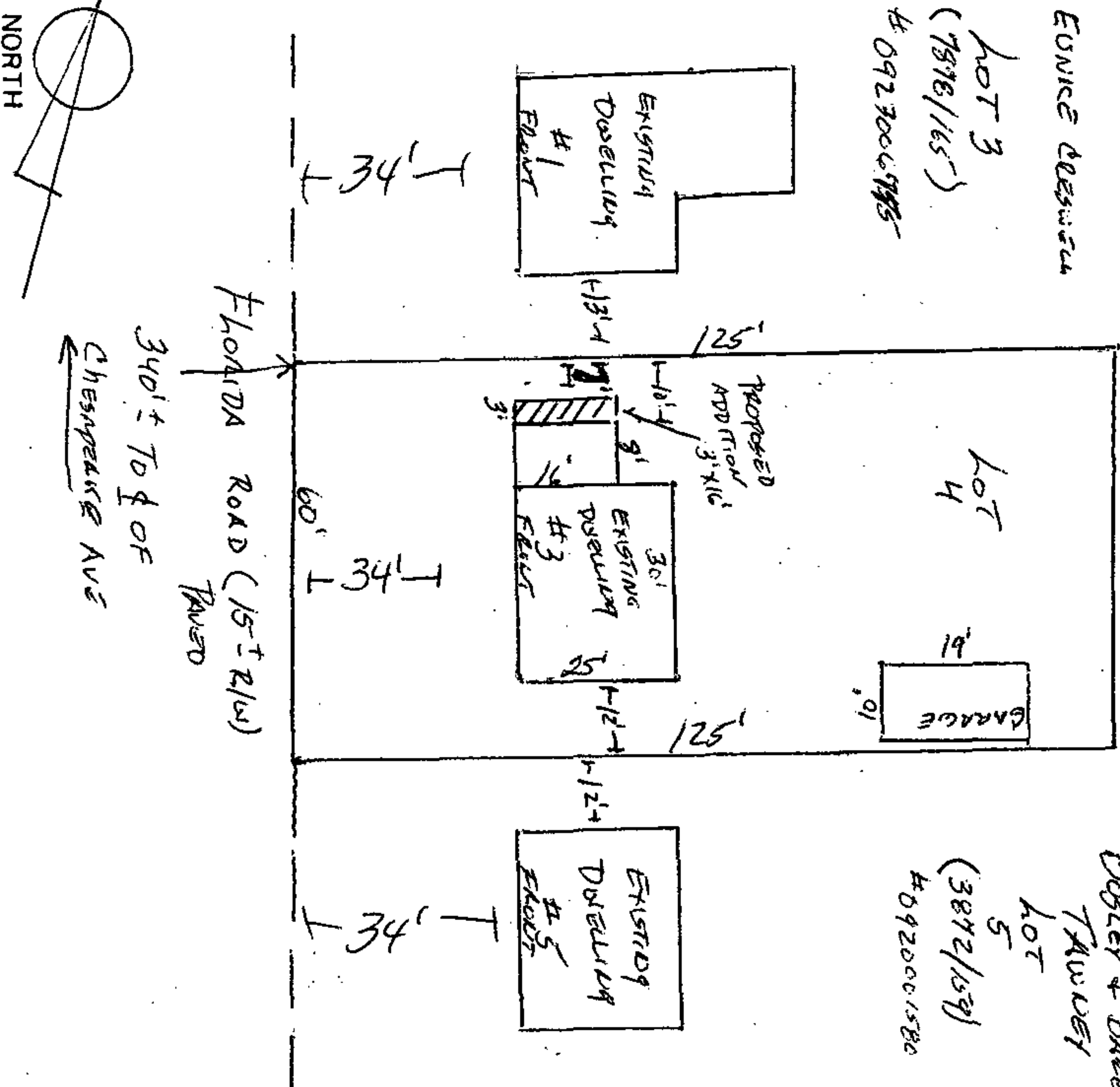
PLAT BOOK # 8 FOLIO # 56 LOT # 4 SECTION #

OWNER Thomas + Rita Lynn Avenue (15283/155)

EXISTING DEEDS

Lot 3
(7896/165)
0923006995

Boyle + Breaugh
Thruway
Lot 5
(3872/159)
0920001580

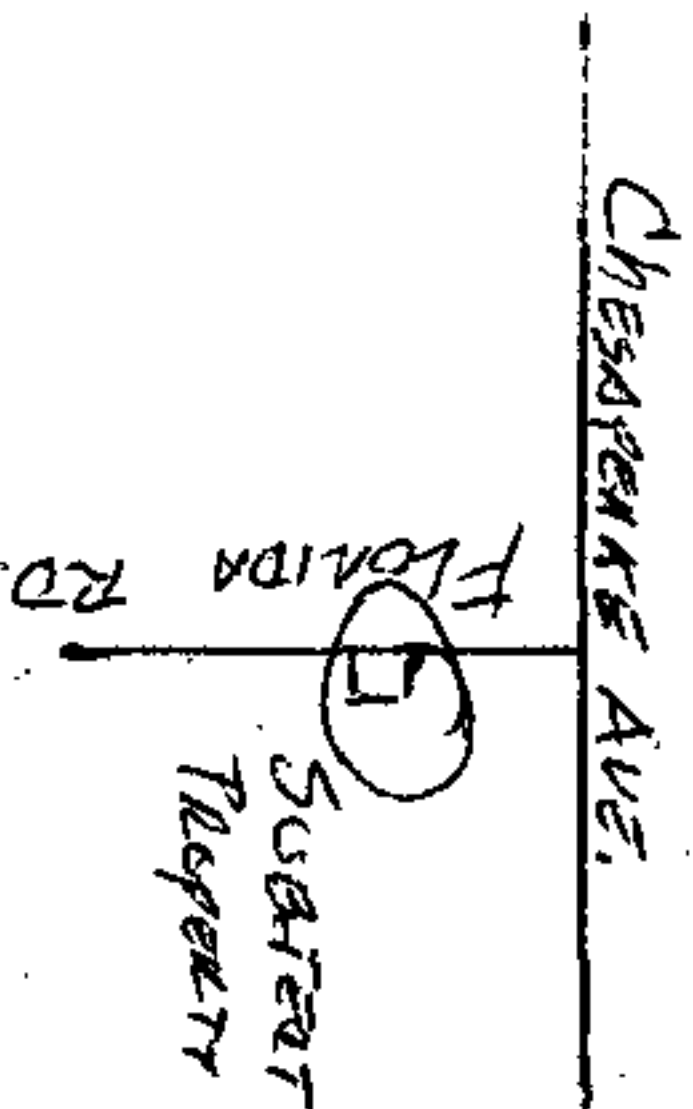


PREPARED BY Thomas I. Avenue Jr.

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 07002

ZONING DE 5.5

LOT SIZE

ACREAGE 1.500 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA

YES ☐ NO ☒

100 YEAR FLOOD PLAIN

YES ☐ NO ☒

HISTORIC PROPERTY/BUILDING

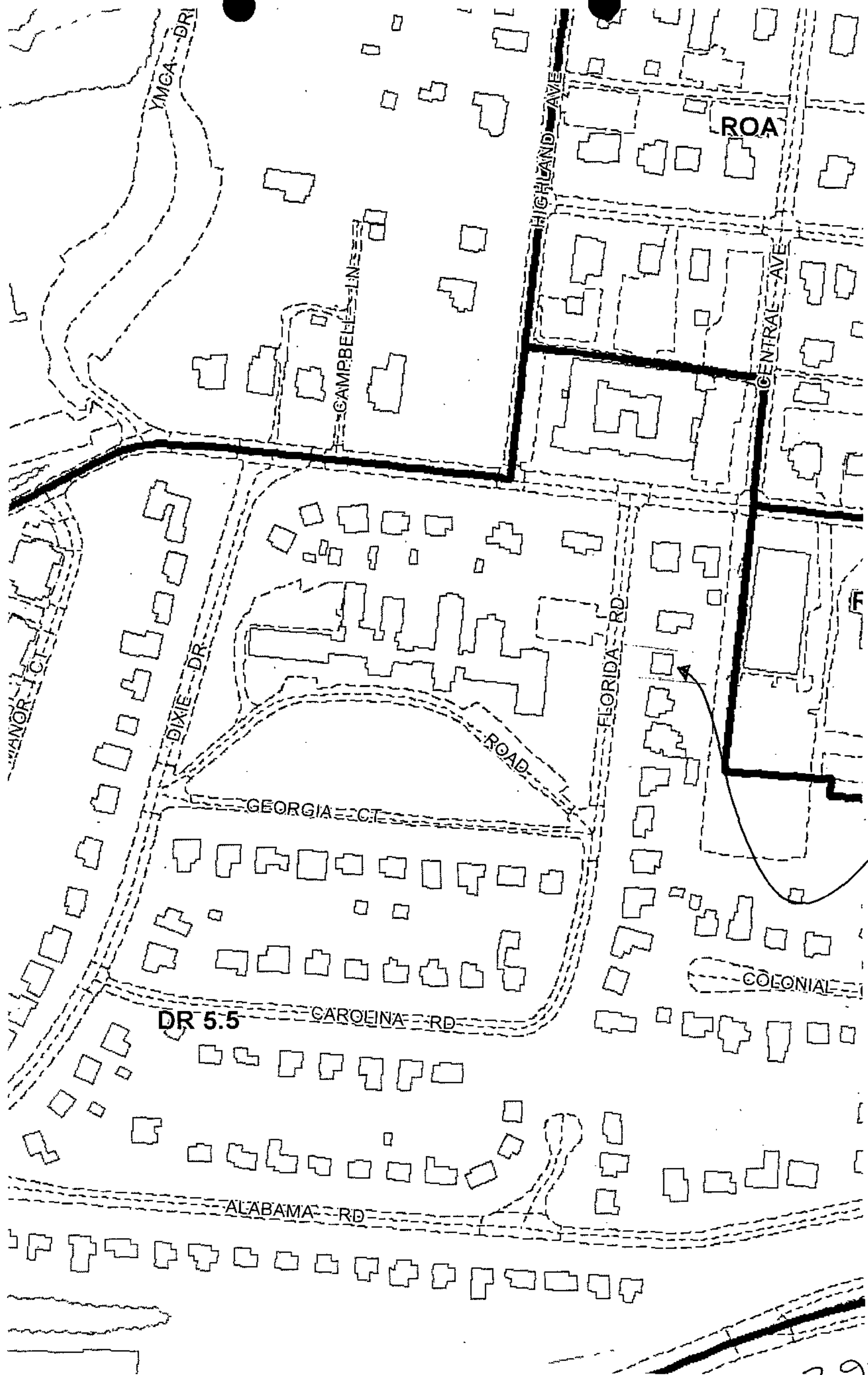
YES ☐ NO ☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

CTM 293

ZONING
MAP
070A2



Photos to be
enclosed

PHOTOGRAPHS



Front View



Rear View

3 FLORIDA RD (LOT 4)
SUBJECT PROPERTY



5 Florida Rd (6075)



1 Florida 20 (Lot 7)

Plan to be enclosed

3 Florida 20 (Lot 4)
(Surrender property)



/Florida DD (Lot 7)