

IN RE: PETITION FOR ADMIN. VARIANCE

N side Oakway Road, 112.5 feet

E of c/l Sweetbrier Road

8th Election District

3rd Councilmanic District

(28 Oakway Road)

Terry L. and Mary Alice Cooper

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-301-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, Terry L. and Mary Alice Cooper. The variance request is for property located at 28 Oakway Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side setback in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to build an 8 foot x 17 foot addition onto the side of the house. Expansion on the back of the house would be difficult and costly because of the location of an existing exterior sump pit, back porch, cellar entrance and patio.

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 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

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1099
Pg

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 13, 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.

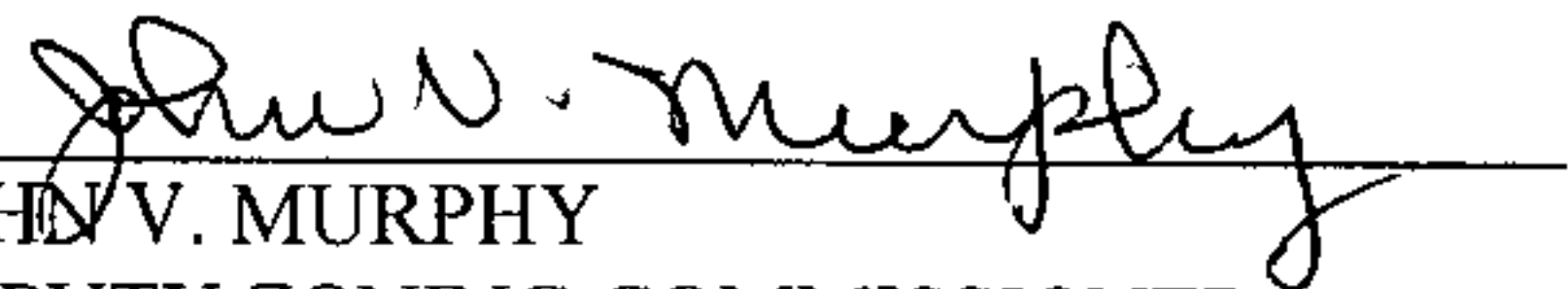
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of February, 2007 that a variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side setback in lieu of the required 10 feet is hereby GRANTED, subject to the following:

FILED FOR PLAT
2-6-07
[Signature]

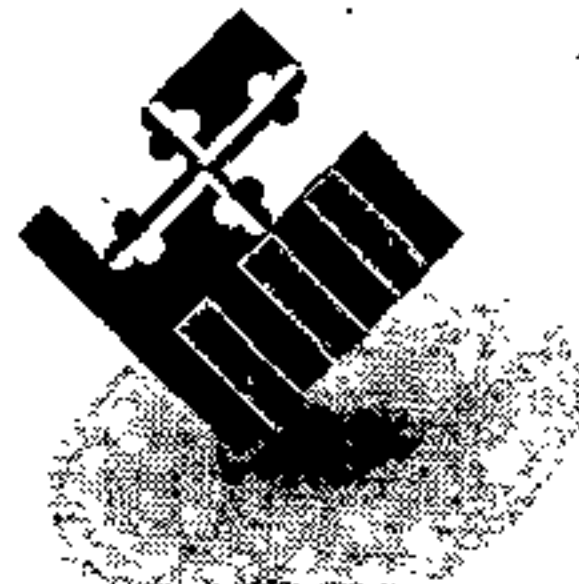
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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

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2-6-07
pz



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 5, 2007

TERRY L. AND MARY ALICE COOPER
28 OAKWAY ROAD
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 07-301-A
Property: 28 Oakway Road

Dear Mr. and Mrs. Cooper:

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

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2-6-07
B



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 28 Oakway Rd.
which is presently zoned DR 5.5

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) 1B02.3A.5 + 1B02.3B. (BCZR)

TO PERMIT AN ADDITION WITH A 3-FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 10-FEET.

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):

X TERRY L. COOPER
Name - Type or Print

X Terry L. Cooper
Signature

X Mary Alice Cooper
Name - Type or Print

X Mary Alice Cooper
Signature

X 28 Oakway Road 443.849.3755 (W)
Address Telephone No.

X Gimonium, Maryland 21093
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 13 day of July, 2007, 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. 07-301-A

Reviewed By D.T. Date 1/3/07

REV 10/25/01

Estimated Posting Date 1/14/07

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

Address 28 Oakway Rd
City TIMONIUUM, State MD Zip Code 21093

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 eventually expand our kitchen located at the northwest corner of the first floor of our house. The current kitchen is 8 feet wide by 12 feet long. Expansion towards the back of our house would be difficult because of the location of an existing exterior sump pit, back porch, cellar entrance, and patio. This would also result in a kitchen that is still only 8 feet wide but longer. Our current setback is 11 1/2 feet from the side of the house to the property line. Current zoning requires a 10 foot setback. We are asking for a 3 foot setback which would allow for an 8 foot wide expansion.

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 Terry L. Cooper
Name - Type or Print TERRY L. COOPER

Signature Mary Alice Cooper
Name - Type or Print Mary Alice Cooper

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of December, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

TERRY L. COOPER Mary Alice Cooper
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

1/10/2010

Zoning Description for 28 Oakway Road

Beginning at a point on the north side of Oakway Road which is Forty (40) Feet wide at the distance of One Hundred Twelve and one half (112.5) Feet East of the centerline of the nearest improved intersecting street – Sweetbrier Road which is Twenty Five (25) wide. Being Lot numbers 38,39,40, Section D in the subdivision of Yorkshire as recorded in Baltimore County Plat Book - WPC#7, Folio #21, containing Eleven Thousand Two Hundred Fifty (11,250) Square Feet. Also known as Twenty Eight (28) Oakway Road and located in the Eighth (8th) Election District, Third (3rd) Councilmanic District

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23080

DATE 1/23/07

ACCOUNT

0010066150

AMOUNT \$

65.00

RECEIVED FROM: TERRY COOPER

FOR: ITEM #301 07-301-A

28 OAKWAY RD. D.T.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

1/23/2007 1:05/2007 09:11:04

REB 4503 WALKIN UPFR ASP

CHIEF OF BUDGET 1/23/2007

Dept. 33 570 BUDGET VERIFICATION

CH 100.000000

Receipt Tot.

65.00

65.00 CH

04

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-301-A

Petitioner/Developer: COOPER

Date Of Hearing/Closing: 1/29/07

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 28 OAKLEY RD

This sign(s) were posted on January 13, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 1/13/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

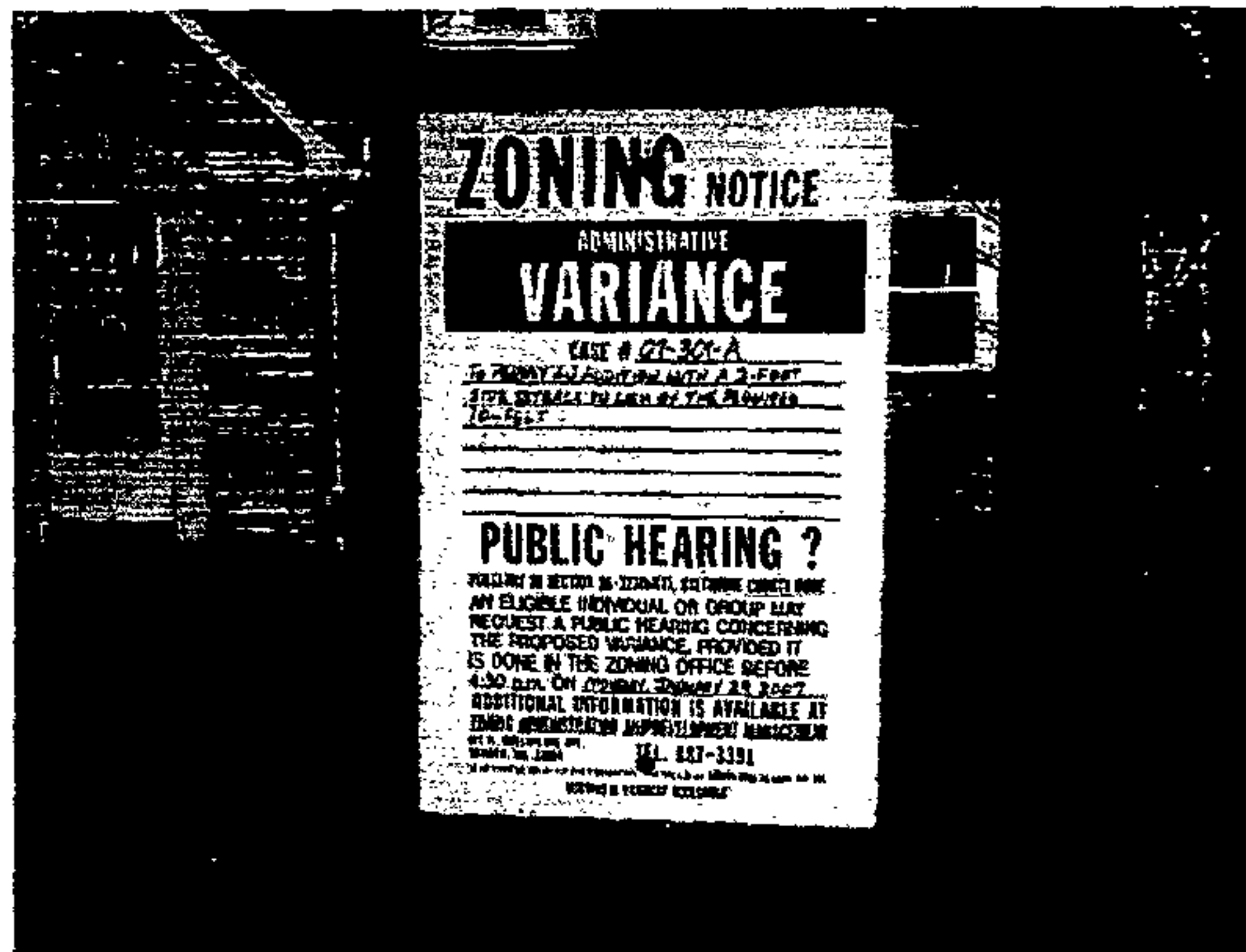
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000971 (576x432x24b jpeg)



Yester J 1/13/07

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 301 -A

Address 28 OAKWAY RD. 21093

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/3/07

Posting Date: 1/14/07

Closing Date: 1/29/07

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

- 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- 301 -A

Address 28 OAKWAY RD. 21093

Petitioner's Name COOPER

Telephone 410-252-1628

Posting Date: 1/14/07

Closing Date: 1/29/07

Wording for Sign: To Permit AN ADDITION WITH A ⁽³⁾ -FOOT SIDE SETBACK

IN LIEU OF THE REQUIRED 10-FEET.

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: 07-301-A
Petitioner: COOPER
Address or Location: 28 OAKWAY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS TERRY COOPER
Address: 28 OAKWAY RD.
TIMONIUM, MD 21093

Telephone Number: 410-252-1628



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 29, 2007

Terry L. Cooper
Mary Alice Cooper
28 Oakway Road
Timonium, MD 21093

Dear Mr. and Mrs. Cooper:

RE: Case Number: 07-301-A, 28 Oakway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 3, 2007.

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 dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

January 12, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 15, 2007

Item Number: 296 through 299 and 301 through 306

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: January 11, 2007

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2007
Item Nos. 07-294, 297, 298, 300, 301,
302, 303, and 306

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-01112007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 16, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-301- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Cecilia Murray

Division Chief:

Tom Sanborn

CM/LL

RECEIVED

JAN 21 2007

PLANNING DEPT



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JANUARY 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. 7-301-A
28 OAKWAY ROAD
COOPER 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. 7-301-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



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 28 Oakway Rd

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

SUBDIVISION NAME Yorkshire

PLAT BOOK # WIC 7FOLIO # 21 LOT # 38 SECTION # D

OWNER TERREY & MARY ALICE G. COOPER

LEE William F, JR
BROWN SUSAN

LOT 76 LOT 75

TAX ID #
0818000302

VACH MICHAEL P
VACH JO ANITA

TAX ID #
08130009070

CURTIS & SUSAN
MEINERT

TAX ID #
0817000200

Proposed
8'x17'
ADDITION

EVERETT & PAH
HALL

TAX ID #
1600005257

EXISTING
DWELLING
#26
FRONT

EXISTING
DWELLING
#28
FRONT

EXISTING
DWELLING
#30
FRONT

LOTS 34,35,36,37

LOTS 38,39,40

LOTS 41,42,43



NORTH

OAKWAY ROAD (40' R/W 22' PAVING)

112.5' ± to E of SWEET BRIER RD

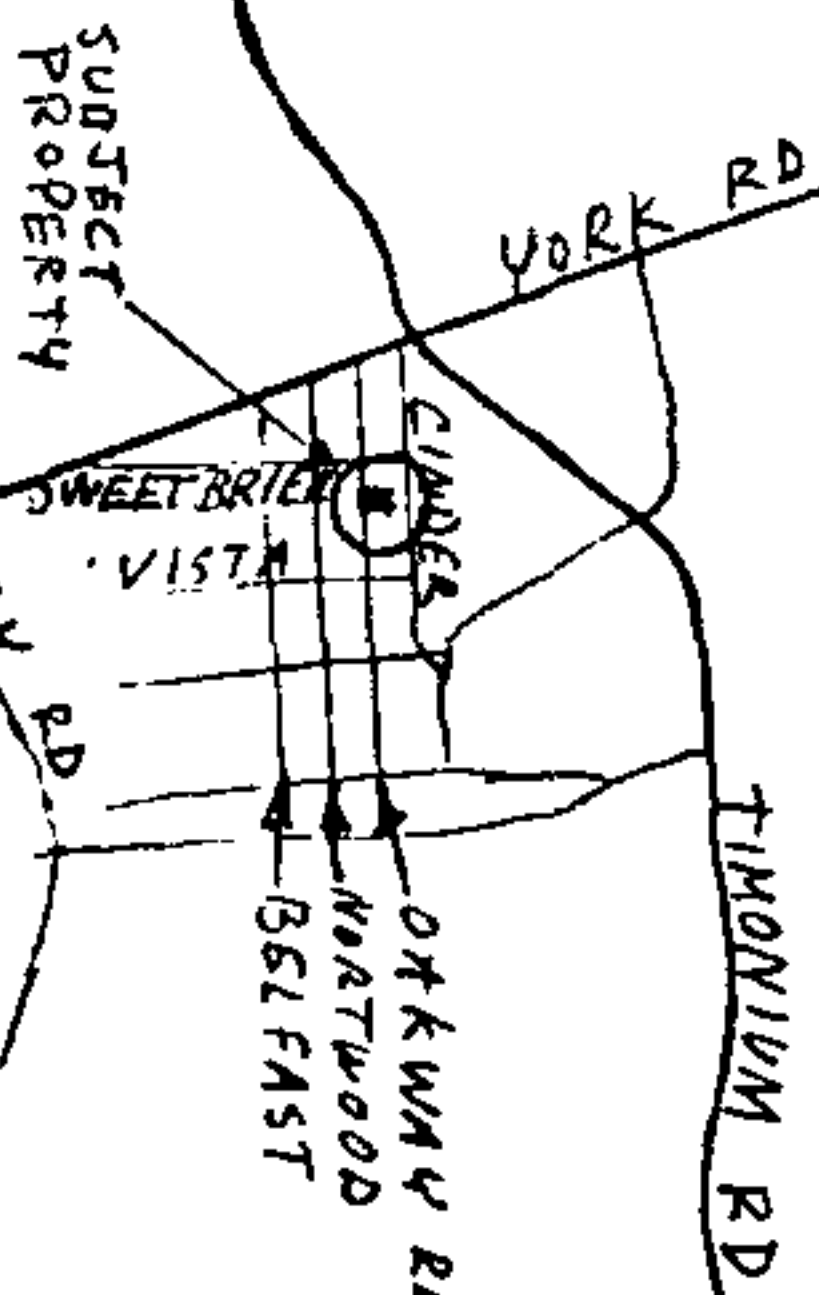
SWEET BRIER ROAD 25' R/W 22' PAVED

PREPARED BY TLC

SCALE OF DRAWING: 1" = 40'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 06061

ZONING DR 5.5

LOT SIZE 0.25 ACRES 11,250.00 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

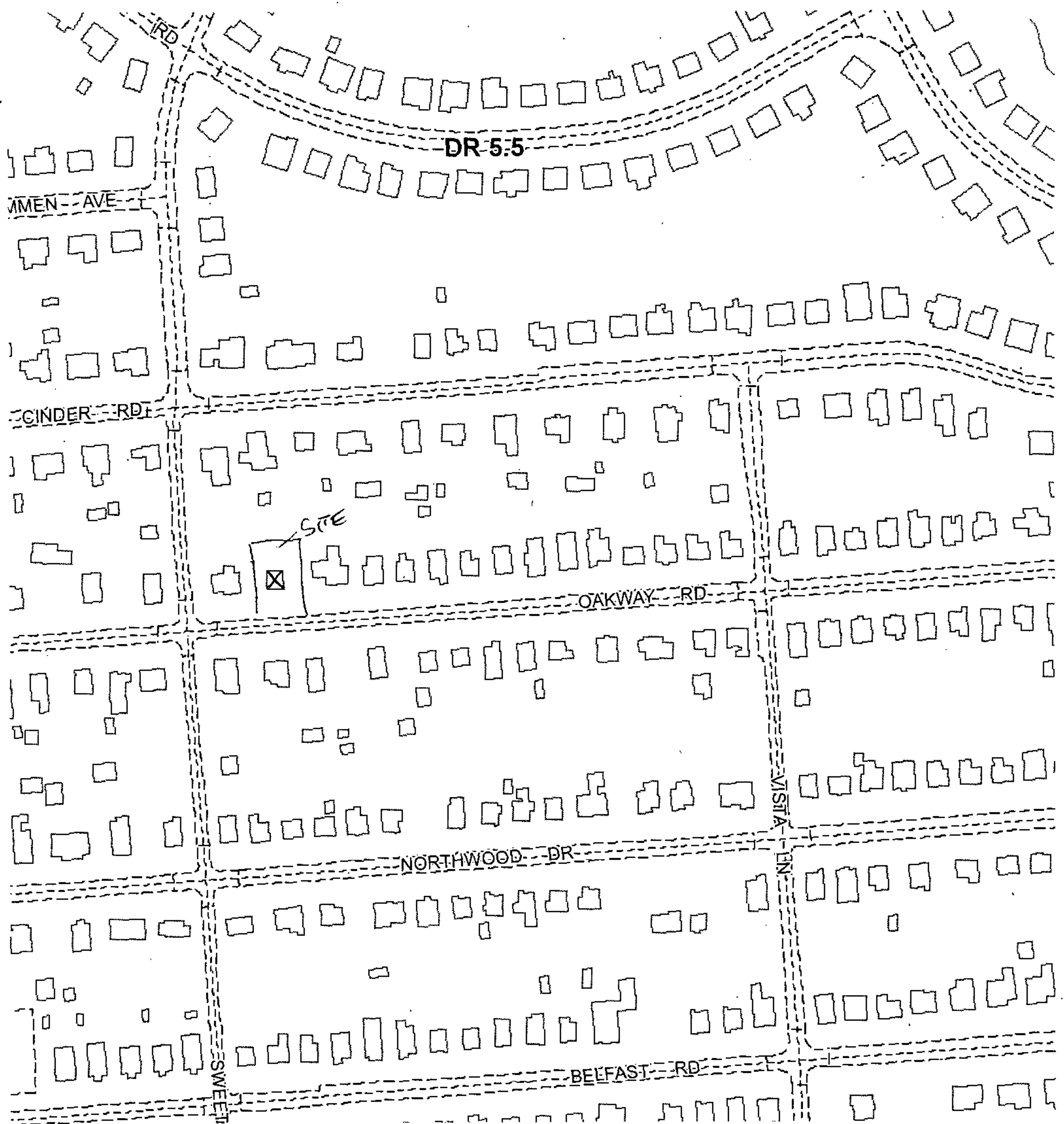
100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 301 07-301-A



07-301-A 060C1

Baltimore County - My Neighborhood



07-301-A







