IN RE: PETITION FOR ADMIN. VARIANCE S side corner of Oella Avenue and Mary Jo Way 10<sup>th</sup> Election District 1<sup>st</sup> Councilmanic District

Ronald T. Carter *Petitioner* 

(539 Oella Avenue)

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* BALTIMORE COUNTY
- \* CASE NO. 07-315-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 owner of the subject property, Ronald T. Carter. The variance request is for property located at 539 Oella Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 18 feet 8 inches, a side yard combination of 28 feet 8 inches, and a rear yard setback of 15.5 feet in lieu of the required 25 feet, 40 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner recently married and needs the addition to provide more livable space for his 3 new family members. The lot is a hilly site that slopes up from front to back. The driveway leads up to the front of the house. Petitioner and his architect determined that the best location to expand the house would be to the east of the house. This is the only location on the property that is relatively flat, provides the largest setback distances from the property lines, and would have the least impact on the adjacent properties. There are no houses situated within 200 feet on the east side of the property. Currently the house has only one bathroom and a small kitchen, and access to the house is via a steep set of stairs. The Petitioner's mother in law will need an at-grade access to the house so that she can come and go easily instead of taking the steep stairs. The residential addition footprint is 1,050 square feet.

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#### 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 residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 27, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 \_\_\_\_\_\_ day of February, 2007, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 18 feet 8 inches, a side yard combination of 28 feet 8 inches, and a rear yard setback of 15.5 feet in lieu of the required 25 feet, 40 feet and 40 feet, respectively be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

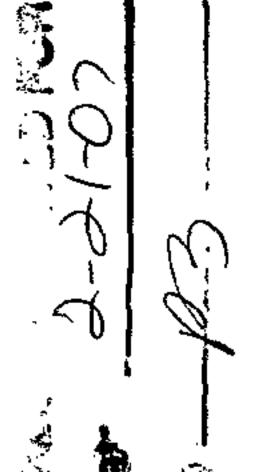
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 21, 2007

RONALD T. CARTER 539 OELLA AVENUE ELLICOTT CITY MD 21043

> Re: Petition for Administrative Variance Case No. 07-315-A Property: 539 Oella Avenue

Dear Mr. Carter:

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: Henry Berger, 7311 York Road, Baltimore MD 21204



### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 539 Oella Ave.

which is presently zoned DR-2; DR-3.5

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)

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of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/	Lessee:			Legal Owner(s):
				RONALD T. CARTER
Name - Type or Print	<u> </u>		Name - 1	Type or Print
Signature			-	Signature Signature
Address	T	elephone No.	-	Name - Type or Print
City	State	Zip Code	-	Signature
Attorney For Petition	ner:			539 OELLA AV 301-651-7267
		-		Address Telephone No.
Name - Type or Print	<del></del>	<del></del>	City	Ellicott City IND 21043 State Zip Code
Cianatina			-	Representative to be Contacted:
Signature			•	HENRY BERGER
Company	<del></del>	<u> </u>	-	Name
Address		lephone No.	-	7311 YORK ROAD (410)821-5230
Addiess	, ,	repriorie No.		Address Telephone No. 21204
City	State	Zip Code	-	City State Zip Code
A Public Hearing having bee	en formally demanded an	d/or found to	be requ	ired, it is ordered by the Zoning Commissioner of Baltimore County, this
of Baltimore County and that the	, that the subject property be reposted.	t matter of this	petition t	be set for a public hearing, advertised, as required by the zoning regulations
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# Affidavit in Support of Administrative Variance

Address

City

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.

539 Oella Avenue

Ellicott City

MD

State

21043

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):
I have recently married. My new family now includes three additional members which require more space than my existing house contains.
(PLEASE SEE ATTACHED FULL DESCRIPTION)
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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 Signature Signature
Name - Type or Print  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 6 h day of 7 h day of 200, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal
Date Notary Public Apyr 1 2009
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C-636-744-792

# Affidavit in Support of Administrative Variance

Address

City

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

Variance at the above address (indicate hardship or practical difficulty):

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.

539 Oella Avenue

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# Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 539 Oella Ave.

which is presently zoned DR-2: UR-3.5

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)

See attached

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.

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City	State	Zip Code	•	Signature	<u>.</u>	
Attorney For Petition	e <i>r:</i>			539 OELLA AV	<b>.</b>	301-651-726
				Ellicott City	Md.	Telephone No.
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1B02.3.C.1 to permit a proposed addition with a side yard setback of 18 ft. 8 in., a side yard combination of 28 ft. 8 in., and a rear yard setback of 15.5 ft. in lieu of the required 25 ft., 40 ft. and 40 ft., respectively.

#### Administrative Variance Request

I have recently married. My new family now includes three additional members which require more space than my existing house contains.

My property is a small lot where the boundary lines were drawn well before the concept of zoning and setbacks were introduced, the entire Oella village was originally an old industrial mill town that did not typically follow standard property conventions unlike we do today. Being that the area was industrial in nature the majority of housing in the area was purposed as quarters for mill workers and thus the houses were quite small and not meant for larger families.

I greatly appreciate the historical character of the Oella area and I do not wish to move to another location. It would be incredibly difficult to find anything that matches all of the surrounding features and amenities of my current location. (I am within walking distance of various Oella sites, Historic Ellicott City, Patapsco State Park, Benjamin Banneker Historical Park & Visitors Center, etc.)

My lot is comprised of a hilly site that slopes up from front to back. (See Photo #1) The driveway leads right up to the front of the house. (See Photo #2) We determined along with our architect that the best location to expand would be to the east of the house. (Left side of Photo #3) This is the only location on the property that is relatively flat, provides the largest setback distances from the property lines and would have the least impact on the adjacent property owners. (See Photos #4 & 5) There are no houses situated on that side of the property within 200 feet. I have spoken to the neighbors of the adjacent lots and have met no objections to my need for an addition.

At this time my house has only one usable bedroom. There is one other space that could potentially fit a single bed but it is only accessible by walking through the master bedroom. The house has only one bathroom and a small kitchen. It would be extremely difficult to accommodate additional family members. My new wife's daughter and mother will soon be coming to live with us permanently. We also have plans to have a child of our own in the near future. The main entry to the house is from the door at the front porch. There is also a rear door to house that leads to the nearby street via a steep set of stairs. As my mother-in law advances in age we would like to provide a place for her that accommodates at-grade access to the house so the she may come and go easily instead of the stairs she currently must climb.

We would appreciate your consideration in Support of an Administrative Variance.

Thank you,

Ron Carter

#### Zoning Description for 539 Oella Avenue.

The above mentioned property is situated beginning at a point 113.5 feet to the South side of the intersection of the centerlines of Oella Avenue which is a 20' wide right-of-way and 9 feet East of the nearest improved street Mary Jo Way which is also a 20' wide right-of-way. The property contains 11,000 square feet. It is also known as 539 Oella Avenue and is located in the 1st Election District and 1st Councilmanic District.

As recorded in the Deed Liber 12207, Folio 591.

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S. 38° W. 114.68'

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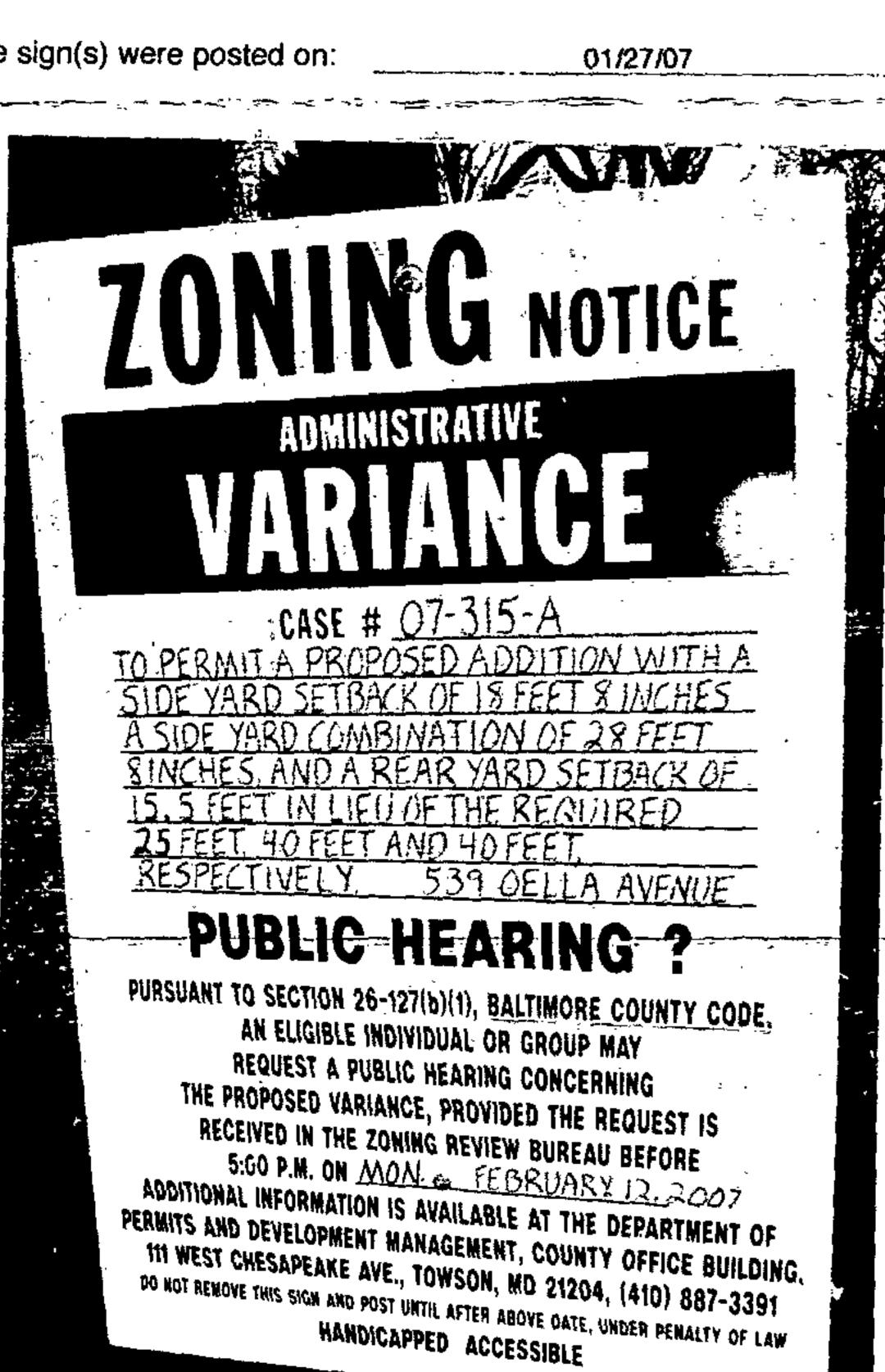
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# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MA	THHEWS	DATE:	1/29/07
Case Number: 07-315-A	—	·	
Petitioner/Developer: RONALD CAR	RTER		
Date of Hearing (Closing): 02/12/07			
This is to certify under the penalties of perju- conspicuously on the property located at:	ry that the necessary sign(s) required by law we 539 OELLA AVENEUE	re posted	
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The sign(s) were posted on:	01/27/07		~~····································



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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per conversation 1/23/27 u/ Linda O'Keets vijn pating has not put up in a timely henner. Clasing date had to be Chayea

# 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: 07-315-A
Petitioner: RON CARTER
Address or Location: 539 OELL A AUKNUE
PLEASE FORWARD ADVERTISING BILL TO:  Name: RON CARTER
Address: 539 OELLA AVENUE
ELLICOTT CITY MD, 21043
Telephone Number: (4-10) 480 - 0251



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 20, 2007

Ronald T. Carter 539 Oella Avenue Ellicott City, MD 21043

Dear Mr. Carter:

RE: Case Number: 07-315-A, 539 Oella Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 11, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callibal)

WCR:amf

Enclosures

c: People's Counsel Henry Berger 7311 York Road Baltimore 21204

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 31, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-315

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:

Division Chief:

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** January 31, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 07-315

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.

**Division Chief:** 

LL



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

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

Maryland Department of Transportation

Date: JANHARY 23, 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. 7-315-A

CARTER 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. 7-3154.

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

SDF/MB

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 24, 2007

Department of Permits & Development

Management

OM

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For January 29, 2007

Item Nos. 07-260,304, 307, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319,

320, and 321

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-01222007.doc

#### 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 26, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

315

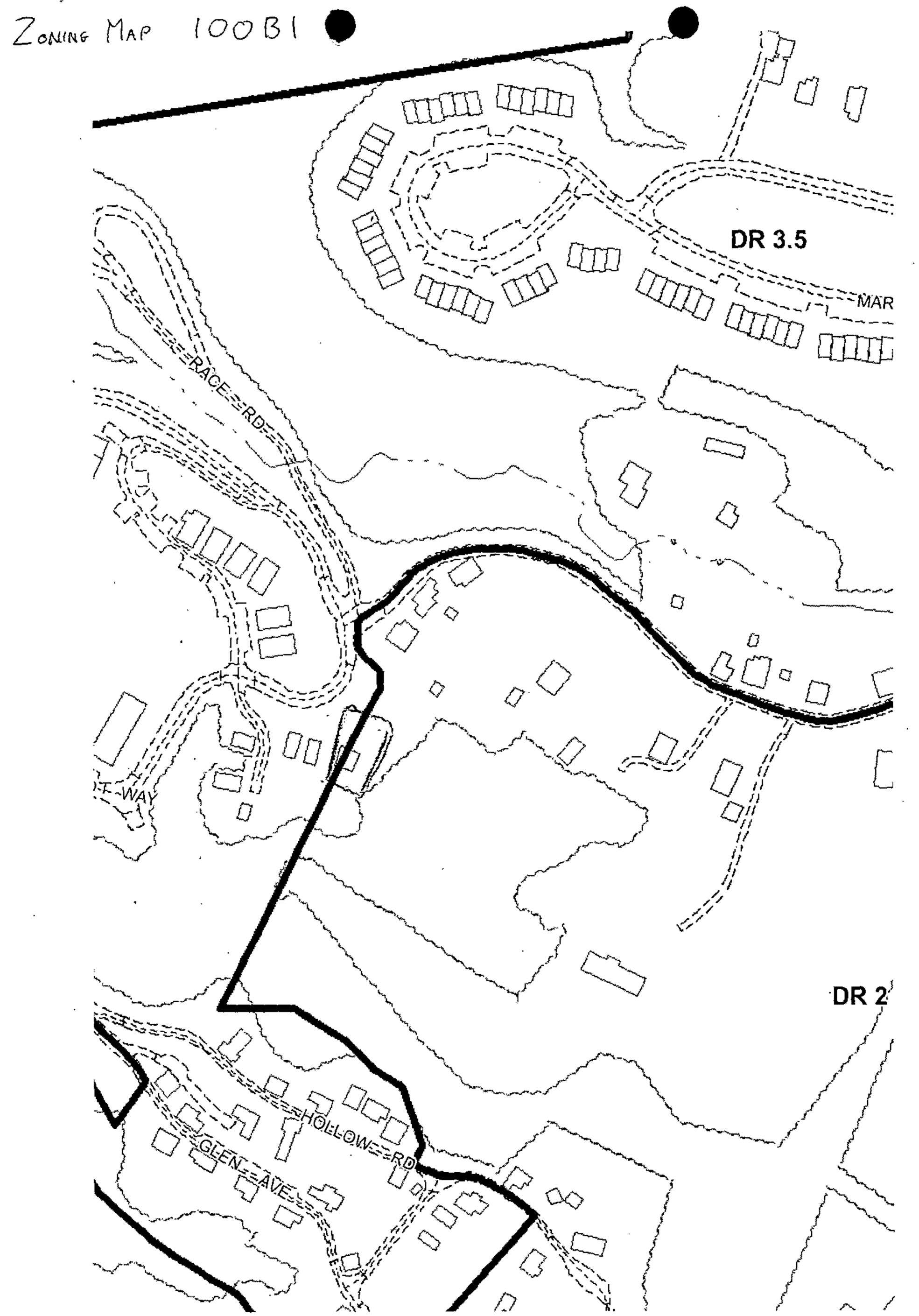
Item Number: 304 and 307 through 321

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.

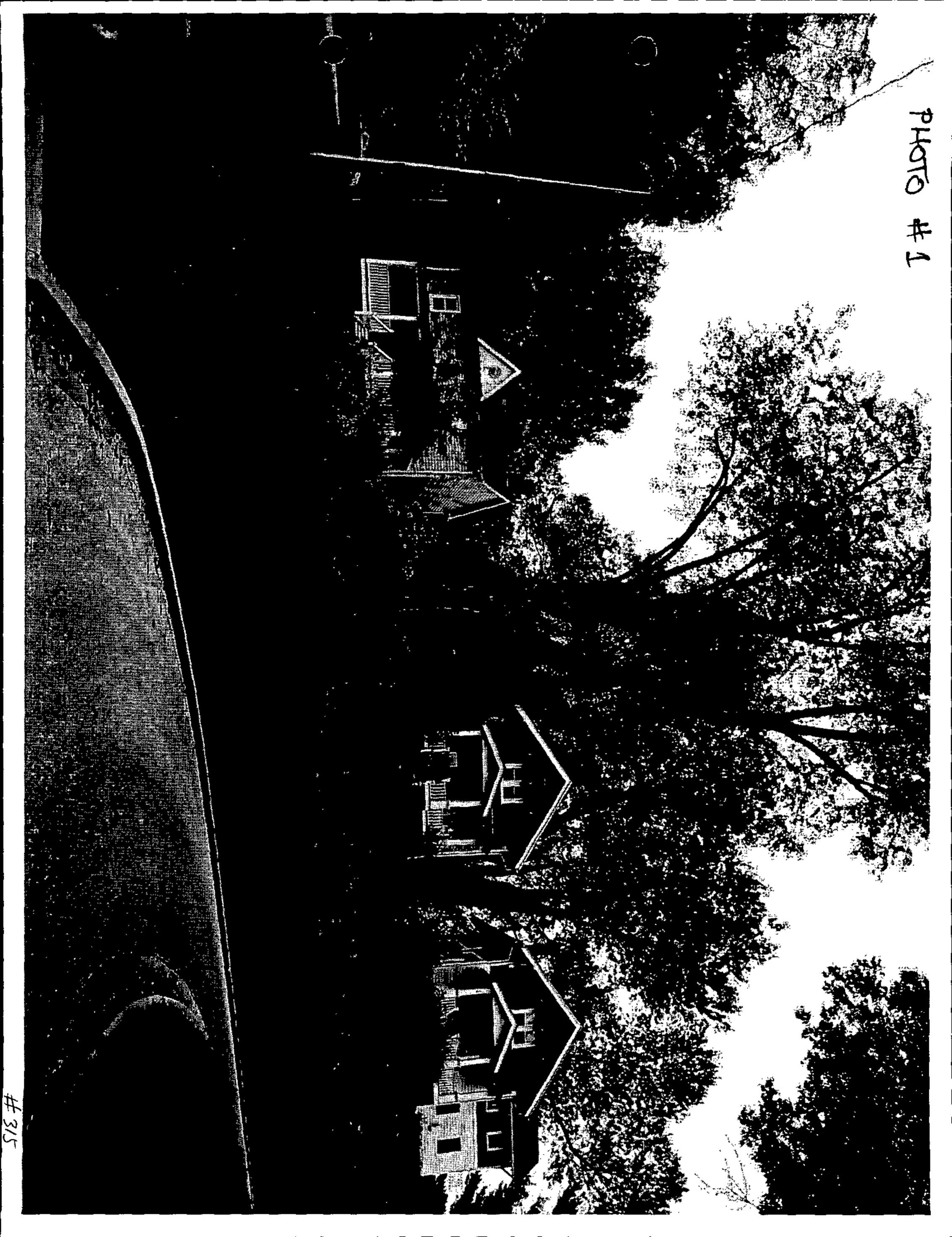
1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

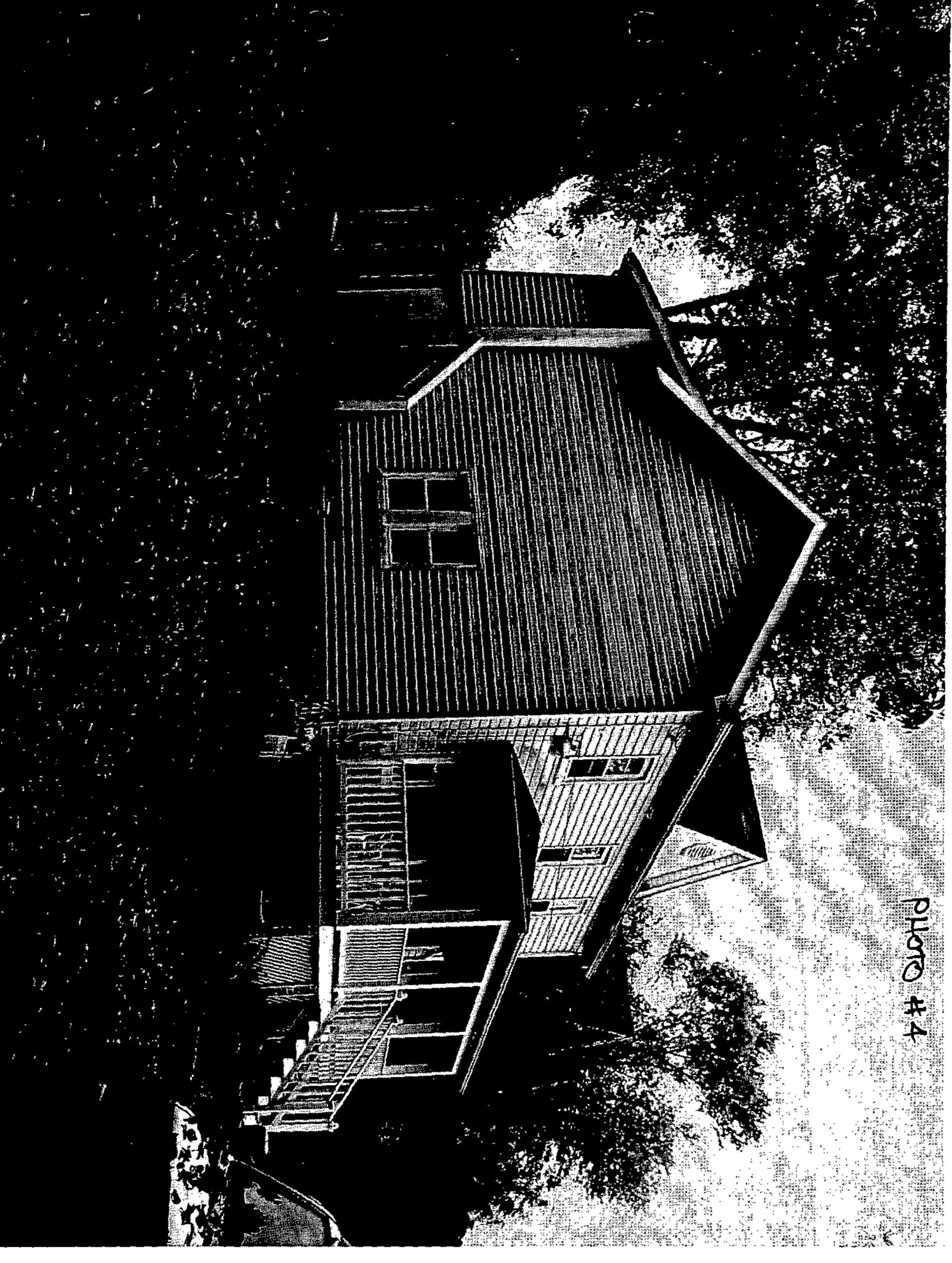
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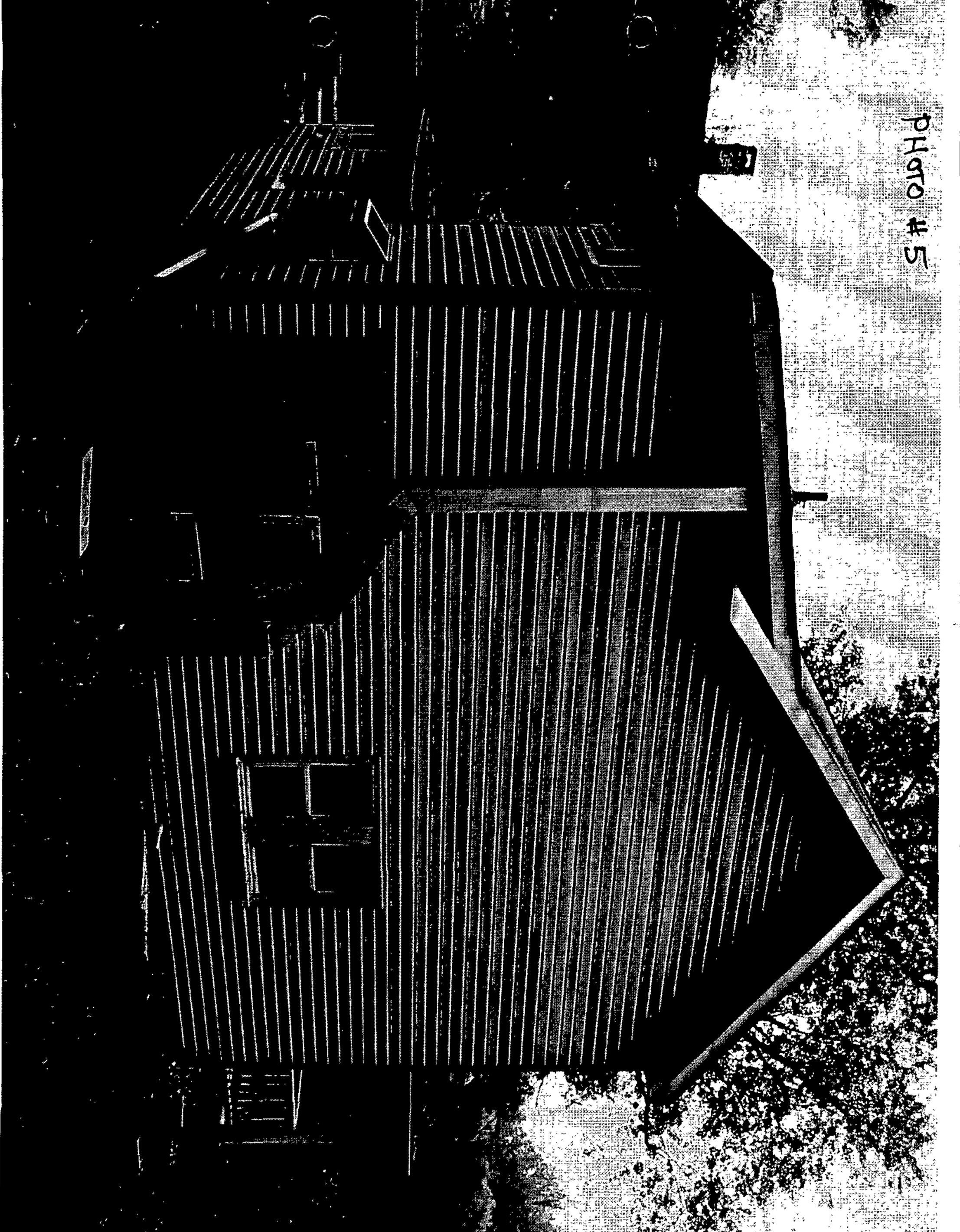






H

3/5



915 H

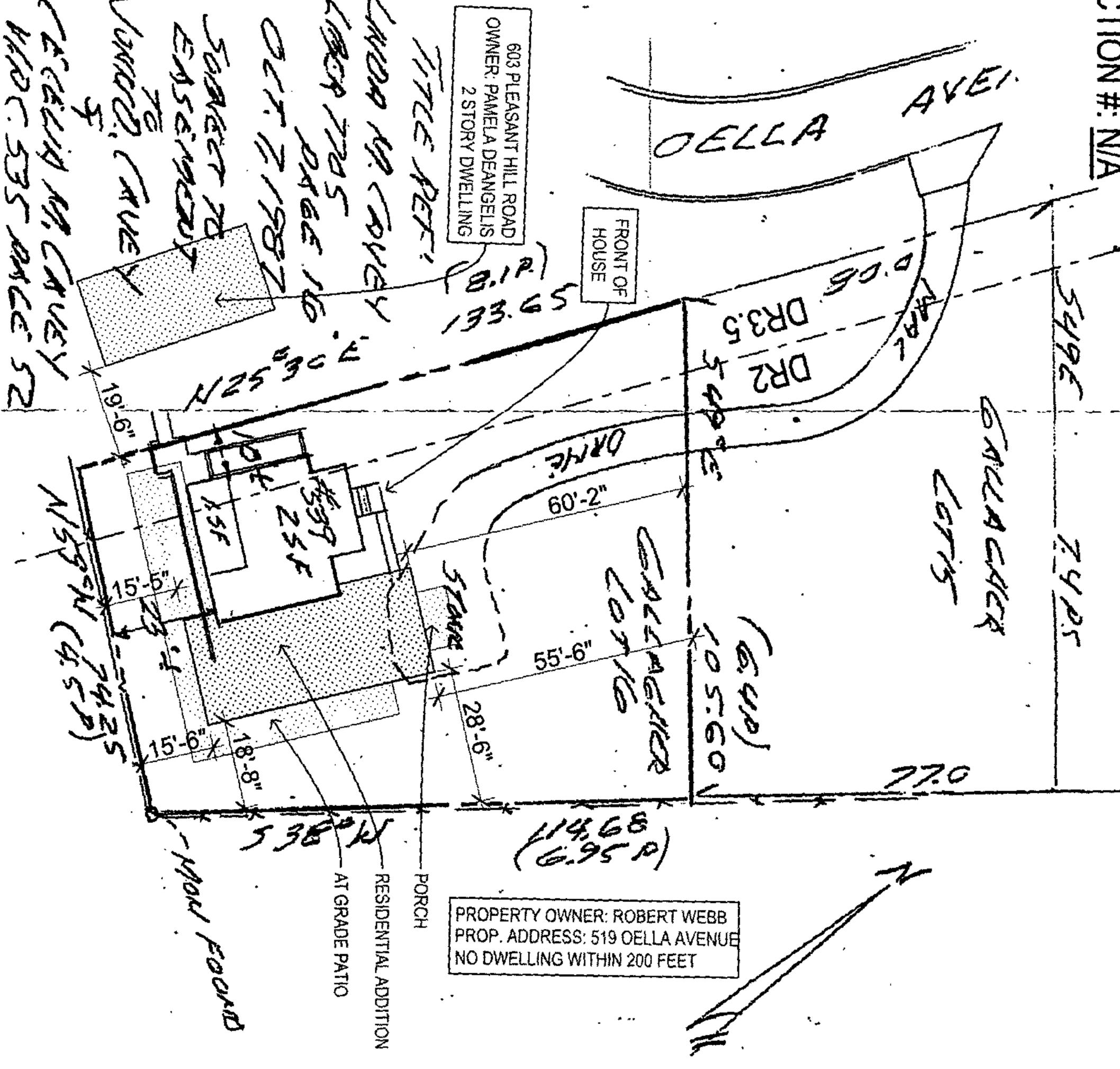
# AT TO ACCOMPAN SEE PAGES \$ \$ 菻 REQUIRED ORMATION ADMINISTRATIVE ARING

PROPERTY ADDRESS: 539 Oella Aver

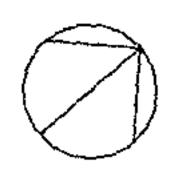
SUBDIVISION NAME: N/A

PLAT BOOK #: N/A FOLIO#: N/A LOT SE

OWNER: Mr. Ron & Maria Carter



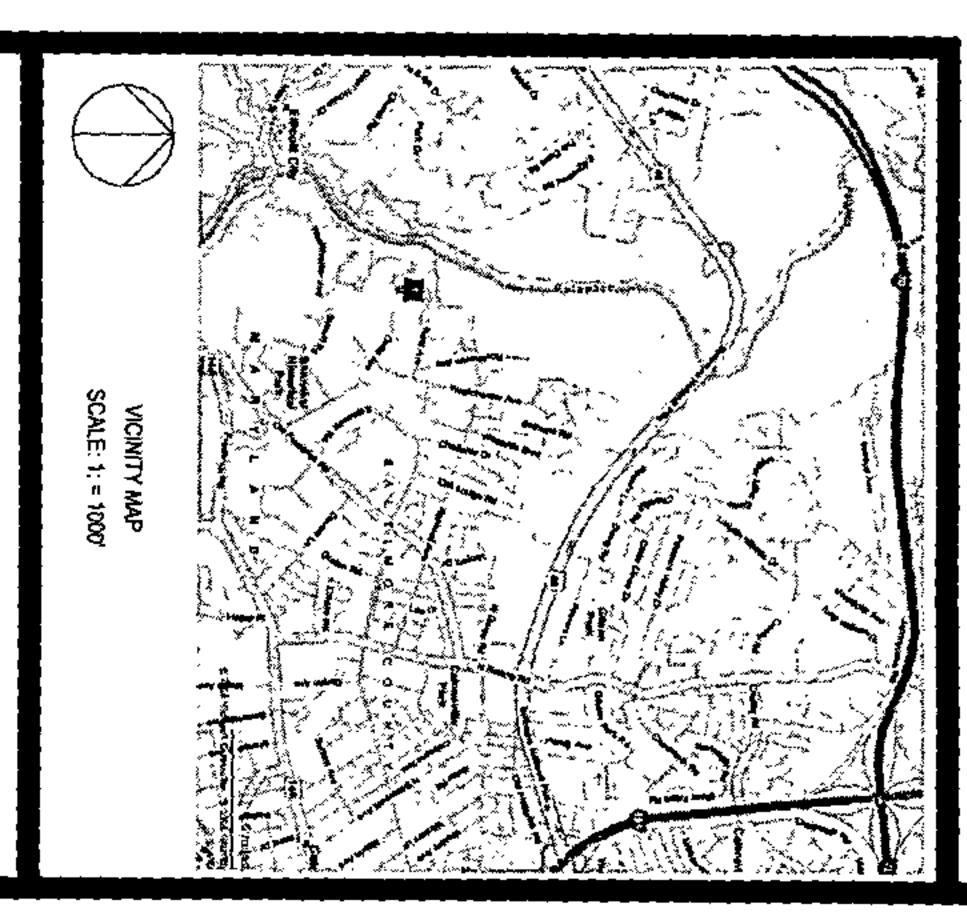
FOOTPRINT INCREASE: 110% EXISTING HOUSE FOOTPRINT: 950 ADDITION FOOTPRINT: 1050 SQ/FT SQ/FT



NORTH

PREPARED BY: Joseph P. Brandli

ALE OF DRAWING: 30



# LOCATION INFORMATION

SEWER LOT SIZE: ZONING: DR2 & DR3.5 COUNCILMANIC DISTRICT: 1st ELECTION DISTRICT: 1st 1"=200' SCALE MAP#: 100B1 ACREAGE **PUBLIC** SQUARE FEET PRIVATE

BUILDING HISTORIC PROPERTY/ 100 YEAR FLOOD PLAIN CHESAPEAKE BAY PRIOR ZONING HEARING: NONE S ⊠ĕ  $\boxtimes$  $\boxtimes$ 

WATER

 $\boxtimes$ 

REVIEWED BY ZONING ITEM# USE ONLY CASE#

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315

07-315-A