IN RE: PETITION FOR ADMIN. VARIANCE
E side Oak Forest Place, 500
feet S of c/l Idlewilde Avenue
10<sup>th</sup> Election District
1<sup>st</sup> Councilmanic District
(211 Oak Forest Place)

Matthew N. and Nicole E. Ames

Petitioners

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* BALTIMORE COUNTY
- \* CASE NO. 07-340-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, Matthew N. and Nicole E. Ames. The variance request is for property located at 211 Oak Forest Place. 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 front setback of 16.5 feet and 25 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a two story addition onto the right side of their home. The addition will contain a family room off the kitchen and an additional bedroom and bathroom on the second floor. There is no other location for the addition of a family room off the kitchen or a practical location for a second story addition of a bedroom and bathroom. They state that their property is smaller than the majority of lots in the neighborhood. The distance between the new addition and the street would be 16.5 feet instead of 25 feet.

### **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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 10, 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 \_\_\_\_\_\_ day of March, 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 front setback of 16.5 feet and 25 feet in lieu of the required 40 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



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the propert	y located at 211 Oak Forest Place
	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) 1001.34.5. \* 1001,36. (DCAR)

To permit an addition with a front setback of 16.5-feet and 25-feet in lieu of the required 40-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.

•		•	perjury, is the su	that I/we are the leading the selection in the selection	gai owner(s) of the in.	property wnich
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<b>Attorney For Petitione</b>	<u>v:</u>	•	211	Oak	Forest	
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City	State	Zip Code	City		State	Zip Code
A Public Hearing having been this day of	formally deman	ded and/or found to	o be required, it is	s ordered by the Zor	ning Commissioner of ng, advertised, as req	Baltimore County,
regulations of Baltimore County	and that the prope	erty be reposted.	i Oi ana poadon bo	aet for a pablic ficati	ing, advertised, as red	aned by the zoning
		: .		Zoning Commission	er of Baltimore Count	<del></del>
CASE NOO	1-340-A		Reviewed By _		Date 129	07
REV 10/25/01			Estimated Pos	ting Date .	2/11/07	

# Affida Vit 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.

competent to	testify there	eto in the event that a p	ublic hearing	g is scheduled	in the future w	rith regard thereto	),
That the Affia	int(s) does/d	to presently reside at	211		tor est	PI	<del></del>
•			Balt	imore	MD		21228
	•		City		State	<del></del>	Zip Code
That based u Variance at th	pon person ne above ad	al knowledge, the follo Idress (indicate hardshi	wing are the p or practica	e facts upon wal difficulty):	hich I/we base	the request for	an Administrative
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STATE OF M	ARYLAND,	COUNTY OF BALTIM	ORE, to wit				
I HEREBY CI	ERTIFY, this	s 2 day of 6 e County aforesaid, per	grusen	,	2001), before	e me, a Notary P	ublic of the State
of Maryland, i	n and for the	e County aforesaid, per	sonally app	ered			
the Affiant(s)	herein, pers	onally known or satisfa	ctorily identi	fied to me as	such Affiant(s).	·	
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P.K	AYE LEONARD	)		MK	CH_0 15	ein in	

Notary Public

My Commission Expires

REV 10/25/01

MOTARY PUBLIC STATE OF MARYLAND

My Commission Expires August 25, 2010

- 1. The subject property is located on a corner lot with the front and westerly side of the house adjacent to a public street.
- 2. The westerly side of the house is currently 26.5' from the street.
- 3. The property is unique from the majority of the properties in the neighborhood because it is located on a corner lot (Lot 43-46) that was apparently divided prior to the Petitioner's purchase. Lot 43-46 is located behind the Petitioner's property.
- 4. Accordingly, the Petitioner's property is generally smaller than the majority of the lots in the neighborhood.
- 5. In addition, the Petitioner's home is located in the middle of the .26 acre lot, providing a minimal amount of space, particularly without substantially reducing the property's backyard space, within which to expand.
- 6. The Petitioners intend to add on to a small (sun-room) addition added by the prior owner. This would allow for the construction of a family room off of the kitchen as well as a second story additional bedroom and bathroom.
- 7. The Petitioners have no other location for the addition of a family room off the kitchen or a practical location for a second story addition of a bedroom and bathroom.
- 8. The Petitioners are seeking a minimal 8.5' variance to the current requirement of 25' from the street. If the variance is granted, the distance between the new addition and the street would be 16.5'.
- 9. There are no homes directly across the street from the area where the requested variance is sought. There are woods across the street.
- 10. The only adjacent property to the subject property does not face the subject property. It faces the street.
- 11. The traffic on the street adjacent to the side of the house is minimal with the vehicles on the street generally traveling at a maximum speed of 5-10 mph.
- 12. Accordingly, the Petitioners believe that the requested variance is in harmony with the apparent spirit and intent of the regulation and granting it would not cause injury to the public health, safety and general welfare of the community.

### Zoning Description for 211 OAK FOREST PLACE

Beginning at a point on the east side of Oak Forest Avenue which is

40-foot wide and located 500-feet south of centerline of Idlewilde Avenue.

Being the same property and recorded among land records of Baltimore County in Plat Book 5, Folio 90, Lot #43-46 in the subdivision known as

"Oak Forest Park" containing 11,200 square feet. Also known as 211 Oak Forest Place and located in the 1st Election District and 1st Councilmanic District.

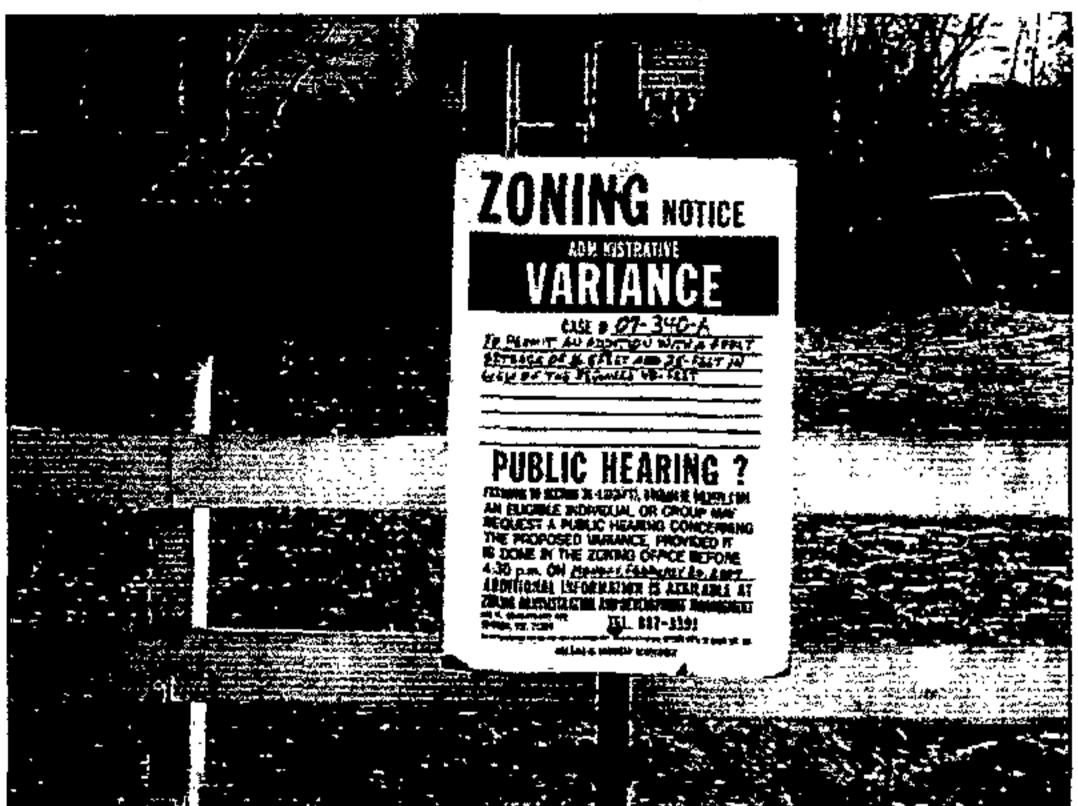
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# CERTIFICATE OF POSTING

	RE: Case No: 07-340-A
	Petitioner/Developer: AMES
	Date Of Hearing/Closing: 2/24/07
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 111 West Chesapeake Avenue	ement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	penalties of perjury that the necessary ed conspicuously on the property  OAK FOREST PLACE
	Month, Day, Year)  Sincerely,  Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address  Balto. Md 21220

im000993 (576x432x24b jpeg)



Martingle 2/10/01

# BALTIMORE COUNTY DEARTMENT OF PERMITS AND DEALOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 340	-A Address_	211 OAK FOREST	PLACE
Contact Person: DONNA Planner,	HOMPSON Please Print Your Name :	Phone Nun	nber: 410-887-3391
Filing Date: 1/29/07		2)11/07 Closin	g Date: ماكلوان
Any contact made with this off through the contact person (plan			variance should be
1. POSTING/COST: The perceiverse side of this form) reposting must be done of is again responsible for a property on or before the closing date.	and the petitioner is resonly by one of the sign po all associated costs. The	sponsible for all printing sters on the approved like zoning notice sign mu	posting costs. Any st and the petitioner ust be visible on the
2. <u>DEADLINE</u> : The closing a formal request for a public hearing	public hearing. Please	understand that even i	f there is no formal
ORDER: After the closs commissioner. He may: order that the matter be (typically within 7 to 10 d denied, or will go to public	(a) grant the requested set in for a public he ays of the closing date)	t relief; (b) deny the recard aring. You will receive as to whether the petition	quested relief; or (c) written notification has been granted,
4. POSSIBLE PUBLIC HEA (whether due to a neight commissioner), notification changed giving notice of posted, certification of this this office.	nbor's formal request or on will be forwarded to the hearing date, time a	by order of the zoning you. The sign on the high location. As when the	e property must be e sign was originally
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 26, 2007

Matthew N. Ames Nicole E. Ames 211 Oak Forest Place Catonsville, MD 21228

Dear Mr. and Mrs. Ames:

RE: Case Number: 07-340-A, 211 Oak Forest Place

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 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

WCR:amf

Enclosures

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

DATE: February 7, 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) 07-340- 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



Martin O'Malley, Governor Anthony Brown, Lt. Governor

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEBRUARY 2, 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. 7-340-A

211 OAK FOREST PLACE

AMES PROPERTY

ADMINISTRATIVEVARIANCE

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. 7-340-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,

ASteven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

### 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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344 and 345

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 2, 2007

MATTHEW N. AND NICOLE E. AMES 211 OAK FOREST PLACE CATONSVILLE MD 21228

> Re: Petition for Administrative Variance Case No. 07-340-A Property: 211 Oak Forest Place

Dear Mr. and Mrs. Ames:

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.

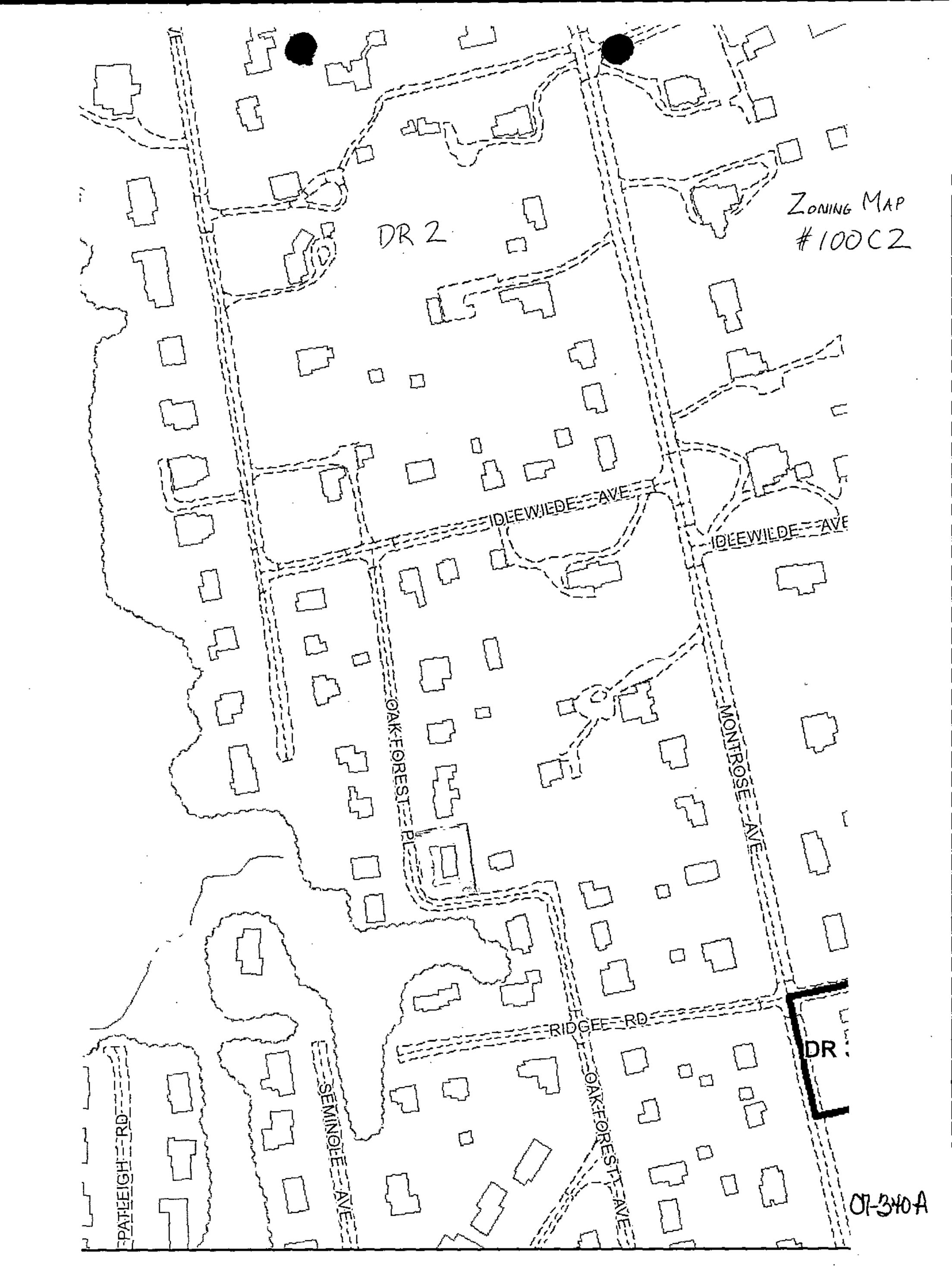
Very truly yours,

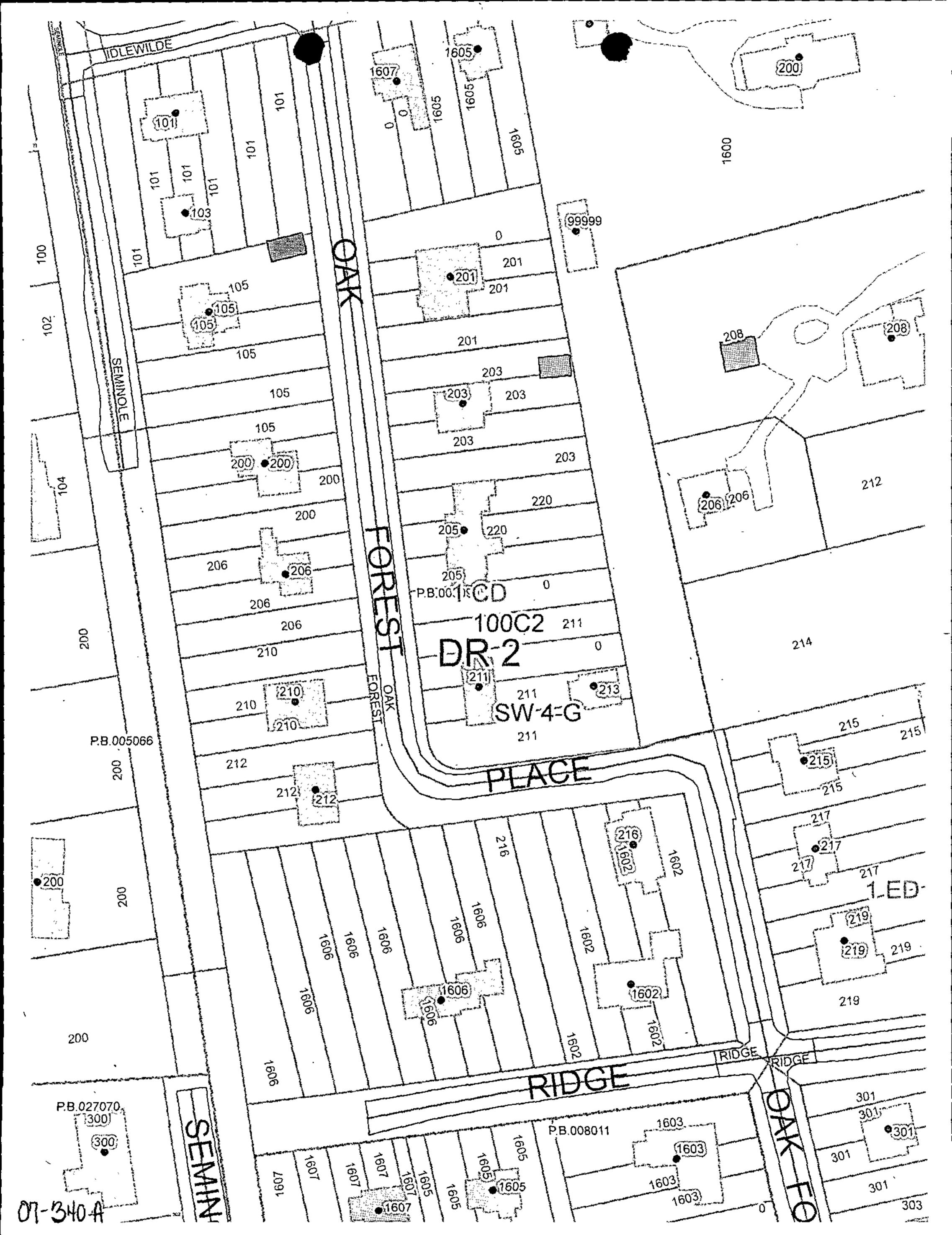
Jan V. Murphy

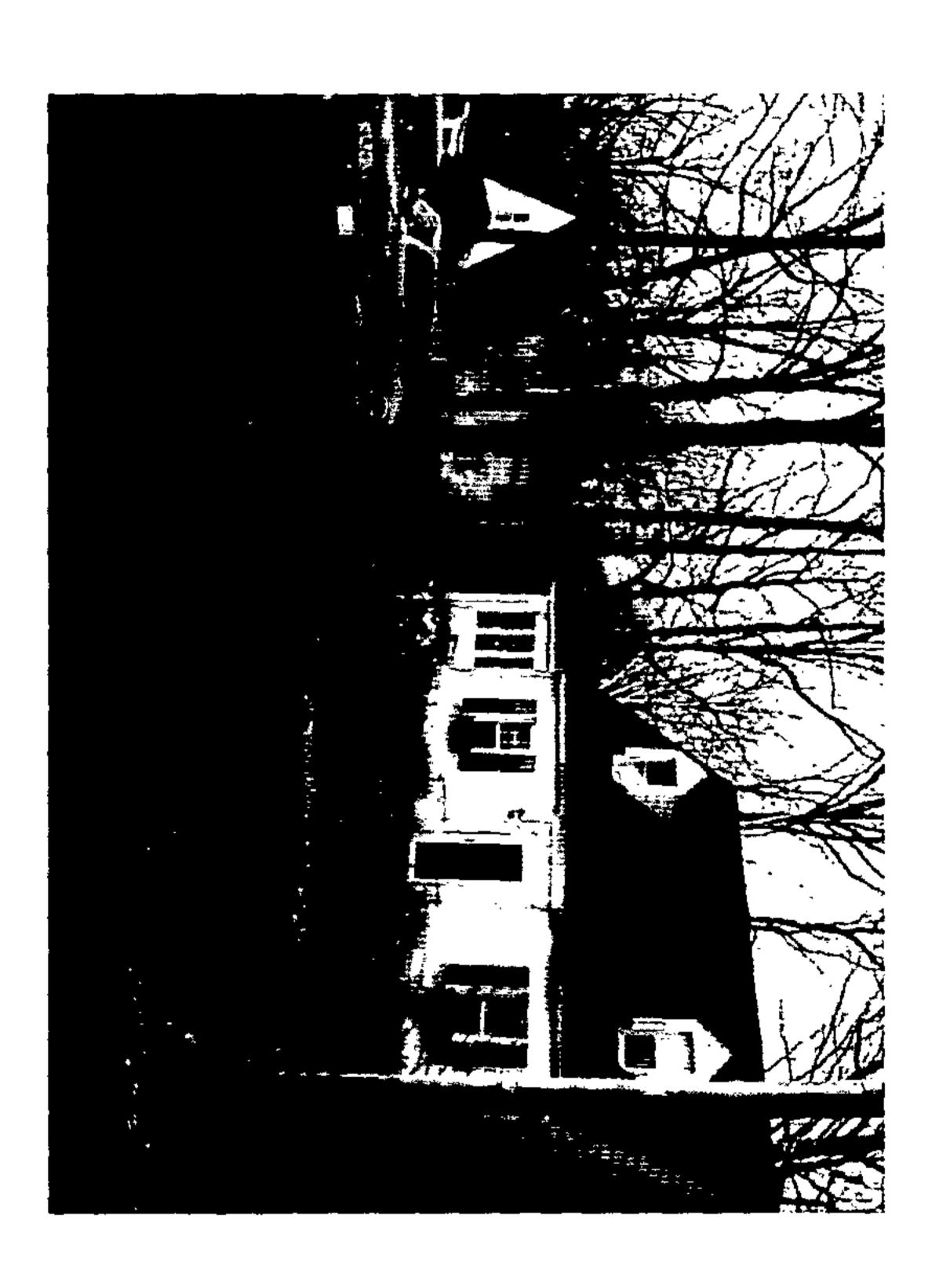
Deputy Zoning Commissioner

JVM:pz

Enclosure









07-340-A

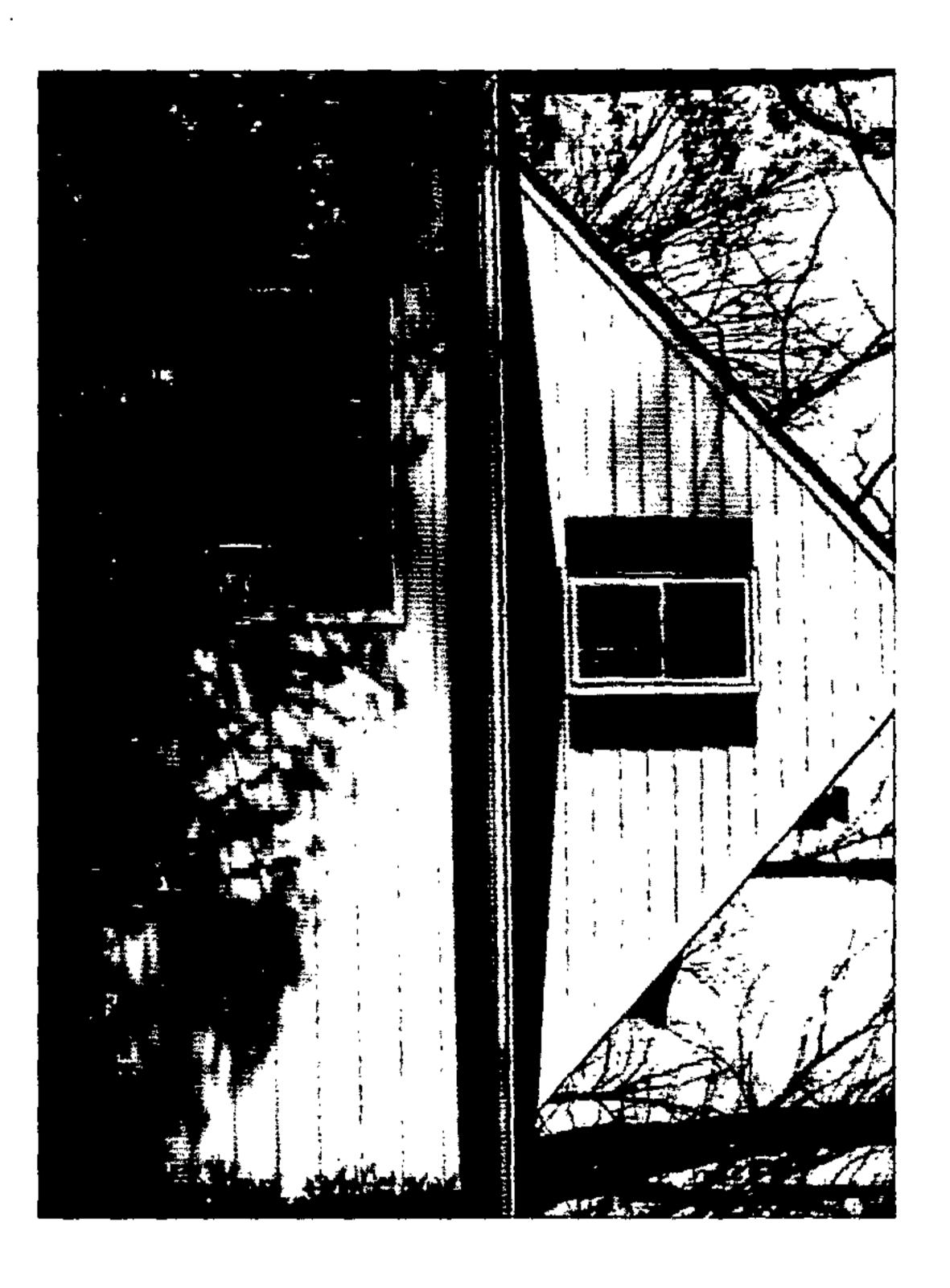












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