

IN RE: PETITION FOR ADMIN. VARIANCE
E side Township Road, 67.65 feet N
Of c/l Midship Road
12th Election District
7th Councilmanic District
(21 Township Road)

Andrew A. Spekke
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-371-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, Andrew A. Spekke. The variance request is for property located at 21 Township Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition and open projection with a 9 foot rear setback in lieu of the required 50 feet and 37.5 feet, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct an addition measuring 7 feet x 11 feet onto the rear of the home. The kitchen is presently a small barely usable room placed in a small alcove. Petitioner notes that many of residences of similar construction and floor plan have had similar additions, as evidenced in the submitted photographs.

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

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3-26-07
P3

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 March 4, 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.

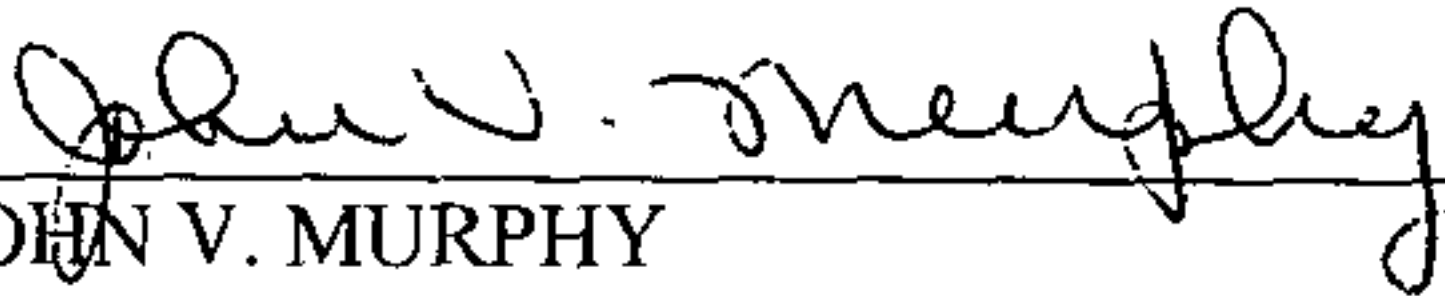
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of March, 2007, that a variance from Section 1B02.3.A.5 and

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3-26-07
P3

1B02.3.C to permit an addition and open projection with a 9 foot rear setback in lieu of the required 50 feet and 37.5 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

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3-26-00
PZ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 26, 2007

ANDREW A. SPEKKE
21 TOWNSHIP ROAD
DUNDALK MD 21222

Re: Petition for Administrative Variance
Case No. 07-371-A
Property: 21 Township Road

Dear Mr. Spekke:

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, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: H. Edward Goldberg, 621 Stoney Spring Drive, Baltimore MD 21210



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 21 TOWNSHIP ROAD
which is presently zoned D.R. 10.5

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) 1802.3A.5. + 1802.3C. (b)(7e)

TO PERMIT AN ADDITION AND OPEN PROTECTION WITH A 9-FOOT
REAR SETBACK IN LIEU OF THE REQUIRED 50-FEET AND
37.5-FEET, RESPECTIVELY.

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):

ANDREW A. SPEKKE

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

H. EDWARD GOLDBERG AIA

Name

Address

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.

Zoning Commissioner of Baltimore County

CASE NO. 01-371-A

Reviewed By D.T. Date 2/21/07

REV 10/25/01

Estimated Posting Date 3/4/07

FILED RECEIVED FOR FILED

3-26-07 *ps*

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 21 TOWNSHIP ROAD
City DUNDALK State MD 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):

Undue Hardship

1. Due to the layout of the house, the kitchen is presently a small, barely usable room, placed in a small alcove.
2. Many of the other residences (of similar construction and floor plan) have had similar additions added. - See attached photos
3. 21 Township Drive was built before the present Zoning was implemented.

Practical Difficulty

1. Because none of the houses in the neighbor meet the present Zoning code, and because the Zoning code restricts the structure to a very small foot print, this minor 7'x 11' wide extension would violate present zoning.
2. This grant is very minor, and no other lesser relaxation is available.
3. Relief can be granted because it is in the similar spirit of the neighborhood, and will add to the value of the entire neighborhood. - See attached photos

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 _____

Name - Type or Print _____

Signature Andrew A. Spekke

Name - Type or Print ANDREW A. SPEKKE

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of February, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Andrew A. Spekke

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

AS WITNESS my hand and Notarial Seal

Gloria A. [Signature]
Notary Public

My Commission Expires _____

My Commission Expires September 01, 2009.

REV 10/25/01

Zoning Description

ZONING DESCRIPTION FOR 21 TOWNSHIP ROAD

Beginning at a point on the East side of Township Road which is 40.00' wide at the distance of 67.65' North of the centerline of the nearest improved intersecting street Midship Road which is 40.00' wide. Being Lot # 22, Block # 23, Section # A in the subdivision of Dundalk as recorded in Baltimore County Plat Book # 5. Folio # 56, containing 2832.00 sq.ft. Also known as 21 Township Road, and located in the 12th Election District, 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 24083

DATE 2/5/07

ACCOUNT

001006150

AMOUNT \$

65.00

RECEIVED
FROM:

H. EDWARD GOLDBERG

FOR:

ITEM # 371 07-371-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

21 TOWNSHIP RD

D. THOMPSON

PAID RECEIPT

BUSINESS ACTUAL TIME DAY

2/22/2007 2/21/2007 10:33:34 2

REG #502 MAIL 31/04 JEE

>>RECEIPT # 505380 2/21/2007 07/1

Dept 5 322 ZONING VERIFICATION

CR 130 024083

Receipt Tot 765.00

65.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-371-A

Petitioner/Developer: ANDREW

SPEKKE

Date of Hearing/Closing: 3-19-07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at:

21 TOWNSHIP RD

The sign(s) were posted on 3-4-07
(Month, Day, Year)

Sincerely,

Robert Black 3-6-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

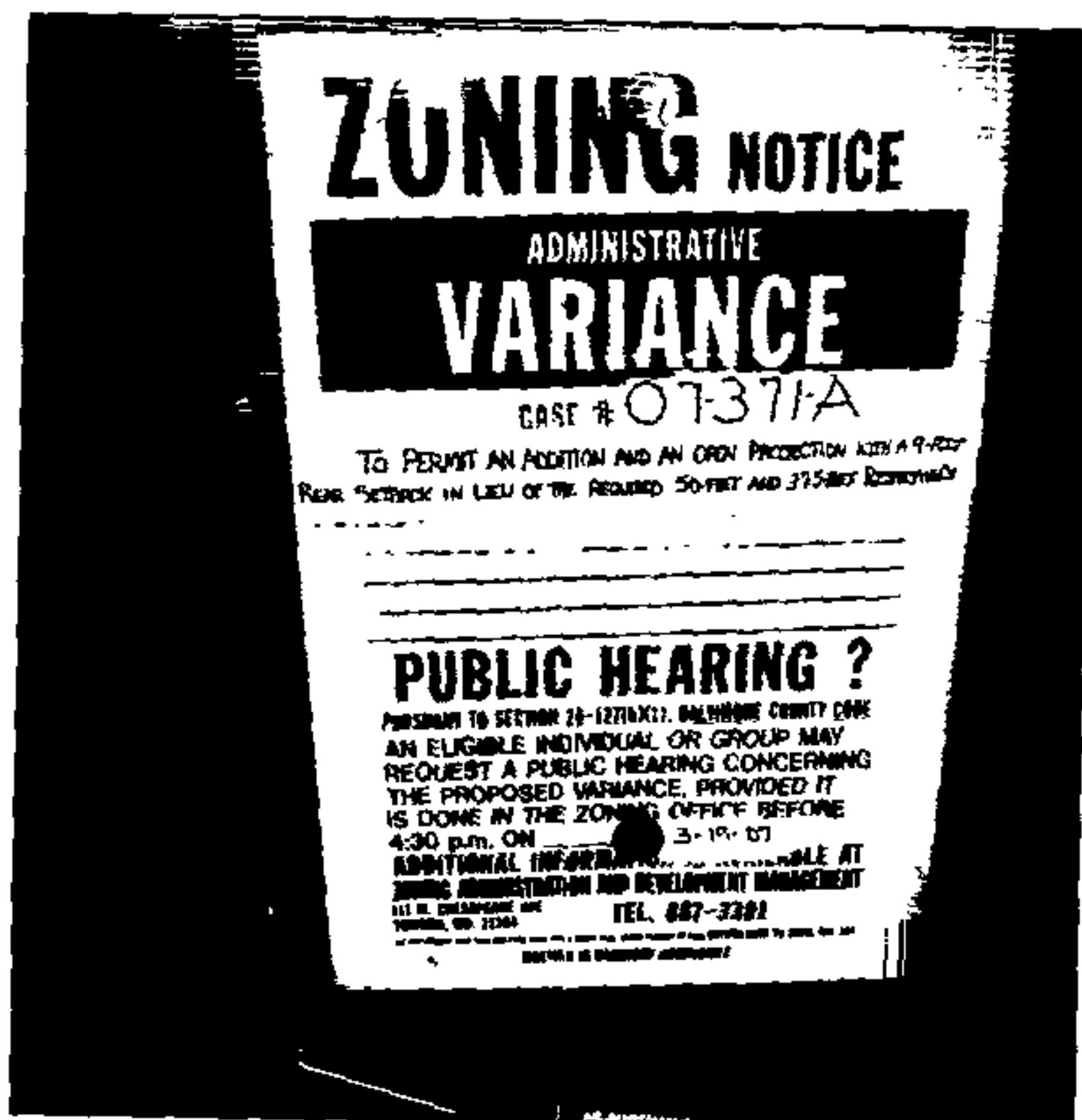
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



MAR 8 2007

1500

1500

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 371 -A Address 21 TOWNSHIP RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/21/07 Posting Date: 3/4/07 Closing Date: 3/19/07

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- 371 -A Address 21 TOWNSHIP RD.

Petitioner's Name SPEKKE Telephone 410-284-0627

Posting Date: 3/4/07 Closing Date: 3/19/07

Wording for Sign: To Permit AN ADDITION AND OPEN PROTECTION WITH A 9-FOOT
REAR SETBACK IN LIEU OF THE REQUIRED 50-FEET AND 37.5-FEET,
RESPECTIVELY.

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: 07-371-A

Petitioner: SPEKKE

Address or Location: 21 TOWNSHIP RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. ANDREW SPEKKE

Address: 21 TOWNSHIP RD.

DUNDALK, MD

Telephone Number: 410-284-0627

Revised 7/11/05 - SCJ



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

March 19, 2007

Andrew A. Spekke
21 Township Road
Dundalk, MD 21222

Dear Mr. Spekke:

RE: Case Number: 07-371-A, 21 Township Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 21, 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 black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
H. Edward Goldberg 621 Stoney Spring Drive Baltimore 21210

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

March 1, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 26, 2007

Item Number: 363 through 373

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2007
Item Nos. 07-314, 363, 364, 366, 367, 368,
369, 370, 371, 372, and 373

DATE: March 2, 2007

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-03022007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 21, 2007

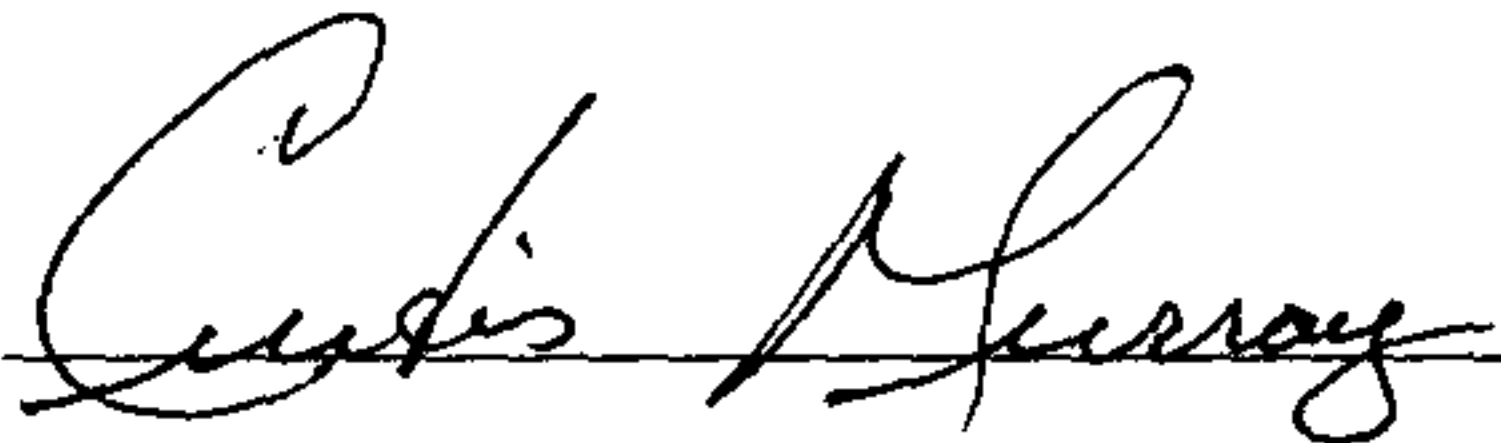
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-371- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

MAR 23 2007

ZONING COMMISSIONER



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: MARCH 5, 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. 7-371-A
21 TOWNSHIP ROAD
SPEKKE PROPERTY
SPECIAL HEARING

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.

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^A 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 21 TOWNSHIP ROAD

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

SUBDIVISION NAME DUNDALK

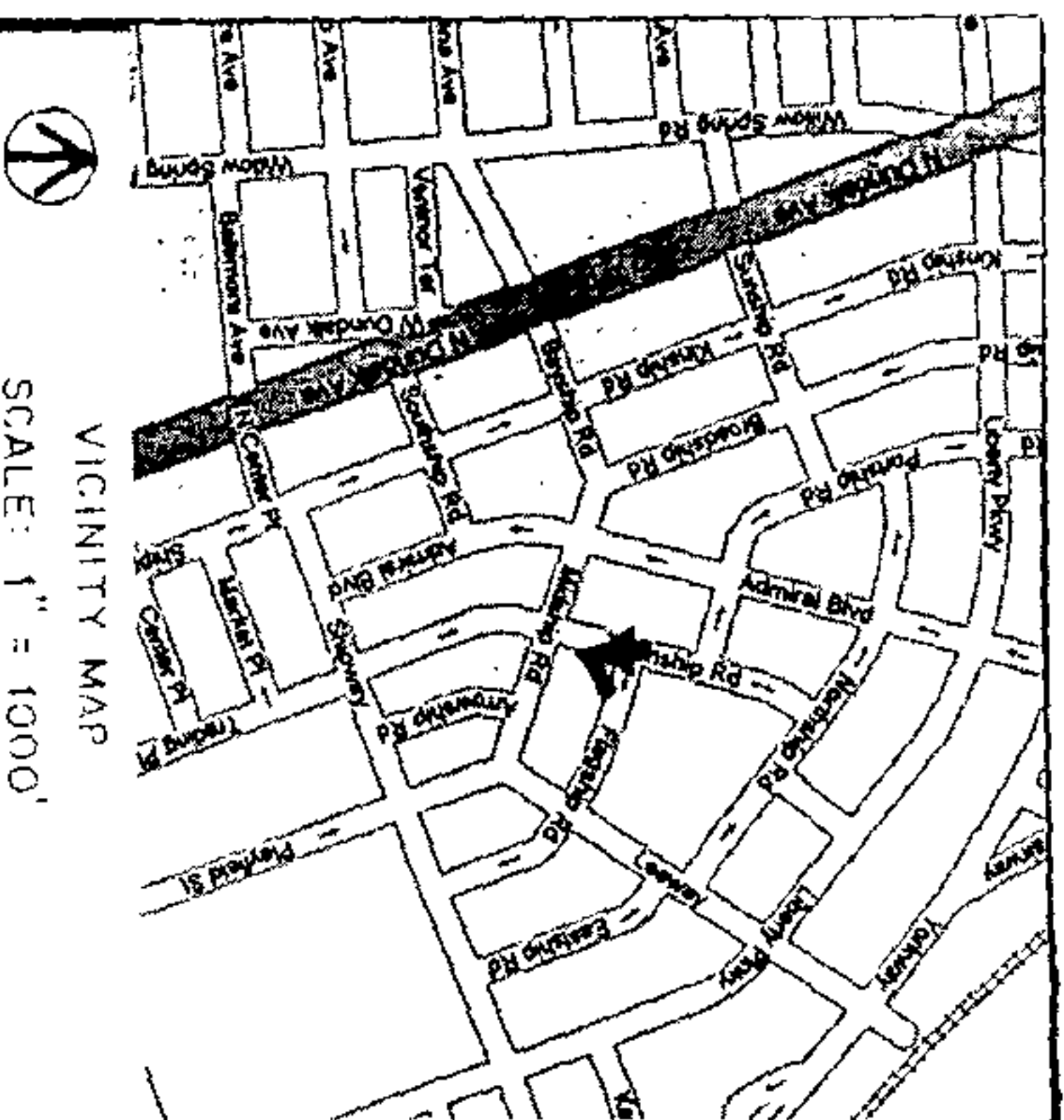
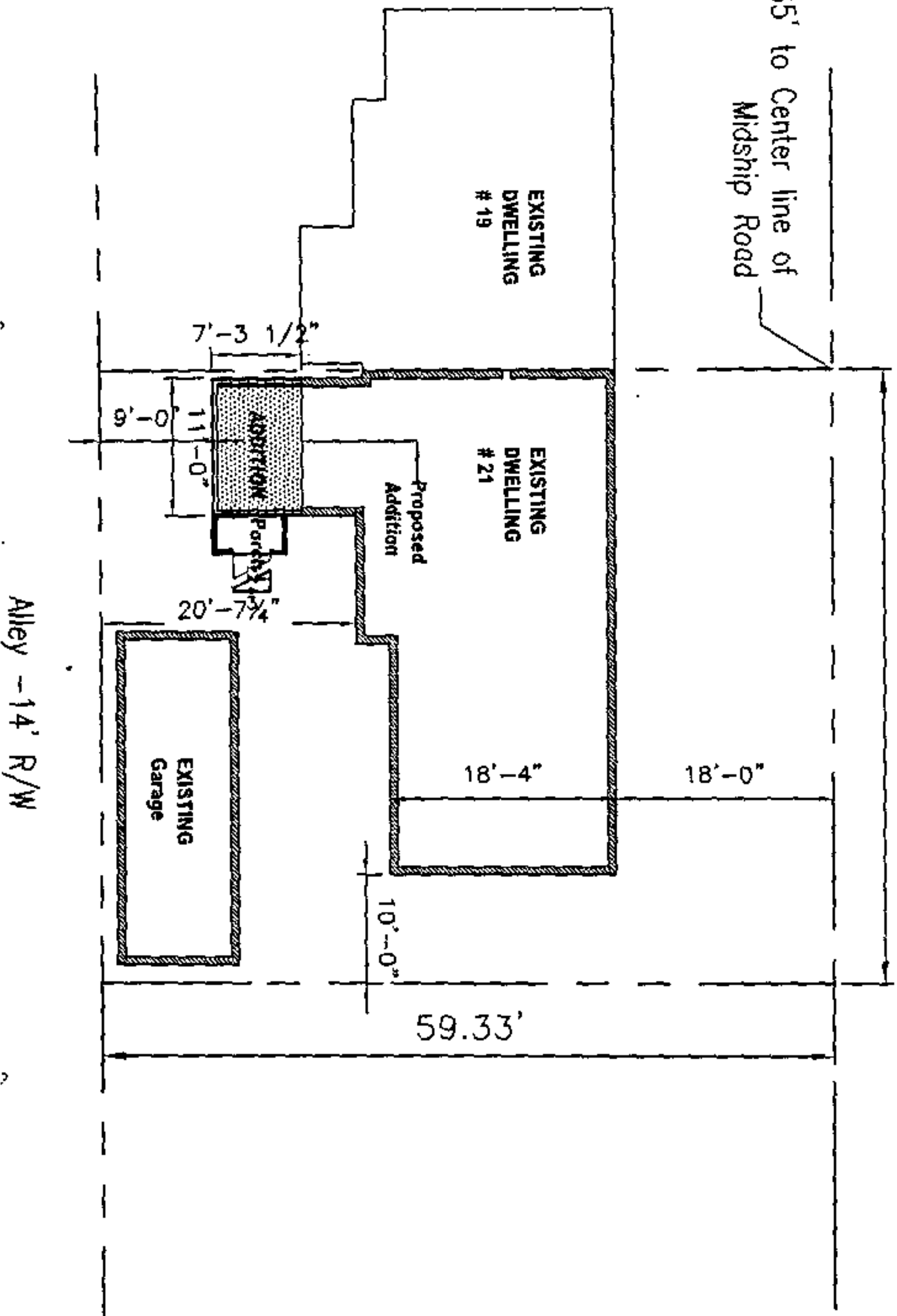
PLAT BOOK # 5 FOLIO # 5 PLOT # 22 SECTION # 22

OWNER ANDREW A SPEKKE

Township Road (40' R/W)

48.83'

67.65' to Center line of
Midship Road



LOCATION INFORMATION

ELECTION DISTRICT 12th

COUNCILMANIC DISTRICT 7th

1" = 200' SCALE MAP #

ZONING DR-10.5

LOT SIZE .065

ACREAGE

SQUARE FEET 2832

PUBLIC PRIVATE

SEWER

☒

WATER

☒

CHESAPEAKE BAY
CRITICAL AREA

☐

100 YEAR FLOOD PLAIN

☐

HISTORIC PROPERTY/
BUILDING

☐

PRIOR ZONING HEARING

NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D.T.

371

07-371-A

NORTH



PREPARED BY

H. Edward Goldberg SCALE OF DRAWING: 1" = 20'

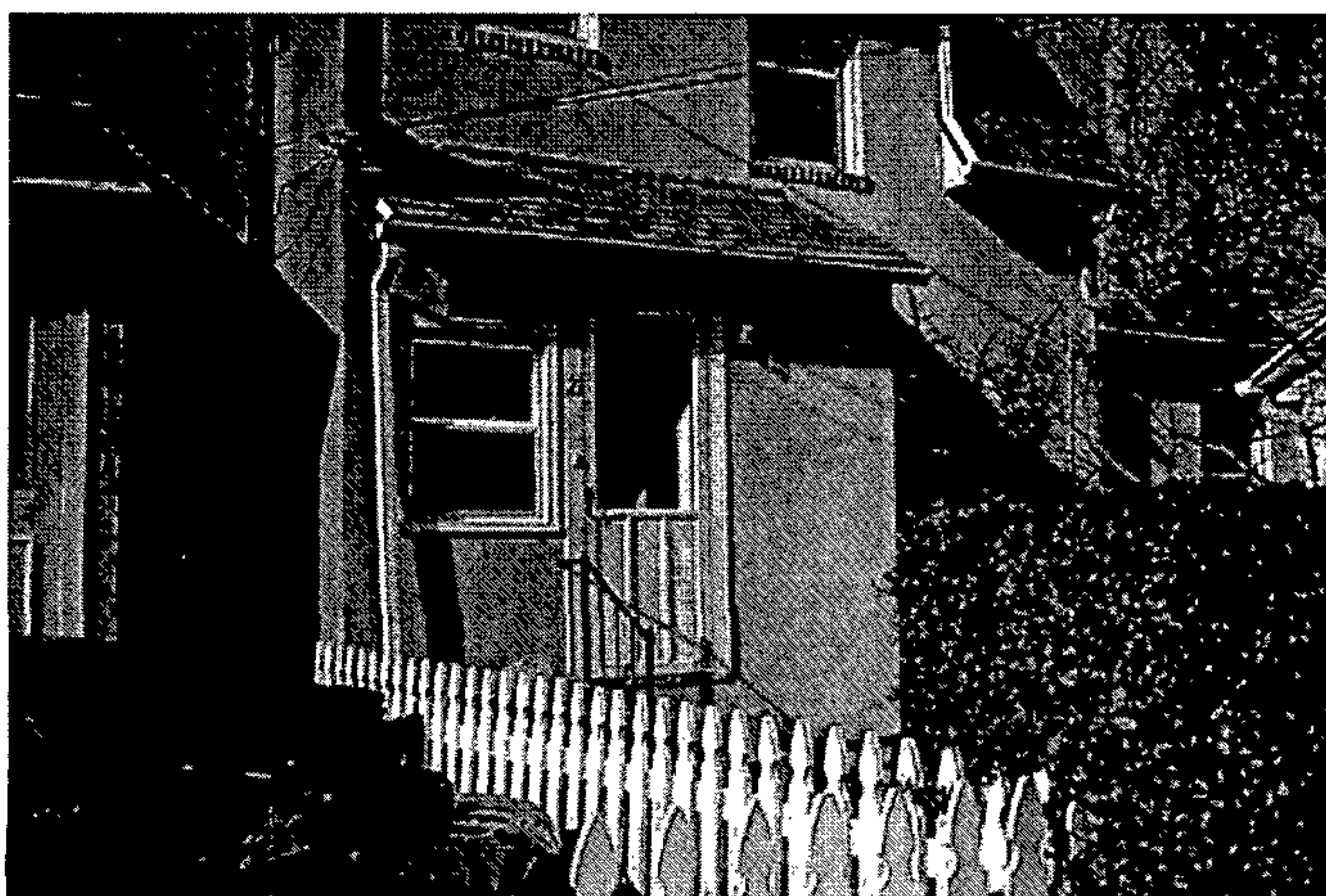
ZONING
MAP
#103B2



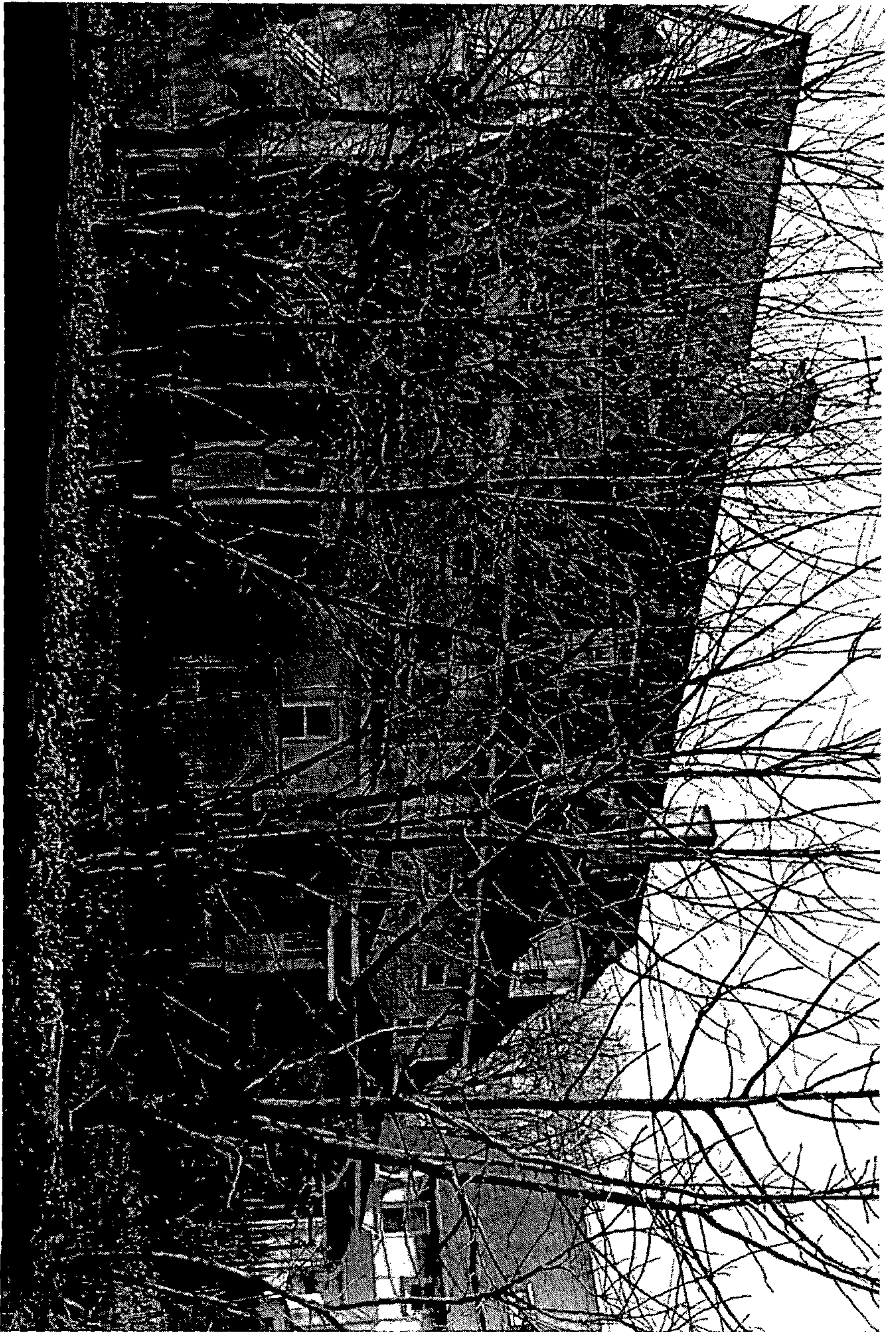
07-371-A



FRONT OF
21 TOWNSHIP Rd.



REAR OF
21 TOWNSHIP



TYPICAL ADDITIONS IN
NEIGHBORHOOD

07-371-A



ACROSS THE
STREET FROM
21 TOWNSHIP



TYPICAL ADDITION



TYPICAL
REAR ADDITIONS