IN RE: PETITION FOR ADMIN. VARIANCE
W side of Virginia Avenue, 700 feet +/Of the c/l of Belair Road
14th Election District
6th Councilmanic District
(7404 Virginia Avenue)

David G. and Robin D. Sigwart *Petitioners*

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-423-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, David G. and Robin D. Sigwart. The variance request is for property located at 7404 Virginia Avenue. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 19 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 12 foot x 28 foot addition onto the rear of their home. The addition will serve as a family room. The additional space is needed as they have outgrown the small living room.

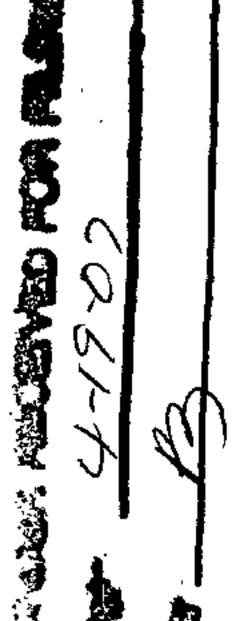
Zoning Advisory Committee Comments

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 March 31, 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 April, 2007 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 19 feet in lieu of the required 30 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

THE PROPERTY OF THE PARTY OF TH



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 19, 2007

DAVID G. AND ROBIN D. SIGWART 7404 VIRGINIA AVENUE BALTIMORE MD 21236

> Re: Petition for Administrative Variance Case No. 07-423-A Property: 7404 Virginia Avenue

Dear Mr. and Mrs. Sigwart:

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

for Baltimore County

JVM:pz

Enclosure



REV 10/25/0

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	7404	VIRG	ENILA	AUE.
which	n is presentl	y zoned _	DR5-5	>

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (BO2.3.B BCZR

To permit an addition with a rear yard setback of 19'

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 de perjury, that I/we are is the subject of this	eclare and affirm, under the the legal owner(s) of the Petition.	ne penalties of property which
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Attorney For Peti	tioner:		7404	VIRGINI	A AUC 668
	; .		Adgress		Telephone No.
Name - Type or Print	1	 	BALTIMO)		21236
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Signature			Representative	to be Contacted:	
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DEL 40/05/04				11-1-05	

Estimated Posting Date 4-1-07

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 1464 VFRGエルエA AVENUE
Address 21236 City State 21236
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):
The room we wish to add to our home will
Serve as a family room wherewe and our
2 young adult children Will be able to 2 young adult children Will be able to 2 young adult children Will be able to 2 young adult children Will be able to
Some is needed as we have outgrown
COLUM & IMPOLITION AND THE POUSE COISO HAS
2 bedrooms which are also small.
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.
Jand Degrat July Why William W
DAVID G. SIGWART ROBIND SIGWART
name - Type or Print
TATE OF MARYLAND, COUNTY OF BALTIMORE, to wit.
HEREBY CERTIFY, this he day of March, hefore me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Paulor rebin Sigwarer
ne Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
S WITNESS my hand and Notarial Seal
TABAK EL
Notary Public My Commission Expires
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REV 10/25/01

Affidavit in Support of Administrative Variance

Address

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.

7404 UIRGINIA AJE

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advertising fee and may be required to provide additi	ional information,	. ~ /	
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DAVID G. SIGWART	Signature	T	UART
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STATE OF MARYLAND, COUNTY OF BALTIMORE			
of Maryland, in and for the County aforesaid, personal	م مرجم المراكبة المركبة	7_, before me, a Notary	Public of the State
the Affiant(s) herein, personally known or satisfactoril	UOVET		
the Amant(s) herein, personally known or satisfactorii	ly identified to me as such A	Affiant(s).	
AS WITNESS my hand and Notarial Seal	. 1		
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REV 10/25/01	wy Commission Expire	:5	



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

for the property located at 7404 Virginia Auenue which is presently zoned DR5-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.8 BCZR

To permit an addition with a rear yard selback of 19' in lieu of the required 30!

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, that I/we a is the subject of thi	re the legal owner(s) is Petition.) of the property which
Contract Purchaser/	Lessee:		Legal Owner(s	<u>s):</u>	
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Signature	<u> </u>		Signature	D. SIGU	NART
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petition	<u> 1er:</u>		7404 Virg.	mia AJe	410.668-434
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Name - Type or Print			BANUMO		·
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Company	···-		Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	Sta	ate Zip Code
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			Zoning Cor	nmissioner of Baltimor	re County
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CASE NO. <u>07-</u>	7~~	· Rev	iewed By <i>ン</i> ナ	Date	, -

Estimated Posting Date ____

ZONING DESCRIPTION FOR 7404 VIRGINIA AVENUE

Beginning at a point on the west side of Virginia Avenue which is 23 feet wide at the distance of 700 feet west of the centerline of the nearest improved intersecting street Belair Road which is approximately 40 feet wide. Being Lot # 5 Block Section # in the subdivision of Dyane's Fancy as recorded in Baltimore County Plat Book # 46, Folio # 106 containing 5800 sq ft or .0135 acres. Also known as 7404 Virginia Avenue and located in the 14 th Election District 6 th Councilmanic District

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 3.20-C17 ACCOUNT OCITODO - G150	AMOUNT S CO CO	RECEIVED DANCO JONNA THE FROM THE PROMISE DANCED JONNA THE PROMISE DANCED TO THE PROMISE	FOR AMERICA VENTONICE IN THE WAY A 1723	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW CLISTOMER	

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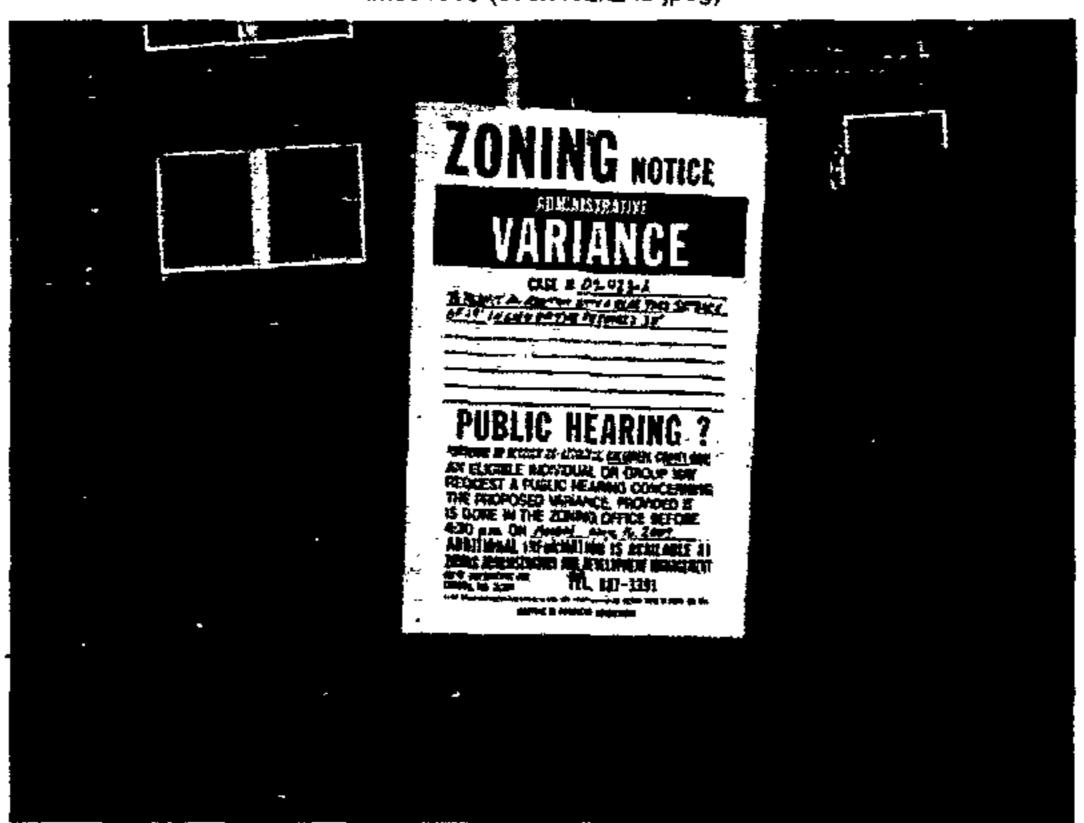
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CERTIFICATE OF POSTING

RE: Case No: 07-423-A

,	Petitioner/Developer: DAUID & ROBIN SIGNATUT
	Date Of Hearing/Closing: 4/14/07
Baltimore County Department of Permits and Development Manag County Office Building, Room 1 111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the sign(s) required by law were post	penalties of perjury that the necessary ted conspicuously on the property 1404 VILLINIA AVE

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mattalle 3/31/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07-	725	A Address	3 /4 0 4 7	2	<u> </u>
Contact Person: _	Planner, Pl	ERNANDO ease Print Your Name	P	none Number: 4	10-887-3391
Filing Date: 3	20-07	Posting Date:	4-1-07	Closing Date	: <u>4-16-0</u>
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a formal re	quest for a pul	ate is the deadline for blic hearing. Please , the process is not c	e understand tha	t even if there	
commission order that t (typically wi	er. He may: (the matter be standard)	g date, the file will to a) grant the requeste set in for a public has sof the closing date nearing. The order w	ed relief; (b) dent learing. You will) as to whether th	y the requested in the receive written the petition has be	d relief; or (c) on notification been granted,
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 07-423-本
Petitioner: DAUIDG Y Robin D. SIGWART
Address or Location: 7404 Virginia Arc 21236
PLEASE FORWARD ADVERTISING BILL TO:
Name: DAVID G. & Robin D. SIGWART
Address: 7404 Virginin Ave BALTO MD 21236
BALTO MD 21236
Telephone Number: 410-668-4362



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 17, 2007

David G. Sigwart Robin D. Sigwart 7404 Virginia Avenue Baltimore, MD 21236

Dear Mr. and Mrs. Sigwart:

RE: Case Number: 07-423-A, 7404 Virginia Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20, 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,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

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

Maryland Department of Transportation

Date: APRIL Z, ZEO7

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

RE:

Baltimore County

Item No. 7-423-A

7404 VIRGINIA AVENUE SIGNVART 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. 7-423-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,

Steven 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

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

March 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 26,2007

423

Item Number: 410 through 426

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



Visit the County's Website at www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director,

DATE: March 29, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 2, 2007

Item Nos. 07-230, 410, 411, 413, 414, 415, 416,

417, 418, 419, 420, 423, 424, 425, and 426

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-03282007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 2, 2007

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-423- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

APR - 4 2007

CM/LL

