IN RE: PETITION FOR ADMIN. VARIANCE
S side Carrollton Avenue at W side
Clinton Street
9<sup>th</sup> Election District
2<sup>nd</sup> Councilmanic District
(1501 Carrollton Avenue)

Robert J. and Hollis R. Spiller Petitioners

BEFORE THE

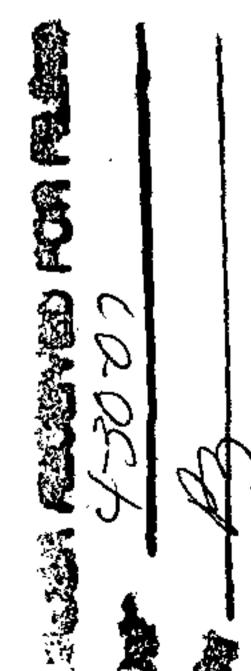
\* DEPUTY ZONING COMMISSIONER

\* BALTIMORE COUNTY

\* CASE NO. 07-434-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, Robert J. and Hollis R. Spiller. The variance request is for property located at 1501 Carrollton 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 (mudroom) to have a side yard setback of 16 feet 11 inches in lieu of the required 30. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an enclosed entry and porch onto the left side of the their home. The home has two entrances, one on Carrollton Avenue and the other on Clinton Street. They want to orient the house toward Clinton Street which has become the primary entrance because it is at grade level and provides better access and parking. The Carrollton Avenue entrance is approximately 3 feet 6 inches above street level and accessible only by a steep set of stairs. This has caused difficulty for some visitors and inconvenience for all. The enclosed entry in the new space on the Clinton Street side will provide a safe and convenient entrance-way for the three children and easy access from the at level parking. This location will preserve the recreation function of the back yard. The covered front porch will provide sheltered access to the Clinton Street entrance and will be in proportion to the existing



porch on the Carrollton Avenue side. The porch will also provide a degree of privacy while improving the overall appearance of the residence.

The Petitioners provided letters of support from three adjacent property owners.

#### 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

2000 2000 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 April 7, 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.

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.

OVIN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

BEGINNING FOR THE SAME at the southwest corner of Carrollton Avenue and Clinton Avenue, and running thence westerly binding on the south side of Carrollton Avenue seventy-five feet, thence southerly parallel with Clinton Avenue one hundred fifty feet to Lot No. 101, as shown on the Plat of Ruxton Heights, which Plat is recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1, folio 64, thence easterly binding on Lots Nos. 101 and 102 as delineated upon said Plat, seventy-five feet to the west side of Clinton Avenue and thence northerly binding on the west side of Clinton Avenue one hundred fifty feet to the place of beginning. The improvements thereon being known as No. 1501 Carrollton Avenue.

BEING the same property which, by Deed dated January 10, 2003, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. 17445, folio 647, was granted and conveyed by Elizabeth A. Priest formerly known as Elizabeth A. Tilghman unto Elizabeth A. Priest.

19th Election District 2nd Councilmanic District
7000 50 FT 0:25 Ac 11,250 sq At

Iten #434



REV 10/25/01

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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Attorney For Petitioner:	4	1501 Carrollton	Avenue	110-296-96 Telephone No.
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A Public Hearing having been formally demande his that egulations of Baltimore County and that the property	the subject matter of this	quired, it is ordered by the Z petition be set for a public hea	oning Commissioner ring, advertised, as re	of Baltimore County, equired by the zoning
•		Zoning Commission	oner of Baltimore Cou	nty
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Estimated Posting Date 408

## 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 Zip Code City State 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 are requesting an administrative variance for an enclosed entry and porch at the above address. For the enclosed entry, we are requesting a 13 foot 2 inch variance from the 30 foot setback. For the porch, we are requesting a 5 foot 7 inch variance from the 22.6 foot setback. We submit this request for reasons of functionality, practicality and safety as well as aesthetic appeal. The setbacks we are requesting are in keeping and in scale with the orientation of other homes in the neighborhood. Currently, the house has two entrances: one on Carrollton Avenue and a second on Clinton Street. We would like to orient the house toward Clinton Street which, over the years, has become the primary entrance because it is at grade level and provides better access and parking. The Carrollton Avenue entrance, by contrast, is approximately 3 feet six inches above street level - accessible only by a sleep set of stairs - thereby causing difficulty for some visitors and inconvenience for all. The enclosed entry in the new space on the Clinton Street side will provide a safe and convenient entranceway for our three young children, easily accessible from at-level parking. That location also would preserve the natural beauty and recreational functions of the backyard. The covered front porch will provide sheltered access to the Clinton Street entrance and will be in proportion to the existing porch on the Carrollton Avenue side (8 feet). The porch will also provide a degree of privacy, while improving the overall appearance of the residence. Based on current zoning setbacks, the existing residence is encroaching on the Clinton Street side by approximately 3 feet. 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. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: HEREBY CERTIFY, this before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

AS WITNESS my hand and Notarial Seal

REV 10/25/01 TO ARY PUBLIC

E. U. JIRANEK
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires Sept. 1, 2010

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

Notary Public

My Commission Expires

# AffidaVit in Support of Administrative Variance

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My Commission Expires

**BALTIMORE COUNTY** 

MARYLAND

My Commission Expires Sept. 1, 2010

REV 10/25/01

**PUBLIC** 



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

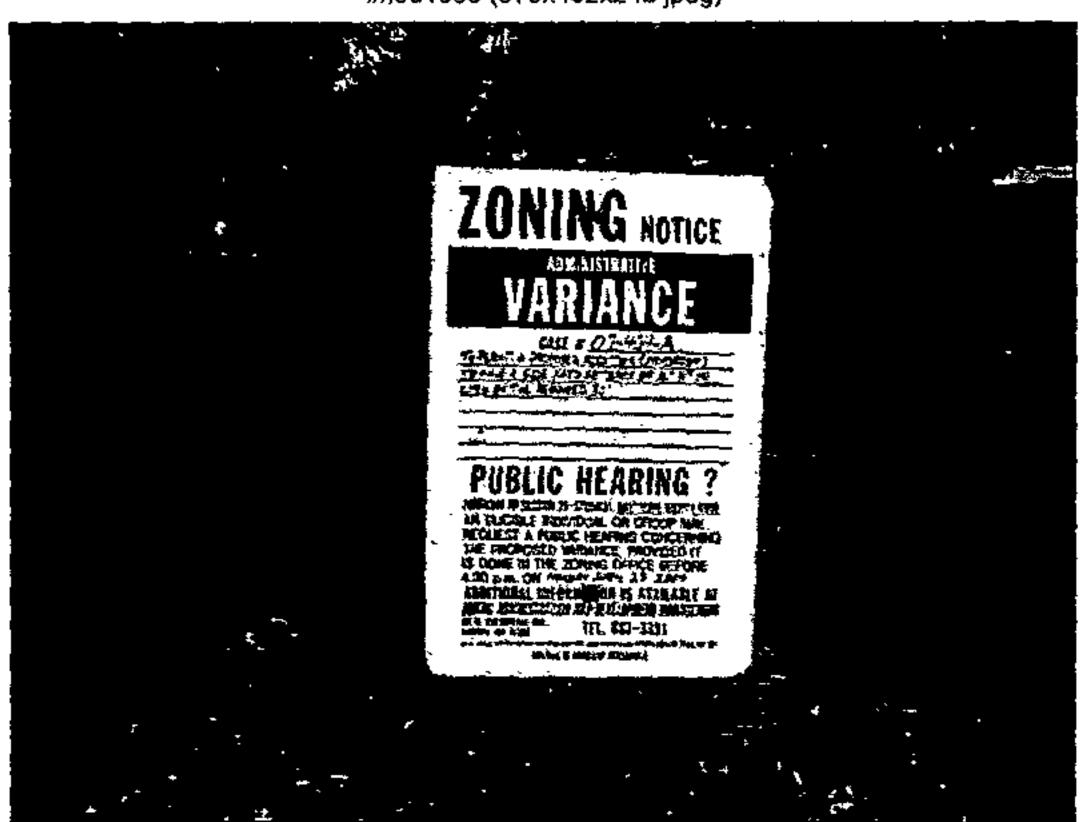
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of the zoning regulations of this petition form.	of Baltimore Coun	ty, to the zonin	g law of Baltimore Count	y, for the reasons indicat	ed on the back
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Contract Purchaser/	Lessee:		Legal Owner(s		
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Attorney For Petition	<u>ner:</u>		Address		Telephone No.
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REV 10/25/01					

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### CERTIFICATE OF POSTING

t.	RE: Case No: 07-434-A
	Petitioner/Developer: ROBERT  F HOLLIS SPILLER
	Date Of Hearing/Closing: 4/23/07
t - }	
Baltimore County Department Permits and Development Ma County Office Building, Roor [11] West Chesapeake Avenue	nagement m 111
Attention:	
Ladies and Gentlemen:	
	the penalties of perjury that the necessary posted conspicuously on the property  1501 CARCOCTON AUE.
his sign(s) were posted on	(Month, Day, Year) Sincerely,  (Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address

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matter Ele 4/1/01

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	Number 07-	434	- <b>A</b>	Address_	1501	Carrollton	Ave
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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

#### ZONING REVIEW

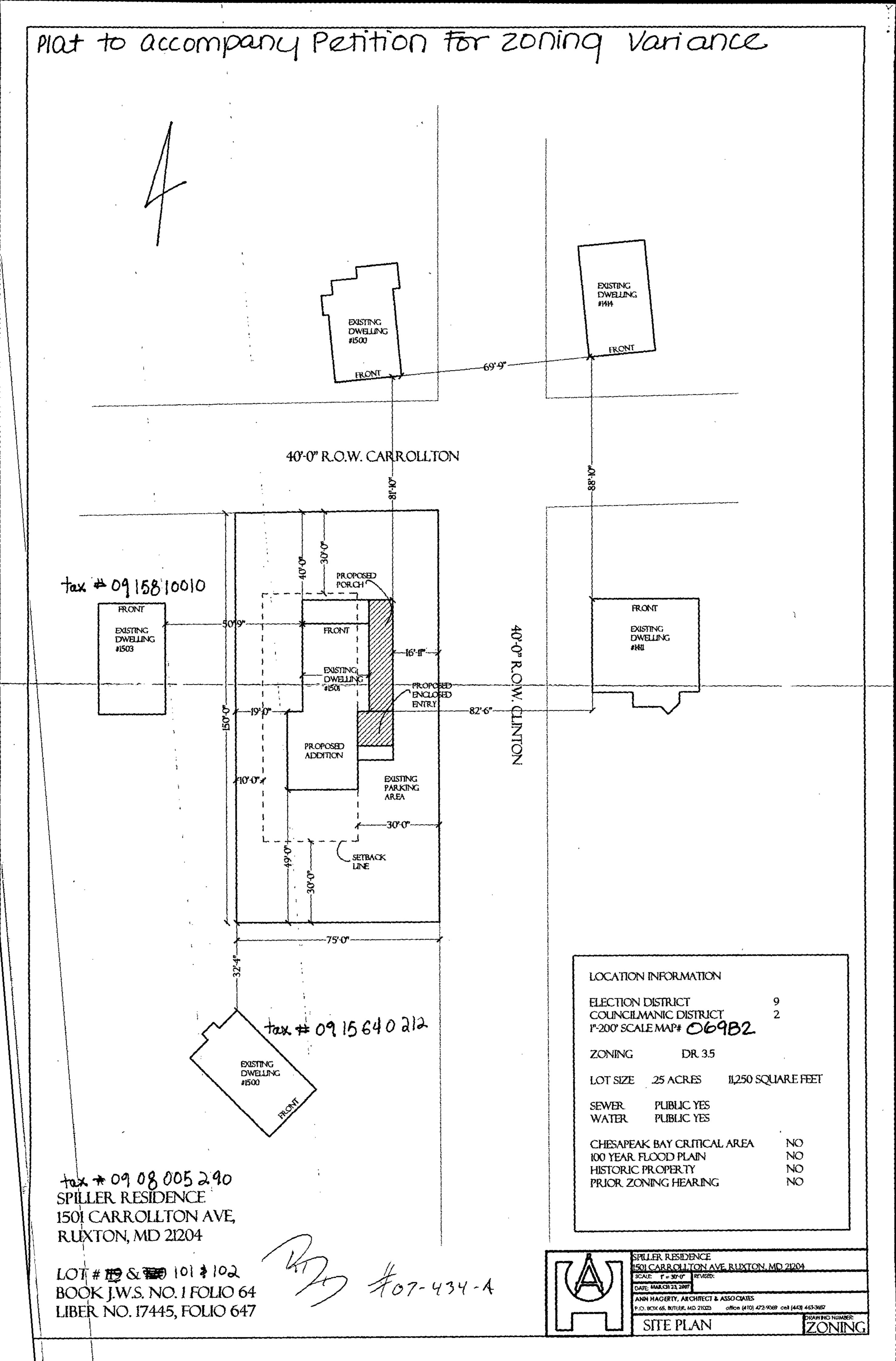
# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 07-434-A
Petitioner Robert and Hollis Spiller
Address or Location 1501 Carrollton Ave.
RUX100, M.D. 21204
PLEASE FORWARD ADVERTISING BILL TO
Name. <u>above</u>
Address
·
Telephone Number 410.296.9650





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 24, 2007

Robert J. Spiller Hollis R. Spiller: 1501 Carrollton Avenue Towson, MD 21204

Dear Mr. and Mrs. Spiller:

RE: Case Number: 07-434-A, 1501 Carrollton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 26, 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** 

: People's Counsel

March 25, 2007

**Zoning Commissioner** 

Department of Permits and Development Management

111 West Chesapeake Avenue

Room 111

Towson, MD 21204

Re: Administrative Variance for 1501 Carrollton Ave, Towson MD 21204

To Whom It May Concern:

We have reviewed the drawings and plans as they relate to the variance for an enclosed entryway and covered porch at the above address. For the enclosed entry we understand the Spillers are requesting a 13 foot 2 inch variance from the 30 foot setback; for the porch a 5 foot 7 inch variance from the 22.6 foot setback. As adjacent neighbors we are not opposed to these changes and feel they are in keeping with other homes in the neighborhood.

Sincerely,

Kevin Flynn

1503 Carrollton Ave

Towson, MD 21204

Danielle Donner

1410 Boyce Ave

Towson, MD 21204

John Baer/

1411 Cárrollton

Towson, MD 21204

Item #434



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 30, 2007

ROBERT J. AND HOLLIS R. SPILLER 1501 CARROLLTON AVENUE TOWSON MD 21204

> Re: Petition for Administrative Variance Case No. 07-434-A Property: 1501 Carrollton Avenue

Dear Mr. and Mrs. Spiller:

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

Jem V. Muskung

for Baltimore County

JVM:pz

Enclosure

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 4, 2007

Department of Permits & Development

Management

084

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For April 9, 2007

Item Nos. 07-427, 429, 430, 431, 433,

(434) 435, 436, and 437

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-03042007.doc

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

**DATE:** April 6, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-434- 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 Nkechi Hislop in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

#### 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

April 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 2, 2007

Item Number: 427 through 438

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

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** April 6, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-434- 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 Nkechi Hislop 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: APRIL 3,2007

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

RE:

**Baltimore County** 

Item No. 7-434-A 1501 CARROLLTON AVENUE

SPILLER 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. 7-434-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,

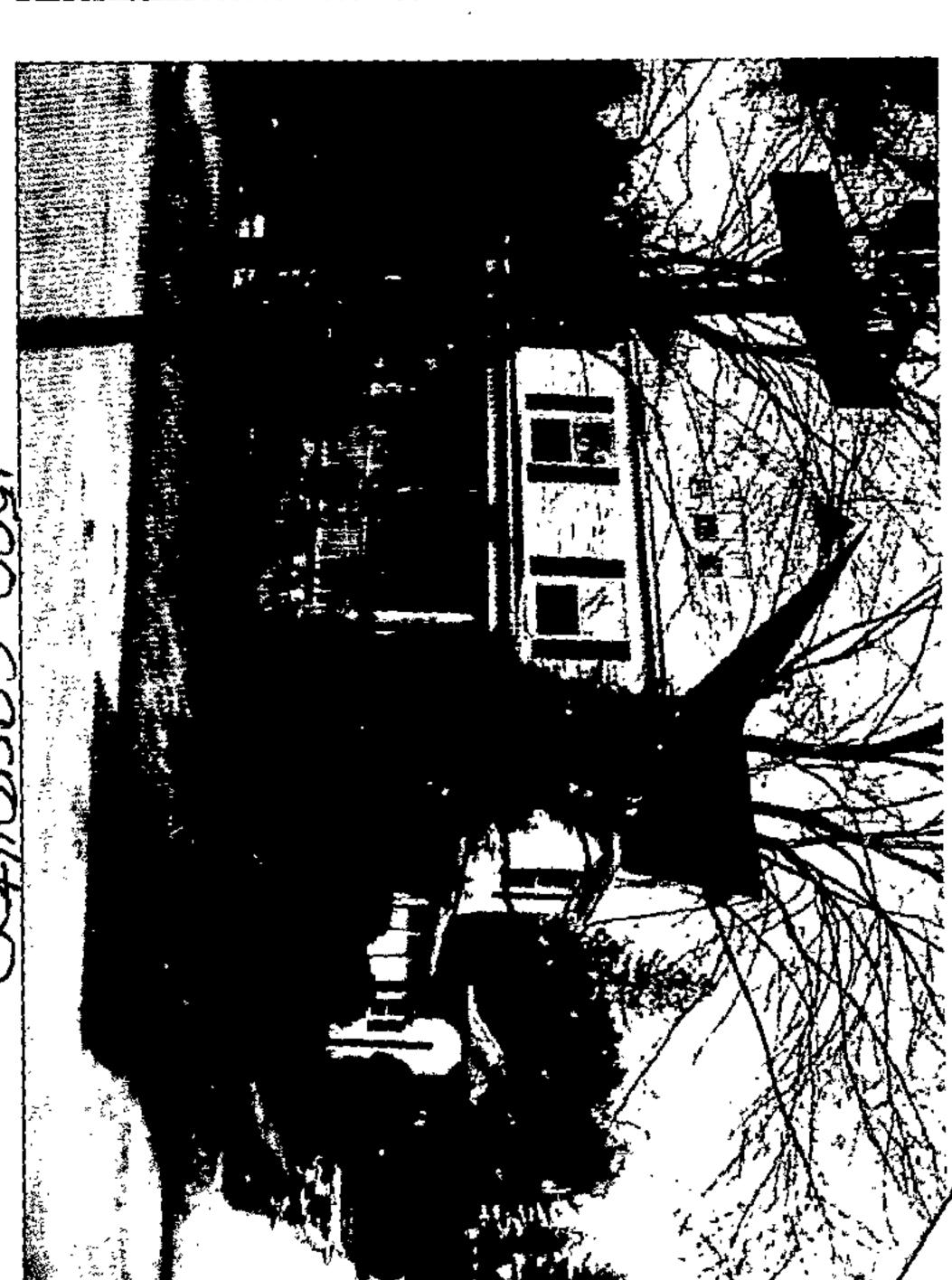
Engineering Access Permits

Division

SDF/MB

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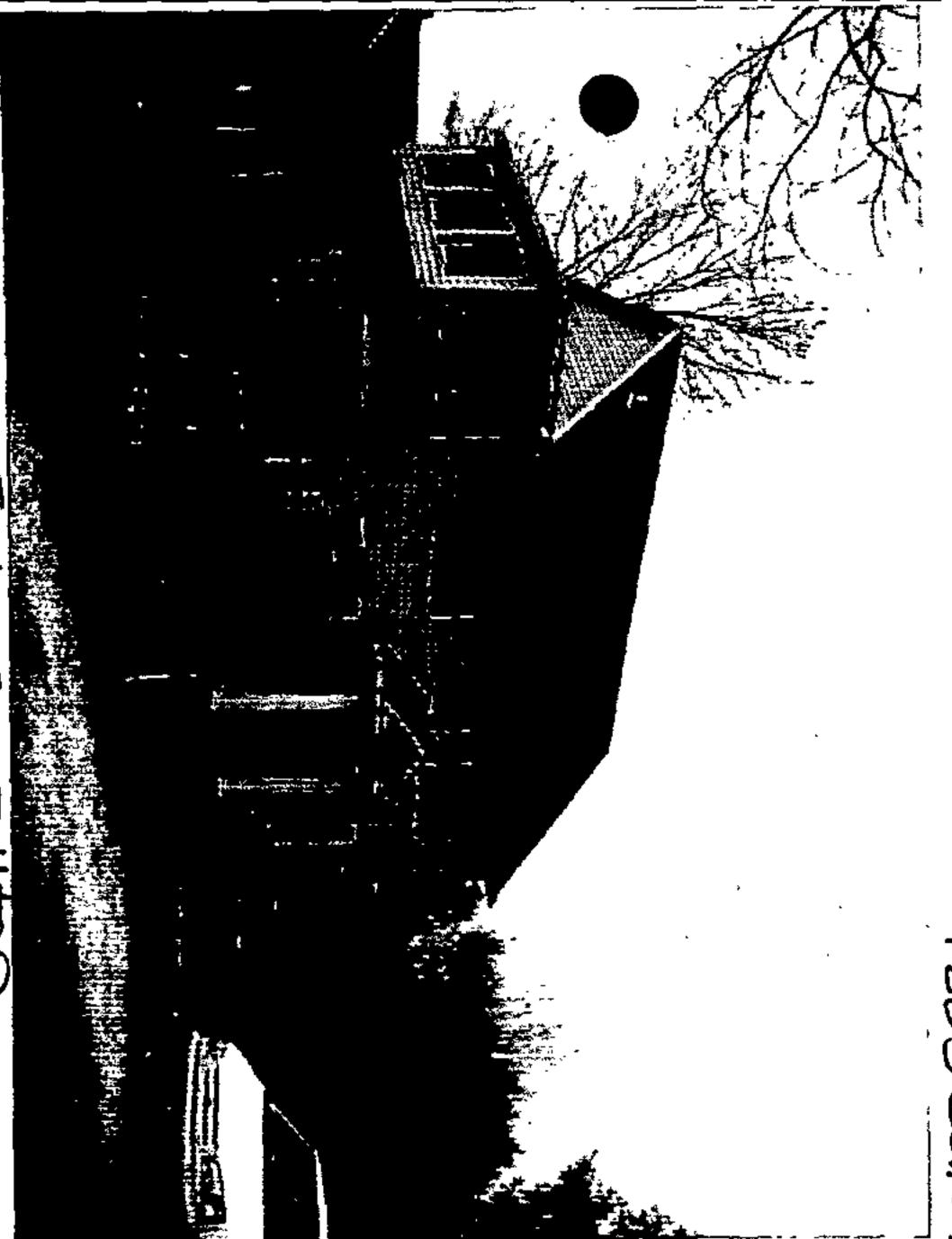




hEh# matt



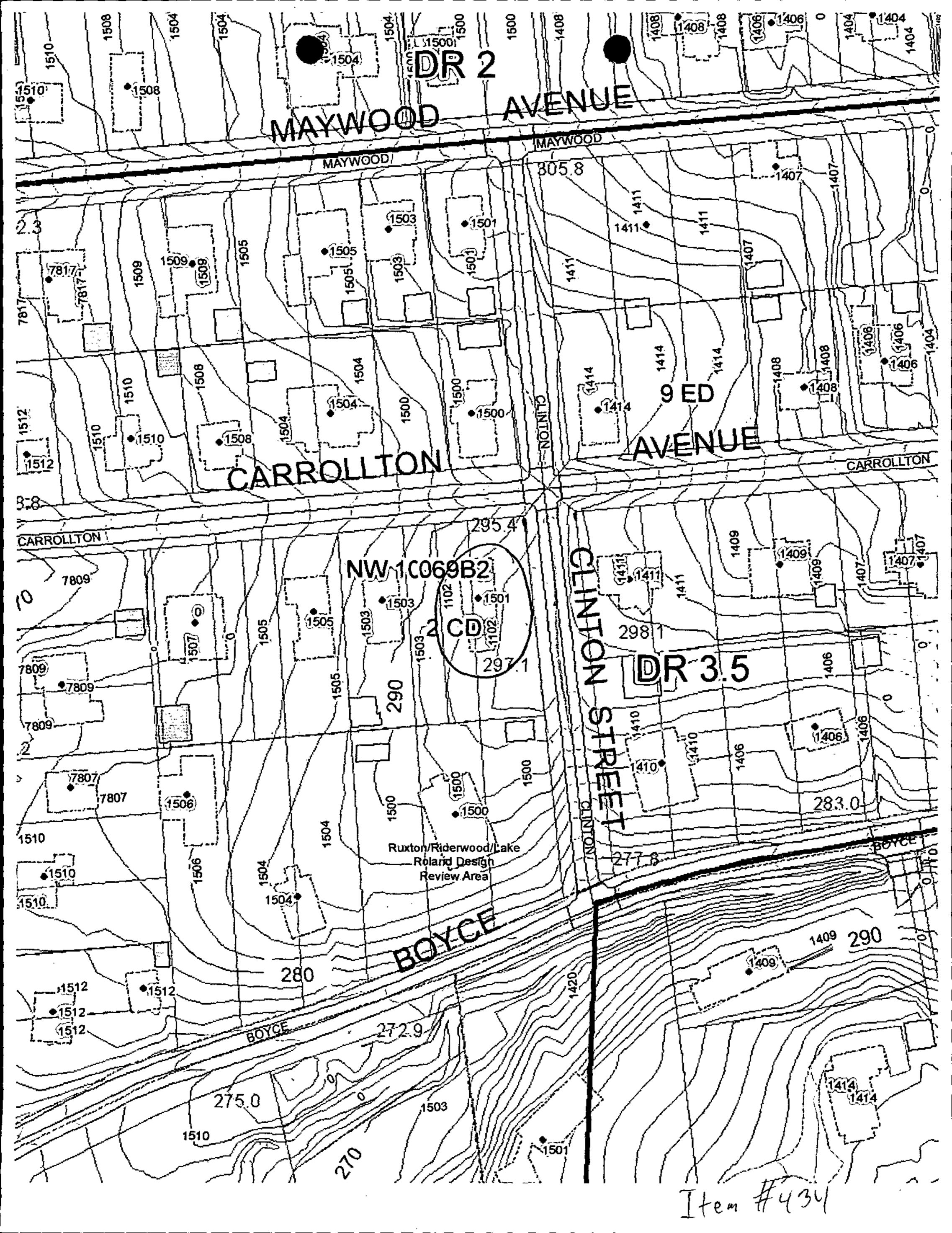






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http://bamaps1.co.ba.md.us/arcims\_path/bcgims?ServiceName=Zoning&ClientVersion=4.... 3/23/2007

Them # 434

