IN RE: PETITION FOR ADMIN. VARIANCE
S side Action Road, 470 feet +/- from
Avondale Road
14th Election District
6th Councilmanic District
(3319 Acton Road)

Doris A. and John D. Taylor *Petitioners*

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * BALTIMORE COUNTY
- * CASE NO. 07-458-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, Doris A. and John D. Taylor. The variance request is for property located at 3319 Acton Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 7 feet in lieu of the required 10 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to expand the kitchen and add a family room on the first floor, and add a bedroom and full bath on the second floor. The addition will be located at the rear of the home and line up with the existing dwelling. The Petitioners provided a letter of support from an adjacent property owner residing at 3321 Acton Road. The property contains 6,750 square feet zoned DR 5.5.

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 April 21, 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 10 day of May, 2007 that a variance from Section 1B02.3.C.1 of the

The second

Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 7 feet in lieu of the required 10 feet for an addition 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

for the property located at 3319 ACTON

to the Zoning Commissioner of Baltimore County

which is presently zoned DRS.5

made a part hereof, hereby petition for a Variance from Se	ection(s) 1B02.3.C.1; BCZR, TO
PER-MIT A SIDE SETBALL	of 7ft. IN CIEM OF THE
REQUIRED 1847. FOR AN	ADDITION,
•	
of the zoning regulations of Baltimore County, to the zonion of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by to long we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursua	, posting, etc. and further agree to and are to be bounded by the zoning
<i>i</i> , , , , ,	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):
	Poris A. Taylor Connection
Name - Type or Print	Name: Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature .
Attorney For Petitioner:	3319 ACTON RA 410-458-81
THEOLITON TO CHARLES T	Address Telephone No.
Name - Type or Print	City Z(Z34) State Zip Code
	Representative to be Contacted:
Signature	
Company CEE C//	Name ————————————————————————————————————
Address Telephone No.	Address . Telephone No.
City: State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found t	to be required, it is ordered by the Zoning Commissioner of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 07-458-A	Baylowed By (100 Date 4.10 0)
	Estimated Posting Date 4.22.07

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)

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	3319 AcTon	RD	
	Address Balt	ハカラ	21234
	City	State	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):

That the Affiant(s) acknowledge(s) that if a formal of advertising fee and may be required to provide addition	demand is filed, Affiant(s) will be r nal information.	equired to pay a reposting and
Signature	Jan Laylin	Chief Healt
Name - Type or Print	Signature Poris Jaylor. Name - Type or Rript	David a Taylo
		<i>J</i>
STATE OF MARYLAND, COUNTY OF BALTIMORE,	to wit:	
of Maryland, in and for the County aforesaid, personal:	y appeared, Jan, before	me, a Notary Public of the State
the Affiant(s) herein personally known or national activity	identificat to see acres Affication	<u> </u>
the Affiant(s) herein, personally known or satisfactorily	identified to me as such Amant(s).	N. Ohir reserve
AS WITNESS my hand and Notarial Seal	Swit U4L	
	Notary Public	
	My Commission Expires	-1-00

REV 10/25/01

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

REV 10/25/01

3319 ACTON RD.

Address

Balt.
City
State

Zio 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):

advertising fee and may be required to provide addition	emand is filed, Affiant(s) will be required to pay a reposting and
adventioning reciding the required to provide addition	iai intornation.
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Signature Signature	Signature Couple / Couple
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Name - Type or Print	Name - Type or Print (
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STATE OF MARYLAND, COUNTY OF BALTIMORE, t	to wit
Air	CO WILL,
	.9a.€
I HEREBY CERTIFY, this Gray of County aforesaid participally	before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally	, <u>200</u> , before me, a Notary Public of the State appeared
of Maryland, in and for the County aforesaid, personally	appeared
	appeared
of Maryland, in and for the County aforesaid, personally the Affiant(s) herein, personally known or satisfactorily in	appeared
of Maryland, in and for the County aforesaid, personally	appeared
of Maryland, in and for the County aforesaid, personally the Affiant(s) herein, personally known or satisfactorily in	appeared
of Maryland, in and for the County aforesaid, personally the Affiant(s) herein, personally known or satisfactorily in	appeared



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

THE PARTY OF THE P	for the property lo	cated at <u>33/7</u> which is presently	ACTON zoned_DR5	120 ·
This Petition shall be filed with the Depowner(s) of the property situate in Baltimo made a part hereof, hereby petition for a VAPERAMINE A SIDE STAFE REQUIRED 10	re County and which is ariance from Section(s	described in the description (ま) 1802-3-4・() ニーフチャール	on and plat attached in BCZR, To	d hereto and
THE FEQUIVED 10	T 1. TO 12_		, 0,0	•
of the zoning regulations of Baltimore Cou of this petition form.	inty, to the zoning law o	of Baltimore County, for th	e reasons indicated	on the back
Property is to be posted and advertised as I, or we, agree to pay expenses of above Varia regulations and restrictions of Baltimore Count	ance, advertising, posting	g, etc. and further agree to ar	nd are to be bounded bunty.	by the zoning
		I/We do solemnly declare a perjury, that I/we are the legist is the subject of this Petition	al owner(s) of the pro	enalties of operty which
Contract Purchaser/Lessee:	•	Legal Owner(s):	loe's	S-Tarkon
Name - Type or Print		Name - Type or Print	J Chi	W Sha
Signature	Telephone No.	Signature OND Name - Type or Print	Loe	
City	Zip Code	Signature 3314 AcTon Ri	4,	0-458-816
Attorney For Petitioner:		Address	mD	Telephone No. Z/Z34 Zip Code
Name - Type or Print Signature		Representative to be	State Contacted:	Zip Code
Company		Name	1A-1/2	<u></u>
Address	Telephone No.	Address	V 1 1 11	Telephone No.
A Public Hearing having been formally demande	Zip Code	City	State	Zip Code altimore County.
A FUUND Indaming Reving Decision many Demand	the aubicat matter of this r	netition he set for a public hearing	o advertised as requir	ed by the zoning

regulations of Baltimore County and that the property be reposted.

The current dwelling at 3319 Acton Road Baltimore, Maryland was constructed in 1952. There have not been any upgrades to the dwelling since this time. I would like to update and expand the kitchen, add a family room of the main floor, and add a bedroom and full bath on the second floor. These additions would be on the rear elevation of the house and in no way affect the current boundary setbacks on either side. I intend to establish long-term residence at this location and plan on raising a family here.

30 E. Padonia Road, Suite 500 Timonium, Maryland 21093

tel. 410-560-1502 fax 443-901-1208

ZONING DESCRIPTION 3319 ACTON ROAD 14TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND 6TH COUNCILMANIC DISTRICT

BEGINNING FOR THE SAME at a point on the South side of Acton Road, a right-of-way (40) feet wide at the distance of 470 feet+ east of the centerline of the nearest improved intersecting street Avondale Road, a right- of- way (30) feet wide. Being lot #710 and 711 in the subdivision of GLENWOOD as recorded in Baltimore County Plat Book 7, Folio 62 & 63, containing 6,750 Sq.Ft. or 0.155 Ac.+/-. Also known as 3319 Acton Road and located in the 14th. Election District, 6th Councilmanic District.

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		BALTIMORE COUNTY OFFICE OF BUDGET & FIR	DATE 4. 10 0	3 . 1	FOR	DISTRIBUTION WHITE - CASHIER PINK

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

Case Number: 07-458-A

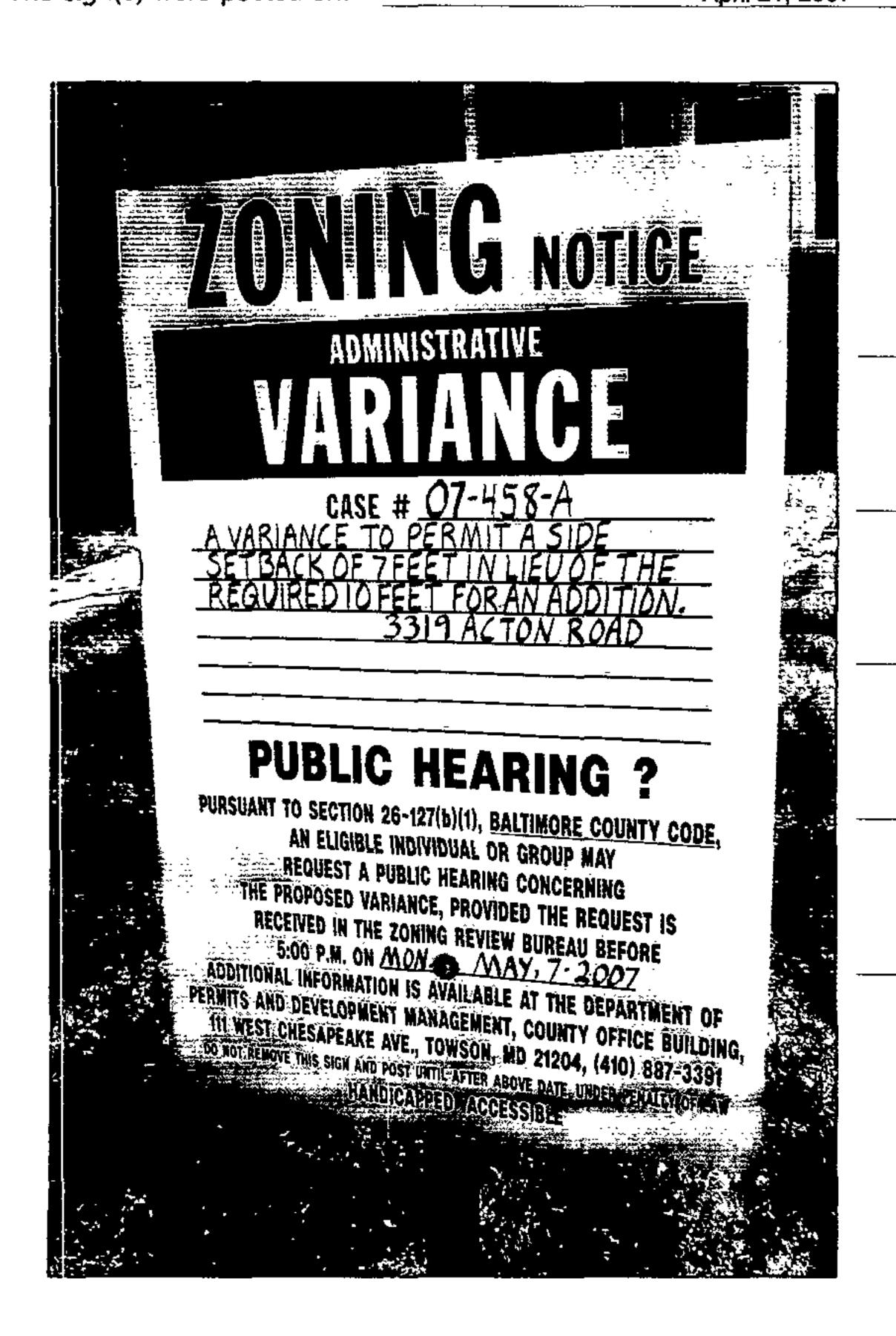
Petitioner/Developer: JOHN TAYLOR

Date of Hearing (Closing): May 7, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3319 ACTON ROAD

The sign(s) were posted on:

April 21, 2007



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)

BALTIMORE COUNTY DEFARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	Number 07- 458 -A Address 3319 Acrow Pd.
Contac	ct Person: Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing	Date: 4.10.07 Posting Date: 4.22.07 Closing Date: 5.7.07
Any co	ontact made with this office regarding the status of the administrative variance should be high 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.
4	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.
c p	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 his office.
· -	(Detach Along Dotted Line)
Petition	er: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
	Imber 07- 458 -A Address 3319 Action Rel.
	er's Name John Toylor Tolophone 410-458-8161
Posting	Date: 4.22-07 Closing Date: 5.7.07
Vording	for Sign: To Permit A SIDE SETBACK OF 7ft. IN
	EU OF THE REQUIRED 10ft. FOR AN ADDITION
····	

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 Adv	<u>ertising:</u>
Item Number or Case	Number <u>458</u>
Petitioner TJohn	Taylor
Address or Location.	× 3319 Action ROAD BALTO. Md. 21234
PLEASE FORWARD	ADVERTISING BILL TO
PLEASE FORWARD Name.	ADVERTISING BILL TO
Name.	ADVERTISING BILL TO
Name.	ADVERTISING BILL TO
•	ADVERTISING BILL TO



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 8, 2007

Doris A. Taylor John D. Taylor 3319 Acton Road Baltimore, MD 21234

Dear Mr. and Mrs. Taylor:

RE: Case Number: 07-458-A, 3319 Acton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 10, 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. Cal Rohal D

WCR:amf

Enclosures

c: People's Counsel

April Puskar 3321 Acton Rd Baltimore, Maryland 21234

Date:

March 28, 2007

To:

Board Members

From:

April Puskar

Subject:

Addition to dwelling located at 3319 Acton Road

Dear Board Members,

I am writing to you regarding the plans for an addition to be added to the existing dwelling located at 3319 Acton Road, Baltimore, Maryland 21234. It is my understanding that there is a problem due the distance between the dwellings at 3319 and 3321 Acton Road. These houses were built around 1958 and far as I know no changes have been made to either property. It is my wish that you grant Mr. Taylor approval for his plans, especially since the distance between the houses has not and will not change. I thank you for your time and assistance in this matter.

Sincerely,

April Puskar

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 27, 2007

DECEIVED Nav o 3 2007

BY:_____

SUBJECT: Zoning Advisory Petition(s): Case(s)07-458-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:

CM/LL



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

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

Maryland Department of Transportation

Date: A/z4/2007

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

RE:

Baltimore County

Item No.7-438-A

3319 ACTON ROAD TAYLOR 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.7-458-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 \(\subseteq \)
Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 24, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 30, 2007

Item Nos. 07-454, 455, 456, 457, 458, 459, 461, 464, 465, 467, 468, 471, 472, and 473

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 04242007.doc

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

April 24, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 23,2007

Item No.: 454, 455, 456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467, 468, 469, 470, 471, and 472.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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



Visit the County's Website at www.baltimorecountyonline.info



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 10, 2007

DORIS A. AND JOHN D. TAYLOR 3319 ACTON ROAD BALTIMORE MD 21234

> Re: Petition for Administrative Variance Case No. 07-458-A Property: 3319 Acton Road

Dear Mr. and Mrs. Taylor:

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 27, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s)07-458-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:

CM/LL

