IN RE: PETITION FOR ADMIN. VARIANCE

S side of Leewood Avenue, 575 feet E of Winters Lane
(5901 Leewood Avenue)

1st Election District

1st Council District

Upshur Webb, Sr. Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 07-562-A

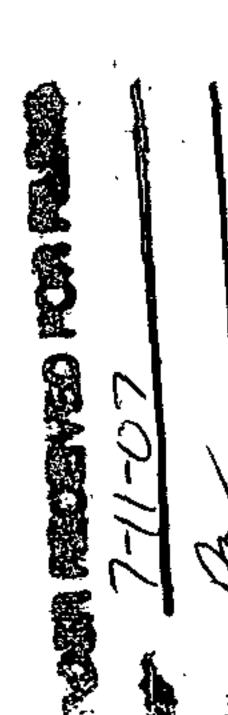
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Upshur Webb, Sr. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling and a proposed addition with side and rear setbacks of 0 feet respectively in lieu of minimum requirements of 10 and 30 feet respectively. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the irregular shape of the property, placement of the home



on the property, and the location of the proposed addition. The property at street frontage measures 96 feet wide and narrows at the back property line to 56 feet in width. As more particularly shown on the site plan, the southeast corner of the addition abuts a County easement and the Banneker Recreation Field. As shown on the site plan, the Petitioner proposes to construct an addition measuring 25 feet x 30 feet at the back of the home. The addition will contain a bedroom, den, walk-in closet and bathroom. The Petitioner's son is coming to live with him to assist the Petitioner and help maintain the property.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of July, 2007 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling and a proposed addition with side and rear setbacks of 0 feet respectively in lieu of minimum requirements of 10 and 30 feet respectively be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his/her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WILLIAM J. WEEMAN, III

for Baltimore County

WJW:pz

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JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 10, 2007

UPSHUR WEBB, SR. 5901 LEEWOOD AVENUE CATONSVILLE MD 21228

RE: Petition For Administrative Variance

Property: 5901 Leewood Avenue

Case No. 07-562-A

Dear Mr. Webb:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 410-887-3391.

Very truly yours,

INIAMI, WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5901 LEE WOOD AVENUE which is presently zoned DR 5.5

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) | BOZ3.C. | BCZR

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ZERO FEET RESPECTIVELY IN LIEU OF minimum requiresments

OF 10430-PA VESPECTFULLY.

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.

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this day of regulations of Baltimore County	inai	the subject matter of t	his petition be set for a public	nearing, advertised, as re	iquired by the zoning
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Attorney For Petition	ier;		Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
City	State	Zip Code	-	200D AUENU	<i>E</i>
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•	•		Upshur h	JEBB. Sc.	
Contract Purchaser/	Lessee:		Legal Owner(s):		
:		•	perjury, that I/we are the subject of this P	are and affirm, under the legal owner(s) of the etition.	ne penalues of e property which

Affidavit in Support of Administrative Variance

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.

5901 LEEWOOD AVENUE

•	CATUASVILLE, MD 21228 Zip Code
That based upon personal knowledge, the follo	wing are the facts upon which I/we base the request for an Administrative
Variance at the above address (indicate hardshi	
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property and manage, A	BACTICAL DIFFILL LTY TO BUILD ANY
OTHER WAY DUE TO UTIL	ITIES And Existing infrastructure. TREES IN
FRONT YARD AND WESTSIDE OF OTHER LOCATIONS.	FRECHENY MAKE THOOFTIONS IMPOSSIBLE AT
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advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
Signature	Signature
Upshur Webb, Jr.	· · · · · · · · · · · · · · · · · · ·
Name - Type or Print	Name - Type or Print
	·
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
I HEREBY CERTIFY, this 14 day of 5 day	UE Z007, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, per-	sonally appeared
Upshur Webb	
<u> </u>	· · · · · · · · · · · · · · · · · · ·
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such Affiant(s).
the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such Affiant(s).
the Affiant(s) herein, personally known or satisfactors. AS WITNESS my hand and Notarial Seal	ctorily identified to me as such Affiant(s).
the Affiant(s) herein, personally known or satisfac	Edward Suff
the Affiant(s) herein, personally known or satisfac	Notary Public Suff
the Affiant(s) herein, personally known or satisfac	Edward Suff

Affidavit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

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5901 LEEWOOD AVENUE

		CATUAS	VILLE,	State	21228	Zip Code
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	That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide ac	mal demand i dditional inform	s filed, Affianti lation.	(s) will be req	uired to pay a	reposting and
	Value Day 11	•		• •		•
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	Upshur Webb, Sr.	,			· · · · · · · · · · · · · · · · · · ·	
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	<u>しつられって しゃし</u> the Affiant(s) herein, personally known or satisfac	torily identified	to me as such	Affiant(s).	<u></u>	,
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CASE NO

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5901 LEEWOOD AVENUE which is presently zoned DR 5.5

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

owner(s) of the property situate in Ballinois County and made a part hereof, hereby petition for a Variance from Section(s) 1 BOZ.3.C. 1 BCZR

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TO PERMITTIPEDPOSED ADDITION WISIDER REAR SETBACKS OF ZERO FEET RESPECTIVELY IN LIEU OF minimum requirements
OF 1043074 respectfuely.

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.

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			I/We do solemnly dec perjury, that I/we are the subject of this F	lare and affirm, under the legal owner(s) of the Petition.	ne penalties of property which
Contract Purchaser/Le	ssee:		Legal Owner(s):		
Name - Type or Print	•		Name - Type or Plint	JEBB, SC.	
Signature			Signature		
Address		Telephone No.	Name - Type or Print	,	
City	State	Zip Code	Signature		
Attorney For Petitioner	r <u>:</u>			400D AUENU	Telephone No.
NIA			Address CATUASVILL City	e mo	21228
Name - Type or Print		·	City	State	Zip Code
			Representative t	o be Contacted:	•
Signature	· .		SAME	•	
Company		<u> </u>	Name		<u></u>
Address		Telephone No.	Address	<u></u>	Telephone No.
City	State	Zip Code	City	State	Zip Code
Public Hearing having been this day of	formally demand tha	ed and/or found to be at the subject matter of t	required, it is ordered by the his petition be set for a public	ne Zoning Commissioner on hearing, advertised, as re	of Baltimore County, quired by the zoning
egulations of Baltimore County a	nd that the propert	ty be reposted.	-	. in	Military
			Zoning Comm	nissioner of Baltimore Coun	ity:

Estimated Posting Date ____6 180

ZONING DESCRIPTION FOR 5901 LEEWOOD AVENUE (address)
Beginning at a point on theSouthside ofside of
LEEWOOD AVENUE which is 40+
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of $575+++++++++++++++++++++++++++++++++++$
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street
(name of street)
which is 40-ft would width width with the width width.
(number of feet of right-of-way width)
Block, Section # in the subdivision of Winters #FIGHTS (name of subdivision)
(name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #_/ <u>/</u> /
containing 8,8925F Also known as 5901 LEEWOOD AUE MOUS (square feet or acres) (property address)
and located in the Election District, Councilmanic District.

0 2-562-A

BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 292	•
DATE 6/18/07	ACCOUNT R-001-006-7150	* - =
· ************************************	* 65,00	, , , , , , , , , , , , , , , , , , ,
FROM: UOShur	Webb, Sr	
FOR: ABM Marian	= 5901 Leewood Avenue	
17-562-A	We 66)	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY	YELLOW - CUSTOMER	_

MIL MICH

PARTOMEN ALLENDE OF WILLIED

ASHIER'S VALIDATION

POSTED 6/18/07 52 M/F2/07

•	RE: Casa No.: 07-562-1
	Petitioner/Developer:
· .	LIPSHUR WEBB, SR.
	Date of Hearing/Closing: 7/3/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
The sign(s) were posted on	LEEWOOD AVE
	. (Month, Day, Year)
CASE # 07-S62-A 70NING NOTICE ANNUALINE PROPOSED IN ACTION TO THE PROPOSED IN THE PROPOSED LARVEYED PROPOSED IN THE PROPOSED IN THE PROPOSED LARVEYED FOR THE PROPOSED IN THE PROPOSED LARVEYED FOR THE PROPOSED IN THE PROPOSED LARVEYED THE PROPOSED IN THE PROPOSED LARVEYED THE PROPOSED IN THE PROPOSE	Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) GOA DELLWOOD DR. (Address) (City, State, Zip Code) (A10) 879-3122 (Telephone Number)
5901 LEEWOOD AVE.	_



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 2, 2007

Upshur Webb, Sr. 5901 Leewood Avenue Catonsville, MD 21228

Dear Mr. Webb:

RE: Case Number: 07-562-A, 5901 Leewood Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 18, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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. Callahal)

WCR:amf

Enclosures

c: People's Counsel

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

562

Item Number: 555 through 572

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





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

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

Maryland Department of Transportation

Date: June 26,2007

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

RE:

Baltimore County

Item No. 07-562-A

5901 LEEWOODAVENUE

WESS 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. 7-562.

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 Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 2, 2007

Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, and 572

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-06272007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 26, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-562- 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:

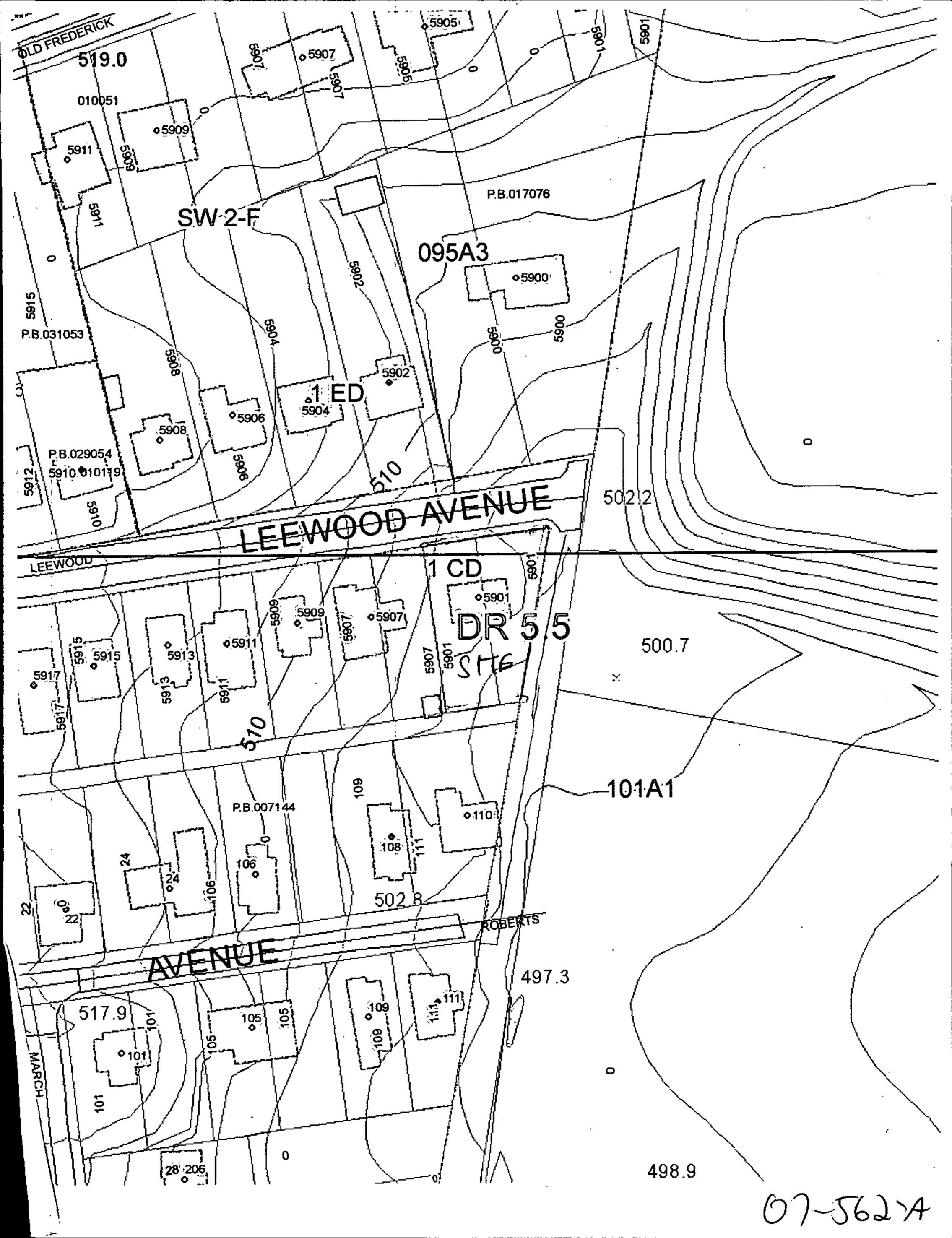
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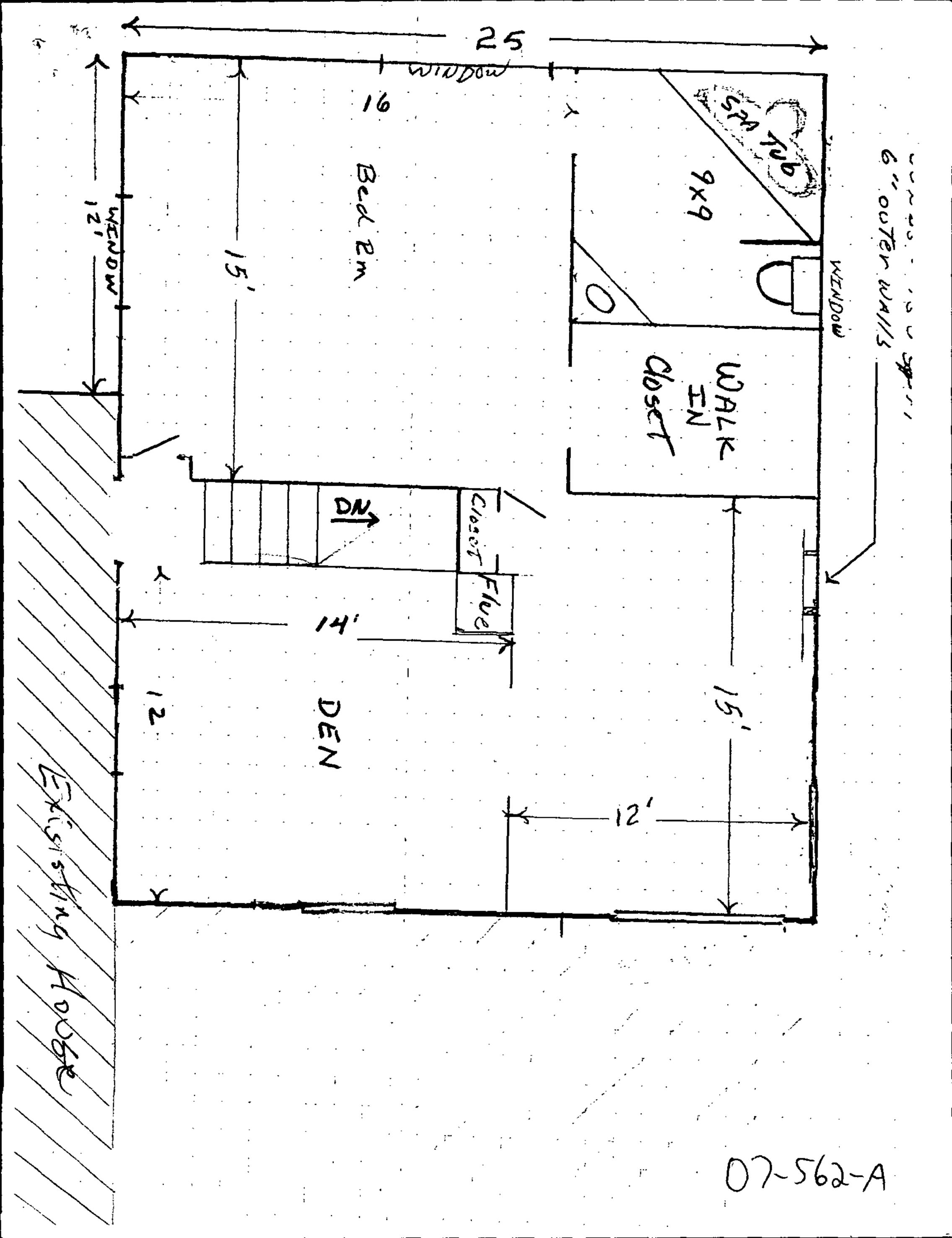
07-562-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	lumber	07-	562	-A	Ac	dress .	5901	Leeu	uood	Avenu	<u>e</u>
			Jeff	rey F	erlow			Ph	one Num	nber: 41(0-887-3391
			Plan	nner, Please P	Print Your Name Posting	Date:	6/18/0	2	Closin	g Date:	7/3/07
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(5)-562-A

