IN RE: PETITION FOR ADMIN. VARIANCE

E side Poles Road, 168 feet N of c/l Selo Road 15th Election District * 6th Councilmanic District

(1679 Poles Road)

Douglas B. Davis, Jr.

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

BALTIMORE COUNTY

CASE NO. 07-582-A

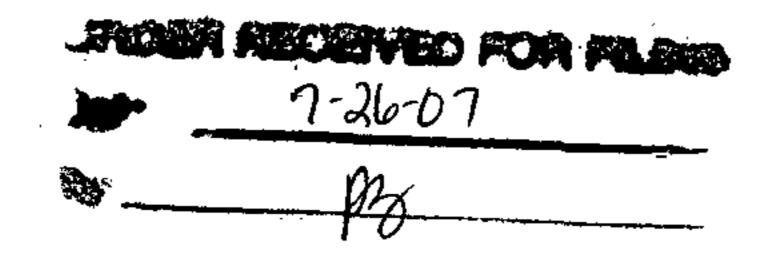
FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Douglas B. Davis, Jr. The variance request is for property located at 1679 Poles Road. The variance request is from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 214.1.b and 301.1 (1955 for R 6) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 38 foot rear setback and an open projection (covered deck) with a 32 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 needs additional living space for the growing family. The addition includes a 3 foot x 23 foot walk, 17 foot x 10 foot addition and 6 foot x 10 foot covered porch/deck. The two story dwelling is a townhouse and the only place for the needed addition is in the rear yard.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 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 _______ day of July, 2007, that a variance from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections 214.1.b and 301.1 (1955 for R 6) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 38 foot rear setback and an open projection (covered deck) with a 32 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.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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|-------|--------------------|
| | 7-26-07 |
| | 0X |



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 26, 2007

DOUGLAS B. DAVIS, JR. 1679 POLES ROAD BALTIMORE MD 21221

Re: Petition for Administrative Variance Case No. 07-582-A

Property: 1679 Poles Road

Dear Mr. Davis:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Gus Mack, Cutting Edge Construction Services, Inc., 712 Stemmers Run Road, Unit B, Baltimore MD 21222







Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 1679 | POLES | RD | BALTO | MD |
|-----------------------------|-------------|-------------|------|-------|----|
| which | h is preser | tly 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 owner(s) of the property situate in battimore County and Willows 3000.1001 (BC±R - 1955) made a part hereof, hereby petition for a Variance from Section(s) 1001 (BC±R - 1955), 214 (16., 201.1 (BC±R - 1955)). FOR R.G.,

TO PERMIT AN ADDITION WITH A 38-FOOT REAR SETBACK AND AN OPEN PROJECTION (COVERED DECK) WITH A 32-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 50-FEET AND 37/2-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. 1, 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

| · I | | | is the subject of th | is Petition. | |
|----------------------|---|---------------------------------------|---|---------------------------------|---------------------------------------|
| Contract Purcha | ser/Lessee: | | Legal Owner(s | <u>s):</u> | |
| • | : | | DOUGLAS | B. Davis | JR |
| Name - Type or Print | <u> </u> | . 4 | Name - Type or Prin | | |
| Signature | 1 | <u> </u> | Signature | | · · · · · · · · · · · · · · · · · · · |
| Address | | Telephone No. | Name - Type or Prin | t | ····· |
| City | State | Zip Code | Signature | | |
| Attorney For Pe | titioner: | | | ES ED | Telephone No. |
| | 1 | • | Address | RE MD | 21221 |
| Name - Type or Print | , | · · · · · · · · · · · · · · · · · · · | City | State | Zip Code |
| <u></u> | ; · · | - <u>-</u> | Representativ | e to be Contacted: | - |
| Signature | ‡ } | · | THIS WALK | Constravation Service | es Inc. |
| Company | | | 712 Stemmeru | | 410 238 4900 |
| Address | ! | Telephone No. | Address | MD | Telephone No. |
| City | State | Zip Code | City | State | Zip Code |
| this day of | ing been formally demand the County and that the property | nat the subject matter of | required, it is ordered this petition be set for a pu | blic hearing Commissioner as re | equired by the zoning |

| _ | * * | | <u> </u> | |
|-----------------|-------------|------------|--------------|--|
| Zoning Commissi | oner of Bal | timore Cou | ntv· | |
| | Sy 455. | S 1 | \tilde{z}' | |
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| CASE I | NO. |
|--------|-----|
|--------|-----|

REV 10/25/01

Estimated Posting Date

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 | 1679 POLIES | Ro | |
|--|---|----------------------------|---------------------------------------|
| | Address City City | MD State | 2122] Zip Code |
| That based upon personal knowledge, the follo Variance at the above address (indicate hardshi | wing are the facts upo ip or practical difficulty) | on which I/we base the | |
| Our growing family N | reed & Additional | space. Our | Townhome is |
| small. the proposed ad | | 1 | |
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| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a | ormal demand is filed. additional information. | , Affiant(s) will be requ | uired to pay a reposting and |
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| Signature | Signa | ture | · · · · · · · · · · · · · · · · · · · |
| Name - Type or Print | ر <u></u> . Name | - Type or Print | |
| * | | | • |
| STATE OF MARYLAND, COUNTY OF BALTIN | | | |
| I HEREBY CERTIFY, this 21 5 day of 4 day of 6 da | rsonally appeared | , <u>७०७७</u> _, before me | e, a Notary Public of the State |
| the Affiant(s) herein, personally known or satisfa | | as such Affiant(s) | |
| the Amant(s) herein, personally known or satisfic | actority identified to me | as such Amani(s). | |
| AS WITNESS my hand and Notarial Seal | • | | |
| | Notary Public | 400000 | |
| | My Commiss | sion Expires | 100s |

REV 10/25/01



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 1679 | POLES | KD | BALTO | MD | 2120 |
|-----------------------------|-----------|------------|----|--------|----|------|
| which | is preser | itly zoned | D' | ·R. 10 | 5 | . , |

Zoning Commissioner of Baltimore

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) 1801. (802), 34.16.,301.1 (802), 31.16.

10 PERMIT AN ADDITION WITH A 38-FOOT REAR SETBACK AND AN OPEN PROJECTION (COVERED DECK) WITH A 32-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 50-FEET AND 37/2-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. Legal Owner(s): Contract Purchaser/Lessee: **OUGLAS** Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code State Signature City 1679 POLLES KD 410-574-1815 Attorney For Petitioner: Telephone No. Address BALTIMORE Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Stemmers Kun 410 738 Adao Telephone No. Telephone No. Address Address Baut. 21221 MD Zip Code Zip Code City State City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

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 | 1679 Poces | RD | |
|--|--|--------------------------------------|-----------------------|
| | Address BALTIMORE | MARYLAND | ر در ر ر Zip Code |
| That based upon personal knowledge, the follo Variance at the above address (indicate hardshi | wing are the facts upo p or practical difficulty) | n which I/we base the request for | • |
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| Our growing family small. The proposed add Room. Mything small | lillori in the 12 inst 1 | ear would give us the | Needed |
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| | was all domestic fitted | Affication will be required to a | av a ronostina and |
| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a | | Amani(s) will be required to p | ay a reposing and |
| Signature DougLAS B. DAVIS JR | Signat | ure | |
| Name - Type or Print | Name | - Type or Print | |
| STATE OF MARYLAND, COUNTY OF BALTIN | | | |
| ال HEREBY CERTIFY, this عند day of day of of Maryland, in and for the County aforesaid, pe | rsonally appeared | _, _ , before me, a Notar | y Public of the State |
| the Affiant(s) herein, personally known or satisfa | actorily identified to me | as such Affiant(s). | <u> </u> |
| AS WITNESS my hand and Notarial Seal | | | |
| Statement of the State of the S | Notary Public | Moalies ! | |
| | My Commiss | ion Expires <u>4-1-2009</u> | |

REV 10/25/01

Zoning Description for 1679 Poles Road

Beginning at a point on the east side of Poles Road which has an existing 60-foot right-of-way and located 168-feet north of centerline Of Selo Road which has a 60-foot wide right-of-way.

Being the same property and recorded among land records of Baltimore County in Plat Book 22, Folio 65 being Lot #29, Block A, Section 2 and being in the subdivision known as "Riverwood Park" containing 3,795 square feet. Also known as 1679 Poles Road and located in the 15th Election District and Councilmanic District.

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| BALTIMOR OFFICE OF MISCELLAN | Fund | 100 | | | Rec | | | WHITE |

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ATTENTION: KRISTEN MATHHEWS

DATE: 07/5/07

Case Number: <u>07-582-A</u>

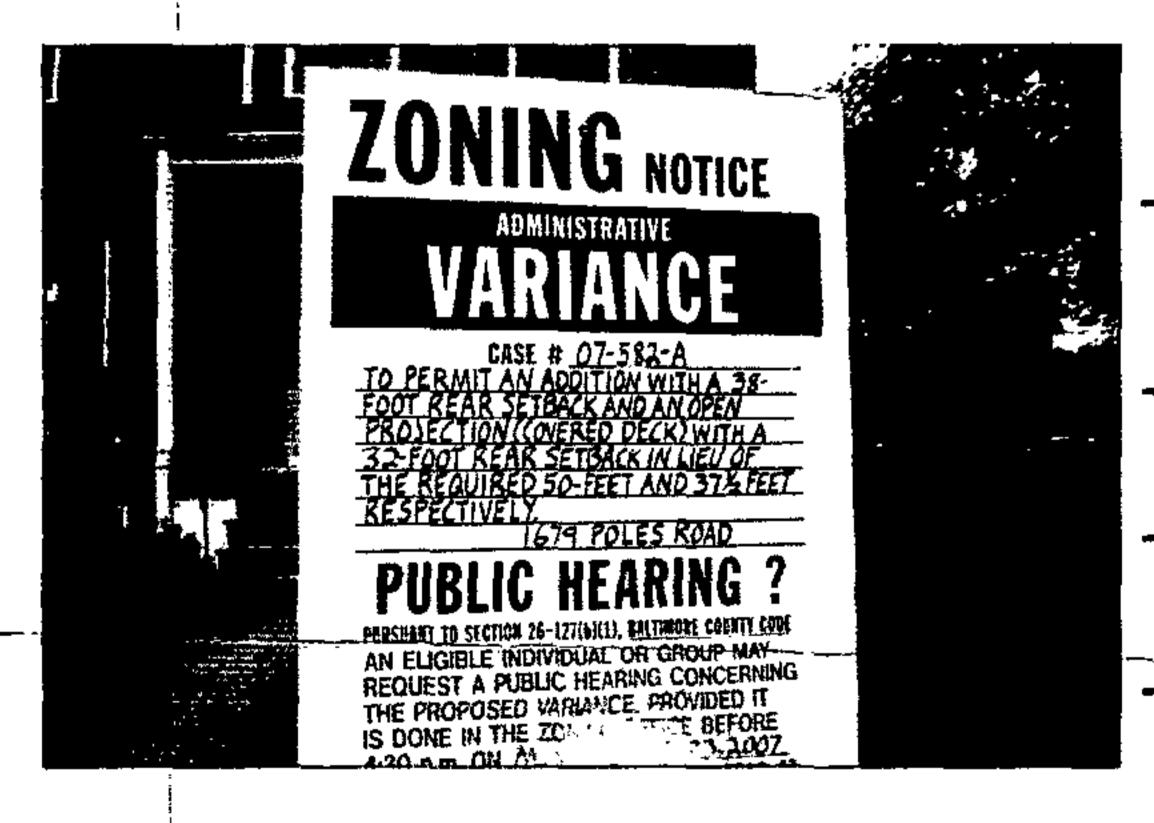
Petitioner / Developer: DAVIS~CUTTING EDE CONSTRUCTION

SERVICES

Date of Hearing (Closing): JULY 23, 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: 1679 POLES ROAD

The sign(s) were posted on: 07/04/07



(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 of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

| Case N | lumher | 07- | 582 | | -A | | Address | 11.170 | a Pa | | Da | | | |
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 23, 2007

Douglas B. Davis, Jr. 1679 Poles Road Baltimore, MD 21221

Dear Mr. Davis:

RE: Case Number: 07-582-A, 1679 Poles Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 25, 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. Callilal D

WCR:amf

Enclosures

c: People's Counsel

Gus Mack Cutting Edge Construction Services, Inc. 712 Stemmers Run Road, Unit B Baltimore 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

| | • | |
|---|---|---|
| - | | " |

Timothy M. Kotroco, Director

DATE: July 16, 2007

Department of Permits and

Development Management

JUL 2 0 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-582- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

11



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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary

Maryland Department of Transportation

Date: JULY 2,2007

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

RE:

Baltimore County

Item No. 7-582-A

1679 POLES ROAD DAVIS PROPERTY.

ADMINISTERATIVE 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.7-582-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





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: July 2, 2007

582

Item Number: 573 through 578 and 580 through 594

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

DATE: July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, (582), 583, 584, 585, 586, 587, 588,589, 590, 591, 592, and 594

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-07052007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 16, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

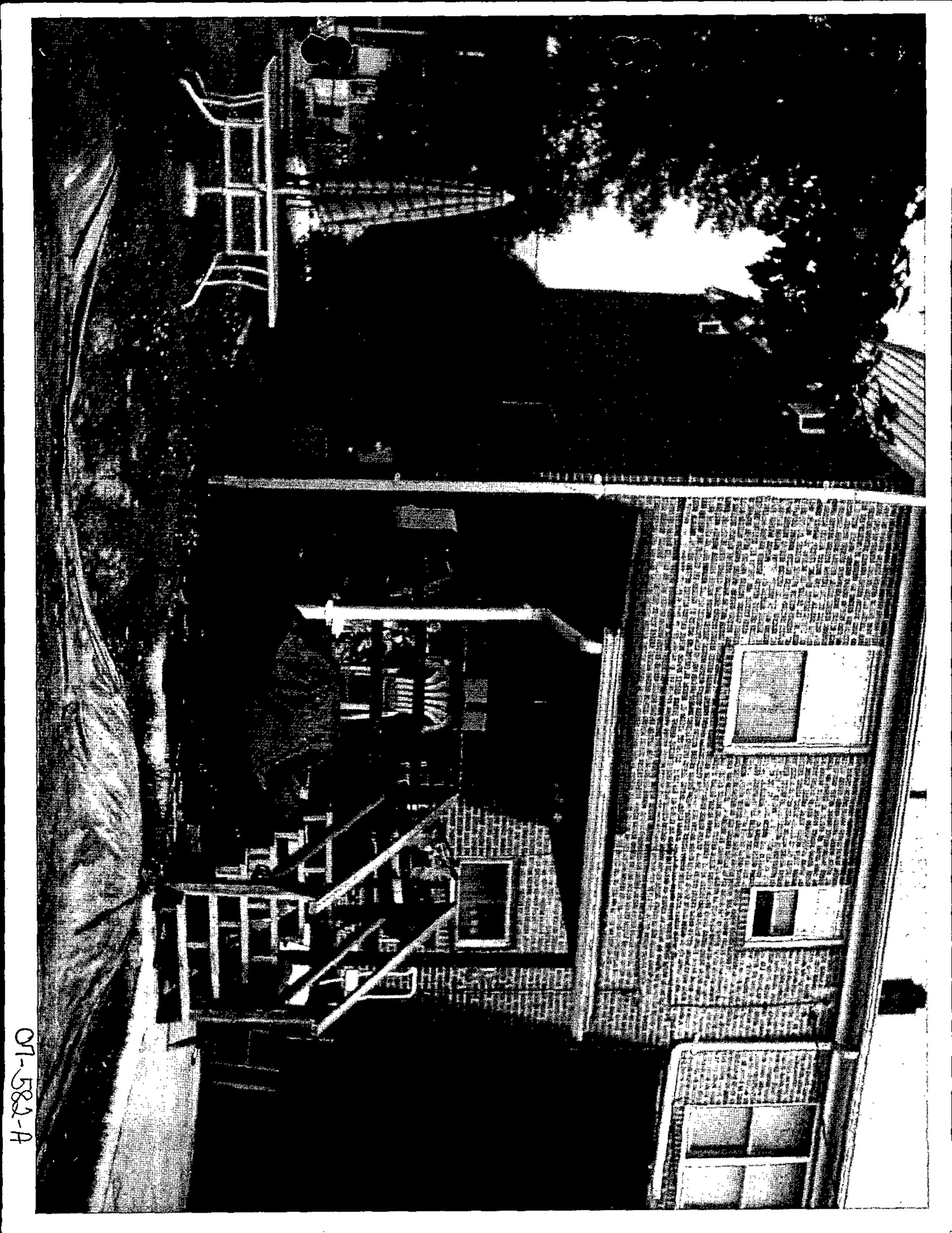
SUBJECT: Zoning Advisory Petition(s): Case(s) 07-582- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Nkechi Hislop in the Office of Planning at 410-887-3480.

Division Chief:

CM/LL





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 Newsp | aper Advertising: |
|-------------|---|
| Item Numb | er or Case Number: |
| Petitioner: | DAVIS |
| Address or | Location: 1679 POLES RD. |
| PLEASE FO | ORWARD ADVERTISING BILL TO: GUS MACK |
| Address: | CUTTING EDGE CONSTRUCTION SERVICES INC |
| Augress | 712 STEMMERS RUN RD. UNIT B BAKTO. MD 21221 |
| Telephone | Number: 410-238-4900 |

REPARED NORTH PROPERT SUBDIVISION NAME PLAT BOOK ADDRESS 3 FOL 10 # RIVERWOOD 107 115.00.0 N29.42.0 SECTION Pole S يع 0 Ž SCALE 33, ROA Alley N60\17'59"W 115.00' SEE PAGES \$ 윾 College of the ONING 6 ×10 28 DRAWING: HE VARIANCE CHECKLIST FOR ZONING REVIEWED BY ADDITIONAL SNINOZ PRIOR ZONING HEARING ELECTION DISTRICT HISTORIC PROPER CHESAPEAKE LOT SIZE COUNCILMANIC * 200° YEAR WATER SEWER SPECI LOCATION SCALE U ス FLOOD SCALE REQUIRED INFORMATION DISTRICT FICE USE ONLY PLAN INFORMATION 9 A Hopkins 1000 HEARING 101-582-A 区区 XE



07-582-A

REPARED NORTH PROPERT SUBDIVISION NAME AT BOOK **ADDRESS** 3 FOLIO * SINCRUSSON 115.00 N29.42.0 SECTION Poles 7 SCALE 33 ROA Alley N60\17'59"W 115.00' SEE PAGES (st 28 읶 College 6 210 DRAWING: 9 표 VARIANCE CHECKLIST FOR ZONING REVIEWED BY ADDITIONAL LOT SIZE **20NING** ELECTION DISTRIC PRIOR ZONING HEARING CHESAPEAKE CRITICAL COUNCILMANIC DISTRICT (" = 200' BUILDING YEAR SEWER WATER SPEC LOCATION SCALE PROPERTY/ U R FLOOD SCA REQUI BAY ARE PLAIN 2 FICE USE ONLY RED INFORMATION INFORMATION A Hopkins 5 1000 HEARING Nove **EDUCATION**