

IN RE: PETITION FOR ADMIN. VARIANCE *

SE side Duvall Avenue, 50 feet E

c/l Lawrence Avenue

15th Election District

7th Councilmanic District

(8111 Duvall Avenue)

John Mark Christou

Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-071-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, John Mark Christou. Petitioner is requesting Administrative Variance relief from Sections 104.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25%; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

On September 19, 2007, the Zoning Commissioner, William J. Wiseman III, and Peoples Counsel, Peter Max Zimmerman, agreed that this matter should be set in for a public hearing. Appearing at the public hearing in support of the Administrative Variance request was Petitioner John Mark Christou and his fiancé, Tracy Dofflemyer. Also appearing in support of the request was their contractor, Blake Canfield. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 9,625 square feet and zoned D.R.5.5. The property is improved

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with an existing 1½-story single-family dwelling and is located in the Duvall Terrace subdivision in the Rosedale area of Baltimore County. The property is also improved with an existing one-story single car garage located on the east side of the property behind the existing dwelling, as well as a 12 foot by 20 foot shed located on the west side of the property to the rear of the lot. Petitioner has owned the property for almost six years and now proposes to construct an addition to his home, an existing non-conforming structure, in order to provide additional space for his growing family. Petitioner related that he has an eight year old daughter from a previous marriage, as well as a two and-a-half year old boy and an 18 month old daughter with his fiancé, Ms. Dofflemyer. Their current home has a small bedroom and bathroom on the first floor and two very small bedrooms on the second floor. Neither Petitioner nor his fiancé wish to move from their current residence, but instead desire to add on to the home.

As shown on Petitioner's Exhibit 1, Petitioner proposes to add a two-story addition to the home, which will extend the rear of the home an additional 16 feet. Photographs of the existing home and accessory structures were marked and accepted into evidence as Petitioner's Exhibits 2A through 2D. Also submitted was a photograph of the neighbor to the east at 8113 Duvall Avenue and additional photographs of the existing home, which were marked and accepted into evidence as Petitioner's Exhibits 3 and 4A through 4D, respectively. Following construction of the addition, the existing dwelling and the addition will have a new, full second story instead of the current Cape Cod style roof line, and the new roof line will run north-south instead of the current east-west. Renderings of the proposed new addition with building elevations were submitted by Petitioner's contractor and were marked and accepted into evidence as Petitioner's Exhibit 8.

In order to make these proposed improvements, Petitioner is in need of variance relief due to the fact that the home as currently situated is a non-conforming structure. The D.R.5.5

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regulations require a 6,000 square foot area, a minimum lot width of 55 feet, a minimum width of an individual side yard setback of 10 feet, and a minimum rear yard depth of 30 feet. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, while the subject property contains a gross area of 9,625 square feet, the existing dwelling when built in 1949 had a non-conforming side yard setback of six feet in lieu of the now required 15 feet on the west boundary, and has a lot width of 50 feet in lieu of the now required 55 feet. Thus, the subject property is non-conforming by today's development standards. The imposition of the new (D.R.5.5) regulations given these facts impacts the lot disproportionately as compared to lots in the area laid out in accordance with the regulations. I find under these circumstances that the property passes the uniqueness test as required in the case of *Cromwell v. Ward*, 102 Md. App. 691 (1995). There is no way for the side yard setback and lot width deficiencies, created before the new regulations were imposed, to meet the new setback and width requirements. Requiring such would be an undue hardship and result in practical difficulty.

The first variance at issue concerns Petitioner's request to approve the *extension* of the non-conforming setback of greater than 25% -- in this case, extending the ground floor area by 66%. Under Section 104.3 of the B.C.Z.R. such uses may not be *extended* more than 25%. Similarly, Section 102.1A.1 of the Zoning Commissioner's Policy Manual (ZCPM) discusses at Page 1-42 "Residential Deficient Setbacks" and states in pertinent part, "If an addition is proposed to a residential building and any setback is deficient, this setback may be extended provided that the deficiency is not increased nor the use of the building is changed. (See 102.1.B ZCPM below)." When built almost 60 years ago, the west wall at issue here extended 24 feet. I find that the extension of the existing deficient setback for 16 more feet will not create another deficiency as discussed in ZCPM Section 102.1.b, nor will the use of the building be changed. Hence, I am

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inclined to grant the variance relief in order to allow the addition to proceed, especially in light of the fact that Petitioner meets all other side yard and rear yard setback requirements.

The final variance issue concerns the current location of the one-car garage. As a result of the addition extending an additional 16 feet to the rear of the dwelling, the front edge of the existing garage will encroach past the rear wall of the dwelling by one or two feet, as shown on the site plan. In order to alleviate this situation and legitimize the placement of the existing garage vis-à-vis the new addition, Petitioner is again in need of variance relief. For the reasons stated previously, I find the property unique in a zoning sense. Moreover, I find there is no way Petitioner can meet the requirements of Section 400.1 of the B.C.Z.R. without moving the garage back several feet or reducing the length of the addition several feet. I believe requiring Petitioner to do so would be an undue hardship and result in practical difficulty. As such, I am also inclined to grant this variance relief. I am also persuaded that the aforementioned variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Finally, Petitioner submitted letters from nearby and adjacent property owners -- at 8105, 8109, and 8115 Duvall Avenue -- indicating their support for Petitioner's proposed addition in order to provide much needed space for his growing family. These letters were marked and accepted into evidence as Petitioner's Exhibits 5, 6, and 7 respectively.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning dated August 31, 2007 indicates that the Office does not oppose Petitioner's requests as the lots on this street are narrow lots and so a rear addition would be the most appropriate to expand the existing house. The Planning comments state that prior to the issuance of any building permits, Petitioner must submit

~~ORDER RECEIVED FOR FILING~~

~~12-11-07~~
~~[Signature]~~

building elevations to the Office of Planning for review and approval. Also, the addition shall be similar in design, style and materials to that of the existing home.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's Administrative Variance request should be granted.

THEREFORE, IT IS ORDERED this 11th day of December, 2007 by this Deputy Zoning Commissioner, that Petitioner's Administrative Variance request from Sections 104.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25%; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear is hereby GRANTED subject to the following:

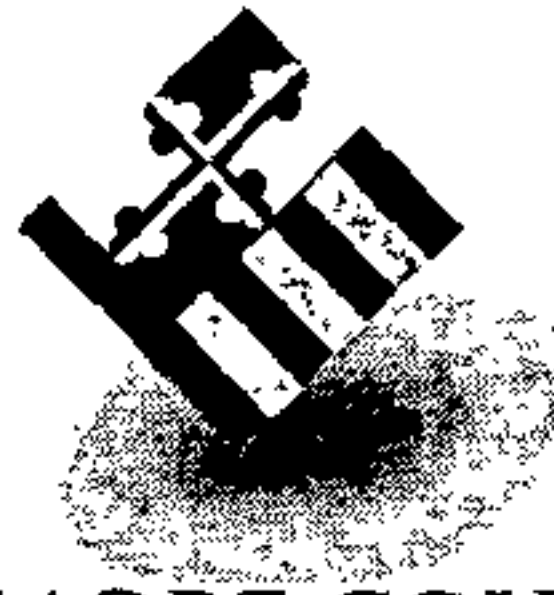
1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Building elevations, which should clearly illustrate all sides of the proposed addition and also the elevations should show the relationship between the proposed addition and the existing house. The elevations should show clearly the building materials as well as the location of all windows and doors.
3. The proposed addition should be similar in character and style that is color, texture and materials to the existing home and therefore compliment the existing house.

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

ORDER RECEIVED FOR FILE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 11, 2007

JOHN MARK CHRISTOU
8111 DUVALL AVENUE
ROSEDALE MD 21237

Re: Petition for Administrative Variance
Case No. 08-071-A
Property: 8111 Duvall Avenue

Dear Mr. Christou:

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,

A handwritten signature in dark ink, appearing to read "Th. H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



tax # 1518474420

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8111 Duvall
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) 104.3 and 400.1 - to permit a

proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 08-07-01 day of August that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 08-071-A

REV 10/25/01

Reviewed By RDD

Date 8/8/07

Estimated Posting Date 8/19/07

12-11-07
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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 8111 Duvall Ave
Address
Rosedale MD 21237
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):

growing family
Need more space
Love the area
don't want to move

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.

John Mark Christou
Signature
John Mark Christou
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Christou
Notary Public
My Commission Expires 05/18/2010

ZONING DESCRIPTION FOR : 8111 Duvall Avenue, Rosedale, MD

21237, Beginning at a point on the South side of Duvall Avenue, which is 50 feet wide at the distance of 50 feet ~~South~~ east of the centerline of the nearest improved intersecting street, Lawrence Avenue which is 50 feet wide. Being Lot # 42, in the subdivision of Duvall Terrace as recorded in Baltimore County Plat Book # 12, Folio #105, containing 9,625 square feet. Also known as 8111 Duval Avenue and located in the 15 Election District, 7 Councilmanic District.

Item # 071

No. 04194

SECRET

Date: 8/8/07 BUSINESS ACTUAL TYPE NEW
8/08/2007 8/08/2007 07:51:04 9

BUSINESS	ACTUAL	TYPE	NEW
8/02/2007	8/03/2007	07:51:04	9

[illegible]

5 350 JUNE 1957

Sept 14 1950

645.00 0 5.00 14

Ballard Family, Mary and

[illegible]

Total:	6500
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Rec From:

For: 2018 Ward Cen # 08-07-A

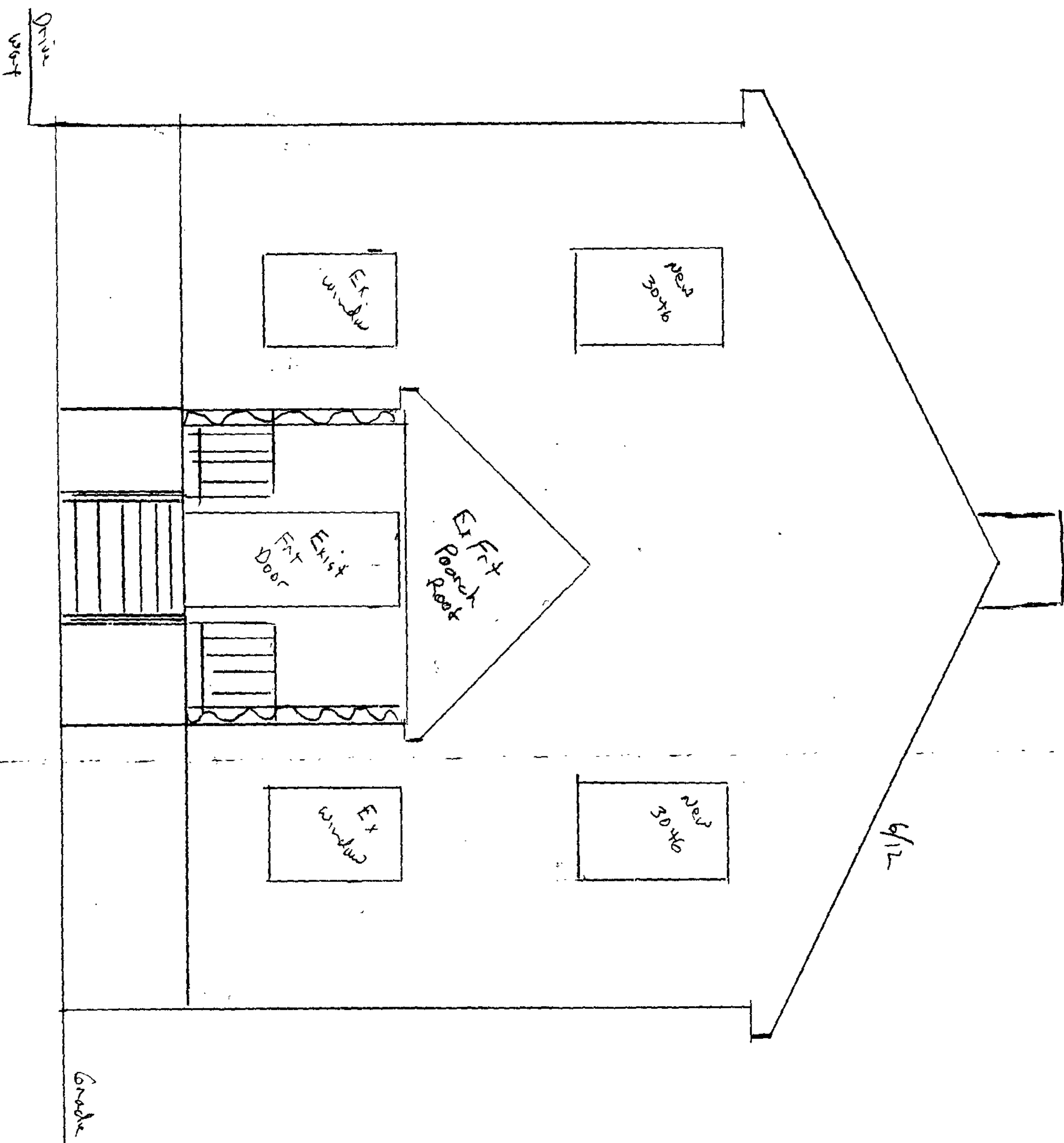
DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION



Frt Elevation

1/4" = 1'

8111 Duval Ave
John Christou

Grade

2' 10"

New
3046

New
3046

New
Siding

Ext.
Siding

New
3046

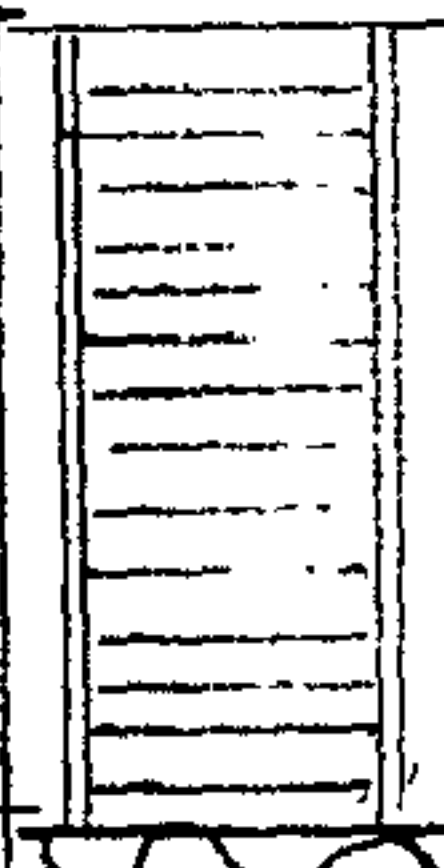
18" Foundation

Ext.
Siding

New
3046

Roof Shingles

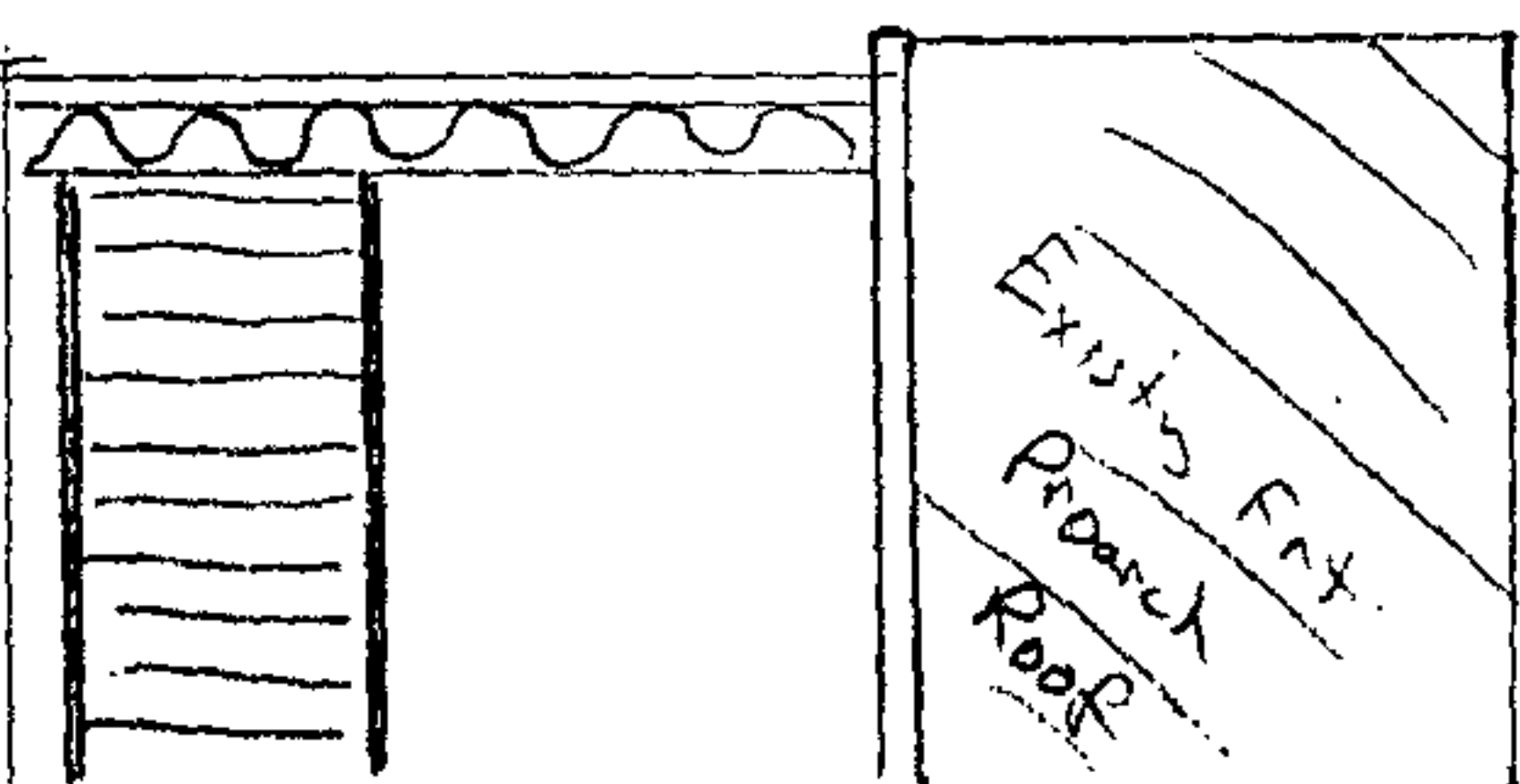
Ext.
Siding



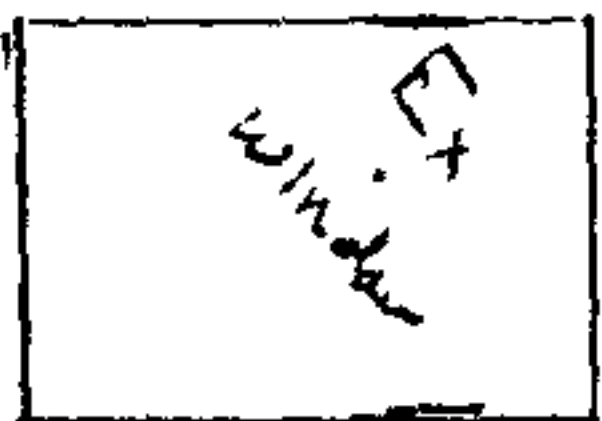
Left Side Elevation

Grade

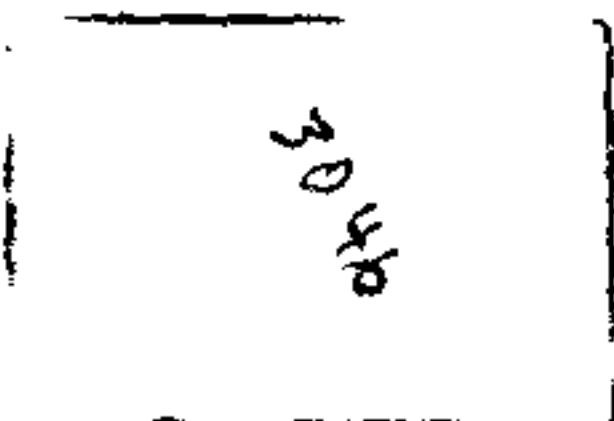
Grade



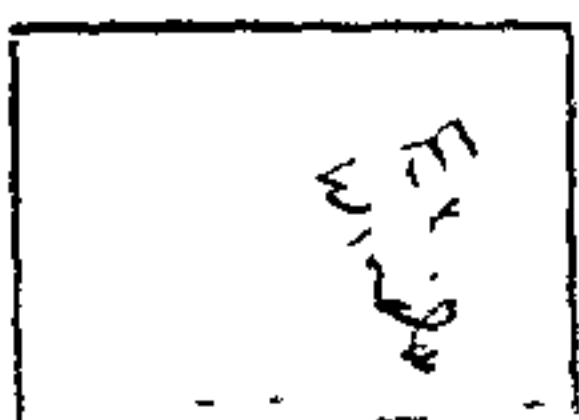
Existing Porch Roof



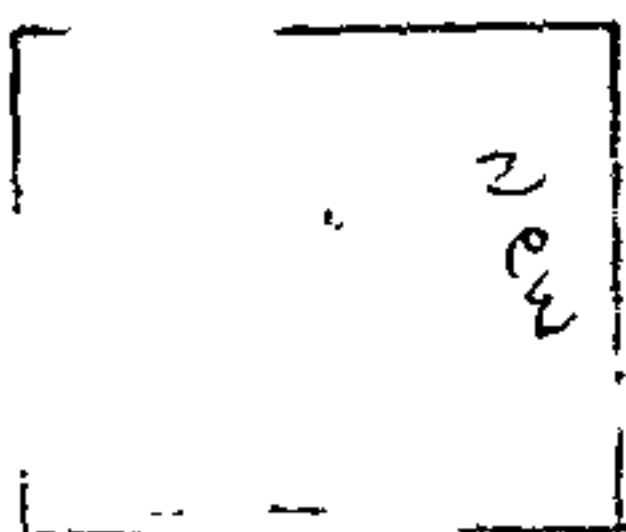
Ex Window



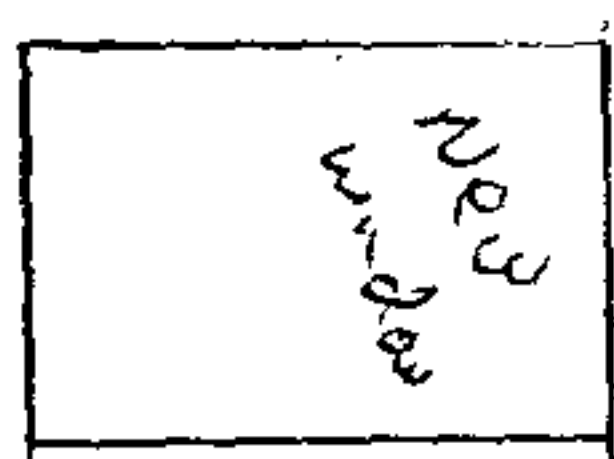
New



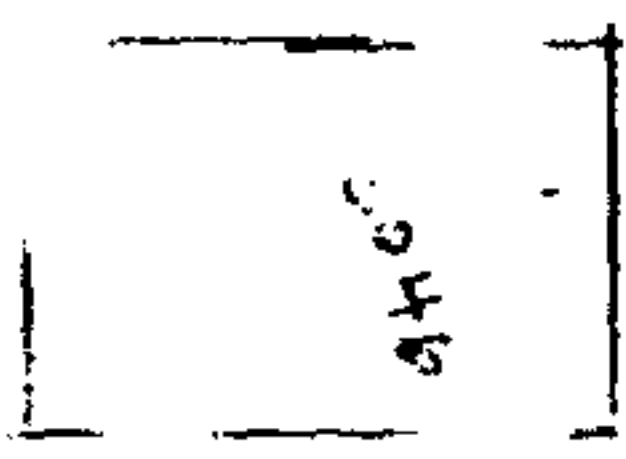
Ex Window



New



New Window



New

Roof Shingles

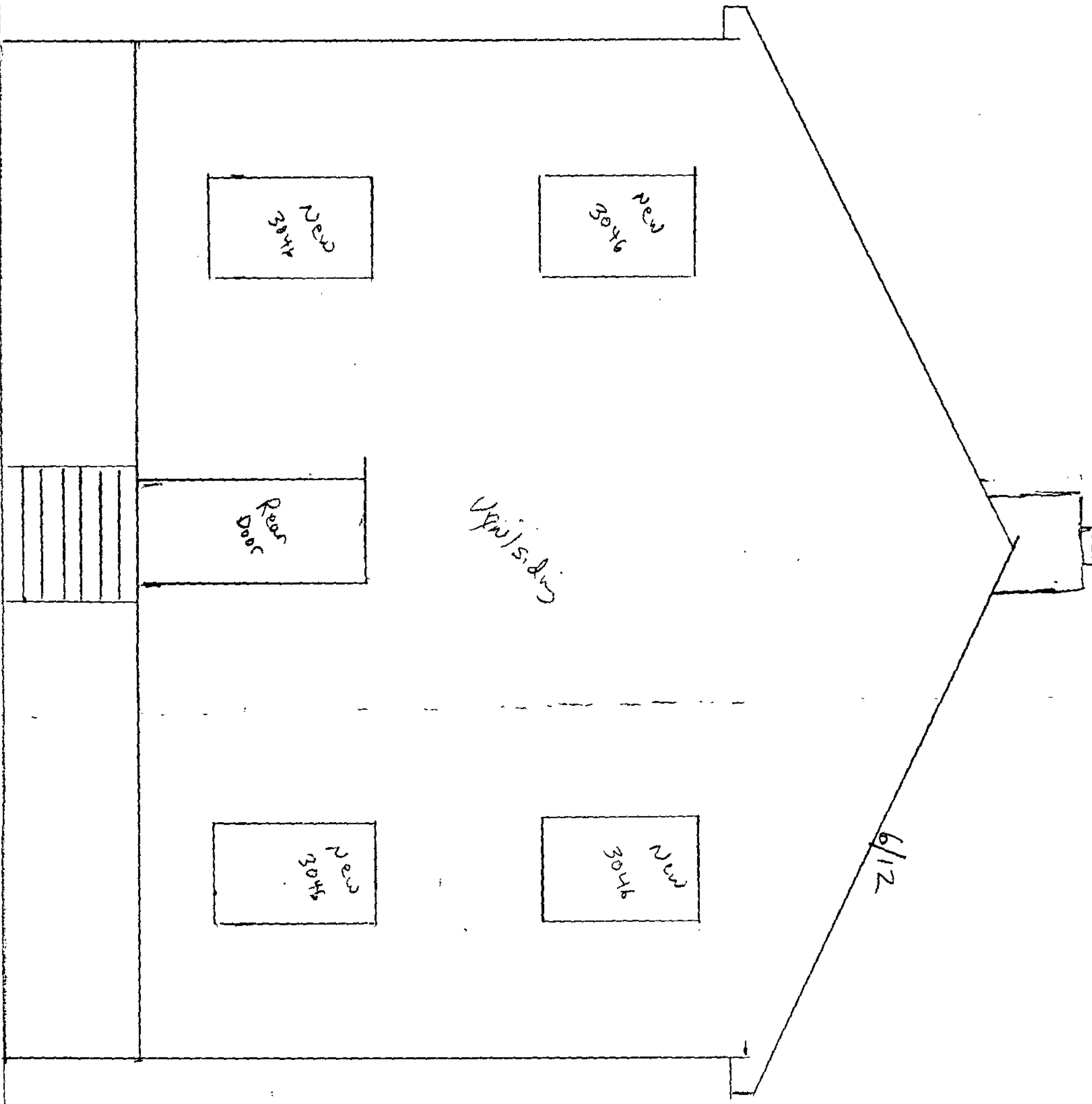
Existing Foundation

New Foundation

Grade

Right Side Elevation

Rear Elevation



PETITIONER'S

EXHIBIT NO. 8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 31, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 811 Duvall Avenue

INFORMATION:

Item Number: 8-071

Petitioner: Mr. John M Christou

Zoning: DR 5.5

Requested Action: Administrative Variance

Per section 104.3 and 400.1- to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25 feet; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

SUMMARY OF RECOMMENDATIONS:

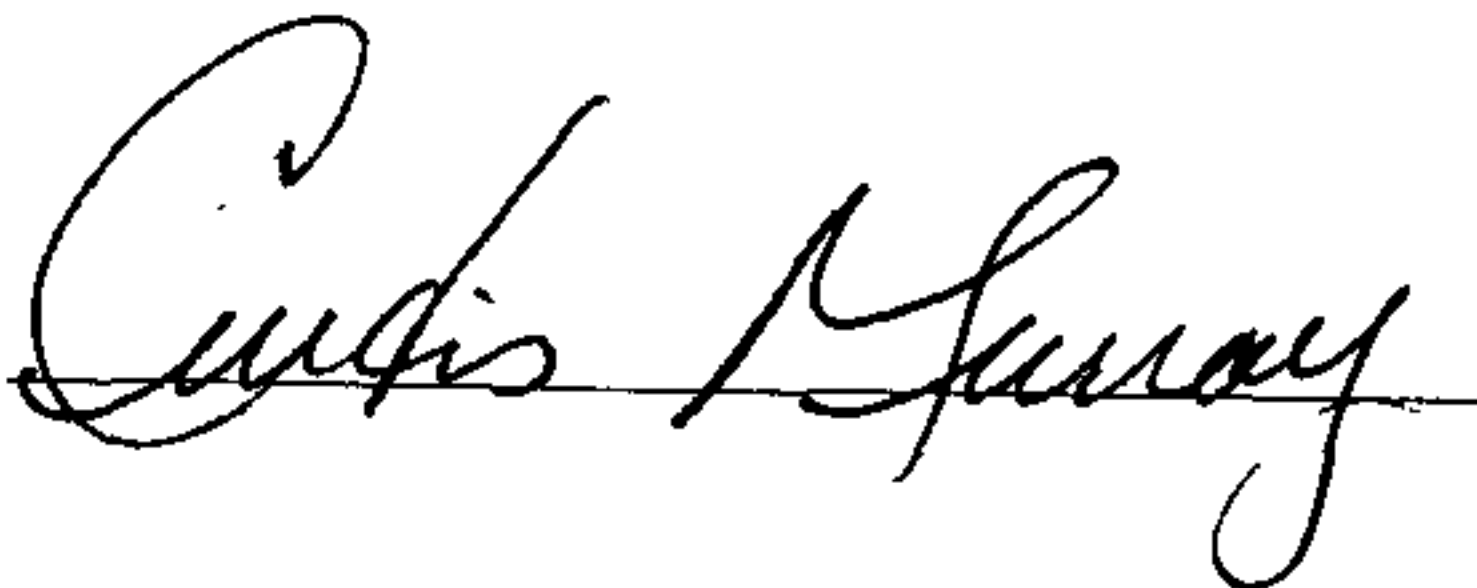
The Office of Planning does not oppose the petitioner's requests to permit an addition to the existing house and to have an accessory structure in the side yard. The lots on this street are narrow lots and so a rear addition would be the most appropriate to expand the existing house.

However, prior to the issuance of any building permits, the applicant must submit the following to the Office of Planning for review and approval:

1. Building elevations, which should clearly illustrate all sides of the proposed addition and also the elevations should show the relationship between the proposed addition and the existing house. The elevations should show clearly the building materials as well as the location of all windows and doors.
2. The proposed addition should be similar in character and style that is color; texture and materials to the existing home and therefore compliment the existing house.
3. The height of the proposed addition should not exceed that of the existing dwelling and the roof pitch and style should be similar.

For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

Reviewed by:
AFK/LL: CM



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-071-A

8111 Duvall Avenue

S/east side of Duvall Avenue, 50 feet east centerline of Lawrence Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): John Mark Christou

Variance: to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

Hearing: Thursday, November 1, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/10/704 Oct. 16

152210

CERTIFICATE OF PUBLICATION

10/18/2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/16/2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

September 27, 2007
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

08-71

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-071-A

8111 Duvall Avenue

S/east side of Duvall Avenue, 50 feet east centerline of Lawrence Avenue

15th Election District – 7th Councilmanic District

Legal Owners: John Mark Christou

Variance to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

Hearing: Thursday, November 1, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: John Mark Christou, 8111 Duvall Avenue, Rosedale 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCT. 17, 2007**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Posted 10/16/07 11:52 AM JRA
photo.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

September 27, 2007
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-071-A

8111 Duvall Avenue

S/east side of Duvall Avenue, 50 feet east centerline of Lawrence Avenue

15th Election District – 7th Councilmanic District

Legal Owners: John Mark Christou

Variance to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

Hearing: Thursday, November 1, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John Mark Christou, 8111 Duvall Avenue, Rosedale 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCT. 17, 2007**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 16, 2007 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-071-A

8111 Duvall Avenue

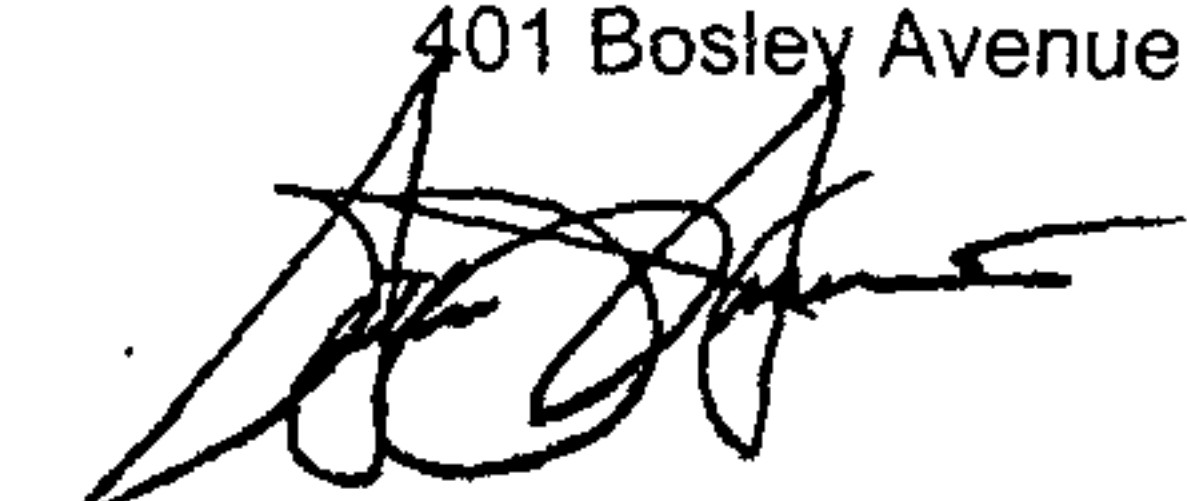
S/east side of Duvall Avenue, 50 feet east centerline of Lawrence Avenue

15th Election District – 7th Councilmanic District

Legal Owners: John Mark Christou

Variance to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

Hearing: Thursday, November 1, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
September 27, 2007

John Mark Christou
8111 Duvall Avenue
Rosedale, MD 21237

Dear Mr. Christou:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 08-071-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been scheduled for a public hearing at the request of the Zoning Commissioner.

The hearing has been scheduled; you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office.

The property must be readvertised with the hearing date, time and location. This notification will be published in the Jeffersonian and this office will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact David Duvall at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Pete Zimmerman, People's Counsel



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 4, 2007

John Mark Christou
8111 Duvall Avenue
Rosedale, MD 21237

Dear Mr. Christou:

RE: Case Number: 08-071-A, 8111 Duvall Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Baltimore County
Fire Department

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

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number 49⁽⁷¹⁾ and 052 through 075

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

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: August 15, 2007

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2007
Item Nos. 052, 054, 056, 057, 058, 061,
062, 063, 065, 066, 067, 068, 071, 072,
073, 074, and 075

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-08152007.doc



State Highway
Administration

Maryland Department of Transportation

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

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

Date: August 13, 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. 8-71-A
8111 DUVALL AVENUE
CHRISTOU 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. 8-71-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,

^{For} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

CERTIFICATE OF POSTING

RE: Case No.: 08-071-A

Petitioner/Developer: _____

JOHN CHRISTOU

Date of ~~Hearing~~/Closing: 9/3/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

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

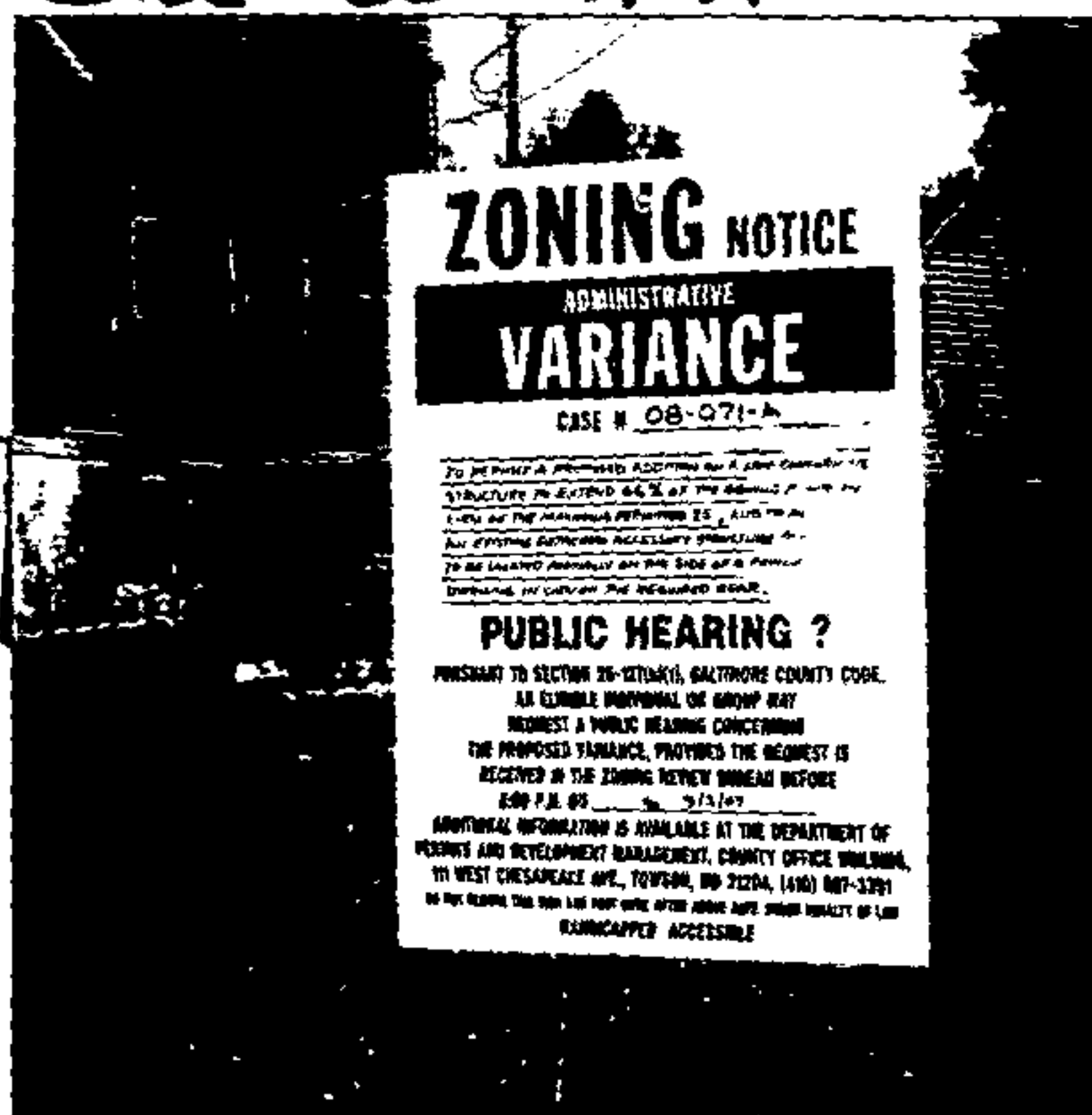
8111 DUVALL AVE.

The sign(s) were posted on _____

8/19/07

(Month, Day, Year)

CASE # 08-071-A



8111 DUVALL AVE.

POSTED 8/19/07

Richard E. Hoffman 8/19/07

Sincerely,

Richard E. Hoffman 8/19/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 08-071-A

Petitioner/Developer: _____

JOHN CHRISTOU

Date of ~~Hearing~~/Closing: 9/3/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

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

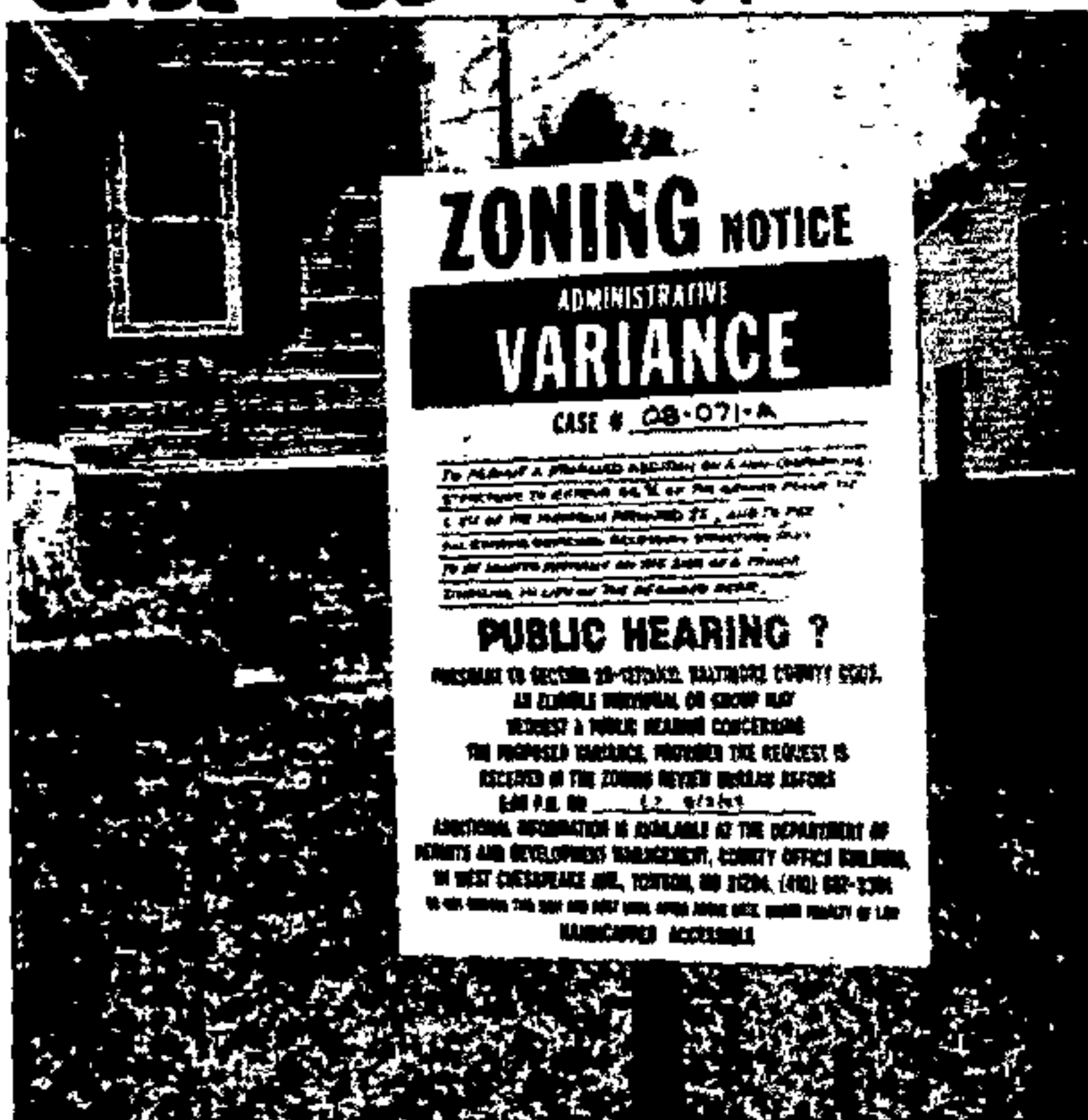
8111 DUVALL AVE.

The sign(s) were posted on _____

8/19/07

(Month, Day, Year)

CASE # 08-071-A



Sincerely,

Richard E. Hoffman 8/19/07
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

8111 DUVALL AVE.

POSTED 8/19/07

Richard E. Hoffman 8/19/07

RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
VARIANCE *
8111 Duvall Avenue; SE/S Duvall Avenue, * ZONING COMMISSIONER
50' E c/line Lawrence Avenue *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): John Mark Christou *
Petitioner(s) * BALTIMORE COUNTY
* 08-071-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, John Mark Christou, 8111 Duvall Avenue, Rosedale, MD 21237, Petitioner(s).

RECEIVED

AUG 21 2007

Per 



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 071 -A Address 8111 Duvall Ave

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/8/07 Posting Date: 8/19/07 Closing Date: 9/3/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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.
2. **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.
3. **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.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (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 this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 071 -A Address 8111 Duvall Ave

Petitioner's Name John Christou Telephone 410 391 0811

Posting Date: 8/19/07 Closing Date: 9/3/07

Wording for Sign: To Permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear

WCR - Revised 6/25/04

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 08-071-A

Petitioner: John Christou

Address or Location: 8111 DuVall Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Blake Canfield

Address: 2618 Greene Rd

Baldwin Md 21013

Telephone Number: 443 506 3887 cell 410-557-7986 WK

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 25, 2007

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Mr. Mark Christou
8111 Duvall Avenue
Rosedale, Maryland 21237

Dear Mr. Christou:

RE: Case Number: 08-071-A 8111 Duvall Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: Peoples Council

From: Patricia Zook
To: Matthews, Kristen
Date: 9/19/2007 3:34:56 PM
Subject: Case 08-071-A (administrative variance that closed 9-3-07)

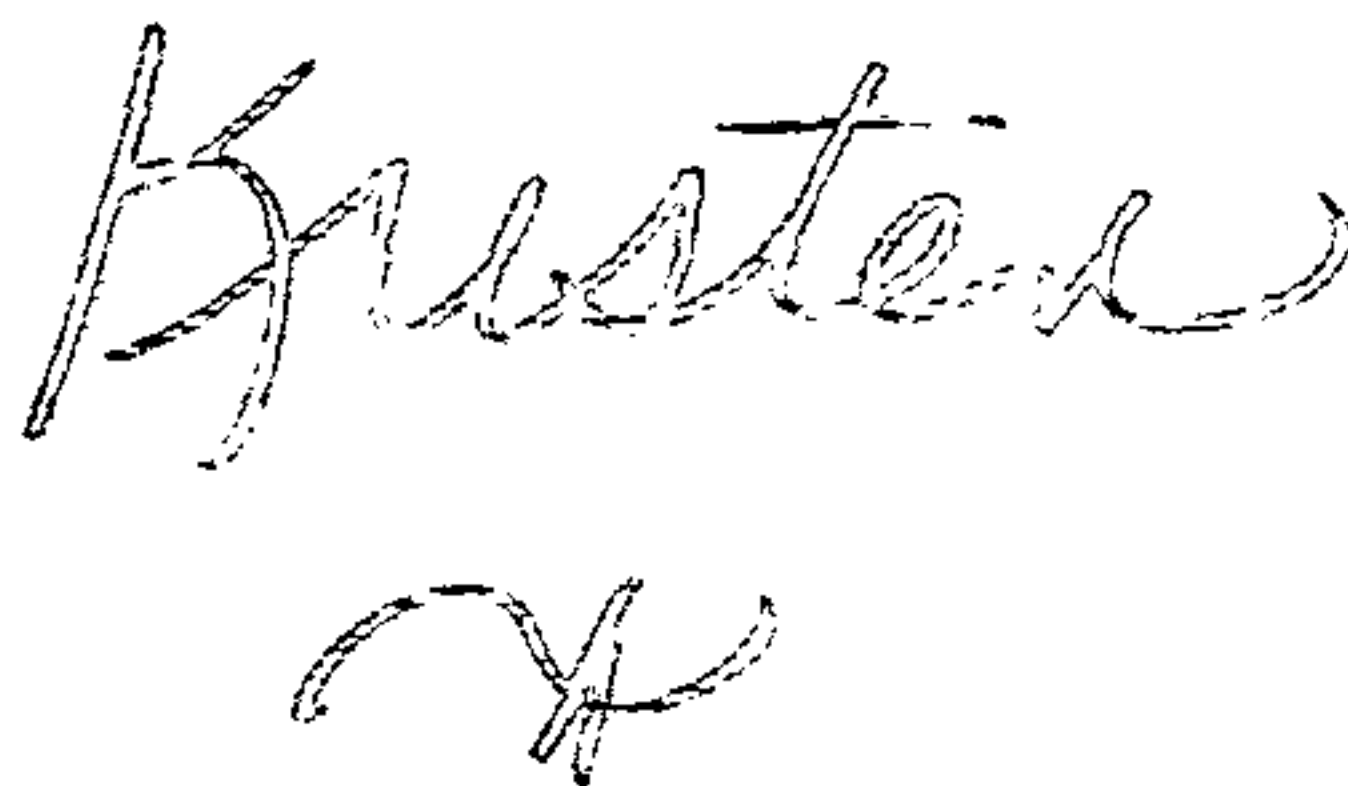
Kristen -

Bill Wiseman and Pete Zimmerman have agreed that this case should be set in for a hearing. It should have been accepted as a standard variance request, not an administrative variance request.

Therefore, the file is being returned to you for safekeeping. The request will need to be re-advertised and reposted.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

A handwritten signature in cursive script, appearing to read "Kristen", with a small flourish underneath.

**BILL WISEMAN AND PETE ZIMMERMAN AGREED THAT THIS SHOULD BE
SET IN FOR A HEARING**

**THIS REQUEST SHOULD HAVE BEEN SUBMITTED AS A STANDARD
VARIANCE, NOT AN ADMINISTRATIVE VARIANCE**

Comments from Office of Planning received on September 19, 2007

CASE NUMBER: 08-071-A

8111 Duvall Avenue

Location: SE side Duvall Avenue, 50 feet E c/l Lawrence Avenue.

15th Election District, 7th Councilmanic District

Legal Owner: John Mark Christou

9/3/2007

ADMINISTRATIVE VARIANCE To permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 31, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
SEP 19 2007

SUBJECT: 811 Duvall Avenue

BY:.....

INFORMATION:

Item Number: 8-071

Petitioner: Mr. John M Christou

Zoning: DR 5.5

Requested Action: Administrative Variance

Per section 104.3 and 400.1- to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25 feet; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's requests to permit an addition to the existing house and to have an accessory structure in the side yard. The lots on this street are narrow lots and so a rear addition would be the most appropriate to expand the existing house.

However, prior to the issuance of any building permits, the applicant must submit the following to the Office of Planning for review and approval:

1. Building elevations, which should clearly illustrate all sides of the proposed addition and also the elevations should show the relationship between the proposed addition and the existing house. The elevations should show clearly the building materials as well as the location of all windows and doors.
2. The proposed addition should be similar in character and style that is color; texture and materials to the existing home and therefore compliment the existing house.
3. The height of the proposed addition should not exceed that of the existing dwelling and the roof pitch and style should be similar.

For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

From: Curtis Murray
To: Zook, Patricia
Date: 9/19/2007 12:48:49 PM
Subject: Re: Administrative Variance cases - Planning comments needed

Patti see attached

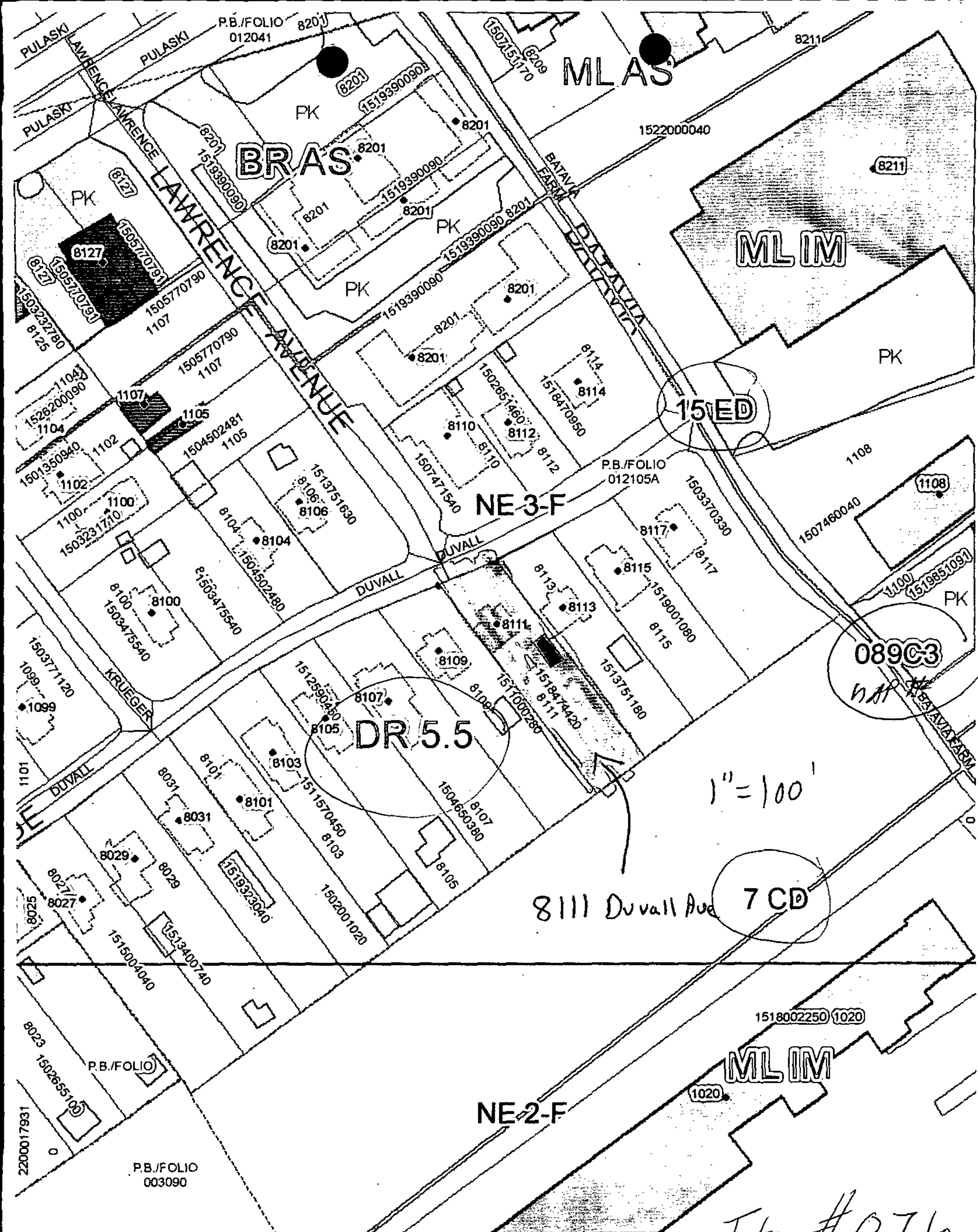
Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cjmurray@co.ba.md.us

>>> Patricia Zook 09/18/07 4:05 PM >>>
Curtis -

We need Planning comments for the following administrative variance cases:

08-071-A, closed 9-3,
08-066-A, closed 9-3
08-056-A, closed 8-27
08-044-A, closed 8-20

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov



BRAS.

MLAS

MLIM

NE 3-F

DR 5.5

089C3

7 CD

NE 2-F

MLIM

Item #071

1"=100'

8111 Duvall Ave

P.B./FOLIO 003090

P.B./FOLIO 012105A

P.B./FOLIO 012041

P.B./FOLIO

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8111 Duvall Ave

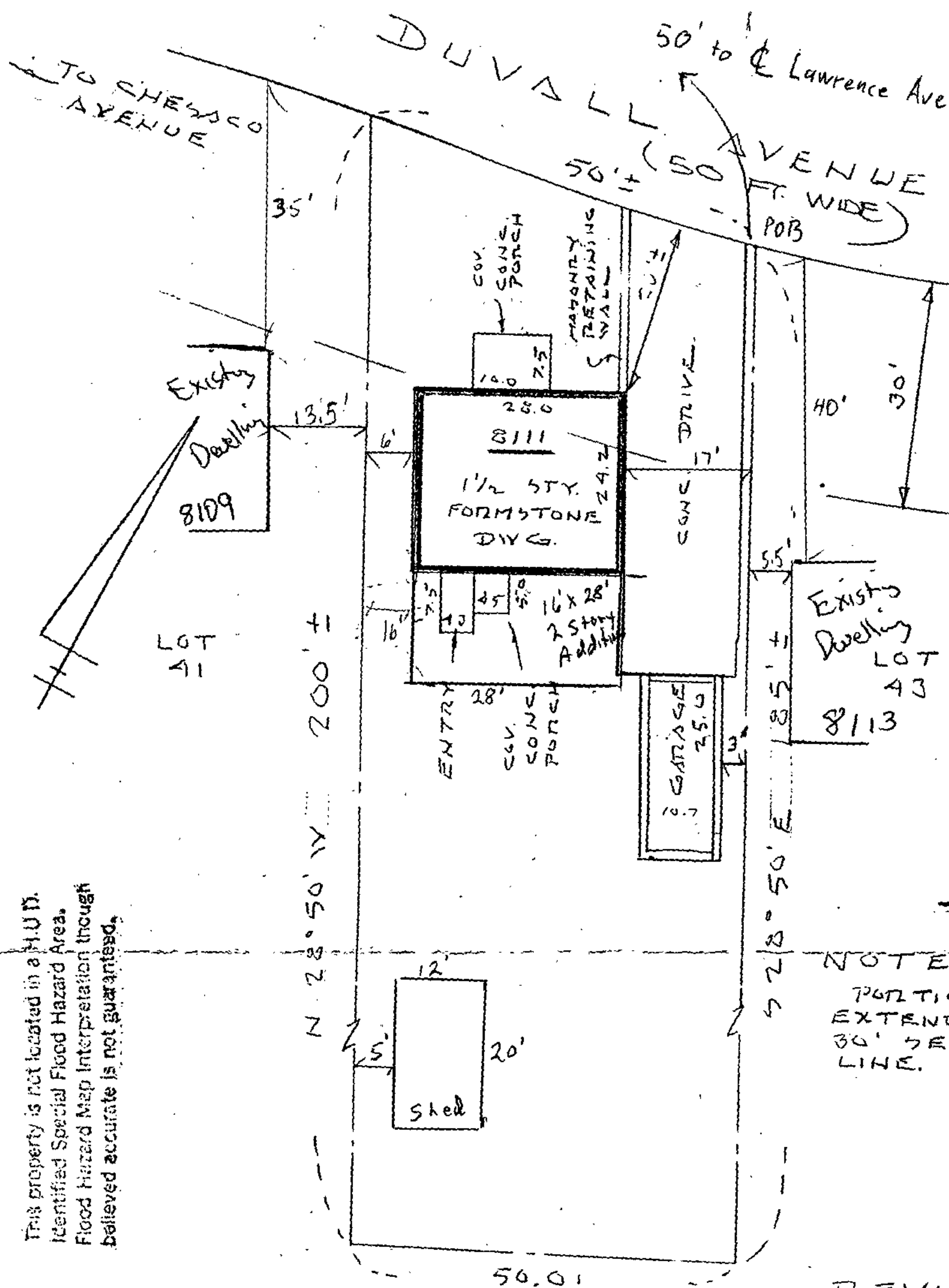
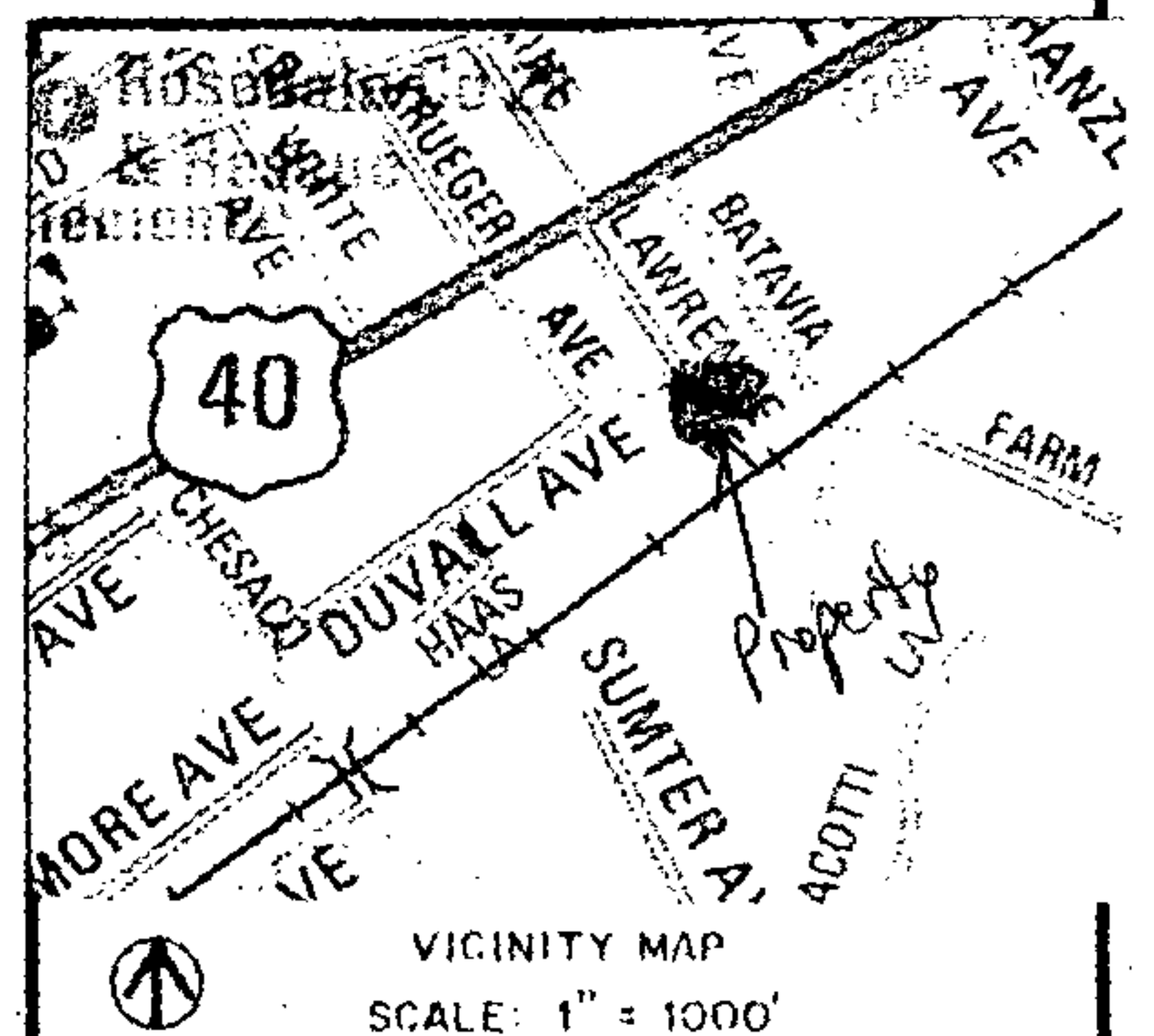
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Dwight terrace

Tax # 15 18 474 420

PLAT BOOK # 12 FOLIO # 105 LOT # 42 SECTION #

OWNER John Christoe



**This property is not located in a HUD
Identified Special Flood Hazard Area.
Flood Hazard Map Interpretation though
believed accurate is not guaranteed.**

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 08923

ZONING OR 5.5

LOT SIZE 9625
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE
☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA

YES	NO
☐	☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING *none*

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

NOTE:-

POSITION OF DYCS
EXTENDS BEYOND
30' RETRACTION
LINE.

REVISED
1/16/02

Lot 42, Revised Plat of DUVALL TERRACE,
Plat Book C.W.B. Jr. No. 12, Folio 105

Prepared by BLAKE Canfield
Scale of Drawing 1" = 20'

~~#~~08-071-A

) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with a contemplated transfer, financing or re-financing.

This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME

CITY, STATE, ZIP

E-MAIL

8111 Duwall Ave

Rosedale, Md. 21237

11 77

8111 Duwall Ave

Rosedale, Md. 21237

Jakentray@yahoo.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8111 Duvall Ave

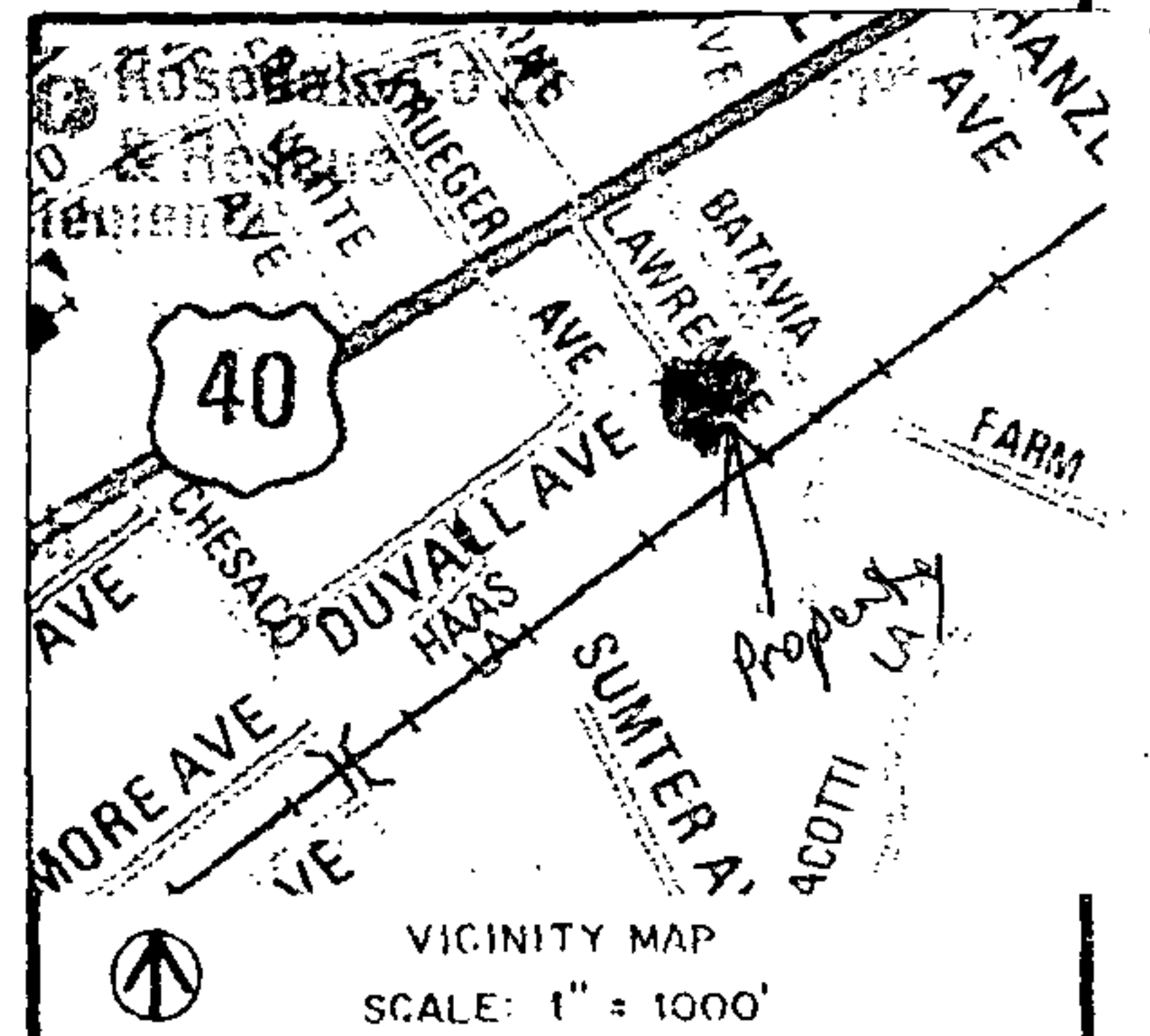
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Duvall terrace

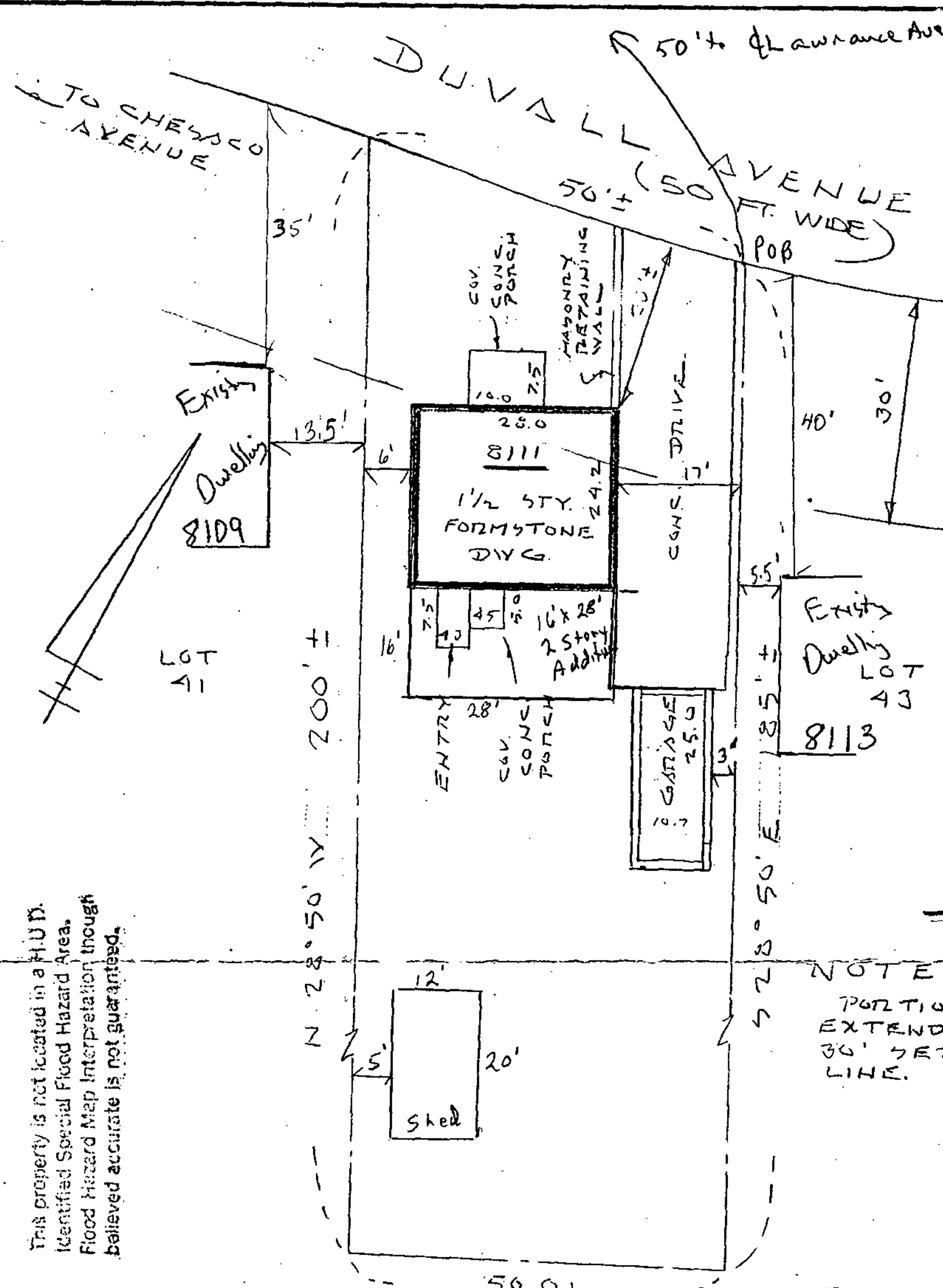
Tax # 1518474420

PLAT BOOK # 12 FOLIO # 105 LOT # 42 SECTION #

OWNER John Christoe



LOCATION INFORMATION			
ELECTION DISTRICT <u>15</u>			
COUNCILMANIC DISTRICT <u>7</u>			
1"=200' SCALE MAP # <u>D89C3</u>			
ZONING <u>DR5.5</u>			
LOT SIZE	ACREAGE	SQUARE FEET	
		<u>9625</u>	
SEWER	PUBLIC ☒	PRIVATE ☐	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒	
100 YEAR FLOOD PLAIN	☐	☒	
HISTORIC PROPERTY/ BUILDING	☐	☒	
PRIOR ZONING HEARING	<u>None</u>		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	



This property is not located in a HUD Identified Special Flood Hazard Area. Flood Hazard Map Interpretation though believed accurate is not guaranteed.

NOTE -
PORTION OF DRIVE EXTENDS BEYOND 30' SETBACK LINE.

REVISED
1/14/02

Lot 42, Revised Plat of DUVALL TERRACE,
Plat Book C.W.B. Jr. No. 12, Folio 105

Prepared by Blake Canfield
Scale of Drawing 1" = 20'

RJD
#08-071-A

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.
This is to certify that this drawing meets the Minimum

PETITIONER'S
EXHIBIT NO. 1



Neighbor
8113

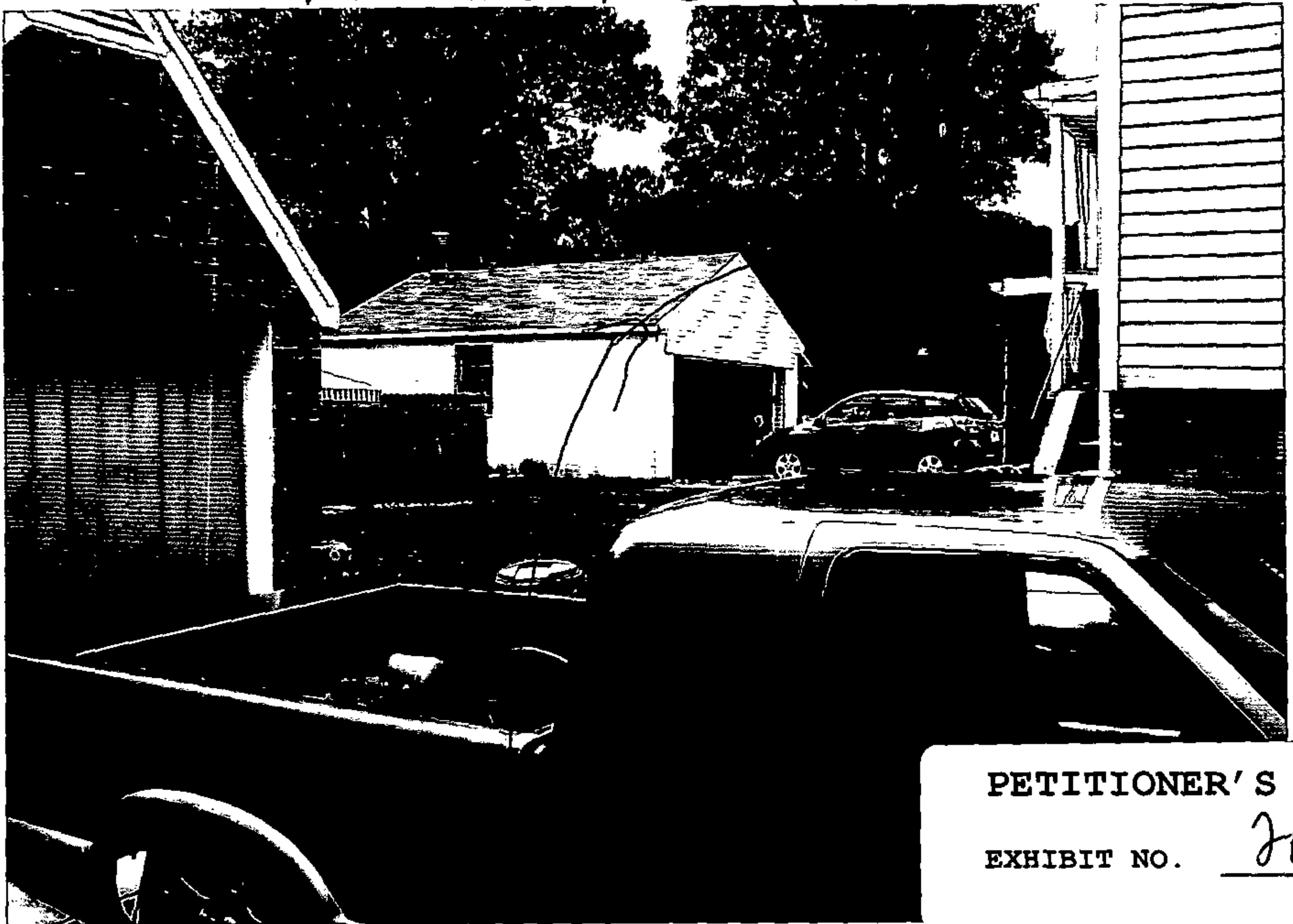
8111 Duvall Ave
sec ↓ story Addition



Item # 071

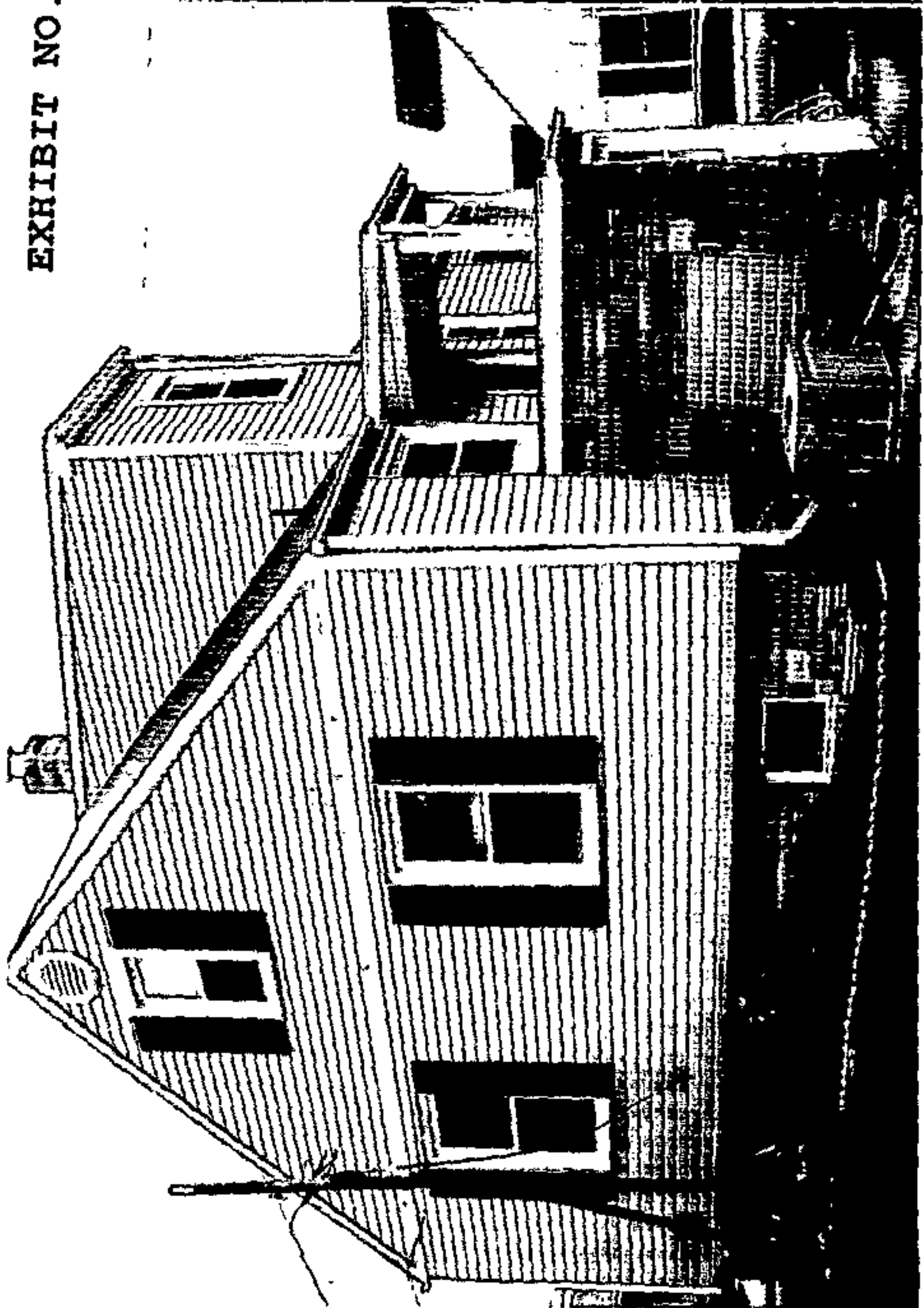


there will be no change in side set back

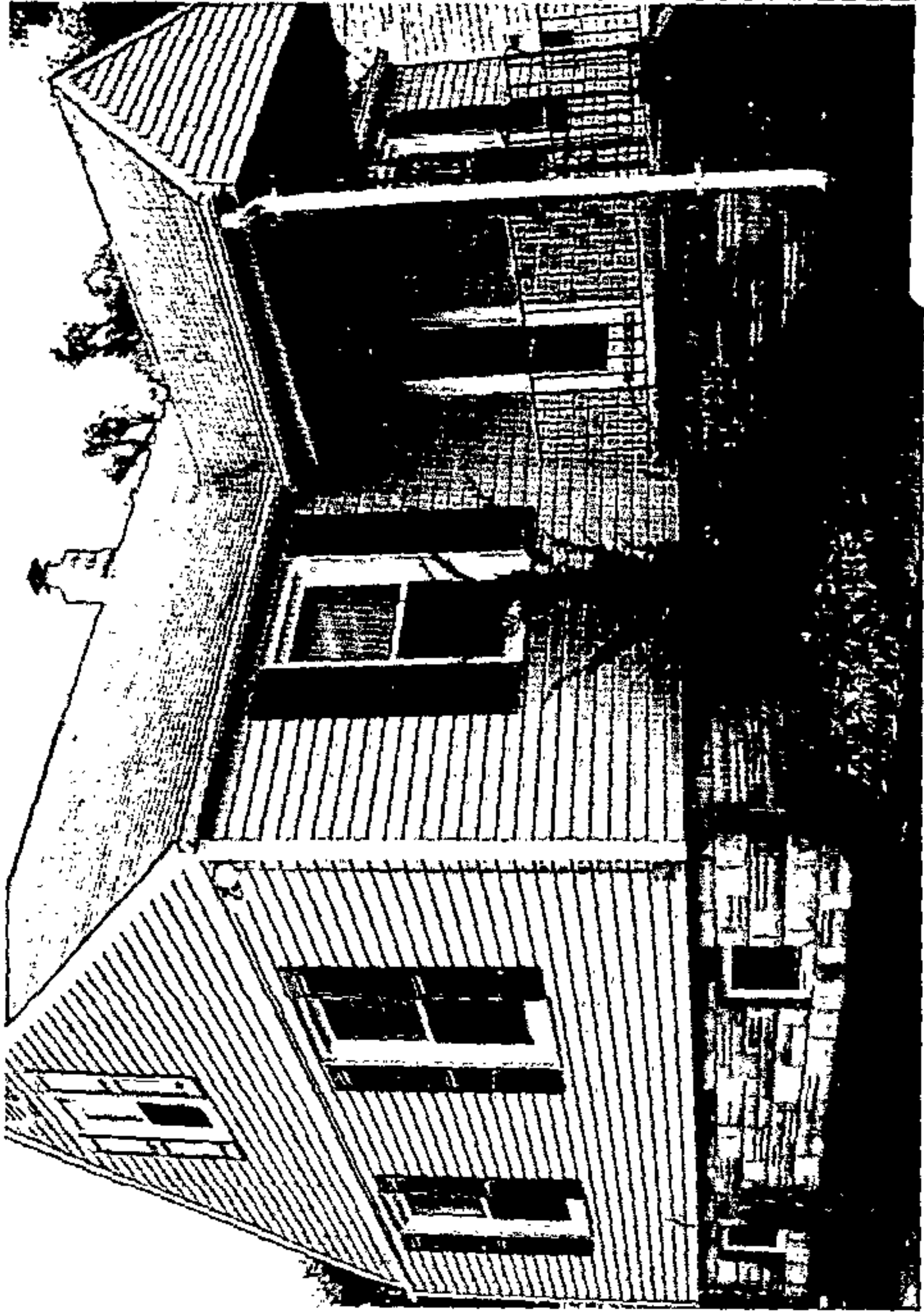
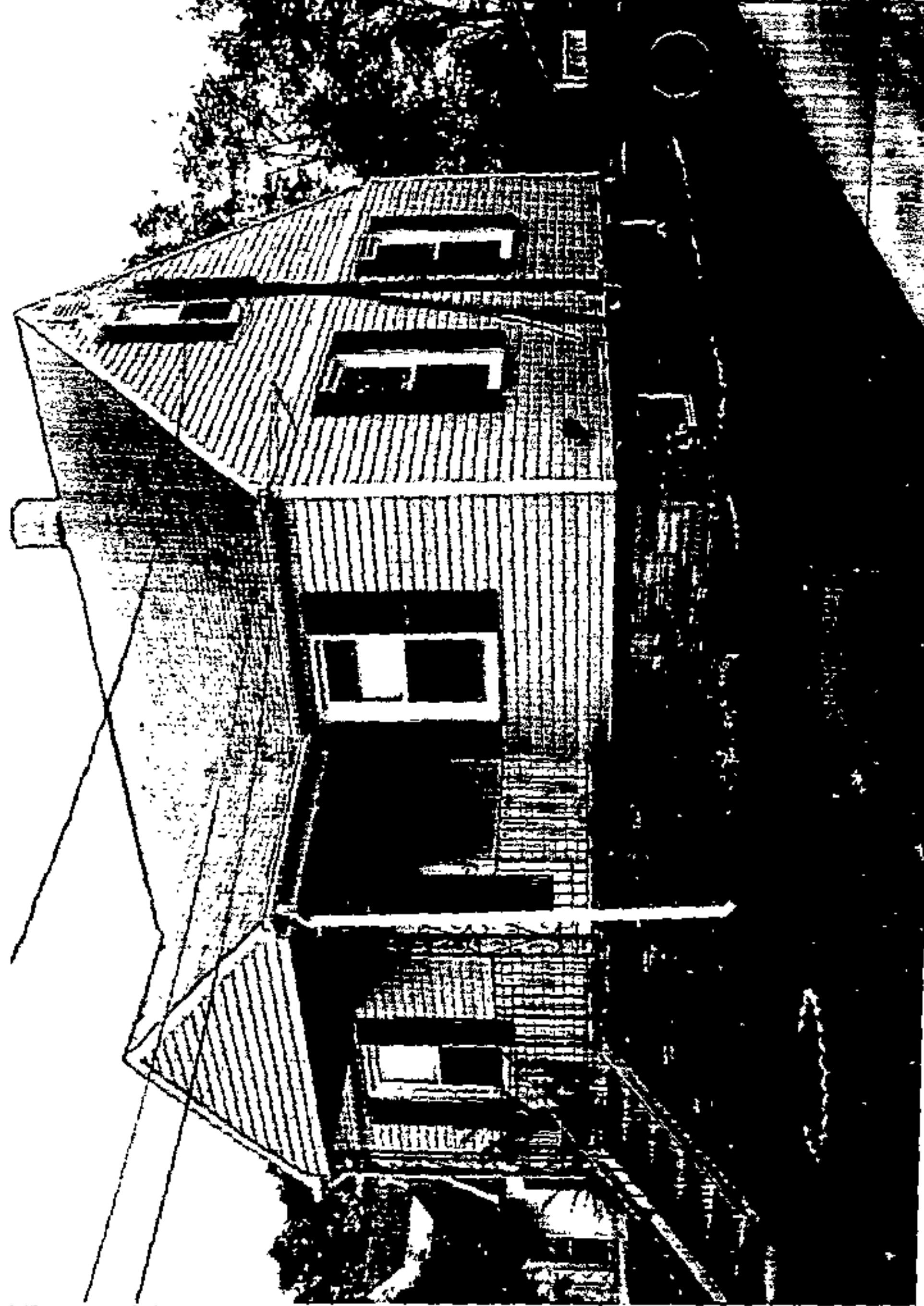


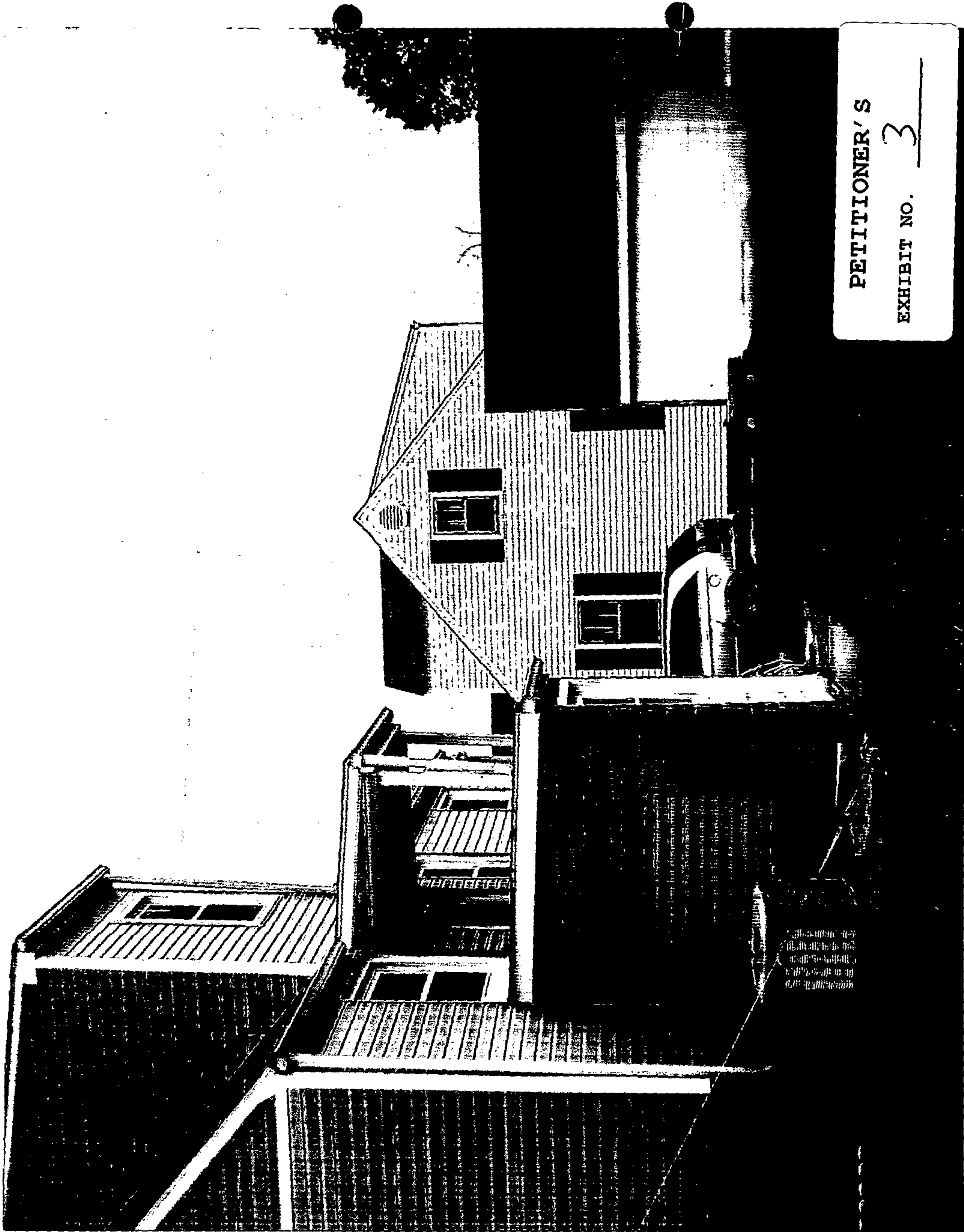
Item #071

Proposed Location of Rear Addition



PETITIONER'S
EXHIBIT NO. 4A-D





PETITIONER'S

EXHIBIT NO.

3

Nov 1, 2007
To Whom It May Concern,

My name is John Dickinson
and I am John's next door
neighbor. John has been trying
for sometime to build on to
his home - unsuccessfully.

John is a young man with
a growing family - I feel
no reason we do have any
objections of John expanding
his home to accommodate the
needs of his growing family.

John Dickinson

PETITIONER'S

8109 Duval

EXHIBIT NO.

5

OCTOBER 31ST 2007

TO WHOM IT MAY CONCERN;

CONCERNING THE ZONING HEARING FOR THIS HOUSE IN QUESTION:

JOHN CHRISTOU
8111 DUVALL AVENUE
ROSEDALE, MD 21237

(WE DO NOT OBJECT) THAT OUR NEIGHBOR JOHN CHRISTOU,
WANTS TO ADD AN ADDITION ONTO HIS HOUSE.

WE ARE SURE IT WOULD BE A GREAT ASSET TO THE NEIGHBORHOOD.

Michael F. Ruth

SINCERELY,

Michael F. Ruth

MICHAEL F. RUTH
R. MICHELE RUTH
8105 DUVALL AVENUE
BALTIMORE, MD 21237
410-687-7646

PETITIONER'S

EXHIBIT NO. 6

To Whom It May Concern:

I, Mark Birmingham and my wife Cindy are the resident owners of the dwelling at 8115 Duvall Avenue. We wish it to be known by the zoning commission that we have absolutely no problems or issues with an addition on the property at 8111 Duvall Avenue. Our neighbor John and his family have only beautified and improved the condition and the value of their home since he moved in. This is a fine young couple who are raising an expanding family and will certainly require the room.

Mark Birmingham
Mark Birmingham

Cindy Birmingham
Cindy Birmingham

PETITIONER' S

EXHIBIT NO.

7