IN RE: PETITION FOR ADMIN. VARIANCE \*

W side Saratoga Avenue, 350 feet

N of Clyde Avenue 13<sup>th</sup> Election District

1<sup>st</sup> Councilmanic District

(2418 Saratoga Avenue)

Rafael and Michele Rosales

Petitioners

BEFORE THE

**DEPUTY ZONING** 

COMMISSIONER

\* FOR BALTIMORE COUNTY

\* Case No. 08-095-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Rafael and Michele Rosales for property located at 2418 Saratoga Avenue. The variance request is from Section V.C.3 1945-53 Regulations of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 4 feet for a proposed addition and 6 inches for a previously existing roofed and screened patio, with a sum of side setbacks of 4 foot, 6 inches in lieu of the required 7 feet, 7 feet and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to expand their home to accommodate a growing family. The screened patio existed prior to the Petitioners owning the subject property. The proposed addition measures 7 feet x 41 feet for 287 square feet, and 16 feet x 14 feet for 224 square feet. The property is narrow at 50 feet wide. The Petitioners provided letters of support from their neighbors residing at 2416 Saratoga Avenue, 2421 Saratoga Avenue, 2420 Saratoga Avenue, 2417 Saratoga Avenue, and 2419 Saratoga Avenue.

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.

RECEIVED FOR FALLS
9-24-07
<u></u>

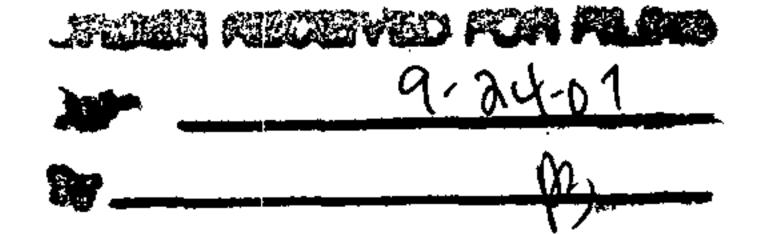
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 31, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits 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 September, 2007 that a variance from Section V.C.3 1945-53 Regulations of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 4 feet for a proposed addition and 6 inches for a previously existing roofed and screened patio, with a sum of side setbacks of 4 foot, 6 inches in lieu of the required 7 feet, 7 feet and 15 feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

9-24-07 9-24-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 24, 2007

RAFAEL AND MICHELE ROSALES 2418 SARATOGA AVENUE BALTIMORE MD 21227

Re: Petition for Administrative Variance
Case No. 08-095-A

Property: 2418 Saratoga Avenue

Dear Mr. Baylor:

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,

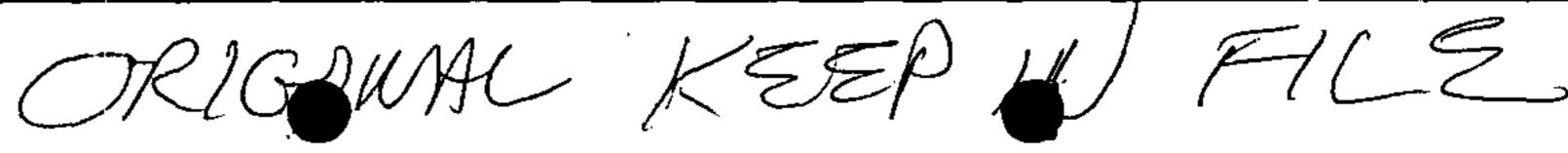
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





**CASE NO** 

REV 10/25/01

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>2418</u> SARATOGA AVE which is presently zoned <u>D.R. 5.5.</u>

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)  $\sqrt{1.0.3}$ , 1945-53  $\sqrt{2.0.3}$ 

TO PERMIT SIDE YARD SETBACKS OF 4 FT. FOR APPROPOSED ADDITION. AND .

6 INCHES FOR A PREVIOUSLY EXISTING ROOFED AND SCREENED PATIO, BUTH

A SUM OF SIDE SETBACKS OF 4 6"IN LIEU OF THE REQUIRED 7FT, 7FT.,

AND 15 FT. 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.

* · · · · · · · · · · · · · · · · · · ·			perjury, that I/we are the legal owner(s) of the property whis the subject of this Petition.	
Contract Purchaser/L	.essee:		Legal Owner(s):	
			ROSALES, RAFAEL	•
Name - Type or Print			Name - Type or Print	<u> </u>
			BAFAEI ROSAIPS	•
Signature	-	~	Signature MICHELE	
Address		Telephone No.	Name - Type or Print	
		<b>-</b> *	Michele Rosales.	<u>,                                     </u>
City	State	Zip Code	Signature	9114
Attorney For Petition	<u>er:</u> `	•	Signature  24/8 SARATOGA AUE AID  Address  PALTIMORE MARGIANO Z. (2)	ic iyo.
Name - Type or Print				Code
		<del></del>	Representative to be Contacted:	,
Signature		·	• • • • • • • • • • • • • • • • • • •	•
Company	<u> </u>		Name	
Address		Telephone No.	Address Telephone	No.
City	State	Zip Code	City State Zip C	Code
this day of	, th	at the subject matter of t	required, it is ordered by the Zoning Commissioner of Baltimore Constitution be set for a public hearing, advertised, as required by the z	
regulations of Baltimore County	/ and that the proper	rty be reposted.		
	<u>.</u> .	. A ·	Zoning Commissioner of Baltimore County	<del></del>

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 A	Affiant(s)	does/do	presently	/ reside	а
THE LINE	$\neg$ mangs)	4003/40	bi escuri)	y i Coluc	u

at 24/8 SARATOGA AVE

Address
BALTIMIARE MARYLAND 2/227

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):

1) LOT SIZE SMALL, NO ROOM TO EXPAND DO TO SIDE SETBACKS

2) NEED TO EXPAND HOUSE BECAUSE OF FAMILY SIZE

3) ROOM SIZES TO SMALL ON SIDE NEED TO EXPANDOUT

4) 7' SIDE SETBACIZS

5) PATIO EXISTIMY PRIOR TO OWNING PROPERTY.

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.

Signature

RAFAEI ROSAIRS

Michaele Rosales

Michaele Rosales

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of <u>ligit</u> day of <u>ligit</u>, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notaty Public

Commission Expires

2/1/2008

REV 10/25/01

JANET MARIE LARCHE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires Feb. 1, 2008

# Zoning description for 2418 Saratoga Ave

996

WEST

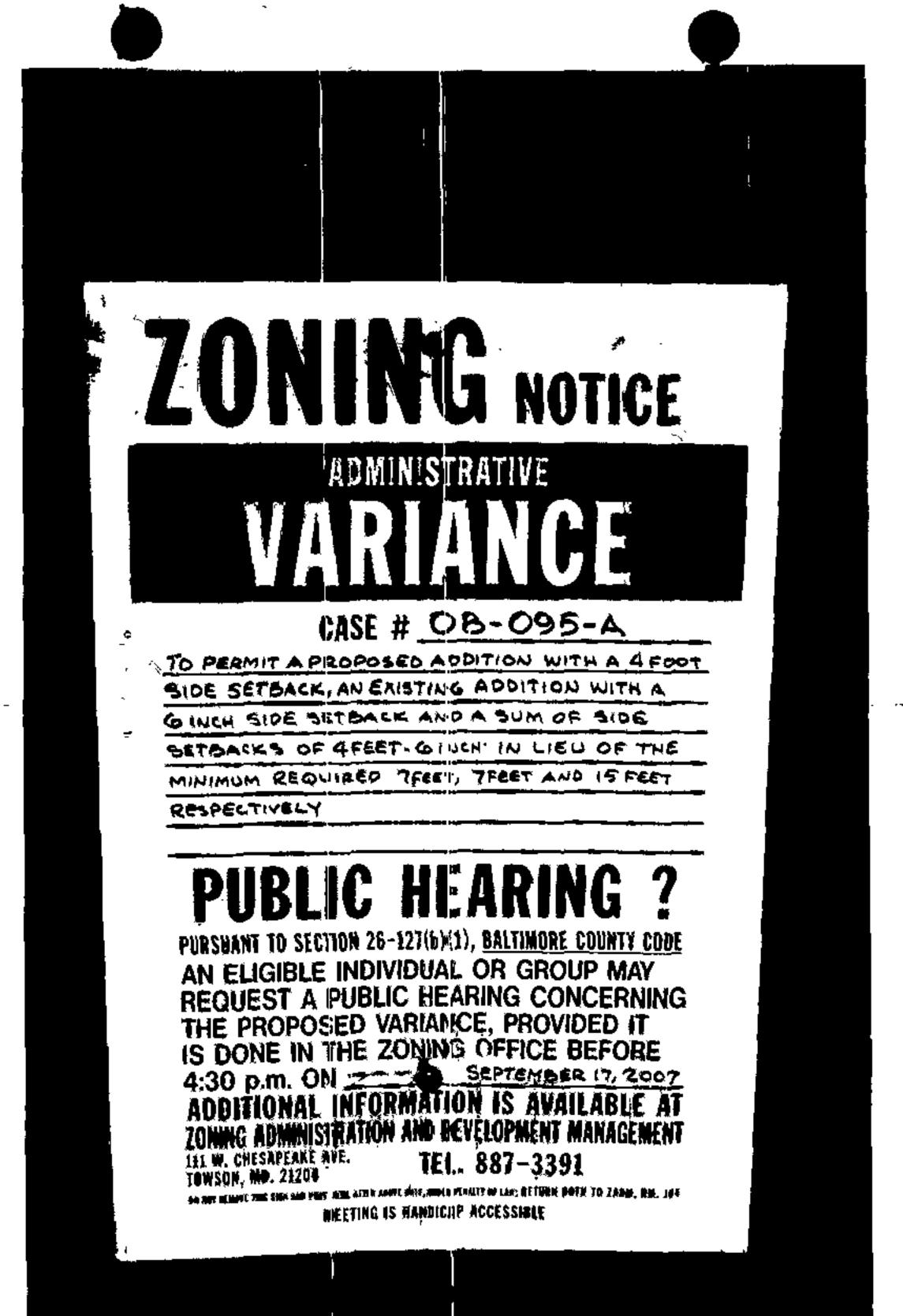
Beginning at a point on the north side of Saratoga Ave which is 30 feet wide at the distance of 350 feet North of the centerline of the nearest improved intersecting street Clyde Ave which is 30 feet wide. Being Lot #120 in the subdivision of Highland as record in Baltimore County Plat Book #19, Folio # 13 containing 5,000 sq feet. Also known as 2418 Saratoga Ave and located in the 13 Election District, 1 Councilmanic District.

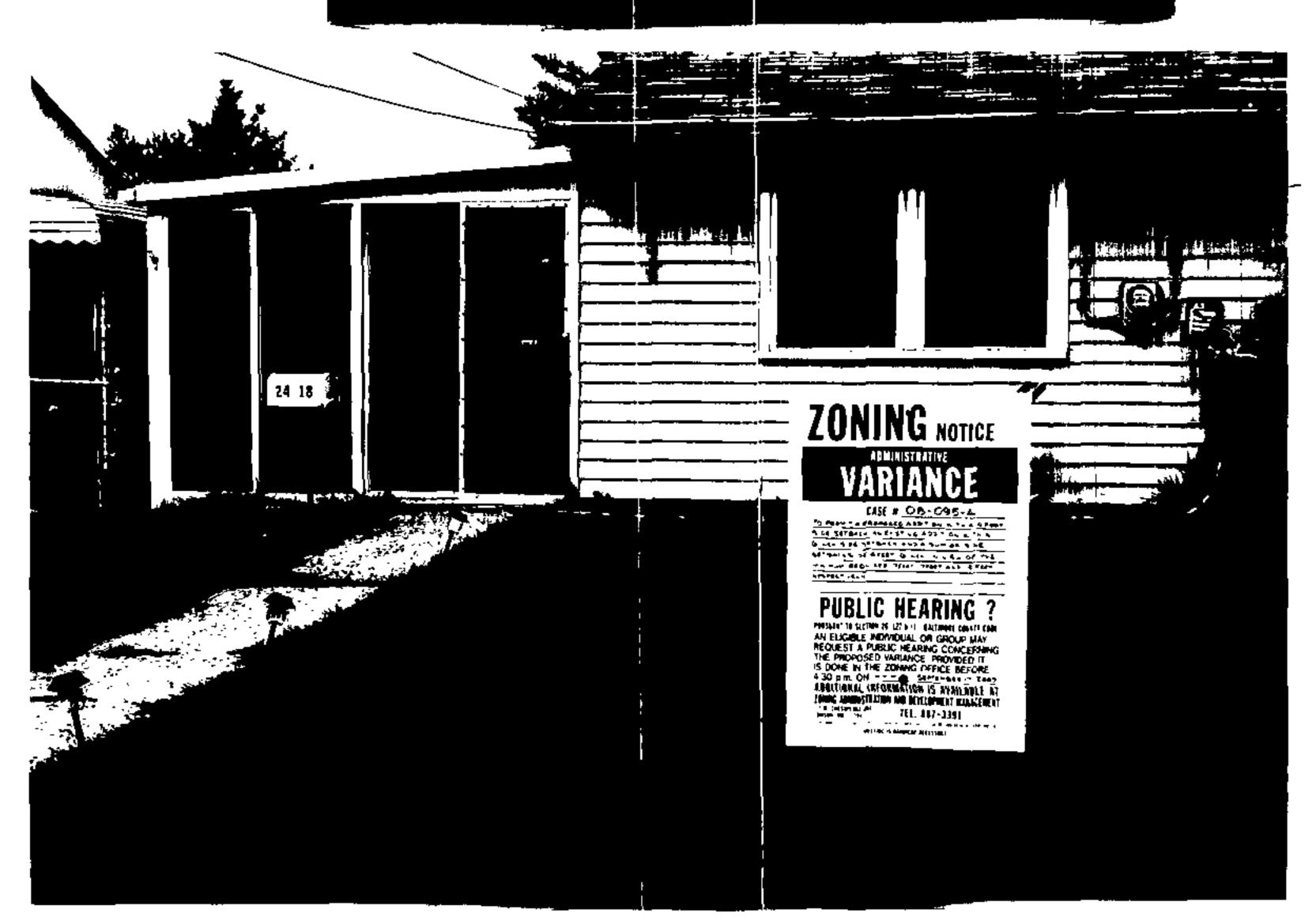
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BALTIMORE C OFFICE OF BL MISCELLANEC	Fund Agoy			Rec From:	For	DISTRIBITION	

### **CERTIFICATE OF POSTING**

· · · · · · · · · · · · · · · · · · ·	Date of Hearing/Closing: SEPT. 17, 7007
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, MD.21204_	
Attention: Christen Matthews	
adies and Gentlemen: This letter is to certify under the pe	enalties of perjury that the necessary sign(s)
equired by law were posted conspicuously on the propery	
# 2418 SARATO	BN AUENUE
<u></u>	+ <u></u>
The sign(s) were posted on	フロウフ (Month, Day, Year)
•	Sincerely,
	Signature of Sign Poster and Date)
· · · · · · · · · · · · · · · · · · ·	CARLANDE, MOORE (Printed Name)
	3225 RYELSONI CIRCLE (Address)
	BALTIMORE, MD, 21227 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: D8-095-A
Petitioner/Developer: JOHAI LEWIS





### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08 095 -A Address 24/8 SARATOGA AVE.
Contact Person: John LEWIS: Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 8/21/07 Posting Date: 9/02/07 Closing Date: 9/17/07
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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 08 095 -A Address 24/8 SARATOGA AVE.  Petitioner's Name JOHN LEWIS Telephone 4/0 247 4026  Posting Date: 9/02/07 Closing Date: 9/17/07  Nording for Sign: To Permit A PROPOSED ADDITION WITH A 4 FT. SIDE SETBACK, AN  EXISTING ADDITION WITH A 6" SET SIDE SETBACK AND A SUM OF SIDE  SETBACKS OF 4'6" IN LIEU OF THE MINIMUM REQUIRED 7FT, 7FT AND
15 FT. RESPECTIVELY
WCR - Revised 6/25/04

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 13, 2007

Rafael Rosales Michele Rosales 2418 Saratoga Avenue Baltimore, MD 21227

Dear Mr. and Mrs. Rosales:

RE: Case Number: 08-095-A, 2418 Saratoga 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 21, 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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

**DATE:** September 5, 2007

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 08-095- 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.

**Division Chief:** 

CM/LL

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-095- Administrative Variance

**DATE:** September 5, 2007

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:** 

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 3, 2007

Item Nos. 08-087, 089, 091, 092, 093, 094, 095, 096, 097, 098, 100, 101, and 104

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-08302007.doc



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

Maryland Department of Transportation

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

Date: SEPT. 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. 8-95-A

2418 SARATOGA AVENUE

ROBALES 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.

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).

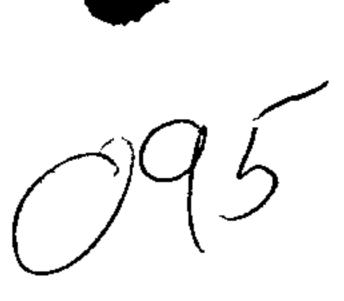
Very truly yours,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



Baltimore County Zoning Board

Addition at 2418 Saratoga Ave. Re:

To Whom It May Concern:

I am the neighbor of Rafael and Michele Rosales and I am aware of the specifics of an addition they are having put on their house at 2418 Saratoga Avenue, Baltimore, MD 21227. I am accepting of this addition and look forward to this and any improvements made in our community.

Joanne Seltzer 2416 Saratoga Ave.



Baltimore County Zoning Board

Re:

Addition at 2418 Saratoga Ave.

To Whom It May Concern:

I am the neighbor of Rafael and Michele Rosales and I am aware of the specifics of an addition they are having put on their house at 2418 Saratoga Avenue, Baltimore, MD 21227. I am accepting of this addition and look forward to this and any improvements made in our community.

Ed & Eileen Tirenger

2421 Saratoga Ave.

Baltimore County Zoning Board

Addition at 2418 Saratoga Ave. Re:

To Whom It May Concern:

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Eric Koontz

2420 Saratoga Ave.

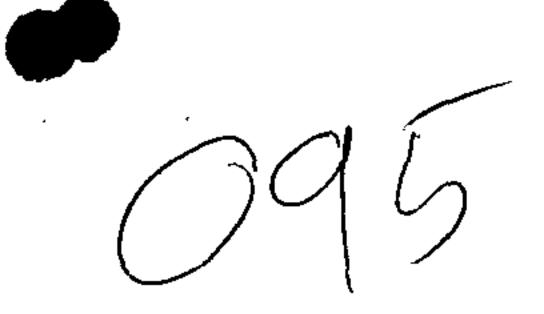
Baltimore County Zoning Board

Addition at 2418 Saratoga Ave. Re:

To Whom It May Concern:

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Janet Larche 2417 Saratoga Ave.



Baltimore County Zoning Board

Re: Addition at 2418 Saratoga Ave.

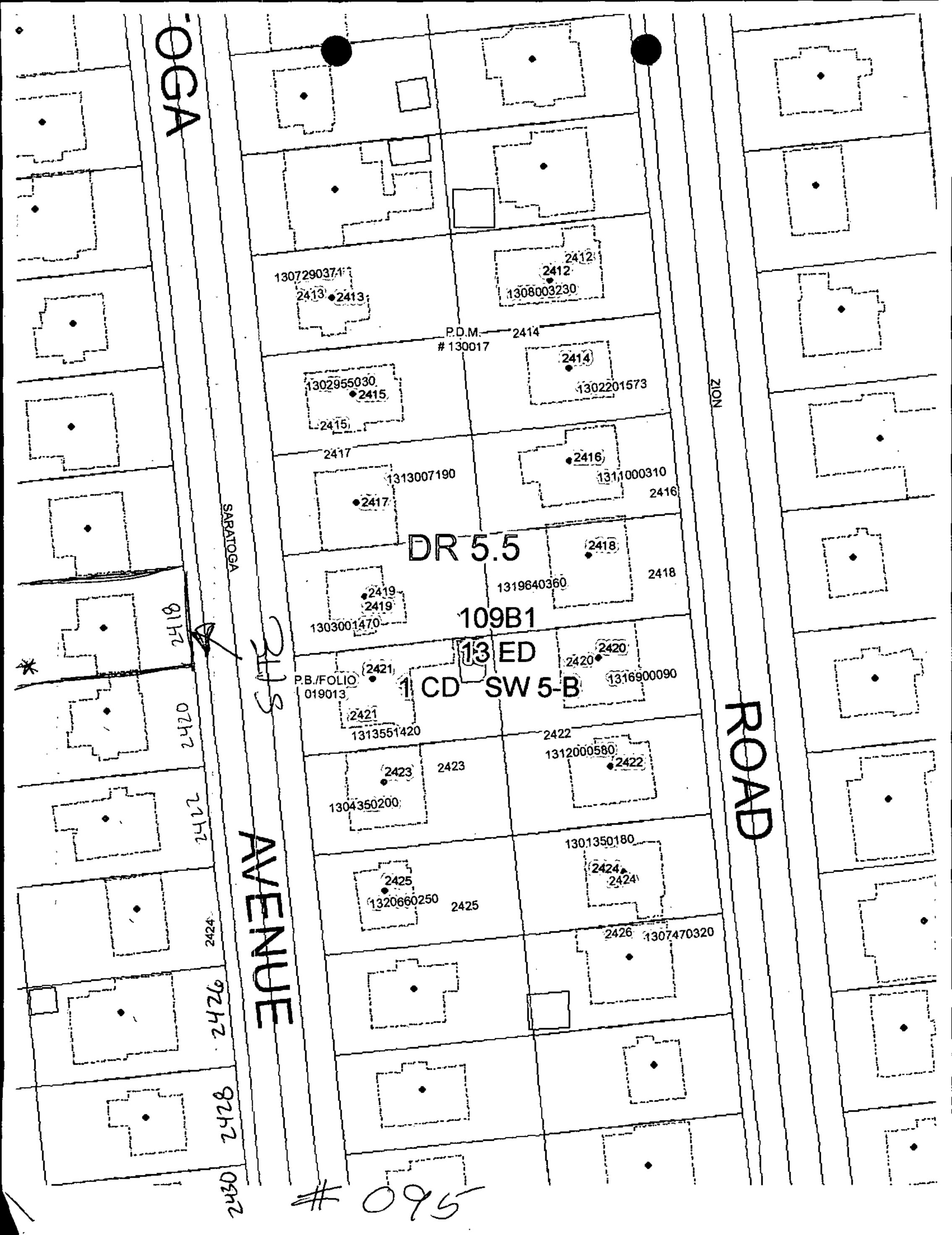
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Dick Lester

2419 Saratoga Ave.

	PREPARED BY SCALE OF DRAWING: 1" = 30
E USE ONLY	NORTH UHKHI OCH AUE.
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E SPECIAL HEARING  R ADDITIONAL REQUIRED INFORMATION	PLAT TO ACCOMPANY PETITION FOR ZONING WYARIANCE PROPERTY ADDRESS 24/8 SARATOGA A/K SEE PAGES 5 & 6 OF THE CHECKLIST FOR



**HEARING** 2 **2 S** SOUNRE PEET ONLY *71*₩ チロイフコ FOR ADDITIONAL REQUIRED INFORMATION LOCATION INFORMATION とのと # 1000° FERRY USE SARATORA OFFICE ( 09.0 SPECIAL 100 YEAR FLOOD PLAIN COUNCIL MANIC DISTRICT PRIOR ZONING HEARING VICINITY 1" - 200' SCALE MAP # X NOIZ LOT SIZE O. // D.R.5.5. HISTORIC PROPERTY/ BUILDING JAMOMUS -SCALE ELECTION DISTRICT CHESAPEAKE BAY CRITICAL AREA ZONING REVIEWED BY SEWER WATER ZONING MARIANCE E CHECKLIST M .001 DRAWING: FOR ZONING EXISTING DWELLING 2416 SECTION SARATOR EXISTIL **SWCLIM** ADDRESS SUBDIVISION NAM PLAT BOOK # 8 PROPERTY OWNERS PREPARED HEARING SPECIAL ARIANCE ZONING PE

 $\varphi$ ADDRE PROPERTY

SUBDIVISION NAME

REQUIRED INFORMATION ADDITIONAL E CHECKLIST FOR Su Carect Property

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SECTION PLAT BOOK # OWNERS

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NORTH

SARATOGA

PREPARED BY

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PRIOR ZONING HEARING

HISTORIC PROPERTY/ BUILDING

ONLY

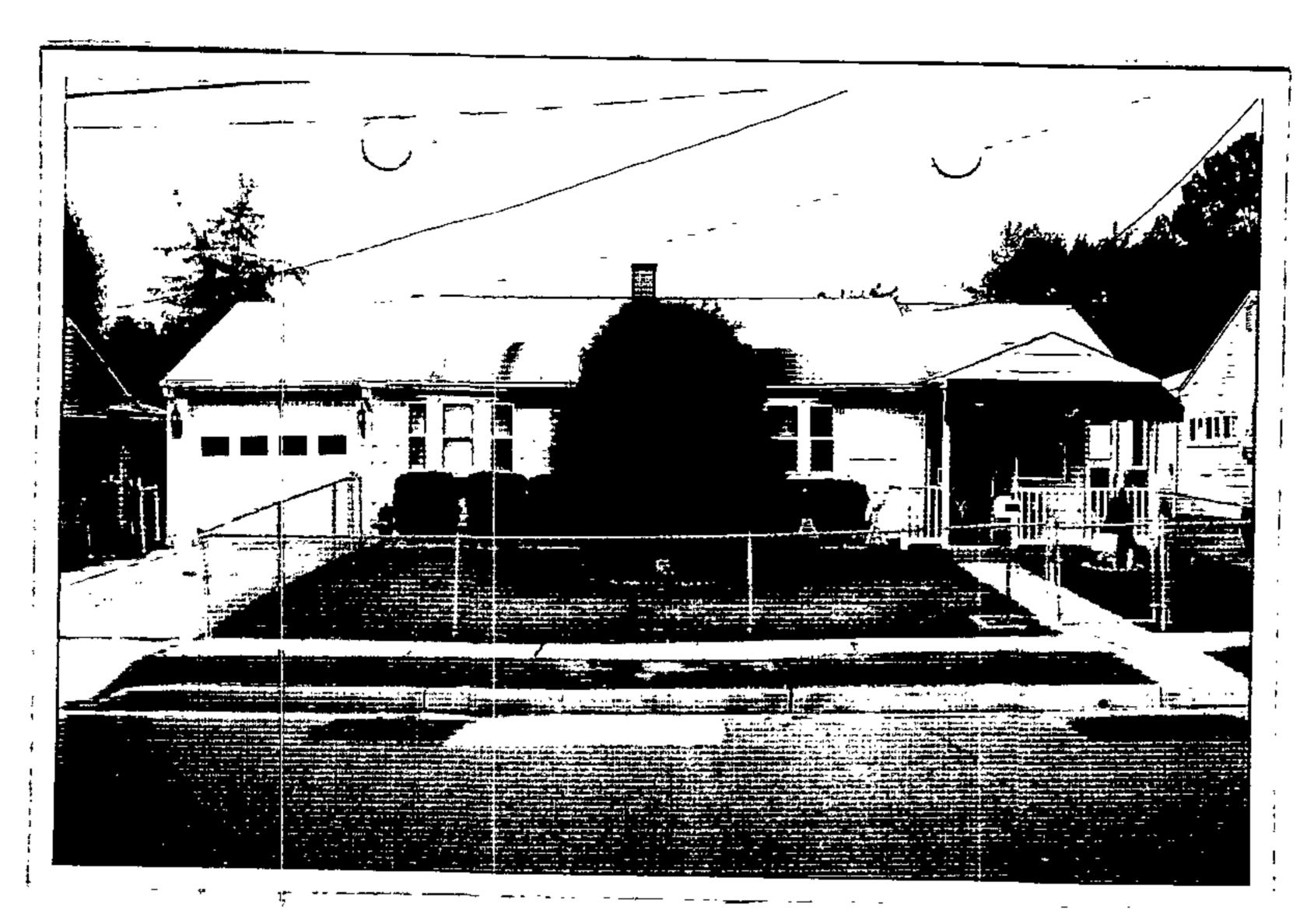
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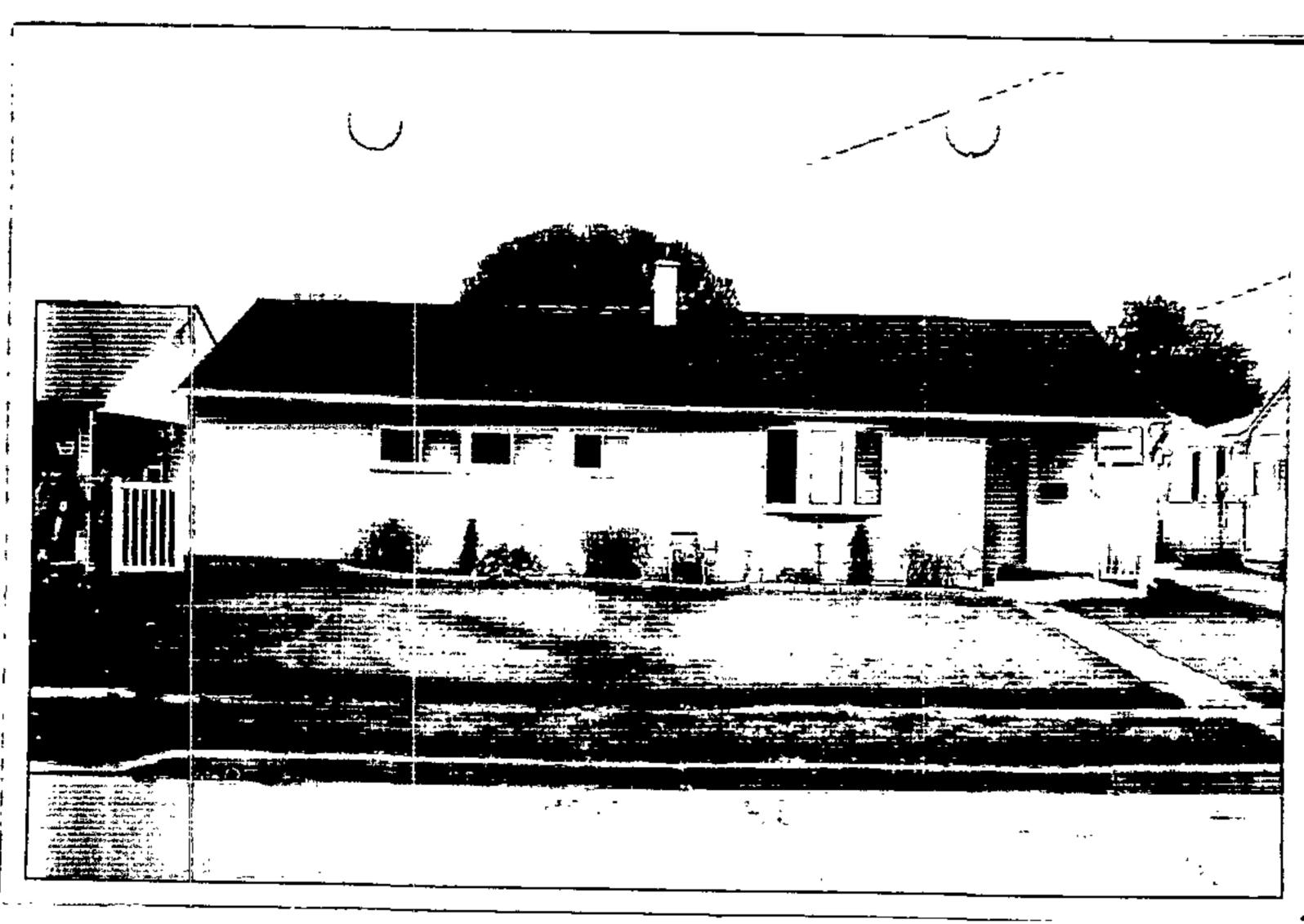
OFFICE (

ZONING REVIEWED BY









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