IN RE: PETITION FOR ADMIN. VARIANCE

SW side Madge Court, 210 feet W c/l

Smiloff Road

11th Election District

5th Councilmanie District

(5507 Madge Court)

James Thomson

Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER

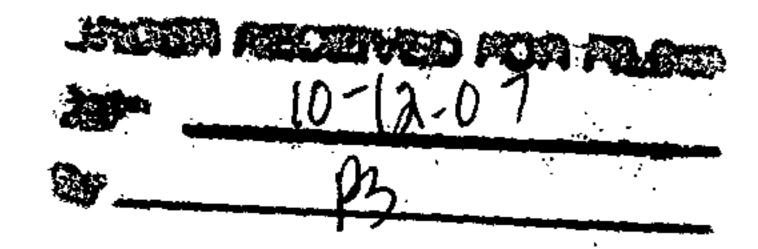
* FOR BALTIMORE COUNTY

* Case No. 08-127-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, James Thomson for property located at 5507 Madge Court. The variance request is from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to have a rear yard setback of 21 feet and an open projection (deck) to have a rear yard setback of 15 feet in lieu of the required 30 and 22.5, respectively; and to amend the Final Development Plan of Apperson Property, Lot 37 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct the addition to accommodate the growing family. The proposed open deck measures 18 feet x 32 feet in size and on that a 12 foot x 16 foot addition will be constructed. There is no room on either side of the house for an addition. No neighbors to the rear are affected as there is a large open space area behind the lot which is owned by the homeowners association. There is also a 10 foot wide drainage/utility easement on the other side of their rear property line.

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.



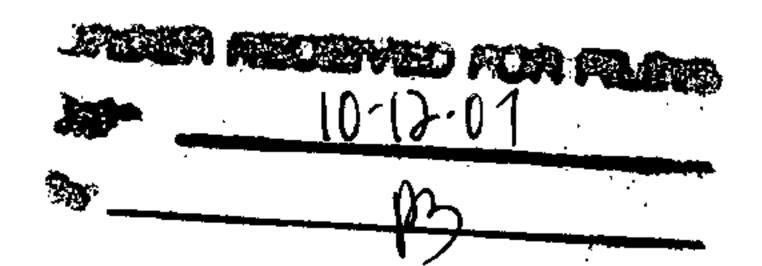
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 22, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits 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 October, 2007 that a variance from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to have a rear yard setback of 21 feet and an open projection (deck) to have a rear yard setback of 15 feet in lieu of the required 30 and 22.5, respectively; and to amend the Final Development Plan of Apperson Property, Lot 37 only 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.

HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

2000 MONTH 10-12-01
2000 MONTH 10-12-01



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 12, 2007

JAMES THOMSON 5507 MADGE COURT WHITE MARSH MD 21162

> Re: Petition for Administrative Variance Case No. 08-127-A Property: 5507 Madge Court

Dear Mr. Thomson:

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: Jeremy Clancy, 7051 Macbeth Way, Eldersburg MD 21784

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 5507 Madge Ct. White Mersy md 21162

which is presently zoned be 3.5

MARYLAN	Deed Re	terence: xx5	42 / 28 4 Lax Account # 3	200083060
			ts and Development Managem nich is described in the descripti Section(s)	
		•	1802.3.C.1	and 301.1.A - to
permit an addit	tion to have	a rear y	ard setback of 21	feet and an open
projection (deck	to have	a rear ya	nd setback of 15	feet in lieu of the
			; and to amend th	e final developme
plan of Apper	·son Propert	y, lot 3/	only	
of the zoning regulations	i i	· ·	,	
Property is to be posted I, or we, agree to pay expend by the zoning regulations at	nses of above Admini	strative Variance, a	zoning regulations. advertising, posting, etc. and further a ed pursuant to the zoning law for Bal	agree to and are to be bounded Itimore County
	•		I/We do solemnly declare and a perjury, that I/we are the legal or is the subject of this Petition.	ffirm, under the penalties of wner(s) of the property which
Contract Purchaser/L	<u>-essee:</u>		Legal Owner(s):	- 41
			James Thomson	
Name - Type or Print			Mame - Type or Print	<u> </u>
			hullen	•
Signature			Signature	
Address		Telephone No.	Name - Type or Print	
City	State	Zip Code	Signature	-
Attorney For Petition	er:		5507 Madge Ct. Address	(41-) 529-046 (Telephone No.
Name of the last o	<u> </u>	·		30. 21167
Name - Type or Print	•		City	State Zip Code
,	 		Representative to be Co.	ntacted:
Signature			Jeremy Clancy	
Company		· · · · · · · · · · · · · · · · · · ·	Name	/ \ mus 10.00
			7051 macseth way	(443)340-1229
Address		Telephone No.	Address	Telephone No.
City	State	Zip Code	City City	State Zip Code
A Dublic Usering basing bas	n formally domanded a	ndlar found to be re	quired, it is ordered by the Zoning Com	missioner of Baltimore County
this day of regulations of Baltimore Count	that :	the subject matter of	this petition be set for a public hearing, a	dvertised, as required by the zoning
			Zoning Commissioner of	Baltimore County
Case No	127-A	Rev	iewed By	te <u>9 10 07</u>
REV 7/20/07	•	Estimated Po	sting Date 9/23/0	7 /
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	012-01		•	,
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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	5507	Madge	<u></u>		·
	Address White	Marsh	md.	21162	
	City		State	Zip	Code
That based upon personal knowledge, the followariance at the above address (indicate hardship).			hich I/we base the	e request for an Administ	trative
_ SEE ATTACHE					
					•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand	d is filed, Affi ormation.	iant(s) will be rec	uired to pay a repostin	g and
Signostura	<u> </u>	Signaturo			
Signature Comes Thomson Name - Type or Print		Signature	Name - Type or Print		<u> </u>
			-		· – – –
STATE OF MARYLAND, COUNTY OF BALTING THEREBY CERTIFY, this day of			סכ ^ר סכ, before me	, a Notary Public of the S	State
of Maryland, in and for the County aforesaid, pe	ersonally appe	eared			
the Affiant(s) herein, personally known or satisfa	actorily identi	fied to me as	such Affiant(s).	<u>. </u>	
AS WITNESS my hand and Notarial Seal		ary Public Commission	Expires 12	127/08	.

Justification

We are asking for a variance to the rear setback regulations for 5507 Madge Court. We desperately need to increase our living space due to the growing size of our family. We have learned that the zoning does not allow for more than an 8' addition. We obviously had wanted to have a much larger addition, but to try to more comply with the regulations, we decided on an 18' x 32' open deck, and on that a 12' x 16' addition. Our house is built right to the front building restriction line, so our rear yard is as large as it can be. And we have no room on either side of the house for a side yard addition. The only possible location is on the rear. No neighbors to the rear are affected as there is a large open area behind our lot owned by the HOA. So please consider our request as it would be greatly appreciated.

Zoning Description

Zoning Description For <u>5507 Madge Court, White Marsh Md. 21162</u>

Beginning at a point on the South side of Madge Court which is 30' wide at the distance of 210' West of the centerline of the nearest improved intersecting street Smiloff Road which is 50' wide. Being Lot # 37, in the subdivision of the Apperson Property as recorded in Baltimore County Plat Book # 67, Folio # 89, containing 7,710 square feet. Also known as 5507 Madge Court and located in the 11th Election District,

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CERTIFICATE OF POSTING

	RE: Case No: 08-127-A
	Petitioner/Developer:
•	THOMSON
	Date Of Hearing/Closing: /3/8/07
Baltimore County Department Permits and Development Mar County Office Building,Room 111 West Chesapeake Avenue	nagement
Attention:	
Ladies and Gentlemen: This letter is to certify under t	he penalties of perjury that the necessary
	osted conspicuously on the property
at	5507 MANGE CT.
——————————————————————————————————————	
This sign(s) were posted on	September 22, 2007 (Month, Day, Year)
•	Sincerely,
	Sincerely, Machine 9/22/07 (Signature of sign Poster and Date)
•	
	Martin Ogle Sign Postor
	Sign Poster 16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)
	·



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

Case Num	ber	08-	127	-A	A	ddress	550	7 1	ladge	<u>Cf</u>	
Contact P	ersor	า:			Print Your Name	<u></u>	<u></u>	Ph	one Num	ber: 41	0-887-3391
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a fo	orma	гес	quest for	a public		Please	understar	nd that	even if	there is) feet to file no formal
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			USE TI	HE ADMII	NISTRATIV	'E VAR	IANCE SI	GN FO	RMAT		
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Petitioner's	s Nar	ne _	Thom	SON				Telep	hone		
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: <u>08-127-A</u> Petitioner: <u>James Thomson</u>
Address or Location: 5507 Modge CL white Marsh med 21162
PLEASE FORWARD ADVERTISING BILL TO: Name: SEREMY Clancy
Address: 7051 macheth way
Eldersburg Md 21784
Telephone Number: (443) 340-1229



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 5, 2007

James Thomson 5507 Madge Court White Marsh, MD 21162

Dear Mr. Thomson:

RE: Case Number: 08-127-A, 5507 Madge Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 10, 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. Callilall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Jeremy Clancy 7051 Macbeth Way Eldersburg 21784

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 18, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 24, 2007 Item Nos. 08-124, 125, 126, 127, 128, 129 and 130

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-09182007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: September 20, 2007

DECEIVE SEP 2 1 2007

BY:....

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-127- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Reviewed By: Lech's Lessone

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 20, 2007

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) 08-127- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Reviewed By: Cechis Survey

CM/LL



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

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

Maryland Department of Transportation

Date: SEVT. 17, 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. 8-127-A

5507 MADGE COURT THOMSON 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. 8-127-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,

1 Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



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 23, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 17, 2007

Item Number: Item Number 124,125,126 (127),128,129,130

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





Patricia Zook - Re: Administrative Variance cases that closed 10-8-07

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

10/11/2007 3:34 PM

Subject:

Re: Administrative Variance cases that closed 10-8-07

Patti:

The items that you are inquiring about are from two different agendas. Both were delivered to the zoning office in a timely fashion. In any event, we had no comment on any of the items you listed.

Dennis

>>> Patricia Zook 10/11/2007 2:32 PM >>> Hello Dennis-

Yesterday I received the case files for the administrative variances that closed October 8. However, all the files are missing comments from your office. I double checked with Kristen and she didn't have the comments.

Please review the attached descriptions and see if you have comments (or no comments).

Feel free to let me know via e-mail.

Thanks for your help, Dennis.

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

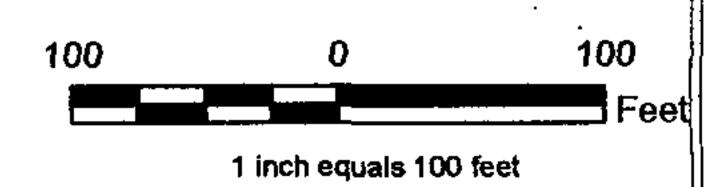
5507 Madge Ct 5512 P.B./FOLIO 2200023063 <u>ල</u>__i ශූ<u>55</u>13 11 ED 5504 16 DR-3.5 2200023080 5505 SMILOFF 2200023032 11415 11415 5 (11416) (11416) (5503) (5003) 2200023066 ÇO' BEAN RUN 2200023064 ?2000Z3058 11410 (11412) (11412) Door3018 2200023065 2200023081 2200023067/ APPERSON 11408 **(**0) Ő NE 10-J 2200023068 2200023082 11406 2200023069 -11406 (2200023075) (11,409)

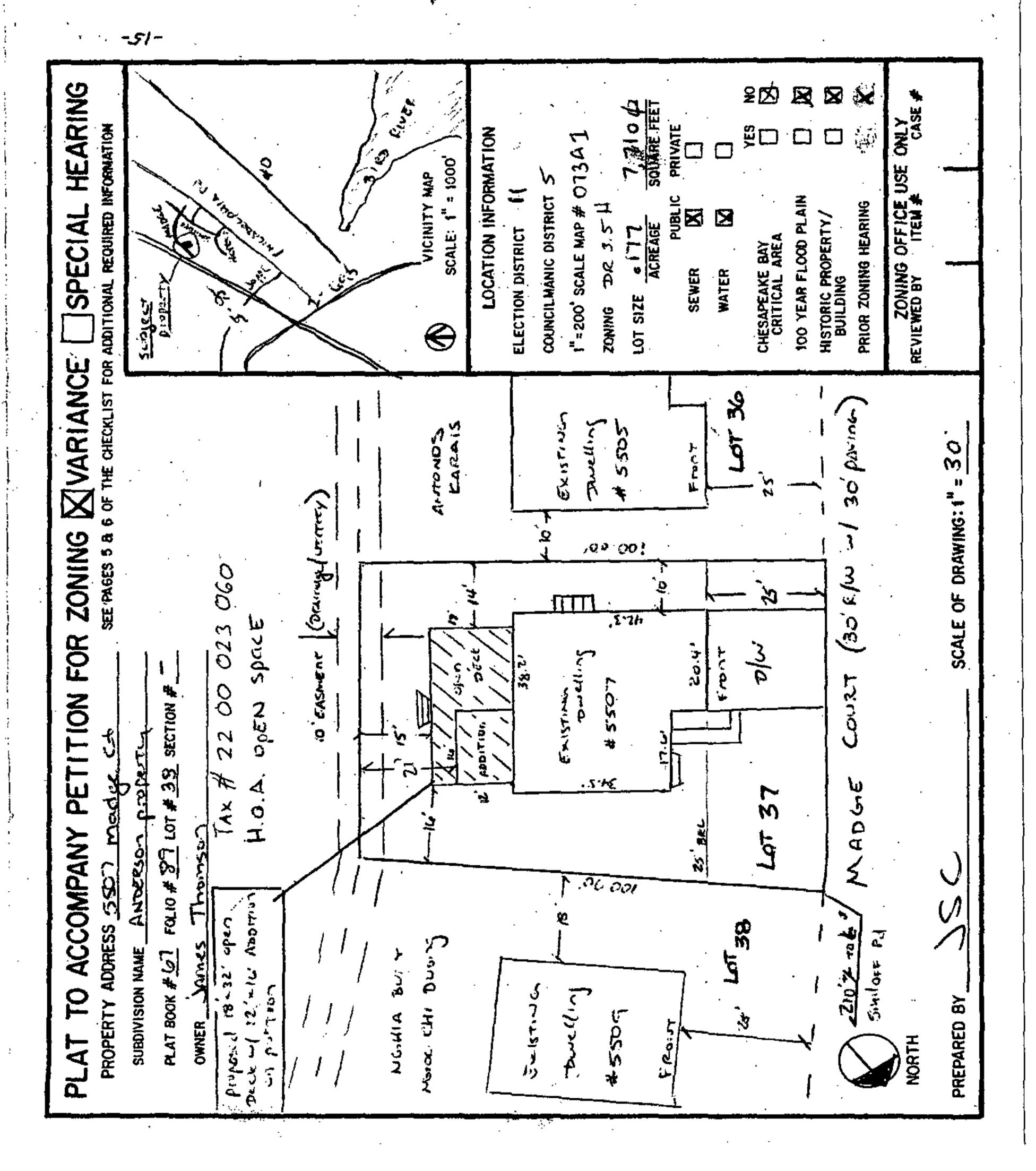


Publication Date: September 10, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



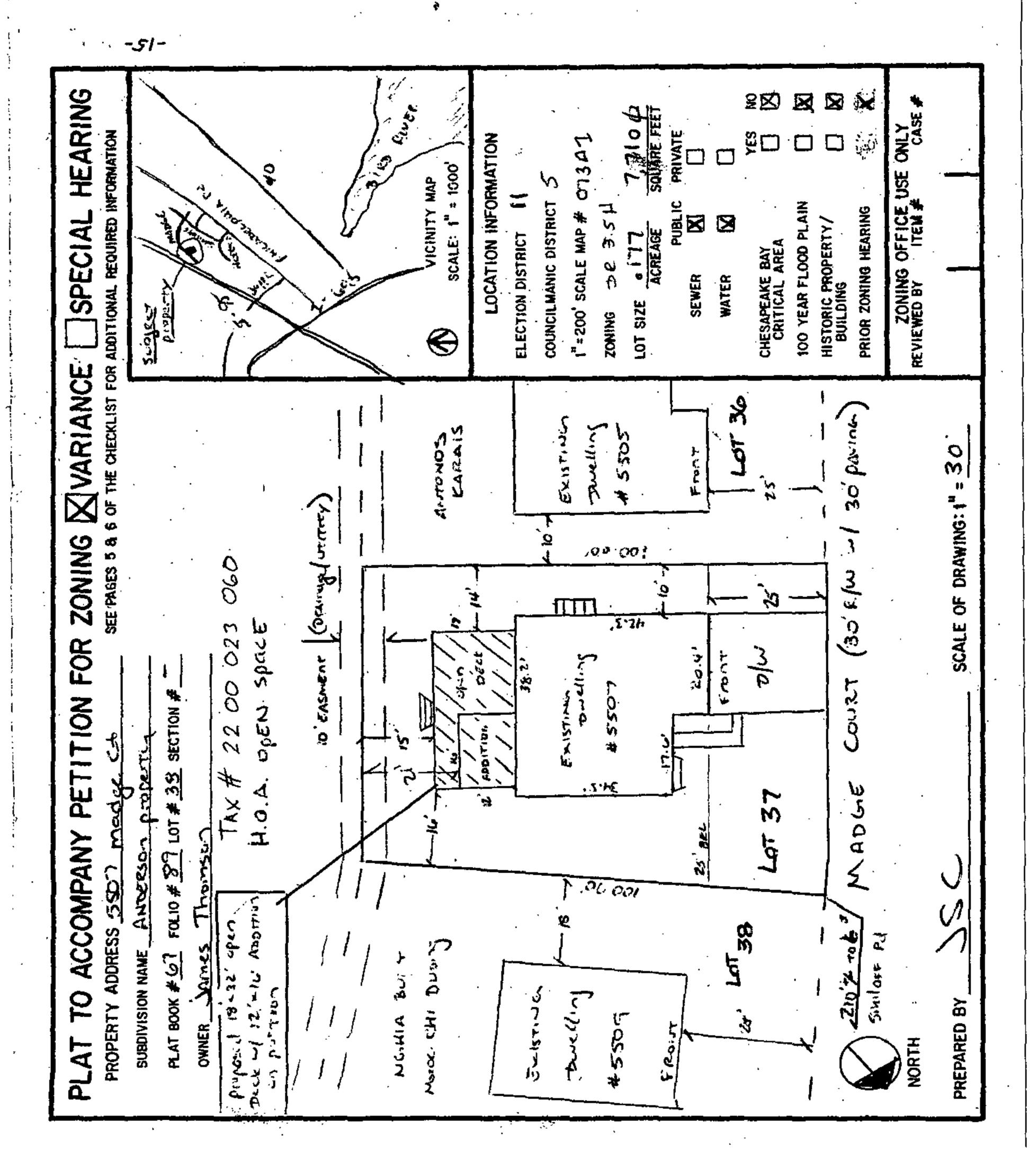
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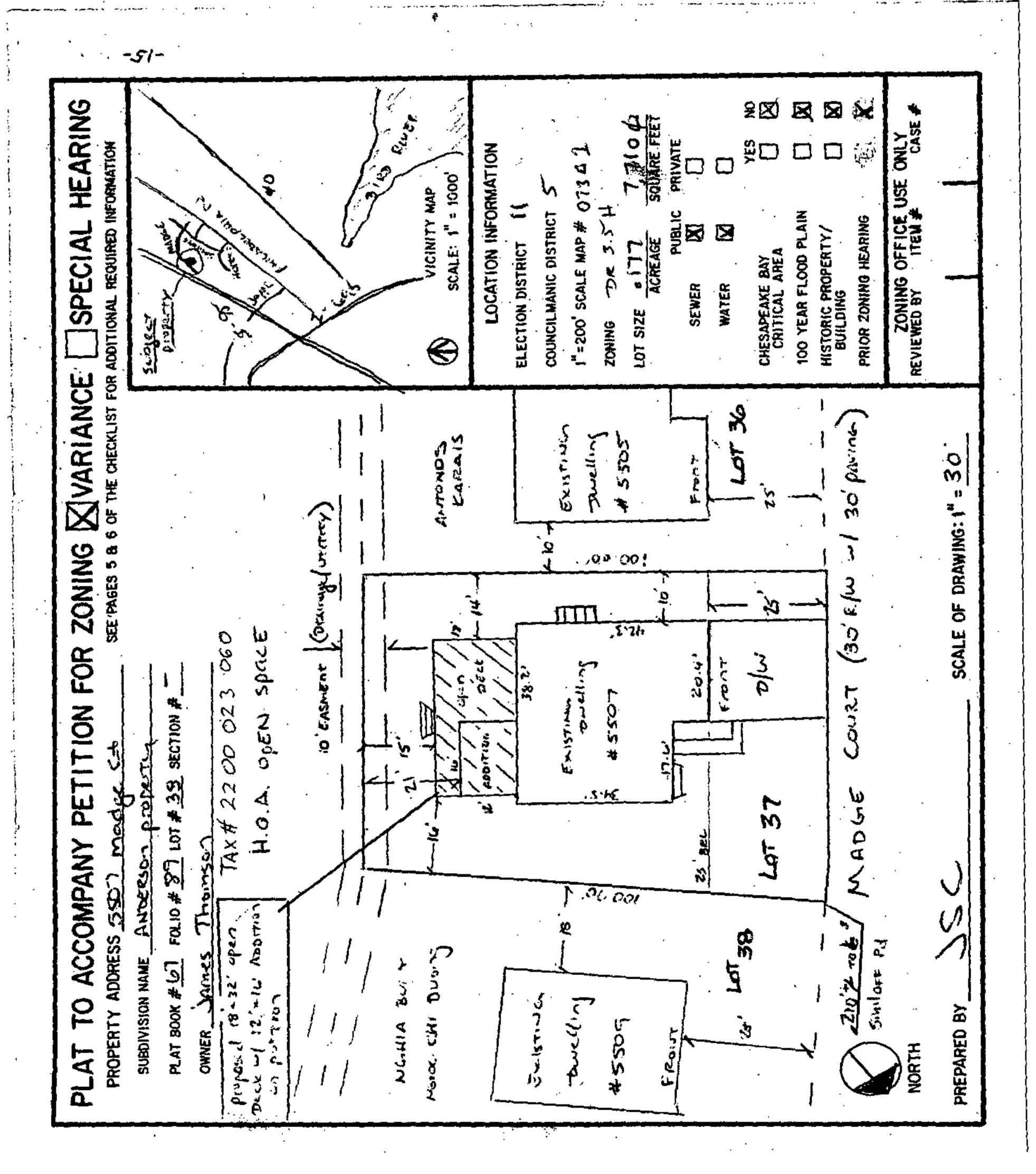
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#08-127-A



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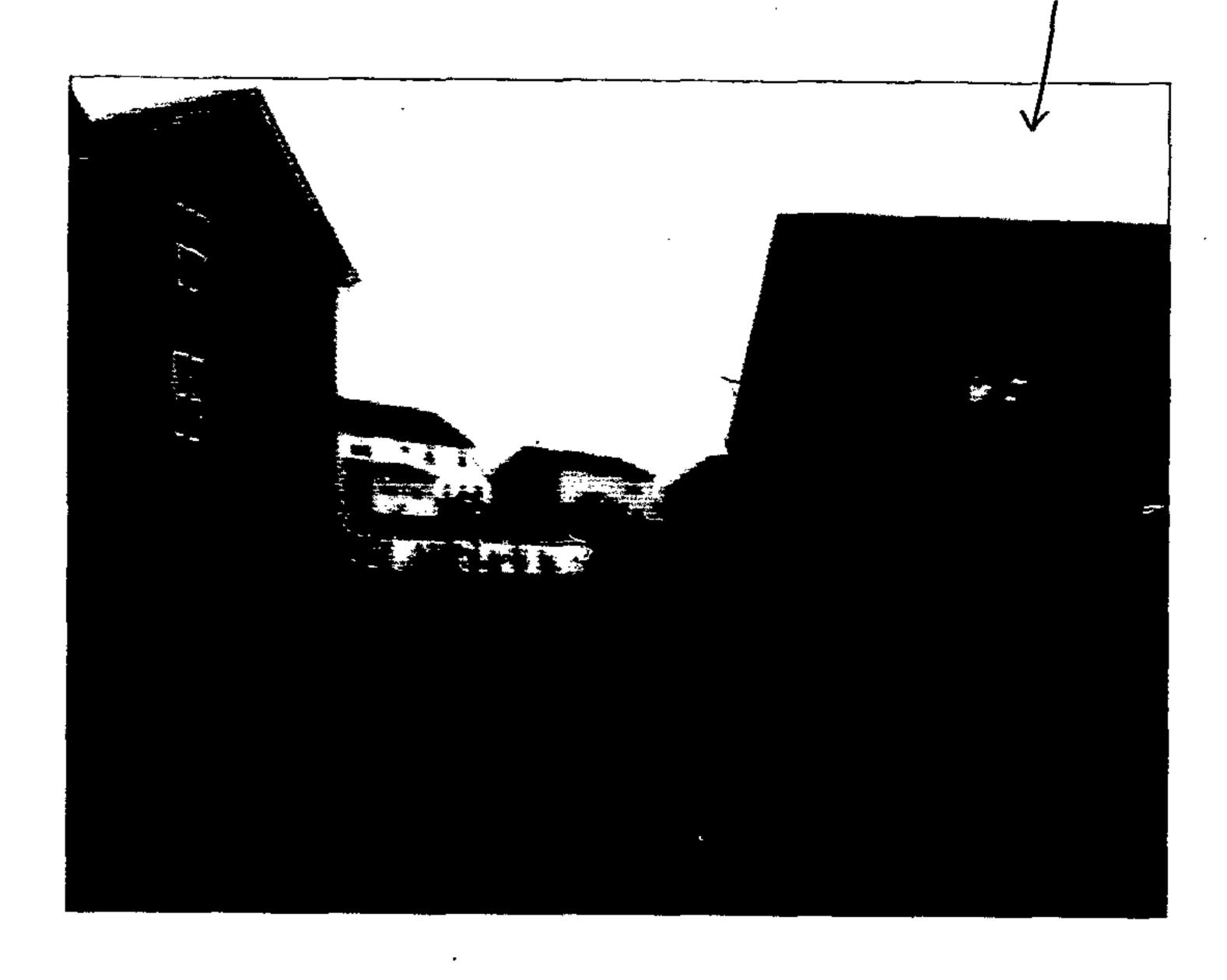
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#08-127-A



FROM YARD OF SUSJECT PROPERTY

Subject property

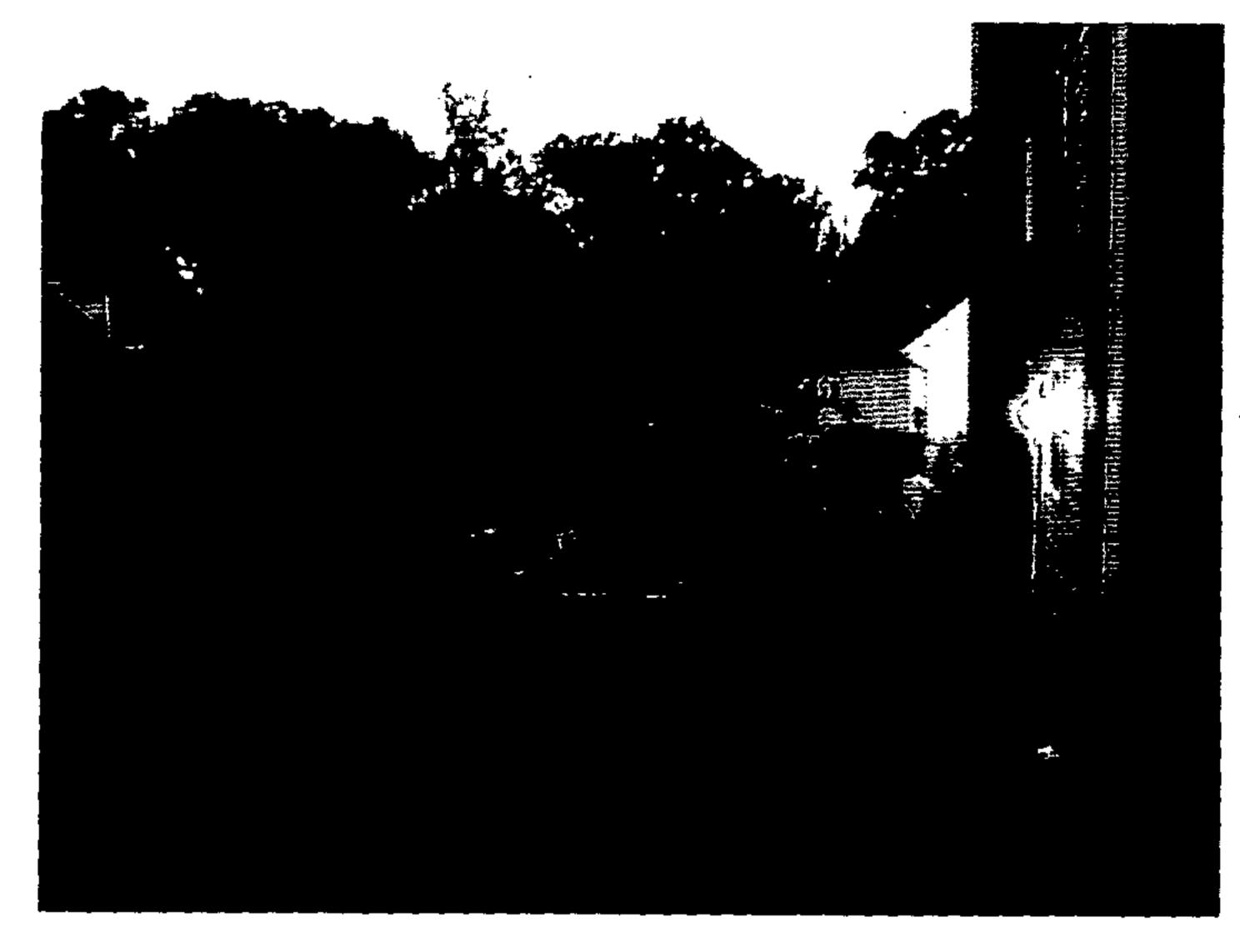


Left side yord from street



Subject

from Lett side yard looking across rear yard.



Z-property

At Rear Lesser yourd corner showing rear of house.

brobered



RIGHT Side yord from street.

508 Jest

From RIGHT rear corner working across rear yourd