IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Third Roadm, 140 feet NW of c/l Shore Road 15th Election District 6th Councilmanic District (1419 Third Road)

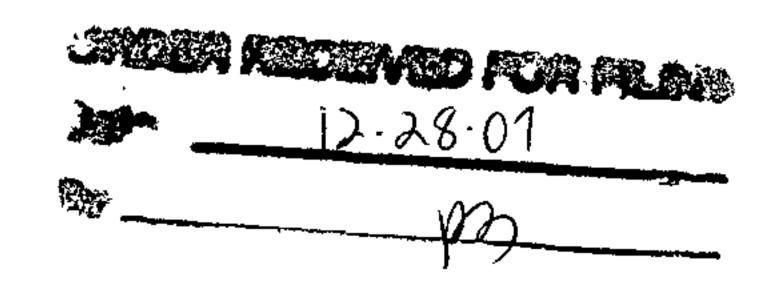
Michael and Pamela Vaughan Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-201-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, Michael and Pamela Vaughan for property located at 1419 Third Road. The variance request is from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 9 foot side setback and 20 foot rear setback in lieu of the required 10 feet and 30 feet, respectively; and, to permit an existing accessory structure to be located in the side yard with a 0 foot setback in lieu of the required rear yard and 2 ½ foot setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a one-story addition onto the rear of the home. The lot is part of a record plat dated 1946 and the dwelling was constructed according to the zoning in place at the time. The lot configuration was developed according to regulations in place at that time. It is not feasible to add a second floor to the dwelling. The proposed addition is for in-law quarters to aid in the care of elderly parents.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection and Resource Management dated December 20, 2007. The comments



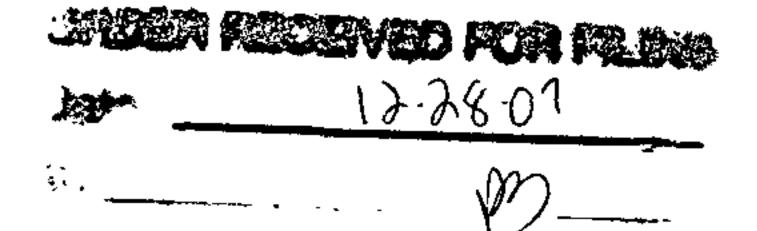
indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is within an Intensely Developed Area and must address pollutant reduction requirements for residential developments.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 11, 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 December, 2007 that a variance from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 9 foot side setback and 20 foot rear setback in lieu of the required 10 feet and 30 feet, respectively; and, to permit an existing accessory structure to be located in the side yard with a 0 foot setback in lieu of the required rear yard and 2 ½ foot setback 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.
- 2. Development of the property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
- 3. The property is within an Intensely Developed Area (IDA) and therefore must address the pollutant reduction requirements for residential developments.

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

PHOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 28, 2007

MICHAEL AND PAMELA VAUGHAN 1419 THIRD ROAD BALTIMORE MD 21220

Re: Petition for Administrative Variance

Case No. 08-201-A

Property: 1419 Third Road

Dear Mr. and Mrs. Vaughan:

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: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property lo	cated at #1419 This	rd Road
TOE CARC PROPERCY TO	which is presently zo	ned D.R.5.5
This Petition shall be filed with the Department of Permitowner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	s and Development Manage h is described in the descriptio n(s) ცია,ვლი (கசூ	ment. The undersigned, legal on and plat attached hereto and e) + 400.1 (Btze)
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required 10-feet and 30-feet, respectively;	and, to permit an existing	g accessory .
structure to be located in the side yard with	• •	-
rear yard and 2-1/2-foot setback.		• •
of the zoning regulations of Baltimore County, to the zoning is of this petition form.	w of Bailimore County, for the	reasons indicated on the back
Property is to be posted and advertised as prescribed by the zero, agree to pay expenses of above Variance, advertising, postegulations and restrictions of Baltimore County adopted pursuant to	the zoning law for Baltimore Cou	d affirm, under the penalties of all owner(s) of the property which
Contract Purchaser/Lessee:	Legal Owner(s):	
Name - Type or Print Signature	Michael Vaughan Name - Type or Print Signature Signature	eggan
Address Telephone No.	Name - Type on Print	han
City State Zip Code	Signature V WW	
Attorney For Petitioner:	1419 Third Road Address	(410) 391-1288 Telephone No
	Baltimore	MD 21220 State Zip Code
Name - Type or Print	City	•
Cionatura	Representative to be	Contacted:
Signature	Site Rite Surveying	g, Inc.
Company	Name	
Tolonhone No.	200 E. Joppa Road, Su Address	ite 101 (410) 828-90 Telephone No.
Address Telephone No.	Towson	MD 21286
City State Zip Code	City	State Zip Code
A Public Hearing having been formally demanded and/or found to be this that the subject matter of regulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zonithis petition be set for a public hearing	ng Commissioner of Baltimore County g, advertised, as required by the zonin
	Zoning Commissione	r of Baltimore County
	<u>. </u>	Date 10/29/07

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	#1419 Third Road	<u> </u>	
	740000	MD.	21

Baltimore MD 21220-5402
City State

9119111

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):

SEE ATTACHED

That the Affiant(s) acknowledge(s) that if a formal demand inform	s filed, Affiant(s) will be required to pay a reposting and lation.
advertising tee still trial be required to broade against	Signature PAME Aughan Patricia Vaughan Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this Que day of October of Maryland, in and for the County aforesaid, personally appear	, 2001, before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily identifie	Welissa M. Falcon
AS WITNESS my hand and Notarial Seal	Notary Public Baltimore City

100

My Commission Expires

Affidavit in Support of Administrative Variance

lows: That the information herein given is impetent to testify thereto in the event that a plant the Affiant(s) does/do presently reside at	#1419 Thi	cd Road	
ISt Me Villande) accord biocom, ingres	Address	MD	21220-5402
· · · · · · · · · · · · · · · · · · ·	Baltimore	State	Zip Code
at based upon personal knowledge, the following and the above address (indicate hards)	wing are the facts t	pon which I/we base the	request for an Administrativ
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Signature Michael Vaughan Name - Type or Print STATE OF MARYLAND, COUNTY OF BAL I HEREBY CERTIFY, this day of day of county aforesaid	TIMORE, to wit:	Signature PAMELA Patricia Vaughan Name - Type or Print d	ne, a Notary Public of the S
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Signature Michael Vaughan Name - Type or Print STATE OF MARYLAND, COUNTY OF BAL I HEREBY CERTIFY, this 20 day of of Maryland, in and for the County aforesaid The Affiant(s) herein, personally known or sa	TIMORE, to wit:	Signature PAMELA Patricia Vaughan Name - Type or Print d Vaughan Vaughan Vaughan Vaughan Vaughan	me, a Notary Public of the S
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	#1419 Third Road	
– – •	s presently zoned_	D.R.5.5

To permit an addition with a 9-foot side and 20-foot rear setback in lieu of the required 10-feet and 30-feet, respectively; and, to permit an existing accessory structure to be located in the side yard with a 0-foot setback in lieu of the required rear yard and 2-1/2-foot setback.

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 perjury, that I/we are the legal is the subject of this Petition.	owner(s) of the	ne penaities of e property which
Contract Purchaser/	Lessee:		Legal Owner(s):		
		<u> </u>	Michael Vaughan		
Name - Type or Print			Name - Type or Print	9	
Signature			Signature PAVNELA Patricia Vaughan	8	
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Name - Type or Print	udran	
City	State	Zip Code	Signature	\mathcal{O}	
Attorney For Petition	ner:		1419 Third Road	(410	<u> </u>
			Address	MD	Telephone No. 21220
Name - Type or Print			Baltimore City	MD State	Zip Code
Signature	<u> </u>		Representative to be C		,
Company	· · · · · · · · · · · · · · · · · · ·		Name		
Address		Telephone No.	200 E. Joppa Road, S Address	Suite 101	(410) 828-906 Telephone No.
MUQ1 0 35		TOTOPHONO TTO	Towson	MD	21286
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bethis day of regulations of Baltimore Coun	. ^ tha	it the subject matter of i	required, it is ordered by the Zoning this petition be set for a public hearing. Zoning Commissioner	Commissioner advertised, as re of Baltimore Cou	nty
CASE NO.	18-201-A	2) PUR PASRO	viewed By DT.	Date10/29	<u>101</u>
REV 10/25/01	12.9	8.07 Est	imated Posting Date	. <u></u>	· · · · · · · · · · · · · · · · · · ·

REASONS TO ACCOMPANY PETITION FOR #1419 THIRD ROAD

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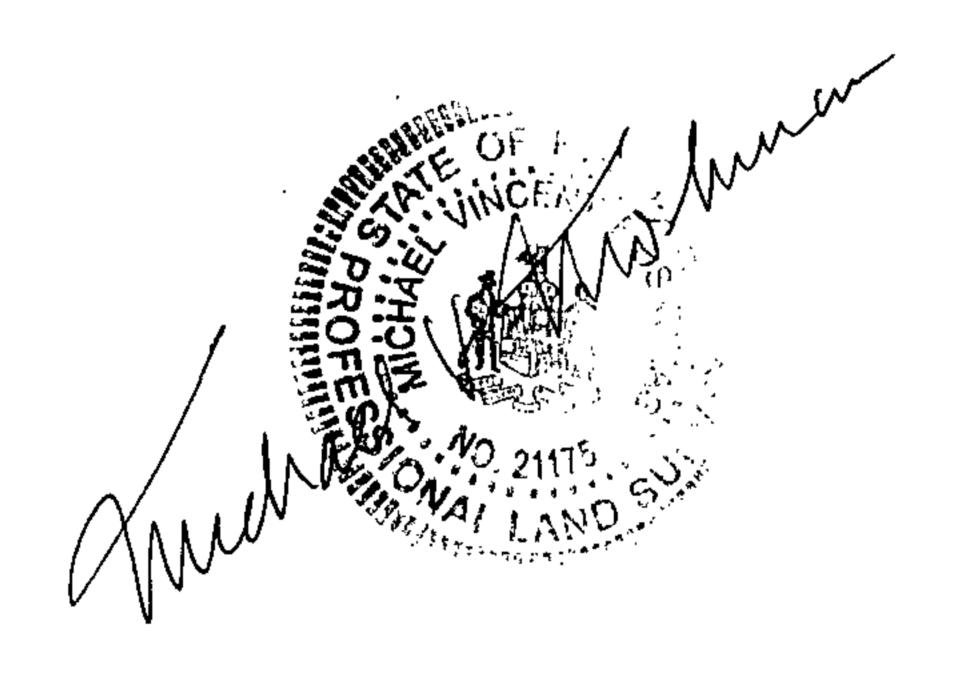
1. There is no contiguous ownership in order to accommodate side or rear yard setbacks.

2. This lot is part of a record plat dated 1946; therefore, the dwelling was constructed according to the zoning in place at that time. In addition, the lot configuration was developed according to regulations is place.

3. The dwelling is a one story structure and compatible with the neighborhood; therefore, the addition requested is to the rear of the dwelling which encroaches into the rear yard setback. It is not feasible to add a second floor to the structure to enable compliance. The addition being proposed is for the benefit of an in-laws quarters to aid in the care of elderly parents.

ZONING DESCRIPTION #1419 THIRD ROAD

BEGINNING at a point on the northeast side of Third Road which is 30 feet wide at a point 140 feet northwest of the centerline of Shore Road which is 40 feet wide. Being known as Lot No. 177, Section IV of the subdivision of "Stansbury Manor" as recorded in Plat Book No. 13, folio 138 and containing 4,944 square feet, more or less. Also known as #1419 Third Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 (410) 828-9060

File: 1419 THIRD ROAD.doc\.07 zoning

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CERTIFICATE OF POSTING

	RE: Case No: <u>08-20/-A</u>
	Petitioner/Developer:
	Date Of Hearing/Closing: 11/24/07
Baltimore County Department Permits and Development Ma County Office Building, Room 11 West Chesapeake Avenue	nagement n 111
Attention:	
Ladies and Gentlemen:	
	the penalties of perjury that the necessary posted conspicuously on the property 1419 THED LD
This sign(s) were posted on	(Month, Day, Year) Sincerely, (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address
	Balto. Md 21220 (443-629 3411)

NOTICE CASE # OB-dOI-A ADMINISTR PUBLIC 4. m 4. . - u-1 -_--

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Markan Schiller

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.

Item Number or Case Number: 08-201-A Petitioner:	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Mchael Vaughan	
Address: 1419 Think Road	<u> </u>
Baltimore MO 21220	
Telephone Number:	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 08	201	-A A	ddress _	1419 TH	IRD P	<u>D.</u>	
Conta	ct Person:	DONNA	THOMPSOI Please Print Your Nam	<u> </u>		^{>} hone Num	ber: 410-887-339	1
Filing	Date:	i i			11/11/07	Closin	g Date: 11/26/0'	7
Any o	ontact mad the contact	e with this off et person (plan	ice regarding the ca	ne status ase numb	of the adm	inistrative	variance should be	е
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2.	a formal re	quest for a p	date is the dead ublic hearing. g, the process is	Please u	inderstand th	at even if	nin 1,000 feet to file there is no forma	e 1
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Petitio	ner's Name	VaueHai	<u> </u>		Tele	ephone 4	10-391-1288	<u>.</u> .
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 29, 2007

Michael Vaughan Pamela Vaughan 1419 Third Road Baltimore, MD 21220

Dear Mr. and Mrs. Vaughan:

RE: Case Number: 08-201-A, 1419 Third Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 29, 2007. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callalal.

WCR:amf

Enclosures

c: People's Counsel

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson 21286

INTER-OFFICE CORRESPONDENCE

DATE: November 7, 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) 08-201- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Reviewed By:

CM/LL

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 6, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 12, 2007 Item Nos. 08-189, 197, 198, 199, 201, 202, 203, 204, and 205

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-11062007.doc

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: November 7, 2007

NOV 1 5 2007

BY:----

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-201- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Reviewed By:

CM/LL

Inter-Office Correspondence



TO:	Timothy M. Kotroco	
FROM:	Dave Lykens, DEPRM - Development Coordination JWL	
DATE:	December 20, 2007	
SUBJEC	C: Zoning Item # 08-201-A Address 1419 Third Road (Vaughan Property)	
Z	ning Advisory Committee Meeting of 11/5/07	
· '-	e Department of Environmental Protection and Resource Management has no mments on the above-referenced zoning item.	
· 	e Department of Environmental Protection and Resource Management offers following comments on the above-referenced zoning item:	
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 33-3-101 through 33-3-120 of the Baltimore County Code).	ıs
	Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).	
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and	

Additional Comments:

The property is within an Intensely Developed Area (IDA) and therefore must address the pollutant reduction requirements for residential developments.

other Sections, of the Baltimore County Code).

Reviewer: Regina Esslinger Date: 12/20/07



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

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

Maryland Department of Transportation

Date: 11/6/2007

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

RE:

Baltimore County

Item No. 8-201A

VAUGHAN PROPRIETY

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. 8-201-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,

Engineering Access Permits

Division

SDF/MB

Patricia Zook - Case 08-201 - administrative variance closed 11-26-07

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

12/12/2007 11:58 AM

Subject: Case 08-201 - administrative variance closed 11-26-07

Hello Jeff -

We need comments from DEPRM for the above administrative variance request that is located at 1419 Third Road.

Thanks for your help.

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

Patricia Zook - Case 08-201 - administrative variance closed 11-26-07

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

12/19/2007 11:57:12 AM

Subject: Case 08-201 - administrative variance closed 11-26-07

Hi Jeff -

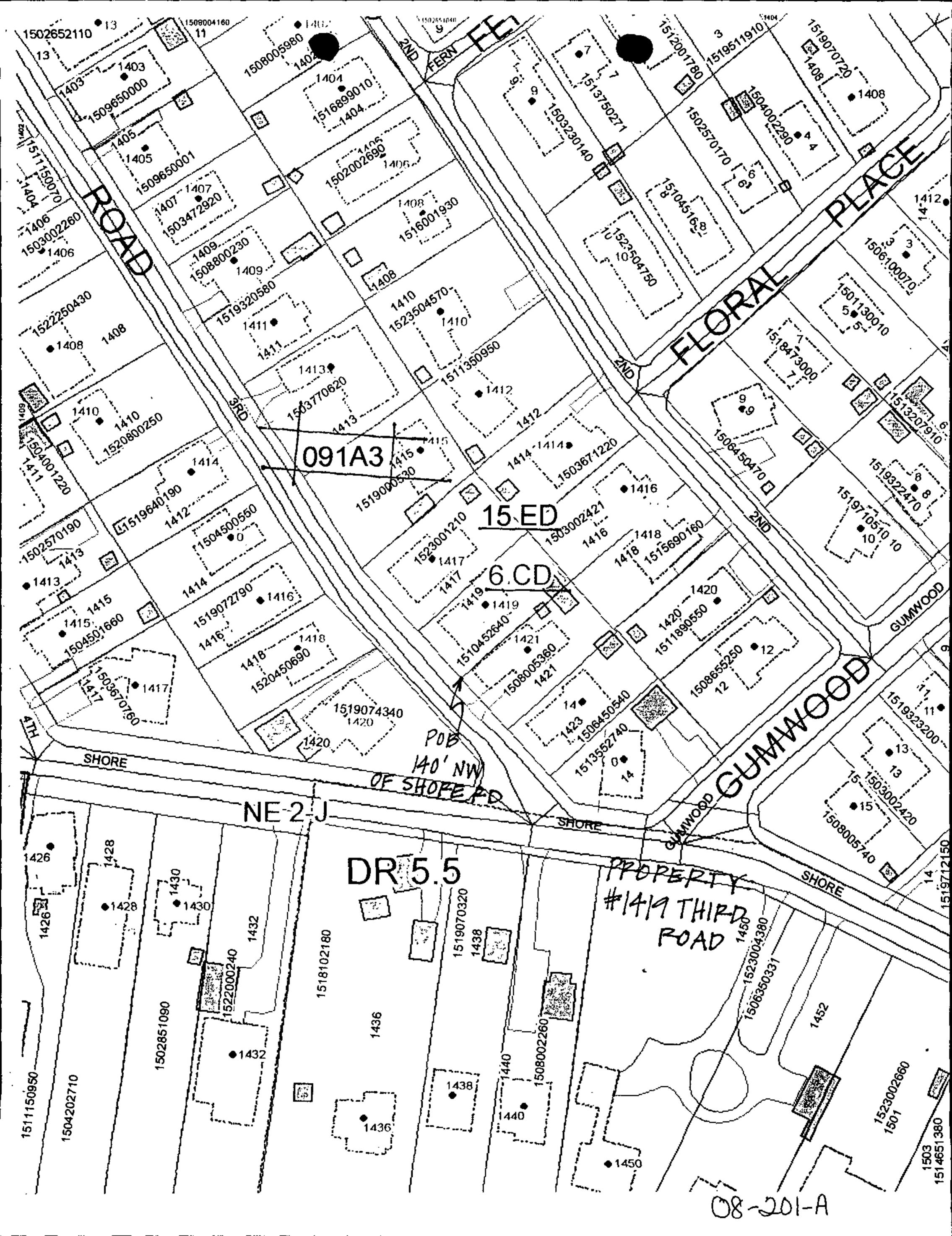
...checking on the status of comments for this case. Bernadette with Site Rite Surveying, Inc., and the Petitioner are calling me.....

Hello Jeff -

We need comments from DEPRM for the above administrative variance request that is located at 1419 Third Road.

Thanks for your help.

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

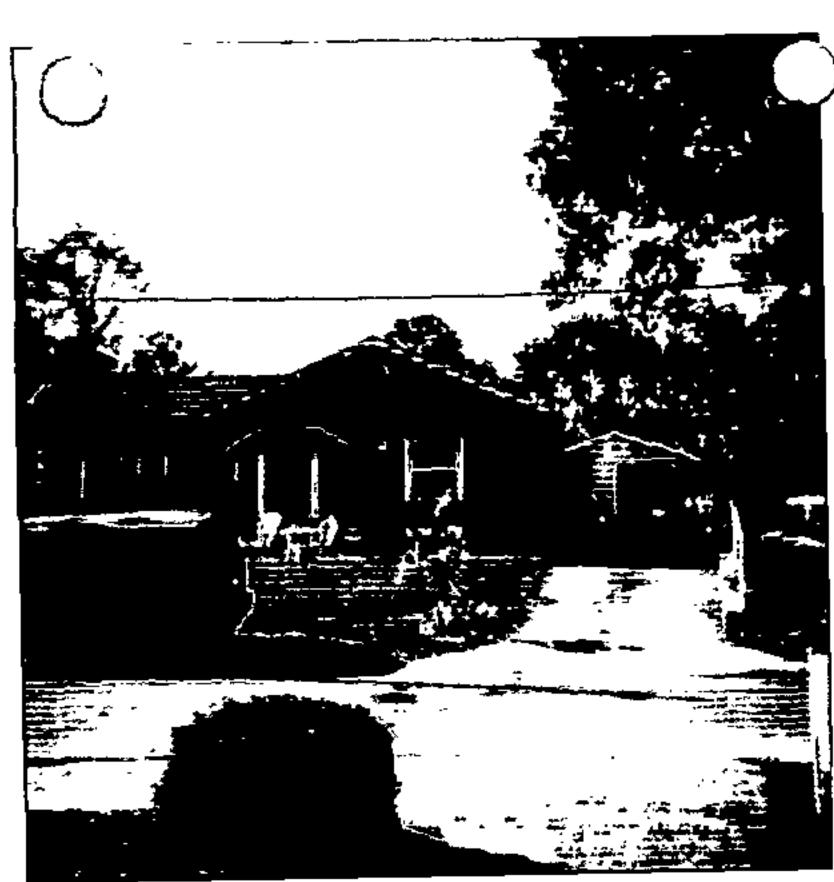




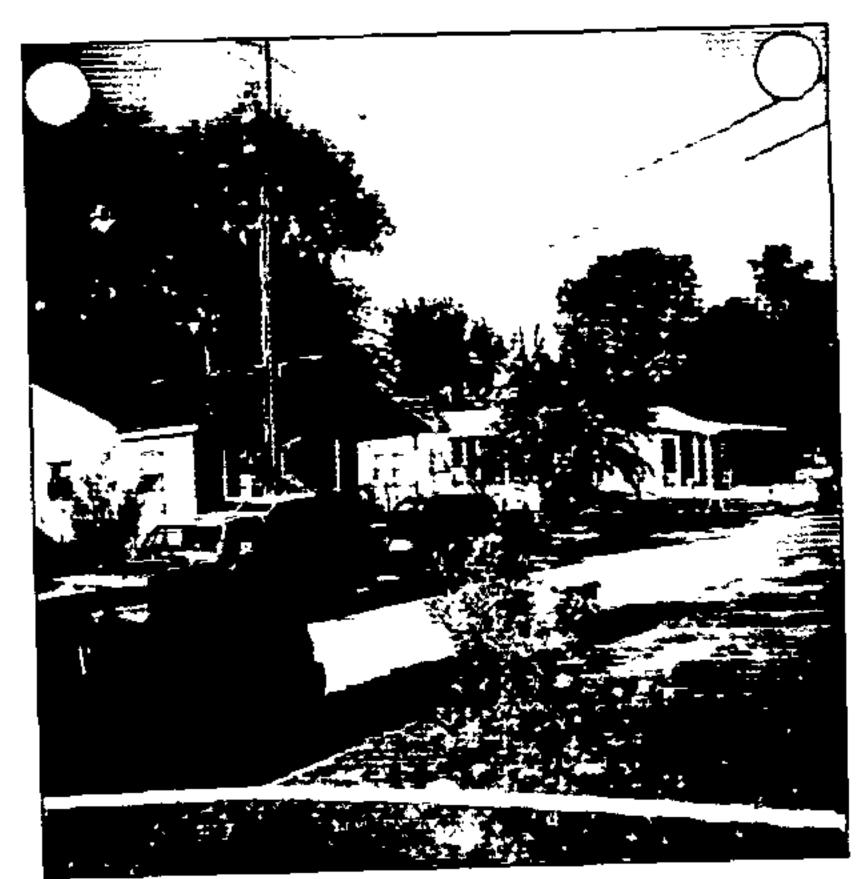
Looking north on 3rd Pd. toward Fir Drive



Looking south on 3rd Pd. Shore Road



Property directly across
the street 14/9 32



Norm on Third Poad



B/W #1417 and #1419



9 and # 1421





Rear of subject Rear of Proporary

properay #1419 #1419 Third Poad

