

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW side Colonial Road, 110+/- SW of		
c/l Lowell Road	*	DEPUTY ZONING
3 rd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(4108 Colonial Road)		
	*	FOR BALTIMORE COUNTY
Linda W. Alpern		
<i>Petitioner</i>	*	Case No. 08-215-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, Linda W. Alpern for property located at 4108 Colonial Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed additon to have a side yard setback of 9 feet and a rear yard setback of 22 feet in lieu of the minimum required 10 feet and 30 feet respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner is growing older and needs to keep the living area on the first floor of the home. The existing master bedroom is being moved from the second floor to the first floor. The proposed addition will contain the new bedroom, closet and expanded kitchen space. The addition measures 24 feet x 12 feet in size. Due to the interior layout of the home and the way it is situated on the lot it is not practical to place the addition elsewhere on the lot.

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.

ORDER RECEIVED FOR FILING
 12-6-07
 [Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 18, 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.

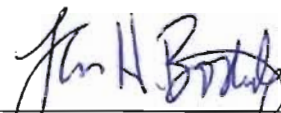
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of December, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed additon to have a side yard setback of 9 feet and a rear yard setback of 22 feet in lieu of the minimum required 10 feet and 30 feet respectively is hereby GRANTED, subject to the following:

1. The 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILED
12-6-07
[Signature]

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 FILING
12-6-07
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 6, 2007

LINDA W. ALPERN
4108 COLONIAL ROAD
BALTIMORE MD 21208

Re: Petition for Administrative Variance
Case No. 08-215-A
Property: 4108 Colonial Road

Dear Ms. Alpern:

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 black ink, appearing to read "John H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



TAX. ACCOUNT # 0318010600

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4103 Colonial Road
which is presently zoned DR 5.5

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) 1302.3.C.1 - to permit a

proposed addition to have a side yard setback of 9 feet and a rear yard setback of 22 feet in lieu of the minimum required 10 and 30, respectively

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

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 _____ day of _____ 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.

CASE NO. 08-215-A

REV 10/25/01

12.6.01

PM

Zoning Commissioner of Baltimore County

Reviewed By KTD

Date 11/6/07

Estimated Posting Date 11/18/07

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

4103 Colonial Rd
Address
Baltimore MD 21203
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):

We are growing older and need to keep our living area on the first level of our home. We are moving our existing bedroom from the second level to the first level and would like to construct a 24' x 12' addition to our existing home, to create additional, bedroom, closet and kitchen space. Due to the interior layout of our home and the way it is situated on the lot it is not practical to place it anywhere else on our lot. This will improve the value of our home, and not be detrimental to the neighborhood.

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

Linda E. Alpern
Signature

Name - Type or Print

Linda E. Alpern
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of _____, 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

Dele A. Little
Notary Public

My Commission Expires

My Commission Expires 5-1-03

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

Address 4108 Colonial Road
City Baltimore State MD Zip Code 21208

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):

We are growing older and need to keep our living area on the first level of our home. We are moving our existing bedroom from the second level to the first level and would like to construct a 24' x 12' addition to our existing home, to create additional, bedroom, closet, and kitchen space. Due to the interior layout of our home and the way it is situated on the lot, it is not practical to place it anywhere else on our lot. This will improve the value of our home, and not be detrimental to the neighborhood.

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

Linda W. Alpern
Signature

Name - Type or Print

Linda W. Alpern
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, _____, 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

Dee A. Jett
Notary Public

My Commission Expires

My Commission Expires 5-1-08



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4108 Colonial Road
which is presently zoned DR 5.5

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) 1B02.3.C.1 - to permit a

proposed addition to have a side yard setback of 9 feet and a rear yard setback of 22 feet in lieu of the minimum required 10 and 30, respectively

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

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 12 day of 12-6-07, 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. 08-215-A

Reviewed By RDD

Date 11/6/07

REV 10/25/01

Estimated Posting Date 11/18/07

ZONING DESCRIPTION FOR 4108 COLONIAL ROAD

110' Beginning at a point on the North side of Colonial Road which is 50' wide at a distance of ~~200'~~ West of the centerline of the nearest improved intersecting street ~~Alden Road~~ Lowell Rd which is 50' wide. Being Lot# 96, Block 15, in the subdivision of Colonial Village as recorded in the Baltimore County Plat Book 12, Folio # 66 containing 4,000.00 SF. Also known as 4108 Colonial Road and located in the 3rd Election District, 2nd Councilmanic District.

Item #215

No. 07620

PAID RECEIPT

Date _____

11/65

607

234277

506/23

495-308

Fund	Agcy	Orgn	Sub	Rev	Sub	Rept	BS
			Orgn	Source	Rev	Catlg	Acct

Amount

1000

526

103-44-111

100

Receipts: 104

11

William E. Dwyer, Jr., Vice-President

Total

25

Rec

From

For

Zoning hearing - case # 08-275-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

**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: 09-215-A

Petitioner: Linda W. Alpern

Address or Location: 4108 Colonial Road Baltimore, MD 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: Linda W. Alpern

Address: 4108 Colonial Road
Baltimore, MD 21208

Telephone Number: 410-653 5209

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 215 -A Address 4108 Colonial Rd
Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/6/07 Posting Date: 11/18/07 Closing Date: 12/03/07

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- 215 -A Address 4108 Colonial Rd
Petitioner's Name Linda W Alpern Telephone 410 653 5209
Posting Date: 11/18/07 Closing Date: 12/03/07
Wording for Sign: To Permit a proposed addition to have a side yard setback of 9 feet and a rear yard setback of 22 feet in lieu of the minimum required 10 and 30, respectively

WCR - Revised 6/25/04

CERTIFICATE OF POSTING

RE: Case No.: 08-215-A

Petitioner/Developer: LINDA W.

ALPERN

Date of Hearing/Closing: 12-3-07

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

ATTN: Kristen Matthews ((410) 887-3394)

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:

4108 COLONIAL RD

The sign(s) were posted on 11-18-07
(Month, Day, Year)

Sincerely,

Robert Black 11-19-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

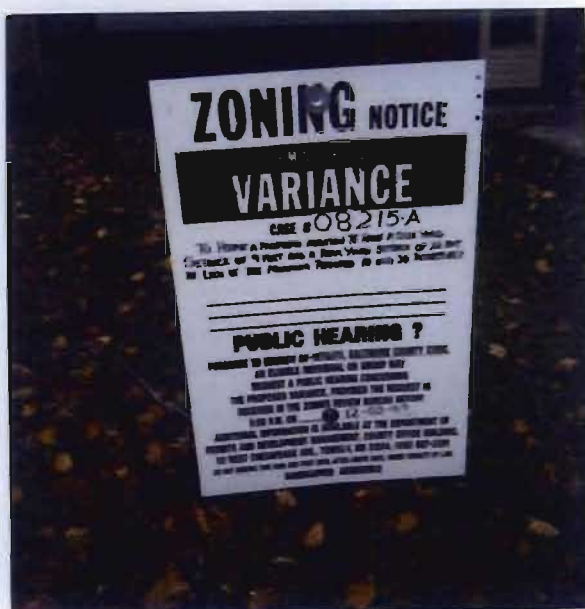
(Address)

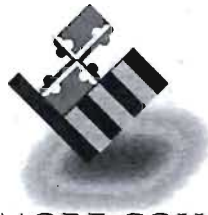
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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

December 3, 2007

Linda W. Alpern
4108 Colonial Road
Baltimore, Maryland 21208

Dear Ms. Alpern:

RE: Case Number: 08-215-A, 4108 Colonial Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 6, 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

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: December 3, 2007

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

RECEIVED
DEC 04 2007

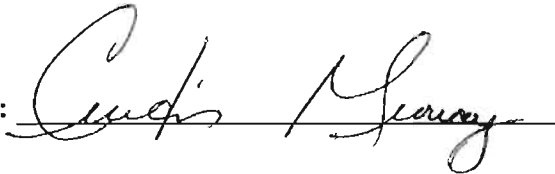
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-215- 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 Dave green in the Office of Planning at 410-887-3480.

Prepared By:



CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 11/20/2007

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

RE: Baltimore County
Item No. 8-215-A
4108 COLONIAL ROAD
ALPERN 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. 8-215-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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 16, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2007

Item Number: Item Numbers 196, 206 through 216

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
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2007

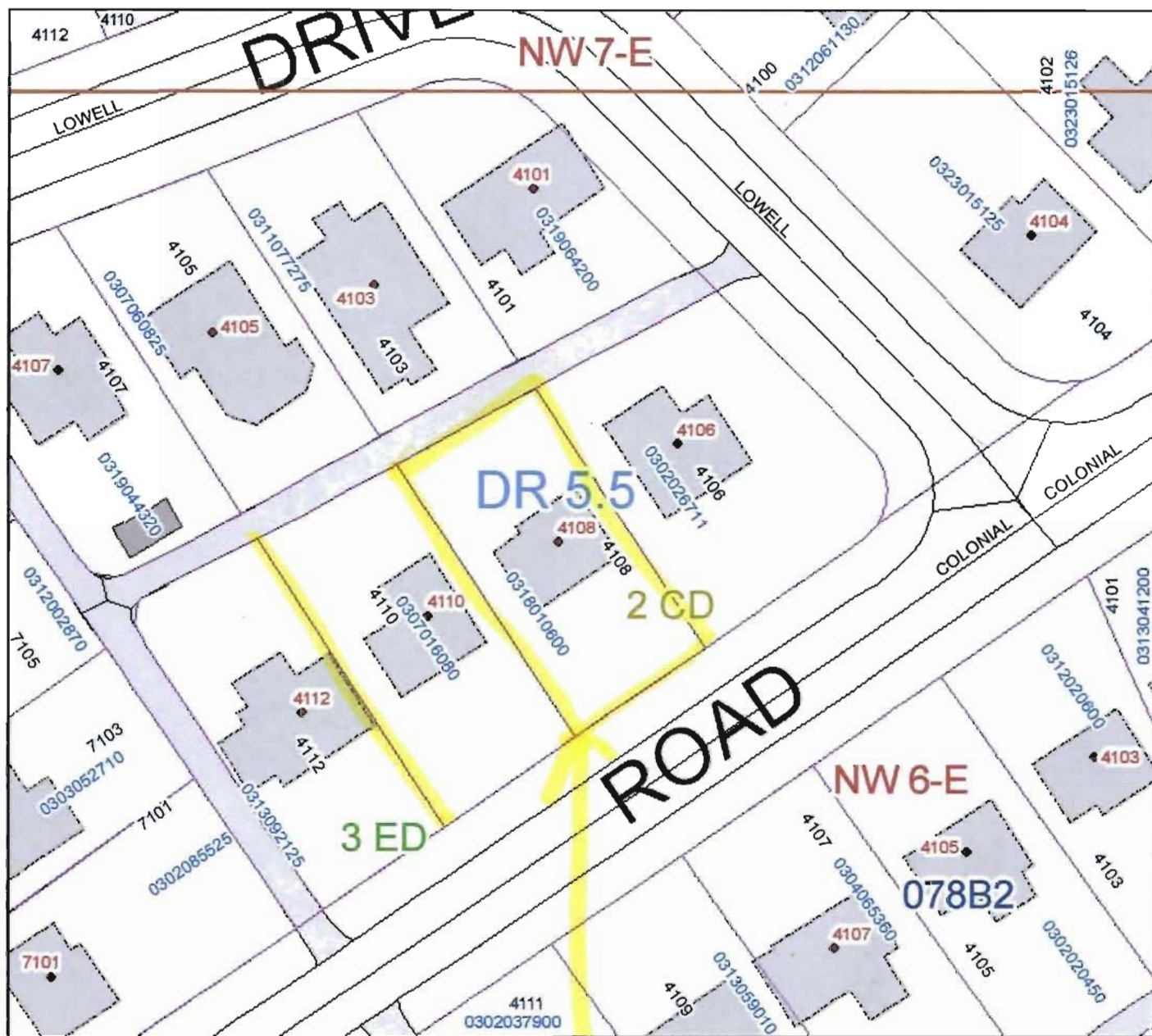
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 20, 2007
Item Nos. 08-195, 206, 207, 208, 209,
210, 211, 212, 213, 214, ~~215~~ and 216

The Bureau of Development Plans Review has reviewed the subject zoning items
and we have no comments.

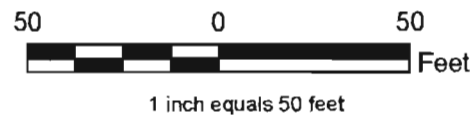
DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-11092007.doc

4108 Colonial Rd

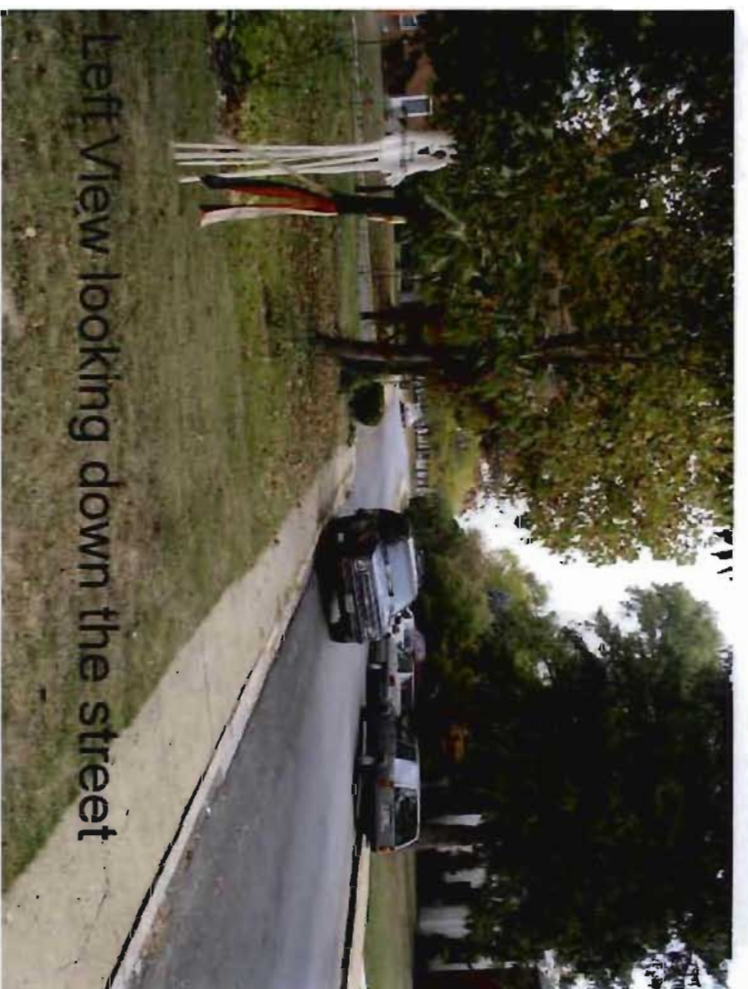


Publication Date: October 10, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



Item # 215



Item #215



View from proposed addition looking Right



Looking from proposed addition to rear



Rear View



Looking from addition to left

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

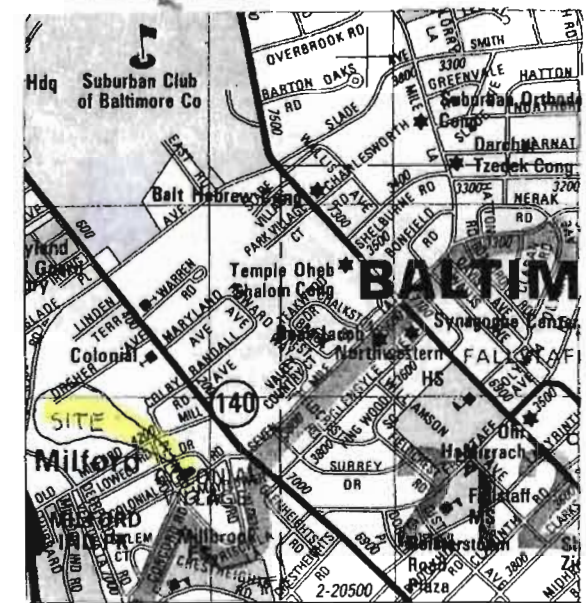
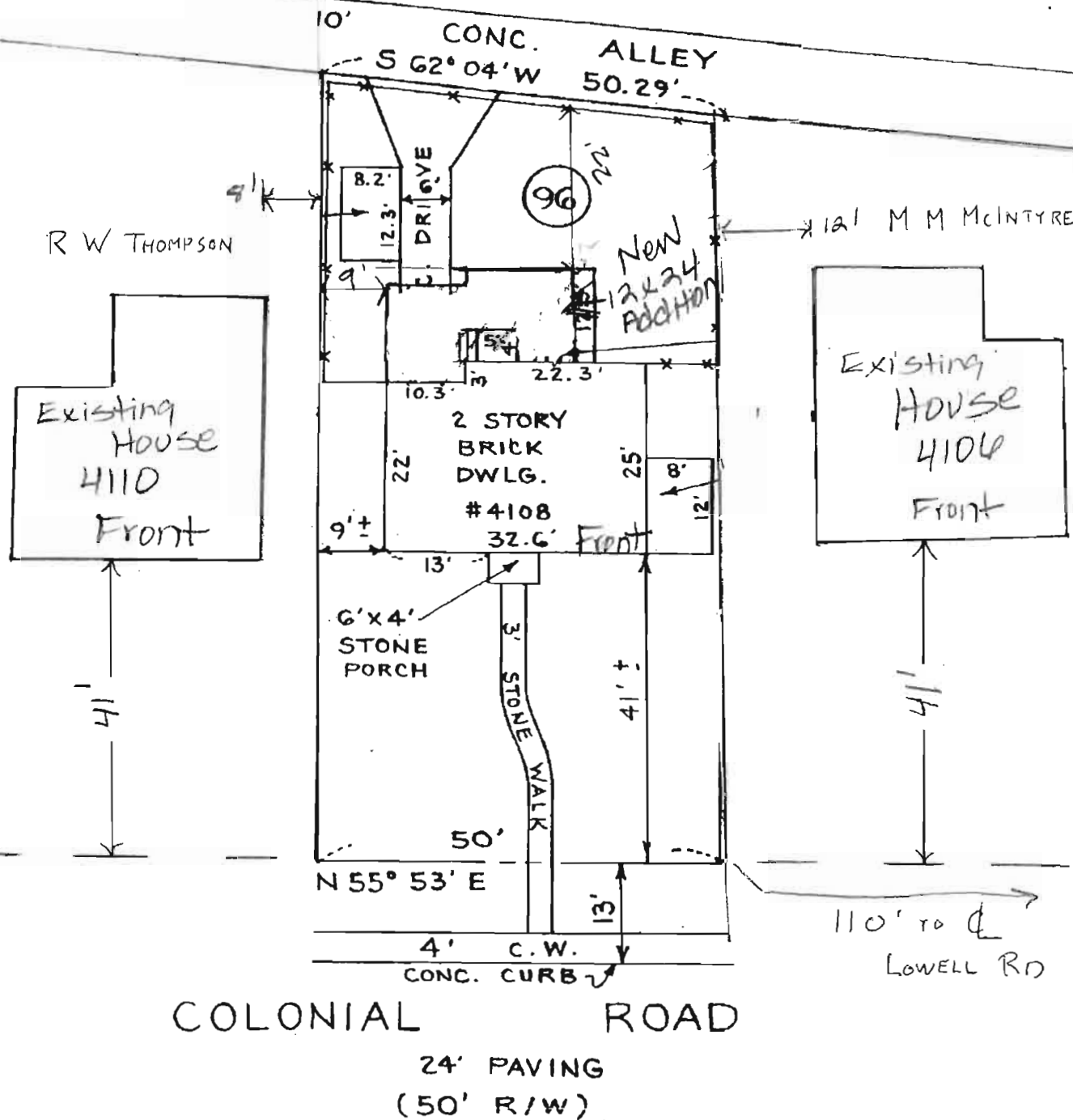
PROPERTY ADDRESS 4108 COLONIAL ROAD

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

SUBDIVISION NAME Colonial Village

PLAT BOOK # 12 FOLIO # 6667 LOT # 96 SECTION #

OWNER Linda W. Alpern



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 3rd
COUNCILMANIC DISTRICT 2nd
1" = 200' SCALE MAP # 11-61 01983
ZONING DR5.5

LOT SIZE 4000.00 SF
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY

REVIEWED BY KPD ITEM # CASE # 08-21 - A

PREPARED BY Beverly True

SCALE OF DRAWING: 1" = 20'