IN RE: PETITION FOR ADMIN. VARIANCE

S side of Old Home Road, 180 feet +/-

W c/l Meadow Road

14th Election District

6th Councilmanic District

(404 Old Home Road)

Gladys Ilgenfritz

Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 08-265-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, Gladys Ilgenfritz for property located at 404 Old Home Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sunroom with a side yard setback of 5.5 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner would like to build a 9 foot x 12 foot sunroom on the side of her home. The proposed location is the only practical place to build the sunroom. There is an existing porch with a door leading into the home. The rear of the home does not have an exit. The Petitioner's home is on a duplex sharing lot; however her lot is only 4,625 square feet in size and the lot at 406 Old Home Road is 5,375 square feet in size. The Petitioner's lot measures only 37 feet x 125 feet and the adjoining lot measures 43 feet x 125 feet. A variance of 4.5 feet is needed to construct the sunroom.

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.



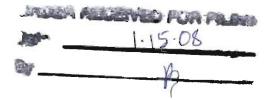
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 23, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 January, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sunroom with a side yard setback of 5.5 feet in lieu of the required 10 feet 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.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

January 15, 2008

GLADYS ILGENFRITZ 404 OLD HOME ROAD BALTIMORE MD 21206

> Re: Petition for Administrative Variance Case No. 08-265-A Property: 404 Old Home Road

Dear Ms. Ilgenfritz:

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: Scott Bathurst, 1586 Sulphur Spring Road, Baltimore MD 21221



Betition for Administrative Variance to the Zoning Commissioner of Baltimore County

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		rot one property		s presently zon	_	R 5.5
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of the zoning regulations of of this petition form.	Baltimore Cou	unty, to the zoning la	aw of Baltimore C	County, for the re	asons indica	ted on the back
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Address	<u> </u>	Telephone No.	Name - Type or	Print		
City	State	Zip Code	Signature			
Attorney For <u>Petitioner:</u>	,		404 010	d Home Rd	41	0-665-3071
	1		Address		5,50	Telephone No.
Name of Color			Baltime	ore	MD	21206
Name - Type or Print			City		State	Zip Code
Signature			Representa	ative to be Co.	ntacted:	
			Scott Ba	thurst		
Company			Name			
Address		Telephone No.	1585 Sul	phur Spring	Rd 41	0-242-5970 Telephone No.
76 L	State	Zip Code	<u>Baltimor</u>	9	MD State	21221 Zip Code
City	State	Zip Code	City		Jiate	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	that	t the subject matter of the	nis petition be set for	a public hearing, as	dvertised, as rec	quired by the zoning
CASE NO. $08-6$	265-4	Rev	iewed By	Cm Da	te (2.(4.07
REV 10/25/01		Esti	mated Posting		.23.0	$\overline{}$
Management at	annough de Jeon.	more than the same				

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	(d	and a second
	Baltimore City	MD State	21206 Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardshifted in the problem is side of my home. This problem is caused is a duplex sharing lot 46/45 (Whomeighbor at 406 Old Home Rd. The not divided equally, my portion of (4,625sf) where 406 Old Home Rd. the lots were equally divided 40% not need to request a Variance. practical place I can build the sexisting porch with a door leading rear of my house does not have an home. Therefore I am asking for a yard setback in lieu of the required to provide advertising fee and may be required to provide a advertising fee and may be required to provide a advertising fee and may be required to provide a set and the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertising fee and may be required to provide a division of the advertision of the advert	ip or practical difficulty): sunroom (9'x12') on the side property : com I will only be ed by the fact that ich is 80'x125') wi difficulty is the i of the lot only 37'; is 43'x125' (5,375; x125' and 40'x125' This location is the sunroom. There is an in existing exit from a variance of 5'6" a cred 7ft. Thank you	the set back left my home ith my lots are k125' sf). If I would he only had the n my side	
Gledy Stgenfrit	Signature		
Gladys Ilgenfritz Name - Type or Print	Name - T	ype or Print	

AS WITNESS my hand and Notarial Seal

NOTARY OF COUNTING

MARLENE A. MULLER NOTARY PUBLIC BALTIMORE COUNTY, MD My Commission Expires September 1, 2008

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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).

Notary Public

My Commission Expires S

eptember 1, 2008

2007, before me, a Notary Public of the State



Betition for Administrative Variance to the Zoning Commissioner of Baltimore County

	for the property	y located at404 C	ora Home ka	
		which is present	ly zonedDI	R 5.5
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To Permit A Surro of 5.5 ft. in Lieu	of the Reg	uir eD 1024	·	
of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning la	aw of Baltimore County, for	the reasons indicat	ted on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Va regulations and restrictions of Baltimore Cou	riance, advertising, pos	sting, etc. and further agree to	and are to be bound County.	ed by the zoning
		I/We do solemnly declare perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	e penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):	A. V.	
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City State	Zip Code	Signature		
Attorney For Petitioner:		404 Old Home	Rd 41	0-665-3071
		Address		Telephone No
		Baltimore	MD	21206
Name - Type or Print		City	State	Zip Code
Signature		Representative to I	be Contacted:	
Company		Scott Bathurst Name		
		1585 Sulphur Sp	oring Rd 41	0-242-5970
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	<u>Baltimore</u> City	MD State	21221 Zip Code
A Public Hearing having been formally deman this day of the regulations of Baltimore County and that the property and the property a	hat the subject matter of the	required, it is ordered by the and the section be set for a public he	Zoning Commissioner of aring, advertised, as req	Baltimore County uired by the zonin
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CASE NO08-265-+	Rev	iewed By Com	Date 12-1	4.07
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AND PROPERTY OF	FUR PLANS			
1.15	-08			

ffidavit 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	404 Old Home Rd		
A CONTRACTION OF THE PARTY OF T	Address		
	Baltimore	MD	21206

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):

I would like to build a sunroom (9'x12') on the side of my home.. The problem is the side property set back for my zone is 7ft. With the sunroom I will only be left with 5'6". This problem is caused by the fact that my home is a duplex sharing lot 46/45 (Which is 80'x125') with my neighbor at 406 Old Home Rd. The difficulty is the lots are not divided equally, my portion of the lot only 37'x125' (4,625sf) where 406 Old Home Rd. is 43'x125' (5,375sf). If the lots were equally divided 40'x125' and 40'x125' I would not need to request a Variance. This location is the only practical place I can build the sunroom. There is an existing porch with a door leading into my house. And the rear of my house does not have an existing exit from my home. Therefore I am asking for a variance of 5'6" side yard setback in lieu of the required 7ft. Thank you.

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 Signature	Signature
Gladys Ilgenfritz Name - Type or Print	Name - Type or Print
STATE OF MARYLAND COUNTY OF RAI TIMO	

I HEREBY CERTIFY, this 23 day of November 2007, 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 Seat



MARLENE A. MULLER **NOTARY PUBLIC** BALTIMORE COUNTY, MD My Commission Expires September 1, 2008

My Commission Expires _

Zoning Description for 404 Old Home Rd.

Beginning at a point on the South side of Old Home Rd. which is 40 ft. wide at the distance of 180 ft. west of the centerline of the nearest improved intersecting street Meadow Rd. which is 40 ft. wide. *Being lot #46, Map:81, Grid:21, Parcel:765 in the subdivision of Elmwood as recorded in the Baltimore county Plat Book #14, Folio #10, containing 4,625.00SF. Also known as 404 Old Home Rd. and located in the 14th election district, 6th Councilmanic District.

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CERTIFICATE OF POSTING

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 265

Conta	ct Person: _	JOE	nner, Please Prin	nt Your Name		Phone Number: 410-887-3	391
Filing	Date: 12/	14/07		Posting Da	te: $\frac{12/23/67}{}$	Closing Date: 0/07/	108
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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: 08-265-A
Petitioner: / fadys Ingentritz
Address or Location: 404 / 11 Hore Rd
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 1800 Trolley Rd
York PA 17404
Telephone Number: 410 242 0076



JAMES T. SMITH, JR. County Executive

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

January 7, 2008

Gladys Ilgenfritz 404 Old Home Road Baltimore, MD 21206

Dear Ms. Ilgenfritz:

RE: Case Number: 08-265-A, 404 Old Home Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 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 Scott Bathurst 1585 Sulphur Spring Road Baltimore 21221

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: December 27, 2007

E @ 121 A 12

BY:----

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-265- 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.

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 3, 2008

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 24, 2007

Item Nos. 08-257, 259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, 271, 272, and 274

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- 01032008.doc



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

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

Maryland Department of Transportation

Date: - JANUARY 3, 2008

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

RE: **Baltimore County** Item No. 8-265-A 404 OLD HOMEROAD

LGENFRIZ 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. 8-265-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 V Engineering Access Permits

Division

SDF/MB



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111, 2007 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

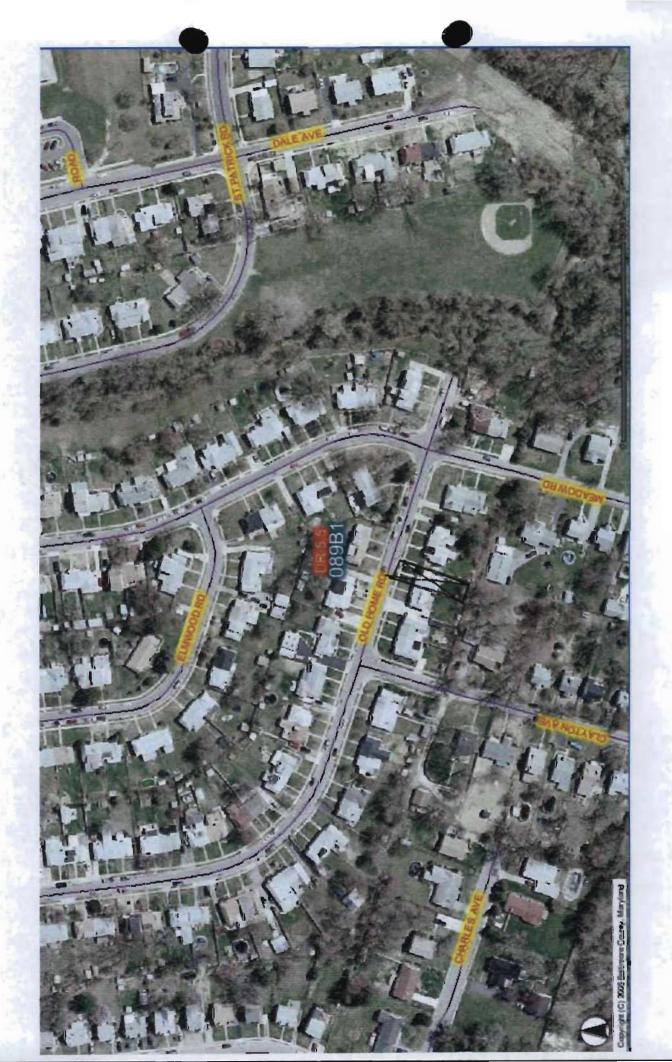
Item Number: 257,259,260,265,266,267,268,269,270,271,272,273,274

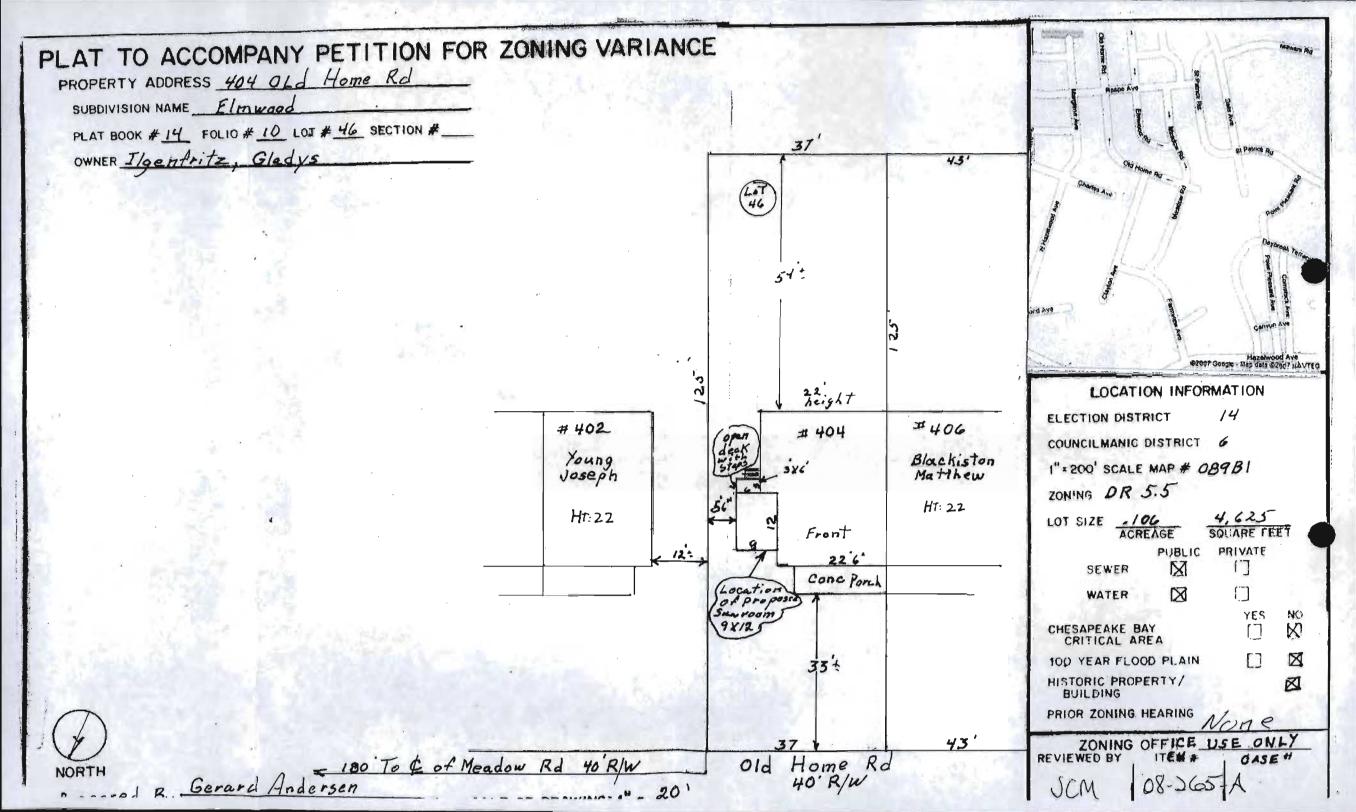
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

. 1The 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







404 Old Home Rd.



Ext Conc porch on side of house.



Location of proposed Sunroom on ext Conc. Porch



Rear Veiw of 404 Old Home Rd.