

IN RE: PETITION FOR ADMIN. VARIANCE

SE corner Margaret and Virginia Avenues

15th Election District
7th Councilmanic District
(201 Margaret Avenue)

Mike and Tina Tudor
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-293-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, Mike and Tina Tudor for property located at 201 Margaret Avenue. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front average setback for an open projection (porch with roof and stairs) of 3 feet in lieu of the required 18 feet 9 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners currently have a small deck with two sets of stairs (one on either side of the deck) and want to replace this with a newer deck, stairs and add a roof. The replacement structure will be virtually the same size as currently exists. The roof will protect the Petitioners from inclement weather. The home's address is on Margaret Avenue, however access to the home is from the porch and door on Virginia Avenue.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated January 22, 2008. That Office does not oppose the Petitioners' request. However, the Petitioners shall screen the existing rear/side yard from view with a 6 foot high privacy fence. The functioning rear yard should not be visible from Virginia Avenue.

ORDER RECEIVED FOR FILING
2-6-08
PB

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 20, 2008 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 Petitioners.

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 February, 2008 that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front average setback for an open projection (porch with roof and stairs) of 3 feet in lieu of the required 18 feet 9 inches 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. The Petitioners shall screen the existing rear/side yard from view with a 6 foot high privacy fence. The functioning rear yard should not be visible from Virginia Avenue.

~~NOT RECORDED FOR FILE~~
2608
m

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



THOMAS H. BESTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILE

2-6-08

pm



ORIG
KEEP IN FILE

TAX ACCOUNT # 1519000410

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 201 Margaret Ave Essex 21221
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) 1 B02, 3.C. 1 AND 301.1 (BCZR)
TO PERMIT A FRONT AVERAGE SETBACK FOR AN OPEN PROJECTION
(PORCH WITH ROOF AND STAIRS) OF 3 FT. IN LIEU OF THE REQUIRED 18'9"

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:

Michael & Tina Tudor
Name - Type or Print

201 Margaret Ave 410-682-6453
Address Telephone No.
Essex MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Mike Tudor
Name - Type or Print

Mike Tudor
Signature

Tina Tudor
Name - Type or Print

Tina Tudor
Signature

201 Margaret Ave 410-682-6453
Address Telephone No.
Essex, MD 21221
City State Zip Code

Representative to be Contacted:

Craig McQuitty
Name

626 Towne center dr. 410-679-9080
Address Telephone No.

Joppa MD 21085
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.

Zoning Commissioner of Baltimore County

CASE NO. 08 293 A

REV 10/25/01

Reviewed By JL Date 1/08/08

Estimated Posting Date 1/20/08

2608
PM

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 201 Margaret Ave
Address
Essex MD 21221
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):

There is an existing wood deck that I want to Remove and Replace with Newer Materials. I wanted to Make Some Minor Changes to the Floor Plan plus Add a Roof to Turn it into a Porch. The Zoning for my property was put into place Long after My House was built. Because of this, the Zoning is so strict that even my existing house is in the setback. we have to have something Outside of My Front Door.

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.

Mike Tudor
Signature
Mike Tudor
Name - Type or Print

Tina Tudor
Signature
Tina Tudor
Name - Type or Print

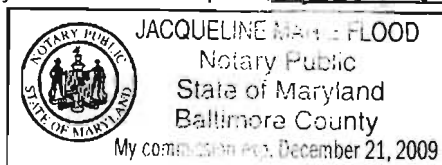
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of October, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Jacqueline Marie Hood
Notary Public
My Commission Expires December 21, 2009



ZONING DESCRIPTION FOR 201 Margaret Ave.

Beginning at the Southeast corner of Margaret Ave. which is 40 ft. wide and Virginia Ave. which is 40 ft. wide.

Being lot # 11, Block 2A, Section A in the subdivision of Essex as recorded in the Baltimore County Plat Book # 5, Folio # 76, containing 7,500 sq ft. Also known as 201 Margaret Ave. and located in the 15th Election District, 7th Councilmanic District.

293

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **07800**

Date: **1/08/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			1150				65.00

Total: **65.00**

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PRIO RECEIPT

MESSAGE: ACTION: TYP: 08K
 01/07/2008 11:00/2008 10:44:25
 001 006 BALTIMORE MD
 RECEIPT # 020022 1-08-2008
 5 520 00000 111111111111
 000000
 Recpt 01 145.00
 1.00 12 1100.00 2
 145.00 110
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: OB-293-A

Petitioner/Developer: MIKE +

TINA TODOL

Date of Hearing/Closing: 2-4-08

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:

201 MARGARET AVE

The sign(s) were posted on 1-20-08
(Month, Day, Year)

Sincerely,

Robert Black 1-22-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

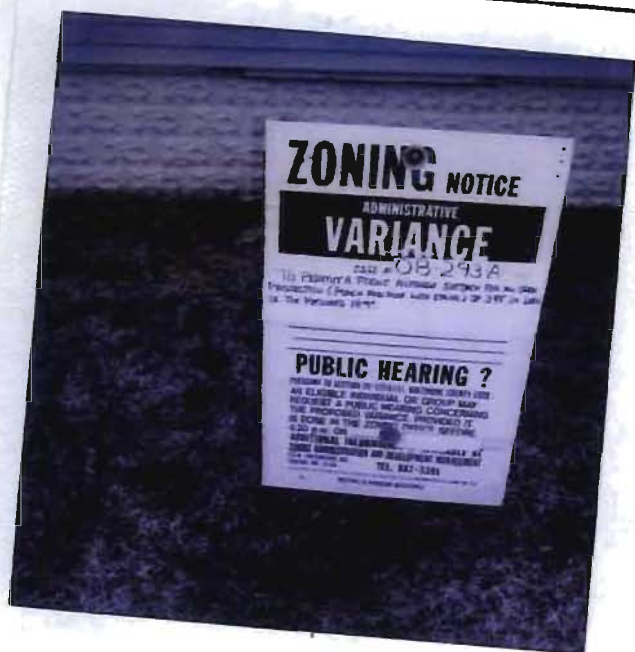
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 293 -A

Address 201 MARGARET AVE

Contact Person: Jana Lewis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: _____

Posting Date: 1/20/08

Closing Date: 2/04/08

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- 293 -A

Address 201 MARGARET AVE.

Petitioner's Name MIKE + TINA TUDOR

Telephone 410 682 6453

Posting Date: 1/20/08

Closing Date: 2/04/08

Wording for Sign: To Permit A FRONT AVERAGE SETBACK FOR AN OPEN
PROJECTION (PORCH AND ROOF WITH STAIRS) OF 3 FT. IN LIEU OF THE
REQUIRED 18' 9".

WCR - Revised 6/25/04

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: 08 293 A
Petitioner: ~~Michael J. Tudor~~ Mike Tudor
Address or Location: 201 Margaret Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adirondack Remodeling c/o Craig McQuitty
Address: 626 Towne Center dr.
Suite 302
Joppatowne MD 21085
Telephone Number: 410-679-9080



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

February 4, 2008

Michael Tudor
Tina Tudor
201 Margaret Avenue
Essex, Maryland 21221

Dear Mr. and Mrs. Tudor:

RE: Case Number: 08-293-A, 201 Margaret Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 8, 2008. 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
Craig McQuitty 626 Towne Center Drive Joppa 21085



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 15, 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. 8-293-A
201 MARGARET AVENUE
THORZ 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. 8-293-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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 15, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2008
Item Nos. 08-288, 289, 290, 291, 293,
294, 295, 296, and 297

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-01152008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 22, 2008

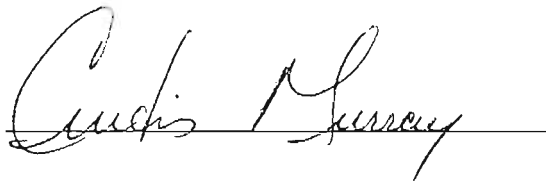
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-293-Administrative Variance**

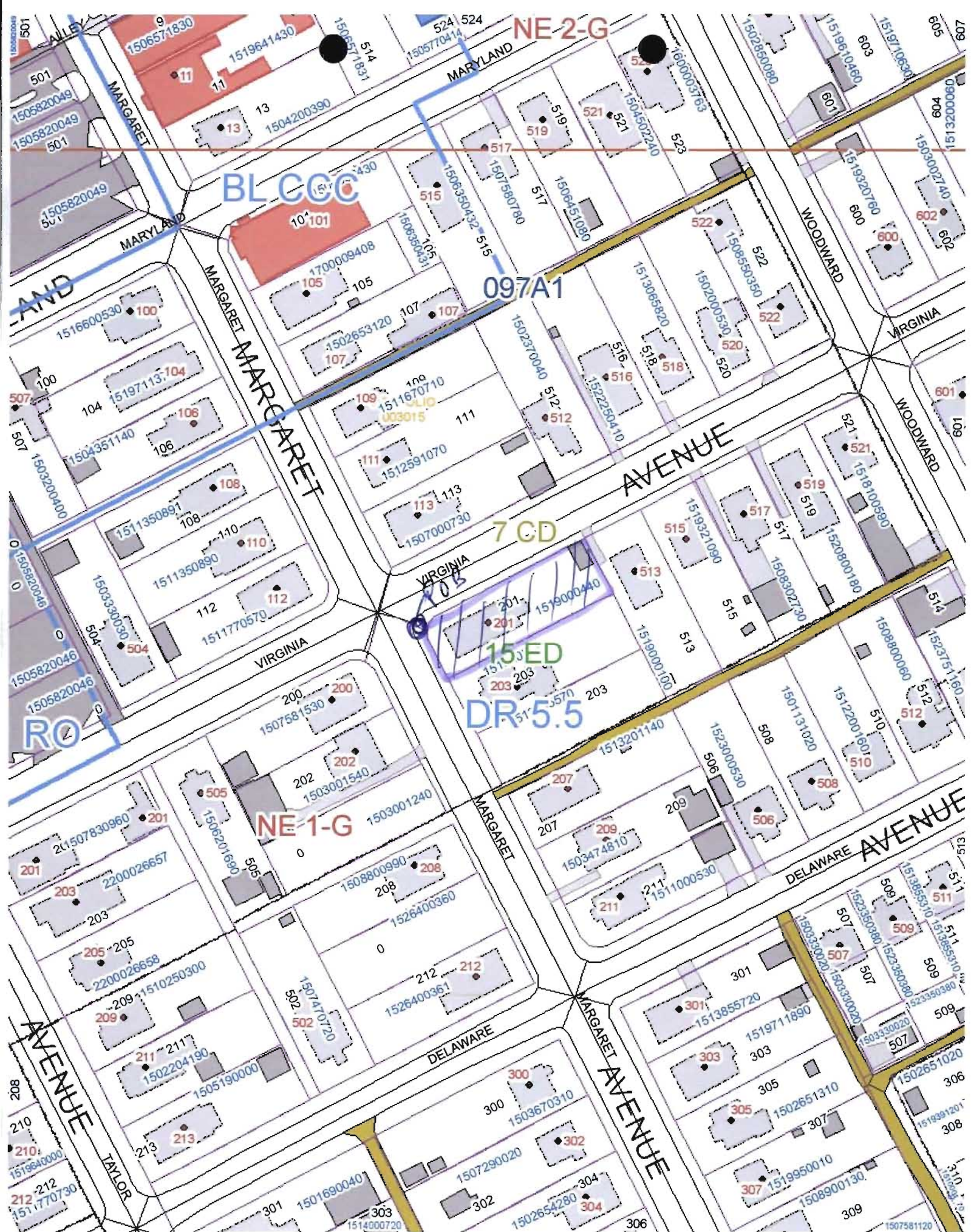
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. However, the petitioner shall screen the existing rear/side yard from view with a 6-foot high privacy fence. The functioning rear yard should not be visible from Virginia Avenue.

For further questions or additional information concerning the matters stated herein, please contact John Alexander in the Office of Planning at 410-887-3480.

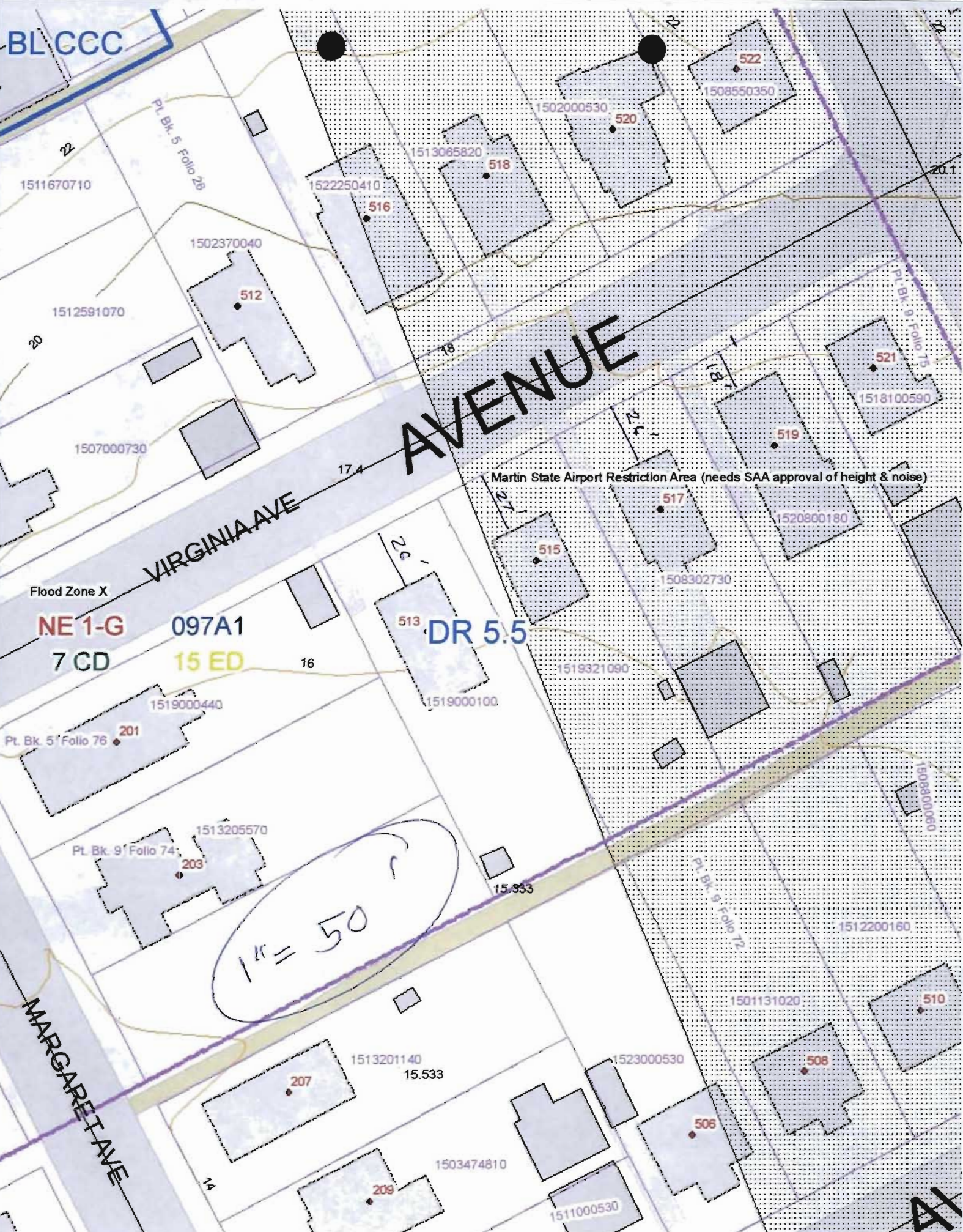
Prepared By:

A handwritten signature in black ink, appearing to read "Curtis Murray", is written over a horizontal line.

CM/LL



BL CCC



VIRGINIA AVE

DR 5.5

Martin State Airport Restriction Area (needs SAA approval of height & noise)

1K = 50

NE 1-G
7 CD

097A1
15 ED

Flood Zone X

MARGARET AVE

EXISTING TO BE
REMOVED
& REPLACED.



293

EXISTING
TBR
& REPAIRED

FROM VIRGINIA AVE.

293



NUMBER TO REAR.

293



DECK/STAIRS
TBR +
REPLACED

FRONT SHOT

293



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 201 Margaret Ave

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

SUBDIVISION NAME Essex

OWNERS: MIKE & TINA
TUDOR

PLAT BOOK # 5 FOLIO # 76 LOT # 11 SECTION # 2A

OWNER Michael + Tina Tudor

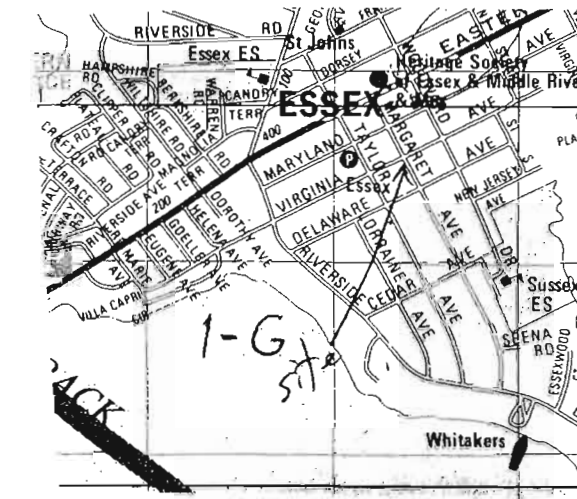
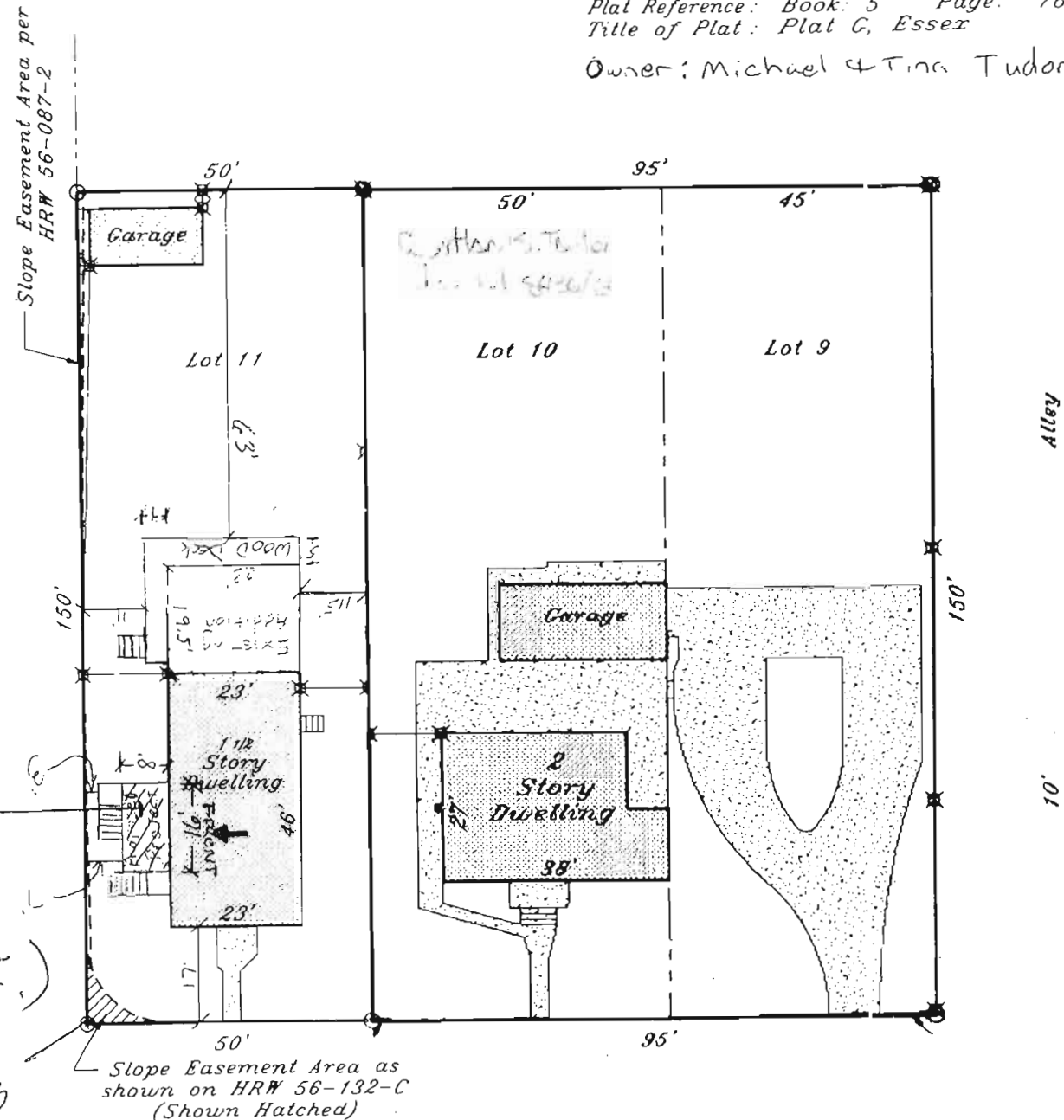
Lot Number: 11
Block/Section: 2A
Plat Reference: Book: 5 Page: 76
Title of Plat: Plat G, Essex

Owner: Michael & Tina Tudor

FRONT AVG
SETBACK
WITHIN 200'
ALONG VIRGINIA
AVE. IS ~~25'~~
25'
REQUIRED
OPEN PROJ SETBACK IS
18'9"

VIRGINIA AVENUE

VARIANCE FOR
SETBACK FOR:
PROPOSED
OPEN DECK
WITH ROOF
AND 2 SETS
OF STAIRS.
(THIS IS REPLACING
A PREVIOUSLY EXISTING
DECK)



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097A1

ZONING DR-5.5

LOT SIZE 7,500
ACREAGE 0.17 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY JL ITEM # 08-293-A CASE #

PREPARED BY

JTM Rev 10/08

SCALE OF DRAWING: 1" = 30'