

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Oakway Road, 112.5 feet
E of Sweetbrier Road
8th Election District
3rd Councilmanic District
(28 Oakway Road)

Terry L. and Mary Alice Cooper
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-298-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, Terry L. and Mary Alice Cooper for property located at 28 Oakway 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 addition (sunroom) with a side yard setback of 3 feet in lieu of the minimum required 10 feet; or in the alternative, a variance from Section 301.1 of the B.C.Z.R. to permit a proposed open projection (screened-in porch) with a side yard setback of 3 feet in lieu of the minimum required 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. In Case No. 07-301-A, signed on February 6, 2007, the Petitioners were granted variance relief from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side setback in lieu of the required 10 feet. The Petitioners proposed to construct an 8 foot x 17 foot addition (kitchen extension) onto the side of the house; however that addition is not yet constructed. In the current request, Case No. 08-298-AV, the Petitioners propose to construct a 13 foot x 17 foot screen porch addition to the rear of the previously approved 8 foot x 17 foot kitchen extension. A letter requesting additional information and clarification was sent to the Petitioners on February 6, 2008, and the Petitioners responded and

ORDER RECEIVED FOR FILING

2-19-08
[Signature]

provided the requested information on February 12, 2008. The Petitioners were told at the application meeting that they or the subsequent owners could not convert the porch to a sunroom at a later date which they assumed meant replace the screens with windows. After discussions it was decided that the Petitioners would request variance relief for a sunroom. If the sunroom variance could not be granted the variance request would be for the screen porch. The intent was to permit the screen porch and if at a later date the Petitioners wish to convert to a sunroom this conversion would be permitted. Constructing the 13 foot x 17 foot addition at the location depicted on the site plan will still allow access to the cellar doors, light to enter a bathroom window and access to the sump pit. The addition will not disturb the existing patio or stately oak tree.

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 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.

ORDER RECEIVED FOR FILING
2-19-08
m

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 19th day of February, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a side yard setback of 3 feet in lieu of the minimum required 10 feet; or in the alternative, a variance from Section 301.1 of the B.C.Z.R. to permit a proposed open projection (screened-in porch) with a side yard setback of 3 feet in lieu of the minimum required 7.5 feet 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.

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 FILED
2-19-08
m

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 28 Oakway Rd
which is presently zoned DR 5.5

Deed Reference: 7325 / 1725 Tax Account # 0819064075

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, BCZR to Permit a proposed Addition (sunroom)
with a side yard setback of 3 Feet in lieu of the minimum
required setback of 12 Feet, or in the Alternative, Section 301.1,
BCZR to Permit a proposed open projection (Screened-in porch)
with a side yard setback in lieu of the minimum required 7 1/2
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Feet.

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

I, or we, agree to pay expenses of above Administrative 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):

TERRY L. COOPER
Name - Type or Print

Signature

Mary Alice Cooper
Name - Type or Print

Mary Alice Cooper
Signature

28 Oakway Rd
Address

443.849.3755(W)
Telephone No.

410.252.1628(H)
Telephone No.

TIMONIUM MD 21043
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. 08-298-A Reviewed By JNP/CM Date 1/10/08

REV 7/20/07

Estimated Posting Date

1/20/08

2-19-08

ps

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 28 Oakum Rd
Address
Tidonium MD 21093
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 applied for and received a variance for expanding our kitchen located at the northwest corner of the first floor of our house – Case # 07-301-A. We also would like to add a screened-in porch off of this future addition towards the back of the property. A porch cannot be built closer to the center of the house due to the existence of an outside cellar entrance, large oak tree and patio. The future kitchen addition was approved for a 3 foot setback to the property line. Current zoning requires a 10 foot setback. We are asking for a 3 foot setback for building a 13 foot (along the property line) x 17 foot screened-in porch.

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.

Terry L. Cooper
Signature
TERRY L. Cooper
Name - Type or Print

Mary Alice Cooper
Signature
Mary Alice Cooper
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of December, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Terry L. Cooper Mary Alice Cooper
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Stephen G. Jones
Notary Public

My Commission Expires 1-10-2010

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 28 Oakway Rd
Address
Timmium MD 21093
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 applied for and received a variance for expanding our kitchen located at the northwest corner of the first floor of our house – Case # 07-301-A. We also would like to add a screened-in porch off of this future addition towards the back of the property. A porch cannot be built closer to the center of the house due to the existence of an outside cellar entrance, large oak tree and patio. The future kitchen addition was approved for a 3 foot setback to the property line. Current zoning requires a 10 foot setback. We are asking for a 3 foot setback for building a 13 foot (along the property line) x 17 foot screened-in porch.

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.

Terry L. Cooper
Signature

Mary Alice Cooper
Signature

TERRY L. COOPER
Name - Type or Print

Mary Alice Cooper
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of December, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Terry L. COOPER Mary Alice Cooper
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

Steph C. James
Notary Public

My Commission Expires 1-10-2010

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 28 Oakway Rd
which is presently zoned DR 5.5

Deed Reference: 73251725 Tax Account # 0819064075

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)

§ 182.3.C.1, BCZR to Permit A Proposed Addition (Sunroom)
with side yard setback of 3 feet in lieu of minimum 10 feet,
or in the ALTERNATIVE, Section 301.1, BCZR to Permit A Proposed
open projection (Screen-in porch) with A side yard setback of
3 feet in lieu of the minimum required 7 1/2 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

TERRY L. Cooper

Name - Type or Print

Terry L. Cooper

Signature

Mary Alice Cooper

Name - Type or Print

Mary Alice Cooper

Signature

28 Oakway Rd.

Address

443.899.3755(W)

410.252.1628(H)

Telephone No.

TIMONIUM

City

MD

State

21093

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.

Zoning Commissioner of Baltimore County

Case No. 08-298-A

Reviewed By JNP/cm Date 1/10/08

REV 7/20/07

Estimated Posting Date 1/20/08

2-19-08

2-19-08

Zoning Description for **28 Oakway Road**

Beginning at a point on the north side of Oakway Road which is Forty (40) Feet wide at the distance of One Hundred Twelve and one half (112.5) Feet East of the centerline of the nearest improved intersecting street – Sweetbrier Road which is Twenty Five (25) wide. Being Lot numbers 38,39,40, Section D in the subdivision of Yorkshire as recorded in Baltimore County Plat Book - WPC#7, Folio #21, containing Eleven Thousand Two Hundred Fifty (11,250) Square Feet. Also known as Twenty Eight (28) Oakway Road and located in the Eighth (8th) Election District, Third (3rd) Councilmanic District

08-298-A

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-298-A

TO PERMIT A PROPOSED ADDITION (SUNROOM) WITH A SIDE YARD
SETBACK OF 3 FEET IN LIEU OF THE MINIMUM REQUIRED 10 FEET,
OR IN THE ALTERNATIVE, TO PERMIT A PROPOSED OPEN PROTECTION
(SCREENED-IN PORCH) WITH A SIDE YARD SETBACK OF 3 FEET
IN LIEU OF THE MINIMUM REQUIRED 7 1/2 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY FEBRUARY 4, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

SEE ALSO: APPROVED THIS PLAN AND SPECIFICALLY AFTER REVIEW HAS BEEN FORWARDED BY LAW. RETURN WITHIN TO ZONING, ENCL. 304
MEETING IS HANDICAP ACCESSIBLE

Myra C. 1/20/08

CERTIFICATE OF POSTING

RE: Case No: 08-298-A

Petitioner/Developer: TELLY &
MARY ALICE COOPER

Date Of Hearing/Closing: 2/4/08

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

Attention:

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
at 28 DAWAY ROAD

This sign(s) were posted on January 20, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 1/20/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

No. 09726

Date:

8/20/08

PAID RECEIPT

收稿日期: 2002-03-11

1/10/2000 1/10/2000 10:31:29

WALKER ONE TWO

SEITE 8 470199 1/09/2003 TEL

5.5 SUB-DOMAIN VERIFICATION

QRYZ25

Receipt of	\$65.00
------------	---------

4/5, 00	C	8, 40	C
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Baltimore County, Maryland

[illegible]

Total: 65.00

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 298 -A Address 28 Oakway Road
Contact Person: Jeffrey Perlow/Craig McGraw Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1/10/08 Posting Date: 1/20/08 Closing Date: 2/4/08

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.

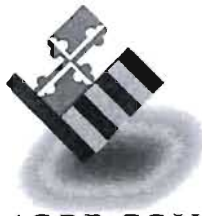
(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 298 -A Address 28 Oakway Road
Petitioner's Name Terry & Mary Alice Cooper Telephone 443-844-3755
410-252-1628
Posting Date: 1/20/08 Closing Date: 2/4/08
Wording for Sign: To Permit a proposed addition (sunroom) with a side yard setback
of 3 feet in lieu of the minimum required 10 feet, or in the alternative,
to permit a proposed open projection (screened-in porch) with a side yard
setback of 3 feet in lieu of the minimum required 7½ feet.

WCR - Revised 6/25/04



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 4, 2008

Terry L. Cooper
Mary Alice Cooper
28 Oakway Road
Timonium, MD 21093

Dear Mr. and Mrs. Cooper:

RE: Case Number: 08-298-A, 28 Oakway Road

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

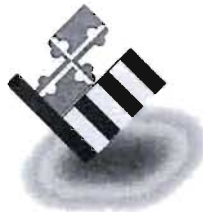
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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



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

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

Maryland Department of Transportation

Date: Jan. 30, 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. 8-298-A
28 OAKWAY ROAD
COOPER PROPERTY

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. 8-298-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,

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: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 31, 2007

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

RECEIVED
FEB 05 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 8-298- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Perry

CM/LL



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 6, 2008

TERRY L. AND MARY ALICE COOPER
28 OAKWAY ROAD
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 08-298-A
Property: 28 Oakway Road

Mr. and Mrs. Cooper:

I have been given your administrative variance for review. I note that you received administrative variance approval in Case No. 07-301-A for an 8 foot x 17 foot addition on February 6, 2007. You indicate in your current Petition for Case No. 08-298-A that this 'future addition' is a kitchen addition. It appears that you are now requesting variance relief to construct a 13 foot x 17 foot screen porch behind the kitchen addition.

The description submitted with your current Petition is confusing. For your convenience, that description is listed below:

Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a side yard setback of 3 feet in lieu of the minimum required 10 feet; or in the alternative, a Variance from Section 301.1 of the B.C.Z.R. to permit a proposed open projection (screened-in porch) with a side yard setback of 3 feet in lieu of the minimum required 7.5 feet.

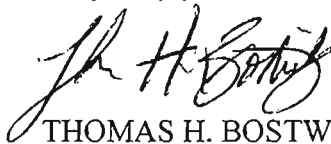
Are you requesting that this new 13 foot x 17 foot addition be a sunroom or a screened porch? Or, is this addition going to be both a sunroom and screened porch? It is unclear from the description and site plan exactly what you are requesting.

February 6, 2008
Page 2

When you received variance relief in Case No. 07-301-A you stated one of the reasons for the 8 foot x 17 foot addition on the side of the house was because expansion on the back of the house would be difficult and costly because of the location of an existing exterior sump pit, back porch, cellar entrance and patio. It appears that the proposed 13 foot x 17 foot addition will encroach into these areas.

Please provide additional details about your proposed addition. Construction drawings or elevation drawings would be helpful to evaluate your request. It would be appreciated if you would respond to the undersigned in writing regarding the above concerns. Once I receive your detailed information supporting your request, I can then make my decision and prepare an Order or set the matter in for public hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th H Bostwick", written in a cursive style.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

28 Oakway Road
Timonium, MD 21093
February 10, 2008

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County
Zoning Commissioner's Office
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204



BY:

Re: Petition for Administrative Variance
Case No. 08-298-A
Property: 28 Oakway Road

Mr. Bostwick,

First, please accept my apologies for any confusion presented by my request. I have enclosed aerial and elevated drawings to better show obstacles and reasons for the current and approved zoning variance requests as well as the following explanations.

Case 07-301-A - Approved kitchen addition.

The biggest obstacles with that expansion were the existing bathroom window, cellar doors and sump pit. Please refer to drawing "A" and you will see that I would only have roughly 9 feet to expand out the back of the house. We did not want to close off the bathroom window since it is such a small room and the window helps with ventilation. I also did not want to lose or move the basement cellar doors because they are heavily used. I could not move the cellar doors east in the back because we did not want to risk killing the stately oak tree next to the house. I also wanted to retain easy access to the sump pump pit, located outside, within inches of the foundation wall. This sump pit goes all the way down to the foundation footer and has terra cotta pipe entering it from the east and west along the foundation. This is one of three pumps for my basement, one of which is directly inside the wall at this same corner. The listed back porch obstacle, which is actually glorified steps, will be incorporated inside the screened porch but would have had to be removed for a kitchen addition in the back. The current kitchen is 8'x16' and the end result of an expansion out the back would have resulted in a kitchen 8'x 22' which is less than desirable.

Case 08-298-A - Current zoning variance request.

I came to the Zoning Board requesting a variance for a screened porch, which is what I plan to build. I was told at the application meeting that I, or a subsequent owner, could not convert the porch to a sunroom at a later date. By that, I assumed they meant replace the screens with windows. After discussing this with Mr. Perlow and Mr. McGraw, it was decided to request a variance for a sunroom, which I assumed would be harder to obtain. If that could not be granted, the request would be for the screened porch. The assumption being that if a sunroom were granted then a screened porch would be acceptable as well. I am trying to avoid having to go through another variance hearing if later I want to convert the screened porch to a sunroom.

To answer the questions regarding encroaching the obstacles presented in the prior case I ask you to please refer to aerial drawing "B". I believe this drawing best shows the proposed porch with relation to those obstacles. You will see that the proposed porch is west of the obstacles. By building off of the new kitchen expansion I will be able to get a decent size porch by stopping just before the bathroom window. The only exception would be the sump pit. I will still have access to the sump pit because that entire area will remain open with a concrete floor at the same level as the pit opening. I will drain the sump underneath the concrete floor to the back of the yard. The sump pit has and will continue to have a wooden cover over it and this would be acceptable in either a sunroom or porch environment. I have enclosed an east and west view as well to give you another perspective.

I hope these drawings and the listed reasons clear up any questions you may have. Had I better communicated with my wife, both projects would have been requested together in the original variance case but somehow her desire for a porch didn't register with me. I appreciate your time and effort with this request. If I can be of any further assistance please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, reading "Terry L. Cooper". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Terry L. Cooper

Home (410) 252-1628

Cell (443) 465-4029

Work (443) 849-3755

variance
order

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N side Oakway Road, 112.5 feet		
E of c/l Sweetbrier Road		
8 th Election District	*	DEPUTY ZONING COMMISSIONER
3 rd Councilmanic District		
(28 Oakway Road)	*	BALTIMORE COUNTY
 Terry L. and Mary Alice Cooper		
<i>Petitioners</i>	*	CASE NO. 07-301-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, Terry L. and Mary Alice Cooper. The variance request is for property located at 28 Oakway Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side setback in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to build an 8 foot x 17 foot addition onto the side of the house. Expansion on the back of the house would be difficult and costly because of the location of an existing exterior sump pit, back porch, cellar entrance and patio.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.
“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in

residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 13, 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 and photographs 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 February, 2007 that a variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side setback in lieu of the required 10 feet is hereby GRANTED, subject to the following:

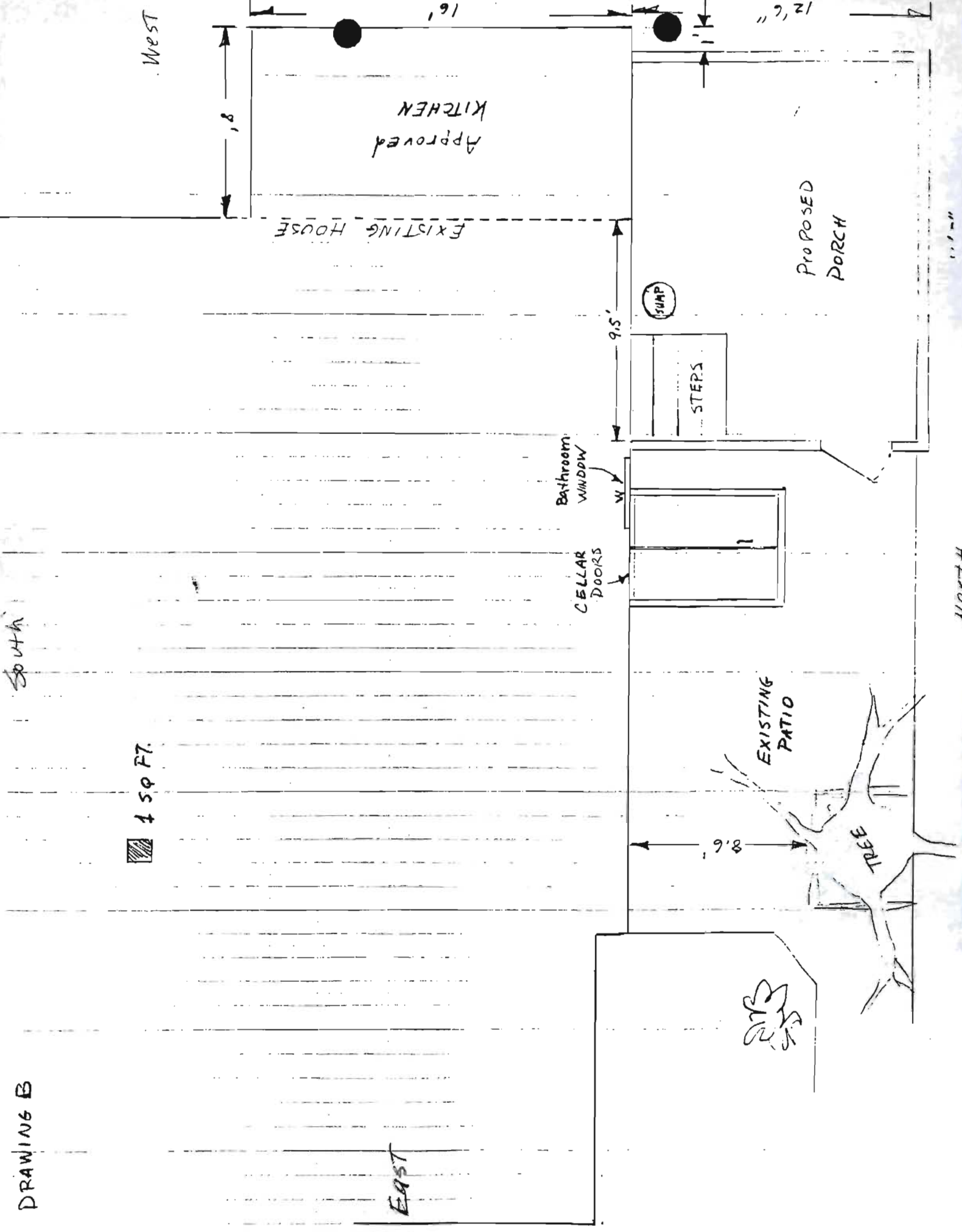
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

DRAWING B



DRAWING A

West

EXISTING
HOUSE
END

FUTURE
KITCHEN
EXPANSION

BATHROOM
VENT

Bathroom
WINDOW

CELLAR
DOORS

SUMP
PIT

17" PROPOSED PORCH

30

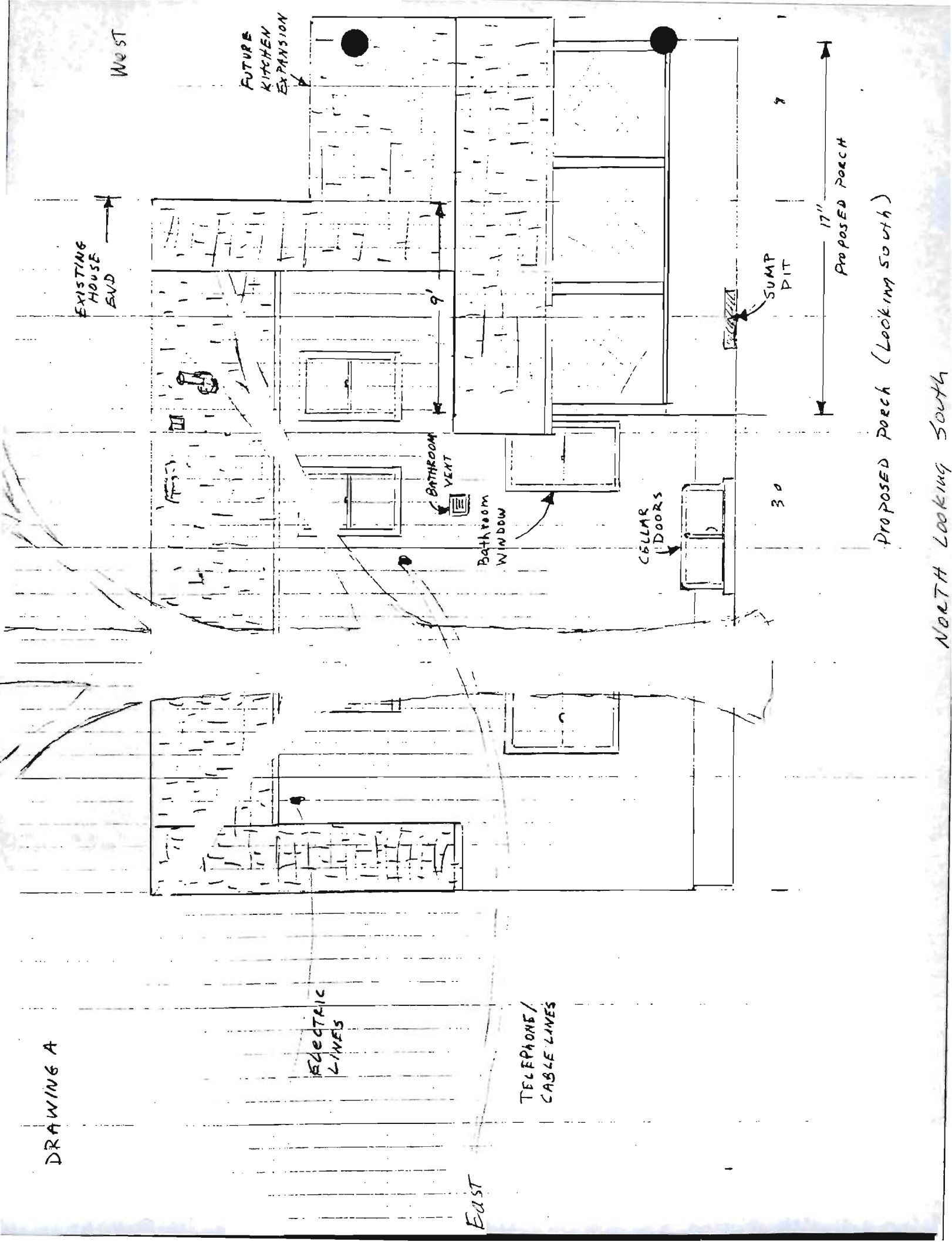
PROPOSED PORCH (Looking South)

NORTH Looking South

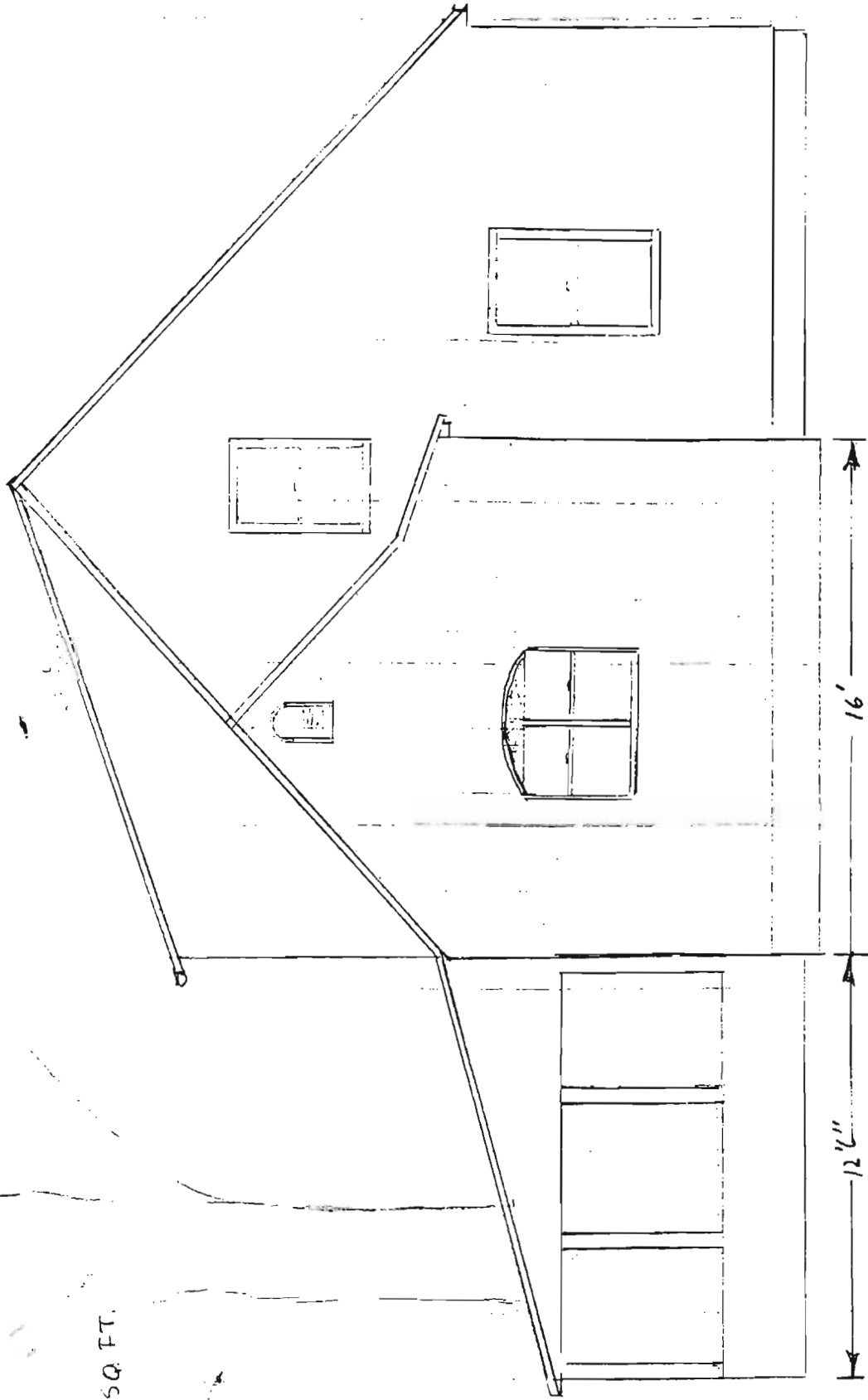
ELECTRIC
LINES

TELEPHONE/
CABLE LINES

East



1 1/2 SQ. FT.



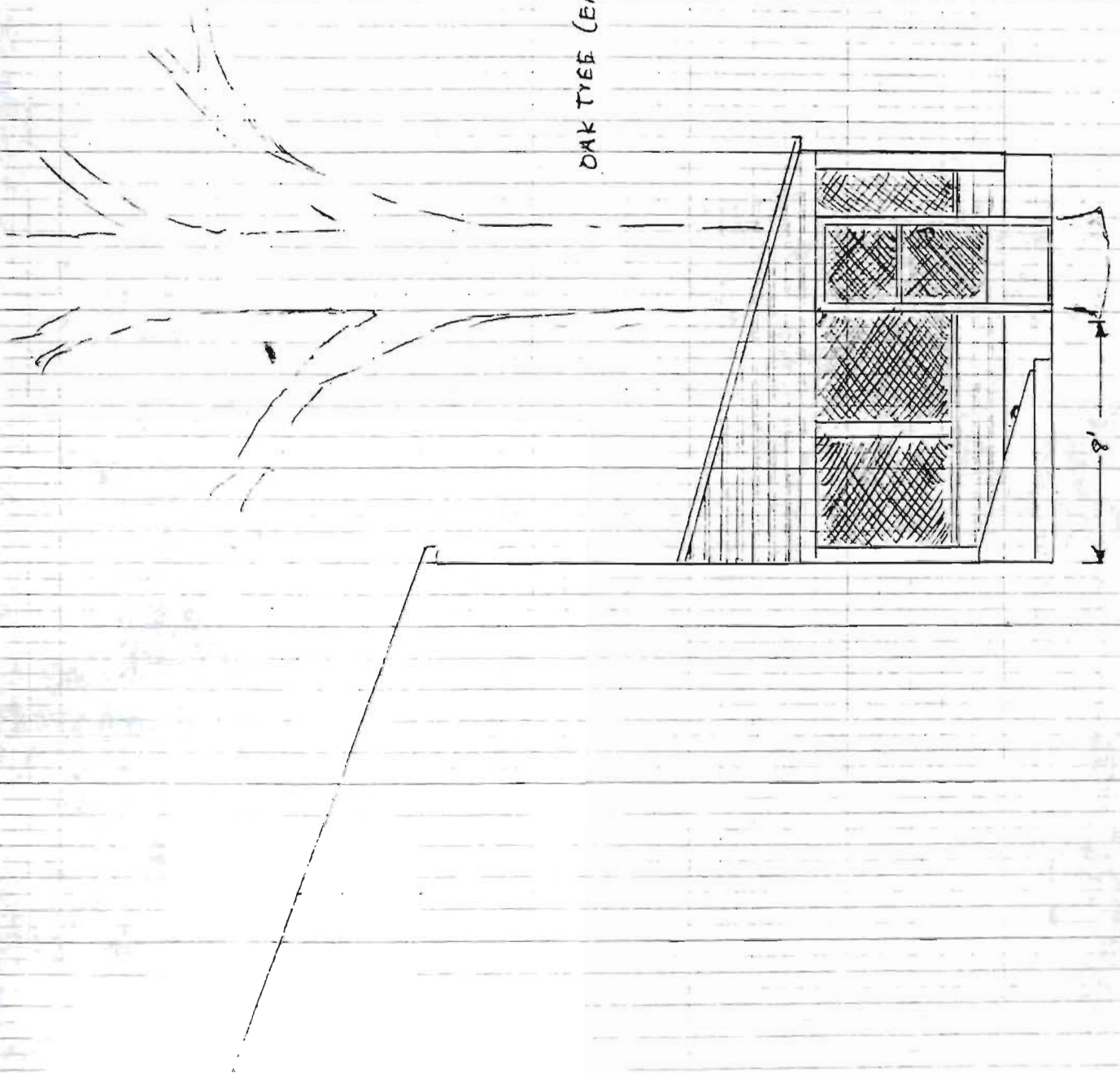
APPROVED KITCHEN ADDITION
(FUTURE)

PROPOSED PORCH

LOOKING EAST

DAK TREE (EAST OF PORCH)

Proposed Porch Looking West



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 28 Oakway Rd.

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

SUBDIVISION NAME Yorkshire

PLAT BOOK # WPC / FOLIO # 21 LOT # 38 SECTION # D

OWNER TERRY & Mary Alice G. Cooper

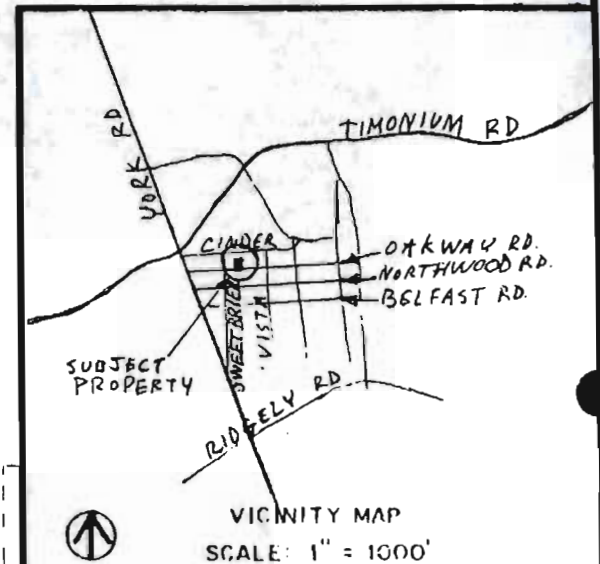
LEE William F, JR
BROWN SUSAN

LOT 76 LOT 75

TAX ID #
0818000302

VACH MICHAEL P
VACH JO ANITA

TAX ID #
0813009070



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 06041

ZONING DR 5.5

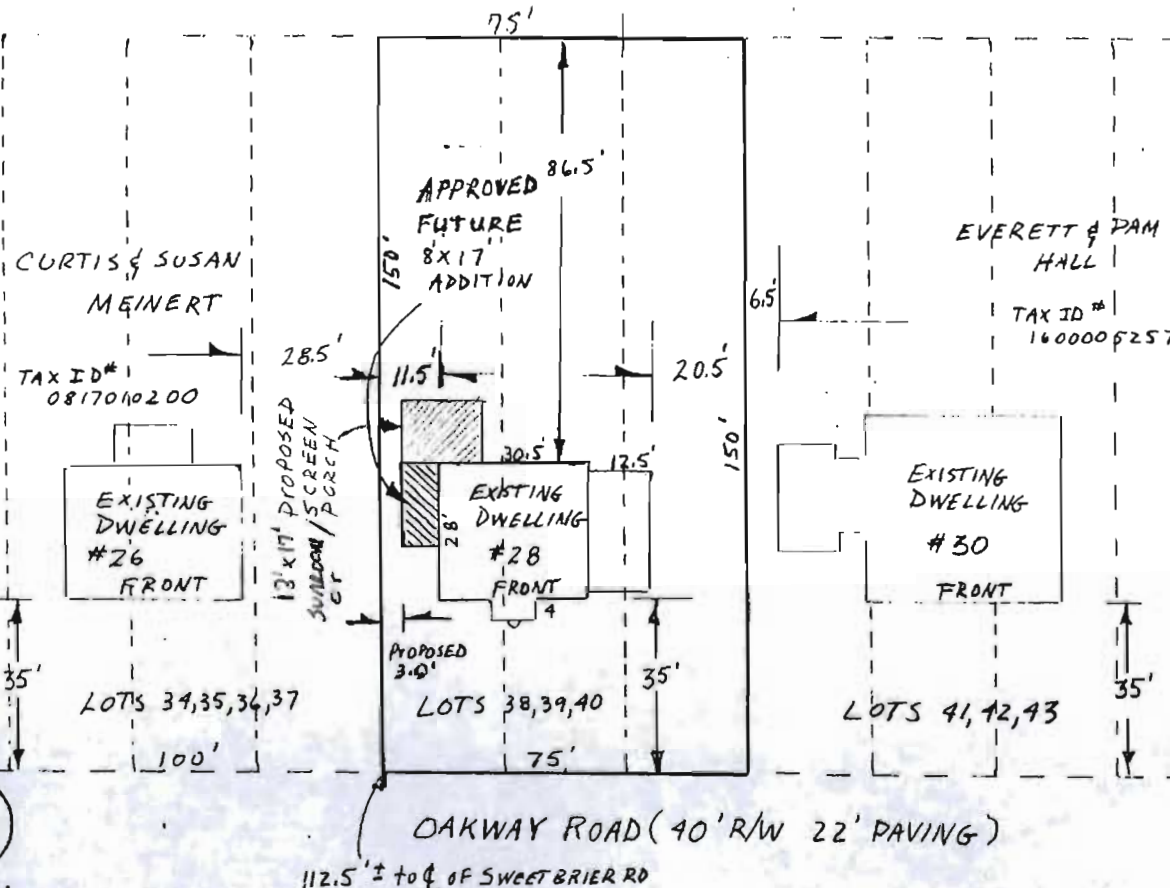
LOT SIZE 0.25 11,250.00
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE 07-301-A</u>	

ZONING OFFICE USE ONLY
REVIEWED BY JNP/cm ITEM # 298 CASE # 08-298-A

SWEETBRIER ROAD 25 R/W 22' PAVED



PREPARED BY TLC

SCALE OF DRAWING: 1" = 40'



0.346717

08-298-A







