

IN RE: PETITION FOR ADMIN. VARIANCE

W side Proctor Avenue, 200 feet E c/l
of Railroad Avenue
11th Election District
5th Councilmanic District
(10812 Proctor Avenue)

Marcia Blotzer and Judith Leiman
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-378-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, Marcia Blotzer and Judith Leiman for property located at 10812 Proctor Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 26 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition and deck onto the rear of the home. The proposed addition, which is the subject of the variance request, measures 14 feet x 17 feet in size and will encroach only four feet into the setback. The addition is necessary to provide additional living space for the family. There is an existing rear door that will lead to the new addition. The proposed deck, which is not part of the variance request, measures 9 feet x 11 feet in size. The left side of the Petitioners' property is encumbered by a 20 foot sewer easement. The property on the right side of the Petitioner's home, Lot 24, does not contain a dwelling. No neighbors voiced any objections to the proposal.

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.

COPIES RECEIVED FOR FILE
3-19-08
B3

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 2, 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 19th day of March, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 26 feet in lieu of the required 30 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.

ORDER RECEIVED FOR FILING
3-19-08
[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

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3-19-08

123



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 19, 2008

MARCIA BLOTZER AND JUDITH LEIMAN
10812 PROCTOR AVENUE
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 08-378-A
Property: 10812 Proctor Avenue

Dear Ms. Blotzer and Ms. Leiman:

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 "T. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jeremy Clancy, 7051 Macbeth Way, Eldersburg MD 21784



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 10812 PROCTOR AVE WHITE MARSH MD 21162
which is presently zoned DE 5.5

Deed Reference: 23-7761315 Tax Account # 2400009869

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 BC2R

To permit an addition with a rear yard setback of 26'
in lieu of the required 30'

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):

MARCIA BLOTZER
Name - Type or Print _____
Signature Marcia Blotzer _____
YUDITH LEIMAN
Name - Type or Print _____
Signature Yudith Leiman _____
10812 PROCTOR AVE (410) 850-1887
Address _____ Telephone No. _____
WHITE MARSH MD 21162
City _____ State _____ Zip Code _____

Representative to be Contacted:

Jerome Clancy
Name _____
7051 Macbeth Way (443) 340-1229
Address _____ Telephone No. _____
Eldersburg MD 21784
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. 08-378-A

Reviewed By JE Date 2-19-08

REV 7/20/07

Estimated Posting Date 3-2-08

RECEIVED FOR FILE

3-19-08

B3

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 10812 Proctor Ave
City White Marsh State MD Zip Code 21162

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

"SEE ATTACHED"

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature Marcia Blotzer
Name - Type or Print MARCIA BLOTZER

Signature Judith Leiman
Name - Type or Print JUDITH LEIMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARCIA BLOTZER - JUDITH LEIMAN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public [Signature]
My Commission Expires 12/27/08

Variance Justification

We are requesting a variance for a 14' x 17' addition to the rear of our house. We are proposing the addition because we are in dire need for additional living space to our house. The rear yard, where we are proposing the addition, is the area on our lot with the most room. Moreover, there is an existing door on that wall of the house that would lead to the addition.

Along with this project, we are proposing a 9' x 11' open deck that will be next to the addition, as well as a 8' x 14' shed that will be under the addition; however neither of these would necessitate a variance. The required setback to the rear is 30', the addition we are proposing will only have a 26' setback. Therefore, we are requesting a variance of 4'. Thank you in advance for your consideration on this matter.

Zoning Description

Zoning Description for 10812 Proctor Ave., White Marsh Md. 21162

Beginning at a point on the West side of Proctor Ave. which is 50' wide at a distance of 200' East of the centerline of the nearest improved intersecting street Railroad Ave. which is 40' wide. Being Lot #23 in the re-subdivision of Cowenton as recorded in Baltimore County Plat Book #77, Folio #142, containing 6,943 square feet. Also known as 10812 Proctor Ave. and located in the 11th Election District, and 5th Councilmanic District.

378

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11060**

Date: **2-17-08**

PAID RECEIPT

BUSINESS ACTUAL TIME MON
 2/19/2008 2/19/2008 09:14:32
 005 MONTH DATE YEAR
 RECEIPT # 411060 2/19/2008 HELD
 5 500 TUNING VERIFICATION
 011060
 Recpt for \$45.00
 \$45.00 OK \$45.00 OK
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			6150				65.00

Total: **65.00**

Rec

From: **Jeremy Clancy**

For:

10812 DREYER AVE
Admin. Verance
ITEM # 378

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Approved
3/2/08



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 08-378-A

TO BE PUT AT ADDRESS WITH • REAR YARD SETBACK OF 20' IN C.A.M. OF THE PROPERTY NO.

PUBLIC HEARING ?

PRESENT IN SECTION 16-12-1-111, ELLIOTT 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 FRIDAY, MARCH 7, 2008.
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION DEPARTMENT
TEL. 847-3381

NOTICE TO PROPERTY OWNER

CERTIFICATE OF POSTING

RE: Case No: 08-378-A

Petitioner/Developer: MARZIA
BLOTZEL

Date Of Hearing/Closing: 3/17/08

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 10812 PROCTOR AVE

This sign(s) were posted on March 2, 2008

(Month, Day, Year)

Sincerely,

Martin Ogle 3/2/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 378 -A Address 10812 PROCTOR AVE.

Contact Person: JRF Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2-19-08 Posting Date: 3-2-08 Closing Date: 3-17-08

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- 378 -A Address 10812 PROCTOR AVE.

Petitioner's Name MARCIA BLOTZER Telephone 410-830-1887

Posting Date: 3-2-08 Closing Date: 3-17-08

Wording for Sign: To Permit an addition with a rear yard setback
of 26' in lieu of the required 30'.

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: 08-378-A

Petitioner: Marcia Blotzer

Address or Location: 10812 Proctor Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marcia Blotzer

Address: 10812 Proctor Ave

White Marsh Md 21162

Telephone Number: (410) 830-1887



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

March 18, 2008

Marcia Blotzer
Judith Leiman
10812 Proctor Avenue
White Marsh, MD 21162

Dear Ms. Blotzer and Ms. Leiman:

RE: Case Number: 08-378-A, 10812 Proctor Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 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
Jeremy Clancy 7051 Macbeth Way Eldersburg 21784

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

RECEIVED
MAR 14 2008

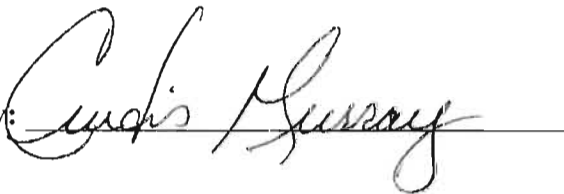
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-378- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:



CM/LL



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

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

Maryland Department of Transportation

Date: MARCH 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. 8-378-A
10812 PROCTOR AVE.
BLOTZER/LEIRMAN 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. 8-378-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,

A handwritten signature in black ink that reads "Michael P. Bailey".

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: March 4, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 3, 2008
Item Nos. 370, 371, 372, 373, 374,
375, 376, 378, 379, 380, 381, 382, and 383

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-02292008.doc



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

February 27, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 25, 2008

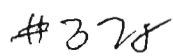
Item Number: 370, 371, 372, 374, 376, 378, 380, 381, 383

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.

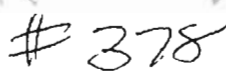
1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File



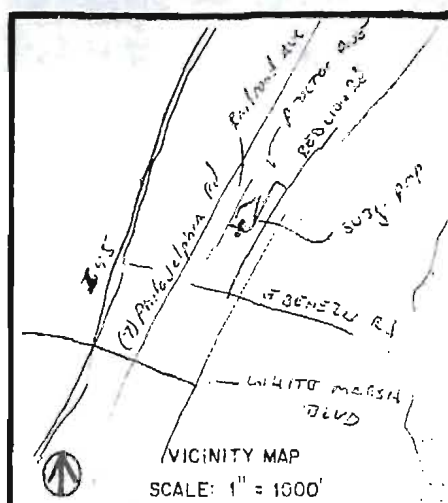
#328



-15-

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

OWNER MARCIA BLOTZER + JUDITH LEIMAN



J# 378

SCALE OF DRAWING: 1" = 30'



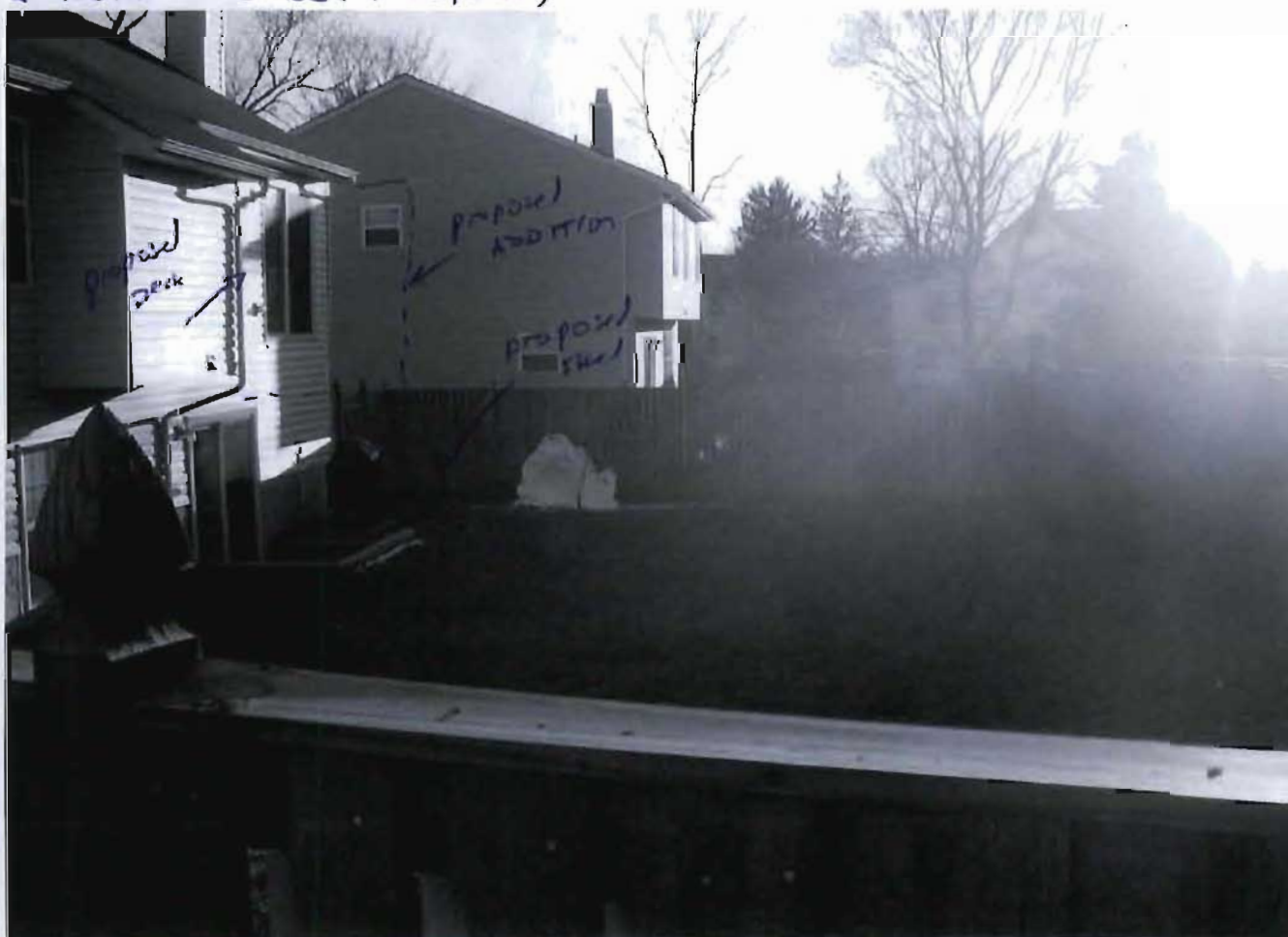
* REAR YARD OUTSIDE OF SUBS. PROP. FENCE LINE



* REAR YARD OF SUBS. PROPERTY.



* REAR OF SUBS. PROPERTY



REAR OF SUBS. prop.