IN RE: PETITION FOR ADMIN. VARIANCE

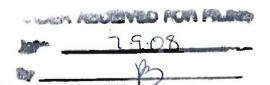
S side of Boyce Avenue, 404 feet +/- W of c/l of Carrollton Avenue 9th Election District 2nd Councilmanic District (1401 Boyce Avenue)

Robert M. and Mary P. Stewart *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2008-0561-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, Robert M. and Mary P. Stewart for property located at 1401 Boyce Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a maximum height of 22 feet in lieu of the maximum height of 15 feet allowed in a residential zone; and from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard depth for a principal structure of 27 feet in lieu of the minimum 40 feet allowed in a DR 2 zone. The Petitioners desire to construct a new two-strory garage/studio measuring 33 feet x 24 feet in size. The studio is for use as an artist's studio by Mrs. Stewart. The dormer windows in the north facing wall and the windows in the south facing wall and skylights in the roof provide excellent natural daylight for artistic work. Renovating the principal structure to provide a work space with similar lighting would be extremely difficult and the only practical solution is the use of a separate building. The existing garage can be replaced as a studio; however, it provides two off-street parking spaces that the Stewarts would like to retain. A solution is to place the studio above the garage, but the height of the combined structure is greater than the zoning regulations allow. Strict compliance with the maximum height restriction presents a practical difficulty in that neither the studio nor the garage would be of adequate height for use.

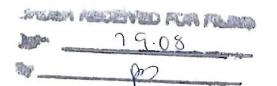


The proposed height of 22 feet represents the minimum relief required to be usable. The dormer windows on the street side (north) of the studio are in harmony with the house architecture. The existing house was constructed in 1928 prior to the current zoning regulations and has been used since that time as a single family residence. The variance request will bring the existing house into compliance.

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 June 26, 2008 that indicate the property is within the Ruxton Riderwood Lake Roland Design Review area. The proposal is to raze an existing garage and rebuild a 22 foot high garage and artist's studio. Due to the minor nature of the request, a Design Review Panel meeting is not required. The Planning Office has reviewed a preliminary set of architectural elevation drawings dated May 25, 2008 titled Garage and Studio Elevation. The Planning Office recommends that they have final sign off on the architectural elevation drawings, and that the project retain a significant amount of plant material between the new building and the adjacent Coale and Edwards property lines.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 14, 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 ______ day of July, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a maximum height of 22 feet in lieu of the maximum height of 15 feet allowed in a residential zone; and from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard depth for a principal structure of 27 feet in lieu of the minimum 40 feet allowed in a DR 2 zone are 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 Office of Planning shall have final sign off on the architectural elevation drawings.
- 3. The project retain a significant amount of plant material between the new building and the adjacent Coale and Edwards property lines.

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

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

which is presently zoned DR-2.

Deed Reference: 8/67 / 745 Tax Account # 09 0367 2930

I/We do solemnly declare and affirm, under the penalties of

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)

PLEASE SEE ATTACHED

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.

			perjury, that I/we are the subject of this Pe		f the property which
Contract Purchase	er/Lessee:		Legal Owner(s):		170
Name - Type or Print			ReBERT Name - Type o	1. STEWAR	7
Signature			Signature	S	
Address		Telephone No.	Name - Type or Print	STEWART,	- L
City	State	Zip Code	Signature	men (i	W) 410 - 685 - BOOT
Attorney For Petiti	ioner:		1401 BOYCE Address	AVENE (4) 410-825-2406
					Telephone No.
Name - Type or Print			Towson	MD State	21204 Zip Code
••			Representative to	he Contacted	1.
Signature				797	<u>··</u>
Company			RICHARD T	RVEWVE	
TOTAL SE			406 W. PEN	INS4L VAMIO	Telephone No. 4
Address		Telephone No.	Address		Telephone No. 4
City	State	Zip Code	City	M D State	Z1204 Zip Code
20.76	0.00	Mr. Hella Con.	equired, it is ordered by the Zo		
this day of regulations of Baltimore Co	ounty and that the prope	that the subject matter of rty be reposted.	Zoning Commission By	ssioner of Baltimore (as required by the zoning
CONTRACTOR ES		A III DANISHMAN		/	
hori-	79.68				

Section 400.1 to permit an accessory structure with a maximum height of 22 feet in lieu of the maximum height of 15 feet allowed in a residential zone.

Section 1B02.3 c1 to permit a rear yard depth for a principal structure of 27 feet in lieu of the minimum 40 feet allowed in a DR-2 zone.

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

Variance at the above address (indicate hardship or practical difficulty):

PLEASE SEE ATTACHED

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 based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

1401 BOYCE AVENUE

That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional signature.	demand is filed, Affiant(s) will be required to pay a reposting and onal information. Signature
ROBERT M. STEWART Name - Type or Print	MARY P. STEWART Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE	
I HEREBY CERTIFY, this 2 Hd day of doube	, 2008, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, persona	lly appeared
ROBERT M. STEWART AND M. the Affiant(s) herein, personally known or satisfactorily	ARG P. STEWART
	y localities to the as such America).
AS WITNESS my hand and Motorial Seal	Notary Public
REV 7/24/07	My Commission Expires MAY 31, 2010
OBLIC MA	
ORECT	

Variance for Accessory Structure Height:

The studio is for use as an artist's studio by Mrs. Stewart. The dormer windows in the north facing wall and the windows in the south facing wall and skylights in the roof provide excellent natural daylight for artistic work. Renovating the principal structure to provide a workspace with similar lighting would be extremely difficult, and the only practical solution is the use of a separate building. The existing garage can be replaced as a studio, however, it provides two off-street parking spaces that the Stewarts would like to retain. A solution is to place the studio above the garage, but the height of the combined structure is greater than the zoning regulations allow. Strict compliance with the maximum height restriction presents a practical difficulty in that neither the studio nor the garage would be of adequate height for use. The proposed height represents the minimum relief required to be usable. The relief requested is in harmony with spirit and intent of the height, area, and parking regulations; and presents no negative effect to the public health, safety, and general welfare. Additionally, the dormer windows on the street side (north) of the studio are in harmony with the house architecture.

Variance for Principal Structure rear yard setback:

The existing house was built in 1928, prior to current zoning regulations, and has been used since that time as a single family residence. The Stewarts request that a variance to the rear yard setback for a principal structure in a DR-2 zone be granted to bring the existing house into compliance.

406 WEST PENNSYLVANIA AVE. TOWSON, MARYLAND 21204-4228

> (410) 494-4914 FAX (410) 296-5328

ZONING DESCRIPTION 1401 BOYCE AVENUE

Beginning for the same at a point in the center of Boyce Avenue. Said point being 404 feet more or less west of the center of Carrollton Avenue. Running along the center of Boyce Avenue, South 78° 10' West 37.12 feet.

Thence leaving the center of Boyce Avenue and running the following courses and distances viz:

- (1) South 18° 11' 40" East 170.28 feet thence,
- (2) South 77° 19' 20" West 157.23 feet thence,
- (3) South 01° East 117.67 feet thence,
- (4) North 89° East 260 feet thence,
- (5) North 47° 38' East 38.5 feet thence,
- (6) North 45° 04' West 129.5 feet thence,
- (6) North 11° 29! West 177.5 feet. to the place of beginning

Containing 38,354 square feet, or 0.88 acres of land, more or less.

Being all of that property recorded in the Land Records of Baltimore County in Liber SM 8167 Folio 747; also being part of Lot #11 on the plat of Ruxton Heights, said plat being recorded in the Land Records of Baltimore County in Plat Book W.P.C. No. 6 Folio 88. Located in the Ninth Election District, Second Councilmanic District, of Baltimore County, Maryland. Also known as 1401 Boyce Avenue.

June 2, 2008 reports\zondesc\1401 Boyce Ave.doc

Richard John Truelove P.E.

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-0561 -A Address 1401 Boyce Hue.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 6-4-08 Posting Date: 6-15-08 Closing Date: 6-30-0
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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 <u>DEADLINE</u> : 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.
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 08-0561 -A Address 1401 Boxes Ave.
Case Number 08-0561 -A Address 1401 Boyce Ave. Petitioner's Name Robert Boyce STEWART Telephone 410-825-2406
Posting Date: 6.30.08 Closing Date: 6.30.08
Posting Date: 6.30.08 Wording for Sign To Permit A ACLESSORY STEVETURE WITH A
MANAMANNA HEIGHT of 22 feet IN LIEU of The DERMITTED
15ft AND A REAR YARD SETBACK OF Z7 FEET
(MANNAMA) HEIGHT AF 22 FEET IN LIEU OF THE DERMITTED 15ft AND A PEAR YARD SETBACK OF Z7 FEET IN LIEU OF THE REQUIRED 40ft FOR THE DEVELLING
WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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.

tem Numb	er or Case Number:
Petitioner:	ROBERT M. STEWART
Address or	Location: 1401 BOYCE AVENUE TOWSON MD. 21204
Name:	ROBERT M. STEWART
Address: _	1401 BOGGE AVENUE
	Tauson MD. 21204

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND

	OF BUI		ND FINA	NCE				5368	PAID RECEIPT AUGUSTS ACTUAL TONE THE
Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount	04/2008 6/04/2008 11:19:32 2 RED 505 WALKEN DOOL DWO >>REDEPT N 447583 6/04/2008 0FLN Rept 5 528 ZERING MERIFICATION
001	006		6150					65,-	Dispt fot 65.00 465.00 CK 1.00 CA Bultimore County, Haryland
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DISTRIBI	UTION CASHIER		PINK - AC	GENCY			YELLOW	- CUSTOMER	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 2008-056/-A

	724
	Petitioner/Developer: ROBERT
	STEWART
•	Date Of Hearing/Closing: 6/30/08
Baltimore County Departmer Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenue	anagement n 111
Attention:	
Ladies and Gentlemen:	
This letter is to certify under sign(s) required by law were at	the penalties of perjury that the necessary posted conspicuously on the property 1401 BoyCE AVE.
AL.	•
This sign(s) were posted on_	(Month, Day, Year) Sincerely, Watter of L/4/08 (Signature of sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address
	Balto. Md 21220
	(443-629 3411)
	<u></u>



njativisti 4/14/08



Janua I Skirin (R.

Department of Permits and Development Management

June 30, 2008

Robert M. & Mary P. Stewart 1401 Boyce Avenue Towson, MD 21204

Dear: Robert M. & Mary P. Stewart

RE: Case Number 2008-0561-A, Address: 1401 Boyce Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 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,

U. Carl Rich

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

Richard Tryelove, 406 W. Pennsylvania, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 19, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 23, 2008

Item Nos. 08-456, 0531, 0543, 0558, 0559, 0560, 0562, 0563, 0566, 0567, 0568, and 0571

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

DAK:CEN:lrk

cc: File

ZAC-06192008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director

DATE: June 26, 2008

BY:_____

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 1401 Boyce Avenue

INFORMATION:

Item Number:

08-561

Petitioner:

Robert and Mary Stewart

Property Size: .88 acres Zoning: DR 2

Requested Action: Administrative Variance

The property in question is within the Ruxton Riderwood Lake Roland Design Review area. The proposal is to raze an existing garage and rebuild a 22' high garage and artist's studio that is 23 feet x 21 feet. Due to the minor nature of the request, a DRP meeting required.

The request also include a setback variance due to the fact that the existing dwelling has a nonconforming rear yard setback of 27 feet in lieu of 30.' It was constructed prior to the effective date of the BCZR.

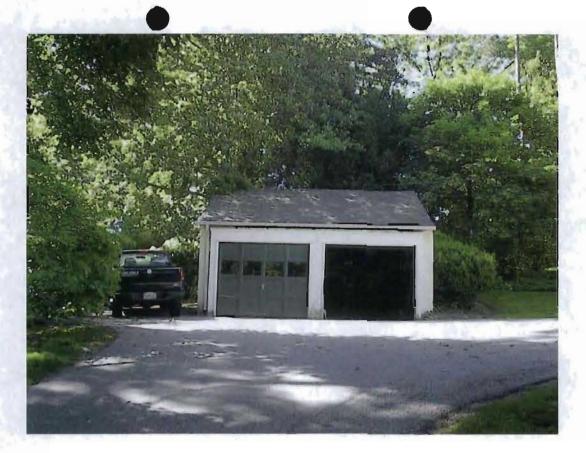
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed a preliminary set of architectural elevations drawings dated May 25, 2008 titled Garage and studio elevation. If granted, the Office of Planning recommends the following:

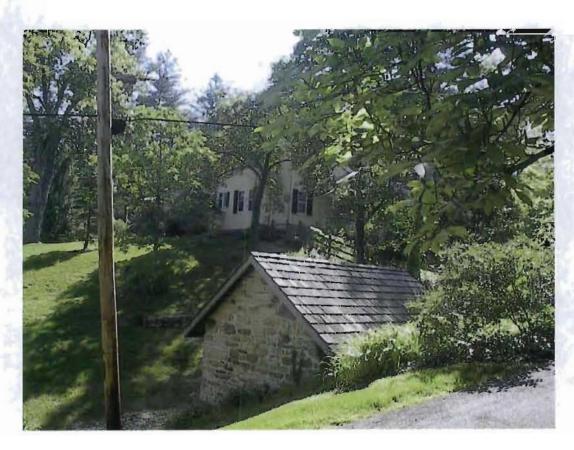
- 1. Final sign off on the architectural elevation drawings
- 2. Retain a significant amount of plant material between the new building and the adjacent Coale and Edwards property lines

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

CM/LL



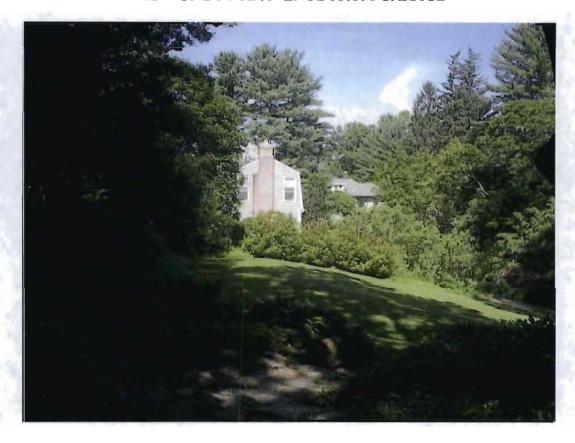
EXISTING GARAGE



1317 BOYCE AVENUE FROM DRIVEWAY AT 1401 BOYCE AVENUE



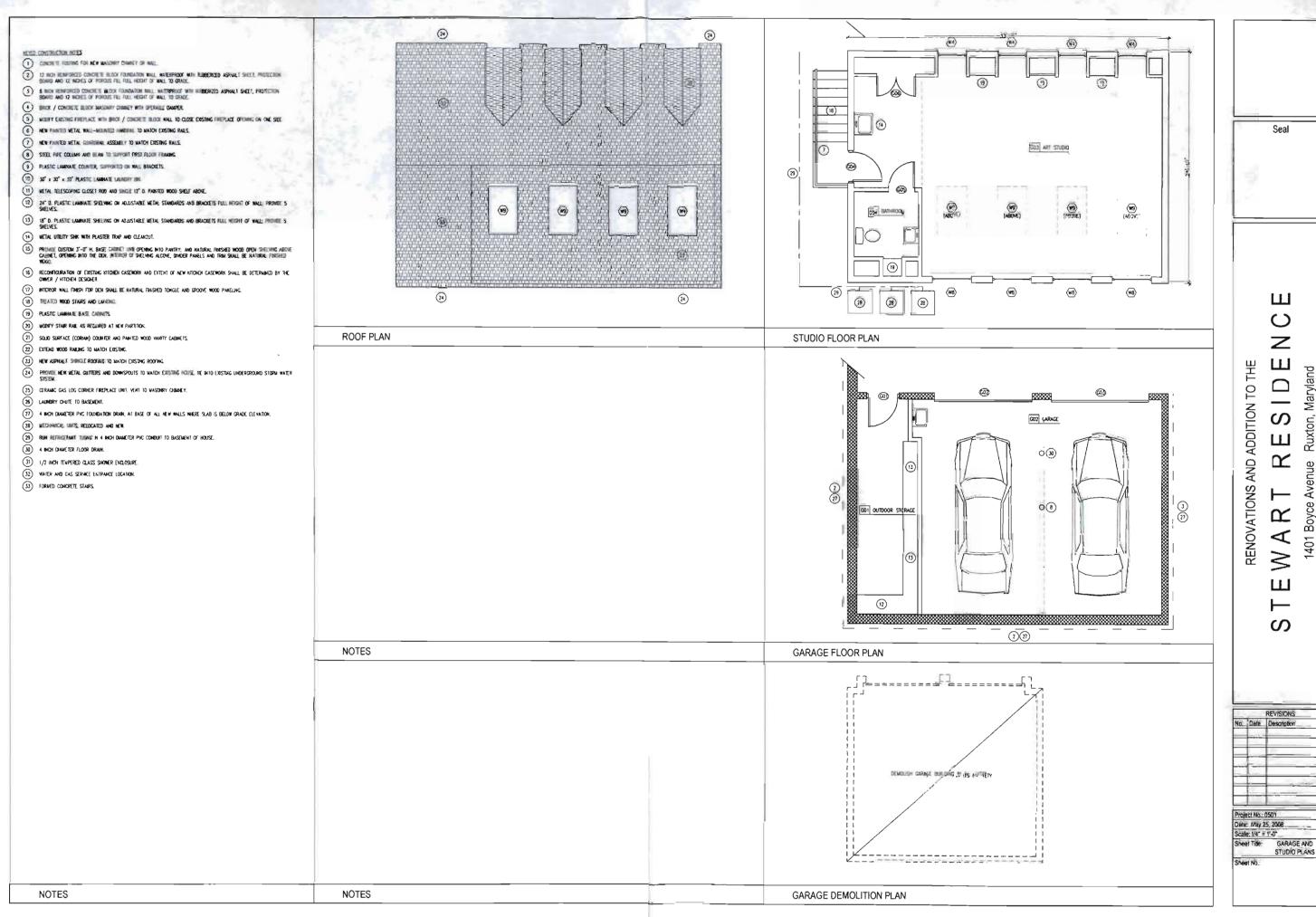
VIEW OF BOYCE AVENUE FROM GARAGE



1407 BOYCE AVENUE FROM BACK YARD OF 1401 BOYCE AVENUE



1406 LOCUST AVENUE (HOUSE BEHIND GARAGE) FROM GARAGE

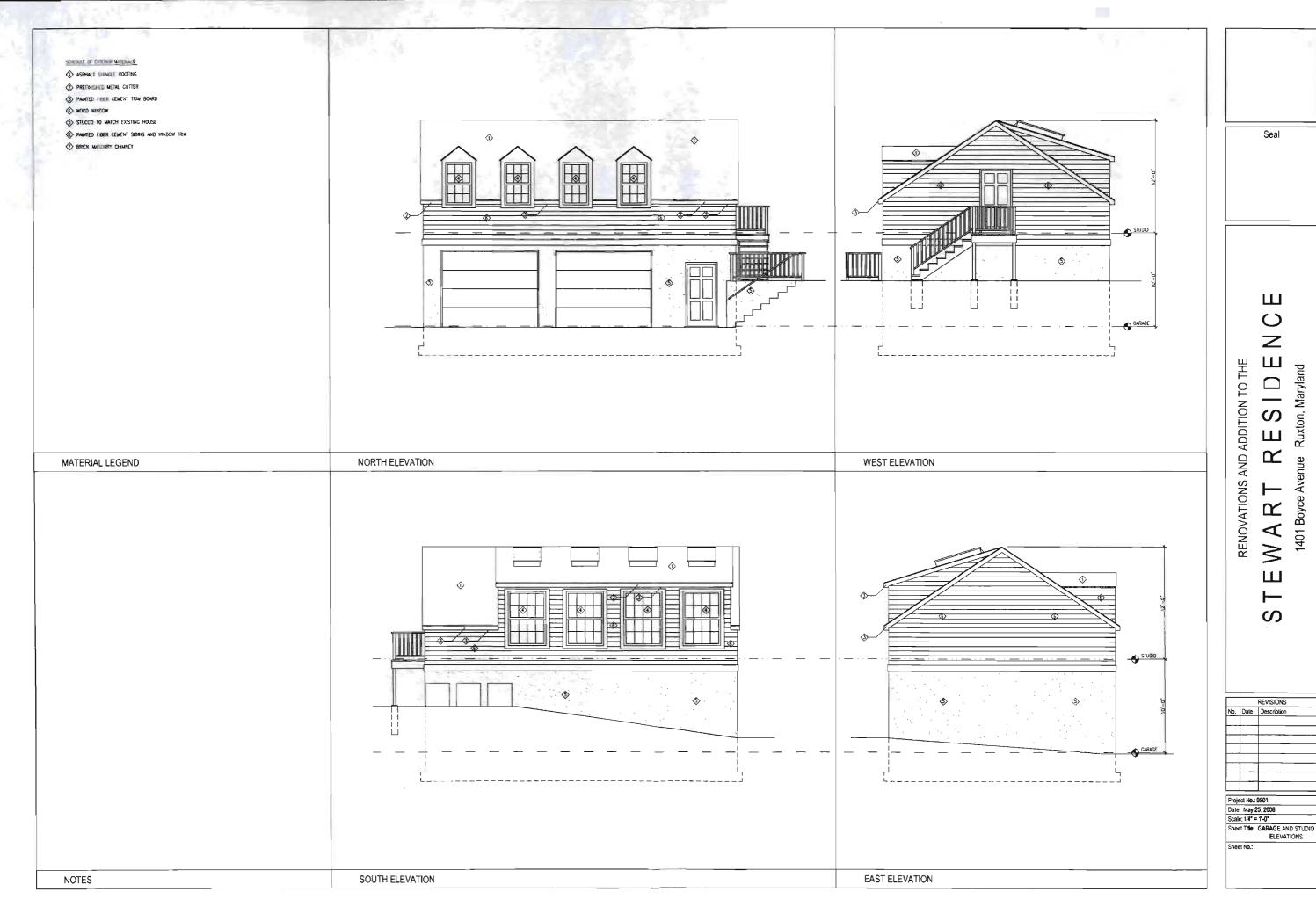


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Ruxton, Marylar

Boyce Avenue

Seal



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REVISIONS

Ruxton, Maryland

Seal

