

IN RE: PETITION FOR ADMIN. VARIANCE
W side of Charles Street Avenue, NW corner
Towsontown Blvd. and Charles Street Avenue
9th Election District
5th Councilmanic District
(6730 Charles Street Avenue)

David J. McManus Jr. and Nancy Logsdon McManus
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0594-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, David J. McManus Jr. and Nancy Logsdon McManus for property located at 6730 Charles Street Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 20 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a detached garage designed to match the existing Spanish-style dwelling. The additional roof pitch allows the proposed garage to architecturally complement the house. The garage attic will be used for additional storage space. The subject property contains 2.02 acres of land zoned DR 2.

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. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

COPIES RECEIVED FOR FILE

8-1-08

[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 10, 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 1st day of August, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 20 feet in lieu of the required 15 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.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

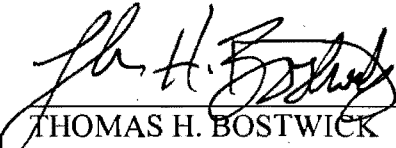
ORDER RECEIVED FOR FILING

8.1.08

PM

3. The accessory structure shall not be used for commercial purposes.

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

STAMP RECEIVED FOR FILING
8-1-08
pz



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6730 Charles Street Avenue
which is presently zoned _____

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) 400.3

To permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 20 feet in lieu of the required 15 feet.

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:

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):

David J. McManus, Jr.
Name - Type or Print

Signature

Nancy Logsdon McManus
Name - Type or Print

Nancy Logsdon McManus
Signature

6730 Charles Street Avenue
Address

410-337-6730

Telephone No.

Towson
City

MD
State

21204
Zip Code

Representative to be Contacted:

Helen Hiser
Name

523 Park Avenue
Address

410-928-7058
Telephone No.

Towson
City

MD
State

21204
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. 2008-0594-A

Reviewed By [Signature]

Date 6/30/08

REV 10/25/01

Estimated Posting Date 7/13/08

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 6730 Charles St. Ave
Address
Towson MD 21204
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):

1. Design to match existing dwelling.
2. Roof pitch to match the house required to be 20 ft. in lieu of maximum allowed 15 ft.
3. Attic for additional storage area; will not be used for office or living space
4. Barely visible from street from
5. Proposed detached garage is not within the 100 foot stream buffer.

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

[Signature]
Signature

Nancy McManus
Signature

David J. McManus
Name - Type or Print

Nancy Logsdon McManus
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of June, 2008 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID McMANUS & NANCY McMANUS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rose Marie Alcarese
Notary Public

My Commission Expires August 6, 2011

ZONING DESCRIPTION FOR

6730 Charles Street Avenue

REVIEWED SDAT
DATE 5/10/02
BY [signature]

BEGINNING FOR THE SAME AT A POINT ON THE NORTH SIDE OF THE RIGHT-OF-WAY OF TOWSONTOWN BOULEVARD (FORMERLY OLD CHARLES STREET), VARIABLE WIDTH, AS SHOWN ON THE BALTIMORE COUNTY BUREAU OF LAND ACQUISITION PLAT NO. HRW 62-106-17, SAID POINT OF BEGINNING BEING THE BEGINNING POINT OF THE LAND CONVEYED TO GARY G. DEWEY AND ELIZABETH C. DEWEY, HIS WIFE, BY GARY G. DEWEY BY DEED DATED MARCH 22, 1991, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND, IN LIBER 8743 PAGE 576, SAID POINT OF BEGINNING BEING DESIGNATED 400 ON THE PLAT ENTITLED MINOR SUBDIVISION PLAT OF DEWEY PROPERTY AND FILED WITH BALTIMORE COUNTY ZONING ADMINISTRATION IN FILE #93002MP, RUNNING THENCE BINDING ON SAID RIGHT-OF-WAY AND CONTINUING ON THE BALTIMORE COUNTY BUREAU OF LAND ACQUISITION PLAT NO. HRW 6210816 AND BINDING ON THE OUTLINES OF SAID LAND CONVEYED TO GARY G. DEWEY AND ELIZABETH C. DEWEY, HIS WIFE, AND REFERRING ALL COURSES OF THIS DESCRIPTION TO THE GRID MERIDIAN ESTABLISHED IN BALTIMORE COUNTY METROPOLITAN DISTRICT THE FOLLOWING FIVE (5) COURSES: (1) NORTH 77 DEGREES 32 MINUTES 19 SECONDS EAST 42.82 FEET, (2) NORTH 30 DEGREES 50 MINUTES 54 SECONDS EAST 93.83 FEET, (3) NORTH 16 DEGREES 23 MINUTES 52 SECONDS EAST 84.52 FEET, (4) NORTH 08 DEGREES 46 MINUTES 07 SECONDS WEST 34.50 FEET, AND (5) NORTH 20 DEGREES 21 MINUTES 42 SECONDS EAST 22.49 FEET TO THE CENTERLINE OF A 9.00 FOOT WIDE RIGHT AND USE THEREOF IN-COMMON EASEMENT, THENCE BINDING ON SAID CENTERLINE AND CONTINUING TO BIND ON THE OUTLINES OF SAID LAND CONVEYED TO GARY G. DEWEY AND ELIZABETH C. DEWEY THE FOLLOWING THREE (3) COURSES: (6) NORTH 68 DEGREES 48 MINUTES 46 SECONDS WEST 74.28 FEET, (7) NORTH 76 DEGREES 22 MINUTES 48 SECONDS WEST 60.03 FEET, AND (8) SOUTH 86 DEGREES 53 MINUTES 12 SECONDS WEST 62.23 FEET, THENCE LEAVING THE OUTLINES OF SAID LAND AND FOR NEW LINES OF DIVISION THE FOLLOWING FIVE (5) COURSES: (9) SOUTH 19 DEGREES 46 MINUTES 22 SECONDS WEST 125.31 FEET, (10) SOUTH 46 DEGREES 18 MINUTES 51 SECONDS WEST 44.78 FEET, (11) SOUTH 20 DEGREES 04 MINUTES 20 SECONDS WEST 90.84 FEET, (12) SOUTH 83 DEGREES 46 MINUTES 12 SECONDS WEST 75.09 FEET, AND (13) SOUTH 19 DEGREES 46 MINUTES 22 SECONDS WEST 289.81 FEET TO THE NORTH SIDE OF TOWSONTOWN BOULEVARD (FORMERLY KNOWN AS OLD CHARLES STREET), VARIABLE WIDTH, AS SHOWN ON THE STATE ROADS COMMISSION OF MARYLAND

RIGHT-OF-WAY PLAT #16387 AND TO A POINT ON THE TWENTY-FOURTH OR NORTH 62 DEGREES 04 MINUTES 50 SECONDS EAST 226.74 FOOT LINE OF THE AFORESAID LAND CONVEYED TO GARY G. DEWEY AND ELIZABETH C. DEWEY AND BEING DISTANT NORTH 62 DEGREES 01 MINUTES 22 SECONDS EAST 38.41 FEET FROM THE BEGINNING OF SAID TWENTY-FOURTH LINE, THENCE BINDING ON PART OF SAID TWENTY-FOURTH LINE AND CONTINUING TO BIND ON SAID LAND CONVEYED TO GARY G. DEWEY AND ELIZABETH C. DEWEY, ALSO BINDING ON SAID NORTH SIDE OF TOWSONTOWN BOULEVARD CONTINUING ON BALTIMORE COUNTY BUREAU OF LAND ACQUISITION PLAT HRW #62-107-17 THE FOLLOWING FIVE (5) COURSES: (14) NORTH 62 DEGREES 01 MINUTES 22 SECONDS EAST 188.46 FEET, (15) NORTH 23 DEGREES 40 MINUTES 52 SECONDS WEST 93.71 FEET, (16) SOUTH 89 DEGREES 37 MINUTES 49 SECONDS EAST 57.94 FEET, (17) NORTH 63 DEGREES 07 MINUTES 41 SECONDS EAST 160.35 FEET, AND (18) NORTH 77 DEGREES 15 MINUTES 01 SECONDS EAST 22.79 FEET TO THE PLACE OF BEGINNING.

2008-0594-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **17596**

Date: **6/30/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: **65.00**

Rec From: **Nancy McManus**

For: **6730 Charles Street Ave**
Towson Md. 21204
2608-6594-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE: 6/30/2008
 TIME: 11:11 AM
 BY: NANCY McMANUS
 RECEIPT NO: 17596
 BALANCE: 65.00
 BALANCE DUE: 0.00
 BALANCE PAID: 65.00

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/12/08

Case Number: 08-0594-A

Petitioner / Developer: DAVID JAMES & NANCY McMANUS

Date of Hearing (Closing): JULY 28, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6730 CHARLES STREET AVENUE

The sign(s) were posted on: JULY 10, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 0594 -A

Address

6730 Charles Street Ave

Contact Person:

LEONARD WASILEWSKI

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 6/30/08Posting Date: 7/13/08Closing Date: 7/28/08

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- 0594 -A

Address

6730 Charles Street Avenue

Petitioner's Name

David James + Nancy Loos

Telephone

410-337-6730

Posting Date:

7/13/08

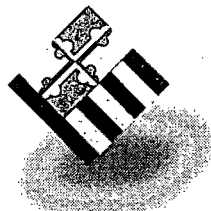
Closing Date:

7/28/08

Wording for Sign:

To PermitAN ACCESSORY structure/garage in the rear yard of a single family dwelling with a height of 20 in lieu of the required 15 feet.

WCR - Revised 6/25/04



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

July 29, 2008

David & Nancy McManus
6730 Charles Street Ave.
Towson, MD 21204

Dear: David & Nancy McManus

RE: Case Number 2008-0594-A, Address: 6730 Charles Street Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 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,

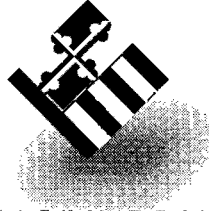
A handwritten signature in black ink that reads "W. Carl Richards, Jr." followed by a circular flourish.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Helen Hiser, 523 Park Ave., Towson, MD 21204



BALTIMORE COUNTY
MARYLAND

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

July 14, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 14, 2008

Item Number: 0582, ~~0594~~, 0595, 0596, 0597, 0598, 0599, 0601, 0602, 0605, 0607

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2008
Item Nos. 08-0582, 0594, 0595, 0598,
0599, 0601, 0603, 0605, and 0606

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

DAK:CEN:lrk

cc: File

ZAC-07182008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2008

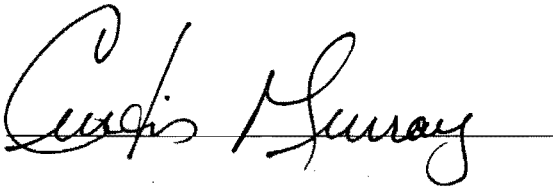
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-594- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

A handwritten signature in cursive script, appearing to read "Carol Murray", is written over a horizontal line.



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

State Highway
Administration

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

Maryland Department of Transportation

Date: JULY 14, 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 2008-0694A
6730 CHARLES STREET AVE
DEWEY PROPERTY
ADMINISTRATION
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. 2008-0694A.

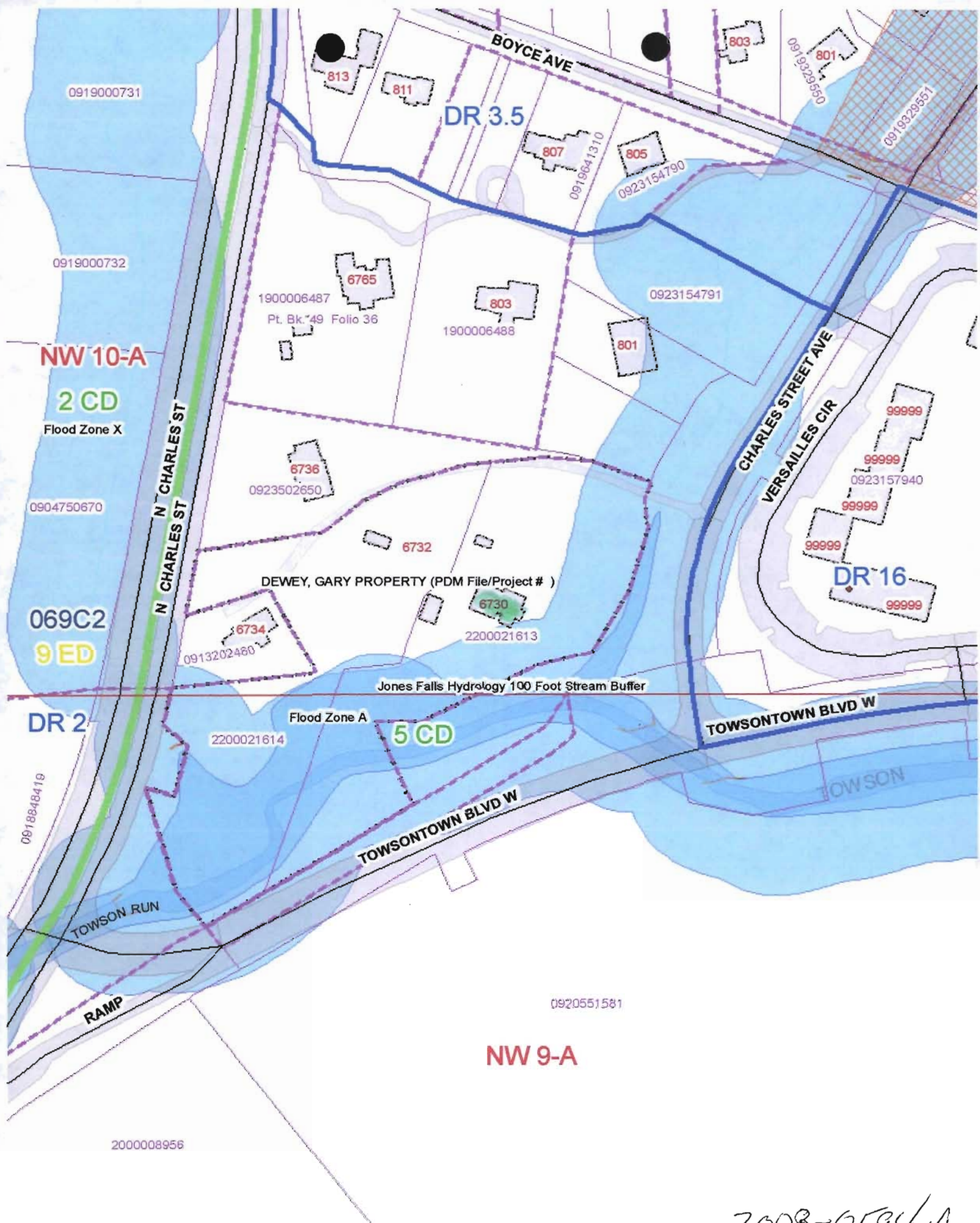
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB





2008-0594-A



0594-A



0594-A



FRONT

2008-0594A



←
SIDE

PROPOSED GARAGE

2008-0594A



2008-0594A



↑
SIDE

2008-0594A AV

Subject property



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 09 Account Number - 2200021613

Owner Information

Owner Name:	MCMANUS DAVID J MCMANUS NANCY ANN	Use:	RESIDENTIAL
Mailing Address:	6730 CHARLES STREET AVE BALTIMORE MD 21204-6943	Principal Residence:	YES
		Deed Reference:	1) /18048/ 251 2)

Location & Structure Information

Premises Address	Legal Description
6730 CHARLES STREET AVE	2.0209 AC 6730 CHARLES STREET AVE NW COR TOWSONTOWN BLVD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
69	18	1005					1	2		
									Plat Ref:	

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1931	2,592 SF	2.02 AC	04
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	176,320	231,420		
Improvements:	334,550	379,280		
Total:	510,870	610,700	510,870	544,146
Preferential Land:	0	0	0	0

Transfer Information

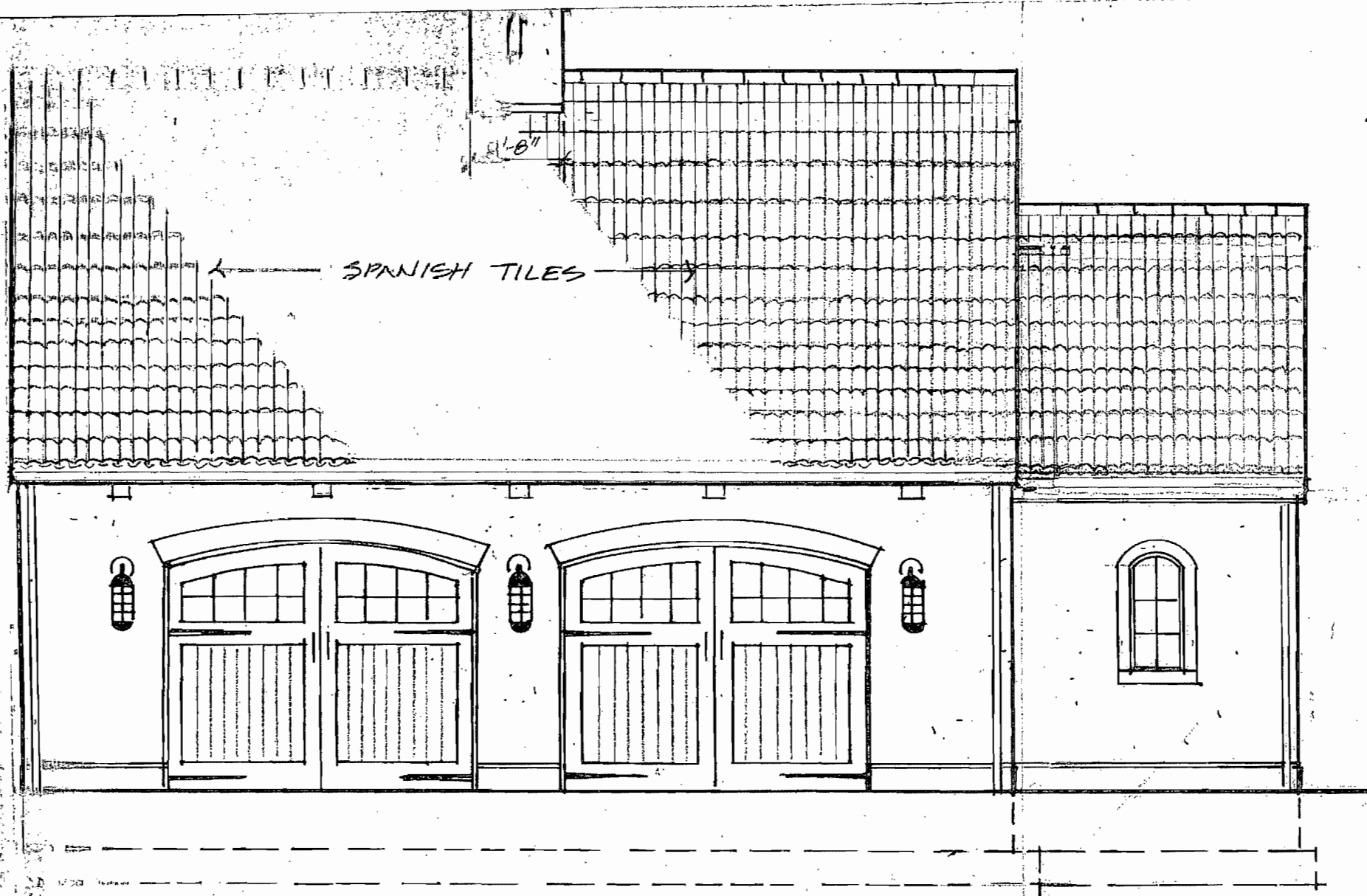
Seller:	JORDAN GARY G	Date:	05/22/2003	Price:	\$500,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/18048/ 251	Deed2:	
Seller:	DEWEY GARY G	Date:	12/06/1994	Price:	\$395,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/10856/ 601	Deed2:	
Seller:	DEWEY GARY G	Date:	10/11/1994	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/10785/ 115	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

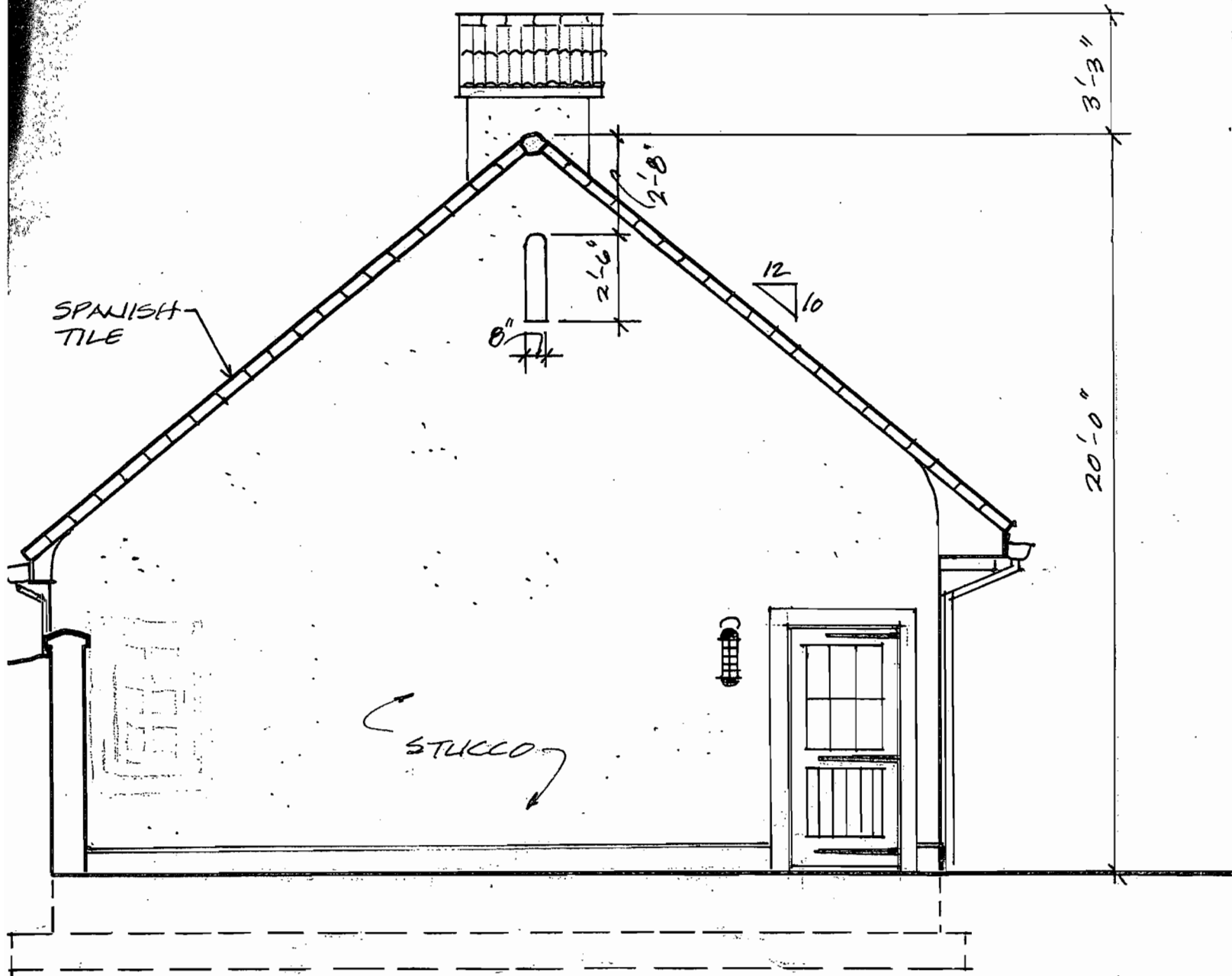
Special Tax Recapture:
* NONE *



0594-A

② EAST ELEVATION
1/4" = 1' - 0"

12" Reinforced concrete wall



SOUTH ELEVATION
1/4" = 1' - 0"

0594-A