IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Falls Road, 59 feet SE of Gardman Avenue 9th Election District 2nd Councilmanic District (6207 Falls Road)

Douglas K. Woodward and Elissa F. Borges
Petitioners

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- k Case No. 2009-0001-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, Douglas K. Woodward and Elissa F. Borges for property located at 6207 Falls Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling addition with a sum of side yard setbacks of 44 feet in lieu of the minimum required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a two-story addition onto the north side of their home. Their parents are in poor health and it is likely that one of them will have to move in with the family. The addition will contain a guest room, bathroom and family room on the first floor. The subject property is rectangular in shape with slopes in the front yard and rear yard. Based on the current design of the home and the narrowness and topography of the property, it would be extremely difficult to construct an addition on either the rear or front of the house. It would be almost impossible to construct the proposed addition onto the south side of the house. Therefore, the only practical location for the addition is on the north side of the existing house. The dwelling was constructed in 1873 long before the imposition of zoning on the property. The addition will architecturally complement the 19th century Victorian farmhouse.

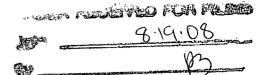
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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 20, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 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.



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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 19, 2008

DOUGLAS K. WOODWARD AND ELISSA F. BORGES 6207 FALLS ROAD BALTIMORE MD 21209

> Re: Petition for Administrative Variance Case No. 2009-0001-A Property: 6207 Falls Road

Dear Mr. Woodward and Ms. Borges:

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,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 6207 Falls Road

which is presently zoned PRI

Deed Reference: 15477 / 575 Tax Account # 0918350251

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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)

a proposed dwelling addition with a sum of side yard setbacks of 44 feet in lieu of the minimum required 50 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.

Elissa F. Borges Name, Type or Print Signature Attorney For Petitioner: Attorney For Petitioner: Attorney For Petitioner: Address Telephone No. Baltimore, MD 21209 City State Zip Code Representative to be Contacted: Name Address Telephone No. Data Address Telephone No. Data Address Telephone No. Data Dat				is the subject of this Petition.		
Douglas K. Woodward Name - Type or Print Signature Bignature Signature 6207 Falls Road (410) 825-2689 Address Telephone No. Balltimore, MD 21209 City State Zip Code Representative to be Contacted: Representative to be Contacted: Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning guilations of Baltimore County and that the property be reposted. Sase No. 2009 000 A Reviewed By July Date Seturated Posting Date Douglas K. Woodward Name - Type or Print Signature 6207 Falls Road (410) 825-2689 Address Telephone No. Address Teleph	Contract Purchase	r/Lessee:		Legal Owner(s):		
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Signature didress Telephone No. Signature Elissa F. Borges Name, Typeror Print Signature Attorney For Petitioner: Address Telephone No. Baltimore, MD 21209 City State Zip Code Representative to be Contacted: Name Mame Telephone No. Address Telephone No.	Name - Type or Print				Jawara	,
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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	s) does/do	presently	reside	а
THOU LING	Full Culting S	o) uocaruo	presenting	reside	C

6207 Falls Road

Address
Baltimore, MD 21209
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. Our parents are in poor health and it is likely that at least one of them will have to move in with us in the future. In addition, this is the home where we plan to live for the rest of our lives and we would like to have a first floor bedroom when we are older. Therefore, we would like to add on a guest room and a new bathroom along with a family room on the first floor.
- 2. Our property is unusual in that the shape of the lot is long and narrow for the area. Furthermore, both the front yard and a substantial portion of the back yard are severely sloped. Our house sits on what is essentially the crest of a hill. We share a common driveway with 6205 Falls Road.
- 3. The creation of our lot and the construction of the existing house predates the Baltimore County Zoning Code. The side yard setback between our house and the boundary line between 6207 and 6205 Falls Road (both of which were constructed in the 1800's) does not conform to the current Baltimore County Code. (It is our understanding that our house would still be within Baltimore County's current side yard set back requirements except for one bay window).
- 4 Based on both the current design of our house and both the narrowness and topography of our property, it would be extremely difficult to construct an addition onto either the rear or front of the house. It would be almost impossible to construct an addition onto the south side ("6205 Falls Road side") of the house. Therefore, the only practical location for an addition is on the north side ("6209 Falls Road side") of the house.
- 5. In designing the new addition, we have attempted to make the footprint of the new construction as small as practical while still accommodating our needs. It is our understanding that but for the shorter set back on the 6205 Falls Road side due to the bay window, the proposed addition on the 6209 Fall Road side of the house would be within Baltimore County's side yard set back requirements.
- 6. In designing the additions, we have attempted to minimize any negative impact, if any, to the the surrounding area. It is very important to us to maintain the architectural style and integrity of the the original structure. Although larger, our house will still look and feel like the 19th century Victorian farmhouse that it is.

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 addition	demand is filed, Affiant(s) will be required to pay a reposting and onal information.
Signature Signature	Signature
Douglas K. Woodward	Elissa F. Borges
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE I HEREBY CERTIFY, this 7 hay of July	i, to wit:, 2008, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, persona	illy appeared
Douglas K. Woodward an	nd Elissa F. Borges
the Affiant(s) herein, personally known or satisfactoril	y identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Notary Public

My Commission Expires

REV 7/24/07

2009-0001-A

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 a

REV 7/24/07

6207 Falls Road Address Baltimore, MD 21209 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):

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That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional information. Signature	s filed, Affiant(s) will be required to pay a reposting and nation. Signature
Douglas K. Woodward	Elissa F. Borges
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this day of day of day of	, <u>2008</u> , before me, a Notary Public of the State
Douglas K. Woodward and Eli	ssa F. Borges
the Affiant(s) herein, personally known or satisfactorily identified AS WITNESS my hand and Notanal Seal	n to me as such Amani(s).
Notary	Public 5 Public

My Commission Expires

Brian R. Dietz

Professional Land Surveyor #21080

8119 Oakleigh Road, Baltimore, MD 21234 Phone 410-661-3160 Fax 410-661-3163

> Zoning Description For 6207 Falls Road

> > June 27, 2008

Beginning at a point on the Northeast side of Falls Road, at the distance of 59'+/- feet South of the centerline of Gardman Avenue, thence binding on the Northeast side of Falls Road

- 1. North 52 degrees 53 minutes 30 seconds West 94.05 feet, thence leaving said Falls Road and running on the land of the herein petitioner the 5 following courses and distances viz.
 - 2. North 42 degrees 19 minutes 27 seconds East 390.29 feet,
 - 3. South 22 degrees 01 seconds 30 seconds East 103.83 feet,
 - 4. South 40 degrees 42 minutes 35 seconds West 111.79 feet
 - 5. South 46 degrees 17 minutes 27 seconds West 71.31 feet, and
 - 6. South 41 degrees 38 minutes 12 seconds West 153.92 feet to the place of beginning.

Containing 0.783 of an Acre of land more or less. Being known as 6207 Falls Road and located in the 9th Election District and 4th Councilmanic District.

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CERTIFICATE OF POSTING

RE: Case No.; 2009-0001-A

Petitioner/Developer: WODWORD

BORGES

Date of Hearing/Closing: 8-4-08

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

6207 FACLS RD

The sign(s) were posted on 7-20-08

(Month, Day, Year)

Sincerely.



Must Black 7-23 mature of Sign Poster) (Date)	-
SSG Robert Black	
(Print Name)	_
1508 Leslie Road	
 (Address)	
Dundalk, Maryland 21222	
(City, State, Zip Code)	
(410) 282-7940	
 (Telephone Number)	-

ZONING REVIEW

ADMINISTRA E VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0001 -A Address 6207 Falls Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391 Planner, Flease Print Your Name
Filing Date: 7/7/08 Posting Date: 7/20/08 Closing Date: 8/4/08
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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.
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 009 0001 -A , Address 6207 Falls Road
Petitioner's Name Woodward Borges Telephone 410-825-2689 Posting Date: 7/20/08 Closing Date: 8/4/08 Wording for Sign: To Permit a proposed dwelling addition with a sum of side fard setbacks of 44 feet in lieu of the minimum required 50 feet.

WCR - Revised 6/25/04



JAMES T. SMITH, JR. County Executive

TIMOTHY.M. KOTROCO, Director

Department of Permits and

Development Management

August 4, 2008

Douglas K. Woodward & Elissa F. Borges 6207 Falls Rd. Baltimore, MD 21209

Dear: Douglas K. Woodward & Elissa F. Borges

RE: Case Number 2009-0001-A, 6207 Falls Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 07, 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. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: August 12, 2008

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 09-001- 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 Diana Itter in the Office of Planning at 410-887-3480.

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 25, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-001-1Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. The requested variance is consistent with that which exists in the area.

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

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 28, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 28, 2008

Item Nos. 2008-0588, 2009-0001, 0002, 0004,

0005, 0006, 0007, 0008, 0009, and 0010

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

DAK:CEN:lrk cc: File

ZAC-07282008-NO COMMENTS



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pederson, Administrator

Maryland Department of Transportation

Date: 7-28-2009

Ms. Kristen Matthews.
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2009 - 0001-A

MDZ5

6207 FALLS R.D.

WOODWARD BORGESPROPERTY ADMILL STRATURE VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 7/26/08. A field inspection and internal review reveals that an entrance onto MD 25/5 consistent with current State Highway Administration guidelines is required. As a condition of approval for 6267 FALLS RD, Case Number 2009-0001-A the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Very truly yours,

Loa

Steven D. Foster, Chie

Engineering Access Permits

Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Street Address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone: 410.545,0300 - www.marylandroads.com



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

August 19, 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.2009-0001-A MD 25 (Falls Road) 6207 Falls Road

Doug Woodward

And Erissa Borges Property Administrative Variance

Dear Ms. Matthews:

This is in follow-up to previous comments regarding our review the ZAC Agenda Case Number 2009-001-A for 6207 Falls Road. According to Mr. Alan Price, Resident Maintenance Engineer with State Highway Administration (SHA) the existing residential entrance is acceptable. Therefore, SHA has no further comment and supports approval for 6207 Falls Road Administrative Variance approval. Please include our comments in staff report to the Zoning Hearing Officer.

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

Very truly yours,

V Steven D. Foster, Chief

FOR Engineering Access Permits

Division

SDF/MB

Cc: Ms. Erissa Borges, Owner

Mr. David Malkowski, District Engineer, SHA

Mr. Alan price, RME, SHA

Mr. Doug Woodward, Owner



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 22, 2008

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,

2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A, 2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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.

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

Don W. Muddiman, Acting Lieutenant Fire Marshal's Office (Office)410-887-4880 MS-1102F

cc: File



2009-0001-A



6207 Falls Rd - front



6207 Falls Rd - rear



6207 Falls Rd – south side



6207 Falls Rd – north side

