

IN RE: PETITION FOR ADMIN. VARIANCE

NW corner of Gunpowder Road and
Susquehanna Road
15th Election District
6th Councilmanic District
(7344 Gunpowder Road)

Charles E. Maddox Jr. and Leanne M. Maddox
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0006-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, Charles E. Maddox Jr. and Leanne M. Maddox for property located at 7344 Gunpowder Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the reconstruction of a single family dwelling on a corner lot with 10 feet side setback to the street right-of-way in lieu of the required 25 foot setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' existing house was constructed on an undersized lot in 1944 and contains 960 square feet. The house is old and costly to maintain. Petitioners desire to construct a new efficient house of a larger size to accommodate the growing family.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated August 19, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in a Limited Development Area and lot coverage of all surfaces are limited to 25% + 500 square feet. In addition, the 15% afforestation requirement must be met.

FILED RECEIVED FOR FILING
8-21-08
[Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 19, 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 21st day of August, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the reconstruction of a single family dwelling on a corner lot with 10 feet side setback to the street right-of-way in lieu of the required 25 foot setback 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).

RECEIVED FOR FILED
8-21-08
[Signature]

3. The property is in a Limited Development Area of the Chesapeake Bay Critical Area. Lot coverage of all surfaces are limited to 25% + 500 square feet. In addition, the 15% afforestation requirement must be met.

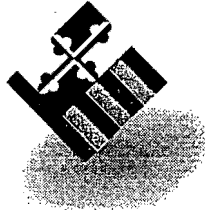
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ALSO RECEIVED FOR FILING
8.21.08
PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 21, 2008

CHARLES E. MADDOX JR. AND LEANNE M. MADDOX
7344 GUNPOWDER ROAD
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2009-0006-A
Property: 7344 Gunpowder Road

Dear Mr. and Mrs. Maddox:

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 "John H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Ronald M. Jordan, 7204 Greenbank Road, Baltimore MD 21220



C B C A

TAX. ACCOUNT # 1595710010

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7344 GUNPOWDER RD.
which is presently zoned DE 5.5

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

TO PERMIT THE RECONSTRUCTION OF A SINGLE FAMILY DWELLING
ON A CORNER LOT WITH A 10 FOOT SIDE SET BACK TO THE
STREET RIGHT OF WAY IN LIEU OF THE REQUIRED 25 FOOT SET BACK

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):

Charles E Maddox Jr

Name - Type or Print

Signature

Leanne M Maddox

Name - Type or Print

Leanne M. Maddox

Signature

7344 Gunpowder Road 410-335-2337

Address

Telephone No.

Baltimore MD

21220

City

State

Zip Code

Representative to be Contacted:

RONALD M. JORDAN

Name

7204 GREENBANK RD. 410 802-2966

Address

Telephone No.

BALTO.

MD.

21220

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 8-21-08 day of August 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. 2009-0006-A

Reviewed By [Signature] Date 7/9/08

REV 10/25/01

Estimated Posting Date 7/20/08

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 7344 Gunpowder Road
Address
Baltimore MD 21220
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):

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.

Charles E. Maddox Jr
Signature
Charles E. Maddox Jr
Name - Type or Print

Leanne M. Maddox
Signature
Leanne M. Maddox
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles E. Maddox Jr and Leanne M. Maddox
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rebecca Wilson
Notary Public
My Commission Expires 8-10-2011

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

7344 Gunpowder Road
Address
Baltimore MD 21220
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):

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.

Charles E. Maddox Jr
Signature
Charles E. Maddox Jr
Name - Type or Print

Leanne M. Maddox
Signature
Leanne M. Maddox
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles E. Maddox Jr and Leanne M. Maddox
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Teri L. Wilson
Notary Public
My Commission Expires 8-10-2011

THE EXISTING HOUSE IS ON AN
UNDERSIZED LOT (50') IN A FLOOD
PLAIN, BUILT ON A SLAB. THE HOUSE
IS VERY OLD AND COSTLY TO MAINTAIN,
OUR FAMILY HAS GROWN AND WE
NEED MORE ROOM ALSO.

WE WOULD LIKE TO BUILD A
NEW EFFICIENT HOUSE A LITTLE LARGER
TO ACCOMMODATE OUR FAMILY IN A BETTER
HIGHER ELEVATION. WE PRAY YOU WILL
CONSIDER OUR REQUEST.

THANK YOU

CHARLES & LEANNE MADDOX

Case # 2009-0006-A

Zoning Description for 7344 Gunpowder Road

Beginning at a point on the north side of Gunpowder Road, which is 50ft. wide, at the North West corner of Gunpowder Rd and Susquehanna Rd. which is 30ft wide. Being lot # 161 Section A in the subdivision of Oliver Beach as recorded in the Baltimore County Plat Book # 12, folio 56 containing 7500sf. Also known as 7344 Gunpowder Rd and located in the 15th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18422**

PAID RECEIPT

Date

07/09/08

BUSINESS ACTUAL TIME
 09/2008 7/09/2008 09:55:01
 REG 504 WALKIN SHIL CAH
 RECEIPT N 446926 7/09/2008 09:55:01

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

Total **65.00**

Rec
From

Ron H. Jordan

For

Charles Middleton Jr **2009-0006-A**
7344 Gunpowder Rd
21220

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

528 ZONING VERIFICATION
 018422
 Receipt Tot 65.00
 65.00 OK
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/19/08

Case Number: 2009-0006-A

Petitioner / Developer: CHARLES MADDOX~JORDAN BROS.
CONTRACTING CO.

Date of Hearing (Closing): AUGUST 4, 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:
7344 GUNPOWDER ROAD

The sign(s) were posted on: JULY 19, 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 DATES

Case Number 2009- 0006 -A Address 7344 Gunpowder Rd
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/9/08 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.

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, usually within 10 days of the closing date if all County agencies' comments are received, 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)

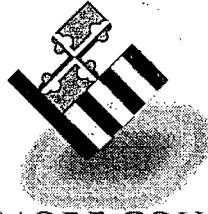
Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0006 -A Address 7344 Gunpowder Rd.
Petitioner's Name Charles E & Leonore H. Maddox Telephone 410-335-2337
Posting Date: 7/20/08 Closing Date: 8/4/08
Wording for Sign: To Permit

To permit the reconstruction of a single family dwelling on a corner lot with a 10 foot side set back to the street right of way in lieu of the required 25 foot set back.

WCR - Revised 7/7/08



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

Charles E. & Leanne M. Maddox
7344 Gunpowder Rd.
Baltimore, MD 21220

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management
August 4, 2008

Dear: Charles E. & Leanne M. Maddox.

RE: Case Number 2009-0006-A, 7344 Gunpowder 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 9, 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Ronald M. Jordan, 7204 Greenbank Rd., Baltimore, MD 21220

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 31, 2008

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

RECEIVED
AUG 06 2008

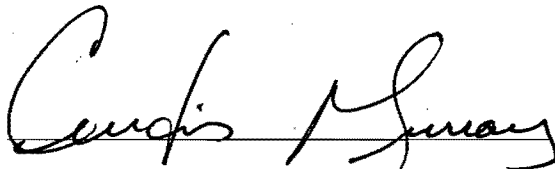
BY:

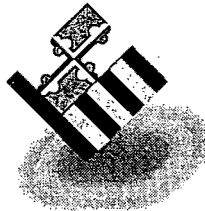
SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-006- Administrative Variance**

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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL





BALTIMORE COUNTY
M A R Y L A N D

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

FROM: Dennis A. Kennedy^{DAK}, 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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-29-2008

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

RE: Baltimore County
Item No 2009-0006-A
7344 GUNPOWDER RD
MADDOX 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. 2009-0006-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,

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



TB AV
8-4-08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination **JWL**

DATE: August 19, 2008

SUBJECT: Zoning Item # 09-006-A
Address 7344 Gunpowder Road
(Maddox Property)

RECEIVED
AUG 19 2008

BY:.....

Zoning Advisory Committee Meeting of July 21, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage of all surfaces are limited to 25% + 500 square feet. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger Date: August 14, 2008
S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-006-A 7344 Gunpowder Road.doc

2009-0006-A

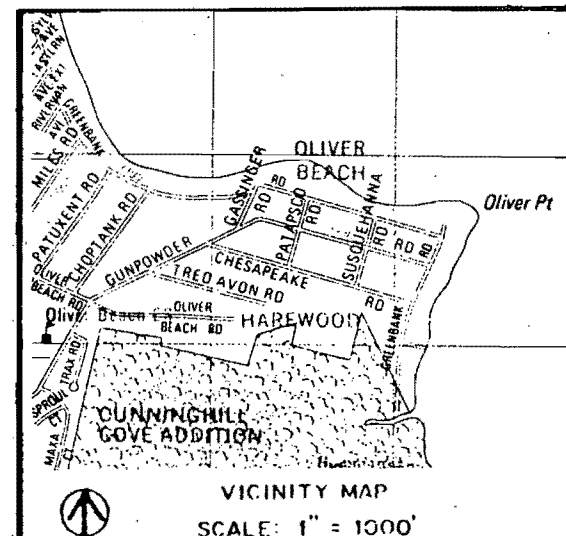
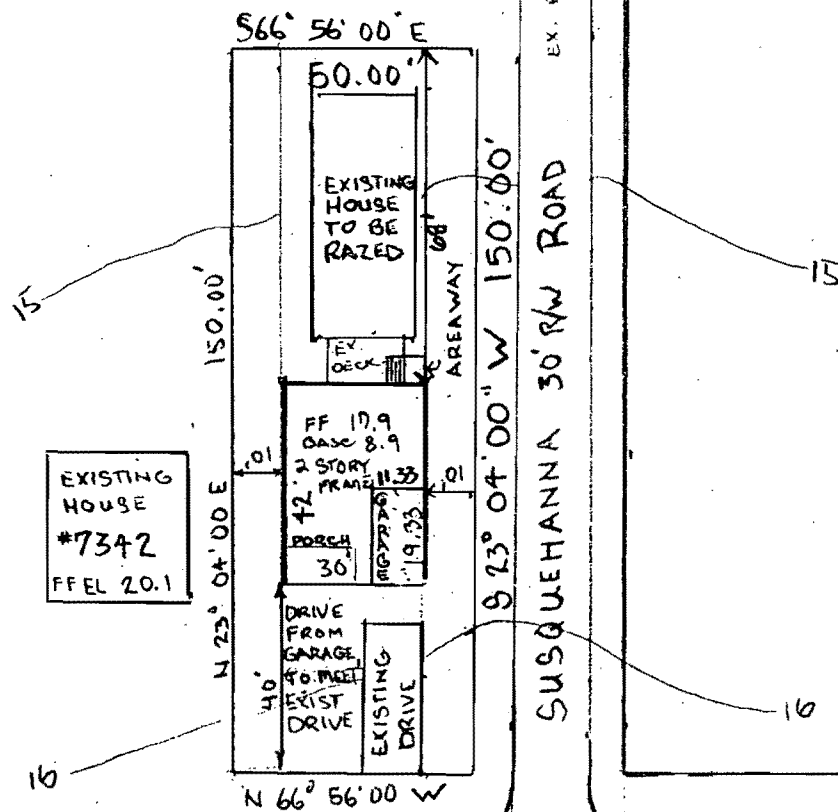
Please grant variance to allow 10 feet side yard setback in lieu of required 25 feet as not to create hardship to build new home

Thank You,
Ronald M. Jordan

15

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

OWNER CHARLES E. JR. & LEANNE MADDOX



ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1" = 200' SCALE MAP # 084A1
ZONING DR 5.5
LOT SIZE 7500 ^{sq}
ACREAGE SQUARE FEET
PUBLIC PRIVATE
SEWER ☒ ☐
WATER ☒ ☐
YES
CHESAPEAKE BAY CRITICAL AREA ☒
100 YEAR FLOOD PLAIN ☐
HISTORIC PROPERTY/
BUILDING ☐
PRIOR ZONING HEARING NO



NORTH

PREPARED BY

Rm Jordan

SCALE OF DRAWING: 1" = 40'

ZONING OFFICE USE ONLY
REVIEWED BY) ITEM # CASE #

2009 0006-A



09-0006-A



09-0006-A

