

IN RE: PETITION FOR ADMIN. VARIANCE \*

S side of Regester Avenue, 250 feet W  
of c/l of Edgewood Road  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(629 Regester Avenue)

BEFORE THE

\* DEPUTY ZONING

\* COMMISSIONER

\* FOR BALTIMORE COUNTY

Michael M. Grady  
*Petitioner*

\* Case No. 2009-0009-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 owner of the subject property, Michael M. Grady for property located at 629 Regester Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open deck on side of existing dwelling with a 3 ½ feet side setback in lieu of the required 7 ½ feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct replacement porch and steps measuring 5 ½ feet x 8 feet. The home has a side door, but Petitioner is unable to use the side door because the existing steps are about 3 feet below the side door. The original porch contained a landing that was 2 feet wide and steps 1 foot wide from the side of the house (door exiting the kitchen). The Building Code requires new steps to be 3 feet wide. Petitioner is requesting new porch to be 5 ½ feet wide with 3 feet wide steps. This would allow for the steps to be 2 ½ feet away from the house so not to obstruct a basement window. The proposed porch on the side of the house allows for a second fire exit on the first floor. The dwelling was constructed in 1931 prior to the imposition of zoning regulations on the property.

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B3

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 July 14, 2008 which indicates that the proposed addition is consistent with many others in the area.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 27, 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.

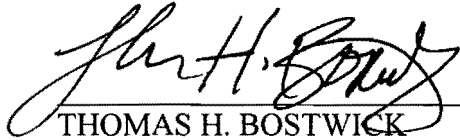
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20<sup>th</sup> 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 an open deck on side of existing dwelling with a 3 ½ feet side setback in lieu of the required 7 ½ feet is hereby GRANTED, subject to the following:

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8.20.08  
[Signature]

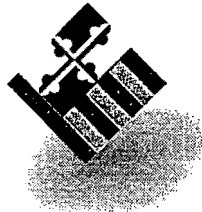
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner 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

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SEP 8 20 08  

**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

August 20, 2008

MICHAEL M. GRADY  
629 REGESTER AVENUE  
BALTIMORE MD 21212

Re: Petition for Administrative Variance  
Case No. 2009-0009-A  
Property: 629 Regester Avenue

Dear Mr. Grady:

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 "Th. H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Melissa Seil, Complete Fencing, 4360 Norrisville Road, White Hall MD 21161

# 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 629 REGISTER AVE  
Address  
BALTIMORE MARYLAND 21212  
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):

REASON ZONING REGULATIONS CANNOT BE MET ON THE PROPERTY.  
REPLACING EXISTING SIDE PORCH ON HOUSE BUILT IN THE 1920S.  
THE WALKWAY ON THE SIDE OF THE HOUSE HAS BEEN ADJUSTED TO  
ALLOW FOR UNRESTRICTED PASSAGE. ORIGINAL PORCH CONTAINED  
A LANDING THAT WAS 2 FEET WIDE AND STEPS 1 FOOT WIDE  
FROM THE SIDE OF THE HOUSE (DOOR EXITING THE KITCHEN) TO THE  
PROPERTY LINE IS 9 FEET. CURRENT CODE REQUIRES 3 FEET WIDE  
STEPS. REQUESTING NEW PORCH TO BE 5 1/2 FEET WIDE WITH  
3 FEET WIDE STEPS. THIS WOULD ALLOW FOR THE STEPS TO BE  
2 1/2 FEET AWAY FROM THE HOUSE SO NOT TO OBSTRUCT A BASEMENT  
WINDOW. PORCH ON SIDE OF HOUSE ALLOWS FOR SECOND FIRE EXIT ON  
FIRST FLOOR.

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.

Michael M Grady  
Signature  
MICHAEL M GRADY  
Name - Type or Print

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael M. Grady  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Johnathan Brown  
Notary Public  
My Commission Expires 3/30/2011



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 629 REGESTER AVE  
which is presently zoned DRS.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) BCZR 1 B02.3 C.1

TO PERMIT AN OPEN DECK ON SIDE OF EXISTING DWELLING  
WITH A 3 1/2 FEET SIDE SETBACK IN LIEU OF THE REQUIRED 7 1/2 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

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.

## Legal Owner(s):

MICHAEL M. GRADY

Name - Type or Print

Signature

Name - Type or Print

WORK -

410-328-6872

Signature

HOME -

629 REGESTER AVE 410-377-6648

Address

Telephone No.

BALTIMORE MARYLAND 21212

City

State

Zip Code

## Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 2009-0009-A

REV 10/25/01

8-20-08

PM

Reviewed By A. TSUI Date 07/14/08

Estimated Posting Date 07/27/08 - 08/11/08

# 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.

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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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FROM THE SIDE OF THE HOUSE (DOOR EXITING THE KITCHEN) TO THE  
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2 1/2 FEET AWAY FROM THE HOUSE SO NOT TO OBSTRUCT A BASEMENT  
WINDOW. PORCH ON SIDE OF HOUSE ALLOWS FOR SECOND FIRE EXIT ON  
FIRST FLOOR.

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.

Michael M Grady  
Signature  
MICHAEL M GRADY  
Name - Type or Print

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael M. Grady  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Johnathan R. [Signature]  
Notary Public  
My Commission Expires 3/30/2011

## **ZONING DESCRIPTION**

### **ZONING DESCRIPTION FOR 629 REGESTER AVENUE BALTIMORE MARYLAND 21212.**

**Beginning at a point on the south side of Regester Avenue which is 50 feet wide at the distance of 250 feet west of the centerline of the nearest improved intersecting street Edgewood which is 20 feet wide. Being lots #29 and 30, Block C, in the subdivision of Anneslie as recorded in Baltimore County Plat Book #7 Page 87 containing 6,250 square feet. Also known as 629 Regester Avenue, Baltimore Maryland 21212 and located in the 9<sup>th</sup> Election District.**

2009-0009-A

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **18424**

Date: **07/14/08**

**PAID RECEIPT**

BUSINESS ACTUAL TIME BWM  
 15/2008 7/14/2008 10:22:50  
 REF: 501 WALKIN JRIC JMR  
 CITY: 4 302532 7/14/2008 0000  
 5 301 JONING VERT (CAT) 00  
 01-014  
 Rept: 04 245.00  
 9.00 00 445.00 00  
 Baltimore County, Maryland

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
| 001  | 006  |      |             | 652           |            |              |            | 65 —   |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |

Total: **126.5 —**

Rec  
 From:

For:

**629 REGESTER AVE.**

**2009-0009-A**

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S  
 VALIDATION**

# Certificate of Posting

RE: Case NO. 2009-0009-A

Petitioner/Developer \_\_\_\_\_

Michael Grady

Date of Hearing/Closing 8/11/08

Baltimore County  
Department of Permits and Development Managements  
County Office Building – Room 111  
111 W. Chesapeake Ave.  
Towson, Md. 21204

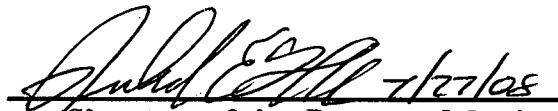
**Attention:**

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

629 Regester Avenue

The sign(s) were posted on 7/27/08  
(Month, Day, Year)

Sincerely,

  
(Signature of sign Poster and date)

Richard E. Hoffman  
(Printed Name)

904 Dellwood Drive  
(Address)

Fallston, Md. 21047  
(City, State, Zip Code)

410-879-3122  
(Telephone Number)

See Attached  
Photograph

**Certificate of Posting**  
**Photograph Attachment**

Re: 2009-0009-A

Petitioner/Developer: \_\_\_\_\_

Michael Grady

Date of Hearing/Closing: 8/11/08



**629 Regester Avenue**

Posting Date: 7/27/08

**Richard E. Hoffman**

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2009- 0009 -A Address 629 REGESTER AVE

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

Filing Date: 07/14/08 Posting Date: 07/27/08 Closing Date: 08/11/08

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.
- 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, 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.
- 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**

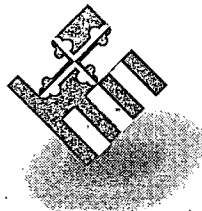
**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 2009- 0009 -A Address 629 REGESTER AVE  
Petitioner's Name MICHAEL GRADY Telephone 410-377-6648

Posting Date: \_\_\_\_\_ Closing Date: \_\_\_\_\_

Wording for Sign: To Permit AN OPEN DECK ON SIDE OF EXISTING  
DWELLING WITH A SIDE SETBACK OF 3 1/2 FEET IN LIEU OF  
THE REQUIRED 7 1/2 FEET

WCR - Revised 7/7/08



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  
August 12, 2008

Michael Grady  
629 Regester Avenue  
Baltimore, MD 21212

Dear Mr. Grady:

RE: Case Number: 2009-0009-A, 629 Regester Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/klm

Enclosures

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** July 28, 2008

**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

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 5, 2008

**RECEIVED**  
AUG 06 2008

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

**BY:**.....

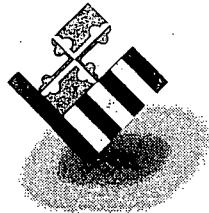
**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-009- Administrative Variance**

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

*Carol Murray*



**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

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

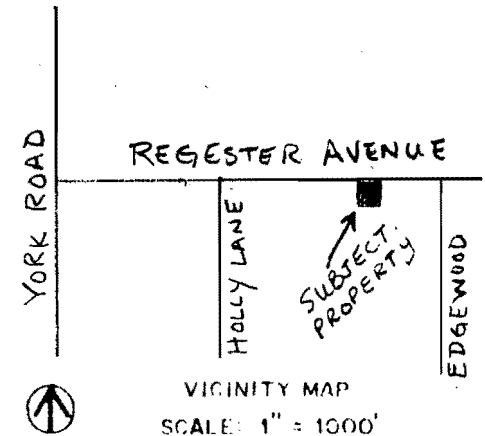
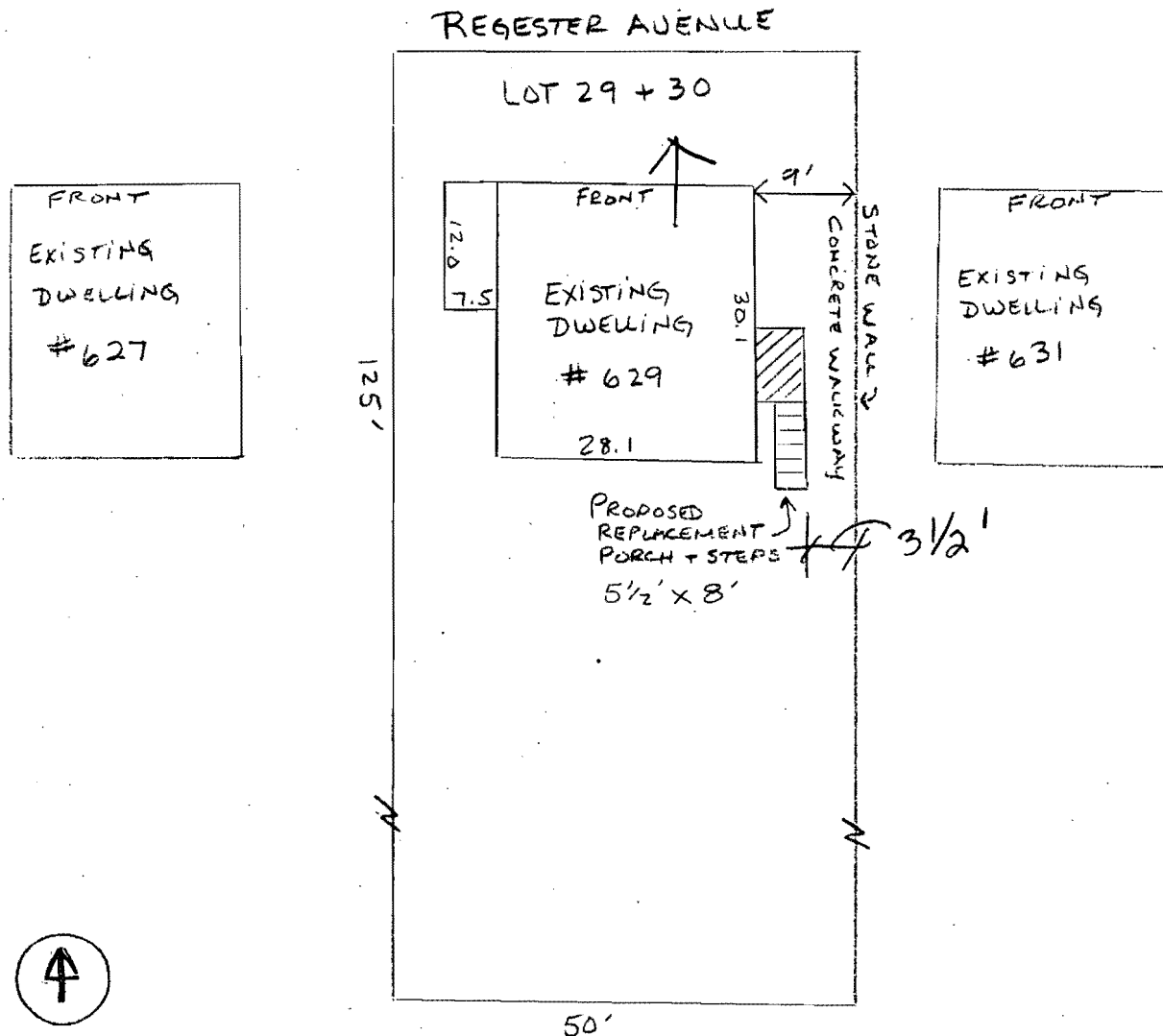
PROPERTY ADDRESS 629 REGISTER AVE

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

SUBDIVISION NAME ANNESLIE

PLAT BOOK # 7 FOLIO # 040 LOT # 29 SECTION #     

OWNER MICHAEL GRADY



## LOCATION INFORMATION

ELECTION DISTRICT 09

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 080A1

ZONING DR 5.5

LOT SIZE 1434 6250  
ACREAGE SQUARE FEET

PUBLIC PRIVATE  
SEWER ☒ ☐  
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES NO  
☐ ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

## ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

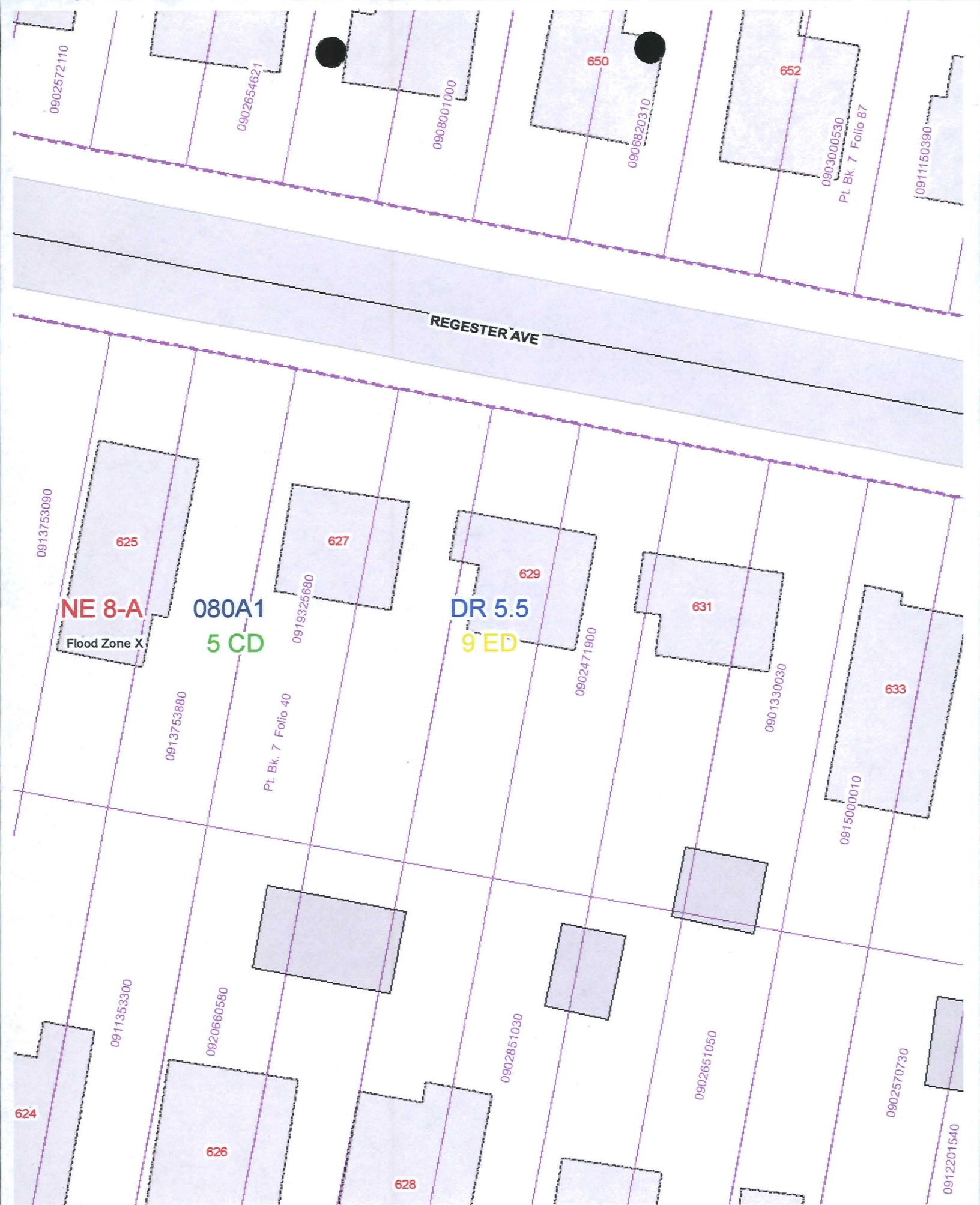
A. TSUI 0009 2009-0009-A



NORTH

PREPARED BY MICHAEL GRADY

SCALE OF DRAWING: 1" = 20'



2009-0009-A



