IN RE: PETITION FOR ADMIN. VARIANCE

N side of Belfast Road, 340 feet East of Sweetbrier Lane 8th Election District 3rd Councilmanic District (28 Belfast Road)

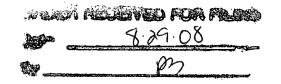
Siddhartha and Aditi Sen *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2009-0027-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, Siddhartha and Aditi Sen for property located at 28 Belfast Road. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 25 feet in lieu of the required 33 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an enclosed porch measuring 8 feet x 14 feet. Currently there is only a small covered porch over the front door and steps. The new enclosed porch will provide much needed living space for the growing family. Due to the layout of the dwelling and the size of the property, the supplemental living space can only be constructed at the front of the home. There is rear deck measuring 16 feet x 16 feet and access to the basement is on the east side of the home. Petitioners provided numerous photographs depicting a variety of open and enclosed front porches in the neighborhood.

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.



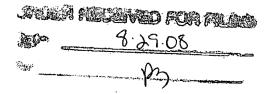
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 10, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 29th day of August, 2008 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 25 feet in lieu of the required 33 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.



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

PHOMAS H. BÖSTWICK

Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 29, 2008

SIDDHARTHA AND ADITI SEN 28 BELFAST ROAD TIMONIUM MD 21093

Re: Petition for Administrative Variance

Case No. 2009-0027-A Property: 28 Belfast Road

Dear Mr. and Mrs. Sen:

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 TIHONIUM, HD 21093 which is presently zoned DR. 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) 303.1

YARD SETBACK OF 25 FEET IN LIEU OF THE REQUIRED 33 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.

				perjury	o solemnly declare , that I/we are the I	egal owner(s) of	er the penalties of the property which
				. is the s	ubject of this Petiti	on.	
Contract Pu	rchaser/Less	<u>ee:</u>		Legal	Owner(s):	~	•
				51	DOHARTHA	SEN	
Name - Type or P	rint			Name -	Type or Print	-5	,
Signature				Signatur A to	NTI SEN	3	
Address		-	Telephone No.	Name -	Type or Print		
City		State	Zip Code	Signatur	'e ,	_	•
Attorney For	r Petitioner:	•	•	28	BELFAST	CHOS	410-308-19
-				Address			Telephone No.
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Name - Type or Pr	rint			City		State	
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Signature							
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City		State	Zip Code	City		State	Zip Code
this day of	having_been form	, tha	t the subject matter of	e required, it is fitting the fitting petition be	set for a public hear	ring, advertised, as	er of Baltimore County, s required by the zoning
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CASE NO.				viewed By	CM	_ Date	7-78-08
REV 10/25/01	in reason.		NUM PERME Es	timated Pos	sting Date	8-10-08	}
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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) does/do presently reside at

REV 10/25/01

Address
TIMONIUM MD 21093
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):

The administrative variance in being requested for an enclosed front porch since the family is growing and needs extra space. At present the family is facing extreme hardship because of a lack of space. The family does not have the financial means to buy a bigger house to meet its needs. The proposed space will be used for children's study area which has become a necessity for the family. There are practical difficulties in adding the proposed space anywhere else. There is not enough room to expand on the side of the house. There is no space for expansion at the back of the house as there is no access. The access cannot be provided through the kitchen at the back of the house without dismantling the existing deck and the kitchen. This would cause an extreme financial hardship to the family. Even if the deck and kitchen were to be dismantled, there would be no headroom for access to the basement. It cannot be built on the existing elevated deck because there would be no headroom. There would be no way to build the porch at the back of the master bedroom as access cannot be provided through there. There will no space to place the bedroom furniture if an opening were to be created in the bedroom. Furthermore, the proposed expansion confirms to enclosed front and side porches in the neighborhood.

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

ADITI SEN

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of Maryland, in and for the County aforesaid, personally appeared

Signature

Signature

ADITI SEN

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of Maryland, in and for the County aforesaid, personally appeared

Signature

ADITI SEN

Name - Type or Print

ABITI SEN

Name - Type or Print

AND Maryland, in and for the County aforesaid, personally appeared

Signature

ADITI SEN

Name - Type or Print

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

REV 10/25/01

28 B	ELFAST	ROAD	
Address	NY	1D	21093
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):

The administrative variance in being requested for an enclosed front porch since the family is growing and needs extra space. At present the family is facing extreme hardship because of a lack of space. The family does not have the financial means to buy a bigger house to meet its needs. The proposed space will be used for children's study area which has become a necessity for the family. There are practical difficulties in adding the proposed space anywhere else. There is not enough room to expand on the side of the house. There is no space for expansion at the back of the house as there is no access. The access cannot be provided through the kitchen at the back of the house without dismantling the existing deck and the kitchen. This would cause an extreme financial hardship to the family. Even if the deck and kitchen were to be dismantled, there would be no headroom for access to the basement. It cannot be built on the existing elevated deck because there would be no headroom. There would be no way to build the porch at the back of the master bedroom as access cannot be provided through there. There will no space to place the bedroom furniture if an opening were to be created in the bedroom. Furthermore, the proposed expansion confirms to enclosed front and side porches in the neighborhood.

Signature	Aditi Sen	
	Signature	
SIDDHARTHA SEN	ADITI SEN	
Name - Type or Print	Name - Type or Print	
	• •	÷
STATE OF MARYLAND, COUNTY OF BALTIMORE, to will HEREBY CERTIFY, this 28 day of July of Maryland, in and for the County aforesaid, personally app		e, a Notary Public of the State
Siddhartha & Aditi Son	· · · · · · · · · · · · · · · · · · ·	<u> </u>
the Affiant(s) herein, personally known or satisfactorily ident	ified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Kathanak	Of m

ZONING DESCRIPTION for 28 Belfast Road, Timonium MD 21093

Beginning at a point on the north side of

Belfast Road which is 40 feet

wide at the distance of 340 feet East of the

centerline of the nearest improved intersecting street Sweetbrier Lane

which is 40 feet wide. *Being Lots 39 and 40

Section F in the subdivision of Yorkshire

as recorded in Baltimore County Plat Book 7, Folio 21

containing 7500 Square feet. Also known as 28 Belfast Road, Timonium MD21093

and located in 08 Election District, 3rd Councilmanic District.

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WILLIAM D. GULICK, JR

Baltimore County Approved Sign Poster

410-530-6293

2944 Edgewood Avenue Baltimore, MD 21234

DATE: AUG. 12, 2008

			J. 1. 1 2000
TO: BOUTO. CO ZONING OFF ATTENTION: MS. KR	UNTY ICE RISTEN M	Re: 20 # 28 ATTHEX	09-0027-A BELFAST ROAD NS/CRAIG NCGRAN
We are submitting			() We are forwarding
() Herewith	() Under ser	parate cover	
No.		Description	·
1 CERTIF	ICETE C	F 105	THO
2 PHOTOG	2		
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	,		,
			·
For processing	() For your u	use ()F	or your review
() Please call when ready	() Please rel	turn to this office	() In accordance with your request

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits & Development Management 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

(Signature of Sign Poster) (Printed Name of Sign Poster)

Attention Mrs. Kristen Matthews:

RE:

Case Number 2009 - 0027 - A

Petitioner/Developer: S. SEN

Date of Hearing/Closing: AG. 25, 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 # 28 EELF&ST RD

The sign(s) were posted on

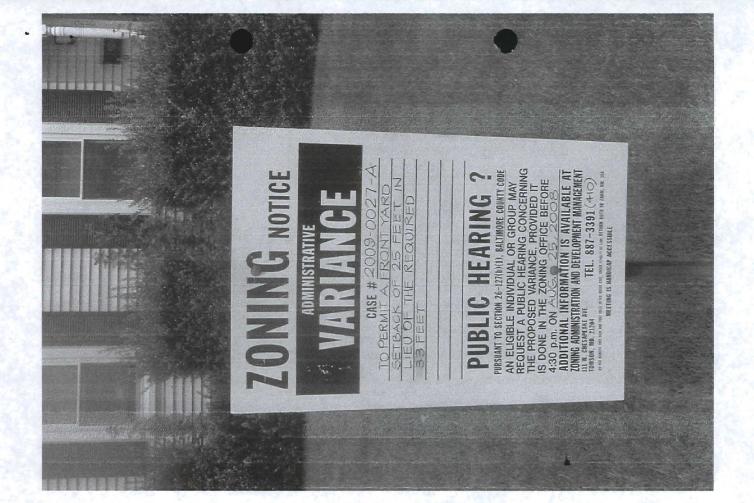
SEE
ATTACH PHOTOGRAPH OF
SIGN POSTED ON PROPERTY

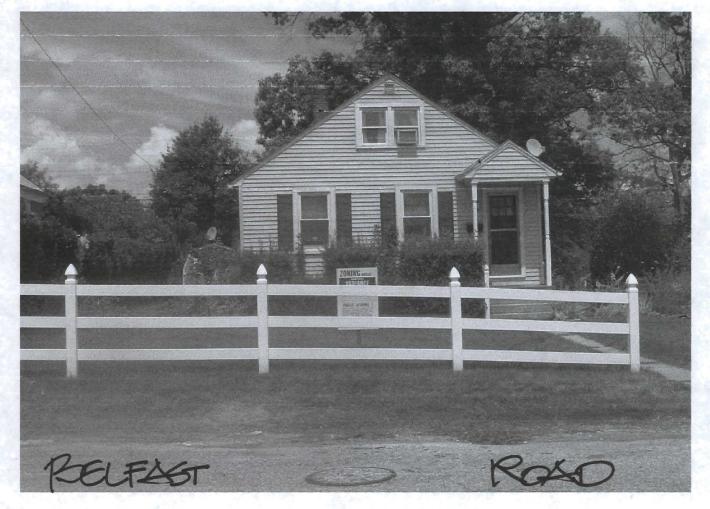
(Street Address of Sign Poster)

(City State Zin Code of Sign Poster)

)530.6293

(Telephone Number of Sign Poster)





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-0 R 1 En - 170
Case Number 2009- 0027 -A Address ZB BELFAST RD
Contact Person: CAIG Mc GAM Phone Number: 410-887-3391
Filing Date: 7-78-08 Posting Date: 8-10-08 Closing Date: 8-25-6
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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, 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- 00 27 -A Address Z8 BELFAST TO
Petitioner's Name $S.SEN$ Telephone
Posting Date: 8-25-09 Closing Date: 8-25-09
Wording for Sign: To Permit A FIZONT YARD SETBACK OF 75 FEET
IN LIEU OF THE REQUIRED 33 FEET



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 25, 2008

Siddhartha & Aditi Sen 28 Belfast Rd. Timonium, MD 21093

Dear: Siddhartha & Aditi Sen

RE: Case Number 2009-0027-A, 28 Belfast 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 28, 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. Cal Richa

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:Inw

Enclosures

c: People's Counsel

INTEROFFICE CORRESPONDENCE

DATE: August 14, 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 August 18, 2008

Item Nos. 2009-0026, 0027, 0028, 0029,

0030, 0031, 0035, and 0036

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

DAK:CEN:lrk

cc: File

ZAC-ITEM NO. 2009-0028-08142008

INTEROFFICE CORRESPONDENCE

· TO:

Timothy M. Kotroco, Director

DATE: August 6, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 11, 2008

Item Nos. 2009-0019, 0020, 0021, 0022,

0023, 0024, 0025, and 0022

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

DAK:CEN:lrk

cc: File

ZAC- 08062008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: AUGUST 4, 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 -0027 A
28 BELFAST RD
SEN PRICPERTY
ADMIN. 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 -0027-A

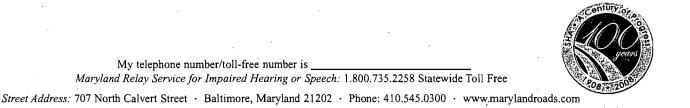
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

1 Steven D. Foster, Chief For Engineering Access Permits

Division

SDF/MB



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

MECETWE

DATE: August 13, 2008

ALIC 1 O 2000

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

BY:----

SUBJECT:

Zoning Advisory Petition(s): Case(s) 09-027- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

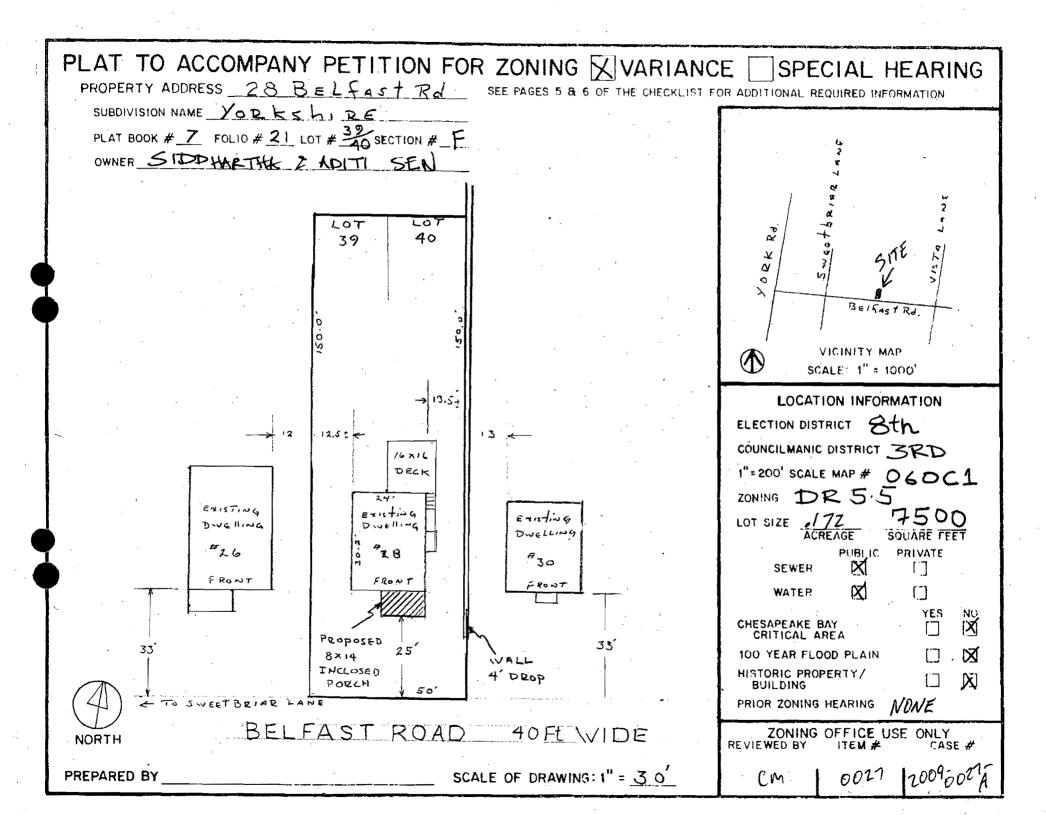
Prepared By:

CM/LL

Inter-Office Correspondence



10.	i illiouty ivi. i	Timothy W. Rottoco							
FROM:	Dave Lykens	Dave Lykens, DEPRM - Development Coordination							
DATE:	August 19, 20	008		MECEIVE					
SUBJECT:	Zoning Item Address	# 09-027-A 28 Belfast Road (Sen Property)	•	AUG 1 9 2008 U					
Zoni	ing Advisory Co	mmittee Meeting o	f August 4, 2	008					
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	Critical Area	* * *	ons 33-2-101	on the Chesapeake Bay through 33-2-1004, and e).					
Add	itional Commen	ts:	,						
_ **									
Revi	iewer: J. Liv	ingston		Date: August 19, 2008					



28 Belfast Road NORTHWOOD DR 08,16000325 NW 13-A 060C1 Flood Zone X BELFAST RD 3 C D -- 0805043300



Publication Date: July 22, 2008 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot







