

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Alma Road, 75 feet N of
Laverne Avenue
13th Election District
1st Councilmanic District
(2424 Alma Road)

Jack D. Alexander and Jacqueline E. Miller
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0029-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, Jack D. Alexander and Jacqueline E. Miller for property located at 2424 Alma Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 0 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Photographs submitted by the Petitioners show a one story frame dwelling containing approximately 700 square feet. More recent photographs depict the dwelling undergoing significant remodeling to include a second story, reconfigured front entrance and front façade, and an addition onto the rear of the home. The improvements are necessary to accommodate a parent who has Multiple Sclerosis and requires specialized equipment. Petitioners' adjacent neighbor at 2426 Alma Road submitted a letter dated July 8, 2006 attesting that she has lived in her residence for 10 years and the subject one car garage has been in place for at least that length of time. It is assumed that the 0 feet side yard setback for the one car garage was discovered during the building permit review process. Petitioners would incur undue hardship if the garage which has existed at this location for at least

NOTED RECEIVED FOR FILED

8.29.08



10 years was removed. Petitioners also provided photographs of other dwellings in the neighborhood that have garages, carports, and side entrances on the property line. In fact, one of these photographs shows two homes only two feet apart.

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 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 0 feet in lieu of the required 10 feet is hereby GRANTED, subject to the following:

~~RECEIVED FOR FILE~~
8.29.08
[Signature]

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

SALES RECEIVED FOR PAID

8.29.08





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 29, 2008

JACK D. ALEXANDER AND JACQUELINE E. MILLER
2424 ALMA ROAD
LANSDOWNE MD 21227

Re: Petition for Administrative Variance
Case No. 2009-0029-A
Property: 2424 Alma Road

Dear Mr. Alexander and Ms. Miller:

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 "Thomas H. Bostwick".

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 2424 Alma Rd.
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) 1802.3C.1 TO ALLOW A SIDE YARD

SETBACK OF 0 FEET IN LIEU OF THE REQUIRED 10 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:

JACK D. ALEXANDER
Jacqueline E. Miller
Name - Type or Print
JACK D. ALEXANDER
Jacqueline E. Miller
Signature
2424 Alma Rd. 443.618.8128
Address Telephone No.
Lansdowne MD 21227
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

JACK D. ALEXANDER
Jacqueline E. Miller
Name - Type or Print
JACK D. ALEXANDER
Jacqueline E. Miller
Signature
2424 Alma Rd. 443.618.8128
Address Telephone No.
Lansdowne MD 21227
City State Zip Code

Representative to be Contacted:

Name
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.

Zoning Commissioner of Baltimore County

CASE NO. 2009-0029-4

Reviewed By CM Date 7-31-08

REV 10/25/01

8-29-08

Estimated Posting Date 8-10-08

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 2424 Alma Rd.
Address
Cansdowne MD 21227
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):

Leslie Miller mother of Jacqueline Miller has M.S.
She is pretty much bed ridden and has special needs such as equipment & supplies: Hoyer Lift, wheel chair, adult potty chair, shower chair, adult diapers etc. The garage will allow safe storage to keep house clear for wheel chair movement, as well as for ease of loading her to be transported. Also in the last week we found out that Jackie Miller was diagnosed with M.S. as well.
(Jacqueline) Structure was preexisting when house was purchased.

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.

Jack D. Alexander
Signature
Jack D. Alexander
Name - Type or Print

Jacqueline E Miller
Signature
Jacqueline E Miller
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jack D. Alexander & Jacqueline E. Miller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Walter J. Berman
Notary Public

My Commission Expires 1/6/2012

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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Jack D. Alexander
Signature
Jack D. Alexander
Name - Type or Print

Jacqueline E Miller
Signature
Jacqueline E Miller
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JACK D. ALEXANDER & JACQUELINE E. MILLER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

William J. Bauman
Notary Public

My Commission Expires 1/6/2012

ZONING DESCRIPTION FOR ✓ 2424 ALMA RD
(address)

Beginning at a point on the WEST side of
(north, south, east or west)

ALMA RD which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 75' NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street LAYERN
(name of street)

which is 50' wide. *Being Lot # 53
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of HIGHLAND
(name of subdivision)

as recorded in Baltimore County Plat Book # 19, Folio # 13

containing ✓ 5900. Also known as 2424 ALMA RD
(square feet or acres) (property address)

and located in the 13 Election District, 1 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18557**

PAID RECEIPT

Date:

7-31-08

BUSINESS ACTUAL TIME TRM
 7/31/2008 7/31/2008 10:00:00 2

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		800	0000	6150				65.00

Total:

65.00

Rec
From:

For:

J. Alexander

2424 ALBERT 71227

2009-0029-A H-VARIATION

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

REF ID: 5 W/CHN PWD. TND
 RECEIPT # 455475 7/31/2008 ULL
 5 520 ZIMING VERIFICATION
 000000
 Receipt Tot \$65.00-
 \$65.00 (K) \$-00 (L)
 Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 08-0029-A

Petitioner/Developer: _____

Jack & Jacqueline Alexandril

Date of Hearing/Closing: 25 Aug 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: _____

2424 Alma Road

The sign(s) were posted on 10 Aug 08
(Month, Day, Year)

Sincerely,


(Signature of Sign Poster) 10 Aug 08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

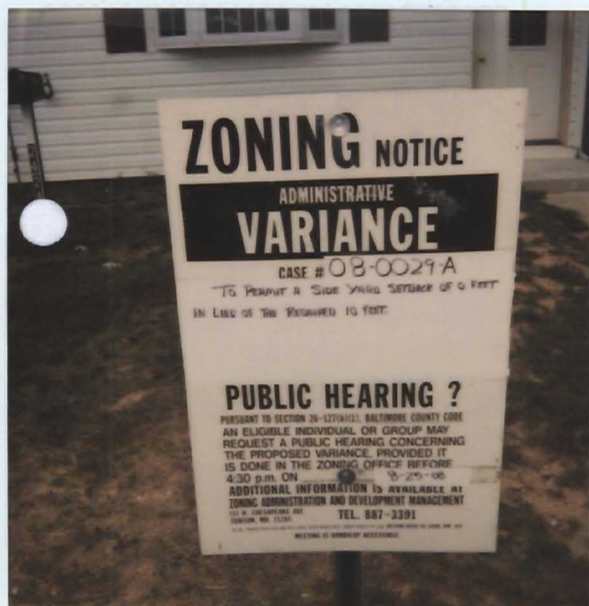
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 0029 -A

Address 2424 Alma Rd 21227

Contact Person: CRAIG McGRAW
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7-31-08

Posting Date: 8-10-08

Closing Date: 8-25-08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 0029 -A

Address 2424 ALMA RD

Petitioner's Name JACK & JACQUELINE ALEXANDER

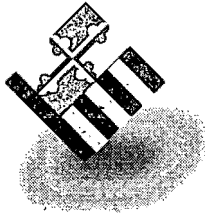
Telephone 443-618-8120

Posting Date: 8-10-08

Closing Date: 8-25-08

Wording for Sign: To Permit A SIDE YARD SETBACK OF 0 FEET IN LIEU
OF THE REQUIRED 10 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 25, 2008

Jack D. & Jacqueline Alexander
2424 Alma Rd.
Lansdowne, MD 21227

Dear: Jack D. & Jacqueline Alexander

RE: Case Number 2009-0029-A, 2424 Alma 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 31, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 19, 2008

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

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AUG 26 2008

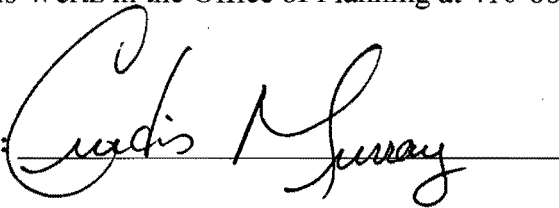
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-029- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 27 2008

BY: _____

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *ML*
DATE: August 27, 2008
SUBJECT: Zoning Item # 09-029-A
Address 2424 Alma Road
(Alexander/ Miller Property)

Zoning Advisory Committee Meeting of August 11, 2008

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

_____ 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).

_____ 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: _____

Reviewer: J. Livingston

Date: 8/27/08

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 14, 2008

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



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

State Highway
Administration

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

Maryland Department of Transportation

Date: August 12, 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 2009-0029-A
2424 ALMA ROAD
MILLER 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. 2009-0029-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



07/08/08

To Whom It May Concern,

I, Bonnie Lee Loomis, residing at 2426 Alma Rd Balt. MD 21227 am writing this letter today, 07/08/08 to inform all that my next door neighbor's garage was already up & built prior to his building onto his house.

I have lived here for 10 yrs and the garage has been there for quite some time before construction onto the house.

If you need any further information you may contact me in writing at the above address.

Sincerely

Bonnie L. Loomis

2426 Alma Rd

Balt. MD. 21227

0029

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

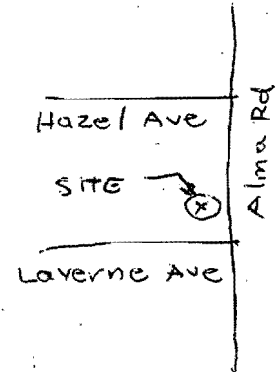
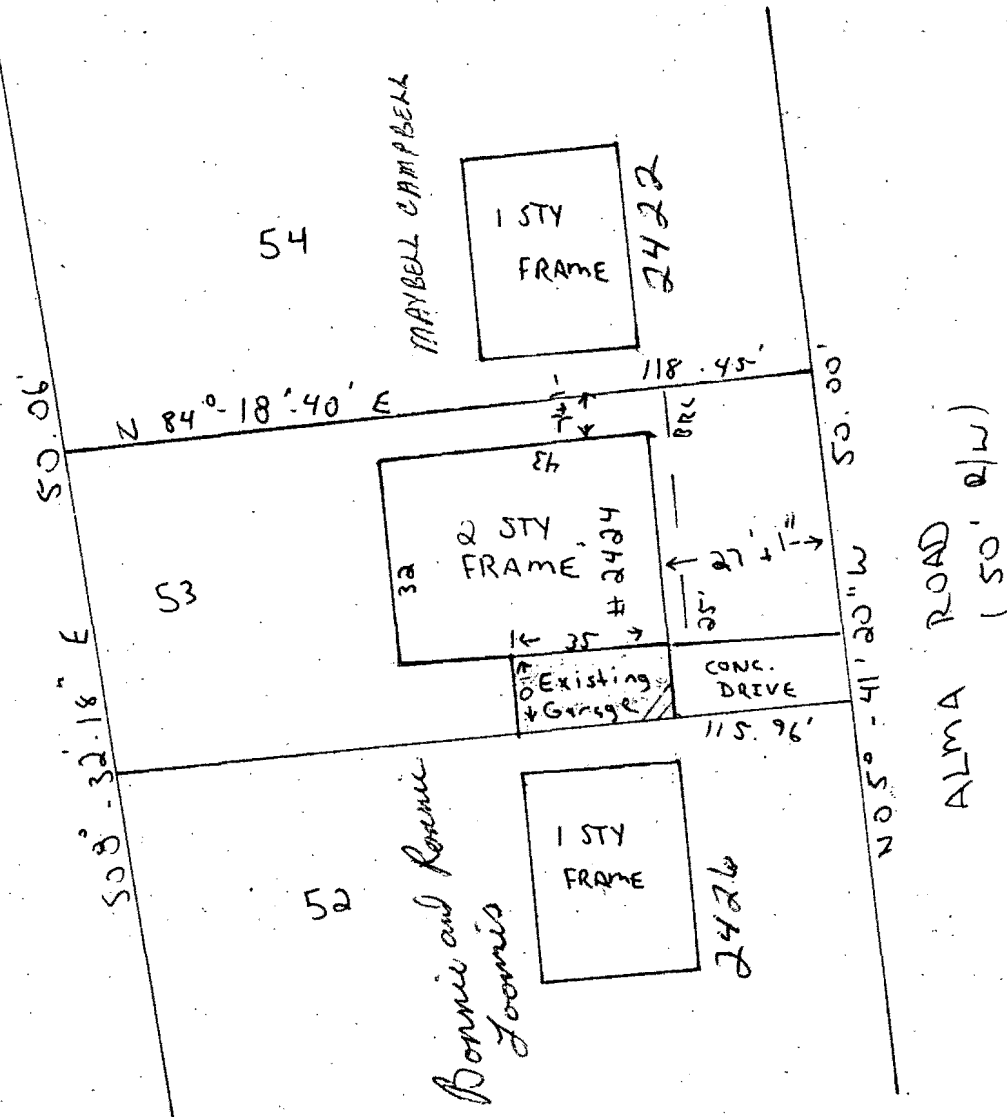
PROPERTY ADDRESS 2424 ALMA RD

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

SUBDIVISION NAME HIGHLAND

PLAT BOOK # 19 FOLIO # 13 LOT # 53 SECTION #

OWNER Jack Alexander



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 109B1

ZONING DRS-5

LOT SIZE 0.1354 ACREAGE 5900 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

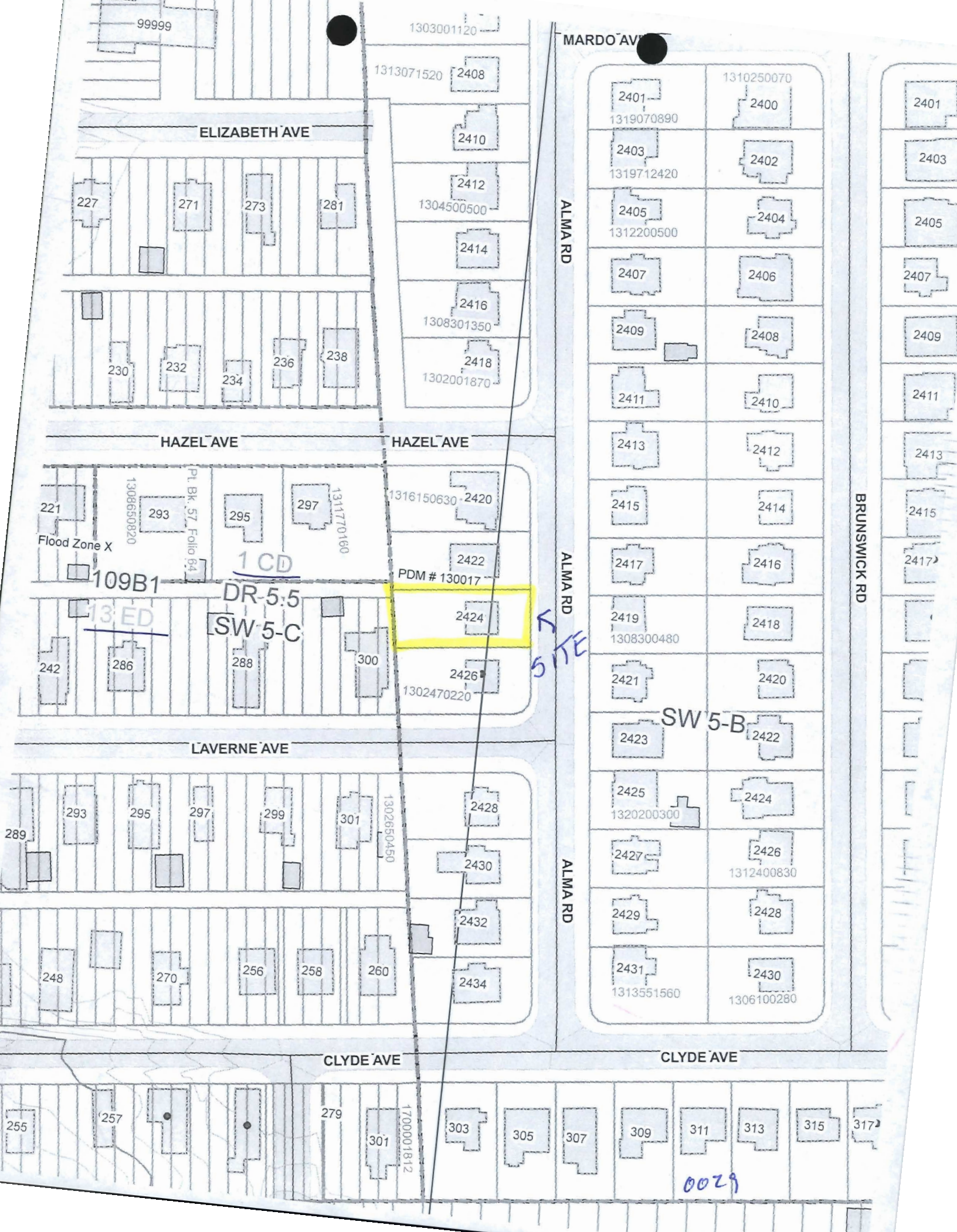
ZONING OFFICE USE ONLY
REVIEWED BY CM ITEM # 0029 CASE # 2009-0029-A



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 30'





2424

Alma Rd

RIGHT
SIDE

Walgreens (144) 07/02/08

0029



2424

Alma Rd

Leah

Walgreens (143) 07/02/08

0079



2424

Alma Rd

REAR

Walgreens (142) 07/02/08

0029



2424
MIMA Rd

FRONT

Walgreens (145)

0029



2424

Alma Kd

F-RENT

Walgreens (36) 07/02/08

0029



2424

Alma Rd

KEAR

Walgreens (13) 07/02/08

0029



2424.

Alma Rd

2424

Folow

~~EX-1~~
SA



2424
Alma Rd
2426

0029