

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Mace Avenue, 100 feet +/- N of
c/l of Essex Avenue
15th Election District
7th Councilmanic District
(1041 Mace Avenue)

Jonathan M. and Judy A. Goff
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0068-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, Jonathan M. and Judy A. Goff for property located at 1041 Mace Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 1.5 feet for an attached garage in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners want to construct an attached garage measuring 28 feet x 26 feet. The addition will be constructed on the left side of the home and will be flush with the existing sidewalls of the home. Due to the location of the existing driveway, it would be difficult to place the garage elsewhere on the property. The property is zoned D.R.5.5 and is approximately 1/3 acre.

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. In addition, no adjacent property owners voiced any objection to the proposed garage.

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

CASE FILED FOR FILING

Date 10-14-08

By

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 14th day of October, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setback of 1.5 feet for an attached garage in lieu of the required 10 feet is hereby GRANTED, subject to the following:

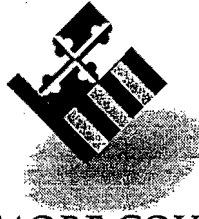
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER REVIEWED FOR FILING
Date 10-14-08
By 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 14, 2008

JONATHAN M. AND JUDY A. GOFF
1041 MACE AVENUE
ESSEX, MD 21221

Re: Petition for Administrative Variance
Case No. 2009-0068-A
Property: 1041 Mace Avenue

Dear Mr. and Mrs. Goff:

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 cursive script, reading "Th. 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 1041 MACE AVE, ESSEX MD 21222
which is presently zoned Residential DR5.5

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) 1802.3.C.1; BCZR TO PERMIT

A SIDE SETBACK OF 1.5ft. FOR AN ATTACHED GARAGE IN LIEU OF THE REQUIRED 10ft.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 10-14-08 day of October 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. 2009-0068-A

Reviewed By [Signature]

Date 9-8-08

REV 10/25/01

Date 10-14-08

Estimated Posting Date 9-21-08

By [Signature]

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: 1041 MACE AVE
Address
ESSEX MD. 21221
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):

PROPERTY NEXT TO WHERE I WANT TO BUILD A GARAGE, IS NOT A BUILDABLE LOT AND HAS NO SIDEWALKS

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.

Jonathan M. Goff
Signature
Jonathan M. Goff
Name - Type or Print

Judy A. Goff
Signature
Judy A. Goff
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of August 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jonathan M. Goff Judy A. Goff
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

VALERIE LEWANDOWSKI
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES JULY 06, 2012

Notary Public

My Commission Expires July 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.

That the Affiant(s) does/do presently reside at 1041 MACE AVE
Address
ESSEX MD. 21221
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):

PROPERTY NEXT TO WHERE I WANT TO BUILD A
GARAGE, IS NOT A BUILDABLE LOT AND HAS NO
SIDEWALKS

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.

Jonathan M. Goff
Signature
Jonathan M. Goff
Name - Type or Print

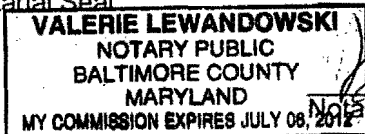
Judy A. Goff
Signature
Judy A. Goff
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of August 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JONATHAN M. GOFF JUDY A. GOFF
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Valerie Lewandowski
Notary Public
My Commission Expires July 6, 2012

ZONING DESCRIPTION FOR 1041 MACE AVE
ESSEX MD. 21221
(address)

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

MACE AVE which is 33 FEET by 100 FEET
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of (100 FEET) NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street ESSEX AVENUE
(name of street)

which is 33 FEET by 100 FEET wide. *Being Lot # 5
(number of feet of right-of-way width)

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

as recorded in Baltimore County Plat Book # 5325, Folio # 703,

containing 1/3 ACRE. Also known as 1041 MACE AVE
(square feet or acres) (property address)

and located in the 15 Election District, 7th Councilmanic District.

NO PLAT REF #

LIBER # 5365

F0210 PAGE 539

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

No. 26517

Date: 9.8.08

PAID RECEIPT

BUSINESS ACTUAL TIME DRN

9/8/2008 9/8/2008 09:10:48 2

REC 0005 WALKIN DONL DND

RECEIPT # 440922 9/08/2008 OFEN

5 520 ZONING VERIFICATION

02/25/07

Recpt Tot \$65.00

\$1.00 FR \$60.00 CH

\$15.00 CH

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				65.-

Total 65.-

Rec From

J. Goff.

For

2009-0068-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2009-0068-A

Petitioner/Developer: JONATHAN
GOFF

Date Of Hearing/Closing: 10/6/08

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

Attention:

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 at 1041 MACE AVE

This sign(s) were posted on September 20, 2028
(Month, Day, Year)

Sincerely,

Sincerely,

(Signature of sign Poster and Date)

Martin Ogle

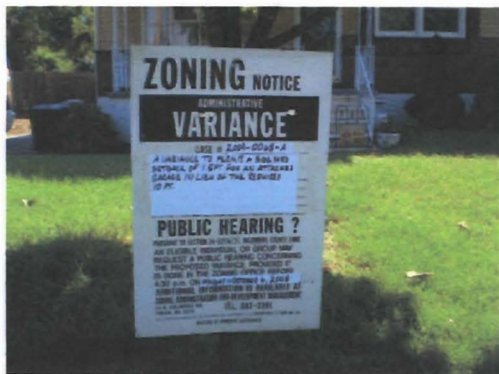
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



P9200001.JPG
09/20/2008

~~matr~~ 9/20/08

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0068 -A Address 1041 MACE Ave.

Contact Person: J. Meppen Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-8-08 Posting Date: 9-21-08 Closing Date: 10-6-08

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.

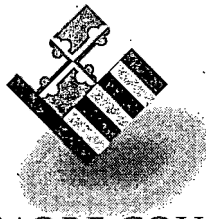
(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0068 -A Address 1041 MACE Ave.
Petitioner's Name JONATHAN Goff Telephone 410-391-9339
Posting Date: 9-21-08 Closing Date: 10-6-08
Wording for Sign: A VARIANCE
To Permit A SIDEYARD SETBACK of 1.5 ft. for
AN ATTACHED GARAGE IN LIEU of The Required
10 ft.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 6, 2008

Jonathan M. & Judy A. Goff
1041 Mace Ave.
Essex, MD 21221

Dear: Jonathan M. & Judy A. Goff

RE: Case Number 2009-0068-A, 1041 Mace Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2008
Item Nos. 2009-0065, 0066, 0067, 0068,
0070, 0072, 0073, 0074, and 0076

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

DAK:CEN:lrk
cc: File
ZAC-09232008 -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: SEPT. 23, 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 2009-0068-A
1041 MACE AVENUE
GOFF 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. 2009-0068-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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 9, 2008

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

RECEIVED
OCT 09 2008

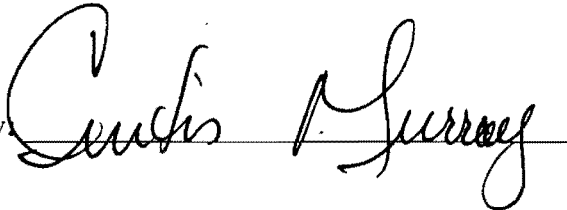
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-068- 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 John Alexander in the Office of Planning at 410-887-3480.

Prepared By
CM/LL



Patricia Zook - Administrative Variances that closed October 6 - comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 10/7/2008 10:52 AM
Subject: Administrative Variances that closed October 6 - comments needed
CC: Bostwick, Thomas; Wiley, Debra

Curtis -

Below are the descriptions for the administrative variance cases that were just delivered to our office. None of these folders have comments from the Planning Office.

CASE NUMBER: 2009-0069-A
9501 Dawnvale Road
Location: E side of Dawnvale Road, 36 feet N of Walter Avenue.
11th Election District, 5th Councilmanic District
Legal Owner: Louis J. and Deborah A. Sellmayer
Closing Date: 10/6/2008

ADMINISTRATIVE VARIANCE to allow a fence height of 72 inches in lieu of the allowed 42 inches.

CASE NUMBER: 2009-0068-A
1041 Mace Avenue
Location: N side of Mace Avenue, 100 feet +/- N of centerline of Essex Avenue.
15th Election District, 7th Councilmanic District
Legal Owner: Jonathan M. and Judy A. Goff
Closing Date: 10/6/2008

ADMINISTRATIVE VARIANCE to permit a side setback of 1.5 feet for an attached garage in lieu of the required 10 feet.

CASE NUMBER: 2009-0074-A
3 Moales Lane
Location: SW corner of Moales Lane and Greenspring Valley Road.
3rd Election District, 2nd Councilmanic District
Legal Owner: Charles and Pamela Ward
Closing Date: 10/6/2008

ADMINISTRATIVE VARIANCE to permit a rear setback of 18.5 feet in lieu of the required 35 feet for an addition.

Please respond to Debbie as I am heading for the Islands later today.

Thanks for checking into this for us.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103

105 West Chesapeake Avenue
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

EASTERN
VO-TECH
HIGH SCHOOL

65.4

ROAD

Flood Zone X

MAP #
090A3

MACE AVE

CHRISTIAN AVE

HILMER AVE

ALPINE RD

15 ED

DR 5.5

NE 3-G

7 CD

2200011947

1600000094

1520910030

1109

1107

1105

1515640010

Pt. Bk. 13, Folio 17

1511150800

504

2400006231

1055

1523001091

1513553540

1521350050

1521350051

1037

31.2

1023

1025

1700004873

1900003384

1029

1029

1519848705

1029

1600013652

1503470731

1031

1031

37.8

1519848721

3 67.82

69.7

1041 MACE AVE
ESSEX, MD. 21221

GARAGE
SHED 7
NOW
GONE



NON BUILDABLE LAND NEXT TO TOREN DOWN SHED



PLAT TO PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 1041 MACE AVENUE

SUBDIVISION NAME: MACE AVENUE

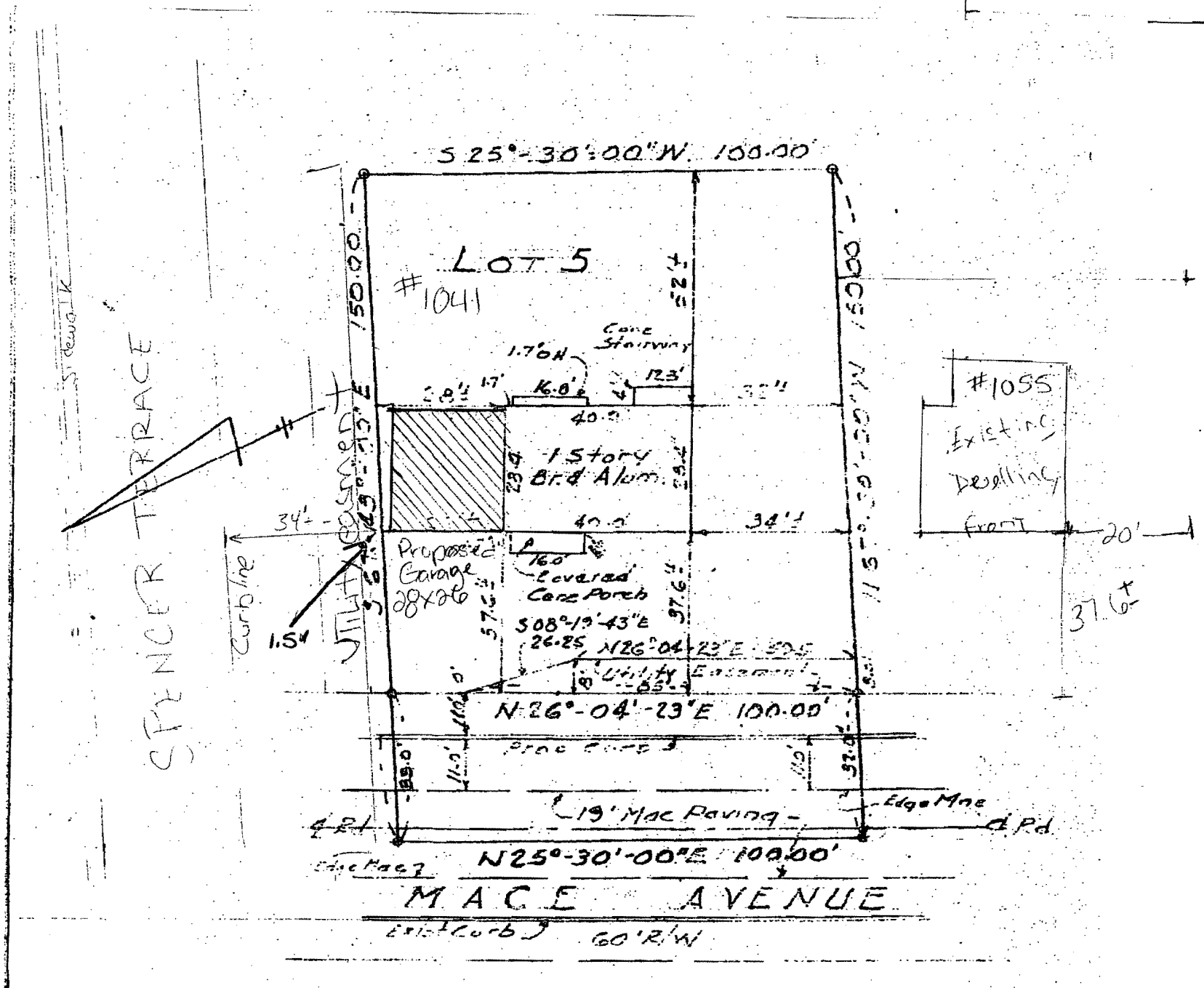
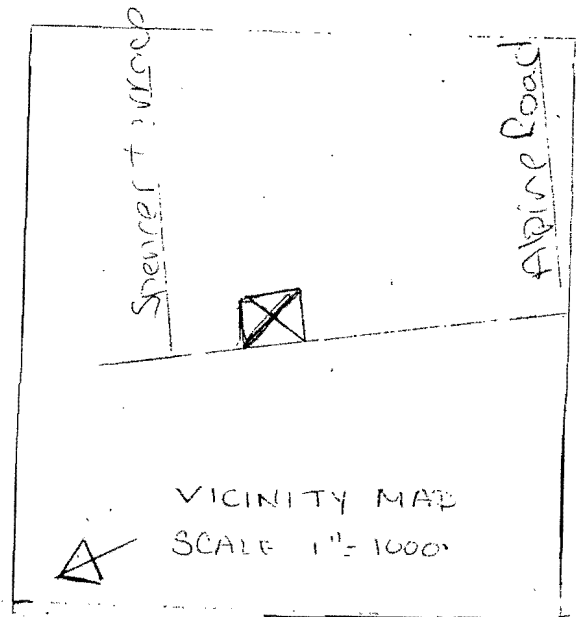
PLAT BOOK #

FOLIO # 5365

LOT # 5

SECTION #

OWNER: Jonathan & Judith Goff



LOCATION INFORMATION

Electron District 15

Councilman District 7th

1" = 200' scale map # NE 3-6

Zoning - DR 5.5

Lot Size 1/3 acre 100' x 150' 15,000 sqft

Sewer X

Water X

yes NO

Chusquea Bay Critical area

X

100 yr Flood plain

X

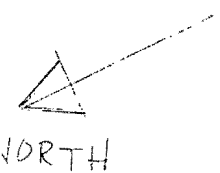
Historic Property Bldg

X

Prior Zoning hearing - None

ZONING OFFICE USE ONLY

Reviewed By Heni # CASE #



PREPARED BY W.F.B.

SCALE OF DRAWING: 1" = 30'