

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Greyhound Road, 100 feet S of
c/l of Anthony Avenue
15th Election District
6th Councilmanic District
(321 Greyhound Road)

German and Sylvia Davila
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0091-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, German and Sylvia Davila for property located at 321 Greyhound Road. 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 side setback of 2 feet in lieu of the required 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a deck measuring 10 feet x 28 feet onto the side of their home. The property is next to Turkey Point Park so no adjacent neighbors are impacted by the proposed deck. There are also established trees separating the property from the park land.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 6, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within a Limited Development Area of the Chesapeake Bay Critical Area and must comply with maximum lot coverage limits and a minimum 15% forest coverage (number of trees in this case). To not be considered as additional lot coverage, the deck must be constructed with

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11-12-08
pm

gaps between the decking to allow water to pass freely through and the area beneath the deck must be kept as natural ground and mulched. Stone, pea gravel, and other such materials placed below the deck would constitute additional lot coverage. Also, any stairways, no matter how constructed, are considered lot coverage. Placing a roof or other structure over the deck also constitutes lot coverage.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 12, 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.

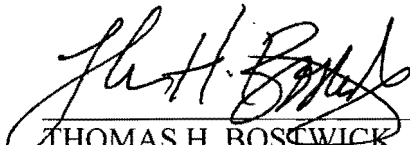
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12th day of November, 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 side setback of 2 feet in lieu of the required 7.5 feet is hereby GRANTED, subject to the following:

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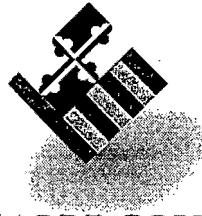
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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).
3. The property is located within a Limited Development Area of the Chesapeake Bay Critical Area and must comply with maximum lot coverage limits and a minimum 15% forest coverage (number of trees in this case).
4. To not be considered as additional lot coverage, the deck must be constructed with gaps between the decking to allow water to pass freely through and the area beneath the deck must be kept as natural ground and mulched. Stone, pea gravel, and other such materials placed below the deck would constitute additional lot coverage. Also, any stairways, no matter how constructed, are considered lot coverage. Placing a roof or other structure over the deck also constitutes lot coverage.

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


THOMAS H. BOSWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 12, 2008

GERMAN AND SYLVIA DAVILA
321 GREYHOUND ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2009-0091-A
Property: 321 Greyhound Road

Dear Mr. and Mrs. Davila:

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", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

CBCA

TAX ACCOUNT # 1502851004



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 321 Greyhound Rd.
which is presently zoned DR 3.5

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) 1 B02.3.C.1

TO PERMIT AN OPEN DECK ON SIDE OF EXISTING DWELLING
WITH A SIDE SETBACK OF TWO(2) FEET IN LIEU OF
THE REQUIRED 7.5 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

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 11-12-08 day of November 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.

CASE NO. 2009-0091-A

REV 10/25/01

Zoning Commissioner of Baltimore County
Reviewed By A-TSUI Date 10/01/2008

Estimated Posting Date 10/12/08 - 10/27/08

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 321 Greyhound Rd.
Address
Baltimore Maryland 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):

We would like to built a deck 2 Feet From our property line. We thought it would be O.K. Since on that side of the property we have no neighbors it is a state Park. We have a porch that is very little on the side now.

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.

German Davila
Signature
German Davila
Name - Type or Print

Sylvia Davila
Signature
Sylvia Davila
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of September, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GERMAN DAVILA & SYLVIA DAVILA
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Robert D. Lecker
Notary Public

My Commission Expires July 8, 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 321 Greyhound Rd.
Address
Baltimore City Maryland State 21221 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):

We would like to built a deck 2 Feet
From our property line. We thought it
would be O.K. Since on that side of
the property we have no neighbors it
is a state Park. We have a porch that
is very little on the side now.

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.

German Davila
Signature
German Davila
Name - Type or Print

Sylvia Davila
Signature
Sylvia Davila
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of September, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GERMAN DAVILA & SYLVIA DAVILA
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Ronald D. Leckner
Notary Public

My Commission Expires July 8, 2011

ZONING DESCRIPTION

Zoning Description For 321 Greyhound Road

Beginning at a point on the East side of Greyhound Road, which is 40 feet wide at the distance of 100 ft. south of the centerline of the nearest improved intersecting street Anthony Avenue, which is 30 ft. wide. Being Lot # 44, in the subdivision of the Vincent O'Connor Property as recorded in Baltimore County Plat Book #7, Folio# 112, containing 7,500 square feet. Also known as 321 Greyhound Road and located in the 15^h Election District, 6th Councilmanic District.

2009-0091-A

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

No.

Date: 10/01/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	006			650					65—

Total: 9 65 —

Rec

From: GIFEMAN DAVIDA

For:

321 GREYHOUND LTD

7809-0091-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2009-0091-A _____

Petitioner/Developer: _____

German Davila _____

Date of Hearing/Closing: Oct 27,08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews

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: _____

321 Greyhound road

The sign(s) were posted on _____ Oct 12,08
(Month, Day, Year)

Sincerely,

Robert Black Oct 13, 08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0091-A

TO PERMIT AN OPEN DECK ON SIDE OF EXISTING DWELLING
WITH A SIDE SETBACK OF TWO (2) FEET IN LIEU OF THE REQUIRED
7.5 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 10-27-08

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

311 W. CHESAPEAKE AVE
TOWSON, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POLYCARBONATE SHEET ABOVE POST. UNDER PENALTY OF LAW. RETURN BOTH TO ZADM, RM. 304

MEETING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0091 -A Address 321 GREYHOUND ROAD

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

Filing Date: 10/01/2008 Posting Date: 10/12/08 Closing Date: 10/27/08

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

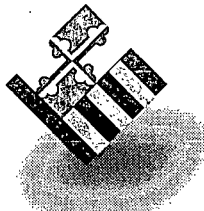
Case Number 2009- 0091 -A Address 321 GREYHOUND

Petitioner's Name GERMAN DAVILA Telephone 410-391-0664

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit AN OPEN DECK ON SIDE OF EXISTING
DWELLING WITH A SIDE SETBACK OF TWO(2) FEET
IN LIEU OF THE REQUIRED 7.5 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
October 27, 2008

German & Sylvia Davila
321 Greyhound Rd.
Baltimore, MD 21221

Dear: German & Sylvia Davila

RE: Case Number 2009-0091-A, 321 Greyhound Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 01, 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.".

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: October 28, 2008

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

RECEIVED
OCT 28 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-091- 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, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2008
Item Nos. 09-047, 080, ~~091~~ 092, 093,
094, 095, 096, 097, 098 & 099

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

DAK:CEN:cab
cc: File
ZAC-10272008-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: OCTOBER 20, 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. 2009-0091-A
321 GREYHOUND RD
DAVILA PROPERTY
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. 2009-0091-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



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 07 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 6, 2008

SUBJECT: Zoning Item # 09-091-A
Address 321 Greyhound Road
(Davila Property)

Zoning Advisory Committee Meeting of October 20, 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:

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 located within a Limited Development Area in the Chesapeake Bay Critical Area and must comply with maximum lot coverage limits, and a minimum 15% forest coverage (number of trees in this case). To not be considered as additional lot coverage, the deck must be constructed with gaps between the decking to allow water to pass freely through, and the area beneath the deck must be kept as natural ground and mulched. Stone, pea gravel, and other such materials placed below the deck would constitute additional lot coverage. Also, any stairways, no matter how constructed, are considered lot coverage. Placing a roof or other structure over the deck also constitutes lot coverage.

Reviewer: Paul Dennis

Date: October 27, 2008

Patricia Zook - Case 2009-0091-A

From: Patricia Zook
To: Livingston, Jeffrey
Date: 11/5/2008 3:15:55 PM
Subject: Case 2009-0091-A

Hello Jeff -

We need DEPRM comments for this administrative variance that closed on 10-27-08.

Thanks for your help.

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

From: Debra Wiley
To: Livingston, Jeffrey
Date: 10/30/08 9:39:53 AM
Subject: Admin. Variance Comments (2) - Closed 10/27

Hi Jeff,

Just wanted to check and see if you have comments for two (2) Admin. Variances that closed this past Monday, 10/27 as follows:

2009-0090-A (CBCA & Flood) - 4133 Cuckold Point Road, 21219)

2009-0091-A (CBCA) - 321 Greyhound Rd., 21221

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



2009-0091-A



#321



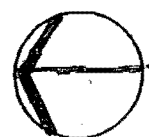
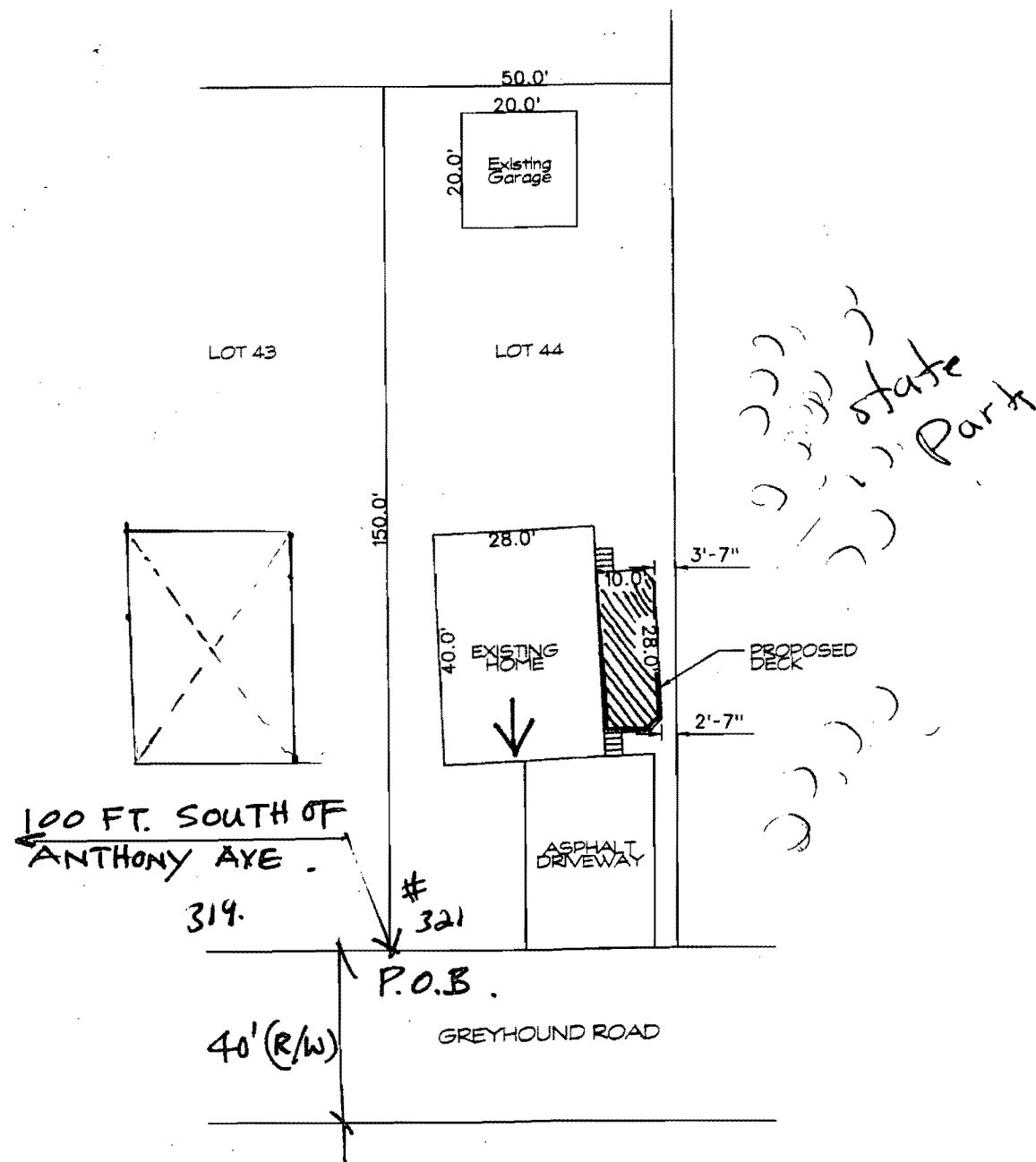
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 321 Greyhound Rd. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Vincent O'Connor Property

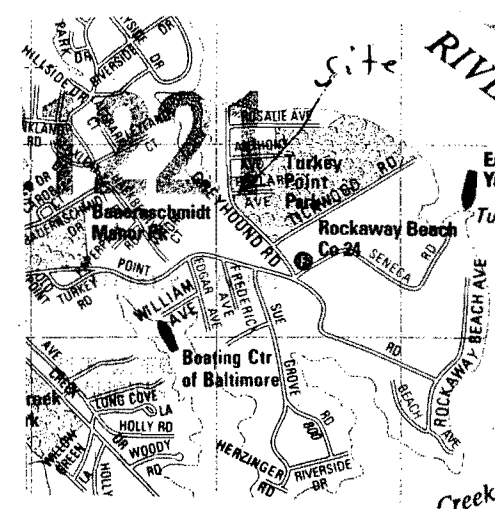
PLAT BOOK # 7 FOLIO # 112 LOT # 44 SECTION # N/A

OWNER German and Sylvia Davila



NORTH

PREPARED BY Custom Design Solutions SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 098.A2

ZONING DR-3.5

LOT SIZE 7,500
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

	YES	NO
100 YEAR FLOOD PLAIN	☐	☒

	YES	NO
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY A-Ten ITEM # 0091 CASE # 2009-0091-A