

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Providence Road, 120 feet N of
c/l of Ellendale Drive
9th Election District
3rd Councilmanic District
(1432 Providence Road)

Scott Lee Robison
Petitioner

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY
Case No. 2009-0137-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Scott Lee Robison for property located at 1432 Providence Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct an addition measuring 10 feet x 20 feet in size. The homes in the neighborhood were constructed with the front door facing the street known as Providence Road; however, the front door of the subject dwelling faces the side of the dwelling located at 1430 Providence Road. Locating the proposed addition on the northwest or southeast face of the house would be detrimental to the functional layout of the house, encroach on the rear patio/deck and diminish views. Photographs submitted by the Petitioner depict heavy vegetation between the subject property and adjacent properties. The architecture of the proposed addition will be in scale and keeping with the existing house and surrounding dwellings. The property contains 30,000 square feet and is served by a private septic system. The adjacent property owner of 1434 Providence Road did not oppose the requested variance.

COPIES RECEIVED FOR FILING
12-4-08
[Signature]

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 November 14, 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.

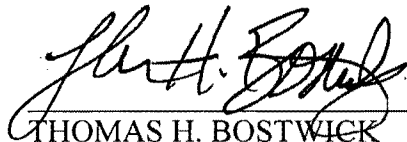
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 4th day of December, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 40 feet is hereby GRANTED, subject to the following:

12-4-08
pm

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

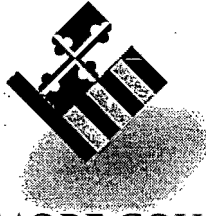
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
12-4-08
[Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 4, 2008

SCOTT LEE ROBISON
1432 PROVIDENCE ROAD
TOWSON MD 21286

Re: Petition for Administrative Variance
Case No. 2009-0137-A
Property: 1432 Providence Road

Dear Mr. Robison:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1432 Providence Rd
which is presently zoned D.R.2

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) 1B02.3.C.1; BCZR, To

Permit a rear yard setback of 25 ft in lieu of the required 40 ft.

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):

Scott Lee Robison

Name - Type or Print

Signature

Name - Type or Print

Signature

1432 Providence Rd (c):410-336-1913

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

Representative to be Contacted:

Scott Robison

Name

1432 Providence Rd (c):410-336-1913

Address

Telephone No.

Towson, MD, 21286

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 12 day of April, 2009, 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. 2009-0137-A

Reviewed By [Signature]

Date

11-7-08

REV 10/25/01

Estimated Posting Date

11-16-08

12-4-08

[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 1432 Providence Rd
Address
Towson, MD, 21286
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 subject property was constructed in 1948 and is believed to be one of the first homes built in the subdivision. Adjacent properties were built in 1952 and 1954. Almost all, if not all, adjacent houses have the front door of the house facing the street. For reasons unknown, the house was designed with the front door of the subject property facing perpendicular to the street. Per current zoning regulations, the considered "front" of the property is parallel to the southwest property line. Since the general size and orientation of the adjacent properties (Lot 6 and Lot 8) are the same, the subject property should be allowed to consider the property line along Providence Rd as the "front". Thereby, the proposed addition would be considered within the side yard and allowed to be constructed within 25 feet of the northeast property line, per D.R.2 zoning regulations.
- Locating the proposed addition on the northwest or southeast face of the house would be detrimental to the functional layout of the house, encroach upon the rear patio / deck and diminish desirable views.
- There are numerous existing trees and shrubs between the subject property and adjacent properties.
- The mass and architecture of the proposed addition is in scale and keeping with the existing house and surrounding neighborhood dwellings.

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.

Scott Lee Robison
Signature
Scott Lee Robison
Name - Type or Print

Signature

Name - Type or Print

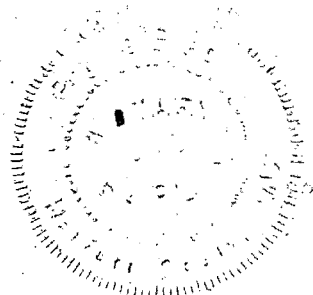
STATE OF MARYLAND, COUNTY OF Hanford ~~BALTIMORE~~ to wit:

I HEREBY CERTIFY, this 31st day of October, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott Lee Robison
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Phyllis Biagi
Notary Public
My Commission Expires 7/28/12



Affidavit in Support of Administrative Variance

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- The mass and architecture of the proposed addition is in scale and keeping with the existing house and surrounding neighborhood dwellings.

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Scott Lee Robison
Signature

Scott Lee Robison
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF HARFORD to wit:

I HEREBY CERTIFY, this 31st day of October, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott Lee Robison
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Phyllis Biagi
Notary Public

My Commission Expires 7/28/12

ZONING DESCRIPTION FOR 1432 Providence Rd

Beginning at a point on the west side of Providence Rd which is 24 feet wide at the distance of 120 feet north of the centerline of the nearest improved intersecting street, Ellendale Dr, which is 22 feet wide. Being Lot #7, Block (none recorded), Section # (none recorded) in the subdivision of Glen Ellen as recorded in the Baltimore County Plat Book #13, Folio #145, containing 30,000 square feet. Also known as 1432 Providence Rd and located in the 9th Election District, 3rd Councilmanic District.

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

No. 23000

Date: 11-7-08

PAID RECEIPT

BUSINESS ACTUAL TIME
 11/07/2008 11/07/2008 09:11:42

REG 1001 WALKIN JRYE JMD

RECEIPT # 398190 11/07/2008 OFLD

5. 525 ZONING VERIFICATION

CR 101 023983

Recpt Tot \$65.00

\$65.00 CR \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				65.00

Total: 65.00

Rec From:

S. ROBISON

For:

2009-0137-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 11/17/08

Case Number: 2009-0137-A

Petitioner / Developer: SCOTT ROBISON

Date of Hearing (Closing): 12/01/08

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:
1432 PROVIDENCE ROAD

The sign(s) were posted on: NOVEMBER 14, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0137 -A Address 1432 Providence Rd.

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

Filing Date: 11-7-08 Posting Date: 11-16-08 Closing Date: 12-01-08

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

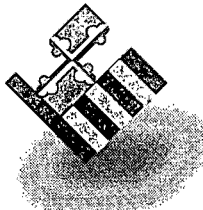
Case Number 2009- 0137 -A Address 1432 Providence Rd.

Petitioner's Name SCOTT ROBISON Telephone 410-336-1913

Posting Date: 11-16-08 Closing Date: 12-01-08

Wording for Sign: A VARIANCE
To Permit A REAR YARD SETBACK OF 25ft.
IN LIEU OF THE REQUIRED 40ft for an
ADDITION.

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
December 1, 2008

Scott Lee Robison
1432 Providence Rd.
Towson, MD 21286

Dear: Scott Lee Robison

RE: Case Number 2009-0137-A, 1432 Providence Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 07, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 24, 2008

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

RECEIVED
NOV 26 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-137- 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

Candis Murray

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 24, 2008

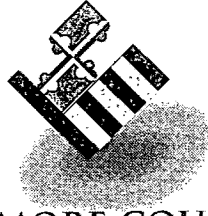
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 24, 2008
Item No.: 2009-111, 121, 126, 127,
128, 130, 131, 132, 133, 137, 138 & 140

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

DAK:CEN:cab
cc: File

ZAC-11242008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

ItemNumbers 0111,0126,0127,0128,0129,0130,0131,0132,0133,0135,0137,0138,0140

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File



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: Nov. 19, 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 2009-0137-A
1432 PROVIDENCE RD
ROBISON 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. 2009-0137-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 ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

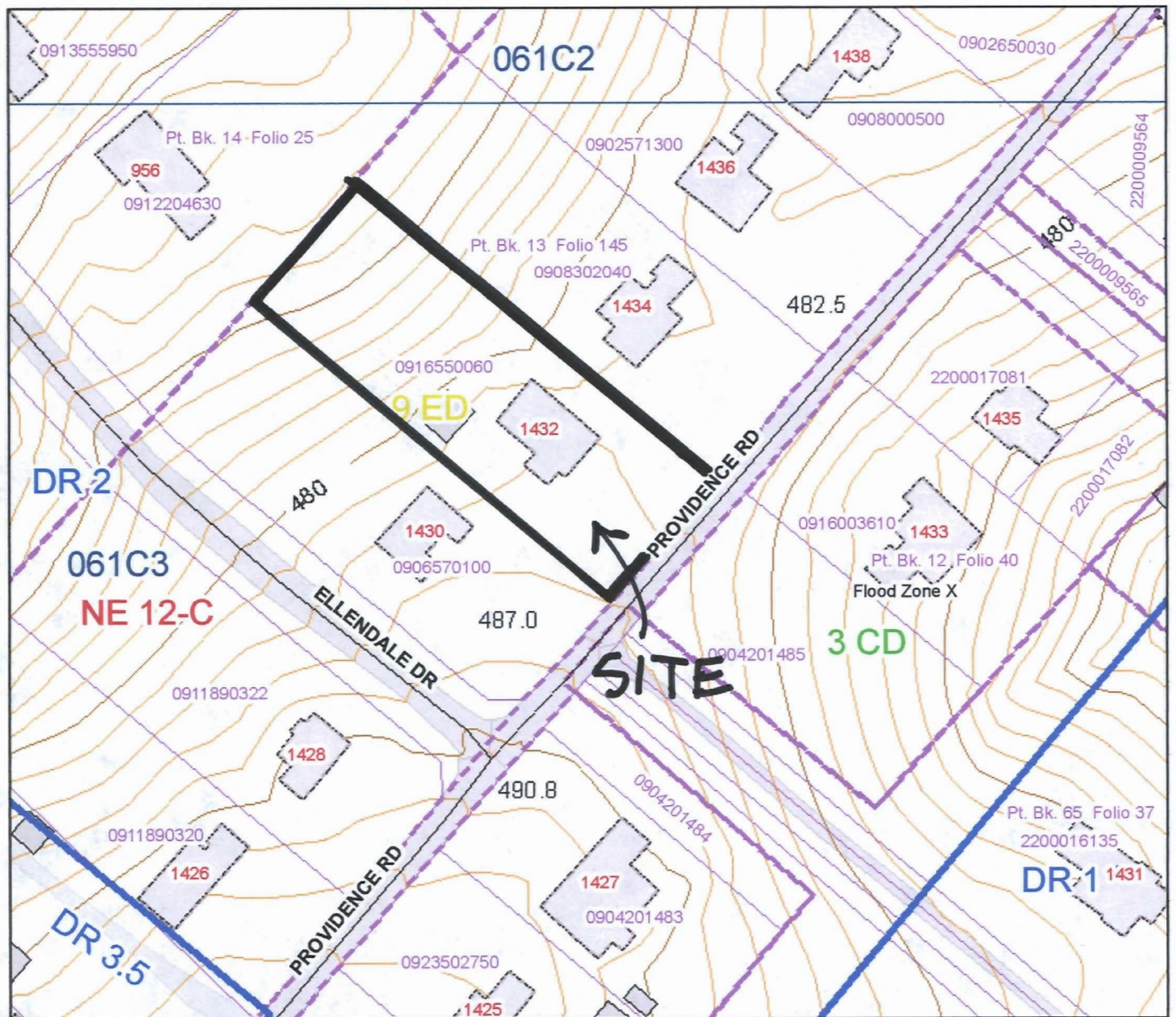
My telephone number/toll-free number is _____

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

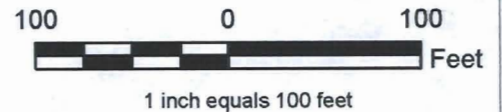


1432 Providence Road



DQ Map Notes

Publication Date: October 24, 2008
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



View from Southwest (front yard)



1432 Providence Rd

October 31, 2008

View from Providence Rd (side yard)



1432 Providence Rd

October 31, 2008

View from Providence Rd (side yard)



1432 Providence Rd

October 31, 2008

View of Lot 8 (from Lot 7)



1432 Providence Rd

October 31, 2008

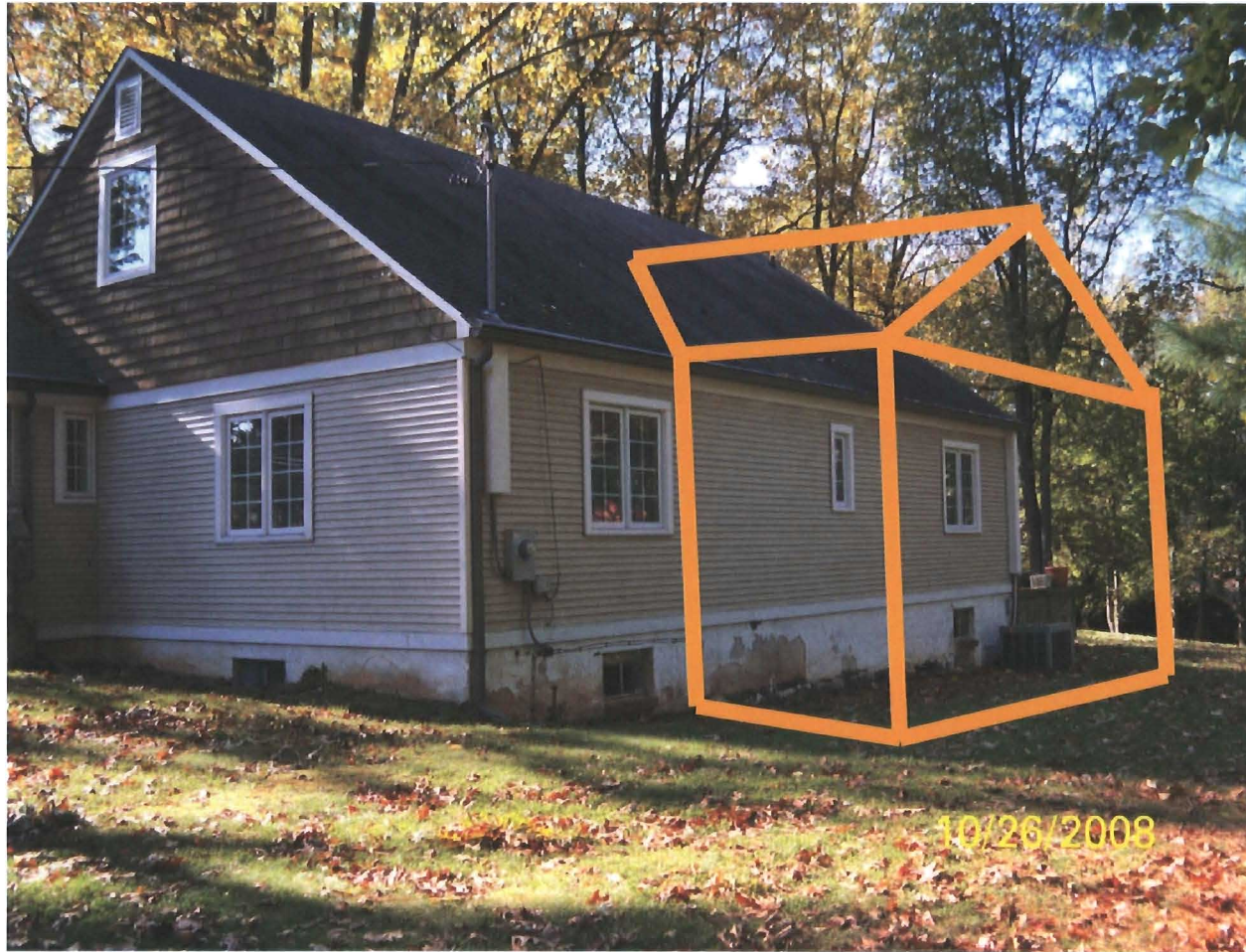
View of Lot 8 (from Lot 7)



1432 Providence Rd

October 31, 2008

View from Northeast (rear yard)



1432 Providence Rd

October 31, 2008

View from Northeast (rear yard)



1432 Providence Rd

October 31, 2008

View from Northwest (side yard)



1432 Providence Rd

October 31, 2008

View of Lot 6 (front yard)

1430 Providence Rd



View of Lot 8 (front yard)

1434 Providence Rd



PLAT TO ACCOMPANY PETITION FOR ZONING

☒ VARIANCE

☐ SPECIAL HEARING

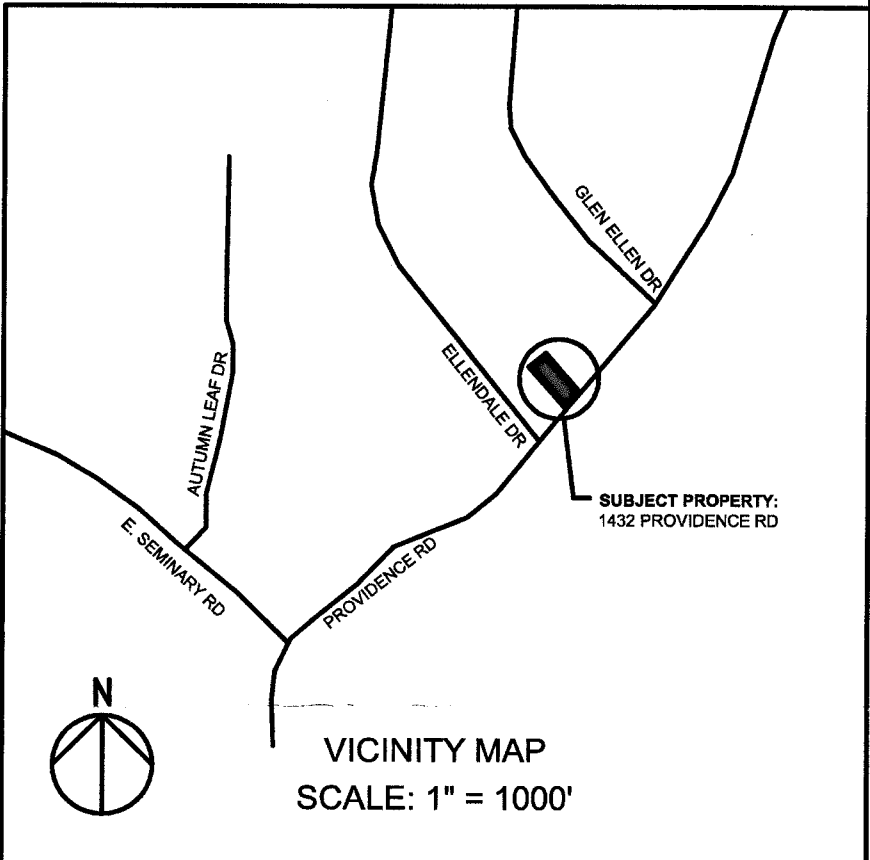
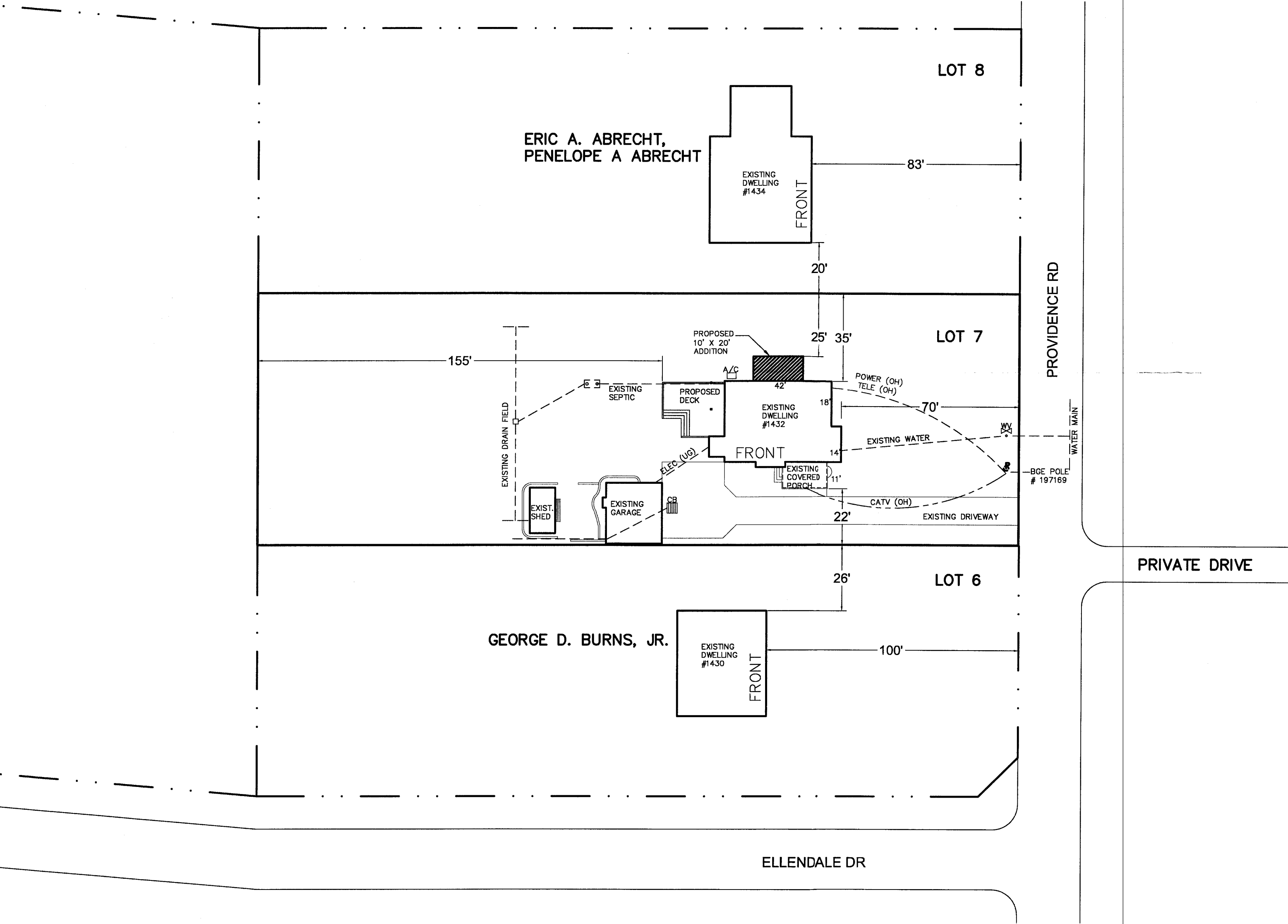
PROPERTY ADDRESS: 1432 Providence Road

SUBDIVISION NAME: GLEN ELLEN

PLAT BOOK # 13 FOLIO # 145 LOT # 7 SECTION #

OWNER: Scott Lee Robison

DATE: October 31, 2008



LOCATION INFORMATION			
ELECTION DISTRICT: 9			
COUNCILMANIC DISTRICT: 3			
1"=200' SCALE MAP #: 06103			
ZONING: DR2			
LOT SIZE:	0.6887	30,000	
	ACREAGE	SQUARE FEET	
SEWER	☐	PUBLIC	PRIVATE ☒
WATER	☒	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	YES	NO ☒
100 YEAR FLOOD PLAIN	☐	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☐	☒
PRIOR ZONING HEARING: None			
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	



PREPARED BY: Owner

SCALE OF DRAWING: 1" = 30'