IN RE: PETITION FOR ADMIN. VARIANCE

W side of 48th Street, 550 feet N of the c/l of Woodrow Street

12th Election District

7th Councilmanic District

(528 48th Street)

Wayne K. Thornton *Petitioner*

BEFORE THE

DEPUTY ZONING

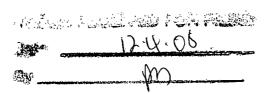
* COMMISSIONER

* FOR BALTIMORE COUNTY

k Case No. 2009-0138-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, Wayne K. Thornton for property located at 528 48th Street. The variance request is from Sections 1B02.3.A.5, 1B02.3.B, 1B02.3.C.1, 301.1.A and 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a 4 foot side yard setback in lieu of the required 7.5 foot and to permit a recreational vehicle to be stored a minimum of 6 feet to the rear of a lateral projection of the front foundation line of the dwelling in lieu of the required 8 foot. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a carport measuring 16 feet x 27 feet to protect his recreational vehicle. Construction of the carport will shield the 21 foot recreational vehicle from inclement weather conditions. Petitioner submitted a letter of support from his adjacent neighbor, Andrew F. Coleman, Jr., who resides at 526 48th Street. In fact, Mr. Coleman commended the Petitioner on the many improvements he has made to the property at 528 48th Street. Photographs submitted by the Petitioner depict a chain link fence and vegetation separating these properties.



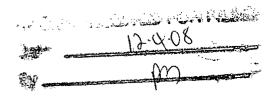
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 16, 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 ______ day of December, 2008 that a variance from Sections 1B02.3.A.5, 1B02.3.B, 1B02.3.C.1, 301.1.A and 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (carport) with a 4 foot side yard setback in lieu of the required 7.5 foot and to permit a recreational vehicle to be stored a minimum of 6 feet to the rear of a lateral



projection of the front foundation line of the dwelling in lieu of the required 8 foot is hereby GRANTED, subject to the following:

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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 4, 2008

WAYNE K. THORNTON 528 48TH STREET BALTIMORE MD 21224

Re: Petition for Administrative Variance

Case No. 2009-0138-A Property: 528 48th Street

Dear Mr. Thornton:

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

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

Very truly yours,

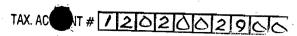
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MARYLAND	1	for the property	located at	528	48th StrEET
			which is pre	sently zoned _	DR-5.5
This Petition shall be filed owner(s) of the property situal made a part hereof, hereby per	with the Depa ite in Baltimore etition for a Va	 County and whice riance from Section 	ts and Development h is described in the d on(s) 1602.3	escription and p	The undersigned, legal lat attached hereto and $0.2.3 \mathrm{E}$
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required 7.5-foot	and to permi	t a recreational.v	I-foot side yard setbarehicle to be stored a dation line of the dw	minimum of 6	-feet to
of the zoning regulations of B of this petition form.	altimore Coun	ty, to the zoning la	aw of Baltimore County	y, for the reason	s indicated on the back
Property is to be posted and a l, or we, agree to pay expenses regulations and restrictions of Ba	of above Varian	ice, advertising, pos	iting, etc. and further agr	ree to and are to t more County.	pe bounded by the zoning
			I/We do solemnly de perjury, that I/we are is the subject of this	e the legal owner(under the penalties of s) of the property which
Contract Purchaser/Less	ee:		Legal Owner(s)	<u>:</u>	1 1
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Name - Type or Print			Name - Type or Print	IX Man	Tor
Signature			Signature		
Address	• • • • • •	Telephone No.	Name - Type or Print		<u> 410-284-693</u>
City	State	Zip Code	Signature	the the	110 401 VIS
Attorney For Petitioner:	* h	• • • • • •	Address I	48-	STEEL Telephone No.
	· · · · · · · · · · · · · · · · · · ·		BAltimo	CEU !	12. 21224
Name - Type or Print		•	City \	to be Centre	tate Zip Code
Signature			Representative	to be comac	ieu.
					.*
Company			Name		
Address	,	Telephoné No.	Address		Telephone No.
City	State	Zip Code	City	S	tate Zip Code
A Public Hearing having been for					
this day of regulations of Baltimore County and I	_, that t	he subject matter of the			ed, as required by the zoning
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REV 10/25/01	4 00	Esti	mated Posting Date	11/16/08	******

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 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): 1) Proposed location of the carport is the best aesthetically for this property. Construction of the carport will assist in the preservation of the 21 ft. recreational vehicle. Vehicle's exposure to the various weather conditions will be reduced once it is stored under this structure. That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Signature Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE. to wit: , before me, a Notary Public of the State I HEREBY CERTIFY, this 6 day of of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal

My Commission Expires

Affidavit in Support of Administrative Variance

		•	4
The undersigned hereby affirms under the penalties of follows: That the information herein given is within the competent to testify thereto in the event that a public hearing	personal knowledge	of the Affiant(s) an	d that Affiant(s) is/are
That the Affiant(s) does/do presently reside at Address	1timore	MD 5	7 ree[
City	11110011	State	Zip Code
That based upon personal knowledge, the following are to Variance at the above address (indicate hardship or practi	he facts upon which I/	we base the reques	t for an Administrative
	•	•	•
1) Proposed location of the carpor	t is the best aesthetic	ally for this proper	rty.
2) Construction of the carport will	assist in the preserva	ntion of the 21 ft.	
recreational vehicle. Vehicle's	exposure to the vario	ous weather condit	ions,
will be reduced once it is stored	under this structure.		
That the Affiant(s) acknowledge(s) that if a formal demander tising fee and may be required to provide additional in	and is filed, Affiant(s)	will be required to	pay a reposting and
Wallac & Thornton			
Signature / Hacata	Signature		
Name - Type or Print	Name - Type or Pri	nt	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to w	vit:		,
of Maryland, in and for the County aforesaid, personally ap		_, before me, a Not	ary Public of the State
Wayne R. Thornton			
the Affiant(s) herein, personally known or satisfactorily ider	itified to me as such A	ffiant(s).	
AS WITNESS my hand and Notarial Seal	1		1
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REV 10/25/01

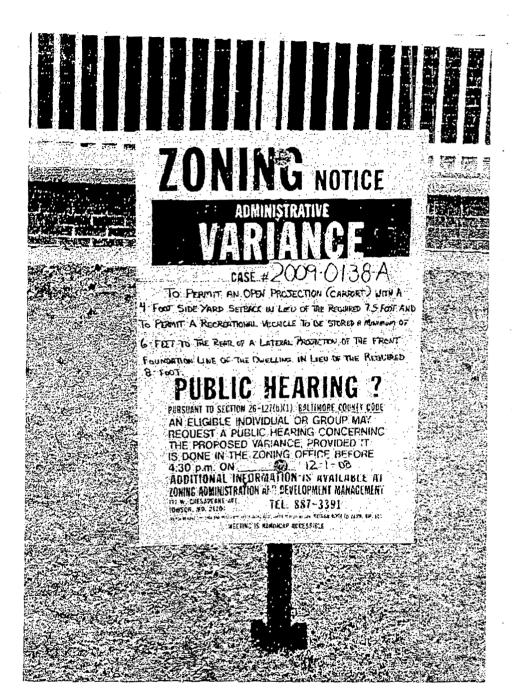
Zoning Description

ZONING DESCRIPTION FOR 528 48th Street
(address)
Beginning at a point on theside ofside of
name of street on which property fronts) (north, south, east or west) which is
name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of (number of feet) (north, south, east or west)
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Waltow Street (name of street)
which is 40 wide. *Being Lot # 625 - 628
(number of feet of right-of-way width)
Block, Section # in the subdivision of HARDAR VIEW
(Name of Subdivision)
containing 12,500 Also known as 520 40 STEET (property address)
containing 12,500 Also known as 528 48th STREET
(square feet or acres) (property address)
and located in the 12 th Election District,7 th Councilmanic District.

						Date	mati 1	1/7/08		Princis acidal the 2 10/300 U/07/300 04:05:00
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CERTIFICATE OF POSTING

		RE: Case No.: 2009-0138-A
		Petitiouer/Developer:
•		Wayne Thornton
·		Date of Hearing/Closing: Dcc 1,08
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 penaltics of posted conspicuously on the property located	f perjury that d at:	the necessary sign(s) required by law were
528 48 th Street		
The sign(s) were posted on		Bay, Year)
•	Sincerely	•
		Robert Black Nov 18,08
<u>8</u>		(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)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	•	
Case Number 2009- 0138 -A	Address <u>528</u> 48	ST.
Contact Person: DONNA THOP Planner, Pleas	MPSONe Print Your Name	Phone Number: 410-887-3391
Filing Date: 11 7 08	Posting Date: 11/16/08	Closing Date: 10108
Any contact made with this office through the contact person (planner)	regarding the status of the ac	
reverse side of this form) and reposting must be done only to is again responsible for all as	I the petitioner is responsible for by one of the sign posters on the sociated costs. The zoning n	esters on the approved list (on the or all printing/posting costs. Any e approved list and the petitioner otice sign must be visible on the remain there through the closing
a formal request for a public		t or owner within 1,000 feet to file that even if there is no formal ne closing date.
commissioner. He may: (a) order that the matter be set in within 10 days of the closing	grant the requested relief; (b) for a public hearing. You will reg date if all County agencies granted, denied, or will go to	by the zoning or deputy zoning deny the requested relief; or (c) eceive written notification, usually comments are received, as to public hearing. The order will be
(whether due to a neighbor's commissioner), notification w changed giving notice of the h	s formal request or by order ill be forwarded to you. The nearing date, time and location.	s that must go to a public hearing of the zoning or deputy zoning e sign on the property must be As when the sign was originally altered sign must be forwarded to
	(Detach Along Dotted Line)	
Petitioner: This Part of the Form is	s for the Sign Poster Only	
USE THE ADM	INISTRATIVE VARIANCE SIG	N FORMAT
Case Number 2009- 0138 -A	Address 528 48th ST	· · · · · · · · · · · · · · · · · · ·
Petitioner's Name THORNTON		Telephone <u>410-284-6935</u>
Posting Date: பிட்டிற்க	Closing Date	80/161
Wording for Sign: <u>To Permit AN 0</u>	PEN PROTECTION (CARPORT)	WITH A 4-FOOT SIDE YARD
SETBACK IN LIEU OF THE	REQUIRED 7.5-FOOT AND TO	PERMIT A RECREATIONAL
VEHICLE TO BE STORED A M	VINIMUM OF 6-FEET TO THE	REAR OF A LATERAL PROJECTION
OF THE FRONT FOUNDATION LINE	OF THE DWELLING IN LIEU OF	THE REQUIRED 8-FOOT
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 2009 - 0 138 - A	
Petitioner: THORNTON	••
Address or Location: 528 48th ST.	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: WAYNE K. THORNTON	
Address: 528 484 ST.	
BALTO. MD 21224	
Telephone Number: 10-284-6935	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
December 1, 2008

Wayne K. Thornton 528 48th St. Baltimore, MD 212224

Dear: Wayne K. Thornton

RE: Case Number 2009-0138-A, 528 48th St.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 7, 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,

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

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

PECEIVE Nov 2-0 2399

DATE: November 26, 2008

BY:----

SUBJECT: 2

Zoning Advisory Petition(s): Case(s) 09-138- 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



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 0111,0126,0127,0128,0129,0130,0131,0132,0133,0135,0137,5138,0140

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 24, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management -

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For 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



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

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 2009-0138-A

528 48Th STREET HARBOR VIEW 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. 2009-0138-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,

Foa Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

December 3, 2008

Zoning Commissioner William J. Wiseman 105 West Chesapeake Avenue Suite 103 Towson, Maryland 21204

Re: Case No. 2009-0138 528 48th Street Thornton-Petitioner

Dear Commissioner Wiseman:

Mr. Wayne K. Thornton has been my adjacent property owner for the past ten years. During this time, Wayne has installed a new concrete driveway, constructed a detached 624 sq. ft. garage and built a sunroom to the rear of his home. These improvements have not only added value to the property but also help in preserving our community.

The proposed 16 ft. x 27 ft. carport addition again will have the same impact. Drainage problems will not come into play because of the existing retaining wall and his property sits lower than mine.

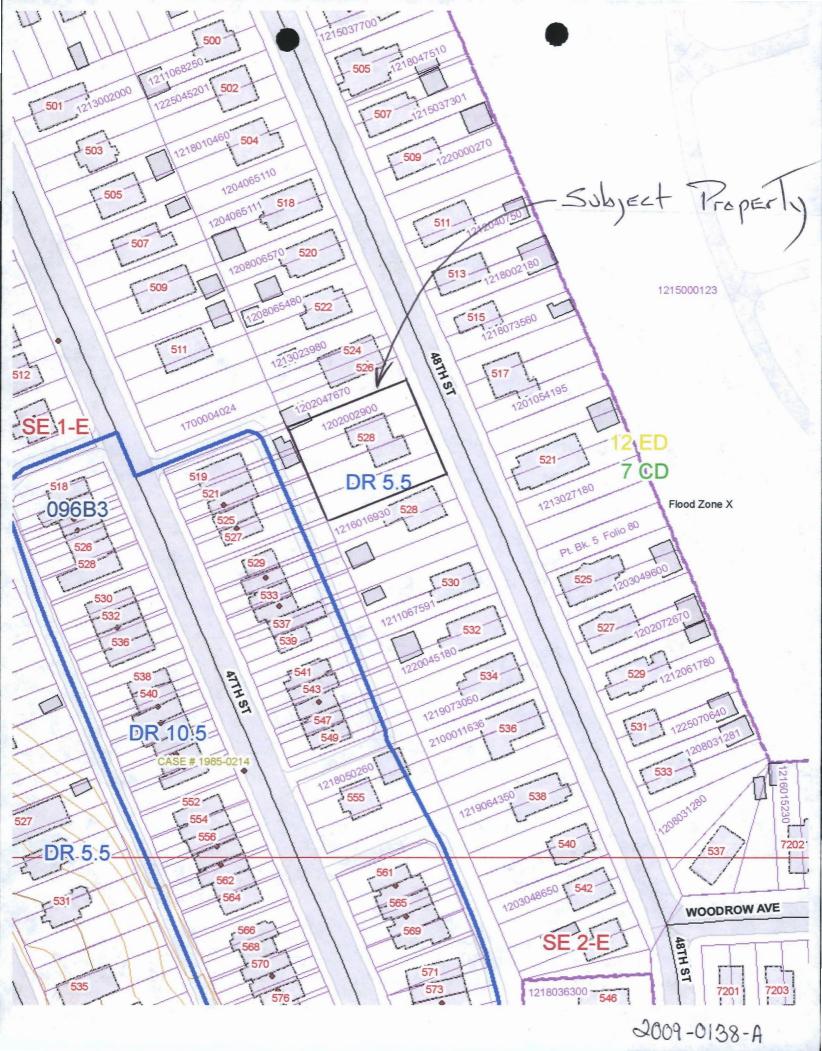
In summary, my household is in support of the administrative variance request filed by Wayne K. Thornton.

Sincerely,

Andrew F. Coleman, Jr.

advert baman

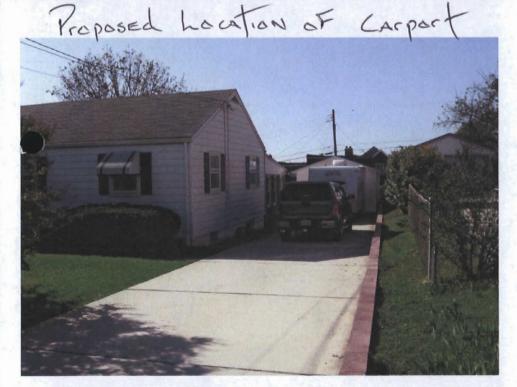
PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE PROPERTY ADDRESS 528 48 STEET SEE PAGES 5 8 6 OF THE CHECKLIST FOR	E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME HARBOR NIEW PLAT BOOK # 5 FOLIO # 80 LOT # SECTION # SECTION # OWNER WAYNE K. THORNTON	ENSTERN AVE
Recreational Vehicle location	Wordraw Woodraw Woodraw Woodraw Woodraw AVE VICINITY MAP SCALE: 1" = 1000'
Lot 628 Lot 627 Lot 626 Lot 625 25' 25' 25' 25'	LOCATION INFORMATION ELECTION DISTRICT 12 COUNCILMANIC DISTRICT 7 I"=200' SCALE MAP # SE I-E ZONING DR 5.5 LOT SIZE -28 12,500 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER [V] WATER
48th Street Language	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING
NORTH NORTH PREPARED BY SCALE OF DRAWING: 1" = 30'	ZONING OFFICE USE ONLY CASE # 2009 - D.T. 0138 0138-A



Adjacent Property to proposed carport 5281/2 & 528 48th street









2009-0138-A

