

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Howard Avenue, at NW corner
side of Oak Road
15th Election District
7th Councilmanic District
(9406 Howard Avenue)

Sheriden H. Henderson II and Richard D. Henderson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0203-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, Sheriden H. Henderson II and Richard D. Henderson for property located at 9406 Howard Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) on a corner lot to be located outside of the third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing garage on the property is in disrepair and must be replaced. The Petitioners wish to construct a new garage measuring 24 feet wide as opposed to the existing 18 foot wide in the same approximate location as the existing structure. In order to construct the garage in the third of the lot farthest removed from any street, its uniformity with the existing garage on the adjacent lot cannot be maintained. The additional garage size is desired to provide adequate space for two vehicles and storage area. Petitioners state the garage will not be used for commercial purposes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 3, 2009 which indicates that the proposed garage is approximately the same footprint as that of the existing

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structure which is cosmetically and possibly structurally in an advanced state of distress. A new one-story garage will be very close to the immediate neighbor's existing garage and could be quite an improvement. The Planning Office recommends that elevations be provided to ensure that the proposed structure is not done in a similar wood butcher style to the one it will replace.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 15, 2009 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. Photographs submitted by the Petitioners depict a two-car garage in an advanced state of disrepair. These photographs also show that the immediate neighbor residing at 9407 Todd Avenue, which is also a corner lot, has a modern garage.

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.

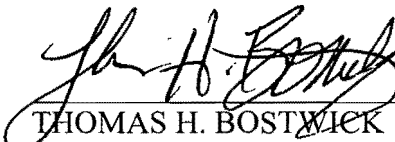
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5th day of March, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) on a corner lot to be

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located outside of the third of the lot farthest removed from any street is hereby GRANTED,
subject to the following:

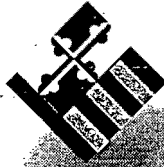
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall provide elevation drawings of the proposed garage to the Office of Planning for review and approval prior to the issuance of any building permit.

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

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 5, 2009

SHERIDEN H. HENDERSON II AND RICHARD D. HENDERSON
PO BOX 307
FORT HOWARD MD 21052

Re: Petition for Administrative Variance
Case No. 2009-0203-A
Property: 9406 Howard Avenue

Dear Messrs. Henderson:

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

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

Very truly yours,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bob Infussi, PO Box 1043-7043, Bel Air MD 21014

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 9406 Howard Avenue

which is presently zoned DR 5.5

Deed Reference: 9943 / 308 Tax Account # 1508301760

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)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Sheridan H. Henderson, II

Name - Type or Print _____

Signature *Sheridan H. Henderson* _____

Richard D. Henderson

Name - Type or Print _____

Signature *Richard D. Henderson* _____

P.O. Box 307 (410) 382-0010

Address _____ Telephone No. _____

Fort Howard Md 21052

City _____ State _____ Zip Code _____

Representative to be Contacted:

Robert Infussi

Name _____

P.O. Box 1043-7043 (410) 812-2236

Address _____ Telephone No. _____

Bel Air Md 21014

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2009-0203-A

Reviewed By SNP Date 2/5/09

REV 7/2007

Estimated Posting Date 2/15/09

3.5.09
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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 9406 Howard Avenue

<small>Address</small>		
<u>Fort Howard</u>	<u>Md.</u>	<u>21052</u>
<small>City</small>	<small>State</small>	<small>Zip Code</small>

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):

SEE ATTACHED

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.

Sheridan H. Henderson II
Signature

Richard D. Henderson
Signature

Sheridan H. Henderson, II

Richard D. Henderson

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF ~~BALTIMORE~~ ^{HARFORD}, to wit:

I HEREBY CERTIFY, this 30 day of January 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SHERIDAN H. HENDERSON, II & RICHARD D. HENDERSON
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal.

Dawn O. [Signature]

Notary Public

My Commission Expires

01.21.12

**ATTACHMENT TO ADMINISTRATIVE
VARIANCE PETITION**

9406 HOWARD AVENUE

**SECTION 400.1 (BCZR) TO PERMIT AN ACCESSORY BUILDING
(GARAGE) ON A CORNER LOT TO BE LOCATED OUTSIDE OF
THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY
STREET**

2009-0203-A

ZONING DESCRIPTION

9406 HOWARD AVENUE

Beginning at a point formed by the intersection of the west side of Howard Avenue (30 feet wide) with the north side of Oak Road (40 feet wide) thence (1) N 69 46 W 171.3 feet thence (2) N 21 25 E 79 feet thence (3) S 70 18 E 143.5 feet and (4) along a curve to the left for a distance of 83.9 feet to the place of beginning.

Containing 12,325 square feet or 0.283 acre, more or less.

Being known as 9406 Howard Avenue. Located in the 15TH Election District and the 7TH Councilmanic District of Baltimore County, Maryland

2009-0203-A

CERTIFICATE OF POSTING

RE: Case No 2009-0203-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 3/2/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9406 HOWARD AVENUE

This sign(s) were posted on February 15, 2009
Month, Day, Year

Sincerely,

Martin Ogle 2/15/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0203 -A Address 9406 Howard Avenue

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/5/09 Posting Date: 2/15/09 Closing Date: 3/2/09

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

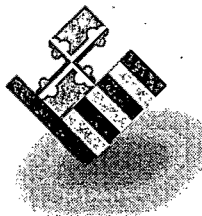
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0203 -A Address 9406 Howard Avenue

Petitioner's Name Henderson Telephone 410-382-0010

Posting Date: 2/15/09 Closing Date: 3/2/09

Wording for Sign: To Permit an accessory building (garage) on a corner lot to be located outside of the third of the lot farthest removed from any street.



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
March 03, 2009

Sheridan H. & Richard D Henderson
P.O. Box 307
Fort Howard, MD 21052

Dear: Sheridan H. & Richard D Henderson

RE: Case Number 2009-0203-A, 9406 Howard Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 05, 2009. 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
Robert Infussi; P.O. Box 1043-7043; Bel Air, MD 21014

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2009

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

SUBJECT: 9406 Howard Avenue

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INFORMATION:

MAR 04 2009

Item Number: 9-203

Petitioner: Sheridan and Richard Henderson

ZONING COMMISSIONER

Zoning: DR 5.5

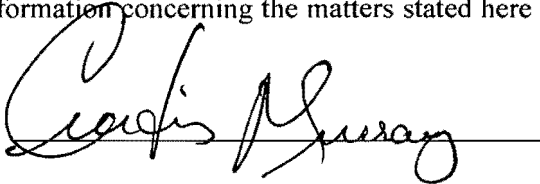
Requested Action: Administrative Variance

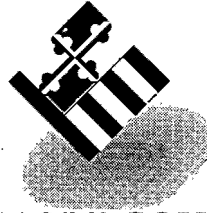
SUMMARY OF RECOMMENDATIONS:

The site for the proposed garage is approximately the same footprint as that of the existing structure, which is cosmetically and possibly structurally in an advanced state of distress. A new 1-story garage will be very close to the immediate neighbors existing garage, and could be quite an improvement. This office recommends that elevations be provided to the hearing officer to ensure that the proposed structure is not done in a similar wood butcher style to the one it will replace.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:
AFK/LL: CM





BALTIMORE COUNTY
MARYLAND

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

February 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 16, 2009

Item Numbers 0200, 0203, 0204, 0205, 0206, 0207, 0208, 0210

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

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

DATE: February 18, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2009
Item Nos. 2009-0200, 0203, 0205,
0206, 0207, 0208, and 0209

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

DAK:CEN:Irk
cc: File
ZAC-02232009-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: Feb. 23, 2009

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2009-0203-A
9406 HARVARD AVENUE
HENDERSON 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. 2009-0203-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,

Foster
Steven D. Foster, Chief
Engineering Access Permits
Division

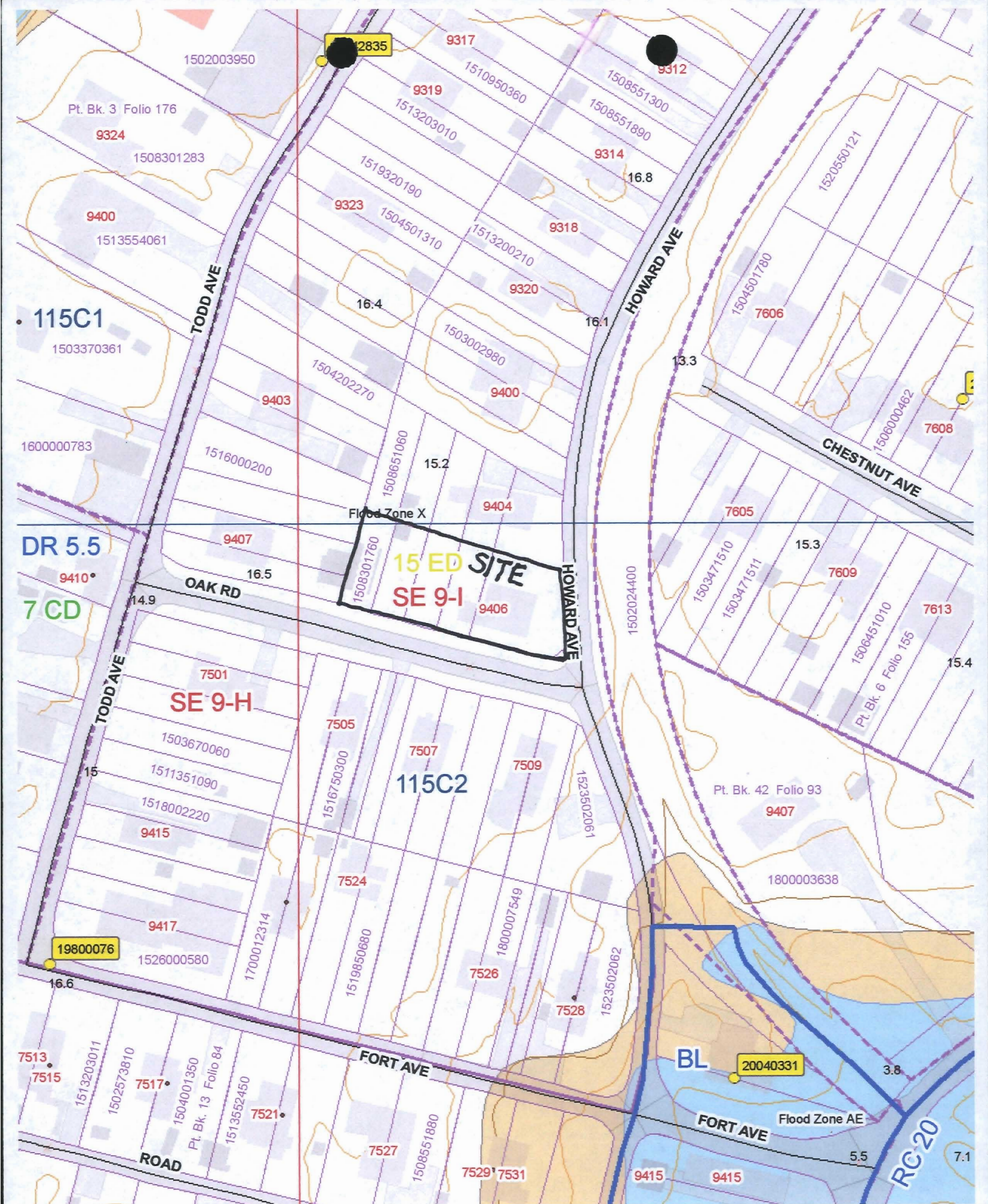
SDF/MB

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





15 ED SITE
SE 9-I

115C1

DR 5.5

7 CD

SE 9-H

115C2

BL

RC-20

2009-0203-A



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2009-0203-A



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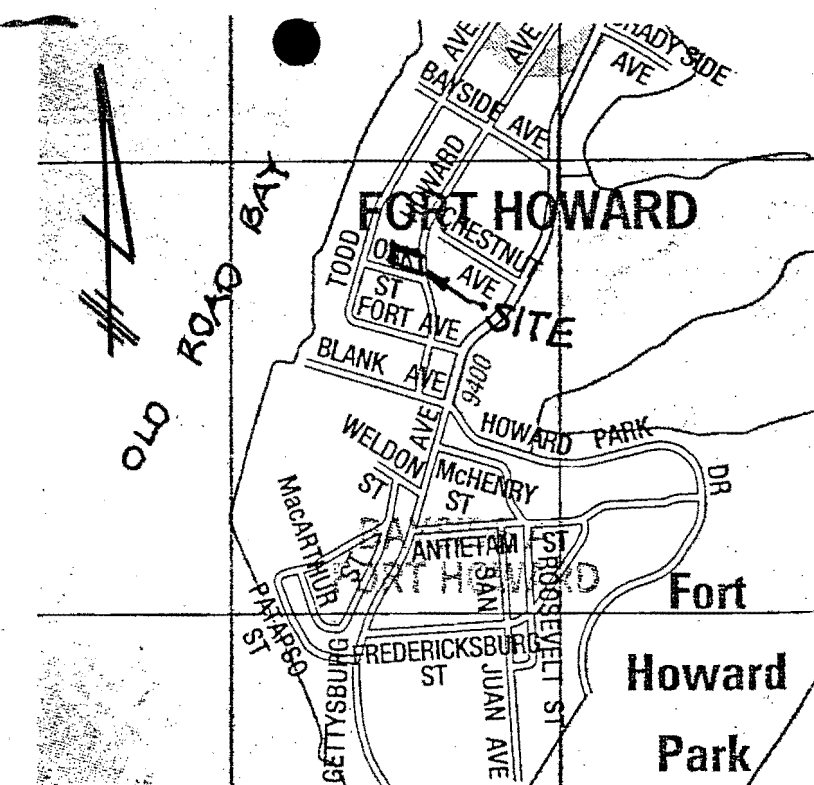
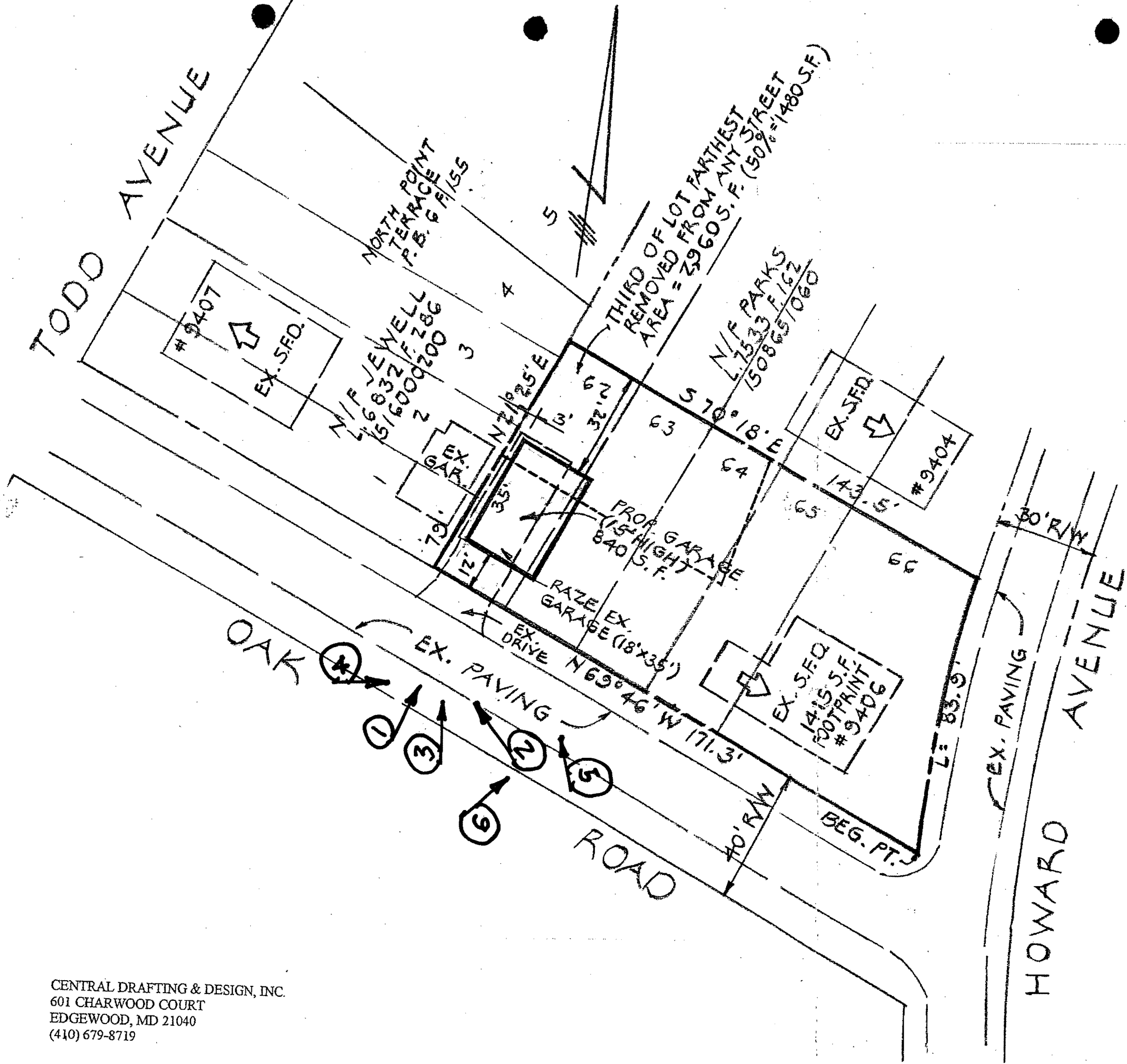


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2009-0203-A

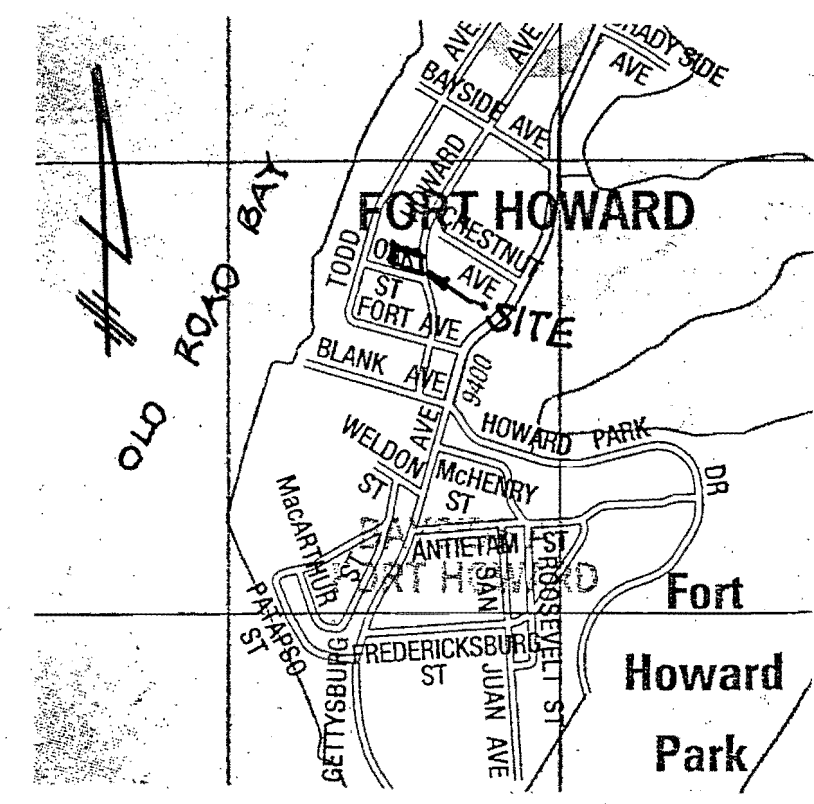
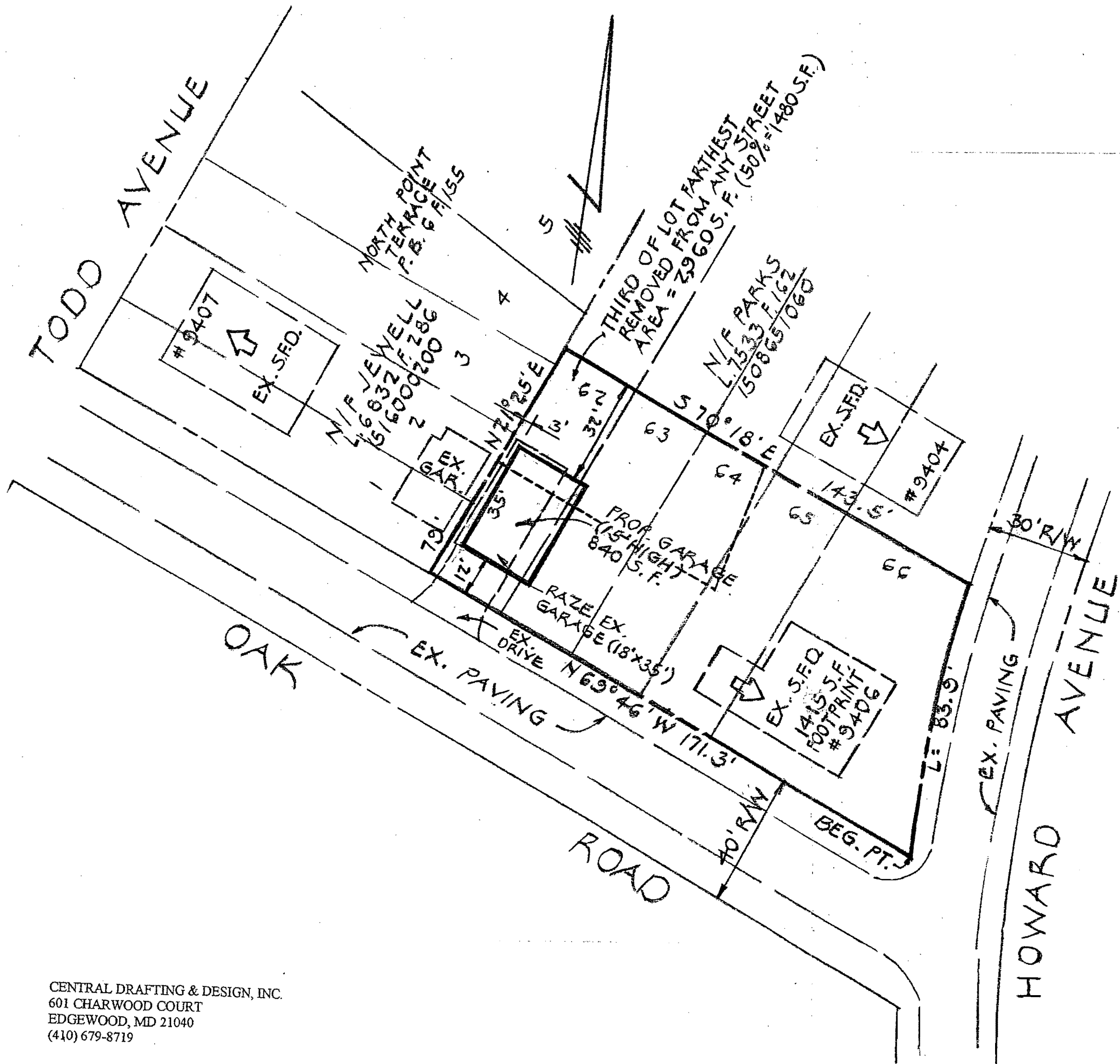


VICINITY MAP
SCALE: 1" = 1000'

- NOTES
1. ZONING.....DR 5.5 (MAP NO. 115C1 & 115C2)
 2. LOT AREA.....12,325 S.F. = 0.283 AC. +/-
 3. SITE IS LOCATED IN THE CBCA
 4. SITE IS NOT LOCATED IN A 100 YEAR FLOOD ZONE
 5. PUBLIC WATER AND SEWER
 6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
 7. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND FUEL STORAGE TANKS ARE KNOWN

OWNER
 SHERIDAN H. HENDERSEN, II
 RICHARD DEAN HENDERSEN
 P.O. BOX 307
 FORT HOWARD, MD 21052-0307
 DEED REF: L 9943 F. 306
 PROP. NO. 1508301760

PHOTOS
**PLAT TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE VARIANCE
 9406 HOWARD AVENUE
 PART OF LOTS 62-66
 NORTH POINT TERRACE P.B. 6 F. 155
 ELECTION DISTRICT 15C7
 BALTIMORE COUNTY, MD
 SCALE: 1 INCH = 30 FEET JANUARY 30, 2009**



VICINITY MAP
SCALE: 1" = 1000'

- NOTES
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OWNER
 SHERIDAN H. HENDERSEN, II
 RICHARD DEAN HENDERSEN
 P.O. BOX 307
 FORT HOWARD, MD 21052-0307
 DEED REF: L 9943 F. 306
 PROP. NO. 1508301760

**PLAT TO ACCOMPANY PETITION
 FOR ADMINISTRATIVE VARIANCE
 9406 HOWARD AVENUE
 PART OF LOTS 62-66
 NORTH POINT TERRACE P.B. 6 F. 155
 ELECTION DISTRICT 15C7
 BALTIMORE COUNTY, MD
 SCALE: 1 INCH = 30 FEET JANUARY 30, 2009
 2009-0203-A**

CENTRAL DRAFTING & DESIGN, INC.
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719