

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Locust Drive; 497 feet S
of Frederick Road
1st Election District
1st Councilmanic District
(23 Locust Drive)

John and Linda Shifflett
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0020-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, John and Linda Shifflett for property located at 23 Locust Drive. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 10 feet and combination of 27 feet in lieu of the minimum required 15 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a one-story addition containing a family room, full bathroom and walk-in closet. The proposed addition can only be constructed at the rear of the home. This addition will not be wider than the existing dwelling.

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 August 5, 2009 which indicates that the property is located within the Central Catonsville National Register Historic District. The proposed addition shall be architecturally consistent with the existing main building.

RECEIVED FOR FILED
8-18-09
P3

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 26, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 Petitioners.

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.

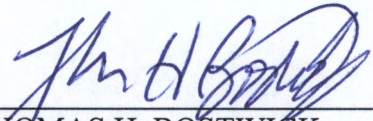
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18th day of August, 2009 that a variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 10 feet and combination of 27 feet in lieu of the minimum required 15 feet and 40 feet, respectively 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.

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8-18-09
PB

2. The proposed addition shall be architecturally consistent with the existing main dwelling.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RESERVED FOR FILING
8-18-09
B3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 18, 2009

JOHN AND LINDA SHIFFLETT
23 LOCUST DRIVE
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2010-0020-A
Property: 23 Locust Drive

Dear Mr. and Mrs. Shifflett:

Enclosed please find the decision rendered in the above-captioned case.

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 x 23 LOCUST DR.
which is presently zoned x DR 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) 1B02.3A.5., 1B02.3B. (BCZR)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 10-FEET AND COMBINATION OF 27-FEET IN LIEU OF THE MINIMUM REQUIRED 15-FEET AND 40-FEET, RESPECTVELY.

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

23 Locust Dr. 410-788-4795

Address

Telephone No.

Catonsville, MD 21228

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 7 day of August, 2010, 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. 2010-000000000000

Reviewed By D.T. Date 7/15/09

REV 10/25/01

Estimated Posting Date 7/26/09

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

Address 23 Locust Drive
City Catonsville MD State MD Zip Code 21228

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 current zoning restrictions will allow for an addition that is approximately 10 feet wide. The proposed addition is single story without a basement. The proposed addition includes a small family room, full bathroom and walk-in closet. Current setback requirements will significantly restrict our options for adding needed living space and providing a second bathroom within our residence.

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 John R. Shifflett
Name - Type or Print John R. Shifflett

Signature Linda K. Shifflett
Name - Type or Print Linda K. Shifflett

STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, this 14th day of July, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOHN R. SHIFFLETT & LINDA K SHIFFLETT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Signature Franklin Blatt
Notary Public Franklin Blatt
My Commission Expires Baltimore County, Maryland
My commission expires November 10, 2011

ZONING DESCRIPTION FOR 23 Locust Drive, Catonsville, Maryland 21228

Beginning at a point on the northeast side of Locust Drive, thirty-four feet wide, at a point distant four hundred ninety-seven feet five and one-half inches southeasterly measured along said northeast side of Locust Drive from the corner formed by the intersection of said northeast side of Locust Drive with the southeast side of Frederick Road, said point being at the division line between Lot No. 6 and Lot No. 7, Section B, as laid out on the Plat of "Locust Drive Extension", recorded among the Land Records of Baltimore County in Plat Book No. 10, folio 109; and running thence binding on said northeast side of Locust Drive, South sixteen degrees thirty-three minutes east fifty feet (S 16 33' E 50') to the division line between Lot No. 5 and Lot No. 6, Section B, as laid out on said Plat; thence binding on said last mentioned dividing line, North seventy-three degrees twenty-seven minutes east one hundred twenty-seven feet eleven inches (N 73 27' E 127' 11") to the northeastmost outline of the whole tract of which this lot is part; thence binding on said outline North sixteen degrees forty-four minutes west fifty feet (N 16 44' W 50') to the division line between Lot No. 6 and Lot No. 7, first herein referred to; and thence binding on said first mentioned division line, South seventy-three degrees twenty-seven minutes west one hundred twenty-seven feet nine inches (S 73 27' W 127' 9") to the place of beginning. The courses in the above description are approximate True Meridian Courses.

BEING Lot Numbered Six (6), Section B, on the Plat of Locust Drive Extension, "POWERS PLAT" which Plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B.Jr. No. 10, folio 109. Also known as 23 Locust Drive, Catonsville, Maryland 21228 and located in the First Election District, 1st Councilmanic District. CONTAINING 6,350 SQUARE FEET OF LAND.

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

No. 43214

Date: 7/15/09

PAID RECEIPT

AGREED ACTUAL TIME DAY
7/15/2009 7/15/2009 11:21:05 3
BY AGOS WALTON JEFFREY
CITY 1476 11:21:05 11:21
2009 1476 11:21:05 11:21

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Total: 65.00

Rec From: LINDA SHIFFLETT

For: 2010-0020-A
23 LOCUST DRIVE
D THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2010-0020-A

Petitioner/Developer SHIFFLETT

Date Of Hearing/Closing: 8/10/09

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 23 LOCUST DRIVE

This sign(s) were posted on July 26, 2009

Month, Day, Year

Sincerely,

Martin Ogle 7/26/09
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



07/26/2009

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20⁽²⁰¹⁰⁾~~00~~ 0020 -A Address 23 LOCUST DRIVE
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/15/09 Posting Date: 7/26/09 Closing Date: 8/10/09

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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 20⁽²⁰¹⁰⁾~~00~~ 0020 -A Address 23 LOCUST DRIVE
Petitioner's Name SHIFFLETT Telephone 410-788-4795
Posting Date: 7/26/09 Closing Date: 8/10/09
Wording for Sign: To Permit AN ADDITION WITH A SIDE YARD SETBACK OF 10-FEET
AND COMBINATION OF 27-FEET IN LIEU OF THE MINIMUM REQUIRED 15- FEET AND
40- FEET, RESPECTIVELY.

WCR - Revised 7/7/08

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2010-0020-A

Petitioner: SHIFFLETT

Address or Location: 23 LOCUST DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. JOHN R. SHIFFLETT

Address: 23 LOCUST DRIVE

CATONSVILLE, MD 21228

Telephone Number: 410-788-4795



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

August 11, 2009

John & Linda Shifflett
23 Locust Dr.
Catonsville, MD 21228

Dear: John & Linda Shifflett

RE: Case Number 2010-0020-A, 23 Locust Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2009

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

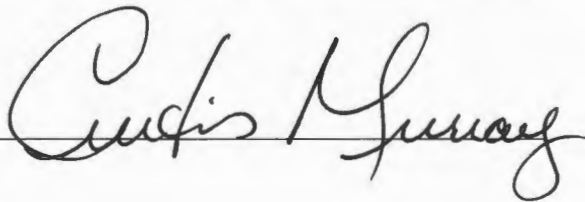
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-020- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and offers the following:

The subject property is located within the Central Catonsville national Register Historic District. The proposed addition shall be architecturally consistent with the existing main building.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



RECEIVED

AUG 06 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 7, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos. 2010-015, 020, 022, 023, 024
and 025

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08032009-NO COMMENTS.doc

AV
8-10-09
closing

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****SEP 10 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 10, 2009
SUBJECT: Zoning Item # 10-020-A
Address 23 Locust Drive
(Shifflett Property)

Zoning Advisory Committee Meeting of July 27, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/9/09

Patricia Zook - Re: Case 2010-0020-A - comments needed

From: Dennis Kennedy
To: Zook, Patricia
Date: 8/17/2009 4:01 PM
Subject: Re: Case 2010-0020-A - comments needed
CC: Richards, Carl

PATTI:

Our comments were sent to the zoning office on August 11. I don't know why they weren't in the file. We had no comment on this one.

Dennis

>>> Patricia Zook 8/17/2009 10:40 AM >>>

Good morning Dennis -

The below-described administrative variance case file is missing comments from your office. If you have no comment, just reply to this e-mail and I'll place it in the file.

CASE NUMBER: 2010-0020-A

23 Locust Drive

Location: NE side of Locust Drive; 497 feet S of Frederick Road.

1st Election District, 1st Councilmanic District

Legal Owner: John and Linda Shifflett

Closing Date: 8/10/2009

ADMINISTRATIVE VARIANCE To permit an addition with a side yard setback of 10 feet and combination of 27 feet in lieu of the minimum required 15 feet and 40 feet, respectively.

As always, thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 2010-0020-A - comments needed

From: Patricia Zook
To: Kennedy, Dennis
Date: 8/17/2009 10:40 AM
Subject: Case 2010-0020-A - comments needed

Good morning Dennis -

The below-described administrative variance case file is missing comments from your office. If you have no comment, just reply to this e-mail and I'll place it in the file.

CASE NUMBER: 2010-0020-A

23 Locust Drive

Location: NE side of Locust Drive; 497 feet S of Frederick Road.

1st Election District, 1st Councilmanic District

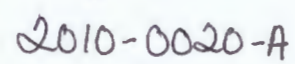
Legal Owner: John and Linda Shifflett

Closing Date: 8/10/2009

ADMINISTRATIVE VARIANCE To permit an addition with a side yard setback of 10 feet and combination of 27 feet in lieu of the minimum required 15 feet and 40 feet, respectively.

As always, thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymcl.gov





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 01 Account Number - 0104500290

Owner Information

Owner Name:	SHIFFLETT JOHN R SHIFFLETT LINDA K	Use:	RESIDENTIAL
Mailing Address:	23 LOCUST DR BALTIMORE MD 21228-5002	Principal Residence:	YES
		Deed Reference:	1) /19207/ 448 2)

Location & Structure Information

Premises Address	Legal Description
23 LOCUST DR	POWERS PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
101	7	258			B		6	1	Plat Ref: 10/ 109

Special Tax Areas

	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,188 SF	6,350.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 BRICK SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2008	07/01/2009
Land	84,350	180,350		
Improvements:	112,920	175,640		
Total:	197,270	355,990	303,082	355,990
Preferential Land:	0	0	0	0

Transfer Information

Seller: DORSEY RIDGELY H	Date: 11/24/2003	Price: \$200,900
Type: IMPROVED ARMS-LENGTH	Deed1: /19207/ 448	Deed2:

Seller: WHEELER MICHAEL J & CLAYTO	Date: 07/01/1949	Price: \$0
Type: NOT ARMS-LENGTH	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

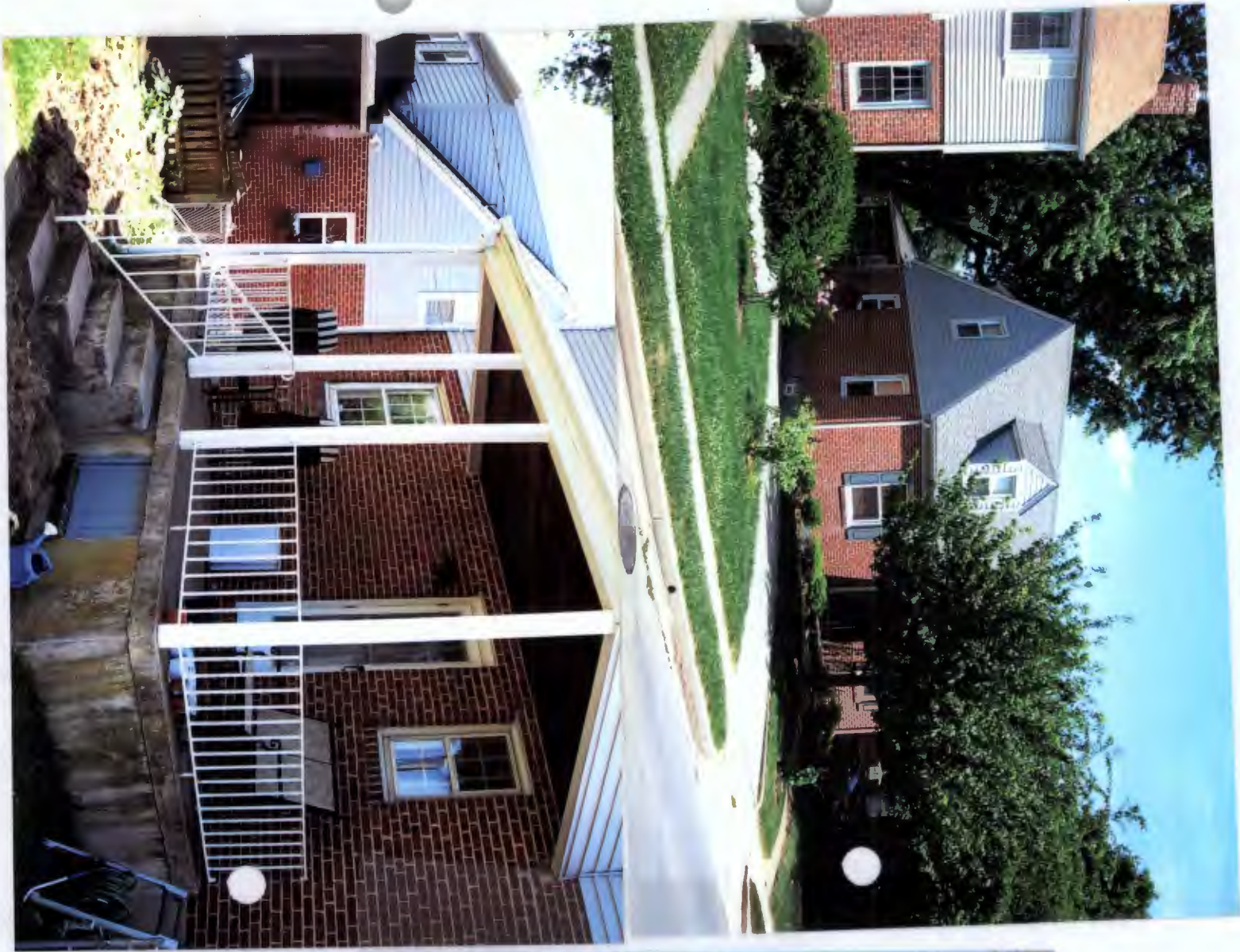
Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *







PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

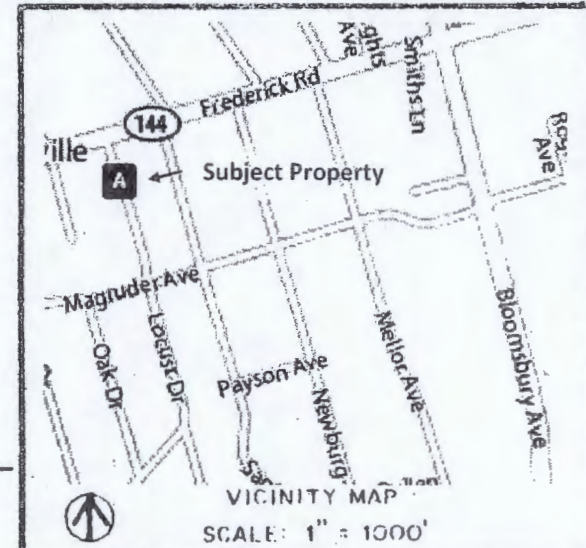
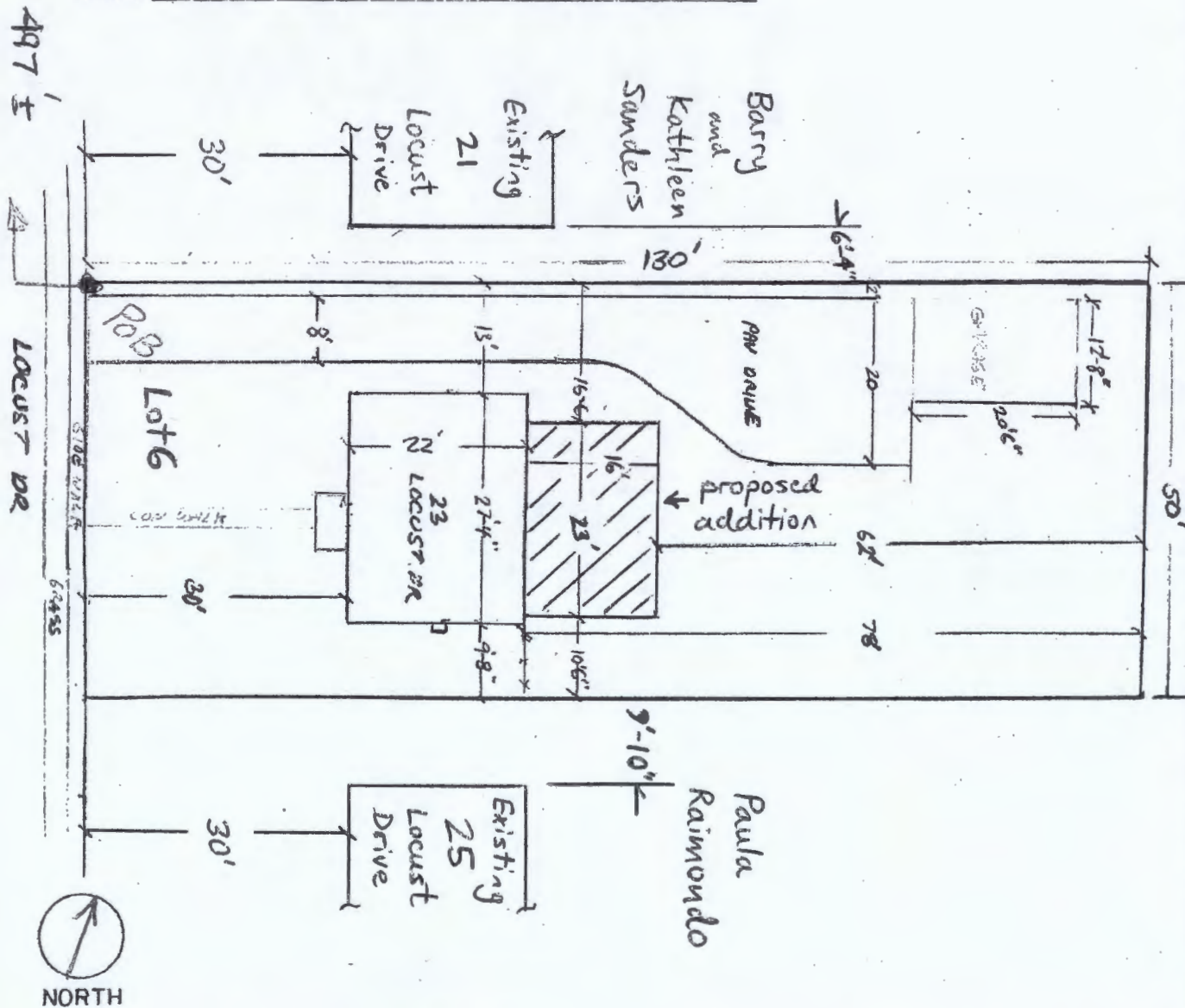
PROPERTY ADDRESS 23 Locust Drive

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Powers of Locust

PLAT BOOK # 10 FOLIO # 109 LOT # 6 SECTION # B

OWNER John and Linda Shifflett



LOCATION INFORMATION

ELECTION DISTRICT **1**

COUNCILMANIC DISTRICT **1**

1" = 200' SCALE MAP # **101A2**

ZONING **DR 2**

LOT SIZE **0.15** **6350**
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/BUILDING	☐	☒
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PRIOR ZONING HEARING **NONE**

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. | 0020 | 2010 - 0020-A

PREPARED BY John Shifflett

SCALE OF DRAWING: 1" = 20'