

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Tyrone Road; 140 feet W of
the c/l of Tyrone Circle
9th Election District
5th Councilmanic District
(211 North Tyrone Road)

Tresa L. and Fredrick R. Howington
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0070-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, Tresa L. and Fredrick R. Howington for property located at 211 North Tyrone 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 27 feet in lieu of the required 30 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition to contain a renovated kitchen, a half bath converted to a full bath, a laundry room and a rear entry room. A portion of the addition will cover the existing cellar stairs and prevent future flooding problems.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 5, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

FOR FILE
9.28.09
[Signature]

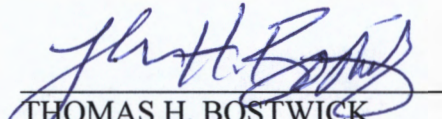
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

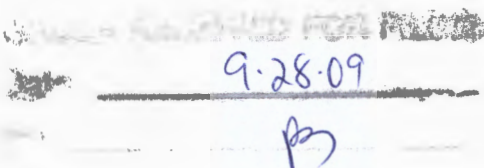
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of September, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 27 feet in lieu of the required 30 feet for an addition is 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.

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


9.28.09
p



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 28, 2009

TRESA L. AND FREDRICK R. HOWINGTON
211 NORTH TYRONE ROAD
BALTIMORE MD 21212

Re: Petition for Administrative Variance
Case No. 2010-0070-A
Property: 211 North Tyrone Road

Dear Mr. and Mrs. Howington:

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 "John 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 211 North Tyrone Road

which is presently zoned DR 5.5

Deed Reference: 168051285 Tax Account # 0919330060

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)

1302.3.C.1 to permit a rear yard setback of 27 ft. in lieu of the required 30 ft. for an addition.

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):

Tresa L. Howington

Name - Type or Print

Signature

Frederick R. Howington

Name - Type or Print

Signature

211 North Tyrone Road

410-377-5707

Address

Telephone No.

Baltimore

MD

21212

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 ____ 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. 2010-0070-A

Reviewed By AK Date 8/27/09

Estimated Posting Date 9/6/09

9.28.09

PM

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 own and reside at 211 North Tyrone Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) A proposed addition to the rear of the dwelling is intended to cover existing open stairs by a roof.

The proposed addition would leave a rear setback of 27 feet in lieu of the required 30 feet.

Reduction of the dimension of the proposed addition would leave part of the existing stairs uncovered by a roof, causing water collection.

Reduction of the dimensions of the proposed addition would also cause difficulty in the floor plan of the addition, which includes a renovated kitchen, a half bath converted to a full bath, a laundry room and a rear entry room.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Tresa L. Howington

Name- print or type

Signature

Frederick R. Howington

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 26th day of August, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here):

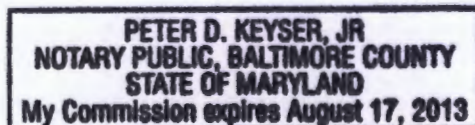
Tresa L. Howington and Frederick R. Howington
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public

Commission expires 8/17/2013

PLACE SEAL HERE:



August 25, 2009

Dear Zoning Commissioner,

This request for a variance of the 30' setback to 27' will make our small colonial home much more livable and functional for a family with two working parents. Our home was built in the 1940's on a small lot. It currently has only one full bath. We have not been able to update this bath which needs repair because is the only full bath in the home. The existing kitchen area is divided to include a small powder room where we also house our stackable laundry unit. The space is not functioning well for us. In addition, we have had issues with water flooding our basement and would like to have the roof cover our cellar stairs.

To cover the length of the stairs and accommodate the design of the laundry room, bath and rear entry with coat closet (which we are currently lacking), we would need to bump out approximately 11 feet in the rear. This will just cover the end of our existing cellar stairs and patio area, which is a much smaller addition than several of the 2-story additions which have been completed by other neighbors, also requiring variances on the setback. We have kept this project to the minimum size possible to meet our needs for space and avoid encroaching on our neighbors. Thank you for your review of this request.

Sincerely,

Rick and Tresa Howington
211 N. Tyrone Rd.
Baltimore, MD 21212
410-377-5707

#0070

ZONING DESCRIPTION

Zoning description for 211 N. Tyrone Road

Beginning on the south side of North Tyrone Road which is 35' wide at the distance of 140' west of the centerline of the nearest improved intersecting street, Tyrone Circle, which is 40' wide.

Being lot # 38 in the subdivision of Armagh as recorded in Baltimore County Plat Book #12, Folio # 75 containing 5880 square feet. Also known as 211 North Tyrone Road and located in the 9th Election District, 5th Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰¹⁰~~2009~~- 0070 -A Address 211 N. Tyrohe Rd.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 8/27/09 Posting Date: 9/6/09 Closing Date: 9/21/09

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 ²⁰¹⁰~~2009~~- 0070 -A Address 211 N. Tyrohe Rd.
Petitioner's Name Frederick & Tresa Howington Telephone _____
Posting Date: 9/6/09 Closing Date: 9/21/09
Wording for Sign: To Permit a rear yard setback of 27 ft. in lieu of the
required 30 ft. for an addition.

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 - 0070 - A

Petitioner: FREDERICK & TRESA HOWINGTON

Address or Location: 211 N. TYRONE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: FREDERICK HOWINGTON

Address: 211 N. TYRONE ROAD

BALTIMORE MD 21212

Telephone Number: 410 - 322 - 5207

Revised 7/11/05 - SCJ

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

No. 1572

Date: 8/20/70

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
				Obj	Sub Obj				

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Item # 0070

CERTIFICATE OF POSTING

RE: Case No 2010-0070-A

Petitioner/Developer FREDERICK
TRESA HOWINGTON

Date Of Hearing/Closing: 9/24/09

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 211 N. TYBONE RD

This sign(s) were posted on September 5, 2009
Month, Day, Year

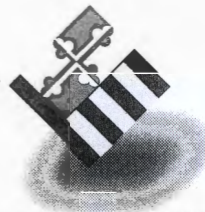
Sincerely,

Martin Ogle 9/5/09
Signature of Sign Poster and Date

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



09/05/2009



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 22, 2009

Tresa & Fredrick Howington
211 North Tyrone Rd.
Baltimore, MD 21212

Dear: Tresa & Fredrick Howington

RE: Case Number 2010-0070-A, 211 North Tyrone Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 27, 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
INTEROFFICE CORRESPONDENCE

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

DATE: September 21, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 21, 2009
Item Nos. 10-067, 070 and 071

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-09212009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 24, 2009

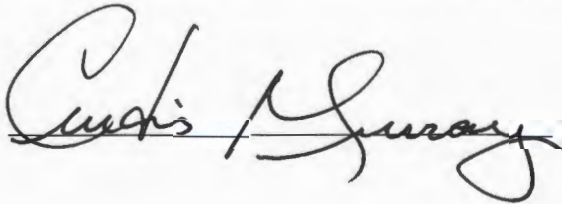
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-070- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



RECEIVED

SEP 25 2009

ZONING COMMISSIONER



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 21, 2009

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

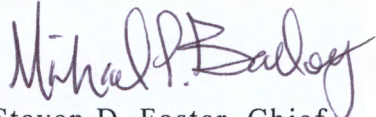
RE: Baltimore County
Item No. 2010-0070-A
211 N. TYRONE RD
HOWINGTON PROPERTY
ADMIN. VARIANCE -

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. 2010-0070-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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.sha.maryland.gov



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

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 067,068,070,071,072,073,074,075,076,077,079,080,081,082,083,084
and 0085

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

Patricia Zook - Cases 2010-0067-A and 2010-0070-A and 2010-0071-A - admin variances-Comments Needed

From: Patricia Zook
To: Murray, Curtis
Date: 9/23/2009 4:00 PM
Subject: Cases 2010-0067-A and 2010-0070-A and 2010-0071-A - admin variances-Comments Needed
CC: Bostwick, Thomas

Hello Curtis -

We received these administrative case files today and all of them are missing comments from the Planning Office.

CASE NUMBER: 2010-0067-A

721 49th Street

Location: E side of 49th Street; 230 feet E of the c/l of Germantown Street.

12th Election District, 7th Councilmanic District

Legal Owner: Wendy and Brian Marshall

Closing Date: 9/21/2009

ADMINISTRATIVE VARIANCE To permit a side yard setback 1 foot in lieu of the required 10 feet for an addition.

CASE NUMBER: 2010-0070-A

211 North Tyrone Road

Location: S side of Tyrone Road; 140 feet W of the c/l of Tyrone Circle.

9th Election District, 5th Councilmanic District

Legal Owner: Tresa and Fredrick Howington

Closing Date: 9/21/2009

ADMINISTRATIVE VARIANCE To permit a rear yard setback of 27 feet in lieu of the required 30 feet for an addition.

CASE NUMBER: 2010-0071-A

10 Blueleaf Court

Location: W side of Blueleaf Court; 330 feet S of the c/l of Hunters Run Drive.

8th Election District, 3rd Councilmanic District

Legal Owner: Michael Demchuk, Jr.

Closing Date: 9/21/2009

ADMINISTRATIVE VARIANCE To permit an addition with a window to property line setback of 13.5 feet and 9.5 feet respectively in lieu of the required 15 feet; and to permit 2 additions with a side building setback of 25.5 feet and 21.5 feet in lieu of the required window to window setback of 40 feet and 40 feet respectively; and to amend the Final Development Plan for Section VII of "Hunters Run" a.k.a "Hunt Valley Station" for Lot 178 only.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner



ATT: KRYS TAL
211 W. TYKONE 2040

REFERENCE #
R5073656676

#0070



211 North Tyrone Road



Publication Date: August 26, 2009
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



50 0 50
 Feet
 1 inch equals 50 feet

#0070

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

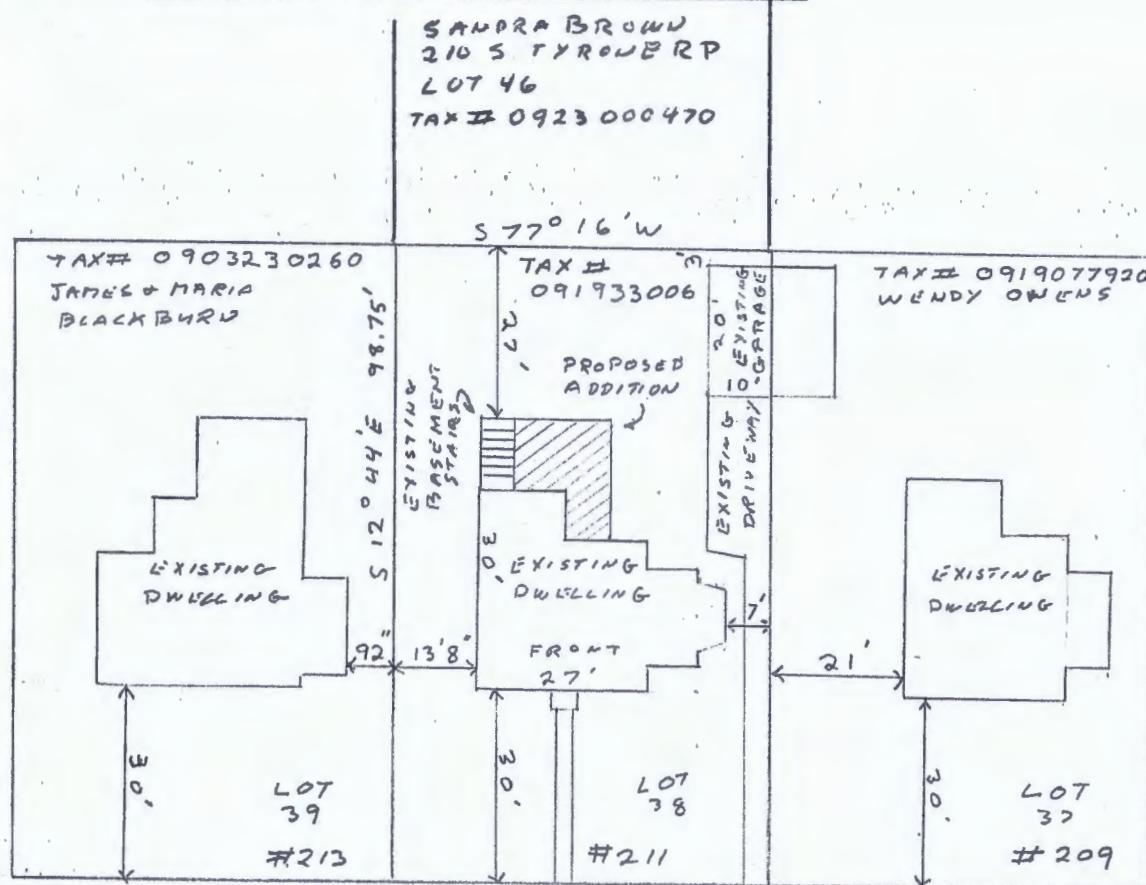
PROPERTY ADDRESS 211 NORTH TYRONE ROAD

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

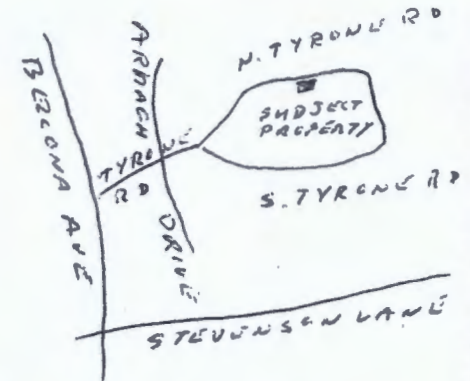
SUBDIVISION NAME ARACHA

PLAT BOOK # 12 FOLIO # 75 LOT # 38 SECTION #

OWNER FREDERICK & TRESA HOWINGTON



N 77°16'E 60' 354'± TO TYRONE RD
 NORTH TYRONE ROAD 35' R/W 22' PAVED
 6" WATER
 8" SEWER
 2" GAS



VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9
 COUNCILMANIC DISTRICT 5
 1" = 200' SCALE MAP # NW 8-A
 ZONING DR 5.5 RESIDENTIAL
 LOT SIZE .14 ACRES 5925 SQUARE FEET
 SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ PUBLIC ☐ PRIVATE
 CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
 100 YEAR FLOOD PLAIN YES ☐ NO ☒
 HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
 PRIOR ZONING HEARING NONE



NORTH

PREPARED BY BILL COOPER

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY
 REVIEWED BY BK ITEM # 0070 CASE # 2010-0070-A