IN RE: PETITION FOR ADMIN. VARIANCE

W side of Charles Street Avenue, 440 feet S of the c/l of Eton Road 9th Election District 5th Councilmanic District (514 Charles Street Avenue)

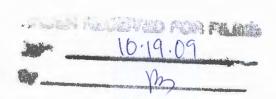
Scott P. Recher Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0096-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Scott P. Recher for property located at 514 Charles Street Avenue. The variance request is from the 1945-1953 Baltimore County Zoning Regulations (B.C.Z.R.) Section I, Definitions 1, Section III A Residential A. 13(a) to permit a proposed detached accessory structure (garage) to be located in the front yard with a height of 21½ feet in lieu of the required rear yard and maximum allowed 15 feet height. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The existing dwelling was constructed without a basement and there is a lack of storage for the family's needs. The attic space in the new garage will be used for storage. Due to the narrow width of the property, the placement of the existing dwelling and the sloped topography and stream, the front yard is the only place to locate the garage. All major buildings, including existing and proposed, will be set back approximately 140 feet from the street and will be partially screened by the existing trees.

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. Although the Office of Planning did not make any recommendations related

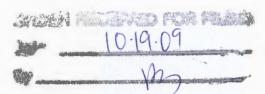


to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 26, 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.

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.



- 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.
- 2. The Petitioner or subsequent owner shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
- 3. The accessory structure shall not be used for commercial purposes.

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

October 19, 2009

SCOTT P. RECHER 514 CHARLES STREET AVENUE TOWSON MD 21204

Re: Petition for Administrative Variance

Case No. 2010-0096-A

Property: 514 Charles Street Avenue

Dear Mr. Recher:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Stephen T. Hill, 1515 Bellona Avenue, Lutherville MD 21093

I/We do solemnly declare and affirm, under the penalties of



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 514 CHARLES which is presently zoned

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) 1945-53 Zoning Rep - Section I

Section III "A" Residential A. 13 (a) permit a proposed accessory structure (garage) to be located in the front yard with a height the required rear and maximum

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.

City	State	Zip Code	City State
,			LUTHERVILLE MO 2
Address		Telephone No.	Address
Company			1515 BELLONA AVE 410-
Company	· .		STEPHEN T. HILL, ARCH
Signature			
			Representative to be Contacted:
Name - Type or Print			City State
			TOWSON MD 21
Attorney For Petitio	ner:		514 CHARLES STREET A
City	State	Zip Code	Signature A
			443.95
Address		Telephone No.	Name - Type or Print
Signature			Signature P. RECHE
Cinnatura			& Scott P. Ruker
Name - Type or Print			Name Type or Print
			SCOTT P. RECHER
Contract Purchaser	/Lessee:	Legal Owner(s):	

regulations of Baltimore County and that the property be reposted.

		Zoning Commissioner of Baltimore County
CASE NO.	2010 -0096 - A	Reviewed By 177 Date 9/16/09
REV 10/25/01	10.19.09	Estimated Posting Date 9/27/09
	m	

Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

Oily	Citato 2.p ood
That based upon personal knowledge, the following a Variance at the above address (indicate hardship or pro-	are the facts upon which I/we base the request for an Administrative ractical difficulty):
SEE ATTACHED L	ETTER
*	
	·
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition	demand is filed, Affiant(s) will be required to pay a reposting and nal information.
Scott P. Resher	
Signature Decuted	Signature
Name - Type or Print	Name - Type or Print
to desire	
STATE OF MARYLAND, COUNTY OF BALTIMORE,	to wit:
of Maryland, in and for the County aforesaid, personall	ly appeared, 2009, before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily	
the Afriant(s) herein, personally known or satisfactorily	identified to me as such Affiant(s).
AS WITNESS my hand and Normal Seal	
AS WITNESS MY HAND AND AND AND AND AND AND AND AND AND	AMecanal Roman
AUBLIC *	My Commission Expires 61110
REV 10/25/01	My Commission Expires

Ttem #0096

September 15, 2009

Affidavit to Support Administrative Variance for:

Mr. Scott Recher

514 Charles Street Avenue

Towson, MD 21204

We request an Administrative Zoning Variance for the above referenced project for the following reasons:

- 1. Due to this house being built with out a basement, there is a lack of storage space for today's family needs. The attic space in the new garage will be used for this storage and is one reason for the increased height request.
- 2. Due to the Narrow Width of the Property, the placement of the existing house and the existing sloped topography and stream, the front yard is the only place to locate a garage.
- 3. This site, being very deep & all major buildings, existing & proposed new, will be set-back from the street approximately 140'-0" and will be partially screened by the existing trees.

Above prepared by:

Stephen T. Hill, Architect 1515 Bellona Avenue Lutherville MD 21093

Item #0096

September 15, 2009

Zoning Description for:

Mr. Scott Recher

514 Charles Street Avenue

Towson, MD 21204

on the west side

Beginning at the point of the South Corner of Charles Street Avenue which is 50 feet wide at the distance of approximately 390 feet West of the Centerline of the nearest improved intersecting Street, Eton Road. which is 50 feet wide.

Being Lot # 160, in the Subdivision of Revised Parcel "C", Chestnut Hill, as recorded in Baltimore County Plat Book # 17, Folio # 9 Containing 22,500 sf.;

Also known as 514 Charles Street Avenue and located in the Election District #9 and Councilmanic District #5.

Metes & Bounds:

Being that the site is angled approximately 45 degrees to due north and Starting at the North Corner of the property go S 61d 43' E-304.16' to the East Corner on Charles Street Avenue. Go S 29 d 34'00" W-75.02 feet to the South Corner and extend N 61d 42' W-299.34' to the West Corner. And extend North 25d 53'16" West the distance of 75.06' to the Starting Point at the North Corner.

Above prepared by:

Stephen T. Hill, Architect 1515 Bellona Avenue Lutherville MD 21093

Ttem #0096

OFFICE	MORE COUNTY, MARYLAND E OF BUDGET AND FINANCE LLANEOUS CASH RECEIPT Rev			Sub	No.	4570	3		FAID RECEIPT SHOULDS ACTUAL TIME 1 SHOULDS WILL THE 1 SHOULD WILL THE 123		
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/28/09

Case Number: 2010-0096-A

Petitioner / Developer: SCOTT P. RECHER ~ STEPHEN T. HILL, AIA

Date of Hearing (Closing): OCTOBER 12, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 514 CHARLES STREET AVENUE

The sign(s) were posted on: SEPTEMBER 26, 2009



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

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: 2010 - 00 96 - A							
Petitioner: SCOTT RECHER Address or Location: 514 CHAPLES STREET AVENUE							
Address of Location.							
PLEASE FORWARD ADVERTISING BILL TO:							
Name: STEPHEN T. HILL, ARCHITECT							
Address: 1515 BELLONA AVE.							
LUTHERVILLE MO 21093							
Telephone Number: 410 - 409 - 7730							

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010	0096	-A	Address	514	Charle	s Street	Ave		
	act Person:							: 410-887-3391		
		Planner, Pl	ease Print Your N	lame						
Filing	Date: 9/10	6/09	Posti	ng Date:	9/21/	09	Closing Da	ate: 10/12/09		
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.	reverse side or reposting mus is again respo	of this form) a t be done only onsible for all	nd the petity y by one of associated	tioner is re the sign po costs. Th	sponsible osters or ne zoning	e for all p the appr notice s	rinting/pos oved list ar ign must b	oved list (on the ting costs. Any not the petitioner e visible on the bugh the closing		
2.	DEADLINE: 1 a formal request for a p	est for a pub	olic hearing.	Please	understa	and that e	even if the	1,000 feet to file re is no formal		
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.	(whether due commissioner) changed giving	to a neighbor, notification grotice of the	or's formal will be for hearing da	request or warded to ate, time ar	by order you. The location	er of the The sign on. As wl	zoning or on the pro nen the sig	a public hearing deputy zoning operty must be n was originally oe forwarded to		
			(Detach	Along Dotted I	_ine)					
Petitioner: This Part of the Form is for the Sign Poster Only										
		USE THE AD	MINISTRA	TIVE VARI	ANCE S	IGN FOR	MAT			
Case	Number 20 0	0096 -A	Addre	ss <u>51</u>	4 Ch	ar les	Street	Ave		
Petitic	ner's Name	Scott P	Rechei			Telepho	one <u>443</u>	956 3141		
Postii	ng Date:	9/27/0	29	Clo	sing Da	te:	0/12/	09		
Wordi	ng for Sign:7	o Permit a	proposed	detac	hed a	ccessory	struct	lure		
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21/2 feet in liey of the required rear and maximum										
a	llowed 15	, respect	ively	l						
		1	/				WC	R - Revised 7/7/08		



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 13, 2009

Scott Recher 514 Charles Street Ave. Towson, MD 21204

Dear: Scott Recher

RE: Case Number 2010-0096-A, 514 Charles Street Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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 Stephen Hill; 1515 Bellona Ave.; Lutherville, MD 21093

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 2009

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 October 5, 2009

Item Nos. 10-087, 088, 089, 090, 091, 092, 093, 095 and 096

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-10052009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 14, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-096- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 9, 2009

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 October 19, 2009

Item Nos. 10-006, 034, 096, 097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 113 and 115

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-10192009.b -NO COMMENTS.doc



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 October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers 0006,0034,0088,0096,0097,0098,0099,0100,0102,0103,0104,0106,0107,0108,0109,0 111,0113 and 0115

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



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 October 2,2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 21. 2009

Item Numbers 0087,0088,0090,0091,0092,0093,0094,0095 and 0096

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

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

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

cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 7,2009

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 - 0096-

SIA CHARLES STREET AVE. RECHER 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-. 0096-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,

Engineering Access Permits

Division

SDF/mb



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 25, 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. 2010-0096-A 314 CHARLES STREET AVE RECHEIR PROPERTY

ADMIN VALLANCE

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. ZOND. 0096-A.

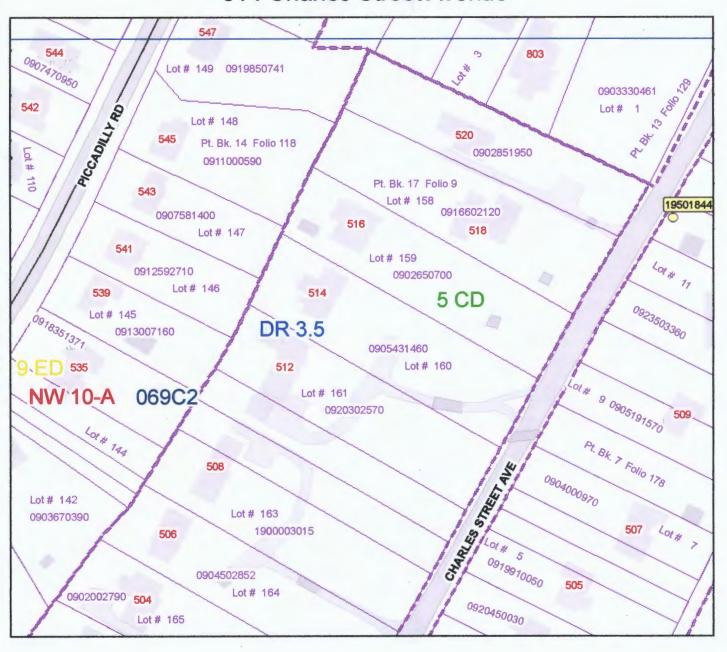
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

SDF/mb

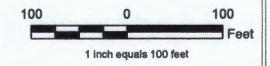
514 Charles Street Avenue



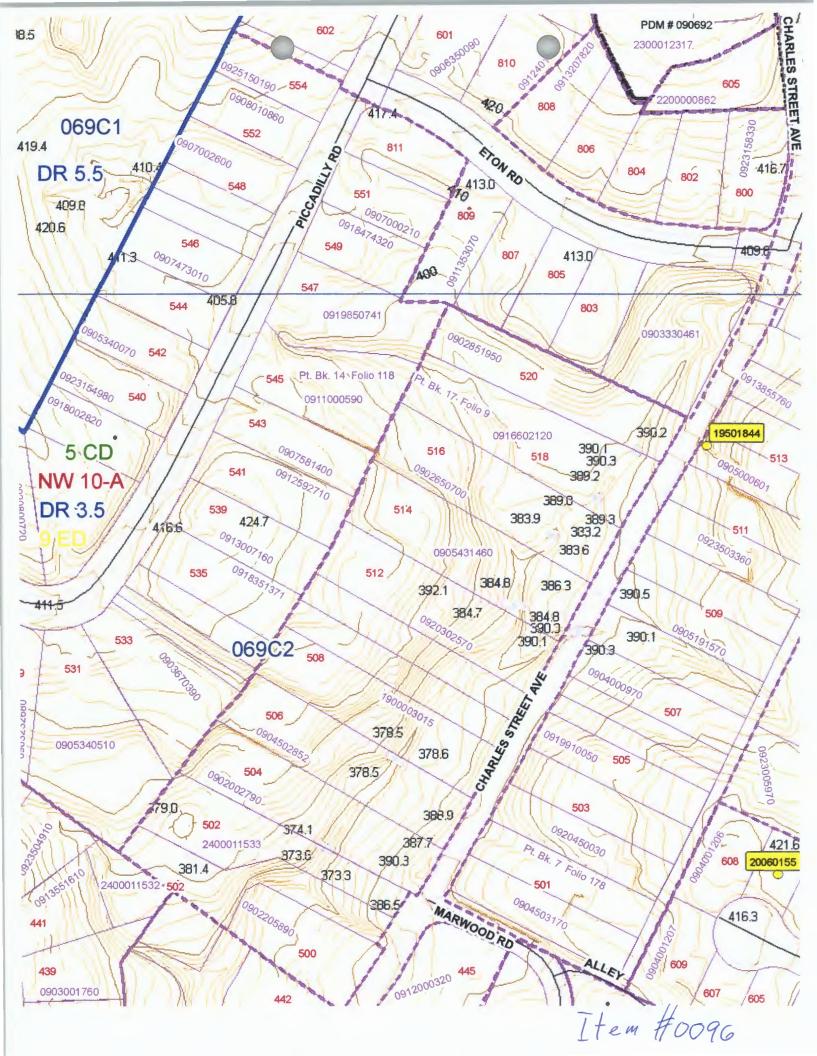


Publication Date: September 16, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



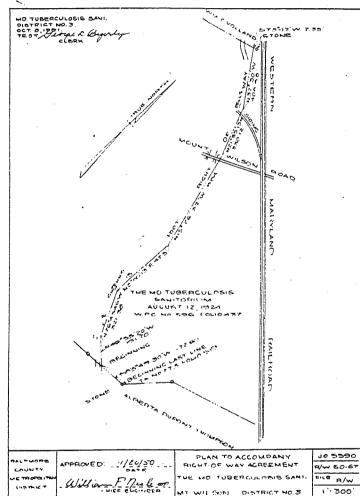


Item # 0096



CHARLES STRELLT FILED FOR RECORD
SUBDIVISION PLAT OF CHEST NUT HILL
ULLY 19, 1051
TEST. George of lightly
ELERK This is to certify that we have compled with the provisions of Chapter low. Acts 1945 and all amend. The streets anifer roads as snown hereon and the mention thereof in deeds are tok the purpose of sescription only and not intended to be deducted. AMPROVED THE LOCATE A DULY SUM SON SUBDIVISION PLAT OF RESERVED PARCEL "C" AS SHOWN ON "REVISED SUBDIVISION PLAT" to mustic use the the simple trele thereof is abstrally reserved in the bounders of the seed to now tow 2001TION TO CHESTNUT HILL", DATED MAR 15,1945. CHNER SCALL 1-50 JUNE 18, 1951 A STAN CONTACT PAR 27 1951 tilum i tinby Res Screyor to 6 fruitor beliefte wike. plat is artisched, then he is one assigns RECORDED IN PLAT BOOK 14 PAGES 117-118 C PRESTON SCHEFFENNICKER NINTH DISTRICT, BALTIMORE COUNTY, MD. 6622 COCH RAVEN RO BALTO 4 MD Memser "id Society of Sureyors

G.L.B. 17 3



FILED FOR RECORD PLAT OF WOODMOOR (SECT 3)

MARCH 19 1951

Jung J. Bij curt

SECTION THREE WOODMOOR 2ND DISTRICT BALTIMORE COUNTY, MD.

Item #0096

