IN RE: PETITION FOR ADMIN. VARIANCE

N side of Hallwood Road; 135 feet W of the

c/l of Harberson Road 1st Election District

1st Councilmanic District

(1409 Hallwood Road)

LeRoy A. Maddox Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- FOR BALTIMORE COUNTY
- * Case No. 2010-0144-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, LeRoy A. Maddox for property located at 1409 Hallwood Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a proposed addition to have a rear yard setback as close as 12 feet in lieu of trhe minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an addition to provide extra living space for an elderly parent. The plans call for the existing deck to be removed and the addition would occupy that space and not take up any additional yard room. Petitioner's property is a uniquely shaped corner lot and the placement of the house on the site limits where the addition can be constructed. The layout of the dwelling also dictates where the addition can be placed. Petitioner has discussed the proposal with his neighbors who do not object.

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.

12-3-09

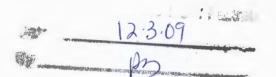
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 8, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3d day of December, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a proposed addition to have a rear yard setback as close as 12 feet in lieu of trhe minimum required 30 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



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

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 3, 2009

LEROY A. MADDOX 1409 HALLWOOD ROAD CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 2010-0144-A

Property: 1409 Hallwood Road

Dear Mr. Maddox:

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.

Sincerely,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Jerry Ovadia, 8813 Pikesville Road, Pikesville MD 21208



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1409 Hallumid which is presently zoned

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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) 1BO2.3.C.1 - to permit a proposed addition to have a rear yard setback as close as 12 feet in lieu of the minimum required 30

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.

			is the subject of this Petition.
Contract Purchaser/Lessee:			Legal Owner(s):
			LeRay MADROX
Name - Type or Print			Name - Type of Print Madd m
Signature			Signature
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petition	oner:		1409 HRUMON Road 410-869-7319 Address Telephone No. CATOMSville Md 21228 City State Zip Code
Name - Type or Print			City State Zip Code
			Representative to be Contacted:
Signature			JERRY OVADIA
Company			Name 8813 Pikesville Rd 410-807-243
Address		Telephone No.	Address Telephone No. A'Kesville Md 2/208
City	State	Zip Code	City State Zip Code
A Public Hearing having I this day of regulations of Baltimore Cou	. t	hat the subject matter of	e required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning

Zoning Commissioner of Baltimore County CASE NO. Reviewed By REV 10/25/01 Estimated Posting Date

Affidavit in Support of Administrative Variance

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

REV 10/25/01

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.

Hallwood

	Calonsville	MD	1/228
	City	State	Zip Code
That based upon personal knowledge, the following the above address (indicate hards	llowing are the facts upon waship or practical difficulty):	hich I/we base the r	equest for an Administrative
		,	
	and the second second	and transferred to the	
I am requesting an administrative addition is to provide additional living currently lives alone. It is my intent to need arise. The plans call for the exist and not take up any additional yard my lot and the placement of the hour adjoin mine and they have voiced not	ng space to the first floor of to be able to provide suitab sting deck to be removed. T room. I need the variance use on the lot. I have spoke	f my home. My fath the living quarters for the addition would because of the uno an to both neighbor	ner is 91 years and or him should the occupy that space orthodox shape of
-			Later of the later
That the Affiant(s) acknowledge(s) that if a	formal demand is filed, Aff	fiant(s) will be requi	red to pay a reposting and
advertising fee and may be required to provide	e additional information.		, , , , , , , , , , , , , , , , , , , ,
- 0 MM 110			
I Madday			
Signature	Signature		
LARY Maddux	N. T.	Dist.	
Name - Type or Hinnt	Name - Ty	pe or Print	
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:		
	. 1	2009 , before me.	a Notary Public of the State
HEREBY CERTIFY, this A day of DC of Maryland, in and for the County aforesaid, p	personally appeared	,	a riolary r abile of the oldie
LeRoy Mado he Affiant(s) herein, personally known or satis	X		
he Affiant(s) herein, personally known or satis	sfactorily identified to me as	such Affiant(s).	
AND 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
AS WITNESS my hand and Notarial Seal		•	- 10 H
	Allower		the way to be the
	Notary Public		

My Commission Expires 10-28

Zoning Description for 1409 Hallwood Road

Beginning at a point on the north side of Hallwood Road which is 50 feet wide at a distance of 135 feet (+/-) west of the centerline of the nearest improved intersecting street Harberson Road which is 50 feet wide. Being Lot #1, Block N, Section #8 in the subdivision of Westwood Park as recorded in Baltimore County Plat Book #30, Folio #48, containing 6,768 square feet. Also known as 1409 Hallwood Road and located in the 1st Election District, 1st Councilmanic District.

Item Horry

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0144 -A Address 1409 Hallwood Rd
Contact Person: David Duva Phone Number: 410-887-3391
Filing Date: $10/30/09$ Posting Date: $11/8/09$ Closing Date: $11/23/09$
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.
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.
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- 0144 -A Address 1409 Hallwood Rd
Petitioner's Name Le Roy Maddox Telephone 410 787 7623
Posting Date: 11/8/09 Closing Date: 11/23/09
Wording for Sign: To Permit a proposed addition to have a rear yard setback as close as 12 feet in lieu of the minimum required

Revised 8/20/09

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County</u> Zoning <u>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 - Petitioner: LEROY Maddox	0144-A
Address or Location: 1409 Hellwood	Road cetomsville MD 2120
PLEASE FORWARD ADVERTISING BILL TO Name: JERRY OVADIA	
Address 8813 PIKELVILLE Rd, PI	KESVILLE MD 420P
Telephone Number: 410 - 807 2431	410-707 7623

MISCEI	LLANEOU	JS CASH	RECEIPT			Date:	10/	30/01	PAID RECEIPT	1004
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj		Dept Obj	BS Acct	Amount	11:0000 (0:00:00:00:00:00:00:00:00:00:00:00:00:0	1111
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For:	23	****					-	-		
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ALITE - C	CASHIER		ASE PRES				GOLD - ACC	JOINTING		

CERTIFICATE OF POSTING

RE: Case No 2010 - 0144 - A

Petitioner/Developer LERDY

MADDO K

Date Of Hearing/Closing: ///23/09

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This sign(s) were posted on November 8, 2009

Month, Day, Year Sincerely,

Signature of Sign Poster and Date
Martin Ogle

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

Walingle upola





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 24, 2009

LeRoy Maddox 1409 Hallwood Rd. Catonsville, MD 21228

Dear: LeRoy Maddox\

RE: Case Number 2010-0144-A, 1409 Hallwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 08, 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

Cal Rilla

WCR:lnw

Enclosures

c: People's Counsel Jerry Ovadia; 8813 Pikesville Rd.; Pikesville, MD 21208

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: November 17, 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 November 23, 2009

Item Nos. 2010-116, 140, 141, 142, 143, 144, 146 and 147

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-144- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: November 16, 2009

NOV 17 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 1 1 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

December 11, 2009

SUBJECT:

Zoning Item # 10-144-A

Address

1409 Hallwood Road

(Maddox Property)

Zoning Advisory Committee Meeting of November 9, 2009

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

Reviewer:

JWL

Date: 12/11/09



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 12,2009

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 -0144-A

MADDOX 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 -. 6144- 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,

A Steven D. Foster, Chief Engineering Access Permits

SDF/mb

Patricia Zook - 11-23-09 Administrative Variance cases - descriptions needed

From:

Patricia Zook

To:

Williams, LaShenda 11/30/2009 9:11 AM

Date:

Subject: 11-23-09 Administrative Variance cases - descriptions needed

CC:

Bostwick, Thomas; Wiley, Debra

LaShenda -

I am waiting for the case descriptions for the administrative variances that closed on 11-23-09. I will process the cases when I receive the descriptions.

Patti Zook Baltimore County Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

1409 Hallwood Road 0108652021 Lot # 3 0102651651 Lot # 22 0119512330 1412 1411 0104351740 Lot# 2 0114900290 Lot # 23 0119718840 Lot # 12 Lot # 11 1410 1406 0102852390 Lot # 24 0122350420 1409 094C2 1 CD Lot # 1 0123870320 DR 5.5 0104751260 Pt. Bk. 30 Folio 48 **NW 1-G** 1408 PDM # 010390 1404 Lot # 25 0108005940 0108653510 1406 HALLWOOD RD 0120661530 Lot# 9 REDGATE CIR HARBERSON RD. Lot # 7 0122450580 0103474090 Lot# 8 Pt. Bk. 30 Folio 107 0116451270 Lot# 6 1400 0119712476



Publication Date: October 28, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot





Item #0144



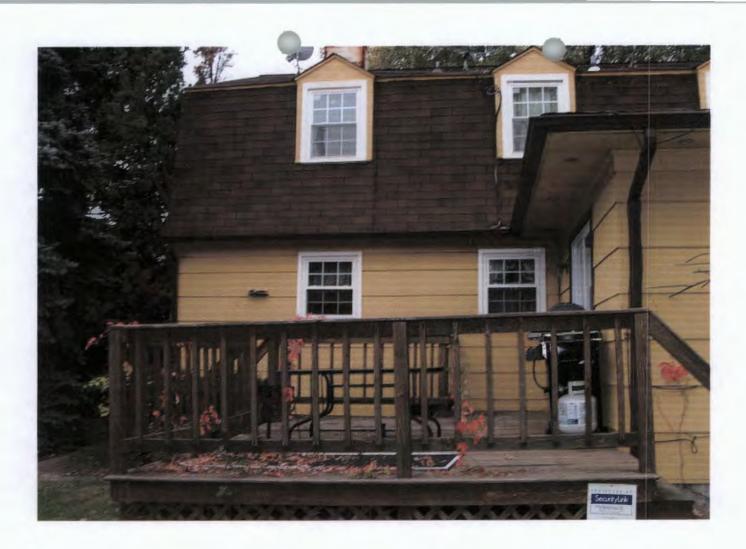
Exempt Class:

Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw4.3d)

Go Back View Map **New Search GroundRent Registration**

Account Identifier: District - 01 Account Number - 0123870320 **Owner Information Owner Name:** MADDOX LEROY A RESIDENTIAL SIMPSON SHARON A Principal Residence: 1409 HALLWOOD RD **Mailing Address: Deed Reference:** 1) /12466/ 205 **BALTIMORE MD 21228-1140** 2) **Location & Structure Information Premises Address Legal Description** 1409 HALLWOOD RD 1409 HALLWOOD RD WESTVIEW PARK Map Grid **Parcel Sub District** Subdivision Section **Block** Lot **Assessment Area** Plat No: 94 186 N Plat Ref: 30/48 Town **Special Tax Areas Ad Valorem Tax Class Primary Structure Built Enclosed Area Property Land Area County Use** 1965 1,978 SF 6,768.00 SF **Stories Basement** Type Exterior STANDARD UNIT **ASBESTOS SHINGLE** Value Information **Base Value** Value **Phase-in Assessments** As Of As Of As Of 01/01/2007 07/01/2009 07/01/2010 Land 96,760 96,760 Improvements: 202,210 202,210 Total: 298,970 298,970 298,970 NOT AVAIL Preferential Land: **NOT AVAIL Transfer Information** SCHERER WILLIAM H Seller: Date: 10/30/1997 Price: \$127,000 Type: IMPROVED ARMS-LENGTH Deed1: /12466/ 205 Deed2: Seller: WRIGHT MARION M Date: 09/20/1973 Price: \$44,000 Type: IMPROVED ARMS-LENGTH Deed1: / 5396/ 341 Deed2: Seller: Date: Price: Type: Deed1: Deed2: **Exemption Information Partial Exempt Assessments** Class 07/01/2009 07/01/2010 000 County 0 0 000 0 State 0 000 Municipal 0 0 Tax Exempt: NO **Special Tax Recapture:**

* NONE *



looking from The Beck side on The existing Deck, where The addition need to be build.

Item #0144 :



side of The house where the addition will be build.

Item # 0144



Looking from The west to The Beck side of The Lot

I tem #0144



Looking from The south

Item #0144



Looking from The worth

Item#0144

