#### IN RE: PETITION FOR ADMIN. VARIANCE

E side of Woodland Drive; 260 feet N of the c/l of Wise Avenue
12<sup>th</sup> Election District
7<sup>th</sup> Councilmanic District
(1709 Woodland Drive)

Jerry Lee Allen Jr. and Deborah L. Allen *Petitioners* 

- BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2010-0229-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, Jerry Lee Allen Jr. and Deborah L. Allen for property located at 1709 Woodland Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open front porch addition on the front of the existing dwelling with a 9 feet front setback in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a covered porch measuring 6 feet x 21 feet to protect the front door from excessive weather deterioration. The property is lower than the street and during times of rain, water accumulates at the bottom of the steps, over the walkway and lawn. This water then takes several days to drain.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 19, 2010 which indicates that all the houses on the block have different front yard setbacks, styles and ages. Because the house is below the edge of the road, it receives and collects storm water in the front yard. The proposed porch and walk will permit access to the house over the wet area. The proposed porch shall match the design and materials of the existing structure. The Planning

OUDER 4	ECEIVED FOR FILING	
Date	4.610	
Ву	pn	

Office recommends the Petitioners' request be approved. Comments were received form the Bureau of Development Plans Review dated March 10, 2010 which indicates that the site plan needs to show the right-of-way for Woodland Road (ultimate 40 feet centered on existing 30 feet) and the setback shall be adjusted accordingly.

The case file contains a memorandum dated March 2, 2010 from Aaron Tsui, Planner II, with the Zoning Review Office which states the record plat of the subject property was recorded in 1935 and the existing house was built in 1938 before the zoning regulations. Per W. Carl Richards, Jr., Chief of the Zoning Review section of Permits and Development Management the required front setback for an open porch addition should use the maximum required front setback of 40 feet in the DR 5.5 zone with 25% open projection allowed, i.e., 30 feet.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 14, 2010 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.

ORDER RI	ECEIVED FOR FILING	
Date	4.6.10	2
Ву	Por .	

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_ day of April, 2010 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open front porch addition on the front of the existing dwelling with a 9 feet front setback in lieu of the required 30 feet is hereby GRANTED, subject to the following:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The proposed porch shall match the design and materials of the existing 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 RECEIVED FOR FILING

Date\_\_\_\_\_



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

April 6, 2010

JERRY LEE ALLEN JR. AND DEBORAH L. ALLEN 1709 WOODLAND DRIVE BALTIMORE MD 21222

Re: Petition for Administrative Variance

Case No. 2010-0229-A

Property: 1709 Woodland Drive

Dear Mr. and Mrs. Allen:

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



CASE NO. OR

REV 10/25/01

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1709 Woodland Dr. Balto. MD 21222 which is presently zoned DR 5-5

Commissioner of Baltimore County

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)

BCZE

B02-3C.

TO PERMIT AN OPEN FRONT PORCH ADDITION OF FRONT OF THE EXISTING DWELLING WITH A 9. FOOTESETBACK IN LIEU OF THE REQUIRED 30 FEET. FRONT

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.

fra in the			I/We do solemnly d perjury, that I/we ar is the subject of this	eclare and affirm, under e the legal owner(s) of the s Petition.	the penalties of ne property which
Contract Purchaser/L	essee:	Mar Mala	Legal Owner(s	2779 5	
NIA	The state of the state of	Contract Contract	Jerry L.	Allen Jr.	
Name - Type or Print			Name - Type or Print	1	
Signature		A 10 10 10 10 10 10 10 10 10 10 10 10 10	Signature	. Allen	
Address		Telephone No.	Name - Type or Print	Allen.	
City	State	Zip Code	3		
Attorney For Petition	er:	1.1	1709 Wood	land Dr. 4	Telephone No.
NIA			Baltimore	MD	21222
Name - Type or Print			City	State	Zip Code
Signature		,	Representative	e to be Contacted:	
Company			Name Name		,
Address	, ,	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore Count	. that	the subject matter of t	required, it is ordered by his petition be set for a put	y the Zoning Commissioner plic hearing, advertised, as	r of Baltimore County, required by the zoning

Reviewed By

## 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	That the	Affiant(s)	does/do	presently	reside	a
--	----------	------------	---------	-----------	--------	---

1709 Woodland Dr.

Address
Baltimore, MD 2122
City State Zip Code

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):

we are requesting this variative to build the covered porch in order to protect our front door from the excessive weather detendration we have been expenencing. Our front entrance receives direct sun light so strong it has melted the seals on two doors over 10 yrs. making it necessary to replace them (latest in July 2009). The heat also causes a danger when entening the house as the door and handles are too hot to be touched during the day.

our property also slopes down from street level and is approximately one foot lowe in elevation at the bottom of our steps. During heavy rains, water runs from the street onto our property and pools at the base of our steps, sidewalk and lawn. The water sometimes takes days to drain or requires sweeping to remove. The new porce steps will be situated to eliminate the need to walk through the puddles to enter 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.

That the Affiant(s) acknowledge(s) that if a formal dema advertising fee and may be required to provide additional in	the need to walk through the puddles to and is filed, Affiant(s) will be required to pay a reposting and formation.
Signature ( luy Lalet?	Signature Signature
Jerry L. Allen Jr. Name - Type or Print	Deborah L. Allen Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to will HEREBY CERTIFY, this day of September of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily dentity	it:  JU , 2009, before me, a Notary Public of the State beared  Olon J. & Debrah L. Goldon tified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Notary Public

My Commission Expires 10 25 11

REV 10/25/01

### **Zoning Description**

ZONING DESCRIPTION FOR 1709 Woodland Drive, Baltimore, MD 21222

Beginning at a point on the east side of Woodland Drive which is twide at the NORTH distance of 260 ft seath of the centerline of the nearest improved intersecting street

Wise Avenue which is 48 ft wide. Being Lot #313, 314, 315 in the subdivision of

Rosewald Beach as recorded in Baltimore County Plat Book #10, Folio #88,

containing 12,225 sf. Also known as 1709 Woodland Drive and located in the 12th

Election District, 7th Councilmanic District.

2010-0229-A

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVENPMENT MANAGEMENT ZONING REVIEW

#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2010- 0229 -A Address 1709 WOODLAND DRIVE
Contact Person: AARON TSUI Phone Number: 410-887-3391
Filing Date: 03/02/2010 Posting Date: 03/14/2010 Closing Date: 03/29/2010
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. <a href="POSTING/COST">POSTING/COST</a> : 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. <b>DEADLINE:</b> 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- 0229 -A Address 1709 WOODLAND DEIVE
Petitioner's Name JERRY L. ALLEN JR - Telephone 410-282-7887
Posting Date: Closing Date:
Wording for Sign: To Permit AN OPEN FRONT PORCH ADDITION ON FRONT
OF EXISTING DWELLING WITH A 9 FOOT SETBACK IN LIEU OF THE REQUIRED 30 FEET.

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			www.		-				-

### **+-CERTIFICATE OF POSTING**

	RE: Case No.:
	Petitioner/Developer: Jerry L. Allen Jr.
	March 29 2010  Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristin Matthews	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property located a 1709 Woodland Drive	perjury that the necessary sign(s) required by law were at:
The sign(s) were posted on	March 14 2010 (Month, Day, Year)
	Sincerely,
	2 Signature of Sign Poster) (Date)
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



# ZONING NOTICE

# ADMINISTRATIVE VARIANCE

CASE #2010-0229-A

TO PERMIT AN OPEN FRONT PORCH ADDITION ON FRONT OF EXISTING DWELLING WITH A 9 FOOT SETBACK IN LIEU OF THE PLEGUIRED 30 FEET.

## PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON

ADDITIONAL INFORMATION ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

TOWSON, MD. 21204

TEL. 887-3391

DO NOT REPORT THIS AID POST DATA AFTER ARDER PARE, DESTRUCTED AFTER RETURN BOTH TO ZADM, RM. 104

MEETING IS HANDICAP ACCESSIBLE



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 30, 2010

Jerry & Deborah Allen 1709 Woodland Dr. Baltimore, MD 21222

Dear: Jerry & Deborah Allen

RE: Case Number 2010-0229-A, 1709 Woodland Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 02, 2010. 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



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 March 9,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 8, 2010

Item Numbers: 0226,0228,0229,0230,0231 and 0232

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

SKAA State Highway Administration 8

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAZCH 10 2010

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

RE:

**Baltimore County** 

Item No. 2010-0229-A

1709 WOODLAND DRWE ALLEN 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.

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, Chi

Engineering Access Permits

Division

SDF/mb

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 10, 2010

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 22, 2010 Item No.: 2010-229

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Show the right-of-way for Woodland Road (ultimate 40 feet centered on existing 30 feet). The set back shall be adjusted accordingly.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0229-03222010.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 19, 2010

Department of Permits and **Development Management** 

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1709 Woodland Drive

INFORMATION:

**Requested Action:** 

**Item Number:** 

10-229

**Petitioner:** 

Jerry L. Allen Jr.

Zoning:

DR 5.5

**Administrative Variance** 

RECEIVED

MAR 2 2 2010

**ZONING COMMISSIONER** 

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office offers the following comments:

All the houses on the block have different front yard setbacks, styles and ages. Because the house is below the edge of the road, it receives and collects storm water in the front yard. The proposed porch and walk will permit access to the house over the wet area. The proposed porch shall match the design and materials of the existing structure. The Office of Planning recommends the petitioner's request be approved.

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

**Division Chief:** 

AFK/LL: CM

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



RECEIVED

APR 16 2010

ZONING COMMISSIONER

Date: April 6, 2010

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

April 15, 2010

SUBJECT:

Zoning Item # 10-229-A

Address

1709 Woodland Drive

(Allen Property)

Zoning Advisory Committee Meeting of March 8, 2010

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

#### Additional Comments:

This lot is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA). Development on this lot must comply with the requirements of Section 33-2-602 of the Baltimore County Code.

Reviewer:

Adriene Metzbower

#### **MEMO**

From: Aaron Tsui, Planner II

March 2, 2010

To: Zoning Commissioner/File

Re: Variance Case no. 2010-0229-A

Proposed Open Front Porch Addition on front of dwelling

1709 Woodland Dr. 12th Election District

The record plat (Book 10/ Folio 88) of the subject property was recorded in 1935. The house was built in 1938 before the zoning regulations.

Per Carl Richards, the required front setback for an open porch addition should use the maximum required front setback of 40 feet in DR 5.5 zone with 25% open projection allowed i.e. 30 feet.





Go Back View Map **New Search** 

Account Identifier:	District - 1	2 Account Nu	<b>mber -</b> 120	4001470	)				
		Ow	ner Inforn	nation					
Owner Name:						RESIDENTIAL			
ALLEN DEBORA							ES		
Mailing Address:	1709 WOODL BALTIMORE I	LAND DR MD 21222-4834	+	Deed	ı kerer	ence:	2	) /14124/ 170 )	
		Location 8	& Structure	Inforn	nation				
Premises Address						-			
1709 WOODLAND DR						,314,315			
			1709 WOODLAND DR ES ROSEWALD BEACH					K E5	
Map Grid Parcel	Sub District	Subdivision	Section	Block	Lot		ment Area	Plat No:	
104 13 196	Sub District	Subdivision	Section	BIOCK	313	A556551	3	Plat Ref:	10/8
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Seller: SHOPE JAMES	EDWARD,JR		4. 51	Date:	06/0	8/1988	Price:	\$800	
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1709 woodland Dr.



View from front lawn



1709 Woodland Dr.



Front door damage panel warped after Aug. Sept heat







View across from 1709 Woodland Dr.



2010-0229-

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 1709 Woodland Drive SEE PAGES 5 & 6 OF THE CHECKLIST	CE SPECIAL HEARING
SUBDIVISION NAME Rosewald Beach	
OWNER Jeny L. Allen Jr. & Deborah L. Allen	
OWNER ZEITG L. HILDT ST SECOTOS C. HILET	
LOT 316  11K'  LOTS 313, 314, 315  LOT 312	VICINITY MAP  SCALE: 1" = 1000'
EXISTING DWELLING #1707	LOCATION INFORMATION  ELECTION DISTRICT 12 40  COUNCILMANIC DISTRICT 7+0  1"=200' SCALE MAP # 104 A 2

4AZ ZONING DR 5.5 SQUARE FEET LOT SIZE ACREAGE PRIVATE PUBLIC. 19 SEWER WATER YES NO

CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN

13 13

HISTORIC PROPERTY/ BUILDING

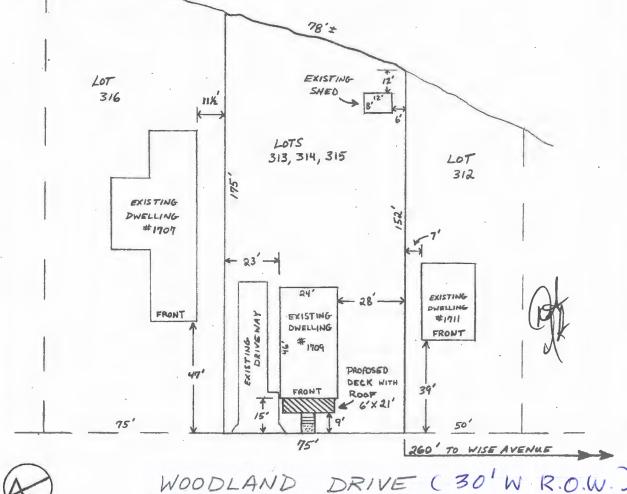
13

PRIOR ZONING HEARING

NONE

ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #

0229 12010-0229



PREPARED BY Jerry L. Allen Jr

NORTH

WOODLAND

SCALE OF DRAWING: 1" = 40