IN RE: PETITION FOR ADMIN. VARIANCE

NW corner of Thackery Avenue and

y

Tredegar Avenue

1st Election District

1st Councilmanic District

(312 Thackery Avenue)

Jeffrey and Allison Miles

Petitioners

* BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 2010-0357-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, Jeffrey and Allison Miles for property located at 312 Thackery Avenue. The variance request is from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with a rear yard setback of 9 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' dwelling was constructed in 1927 long before the imposition of zoning on the property. The construction of a deck anywhere on the rear of the dwelling will require a variance.

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 July 4, 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

ORDER RECEIVED FOR FILING

Date 7 - 2 2 - 1 0

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 day of July, 2010 that an Administrative Variance from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with a rear yard setback of 9 feet 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.

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 $\gamma - 22 - 10$ 2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 22, 2010

JEFFREY AND ALLISON MILES 312 THACKERY AVENUE CATONSVILLE MD 21228

Re: Petition for Administrative Variance

Case No. 2010-0357-A

Property: 312 Thackery Avenue

Dear Mr. and Mrs. Miles:

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

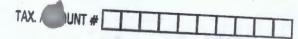
for Baltimore County

THB:pz

Enclosure



REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 312 Thackery Avenue which is presently zoned DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature DER RECEIVED FOR FILING Name Company Address Telephone No. Telephone No Address Zip Code State City State Zip Code City many demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, A Public Hearing having been this 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 2010-0357-CASE NO. Reviewed By

Estimated Posting Date

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.

City State Zip Cod
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):
1. Due to living in a very old (100+years) neighborhood, this is a nonconfosituation in which we have difficulty complying with regulations.
2. We have a growing family and we need a safe place for our ye children to play away from the 2 streets our property corners
3. Our indoor kitchen is not large enough for a table and chairs are looking to use this space for sitting and eating spring, so and fall.
4. This request will be in harmony with the purpose and intent the ordinance and will not be injurious to the neighborhood or the general welfare.
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting ar advertising fee and may be required to provide additional information.
Allison Miles Signature Signature
Allison D. Miles Name - Type or Print Signature JEFFREY J. MILES Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
of Maryland, in and for the County aforesaid, personally appeared \ \ \(\(\Colon \) \(\colon
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
Notary Public
REV 10/25/01 REV 10/25/01 Notary Public My Commission Expires 8/21/2010
WWW.MORE WILLIAM

1B02.3.C.1 and 301.1A to permit an open projection (deck) with a rear yard setback of 9 ft. in lieu of the required 30 ft.

Zoning Description for 312 Thackery Ave

Beginning at a point on the north side of Tredegar Avenue which is 60' wide at the distance of 40' West of the center line of the nearest improved intersecting street Thackery Avenue which is 40' wide. Being Lots #188, #189, and #190, in the subdivision of Oak Forest Park, as recorded in Baltimore County Plat Book #5, Folio #90-#91 Containing . 26 acres. Also known as 312 Thackery Avenue and located in the 1 Election District 1 Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Cooo	Number 2010	Address 312 Thanks And
Case	Number 2010-	0357 - A Address 312 Thackery Are.
Conta	act Person:	Bruno Rudaitir Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing	Date:	21/10
Any o	contact made gh the contact	with this office regarding the status of the administrative variance should be person (planner) using the case number.
1.	reverse side or reposting must is again response	<u>OST:</u> The petitioner must use one of the sign posters on the approved list (on the of this form) and the petitioner is responsible for all printing/posting costs. Any at be done only by one of the sign posters on the approved list and the petitioner consible for all associated costs. The zoning notice sign must be visible on the petitioner before the posting date noted above. It should remain there through the closing
2.	a formal requ	The closing date is the deadline for an occupant or owner within 1,000 feet to file uest for a public hearing. Please understand that even if there is no formal public hearing, the process is not complete on the closing date.
3.	commissioner order that the within 10 day whether the p	ter the closing date, the file will be reviewed by the zoning or deputy zoning. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) matter be set in for a public hearing. You will receive written notification, usually as of the closing date if all County agencies' comments are received, as to retition has been granted, denied, or will go to public hearing. The order will be by First Class mail.
4.	(whether due commissioner changed givin	UBLIC HEARING AND REPOSTING: In cases that must go to a public hearing to a neighbor's formal request or by order of the zoning or deputy zoning), notification will be forwarded to you. The sign on the property must be g notice of the hearing date, time and location. As when the sign was originally cation of this change and a photograph of the altered sign must be forwarded to
		(Detach Along Dotted Line)
Petiti	oner: This Pa	rt of the Form is for the Sign Poster Only
		USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	Number 2010-	0357 -A Address 312 Thackery Ave.
Petitioner's Name _		Jeff & Allison Miles Telephone 410-744 6032
Posti	ng Date:	7 4 10 Closing Date: 7 19 11
Word	ing for Sign: _	70 Permit an open projection (deck) with a rear yard 9 ft. in lien of the required 30 ft.
Se	Hoack of	9 ft. in lien of the required 30 ft.

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 - 0357 - A Petitioner: Allison Miles
Address or Location: 312 Thackery Ave Catonsville, MD 21228 PLEASE FORWARD ADVERTISING BILL TO: Name: Allison Miles
Address: 312 Thackery Ave Catonsville, MD 21228
Telephone Number: 410 744 6038

MISCEI	LANEOU	S CASH	RECEIPT	Rev	Sub	Date:			1/2 100 M HAV 371 2 (00) 1(00)
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Rec From:						Total:			
For:									
	UTION								CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2010-0357-A

Petitioner/Developer_ALLISON_
'JEFFLEY MILES

Date Of Hearing/Closing: **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 312 THACKELY AUE This sign(s) were posted on Month, Day, Year Sincerely, Signature of Sign Poster and Date Martin Ogle **60 Chelmsford Court** Baltimore, Md, 21220 443-629-3411 RECEIVED

JUL **09**2010

ZONING COMMISSIONER

matugle 4/10





JAMES T. SMITH, JR. County Executive

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

July 20, 2010

Jeffrey & Allison Miles 312 Thackery Ave. Catonsville, MD 21228

Dear: Jeffrey & Allison Miles

RE: Case Number 2010-0357-A, 312 Thackery Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 1 3 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 13, 2010

SUBJECT:

Zoning Item # 10-357-A

Address

312 Thackery Avenue

(Miles Property)

Zoning Advisory Committee Meeting of June 28, 2010

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

Reviewer:

JWL

Date: 8/13/10

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) 10-357- 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: July 7, 2010

JUL 1 2 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: June 30, 2010

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 July 12, 2010

Item Nos. 2010- 356, 357, 358, 359,

and 362

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07122010 -NO COMMENTS.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

June 29, 2010

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: June 28, 2010

Item No.: Variance: 2010-0334A, 2010-0358A, 2010-0362A.

Administrative Variance: 2010-0356A - 0357A, 2010-0359A.

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

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: 6-24-7010

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

RE: Baltimore County

Item No. 2010-0357-A 312 THACKERY AVE MILES PROPERTY ADMIN. VARZIANCE

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, Chief
Engineering Access Permits

SDF/mb

CHECKLIST

Comment Received	Department	Conditions/ No Comment
6-30-10	DEVELOPMENT PLANS REVIEW	nc
	DEPRM (if not received, date e-mail sent)	
6-29-10	FIRE DEPARTMENT	nc
7-7-10	PLANNING (if not received, date e-mail sent)	nc
6-24-10	STATE HIGHWAY ADMINISTRATION	nc
		
	COMMUNITY ASSOCIATION	
ZONING VIOLA		7
PRIOR ZONING	(Case No.	
NEWSPAPER AI	OVERTISEMENT Date:	
SIGN POSTING	Date: 7-4-10	
PEOPLE'S COU	NSEL APPEARANCE Yes No N	
PEOPLE'S COU	NSEL COMMENT LETTER Yes No	
Comments, if any		



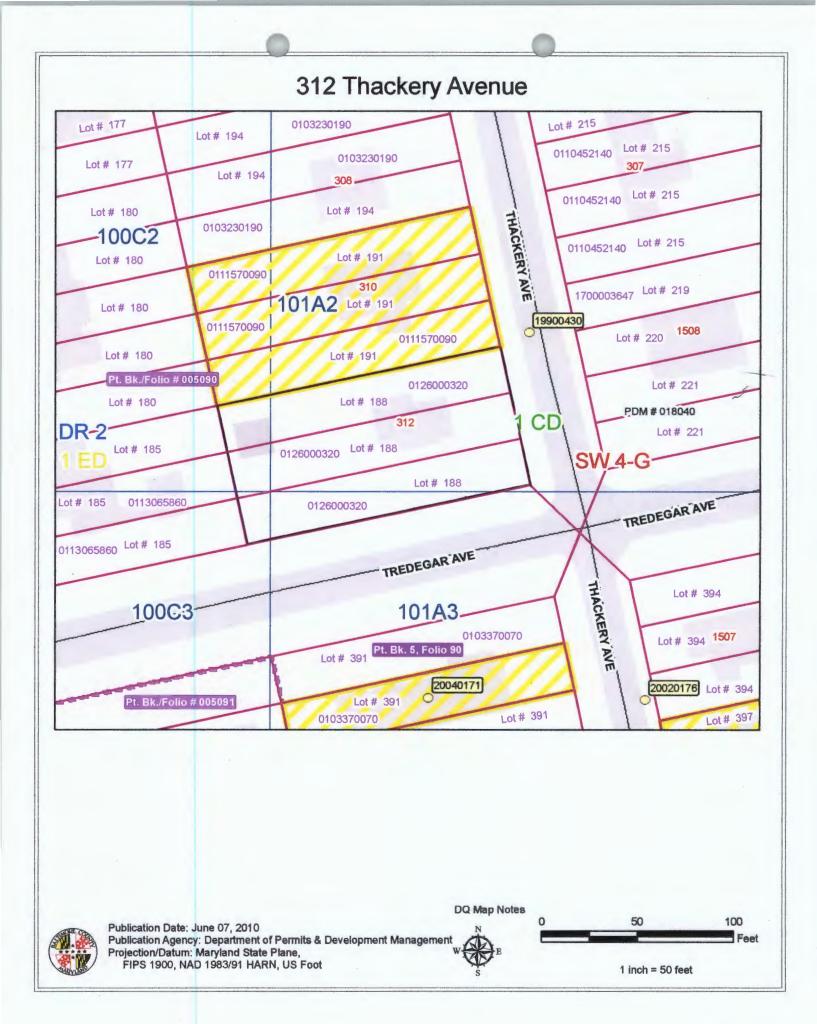
Go Back View Map **New Search**

Account Iden	tifier:	District -	01 Account N	umber - 01	260003	320				
			Ow	ner Inform	ation					
Owner Name: Mailing Addre		MILES JEFFF DAVIS ALLIS 312 THACKE BALTIMORE	SON ERY AVE	ON		Use: Principal Residence: Deed Reference:			RESIDENTIAL YES 1) /27548/ 194 2)	
			Location &	Structure	Inforr	nation				
Premises Add 312 THACKERY							LTS 188 312 TH	Descriptior 8,189,190 ACKERY AV DREST PARK	E WS	
Map Grid Pa 100 18	arcel 394	Sub District	Subdivision	Section	Block	Lot 188	Assessi	ment Area 1	Plat No: Plat Ref: 5/9	
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Primar	y Stru 192	cture Built 7		ed Area 14 SF	Property Land Area 11,250.00 SF				County Use 04	
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			Va	lue Inform	ation					
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#0357

TO ACCOMPANY PETITION FOR ZONING VARIANCE 4DDRESS: 312 THACKERY AVE SUBDITION: OAK FOREST PARK OWNERS : JEFFREY & ALLISON MILES CHAIS CHAIS 2/6 LOCATION INFORMATION (185) ELECTION DISTRICT 1 (192 COUNCILMANIC DISTRICT 1 DRIVEWAY ZONING DR-2 GARAGE 18 LOT SIZE . 26 acreage sq. feet (90 (191 TREDEGAR WATER PUBLIC (189 GANAL CANAL SEWER PUBLIC NO (188 PROPOSED CHESAPEAKE & BAYCRITICAL Sur MAIGHTS 100 Yr FLOOD HISTORIC N PRIVE 4310 PROPERTY GRAVEL PRIOR ZONING HEARINGS 1 PO DRIVING (FPENT) AVENUE PLANTER VICINITY MAP SCALE AVENUE 1" = 301 THACKERY (40) AMEN TOTAL HE LOT SHOWN HEREON IS IN FLOOD

ONE PER F.E.M.A. FLOOD INSUR/NCE
PATE MAP PANEL # 240010 0388 F 20 PAVING he plat is of benefit to a consumer only insofar as it is equired by a lender of a title in surance company or its gent in connection with contemplated transfer, nancing, or refinancing. The plat is not to be relied Prepared By: pon for the establishment or location of fences, arages, buildings, or other existing or future-nprovements. The plat does not provide for the accurate lentification of properly boundary lines, but such All Mi lentification may not be required for the transfer of title r securing financing or refinancing. The plat contains a iterance of accuracy of two feet, more or less LOCATION DRAWING OF N SCALE = 1' = 1000' #312 THACKERY AVENUE LOT 188, 189 & 190 ~ PLAT OF "OAK FOREST PARK" PB. 5/90 (9) BALTIMORE COUNTY, MD. DEED REF: 16746 / GG 5 # 0357 DATE 6/21/2010