IN RE: PETITION FOR ADMIN. VARIANCE

S side of Orchard Ave nue; 15 feet E of Wilson Street
14th Election District
6th Councilmanic District
(3105 Orchard Avenue)

Amy Nicole Shelpack

Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0360-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, Amy Nicole Shelpack for property located at 3105 Orchard Avenue. The variance request is from Sections 303.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d(2) of the Zoning Commissioner Policy Manual to permit a proposed accessory building (detached garage) to be located in the front and side yards in the portions of the lot closest to the street in lieu of the required rear yard only in the third of the lot farthest removed from the street, and to permit a front street setbckof 20 feet in lieu of the averaged front street setback of 33.5 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a detached garage to be accessed via the existing driveway. Photographs submitted with the Petition illustrate dense vegetation between the Petitioner's property and the most affected neighbor. This vegetative cover is outside of the building area for the proposed garage.

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.

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Date	7-23-10	
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The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 3, 2010 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, 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 day of July, 2010 that a Variance from Sections 303.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d(2) of the Zoning Commissioner Policy Manual to permit a proposed accessory building (detached garage) to be located in the front and side yards in the portions of the lot closest to the street in lieu of the required rear yard only in the third of the lot farthest removed from the street, and to permit a front street setbckof 20 feet in lieu of the averaged front street setback of 33.5 feet is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

Date 7-23-10

By 92

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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

ORDER RECEIVED FOR FILING

Ву______



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 23, 2010

AMY NICOLE SHELPACK
3105 ORCHARD AVENUE
BALTIMORE MD 21234

Re: Petition for Administrative Variance

Case No. 2010-0360-A

Property: 3105 Orchard Avenue

Dear Ms. Shelpack:

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 filling 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: Arthur McMillan, 601 Marley Road, Elkton MD 21921



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3105 ORCHARD AVE BNHomers MD which is presently zoned DR 5.5

Zoning 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) 303.1, 400.1, BCZR & Section 400.1.d(2), ZCPM, to permit a proposed accessory building (detached garage) to be located in the front and side yards in the portions of the lot closesest to the street in lieu of the required rear yard only in the third of the lot farthest removed from the street, and to permit a front street setback of 20 feet in lieu of the averaged front street setback of 336 feet.

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.
Contract Purchaser/Le	essee:		Legal Owner(s):
			CORROBAN AMY Nicole Shelpack
Name - Type or Print			Name - Tybe of Print
Signature			Signature
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petitione			3105 ORCHARD AVE (410)663-1253 Address Telephone No.
Name - Type or Print Signature ORDER RECE	IVED FOR FI	LING	BALTIMORE 9 MD, 21234 City State Zip Code
	1-23-10		ARTHUR Mc Millaw
Company Date	-A		Name 601 MARIEY ROAD (410) 398-6942
Address By		Telephone No.	
City	State	Zip Code	ELKton MD. 21921 City State Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	. that	the subject matter of t	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning

Estimated Posting Date

2010-0360-A

CASE NO.

REV 10/25/01

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 res	ide at 3105 ORCHAR	NE	
	BALTIMORE City	MD.	21234 Zip Code
That based upon personal knowledge, to Variance at the above address (indicate hopesel frozerty has a lornty zoning Regulations. The Augenal property was a Between 5 lats and due to Ras a near yard and for meets Property line Soile of House.	hardship or practical difficulty): The rear yard, there of the life of the life of the life of the property of the construction of the constructi	for does not mee with Strong Durcht, pethre whele in Half.	to Baltimore House not lie there and from Elevents and spil dence 3105, 3100 fard fromedy build on left
That the Affiant(s) acknowledge(s) that advertising fee and may be required to provide the control of the contr	t if a formal demand is filed, Af rovide additional information.	fiant(s) will be required t	to pay a reposting and
AMY Macendade	Signature		
Name - Typelor Print	Name - Ty	pe or Print	
STATE OF MARYLAND, COUNTY OF E	BALTIMORE, to wit:	Maria Resident	
of Maryland, in and for the County afores Any Musle Shelpes	aid, personally appeared		otary Public of the State
the Affight(s) herein, personally known or	r satisfactorily identified to me as	such Affiant(s).	Y9
AS WITNESS my hand and Notarial Sea	Motary Public	May Commission Expries J	OF MARYLAND anuary 01, 2001
REV 10/25/01	My Commission	Expires	<i>y</i>

Zoning Description

Description for 3105 Orchard Avenue: Baltimore, Md. 21234

Beginning at a point on the South side of Orchard which is 30 feet wide at the distance of 15 feet east of the centerline of the nearest improved intersecting street Wilson which is 30 feet wide.

Being lots# 62, pt 60,61 block in the subdivision of Moreland Park as recorded in Baltimore County Plat Book # 007, Folio# 37 containing 6,683.00 sf. Also known as 3105 Orchard Ave. and located in the 14 Election District, 6 Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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							Date: 7/19/2010
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(v c p	whether due ommissioner hanged givin	to a neighbor), notification g notice of the	or's formal will be for e hearing da	request or warded to ate, time an	by order or you. The d location.	of the zoning sign on the As when the	to a public hearing or deputy zoning property must be sign was originally st be forwarded to
			· (Detac	h Along Dotted Li	ne)		
Petition	er: This Pa	rt of the Forn	n is for the	Sign Poste	r Only		
		USE THE AL	OMINISTRA	TIVE VARIA	ANCE SIGN	FORMAT	
Case No	umber 2010-	0360 A	Addre	ss 3105	Orcha	erd Avenu	
Petition	er's Name	Amy Nicol	le Shelpac	k	Т	elephone 4/	0-663-1253
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For:									Annual Control of the
For:									CASHIER'S

CERTIFICATE OF POSTING

RE: Case No 2010-0340-1

Petitioner/Developer AMY
NICOLE SHELPACE

Date

ZONING NOTICE

CASE # 2010-0360-A TO PERM IT A PROPOSED ACCESSORY BUILDING (DETACHED GREACE) TO BE LICATED INTHE FRONT AND SIDE MERS IN THE PORTIONS OF THE LOT CLOSEST TO THE STREET IN LIEU OF THE REPUBLIF PERM YARD ONLY INTHE THIRD OF THE LOT FRENCES TRANSLES FROM STREET AND TO PERMIT A FRANT STREET SETBACK OF 23 % FRET.

PUBLIC HEARING

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE PRISONAL TO SCETON 26-1276)(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 MULAN THAN 19, 2010
ADDITIONAL INFORMATION AND DEVELOPMENT MANAGEMENT
111 III. CHEMPICAL PIL.
1003.001, ID. 27204

111 III. CHEMPICAL PIL.
111 III. CHEMPICAL PIL.
113 III. CHEMPICAL PIL.
114 III. CHEMPICAL PIL.
115 III. CHEMPICA





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 20, 2010

Amy Nicole Shelpack 3105 Orchard Ave. Baltimore, MD 21234

Dear: Amy Nicole Shelpack

RE: Case Number 2010-0360-A, 3105 Orchard 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 22, 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. Cullibelg

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel Arthur McMillan; 601 Marley Rd.; Elkton, MD 21921

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 7, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kehnedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 19, 2010

Item Nos. 2010-340, 360, 361, 363,

364, 365, 366, 367, and 368

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-07192010 -NO COMMENTS.doc

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) 10-360- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

JUL 2 3 2010

ZONING COMMISSIONER

DATE: July 22, 2010



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 7, 2010

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

ATTENTION: ZONING REVIEW

Distribution Meeting of: July 5, 2010

Item No.: Administrative Variance: 2010-0360A, 2010-364A - 0366A, 2010-0368A.

Special Hearing Variance: 2010-0340-SPHA, 2010-0361-SPHA.

Variance: 2010-0363A, 2010-0367A

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the 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, L.t. Governor Beverley K. Swaim-Staley. Secretary Neil J. Pederson, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 8,2010

ENG ACCESS PERMITS

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

Baltimore County RE:

Item No. 2010-0360-A

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 . -0360-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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 13, 2010

SUBJECT:

Zoning Item # 10-360-A

Address

3105 Orchard Avenue

(Shelpack Property)

Zoning Advisory Committee Meeting of July 5, 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

Patricia Zook - Cases 2010-0360-A and 2010-0364-A - comments needed for admin. variances

From:

Patricia Zook

To:

Murray, Curtis

Date:

7/21/2010 12:06 PM

Subject: Cases 2010-0360-A and 2010-0364-A - comments needed for admin. variances

CC:

Are, Kathy; Bostwick, Thomas

Good afternoon -

The below listed administrative variances need comments from the Office of Planning: Case No. 2010-0360-A and Case No. 2010-0364-A.

Thanks for your help.

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

410-887-3868

pzook@baltimorecountymd.gov

CHECKLIST

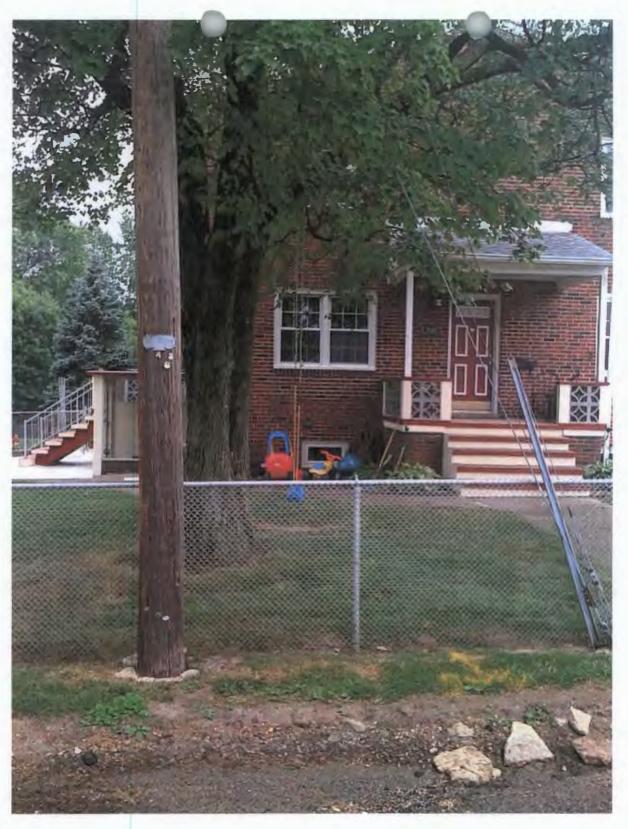
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7-7-10	DEVELOPMENT PLANS REVIEW	nc
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7-7-10	FIRE DEPARTMENT	nc
7-22-10	PLANNING (if not received, date e-mail sent	nc
7-8-10	STATE HIGHWAY ADMINISTRATION	nc
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date: 7-3-10.	
	NSEL APPEARANCE Yes No	
Comments, if any		

2010-0300-A



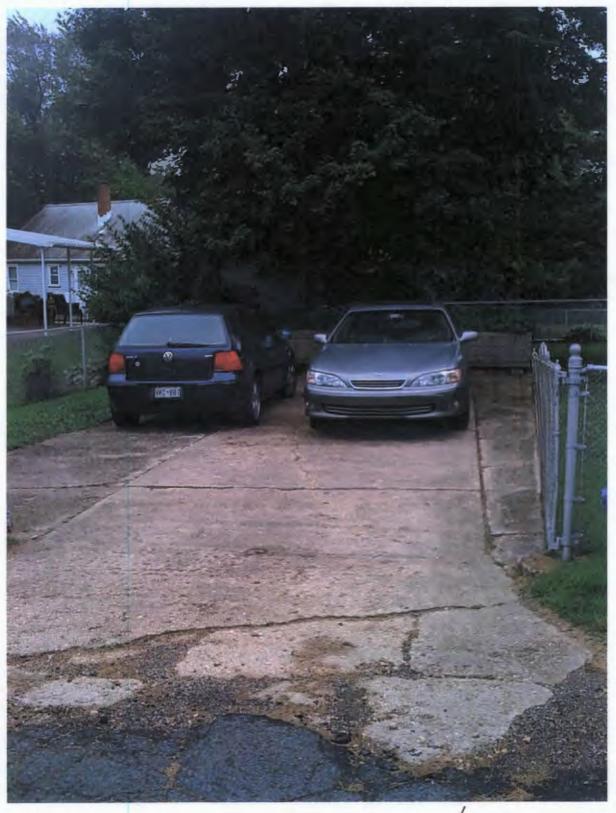
Go Back **View Map New Search**

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front View of 3105 Orchard arenne

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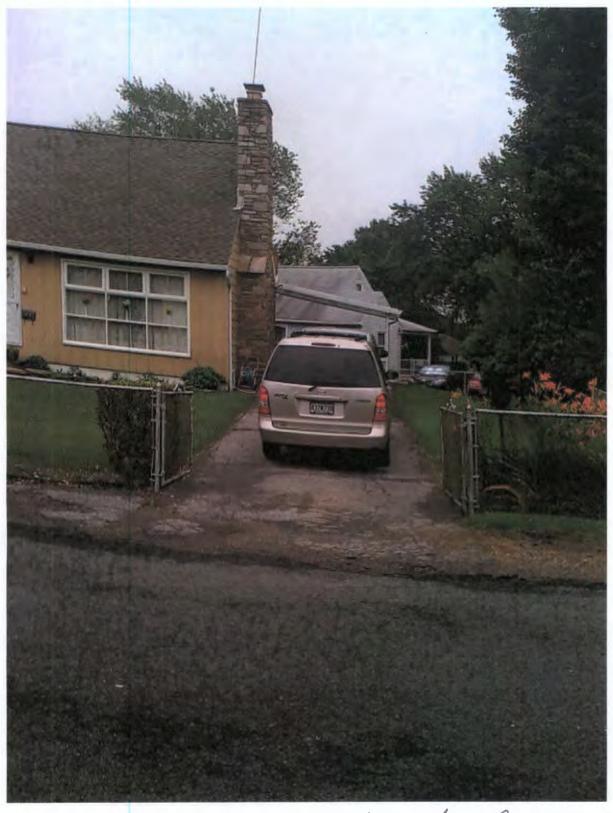
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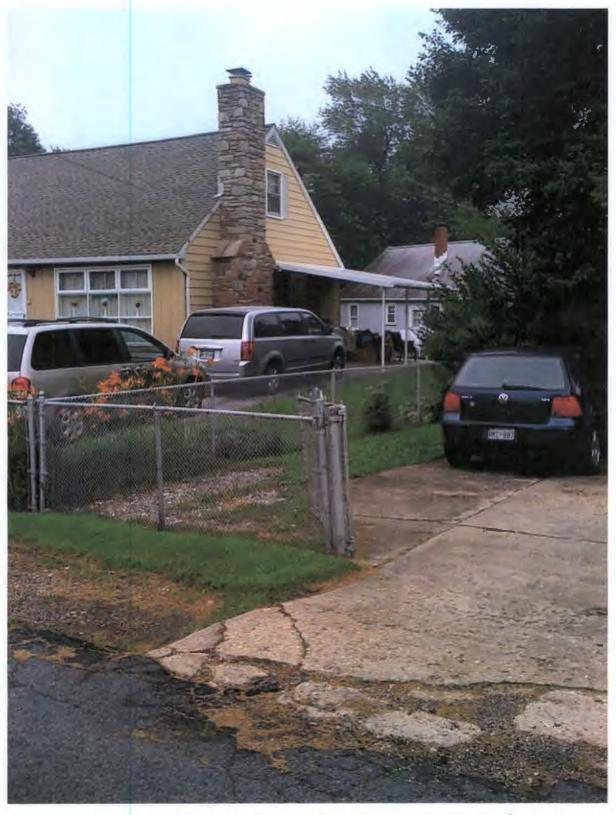


left side View of 3105 Ocharl Ame Thring Back of righters Anse 3106 Horden Acue.

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Storing West Door neighbor to the left. Dwelling



Right Siele of neighbors to lift Develley with is 3105 Orchard Arons.



3105 Orchard Avenue 1402021150 Lot# 1402021150 1d# LOLA * to> 43 *107 # to7 * Lot # Lot Lot# 1423050725 8710-1423050725 1423050725 1412000275 1423050725 Lot # 1412000275 Lot # 40 Lot# 8711 Lot # 47 1412000275 43 1408034410 1406045900 ORCHARD AVE Lot # 40 Lot # 40 Pt. Bk. 1406045900 Lot # Lot# 1406045900 1418037665 Lot # 47 Lot # 50 Lot # 62 WILSON AVE Lot# 1423018090 Lot# 5.5 19670154 1418037665 Lot # 58 3105 1423018090 1407001790 3106 Lot # Lot # 63 1473086550 PDM #,148036 1402068640 1407001790 Lot# Lot * 58 1407001790 8704 63 Lot # 53 99 3107 GARDENAUE COLAT SO Lot # 63 WILSON AVE Lot # 53 3109 **# 107** Lot # 56 99 F Lot # 1402000026 Ld# 117 La# 177 Lot # 56 3108 Lot And Ld# 117 141031970 3101 John NA Ld# 109 LOC# 117 Lot* Ó



Publication Date: June 10, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



