

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Clyde Avenue; 106 feet W of
the c/l of Saratoga Avenue
13th Election District
1st Councilmanic District
(321 Clyde Avenue)

Sandra L. and Roy O. McCoy
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0366-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, Sandra L. and Roy O. McCoy for property located at 321 Clyde Avenue. The variance request is from Section 1B02.3.A.1, Section III "A" Residence 5/1953 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a side yard setback of 4 feet in lieu of the minimum required 7 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 35 feet x 16 in size onto the rear and side of their home to accommodate the growing family. The current dwelling which was constructed in 1953 is modest in size at 700 square feet. The most affected property owner at 323 Clyde Avenue did not express any objection to the proposed addition.

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 11, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 8.5.10

By ps

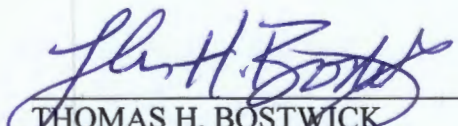
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5th day of August, 2010 that an Administrative Variance from Section 1B02.3.A.1, Section III "A" Residence 5/1953 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a side yard setback of 4 feet in lieu of the minimum required 7 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

ORDER RECEIVED FOR FILING

Date 8.5.10

By pm 2



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 5, 2010

SANDRA L. AND ROY O. MCCOY
321 CLYDE AVENUE
BALTIMORE MD 21227

Re: Petition for Administrative Variance
Case No. 2010-0366-A
Property: 321 Clyde Avenue

Dear Mr. and Mrs. McCoy:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

TAX. ACCOUNT # 1305610150

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 321 CLYDE AVE.
which is presently zoned D.R. 5.5

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) 1B02.3A.1. (BCR), SECTION III "A" RESIDENCE 1983
(BCR)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4-FEET
IN LIEU OF THE MINIMUM REQUIRED 7-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/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____
By _____ Date 8.5.10

Legal Owner(s):

SANDRA MCCOY
Name - Type or Print _____
Sandra McCoy
Signature _____
X Roy McCoy
Name - Type or Print _____
X Roy McCoy
Signature _____
321 CLYDE AVE. 410-242-7396
Address _____ Telephone No. _____
BALTO MD 21227
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ 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

CASE NO. 2010-0366-A

REV 10/25/01

Reviewed By D.T. Date 6/28/10

Estimated Posting Date 7/11/10

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 at

Address 373 CLYDE AVE
City BALTIMORE State MD Zip Code 21227

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):

X FOR FAMILY EXPANSION

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.

Sandra McCoy
Signature
SANDRA MCCOY
Name - Type or Print

X Roy D. McCoy
Signature
X Roy O. McCoy
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of JUNE, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SANDRA MCCOY ROY MCCOY
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Phyllis L. Torbeck
Notary Public

My Commission Expires PHYLLIS L. TORBECK
NOTARY PUBLIC STATE OF MARYLAND
Commission Expires 6-17-2013

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 321 CLYDE AVE
BALTO MD
21227

BEGINNING AT A POINT ON THE
SOUTH SIDE OF CLYDE AVE
WHICH IS 50 FT OF RIGHT OF
WAY WIDTH

WIDE AT THE DISTANCE OF 106' +/- WEST

CENTERLINE OF THE NEAREST IMPROVED
INTERSECTING ST SARATOGA AVE
WHICH IS 50 FT WIDE BEING LOT 38

IN THE SUBDIVISION OF HIGHLAND
AS RECORDED IN BALTIMORE CO
PLAT BOOK #19 FOLIO #13

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0366 -A Address 321 CLYDE AVE.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/28/10 Posting Date: 7/11/10 Closing Date: 7/26/10

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.
2. **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.
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. **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- 0366 -A Address 321 CLYDE AVE.

Petitioner's Name McCoy Telephone 410-242-7396

Posting Date: 7/11/10 Closing Date: 7/26/10

Wording for Sign: To Permit AN ADDITION WITH A SIDE YARD SETBACK
OF 4-FEET IN LIEU OF THE MINIMUM REQUIRED 7-FEET.

Revised 8/20/09

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2010-0366-A

Petitioner: McCoy

Address or Location: 321 CLYDE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. SANDRA MCCOY

Address: 321 CLYDE AVE.

BALTO. MD 21227

Telephone Number: 410-242-7396

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	202								

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 27, 2010

Sandra & Roy McCoy
321 Clyde Ave.
Baltimore, MD 21227

Dear: Sandra & Roy McCoy

RE: Case Number 2010-0366-A, 321 Clyde 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 28, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 22, 2010

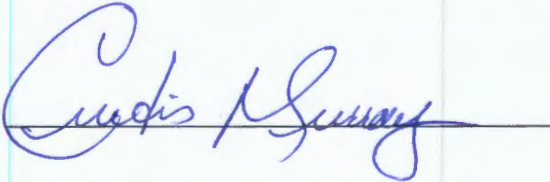
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-366- 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

JUL 23 2010

ZONING COMMISSIONER



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 8, 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. 2010-0366-A
321 CLYDE AVENUE
MCCOY 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. 2010-0366-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 7, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SIGNED: Dennis A. Kennedy

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.

RECEIVED

AUG 03 2010

ZONING COMMISSIONER

DAK:CFN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07192010 -NO COMMENTS.doc



BALTIMORE COUNTY

M A R Y L A N D

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 13 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 13, 2010
SUBJECT: Zoning Item # 10-366-A
Address 321 Clyde Avenue
(McCoy 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: JWLDate: 8/13/2010

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>7-7-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc - recd</u>
_____	DEPRM (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>7-22-10</u>	PLANNING <u>recd 8-3-10</u> (if not received, date e-mail sent _____)	<u>nc</u>
<u>7-8-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>7-11-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☒	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☒	

Comments, if any: _____

2010-0366-



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 13 Account Number - 1305610150

Owner Information

Owner Name:	MCCOY SANDRA L MCCOY ROY O	Use:	RESIDENTIAL
Mailing Address:	323 CLYDE AVE BALTIMORE MD 21227-3017	Principal Residence:	YES
		Deed Reference:	1) /17840/ 560 2)

Location & Structure Information

Premises Address	Legal Description
321 CLYDE AVE BALTIMORE 21227-3017	321 CLYDE AVE HIGHLAND

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
109	3	358					38	1	Plat Ref: 19/ 13

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	700 SF	5,150.00 SF	04
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	70,150	70,100		
Improvements:	77,000	66,900		
Total:	147,150	137,000	147,150	137,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: BACHMAN GEORGE K/VIRGINIA L	Date: 04/14/2003	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /17840/ 560	Deed2:
Seller: BACHMAN GEORGE K/ VIRGINIA L	Date: 06/29/1998	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /12979/ 542	Deed2:
Seller: ENGLE SYLVAN W	Date: 05/22/1996	Price: \$62,000
Type: IMPROVED ARMS-LENGTH	Deed1: /11597/ 194	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



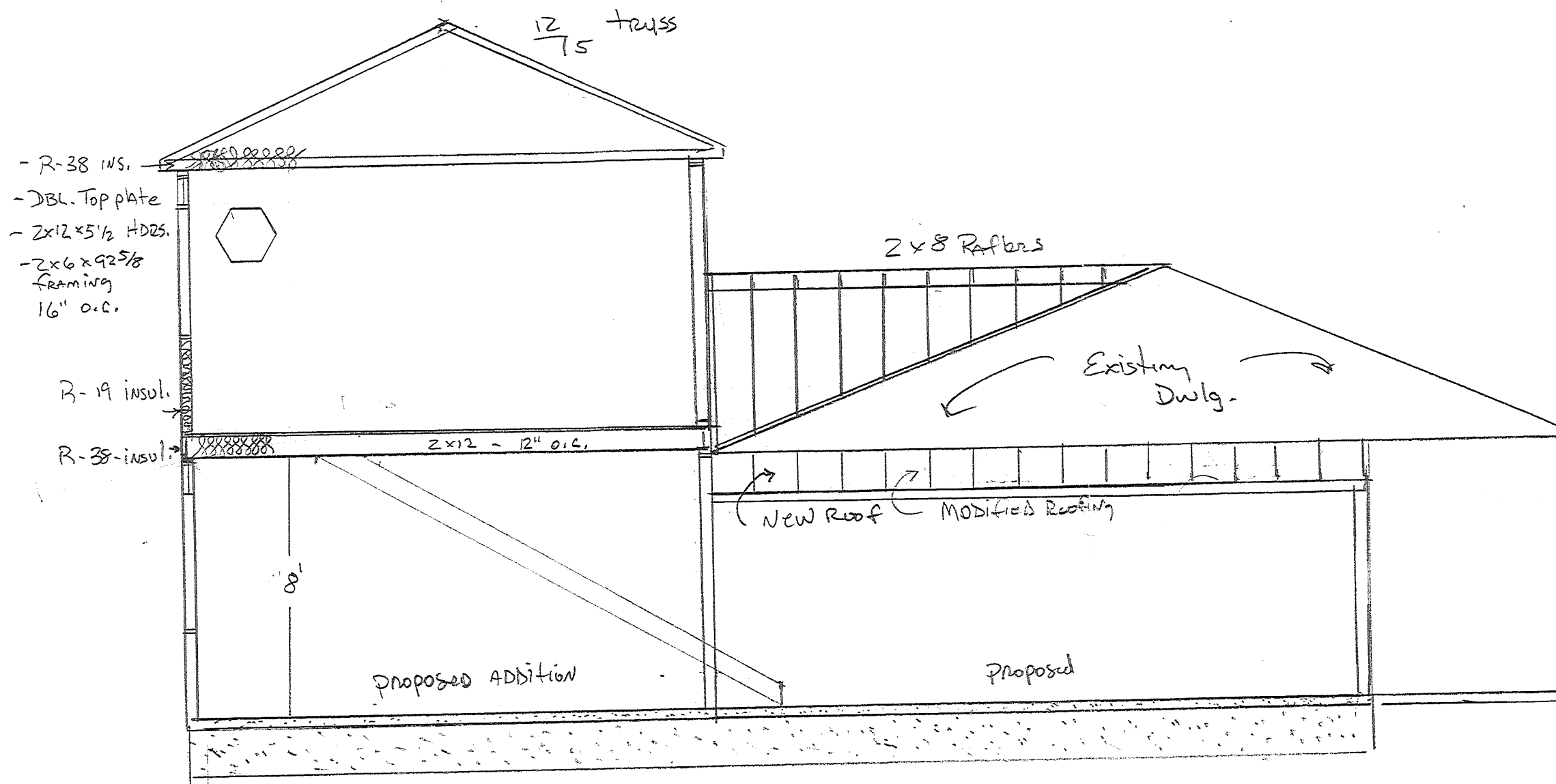


- 2x6 framing
- MANUFACTURED TRUSS main addition 24" o.c. w/ 12" overhang
- 1/2" OSB sheathing
- 3/4" OSB flooring glued + nailed
- 30yr shingles to match existing Dwlg.

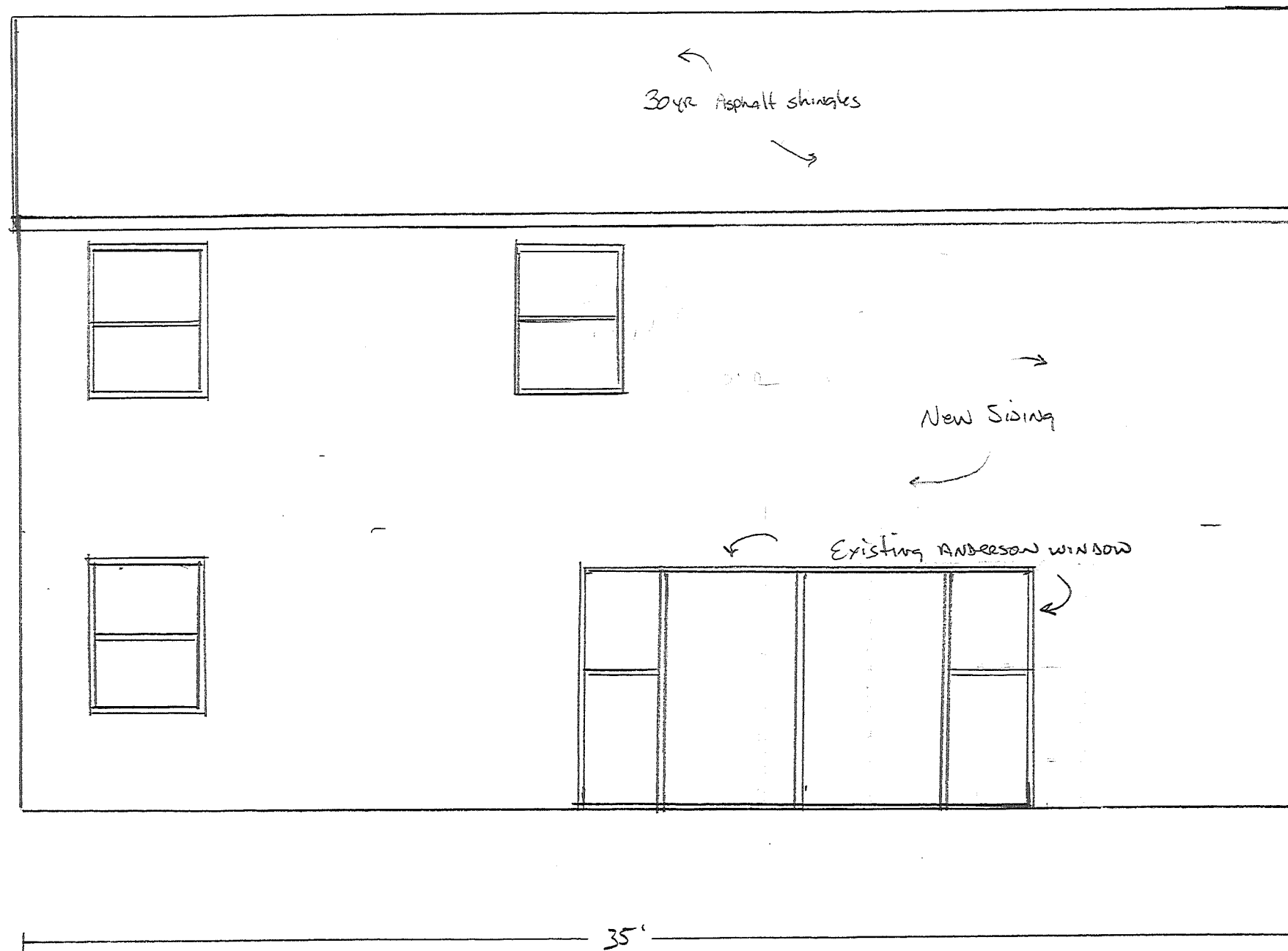
Cont'd

321 CLYDE AVE

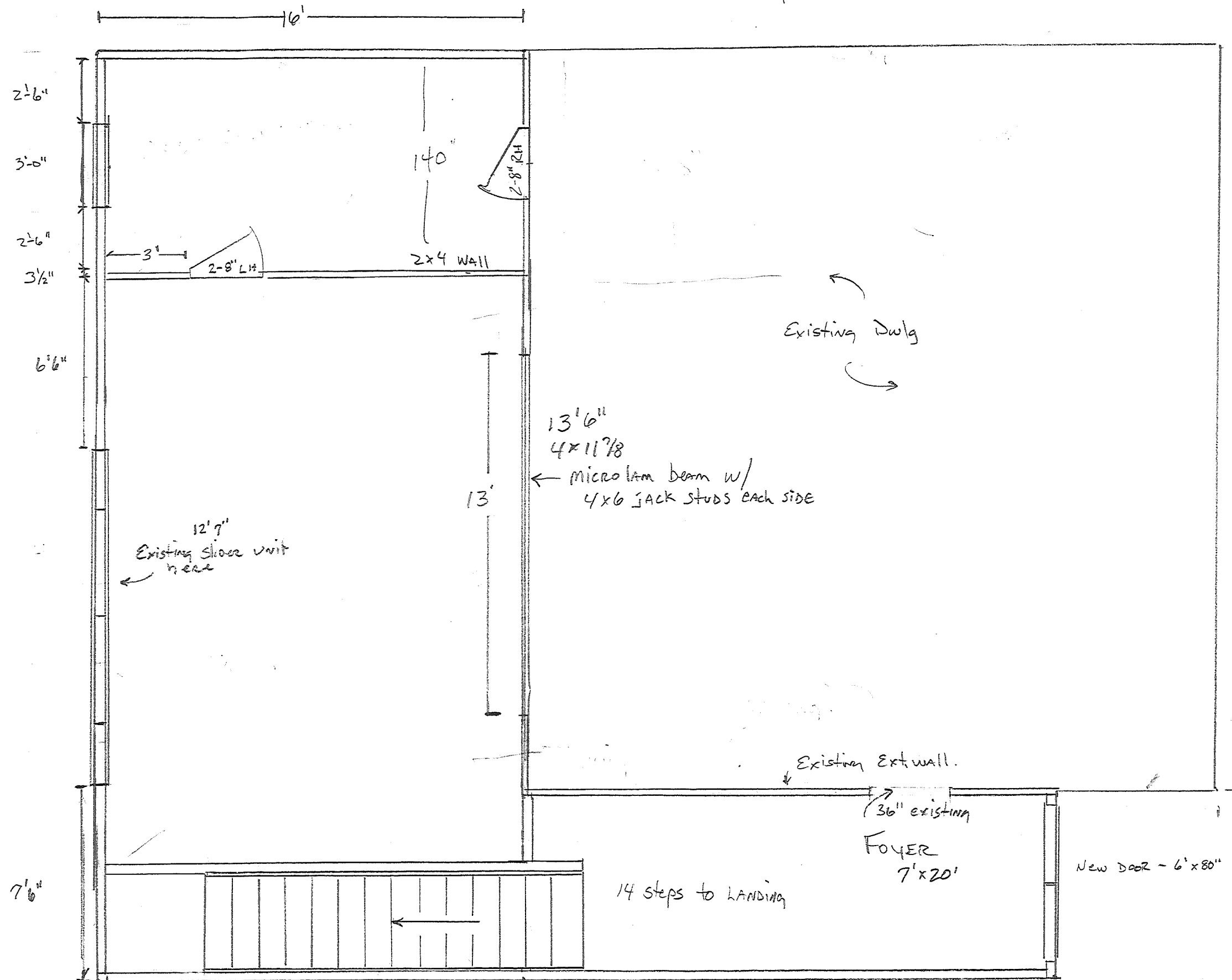
SIDE VIEW



Rear View

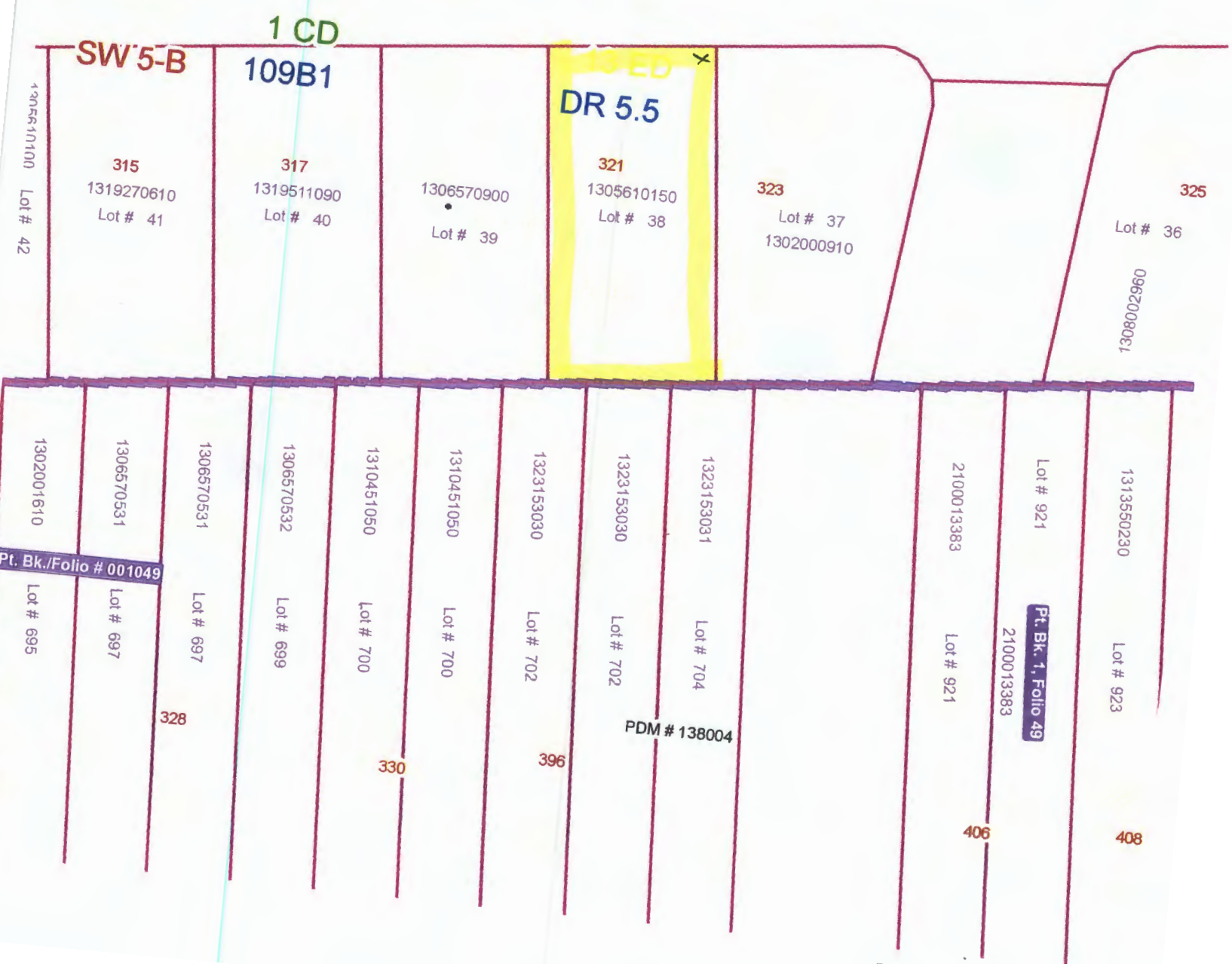
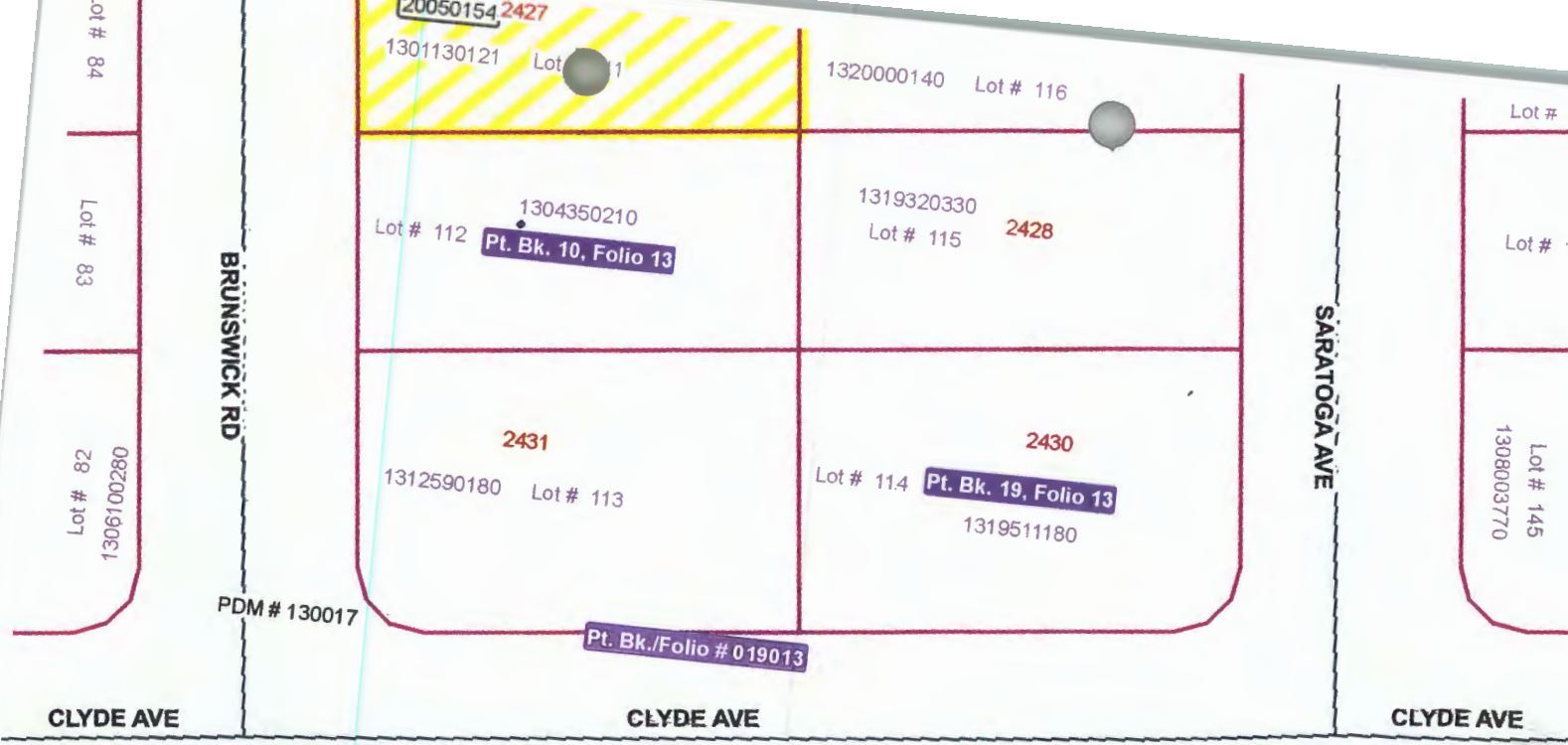


First floor plan



321 CLYDE AVE

2010-0366-A



2010-03-11

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 321 CLYDE AVE.

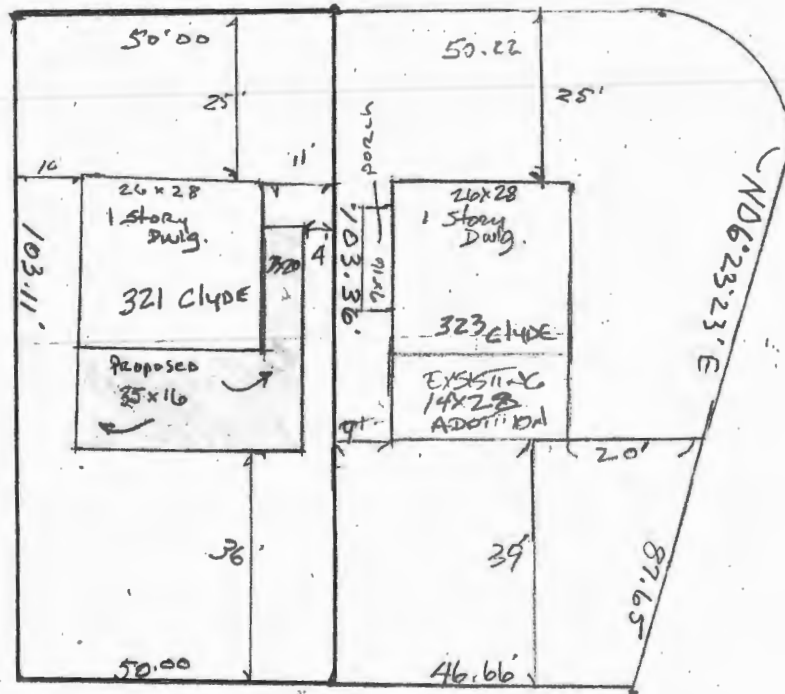
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HIGHLAND

PLAT BOOK # 19 FOLIO # 13 LOT # 38 SECTION # -

OWNER SANDRA L. + ROLO McCoy

CLYDE AVE.

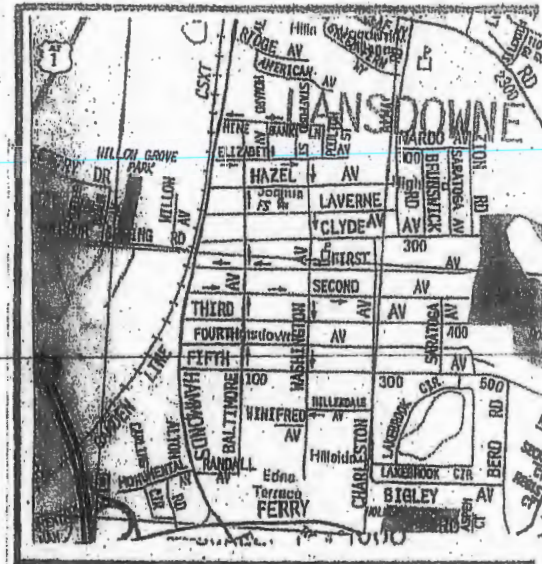


NORTH

PREPARED BY

PATRICK FINNEY

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 134

COUNCILMANIC DISTRICT 1ST

1" = 200' SCALE MAP # 109B1

ZONING D.R. 5.5

LOT SIZE 5150 SQUARE FEET

	ACREAGE	SQUARE FEET
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☒	☐

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 0366 2010-0366-A