IN RE: PETITION FOR ADMIN. VARIANCE

E side of Roldrew Avenue; 110 feet S of the c/l of Willow Avenue

9th Election District

2nd Councilmanic District

(7909 Roldrew Avenue)

Sean A. and Katherine Magnusson Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0045-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, Sean A. and Katherine Magnusson for property located at 7909 Roldrew Avenue. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 7.5 feet side yard setback and a sum of side yards of 21.5 feet in lieu of the required 10 feet and 25 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition onto the side of their dwelling to accommodate the growing family. Upon completion of the addition, there will be 8 feet 6 inches to the split rail fence and the property line. From the Petitioners' split rail fence to the neighbor at 7911 Roldrew Avenue, there remains 15 feet. The most affected property owner at 7911 Roldrew Avenue did not express any concern about the 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.

ORDER RE	ECEIVED FOR FILING	
Date	8.30.10	
Ву	Po	

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 8, 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30th day of August, 2010 that an Administrative Variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 7.5 feet side yard setback and a sum of side yards of 21.5 feet in lieu of the required 10 feet and 25 feet, respectively 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.

ORDER RECEI	VED FOR FILING	
Date	8.30.10	
Ву	- k	

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	FIL	ING
	11545			

8.30.10 Date.



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 30, 2010

SEAN A. AND KATHERINE MAGNUSSON 7909 ROLDREW AVENUE RUXTON MD 21204

Re: Petition for Administrative Variance

Case No. 2011-0045-A

Property: 7909 Roldrew Avenue

Dear Mr. and Mrs. Magnusson:

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

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at X 1909 Roldrey Ave. Ruxton, MD 21204

which is presently zoned X DR 3.5

Deed Reference: <u>/ B 095 / 4 / 0</u> Tax Account # <u>> 09 / B 35 2 / 9 /</u>

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) 1002.38. (602)

TO PERMIT AN ADDITION WITH A 7.5-FOOT SIDE YARD SETBACK AND A SUM OF SIDE YARDS OF 21.5-FEET IN LIEU OF THE REQUIRED 10-FEET AND 25-FEET, RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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.

			perjury, the	at I/we are the ject of this Peti	legal owner(s) of the ition.	e property which
Contract P	urchaser/Lessee:		Legal O	wner(s):		
			Cons	2. A. M	Ann KSDV	~ (w)443-205-56
Name - Type or	Print		Z ann	Alama Turner	Print (4	1)410-337-0029
Signature			Signature	Atila		10 410 30 10 31
Address		Telephone No.	Name - Tvo	te Mag	MUSSON(W)	1443-562-5513
Address		relephone No.	Name	HAT !		
City	State	Zip Code	Signature	25/1	1	1111 222
Attorney F	or Petitioner:		740	KOLO	new Ave	410-337-003
			Rux'+	DIA	MD	Telephone No.
Name - Type or	Print		City	,,	State	Zip Code
		,	Represe	entative to	be Contacted:	
Signature						
Company		····	Name			
Address		Telephone No.	Address			Telephone No.
City	State	Zip Code	City		State	Zip Code
this day	ng having been formally demand y of, altimore County and that the prope	that the subject matter of	quired, it is ord this petition be s	ered by the Zon et for a public he	ing Commissioner of E earing, advertised, as	Baltimore County, required by the zoning
regulations of D	aumore county and mat the prope	orly be reposited.		Zonina Commiss	sioner of Baltimore Cou	inty
	1 24 22:17 2			- 47	-10-	1
Case No.	2011-0045-A	Rev	riewed By	D.T.	Date	3/10
		Estimated Pe	osting Date	8/8/10	·	
FRM	476_09 ORDER RECE	IVED FOR FILI	NG	1 .		Rev 3/09
	Date	8-30.10				
		W2-				

Affidavit in Support of Administrative Variance The undersigned hereby affirms under the penalties of periury 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 own and reside at 7909 Roldrew Ave. Ruxton, MO 27204
Address number Road or Street name
and that this address is the subject of this variance request as required by law.
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 the hardship or practical difficulty; attach an additional sheet if needed) Attached Sheet.
additional shoot if needed) See Alliamed Store
That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed
with their variance request, they will be responsible for reposting the property and for payment of the
advertising fees. They also understand that they may be required to provide additional information.
Span Mr.
Signature
Signature V
Sign A. 11 Manuscour Katherine Manuscon
Name- print or type Name- print or type
Plant of type
A Notary Public must complete the following section prior to the filing appointment.
STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
STATE OF MARTLAND, BALTIMORE COUNTY, to WIT:
I HEREBY CERTIFY, this day of the ,20/0, before me, a Notary Public of
the State of Maryland, in and for the County aforesaid, personally appeared:
A series of the country appeared.
(Name Affiant(s) here): AMRNUSON (Allering (Masnuson)
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
Amore 1. Onto
Name of Notary Public Commission expires, Manyland
My Commission Expires: April 29, 2013
PLACE SEAL HERE:
I DAGE GEAL TERE,

FRM476_09

Rev 3/09

To: Zoning Commissioner of Baltimore County

From: Sean Magnusson

Date: 6/21/2010

Re: 7909 Roldrew Ave. Ruxton, MD 21204 - Hardship or Practical Difficulty

Dear Zoning Commissioner,

Our home is currently a two bedroom home, and cannot be modified to become a three bedroom home without expanding outward, since it is a classic Cape Cod home. Current zoning allows us to expand, but setbacks require the expansion to stop just 3 feet shy of what we would need for a worthwhile expansion. This would still leave +/- ten feet clear between the expansion and our property fence.

On our street, more than half of the homes are situated in closer proximity than what is proposed here, and so there is no logical reason that we should be held to the current setback.

My family and I love the home, the lot, and the neighborhood, and it would be a shame if we should be forced to relocate our growing family because of just three additional feet.

Sincerely,

Sean A. Magnusson

ZONING DSCRIPTION FOR 7909 ROLDREW AVE., RUXTON, MD 21204

Beginning at the point on the East side of Roldrew Ave. which is 30 feet wide at the distance of 110 feet South of the nearest improved intersecting street (Willow Ave), which is 30 feet wide. *Being Lot # 18, as recorded in Baltimore County Plat Book # 7, Folio # 007033, containing 11,250

Square Feet. Also known as 7909 Roldrew Avenue, Ruxton, MD 21204 and located in the 9th Election District, 240 Council Manie District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 20	0045	-A	Address	7909	ROLDRE	W AVE	V	
	ct Person:	Planner, Pl	ease Print Your N					r: 410-88	
Filing	Date: 7/29	3 10	Posti	ng Date:	8/8/10	_ (Closing D	ate: <u>8</u> 2	3/10
Any c	ontact made vontact p	vith this office	e regarding	the statu	s of the				
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2.	DEADLINE: Ta formal request for a p	est for a pub	lic hearing.	Please	understar	nd that e	ven if the		
3.	ORDER: After commissioner. order that the rwithin 10 days whether the permailed to you be	He may: (a matter be set s of the clos etition has be	a) grant the in for a pub ing date if en granted,	requested lic hearing all County	d relief; (b . You will / agencie	receive ves' comm	he reques written no lents are	sted relief; tification, received,	or (c) usually as to
4.	POSSIBLE PL (whether due commissioner) changed giving posted, certific this office.	to a neighbo , notification , notice of the	or's formal will be fon hearing da	request or warded to ite, time ar	by orde you. The docation	r of the ne sign o n. As wh	zoning o on the pri en the sig	r deputy operty m gn was ori	zoning ust be iginally
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Petitic	ner: This Par	t of the Form	is for the S	Sign Poste	r Only				
		USE THE AD	MINISTRAT	TIVE VARI	ANCE SI	GN FORI	TAN		
Case I	Number 20	0045 -A	Addre	ss <u>1909</u>	ROLDA	EW AVE	<u>-</u>		
Petitio	ner's Name	NAGNU990	1			Telepho	ne 410-	<u>337-003</u>	9
Postin	g Date:	8/8/10		Clo	sing Dat	e:	3/23/10		
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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:
Petitioner: 2011-0045-A Petitioner: Scan Magnusson Address or Location: 79 09 Roldrew Ave. Ruxton i MD Z1204
PLEASE FORWARD ADVERTISING BILL TO: Name: Sean Mognusson Address: 7909 Roldnew Ave. Ruxton, MD 21204
Telephone Number: 4/0 -337 -0039

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William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

LETTER OF TRANSMITTAL

TO: BALTO COUNTY, POM ZONING OFFICE DATE: AUG. 8, 2010 JOB NO. SP-017 RE: 2011-0045-A
MATTHEWS #7909 ROLDREW AVENUE
WE ARE SENDING YOU Attached Under separate cover the following items:
Copy of letterPrintsDocumentsOther
No:of copies Date Description 1 8.8.10 CERT, OF POSTING 2 8.8.10 SITE PHOTOS
TRANSMITTALS are as checked below: For approvalFor your use As requestedFor review and comment Other
REMARKS: LOURS SUBMITTAL
SIGNED: TICLEAU A. DULICK, JR. WILLIAM D. GULICK, JR.
cc: CAN INTO HUSSON
File #

CERTIFICATE OF POSTING

Department of Permits & Development Management Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD-21204 Date: AUG. 8, 2010

Attention: MS . KRISTEN MATTHEWS

Re:

Case Number: 2011-0045-4 Petitioner/Developer: SCAN MAGNUSSON Date of Hearing/Closing: AUG. 23, 2010

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 7909 ROLDREY

The sign (s) were posted on:

AUG. 8,2010

William D. Gulick, Jr.

2944 Edgewood Avenue Baltimore, MD 21234 (410) 530-6293

SEE ATTACHED SITE PHOTOS







JAMES T. SMITH, JR. County Executive

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

August 23, 2010

Sean & Kate Magnusson 7909 Roldrew Ave. Ruxton, MD 21204

Dear: Sean & Kate Magnusson

RE: Case Number 2011-0045-A, 7909 Roldrew Ave.

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

INTEROFFICE CORRESPONDENCE

DATE: August 5, 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 August 16, 2010

Item Nos. 2007-352, 2011- 029, 030, 031, 033, 034, 035, 036, 042, 043,

044 and 045

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08162010 -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

DATE: August 9, 2010

RECEIVED

AUG 1 1 2010

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-045- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

August 18, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 2, 2010

Item No.: Administrative Variance: 2011-0035A - 0036A, 2011-0042A-0045A

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.

Comments:

The above plans were not attached to the paperwork that was sent over to the Fire Marshal's Office on August 4, 2010. I will need copies of the above plans before making any comments.

The above plans were received and reviewed on Wednesday August 18, 2010, with the following comment:

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 Nail J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 44 GUST 6, 2010

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

RE: Baltim

Baltimore County
Item No. 2011-0045

MACHUSSON PROPERTY

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. 2011—.

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

Inter-Office Correspondence



RECEIVED

SEP 07 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

September 7, 2010

SUBJECT:

Zoning Item # 11-045-A

Address

7909 Roldrew Avenue

(Magnusson Property)

Zoning Advisory Committee Meeting of August 2, 2010

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

Reviewer:

JWL

Date: 9/7/10

CHECKLIST

Comment Received		<u>Department</u>			Support/Oppose/ Conditions/ No Comment	
8-5-10	DEVELOP	MENT PLANS REVI	EW		nc	
	DEPRM (if not recei	ived, date e-mail sent _				
8-18-10	FIRE DEPA	ARTMENT			cart comment	
8-9-10	PLANNING (if not received)	G ved, date e-mail sent _			nc	
8-6-10	STATE HI	GHWAY ADMINISTI	RATION		nc	
·	TRAFFIC I	ENGINEERING				
	COMMUN	ITY ASSOCIATION				_
	ADJACEN	T PROPERTY OWNE	ERS			
ZONING VIOLA	ATION	(Case No.		-		_
PRIOR ZONING	ł	(Case No.				
NEWSPAPER A	DVERTISEMEN	NT Date:				
SIGN POSTING		Date:	8-9	8-10		
PEOPLE'S COU				Io N		
Comments, if any	7:			•		
					100.00	



Go Back View Map New Search

Account Identifier:	District -	09 Account N	umber - 091	83521	91				
		Ow	ner Informa	tion					
Mailing Address: 7909 ROLDI		ATHERINE L REW AV	Principal Residence: YES Deed Reference: 1) /1809) /18095/ 4			
	BALTIMORE	MD 21204-35					2)	
Premises Address		Location a	Structure 1	ntorn	nation		escription		
7909 ROLDREW AVE						LT 18 P	T 19 DLDREW AV		
Map Grid Parcel 69 3 927	Sub District	Subdivision	Section I	Block	Lot 18		nent Area	Plat No: Plat Ref:	
Special Tax Areas	A	own d Valorem ax Class							
Primary Struct 1943			ed Area 54 SF		-	rty Land ,250.00 S		County 04	Use
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		As Of 01/01/2008	As Of 07/01/2009		As (-
Land Improvements: Total:	210,860	132,130 252,880 385,010	359,896		385,01	10			
Preferential Land:	. 0	0	0			0			
COMPANIE		Tran	nsfer Intorm	ation					
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Seller: MILLER WESS Type: IMPROVED AR						4/1999 49/ 658	Price: Deed2	\$215,500 :	
Seller: RIPPEL EDWII						1/1991 6/ 67	Price: Deed2	\$150,000 :	
		Exem	ption Infor	natio	n				
Partial Exempt Asse County State Municipal	ssments		000 000 000	s	07/0: 0 0 0	1/2009	07/ 0 0 0	01/2010	
Tax Exempt: No	0					Spec	ial Tax Rec	•	













