IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Blakely Avenue; 25 feeet E of the c/l of Chardel Road 11th Election District 5th Councilmanic District (4300 Blakely Avenue)

Mark J. and Cynthia L. Carter *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0104-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, Mark J. and Cynthia L. Carter for property located at 4300 Blakely Avenue. The variance request is from Section 1B02.2.B (old Comprehensive Manual of Development Policies) to permit principal building setback between buildings of 23 feet 2 inches in the rear yard and 23 feet 3 inches in the side yard in lieu of the required 55 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a new screened in porch over the existing concrete patio. Screening in the patio area will allow Petitioners to have more usable living space with protection from inclement weather and insects. Petitioners will also enclose the basement cellar steps to keep water from entering the basement.

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 September 25, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ONDERTIL	OLIVED I OITT ILITE	9
Date	10/19/10	Company of the second of the second of
Ву	m	
	B	

ODDED DECEIVED FOR FILING

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.

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.

ORDER RECEIVED FOR FILING

Date 10 19 10

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 19, 2010

MARK J. AND CYNTHIA L. CARTER 4300 BLAKELY AVENUE BALTIMORE MD 21236

> Re: Petition for Administrative Variance Case No. 2011-0104-A Property: 4300 Blakely Avenue

Dear Mr. and Mrs. Carter:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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.

Sincerely,

THOMAS H. BOSTWICK

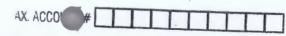
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

NH/D.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

For the property located at 4300 Blakely Avenue which is presently zoned Residential

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)

1302,2,13 (old CMDP)

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

to permit principal building setbacks between buildings of 23' 2" in the rear yard and 23' 3" in the side yard in lieu of the required 55 ft.

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.

			perjury, that I/we are is the subject of this I	the legal owner(s) of the Petition.	property which
Contract Purchaser/Les	see:		Legal Owner(s):		
			mark;	I. Carter	
Name - Type or Print			Name - Type or Print	h	
Signature		·	Signature		er
Address		Telephone No.	Name - Type or Print	lia R Court	Sen .
City	State	Zip Code	Signature		
Attorney For Petitioner:			4300 B	lakely Ave	910-931-167 Telephone No.
			Balto.	mb	21236
Name - Type or Print	-11	ING	City	State	Zip Code
	ED FOR FIL	1140	Representative	to be Contacted:	
Name - Type or Print Signature ORDER RECEIV	19/10				
Date			Name		
Address By—	6	Telephone No.	Address	-	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	, that	the subject matter of t	required, it is ordered by his petition be set for a public	the Zoning Commissioner of the control of the contr	of Baltimore County, quired by the zoning

Reviewed By

Estimated Posting Date

2011-0104-

CASE NO.

REV 10/25/01

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.

State

ive
ind
ate

Zoning Description for 4300 Blakely Avenue, Baltimore, MD 21236

(North east) Corner
Beginning at a point on the N 34 27' 26" W 14.08's side of Blakely Avenue which is 62.83' wide at the distance of 25' W of the centerline of the nearest improved intersecting street Chardel Road which is 50' RW wide. Being Lot #42, Section #3 in the subdivision of Silver Spring Station as recorded in Baltimore County Plat Book Liber # 59, Folio # 144, containing 7,840 square feet 0.1799 acres. Also known as 4300 Blakely Avenue and located in the 11th Election District, 5 Councilmanic District.

OFFIC	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT					No.	5950	07	PAID RECEIPT MISTNESS ACTION THE DE 177/2010 1/16/2010 100-9200
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj		Amoun	ME 1605 MALE IN DIRE 1889 OF CLUY IS SHOWN 9/16/2010 OF THE STATION
Act	¥ 01	Cont		1.150				# 65.0	D. 059507 Rocph Tot schim \$65.00 Ct \$100 CA Multimore County, Haryland
Rec From;		Eyu	4 h a	C+++		Total:		4 6 7 90	
For:		A	900 1 60	tret.	u. U	bucone	¥		
DISTRIBI WHITE -	UTION CASHIER	PINK - AG	ENCY ASE PRES		- CUSTOME			CCOUNTING	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2011-0104-A

Petitioner/Developer MARK :
CYNTHIA CARTER

Date Of Hearing/Closing: /o////

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 at #300 BLAKELY AVENUE

This sign(s) were posted on September 25, 2010

09/25/2010

Month, Day, Year Sincerely,

Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

materiogh 9/25/10

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPINIENT INIAMAGENIENT **ZONING REVIEW**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20 104 -A Address 4300 Blakely Aur.
Contact Person: Bruno Rulaitis Phone Number: 410-887-339 Planner, Please Print Your Name
Filing Date: $\frac{q/16/10}{100}$ Posting Date: $\frac{q/26/10}{100}$ Closing Date: $\frac{10/11/100}{100}$
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. An 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.
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 (conder that the matter be set in for a public hearing. You will receive written notification, usuall 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 20 - 0104 - A Address 4300 Blakely Ace.
Petitioner's Name Mark & Cynthia Carter Telephone 416-931-1672
Wording for Sign: To Permit principal building setbade of 23 2" in the
Wording for Sign: To Permit principal building setbadeing to 23 2" in the
tear yard and 23'3" in the side yard in lieu of the required
WCR - Revised 7/7/0

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.

Item Number or Case Number: 2011- 0104- A
Petitioner: Mark and Cynthia Carter
Petitioner: Mark and Cynthia Carter Address or Location: 4300 Blakely Are Balto Mb 2123
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Cindy Carter</u>
Address: 4300 Blakely Ave.
Address: 4300 Blakely Ave. Balto. MD 21234
Telephone Number: 410- 931-1672



JAMES T. SMITH, JR. County Executive

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

October 12, 2010

Mark & Cynthia Carter 4300 Blakely Ave. Baltimore, MD 21236

Dear: Mark & Cynthia Carter

RE: Case Number 2011-0104-A, 4300 Blakely Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: Retober 2010

OCT 12 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 11-104- 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

RECEIVED

OCT 1 2 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 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 October 12, 2010

Item Nos. 2011- 085, 089, 090, 092, 093, 094, 096, 097, 098, 100, 101

And 104

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-10122010 -NO COMMENTS.doc



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

Beverley K. Swalm-Staley, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 1, 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. 2011-0104A 4300 BLAKELY AVE. CHRITER PROPRIETY

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. 20 \-. D104-4.

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



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

October 25, 2010

SUBJECT:

Zoning Item # 11-104-A

Address

4300 Blakely Avenue

(Carter Property)

RECEIVED

OCT 2 6 2010

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of September 27, 2010

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

Reviewer:

JWL

Date: 10/25/10

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 27,2010

Item Number: 2011-0104-A

The Baltimore County Fire Department has no comments.

Lt. Jimmie D. Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 1, 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. 2011-0104-A
3721 NIDDLE PINER AVE
DRANBAUER 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-.0104- 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,

Steven D. Foster, Chief Engineering Access Permits Division

SDF/mb

For the Zohing Commissioner's review.

OTHER PRINCIPAL BUILDING SETBACKS- reference section 1B02.2.B (BCZR) (combine facing yard setbacks for the required distance between other principal buildings) (see section 102.2 (BCZR)

V.B.2 SETBACK STANDARDS FOR PRINCIPAL BUILDING PERMITTED IN ANY D.R. ZONE OTHER THAN FOR RESIDENTIAL USE

Principal buildings other than for residential use situated in any D.R. Zone shall conform to the setback standards as set forth in Table 5-4.

TABLE 5-4. BUILDING SETBACK STANDARDS

	DR-1	DR-2	DR-3.5	DR-5.5	DR-10.5	DR-16
Front yard Side yard	70	60	50	40	25	30 25
Interior, one both Corner, street side	40 80 65	30 60 50	20 40 35	20 40 35	20 40 35	23
both Rear yard	105 50	80 40	55	55 30	55 50	30

TYPICAL SETBACK REQUIREMENTS

·In Transition/Facing Residential	Out of Transition
Front 75' Side 75' Rear 150' Parking 75'	Window to Window - 40' Window to Street R/W - 25' Window to Tract Boundary - 35' Window to Property Line - 15' Building to Ex. R/W - 25'
Buffer Width	Building to Ex. R/W C/L - 50' Building to Proposed R/W - 0' Building to Tract Boundary - 30'
Building Front - 50' Building Side - 50' Building Rear - 75' Facing Parking - 75'	Height to Height Requirements (Distances between facing elevation) Policy R.M. 6 method
For all other setbacks use Out of Transition requirements	0-20' - 16' Separation 20-25' - 25' Separation 25-30' - 30' Separation
Building Height - 35' maximum Building length - 130' maximum	30-40' - 40' Separation 40-50' - 60' Separation 50-60' - 75' Separation
Distance between facing elevations is 1½ X the height of the highest building (Policy) R.M. 6 method	Building height - By zone Building length - 300' maximum

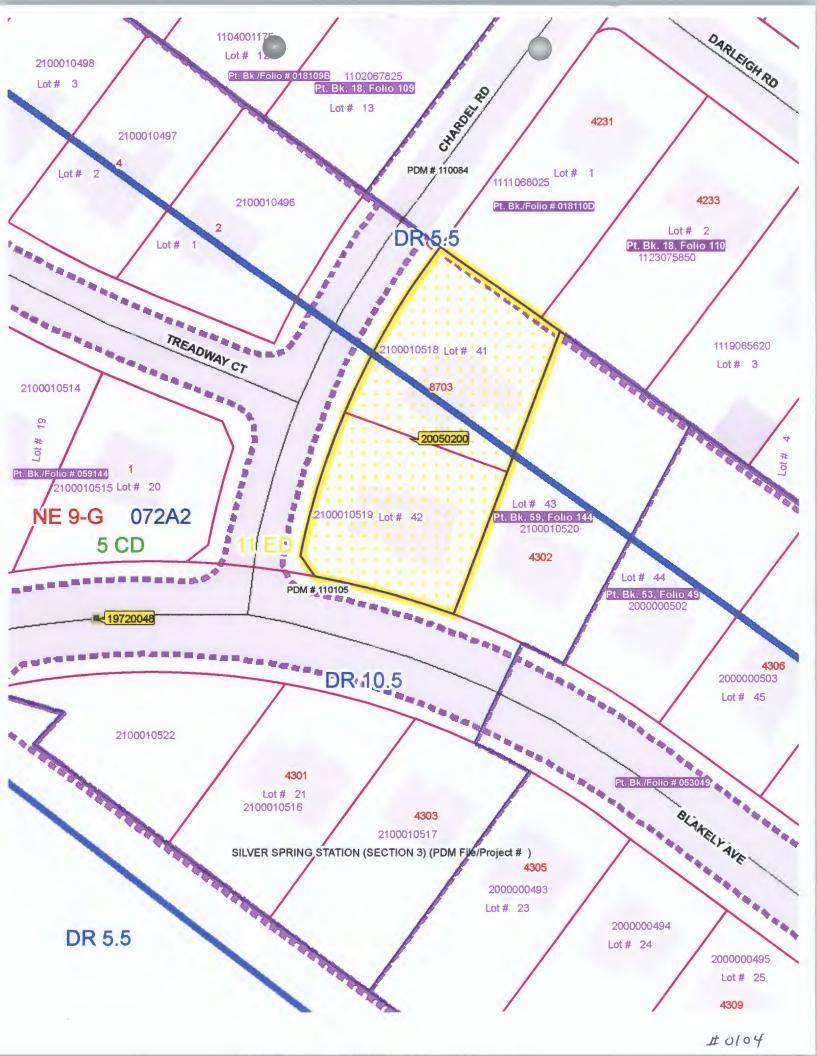
Applicant's dwelling is 24' highper drawings.

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

Account Identifier:

District - 11 Account Number - 2100010519

					,	Owner Inform	nation			
Owner Name: CARTER MARK J CARTER CYNTHIA L Mailing Address: 4300 BLAKELEY AVE BALTIMORE MD 2123				VE	Use: Principa Deed Re	RESIDENTIAL YES 1) / 8934/ 832 2)				
		DAL	TIMORE NID 2	.1230-244		n & Structure		n		
	Address AKELY A	VE			Locatio	Legal Desc				
Map 72	Grid 13	Parcel 106	Sub Distri	ct Su	bdivision	Section 3	Block	Lot 42	Assessment 3	Area
Special T	Γax Areas	La Carte	yn Valorem Class							
Primary 1992	Structure	Built		Ench 2,364	sed Area		Property 1 7,840.00 S		ea	<u>C</u> 04
Stories 2	Baseme YES		Type TANDARD UI	Exter NIT SIDIN						
		Value Information								
Land			Base Value	Value As Of 01/01/2 100,840)	Phase-in Asso As Of 07/01/2010	As Of 07/01/20	11		
Improve Total:			223,470 324,310 0	234,460 335,300 0		331,636 0	335,300 0			
Preteren	tial Land:		U	U	7	Fransfer Infor				
Seller: Type:			G ST ATION RMS-LENGTH			I ransier inioi	Date:	10/09/1 / 8934 /		Price: Deed2:
Seller: Type:							Date: Deed1:			Price: Deed2:
Seller: Type:							Date: Deed1:		•	Price: Deed2:
					E	zemption Info	rmation			
Partial I County State Municip	Exempt As	sessme	000 000 000	07/01/20 0 0 0	0 0 0 0 0	2011				
Tax Exe	empt:	NO					Special Ta	x Recapt	ure:	











PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE SPECIAL HEARING

PROPERTY ADDRESS - 4300 BLAKELY AVE

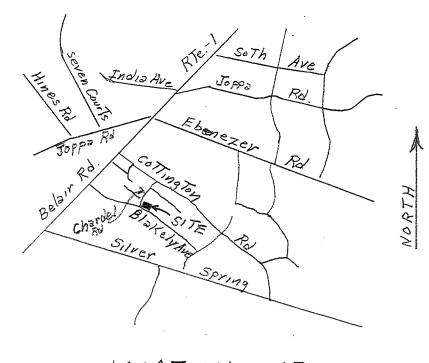
SUBDIVISION NAME - SILVER SPRING STATION

PLAT BOOK #59, FOLIO #144, LOT #42 SECTION 3

OWNERS - MARK J. + CYNTHIA CARTER

21 00 010519





LOCATION MAP SERIE. 1"= 2000' LOCATION INFORMATION

Councilmanic District - 5th

Election District - 11th

I"= 200 Scale Map # NE 6 9

Zoning - DR 5.5

Lot Size- 0.1799Ac or 7840 Sq. FT.

		PUPIC	LLINSI
	Sewer	X	
	Water	X	
	n T. v .	Yes	No
Chesipeake	Bay Critical An	ea 📙	X
100 Year Floo	d Plain		\times
Historic Prop	nerTy/Building		区
Prior Zonin	g Hearings	NONE	Ĩ
A SECONDARIO MATERIA METERIA M			Project Standardson, 1997
ZON	ING OFFICE	USE OI	VZY
Reviewed By	ITem #	, Cas	se ≠
4			

2011-0104-1