#### IN RE: PETITION FOR ADMIN. VARIANCE

N side of Westchester Avenue; 125 feet W of the c/l of Oella Lane

1st Election District

1st Councilmanic District

(2404 Westchester Avenue)

Timothy and Katrina Lovell Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2011-0146-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, Timothy and Katrina Lovell for property located at 2404 Westchester Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 8 feet 6 inches in lieu of the required 15 feet, and a sum of side yard of 17 feet 9 inches in lieu of the required 40 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition onto the rear of their home to accommodate the family of 6. The existing house has only one bathroom. This existing dwelling does not currently meet the side setback requirements. Adding any type of an addition to the house would require a variance. The proposed addition cannot be added to the front or side of the house. The rear of the home is the only practical location for the proposed addition, and the rear of the home does meet the setback requirements. The proposed addition would be 'flush' with the sidewalls of the existing home. Petitioners home was constructed in 1940.

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 RECEIVED FOR FILING

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 31, 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 day of November, 2010 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 8 feet 6 inches in lieu of the required 15 feet, and a sum of side yard of 17 feet 9 inches in lieu of the required 40 feet for an addition 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 R	ECEIVED FOR LIFTING	
Date	11-16-10	
Ву	- fr	

D FOD EILING

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Deputy Zoning Commissioner for Baltimore County

THB/pz

ORDER RECEIVED FOR FILING	<b>ORDER</b>	RECEIV	/ED FOR	FILING
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11-16-10 Date.



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 16, 2010

TIMOTHY AND KATRINA LOVELL 2404 WESTCHESTER AVENUE ELLICOTT CITY MD 21043

> Re: Petition for Administrative Variance Case No. 2011-0146-A Property: 2404 Westchester Avenue

Dear Mr. and Mrs. Lovell:

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,

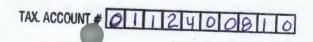
THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Joe Sharman, PO Box 51, Woodbine MD 21797





# **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega 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)  SIDE YAPD SETBACKS OF 8ff 3INCLES AND 95 9ff 6INCLE IN CIEW OF THE REDIVED 15ff AND SUM OF SIDE YAPDS AN ADDITION  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 of Baltimore County adopted pursuant to the zoning law for Baltimore County.  If 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:  Legal Owner(s):  Timothy 1 Lovell  Name Type or Print  Signature  Address  Telephone No.  Attorney For Petitioner:  Attorney For Petitioner:  The United States and States are successful and States and States are successful and States and States are successful and States are suc	for the pro	operty located at 2404 WESTLATESTER
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3		Zoning Commissioner of Baltimore County
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	REV 10/25/01	Estimated Posting Date (0.3/-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	2404 WESTGHESTER AVE
A description of the state of t	ELLICOTT CITY MD 21643
Frank 7th Land on the second	City State Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ring are the facts upon which I/we base the request for an Administrative or practical difficulty):
	OMBINED, THE EXISTING HOUSE CORRECTLY
To THE HOUSE WOULD REQUIRE	REQUIROMONTS. ADDING ANY TYPE OF ADDITIONS A VARIANCE. THE PROPORTY IS ONLY 45' WIDE
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HOUSE THE PRIME. THIS	PROPOSAL SUITS THE SITUATION BEST.
That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide ad	mal demand is filed, Affiant(s) will be required to pay a reposting and Iditional information.
Ta lovell	Katury C. Lovell Signature Katrina C. Lovell
Signature	Signature
I'm LOVELL	Ratrina C. Lovell
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO	ORE, to wit:
I HEREBY CERTIFY, this 14th day of crown of Maryland, in and for the County aforesaid, pers	OBER 2010, before me, a Notary Public of the State
Timothy Lovell + Katri	na Love 11
the Affiant(s) herein, personally known or satisfac	
AS WITNESS my hand and Notarial Seal	BALTIMULE GUNTY JULIDU ST. OF. MD
and the same of the same of the same of	ST. OF.M.)  Notary Public
The Theory of the Property of the Park of	My Commission Expires FEB 2s(3
REV 10/25/01	

## ZONING DESCRIPTION FOR 2404 Westchester Ave, Ellicott City, 21043

which is 18' wide at the distance of 125' West of the

centerline of the nearest improved intersecting street Oella Lane

which is 20'wide. Being Parcel# 832 Liber \_\_\_\_\_\_, Folio\_\_\_\_\_, in the subdivision of

175 S Oella Lane as recorded in Baltimore County Plat Book Map 100 G 09

containing\_7,052 SF. Also known as 2404 Westchester Ave

and located in the 01 Election District, 01

Councilmanic District.

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# Certificate of Posting

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	Petitioner/Developer
	Timothy Lovell
	Date of Hearing/Closing11/15/10
Baltimore County Department of Permits and Develo County Office Building – Room 11 11 W. Chesapeake Ave. Towson, Md. 21204	•
	alties of perjury, that the necessary sign as picuously on the property located at
240	04 Westchester Ave.
The sign(s) were posted on	10/31/10
ine sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Statut Etthe 10/31/10
	(Signature of sign Poster and date)
	Richard E. Hoffman
	(Printed Name)
quired by law, was posted cons	004 D. H 1 D
Pnotograpn	904 Dellwood Drive (Address)
	(Addiess)
	Fallston, Md. 21047
	(City, State, Zip Code)
	410-879-3122

# Certificate of Posting Photograph Attachment

Re:	2011-0146-A	
Petitio	ner/Developer:	
	Timothy Lovell	
Date o	f Hearing/Closing:	11/15/10



2404 Westchester Ave.

Posting Date: 10/31/10

(Signature and date of sign poster)

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011 - 0146

Address 2404 Westches TER Ave.

			Planner,	Please Print Y	our Name			_ Pho			10-887-3	
Filing	Date:	0	26/10	_ Po	osting Da	te: _	10/31		Closing	Date:	11/13	5
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		BALT	IMORE COUNTY	DEPARTME	NT OF PERI	MITS A	ND DEVEL	OPMENT M	MANAGEM	ENT		,

# 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	2011-0146-A
Petitioner: TIMOTHY	Lovell
Address or Location: 2404	WESTLASTER DE ELLICOT City
PLEASE FORWARD ADVERTISING	3 BILL TC
Name:	
Address	
	> AME
	11.54 551 5



JAMES T. SMITH, JR. County Executive

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

November 15, 2010

Mr. Timothy J. & Katrina Lovell 2404 Westchester Ave. Ellicott City, Md 21043

Dear Timothy & Katrina:

RE: 2011-0146-A, 2404 Westchester Ave

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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,

V. W Larl Richards Ir

Supervisor, Zoning Review

WCR:rjc Enclosures

c: People's Counsel Joe Sharman P.O. Box 51 Woodbine Md 21797

# 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) 11-146- 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: November 3, 2010

NOV 0 4 2010

**ZONING COMMISSIONER** 

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: November 1, 2010

Closing 11/15/10

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 November 8, 2010

Item Nos. 2011-126, 137, 140, 14

142, 144, 145, 146 and 147

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-11082010 -NO COMMENTS.doc

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

December 1, 2010

SUBJECT:

Zoning Item # 11-146-A

Address

2404 Westchester Avenue

(Lovell Property)

Zoning Advisory Committee Meeting of October 25, 2010.

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

Reviewer:

JWL

Date: 12/1/10

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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 27, 2010

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

**Baltimore County** RE:

Item No. 2011-0146A

2404 WESTCHESTER AN LOVELL PROPERTY ADMIN, VAIRIANCE -

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. 28 11-. 0146-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

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1) BALTIMORE COUNTY

	Identif	01.		District - 01 A	ccount Number	- 0112400	810				
1					Owner inform	nation					
Owner N	ame:			OTHY JONES TRINA CLAIRE		Use: Prine	cipal Resi	idence:		RESIDEN YES	
Mailing A	Address	<u>::</u>		CHESTER AVE		Deed	Referen	ce:	1)	/2320	
				Loca	tion & Structur	e Informati	on				
Premises 2404 WE			/E		Legal D	escription					
						ESTCHERS ELLA LA	STER AVE	NW			
	<b>Grid</b> 9	Parcel 832	Sub District	Subdivis	ion Section	n Block	Lot	Asses 1	ssment Area	P	
Special T Areas	Гах	Ad	wn I Valorem x Class								
Primary Structure Built 1940				Enclosed A 1,456 SF	Property 7,052.00	Land Are	County U				
Stories 2	Base	ment	Type STANDARD UN	Exterio	r TOS SHINGLE						
				Value Inform	nation						
			Base Value	Value	Phase-in As	sessments					
				As Of 01/01/2010	As Of 07/01/2010	As Of 07/01/2	2011				
Land			119,500	119,500							
Improve	ments:		126,940	87,700							
Total:			246,440	207,200	207,200	207,20	0				
Preferen	tial Lar	id:	0	0	0	0					
					Transfer Info	rmation					
Seller: Type:		NEBERR ARMS-LI	Y KATRINA C ENGTH			Date: Deed1:	06/13/20 /23209/		Price: Deed2:	\$0	
Seller: Type:		S CHER	YL L RMS-LENGTH			Date: Deed1:	04/04/2		Price: Deed2:	\$13	
Seller: Type:		•				Date: Deed1:			Price: Deed2:		
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State	State Municipal				000						

## Patricia Zook - Re: Comments needed - Administrative Variances that closed 11-15-10

From:

**Dennis Kennedy** 

To:

Zook, Patricia

Date:

11/16/2010 11:40 AM

**Subject:** Re: Comments needed - Administrative Variances that closed 11-15-10

#### Patti:

We have no comment on Items 2011-0141, 0142, 0146, and 0147. Carol will bring you a copy of our comment on 2011-0143.

Dennis

>>> Patricia Zook 11/16/2010 10:59 AM >>>

I forgot to mention that if you don't have comments, feel free to reply to this e-mail and I'll place it in the file(s).

Thanks again.

## Good morning Dennis -

The following administrative variance case files were just brought over and they are missing comments from your office:

2011-0147-A, 2011-0146-A, 2011-0142-A, 2011-0143-A and 2011-0141-A.

Thanks for your help, Dennis.

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

410-887-3868

pzook@baltimorecountymd.gov

### Patricia Zook - Comments needed - Administrative Variances that closed 11-15-10

From:

Patricia Zook

To:

Kennedy, Dennis

Date:

11/16/2010 10:50 AM

Subject:

Comments needed - Administrative Variances that closed 11-15-10

### Good morning Dennis -

The following administrative variance case files were just brought over and they are missing comments from your office:

2011-0147-A, 2011-0146-A, 2011-0142-A, 2011-0143-A and 2011-0141-A.

Thanks for your help, Dennis.

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

410-887-3868

pzook@baltimorecountymd.gov













