



SE side of Gough Street, 168 feet E of the c/l of Overview Avenue 12th Election District 7th Councilmanic District (7213 Gough Street)

Brian T. and Donna M. Abt *Petitioners*

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0188-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, Brian T. and Donna M. Abt for property located at 7213 Gough Street. The variance request is from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' dwelling is an end unit townhome with a southern exposure on the side wall which significantly increases energy costs. The side yard essentially becomes unusable due to the extreme heat caused by sun exposure. Petitioners desire to be able to use their side yard. None of the neighbors expressed any concern or opposition to the proposed awning.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 6, 2010 which indicates that the awning is the same size as the footprint of the residence from which it projects. It is disproportionate as an accessory structure. A majority of the rear yard is filled with a large garage. The side yard over which the awning will project has a large detached shed.

ORDER R	ECEIVED FOR FILING	
Date	1-6-11	
Ву	m	



Nonetheless, the Planning Office does not oppose the request proved the shed in the side yard is removed and the awning is reduced to provide a side yard setback of four feet.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 12, 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. Petitioners are made aware, however, that they will be required to deal with any potential runoff emanating from the awning and may be required to provide the necessary gutters.

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 January, 2011 that a variance from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 feet be and is hereby GRANTED, subject to the following:

ORDER	RECEIV	ED FO	R FILING
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Date 1-6-11





- 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.
- 2. Petitioners are required to deal with any potential runoff emanating from the awning and are required to provide the necessary gutters.

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

Date	1-6-11	
By	2	



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

January 6, 2011

BRIAN T. AND DONNA M. ABT 7213 GOUGH STREET BALTIMORE MD 21224

> Re: Petition for Administrative Variance Case No. 2011-0188-A Property: 7213 Gough Street

Dear Mr. and Mrs. Abt:

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.

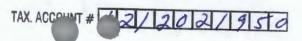
Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Zoning Commissioner of Baltimore County



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7213 Googh Steet
which is presently zoned DR 10.5

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)

Section: 1B02.3.A.1

regulations of Baltimore County and that the property be reposted.

CASE NO. 2011 - 0188 -A

REV 10/25/01

To permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 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.

is the subject of this Petition. Contract Purchaser/Lessee: .egal Owner(s): Name - Type or Print Signature Signature Address Telephone No. City State Zip Code Attorney For Petitioner: ORDER RECEIVED FOR FILING Name - Type or Print Representative to be Contacted: Signature Name Company Address Telephone No. Address Telephone No. City State Zip Code 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Reviewed By

Estimated Posting Date

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	7213 Goo	ah St	
That are randingly accorded processing records at	Address Boltimore	MD	2 1224
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upor ip or practical difficulty):	which I/we base the re	equest for an Administrative

- O That the dwelling recieves full southern Sun exposure on the side wall increasing the use of additional energy during warm months to keep dwelling cool.
- of The side yard becomes unusable due to extreme heat caused by Son exposure.
- (3) Hardship was not the cesult of the applicant actions as the additional property was included in the purchase. The applicant would like to make the additional property useable

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.

Signature

Signature

Signature

Donna M. Abt

Name - Type or Print

Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 15 TH day of November of Maryland, in and for the County aforesaid, personally appeared BRIAN T. ABT & DONNA M. AT	BT
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Herbert Gerlenkirchen Notary Public

My Commission Expires 10 -11-2012

REV 10/25/01

Zoning Description

ZONING DESCRIPTION FOR 7213 Gough Street.

Beginning at a point on the east side of Gough Street which is 60' wide at the distance of 168.73' north of the centerline of the nearest improved intersecting street Overview Avenue which is 60' wide. Being Lot # 7R, Section # 3 in the subdivision of Eastwood as recorded in Baltimore County Plat Book # 19, Folio # 93, containing .07 acres. Also known as 7213 Gough Street and located in the 12th Election District, 7th Councilmanic Distric.

OFFIC	E OF BUI	DGET AN	MARYLAN ID FINANC I RECEIPT	E		No.	6009	19/10	PAID RECEIPT BUSINESS ACTUAL TIME BRI 11/29/2010 11/29/2010 11:03:47
Fund	Dept	Unit -	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj		Amount	REG M901 WALKIN JRIC JWR >>RECEIPT # 480138 11/29/2010 OFLI
001	806	6000		6150				65.00	CR NO. 060094 Recpt Tot \$65.00 \$65.00 CK \$.00 CA Baltimore County, Maryland
Rec From:	F	Peraki	DH			, Total:		65.00	
For:	72	13 G	ough z	5+			2011 - 6)188-A	
									CASHIER'S

CERTIFICATE OF POSTING

2011-0188-A

	RE: Case No.:
	Petitioner/Developer:
	Brian & Donna Abt
	Dec 27, 2010 Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Kristin Matthews:	
Ladies and Gentlemen:	
	perjury that the necessary sign(s) required by law were
7213 Gough St	
	2010
The sign(s) were posted on	December 12, 2010
	(Month, Day, Year)
	Sincerely,
	December 12, 2010
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



BALTIMORE COUNTY DEPA MENT OF PERIMITS AND DEVELOT MENT MANAGEMENT

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN ORMATION STILLT AND DATES
Case Number 2011 - 0188 -A Address 7213 Gough St.
Contact Person: Leoward Lasilewski Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $\frac{1/29/10}{27/10}$ Posting Date: $\frac{12/22/10}{27/10}$ Closing Date: $\frac{12/27/10}{27/10}$
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. <u>DEADLINE:</u> 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 (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 2011-0188 -A Address 7213 Gough St.
Petitioner's Name BRIAN & DONNA Abt Telephone 410 288-0026
Posting Date: 12/12/10 Closing Date: 12/27/10
Wording for Sign: To permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 feet.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

George Klunk, (Interim) Director

Department of Permits and **Development Management**

FROM:

Jeff Mayhew

(Acting) Director, Office of Planning

SUBJECT:

7213 Gough Street

INFORMATION:

Item Number:

11-188

Petitioner:

Brian and Donna Abt

Zoning:

DR 10.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office offers the following comments:

The requested awning is the same size as the footprint of the residence from which it projects. It is disproportionate as an accessory structure. A majority of the rear yard is filled with a large garage. The side yard over which the awning will project has a large detached shed.

Nonetheless, the Office of Planning does not oppose the request provided: the shed in the side yard is removed and the awning is reduced to provide a side yard setback of four feet.

For further information concerning the matters stated here in, please contact John Alexander at 410-887-

3480.

Prepared by:

AFK/LL: CM

RECEIVED

DATE: December 6, 2010

ZONING COMMISSIONER



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

Maryland Department of Transportation

Date: DEC. 3,2010

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

RE: Baltimore County
Item No 2011-0108-A
7213 GOWH STREET
BRIAN TO DOWN M. ABT
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. 2011-0188-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Kon Steven D. Foster, Chief

Access Management Division

SDF/mb

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

December 09, 2010

ATTENTION:

Kristen Mathews

ZAC 12-6-2010

Case Number(s): 2011-0152-SPHA

2011-0180-A

2011-0181-A

2011-0182-A 2011-0183-SPH

2011-0184-A

2011-0185-SPH

2011-0186-A

2011-0187-A

2011-0188-A

The fire marshal's office has no comments at this time.

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

cc: File



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 9, 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 December 13, 2010

Item Nos. 2011- 152, 180, 182, 183,

184, 185, 186, 187 and 188

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-12132010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 6, 2010

TO:

George Klunk, (Interim) Director

Department of Permits and Development Management

7 00

Jeff Mayhew

(Acting) Director, Office of Planning

SUBJECT:

FROM:

7213 Gough Street

INFORMATION:

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Brian and Donna Abt

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For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by: AFK/LL: CM

Patricia Zook - Case 2011-0188-A - Administrative Variance

From:

Patricia Zook

To:

Wasilewski, Leonard

Date:

1/3/2011 1:11 PM

Subject: Case 2011-0188-A - Administrative Variance

Hello Lenny -

Can you provide some background information on this variance request?

CASE NUMBER: 2011-0188-A

7213 Gough Street

Location: SE side of Gough Street, 168 feet E of the c/l of Overview Ave

12 Election District, 7th Councilmanic District Legal Owner(s): Brian T. and Donna Abt

Closing Date: 12/27/2010

ADMINISTRATIVE VARIANCE to permit an open projection (awning) addition with a side yard setback of 8 inches in lieu of the required 15 feet.

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



Patricia Zook - Case 2011-0188-A - Administrative Variance

From:

Patricia Zook

To:

Wasilewski, Leonard

Date:

1/4/2011 9:52 AM

Subject:

Case 2011-0188-A - Administrative Variance

Hello Lenny -

Can you provide some background information on this variance request?

CASE NUMBER: 2011-0188-A

7213 Gough Street

Location: SE side of Gough Street, 168 feet E of the c/l of Overview Ave

12 Election District, 7th Councilmanic District Legal Owner(s): Brian T. and Donna Abt

Closing Date: 12/27/2010

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inches in lieu of the required 15 feet.

Thanks for your help.

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

#X

410-887-3868

pzook@baltimorecountymd.gov







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

			Owner Information							
Owner Nam	e:	ABT BRIA ABT DON		Use: Principal Residence:						
Mailing Add	ress:	7213 GOU BALTIMO	JGH ST RE MD 21224-1811			Referen				
			Locati	on & Structur	e Informat	ion				
Premises A			Legal Description							
7213 GOUG	HST			7040 0014	OLL OT					
				7213 GOUG						
Map Gri	d Parcel	Sub Distric	t Subdivision	Section 3	Block 6	Lot 7R	Assessm 3	nent Area		
Special Tax Areas	To	own I Valorem Ix Class								
Primary Stri 1954	ucture Built		Enclosed Area 896 SF	Property Land Area 3,300.00 SF						
	Basement ES	The state of the s	Exterior BRICK				•			
				Value Information						
		Base Value	Value	Phase-in Assessments						
			As Of 01/01/2009	As Of 07/01/2010	As Of 07/01/2	2011				
Land	-4	38,000 83,170	38,000 101,340							
Improvement Total:	its:	121,170	139,340	133,282	139,340					
Preferential	Land:	0	0	0	0					
				Transfer Info	rmation					
	ISCHER BAF	RBARA J RMS-LENGTH			Date: Deed1:		/1994 3/ 275	Price Deed		
	EASE AUGU	STA			Date:	09/2	1/1979	Price		
		RMS-LENGTH			Deed1:		79/ 137	Deed		
Seller: Type:					Date: Deed1:			Price		
			E	xemption Infe	ormation					
Partial Exen	npt Assessn	Class	07/01/2010			(
County				000		0		(
State				000		0		(
Municipal				000		0		(



PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE SPECIAL HEARING PROPERTY ADDRESS 72/3 Gough Street SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION SUBDIVISION NAME East wood PLAT BOOK # 19 FOLIO # 93 LOT # 7R SECTION # 3 OWNER Brigg T. & Donng M. Abt ALLEY (16') 71-811 LEO F. Vera F. Nagy EXISTING D'HARE GARAGE 36 Andrew Louis Nagy VICINITY MAP SCALE: 1" = 1000" LOCATION INFORMATION Proposed 16'x 28:4" 14.87 **ELECTION DISTRICT** LAWNING 161 16.6" COUNCILMANIC DISTRICT EXISTING 1" = 200' SCALE MAP # DW ELLING ZONING DR 10.5 # 7215 R #7213 LOT SIZE 107 # 7211 ACREAGE SQUARE FEET PUBLIC PRIVATE FRONT X 17 SEWER WATER CHESAPEAKE BAY X CRITICAL AREA X 35' 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING ZONING OFFICE USE ONLY

NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 20'

GOUGH ST. (60')

NORTH PT. RD

REVIEWED BY ITEM # CASE #

2011

0188-A

