

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

E side of Westmoreland Avenue, 575 feet  
N of the c/l of Taylor Avenue  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(7823 Westmoreland Avenue)

Zachary Canfield  
*Petitioner*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* Case No. 2011-0286-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before this Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject property, Zachary Canfield for property located at 7823 Westmoreland Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition to the rear of an existing dwelling with setbacks for existing and proposed side to lot line of 6 feet in lieu of the required minimum of 10 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioners desire to construct an addition measuring 30 feet x 24 feet. The new addition will not project past the existing home sidewalls.

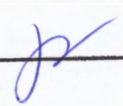
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 3, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

**ORDER RECEIVED FOR FILING**

Date 4-27-11

By 

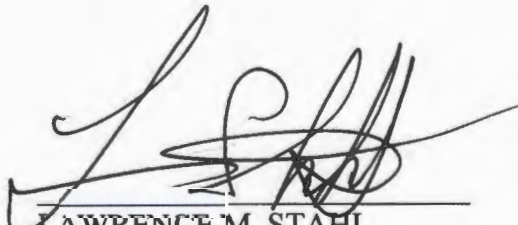
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements 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 Petitioner.

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 Administrative Law Judge for Baltimore County, this 27<sup>th</sup> day of April, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition to the rear of an existing dwelling with setbacks for existing and proposed side to lot line of 6 feet in lieu of the required minimum of 10 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

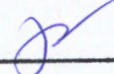
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

IMS:rz  
ORDER RECEIVED FOR FILING

Date 4-27-11

2

By 



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
TIMOTHY M. KOTROCO  
*Administrative Law Judges*

April 27, 2011

ZACHARY CANFIELD  
7823 WESTMORELAND AVENUE  
PARKVILLE MD 21234

Re: Petition for Administrative Variance  
Case No. 2011-0286-A  
Property: 7823 Westmoreland Avenue

Dear Mr. Canfield:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the word "Sincerely,".

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS/pz

Enclosure



ORIGINAL KEPT IN FILE

TAX ACCOUNT # 0903670550



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7823 WESTMORELAND AVE  
which is presently zoned DR5.0

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) 1302.3.C.1 BCZR

TO PERMIT AN ADDITION TO THE REAR OF AN EXISTING DWELLING  
WITH SETBACKS FOR EXISTING AND PROPOSED SIDE TO LOT LINE OF  
6 FT. IN LIEU OF THE REQUIRED MINIMUM OF 10 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.

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 \_\_\_\_\_  
Date 4-27-11  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
By [Signature] City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Legal Owner(s):

Zachary Canfield  
Name - Type or Print \_\_\_\_\_  
Signature [Signature]  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
7823 Westmoreland Ave. 443-506-3937  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Parkville MO 21234  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

Zach Canfield  
Name \_\_\_\_\_  
7823 Westmoreland Ave. 443-506-3937  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Parkville MO 21234  
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. 2011 0286 A

REV 10/25/01

Reviewed By JL Date 3/25/11  
Estimated Posting Date 4/03/11

Zachary Canfield  
7823 Westmoreland Avenue  
Parkville, MD 21234

Zoning Description

0286  
(A 40' RW)  
BEGINNING AT A POINT ON THE EAST SIDE OF WESTMORELAND AVE., 575 FT NORTH OF TAYLOR  
AVE (40' RW) Being known and designated as lot No. 31<sup>42</sup> as shown on a plat entitled Westmoreland Fruit Farms,  
recorded among the land records of Baltimore county Maryland. in plat book 7 folio 102. The  
improvements thereon, being known as No. 7823 Westmoreland Avenue, also known as 7823  
Westmoreland Avenue, Parkville, Md. 21234 and located in the 9<sup>th</sup> election district 5<sup>th</sup> councilmanic  
district.

3C

Zachary Canfield  
7823 Westmoreland Avenue  
Parkville, MD 21234

**Zoning Description**

BEGINNING AT A POINT ON THE EAST SIDE OF WESTMORELAND AVE., 575 FT NORTH OF TAYLOR  
AVE (40' RW) Being known and designated as lot No. 31<sup>±2</sup> as shown on a plat entitled Westmoreland Fruit Farms,  
recorded among the land records of Baltimore county Maryland, in plat book 7 folio 102. The  
improvements thereon, being known as No. 7823 Westmoreland Avenue, also known as 7823  
Westmoreland Avenue, Parkville, Md. 21234 and located in the 9<sup>th</sup> election district 5<sup>th</sup> councilmanic  
district.

0286

(A 40' RW)

3 L



# 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 7823 Westmoreland Ave  
Address  
Parkville MO 21234  
City State Zip Code

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):

\* See attached page

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.

Zach Canfield  
Signature  
Zach Canfield  
Name - Type or Print

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9<sup>th</sup> day of March, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Zachary Canfield  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Paul D. Ladd  
Notary Public  
My Commission Expires 12/30/2013

0206

Zachary Canfield  
7823 Westmoreland Avenue  
Parkville, MD 21234  
Affidavit in Support of Administrative Variance

Based upon personal knowledge, the following are the facts upon which I base the request for an administrative variance:

1. Current property setbacks are not adequate to construct an addition to meet previous setback requirements.
2. New addition to be constructed would not project past existing home on side yard setbacks
3. This would create a substantial injustice because existing neighboring homes already have additions extending to or past existing homes crossing new setback requirements
4. To meet new setbacks dramatic changes to the proposed addition layout would have to be made which would create a practical difficulty and undo hardship in constructing new addition.
5. If setback relief is granted it will be in strict harmony with the spirit and intent of the neighborhood
6. If setback is granted, it will not create even a small injury to the public health, safety, or general welfare in the neighborhood.





KEVIN KAMENETZ  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

**Administrative Variance:** 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

**Special Hearing:** 2011-0283-SPHX, 2011-0293-SPH

**Variance:** 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

**Comments:**

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector  
Baltimore County Fire Marshal's Office  
700 E. Joppa Road, 3<sup>RD</sup> Floor  
Towson, Maryland 21286  
Office: 410-887-4880  
dmuddiman@baltimorecountymd.gov  
cc: File



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: 4-6-11

Ms. Kristen Matthews  
Baltimore County Department of  
Permits, Approvals and Inspections  
County Office Building, Room 109  
Towson, Maryland 21204

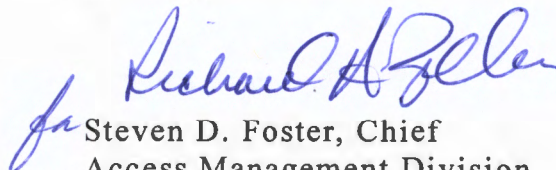
RE: Baltimore County  
Item No. 2011-0286A  
Administrative Variance  
Zachary Cowfield  
7823 Westmoreland Avenue

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. 2011-0286A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at ([rzeller@sha.state.md.us](mailto:rzeller@sha.state.md.us)). Thank you for your cooperation.

Sincerely,

  
for Steven D. Foster, Chief  
Access Management Division

SDF/rz





KEVIN KAMENETZ  
*County Executive*

ARNOLD JABLON  
*Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections*

April 12, 2011

Mr. Zachary Canfield  
7823 Westmoreland Avenue  
Parkville, MD 21234

RE: Case Number 2011-0286A, 7823 Westmoreland Avenue

Dear Mr. Canfield,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 25, 2011. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



7823 Westmoreland Avenue  
Parkville, MO 21234

7825 ↙

7823 ↘

7821 ↘



Westmoreland Ave.



Rear of property

0286

\* 2 sided



proposed addition location

7823 ↗

7821 →



↖ 7825



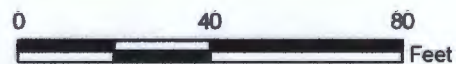
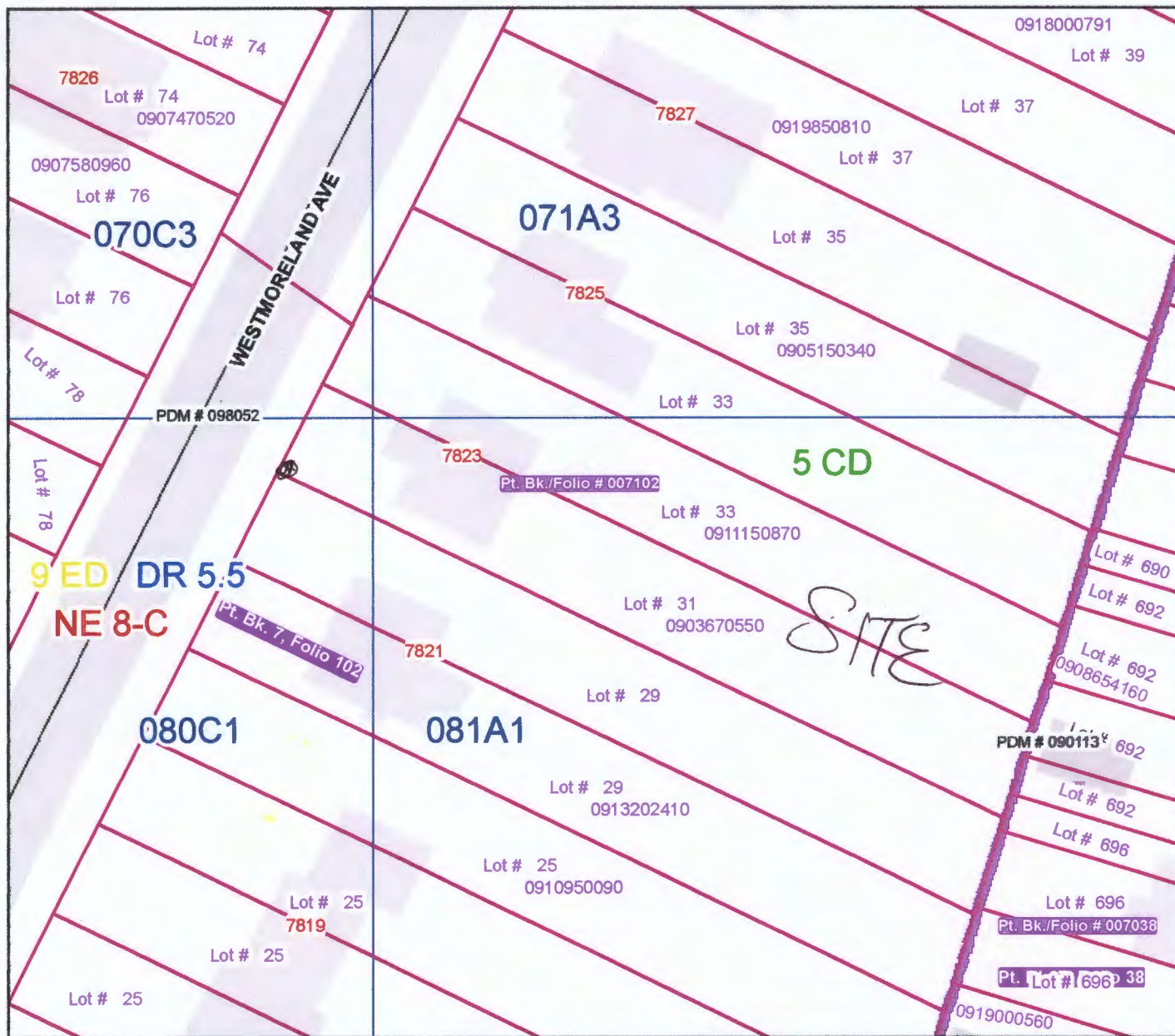
7821 ↘

↖ 7823

\* 2 sided

0286

0286



1 inch = 40 feet



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections

**DATE:** April 11, 2011

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 11, 2011  
Item Nos. 2011- 283, 284, 285, 286,  
287, 288, 289, 290, 291, 292 and  
293

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-04112011 -NO COMMENTS.doc

Zachary Canfield  
7823 Westmoreland Avenue  
Parkville, MD 21234

**Zoning Description**

BEGINNING AT A POINT ON THE EAST SIDE OF WESTMORELAND AVE., 575 FT NORTH OF TAYLOR

AVE (40' RW) Being known and designated as lot No. 31<sup>v2</sup> as shown on a plat entitled Westmoreland Fruit Farms, recorded among the land records of Baltimore county Maryland, in plat book 7 folio 102. The improvements thereon, being known as No. 7823 Westmoreland Avenue, also known as 7823 Westmoreland Avenue, Parkville, Md. 21234 and located in the 9<sup>th</sup> election district 5<sup>th</sup> councilmanic district.

0286

(A 40' RW)

32



# Certificate of Posting

Department of Permits, Approval, and Inspections  
Baltimore County  
111 W. Chesapeake Avenue  
Room 111  
Towson, MD 21204

Date: April 3, 2011

Attention: Ms. Kristen Lewis

Re: Case Number: 2011 - 0286 - A

Petitioner/Developer: Zack Canfield

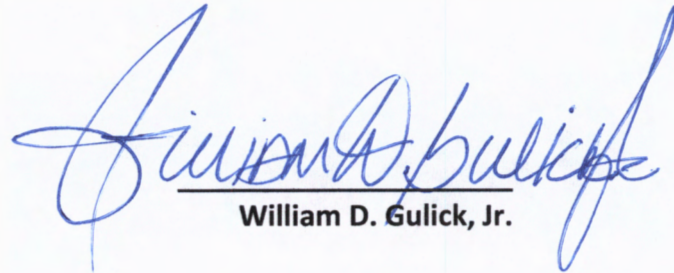
Date of Hearing/Closing: April 18, 2011

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: ~~7825~~ Westmoreland Avenue

# 7823

The sign(s) were posted on:

April 3, 2011. See attached Photos



William D. Gulick, Jr.

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

# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 2011-0286-A  
TO PERMIT AN ADDITION ON THE REAR  
OF AN EXISTING DWELLING WITH A  
SIDE YARD SETBACK OF 6 FT. IN  
LIEU OF THE REQUIRED 10 FT.

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
4:30 p.m. ON APRIL 10, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
111 W. CHESAPEAKE AVE  
TOWSON, MD 21204 TEL. 887-3391 (410)

DO NOT REMOVE THIS SIGN FROM PUBLIC VIEW. VIOLATION MAY BE SUBJECT TO A FINE. RETURNED TO LARSEN, INC. 104  
MEETING IS HANDICAP ACCESSIBLE

WESTMORELAND AVE.



FILE COPY  
RIGHT LIST  
TO APP.

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2011- 0286 -A Address 7823 WESTMORELAND AVE.

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

Filing Date: 3/25/11 Posting Date: 4/03/11 Closing Date: 4/18/11

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 2011- 0286 -A Address 7825 WESTMORELAND AVE

Petitioner's Name ZACH CANFIELD Telephone 443 506 3937

Posting Date: 4/03/11 Closing Date: 4/18/11

Wording for Sign: To Permit AN ADDITION ON THE REAR OF AN EXISTING  
DWELLING WITH ~~SEE~~ A SIDE YARD SETBACK OF 6 FT.  
IN LIEU OF THE REQUIRED 10 FT.



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2011 0286 A

Petitioner: CANFIELD

Address or Location: 7823 Westmoreland Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Zach Canfield

Address: 7823 Westmoreland Ave.  
Parkville, MD 21234

Telephone Number: 443-506-3937

Revised 2/17/11 DT

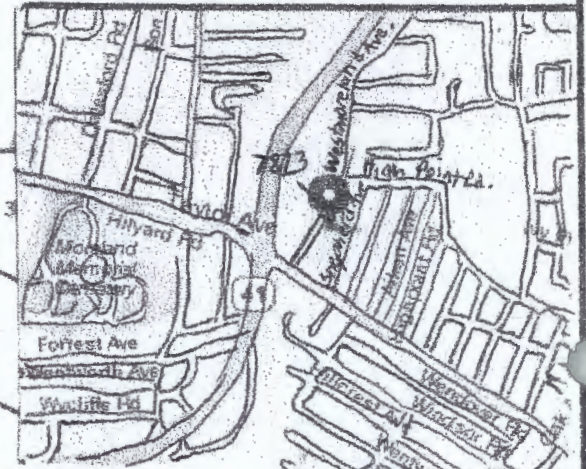


☒ VARIANCE ☐ SPECIAL HEARING

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

~~162-150-2222-2222~~

OWNER Zachary Canfield



VICINITY MAP  
SCALE: 1" = 1000'

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # ~~688~~ 071A3  
AND 881A1

ZONING DR515

LOT SIZE 22 9799  
ACREAGE SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

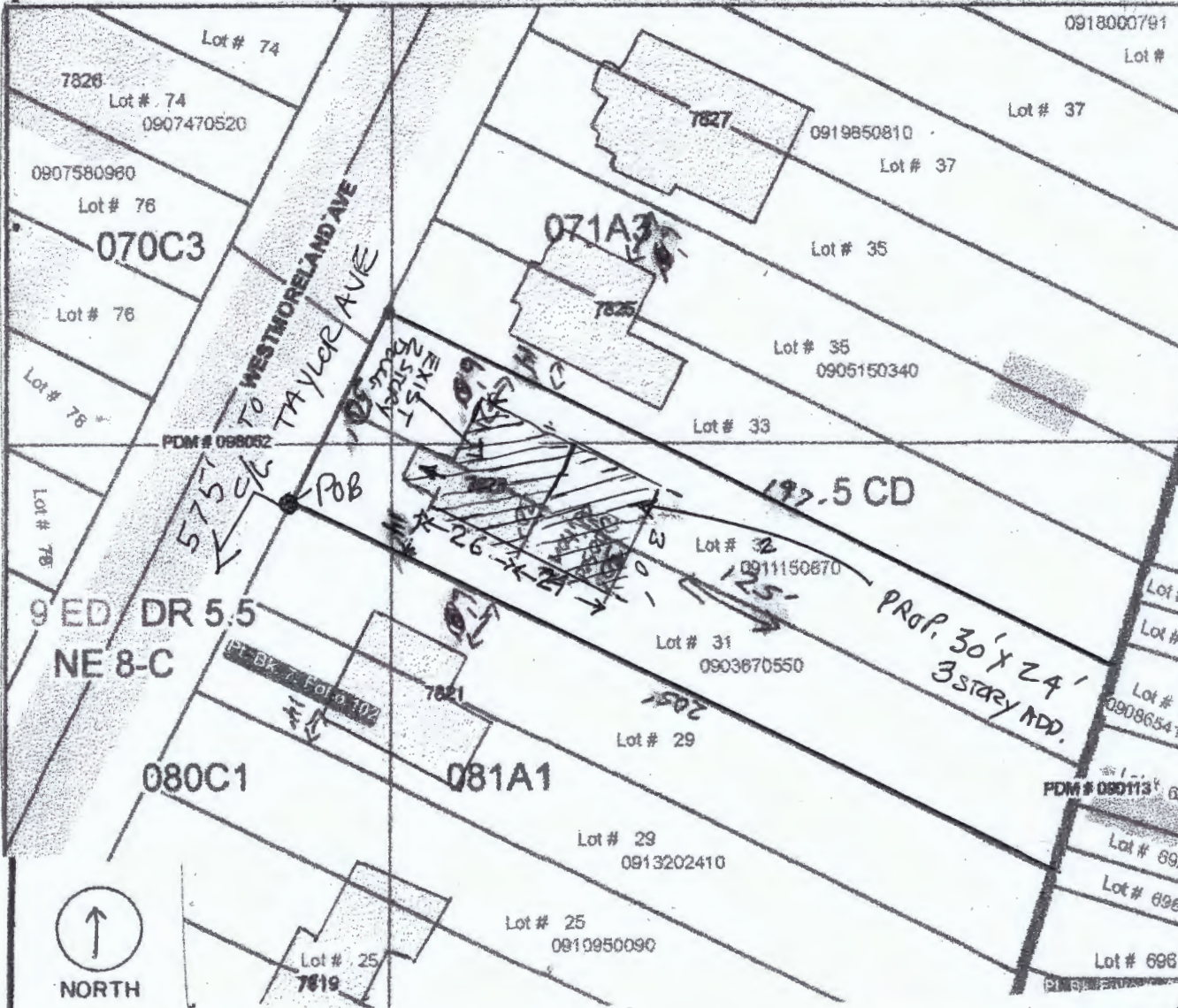
|                                 | YES                      | NO                                  |
|---------------------------------|--------------------------|-------------------------------------|
| CHESAPEAKE BAY<br>CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 100 YEAR FLOOD PLAIN            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/<br>BUILDING  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| PRIOR ZONING HEARING            |                          | <input checked="" type="checkbox"/> |

REVIEWED BY      ITEM #      CASE #

2011-0286-A

DL

2011-0286-A



NORTH

PREPARED BY Zach Canfield

By C 3/25/11  
SC

SCALE OF DRAWING: 1" = ~~10~~ 50