IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Pleasant Villa Avenue; 635 feet NE of Rockwell Avenue 1st Election District 1st Councilmanic District (2035 Pleasant Villa Avenue)

Thomas M. and Mary R. McDade Petitioners

- BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- FOR BALTIMORE COUNTY
- * Case No. 2012-0071-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Thomas M. and Mary R. McDade for property located at 2035 Pleasant Villa Avenue. The variance request is from Section 1A01.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a sunroom addition in the rear yard of a double fronted single family dwelling with a set back of 20.5 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to convert the main deck to an all glass window sunroom for year round use.

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 18, 2011, 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
ORDER RECEIVED FOR FILING

Date	10-5-17	
Ву	- A	

the public and should therefore be granted. In the opinion of the Administrative Law Judge, 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.

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date (0-5-1)

2



KEVIN KAMENETZ County Executive

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

October 5, 2011

THOMAS M. AND MARY R. MCDADE 2035 PLEASANT VILLA AVENUE CATONSVILLE MD 21228

> Re: Petition for Administrative Variance Case No. 2012-0071-A Property: 2035 Pleasant Villa Avenue

Dear Mr. and Mrs. McDade:

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, Approvals 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,

TIMOTHY M. KOTROCO

Administrative Law Judge

for Baltimore County

TMK:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 2035 Pleasant Villa Ave. Catonsville MD 21228 which is presently zoned DR 5.5

Deed Reference: 0 \$ 199 / 223 Tax Account # 2 0 0 0 0 0 2 1 3 4

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 1A01.2

FRM476_09

To permit a sunroom addition in the rear yard of a double fronted single family dwelling with a set back of 20.5 feet in lieu of the required 25 feet.

Approved record plat signed 6/5/85.

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.

			I/We do solemnly declar perjury, that I/we are the is the subject of this Pe	are and affirm, under the ne legal owner(s) of the p etition.	penalties of roperty which
Contract Purchas	er/Lessee:		Legal Owner(s):	M Dal	
Name - Type or Print		Pi unu.	Naprie - Type o	1. IVIC DOGE	
Signature			Signature	III. The Ato	
			Mary R	. McDade	
Address		Telephone No.	Name - Type or Print	R. Mud	1101
City	State	Zip Code	Signature	1 1/ 1/	1
Attorney For Petit	tioner:		2035 Plea Address	sant Villa	AVE . 410-747-53 Telephone No.
Name - Type or Print	CEIVED FOR FIL	ING	Catonsville City Representative to	State	Zip Code DADE 507 @ Verizan
Signature ADEA	10.5-11				
Companyate	80		Name		· · · · · · · · · · · · · · · · · · ·
Address By	1 3 5	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
this day of	been formally demanded the county and that the propert	at the subject matter of	quired, it is ordered by the Zo this petition be set for a public	oning Commissioner of Baltin hearing, advertised, as requ	more County, ired by the zoning
Case No. ZO	12-0071-A	Rev	newed By	Date 9/8/11	
		Estimated Po	osting Date	///	

Rev 3/09

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 own and reside at 2035 Pleasant Villa Ave.
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)
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. Signature Thomas M. Mc Dade Mary R. Mc Dade
Name- print or type Name- print or type
A Note Dublic word country the following section union to the filing enpointment
A Notary Public must complete the following section prior to the filing appointment.
STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
I HEREBY CERTIFY, this
AS WITNESS my hand and Notarial Seal Malgreet Man Notary Public-Maryland Baltimore County My Commission Expires
Name of Notary Public Commission restates 4, 2013
PLACE SEAL HERE:

The current deck is used frequently during the months of May through September as part of our living space. It is accessed by a door on the rear of our family room/kitchen. This is where our family spends most of its time on the first floor. We would like to convert the main deck to an all glass windows sun room to be used year round. It will have four skylights. The windows and skylights will maximize the passive solar energy, and the room will be insulated with at least R-30 insulation in the ceiling, and beneath the floor. Saving energy is a major advantage of building the sun room where the current main deck is located. This property is the widest property on Pleasant Villa Avenue. One the North side, the garage is connected to the house. North of the garage is a tree and property that is too far and inconvenient to build a sunroom. On the south side the two heat pumps/AC units are located, along with a large magnolia tree and several foundation plants that have been pruned. There is a very large sweet gum tree just outside the fence that shades the south side. I do not want to build a sun room on this south side because it would be too disruptive to move the heat pump/AC units or remove trees and plants. That side of the house also is where the living room and dining room are located. These two rooms are only sparingly used. Finally, the access road on the eastern and rear side of the property designated as Hahn Avenue, is a road in name only. The other properties on Pleasant Villa Avenue south of 2035 are all seeded, most are fenced, and my next door neighbor has a shed erected close to or on Hahn Road. If the variance is granted for my sun room, and the residents behind me on Oak Lodge Road also build out from their house the same distance as I am building out, the distance between those buildings will be at least 50 feet. My family has lived at 2035 for twenty years. During that time I have added several flower beds and planted an additional nine trees. Several of these have reached maturity. My property is maintained and adds to the beauty and appearance of Pleasant Villa. Adding a sun room will enhance my family's life, and not be a problem for our neighbors. I respectfully ask your careful examination of my plan. I am hopeful that you will see its merits and grant my request for a variance. My wife and I are an-Xiously awaiting your response. Have a great day.

The Zoning Hearing Property Description

Part A

ZONING PROPERTY DESCRIPTION FOR 2035 Pleasant Villa Avenue Beginning at a point on the southeast side of Pleasant Villa Avenue which is 50 feet wide at the distance of 635 feet north east of the centerline of the nearest improved intersecting street, Rockwell Avenue, which is 50 feet wide.

Part B

OPTION 2 (Subdivision Lot-lot is part of record plat):
Being Lot # 5 in the subdivision of Pleasant Villa as recorded in the Baltimore
County Plat Book #53, Folio # 40, containing .3568 acres. Located in the 1st
Election District and 1st Council District.

CERTIFICATE OF POSTING

Date: 9/18/11

RE:	Case Number: 2012-0071-A
	Petitioner/Developer: Tom McDade
	Date of Hearing/Closing: 10-3-11

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 2035 Pleasant Vella Ave

The signs(s) were posted on ___

9-18-11 (Month, Day, Year)



(Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

1015 Old Barn Road (Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2012- 007/ -A Address 2035 Pleasant Villa Aye
Contact Person: Leonard Lasi leuski Phone Number: 410-887-3391
Filing Date: $9/8/11$ Posting Date: $9/8/11$ Closing Date: $10/3/11$ Any contact made with this office regarding the status of the administrative variance should be
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 2012- 0071 -A Address 2035 Measant Villa Ave.
Petitioner's Name Thomas + Mary McDade Telephone 410 747 5515
Posting Date: 9/18/11 Closing Date: 10/3/11
Wording for Sign:
To permit a sunroom addition in the rear yard of a double fronted single family
dwelling with a set back of 20.5 feet in lieu of the required 25 feet.

OFF	TIMORE CO ICE OF BUI CELLANEO	DGET AN	D FINANC	E	Sub	No.	7443	8/11	FFA	PAID RECEIPT HISTHESS OF HIST TAKE P.DP./2011 9/08/2011 14:43:43 HERS MOLEIM PROSERB	189
				Source/	Rev/				Fer	5 528 ZONIE VERIFICATION	THA
Fund		Unit	Sub Unit		Sub Obj	Dept Obj	BS Acct	Amount	ER.	4). 074433	
001	806	0000		6150	A STATE OF THE STATE OF	。 斯巴里巴斯		75.00		Recot Tot (75,00	
	新疆									#75,00 CK \$.00 Baltimore County, Barylasi	
	新新教育	Bon Line and the	100 ml 21 A 15		785						
	110年3月	建筑设施		18 10 万亩							
C PETERS		经							4,00		
					STATE OF STA	Total:	- Land	75.00	in the same		
Rec	-/		M	17				the Name of the			(1000)
From	1 /hor	115+1	MKL	1101	Jacke						
		0	10	1/11	NI						
For	Zo	35 //	podent	0.110	· MAK	新湖南					
				217	728-4	1002	2012	-0071-	4	电影的复数 的第三种东西的变形	
			為於引為。智	A PER				6	MATE.		
A Garage								传说是这种			
										CASHIER'S	
E CO CHARLES	RIBUTION			CALLED TO					AUTHOR D	VALIDATION	
WHITI	E - CASHIER	A	AND THE PARTY OF THE PARTY OF	I dite - Chief Ship	CUSTOME	R	GOLD - AC	COUNTING			
		PLE	ASE PRES	S HARD!	!!!						
CONTRACTOR.			Aller Sent Sent Sent Sent				and the state of t		356 4.65	and the second s	



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 26, 2011

Mr. & Mrs. Mc Dade 2035 Pleasant Villa Avenue Catonsville, MD 21228

RE: Case Number 2012-0071 A, 2035 Pleasant Villa Avenue

Dear Mr. Mc Dade,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

动态法.

Date: 9-19-11

Ms. Kristen Matthews Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County
Item No. 2012-0071-A
Administrative Vo riance
Thomas & Mory McDade
2035 Pleasont Villa 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. 2012-0071-A.

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). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/rz

TO ANGETTAL ..

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 23, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 03, 2011

Item Nos. 2012-067,068,069,071,072

And 073:

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

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10032011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 27 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

September 27, 2011

SUBJECT:

DEPS Comment for Zoning Item

tem # 12-0071-A

Address

2035 Pleasant Villa Avenue

(McDade Property)

Zoning Advisory Committee Meeting of September 19, 2011.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Jeff Livingston; Development Coordination

Debra Wiley - ZAC Comments

From:

Debra Wiley

To:

Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date:

9/21/2011 8:16 AM

Subject: ZAC Comments

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you ave any questions or concerns.

2012-0067-SPHA - 205 Bloomsbury Avenue - (Historic Area)

Hearing Date: None in data base as of 9/20

2012-0068-A - 1701 Searles Road

Hearing Date: None in data base as of 9/20

2012-0069-SPHA - 6701 Chippewa Court Hearing Date: None in data base as of 9/20

2012-0070-XA - 328 Main Street

Hearing Date: None in data base as of 9/20

2012-0071-A - 2035 Pleasant Villa Avenue Administrative Variance: Closing 10/3

2012-0072-A - 111 Regester Avenue

Hearing Date: None in data base as of 9/20

2012-0073-SPHA - 1106 Wiseburg Road Hearing Date: None in data base as of 9/20

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

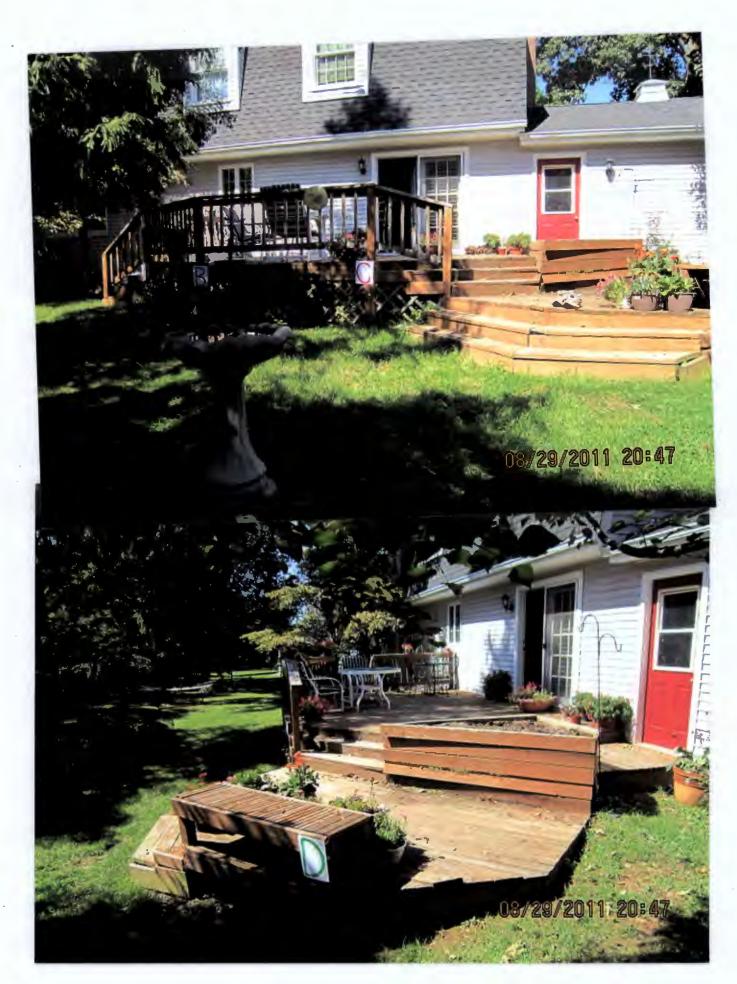
Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A)

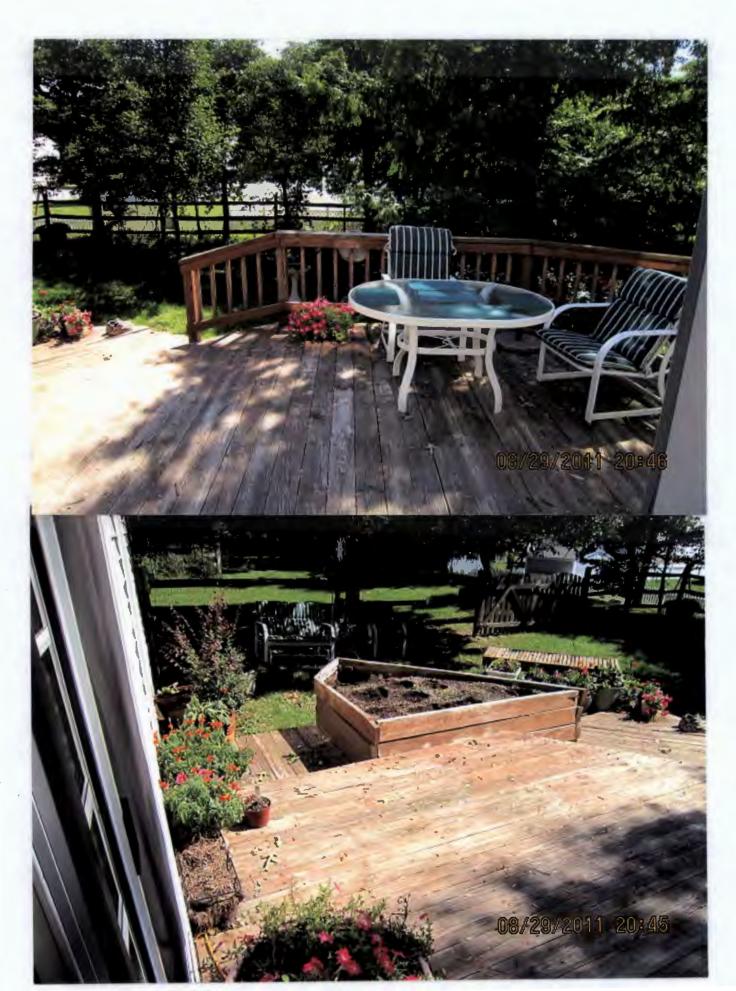
BALTIMORE COUNTY

Exempt Class:

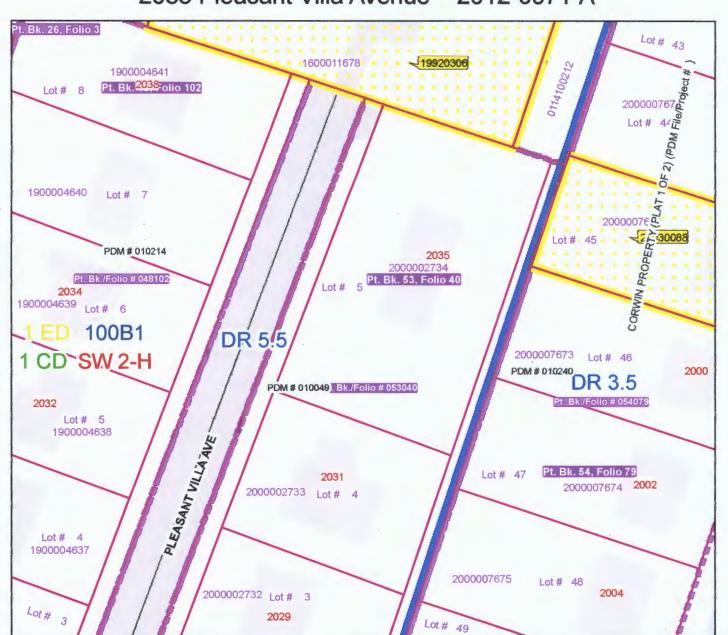
Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

Account Identifier:		District - 01 Acco			•				
			Owner Infor	mation					
Owner Name:		ADE THOMAS M ADE M REBECCA		Use: Principa	l Resid	ence:		RESIDENTIA YES	AL.
Mailing Address: Mailing Address: 2035 PLEASANT VILLA AV BALTIMORE MD 21228 MCDADE M REBECCA Principal Residence: Deed Reference:						1) /08899/ 00223 2)			
		Locat	on & Structu	re Information	1				
Premises Address			Le	gal Descripti	on				
2035 PLEASANT VILLA	AVE		.35	68 AC					
0-0000			DI	EASANT VIL	Α				
	Sub					Assessment			,
Map Grid Parc	District	Subdivision	Section	Block	Lot	Area		Plat No:	
0100 0004 0043		0000			5	1		Plat Ref:	0053/ 0040
×	Town	NONE							
Special Tax Areas	Ad								
Special Zan Livero	Valorem Tox Class								
	Tax Class								
Primary Structure Buil 1984	<u>t</u>	Enclosed Area 2,016 SF	1	Property 15,542 SF	Land A	rea	04	ounty Use	
	T			15,542 51			04		
Stories Basement 2.000000 YES	Type STANDARD U	Exterior INIT SIDING							
2.000000 12.0	OTTHE O		Value Infor	mation					-
	Base Value	Value	Phase-in As						
	Base value	As Of	As Of	As Of					
		01/01/2010	07/01/2011	07/01/20	12				
Land	153,880	141,800							
Improvements:	343,570	190,300		*******					
Total:	497,450	332,100	332,100	332,100					
Preferential Land:	0			0					
			Transfer Info						
Seller: ACCETTULI				Date:	08/29		Price:	\$196,000	
	TH IMPROVED			Deed1:	/0889	9/ 00223	Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:		***************************************	Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
			Exemption In	formation				7	
Partial Exempt Assessi	nents			Class		07/01/2011		07/01/2012	
				000		0.00		0.00	
County						0.00		0.00	
County State Municipal				000		0.00		0.00	



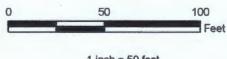


2035 Pleasant Villa Avenue 2012-0071-A

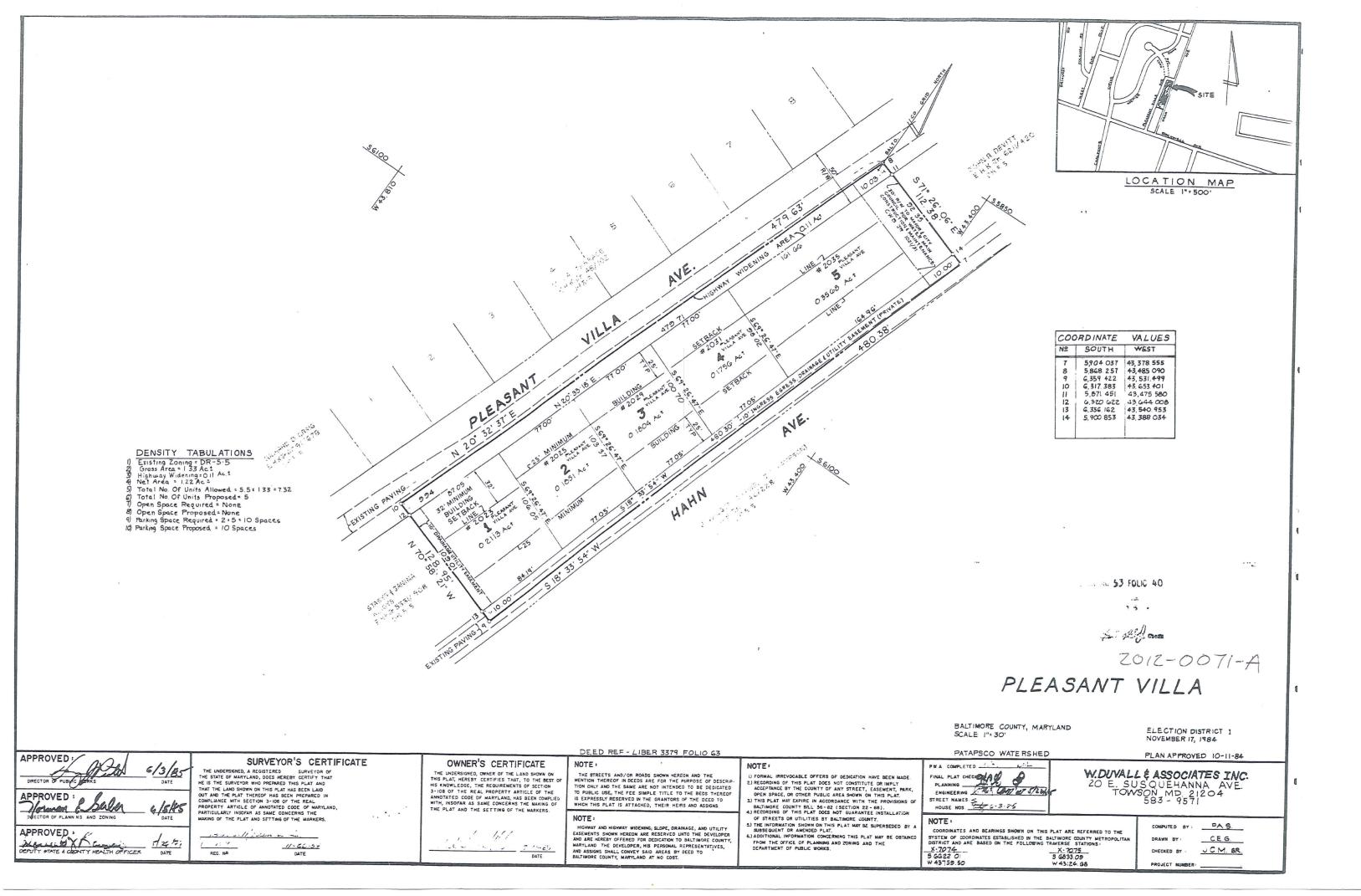








Publication Date: September 09, 2011



	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 2035 Pleasant Villa Aire. OWNER(S) NAME(S) Thomas M. Mc Dade SUBDIVISION NAME Pleasant Villa LOT# 5 BLOCK# SECTION# PLAT BOOK # 53 FOLIO # 40 10 DIGITTAX # 200002734 DEED REF. # 08899 / 223	SITE
Reduct Avenue & Sold State Sta	ZONING MAP# 100 B1 SITE ZONED DR S.S ELECTION DISTRICT 1s+ COUNCIL DISTRICT 1s+ LOT AREA ACREAGE .3568 OR SQUARE FEET /3542.2 HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? No IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
PLAN DRAWN BY John M. McDade DATE 9/1/11 SCALE: 1 INCH = 30 FEET	VIOLATION CASE INFO: