MEMORANDUM

DATE: July 10, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0280-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 9, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(8111 Duvall Avenue)		
15th Election District	*	OF ADMINISTRATIVE
7th Council District		
John Christou &	*	HEARINGS FOR
Tracy Dofflemyer Christou		
Legal Owners	*	BALTIMORE COUNTY
Petitioners		
	*	**CASE NO. 2018-0280-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by John Christou & Tracy Dofflemyer Christou, the legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §1B02.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 ft. A site plan was marked as Petitioners' Exhibit 1.

John & Tracy Christou appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies.

The site is approximately 9,625 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1949. The six (6) foot side yard setback referenced in the petition is existing. Petitioners purchased the property in 2002 and they now have three children. To provide additional living space for their family Petitioners propose an addition off the rear of the home; the 6 ft. side yard setback (which is in fact lawfully nonconforming) will be maintained.

ORDER RECEIVED FOR FILING
Date 6/8/18
By DLN

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is narrow and long (approximately 50' x 200') and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to provide additional living space for their growing family. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 8th day of **June, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR §1B02.C.1 to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 6/8/18

By ADN

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING
Date 6/8/18
By Sln

ZONING DESCRIPTION FOR : 8111 Duvall Avenue, Rosedale, MD 21237, Beginning at a point on the South side of Duvall Avenue, which is 50 feet wide at the distance of 50 feet east of the centerline of the nearest improved intersecting street, Lawrence Avenue which is 50 feet wide. Being Lot # 42, in the subdivision of Duvall Terrace as recorded in Baltimore County Plat Book # 12, Folio #105, containing 9,625 square feet. Also known as 8111 Duval Avenue and located in the 15 Election District, 7 Councilmanic District.

THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5603135

Sold To:
John Christou - CU00655815
8111 Duvall Ave
Rosedale,MD 21237-2819

Bill To:
John Christou - CU00655815
8111 Duvall Ave
Rosedale,MD 21237-2819

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 17, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0280-A
8111 Duvall Avenue
S/s Duvall Avenue, E/of Lawrence Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) John Christou & Tracy Dofflemyer-Christou

Variance: to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 ft.

Hearing: Thursday, June 7, 2018 at at 10:00 a.m in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

05/17/18 5603135

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

JB 6-7
10 Am

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Monday, June 04, 2018 3:48 PM
To: Administrative Hearings
Subject: 8111 Duvall Avenue
Attachments: IMG_0474.jpg; ATT00001.txt; IMG_0473.jpg; ATT00002.txt

2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. [illegible]

PETITIONER/DEVELOPER:

[illegible]

DATE OF HEARING/CLOSING:

[illegible]

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 LOCATED AT

[illegible]

THIS SIGN(S) POSTED ON: [illegible] [illegible]

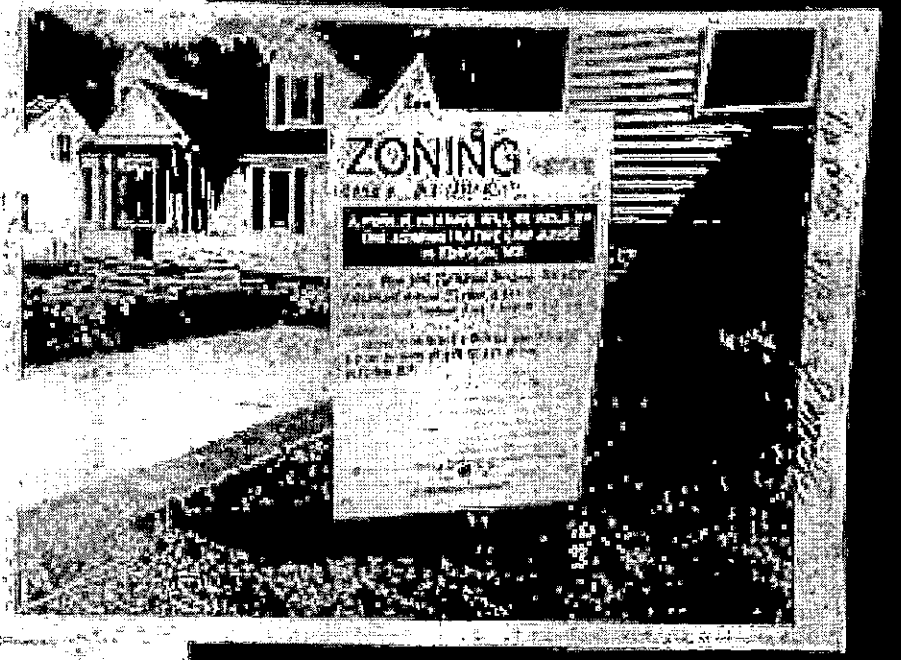
(MONTH, DAY, YEAR)

SINCERELY,

[illegible]

SIGNATURE OF SIGN(S) POSTER

MARTIN [illegible]
[illegible]
PARKVILLE, MD [illegible]
[illegible]



CERTIFICATE OF POSTING

CASE NO. [illegible]

PETITIONER/DEVELOPER:

[illegible]

[illegible]

DATE OF HEARING/CLOSING:

[illegible]

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 109
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMAN:
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGNED CERTIFICATE LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT:

[illegible]

[illegible]

DATE SIGNED/POSTED ON: [illegible] June 7, 2011

(MONTH, DAY, YEAR)

SINCERELY,

[illegible]

SIGNATURE OF SIGNTOSTER

MARTIN [illegible]
[illegible]
[illegible]
[illegible]

CERTIFICATE OF POSTING

CASE NO. 2018-0280-A

PETITIONER/DEVELOPER

JOHN CHRISTOU

TRACY DOFFELMYER-CHRISTOU

DATE OF HEARING/CLOSING

JUNE 7, 2018

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

8111 DUVALL AVENUE

SIGN #1

THIS SIGN(S) POSTED ON May 18, 2018

(MONTH, DAY, YEAR)

SINCERELY,

5/18/18

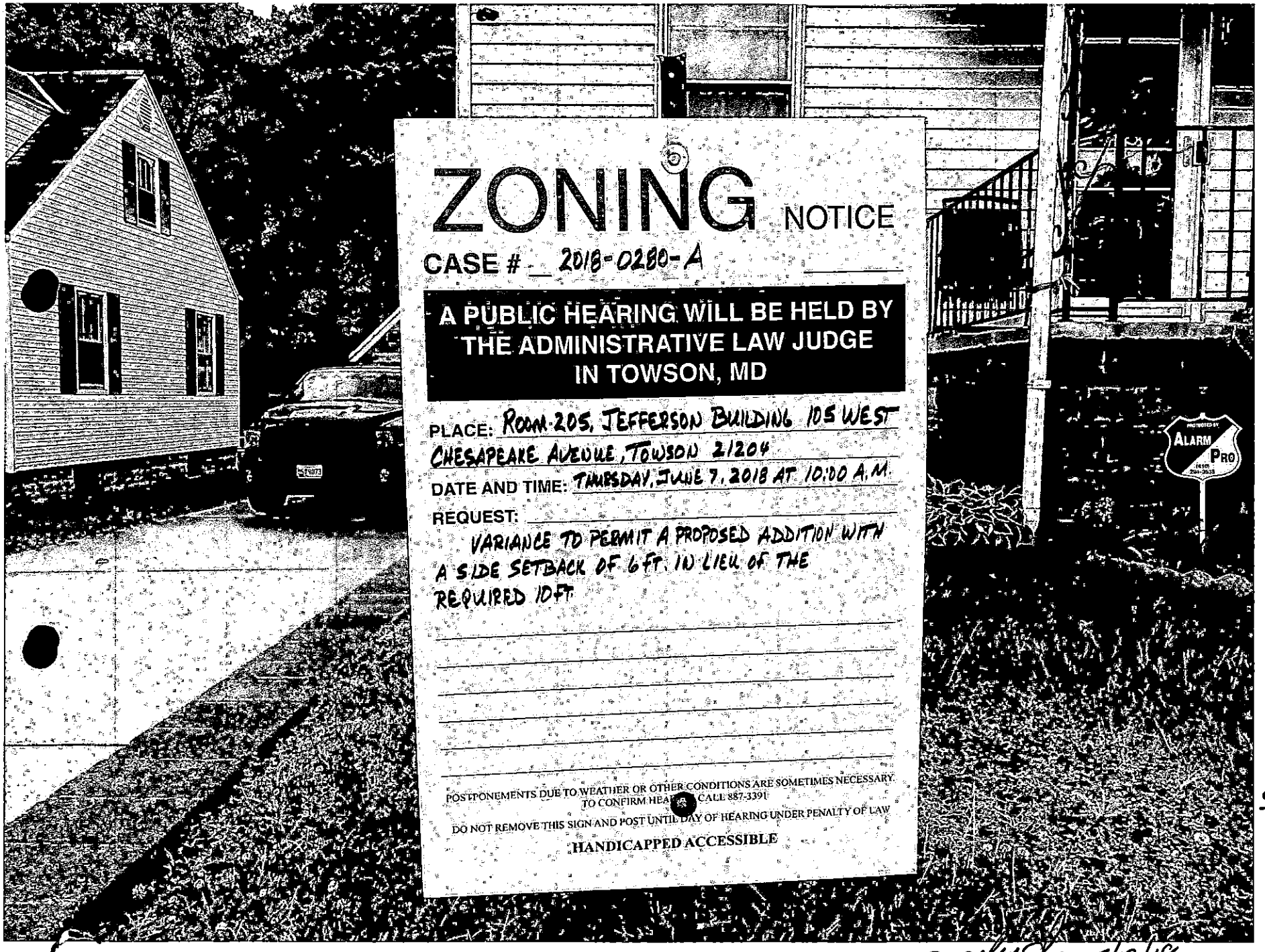
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411


ZONING NOTICE
CASE # 2018-0280-A
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD
PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: THURSDAY, JUNE 7, 2018 AT 10:00 A.M.
REQUEST: VARIANCE TO PERMIT A PROPOSED ADDITION WITH A SIDE SETBACK OF 6 FT. IN LIEU OF THE REQUIRED 10 FT.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEA CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE
ALARM PRO

SIGN #1

5/18/18

CERTIFICATE OF POSTING

CASE NO. 2018-0280-A

PETITIONER/DEVELOPER

JOHN CHRISTOU

TRACY DOFFELMYER-CHRISTOU

DATE OF HEARING/CLOSING

JUNE 7, 2018

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

8111 DUVALL AVENUE

SIGN #2

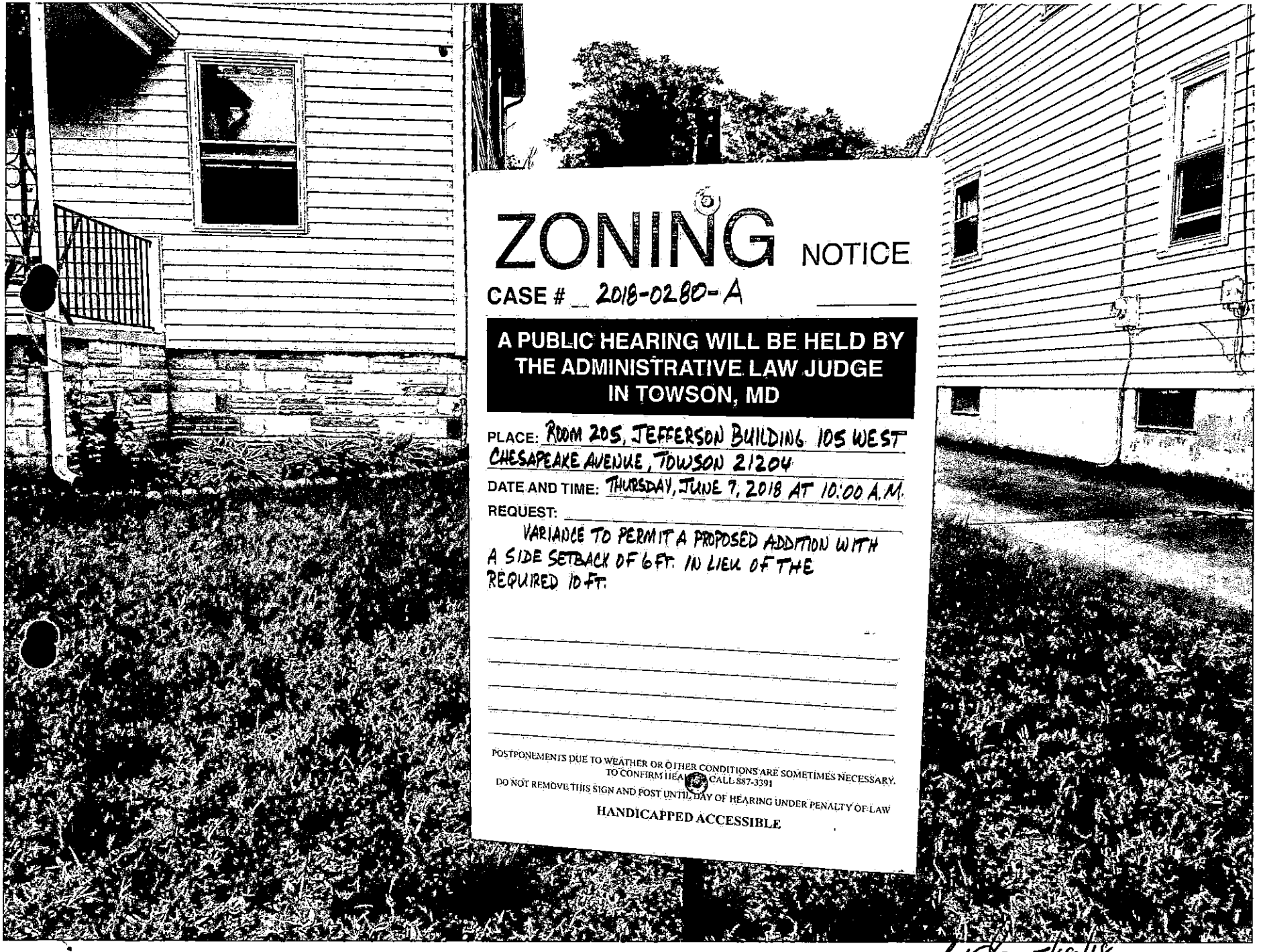
THIS SIGN(S) POSTED ON May 18, 2018
(MONTH, DAY, YEAR)

SINCERELY,

5/18/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411


ZONING NOTICE
CASE # 2018-0280-A
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD
PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: THURSDAY, JUNE 7, 2018 AT 10:00 A.M.
REQUEST:
VARIANCE TO PERMIT A PROPOSED ADDITION WITH A SIDE SETBACK OF 6 FT. IN LIEU OF THE REQUIRED 10 FT.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SIGN # 2

5/18/18

KEVIN KAMENETZ
County Executive

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

May 7, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0280-A
8111 Duvall Avenue
S/s Duvall Avenue, E/of Lawrence Avenue
15th Election District – 7th Councilmanic District
Legal Owners: John Christou & Tracy Dofflemyer-Christou

Variance to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 ft.

Hearing: Thursday, June 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Christou, 8111 Duvall Avenue, Rosedale 21237

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 18, 2018.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 17, 2018 Issue - Jeffersonian

Please forward billing to:
John Christou 443-564-7189
8111 Duvall Avenue
Rosedale, MD 21237

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0280-A
8111 Duvall Avenue
S/s Duvall Avenue, E/of Lawrence Avenue
15th Election District – 7th Councilmanic District
Legal Owners: John Christou & Tracy Dofflemyer-Christou

Variance to permit a proposed addition with a side setback of 6 ft. in lieu of the required 10 ft.

Hearing: Thursday, June 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE 8111 Duvall Avenue; S/S Duvall Avenue, E 50' to c/line of Lawrence Avenue 15th Election & 7th Councilmanic Districts Legal Owner(s): John & Tracy Christou Petitioner(s)	*	BEFORE THE OFFICE
	*	OF ADMINSTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	2018-280-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
APR 25 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to John & Tracy Christou, 8111 Duvall Avenue, Rosedale, Maryland 21237, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0280-A

Property Address: 8111 Duvall Ave.

Property Description: South side of Duvall Ave. East 50 feet to ℄ of Lawrence Ave

Legal Owners (Petitioners): John + Tracy Christou

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Christou

Company/Firm (if applicable): N/A

Address: 8111 Duvall Ave.

Telephone Number: 443-564-7189

Revised 7/9/2015

KEVIN KAMENETZ
County Executive

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

May 31, 2018

John Christou
Tracy Dofflemyer-Christou
8111 Duvall Avenue
Rosedale MD 21237

RE: Case Number: 2018-0280 A, Address: 8111 Duvall Avenue

Dear Mr. & Ms. Christou:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 2018. 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: jaw

Enclosures

c: People's Counsel

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 4/23/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0280-A
Variance
John Christou & Tracy Doffemyer-Christou
8111 Duvall Avenue.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

JB 6-7-18
10 Am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 5/16/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-280

RECEIVED
MAY 23 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 8111 Duvall Avenue
Petitioner: John Christou, Tracy Dofflemyer-Christou
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed addition with a side setback of 6 feet in lieu of the required 10 feet.

The site is located in the Rosedale area. Narrow lots are not uncommon in on this side of the 8000 block of Duvall Avenue. The property was the subject of prior zoning case number 2008-0071-A

The Department of Planning has no objection granting the request zoning relief.

The Department recommends the addition be similar in design and materials to that of the existing dwelling. For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Ngone Seye Diop
John Christou
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2018\18-280.docx

6-7

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 30 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: April 30, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0280-A
Address 8111 Duvall Avenue
(Christou Property)

Zoning Advisory Committee Meeting of **April 30, 2018**.

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

Reviewer: Steve Ford

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\DXWB6LKP\ZAC 18-0280-A 8111 Duvall Avenue.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 18, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2018
Item No. 2018-0276-A, 0277-A, 0278-SPHA, 0279-A, 0280-A, 0281-A, 0282-A and 0283-SPH

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 5/16/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-280

INFORMATION:
Property Address: 8111 Duvall Avenue
Petitioner: John Christou, Tracy Dofflemyer-Christou
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed addition with a side setback of 6 feet in lieu of the required 10 feet.

The site is located in the Rosedale area. Narrow lots are not uncommon in on this side of the 8000 block of Duvall Avenue. The property was the subject of prior zoning case number 2008-0071-A

The Department of Planning has no objection granting the request zoning relief.

The Department recommends the addition be similar in design and materials to that of the existing dwelling. For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Ngone Seye Diop
John Christou
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2018\18-280.docx

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: April 30, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0280-A
Address 8111 Duvall Avenue
(Christou Property)

Zoning Advisory Committee Meeting of **April 30, 2018**.

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

Reviewer: Steve Ford

C:\Users\jwisnom\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\XEGA1Q0V\ZAC 18-0280-A 8111 Duvall Avenue.doc

CASE NO. 2018-0280-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
5/18	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No Comments
4/30	DEPS (if not received, date e-mail sent _____)	No Comment
	FIRE DEPARTMENT	
5/23	PLANNING (if not received, date e-mail sent _____)	No Objection
4/23	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2008-0071-A)

NEWSPAPER ADVERTISEMENT Date: 5/17/18

SIGN POSTING (1st) Date: 5/18/18 by Cyle

SIGN POSTING (2nd) Date: 6/4/18 by Cyle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: **District** - 15 **Account Number** - 1518474420

Owner Information

Owner Name:	CHRISTOU JOHN M DOFFLEMYER TRACY	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	8111 DUVALL AVE BALTIMORE MD 21237-2819	**Deed Reference:**	/26910/ 00623

Location & Structure Information

Premises Address:	8111 DUVALL AVE 0-0000	**Legal Description:**	8111 DUVALL AVE DUVALL TERRACE

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0089	0023	0712		0000			42	2018	Plat Ref:	0012/ 0105

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	2,240 SF	300 SF	9,600 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	62,600	62,600		
Improvements	160,800	156,500		
Total:	223,400	219,100	223,400	219,100
Preferential Land:	0			0

Transfer Information

Seller: CHRISTOU JOHN M	**Date:** 04/21/2008	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /26910/ 00623	**Deed2:**
Seller: ROGOWSKI FRANK S	**Date:** 02/06/2002	**Price:** $89,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /16074/ 00640	**Deed2:**
Seller: HILL GEORGE W & FLORENC	**Date:** 12/29/1965	**Price:** $14,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /04564/ 00454	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 09/17/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

IN RE: PETITION FOR ADMIN. VARIANCE SE side Duvall Avenue, 50 feet E c/l Lawrence Avenue 15th Election District 7th Councilmanic District **(8111 Duvall Avenue)** John Mark Christou *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-071-A**

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, John Mark Christou. Petitioner is requesting Administrative Variance relief from Sections 104.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25%; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

On September 19, 2007, the Zoning Commissioner, William J. Wiseman III, and Peoples Counsel, Peter Max Zimmerman, agreed that this matter should be set in for a public hearing. Appearing at the public hearing in support of the Administrative Variance request was Petitioner John Mark Christou and his fiance, Tracy Dofflemyer. Also appearing in support of the request was their contractor, Blake Canfield. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 9,625 square feet and zoned D.R.5.5. The property is improved

RECEIVED FOR FILING
Date 12-11-07
By BM

with an existing 1½-story single-family dwelling and is located in the Duvall Terrace subdivision in the Rosedale area of Baltimore County. The property is also improved with an existing one-story single car garage located on the east side of the property behind the existing dwelling, as well as a 12 foot by 20 foot shed located on the west side of the property to the rear of the lot. Petitioner has owned the property for almost six years and now proposes to construct an addition to his home, an existing non-conforming structure, in order to provide additional space for his growing family. Petitioner related that he has an eight year old daughter from a previous marriage, as well as a two and-a-half year old boy and an 18 month old daughter with his fiancé, Ms. Dofflemyer. Their current home has a small bedroom and bathroom on the first floor and two very small bedrooms on the second floor. Neither Petitioner nor his fiancé wish to move from their current residence, but instead desire to add on to the home.

As shown on Petitioner's Exhibit 1, Petitioner proposes to add a two-story addition to the home, which will extend the rear of the home an additional 16 feet. Photographs of the existing home and accessory structures were marked and accepted into evidence as Petitioner's Exhibits 2A through 2D. Also submitted was a photograph of the neighbor to the east at 8113 Duvall Avenue and additional photographs of the existing home, which were marked and accepted into evidence as Petitioner's Exhibits 3 and 4A through 4D, respectively. Following construction of the addition, the existing dwelling and the addition will have a new, full second story instead of the current Cape Cod style roof line, and the new roof line will run north-south instead of the current east-west. Renderings of the proposed new addition with building elevations were submitted by Petitioner's contractor and were marked and accepted into evidence as Petitioner's Exhibit 8.

In order to make these proposed improvements, Petitioner is in need of variance relief due to the fact that the home as currently situated is a non-conforming structure. The D.R.5.5

RECEIVED FOR FILING
12-11-07
By

regulations require a 6,000 square foot area, a minimum lot width of 55 feet, a minimum width of an individual side yard setback of 10 feet, and a minimum rear yard depth of 30 feet. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, while the subject property contains a gross area of 9,625 square feet, the existing dwelling when built in 1949 had a non-conforming side yard setback of six feet in lieu of the now required 15 feet on the west boundary, and has a lot width of 50 feet in lieu of the now required 55 feet. Thus, the subject property is non-conforming by today's development standards. The imposition of the new (D.R.5.5) regulations given these facts impacts the lot disproportionately as compared to lots in the area laid out in accordance with the regulations. I find under these circumstances that the property passes the uniqueness test as required in the case of *Cromwell v. Ward*, 102 Md. App. 691 (1995). There is no way for the side yard setback and lot width deficiencies, created before the new regulations were imposed, to meet the new setback and width requirements. Requiring such would be an undue hardship and result in practical difficulty.

The first variance at issue concerns Petitioner's request to approve the *extension* of the non-conforming setback of greater than 25% -- in this case, extending the ground floor area by 66%. Under Section 104.3 of the B.C.Z.R. such uses may not be *extended* more than 25%. Similarly, Section 102.1A.1 of the Zoning Commissioner's Policy Manual (ZCPM) discusses at Page 1-42 "Residential Deficient Setbacks" and states in pertinent part, "If an addition is proposed to a residential building and any setback is deficient, this setback may be extended provided that the deficiency is not increased nor the use of the building is changed. (*See* 102.1.B ZCPM below)." When built alost 60 years ago, the west wall at issue here extended 24 feet. I find that the extension of the existing deficient setback for 16 more feet will not create another deficiency as discussed in ZCPM Section 102.1.b, nor will the use of the building be changed. Hence, I am

ORDER RECEIVED FOR FILING
Date 12-11-07
By

inclined to grant the variance relief in order to allow the addition to proceed, especially in light of the fact that Petitioner meets all other side yard and rear yard setback requirements.

The final variance issue concerns the current location of the one-car garage. As a result of the addition extending an additional 16 feet to the rear of the dwelling, the front edge of the existing garage will encroach past the rear wall of the dwelling by one or two feet, as shown on the site plan. In order to alleviate this situation and legitmize the placement of the existing garage vis-à-vis the new addition, Petitioner is again in need of variance relief. For the reasons stated previously, I find the property unique in a zoning sense. Moroever, I find there is no way Petitioner can meet the requirements of Section 400.1 of the B.C.Z.R. without moving the garage back several feet or reducing the length of the addition several feet. I believe requiring Petitioner to do so would be an undue hardship and result in practical difficulty. As such, I am also inclined to grant this variance relief. I am also persuaded that the aforementioned variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Finally, Petitioner submitted letters from nearby and adjacent property owners -- at 8105, 8109, and 8115 Duvall Avenue -- indicating their support for Petitioner's proposed addition in order to provide much needed space for his growing family. These letters were marked and accepted into evidence as Petitioner's Exhibits 5, 6, and 7 respectively.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning dated August 31, 2007 indicates that the Office does not oppose Petitioner's requests as the lots on this street are narrow lots and so a rear addition would be the most appropriate to expand the existing house. The Planning comments state that prior to the issuance of any building permits, Petitioner must submit

ORDER RECEIVED FOR FILING
Date 12-11-07
By

building elevations to the Office of Planning for review and approval. Also, the addition shall be similar in design, style and materials to that of the existing home.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's Administrative Variance request should be granted.

THEREFORE, IT IS ORDERED this 11th day of December, 2007 by this Deputy Zoning Commissioner, that Petitioner's Administrative Variance request from Sections 104.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25%; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear is hereby GRANTED subject to the following:

1. 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Building elevations, which should clearly illustrate all sides of the proposed addition and also the elevations should show the relationship between the proposed addition and the existing house. The elevations should show clearly the building materials as well as the location of all windows and doors.

3. The proposed addition should be similar in character and style that is color, texture and materials to the existing home and therefore compliment the existing house.

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 _____

By _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: District - 15 Account Number - 1518474420

Owner Information

Owner Name: CHRISTOU JOHN M
DOFFLEMYER TRACY

Use: RESIDENTIAL
Principal Residence: YES

Mailing Address: 8111 DUVALL AVE
BALTIMORE MD 21237-2819

Deed Reference: /26910/ 00623

Location & Structure Information

Premises Address: 8111 DUVALL AVE
0-0000

Legal Description: 8111 DUVALL AVE
DUVALL TERRACE

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0089	0023	0712		0000			42	2018	Plat Ref: 0012/ 0105

Special Tax Areas:

Town: NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	2,240 SF	300 SF	9,600 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	62,600	62,600		
Improvements	160,800	156,500		
Total:	223,400	219,100	223,400	219,100
Preferential Land:	0			0

Transfer Information

Seller: CHRISTOU JOHN M
Type: NON-ARMS LENGTH OTHER
Date: 04/21/2008
Deed1: /26910/ 00623
Price: $0
Deed2:

Seller: ROGOWSKI FRANK S
Type: ARMS LENGTH IMPROVED
Date: 02/06/2002
Deed1: /16074/ 00640
Price: $89,000
Deed2:

Seller: HILL GEORGE W & FLORENC
Type: ARMS LENGTH IMPROVED
Date: 12/29/1965
Deed1: /04564/ 00454
Price: $14,000
Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture: NONE

Homestead Application Information

Homestead Application Status: Approved 09/17/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2018-0280-A

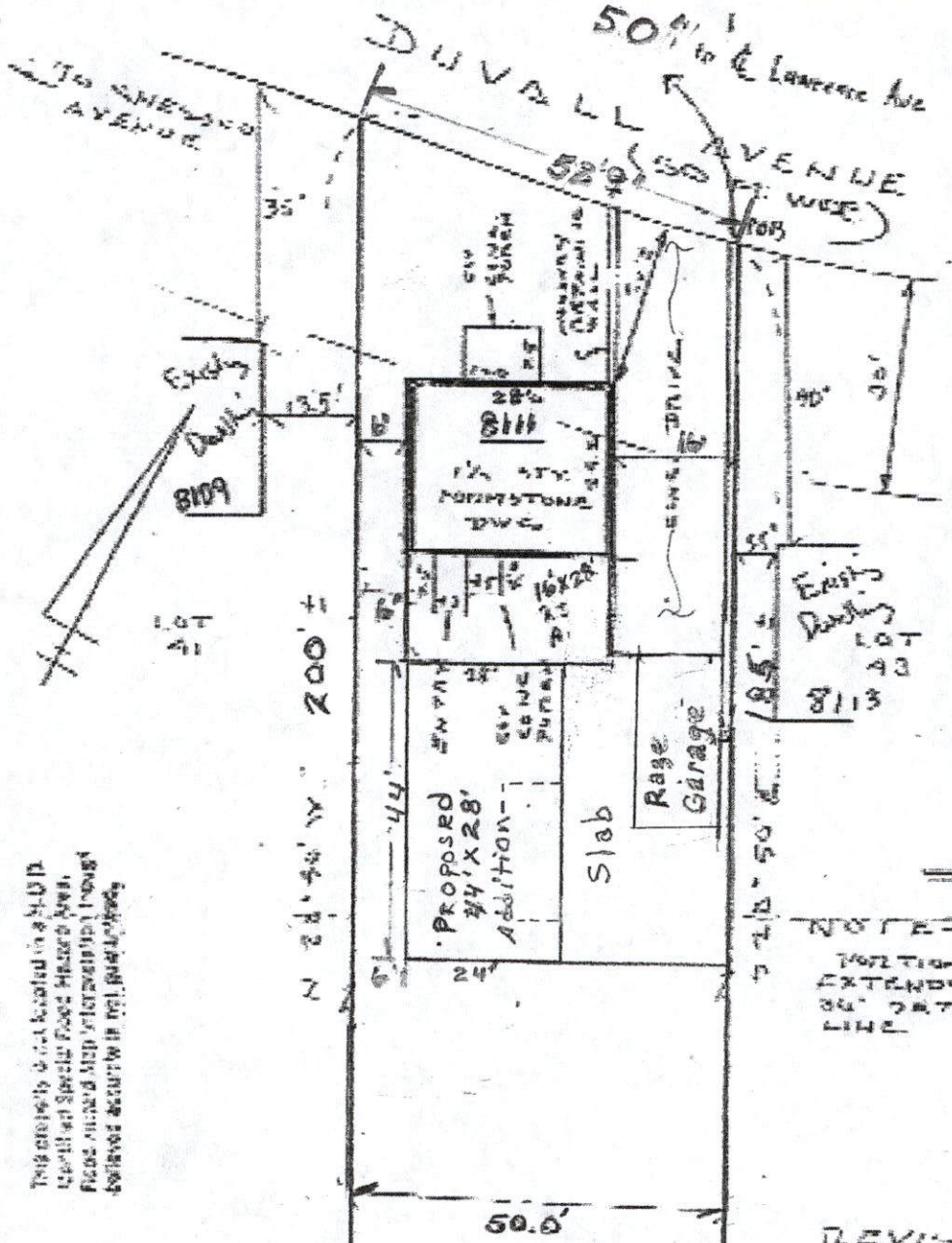
PLAT TO ACCOMPANY PETITION FOR ZONING ☑ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8111 Duvall Ave — SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Duvall terrace — Tax # 1518474420

PLAT BOOK # 12 FOLIO # 105 LOT # 42 SECTION # ___

OWNER John Christou



VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1"=200' SCALE MAP # 0R9C3

ZONING DR5.5

LOT SIZE — ACREAGE / SQUARE FEET: 9625

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒

PRIOR ZONING HEARING: None

ZONING OFFICE USE ONLY
REVIEWED BY ___ ITEM # ___ CASE # ___

This property is not located in a FLOOD Hazard Area, Special Flood Hazard Area, Flood Insurance Map (Washington County) based on FIRM Map ___

1. This plat is of benefit to a conveyance only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plat does not provide accurate identification of property boundary lines but such identification may not be required for the title of title or securing financing or refinancing.

This is to certify that this drawing meets the Minimum

REVISED 1/14/02

Lot 42, Revised Plat of DUVALL TERRACE, Plat Book C.W.B. Jr. No. 12, Folio 105

Prepared by Blake Canfield

Scale of Drawing 1" = 25'

Revised by John Christou April 10, 20 ; f rear

PET. 1

2018-0280-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☑ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8111 Duvall Ave

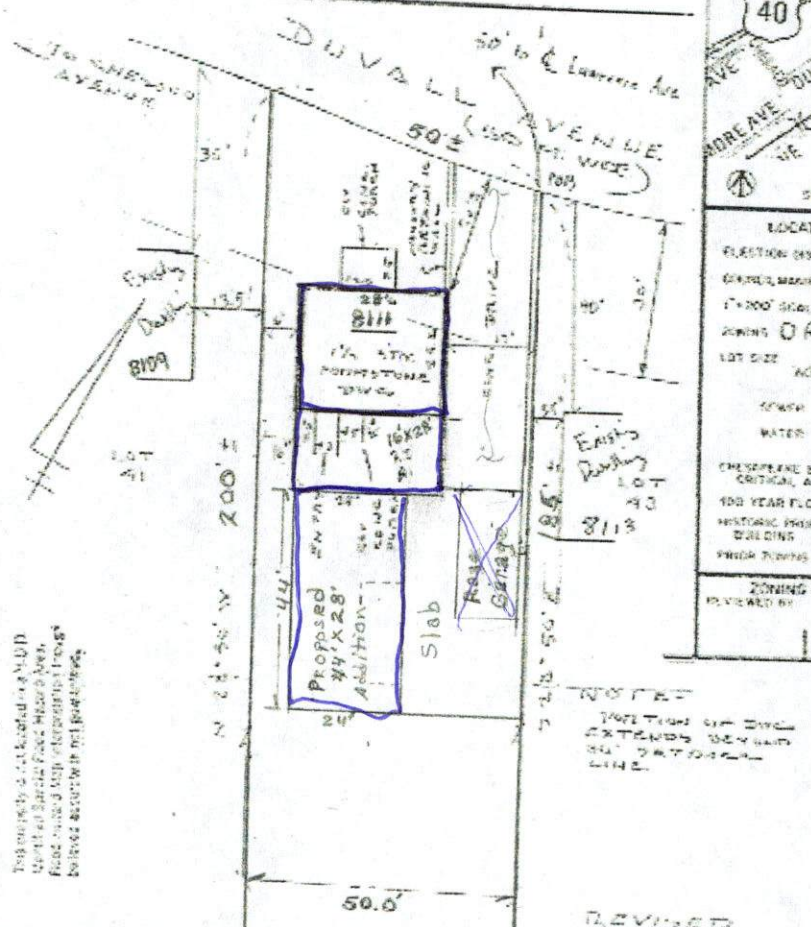
SUBDIVISION NAME Duvall terrace

PLAT BOOK # 12 FOLIO # 105 LOT # 42 SECTION # ___

OWNER John Christou

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

Tax # 1518474420



VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	15
COUNCILMANIC DISTRICT	7
1"=200' SCALE MAP #	029C3
ZONING	OR5.5
LOT SIZE	9625

	ACREAGE	SQUARE FEET
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	Prior	

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

This property is not located in a FLOOD Identified Special Flood Hazard Area. Flood Hazard Map interpretation is based on the best information.

REVISED 1/14/02

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with an anticipated transfer, financing or re-financing.

This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

This plat does not provide accurate identification of property boundary lines but such identification may not be required for the issuance of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum

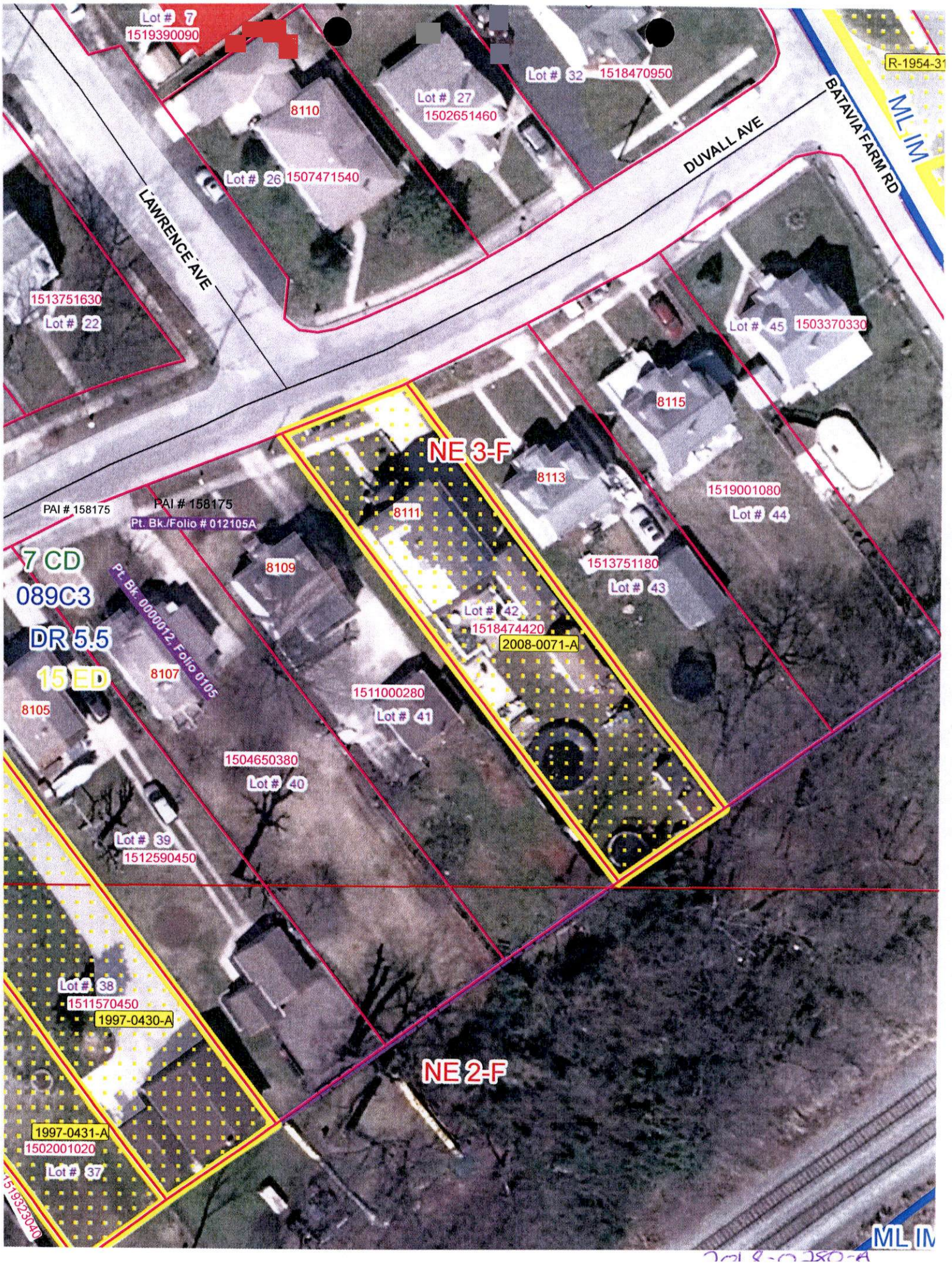
Lot 42, Revised Plat of DUVALL TERRACE, Plat Book C.W.B. Jr. No. 12, Folio 105

Prepared by Blake Canfield

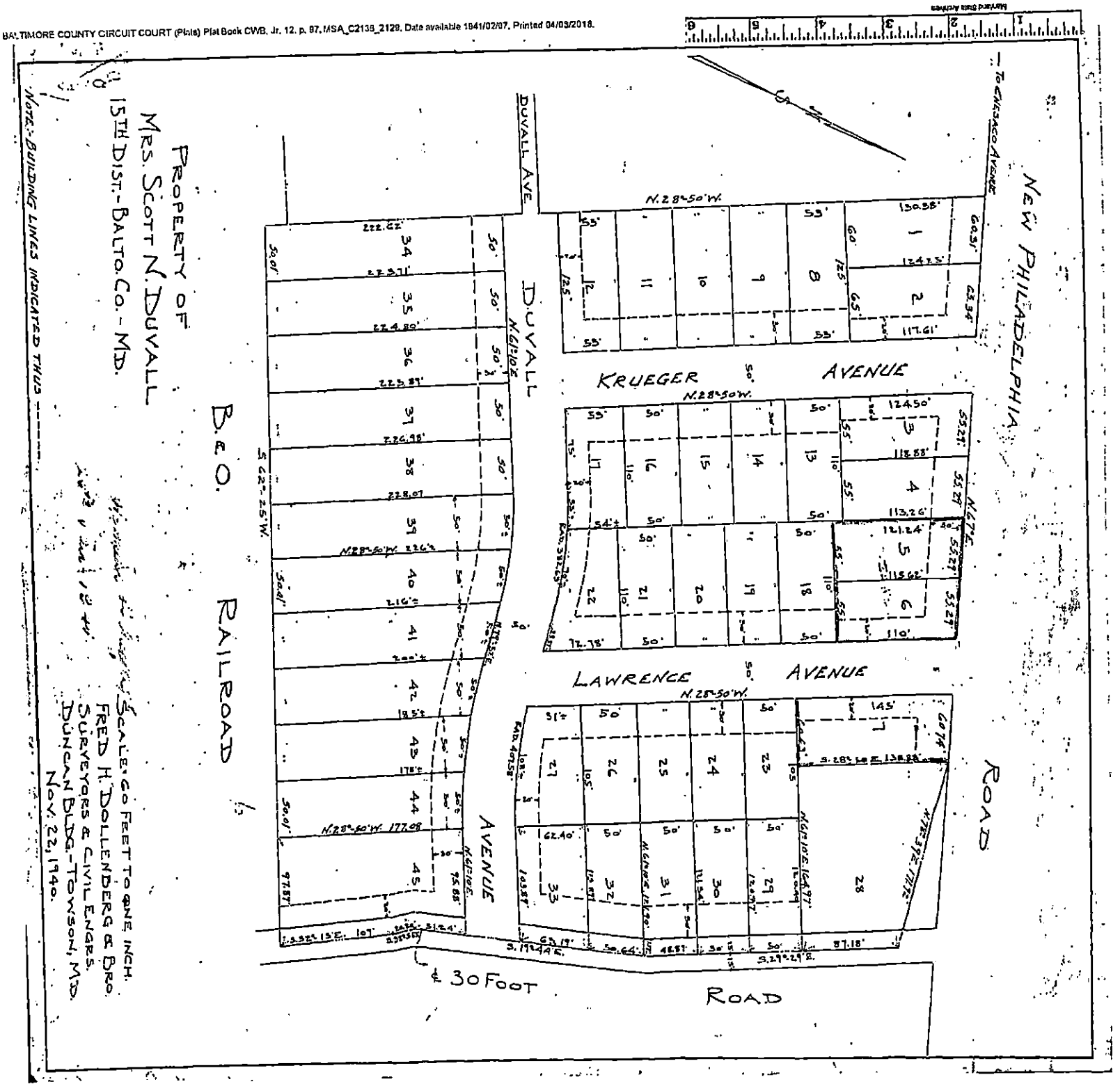
Scale of Drawing 1" = 25'

Revised by John Christou April 10, 20 ? f reer addition. 1.0" = 25'

#08-071-A


Lot # 7
1519390090
Lot # 32
1518470950
R-1954-31
Lot # 27
1502651460
8110
BATAVIA FARM RD
DUVALL AVE
ML IM
Lot # 26
1507471540
LAWRENCE AVE
1513751630
Lot # 22
Lot # 45
1503370330
8115
NE 3-F
8113
1519001080
Lot # 44
PAI # 158175
PAI # 158175
Pt. Bk./Folio # 012105A
8111
7 CD
089C3
DR 5.5
15 ED
8109
1513751180
Lot # 43
Pt. Bk. 0000012, Folio 0105
Lot # 42
1518474420
2008-0071-A
8107
8105
1511000280
Lot # 41
1504650380
Lot # 40
Lot # 39
1512590450
Lot # 38
1511570450
1997-0430-A
NE 2-F
1997-0431-A
1502001020
Lot # 37
1519323040
ML IM
2018-0280-A

BALTIMORE COUNTY CIRCUIT COURT (Plats) Plat Book CWB, Jr. 12, p. 87, MSA_C2138_2129. Date available 1941/02/07. Printed 04/03/2018.



2018-0280-A

IN RE: PETITION FOR ADMIN. VARIANCE SE side Duvall Avenue, 50 feet E c/l Lawrence Avenue 15th Election District 7th Councilmanic District **(8111 Duvall Avenue)** John Mark Christou *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-071-A**

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, John Mark Christou. Petitioner is requesting Administrative Variance relief from Sections 104.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25%; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

On September 19, 2007, the Zoning Commissioner, William J. Wiseman III, and Peoples Counsel, Peter Max Zimmerman, agreed that this matter should be set in for a public hearing. Appearing at the public hearing in support of the Administrative Variance request was Petitioner John Mark Christou and his fiance, Tracy Dofflemyer. Also appearing in support of the request was their contractor, Blake Canfield. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 9,625 square feet and zoned D.R.5.5. The property is improved

RECEIVED FOR FILING
12-11-07
BY
2018-0280-A

with an existing 1½-story single-family dwelling and is located in the Duvall Terrace subdivision in the Rosedale area of Baltimore County. The property is also improved with an existing one-story single car garage located on the east side of the property behind the existing dwelling, as well as a 12 foot by 20 foot shed located on the west side of the property to the rear of the lot. Petitioner has owned the property for almost six years and now proposes to construct an addition to his home, an existing non-conforming structure, in order to provide additional space for his growing family. Petitioner related that he has an eight year old daughter from a previous marriage, as well as a two and-a-half year old boy and an 18 month old daughter with his fiancé, Ms. Dofflemyer. Their current home has a small bedroom and bathroom on the first floor and two very small bedrooms on the second floor. Neither Petitioner nor his fiancé wish to move from their current residence, but instead desire to add on to the home.

As shown on Petitioner's Exhibit 1, Petitioner proposes to add a two-story addition to the home, which will extend the rear of the home an additional 16 feet. Photographs of the existing home and accessory structures were marked and accepted into evidence as Petitioner's Exhibits 2A through 2D. Also submitted was a photograph of the neighbor to the east at 8113 Duvall Avenue and additional photographs of the existing home, which were marked and accepted into evidence as Petitioner's Exhibits 3 and 4A through 4D, respectively. Following construction of the addition, the existing dwelling and the addition will have a new, full second story instead of the current Cape Cod style roof line, and the new roof line will run north-south instead of the current east-west. Renderings of the proposed new addition with building elevations were submitted by Petitioner's contractor and were marked and accepted into evidence as Petitioner's Exhibit 8.

In order to make these proposed improvements, Petitioner is in need of variance relief due to the fact that the home as currently situated is a non-conforming structure. The D.R.5.5

RECEIVED FOR FILING
Date 12-11-07
By PB

inclined to grant the variance relief in order to allow the addition to proceed, especially in light of the fact that Petitioner meets all other side yard and rear yard setback requirements.

The final variance issue concerns the current location of the one-car garage. As a result of the addition extending an additional 16 feet to the rear of the dwelling, the front edge of the existing garage will encroach past the rear wall of the dwelling by one or two feet, as shown on the site plan. In order to alleviate this situation and legitmize the placement of the existing garage vis-à-vis the new addition, Petitioner is again in need of variance relief. For the reasons stated previously, I find the property unique in a zoning sense. Moroever, I find there is no way Petitioner can meet the requirements of Section 400.1 of the B.C.Z.R. without moving the garage back several feet or reducing the length of the addition several feet. I believe requiring Petitioner to do so would be an undue hardship and result in practical difficulty. As such, I am also inclined to grant this variance relief. I am also persuaded that the aforementioned variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Finally, Petitioner submitted letters from nearby and adjacent property owners -- at 8105, 8109, and 8115 Duvall Avenue -- indicating their support for Petitioner's proposed addition in order to provide much needed space for his growing family. These letters were marked and accepted into evidence as Petitioner's Exhibits 5, 6, and 7 respectively.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning dated August 31, 2007 indicates that the Office does not oppose Petitioner's requests as the lots on this street are narrow lots and so a rear addition would be the most appropriate to expand the existing house. The Planning comments state that prior to the issuance of any building permits, Petitioner must submit

ORDER RECEIVED FOR FILING
Date 12-11-07
By

building elevations to the Office of Planning for review and approval. Also, the addition shall be similar in design, style and materials to that of the existing home.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's Administrative Variance request should be granted.

THEREFORE, IT IS ORDERED this 11th day of December, 2007 by this Deputy Zoning Commissioner, that Petitioner's Administrative Variance request from Sections 104.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on a non-conforming structure to extend 66% of the ground floor area in lieu of the maximum permitted 25%; and to permit an existing detached accessory structure (garage) to be located partially on the side of a principal dwelling in lieu of the required rear is hereby GRANTED subject to the following:

1. 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Building elevations, which should clearly illustrate all sides of the proposed addition and also the elevations should show the relationship between the proposed addition and the existing house. The elevations should show clearly the building materials as well as the location of all windows and doors.

3. The proposed addition should be similar in character and style that is color, texture and materials to the existing home and therefore compliment the existing house.

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 _____
By _____

regulations require a 6,000 square foot area, a minimum lot width of 55 feet, a minimum width of an individual side yard setback of 10 feet, and a minimum rear yard depth of 30 feet. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, while the subject property contains a gross area of 9,625 square feet, the existing dwelling when built in 1949 had a non-conforming side yard setback of six feet in lieu of the now required 15 feet on the west boundary, and has a lot width of 50 feet in lieu of the now required 55 feet. Thus, the subject property is non-conforming by today's development standards. The imposition of the new (D.R.5.5) regulations given these facts impacts the lot disproportionately as compared to lots in the area laid out in accordance with the regulations. I find under these circumstances that the property passes the uniqueness test as required in the case of *Cromwell v. Ward*, 102 Md. App. 691 (1995). There is no way for the side yard setback and lot width deficiencies, created before the new regulations were imposed, to meet the new setback and width requirements. Requiring such would be an undue hardship and result in practical difficulty.

The first variance at issue concerns Petitioner's request to approve the *extension* of the non-conforming setback of greater than 25% -- in this case, extending the ground floor area by 66%. Under Section 104.3 of the B.C.Z.R. such uses may not be *extended* more than 25%. Similarly, Section 102.1A.1 of the Zoning Commissioner's Policy Manual (ZCPM) discusses at Page 1-42 "Residential Deficient Setbacks" and states in pertinent part, "If an addition is proposed to a residential building and any setback is deficient, this setback may be extended provided that the deficiency is not increased nor the use of the building is changed. (*See* 102.1.B ZCPM below)." When built alost 60 years ago, the west wall at issue here extended 24 feet. I find that the extension of the existing deficient setback for 16 more feet will not create another deficiency as discussed in ZCPM Section 102.1.b, nor will the use of the building be changed. Hence, I am

RECEIVED FOR FILING
12-11-07

PLAT TO ACCOMPANY PETITION FOR ZONING ☑ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8111 Duvall Ave

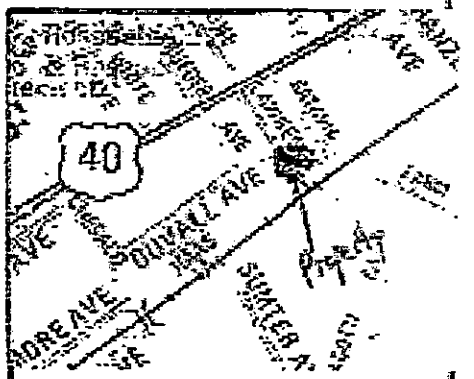
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Duvall Terrace

Tax # 1518374420

PLAT BOOK # 12 FOLIO # 105 LOT # 42 SECTION #

OWNER John Christou



VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

COUNTY COUNCIL DISTRICT 15

COUNTY COUNCIL DISTRICT 7

1"=200' SCALE MAP # 0296.3

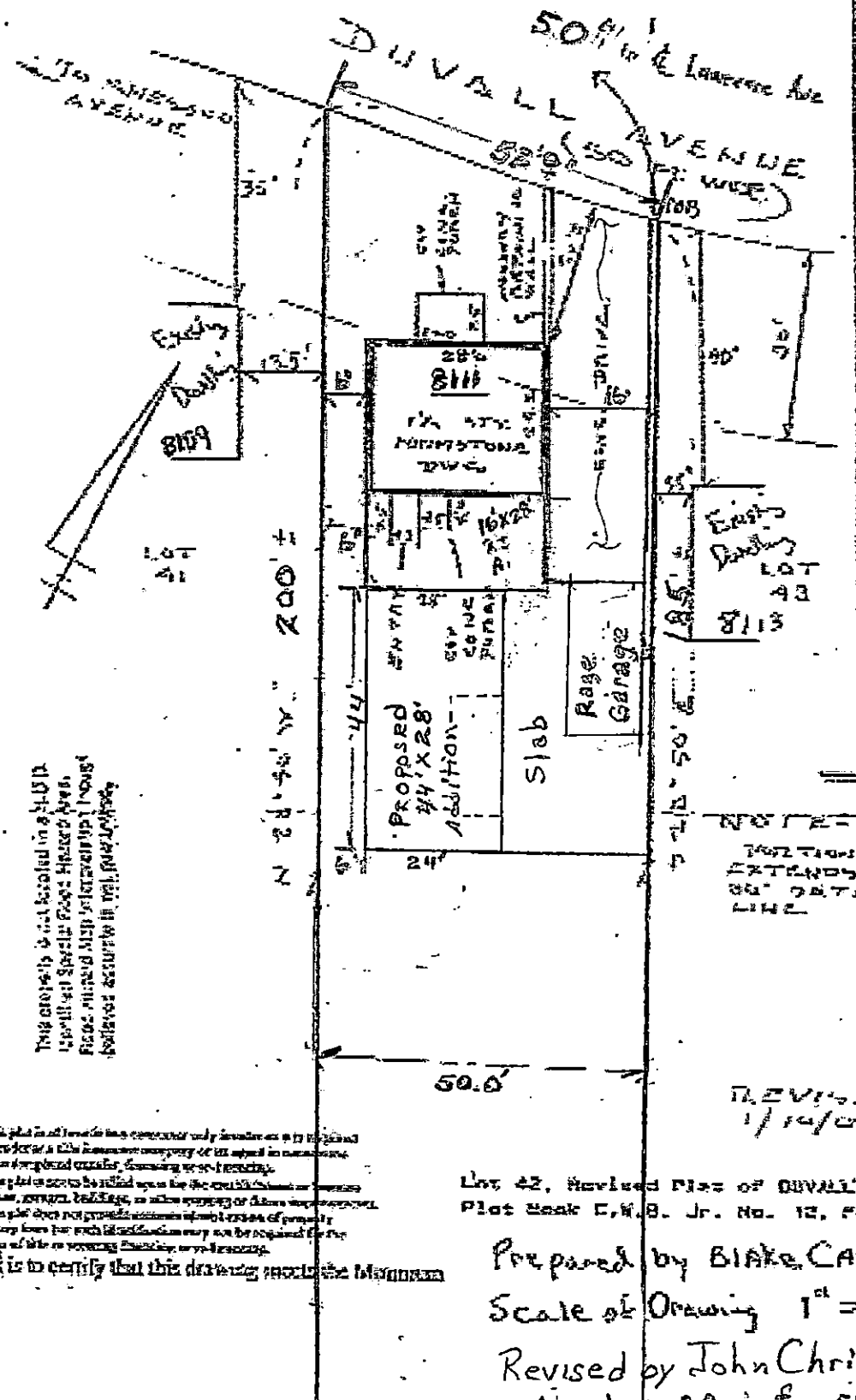
ZONING DR5.5

LOT SIZE 9625 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ DEBLOINS	☐	☒
PRIOR ZONING HEARING	None	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #



This property is located in a H.D.D. Overlay and Special Flood Hazard Area. Please consult Map Information Number 24003C0295D, effective September 18, 1980.

REVISED 1/14/02

Lot 42, Revised Plat of DUVALL TERRACE, Plat Book C.W.B. Jr. No. 12, Folio 105

Prepared by Blake Canfield

Scale of Drawing 1" = 25'

Revised by John Christou April 10, 20 1 f rear

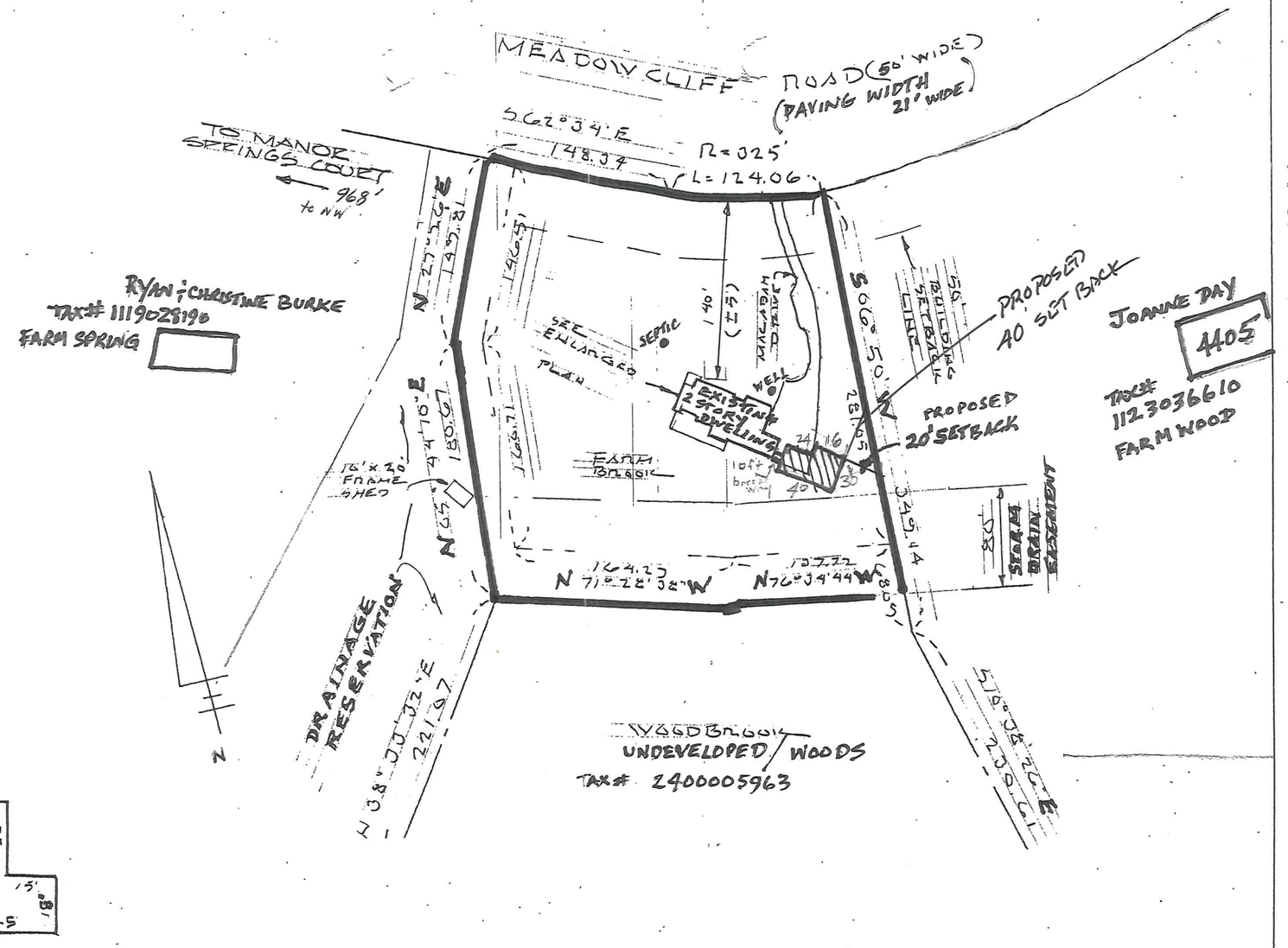
2018-0280-A

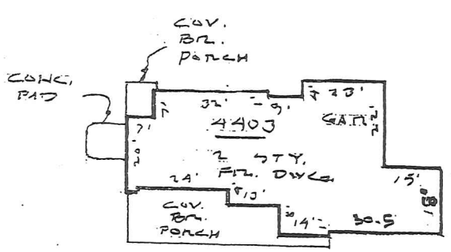
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 4403 MEADOWCLIFF RD, GLEN ARM, MD 21057 OWNER(S) NAME(S) GEORGE B & ELLEN M. ANTONAKOS

SUBDIVISION NAME MEADOWCLIFF SECTION B LOT # FARM BROOK BLOCK # N/A SECTION # N/A

PLAT BOOK # 24 FOLIO # 72 10 DIGIT TAX # 1107016140 DEED REF. # 21039/ 233

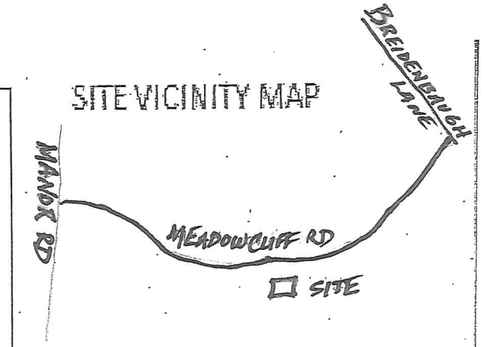




PLAN DRAWN BY Office of Mank & Kunst (plat drawing) DATE APRIL 17, 2018 SCALE: 1 INCH = 40 FEET

& GEORGE ANTONAKOS, OWNER

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 053B3

SITE ZONED RC 5 (Vested RAO)

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 2.6

OR SQUARE FEET 113,256

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ___ PRIVATE X

SEWER IS:

PUBLIC ___ PRIVATE X

PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

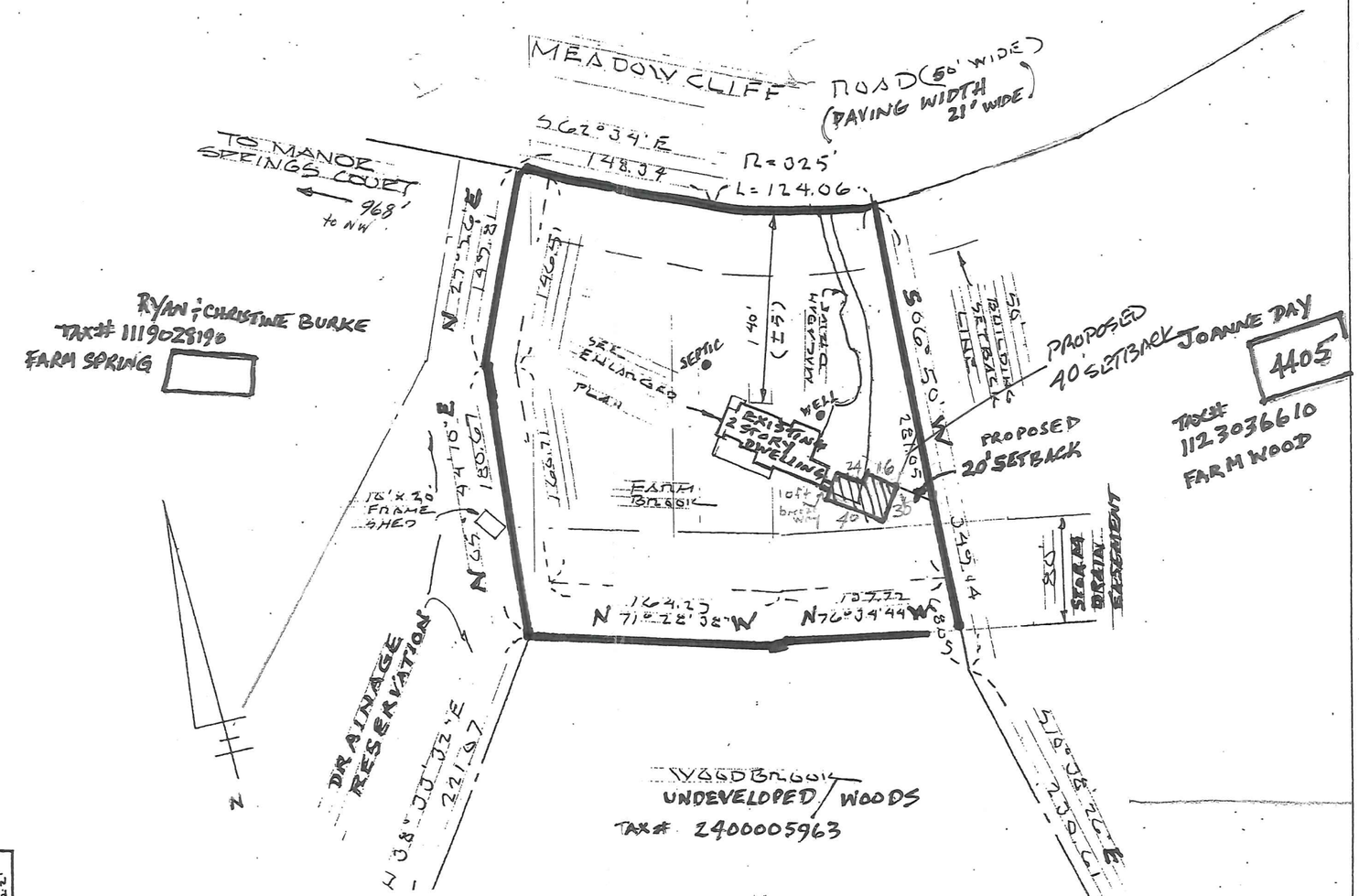
2018-0278-SPHA

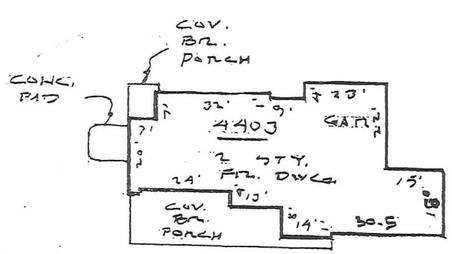
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 4403 MEADOWCLIFF RD, GLEN ARM, MD 21057 OWNER(S) NAME(S) GEORGE B & ELLEN M. ANTONAKOS

SUBDIVISION NAME MEADOWCLIFF SECTION B LOT # FARM BROOK BLOCK # N/A SECTION # N/A

PLAT BOOK # 24 FOLIO # 72 10 DIGIT TAX # 1107016140 DEED REF. # 21039/ 233

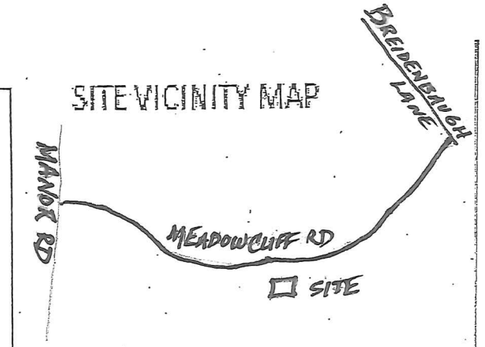




PLAN DRAWN BY Office of Mank & Kunst (plat drawing) DATE APRIL 17, 2018 SCALE: 1 INCH = 40 FEET

& GEORGE ANTONAKOS, OWNER

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 053B3

SITE ZONED RC 5 (Vested RAO)

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 2.6

OR SQUARE FEET 113,256

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ___ PRIVATE X

SEWER IS:

PUBLIC ___ PRIVATE X

PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

PET. EX. 1

VIOLATION CASE INFO:

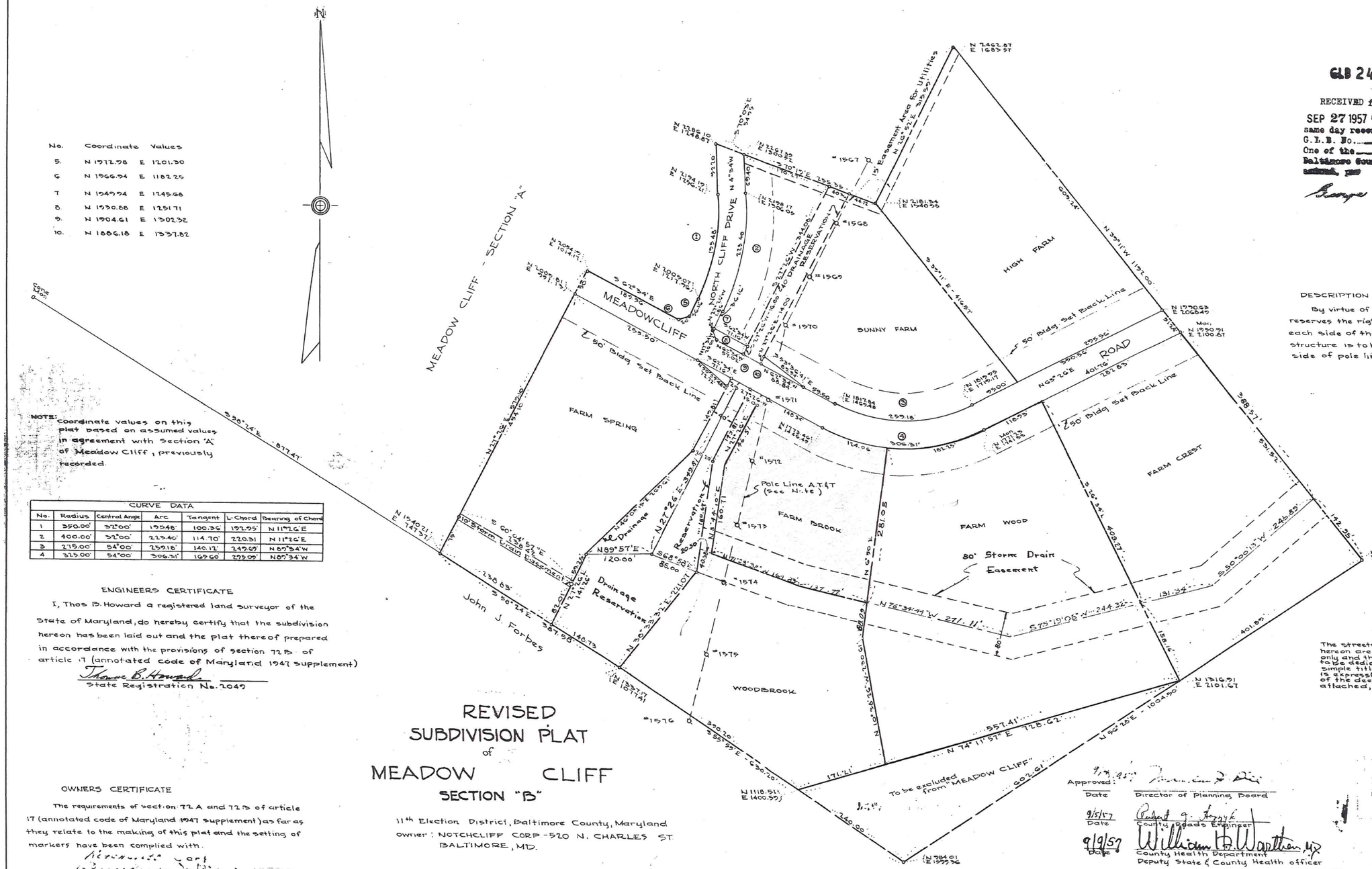
2018-0278-SPHA

2018-0278-SPHA

GLB 24 FOLIO 72

RECEIVED for Record
SEP 27 1957 at A.M. P.M.
same day recorded in liber
G.L.B. No. ____ folio ____
One of the ____ Records of
Baltimore County and examined, per
George E. Ogonly
Clerk

No.	Coordinate	Values
5.	N 1972.98	E 1201.30
6	N 1966.94	E 1182.25
7	N 1949.94	E 1245.68
8.	N 1930.88	E 1251.71
9.	N 1904.61	E 1302.32
10.	N 1886.18	E 1337.82



NOTE: Coordinate values on this plat based on assumed values in agreement with Section "A" of Meadow Cliff, previously recorded.

CURVE DATA						
No.	Radius	Central Angle	Arc	Tangent	L-Chord	Bearing of Chord
1	350.00'	32°00'	195.48'	100.36'	192.95'	N 11°26'E
2	400.00'	32°00'	223.40'	114.70'	220.31	N 11°26'E
3	275.00'	54°00'	259.18'	140.12'	249.69'	N 89°34'W
4	325.00'	54°00'	306.31'	165.60'	295.09'	N 89°34'W

ENGINEERS CERTIFICATE

I, Thos B. Howard a registered land surveyor of the State of Maryland, do hereby certify that the subdivision hereon has been laid out and the plat thereof prepared in accordance with the provisions of section 72B of article 17 (annotated code of Maryland 1947 supplement)

Thomas B. Howard
State Registration No. 2049

OWNERS CERTIFICATE

The requirements of section 72A and 72B of article 17 (annotated code of Maryland 1947 supplement) as far as they relate to the making of this plat and the setting of markers have been complied with.

Owner of property shown hereon

DESCRIPTION OF AT&T R/W

By virtue of LMcLM 829-42 The AT&T reserves the right to trim trees within 30' each side of the pole line. No inflammable structure is to be built within 50' each side of pole line.

The streets or Roads as shown hereon are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the Grantors of the deed to which this plat is attached, their heirs and assigns.

REVISED SUBDIVISION PLAT of MEADOW CLIFF

SECTION "B"

11th Election District, Baltimore County, Maryland
Owner: NOTCHCLIFF CORP - 520 N. CHARLES ST. BALTIMORE, MD.

Approved: 9/5/57 Date — Director of Planning Board

9/5/57 Date — Robert G. Gorzyk, County Roads Engineer

9/9/57 Date — William H. Warthen, MD, County Health Department, Deputy State & County Health officer

MSA SSW236-1750

1568 8-23-57
1"=100'