MEMORANDUM

DATE:

October 5, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0035-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 4, 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 ADMIN. VARIANCE *

(4422 Ridge Avenue)

13th Election District 1st Council District William Orval Henry Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0035-A

* * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, William Orval Henry ("Petitioner"). The Petitioner is requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (detached garage) to be located in the rear yard closer to the street in lieu of the required third of the lot farthest removed from any street and to permit a height of 22 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 12, 2018, 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 § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date 9H18

By Sln

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the proposed detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4th day of September, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the BCZR, to permit an accessory structure (detached garage) to be located in the rear yard closer to the street in lieu of the required third of the lot farthest removed from any street and to permit a height of 22 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 4 18

By 8

- 2. Petitioner or subsequent owners shall not convert the accessory building (detached garage) into a dwelling unit or apartment. The accessory building (detached garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The accessory building (detached garage) shall not be used for commercial purposes.

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:dlw



CASE NUMBER 2019 -0035

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 4422 Ridge AVE HALETHORDE MD 21227-4128 Currently zoned DR 5.5

Deed Reference 11612 / 00194 10 Digit Tax Account # 13 1 3 7 5 1 5 4 0

Owner(s) Printed Name(s) WILLIAM ORVAL HENRY

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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REQUIRED 15,			THE REQUIRED THIRD OF 22'	ATEO IN THE REAL F THE LOT FARTHEST IN LIEU OF THE			
of the zoning regulations	of Baltimore County,	to the zoning	law of Baltimore County.				
			ove a waiver pursuant to Section 3 aze, alter or construct addition to buil				
of the Baltimore County C Property is to be posted and adv I/ we agree to pay expenses of a Baltimore County adopted pursu	vertised as prescribed by the above petition(s), advertising	he zoning regul ng, posting, etc.	ations. . and further agree to be bound by the zoning	regulations and restrictions of			
			Owner(s)/Petitioner(s):				
			WILLIAM ORVALE	Ir. Ol			
			Name #1 – Type or Print Signature #1	lame # 2 – Type or Print			
Attorney for Owner(s)/Petitioner(s):			Representative to be contacted; OR				
Name- Type or Print		201	Name – Type or Print				
Signature		No.	Signature ORU				
Mailing Address	City	State	Mailing Address City				
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Zip Code Telephone	# Email Addre	ess	Zip Code Telephone #	Email Address			
A PUBLIC HEARING having be County, thisday of required by the zoning regulation		that the subjec	b be required, it is ordered by the Office of A t matter of this petition be set for a public hea strative Law Judge for Baltimore County	Administrative Hearings for Baltimore ring, advertised, and re-posted as			
			and a second sec	y = 1 3 23 8 1			

Filing Date 21 11 18

Estimated Posting Date 8 184 18

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Fillit of Type Address of property	City	3	atc	21p 000c
Based upon personal knowledge, the foll Administrative Variance at the above add				
Paragraph 400.1, Location; lot coverage — Subject property from the street at the rear left corner a garage, recently razed due to age and condition, to be parked in it. Constraints of Paragraph 400.2 two car garage and provide some storage and host structure will be placed lengthwise across the rest the previous garage. It will be offset 5 ft. from the the 2715 sq. ft. area at the back of the house (mo	t property is a corner lond crosses the property was 20 ft. wide and 18 L do not allow a replace bby (woodworking) spar of the lot, in line with e lot rear and right side	ot 50 ft. w / from lef ft. deep. ement strace ace to be a the drive property	ride and 125 ft. deep. It to right (facing the file of	Driveway enters ront). Previous a modern vehicle to function as a d 24 ft. by 32 ft. er the location of
Paragraph 400.3, Height – House on property ha t. garage to maintain architectural consistency v Paragraph 400.3. Most structures in this older ne appears out of place. Garages constructed in the	vill result in the garage eighborhood have roof	exceeding slopes sin	g the 15 ft. height limi nilar to the house and	t imposed by a flatter roof
(If additional space for the petition reques	or the above statemer	nt is need	ed, label and attach if	to this Form)
Signature of Owner (Affiant)	Sig	nature of	Owner (Affiant)	
Name-Print or Type		me- Print		
The following information is to l	be completed by a Nota	ry Public	of the State of Maryla	ana
STATE OF MARYLAND, COUNTY OF		:	ų of the second	·
I HEREBY CERTIFY, this 2つかん day and for the County aforesaid, personally app		18	before me a Notary o	of Maryland, in
Print name(s) here: William Henry				
the Affiant(s) herein, personally known or sa	tisfactorily identified to	me as sı	uch Affiant(s).	
AS WITNESS my hand and Notaries Seal	Porcuel Murju otary Public 11/20/2021	- J		

My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 4422 Ridge Ave, Halethorpe, MD 21227

Beginning at a point on the north side of Ridge Avenue, which is 49 feet wide at a distance of 24.5 feet east of the centerline of Woodside Avenue, which is 49 feet wide; thence running easterly binding on the north side of Ridge Avenue 50 feet to lot No. 253; thence northerly parallel with Woodside Avenue binding on lot 253, 125 feet; thence westerly parallel with Ridge Avenue binding on lot 245, 50 feet; thence southerly binding on the east side of Woodside Avenue 125 feet to the place of beginning. Being Lot 252, in the subdivision of Halethorpe, as recorded in Baltimore County Plat Book #1, Folio #60, containing 6,250 square feet (0.14 acres). Located in the 13th Election District and 1st Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/12/2018

Case Number: 2018-0035-A

Petitioner / Developer: WILLIAM HENRY

Date of Closing: AUGUST 27, 2018

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: 4422 RIDGE AVENUE

The sign(s) were posted on: AUGUST 12, 2018



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



Background photo 1^{st} Sign @ 4422 Ridge Ave. Background photo 2^{nd} Sign facing Woodside Ave. Case # 2019-0035-A Posted 8/12/2018

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	2019-	00	35	-A	Address	4422	RIDGE AVE.
Conta	act Persoi	n:	JUN	R. FEI	RNANDe ease Print Your	ے		Phone Number: 410-887-3391
Filing	g Date: _	8/1	115-		Post	ing Date:	8/12/18	Closing Date: 8/27/18
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2.	feet to f	file a t	formal	request	for a pub	lic hearing	. Please ui	(occupant or owner) within 1,000 nderstand that even if there is no ete on the closing date.
3.	The judgethe matter that the matter that the the the the the the the the the th	ge ma ter be receiv I to a	iy: (a) set in e writt public	grant th for a pul en notifi hearing.	ne request blic hearin cation as This dec	ed relief; (g. If all Co to whether	b) deny the ounty/State a the petition ually made v	by the Administrative Law Judge. requested relief; or (c) order that agencies' comments are received, has been granted, denied, or will within 10 days of the closing date.
4.	(whethe notificat of the h	r due ion wi earing	to a r ll be fo date,	neighbor rwarded time an	r's formal I to you. d location.	request or The sign o As when	by order on the prope the sign wa	es that must go to a public hearing of the Administrative Law Judge), rty must be changed giving notice as originally posted, certification of warded to this office.
					(Deta	ch Along Dotted	Line)	
Petiti	oner: Th	nis Pa	rt of th	e Form	is for the	Sign Pos	ter Only	
			USE	THE AD	MINISTRA	ATIVE VAF	RIANCE SIG	SN FORMAT
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ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2019 - 0035 - A Property Address: 4422 Ringe Ave, HALETHORPE, MD 21227 Property Description:
Legal Owners (Petitioners): WILLIAM O. HENRY Contract Purchaser/Lessee: M/A
PLEASE FORWARD ADVERTISING BILL TO: Name:WILLIAM O. HENRY Company/Firm (if applicable): Address:YY22 RIDGE AVE HALETHORDE MD 21227
Telephone Number: 443-831-7594

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DONALD I. MOHLER III County Executive

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

August 28, 2018

William Orval Henry 4422 Ridge Avenue Halethorpe MD 21227

RE: Case Number: 2019-0035 A, Address: 4422 Ridge Avenue

Dear Mr. Henry:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 1, 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

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:

August 7, 2018

SUBJECT:

DEPS Comment for Zoning Item

2019-0035-A

Address

4422 Ridge Avenue

(Henry Property)

Zoning Advisory Committee Meeting of August 13, 2018.

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

Reviewer:

Steve Ford





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

Date: 8/6/18

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. 2019-0035-A

Administrative Variance William Orval Henry 4422 Ridge 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,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 20, 2018

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 13, 2018

Item No. 2019-0031-SPHA, 0034-A, 0035-A and 0036-SPHA

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 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:

August 7, 2018

SUBJECT:

DEPS Comment for Zoning Item

2019-0035-A

Address

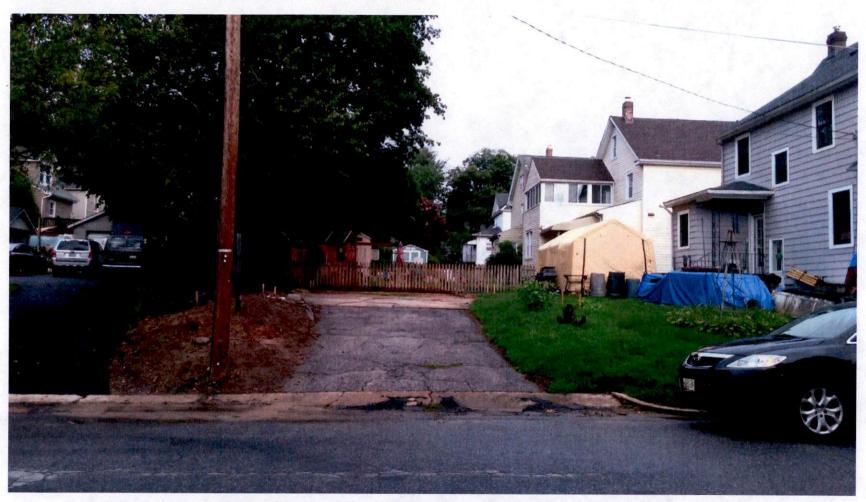
4422 Ridge Avenue (Henry Property)

Zoning Advisory Committee Meeting of August 13, 2018.

The Department of Environmental Protection and Sustainability has no $\underline{\mathbf{X}}$ comment on the above-referenced zoning item.

Reviewer:

Steve Ford



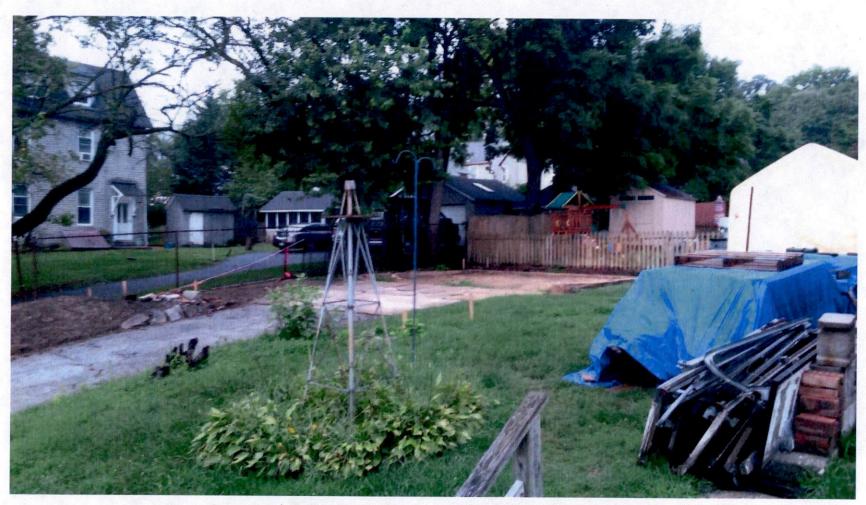
Proposed Garage Site Viewed From Woodside Avenue



Rear of 4422 Ridge Avenue (Lot 252) With Proposed Garage Site On Left



Side of 1709 Woodside (Lot 245) With Proposed Garage Site On Right



Proposed Garage Site Over Location of Previous Garage



Proposed Garage Site Viewed From Rear Looking Toward 4500 Ridge Ave



Proposed Garage Site Viewed From Rear With 1709 Woodside On Right



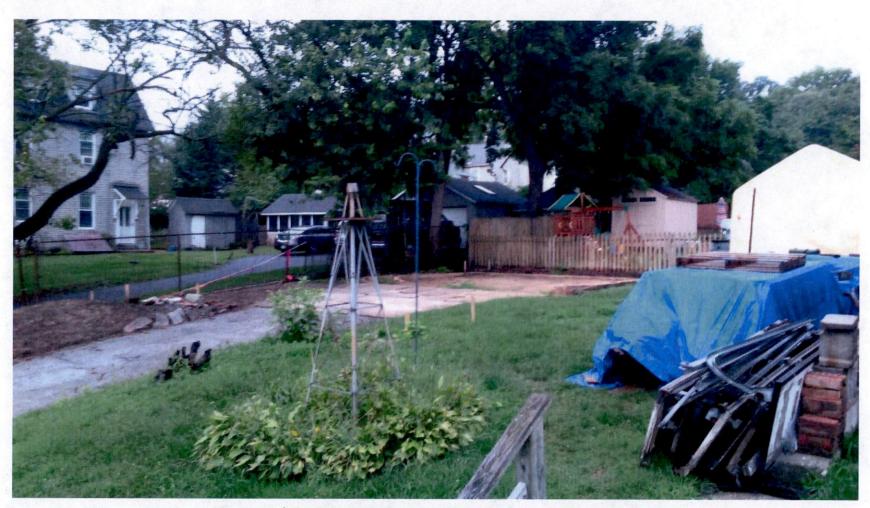
Proposed Garage Site Viewed From Woodside Avenue



Rear of 4422 Ridge Avenue (Lot 252) With Proposed Garage Site On Left



Side of 1709 Woodside (Lot 245) With Proposed Garage Site On Right



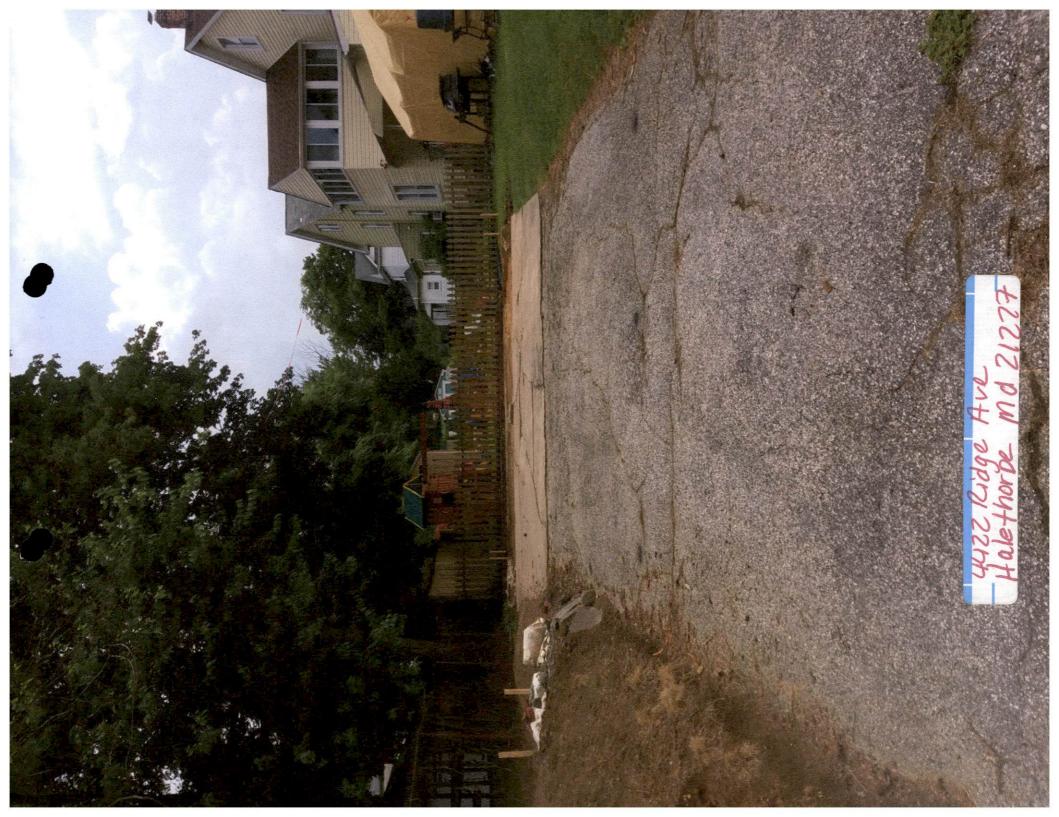
Proposed Garage Site Over Location of Previous Garage



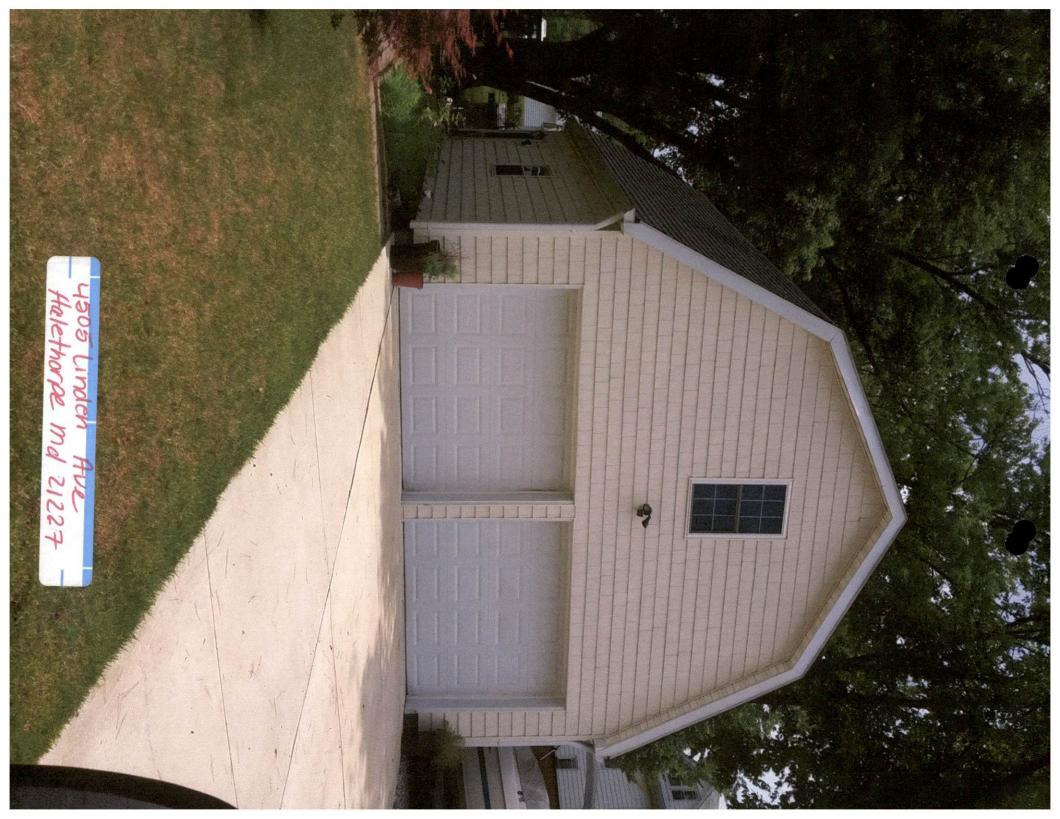
Proposed Garage Site Viewed From Rear Looking Toward 4500 Ridge Ave



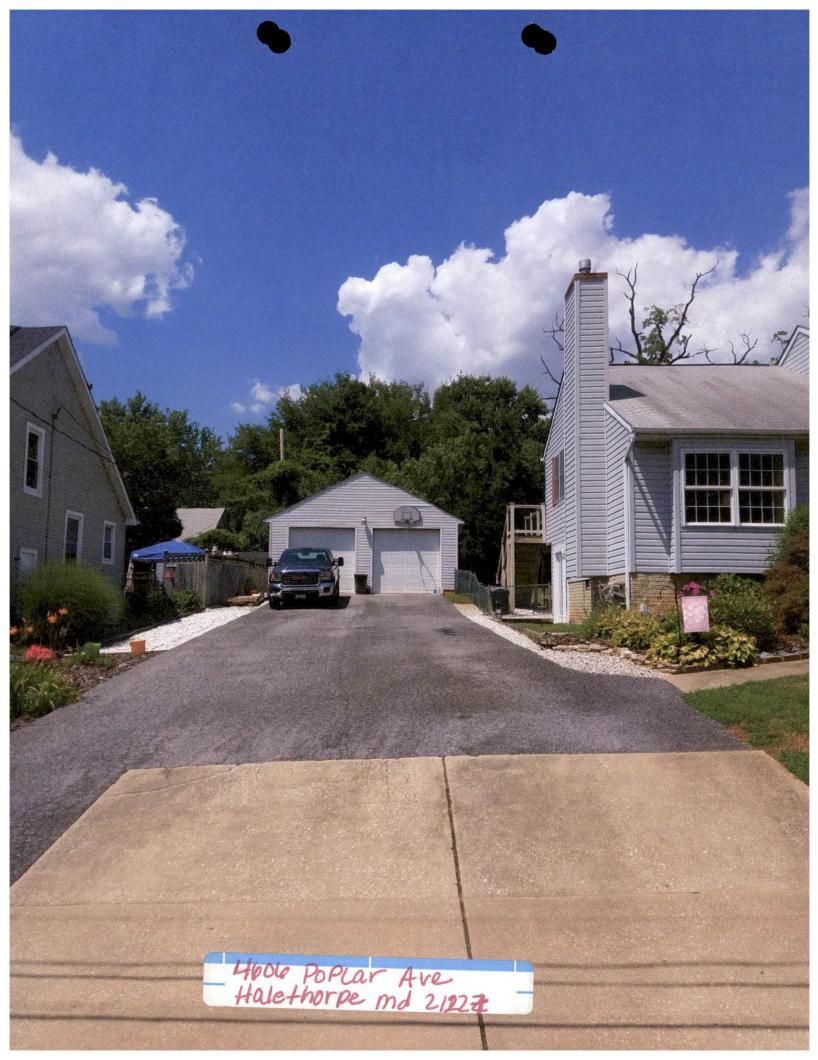
Proposed Garage Site Viewed From Rear With 1709 Woodside On Right



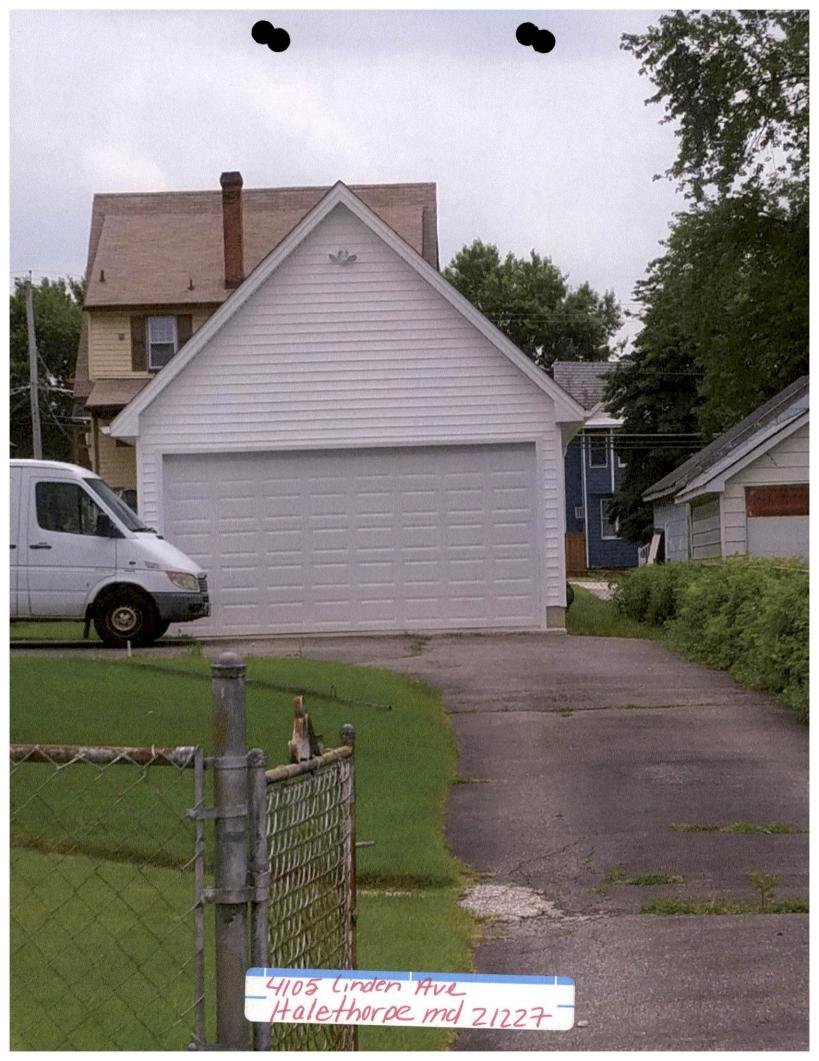
4422 Ridge Ave HALL+horpe md Z1227 Proposed CARAGE



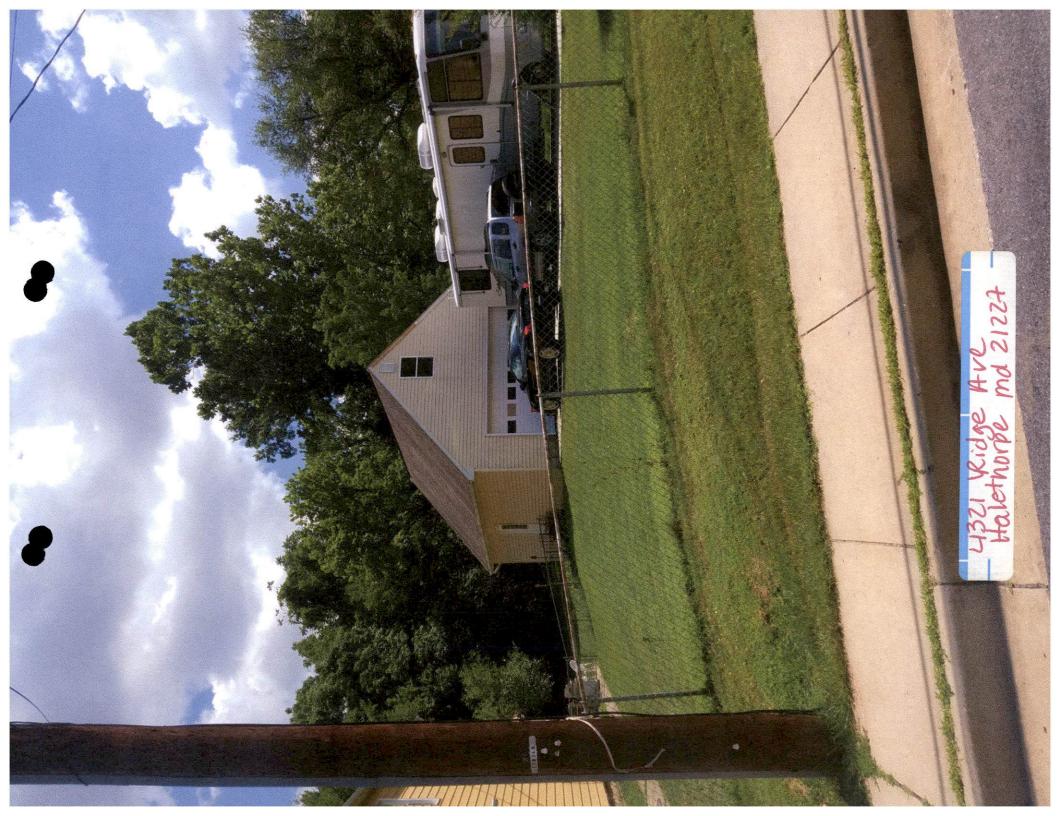
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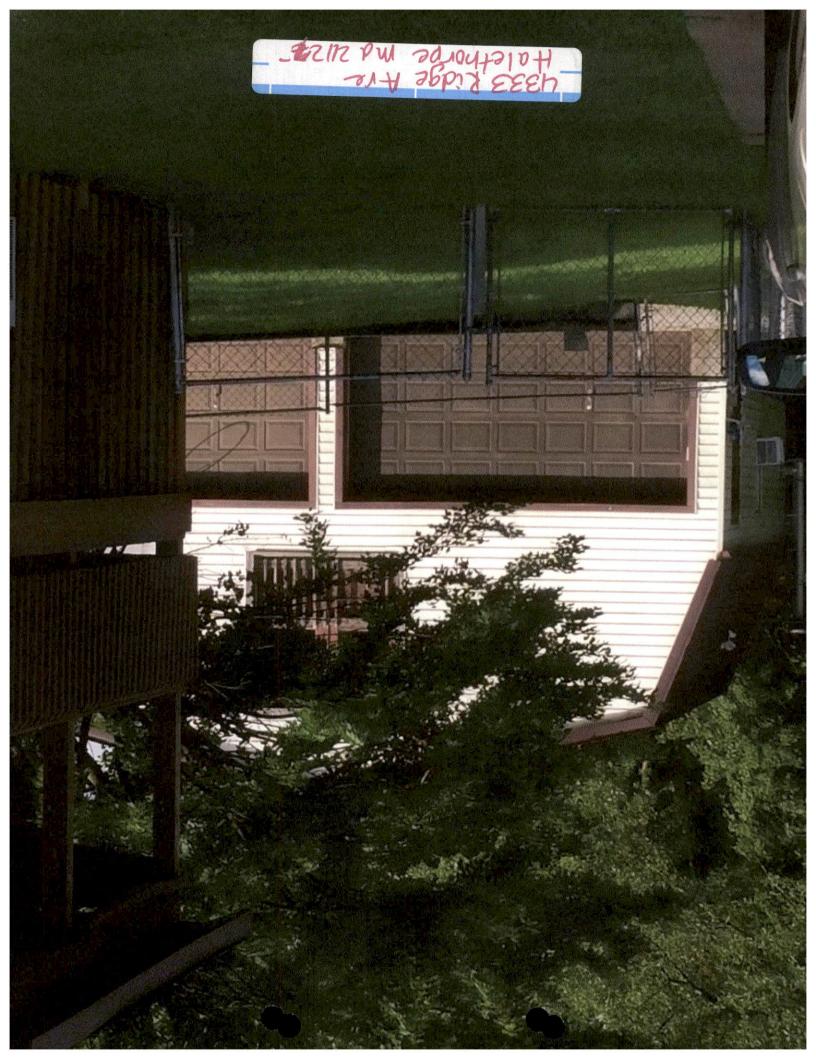
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4501 LINDEN AVE HALETHORPE Md 21227



4321 Ridge Ave



4333 Ridge Ave HALETHORPE Md 217



CHECKLIST

Comment Received	<u>Depai</u>	Support/Oppose/ Conditions/ Comments/ No Comment						
8-20		DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)						
8-7	DEPS (if not received, da							
	FIRE DEPARTM							
	PLANNING (if not received, da	te e-mail sent)					
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SIGN POSTING ((2 nd)	Date:		by				
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Comments, if any:	1							





Real Property Data Search

Search Result for BALTIMORE COUNTY

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Homeowners' Tax Credit Application Status: No Application

Date:

ZAC AGENDA

Case Number: 2019-0035-A Reviewer: Jun Fernando

Existng Use: RESIDENTIAL Proposed Use:

Type: ADMINISTRATIVE VARIANCE Legal Owner: William Orval Henry

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 13 Council Dist: 1

Property Address: 4422 RIDGE AVE

Location: NE corner of Ridge Avenue and Woodside Avenue

Existing Zoning: DR 5.5

Area: 6,250 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

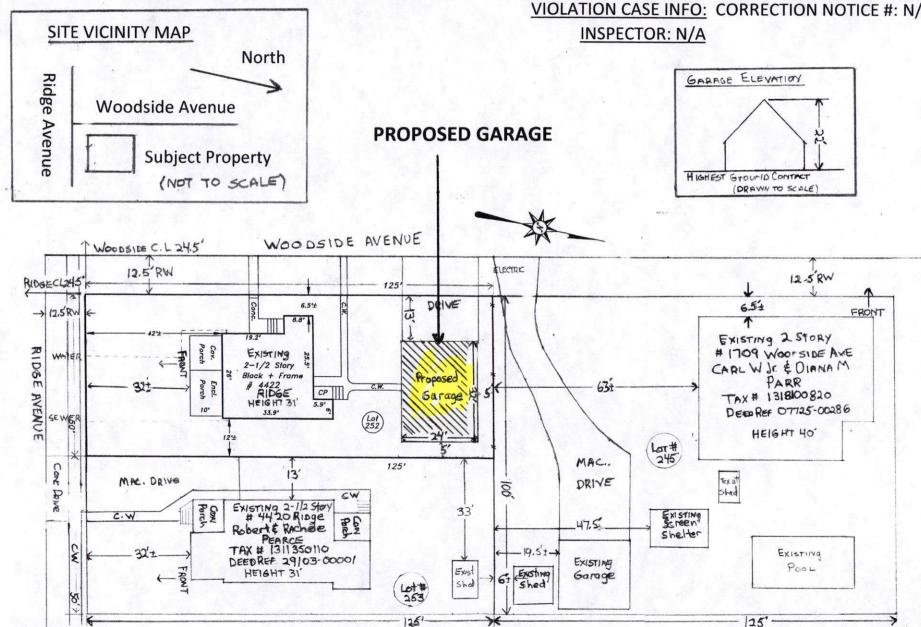
To permit an accessory structure (detached garage) to be located in the rear yard closer to the street in lieu of the required third of the lot farthest removed from any street and to permit a height of 22 ft. in lieu of the required 15 ft.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 08/27/2018

Miscellaneous Notes:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ADDRESS: 4422 RIDGE AVE. OWNER: WILLIAM O. HENRY SUBDIVISION NAME: HALETHORPE LOT #: 252 PLAT: 1 FOLIO: 60 TAX #: 13-1313751540 DEED REF: 11612/00194

GIS MAP #: SITE ZONED: DR 5.5 ELECTION DIST: 13
COUNCIL DIST: 1 LOT AREA: 6,250 sf / 0.14 ac.
HISTORIC: No IN CBCA: No IN FLOOD PLAIN: No
WATER: PUBLIC SEWER: PUBLIC PRIOR HEARING: No
VIOLATION CASE INFO: CORRECTION NOTICE #: N/A
INSPECTOR: N/A



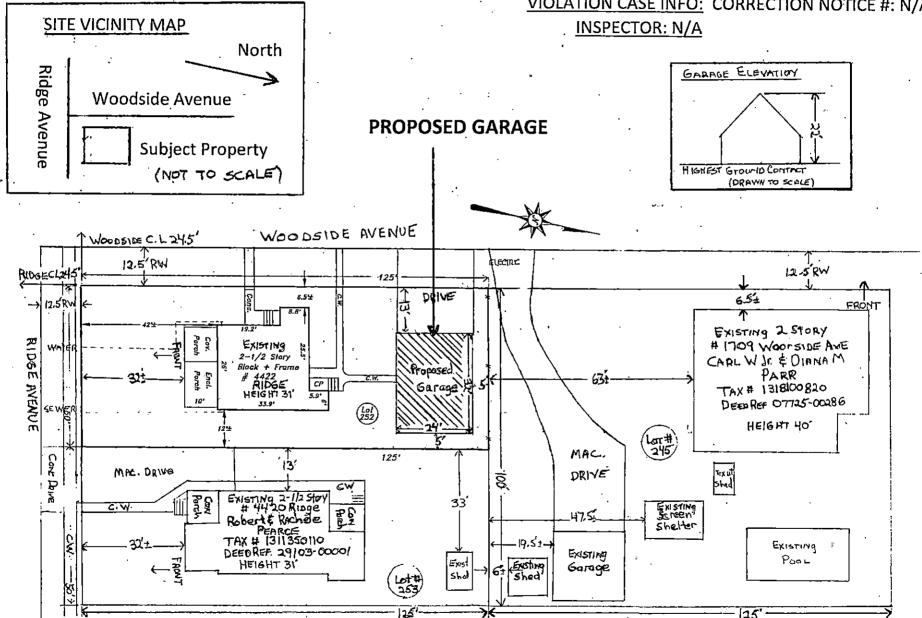
DATE: 07/31/2018

SCALE: 1 INCH=30 FEET

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WATER: PUBLIC SEWER: PUBLIC PRIOR HEARING: No **VIOLATION CASE INFO:** CORRECTION NOTICE #: N/A SITE VICINITY MAP INSPECTOR: N/A North Ridge GARAGE ELEVATION **Woodside Avenue** Avenue **PROPOSED GARAGE Subject Property** HIGHEST GrouPID CONTACT (NOT TO SCALE) (DRAWN TO SCALE) WOODSIDE AVENUE W000510E C.L 24.5' 12.5 RW LECTRIC 12-5 RW RUGECL245 DRIVE 6.54 5,5¥ → (2,5 RW FRONT EXISTING 2 STORY RIDGE # 1709 WOOTSIDE AVE EXISTING 2-1/2 Story CARL W JC & DIANA M Black + Frame Proposed PARR 63t # 4422 RIDGE HEIGHT 31 CP AVENUE TAX# 1318100820 5.9* DEED REF 07725-00286 33.9 HEIGHT 40' Lστ# 245 MAC .. 1 PG 1 PG 1 125 ′13′ MAC. DRIVE Ex st Shed DRIVE 8 EXISTING 2-1/2 Story # 44 20 Ringe Robert & Rachele 33 EXISTING SCIENT 47,5 Shelter PEARCE TAX # 1311350110 19.51-EXISTING DEED REF. 29103-00001 EXISTING PaoL Exs Existra Shed HEIGHT 31 Garage 61

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