

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
216 Wilgate Road, 230 ft. W of c/o South Mitters Lane
131 Wilgate Road
4th Election District
3rd Councilmanic District
Gerald K. Gibson, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-331-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft., in lieu of the required 7.5 ft., for an attached carport, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, 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 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 107.1 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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of April, 1992 that the Petition for a Zoning Variance from Section 1802.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an attached carport, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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 period 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.

LAWRENCE E. SCHWILTZ
Zoning Commissioner
for Baltimore County

LES/men

ORDER RECEIVED FOR FILING
Date 4/9/92
By [Signature]

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 807-4306

April 8, 1992

Mr. and Mrs. Gerald K. Gibson
133 Wilgate Road
Owings Mills, Maryland 21117

RE: Petition for Residential Zoning Variance
Case No. 92-331-A

Dear Mr. and Mrs. Gibson:

Enclosed please find the Decision rendered in the above captioned case. The Petition for Residential Zoning Variance has been granted, in accordance with the attached Order.

In the event the Decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 807-3391.

Very truly yours,

LAWRENCE E. SCHWILTZ
Zoning Commissioner

LES/men

encl.

PETITION FOR ADMINISTRATIVE VARIANCE

THE ZONING COMMISSIONER OF BALTIMORE COUNTY 92-331-A

On the following legal advice(s) of the property located in Baltimore County, Maryland, and which is described in the accompanying plat and captioned Petition and duly a part hereof, petition for a Variance from Section 1802.3.A.1 (Side Yard Setback) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft. in lieu of the required 7.5 ft. for an attached carport.

CHANDLER REQUESTED TO BE ABLE TO REMOVAL A CAR - BECAUSE CARPORT IS BUILT AT ANGLE MUST OF HAVE YARD SETBACKS WHEN REMOVED DRIVE LANE WOULD BE 15' HIGH RESIDUE CAR LANE EXISTING.

Property is to be subjected under power as provided by Zoning Regulations.

I am aware of the above zoning and of the zoning regulations, and I am aware of the fact that the proposed variance is in accordance with the Baltimore County Zoning Regulations.

I am aware of the fact that the proposed variance is in accordance with the Baltimore County Zoning Regulations.

Consent of Petitioners: [Signatures]
Date of Petition: [Date]
City: [City]
County: [County]
State: [State]
Address: [Address]
Phone: [Phone]
Very truly yours, [Signature]
Zoning Commissioner

A PUBLIC HEARING HEARING WITHIN THIRTY DAYS OF THE DATE OF THE ORDER IS REQUIRED. IT IS ORDERED that the Petition for Administrative Zoning Variance be granted, in accordance with the attached Order.

Enclosed please find the Decision rendered in the above captioned case. The Petition for Administrative Zoning Variance has been granted, in accordance with the attached Order.

In the event the Decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 807-3391.

Very truly yours, [Signature]
Zoning Commissioner

92-331-A
ZONING DESCRIPTION FOR 133 WILGATE RD.

Beginning at a point on the south side of Wilgate Rd. which is 50' wide at the distance of 476' west of the centerline of the nearest improved intersecting street South Mitters Lane, Rd. which is 50' wide, being Lot #28, Block M, Section #6 in the subdivision of Tollgate as recorded in Baltimore County Plat Book # 20, Folio # 69, containing 13,801 sq. ft.; Also known as 133 Wilgate Rd. and located in the 4th Election District.

CERTIFICATE OF POSTING
BALTIMORE COUNTY
TOWSON, MARYLAND

Posted to: [Address]
Date of Posting: [Date]
Location of property: [Address]
Location of signs: [Address]
Number of signs: [Number]
Date of return: [Date]

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: 9001-6190

Number: [Number]

DATE: [Date]
TIME: [Time]
PLACE: [Place]
BY: [Signature]

Please Make Check Payable To: Baltimore County \$40.00
IN 00115VAND03-05-92

AFFIDAVIT

PETITION FOR ADMINISTRATIVE VARIANCE
92-331-A

The undersigned hereby declare that I am a resident of Baltimore County, Maryland, and that I am the owner of the property described in the accompanying Petition and captioned Affidavit.

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Baltimore County Government
Office of Zoning, Administration
and Development Management
Office of Planning & Zoning

113 West Chesapeake Avenue
Towson, MD 21204

April 1, 1992 (410) 887-3353

Mr. & Mrs. Gerald K. Gibson
133 Wilgate Road
Lange Mills, MD 21117

RE: Item No. 352, Case No. 92-331-A
Petitioner: Gerald K. Gibson
Petition for Administrative Variance

Dear Mr. & Mrs. Gibson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby assumed zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning, Administration
and Development Management
Office of Planning & Zoning

113 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 5th day of March, 1992.

Carl J. Jahn
ARNOLD JAHN
DIRECTOR

Received By:
W. Carl Roberts Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gerald K. Gibson, et ux
Petitioner's Attorney:

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 701
Towson, MD 21204-5500

MARCH 17, 1992 (301) 887-1500

Fire Prevention Bureau
Director
Policy Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owners: GERALD K. GIBSON AND HEATHER E. GIBSON
Location: #133 WILGATE ROAD
Fire Dept. 352 Zoning Agenda: MARCH 17, 1992
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Jahn* Noted and
Planning Group C Approved
Special Inspection Division Fire Prevention Bureau

JP/REK

RECEIVED
MAR 12 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 13, 1992

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
for March 17, 1992

The Developers Engineering Division has reviewed Item 335, 338, 339, 343, 347, 348, 349, 350, 352 and 353.

For Item 351, the site is subject to the previous minor subdivision comments.

For Item 350, the site must be submitted through the minor subdivision process for review and comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Raneve J. Fanelli

SUBJECT: S.A.C. Comments

D.A.C. MEETING DATE: March 17, 1992

This office has no comments for item numbers 335, 338, 339, 343, 347, 349, 350, 351, 352, 353 and 355.

Raneve J. Fanelli
Raneve J. Fanelli
Traffic Engineer II

RECEIVED
ZONING OFFICE

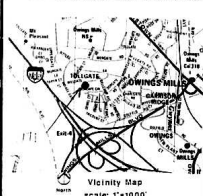
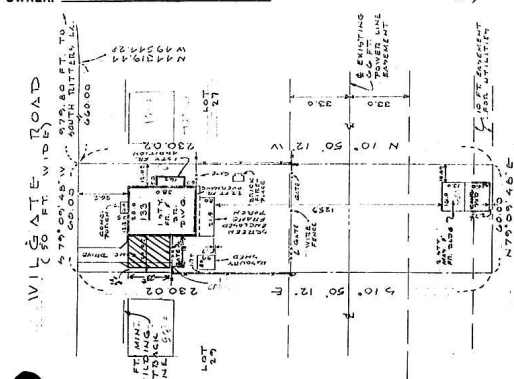


92-331-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 133 WILGATE RD

Subdivision name: WILGATE
Plot books: 22, folio 67, lot 28, section 6
OWNER: GERALD & HEATHER GIBSON



LOCATION INFORMATION

Councilmanic District: 3
Election District: 4
1"-200' scale map: NW 121
Zoning: DR 3.5
Lot size: 13,801 square feet
acreage

92-331-A

SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: LG ITEM #: 352 CASE #:

North
date: 3-5-92
prepared by: LG
Scale of Drawing: 1" = 150'

