

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S Washington Street, 65' W  
of Broad Avenue  
(102 Washington Street)  
8th Election District  
3rd Councilmanic District  
Thomas H. Wheatley, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 93-468-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Thomas H. and Virginia S. Wheatley. The Petitioners request relief from Sections 1802.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck and ramp) with a rear yard setback of 13.5 feet in lieu of the minimum required 22.5 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for 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, there is no evidence in the file to indicate that the requested variances 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, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of July, 1993 that the Petition for Administrative Variance requesting relief from Sections 1802.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck and ramp) with a rear yard setback of 13.5 feet in lieu of the minimum required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Administration  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 29, 1993

(410) 887-4386

Mr. & Mrs. Thomas H. Wheatley  
102 Washington Street  
Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Washington Street, 65' W of Broad Avenue  
(102 Washington Street)  
8th Election District - 3rd Councilmanic District  
Thomas H. Wheatley, et ux - Petitioners  
Case No. 93-468-A

Dear Mr. & Mrs. Wheatley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date 7/29/93  
By [Signature]

Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 102 Washington St. Timonium Hts.  
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 and 301.1.A to allow open projection (deck and ramp) a rear yard setback of 13.5' in lieu of the required 22.5'.

To build a deck and ramp at the rear of the house, which we believe to be a reasonable use of the property. A wandering Alzheimer patient lives here. We want to be able to have her able to walk outside with reasonable containment and safety. The current revisions of the zoning regulations call for a 30 foot rear boundary clearance, which was not anticipated when the house was located by the original owners in 1955. (We're not sure whether this falls under undue hardship or practical difficulty.) Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

We do solemnly swear and affirm, under the penalties of perjury, that I am the legal owner of the property and in the interest of the same.

Legal Owner(s)

THOMAS H. WHEATLEY

Signature

VIRGINIA S. WHEATLEY

Signature

102 WASHINGTON ST 252-5B9

Address

TIMONIUM MD 21093

City State Zip Code

THOMAS H. WHEATLEY

Signature

102 WASHINGTON ST 252-5B9

Address

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 29th day of July, 1993, that the subject matter of this petition be set for a public hearing, advertised in accordance with the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
ESTIMATED POSTING DATE: \_\_\_\_\_ ITEM #: 473

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 102 WASHINGTON ST  
TIMONIUM MD 21093

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include hearings in present affidavit)

We are applying for a hardship (or practical difficulty) administrative variance to permit the addition of a 16' deep deck, plus a 4' x 24' handicap ramp, at the rear of our house, built in 1955. The rear portion of the house, (the cellar access stairway) is located 28 feet from the rear property line. The modifications proposed would end about 13.5' from the rear property line. This includes a 6' allowance for any deck overhang. An existing 15'x15' patio, which ends 19' from the rear property line will be removed in the process of adding the deck. (The current side setback from the adjacent lot is 22 feet, exclusive of roof overhang. It is proposed that the new setback will be 16.5', including any deck overhang. We understand that this is within the current guidelines for side setbacks, which we were told was 7.5 feet. Should our understanding be in error, it is requested that the side setback also be included in this variance.) There is presently a certified handicapped person living in the house. The ramp is being designed with a 1:12 slope, to meet current standards for handicapped ramps.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

THOMAS H. WHEATLEY  
VIRGINIA S. WHEATLEY

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss.

I HEREBY CERTIFY, this 29th day of July, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas H. and Virginia S. Wheatley

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and they with to the form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6/25/93 My Commission Expires 7-23-94

Zoning Description

Zoning Description for: 102 Washington Street,  
Timonium, MD 21093

Election District: 8th Councilmanic District: 3rd

Beginning at a point on the north side of the 100 block of Washington Street which is 30 feet wide (right-of-way width), at a distance of 65 feet west of the centerline of the nearest improved intersecting street, which is Broad Avenue, AKA Broad St, which is 40 feet wide (right-of-way width.)

Being Lots 3, 4, 5 & 6 of Section P of the Timonium Heights subdivision, as recorded in Baltimore County Plat Book #5, Folio# 82, containing 10,080 square feet (0.2314 acres), with each lot being 20' x 126' in size, for a total area of 80 feet by 126 feet.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: 7/1/93  
Posted for: Variance  
Petitioner: Thomas & Virginia Wheatley  
Location of property: 102 Washington St, Hts. 65' W of Broad Ave.  
Location of Sign: Facing No. side on property of Petitioner  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 7/16/93  
Number of Signs: 1

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Account: R-001-4180

Number: Item # 93-473

Taken: JP/CAM

Date: 6/28/93

Thomas H & Virginia S. Wheatley

#101 - Variance --- \$50.00  
#080 - Sign ----- \$35.00

\$85.00

634026043131000  
PA COPY 1214000-28-93 885.00  
Please Make Checks Payable To: Baltimore County

Cashier Validation

#473

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

JULY 9, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Thomas and Virginia Wheatley  
102 Washington Street  
Timonium, Maryland 21093

Re: CASE NUMBER: 93-468-A (Item 473)  
102 Washington Street  
1/2 Washington Street, 65' W of Broad Avenue  
8th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before July 11, 1993. The closing date (July 26, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

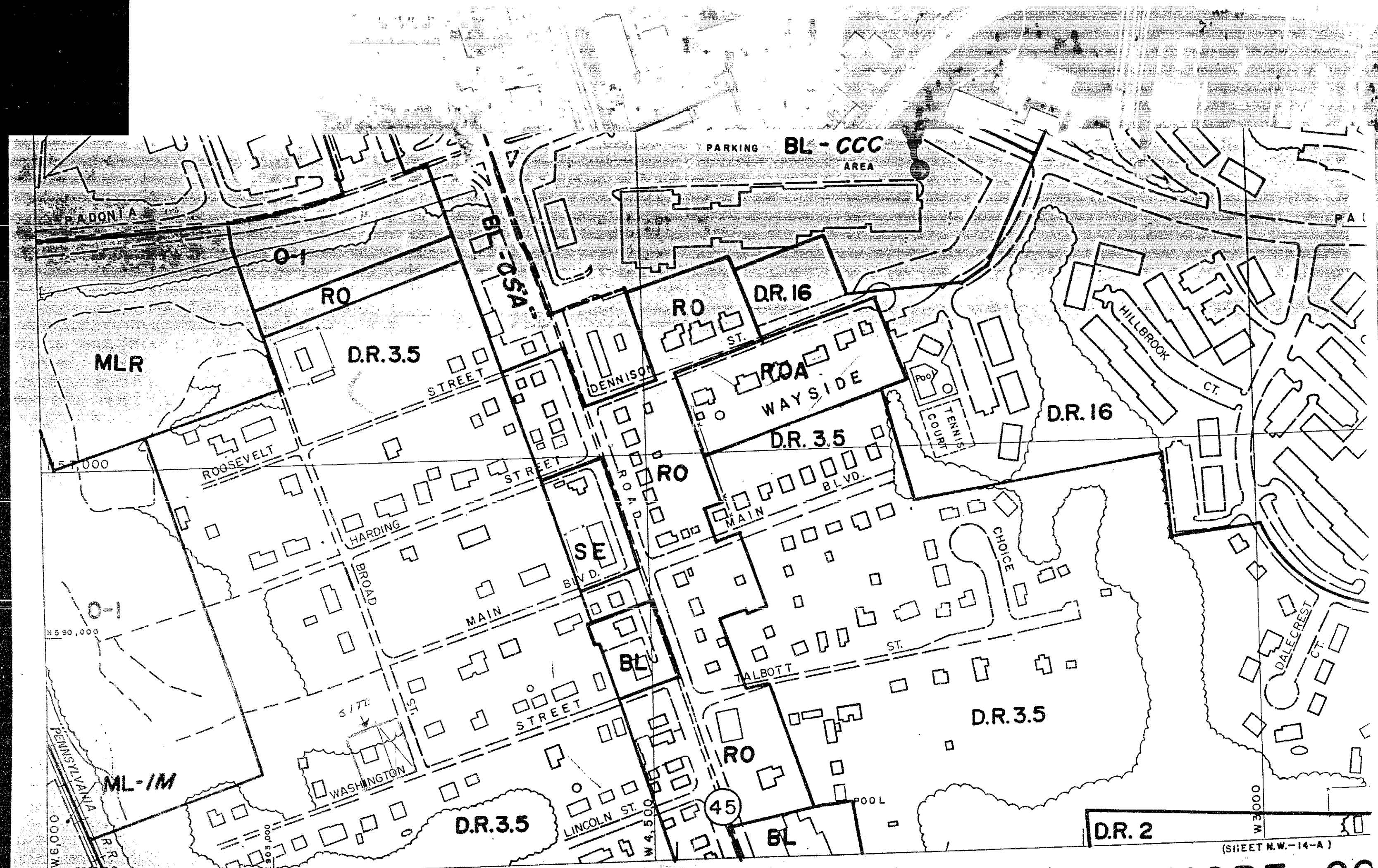
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

[Signature]

Arnold Jablon  
Director

Printed on Recycled Paper





BALTIMORE CO  
OFFICE OF PLANNING  
OFFICIAL ZONING MAP

S-NE R-NW  
V-SE U-SW

310 1/2 PROPERTY  
102 WASH ST  
TIMONIUM MD 21093  
Travis H. & Virginia S. Wheatley  
15 A / NW  
93-468-A

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
MAY 1986 BALTIMORE, MD 21210

93-468-A

SUBJECT PROPERTY  
473  
REQUEST FOR ADMINISTRATIVE VARIANCE  
FOR PROPS H & VIRGINIA S WHEATLEY  
102 WASHINGTON ST  
TIMONIUM MD 21093  
252-5584

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION PADONIA	SHEET N.W. 15-A
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401