

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S Weatherbee Road, 600' N of * ZONING COMMISSIONER
the c/l of Stevenson Road * OF BALTIMORE COUNTY
(326 Weatherbee Road) * Case No. 99-138-A
9th Election District *
4th Councilmanic District *
Albert B. Boggs, Jr., et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Albert B. Boggs, Jr., and his wife, Ruth T. Boggs. The Petitioners seek relief from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (porch) addition, with a front yard setback of 15 feet in lieu of the required 18.75 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. 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 surrounding community and should therefore be granted. In the opinion of this 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.

ORDER RECEIVED FOR FILING

Date

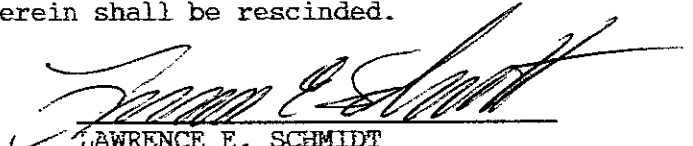
By

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 October, 1998 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (porch) addition, with a front yard setback of 15 feet in lieu of the required 18.75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 29, 1998

Mr. & Mrs. Albert B. Boggs, Jr.
326 Weatherbee Road
Towson, Maryland 21204

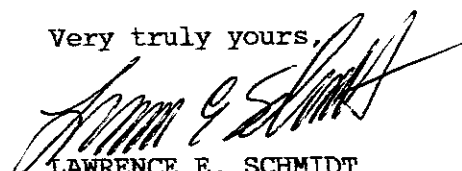
RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Weatherbee Road, 600' N of the c/l of Stevenson Road
(326 Weatherbee Road)
9th Election District - 4th Councilmanic District
Albert B. Boggs, Jr., et ux - Petitioners
Case No. 99-138-A

Dear Mr. & Mrs. Boggs:

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 Permits 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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 326 Weatherbee Road, Towson, MD 21286
which is presently zoned DR-5.5

This Petition shall be filed with the Dept. of Permits & 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 BCZR
To Permit an open projection addition (porch) with a front yard setback of 15' in lieu of the required 18.75!

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- ① Children can play on porch rather than in street.
- ② Wheel-chair bound mother-in-law can maneuver better in 10 ft. vs 6 ft.
- ③ The porch will add 570 sq. ft. of living space - much needed, as our home is only 1200 sq. ft.

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

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s).

Albert B. Boggs, Jr.
(Type or Print Name)

Signature

Ruth T. Boggs
(Type or Print Name)

Signature

326 Weatherbee Road 410-296-1988
Address Phone No

Towson, MD 21286
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: LPF DATE: 10/2/98

ESTIMATED POSTING DATE: 10/11/98



Printed with soy ink on Recycled paper

ITEM #: 138

99-138-A

ORDER RECEIVED FOR FILING

Date 10/29/98

By [Signature]

Affidavit in support of Administrative Variance

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

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

That the Affiant(s) does/do presently reside at 326 Weatherbee Road
address
Towson, MD 21286
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

- ① Children can play on porch rather than in street.
- ② Wheelchair-bound mother-in-law can maneuver better in 10ft vs 6ft.
- ③ The porch will add 570 sq.ft. of living space - much needed, as our home is only 1,200 sq.ft.

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

Albert B. Boggs, Jr.
(signature)
Albert B. Boggs, Jr.
(type or print name)



Ruth T. Boggs
(signature)
Ruth T. Boggs
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of October, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ruth T. Boggs

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 2nd 1998
date

Steven L. Andrews
NOTARY PUBLIC
Notary Public for Ruth T. Boggs.
My Commission Expires: October 1, 2002

STEVEN L. ANDREWS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 01, 2002

A-8E1-PP

Affidavit in support of Administrative Variance

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

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

That the Affiant(s) does/do presently reside at 326 Weatherbee Road
address Towson,
Baltimore, MD 21286
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

- ① Children can play on porch rather than in street.
- ② Wheelchair-bound mother-in-law can maneuver better in 10 ft. vs 6 ft.
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That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Albert B. Boggs, Jr.
(signature)
Albert B. Boggs, Jr.
(type or print name)



Ruth T. Boggs
(signature)
Ruth T. Boggs
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of October, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ruth T. Boggs

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 2, 1998
date

Steven L. Andrews
NOTARY PUBLIC
Notary Public for Ruth T. Boggs
My Commission Expires: October 1, 2002

STEVEN L. ANDREWS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 01, 2002

A-8E1-PA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 326 Weatherbee Road, Towson, MD 21286
which is presently zoned DR 55

This Petition shall be filed with the Dept. of Permits & 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) 1 B02.3.C.1 and 301.1.A BCZR
To Permit an open Projection addition (porch) with a front yard setback of 15' in lieu of the required 18.75'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- ① Children can play on porch rather than in street.
- ② Wheelchair-bound mother-in-law can maneuver better in 10 ft. vs 6 ft.
- ③ The porch will add 570 sq. ft. of living space = much needed, as our home is only 1200 sq. ft.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

Albert B. Boggs, Jr.

(Type or Print Name)

Albert B. Boggs

Signature

Ruth T. Boggs

(Type or Print Name)

Ruth T. Boggs

Signature

326 Weatherbee Road 410-296-1988

Address

Phone No

Towson, MD 21286

City

State

Zipcode

Name Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JRP

DATE: 10/21/98

ESTIMATED POSTING DATE:

10/11/98



Printed with Soy Ink on Recycled Paper

99-138-A

ITEM

138

Zoning Description for 326 Weatherbee Road,
Towson, MD 21286

Beginning at a point on the west side of Weatherbee Road which is 16 feet wide at a distance of 600 feet north of the centerline of the nearest improved intersecting street, Stevenson Lane, which is 20 feet wide.

Being Lot #2, Block 2, Section in the subdivision of Overbrook as recorded in Baltimore County Plat Book #12, Folio #76, containing 5800 square feet.

Also known as 326 Weatherbee Road and located in the 9th Election District, 4th Councilmanic District.

138

99-138-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 059234

DATE 10-2-98 ACCOUNT R-001-615-000
AMOUNT \$ 50.00

RECEIVED FROM: Albert & Ruth Boggs
FOR: 01 -- Variance ITEM # 138
326 Weatherbee Rd. Taken: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 10/05/1998 10/30/1998 10:30:40
REQ 0001 CASHIER CLERK DML 10/05/98
MISCELLANEOUS CASH RECEIPT
RECEIPT # 070952
CR 10. 00234

50.00 CHECK

Baltimore County, Maryland

99-138.A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN. VAR.

RE Case No 99-138-A

Petitioner/Developer RUTH BOGGS

410-296-1988

Date of Hearing/Closing 10/26/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #326 WEATHERBEE RD

The sign(s) were posted on

10/9/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/9/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

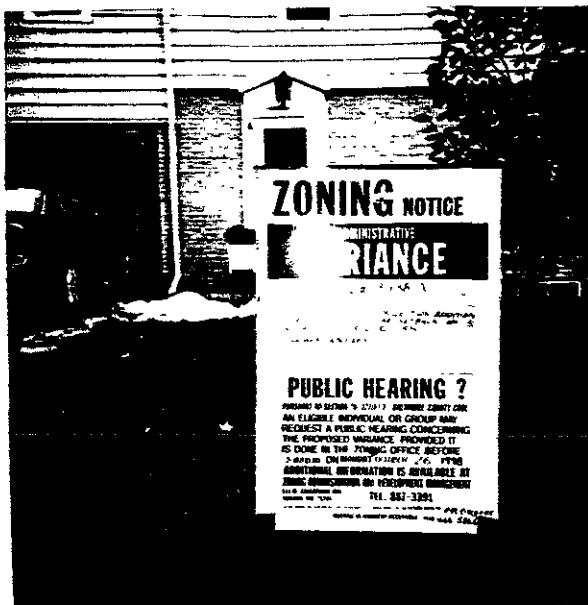
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



99-138-A
326 - WEATHERBEE RD.
RUTH BOGGS
410-296-1988 CL-10/26/98

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 138 -A Address 326 Weatherbee RoadContact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 10-2-98 Posting Date: 10-11-98 Closing Date: 10-26-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 138 -A Address 326 Weatherbee RoadPetitioner's Name Albert & Ruth Boggs Telephone 410-296-1988Posting Date: 10-11-98 Closing Date: 10-26-98Wording for Sign: To Permit an open projection addition (porch) with a
front yard setback of 15' in lieu of the required 18.75'

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

Item Number or Case Number: #138

Petitioner: Albert and Ruth Boggs

Address or Location: 326 Weatherbee Road, ~~B~~ Towson, MD
21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: Albert Boggs

Address: 326 Weatherbee Road, Towson, MD 21286

Telephone Number: 410-296-1988

Revised 2/20/98 - SCJ

99.138.A



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10.13.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 138 JRF

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: October 14, 1998

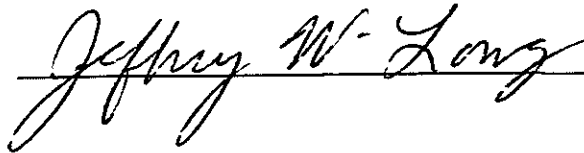
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 121, 132, 134, 137, 138 and 139

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley *10/13/98*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *10/13/98*

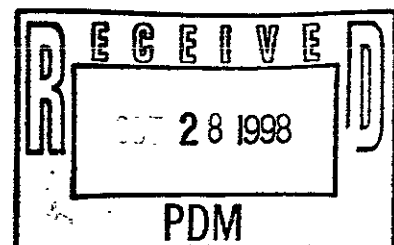
DATE: *10/26/98*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: *121*
130
131
132
135
137
138
139
98-366

RBS:sp

BRUCE2/DEPRM/TXTSBP



324 Weatherbee Road
Baltimore, MD 21286

September 28, 1998

Mr. Jun R. Fernando, Planner II
Bureau of Zoning Review
Baltimore County
Dept. of Permits & Development Mgmt.
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Fernando: */Zoning Commissioner Schmidt:*

Our home is on the south side of the Boggs' at 324 Weatherbee Road and we have lived here for over 30 years. The Boggs' have kept us fully informed during their planning process and **we have no objections to their planned wrap-around porch.** We look forward to this enhancement to our neighborhood.

Sincerely,

Birdie B. Kraus
Donald W. Kraus

Mr. and Mrs. Donald Kraus

138

99-138-A

328 Weatherbee Road
Baltimore, MD 21286

September 28, 1998

Mr. Jun R. Fernando, Planner II
Bureau of Zoning Review
Baltimore County
Dept. of Permits & Development Mgmt.
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Fernando/~~Zoning Commissioner~~ Schmidt:

Our home is on the north side of the Boggs' at 328 Weatherbee Road and we have lived here for over 30 years. The Boggs' have kept us fully informed during their planning process and **we have no objections to their planned wrap-around porch.** We look forward to this enhancement to our neighborhood.

Sincerely,

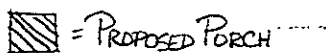
Yvonne B. Wells
Samuel K. Wells
Mr. and Mrs. Samuel Wells

138

99-138-A

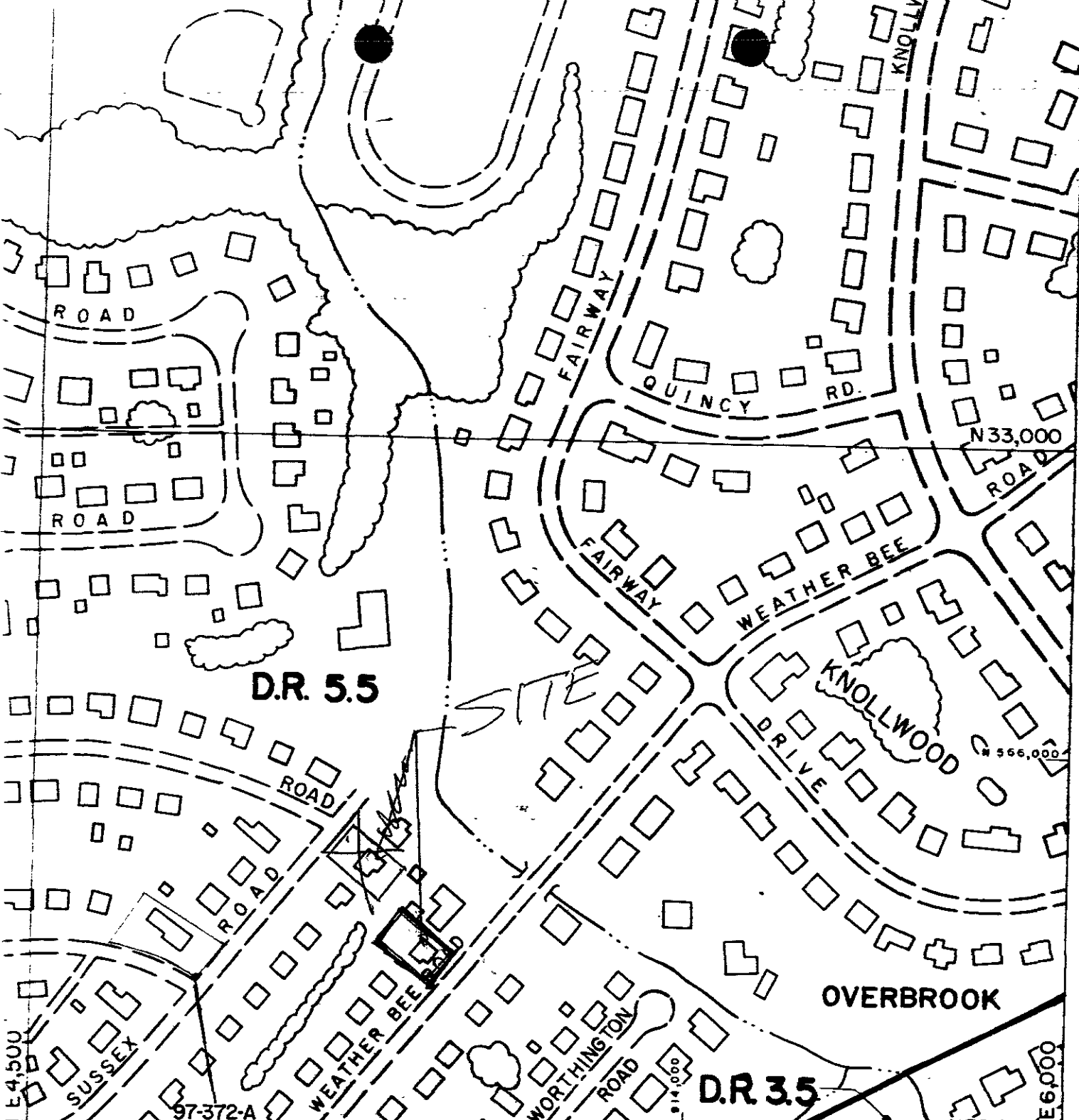
PROPERTY ADDRESS: 386 Weatherbee Road, Lusson, MD 21786 pages 5 & 6 of the CHECKLIST for additional required information

OWNER: Albert and Ruth Boggs



767 138

-15-



# 138	SCALE 1" = 200' ±	LOCATION WILTONDALE	SHEET N.E.
	DATE OF PHOTOGRAPHY JANUARY 1986	TOWSON	9-A

99-138-A

326 Weatherbee Road



Front porch will be across the front of the house.



Porch will wrap around this side (south) along this wall.

99-138-A

138



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±
LOCATION # 138
SHEET N.E. 9-A
DATE OF PHOTOGRAPHY JANUARY 1986
TOWSON
99-138-A