

IN RE: PETITION FOR VARIANCE
NE/S Bird River Grove Road, 3500'
S/E from Ebenezer Road
15th Election District
5th Councilmanic District
(11038 Bird River Grove Road)

Timothy J. & Anna M. Wellein
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-039-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Timothy & Anna Wellein. The Petitioners are requesting a variance for property they own at 11038 Bird River Grove Road. The property is zoned R.C.2 and is located in the Bird River Grove area of Baltimore County. The variance request is from Section 1A01.3B.3 to allow sideyard setbacks of 20 ft. in lieu of the required 35 ft. and a front yard setback to the street centerline of 40 ft. in lieu of the required 75 ft. and to allow an existing lot area of 0.37 acre in lieu of the minimum required 1 acre. 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 request 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 administrative variance would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, 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.

ORDER RECEIVED FOR FILING

Date

9/1/99

By

R. J. [Signature]

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). As of the date of this Order, DEPRM has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

In addition, Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee comments submitted by Robert W. Bowling, Supervisor, Bureau of Development Plans Review, dated August 16, 1999, a copy of which is attached hereto and made a part hereof.

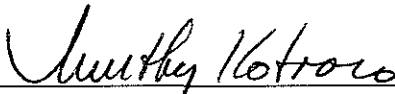
The Petitioner has submitted the elevation drawings of the house to be constructed on the property to the Office of Planning. The Planning Office reviewed the building plans and recommend approval of the variance request.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the requested administrative variance should be granted.

THEREFORE, IT IS ORDERED this 15th day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for Administrative Variance from Section 1A01.3B.3 to allow sideyard setbacks of 20 ft. in lieu of the required 35 ft. and a front yard setback to the street centerline of 40 ft. in lieu of the required 75 ft. and to allow an existing lot area of 0.37 acre in lieu of the minimum required 1 acre, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING
Date: 9/11/99
By: R. G. Gannon

- 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.
- 2) Compliance with any recommendations made by DEPRM to minimize any effect the proposed development might have on the Bay and its tributaries.
- 3) Compliance with the recommendations made by the Bureau of Development Plans Review dated August 16, 1999.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date: 9/1/99
R. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 1, 1999

Mr. & Mrs. Timothy J. Wellein
PSC 45, Box 1429
APO AE 09468

Re: Petition for Variance
Case No. 00-039-A
Property: 11038 Bird River Grove Road

Dear Mr. & Mrs. Wellein:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

cc: Joseph L. Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue
Towson, Maryland 21204

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11038 Bird River Grove Road
which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and 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) 1A01.3B.3 to allow sideyard setbacks of 20' in lieu of the required 35' and a front yard setback to the street centerline of 40' in lieu of the required 75'. *AND TO allow an existing lot area of 0.37 acre in lieu of the minimum required 1 acre.*

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print N/A
Signature N/A
Address N/A Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Timothy J. Wellein
Signature [Signature]
Name - Type or Print Anna M. Wellein
Signature [Signature]
Address PSC 45 Box 1429 410-335-4200
Telephone No. _____
City AP0 AE State 09468 Zip Code _____

Attorney For Petitioner:

Name - Type or Print N/A
Signature N/A
Company N/A
Address N/A Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name Joseph L. Larson
Spellman, Larson & Associates, Inc.
Name _____
Address 105 W. Chesapeake Avenue 410-823-3535
Telephone No. _____
City TOWSON State MD Zip Code 21204

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. DD-39-A

Reviewed By [Signature] Date 7-28-89

REV 9/15/98

Estimated Posting Date 8-8-99

ORDER RECEIVED FOR FILING
Date 9/11/99

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 11038 Bird River Grove Road
Address
Baltimore MD 21162
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):

Due to the small lot size of 11038 Bird River Grove Road a reduction in both sideyard setbacks are required to accommodate my dwelling size necessary to support the size of my family. The reduction of the front yard setback is required in order to be consistent with the front setback of my most immediate neighbor # 11034 Bird River Grove Road. An undue hardship and real practical difficulty would prevail should these variances not be granted.

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

[Signature]
Signature
Timothy J. Wellein
Name - Type or Print

[Signature]
Signature
Anna M. Wellein
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

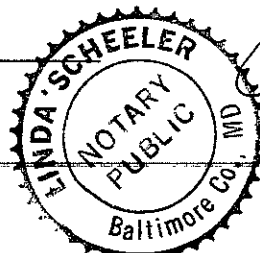
I HEREBY CERTIFY, this 29th day of July, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy J Wellein Anna M. Wellein

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

Date July 29, 1999 Notary Public [Signature]
My Commission Expires Sept 1, 2002



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 11038 Bird River Grove Road
Address
Baltimore MD 21162
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):

Due to the small lot size of 11038 Bird River Grove Road a reduction in both sideyard setbacks are required to accommodate my dwelling size necessary to support the size of my family. The reduction of the front yard setback is required in order to be consistent with the front setback of my most immediate neighbor # 11034 Bird River Grove Road. An undue hardship and real practical difficulty would prevail should these variances not be granted.

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

[Signature]
Signature

Timothy J. Wellein
Name - Type or Print

[Signature]
Signature

Anna M. Wellein
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of July, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy J. Wellein

Anna M. Wellein

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

July 29, 1999
Date

[Signature]
Notary Public

My Commission Expires Sept 1, 2002

REV 09/15/98





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11038 Bird River Grove Road
which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and 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) 1A01.3B.3 to allow sideyard setbacks of 20' in lieu of the required 35' and a front yard setback to the street centerline of 40' in lieu of the required 75'. *AND to allow an existing lot area of 0.37 acre in lieu of the minimum required 1 acre.*

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print N/A
Signature N/A
Address N/A Telephone No. _____
City N/A State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print N/A
Signature N/A
Company N/A
Address N/A Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Timothy J. Wellein
Name - Type or Print _____
Signature [Signature]
Anna M. Wellein
Name - Type or Print _____
Signature [Signature]
PSC 45 Box 1429 410-335-4200
Address _____ Telephone No. _____
APO AE 09468
City _____ State _____ Zip Code _____

Representative to be Contacted:

Joseph L. Larson
Spellman, Larson & Associates, Inc.
Name _____
105 W. Chesapeake Avenue 410-823-3535
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

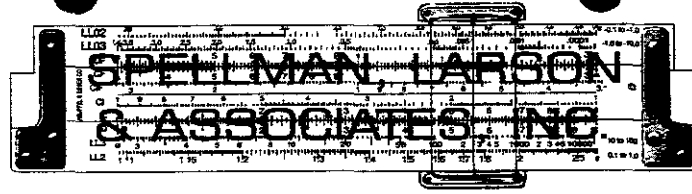
Zoning Commissioner of Baltimore County

CASE NO. 00-39-A

Reviewed By [Signature] Date 7-28-99

REV 9/15/98

Estimated Posting Date 8-8-99



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

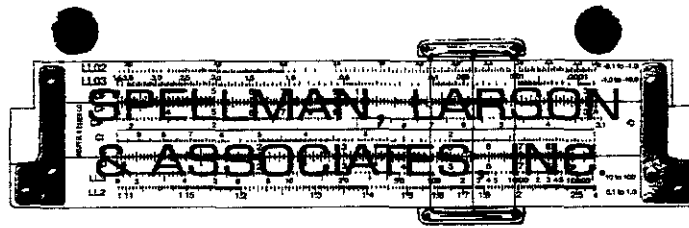
SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

DESCRIPTION FOR ZONING
NO. 11038 BIRD RIVER GROVE ROAD,
FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the northeast side of Bird River Grove Road, 26 feet wide, at the distance of 3500 feet, more or less, measured southeasterly along the northeast side of Bird River Grove Road from Ebenezer Road said point being on the dividing line between Lot No. 19 and Lot No. 20 as shown on a Plat entitled, "Amended Plat of Section B Bird River Grove Road," said Plat being recorded among the Plat Records of Baltimore County in Plat Book 13, Folio 1 running thence and binding on the northeast side of Bird River Grove Road south 84 degrees 55 minutes east 100.00 feet to the dividing line between Lot No. 18 and Lot No. 17 as shown on said Plat thence leaving the northeast side of Bird River Grove Road and running on said dividing line north 10 degrees 05 minutes east 160 feet, more or less, to Bird River and running thence and binding on the southernmost line of Bird River northwesterly 100 feet, more or less, to the dividing line between Lot No. 20 and Lot No. 19 herein

00-039-A

39



ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

SUITE 406 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535 / (410) 823-3539
FAX (410) 825-5215

DESCRIPTION FOR ZONING
NO. 11038 BIRD RIVER GROVE ROAD,
FIFTEENTH DISTRICT, BALTIMORE COUNTY, MARYLAND.

Page 2

referred to thence leaving Bird River and running on said
dividing line south 10 degrees 05 minutes west 165 feet, more
or less, to the place of beginning.

Containing 0.37 acres of land, more or less.

4/5/99



39

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case 00-39-A
No. **070470**

DATE 7-28-99 ACCOUNT R-001-6150
AMOUNT \$ 50.00

RECEIVED FROM: Spekman, Larson & Assoc

FOR: Residential Variance Filing Fee
#11038 Bird River Grove Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED 7/29/1999
TIME 13:20:31
CASHIER ISMT IXS DRUMER
5 5/8 ZONTING VERIFICATION
REF ID# 102283
PR NO. 070470
NETN
50.00
50.00
BALTIMORE COUNTY, MARYLAND

00-039-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-039-A
PETITIONER/DEVELOPER:
(Timothy J. Wellein)
DATE OF Closing
(Aug. 23, 1999)

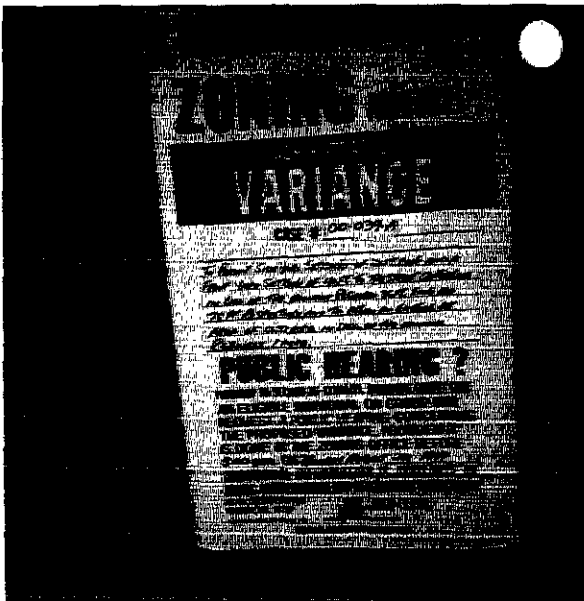
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
11038 Bird River Grove Road Baltimore, Maryland 21162_____

The sign(s) were posted on _____ 8-8-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr. 8/8/99
[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁰~~99~~ 39 -A Address 11038 Bird River Grove Rd.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-28-99 Posting Date: 8-8-99 Closing Date: 8-23-99

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

- 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.
- 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.
- 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.
- 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 FORMAT

Case Number ⁰⁰~~99~~ 39 -A Address 11038 Bird River Grove Rd.

Petitioner's Name Timothy J. Wellein Telephone (410) 335-4200

Posting Date: 8-8-99 Closing Date: 8-23-99

Wording for Sign: To Permit sideyard setbacks of 20 ft. each and a front yard setback of 40 ft. to the street centerline in lieu of the minimum required 35 ft. each & 75 ft. respectively AND to allow an existing lot area of 0.37 acre in lieu of the minimum required 1 acre.

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/neighbor 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: 00-39-A

Petitioner: Timothy J. Wellein

Address or Location: 11038 Bird River Grove Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Spellman Larson & Assoc.

Address: Suite 406, Jefferson Bldg.

105 W. Chesapeake Ave., Towson, Md, 21204

Telephone Number: (410) 823-3535



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 24, 1999

Mr. Joseph L. Larson
Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Larson:


RE: Case No.: 00-39-A
Petitioner: Mr. & Mrs. Timothy J. Wellein
Location: 11038 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 16, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item No. 039

The Bureau of Development Plans Review has reviewed the subject zoning item. Bird River Grove Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The minimum flood protection elevation is 11 feet, based on the Baltimore County Datum.

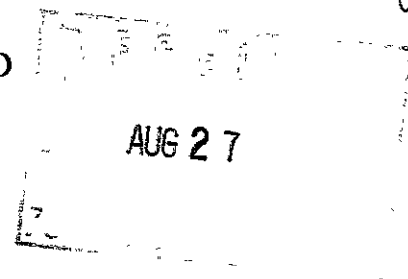
The buildings engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the flood plain area; and the permit shall be granted only after necessary permits from the State and Federal agencies have been obtained.

RWB:HJO:jrb

cc: File

ZAC08169.039

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence



DATE: August 26, 1999

TO: Lawrence E. Schmidt
Zoning Commissioner

FROM: James H. Thompson
Supervisor Code Enforcement

RE: Administrative Variance
Case No. 00-39-A
11038 Bird River Grove Road

Please be advised that while code enforcement case file No. 99-4000 is included with the administrative variance records, no active violation exist at this property, per Inspector Stuart Kelly.

If additional questions remain, please contact me at 410-887-8094.

JHT/hek

C: Joseph L. Larson, Pres., Spellman, Larson & Assoc., Inc.,
105 W. Chesapeake Ave. Suite 406, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 4, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - SK
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 039
PETITIONER: Anna M. Wellein and Timothy J. Wellein

VIOLATION CASE NO.: 99-4000

LOCATION OF VIOLATION: NE/SW Bird River Grove Road, 3500' +/- SE of
Ebenezer Road (11038 Bird River Grove Road)

DEFENDANT(S): Anna M. Wellein and Timothy J. Wellein

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

<u>NAME</u>	<u>ADDRESS</u>
Mary Zichos	11106 Bird River Grove Road Baltimore, MD 21162

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/sk/lmh

00-039-A

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: July 28, 1999
TO: Zoning Commissioner/Deputy Zoning Commissioner
FROM: John J. Sullivan, Jr.
Planner II, Zoning Review
SUBJECT: Case Number 00-039-A
11038 Bird River Grove Road

I informed Mr. Larson that this petition could not be filed administratively. However, during Mr. Larson's filing appointment, he stated that in a prior meeting with Carl Richards, it was determined that this petition could be filed administratively. When I discussed this with Mr. Richards, he couldn't exactly recall this prior meeting but upon showing him the petition site plan, he stated that as long as a portion of the existing dwelling foundation remains, then yes it could be filed as is. I informed Mr. Larson of Mr. Richard's instructions and he agreed.

JJS:scj

AV
8/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: August 13, 1999

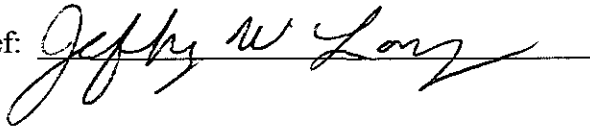
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions Item No. 039

The Office of Planning recommends approval of the subject undersized lot request (see attached) and any accompanying zoning relief pertaining to the subject property.

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:



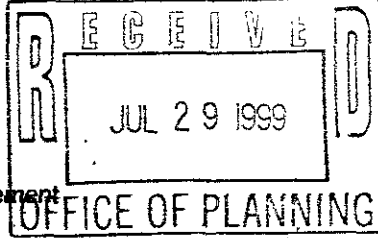
AFK/JL

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

Variance #00-39-A

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____



8/18/99

Residential Processing Fee Paid (\$50.00)
Accepted by _____
Date _____

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Joseph Larson Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue Towson, Md. 21204 (410)823-3535
Print Name of Applicant Address Telephone Number
Lot Address 11038 Bird River Grove Road Election District 15 Councilmanic District 5 Square Feet 16,250
Lot Location: NE S W side corner of Bird River Grove Road, 3500 feet from NE S W corner of Ebenezer Road
(street) (street)
Land Owner: Timothy & Anna Wellein Tax Account Number 2100013236 1523154510
Address: 11038 Bird River Grove Road 21162 Telephone Number (410) 426-9430

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	✓	
2. Permit Application		✓
3. Site Plan Property (3 copies)	✓	
Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)	✓	
4. Building Elevation Drawings	✓	
5. Photographs (please label all photos clearly) Adjoining Buildings	✓	
Surrounding Neighborhood	✓	
6. Current Zoning Classification: <u>RC-2</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

- Approval Disapproval Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: Jeffrey W. Long
for the Director, Office of Planning and Community Conservation

Date: 8/13/99

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by John Sullivan on 7-28-99 Date (A)
(name of planner)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm a current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 8-8-99 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 8-23-99 C (B-3 Work Days)

TENTATIVE DECISION DATE 8-27-99 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8. 10. 99

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

RE: Baltimore County
Item No. 039 JJS

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,

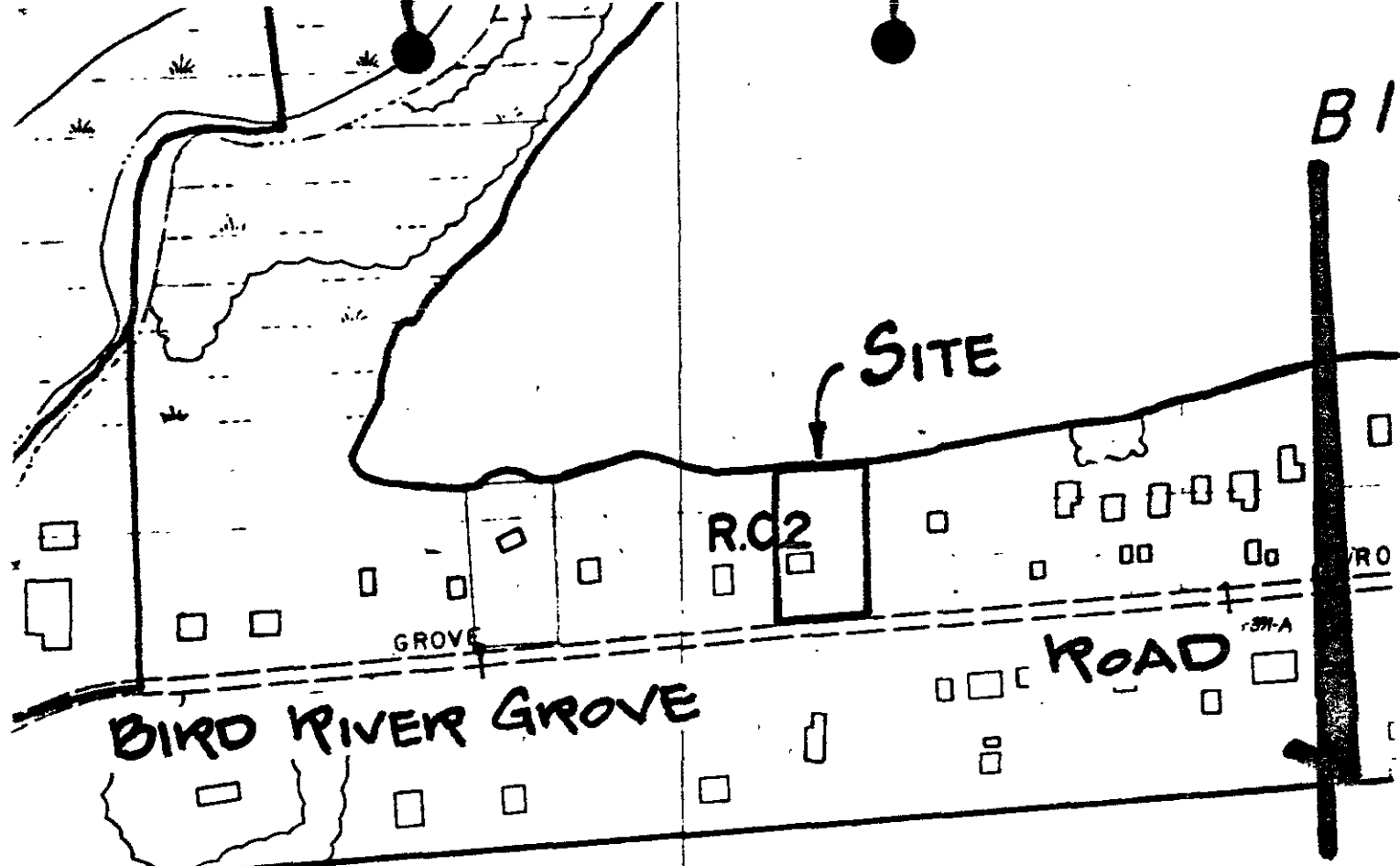
A handwritten signature in cursive script, appearing to read 'M. M. Lenhart'.

10 Michael M. Lenhart, Chief
Engineering Access Permits Division

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



R.C. 50

PART OF
1996 ZONING MAP
NE 8J
SCALE: 1" = 200'

R.C. 2

39
00-039-A

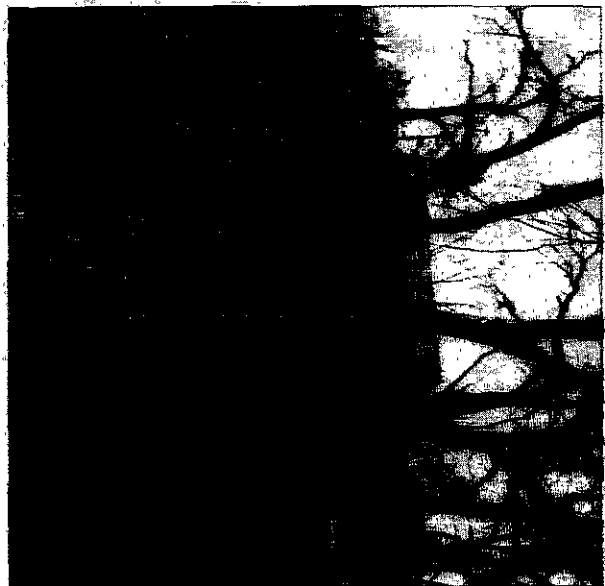
SITE

BIRD RIVER GROVE

ROAD

PART OF
AERIAL PHOTO
NE 8J
SCALE : 1"=200'

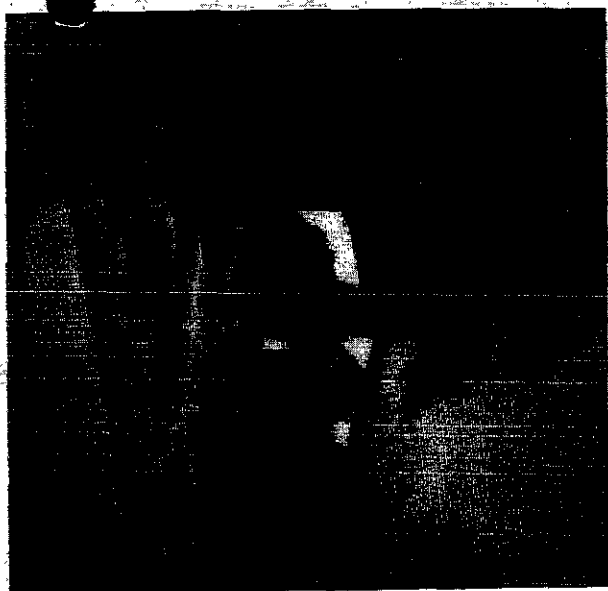
#4



#5



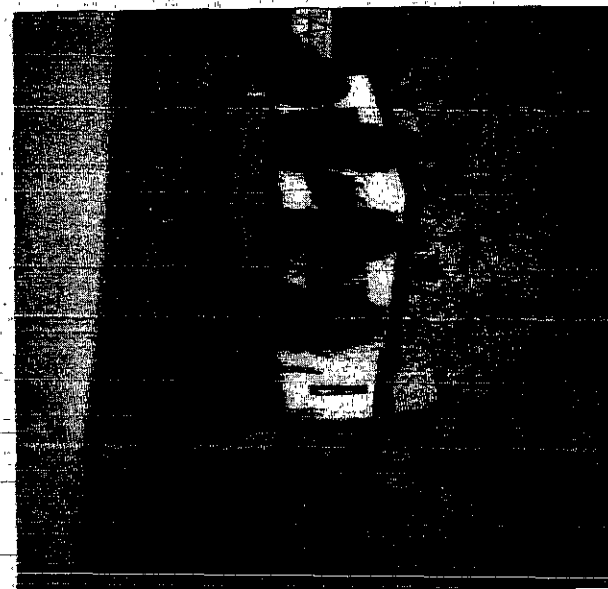
#1



#2



#3



39

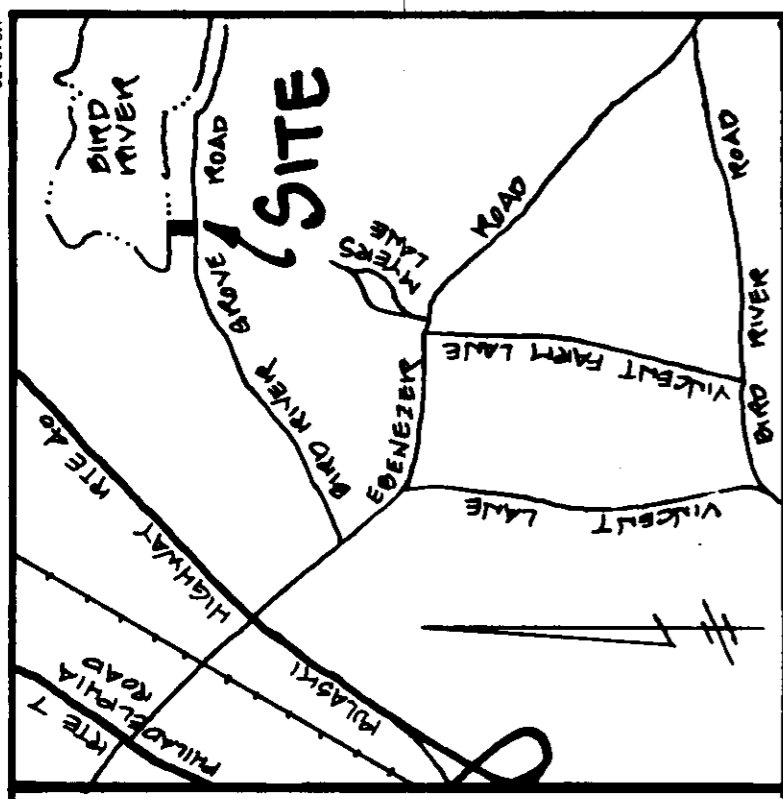
00-039-A

- GENERAL NOTES**
1. THE SUBJECT PROPERTY HAS NO ZONING CASE HISTORY.
 2. THE SUBJECT PROPERTY LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA - LDA

* REFER TO THE BUILDING CONSTRUCTION PLANS FOR THE DIMENSIONS AND DETAILS OF THE PROPOSED DWELLING.

TIMOTHY P. WELLEN
 PATRICIA A. WELLEN
 10475 / 163
 TAX ACCT. NO. 2200018659
 ZONED:
 USE: RESIDENTIAL

KENNETH M. THORSETT
 SANDRA A. THORSETT
 13101 / 188
 TAX ACCT. NO. 1522301930
 ZONED:
 USE: RESIDENTIAL



VICINITY MAP
 SCALE: 1" = 2,000'

SITE DATA

SITE AREA 0.37484 AC.
 DEED REFERENCE 10820/55 & 7985/470
 PLAT REFERENCE 13/1
 TAX ACCT. NO. 210013226 & 1522304510
 COUNCILMANIC DIST. 5
 UTILITIES WATER EXIST - PUBLIC
 SEWER EXIST - PRIVATE
 EXISTING ZONING MAPLE BJ RC-2

ADMINISTRATIVE VARIANCE PLAT

11030 BIRD RIVER GROVE RD

WELLEN PROPERTY
 LOTS 18 & 19
 AMENDED PLAT SECTION
 BIRD RIVER GROVE
 13/1

ELECTION DIST. 15 BALTIMORE CO., MD
 REV: 7/10/99 FOR ZONING COMMENTS
 DATE: APRIL 1, 1999 DRAWN BY: PHJ
 SCALE: 1" = 20' SHEET 1 OF 1

SPELLMAN, LARSON &

ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
 SUITE 408, JEFFERSON BLDG., TOWSON, MD., 21284
 PHONE: 823-3636

00-039-A

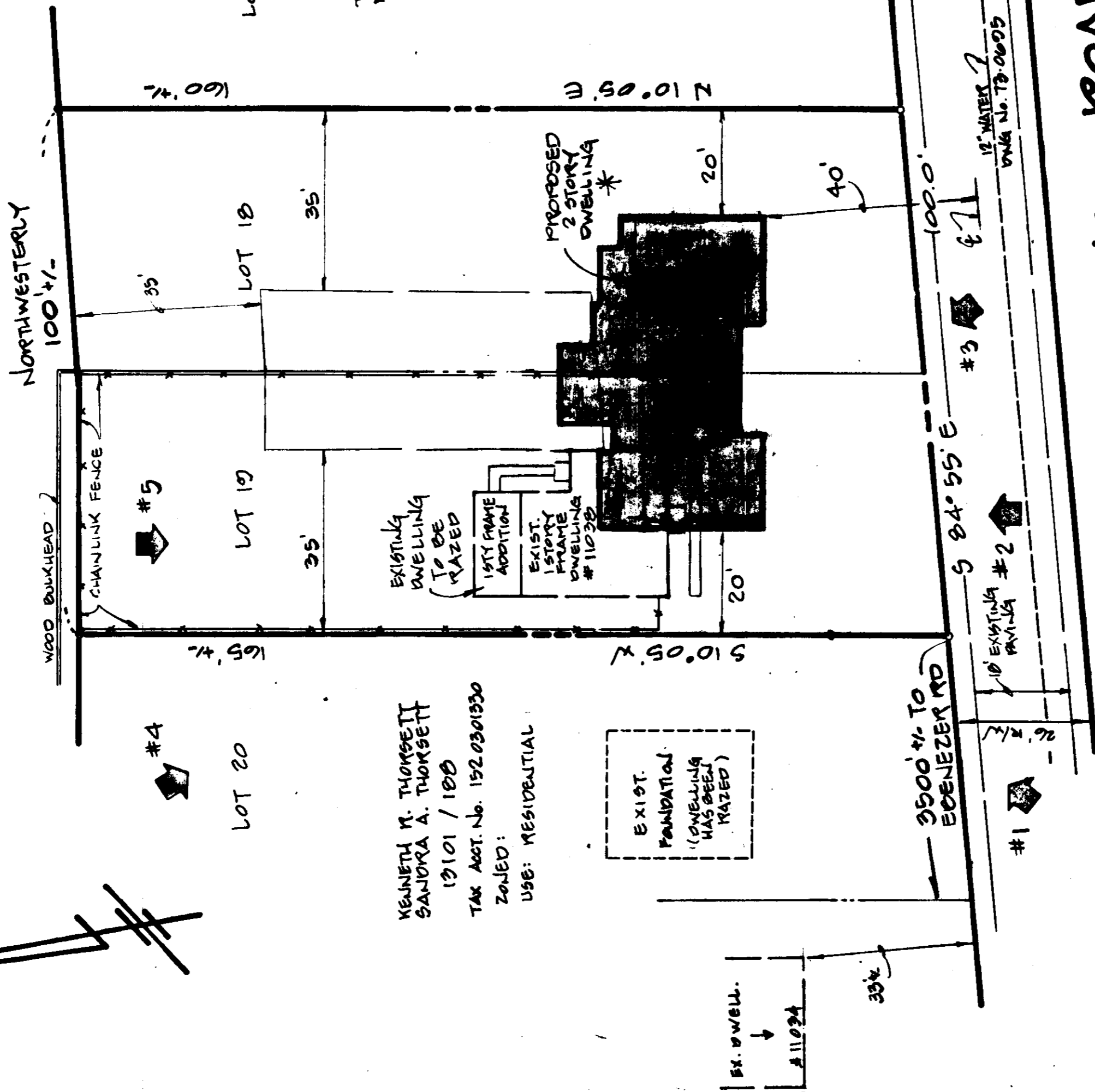
20911

OWNER
 TIMOTHY J. WELLEN
 ANNA M. WELLEN
 PSC 45 BOX 1429
 APO AE 09468
 AGENT: CHERYL WILLIAMS
 EAST CONSTRUCTION CO.
 1100 PULASKI HWY
 WHITE MARSH, MD

PET. EX. 1

BIRD RIVER

BIRD RIVER GROVE ROAD



ZONING PETITION
 THE PURPOSE OF THIS PLAT IS TO ACCOMPANY AN ADMINISTRATIVE VARIANCE PETITION TO ALLOW SIDERYARD BUILDING SETBACKS OF 20' IN LIEU OF THE REQUIRED 35' AND A FRONT YARD BUILDING SETBACK OF 40' TO THE STREET CENTER LINE IN LIEU OF THE REQUIRED 75'

NOTE:
 PHOTOGRAPH EXHIBIT: #2