

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S Somerset Avenue, S
centerline of Long Green Road E
11th Election District
6th Councilmanic District
(12008 Somerset Avenue)

Marie A. Weber
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-064-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Marie A. Weber, the legal owner of the subject property. The variance request is for property located at 12008 Somerset Avenue in the Glen Arm area of Baltimore County. The Petitioner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner having filed a Petition for Administrative 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 Petitioner has 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 variance would adversely affect the health, safety or general welfare of the public 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

9/10/02
R. J. Jenson

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

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 Deputy Zoning Commissioner for Baltimore County, this 16th day of September, 2002, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the recommendations made by the Office of Planning dated August 19, 2002
3. 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

9/16/02
S. J. J. J.



Baltimore County
Zoning Commissioner

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

September 16, 2002

Ms. Marie A. Weber
12008 Somerset Avenue
Glen Arm, Maryland 21057

Re: Petition for Administrative Variance
Case No. 03-064-A
Property: 12008 Somerset Avenue

Dear Ms. Weber:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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 Department of Permits and Development Management. 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 black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12008 SOMERSET AVE
which is presently zoned RESIDENTIAL RC-5

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) 400.1 To allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

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

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

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 9/16/02 day of September, 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.

Legal Owner(s):

MARIE A. WEBER

Name - Type or Print

Signature

Name - Type or Print

Signature

12008 SOMERSET AVE 410-602-7291 W

Address Telephone No

GLENARM, MD 21057

City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 03-064-A

REV 10/25/01

Reviewed By [Signature] Date 8-06-02

Estimated Posting Date 8-19-02

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 12008 SOMERSET AVE
Address GLEN ARM, MD 21057
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):

REASON THE ZONING REGULATIONS [SET BACK OF GARAGE]
CANNOT BE MET ON MY PROPERTY:
IS THE HARDSHIP IT WOULD PRESENT BECAUSE
OF 100' SUGAR MAPLE TREE WOULD HAVE TO
BE CUT DOWN & REMOVED IN ORDER TO SATISFY
THE ZONING REQUIREMENTS. THE TREE IS APPROX.
60 YRS OLD AND IN GOOD HEALTH.

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

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of August, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Marie A. Weber
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 10-01-02

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 12008 SOMERSET AVE
Address
GLEN ARM, MD 21057
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):

REASON THE ZONING REGULATIONS [SET BACK OF GARAGE]
CANNOT BE MET ON MY PROPERTY:

IS THE HARDSHIP IT WOULD PRESENT BECAUSE
OF 100' SUGAR MAPLE TREE WOULD HAVE TO
BE CUT DOWN & REMOVED IN ORDER TO SATISFY
THE ZONING REQUIREMENTS. THE TREE IS APPROX 60YRS OLD
AND IN GOOD HEALTH

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
/
Name - Type or Print

Marie A. Weber
Signature
MARIE A. WEBER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of August 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Marie A. Weber
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Lisa D. Stanton
Notary Public
My Commission Expires 10-01-02



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12008 SOMERSET AVE
which is presently zoned RESIDENTIAL RC-5

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) 400.1 To allow an

accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

City

State

Zip Code

Attorney For Petitioner:

12008 SOMERSET AVE 410-602-7291 W
410-592-3606 H

Address

Telephone No.

GLEN ARM, MD

21057

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 03 day of 06, 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. 03-064-A

Reviewed By [Signature] Date 8-06-02

REV 10/25/01

Estimated Posting Date 8-19-02

ZONING DESCRIPTION FOR 12008 Somerset Ave., Glen Arm, MD 21057.

Beginning at a point on the Northwest side of Somerset Road which 30' wide at the distance of 259.51' south of the centerline of the nearest improved intersecting street Glen Arm Rd. E. which is 30' wide.

Being Lot# 3 and 4, in the subdivision of ^{"Somerset"} (Plus Acct #11-19-073326) ^{Folio} as recorded in Baltimore County Plat Book#12/122, (Folio # 7758/363) containing 13,503 SF. Also known as 12008 Somerset Ave and located in the 11th Election District, 6th Councilmanic District.

064

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 064 -A Address 12008 Somerset Ave

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

Filing Date: 8-06-02 Posting Date: 8-19-02 Closing Date: 9-03-02

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 FORMAT

Case Number 03- 064 -A Address 12008 Somerset Ave

Petitioner's Name Marie A. Weber Telephone 410-602-7291 W
592-3606 H

Posting Date: 8-19-02 Closing Date: 9-03-02

Wording for Sign: To Permit an accessory structure (detached
garage) to be located in the side yard in lieu of the
required rear yard.

WCR - Revised 6/28/00

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: 03-064-A

Petitioner: Marie A. Weber

Address or Location: 12008 Somerset Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: Glen Arm, Md, 21057

Telephone Number: 410 602-7291 W

592-3406 H

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No.
03-064-A

1793

DATE 8-06-02 ACCOUNT R-001-006-6150
AMOUNT \$ 50.00

RECEIVED
FROM: MS Maria Weber

FOR: Residential Variance filing fee
for 12008 Somerset Ave. (2057)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

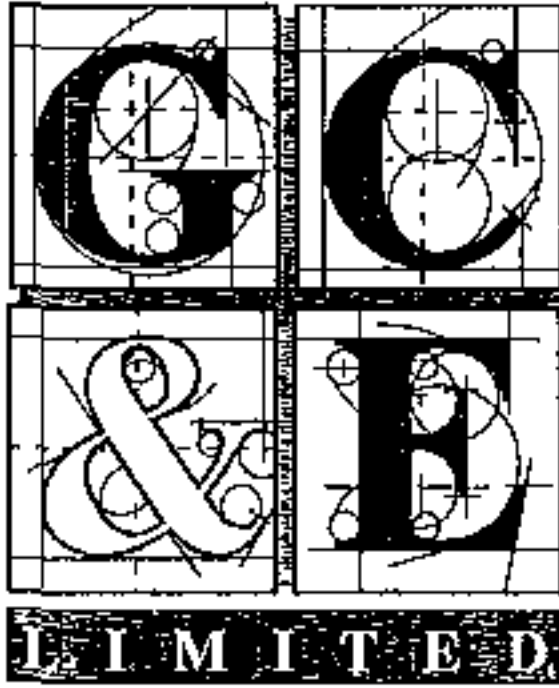
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL DATE
8/06/2002 8/06/2002 09:29:13
RECEIVED BY: MARIA WEBER
RECEIPT # 005235 8/06/2002 UFLN
DEPT 5 528 ZONING VERIFICATION
CR NO. 001793

Receipt Tot \$50.00
50.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-064-A
PETITIONER/DEVELOPER
Marie A. Weber
DATE OF HEARING
September 3, 2002

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

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

LOCATION
12008 Somerset Avenue

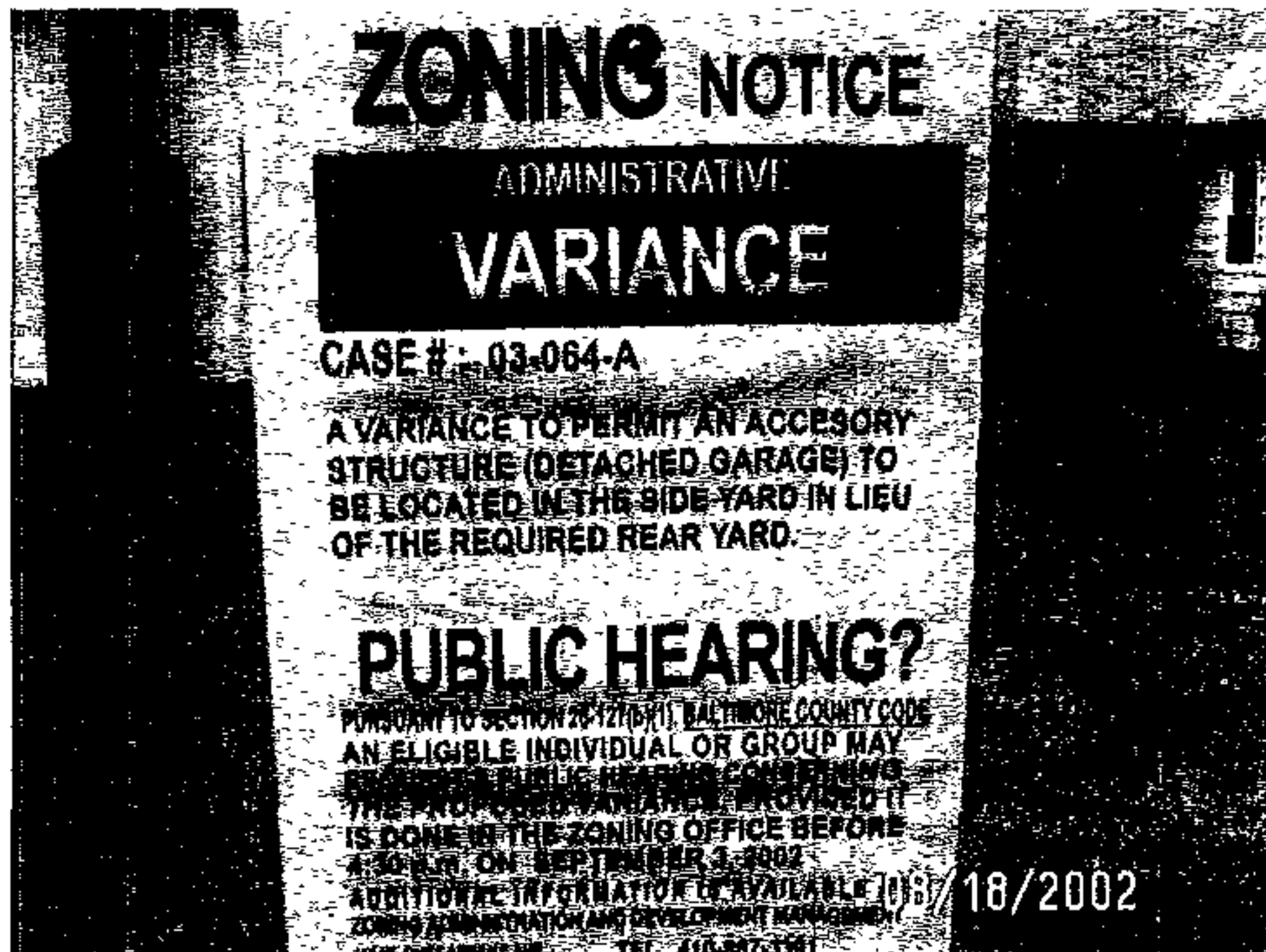
DATE

August 20, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



POSTED ON August 19, 2002



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

September 3, 2002

Marie A Weber
12008 Somerset Avenue
Glen Arm MD 21057

Dear Ms. Weber:

RE: Case Number: 03-064-A, 12008 Somerset Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 06, 2002.

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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 19, 2002

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

AUG 19 2002

SUBJECT: 12008 Somerset Avenue

INFORMATION:

Item Number: 03-064

Petitioner: Marie A. Weber

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard. However, the proposed garage should be setback so that it is on line with the front of the adjacent dwelling located at 12002 Somerset Avenue.

Prepared by:

Mark A. Cunningham

Section Chief:

John Tanham

AFK/LL:MAC:



**VIEW FROM FRONT #1
YARD - SUGAR MAPLE**



**SIDE VIEW - #2
BACKYARD**



**VIEW FROM #3
END OF YARD**



**VIEW FROM #4
STREET**



**VIEW FROM #5
STREET**



**VIEW OF SIDE #6
YARD**



**AREA OF #7
PROPOSED GARAGE**



**SIDE VIEW OF #8
BLDG. SITE**



**SIDE VIEW-2 #9
OF BLDG. SITE**



**BACK VIEW #10
OF HOUSE**

12008 SOMERSET AVE, GLENARM, MD 21057