IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Galloway Road, 318' NW
centerline of Cold Spring Road
14th Election District
6th Councilmanic District
(4802 White Marsh Road)

Deborah & Bronson Yake Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 03-433-A

\* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Deborah and Bronson Yake, legal owners of that property known as 4802 White Marsh Road in the White Marsh area of Baltimore County. The Petitioners herein seek relief from Sections 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with an 18 ft. setback in lieu of the required 22.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners 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 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 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 compliance with the B.C.Z.R. Evolution result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Description of the local property of the loc

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 Ibm day of April, 2003, that a variance from Sections 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations, to permit an open projection (deck) with an 18 ft. setback in lieu of the required 22.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate 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.

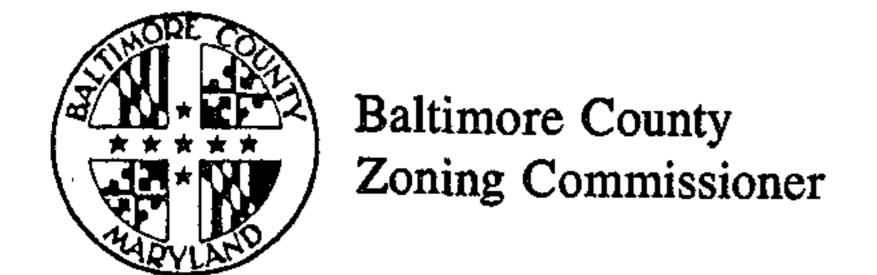
TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

CATOER THE CATOR FILINGS



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

Fax: 410-887-3468

April 16, 2003

Mr. & Mrs. Bronson T. Yake 4802 White Marsh Road Baltimore, Maryland 21237

Re: Petition for Administrative Variance

Case No. 03-433-A

Property: 4802 White Marsh Road

Dear Mr. & Mrs. Yake:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

buthy lotroco

TMK:raj Enclosure



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 4802 White Marsh Rd. which is presently zoned residential D.R.5.5

I/We do solemnly declare and affirm, under the penalties of

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) 1801.20.1.6.301 (8C#R)

TO PERMIT AN OPEN PROJECTION (DECK) WITH AN 18-FOOT SETBACK IN LIEU OF THE REQUIRED 22.5 FEET.

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.

Contract Purch	aser/Lessee:		Legal Owner(s)	) <u>:</u>	
			12	- 1640	
Name - Type or Print			Name - Type or Print	· yake	
Name - Type Of Chill			72 Type of Fillit		
Signature			Signature		<del></del>
			Deborah L.	Yake	
Address	Т:	elephone No.	Name - Type or Print	HO	
City	State	Zip Code	Signature	The	
Attorney For Pe	stitioner <sup>.</sup>	•	4802 White	Marsh Rd.	(410)663-9
Attorney I of I c	- CIEIOTIOI.		Address		Teleph
į			Baltimore	WD	2123
Name - Type or Print			City	Stat	e Z
Company	,	<u></u>	Name		<u> </u>
Address		elephone No.	Address		Telepho
ofty )	State	Zip Code	City	Stat	e Zi
this day of	ving been formally demanded a that the e County and that the property be	subject matter of reposted.	this petition be set for a pub	olic hearing, advertised,	as required by th

# 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.

competent to testify thereto in the event that a p	public hearing is schedu	iled in the future with regar	d thereto.
That the Affiant(s) does/do presently reside at	4802 White	Marsh Rd.	<u></u>
	Address	MD	21237
	Bathmore	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hards)	owing are the facts upon hip or practical difficulty	on which I/we base the red	uest for an Administrative
We request an 18 ft. setback fr	om the rear propert	y line in lieu of the req	uired 22.5
ft. for the following reasons:	_	A 1.11 1 . 1	
We have a growing family			
house has the maximum allowabl			
property being adjacent to 4910			
the "Wolf Property," which sets	back very far from the	er front property line.	iau oui on word and
home been able to have a normal	front setback, we'd	nave extra room in the re	ar yaru anu abla ta
would not require a variance. Cu	urrently, without a va	nance, we would only be	s abic to
build a deck that is 9 ft. in depth; following deck:	; nowever, with a van	ance, we propose to our	iu the
	eened porch, 8 ft. x	10 ft. open deck, stairs	
leading to the ground	d level, and a 12 x 8	shed enclosed under th	i <b>e</b>
screened porch.			
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide Signature  Bronson T. Vake  Name - Type or Print	Signa	Affiant(s) will be required ture Jake	d to pay a reposting and
STATE OF MARYLAND, COUNTY OF BALTI I HEREBY CERTIFY, this day of for Maryland, in and for the County aforesaid, p	- 1	, <u>2003</u> , before me, a	Notary Public of the Stat
the Affiant(s) herein, personally known or satis	factorily identified to me	as such Affiant(s).	<u>,                                      </u>
AS WITNESS my hand and Notarial Seal		De Auch	eadalis
	AND KRIA LIMBII	U	

Commission Expires 1, 2003

REV 10/25/01

# 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.

competent to testify thereto in the event that a	public nearing is scriedu	ned in the future with regar	a mereto.
That the Affiant(s) does/do presently reside at	4802. White	Marsh Rd.	
	Battmore	$\mathcal{M}\mathcal{D}$	21237
	City	State	Zip Code
That based upon personal knowledge, the following the landstance at the above address (indicate hards)	owing are the facts upon hip or practical difficulty)	n which I/we base the req	uest for an Administrative
. We recovered an 19 ft cathook fr	om the rear propert	v line in lieu of the reas	nired 22.5

We request an 18 ft. setback from the rear property line in lieu of the required 22.5 ft. for the following reasons:

We have a growing family and need more room for our children to play. Our house has the maximum allowable setback from the front property line (40 ft.) due to our property being adjacent to 4910 White Marsh Road, an older home that existed prior to the "Wolf Property," which sets back very far from their front property line. Had our home been able to have a normal front setback, we'd have extra room in the rear yard and would not require a variance. Currently, without a variance, we would only be able to build a deck that is 9 ft. in depth; however, with a variance, we propose to build the following deck:

14 ft. x 14 ft. screened porch, 8 ft. x 10 ft. open deck, stairs leading to the ground level, and a 12 x 8 shed enclosed under the screened porch.

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

Bronson T. Jake

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of March

of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Commission Expires

REV 10/25/01



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 4802 White Marsh Rd. which is presently zoned residential D.R.55

I/We do solemnly declare and affirm, under the penalties of

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) | Dol. 20.1.b. 301 (BCER)

TO PERMIT AN OPEN PROJECTION (DECK) WITH AN 18-FOOT SETBACK IN LIEU OF THE REQUIRED 22.5 FEET.

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.

			perjury, that I/we are to the subject of this F	the legal owner(s) of the legal owner (s) owner	he property which
Contract Purchaser/L	essee:		Legal Owner(s):		
			Bronson T.	Yake_	
Name - Type or Print			Name - Type or Print	Elle.	
Signature	<del></del> .	······································	Signature   Deboto   1	lake.	
Address	<del> </del>	Telephone No.	Name - Type or Print	Ale	
City	State	Zip Code	Signature		
Attorney For Petitione	<u>er:</u>		4802 White M	Marsh Rd. L	(ID) 663-9096 Telephone No
			Baltimore	WD	21237
Name - Type or Print			City	State	Zip Code
Signature			Representative t	to be Contacted:	
Company			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County	th	at the subject matter of	e required, it is ordered by this petition be set for a public	he Zoning Commissione hearing, advertised, as	er of Baltimore County, required by the zoning
		•			
•			Zoning Comm	nissioner of Baltimore Co	ounty
CASE NO03	-433-D	Re	viewed By D.THOMPS	SON Date 2/19	Ina
	<u> </u>			1 I	
REV 10/25/01	•	Es	timated Posting Date _	2000	

### ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 4802 White Marsh Road, Baltimore, MD 21237

Beginning at a point on the North side of White Marsh Road which is 60 feet wide at the distance of 100 feet East of the centerline of the nearest improved intersecting street, Broadbridge Road, which is 50 feet wide. Being Lot # 24 in the subdivision of "Wolf Property" as recorded in Baltimore County Plat Book # 73, Folio # 150, containing 11.7020 Acres. Also known as 4802 White Marsh Road and located in the 14th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 3 19 03 ACCOUNT OOL OOL 150

AMOUNT \$ (65.00)

RECEIVED DECORAH MAKE

FOR: ITEM # M33 03-433-A

DISTRIBUTION

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

鵩 HEINES ACTUAL 3/19/2005 11:17:58 REG 1/802 HAIL JEWN JEE >>18 CEIPY # 257623 3/19/2003 (KIN 5 528 ZONING VERIFICATION PP CR #0. 022354 Recet Tot \$65.00 65.00 CK .00 CA Baltimore County, Maryland

**CASHIER'S VALIDATION** 

\*

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 22354
DATE 3 19 03 ACCOUNT 001	20101050
AMOUNT \$ 65	. 00
RECEIVED DECORAH JAKE	
FOR: 1TEN # 433 03-435-A	·
HROD WHITE MARSH RD. 34	D-THOMPSON
DISTRIBUTION	

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

PAID RECEIPT **用別框寫** ACTUAL 服星 IIM /19/2003 3/19/2003 11:17:58 JEWI JEE REG VISO2 HATL >>RICEIPT # 259623 3/19/2003 (FLN 5 528 ZONING VERIFICATION lept CR 10. 022354 Recet Tot \$65.00 65.00 CK .00 CA Baltimore County, Maryland

CASHIER'S VALIDATION

2

## CERTIFICATE OF POSTING

		Date: 4 1 03
RE:	Case Number <u>03.433-A</u> Petitioner/Developer: <u>1AKE</u> Date of Hearing/Closing: <u>4 14 03</u>	
were	This is to certify under the penalties of perju- posted conspicuously on the property located	ry that the necessary sign(s) required by law at 4802 White MARSH RD
	The sign(s) were posted on3/30	0ろ (Month, Day, Year)
	ZONING NOTICE  VARIANCE  ASSEMBLISHMENT  LA WASSEMBLISHED TO THE SEASON OF THE SEASON	(Signature of Sign Poster)  Chaeles Merritt (Printed Name of Sign Poster)  9831 MAGLEDT ROAD (Street Address of Sign Poster)  BALTIMORE MD 21234 (City, State, Zip Code of Sign Poster)  410 665-5567 (Telephone Number of Sign Poster)

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. & MRS. BRONSON T. YAKE  Address: 4802 WHITE MARSH RD.  BALTIMORE, MD 21237
Telephone Number: 410-663-9096

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 433 -A Address 4800 WHITE MARSH RD.
Contact Person: DOKNA THOMPSON Phone Number: 410-887-3391
Filing Date: 3 19 03 Posting Date: 3 30 03 Closing Date: 4 14 03
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.
2. <u>DEADLINE:</u> 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
Diraum Arum ji Qumed Ellium
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 433 -A Address 4802 WHITE MARSH RD.
Petitioner's Name YAKE Telephone 410-663-9096
Posting Date: 3 30 03 Closing Date: 4 14 03
Nording for Sign: To Permit AN. OPEN PROJECTION (DECK) WITH AN 18-FOOT
SETBACK IN LIEU OF THE REQUIRED 22.5 FEET.



# 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

April 14, 2003

Bronson T. Yake Deborah L. Yake 4802 White Marsh Road Baltimore, MD 21237

Dear Mr. and Mrs. Yake:

RE: Case Number: 03-433-A, 4802 White Marsh Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 19, 2003.

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,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Cal Robal D

WCR:rlh

**Enclosures** 

c: People's Counsel



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 4.1.03

Baltimore County

Item No. 433

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

towson, mary land 2120-

Dear. Ms. Hart:

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.

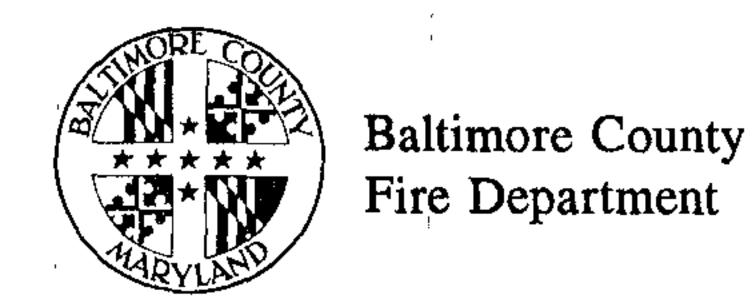
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1-

L. J. Hall

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 April 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.:

431 438, 441 - 444

Dear Ms. Hart:

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

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**TO:** 

Arnold Jablon, Director

**DATE:** April 7, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-433 - Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

RECEIVED

APR 9 2003

Section Chief:

AFK/LL:MAC

ZONING COMMISSIONER

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 21, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

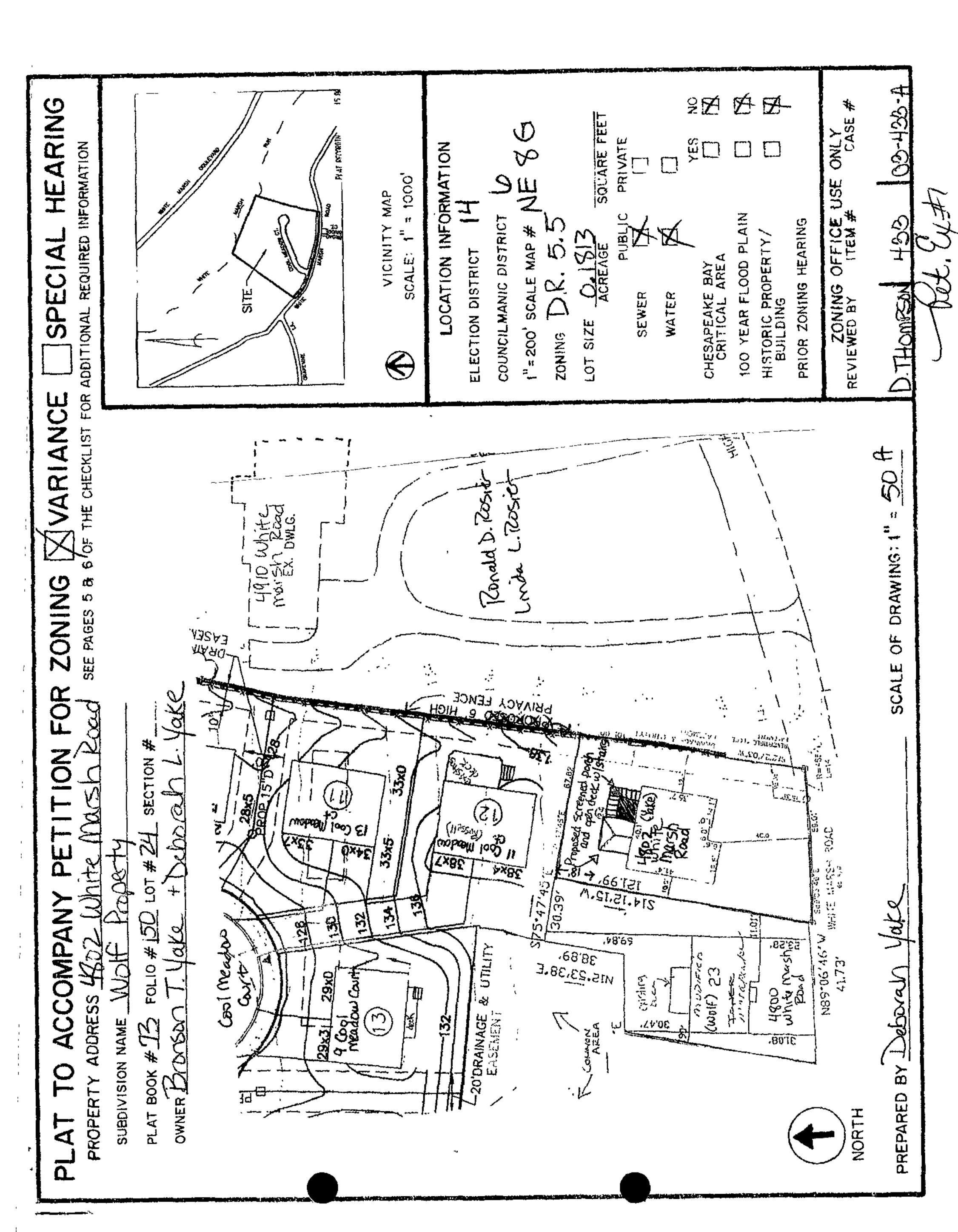
For April 7, 2003 Item Nos. 431, 432, 433, 435, 436, 437, 438, 439, 440, 441, 442, 443,

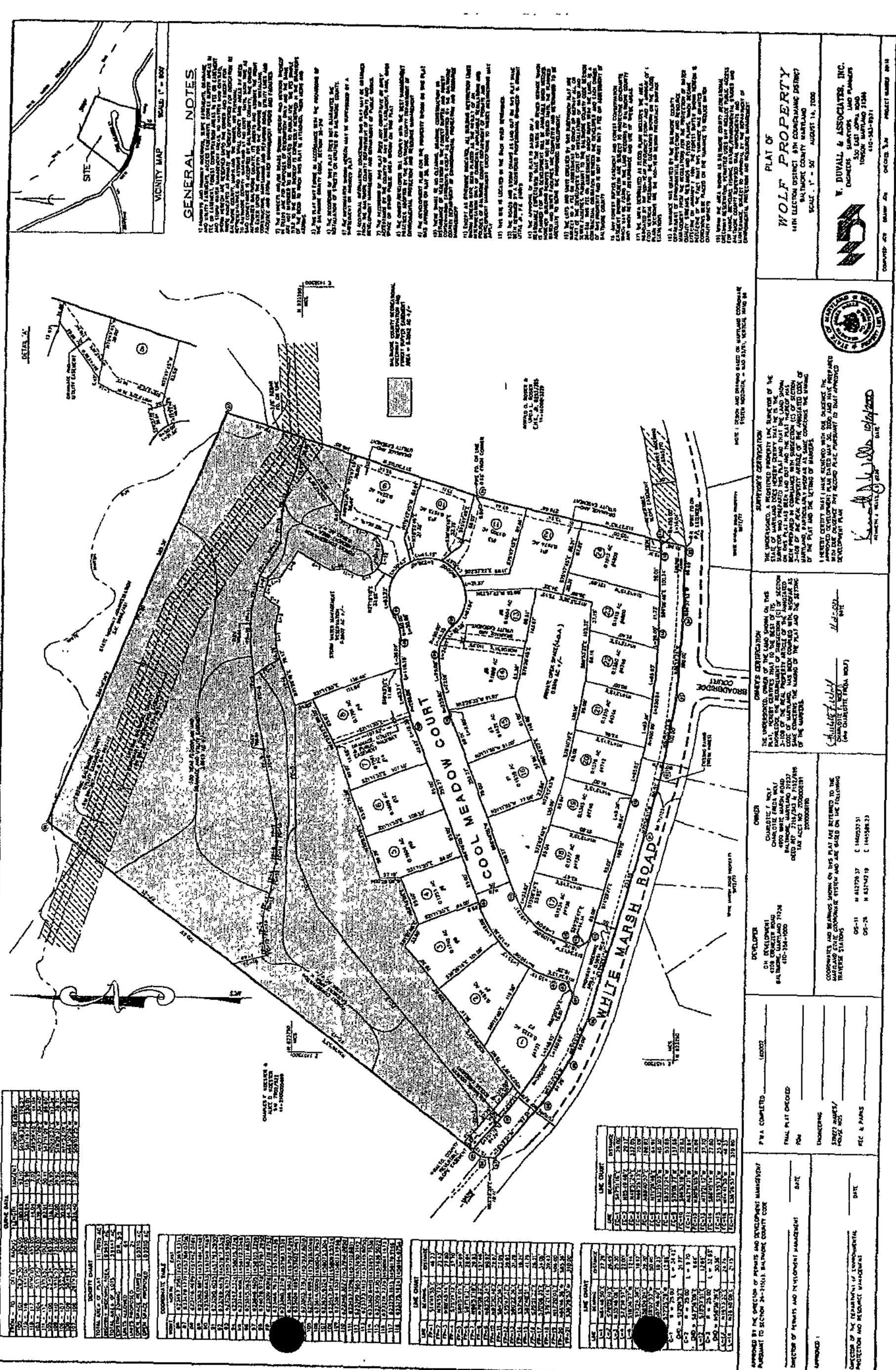
and 444

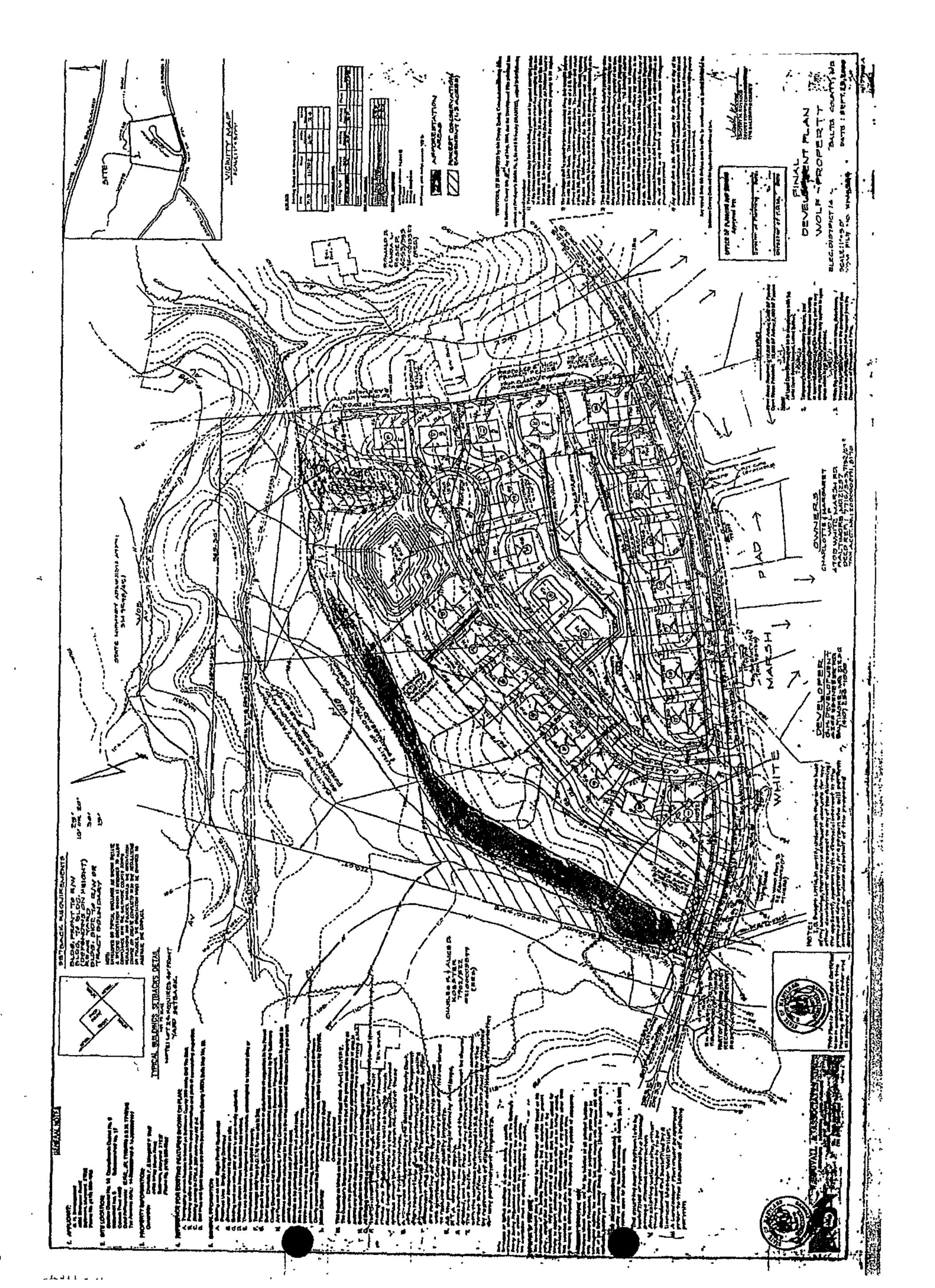
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

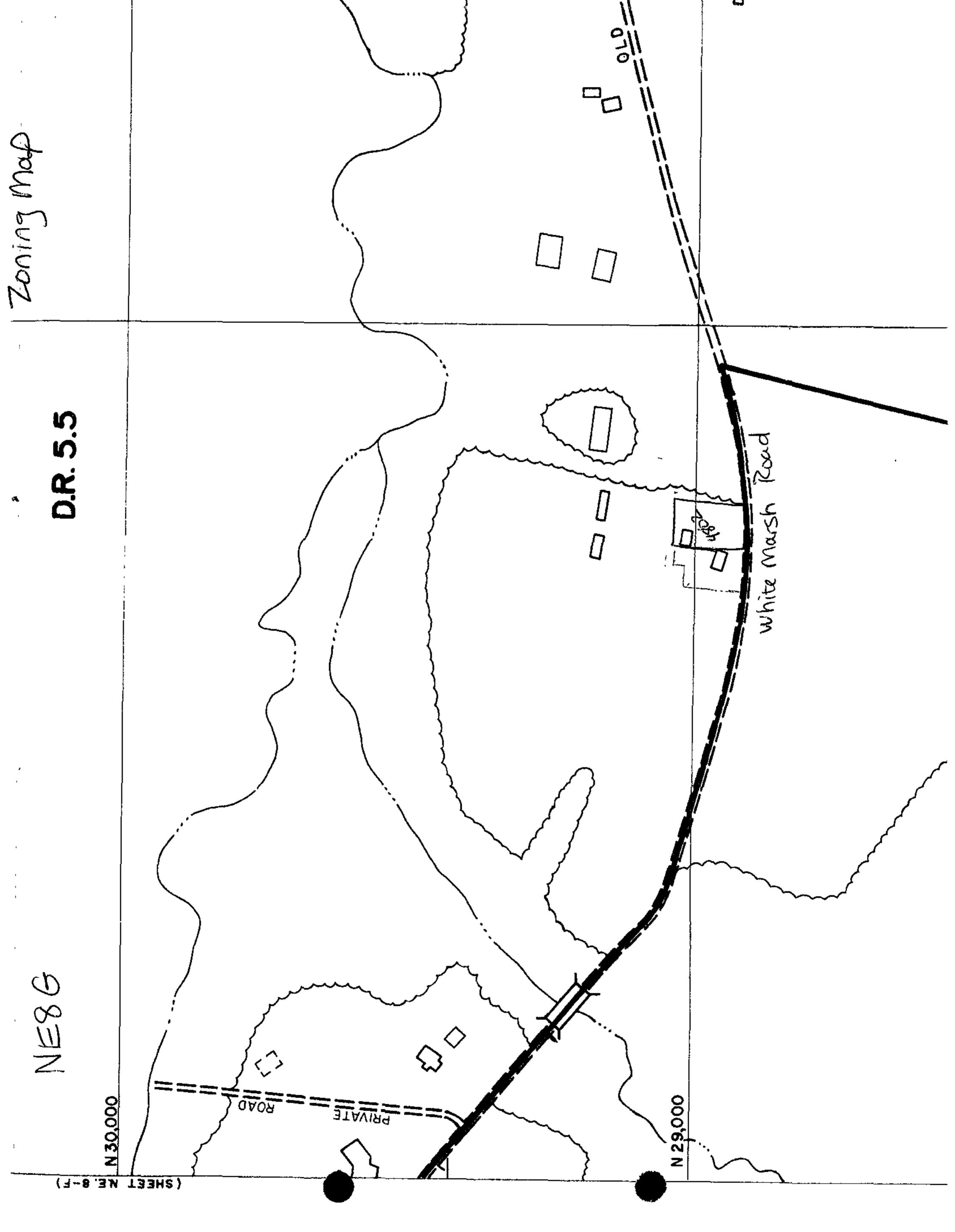
RWB:CEN:jrb

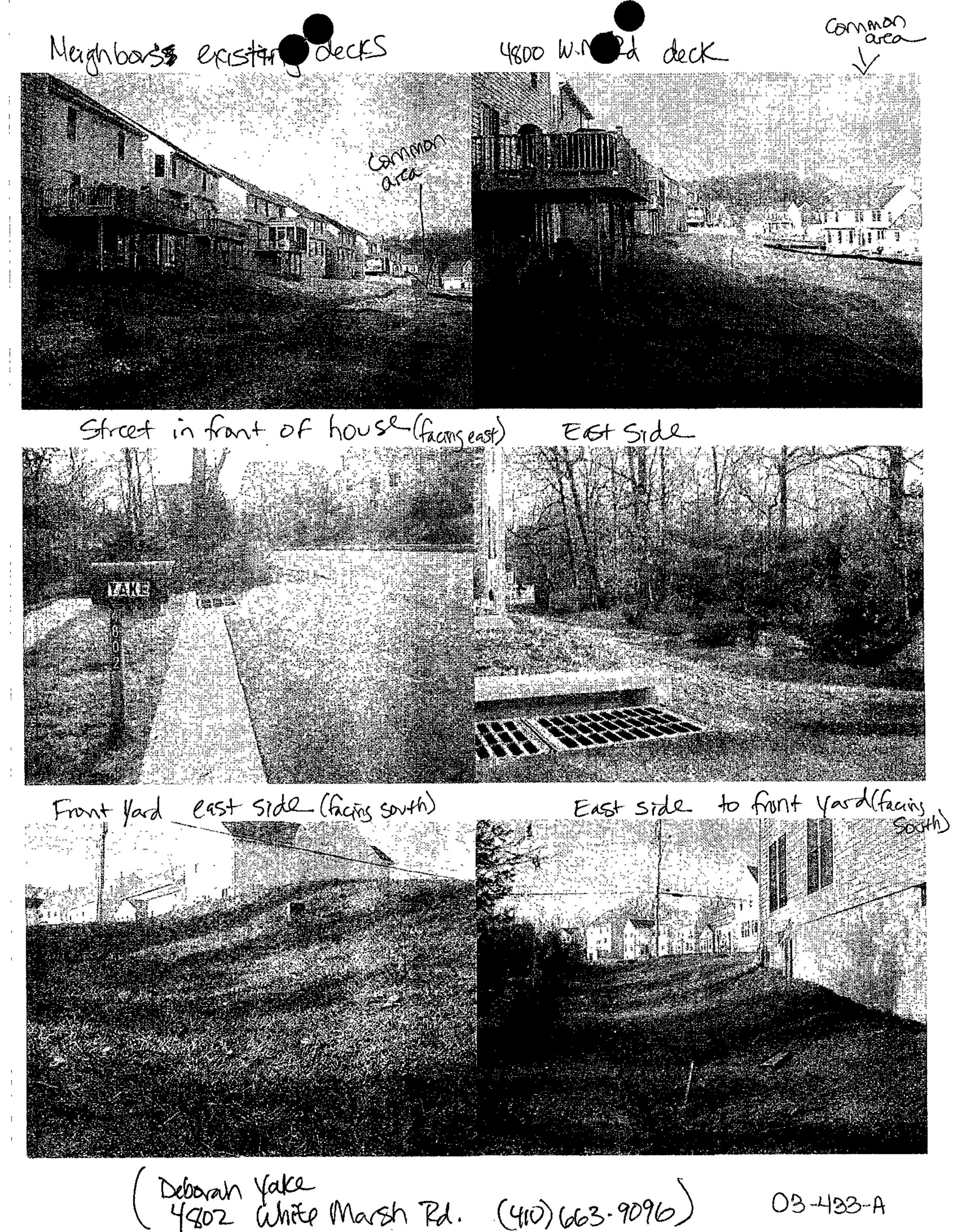
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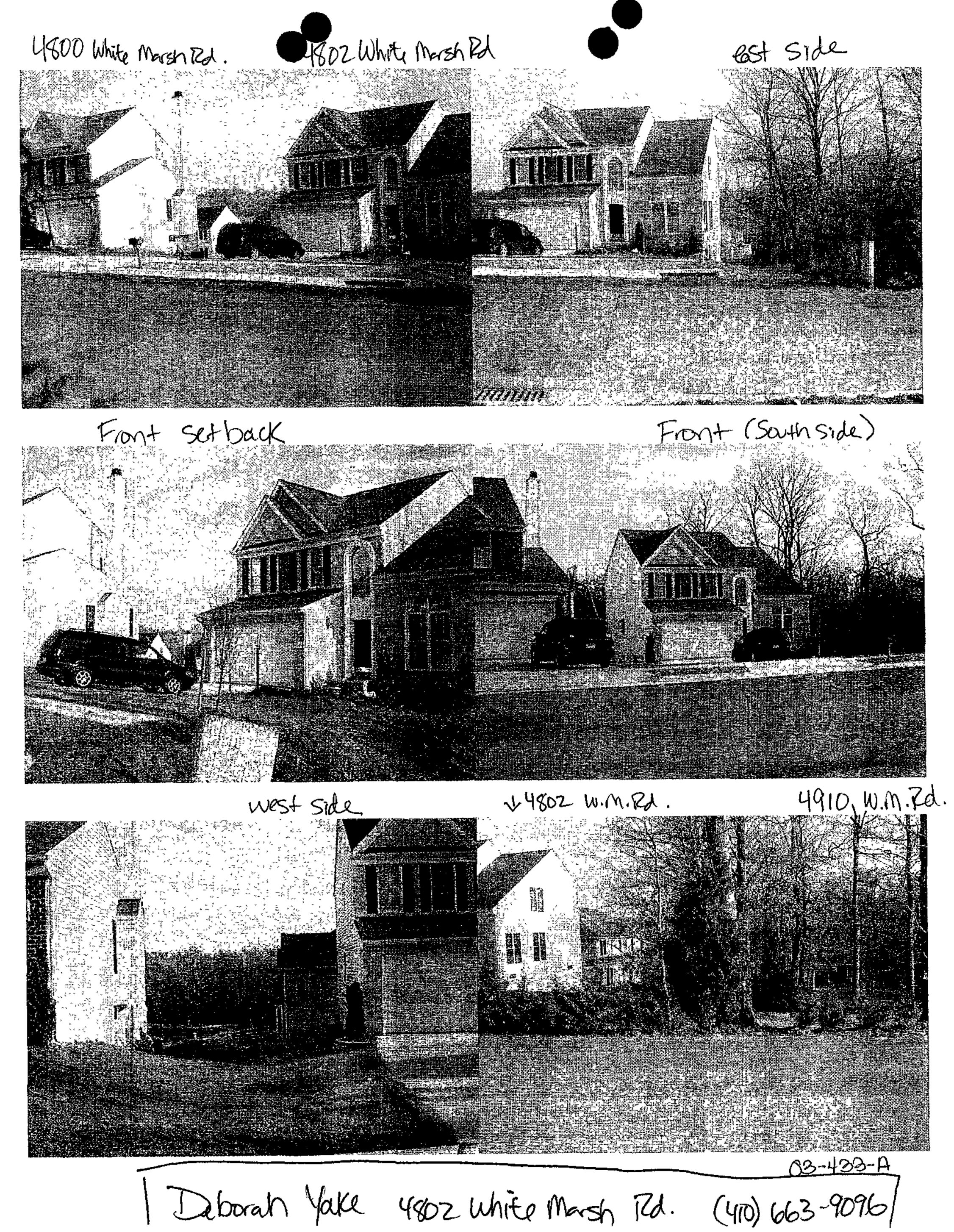


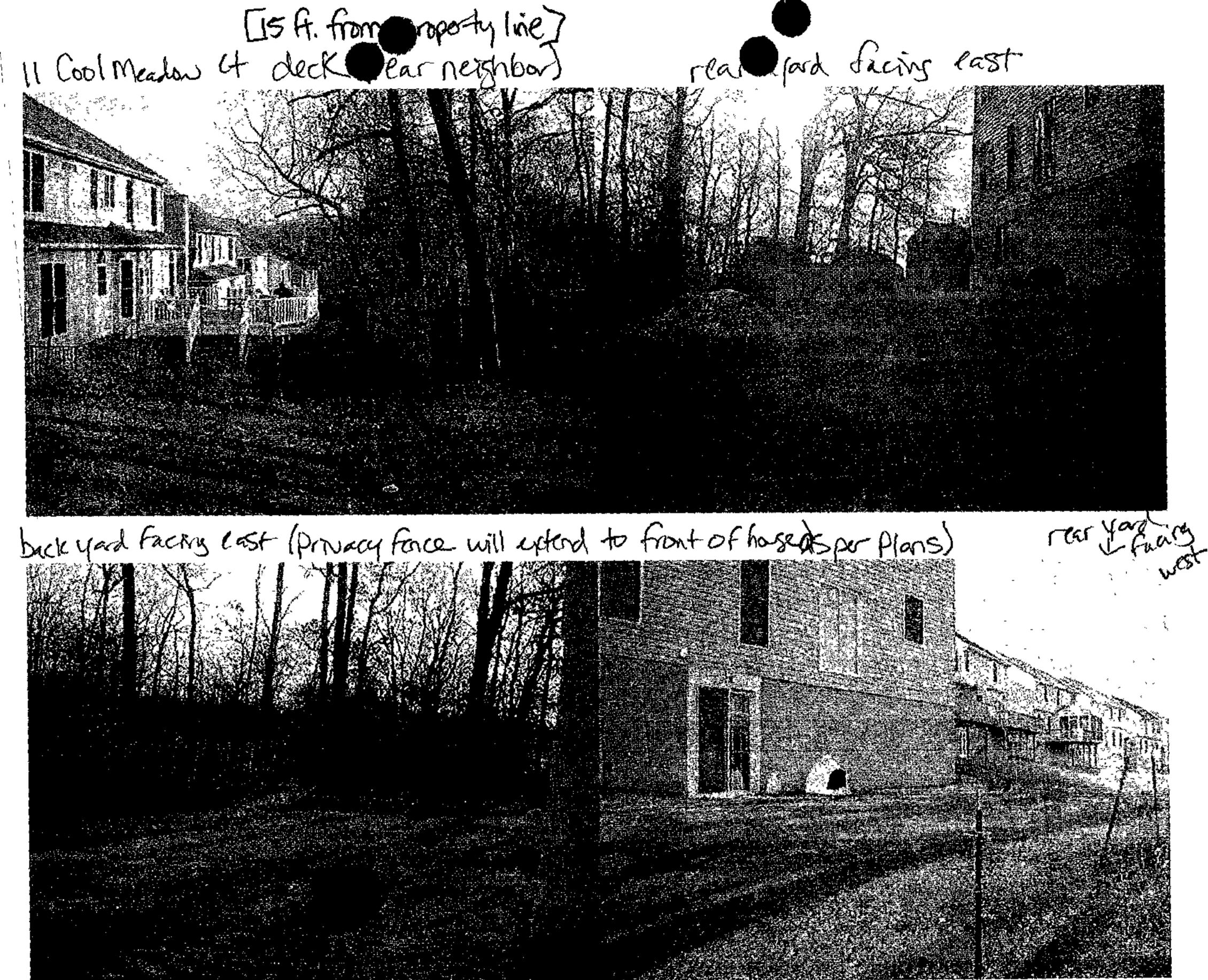


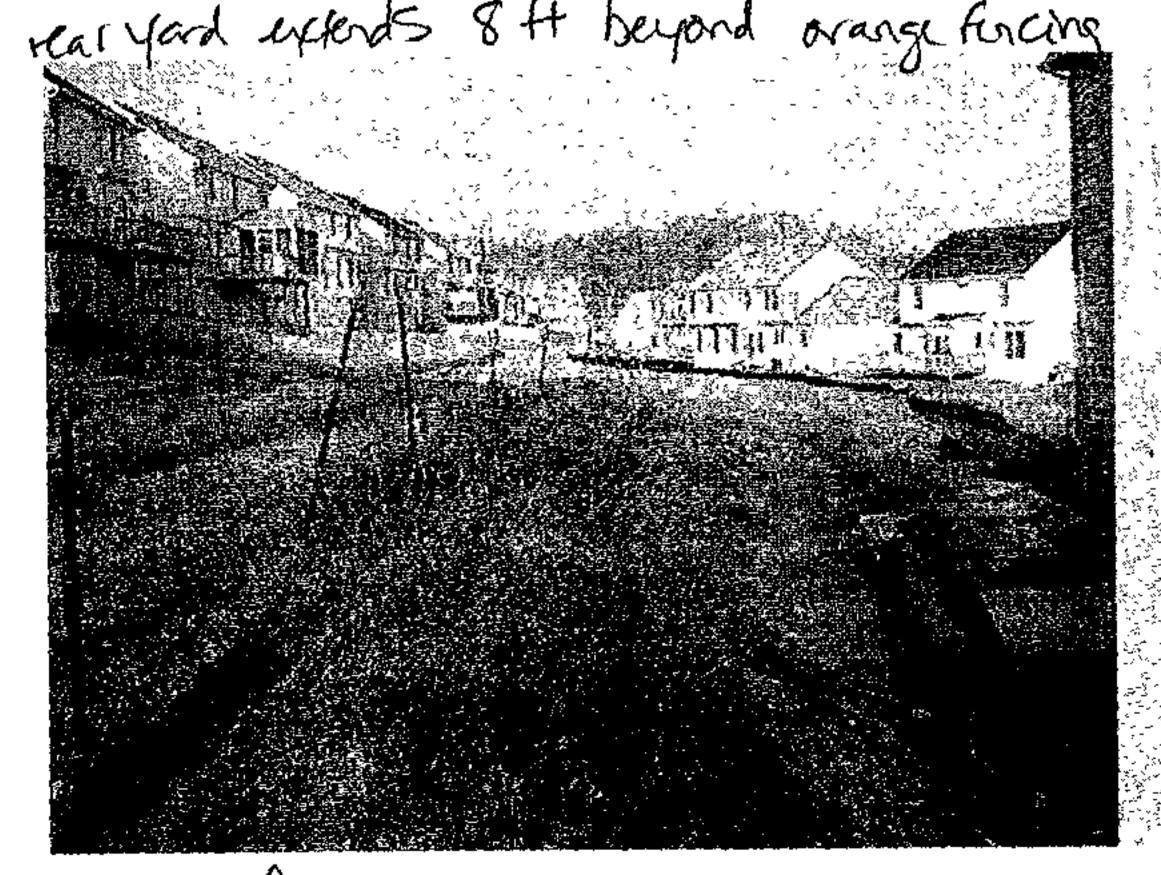














rear yard facing west Deborah Yake 4802 White Marsh Rd. (410)663-9096)