IN RE: PETITION FOR ADMIN. VARIANCE
N/S White Marsh Road, 155' E
Centerline of Cool Meadow Court
14th Election District
6th Councilmanic District
(4740 White Marsh Road)

Linda M. & Paul Holmes

Petitioners

BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

k CASE NO. 03-547-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Variance filed by Linda M. and Paul Holmes, legal owners of that property known as 4740 White Marsh Road in the eastern area of Baltimore County. The Petitioners herein seek relief from Sections 1B01.C.1.b and 504.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open deck to be within 20 ft. of the rear property line in lieu of the required 22.5 ft. and to amend the Final Development Plan of the "Wolf Property". 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 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.

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.

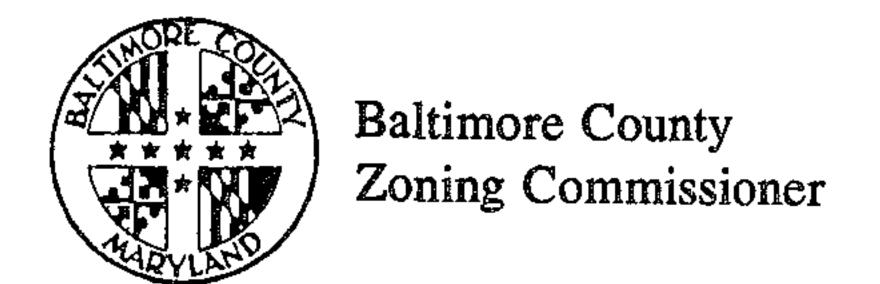
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of June, 2003, that a variance from Sections 1B01.C.1.b and 504.2 of the Comprehensive Manual of Development Policies (C.M.D.P.) and Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open deck to be within 20 ft. of the rear property line in lieu of the required 22.5 ft. and to amend the Final Development Plan of the "Wolf Property", 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

June 18, 2003

Mr. & Mrs. Paul Holmes 4740 White Marsh Road Baltimore, Maryland 21237

> Re: Petition for Administrative Variance Case No. 03-547-A Property: 4740 White Marsh Road

Dear Mr. & Mrs. Holmes:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



Petition for Administrative Variance of Amena THE FOR OF THE WOLF PROPERTY County

for the property located at	4740	WHITE	MARSH	Rd.
which is	presently:	$zoned _{\mathcal{D}}$	R3.5	

f	or the property k	ocated at <u>47</u>	40 WHITE	MARSH RO
		which is prese	ently zoned \underline{D}	23.5
This Petition shall be filed with the owner(s) of the property situate in Balt made a part hereof, hereby petition for	imore County and which a Variance from Secti	ch is described in the ion(s)	description and plat att	tached hereto and
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of the zoning regulations of Baltimore of this petition form	County, to the zoning I	aw of Baltimore Coun	ty, for the reasons indi	cated on the back
Property is to be posted and advertised, or we, agree to pay expenses of above \egulations and restrictions of Baltimore Co	Variance, advertising, no:	sting etc. and further ac	ree to and are to be bou imore County.	nded by the zoning
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Contract Purchaser/Lessee:		Legal Owner(s	·	
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ignature		Signature	Y	
ddress	Telephone No.	Name - Type or Print	netchell It	
ity	Zip Code	Signature 7	with the	TRES
ttorney For Petitioner:		4790 Wh.	<u> </u>	710-661-4656 Telephone No.
arne - Type or Print		City Baldimore	State	Zip Code
gnature	<u></u>	<u>Representative</u>	to be Contacted:	
ompany		Name	SAME.	 \
dress	Telephone No.	Address		Telephone No
State	Zip Code	City	State	Zip Code
Public Hearing having been formally demais day of gulations of Baltimore County and that the property	inal the subject matter of ti	required, it is ordered by his petition be set for a pub	the Zoning Commissioner lic hearing, advertised, as re	of Baltimore County, equired by the zoning
	^	Zonina Com	missioner of Baltimore Cou	ritv
ASE NO. 03-54	7 H	iowed By		

REV 10/25/01

Estimated Posting Date 5.25.03

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 nearing is schedu	ied in the future with reg	jard thereto.
That the Affiant(s) does/do presently reside at	4740 White	Marsh Ad	······································
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That based upon personal knowledge, the followariance at the above address (indicate hardsh	wing are the facts upo ip or practical difficulty)	n which I/we base the r	_
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5. Area beyond rear set	buck is private	open space.	
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Land Holme	<u>L</u>	inda Mitch	ell Holmes
Signature Holmes	Signat L	inda Mitcl	rea - Holms
Name - Type or Print		- Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	_		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	May ersonally appeared	_, <u>2003</u> , before me,	a Notary Public of the State
Paul Holmes	·		Holmes.
the Affiant(s) herein, personally known or satisfa	actorily identified to me	as such Amant(s).	
AS WITNESS my hand and Notarial Seal			
	Notary Public	eni (Sen
	My Commissi	, /	12/04

REV 10/25/01

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	4740 White	March Rd	
	Be It i unone	State	2 (237 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hards)	owing are the facts upon hip or practical difficulty)	on which I/we base the	e request for an Administrative
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1. Other subdivision proportios	have existing s	imular structur	es m place.
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3. Structure would provide	ascess from	the main l	iving area to the rec
of our property.			
5. Area beyond rear sul	back is priv	whe open 8 pa	<u>e</u>
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide		Affiant(s) will be red	uired to pay a reposting and
En & Denne			rell Holmes
Signature Paul Holmes	Signa		chell- Holmes
Name - Type or Print	Name	- Type or Print	
STATE OF MARYLAND, COUNTY OF BALTI			
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	May ersonally appeared	, <i>2003</i> , before m	e, a Notary Public of the State
the Affiant(s) herein, personally known or satisf	actorily identified to me	as such Affiant(s).	Holmes
AS WITNESS my hand and Notarial Seal			
AC TITITECO MY MANA ANA MOTANA OCA). O. C.	Sen
	Notary Public	/	112/14
	My Commiss	ion ⊏xpires <i>(//</i>	10/01

REV 10/25/01



Company

Address

City

Petition for Administrative Variance frame of the Forest County

	-
for the proper	ety located at 4740 WHITE MARSH K
	which is presently zoned 083.5
owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from PEAND 301.1 (BCZQ) TO PENTINE 20ft. of The REGIOURED 22.5 ft AND WOLF PROPERTY	Permits and Development Management. The undersigned, legal distribution is described in the description and plat attached hereto and Section(s) 1802. C.1.6. \$ 504.2 (LEMOP) (BLZR) FRMIT AN OPEN DELK TO BE WHAT AR PROPERTY LINE IN LIEM OF THE TO AMEND THE FOP of THE
Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above Variance, advertisin regulations and restrictions of Baltimore County adopted purs	ng, posting, etc. and further agree to and are to be bounded by the zoning suant 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
Contract Purchaser/Lessee:	is the subject of this Petition. Legal Owner(s):
Name - Type or Print	Names Type or Print Oliver
Signature	Signature Linda Mitchell- Holmon
Address Telephone No	
City State Zip Code	Signature Signature
Attorney For Petitioner:	4740 White Marsh Rd 410-661-465-6 Address Telephone No
Name - Type or Print	Bildinge Mg 21237 City State Zip Code
Signature	Representative to be Contacted:

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.

Telephone No.

State

Zip Code

Name

Address

City

Telephone No

Zip Code

State

,	Zoning Commissioner of Baltimore County
CASE NO	Reviewed By CM Date5-26.0
REV 10/25/01	Estimated Posting Date

20 ving DESCRIPTION FOR 4740 WHITE MARSH RD.

BEGINNING AT A POINT ON THE NORTH

SIDE OF WHITEMARS & RD., WHICH IS

SOFT WIDE AT A DISTANCE OF 155 FT.

EAST OF THE CENTERLINE OF THE

NEAREST IMPROVED INTERSECTION STREET,

COOL MEADOW COURT, WHICH IS SOFT

WIDE.

LOT 19 of WOLF PROPERTY.

P.B. 73/150

CONTAINE: 1365 ACRES

E.D. 14TH

C.D. LE

54)

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	DATE 5.16.03 ACCOUNT CCI-		SERVEYS ACTUAL THE STATE OF THE
·	RECEIVED P. 1-2 Con CS		TOTAL SERVICE STATION OF STATION
	FOR: ADUAL 65. AMELIFOP FOR	WARFSH.	Bulliage Country Horrigan
	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	RE: Case No.: 03-547-A
	Petitioner/Developer: PAUL HOLM
	Date of Hearing/Closing: 6/9/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties posted conspicuously on the property loca	of perjury that the necessary sign(s) required by law were ted at:
	+5 MARSH RD
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The sign(s) were posted on	5/24/03 (Month, Day, Year)
	Sincerely,
	1-141
	5/20/2
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
EULE HARNE	Dundalk, Maryland 21222
	(City, State, Zip Code)
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	(410) 282-7940
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

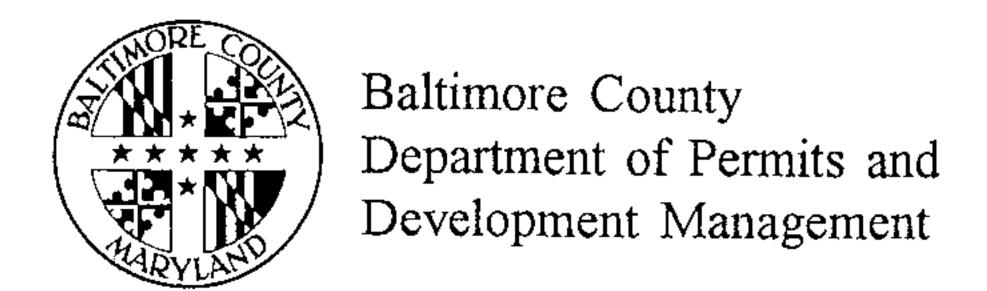
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 Advertisi	ng:
Item Number or Case Nun	ber:
Petitioner: PAUL	HOLMES
	740 WHITEMARSHRd. BALTO., Md. 2123
PLEASE FORWARD ADV	ERTISING BILL TO:
Name:	
Address:	



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

June 9, 2003

Paul Holmes Linda Mitchell Holmes 4740 White Marsh Road Baltimore, MD 21237

Dear Mr. and Mrs. Holmes:

RE: Case Number: 03-547-A Comments, 4740 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 Mary 16, 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

The state of the s

WCR:klm

Enclosures

c: People's Counsel



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

County Office Building, Room 111 [ail Stop #1105]
11 West Chesapeake Avenue owson, Maryland 21204

May 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 27, 2003

[tem No.:

544, 547-551

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 incorrected into the final plans for the loperty.

The Fit warehal's Uffice in no comments at this time.

LIEUTENANT JIM MF .ICK Fire Marshal's C.fice PHONE 887-4881 MS-1102F

cc: File

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.2.03

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

RE: Baltimore County

Item No. 547 (scm)

Dear Ms. Hart:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 1507. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.27.03

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

RE: Baltimore County Item No. 547

JCM

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,

fu

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 11, 2003

Department of Permits and

Development Management

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUN 1 2 2003

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-547- 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:

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 30, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 2, 2003

Item Nos. 544, 545, 546, 547, 548, 549, and 551

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

RWB:CEN:jrb

cc: File

nda Holmes 4740 White Marsh Rd. Baltimore, Maryland 21237



May 9, 2003

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Dear Sir or Madam:

I am applying for an Administrative Variance due to the practical difficulty of compliance to the existing BCZR. I am seeking relief to construct an open deck measuring 26' by 12' with stairs attached to the rear of my home at 4740 White Marsh Rd. The improved property formally known as lot 19 has a rear set back of thirty-two feet and is located in the Wolf Meadows development. There are only twenty-four housing units in the development and to my knowledge three other home owners have in recent months applied for and have received administrative variances to construct decks similar to the one I have proposed on their properties. They are the Wolfs at 4800 White Marsh, the Yakes at 4802 White Marsh and the Russells at Cool Meadow Court. Each of them as well as the Keys of 4742 White Marsh and Novak in 4738, neighbors who are adjacent to my site, have stated that they would supply written proof that they approve of this addition.

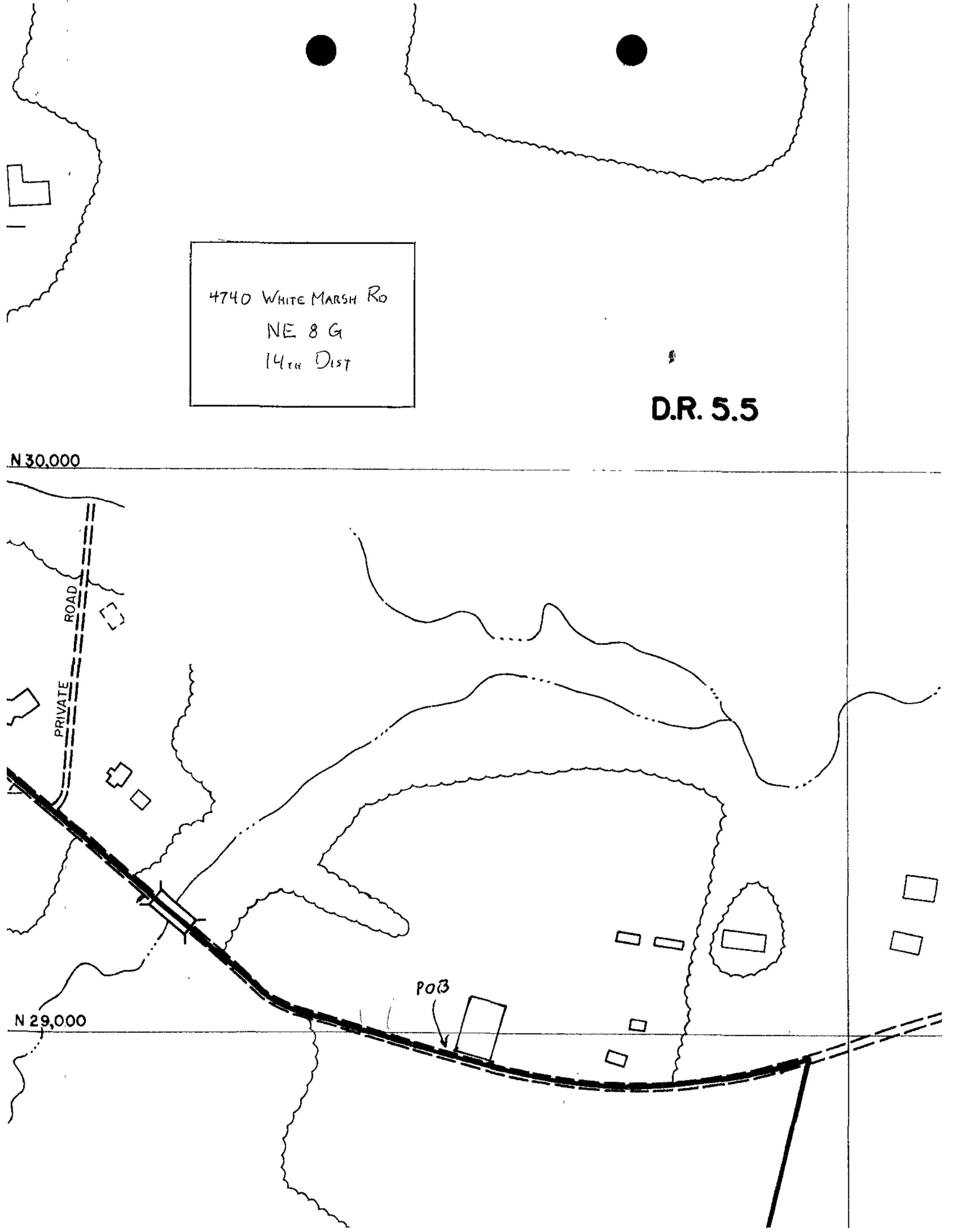
My reasons for such a request are as follows:

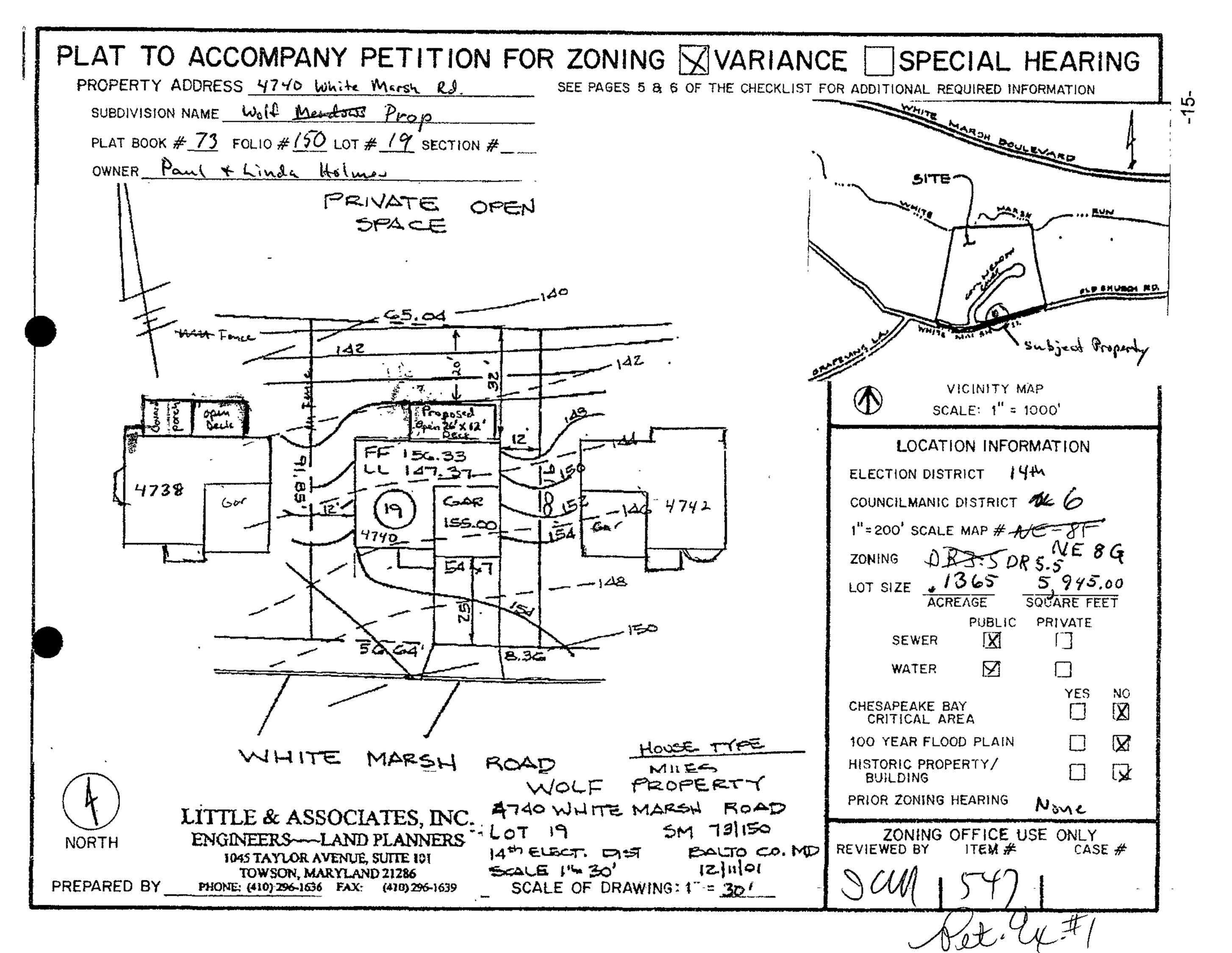
- I am a high school athletic administrator and my wife and I both coach at that level. We frequently entertain our athletes, their parents and the members of my coaching staff who are our business associates.
- This structure would provide my two children and three grandchildren with a safe place to relax or play.
- Most importantly, this structure would provide access from the main level of our home to the rear of our property.
- Finally, this structure would be viewed as an encumbrance since the area beyond the rear set back is a planned open space.

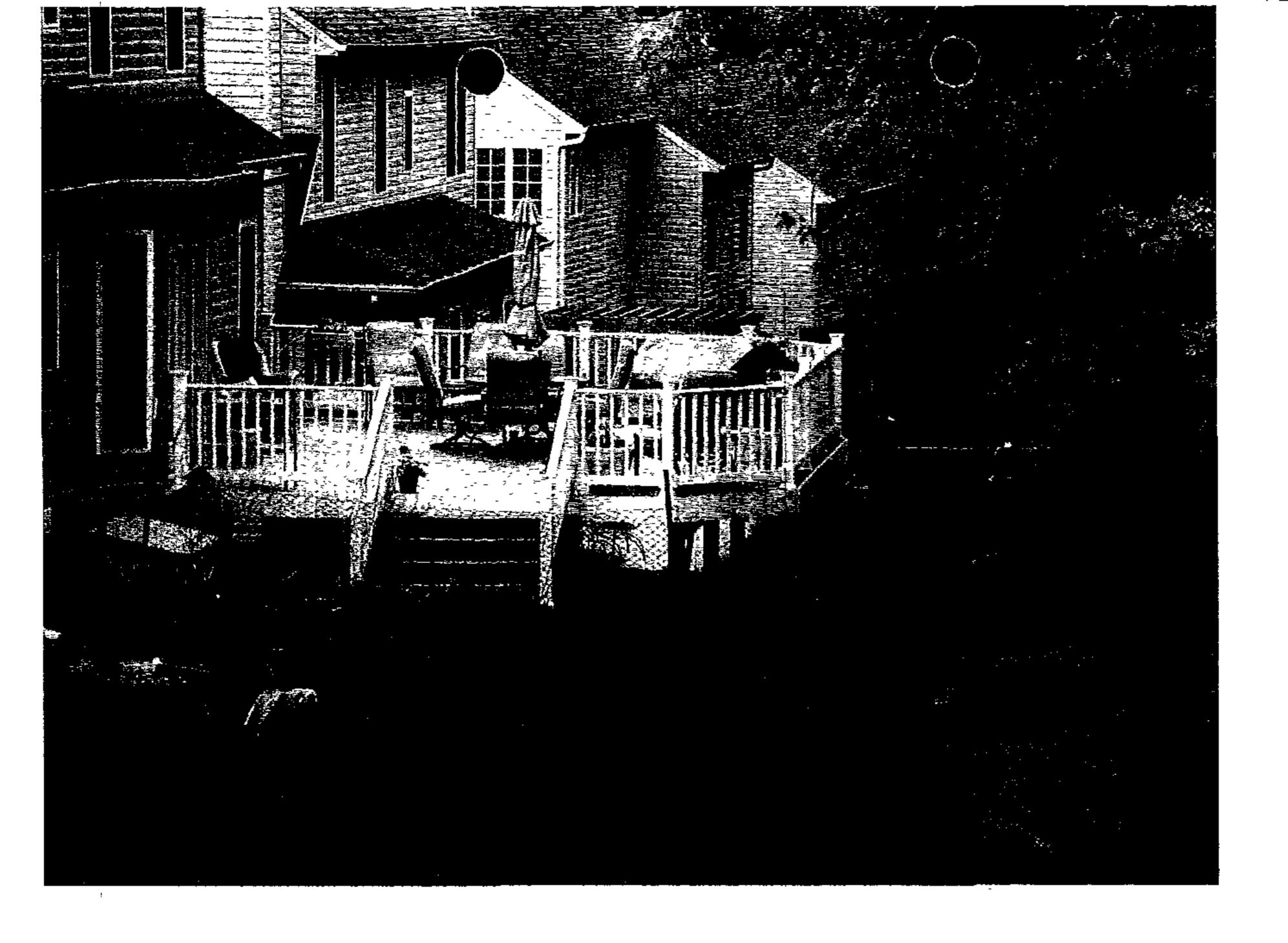
Private

Sincerely,

Paul Holmes Home Owner







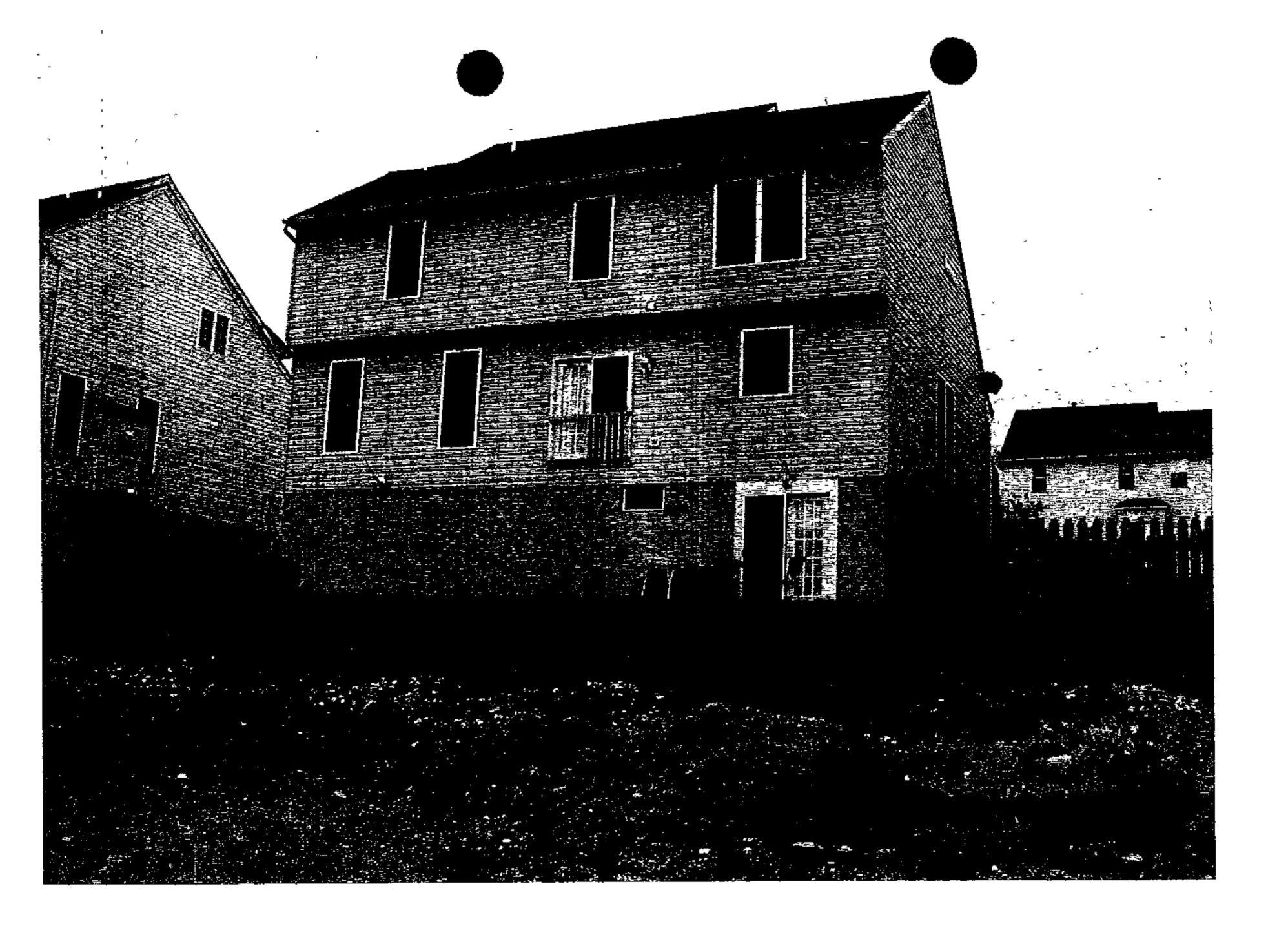
547

Russell residence 19 Cool Meadow Ct. (rear view 20' x 24' open deck)



547

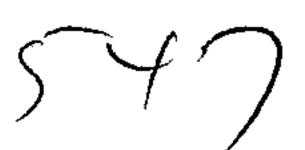
Wolf residence 4800 White Marsh Rd. (rear view 12' x 20' open deck)





Holmes residence 4740 White Marsh Rd. (rear view)



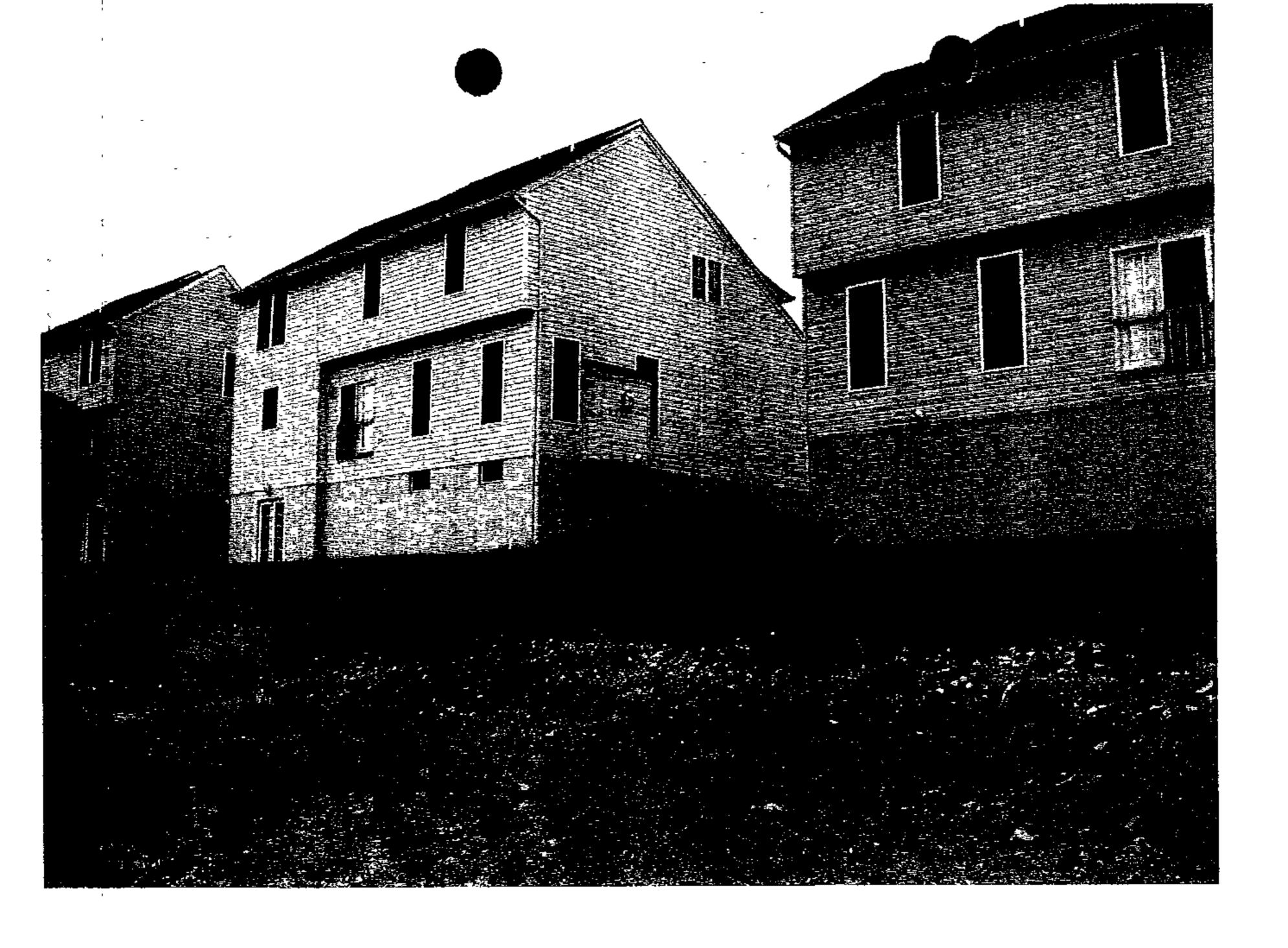


Novak residence 4738 White Marsh Rd. (rear view enclosed deck & fence)



547

Rear view of all houses on 4700 block of White Marsh Rd.



547

Keys residence 4742 White Marsh Rd. (rear view)