

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Old Post Drive, 170 ft. W
centerline of Winterset Avenue
3rd Election District
2nd Councilmanic District
(3402 Old Post Drive)

Sherri & Neil Sweren
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-081-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Sherri and Neil Sweren. The variance request is for property located at 3402 Old Post Drive in the Pikesville area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 7 ft. in lieu of the minimum required setback of 15 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

00127
9/22/03
R. Sweren

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 Deputy Zoning Commissioner for Baltimore County, this 22 day of September, 2003, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 7 ft. in lieu of the minimum required setback of 15 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/22/03
R. O'Quinn

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 18th, 2003

Mr. & Mrs. Neil Sweren
3402 Old Post Drive
Baltimore, Maryland 21208

Re: Petition for Administrative Variance
Case No. 04-081-A
Property: 3402 Old Post Drive

Dear Mr. & Mrs. Sweren:

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 that reads "John V. Murphy". The signature is written in a cursive style.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



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 3402 Old Post Drive

Address

Baltimore

City

Maryland

State

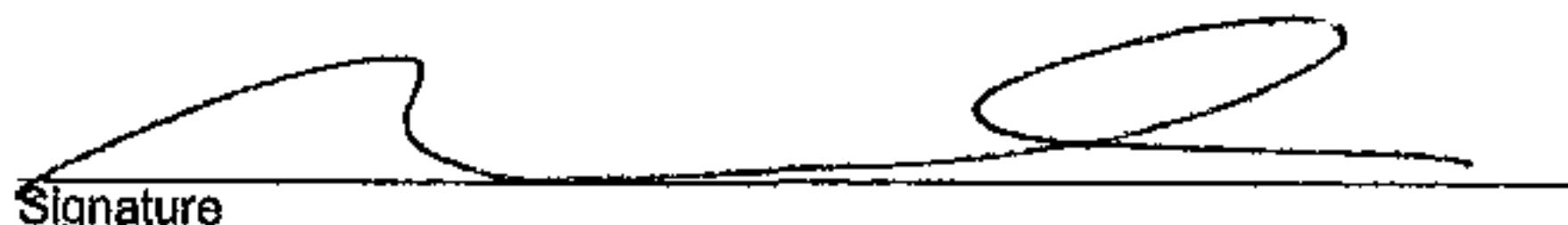
21208

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):

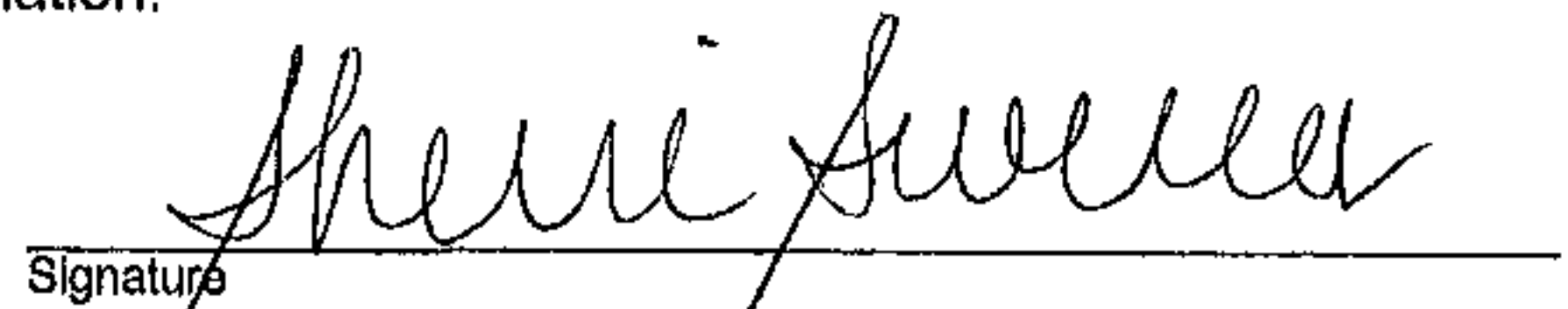
The addition of a garage on the west side of the existing house will keep the house conforming with other similar homes with garages and carports in the neighborhood. There is not enough property on the west side of the home to make the addition and meet existing zoning requirements which prevent us from building less than 17.5 feet from the property line.

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

Neil Sweren

Name - Type or Print


Signature

Sherri Sweren

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

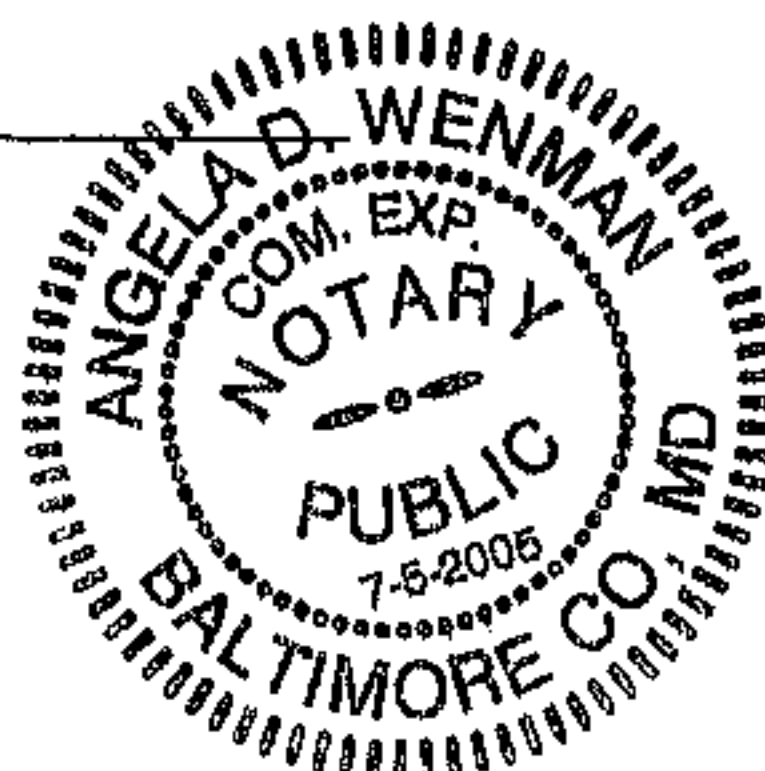
I HEREBY CERTIFY, this 19th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

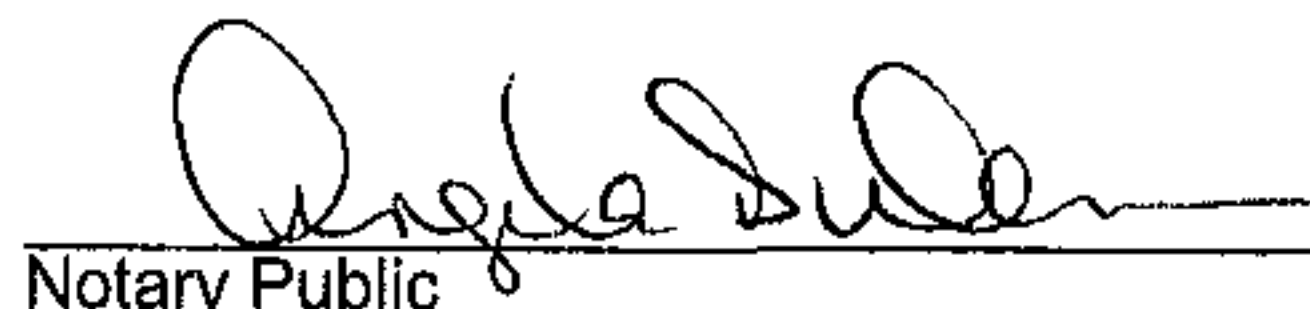
Neil Sweren & Sherri Sweren

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

8-19-03
Date




Notary Public

My Commission Expires 7-5-05

**ZONING DESCRIPTION FOR
3402 OLD POST DRIVE, BALTIMORE MARYLAND 21208**

Beginning at a point on the North side of Old Post Drive which is sixty (60) feet wide at the distance of 170 feet of the centerline of the nearest improved intersecting street Winterset Avenue which is fifty (50) feet wide. * Being Lot # 10, Block H, Section #3 in the subdivision of Dumbarton Heights as recorded in Baltimore County Plat Book #25, Folio #58, containing 21,780 square feet. Also known as 3402 Old Post Drive, Baltimore, Maryland 21208 and located in the 3rd Election District, 2nd Councilmanic District.

081

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27478

DATE 8-17-03

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: NEIL SWEREN

3402 Old Post Dr. Item # 081

FOR: CI. VARIANCE Taken by: JEP

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME
07/20/2003 8/19/2003 15:16:53
REC 0301 WALKER TRID JEP
>> RECEIPT # 153253 8/19/2003 0714
Dept 5 529 ZONING VERIFICATION
EN NO. 027478

Receipt Tot. \$65.00
65.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-081-A

Petitioner/Developer: _____

Neil & Sherri Sweren

Date of Hearing/Closing: 9/15/03

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3402 Old Post Drive
Pikesville, MD 21208

August 26, 2003
(Month, Day, Year)

Sincerely,

Stacy Gardner 8/26/03
(Signature of Sign Poster and Date)

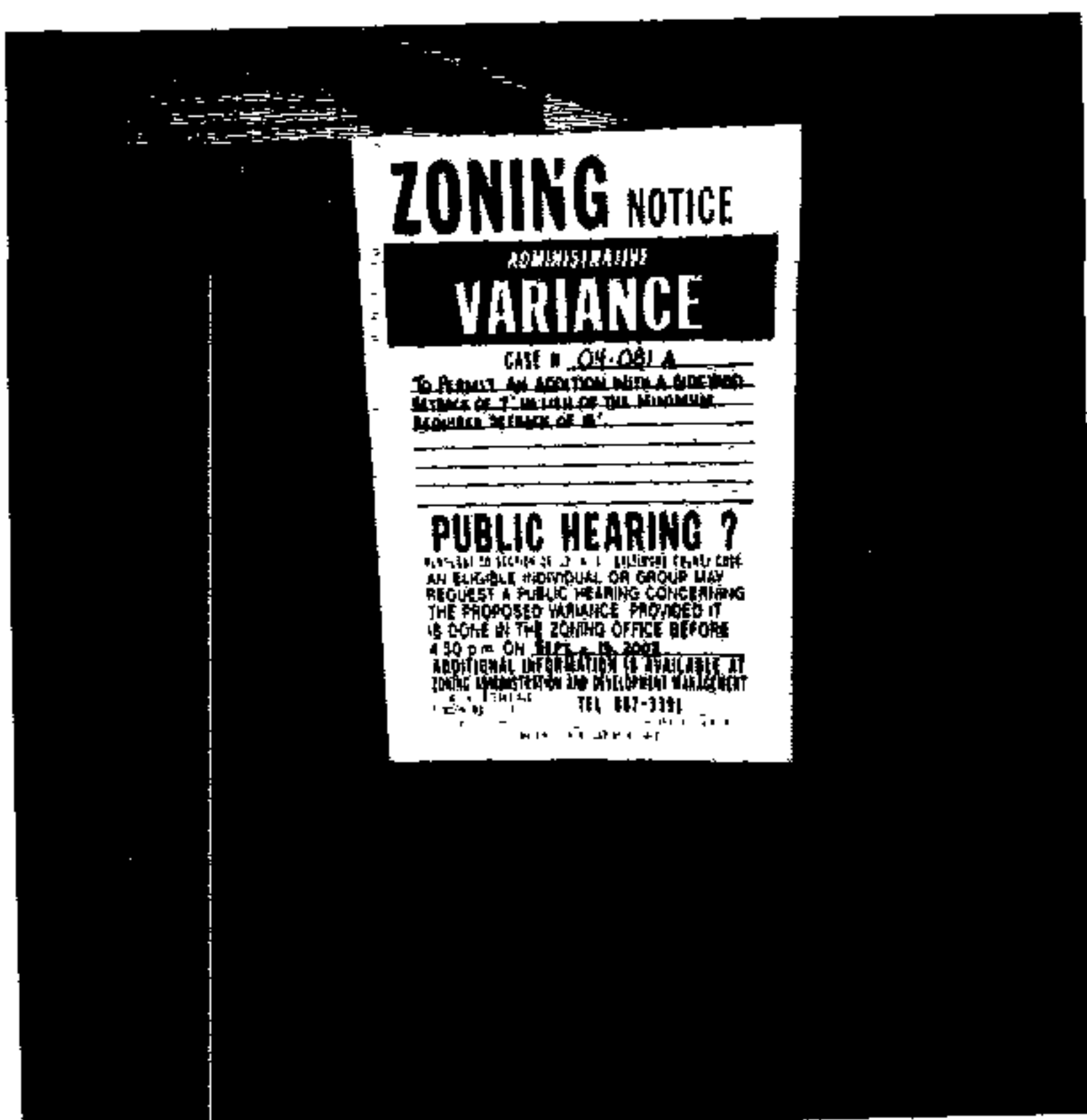
Stacy Gardner

(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410-781-4000



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴ ~~03~~ 081 -A Address 3402 OLD POST DR.
Contact Person: JUN R. FERNANDO Phone Number 410-887-3391
Planner Please Print Your Name
Filing Date: 8-19-03 Posting Date: 8-31-03 Closing Date: 9-15-03

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.

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.

DO NOT WRITE IN THESE SPACES

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴ ~~03~~ 081 -A Address 3402 Old Post Dr
Petitioner's Name NEIL & SHERRI SWEREN Telephone 410-902-4660
Posting Date: 8-31-03 Closing Date: 9-15-03
Reasoning for Sign: To Permit an addition with a side yard setback of 7' in lieu of the minimum required setback of 15'.

**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: 04-081-A

Petitioner: Neil and Sherri Sweren

Address or Location: 3402 Old Post Drive, Baltimore, MD 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: Neil Sweren

Address: 3402 Old Post Drive

Baltimore, MD 21208

Telephone Number: 410-486-8321



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 15, 2003

Neil Sweren
Sherri Sweren
3402 Old Post Drive
Baltimore, MD 21208

Dear Mr. and Mrs. Sweren:

RE: Case Number: 04-081-A, 3402 Old Post Drive

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.26.03

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

RE: Baltimore County
Item No. 081 JRF

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,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone 410.545.0300 www.marylandroads.com



**Baltimore County
Fire Department**

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

August 26, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 26, 2003

Item No.: 069-087

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: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 2, 2003

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

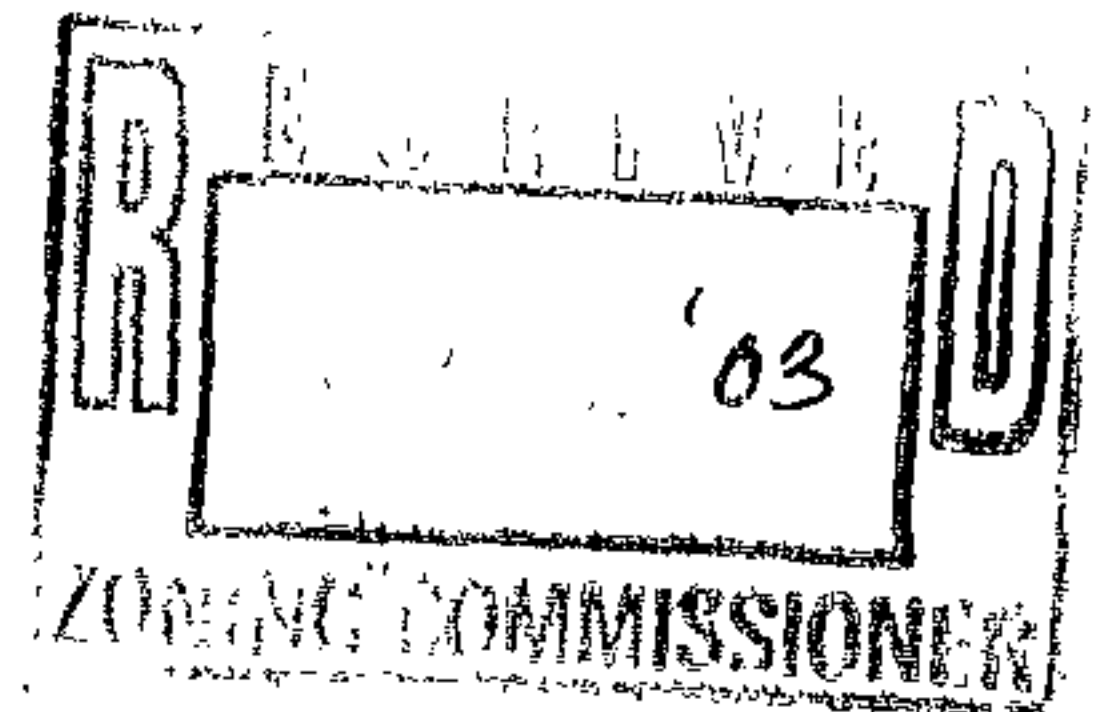
SUBJECT: Zoning Advisory Petition(s): Case 04-081 – Administrative Variance

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: Mark A. Cunningham

Section Chief: Lynne Harbaw

AFK/LL:MAC



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 2, 2003
Item Nos. 069, 070, 071, 072, 073, 074,
075, 077, 080, 081, 082, 085, and 086

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

RWB:CEN:jrb

cc: File

Mr. Stanley Hoffman
3404 Old Post Drive
Baltimore, MD 21208

August 24, 2003

Lawrence E. Schmidt, Zoning Commissioner
c/o Jun R. Fernando, Planner
Baltimore County, Maryland

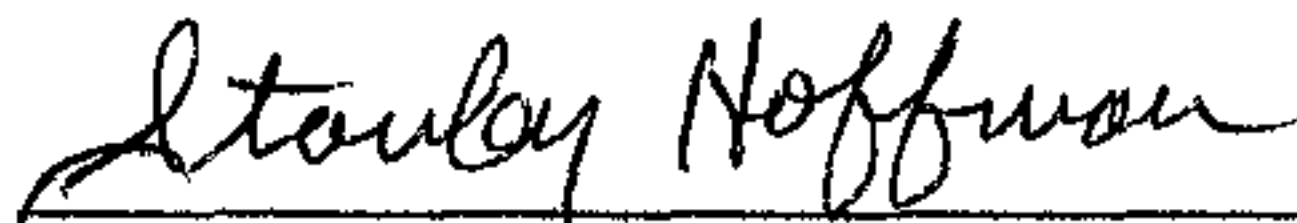
Re: Zoning Variance Application
Case Number 04-081-A
3402 Old Post Drive, Baltimore, MD 21208

Mr. Commissioner,

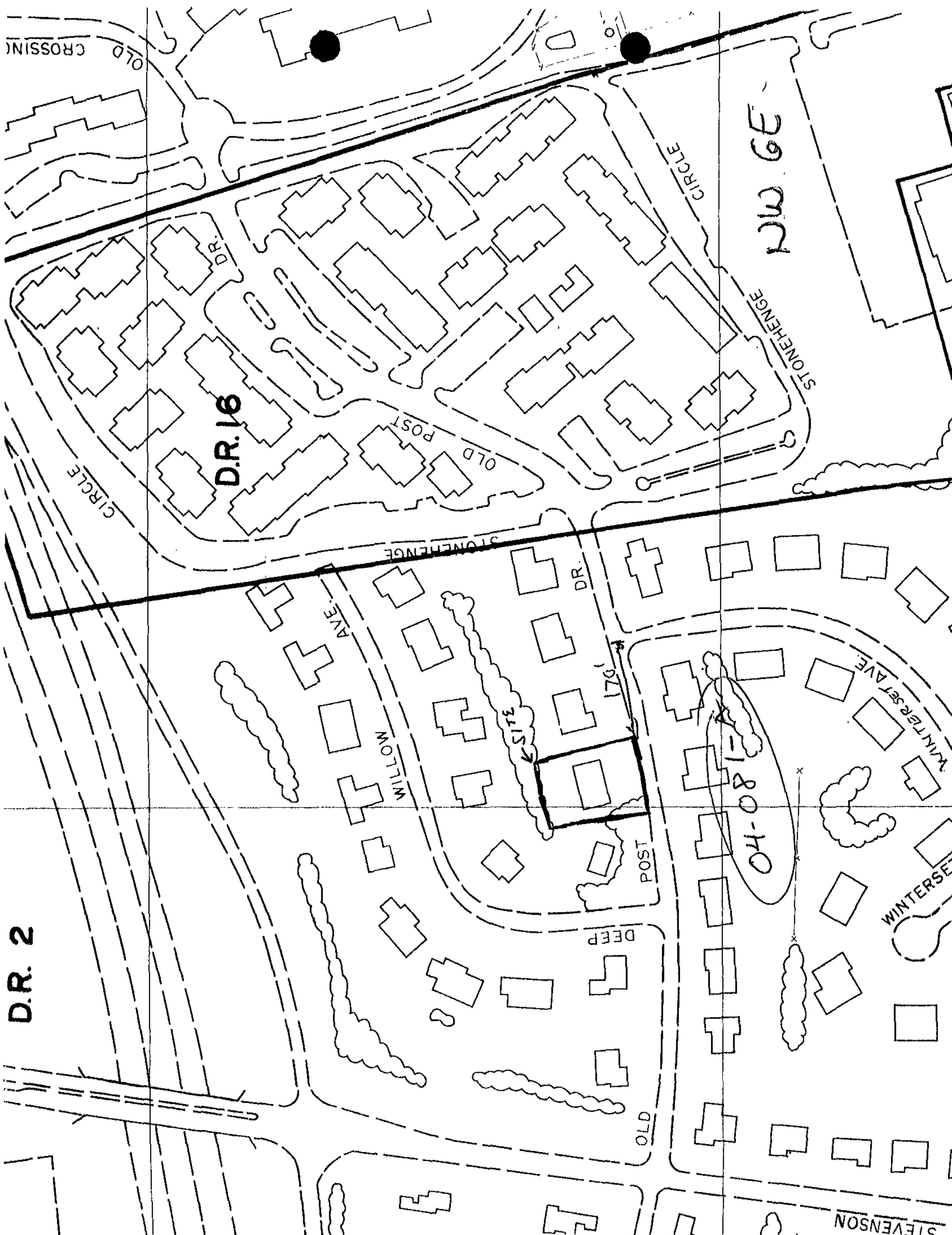
I understand Neil and Sherri Sweren are planning an addition to their home at 3402 Old Post Drive on the side adjacent to my property at 3404 Old Post Drive. I also understand that they have applied to your office for a zoning variance to permit an addition with a side yard setback of seven feet in lieu of the normal required setback of fifteen feet.

Neil has reviewed his plans with me and asked that I let you know that as the owner of the immediately adjacent property, I have no objections to the planned addition or to your approval of the zoning variance.

Respectfully,


Stanley Hoffman

410-486-3079
Phone Number



SUBJECT PROPERTY

(NOT TO SCALE)
PROPOSED ADDITION



①

SUBJECT PROPERTY

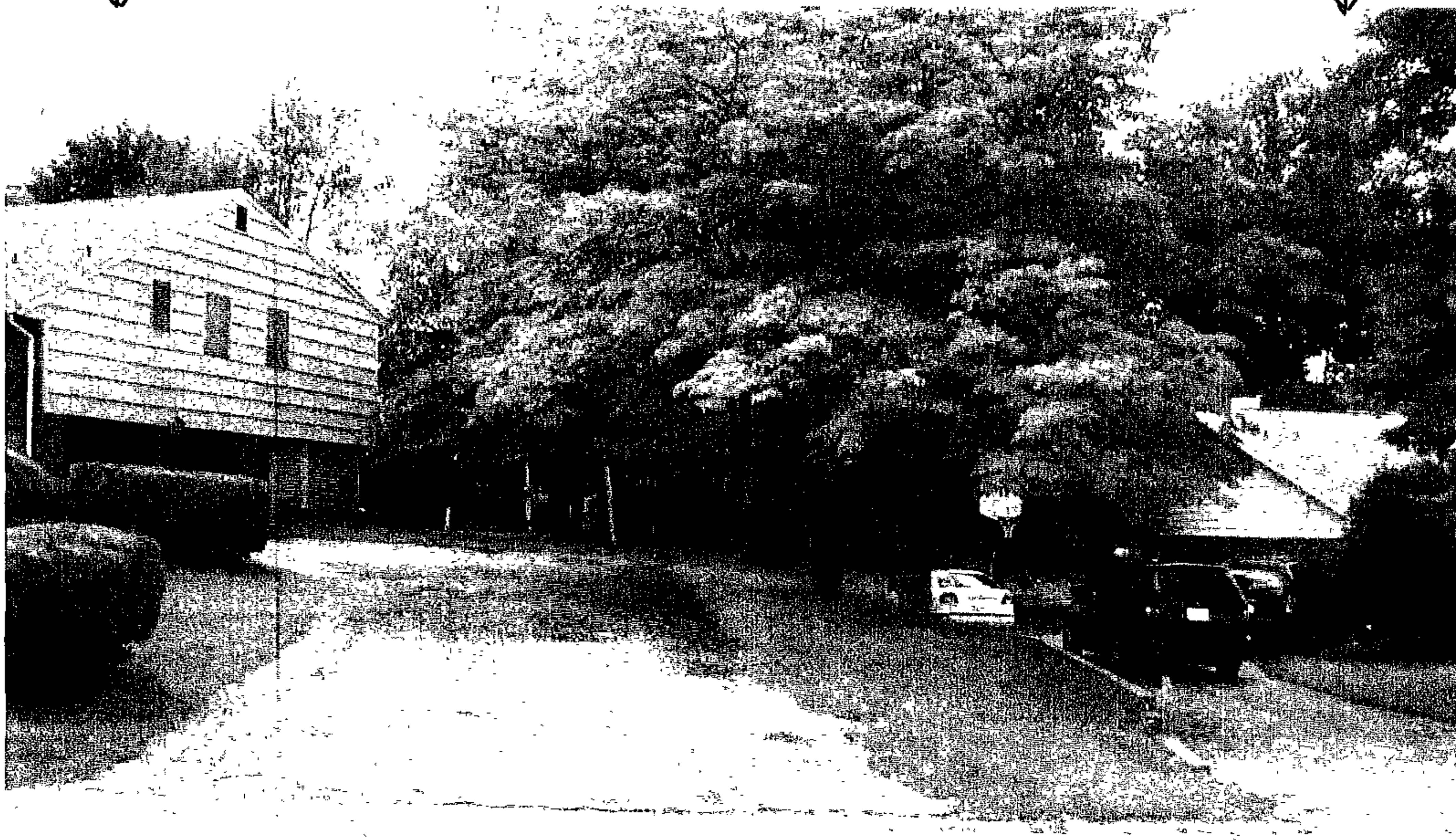
PROPOSED
ADDITION



081

3404
OLD POST
↓

SUBJECT
PROPERTY
↓

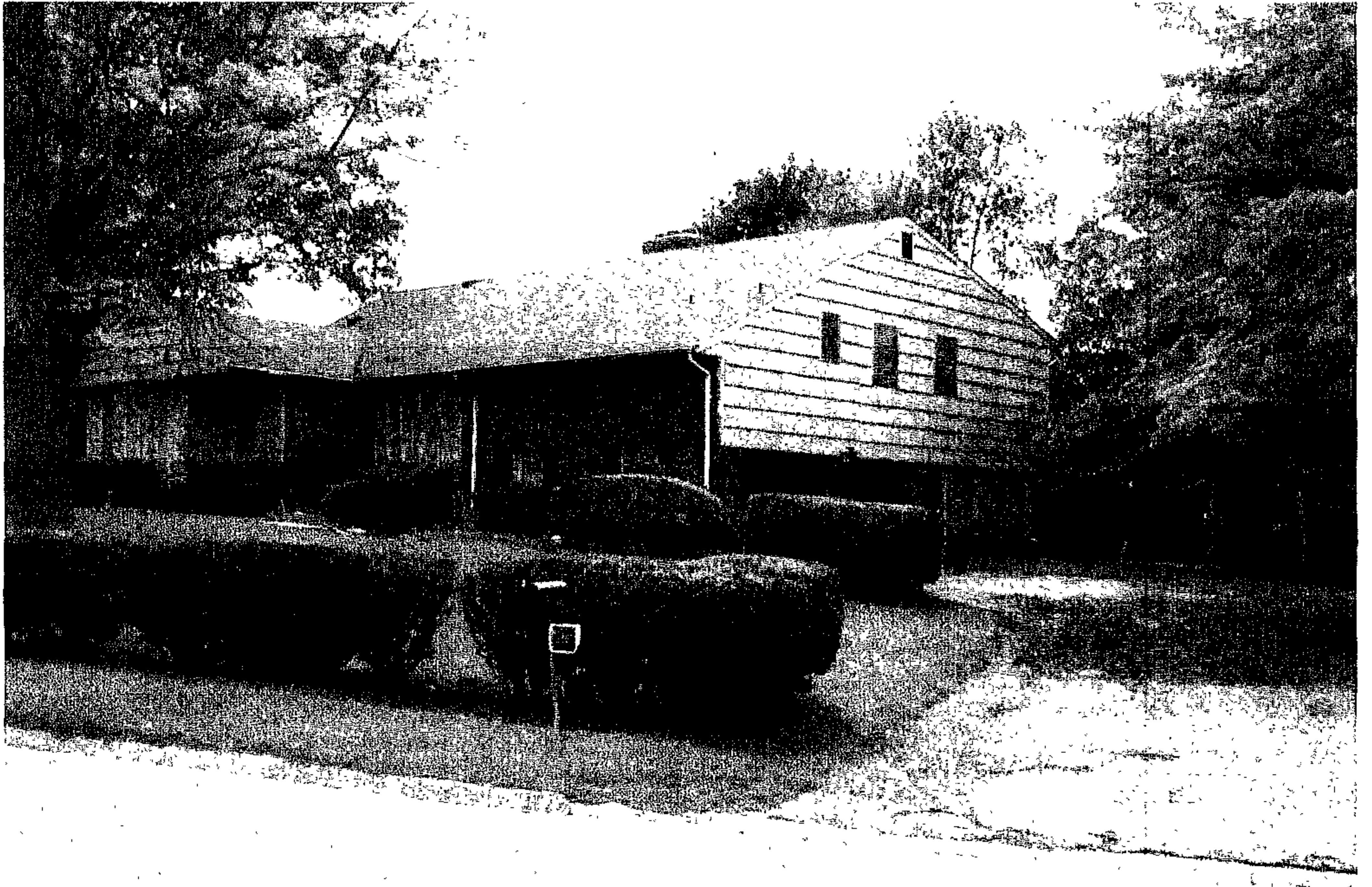


NEIGHBOR WITH SIMILAR ADDITION
(DIRECTLY ACROSS THE STREET)

SIMILAR
ADDITION



ADJACENT PROPERTY
3404 OLD POST





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

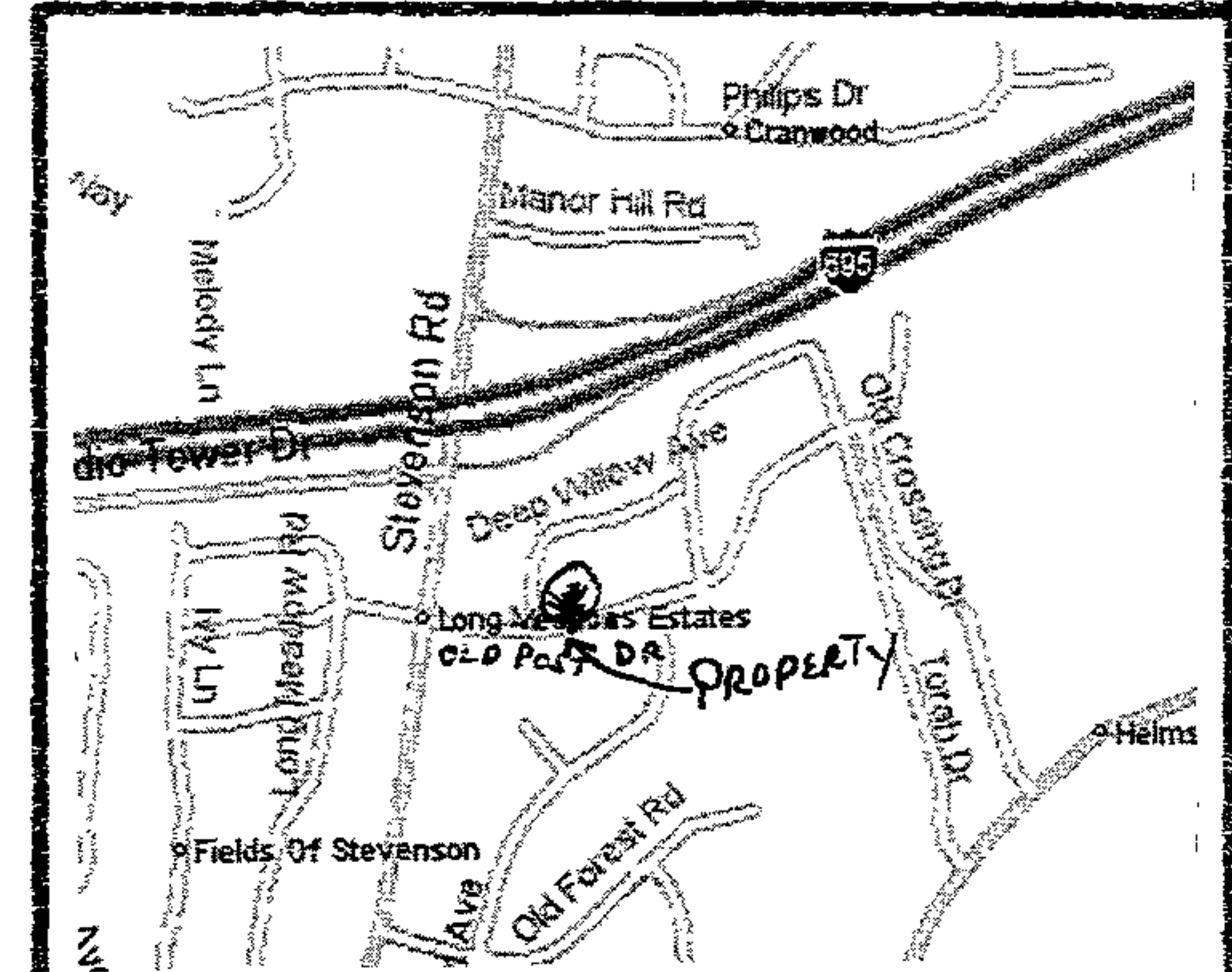
PROPERTY ADDRESS 3402 OLD POST DRIVE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

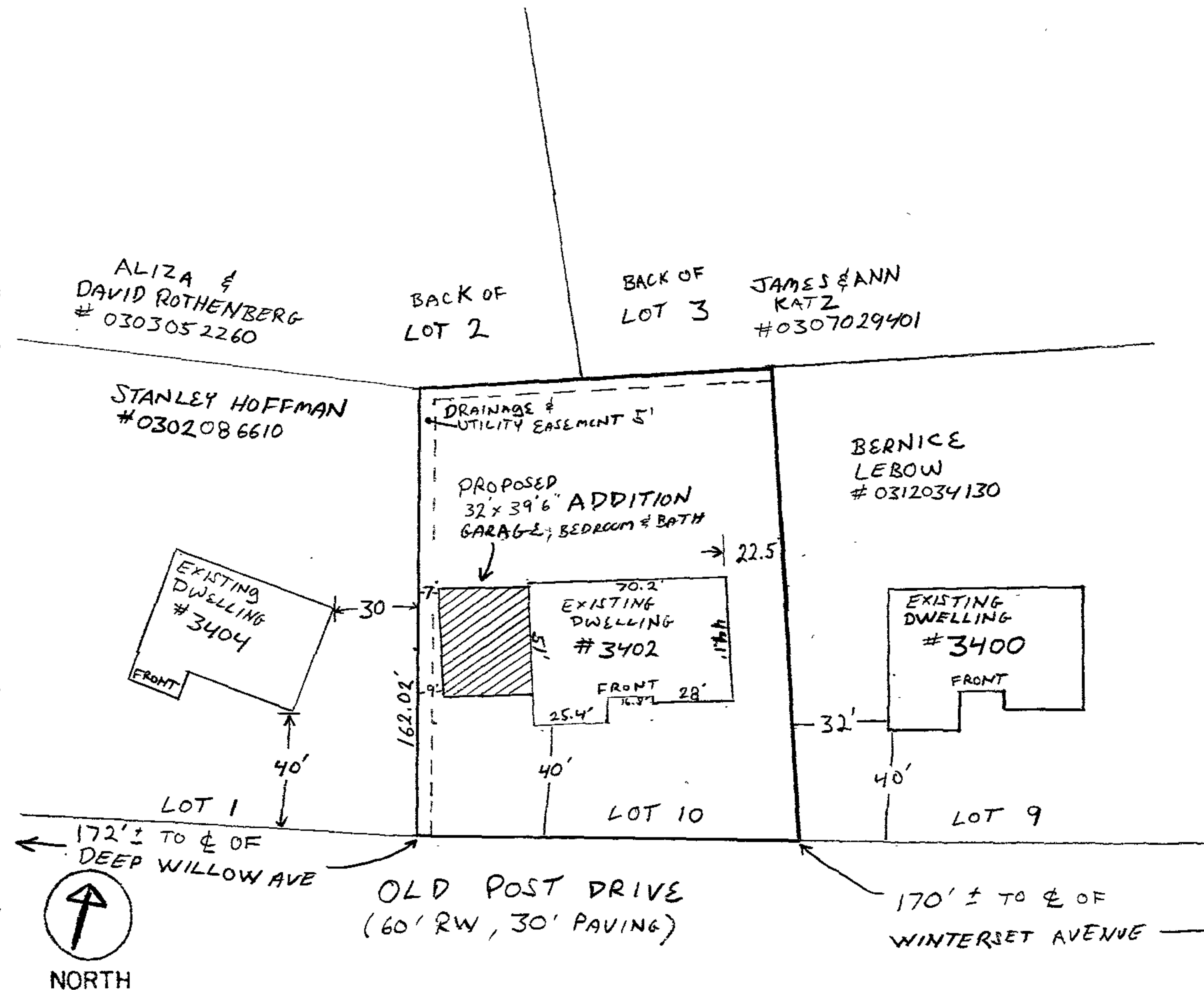
SUBDIVISION NAME DUMBARTON HEIGHTS

PLAT BOOK # 25 FOLIO # 58 LOT # 10 SECTION # 3

OWNER Neil & Sherri SWEREN



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # NW 6 E

ZONING DR2

LOT SIZE 0.50 21780
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JRF

081

PREPARED BY NEIL SWEREN

SCALE OF DRAWING: 1" = 50'

Pet. #1