

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Wilker Avenue, 340 ft. E		
centerline of Cimarron Circle	*	ZONING COMMISSIONER
9th Election District		
6th Councilmanic District	*	OF BALTIMORE COUNTY
(2317 Wilker Avenue)		
	*	CASE NO. 04-216-A
Donna L. & David S. Wilson		
<i>Petitioners</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Donna L. and David S. Wilson. The variance request is for property located at 2317 Wilker Avenue in the Parkville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition with a 6 ft. setback in lieu of the required 10 ft. setback inside yard. 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

ORDER RECEIVED
 Date 12/2/03
 By H. Garrison

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 2nd day of December, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition with a 6 ft. setback in lieu of the required 10 ft. setback inside yard, 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

12/2/03
H. J. Peterson

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

2317 WILKER AVE.
Address
PARKVILLE Md. 21234
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):

CAN NOT MEET 10' SIDE SETBACK MIN.
NOT ENOUGH STORAGE SPACE IN HOUSE NEEDED
EXTRA S.F. FOR MOWERS ETC.

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.

David Scott Wilson
Signature

DAVID SCOTT WILSON
Name - Type or Print

Donna Lynn Wilson
Signature

DONNA LYNN WILSON
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID SCOTT WILSON & DONNA LYNN WILSON
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Joseph Albert
Notary Public
My Commission Expires _____
Notary Public, Baltimore County, Maryland
My Commission Expires March 10, 2004



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2317 WILKER AVE. PARKVILLE Md. 21234
which is presently zoned DR-5.5

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) 1 B02.3.C.1 TO PERMIT A

IN LIEU OF THE REQUIRED 10 FT. SETBACK IN SIDE 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

Legal Owner(s):

DAVID Scott Wilson
Name - Type or Print

David Scott Wilson
Signature

Donna Lynn Wilson
Name - Type or Print

Donna Lynn Wilson
Signature

2317 WILKER AVE. 410-661-3227
Address Telephone No.

PARKVILLE Md. 21234
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 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. 04-216-A

Reviewed By JK Date 10/30/03

Estimated Posting Date 11/09/03

216

ZONING DESCRIPTION FOR 2317 WILKER AVE.

Beginning at a point on the South side of Wilker ave. which is 30' wide at the
distance of ^{340' EAST DSW} ~~299'~~ West of the centerline of the nearest improved intersecting
^{CIMARRON CIR. DSW} street ~~Satyra Hill Rd.~~ which is 40' wide. Being Lot #6 in the subdivision of
Grindon Little Farms as recorded in Baltimore County Plat Book #0007, Folio
#0034, containing 21500 s.f. Also known as 2317 Wilker Ave. and located in the
09 Election District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29916

DATE 10/30/03

ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM (unlabeled)

FOR R. A. GARRARD, JR.
2317 WALKER AVE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE	TIME	AMOUNT	REMARKS
10/30/2003	14:37:30	\$65.00	RECEIPT # 30025
DEPT. 5 - 529 ZONING VERIFICATION			
CASH. 02916			
RECEIPT FOR \$65.00			
BALTIMORE COUNTY, MARYLAND			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 11/10/03

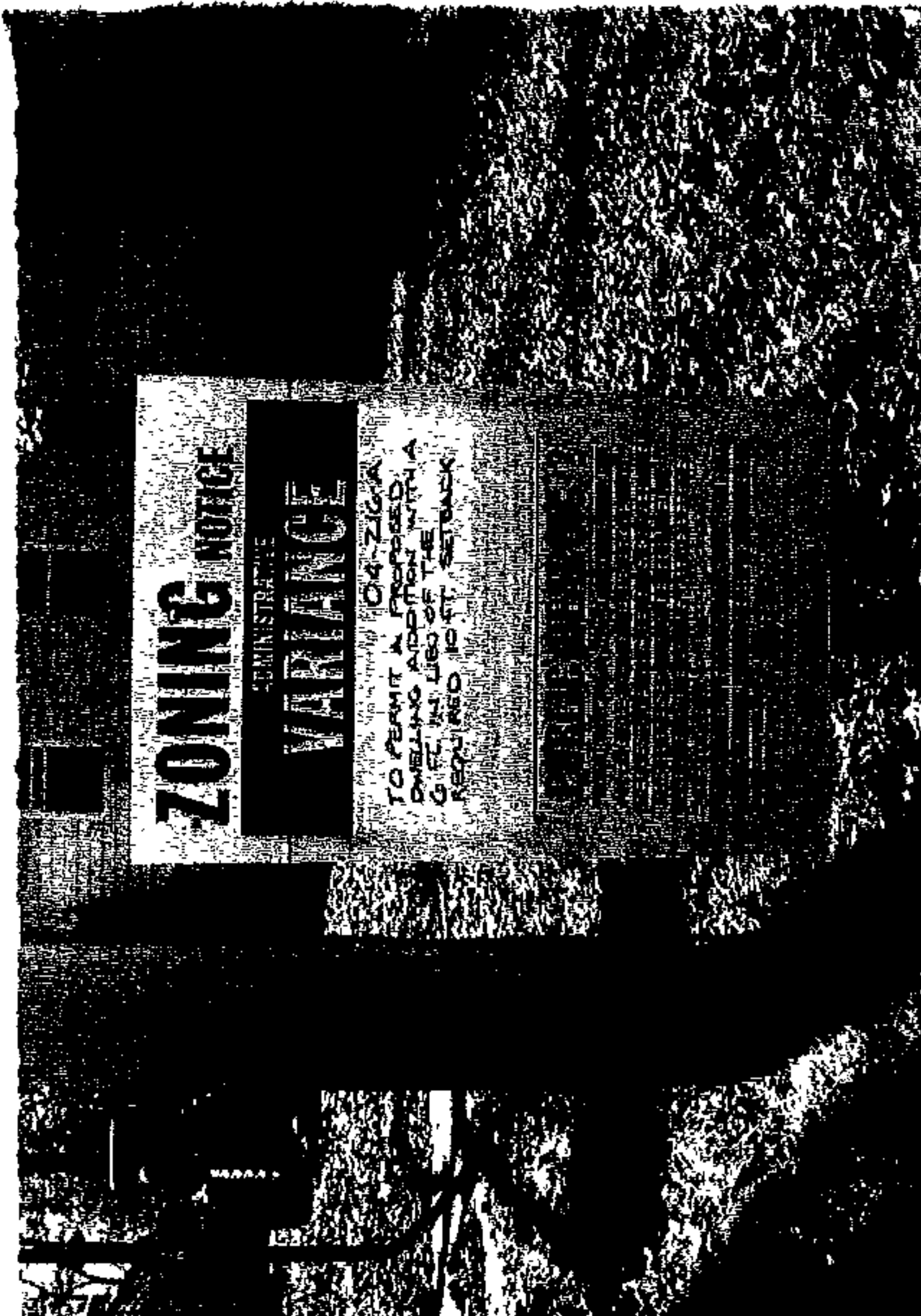
RE: Case Number: 04-216-A

Petitioner/Developer: WILSON

Date of Hearing/Closing: 11/24/03

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2317 WILKER ROAD

The sign(s) were posted on NOV. 8, 2003
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Magleth Road
Baltimore, MD 21234
410-665-5562

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: 04 216 A
Petitioner: ~~David~~ Wilson
Address or Location: 2317 WILKER AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID SCOTT WILSON
Address: 2317 WILKER AVE.
PARKVILLE Md. 21234
Telephone Number: 410-661-3227

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 04- 216 -A Address 2317 WILKER RD.Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner: Please Print Your NameFiling Date: 10/30/03 Posting Date: ~~10/09~~ 11/09/03 Closing Date: 11/24/03

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 below this line

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04- 216 -A Address 2317 WILKER RD.Petitioner's Name DAVID & DONNA WILSON Telephone 410-661-3227Posting Date: 11/09/03 Closing Date: 11/24/03Ordering for Sign: To Permit A PROPOSED DWELLING ADDITION WITH A 6 FT.IN LIEU OF THE REQUIRED 10 FT. SETBACK



Baltimore County
Department of Permits and
Development Management

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

November 24, 2003

David Scott Wilson
Donna Lynn Wilson
2317 Wilker Avenue
Parkville, MD 21234

Dear Mr. and Mrs. Wilson:

RE: Case Number: 04-216-A, 2317 Wilker Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 30, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



Printed with Soybean Ink
on Recycled Paper

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



**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

November 12, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 10, 2003

Item No.: 207-210, ²¹⁴213-219

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
INTEROFFICE CORRESPONDENCE

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

DATE: November 21, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For November 17, 2003
Item Nos. 207, 208, 209, 210, 212,
213, 214, 216, 217, 218, and 219

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 14, 2003

RECEIVED

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

NOV 17 2003

ZONING COMMISSIONER

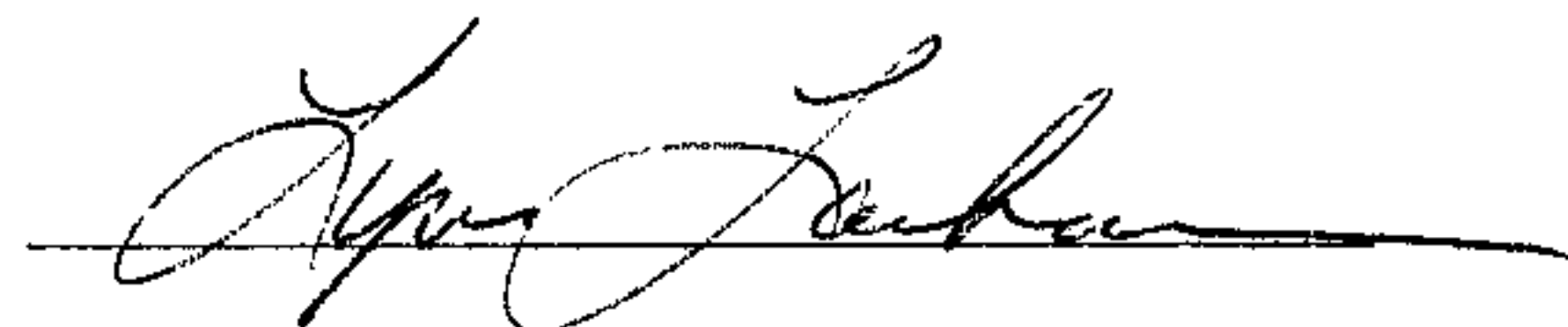
SUBJECT: Zoning Advisory Petition(s): Case 04-216

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.10.03

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

RE: Baltimore County
Item No. 216 JLL

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

10/30/03

Mr. Wilson did not have photos
available at filing appointment.
He agrees to have them placed
to case file 04-216-A in
a timely manner.

David Scott Wilson
10/30/03

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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Item Number or Case Number: _____

Petitioner: _____

Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: _____

OVER

Revised 2/20/98 - SCJ

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2317 WILKER AVE.

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

SUBDIVISION NAME GRINDON LITTLE FARMS

PLAT BOOK # 0007 FOLIO # 0034 LOT # 6 SECTION #

OWNER DAVID + DONNA WILSON

LOT 18

LOT 17

LOT 16

ELSIE
KUHNE

EXISTING
GARAGE

PROPOSED
28' x 34'
GARAGE

PATRICK
CASEY

EXISTING
DWELLING
2319
FRONT

EXISTING
DWELLING
2317
49
FRONT

EXISTING
DWELLING
2315
FRONT

35' LOT 5

LOT 6

LOT 7

340' TO
CIMARRON CIR

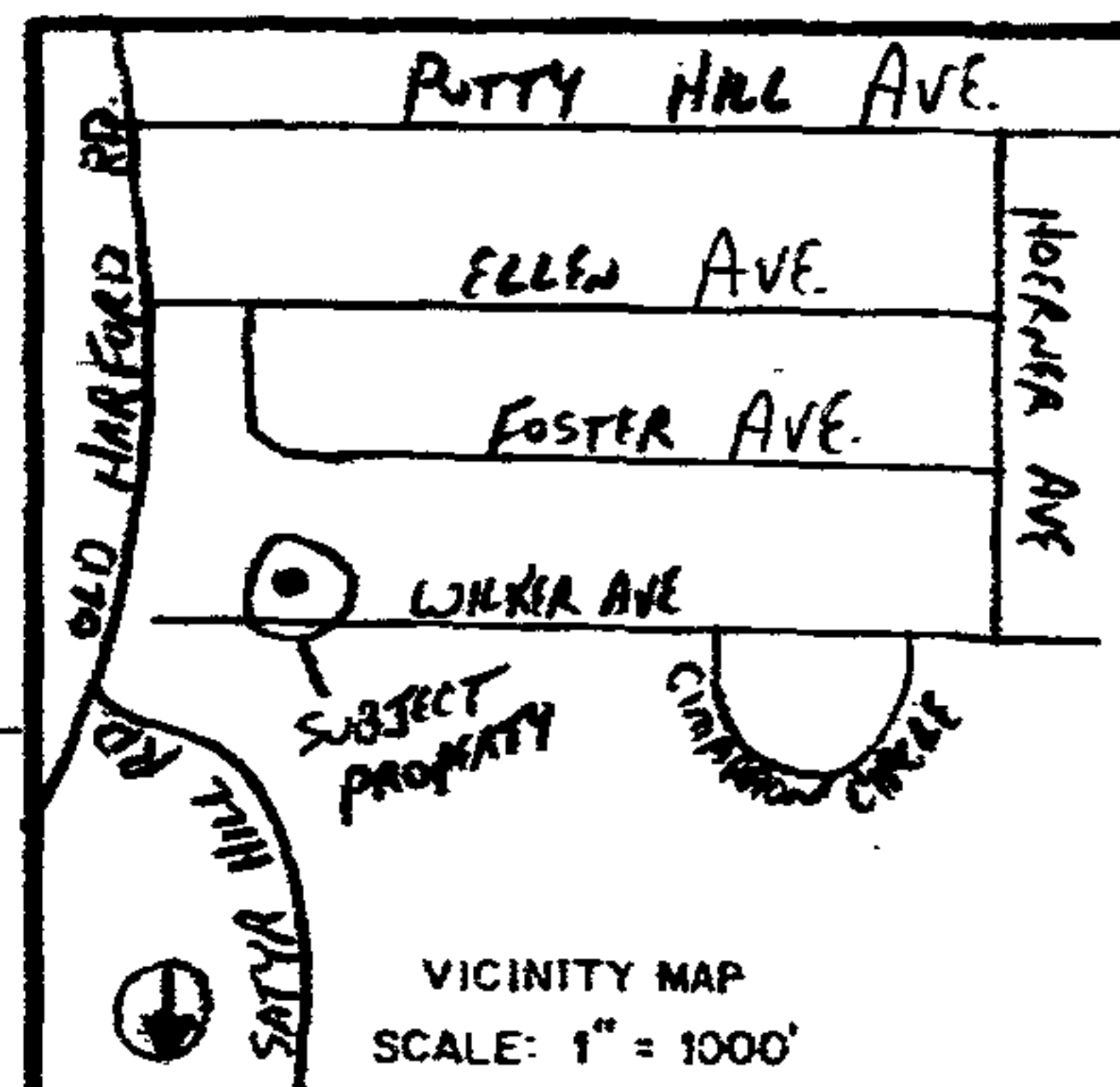
WILKER AVE. (30' R/W, 20' PAVING)



NORTH

PREPARED BY DSW

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 09

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # NE 9-D

ZONING D.R. 5.5

LOT SIZE .49 21500
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY

REVIEWED BY 216 ITEM # CASE #

Pet. Ex. #1

11/8/03



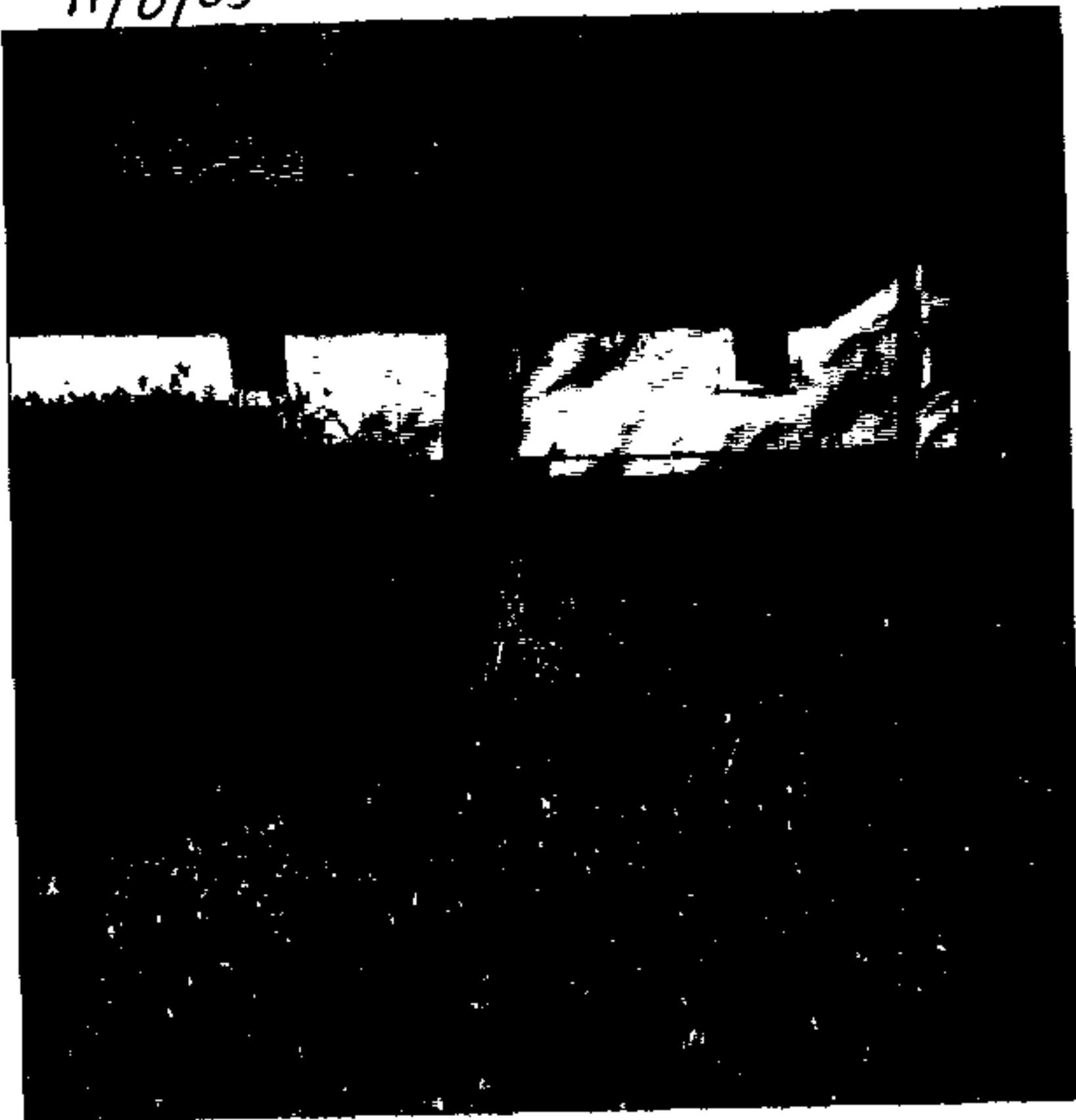
CASE # 04-216-A
LOOKING SOUTH FROM WILKE AVE.
NE CORNER OF PROPOSED STRUCTURE FLAGGED

11/8/03



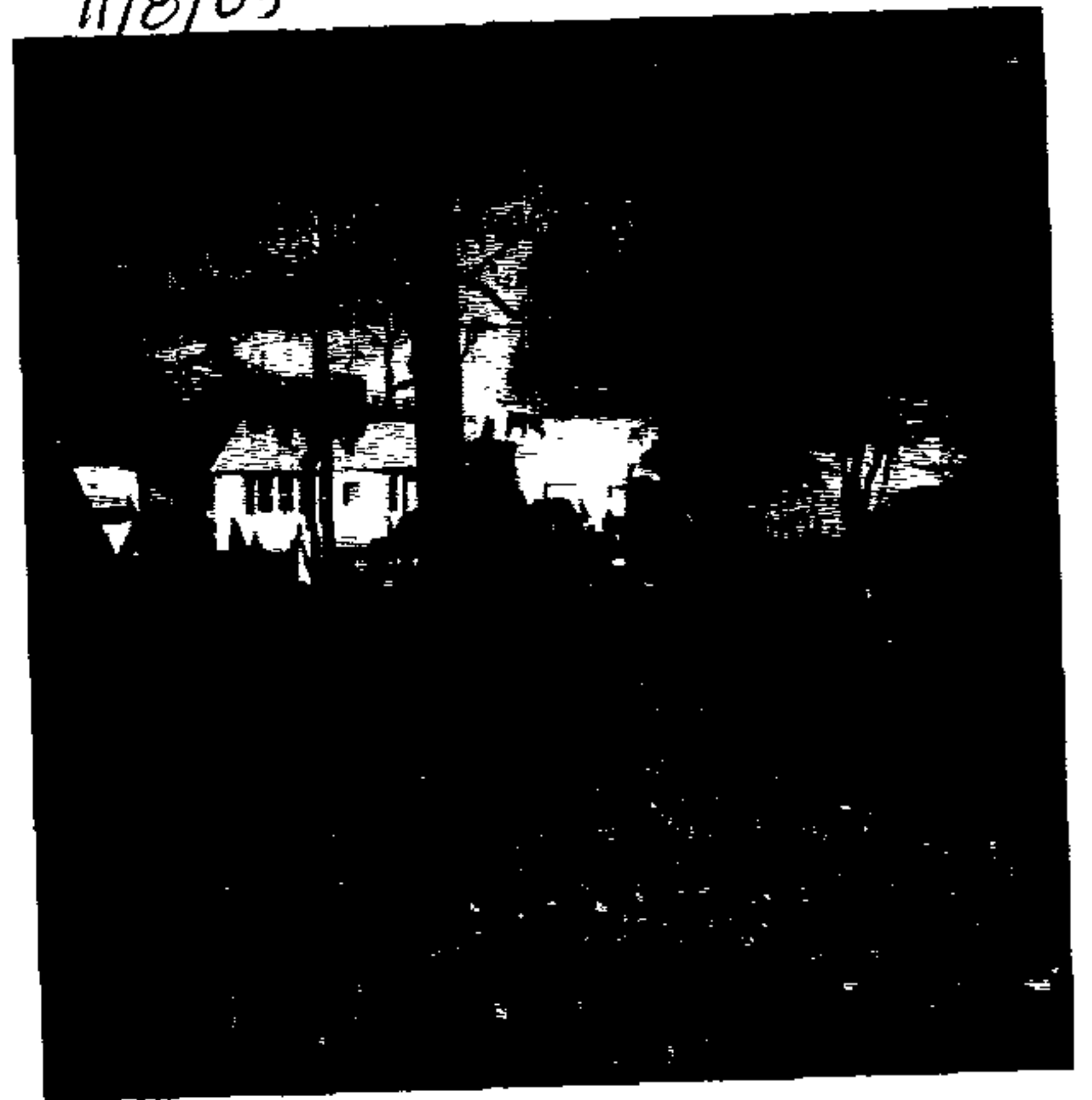
CASE # 04-216-A
APPROX. 12' NORTH OF PROPOSED
STRUCTURE LOOKING WEST

11/8/03



CASE # 04-216-A
MID-POINT (AT FRONT) OF PROPOSED
STRUCTURE LOOKING EAST

11/8/03



CASE # 04-216-A
SOUTHEAST CORNER OF PROPOSED
STRUCTURE LOOKING NORTH