ORDER RECEIVED FOR FILING Date IN RE: PETITION FOR ADMIN. VARIANCE

N/S Edwin Court, 162' E of the c/l

Smiloff Road

(5524 Edwin Court)

11th Election District 5th Council District

William A. Diefenbach, Jr., et ux Petitioners * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 04-458-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, William R. Diefenbach, Jr., and his wife, Kathleen Hughes Diefenbach. The Petitioners seek relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Bill 100, 1970) to permit an open projection (deck) with a side yard setback of 22 feet in lieu of the minimum required 26¼ feet, and to amend the latest Final Development Plan for the Apperson Property, Lot 23, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation

contained within the case file. Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. There was apparently no opposition to the request by any of the neighbors and there were no adverse comments submitted by any County reviewing agency. I find that the Petitioners have met the requirements of Section 307 for relief to be granted and that there will be no detriment to the health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of May 2004 that the Petition for Variance seeking relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Bill 100, 1970) to permit an open projection (deck) with a side yard setback of 22 feet in lieu of the minimum required 26½ feet, and to amend the latest Final Development Plan for the Apperson Property, Lot 23, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

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

May 5, 2004

Mr. & Mrs. William R. Diefenbach, Jr. 5524 Edwin Court White Marsh, Maryland 21162

PETITION FOR ADMINISTRATIVE VARIANCE RE: N/S Edwin Court, 162' E of the c/l Smiloff Road (5524 Edwin Court) 11th Election District – 5th Council District William R. Diefenbach, Jr., et ux - Petitioners Case No. 04-458-A

Dear Mr. & Mrs. Diefenbach:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>5524 EDWN CART</u>
which is presently zoned <u>DR 3.54</u>

This Petition shall be filed with the Department of Permowner(s) of the property situate in Baltimore County and white made a part hereof, hereby petition for a Variance from Section Section of the grant of the Section of the grant of the Section of the grant of the Section o	its and Development Management. The undersigned, legal ich is described in the description and plat attached hereto and
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of this petition form	law of Baitimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the	zoning regulations.
regulations and restrictions of Baltimore County adopted pursuant	osting, etc. and further agree to and are to be bounded by the zoning 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:	<u>Legal Owner(s):</u>
	WILLIAM A. DIEFERBACH 10
Name - Type or Print	WILLIAM R. DIEFENBACH JR. Name - Type or Print
	William R. Willaters () X
Signature	Signature
Address Telephone No	MANULEEN - HOGGES DIEFENBACH
Address releptione No	Name Type or Print July Disferlas
City State Zip Code	Signature (May 1)
Attorney For Petitioner:	5524 EDWIN COURS 410/529, 9479
TILLOTTICY TO STATE OF THE TANK OF THE TAN	Address Telephone No
	WHITE MARSH MD 21162
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	I We with a Double of A Double of
Company	WILLAM R. DIEFEUBACH, JR
9	55 24 EDWN COURS 410/529-9479
Andres Telephone No	Address Telephone No
	W411E MARSH M9 21162
State Zip Code	City State Zip Code
Public Hearing having been formally demanded and/or found to be	required, it is ordered by the Zoning Commissioner of Baltimore County,
that the subject matter of the property be reposted.	this petition be set for a public hearing, advertised, as required by the zoning
≤ 1	
377	7-2
	Zoning Commissioner of Baltimore County
CASE NO. 04-458 A Rev	viewed By 1/1/2 Date 4-05-04
	7/ 10 6//
Est	imated Posting Date

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 5524 EDW/W Couls

REV 10/25/01

	WHITE	MARSH	MD	21162
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That based upon personal knowledge Variance at the above address (indicate)	te hardship or practical o	lifficulty):	I/we base the request	tor an Administrative
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That the Affiant(s) acknowledge(s) the advertising fee and may be required to			s) will be required to	pay a reposting and
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WILLIAM Q. DIEFENBACH, Name - Type or Print		Name - Type or F	Print	N1317-14.
		*		
STATE OF MARYLAND, COUNTY OF	F BALTIMORE, to wit:			*·
HEREBY CERTIFY, this 5 day	of Upril	,200	<u></u> , before me, a Nota	ry Public of the State
of Maryland, in and for the County afor	esaid, personally appear	rod .	į	Diefenbac
he Affiant(s) herein, personally known	or satisfactorily identifie	d to me as such	Affiant(s).	, Merenbac
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AS WITNESS my hand and Notarial Se	eal	^	. () ()	•
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REV 10/25/01			1 /	

Affidavit in Support of Administrative Variance

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That the Affiant(s)	does/do	presently	reside at
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S524 EDWIN COURT

Address

WHITE MARSH MD 21162

City State

Zio 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):

TO PERMIT AN ADMINISTRATIVE VARIANCE TO ALLOW CONSTRUCTION OF A DECK THAT IS 12 FT. WIDE X 26 FT LONG RATHER THAN THE DIMENSIONS PROSCRIBED UNDER BALTIMORE COUNTY ZONING REGULATIONS.

My Commission Expires

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

for the property located at 5524 EDWIN COURT which is presently zoned DR 3.54

California of Print Contract Purchaser/Lessee: City Signature Address Telephone No. California of Print Cal	CARPORS OR OPEN PORCHES Amend the latest Fract Development plan to allow of projection of same actions of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the 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 perjury, that live are the legal owner(s) of the property who is the subject of this Petition. Legal Owner(s): WILLIAM R. DIEFENBACH Signature Address Telephone No. Signature Signature Representative to be Contacted: WILLIAM R. DIEFENBACH R. Signature Representative to be Contacted: WILLIAM R. DIEFENBACH R. State Zipt Representative to be Contacted: WILLIAM R. DIEFENBACH R. Signature Representative to be Contacted: WILLIAM R. DIEFENBACH R. Signature Representative to be Contacted: WILLIAM R. DIEFENBACH R. State Zipt Representative to be Contacted: WILLIAM R. DIEFENBACH R. State Zipt Representative to be Contacted: WILLIAM R. DIEFENBACH R. State Zipt Representative to be Contacted: WILLIAM R. DIEFENBACH R. Signature Representative to be Contacted: WILLIAM R. DIEFENBACH R. State Zipt Representative to be Contacted: WILLIAM R. DIEFENBACH R. State Zipt Representative to be Contacted: WILLIAM R. DIEFENBACH R. Signature Address Telephone	14 ft. and		h is described in the description and plat attached hereto a on (s) (Bill 100,1970) 301. To allow a recommendation of the one of the
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Attorney For Petitioner: Attorney For Petitioner: Attorney For Petitioner: Attorney For Petitioner: Address WHISE MARSH State Representative to be Contacted:	State Zip Code Signature WHISE MARSH M.D. 2.16 City State Zip Code Signature Representative to be Contacted: Name State Zip Code Signature WHISE MARSH M.D. 2.16 Representative to be Contacted: State Zip Code Signature WHISE MARSH M.D. 2.16 Representative to be Contacted: State Zip Code Signature WHISE MARSH M.D. 2.16 Representative to be Contacted: State Zip Code Signature WHISE MARSH M.D. 2.16 Representative to be Contacted: State Zip Code Signature Address Telephone Address Telephone State Address Telephone State Address Telephone	Address Te	elephone No.	Name - Type or Print
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Reviewed By 🗾

Estimated Posting Date

REV 10/25/01

CASE NO. _ 04-458A

ZONING DESCRIPTION FOR ADMINISTRATIVE VARIANCE

ZONING DESCRIPTION FOR 5524 EDWIN COURT, WHITE MARSH, BALTIMORE COUNTY, MARYLAND 21162

Beginning at a point on the NORTH side of Edwin Court which is 50 feet wide at the distance of 162.8 ft + EAST of the center line of the nearest improved intersecting street SMILOFF ROAD which is 50 ft wide. Being Lot #23, Block N/A, Section # N/A, in the Subdivision Plat of Apperson Property as recorded in Baltimore County Plat Book #67, Folio #89, containing .170 acres. Also known as 5524 Edwin Court and located in the Eleventh Election District, Fifth Counselmanic District.

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Certificate Of Posting

RE: Case NO.: 04-458-1

Petitioner/Developer: WM.

DIRFENDACH

Date of Hearing/Closing: 5/3/04

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

Attention:

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 at

This sign(s) were posted on

(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

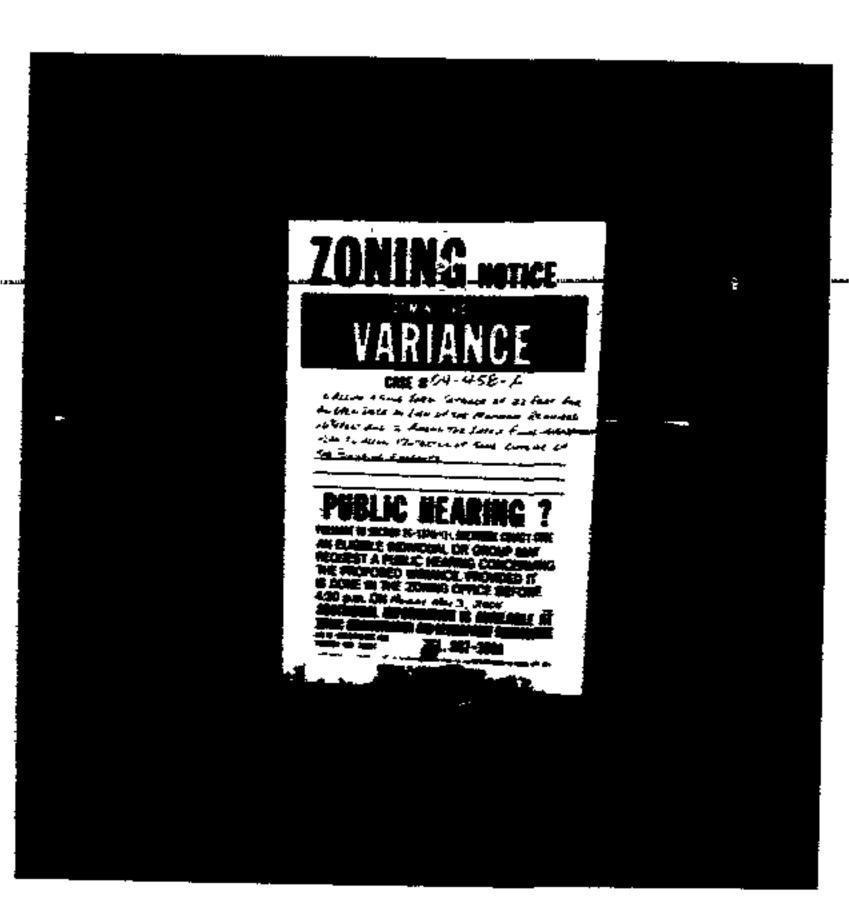
(Address)

Balto, MD 21237

(City,State,Zip Code)

<u>(410)-933-9470</u>

(Phone Number)



24 action Oglo 41,7/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 458 -A Address 5524 Edwin Ct
Contact Person: John Sullivan Planner Please Print Your Name Phone Number. 410-887-3391
Filing Date: 4-05-04 Posting Date: 4-18-04
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 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.
(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 posted, certification of this change and a photograph of the altered sign must be forwarded to
titioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
se Number 04-45-8 -A Address 5524 Edwin ct- itioner's Name Win. Prefer back Telephone 410-529-9479 sting Date: 4-18-04 Closing Date: 5-03-04 rding for Sign: To Permit a rear yand setback of 22ft, for an pen deck in free of the min rown required 26 14 gr





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 Adver	<u>tisına.</u>	
Item Number or Case N	Number 04-458 A	
Petitioner Www	2. Dietenbach	
Address or Location	5524 Edwin CT	
PLEASE FORWARD A	DVERT SING BILL TO	
Name	Same	
Address		
	Barto, Md, 2/162	
Telephone Number	410-529-9479	

Department of Permits Development Management

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





James T. Smith, Jr., County Executive Timothy M Kotroco, Director

April 29, 2004

William R. Diefenbach, Jr. Kathleen Hughes Diefenbach 5524 Edwin Court White Marsh, Maryland 21162

Dear Mr. and Mrs. Diefenbach:

RE: Case Number: 04-458-A, 5524 Edwin Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 18, 2004.

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,

U. Call Rilla ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:



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

Fire Department

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



Baltimore County

James T. Smith, Jr, County Executive John J. Hohman, Chief

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

April 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

457-469

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.

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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

4.19.04

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

RE:

Baltimore County

Item No. 458

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Dear. Ms. Matthews:

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,

L. H. H. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (285) JDO

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

_____ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-457

04-459

04-460

04-461

04-462

04-465

04-466

04-467

04-468

04-468

04-469

Reviewers:

Sue Farinetti, Dave Lykens

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: April 27, 2004 RECEIVED

APR 2 8 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

Zoning Advisory Petition(s): Case 4-458 – Administrative Variance **SUBJECT:**

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.

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 26, 2004

Item Nos. 457 (458), 459, 460, 461, 462, 465, 466, 468, and 469

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

RWB:CEN:jrb

cc: File

