

IN RE: PETITION FOR ADMIN. VARIANCE
NW/Corner Oakmere Road and
Pinemere Road
(100 Oakmere Road)
4th Election District
4th Council District

Louis M. Beall, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-033-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, Louis M. Beall and his wife, Sandra L. Beall. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 208.2 and 208.3 of the 1955 Regulations) to permit a side street setback of 17 feet in lieu of the required 30 feet, a street centerline setback of 42 feet in lieu of the required 55 feet, a front yard setback of 26 feet in lieu of the required 30 feet, and a front yard setback of 51 feet from the street centerline in lieu of the required 55 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence 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 Petitioner has 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.

ORDER RECEIVED FOR FILING

Date

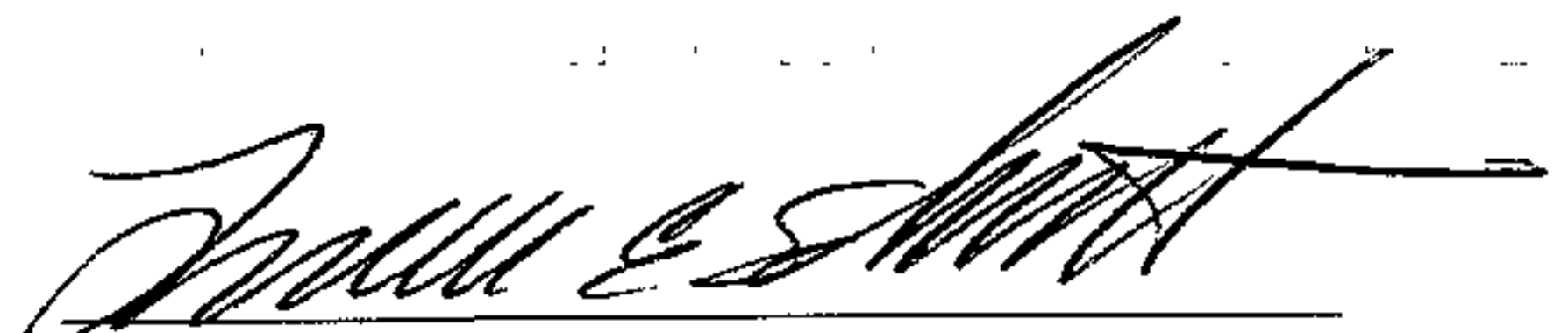
By

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. It was indicated that the location and configuration of existing improvements on this corner lot limit development on the site and that strict compliance with the B.C.Z.R. would result in a practical difficulty upon the Petitioners. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, I find that there will be no detrimental impact to the surrounding locale and that relief can be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of August 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 208.2 and 208.3 of the 1955 Regulations) to permit a side street setback of 17 feet in lieu of the required 30 feet, a street centerline setback of 42 feet in lieu of the required 55 feet, a front yard setback of 26 feet in lieu of the required 30 feet, and a front yard setback of 51 feet from the street centerline in lieu of the required 55 feet for a proposed addition, 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 their 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

ORDER RECEIVED FOR FILING
Date 8/25/04
By [Signature]

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

August 23, 2004

Mr. & Mrs. Louis M. Beall
100 Oakmere Road
Owings Mills, Maryland 21111

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Oakmere Road and Pinemere Road
(100 Oakmere Road)
4th Election District – 4th Council District
Louis M. Beall, et ux - Petitioners
Case No. 05-033-A

Dear Mr. & Mrs. Beall:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

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 100 OAKMERE ROAD

which is presently zoned DR 3.5

(FORMALLY R-10)

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) 1802.3.B, BCZR (208.2 & 208.3, 1955 ZONING REGS) TO ALLOW A SIDE STREET SETBACK OF 17 FEET FROM THE LOT LINE IN LIEU OF THE REQUIRED 30 FEET, A SIDE STREET SETBACK OF 42 FEET FROM THE CENTER LINE OF STREET IN LIEU OF THE REQUIRED 55 FEET, A FRONT YARD SETBACK OF 26 FEET FROM THE LOT LINE IN LIEU OF THE REQUIRED 30 FEET, AND A FRONT YARD SETBACK OF 51 FEET FROM THE CENTER LINE OF STREET IN LIEU OF THE REQUIRED 55 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.

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 _____

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.

Legal Owner(s):

LOUIS M. BEALL

Name - Type or Print _____

Signature Louis M Beall

SANDRA L. BEALL

Name - Type or Print _____

Signature Sandra L. Beall

100 OAKMERE ROAD (410)356-7980

Address _____ Telephone No. _____

DWINGS MILLS MD. 21117

City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name _____

601 CHARWOOD CT. (410)679-8719

Address _____ Telephone No. _____

EDGEWOOD MD. 21040

City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 7/16/04

Estimated Posting Date 7/25/04

CASE NO. 05-033-A

RECEIVED FOR FILING
JUL 25 2004

Affidavit 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 100 OAKMERE ROAD
Address
OWINGS MILLS MD. 21117
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):

NO OTHER PRACTICAL LOCATION FOR ADDITION.
ADDITIONAL SPACE IS REQUIRED FOR LIVING/
STORAGE AREA.

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.

Louis M Beall
Signature

LOUIS M. BEALL
Name - Type or Print

Sandra L. Beall
Signature

SANDRA L. BEALL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

LOUIS M. BEALL AND SANDRA L. BEALL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kevin C. Hearn
Notary Public

My Commission Expires 12/01

Affidavit Support of Administrative Variance

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OWINGS MILLS MD. 21117
City State Zip Code

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ADDITIONAL SPACE IS REQUIRED FOR LIVING/
STORAGE AREA.

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.

Louis M Beall
Signature

LOUIS M. BEALL
Name - Type or Print

Sandra L. Beall
Signature

SANDRA L. BEALL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of June, 2004 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

LOUIS M. BEALL AND SANDRA L BEALL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 1-21-08



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 100 OAKMERE ROAD

which is presently zoned DR 3.5

(FORMALLY R-10)

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) 1802-3.B, BCZR (208.2 & 208.3,

1955 ZONING REGS) TO ALLOW A SIDE STREET SETBACK OF 17 FEET FROM THE LOT LINE IN LIEU OF THE REQUIRED 30 FEET, A SIDE STREET SETBACK OF 42 FEET FROM THE CENTER LINE OF STREET IN LIEU OF THE REQUIRED 55 FEET, A FRONT YARD SETBACK OF 26 FEET FROM THE LOT LINE IN LIEU OF THE REQUIRED 30 FEET, AND A FRONT YARD SETBACK OF 51 FEET FROM THE CENTER LINE OF STREET IN LIEU OF THE REQUIRED 55 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.

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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):

LOUIS M. BEALL

Name - Type or Print

Louis M Beall

Signature

SANDRA L. BEALL

Name - Type or Print

Sandra L. Beall

Signature

100 OAKMERE ROAD (410)356-7980

Address

Telephone No

DWINGS MILLS MD.

21117

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHARWOOD CT. (410)679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

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. 05-033-A

Reviewed By JNP Date 7/16/04

Estimated Posting Date 7/25/04

DESCRIPTION TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
100 OAKMERE ROAD

Beginning for the same at a point on the west side of Pinemere Road (50 feet wide), distant 45 feet northerly of the center of Oakmere Road (50 feet wide), thence being all of Lot 29 as shown on the plat of Section D, Cedarmere recorded among the Baltimore County plat records in Plat Book 21 Folio 41. Containing 10,098 square feet or 0.23 acre.

Being known as 100 Oakmere Road. Located in the 4th Election District, 4th Councilmanic District.

05-033-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39170

DATE 7/16/04 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Central Drafting & Design

FOR: Adm. Vsr. (100 Oakmore Road)

05-033-A (BEALL)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DAY
7/19/2004 7/16/2004 08:13:10 4

REQ. NO. 4 WALKIN KRM JRM

RECEIPT # 27287 7/16/2004 OPEN

DEPT. 5 B28 ZONING VERIFICATION

CR. NO. 009170

Rec'd Tot \$65.00

PAID TO \$65.00 CK

BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 033 -A

Address 100 OAKMERE ROAD

Contact Person: Jeffrey Perlow
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7/16/04

Posting Date: 7/25/04

Closing Date: 8/9/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **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. **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.
3. **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.
4. **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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 033 -A

Address 100 OAKMERE ROAD

Petitioner's Name LOUIS & SANDRA BEALL

Telephone 410-356-7980

Posting Date: 7/25/04

Closing Date: 8/9/04

Wording for Sign: To Permit a side street setback of 17 feet from the lot line in lieu of the required 30 feet, a side street setback of 42 feet from the center line of street in lieu of the required 55 feet, a front yard setback of 26 feet from the lot line in lieu of the required 30 feet, and a front yard setback of 51 feet from the center line of street in lieu of the required 55 feet.

WCR - Revised 6/25/04

**Department of Permits and
Development Management**

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



Baltimore County

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

August 9, 2004

Louis M. Beall
Sandra L. Beall
100 Oakmere Road
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Beall:

RE: Case Number: 05-033-A, 100 Oakmere Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 16, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood 21040

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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 26, 2004

Item No.: 017-035

Dear Ms. Mathews:

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

cc: File

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



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

Maryland Department of Transportation

Date: 7.23.04

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

RE: Baltimore County
Item No. 033 JHP

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 3, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-008, 5-026, and 5-033**
Administrative Variance

RECEIVED

AUG - 5 2004

ZONING COMMISSIONER

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

Division Chief: John L. Loefer

MAC/LL

~~1. [Signature]~~
Zoning

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

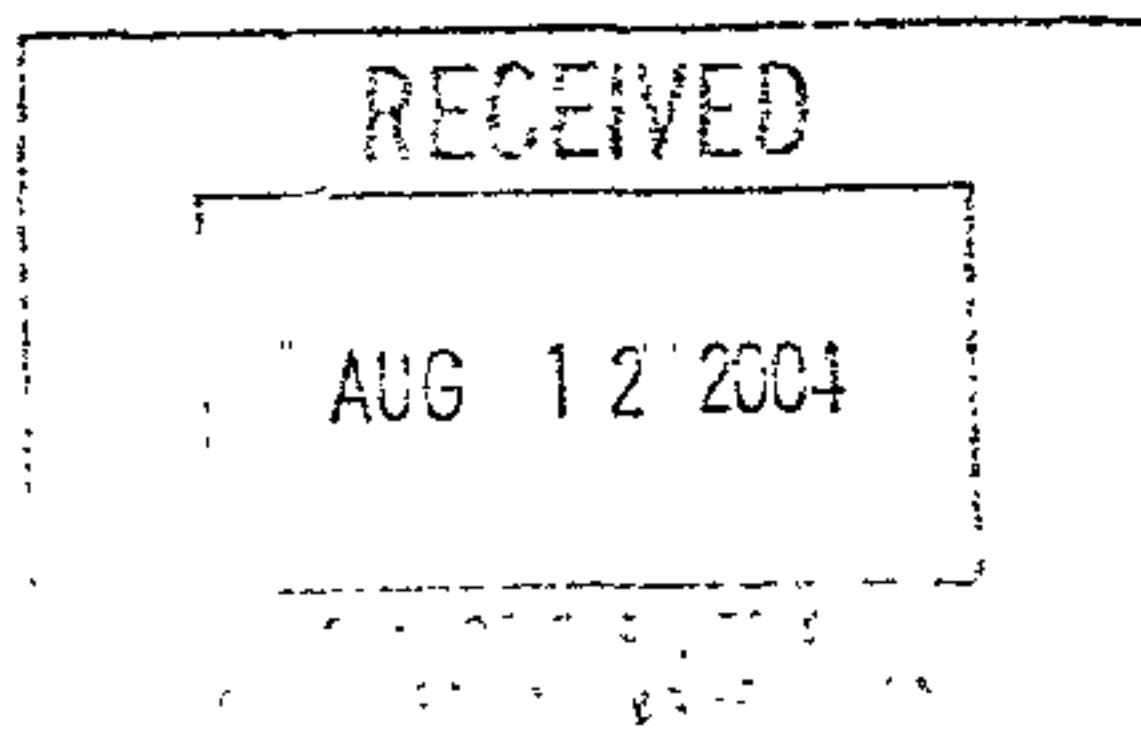
SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2004
Item Nos. 017, 020, 022, 024, 025,
026, 027, 028, 029, 030, 033, 034,
and 035

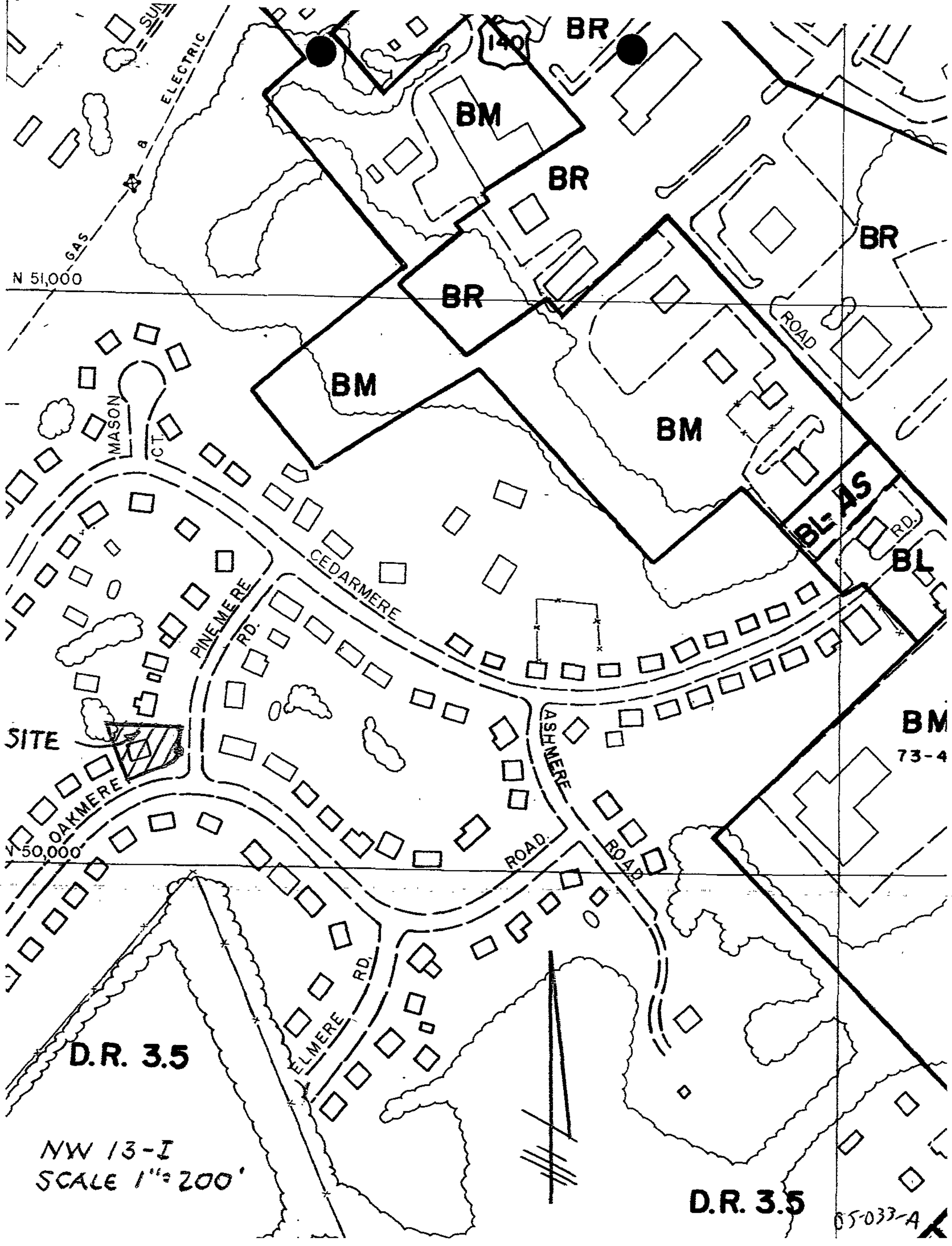
DATE: August 4, 2004

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

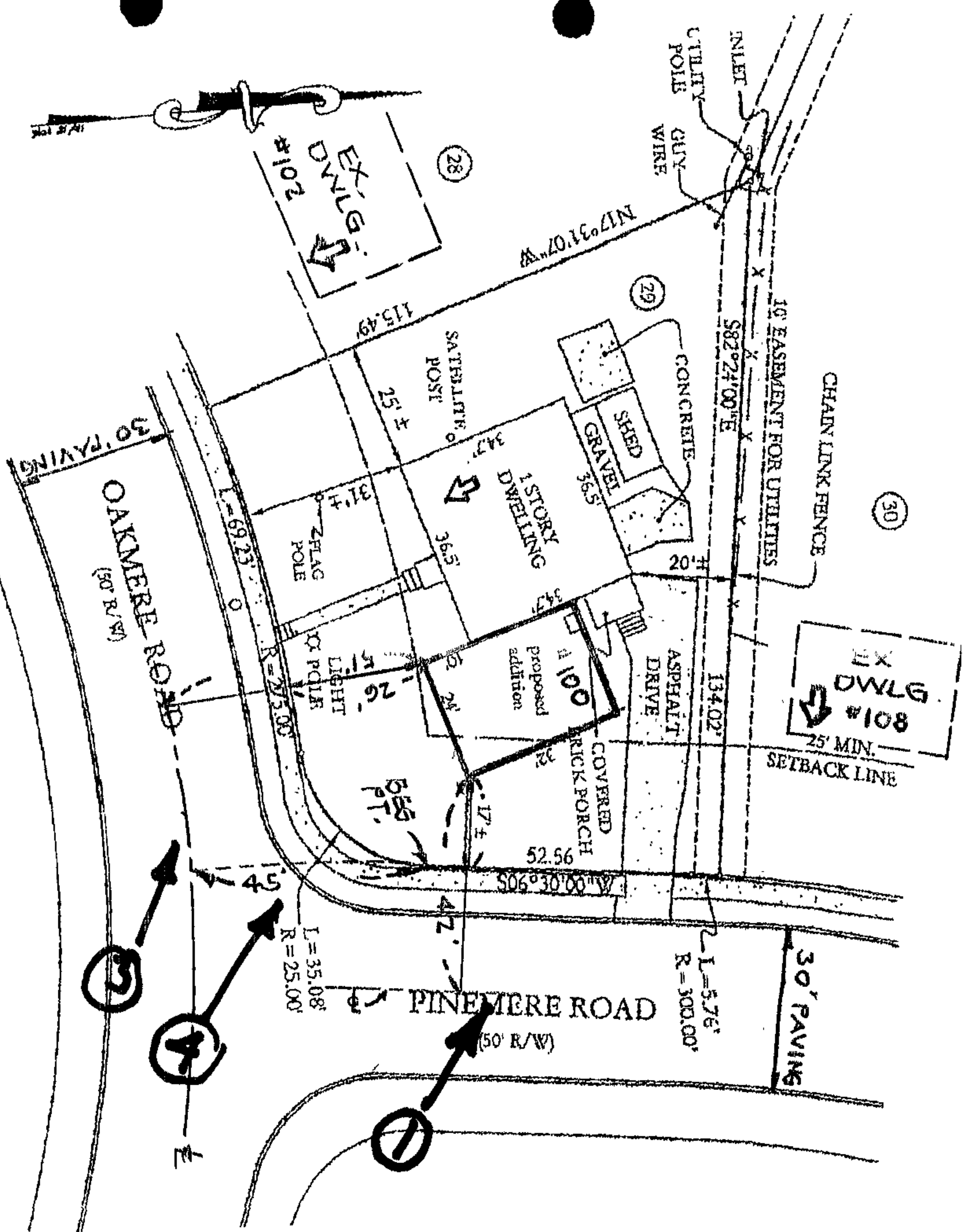
RWB:CEN:jrb

cc: File

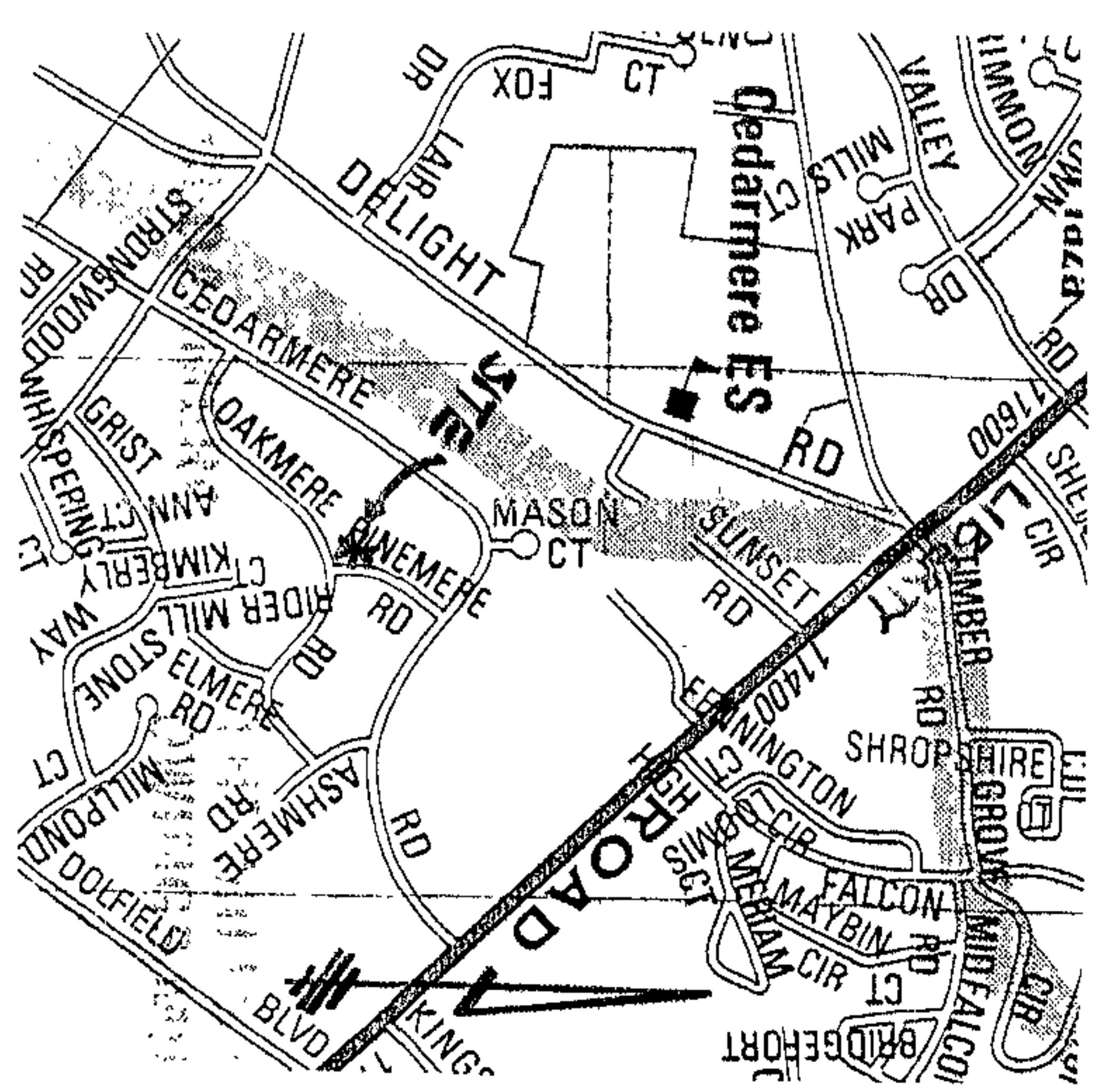
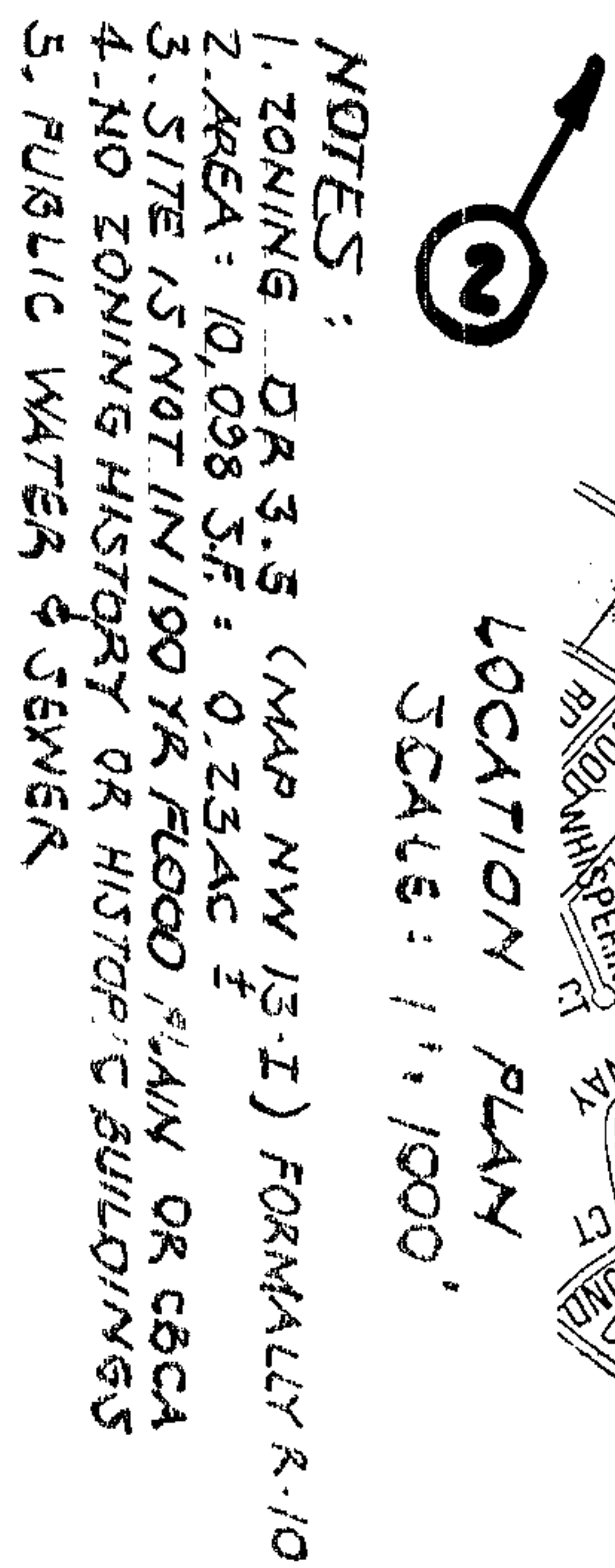




CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

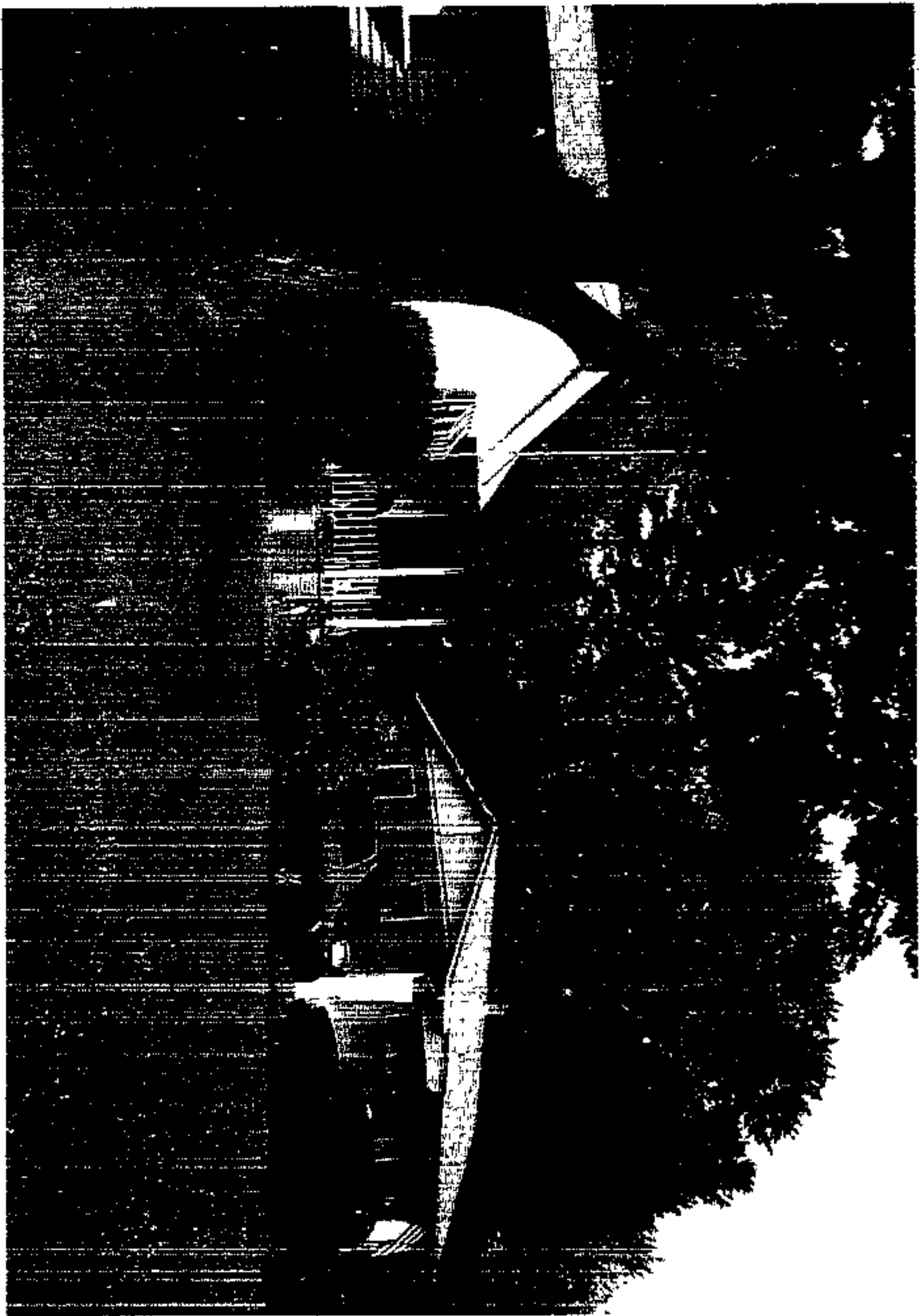


NOTE: QUESTION D CEDARHURST PG. 21 P. 4
REMOVED APRIL, 1955 WITH
PLANNING COMMISSION APPROVAL



PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
100 OAKMERE ROAD
ELECTION DISTRICT 4, C-~~4~~
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET JULY 1, 2004

①

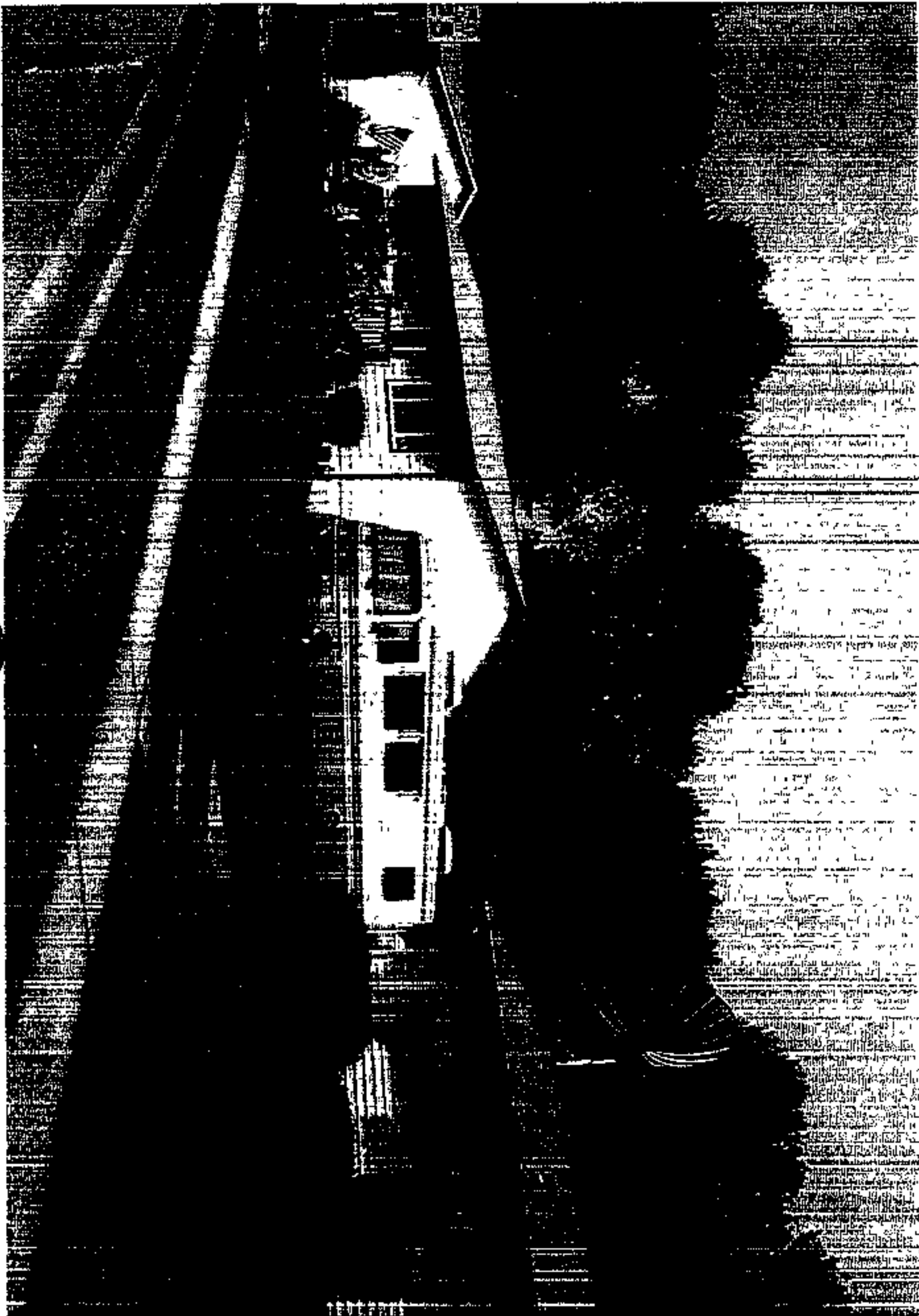


②

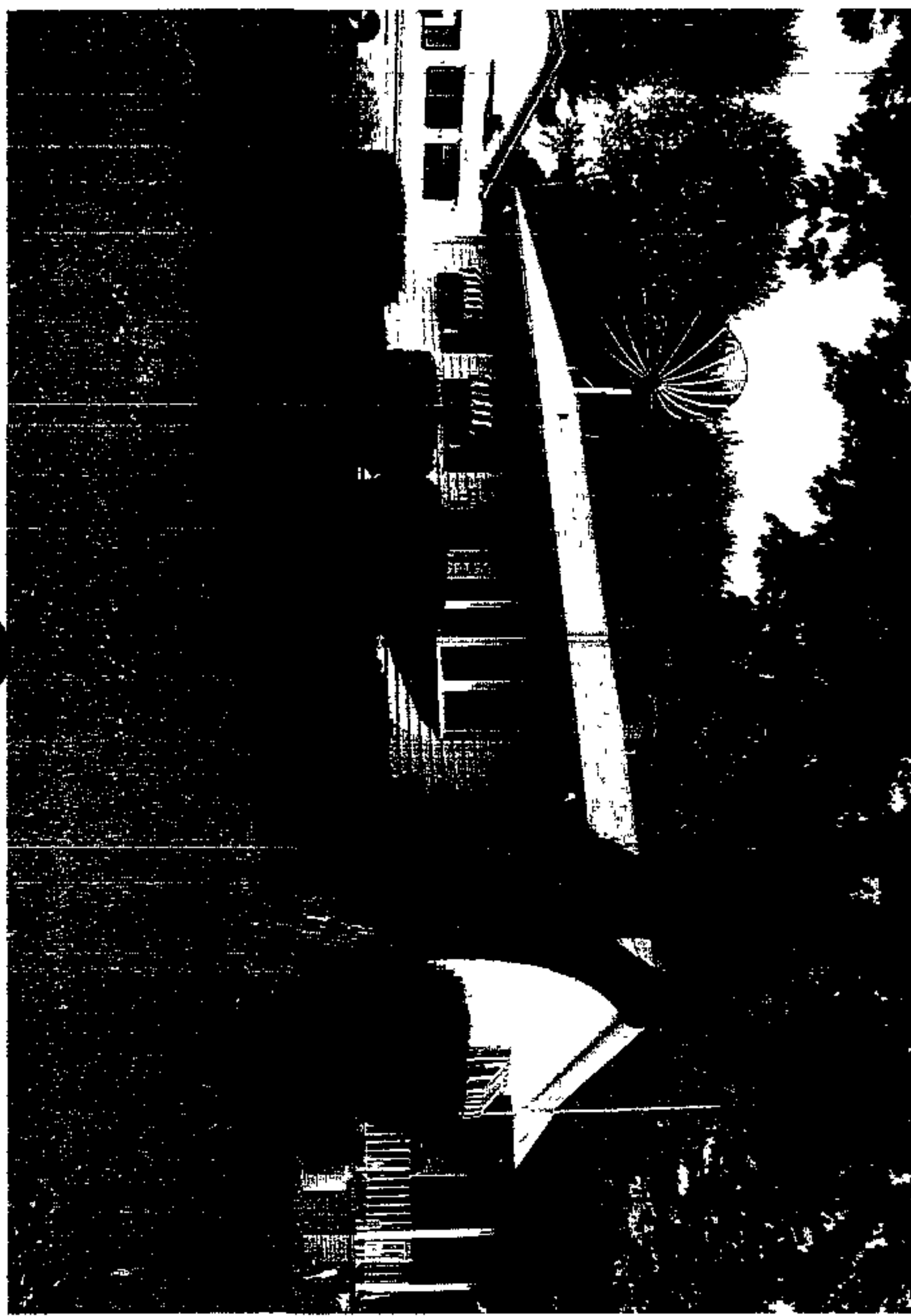


05-033-4

③



④



CERTIFICATE OF POSTING

RE: Case No.: 05-033-A

Petitioner/Developer: LOUIS AND

SANDRA BEALL

Date of Hearing/Closing: 8/9/04

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

100 OAKMEDE RD

The sign(s) were posted on

7/25/04
(Month, Day, Year)

Sincerely,

Robert Black 7/28/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

