IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Oakbranch Way, 129 ft. N
centerline of Park Falls Drive
11th Election District
5th Councilmanic District
(9502 Oakbranch Way)

Barbara J. & John L. Ward Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

FOR

* BALTIMORE COUNTY

CASE NO. 05-339-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, Barbara J. and John L. Ward. The variance request is for property located at 9502 Oakbranch Way in Baltimore County. The variance request is from Section 1B02.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.)(Section 504, 1970 Zoning Regs. – Bill No. 100, 1970) and Section V.B.6.b, 1970 (C.M.D.P.), to permit a proposed addition (sunroom partially under construction) with a window to side property line setback of 10 ft. in lieu of the minimum required 15 ft., and to amend the Final Development Plan for Lot 2, Section 1, Block K of "Oakhurst" (Plat 3). 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 on January 18, 2005, 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

En regiver for func.

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 Deputy Zoning Commissioner for Baltimore County, this 3 day of February, 2005, that a variance from Section 1B02.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.)(Section 504, 1970 Zoning Regs. – Bill No. 100, 1970) and Section V.B.6.b, 1970 (C.M.D.P.), to permit a proposed addition (sunroom partially under construction) with a window to side property line setback of 10 ft. in lieu of the minimum required 15 ft., and to amend the Final Development Plan for Lot 2, Section 1, Block K of "Oakhurst" (Plat 3), 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;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

IOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

SUBLICE OF FILE

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 William J. Wiseman III, Zoning Commissioner

February 3, 2005

Mr. & Mrs. John J. Ward 9502 Oakbranch Way Baltimore, Maryland 21236

> Re: Petition for Administrative Variance Case No. 05-339-A Property: 9502 Oakbranch Way

Dear Mr. & Mrs. Ward:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9502 PAKBRANCH WAY
which is presently zoned DR 5.5

is the subject of this Petition.

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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 (Section 504, 1970)

Zoning Regulations-Bill 100,1970 and Soction V. B. G. b, 1970 C.M. D.P.) to permit a proposed addition (sunroom partially under construction) with a window to side property line setback of 10 feet in lieu of the minimum required 15 feet, and to amend the Final Development Plan for Lot 2, Section 1, Block K, of Oakhurst (Plat 3).

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.

Contract Purch	aser/Lessee:		Legal Owner(s	<u>:):</u>
Name - Type or Print		- 	Name - Type or Print	1. WARD
Signature		· · · · · · · · · · · · · · · · · · ·	Signature	J. Ward
Address		Telephone No.	BARBARA Name - Type or Print	J. WAED
City	State	Zip Code	Signature	Johand W-410 291-6
Attorney For Pe	titioner:		9502 DAK Address	BRANCH WAY 410256-7
Name - Type or Print	,	· · · · · · · · · · · · · · · · · · ·	BANTIMORE City	MARYLAND 21236
				State Zip Co e to be Contacted:
Signature	······································		· · · · · · · · · · · · · · · · · · ·	······································
	· · · · · · · · · · · · · · · · · · ·		Name	
Address		Telephone No.	Address	Telephone N
City	State	Zip Code	City	. State Zip Cod
BRUUS B (BAV D)	ng been formally demands that County and that the property	' tha cliniant mattar ist t	required, it is ordered be his petition be set for a pul	y the Zoning Commissioner of Baltimore Cour blic hearing, advertised, as required by the zon
	05-339-A		المراه أ	nmissioner of Baltimore County
CASE NO			iewed By//// mated Posting Date	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	9502 VAKBRANCH WAY Address	
	BALTIMORE, MARYLAND City State	21236 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the requip or practical difficulty):	iest for an Administrative
1. ALLOWS EXISTING COVER	LED PORCH TO BE USED FOR A UD IN INCLEMENT WEATHER, W	SREATER
RECONSTRUCTION OF EXIST		
2. REDUCES NOISE BEING G WHEN ROOM IS IN USE	ARRICO TO SURROUNDING PROPE	271E5
	THE GOD PORTERITY OF ROOM	1 BY BIVING
US THE ABILITY TO LOC INCREASED INSTANCES O NEIGHBORHOOD TEENAGE	TO DOOR & WINDOWS (THERE IF VANDAUSM & PROPERTY DISTRUM RECENT YEARS)	HAUE BEEN) ETIOU BY
4. INCREASES USABLE GROWN, WAS CONVERTED TO EATING	D FLOOR LIVING SPACE SINCE F AKEA COUTGREW ORIGINAL/EXISTIN	JA FLOOR PLANS
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required additional information.	to pay a reposting and
Signature & Ward	Lawara Jaskard	
	Signature BARBARA J. W Name - Type or Print	1407
Name - Type or Print	Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	AORE, to wit:	
HEREBY CERTIFY, this 200 day of day of of Maryland, in and for the County aforesaid, pe		Notary Public of the State
TOHN & BARBARA WAVED the Affiant(s) herein, personally known or satisfa		
	actorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Demay Callaugh	
	Notery Public	
	My Commission Expires 8/29/06	

REV 10/25/01

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	9502 /A	AKBRANCH WA	7
•	-	RE, MARYLAND	21236 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	wing are the fact	ts upon which I/we base	
1. ALLOWS EXISTING COVERED PORTION OF THE YEAR AND RECONSTRUCTION OF EXIST	IN INCLE	MENT WEATHER	EL WITHOUT
2. REDUCES NOISE BEING CA WHEN ROOM IS IN USE.			
3. PROVIDES GREATER SECUR US THE ABILITY TO LOCA INCREASED INSTANCES BY NEIGHBORHOOD TEENA	CITY FOR CO	ONTENTS OF ROOM INDOWS (THER USING PROPERTY SECENT YEARS)	1 BY GIVING E HAVE BEEN DISTRUCTION
4. INCREASED USABLE GROUND FOR CONVERTED TO EATING AREA (That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	out grew ex ormal demand is	s filed, Affiant(s) will be	
Signature JOHN J. WARD		Signature Signature BARBARA Name - Type or Print	WARD
Name - Type or Print		Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTING HEREBY CERTIFY, this $\frac{3^{RD}}{1000}$ day of $\frac{100}{1000}$ of Maryland, in and for the County aforesaid, per TOHN & BARBARA (1000)	vuary rsonally appeared		e me, a Notary Public of the Stat
TOHN & BARBARA (JAR) the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Affiant(s).	,
AS WITNESS my hand and Notarial Seal	NIZ1Z-	primary Walela	rujet
	Motary My Con	Public // mmission Expires <u>8/</u> 2	29/06

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9502 DAKBRANCH WAY which is presently zoned __DR5.5

is the subject of this Petition.

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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)

1802.3.8,802R (Section 504, 1970) Zoning Regulations-Bill 100, 1970 and Section V. B. G. b, 1970 C.M.D.P.) to permit a proposed addition (sunpoon partially underconstruction) with a window to side property line set back of 10 feet in lieu of the minimum required 15 feet, and to amond the Final Quelopment Plan for Lot 2, Section 1, Block K, of Oathurst (Plat 3), 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.

Contract Purchaser/L	Lessee:	·	Legal Owner(s)	<u>.</u> £	
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	1	Name - Type or Print	WARD	——————————————————————————————————————
Signature		 	Signature	GWard .	
Address	·····	Telephone No.	Name - Type or Print	J. WARD Ward	——————————————————————————————————————
City	State	Zip Code	Signature /	111-416	291 4637
Attorney For Petition	<u>er:</u>	i i	9502 VAKBRAN Address		291 4637 56-7908 Telephone No.
Name - Type or Print		i	BALT IMORE,	NARYLAND State	21236 Zip Code
Signature	 	<u>, , , , , , , , , , , , , , , , , , , </u>	Representative	to be Contacted:	
Company	**************************************	i	Name	.,	
Address	<u></u>	Telephone No.	Address	······································	Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee this day of regulations of Baltimore County	T F	idi tha qiinlact mattat h	be required, it is ordered by if this petition be set for a publi	c hearing, advertised, as requ	Baltimore County, ired by the zoning
			7		·
~	* ^^ ^	 - a	Zoning Comr	nissioner of Baltimore County	1
CASE NO	339-	1 R	eviewed By <i>UP</i>	Date	05
REV 10/25/01		Es	stimated Posting Date	1/18/05	++=+++++++++++++++++++++++++++++++++++

ZONING DESCRIPTION FOR 9502 OAKBRANCH WAY, BALTIMORE MD 21236

Beginning at a point on the west side of Oakbranch Way, which is 50 feet wide at the distance of 129 feet north of the centerline of the nearest improved intersecting street, Parkfalls Drive, which is 55 feet wide.

Being Lot # 2 in Block lettered K in a subdivision known as Plat Three (3) Section One (1) Oakhurst as per plat thereof recorded in Baltimore County Plat Book E.H.K.Jr. Number 42 at Plat 10 among the Land Records of Baltimore County in Liber 11635 at Folio # 385 improved by the premises known as 9502 Oakbranch Way containing 7572 square feet (.17 acre). Also known as 9502 Oakbranch Way and located in the 11th Election District, 5th Councilmanic District.

COUNTY, MARY LAND LOGER & FRUINCE RECOURT & COLUMN AND ALLES OF THE COLUMN A		
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COUNTY AND THE PROPERTY OF THE		5
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CERTIFICATE OF POSTING

	RE: Case No. : 05-339-A
	Petitioner/Developer: John ;
	BARBARA WARD
	Date of Hearing/Closing: 1/31/05
Baltimore County Department Permits and Development M County Office Building, Roor 111 West Chesapeake Aven	lanagement m 111
Attention:	
Ladies and Gentlemen:	
	the penalties of perjury that the necessary posted conspicuously on the property 9502 OAKBRANCH WAY
	;
This sign(s) were posted on	(Month, Day Year)
	Sincerely, Martin & 1/18/05
	(Signature of Sign Poster and Date) <u>Martin Ogle</u> Sign Poster <u>5016 Castlestone Drive</u> Address
	Balto. Md 21237 (443-629-3411)





im000182 (1152x864x24b jpeg)



Martin & 1/18/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 05-	339	-A	Address	9502	OAKBRANCH WAY
Contac	ct Person:	le ffre				Phone Number: 410-887-3391
Filing	Date:		Pos		1/18/05	÷
Any co	ontact made n the contac	with this o	ffice regardir nner) using th	ng the statu	s of the aber.	administrative variance should be
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•	<i>a ivitio</i> i (v)	auggi ior a i	JUDIIC HEARING	7 Pigges i	いりべんといもべいと	nt or owner within 1,000 feet to file If that even if there is no formal he closing date.
) (1	rder that the	ne matter be nin 7 to 10 da	set in for a	e requested a public hea sing date) a	reliet; (b) aring. You	by the zoning or deputy zoning deny the requested relief; or (c), will receive written notification er the petition has been granted, to you by First Class mail.
F. (*) C. C. p.	whether due ommissione hanged givi	e to a neight r), notification	RING AND Formal on will be formated	request or warded to	in cases by order you. The	s that must go to a public hearing of the zoning or deputy zoning sign on the property must be As when the sign was originally altered sign must be forwarded to
			(Detac	h Along Dotted Li	ne)	
etition	er: This Pa	art of the Fo	m is for the	Sign Poste	r Only	.
	-	USE THE A	DMINISTRA	TIVE VARIA	ANCE SIGI	N FORMAT
		339 -A		ess <u>9502</u>	DAKBA	CANCH WAY
'etitione	er's Name 📑	JOHN &	PARBARA	WARD		Telephone 410-256-7908
	Date:	, - , -,	······································	_ Clos	sing Date:	1/31/05
(WIH	dow to Tov	operty line	set bade o	f 10 feet	in lieur	tially under construction) with of the minimum required for Lot 2, Section 1, Block 19
of 00	Khurst (P	la+3).				is a section of the s
	•				* 	WCR - Revised 6/25/04

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

January 31, 2005

John J. Ward Barbara J. Warde 9502 Oak Branch Way Baltimore, Maryland 21236

Dear Mr. and Mrs. Ward:

RE: Case Number: 05-339-A, 9502 Oak Branch Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 6, 2005.

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. Callibal)

....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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of:

January 24, 2005

Item No.:

334-336, 338-344, 346

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 24, 2005

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 January 24, 2005

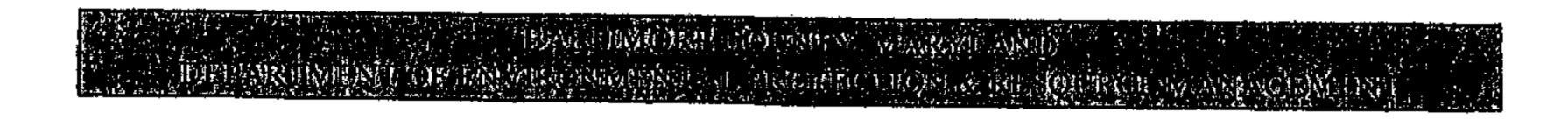
Item Nos. 336, 337, 338, 339, 344,

346, and 347

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

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

DEPRM

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 18, 2005.

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

05-335 05-336 05-339 05-344 05-345 05-347

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: January 24, 2005

JAN 2 6 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-339 – 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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

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



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

Maryland Department of Transportation

Date: 1.19.65

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

RE:

Baltimore County

Item No.

33

MP

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, Chief

1. J. Gredh

Engineering Access Permits Division

January 3, 2005

Dear Sir or Madam:

We fully support the petition for zoning variance being submitted by John and Barbara Ward. Our property is the adjoining lot closest to the setback in question. We share the property line to the north of the Ward's lot.

We have absolutely no objection to the sunroom being constructed on their property, or to the setback the Wards request. We will not be contesting their request for zoning variance, and are pleased to support the Wards in their effort.

Sincerely,

Paul Matlin

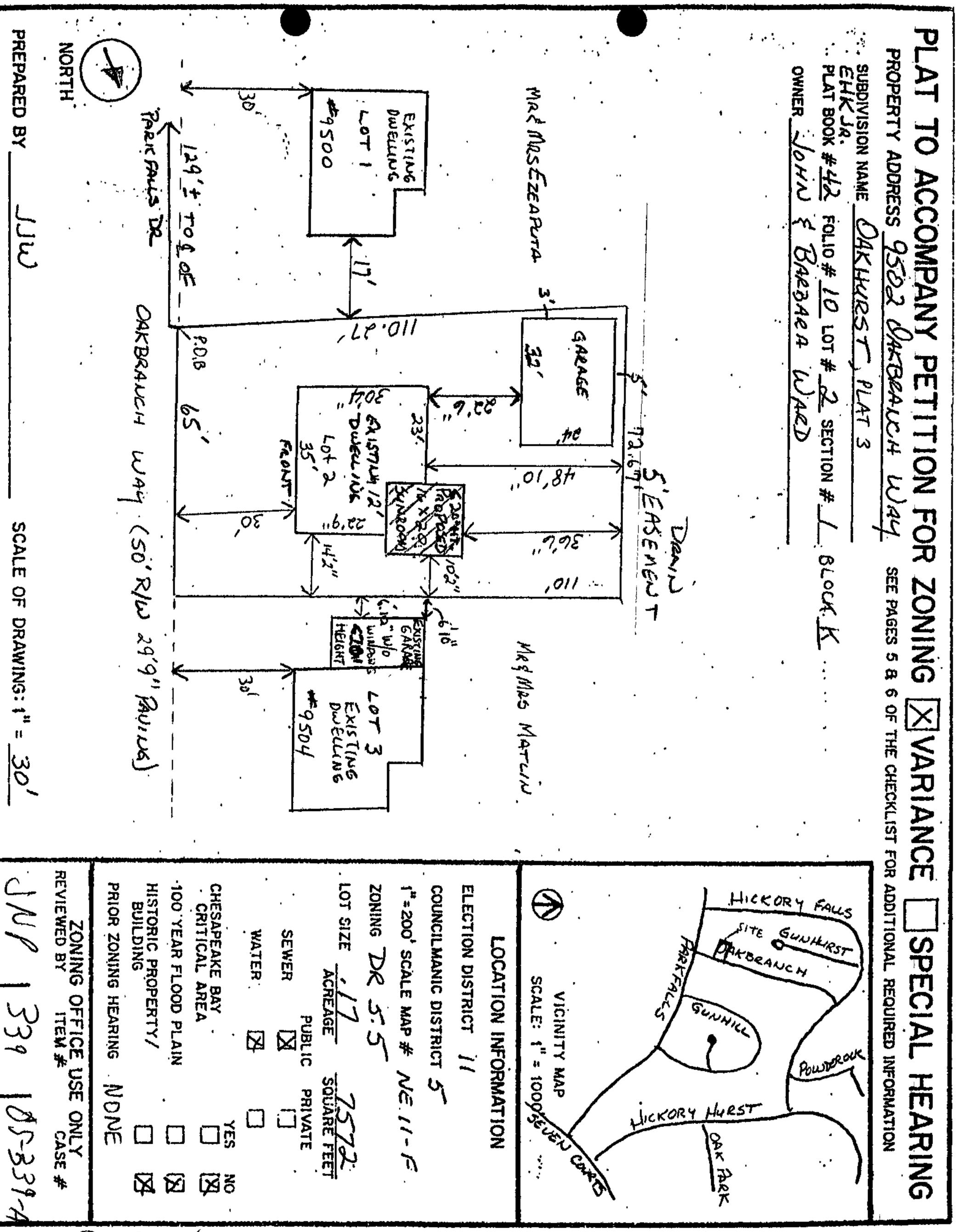
9504 Oakbranch Way

Baltimore MD 21236

Carol Matlin

9504 Oakbranch Way

Baltimore MD 21236



Pet Ex #



D2-339-A



SUNPER LOOKING TOWARD 9504 NEXT DOOR

O5-339-A

The same will be

post

9504 NEXT DOOR LESS THAN 20'10 HT.



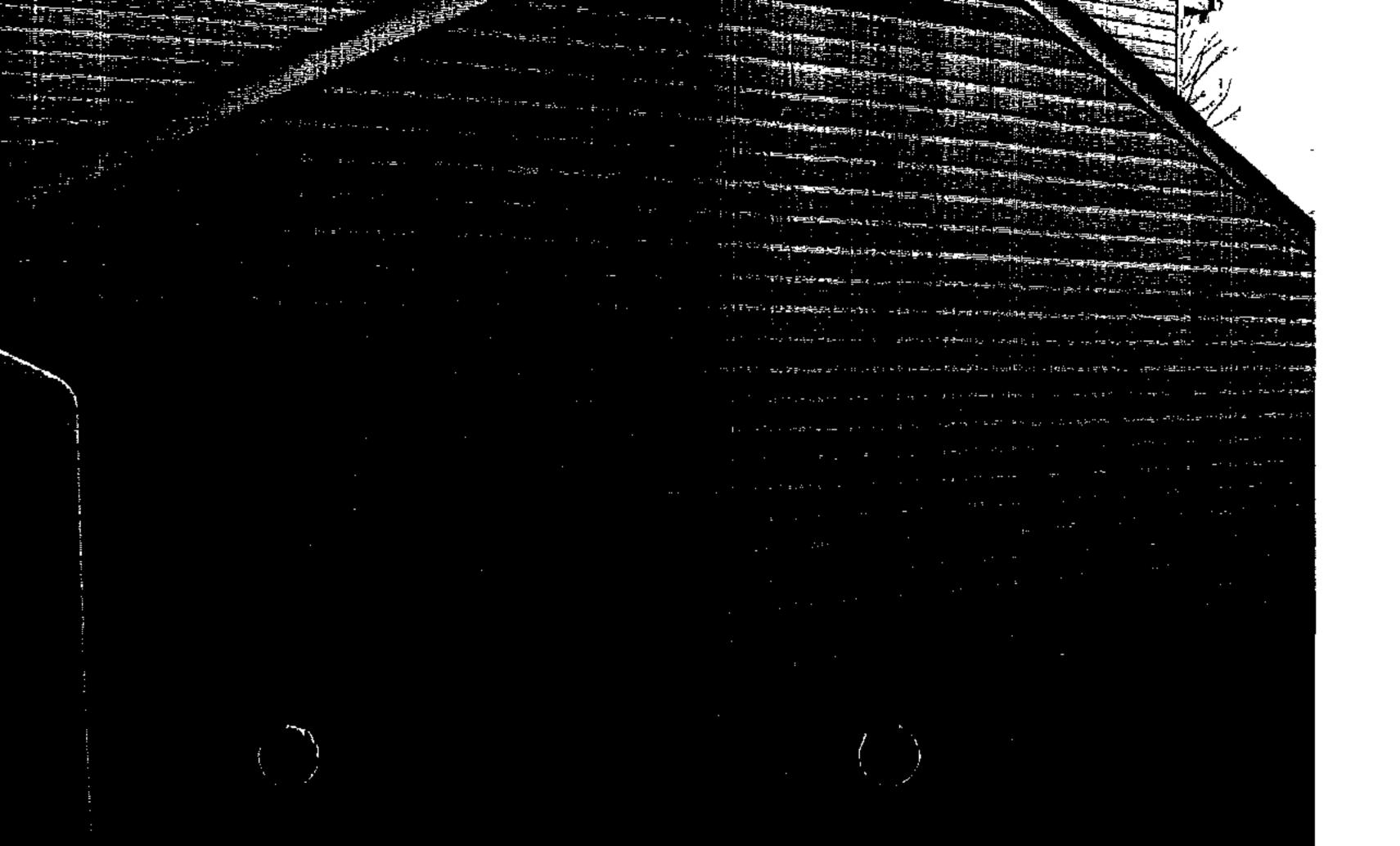
9504 NEXT DOOR LESS THAN 20' IN HT.

05-339-A

. .:



9504 NEXT DOOR



9504 NEXT DOOR GARAGE LESS THAN 20" HT.



VIEW OF SUNROOM FROM BACK YARD



VIEW from FRONT OF JUNE ON LESS THAN 20' IN HT.

05-339-A

de filt is



VIEW FROM FRONT WITH SIDE VIEW OF 9504 LESS THAN 20' IN HT.