

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W/S of Fallswood Terrace Road, 750 ft. +/-		
N centerline of Chestnut Ridge Road	*	DEPUTY ZONING COMMISSIONER
8th Election District		
2nd Councilmanic District	*	FOR
(11710 Fallswood Terrace Road)		
	*	BALTIMORE COUNTY
Susan M. & William R. Wolven		
<i>Petitioners</i>	*	CASE NO. 05-388-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, Susan M. and William R. Wolven. The variance request is for property located at 11710 Fallswood Terrace Road in the Lutherville area of Baltimore County. The variance request is from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (1975 B.C.Z.R.), to permit an addition with a side yard setback of 34 ft. in lieu of the minimum required setback of 50 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 on February 12, 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 32-3-303 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

NOTED RECEIVED FOR FILING

3/3/05

Ray

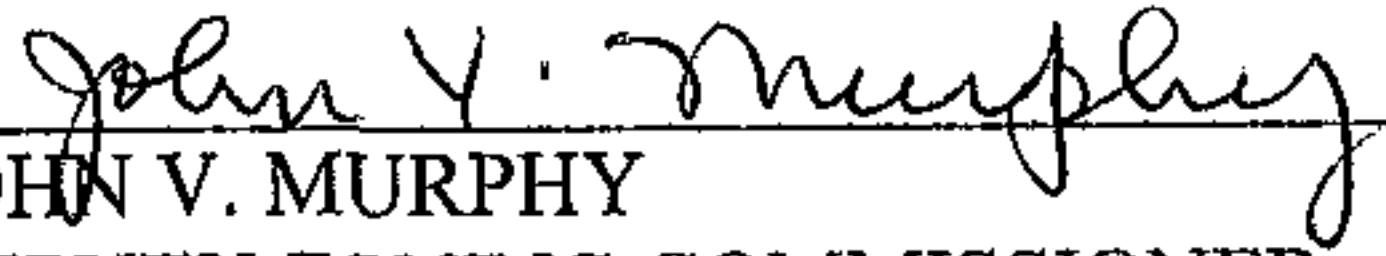
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 March, 2005, that a variance from Section 1A00.3.B.3 of the Baltimore County Zoning Regulations (1975 B.C.Z.R.), to permit an addition with a side yard setback of 34 ft. in lieu of the minimum required setback of 50 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;

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

3/3/05



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

March 3, 2005

Mr. & Mrs. William R. Wolven
11710 Fallswood Terrace Road
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 05-388-A
Property: 11710 Fallswood Terrace Road

Dear Mr. & Mrs. Wolven:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Henry Warfield, Box 76, Butler, MD 21023-0076





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11710 FALLSWOOD TERRACE ROAD
which is presently zoned RC-5 (CRDP)

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) 1A00.3.B.3 BCZR C1975

TO PERMIT AN ADDITION WITH A SIDEYARD SETBACK OF 34'
IN LIEU OF THE MINIMUM REQUIRED SETBACK OF 50'

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):

WILLIAM RICHARD WOLVEN

Name - Type or Print

Signature

SUSAN McLOUGHLIN WOLVEN

Name - Type or Print

Signature

11710 FALLSWOOD TERRACE ROAD

Address

Telephone No.

LUTHERVILLE, MD

City

State

21093

Zip Code

Representative to be Contacted:

HENRY WARFIELD

Name

P.O. Box 76

Address

410-472-4048

Telephone No.

BUTLER,

City

MD

State

21023-0076

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. 05-388-A

Reviewed By

JF

Date

2-2-05

Estimated Posting Date

2-13-05

ORDER RECEIVED FOR FILING
3/3/05
By

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 11710 FALLSWOOD TERRACE ROAD
Address
LUTHERVILLE, MD 21093
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):

Request permission for a ground floor Master Bedroom addition to extend into the side yard set back of a house located at the end of a cul-de-sac. The house is located on a steep slope running down from the rear yard (west) to front yard (east) creating difficulty for additional construction. The existing attached Garage fully occupies the north side of the lot. The proposed one-story Addition at the south side will extend between 7' (southeast corner) and 16' (southwest corner) into the 50' side yard setback (RC-5 zoning).

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.

William Richard Wolven
Signature

Susan McLoughlin Wolven
Signature

WILLIAM RICHARD WOLVEN
Name - Type or Print

SUSAN McLOUGHLIN WOLVEN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Richard Wolven & Susan McLoughlin Wolven
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

1/27/05
Date

Gail L. W.
Notary Public
My Commission Expires 1/12/05

WARFIELD
ARCHITECTS

ZONING DESCRIPTION FOR

11710 FALLSWOOD TERRACE, LUTHERVILLE, MD 21093

Beginning at a point on the WEST side of FALLSWOOD TERRACE which is 50 FEET wide at the distance of ~~± 750~~ FEET NORTH of the centerline of the nearest improved intersecting street CHESTNUT RIDGE ROAD. Being Lot #18, Section #2 in the subdivision of FALLSWOOD as recorded in the Baltimore County Plat Book # ~~49~~ Folio # 89, containing 1.0434 acres. Also known as 11710 FALLSWOOD TERRACE and located in the 8th Election District, 2nd Councilmanic District.

388

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 111638

DATE 2-2-05

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM Pamela Vert Weisfeld

FOR 17710 Fallswood Terrace Rd.
Admission Ver. Item # 388

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED 2/02/2005 09:42:40

2/02/2005 2/02/2005 09:42:40

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RECEIVED 2/02/2005 09:42:40

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date

February 18, 2005

RE: Case Number

05-388-A

Petitioner/Developer

WILLIAM + SUSAN WOLVEN / WARFIELD ARCHITECTS

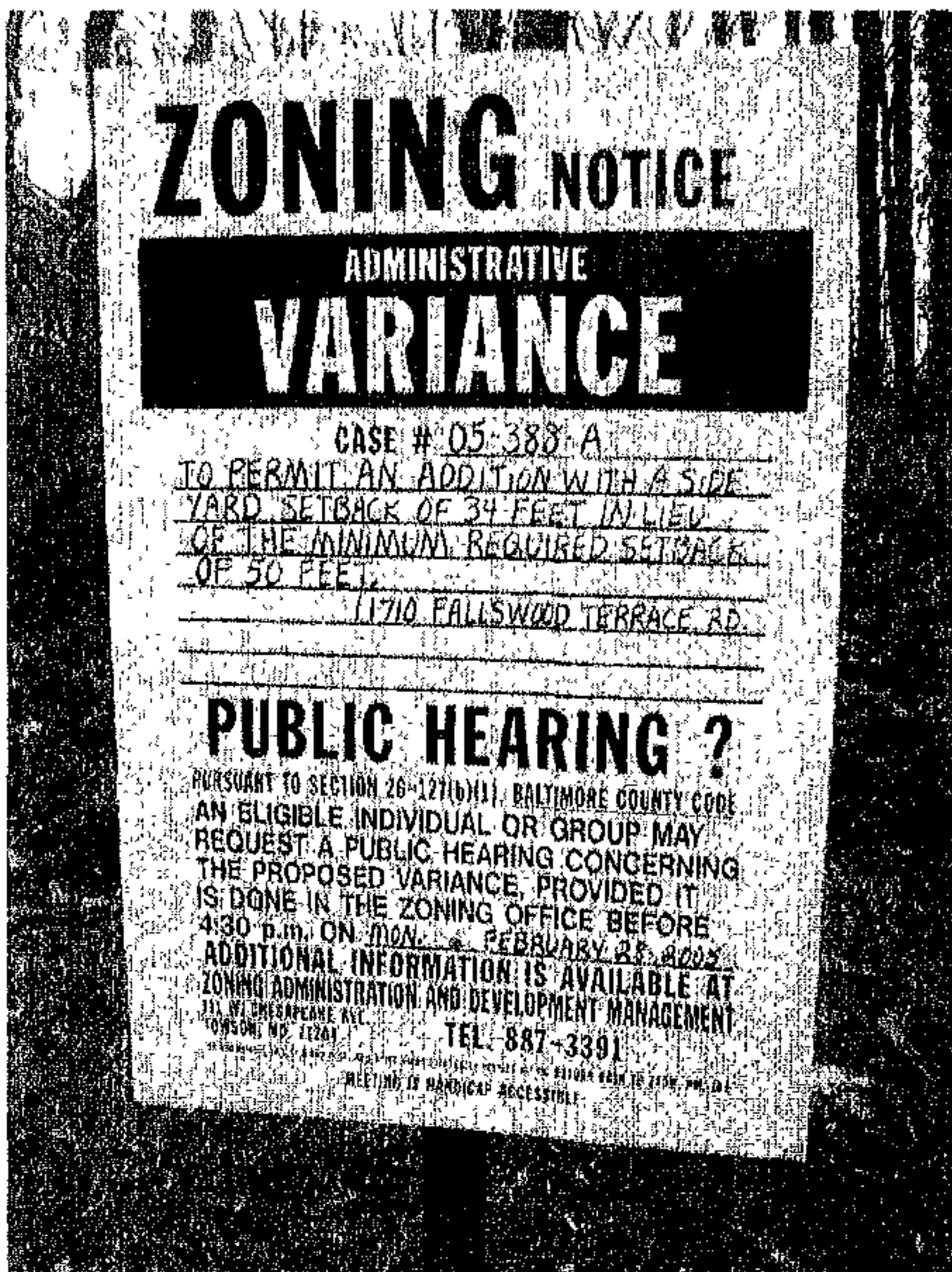
Date of Hearing (Closing)

February 28, 2005

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 11710 FALLSWOOD TERRACE RD.

The sign(s) were posted on

February 12, 2005



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

RECEIVED

FEB 23 2005

U.S. DEPARTMENT OF
JUSTICE

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: 05 - 388 - A

Petitioner: WILLIAM RICHARD WOLVEN

Address or Location: 11710 FALLSWOOD TERRACE RD, LUTHERVILLE, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: HENRY WARFIELD

Address: 15414 DUNCAN HILL ROAD
SPARKS, MD 21152

Telephone Number: 410 - 472 - 4048

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 388 -A Address 11710 Fallswood Terrace Rd.

Contact Person: Jun Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2-2-05 Posting Date: 2-13-05 Closing Date: 2-28-05

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- 388 -A Address 11710 Fallswood Terrace Rd.

Petitioner's Name William & Susan Wolven Telephone 410-561-1419

Posting Date: 2-13-05 Closing Date: 2-28-05

Wording for Sign: To Permit an addition with a side yard setback
of 34' in lieu of the minimum required setback of 50'.

**Department of Permits
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*

February 28, 2005

William Richard Wolven
Susan McLoughlin Wolven
11710 Fallswood Terrace Road
Lutherville, Maryland 21093

Dear Mr. and Mrs. Wolven:

RE: Case Number: 05-388-A, 11710 Fallswood Terrace Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 2, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Henry Warfield P.O. Box 76 Butler 21023-0076

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

February 14, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 379, 380-392, 394

303

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.

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

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

cc: File

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

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



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

Maryland Department of Transportation

Date: 2.11.05

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

RE: Baltimore County
Item No. 388 JRF

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
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr ^{JDO}

DATE: February 25, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 14, 2005

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

05-379

05-381

05-385

05-386

05-387

05-388

05-389

05-390

05-391

05-394

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 22, 2005
RECEIVED

FEB 23 2005

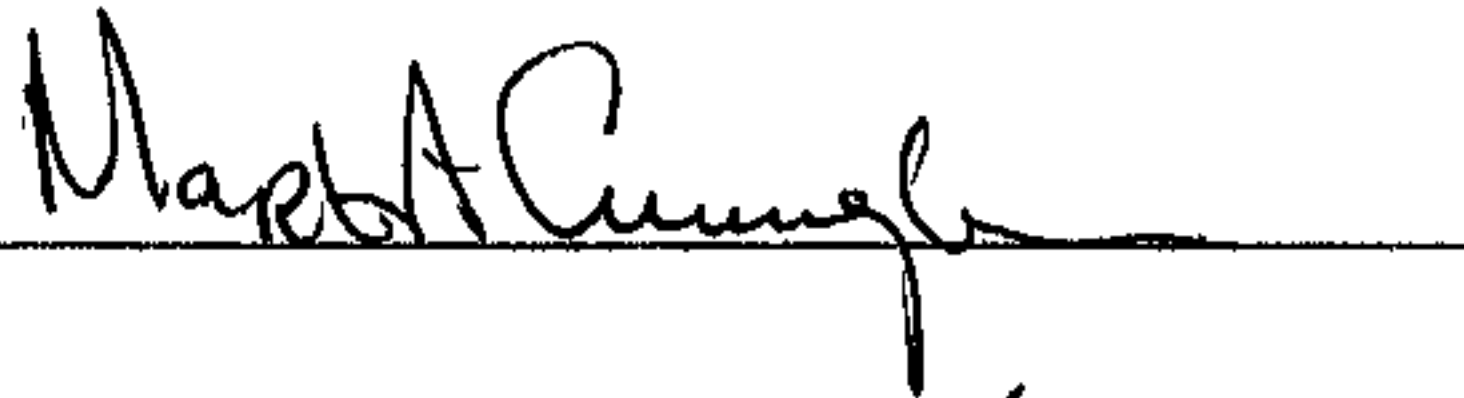
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-388 – 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2005
Item Nos. 379, 380, 381, 383, 384, 386,
387, 388, 390, 391, 392, 393, and 394

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

RWB:CEN:jrb

cc: File

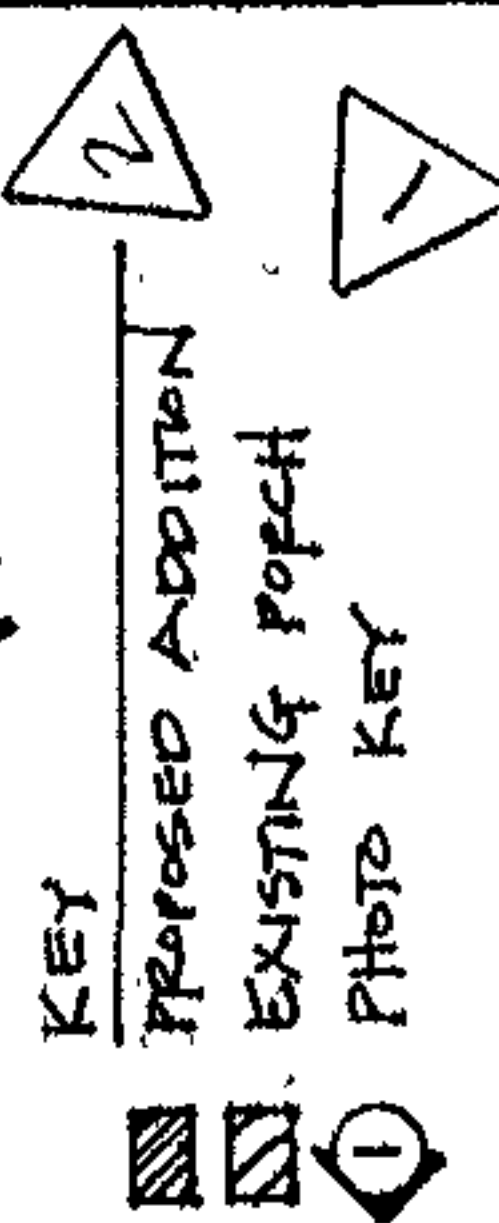
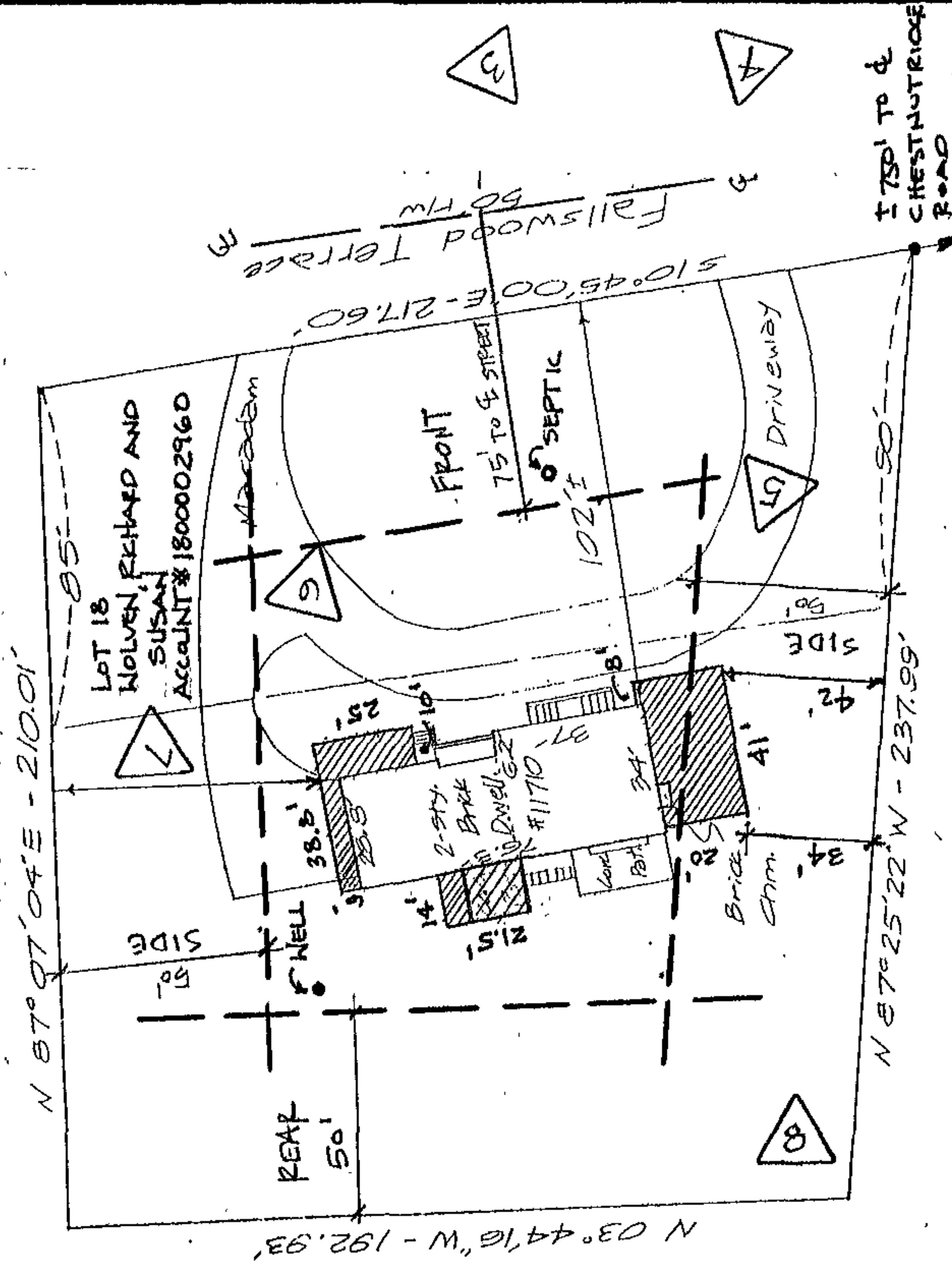
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 11710 FALLSWOOD TERRACE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME FALLSWOOD

PLAT BOOK # 40 FOLIO # 89 LOT # 18 SECTION # 2

OWNER WOLVEN, WILLIAM RICHARD AND SUSAN McLOUGHLIN

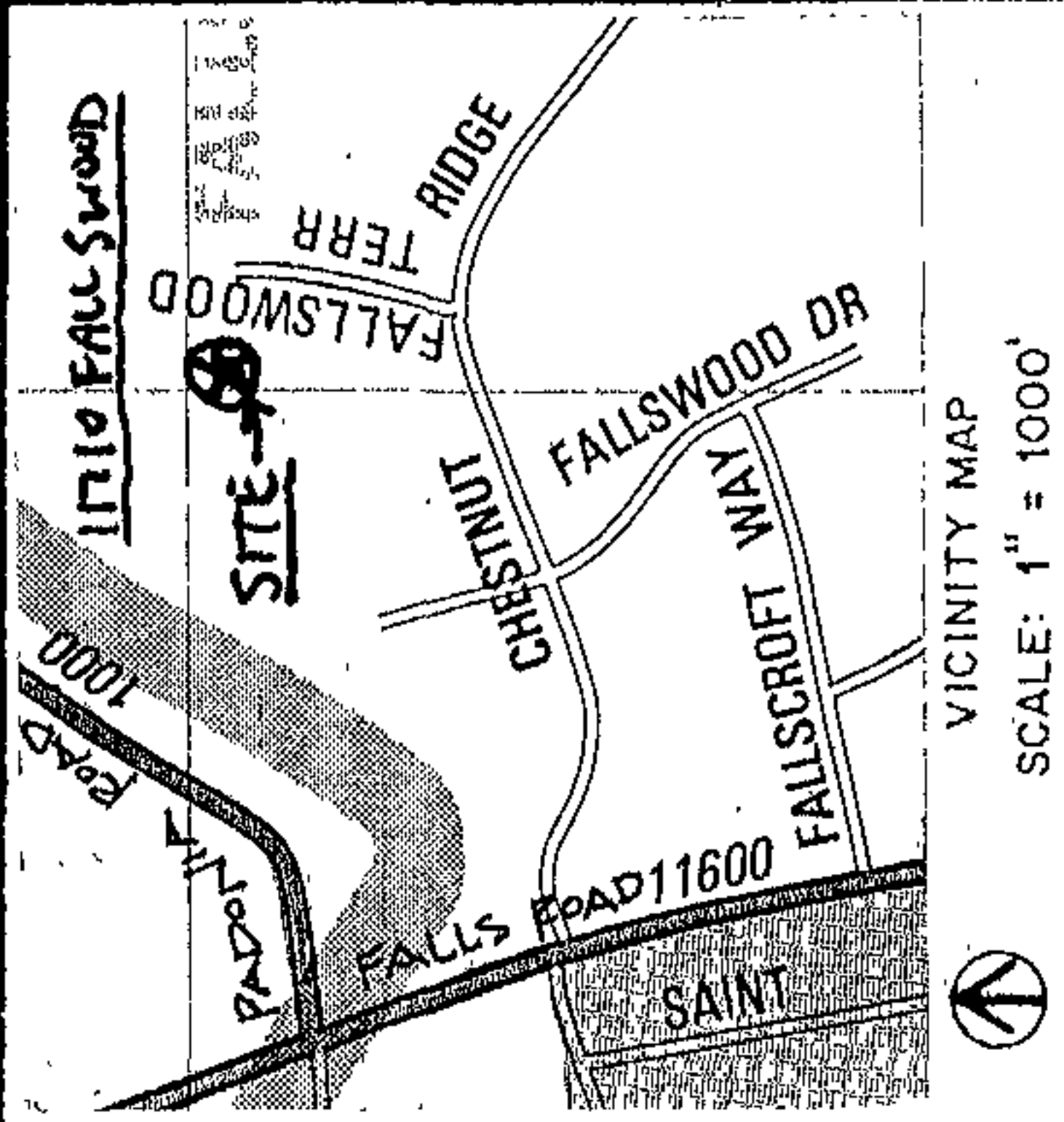


SCALE OF DRAWING: 1" = 50'

PREPARED BY HENRY WAPFIELD

Δ - PHOTO KEY

Det. A. #7



LOCATION INFORMATION

ELECTION DISTRICT 8TH
COUNCILMANIC DISTRICT 2ND

1" = 200' SCALE MAP # NW-14-C

ZONING RC-5 (RDP)

LOT SIZE 1.0434 ACRES
45,450.5 SQUARE FEET

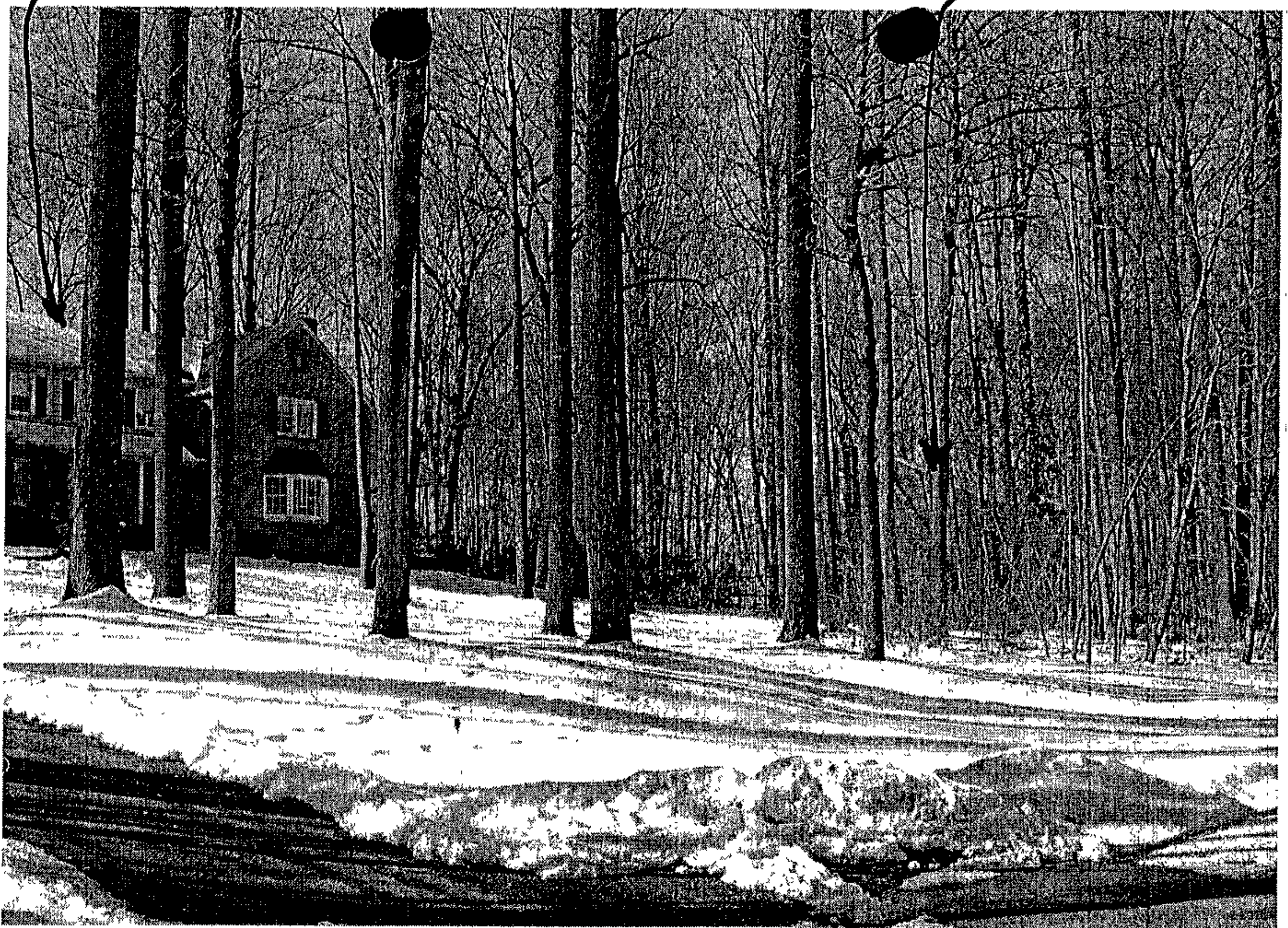
SEWER PUBLIC ☐ PRIVATE ☒
WATER PUBLIC ☐ PRIVATE ☒

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

ZONING OFFICE USE ONLY
REVIEWED BY JF ITEM # 388 CASE #

11708 FALLSWOOD

11710 FALLSWOOD



1 SOUTHEAST CORNER 11710 FALLSWOOD WITH 11708 IN FOREGROUND



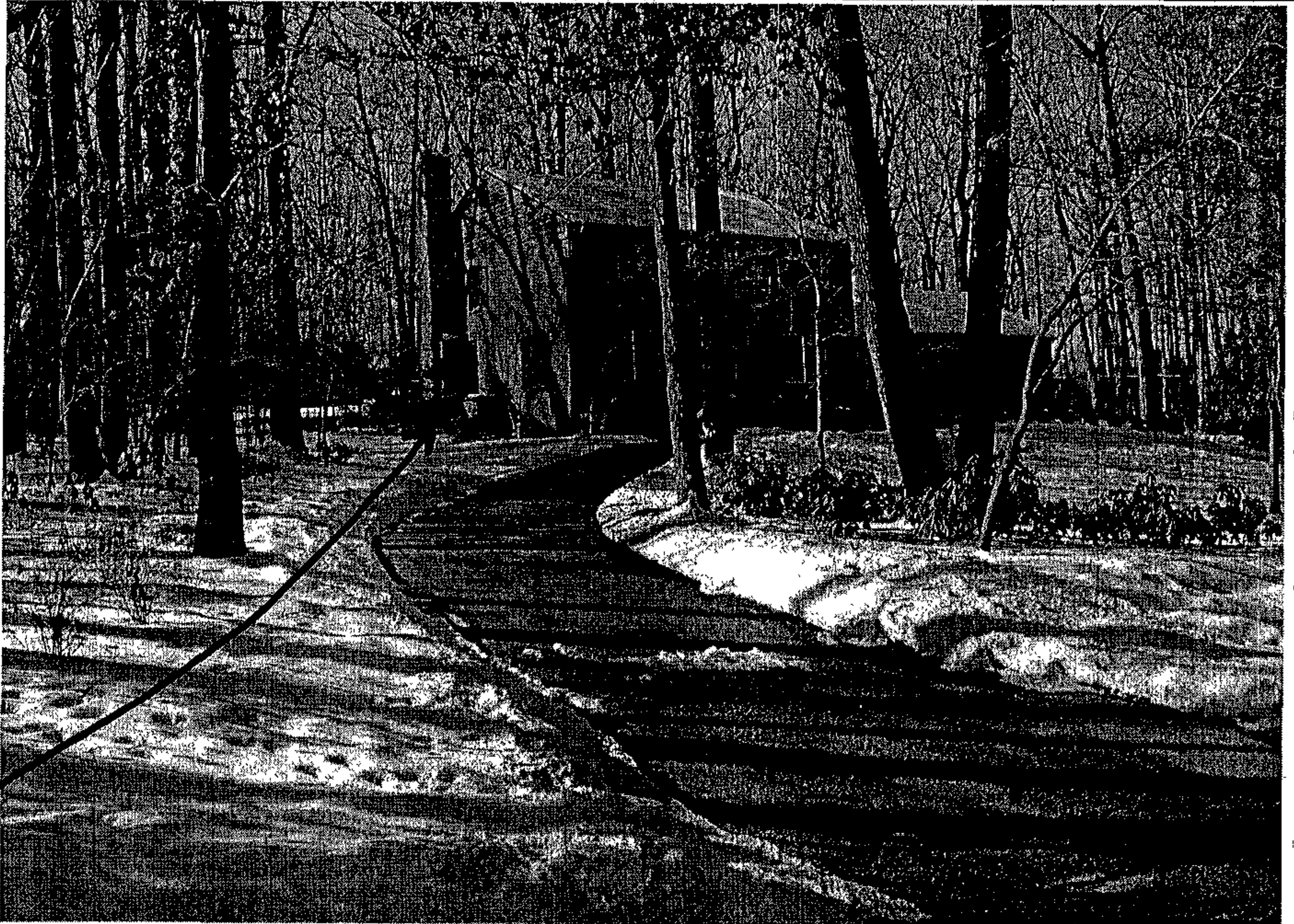
2 SOUTHEAST CORNER 11710 FALLSWOOD AND CUL-DE-SAC

358



APPROX. AREA FOR ADDITION

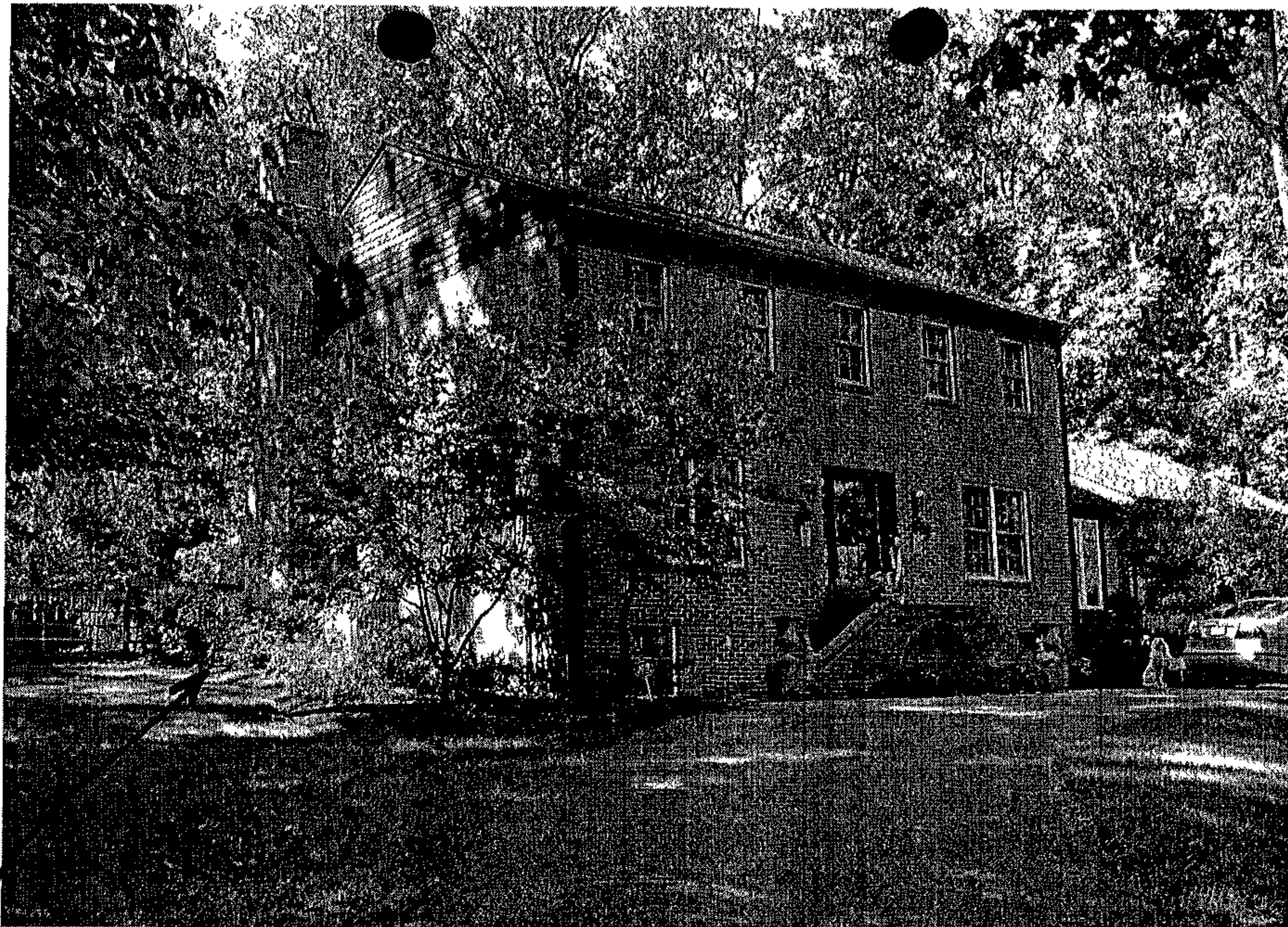
#3 EAST SIDE OF 11710 FALLSWOOD WITH 11708 IN DISTANCE



APPROX. AREA FOR ADDITION

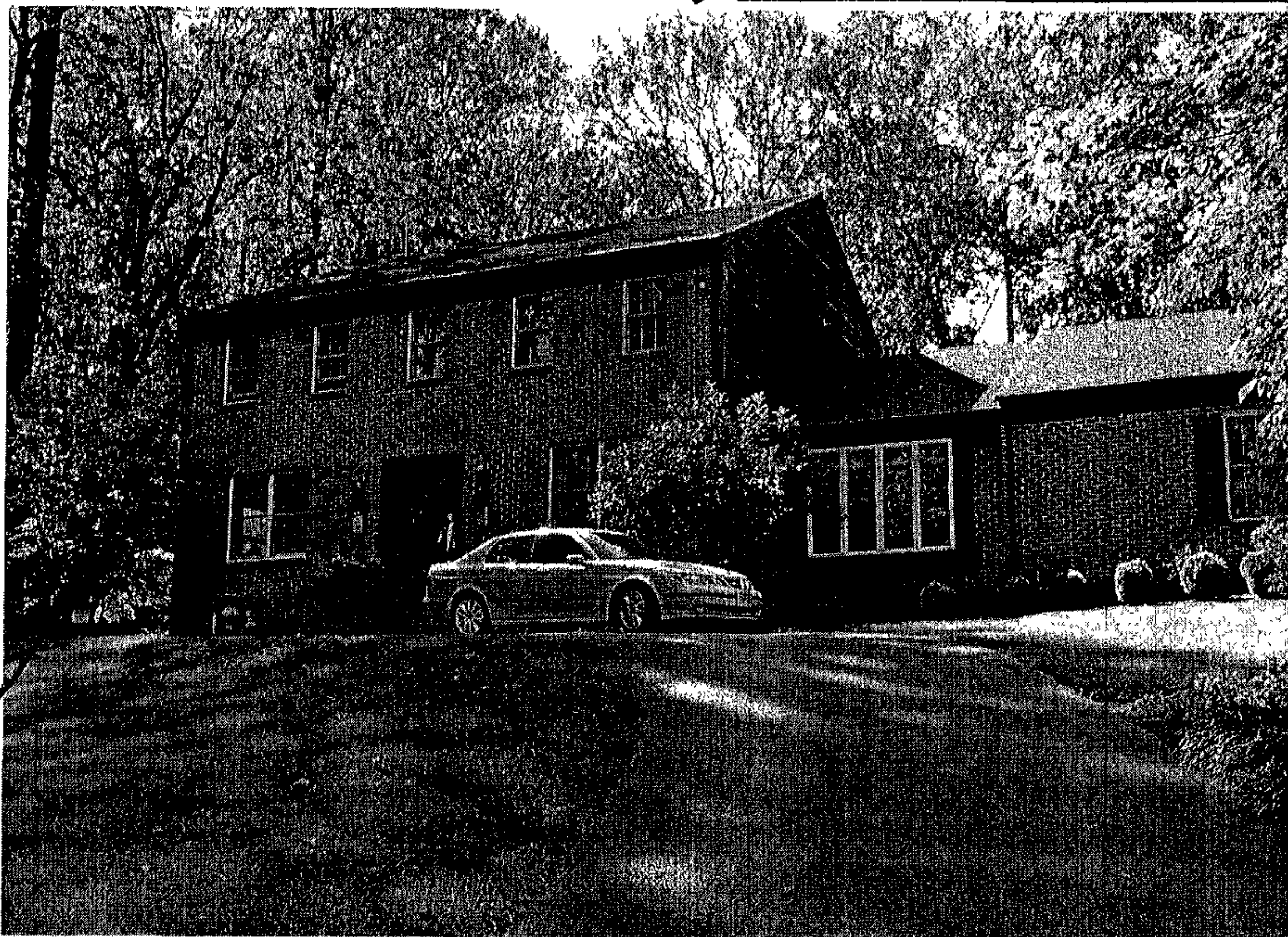
#4 SOUTHEAST CORNER OF 11710 FALLSWOOD FROM ROAD

388



APPROXIMATE AREA FOR ADDITION

#5 SOUTHEAST CORNER 11710 FALLSWOOD



APPROXIMATE AREA FOR ADDITION

#6 SOUTHEAST CORNER 11710 FALLSWOOD



SIDE YARD

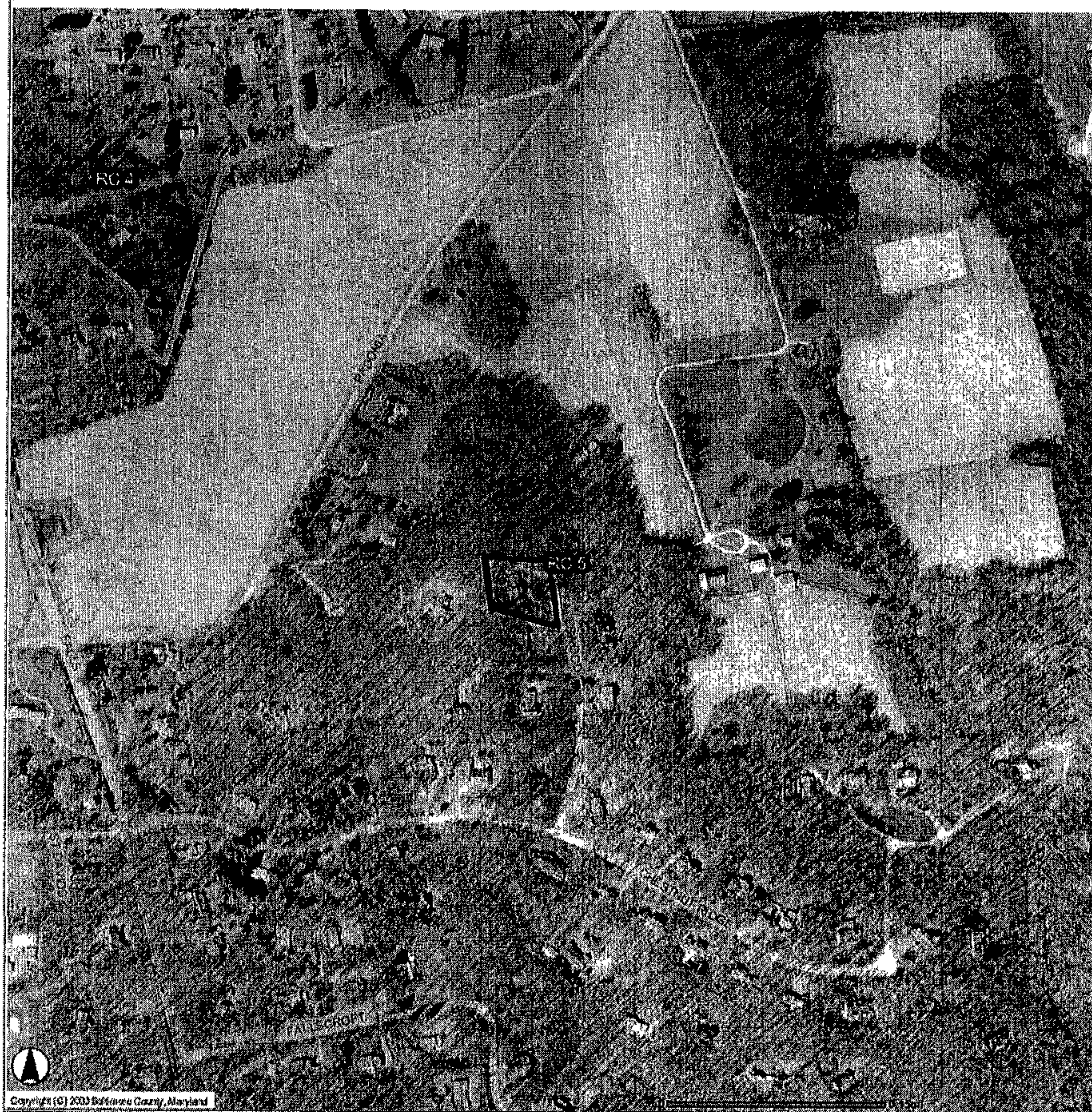
7 NORTHEAST CORNER AT GARAGE 11710 FAUSWOOD



BACK YARD

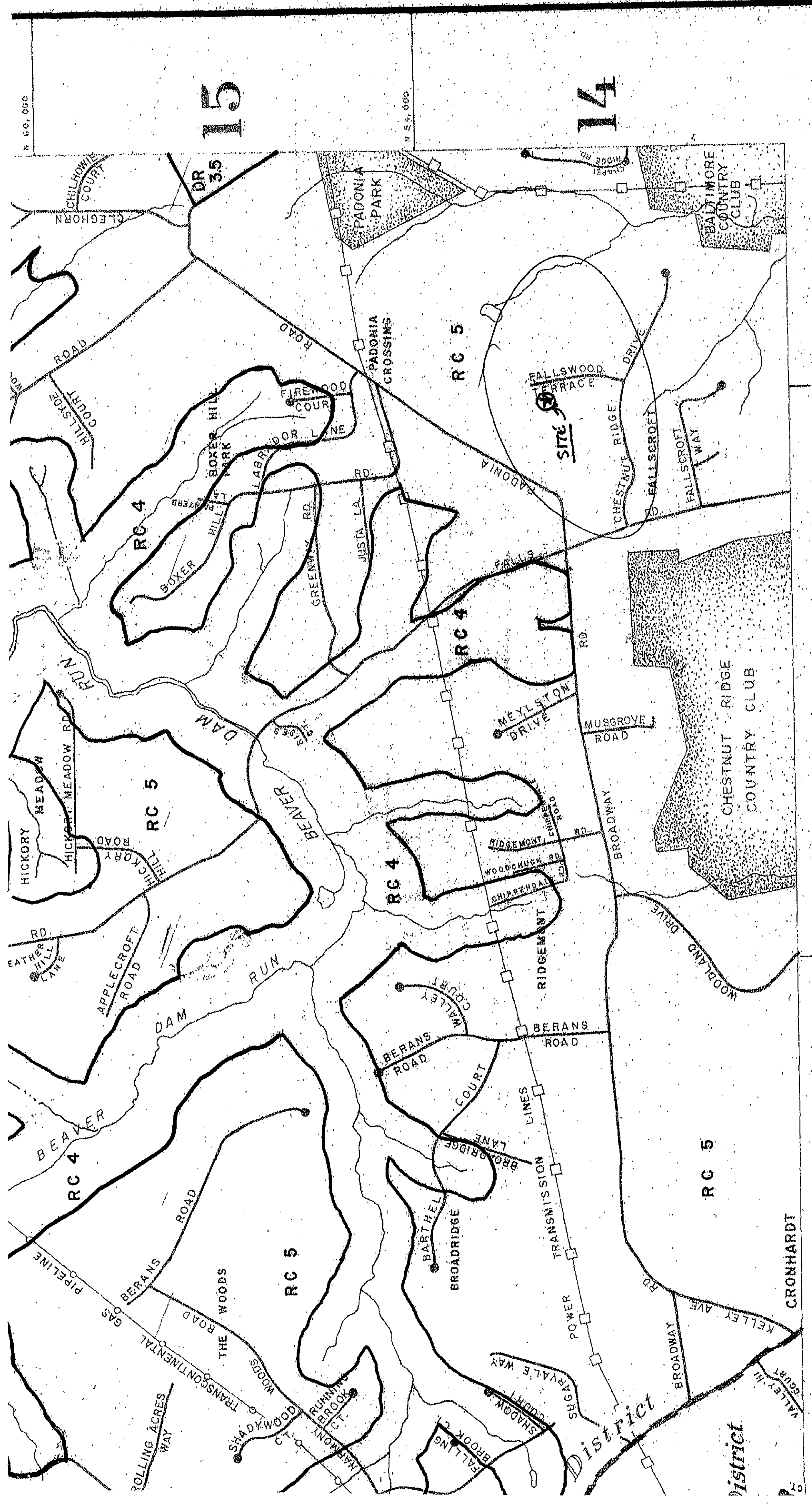
8 NORTHWEST CORNER AT PROPOSED ADDITION

Baltimore County - My Neighborhood



11710 FALLSWOOD TER.

358



REVISED
DATE
DEC. '94

2D

WORTHINGTON - SHAWHAN

BALTIMORE COUNTY BASE MAP SERIES

SCALE: 1" = 1000'