

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S of Baker Lane, 475 ft. NW
centerline of Breen Place
11th Election District
5th Councilmanic District
(4000 Baker Lane)

Beverly A. & Richard L. Weger
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-592-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 Beverly A. and Richard L. Weger. The variance request is for property located at 4000 Baker Street in the Nottingham area of Baltimore County. The variance request is from Sections 1B02.3B and 300.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition and a existing open projection with a 22 ft. rear setback in lieu of the required 30 ft. (granted by 72-294-A) and 26 ¼ ft. respectively and to amend the latest Final Development Plan for "Silvergate Village North", Lot 16. 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 May 29, 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

FILED FOR FILING

6/21/05

Ray

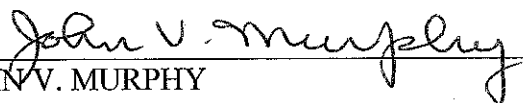
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 21 day of June, 2005, that a variance from Sections 1B02.3B and 300.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition and a existing open projection with a 22 ft. rear setback in lieu of the required 30 ft. (granted by 72-294-A) and 26 ¼ ft. respectively and to amend the latest Final Development Plan for "Silvergate Village North", Lot 16, 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

RECEIVED FOR FILING
JUN 21 2005
BY [Signature]



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4000 Baker Lane
which is presently zoned DR 35

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) 1B02.3B., 301.1

To permit a proposed addition and existing addition with a 24' rear setback and existing open projection with a 22' rear setback in lieu of the required 30' (granted by 72-294-A) and 26-1/4' respectively and to amend the latest FDP for "Silvergate Village North", Lot 16.

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 16 day of May, 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):

Richard L. Weger

Name - Type or Print

Signature

Beverly A. Weger

Name - Type or Print

Signature

4000 Baker Lane 4105294934

Address

Telephone No.

Nottingham MD

City

State

21236

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

05-592-A

Reviewed By D.T.

Date 5/16/05

Estimated Posting Date

5/29/05

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

4000 Baker Lane
Address
Nottingham MD 21236
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):

The property, lot 16, is at the apex of a cul-de-sac and is uniquely shallow, front to rear (<80ft). Adjacent lots on the cul-de-sac are significantly deeper. This fact causes an unusual burden on the subject lot for any addition of structure to the rear, such as a deck, garage or room extension.

Strict compliance with the rear setback restriction (35' from parcel boundary for a structure with window(s) in the rear-facing wall) severely limits the ability to add structure to the rear of the dwelling. Variance is requested to reduce the setback requirement to 24', or less, for this lot, enabling construction of an extension off the rear wall of the existing dwelling, as well as putting the existing deck and garage in compliance. The garage was built in 2001 and was granted a building permit by Baltimore County, without variance. The deck was added prior to present ownership.

In this case, the rear setback requirement becomes less of an issue as the adjacent woodland property, P609, part of the Red Fox Development, cannot be further developed as a result of agreements that enabled the existing development of that parcel. As no additional structures will ever be built there, the intent of the setback requirement becomes moot. Under that agreement Baltimore County Recreation & Parks maintains that woodland.

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.

R. L. Weger
Signature
Richard L. Weger
Name - Type or Print

Beverly A. Weger
Signature
Beverly A. Weger
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Quaine A. Kapp
Notary Public
My Commission Expires 8/1/06

RE: Case No.: 05-592-A

Petitioner/Developer: _____

WIEGER

Date of Hearing/Closing: 6/13/05

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 located at _____

4000 BAKER LA.

The sign(s) were posted on 5/29/05
(Month, Day, Year)

Sincerely,

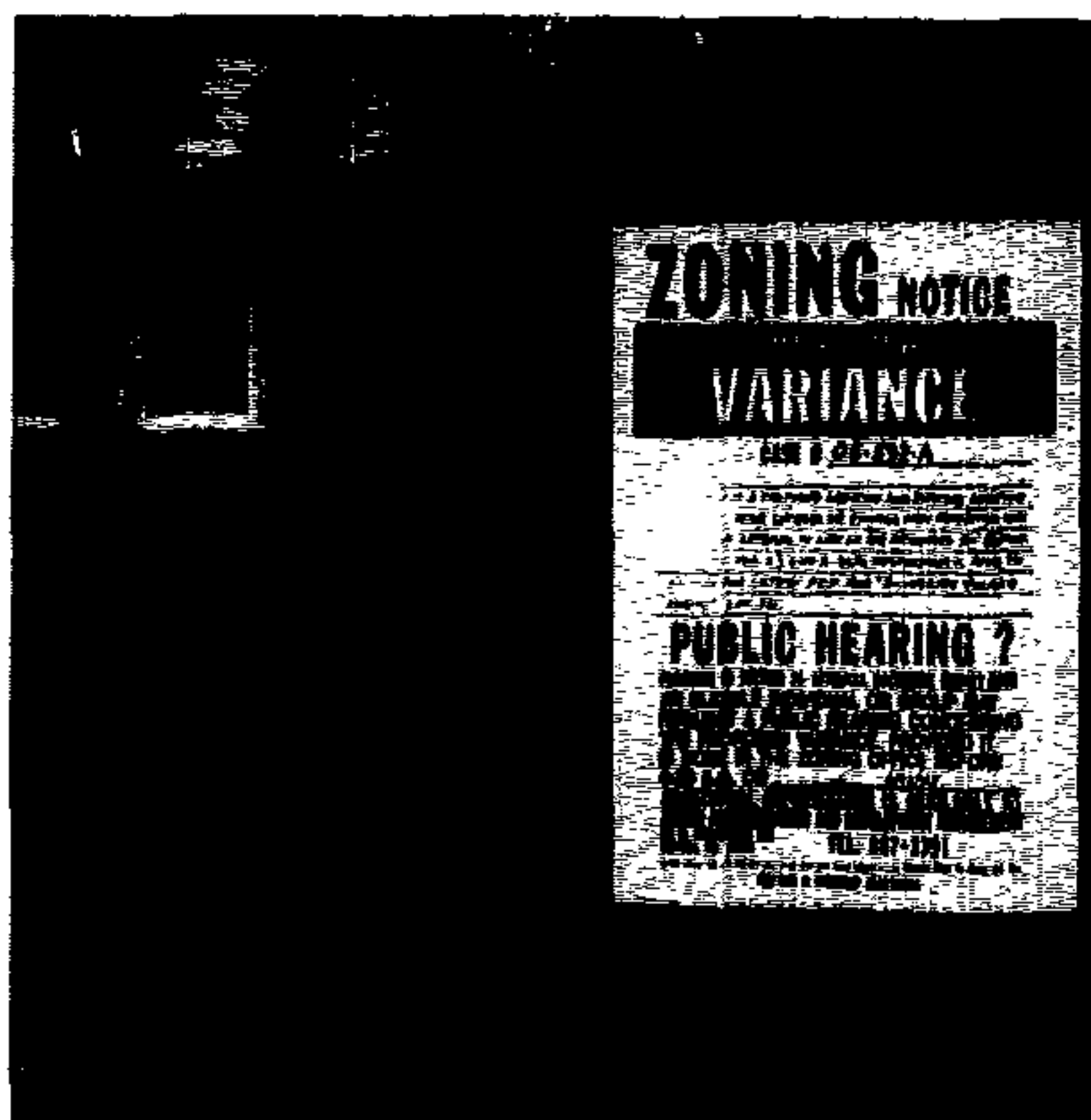
Richard E. Hoffman 5/29/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



**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: 05-592-A

Petitioner: WEGER

Address or Location: 4000 BAKER LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS RICHARD L. WEGER

Address: 4000 BAKER LANE

NOTTINGHAM, MD 21236

Telephone Number: 410-529-4934

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 592 -A

Address 4000 BAKER LANE

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/16/05

Posting Date: 5/29/05

Closing Date: 6/13/05

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- 592 -A

Address 4000 BAKER LANE

Petitioner's Name WEGER

Telephone 410-529-4934

Posting Date: 5/29/05

Closing Date: 6/13/05

Wording for Sign: To Permit A PROPOSED ADDITION AND EXISTING ADDITION WITH A
24' REAR SETBACK AND ~~BE~~ EXISTING OPEN PROTECTION WITH A 22' REAR SETBACK
IN LIEU OF THE REQUIRED 30' (GRANTED BY 72-294-A) AND 26 1/4' RESPECTIVELY.
AND TO AMEND THE LATEST EDP FOR "SILVERGATE VILLAGE NORTH", LOT 16.

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*

June 13, 2005

Richard L. Weger
Beverly A. Weger
4000 Baker Lane
Nottingham, Maryland 21236

Dear Mr. and Mrs. Weger:

RE: Case Number: 05-592-A, 4000 Baker Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 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, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting ~~at~~ May 20, 2005

Item No.: 584-587, 589-594

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. Tribble
Fire Marshal's Office
410-887-4880
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: 5.20.05

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

RE: Baltimore County
Item No. 592 DT

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

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2005

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

RECEIVED

JUN - 6 2005

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-590 and 5-592
Administrative Variance(s)

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark A. Cunningham

Division Chief:

Lynne Zucker

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

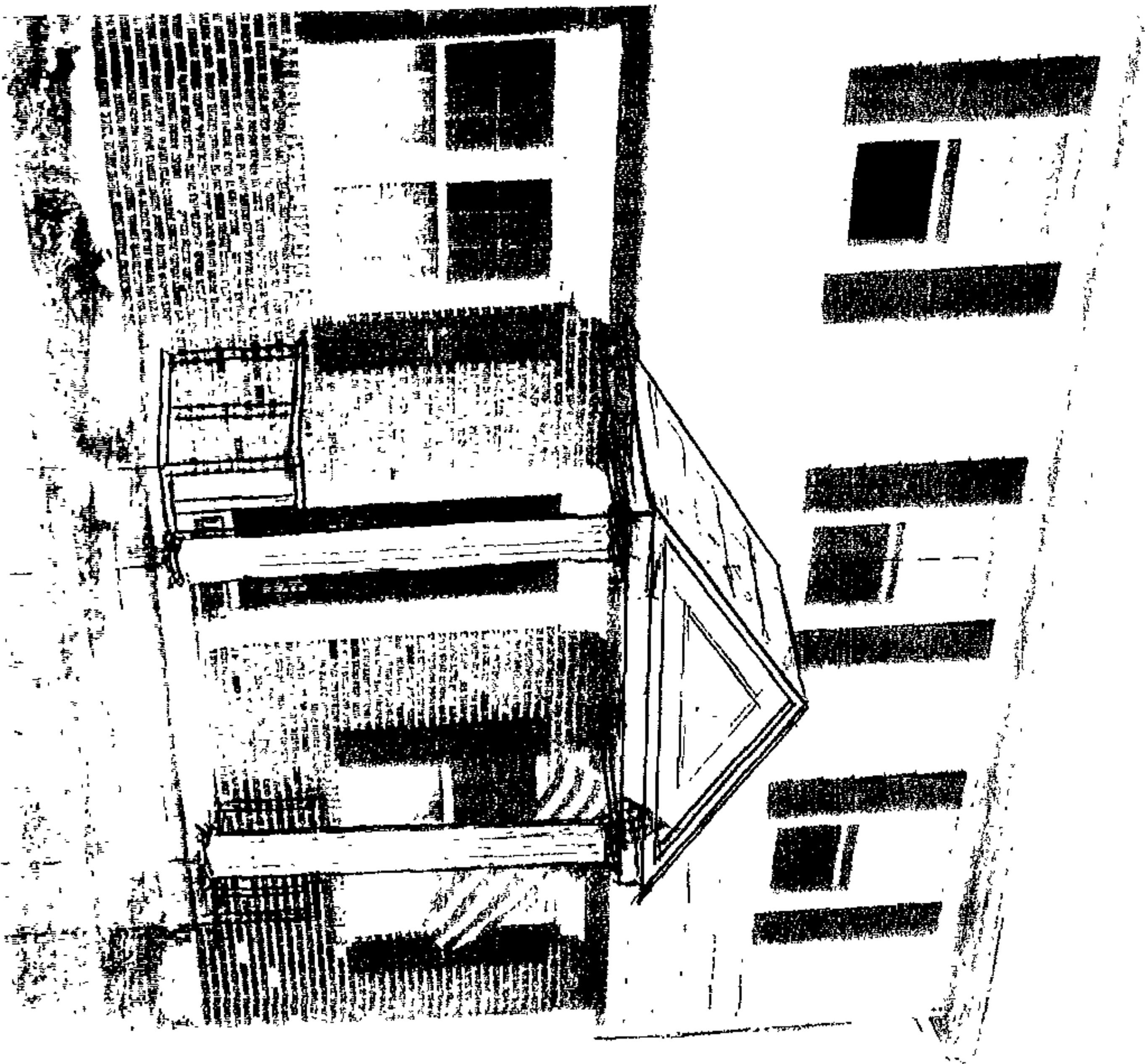
FROM: ^{DAK} Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2005
Item No. 583, 584, 588, 590, 591, ~~592~~ 593

DATE: June 2, 2005

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-06022005.doc



05-592-A

NW Side
of Property



View of Rear
from the NW



05-592-A

View of front of property showing Adj. Dwelling

05-592-A



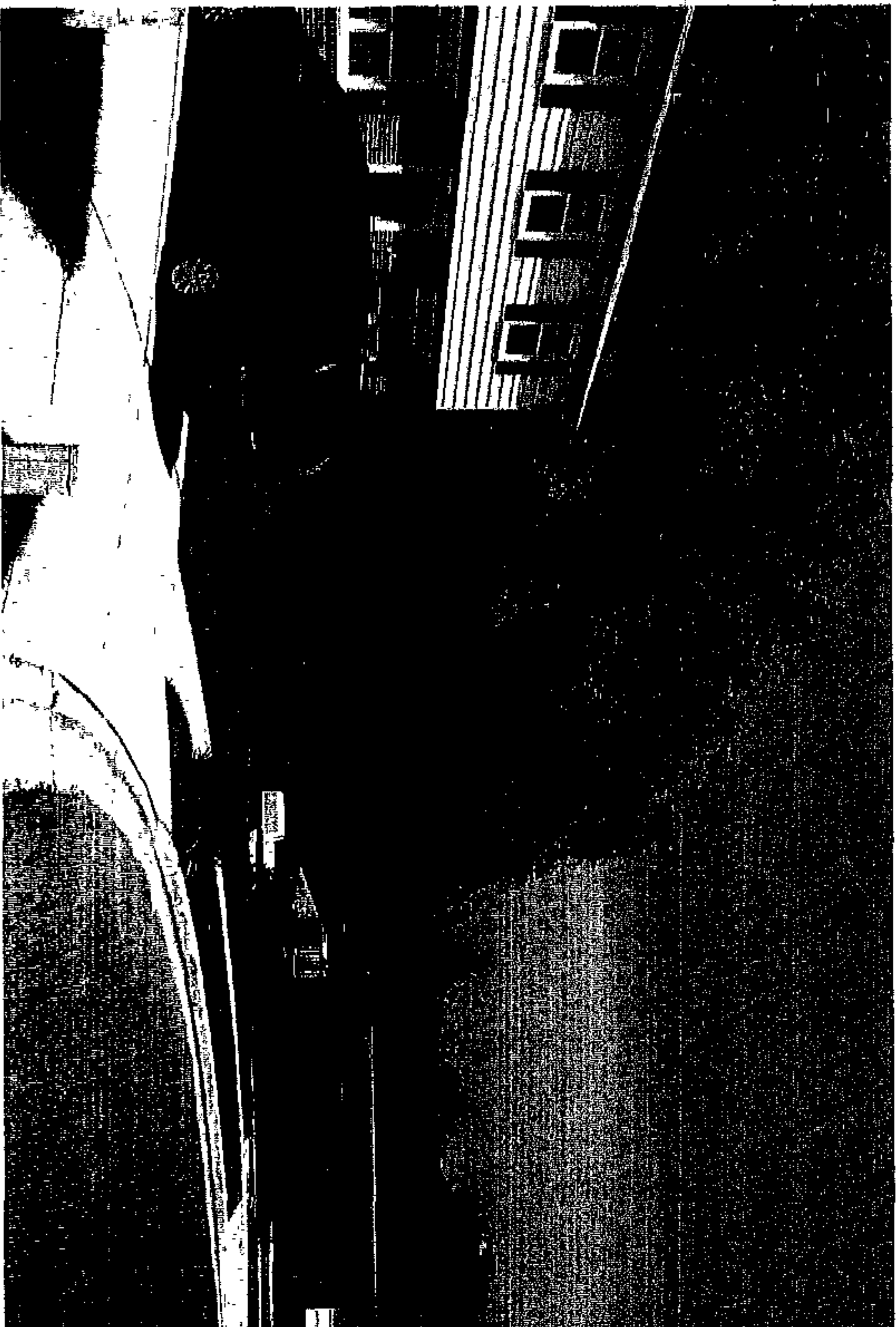
Front
of
Property



Area
of Deck
to be
Removed
& Replaced
by
Proposed
Addition

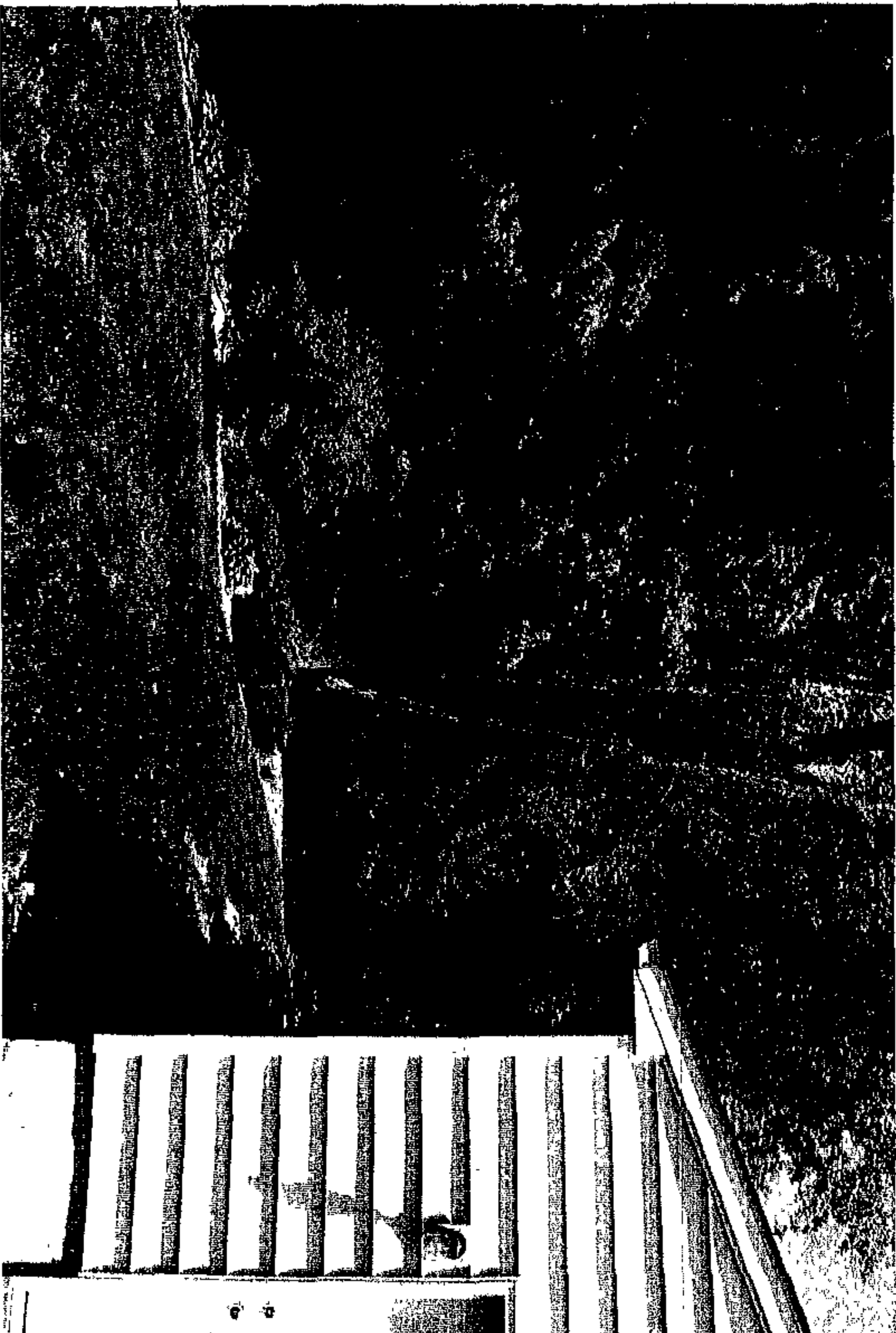


05-592-A



*View of Property
Showing Adj. Property*

05-592-A



Rear of Property

05-592-A

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

²¹
June 20, 2005

Mr. & Mrs. Richard L. Weger
4000 Baker Lane
Nottingham, Maryland 21236

Re: Petition for Administrative Variance
Case No. 05-592-A
Property: 4000 Baker Lane

Dear Mr. & Mrs. Weger:

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

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



ZONING DESCRIPTION FOR 4000 BAKER LANE

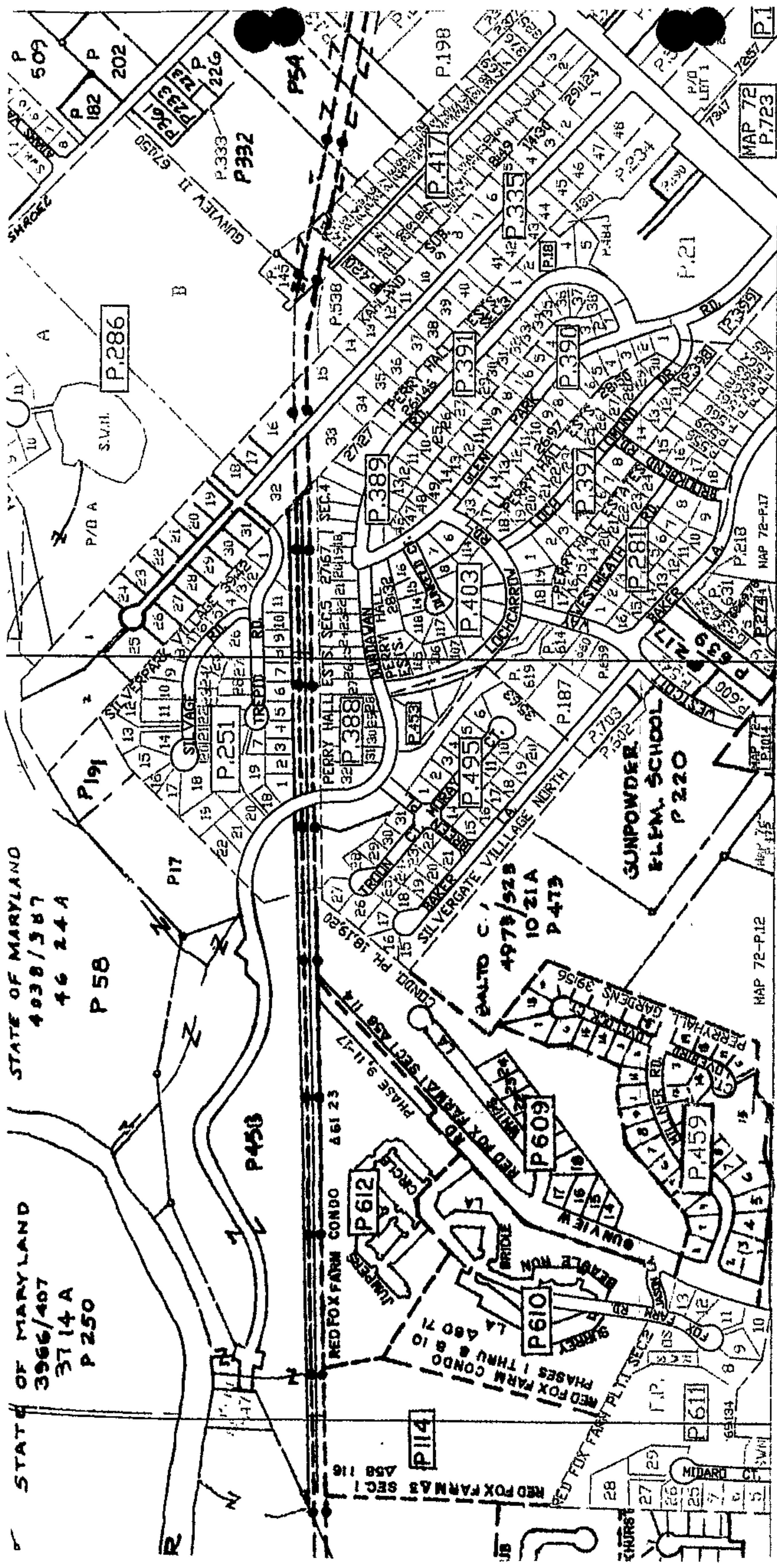
Beginning at a point on the northwest side of the Baker Lane cul-de-sac, which is 50 feet± in radius (see plat), and is at a distance of 475 feet± northwest of the nearest improved intersecting street, Breen Place, which is 30 feet± wide. Being Lot # 16, Blk. "A", in the subdivision of Silvergate Village North as recorded in Baltimore County Plat Book #35, Folio #63, containing 8800 square feet±. Also known as 4000 Baker Lane, Nottingham, MD 21236, and located in the 11th Election District, 5th Councilmanic District.

Paid Fee + Took Receipt

\$6500

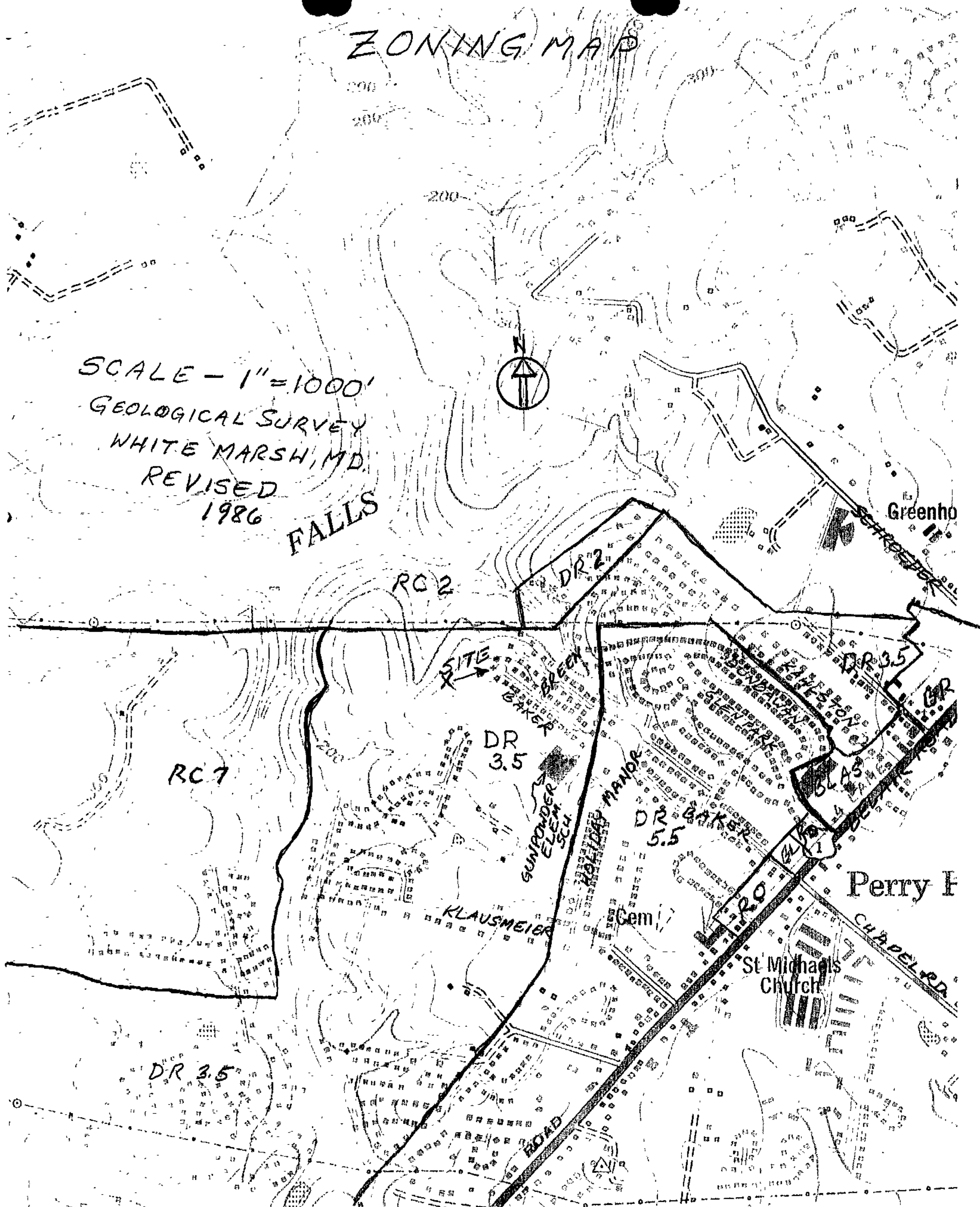
Receipt # 444378

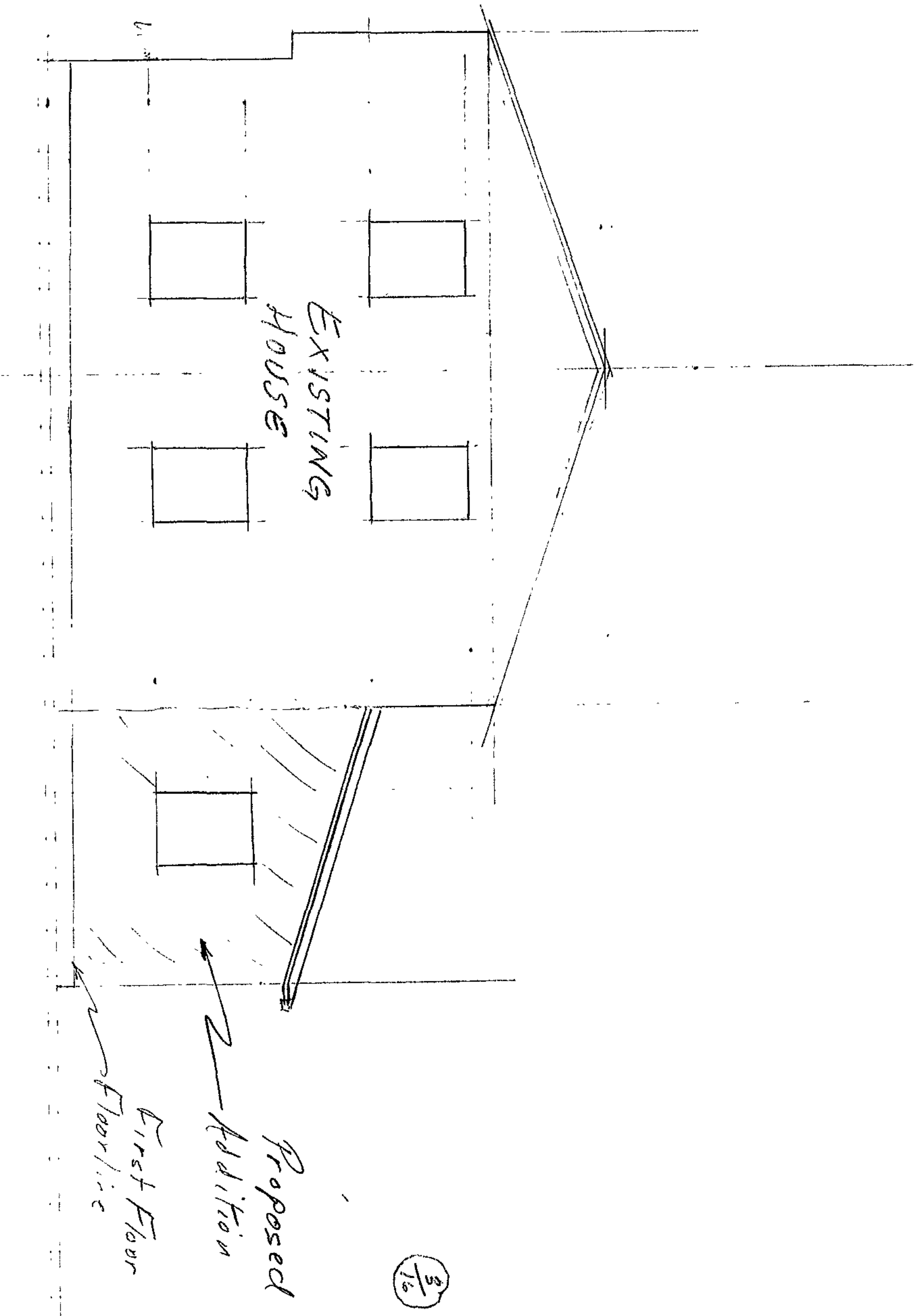
4-765-50



ZONING MAP

SCALE - 1" = 1000'
GEOLOGICAL SURVEY
WHITE MARSH, MD.
REVISED
1986
FALLS



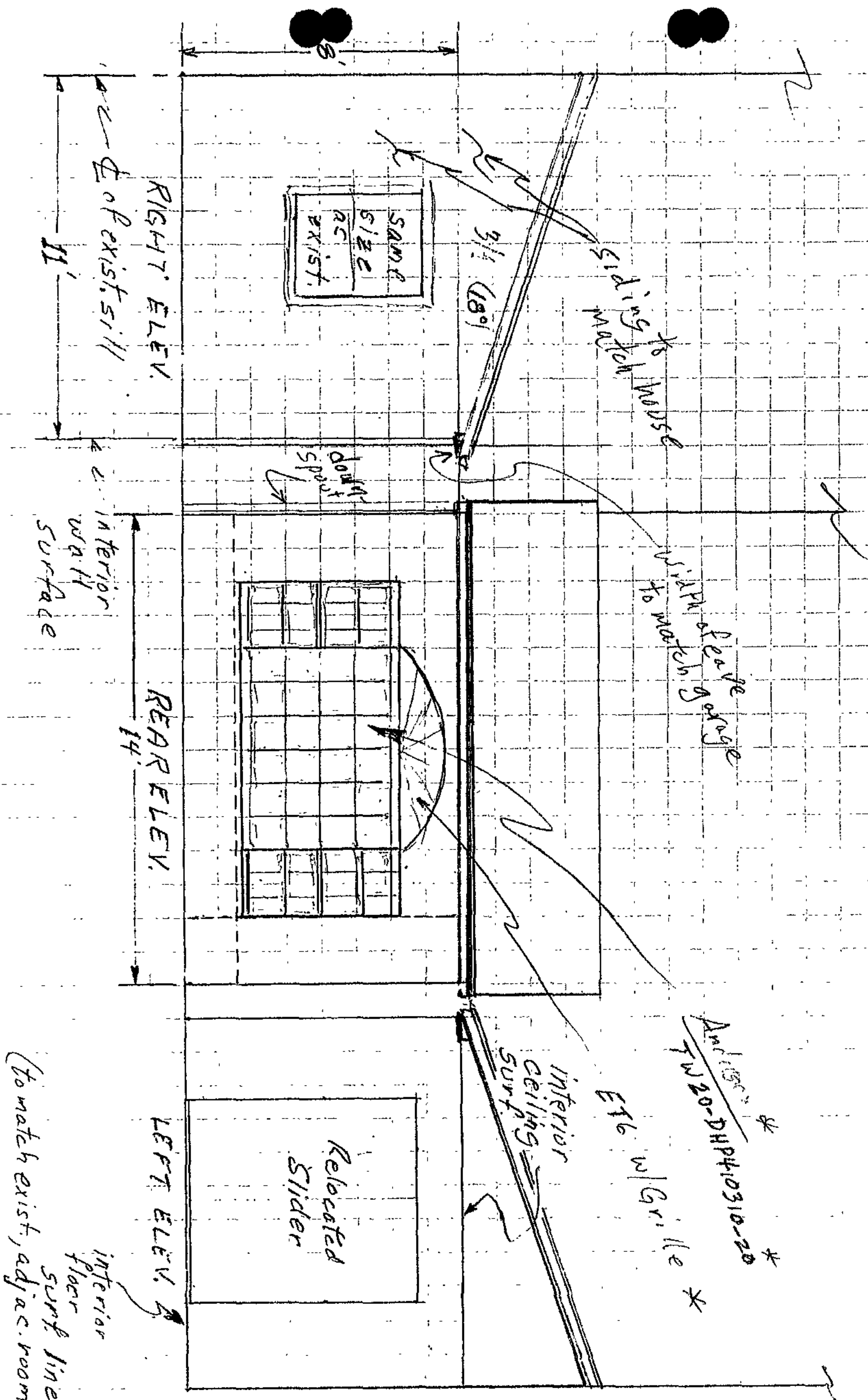


5/16

05-592-A

4000 Baker Lane F. R. Addition

* or equivalent



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

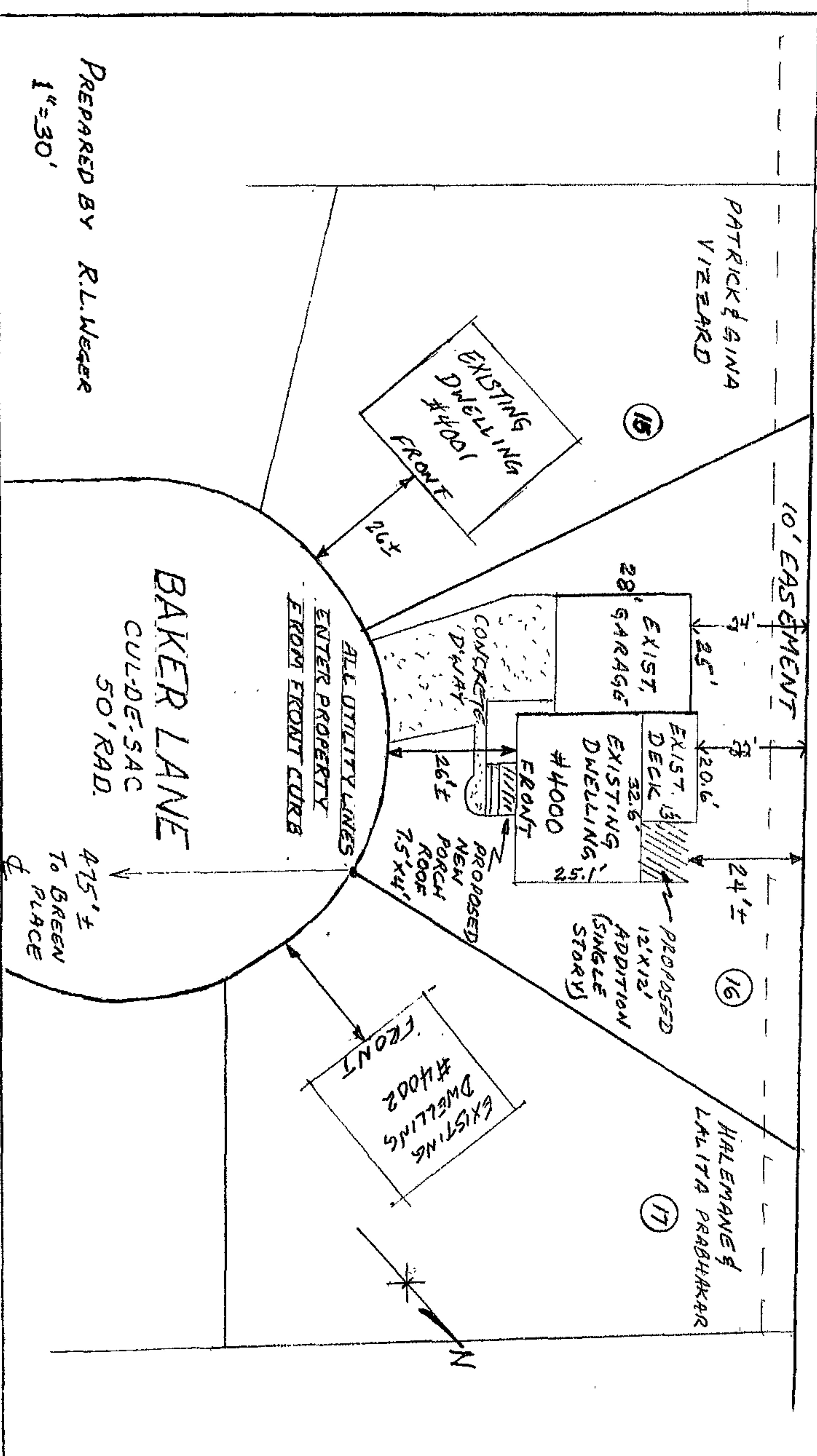
PROPERTY ADDRESS: 4000 BAKER LANE (21236)

SUBDIVISION NAME: SILVERGATE VILLAGE NORTH

PLAT BOOK #35, FOLIO #63, LOT #16, BLOCK "A"

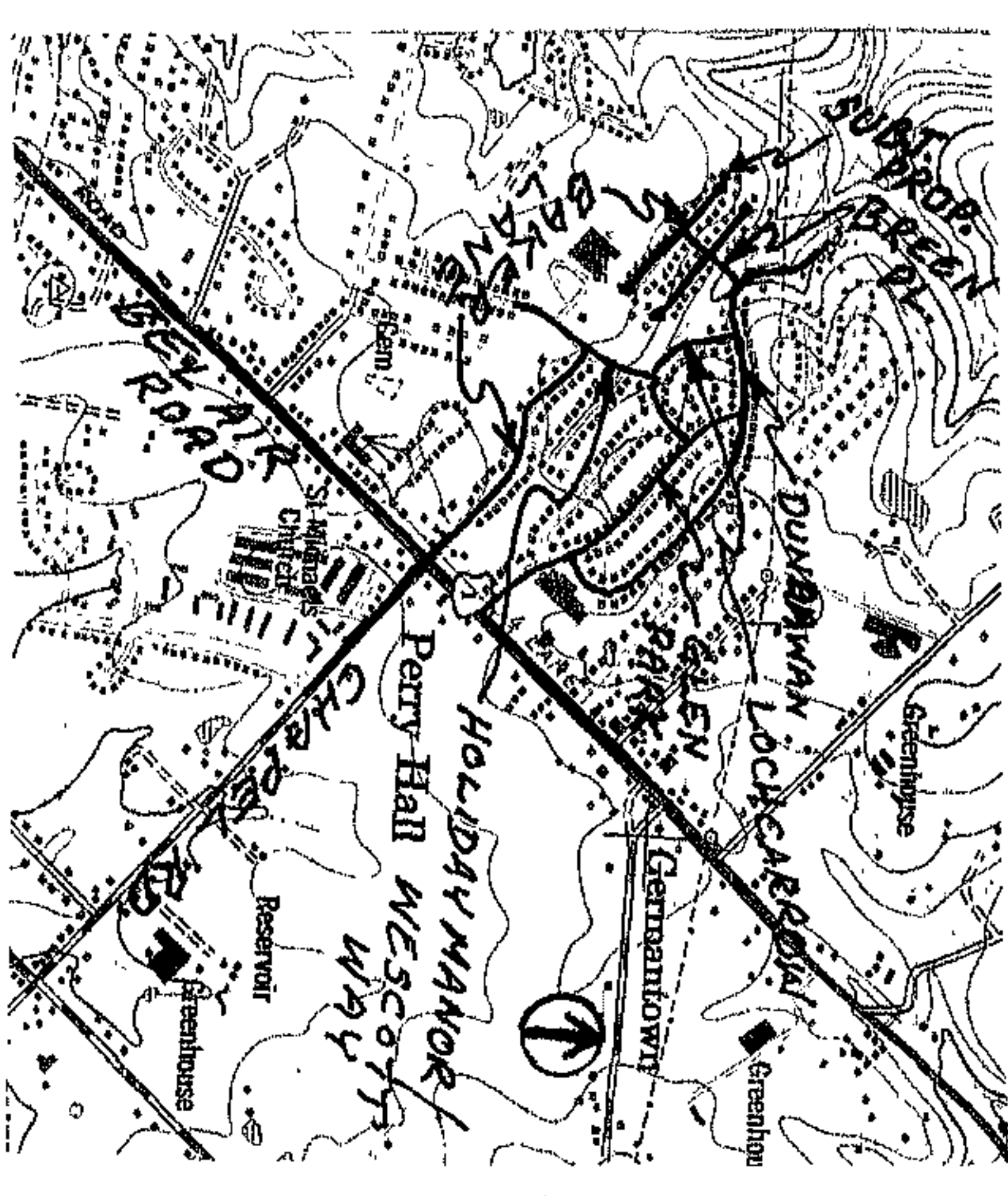
OWNER: RICHARD & BEVERLY WEGER

P609 RED FOX FARM DEVELOPMENT GROUP
(UNDEVELOPABLE WOODLAND)



PREPARED BY R.L. Weger
1"=30'

VICINITY MAP 1"=2000'



LOCATION INFORMATION

ELECTION DISTRICT	5
COUNCILMANIC DISTRICT	11
1"-200' SCALE MAP #	
ZONING	DR 3.5
LOT SIZE	0.24
ACREAGE	8800
SQUARE FEET	
PUBLIC	PRIVATE
SEWER	X
WATER	X
CHESAPEAKE BAY	X
CRITICAL AREA	X
100 YEAR FLOOD PLAIN	X
HISTORIC PROPERTY/	X
BUILDING	
PRIOR ZONING HEARING	12-294-A

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM#	CASE#
DT	592	05-592-A

Pat G. #1