

IN RE: PETITION FOR ADMIN. VARIANCE
W/S o f Oakland Road, 531 ft. S
centerline of Heron Drive
13th Election District
1st Councilmanic District
(5800 Oakland Road)

Michele L. & Timothy David Roberts
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-666-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Michele L. and Timothy David Roberts. The variance request is for property located at 5800 Oakland Road in the western area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with a 19 ft. front setback in lieu of the required 25 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 June 26, 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 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING

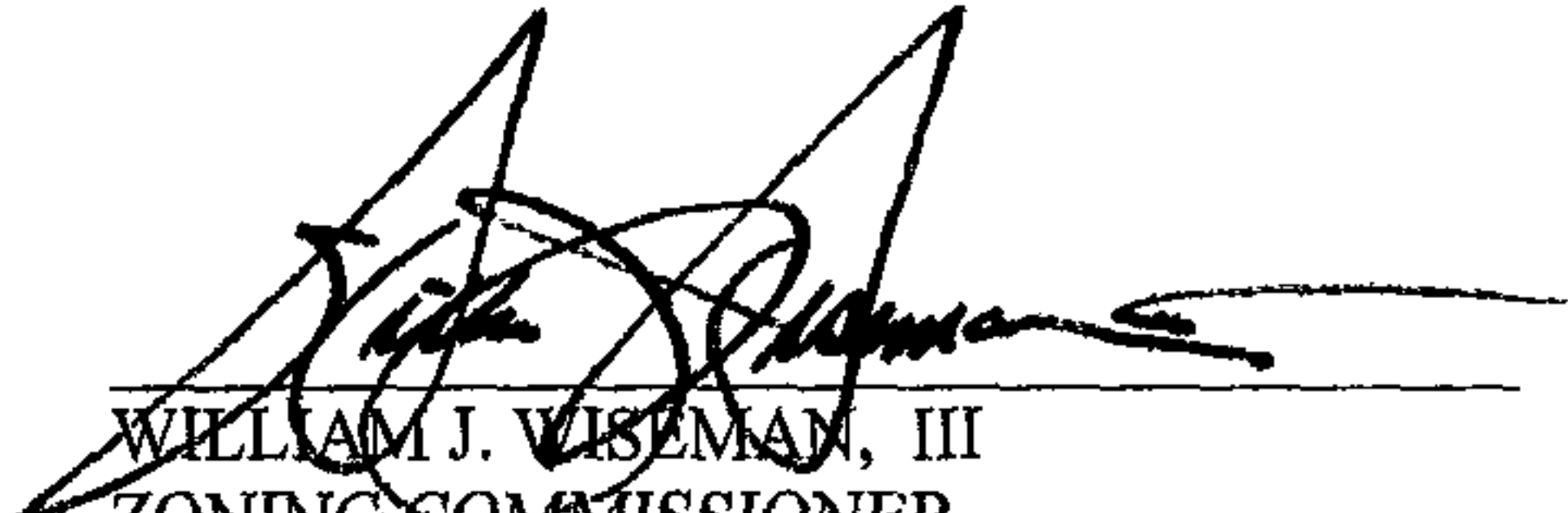
7/18/05

Ray

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.

18th THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of July, 2005, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with a 19 ft. front setback in lieu of the required 25 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.


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

ORDER RECEIVED FOR FILING
7/18/05
Ray

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

July 18, 2005

Mr. & Mrs. Timothy David Roberts
5800 Oakland Road
Baltimore, Maryland 21227

Re: Petition for Administrative Variance
Case No. 05-666-A
Property: 5800 Oakland Road

Dear Mr. & Mrs. Roberts:

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 black ink, appearing to read "William J. Wiseman, III", is written over a printed name and title.

William J. Wiseman, III
Zoning Commissioner

WJW,III: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 5800 OAKLAND RD.
which is presently zoned D.R.S.S

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 (BCZR)

TO PERMIT AN ADDITION (GARAGE) WITH A 19 -FOOT FRONT
SETBACK IN LIEU OF THE REQUIRED 25-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

Legal Owner(s):

TIMOTHY DAVID ROBERTS

Name - Type or Print

Signature

MICHELE L. ROBERTS

Name - Type or Print

Signature

5800 OAKLAND RD.

Address

City

State

Zip Code

Representative to be Contacted:

Name

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, 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.

05-1616-A

Reviewed By

D.T.

Date

10/16/05

Estimated Posting Date

10/26/05

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

Address 5800 Oakland Road
City Baltimore State MD Zip Code 21227

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):

We feel that we wanted the new addition garage attached to the home considering that the appearance would look better and would better suit our needs.

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.

Timothy D. Roberts
Signature

TIMOTHY D. ROBERTS
Name - Type or Print

Michele Roberts
Signature

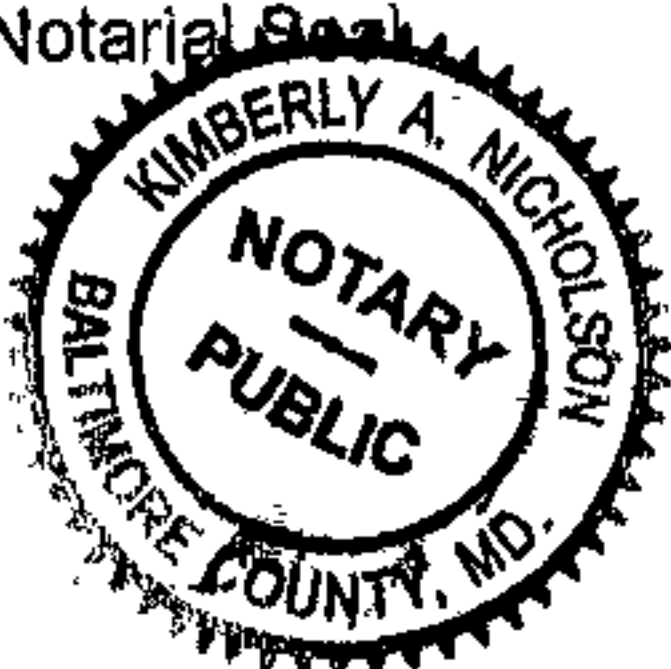
MICHELE ROBERTS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy D. Roberts and Michele Roberts
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Kimberly A. Nicholson
Notary Public

My Commission Expires 5/1/05

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:

Address 5800 Oakland Road
City Baltimore State MD Zip Code 21228

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):

We feel that we wanted the new addition garage attached to the home considering that the appearance would look better and would better suit our needs.

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.

Timothy D. Roberts
Signature
TIMOTHY D ROBERTS
Name - Type or Print

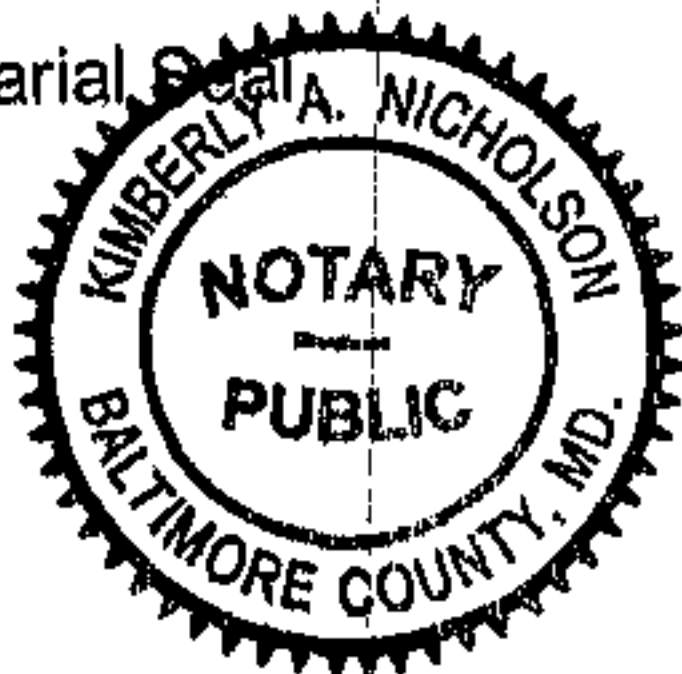
Michele Roberts
Signature
MICHELE ROBERTS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Timothy D. Roberts and Michele Roberts
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Kimberly A. Nicholson
Notary Public
My Commission Expires 5/1/05



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5800 OAKLAND RD.
which is presently zoned D.R.S.S

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. (BCZE)

TO PERMIT AN ADDITION (GARAGE) WITH A 19 - FOOT FRONT
SETBACK IN LIEU OF THE REQUIRED 25- 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

Legal Owner(s):

TIMOTHY DAVID ROBERTS

Name - Type or Print

Timothy D. Roberts

Signature

MICHELE L. ROBERTS

Name - Type or Print

Michele Roberts

Signature

5800 OAKLAND RD. (W) 410-317-4192

Address

BALTIMORE

MD.

Telephone No.

21227

City

State

Zip Code

Representative to be Contacted:

Name

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.

Zoning Commissioner of Baltimore County

CASE NO. 05-6666-A

Reviewed By D.T. Date 6/16/05

REV 10/25/01

Estimated Posting Date 6/26/05

ZONING DESCRIPTION FOR 5800 OAKLAND ROAD

Beginning at a point on the West side of Oakland Road which is sixty (60) feet wide at the distance of fifty-three (53) feet South of the centerline of the nearest improved intersecting street Heron Dr. which is fifty (50) feet wide. Being lot #10, Block E, Section #2 in the subdivision of Wynnewood as recorded in Baltimore County Plat Book G.L.B.#20, Folio #155 containing 9341.14 square feet. Also known as 5800 Oakland Road and located in Election District Thirteen (13), Councilmanic District One (1).

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 446318

DATE 6/11/05 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM: MICHELE ROBERTS

FOR: ITEM # 6666 OS-MHC-A

5800 OAKLAND RD BY D THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: DATE: 6/11/05

FOR: OS-MHC-A

AMOUNT: 65.00

PAID BY: DATE: 6/11/05

FOR: OS-MHC-A

AMOUNT: 65.00

PAID BY: DATE: 6/11/05

FOR: OS-MHC-A

AMOUNT: 65.00

PAID BY: DATE: 6/11/05

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AMOUNT: 65.00

PAID BY: DATE: 6/11/05

FOR: OS-MHC-A

AMOUNT: 65.00

PAID BY: DATE: 6/11/05

FOR: OS-MHC-A

AMOUNT: 65.00

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-666-A

Petitioner/Developer: ROBERTS

Date of Hearing/Closing: 7-11-05

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: _____

5800 OAKLAND RD

The sign(s) were posted on _____

6/26/05

(Month, Day, Year)

Sincerely,

Robert Black 6-27-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

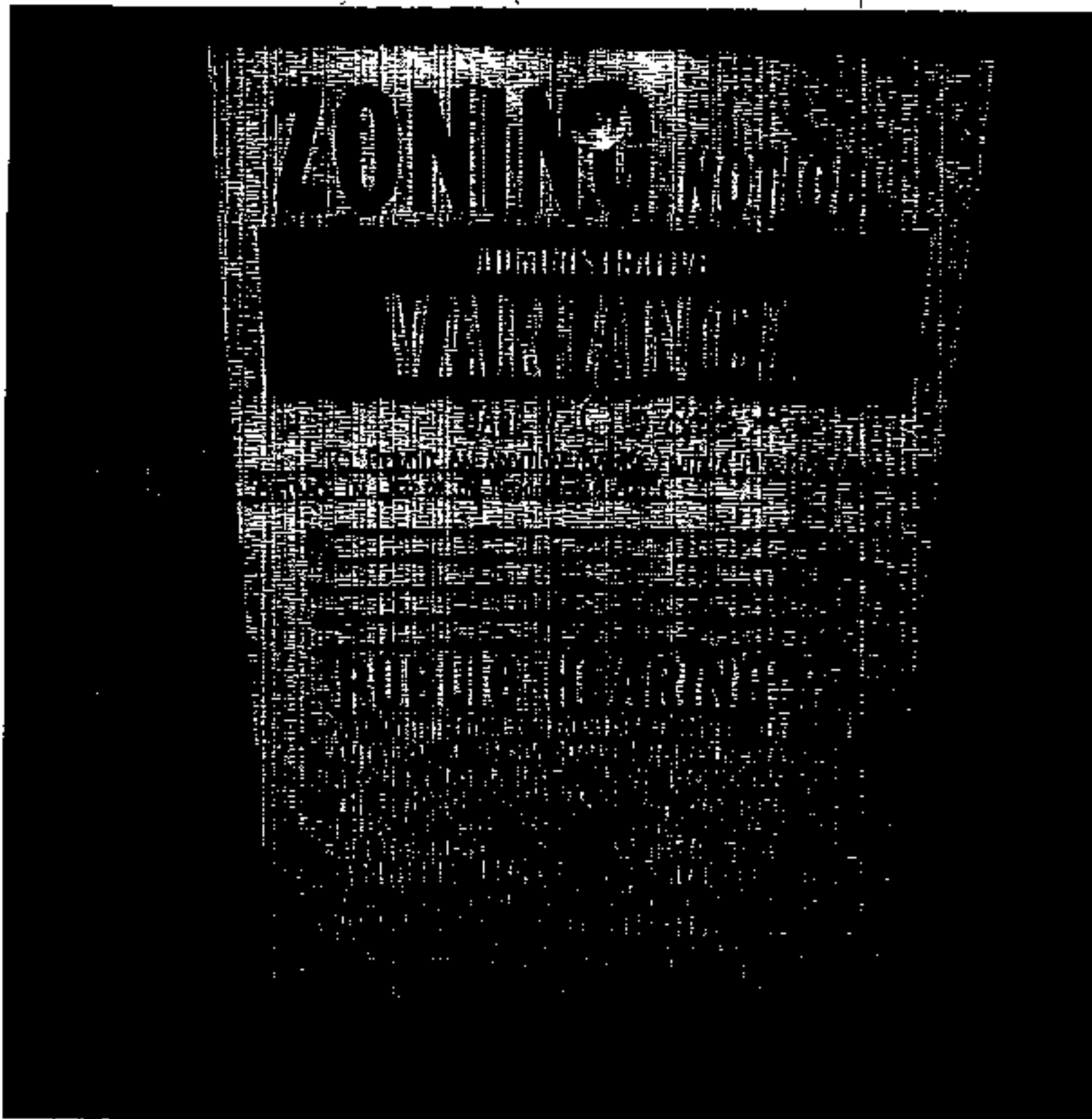
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



5800 OAKLAND RD

**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: 05-666-A
Petitioner: ROBERTS
Address or Location: 5800 OAKLAND RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. + MRS. TIMOTHY ROBERTS
Address: 5800 OAKLAND RD.
BALTO. MD 21227

Telephone Number: 410-247-6357

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 666 -A

Address 5800 OAKLAND RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/16/05

Posting Date: 6/26/05

Closing Date: 7/11/05

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- 666 -A

Address 5800 OAKLAND RD.

Petitioner's Name ROBERTS

Telephone 410-247-6357

Posting Date: 6/26/05

Closing Date: 7/11/05

Wording for Sign: To Permit AN ADDITION (GARAGE) WITH A 19.6-FOOT FRONT

SETBACK IN LIEU OF THE REQUIRED 25-FEET.

**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*

July 11, 2005

Timothy David Roberts
Michelle L. Roberts
5800 Oakland Road
Baltimore, Maryland 21227

Dear Mr. and Mrs. Roberts:

RE: Case Number: 05-666-A, 5800 Oakland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

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

June 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 20, 2005

Item No.: 621, 662-666 668-678

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.

Lt J.D.Mezick
Fire Marshal's Office
410-887-5178
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: 6.27.05

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

RE: Baltimore County
Item No. 666

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
RECEIVED

INTER-OFFICE CORRESPONDENCE

JUN 30 2005

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

DATE: JUN 29, 2005
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-666- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

Lynn Parker

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For June 30, 2005
Item Nos. 664, 666, 667, 668, 669, 670,
671, 673, 674, 676, 677, and 678

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-07052005.doc

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

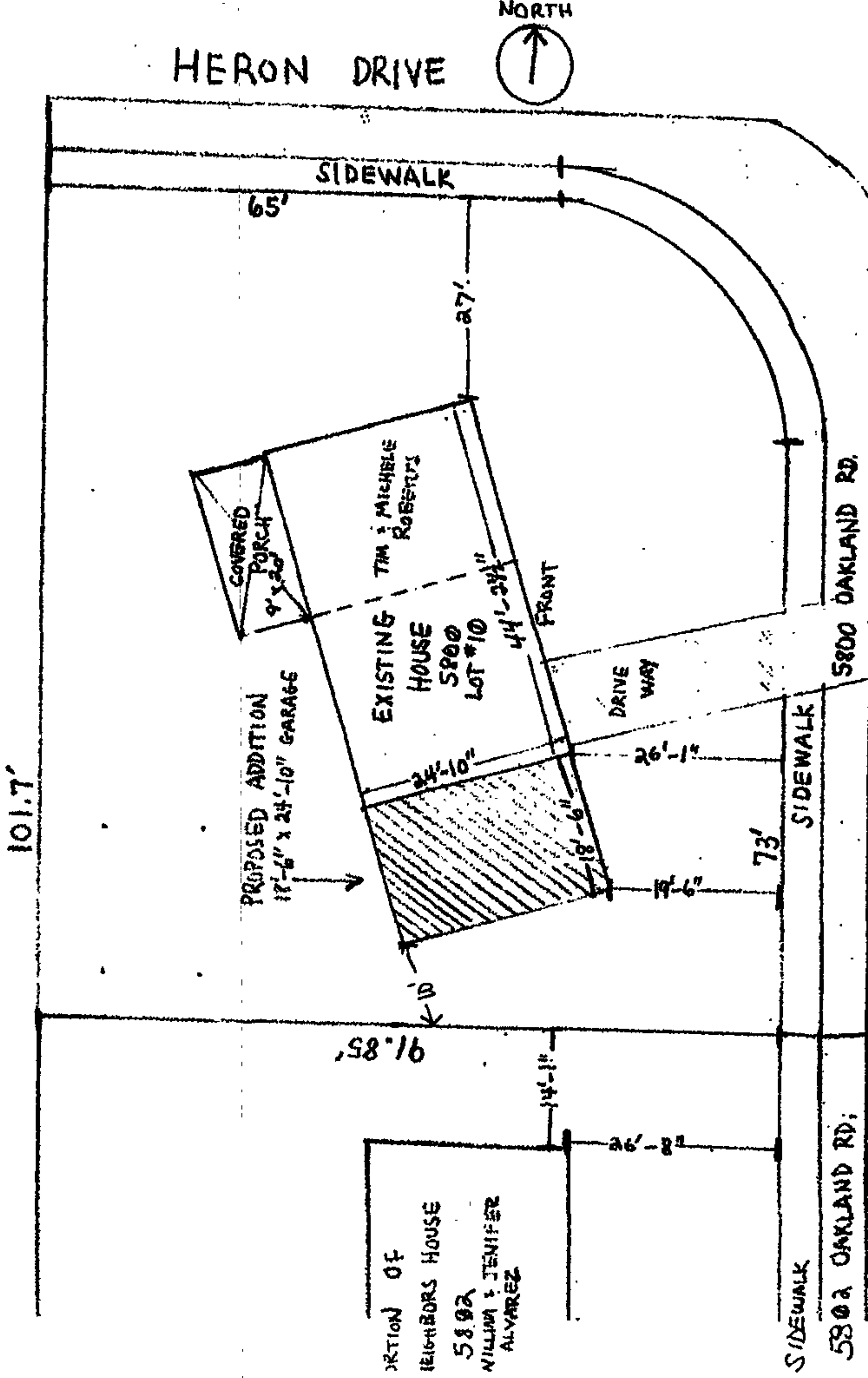
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 5800 OAKLAND RD.

SUBDIVISION NAME Wynnewood

PLAT BOOK # 20 FOLIO # 155 LOT # 10 SECTION # 2

OWNER TIMOTHY D. & MICHELE L. ROBERTS



OAKLAND RD.

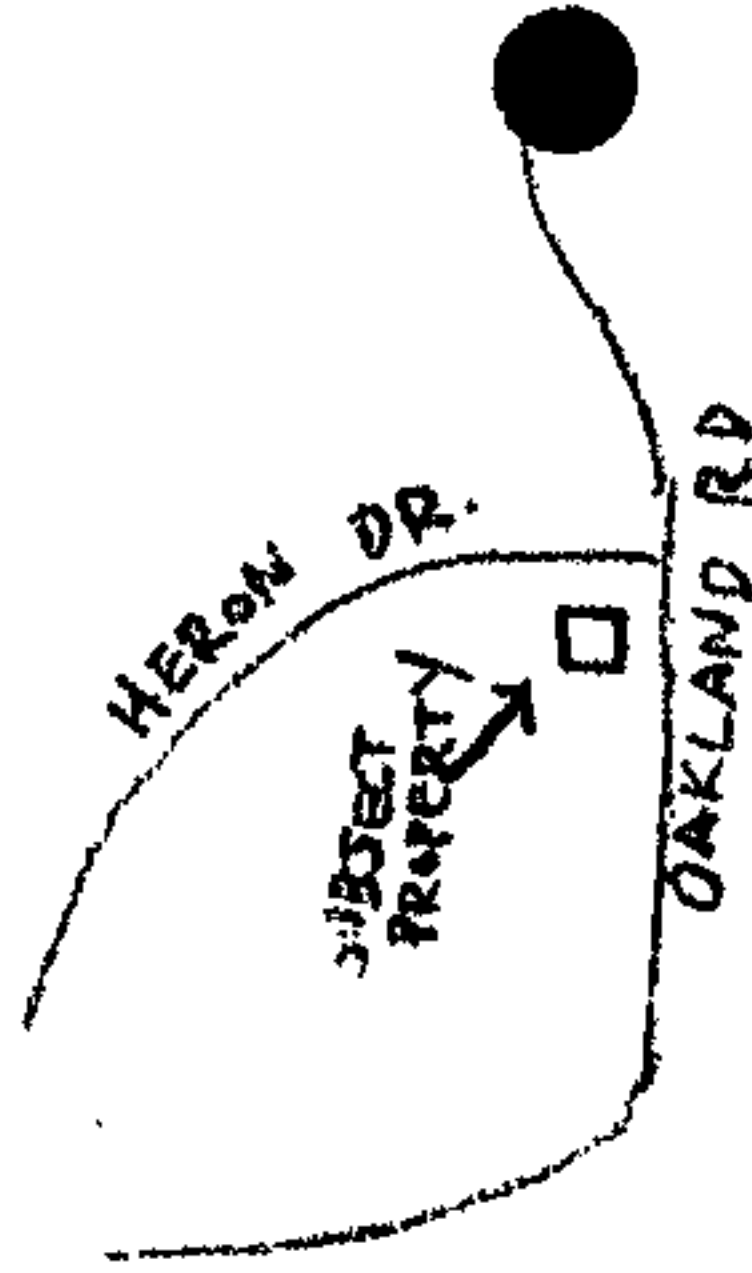
SCALE OF DRAWING 1" = 20'

PREPARED BY TIM ROBERTS

Tim Roberts #1



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP #

ZONING DR 5.5

LOT SIZE 2.144

9341.1

SQUARE FEET

PUBLIC ☒

SEWER ☒

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐

100 YEAR FLOOD PLAIN ☐

HISTORIC PROPERTY / BUILDING ☐

PRIOR ZONING HEARING NONE

YES ☐

NO ☒

NO ☒

NO ☒

ZONING OFFICE USE ONLY
REVIEWED BY ITEM #

DT. 6666 05-1666-A

Baltimore County - My Neighborhood



05-6666-A



05-666A



05-666-1