

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S (end of Seminary Drive, 500 +/- ft. S		
centerline of Huntspring Drive	*	ZONING COMMISSIONER
8th Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(28 Seminary Avenue)		
	*	CASE NO. 06-078-A
Betty L. Meyer		
<i>Petitioner</i>	*	

* * * * *

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, Betty L. Meyer. The administrative variance is requested for property located at 28 Seminary Avenue in the Lutherville area of Baltimore County. The administrative variance request is from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.a of the Comprehensive Manual of Development Policies (CMDP) (1971-1992 Regs.), to permit a window to (rear) tract boundary setback of 30 ft. in lieu of 35 ft. (for an addition) and to amend the Last Approved Final Development Plan for "Seminary Springs", Lot #10. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 25, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

NEVER RECEIVED FOR FILING
 9/9/05
 J. R.

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 Petitioner.

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 Zoning Commissioner for Baltimore County, this 9th day of September, 2005, that a variance from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (CMDP) (1971-1992 Regs.), to permit a window to (rear) tract boundary setback of 30 ft. in lieu of 35 ft. (for an addition) and to amend the Last Approved Final Development Plan for "Seminary Springs", Lot #10 only, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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.


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

ORDER RECEIVED FOR FILING
9/9/05
raj

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

September 15, 2005

Ms. Betty L. Meyer
28 Seminary Avenue
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 06-078-A
Property: 28 Seminary Avenue

Dear Ms. Meyer:

Enclosed please find the date corrected copy of the decision rendered in the above-captioned case. There was some confusion about the closing date, since the property was not posted on the original closing date of August 29, 2005. Because of this oversight, a new closing date was issued for September 9, 2005.

Unfortunately, your Order was signed and dated on August 8, 2005, one day prior to the closing date of August 9, 2005. In order to set the record straight, we have corrected the date on the original and all copies and are sending a copy to you for your files.

Please note that the appeal period has been moved forward one day because of the date correction. Also, please accept our apologies for any inconvenience this may have caused.

Very truly yours,

A handwritten signature in black ink, appearing to be "WJW", is written over a horizontal line. The signature is stylized and somewhat abstract.

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

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

September ⁹~~8~~ 2005

Ms. Betty L. Meyer
28 Seminary Avenue
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 06-078-A
Property: 28 Seminary Avenue

Dear Ms. Meyer:

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 "WJW", is written over a circular stamp. The stamp contains the text "William J. Wiseman, III" and "Zoning Commissioner".

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

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



Printed on Recycled Paper



ORIGINAL KEEP IN FILE

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 28 SEMINARY DRIVE
which is presently zoned DR 2

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) 1 B01.02.C.02.2 BCZR AND V.B.5.2 ~~CMNDP~~ CMNDP (1971-1992 REGS) TO PERMIT A WINDOW TO (REAR) TRACT BOUNDARY SETBACK OF 30 FT IN LIEU OF 35 FT. (FOR AN ADDITION) AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR SEMINARY SPRINGS LOT #10

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):

BETTY L. MEYER

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 06 day of 07, 2005 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

Reviewed By JL

Date 8/04/05

Estimated Posting Date 8/14/05

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 28 SEMINARY DRIVE
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):

I am a licensed minister who engages in spiritual meditation daily. My house does not have an area suitable for this and I wish to create a small sanctuary at the rear of the house. Due to the shape of the house, this is the only place to build the needed addition, due to the fact that the house is currently built at the setback line, we require a variance. My current inability to engage in meditation in a serene setting is distressing to me and the slight relaxation of the setback requirement would not affect my neighbors or intrude into the right of way between the communities.

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.

Betty L Meyer
Signature
BETTY L. MEYER
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of June, 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

Melanie L. Hughes
Notary Public
MELANIE L. HUGHES
My Commission Expires NOTARY PUBLIC BALTIMORE COUNTY
MY COMMISSION EXPIRES MARCH 1, 2001

Zoning Description for 28 Seminary Drive

Beginning at a point on the south side of Seminary Drive, which is 40 feet wide, at a distance of approximately 500 feet south of the centerline of the nearest improved intersecting street, Huntspring Drive, which is 50 feet wide, being lot #10 in the subdivision of Seminary Springs, as recorded in Baltimore County plat book, and containing 7250 square feet.

53/69

Also known as 28 Seminary Drive. Located in the 8th Election district, 2nd councilmanic district.

078

CERTIFICATE OF POSTING

RE: **06-078-A**

Petitioner/Developer: **Betty
Neyer**

Closing Date: **9/9/05**

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

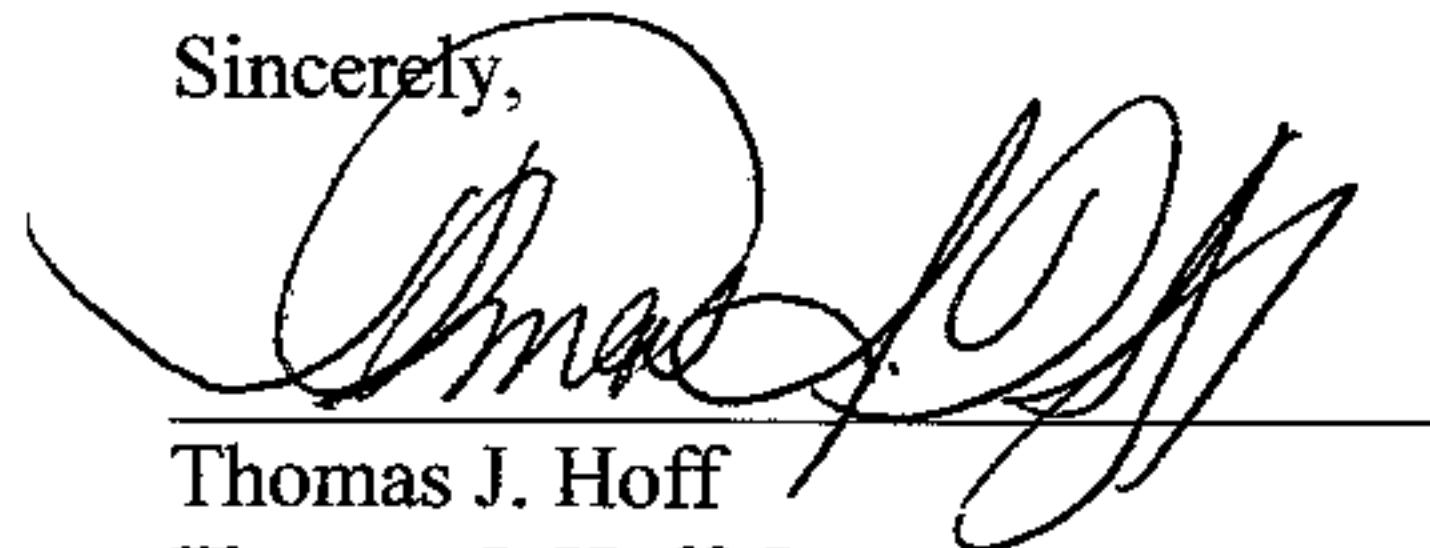
Attention: Ms. Kristen Matthews

Ladies and Gentlemen:

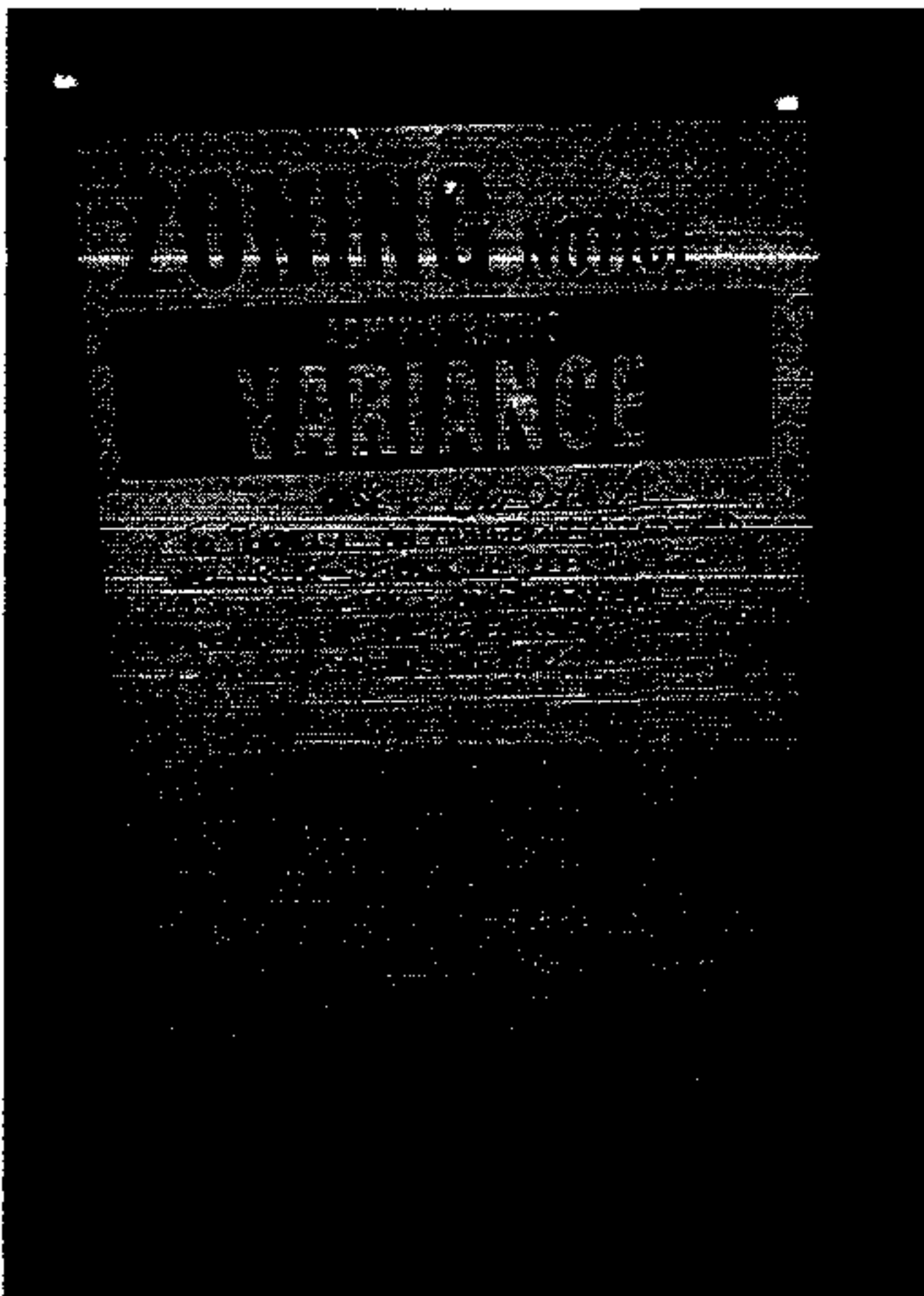
This Letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **28 Seminary Dr.**

The sign(s) were posted on **8/25/05**.

Sincerely,



Thomas J. Hoff
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD 21204
410-296-3668



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

REVISED 1ST
DATE MISSED!
JL
8/24/05

Case Number 06- 078 -A Address 28 SEMINARY DRIVE
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/04/05 Posting Date: 8/25/05 Closing Date: 9/09/05

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

- 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.
- 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.
- 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.
- 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 06- 078 -A Address 28 SEMINARY DRIVE
Petitioner's Name BETTY MEYER Telephone 410 828 1186
Posting Date: 8/25/05 Closing Date: 9/09/05
Wording for Sign: To Permit TO BE SET AN ADDITION (WINDOWED WALL) REAR SETBACK OF 30 FT. IN LIEU OF 35 FT. TO A TRACT BOUNDARY AND TO AMEND THE FINAL DEVELOPMENT PLAN OF SEMINARY SPRINGS LOT # 10

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/neighbor 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: 06 078 A

Petitioner: Betty Meyer

Address or Location: 28 Seminary Drive Lutherville 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: BETTY MEYER

Address: 28 Seminary Dr Lutherville 21093

Telephone Number: 410 / 828-1186

**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*

September 5, 2005

Betty L. Meyer
28 Seminary Drive
Lutherville, Maryland 21093

Dear Ms. Meyer:

RE: Case Number: 06-078-A, 28 Seminary Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 4, 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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

THOMAS J. HOFF, INC.

Land Planners, Landscape Architects

Land Development Consultants

406 WEST PENNSYLVANIA AVENUE

TOWSON, MD. 21204

VOICE 410-296-3668 FAX 410-296-5326

Thomas J. Hoff, RLA

President

Email: tom@thomasjhoff.com

Web Page: thomasjhoff.com

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: 8.16.05

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

RE: Baltimore County
Item No. 078 JLL

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

BW
Granted 9/9/05
w/ tests

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley
DATE: September 7, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 22, 2005

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

06-078
06-079
06-080
06-081
06-085
06-089

Reviewers: Sue Farinetti, Dave Lykens

*Missed Posting
Deadline*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 29, 2005
RECEIVED

AUG 31 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-078- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Penney

Division Chief:

Lynne L. L. L.

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 24, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

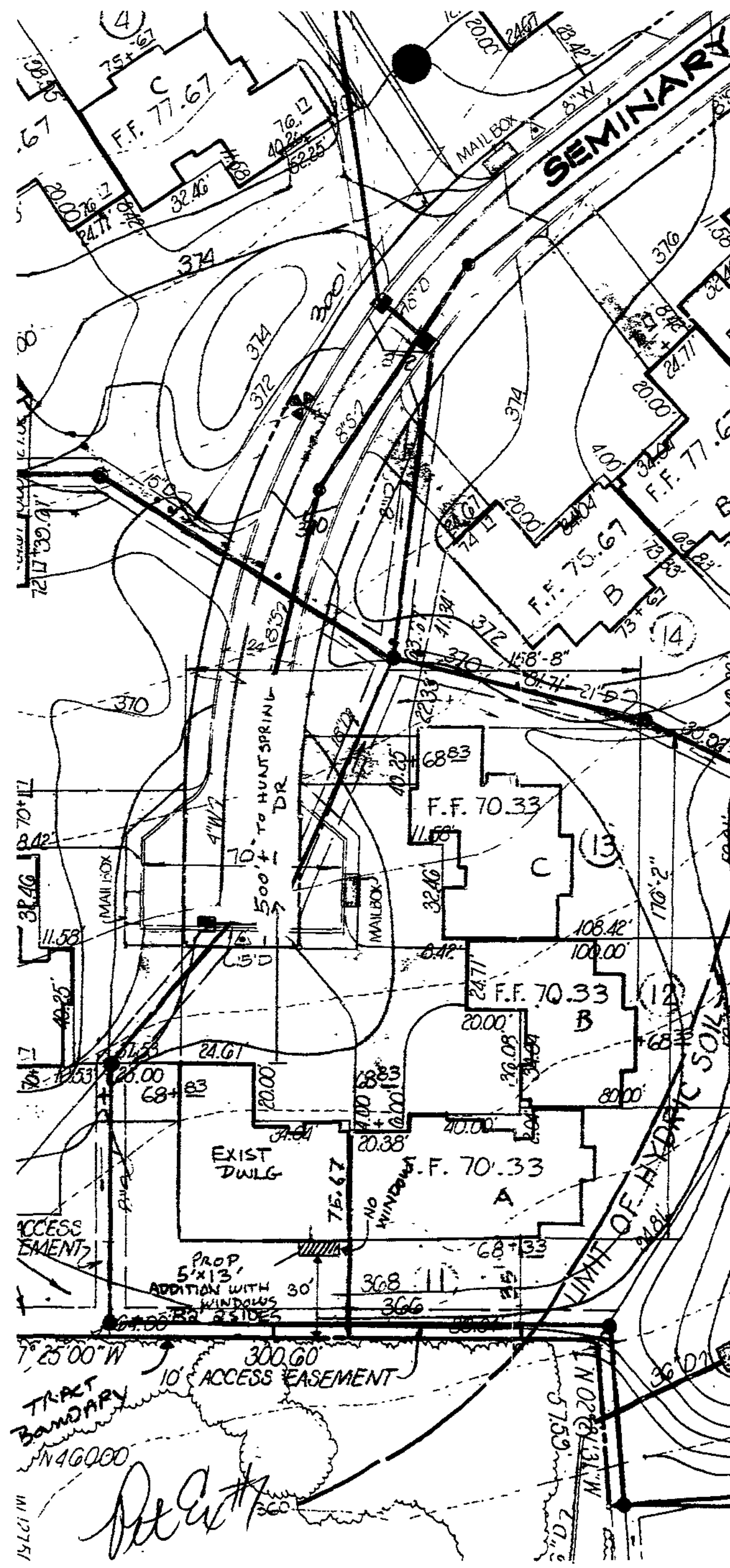
SUBJECT: Zoning Advisory Committee Meeting
For August 29, 2005
Item Nos. 078, 079, 080, 081, 082,
084, 085, 087, 088

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-08242005.doc



PLAT FOR VARIANCE.
 FOR 28 SEMINARY DRIVE
 OWNER: BETTY MEYER
 ADD: 28 SEMINARY AVE.
 ZONE: DR 2
 MAP 060A3
 8TH ED
 2ND CD.
 PUBLIC WATER + SEWER
 NOT HISTORIC
 NOT FLOOD PLAIN
 LOT SIZE .253 AC
 NO PRIOR HEARINGS
 THE UNDERSIGNED ACCEPTS
 RESPONSIBILITY FOR ALL
 INFORMATION AS DRAWN +
 WRITTEN BY BALTO. CO.

Betty L Meyer
 Aug 4 - 2005
 LOT # 10 SEMINARY
 SPRINGS
 Δ 53/69

VICINITY MAP
 NTS
 HUNTSPRING
 DRIVE
 SEMINARY AVE
 SEMINARY DRIVE
 SITE

06-078-A



078

078



VIL. W. FACING TO THE REAR

078



078

