

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Maple View Way, 134.73 ft. S
centerline of Magledt Road
11th Election District
5th Councilmanic District
(3408 Maple View Way)

Margaret Ann & Wilbur M. L. Maurath, III
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 06-080-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, Margaret Ann and Wilbur M. L. Maurath, III. The administrative variance is requested for property located at 3408 Maple View Way in Baltimore County. The administrative variance request is from Sections 1B02.3A.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a 14 ft. rear setback in lieu of the required 22 ½ 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 August 13, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated August 24, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

RECEIVED FOR FILING
9/22/05
Ruf

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 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, I find that the requested variance should be GRANTED.

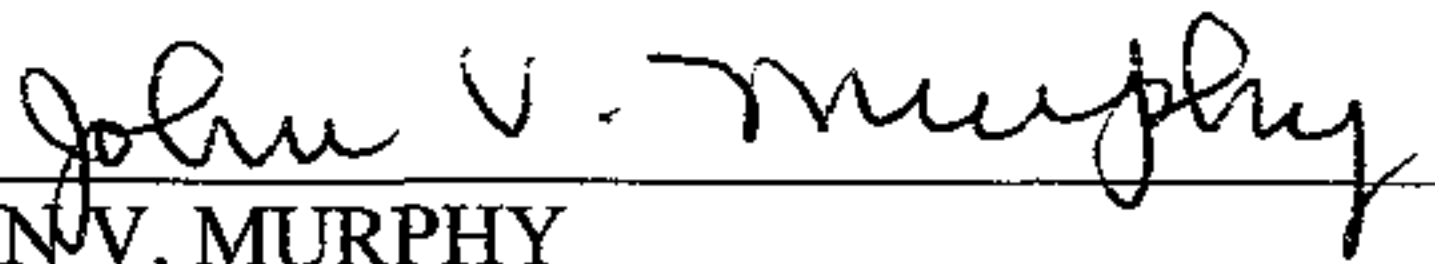
THEREFORE, IT IS ORDERED, this 22 day of September, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for administrative variance from Sections 1B02.3A.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a 14 ft. rear setback in lieu of the required 22 ½ ft., be and is hereby

JANUARY RECEIVED FOR FILING
9/22/05
J. Ray

GRANTED, subject, however, to the following restrictions which are conditions 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;
2. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated August 24, 2005, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

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
9/22/05
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 21, 2005

Mr. & Mrs. Wilbur M. L. Maurath, III
3408 Maple View Way
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 06-080-A
Property: 3408 Maple View Way

Dear Mr. & Mrs. Maurath:

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, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Printed on Recycled Paper

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 ²² 21, 2005

Mr. & Mrs. Wilbur M. L. Maurath, III
3408 Maple View Way
Baltimore, Maryland 21234

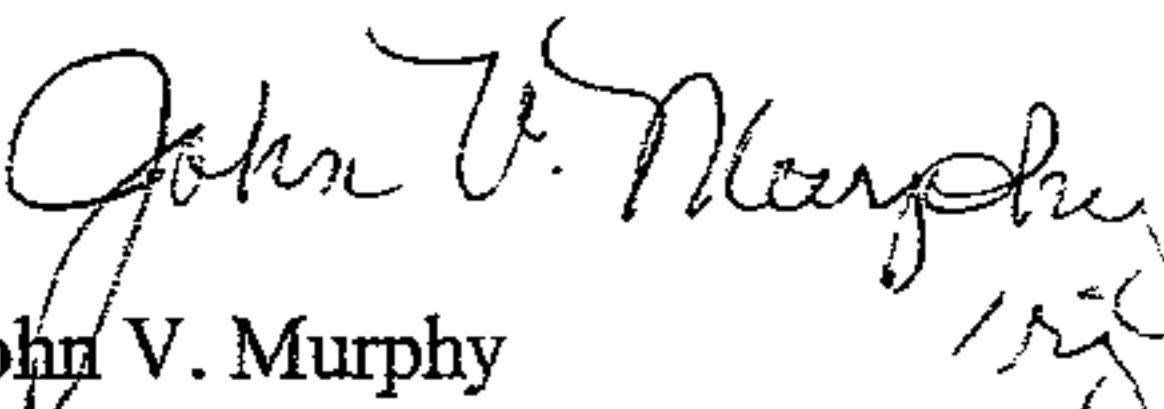
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Very truly yours,


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 3408 MAPLE VIEW WAY
which is presently zoned DR 5.5

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) 1002.3A.1, 301.1 (BCZR)

TO PERMIT AN OPEN PROTECTION (DECK) WITH A 14-FOOT REAR
SETBACK IN LIEU OF THE REQUIRED 22 1/2 - 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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

MARGARET ANN MAURATH
Name - Type or Print _____
Margaret Ann Maurath
Signature _____
Wilbur M. L. MAURATH, JR.
Name - Type or Print _____
Wilbur M. L. Maurath, Jr.
Signature _____
3408 MAPLE VIEW WAY 529-5429
Address Telephone No. _____
Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

Wilbur M. L. MAURATH, JR.
Name _____
3408 MAPLE VIEW WAY 529-5429
Address Telephone No. _____
Baltimore MD 21234
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. 06-080-A

Reviewed By D.T.

Date 8/5/05

Estimated Posting Date 8/14/05

REV 10/15/98

FILED RECEIVED FOR FILING
9/22/05

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 3408 MAPLE VIEW WAY
Address
Baltimore MD 21234
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):

- ① IN ORDER TO GET THE BEST USE OF OUR BACKYARD A DECK IS NECESSARY BECAUSE OF THE SLOPE OF OUR YARD.
- ② THE DECK WE WANT TO BUILD IS 16' DEEP BY 20' WIDE
- ③ CURRENT ZONING WILL ALLOW ONLY A DECK 7 1/2' DEEP.
- ④ THEREFORE WE REQUEST A VARIANCE TO BUILD THE DECK WE WOULD LIKE TO HAVE

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.

Margaret Ann Maurath
Signature
Margaret Ann Maurath
Name - Type or Print

Wilbur M. L. Maurath, III
Signature
Wilbur M. L. MAURATH, III
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Margaret Ann Maurath and Wilbur M. L. Maurath, III
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

August 2, 2005
Date

Lori Lynn Neikirk
Notary Public

My Commission Expires August 12, 2007

Zoning Description For 3408 Maple View Way

Beginning at a point on the north side of Maple View Way which is 50 feet wide at the distance of 134.73 feet south of the centerline of the nearest improved intersecting street Magledt Rd. which is 60 feet wide. Being lot #6 in the subdivision of Burton/Chatman Property as recorded in Baltimore County Plat Book #76, Folio #56, containing .272 acres. Also known as 3408 Maple View Way and located in the 11 Election District, 6 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 064130710

DATE

8/3/05

ACCOUNT

COLLECTORIAL

AMOUNT

165.00

RECEIVED FROM

MARGARET MURPHY

FOR

ITEM # 080 06-080-A

2408 MARLE VILLAGE D THOMSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

8/03/2005 8/03/2005 11:27:00

ADD WORK MAIL JMM JLE

RECEIPT # 017927 8/15/2005

NO. 5 028 JOURNAL RECEPTION

PR NO. 000076

Receipt Tot 463.00

463.00 OK 4.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-080-A

Petitioner/Developer: MAURATH

Date Of Hearing/Closing: 8/29/05

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

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
at 3408 MAPLE VIEW WAY

This sign(s) were posted on August 13, 2005.
(Month, Day, Year)

Sincerely,

Martin Ogle 8/13/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

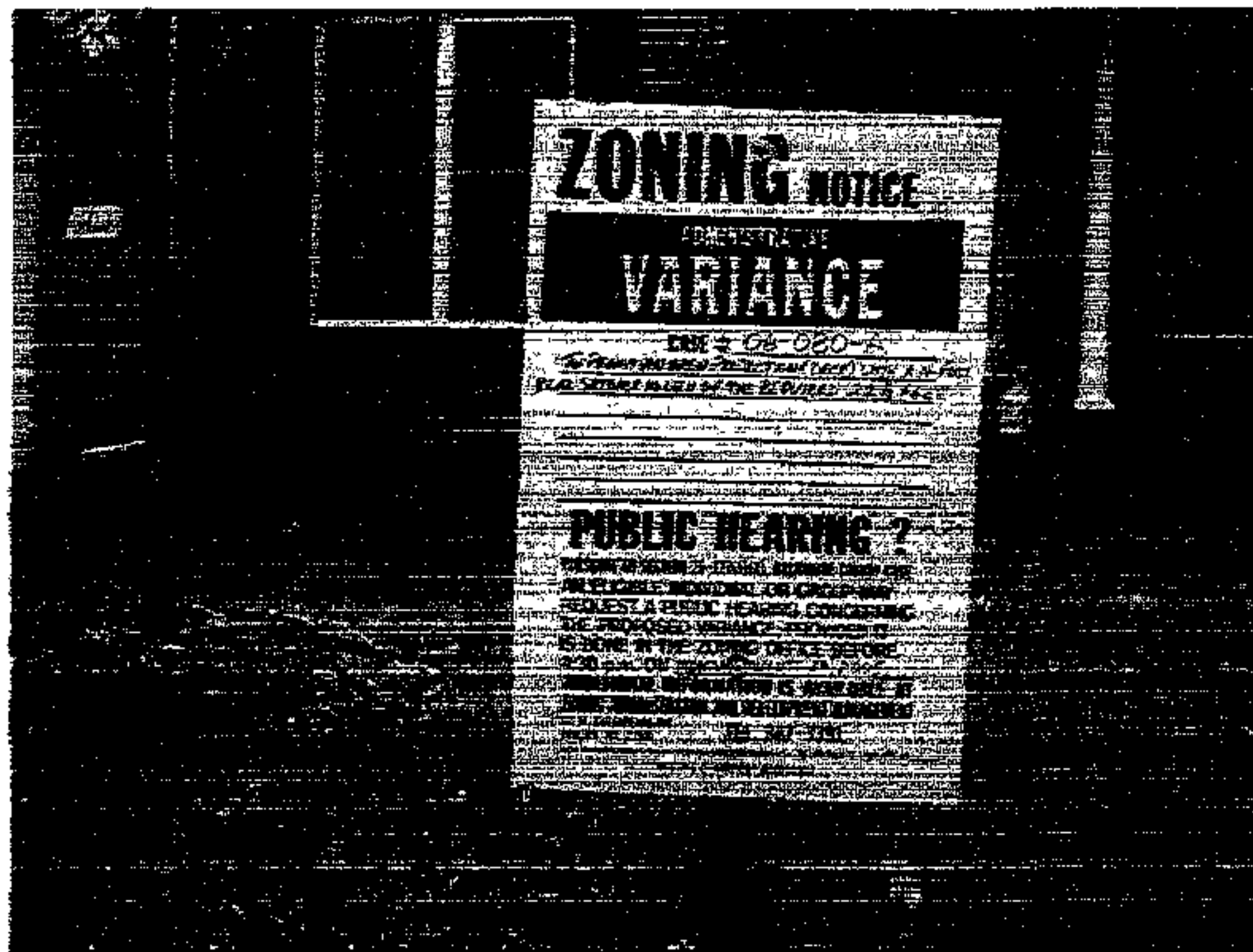
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000381 (576x432x24b jpeg)



master of 8/13/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 080 -A

Address 3408 MAPLE VIEW WAY

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8/5/05

Posting Date: 8/14/05

Closing Date: 8/29/05

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 06- 080 -A

Address 3408 MAPLE VIEW WAY

Petitioner's Name MAURATH

Telephone 410-529-5429

Posting Date: 8/14/05

Closing Date: 8/29/05

Wording for Sign: To Permit AN OPEN PROJECTION (DECK) WITH A 14-FOOT REAR
SETBACK IN LIEU OF THE REQUIRED 22 1/2- FEET.

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: 06-080 - A

Petitioner: MAURATH

Address or Location: 3408 MAPLE VIEW WAY

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. WILBUR MAURATH

Address: 3408 MAPLE VIEW WAY

BALTO. MD 21234

Telephone Number: 410-529-5429

**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*

August 29, 2005

Margaret Ann Maurath
Wilbur M.L. Maurath III
3408 Maple View Way
Baltimore, Maryland 21234

Dear Mr. and Mrs. Maurath:

RE: Case Number: 06-080-A, 3408 Maple View Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 5, 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 style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 24, 2005

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

RECEIVED

AUG 25 2005

SUBJECT: 3408 Maple View Way

INFORMATION:

Item Number: 6-080

Petitioner: Margaret Ann Mauratin

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Proposed open deck addition shall meet all requirements under part III of the Baltimore County Comprehensive Manual of Development Policies. Particularly, the guidelines of objective number VII, (*"Decks, Balconies, and Porches"*).
2. Per Section 260.6.4 of the BCZR, the proposed open projection deck shall be screened to minimize visibility from Maple View Way.
3. Screening shall meet the objectives, guidelines, and standards set forth in the Baltimore County Open Space Manual, Condition M, under *Residential Rear and Side Yards*. Specifically, standard number one (1) which states;
 - o "Screening of a dwelling unit is required where its side or rear lot line abuts a public right of way."
 - o "Screening shall comply with "Class A" requirements." (See Baltimore County Landscape Manual, part II.B.2.a)
4. A final landscaping plan shall be submitted and reviewed by Avery Harden, Baltimore County Landscape Architect and The Office of Planning prior to the issuance of any building permits.

ZONING COMMISSIONER

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by: Candis Murray

Division Chief: [Signature]

AFK/LL: CM

ARMED RECOVERED
9/22/05
[Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For August 29, 2005
Item Nos. 077, 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley *RB*
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

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. 080 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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

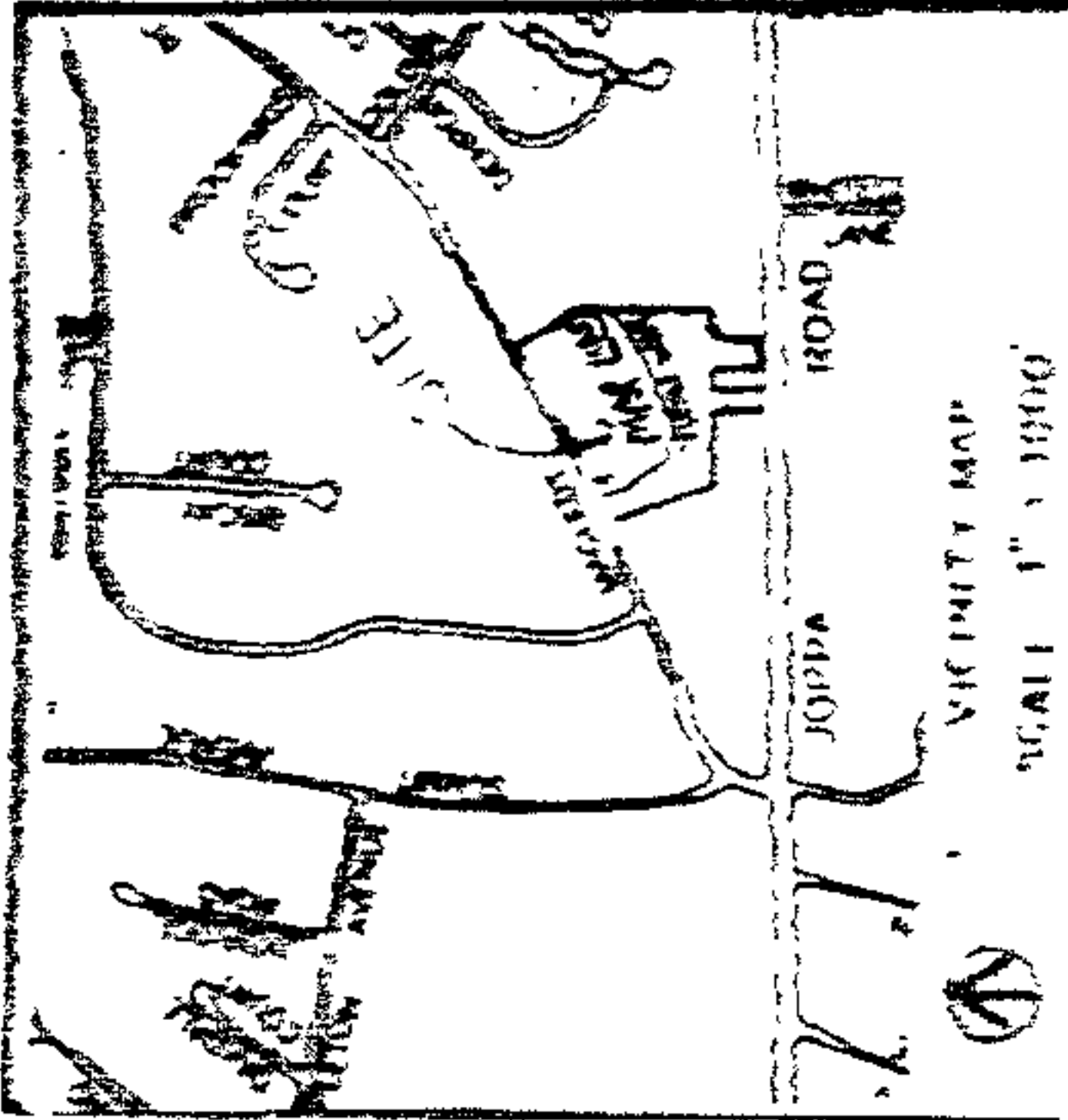
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 3408 MAPLE VIEW WAY

SUBDIVISION NAME BURTON CHATMAN

PLAT BOOK # 76 FOLIO # 56 LOT # 6 SECTION # 1

OWNER MARGARET A. + WILBUR M.L. MAURATH III



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP #

ZONING D.R.S.S

LOT SIZE 11,848 ACRES 11,848 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ YES ☐ NO ☒

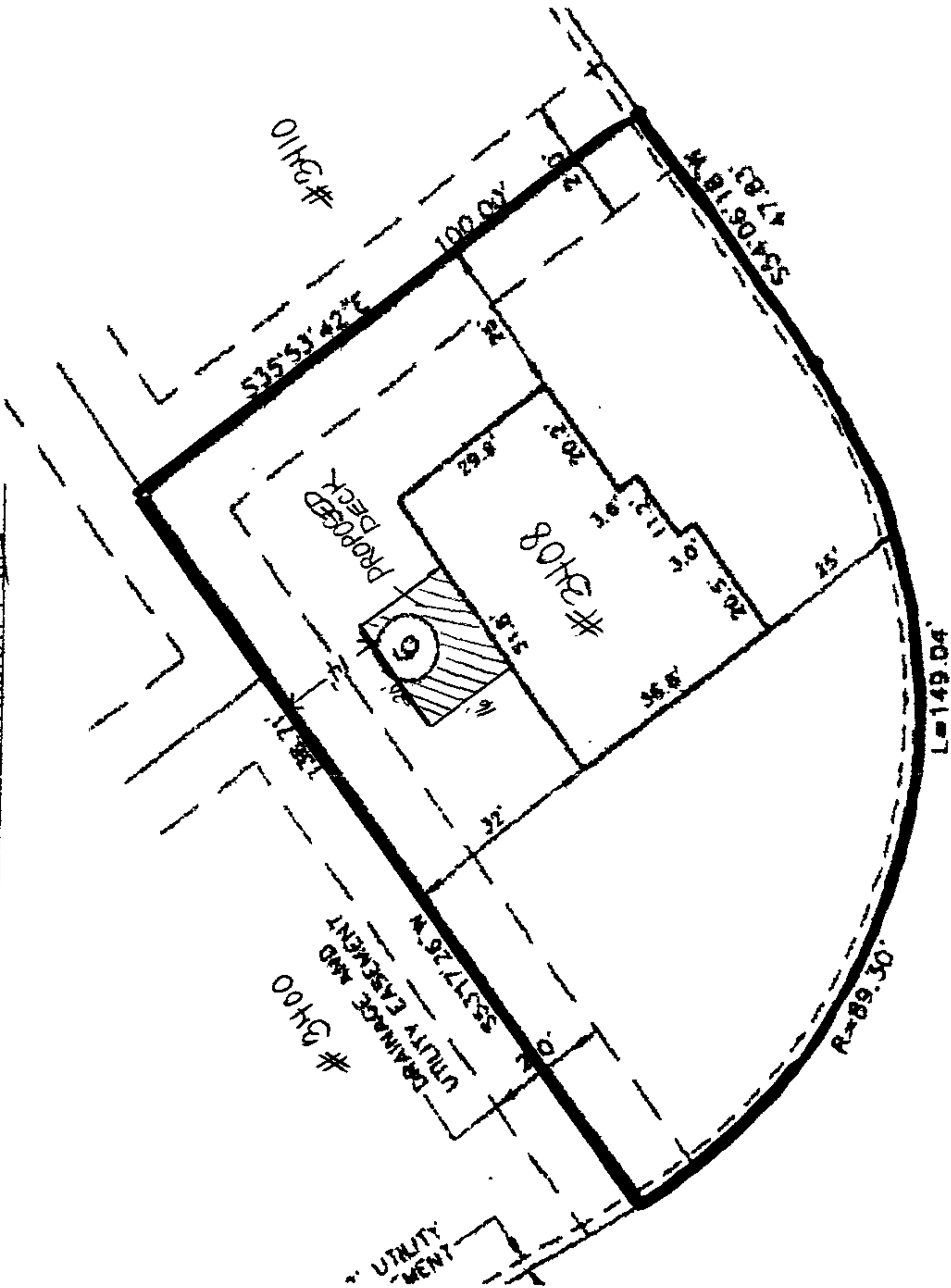
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☐ YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING ☐ YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY DT. ITEM # 080 CASE # 06-080-A



NORTH

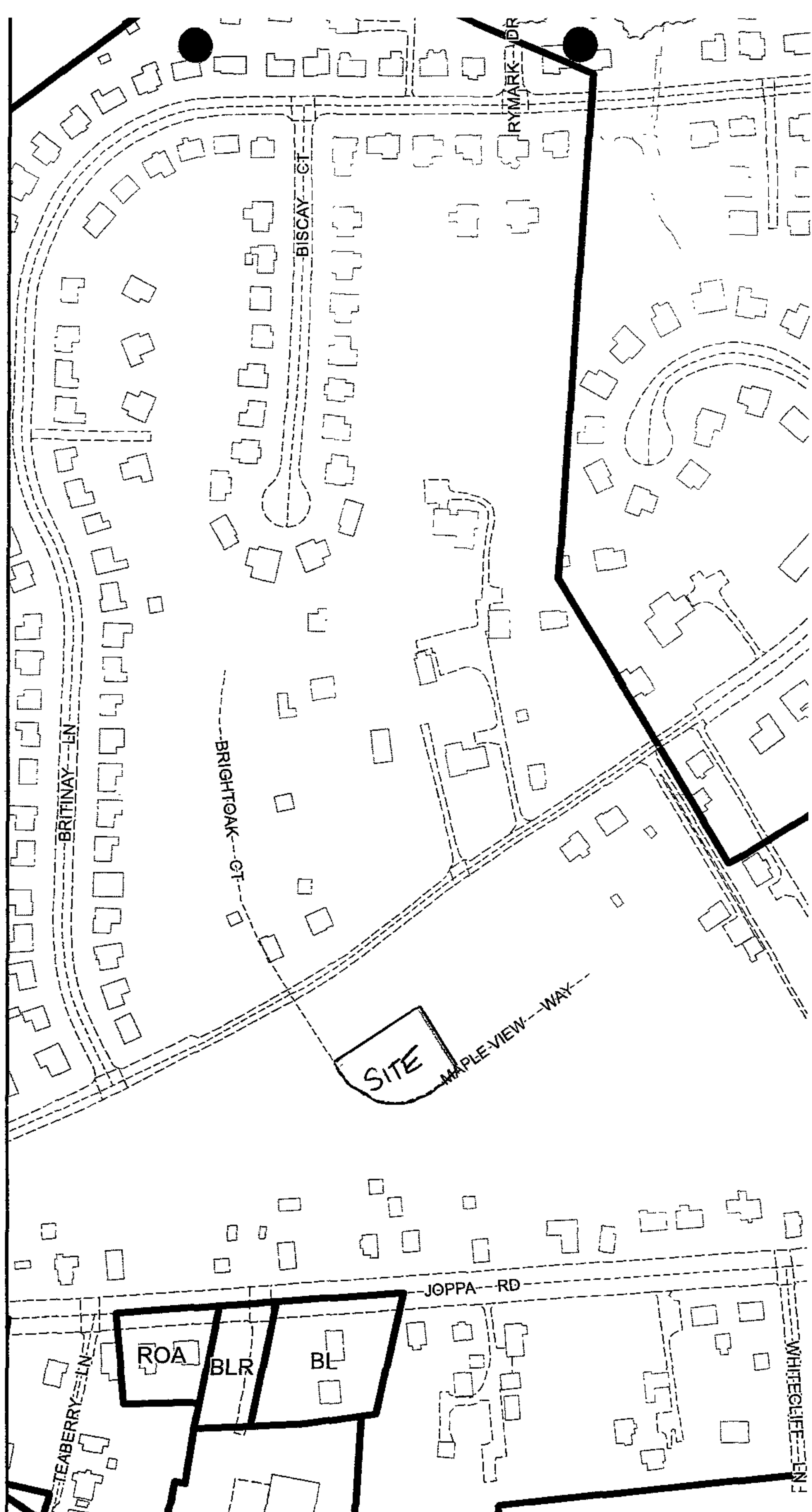
MAPLE VIEW WAY

50' RIGHT OF WAY

PREPARED BY W.M.II

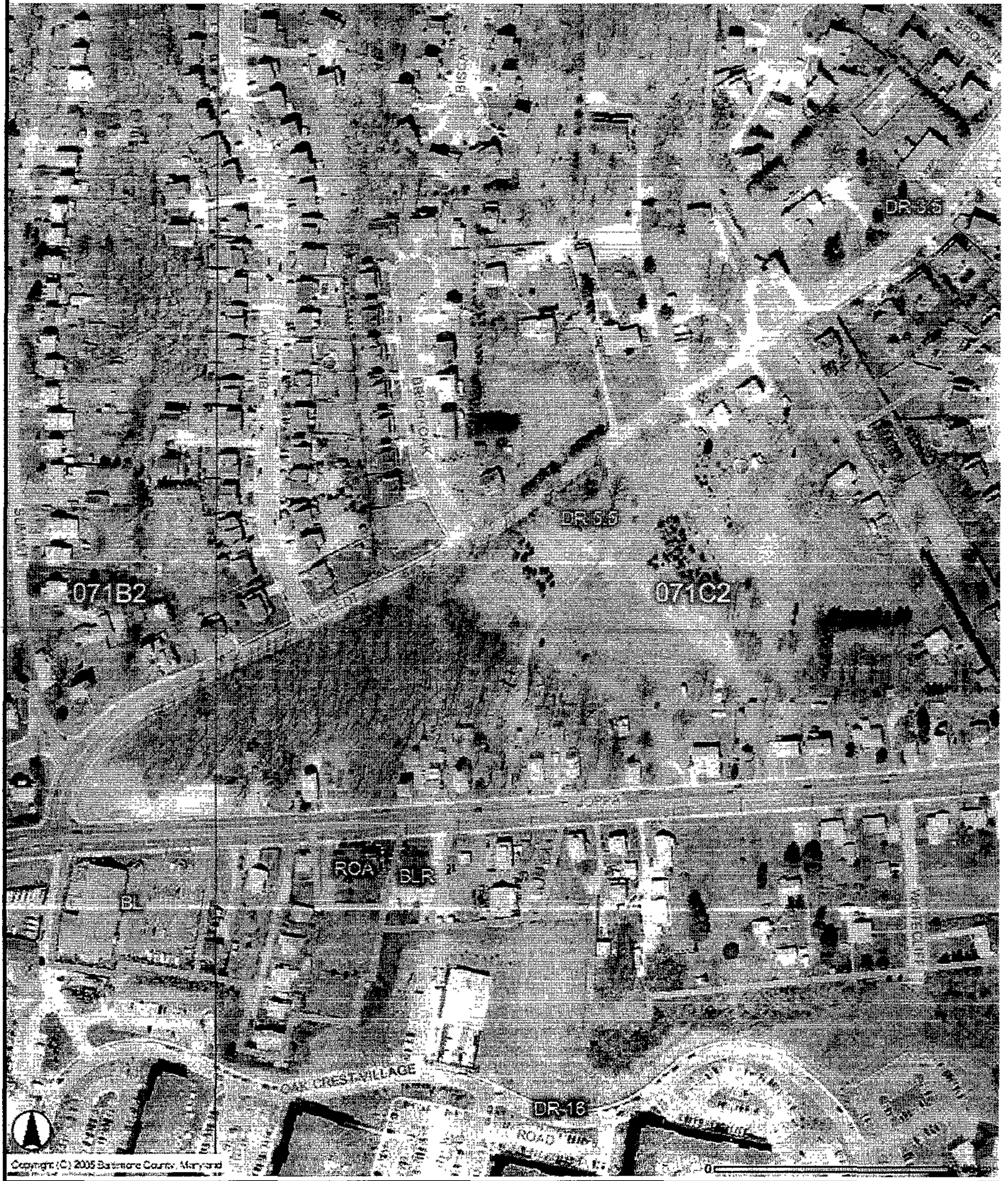
SCALE OF DRAWING: 1" = 30'

DT. | 080 | 06-080-A

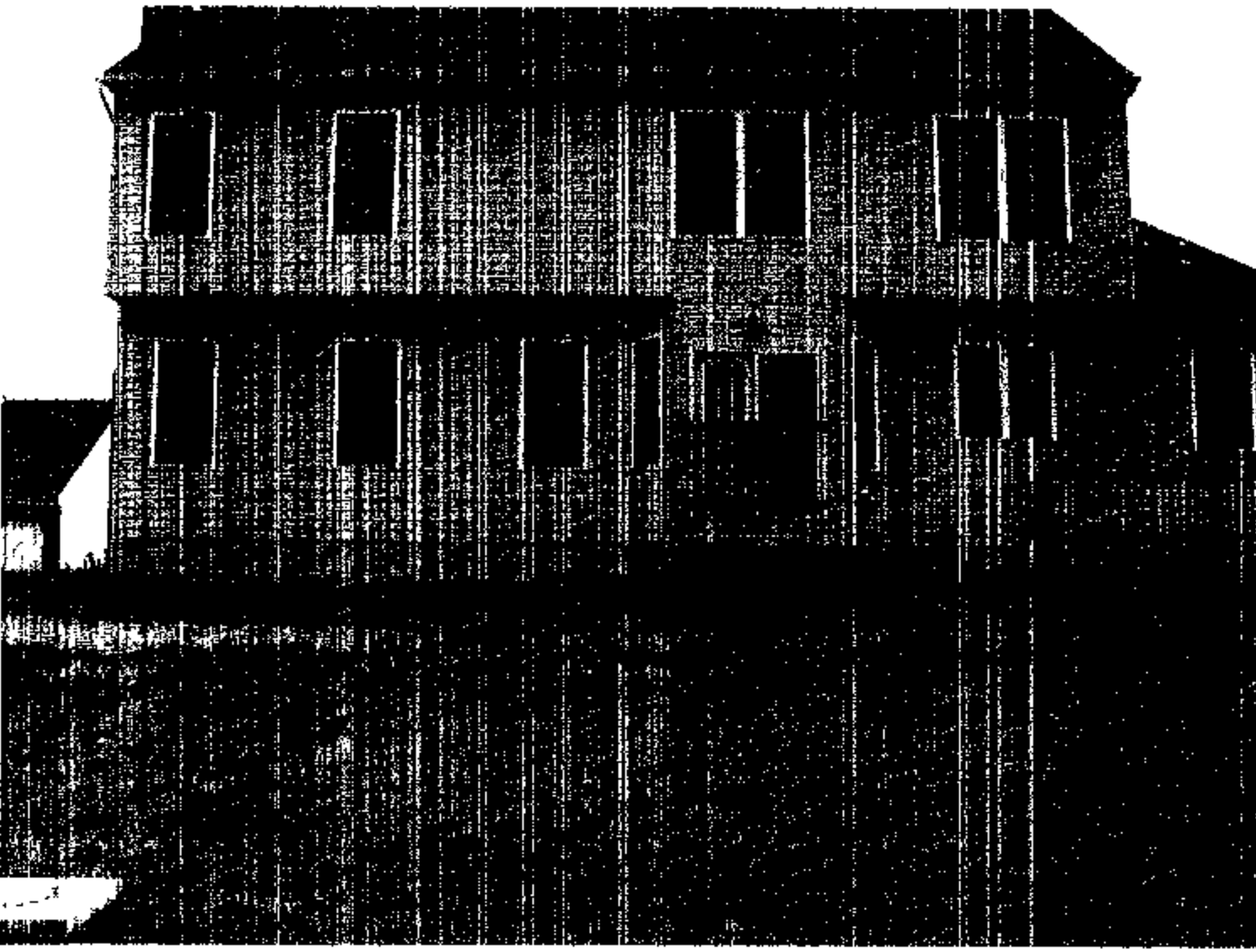


071C2

06-080-A



06-080-A



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Con'A

