

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Baldwin Mill Road, 0.7 miles N
centerline of Pleasantville Road
11th Election District
3rd Councilmanic District
(13810 Baldwin Mill Road)

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-088-A

Susan D. & William D. Wiley
Petitioners

* * * * *

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, William D. Wiley and Susan D. Wiley, his wife. The variance request is for property located at 13810 Baldwin Mill Road in the Baldwin area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a property line setback of 8 ft. in lieu of the required 35 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 21, 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.

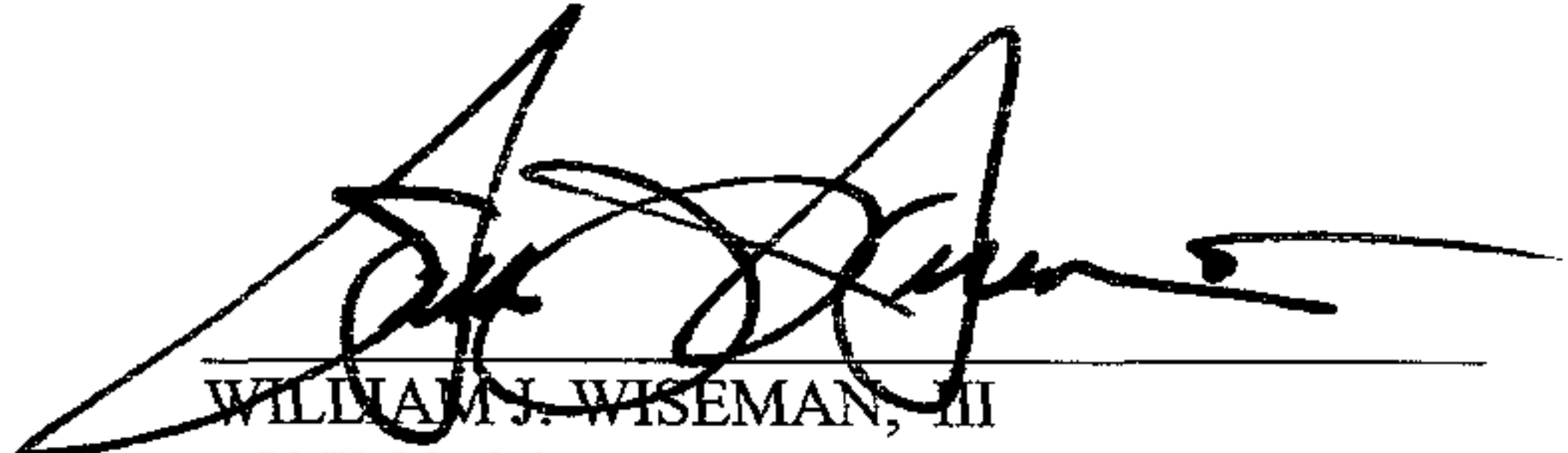
ORDER RECEIVED FOR FILING
9/6/05
Ray

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.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 6th day of September, 2005, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a property line setback of 8 ft. in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

When received by the Planning Department
9/6/05
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 6, 2005

Mr. & Mrs. William D. Wiley
13810 Baldwin Mill Road
Baldwin, Maryland 21013

Re: Petition for Administrative Variance
Case No. 06-088-A
Property: 13810 Baldwin Mill Road

Bill & Susan
Dear Mr. & Mrs. Wiley:

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 "Bill", is written over the printed name.

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 13810 BALDWIN MILL RD.
which is presently zoned RC2

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) 1A01.3.B.3 (BC22)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A PROPERTY LINE
SETBACK OF 8' IN LIEU OF THE REQUIRED 35'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

WILLIAM D. WILEY

Name - Type or Print

Signature

Name - Type or Print

Signature

13810 BALDWIN MILL RD. 410.592.6115

Address Telephone No.

BALDWIN MD 21013

City State Zip Code

Representative to be Contacted:

SAME

Name

AS

Address Telephone No.

ABOVE

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 9/10/05 day of SEPTEMBER, 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. 06-088-A

Reviewed By LTm Date 8/10/05

Estimated Posting Date 8/21/05

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 13810 BALDWIN MILL RD.
Address
BALDWIN MD. 21013
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):

This residence was built was in 1917 and has 3 bedrooms and 1 full bathroom. We are proposing a two story 12 x 16 addition on the north side of the property. This addition will provide a much needed second bathroom and storage on the second floor as well as addition floor space and storage on the ground floor. We have chosen to put this addition on the north side of the house as it is in close proximity to existing plumbing and electric and it does not interfere with the driveway or garage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William D. Willey
Signature
William D. Willey
Name - Type or Print

Susan D. Willey
Signature
Susan D. Willey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of AUGUST, 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

Mary D. Petr
Notary Public
My Commission Expires 5/1/08

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 13810 BALDWIN MILL RD
Address
BALDWIN MD. 21013
City State Zip Code

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William D. Wiley
Signature

WILLIAM D. WILEY
Name - Type or Print

Susan D. Wiley
Signature

SUSAN D. WILEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of AUGUST, 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

Thomas D. Peter
Notary Public

My Commission Expires 5/1/08



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13810 BALDWIN MILL RD.
which is presently zoned RC2

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) 1701.3.B.3 (BCR)

TO PERMIT AN EXISTING ^{SINGLE} FAMILY DWELLING WITH ADDITION TO
HAVE A PROPERTY ^{LINE} SETBACK OF 8' IN LEE OF THE REQUIRED 35'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No

City State Zip Code

Legal Owner(s):

WILLIAM D. WILEY
Name - Type or Print

Signature

JESSE D. WILEY
Name - Type or Print

13810 BALDWIN MILL RD.
Address

BALDWIN MD. 21013
City State Zip Code

Representative to be Contacted:

SAME
Name

AS
Address

ABOVE
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. 06-088-A

Reviewed By LTN Date 8/10/05

REV 10/25/01

Estimated Posting Date 8/21/05

ZONING DESCRIPTION FOR
13810 BALDWIN MILL ROAD

BEGINNING AT A POINT IN THE CENTER
OF BALDWIN MILL ROAD WHICH VARIES
IN WIDTH AT A DISTANCE OF 0.7 MILES
NORTH OF PLEASANTVILLE RD WHICH
VARIES.

BEGINNING for the same in the center of the road leading from Upper Cross Road to Baldwin Station, and at the end of the second or South 21 degrees East 699 feet line of the whole tract as conveyed by Medora J. Burton and husband to Francis Dilworth and wife by Deed dated January 23, 1917, and recorded among the Land Records of Baltimore County in Liber WPC No. 475, folio 311, and running thence with the lines of said Deed and bounding on the land of the said Medora Burton, two courses, viz: South 70 degrees 45 minutes West 16 feet to a stone set up upon the southwest side of said road, and South 70 degrees 45 minutes West 460 feet to a stone now set up, thence leaving the outline and running for a new line of division across the lands of Charles H. Burton and wife North 19 degrees 15 minutes West 80 feet to a stone set up, North 70 degrees 45 minutes East 458 feet to a stone now set up on the southwest side of said road, and North 70 degrees 45 minutes East 16 feet to the center of said road, and thence with and binding on the center of said road South 21 degrees East 80 feet to the place of beginning. The improvements thereon being known as No. 13810 Baldwin Mill Road.

CONTAINING 37,984 $\pm$ ACRES
LOCATED IN THE 11TH ELECTION DISTRICT
3 COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448185

DATE

2/10/05

ACCOUNT

18001000601510

AMOUNT

\$ 65.00

RECEIVED

WILLIAMS

FOR

OC - 0888 - A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME

0/11/2005 8/10/2005 11:34:54

SEN WOOD WALKIN WOOD KIP

RECEIPT # 296765 10/10/2005

SEN 3 528 JONING VERIFICATION

WILLIAMS 448185

Receipt Tot

\$65.00

Baltimore County, Maryland

CASHIER'S VALIDATION

RE: Case No.: 06-088-A

Petitioner/Developer: _____

WILLIAM & SUSAN WILEY

Date of Hearing/Closing: 9/5/05

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 _____

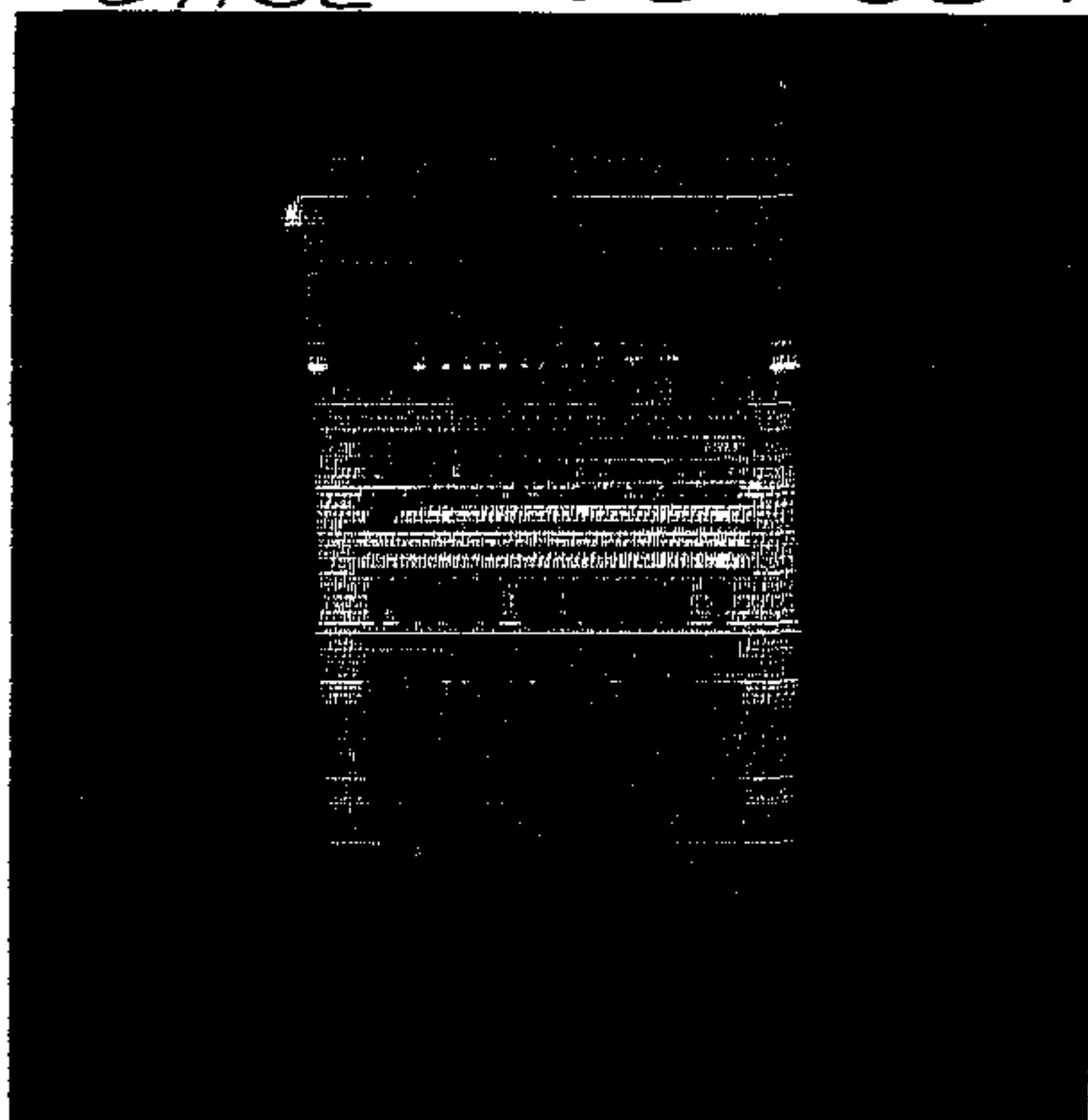
13810 BALDWIN MILL RD.

The sign(s) were posted on _____

8/21/05

CASE # 06-088-A

(Month, Day, Year)



Sincerely,

Richard E. Hoffman 8/21/05
(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)

13810 BALDWIN MILL RD
POSTED 8/21/05

Richard E. Hoffman 8/21/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 088 -A Address 13810 BALDWIN MILL RD

Contact Person: LYDIA T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/10/05 Posting Date: 8/21/05 Closing Date: 9/5/05

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- 088 -A Address 13810 BALDWIN MILL RD

Petitioner's Name WILLIAM & SUSAN WILEY Telephone 410 592 6115

Posting Date: 8/21/05 Closing Date: 9/5/05

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A PROPERTY LINE SETBACK
OF 8' IN LIEU OF THE REQUIRED 35'

WCR - Revised 6/25/04

I HAVE RECEIVED POSTING INFO

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: 06-088-A

Petitioner: SUSAN WILEY

Address or Location: 13810 BALDWIN MILL RD, BALDWIN, MD 21013

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUSAN WILEY

Address: 13810 BALDWIN MILL RD
BALDWIN, MD 21013

Telephone Number: 410 371-7591

**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

William D. Wiley
Susan D. Whiley
13810 Baldwin Mill Road
Baldwin, Maryland 21013

Dear Mr. and Mrs. Wiley:

RE: Case Number: 06-088-A, 13810 Baldwin Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 10, 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



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. 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

INTER-OFFICE CORRESPONDENCE

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

DATE: August 19, 2005
RECEIVED

AUG 22 2005

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

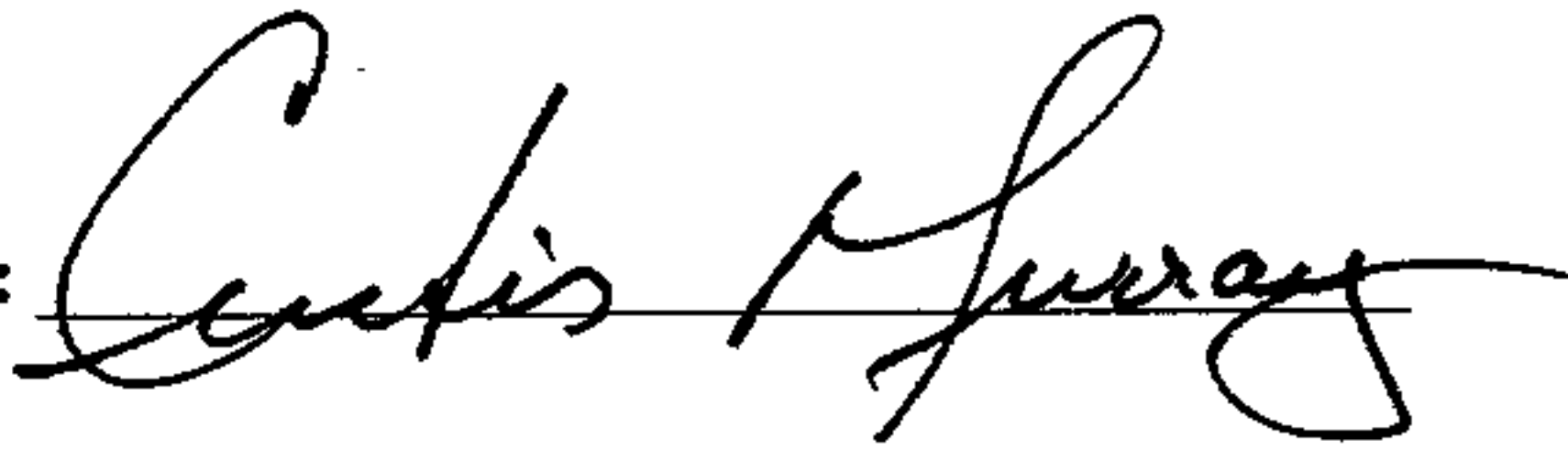
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-088- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



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. 088 LTM

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

August 8, 2005

Suzanne Warner
13814 Baldwin Mill Rd.
Baldwin, MD 21013
410-592-6141
Parcel# 11-15-015025

To: Baltimore County Zoning Dept.

To Whom It May Concern:

I have no objection to my neighbors, Susan and William Wiley at 13810 Baldwin Mill Rd. building an addition 12 feet by 16 feet on the north side of their home, providing that said addition is no closer than 3 feet from the mutual property line.

Suzanne Warner

045A1

Baltimore County - My Neighborhood



08



ADDITION GOES ON RIGHT SIDE
OF HOUSE BEHIND YELLOW BUS



ADDITION GOES ON RIGHT SIDE
OF HOUSE BEHIND YELLOW BUSH



ADDITION GOES ON RIGHT SIDE

OF HOUSE BEHIND YELLOW BUSH

88