IN RE: PETITION FOR ADMIN. VARIANCE

N/S Woodbine Terrace, 285' W of the c/l

Woodbine Avenue

(606 Woodbine Terrace)

9th Election District

5th Council District

Michael B. MacWilliams, et ux Petitioners BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 06-155-A

* * * * * * * * *

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Michael B. MacWilliams, and his wife, Linda R. MacWilliams. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section III-C4 of the 1945-1955 Reg.) to permit a rear yard setback of 8 feet in lieu of the required 15 feet for a proposed addition (enclosed basement access). The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

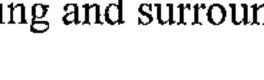
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Based upon the evidence contained therein, I am persuaded to grant the requested relief. As shown on the site plan, the Petitioners propose the construction of two additions to the (west) side and rear of the existing house. The two-story addition to the rear of the home will be placed over the existing basement access and a brick patio. Due to the layout and location of the existing home and proposed additions, the Petitioners propose to locate the new basement access to the rear of the proposed two-story addition. In that the proposed new basement access will be located within the required setback from the rear property line setback, the requested variance is necessary. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition to the relief granted, the Petitioners shall be required to submit building elevation drawings of the proposed improvements to the Office of Planning for their review and approval prior to the issuance of any permits.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section III-C4 of the 1945-1955 Reg.) to permit a rear yard setback of 8 feet in lieu of the required 15 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed additions to the Office of Planning for review and approval to assure compatibility with the existing dwelling and surrounding locale.

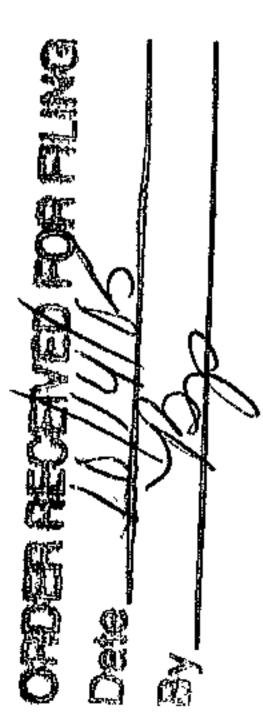


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3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMA Zoning Commissioner for Baltimore County

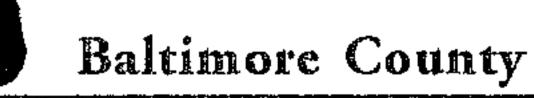
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Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

October 14, 2005

Mr. & Mrs. Michael B. MacWilliams 606 Woodbine Terrace Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Woodbine Terrace, 285' W of the c/l Woodbine Avenue
(606 Woodbine Terrace)
9th Election District – 5th Council District
Michael B. MacWilliams, et ux - Petitioners
Case No. 06-155-A

Dear Mr. & Mrs. MacWilliams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

WIELIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Very trally yours,

cc: Office of Planning; People's Counsel; Case File



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

WJW:bis



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	606:Woodbine	Terrace,	Towson,	21204
which is	presently zor	ned DR	3.5	

I/We do solemnly declare and affirm, under the penalties of

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 B02.3.B , Sec III C4

(BCZR) ("45-55" BCZR)

To permit an existing single family dwelling with addition (basement accessway) to have a rear yard of 8' in lieu of the required 15'.

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.

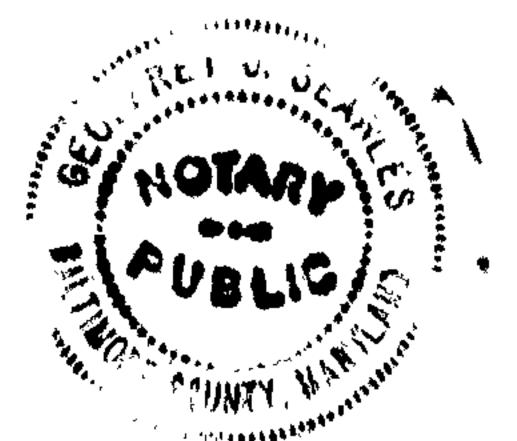
i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are the subject of this Pe	e legal owner etition.	r(s) of the	property which
Contract Purchas	er/Lessee:		Legal Owner(s):			
Name - Type or Print			Michael B. MacW	illiams		·
Signature	t applicable		Signature Linda R. MacW11	11000		
Address	<u>appiioania</u>	Telephone No.	Name - Type or Print	110,11		
City	State	Zip Code	Signature /	mina		
Attorney For Petis	tioner:		606 Woodbine Te	rrace	410	-823-6404
			Address		· · · · · · · · · · · · · · · · · · ·	Telephone No.
	- 		Towson		MD	21204
Name - Type or Print			City		State	Zlp Code
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Cappany	o applicable		<u>Joseph Larson</u> Name	······································	<u> </u>	
			105 W. Chesapeal	ke Ave.	410	0-823-3535
Aggress	······································	Telephone No.	Address	7.70	····	Telephone No.
			Towson		MD	21204
	State	Zip Code	City		State	Zip Code
	g been formally demand	led and/or found to be	required, it is ordered by the	Zonina Comp	olssioner o	f Baltimore County
day of Baltimore C	the county and that the proper	at the subject matter of t	his petition be set for a public h	earing, adverti	sed, as rec	juired by the zoning
	round and that the proper	ty be reposted.				
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			Zoning/Commis	of Baltin	poje Coun	ty
CASE NO. O	6-155-6	Rev	lewed By	ne a Datal	(0)	15/05
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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.

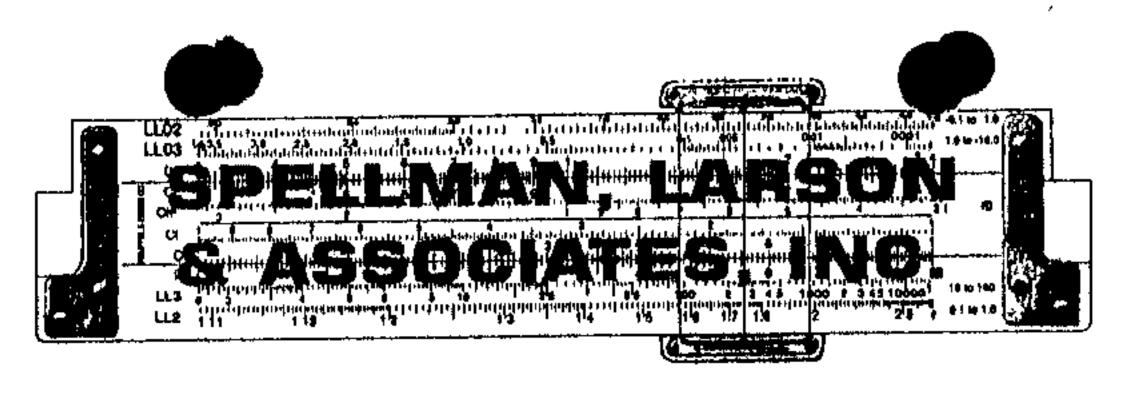
That the Affiant(s) does/do presently reside at	606 Woodbine Terrace					
	Address Towson	Maryland	21204			
	City	State	Zip Code			
That based upon personal knowledge, the followariance at the above address (indicate hardsh			t for an Administrative			
Due to an increase in the size of cresult in undue hardship should thithe premises.		•				
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That the Affiant(s) acknowledge(s) that if a f	ormal demand	is filed, Affiant(s) will be required to	pay a reposting and			
advertising fee and may be required to provide	additional inforn	nation.				
Signature	•	Signature / MANA				
Michael B. MacWilliams Name - Type or Print	· 	Linda R. MacWilliams Name - Type or Print				
STATE OF MARYLAND, COUNTY OF BALTI	<u>-</u>					
I HEREBY CERTIFY, this 13th day of 50 of Maryland, in and for the County aforesaid, pe			ary Public of the State			
the Affiant(s) herein, personally known or satisf	factorily identified	ر کے کراز میر d to me as such Afflant(s).				
AS WITNESS my hand and Notarial Seal			-			



My Commission Expires

REV 10/25/01





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

DESCRIPTION TO ACCOMPANY ZONING PETITION 606 WOODBINE TERRACE 9TH ELECTION DISTRICT

BEGINNING for the same at a point on the north side of Woodbine Terrace said point being 285 feet more or less from the west side of Woodbine Avenue and continuing along the north side of Woodbine Terrace (cul de sac) by way of a curve to the left with a radius of 45 feet and a length of 61.8 feet to a point on the north side of Woodbine Terrace also being at the division line between Lots No. 6&7 on the Plat of Woodbine Terrace recorded among the Plat Records of Baltimore County in Plat Book GLB 20 Folio 51 and continuing along the division line between Lots No. 6&7 north 25 degrees 31 seconds east 96.2 feet, thence leaving the division line between Lots No. 6&7 and running thence south 64 degrees 29 minutes east 57.0 feet, to a point on the division line between Lots No. 5&6 of the Plat of Woodbine Terrace and then running along the division line between Lots No. 5&6 south 25 degrees 31 seconds west 93.74 feet, to the place of beginning.

The property also being known as Lot No. 6 of Woodbine Terrace recorded in Plat Book GLB 20 Folio 51.

CONTAINING 0.13 acres of land more or less.

August 14, 2005

File#D08140501

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CERTIFICATE OF POSTING

ATT	TENTION: KRISTEN MATTHEWS	Pater Suptember 27, 2005
FRE:	Case Number 06-155-A Petitioner/Developer: MICHAELB. MAC Date of Hearing(Closing.) October	WILLIAMS/JOELARSON 10,2005
Wero	This is to certify under the penalties of perjury the property located at	
	The sign(s) were posted on \sum_{\cdot}	Ptember 25, 2005 (Month, Day, Year)
	PUBLIC HEARING? AND THE STATE OF THE STATE	Signature of Sign Poster) LINDA O KEFF (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City State, Zip Code of Sign Poster) 410-666-5366 (Telephone Number of Sign Poster)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 06-155-A
Petitioner: MICHAEL B. MACWILLIAMS
Address or Location: 606 WOODBINE TERRACE
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. MICHAEL B. MACWILLIAMS
Address: 606 WOODBINE TERRACE TOWSON MD. ZIZO4
Telephone Number: 410.823.6404

Revised 7/11/05 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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WCR - Revised 6/25/04



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	606 Woodbine	_	•	
which i	s presently zo	ned DR 3		

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 B02.3.B Sec III C4

(BCZR)

("45-55" BCZR)

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

Basimore County

To permit an existing single family dwelling with addition (basement accessway) to have a rear yard of 8' in lieu of the required 15'.

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.

			is the subject of this Petition.		
Contract Purcha	ser/Lessee:		Legal Owner(s):		
Name - Type or Print	······································		Michael B. MacWilliams Name Type or Print		, <u> </u>
Signature			Signature Signature		
Not	applicable		Linda R. MacWilliams	1 A	
Address	······································	Telephone No.	Name Type of Print		<u></u>
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Attorney For Pet	itioner:		606 Woodbine Terrace	400	-823-6404
			Address		Telephone No.
			Towson	MD	21204
Name - Type or Print			City	State	Zlp Code
Signature			Representative to be Con	tacted:	
	applicable		Joseph Larson		
Company			Name	· ····································	
*			105 W. Chesapeake Aye,	41	0-823-3535
Address		Telephone No.	Address		Telephone No.
			Towson	MD	21204
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A Public Hearing having this day of Religious of Baltimore	ng been formally demand	ded and/or found to be at the subject matter of t	required, it is ordered by the Zoning Co his petition be set for a public fluoring, adv	ertised, as rec	f Baltimore County, juired by the zoning

Reviewed By

Estimated Posting

regulations of Baltimore County and that the property be reposted.

CASE NO. 06-155-A

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	606 Woodb	ine Terrace	
·	Towson	Maryland	21204
,	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the f ip or practical o	acts upon which I/we base the request difficulty):	t for an Administrative
Due to an increase in the size of result in undue hardship should the the premises.	our family is Variance	additional living area is recently not be granted to allow us	quired and will expansion of
	4	()	
That the Affiant(s) acknowledge(s) that if a feativertising fee and may be required to provide			pay a reposting and
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Michael B. MacWilliams Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Linda R. MacWilliams Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:	, ************************************	
I HEREBY CERTIFY, this 13 th day of 50 of Maryland, in and for the County aforesaid, pe	rsonally appea	, <u>飞∞≤</u> , before me, a Not	ary Public of the State
Michael B. Mare Williams and the Affiant(s) herein, personally known or satisf	とうみり actorily identific	R , M. ຢູ່ໄປໄດ້ລາວ ed to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			



Notary Public

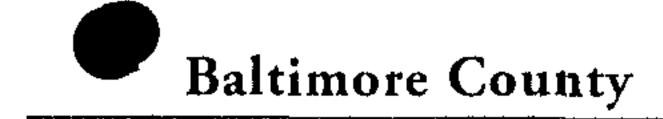
My Commission Expires _

G/24/09

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 11, 2005

Michael B. MacWilliams Linda R. MacWilliams 606 Woodbine Terrace Towson, Maryland 21286

Dear Mr. and Mrs. MacWilliams:

RE: Case Number: 06-155-A, 606 Woodbine Terrace

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 15, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

W. Carly Yours D. Carly Richard D.

WCR: clb

Enclosures

c: People's Counsel Joseph Larson 105 W. Chesapeake Avenue Towson 21204



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

Fire Department



700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





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 September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: October 3, 2005

Item No. 155-166

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D.Mezick Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 9.21.05

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

Dear. Ms. Matthews:

Baltimore-County RE:

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

1. J. Dredle

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 4, 2005

OCT 1 2 2005

ZONING COMMISSIONER

SUBJECT:

606 Woodbine Terrace

INFORMATION:

Item Number:

6-155

Petitioner:

Linda R. MacWilliams

Zoning:

DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an existing single family dwelling with addition (basement access) to have a rear yard setback of 8' in lieu of the required 15' provided architectural elevations are submitted to the Office of Planning for review and approval prior to the issuance of any building permits.

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

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 27, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 10, 2005

Item Nos. 155, 156, 157, 159, 160, 161,

162, 163, 164, 165.and 166

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

DAK:CEN:clw

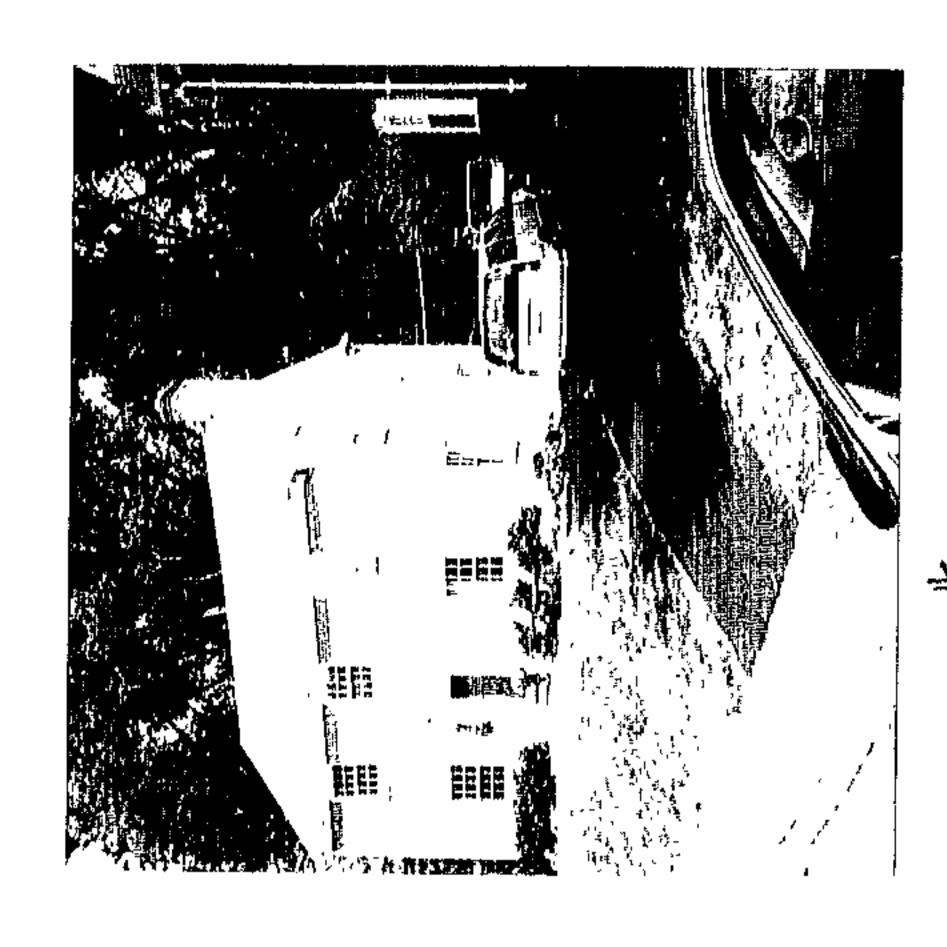
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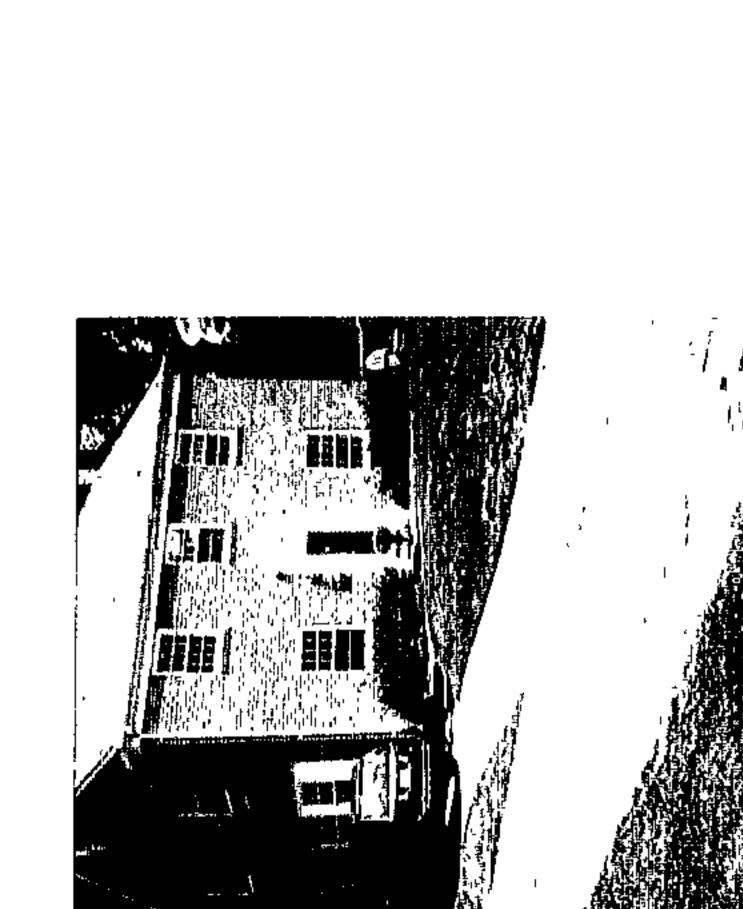
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