

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Franklin Valley Circle, south c/l
Cockeys Mill Road
4th Election District
4th Councilmanic District
(13 Franklin Valley Circle)

Daryl C. & E. Katherine Bogert,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-188-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, Daryl C. and E. Katherine Bogert, Petitioners. The variance request is for property located at 13 Franklin Valley Circle in the Reisterstown area of Baltimore County. The variance request is from Section 1A03.4 B.2. of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 32-foot side yard setback in lieu of the 50-feet required. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 16, 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 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

ORDER RECEIVED FOR FILING
Date 11-9-05
By [Signature]

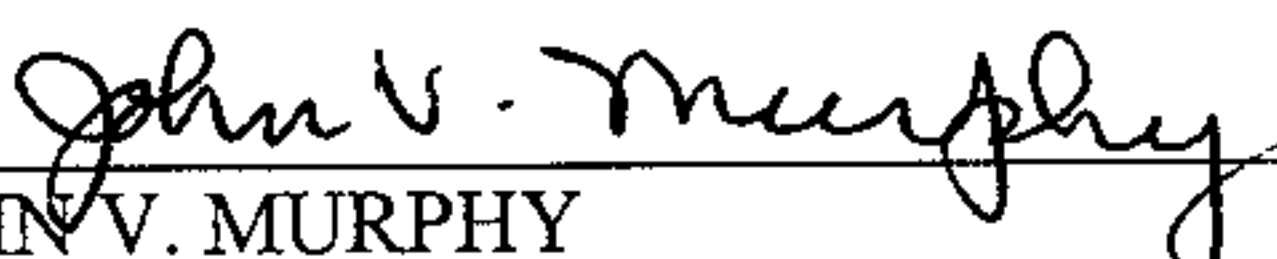
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 9 day of November, 2005, that a variance from Section 1A03.4 B.2. of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 32-foot side yard setback in lieu of the 50-feet required, 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 11-9-05
By Susan Wiley

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

November 8, 2005

Mr. and Mrs. Daryl C. Bogert
13 Franklin Valley Circle
Reisterstown, Maryland 21136

Re: Petition for Administrative Variance
Case No. 06-188-A
Property: 13 Franklin Valley Circle

Dear Mr. and Mrs. Bogert:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Mr. Briton A. Weber, 3305 Toggenburg Drive, Finksberg, MD 21048
People's Counsel; Case File

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



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13 FRANKLIN VALLEY CIR. REISTERSTOWN MD 21136
which is presently zoned RL4

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)

TO PERMIT AN ADDITION WITH A 32-FOOT SIDE YARD SETBACK
IN LIEU OF ^{THE} REQUIRED 50-FEET.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

DARYL C. BOBERT
Name - Type or Print _____
Daryl C. Bobert
Signature _____
E. KATHERIN BOBERT
Name - Type or Print _____
E. Katherine Bobert
Signature _____
13 FRANKLIN VALLEY CIR. 410-833-3464
Address _____ Telephone No. _____
REISTERSTOWN, MD. 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

BRIAN A. WEBER
Name _____
3305 TOLLENBURG DR. 410-833-7473
Address _____ Telephone No. _____
FINKS BURN MD 21048
City _____ State _____ Zip Code _____

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER NO. 06-188-A

Reviewed By D.T. Date 10/3/05

Estimated Posting Date 10/16/05

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 13 FRANKLIN VALLEY CIR.
Address
DEXTER TOWN MD. 21136
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):

My husband and I are requesting the variance because of my mother, Mrs. Eleanor Hilton. Her health is failing and she needs my assistance and care. She now lives on the other side of town and I am not able to drive over there on a daily bases to tend to her needs. My husband and I both work and we have three children in school that requires us to transport them for their school activities. Other family members cannot take care of my mother because of their own family needs.

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

Daryl C. Bogert
Signature
DARYL C. BOGERT
Name - Type or Print

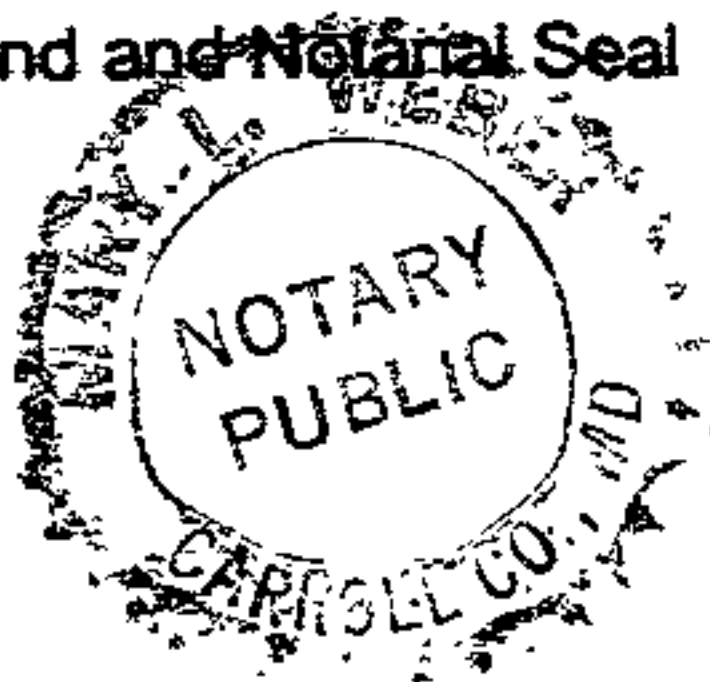
E. Katherine Bogert
Signature
E. KATHERINE BOGERT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF CAROL BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daryl Bogert & E. Katherine Bogert
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Mary L. Welton
Notary Public

My Commission Expires April 1, 2007

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 13 FRANKLIN VALLEY CIR.
Address
DEISTERTOWN, MD. 21136
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):

My husband and I are requesting the variance because of my mother, Mrs. Eleanor Hilton. Her health is failing and she needs my assistance and care. She now lives on the other side of town and I am not able to drive over there on a daily bases to tend to her needs. My husband and I both work and we have three children in school that requires us to transport them for their school activities. Other family members cannot take care of my mother because of their own family needs.

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

✓ Daryl C. Bogert
Signature
DARYL C. BOGERT
Name - Type or Print

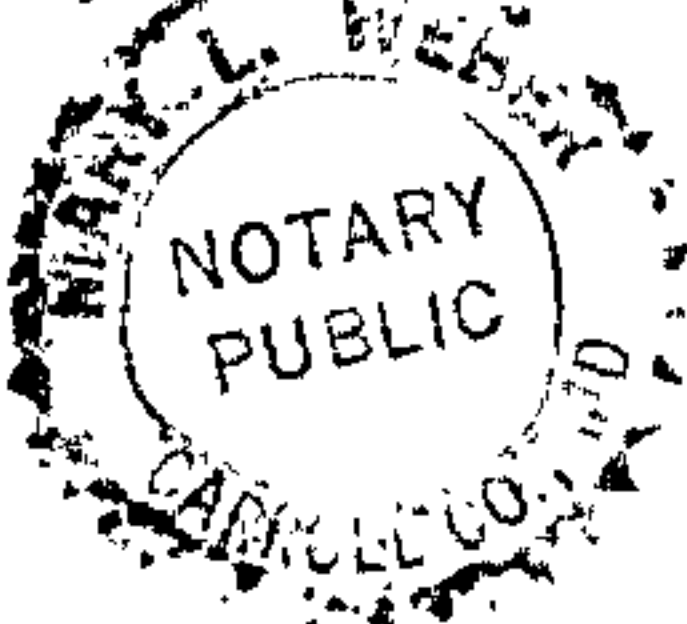
✓ E. Katherine Bogert
Signature
E. KATHERINE BOGERT
Name - Type or Print

STATE OF MARYLAND, COUNTY OF CARROLL, to wit:

I HEREBY CERTIFY, this 27th day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daryl C. Bogert & E. Katherine Bogert
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Mary L. Weber
Notary Public

My Commission Expires April 1, 2007



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13 FRANKLIN VALLEY CIR. DE16TERSTOWN MD. 21136
which is presently zoned RC4

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)

TO PERMIT AN ADDITION WITH A 32-FOOT SIDE YARD SETBACK
IN LIEU OF THE REQUIRED 50-FEET.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

DARYL C. BOBERT
Name - Type or Print _____
☒ Daryl C. Bobert
Signature _____
E. KATHERINE BOBERT
Name - Type or Print _____
☒ E. Katherine Bobert
Signature _____
13 FRANKLIN VALLEY CIR. 410-833-3464
Address _____ Telephone No. _____
DE16TERSTOWN MD. 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

BRITON A. WEBER
Name _____
3305 TUGGENBURG DR. C-443-324-3825
Address _____ Telephone No. _____
FINKSBURG, MD. 21048
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. 06-188-A

Reviewed By D.T. Date 10/3/05

REV 10/25/01

Estimated Posting Date 10/16/05

ZONING DESCRIPTION FOR 13 Franklin Valley Cir. Beginning at a point East side of Franklin Valley Cir, which is 50' wide at the distance of 2tenths of a mile South of the centerline of the nearest improved intersecting street, Cockeys Mill Rd. which is 50' wide. Being Lot#12, Block A, Section #1, in the sub division of Franklin Valley, as recorded in Baltimore County Plat Book # 39, Folio# 9, Containing 1,710 acres. Also know as 13 Franklin Valley Cir., and located in the 4th Election District, 4th Council manic District.

06-188-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0314

DATE 10/2/05

ACCOUNT

00100101150

AMOUNT

\$ 65.00

RECEIVED

FROM: E + W

CONTRACTORS LLC

FOR

ITEM # 188

06-188-A

13 FRANKLIN VALENT CIRCLE
M D THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY

100

10/10/2005 11:22:25

RECEIVED BY

RECEIVED BY

RECEIVED BY

RECEIVED BY

RECEIVED BY

RECEIVED BY

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

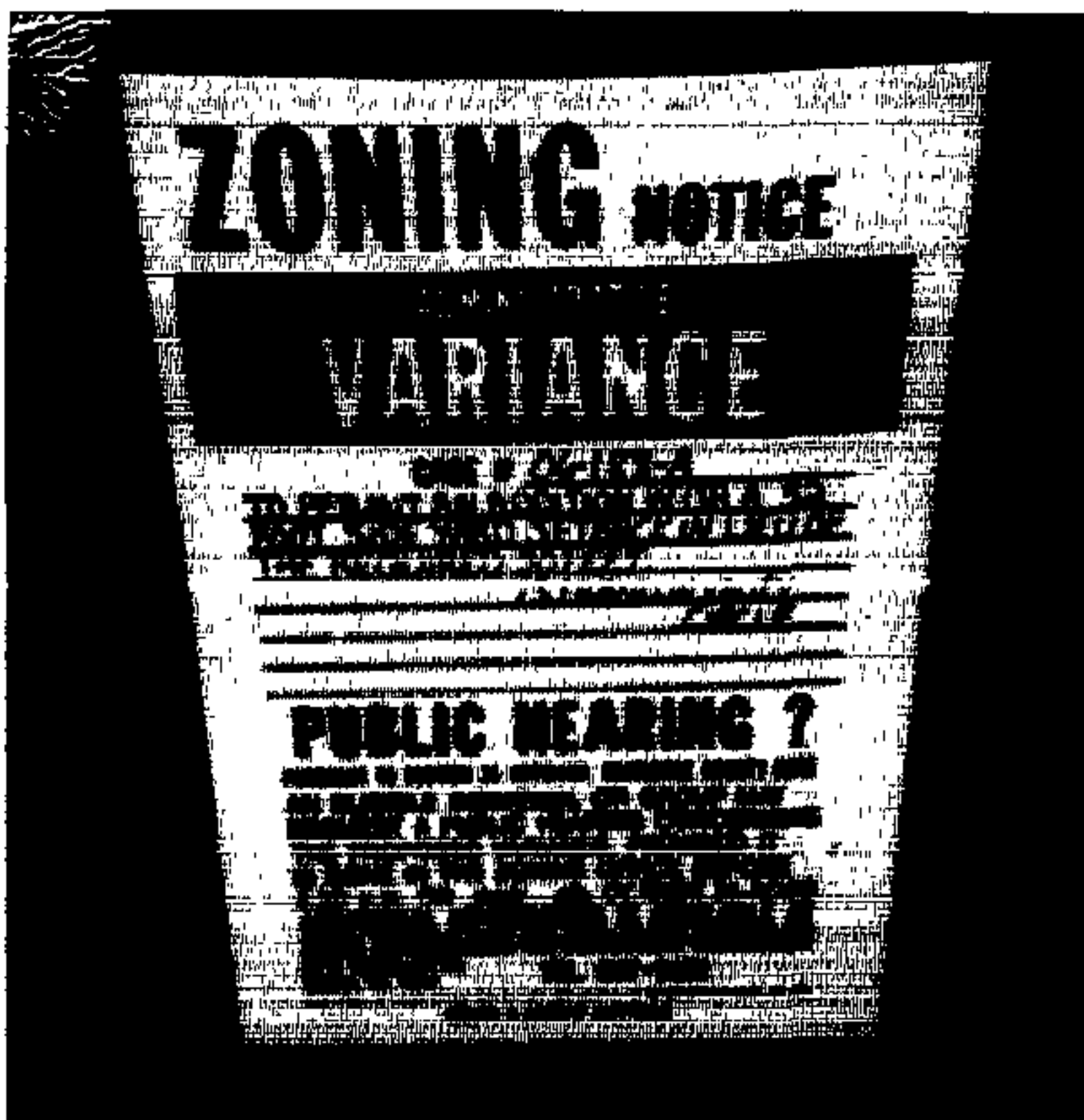
ATTENTION: KRISTEN MATTHEWS

Date October 16, 2005

RE Case Number 06-188-A
Petitioner/Developer DARREL BOGART/BRIIT WEBER - F.W. CONTRACTORS
Date of Hearing (Closing) October 31, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 13 FRANKLIN VALLEY CIRCLE

The sign(s) were posted on October 16, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 188 -A

Address 13 FRANKLIN VALLEY CIRCLE

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 10/3/05

Posting Date: 10/16/05

Closing Date: 10/31/05

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- 188 -A

Address 13 FRANKLIN VALLEY CIRCLE

Petitioner's Name ROBERT

Telephone 410-833-3464

Posting Date: 10/16/05

Closing Date: 10/31/05

Wording for Sign: To Permit AN ADDITION WITH A 32-FOOT SIDE¹ SETBACK
IN LIEU OF THE REQUIRED 50-FEET.

WCR - Revised 6/25/04

**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

October 31, 2005

Daryl C. Bogert
E. Katherin Bogert
13 Franklin Valley Circle
Reisterstown, Maryland 21136

Dear Mr. and Mrs. Bogert:

RE: Case Number: 06-188-A, 13 Franklin Valley Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Briton A. Weber 3305 Toggenburg Drive Finksberg 21048

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

October 18, 2005

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: October 17, 2005

Item No.: 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197
198, 199, 200, 201, 202, 203

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

Pursuant to your request, the referenced plan(s) have been reviewed by this Department and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Acting Lieutenant William F. Connolly, Jr.
Fire Marshal's Office
(O) 410-887-4880
MS-1102F

cc: File

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 11.14.05

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

RE: Baltimore County
Item No. 188 DT

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 21, 2005

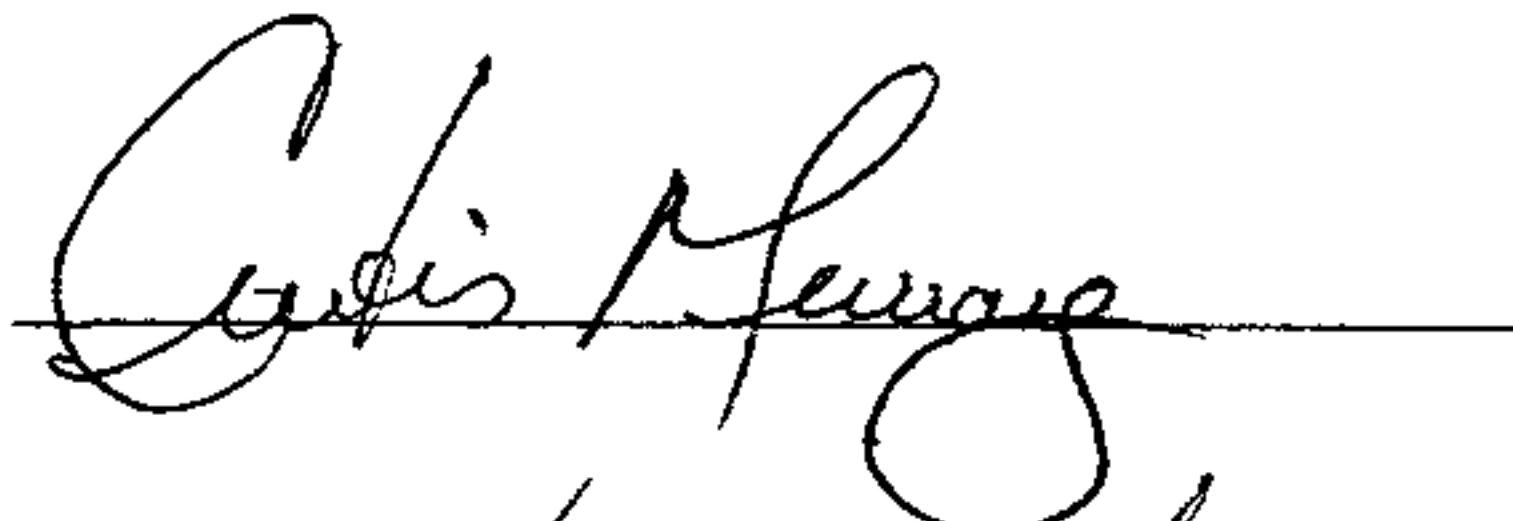
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-188- Administrative Variance

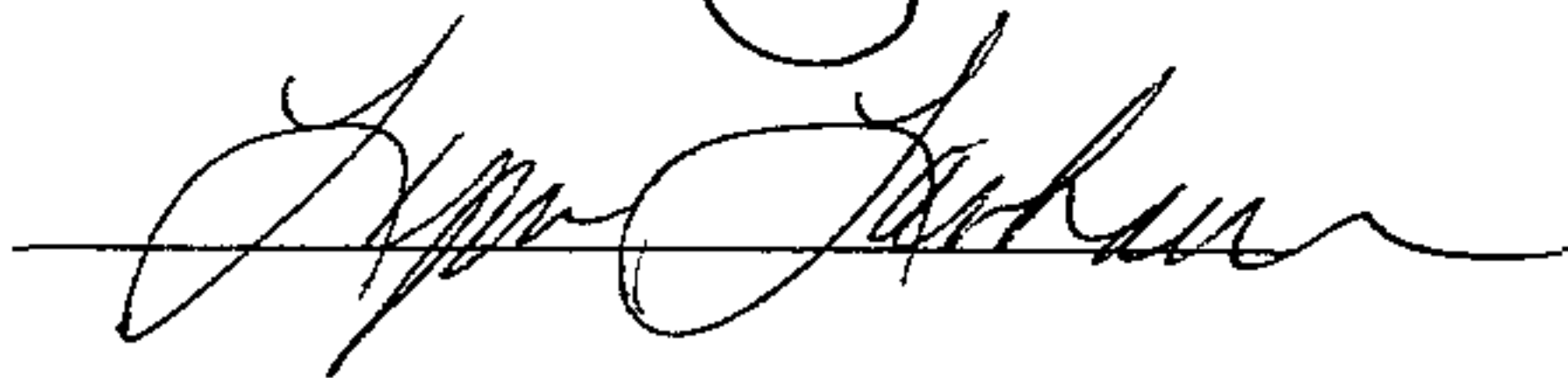
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

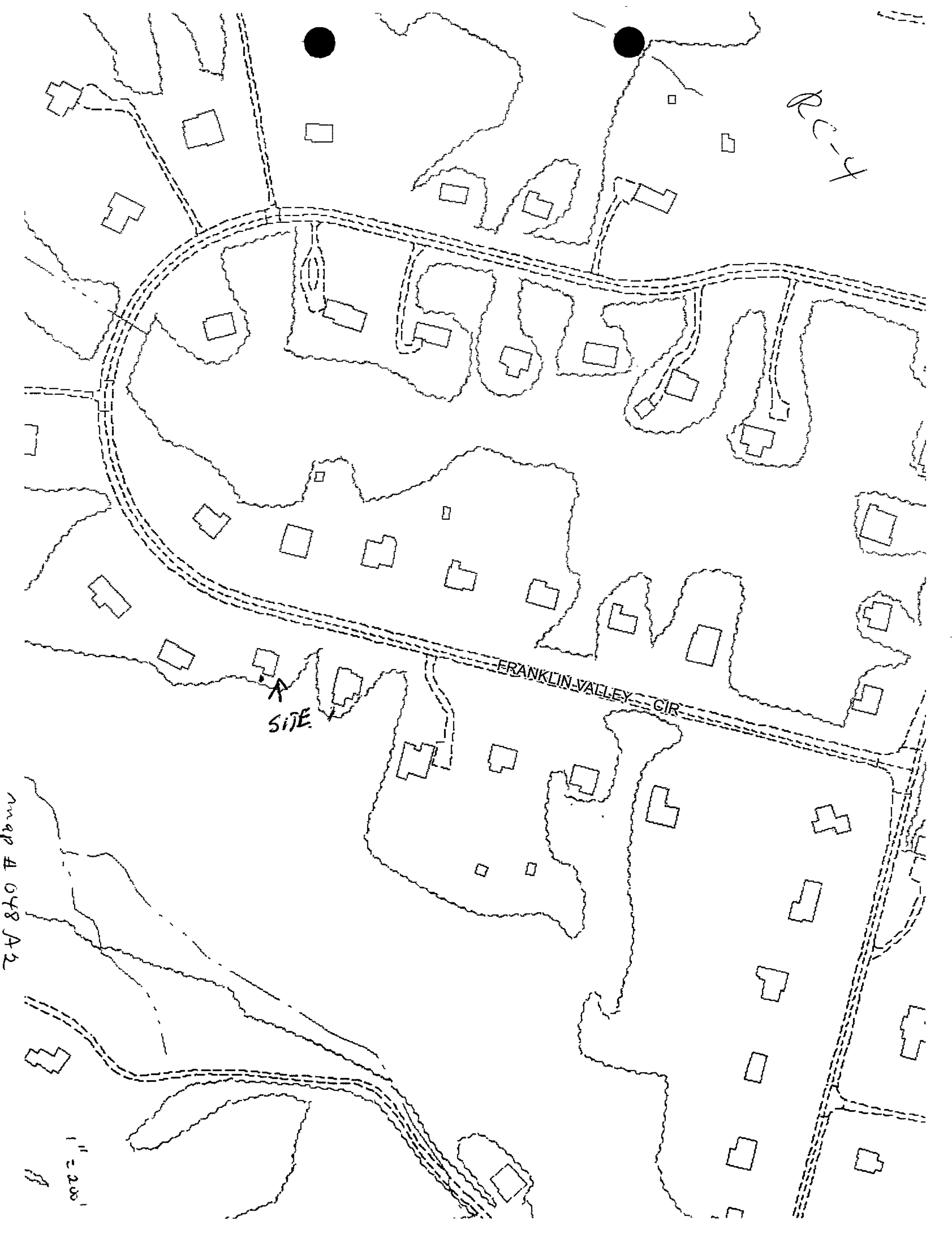
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 24, 2005
Item Nos. 186, 187, 188, 189, 191, 192,
193, 194, 195, 196, 197, 199, 201 and 202

DATE: October 27, 2005

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-10272005.doc



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

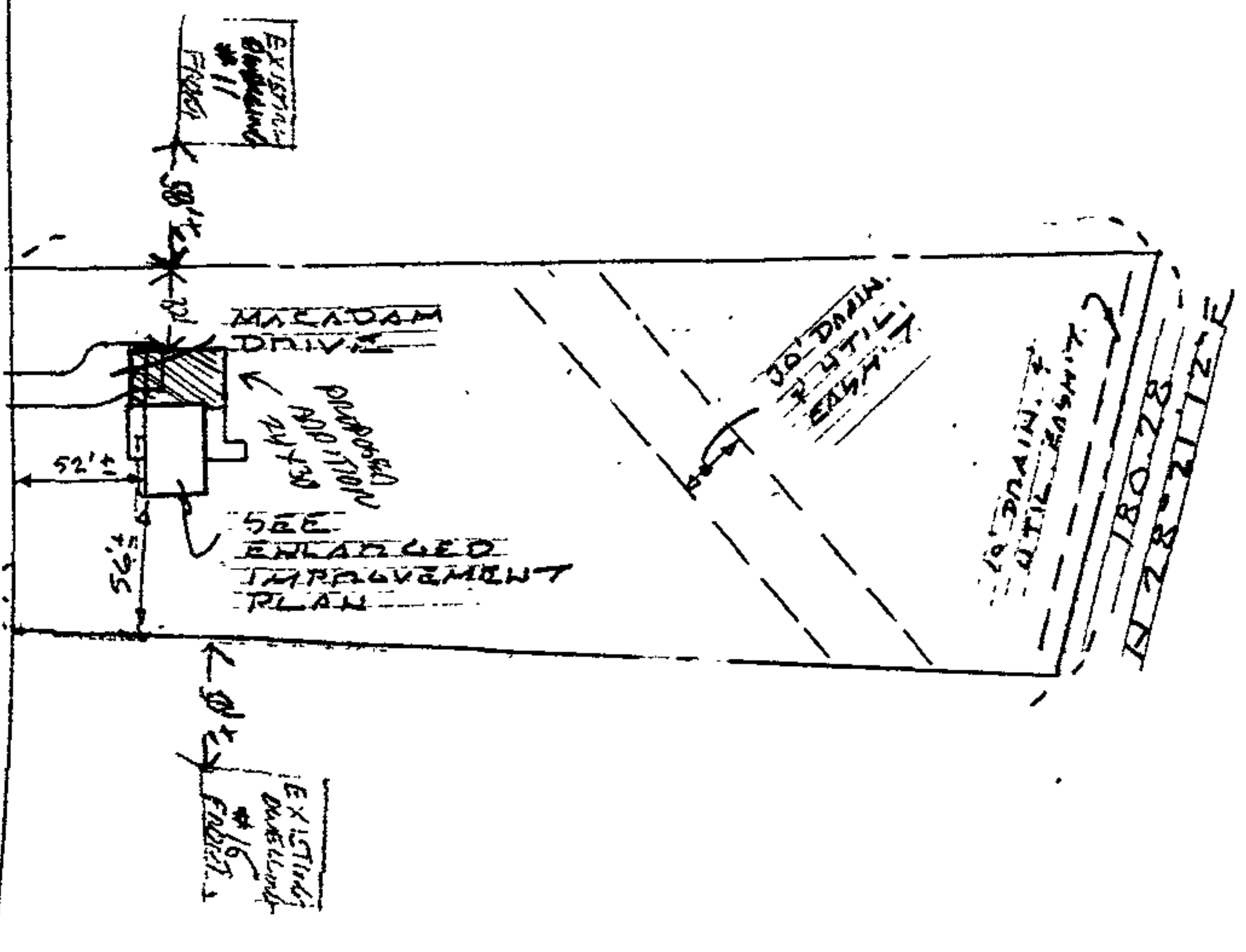
PROPERTY ADDRESS 13 FRANKLIN VALLEY CIR

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

SUBDIVISION NAME FRANKLIN VALLEY

PLAT BOOK # 39 FOLIO # 9 LOT # 12 SECTION # 1

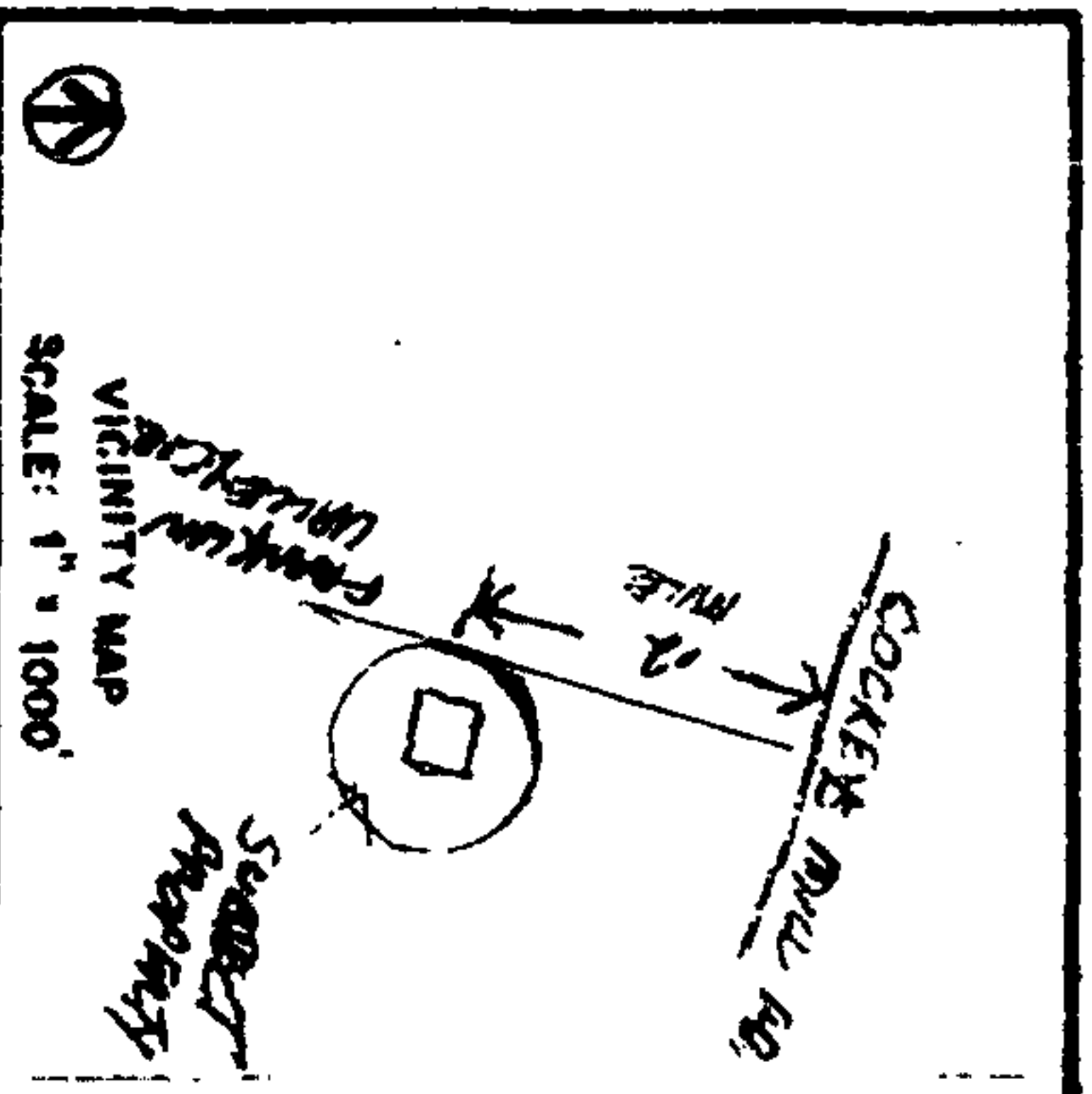
OWNER DARLE C. + E. KATHERINE ROBERT



NORTH

PREPARED BY

SCALE OF DRAWING: 1" = 100'



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 048A2

ZONING RC 4

LOT SIZE 1.71 ACRES 1.71 SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

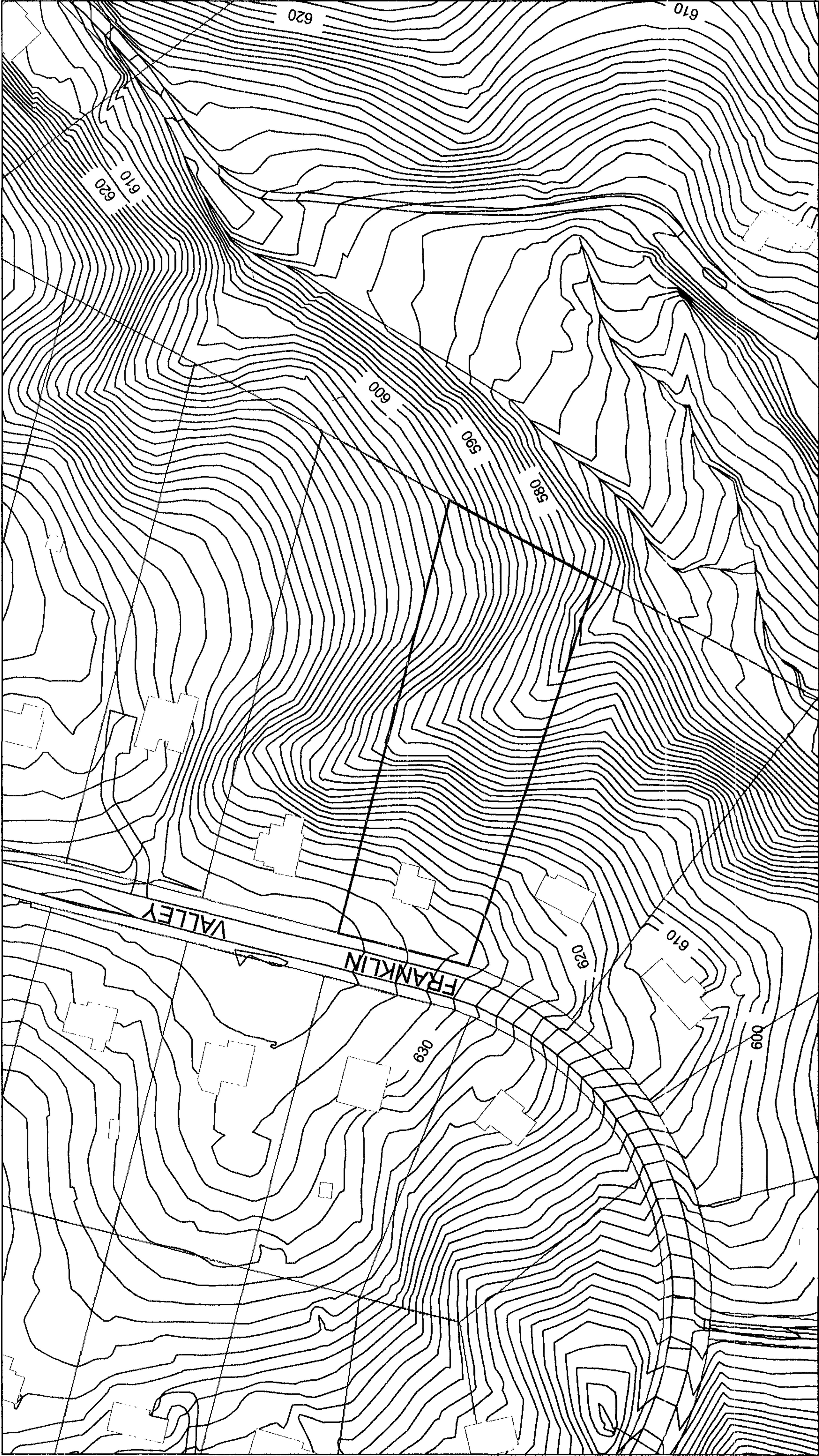
HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

DT 188 06-188-A

TOPO MAP FOR 13 FRANKLIN VALLEY CIRCLE



Coordinate System:
Maryland State Plane NAD83/91 Horizontal Datum
Elevations in Feet NAVD88 Vertical Datum

For internal use only
The cadastral information on this plot was compiled
from existing deed information
This information is not to be considered authoritative
This survey information was not field checked
and certified by a licensed land surveyor

Date of Data Capture March 1995
Scale of Data Capture 1" = 100'
Date of Aerial Photography March 2002

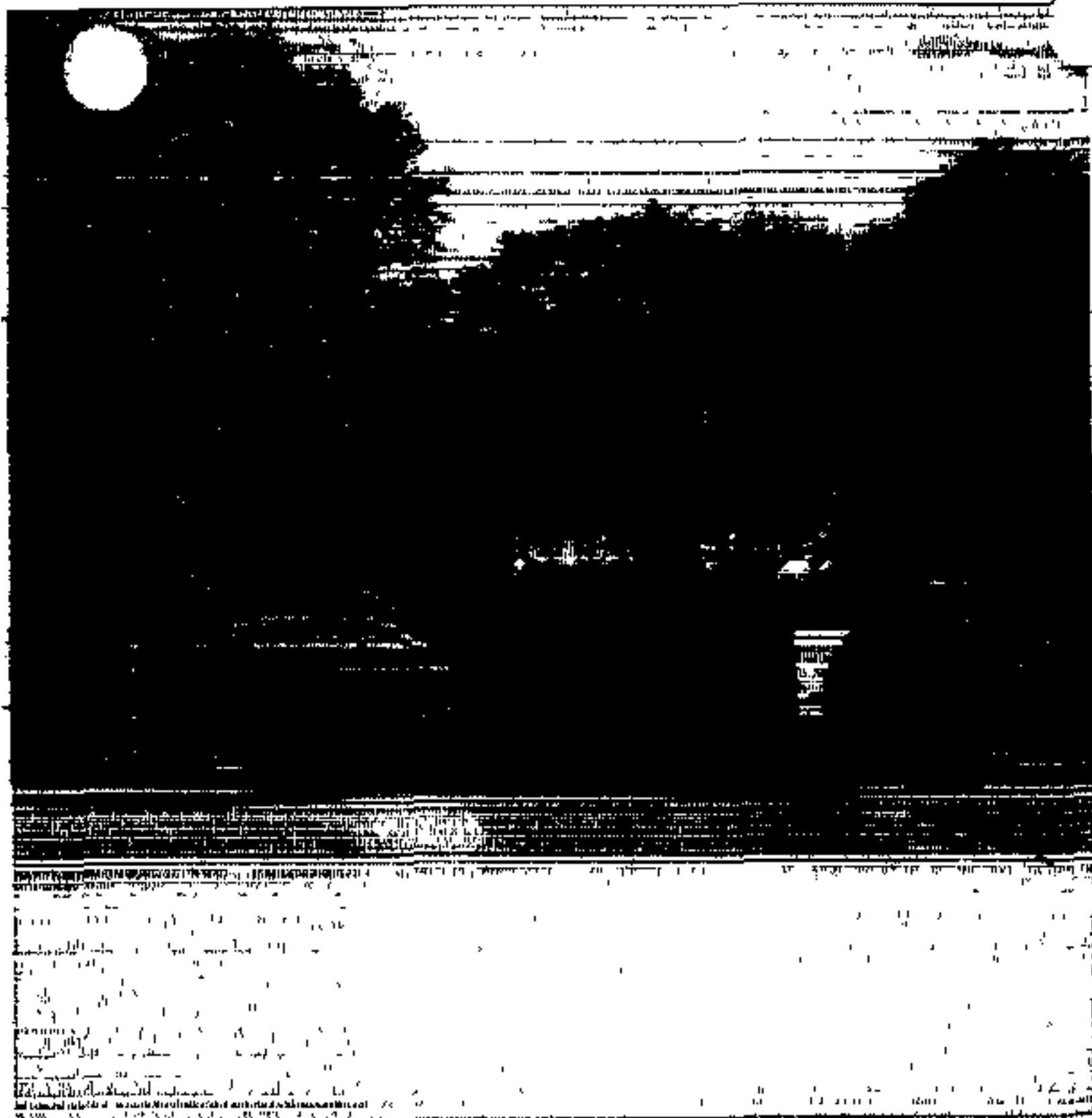


Baltimore County, MD
Department of Public Works
GIS Services



Prepared By:
Robin Hurley, EAI
DPW Director's Office
Sept. 1, 2005

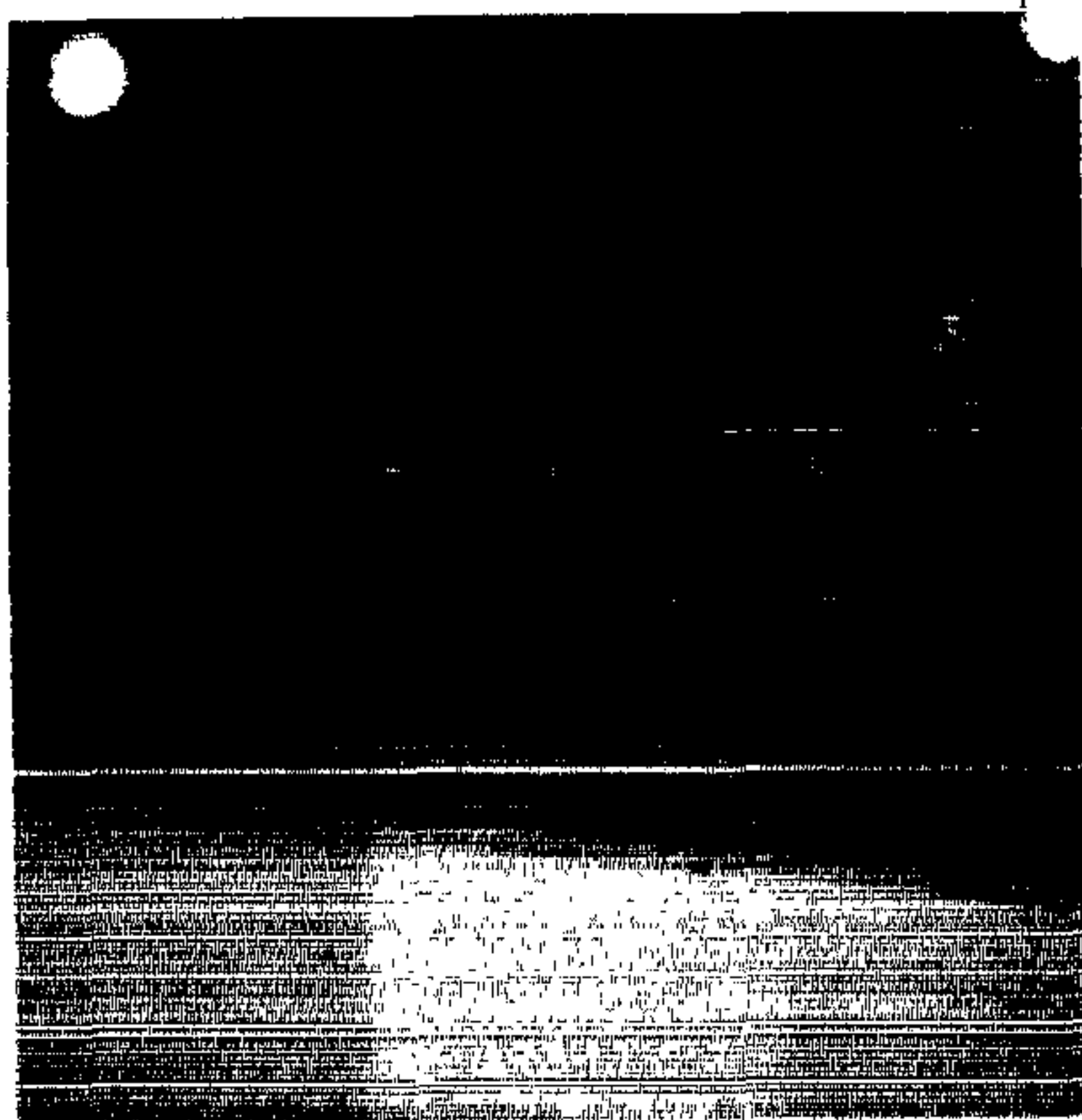
06-188-A



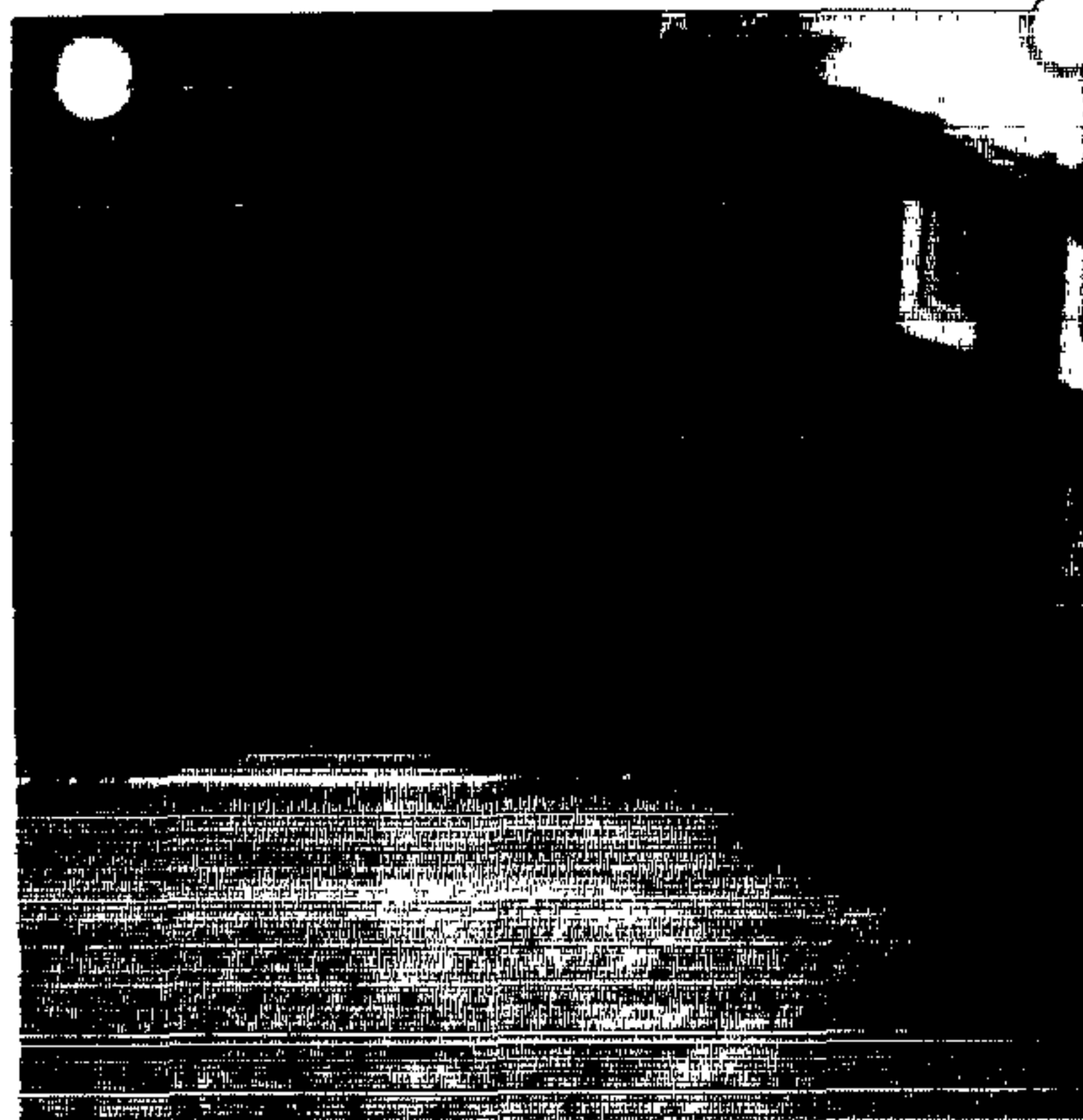
13 FRANKLIN VALLEY CIR.
FRONT



13 FRANKLIN VALLEY CIR.
SIDE



13 FRANKLIN VALLEY CIR.
FRONT



13 FRANKLIN VALLEY CIR.
SIDE