ORDER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Wiltonwood Road, 108 ft. east
of Stevenson Road
3rd Election District
3rd Councilmanic District

(2022 Wiltonwood Road)

Clark J. Lare, Jr. & Jodi Elaine Lare, Petitioners

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 06-192-A

*

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, Clark J. Lare, Jr. and Jodi Elaine Lare, Petitioners. The variance request is for property located at 2022 Wiltonwood Court in the Stevenson area of Baltimore County. The variance request is from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 32 feet from the western property line and 44 feet from the easterly property line, both 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 15, 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.

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.

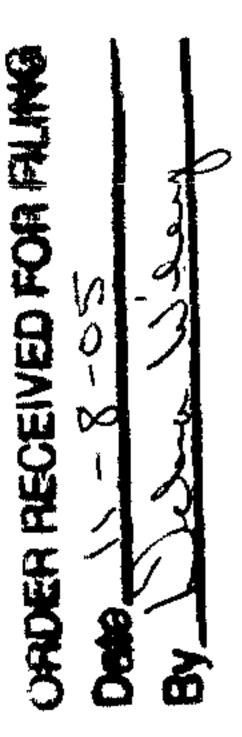
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this _____ day of November, 2005, that a variance from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 32 feet from the western property line and 44 feet from the easterly property line, both 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

FOR BALTIMORE COUNTY

Order.



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

November 8, 2005

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204

> Re: Petition for Administrative Variance Case No. 06-192-A Property: 2022 Wiltonwood Road

Dear Mr. Alderman:

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 trally yours,

William J. Wiseman, III
Zoning Commissioner
for Baltimore County

WJW:dlw Enclosure

c: Mr. and Mrs. Clark J. Lare, Jr., 2022 Wiltonwood Road, Stevenson, MD 21153 Mr. Patrick Sutton, AIA, Patrick Sutton Assoc., 1000 Light Street, Baltimore, MD 21230 People's Counsel; Case File



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



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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2022 Wiltonwood Road

which is presently zoned RC-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) 1A04.3B.2.b to permit side yard setbacks of 32 feet from the western property line and 44 feet from the easterly property line, both in lieu of the 50 feet required.

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 Vanance, 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/Les	see:		Legal Ov	vner(s):		
N/A			Clark J. La	re, Jr.		
Name - Type or Print		<u> </u>	Name - Type or Print	() 	
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Signature			Signature Jodi Elaine	Loss		
Address		Telephone No.				
		releptione 140.	Name - Type	. 2.0 - 1	· ~ 6	
City	State	Zip Code	Signature	- Elina Li	124	
Attorney For Petitioner:			2022 Wilto	onwood Road		410 602 8458
Howard I Aldormon	le Samuin	_	Address		······································	Telephone No.
Howard L. Alderman,	Jr., Esquir	e 	Stevenson	MD		21153
Name - Type or Print	?		City	St	ate	Zip Code
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Signature DA Notting		044 F1				
Levin & Gann, PA Nottingh Company	iam Centre,	eth Floor		ton, AIA Patrick	Sutton Asso	ociates
502 Washington Avenue	410-321-06	600	Name 1000 Light	Street	4	10-783-1500
Address		Telephone No.	Address	<u></u>		Telephone No
	1204		Baltimore		MD	21230
City	State	Zip Code	Crty		State	Zip Code
A Public Hearing having been for	mally demander	and/or found to	be required, it is orde	red by the Zoning (Commissioner	of Baltimore County, this
day of Baltimore County and that the prope	13 404 11 87 51	opject matter of this	s petition be set for a pub	lic hearing, advertise	d, as required	by the zoning regulations
ス			Zoi	ning Commissioner o	f Baltimore Co	unty
CASE NO	<u> ግጋ - ሌ</u>		BV JF	12	9 - ~	•
<i></i>	/~ / *	Reviewed	Ву	Date	3-5-0	<u> </u>

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.

2022 Wiltonwood Road

That the Affiant(s) does/do presently reside at	2022 Wiltonwood	Road	
riat and randing accorded processing reside at	Address Stevenson	MD	21153
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hards)	wing are the facts nip or practical diffic	upon which I/we base the requoulty):	uest for an Administrative
USTIFICATION Although this is a 3.0 acre lot, it Dur home, which was constructed in the 1930's is less to	ts total area is misleathan 2000 square feet	ding. As configured, our property tin size. As our family is growing	is very long and very narrow. g, we need to expand our home.
Our existing home sits within the side yard setbacks esproposed an addition to make our home compatible with addition to minimize any impact on adjoining properties the epth of our lot. To ensure compatibility with other, refeet from our western property line (slightly closer than our lot is exactly the same configuration and shape as eanhandle drives serving four properties make our property permit the subdivision of our property; it is to enlar eeking the minimum relief necessary to permit our proposen with our neighbors and believe that the requested and relieve the practical difficulty of being unable to expect the practical difficulty of being unable to expect the practical difficulty of the properties and the expect of our neighbors. Additional information and	th other homes being as. Our eastern proper movated dwellings in our existing home) when we purchased it perty unique in relation ge our home. We over posed addition and the pand our home with a spand our home with	constructed or expanded in the areaty line is adjacent to common, part the area, the proposed addition wand approximately 44 feet from out. The existing location of our hor on to other properties in the area. In the adjoining land that we could the result will not be detrimental to the disproportionate effect of the 2 in the required setbacks while, at the required setbacks while	rea. Our architect has designed the anhandle driveways that extend the will be located approximately 32 ar eastern property line. The requested variance relief will it use to widen our lot. We are any of our neighbors. We have coning regulations on our property the same time, protecting the
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide Signature Clark J. Lare, Jr. Name - Type or Print	additional informat	ignature Jodi Elaine Lare	
STATE OF MARYLAND, COUNTY OF BALTIS	MORE , to wit:		
I HEREBY CERTIFY, this Quit day of 5. State of Maryland, in and for the County aforest		<u>, QCC5_,</u> before me	e, a Notary Public of the

AS WITNESS my hand and Notarial Seal

Clark J. Lare, Jr. and Jodi Elaine Lare

7/26/2005	Durienna 7 Martin
Date	Notary Public '
	My Commission Expires <u>♀∫∫∂</u>

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.

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.

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The state of the s	Address Stevenson	MD	21153			
	City	State	Zip Code			
That based upon personal knowledge, the folio Variance at the above address (indicate hards)	owing are the facts unhip or practical difficu	pon which I/we base the realty):	quest for an Administrative			
JUSTIFICATION Although this is a 3.0 acre lot, is Our home, which was constructed in the 1930's is less	ts total area is mislead than 2000 square feet	ing. As configured, our proper in size. As our family is grown	ty is very long and very narrow. ng, we need to expand our home.			
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Clark J. Lare, Jr.	Jo	di Elaine Lare				
Name - Type or Print	Name - Type	<u></u>	<u> </u>			
STATE OF MARYLAND, COUNTY OF BALTI I HEREBY CERTIFY, this Act day of State of Maryland, in and for the County afores Clark J. Lare, Jr. and Jodi Elaine Lare the Affiant(s) herein, personally known or satis law that the matters and facts hereinabove set	aid, personally appe	me as such Affiant(s), and	ne, a Notary Public of the made oath in due form of neir knowledge and belief.			
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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) 1A04.3B.2.b to permit side yard setbacks of 32 feet from the western property line and 44 feet from the easterly property line, both in lieu of the 50 feet required.

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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/Le	<u>essee:</u>		<u>Legal Ow</u>	ner(s):		
N/A			Clark J. Lare	, J _T .		
Name - Type or Print	· -		Name - Type or Prior			
Signature			Signature Jodi Elaine I	Lare		
Address		Telephone No	Name Type o	r Print	100	
City	State	Zip Code	Signatuje	t com	AUT-	. .
Attorney For Petitione	<u>r:</u>		2022 Wilton	wood Road	V	410 602 8458
Howard L. Alderman	ı, Jr., Esquire)	Address Stevenson	MD		Telephone No 21153
Signature Levin & Gann, PA Nottin	gham Centre, 8			Stative to be Con, AIA Patrick	<u>ontacted</u>	-
Company 502 Washington Avenue			Name 1000 Light S			10-783-1500
Address Towson, MD	21204	Telephone No.	Address Baltimore	——————————————————————————————————————	MD	Telephone No. 21230
City	State	Zip Code	City	<u> </u>	State	Zip Code
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REV 9/15/98		1	Estimated Postina Date	10	-16-0	5

ZONING DESCRIPTION

2022 WILTONWOOD ROAD

Beginning at a point on the north side of Wiltonwood Road, which is 30 feet wide at the distance of approximately 108 feet east of Stevenson Road, the nearest improved, intersecting street, which is approximately 30 feet in width. As recorded in a deed, dated June 29, 2001, recorded in the Land Records of Baltimore County in Liber 15374, folio 608, running thence N 25°3' W for a distance of 651 feet, thence N 64°57' E for a distance of 200 feet, thence S 25°3' E for a distance of 605.63 feet, thence binding along a private roadway, on a concave curve with a radius of 146 feet and a chord S 16°25' W for a length of 54.64 feet, thence still along such roadway, on a convex curve with a radius of 46 feet and a chord S 39°22' W for a length of 51.08 feet, thence along the northwest line of the said Wiltonwood Road, on a tangent S 73°5' W for a length of 118.96 feet to the place of beginning and containing three acres of land more or less.

Duplicated from Recorded Deed For Zoning Purposes ONLY

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CERTIFICATE OF POSTING

	RE: Case No.: 06-192-A
	Petitioner/Developer: CLFIRK NJOD/
	ELAINE LARE
	Date of Hearing/Closing: 10-31-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury the posted conspicuously on the property located at:	at the necessary sign(s) required by law were
2022 WILTON	SWOOD RD
The sign(s) were posted on	-15-05
(Mont	h, Day, Year)
Sincer	ely,
	Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

022 WILTON

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:
06 – (ウユ - A Item Number or Case Number:
Petitioner: Clark J. Lare, Jr. Jodi Elaine Lare
Address or Location: 2022 Wiltonwood Road Stevenson MD 21153
PLEASE FORWARD ADVERTISING BILL TO:
Name: Patrick Sutton, AlA Patrick Sutton Associates
Address: 1000 Light Street
Baltimore, Maryland 21230
Telephone Number: 410-783-1500

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 1 12 -A Address 2022 NITONWOOD ROOM
Contact Person: <u>JUN FERNANDO</u> Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 10-5-05 Posting Date: 10-16-05 Closing Date: 10-31-0
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. <u>POSTING/COST:</u> 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. <u>DEADLINE:</u> 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.
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- 192 -A Address 2022 Wiltonwood Road
Petitioner's Name Clark & Jodi Elaine Lare Telephone 410-602-8455
Posting Date: 10-16-05 Closing Date: 10-31-05
Nording for Sign: To Permit side yard setbacks of 32' from the
western property line and 44' from the easterly property line, both in lieu of the 50' required.

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 31, 2005

Howard L. Alderman Levin & Gann, P.A. Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 06-192-A, 2022 Wiltonwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 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,
U. Call Rill D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Clark J. and Jodi Lare 2022 Wiltonwood Road Stevenson 25513
Patrick Sutton 1000 Light Street Baltimore 21230



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

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

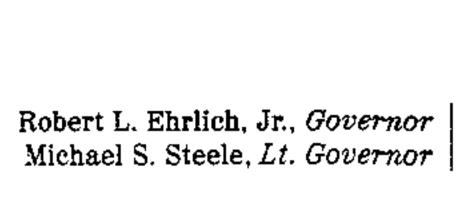
(0) 4:10-887-4880

MS-1102F

cc: File



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





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

Maryland Department of Transportation

Date: 10.14.05

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

RE:

Baltimore County
Item No. 192

JRF

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 20, 2005

OCT 2 5 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-192- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 27, 2005

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

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



From:

Bill Wiseman

To:

Schuhmann, Bette; Wiley, Debra

Date:

11/1/2005 10:23 AM

Subject: Fwd: 2022 Wiltonwood Road Case No. 06-192-A

Bill:

I filed, on behalf of the owners of the above-referenced property, a Petiton for Administrative Variance, Affidavit, photographs, etc. The property was posted by SSgt. Robert Black and the time for an eligible neighbor to file a request for hearing was close of business yesterday, 10/31/05. I checked with Kristen Matthews in the Zoning Office this morning, no such request was filed. At my suggestion, the owners discussed in advance with their neighbors the site plan, photographs, architectural drawings, etc. which explains why no hearing request was filed.

In my normal mode of presumptiveness (is that a word?), I have drafted an order for your consideration in this matter (I assume you will get this file). As always, there is no pride of authorship in the attached, draft order. Should you need any additional information in your consideration of the Lare's petition, please do not hesitate to call me either in the office or on my cell phone.

As always, THANKS,

Howard

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204 410-321-0600 (voice) 410-296-2801 (fax)

E-Mail Address: <u>halderman@LevinGann.com</u>

Website:

www.LevinGann.com

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NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:

http://www.adobe.com/products/acrobat/readstep2.html

IN RE: PETITION FOR ADMIN. VARIANCE

N/s Wiltonwood Road, 108' feet +/- east of

Stevenson Road

2022 Wiltonwood Road 3rd Election District

3rd Councilmanic District

Clark L. Lare, Jr. & Jodi Elaine Lare, Legal Owners,

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No.: 06-192-A

Petitioners

FINDINGS OF FACTS 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, Clark L. Lare, Jr. and Jodi Elaine Lare (collectively, the APetitioners@). The Petitioners seek relief from Section 1A04.3B.2b to permit side yard setbacks of 32 feet from the western property line and 44 feet from the eastern property line of the subject property, both in lieu of the 50 feet required for a proposed addition to their existing home. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioners= Exhibit 1.

The Petition was filed by the owners, who reside at the subject property, through the administrative variance process pursuant to Section 32-3-303 of the Baltimore County Code. Administrative variance relief is available to owner-occupied, residential property without a mandatory public hearing on the Petition. Pursuant to the statutory process, any property owner residing within 1,000 feet of the subject property who objects to the relief requested in the

Petition may demand, within fifteen (15) days from the date that the subject property is posted with the required sign, a public hearing for a determination as to the merits of the requested relief. A public hearing may also be scheduled if the Zoning Commissioner, after review of the Petition, deems such a hearing necessary.

The record in this case reflects that the owners have filed the supporting affidavits required by Section 32-3-303 (a)(2)(1) of the Baltimore County Code. The subject property was properly posted and no request for a public hearing having been filed, a decision based upon the documentation contained in the case file is appropriate and shall be rendered.

Based upon the practical difficulty set forth in the sworn Affidavit which is part of the Petition and the evidence in the case file, I am persuaded to grant the requested relief. The evidence in this case shows that the Petitioners purchased their existing home, located on a narrow, deep lot. The existing home is already constructed within the current setback on the eastern side of the subject property. The proposed addition will enable the Petitioners to enlarge their home to make it compatible with other homes being constructed or expanded in their neighborhood. The shape and configuration of the subject property and the fact that it is separated from the property to the east by four existing panhandle driveways are all factors that render it unique from other properties in the area. As noted in the affidavit and as shown on Petitioners= Exhibit 1, the Petitioners do not own adjoining land that would permit the widening of the subject property.

The photographs submitted with the Petition show clearly that the existing home and the

proposed addition will continue to be separated from adjoining properties by existing, mature woodland areas. The proposed addition will be over 121 feet from the home on the west and over 195 feet from the existing home on the eastern side of the subject property. The Petitioners have spoken with their neighbors to ensure that they were aware of the relief and that the interests of those neighbors would be protected. Consequently, there was no opposition to the relief requested from any eligible neighbor. Moreover, there were no adverse Zoning Advisory Committed comments submitted by any County reviewing agency. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent property owners or the surrounding locale.

Pursuant to the posting of the subject property with respect to this Petition and based upon the evidence submitted, for the reasons set forth above the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this

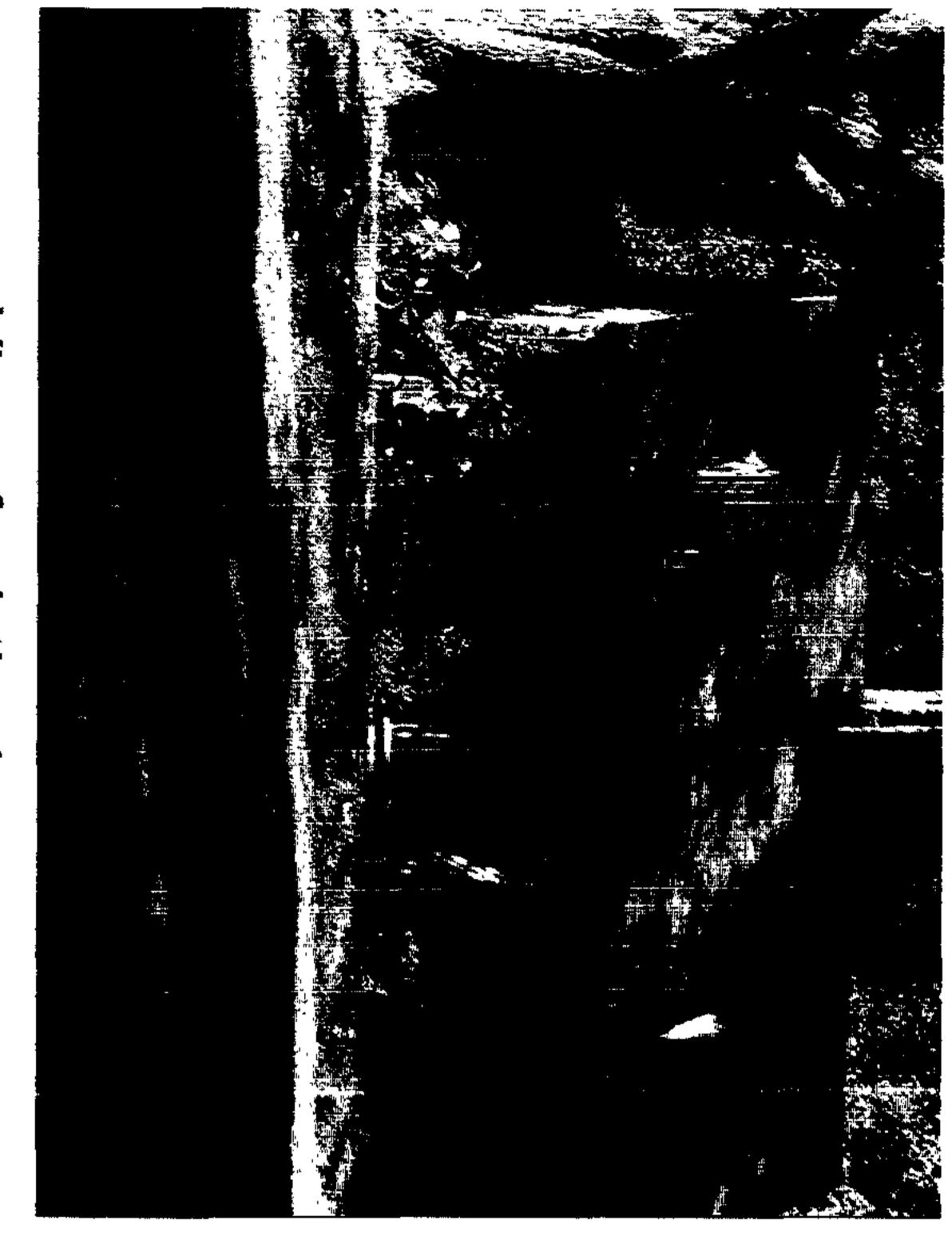
_____ day of ______, 2005, that the Petition for Administrative Variance seeking
relief from Section 1A04.3B.2b to permit side yard setbacks of 32 feet from the western property
line and 44 feet from the eastern property line, both in lieu of the 50 feet required for a proposed
addition in accordance with Petitioners= Exhibit 1, be and is hereby GRANTED, subject to
the following restriction:

The Petitioners may apply for their building permit and be granted same upon the issuance of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (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.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

200'-0"



View of existing house

East Side - view of existing house and area of new construction



East Side - view of adjacent property



iew of proposed addition area

East Side - view of adjacent property

West Side - view of adjacent property

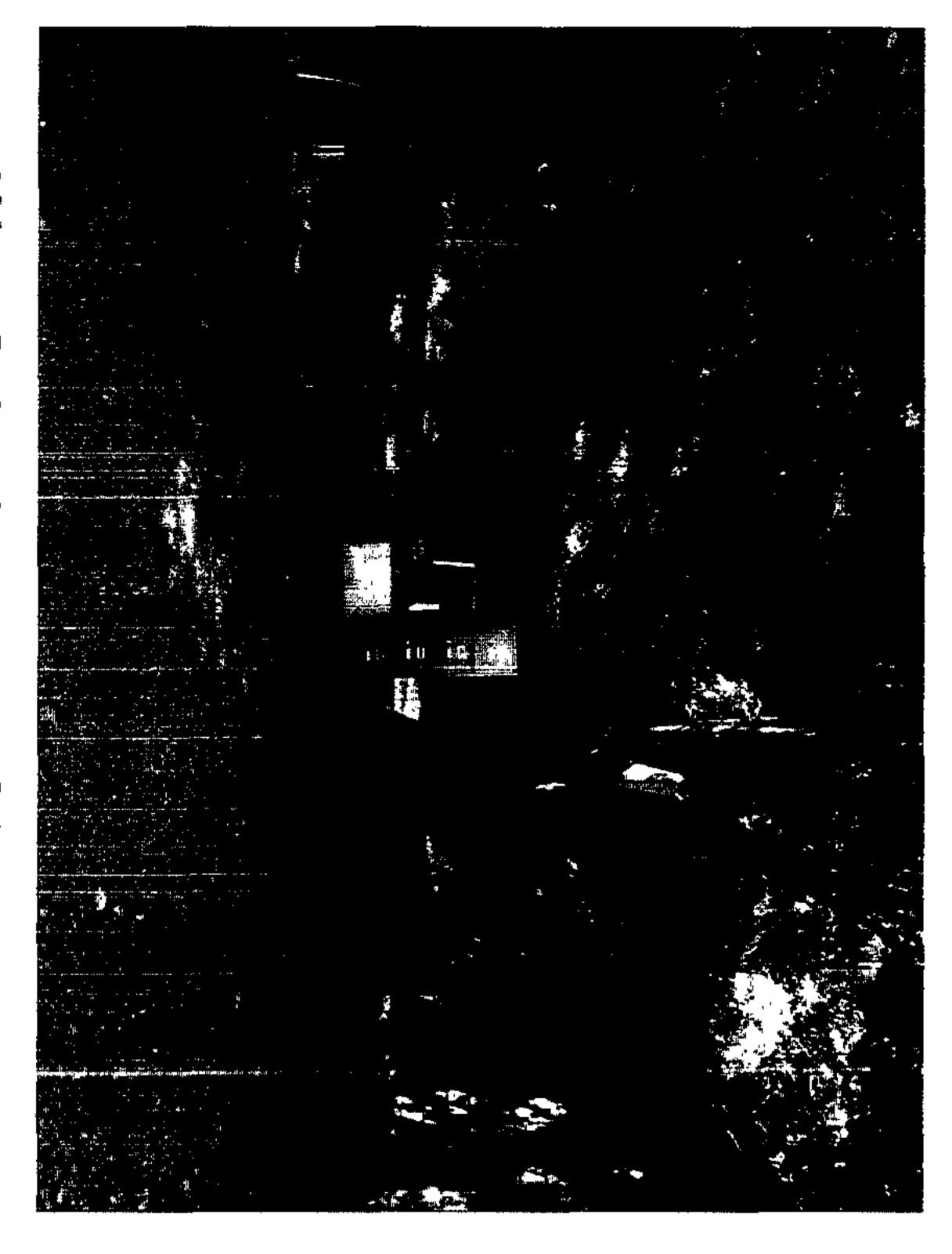
East Side - view of adjacent property



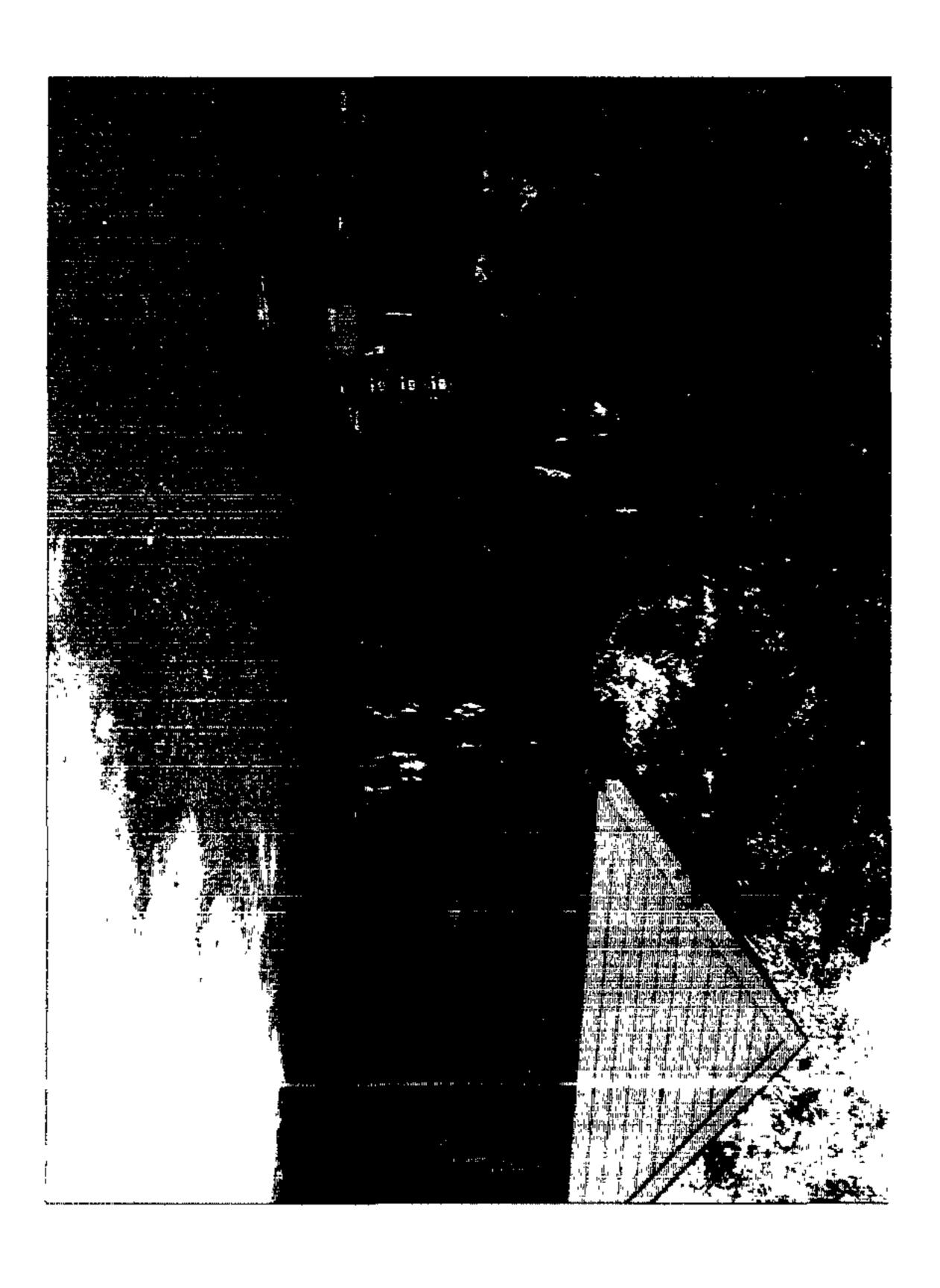
East Side - view of adjacent property



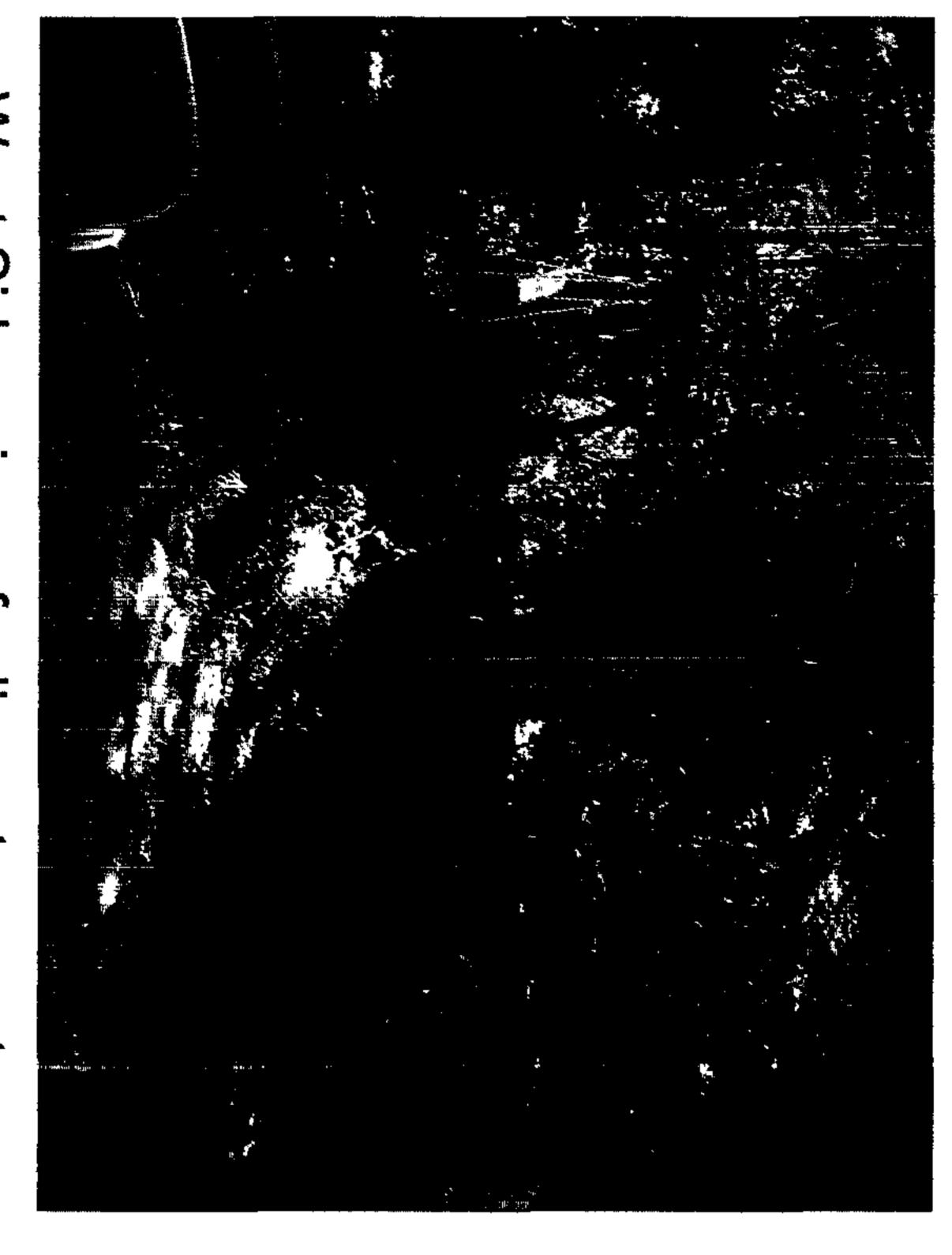
East Side - view of setback area



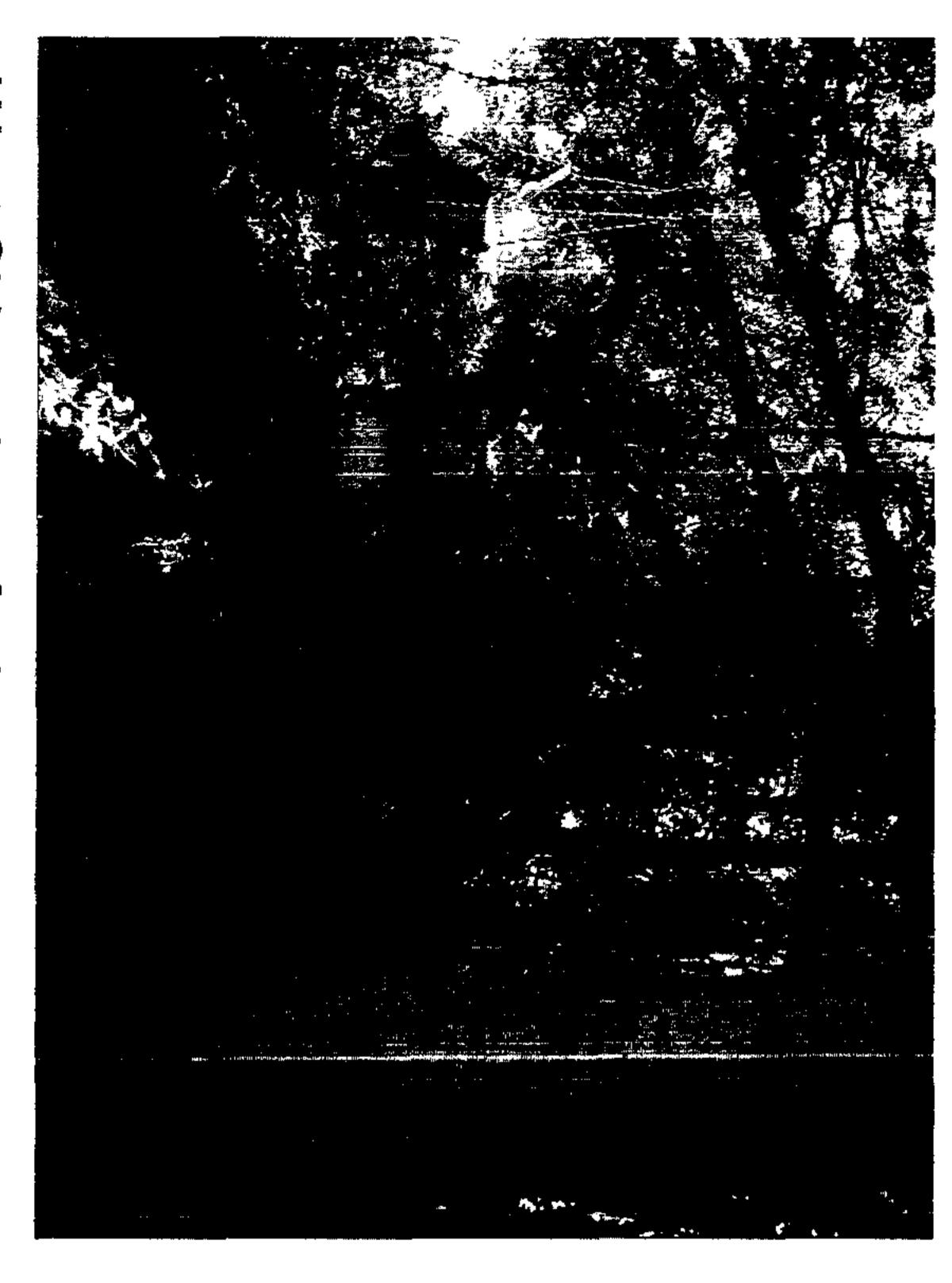
West Side - Location of Addition



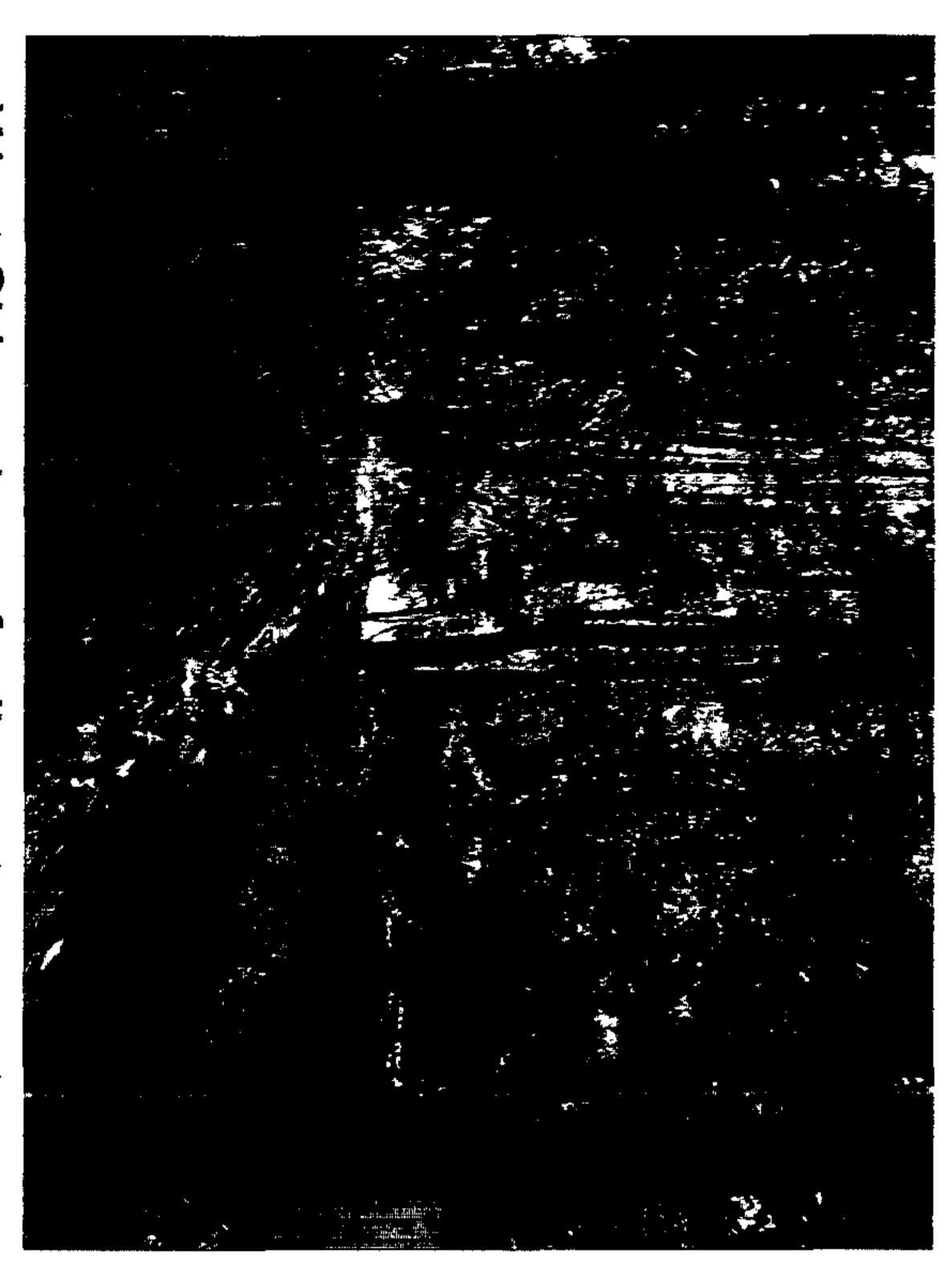
West Side - Location of Addition



West Side - view of adjacent property



West Side - view of adjacent property



West Side - view of adjacent property

West Side - view of adjacent property

