IN RE: PETITION FOR ADMIN. VARIANCE
South East Side of Weatherbee Road, 600'
West of Centerline of Stevenson Lane
9th Election District
5th Councilmanic District
(307 Weatherbee Road)

Michael D. and Susan A. Wasiak Petitioners **BEFORE THE**

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-362-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, Michael D. and Susan A. Wasiak. The variance request is for property located at 307 Weatherbee Road in the Towson Overbrook Subdivision area of Baltimore County. The variance request is from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with addition (full bathroom) to have a rear yard of 23 feet, 7 inches, and a side yard of 8 feet in lieu of the required 30 ft. and 10 inches, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated February 22, 2006, which does not oppose the request provided the building materials include brick, lap siding (i.e., Hardi Plank) or a similar rendition. A copy of this comment is attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 4, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of March, 2006, that a variance from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with addition (full bathroom) to have a rear yard of 23 feet, 7 inches, and a side yard of 8 feet in lieu of the required 30 ft. and 10 inches, respectively, 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.

- 2. The Petitioner must be in compliance with the ZAC comment received from the Office of Planning dated February 22, 2006, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

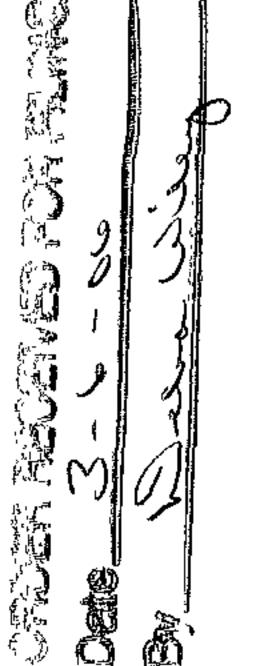
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 6, 2006

Michael D. Wasiak Susan A. Wasiak 307 Weatherbee Road Baltimore, Maryland 21286

Re: Petition for Administrative Variance

Case No. 06-362-A

Property: 307 Weatherbee Road

Dear Mr. and Mrs. Wasiak:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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,

John V. Murphy

Deputy Zoning Commissioner

Jen V. Murphy

for Baltimore County

JVM:dlw Enclosure

c: People's Counsel, Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

Date

for the property located at 307 Weatherber Rd which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1307.3 C. 1. 3 C.

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A REARTARD OF 23 71 AND A SIDEYARD OF 8' IN LIEU OF THE REQUIRED 301 AND 10' RESPECTIVELY

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 legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Michael D. Wasiak Name - Type or Print Name - Type or Print Signature Signature Telephone No. Name Type or Print Address Zip Code State City 410 321-4288 Attorney For Petitioner: Address Telephone No. 21286 TOWSON ハロロ State Zip Code City Name - Type or Print Representative to be Contacted: Signature SAME Company Name AS Telephone No. Address Telephone No. Address Zip Code Zip Code City State Tubite 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 day of dulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

O6-367-A

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 | 307 Weatherbee Rd | | | | | |
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| | Address Towsor | MD | 21286 | | | |
| | City | State | Zip Code | | | |
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| Michael D Wasiak Name - Type or Print | • | SUSAN A | WASIAK | | | |
| Name - Type or Print | Name | e - Type or Print | | | | |
| STATE OF MARYLAND, COUNTY OF BALTIN | IORE, to wit: | richael Was | a.h.e, a Notary Public of the State | | | |
| I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid pe | rsonally appeared | <u>Juan</u> , before me | e, a Notary Public of the State | | | |
| the Affiant(s) herein, personally known or satisfa | <i>U</i> | as such Affiant(s). | | | | |
| AS WITNESS my hand and Notarial Seal | | | larsh | | | |
| ERINE S. POOR | Notary Public My Commiss | | -08.09 | | | |

REV 10/25/01

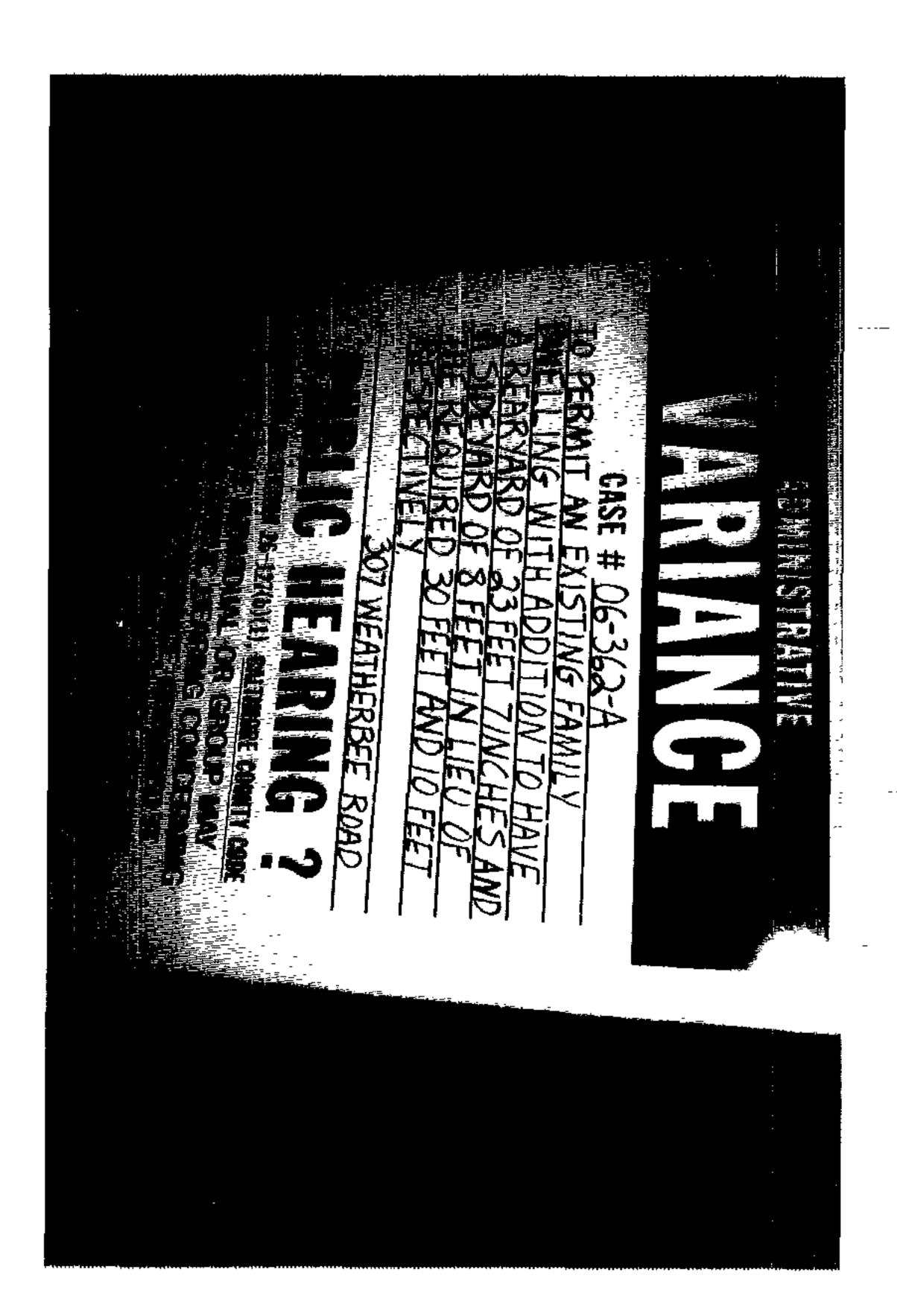
ZONING DESCRIPTION FOR: 307 Weatherbee Road, Towson, Maryland, 21286

Beginning at a point on the South East side of Weatherbee Road which is 50+- feet wide at the distance of 600+- feet South West of the centerline of the nearest improved intersecting street Stevenson Lane which is 50+- feet wide. Being known and designated as Lot No. 5, Block No. 3, on Plat entitled, "PLAT NO. 2 OVERBROOK", which Plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B., JR. No. 12, Folio 76, containing 5800 square feet. Also known as 307 Weatherbee Road, Towson, Maryland, 21286 located in the 9th Election District, 5th Councilmanic District.

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CERTIFICATE OF POSTING

| ATTENTION: C | IRIS BLACKMAN | | DATE: | 2/5/06 |
|---|--------------------|-----------------------------|----------------|--------|
| Case Number: _06 | -362-A | | | |
| Petitioner/Developer: M | CHAEL WASIAK ET UX | | | |
| Date of Hearing (Closing): 2 | /20/2006 | | | |
| This is to certify under the penaltic conspicuously on the property loc | | ssary sign(s) required by I | aw were posted | |
| | | | | |
| The sign(s) were posted on: | 2/4/06 | | | |



Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 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 ubject 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: | |
|---|-------------|
| Petitioner: Michael Wasiale | |
| Address or Location: 307 Weatherbee Road, Towson, mp | 21286 |
| PLEASE FORWARD ADVERTISING BILL TO: | |
| Name: Michael Wasiak | |
| Address: 307 Weatherbee Road | |
| 70W50N, MD 21286 | |
| | |
| Telephone Number: 410-321-4288 | <u></u> |
| i | |

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case | Number 06- | 362 | -A | Address _ | 207 | WEXT (HI | RBEE | RD |
|---------|---|--|---|---|---|--|--|--|
| Conta | ct Person: | - | Please Print Your | | <u>\</u> | Phone Number | r: 410-887-3 | 3391 . 1 |
| | Date: 1 2 | | _ Post | | 1 1 | | ate: 2/20/ | \sim |
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 307 Weatherder Rd which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 ほって・3. C・1 おってん TO PERMIT AN EXISTING SINGLE FAMILY OWELLING WITH ADDITION TO HAVE A RENATARD OF 73'7" AND, A SIDE TARD OF B' IN LIEU OF THE REQUIRED 30' AND 10' RESPECTIVELT 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. Legal Owner(s): Contract Purchaser/Lessee: Michael D. Wasiak
Name-Type or Print
Mohnel Q. Wasul Name - Type or Print Signature Signature Telephone No. Name Type or Print Address Zip Code State Ĉíty 410-321-4288 Attorney For Petitioner: Telephone No. Address 21286 TOWSON Zip Code State Name - Type or Print Representative to be Contacted: Signature SANE Name Contpany AS Telephone No. Telephone No. Address Add ess ABOUL Zip Code Zip Code City State State A 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 d day of ations of Baltimore County and that the property be reposted.

10/25/01

Reviewed By **Date Estimated Posting Date**

Zoning Commissioner of Baltimore County

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 | 307 1 | veatherbee. | Rol | |
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| Michael D Wasnil | | Signature | | 2 Crolest |
| Michael D. Wasiale Name - Type or Print | · · · · · · · · · · · · · · · · · · · | Name - Type or Print | 1 4 | VVASIAK. |
| STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 25 day of of Maryland, in and for the County aforesaid, per an analysis of the County aforesaid, per an an analysis of the County aforesaid, per an analysis of the County aforesaid, | rsonally appea | ared / | | otary Public of the State |
| the Affiant(s) herein, personally known or satisfa | actorily identific | ed to me as such Affi | ant(s). | |
| AS WITNESS my hand and Notarial Seal | | Mheren & | Popela | whi |
| William S. Pool | | Ty Public Commission Expires | 1-6 | 8.09 |

REV 10/25/01

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

February 20, 2006

Michael D. and Susan A Wasiak 307 Weatherbee Road Towson, MD 21286

Dear Mr and Ms Wasiak:

RE: Case Number: 06-362-A, 307 Weatherbee Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 25, 2006.

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. Cal Rihal D

W. Carl Richards, Jr. Supervisor, Zoning Review

M water ...

WCR:amf

Enclosures

c: People's Counsel



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** February 22, 2006

P(2) () 7 (2)

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

307 Weatherbee Road

INFORMATION:

Item Number:

6-362

Petitioner:

Michael Wasiak

Zoning:

DR 5.5

Requested Action;

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the building materials include brick, lap siding (i.e. Hardi Plank) or a similar rendition.

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

ivision Chief:

AFK/LL: CM

W:\DEVREV\ZAC\6-362.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 14, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 13, 2006 Item Nos. 357, 359, 360, 361, 362, 363, 365

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-02142006.doc



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

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

Maryland Department of Transportation

Date: 2.3.04

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

RE: Baltimore County

Item No. 362 2 7 m

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

1. 1. Gred L



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

February 3, 2006

County the Building, Room 111 Mail Star 1905

111 to csapeake Avenue

Towsco. Standard 21204

ATTENIO oning Review planners

Distribe m Meeting of: February 13, 2006

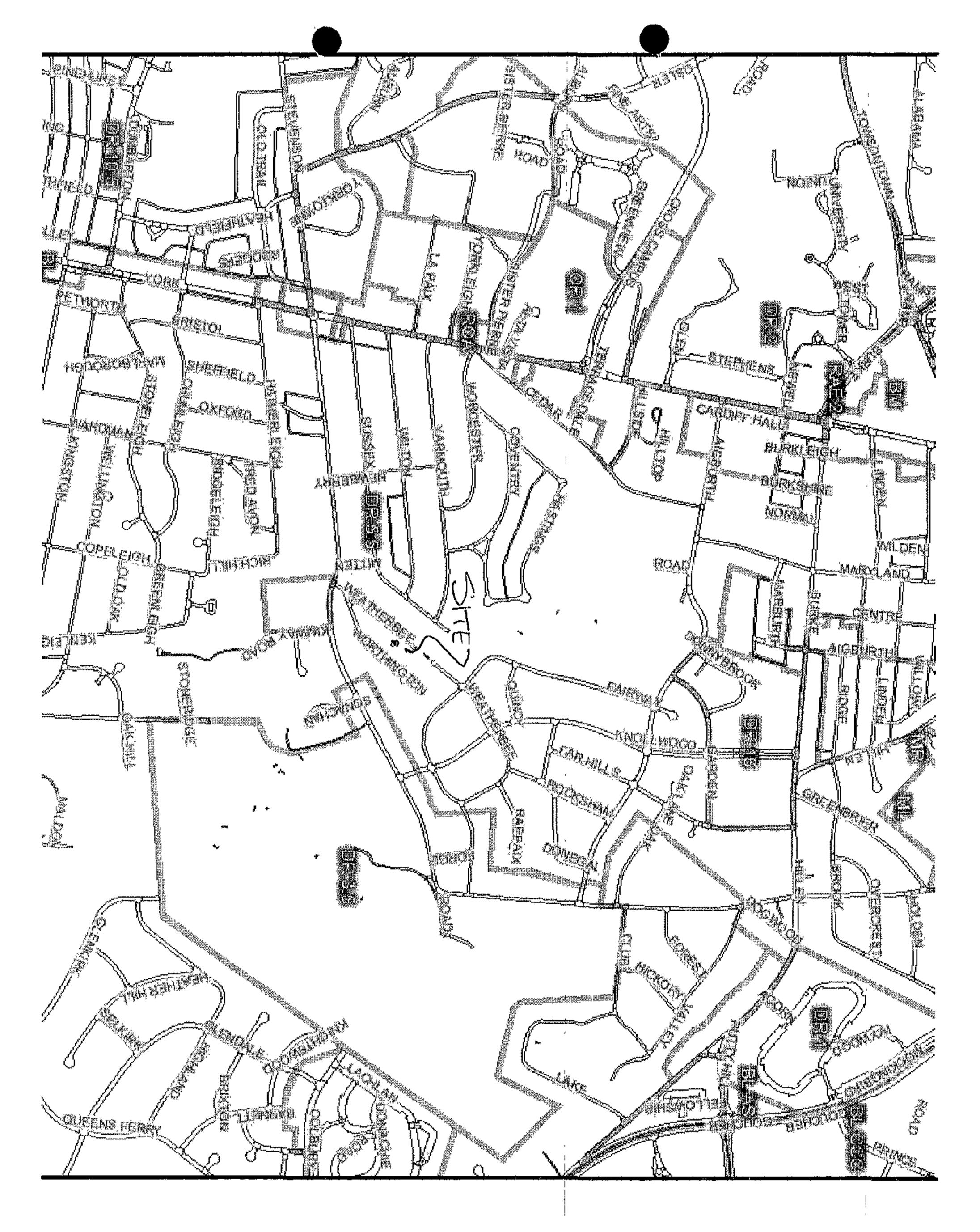
Item 16. Juse Numbers 6-357-A, 6-358-A, 6-359-A, 6-360-SPHA, 6-361-SPHA, 6-362-A

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

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

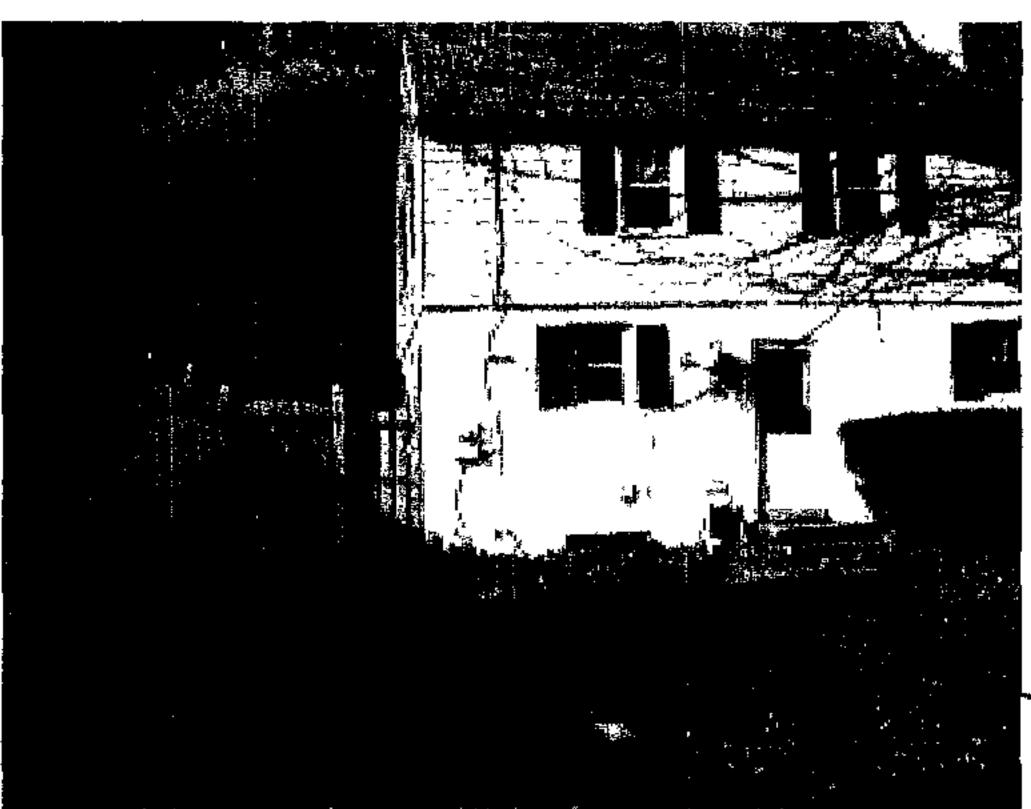
Lieutenant Roland P Bosley Jr. ire Marshal's Office 410-887-4881 (C) 443-829-2946 MS-1102F

cc: Fire

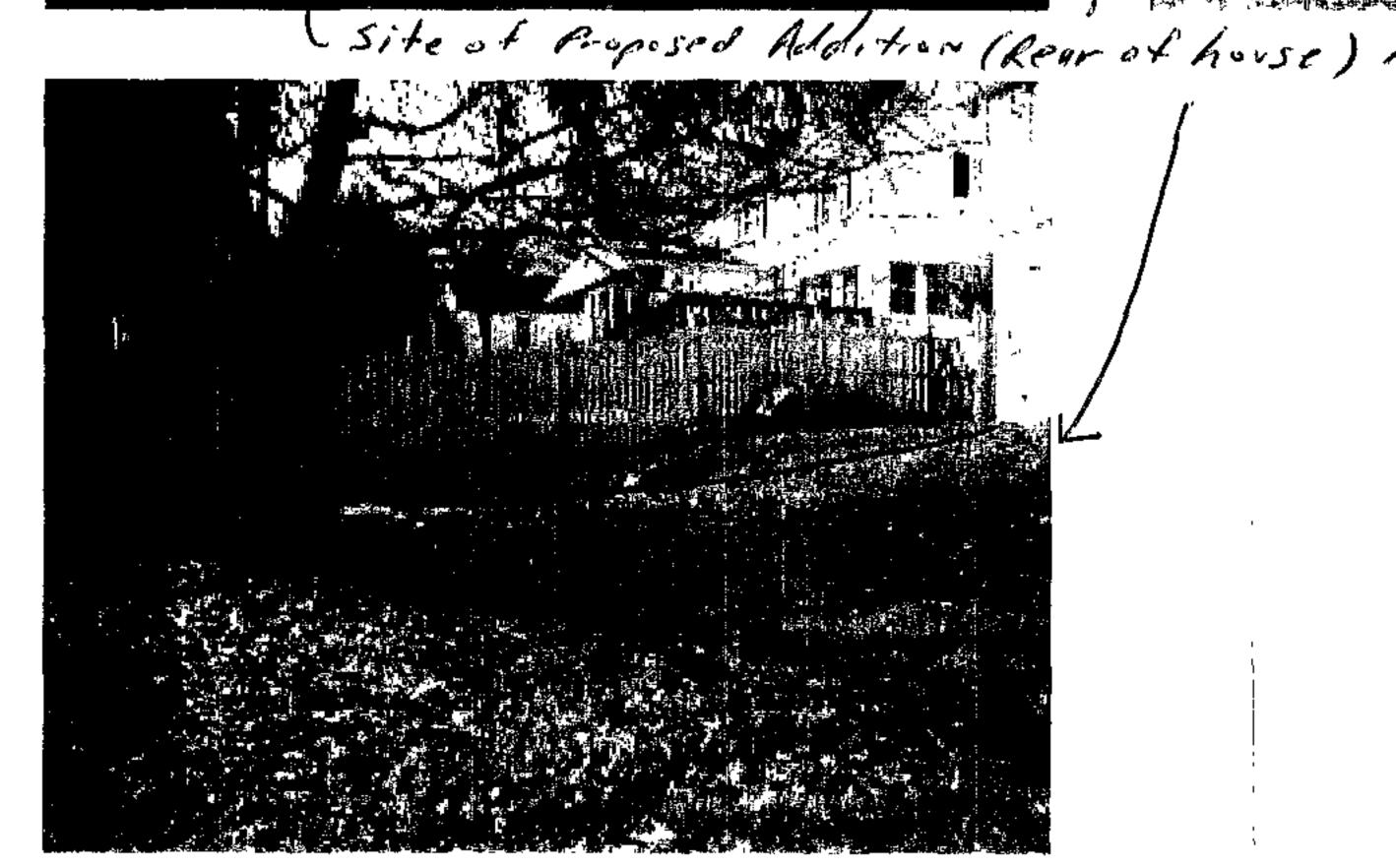












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多区 X \boxtimes HEARING ONLY CASE SQUARE FE PRIVATE REQUIRED INFORMATION LOCATION INFORMATION OFFICE USE VICINITY MAP bil boomme PUBLIC Z COUNCILMANIC DISTRICT PRIOR ZONING HEARING * X **X** HISTORIC PROPERTY/ BUILDING 26 100 YEAR FLOOD PL SPECIAL 1"=200" SCALE MAP ACREAGE ELECTION DISTRICT AREA OX OX ZONING REVIEWED BY CHESAPEAKE CRITICAL A SEWER WATER ADDITIONAL SIZE ZONING her that the 101 F0. 4.1 IST 4,1 DRAWING: 9NIN0Z 5 SCALE SAZAGE DRIVE MACADAM SECTION CON COME. ,5/7 THURSE - LINES 5:00 to Sal 45 2 121 8 TO ACCOMPANY COOM 1,5,12 3250 73,211 FOLIO # ADDRESS SUBDIVISION NAME PLAT BOOK # 12 界 PROPERTY PREPARED OWNER NORTH 0,