IN RE: PETITION FOR ADMIN. VARIANCE

N/S Bangert Street, 320' W of the c/l

Gaylord Street

(5414 Bangert Street)

11<sup>th</sup> Election District

5<sup>th</sup> Council District

Richard M. Diotte, et ux Petitioners BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 06-442-A

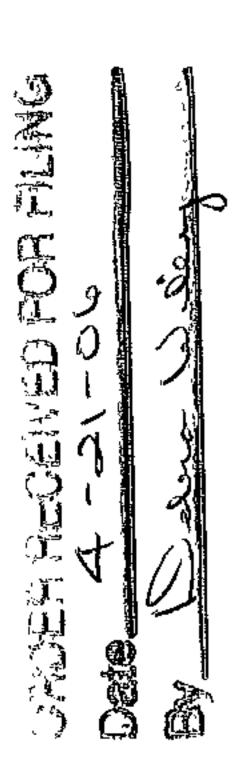
\*

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, Richard M. Diotte, and his wife, Madeline A. Diotte. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 40 feet and a sum of the side yards of 36 feet in lieu of the required front average setback of 45.5 feet and side yard setback sum of 40 feet, respectively, for an existing single-family dwelling and proposed addition. 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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessary given the layout and location of the existing dwelling. As shown on the site plan, the existing house is located a distance of 42 feet from the road, and current side yard setbacks of 18 feet each are provided by both the house and an existing detached garage. The Petitioners propose razing the existing garage to allow for the construction of a large addition to the existing dwelling, that will include an attached garage and front porch. It was indicated that due to the location of the existing house, the front porch and garage entrance will be located 40 feet from the road; however, the proposed improvements will maintain the 18-foot side yard setbacks currently provided. Section 1B02.3.C.1 of the B.C.Z.R. requires a minimum front yard depth of 40 feet for development in a D.R.2 zone. In that the houses on the immediately adjacent lots are setback at distances of 52 feet and 39 feet from Bangert Street than the proposed dwelling, an "average" front setback of 45.5 feet is required, pursuant to Section 303.1 of the B.C.Z.R. Moreover, the minimum sum of the side yard setbacks required is 40 feet, and only 36 feet can be provided. Thus, the requested variance relief is necessary.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and the neighbors apparently have no objections. Thus, I am persuaded 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 submit building elevation drawings of the proposed addition to the Office of Planning for review and approval prior to the issuance of any permits. Moreover, the proposed addition shall be constructed of materials complimentary to the existing house and the existing vegetative screening along the west side of the dwelling shall be preserved to provide a natural buffer for the adjacent lot.

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 April 2006 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 40 feet and a sum of the side yards of 36 feet in lieu of the required front average setback of 45.5 feet and side yard setback sum of 40 feet, respectively, for an existing single-family dwelling and proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 addition to the Office of Planning for review and approval. The proposed addition shall be constructed of materials complimentary to the existing house and all existing vegetation on the west side of the home shall be preserved to provide a natural visual buffer for the adjacent property.

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

Zoning-Commissioner

for Baltimore County

WJW:bjs

SECTION OF THE SECTIO



JAMES T. SMITH, JR. County Executive

April 24, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Richard A. Diotte 5414 Bangert Street White Marsh, Maryland 21162

RE: PETITION FOR ADMINISTRATIVE VARIANCE

N/S Bangert Street, 320' W of the c/l Gaylord Street (5414 Bangert Street)
11<sup>th</sup> Election District – 5<sup>th</sup> Council District

11<sup>th</sup> Election District – 5<sup>th</sup> Council District Richard A. Diotte, et ux - Petitioners Case No. 06-442-A

Dear Mr. & Mrs. Diotte:

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.

very fully yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

cc: Mr. Patrick C. Richardson, Jr.
110 Old Padonia Road, Suite LC, Cockeysville, Md. 21030
Office of Planning; People's Counsel; Case File



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5414 BANGERT STREET which is presently zoned DR-2.

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

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

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) 303.1, 1802.3.C.1 BCZR

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A FRONT SETBACK OF 40' AND A SUM OF SIDE YARDS OF 36' IN LIEU OF THE REQUIRED AVERAGED FRONT SETBACK OF 45.5' AND SUM OF GIDEYARDS OF 40' 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.

			is the subject of this Petition.		
Contract Purchaser/Le	ssee:		Legal Owner(s):		
Name - Type or Print	<del>ॳॹॹॹॱॼऄॿॺॺॳॹऄॳ</del> ॳॴॎॸऻॎॿॸॿॿॏॿॸॿॎॷक़ॹढ़ॾॿॾॿॿऄॎ॔॔॔॔	<del>andsystem or a wind in tweeter to the a new thanks, on every to tak thin</del>	RICHARD M. DIC Name - Type or Print	77E	<del>♥                                    </del>
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Address	<del></del>	Telephone No.	Name - Type or Print  Madeline		
City	State	Zlp Code	Signature		And the second s
Attorney For Petitione	r:		5414 BANGERT	<u> 57 4</u>	10-365-1839 Telephone No.
			WHITE MARSH	MD	21162
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Signature			PATRICK C'RICHAR	EDSON JR	
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Address	#16419622	Telephone No.	Address	es same	Telephone No.
			COCKEYSVILLE	MD	21030
TITY 2	State	Zip Code	City	State	Zip Code
A Public Hearing having been this and day of	formally demand	led and/or found to be at the subject matter of t	required, it is ordered by the Zoning his petition be set for a public hearing,	Commissioner of advertised, as req	Baltimore County, ulred by the zoning
Jaguranous of partimore county a	and mat me proper	ty be repusied.			
			AND		i
<b>-1</b>	ئىد ئىد		Zoning Commissioner		<b>y</b>
GOSENO. OG	-442-1	A Rev	lewed By LTVA D	Date 3/16	1106

**Estimated Posting Date** 

## 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 Afflant(s) does/do presently reside at	5414	EANGERT	STREET	<del>)</del>
	Address City	MARSH	State	21162. Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardshift To permit the construction of an The layout of the existing house that it will be 2 feet closer to the the existing house and the house of the house on the west of the construction of an area of the existing house and the house of the house on the west of the construction of an area of the second that it will be 2 feet closer to the construction of the house on the west of the construction of an area of the second the second the second that it will be 2 feet closer to the second the house on the west of the second the second that it will be 2 feet closer to the second the second that it will be 2 feet closer to the second t	ip or practical addition to addition to requires that the street than to execute would meet	difficulty): an existing hou it the garage and the existing hou t the required se	se on an existing lo d porch be construc- ise. It is not possible	t of record. ted such le to move
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide acknowledge(s) that if a for advertising fee and may be required to provide acknowledge(s).	ormal demand additional info	rmation.	t(s) will be required	
Signature  Rechtly M. Diotte  Name - Type or Print	en e	Signature	(line A. Ded	
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this day of MM of Maryland, in and for the County aforesaid, per LICMARD M DIOTH AM	MADU(	ared A. Di	$\frac{36}{0+4p}$ , before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or satisfa  AS WITNESS my hand and Notarial Seal	actorily identif	led to me as suc	h Affiant(s).	H-44-4
		ary Public  Commission Exp	3/1/08	

730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

## ZONING DESCRIPTION 5414 BANGERT STREET 11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Bangert Street, a right-of-way (50) feet wide at the distance of 320 feet west of the centerline of the nearest improved intersecting street Gaylord Street, a right- of- way (50) feet wide. Being lot #22 in the subdivision of FORGE ACRES as recorded in Baltimore County Plat Book #14, Folio #88, containing 20,000 Sq.Ft. or 0.459 Ac.+/-. Also known as 5414 Bangert Street and located in the 11<sup>th</sup>. Election District, 5<sup>th</sup> Councilmanic District.

442

- TIHW DISTRIBUTION FOR FROM: RECEIVED OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, CASHIER ٠, PINK -AGENCY MARYL YELLOW - CUSTOMER

## CERTIFICATE OF POSTING

	RE: Case No.: 6-442-A
	Petitioner/Developer: R. D10716
	ETUK
	Date of Hearing/Closing: 4-10-04
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 perjoosted conspicuously on the property located at:	ury that the necessary sign(s) required by law were
5414 BANG	
The sign(s) were posted on	- 26-06
The state of the s	(Month, Day, Year)
	Sincerely,
ZONING NOTICE	Robert Black 3-28-00
VARIANCE	(Signature of Sign Poster) (Date)  SSG Robert Black
CASE # OG - 44 - A EXPENSION SETTING OF 40' AND A SUM OF SIDE STREET OF 30' AND A SUM OF SIDE STREET OF 30' AND A SUM OF SIDE STREET OF 30' IN LIEU OF THE REGISTED AVENAGED PROUP SETURCE OF	(Print Name)
49.5 AND A BUTH OF BIOL YMADS OF HO' REFERRIGHT.	1508 Leslie Road
PUBLIC HEARING?	(Address)
THE PROPERTY OF THE PROPERTY O	Dundalk, Maryland 21222
	(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-	442 -	A Add	ress 5412	4 BANGENT	57
Contact Person:		ease Print Your Name	= \	Phone Number: 410-	887-3391
Filing Date: 3	•		ate: 3/26/06	Closing Date: 4	10/06
Any contact made through the contact	with this offic person (planne	e regarding the er) using the case	status of the adr number.	ministrative variance s	should be
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a formal requ	uest for a pub	ilic hearing. Ple	for an occupant of ase understand to the	or owner within 1,000 f that even if there is r closing date.	eet to file no formal
commissioner order that the (typically withi	<ul> <li>He may: (a)</li> <li>matter be s</li> <li>in 7 to 10 days</li> </ul>	a) grant the requet et in for a public of the closing da	ested relief; (b) d c hearing. You ate) as to whether	y the zoning or deputency the requested reliable will receive written not the petition has been you by First Class mail	ef; or (c) otification granted
(whether due commissioner changed givin	to a neighbors), notification and the	r's formal reque will be forwarde hearing date, tin	st or by order of d to you. The ne and location	that must go to a public f the zoning or deput sign on the property As when the sign was ered sign must be fore	ly zoning must be originally
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Petitioner: This Par	rt of the Form	is for the Sign F	oster Only	``````````````````````````````````````	
	USE THE AD	MINISTRATIVE	VARIANCE SIGN	FORMAT	
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## Department of Permits 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

April 11, 2006

Richard M. Diotte Madeline A. Diotte 5414 Bangert Street White Marsh, MD 21162

Dear Mr. and Mrs. Diotte:

RE: Case Number: 06-442-A, 5414 Bangert Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 14, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Patrick C. Richardson, Jr. Richardson Engineering LLC 110 Old Padonia Rd Suite LC Cockeysville 21030



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442,443,444,445,447,448,449,450,451,452,453,454,455,456

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.

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

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

cc: File



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 3, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2006 Item Nos. 442, 443, 444, 445, 447, 448, 449, 450, 452, 453, 454, 455, and 456

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-04032006.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** April 7, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

5414 Bangert Street

INFORMATION:

Item Number:

6-442

Petitioner:

**Richard Diotte** 

Zoning:

DR 2

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

- 1. Proposed addition should be constructed of materials complimentary to the existing single-family dwelling.
- 2. Detailed architectural elevation drawings, showing all facades of the proposed addition, shall be submitted to and approved by the Office of Planning prior to the issuance of any building permits.
- 3. Existing vegetative screening along the left side of the property line shall be preserved to provide visual buffering between the subject property and those residing at 5412 Bangert Street.

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

Prepared by:

Division Chief;

AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 3.24.06

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

RE: Baltimore County

Item No. 442 LTM

Dear. Ms. Matthews:

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

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

Very truly yours,

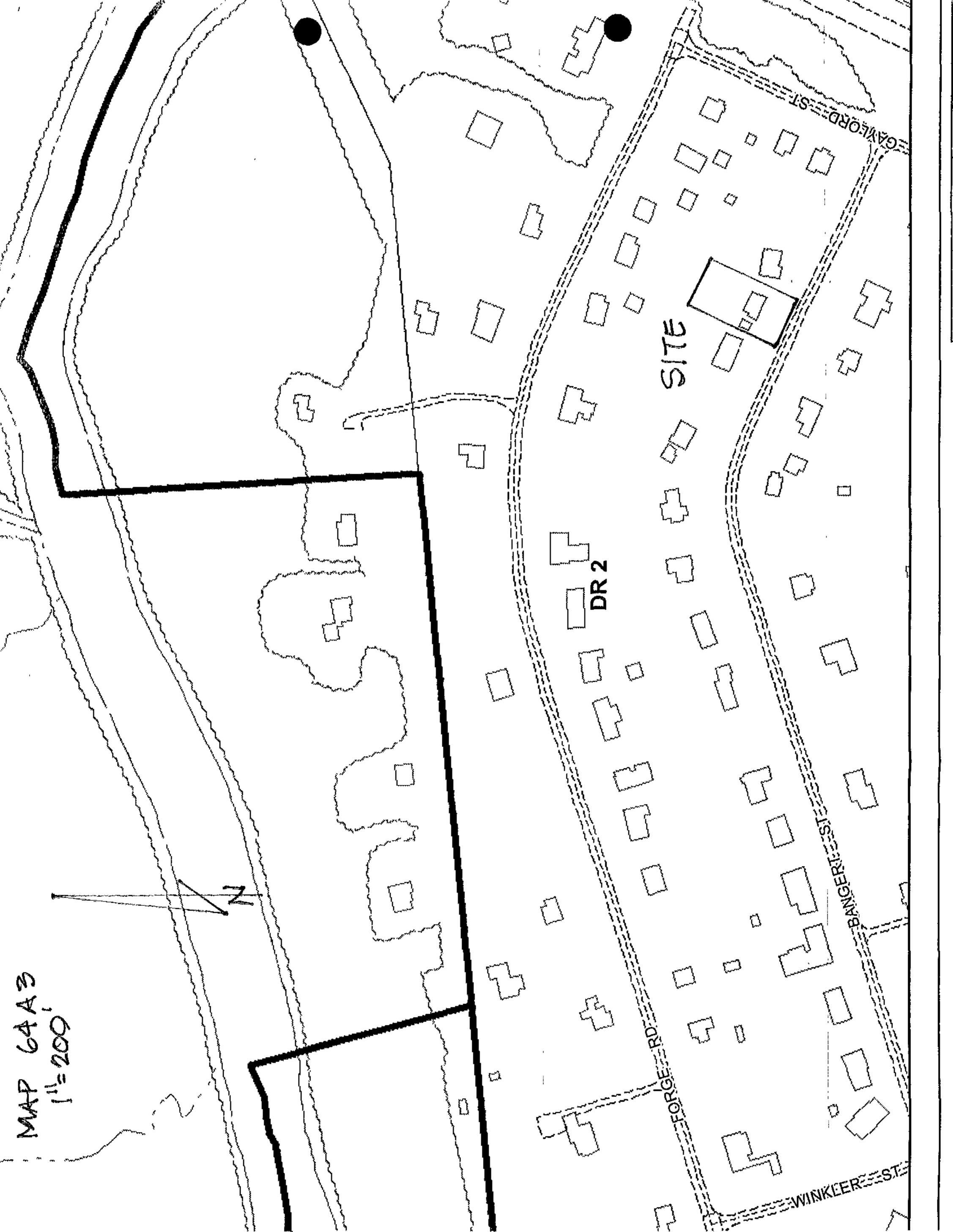
Steven D. Foster, Chief

f. J. Bredh

Engineering Access Permits Division

# ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 06-442

	!
Date Completed/Initials	
3/20/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
• • • • • • • • • • • • • • • • • • •	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827





View of 5414 Bangert Street

Diotte Property Page 2 of 3

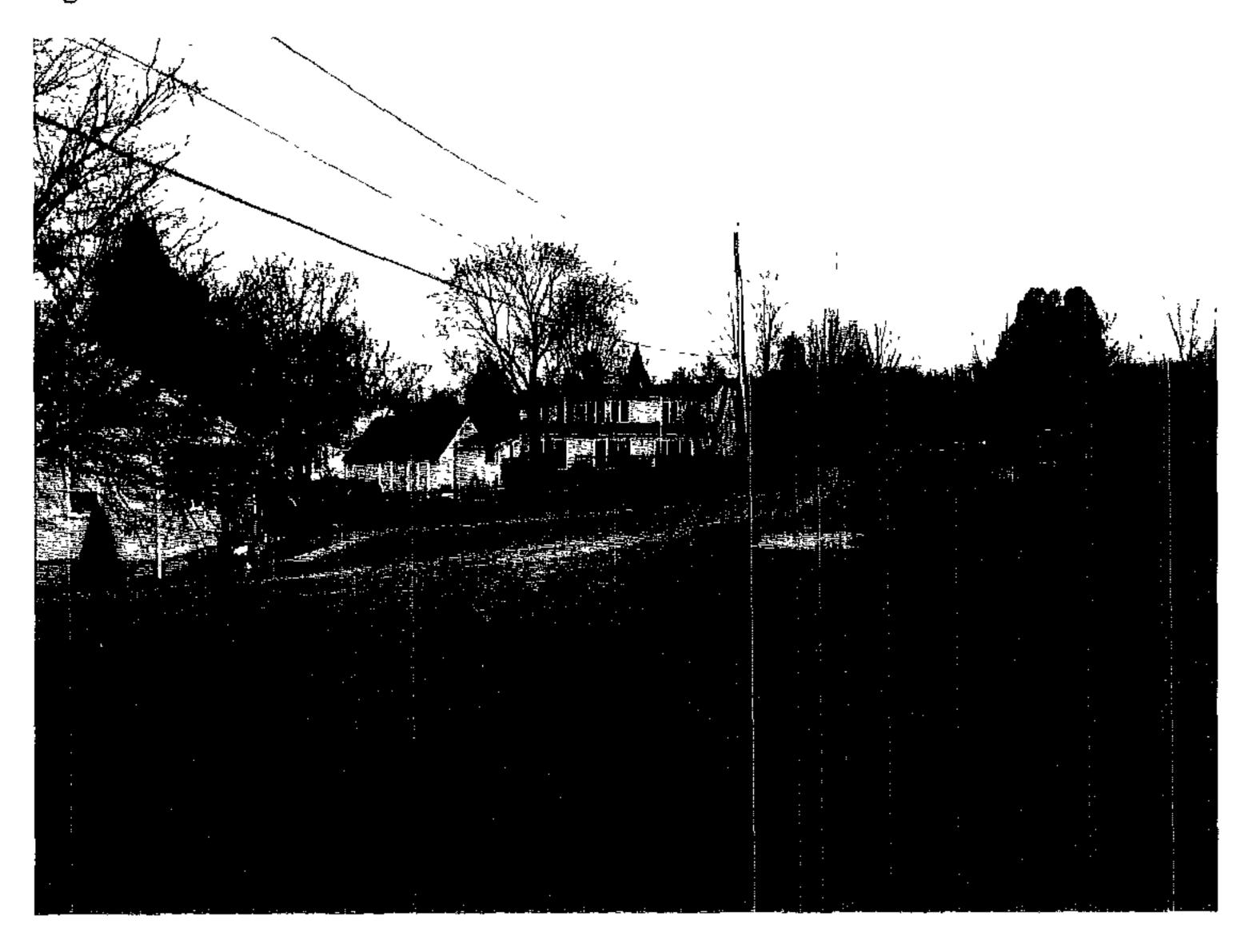


View of 5412 Bangert Street



View of 5416 Bangert Street

Diotte Property Page 3 of 3



View east on Bangert Street



View west on Bangert Street

