

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
N/S Oakleigh Beach Road, 305' E of the c/l
Wise Avenue * ZONING COMMISSIONER
(709 Oakleigh Beach Road)
15th Election District * OF BALTIMORE COUNTY
7th Council District * Case No. 06-475-A

Robert W. Henninger
Petitioner *

* * * * *

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 owner of the subject property, Robert W. Henninger. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet in lieu of the required 10 feet for a proposed second floor garage 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.

ORDER RECEIVED FOR FILING

Date 5-10-06

By [Signature]

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessary given the property's corner location and the location of existing improvements thereon. As shown on the site plan, the Petitioner proposes adding a second floor addition to an existing garage, which is located 6 feet from the side property line. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and none of the neighbors voiced any objection. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's waterfront location adjacent to Bear Creek and in a floodplain, the proposed improvements must comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements as set forth in the attached ZAC comments.

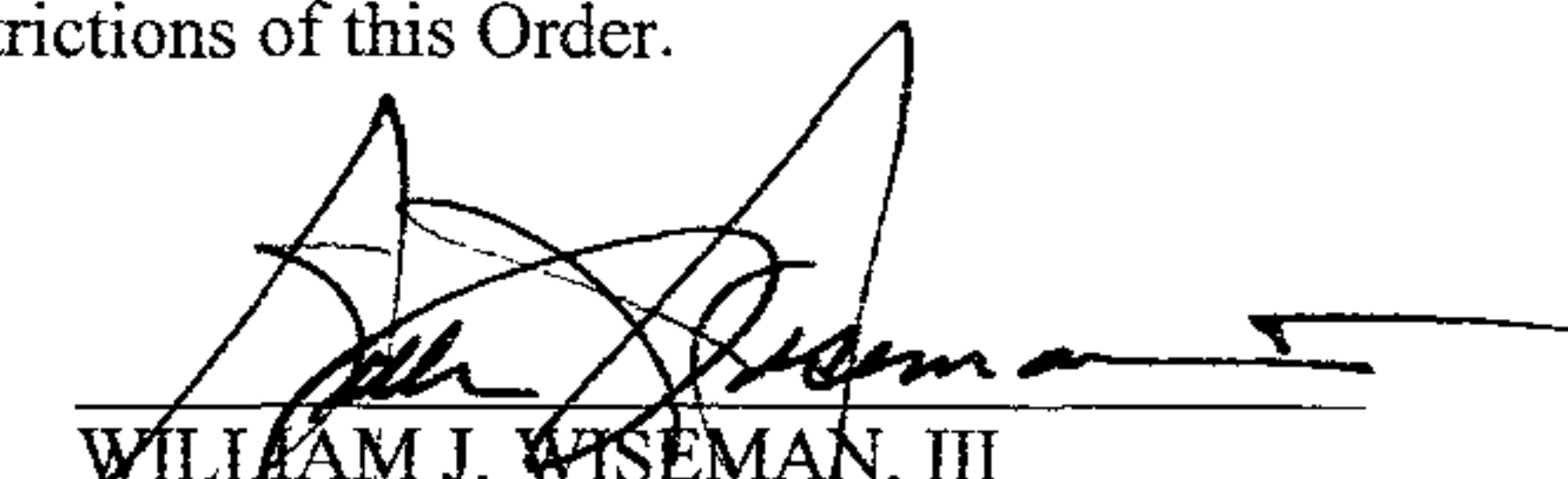
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet in lieu of the required 10 feet, and a side street setback of 12 feet in lieu of the required 25 feet for a proposed garage 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) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains, copies of which have been attached hereto and made a part hereof

ORDER RECEIVED FOR FILING

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

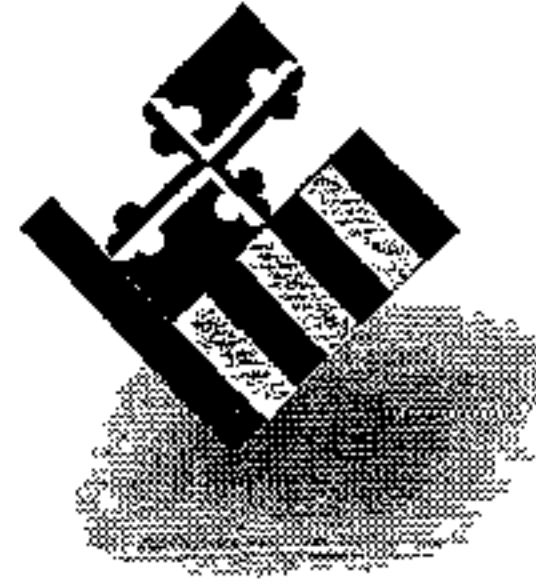

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 5-10-06

By [Handwritten Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Robert W. Henninger
709 Oakleigh Beach Road
Baltimore, Maryland 21222

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
N/S Oakleigh Beach Road, 305' E of the c/l Wise Avenue
(709 Oakleigh Beach Road)
15th Election District – 7th Council District
Robert W. Henninger - Petitioner
Case No. 06-475-A

Dear Mr. Henninger:

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 truly yours,

A handwritten signature in black ink, appearing to read "Bill Wiseman", with a long horizontal line extending to the right.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; Office of Planning; DEPRM
People's Counsel; Case File

Flood ABCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 709 Oakleigh Beach Rd
which is presently zoned PR-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)

1302.3.C.1 to permit a side yard setback for a two-story addition of 6 ft. in lieu of the required 10 ft.

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

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 regulations of Baltimore County and that the property be reposted

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By 71

Date

3/22/06

Estimated Posting Date

4/9/06

CASE NO.

06 475-11

EV 1275/01

ORDER RECEIVED FOR FILING

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

709 McKeligh Beach Road
Address
Baltimore MD 21222
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):

- 1) Existing house would not support a second floor addition.
- 2) Existing house is only one bedroom, other homes in the area are two and three bedrooms.
- 3) All structures are existing, No major modifications would be required.
- 4) Existing garage with side car entrance is basically useless.
- 5) To meet requirements would require major demolition and New construction.

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.

Robert Wayne Henninger
Signature

Signature

Robert Wayne Henninger
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of March, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert Wayne Henninger
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Edith C. Makus
Notary Public

My Commission Expires 01-01-07

Zoning Description for 709 Oakleigh Beach Road

Beginning at a point on the North side of Oakleigh Beach Road which is 30 feet wide at the distance of 305 feet North East of the centerline of the nearest improved intersecting street Wise Avenue which is 30 feet wide. Being lot # 22 in the subdivision of Oakleigh Beach as recorded in Baltimore County Plat Book # 12, Folio # 46, containing 8,360 square feet. Also know as 709 Oakleigh Beach Road and located in the 15th Election District, 7th Councilman District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5617

DATE 3/29/06 ACCOUNT 1000 006 6150

AMOUNT \$ 65.00

RECEIVED FROM Kappa Kappa Gamma

FOR Volunteer

DATE RECEIVED
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

4/75

Paid Receipt

DATE RECEIVED
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATE RECEIVED
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-475-A

Petitioner/Developer: ROBERT

WAYNE HENNINGER

Date of Hearing/Closing: 4-24-06

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 that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

709 : OAKLEIGH BEACH RD

The sign(s) were posted on 4-9-06
(Month, Day, Year)

Sincerely,

Robert Black 4-10-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

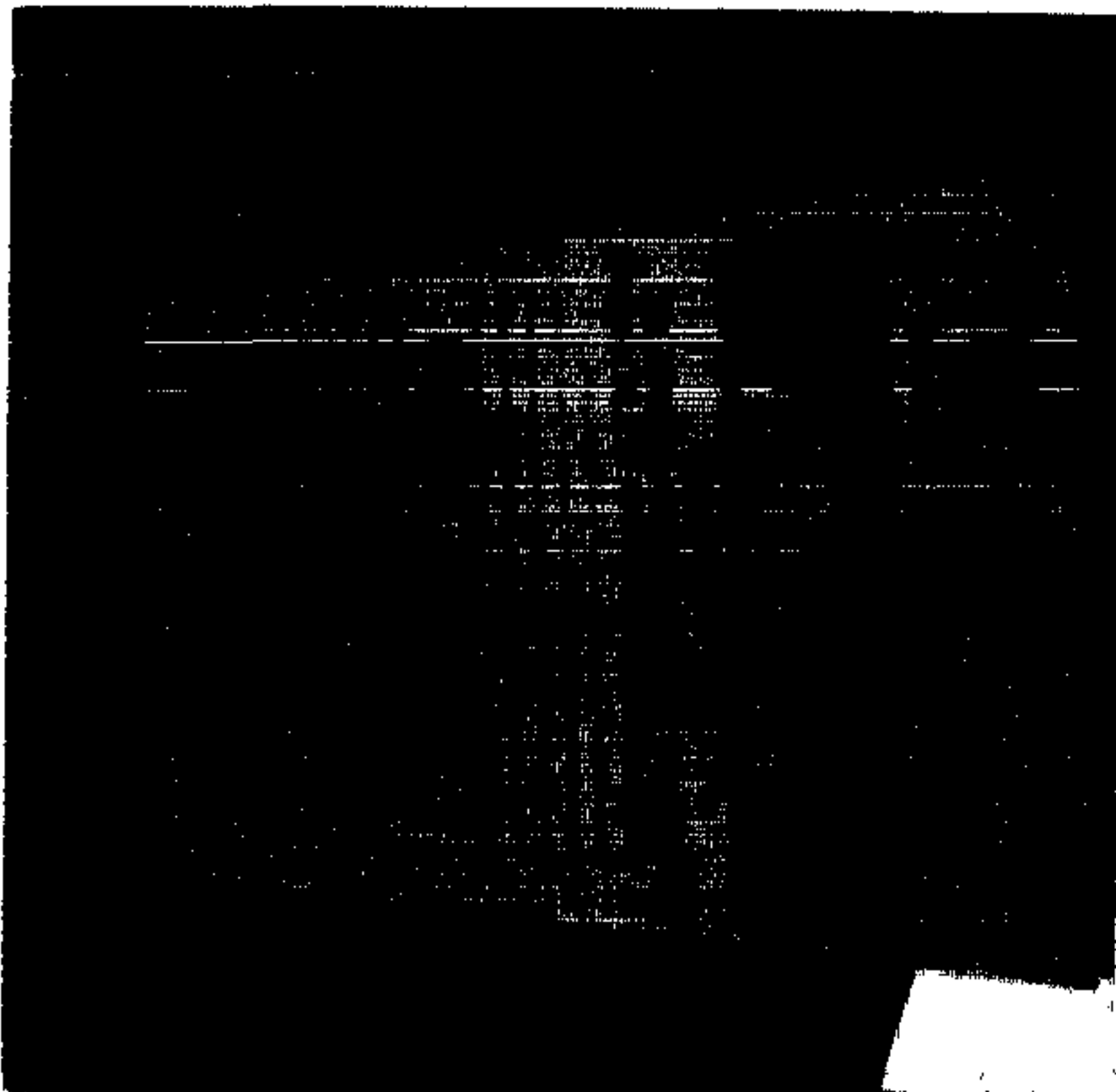
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 475 -A Address 709 Oakleigh Beach Rd.
Contact Person: Bruto Rudaitis Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 3/29/06 Posting Date: 4/9/06 Closing Date: 4/24/06

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 **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.
- 2 **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.
- 3 **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- 475 -A Address 709 Oakleigh Beach Rd.
Petitioner's Name Robert Wayne Henniger Telephone 410 385 2790
Posting Date: 4/9/06 Closing Date: 4/24/06
Wording for Sign To Permit a side yard setback for a two story
addition of 6 ft. in lieu of the required 10 ft.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06- 475 - A
Petitioner: Robert W. Henninger
Address or Location: 709 Oakleigh Beach Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert W. Henninger
Address: 709 Oakleigh Beach Road
Baltimore, MD 21222
Telephone Number: 410-388-2790

**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*

April 24, 2006

Robert Wayne Henninger
709 Oakleigh Beach Road
Baltimore, MD 21222

Dear Mr. Henninger:

RE: Case Number: 06-475-A, 709 Oakleigh Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 29, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and a prominent "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination

DATE: May 10, 2006

SUBJECT: Zoning Item # 06-475
Address 709 Oakleigh Beach Road
Baltimore, MD 21222

Zoning Advisory Committee Meeting of April 10, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

LDA regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area and 15% tree cover must be met and maintained on site. Buffer Area Regulations also apply.

Reviewer K. Brittingham

Date: May 3, 2006

ORDER RECEIVED FOR FILING
2006-10-31
BY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2006

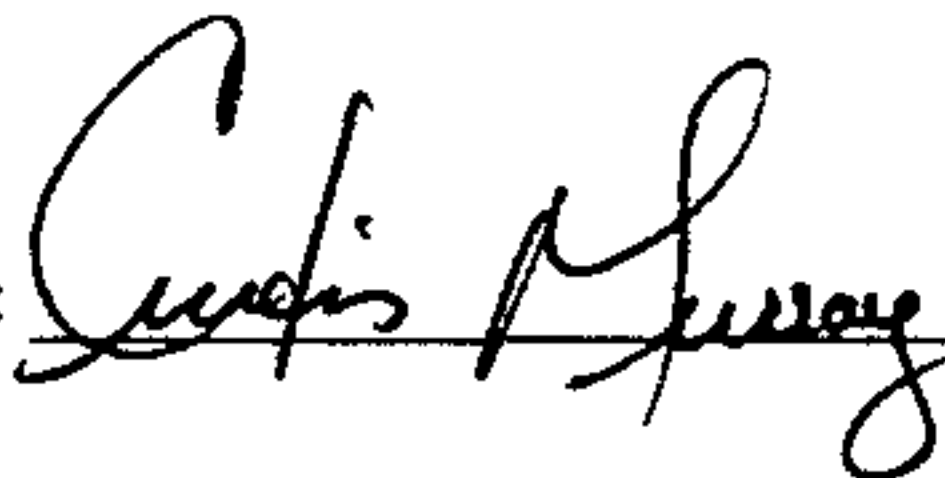
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-475- Administrative Variance

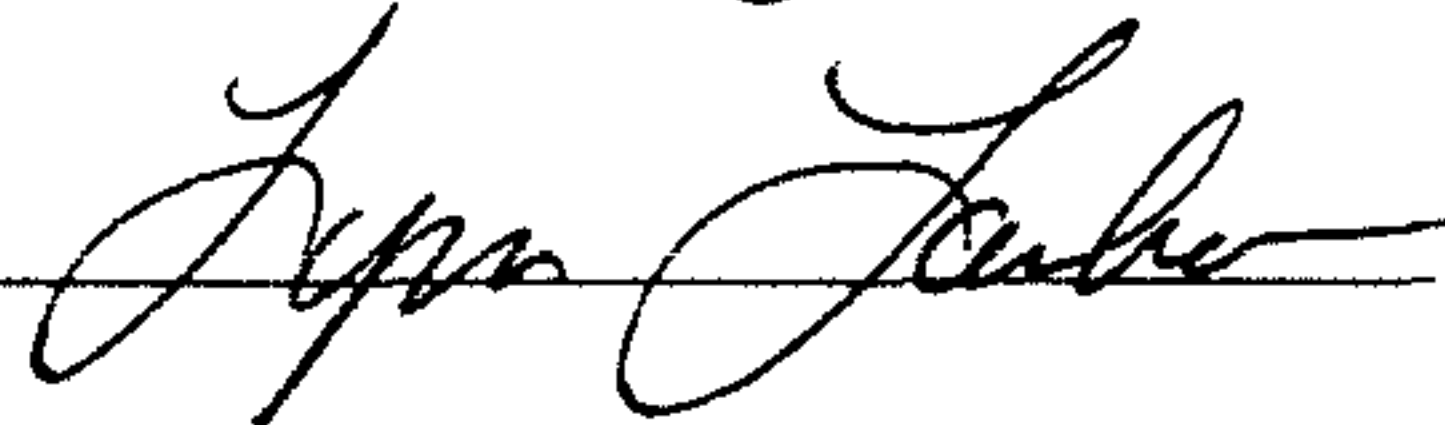
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

APR 17 2006

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

April 11, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483

(475)

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
Department of Permits & Development
Management

DATE: April 14, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2006
Item No. 475

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 475-04142006.doc



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 4.18.06

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

RE: Baltimore County
Item No. 475 372

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,

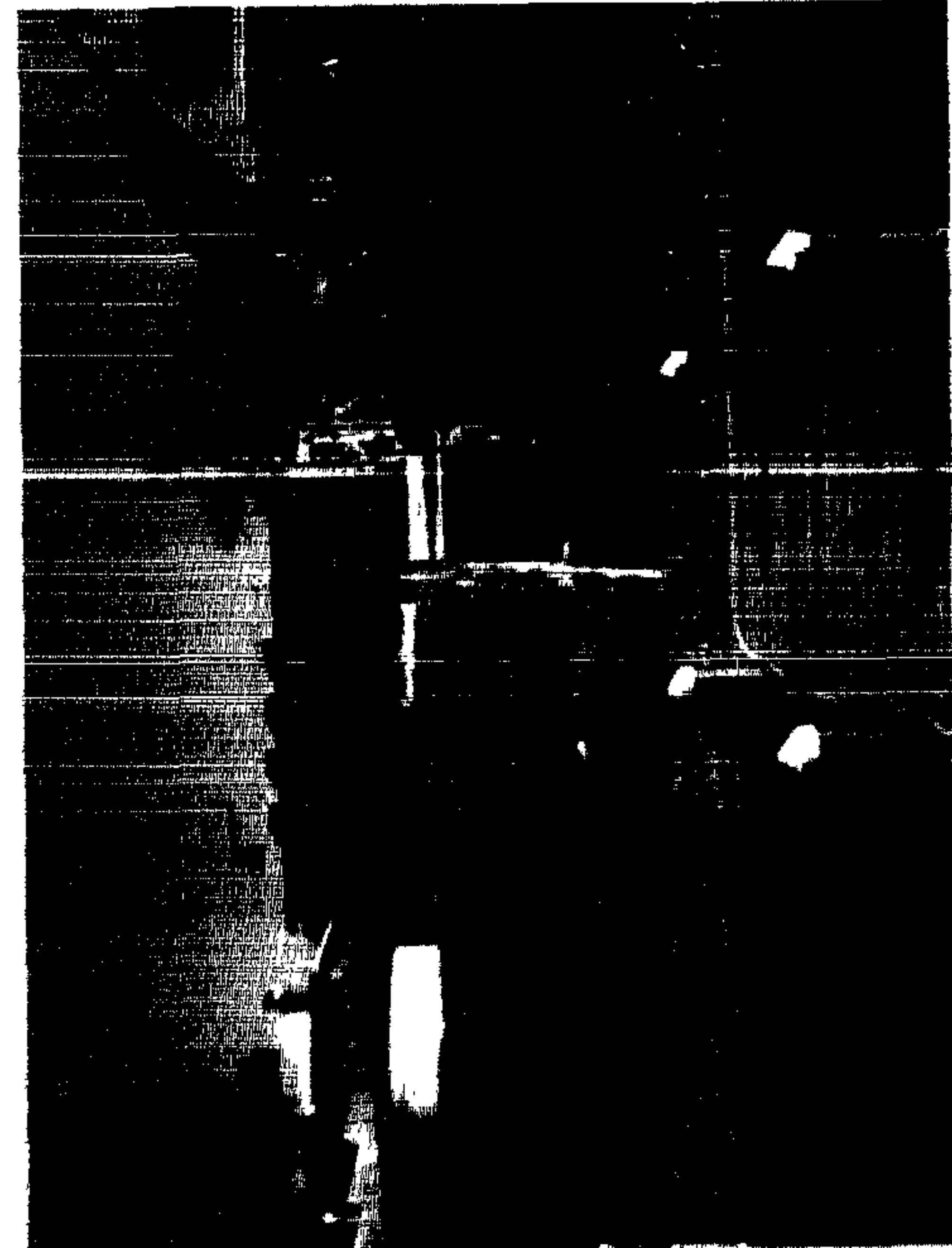
Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County - My Neighborhood

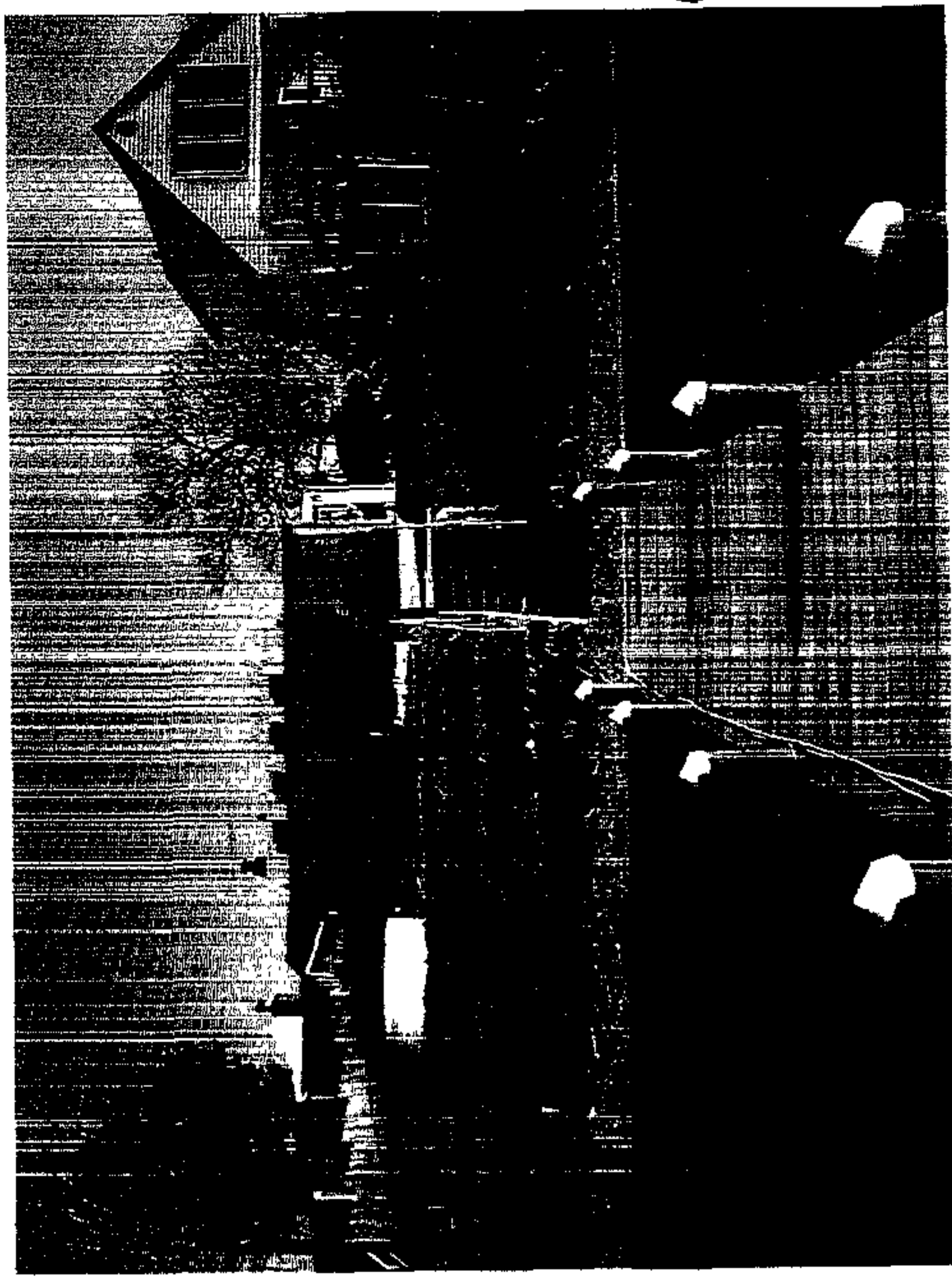


Copyright (C) 2006 Baltimore County, Maryland

Map # 104 22 4475



709 Oakley's Beach Road



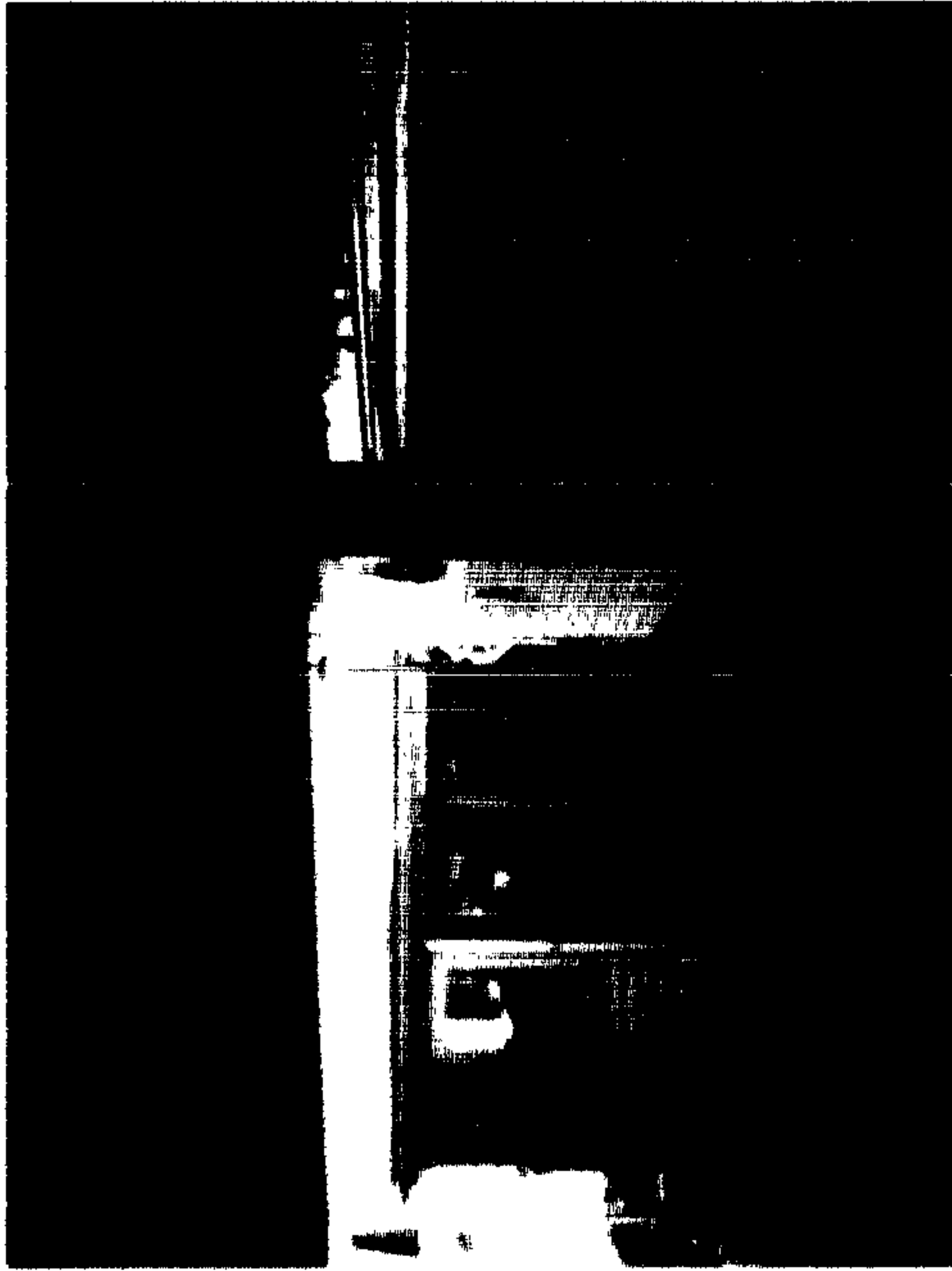
709 Oakley's Beach Road



709 Oakley's Beach Road



709 Oakley's Beach Road



709 Oakleigh Beach Road



709 Oakleigh Beach Road



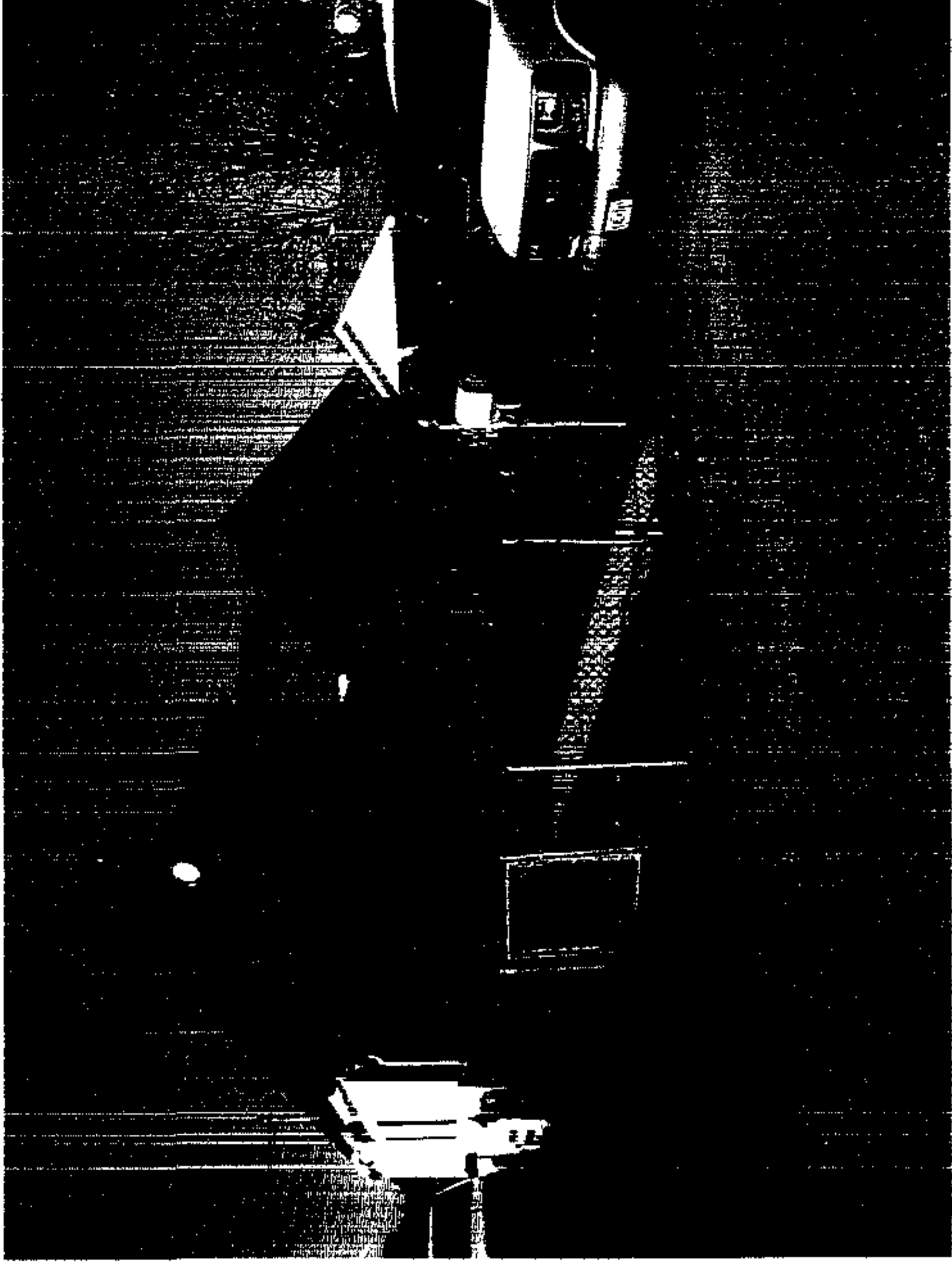
709 Oakleigh Beach Road



707-709 Oakleigh Beach Road



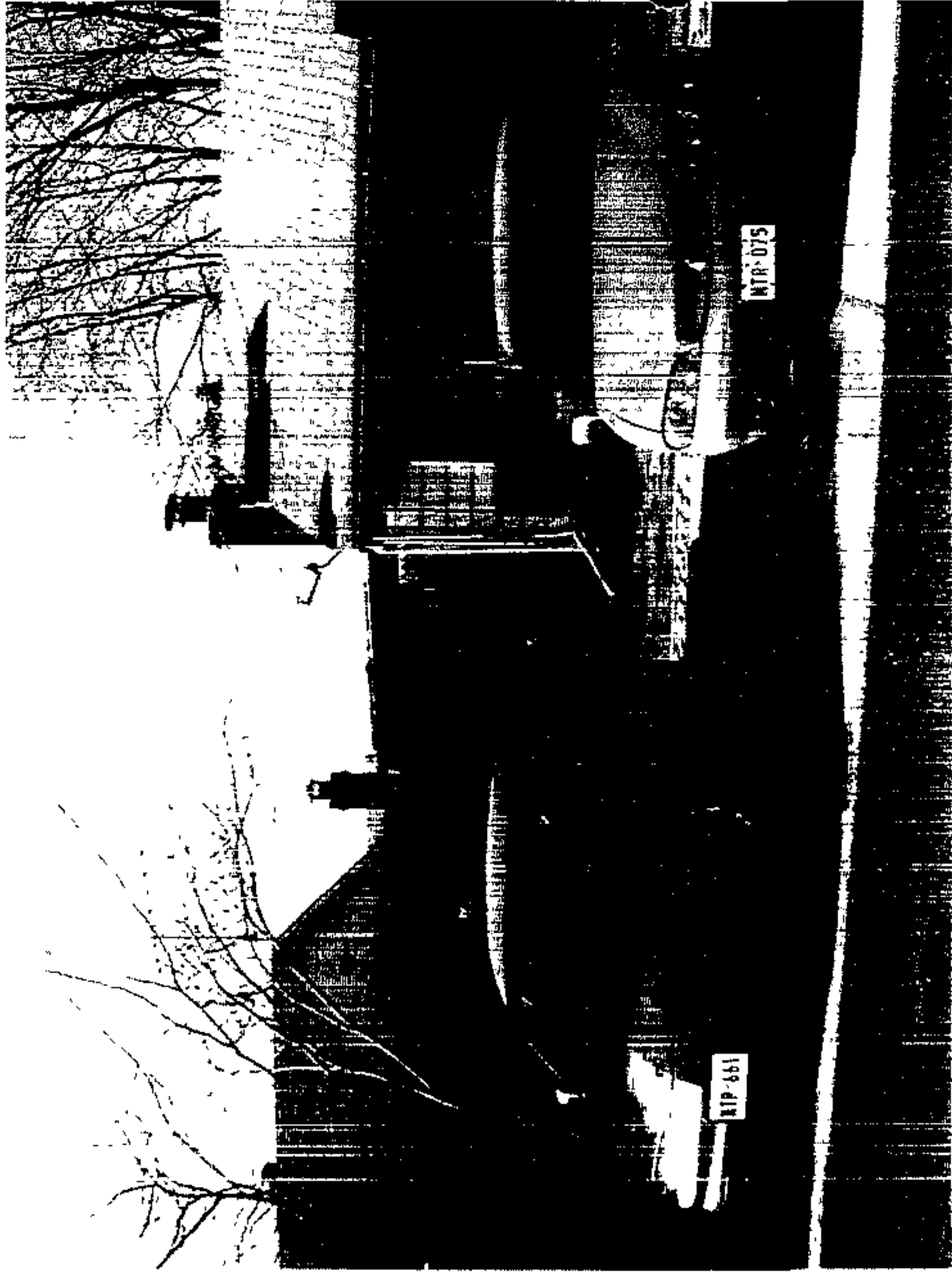
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707 Oakleigh Beach Road



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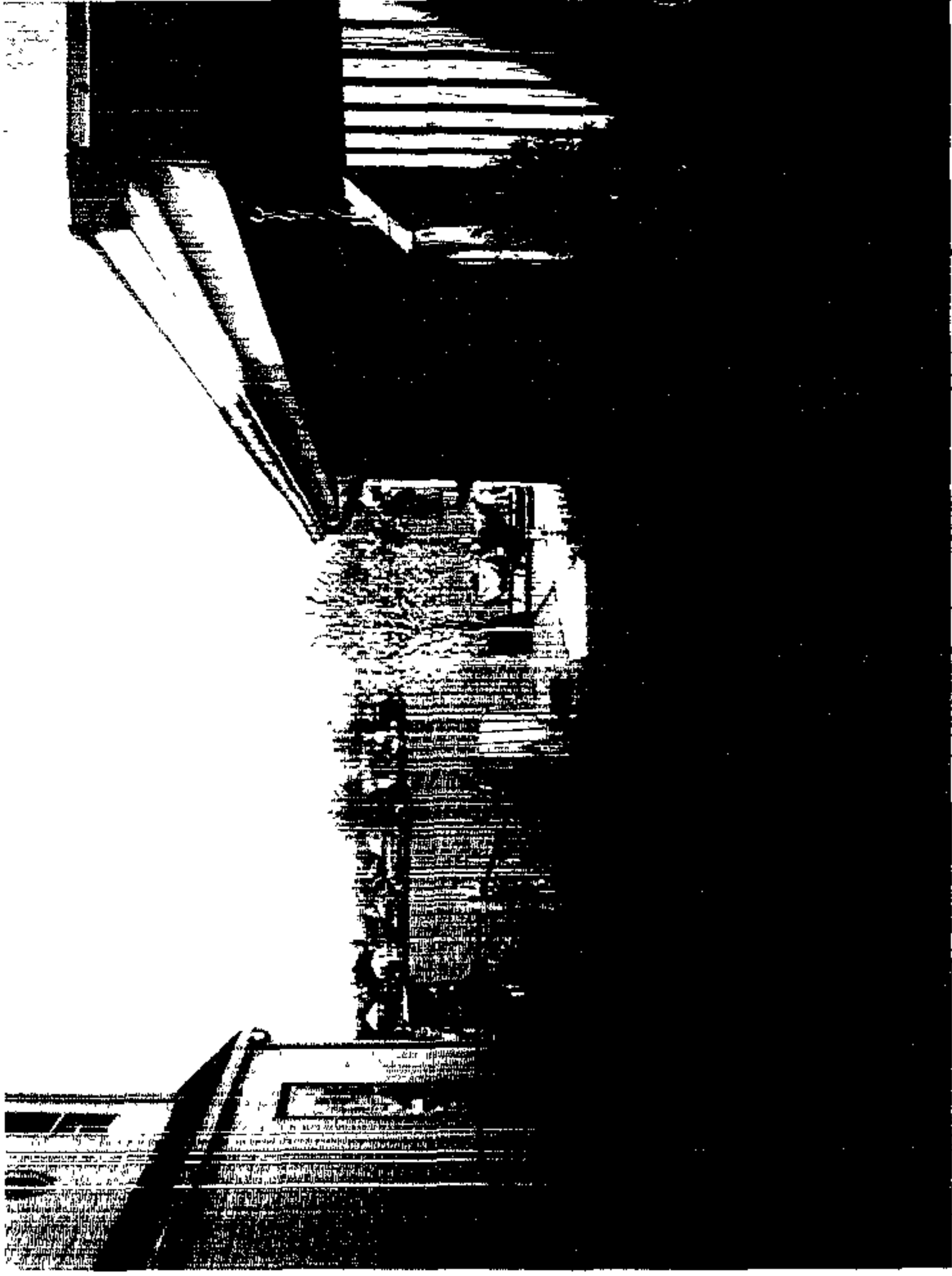
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709-711 Oakleigh Beach Road



709 Oakleigh Beach Road

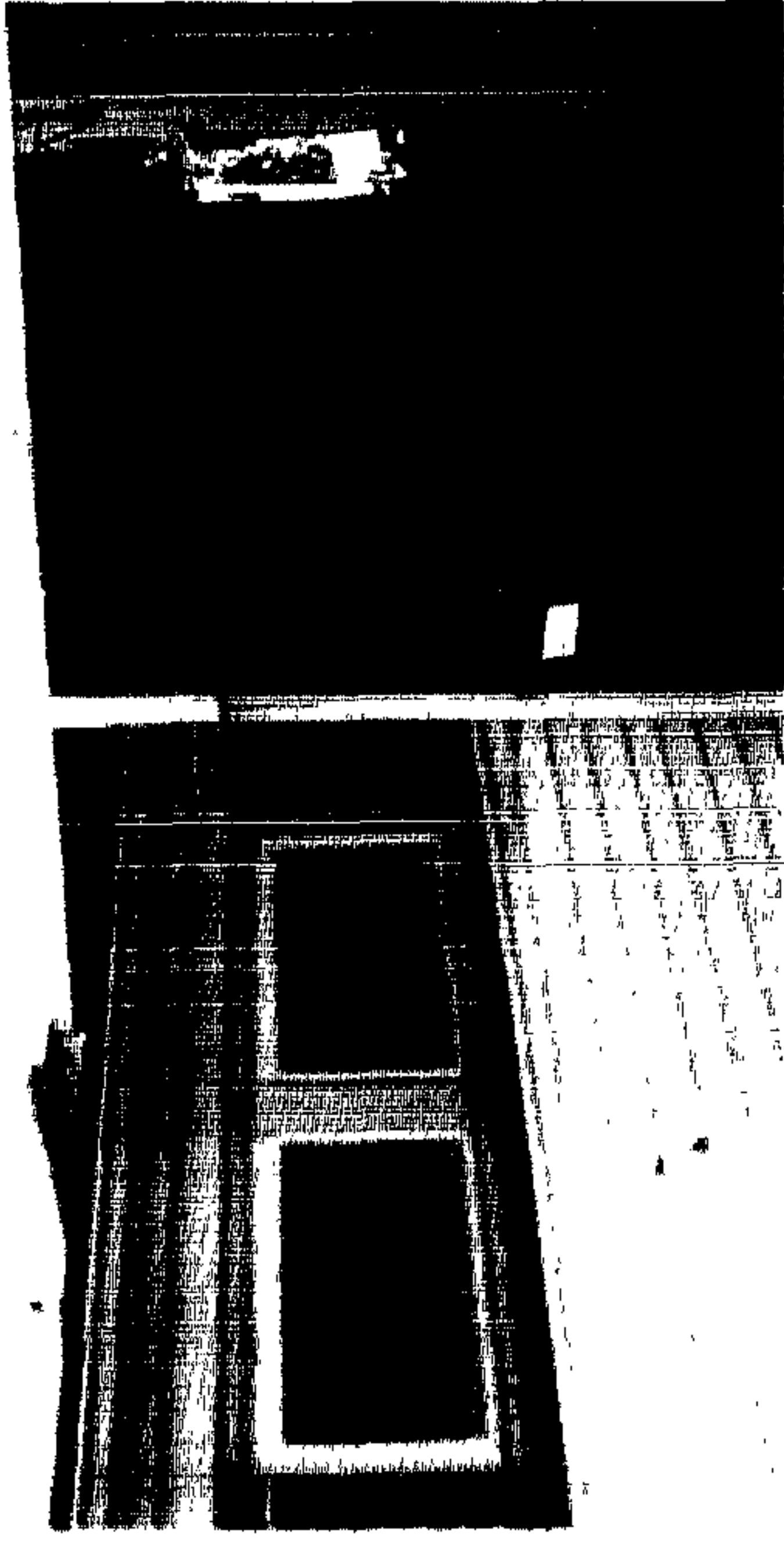


707-709 Oakleigh Beach Road



709 Oakleigh Beach Road

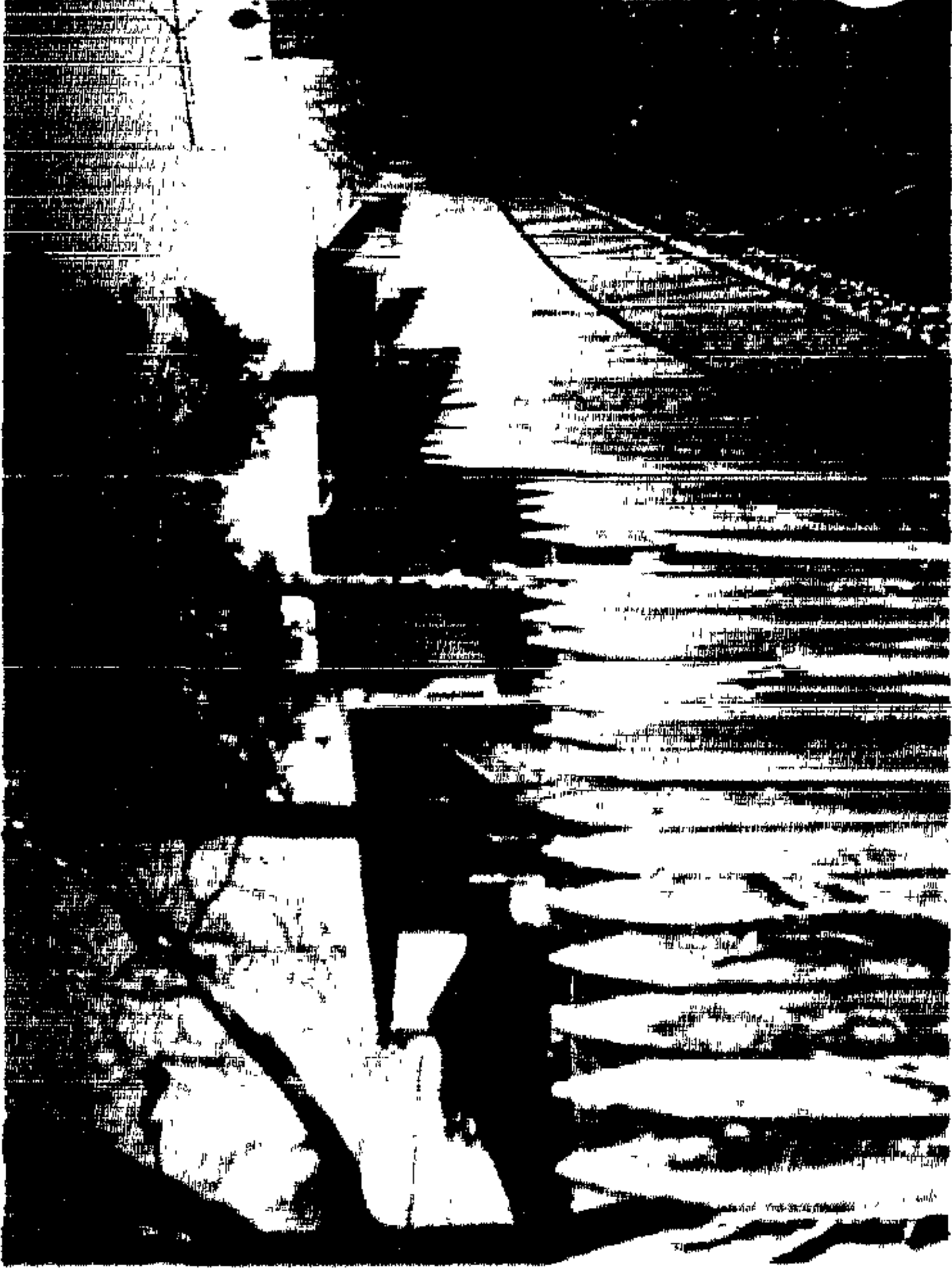
#475



709 Oakleigh Beach Road



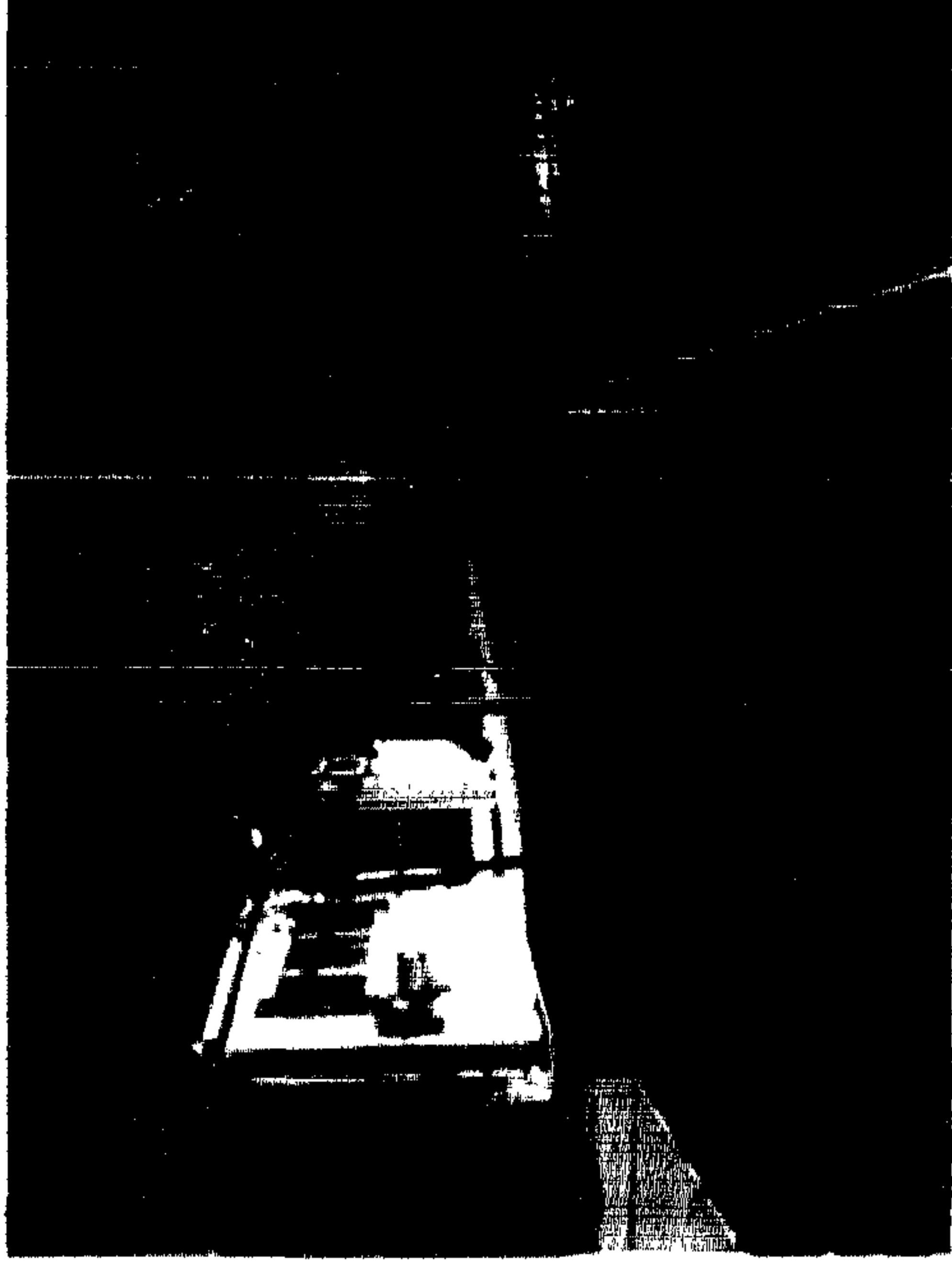
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707 Oakleigh Beach Road

