IN RE: PETITION FOR ADMIN. VARIANCE

N/W side of Woodholme Avenue

S/W of Reisterstown Road

3rd Election District

2nd Councilmanic District

(28 Woodholme Avenue)

Brent and Patricia Erbe Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 06-593-AV

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, Brent and Patricia Erbe. The variance request is for property located at 28 Woodholme Avenue Woodholme Country Club area of Baltimore County. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the required 15 feet and to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that their lot is 3.18 acres in size. All of their land is in the front yard with no available room on the rear of the property and this creates a hardship as to where they can place the needed garage. The existing home was built in 1951 and has very little space for storage. They are asking to have a storage area in the proposed garage and changing the allowable height of the garage to 22 feet in lieu of the 15 feet required by code. The property is zoned DR 1 and the proposed garage measures 31 feet x 51 feet in size.

the feet

Zoning Advisory Committee Comments

A Zoning Advisory Committee (ZAC) comment was received from the Office of Planning, dated June 8, 2006 which recommended certain restrictions, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 7, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner have filed the supporting affidavits and photographs 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 Petitioner.

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 14th day of June, 2006, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow an accessory structure (detached garage) with a height of 22 feet in lieu of the required 15 feet and to be located in the front yard in lieu of the required rear yard.

- 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 or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.
- 4. Revise the site plan to show the additional paving that will be required to access the proposed garage.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 14, 2006

BRENT AND PATRICIA ERBE 28 WOODHOLME AVENUE BALTIMORE MD 21208

Re: Petition for Administrative Variance

Case No. 06-593-A

Property: 28 Woodholme Avenue

Dear Mr. and Mrs. Erbe:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

Jen v. musky

JVM:pz Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	or the pro	perty located at	#28 Woodholme A	venue
		whic	h is presently zoned _	DRI
This Petition shall be filed with the Department of owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance	e from Sec	tion(s) A00.	and 400.3.	BCZZ
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the required 15ft and locate	din	the front	yourd in lieu	of the
required rear yard.		•	V	
of the zoning regulations of Baltimore County, to the back of this petition form.	e zoning la	aw of Baltimore	County, for the reaso	ons indicated on the
Property is to be posted and advertised as prescribed I, or we, agree to pay expenses of above Variance, advertised regulations and restrictions of Baltimore County adopted p	isina postio	a. etc. and further	agree to and are to be t	oounded by the zoning
		I/We do solemn	y declare and affirm, un are the legal owner(s)	der the penalties of of the property which
Contract Purchaser/Lessee:		Legal Owner	<u>(s):</u>	
		Brent Erbe		
Name - Type or Print	Name -	Type or Print	-in Tile	
Signature		Signature Patricia I	Erbe	
Address Telephone	No.	Name Type or Pr	* // /7 . 4 . /	
City State Zip C	code	Signature		410-486-2688
Attorney For Petitioner:			me Avenue	Telephone No.
		Address Baltimore	MD 21208	TOIGPHONE TWO.
Name - Type or Print	City	<u> </u>	State	Zip Code
		Representat	ive to be Contacte	<u>d:</u>
Signature		Site Rite	Surveying, Inc.	
Company		Name 200 E. Jop	oa Road, Room 10	
Address Telephone	No.	Address	21296	Telephone No.
City State Zip C	Code	Towson, MD	State	Zip Code
	nd to be recu	sired it is ordered	by the Zoning Commissions	er of Baltimore County, this
day of, that the subject matter of Baltimore County and that the property be reposted.	of this petition	be set for a public he	aring, advertised, as require	d by the zoning regulations
Of Datument County and Plate and Property no represent.				
		Zoning	Commissioner of Baltimore (County
$\Delta L = 0.0$		_	_	
CASE NO. 06-593-A Revie	ewed By	3000	Date	
REV 9/15/98 ·	Estimat	ed Posting Date	5-28.06	3

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	28 Woodholm	, r , r , r , r , r , r , r , r , r , r	<u>,</u>
	Baltimore	MD State	21208 Zip Code
That based upon personal knowledge, Store New Variance at the above address (indicate Lardshi	City ving are the rects p or practical diffic	upon which I/we base the	•
Even though our lot is 3.18 acres a room on the rear of the property, or garage. The existing home was built therefore we are asking to have sto to 22' in lieu of 15' required by o	reating a had in 1951 and orage area in	rdship as to where w has very little spa	me can place the needed nce for storage,
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a line of the line	additional informa	tion. Astrice	
Signature Brent Erbe	•	Signature Patricia Erbe	
Name - Type or Print	Name - Ty		
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 28 day of 16 State of Maryland, in and for the County aforesa the Affiant(s) herein, personally known or satisfalaw that the matters and facts hereinabove set for	id, personally apparent of the latest actorily identified	to me as such Affiant(s), a	me, a Notary Public of the nd made oath in due form of r/their knowledge and belief.
AS WITNESS my hand and Notarial Seal_ U 28/06 Date	Notary P	De Fasse	

REV 09/15/98

MELISSA F. EISNER, NOTARY PUBLIC **BALTIMORE COUNTY** STATE OF MARYLAND MY COMMISSION EXPIRES JUNE 1, 2007

My Commission Expires _____

ZONING DESCRIPTION #28 WOODHOLME AVENUE

BEGINNING at a point on the northwest side of Woodholme Avenue which is 30 feet wide t the distance of 681 feet southwest of the centerline of Reisterstown Road which is 66 feet wide. As recorded in Deed Liber 21506, folio 710 and running and binding along the centerline of Woodholme Avenue 300 feet; thence N28°36'W, 461'-9"; thence N60°28'E, 300.00 feet and thence S28°36'E, 464'-8-1/2" to the POINT OF BEGINNING, containing 3.18 acres, more or less. Also known as #28 Woodholme Avenue and located in the 3rd Election District, 2nd Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

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ADMINISTRATIVE

CASE # 06-593-A

VARIANCE TO PERMIT AN ACCESSORY

STRUCTURE WITH A HEIGHT OF 22 FEET IN LIEU OF THE REGUIRED 15 FEET AND LOCATED

IN THE FRONT YARD IN LIEU OF THE REQUIRED

REAR YARD

PUBLIC HEARING

PORSUMET TO SECTION 26-12/(b)(1), INCIDENCE COUNTY COMAM ELICIBLE MONITORIL OR GROUP MAY
REQUEST A PUBLIC MEANING CONCERNING
THE PROPOSED MARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZOMING REPURN SHIELD BEFORE
JUNE 12, 2006

ADMINISTRATION IN A PROPERTY OF THE PERSONAL PROPERTY OF THE BURNESS OF THE PERSONAL PROPERTY OF

ALECCAPED ACCESSIVE



CERTIFICATE OF POSTING

ltimore County Department of rmits and Development Management unty Office Building, Room 111 1 West Chesapeake Avenue wson, MD 21204
tention: Christen Matthews
dies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s)
puired by law were posted conspicuously on the propery located at
e sign(s) were posted on MAY 2), 2006 (Month, Day, Year)
Sincerely, Sincerely, (Signature of Sign Poster and Date)
CARLAGEDE, MOORE (Printed Name)
3225 RYERSON CIRCLE (Address)
BALTIMORE, MD, 21227 (City, State, Zip Code)
(Telephone Number)

RE: Case No.: 06-593-A

Petitioner/Developer: Pasur Erse

Date of Hearing/Closing: Juuf 12, 7006

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	06-	593	3 -A		Address	28	W 0	CD H CL N	NE AUE.	
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Petitioner's Name BRENT ERBE Telephone 45-486-Zk58											
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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 Advertis	sing:	
Item Number or Case Nur		
Petitioner: Brut a	nd Pathua EVbe	
Address or Location:	28 Wood holme	Avenue
	-	
PLEASE FORWARD ADV		
Name: Brut a	nd Patrizia Erbe	
Address: 28	Wood holme Avenue Winore, MD 2/208	
Balt	more, MD 2/208	

Department of Permits Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 2120 a
Tel. 510-887-3353 • Fax. 410-887-5708



Baltimore County

James T Smith Jr. County Executive Timothy M. Kotroco Director

June 13, 2006

Brent Erbe Patricia Erbe 28 Woodholme Ave. Baltimore, MD, 21208

Dear: Mr. Erbe and Mrs. Erbe,

RE: Case Number: 06-593-A; 28 Woodholme Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 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. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Rd., Room 101 Towson, MD 21286



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 8, 2006

RECEIVED

JUN 0 9 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 28 Woodholme Avenue

INFORMATION:

Item Number: 6-593

Petitioner: Brent Erbe

Zoning: DR 1

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The office has received a set of architectural elevation drawings, which show a garage that from the exterior is residential in appearance. There are no connection to public utilities and no living quarters shown. The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Revise the site plan to show the additional paving that will be required to access the proposed garage.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

W:\DEVREV\ZAC\6-593 doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 8,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 30,2006

Item Numbers: Item Number 590-596

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: May 30, 2006 Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For June 5, 2006

Item No. 590, 591, 592, 593, 594, and 595

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-05302006.doc



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

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

JCM

Maryland Department of Transportation

Date: 5.25.01

Item No.

Baltimore County

RE:

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

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

1. And

Engineering Access Permits Division



#28 Woodholme Avenue (068A3)





















