

IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Willow Glen Drive
East of Copperfield Road
3rd Election District
3rd Councilmanic District
(2610 Willow Glen Drive)

Benjamin and Leeba Berger
Petitioners

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*
*

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-607-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, Benjamin and Leeba Berger. The variance request is for property located at 2610 Willow Glen Drive. The variance request is from Section 211.4 (1955-71) of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a rear yard setback of 26 feet in lieu of 30 feet for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that the rear of the home is the only logical place they can add a sun room. Their lot is shallow at 115 feet deep. The proposed sun room measures 15 feet x 14 feet.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

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

90-282-06
10/1/06
10/1/06

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 8, 2006, 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 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,

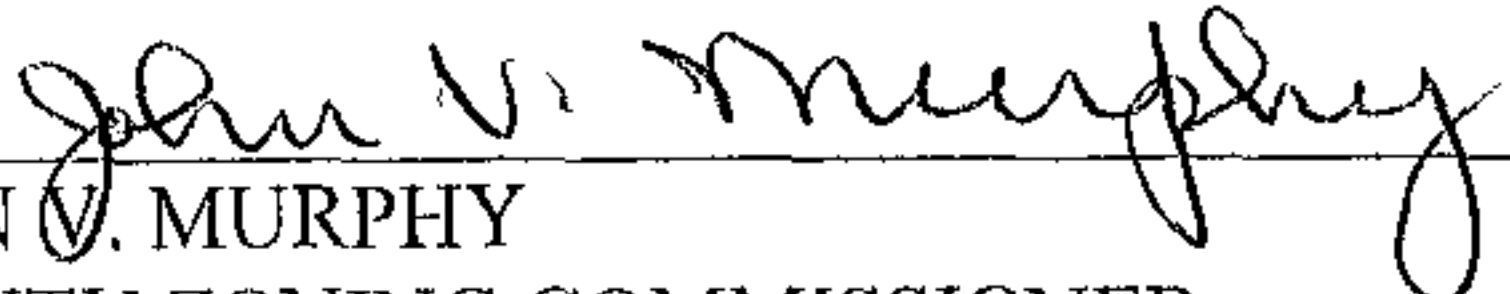
strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 29th day of June, 2006, that a variance from Section 211.4 (1955-71) of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a rear yard setback of 26 feet in lieu of 30 feet for a proposed addition be and is hereby GRANTED, subject to the following:

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 Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2610 Willow Glen Dr.
which is presently zoned Dr5.5
(formerly R-6)

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) 211.4, 1955-71 BCZR TO PERMIT

A REAR YARD SETBACK OF 26 FT IN LIEU OF 30 FT. FOR A PROPOSED ADDITION
GA

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 _____

Legal Owner(s):

Benjamin Berger
Name - Type or Print _____
Signature _____
Leeba Berger
Name - Type or Print _____
Signature _____
2610 Willow Glen Dr. 410-580-9456
Address Telephone No.
Baltimore MD 21209
City State Zip Code

Representative to be Contacted:

Mike Diehl
Name _____
7110 Golden Ring Rd 410-780-0062
Address Telephone No.
Baltimore MD 21221
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, this _____ day of _____ 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.

CASE NO. 06 607 A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By D/O JL Date 6/01/06

Estimated Posting Date 6/11/06

6-29-06
pb

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 2610 Willow Glen Dr.
Address
Baltimore MD 21209
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):

The rear of our home is the only logical place we can add a sun room, The problem is the shallowness of our lot which is only 115 ft. deep, and this will leave us with a 26ft. Rear setback in lieu of the required 30ft.

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.

[Signature]
Signature

Benjamin Berger
Name - Type or Print

[Signature]
Signature

Leeba Berger
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

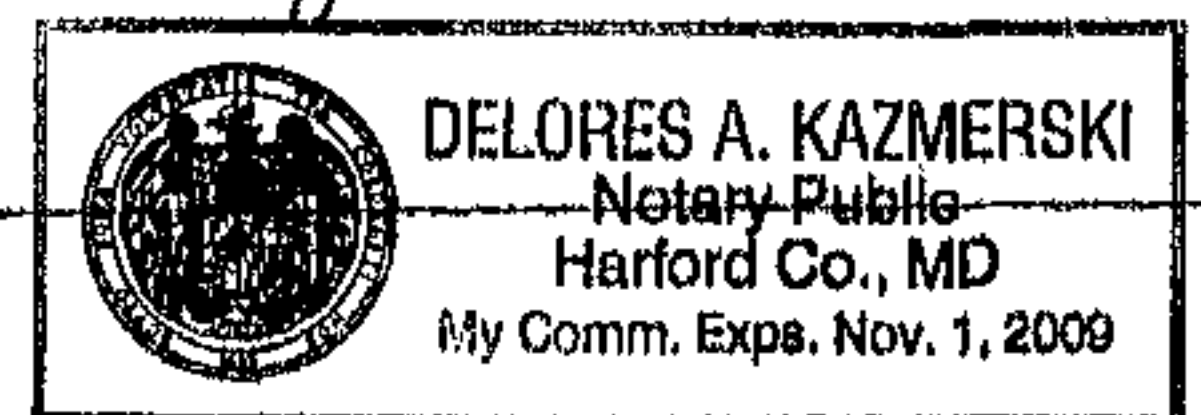
I HEREBY CERTIFY, this 28 day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Benjamin & Leeba Berger
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires



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 2610 Willow Glen Dr.
Address
Baltimore MD 21209
City State Zip Code

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The rear of our home is the only logical place we can add a sun room, The problem is the shallowness of our lot which is only 115 ft. deep, and this will leave us with a 26ft. Rear setback in lieu of the required 30ft.

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.

[Signature]
Signature
Benjamin Berger
Name - Type or Print

[Signature]
Signature
Leeba Berger
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Benjamin & Leeba Berger
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires
 DELORES A. KAZMERSKI
Notary Public
Harford Co., MD
My Comm. Exps. Nov. 1, 2009



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2610 Willow Glen Dr.
which is presently zoned Dr5.5
(formerly R-6)

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) 211.4, 1955-71 BCZR. To PERMIT

A REAR YARD SETBACK OF 26 FT. IN LIEU OF 30 FT. FOR A PROPOSED ADDITION

CA

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

Legal Owner(s):

Benjamin Berger
Name - Type or Print

Signature

Leeba Berger
Name - Type or Print

Signature

2610 Willow Glen Dr. 410-580-9456
Address Telephone No.

Baltimore MD 21209
City State Zip Code

Representative to be Contacted:

Mike Diehl
Name

7110 Golden Ring Rd 410-780-0062
Address Telephone No.

Baltimore MD 21221
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, this day of , 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.

Zoning Commissioner of Baltimore County

CASE NO. 06 607 A

REV 10/25/01

Reviewed By D/O JL Date 6/11/06

Estimated Posting Date 6/11/06

10-29-06
W

607

Zoning Description for 2610 Willow Glen Drive.

Beginning at a point on the North side of Willow Glen Drive. which is 45 ft. wide at the distance of 185ft. ~~North~~ ^{G.A.} ~~East~~ of the centerline of the nearest improved intersecting street Copperfield Rd. which is 60 ft. wide. *Being lot #32, Block#C, Section#2 in the subdivision of Pickwick as recorded in the Baltimore county Plat Book #31, Folio #39, containing 6,900 sq. ft. Also known as 2610 Willow Glen Drive. and located in the 3rd election district, 2nd Councilmanic District.

607

ID ~~70~~
No. 15968

AMOUNT \$ 65.00

FOR: Rebecca E. M.

9610 10/11/20

DISTRIBUTION:
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CASHIER'S VALIDATION

[The page contains several faint, illegible markings and what appears to be a large, dark smudge or ink blot in the center.]

CERTIFICATE OF POSTING

RE: Case No.: 06-607-A

Petitioner/Developer: BEN AND
LEEBA BERGER

Date of Hearing/Closing: 6/26/06

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: _____

2610 WILLOW GLEN DRIVE

The sign(s) were posted on 6-11-06
(Month, Day, Year)

Sincerely,

Robert Black 6-12-06
(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)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 06-607-A

TO PERMIT A REAR YARD SETBACK OF 25 FT. IN LIEU OF
30 FT. FOR A PROPOSED ADDITION

PUBLIC HEARING ?

PURSUANT TO SECTION 16-127(a)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:00 P.M. ON THURSDAY, JUNE 21, 2006.
ADDITIONAL INFORMATION IS AVAILABLE AT
THE PERMITS AND DEVELOPMENT MANAGEMENT
DEPARTMENT, 111 WEST CHESAPEAKE AVENUE,
TOWSON, MD 21204. (410) 887-3394

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 607 -A

Address 2610 WILLOW GLEN DR.

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/01/06

Posting Date: 6/11/06

Closing Date: 6/26/06

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- 607 -A

Address 2610 WILLOW GLEN DR

Petitioner's Name BEN + LEEBA BERGER

Telephone 410 580 9456

Posting Date: 6/11/06

Closing Date: 6/26/06

Wording for Sign: To Permit A REAR YARD SETBACK OF 26 FT. IN LIEU OF 30 FT.
FOR A PROPOSED ADDITION

607

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: 06 607 A

Petitioner: Berger, Benjamin + Leeba

Address or Location: 2610 Willow Glen Dr Balto Md. 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion

Address: 7110 Golden Ring Rd
Balto Md 21221

Telephone Number: 410 780-0062

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

June 28, 2006

Benjamin Berger
Leeba Berger
2610 Willow Glen Dr.
Baltimore, MD 21209

Dear: Mr. & Mrs. Berger,

RE: Case Number: 06-607-A, 2610 Willow Glen Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 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, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel
Mike Diehl 7110 Golden Ring Rd. Baltimore, MD 21221

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





Baltimore County
Fire Department

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

June 6, 2006

(601)

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 5, 2006

Item Numbers: Item Number 176, 598 through 608

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: June 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, ~~607~~ and 608

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-06072006.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, ~~607~~ and 608

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-06202006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 14, 2006

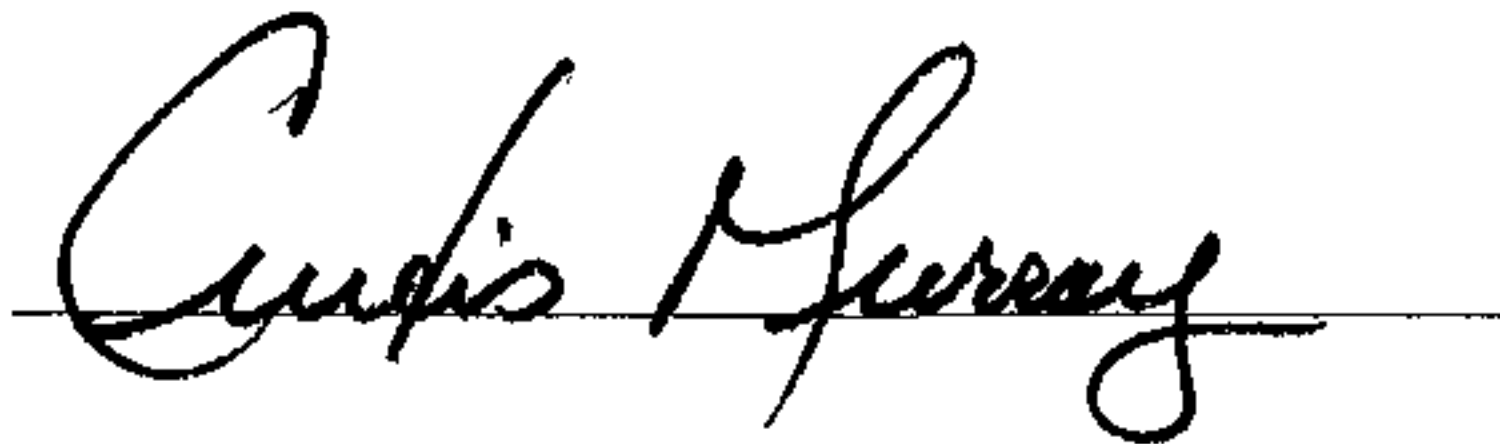
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-607- Administrative Variance**

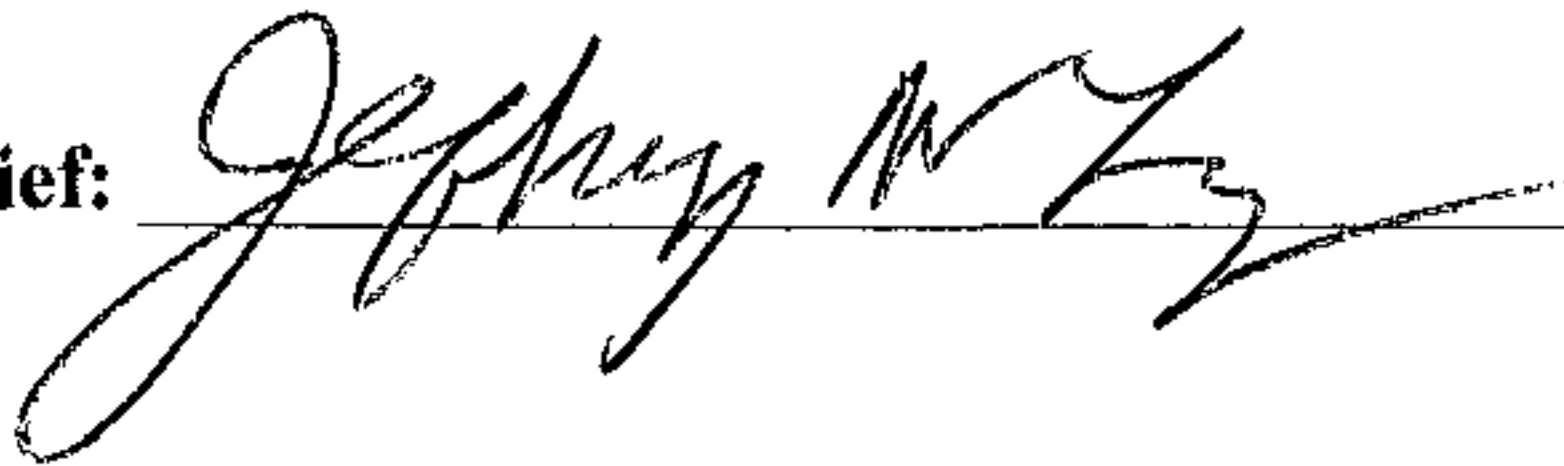
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 1 / 2006

ZONING

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



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

Maryland Department of Transportation

Date: 6.5.06

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

RE: Baltimore County
Item No. 607 JLL

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).

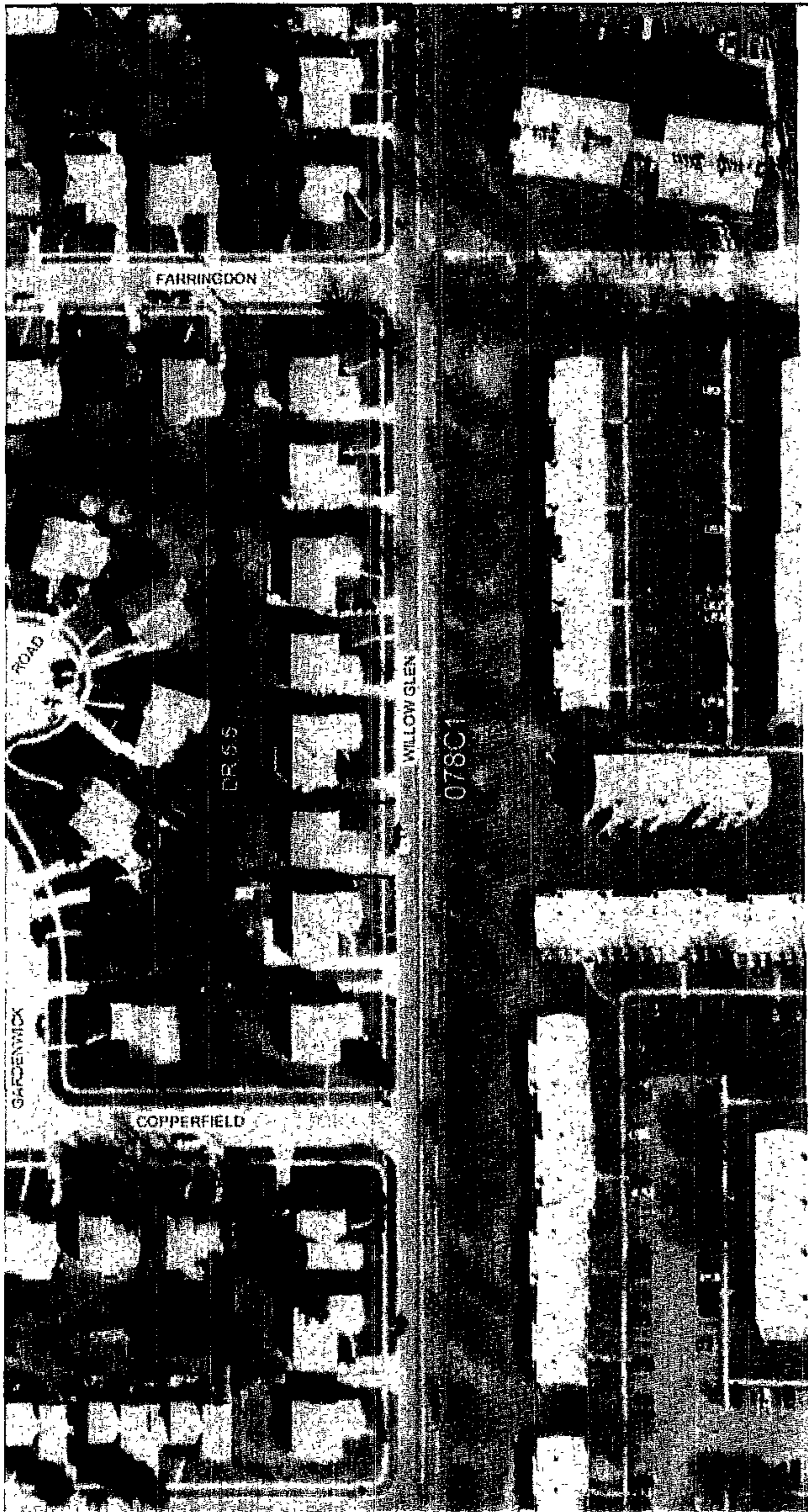
Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

#607



Copyright © 2005 Baltimore County, Maryland

07801

PROPERTY ADDRESS 2610 Willow Glen Dr.

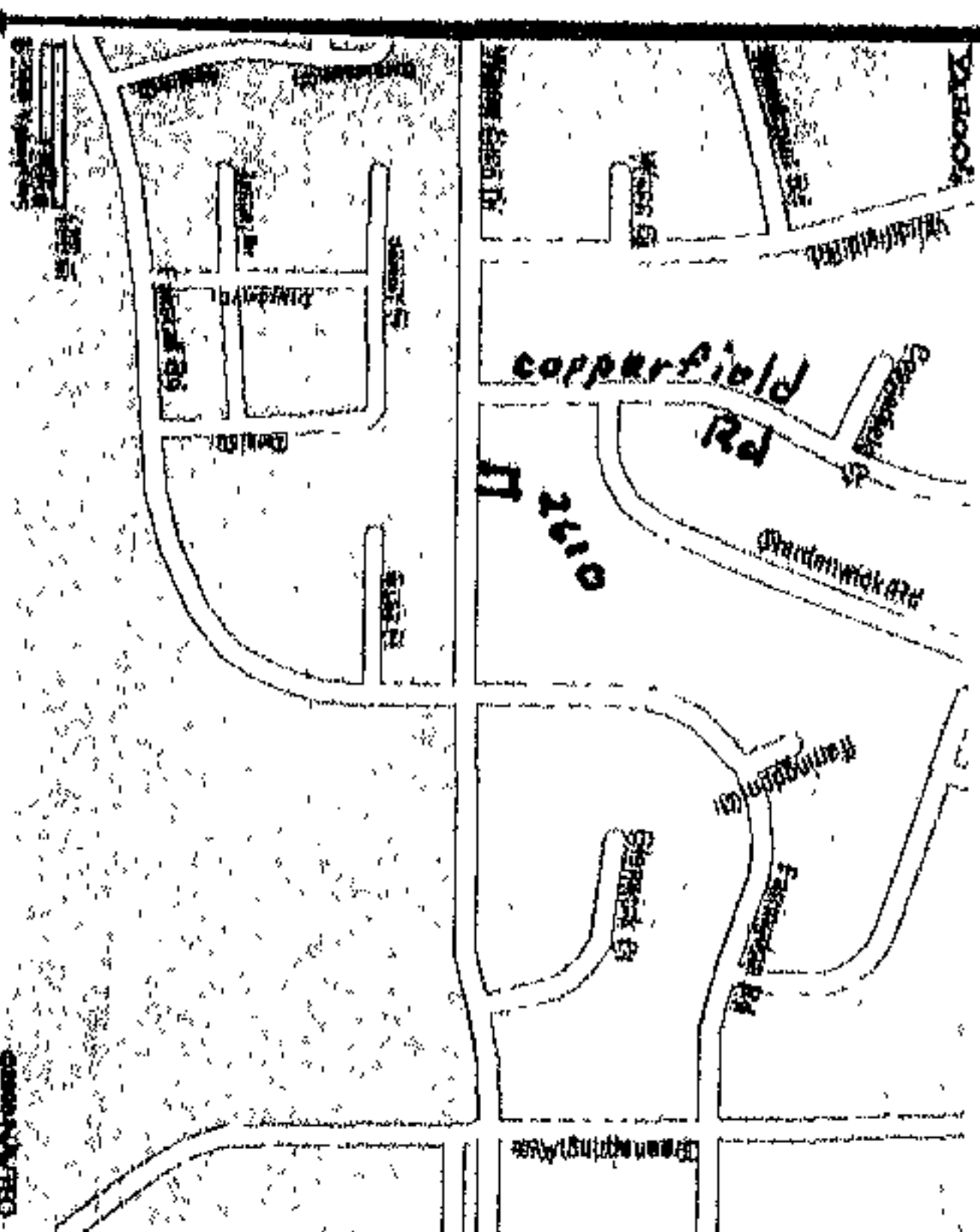
PLAT BOOK # 31 FOLIO # 39 LOT # 32 SECTION # 2

OWNER Berger, Benjamin + Leeba



PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 20'



ELECTION DISTRICT 3

1"=200' SCALE MAP # 078C1

**ZONING DR 5.5
(Formerly R-6)**

LOT SIZE

ACREAGE 6,900
SQUARE FEET

PUBLIC PRIVATE

SEWER

WATER ☒

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN
HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY **ITEM #** **CASE**

THE

CASE

66-607A

607



Side view of 2608 Willow Glen Dr,



rear view of 2610 Willow Glen dr, and
location of proposed patio room



side view of 2612 Willow Glen dr,