IN RE: PETITION FOR ADMIN. VARIANCE
W side Carville Avenue, 237.6 feet N
c/l Link Avenue
13th Election District
1st Councilmanic District
(5548 Carville Avenue)

Bryan E. and Helen Weimer *Petitioners*

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-280-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, Bryan E. and Helen Weimer. The variance request is for property located at 5548 Carville Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with open projection (deck) to have a side yard setback of 6.3 feet in lieu of the required 7.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they wish to update and remodel the interior of the home in order to accommodate the growing family. The remodel will require relocating an exit door. The new deck would be required at the exit door. The Petitioners submitted letters of support from three adjacent property owners.

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

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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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 30, 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 17 day of January, 2007 that a variance from Section 1B02.3.C.1 of the

Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with open projection (deck) to have a side yard setback of 6.3 feet in lieu of the required 7.5 feet 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.

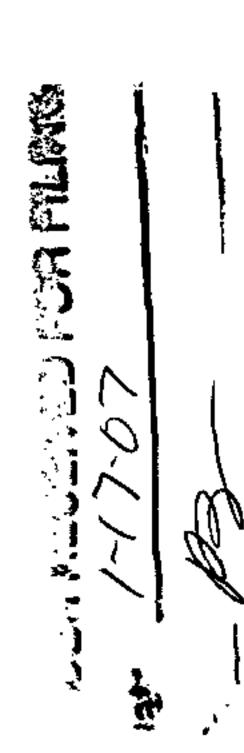
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 17, 2007

BRYAN E. AND HELEN WEIMER 5548 CARVILLE AVENUE BALTIMORE MD 21227

Re: Petition for Administrative Variance

Case No. 07-280-A

Property: 5548 Carville Avenue

Dear Mr. and Mrs. Weimer:

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

JVM:pz

Enclosure

c: Debbie Leister, 2224 Ridgemont Drive, Finksburg, MD 21048



CASE NO. 07-230-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MARYLAND	for the	property lo	cated at	5548	Carvi	lle A	rue-
		, ·	which is	presently	zoned]	JR 5.	5
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of the zoning regulations of Balt					e reasons inc	dicated on	the back
of this petition form.	intoro ocurriy, to tr		or Building C	rounty, tot th		noulou on	the baok
Property is to be posted and adv I, or we, agree to pay expenses of regulations and restrictions of Baltin	above Variance, adv	ertising, posting	, etc. and furth	er agree to a	nd are to be bo ounty.	ounded by t	he zoning
				we are the leg	nd affirm, undergal owner(s) of n.	•	
Contract Purchaser/Lessee	<u> </u>		<u>Legal Own</u>	<u>er(s):</u>			
					Weime	25	
Name - Type or Print		. 4	Name - Type or		0 1000 0		
Signature			Signature	Weig	ner	<u> </u>	<u> </u>
Address	Telepho	one No.	Name - Type or	Print	Vs		
City	State Zi	p Code	Signature	النادي			
Attorney For Petitioner:		•	Address Baltim		MD		42-7657 ephone No.
Name - Type or Print	, <u> </u>		City	101 -	State	42	Zìp Code
Cimantus			Representa	ative to be	Contacted:	-	
Signature			Debbi	e le	ister	L	HO-833 BO
Company			Name 2224	Rid	Ge MON	F 201.	
Address	Telepho	ne No.	Address	vra 1	ND 2	1042	hone No.
City	State Zi	p Code	City	0	State		Zip Code
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regulations of Baltimore County and tha	t the property be repos					. •	
			Zonine	g Commos	of Baltimore C	punty	
		•	-~********				

Reviewed By 17/1:

Estimated Posting Date

Affida Vit 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 5549 Caville Avenue

That the Affiant(s) does/do presently reside at	5546 Carvi	The AV	enue	
	Address Baltimore	MD	21227	•
	City	State		Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ing are the facts upon which or practical difficulty):	I/we base the	request for an Admi	inistrative
To update / remodel intogrowing family, which door. New deck was	Would require	reloca at a	exit door	ex.t
Support letters from with application.	adjoining neigh	abors	are inclu	ded
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Brough Wayne	aditional information.	s) will be requ	uired to pay a repo	sting and
Signature Signature Weimer Name - Type or Print	Signature Signature Name - Type or	Weimer Print		
				. _
STATE OF MARYLAND, COUNTY OF BALTIN	ORE, to wit:			
of Maryland, in and for the County aforesaid, pe	bles Wines		e, a Notary Public of	the Stat
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such	Affiant(s).		
AS WITNESS my hand and Notarial Seal	Notary Public	V		
REV 10/25/01	My Commission Expi	res _ <i>H1/9 a</i>	154 1, 2008	

Affida Vit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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. 5548 Carville Avenue

	Balt mone	MD	2427 Zip Code
That based upon personal knowledge, the following	city lowing are the facts upor	State which I/we base the re	•
Variance at the above address (indicate hards)	hip or practical difficulty):		
To update / remodel i	nterior.ot	vesidence.	to accommoda
growing family, which	h would	require re	locating an
growing family, which exit door. New deck	- would be	required	et exit door.
Support letters from included with applica	m adjoining	neighbor	s are
included with applica	thon.		
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		•	
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, additional information.	Affiant(s) will be requi	red to pay a reposting and
Brown Weiner		Welen Wew	<i>]</i>
Bryan E. Weiner	Signat	ure elen Weime	
Name Type or Print	Name	- Type or Print	<u>*</u>
STATE OF MARYLAND, COUNTY OF BALT		721/	- Natara Dable of the Ctote
of Maryland, in and for the County aforesaid, p	· · · · · · · · · · · · · · · · · · ·	_, <i><u>خاران (مارانخی)</u>,</i> before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satis	sfactorily identified to me	as such Affiant(s).	
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AS WITNESS my hand and Notarial Seal	. 1/	11/2-5	
	Notary Public	Oy/SOL (16	<u> </u>
	My Commiss	ion Expires Hvg 0=	£ 1, 2008
REV 10/25/01	•	, Ç	



REV 10/25

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

for the property located at	5548	Carri	110	Ave	-,
* - · ·	is presently 2	zoned)R S	5.5	
epartment of Permits and Develo	pment Manage	ement. The	e under	rsigned,	legal

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) | Boz.3.6.1 BCZR

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH OPEN PROJECTION (DECK) TO HAVE A SIDEYARD SETBACK OF 6.3' IN LIEU OF THE REQUIRED 7.5'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Le	essee:		Legal Owner(s):
Name - Type or Print	<u> </u>		Bryan E. Weimer Name-Type or Print Bryan E. Weimen
Signature		<u>-</u>	Signature Weimer
Address	· ,	Telephone No.	Name - Type or Print
Attorney For Petitione	State <u>r:</u>	Zip Code	Signature 5548 Carville Ave 410-242-765 Address. Ralto. MD 21227
Name - Type or Print			City State Zip Code Representative to be Contacted:
Signature			Debbie Leister
Company			2224 Ridgemost Dr. 410.833.8066
Address		Telephone No.	Address Telephone No.
City	State	Zip Code	City State Zip Code
A Public Hearing having been his day of egulations of Baltimore County a	and that the prope	at the subject matter of rity be reposted.	zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning Zoning Commission Saltimore County viewed By

Estimated Posting Date

ZONING DESCRIPTION FOR 5548 CARVILLE AVENUE

Beginning at a point on the west side of Carville Avenue which is 40'wide at the distance of 237.6 feet north of the centerline of the nearest improved intersecting street Link Avenue which is 40' wide. Being Lot # 127, in the subdivision of North Halethorpe, Plat #3 as recorded in Baltimore County Plat Book #8, Folio #84, containing 6,250 square feet or 0.143 acres. Also known as 5548 Carville Avenue and located in the 13th Election District, 1st Councilmanic District.

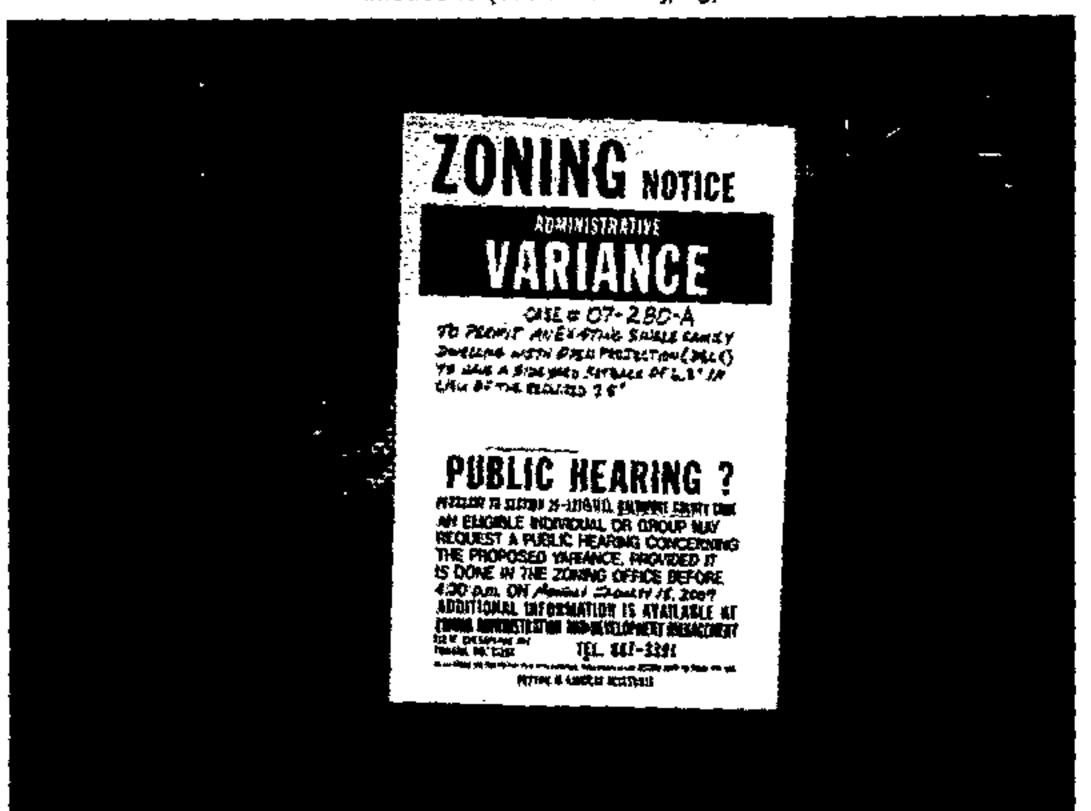
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CERTIFICATE OF POSTING

F	RE: Case No: 07-280-A
	Petitioner/Developer:
D	ate Of Hearing/Closing: 1/15/07
Baltimore County Department of Permits and Development Manageme County Office Building, Room 111	nt
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the penalsign(s) required by law were posted contact. 5548	
This sign(s) were posted on(M	onth Day Year)
	Sincerely, Martin De 12/30/06
(Sig	nature of sign Poster and Date) <u>Martin Ogle</u> Sign Poster
	6 Salix Court Address Ito. Md 21220
_ 	43-629 3411)

im000960 (576x432x24b jpeg)



Martin glo 12/30/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

						
Case	Number 07-	290 -	Address	5548	CARVILLE	AVE
Conta	act Person: _	CIOYO Planner Ple	ase Print You: Name	<u>-E</u>	hone Number: 410-88	7-3391
Filing	g Date: Zl	18/06	Posting Date:	12/31/06	Closing Date:	15/07
Any i throu	contact made gh the contac	with this office t person (planne	regarding the state) using the case nu	us of the admin	nistrative variance sho	ould be
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2.	a luittai let	auesi ioi a publ	te is the deadline for ic hearing. Please the process is not co	i understand the	owner within 1,000 fee at even if there is no losing date.	et to file formal
3.	order that the (typically with	ne matter be sening. (a)	grant the requests in for a public had of the closing date)	earing.* You will as to whether the	the zoning or deputy by the requested relief the receive written notified the petition has been go to by First Class mail.	; or (c)
	commissione changed givi	er), notification ving notice of the	vill be forwarded to hearing date time a	or by order of to you. The signal location Λ_{0}	the zoning or deputy on the property make when the sign was or ed sign must be forward.	zoning just be
·			(Detach Along Dotted	Line)		
etitic	oner: This Pa		s for the Sign Pos	•	**************************************	·
			MINISTRATIVE VAR			
ase	Number 07-	280 -A	. Address	548 CAR	2VILLE AVE	,
etitio	ner's Name _	BRYAN L	NEIMER	Tele	phone 410 833	-8066
ostir	ng Date: 12	131/06	C	osing Date:	1/15/07	
Vordi	ng for Sign:	To Permit AN	EXISTIHG	SINGLEFA	MILY DWELLIF	14
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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 Advertising:
Item Number or Case Number: 07-280-A
Petitioner: Bryan to and Helen Weimer
Address or Location: 5548 Carville Ave Balfo. MD 2122
PLEASE FORWARD ADVERTISING BILL TO:
Name: Bryan E. Weimer
Address: 5548 Carville Ave
Baltimore, MD 21227
Telephone Number: 410.242-7657



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

January 16, 2007

Bryan E. Weimer Helen Weimer 5548 Carville Avenue Baltimore, MD 21227

Dear Mr. and Mrs. Weimer:

RE: Case Number: 07-280-A, 5548 Carville Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 31, 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:amf

Enclosures

c: People's Counsel
Debbie Leister 2224 Ridgemont Drive Finksburg 21048

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 December 21,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 25, 2006

Item Number(s): 267 trough 269 and 271 through 280

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1 - 2 - 2007

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

RE: Baltimore County

Item No. 7-280-A

554B CARVILLE AVENUE

WEIMER PROPERTY HOMIN. PAIZIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-2 BOA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 27, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-280- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 2, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 1, 2006

Item Nos. 07-266, 268, 270, 271,-272, 273,

274, 275, 277, 278, 279, and 280

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-01022007.doc

VARIANCE SUPPORT LETTER

As an adjoining neighbor/property owner to the residence located at 5548 Carville Avenue, Baltimore, MD 21227, we would like to offer our support for the approval of an Administrative Variance for the reduction of the minimum side yard setback of 7 feet to 6.3 feet for a deck. We have been shown proposed plans of the project and approve of the location and construction for the proposed deck.

Name: Mr5	relene E.	gater		
Address: 55	50 Carvi	11E Avenue		
Balto	more, Man	11and 212	27	
Signature.	Clear to Kan	I fait	Date: Set	9/23/00
Signature:	- word		Date:	

Additional Comments:

VARIANCE SUPPORT LETTER

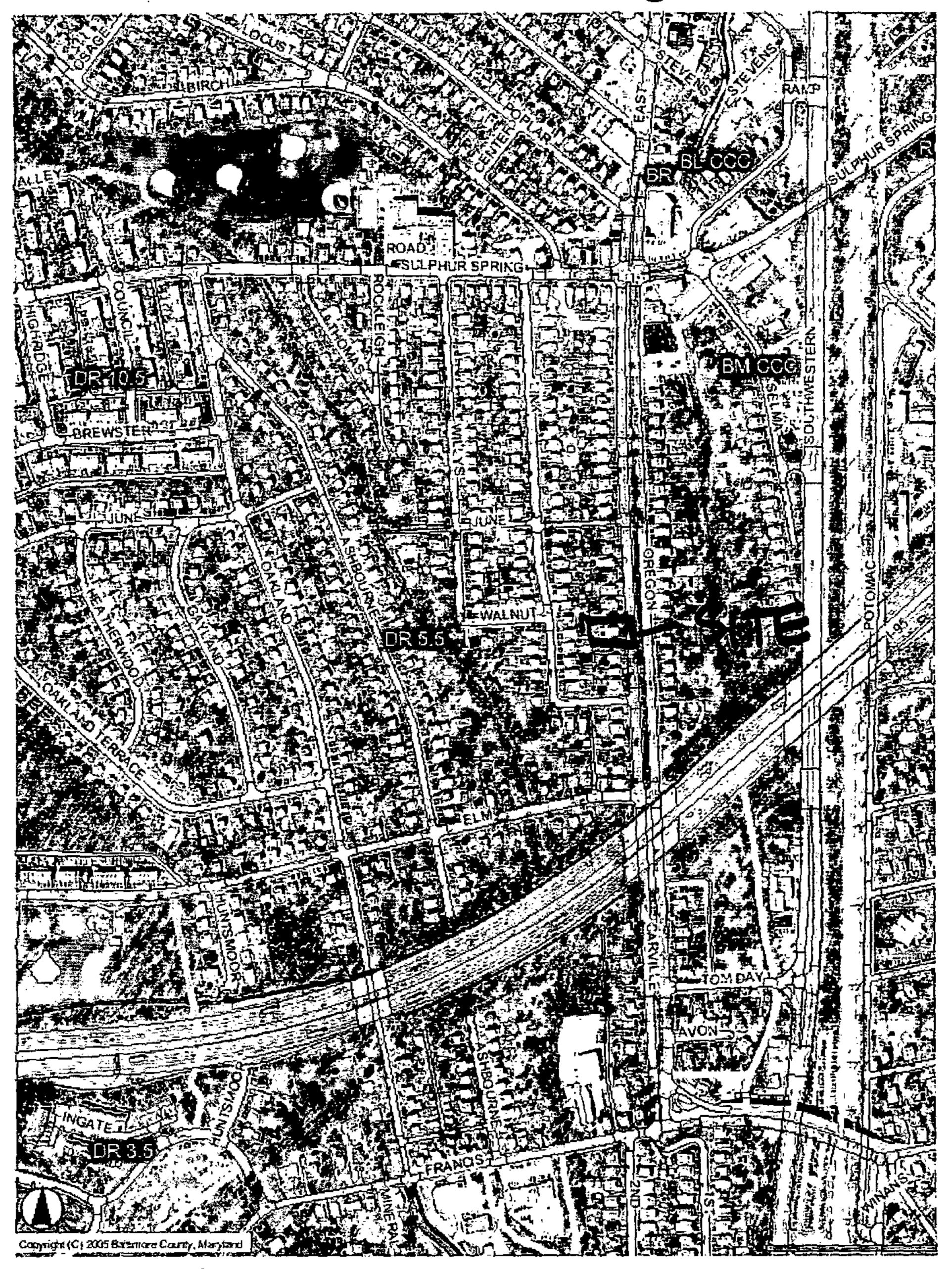
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Name: Mar A. Murphy	<u> </u>
Name: Mar H. Murphy Address: 5551 Link Ave.	
Arbutus, MD 21227	
Signature: Mar A. Murphy	Date: 8.9.06
Signature:	Date:

VARIANCE SUPPORT LETTER

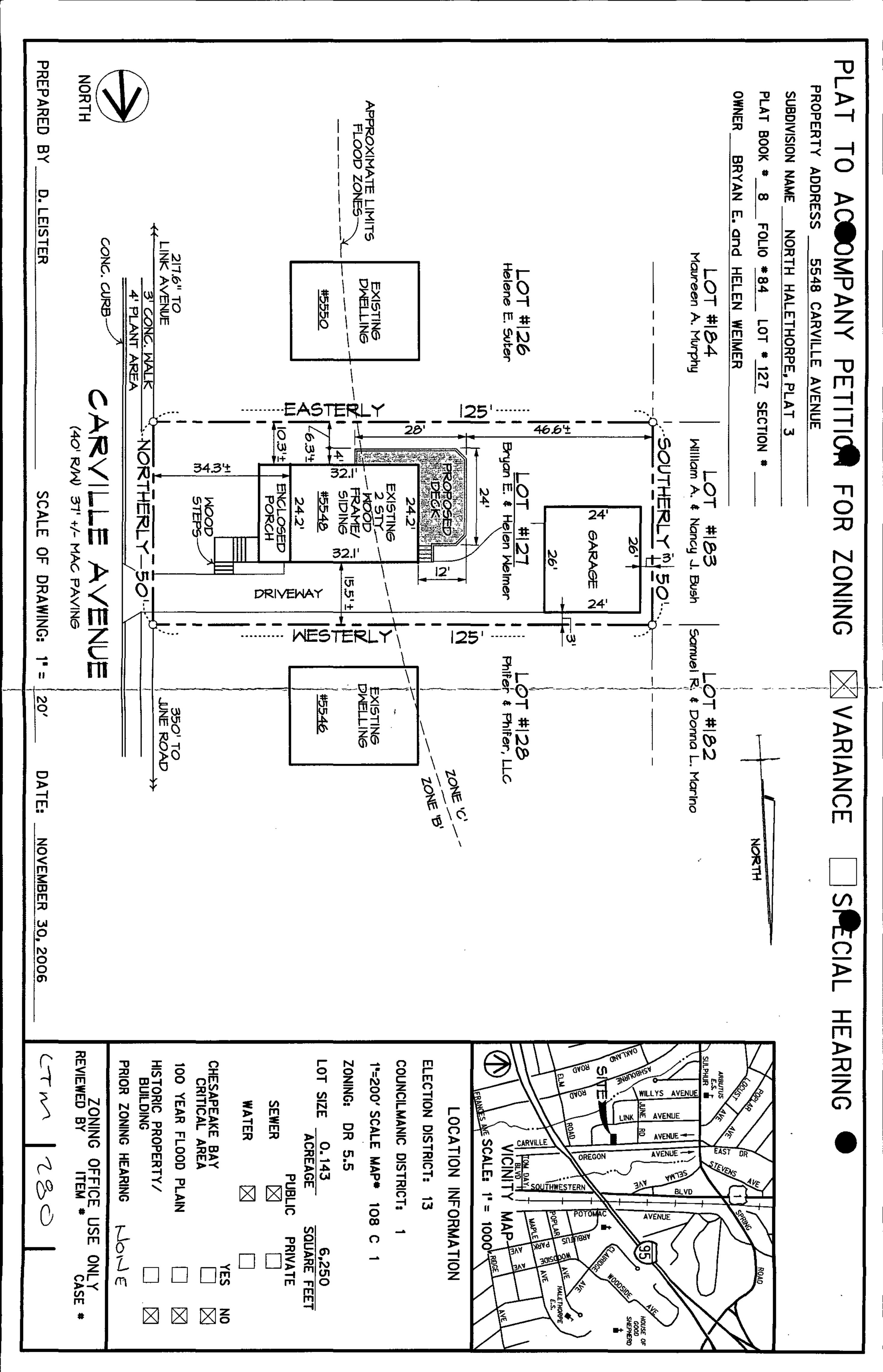
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Name: WILLIAM A. BUSH	
Address: 5549 CINK AUE	
BALTO. MD. 21227	
Signature: Mum A-Bus	Date: 8-9-06
Signature:	Date:
Additional Comments:	



5546 Carville Ave

MAP: 1086/280
pg 12/1/2006



ADMINISTRATIVE VARIANCE SITE PHOTOS FOR 5548 CARVILLE AVENUE



SOUTH SIDE AND FRONT VIEW OF 5548 CARVILLE AVENUE (5550 CARVILLE AVENUE TO THE LEFT OF PHOTO)



REAR AND SOUTH SIDE 5548 CARVILLE AVENUE



SOUTH SIDE OF 5548 CARVILLE AVENUE



REAR OF 5548 CARVILLE AVENUE