

Edward and Susan Wagner Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * BALTIMORE COUNTY
- * CASE NO. 07-483-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, Edward and Susan Wagner. The variance request is for property located at 210 South Woodwell Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition and open projection with a 17 foot front setback in lieu of the required 25 feet and 18.75 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to enlarge the living room and construct an open porch onto the front of their home. The kitchen and laundry room are located in the rear of the home so the proposed living room expansion can only be place as depicted on the site plan. Petitioners provided pictures of similar additions in their neighborhood, in particular at 212 South Woodwell Road, 216 South Woodwell, 214 South Woodwell Road, and 218 South Woodwell Road.

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

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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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 29, 2007 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 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.

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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

May 29, 2007

EDWARD AND SUSAN WAGNER 210 SOUTH WOODWELL ROAD BALTIMORE MD 21222

Re: Petition for Administrative Variance

Case No. 07-483-A

Property: 210 South Woodwell Road

Dear Mr. and Mrs. Wagner:

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,
Jan V. muyly

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Thomas Neuwiller, PO Box 218, White Marsh MD 21162



CASE NO.

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	210	South	woon	بحال
- ···			ed DR	_ •

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) 1803 38,5, → 1803 38. (8028)

TO PERMIT AN ADDITION AND OPEN PROJECTION WITH A 17-FOOT FRONT SETBACK IN LIEU OF THE REQUIRED 25-FEET AND 18.75-FEET, RESPECTIVELY.

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

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

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

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. Legal Owner(s): Contract Purchaser/Lessee: WASNER Name - Type or Print Name - Type or Print Signature Signature Name - Type or Print Telephone No. Address Zip Code Signature State City Attorney For Petitioner: Telephone No. Address BA) ti more 21222 Zip Code State City Name - Type or Print Representative to be Contacted: Signature Neuwille B Name Company 410.808.6579 BOX 218 . Telephone No. Address Telephone No. Address White 21162 Zip Code State Zip Code State City 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 day.of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	210	South	Woodwell	ROAD	
	Address City	1 timore	MD_ State	<u>-</u>	2 \ 2 Z Z Z Zip Code
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Name - Type or Print		Name	- Type or Print		
					
STATE OF MARYLAND, COUNTY OF BALTII I HEREBY CERTIFY, this 19 day of 0	_	wit:	7407		
of Maryland, in and for the County aforesaid, pt	ersonally a	appeared			Public of the State
the Affiant(s) herein, personally known or satisf	actorily ide	eptified to me	as such Affiant(s).		
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REV 10/25/01

CAROL A. LONGDON

NOTARY PUBLIC STATE OF MARYLAND

My commission expries September 1, 2009



Petition for Administrative Variance

to the Zoning Commissioner of 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

for the property located at	210	South	wood	well	
		sently zoned			·

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) 1002,3p.5 + 1802.3b. (BCZR)

TO PERMIT AN ADDITION AND OPEN PROJECTION WITH A 17-FOOT FRONT SETTBACK IN LIEU OF THE REQUIRED 25-FEET AND 18.75-FEET, RESPECTIVELY.

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

Property is to be posted and advertised as prescribed by the zoning regulations. If or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: WASHER Name - Type or Print Name - Type or Print Signature Signature WAYNER Name - Type or Print Telephone No. Address Signature Zip Code State City 210 South Woodwell Road Attorney For Petitioner: Telephone No. Address BAltimore 21222 Zip Code State Name - Type or Print Representative to be Contacted: Signature homas Name Company P. O. BOX 218 410.8086579 Telephone No. Address Telephone No. Address 21162 MDMACSH Zip Code State Zip Code State City 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 this day of

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· •	Zoning Commissioner of Baltimore County
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REV 10/2007 5/29-07	Estimated Posting Date 129/07
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STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:			
I HEREBY CERTIFY, this 19th day of 1 of Maryland, in and for the County aforesaid, per Edward R and Ansan	rsonally appear	red . 2007	, before me, a Nota	ry Public of the State
Edward R and Lusan	Wogn			
the Affiant(s) herein, personally known or satisfa	actorily identifie	d to me as such A	ffiant(s).	
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REV 10/25/01

CAROL A. LONGDON

NOTARY PUBLIC STATE OF MARYLAND

My commission exprise September 1, 2009

Zoning description for 210 South Woodwell Road

Begining at a point on the north side of South Woodwell Road which is 50' wide at the distance of 280' southeasterly of the nearest improved intersecting street McComas Avenue which is 50' wide. Being Lot# 129 on the Amended Plat Of Part Of Gray Manor in the subdivision of Gray Manor as recorded in Baltimore County Plat Book# CWB Jr No. 12 Folio 112 containing 7000 s.f. feet. Also known as 210 South Woodwell Road and located in the 12th Election District 7th Councilmanic District.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	10000	RECEIVED THOMAS NECLULISE	For 1 EM # 183 07-489.h	DESTRUCTION S (LOCOLLE C) TO THOMASON	WHILE CASHIER PINK - AGENCY YELLOW - CUSTOMER

		RE: Case No.: 07-483-4
		Petitioner/Developer:
		WAGNER
٠		Date of Hearing/Closing: 5/14/07
	Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
	Attention:	•
	Ladies and Gentlemen:	
	were posted conspicuously on the property	
	20S.V	YOODWELL RD.
	The sign(s) were posted on	4/29/07 (Month Day Year)
	ZONING NOTICE ADMINISTRATIVE VARIANCE CASE & O7-483-A PO JOHN AND THE MAN THE STATE OF THE ST	Sincerely, Sincerely, Alza of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLS TON, MO 21047 (City, State, Zip Code) (410) 879-3122 (Telephone Number)
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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 Adv	<u>rertising:</u>
Item Number or Case	e Number: 07-483-A
Petitioner:	WAGNER
Address or Location:	210 S. WOODWELL RD.
PLEASE FORWARD	ADVERTISING BILL T.O:
Name:	MR+MRS. EDWARD WAGNER
Address:	210 S. WOODWELL RD.
	BALTO. MO 21162
- -	
Telephone Number:	410-284-9095

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 14, 2007

Edward Wagner Susan Wagner 210 South Woodwell Road Baltimore, MD 21222

Dear Mr. and Mrs. Wagner:

RE: Case Number: 07-483-A, 210 South Woodwell Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 20, 2007.

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

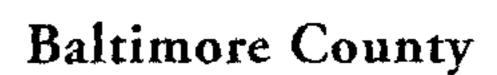
c: People's Counsel

Thomas Neuwiller P.O. Box 218 White Marsh 21162

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





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

May 4,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 30, 2007

150 Item Number: 474,475,477 and 479 through 487

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 3, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 7, 2007

Item Nos. 07-474, 475, 477, 478, 479, 480, 481, 482, 483, 484, 486, and 487

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-05032007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ECEIVE

DATE: May 8, 2007

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-483- 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



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Maryland Department of Transportation

Date: APRIL 30, 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. 7-463-A

WAGNER PROPERTY

210 SOUTH WOODWELL ROAD

John D. Porcari, Secretary

Neil J. Pedersen, Administrator

ADMINISTRATIVE VARIANCE

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.7-483-A.

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).

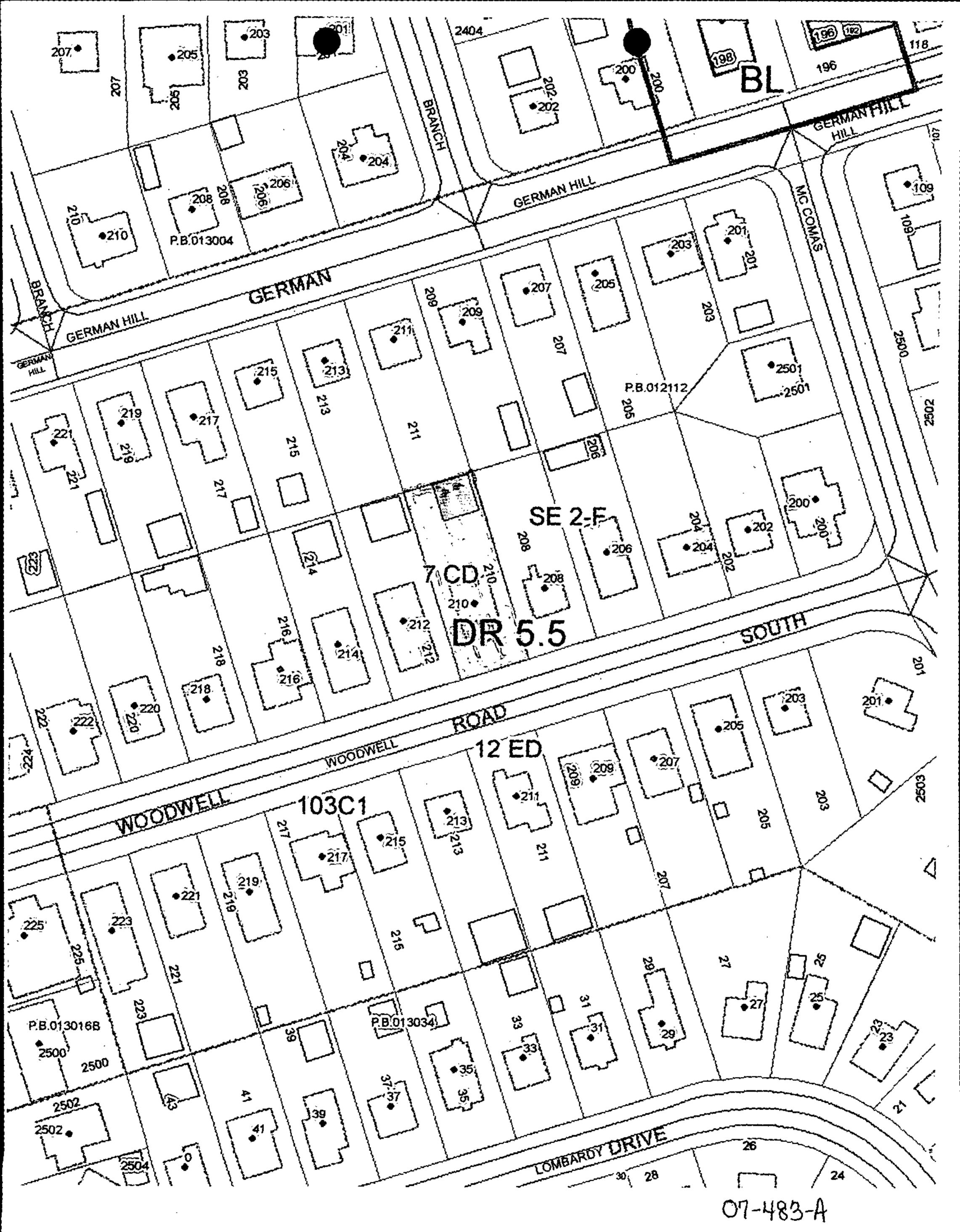
Very truly yours,

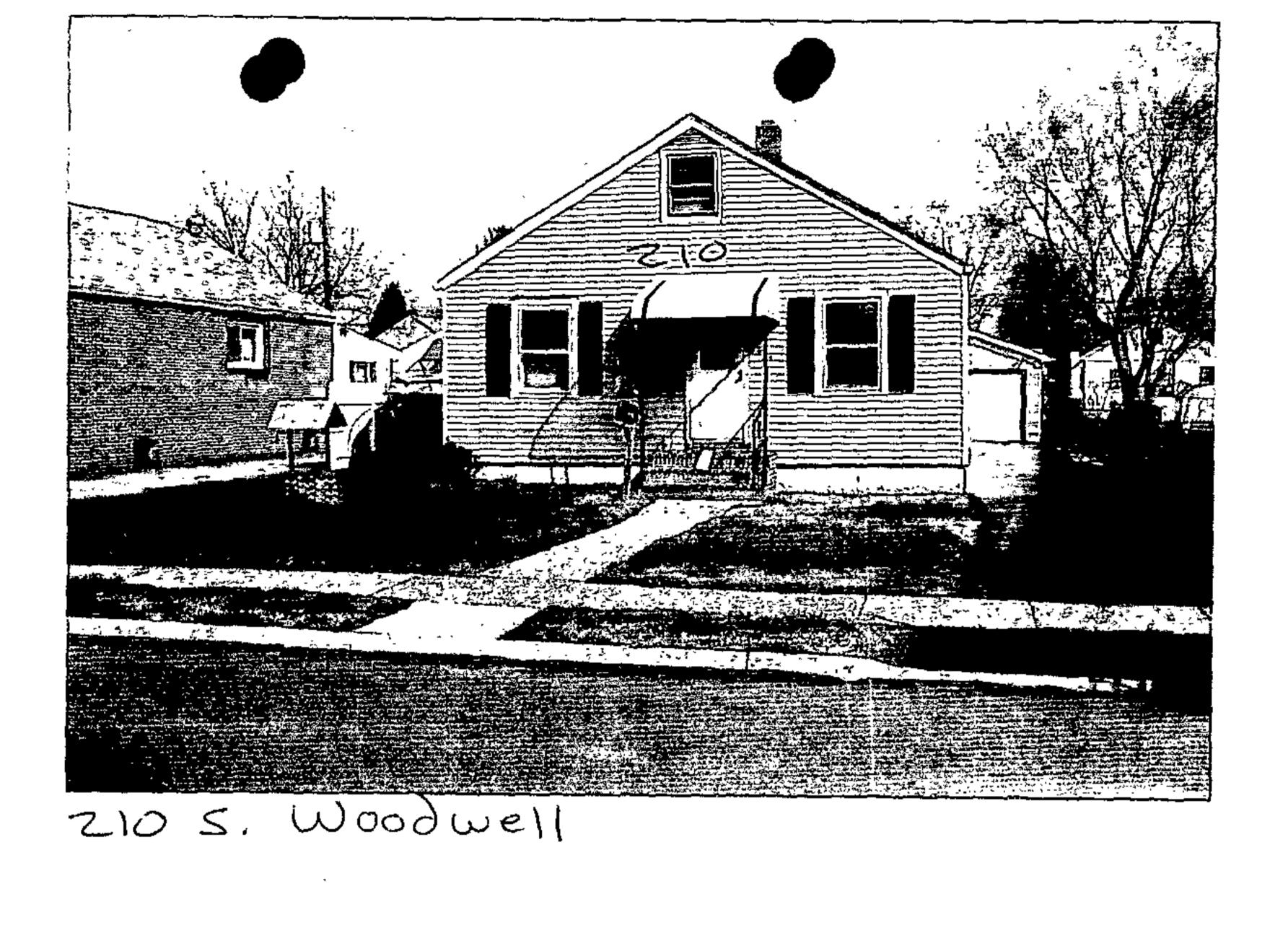
Steven D. Foster, Chief Sengineering Access Permits

Division

SDF/MB

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





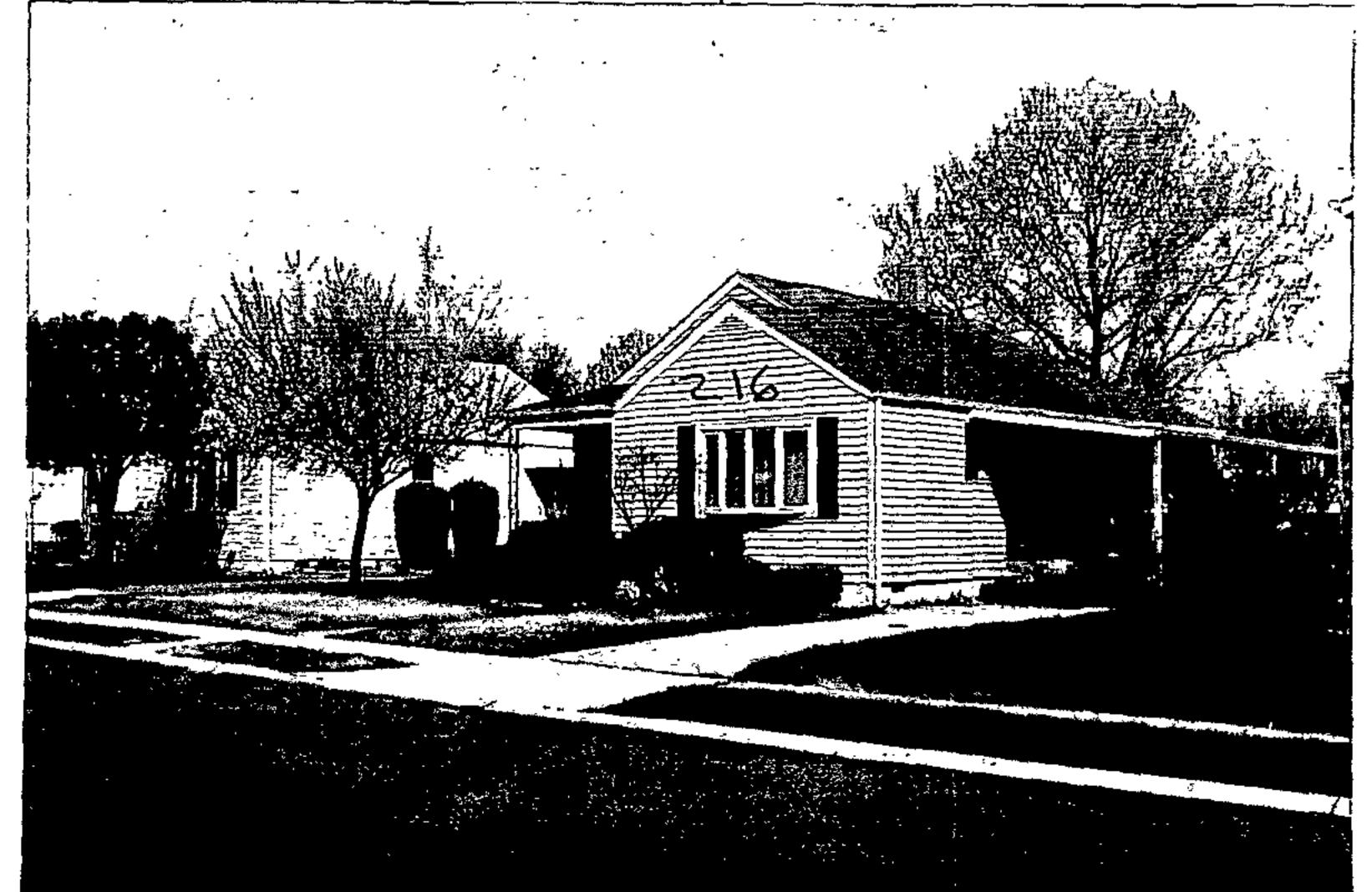
208 S. Woodwell



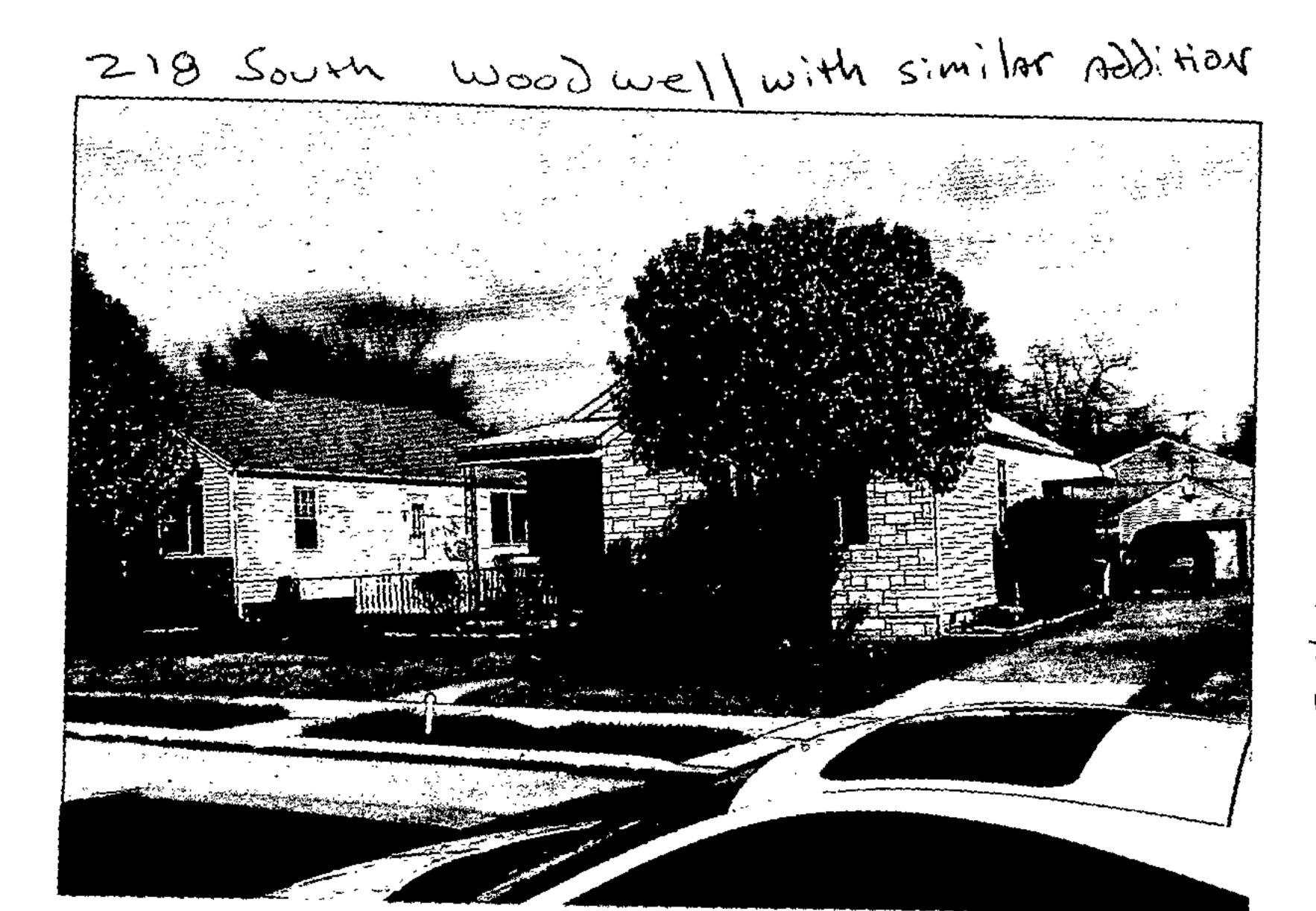


212 South Woodwell; Almost expet Same Addition being sought by 210 s. wood well

216 South Woodwell; Almost exact same Addition being sought by 210 S. Woodwell



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O7-483-A

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