IN RE: PETITION FOR ADMIN. VARIANCE

S side Brian Daniel Court, 439 feet W

of c/l Westminister Pike

4th Election District

4th Councilmanic District

(5 Brian Daniel Court)

Darren and Beth Wolberg

Petitioners

BEFORE THE

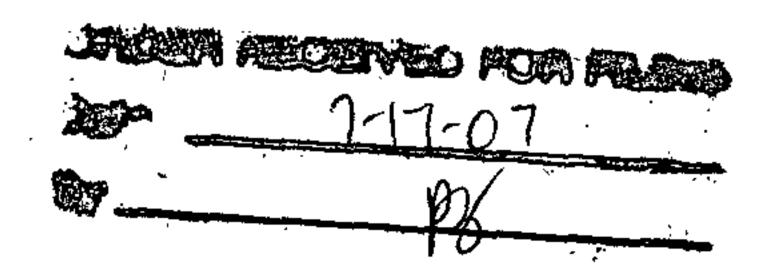
* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-565-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, Darren and Beth Wolberg. The variance request is for property located at 5 Brian Daniel Court. The variance request is from Section 1A03.4.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 24 foot side setback and 95 foot setback to the centerline of the street in lieu of the required 50 feet and 100 feet, respectively and to amend the latest Final Development Plan for Woodleaf, Lot 20 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct additional garage space to alleviate parking and storage problems. They received permit approval for an addition to the home, but need variance approval for the additional garage space. The property is irregular in shape, with the Petitioners' home sitting at an angle on the narrowest part of the lot and close to the street. The rear of the property contains the septic reserve field, a well and a 40 foot wide drainage and utility easement. The right side and rear of the property are steeply sloped. The location for the additional garage space is accessed via the existing driveway and is on the only flat land on the property. The subject site contains 3.3 acres.

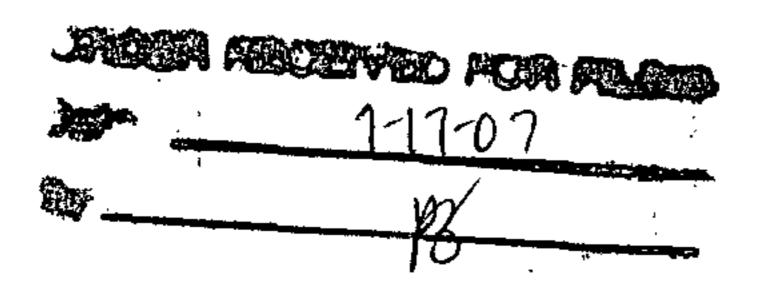


The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 27, 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.

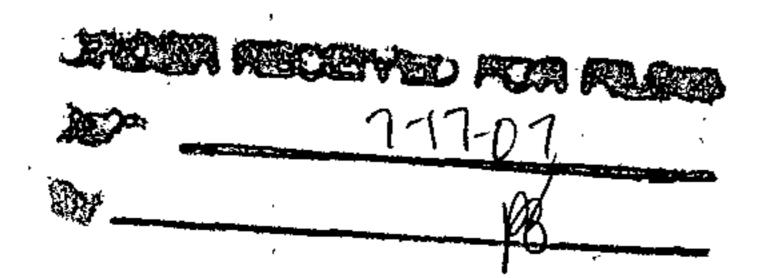
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 17 2007

DARREN AND BETH WOLBERG 5 BRIAN DANIEL COURT REISTERSTOWN MD 21136

> Re: Petition for Administrative Variance Case No. 07-565-A Property: 5 Brian Daniel Court

Dear Mr. and Mrs. Wolberg:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: James Krout, 136 Keller Avenue, Lancaster PA 17601



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

| for the property located at 5 Brian | Daniel | CI Reisterstown |
|-------------------------------------|--------|-----------------|
| which is presently | zoned_ | p.c.4 |

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) |AOS, NB, N, (BCLR - 1988)

To permit an addition with a 24-foot side setback and 95-foot setback to the centerline of the street in lieu of the required 50-feet and 100-feet, respectively and to amend the latest F.D.P. for "Woodleaf", Lot #20.

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.

| | | | is the subject of this | Petition. | · |
|---------------------|--|-----------------------|----------------------------------|-----------------------------|-------------------------------|
| Contract Pu | rchaser/Lessee: | | Legal Owner(s) | | |
| | <u> </u> | | Darren 11 | Jolhan | |
| Name - Type or Pr | int | Nam | ne - Type of Print | | |
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| City | State | Zip Code | Signature | () . / . | ///> |
| Attorney For | r Petitioner: | | 5 Brian 1 | Vaniel CT | 40517266 |
| | i | | Address Belstevstol | un MD 21 | Telephone No. |
| Name - Type or Pr | int ! | City | | State | Zip Code |
| Signature | 1 | <u> </u> | <u>Representative</u> | to be Contacted: | |
| | 2 | | James K | rout | |
| Company | ; 1 1 | | Name | | *·~-=#7 >4/A |
| Address | <u> i</u> | Telephone No. | 136 Keller Address | Ave | 717-587-2969 Telephone No. |
| | | | Lancaster | ρ4 | 17601 |
| City | State | Zip Code | City | State | Zip Code |
| A Public Hearing | having been formally demand | ed and/or found to be | required, it is ordered by the | Zoning Commissioner of | Baltimore County, this |
| of Baltimore County | y and that the property be reposted | d. | tion be set for a public hearing | , aqveruseo, as required by | the zoning regulations |
| | 1 | | | | |
| | | • | Zoning Comm | nissioner of Baltimore Coun | ty |
| CASE NO. | . 07-565-A | Reviewed By _ | D.T | ate 6 19 07 | |
| REV 9/15/98 | | Estin | nated Posting Date | 7/1/07 | |
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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 21136 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): SEE ATTACHED 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

Name - Type or Print Name - Type or Prin STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 23 day of May 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Seal

Notary Public

2007

My Commission Expires <u>Vecember</u> 22, 2010

REV 09/15/98

CHAD BERMAN Notary Public **Baltimore County** Maryland My Commission Expires Dec 22, 2010

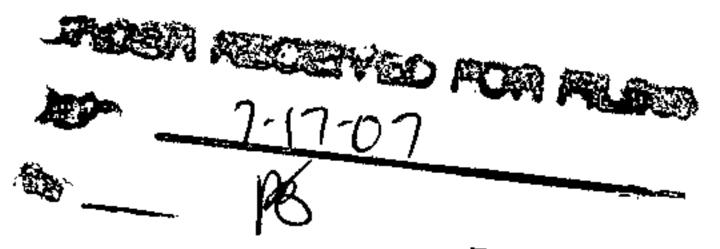
Administrative Variance Request

I have been living in my house now for almost nine years with my wife and three sons. As my family has grown and my children gotten older, I find that I am now in a situation that requires more space for living, storage and parking. This is now compounded by the possibility of my mother moving in to live with us. I have already received permit approval for an addition to my house, but need to seek approval for a variance to build additional garage space. I am proposing to add this additional garage space to alleviate the parking and storage problems we currently face.

I greatly appreciate the rural and historical character of the Reisterstown area and I do not wish to move to another location. It would be incredibly difficult to find anything that comes close to all of the surrounding features and amenities of my current location. The area in which I live, once quite rural, has experienced tremendous growth in the past few years. Yet the zoning and setbacks have, for much of the area, remained as though the area is still rural; remained as though houses would not have a need for additional room.

My property is approximately 3.3 acres, set out as a modified pie-shaped lot where the house is positioned on the narrowest portion of the lot (See Survey Diagram #1). The majority of the lot is wooded and the house is situated towards the front of the property, at the top of a steep ridge sloping downward from front to back at a severe angle (See Elevation Survey Diagram #2). Additionally, there is a 40-foot wide drainage and utility easement running directly through the middle of the property (See Survey Diagram #3). All of these factors conspire to make the lot all but impossible to find any flat land upon which any modifications could be built.

We have determined, along with our architect and builder, that the most suitable spot for the extra garage space would be at the head of my current driveway (See Photo 1), since it is the only flat land on the property and would have the least impact on the adjacent property owners. There are no houses within 200 feet situated on that side of the property, and the nearest house that is on that side is located on the far side of a significant stand of



trees (See Photos 2, 3, 4 & 5). Due to the slope of the land, the proposed site would also be the most suitable to maintain the current drainage pattern for the property, a very important consideration given the steep grade of the lot.

The proposed garage space would be situated on the existing driveway area that is slightly outside the 50-foot building setback (by approximately 15 feet). The original plans for the driveway and proposed garage were submitted to Baltimore County for permit—and were approved in 2006. The driveway phase was completed in April of 2006 (See Photo 6). I can only presume that since the proposed garage was included on the original plans, which were approved, the variance that I'm now requesting is merely a formality.

With respect to the impact of slightly exceeding the building setback on the side of my property, I believe that it would be negligible since the nearest neighbor is quite a distance away from the property line. In fact, on that side of my property, the property line has all but been artificially pushed back by approximately 65 feet due to the natural stand of trees separating our two houses, and the fact that the neighbor's land which is on my side of the trees has been maintained by myself (and before me, the prior two owners of my house) since I've been living in the house (See Photos 7 & 8). Finally, prior to the original driveway construction, I had contacted my neighbors and informed them of my intention to build the driveway and garage, and have met no objections.

Given these circumstances, I am requesting an Administrative Variance and would appreciate your consideration and support.

Thank you,

Darren Wolberg

Zoning Description for 5 BRIAN DANIEL COURT

Beginning at a point on the south side of Brian Daniel Court which has an existing 50-foot right-of-way and located 439-feet west of centerline Of Westminster Pike which has an 80-feet wide right-of-way.

Being the same property and recorded among land records of Baltimore County in Plat Book 58, Folio 63 being part of Lot #20 and being in the subdivision known as "Woodleaf" containing 3.34 acres. Also known as 5 Brian Daniel Court and located in the 4th Election District and 4th Councilmanic District.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

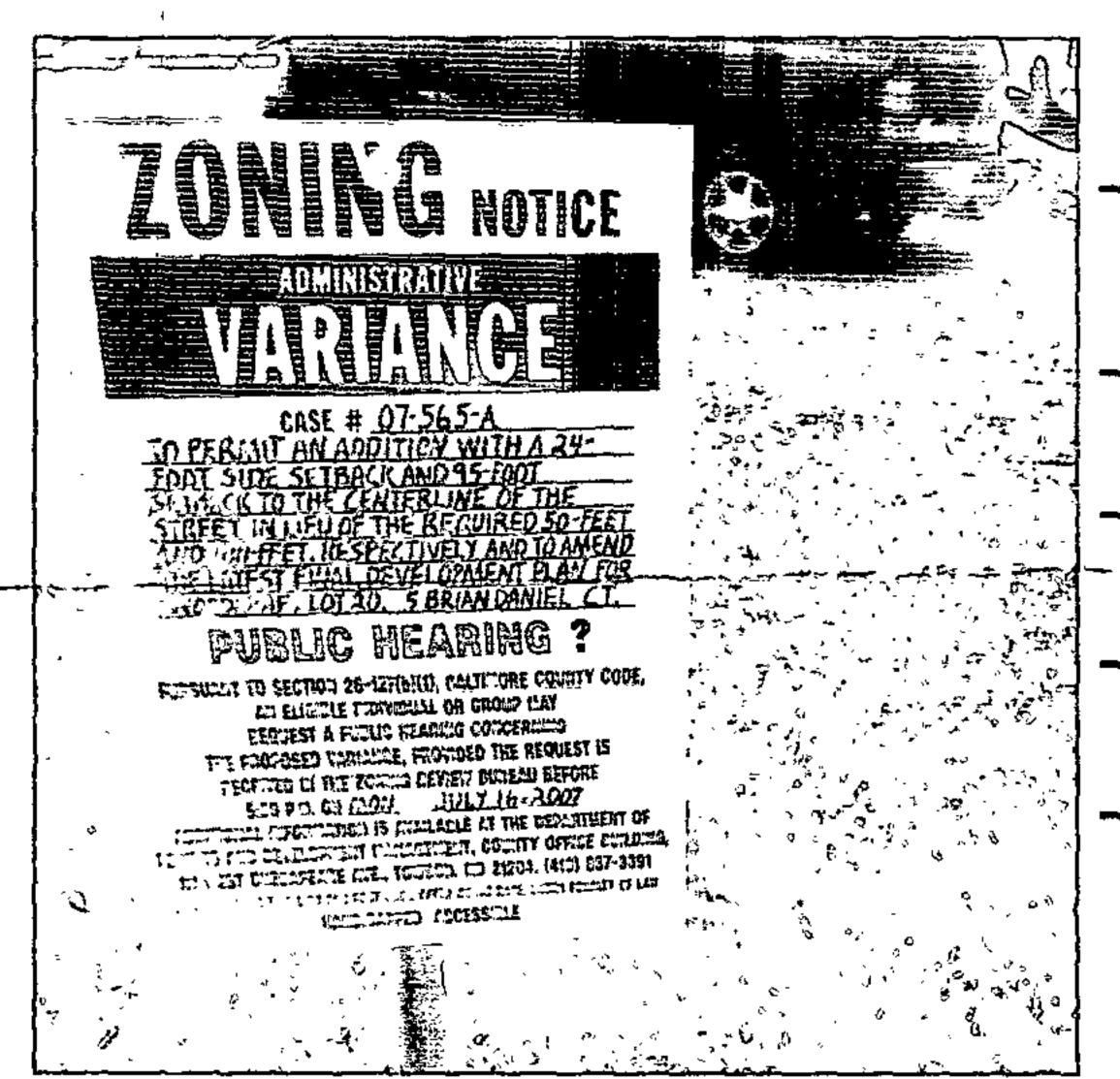
DATE: 06/27/07

Case Number: <u>07-565-A</u>

Petitioner / Developer: <u>DARREN WOLBERG</u>

Date of Hearing (Closing): <u>JULY 16, 2007</u>

The sign(s) were posted on: 06/27/07



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 16, 2007

Darren and Beth Wolberg 5 Brian Daniel Court Reisterstown, MD 21136

Dear Mr. and Mrs. Wolberg:

RE: Case Number: 07-565-A, 5 Brian Daniel Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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 D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

James Krout 136 Keller Avenue Lancaster 17601

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 12, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-565- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

| | _ | |
|---|--------------|---|
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| | · | • |

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

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Director, Office of Planning

DATE: July 12, 2007

DECEIVE JUL 1 6 2007

BY:-----

SUBJECT:

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Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 2, 2007

Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569,

570, 571, and 572

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-06272007.doc

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

565

Item Number: 555 through 572

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



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



John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: June 26,2007

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

RE: Baltimore County

Item No. 7-566-A

SBRAIN DANIEL COURT

WOLBERG KROPFIZTY ADMINISTERATIVE 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. 7-365-4.

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,

ر Steven D. Foster, Chief ماک Engineering Access Permits

Division

SDF/MB



ZONING REVIEW

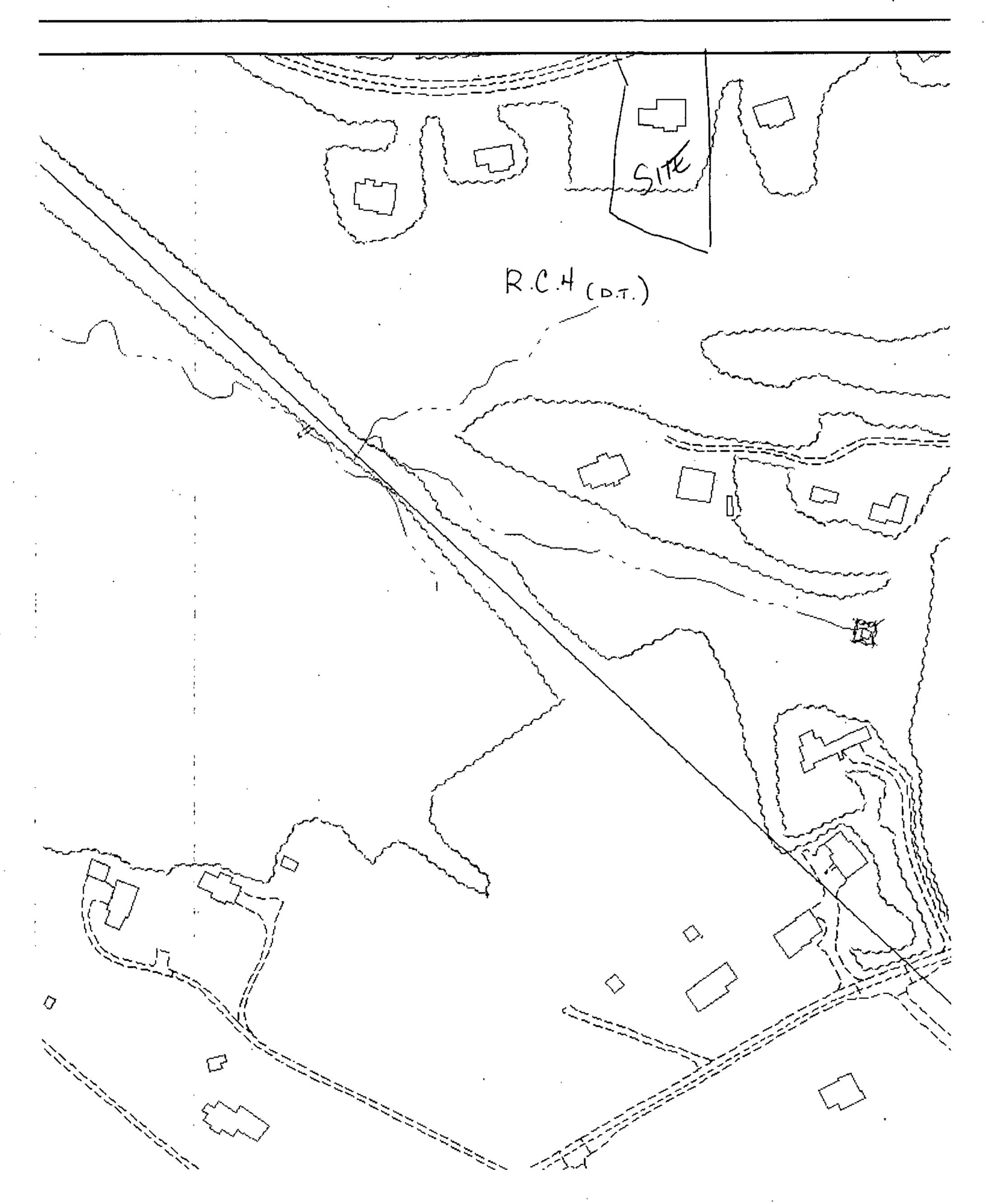
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

| • | or Case Number 07-565-A | |
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| Retitioner | · · · · · · · · · · · · · · · · · · · | |
| 7,500005: | WOLDERG | |
| Address or Lo | cation 5 BRIAN DANIEL CT. | |
| · · · | • | • |
| PLEASE FOR | WYARD ADVERTISING SILL TO | • |
| Name. | MR. 4 MRS. DANIEL WOLDERG | |
| Address | 5 BRIAN DANIEL CT. | |
| | REISTERSTOWN MD 21136 | |
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07-565-A

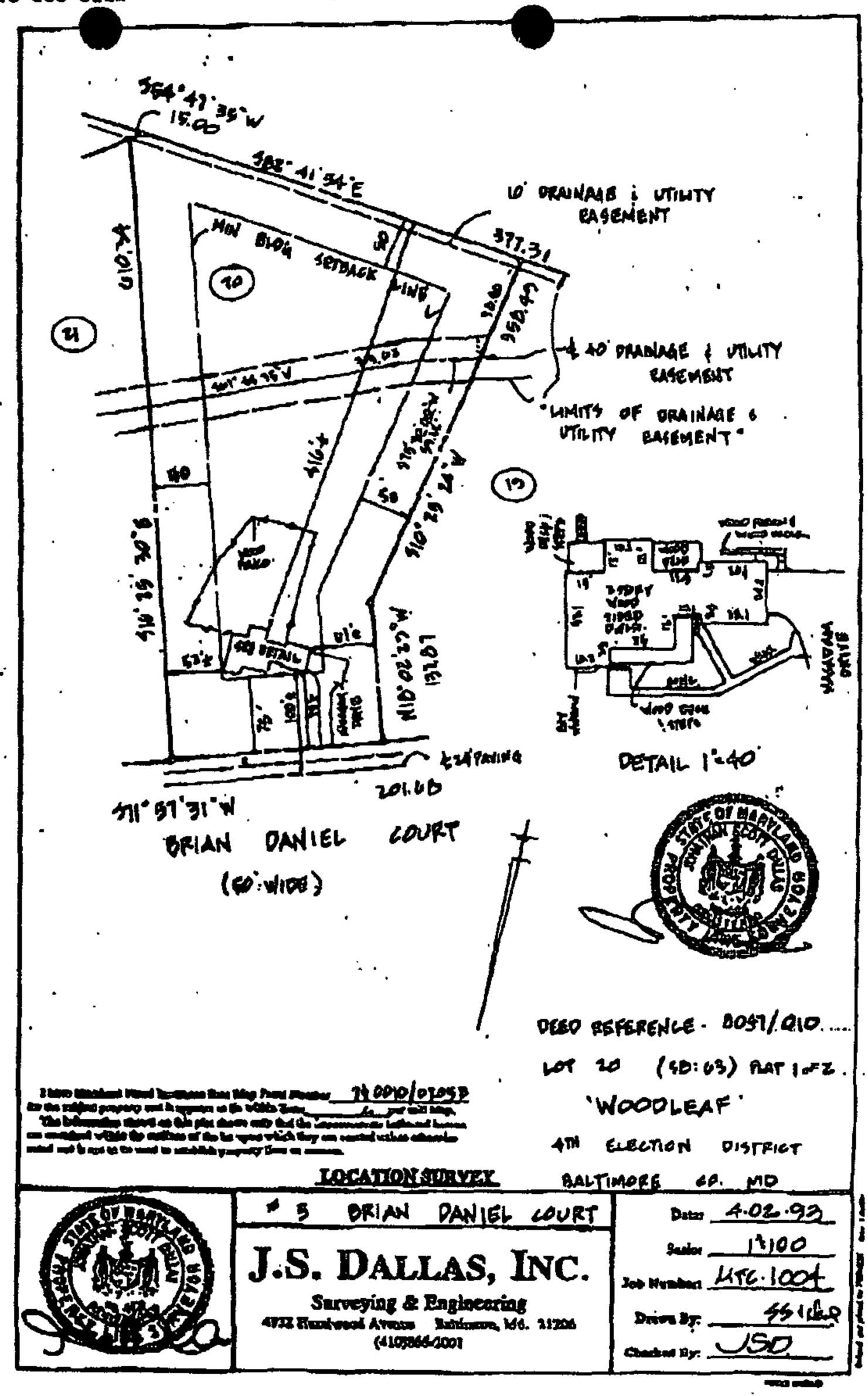
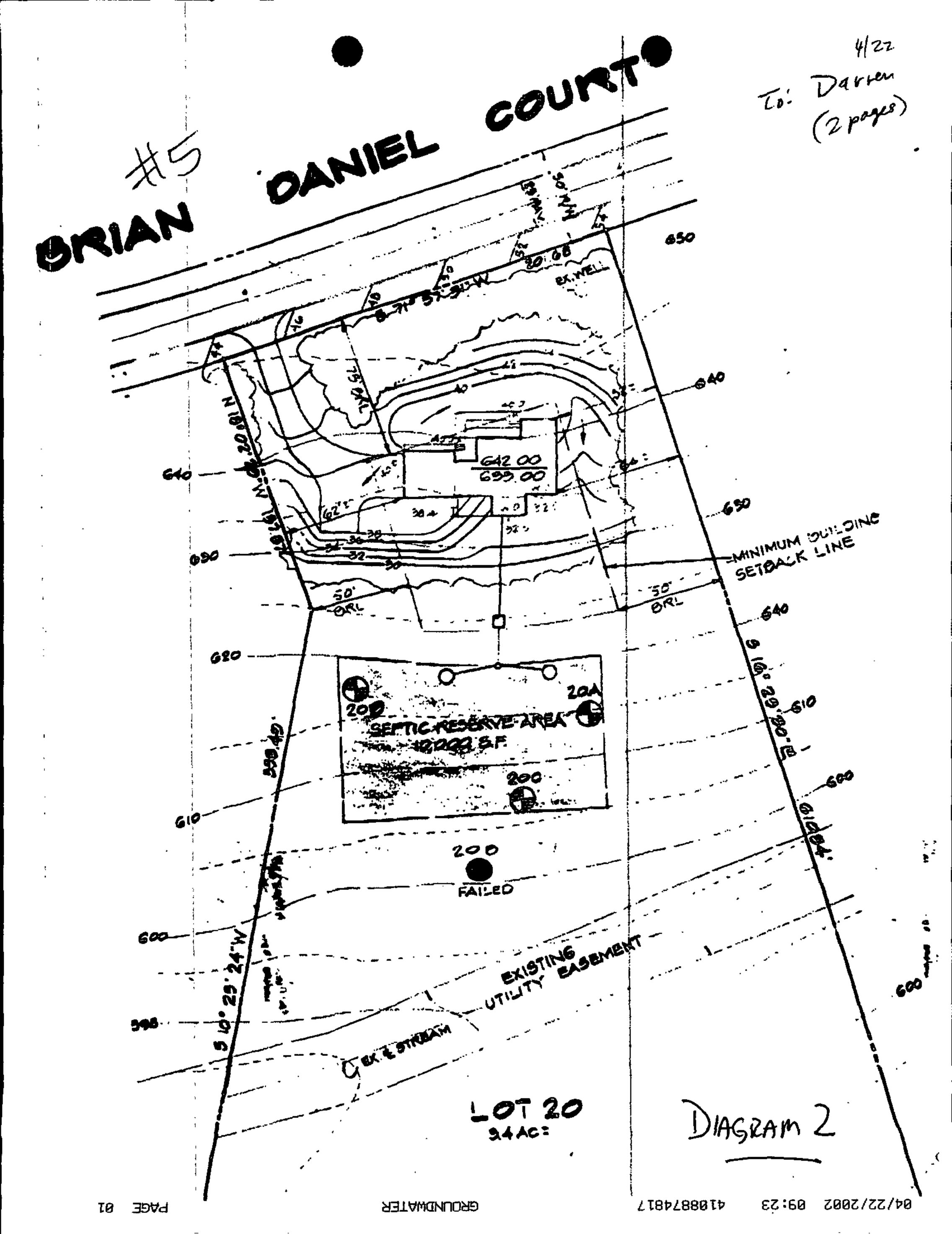


DIAGRAM Z



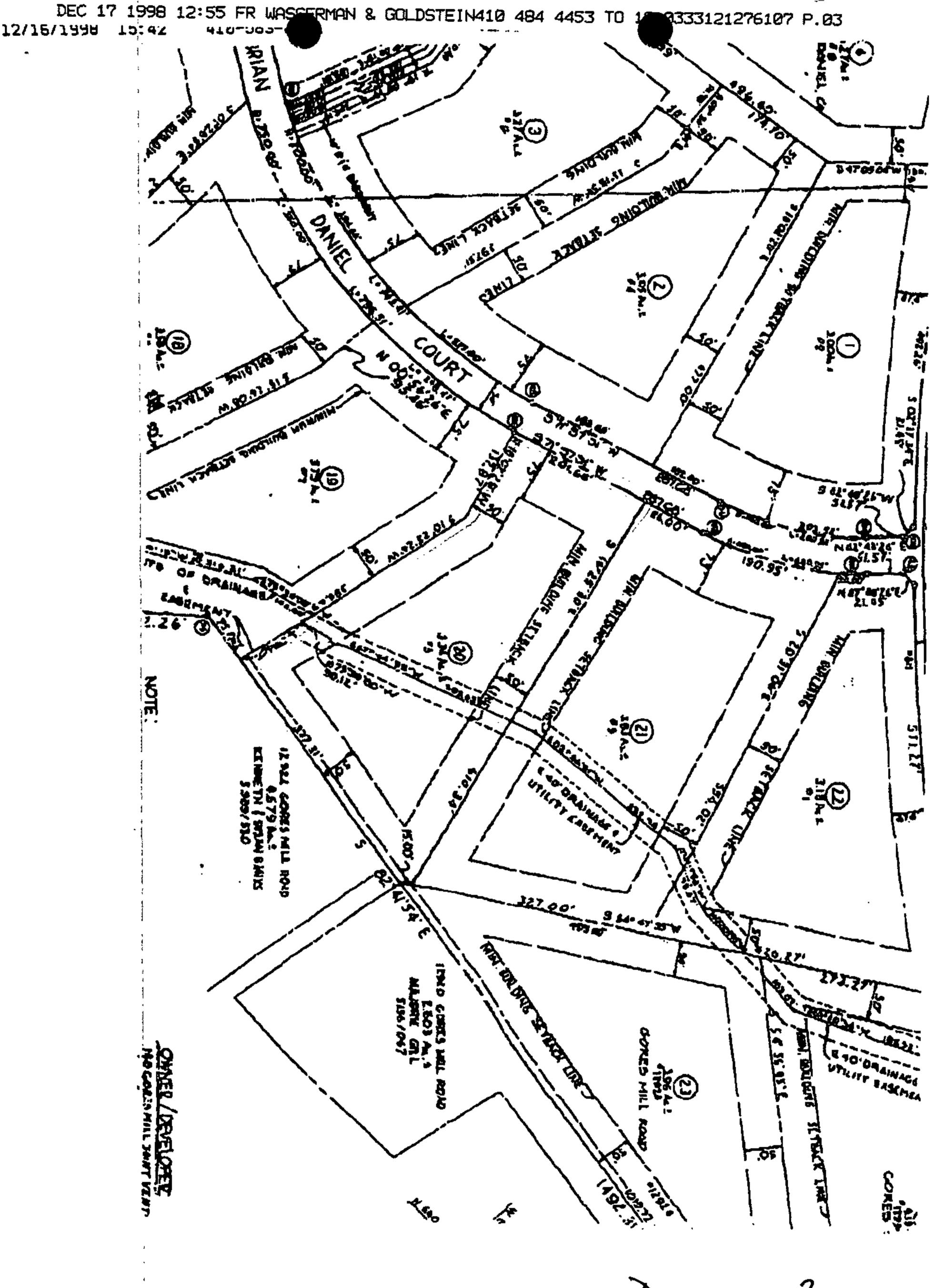
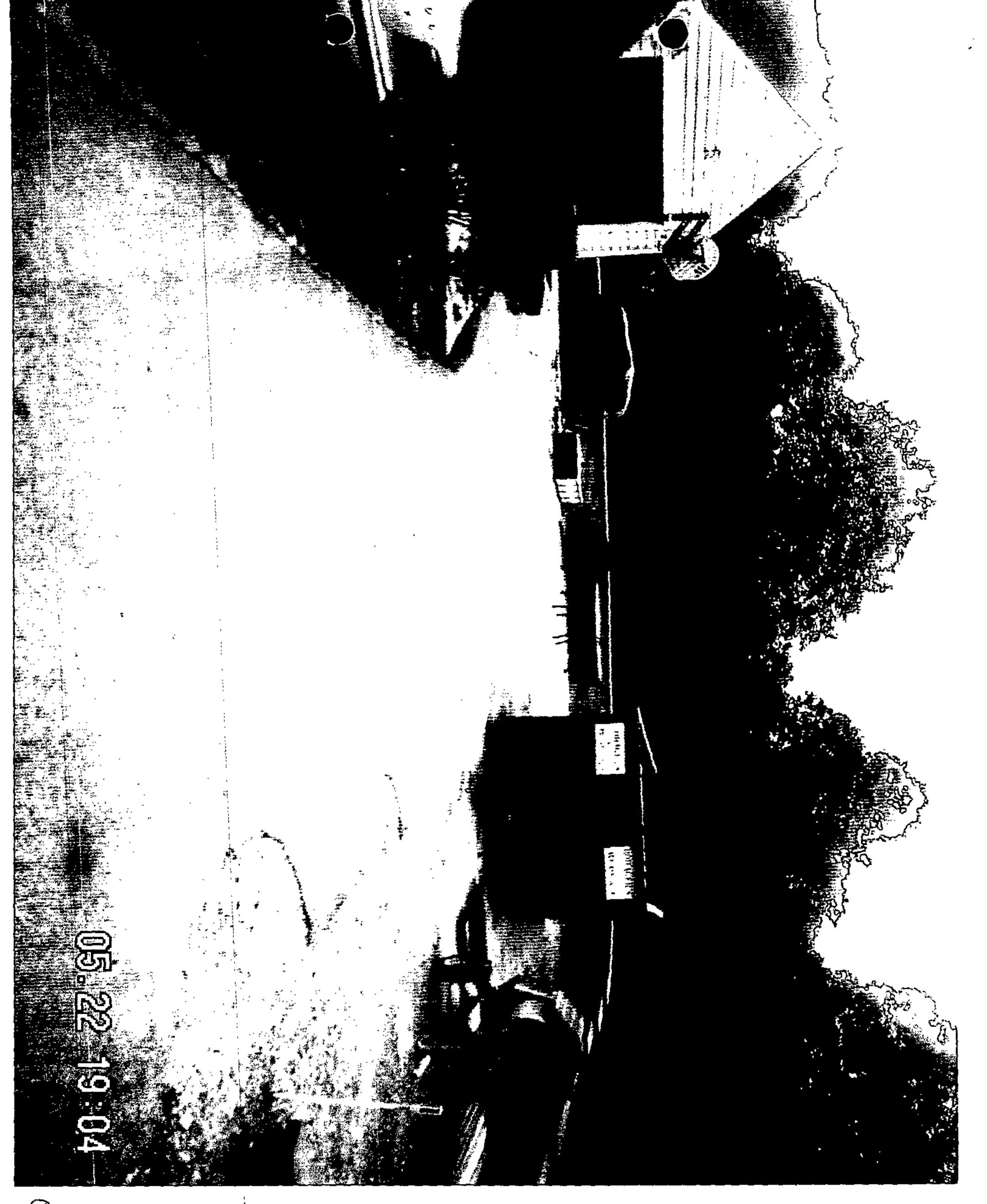


DIAGRAM 3

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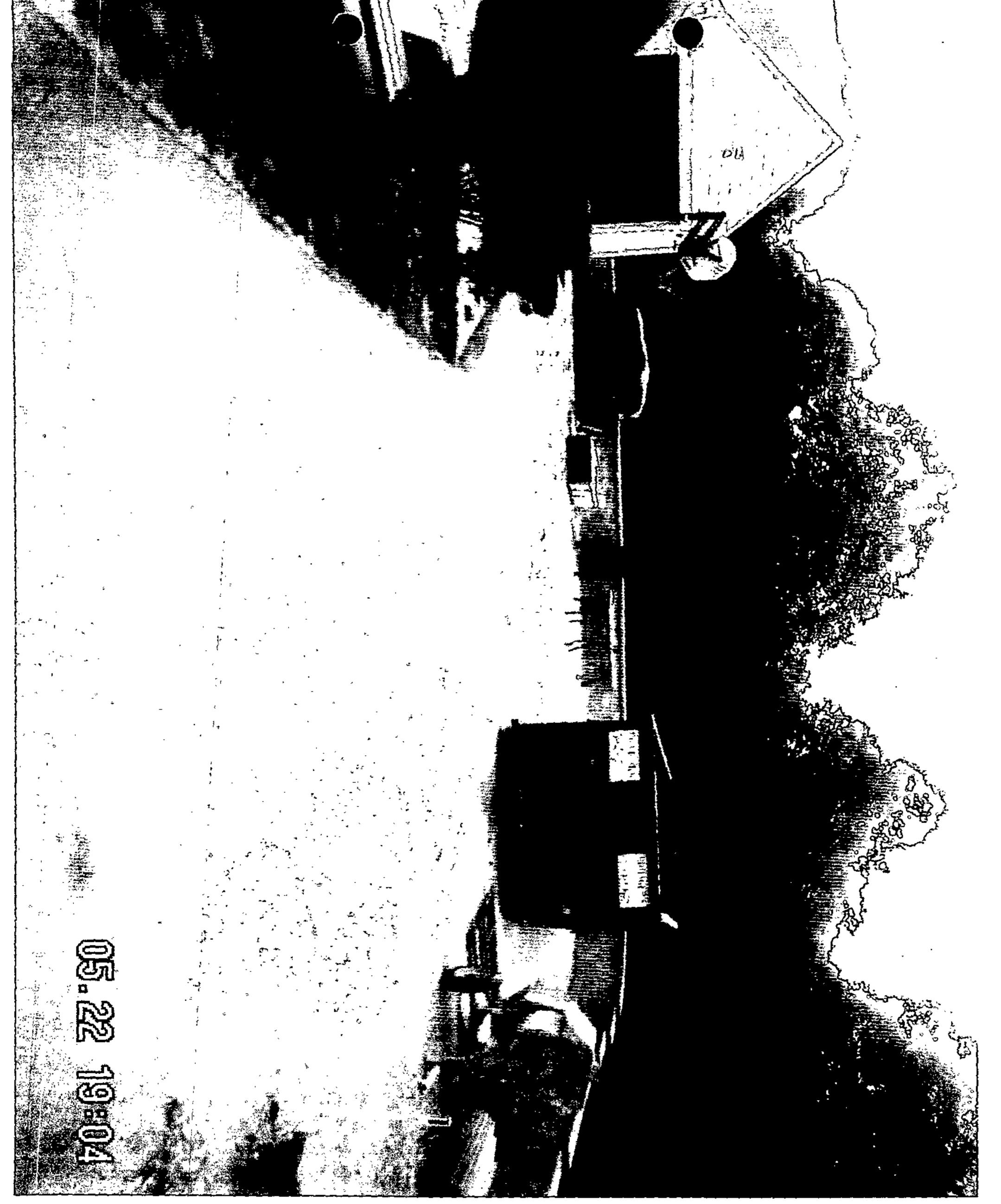
PAGE.05



07-565-A

PHOTO I

CURRENT DRIVEWAY - PROPOSED SITE OF NEW GARAGE



798-12

PHOTO I

CUPRENT DRIVEWAY - PROPOSED SITE OF NEW GARAGE

PHOTO 2

STEED GLADE OF LOT

05.22 19:11

PHOTO 3

KEIGHBOR'S LAND I MAINTAIN

09-565-A

PHOTO 4

STAND OF TREES SEVARATING MY PRODUCTY & MY NEIGHBOR'S PAPERTY

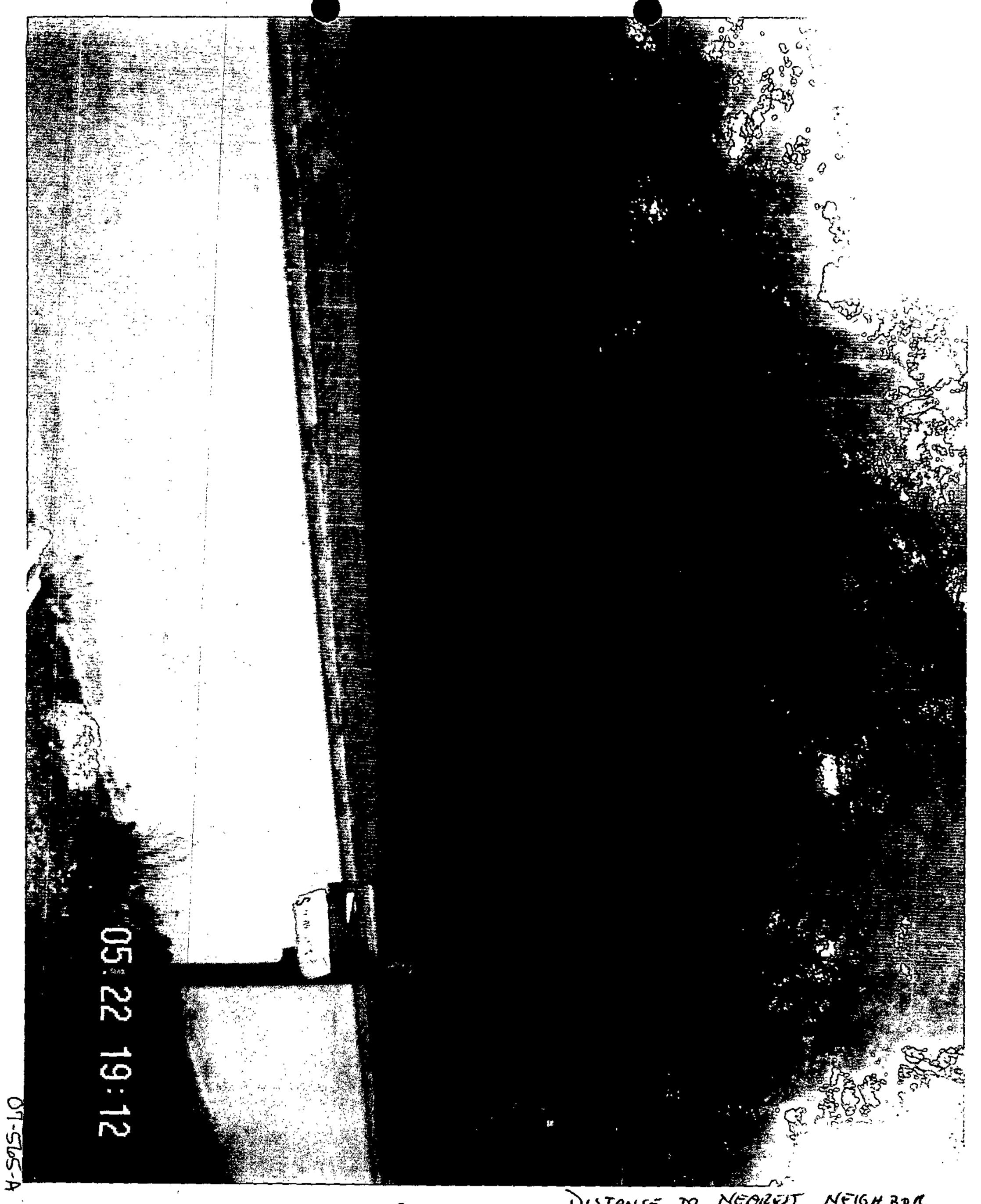


PHOTO 5

DISTANCE TO NEAREST NEIGHBOR (SEX EAR RIGHT)



07-565-A

P 40 TO 6

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PHOTO 6 DRIVEWAY FROM BACK YARD



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NORTH PREPARED BY: OWNER: PLAT BOOK #: SUBDIVISION NAME: PROPERTY ADDRESS: 7 BRIAN DANIEL COURT OWNER: LAWRENCE & MARY BEKER FOLIO#: Brian Brandli PROPOSED DECK PROPOSED ADDITION S16°25'30"E 610.34 SCALE OF DRAWING: FRONT OF HOUSE 50' SEC BRIAN DANIEL 70 COURT Selback Line PAGES 25' ¥ 400° .28 28 L M. 62.20.81N TAININA 욲 THE CHECKLIST FOR ADDITIONAL REQUIRED 3 BRIAN DANIEL COURT OWNER: JOEL & FIDDLE CAROL 2 STORY DWELLING PROPOSED GARAGE 135 Fg. ADMINIS ----INFORMATION SEWER WATER CHESAPEAKE BAY PRIOR ZONING HEARING: BUILDING HISTORIC PROPERTY/ 100 YEAR FLOOD PLAIN LOT SIZE: ZONING: RC4 COUNCILMANIC DISTRICT: 4th ELECTION DISTRICT: 4th 1"=200' SCALE MAP#: 048A1 REVIEWED BY LOCATION INFORMATION ADMINISTRATIVE **PUBLIC** FICE ITEM# ARING SQUARE FEET PRIVATE \boxtimes 4-595-10

