

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N side of Necker Avenue, 268 feet W		
of c/l of Hanf Avenue	*	DEPUTY ZONING
11 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(4308 Necker Avenue)		
	*	FOR BALTIMORE COUNTY
Michael S. and Jeanne E. Biemer		
<i>Petitioners</i>	*	Case No. 08-083-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, Michael S. and Jeanne E. Biemer for property located at 4308 Necker Avenue. The variance request is from Section 1B01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with windows on side of existing dwelling with a side setback of 15 feet in lieu of the required 35 feet per approved minor subdivision of Chapman Property, Case No. 92-062-M. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners need additional living space to accommodate the an elderly, widowed relative who needs close medical supervision. Her age and condition demands that they add onto their dwelling in such a way that minimizes walking and elevation changes for her and allows the easiest entry and exit. Conversations with a builder and architect have determined that the proposed construction location best meets the Petitioners' needs. The proposed addition will still allow sufficient clearance of 25 feet from their property line to the closest neighboring building which is a storage shed/barn. The property is 23,137 square feet in size zoned DR 5.5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER RECEIVED FOR FILE

9-11-07

[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 19, 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11th day of September, 2007 that a variance Section 1B01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with windows on side of existing dwelling with a side setback of 15 feet in lieu of the required 35 feet per approved minor subdivision of Chapman Property, Case No. 92-062-M 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.

ORDER RECEIVED FOR FILING

9-11-07

103

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

ORDER RECEIVED FOR FILING

SEP

9-11-07

BY

pb



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 11, 2007

MICHAEL S. AND JEANNE E. BIEMER
4308 NECKER AVENUE
NOTTINGHAM MD 21236

Re: Petition for Administrative Variance
Case No. 08-083-A
Property: 4308 Necker Avenue

Dear Mr. and Mrs. Biemer:

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,

A handwritten signature in black ink, appearing to read "Th H Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 29, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2007
Item Nos. 08-076, 077, 078, 079, 081,
083, 084, 086, and 088

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-10292007.doc

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4308 NECKER AVENUE

OWNER MICHAEL S. AND JEANNE E. BIEMER

DATE JULY 23, 2007

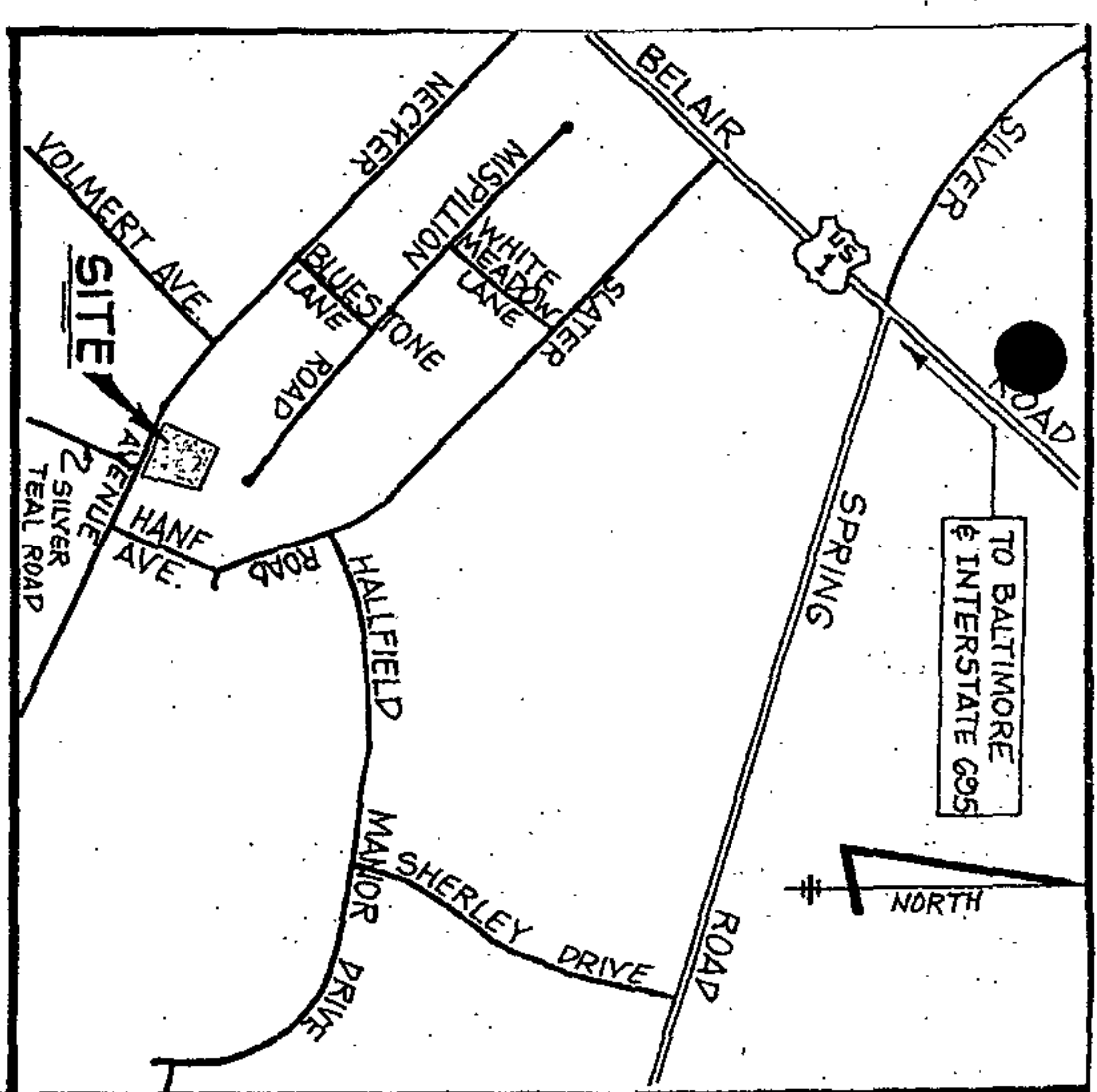
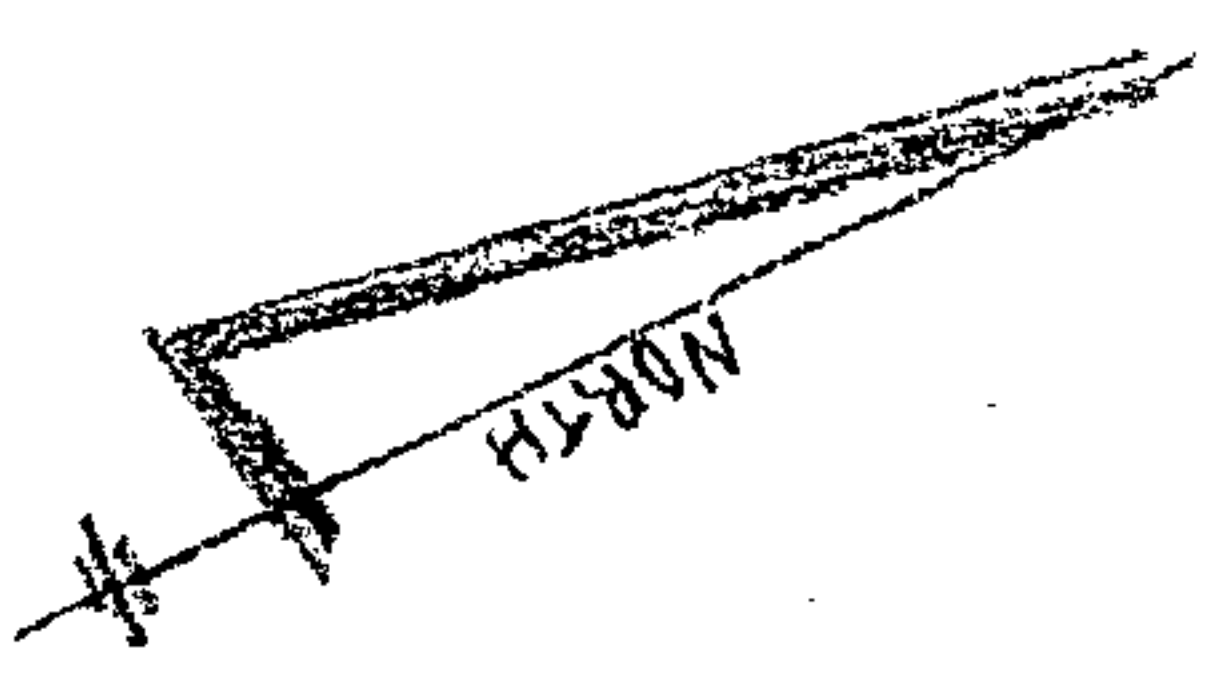
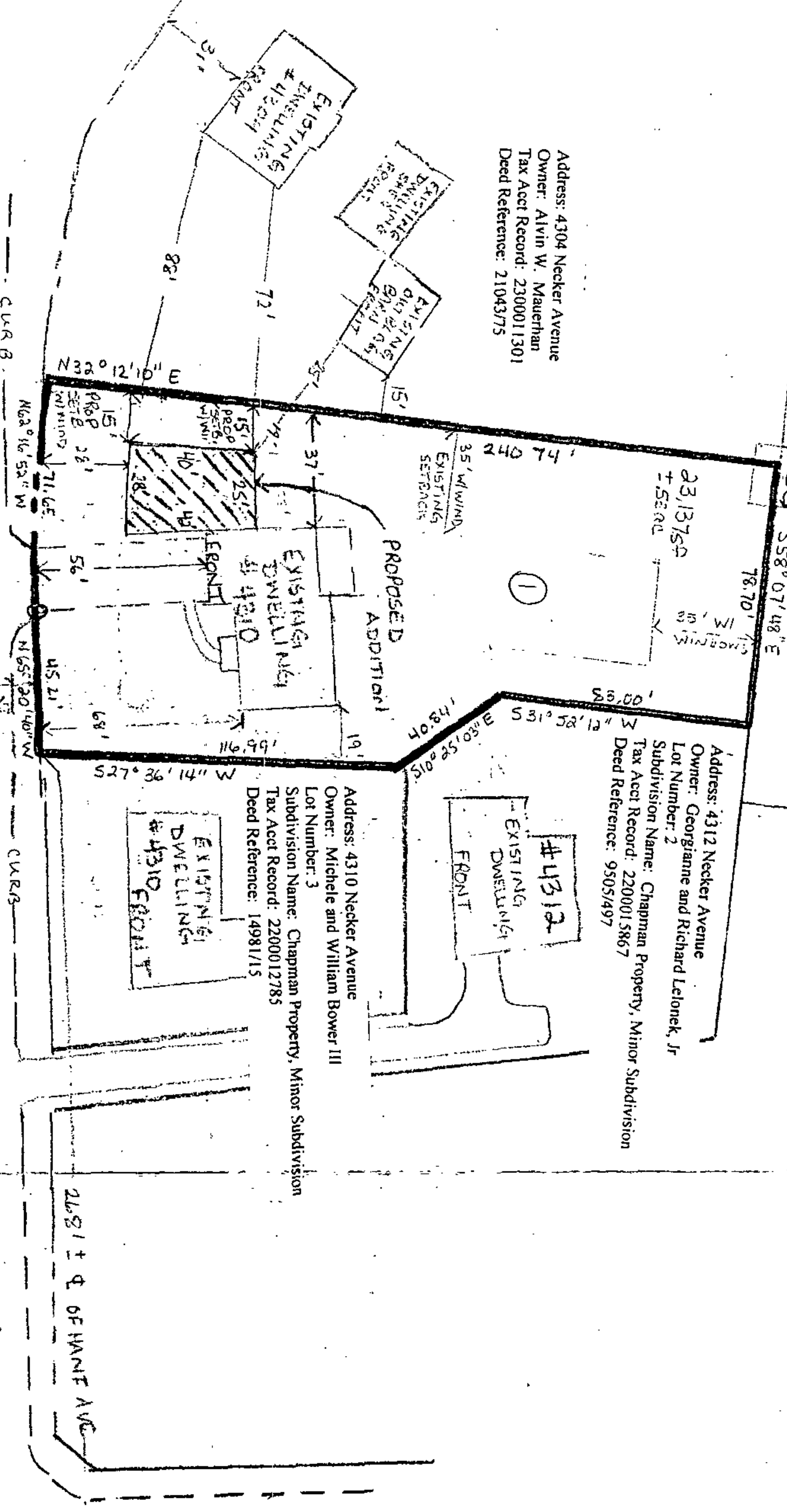
Address: 4317 Mispillion Road
Owner: Patrice Foust
Lot Number: 21
Subdivision Name: Silvergate East
Tax Acct Record: 2200009597
Deed Reference: 9261/643

Address: 4319 Mispillion Road
Owner: Jeff and Vanessa Markiewicz
Lot Number: 20
Subdivision Name: Silvergate East
Tax Acct Record: 2200009596
Deed Reference: 9294/156

Address: 4304 Necker Avenue
Owner: Alvin W. Maerthan
Tax Acct Record: 2300011301
Deed Reference: 2104375

Address: 4312 Necker Avenue
Owner: Georgiane and Richard Lelonek, Jr
Lot Number: 2
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200015867
Deed Reference: 9505/497

Address: 4310 Necker Avenue
Owner: Michele and William Bower III
Lot Number: 3
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200012785
Deed Reference: 14981/15



VICINITY MAP
SCALE: 1" = 1,000'

LOCATION INFORMATION			
ELECTION DISTRICT 11			
COUNCILMANIC DISTRICT 6			
1" = 200' SCALE MAP # NE 8 G			
ZONING D.R. 5.5			
LOT SIZE	± 531	± 23,137	
ACREAGE		SQUARE FEET	
SEWER	☒ PUBLIC ☐ PRIVATE		
WATER	☒		
CHESAPEAKE BAY CRITICAL AREA		YES ☐ NO ☒	
100 YEAR FLOOD PLAIN		☐	☒
HISTORIC PROPERTY / BUILDING		☐	☒
PRIOR ZONING HEARING <u>See Section</u>			
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
A.T. Sullivan 083 08-0834			

Prior Zoning Hearings

Name: CHAPMAN PROPERTY, Minor Subdivision
CASE #: 92-064-M
DATE: 08/10/1992
APPROVED for 3 single family units, 1 existing

PREPARED BY: JEANNE BIEMER

SCALE: 1" = 50'

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 27, 2007

RECEIVED
SEP 05 2007

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

BY:.....

SUBJECT: Zoning Advisory Petition(s): Case(s) 08- 083- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

Division Chief:

Lynn L. L. L.

CM/LL



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4308 Necker Avenue
which is presently zoned DR 5.5

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) BCZR 1B01.3B.1

TO PERMIT AN ADDITION WITH WINDOWS ON SIDE OF EXISTING DWELLING
WITH A SIDE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED
35 FEET PER APPROVED MINOR SUBDIVISION OF CHAPMAN PROPERTY
(CASE NO. 92-062M)

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):

Michael S. Biemer

Name - Type or Print

Signature

Jeane E. Biemer

Name - Type or Print

Signature

4308 Necker Avenue 410-529-1621

Address

Telephone No.

Nottingham

MD

21236

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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. 08-083A

REV 10/25/01

9-11-07

Reviewed By AARON TSUI

Date 08/10/2007

Estimated Posting Date 08/19/07 - 09/03/2007

Zoning Commissioner of Baltimore County

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 4308 Necker Avenue
Address
Nottingham MD 21236
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 variance we request is to reduce the setback on the northwest side of our property line from "35' with windows" to "15' with windows. This will allow us to modify and add to our existing living space to accommodate the relocation to our home of an elderly, widowed relative who needs close medical supervision. Her age/condition demands that we add on in such a way that minimizes walking and elevation changes for her and allows the easiest entry and exit. Conversations with both a builder and architect have determined that the proposed construction best meets our needs. The current setback of 35 feet prohibits us from building in that area. By granting the requested variance, the setbacks will not be any more generous than those of many properties in our area and will still allow for sufficient clearance to the closest neighboring building with is a storage shed/barn.

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.

Michael S. Biemer
Signature
Michael S. Biemer
Name - Type or Print

Jeanne E. Biemer
Signature
Jeanne E. Biemer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael S. Biemer and Jeanne E. Biemer
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 2/9/11



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4308 Necker Avenue
which is presently zoned DR 5.5

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) BCZR 1 B01.3 B.1

TO PERMIT AN ADDITION WITH WINDOWS ON SIDE OF EXISTING DWELLING WITH A SIDE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 35 FEET PER APPROVED MINOR SUBDIVISION OF CHAPMAN PROPERTY (CASE NO. 92-062 M)

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):

Michael S. Biemer
Name - Type or Print _____
[Signature]
Signature _____
Seanne E. Biemer
Name - Type or Print _____
[Signature]
Signature _____
4308 Necker Avenue 410-529-1621
Address _____ Telephone No. _____
Nottingham MD 21236
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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. 08-083A

REV 10/25/01

9-11-07

Reviewed By AARON Tsui Date 08/10/2007

Estimated Posting Date 08/19/07-09/03/2007

Zoning Commissioner of Baltimore County

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at 4308 Necker Avenue
Address
Nottingham MD 21236
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 variance we request is to reduce the setback on the northwest side of our property line from "35' with windows" to "15' with windows. This will allow us to modify and add to our existing living space to accommodate the relocation to our home of an elderly, widowed relative who needs close medical supervision. Her age/condition demands that we add on in such a way that minimizes walking and elevation changes for her and allows the easiest entry and exit. Conversations with both a builder and architect have determined that the proposed construction best meets our needs. The current setback of 35 feet prohibits us from building in that area. By granting the requested variance, the setbacks will not be any more generous than those of many properties in our area and will still allow for sufficient clearance to the closest neighboring building with is a storage shed/barn.

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.

Michael S. Biemer
Signature
Michael S. Biemer
Name - Type or Print

Jeanne E. Biemer
Signature
Jeanne E. Biemer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

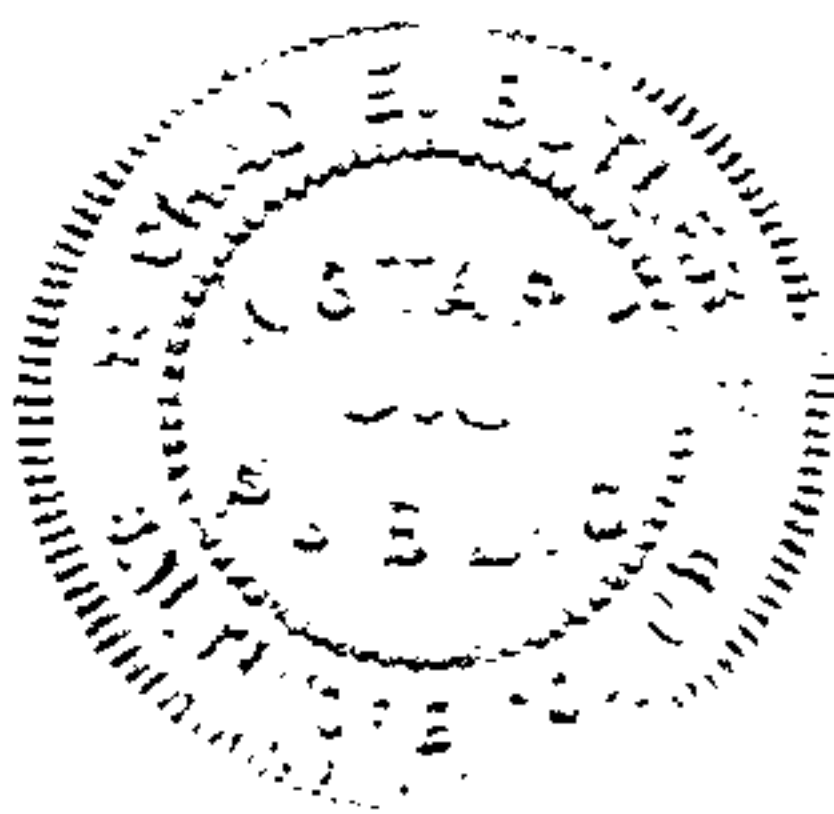
I HEREBY CERTIFY, this 9th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael S. Biemer and Jeanne E. Biemer
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 2/9/11



Zoning Description

ZONING DESCRIPTION FOR 4308 Necker Avenue

Beginning at a point on the North side of Necker Avenue which is 60 feet wide at the distance of 268 feet West of the centerline of the nearest improved intersecting street Hanf Avenue which is 60 feet wide. As recorded in Deed Liber 9436, Pages 476-481, metes and bounds as follows: (1) N 62° 16' 52" W 71.65 ft., (2) N 32° 12' 10" E 240.74 ft. (3) S 58° 07' 48" E 78.70 ft., (4) S 31° 52' 12" W 83.00 ft., (5) S 10° 25' 03" E 40.84 ft., (6) S 27° 36' 14" W 116.99 ft., (7) N 65° 20' 40" W 45.21 ft to the place of beginning containing 23,137 square feet. Also known as 4308 Necker Avenue and located in the 11th election district, 6th Councilmanic District.

08-083A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03947

Date: 08/10/2007

PAID RECEIPT

BUSINESS ACCT. FILE: 1000
08/10/2007 15:00:00

RECEIPT # 003947 0/10/2007 07:14

Fund	Agcy	Orgn	Sub	Rev	Source	Rev	Sub	Rept	BS	Acct	Amount
001	006			6.50							6.50

Total: 6.50

Rec From:

Jeanne E. Biemer

For:

4308 Necker Ave

Adm Var 08-083A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

Receipt for
\$65.00 (US)
Baltimore County, Maryland



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 4, 2007

Michael S. Biemer
Jeanne E. Biemer
4308 Necker Avenue
Nottingham, MD 21236

Dear Mr. and Mrs. Biemer:

RE: Case Number: 08-083-A, 4308 Necker Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 10, 2008. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

Date: August 20, 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. 8-83-A
4308 NECKER AVENUE
BIEMER PROPERTY
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. 8-83-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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



Baltimore County
Fire Department

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

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

August 23, 2007

83

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 20, 2007

Item Number: Item Number 76 through 079 and 81, 83, 84, 85, 86, 88

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

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 27, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08- 083- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

CERTIFICATE OF POSTING

RE: Case No.: 08-083-A

Petitioner/Developer: JEANNE

BEAMER

Date of Hearing/Closing: 9-3-07

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:

4308 NECKER AVE.

The sign(s) were posted on 8-19-07
(Month, Day, Year)

Sincerely,

Robert Black 8-20-07
(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 # 08-083-A

TO PERMIT AN ADDITION ON SIDE OF EXISTING DWELLING WITH
A SIDE SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 35 FEET
FOR APPROVED ADJACENT SUBDIVISION (Case No. 92-020)

PUBLIC HEARING ?

PERMIT TO SECTION 21-127(K)(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
4:30 p.m. ON 9-3-07
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TEL. 887-3391



Area of proposed addition - side view
neighboring house in view



Area of proposed addition - side, front
view taken from across street

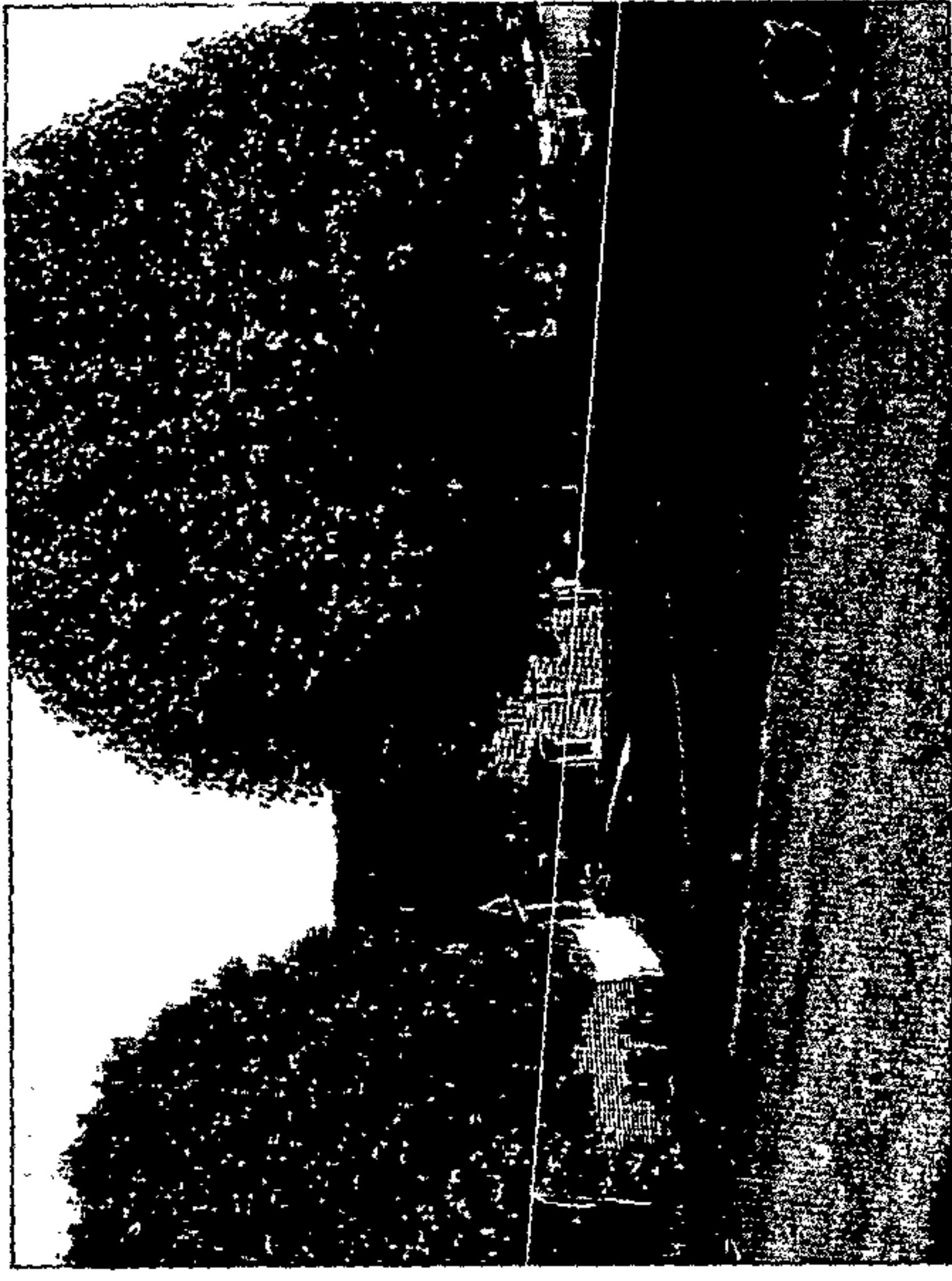
Administrative
Variance

Case #
08-083-A

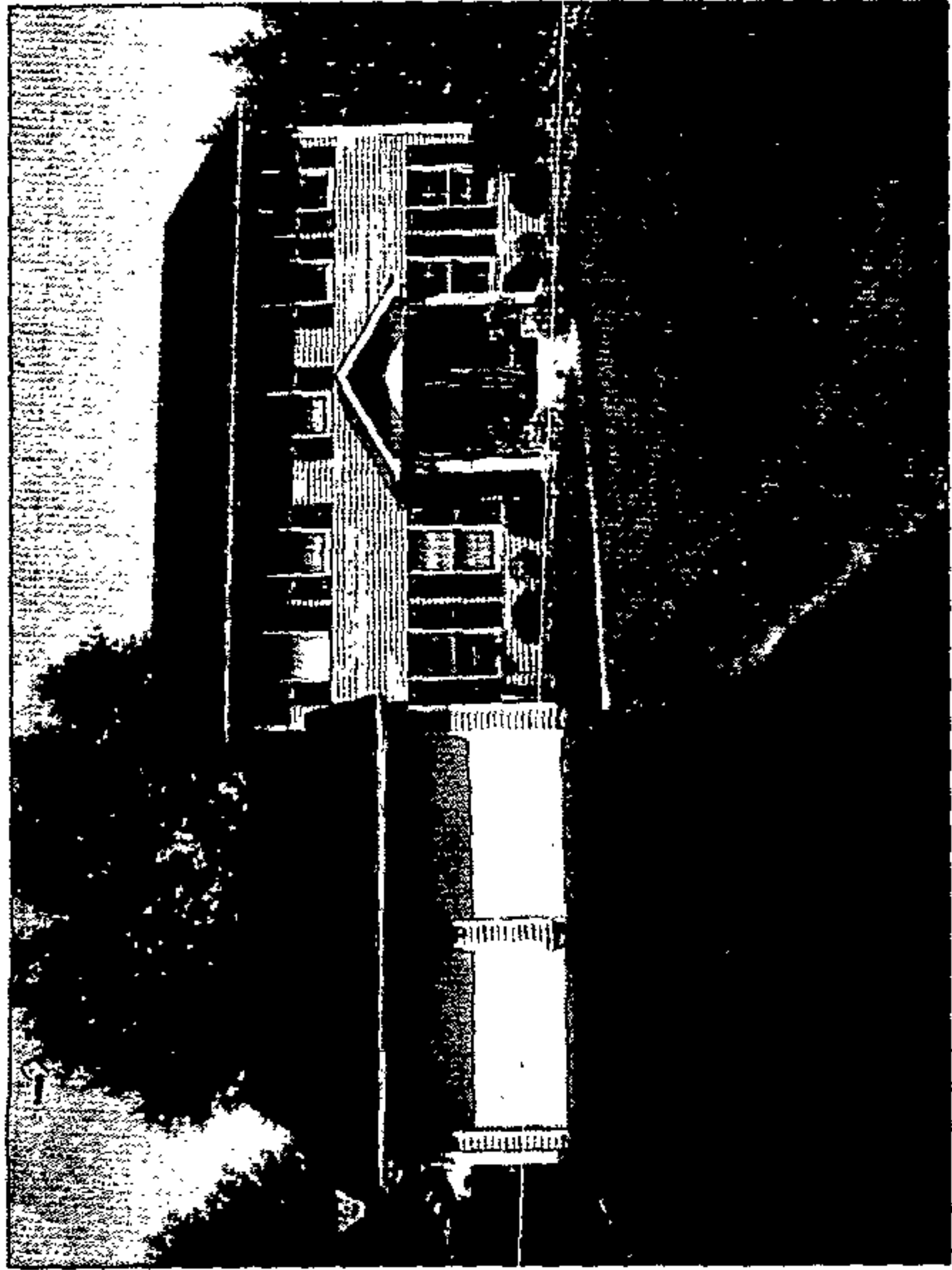
4308 Necker
Avenue

Nottingham
MD 21236

Owners:
Jeanne and
Michael
Biemer



Area of proposed addition - side view,
looking down from neighboring house



Front of existing house



Area of proposed addition - front view

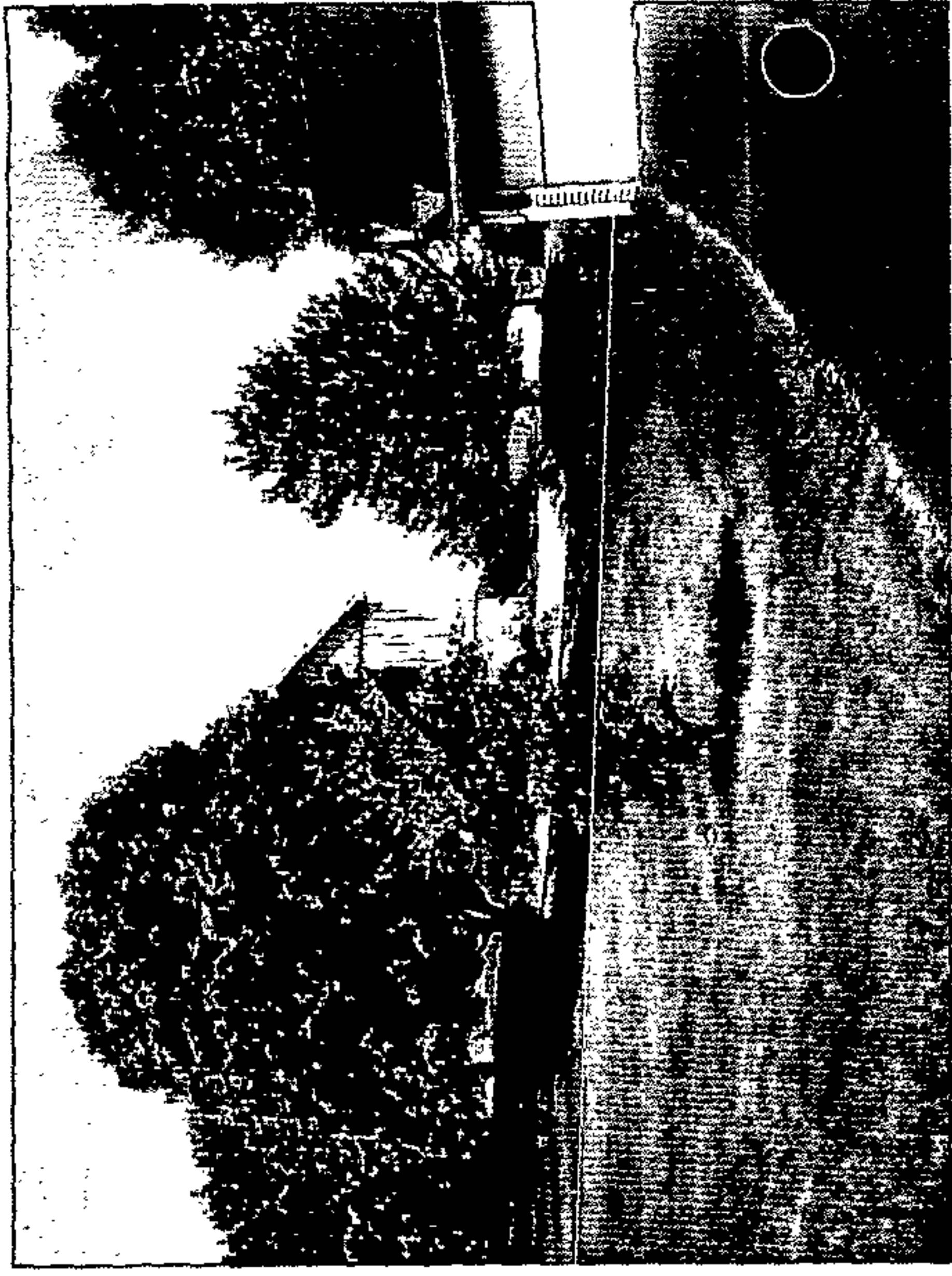
Administrative
Variance

Case #
08-083-A

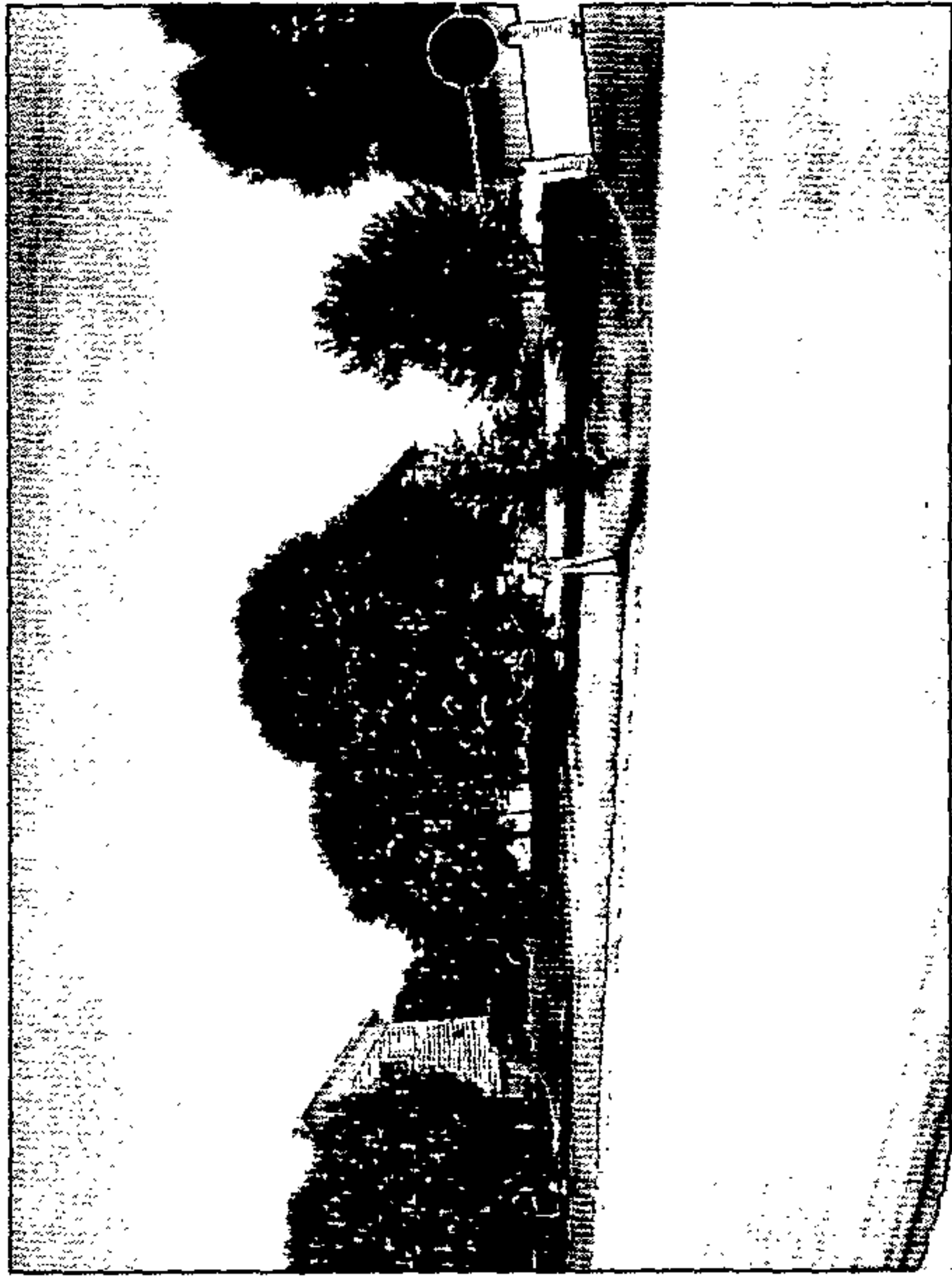
4308 Necker
Avenue

Nottingham
MD 21236

Owners:
Jeanne and
Michael
Biemer



Area of proposed addition - front angle



Area of proposed addition - front angle,
side of neighboring house in view

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 083 -A Address 4308 NECKER AVE
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 08/10/2007 Posting Date: 8/19/07 Closing Date: 9/3/07

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.

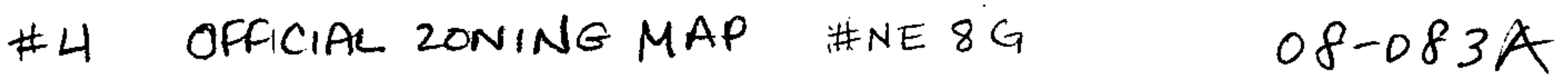
(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 083 -A Address 4308 NECKER AVE
Petitioner's Name JEANNE BIEMER Telephone 410-529-1621
Posting Date: _____ Closing Date: 9/3/07
Wording for Sign: To Permit AN ADDITION ON SIDE OF EXISTING DWELLING
WITH A SIDE SETBACK OF 15 FEET IN LIEU OF THE REQUIRED
35 FEET PER APPROVED MINOR SUBDIVISION (CASE NO. 92-064M)

WCR - Revised 6/25/04



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4308 NECKER AVENUE

OWNER MICHAEL S. AND JEANNE E. BIERER

DATE JULY 23, 2007

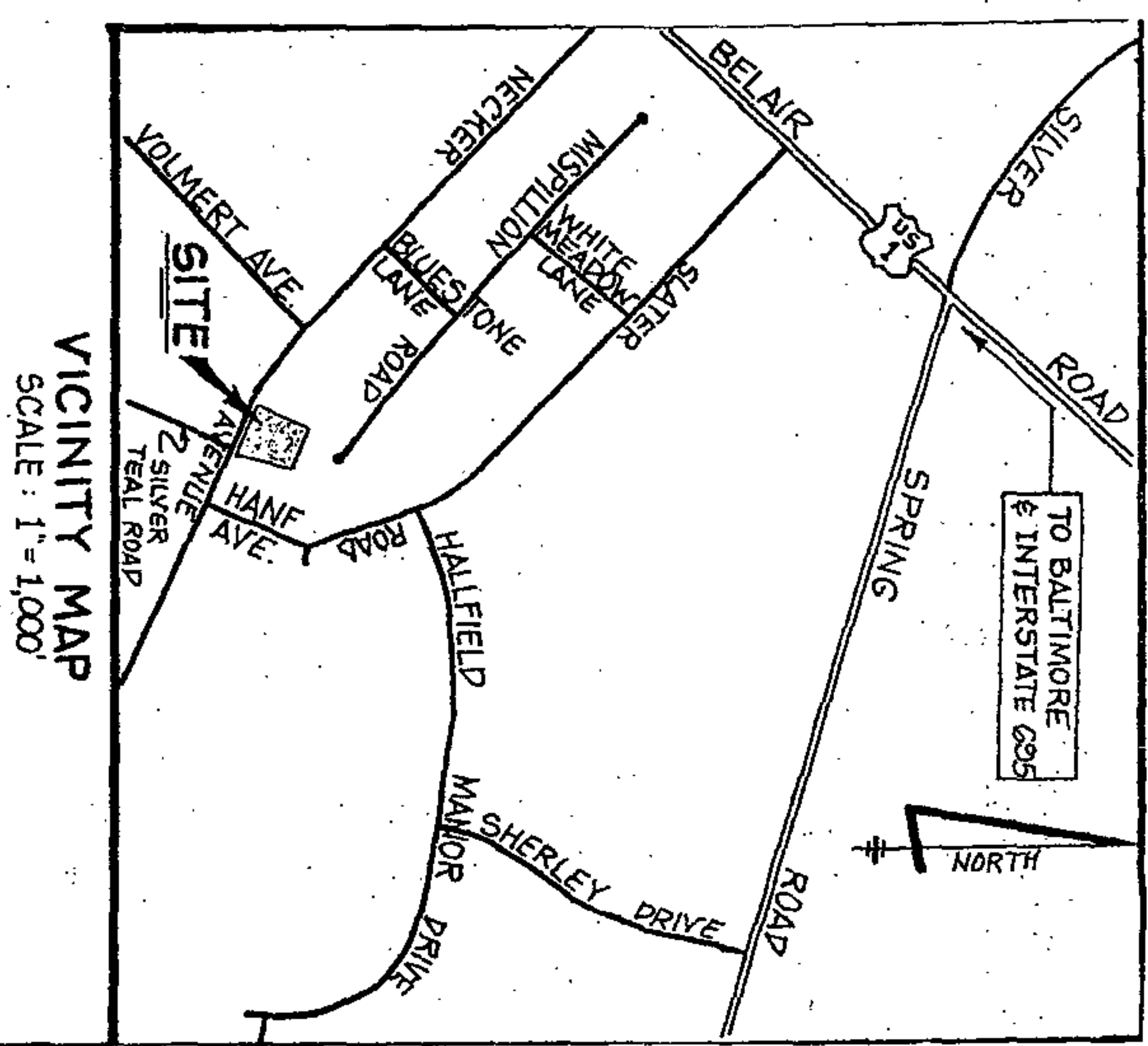
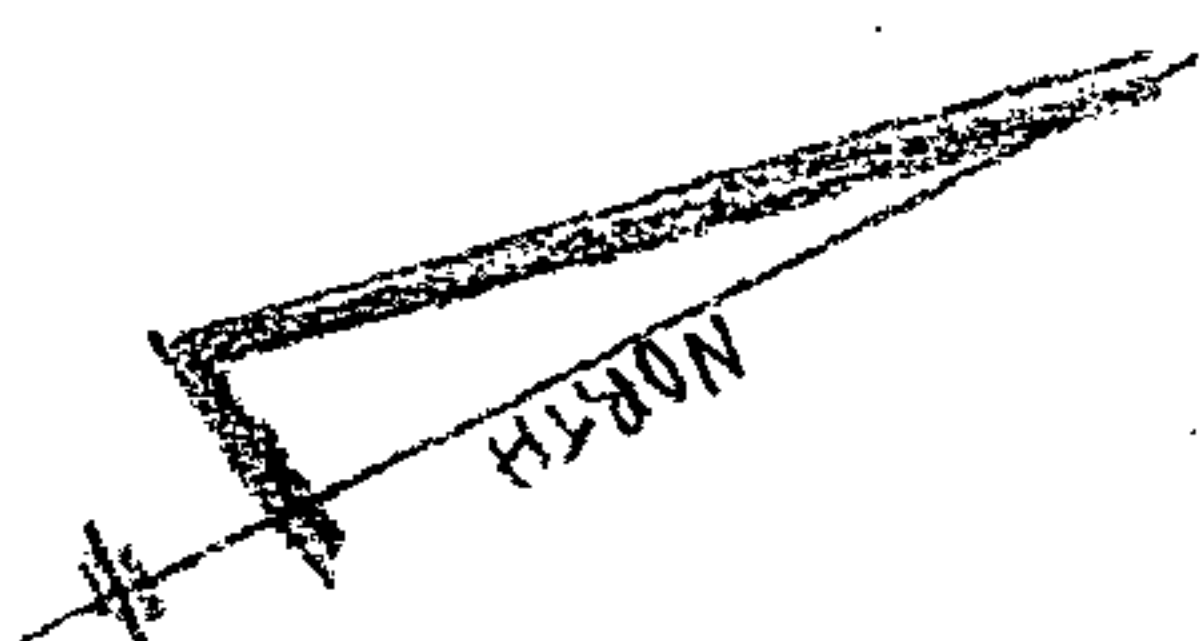
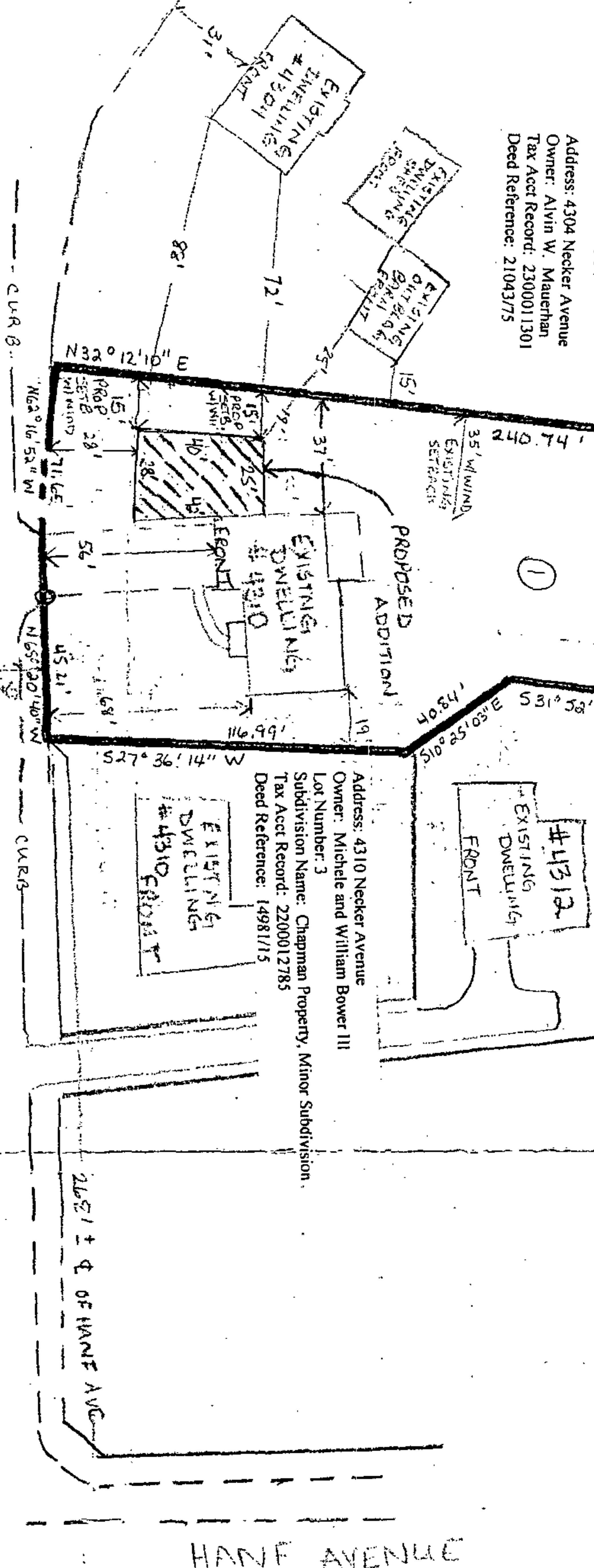
Address: 4317 Mispillion Road
Owner: Patrice Foust
Lot Number: 21
Subdivision Name: Silvergate East
Tax Acct Record: 2200009597
Deed Reference: 9261643

Address: 4319 Mispillion Road
Owner: Jeff and Vanessa Markiewicz
Lot Number: 20
Subdivision Name: Silvergate East
Tax Acct Record: 2200009596
Deed Reference: 9294156

Address: 4312 Necker Avenue
Owner: Georgianne and Richard Letonick, Jr
Lot Number: 2
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200015867
Deed Reference: 9505497

Address: 4304 Necker Avenue
Owner: Alvin W. Mauerman
Tax Acct Record: 2300011301
Deed Reference: 2104375

Address: 4310 Necker Avenue
Owner: Michele and William Bower III
Lot Number: 3
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200012785
Deed Reference: 1498175



LOCATION INFORMATION	
ELECTION DISTRICT	11
COUNCILMANIC DISTRICT	6
1"=200' SCALE MAP #	NE 8 G
ZONING D.R. S.S	
LOT SIZE	± 531 ± 23,137
ACREAGE	SQUARE FEET
SEWER	PUBLIC PRIVATE
WATER	YES NO
CHESAPEAKE BAY CRITICAL AREA	YES NO
100 YEAR FLOOD PLAIN	YES NO
HISTORIC PROPERTY/BUILDING	YES NO
PRIOR ZONING HEARING	SECTION
ZONING OFFICE USE ONLY	CASE #
REVIEWED BY	ITEM #

A.Tsu | 083 | 08-0834

Prior Zoning Hearings

Name: CHAPMAN PROPERTY, Minor Subdivision

CASE #: 92-064-M

DATE: 08/10/1992

APPROVED for 3 single family units, 1 existing

PREPARED BY: JEANNE BIERER

SCALE: 1" = 50'

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4308 NECKER AVENUE

OWNER MICHAEL S. AND JEANNE E. BIEMER

DATE JULY 23, 2007

Address: 4317 Mispillion Road

Owner: Patrice Foust

Lot Number: 21

Subdivision Name: Silvergate East

Tax Acct Record: 2200009597

Deed Reference: 9261643

FRONT

#4317
MISPILLION

Address: 4319 Mispillion Road

Owner: Jeff and Vanessa Markiewicz

Lot Number: 20

Subdivision Name: Silvergate East

Tax Acct Record: 2200009596

Deed Reference: 9294156

FRONT

#4319
MISPILLION

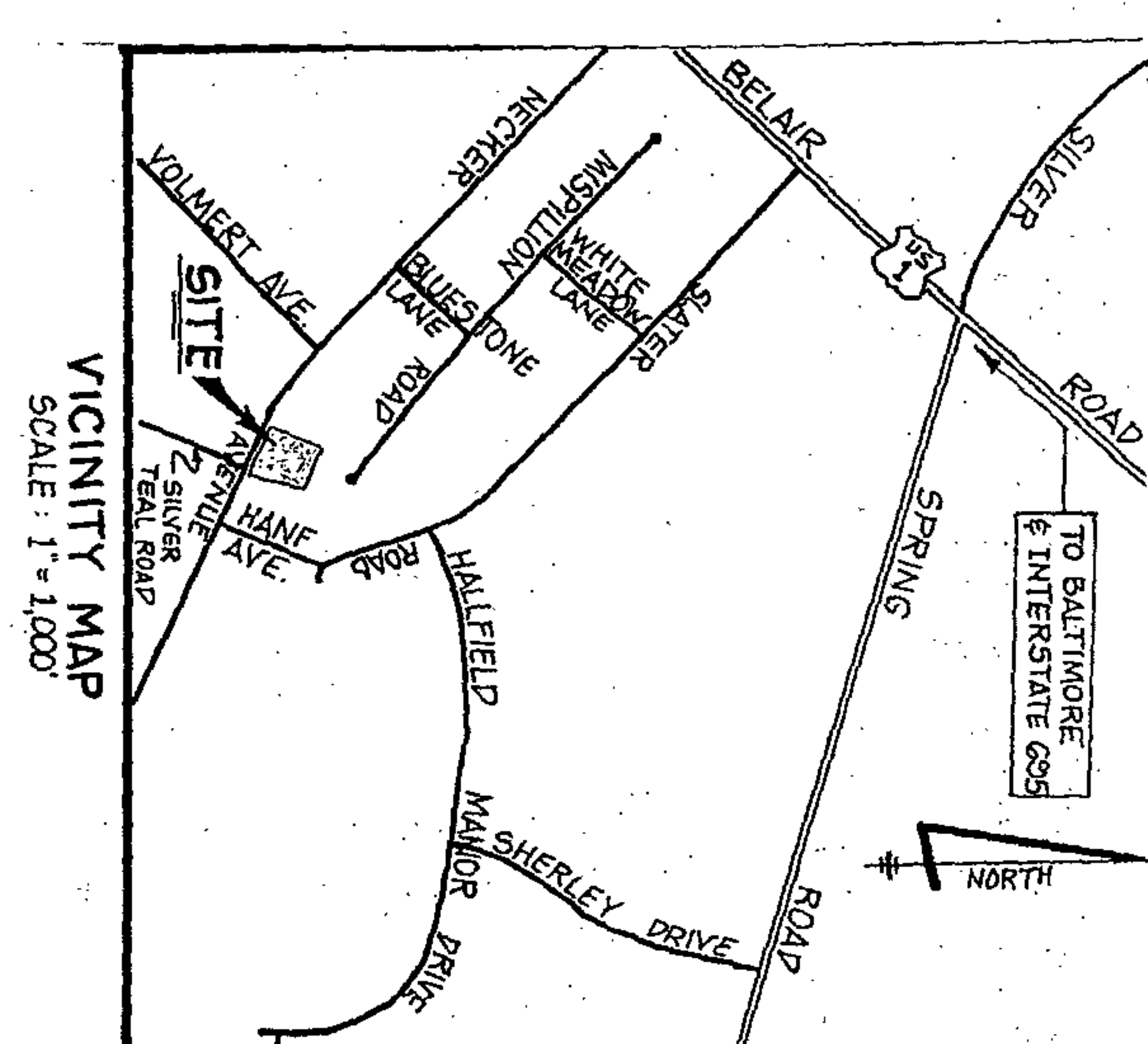
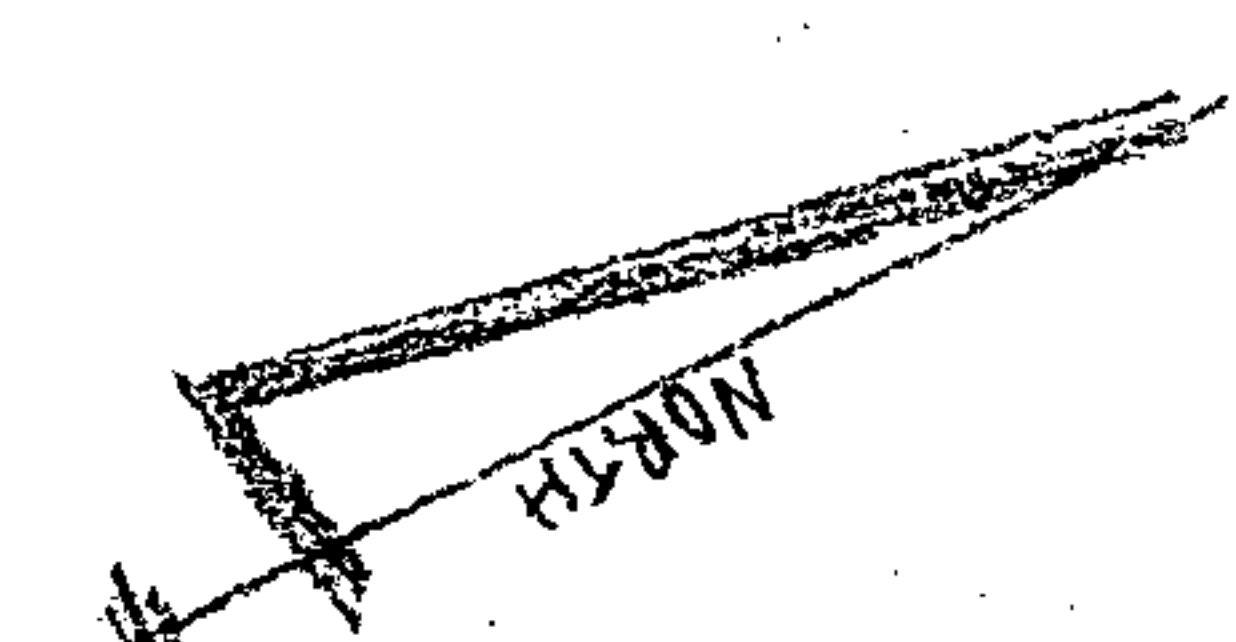
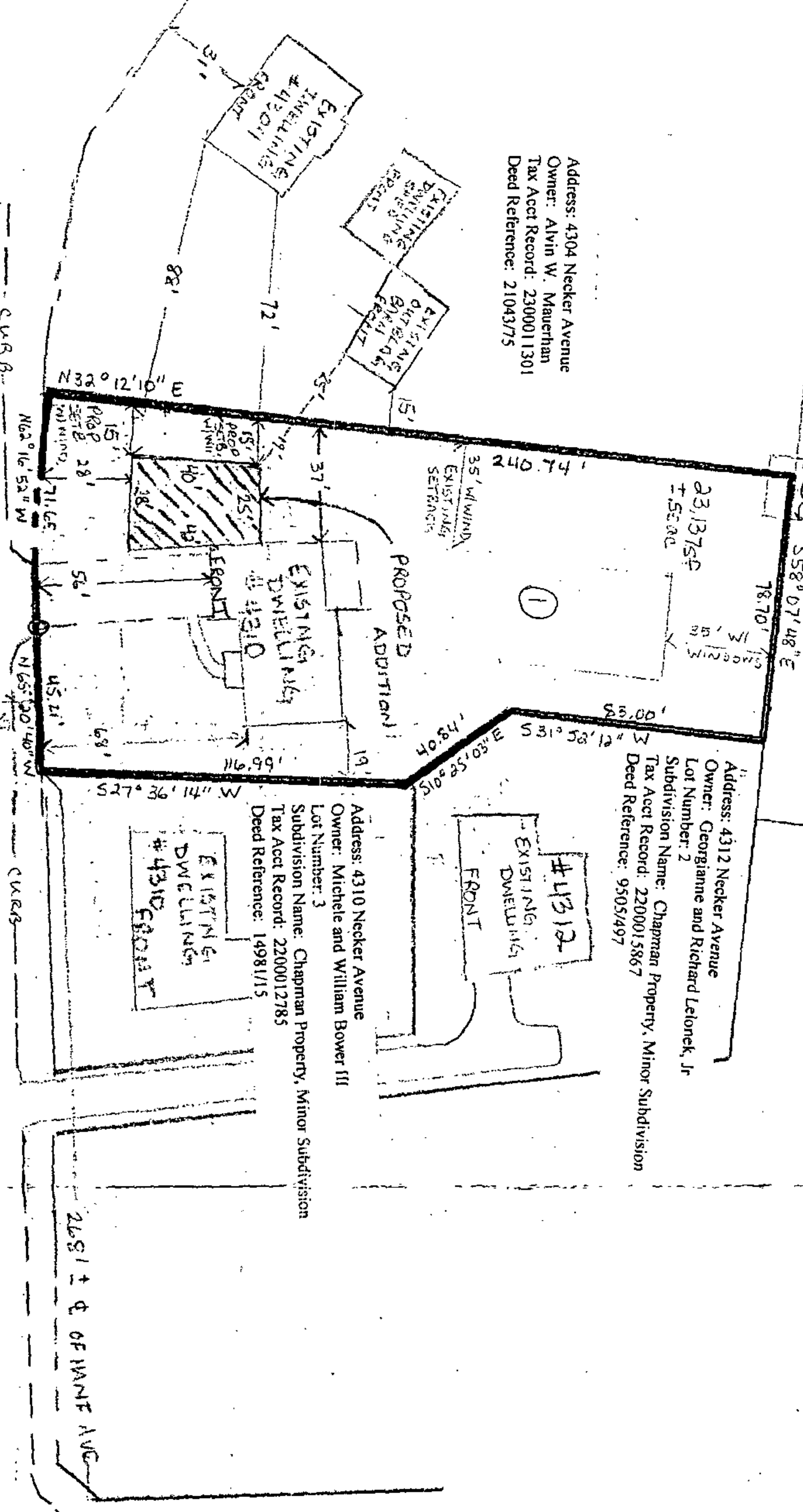
EX: 2' SAND
EX: 20' D+U EASEMENT

Address: 4304 Necker Avenue
Owner: Alvin W. Maerthan
Tax Acct Record: 2300011301
Deed Reference: 2104375

Address: 4312 Necker Avenue
Owner: Georgianne and Richard Letonek, Jr
Lot Number: 2
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200015867
Deed Reference: 9505497

Address: 4310 Necker Avenue
Owner: Michele and William Bower III
Lot Number: 3
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200012785
Deed Reference: 1498115

Address: 4310 Necker Avenue
Owner: Michele and William Bower III
Lot Number: 3
Subdivision Name: Chapman Property, Minor Subdivision
Tax Acct Record: 2200012785
Deed Reference: 1498115



LOCATION INFORMATION	
ELECTION DISTRICT	11
COUNCILMANIC DISTRICT	6
1" = 200' SCALE MAP #	NE 8 G
ZONING D.R.	5.5
LOT SIZE	± 531
ACREAGE	23,137
SQUARE FEET	
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ ☐
CHESAPEAKE BAY CRITICAL AREA	☐ YES ☒ NO
100 YEAR FLOOD PLAIN	☐ ☒
HISTORIC PROPERTY / BUILDING	☐ ☒
PRIOR ZONING HEARING	SEE BELOW
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
CASE #	

A. Tsui 083108-0834

Prior Zoning Hearings

Name: CHAPMAN PROPERTY, Minor Subdivision
Case #: 92-064-M
DATE: 08/10/1992
APPROVED for 3 single family units, 1 existing

PREPARED BY: JEANNE BIEMER

SCALE: 1" = 50'

2. ELECTION DISTRICT - # 11
3. COUNCILMANIC DISTRICT # 5
4. CENSUS TRACT - # 4114.02
5. WATERSHED - # 6
6. SUBSEWERSHED - # 17
7. DEED REFERENCE - 8443/772, 8215/465
8. TAX ACCOUNT NO. - 1900006810
9. LANDSCAPING: CLASS "A" SCREEN W/FENCING PROV. AS SHOWN
10. THERE ARE NO STEEP SLOPES (GREATER THAN 25%) EXISTING ON THE SITE.
11. THERE ARE NO WETLANDS, STREAMS, BODIES OF WATER, OR SPRINGS KNOWN TO EXIST ON THE SITE.
12. THERE ARE NO 100 YEAR FLOODPLAINS EXISTING ON THE SITE.
13. THERE ARE NO HISTORIC BUILDINGS EXISTING ON THE SITE.
14. THERE ARE NO CRITICAL AREAS EXISTING ON THE SITE.
15. THERE ARE NO ARCHEOLOGICAL SITES KNOWN TO EXIST ON THIS SITE AREA.
16. THERE ARE NO ENDANGERED SPECIES HABITATS KNOWN TO EXIST ON THE SITE.
17. THERE ARE NO HAZARDOUS MATERIALS KNOWN TO EXIST ON THE SITE.
18. TAX MAP NO. 72, BLOCK NO. 19, PARCEL NO. 667.
19. THE EXISTING WELL SHALL BE FILLED BY A LICENSED WELL DRILLER.
20. THE EXISTING SEPTIC SYSTEM SHALL BE PUMPED AND REMOVED OR BACKFILLED.
21. AVERAGE DAILY TRIPS - $3 \times 10.5 = 31.5$ ADTS.
22. SCHOOL DISTRICT - JOPPA VIEW ELEMENTARY
23. PROPOSED HOUSES SHOWN ARE FOR GRAPHIC REPRESENTATION ONLY, AND ARE NOT INTENDED TO SHOW THE EXACT SIZE AND LOCATION OF THE UNIT.

24. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT BY THE BY THE OWNERSHIP SHOWN SINCE 1988. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

SEE RECORDED PLATS #A/6 & 63/127

25. ALL SITE RUNOFF WILL BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATER-COURSE, WETLAND, STORMDRAIN, OR ADJACENT PROPERTY.
26. THERE ARE NO EXISTING WOODED AREAS ON THIS SITE.
27. ALL PROPOSED IMPERVIOUS AREAS WILL BE LIMITED TO 30% OF CLEARED AREA WITH RUNOFF CONVEYED AS SHEETFLOW THROUGH VEGETATED AREAS WHERE POSSIBLE AND FLOW THROUGH GRASS LINED SWALES.
28. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRY WELLS WHERE FEASIBLE.
29. A SPECIAL VARIANCE WAS APPLIED FOR FROM B.C.Z.R. SECTION 4A02.D PURSUANT TO SECTION 4A02.4F.1 OF B.C.Z.R. RELATING TO TRANSPORTATION STANDARDS OF INTERSECTIONS FOR A NON-INDUSTRIAL DEVELOPMENT. (CASE NO. 92-43-SA)
30. DRIVEWAYS WILL BE CONSTRUCTED OF BITUMINOUS CONCRETE IN ACCORDANCE WITH STANDARD BALTIMORE COUNTY DETAILS.

31. THE THIRD AMENDMENT TO THE SILVERGATE EAST FINAL DEVELOPMENT PLAN DELETING LOT 27, WHICH INCLUDED A PORTION OF THE CHAPMAN PROPERTY, WAS APPROVED ON JULY 30, 1992. SEE ITEM No. 512; CASE No. 92-43-SA. SPH.

BALTIMORE COUNTY APPROVAL STAMPS

3RD REVIEW # 92-064-M TO: L.J.G. RECEIVED AUG 5 1992 By <u>Scj</u>

CHAPMAN PROPERTY

MINOR SUBDIVISION

BALTIMORE COUNTY, MARYLAND DATE: 31 JANUARY, 1991
PUBLIC SERVICES NO. 92064-M PLANNING NO. _____