

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Falls Road, 450 feet N of
Old Lyme Road
8th Election District
2nd Councilmanic District
(11529 Saint Davids Lane)

Christopher D. and Susan S. Saudek
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-380-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, Christopher D. and Susan S. Saudek for property located at 11529 Saint Davids Lane. The variance request is from Sections 103.1, 103.3, 1A04.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) [Section 1A04.3.B.3 of the 1975 Zoning Regulations Bill 98-1975] to permit a proposed addition with a rear yard setback of 36 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for the Clearings, Section 2, Plat 1, Block A, Lot 10 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a one-story addition attached to the south side of their single family home. The addition would extend 36 feet from the side yard boundary (south) in lieu of the 50 feet required setback. The house currently extends to 45 feet from the same side yard boundary (south) in lieu of the required 50 feet. The addition will contain a family room adjacent to the existing kitchen. The addition is to be built at the location of an existing raised deck. Adding onto the west side of the house is prevented by the existing two-car garage and septic system. The east side borders the busy collector street Falls Road and the north side is heavily wooded. The subject property is accessed via a 30 foot private access easement from St. Davids Lane. A long oval drive leads

ORDER RECEIVED FOR FILING

3-20-08
PS

from the end of St. Davids Lane to the dwelling. The existing dwelling is situated at an angle on the property and backs up to Middle Road. The front portion of the property contains a 10 foot drainage and utility easement. The east side of the property contains a 10 foot revertible slope easement and a 50 foot maximum building setback line. The property contains 1.10 acres zoned RC 5 and is served by private water and sewer.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated March 6, 2008 which indicates that the proposed addition must be at least 20 feet from the septic system.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 1, 2008 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 Petitioners.

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.

3-20-08
p2

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30th day of March, 2008 that a variance from Sections 103.1, 103.3, 1A04.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) [Section 1A04.3.B.3 of the 1975 Zoning Regulations Bill 98-1975] to permit a proposed addition with a rear yard setback of 36 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for the Clearings, Section 2, Plat 1, Block A, Lot 10 only 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.
2. The proposed addition must be at least 20 feet from the septic system.

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

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3-20-08

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 19, 2008

CHRISTOPHER D. AND SUSAN S. SAUDEK
11529 SAINT DAVIDS LANE
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Case No. 08-380-A
Property: 11529 Saint Davids Lane

Dear Mr. and Mrs. Saudek:

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: Henry Warfield, PO Box 76, Butler MD 21023

Petition for Administrative Variance



to the **Zoning Commissioner of Baltimore County** for the property
located at 11529 Saint Davids Lane
which is presently zoned RC-5

Deed Reference: 6709 / 291 Tax Account # 08-1900011

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)

103.1, 103.3, 1A00.4, BCZR (Section 1A04.3.B.3 of the 1975 Zoning Regulations, Bill 98-1975) to permit a proposed addition with a rear yard setback of 36 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for the Clearings, Section 2, Plat 1, Block A, Lot 10 only.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

Saudek, Christopher D

Name - Type or Print

Signature

Saudek, Susan S

Name - Type or Print

Signature

11529 Saint Davids Lane 410-561-3616

Address Telephone No.

Lutherville Maryland 21093

City State Zip Code

Representative to be Contacted:

Henry Warfield

Name

P.O. Box 76 410-472-4048

Address Telephone No.

Butler Maryland 21023

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 08-380-A

Reviewed By JNR Date 2/19/08

REV 7/20/07

Estimated Posting Date 3/2/08

ORDER APPROVED FOR FILING

3-20-08

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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 11529 Saint Davids Lane
Address
Lutherville Maryland 21093
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):

Request permission to construct a one-story addition attached to the south side of a single family dwelling extending to 36' from the side yard boundary (south) in lieu of the 50' required setback.

The house currently extends to 45' from the same side yard boundary (south) in lieu of the required 50'.

The addition will house a Family Room adjacent to the existing Kitchen. It is planned to be "green" construction taking advantage of the south facing exposure for passive solar gain with a planted "green" roof to reduce runoff and minimize heat loss and gain. The addition is to be built at the location of an existing raised deck.

Adding onto the west side of the house is prevented by the existing 2 car Garage and septic system. The east side borders the busy collector street Falls Road and the north side is heavily wooded.

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
Christopher Saudek
Name - Type or Print


Signature
Susan Saudek
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Christopher + Susan Saudek
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

NICOLE ANN SIMEK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 23, 2011

WARFIELD
ARCHITECTS

ZONING DESCRIPTION FOR

11529 SAINT DAVIDS LANE, LUTHERVILLE, MD 21093

Beginning at a point on the WEST side of FALLS ROAD which is

30 FEET wide at the distance of 450 FEET NORTH of the centerline of the nearest

improved intersecting street OLD LYME ROAD which is 50 FEET WIDE.

Being LOT #10, BLOCK "A" in the subdivision of THE CLEARINGS, Section 2, Plat 1 as

recorded in Baltimore County PLAT BOOK #50, PAGE 143 containing 1.10 acres.

with the following metes and bounds:

S 83° 48' 00" E	281.17'
N 10° 36' 06" W	140.48'
N 92° 21' 10" E	320.28'
S 07° 38' 50" E	207.59 to the place of beginning.

Also known as 11529 SAINT DAVIDS LANE located in the 8th Election District,
2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11062**

Date: **2/19/08**

PAID RECEIPT

MISCELLANEOUS RECEIPT
 2/19/2008 2/19/2008 11-0000
 RECEIPT # 11062 2/19/2008
 Dept: 5 500 GENERAL INVESTIGATION
 Receipt for \$115.00
 \$115.00 00
 Baltimore County, Md 11062

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
201	006			6150				115.00

Total: **115.00**

Rec From: **Christyphred Susan Sauder**

For: **Adm. Expense - 11529 Saint Davids Lane**
DR-380-A (SAUDER)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 03/5/08

Case Number: 08-380-A

Petitioner / Developer: SAUDEK~~HENRY WARFIELD,AIA

Date of Hearing (Closing): MARCH 17, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
11529 SAINT DAVIDS LANE

The sign(s) were posted on: 03/01/08



Linda O'Keefe 3/5/08
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 380 -A Address 11529 Saint Davids Lane

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/19/08 Posting Date: 3/2/08 Closing Date: 3/17/08

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

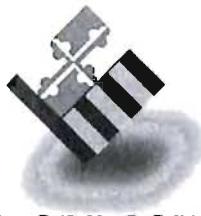
Case Number 08- 380 -A Address 11529 Saint Davids Lane

Petitioner's Name Sauder Telephone 410-561-3616

Posting Date: 3/2/08 Closing Date: 3/17/08

Wording for Sign: To Permit a proposed addition with a rear yard setback of 36 feet
in lieu of the minimum required 50 feet and to amend the Final
Development Plan for The Clearings, Section 2, Plat 1, Block A, Lot 10 only.

WCR - Revised 6/25/04



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

March 18, 2008

Christopher D. Saudek
Susan S. Saudek
11529 Saint Davids Lane
Lutherville, MD 21093

Dear Mr. and Mrs. Saudek:

RE: Case Number: 08-380-A, 11529 Saint Davids Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Henry Warfield P.O. Box 76 Butler 21023

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

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MAR 14 2008

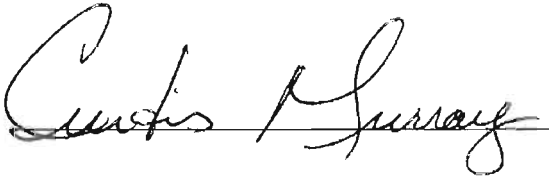
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-380- 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 Jeff Mayhew in the Office of Planning at 410-887-3480.

Prepared By:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 07 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: March 6, 2008

SUBJECT: Zoning Item # 08-380-A
Address 11529 St. Davids Lane
(Saudek Property)

Zoning Advisory Committee Meeting of February 25, 2008

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The proposed addition must be at least 20 feet from the septic system. – M.
Epps; Ground Water Management



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 27, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 25, 2008

Item Number: 370, 371, 372, 374, 376, 378, 380, 381, 383

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.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (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: MARCH 3, 2008

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

RE: Baltimore County
Item No. 08-380-A
11529 SAINT DAVIDS LANE
SANDEK 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. 8-380-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,

A handwritten signature in black ink that reads "Michael A. Bailey".

For: Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 4, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 3, 2008
Item Nos. 08-370, 371, 372, 373, 374,
375, 376, 378, 379, 380, 381, 382, and 383

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-02292008.doc

CHESTNUT RIDGE ESTATES ON THE GREEN (PDM File/Project #)

NW 14-D
8 ED 059C1
Flood Zone X
0803024242

NW 13-D

ST DAVIDS LN

FALLS RD

FALLS RD

MIDDLE RD

1900011128
1900011129
Pl. Bk. 50 Folio 57
11541
CLEARINGS (SECTION 1 PLAT 2) (PDM File/Project #)

1900011130
11535

CLEARINGS (SECTION 2 PLAT 1) (PDM File/Project #)
1900011131
11529

RC 5
2 CD

SITE

11518
Pl. Bk. 50 Folio 143 1900011132

1900011133

Pt. Bk. 38 Folio 117
1700004938

1700004937

0820066576

0820066575

2300005836



Map 6-101



STATION 10

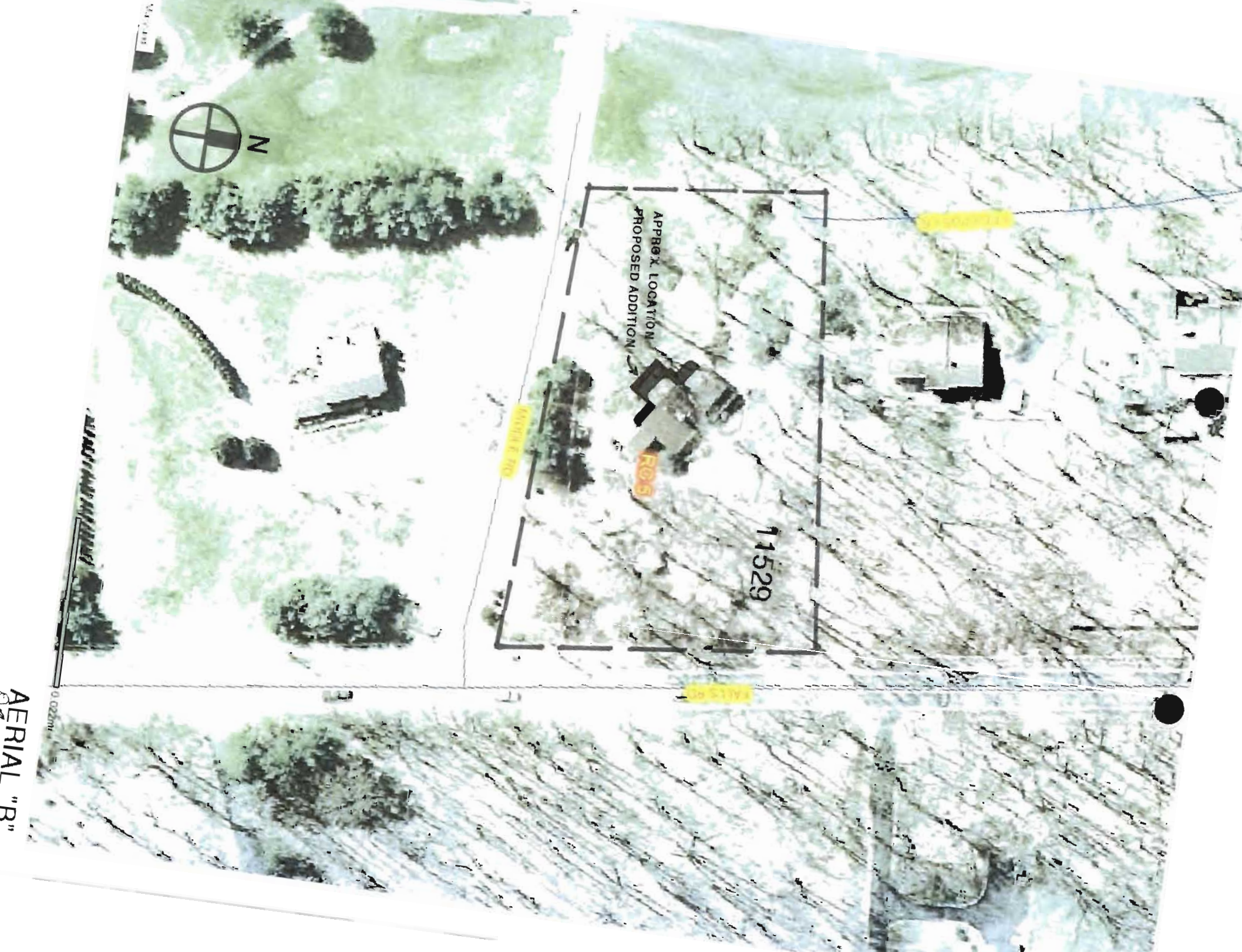
STATION 10

STATION 10

STATION 10



AERIAL "A"



APPROX. LOCATION
PROPOSED ADDITION.

PROS

71529

Abstract

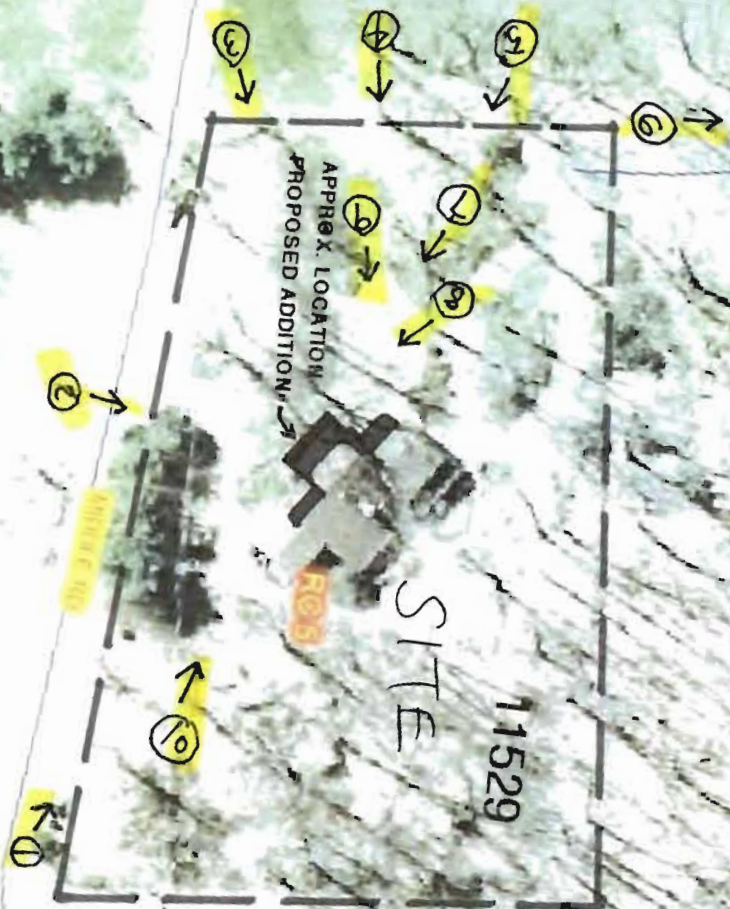
Go 5374



0.025m

AERIAL "B"

PHOTOGRAPH KEY



PHOTOGRAPH KEY

AERIAL "B"



08-380-4



#1



#2



#3



#4



#5



#6



#7



#8



#9



#10

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

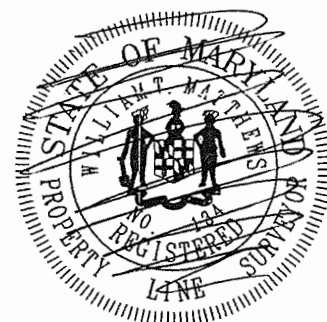
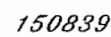
PROPERTY ADDRESS 11529 ST. DAVIDS LANE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME **THE CLEARINGS**

PLAT BOOK # 50 FOLIO # 143 LOT # 10 SECTION # 2 BLOCK A PLAT 1

OWNER SAUDEK, CHRISTOPHER & SUSAN



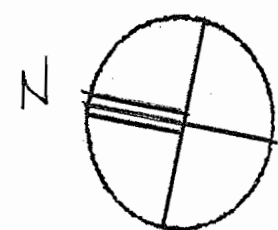
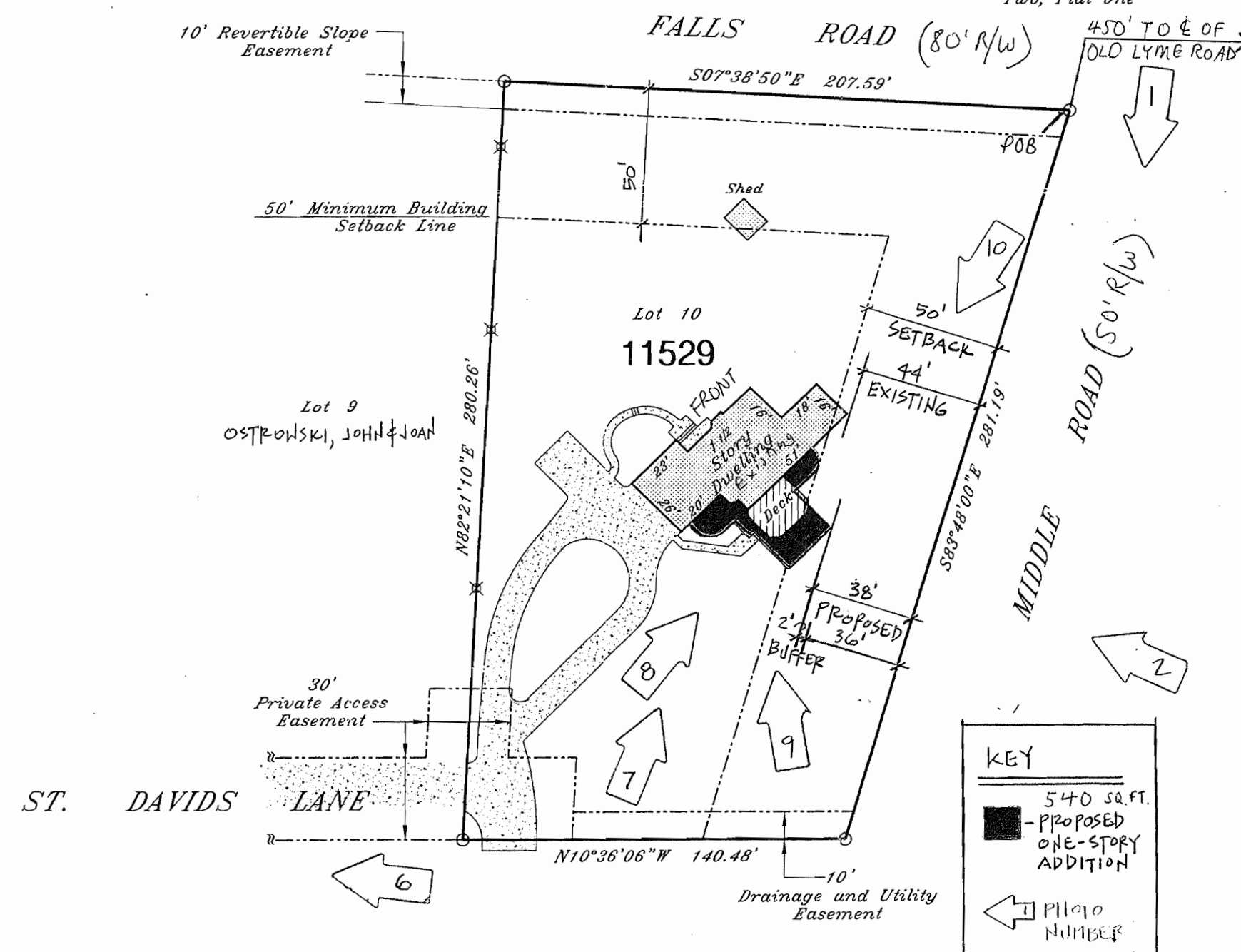
Location Drawing
Scale: 1" = 50'

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated financing or refinancing. The plat does not and does not purport to establish the location of fences, garages, buildings, dwellings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing. The approximate location of the dwelling is shown in relation to the apparent property lines for the property known as

11529 St. Davids Lane
Baltimore County, Maryland

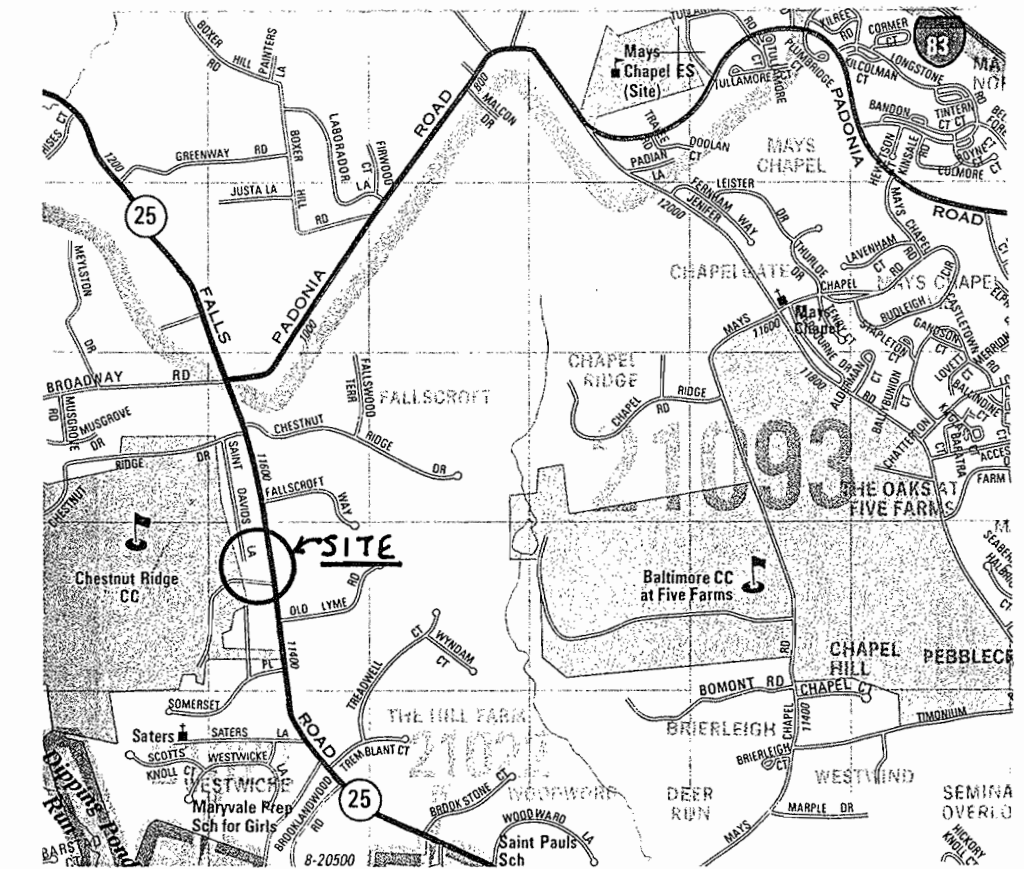
Nelson & Matthews 1/11/08

Ruxton Design Corporation
8422 Bellona Lane
Suite 300
Towson, Maryland 21204
410-823-5000
410-823-0115 fax
rdc@ruxtondesign.com www.ruxtondesign.com



PREPARED BY WARFIELD ARCHITECTS

SCALE OF DRAWING: 1" = 50'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP # ~~NW 14-D~~

ZONING RC-5 059C1

LOT SIZE **1.10** **47,916**
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER

WATER

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

CASE #

JMP

380

08-380-A