IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Nemo Road, 143 feet SW of c/l of Falcon Ridge 2nd Election District 4th Councilmanic District (3956 Nemo Road)

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-475-A

Vincent L. Whitmore and Edith M. Audlett-Whitmore

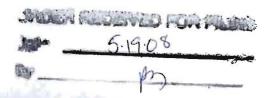
Petitioners *

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, Vincent L. Whitmore and Edith M. Audlett-Whitmore for property located at 3956 Nemo Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a shed measuring 4 feet x 12 feet in size to be attached to the left side of the dwelling. The home does not have a garage and very little storage. Currently there is no place to store the lawn mower or other outdoor items. Petitioners state that the Falcon Ridge subdivision covenants require that storage sheds and other buildings be attached to the home.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 20, 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.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of May, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a shed in the side yard in lieu of the required rear yard is hereby GRANTED, subject to the following:

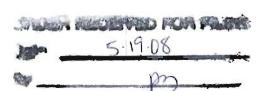
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 19, 2008

VINCENT L. WHITMORE AND EDITH M. AUDLETT-WHITMORE 3956 NEMO ROAD RANDALLSTOWN MD 21133

Re: Petition for Administrative Variance Case No. 08-475-A Property: 3956 Nemo Road

Dear Mr. and Mrs. Whitmore:

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







Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MADVIANO.		20	7//	() =	DI.
	for the property	located at 3°		red DR	3.5
		which is pi	eschity zon	ieu _ v A	2.2
This Petition shall be filed with the Dep owner(s) of the property situate in Baltimor made a part hereof, hereby petition for a V	re County and which ariance from Section	n is described in the n(s)	description a	and plat attac	thed hereto and
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A SHED IN THE THE REQUIRED	REAR Y	ARD.	[11]	n zan	ASH
			of a		
of the zoning regulations of Baltimore Cou		w of Baltimore Cour	nty, for the re	asons indicat	ted on the back
of this petition form.	111			art and mind	
	proscribed by the 7	oning regulations		o-talk a men p	100 11
Property is to be posted and advertised as I, or we, agree to pay expenses of above Varia regulations and restrictions of Baltimore County	ince, advertising, post	ling, etc. and further a	gree to and al	re to be bound	ed by the zoning
•		I/We do solemnly perjury, that I/we a is the subject of th	are the legal or	ffirm, under the wner(s) of the	e penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s			
		Vancont 1	. Whitm	n/ė	
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Signature		Signature	hydlett-h	1.	
Address	Telephone No.	Name - Type or Prin		Whitman	
City State	Zip Code	Signature /	0.	VICTIN C	
Attorney For Petitioner:		3956 Nemo		4/0	7-922-3/5. Telephone No.
		Randallsto	0/11/11	MID	21133
Name - Type or Print		City		State	Zip Code
Signature		Representativ	e to be Co	<u>ntacted:</u>	
		Edith M.	<u> 4ydlett-</u>	Whitmor	e
Company		3956 Nemo	Rd., POB	294 4	<u>10-922-31</u> 5
Address	Telephone No.	Address	,	11/17	Telephone No.
City State	Zip Code	Kandalls K	ω_{γ}	State	2//33 Zip Code
·					
A Public Hearing having been formally demande this day of that regulations of Baltimore County and that the property	the subject matter of this	equired, it is ordered to spetition be set for a pu	by the Zoning Cublic hearing, ad	ommissioner of vertised, as requ	Baltimore County, uired by the zoning
		Zoning Co	mmissioner of E	Baltimore County	у
CASE NO. 2008-0475-	A Revie	ewed By	V Dat	te 40 C4	11.08
CHARLES AND THE PARTY.	ALCON MALIER		4.	20:08	
REV 10/25/01 5.19.09	ESTIN	nated Posting Date		0 00	
A2	A				

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

Address
Kandal Islawn MD 21/33
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):

PRACTICAL DIFFICULTY

REV 10/25/01

3956 Nemo Road, Randallstown, Maryland 21133, was the model for the Falcon Ridge Development, has no garage, and very little storage. There is no place to store the lawn mower and other outdoor items. The house is the only Winchester Homes house built without a garage to our knowledge. The Falcon Ridge Covenants require that storage sheds and other buildings must be attached to the house. Presently, the south side of the house is approximately 12' to the property line.

That the Affiant(s) acknowledge(s) that if a formal demadvertising fee and may be required to provide additional	nand is filed, Affiant(s) will be required to pay a reposting and information.
June Waterwo	Saith M. Gizlett Shitmore
Vincent L. Whitmore	Edith M. Aydlett - Whitmore
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to a line of Maryland, in and for the County aforesaid, personally appropriate the Affiant(s) herein, personally known or satisfactorily ide	wit: , 2008, before me, a Notary Public of the State ppeared SithMAydette Whitmore Intified to me as such Affiant(s).
	Lashara L. Francock Notary Public
Ĺ	My Commission Expires 8-1-2010

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

Address Namo Road

Address ND 21133

City State Zip Code

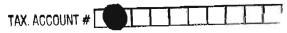
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

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That the Affiant(s) acknowledge(s) that if a formal dem advertising fee and may be required to provide additional in	and is filed, Affiant(s) will be required to pay a reposting and nformation.
June De Walnus	Solith M. Agglett Shitmon
Vincent L. Whitmore	Edith M. Aydlett-Whitmore
Name - Type or Print	Name - Type or Print /
STATE OF MARYLAND, COUNTY OF BALTIMORE, to v	
of Maryland, in and for the County aforesaid, personally ap	M. Audlett-Whitmore
the Affiant(s) herein, personally known or satisfactorily ide	ntified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
A	Barbara L. Peacock
	My Commission Expires 8-01-2010



I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3956	NEMO	Rol.			
which is presently zoned DR.3.5						

This Petition shall be filed with the Department of Permits and	l Development	t Management.	The undersigned, legal
owner(s) of the property situate in Baltimore County and which is de-	escribed in the	description and	plat attached hereto and
made a part hereof, hereby petition for a Variance from Section(s)	400.1.	R170 "	TO 200 -

A SHED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Name - Type or Address Telephone No. Signature State Zip Code 3956 Attorney For Petitioner: elephone No Name - Type or Print Representative to be Contacted: Signature Company Address Telephone No. City Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County,

CASE NO. 2008-0475-A

Reviewed By

Date 4108

Estimated Posting Date 4-20-08

that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

this day of that the subject or regulations of Baltimore County and that the property be reposted.

Pos

Zoning Description

ZONING DESCRIPTION FOR <u>3956 NEMO ROAD, RANDALLSTOWN,</u>

MARYLAND 21133.

Beginning at a point on the northwest side of Nemo Road which is 60 feet wide at the distance of 143 feet southwest of the centerline of the nearest improved intersecting street, Falcon Ridge Drive, which is 50 feet wide. Being Lot # 4, in the subdivision of Falcon Ridge as recorded in Baltimore County Plat

Book # 58, Folio # 119, containing 8,524 square feet. Also known as 3956 Nemo

Road, Randallstown, Maryland 21133 and located in the 2nd Election District, 4th

Councilmanic District.

OFFICE	OF BU	OUNTY, DGET AI US REC	ND FINA				No.	2077	P 4/1	PAID RECEIPT ISINESS ACTUAL TIME DRM 1/2008 4/11/2008 09:19:54 1
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For:			PINK - AC	GENCY	A		YELLOW	- CUSTOMER		CASHIER'S VALIDATION

D. S.

Certificate of Posting

RE: Case NO
Petitioner/Developer
Vincent Whitmore
Date of Hearing/Closing5/5/08
pment Managements I Ities of perjury, that the necessary sign(s) as bicuously on the property located at
3956 Nemo Road
4/20/08 (Month, Day, Year)
Sincerely, A ZD OS (Signature of sign Poster and date) Richard E. Hoffman (Printed Name) 904 Dellwood Drive (Address) Fallston, Md. 21047 (City, State, Zip Code)

Certificate of Posting Photograph Attachment

Re:	2008-0475-A
Peti	tioner/Developer:
	Michael Ross
Date	e of Hearing/Closing: 5/5/08



3956 Nemo Road

	Posting Date:	4/20//08
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

				•			
Case	Number 08-	0475	_A	Address 393	56 1	LEMO R	el
			MERLE , Please Print Your N				410-887-3391
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2.	a formal red	quest for a p	ublic hearing.	adline for an occu Please unders is not complete	tand that	even if there	
3.	commissione order that the (typically with	er. He may: he matter be hin 7 to 10 da	(a) grant the set in for a lys of the clos	file will be review requested relief; public hearing. ing date) as to wl order will be mail	(b) deny You will hether the	the requeste receive writte petition has	d relief, or (c) en notification been granted,
4	(whether du commissione changed givi posted, certi	e to a neighler), notification in the second to the second	bor's formal r n will be forv he hearing da	EPOSTING: In case equest or by order warded to you. It is time and locate aphotograph of the equilibrium.	der of the The sign tion. As v	e zoning or on the proportion of the proportion of the proportion of the sign of the sign of the sign of the proportion	deputy zoning perty must be was originally
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APPLICANT RECEIVED PRIGINAL WITH INSTRUCTIONS.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 5, 2008

Vincent L. Whitmore Edith M. Aydlett-Whitmore 3956 Nemo Road, P.O. Box 294 Randallstown, MD 21133

Dear Mr. and Mrs. Whitmore:

RE: Case Number: 2008-0475-A, 3956 Nemo Road

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Amold F. 'Pat' Keller, III

Director, Office of Planning

DECEIVE 1 MAY 1 5 2008

DATE: April 23, 2008

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-475- 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:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 28, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 28, 2008

Item No.: 08-470, 471, 472, 474, 477, 478, 479, 480, 481, 482, 4

485, 486, 487, and 488.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk cc: File

ZAC-04282008-NO COMMENTS



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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary

Maryland Department of Transportation

Date: APRIL 21, 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. 8-475-A 3996 NEMO ROAD

WHITMORE 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. 8-475-4.

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,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB



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

April 24, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 21, 2008

482,483,484,485,486 and 488

Item Number: 470,471,472,473,474, 475)476,477,478, 479,480,481,

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.

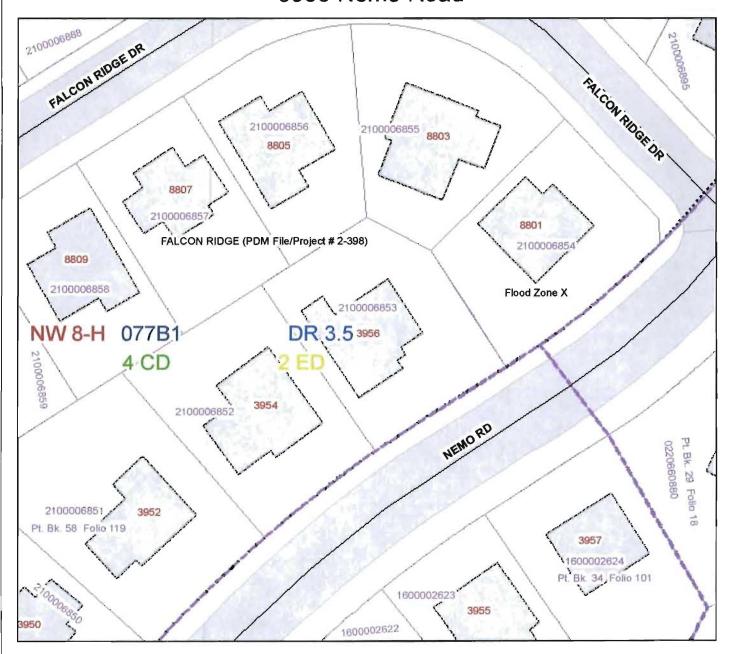
1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C) 443-829-2946 MS-1102F

cc: File

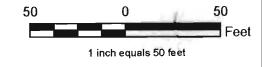
DI AT TO ACCOMPANY DETITION FOR TONIAGE VARIABLE COFOLAL MEADI	
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARI PROPERTY ADDRESS 3956 Nemo Road SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION	NG
SUBDIVISION NAME Folio Ridge PLAT BOOK # 58 FOLIO # 119 LOT # 4 SECTION # OWNER Vincent L. Whitmore + Edith M. Aydlett-Whitmore	Tool of the state
Richard F. (Jr.) & Mary H. Manning Lot 2 Richard F. (Jr.) Scale: 1" = 1000'	
LOCATION INFORMATION ELECTION DISTRICT 2 COUNCILMANIC DISTRICT 4 1"= 200' SCALE MAP # 077 B ZONING DR3.5 LOT SIZE 1957 8,524 ACREAGE SQUARE FE	,
NEMORD PUBLIC PRIVATE SEWER [X] [] WATER [X] YES CHESAPEAKE BAY CRITICAL AREA	NO X
100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING	XI XI
NORTH REVIEWED BY STATE OF DRAWING: 1" = 20' REVIEWED BY ITEM # CAS	SE#

3956 Nemo Road





DQ Map Notes

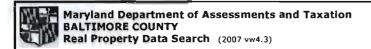


State

Municipal Tax Exempt:

Exempt Class:

NO



Go Back View Map New Search

District - 02 Account Number - 2100006853 **Account Identifier: Owner Information** WHITMORE VINCENT L **Owner Name:** RESIDENTIAL AYDLETT-WHITMORE EDITH M Principal Residence: YES 3956 NEMO RD Deed Reference: Mailing Address: 1) /15647/ 217 **RANDALLSTOWN MD 21133 Location & Structure Information Premises Address Legal Description** 3956 NEMO RD .1957 AC 3956 NEMO RD **FALCON RIDGE** Мар Grid **Parcel Sub District** Subdivision Section **Block** Lot Assessment Area Plat No: Plat Ref: 77 58/ 119 **Town Special Tax Areas Ad Valorem Tax Class Primary Structure Built Enclosed Area Property Land Area** County Use 1989 2,382 SF 8,524.00 SF 04 **Basement** Stories Type **Exterior** YES STANDARD UNIT SIDING **Value Information** Base Value Value **Phase-in Assessments** As Of As Of As Of 01/01/2007 07/01/2007 07/01/2008 Land 50,130 92,130 164,070 302,750 Improvements: 214,200 394,880 334,652 Total: 274,426 **Preferential Land: Transfer Information** Seller: WHITMORE VINCENT L Date: 10/11/2001 Price: NOT ARMS-LENGTH Deed1: /15647/ 217 Deed2: Type: Seller: WINCHESTER HOMES INC Date: 05/03/1990 Price: \$212,000 IMPROVED ARMS-LENGTH Deed1: /8470/821 Deed2: Type: Price: Date: Seller: Deed1: Deed 2: Type: **Exemption Information** 07/01/2008 **Partial Exempt Assessments** Class 07/01/2007 000 County

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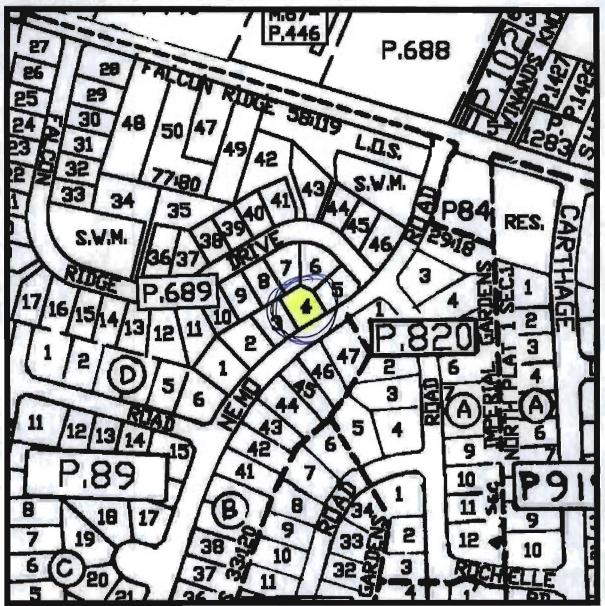
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Special Tax Recapture: * NONE *

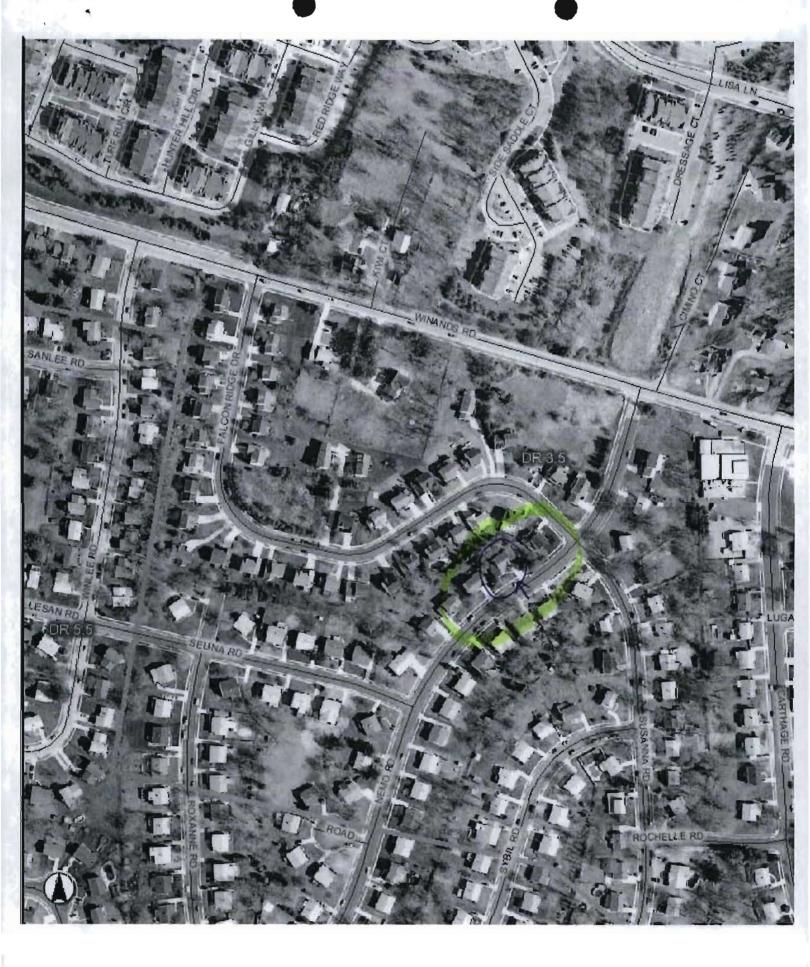


Go Back View Map New Search

District - 02 Account Number - 2100006853



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/tax_mos.htm





Edith M. Aydlett-Whitmore and Vincent L. Whitmore 3956 Nemo Road, Randallstown, Maryland 21133

Side of house where proposed storage shed would be placed. Yellow shrubbery is property

line.



Side of house from rear to Nemo Road

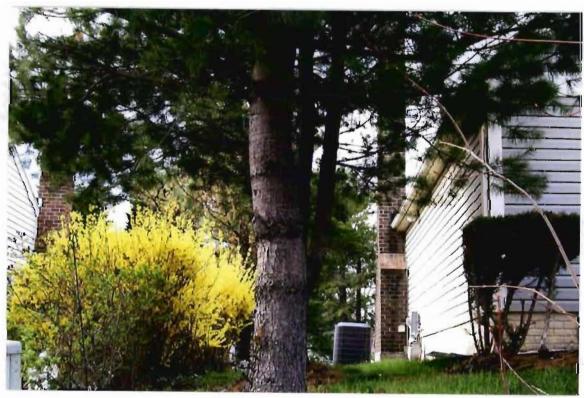


2008-0475-A

Edith M. Aydlett-Whitmore and Vincent L. Whitmore 3956 Nemo Road, Randallstown, Maryland 21133

Side of house where proposed storage shed would be placed as viewed from Nemo Road





2008-0475-A