#### IN RE: PETITION FOR ADMIN. VARIANCE

W side Waltham Woods Road, at SW corner of Tigerwood Court 9<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District (9116 Waltham Woods Road)

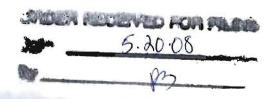
Kenneth and Dawn Mumaw *Petitioners* 

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-494-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, Kenneth and Dawn Mumaw for property located at 9116 Waltham Woods Road. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to have a side yard setback of 20 feet in lieu of the allowed 22.5 feet; and to amend the Final Development Plan of Chippendale, Section 1, Block A, Lot 9 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners desire to construct a replacement deck measuring 14 feet wide x 30 feet long. The deck will be longer than the existing deck and run the length of the home. This side yard slopes down toward Tigerwood Court. The new deck would only project 14 feet from the farthest side portion of the house and still remain 20 feet from the side property line. The deck will conform with other decks in the neighborhood and allow for a table, chairs and grill to fit comfortably.

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.

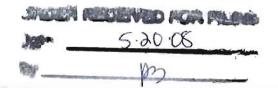


The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 27, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

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

5.20.08

THB:pz



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**

is the subject of this Petition.

to the Zoning Commissioner of Baltimore County

for the property located at 9116 WALTHAM WOODS RD, which is presently zoned DR, 3.5

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) 301,1. A - to permit a proposed open projection (deck) to have a side yard setback of 20 feet in lieu of the allowed 22 /2; and to amend the final development plan of Chyppendale, section 1 block A, lof 9 only

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.

Contract Purchaser/Lessee: Name - Type or Print Signature Signature Address Telephone No. Name -City Zip Code State Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company 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, 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. Reviewed By Date REV 10/25/01 Estimated Posting Date

# Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 7116 WALTHAM WOODS KD.

State

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):

Please grant my request to construct and attach a sundeck to the side of my house and extend past the limits of the building restriction line currently available. In my situation, the Builder/Developer has constructed my house near the right side limit of the Building Restriction Line. The Builder was forced to do this because my lot is a corner lot and was designed with an irregular shape. Although the lot conforms with other lots in the subdivision as far as square footage is concerned, the shape allows for little usable side yard. The grading and slope has further reduced the functional space of my side yard, therefore I am requesting to extend a sundeck to my first floor. The new sundeck would only project 14' from the farthest side portion of the house and still remain 20' from the side lot line. The sundeck is not large, overbearing or obtrusive. The sundeck conforms with other decks in my neighborhood, allows for a table and chairs to fit comfortably, will conform with the surrounding homes and be constructed with premium materials (white PVC rails and composite decking), as many others have been. Thank you for your consideration.

That the Affiant(s) acknowledge(s) that if a formal deadvertising fee and may be required to provide additional	emand is filed, Affiant(s) will be required to pay a reposting and al information.
Signature Signature	Signature
KENNETH MUMAW	Name - Type or Print
STATE OF MADYLAND COUNTY OF DALTMORE IN	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, personally a	
the Affiant(s) herein, personally known or satisfactorily id	entified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public
	My Commission Expires / / / 2011

REV 10/25/01

## Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

REV 10/25/01

Variance at the above address (indicate hardship or practical difficulty):

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 based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Please grant my request to construct and attach a sundeck to the side of my house and extend past the limits of the building restriction line currently available. In my situation, the Builder/Developer has constructed my house near the right side limit of the Building Restriction Line. The Builder was forced to do this because my lot is a corner lot and was designed with an irregular shape. Although the lot conforms with other lots in the subdivision as far as square footage is concerned, the shape allows for little usable side yard. The grading and slope has further reduced the functional space of my side yard, therefore I am requesting to extend a sundeck to my first floor. The new sundeck would only project 14' from the farthest side portion of the house and still remain 20' from the side lot line. The sundeck is not large, overbearing or obtrusive. The sundeck conforms with other decks in my neighborhood, allows for a table and chairs to fit comfortably, will conform with the surrounding homes and be constructed with premium materials (white PVC rails and composite decking), as many others have been. Thank you for your consideration. 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. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 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). AS WITNESS my hand and Notarial Seal My Commission Expires





REV 10/25/01

## **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

for the property located at 9116 WATHAM WOODS RD, which is presently zoned DR. 3.5

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) 301.1. A - to permit a proposed open projection (deck) to have a side yourd setback of 20 feet in lieu of the allowed 22 1/2; and to amend the final development plan of Chippendale, section 1, block A, lot 9 only

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: Legal Owner(s): Name - Type or Print Signature Signature Address Telephone No. Name - Type Zip Code City State Attornev For Petitioner: Name - Type or Print Signature Company Address Telephone No. State Zip Code City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO.

Estimated Posting Date

5 20.08

## ZONING DESCRIPTION FOR 9116 WALTHAM WOODS ROAD, BALTIMORE, MD 21234

Beginning at a point on the West side of Waltham Woods Road which is 70' wide at the distance of 160'-

southwest corner (+/-) South of the centerline of the nearest improved Tigerwood intersection street, White Spruce Court, which is 50'

wide. \*Being Lot # 9, Block A, Section #1 in the subdivision of Chippendale as recorded in Baltimore County Plat Book # 41, Folio # 52, containing 10,080 sq. ft. Also known as 9116 Waltham Woods Road and located in the 9<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

Item #494

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or:		1000		195 L. III						

### **CERTIFICATE OF POSTING**

		Date: 4-27-08
RE:	Petitioner/Develo	OB-494-A oper: Dennis + Dawn Munaw Closing: 5-12-08
by law	This is to certify under were posted cons	inder the penalties of perjury that the necessary sign(s) required spicuously on the property located at 9116 Walthaw W
	The sign(s) were	posted on 4-27-08 (Month, Day, Year)
		(Signature of Sign Poster)
		(Printed Name of Sign Poster)
ATT	TACK PHOTOGRAPH  OF  SIGN POSTED ON  PROPERTY  HERE	(Street Address of Sign Poster)  Partton, Hd 21120  (City, State, Zip Code of Sign Poster)
		(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

# VARIANCE

CASE # 08-494-A

PROPOSED OPEN HAVE A SIDEYARD SETBACK UF ZOFFET IN LIEU OF THE ALLOWED ZZEFT AND TO AMEND THE SECHPEDALE SEC. I BLOCK A LOT

# PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AM ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS ADDITIONAL INCOMMENCE PERMITS AND

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 494 -A Address 9116 Waltham Wood Rd
Contact Person: David Juva Phone Number: 410-887-3391
Contact Person: David Duva Phone Number: 410-887-3391  Filing Date: 48 08 Posting Date: 427 08 Closing Date: 5/12/08
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <u>DEADLINE</u> : 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.
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. <u>POSSIBLE PUBLIC HEARING AND REPOSTING:</u> 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- 494 -A Address 9116 Waltham Wood Rd
Petitioner's Name Kenneth Mumaw Telephone 410 663 4335
Posting Date: $\frac{4/27/08}{}$ Closing Date: $\frac{5/12/08}{}$
Wording for Sign: To Permit a proposed open projection (cleck) to have a side yard setback of 20 feet in lieu of the allowed 221/2; and
to amend the Final Development Plan of Chippendale, Section 1,
Block A, lot 9 only
WCR - Revised 6/25/04

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 08-494-A
Petitioner: KENNETH AND DAWN MUMAW
Address or Location: 9116 WALTHAM WOODS RD.
Address or Location: 9116 WALTHAM WOODS RD.  BALTIMORE, MD 21234
PLEASE FORWARD ADVERTISING BILL TO:
Name: MD DECK AND HOT TUBS LLC
Address: 1802 BALTIMORE BLVD.
WESTMINSTER, MD 2457
Telephone Number: 4/0-374-8008

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 12, 2008

Kenneth & Dawn Mumaw 9116 Waltham Woods Rd. Baltimore, MD 21234

Dear Kenneth & Dawn Mumaw:

RE: Case Number: 2008-0494-A, Address: 9116 Waltham Woods Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 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
Dave Finneran, MD Deck & Hot Tube, 1802 Baltimore 21157

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** May 1, 2008



BY:----

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-494- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By

CM/LL



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

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

Maryland Department of Transportation

Date: APRIL 30, 2008

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

RE: Baltimore County

MUMAW 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.8-494-4

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,

Division

SDF/MB

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 1, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 5, 2008

Item Nos. 08-489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501,

502, and 503.

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

DAK:CEN:lrk cc: File

ZAC-5012008-NO COMMENTS

