

IN RE: PETITION FOR ADMIN. VARIANCE

N Side of Allview Court, 133 feet +/-
from c/l of Tugwell Drive
1st Election District
1st Councilmanic District
(1214 Tugwell Drive)

Paul R. and Kimberly Ober
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-524-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, Paul R. and Kimberly Ober for property located at 1214 Tugwell Drive. The variance request is from Section 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a vinyl 6 foot fence along the adjoining front property line in lieu of the permitted 3.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners live on a corner lot with a very small back yard. The yard enclosed by the fence will provide a safe area for their children to play. The Petitioners discussed the location of the fence and deck with their neighbors located at 1216 Tugwell, 406 Allview Court and 406 Allview Court who did not object to the proposal. The deck is not part of this administrative variance request.

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 May 18, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

STAMP RECEIVED FOR FILED

6.5.08
PM

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 5th day of June, 2008 that a variance from Section 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a vinyl 6 foot fence along the adjoining front property line in lieu of the permitted 3.5 feet 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

ORDER RESERVED FOR FILING
6.5.08




Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1214 Tugwell Drive, Baltimore, MD 21228

which is presently zoned DR-2

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)

427. B.2; BCZR, TO PERMIT A VINYL 6FT. FENCE ALONG THE
ADJOINING FRONT PROPERTY LINE IN LIEU OF THE PERMITTED 3.5 FT.

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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

Paul R. OBER
Name - Type or Print
Signature
Kimberly M. OBER
Name - Type or Print
Signature
1214 Tugwell Drive Hm (410) 788-8269
Address Wk (443) 778-0167
Baltimore MD 21228
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.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0524-A

Reviewed By Date 5-7-08

REV 10/25/01

Estimated Posting Date 5/18/08

STAMP RECEIVED FOR FILING

6-5-08

13

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 1214 Tugwell Drive
Address
Baltimore MD 21228
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):

Our goal is to create a safe and private play area for our young children while living on a residential corner lot.

We are requesting the variance to allow us:

- 1) to install a continuous 6-ft tall privacy fence, including the 30-ft portion next to our neighbor's driveway, the portion of fence in question is in our back yard, but adjacent to their front yard, and
- ~~2) to build a 12-ft x 16-ft deck on the side of house, the crosses the 25-ft BRL~~ *pro*

We have discussed the fence and deck installation with our neighbors and they are agreeable to the construction of both. We have included a signed statement from each of our neighbors indicating their acceptance of the proposed fence (attachment 1).

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.

Paul R Ober
Signature

Paul R. OBER
Name - Type or Print

Kimberly M Ober
Signature

Kimberly M. OBER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of MAY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared *Paul and Kimberly Ober*
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sharon A Poe
Notary Public *SHARON A POE*
My Commission Expires *5-1-2010*

ZONING DESCRIPTION FOR
1214 Tugwell Drive, Baltimore, MD 21228

Beginning at a point on the **NORTH** side **ALLVIEW COURT** which is **50 FEET** wide at the distance of **133 EAST** of the centerline of the nearest improved intersecting street – **TUGWELL DRIVE**, which is **50 FEET** wide.

Being Lot # **25**, Block **1**, in the subdivision of **NEWBURG HEIGHTS** as recorded in Baltimore County Plat Book # **19**, Folio # **85**, containing **5,723 square feet**. Also known as **1214 Tugwell Drive** and located in the **1st** Election District, **1st** Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

1955

Date:

5-7-05

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
261	1006			6150				65.00

Total:

65.00

Rec

From:

P. OBER

For:

200P-0524-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0524-A

Petitioner/Developer: PAUL

OBER

Date of Hearing/Closing: 6-2-08

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:

1214 TUGWELL DR

The sign(s) were posted on 5-18-08
(Month, Day, Year)

Sincerely,

Robert Black 5-20-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

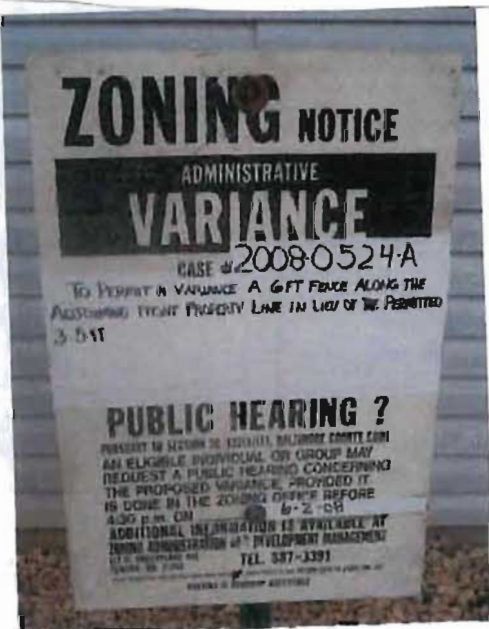
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 0524

Petitioner: PAUL OBER

Address or Location: 1214 TUGWELL DRIVE, BALDOWINE, Md - 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-788-8269

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰08- 0524 -A Address 1214 TUGWELL DR.

Contact Person: J. MEZLO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-7-08 Posting Date: 5/18 Closing Date: 6/2

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 ²⁰08- 0524 -A Address 1214 TUGWELL DR.

Petitioner's Name PAUL OBER Telephone 410-788-8269

Posting Date: 5/18/08 Closing Date: 6/2/08

Wording for Sign: A VARIANCE
To Permit A 6 ft FENCE ALONG THE
ADJOINING FRONT PROPERTY LINE IN LIEU OF
THE PERMITTED 3.5 ft.

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

Paul R. & Kimberly M. Ober
1214 Tugwell Drive
Baltimore, MD 21228

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management
June 2, 2008

Dear: Paul R. & Kimberly M. Ober

RE: Case Number 2208-0524-A, Address: 1214 Tugwell Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 7, 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:lnw

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: May 20, 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. 8-524-A
1214 TUGWELL DRIVE
OVER 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. 8-524-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,

Fon¹ 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

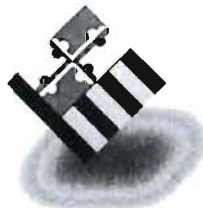
DATE: May 21, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For May 26, 2008
Item Nos. 08-520, 521, 522, 523, 524,
525, 526, 527, 528, 532, 533, and 534

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

ZAC-05212008-NO COMMENTS
DAK:CEN:jrk
cc: File



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 20, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: May 19, 2008

Item No.: 518, 520-528, 530, and 532-534.
524

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 27, 2008

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

RECEIVED
MAY 27 2008

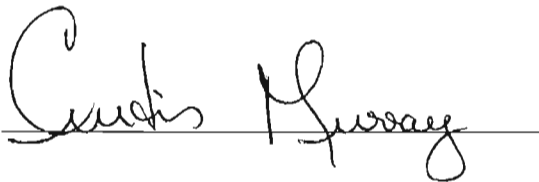
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-524- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

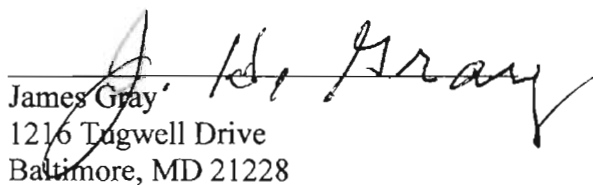
Prepared By:

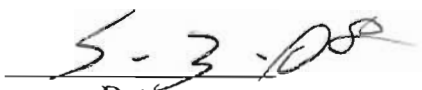


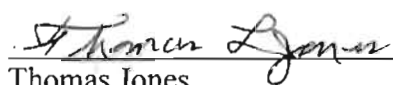
CM/LL

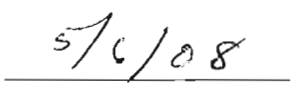
To Whom It May Concern:

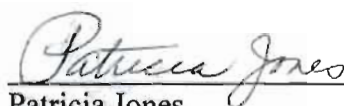
We have discussed the location of the fence and deck to be built at the 1214 Tugwell Drive address and fully support the construction as shown.

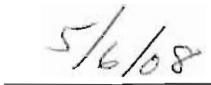

James Gray
1216 Tugwell Drive
Baltimore, MD 21228


Date


Thomas Jones
406 Allview Court
Baltimore, MD 21228


Date


Patricia Jones
406 Allview Court
Baltimore, MD 21228


Date

MARYVILLE
CONVE















Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

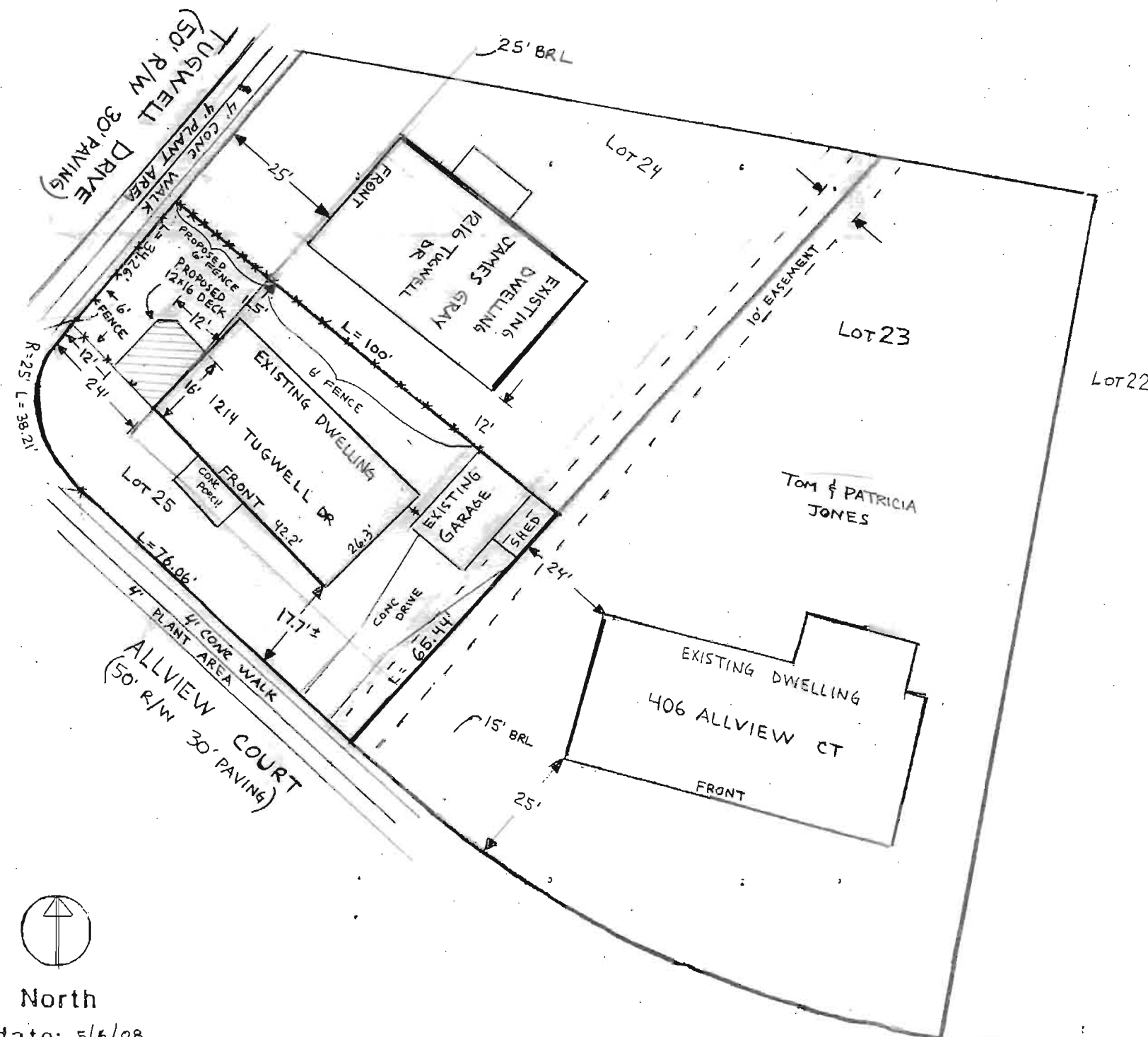
PROPERTY ADDRESS: 1214 Tugwell Drive

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Newburg Heights

plat book # 19, folio # 85, lot # 25, section #

OWNER: Paul R. and Kimberly M. OBER

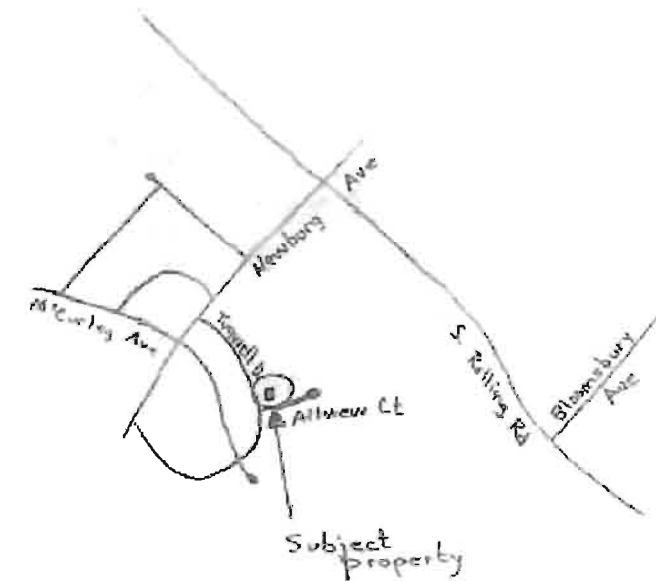


North

date: 5/6/08

prepared by: P.R. OBER

Scale of Drawing: 1" = 30'



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 01

Councilmanic District: 01

1" = 200' scale map #: 101A3

Zoning: DR.2 - formerly DR.5.5

Lot size: 5,723
acreage square feet

SEWER: ☒ ☐
WATER: ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

YES NO

☐ ☒

100 YEAR FLOOD PLAIN

☐ ☒

HISTORIC PROPERTY/
BUILDING

☐ ☒

PRIOR ZONING HEARING

☐ ☒

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #: