IN RE: PETITION FOR ADMIN. VARIANCE

W side Wade Avenue, 330 feet S of Fredrick Road and Wade Avenue

1st Election District

1st Councilmanic District

(6 Wade Avenue)

Brain Dolge and Sarah Angerer *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-534-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, Brain Dolge and Sarah Angerer for property located at 6 Wade Avenue. The variance request is from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear setback for an accessory structure (garage) to the centerline of the alley of 10 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a garage to be accessed from the alley behind their home. There is a parking pad at this location and the garage will be built on the pad. There is a step drop off by the parking pad so the garage cannot be constructed elsewhere in the rear of the property. Their garage will be similar to that of garages constructed by their neighbors. None of the neighbors voiced any objection to the 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.

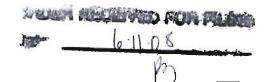


The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 24, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

Deputy Zoning Commissioner for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

June 11, 2008

BRAIN DOLGE AND SARAH ANGERER 6 WADE AVENUE CATONSVILLE MD 21228

> Re: Petition for Administrative Variance Case No. 08-534-A Property: 6 Wade Avenue

Dear Mr. Dolge and Ms. Angerer:

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

is hat





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 6 Wade Av Catousville which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400-Z To ALLOW A REAR SETURGE FOR AN ACCESSORY STRUCTURE TO THE CENTERLUNE OF THE ALLEY OF 10 FEET IN LIEU OF THE REQUIRED 15 FEET

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 Address Telephone No. City State Zip Code Attorney For Petitioner: Telephone No 21228 Zip Code Name - Type or Print Representative to be Contacted: Signature Company Telephone No. Address 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,

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 Commi	issioner of Baltir	more County	
CASE NO.	visitors	COCY	2008-0534-4 01108	eting Date	Date	5/13/08	
			100				

Affidavit in Support of Administrative Variance

REV 10/25/01

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	6 Wao	le Av		
	<u>Catous</u> v	ille	MD	21228 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardshift we wish to build a Good this pad opens up on to several of whom have go Local zoning demands a as well as 15 feet from 25 feet rule is not a priority 17 feet. Thus if the edge of the allow (for only 6 feet of building pad is situated a top to expant the available with the existing sit	por practical difference of alley avages siver backers the control of the control	ficulty): n the pa which is milar to to k of 21 conter o he alley is	vking pad be Shared with hat we wis feet from f the aller s feet wide is moved 16	for an Administrative when how how how how how how nieghbors how ho build. the property live the while the pad feet back from
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	rmal demand is	filed, Affiant(s		
Signature Brian Signature		Signature	0	
Brian Dolge Name - Type or Print		Name - Type or P	un Angerer	
				·
I HEREBY CERTIFY, this QTH day of Maryland, in and for the County aforesaid, per		, <u>Z00</u> 8	<u></u> , before me, a Nota	ry Public of the State
the Affiant(s) herein, personally known or satisfa			Affiant(s).	
AS WITNESS my hand and Notarial Seal				
•	Notary	Milysa N	cottag	
	(See See See		s MARCH 1, 2	OIO

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	Address	ria m	2,270
	Catonsville City	State	21228 Zip Code
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Signature Brian Dolge Name - Type or Print	Signature	ah Angerer	
Name - Type of Pfilit	мате - туре	J J	
STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this day of Maryland, in and for the County aforesaid, per The Affiant(s) herein, personally known or satisfactors.	sonally appeared ANGOUSE	before me, a Nota	ary Public of the State
AS WITNESS my hand and Notarial Seal		•	
The state of the s	Melina	Wattey	
The state of the s	Notary Public	pires March 1, 7	2010
	My Commission Ex	pires V	

REV 10/25/01





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

Zoning Commissioner of Baltimore County



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	6	Wade	Av	Catousville
which	is prese	ently zoned_	DR 5.5	

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Estimated Posting Date

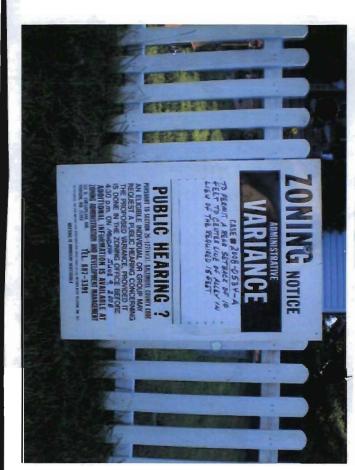
ZONING DESCRIPTION FOR 6 WADE AVENUE

Beginning at a point on the west side of Wade Avenue which is 40 feet wide at a distance of 330 feet South of the centerline of the nearest improved intersecting street Fredrick Road which is 50 feet wide. Being lot # 9 in the subdivision of Holmehurst as recorded in Baltimore County Plat Book #7, Folio57 containing 9000 sq. ft. Also known as 6 Wade Avenue and located in the 1st Election District, 1st Councilmanic District

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT

MOOLL	LAITEO	US REC	LIFT				Date:	5-13-08	SCHESS ACTUAL THE DI 3/2000 5/11/2000 (1:20:33)
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30/17/5 Depte 1/2



CERTIFICATE OF POSTING

	RE: Case No: 2008-0534-A Petitioner/Developer: BRIAN
	Petitioner/Developer: BRIAN DOLLE
••	Date Of Hearing/Closing: 4/9/08
	•
Baltimore County Department of Permits and Development Manage County Office Building,Room 111 111 West Chesapeake Avenue	ment
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the p sign(s) required by law were poste at	d conspicuously on the property Le WADE AUE
This sign(s) were posted on	Month, Day, Year) Sincerely, Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220 (443-629 3411)
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ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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JAMES T. SMITH, JR.

County Executive
Brain Dolge & Sarah Angerer
6 Wade Ave.
Catonsville, MD 21228

TIMOTHY M. KOTROCO, Director Departmdunge 110 nit 2008 Development Management

Dear: Brain Dolge & Sarah Angerer

RE: Case Number 2008-0534-A, Address: 6 Wade Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 13, 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:Inw

Enclosures

c: People's Counsel

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 27, 2008

DECEIVE 1 May 2 7 2008

BY:____

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-534- 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



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.

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

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.



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor 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.8-534-A

6 WADE AVENUE DOLGE ANGERER PROPERTY

ADMINISTRATIVE VARAINGE

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.8-534-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

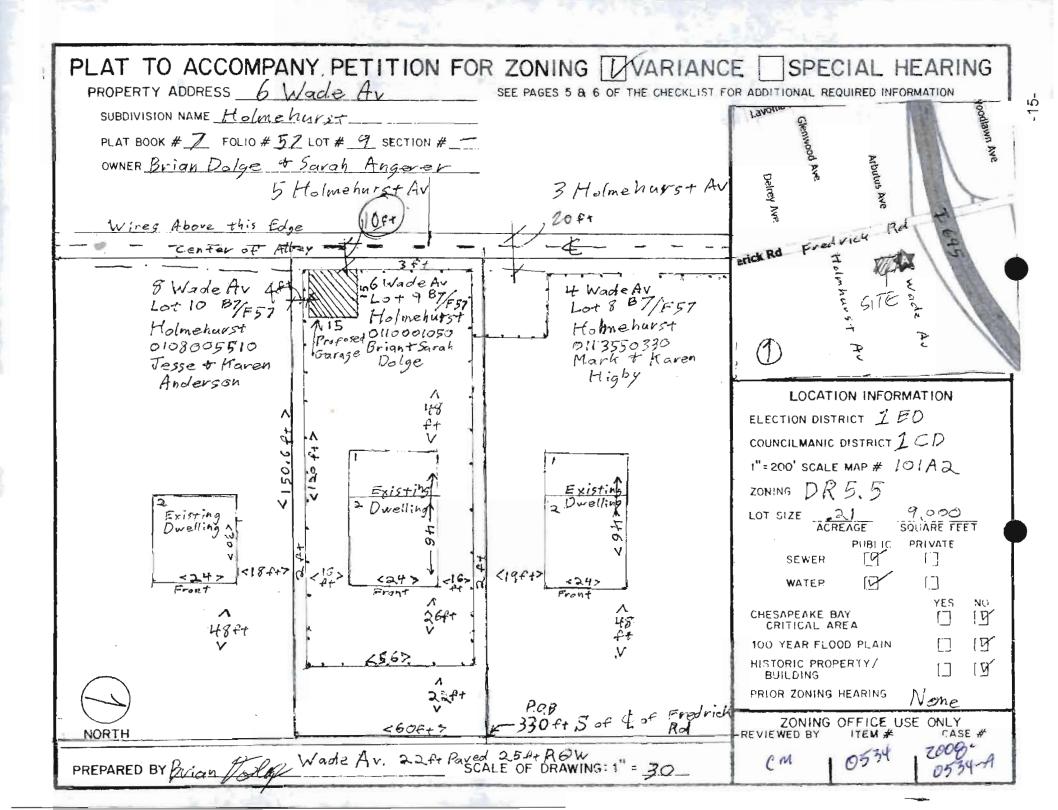
Very truly yours,

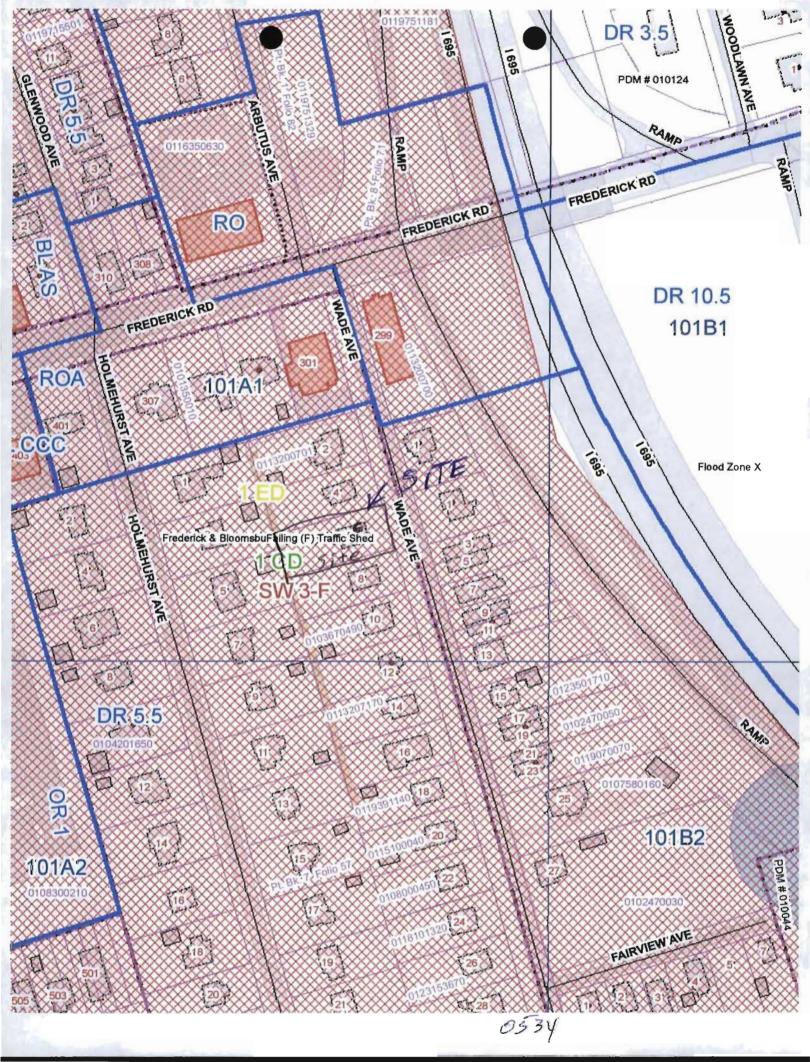
FOR

Steven D. Foster, Chef

Division

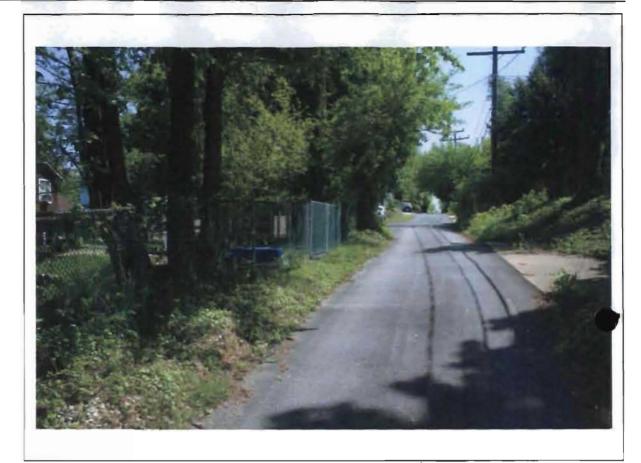
SDF/MB







View south showing drop-off from pad



view south along alley



Veiv East from across alley into property