

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Dawn Drive, 346 feet S of
Pinedale Drive
11th Election District
5th Councilmanic District
(9404 Dawn Drive)

Mark A. and Jeanne M. Ermer
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0535-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, Mark A. and Jeanne M. Ermer for property located at 9404 Dawn Drive. The variance request is from Sections 1B02.3.A.1 and 504.2 (CMDP V.B.6.b - 1976) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with an 8 foot window to property line setback in lieu of the required 15 feet, and to amend the latest Final Development Plan for "Pinedale Woods", Lot 1. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition measuring 12 feet x 18 feet in size because their elderly parents will be moving in with the family. Because of the parents' limited mobility, their bedroom and bathroom will be on the same level as the proposed addition. The addition will increase the parents' living space and minimize their need to go up and down the steps, thereby making it a safer environment for them.

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.

STAMP RECEIVED FOR FILING

6-18-08

PM

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 25, 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.

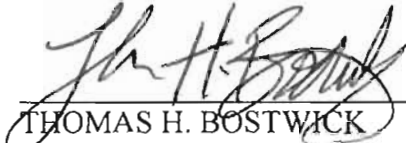
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18th day of June, 2008 that a variance from Sections 1B02.3.A.1 and 504.2 (CMDP V.B.6.b - 1976) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with an 8 foot window to property line setback in lieu of the required 15 feet, and to amend the latest Final Development Plan for "Pinedale Woods", Lot 1 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.

ORDER RECEIVED FOR FILING
6-18-08
pm

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 RECEIVED FOR FILING
JTB 6.18.08
BY _____ pz

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 9404 DAWN DR
which is presently zoned DR 3.5

Deed Reference: 6009/198 Tax Account # 1700010529

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) 1B02.3A.1, 504.2 (BCZR)
(CMDP V.B.G.B. - 1916)

TO PERMIT AN ADDITION WITH AN 8-FOOT WINDOW TO PROPERTY
LINE SETBACK IN lieu OF THE REQUIRED 15-FOOT AND TO
AMEND THE LATEST F.D.P. FOR "PINEDALE WOODS", LOT #1.

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):

MARK A. ERMER

Name - Type or Print

Signature

JEANNE M. ERMER

Name - Type or Print

Signature

9404 DAWN DR 410.256.0867

Address Telephone No.

BALTIMORE MD 21236

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. 2008-0535-A

Reviewed By D.T. Date 5/13/08

REV 7/20/07

Estimated Posting Date 5/25/08

STAMP RECEIVED FOR FILING

6-18-08

pm

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 9404 DAWN DR
Address
BALTIMORE MD 21236
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):

We are requesting a variance to build this addition because our elderly parents will be moving in with us. They are in their 80's and have limited mobility. Their bedroom and bathroom will be on the same level as the proposed addition. The proposed addition will increase their living space and minimize their need to go up and down the steps, thereby making it a safer environment for them.

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.

Mark A. Ermer
Signature

MARK A. ERMER
Name - Type or Print

Jeanne M. Ermer
Signature

JEANNE M. ERMER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark A. Ermer Jeanne M. Ermer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



[Signature]
Notary Public

My Commission Expires 7-1-10

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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.

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City State Zip Code

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Mark A. Ermer
Signature

MARK A. ERMER
Name - Type or Print

Jeanne M. Ermer
Signature

JEANNE M. ERMER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mark A. Ermer Jeanne M. Ermer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Marous G. Strovel
Notary Public

My Commission Expires 7-1-10

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 9404 DAWN DR
which is presently zoned DR 3.5

Deed Reference: 60091198 Tax Account # 1700010529

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) 1B02.3A.1., 504.2 (BCZP)
(CMOP V.B.4.B. - 1976)

TO PERMIT AN ADDITION WITH AN 8-FOOT WINDOW TO PROPERTY
LINE SETBACK IN LIEU OF THE REQUIRED 15-FEET AND TO
AMEND THE LATEST F.D.P. FOR "PINEDALE WOODS", LOT # 1.

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):

MARK A. ERMER

Name - Type or Print

Mark A. Ermer

Signature

JEANNE M. ERMER

Name - Type or Print

Jeanne M. Ermer

Signature

9404 DAWN DR

410.256.0867

Address

Telephone No.

BALTIMORE

MD

21236

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. 2008-0535-A

Reviewed By D.T. Date 5/13/08

REV 7/20/07

Estimated Posting Date

5/25/08

6.18.08

pm

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 15329

PAID RECEIPT

Date: 5/13/08

BUSINESS ACTUAL TIME 10M
5/14/2008 5/13/2008 15:21:00 4

REC 0506 WALTON 07031100 1

RECEIPT # 026707 5/13/2008 0FLH

5 520 200008 VERIFICATION

015329

Receipt Tot \$115.00

\$1.00 CR \$115.00 CA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			150				\$115.00
Total:								\$115.00

Rec

From: MARK EMER

For: 2008-0535-A

9404 DAWD DRIVE

DT

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

ZONING DESCRIPTION FOR 9404 DAWN DRIVE

Beginning at a point on the West side of Dawn Drive which is 22 feet wide at the distance of 346 feet South of the centerline of the nearest improved intersecting street Pinedale Drive which is 26 feet wide. Being Lot # 1, Block A, Section # 1 in the subdivision of Pinedale Woods as recorded in Baltimore County Plat Book # 40, Folio # 14, containing 9,160 Square Feet. Also known as 9404 Dawn Drive and located in the 11th Election District, 5th Councilmanic District.

2008-0535-A

CERTIFICATE OF POSTING

RE: Case No.: 08-523-APetitioner/Developer: ERMERDate of Hearing/Closing: 6-9-08

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:

9404 DAWN DRIVE

The sign(s) were posted on 5-25-08
(Month, Day, Year)

Sincerely,

Robert Black 5-28-08
(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: 2008-0535-A

Petitioner: ERMER

Address or Location: 9404 DAWN DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. MARK A. ERMER

Address: 9404 DAWN DRIVE

BALTO. MD 21236

Telephone Number: 410-256-0867

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 523 -AAddress 9404 DAWN DRIVEContact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/13/08Posting Date: 5/25/08Closing Date: 6/9/08

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 FORMATCase Number 08- 523 -AAddress 9404 DAWN DRIVEPetitioner's Name ERMERTelephone 410-256-0867Posting Date: 5/25/08Closing Date: 6/9/08Wording for Sign: To Permit AN ADDITION WITH AN 8-FOOT WINDOW TOPROPERTY LINE SETBACK IN LIEU OF THE REQUIRED 15-FEETAND TO AMEND THE F.D.P. FOR "PINEDALE WOODS", LOT # 1

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

Mark A. & Jeanne M. Ermer
9404 Dawn Dr.
Baltimore, MD 21236

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management
June 10, 2008

Dear: Mark A. & Jeanne M. Ermer

RE: Case Number 2008-0535-A, Address: 9404 Dawn Dr.

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:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 28, 2008

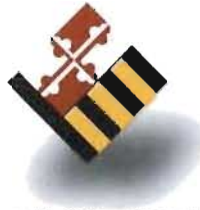
FROM: ^{DAK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2008
Item Nos. 08-0311, 0535, 0536, 0537,
0538, 0539, and 0540

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

DAK:~~CEN~~:lrk
cc: File

ZAC-05282008-NO COMMENTS



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

June 2, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2008

Item Number: 2008-0535-A, 0311-A, 0536-A, 0537-SPH, ~~0538-A~~, 0539-SPHX

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 10, 2008

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

RECEIVED
JUN 11 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-535- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request, provided the eastern property is screened.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By:



CM/LL



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: 6/20/2008

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

RE: Baltimore County
Item No. 08-0535-A
9404 DAWN DRIVE
ERME PROPERTY
ADMIN. 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. 08-0535-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,


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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9404 DAWN DR

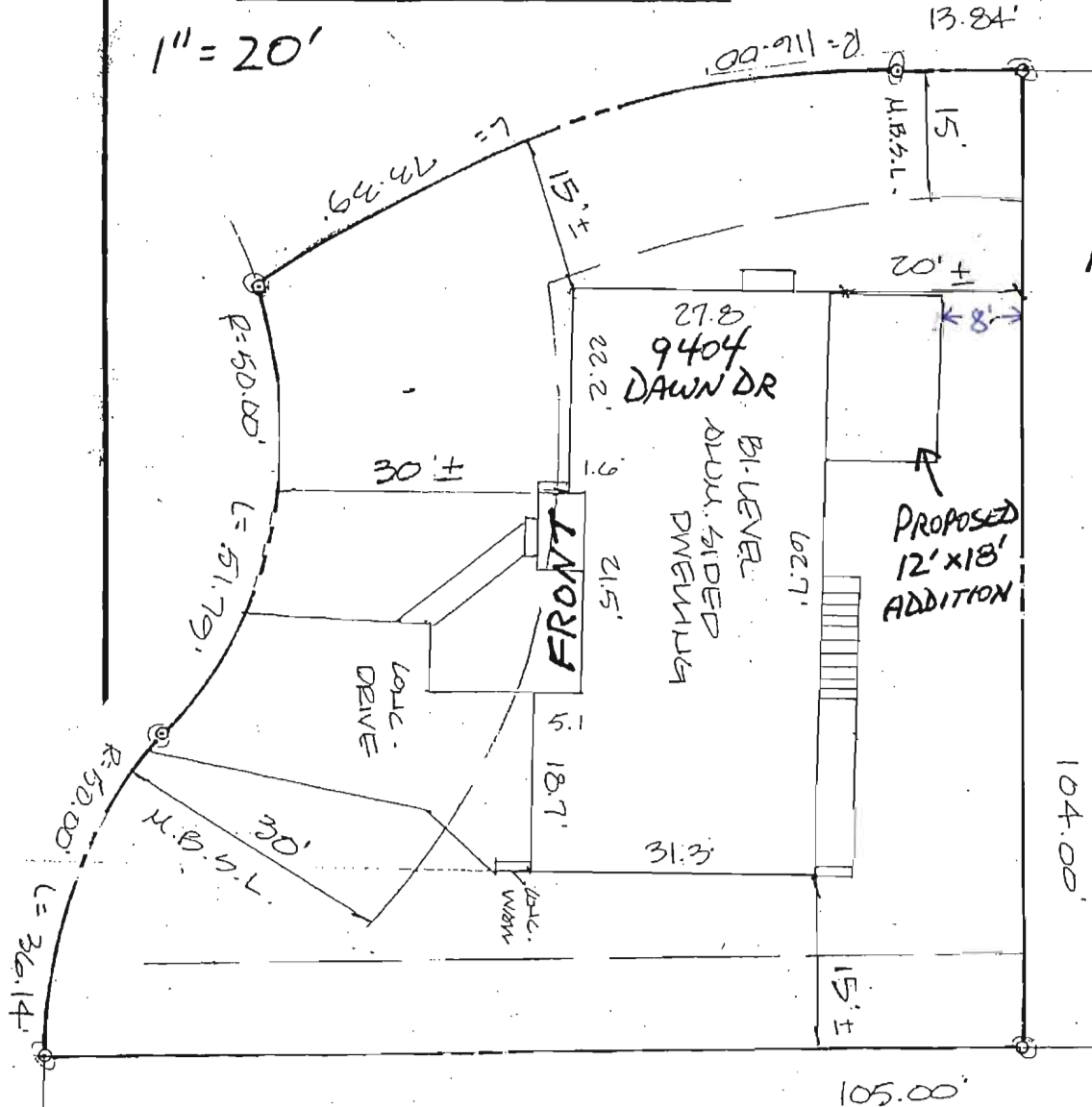
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME PINEDALE WOODS

PLAT BOOK # 40 FOLIO # 14 LOT # 1 SECTION # 1

OWNER MARK & JEANNE ERMER

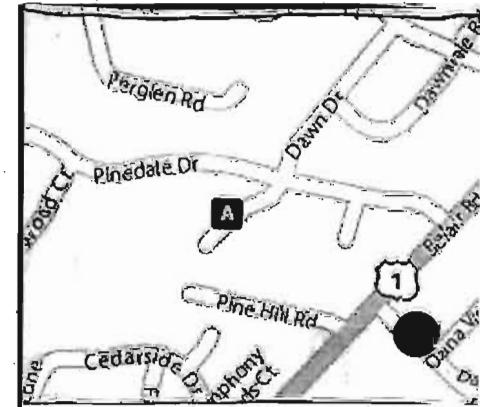
1" = 20'



18'

FRONT

9402 DAWN DR



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11TH

COUNCILMANIC DISTRICT 5TH

1" = 200' SCALE MAP #

ZONING DR 3.5

LOT SIZE .21 9,160
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY/BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

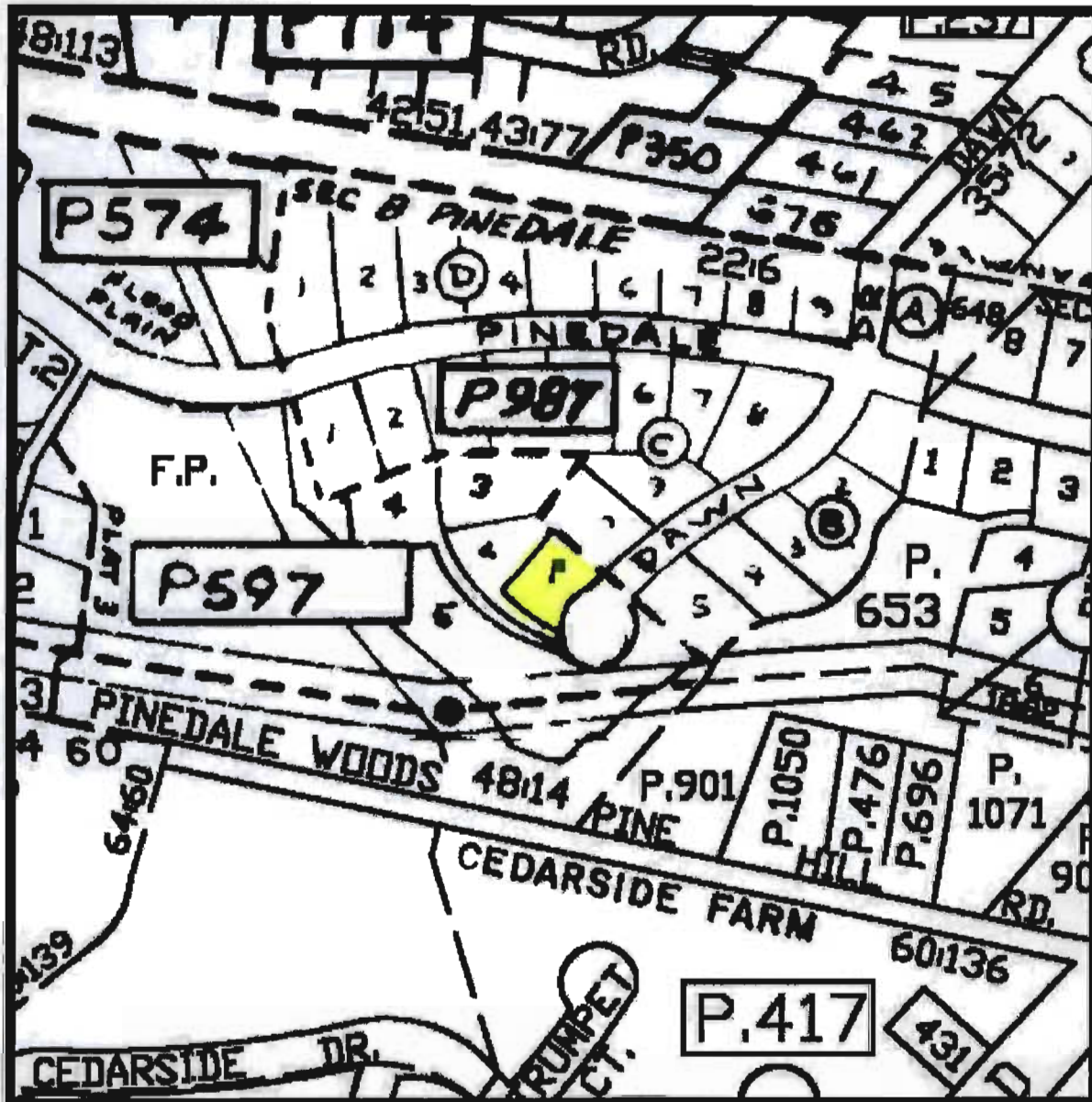
DT. 535 2008-0535-A



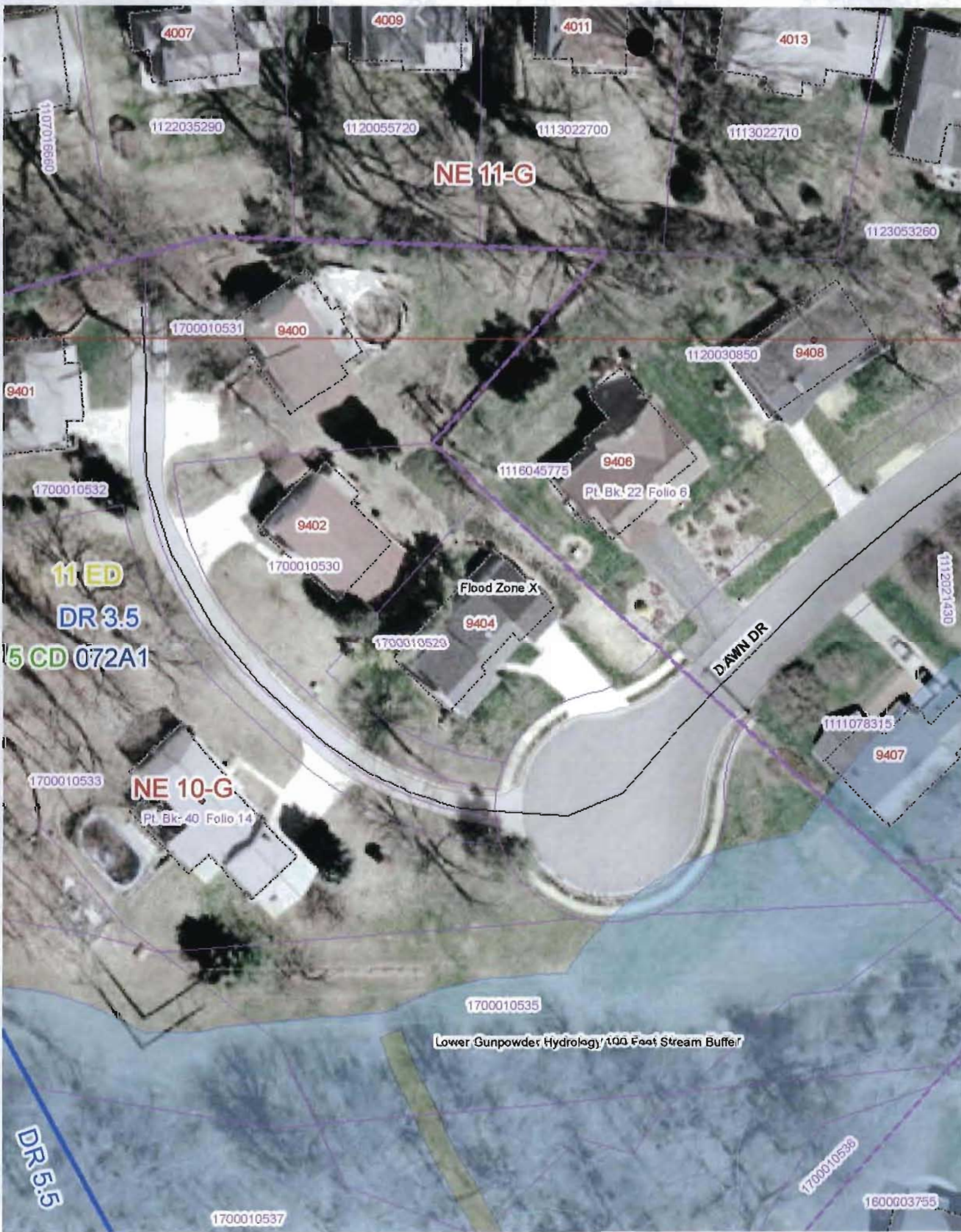
Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 11 Account Number - 1700010529



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



2008-0535-A





