

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Wirsing Way; 225 feet NE of the
c/l of Slater Avenue
11th Election District
6th Councilmanic District
(8500 Wirsing Way)

Bill and Kim Tien
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2010-0059-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, Bill and Kim Tien for property located at 8500 Wirsing Way. The variance request is from Section 1B02.1.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear setback of 17 feet in lieu of the required 22.5 feet and to amend the latest Final Development Plan for the Neeley Property, Lot #54. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a deck measuring 13 feet x 26 feet. A deck measuring only 7 ½ feet wide would not be sufficient size for a family of five. The west side of the Petitioners' home is vacant and is their homeowners association open space.

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 August 30, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 9-23-09

By PJ

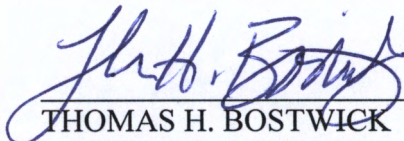
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 22nd day of September, 2009 that a variance from Section 1B02.1.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear setback of 17 feet in lieu of the required 22.5 feet and to amend the latest Final Development Plan for the Neeley Property, Lot #54 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

UNDER RECD FOR FILING

Date 9-22-09

By PZ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 22, 2009

BILL AND KIM TIEN
8500 WIRSING WAY
BALTIMORE MD 21236

Re: Petition for Administrative Variance
Case No. 2010-0059-A
Property: 8500 Wirsing Way

Dear Mr. and Mrs. Tien:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8500 WIRSING WAY
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)

1B02.1.C.1.b

To permit an open projection (DECK) with a rear setback of 17-feet in lieu of the required 22.5-feet and the amend the latest F.D.P. for "NEELEY PROPERTY" FOR LOT #54.

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:

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

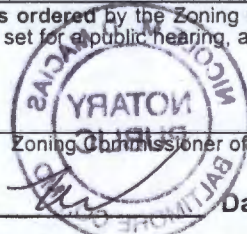
Representative to be Contacted:

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.



CASE NO.

2010-0059-A

REV 10/25/01

UNDER RECEIVED FOR FILING

Date

9-22-09

By

PJ

Reviewed By

Date

8/20/09

Estimated Posting Date

8/30/09

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 8500 Wirsing Way
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):

Reasons:

- ① The current code prohibits a rear deck of more than 7 1/2 Feet width because of the 30 Feet setback rule. This will result in a rear deck that measures 7 1/2 x 26.
- ② From a practical standpoint, the proposed deck is 13' x 26' which requires a variance of 5 1/2'. We have a family of (5) Five and will need more room for the deck.
- ③ The cost of building the deck is almost the same for either scenario, however, the smaller deck would be inefficient in all categories whereas the larger deck allows for a 2nd means of Egress in case of emergency and add values to the property and quality of life for our family.

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.

Signature

Bill Tien

Name - Type or Print

Signature

Kim L Tien

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of August 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bill Tien & Kim L Tien

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



My comm. exp. 4/2/2012

Notary Public

My Commission Expires

4/2/2012

Zoning Description

Zoning Description for 8500 Wirsing Way, Baltimore Md 21236

Beginning at a point on the North side of Wirsing Way Which is 40 ft wide at the distance of 225 ft, NE of the centerline of the nearest improved intersecting street, Slater Ave which is 50 ft wide. Being Lot # 54 in the Subdivision of Neely's property as recorded in Baltimore County plat Book #78, Folio #347, Containing 6574 square feet, Also known as 8500 Wirsing Way and locate in the 11th Election District, 6th Councilman District.

2010-0059-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000- 0059 -A Address 8500 Wirsing Way
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/20/09 Posting Date: 8/30/09 Closing Date: 9/14/09

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2000- 0059 -A Address 8500 Wirsing Way
Petitioner's Name Bill And Kim L. Tien Telephone 410 529-2817
Posting Date: 8/30/09 Closing Date: 9/14/09

Wording for Sign: To permit an open projection (DECK) with a rear setback of 17-feet in lieu of the required 22.5-feet and the amend the latest F.D.P. for "NEELEY PROPERTY" FOR LOT #54.

WCR - Revised 7/7/08

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 44752

Date: 8/20/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				115.00

Total: 115.00

Rec From: Bill Tien

For: 8500 Winding Way
21236

2010-0059-A
Amel ID?

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
8/20/2009 8/20/2009 12:13:30 2
NEW YORK - WALKIN JEW JEE
RECEIPT # 649976 8/20/2009 DFLH
DEPT 5 520 ZONING VERIFICATION
IN HL 094752
Recpt Tot 1115.00
1115.00 CR 8.19 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

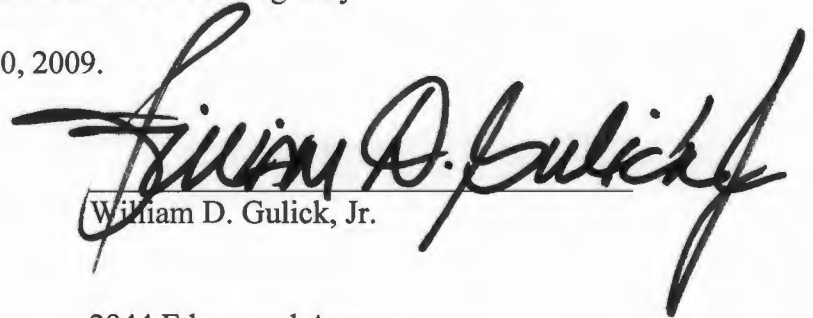
Date: Sept. 2, 2009

Attention: Ms. Kristen Matthews

Re: Case Number: 2010-005⁵⁹7A
Petitioner/Developer: Bill & Kim Tien
Date of Hearing/Closing: Sept. 14, 2009

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 8500 Wirsing Way

The sign (s) were posted on: August 30, 2009.



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS



2010-0059-A



William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
410-530-6293

RECEIVED

SEP 18 2009

ZONING COMMISSIONER

LETTER OF TRANSMITTAL

TO: Baltimore County, PDM
Zoning Office

DATE: ~~August~~ ^{SEPT.} 2, 2009
JOB NO.: 2009-029
RE: CASE NO. 2010-0057-A
8500 Wirsing Way

ATTENTION: Ms. Kristen Matthews

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☐ Prints ☒ Documents ☐ Other ☐

No. of Copies	Date	Description
1	Aug. 30, 2009	Certificate of Posting
2	Aug. 30, 2009	Site Photos

TRANSMITTALS are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & comment

☐ Other ☐

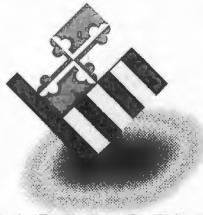
REMARKS:

SIGNED:

WILLIAM D. GULICK, JR.

cc:





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 15, 2009

Bill & Kim Tien
8500 Wirsing Way
Baltimore, MD 21236

Dear: Bill & Kim Tien

RE: Case Number 2010-0059-A, 8500 Wirsing Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 20, 2009. 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,

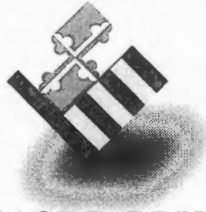
A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
MARYLAND

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

September 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 31, 2009

Item Numbers 0103, 0056, 0057, 0058, 0059, 0060, 061, 0062, 0063 and 0064

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (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: September 9, 2009

RECEIVED

SEP 10 2009

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

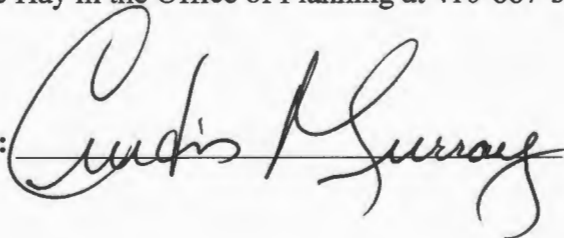
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-059- 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 Laurie Hay 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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 3, 2009

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

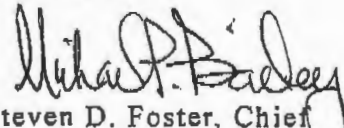
RE: Baltimore County
Item No. 2010-0059-A
8500 WILSON WAY
BILL & KIM TREN PROPERTY
ADMIN. VARIANCE

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. 2010-0059-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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, Chief
Engineering Access Permits
Division

SDF/mb

AV 9/14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-059-A
Address 8500 Wirsing Way
(Tien Property)

Zoning Advisory Committee Meeting of September 14, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Additional Comments:

Reviewer: Regina Esslinger

Date: September 14, 2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For response date September 14, 2009
Item Nos. 2008-103, 2010-056, 057, 058,
059, 060, 061, 062, 064, 065, 066

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

DAK:CEN:kmt

cc: File

G:\DevPlanRevZAC -No Comments\ZAC-09142009 -NO COMMENTS.doc

Patricia Zook - Re: Case 2010-0059-A - administrative variance — comment needed

From: Dennis Kennedy
To: Zook, Patricia
Date: 9/17/2009 2:08 PM
Subject: Re: Case 2010-0059-A - administrative variance — comment needed

Patti:
We have no comments on Item 2010-0059-A.
Dennis Kennedy

>>> Patricia Zook 9/17/2009 1:48 PM >>>
Good afternoon Dennis -

I notice that this administrative variance case file is also missing comments from your office. If you have no comment, just reply to this e-mail and I'll place it in the file.

As always, thanks for your help.

CASE NUMBER: 2010-0059-A
8500 Wirsing Way
Location: N side of Wirsing Way; 225 feet NE of the c/l of Slater Avenue.
11th Election District, 6th Councilmanic District
Legal Owner: Bill and Kim Tien

ADMINISTRATIVE VARIANCE To permit an open projection (deck) with a rear setback of 17 feet in lieu of the required 22.5 feet and to amend the latest Final Development Plan for the Neeley Property, Lot #54.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 2010-0059-A - administrative variance – comment needed

From: Patricia Zook
To: Kennedy, Dennis
Date: 9/17/2009 1:48 PM
Subject: Case 2010-0059-A - administrative variance – comment needed

Good afternoon Dennis -

I notice that this administrative variance case file is also missing comments from your office. If you have no comment, just reply to this e-mail and I'll place it in the file.

As always, thanks for your help.

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8500 Wirsing Way
Location: N side of Wirsing Way; 225 feet NE of the c/l of Slater Avenue.
11th Election District, 6th Councilmanic District
Legal Owner: Bill and Kim Tien

ADMINISTRATIVE VARIANCE To permit an open projection (deck) with a rear setback of 17 feet in lieu of the required 22.5 feet and to amend the latest Final Development Plan for the Neeley Property, Lot #54.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



2010-0059-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8500 Wirsing Way

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

SUBDIVISION NAME Neely Property

PLAT BOOK # 78 FOLIO # 47 LOT # 54 SECTION #

OWNER Bill Tien Kim Tien



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	11
COUNCILMANIC DISTRICT	6
1" = 200' SCALE MAP #	072A3
ZONING	DR 5.5
LOT SIZE	6574
ACREAGE	0.1510 ac
SQUARE FEET	
SEWER	☒ PUBLIC ☐ PRIVATE
WATER	☒ PUBLIC ☐ PRIVATE
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING	YES ☐ NO ☒
PRIOR ZONING HEARING	

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
<u>[Signature]</u>	2010	0059-A



PREPARED BY

Bill Tien

SCALE OF DRAWING: 1" = 30'