

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Sliver Spring Road; 250 feet NW
of Honeygo Blvd.
11th Election District
5th Councilmanic District
(4812 Silver Spring Road)

Michael E. and Barbara C. Wagner
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0093-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, Michael E. and Barbara C. Wagner for property located at 4812 Silver Spring Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (detached garage) with a height of 20 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a garage with additional height for storage of the family's belongings. Petitioners have been involved in karate for over 25 years and the additional garage height is necessary for their family workout space. Photographs submitted with the Petition clearly show the dense vegetation surrounding the proposed location of the garage. The subject property contains 0.9740 acre zoned DR 3.5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 24, 2009, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

COPIES RECEIVED FOR FILE

10.20.09

[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 27, 2009 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.

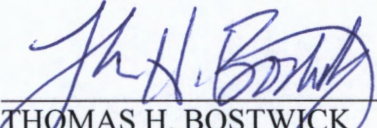
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th day of October, 2009 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory building (detached garage) with a height of 20 feet in lieu of the maximum allowed 15 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.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.

RECEIVED FOR PLUMBING
10-20-09
[Signature]

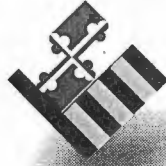
3. The accessory structure shall not be used for commercial purposes.

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

RECEIVED FOR FILING
10-20-07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 19, 2009

MICHAEL E. AND BARBARA C. WAGNER
4812 SILVER SPRING ROAD
PERRY HALL MD 21128

Re: Petition for Administrative Variance
Case No. 2010-0093-A
Property: 4812 Silver Spring Road

Dear Mr. and Mrs. Wagner:

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 cursive script, reading "Thomas 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 4812 Silver Spring Road
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) 400.3, BCZR, to permit a proposed accessory building (detached garage) with a height of 20 feet in lieu of the maximum allowed 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.

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):

Michael E. Wagner
Name - Type or Print _____
Michael E. Wagner
Signature _____
Barbara Catherine Wagner
Name - Type or Print _____
Barbara Catherine Wagner
Signature _____
4812 Silver Spring Road 410-8702776
Address _____ Telephone No. _____
Perry Hall MD 21128
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.

2010-0093-A

REV 10/25/01

10-20-09

Reviewed By

JNP

Date

9/14/09

Estimated Posting Date

9/27/09

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

Address 4812 Silver Spring Road
City Perry Hall State MD Zip Code 21128

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 would like permission to exceed the height limit by 4.5 feet so we can have ample space for storage and a space to do family Karate workouts which require extra height. This has been a passion of mine for over 25 years. I currently have no place to conduct this type of exercise.

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 Michael E Wagner
Name - Type or Print Michael E Wagner

Signature Barbara C Wagner
Name - Type or Print Barbara C. Wagner

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of September 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

PATRICIA CRESAWN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 16, 2010

Notary Public

My Commission Expires

10/16/10

FRANK S. LEE

Registered Land Surveyor

719 Chesaco Avenue - Baltimore, MD 21237

Phone: 410-687-6922

August 22, 2009

No.4812 Silver Spring Road

11th Dis District Baltimore County, Maryland

Beginning for the same on the northeast side of Silver spring Road at the distance of 250 feet measured northwesterly along the northeast side thereof from the center of Honeygo Blvd.thence running and binding on the northeast side thereof North 74 degrees 05 minutes 30 seconds West 116.24 feet thence running for four lines of divisiln as follows:North 1 degree 21 minutes 51 seconds East 379.07feet, North 88 degrees 46 minutes 07 se seconds East 21.36 feet ,South 67 degrees 51 minutes 56 seconds East 100 feet, and South 1 degree 21 minutes 51 seconds West 379.07 feet to the place of beginning.

Containing 0.9740 acres of land more or less



2010-0093-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000-0093-A Address 4812 Silver Spring Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 9/14/09 Posting Date: 9/27/09 Closing Date: 10/12/09

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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 2000-0093-A Address 4812 Silver Spring Road
Petitioner's Name Michael & Barbara Wagner Telephone 410-870-2776
Posting Date: 9/27/09 Closing Date: 10/12/09
Wording for Sign: To Permit a proposed accessory building (detached garage) with a height of 20 feet in lieu of the maximum allowed 15 feet.

WCR - Revised 7/7/08

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

No. **45729**

Date: **9/14/09**

PAID RECEIPT

BUSINESS ACTUAL TIME PER
 9/16/2009 9/14/2009 14:51:44 5

REC 0503 WALKIN R005 LRP
 RECEIPT # 419745 9/14/2009 OFF

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					65.00

Dept 5 528 ZONING VERIFICATION

CR NO. 045729

Recpt Tot 165.00
 \$100.00 CA
 \$35.00 DG

Baltimore County, Maryland

Total: **65.00**

Rec From: **Michael & Barbara Wagner**
 For: **Adm Variation - 4812 Silver Spring Road**
2010-0093-A (Wagner)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 2010-0093-A

Petitioner/Developer _____

Michael & Barbara Wagner

Date of Hearing/Closing 10/12/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

4812 Silver Spring Road

The sign(s) were posted on 9/27/09
(Month, Day, Year)

Sincerely,

 9/27/09
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

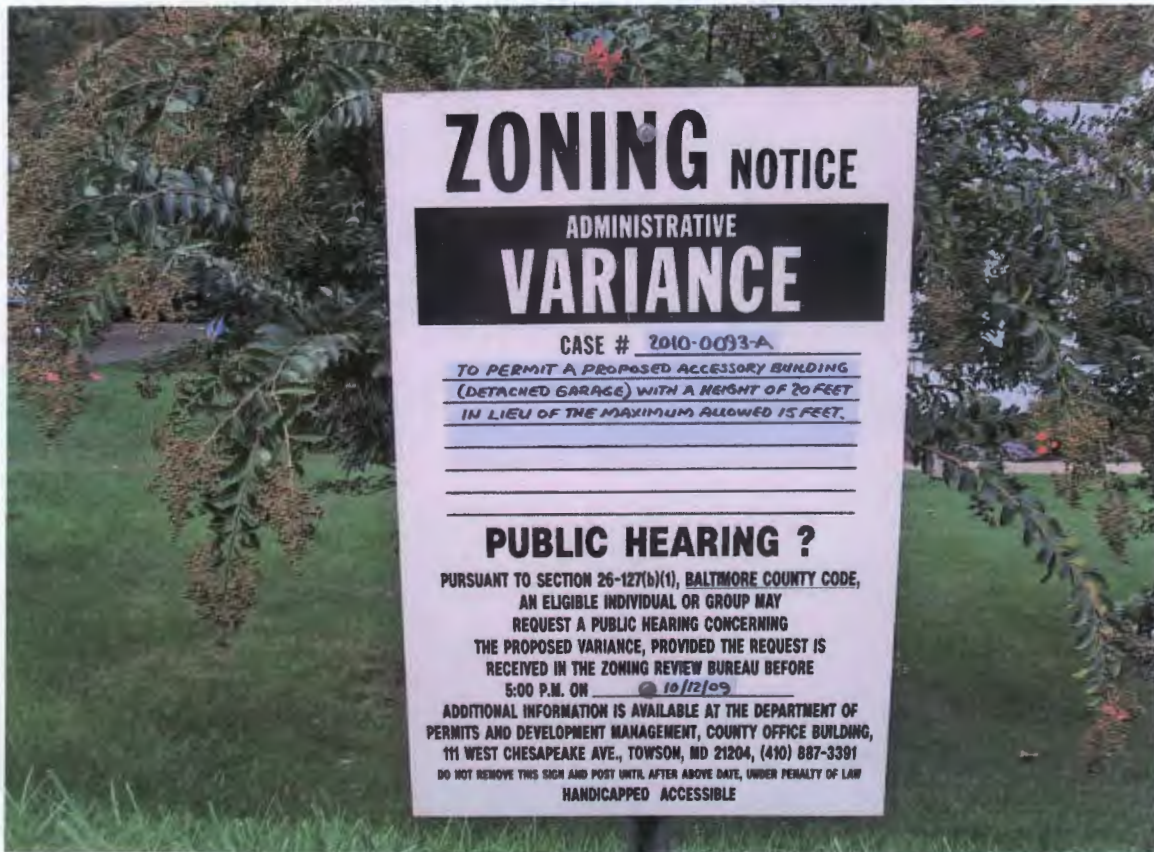
Certificate of Posting
Photograph Attachment

Re: 2010-0093-A

Petitioner/Developer: _____

Michael & Barbara Wagner

Date of Hearing/Closing: 10/12/09



4812 Silver Spring Road

Posting Date: 9/27/09

Michael E. Miller 9/27/09
(Signature and date of sign poster)



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

October 13, 2009

Michael & Barbara Wagner
4812 Silver Spring Rd.
Perry Hall, MD 21128

Dear: Michael & Barbara Wagner

RE: Case Number 2010-0093-A, 4812 Silver Spring Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 24, 2009

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

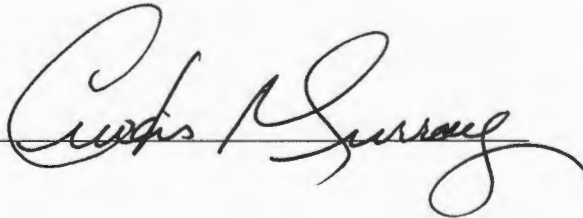
SUBJECT: 10-093 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Donnell Zeigler at 410-887-3480.

Prepared by:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 5, 2009
Item Nos. 10-087, 088, 089, 090,
091, 092, 093, 095 and 096

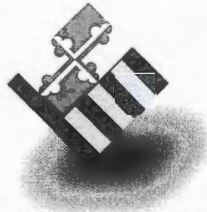
DATE: September 25, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10052009 -NO COMMENTS.doc



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

October 2, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 21. 2009

Item Numbers 0087, 0088, 0090, 0091, 0092, 0093, 0094, 0095 and 0096

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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 29, 2009

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

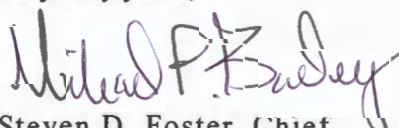
RE: Baltimore County
Item No. 2010-0093-A
4812 SILVER SPRING RD
WAGNER PROPERTY
ADMIN. VARIANCE -

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. 2010-0093-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,


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.sha.maryland.gov



Proposed Garage Plot

2010-0093-A



Proposed Garage Plot

2010-0093-A



2010-0893-A

Standing at neighbor looking in



2010-0093-A

Standing at garage looking at Property line



2010-0093-A

Standing at Garage Plot Looking out at Road



Standing at end of plot looking over

2010-0093-A



2010-0093-A

Standing at house looking Down



2010-0093-A

Standing in Driveway looking Down



2010-0093-A

Standing in Driveway

8715

1123002465

PD 11007 2500004478

8680

1900008390

MAGNOLIA AVE

CB

2100012558

DR 3.5
SITE

2000011887

5.CD
(072B3)

1900002903

1119028040

8700

11 ED

NE 9-H

4808

4812

SILVER SPRING RD

HONEYGO BLVD HONEYGO BLVD

SILVER SPRING RD
SILVER SPRING RD

PDM # 110453

Pt. Bk. 52 Folio 11

6 CD

1900014049

Pt. Bk. 39 Folio 34 1700005813

SAXON CIR

BL

HONEYGO BLVD

HONEYGO BLVD

2010-0093-A

1700005737

8638

1700005738

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8642

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8648

1700005742

8650

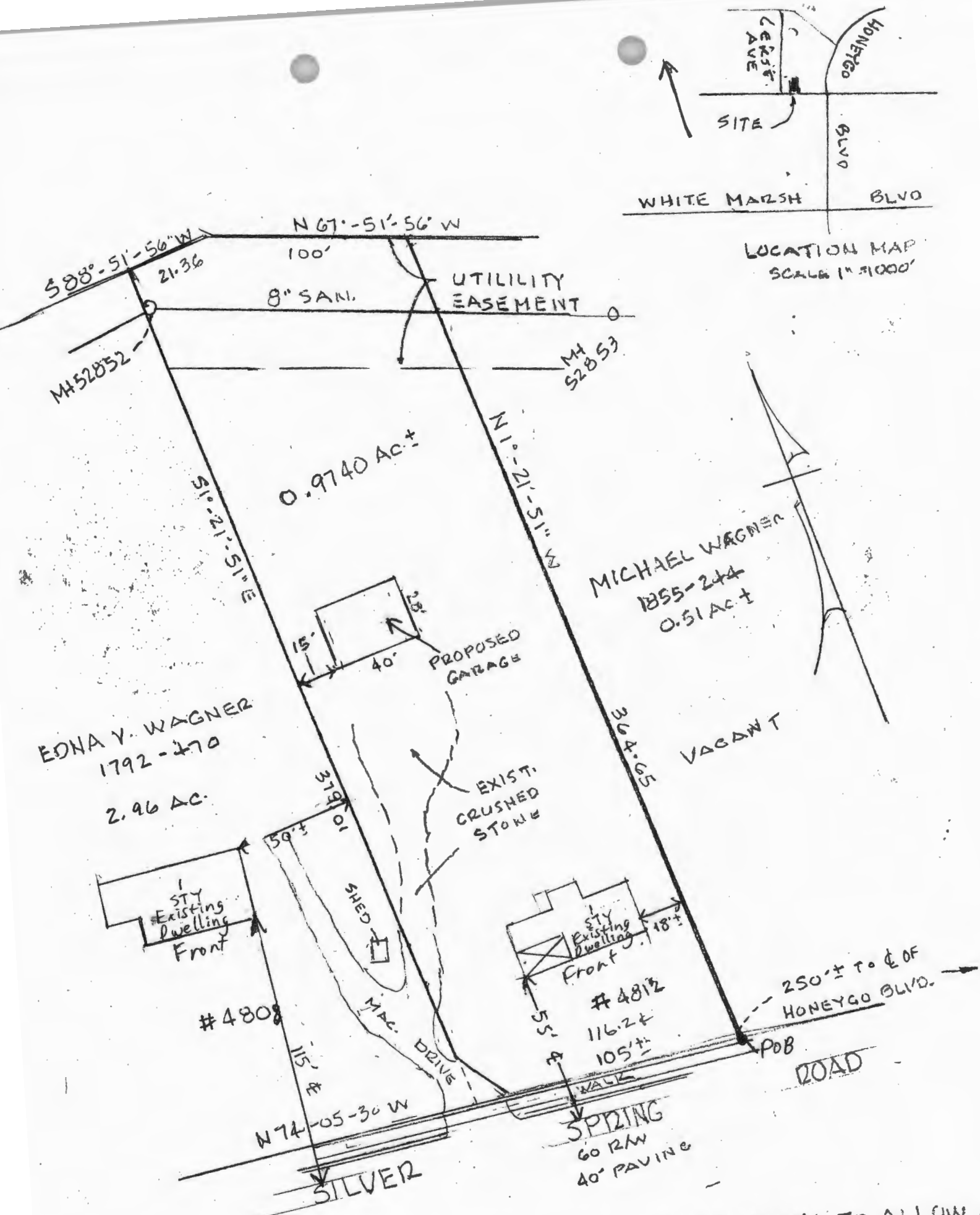
1700005743

8639

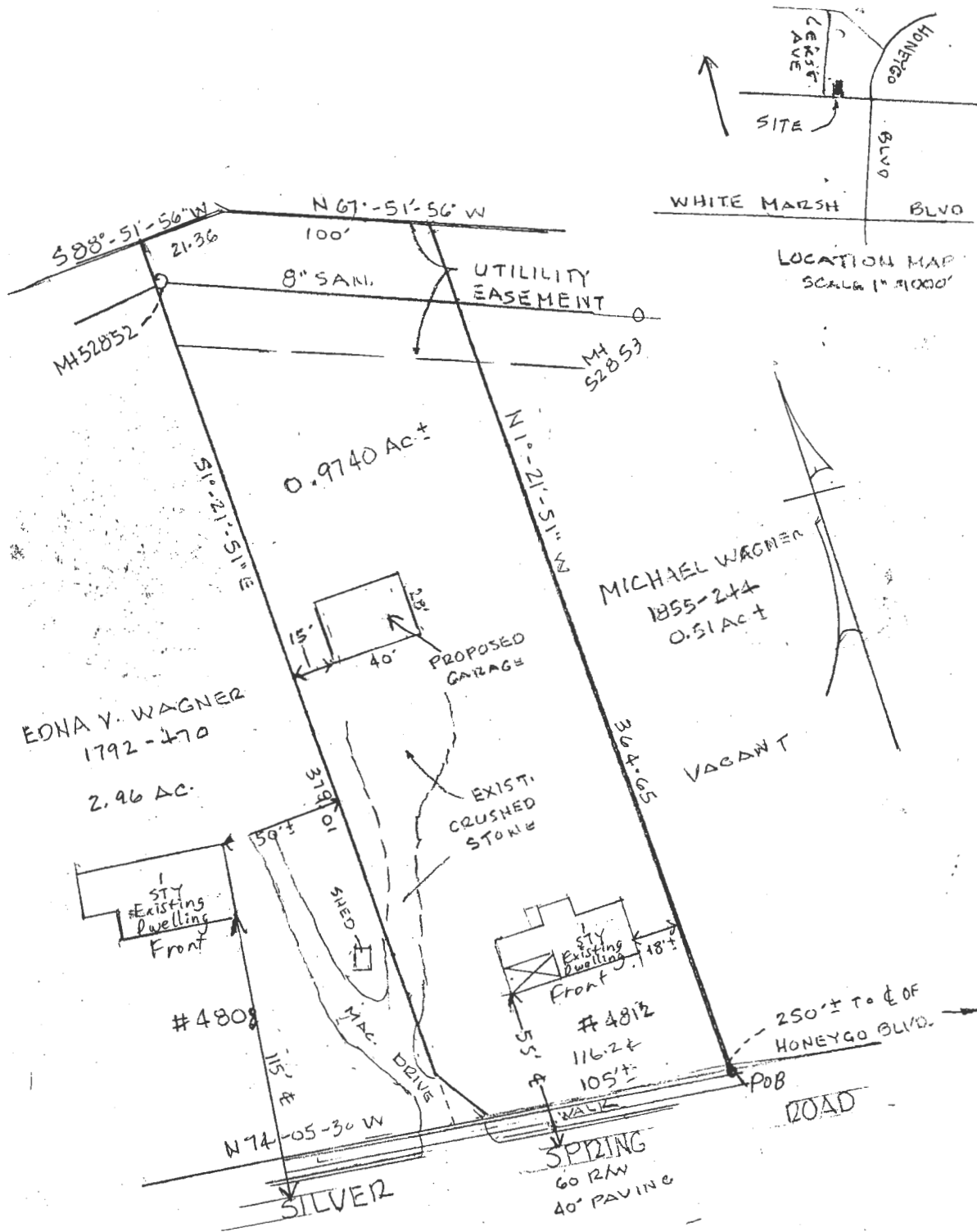
8641

8643

DR 5:5



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE TO ALLOW A
GARAGE HEIGHT OF 19.5 FEET IN LIEU OF THE REQ. 15 FEET



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE TO ALLOW A
GARAGE HEIGHT OF 19.5 FEET IN LIEU OF THE REQ. 15 FEET

PUBLIC WATER & SEWER

EXISTING ZONING - D12 3.5, 1"=200' SCALE MAP #072B3

DEED REF. - 21591/459

1ST DISTRICT BALTO., CO, MARYLAND, 5TH COUNCILMANIC

MICHAEL E. WAGNER, 4812 SILVER SPRING RD

PENNY HALL MD. 21128-9645

NOT C.B.C.A.

NOT 100 YEAR FLOOD PLAIN

NOT HISTORIC

NO PRIOR ZONING HEARINGS

SCALE 1"=50'

DATE 8-22-09

2010-0093-A