IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Sue Creek Drive; 598 feet SE of Sue Aveune
15th Election District
6th Councilmanic District
(1928 Sue Creek Drive)

Frederick L. Riedel, Jr. and Louise E. Riedel Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0198-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, Frederick L. Riedel, Jr. and Louise E. Riedel for property located at 1928 Sue Creek Drive. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (Sections 1B01.2.C.2, 504 and 301 of the 1970 Zoning Regulations and Sections V.B.5.A and V.B.6.b of the 1970 Comprehensive Manual of Development Policies to permit a proposed addition and open projection (steps) with a window to tract boundary setback of 20 feet in lieu of the minimum required 35 feet; window to property line setbacks of 11 feet (both sides) in lieu of the minimum required 15 feet, open projection (steps) side setback of 7.5 feet in lieu of the minimum required 111/4 feet, and to amend the latest Final Development Plan for Sue Creek Landing, Plat 2, Lot 62 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners are in failing health and need the addition to accommodate family members who are moving to the residence to care for the Petitioners. The addition extends 16 feet from the rear of the dwelling and will be flush with the exterior sides of the dwelling. A new set of stairs will be constructed on the left side of the addition for easy access to the driveway. None of the neighbors expressed any concern over the proposed addition.

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Date	2-18:10	
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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated February 2, 2010, which indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located in an Intensely Developed Area within the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements. Environmental Impact Review does not oppose this variance request provided the 10% reduction requirements are met. These requirements can be met by planting of native vegetation on-site or by payment of a fee-in-lieu. The Petitioners shall contact Environmental Impact Review at 410-887-3980 to discuss the options.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 24, 2010 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.

ORDER RE	CEIVED FOR FILING	
Date	2.18.10	_

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of February, 2010 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (Sections 1B01.2.C.2, 504 and 301 of the 1970 Zoning Regulations and Sections V.B.5.A and V.B.6.b of the 1970 Comprehensive Manual of Development Policies to permit a proposed addition and open projection (steps) with a window to tract boundary setback of 20 feet in lieu of the minimum required 35 feet; window to property line setbacks of 11 feet (both sides) in lieu of the minimum required 15 feet, open projection (steps) side setback of 7.5 feet in lieu of the minimum required 11¼ feet, and to amend the latest Final Development Plan for Sue Creek Landing, Plat 2, Lot 62 only 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. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
- 3. The property is located in an Intensely Developed Area within the Chesapeake Bay Critical Area and must comply with the 10% pollutant reduction requirements. These requirements can be met by planting of native vegetation on-site or by payment of a fee-in-lieu. The Petitioners shall contact Environmental Impact Review at 410-887-3980 to discuss the options.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

3

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz ORDER R	ECEIVED FOR FILING	ior
Date	2-18-10	
By	m	



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

February 18, 2010

FREDERICK L. RIEDEL, JR. AND LOUISE E. RIEDEL FREDERICK L. RIEDEL III 1928 SUE CREEK DRIVE BALTIMORE MD 21221

Re: Petition for Administrative Variance

Case No. 2010-0198-A

Property: 1928 Sue Creek Drive

Dear Mr. and Mrs. Riedel and Mr. Riedel:

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,

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 1928 SUE CREEK DR
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) | BOZ, 3, B, BCZR (Section | BOI.Z.C.Z., 5046301, Of the 1970 Coning Regulations and Sections V.B.S.a & V.B.G.b of the 1970 CMDP) to permit a proposed addition and open projection (steps) with a window to tract boundary setback of 20 feet in lieu of the minimum required 35 feet, window to property line setback of 11 feet (both sides) in lieu of the minimum required 15 feet, open projection (steps) side setback of 72 feet in lieu of the minimum required 114 feet, and to amend the latest final Development Plan for Sue Creek Landing (Plat 2), Lot 62 only,

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 Purchase	er/Lessee:		Legal Owner(s):
			FREDERICK L. RIEDEC, JK
Name - Type or Print			Name-Type or Print Nedusur J. Rudel
Signature			Signature LOUISK E. RIEDEL
Address	-	Telephone No.	Name - Type or Print Con - E Riedle
City	State	Zip Code	Signature DOLLER DOINE 410.
Attorney For Petit	ioner:		1928 SUE GOKEK DAINE 23. 4120
			Address Telephone No.
Name - Type or Print			City State Zip Code
			Representative to be Contacted:
Signature			FREDERICK L. RIEDELIN
Company			Name 1928 SUE CREEK DEINE 823.4724
Address		Telephone No:	Address Telephone No. BALTIMONE MD 21271
City	State	Zip Code	City State Zip Code
A Public Hearing having this day of regulations of Baltimore Co	that	at the subject matter of the ty be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County iewed By Date
ORDER	RECEIVED FO	RFILING	6/20/2000
REV 10/25/01	0.111.0	Esti	mated Posting Date 1124/2010

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

competent to testify thereto in the event that a p	within the pe public hearing i	rsonal knowledge is scheduled in the	e of the Affiant(s) e future with regard	and that Affiant(s) is/are I thereto.
That the Affiant(s) does do presently reside at	Address	19285	WE CREEK	21221
est the second of the second o	BANT	IMORE	Mo.	21221
The same of the sa	City		State	Zip Code
That based upon personal knowledge, the folk Variance at the above address (indicate hardsh	ip or practical	difficulty):		
1. Need to build addition				
in Towson and move		. '		
Unable to move Curren	ntly du	re to la	CK 04 55	ace.
need to move with				
failing health	unabl	e to bui	ed addit	in
under current FD	P. Nu	and kitch	en will 6	e added
as part of this ac	ddition	•		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional infor	is filed, Affiant(s mation.	s) will be required	to pay a reposting and
Signature L. Ru		Lor	15E E. 9	Redit
FREDERICK L. RIE	DEL	Lov	15E E. 9	RIEDEL
Name - Type or Print		Name - Type or I	Print	
STATE OF MARYLAND, COUNTY OF BALTIM	MORE, to wit:			
of Maryland, in and for the County aforesaid, pe				Notary Public of the State
THE DENICK L. 14EDEL 9 the Affiant(s) herein, personally known or satisfa	LOUISE			
the Amant(s) herein, personally known or satisfe	actority identifie	ed to me as such	Amani(s).	
AS WITNESS my hand and Notarial Seal				
	N	1	(X)	+1
		ry Public	5/2	12011
. 14 3 4	IVIY C	Commission Expir	62	

REV 10/25/01

ZONING DESCRIPTION FOR 1928 Sue Creek Drive

Beginning at a point on the South side of

Sue Creek Drive which is 50'

Wide at the distance of feet south of the

Centerline of the nearest improved intersecting street Sue

Which is 50' wide. Being Lot #62 in the subdivision of Sue Creek Landing

As recorded in Baltimore County Plat Book #48, Folio #7

Containing .1196 Acres. Also known As 1928 Sue Creek Drive

And located in the 15th Election District, 6th Councilmatic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0/98 -A Address 1928 Sue Creek Drive
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391 Planner, Please Print Your Name Posting Date: 1/24/200 Closing Date: 2/8/20/0
Filing Date: 1/3/20/0 Posting Date: 1/24/20/0 Closing Date: 2/8/20/0
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.
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 2010- 0198 -A Address 1928 Sue Creek Drive
Petitioner's Name Reidel Telephone 410-823-4724
Posting Date: 1/24/2010 Closing Date: 2/8/2010
Wording for Sign: To Permit a proposed addition with a window to truct boundary setback of
20 feet in lieu of the minimum required 35 feet, window to property line setbacks of 11
teet (both sides) in lieu of the minimum required 15 feet, open projection (steps) side
set back of 72 feet in lieu of the minimum required 114 feet, and to amend the latestest
Final Development Plan for Sue Creek Landing (Plat 2), Lot 62 only, Revised 8/20/09
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Date:	BS Acct	Amount	1/13/2018 1/13/2010 11:13:12: 1 1995 P.D.L. MALKER DOLL THE > MCCELLE B. 04501S 1/13/2010 OFLE DOCT 5: 528 20000 VERTEXCATION
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For:	- 1 11+	4 2 4	A /	(3" E E	1				
For:	20/0	-0148	-A (1	Sirdel			Market Land		and the second second

CERTIFICATE OF POSTING

	RE: Case No.:
	Petitioner/Developer:Fredrick Riede
	Fredrick Riede
	February 8, 2010
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristin Matthews	
Ladies and Gentlemen:	
	erjury that the necessary sign(s) required by law were t:
The sign(s) were posted on	January 24 2010,
	(Month, Day, Year)
	Sincerely,
	Robert Stack Jan 28, 2010
	(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)





JAMES T. SMITH, JR. County Executive

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

February 16, 2010

Mr. & Mrs. Riedel 1928 Sue Creek Dr. Baltimore, MD 21221

Dear: Mr. & Mrs. Riedel

RE: Case Number 2010-0198-A, 1928 Sue Creek Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 13, 2010. 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.

U. Cal Robal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 22, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 1, 2010

Item Nos. 2010-0189, 190, 191, 192, 193, 195, 196, 197, 198 and 199

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02012010 -NO COMMENTS.doc



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 January 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 18, 2010

Item Numbers: 0189,0190,0191,0192,0194,0195,0196,0198,0199

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: JAN. 21, 2010

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 - 0198-A 1928 SHE CREEK DRIVE

WEDEL PROPERTY

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. 0198-人.

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,

SDF/mb

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 0 2 2010

TO:

Timothy M. Kotroco

ZONING COMMISSIONER

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 2, 2010

SUBJECT: Zoning Item # 10-198-A

Address 1928 Sue Creek Drive

(Reidel Property)

Zoning Advisory Committee Meeting of January 18, 2010.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

This property is located in an Intensely Developed Area Additional Comments: within the CBCA and must comply with the 10% pollutant reduction requirements. Environmental Impact Review does not oppose this request provided the 10% reduction requirements are met. These requirements can be met by planting of native vegetation on-site or by payment of a fee-in-lieu. The applicants need to contact EIR at 410-887-3980 to discuss the options.

Reviewer: Paul Dennis

Date:

January 29, 2010

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 20, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-198- 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:

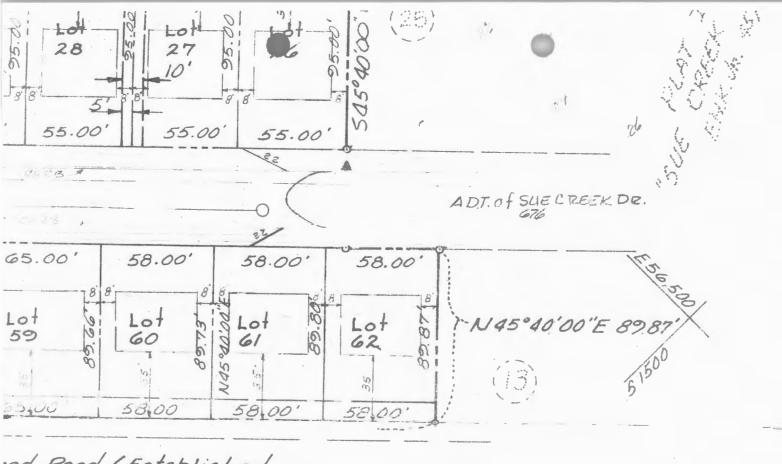
CM/LL











85

JUNE 27.

rad Road (Established N.B.M. 232/305)

WEITZER

AL DEVELOPMENT PLANS

PLAT 2
'E CREEK LANDING"

DIST. BRITIMORE COUNTY, MD.

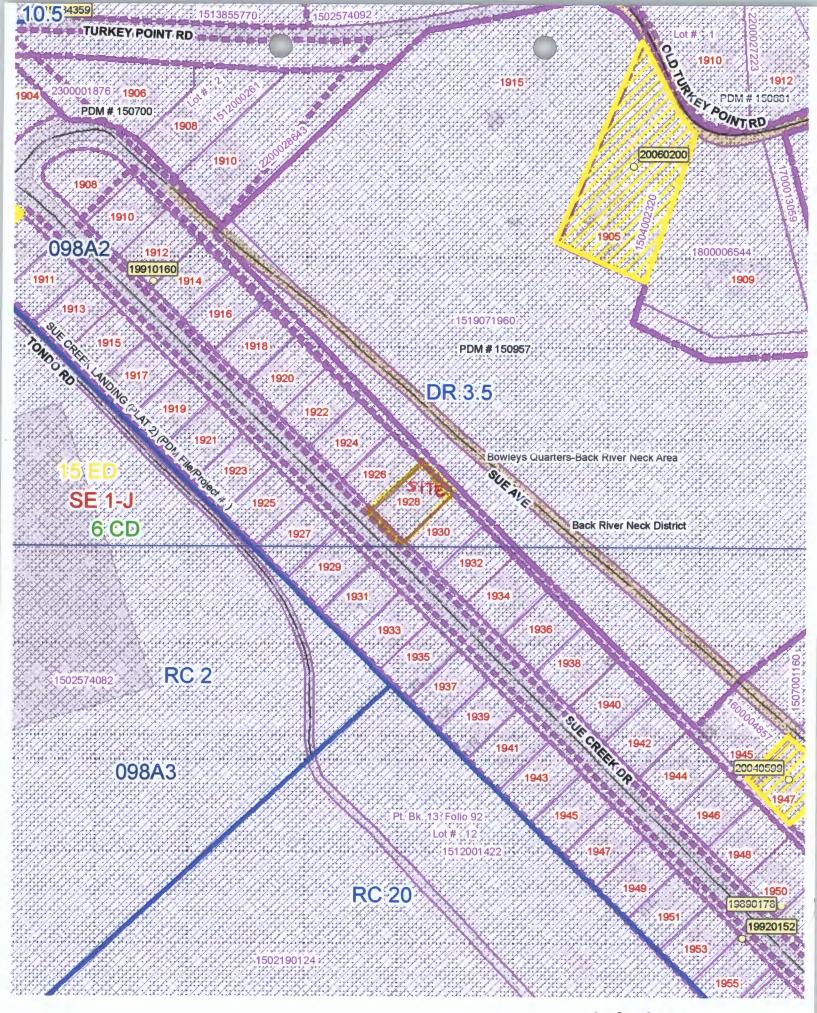
OWNER & DEVELOPER

ONIAL DEVELOPMENT CORP
'WEST. PENNSYLVANDA AVE

TONSON MD. 21204

SHATTI OF 3

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2010-0198-A