IN RE: PETITION FOR ADMIN. VARIANCE

S side of Elinor Avenue; 300 feet E of the c/l of Linda Avenue 14th Election District 6th Councilmanic District (323 Elinor Avenue)

John J. Wamhoff III Petitioner

- BEFORE THE
- **DEPUTY ZONING**
- COMMISSIONER
- FOR BALTIMORE COUNTY
- Case No. 2010-0350-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 owner of the subject property, John J. Wamhoff III for property located at 323 Elinor Avenue. The variance request is from Section 1B02.3.B (1955 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 4 feet in lieu of the required 15 feet for a proposed addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Currently, the home has three bedrooms and one bathroom for the family of five. The addition will contain additional bedrooms and bathrooms for the family. Photographs submitted with the Petition show a number of similar additions in the neighborhood.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 1, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

01-11-8

The Petitioner has 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 Petitioner.

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.

 The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 17, 2010

JOHN J. WAMHOFF III 323 ELINOR AVENUE NOTTINGHAM MD 21236

Re: Petition for Administrative Variance

Case No. 2010-0350-A Property: 323 Elinor Avenue

Dear Mr. Wamhoff:

Erclo sed 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 fi ling an appeal, please feel free to contact our appeals clerk at 410-887-3391.

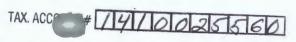
Very truly yours,

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 323 ELNOR AVE

which is presently zoned 012-5.5

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)

See attached

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: Legal Owner(s): Name - Type or Print Signature Name - Type or Print Telephone No. Address Signature City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: ORDER RECEIVED FOR FILING Name Address Address Telephone No. City State State Zip Code Zip Code City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. ANGELA CARNE Notary Public lattimore County Zoning Commissioner of Baltimore County Commission Expires Mar 23, 2011 CASE NO. 2010-0350-REV 10/25/01 **Estimated Posting Date**

1B02.3.B (1955 regs.) to permit a side yard setback of 4 ft. in lieu of the required 15 ft. for a proposed addition.

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 the eto in the event that a public hearing is scheduled in the future with regard thereto.

323 ELINOR AVE

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JAMV. WAMIT	DEFIL				
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STATE OF MARYLAND,	COUNTY OF BALTIN	MORE, to wit:		IIE BAS HE	
I HEREBY CERTIFY, this of Maryland, in and for the	14th day of Ju	ine	2010	before me	a Notary Public of the State
of Maryland, in and for the	County aforesaid, pe	rsonally appeared			
John J. Warn					
the Affiant(s) herein, perso	nally known or satisfa	actorily identified to	me as such /	Affiant(s).	V'G _E ,
(A)					
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KEV 10/25/0					

ZONING DESCRIPTION FOR: 323 Elinor Avenue

Beginning at the point on the <u>South</u> side of <u>Elinor Avenue</u> which is <u>50 feet</u> wide of the distance of <u>300 feet East</u> of the centerline of the nearest improved intersecting street <u>Lyndale Avenue</u> which is <u>50 feet</u> wide. *Being lot # <u>5</u> in the subdivision of <u>Linover Heights</u> as recorded in Baltimore County Plat Book <u>21</u>, Folio # <u>47</u>, containing <u>4,270 square feet</u>. Also known as <u>323</u> <u>Elinor Avenue</u> and located in the <u>14</u> Election District <u>6</u>

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010	0350	-A Address	323	Elihor	Ave.
	act Person:	Bruno Planner, Ple	Rudgitis ase Print Your Name	03 /01/10 A	one Number: 41	0-887-3391
Filing	Date:	14/10	Posting Date:	6/27/10 DW	Closing Date:	-7/12/10 N
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2.	a formal red	uest for a pub	te is the deadline for lic hearing. Please the process is not co	understand tha	t even if there is	0 feet to file s no formal
3.	commissione order that the within 10 da whether the	r. He may: (a matter be set vs of the clos	date, the file will be a) grant the requeste in for a public hearing ing date if all Coun en granted, denied, o mail.	ed relief; (b) den g. You will receiv ty agencies' cor	y the requested of the written notification of the written notification of the written with the written are received.	relief; or (c) tion, usually eived, as to
4.	(whether due commissione changed givi	to a neighborn, notification notice of the	NG AND REPOSTING or's formal request of will be forwarded to the hearing date, time as thange and a photographic control of the control of th	or by order of the sign and location. As	ne zoning or de In on the proper when the sign w	puty zoning ty must be as originally
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Petiti	oner's Name _	John J	, Wamhoff I	Tele	ohone 4/0	882-8123
Posti	ing Date:	6/2	Wamhoff II	losing Date:	7/12/10	
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of	the reg	rived 15	Side yard ft. for a	proposed a	ddition.	
					R	evised 8/20/09

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2010 - 0350 - A
Petitioner: JOHN J. WAM HOFFILE
Address or Location: 323 ELINOR AVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: JOHN J-WAMHOFFIII
Address: 323 ELINOR AVE
NOTTINGHAM MO 21236
(11.0)0.00.00.00.00
Telephone Number: (443)226-2853

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+-CERTIFICATE OF POSTING

RE: Case No.: Petitioner/Developer: John J. Wamhoff August 16 2010 Date of Hearing/Closing: **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 Attn: Kristin Matthews: 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: 323 Elinor Ave. August 1, 2010 The sign(s) were posted on (Month, Day, Year) Sincerely, August 1 2010 (Date) (Signature of Sign Poster) **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

July 12, 2010

John J. Wamhoff 323 Elinor Ave. Nottingham, MD 21236

Dear: John J. Wamhoff

RE: Case Number 2010-0350-A, 323 Elinor Ave.

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

Very truly yours,

u. Cal Ribal!

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: June 22, 2010

RECEIVED

JUN 2 2 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 10-350- 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



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

June 21, 2010

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: June 21, 2010

Item No.: Administrative Variance: 2010-0331A, 2010-0345A - 0353A,

2010-0355A.

Special Hearing Variance: 2010-0354-SPHA

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: June 23, 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 July 5, 2010

Item Nos. 2010- 331, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354,

and 355

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

DAK:CEN:elrn

cc: File

G:\DevPlanRev\Z/AC -No Comments\ZAC-07052010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

July 13, 2010

SUBJECT:

Zoning Item # 10-350-A

Address

323 Elinor Avenue

(Wamhoff Property)

Zoning Advisory Committee Meeting of June 21, 2010

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

Reviewer:

JWL

Date: 7/13/10



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-24-2010

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 - 0350-A 323 ELINOR AVENUE WANHOFF PROPERTY

VAIZIANCE -

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.

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

Patricia Zook - Cases 2010-0355-A Case 2010-0350-A - AVs that closed 7-12-10 - need posting certificates

From:

Patricia Zook

To:

Lewis, Kristen; Williams, LaShenda

Date:

7/19/2010 9:05 AM

Subject:

Cases 2010-0355-A Case 2010-0350-A - AVs that closed 7-12-10 - need posting certificates

CC:

Bostwick, Thomas

Ladies -

The following two administrative variance cases that closed 7-12-10 are missing the posting certificates. Please check to see if you have the certificates before I contact the Petitioners.

Case 2010-0355-A and Case 2010-0350-A.

(Kristen - I talked with you about these on Friday, but never heard back.)

Patti Zook Baltimore County Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



From:

Patricia Zook

To:

Lewis, Kristen; Williams, LaShenda

Date:

7/20/2010 10:23 AM

Subject: Attachments: 2010-0350-A (AV) not posted; file returned to PDM.doc 10-0350-A (AV) not posted; file returned to PDM.doc

Ladies -

Please see the attached memo to the file. The property was not posted by the Petitioner. The file is being returned to the Zoning Review Office to await the new closing date.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

MEMORANDUM

DATE:

July 20, 2010

TO:

To The File

FROM:

Patricia Zook, Legal Secretary for

Thomas H. Bostwick, Deputy Zoning Commissioner

for Baltimore County

SUBJECT:

Case No. 2010-0350-A - 325 Elinor Avenue

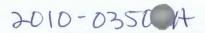
The subject Administrative Variance closed on July 12, 2010. Upon reviewing the case file, it was discovered that the file did not contain the Certificate of Posting.

I spoke with the Petitioner, Mr. Wamhoff, on July 20, 2010, and he confirmed that the required posting was not done. Mr. Wamhoff indicated that he was given a new closing date by Bruno Rudaitis.

Therefore, the case file is being returned to the Zoning Review Office for further processing.

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ No Comment
6-23-10	DEVELOPMENT PLANS REVIEW	NC
7-13-10	DEPRM (if not received, date e-mail sent)	nc
6-21-10	FIRE DEPARTMENT	nc
6-22-10	PLANNING (if not received, date e-mail sent)	nc
6-24-10	STATE HIGHWAY ADMINISTRATION	nc
,	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date: 8-1-10 4	ly Sgt Black
PEOPLE'S COU	NSEL APPEARANCE Yes No No	
PEOPLE'S COU	NSEL COMMENT LETTER Yes No D	
Comments, if any	:	

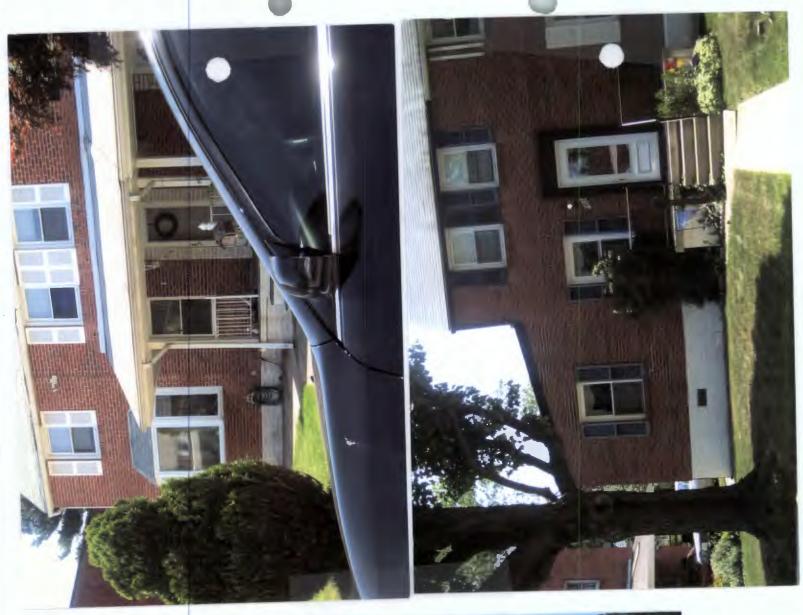




Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

Go Back View Map New Search

Account Ident	fier:	District -	14 Account N	umber - 1	410025	560					
			Ow	ner Inforr	nation						
Owner Name: Mailing Addres	ss:	WAMHOFF 3		16	Use: Principal Residence: Deed Reference:				RESIDENTIAL YES 1) /19733/ 648 2)		
			Location 8		Infor	matio	n				
Premises Addr							Legal De	scription	n		
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2010-0350-