

IN RE: PETITION FOR ADMIN. VARIANCE

NW corner of Wilson Point Road
and Floral Place
15th Election District
6th Councilmanic District
(1408 Wilson Point Road)

William P. and Suzan L. Paradise
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0244-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, William P. and Suzan L. Paradise for property located at 1408 Wilson Point Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and the Zoning Office Policy Manual, Page 1-1.3a to permit a rear yard setback of 21.5 feet in lieu of the required 30 feet, a street side setback of 23.1 feet in lieu of the required 25 feet, and an interior side yard setback of 6 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 30 feet x 30 feet. Petitioners have taken on the sole responsibility of raising three grandchildren. This means the existing dwelling containing 792 square feet and constructed in 1942 must be enlarged to accommodate the family. Petitioners desire to add two additional bedrooms and a bathroom. They also desire to have a new family room rather than the small room that now doubles as a living/dining room. There is no where else on the property where the much needed addition can be constructed.

ORDER RECEIVED FOR FILING

Date 3-22-11

By js

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 February 27, 2011, 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 Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this 22nd day of March, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and the Zoning Office Policy Manual, Page 1-1.3a to permit a rear yard setback of 21.5 feet in lieu of the required 30 feet, a street side setback of 23.1 feet in lieu of the required 25 feet, and an interior side yard setback of 6 feet in lieu of the required 10 feet be and is hereby GRANTED, subject to the following:

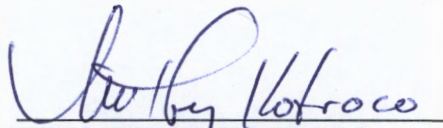
ORDER RECEIVED FOR FILING

Date 3-22-11

By pm

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.



TIMOTHY M. KOTROCO

Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 3-22-11

3

By pz



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 22, 2011

WILLIAM P. AND SUZAN L. PARADISE
1408 WILSON POINT ROAD
MIDDLE RIVER MD 21220

Re: Petition for Administrative Variance
Case No. 2011-0244-A
Property: 1408 Wilson Point Road

Dear Mr. and Mrs. Paradise:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1408 Wilson Pt. Rd.
which is presently zoned DR5.5

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) 1802.3.C.1 (BCER) and Zoning Office Policy Manual, page 1-1.3a, to permit A REAR YARD setback OF 21.5 FT in Lieu OF the Required 30 FT, A STREET side setback OF 23 FT in Lieu of the Required 25 FT. and An interior side yard setback OF 6 FT. in Lieu OF the Required 10 FT.

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 _____
By _____

Legal Owner(s):

William P. Paradise
Name - Type or Print _____
Will Paradise
Signature _____
Susan L. Paradise
Name - Type or Print _____
Susan Paradise
Signature _____
1408 Wilson Pt. Rd. 410-687-4652
Address _____ Telephone No. _____
Middle River Md 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name SAME
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. 2011-0244-A

Reviewed By SLM Date 2.16.11

Estimated Posting Date 2.27.11

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 1408 Wilson Pt. Rd.
Address
Middle River MD 21220
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):

- A. We have taken on the sole responsibility of raising 3 grandchildren (1- boy and 2 girls). Which means we need 2 additional bedrooms and a bathroom, the 25% guideline established in the 1940's does not provide for sufficient room to add same
- B. By subbing out only some of the work we can get this accomplished at a much lower price that trying to buy a new home and we would like to use the opportunity to add value to the home by including a Family Room rather than the small room that now doubles as a Living/ Dining room.
- C. This area is slowly reverting to the Family orientation that it once supported and we feel the size of the property is sufficient to accommodate the addition.

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.

William P. Paradise
Signature
William P. Paradise
Name - Type or Print

Suzan L. Paradise
Signature
Suzan L. Paradise
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of February, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William P. Paradise and Suzan L. Paradise
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 3/10/14

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1408 WILSON POINT ROAD

Baltimore, Md. 21220

Beginning at a point on the west side of Wilson Point Road which is fifty (50) feet wide at the distance of fifteen (15) feet north of the centerline of the nearest improved intersecting street Floral Place which is thirty (30) feet wide.

Being Lot# 141, Block# _____, Section# 4 in the subdivision of Stansbury Manor as recorded in Baltimore County Plat Book # 13, Folio # 138, containing 7006 square feet. Also known as 1408 Wilson Pt Rd and located in the 15th Election District, 6th Councilmanic District.

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

No. **64762**

Date: **2-16-11**

PAID RECEIPT

BUSINESS ACTUAL TIME WPM
 2/16/2011 2/16/2011 09:19:48 2
 REC 505 WALSH DONL WGD
 >>RECEIPT # 565256 2/16/2011 GRLH
 Dept 5 528 ZONING VERIFICATION
 CR #01 064762

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

Recpt tot \$75.00
 \$100.00 Cr
 \$25.00- 05
 Baltimore County, Maryland

Total: **75.00**

Rec From: **W. PARADISE**

For: **2011-0247-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2011-0244-A

Petitioner/Developer BILL PARADISE

Date Of Hearing/Closing: 3/14/11

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1408 WILSON PT. ROAD

This sign(s) were posted on February 27, 2011

Month, Day, Year
Sincerely,

Martin Ogle 2/27/11
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2011-0244-A

TO PERMIT A REAR YARD SETBACK OF 21.5 FT. IN LIEU OF THE REQUIRED 30 FT., A STREET SIDE SETBACK OF 23.1 FT. IN LIEU OF THE REQUIRED 25 FT. AND AN INTERIOR SIDE SETBACK OF 6 FT. IN LIEU OF THE REQUIRED 10 FT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE. PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON *Monday, March 14, 2011* ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 700 CRISPHEAT DR. TOWSON, MD 21204 410-387-3391

MEETING IS MANDATORY ACCESSIBLE

02/27/2011

Myatt 2/27/11

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0244 -A

Address 1408 WILSON PT. RD.

Contact Person: J. Merrey
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2.16.11

Posting Date: 2.27.11

Closing Date: 3.14.11

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 2011- 0244 -A

Address 1408 WILSON PT. RD.

Petitioner's Name WILLIAM PARADISE

Telephone 410-687-4652

Posting Date: 2.27.11

Closing Date: 3.14.11

Wording for Sign: To Permit A REAR YD. SETBACK OF 21.5ft. IN LIEU OF THE REQUIRED 30ft., A STREET SIDE SETBACK OF 23ft. IN LIEU OF THE REQUIRED 25ft., AND AN INTERIOR SIDE SETBACK OF 6ft. IN LIEU OF THE REQUIRED

WCR - Revised 7/7/08 10ft.

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: 1519070720 2011-0244-A
Petitioner: William P. and Susan L. Paradise
Address or Location: 1408 Wilson Pt. Rd. Middle River, Md 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Paradise
Address: 1408 Wilson Pt. Rd.
Middle River, Md.
21220
Telephone Number: 410-687-4652



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 9, 2011

Mr. & Mrs. Paradise
1408 Wilson Point Road
Middle River, MD 21220

RE: Case Number 2011-0244A, 1408 Wilson Point Road

Dear Mr. & Ms. Paradise,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 2011. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



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

*closing
Adm
3/14/11*

Date: March 1, 2011

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

RE: Baltimore County
Item No 2011-0244-A
1408 WILSON POINT ROAD
PARADISE PROPERTY
ADMIN. VARIABLE -

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. 2011-0244-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,

Michael P. Bailey
For Steven D. Foster, Chief
Access Management 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For February 28, 2011
Item Nos. 2011- 218, 236, 237, 238,
239, 240, 242, 243, ~~244~~ and 245

DATE: February 28, 2011

*Adm. Var.
3/14/11 closing*

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-02282011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

February 22, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **February 22, 2011**

Item No.:

Administrative Variance: 2011-0236A, 2011-0239A – 0240A, 2011-0244A

Special Hearing: 2011-0237-SPH, 2011-0238-SPHA, 2011-0242-SPH

Variance: 2011-0238SPHA, 2011-0243A, 2011-0245A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

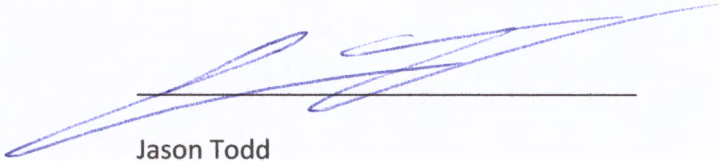
Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

To: Anyone Concerned

Re: Petition for Administrative Variance, 1519070720

Date: February 10, 2011

Please be advised that we, the undersigned, have spoken to Mr. and Mrs Paradise (the residents of 1408 Wilson Point Rd) regarding the construction of a single story 30 x30 addition for the purpose of adding living space. We would like to express our support, and/or lack of opposition to, said addition by signing below.

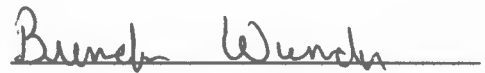


Jason Todd

1404 Wilson Point Rd

Middle River, Md 21220

Tax Acct# 1512200560

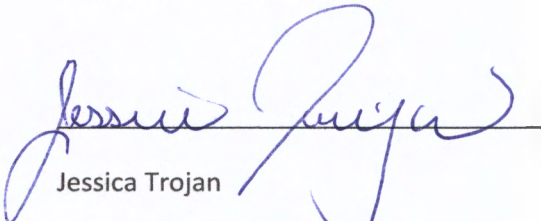


Brenda Wunder

4 Floral Pl

Middle River, Md 21220

Tax Acct# 1504002290



Jessica Trojan

Also of 1404 Wilson Point Rd

Middle River, Md 21220

1 of 3

1408 Wilson Pt. Rd.



View is west from the intersection of Wilson Pt Rd looking down Floral Pl



Front of subject property from Wilson Pt Rd



Shed at ~~1404~~ 1404
Wilson Pt. Rd.

Similar view including end of subject property



1408
Wilson Pt. Rd.

1404
Wilson Pt Rd



View from northeast corner of subject property, white stake denotes the northeast corner
Of the proposed addition.



Same view

1504502040

Lot # 131

Lot # 137

FERN PL

1518472720
Pt. Bk. 14, Folio 96

Pt. Bk./Folio # 014096

1503473770
Pt. Bk. 10, Folio 26

Lot # 75

1404
1512200560 Lot # 136

3

Lot # 137
1519511910

5

1512001780
Lot # 138

15 ED
091A3

NE 2-J
DR 5.5

HERE

Pt. Bk. 13, Folio 138
1519070720 Lot # 141

1408

Lot # 142
1504002290

Pt. Bk./Folio # 013138A

6 CD

Lot # 143
1502570170

6

Lot # 144
1510451682

8

FLORAL PL

1412
1513007341 Lot # 146

1506100070
Lot # 147

Lot # 145
1523504750

10

1501130010 Lot # 148

1518473000 Lot # 149

Lot # 150
1506450470

Lot # 153

Lot # 152
1511770480

1506350330
Lot # 151

1416

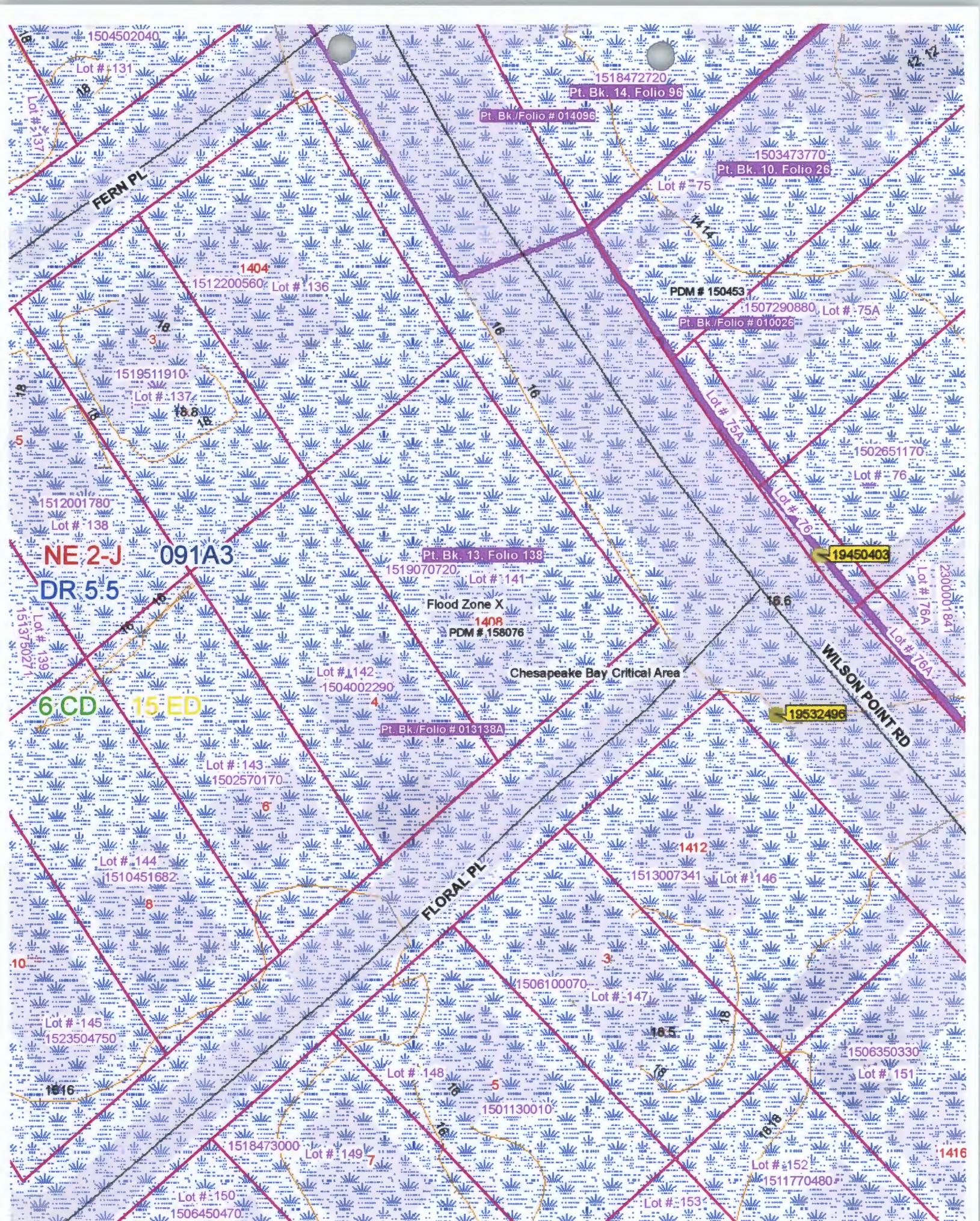
19450403

19532496

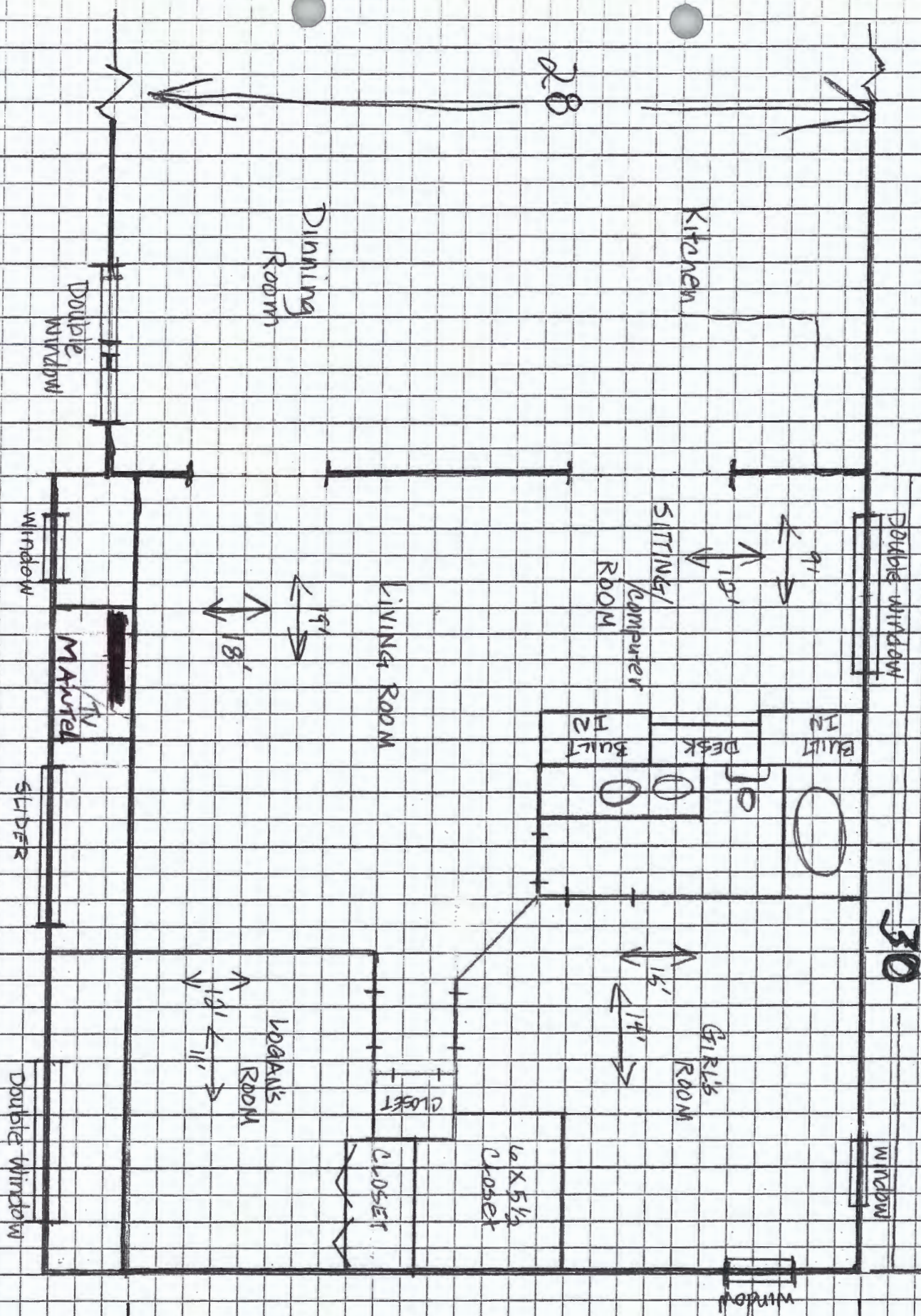
WILSON POINT RD

2300001841
Lot # 76A

Lot # 76A



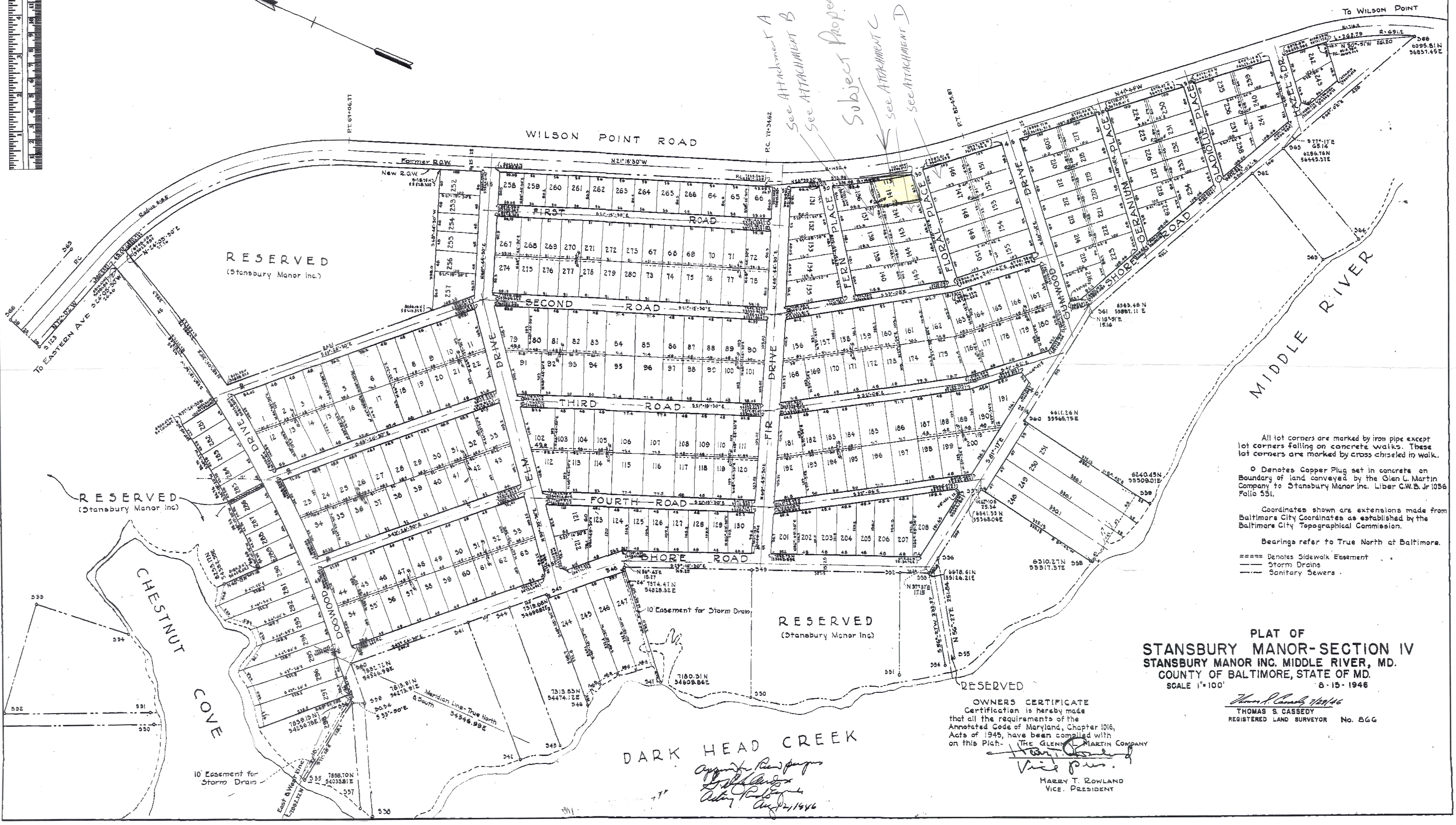
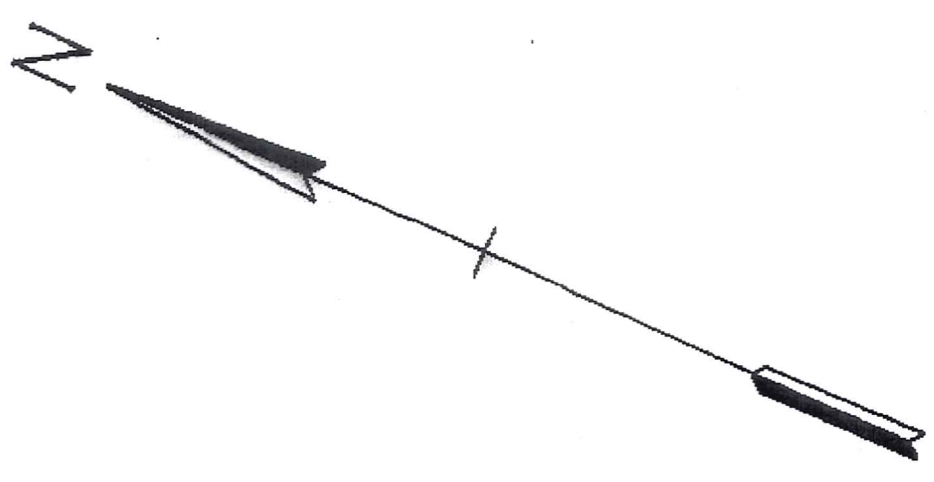
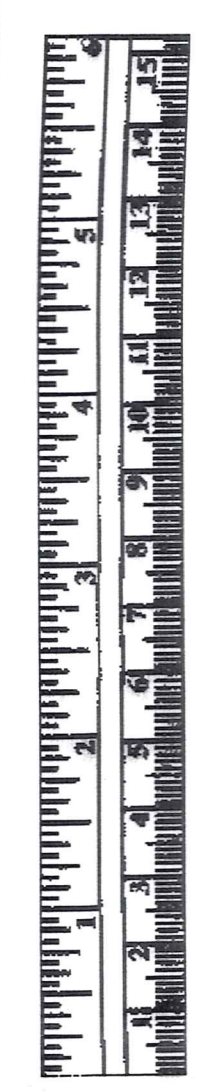
Proposed Layout



28

30

27



All lot corners are marked by iron pipe except lot corners falling on concrete walks. These lot corners are marked by cross chiseled in walk.

O Denotes Copper Plug set in concrete on boundary of land conveyed by the Glen L. Martin Company to Stansbury Manor Inc. Liber C.W.B. Jr 1056 Folio 531.

Coordinates shown are extensions made from Baltimore City Coordinates as established by the Baltimore City Topographical Commission.

Bearings refer to True North at Baltimore.

==== Denotes Sidewalk Easement
--- Storm Drains
--- Sanitary Sewers

**PLAT OF
STANSBURY MANOR-SECTION IV
STANSBURY MANOR INC. MIDDLE RIVER, MD.
COUNTY OF BALTIMORE, STATE OF MD.
SCALE 1"=100' 8-15-1946**

OWNERS CERTIFICATE
Certification is hereby made that all the requirements of the Annotated Code of Maryland, Chapter 1016, Acts of 1945, have been complied with on this Plat.
Harry T. Rowland
HARRY T. ROWLAND
VICE PRESIDENT

DARK HEAD CREEK
*Approved: [Signature]
[Signature]
[Signature]
Aug 21, 1946*

SCALE OF DRAWING: 1" = 20'