

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Wellington Road, 40 feet E
of Wellington Court
9th Election District
5th Councilmanic District
(814 Wellington Road)

James C. and Margaret M. Clemmens
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0334-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, James C. and Margaret M. Clemmens for property located at 814 Wellington Road. The variance request is from Section 1B02.3.B (Section III.C.3 of 1953 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition (covered screened deck) with a side street setback of 9 feet in lieu of the minimum required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners have an addition that is currently under construction with a building permit. Next to this addition, Petitioners desire to construct a covered screen deck measuring 8 feet x 17 feet. The proposed addition will accommodate a family member who requires the assistance of a wheelchair. The proposed addition will accommodate the safe the comfortable transition from interior to exterior of the house. This proposed addition will provide adequate protection from the elements and the required lighting for safe access. A vertical wheelchair lift will be installed to provide access to the addition. The location of the proposed addition will provide the best wheelchair access to the dwelling. The driveway is located at the side/rear of the house. None of the neighbors expressed any concern about the variance request.

By

Date

ORDER RECEIVED FOR FILING

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 May 22, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

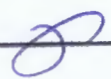
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 16th day of June, 2011 that a variance from Section 1B02.3.B (Section III.C.3 of 1953 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition (covered screened deck) with a side street setback of 9 feet in lieu of the minimum required 15 feet be and is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

Date 6-16-11

By 

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.

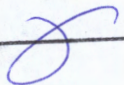


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 6-16-11

By 



KEVIN KAMENETZ
County Executive

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

June 16, 2011

JAMES C. AND MARGARET M. CLEMMENS
814 WELLINGTON ROAD
BALTIMORE MD 21212

Re: Petition for Administrative Variance
Case No. 2011-0334-A
Property: 814 Wellington Road

Dear Mr. and Mrs. Clemmens:

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 be "LMS", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Ben Mentzer, 1102 East Joppa Road, Towson MD 21286



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 814 Wellington Rd
which is presently zoned DR 5.5 (vested "A" Residential)

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) 1B02.3.B, BCZR (Section III.C.3
of 1953 Zoning Regulations) to permit a proposed
addition (covered screened deck) with a side street
setback of 9 feet in lieu of the minimum required
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. _____
Date 6-16-11 _____
City _____ State _____ Zip Code _____

ORDER RECEIVED FOR FILING

Legal Owner(s):

James C Clemmans
Name - Type or Print _____
Signature _____
Margaret M Clemmans
Name - Type or Print _____
Signature _____
814 Wellington Rd 410-377-9231
Address _____ Telephone No. _____
Baltimore MD 21212
City _____ State _____ Zip Code _____

Representative to be Contacted:

Ben Mentzer
Name _____
1102 E. Joppa Rd 410-828-9600
Address _____ Telephone No. _____
Towson MD 21286
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. 2011-0334-A

REV 10/25/01

Reviewed By JNP Date 5/11/2011

Estimated Posting Date 5/22/2011

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 814 Wellington Rd
City Baltimore State MD Zip Code 21212

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 ARE SEEKING A SIDE SETBACK OF 9' IN LIEU OF THE REQUIRED 15'.

WE ARE SEEKING THIS REQUEST FOR A PROPOSED ADDITION TO ACCOMMODATE A FAMILY MEMBER WHICH REQUIRES THE ASSISTANCE OF A WHEELCHAIR. THE PROPOSED ADDITION (COVERED SCREENED PORCH) WILL ACCOMMODATE THE SAFE AND COMFORTABLE TRANSITION FROM INTERIOR TO EXTERIOR OF THE HOUSE. THE PROPOSED ADDITION WILL PROVIDE ADEQUATE PROTECTION FROM THE ELEMENTS AND THE REQUIRED LIGHTING FOR SAFE ACCESS. A VERTICAL WHEELCHAIR LIFT WILL BE INSTALLED TO PROVIDE ACCESS TO THE ADDITION.

WE ARE RESTRICTED TO THE LOCATION OF THE PROPOSED ADDITION DUE TO THE LOCATION OF THE DRIVEWAY, WHICH IS LOCATED AT THE SIDE/REAR OF THE HOUSE. THE PROPOSED ADDITION LOCATION WILL PROVIDE THE BEST WHEELCHAIR ACCESS TO THE EXISTING HOUSE. A SIDE SETBACK OF 9' IN LIEU OF THE REQUIRED 15' WOULD BEST ACCOMMODATE THIS SITUATION.

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

James C Clemmens
Name - Type or Print

Signature

Margaret M Clemmens
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10TH day of MAY, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

Stephanie M. Roke

7/22/2013

ZONING DESCRIPTION FOR 814 WELLINGTON RD, BALTIMORE, MD 21212. BEGINNING AT A POINT ON THE NORTH SIDE OF WELLINGTON RD WHICH IS 50 FEET WIDE AT A DISTANCE OF 40 FEET EAST OF THE CENTERLINE OF WELLINGTON COURT WHICH IS 80 FEET WIDE. BEING KNOWN AS LOT 8 IN BLOCK 25 AS SHOWN ON THE PLAT OF BLOCKS 23, 24, AND 25 STONELEIGH, WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK G.L.B. NO 20, FOLIO 136, CONTAINING 7656 SQUARE FEET IN THE 9TH ELECTION DISTRICT AND 5TH COUNCIL DISTRICT.

2011-0334-A

PAID RECEIPT

BUSINESS	ACTUAL	TIME	MM
5/11/2011	5/11/2011	19:21:21	8

Recpt Tot \$75.00
 \$75.00 CK 4.00 CA
 Baltimore County, Maryland

001	806	0000	6150				75.02

Total: 75.00

Rec From: James & Margaret Clemmens

For: Adm Variance - 814 Wellington Road
2011-0334-A (Clemmens)

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2011-0334-A

Petitioner/Developer TURNER
TODXELL COMPANY

Date Of Hearing/Closing: 6/6/11

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

Attention:

Ladies and Gentlemen

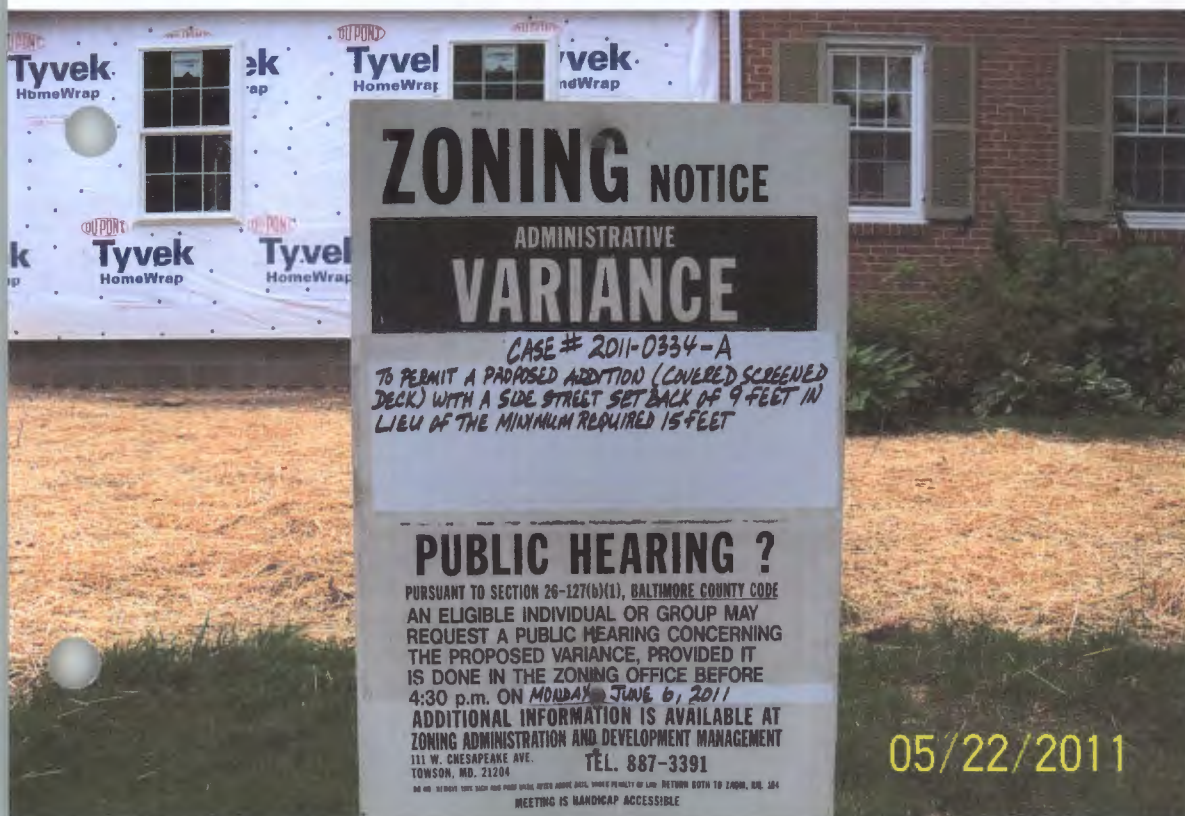
This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 814 WELLINGTON ROAD

This sign(s) were posted on May 22, 2011

Month, Day, Year
Sincerely,

Martin Ogle 5/22/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2011-0334-A
TO PERMIT A PROPOSED ADDITION (COVERED SCREENED
DECK) WITH A SIDE STREET SETBACK OF 9 FEET IN
LIEU OF THE MINIMUM REQUIRED 15 FEET

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~~ JUNE 6, 2011
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204 TEL. 887-3391
SEE US "BEFORE" YOUR DEADLINE FOR VARIANCE REVIEW AND/OR DECISION. RETURN BOTH TO ZONING, Rm. 104
MEETING IS HANDICAP ACCESSIBLE

05/22/2011

Myah Ogle 5/22/11

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0334 -A Address 814 Wellington Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/11/2011 Posting Date: 5/22/2011 Closing Date: 6/6/2011

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- 0334 -A Address 814 Wellington Road

Petitioner's Name James & Margaret Clemmens Telephone 410-377-9231

Posting Date: 5/22/2011 Closing Date: 6/6/2011

Wording for Sign: To Permit a proposed addition (covered screened deck) with a side street setback of 9 feet in lieu of the minimum required 15 feet.



KEVIN KAMENETZ
County Executive

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

May 26, 2011

Mr. & Mrs. Clemmens
814 Wellington Road
Baltimore, MD 21212

RE: Case Number 2011-0334 A, 814 Wellington Road

Dear Mr. & Mrs. Clemmens,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Ben Mentzer, 1102 E. Joppa Road, Towson, MD 21286



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: 5-24-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

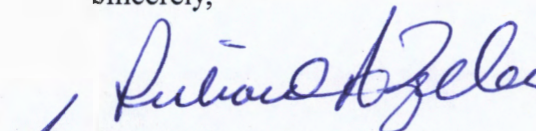
RE: Baltimore County
Item No. 2011-0334-A
Administrative Variance
James & Margaret Clemmens
814 Wellington Road.

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. 2011-0334A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 19, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 23, 2011**

Item No.:

Administrative Variance: 2011-0333A – 0334A.

Variance: 2011- 0335-XA.

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

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 June 6, 2011
Item Nos. 2011-152, 333, 334,
And 335

DATE: May 26, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06062011 -NO COMMENTS.doc

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 09 Account Number - 0907291000

Owner Information

Owner Name:	CLEMMENS JAMES C CLEMMENS MARGARET M	Use:	RESIDENTIAL
Mailing Address:	814 WELLINGTON RD BALTIMORE MD 21212-1932	Principal Residence:	YES
		Deed Reference:	1) /13143/ 00051 2)

Location & Structure Information**Premises Address**

814 WELLINGTON RD
0-0000

Legal Description

NE COR WELLINGTON CO
STONELEIGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0080	0002	0132		0000		25	8	2	Plat Ref: 0020/ 0136

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1959	1,780 SF	7,656 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2010	07/01/2011
Land	181,650	181,600		
Improvements:	260,490	211,800		
Total:	442,140	393,400	442,140	393,400
Preferential Land:	0			0

Transfer Information

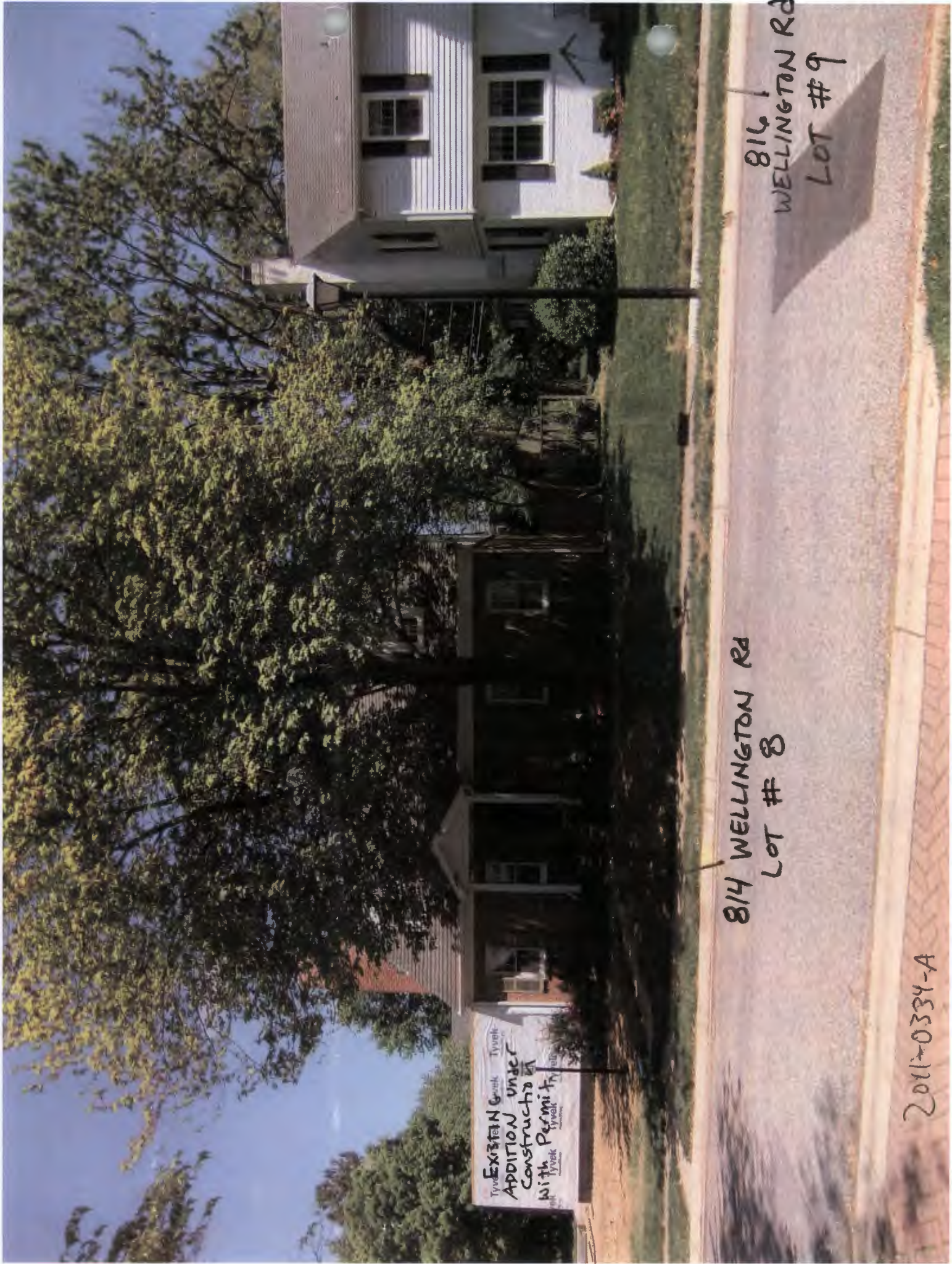
Seller:	ALDRIDGE RICHARD B	Date:	09/11/1998	Price:	\$233,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/13143/ 00051	Deed2:	
Seller:	MORELAND HARRY T	Date:	08/25/1978	Price:	\$81,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/05927/ 00342	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:**Special Tax Recapture:****Exempt Class:**

* NONE *



EXISTING GROUND TYPICAL
ADDITION UNDER
CONSTRUCTION
WITH PERMIT

814 WELLINGTON RD
LOT # 8

816
WELLINGTON RD
LOT # 9

2011-0334-A



7003 Wellington Ct.
Lot #7

Proposed
Addition Site
(Screen door)
814 Wellington Rd
Lot #8

Boxing Addition
under construction
with permit

Tyvek

Tyvek

Tyvek

Tyvek

Tyvek

Tyvek

Tyvek

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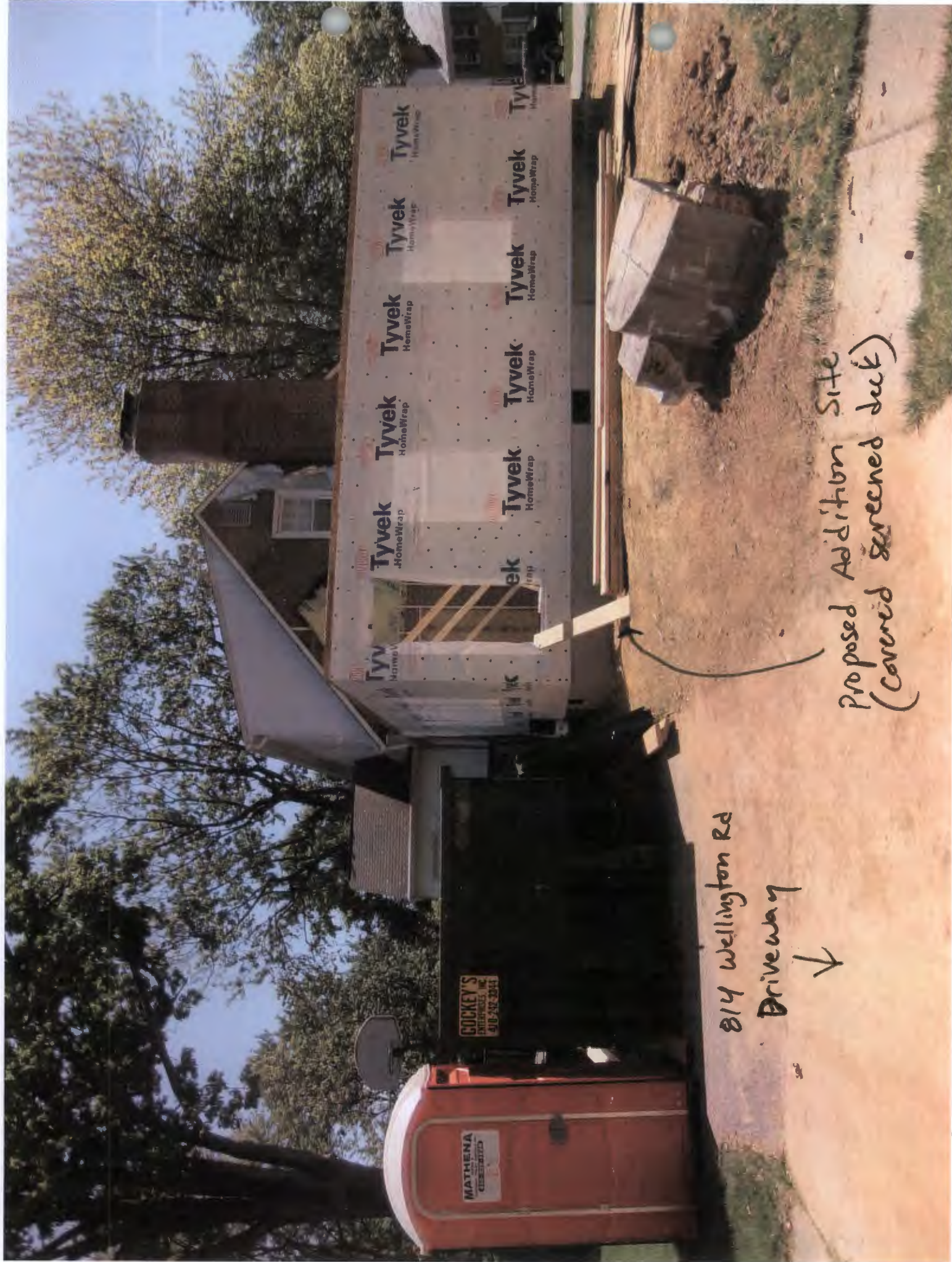
Tyvek

Tyvek

Tyvek

Tyvek

Tyvek

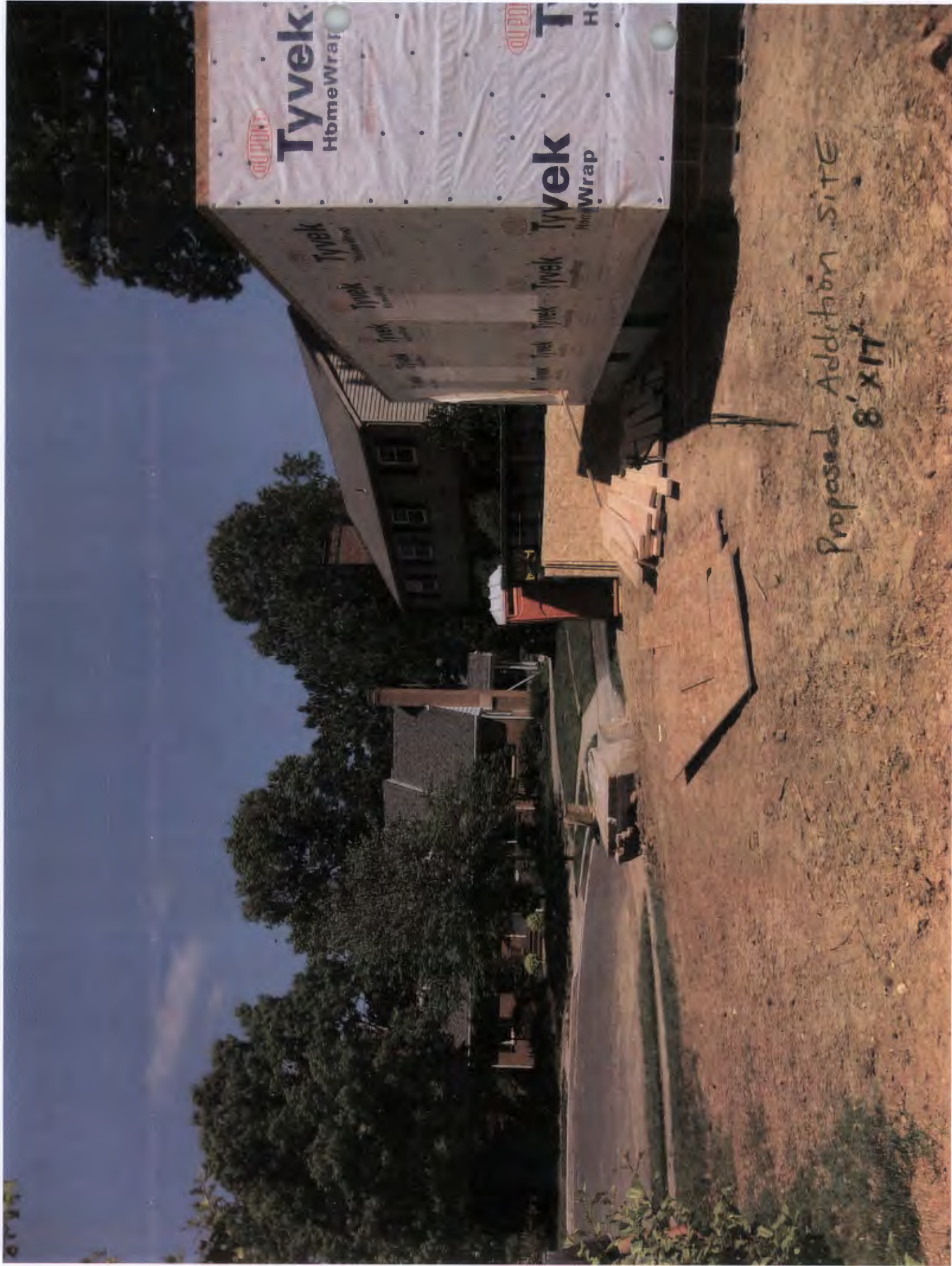


814 Wellington Rd
Driveway
↓

Proposed Addition Site
(covered screened deck)



2011-0334-A





814 Wellington Rd
Lot # 8

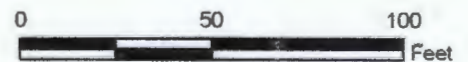
816 Wellington Rd
Lot # 9

2011-0334-A

814 Wellington Road



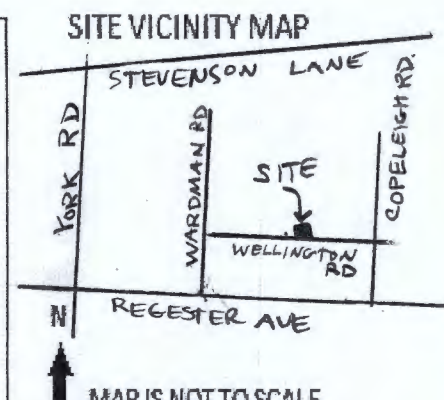
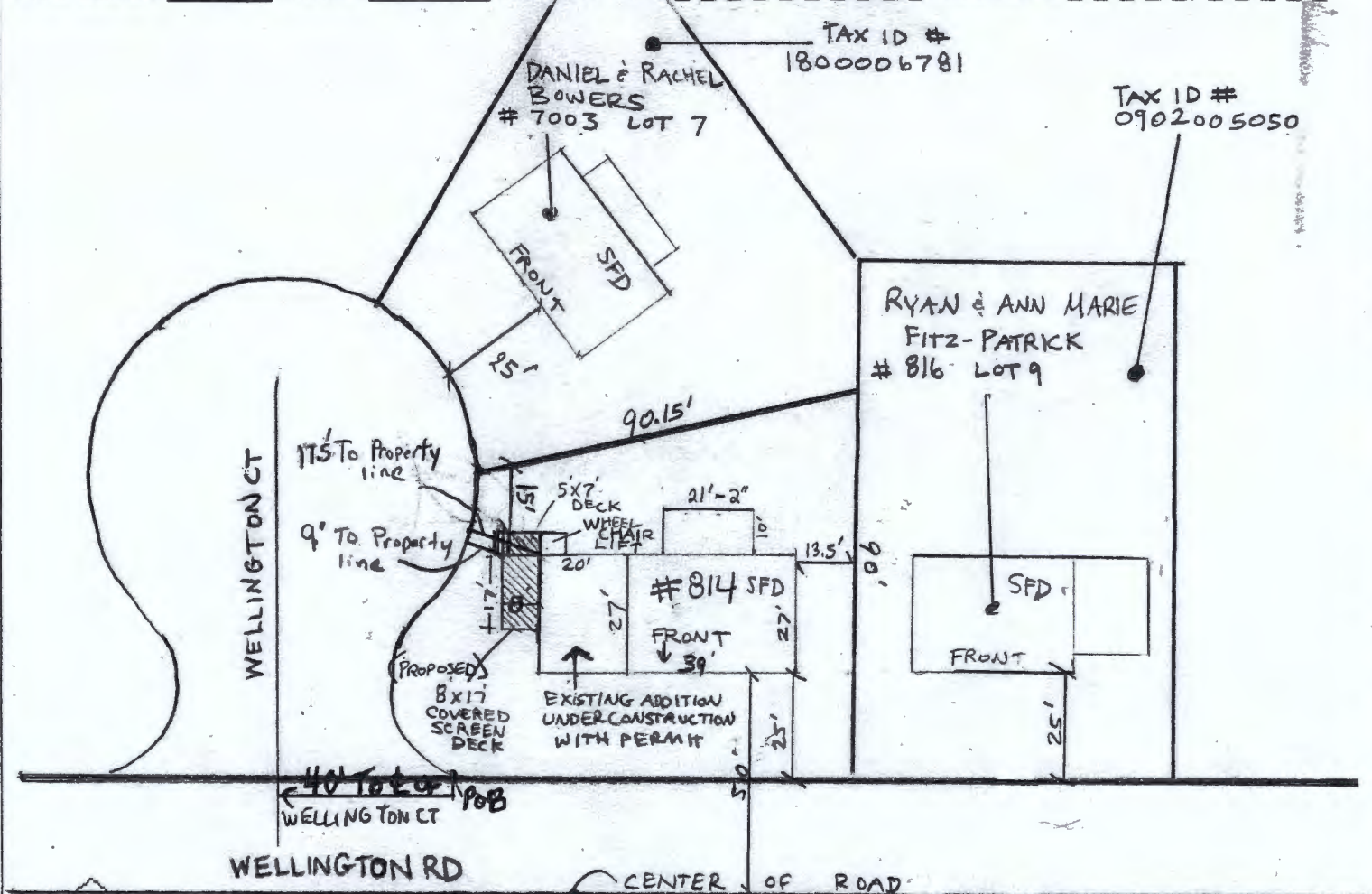
Publication Date: April 18, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

2011-0334-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 814 WELLINGTON RD, 21212 OWNER(S) NAME(S) JAMES & MARGARET CLEMMENS
 SUBDIVISION NAME STONELEIGH LOT # 8 BLOCK # 25 SECTION # _____
 PLAT BOOK # 20 FOLIO # 136 10 DIGIT TAX # 0907291000 DEED REF. # 1



MAP IS NOT TO SCALE
 ZONING MAP# 080A1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 9ED
 COUNCIL DISTRICT 5CD
 LOT AREA ACREAGE _____
 OR SQUARE FEET 7656
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC X PRIVATE _____
 SEWER IS: PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
N/A

PLAN DRAWN BY BDM DATE 5/6/2011 SCALE: 1 INCH = 40 FEET

2011-0334-A

VIOLATION CASE INFO:

