

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Whispering Meadow Drive, 250
feet N of the c/l of Winands Road
2nd Election District
4th Councilmanic District
(3994 Whispering Meadows Drive)

Derrick and Tiffany Thomas
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0032-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, Derrick and Tiffany Thomas for property located at 3994 Whispering Meadows Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 3 feet in lieu of the required 10 feet and a sum of side yards of 17 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an attached garage measuring 12 feet x 20 feet.

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 August 12, 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

ORDER RECEIVED FOR FILING

Date

By

9-7-11
DZ

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 7th day of September, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 3 feet in lieu of the required 10 feet and a sum of side yards of 17 feet in lieu of the required 25 feet, be and 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.

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

ORDER RECEIVED FOR FILING

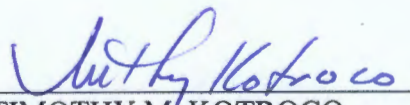
Date

9-7-11

By

23

TMK/pz


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County



KEVIN KAMENETZ
County Executive

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

September 7, 2011

DERRICK AND TIFFANY THOMAS
3994 WHISPERING MEADOWS DRIVE
RANDALLSTOWN MD 21133

Re: Petition for Administrative Variance
Case No. 2012-0032-A
Property: 3994 Whispering Meadows Drive

Dear Mr. and Mrs. Thomas:

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, Approvals 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 cursive script, reading "Timothy Kotroco".

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 3994 Whispering Meadow Drive, Ranallstown MD 21133

which is presently zoned DR 3.5

Deed Reference: 21012 / 00555 Tax Account # 02-200010802

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.C1 ; BC2R, TO PERMIT A SIDYARD SETBACK OF 3ft
IN LIEU OF THE REQUIRED 10ft AND A SUM OF SIDYARDS
OF 17ft IN LIEU OF THE REQUIRED 25ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Derrick Thomas

Name - Type or Print

Signature

Tiffany Thomas

Name - Type or Print

Signature

3994 Whispering Meadows Drive

(410) 521 0658

Address

Telephone No.

Randallstown

MD

21133

City

State

Zip Code

Representative to be Contacted:

Carl Dyhrberg

Name

1619 Mussula Road

(443) 465 6899

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. 2012-0032-A

Reviewed By JCM

Date 8-3-11

Estimated Posting Date 8/14

FRM476_09

Rev 3/09

ORDER RECEIVED FOR FILING

Date 9-7-11

By BSW

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 own and reside at 3994 Whispering Meadows Drive
Address number Road or Street name
and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) We wish to construct a 12' x 20' Garage to the eastern side of our existing residence. At present

the side yards measure a sum of 30' with the side yard where this Garage is to be sited now measuring 15'. The new garage will reduce the side yard to a minimum of 3' or 7' under this minimum required by the Code.

This hardship is peculiar to our property in contrast with other properties in the zoning district and is not the result of our own actions.
Failure to grant this request for a variance would also result in the failure of our ability to make a reasonable use of our property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Derrick Thomas
Signature

Derrick Thomas
Name- print or type

Signature

Tiffany Thomas
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 1st day of August, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Derrick Thomas
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Natalia Stryzak
Name of Notary Public

07/23/14
Commission expires

PLACE SEAL HERE:



ZONING DESCRIPTION FOR 3994 WHISPERING MEADOW DRIVE

Being that property on the west side of Whispering Meadow Drive, north 250ft. more or less from the centerline of Winands Road. Plat book # 0058, Folio 0091, containing 10,377 square feet. Located in the 2nd Election District and 4th Councilmanic District.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case#2012-0032-A

PETITIONER: Derick Thomas

DATE OF CLOSING: August 29, 2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN 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

(see page 2 for full size photo)

LOCATION:

3994 Whispering Meadow Drive

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 8/12/11

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # : 2012-0032-A

To permit a side yard setback of 3 feet in lieu of the required 10 feet and a sum of side yards of 17 feet in lieu of the required 25 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 August 29, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST OR FINE WILL BE ASSESSED UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 2012-0032-A

To permit a side yard setback of 3 feet in lieu of the required 10 feet and a sum of side yards of 17 feet in lieu of the required 25 feet.

PUBLIC HEARING?

PURSUANT TO SECTION 16-121(a)(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 August 26, 2011. ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT, 1000 E. JONES ROAD, BALTIMORE, MD 21206. TEL 410-487-3391

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0032 -A Address 3994 Whispering Meadow DR.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8.3.11 Posting Date: 8/14 Closing Date: 8/29

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 2012- 0032 -A Address 3994 Whispering Meadow DR.

Petitioner's Name DERICK THOMAS Telephone 410-521-0658

Posting Date: 8/14/11 Closing Date: 8/29/11

Wording for Sign: To Permit A SIDEYARD SETBACK of 3ft. in Lieu
of The Required 10ft. AND A sum of SIDEYARDS
of 17ft. in Lieu of The Required 25ft.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0032-A
Petitioner: D. THOMAS
Address or Location: 3994 WHISPERING MEADOW DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME

Telephone Number: _____



KEVIN KAMENETZ
County Executive

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

August 19 2011

Derrick & Tiffany Thomas
3994 Whispering Meadows Drive
Randallstown, MD 21133

Case Number: 2012-0032-A, 3994 Whispering Meadow Drive

Dear Mr. & Mrs. Thomas,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 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
Carl Dyhrberg, 1619 Mussula Road, Towson, MD 21286



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 4, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **August 8, 2011**

Item No.:

Administrative Variance: 2012-0026A, 2012-0028A, 2012-0030A – 0032A.

Variance: 2012-0027A.

Special Hearing: 2012-0029-SPH.

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

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-9-11

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

RE: Baltimore County
Item No. 2012-0032-A
Administrative Variance
Derrick & T. Flannery Thomas
3994 Whispering Meadow Drive

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. 2012-0032-A.

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,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

AV 8/29

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

AUG 22 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 22, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-032-A
Address 3994 Whispering Meadow Drive
(Thomas Property)

Zoning Advisory Committee Meeting of August 8, 2011.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

2012 0032-A

8-29



Residence – Front taken from Whispering Meadow Drive



3992 & 3994 - Fronts taken from Whispering Meadow Drive

2012

002-A



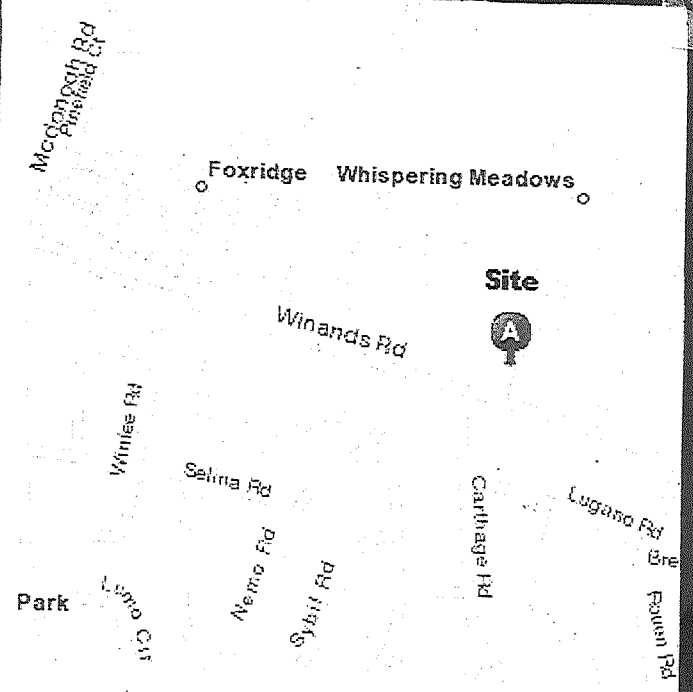
Side Yard - 3994 Whispering Meadow Drive taken from rear



Side Yard - 3994 Whispering Meadow Drive taken from front

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
3994 WHISPERING MEADOW DRIVE IN THE SUBDIVISION OF WHISPERING MEADOW
PLAT BOOK # 56, FOLIO # 91, LOT #3
OWNER: DERRICK THOMAS



VICINITY MAP – Scale 1" = 300'

LOCATION INFORMATION

ELECTION DISTRICT 2
COUNCILMANIC 4
1"=200' SCALE MAP # 077B1
ZONING – DR 3.5
LOT SIZE 0.2382 ACRES 10.377 SQUARE FEET
PUBLIC SEWER
PUBLIC WATER
CHESAPEAKE BAY CRITICAL AREA – NO
100-YEAR FLOOD PLAIN - NO
HISTORIC PROPERTY- NO
PRIOR ZONING HEARING - NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #