

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Wampler Road; 1,430 feet N
of the c/l of Bengies Road
15th Election District
6th Councilmanic District
(822 Wampler Road)

Christopher M. and Donna M. Noble
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0111-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, Christopher M. and Donna M. Noble for property located at 822 Wampler Road. The variance request is from Sections 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 39 foot front setback in lieu of the maximum 60 foot front average setback, and 6 foot side and rear setbacks in lieu of 15 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a two story addition for the growing family. The dwelling was constructed in 1953 and contains 1,380 square feet. Petitioners' property is triangular in shape and the dwelling was constructed close to the side and rear property lines.

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 October 30, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 11-22-11

By SMA

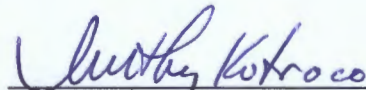
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 November, 2011 that a variance from Sections 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 39 foot front setback in lieu of the maximum 60 foot front average setback, and 6 foot side and rear setbacks in lieu of 15 feet and 40 feet, respectively, 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz
ORDER RECEIVED FOR FILING

Date 11-22-11

By SMA



KEVIN KAMENETZ
County Executive

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

November 22, 2011

CHRISTOPHER M. AND DONNA M. NOBLE
822 WAMPLER ROAD
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2012-0111-A
Property: 822 Wampler Road

Dear Mr. and Mrs. Noble:

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, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Mitch Kellman, DMW Inc., 200 East Pennsylvania Avenue, Towson MD 21286



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 822 Wampler Road

which is presently zoned DR 2

Deed Reference: LG 133/118 Tax Account # 1533502590
1700001917

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)

303.1 and 1302.3.C.1 to permit a 39-foot front setback in lieu of the maximum 60-foot front average setback and a 6-foot side and rear setback in lieu of 15 feet and 40 feet, respectively.

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 N/A

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print N/A

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Christopher M. Noble
Name - Type or Print

Signature Christopher M. Noble

Danna M. Noble
Name - Type or Print

Signature Danna M. Noble

822 Wampler Road 410-682-5732
Address Telephone No.

Balto. MD 21230
City State Zip Code

Representative to be Contacted:

Mitch Kellman, DMW, Inc.
Name

200 East Pennsylvania Ave 410-396-3333
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 11 day of November 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.

Case No. 2012-0111-A

Reviewed By BR Date 10/20/11

Estimated Posting Date 10/30/11

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Rev 3/09

Date 11-22-11

By SMA

ZONING DESCRIPTION
822 WAMPLER ROAD
ADMINISTRATIVE ZONING VARIANCE

Beginning at a point on the west side of Wampler Road at the distance 1,430 feet north of the centerline of Bengies Road. Being Parcels 202 and 429, within Grid 6 of Tax Map 90 which is not within a recorded subdivision. Also known as 822 Wampler Road containing .635 acres within the 15th Election District and 6th Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2012- 0111 -A Address 822 Wampler Rd.Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 10/20/11 Posting Date: 10/30/11 Closing Date: 11/14/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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- 0111 -A Address 822 Wampler Rd.Petitioner's Name Christopher & Donna Noble Telephone 410-682-5732Posting Date: 10/30/11 Closing Date: 11/14/11Wording for Sign: To Permit a 39 ft. front yard setback in lieu of the maximum 60 ft. front yard average setback and a 6 ft. side and rear yard setbacks in lieu of the required 15 ft. and 40 ft., respectively for a proposed addition.

Revised 7/06/11

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

No. **74479**Date: **10/20/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	506	0000		6150					\$ 15.00

Total: **\$ 15.00**Rec
From:**Donna Noble**

For:

Administrative Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION**Item # 0111**

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0111-A

PETITIONER/DEVELOPER _____

CHRISTOPHER & DONNA ROBLE

DATE OF HEARING/CLOSING: _____

11/14/11

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 822 WAMPLER RD

THIS SIGN(S) WERE POSTED ON October 30, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/30/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2012-0111-A

TO PERMIT A 39 FT. FRONT YARD SETBACK IN LIEU OF THE MAXIMUM 60 FT. FRONT YARD AVERAGE SETBACK AND A 6 FT. SIDE AND REAR YARD SETBACKS IN LIEU OF THE REQUIRED 15 FT. AND 40 FT., RESPECTIVELY FOR A PROPOSED ADDITION

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 NOVEMBER 14, 2011. ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT DEPARTMENT

311 W. CHESAPEAKE AVE.

TOWSON, MD 21204

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

10/30/2011

Malinda 10/30/11

Debra Wiley - ZAC Comments - Distribution Meeting of 10/31

From: Debra Wiley
To: Murray, Curtis; Lanham, Lynn; Kennedy, Dennis; Muddiman, Don; Lykens, Da...
Date: 10/30/2011 2:27 PM
Subject: ZAC Comments - Distribution Meeting of 10/31

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0108-A - 37 Belfast Road
No hearing date as of 10/28

2012-0109-A - 39 Belfast Road
No hearing date as of 10/28

2012-0110-SPHA - 4800 Deer Park Road
No hearing date as of 10/28

2012-0111-A - 822 Wamper Road
Administrative Variance (Closing Date: 11/14)

2012-0112-A - 100 Lionhead Court
No hearing date as of 10/28

2012-0113-A - 11 Misty Hollow Court
Administrative Variance (Closing Date: 11/21)

2012-0014-A - 906 Chariot Road
Administrative Variance (Closing Date: 11/21)

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

November 8, 2011

Mr. & Mrs. Noble
822 Wampler Road
Baltimore, MD 21220

RE: Case Number: 2012-0111-A, 822 Wampler Road

Dear Mr. & Mrs. Noble,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Mitch Kellman, DMW Inc., 200 East Pennsylvania Avenue, Towson, MD 21286

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2011

FROM: *DKA*
Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 14, 2011
Item Nos. 2012-108, 109, 110, 111, 112, 113
And 114.

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-11142011 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-2-11

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

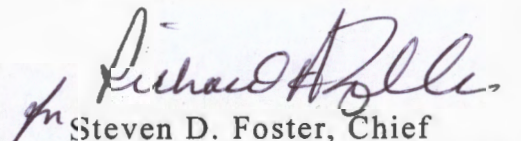
RE: Baltimore County
Item No. 2012-0111-A
Administrative Variance
Christopher and Donna Noble
822 Wampler Road.

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. *2012-0111-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,


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



front



front



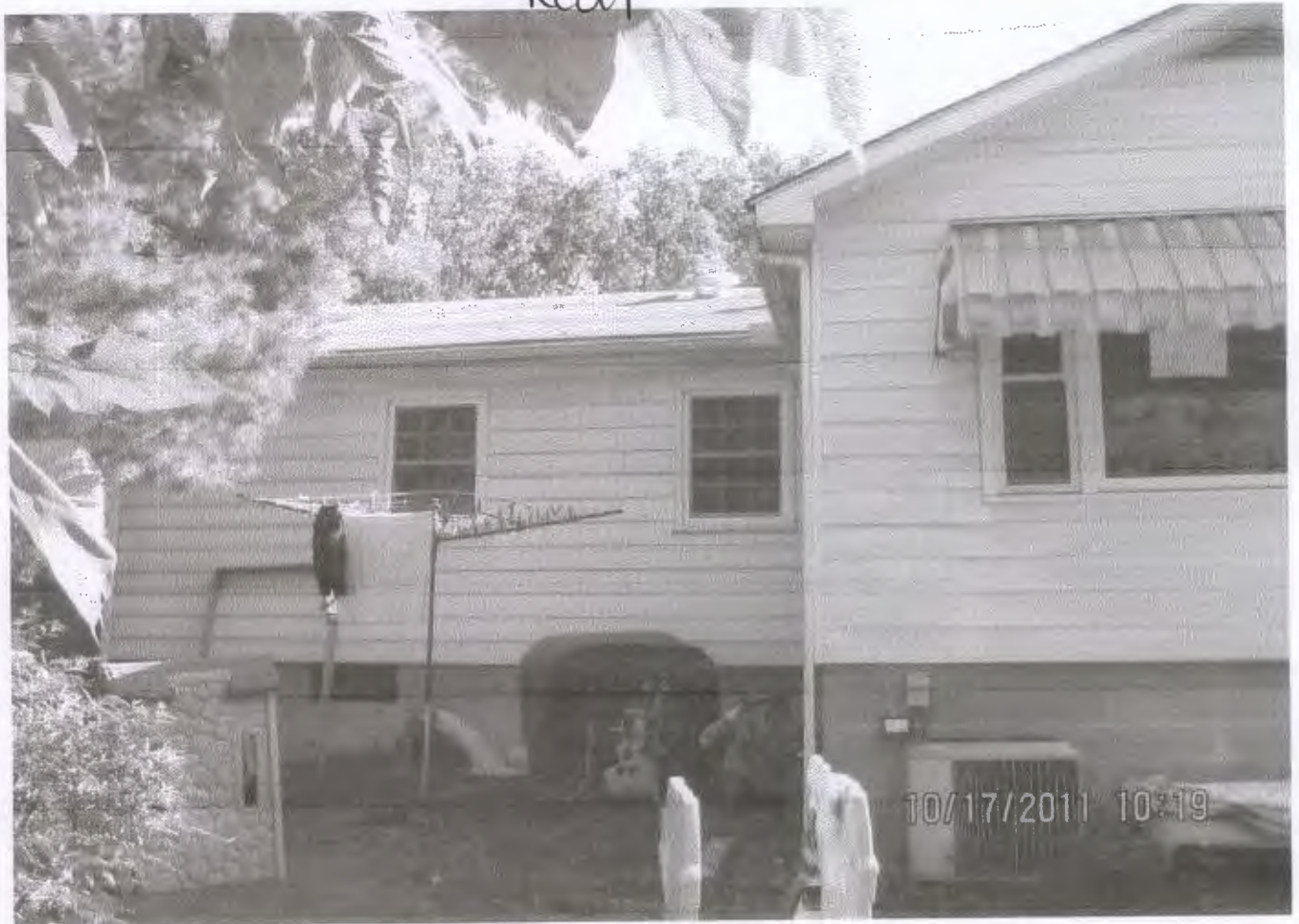
North side



front



Rear



Rear



Rear

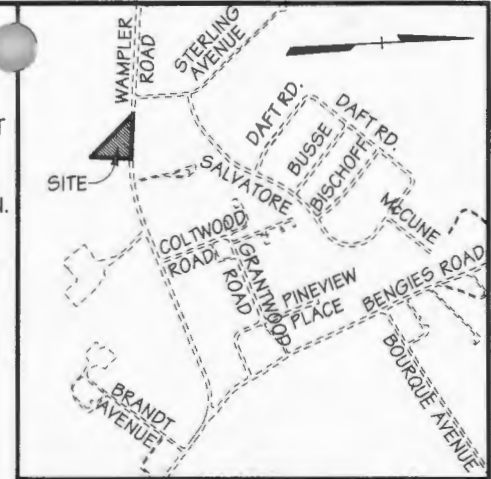


Rear

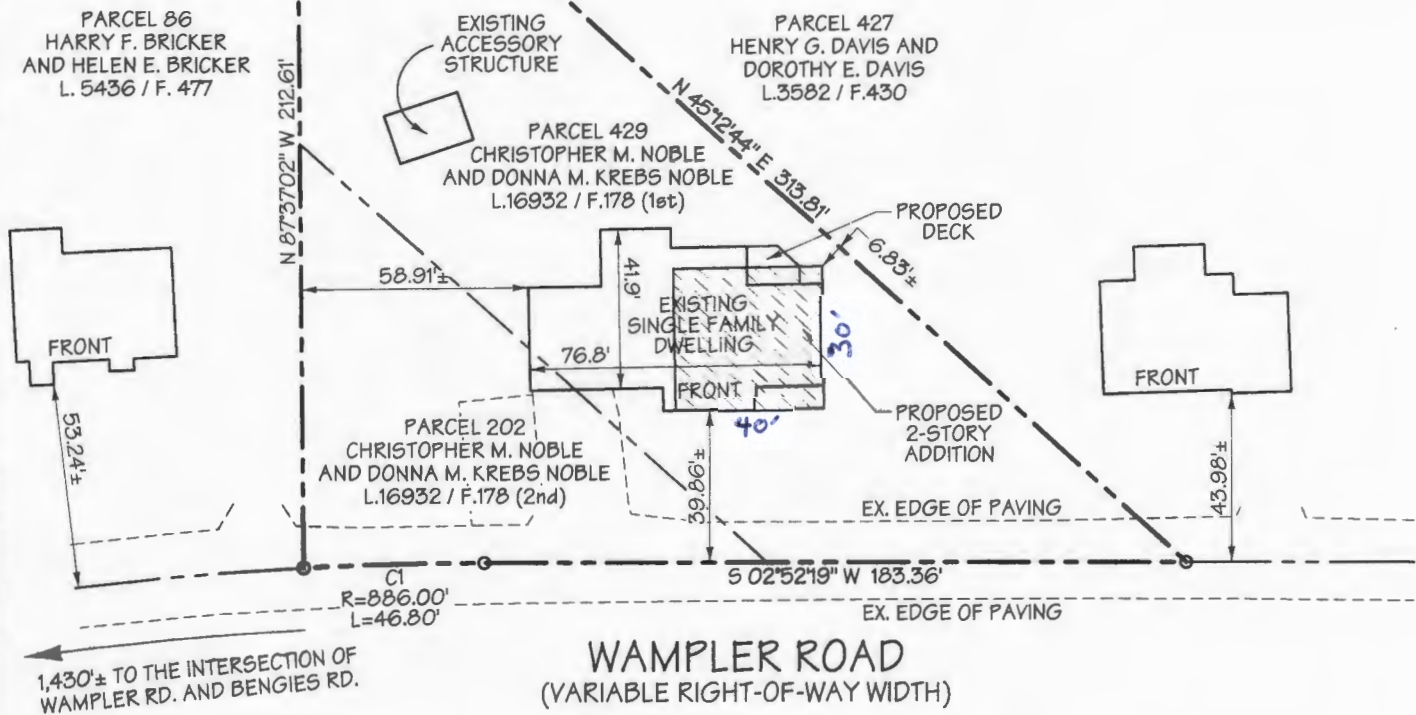
MARYLAND COORDINATE SYSTEM
NAD 83(1991)

NOTES:

1. ZONING: DR2
2. EXISTING WATER AND SEWER IS WITHIN RIGHT OF WAY AND IS PUBLIC.
3. SITE AREA: 0.635 AC.± (27,661 SQ.FT.±)
4. SITE IS NOT WITHIN A RECORDED SUBDIVISION.
5. ZONING MAP: 090C1
6. THE SITE IS NOT HISTORIC AND IS NOT WITHIN AN HISTORIC DISTRICT.
7. THE SITE IS NOT WITHIN THE CBCA OR A FLOODPLAIN
8. THERE IS NO ZONING HISTORY ON THE PROPERTY.



VICINITY MAP
SCALE: 1" = 1000'



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	03°01'36"	886.00'	46.80'	S 01°21'32" W	46.80'	23.41'

PLAN TO ACCOMPANY ADMINISTRATIVE
ZONING VARIANCE

#822 WAMPLER ROAD

TAX ACCOUNT NO's.: 1523502590
1700001919

15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew:

Scale: 1"=50'

Date: 10/11/2011

Drawn by: R.C.

Checked by: M.K.

Job No.: 11131.00

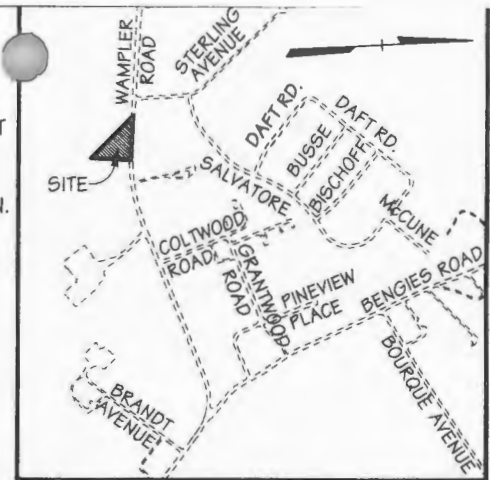
2012-0111-

111

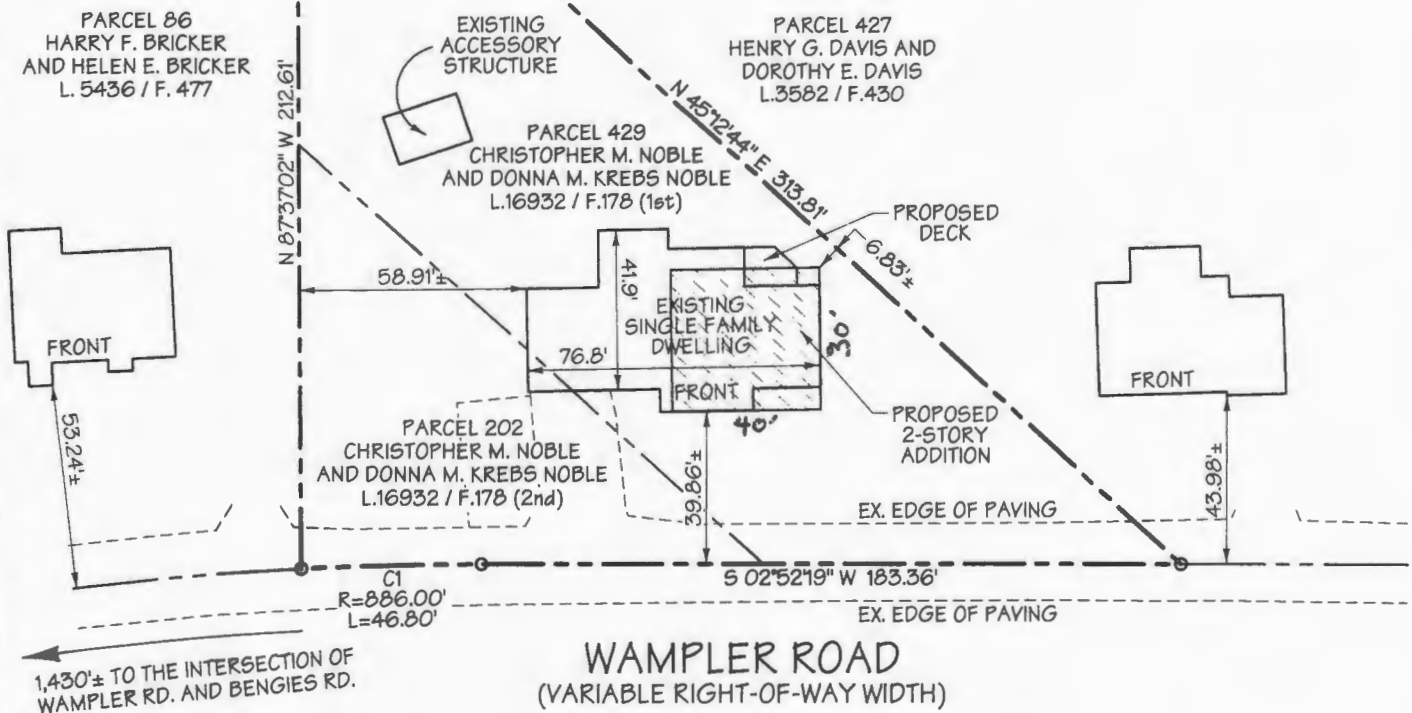
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PLAN TO ACCOMPANY ADMINISTRATIVE
ZONING VARIANCE

#822 WAMPLER ROAD

TAX ACCOUNT NO's.: 1523502590
1700001919

15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

DMW

DAFT MCCUNE WALKER INC

200 EAST PENNSYLVANIA TOWSON, MD 21286
P: 410 296 3333 F: 410 296 4705 WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

Field Crew: Scale: 1"=50' Date: 10/11/2011
Drawn by: R.C. Checked by: M.K. Job No.: 11131.00

Pet. Ex. #1 #111