

IN RE: PETITION FOR ADMIN. VARIANCE *

NE Side of Wellwood Court, 230' NE of
c/line of Laurelwood Avenue *
3rd Election District *
2nd Councilmanic District *
(6805 Wellwood Court) *

Margreta Rathbauer
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2012-0193-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject property, Margreta Rathbauer. The variance request is from Section 1B02.3A.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 13 foot front setback and in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 26, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). 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

ORDER RECEIVED FOR FILING

Date 3-14-12

By DW

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 Petitioner.

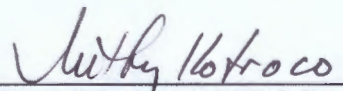
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 14th day of March, 2012 that a Variance from Section 1B02.3A.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a 13 foot front setback and in lieu of the required 25 feet, be and is hereby GRANTED, subject to the following:

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

TMK/dlw


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3-14-12

By 



KEVIN KAMENETZ
County Executive

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

March 14, 2012

Margreta Rathbauer
6805 Wellwood Court
Baltimore, Maryland 21209

RE: Petition for Administrative Variance
(6805 Wellwood Court)
Case No. 2012-0193-A

Dear Ms. Rathbauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at (410) 887-3868.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6805 WELLWOOD CT which is presently zoned DR5.5

Deed Reference 0013171183 10 Digit Tax Account # 0302048680

Property Owner(s) Printed Name(s) MARGRETA RATHBAUER

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ ADMINISTRATIVE VARIANCE from section(s) 1802.3A.1. (DCZR)

TO PERMIT AN ADDITION WITH A 13-FOOT FRONT SETBACK IN LIEU OF THE REQUIRED 25-FEET.

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

2. ☐ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Margreta Rathbauer /

Name #1 – Type or Print

Name #2 – Type or Print

Margreta Rathbauer

Signature #1

Signature #2

6805 WELLWOOD CT., BALTIMORE, MD 21209

Mailing Address City State

410-486-6263 / ba71084@yahoo.com

Zip Code Telephone # Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 3-14-12 day of 1003 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0193-A Filing Date 2/16/12 Estimated Posting Date 2/26/12 Reviewer DT

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 6805 WELLWOOD CT. BALTIMORE MD 21209-1432
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

Intend to bring front of house straight across front in
order to enlarge diningroom and livingroom and then
continue across front to add an addition. The current
living space is very small. Want to add some room
for the sake of additional walking, living and storage
space.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Margreta Rathbauer
Margreta Rathbauer
Signature of Affiant
MARGRETA RATHBAUER
Name- Print or Type

Signature of Affiant

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, _____, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Renae R Nelson
Notary Public

3-16-14

My Commission Expires

2/14/2012



RENAE R. NELSON
NOTARY PUBLIC
STATE OF MARYLAND
MY COM. EXPIRES MARCH 16, 2014

REV. 10/12/11

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0193 -A

Address 6805 WELLWOOD CT.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2/16/12

Posting Date: 2/26/12

Closing Date: 3/12/12

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- 0193 -A

Address 6805 WELLWOOD CT.

Petitioner's Name RATHBAUER

Telephone 410-486-6263

Posting Date: 2/26/12

Closing Date: 3/12/12

Wording for Sign: To Permit AN ADDITION WITH A 13-FOOT FRONT SETBACK
IN LIEU OF THE REQUIRED 25-FEET.

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/neighborhood 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: 2012-0193-A

Petitioner: MARGRETA RATHBAUER

Address or Location: 6805 WELLWOOD CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. MARGRETA RATHBAUER

Address: 6805 WELLWOOD CT.

BALTO. MD 21209

Telephone Number: 410-486-6263

Zoning Property Description for 6805 Wellwood Court.

Beginning at a point on the north-east side of Wellwood Court, which is 50 feet wide at the distance of 230 feet north-east of the centerline of the nearest improved intersecting street Laurelwood Avenue, which is 50 feet wide.

Being Lot#6, Block G, Section II, in the Subdivision of Wellwood, as recorded in Baltimore County Plat Book no. 23, Folio 51, containing 23,940 square feet. Located in the 3rd Election District and 2nd Council District

mk

M E M O R A N D U M

DATE: April 18, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0193-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 13, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAR 14 2012



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: March 14, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0193-A
Address 6805 Wellwood Court
(Rathbauer Property)

Zoning Advisory Committee Meeting of February 27, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-28-12

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

RE: Baltimore County
Item No 2012-0193-A
Administrative Variance.
Margreta Rathbauer
6805 Westwood Court.

Dear Ms. Lewis:

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. 2012-0193-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).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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

CERTIFICATE OF POSTING

2012-0193-A

RE: Case No.: _____

Petitioner/Developer: _____

Rathbauer

March 12, 2012

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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: _____

6805 Wellwood Ct

February 26, 2012

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

February 26, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

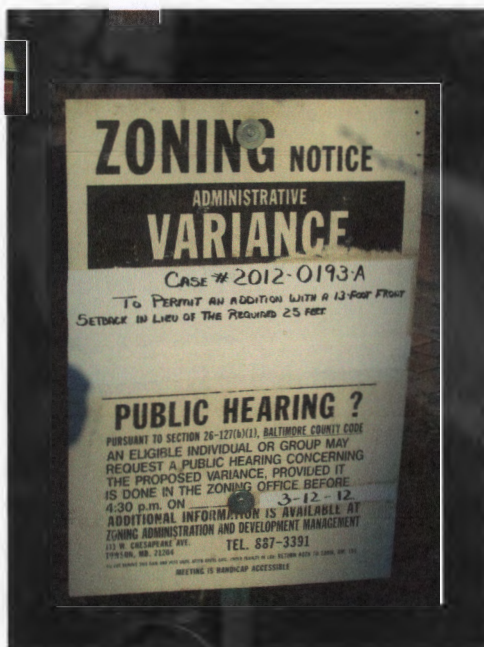
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 02, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2012
Item Nos. 2012-191, 192, 193, 194, 195
And 196

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-03122012-NO COMMENTS.doc

DR 3.5

GREENSPRING QUARRY RESIDENTIAL (PDM File/Project # 3-299)

GREENSPRING QUARRY (PDM File/Project # 3-299)

2400009743 Lot # J9

2400009744 Lot # J10

Pt. Bk. 25, Folio 25
PDM # 030299

Pt. Bk. 77, Folio 125
2400009745 Lot # J11

20040365

0307083611 Lot # 12

2400009746

20060670

Lot # J12

0302071550 Lot # 5

6806

Lot # 4
0312084380

NW 8-D 078C1
2 CD 3 ED

DR 5.5 6805

SITE

Lot # 6 Pt. Bk. 23, Folio 51
0302048680

Pt. Bk./Folio # 025010
0311018670 Lot # 10

Pt. Bk./Folio # 023051
PDM # 030081

0302070290
Lot # 3

WELLWOOD CT

19800171

0319043040 Lot # 7
6803

0318036550 Lot # 9

0302025021 Lot # 8

Lot # 8 20090162
0318011750

Lot # 9 Pt. Bk. 23, Folio 35
0316017900
Pt. Bk./Folio # 023035
6713

0323019550 Lot # 1

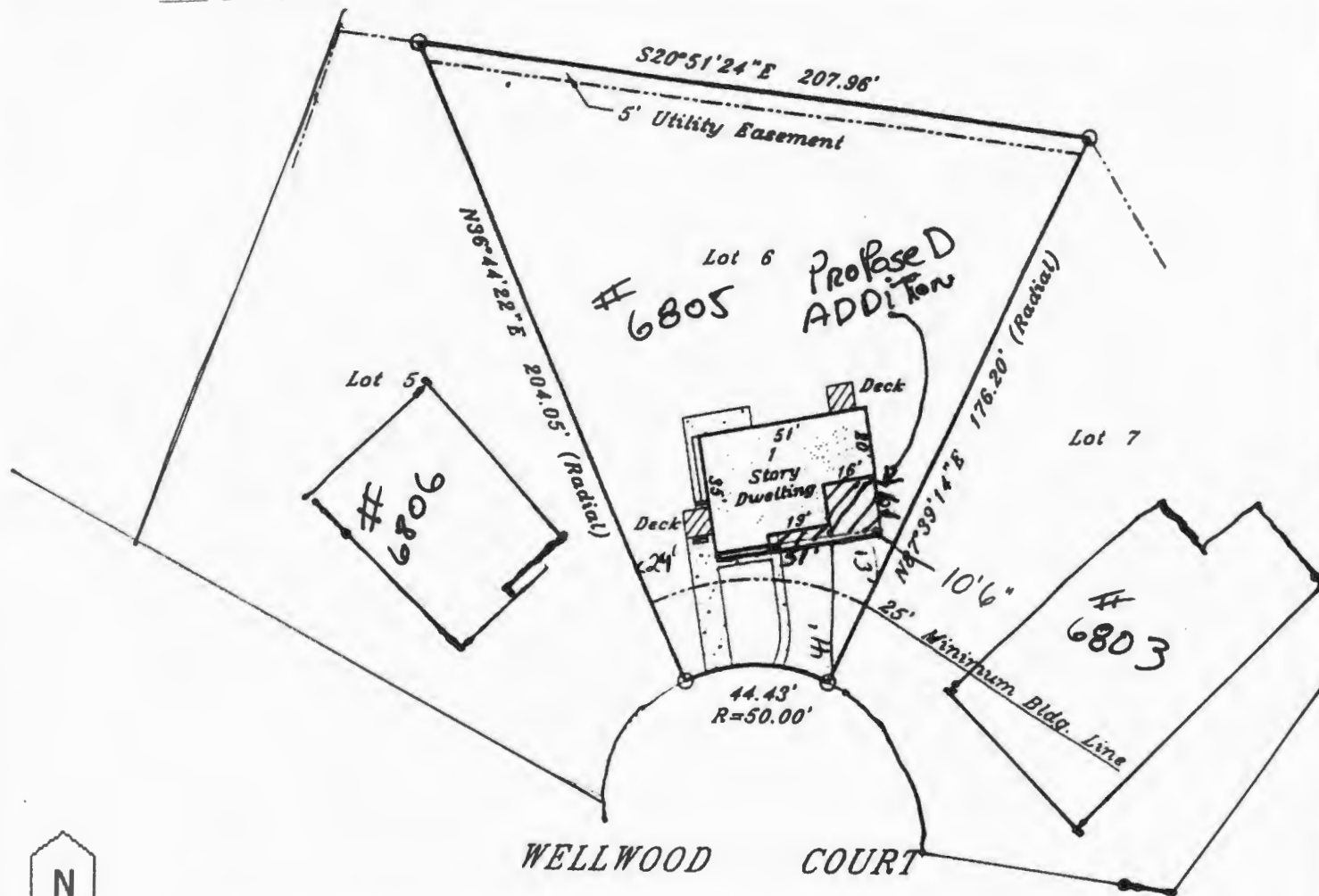
Lot # 2
0313059020

Lot # 7
0318052430

LAURELWOOD AVE

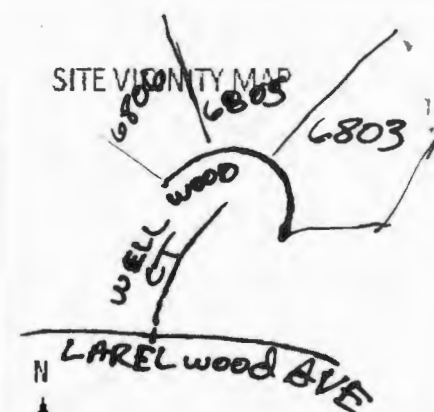
2012-0193-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 6805 WELLWOOD CT OWNER(S) NAME(S) MARGRETA RATHBAUER
 SUBDIVISION NAME WELLWOOD LOT# 6 BLOCK# G SECTION# II
 PLAT BOOK # 23 FOLIO # 51 10 DIGIT TAX # 030204868 DEED REF. # 0302048680



PLAN DRAWN BY RURTON Design Corp. DATE 9.15-98 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 078C1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 0003
 COUNCIL DISTRICT 2
 LOT AREA ACREAGE N/A
 OR SQUARE FEET 23940
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? C
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? NONE
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

N/A
Pet. Exh. 1

2012-0193-A