

IN RE: PETITION FOR VARIANCE

SW/corner of Sollers Point Road
and Jackson Road
12th Election District
7th Council District
(7015 Sollers Point Road)

David E. Warner and
Gwendolyn Warner (*Deceased*)
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0225-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by David E. Warner and Gwendolyn Warner (*Deceased*). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- Section 1B02.3.C.1, to permit an existing dwelling with a front yard setback of 15', a side yard setback of 17', and a rear yard setback of 7' in lieu of the required 25', 25', and 30', respectively;
- Section 301, to permit an existing front porch with a front yard setback of 10', an existing deck in the side yard with a setback of 11', and an existing rear deck with a rear setback of 4' in lieu of the required 18.75', 18.75', and 22.5', respectively;
- Section 304.1, to approve an undersized lot with a total area of 5,406 square feet in lieu of the required 6,000 square feet, and
- Section 400.1, to permit an existing garage (accessory structure) to be located in the side yard with a rear setback of 2' in lieu of the required rear yard and 2.5' setback, respectively.

ORDER RECEIVED FOR FILING

Date 4-27-12

By PM

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner David E. Warner. There were no Protestants or other interested parties in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of opposition or protest.

Testimony and evidence revealed that the subject property is 5,406 square feet (0.124 acres) and zoned DR 5.5. Petitioner and his wife (now deceased) bought the property in 1983. All of the conditions (for which variance relief is sought) existed when Petitioner purchased the home in 1983, and apparently no mention was made at that time that variance relief was needed or that the property did not comply with the B.C.Z.R. In fact, Petitioner found and brought to the hearing a Baltimore County permit approving construction of the addition to the rear of the home (See Exhibit 2), which was issued in 1973. Thus, these site conditions have existed for nearly 40 years, and Petitioner also indicated his neighbor's home was situated in a similar fashion, including a garage on the side (as opposed to rear) of the home. Petitioner has listed his home for sale, and the title company insisted he obtain the needed variances so that a title policy could issue.

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

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

ORDER RECEIVED FOR FILING

Date 4-27-12

2

By PM

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioner has met this test, and as noted above, the conditions have existed for nearly 40 years, and Petitioner is not constructing any improvements or changing the site in any fashion at this time.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship. As noted, Petitioner would be unable to sell the home without variance relief.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of community opposition, as well as the absence of comments by County reviewing agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 27 day of April, 2012, by this Administrative Law Judge that Petitioner's Variance request from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- Section 1B02.3.C.1, to permit an existing dwelling with a front yard setback of 15', a side yard setback of 17', and a rear yard setback of 7' in lieu of the required 25', 25', and 30', respectively;

ORDER RECEIVED FOR FILING

Date 4-27-12

By [Signature]

- Section 301, to permit an existing front porch with a front yard setback of 10', an existing deck in the side yard with a setback of 11', and an existing rear deck with a rear setback of 4' in lieu of the required 18.75', 18.75', and 22.5', respectively;
- Section 304.1, to approve an undersized lot with a total area of 5,406 square feet in lieu of the required 6,000 square feet, and
- Section 400.1, to permit an existing garage (accessory structure) to be located in the side yard with a rear setback of 2' in lieu of the required rear yard and 2.5' setback, respectively,

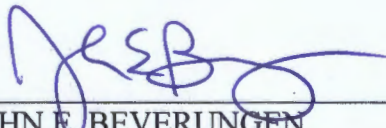
be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will 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.

JEB:pz


 JOHN E. BEVERUNGEN
 Administrative Law Judge
 for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-27-12

By BM



KEVIN KAMENETZ
County Executive

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

April 27, 2012

DAVID E. WARNER
19447 PARSONS ROAD
GEORGETOWN DE 19947

RE: Petition for Variance
Case No.: 2012-0225-A
Property: 7015 Sollers Point Road

Dear Mr. Warner:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



PETITION FOR ZONING 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 7015 Sollers Point Road which is presently zoned Residential DR 5.5
Deed References LIBER 6601 PAGE 480 10 Digit Tax Account # 1216016010
Property Owner(s) Printed Name(s) David E. Warner Gwendolyn A. Warner

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

PLEASE SEE ATTACHMENT TO THIS PETITION

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 (Petitioners):

David E. Warner

Gwendolyn A. Warner

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

19447 Parsons Road, Georgetown, DE

Mailing Address

City

State

19947

302 856-3419

ganddwarn@aol.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0025-P

Filing Date / /

Do Not Schedule Dates:

Reviewer BR

1B02.3.C.1 to permit an existing dwelling with a front yard setback of 15 ft., a side yard setback of 17 ft., and a rear yard setback of 7 ft. in lieu of the required 25 ft., 25 ft., and 30 ft., respectively.

301 to permit an existing front porch with a front yard setback of 10 ft., an existing deck in the side yard with a setback of 11 ft., and an existing rear deck with a rear setback of 4 ft. in lieu of the required 18.75 ft., 18.75 ft., and 22.5 ft., respectively.

304.1 to approve an undersized lot with a total area of 5,406 sq. ft. in lieu of the required 6,000 sq. ft.

400.1 to permit an existing garage (accessory structure) to be located in the side yard with a rear setback of 2 ft. in lieu of the required rear yard and 2.5 ft. setback, respectively.

ZONING PROPERTY DESCRIPTION FOR 7015 SOLLERS POINT ROAD

Beginning at a point on the south Westside of Sollers Point Road which is thirty one (31) feet wide at the distance of twenty (20) feet west of the centerline of the nearest improved intersecting street Jackson Road which is twenty five (25) feet wide.

Being Lot # 6, Block 6 in the subdivision of Willow Spring Park as recorded in Baltimore County Plat Book # 12, Folio # 58, containing 5406 square feet.
Located in the 12 Election District and 12 Council Distric.

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0225-A

7015 Sollers Point Road

S/W corner of Sollers Point Road and Jackson Road

12th Election District

7th Councilmanic District

Legal Owner(s): David Warner and Gwendolyn Warner (deceased)

Variance: to permit an existing dwelling with a front yard setback of 15', a side yard setback of 17' and a rear yard setback of 7' in lieu of the required 25', 25' and 30' respectively. To permit an existing front porch with a front yard setback of 10'; an existing deck in the side yard with a setback of 11' and an existing rear setback of 4' in lieu of the required 18.75', 18.75' and 22.5', respectively; to approve an undersized lot with a total area of 5,406 sq. ft. in lieu of the required 6,000 sq. ft. To permit an existing garage (accessory structure) to be located in the side yard with a rear setback of 2' in lieu of the required rear yard and 2.5' setback, respectively.

Hearing: Thursday, April 26, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 04/649 April 10

301417

CERTIFICATE OF PUBLICATION

4/12/ 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/10/ 2012.

- ☒ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0225-A

RE: Case No.:

Petitioner/Developer: _____

David Warner & Gwendolyn Warner (Deseased)

April 26, 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:

7015 Sollers Point Road

April 11, 2012

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

April 11, 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
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No.

80039

Date:

3/20/12

PAID RECEIPT

BUSINESS RETURN TIME ORN
3/21/2012 1:20:00 PM 2

NO. 080039
RECEIPT # 61584
3/21/2012

NO. 080039

Receipt Tot. 175.00
1.00 CA 181.00 CA
15.00-00
Baltimore County, Maryland

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

Total: \$ 75.00

Rec From: David Warner
For: Variance
/

DISTRIBUTION

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

CASHIER'S
VALIDATION

Item # 225

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:
David Warner
19447 Parsons Road
Georgetown, DE 19947

302-356-3419

NOTICE OF ZONING HEARING

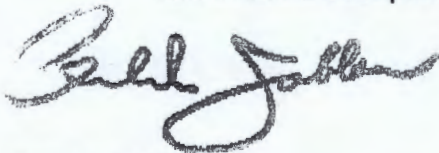
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0225-A

7015 Sollers Point Road
S/w corner of Sollers Point Road and Jackson Road
12th Election District – 7th Councilmanic District
Legal Owners: David Warner and Gwendolyn Warner (deceased)

Variance to permit an existing dwelling with a front yard setback of 15', a side yard setback of 17' and a rear yard setback of 7' in lieu of the required 25', 25' and 30' respectively. To permit an existing front porch with a front yard setback of 10'; an existing deck in the side yard with a setback of 11' and an existing rear setback of 4' in lieu of the required 18.75', 18.75' and 22.5', respectively; to approve an undersized lot with a total area of 5,406 sq. ft. in lieu of the required 6,000 sq. ft. To permit an existing garage (accessory structure) to be located in the side yard with a rear setback of 2' in lieu of the required rear yard and 2.5' setback, respectively.

Hearing: Thursday, April 26, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

April 2, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0225-A

7015 Sollers Point Road

S/w corner of Sollers Point Road and Jackson Road

12th Election District – 7th Councilmanic District

Legal Owners: David Warner and Gwendolyn Warner (deceased)

Variance to permit an existing dwelling with a front yard setback of 15', a side yard setback of 17' and a rear yard setback of 7' in lieu of the required 25', 25' and 30' respectively. To permit an existing front porch with a front yard setback of 10'; an existing deck in the side yard with a setback of 11' and an existing rear setback of 4' in lieu of the required 18.75', 18.75' and 22.5', respectively; to approve an undersized lot with a total area of 5,406 sq. ft. in lieu of the required 6,000 sq. ft. To permit an existing garage (accessory structure) to be located in the side yard with a rear setback of 2' in lieu of the required rear yard and 2.5' setback, respectively.

Hearing: Thursday, April 26, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: David Warner, 19447 Parsons Road, Georgetown DE 19947

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., APRIL 11, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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/neighbor 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: 2012-0225-A

Petitioner: DAVID E WARNER

Address or Location: 7015 SOLLERS PT ROAD
DUNDALK, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID E WARNER

Address: 1944T PARSONS ROAD
GEORGETOWN DE 19947

Telephone Number: HOME 302-856-3419 CELL 302-542-4034



KEVIN KAMENETZ
County Executive

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

April 17, 2012

David E. & Gwendolyn A. Warner
19447 Parsons Road
Georgetown, DE 19947

RE: Case Number: 2012-0225A, Address: 7015 Sollers Point Road.

Dear Mr. & Ms. Warner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 20, 2012. 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 stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Maryland Department of Transportation

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

Date: 3-27-12

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

RE: Baltimore County
Item No 2012-0225-A
Variance
David & Gwendolyn Warner
7015 Solons Point Road.

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. 2012-0225-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,

A handwritten signature in blue ink, appearing to read "Richard Zeller".
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

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 April 09, 2012
Item Nos. 2012-222,224,225,226,227
And 228

DATE: March 30, 2012

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-04092012-NO COMMENTS.doc

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7015 Sollers Point Road; SW corner of Sollers *
Point Road & Jackson Road * OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts *
Legal Owner(s): David & Gwendolyn Warner * HEARINGS FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2012-225-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

APR 02 2012

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to David Warner, 19447 Parsons Road, Georgetown, DE 19947, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JB 4-26-12
Dated 4-27-12

MEMORANDUM

DATE: June 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0225-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 29, 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

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/26/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/27/2012 9:57 AM
Subject: ZAC Comments - Distribution Mtg. of 3/26/12

Good Morning,

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.

2012-0222-A - 1518 Kirkwood Road
 No hearing date in data base as of today

2012-0223-SPHA - 3520 Glenwood Road - **CRITICAL AREA & FLOODPLAIN**
 No hearing date in data base as of today

2012-0224-A - 11823 Manor Road
 Administrative Variance - Closing Date: 4/16/12

2012-0225-A - 7015 Sollers Point Road
 No hearing date in data base as of today

2012-0226-A - 604 Kahn Drive
 No hearing date in data base as of today

2012-0227-A - 5516 Maudes Way
 No hearing date in data base as of today

2012-0228-A - 112 Ridge Field Road
 Administrative Variance - Closing Date: 4/16/12

Thanks.

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



Lot # 16
Lot # 17
1800005666
Lot # 18
1800005667

Lot # 19
1800005668
Lot # 20
1800005669

Lot # 21
1800005670
Lot # 22
1800005671

Lot # 23
1800005672
Lot # 24
1800005673

Lot # 25
1800005674
Lot # 26
1800005675

DR 16

SOLLERS POINT RD

7009

1216003800

Pt. Bk. 12, Folio 58

Lot # 5

SE 3-E

103B2

1218036880

Lot # 4

1216016010

Lot # 6

7015

7 CD

12 ED

1203047805

Lot # 7

1902

DR 5.5

1202020430 Lot # 8

Pt. Bk./Folio # 012058B

1904

PDM # 126041

1207083310

Lot # 7

1903

1204002830

Lot # 6

Lot # 9

1208056860

1905

1202085245

Lot # 5

1204035120

Lot # 4

JACKSON RD

Lot # 3

1215037030

Lot # 10

1205082020

Lot # 11

1904

1219007860
Lot # 9

CASE NAME 7015 Sollers Pt.
CASE NUMBER 2012-~~201~~ 225-A
DATE 4/28/2012

[illegible]

Case No.: 2012-225-A

Exhibit Sheet

4/27/12
P3

Petitioner/Developer

Protestant

6/4/12
P3

No. 1	Site Plan	
No. 2	color photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Reasons for requesting a variance from the listed conditions;

The property at 7015 Sollers Point Road in the Willow Springs Park Subdivision is unique, unusual and different from the surrounding properties in the Willow Springs Park Subdivision.

The front of 7015 faces Sollers Point Road that is the long dimension of the property. It is situated on the South West corner of Sollers Point Road and Jackson Road. The house when built in the 1930s or 40s was placed 15 feet from the Front Property Line and 20 feet from the property line on Jackson Road. These set backs are in variance with the current set back requirements. The 15 foot set back is also true other properties on Sollers Point Road and the 20 foot set back for homes on streets in the Willow Springs Park Subdivision.

Prior to our acquiring the property in 1983 a 10 ft x 14.5 ft addition was added to the right rear corner of the house with adjoining deck and a garage added in the side yard by previous owners. The addition has an entrance on the Jackson Road side of the house creating a "Double Front" in variance with requirements. The property tapers from 70 feet on the Jackson Road Side to 34 feet at the adjacent property side. The addition and deck at the rear of the house and the garage in the side yard are in variance with requirements. The closest corner of the rear addition is 7.75 ft to the rear property line, and corner of the deck is 5 ft. The closest corner of the garage to the rear property line is 5 feet. These set backs are in variance with the current set back requirements.

None of the above variances were discussed or included in the deed to the property when acquired in 1983.

It is considered that rendering conformance with strict compliance with the BCZR at this time would result in practical difficulty. There is no practical way to bring the variances created before 1983 into compliance at this time.

Attached are pictures of the house and property at 7015 Sollers Point Rd. and the adjacent properties

Respectfully submitted

David E. Warner



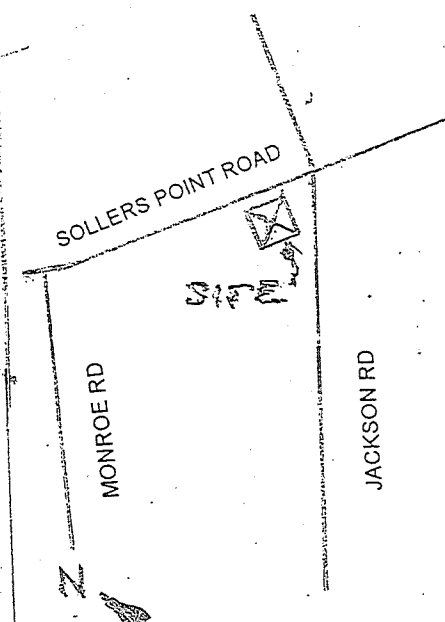
CORNER OF 5TH STREET & JACKSON



FRONT OF 5TH STREET

PLAT BOOK # 12 FOLIO # 58 10 DIGIT TAX # 1216016010 DEED REF. # LIBER6601 PAGE 480

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 103B2

SITE ZONED DR 5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE .124

OR SQUARE FEET 5406

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

VIOLATION CASE INFO:

PLAN DRAWN BY DAVID E. WARNER DATE 3/18/2012 SCALE: 1 INCH = 20 FEET

EX₃

0225