PETITION FOR ZONING VARIANCE * BEFORE THE

SW/S Perry Woods Court, 195' NW of the c/l of Joppa Road (1 Perry Woods Court) 11th Election District 5th Councilmanic District

Brian K. Wiley, et ux Petitioners

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 90-33-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * *

The Petitioners herein request a variance to permit a tract boundary rear yard setback of 23 feet in lieu of the required 26.5 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated the subject property, known as 1 Perry Woods Court, consists of 10,227 sq.ft. zoned D.R. 5.5 and is currently improved with a single family dwelling which has been Petitioners' residence since February 1989. Petitioners are desirous of construction a 12' x 28' open Adeck on the rear of the existing dwelling; however, due to the location of the dwelling and improvements on the lot, the proposed deck will not meet rear yard setback requirements. Petitioners testified they have spoken with their neighbors who have no objections to their plans. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the put ic. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and pullic hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Lot day of August, 1989 that the Petition for Zoning Variance to permit a tract boundary rear yard setback of 23 feet in lieu of the required 26.5 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

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

AMN:bjs

a MN as farming ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

August 16, 1989

Mr. & Mrs. Brian K. Wiley 1 Perry Woods Court Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE SW/S Perry Woods Court, 195' NW of the c/l of Joppa Road (1 Perry Woods Court) 11th Election District - 5th Councilmanic District Brian K. Wiley, et ux - Petitioners

Dear Mr. & Mrs. Wiley:

Case No. 90-33-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The petitioners request a variance to permit a 23 foot tract boundary (rear yard) setback in lieu of the minimum 26-1/4 feet for

an open projection (deck) and an amendment to the Second Amended

Final Development Plan of Perry Woods. In reference to this

J. Robert Haines

SUBJECT: Zoning Petition No. 90-33-A

request, staff offers no comment.

Zoning Commissioner

Pat Keller, Deputy Director

Office of Planning and Zoning

Brian and Lina Wiley, Item 489

Very truly yours,

A MN-slower ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

DATE: July 24, 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 13 , 1984

NORTHEAST TIMES

THE JEFFERSONIAN,

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., appearing on

Dennis F. Rasmussen
County Executive

cc: People's Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 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 __1801.2.C.2.a. and 301.1 To permit a 21' tract houndary trear yard) satback in lieu of .. the minimum 26% for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) (See attached sheet) Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound 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. Legal Owner(s): Contract Purchaser: Brian K. Wiley (Type or Print Name) (Type or Print Name) Brian & Wife Lina Wiley (Type or Print Name) Loui Willy City and State Attorney for Petitioner: 1 Perry Woods Court 529-6128 Baltimore, Maryland 21236 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Mame
1 Ferry Woods Court

90.7., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore HTL day of injust, 1989, at 11 o'clock

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines

Mr. & Mrs. Brian K. Wiley 1 Perry Woods Court Baltimore, Maryland

4C

DATE 10-23

Petition for Zoning Variance CASE NUMBER: 90-33-A SW/S Perry Woods Court, 195' NW of c/l of Joppa Road 1 Perry Woods Court

11th Election District - 5th Councilmanic Petitioner(s): Brian K. Wiley, et ux HEARING SCHEDULED: FRIDAY, AUGUST 4, 1989 at 11:00 a.m.

Dear Mr. & Mrs. Wiley:

Please be advised that \$103.60 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

post set(s), there RALTIMORE COUNTY, MARYLAND for each such set M SCELLANEOUS CASH RECEIPT

8 8 C65*****103E0Ia 5042F

co 90-33-A

PETITION FOR ZONING VARIANCE - Brian and Lina Wiley, 1 Perry Woods Court, Baltimore, Maryland 21236, Phone: 529-6128

489

HARDSHIP/PRACTICAL DIFFICULTY

In response to indicating our hardship for constructing a 12' by 28' deck to the rear of our home, we present the following:

Due to our home being approximately 200 feet from Joppa Road, which is a heavily traveled road, we need an area to contain our small children, both under three (3) years of age.

. There is a 10° easement which contains a storm drain across the rear of our back yard. The rear of our back yard slopes into a drainage gully which empties into the storm drain/easement. To the front of our home, across Perry Woods Court, is a storm water management area, containing approximately 1 - 2 feet of water.

Our home is the 6th home out of 22 homes to be built in the development; therefore, there are many contractors and unfamiliar faces in the neighborhood. The legal owners felt that the construction of this deck should be a

priority, so that our children would have a play area, and could be properly supervised in order to prevent any accident mishaps, while attending to other daily necessities.

We have discussed this matter with the two neighbors whose homes are to the rear of our property. Mrs. Margaret Stromberg, 3736 Joppa Road, Baltimore, Maryland, 21236; and Mr. and Mrs. Ernest Webb, 3734 Joppa Road, Baltimore, Maryland, 21236. They have both stated that the deck is neatly constructed and does not interfere with any part of their daily lives or view.

PETITION FOR ZONING VARIANCE - Brian and Lina Wiley, 1 Perry Woods Court, Baltimore, Maryland, 21236, Phone: 529-6128

- 2-

ZONING DESCRIPTION

Being known and designated as Lot Number 3 as shown on a plat entitled, "Plat of Perry Woods Court" which said plat is recorded among the land records of Baltimore County in Plat Book S.M., No. 56, Folio 18. The improvements thereon being known as No. 1 Perry Woods Court.

Petitioner: Brian K. Wilsy of ux Location of property: 5w/s Porry Woods CT, 195' NW/Jopes Kdi 1 Parry Mod, CT Location of Signer Focing Parry Woods Chy opprox. 20' Fr. you dway on property of Potition or

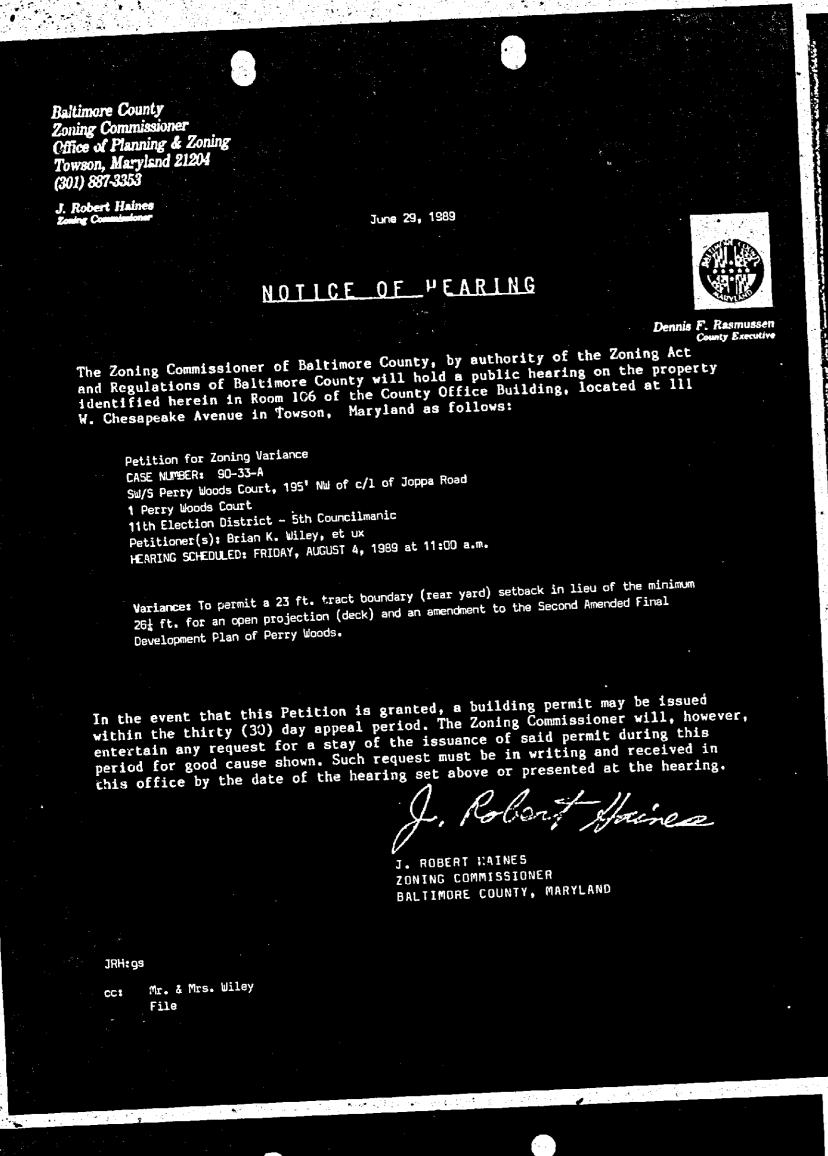
Date of return: 7/21/89

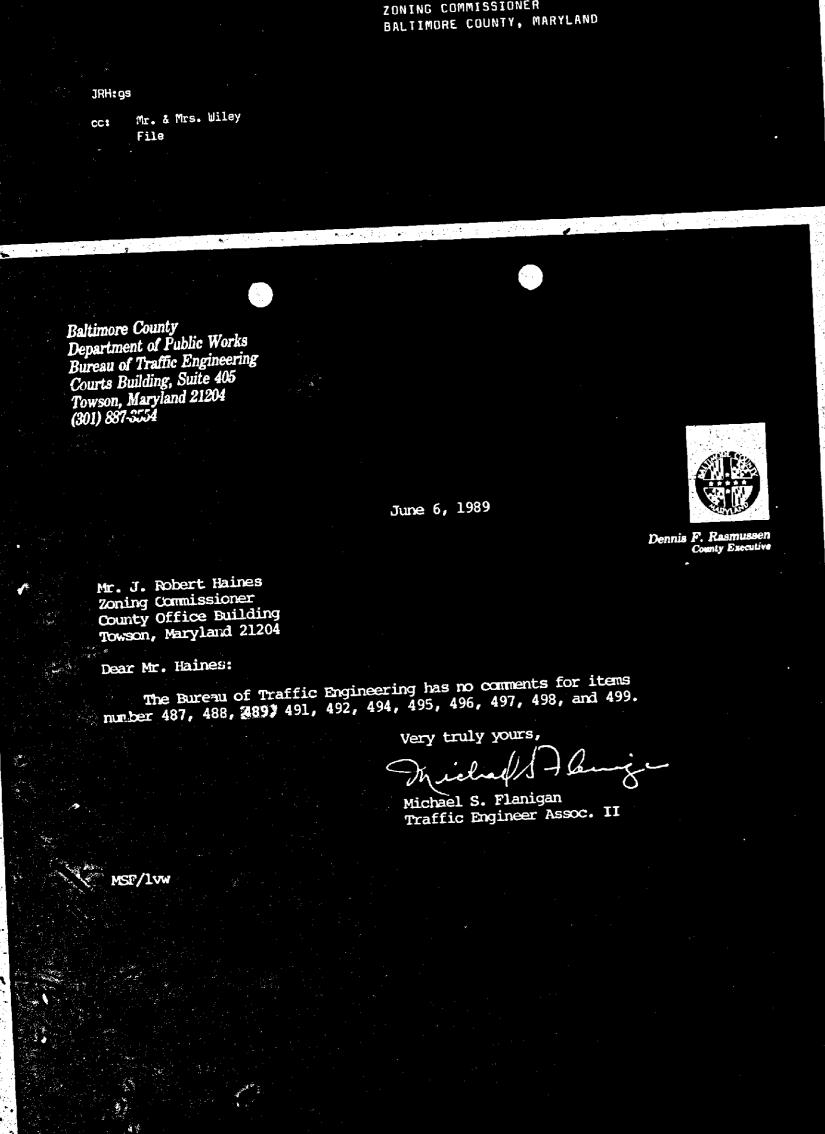
Petition for Zorving Variance
Case number: 90-33-A
SW/S Perry Woods Court
195' NW of cf of Joppa Road
1 Perry Woods Court
11th Election District
Sth Councilmanic

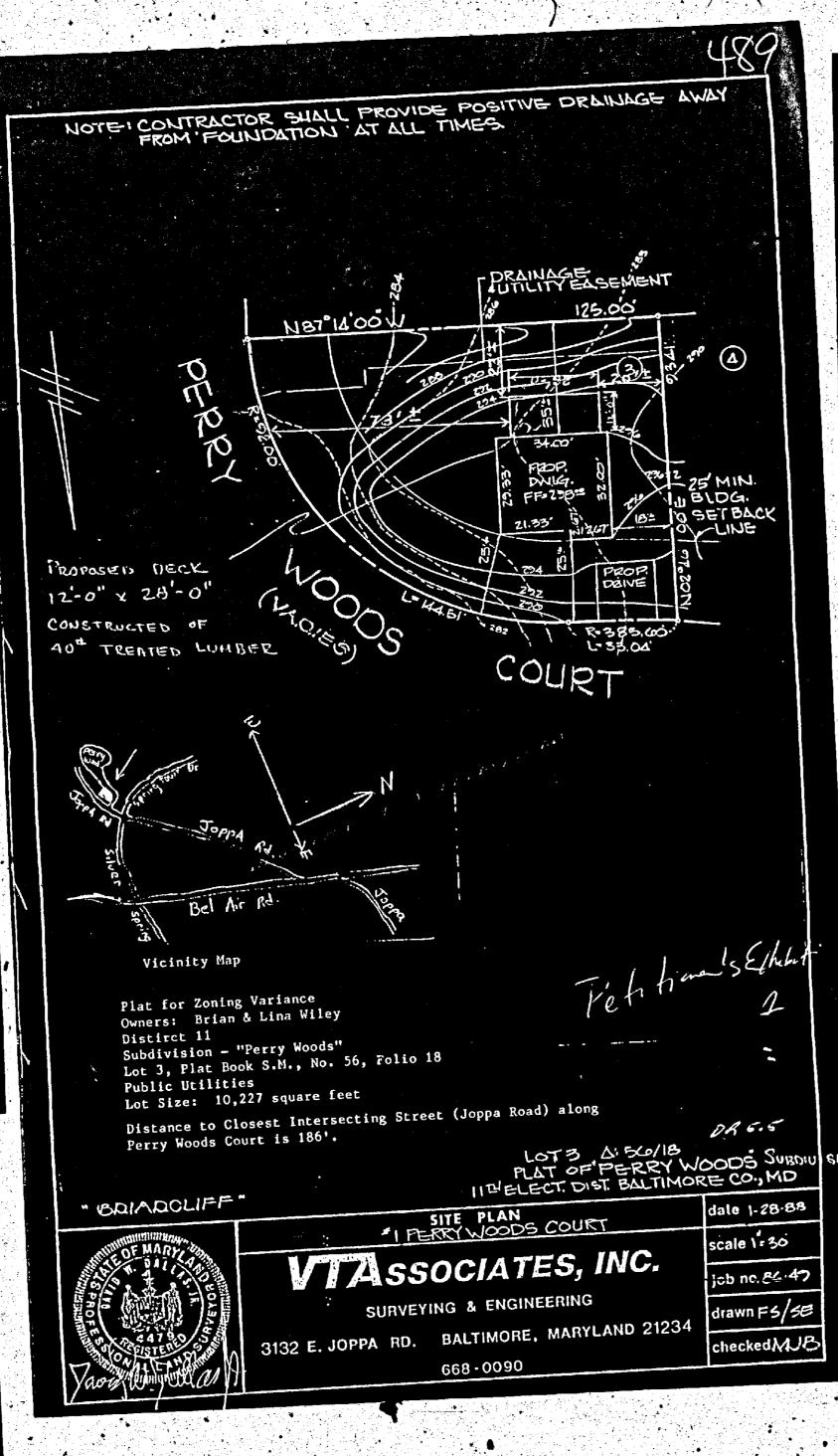
issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

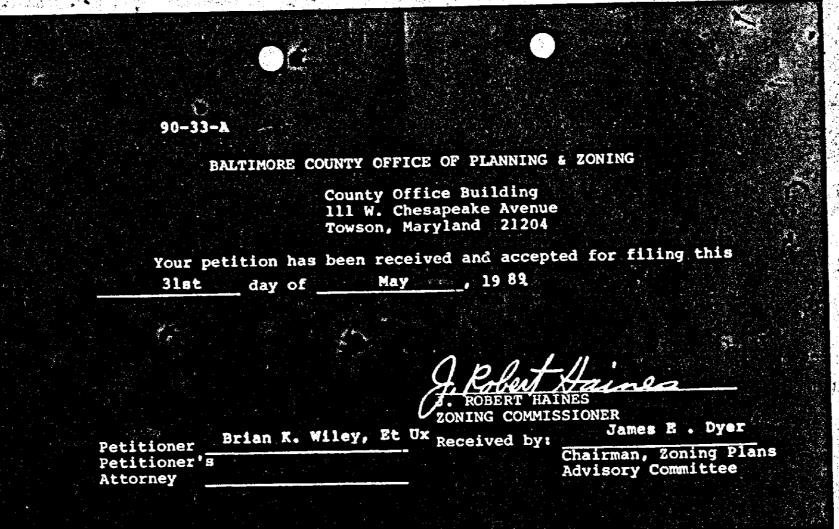
PO 13703 neg M 31018

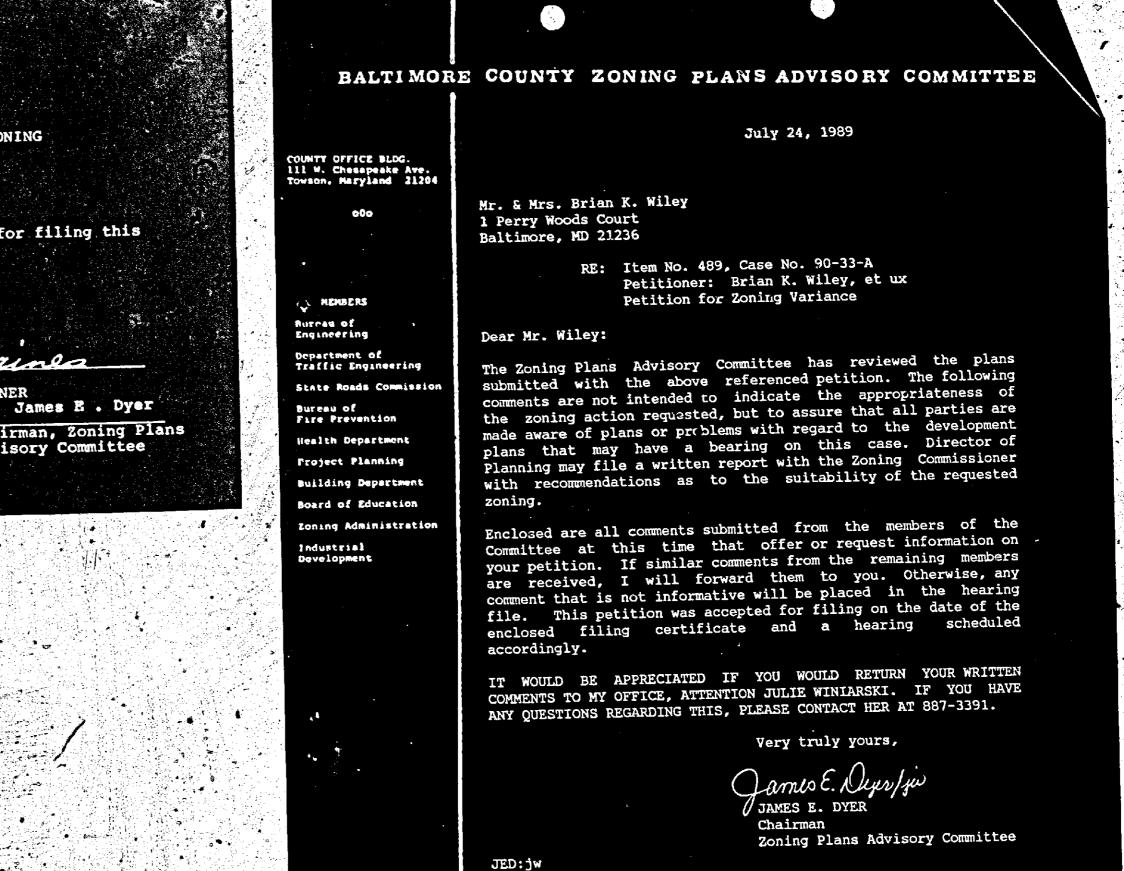
price \$ 78.50



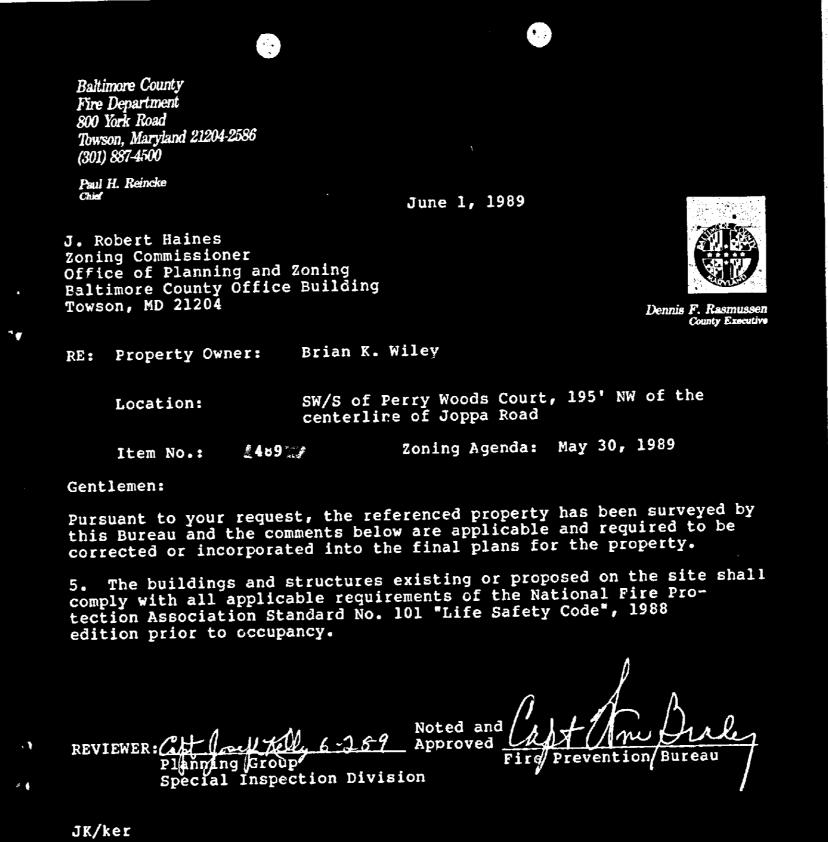








Enclosures



PETITION FOR ZONING VARIANCE SM/S Pers, Woods Court, 195' NW DEPUTY ZONING COMMISSIONER of the c/l of Joppa Road (1 Perry Woods Court) * OF BALTIMORE COUNTY 11th Election District 5th Councilmanic District Case No. 90-33-A 经济发生活动的证券基本 Brian K. Wiley, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The Petitioners appeared and testified. There were no Protestants. Testimony indicated the subject property, known as 1 Perry Woods Court, consists of 10,227 sq.ft. zoned D.R. 5.5 and is currently improved with a single family dwelling which has been Petitioners' residence since Fobruary 1989. Petitioners are desirous of construction a 12' x 28' open deck on the rear of the existing dwelling; however, due to the location of the dwelling and improvements on the lot, the proposed deck will not meet rear yard setback requirements. Petitioners testified they have spoken with their neighbors who have no objections to their plans. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

PETITION FOR ZONING VARIANCE - Brian and Lina Wiley, 1 Perry Woods Court,
Baltimore, Maryland 21236, Phone: 529-6128

In response to indicating our hardship for constructing a 12' by 28'

heavily traveled road, we need an area to contain our small children, both

our back yard. The rear of our back yard slopes into a drainage gully which

Perry Woods Court, is a storm water management area, containing approximately

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HARDSHIP/PRACTICAL DIFFICULTY

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of August, 1989 that the Petition for Zoning Variance to permit a tract boundary rear yard setback of 23 feet in lieu of the required 26.5 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTEL, subject, however, to the following restriction:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day ppellate 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

> > an MN as toronia ANN M. NASTAROWICZ Deputy Zon .g Commissioner for Baltimore County

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zonir Commissioner

Mr. & Mrs. Brian K. Wiley 1 Perry Woods Court Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE SW/S Perry Woods Court, 195' NW of the c/l of Joppa Road (1 Perry Woods Court) 11th Election District - 5th Councilmanic District Brian K. Wiley, et ux - Petitioners

Dear Mr. & Mrs. Wiley:

Case No. 90-33-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A MNoslower ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Dennis F. Rasmusse

cc: People's Counsel

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PETITION FOR ZONING VARIANCE - Brian and Lina Wiley, 1 Perry Woods Court, Baltimore, Maryland, 21236, Phone: 529-6128

ZONING DESCRIPTION Being known and designated as Lot Number 3 as shown on a plat

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90-13- #

District 1/ 7/4 Posted for: Vorisine Petitioner: Brion N. Wiloy, et ux Location of property: 5w/s Parry Woods CT, 195' NW/Jopg Kdi Location of Signer Facing Parry Woods Cly opprox. 20' Fr. madway, en property of fet house Posted by Materily Date of return: 7/31/89 Number of Signe: __

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines DATE: July 24, 1989 Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

Brian and Lina Wiley, Item 489

Zoning Petition No. 90-33-A MICROFILMED

The petitioners request a variance to permit a 23 foot tract boundary (rear yard) setback in lieu of the minimum 26-1/4 feet for an open projection (deck) and an amendment to the Second Amended Final Development Plan of Perry Woods. In reference to this request, staff offers no comment.

PK/sf

N series of revises

The Zoring Chrontesister of Ballinure County, by surfacility of the Zoring Act and Requisitors of Ballinure County will hold a public hearing on the property identified herein in Room 108 of the County Office building, to call at 11 W. Chesapeste Avenue in Towers, Maryland 21204 as follows:

Petition for Zoning Varience Case number: 90-33-A SW/8 Peny Woods Court, 195 NW dich of Joppe Road

1 Perry Woods Court
11th Election District
8 Sth Councilmanto :
Pattinone(s):
- Brian K. Wiley, at ux
1 teoring Date: Friday,
Aug. 4, 1980 at 11:00 a.m.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed in Towson, Baltimore County, Md., appearing o NORTHEAST TIMES THE JEFFERSONIAN,

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached here o and made a part hereof, hereby petition for a Variance from Section __ 1801.2.C.2.a. and 301.1 To permit a 21' tract houndary (rear yard) setback in lieu of the minimum 26% for an open projection (deck) and an amendment to the Second Amended Final Dayslopment Plan of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) (See attached sheet) Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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: Legal Owner(s): Brian K. Wiley (Type or Print Name) (Type or Print Name) Burn & Hilly Lina Wiley (Type or Print Name) Line Willy City and State Attorney for Petitioner: 1 Perry Woods Court 529-6128 Baltimore, Maryland 21236 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Lina Wiley Pame 1 Perry Woods Court Attorney's Telephone No.: Raltimore MD 21236 ORDERED By The Zoning Commissioner of Baltimore County, this ______ day

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

AMCROSUMED

4th day of injust , 1989, at 11. o'clock

Zoning Commissioner of Baltimore County

Mr. & Mrs. Brian K. Wiley 1 Perry Woods Court Baltimore, Maryland

Petition for Zoning Variance CASE NUMBER: 90-33-A SW/S Perry Woods Court, 195' NW of c/l of Joppa Road 1 Perry Woods Court 11th Election District - 5th Councilmanic Petitioner(s): Brian K. Wiley, et ux HEARING SCHEDULED: FRIDAY, AUGUST 4, 1989 at 11:00 a.m.

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THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Please make your chack payable to Baltimore County, Maryland. Bring the check and the sign a post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes hefore your hearing is scheduled to begin.

post set(s), there for each such sat TIMORE COUNTY, WARYLAND TICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

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MICROFILMED

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In the event that this Publics is granted, a building a well (20) day appeal perfect. The Zoning Commissions, refit, however, entertain any request for a stay of the 13 aureus of seld pened during this period for good causes above. Buch in Juneal such to in writing and received it. this ofice by the date of the hearing au thorse or greented at the hearing. Zaning Commissioner of Believes County MAT/134 and 13.7 co 90-33-A

price \$ 78.60

MACROFILMED

