## FINDINGS O" FACT AND CONCLUSIONS OF LAW

This natter comes before the Zoning Commissioner as an administrative variance filed by Michael Baker and Karon A. Baker for that property known as 8123 Cornwall Road in the Murray Point subdivision of Baltimore Coun-The Bot it import/property owners herein seek a variance from Section 1802 J.C. L of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4-1/2 ft., in lieu of the required 10 ft., for an addition as more particularly described on Petitiopers' Exhibit No. 1. the plat to accompany the Petition-

The Politicrors having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) 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 Zoning Commissioner, the information, photographs, and affidavits maintified provide sufficient facts that comply with the requirements of service 107 t of the B.C.V.B. Durthermore strict compliance with the

DATE Date

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Ecvironmental Protection and Resource Management (DEPRH). Dursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

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 Zoning Commissioner for Baltimore County this 21 day of April, 1994 that the Petition for a Zoning Varionce from Contine 1802 2 C l of the Beltimore County Tester Description (B.C.Z.R.) to permit a side yard setback of 4-1/2 ft., in lieu of the required 10 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

The 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

Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

100/---

Affidavit in support of Administrative Variance the undersigned hereby affirms under the penulties of perjury to the Zening Commissioner of Baltimore County, as follows:

That the estimation herein given is within the personal knowledge of the Affaints) and that Affaint(s) were competent to tooks thereto-in the event that a public learning is sheduled in the future with regard thereto. That the Atlanton of words presents reside at \$1333 Can account 1165 That have dupon personal knowledge, the following are the facts upon which fine base the request for an Administrative Variance at the above Address, include twitten or practice officials. Please see attachment

The Alleria schoolings that is proven that beginning to the province of the school of 

the Alfantises hereon, personally known or satulationally identified to me as such Alfantites), and made oath in due form of lan-that the matters and facts bettermines set forth are true and evertest to the feet of his her/their knowledge and bettef. AS WITNESS on hand and Notamal Seal 3/11/94

Mis yr Kula Jo (norang P PUBLIC MY COMMISSION EXPIRES MARCH 17, 1997 ORE COUNT

Michael Roy Baker 8123 Cornwall Rd. Balto. Nd. 21222 Tel: 285-5583 94-373-A

Balto. Co Office of Zoning Administration and Development Management Towson Md. 21201

Subject: Administrative Variance Request

The undersigned has resided at the location of the variance request for the past seven years. On the date of the original purchase the dwelling consisted of a living room, kitchen, bath, and two bedrooms of which one of these was utilized as a washroom. There was an unfinished attic, and there was no dining area within the structure.

Recently the undersigned married and in addition to my wife I now have a stepson, 13 yrs. and a stepdaughter 11 yrs. We are expecting another child in April of this year. This situation has necessitated in my moving the washroom into the kitchen area and converting this room into an additional bedroom. The attic has now been finished into two additional bedrooms. Our kitchen area is extremely limited space with the eating area limited to a counter at which only three can be seated and the counter extends into the living room area.

If the building permit is granted this will extend the living room and kitchen area out an additional six 6' ft. to the existing porch edge. This will create room for the wash room area and permit room to place a dinette table within the kitchen area. There will still be a distance of 45 ft. from the proposed additional structure to the neighboring property line. Any consideration given to this variance request will be greatly appreciated.

Trotary Derice A Kular 3/10/94 COMMISSION EYPIRES MARCH 17, 1997 HOLD A. HARRE

Baltimore County Government Zonnag Commissioner
Office of Planuage and Zonian 10

State 113 Courthouse 400 Washington Avenue Towson, MD 21201

(410) 887-4386

April 19, 199

Mr. and Mrs. Michael R. Baker 8123 Cornwall Road Baltimore, Maryland 21222

RE: Petition for Administrative Variance Case No. 94-373-A Property: 8123 Cornwall Road

Enclosed please find the decision rendered in the above captioned . The Petition for Administrative Variance has been granted, in ordance with the attached Order.

**EXAMPLE 3 - Zoning Description** 

Beginning at a point on the South side of inorth, south, east or west

CORNWALL RD which is APPROX 15 FT (number of feet of ris

12 . Folio . PAGE 97

wide at a distance of MMCX 3200 F+ WEST of the (number of feet) (north, south, east or west)

centerline of the newrest improved intersecting street LONG FOUNT RD.

\_ in the subdivision of

as recorded in Baltimore County Plat

which is APPROX 15 FT.

(number of feet of right-of-way width) wide. \*Being Lot \* 66.

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2\* x 11\* sheet.

ZONING DESCRIPTION FOR 8123 CORN WALL RD

Election District 12 Councilmanic District 7

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (3D) days of the date of the order to the County Board of Appeals. If you require additional information concerning filling an appeal, please feel free to contact our Appeals Clerk at 897-3991.

Laurence F. Tawrence E. Schmidt Zoning Commissioner

Con a free trans

wa 3/15/94

4/3/94

4-7-

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at \_ 8123 CUNWALL RS

To calle a said yord softence to state of the regions of the said of the regions of the said of the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate has

Please see attachment

Property is to be posted and advertised as prescribed by Zoning Regulations.

Lo exist spread by properties of above Variance selecting posting sets, upon liking of this postion, and further agree to and as the hearth of the postion and further agree to and a text invent to the securior insulation and relational or affecting the security of the postion and for the postion are for the postion and the postion and the postion of the postion

We do sciency became any ofen, under the paradies of partury may tree are the M. CHAEL A GAKER Huhael & Baker KARON A. BAKER

Haron a Briper 8,23 Cornwall Ro 3855583

BALTIMORE MD 21222

Point Anten

and to be required the original to the District County of the County of

MM 305

Promote and September on the Parket Parket

94-373-4

1275 1/3/97

Pested for .... Varience Michel + Keren Beker Lected of pages 8723 Cornelel Co. 5/5

Trumy the duley, on property being served

Passed by At Attack Date of return 4/8/44

Zoning Administration & Development Management 111 Nest Chempenie Arrane

PRITICAL AREA

france france 94-373-A

Dets 3/25/94

Takon by : JRF

Boker - 8123 Comwall Rd. Variance \$ 50.00

\$ 35.00 000 - 5,90

\$ 85.00

03A03R0016HICHRC
Please Make Checks Payable To: Baltimore County : 57PN03-25-94

Block \_\_\_\_\_\_ A\_\_\_\_, Section s\_\_\_\_ A

MURRAY POINT

5000 594 - 11

Example of metes and Lounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" M. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

\*If your property is not recorded by Plat Book and Polio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "Ma recorded in Deed Liber ..., Polio ..." and include the measurements and directions testes and broads only) here and on the plat in the

#365

- 3 copie

94-373-A

485.00

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(410) 887-3353

111 West Chesapeake Avenue Towson, MD (2120) CONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

<u>Nationary County Toming Regulations</u> require that notice be given to the quentral public/memberring property owners related reserved which in the majorite bearing, this notice is according to the position property of the property and piacement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with those requirements.

## PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NUN-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR For newspaper advertising: 11 em No.: 34.5" petitioners Machael R treatment 313; CONCRECED PLEASE FORWARD ADVERTISING BILL TO. NAME: 19 DAY / R AUDRESS: 825 COMMENT 20

PHONE NUMBER: 745 5583

63

700 East Joppa Road Suite 901 Towson MD 21286-5500

Davelepment Hanagement Baltimore County Office Duilding Tousen, ND 21204 Mail STOP-1105

RE: Property Owner: SEE PELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Accorded Lab Lery

(Revised 04/09/93)

Planner: JRF Date Filed: 3-25-94

## PETITION PROCESSING PLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agends for the scaling advisory committee. Moreover, the following placed on the agends by down the scale of the scal

The following information is missing:

Descriptions, including accurate beginning point
Actual address of property \_\_\_\_

Baltimore County Go Office of Zoning Adn



(410) 887-3353

Hr. and Hrs. Michael R. Baker 8123 Cornwall Road Baltimore, Maryland 21222

RE: Case No. 94-373-A, Item No. 365
Petitioner: Michael R. Baker, et ux.
Petition for Administrative Variance

111 West Chesapeake Avenue Towson, MD 21204

The Zoning Plans Advisory Committee (IGC) has reviewed the plans submitted with the slower referencement Fitted The attached committed Fitted The attached committed From the soning action requested, but to assure that sall parties, i.e., soning commissioner, attorney and/or the patitioner, are made source of plans or problems with repeat to the proposed improvement that map have a bearing the problems with repeat to the proposed improvement that map have a bearing

Enclosed are all comments substitted thus far from the numbers of BLC that offer or request information on PMC. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This patition was accepted for filing on March 25, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The director of Zoning Administration and Development Hamapassati has instituted a system whereby seasoned coning attorneys who feel that they are opposition to the system of the system feel that they are shall be supported by the system of the requirements can file their patitions with this office without the necessity of a preliatonary review by coming percentage.

Maryland Department of Transportation State Highway Administration

4-1-94

Re: Baltimore County
Item No.: # 365 (JRF)

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

and ottice has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours. Bob Small FOR JOHN N. ENTERY, ACTING GHIEF

Engineering Access Permiss

the reference or mitter in Maryland Relay Service for Impaired Hearing or Seeson 1-800-735-2258 Statewice Toll Free Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

Zoning Item #365 - Baker Property 8123 Cornwall Pond

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-DEFICE CORRESPONDENCE

3 Cornwall Road ing Advisory Committee Meeting of April 4, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The above address is an improved residential property located within the intensely developed area (IOM) of the Cheapeake Bay Critical Area (GBCA) Any project disturbing 400 square feet or less shall not be considered as substantial alteration or construction, therefore, this 150 square foot addition needs no further everies by this office.

April 14, 1994

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

BOTTICE OF CASE PARKER ASSISTED

Richael and Earch Sakes

CASE 1009001: 94-373-3 (1ton 365)

8123 Cornwell Boad S/S Cornwell Boad, 320° E of Longsolat Road

Please be obvioud that your Petition for Administrative Zoning Veriance has been assigned the above case number. <u>Context under with this office reporting the states of this cases should reference the case number and he directed to 807-321. This motion also serves as a refreshed respecting the administrative process.</u>

1) Year property still be posted on or before bytil 3, 1994. The closing doint (bytil 18, 1994) is the dealtim for 's minjbare to file a formal request for a public baselos, lifter the closing doin, but file will be reviewed by the ballogs of bupty formal commissions. They are (a) good that the reported reliafs, (b) down the requested reliafs, (c) down the commission of the contribution of the contribution to be used to set in for a public baselog, to will receive written continuation on the outsider own rings preliation has been greated, should, or will go to belie baselogs.

In cases requiring public bearing (shather due to a snighbor's formal request or by Order of the Consistence), the property will be reported and notice of the bearing will appear in a Smitzner Comety memapaer. Compare related to the reporting and exempose obsertizating are propised by the putilizance(a).

Please be advised that you must return the sigs and post to this office. They may be returned after the closing date. Fallace to return the sigs and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERICO, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION WIA PICK-UP. WHEN READY, THE ORDER WILL BE PORMADED TO YOU VIA PIRST CLASS WAIL.

111 West Chesapeake Avenue Towson, MD 21204

April 20, 1996

(410) 887-3353

Mr. and Mrs. Michael R. Baker 8123 Cornwall Road Baltimore, Maryland 21222

RE: Case No. 94-373-A, Item No.365 Petition for Administrative Variance 8123 Cornwall Road

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on April 19, 1994 for the above-referenced case. If there are any questions, please do not hesitate to call me at

ZADM

/410\ PP7.4500

DATE: 03/30/94

REVIEWER: LT. ROBERT P. SAUERHALD n, PHONE 887-4881, MS-1102F

Zoning Agendas

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and recuired to be corrected or irresponded into the final plans for the property.

8. The Fire Prevention Eureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 356,357,360,382,363, 364 AND 365.

cc: File 8

Particular September 14

JLP:KK:sp BAKER/DEPRM/TXTSBP

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