

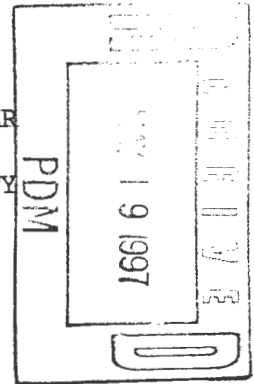
page 2 - no record

By

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Highpoint Road, 422' S of
the c/l of Taylor Avenue
(7821 Highpoint Road)
9th Election District
6th Councilmanic District

John A. Benner, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-429-A
*



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance for that property known as 7821 Highpoint Road, located in the vicinity of Taylor Avenue in Parkville. The Petition was filed by the owner of the property, John A. Benner, Jr. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard, for a proposed 20' x 8' shed, and from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side and rear yard setback of 5 feet each in lieu of the required 10 feet and 30 feet, respectively, for the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commission-

er, the information, pictures, 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of May, 1997 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard, for a proposed 20' x 8' shed, and from Section 1B02.3.C.1 (Chart) of the B.C.Z.R. to permit a side and rear yard setback of 5 feet each in lieu of the required 10 feet and 30 feet, respectively, for the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) The existing shed shall be removed immediately upon completion of the new shed.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 5, 1997

Mr. John A. Benner, Jr.
7821 Highpoint Road
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Highpoint Road, 422' S of the c/l of Taylor Avenue
(7821 Highpoint Road)
9th Election District - 6th Councilmanic District
John A. Benner, Jr. - Petitioner
Case No. 97-429-A

Dear Mr. Benner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7821 Highpoint Rd
which is presently zoned DRS.5

97-429-A

This Petition shall be filed with the Office of Zoning Administration & 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) 400.1 to Allow a Detached Accessory Structure in the Front Yard in lieu of the Required Rear Yard, 1802.3C.1 (MANT.) to Allow a Side & Rear Yard Setback of 5 ft. in lieu of 10 ft & 30 ft (Existing) for the purpose of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Little to no back yard - only place to build shed is on the side of house; which is located to the rear of lot. - behind adjoining homes.

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JDA DATE: 4-2-97

ESTIMATED POSTING DATE: 04-13-97

Printed with Soybean Ink
on Recycled Paper

ITEM #: 429

ORDER RECEIVED FOR FILING

Date

By

Affidavit in support of 97-429-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at 7821 Highpoint Rd
address
Parkville MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

I would like to construct a storage shed as proposed on
Plot. I was told a shed could not go there. As seen on the
Plot, my property has five feet or less to the rear and one
side. I can't put a shed in the back, as there is no
room. I understand my home was built before subdivision in
1922 and this was how it was left. The proposed shed will
be to the rear of my adjoining homes and with correct
set back. The old shed to be removed and a type of back yard
created.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of April, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John A. Benner Jr.

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

4/2/97

NOTARY PUBLIC

Karol Pessman

My Commission Expires: May 1, 1998



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7821 Highpoint Rd
which is presently zoned DR55

97-429-A

This Petition shall be filed with the Office of Zoning Administration & 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) 400.1 to allow a detached accessory structure in the front yard in lieu of the Required Rear Yard + 1802.34.1 (Chart) to allow a side + rear yard setback of 5ft. in lieu of 10ft + 304.9 (existing) For Principle Bldg.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Little to no back yard, - only place to build shed is on the side of house, which is located to the rear of lot. - behind adjoining homes.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: Jana

DATE: 4-2-97

ESTIMATED POSTING DATE: 04-13-97

Printed with Soybean Ink
on Recycled Paper

ITEM #: 429

Affidavit in support of 97-429-A Administrative Variance

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That the Affiant(s) does/do presently reside at 7821 Highpoint Rd.
address
Parkville, MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

I would like to construct a storage shed as proposed on
Plot. I was told a shed could not go there. As seen on the Plot,
my property has five feet or less to the rear and one side.
I can't put a shed in the back, as there is no room.
I understand my home was built before subdivision in 1922
and this was how it was left. The proposed shed will be
to the rear of my adjoining homes and with correct
set back. The old shed to be removed and a type of back yard
created

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of April, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John A. Benner Jr.

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

4/2/97

NOTARY PUBLIC

My Commission Expires: May 1, 1998

ZONING DESCRIPTION

97-429-A

ZONING DESCRIPTION FOR 7821 HIGHPOINT R

BEGINNING AT A POINT ON THE EAST
SIDE OF HIGH POINT Rd WHICH IS
60 FEET WIDE AT THE DISTANCE OF
422 FEET SOUTH OF THE NEAREST
IMPROVED INTERSECTING STREET TAYLOR AVE.
WHICH IS 40 FEET WIDE. BEING
LOT # 65, 66, & 67 IN THE SUBDIVISION
OF PARKVILLE HEIGHTS AS RECORDED IN
BALTIMORE COUNTY PLAT BOOK #7, FOLIO # 38
CONTAINING 3,465 SQUARE FEET. ALSO KNOWN
AS 7821 HIGHPOINT ROAD AND LOCATED
IN THE 9th ELECTION DISTRICT, 6-14
COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
SCCELLANEOUS CASH RECEIPT

No.

028773

DATE 4-2-97 ACCOUNT R 001 6150

AMOUNT \$ 450.00

RECEIVED
FROM:

JOHN BENNETT
010 RES. LAR.

1.50

FOR:

TOTAL

1.50

01A0000003MICHRIC
BA CODA:04PMD4-02-77

\$50.00

VALIDATION OR SIGNATURE OF CASHIER

47-4291

ITION
CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

500

CERTIFICATE OF POSTING

RE: Case # 97-429-A

Petitioner/Developer:
(John Benner)
Date of Hearing/Closing:
(April 28, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention: Ms. Gwendolyn Stephens

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 _____**

_____ 7821 Highpoint Rd. , Baltimore, Maryland 21234 _____

**The sign(s) were posted on _____ April 11, 1997 _____
(Month, Day, Year)**

Sincerely,

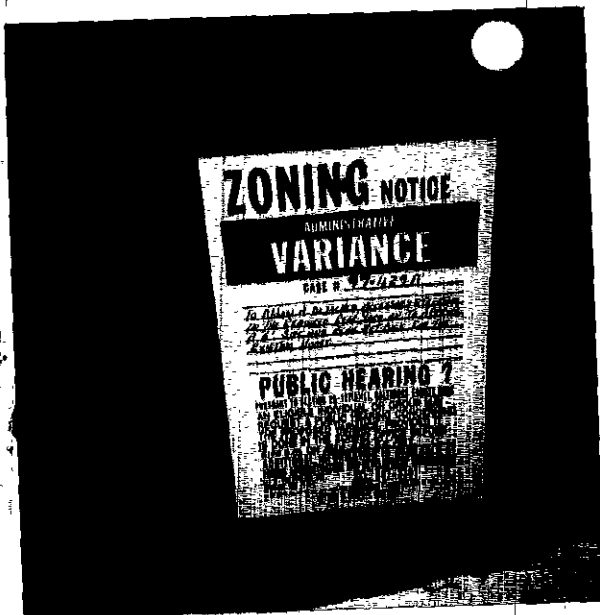

(Signature of Sign Poster & Date)

**_____ Thomas P. Ogle, Sr. _____
(Printed Name)**

**_____ 325 Nicholson Road _____
(Address)**

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**



97-429-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 04-13-97.

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-429.

TO ALLOW A DETACHED ACCESSORY STRUCTURE IN
THE REQUIRED REAR YARD? TO APPROX A 5 FT.
SIDE & REAR SETBACK. FOR THE EXISTING HOUSE.

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 THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

*** 04-28-97.**

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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 and placement 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 these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 429.

Petitioner: JOHN BENNER

Location: 7821 Highpoint Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOHN BENNER

ADDRESS: 7821 Highpoint Rd
Balt. MD 21234

PHONE NUMBER: 882-7138

AJ:ggs

(Revised 04/09/93)





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 14, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-429-A
7821 Highpoint Road
E/S Highpoint Road, 422' S of Taylor Avenue
9th Election District - 6th Councilmanic
Legal Owner(s): John Arthur Benner, Jr.
Post by Date: 04/13/97
Closing Date: 04/28/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She 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 (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: John Arthur Benner, Jr.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

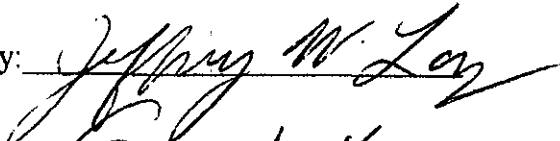
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 426, 427, 428, 429, 432, and 434

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:



Division Chief:



AFK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: April 21, 1997

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for April 21, 1997
 Item Nos. 427, 428, 429, 430, 431, 433 and 434

 The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE421.NOC



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 4.15.97
Item No. 429 JRA

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

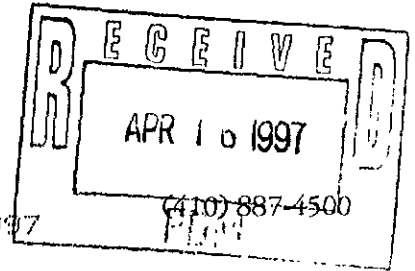
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

April 15, 1997



Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF April 14, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

427, 428, 429, 430, 431, 432, and 433

REVIEWER: LT. ROBERT P. GAUERWALD

Fire Marshal Office, PHONE 807-4881, MG-1102F

cc: File





97-429-A 429-



97-429-A 429



97-429-A 429



97-429-A 429		BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP		SCALE 1" = 200' ±	LOCATION PARKVILLE	SHEET N.E. 8-D
				DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

97-429-A 429.



PARKVILLE HEIGHTS

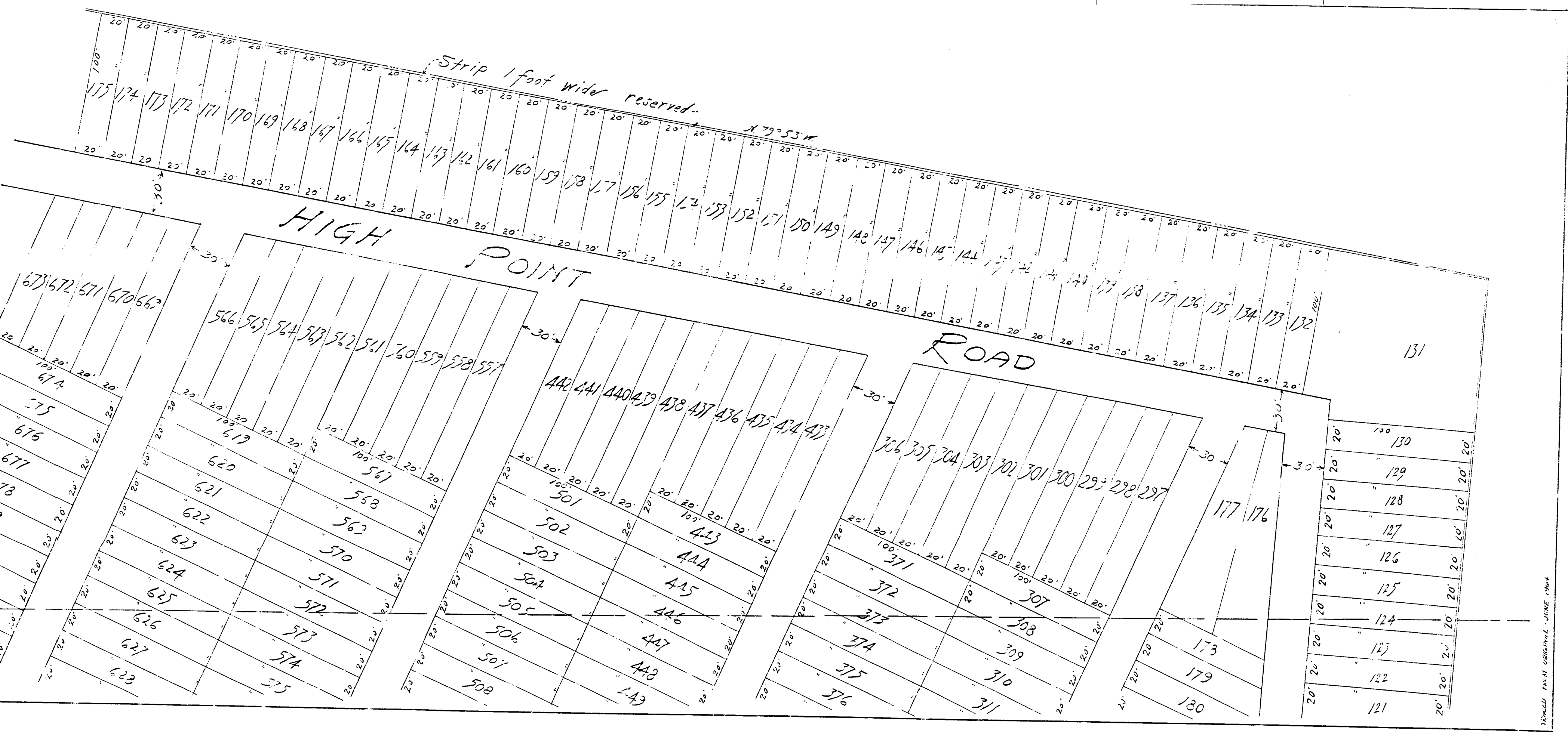
HAMILTON REAL ESTATE
SALES COMPANY

DEVELOPERS AND AGENTS

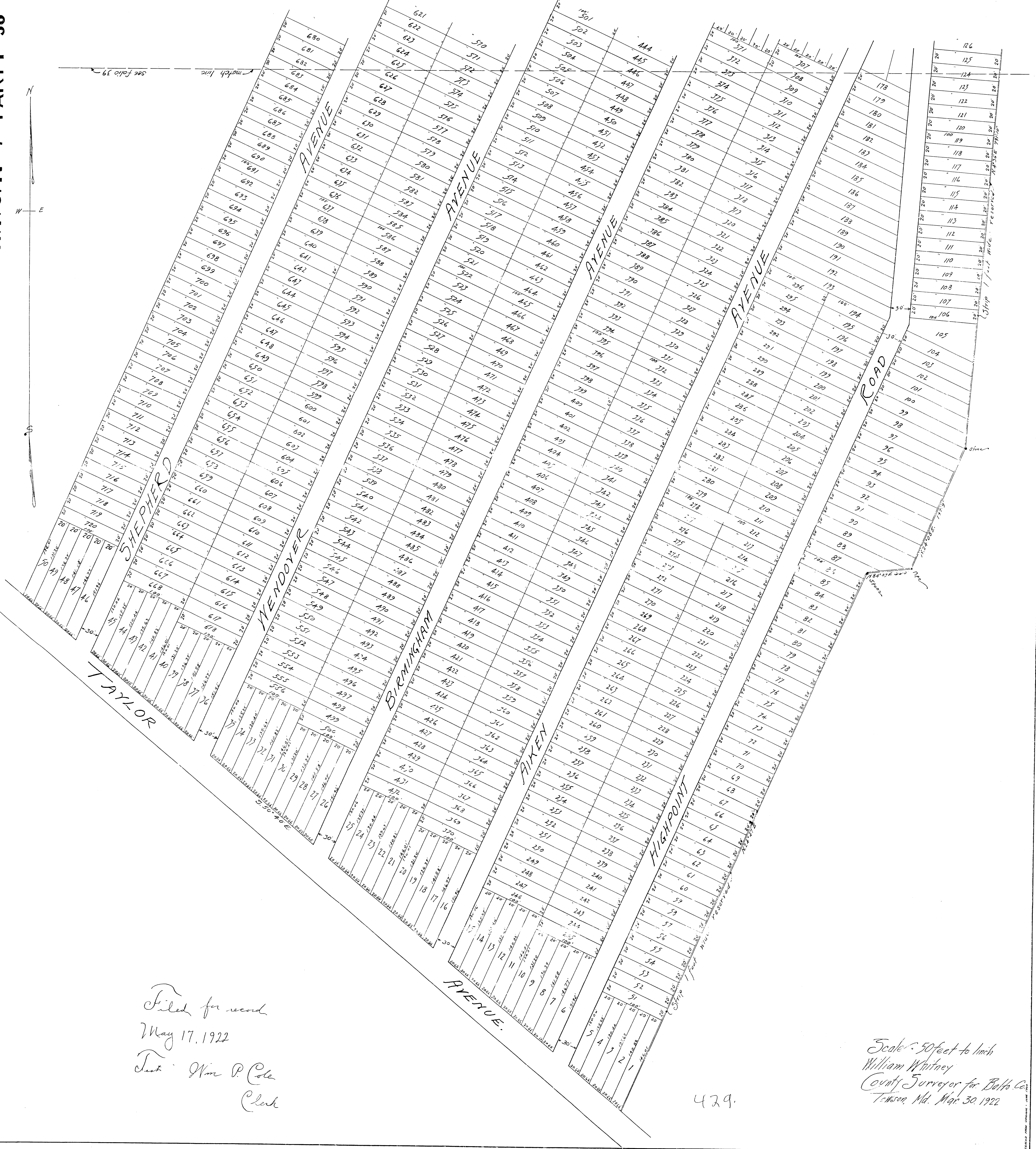
HAMILTON BANK BUILDING

HAMILTON

BALTIMORE, MD



W.P.C. No 7 PART 1-38



Filed for record
May 17, 1922
Jest Wm P. Cole
Clerk

Scale: 50 feet to inch
William Whitney
County Surveyor for Baltimore
Towson, Md. Mar. 30, 1922

429.

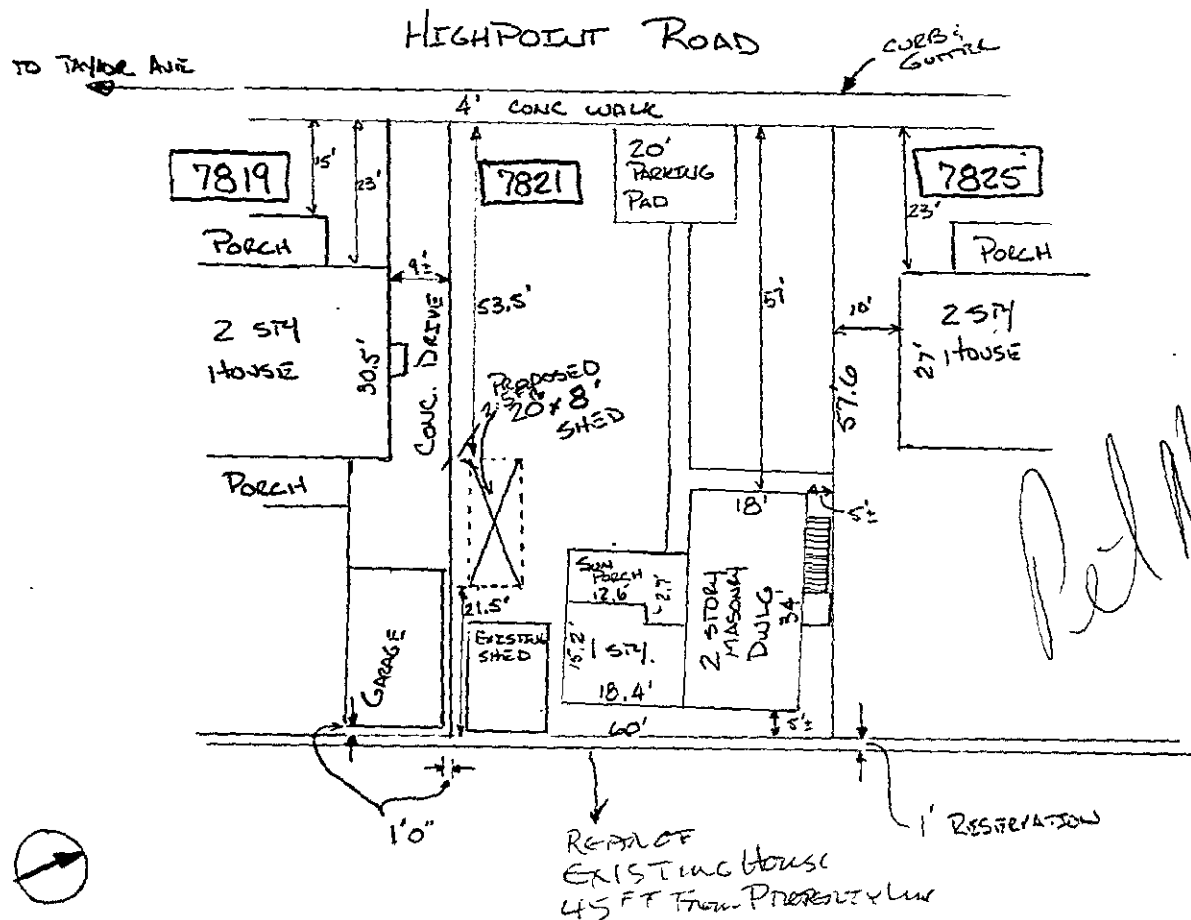
☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

plat book # 7, folio # 38, lot # 6566, section # 67

OWNER: John BENEZ

97-429-A

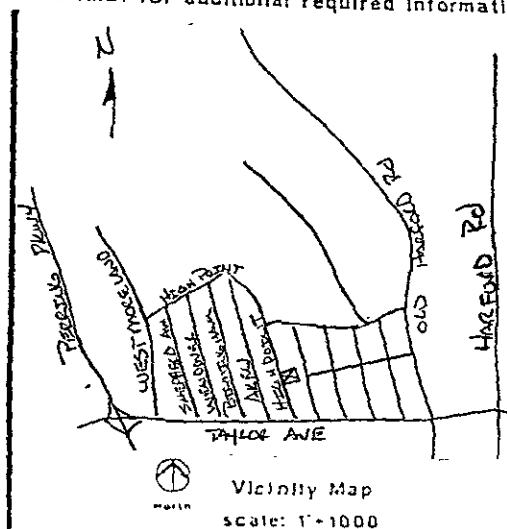


North

date: 3/30/91

prepared by: John Bruce

Scale of Drawing: 1" = 30'



Block: District: 9th
 Councilman: District: G-24
 1-200 scale map: NE, 8-D.
 Zoning: DDL 5.5
 Lot size: $\frac{0.13}{\text{acreage}}$ $\frac{3465}{\text{square feet}}$

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

557	429	97.429.1
-----	-----	----------