

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
 ZONING VARIANCE * ZONING COMMISSIONER
 NWC intersection of Wendell Ave. * OF BALTIMORE COUNTY
 and Delpha Court * Case No. 97-435-A
 8720 Wendell Avenue *
 14th Election District *
 6th Councilmanic District *
 Mary Kathleen Farrell *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mary Kathleen Farrell for that property known as 8820 Wendell Avenue in the Wendell Gardens subdivision of Baltimore County. The Petitioner/property owner herein seeks a variance from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (BCZR), to permit a rear yard setback of 14 ft., in lieu of the required 22.5 ft. setback, for a deck. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 presented.

The Petitioner has 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 submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

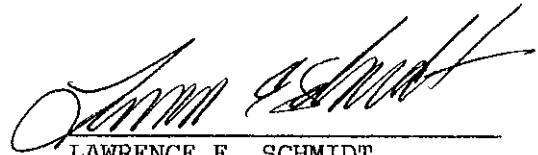
ORDER RECEIVED FOR FILING
 Date 5/19/97
 By M. G. Cook

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

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of May 1997 that a variance from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (BCZR), to permit a rear yard setback of 14 ft., in lieu of the required 22.5 ft. setback, for a deck, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

5/19/97
M. G. Gosh



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

May 9, 1997

Ms. Mary Kathleen Farrell
8720 Wendell Avenue
Baltimore, Maryland 21234

RE: Petition for Administrative Variance
Case No. 97-435-A
Property: 8720 Wendell Avenue

Dear Ms. Farrell:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8720 Wendell Avenue, Baltimore, MD 21234

which is presently zoned DRS-5

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) 1802.3.B AND 301.1A, BC2R,

TO PERMIT A REAR YARD SETBACK OF 14' FOR A DECK IN LIEU OF THE REQUIRED 22.5'

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

Practical difficulty

See Reverse

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

We do solemnly declare and affirm, under the penalties of perjury that I am the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Mary Kathleen Farrell

(Type or Print Name)

Signature

(Type or Print Name)

Signature

8720 Wendell Avenue

Address

W - 887-7034

H - 665-5585

Phone No

Balto., MD 21234

City

State

Zipcode

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

Name

SAME

Address

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County, 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 newspaper publications throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: DCM

DATE: 4-8-97

ESTIMATED POSTING DATE: 4-20-97



Printed with Soybean Ink on Recycled Paper

ITEM #: 435

Affidavit in support of 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 8720 Wendell Avenue
address
Baltimore 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)

Practical difficulty: Strict compliance with required zoning law would prevent my building a deck more than 4' deep. A relaxation of this law would allow me to build a deck 12' x 16', which would in fact enhance area. I propose to raze the existing porch and steps and build a pressure treated wooden deck 16' x 12' deep with steps. This would then leave 14' from improvement to end of property line instead of expected 20'.

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)

Mary Kathleen Farrell
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of March, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Kathleen Farrell

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.

March 16, 1997
date

Karen E. Simpson
NOTARY PUBLIC

My Commission Expires: 3/1/01

Affidavit in support of 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 8720 Wendell Avenue
address
Baltimore 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)

Practical difficulty: Strict compliance with required zoning law would prevent my building a deck more than 4' deep. A relaxation of this law would allow me to build a deck 12' x 16', which would in no way hinder or harm any neighbors' connecting property, but would in fact enhance area. I propose to raze the existing porch and steps and build a pressure treated wooden deck 16' wide x 12' deep with steps. This would then leave 14' from improvement to end of property line instead of expected 20'.

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 16 day of March, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Kathleen Farrell

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

March 16, 1997

NOTARY PUBLIC

Karen E. Leason

My Commission Expires

3/1/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8720 Wendell Avenue, Baltimore, MD 21234

which is presently zoned DRS-5

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) 1B02.3.B and 301.1A; BCZR,

To permit a rear yard setback of 14' for a deck in lieu of the required 22.5'.

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

Practical difficulty

See Reverse

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)

Mary Kathleen Farrell

(Type or Print Name)

Signature

(Type or Print Name)

Signature

8720 Wendell Avenue

Address

W - 887-7034

H - 665-5585

Phone No

Baltimore, MD 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

SAME

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: J. Cam

DATE: 4-8-97

ESTIMATED POSTING DATE: 4-20-97



Printed with Soybean Ink on Recycled Paper

ITEM #: 435

Zoning Description for 8720 Wendell Avenue

Beginning at a point on the west side of Wendell Avenue which is 60 feet wide at a distance of 35 feet south of the centerline of the nearest improved intersecting street Delpha Court which is 70 feet wide.

Being Lot No. 10 of the Plat of Wendell Gardens in Plat Book #OTG31, Folio #129, containing 8,352 square feet.

Also known as 8720 Wendell Avenue and located in the 14th Election District, 6th Councilmanic District.

435

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

435

No. 028661

DATE 4-8-97 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM:

KATHY FARRELL - 8720 WENDELL AVE.

FOR:

AD VAR (OIV)

01A000005MICKKC
E6 000710AM04-08-97

\$50.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER

YELLOW - CUSTOMER

JCH

CERTIFICATE OF POSTING

RE: Case # 97-435-A

Petitioner/Developer:
(Kathleen Farrell)
Date of Posting/Closing:
(May 5, 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 _____**

_____ 8720 Wendell Ave. , Baltimore, Maryland 21234 _____

**The sign(s) were posted on _____ April 18, 1997 _____
(Month, Day, Year)**

Sincerely,

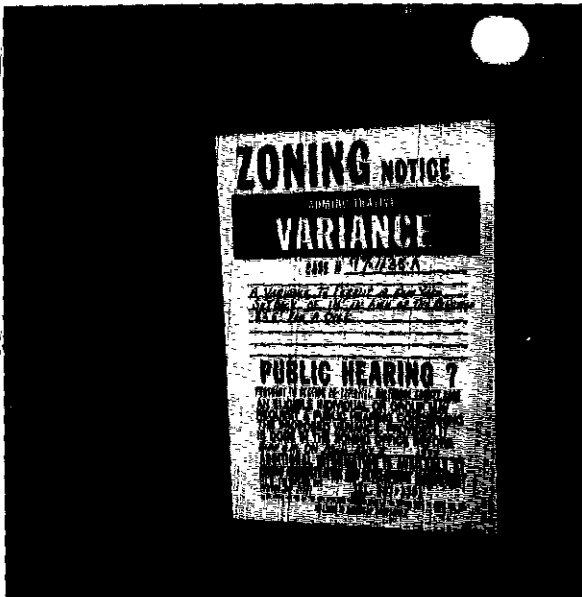

(Signature of Sign Eater & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



97-435-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 4-20-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No 97-435-A

A VARIANCE TO PERMIT A REAR YARD SETBACK
of 14' IN LIEU OF THE REQUIRED 22.5' FOR
A DECK.

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

*** 5-5-97**

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
 Department of Permits and
 Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 435

Petitioner: Mary Kathleen Farrell

Location: 8720 Wendell Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mary Kathleen Farrell

ADDRESS: 8720 Wendell Avenue

Baltimore, MD 21234

PHONE NUMBER: Work 410-887-7034 Home 410-665-5585

AJ:ggs

(Revised 09/24/96)

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____

prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Electoral District

Constitutional District

1:200 scale map

Zoning:

Lot size: _____ acreage _____ square feet

Public Private
SEWER:

WATER:
yes no

Chesapeake Bay Critical Area:

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

--	--



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 4-18-77
Item No. 435 JCM

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,

A handwritten signature in cursive script, appearing to read 'R. J. Gredlein'.

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, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 16, 1997

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

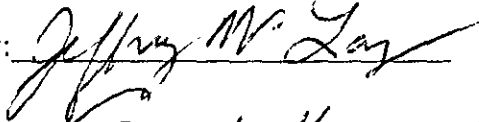
SUBJECT: Zoning Advisory Petitions

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

Item Nos. 435, 437, and 438

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



Baltimore County
Department of Permits and
Development Management

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

April 18, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-435-A
8720 Wendell Avenue
NWC intersection of Wendell Avenue and Delpha Court
14th Election District - 6th Councilmanic
Legal Owner(s): Mary Kathleen Farrell
Post by Date: 04/20/97
Closing Date: 05/05/97

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.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Mary Kathleen Farrell



Putty Hill Road

Plat to accompany Pediton for Zoning Variance
Property Address: 8720 Wendell Avenue
Subdivision name: Wendell Gardens
Lot #10, Wendell Gardens, Plat Book OTG 31,, Folio 129
Owner: Mary Kathleen Farrell

Delpha Court

Subject
Property
8720
Wendell

97-435-A

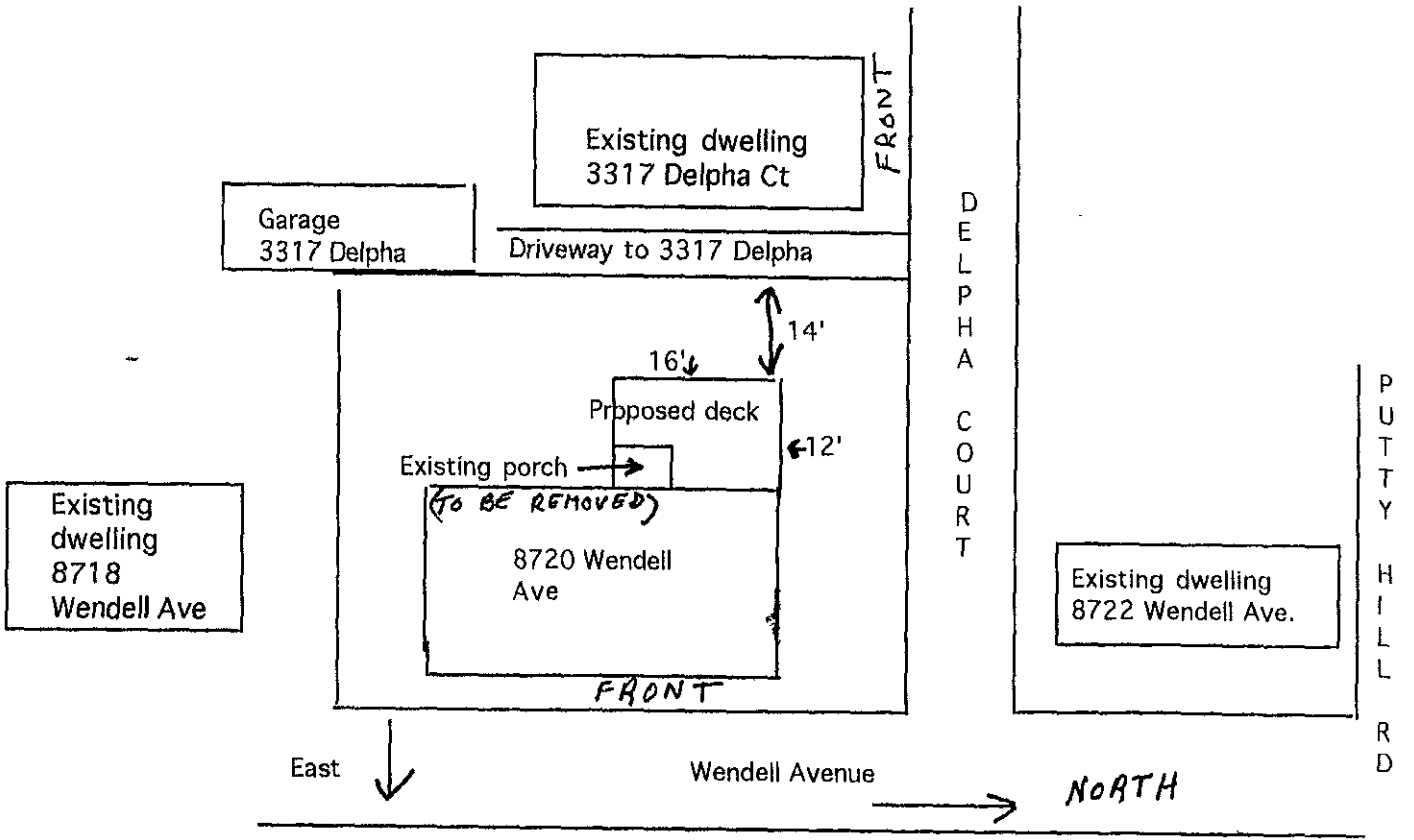
Location Information:

Councilmanic District: 6
Election District: 14
Lot Size: 8,352 Sq. Ft.
Chesapeake Bay Critical Area: No
Prior Zoning Hearings: None
Zoning: DR 5/5
MAP: NE-8E

435

Put Hill

↑
West



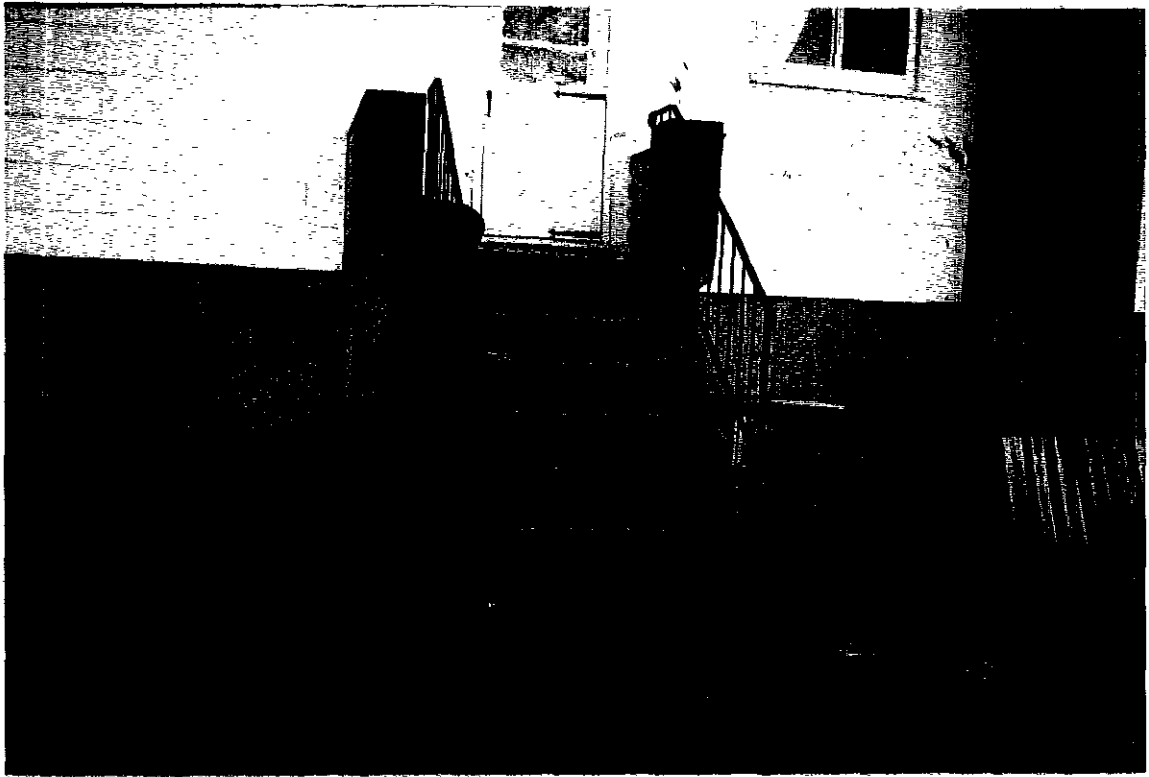
1" = 20'

Photos supporting
Petition for Administrative Review for:

Mary Kathleen Farrell
8720 Wendell Ave

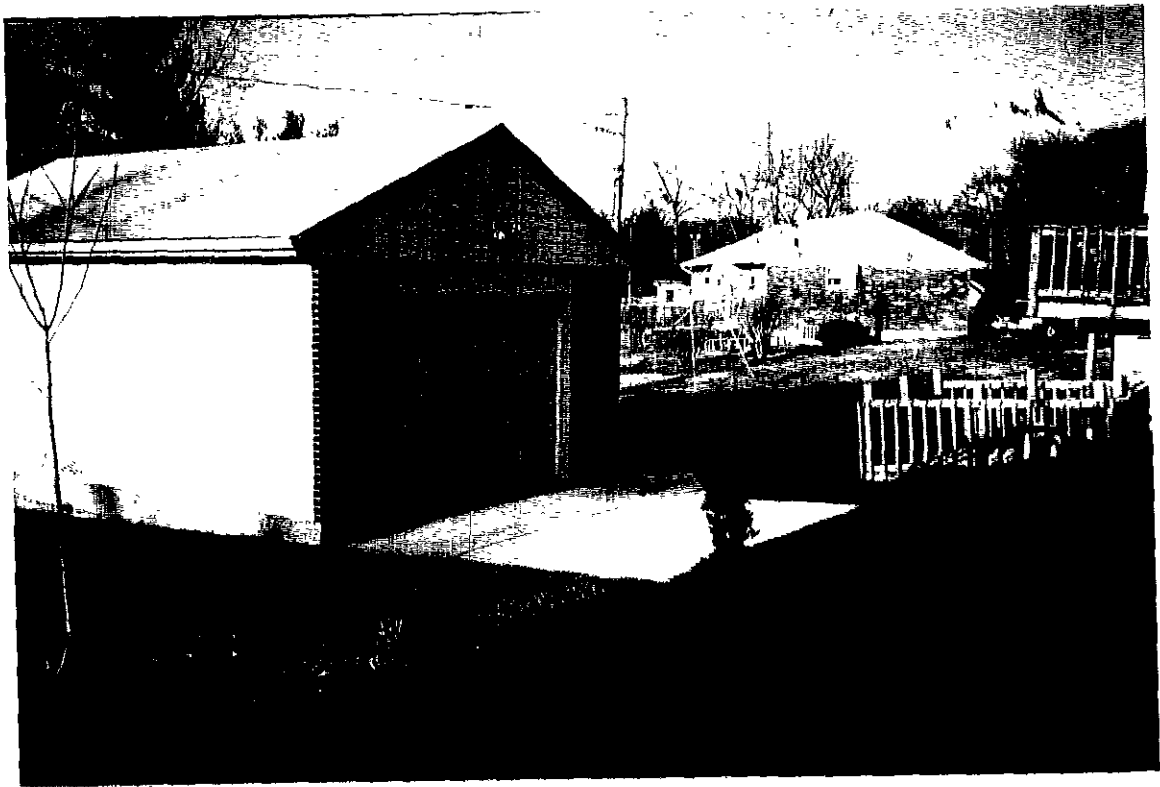
435

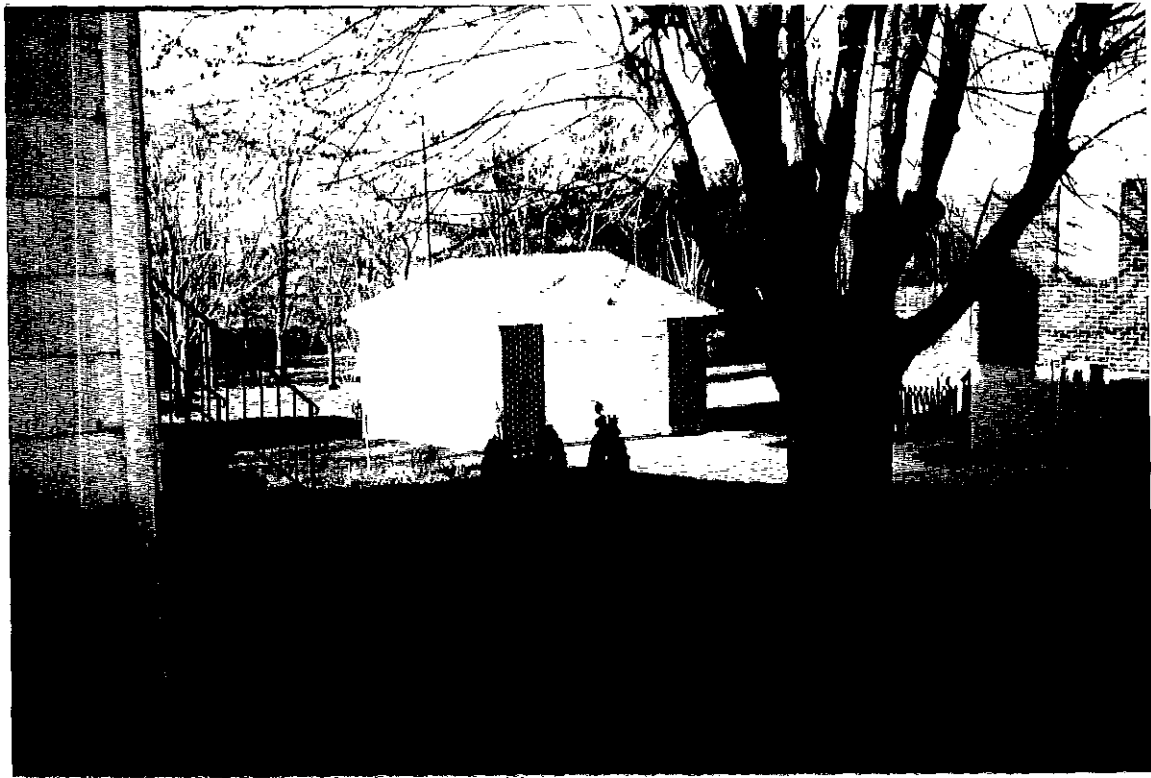
Fax #10
Plat Book 07931
Julio 129

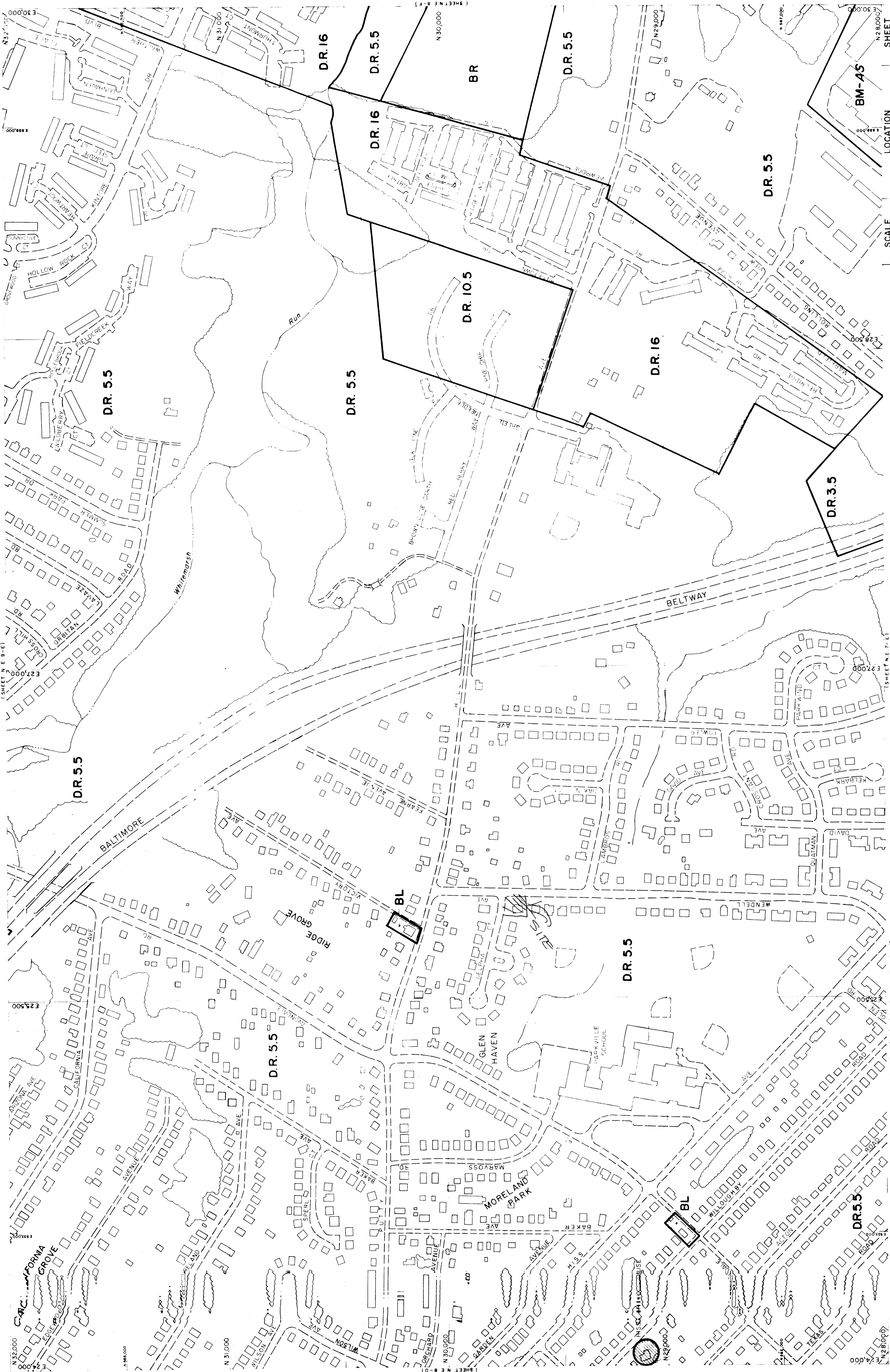












SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1966

LOCATION
FULLERTON PARKVILLE

SHEET
NE
8-E

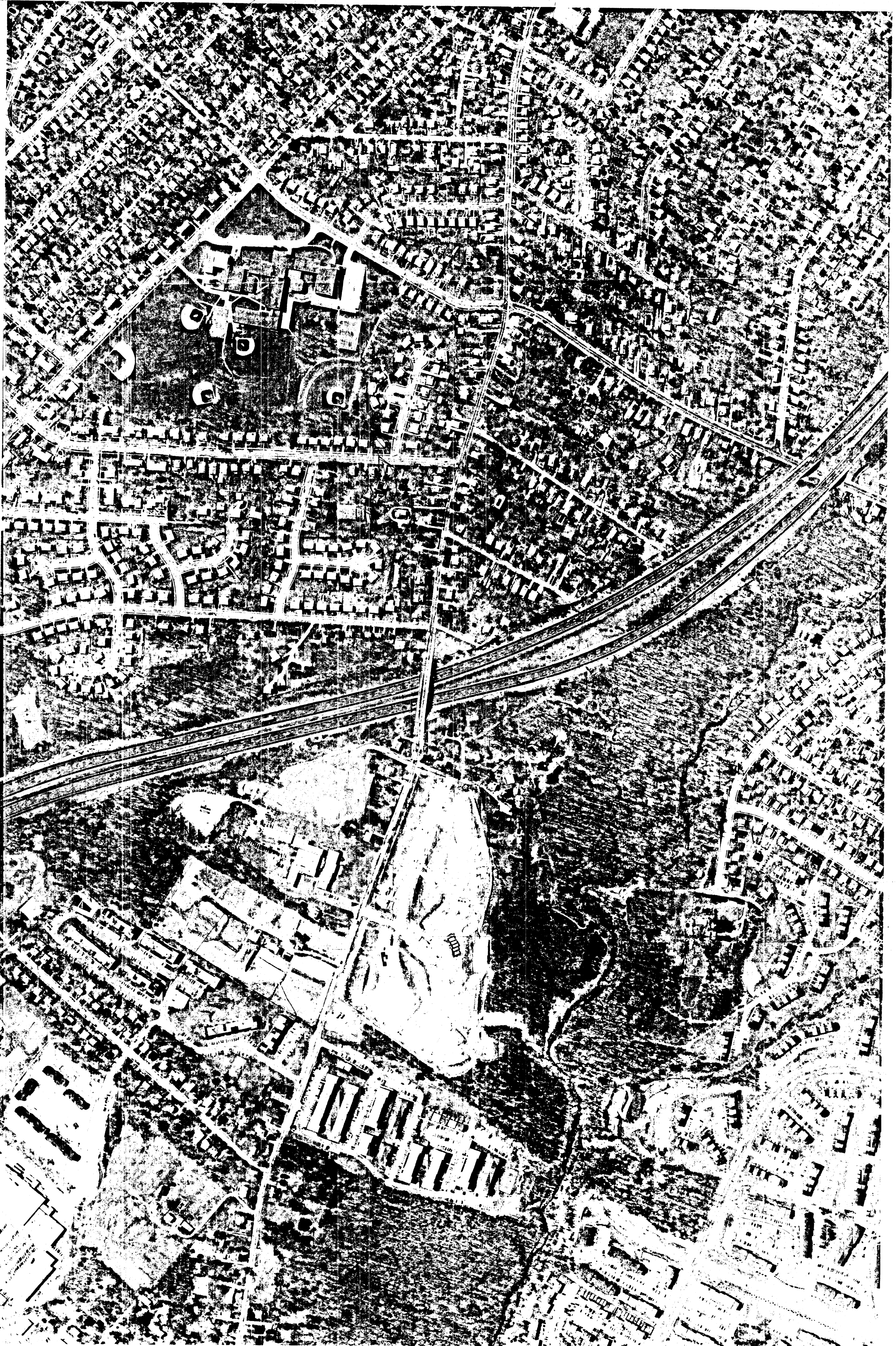
**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

N - SE
N - NE
M - SW
M - NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY HAS BEEN RECONSTRUCTED BY METHODS OF BUREAU OF PLANNING AND ZONING, BALTIMORE, MD. 21210.

735

537



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	1" = 200' ±	LOCATION	FULLERTON PARKVILLE	SHEET	NE 8-E
DATE OF PHOTOGRAPHY	JANUARY 1986				