

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Fieldchat Road, 156' N of
the c/l of Fieldgreen Road
(9018 Fieldchat Road)
11th Election District
5th Councilmanic District

George H. Clark, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-535-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 9018 Fieldchat Road, located in the vicinity of Ebenezer Road in Perry Hall. The Petition was filed by the owners of the property, George H. Clark, III, and his wife, Carol A. Foose Clark. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side yard setback of 8 feet in lieu of the required window to property line setback of 15 feet for a proposed addition, and to amend the 4th Amended Final Development Plan for Brookhurst, Lot 16 thereof, accordingly. 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

ORDER RECEIVED FOR FILING

Date

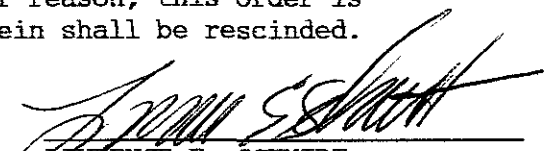
By

and should therefore be granted. In the opinion of the Zoning Commissioner, 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 27th day of June, 1997 that the Petition for Administrative Variance seeking relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side yard setback of 8 feet in lieu of the required window to property line setback of 15 feet for a proposed addition, and to amend the 4th Amended Final Development Plan for Brookhurst, Lot 16 thereof, 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

COPIES RECEIVED FOR FILING
DATE 6/27/97
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

June 27, 1997

Mr. & Mrs. George H. Clark, III
9018 Fieldchat Road
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Fieldchat Road, 156' N of the c/l of Fieldgreen Road
(9018 Fieldchat Road)
11th Election District - 5th Councilmanic District
George H. Clark, III, et ux - Petitioners
Case No. 97-535-A

Dear Mr. & Mrs. Clark:

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 the typed name.

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
97.535-A

²¹²³⁶
9018 Fieldchat Road Baltimore, Md.
which is presently zoned DR 5.5

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) 504 (BCZR) & CMDP V.B.6.b.

To allow an addition with a side yard setback of 8 ft. in lieu of the required window to property line setback of 15 ft. and to amend the 4th Amended FDP of Brookhurst, Lot #16.

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

(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)

George H. Clark III
(Type or Print Name)

George H. Clark III
Signature ^{work(410) 529-8795}
^{BCRP(410) 607-1730}

Carol A. Foote Clark
(Type or Print Name)

Carol A. Foote Clark
Signature ^{work(410) 337-1360}
^{or 1366}

9018 Fieldchat Rd.
Address ^{(410) 256-0929}

Baltimore, Maryland
City State Zipcode ²¹²³⁶

Name, Address and phone number of representative to be contacted

(Same)
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: JRF DATE 5-28-97

ESTIMATED POSTING DATE: 6-8-97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 535

ORDER RECEIVED FOR FILING
Date 6/22/97
BY [Signature]

Affidavit in support of 97-535-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 9018 Fieldchat Rd.
address
Baltimore, Maryland 21236
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)

We request a variance of the setback details for 9018 Fieldchat Rd. LOT #16 of Brookhurst as proposed with the original construction in 1986. The minimum required distances cause a practical difficulty in our desire to place an addition to our home, situated along side a RW - open space area. A distance of 8 Feet to the RW/LOT line needs to be allowed (10 Feet presently) in order that the width of the lower level Den/Sunroom and upper level Master bath may be a 12 Feet wide. This is the only practical location for the master bath!

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.

George H. Clark III
(signature)
George H. Clark III
(type or print name)



Carol A. Foose Clark
(signature)
CAROL A. FOOSE CLARK
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

GEORGE H. CLARK, III AND CAROL A. FOOSE CLARK

the Affiants(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.

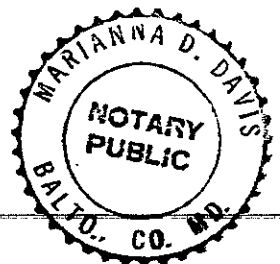
AS WITNESS my hand and Notarial Seal.

May 16, 1997
date

Marianna N. Davis
NOTARY PUBLIC

My Commission Expires:

5/1/00



Property of: George H. Clark and Carol A. Clark
May 27, 1997

Zoning Description

Zoning description for 9018 Fieldchat Rd.

97-535-A

Beginning at a point on the west side of Fieldchat Rd which is 27' (actual paved) wide at the distance of 156 feet north of the centerline of the nearest improved intersecting street Fieldgreen Rd. which is 30 feet wide. *Being lot # 16, Block B, in the subdivision of Brookhurst as recorded in Baltimore County Plat Book #EHK, JR, NO. 54, Folio # 3 (Date of DOT June 12, 1996) containing 0.17 acres. Also known as 9018 Fieldchat Rd. and located in the 11th Election District, 5th Councilmanic District.

535

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **038078**

PAID RECEIPT

05/28/97 01 4 CML R 13624
Debt 5 525 MISCELLANEOUS CASH
CR NO. 038078

DATE **5-28-97** ACCOUNT **R-001-615-000**

AMOUNT **\$ 100.00**

RECEIVED FROM:

CLARK

01 - Variance -- \$50- ITEM 535
03 - SP4 Amend -- \$50- Taken by: JRF

FOR:

9018 Fieldchat Rd.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

97-535-A

CERTIFICATE OF POSTING

RE: Case No.: 97-535-A

Petitioner/Developer: _____

GEORGE & CAROL CLARK

Date of Hearing/Closing: 6/23/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 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 _____

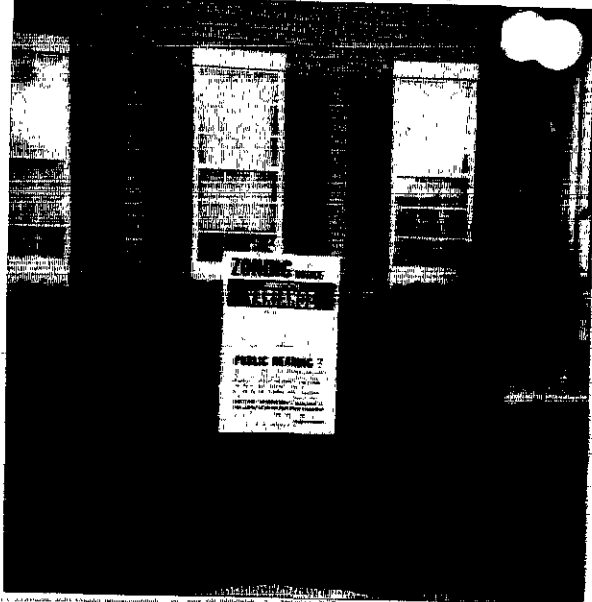
9018 FIELDCHAT RD.

The sign(s) were posted on _____

6/8/97

(Month, Day, Year)

9018 FIELDCHAT RD.



Sincerely, -

Richard E. Hoffman 6/8/97

(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN

(Printed Name)

904 DELLWOOD DR

(Address)

FALLSTON, MD 21047

(City, State, Zip Code)

(410) 879-3122

(Telephone Number)

Posted 6/8/97 97-535

Richard E. Hoffman 6/8/97
97-535-A



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/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 (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.: 535

Petitioner: George H Clark & Carol A. Clark

Location: 9018 Fieldchat Rd. Baltimore Md. 21236

PLEASE FORWARD ADVERTISING BILL TO:

NAME: George H Clark

ADDRESS: 9018 Fieldchat Road

Baltimore, Maryland 21236

PHONE NUMBER: (410) 256-0929

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6-8-97

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

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-535-A

Admin. Variance: To allow an addition with a side yard
setback of 8' in lieu of the required window to property
line setback of 15'. And to amend the 4th Amended FDP
of Brookhurst, lot #16.

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**

*** 6-23-97**

**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

June 6, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-535-A
9018 Fieldchat Road
W/S Fieldchat Road, 156' N of c/l Fieldgreen Road
11th Election District - 5th Councilmanic
Legal Owner(s): George H. Clark, III and Carol A. Foose Clark
Post by Date: 06/08/97
Closing Date: 06/23/97

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: George and Carol Clark



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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

PROPERTY ADDRESS: 9018 FIELDGREEN RD. BALTO. COUNTY MD. 21236

Subdivision name: BROOKHURST

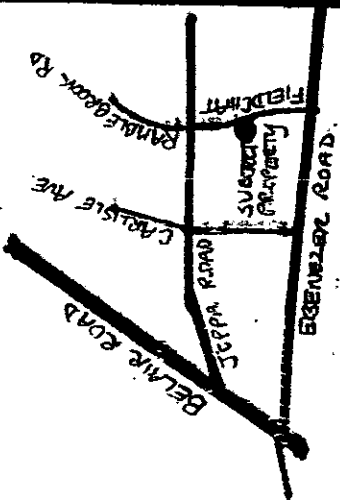
plat book # 54, folio # 3, lot # 16, section # 3

AND REVISION

OWNER: GEORGE H. CLARK + CAROL A. CLARK

VERNON +
MARYANNA
DAVIS

"BROOKHURST"



Vicinity Map
Scale: 1"=1000'

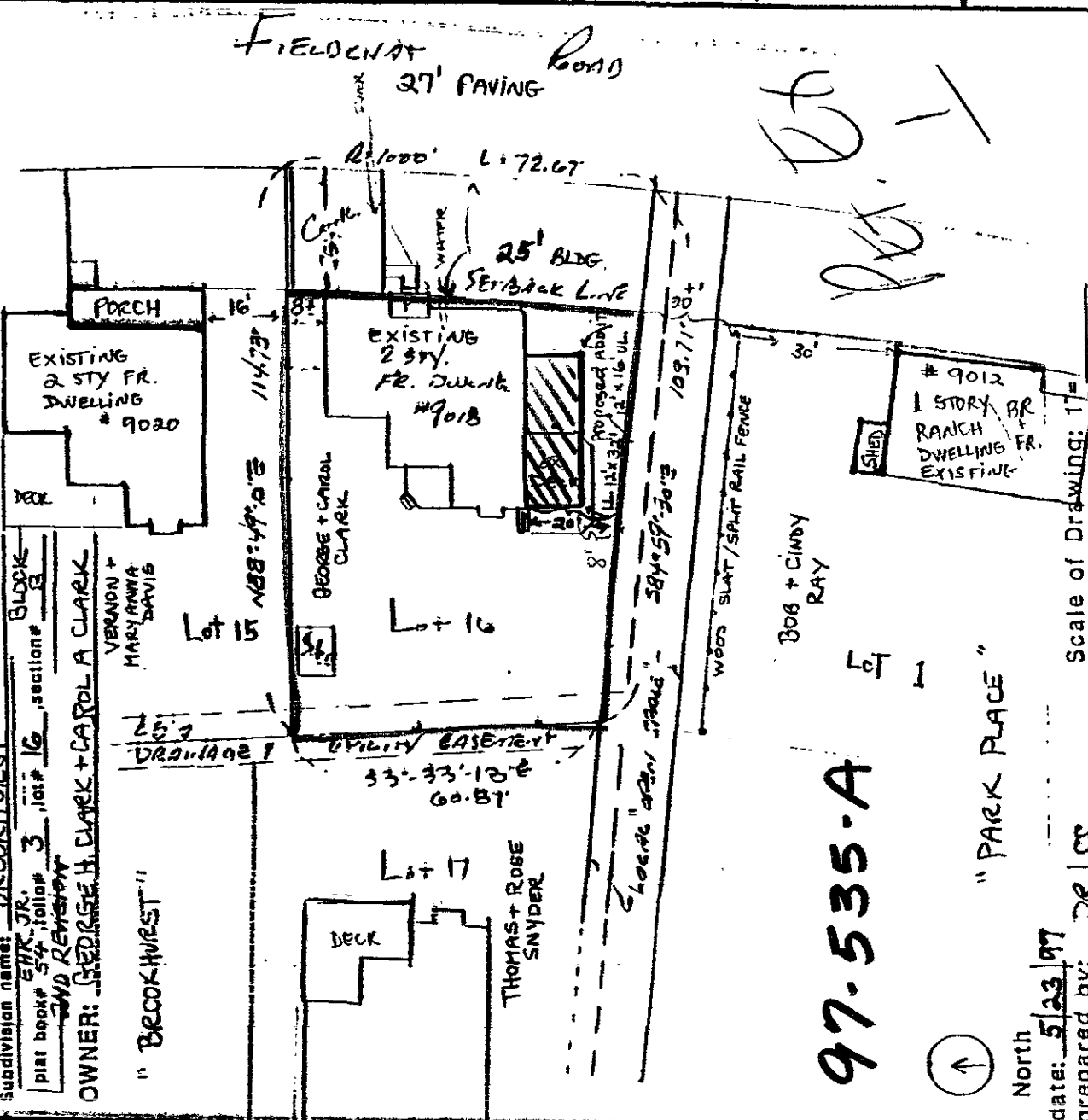
LOCATION INFORMATION

Election District: **11**
Councilmanic District: **N5**
1"=200' scale map: **NE-10G**
Zoning: **DR 6.5**
Lot size: **0.17** acreage
7459.54 square feet

SEWER: ☒ YES ☐ NO
WATER: ☒ YES ☐ NO
Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: **NONE**

Zoning Office USE ONLY!

reviewed by: **JRF** ITEM #: **535** CASE #:



97-535-A

"PARK PLACE"

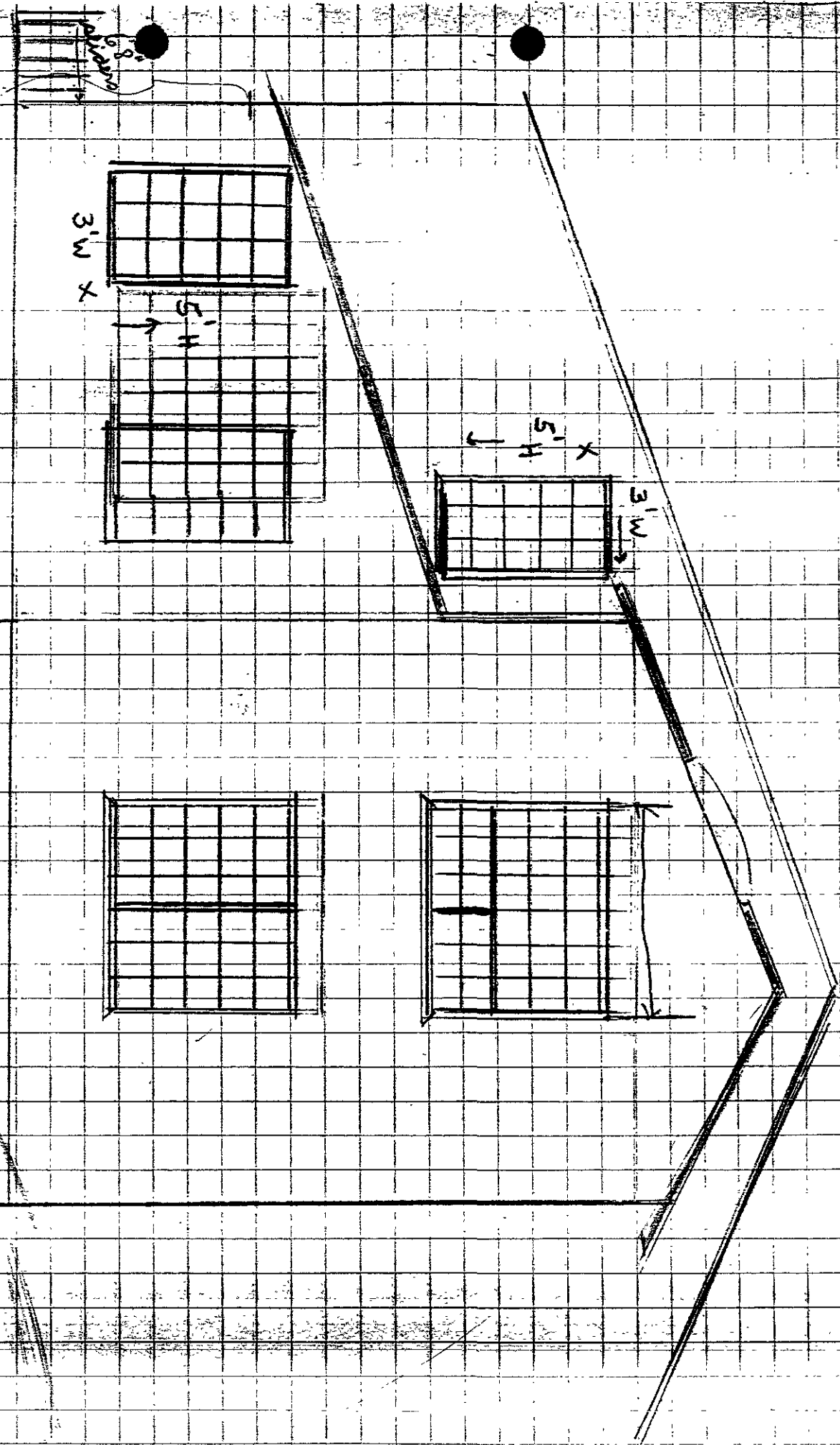
North

date: 5/23/97

prepared by: DR CC

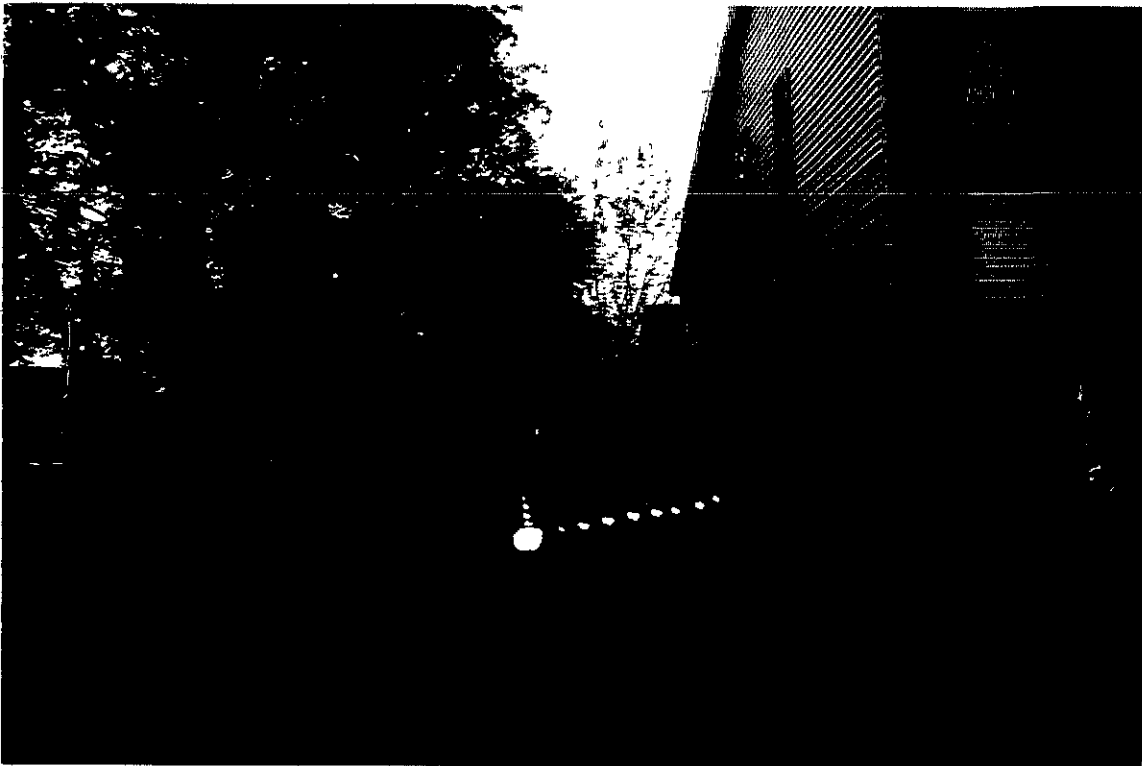
Scale of Drawing: 1"=

FIELDGREEN ROAD



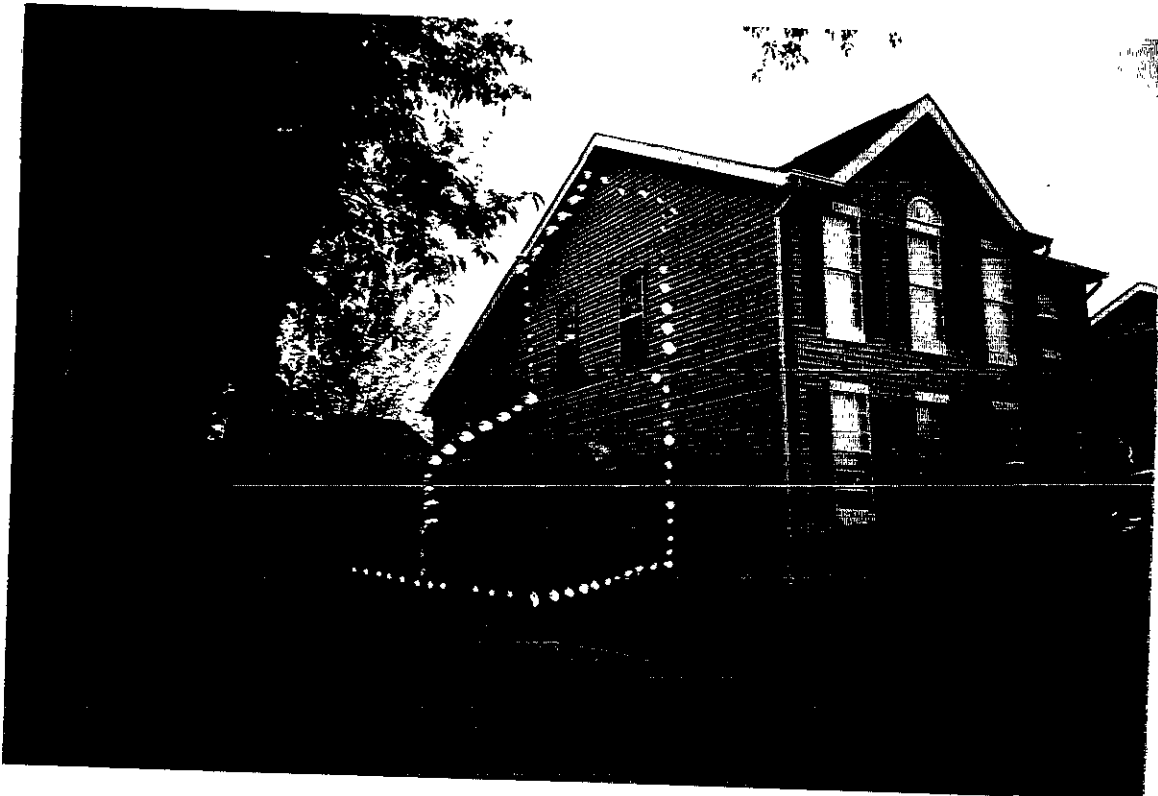
97-535-A

#535

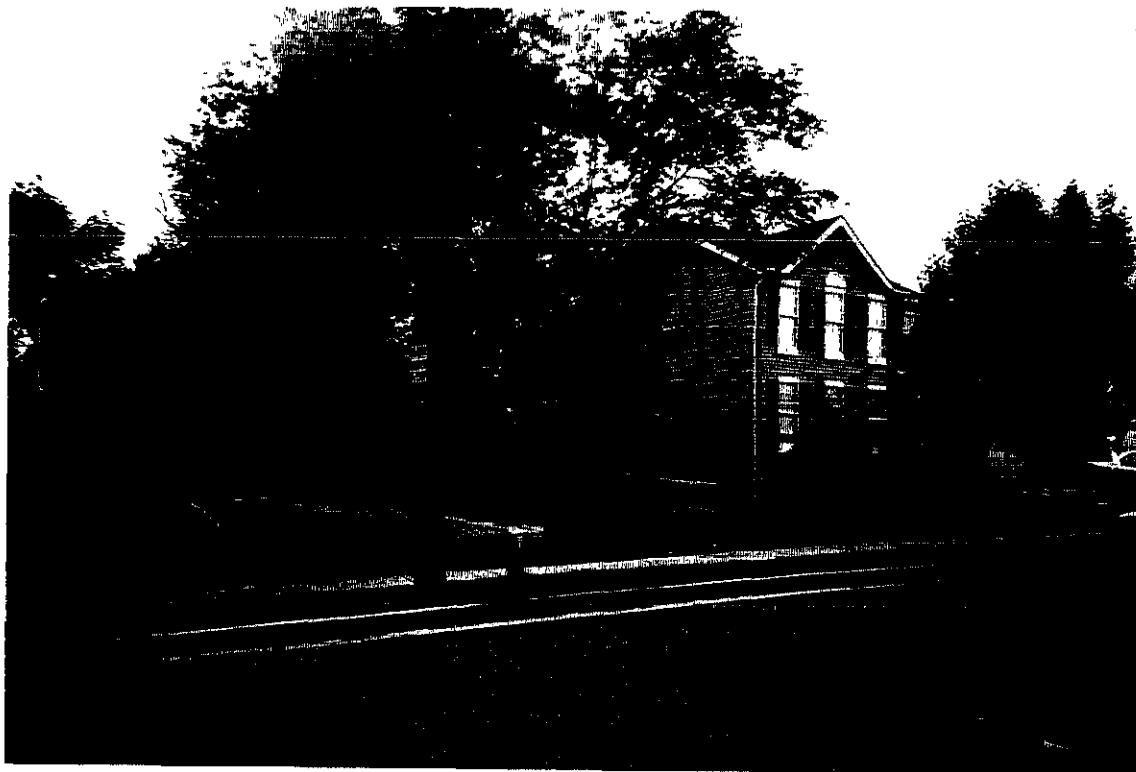


↑ SIDE YARD - PROPOSED LOCATION OF ADDITION

97-535-A



#535



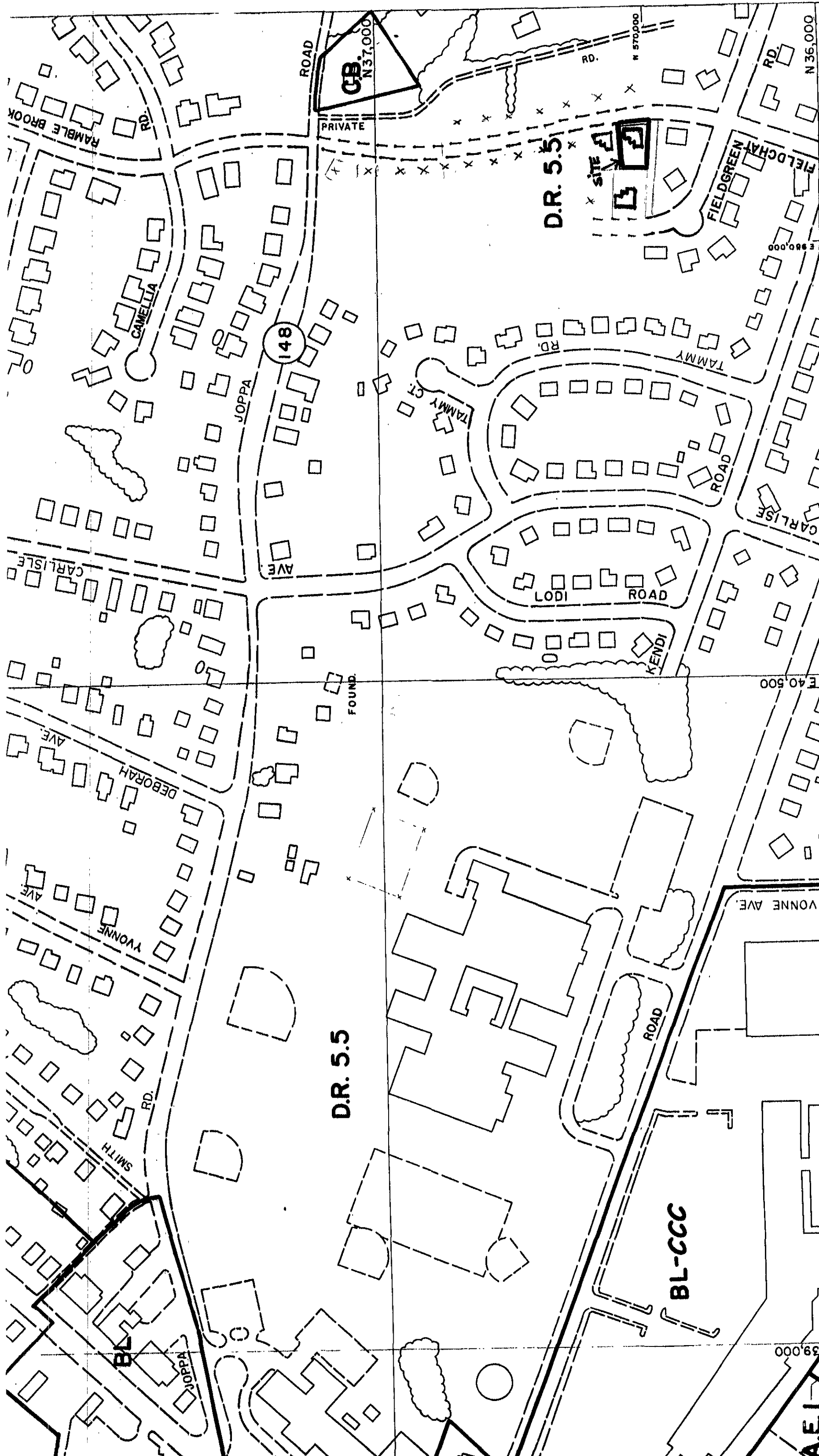
open space / RW @ SIDE YARD.

97-535-A



FRONT.

535



MORE COUNTY PLANNING AND ZONING		LOCATION #535		SHEET
BL-CCC		SCALE 1" = 200' ±		N.E.
D.R. 5.5		DATE OF PHOTOGRAPHY		10-G
JOPPA				
YVONNE AVE				
LODI ROAD				
KENDI ROAD				
TAMMY RD				
CARLISLE RD				
FIELDGREEN RD				
FIELDCHAT RD				
RAMBLE BROOK RD				
CAMELLIA RD				
SMITH RD				
DEBORAH AVE				
CARLISLE AVE				
FOUND.				
PRIVATE				
CB N37,000				
D.R. 5.5				
SITE				
N 570,000				
N 36,000				
E 40,500				
E 39,000				
AEI				