ORDER RECEWED/FOR FILING Date (1996)

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Perch Court, 100' SW of the

c/l of Sandollar Way

(3 Perch Court)

15th Election District 5th Councilmanic District

David W. Cook, et ux

Petitioners

* BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-212-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, David W. and Laura L. Cook. The Petitioners seek relief from Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) and Sections 301.2 and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection addition (deck and swimming pool) with side and rear yard setbacks of 6 feet each in lieu of the required 11.25 feet, and to amend the Final Development Plan for Woods at Bay Country, Lot 35 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 and should therefore be granted. In the opinion of the Zoning Community 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 day of December, 1997 that the Petition for Administrative Variance seeking relief from Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) and Sections 301.2 and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection addition (deck and swimming pool) with side and rear yard setbacks of 6 feet each in lieu of the required 11.25 feet, and to amend the Final Development Plan for Woods at Bay Country, Lot 35 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by Robert W. Bowling, Jr., Chief Bureau of Developer's Plans Review. No permanent structures shall be located within 5 feet of the rear property line.

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

ORDER RECEIVEN FOR Date By



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

December 31, 1997

Mr. & Mrs. David W. Cook 3 Perch Court Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Perch Court, 100' SW of the c/l of Sandollar Way

(3 Perch Court)

15th Election District - 5th Councilmanic District

David W. Cook, et ux - Petitioners

Case No. 98-212-A

Dear Mr. & Mrs. Cook:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

lile





Petition for Administrative Variance AND TO AMEND THE F.D.P. OF WOODS AT BAY COUNTRY to the Zoning Commissioner of Baltimore County

for the property located at

3 Perch Ct Baltimore Md 21220 which is presently zoned Dl 5,5

This Petition shall be filed with the Dept. of Permits & 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) V.B., G. b (CMDP), 301.2 4 504.2 (BC2R)

TO ALLOW 4N OPEN PROJECTION ADDITION (DECR & SWIMMING POOL) WITH A 9105

YARD SETBACK OF GFT, A REAK YARD SETBACK OF GFT, IN LIEU OF THE REDUITED W.25 FT, RESPECTIVELY AND TO AMBIND THE FINAL DEVELOPMENT PLAN OF WOODS AT BAY COUNTRY' 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

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

· DATE 12.3.97

ESTIMATED POSTING DATE:

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.

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*ia.	State	Zipcode	Address	Phone No.
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graue				
grature			City Name, Address and phone number of re	State Zipcode
ype or Print Namel			Baltimore, MD	21220_
			3 Perch Ct	(40) 636-870 C
tomey for Petitioner:			* 0 ! 0 !	(410)335-2455
ty	State	Zipcode	Signature .	(4) (5)
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			LAURA C. (Type or Brint Name)	ook
gnature			Signature	1
			1 Soul look	
rpe or Print Name)			(Type or Print Name)	4
··			David W. Co.	aΚ
ntract Purchaser/Lessee			Legal Owner(s)	

ORDER RECEIVED FOR L'IL

Printed with Snybean Ink

Printed with Snybe

Lorung Commissioner at Battimore County

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 Affant(s) and that Affant(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 3 Perch Court
BAHIMORE, MD 21220 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)
See Attached
· · · · · · · · · · · · · · · · · · ·
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. Cook Cook
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 2 day of 0 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DAVID Owol LAURA COOK
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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. 12/2/9) date NOTARY PUBLIC
My Commission Expires. My Commission Expires. My Commission Expires.

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 3 Perch Court
Baltimore, MD 21220 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)
See Attached
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. Daniell State Cook
I HEREBY CERTIFY, this 2 day of 0 . 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
DAVID and LAURA Cook
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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. 12/2/9) date NOTARY PUBLIC
My Commission Expires:

HARDSHIP REQUEST

THE REASON FOR THIS REQUEST IS TO ATTACH A DECK FROM OUR EXISTING DECK TO OUR POOL. IT WILL NOT SURROUND THE WHOLE POOL, ONLY ABOUT 1/3. THIS WILL ALLOW EASIER ACCESS TO THE POOL FOR MY MOTHER WHO IS PHYSICALLY HANDICAPPED. HER DOCTOR HAS SUGGESTED THAT THE POOL WOULD BE VERY THERAPEUTIC FOR HER CONDITION (SEVERE DEGENITIVE ARTHRITIS). AS IT STANDS NOW, THERE IS NO WAY FOR HER TO GET INTO THE POOL. MY MOTHER LIVES AT MY HOME WITH ME, SO THE DECK WILL ALLOW HER CONSTANT USE OF THE POOL.

THANK YOU.

Laura Leah Cook Dais Warne Cook 12/1/97

Zouing Description for 3 Perch Court

Beginning at a point on the South side of Perch Ct., which is 50' wide at the distance of 100' South west of the center line of the negrest improved intersecting street. Sandollar Way, which is 50' wide, Being Lot #35 in the subdivision of "The Woods at Bay Country" as recorded in Baltimore County Plat Book # 61, Folio 70, containing 6474 sq.ft. Atso known as 3 Perch Ct. and located in the 15th election district, 5th council manic district.

= 2/2

MIŃ PROGESS ACTUM TIME 12/04/1997 15:07:00 REF 19:03 CAPILER UNIL U.M. DRAMER 100,00 CASH Maltimore County, Haryland 5 MEETLANDS ON RECEIPT CASHER'S VALIDATION Pricelot # Of NO. 046947 046941 to FDP. 134 St. St. 21223 ACCOUNT 16-001-6150 OFFICE OF BUDGET & FINANCE //EM # 212 No. AMOUNT \$ (00 00 FOR Action. Var. & Amendment YELLOW . CUSTOMER **QND** #3 Perch ct BALTIMORE COUNTY, MAF PINK - AGENCY 010-14m, 1504 50)aural DATE 12-3-97 RECEIVED /

CERTIFICATE OF POSTING

RE: Case No.: 98-212-A

Petitioner/Developer:
(David W. Cook)

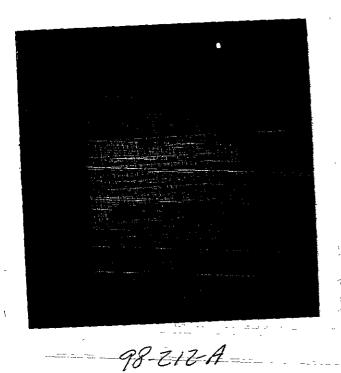
Date of Hearing/Closing:
(Dec. 29, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21264

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

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						
3 Perch Court Baltimore, Maryland 21226						
The sign(s) were posted on Dec. 12, 1997						



Sincerely,

(Signature of Sign Poster & Date)

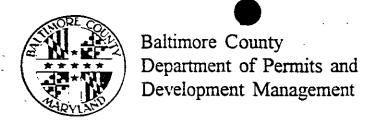
Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(416) 687-8465

(Telephone Number)



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.: 212			
Petitioner:			
Location:		-	
PLEASE FORWARD ADVERTISING BILL TO:	-		
NAME: Sowe Wayne Gol			-
NAME: Nave blagge God ADDRESS: 3 Perch ct Baltin	ort pr	d 210	720
PHONE NUMBER: 410 - 335-2455		_	

AJ:ggs

98-21Z-A

(Revised 09/24/96)

216

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 12-14-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No. 212

VARIANCE TO ALLOW AN OPEN PROJECTION ADDITION

(DECK & SWIMMING POOL) WITH A SIDE YARD SETBACK

OF G FT. AMD, A REAR, SETBACK OF G FT. IN LIEU OF

THE REQUIRED 11.25 FT. RESPECTIVELY, AND TO AMEND

THE FINAL DEVELOPMENT PLAN OF WOODS AT BAY

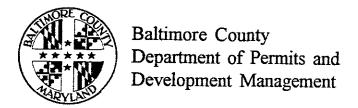
PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. 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

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



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

December 10, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-212-A
3 Perch Court
S/S Pech Court, 100' SW from centerline Sandollar
15th Election District - 5th Councilmanic District
Legal Owner: David W. Cook & Laura L. Cook
Post by Date: December 14, 1997
Closing Date: December 29, 1997

Contact made with this office regarding the status of this case should reference the case number and be directed to 410-887-3391. This notice serves as a refresher regarding the administrative process.

- 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 a public hearing.
- 4. In cases that must go to a public hearing (whether due to a neighbor's formal request or by order the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

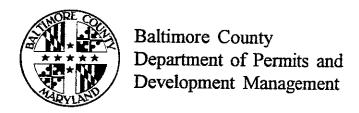
PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

c: Laura & David Cook





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

December 23, 1997

Mr. and Mrs. David Cook 3 Perch Court Baltimore, MD 21220

RE: Item No.: 212

Case No.: 98-212-A

Petitioner: David Cook, et ux

Dear Mr. and Mrs. Cook:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 3, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

W. Cont Richardy Je

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)





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 12-12-57

Item No. ZIZ

RI

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,

f. J. Dredle

✓ ✓ Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec. 15 1997

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

212

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: December 17, 1997

Dept. of Permits & 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 petition (s):

Item Nos. 208, 209, 210, 212, 214, 215, 216, and 218

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Prepared by: fefficial and like and lik

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 22, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 22, 1997

Item No. 212

The Bureau of Developer's Plans Review has reviewed the subject zoning item. There is an existing 10-foot drainage and utility easement centered on the rear property line of this site. An existing 36-inch drain is contained within this easement.

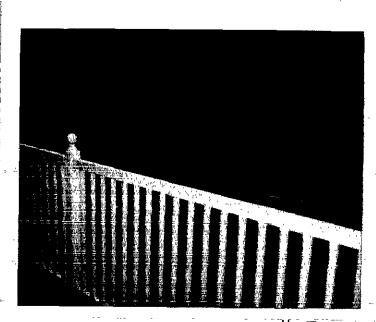
Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

RWB:HJO:jrb

cc: File



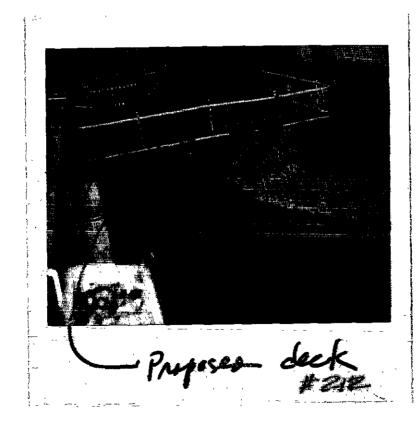
TAREN FROM LOT 34



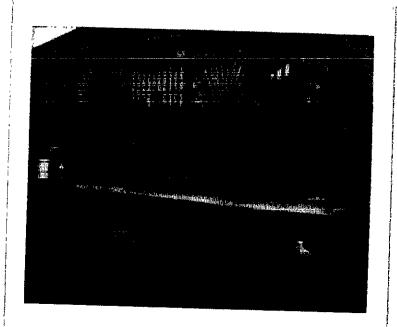
TAKEN FROM LOT 36



PEAR FLEN #212

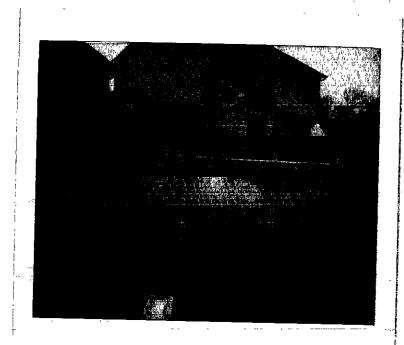


98.212-A



SE CORNER

#212



SW CARUETZ

#212

11/36/97

To Whom it May Concern.

We the neighbors of David and Laura Cook (3 Perch Ct) have no objections to the proposed deck work that David and Laura Cook want to do.

Thank You,

(Kar | Studderd

1 Pevch (+)

Ba | +0. Md., 21200

(410) 335-4755

Cesi # 76 - 538 - A

LICENSE

GAS APPLIANCE BOARD OF BALTIMORE CITY 417 E. FAYETTE ST. ROOM 301 BALTIMORE MD. 21202 410-396-1976

LOUIS BATTY

7108 MARSTON ROAD BALTIMORE

MD 21207

CITY OF BALTIMORE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
LICENSE

GAS APPLIANCE BOARD CERTIFIES THAT LOUIS BATTY

> IS AN AUTHORIZED MASTER GASFITTER

LICENSE NO. M 010006C2 KURT L SCHMOKE

EXPIRATION DATE :12/31/98

004634

004634

SIGNATURE:

CITY OF BALTIMORE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

LICENSE

GAS APPLIANCE BOARD

CERTIFIES THAT.

LOUIS BATTY

IS AN AUTHORIZED:

MASTER GASFITTER

LICENSE NO. M 010006C2 EXPIRATION DATE 12/31/98

MAYOR

KURT L. SCHMOKE DANIEL P. HENSON III COMMISSIONER

GIRMA G. G. ALLARO DIRECTOR

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

AUTH	his portion to ORIZED TO SI ICENSE NO.	gn Permi	T APPLIC	of those ATIONS		
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2				 		
3			· · · · · · · · · · · · · · · · · · ·		_	
Signature:		<u></u>			·	

RETURN TO: GAS APPLIANCE BOARD OF BALTIMORE CITY 417 E. FAYETTE ST. ROOM 301 BALTIMORE MD. 21202

Use thi LICENS	MUST be notific s portion to re E NO. M 0	ed of CHANGE port address ci 10006C2	OF ADDRESS.
Last Na	ame:		
First Na	me:	· ·	
Street Addr	ess:		
C	City:		y y*
St	ate: <u>-</u>	· · · · · · · · · · · · · · · · · · ·	
Telephone:	AREA CORE	SHOWE NI WASH	
Signature:	AREA CODE	PHONE NUMBI	

RETURN TO: GAS APPLIANCE BOARD OF BALTIMORE CITY 417 E FAYETTE ST. ROOM 301 BALTIMORE MD. 21202 410-396-1976

X Barbara & Feltmer 3/5/95

AS-212-A

