

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S of Apache Circle, 198' E		
of the centerline of Navajo Drive	*	DEPUTY ZONING COMMISSIONER
3 rd Election District		
2 nd Councilmanic District	*	OF BALTIMORE COUNTY
(2500 Apache Circle)		
	*	CASE NO. 00-030-A
David & Cheryl Phillips		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for administrative variance filed by the legal owners of the subject property, David and Cheryl Phillips. The variance request is for property located at 2500 Apache Circle in the Pikesville area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.B (1945 Regs., Sec. III, C.2 "A" residence) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition (attached garage) with a front yard setback of 16 ft. in lieu of the minimum required 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative 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 Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

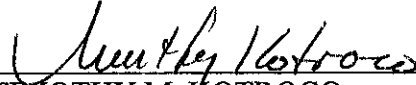
ORDER RECEIVED FOR FILING
 Date 8/19/99
 By R. J. [Signature]

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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1999 that a variance from Section 1B02.3.B (1945 Regs., Sec. III, C.2 "A" residence) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition (attached garage) with a front yard setback of 16 ft. in lieu of the minimum required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECALLED FOR INFO
Date 8/19/99
By R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 19, 1999

Mr. & Mrs. David Phillips
2500 Apache Circle
Baltimore, Maryland 21209

Re: Petition for Administrative Variance
Case No. 00-030-A
Property: 2500 Apache Circle

Dear Mr. & Mrs. Phillips:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

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

Address 2500 Apache Circle
City Balto State MD Zip Code 21209

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):

Attached

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

David B. Phillips
Signature
David B. Phillips
Name - Type or Print

Cheryl M. Phillips
Signature
Cheryl M. Phillips
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of July, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Cheryl & David Phillips
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

7/21/99
Date

SA R. [Signature]
Notary Public
My Commission Expires 7/2/02



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2500 Apache Circle
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and 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 (1945 Regs, Sect III, A Residence)

To allow an ~~addition~~ addition (attached garage) with a front setback of 16 ft in lieu of the minimum required 25 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

David L. Phillips
Name - Type or Print _____
Signature _____
Cheryl M. Phillips
Name - Type or Print _____
Signature _____
2500 Apache Circle 410 415 6810
Address _____ Telephone No. _____
Balt MD 21209
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-30-A

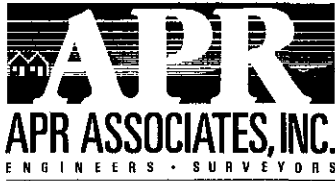
REV 9/15/98

Reviewed By [Signature] Date 7-23-99

Estimated Posting Date 8-1-99

DUE TO THE ODD SHAPE OF THE LOT AND THE ORIENTATION OF THE EXISTING DWELLING ON SAID LOT IT IS NOT REASONABLY POSSIBLE TO LOCATE A 2 CAR ATTACHED GARAGE ON SAID LOT WITHOUT EXTENDING BEYOND THE EXISTING SETBACK RESTRICTIONS. BEING ON A CUL-DE-SAC IS AN ADDITIONAL FACTOR CREATING THE DIFFICULTY AND NEED FOR A VARIANCE.

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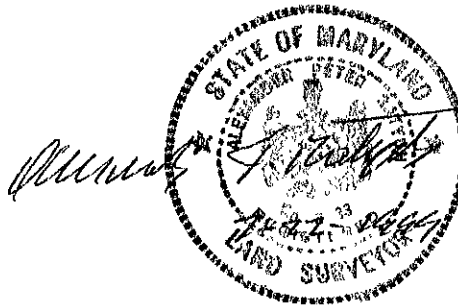


ZONING DESCRIPTION
FOR 2500 APACHE CIRCLE

BEGINNING AT A POINT on the North side of Apache Circle which is having a radius of 100.00 feet at the distance of 198 feet East from the centerline of the nearest improved intersecting street, which is Navajo Drive which is 50 feet wide.

BEING LOT # 21, BLOCK "F" in the subdivision of SECTION TWO VALLEY STREAM, as recorded in Baltimore County Plat Book G.L.B. # 20, Folio 85, containing 9,410 square feet or 0.2150 acres, also known as 2500 Apache Circle and located in the third Election District and the second Councilmanic District.

07/22/99



#30

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

00-030-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 7-23-99 ACCOUNT R-001-6150
AMOUNT \$ 50.00

RECEIVED FROM: M. Phillips

FOR: Residential Variance filing fee
2500. Apache C.R.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Case # 00-30-A

Item No. 070461

DATE RECEIVED
PAID RECEIPT

ISSUED 7/23/1999 7/23/1999 10:36:14

REF 4802 CASHIER (SMT LYS) DRAWER

Dept 5 FOR ZONING CERTIFICATION

Receipt # 101068

TR # 070461

Receipt Tot 50.00

50.00 DE 00.00

Baltimore County, Maryland

00-030-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-030-A
PETITIONER/DEVELOPER:
(David Phillips)
DATE OF Closing
(Aug. 16, 1999)

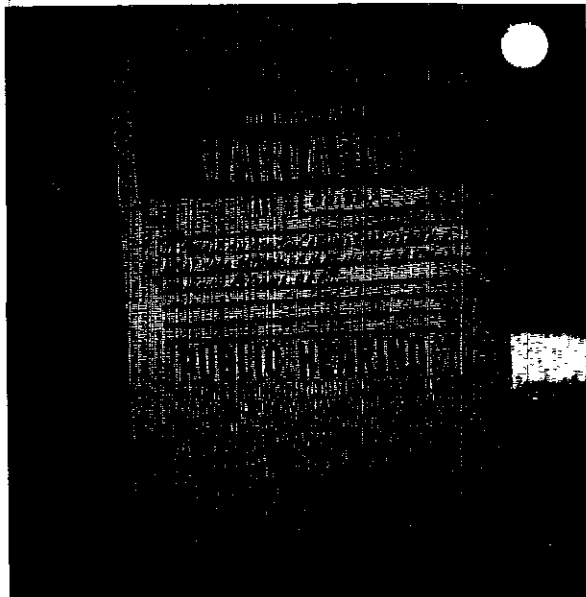
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

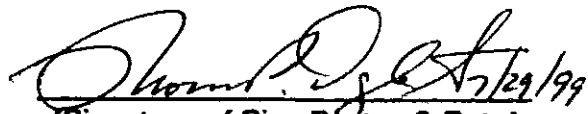
LADIES AND GENTLEMEN:

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
2500 Apache Circle Baltimore, Maryland 21209_____

The sign(s) were posted on_____ 7-29-99 _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

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

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁰~~00~~ 30 -A Address 2500 Apache Circle

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-23-99 Posting Date: 8-1-99 Closing Date: 8-16-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁰~~00~~ 30 -A Address 2500 Apache Circle

Petitioner's Name David Phillips Telephone _____

Posting Date: 8-1-99 Closing Date: 8-16-99

Wording for Sign: To Permit an addition (attached garage) with a front yard setback of 16 ft. in lieu of the minimum required 25 ft.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-30-A

Petitioner: DAVID PHILLIPS

Address or Location: 2500 Apache Cir, Balto, Md, 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: Same

Telephone Number: (410) 415-6810

FILE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 17, 2000

FROM: *Robert W. Bowling* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2000
Item Nos. 022, 023, 024, 026, 027, 028
031, 032, 033, 034, 035, 036

AUG 29

and

00-550-A, Revised 7/14/2000

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC-8-7-2000-NO COMMENT ITEMS.doc

Sent to ZONING COMMISSION 8-14-00

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: August 11, 1999

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

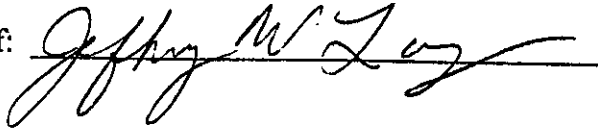
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

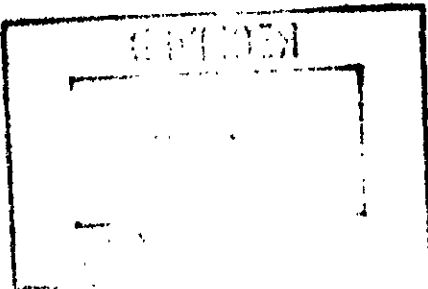
Item No(s): 001, 005, 023, 028, 030, 031, 032, 033, 034, 035, 038, 043, and 044

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 030 JJS

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

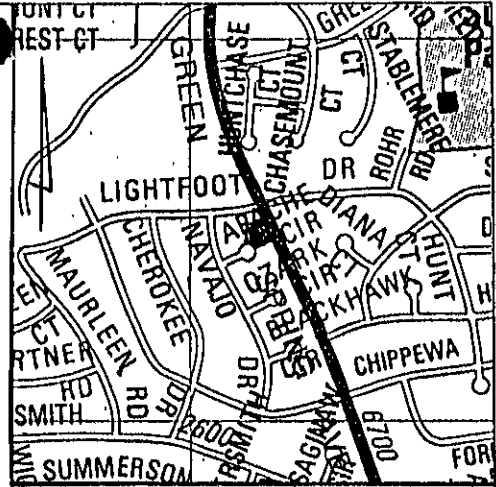
for Michael M. Lenhart, Chief
Engineering Access Permits Division

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

Lot #21, Block "F", Section Two
 Valley Stream, Plat Book
 GLB #20 folio 85



LOCATION MAP
 SCALE: 1"=1,000'

SECTION II
 VALLEY STREAM
 PLAT BOOK 20-85
 LOT 26

JOSEPH HAKIMI & WIFE
 LOT 22

EXISTING
 DWELLING
 #2502

BUILDING RESTRICTION
 LINE

BLOCK F
 LOT 21

EXISTING
 DWELLING
 #2500

PROPOSED
 GARAGE

PROPOSED
 DRIVE

APACHE
 CIRCLE

GREEN SPRING AVENUE

CATHERINE SHAMER
 LOT 20

EXISTING
 DWELLING
 #2501

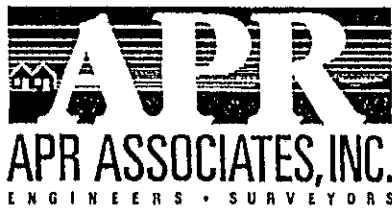
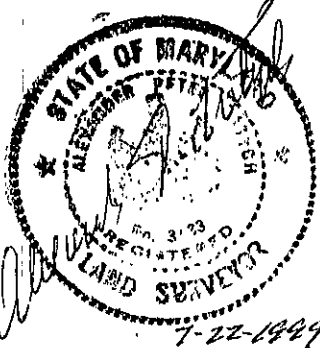
OWNERS: DAVID G&CHERYL M.
 PHILLIPS
 DEED REF.11969-1502
 MAP 78, GRID 6, PARCEL 536

LOCATION INFORMATION:

Election district: 3rd
 Councilmanic District: 2nd
 1"=200' scale map#: NW80
 Zoning: DR5.5
 Lot size: 0.21 Ac +/- or 8997 Sq.F
 public. private
 Sewer: (✓) ()
 Water: (✓) ()
 Chesapeake Bay Critical Area: no
 Prior Zoning Hearings: -

Zoning Office Use Only:

Reviewed by:	Item #:	Case #:
<i>[Signature]</i>	30	

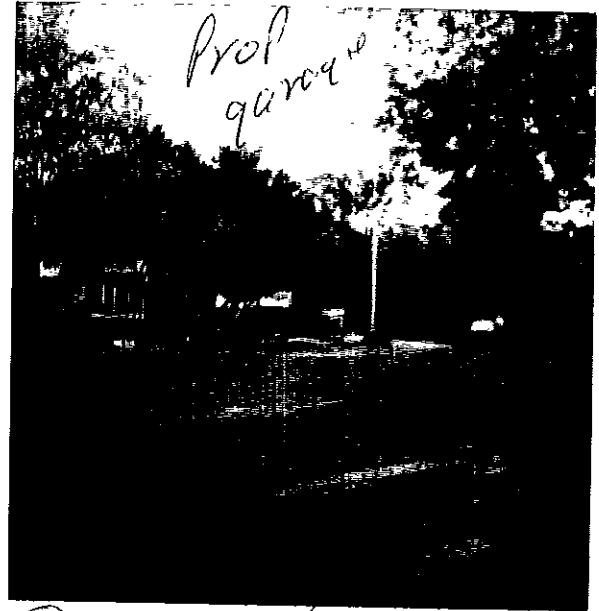


7422 HARFORD ROAD
 BALTIMORE, MD. 21234-7160
 410-444-4312 FAX: 410-444-1647
 E-mail: apr444@erols.com

PLAT TO ACCOMPANY
 PETITION FOR ZONING
 VARIANCE
 2500 APACHE CIRCLE
 THIRD ELECTION DISTRICT
 BALTIMORE COUNTY, MD

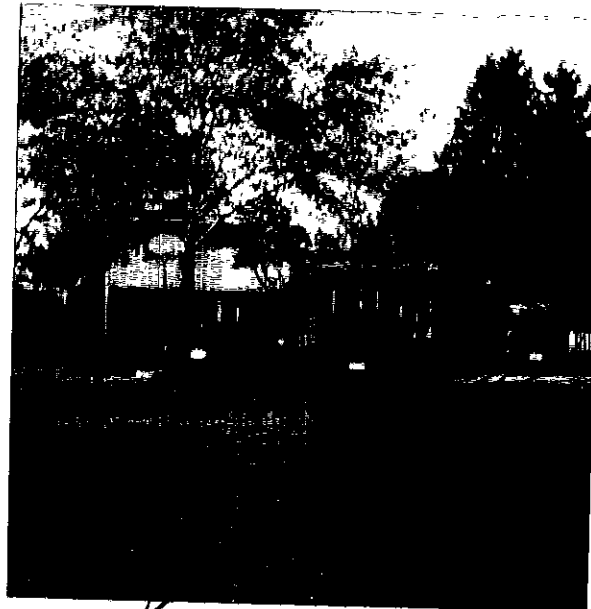
July 122 / 99
 SCALE: 1"=30' DATE

00-030-A



#20 2500 Apache prop.
Circle attached
#195 garage

#30 - #295
Subjct Property on Left
2500 Apache

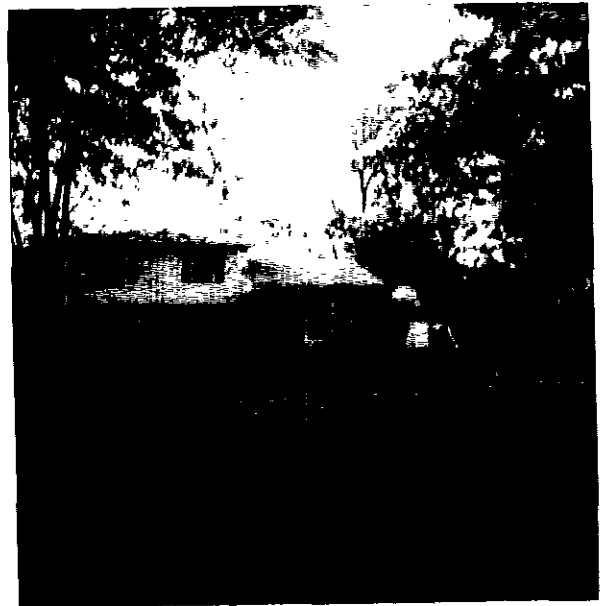


Prop. of Subjct Property #395
garage 2500 Apache
#30

00-030-A

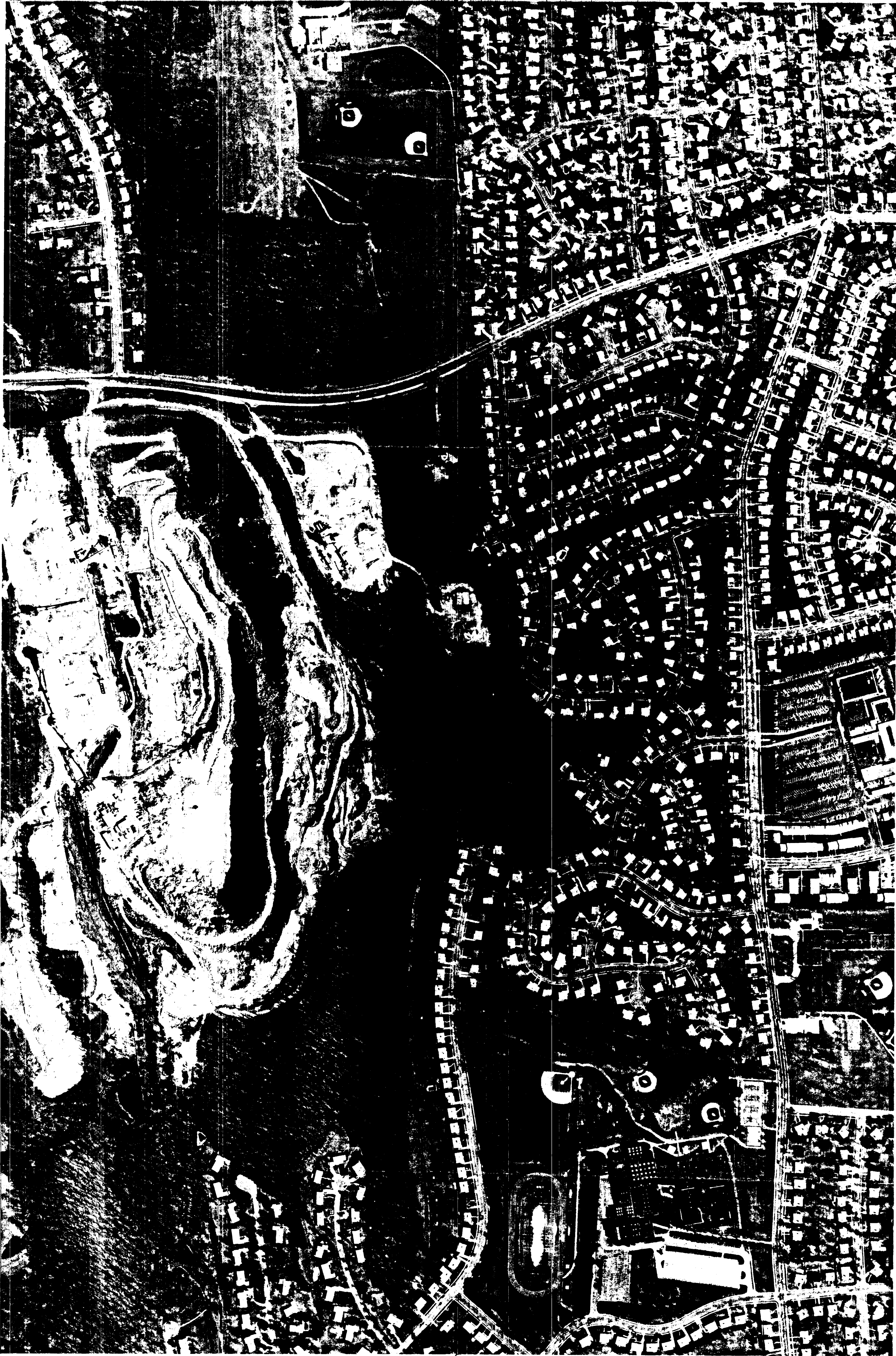


#30 ^{#40/5}
 2501 Apache
 Circle.



#30 ^{#50/5}
 2502 Apache Circle

00-030-A



MICROFILMED

SCALE		LOCATION	SHEET
1" = 200' ±		PIKESVILLE AREA	N.W. 8-D
DATE OF PHOTOGRAPHY JANUARY 1986			

pet. 6X.1

#30

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

00-030-A

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



NW-8-D