

IN RE: PETITION FOR VARIANCE

S/S Chattam Court, 25' W
of centerline of Simms Road
11th Election District
5th Councilmanic District
(1 Chattam Court)

Thomas Sperl, Petitioner
and
Michael Nace & Patricia Rafferty,
Contract Purchasers

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-111-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Thomas Sperl, Petitioner and Michael Nace & Patricia Rafferty, Contract Purchasers. The variance request is for property located at 1 Chattam Court which property is located in the Northwinds subdivision, located in the Carney area of Baltimore County. The variance request is from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a single family dwelling with a rear yard setback of 23 ft. in lieu of the required 35 ft. from a window to tract boundary and to amend the 2nd Amended Final Development Plan of Northwind Farms II, Lot 1, Parcel B, Block G.

Appearing at the hearing on behalf of the request were Dwight Little, professional engineer with W. Duvall & Associates, Inc. and Sandy Eshelman, appearing on behalf of Sierra Homes.

There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.201 acres, more or less, and is unimproved at this time. The subject lot is a corner lot situated on the corner of Simms Road and Chattam Court in the Northwinds subdivision.

ORDER RECEIVED FOR FILING

Date

By

11/1/99
R. J. G. [Signature]

The purchasers of the lot are desirous of constructing a small 14 ft. by 12 ft. morning room on the rear of the subject dwelling. The dwelling itself meets all setbacks for the lot, however, this additional construction of this morning room extends into the setback requirement. The morning room will be situated 23 ft. from the rear property line. In order to proceed with the construction of the home with the morning room, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

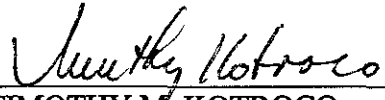
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 1st day of November, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a single family dwelling with a rear yard setback of 23 ft. in lieu of the required 35 ft. from a window to tract boundary and to amend the 2nd Amended Final Development Plan of Northwind Farms II, Lot 1, Parcel B, Block G, 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 his 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 RECEIVED FOR FILING
Date 11/1/99
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

November 1, 1999

Mr. Thomas Sperl
4208 Ebenezer Road
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 00-111-A
Property: 1 Chattam Court

Dear Mr. Sperl:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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

Copies to:

Mr. Michael Nace
Ms. Patricia Rafferty
11 Montauk Court
Baltimore, Maryland 21234

Mr. Dwight Little
Mr. Chuck Merritt
c/o W. Duvall & Associates, Inc.
530 E. Joppa Road
Towson, Maryland 21286

Ms. Sandy Eshelman
c/o Sierra Homes
4208 Ebenezer Road
Baltimore, Maryland 21236



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #1 Chattam Court

which is presently zoned DR 3.5

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) 1 B01.2.C.2 & B01.2.C.3 & J.B.S.2.

TO PERMIT A SINGLE FAMILY DWELLING WITH A REAR YARD SETBACK of 23' IN LIEU OF THE REQUIRED 35' FROM WINDOW TO TRACT BOUNDARY. AND TO AMEND THE ~~2ND~~ 2ND AMENDED FDP NORTHWOOD FARMS II LOT 1, PARCEL B, BLOCK G.

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

Required setback would not allow the morning room which is the only portion of the house that encroaches into the required setback. The remainder of the house complies with all setbacks.

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:

Michael Nace & Patricia Rafferty

Name - Type or Print

Signature

11 Montauk Court 410-529-3601

Address Telephone No.

Baltimore MD 21234

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Thomas Spertl

Name - Type or Print

Signature

Name - Type or Print

Signature

4208 Ebenezer Rd. 410-256-1000

Address Telephone No.

Baltimore, MD 21234

City State Zip Code

Representative to be Contacted:

Chuck Merritt

Name c/o W. Duvall & Associates, Inc.

530 E. Joppa Road 410-583-9571

Address Telephone No.

Towson MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JRF Date 9/13/99

Case No. 00-111-A

RECEIVED 9/15/98

CHARGE PROCURED FOR FILING

11/1/99

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



**530 East Joppa Road
Towson, Maryland 21286**

**Telephone: (410) 583-9571
Fax: (410) 583-1513**

ZONING DESCRIPTION FOR 1 Chattam Court

Beginning at a point on the South side of Chattam Court which is 50' wide at the distance of 25' West of the centerline of the nearest improved intersecting street Simms Road which is 50' wide. Being Lot #1 in the subdivision of Tract 'A' Northwind Farms II, Parcel B as recorded in Baltimore County Plat Book #70, Folio #135, containing 8756 SF or 0.2010 Ac. Also known as 1 Chattam Court and located in the 11th Election District, 5th Councilmanic District.

111

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072108

DATE 9-13-99

ACCOUNT R-001-G/SCO

AMOUNT \$ 100.00

RECEIVED FROM: W. Duvall & Asso.

1 Chatham Court

ITEM # 111

FOR: Old Variance, 030 Amend Taken by: JRP

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTION

TIME

9/13/1999 9/13/1999 10:22:32

REG #306 CASHIER JKR DRW

Dept 5 528 ZWING VERIFICATION

Receipt # 036494 (PLN)

CR NO. 072100

Receipt Tot 100.00

100.00 PK .00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/15/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Tues 10/12/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-111-A

1 Chatham Court

S/S Chatham Court, 25' W of centerline Simms Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Thomas Sperl

Contract Purchaser: Michael Nance & Patricia Rafferty

Variance: To permit a single family dwelling with a rear yard setback of 23 feet in lieu of the required 35 feet from window to tract boundary and to amend the 2nd Amended FDP Northwind Farms II, Lot 1, Parcel B, Block G.

Hearing: Thursday, October 28, 1999 at 10:00 a.m. in Room 106, County Office Bldg., 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JTU/10/682 Oct. 12

C346103

CERTIFICATE OF POSTING

RE: CASE # 00-111-A
PETITIONER/DEVELOPER:
(Michael Nance)
DATE OF Hearing
(Oct. 28, 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
1 Chattam Court Baltimore, Maryland 21234_____

The sign(s) were posted on _____ 10-12-99 _____
[Month, Day, Year]

Sincerely,

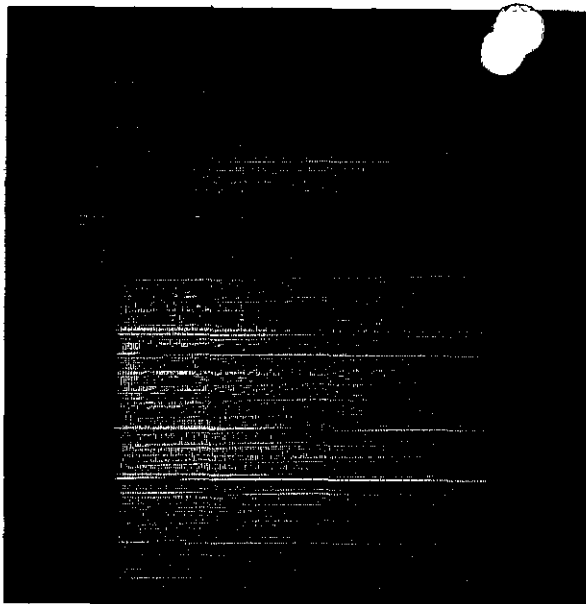

[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410) 687-8405 _____
[Telephone Number]



RE: PETITION FOR VARIANCE
1 Chattam Court, S/S Chattam Ct,
25' W of c/l Simms Rd
11th Election District, 5th Councilmanic

Legal Owner: Thomas Sperl
Contract Purchaser: Michael Nace & Patricia Rafferty
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-111-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to Chuck Merritt, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 7, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-111-A

1 Chattam Court

S/S Chattam Court, 25' W of centerline Simms Road

11th Election District - 5th Councilmanic District

Legal Owner: Thomas Sperl

Contract Purchaser: Michael Nance & Patricia Rafferty

VARIANCE: To permit a single family dwelling with a rear yard setback of 23 feet in lieu of the required 35 feet from window to tract boundary and to amend the 2nd Amended FDP Northwind Farms II, Lot 1, Parcel B, Block G.

HEARING: THURSDAY, OCTOBER 28, 1999 AT 10:00 A.M. IN ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

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

Arnold Jablon
Director

cc: Mr. Thomas Sperl
Mr. Chuck Merritt
Michael Nance and Patricia Rafferty

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY october 13, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

October 12, 1999 Issue - Jeffersonian

Please forward billing to:

Sierra Homes
4208 Ebenezer Road
Baltimore, MD 21234
410-256-1000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-111-A

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S/S Chattam Court, 25' W of centerline Simms Road
11th Election District - 5th Councilmanic District
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Contract Purchaser: Michael Nance & Patricia Rafferty

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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

80-III-A

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/neighbor 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: III

Petitioner: MICHAEL NACE & PATRICIA RAFFERT

Address or Location: 1 CHATTAM COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: SIERRA HOMES

Address: 4208 EBENEZER ROAD
BALTIMORE MD 21234

Telephone Number: 410 256-1000



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 10, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 12, 1999

Item No.: See Below

Dear Ms. Stephens:

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 comment at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

101, 102, 103, 104, 105, 106, 108, 109, 110, 111, 112,
114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,
125, 126, 127, 128 and 129

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 937-4881, MS-1102F

cc: File

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

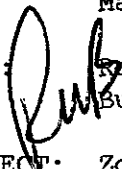


BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 19, 1999

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

SUBJECT: Zoning Advisory Committee Meeting
for October 18, 1999
Item Nos. 101, 102, 103, 104, 105,
108, 110, 111, 113, 114, 116, 117,
118, 119, 120, 121, 122, 123, 127,
128, and 129

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

RWB:HJO:jrb

cc: File

ZAC10189.NOC

10/98

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: October 12, 1999

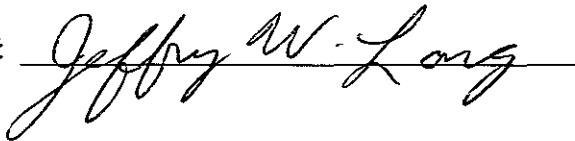
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 111 and 126

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: 8-25-99

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

RE: Baltimore County
Item No. 111 JRF

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 Kenneth A. McDonald Jr., 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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

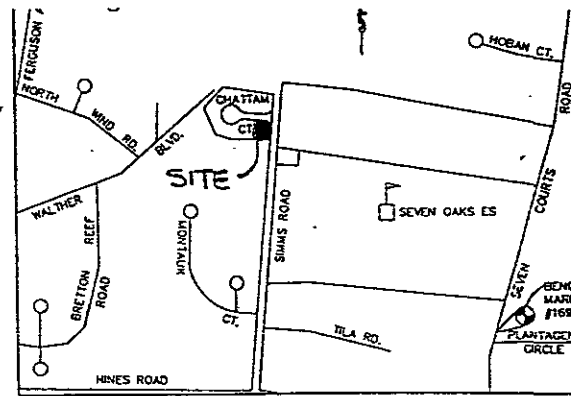
DWIGHT LITTLE
Sandy Eshelman

W. Durrall & Assoc.
530 E. Joppa Rd. Towson 21286
4208 Ebenezer Rd.
Baltimore 21236

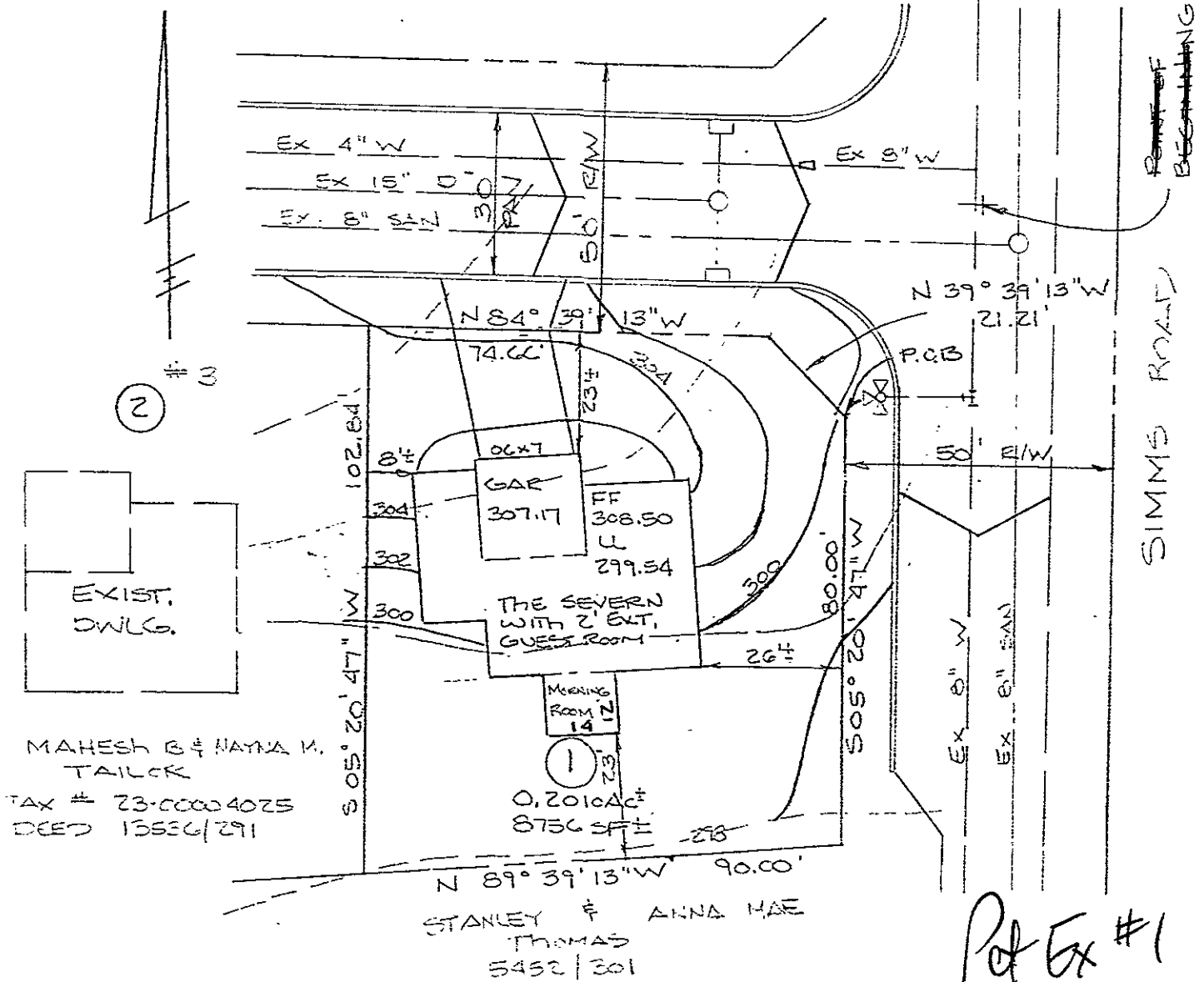


- THIS SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN.
- NOT IN CHESAPEAKE BAY CRITICAL AREA
- NO PRIOR ZONING HISTORY EXISTS.

00-111-A



CHATTAM COURT



MAHESH B & NAYNA M.
TAILOR
TAX # 23-00004025
DEED 13536/291

STANLEY & ANNA HAE
THOMAS
5452/301

CONTRACT PURCHASER

MICHAEL NACE &
PATRICIA RAFFERT
11 MONTAUK COURT
BALTO. MD 21234

PLAT TO ACCOMPANY
PETITION FOR
VARIANCE

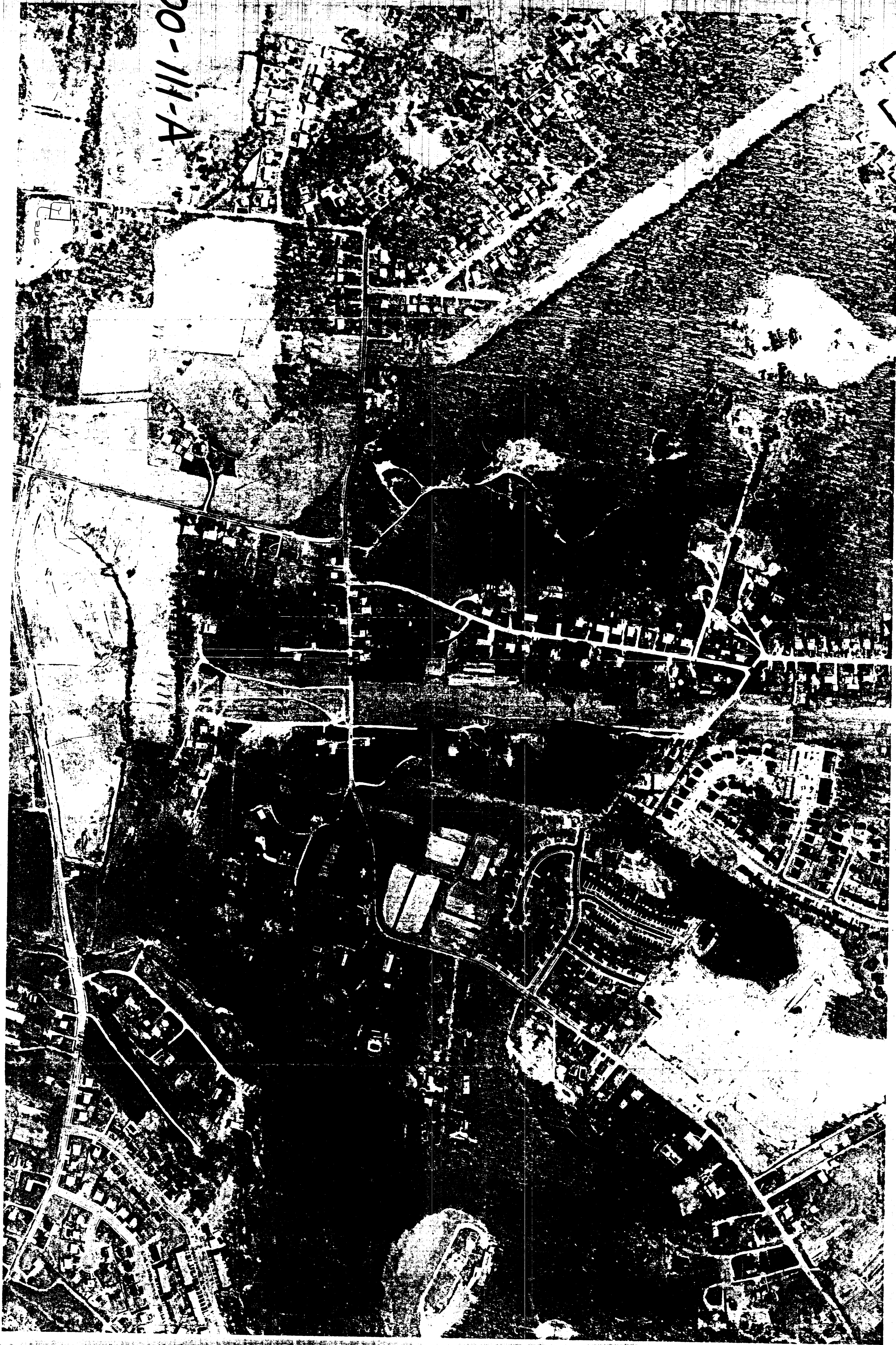
NORTHWIND FARMS II
LOT 1 PARCEL B CHATTAM CT.
11th ELECT DIST BALTO. CO. MD.
5th COUNCILMANIC DIST.
SCALE 1"=30' 8/23/99

PLAT REF 70-135

#111



W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
TEL (410) 583-9571
FAX (410) 583-1513



00-111-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE

1" = 200' ±

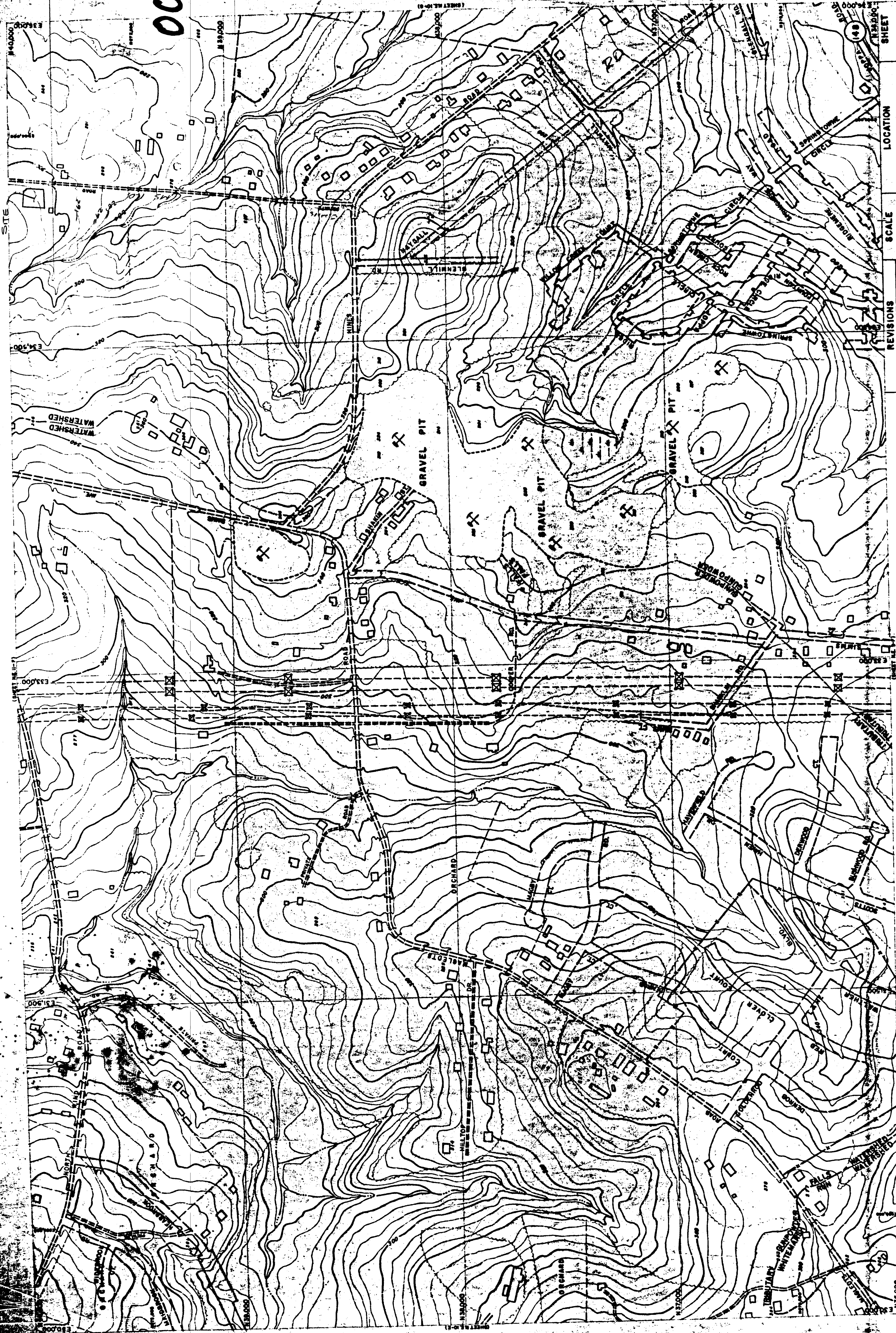
DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET

LOCATION
CARNEY #11
PERRY HALL

N.E.
10-F

00-111-A



PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

N-NE M-NW
R-SE Q-SW

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	CARNEY	NE
	1/8/64	DATE OF PHOTOGRAPHY	RERRY HALL	10-F
		APRIL, 1963		

Topography Compiled by Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.