IN RE: PETITION FOR ADMIN. VARIANCE
W/S Arry Place, 220' N
Of centerline of Tommytrue Court
9th Election District
6th Councilmanic District
(8516 Arry Place)

Marietta Kirk & Joseph H. Kirk, Jr. Petitioners

\* BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

k CASE NO. 00-133-A

#### 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, Marietta Kirk & Joseph H. Kirk, Jr. The variance request is for property located at 8516 Arry Place in the Village of Old Harford subdivision of Baltimore County. The Petitioners herein seek a variance from Section 504 (V.B.5.6 of the Comprehensive Manual of Development Process (C.M.D.P.)) and Section 1B01.2.C.2.a (V.B.5.a., C.M.D.P.) to permit a 20 ft. building and window to tract boundary setback in lieu of 30 ft. and 35 ft. respectively. 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

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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 day of November, 1999 that a variance from Section 504 (V.B.5.6 of the Comprehensive Manual of Development Process (C.M.D.P.)) and Section 1B01.2.C.2.a (V.B.5.a., C.M.D.P.) to permit a 20 ft. building and window to tract boundary setback in lieu of 30 ft. and 35 ft. respectively, 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

ONTE ACT CLUBOTH WITH



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

Fax: 410-887-3468

November 16, 1999

Mr. & Mrs. Joseph H. Kirk, Jr. 8516 Arry Place Baltimore, Maryland 21234

Re: Petition for Administrative Variance

Case No. 00-133-A Property: 8516 Arry Place

Dear Mr. & Mrs. Kirk:

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,

Timothy M. Kotroco

**Deputy Zoning Commissioner** 

luthy lotroes

TMK:raj Enclosure



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

Fax: 410-887-3468

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Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

	for the pr	operty located at	8516 Arry	Mace
	•		h is presently zoned	DR 16
This Petition shall be filed w owner(s) of the property situate made a part hereof, hereby pet	e in Baitimore County a tition for a Variance fron	nd which is described Section(s)	d in the description and	plat attached hereto an
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permit a 21	o-f+ building i	and window	to tract boun	dary sctback
in litu of	30 ft and 3	5ft, respec	to tract boun trucky.	
of the zoning regulations of Bal of this petition form.	ltimore County, to the z	oning law of Baltimor	re County, for the reaso	ns indicated on the bac
Property is to be posted and ac I, or we, agree to pay expenses of regulations and restrictions of Balt	f above Variance, advertis	inα, posting etc. and f	further agree to and are to	be bounded by the zoning
		perjury, tha	olemnly declare and affirm at I/we are the legal owner ect of this Petition.	, under the penalties of r(s) of the property which
Contract Purchaser/Lesse	<u>e:</u>	<u>Legal O</u>	wner(s):	
		Jose	ph H. Kirk J	- R.
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Signature	· · · · · · · · · · · · · · · · · · ·	Signature		
Address	Telephone N	lo.   Y   A F		
City	State Zip Co	de Signature	retta Birk	
Attorney For Petitioner:		8516	ARRY PLACE	= 410-661-520
		Address	Limana Mar	Telephone No
Name - Type or Print		City	TIMBRE, MAKE	<u>YIAND 21234</u> State Zip Code
Signature		<u>Represe</u>	entative to be Contac	cted:
Signature			a box	
Company		Name		
Address	Telephone N	D. Address		Telephone No.
Ony 3	State Zip Co	de City		State Zip Code
A Public Hearing having been forma	ally demanded and/or foun	d to be required, it is a	rdered by the Zoning Comm	nissioner of Baltimore County
this day of regulations of Baltimore County and that	that the subject ma	tter of this petition be set	for a public hearing, advertis	sed, as required by the zoning
K -		Z	oning Commissioner of Baltim	nore County
CASE NO. 00 - 133	3-4	Reviewed By	mOK Date	9/27/99
R8V 9115198		Estimated Postin	·	99

# 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.

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competent to testify thereto in the event that a pi	ablic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	25/6 ARRY PIACE
	BAITIMORE MARYIAND 21234
	BAITIMORE MARYIAND 21234 City State Zip Code
That based upon personal knowledge, the follow	wing are the facts upon which I/we base the request for an Administrative
Variance at the above address (indicate hardship	o or practical difficulty):
The proposed addition will	t me de cal con dition) wan ento her to be with her
elderly parent, whose curun	I improve her quality of life. Our family currently
family, who cancare for her are	home in a three bedroom two stoy townhase.
consists of four adults and	or practical difficulty):  the used as an extra bedroom to be used by our  to medical condition) warrents her to be with her  demprove her quality of life. Our family currently  in home is a three bedroom, two story townhowse,  hetis our mom has, she is unable to use the stairs,  - charale and by The newaddition would not
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nor is the possibility of a sour	and the live are an end-of -group townhouse
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bwn; cutting the trus and gras	or have maintained this adjust property as our of and Kuping up the landscape There is no or the a distini) due to the way our develling is
The place which is pressive of	J. C.
laid out and constructed on the	site.
That the Affiant(s) acknowledge(s) that if a for	rmal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide a	dditional information.
00-11/6.8	m. 11 1/1.
Signature / 2 / 2 / 2	Marietta Kirk
Tostal H Kick To	Maguelta Val
JOSEPH H. KIRK JR Name-Type or Print	MARIEHA KIRK Name - Type or Print
•	·
STATE OF MARYLAND, COUNTY OF BALTIM	1
I HEREBY CERTIFY, this 24 th day of 5 of Maryland, in and for the County aforesaid, per	tonally appeared., 1999, before me, a Notary Public of the State
	. <b>.</b>
the Affiant(s) herein, personally known or satisf	actorily identified to me as such Affiant(s), and made oath in due form of
law that the matters and facts hereinabove set for	orth are true and correct to the best of his/her/their knowledge and belief.
AC MITNESS my band and Notarial Cool	September 1997
AS WITNESS my hand and Notarial Seal	
Septender 24. 1999	Susa C. Hesson
Date /	Notary Public Susan C. Hesson
	My Commission Expires
REV 09115198	The money was the second of th
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### **Petition for Administrative Variance**

### to the Zoning Commissioner of Baltimore County

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	for the propert	y located at $85$	16 Arry	Place
		which is p	resently zoned _	DR 16
This Petition shall be filed with the De owner(s) of the property situate in Baltimmade a part hereof, hereby petition for a 504 (V·B·5·6, CMD)  Permit a 20-ft In lieu of 30	ore County and whi	ch is described in the	description and pl	at attached hereto and
of the zoning regulations of Baltimore Cor of this petition form.	unty, to the zoning l	aw of Baltimore Cour	nty, for the reasons	s indicated on the back
Property is to be posted and advertised a 1, or we, agree to pay expenses of above Var regulations and restrictions of Baltimore Cour	iance, advertising, po	sting, etc. and further a	gree to and are to b ltimore County.	e bounded by the zoning
		I/We do solemnly perjury, that I/we a is the subject of the	are the legal owner(s	under the penalties of s) of the property which
Contract Purchaser/Lessee:		Legal Owner(	<u>s):</u>	
Name - Type or Print		Joseph Name Type or Prin	<u>H. KIR</u>	K, JR
Signature		Signature MARIE	HA KIR	<i>Y</i>
Address	Telephone No.	Name - Type or Prin	t / '0	
City State	Zip Code	Signature	121	
Attorney For Petitioner:		Address	RRY PLAC	CE 410-661-520 Telephone No.
Name - Type or Print	<del></del>	City BAIHIMO	NE, MARY Sta	AND 2/234
Signature		Representativ	e to be Contact	<u>ed:</u>
Company		Name	6K	
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	Sta	ate Zip Code
A Public Hearing having been formally demand this day of that regulations of Baltimore County and that the property	it the subject matter of th	required, it is ordered this petition be set for a pu	by the Zoning Commis	sioner of Baltimore County, i, as required by the zoning
CASE NO. 00-133-A	Pov	iewed By \mull		9/27/44
REV 9/15/98	Esti	imated Posting Date	= <u>10/10/99</u>	

Beginning on the west side of Arry Place, 62 feet ande, at the distance of 220 feet north of the centerline of Tommy true Court. Being Lot 46, Block B of the amended plat of The Village of Old Harford, recorded in Plat Book 39, folio 19. Also known as 8516 Arry Place, containing . 103 of an acre and located in the 9th Election District.

	BALTIMORE COUNTY, MARY ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	RY ND No. 072160	PAID RECEIPT PROCESS ACTUAL TIME
	DATE 9/27/99	ACCOUNT 01-615	9/28/1959 9/27/1999 15:22:03 REG MSOL CASMIER JRIC JNR DRAMER 1 Deol 5 528 JANIM: HEDITINATION
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#### CERTIFICATE OF POSTING

RE: CASE # 00-133-A
PETITIONER/DEVELOPER:
(Joseph Kirk, Jr.)
DATE OF Closing
(Oct. 25, 1999)

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

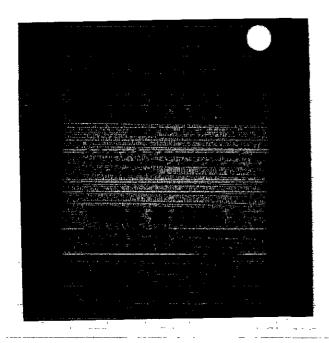
ATTENTION: MS. GWENDOLYN STEPHENS

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
8516 Arry Place Baltimore, Maryland 21234\_\_\_\_\_\_

The sign(s) were posted on\_\_\_\_\_ 10-10-99\_\_\_\_

[Month, Day, Year]



Sincerely,
Olsom De idiolas
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410}-687-8405 (Telephone Number)

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: # 133
Petitioner: Joseph H. Kirk, Jr.
Address or Location: 8516 Arry Place
<i></i>
PLEASE FORWARD ADVERTISING BILL TO:
Name: Joseph H. Kirk, Jr.
Address: 8516 Arry Place
Address: 8516 Arry Place Balto. MD 21234
Telephone Number: (416)661-526/

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case	Number	00-	133	-A	Addres	851C	Arry	Place	
Conta	ct Perso	n: <u>M</u>	1.tchell	Kcll m	ur Name		Phor	ne Number:	410-887-3391
Filing	Date: _	9/2				: 10/10/99		Closing Da	te: 10/25/9
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3.	commis order th (typicall	sioner at the y with	r. He may: e matter be in 7 to 10 c	: (a) grant t e set in for	the reques a public losing date	ted relief; (line) hearing. You who	b) deny t 'ou will r ether the	he requeste eceive writ petition has	deputy zoning ed relief; or (c) ten notification been granted, s mail.
<b>4</b> .	(whethe commis change)	r due sionei d givir certifi	to a neig ), notificati g notice of	hbor's formation will be formation to the formation of the formation of the following the formation of the f	al request forwarded date, time	or by order to you. To and location	er of the he sign n. As wh	zoning or on the pro nen the sigr	public hearing deputy zoning perty must be was originally e forwarded to
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Petitio	oner: Th	is Pa	rt of the Fo	orm is for th	e Sign Po	ster Only			•
			USE THE	ADMINISTR	RATIVE VA	RIANCE S	IGN FOR	MAT	
Case l	Number	00-	133 .	A Add	dress85	TIC Arr	y Plau	<u> </u>	
Petitio	ner's Na	me <u> </u>	oseph	H Kirk	, Jr		Telepho	one <u>4/0 - 6</u>	61-5261
Postir	ng Date:	10	10/99			Closing Da	te: <u>/</u> 0	125 /99	
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Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

November 29, 1999

RECEIVED JAN 0 5 2000

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 25, 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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

130, 131, (133) 134, 135, 137, 140, 142, 143, 144, 148, 149, 150, 151, 152,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



AV 10/25

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE



Date: November 2, 1999

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

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

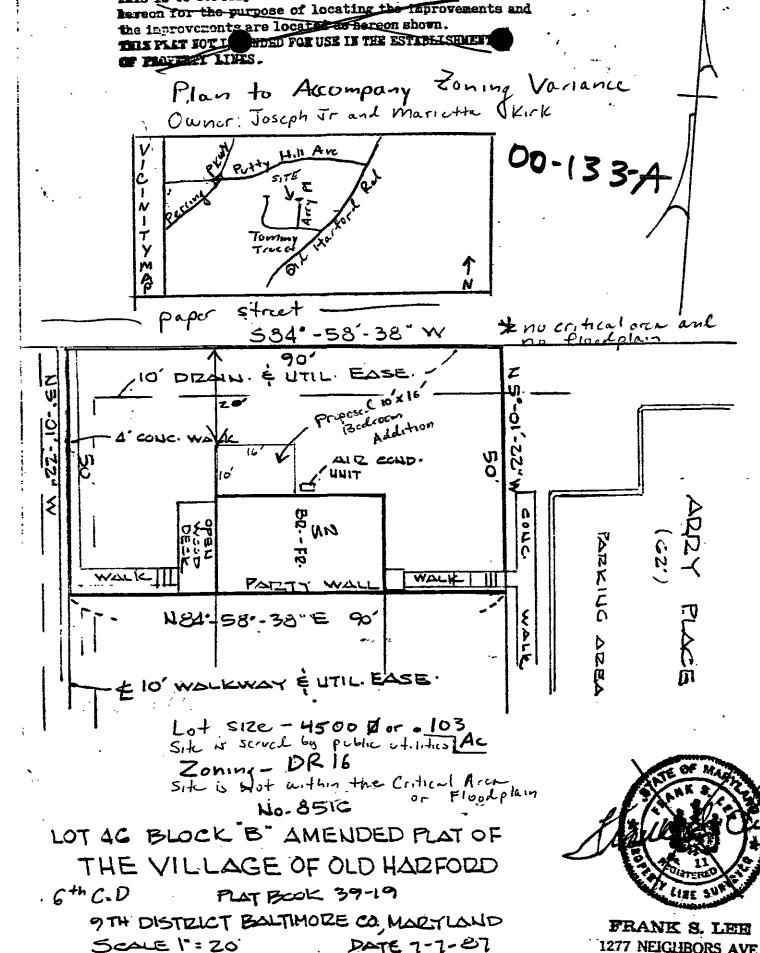
The Office of Planning has no comment on the following petition(s):

Item No(s): 133

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



DATE 7-1-87

PET. EX.#1

200 Scale Zoning map -: NE 9-D

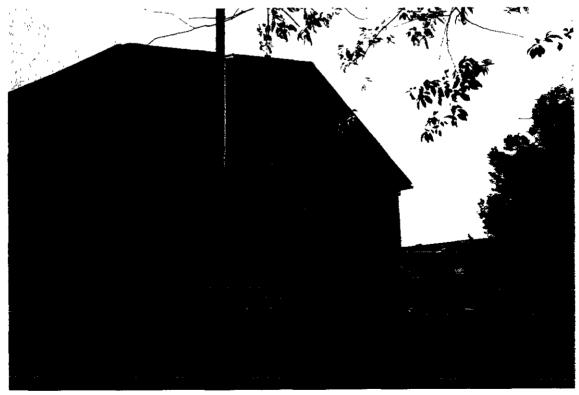
1277 NEIGHBORS AVE BALTIMORE, MD. 21237

# 133

00-133-A

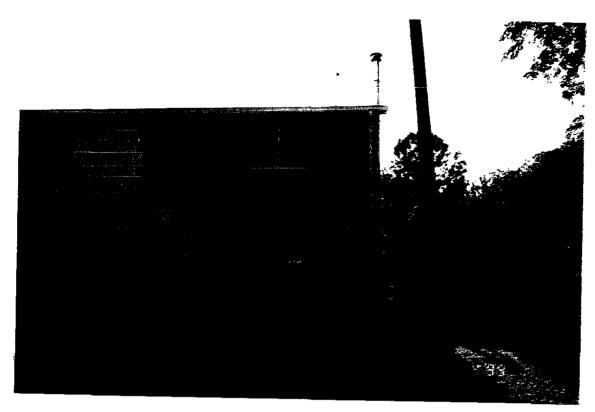














### 00-133-A





TO: Mitch Kellman

LIBER PAGE 100

8516 ARRY Place Joseph Kirk

IN THE MATTER OF

\* BEFORE THE

THE CLOSING OF

ŧξ

\* COUNTY EXECUTIVE

00-133-A

DIEHL AVENUE, a paper street

\* OF

\* BALTIMORE COUNTY

\* \* \* \* \* \*

#### ORDER

WHEREAS, certain freeholders of Baltimore County, State of Maryland, have petitioned to open and close a paper street, Diehl Avenue, forty feet wide, as shown on the plat of Selby Heights, which Plat is recorded among the Land Records of Batimore County in Plat Book W.P.C. No. 5, folio 63 from the westernmost end thereof where the road intersects a private road, easterly a distance of 530 feet more or less, to the easternmost end thereof where said avenue intersects the western side of Old Harford Road as laid out thereon on said Plat, in the Ninth Election District, Baltimore County, Maryland; and

WHEREAS, a notice of said road closing was published in a local Baltimore County newspaper giving notice by publication of the intention to close said portion of said road; and

WHEREAS, the petitioners have caused notice to be served on all abutting property owners; and

WHEREAS, hearings as set forth in the advertisement, hereinbefore referred to, were held on August 12, 1976 at 10 A.M. and August 11, 1977 at 2 P.M. in the office of the County Executive, on the Mezzanine Floor, Court House, Towson, Maryland 21204 for the purpose of receiving objections; and

WHEREAS, certain objections were raised at the said hearing protesting the said closing; and

WHEREAS, the County Administrative Officer has found that said objections had no basis in fact and further found that the portion of Diehl Avenue is not needed for public travel.

103

LIBER. PAGE 104

NOW, THEREFORE, it is this 23 day of March, 1978, by Baltimore County, Maryland

ORDERED that the hereinabove described portion of Diehl Avenue, as shown on a Plat of Selby Heights, a copy of which is attached hereto and fully intended to be made a part hereof, be and the same is hereby opened and closed. Said closing however, subject to Baltimore County, Maryland, a body corporate and politic, reserving and retaining therein, any easements, expressed, proposed or implied, including but not limited to water, sewer and storm drains.

ADOPTED this 23 day of March, 1978.

ATTEST

BALTIMORE GOUNTY, MARY

A ..... do no ha forma

Hareley Chaper

Assistant County Solicitor

Approved as to legal sufficiency:

Assistant County Solicitor

3 rol Bod m Land Recons



appoped (Exa, Collection)

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