

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Perry Road, 613.3' SW
of centerline of Fitch Avenue
14th Election District
6th Councilmanic District
(7815 Perry Road)

John E. & Paulette Heinlein
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-160-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by John E. and Paulette Heinlein, property owners, for that property known as 7815 Perry Road in the Fullerton area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 (chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 4 ft. in the side yard and 26 ft. in the rear yard in lieu of the required 10 ft. sum of 25 ft. side yard and 30 ft. rear yard and to amend Lot 13 Perry Place F.D.P. to build outside the building envelope. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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.

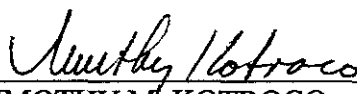
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 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.

ORDER RECEIVED FOR FILING
DATE 11/17/99
BY J.R. [Signature]

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 17th day of November, 1999, that a variance from Section 1B02.3.C.1 (chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 4 ft. in the side yard and 26 ft. in the rear yard in lieu of the required 10 ft. sum of 25 ft. side yard and 30 ft. rear yard and to amend Lot 13 Perry Place F.D.P. to build outside the building envelope, 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

COPIES RECEIVED FOR FILING
11/17/99




Baltimore County
Zoning Commissioner

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

November 17, 1999

Mr. & Mrs. John E. Heinlein
7815 Perry Road
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 00-160-A
Property: 7815 Perry Road

Dear Mr. & Mrs. Heinlein:

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 that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7815 PERRY ROAD
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) 1B 02.3 C, 1 (CHART) to Permit

A SETBACK OF 4 FT IN THE SIDE YARD & 20 FT IN THE REAR YARD. IN LIEU OF THE REQUIRED 10 FT SIDE OF 25 FT SIDE YARD & 30 REAR YARD. AND TO AMEND LOT 13 PERRY PLACE FDP. TO BUILD OUTSIDE THE BUILDING ENVELOPE.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

John work 410-918-7112

Address Telephone No.

7815 Perry Road 410-661-7430

City State Zip Code

Representative to be Contacted:

Name

Address

City

Name - Type or Print

Signature

Company

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. 00-160-A

Reviewed By JMA Date 10-20-99

Estimated Posting Date 10-31-99

ORDER RECEIVED FOR FILING
DATE 10/20/99
BY [Signature]

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 7815 PERRY ROAD
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):

Due to our expanding family we want to build an addition to make our living space more convenient. We cannot afford another home, so this is our only option. My wife has Rheumatoid Arthritis and using our basement for additional space is not favorable to her condition. Due to our basement entrance our addition will have to be situated on our property as shown in our drawings. Even with this addition we will still be 42' from our neighbors house on Lot #16. We would like everything to be on one floor and do to the dimensions of our property this is the best place to put the addition.

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.

John E. Heinlein
Signature
John E. Heinlein
Name - Type or Print

Paulette Heinlein
Signature
Paulette Heinlein
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of October, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John E Heinlein and Paulette Heinlein
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

October 5th 1999
Date

Paulette Heinlein
Notary Public

My Commission Expires 4/1/03

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 7815 PERRY ROAD
Address
BALTIMORE, MARYLAND 21236
City State Zip Code

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John E. Heinlein
Signature
John E. Heinlein
Name - Type or Print

Paulette Heinlein
Signature
Paulette Heinlein
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of October, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John E. Heinlein and Paulette Heinlein
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

October 5th 1999
Date

Paulette Heinlein
Notary Public

My Commission Expires 4/1/03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7815 PERRY RD.
 which is presently zoned DR 3.5

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A SETBACK OF 4 FT. IN THE SIDE YARD 5' 26 FT. IN THE REAR YARD IN LIEU OF THE REQUIRED 10 FT. SUM OF 25 FT. SIDE YARD & 30 FT. REAR YARD AND TO AMEND LOT 13 PERRY PLACE F.D.P. TO BUILD OUTSIDE THE BUILDING ENVELOPE.

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:

Legal Owner(s):

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

John E. Heinlein
 Name - Type or Print _____
John E. Heinlein
 Signature _____
Paulette Heinlein
 Name - Type or Print _____
Paulette Heinlein
 Signature _____

Attorney For Petitioner:

John work-410-918-7112
 Address _____ Telephone No. _____
7815 Perry Road 410-661-7430
 Address _____ Telephone No. _____
Baltimore, Maryland 21236
 City _____ State _____ Zip Code _____

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

Representative to be Contacted:
SAME OF ABOVE
 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. 00-160-A

Reviewed By SOA Date 10-20-99

REV 9/15/98

Estimated Posting Date 10-31-99

● Zoning Description ●

ZONING DESCRIPTION FOR 7815 PERRY ROAD

Beginning at a point on the East side of Perry Road which is 45 feet wide at the distance of 613.3' south west of the centerline of the nearest improved intersecting street Fitch Avenue

Being Lot # 13, Block (NA), Section # (NA)

in the subdivision of Perry Place

as recorded in Baltimore County Plat Book #39,

Folio # 72, containing 6,534 square feet. Also

Known as 7815 Perry Road and located in

the 14th Election District, ^{6th} ~~7th~~ Councilmanic

District.

SJA

00-160-12

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

00-160-A

No. 073226

DATE 10-20-99 ACCOUNT R-001-6130

AMOUNT \$ 50

RECEIVED FROM: THOMAS PAULETTE HEENEWEL

FOR: ADMIN. FEE 50

TOTAL 50

SECTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

STH

PAID RECEIPT
PROCESS ACTUAL TIME
10/20/1999 10/20/1999 13:18:30
REG 0302 CASHIER DOOL AND DRAWER
Dept 5 528 ZONING VERIFICATION
Receipt # 11306
LR NO. 073226
Receipt Tot 50.00
50.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-160-A
PETITIONER/DEVELOPER:
(John Heinlein)
DATE OF Closing
(Nov. 15, 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
7815 Perry Road Baltimore, Maryland 21236__

The sign(s) were posted on _____ 10-29-99 _____
[Month, Day, Year]

Sincerely,

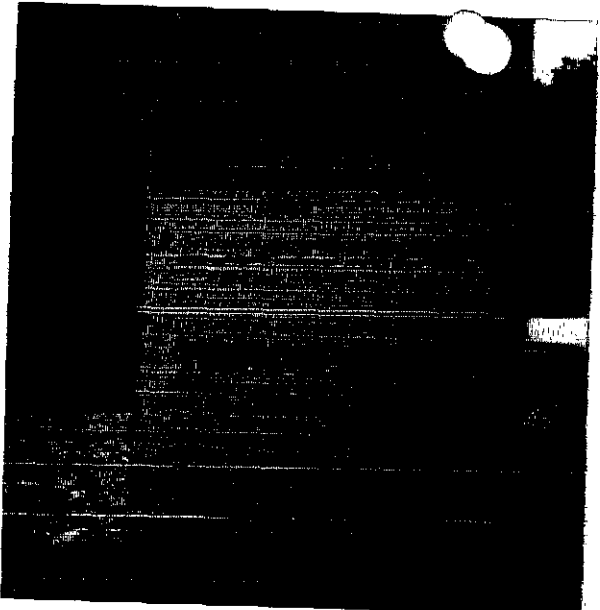

[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

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



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 160 -A Address 7815 PERRY RD.

Contact Person: SOA R. ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10-20-99 Posting Date: 10-31-99 Closing Date: 11-15-99

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

- 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.
- 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.
- 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.
- 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- 160 -A Address 7815 PERRY RD.

Petitioner's Name SOA & PAULETTE HEWLEIN Telephone 410-661-7450

Posting Date: 10-31-99 Closing Date: 11-15-99

Wording for Sign: To Permit A SIDE YD. SETBACK OF 4 FT & REAR YD. OF 20 FT IN LEW OF 10 & 25 SIDE & 30 FT. REAR YARD IN A DR-SS-40

SOA 00-160-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/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: 00-160-A
Petitioner: John & Paulette Heinlein
Address or Location: 7815 Perry Rd., Baltimore, MD 21236

PLEASE FORWARD ADVERTISING BILL TO:

Name: John E. Heinlein
Address: 7815 Perry Rd.
Baltimore, MD. 21236
Telephone Number: (410) 661-7430

Revised 2/20/98 - SCJ

SA 00-160-A -16-

Plat to accompany Petition for Zoning Variance Special Hearing

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

PROPERTY ADDRESS: _____

Subdivision name: _____

plat book # _____, folio# _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
North
scale: 1" = 1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1" = 200 scale map#: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

SEWER: PUBLIC PRIVATE
WATER:

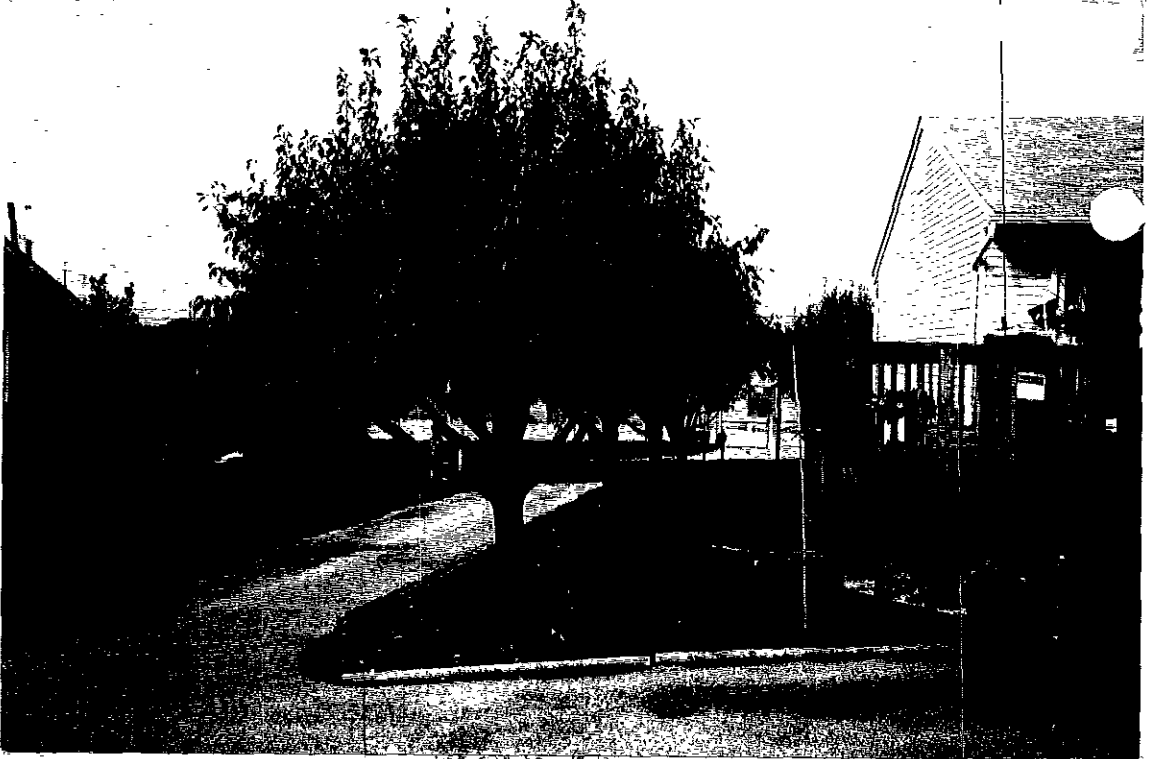
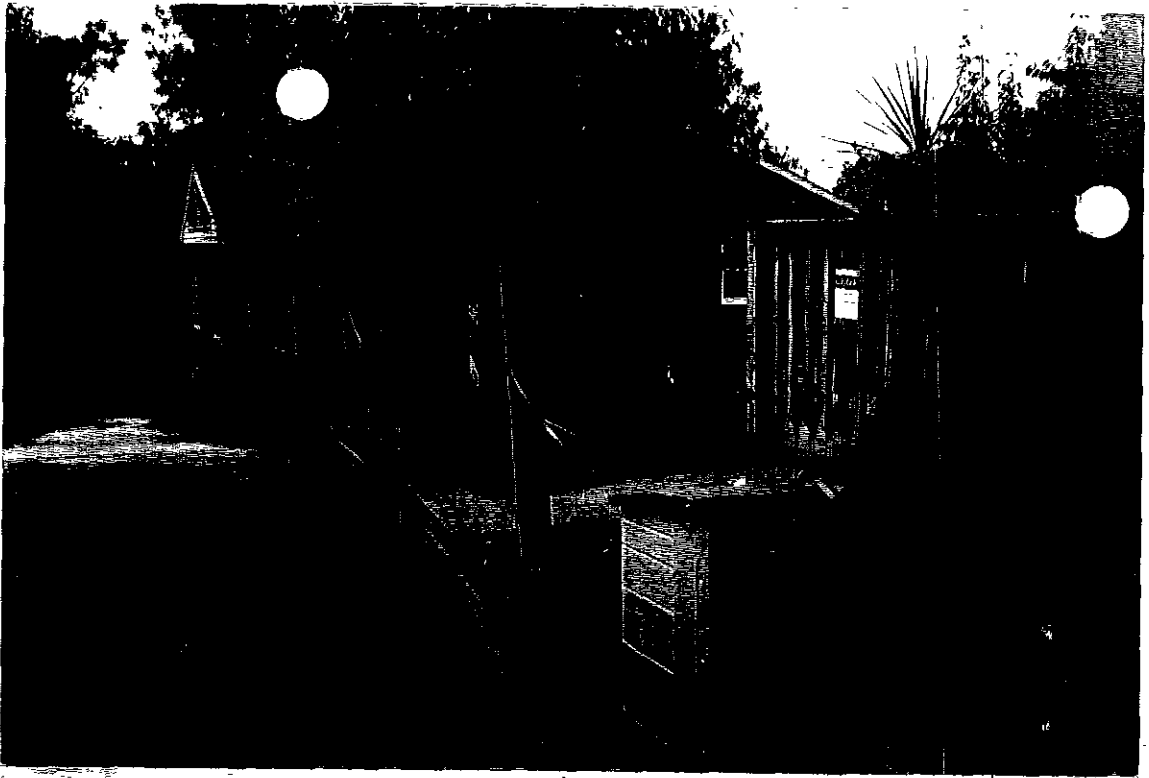
Chesapeake Bay Critical Area: YES NO

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____







Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 16, 1999

Mr. John Heinlein
7815 Perry Road
Baltimore, MD 21236

Dear Mr. Heinlein:

RE: 00-160-A , 7815 Perry Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on .

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

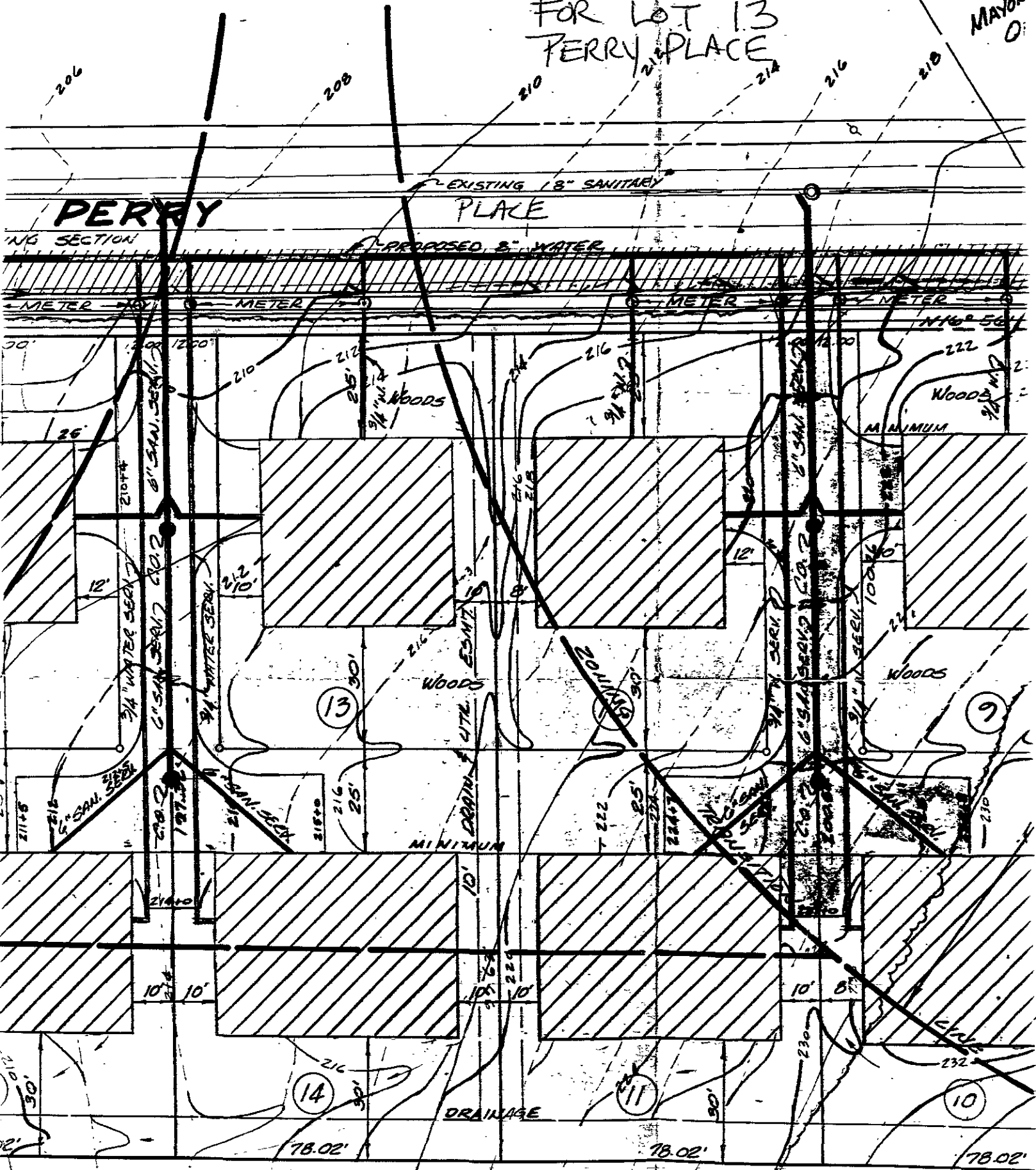
WCR:rsj



D.R.S.S
1" = 30'

PLAN FOR FDP AMENDMENT FOR LOT 13 PERRY PLACE

100' TUNNEL
MAYOR O



WOODS →

50A

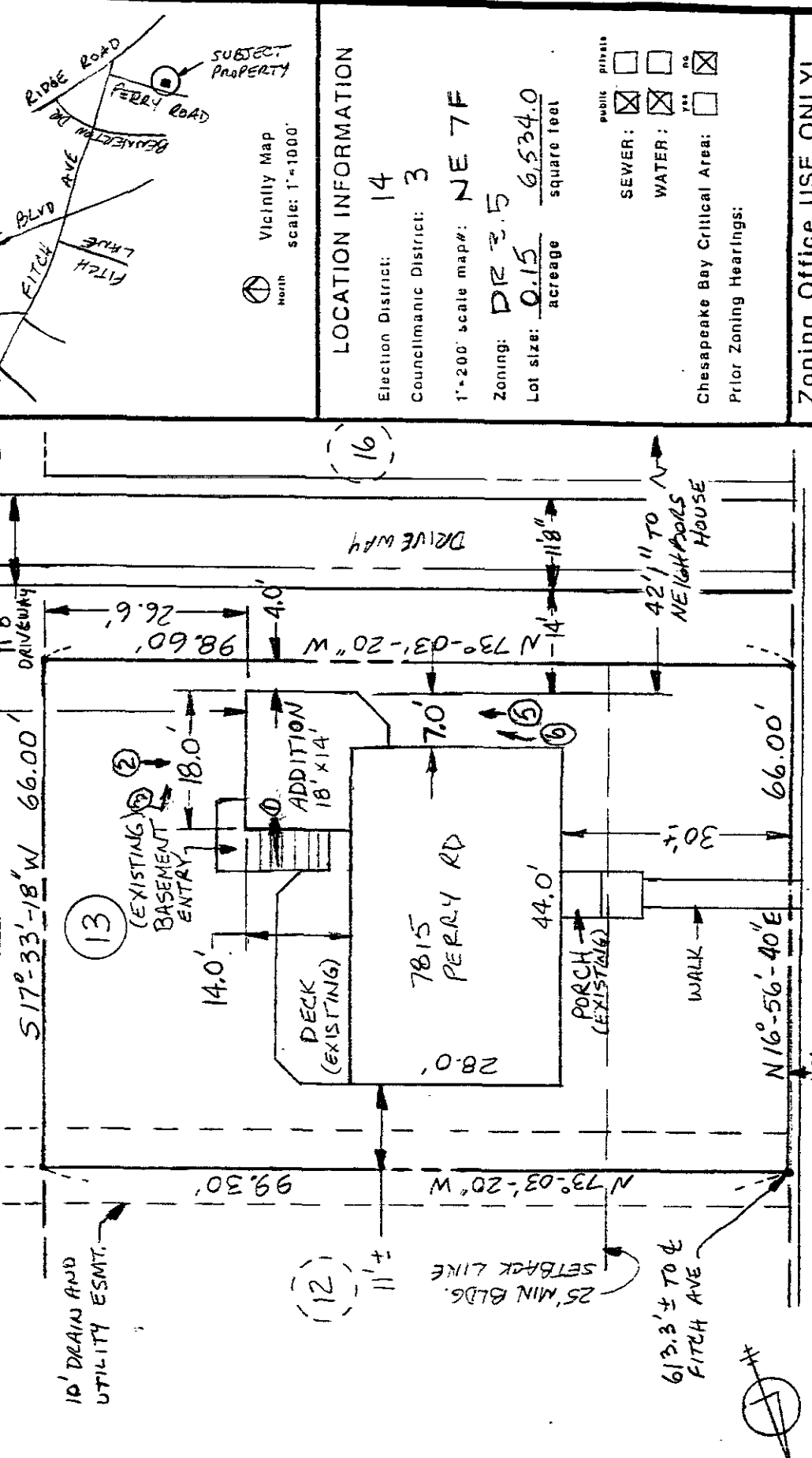
00-160-A

78.02' S18°07'31"

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 7815 PERRY ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: PERRY PLACE
 plat book # 32, folio # 72, lot # 13, section # NA
 OWNER: John & Paulette Heinlein



North
 date: 10/1/99
 prepared by: OWNER
 Scale of Drawing: 1" = 20'
 PERRY ROAD

10' DRAIN AND UTILITY ESMT.
 11.8" DRIVEWAY
 57'0" TO NEIGHBORS HOUSE
 11.8" DRIVEWAY
 57'0" TO NEIGHBORS HOUSE
 11.8" DRIVEWAY
 57'0" TO NEIGHBORS HOUSE

10' DRAIN AND UTILITY ESMT.
 11.8" DRIVEWAY
 57'0" TO NEIGHBORS HOUSE
 11.8" DRIVEWAY
 57'0" TO NEIGHBORS HOUSE
 11.8" DRIVEWAY
 57'0" TO NEIGHBORS HOUSE



Vicinity Map
 scale: 1" = 1000'

LOCATION INFORMATION
 Election District: 14
 Councilmanic District: 3
 1"-200" scale map #: NE 7 F
 Zoning: DR 3.5
 Lot size: 0.15 6,534.0
 acreage square feet

Public Utilities:
 SEWER: Public Private
 WATER: Public Private
 Chesapeake Bay Critical Area: Yes No
 Prior Zoning Hearings:

Zoning Office USE ONLY!
 reviewed by: [Signature] ITEM #: 160 CASE #: 00160.07

PET. EX. #1
 ①, ②, ③, ④, ⑤, ⑥ PHOTOGRAPHS

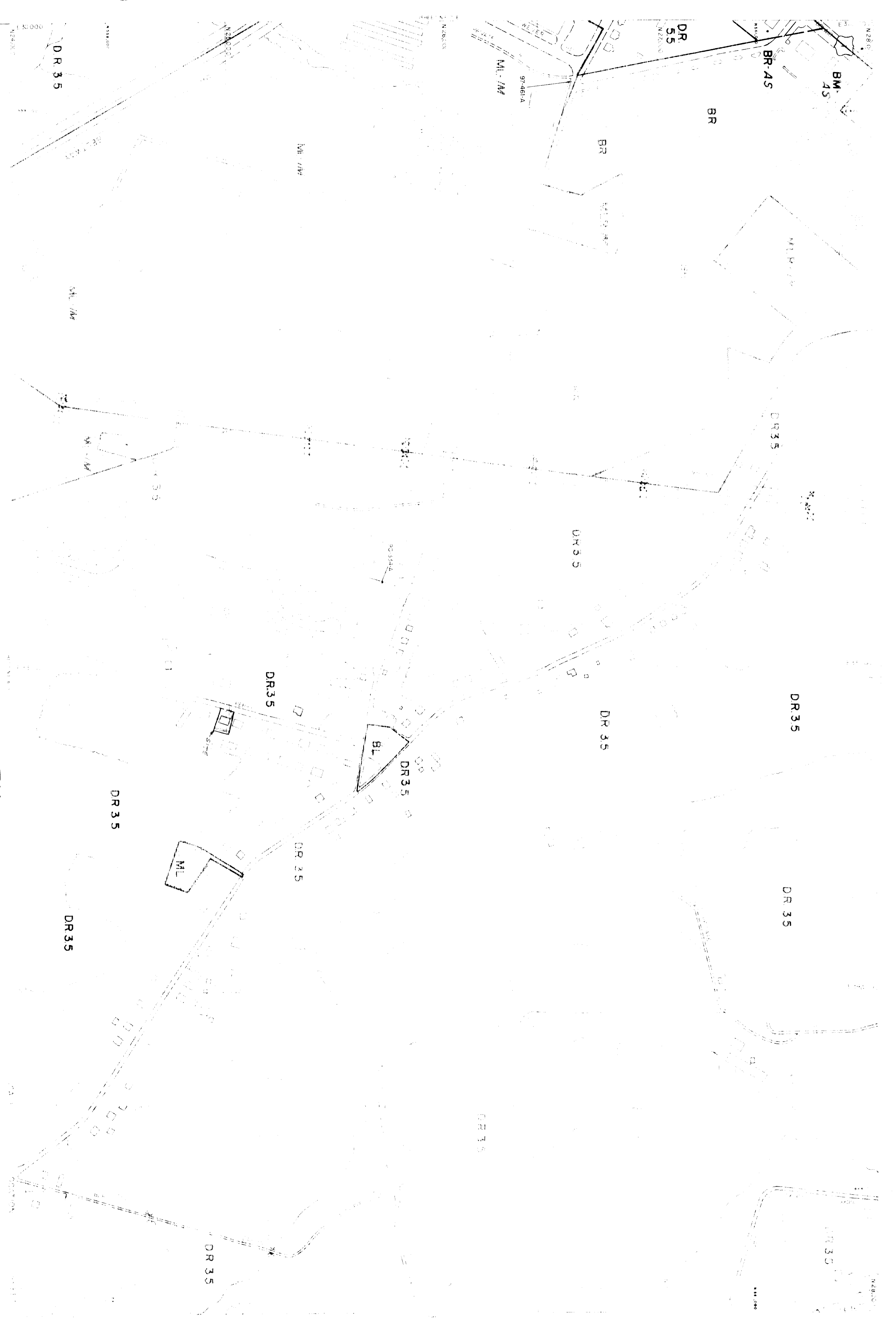


PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 26001

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

00-160-9

| | | | | | |
|---------------------------|-----------------|----------|-----------|-------|-------------|
| SCALE | 1" = 200' ± | LOCATION | FULLERTON | SHEET | N.E. 7-F |
| DATE OF PHOTOGRAPHY | JANUARY 1988 | | | | |



N-SE M 3/4
 THIS MAP HAS BEEN PREPARED BY THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING BY BURKHARDT-HORN, INC. BALTIMORE, MD.

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

00-160-A

DATE OF REVISION
 FILE NO. 00-160-A
 PREPARED BY
 BURKHARDT-HORN, INC.