Date //2//2000

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Rosehill Court, 625' S of

c/l Klausmier Road

11th Election District

5th Councilmanic District

(34 Rosehill Court)

William F. & Mary Kay Oberle

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 00-265-A

* * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by William F. & Mary Kay Oberle, property owners, for that property known as 34 Rosehill Court in the Perry Hall area of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.B, 301, V.B.5.a and V.B.5.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing dwelling with an addition to have a window to tract boundary setback of 21.5 ft. and a building to tract boundary setback of 20 ft. in lieu of the required 35 ft. and 30 ft. respectively and to have an open projection (deck) to have a setback of 18 ft. in lieu of the required 26.25 ft. and to amend the final development plan. 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.

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 Aday of January, 2000, that a variance from Sections 1B02.3.B, 301, V.B.5.a and V.B.5.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing dwelling with an addition to have a window to tract boundary setback of 21.5 ft. and a building to tract boundary setback of 20 ft. in lieu of the required 35 ft. and 30 ft. respectively and to have an open projection (deck) to have a setback of 18 ft. in lieu of the required 26.25 ft. and to amend the final development plan, 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.

IMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

January 21, 2000

Mr. & Mrs. William F. Oberle, III 34 Rosehill Court Baltimore, Maryland 21236

Re: Petition for Administrative Variance

Case No. 00-265-A

Property: 34 Rosehill Court

Dear Mr. & Mrs. Oberle:

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 Department of Permits and Development Management. 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

luntay Kotraco

TMK:raj Enclosure



CASE NO. 00-265-A

REU 9115198

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	34 Rosell Ct
	is presently zoned D125.5
This Petition shall be filed with the Department of Permits and Develo owner(s) of the property situate in Baltimore County and which is described made a part hereof, hereby petition for a Variance from Section(s) / Baz	in the description and plat attached hereto and

TO ALLOW AH EXISTING DWELLING WITH AH ADDITION TO HAVE
A WIHDOW TO TRACT BOUNDARY SETBACK OF 21.5 AHD A
BUILDING TO TRACT BOUNDARY SETBACK OF 20 FEET IH LIFU
OF THE REQUIRED 35 FEET AHD 30 FEET RESPECTIVELY AND
TO HAVE AH OPEH PROJECTION (DECK) TO HAVE A SETBACK OF
13' IH LIEU OF THE REQUIRED 26.25 FEET, AHD TO AMEND THE

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 de perjury, that I/we are is the subject of this	eclare and affirm, under the the legal owner(s) of the Petition.	e penalties of property which
Contract Purchaser/	Lessee:		<u>Legal Owner(s)</u>	<u>•</u>	
			William F	Ob code The	
Name - Type or Print			Name - Type or Print	Oluli	
Signature			Signature Mary Kay		
Address		Telephone No.	Name - Type or Print	Hele	
City	State	Zip Code	Signature	a.	1000 6220
Attorney For Petition Name - Type or Print	<u>ner:</u>		34 Kose b Address Saltmon	8, MD 21236 State	Telephone No.
Signature				to be Contacted:	
Campany			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having be this day of regulations of Baltimore Countries.	en formally demande that ty and that the property	d and/or found to be the subject matter of to be reposted.	required, it is ordered by his petition be set for a public	the Zoning Commissioner of the desired control of the desired control of the desired control of the Zoning Commissioner of the Zo	of Baltimore County, quired by the zoning
			Zoning Con	missioner of Baltimore Coun	ity

Estimated Posting Date

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

34 Roschill Ct.

	Baltimore	M0 State	2/236 Zip Code
That based upon personal knowledge, the	following are the facts upon		-•
Variance at the above address (indicate hard) Unusual property line the property different of Parent cure	back property lo	ofartics.	ugle, making
Room addition will replan			
Koum addition will region	ac existing	•	
and of the		-	
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to prove	vide additional information.	Affiant(s) will be required Tay Oberle	to pay a reposting and
Signature William F Oberle Name - Type or Print	<i>V</i>	ry K <i>ry DBERLE</i> Type or Print	
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to wit:	1000	
HEREBY CERTIFY, this 3/d day of day of Maryland, in and for the County aforesain	d personally appeared	, <u>1999,</u> before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or	satisfactorily identified to me	as Such Affiant(s), and m	nade oath in due form of
law that the matters and facts hereinabove	set forth are true and correct	t to the best of his/her/their	knowledge and belief.
AS WITNESS my hand and Notarial Seal			-
12-3-99	Notary Public	a Prest	
Date	My Commission	on Expires DOC. 14	2002
REV 09 15 98		- 165 CO. 185	

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	34 Roschill Address	<u>C</u> +.	
	Baltimore	M0 State	2/236 Zip Code
That based upon personal knowledge, the follovariance at the above address (indicate hardsh	いっ ハテ カドコクカクコ) がけかべいがん)·	
1) Unusual property line, be property different from surround: 2) Potential of parent care	my properties with poent res	ines on at an aughteristing in house.	e, making the
3 Room add tron will replace	c existing decl	« .	
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand is filed additional information.	, Affiant(s) will be required t	to pay a reposting and
Signature	Signa	Tany Kay Oberle JARY KAY DBERLE	
Signature Name - Type or Print	Nam	ARY KAY DEERLE	
STATE OF MARYLAND, COUNTY OF BALTI I HEREBY CERTIFY, this 3 day of of Maryland, in and for the County aforesaid, po	lemales		otary Public of the State
the Affiant(s) herein, personally known or satislaw that the matters and facts hereinabove set	sfactorily identified to forth are true and corn	me as such Affiant(s), and meet to the best of his/her/their) ade oath in due form of knowledge and belief.
AS WITNESS my hand and Notarial Seal			
12-3-99	Notary Publ	da Hust	
<i>vale</i>	•	ssion Expires <u>Sept. 14</u>	8002
made, added 60		•	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	34 Roschill	Ct.
	n is presently zoned	

Zoning Commissioner of Baltimore County

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) 1802.3.8, V.B.5.a, V.B.5.b, 301

TOALLOW AN EXISTING DWELLING WITH AN ADDITION TO HAVE A WINDOW TO TRACT BOUNDARY SETBACK OF 21.5 FEET AND BUILDING TO TRACT BOUNDARY SETBACK OF 20 FEET IN LIEU DE THE REQUIRED 35 FEET AND 30 FEET RESPECTIVELY AND TO HAVE AN OPEN PROJECTION (DECK) TO HAVE A SETBACK

AHO TO AMEHO THE F.D.P. 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.

OF 18' IN LIEU OF THE REQUIRED 26.25 FEET.

00-265-A

REV 9/15/98

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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name - Type or Print Signature Telephone No. Address Zip Code State Attorney For Petitioner: Telephone No. 410529 4324 Name - Type or Print (w) 410 278 6300 Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code State City 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 Baitimore County, 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.

Reviewed By

Estimated Posting Date

ZONING DESCRIPTION FOR 34 ROSEHILL COURT

Beginning at a point on the East side of Rosehill Court which is 60 Feet wide at the distance of 625 Feet South of the centerline of the nearest improved intersecting street Klausmier Road which is 40 Feet wide. Being Lot # 16 as recorded in Baltimore County Plat Book # 54, Folio # 14, containing 7, 849 square feet. Also known as 34 Rosehill Court and located in the 11th Election District, 5th Councilmanic District.

00-265-A

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A.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	ON/2/1/1 TAND	- (is _ 1	RECEIVED /-/	FOR	0/2	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YEL

CERTIFICATE OF POSTING

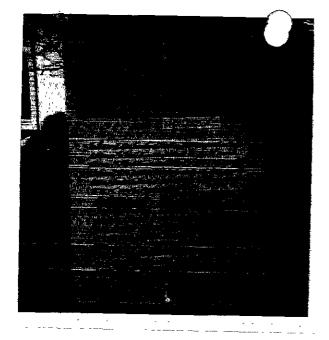
RE: CASE #00-265-A
PETITIONER/DEVELOPER
(William Oberle III)
DATE OF Closing
(Jan 17, 2000)

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 34 Rosehill Court Baltimore, Maryland 21236



Sincerely,
Olom Del An/30/99
(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- 265 -A Address 34 ROSE MILL CT
Contact Person: COTO MOXCEY Phone Number: 410-887-3391
Filing Date: 12/20/99 Posting Date: 1/2/2000 Closing Date: 1/17/200
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. <u>DEADLINE:</u> 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.
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 00-265 -A Address 34 ROSEHILL CT
Petitioner's Name WILLIAM F OBFRIE III Telephone 418 329 4529
Petitioner's Name $\frac{\omega_{ILLIAM} F OBFRLE III}{\sqrt{17/2000}}$ Telephone $\frac{405294329}{\sqrt{17/2000}}$ Closing Date: $\frac{1}{\sqrt{17/2000}}$
Wording for Sign: To Permit AN EXISTING DWELLING WITH AN ADDITION TO
HAVE A WILLOW TO TRACT BOUNDARY SETBACK OF 21.5 FEET AND
A BUILDING TO TRACT BOUNDARY SETBACK OF TO FEET IN LIEU OF THE REQUIRE 35 FEET AND 30 FEET RESPECTIVELY AND TO HAVE AN OPEN PROJECTION (DECK
TO HAVE A SETBACK OF 18 FEET IN LIEU OF THE REQUIRED WCR-Revised 7/28/99

I HAVE RECEIVED SIGH POSTITIO I HEO

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

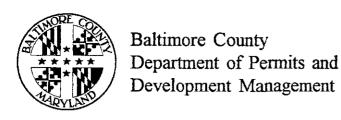
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 00-265-A
Petitioner: MEEMES BILL OBERIC
Address or Location: 34 ROSEHILL GURT
Baltmore, MD 21236
PLEASE FORWARD ADVERTISING BILL TO:
Name: MREWIS BILL OBERLE
Address: 34 ROSEMILL GOURT
Batmore, M 21236
Telephone Number: (46) 25 529 - 4329



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

January 14, 2000

Mr. & Mrs. William F. Oberle, III 34 Rosehill Court Baltimore MD 21236

Dear Mr. & Mrs. Oberle, III:

RE: Case Number 00-265-A . 34 Rosehill Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 1999.

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.

Sincerely.

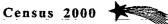
W. Carl Richárds, Jr. Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures





For You, For Baltimore County Census 2000







Closing 1/17/00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

T .

Date: January 20, 2000

Department of Permits & Development Management

RECEIVED JAN 2 4 2000

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for January 17, 2000

Item No. 265

The Bureau of Development Plans Review has reviewed the subject zoning item.

No Plan

RWB:HJO:cab

cc: File

ZAC01170.265

AV 1/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: January 12, 2000

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): 265 and 267

If there should be any questions or this office can provide additional information, please

Effy N. Long

contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



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

Date: | 6.00

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

RE: Baltimore County

Item No. 265

LTM

RECEIVED JAN 1 0 2000

Dear. Ms Stephens:

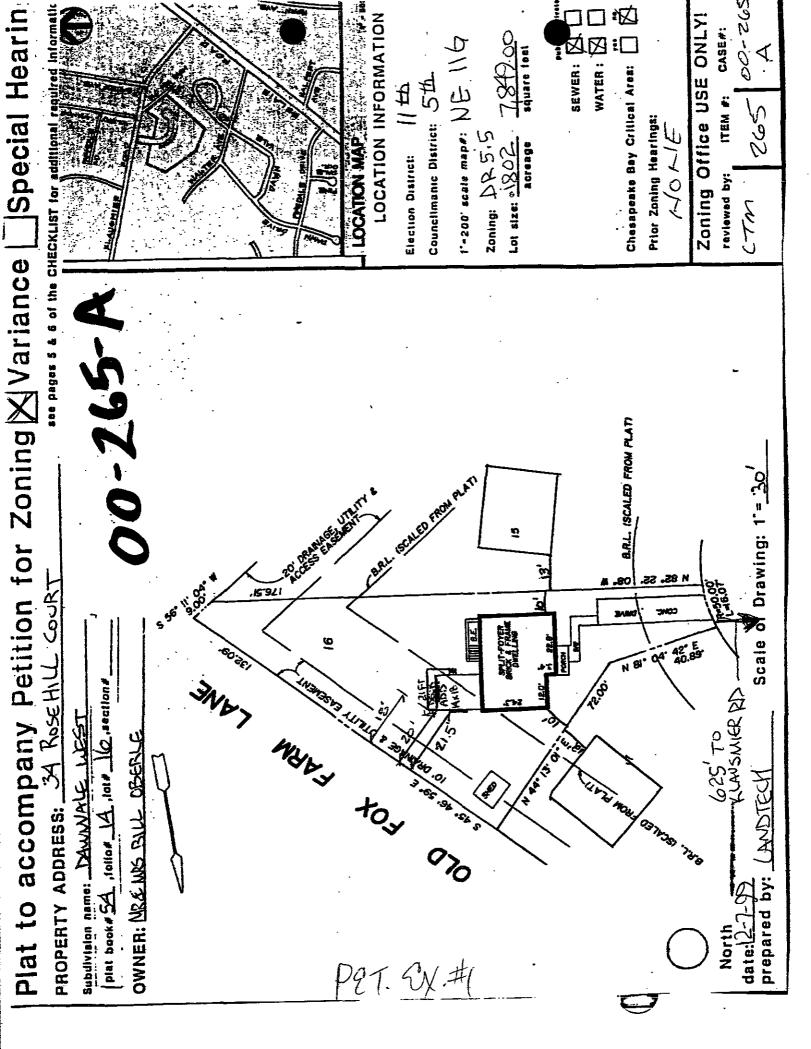
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

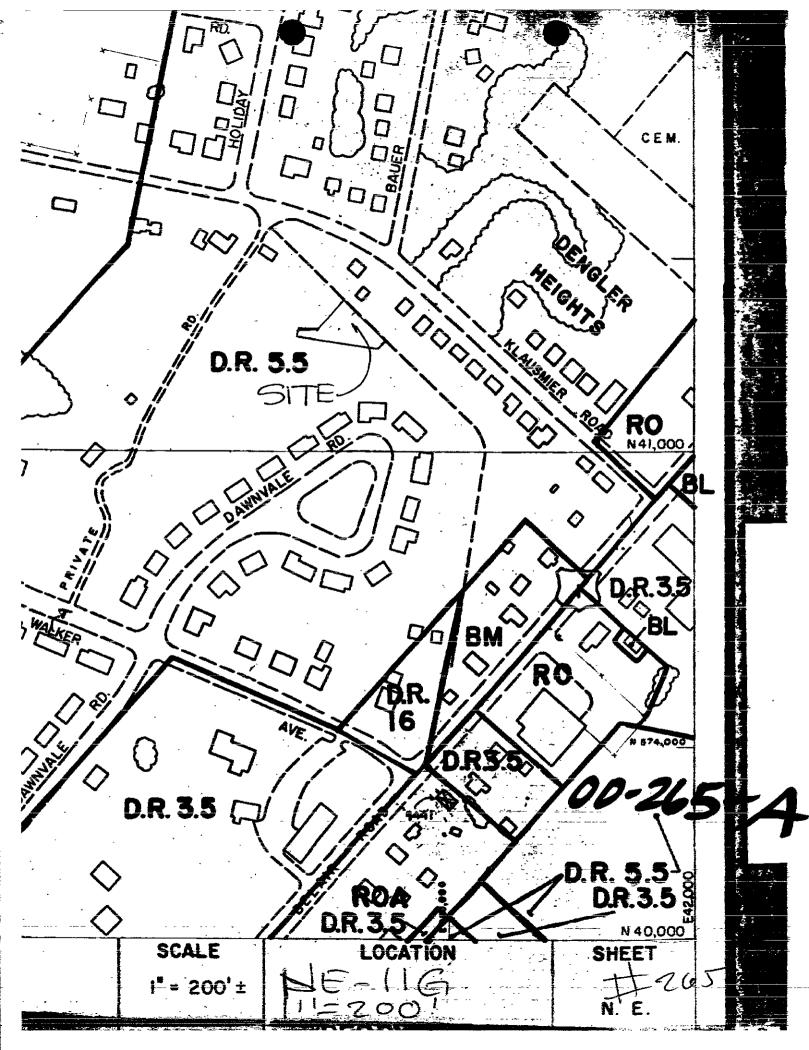
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Lon

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division







00-265-A

PICTURE OF HOUSE TO THE CEFT.

PICTURE WAS TAKEN IN APPROX. AREA

OF DNLY DOOR (DAYLIGHT) ON TME CEFT

SIDE OF ADDITION. NO WINDOWS ON

CEFT SIDE OF ADDITION.



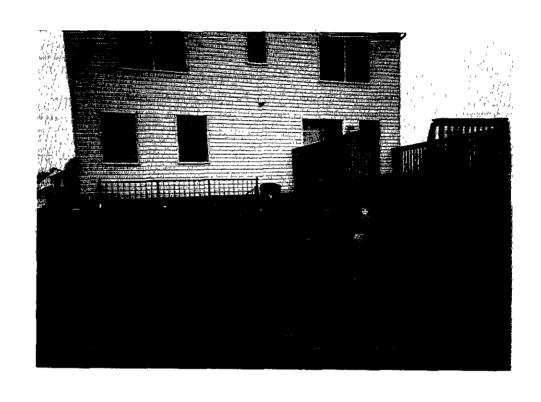
00-265-A

RCTURE OF MUSE ON RIGHT SOB.

DICTURE WAS TAKEN IN APPROX. AREA OF

ONLY WINDOWS (DAYLIGHT) ON RIGHT SOE

OF ADDITION.



PICTURE OF EXISTING DECK.

DECK TO BE-REMOUED AND

ADDITION TO BE BULUT IN PLACE

OF DECK

265

OLD FOX FARM LANE



00-265-A OD FOX FARM LANE



#1205

