

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Silver Farm Road, 815' NW
centerline of Gunpowder Farm Road
11th Election District
5th Councilmanic District
(9736 Silver Farm Road)

Robert L. & Kathleen A. Nichols
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-011-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Robert and Kathleen Nichols, property owners, for that property known as 9736 Silver Farm Road in the Perry Hall area of Baltimore County. The Petitioners herein seek a variance from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fence height of 60 inches in lieu of the required 42 inches to be built in the front yard of the adjoining neighbor at 9328 Cross Road. 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.

ORIGINAL FOR FILE
8/9/00
R. J. [Signature]

COPIES RECEIVED FOR FILING
DATE 0006/6/8
BY R. J. JAMESON



Baltimore County
Zoning Commissioner

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

August 9, 2000

Mr. & Mrs. Robert Nichols
9736 Silver Farm Court
Perry Hall, Maryland 21128

Re: Petition for Administrative Variance
Case No. 01-011-A
Property: 9736 Silver Farm Court

Dear Mr. & Mrs. Nichols:

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,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9736 Silver Farm Rd.
which is presently zoned D.R. - 3.5 A1

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) 427.B to permit a fence height of 60 inches in lieu of the required 42 inches to be built in the front yard of the adjoining neighbor at 9328 Cross Rd.

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):

Robert L. Nichols
Name - Type or Print _____
Kathleen A. Nichols
Signature _____
Name - Type or Print _____
Kathleen A. Nichols
Signature _____
9736 Silver Farm Ct. day 1 eve.
Address _____ Telephone No. 529-6501
Perry Hall, MD 21228
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. 01-011-A

Reviewed By BK Date 7/11/00

Estimated Posting Date 7/23/00

REU 9/15/98

ORDER RECEIVED FOR FILING

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

9736 Silver Farm Ct
Address
Perry Hall, MD 21128
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):

Our main reason for needing a higher fence, other than for privacy, is safety for our two small daughters. The new development is widening the road directly behind our house and putting a sidewalk at the end of our property line. There will be a lot of people using it, including for walking their dogs. We have a medium sized dog that could, if provoked, jump a 3 1/2 foot fence or possibly bite someone if they reached in.

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.

Kathleen A. Nichols
Signature

Kathleen A. Nichols
Name - Type or Print

[Signature]
Signature

Robert L. Nichols
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of June, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

6/12/00
Date

Darlene F. Taylor
Notary Public
DARLENE F. TAYLOR
NOTARY PUBLIC, STATE OF MARYLAND
My Commission Expires My Commission Expires May 1, 2003

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 9736 Silver Farm Ct
City Perry Hall State MD Zip Code 21128

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):

Our main reason for needing a higher fence, other than for Privacy, is safety for our two small children. The new development is widening the road directly behind our house and putting a sidewalk at the end of our property line. There will be a lot of people using it including for walking their dogs. We have a medium sized dog that could, if provoked, jump a 3 1/2 foot fence or possibly bite someone if they reached in.

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.

Kathleen A. Nichols
Signature

Kathleen A. Nichols
Name - Type or Print

Robert L. Nichols
Signature

Robert L. Nichols
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of June, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

6/12/00
Date

Darlene F. Taylor
Notary Public

My Commission Expires DARLENE F. TAYLOR
NOTARY PUBLIC, STATE OF MARYLAND
My Commission Expires May 1, 2003



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9736 Silver Farm Rd.
which is presently zoned D.R.-3.5 H1

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)

427.13 to permit a fence height of 60 inches in lieu of the required 42 inches to be built in the front yard of the adjoining neighbor at 9328 Cross Rd.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 01-011-A

REV 9/15/98

Reviewed By BH Date 7/11/00

Estimated Posting Date 7/23/00

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 DESCRIPTION

ZONING DESCRIPTION FOR 9736 SILVER FARM RD

Beginning at a point on the north side of Silver Farm Road which is 30 feet wide at the distance of 815 feet northwest of the centerline of the nearest improved intersecting street Gunpowder Farm Road which is 50 feet wide.

Being Lot #19, Section #4 in the subdivision of Perry Hall Farms as recorded in Baltimore County Plat Book #70, Folio #147, containing 10,020 square feet. Also known as 9736 Silver Farm Road and located in the 11th Election District, 5th Councilmanic District.

01-011-A

011

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083538

DATE 7/11/00 ACCOUNT RC01-6150
AMOUNT \$ 50.00

RECEIVED FROM: K. To. Feb Nichols

FOR: code 010 Zoning Variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 11

PAID RECEIPT

PAYMENT ACTUAL TIME
7/12/00 7/11/2000 14:53:49
PEG USA CASHIER SMAT SHM BY:KEF 4
Dept 5 500 ZONING VARIATION
Receipt # 121030 OFLW
CR NO. 083538

Receipt Tot 50.00
50.00 OK 00 CR
Baltimore County, Maryland

01-011-A

CASHIER'S VALIDATION

A-110-10

CERTIFICATE OF POSTING

**RE: CASE # 01-011-A
PETITIONER/DEVELOPER
(Robert Nichols)
DATE OF Closing
(8-7-00)**

**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
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

9736 Silver Farm Road Baltimore, Maryland 21128_____

THE SIGN(S) WERE POSTED ON _____ 7-22-00 _____
(MONTH, DAY, YEAR)

SINCERELY,

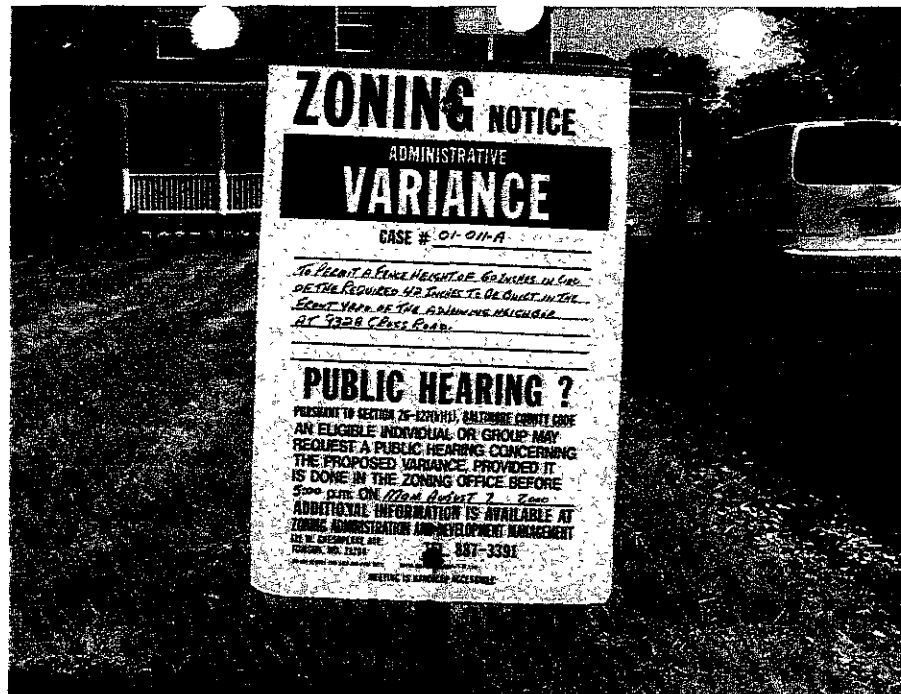

(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)



Posted at 9736 Silver Farm Road

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 011 -A Address 9736 Silver Farm Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/11/00 Posting Date: 7/23/00 Closing Date: 8/7/00

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 01- 011 -A Address 9736 Silver Farm Rd.

Petitioner's Name Robert & Kathleen Nichols Telephone 410-529-6561

Posting Date: 7/23/00 Closing Date: 8/7/00

Wording for Sign: To Permit a fence height of 60 inches in lieu of the required
42 inches to be built in the front yard of the adjoining neighbor
at 9328 Cross Rd.

WCR - Revised 6/28/00

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: 01-011-A
Petitioner: Robert + Kathleen Nichols
Address or Location: 9736 Silver Farm Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kathie Nichols
Address: 9736 Silver Farm Rd
Perry Hall, MD 21128
Telephone Number: (410) 529-6501



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 3, 2000

Mr. & Mrs. Robert Nichols
9736 Silver Farm Road
Perry Hall, MD 21128

Dear Mr. & Mrs. Nichols:

RE: Case Number: 01-011-A, 9736 Silver Farm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 11, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", written over the typed name and title.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 29, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For July 31, 2000
Item Nos. 006, 008, 009, 010, 011, 012,
013, 014, 015, 016, 017, 018, 019, and
020

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

July 31, 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 July 24, 2000

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:

008, 009, 011, 012, 013, 018, 019, 017, and 020

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MS*

DATE: August 14, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of July 24, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
007	114 Dundalk Avenue
009	6919 German Hill Road
011	9736 Silver Farm Road
013	814 Hatherleigh Road
018	2004 Stringtown Road
520	Glyndon Trace

AV
8/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 31, 2000

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

SUBJECT: 9736 Silver Farm Rd.

JUL 31

INFORMATION:

Item Number: 01-011

Petitioner: Robert L. and Kathleen Nichols

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the request to permit a fence height of 60 inches (5 feet) in lieu of the required 42 inches to be built in the front yard of the adjoining neighbor.

Prepared by:



Section Chief:



AFK:MAC:

-15-

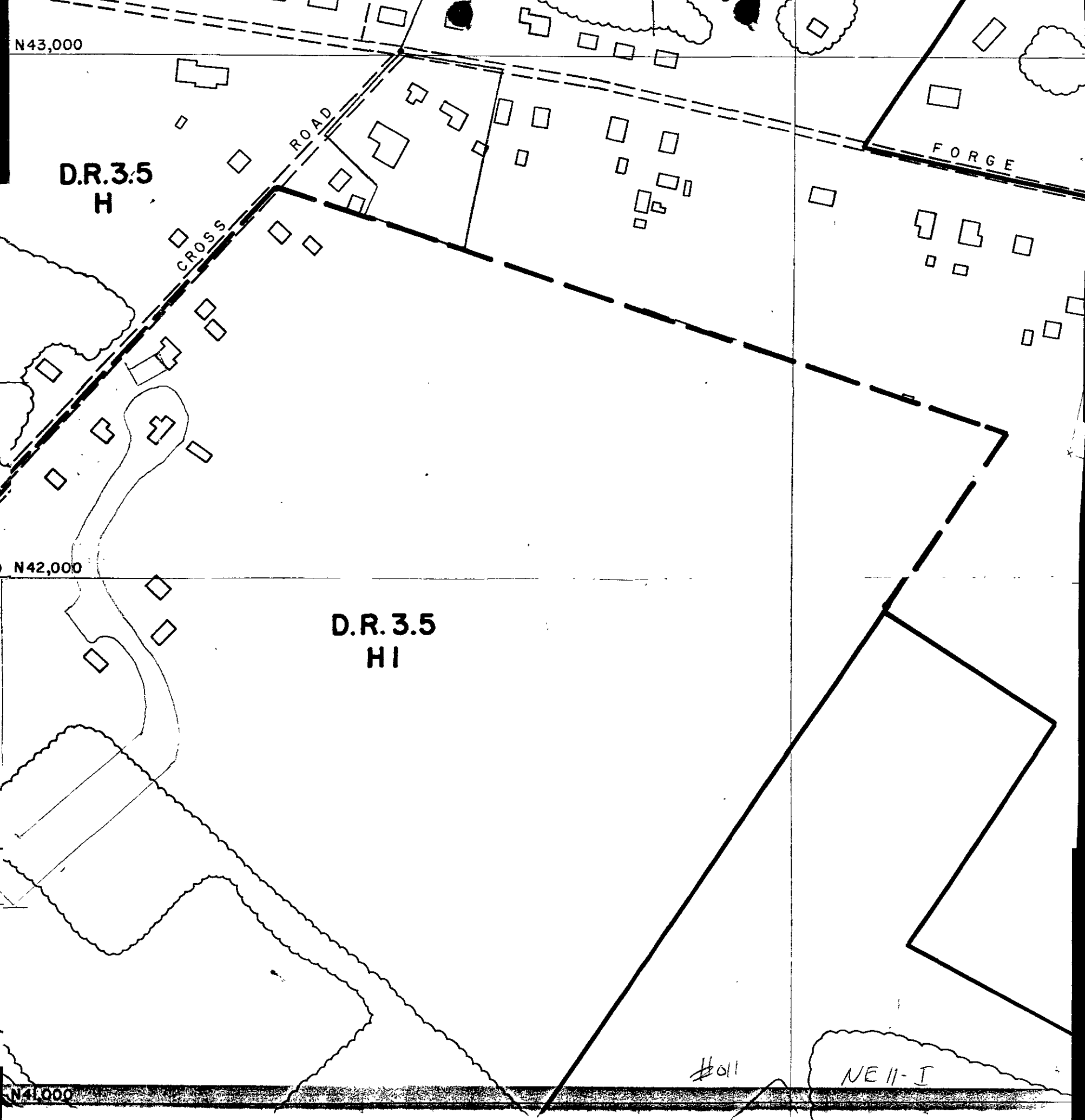
see pages 5 & 6 of the CHECKLIST for additional required information

01-011-A

SCALE: 1"=30' DATE: 2-9-00

पृ ०११

3.5
H



N43,000

D.R. 3.5
H

N42,000 N42,000

D.R. 3.5
HI

D.R. 3.5
HI

01-011-A

N.E. 11-H

N41,000

FORGE

#011

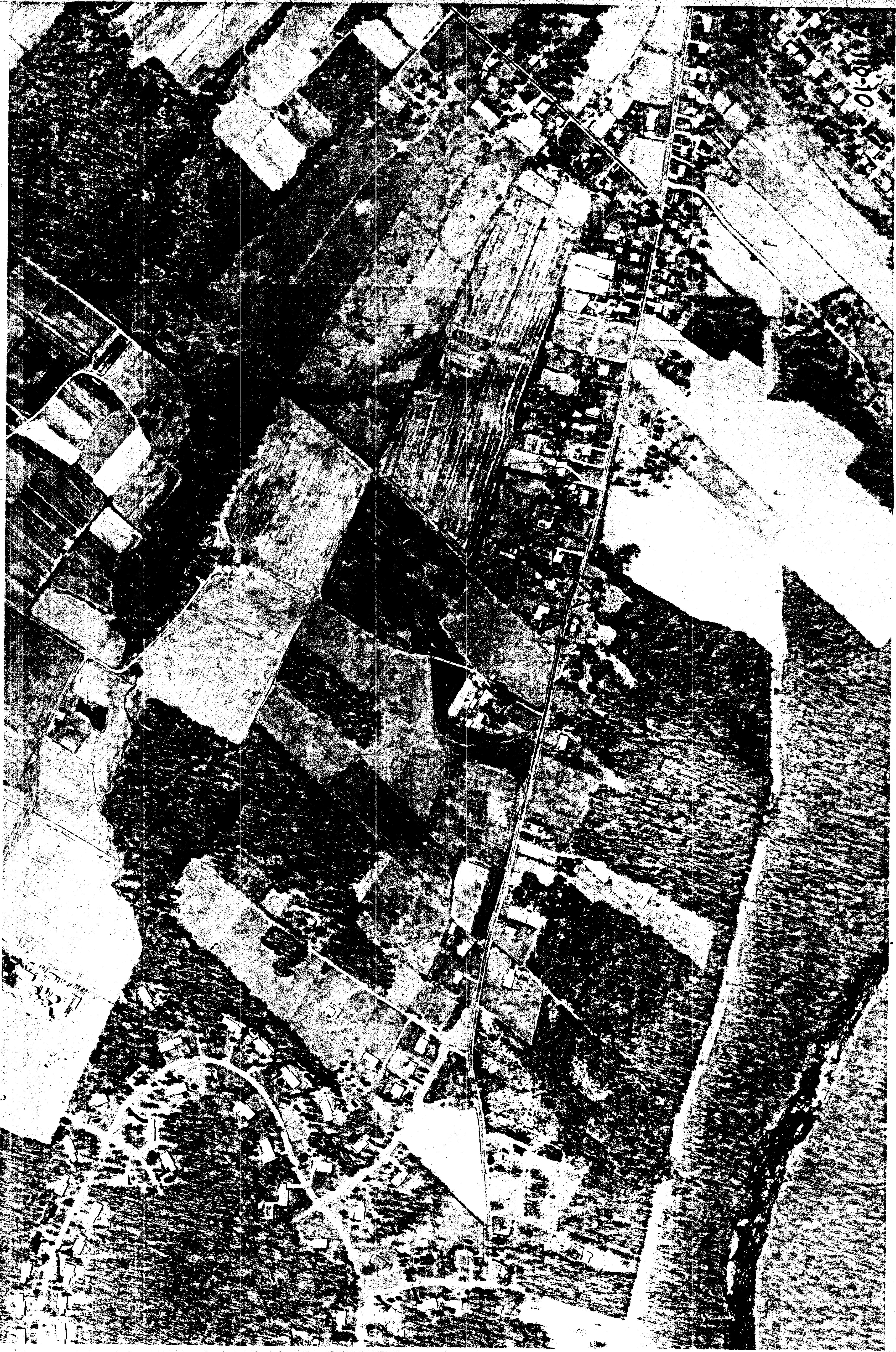
NE 11-I



01-011-A



01-011-A



110-10

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25403

#611

SCALE		LOCATION	SHEET
1" = 200' ±		PERRY HALL GUNPOWDER VICINITY	NE 11-1
DATE OF PHOTOGRAPHY	JANUARY 1986		