IN RE: PETITION FOR ADMIN. VARIANCE

SEC Bernard Lewis Court and

Perry Farms Drive 11th Election District 5th Councilmanic District (9700 Bernard Lewis Court)

Susan L. & James I. Wise, III Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-318-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, Susan L. & James I. Wise, III. The variance request is for property located at 9700 Bernard Lewis Court in the Perry Hall area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (pool and deck) on a corner lot, with a side street setback of 25 ft. in lieu of the minimum required 37.5 ft. 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 arequirements 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.

THE PIPER

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 March 2001, that a variance from Section 400.1 of the B.C.Z.R., to allow an accessory structure (pool and deck) on a corner lot, with a side street setback of 25 ft. in lieu of the minimum required 37.5 ft, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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:rai

3/12/01 3/12/01



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

Fax: 410-887-3468

March 12, 2001

Mr. & Mrs. James I. Wise, III 9700 Bernard Lewis Court Perry Hall, Maryland 21128

Re: Petition for Administrative Variance

Case No. 01-318-A

Property: 9700 Bernard Lewis Court

Dear Mr. & Mrs. Wise:

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

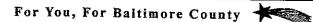
Deputy Zoning Commissioner

butly lotroco

TMK:rai Enclosure















### **Petition for Administrative Variance**

#### to the Zoning Commissioner of Baltimore County

for the property located at 9700 Bernard Lewis Ct. which is presently zoned DR - 2

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) 400. I To allow an accessory structure pool & decklon a connen lot with a side street Setback of 25 ft. in lieu of the minimum required 37%

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 perjury, that I/we are the lost the subject of this Petition	egal owner(s) of the	ne penalties of property which
Contract Purchaser	/Lessee:		Legal Owner(s):		
			James I. Wise III	• •	
Name - Type or Print	<del></del>		Name - Type or Print		·
			Ipmes X EV DD	<u>18</u>	
Signature			Signature		
Address		Telephone No.	Suban L. Wise Name - Type or Print		
7100.000		relepitorie 140.	Susan S.	we	
City	State	Zip Code	Signature	$\omega$	410 247-771
Attorney For Petitio	ner:		9700 Bernard Lewi	ls Ct.	410-529-631
	<del></del>		Address		Telephone No.
			Perry Hall	MD	21128
Name - Type or Print			City	State	Zip Code
<u></u>			Representative to be	e Contacted:	
Signature					_
Company			Name		
Address		Telephone No.	Address		Telephone No.
3		relapitotte 140.	Address		releptione 140.
No.	State	Zip Code	City	State	Zip Code
A Public Hearing having h	een formally demand	led andler found to be	required, it is ordered by the Zo	niaa Commissioner a	f Ralfimore County
₹ Inis® day of	tha	at the subject matter of t	his petition be set for a public hear	ing, advertised, as rec	uired by the zoning
Vegstations of Baltimore Cour	nty and that the proper	ty be reposted.			
2 2				-	
			Zoning Commission	ner of Baltimore Coun	ty
No.	1 - 'b -				
CASE NO	-318-4	Rev	riewed By	_ Date	10-01
R8V 915198		Est	imated Posting Date	_ Date <u>2</u> - 2-18-01	<u> </u>

# 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)	doseldo	nnacontly	racida	at	9/00
That use Amanda	, andaran	Picacilly	163106	aı	

 9700 Bernard Lewis Ct.

 Address
 D
 21128

 City
 State
 Zip Code

**COMMISSION EXPIRES MAY 1, 2002** 

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 the orientation of the house and the locations and orientations of the homes on the adjacent properties, the proposed pool location will have the least impact, both in visibility and in proximity on the neighboring homes. The primary factor in the placement of the pool is the significant grade change in the yard. There is a 7 foot elevation change from the back of the house to a point 10 feet inside the rear property line. With this proposed location, we made every attempt to minimize the visual impact on the neighbors and the street based on the fact the finished pool elevation will be approximately 3 feet below the street level at the house.

That the Affiant(s) acknowledge(s) that if a formal del advertising fee and may be required to provide additional	mand is filed, Affiant(s) will be required to pay a reposting and information.
Signature James & Was are	Signature Signature
James I. Wise III Name - Type or Print	Susan L. Wise Name-Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	o wit:
of Maryland, in and for the County aforesaid, gersonally	(n , <u>WO</u> ], before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily law that the matters and facts hereinabove set forth are	identified to me as such Affiant(s), and made oath in due form of true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	11/0 / 8/
Date (0)	Notary Public
	My Commission Eynires SAPI INGA ! DOCEDO

# 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	0700 B	<del>-</del>	
That are a manager and a process of the same as	Address		
	Perry Hall	MD State	21128 Zîp Code
That based upon personal knowledge, the followariance at the above address (indicate hards)	owing are the facts up hip or practical difficult	pon which I/we base the requesty):	t for an Administrative
Due to the orientation of thomes on the adjacent proper impact, both in visibility factor in the placement of There is a 7 foot elevation inside the rear property 1 to minimize the visual impartinished pool elevation withe house.	the house and the erties, the proper and in proximity the pool is the name from the ine. With this pact on the neight	e locations and orientatosed pool location will y on the neighboring hom significant grade change back of the house to a proposed location, we mandors and the street base	have the least es. The primary e in the yard. point 10 feet de every attempt d on the fact the
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is file additional informatio	ed, Affiant(s) will be required to n	o pay a reposting and
Signature Signature	Sig	gnature	
James I. Wise III Name - Type or Print	Na	Susan L. Wise arme - Type or Print	
STATE OF MARYLAND, COUNTY OF BALT	FIMORE, to wit:	0.44	
I HEREBY CERTIFY, this County aforesaid	timuly personally appeared	, <u>//// </u> , before me, a No	otary Public of the State
the Affiant(s) herein, personally known or sal law that the matters and facts hereinabove se	tisfactorily identified to t forth are true and co	o me as such Affiant(s), and ma prect to the best of his/her/their	ade oath in due form of knowledge and belief.
AS WITNESS my hand and Notarial Seal			
1/26/01	Blatane Di	Upluda h	
Date '	NOTARY PL	MELINDA	L. ROGERS
	My Comn	nission Expires <u>COMMISSION E</u>	XPIRES MAY 1, 2002



### **Petition for Administrative Variance**

### to the Zoning Commissioner of Baltimore County

for the property located at 9700 Bernard Lewis Ct.

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	 · ************************************		-// // -	_		

This Petition shall be filed with the De owner(s) of the property situate in Baltimomade a part hereof, hereby petition for a V	ore County and whi	ich is described in the description	on and plat atta	ched hereto and
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made a part hereof, hereby petition for a s Structure (pool & dea -bask of 25 ft, in 10	ev at the	mach in the	a side -	27/2 0
-back of 25 pc; (ii)		The second of th	UTER	3 / / ~ /~
of the zoning regulations of Baltimore Cou of this petition form.	unty, to the zoning	law of Baltimore County, for the	e reasons indica	ated on the back
Property is to be posted and advertised as I, or we, agree to pay expenses of above Vari regulations and restrictions of Baltimore Countries.	ance, advertising, po	osting, etc. and further agree to an	id are to be boun ounty.	ded by the zoning
		I/We do solemnly declare ar perjury, that I/we are the leg- is the subject of this Petition	al owner(s) of the	he penalties of e property which
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>		
		James I. Wise III		
Name - Type or Print		Name - Type of Print		
Signature		Signature	<del></del>	
	<del></del>	Sysan L. Wise		
Address	Telephone No.	Name - Type or Print  USC 9.	wi	
City State	Zip Code	Signature	n	10 247-771
Attorney For Petitioner:		9700 Bernard Lewis	<u>Ct.</u>	410-529-6314
		Address Perry Hall	MD	Telephone No. 21128
Name - Type or Print	·	City	State	Zip Code
Signature		Representative to be	Contacted:	
orginates o				•
Company		Name		
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally demand this day of that regulations of Baltimore County and that the proper	it the subject matter of	e required, it is ordered by the Zoni this petition be set for a public hearing	ng Commissioner on a commissioner on a commission of the commissio	of Baltimore County, quired by the zoning
		Zoning Commissione	r of Baltimore Cour	nty
CASE NO	Z Re	viewed By	Date 2-	6-01
REV 915/98	Est	timated Posting Date	2-18-01	,

	70.	· · · · · · · · · · · · · · · · · · ·	,
	9700 F	Descriptions	<u>n</u>
	Beginning at	a point geth	e Southeast
	Corner & Benna	nd Lewis Ct	and Perry Farm.
<i>-</i>			
	Being lot # 47 in the sub	division of Glenside	Farms as recorded
	in Baltimore County Pla		
	square feet. Also known	as 9700 Bernard Le	ewis Ct. And
	located in the 11th electi	on district, 5th counc	cilman district.
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			(#318)
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## CERTIFICATE OF POSTING

	RE: Case No.: UI 36 /1
	Petitioner/Developer: James Wise II
	Date of Hearing/Closing: _ 5 MAR שטסן
Baltimore County Department of Permits and Development Managen County Office Building, Room III 111 West Chesapeake Avenue Towson, MD 21204	nent .
Attention: Ms. Gwendolyn Stephens	s ·
Ladies and Gentlemen:	
were posted conspicuously on the pro-	roperty located at 9700 Beknad Lews ct
The sign(s) were posted on	( Month, Day, Year)
	Sincerely,
	SG MM 2001 Feb 18
	(Signature of Sign Poster and Date)
	SSG Robert Black
	(Printed Name)
	1508 Leslie Road
	(Address)
	Dundalk Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(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.

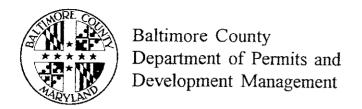
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

r Newspaper Advertising:	
m Number or Case Number: 01-318-4	
titioner: Mr. & Mrs. James Wise III	
dress or Location: 9700 Bennard Lewis Cti	
EASE FORWARD ADVERTISING BILL TO:	
me: Same	
dress:	
Perry Hall, Md. 21128	
ephone Number: 410 529-6314 (W) 247-7710	

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

Case Number 01-3/8 -A Address 9700 Bernard Lewis Ct	<u>-</u>
Contact Person: John Scillivan Phone Number: 410-887-339	}1
Filing Date: 2-6-0/ Posting Date: 2-18-0/ Closing Date: 3-05-	01
Any contact made with this office regarding the status of the administrative variance should I through the contact person (planner) using the case number.	эе
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. As reposting must be done only by one of the sign posters on the approved list and the petition 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.	ny er ne
<ol> <li>DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to fi a formal request for a public hearing. Please understand that even if there is no form request for a public hearing, the process is not complete on the closing date.</li> </ol>	le al
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 (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.	c) on
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 original posted, certification of this change and a photograph of the altered sign must be forwarded this office.	ng be lly
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 01-318 -A Address 9700 Bernard Lewis Ct Petitioner's Name James Wise III Telephone 247-7710	
Petitioner's Name <u>James Wise III</u> Telephone <u>329-6314</u>	
Posting Date: 2-18-01 Closing Date: 3-05-01	
Wording for Sign: To Permit an accessory Structure (pool & deck) on a	$\overline{}$
Posting Date: 2-18-01 Closing Date: 3-05-01  Wording for Sign: To Permit an accessory structure (pool & deck) on a corner lot with a side street setback of 25 ft. in lie of the minimum required 37/2 ft.	<u>2</u> J
of the minimum nequired 3712ft.	



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

March 5, 2001

Susan L & James I Wise III 9700 Bernard Lewis Court Perry Hall MD 21128

Dear Mr. & Mrs. Wise:

RE: Case Number: 01-318-A, 9700 Bernard Lewis Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 6, 2001.

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,

W. Carl Richards, Jr. 60 Supervisor, Zoning Review

W. Carl Richard, Jr.

WCR: gdz

**Enclosures** 

c: People's Counsel

PN 3/5

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 28, 2001

Department of Permits and

**Development Management** 

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Land of the state of the state

SUBJECT:

9700 Bernard Lewis Court

INFORMATION:

Item Number:

01-318

Petitioner:

James I. Wise III

Zoning:

**DR 3.5** 

**Requested Action:** 

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has no objection to the requested variance provided adequate landscaping is planted along Bernard Lewis Court to screen the proposed pool from public view.

Prenared by

Section Chief:

AFK:MAC:

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 7, 2001

Department of Permits & Development Mgmt.

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

SUBJECT: Zoning Advisory Committee Meeting

For February 26, 2001

Item Nos. 315, 316, 317, 318, 320, 321,

323, and 324

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

RWB:HJO:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley My

DATE:

March 19, 2001

SUBJECT:

**Zoning Petitions** 

Zoning Advisory Committee Meeting of February 20, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
315	408 Thackery Avenue
317	15341 Old York Road
318	9700 Bernard Lewis Court
319	8 and 14 Hillside Avenue
321	1800 Sulphur Spring Road
322	8105 McDaniel Avenue
324	1534 York Road



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

February 22, 2001

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 FEBRUARY 20, 2001

Item No.: See Below

Dear Ms. Stephens:

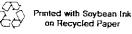
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

315, 317, 318, 319, 320, 322, 323, 324 and 325

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

cc: File





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

Date: 2.21.01

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

RE: Baltimore County

Item No. 318

115

Dear. Ms. Jackson:

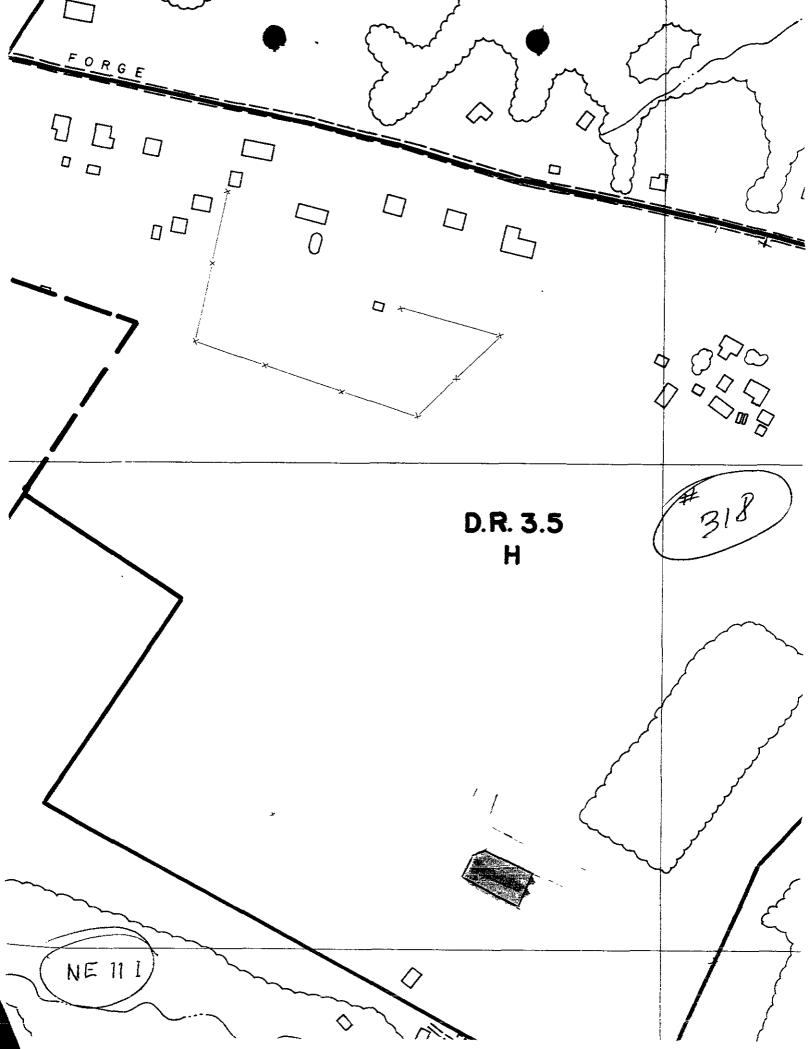
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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).

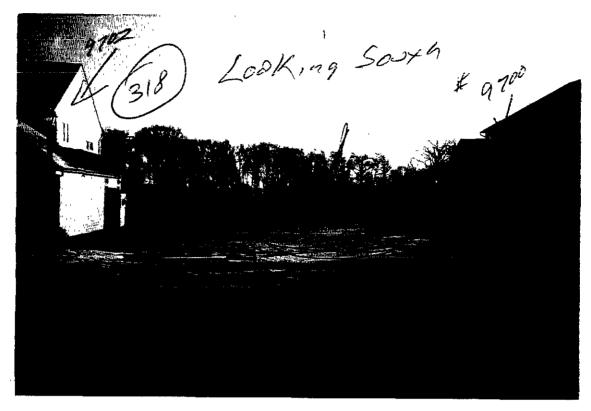
Very truly yours,

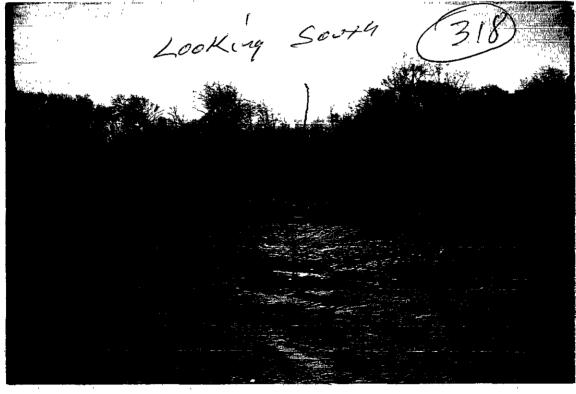
P. J. Doll

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









01-318-A

