IN RE: PETITION FOR ADMIN. VARIANCE

N/S Berkwood Road, 245' NW

of Berkfield Road

15th Election District

7th Councilmanic District

(918 Orems Road)

Gerald W. Hoskins

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 02-061-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 owner of the subject property, Gerald W. Hoskins. The variance request is for property located at 1223 Berkwood Road, in the Rosedale area of Baltimore County. The variance request is from Section 211.3 of the 1955 Baltimore County Zoning Regulations, to permit a sum of side yard setbacks of 18 ft. in lieu of the required 20 ft. for a proposed addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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 Petitioner has 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 Petitioner.

ORDER RECEIVED FOR FILING
Date
9/20/6/
By
1. James 22

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of September, 2001, that a variance from Section 211.3 of the 1955 Baltimore County Zoning Regulations, to permit a sum of side yard setbacks of 18 ft. in lieu of the required 20 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at this 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ГІМОТНУ М. КОТROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ORDER PROEIVED FOR FILING
Date 9/20/0/
By J. Jameson



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

Fax: 410-887-3468

September 20, 2001

Mr. Gerald W. Hoskins 1223 Berkwood Road Baltimore, Maryland 21237-2936

Re: Petition for Administrative Variance

Case No. 02-061-A

Property: 1223 Berkwood Road

Dear Mr. Hoskins:

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** 

buther la troco

TMK:raj Enclosure



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1223 BERKWOOD ROAD which is presently zoned DR5.5

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) 211.3 (1955 BCER) to PERMIT ASUM OF SIDEY ARDS OF 18 FT. IN LIEU OF THE REQUIRED 20 FT, FOR A PROPOSED ADDITION)

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.

•	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	GERALD WAYNE HOSKINS Name-Type or Print Lusaly Wayns Hoskins
Signature	Signature Wayne Hoskins
Address Telephone	e No. Name - Type or Print
City State Zip (	Code Signature
Attorney For Petitioner:	1223 BERKWOOD ROAD 410-391-69
	1223 BERKWOOD ROAD 4/0-391-49. Address Telephone No.
Name, Type or Print	BALTIMORE MD 21237-2936
ruge from	Representative to be Contacted:
L Signature	
Compan	
Address 9 Telephone	No. Name  1223 BERKWOOD ROAD 410-391 - 194  Address Telephone No.
Telephone	Roll Till and O.C. Was 3
State Zip C	Code BALTIMORE MU 2/237-2936 City State Zip Code
A Public Hearing having been formally demanded and/or for this day of that the subject r	und to be required, it is ordered by the Zoning Commissioner of Baltimore County.
regulations of Baltimore County and that the property be reposted	Zoning Commissioner of Baltimore County
CASE NO. <u>02 06/ A</u>	Reviewed By Date _8/07/61
R8V 9/15/98	Estimated Posting Date 8/19/01

# Affidavit in Support of Administrative Variance

follows: That the information herein given is competent to testify thereto in the event that a p	Within the nersonal know	Medae of the Affian	it(c) and that Affiant(a) ialar
That the Affiant(s) does/do presently reside at	1223 BERK Address	MOOD ROAL	2
	BALTIMORE	MP	21237-293
	Ony	State	Zip Gode
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	ip or practical difficulty):		
Due to varying widths of lots, in this able to build sun porches, carports o house. It is fifteen feet from my house	se to the property line.	It is another ten fee	t to the neighbors
house.  I desire to build a sun porch seven for build only to a width of five feet in sunfeasible. I am therefore requesting eighteen feet instead of the twenty for the tw	g a variance of two feet	which still leaves a	distance of kes the difference
eighteen feet instead of the twenty the between this improvement to my prable to improve my property.	operty in this neighborr	100d of all otick hos	inos ana november
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	ormal demand is filed, A additional information.	ffiant(s) will be requ	rired to pay a reposting and
Mirald Whiloskin	2		,
Signature HASING	Signature		
Name - Type or Print	Name - T	ype or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:		
I HEREBY CERTIFY, this 6 day of 4 of Maryland, in and for the County aforesaid, per	* **		, a Notary Public of the State
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified to me a orth are true and correct t	as such Affiant(s), ar to the best of his/her/	nd made oath in due form o their knowledge and belief.
AS WITNESS my hand and Notarial Seal		_	₩ ₩ \$%
8/6/2001	find	M mm	
Date	Notary Public		

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoping Commissioner of Rollimore

follows: That the information herein given is competent to testify thereto in the event that a p	within the personal	knowledge of the Affiant/	s) and that Affiant(s) is/ard ard thereto.
That the Affiant(s) does/do presently reside at	1223 BEI	RKWOOD ROAD	
	BALTI MORE	RKWOOD ROAD  MD  State	21237-29 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	wing are the facts u	pon which I/we hase the re	•
Due to varying widths of lots, in this able to build sun porches, carports of house. It is fifteen feet from my house. I desire to build a sun porch seven fould only to a width of five feet in sunfeasible. I am therefore requesting eighteen feet instead of the twenty for between this improvement to my proable to improve my property.	or other additions. It is to the property I doot wide, anything such a space. This is a variance of two deet that is required.	t is 25 feet from my hous ine. It is another ten feet less is impractical. Your is a practical difficulty and feet which still leaves a d The two feet extra make	te to my neighbors to the neighbors rules that I can deconomically distance of the tifference
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature	additional information	d, Affiant(s) will be requirent.	ed to pay a reposting and
Name - Type or Print	Nar	ne - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIM	MORE. to wit:	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
I HEREBY CERTIFY, this 6 day of AV of Maryland, in and for the County aforesaid, pe	•	, <u>2001</u> , before me, a	a Notary Public of the State
the Affiant(s) herein, personally known or satislaw that the matters and facts hereinabove set for	factorily identified to orth are true and corr	me as such Affiant(s), and rect to the best of his/her/th	d made oath in due form o leir knowledge and belief.
AS WITNESS my hand and Notarial Seal	Junt	M Mmmu	
Date	Notary Pub	March Marker 1/4	
	My Commis	SSEDE XDITES Hugh M. Arr	nold, Notary Public



REU 9/15/98

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 1223 BERK WOOD ROAD which is presently zoned DR5. 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) 211.3 (1985 BCR) To PERMIT A SUM OF SIDE YARDS OF 18 FTINLIEW DESCRIPTION 20 FT. FOR A PROPOSED ADDITION)

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.

Y			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/L	essee;		Legal Owner(s):	
			GERALD WAYNE HOSKIN	16
Name - Type or Print			Name , Type or Print	<b>د</b>
Signature		_	Signature Signature	
Address		Telephone No.	Name - Type or Print	
City	State	Zip Code	Signature	,
Attorney For Petitione	<u>r:</u>	-	1223 BERK WOOD ROAD 391 B Address Telephone No.	94.
Name - Type or Print	··· • • • • • • • • • • • • • • • • • •		BALTIMORE MD 21237-293 City State Zip Code	6
Signature	· · · · · · · · · · · · · · · · · · ·		Representative to be Contacted:	
Company	· · · · · · · · · · · · · · · · · · ·	·	GERALD W. HOSKINS	_
ddress .		Telephone No.	1223 BERK WOOD RD 410 391-69 Address Telephone No.	
lity	State	Zip Code	BALTIMORE MD 21237-293 City State Zip Code	4
Public Hearing having been nis day of egulations of Baltimore County a	formally deman th nd that the prope	ded and/or found to be a lat the subject matter of the orty be reposted.	equired, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning	
	-		Zoning Commissioner of Baltimore County	
······································		<b>~</b> }	. ————————————————————————————————————	

Estimated Posting Date

061

## **Zoning Description**

#### ZONING DESCRIPTION FOR 1223 BERKWOOD ROAD

Beginning at a point on the North Side of

Berkwood Road which is 50 feet

wide at the distance of 245 feet Northwest of the

centerline of the nearest improved intersecting street Berkfield Road

which is 50 feet Wide. \* Being lot # 5

Block -- Section 4 In the subdivision of Berkfield as recorded in Baltimore County Plat Book # 26 Folio # 51 containing 7,700 square feet. Also known as 1223 Berkwood Road

and located in the  $7^{TH}$  election district,  $15^{TH}$  Councilmanic District

OFFICE OF BUDGET & FINA MISCELLANEOUS REC	EIPT 02-061	61.1	PAID RECEIPT  AVMENT ACTUAL TIME
DATE 8 107/01	ACCOUNT <u>DD/ 086 6/5</u>	50 BA	06/2001
	AMOUNT \$ 50,00		5 529 ZOHING VEHIFICATION . 004027
RECEIVED G. 405			Recent tot 50.00 .00 CK 100.00 CA 50.00- CC
FOR: PV FIL	ING.		Hallimore County, Jaryland
<u>DISTRIBUTION</u> WHITE - CASHIER PINK - AGENC	Y YELLOW - CUSTOMER		CASHIER'S VALIDATION

## CERTIFICATE OF POSTING

The second of th

, ,	RE: Case No.: Od-Oxel-A
•	Petitioner/Developer: <u>GERALID</u>
	Hoskins
e e	Date of Hearing/Closing: 9/3/0/
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	·
Ladies and Gentlemen:	
	perjury that the necessary sign(s) required by law ocated at 1223 BERKWOOD Red
The sign(s) were posted on	8/19/01
	(Month, Day, Year)
TANK TANK	Sincerely,
ZON 13 NOTICE	(Signature 655: 19/6)
VAKIANCE	(Signature of Sign Poster and Date)
TO PERMIT A SUM OF SIDE VARDS OF IBET IN LIEU OF LOTT (FOR A PROPOSED ADDITION.)	SSG ROBERT BLACK
	(Printed Name) 1508 Leslie Rd
DIDI 10 HP -	(Address)
PURILLY TO SECTION 25-12720/01, SALTIMORE CONTITUDES	Dundalk, Maryland 21222
AN EUGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT SOOR IN THE ZONING OFFICE BEFORE ADDITIONAL INFORMATION & SOURCE.	(City, State, Zip Code)
430 pin. On <u>Stytember 3 180</u> Additional Information is avail the Comic Ammistration and extension made in the	(410) 282–7940
AUGUST AU	(Telephone Number)

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

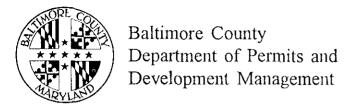
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 02 061 A
Patitioner: CERALD W. HOSKINS
Address or Location: 1223 BERK WOD PROAD  ROSEDALE, MD 21237 - 293C
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>GERALD</u> W. HOSKINS
Address: 1223 BERK WOOD ROAD
ROSEDALE, MD 21237 - 2936
Telephone Number: 410 - 391 - 6942  FAX 410_238 - 0409

Revised 2/20/98 - SCJ

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	<del></del>		
Case	Number 02-06/ -A	Address 122	BERKWOOD RD,
Conta	act Person: John LEWIS	Name of the second seco	Phone Number: 410-887-339
Filing	Date: 8/07/0/ Po	sting Date: <u>3/19/</u> 0	0/ Closing Date: 9/03/0/
Any o	contact made with this office regardigh the contact person (planner) using t	ng the status of the	administrative variance should be
1.	POSTING/COST: The petitioner must reverse side of this form) and the period reposting must be done only by one dis again responsible for all associated property on or before the posting date date.	eduloner is responsible of the sign posters on and costs. The zoning	tor all printing/posting costs. Any the approved list and the petitioner notice sign must be visible on the
2.	<b>DEADLINE:</b> The closing date is the call a formal request for a public hearing request for a public hearing, the process.	id. Piease linderstar	ld that even if there is no formal
	ORDER: After the closing date, the commissioner. He may: (a) grant to order that the matter be set in for (typically within 7 to 10 days of the closined, or will go to public hearing.	ne requested relief; (b a public hearing. Yo osing date) as to whe	b) deny the requested relief; or (c) ou will receive written notification ther the petition has been granted.
	POSSIBLE PUBLIC HEARING AND (whether due to a neighbor's forma commissioner), notification will be for changed giving notice of the hearing of posted, certification of this change and this office.	request or by order prwarded to you. The date time and location	of the zoning or deputy zoning the sign on the property must be
	(Deta	ach Along Dotted Line)	
Petitio	oner: This Part of the Form is for the	Sign Poster Only	
	USE THE ADMINISTRA	ATIVE VARIANCE SIG	GN FORMAT
Case N	Number 02- 06/ -A Addr	ess <u>/223 <i>BER</i>/</u>	KWOON RI)
Petition	ner's Name <u>GERAU</u> HOSKIA		Telephone <u>4/0-238-694</u> Z
Postin	g Date: _ <i>8//9/0/</i>		9/03/x1
Wordin	g for Sign: <u>To Permit A Sum of s</u>	IDEYARDS OF 18	FT. IN LIEU OF 20 FT.
	A PROPOSED ADDITION)	-	



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

September 13, 2001

Gerald W Hoskins 1223 Berkwood Road Baltimore MD 21237

Dear Mr. Hoskins:

RE: Case Number: 02-061-A, 1223 Berkwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 7, 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. らりて Supervisor, Zoning Review

W. Carl Richard, In.

WCR: gdz

Enclosures

c: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESP INDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: October 15, 2001

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT!

Zoning Advisory Committee Meeting

For September 4, 2001

Item Nos. 027, 056, 058, 060, 061,

062, 063, 064, 065,068

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

RWB:HJO:jrb

cc: File



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

September 4, 2001

RECEIVED SEP

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

Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 27, 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 Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

027, 056, 058, 060, 061, 062, 065, 068, 069

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

CC: File

PY 9/4

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

**Development Management** 

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-027, 02-061, 02-065, & 02-068

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mart Lin

SEP 19

DATE: September 19, 2001

**Section Chief:** 

AFK/JL:MAC



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari

Parker F. Williams Administrator

Secretary

2.5.01 Date:

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

RE: **Baltimore County** 

Item No.

JL

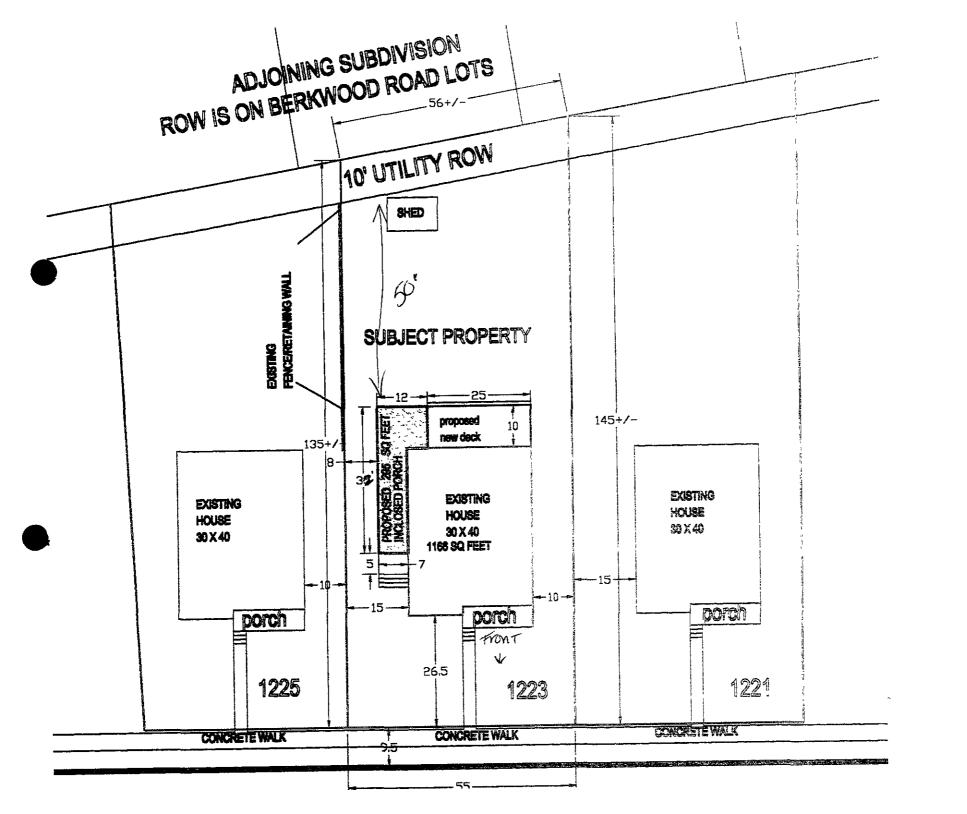
Dear. Ms. Jackson:

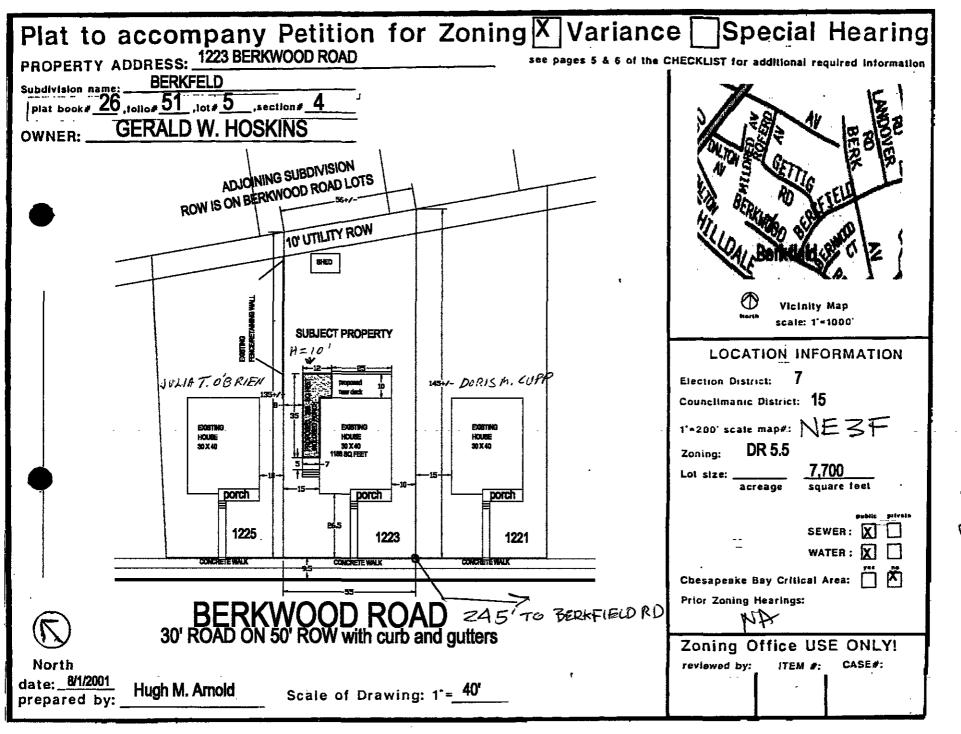
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

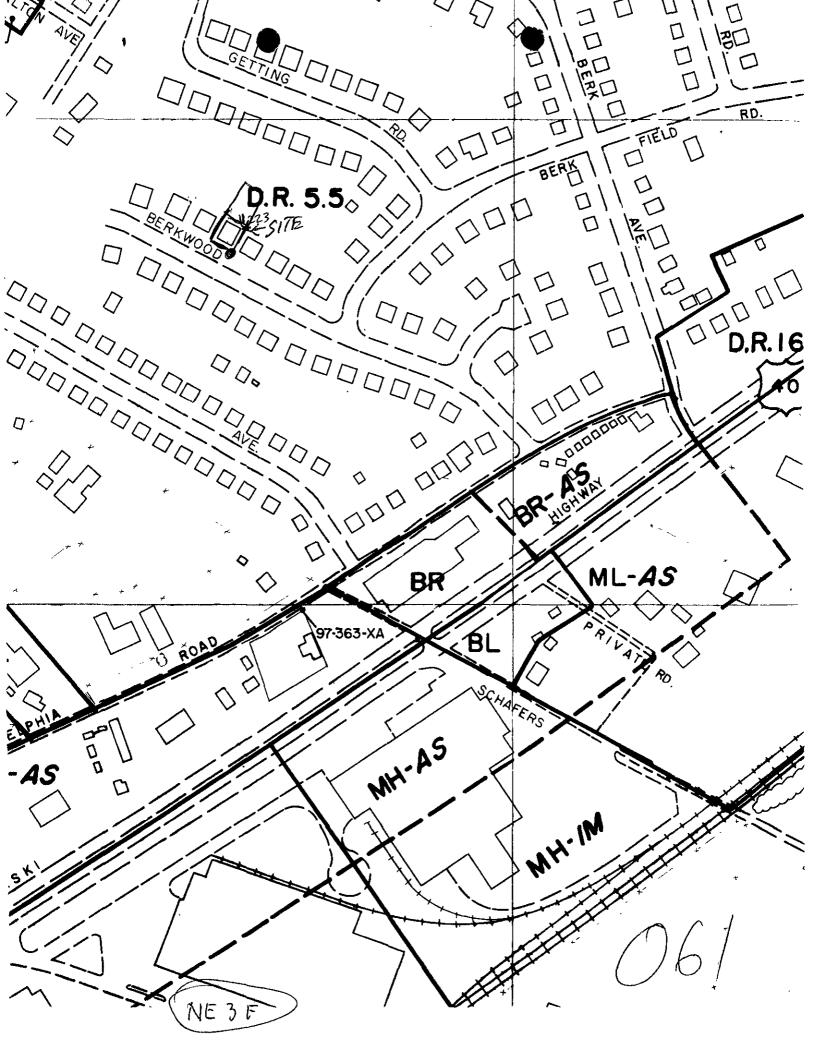
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

f. J. Doell Kenneth A. McDonald Jr., Chief Engineering Access Permits Division







Looking from front to back on subject property where proposed inclosed porch will be put.

Note that pine tree willnot be disturbed since proposed inclosed porch will not go beyond it.





Looking from back to front of house in same area as above.

PINE TREE WILL NOT BE DISTURBED

Looking from back of back yard towards subject house, showing area where proposed inclosed porch and new deck will be located.



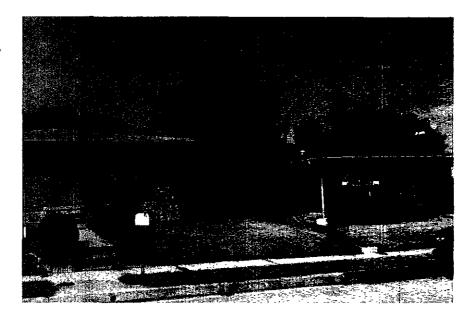
Looking southeast down the street from 1225. The first house you see on the left is 1221.





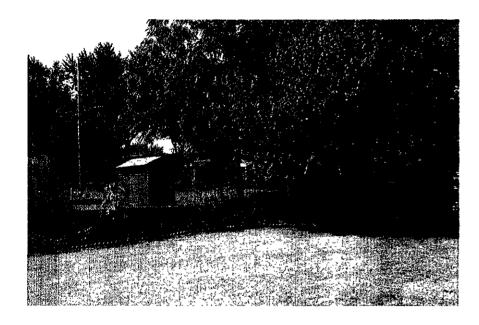
Looking at the subject property, 1223 Berkwood Road from the street, in front of 1221.

Looking from center of the street in front of 1225 Berkwood Road, towards the subject property, 1223 Berkwood Road.



Looking from the street towards the back between 1221 and 1223 Berkwood Road.





Looking from the back yard of the subject property, 1223 Berkwood Road to the back yard of 1225 Berkwood Road, showing the fence/retaining wall which is almost exactly centered on the property line. It should be noted that the proposed inclosed porch will be 8 feet from this structure.

Standing in unitily ROW behind 1225 looking towards 1223, showing the back end of the fence/retaining wall. This shows the height and construction.



