

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S Parkhurst Way, 250' SE
centerline of Bellhall Drive
11th Election District
5th Councilmanic District
(3619 Parkhurst Way)

Jill Allison & Michael James Bender

Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-263-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, *Jill Allison and Michael James Bender*. The variance request is for property located at 3619 Parkhurst Way in the eastern area of Baltimore County. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a rear yard setback of 21 ft. and an open projection (deck) with a rear yard setback of 21 ft. in lieu of the required 35 ft. and 26.25 ft. respectively and to amend the Final Development Plan for "Oakhurst", Section 1, Lot 10. 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

12/03
[Signature]

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 2nd day of January, 2003, that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a rear yard setback of 21 ft. and an open projection (deck) with a rear yard setback of 21 ft. in lieu of the required 35 ft. and 26.25 ft. respectively and to amend the Final Development Plan for "Oakhurst", Section 1, Lot 10, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

1/2/03




**Baltimore County
Zoning Commissioner**

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

January 2, 2003

Mr. & Mrs. Michael James Bender
3619 Parkhurst Way
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 03-263-A
Property: 3619 Parkhurst Way

Dear Mr. & Mrs. Bender:

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 Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3619 Parkhurst Way
which is presently zoned DR S.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) 1B01.2C.1.b. (RCZR)

TO PERMIT AN ADDITION WITH A REAR YARD SETBACK OF 21' AND AN OPEN PROTECTION (DECK) WITH A REAR YARD SETBACK OF 21' IN LIEU OF THE REQUIRED 35' AND 26.25' RESPECTIVELY AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR "OAKHURST", SECTION 1, LOT 10.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of November, 2002, 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.

Legal Owner(s):

Michael James Bender

Name - Type or Print

Signature

Jill Allison Bender

Name - Type or Print

Signature

3619 Parkhurst Way

Address

Baltimore

City

W - (410) 785-0050

H - (410) 256-3609

Telephone No.

MD

State

21236

Zip Code

Representative to be Contacted:

Michael Bender

Name

3619 Parkhurst Way

Address

Baltimore

City

(W) 410 785-0050

(H) 410 256-3609

Telephone No.

MD

State

21236

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 03-263-A

Reviewed By D. THOMPSON Date 11/27/02

Estimated Posting Date 12/9/02

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 3619 Parkhurst Way
Address Baltimore MD 21236
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We seek to add a one room addition to the rear of the house. This room will take the place of the existing 12'x20' wood deck. It will be elevated approximately 8' with entrance through the existing sliding door exit from the home's mid-level. It is to measure no more than 16'x24' with a block foundation. The proposed addition will impede upon the required 30' setback. This additional space is necessary due to a growing family.

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.

Michael J. Bender
Signature

Michael J. Bender
Name - Type or Print

Jill Allison Bender
Signature

Jill Allison Bender
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of November, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael J. Bender & Jill Allison Bender
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Pamela L. White
Notary Public

My Commission Expires May 1, 2003



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3619 Parkhurst Way
which is presently zoned DR 5.5

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) 1001.2C.1.b. (BCZR)

TO PERMIT AN ADDITION WITH A REAR YARD SETBACK OF 21' AND AN OPEN PROJECTION (DECK) WITH A REAR YARD SETBACK OF 21' IN LIEU OF THE REQUIRED 35' AND 26.25' RESPECTIVELY AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR "DAKHURST", SECTION 1, LOT. 10.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No

City

State

Zip Code

Name - Type or Print

Signature

3619 Parkhurst Way

W - (410) 785-0050

H - (410) 256-3609

Address

Telephone No.

Baltimore

MD

21236

City

State

Zip Code

Representative to be Contacted:

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Name

3619 Parkhurst Way

(W) 410 785-0050

(H) 410 256-3609

Address

Telephone No.

Baltimore

MD

21236

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 11 day of November, 2002, 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. 03-263-A

Reviewed By D. THOMPSON Date 11/27/02

REV 10/25/01

Estimated Posting Date 12/9/02

ZONING DESCRIPTION FOR: 3619 PARKHURST WAY

Beginning at a point on the northwest side of Parkhurst Way which is four~~y~~⁽⁴⁰⁾ feet wide at the distance of 250 feet southeast of the centerline of the nearest improved intersecting street, Bellhall Drive, which is 22 feet wide. Being Lot #10, Block A, Section 1, in the subdivision of Oakhurst as recorded in Baltimore County Plat Book #46, Folio 48, containing 7345 square feet. Also known as 3619 Parkhurst Way and located in the 11th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13627

DATE 11/27/02 ACCOUNT 0010066150
AMOUNT \$ 100.00

RECEIVED FROM: MICHAEL J. BEIDER
FOR: ITEM # 263 03-268-A (AMEND FDP)
QUIN PARRASH WAY BY D THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
11/02/2002 11/27/2002 15:46:53
REG #506 WALKIN KNOWN DRAWER 4
RECEIPT # 116754 12/02/2002 OFLN
Dep 5 520 ZONING VERIFICATION
CR NO. 013627
Recpt Tot \$100.00
103.00 OT
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-263-A

Petitioner/Developer: _____

BENDER

Date of Hearing/Closing: 12/24/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms BECKY HART

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 _____

3619 PARKHURST WAY

The sign(s) were posted on 12/9/02
(Month, Day, Year)

Sincerely,

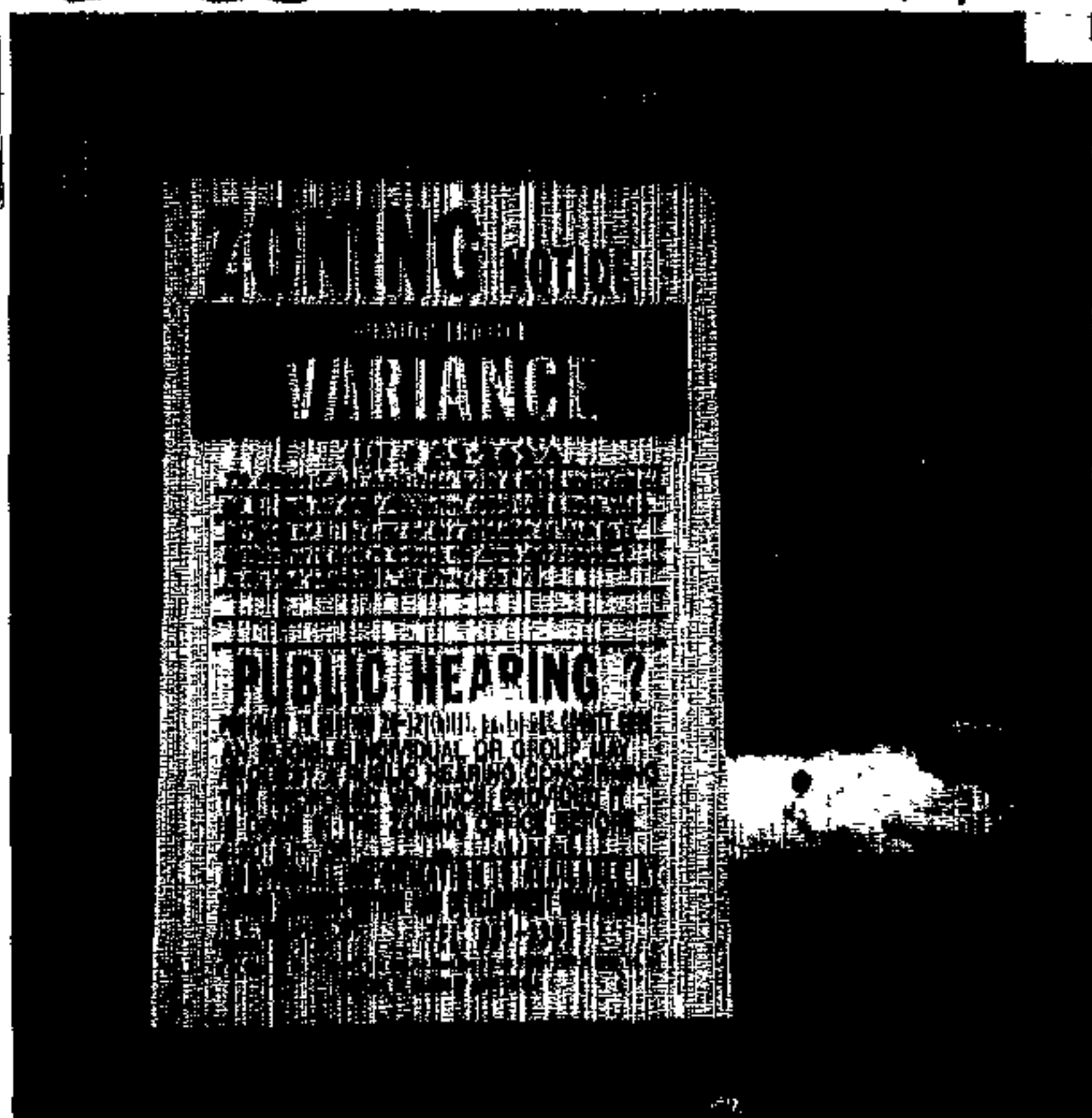
Richard E. Hoffman 12/9/02
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



3619 PARKHURST WAY

POSTED 12/9/02

Richard E. Hoffman 12/9/02

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 263 -A Address 3619 PARKHURST WAY
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 11/27/02 Posting Date: 12/9/02 Closing Date: 12/24/02

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.

Do Not Fill In Below Line

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 263 -A Address 3619 PARKHURST WAY
Petitioner's Name BENDER Telephone 410-256-3609
Posting Date: 12/9/02 Closing Date: 12/24/02
Wording for Sign: To Permit AN ADDITION WITH A REAR YARD SETBACK OF
21' AND AN OPEN PROJECTION (DECK) WITH A REAR YARD SETBACK OF 21' IN LIEU
OF THE REQUIRED 35' AND 26.25' RESPECTIVELY AND TO AMEND THE
FINAL DEVELOPMENT PLAN FOR "OAKHURST", SECTION 1, LOT 10.

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

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

December 23, 2002

Michael J. Bender
Jill A. Bender
3619 Parkhurst Way
Baltimore, MD 21236

Dear Mr. and Mrs. Vender:

RE: Case Number: 03-263-A, 3619 Parkhurst Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 27, 2002.

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 black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

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





Maryland Department of Transportation
State Highway Administration

Granted
1/2/03

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: **12.30.02**

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. **263** **DT**

Dear Mr. Zahner:

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,

[Signature]

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 19, 2002

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

263
242-249, 251-269

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

cc: File

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2002

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

39

SUBJECT: 3619 Parkhurst Way

INFORMATION:

Item Number: 03-263

Petitioner: Michael Bender

Zoning: Dr 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a rear yard setback of 21 feet, and an open projection deck with a rear yard setback of 21 feet in lieu of the required 35 feet and 26.25 feet respectively.

Prepared by: Malet A. Cimper

Section Chief: Lynn L. Latham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2002
Item Nos. 257, 258, 259, 260, 261, 262,
263, 264, 265, 266, 267, 268, 270, 271,
272, 273, 274, 275, 276, 277, 278, 279,
280, 281, 282, 283, 284, 285, 286, 287,
288, 289, and 290

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

RWB:CEN:jrb

cc: File



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary

Mary Abrams
Deputy Secretary

December 27, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 12/30/02 re: case numbers 03-257-A, 03-258-SPHA, 03-259-SPHA, 03-260-A, 03-261-A, 03-262-A, 03-263-A, 03-264-SPH, 03-265-A, 03-266-XA, 03-267-A, 03-268-A, 03-270-A, 03-271-A, 03-272-A, 03-273-A, 03-274-A, 03-275-A, 03-276-A, 03-277-XA, 03-278-SPH, 03-279-A, 03-280-A, 03-281-SPHA, 03-282-A, 03-283-SPHA, 03-284-A, 03-285-A, 03-286-A, 03-287-A, 03-288-A, 03-289-A, 03-290-A

Dear Mr. Zahner:

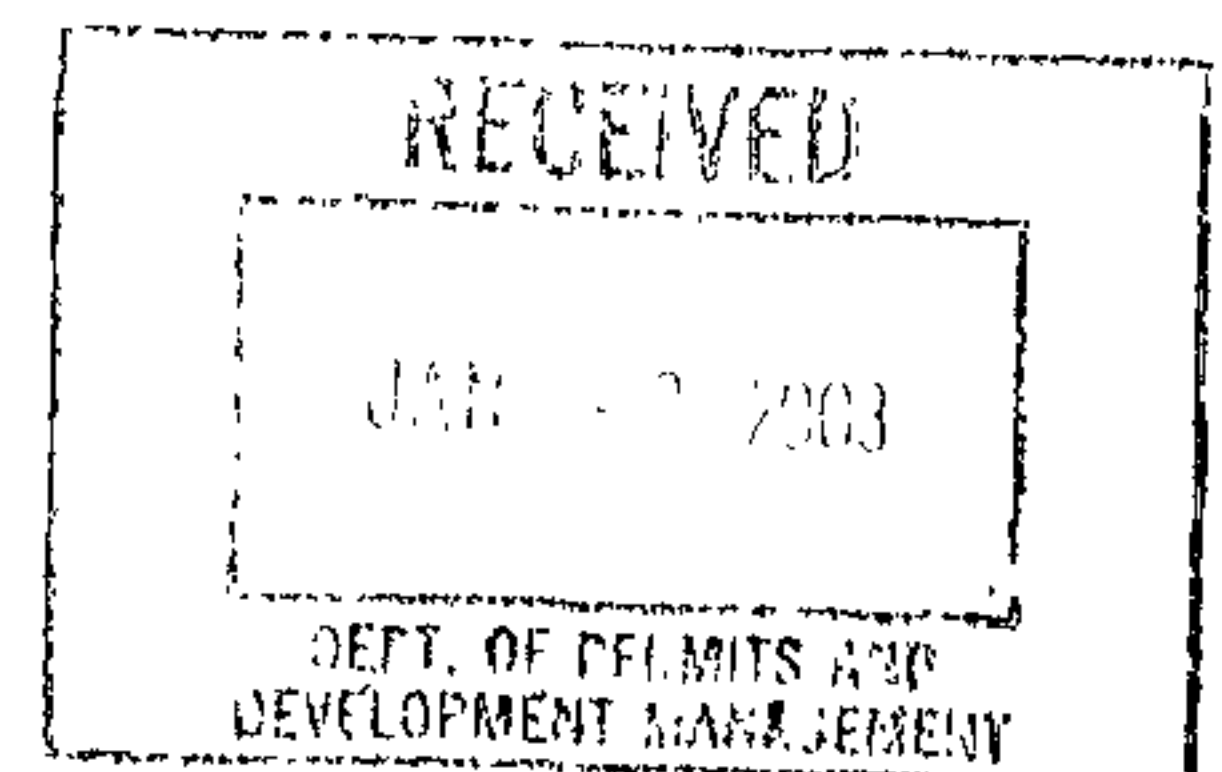
The Maryland Department of Planning has received the above-referenced information on 12/26/02. The information has been submitted to Mr. Mike Nortrup.

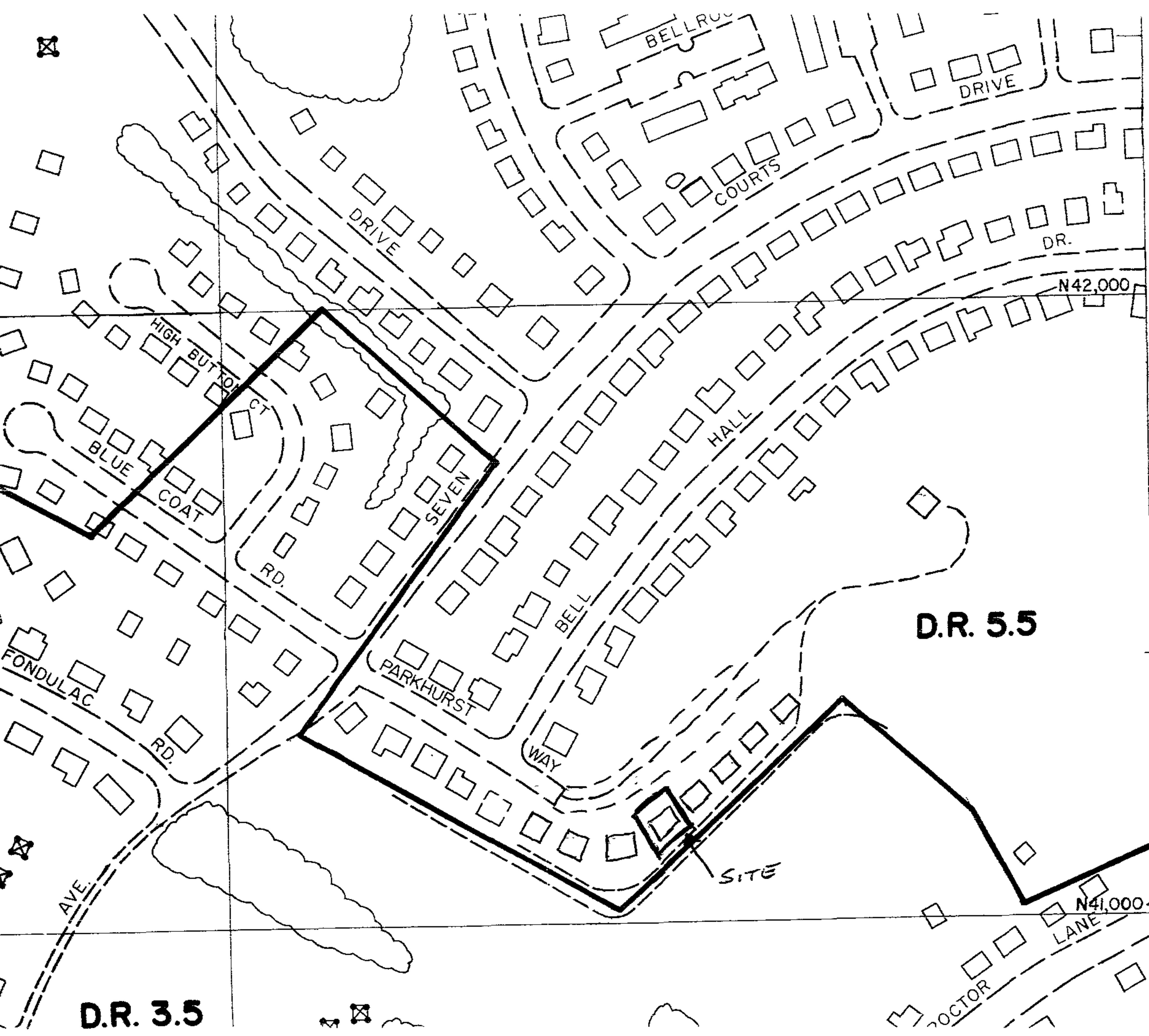
Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup





NC
11-E

(SHEET N.E.-11-G)

N42,000

D.R. 5.5

SITE

N41,000

D.R. 3.5



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3619 Parkhurst Way

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Oakhurst

PLAT BOOK # 46 FOLIO # 48 LOT # 10 SECTION # 1

OWNER Michael J. & Jill A. Bender

