IN RE: PETITION FOR ADMIN. VARIANCE S/S of Chilhowie Court, 900' SW of Cleghorn Road 8th Election District 3rd Councilmanic District (11 Chilhowie Court) Anthony Julio *Petitioner*	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-551-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Anthony Julio, the legal owner of the subject property. The variance request is for property located at 11 Chilhowie Court in the Cockeysville area of Baltimore County. The Petitioner herein seeks a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 40 ft. in lieu of the required 50 ft. and a variance from Section 400.1 of the B.C.Z.R., to permit an existing accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to be located 0 +/- ft. from a lot line in lieu of the required 2.5', and to amend the Final Development Plan for "Padonia Farms" (Lot No. 16). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

6/18/03 L. Jameson

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.

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 Zoning Commissioner for Baltimore County, this 18th day of June, 2003, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 40 ft. in lieu of the required 50 ft. and a variance from Section 400.1 of the B.C.Z.R., to permit an existing accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to be located 0 +/- ft. from a lot line in lieu of the required 2.5', and to amend the Final Development Plan for "Padonia Farms" (Lot No. 16), 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 his 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.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

6/18/03
R. Jameson

Baltimore County
Zoning Commissioner

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

June 18, 2003

Mr. Anthony Julio
11 Chilhowie Court
Cockeysville, Maryland 21030

Re: Petition for Administrative Variance
Case No. 03-551-A
Property: 11 Chilhowie Court

Dear Mr. Julio:

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,

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11 CHILHOWIE COURT

which is presently zoned RC5

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)

1A04.3.B.2 TO PERMIT A SIDE YARD SETBACK OF 40' IN LIEU OF THE REQUIRED 50'

400.1 TO PERMIT AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND TO BE LOCATED 0'I FROM A LOT LINE IN LIEU OF THE REQUIRED 2.5''

TO AMEND THE FINAL DEVELOPMENT PLAN FOR PADONIA FARMS (LOT 16)

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):

ANTHONY E. JULIO
Name - Type or Print

Signature

Name - Type or Print

Signature

11 CHILHOWIE COURT 410-560-0022
Address Telephone No

COCKEYSVILLE MD 21030
City State Zip Code

Representative to be Contacted:

BRUCE E. DOAK
GERHOLD, CROSS & ETZEL, LTD.
Name

320 E. TOWSONTOWN BLVD. 410-823-4470
Address Telephone No

TOWSON MD 21286
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. 03-551-A

Reviewed By JNP Date 5/20/03

Estimated Posting Date 6/1/03

6/18/03 Request

REV 9/15/98

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 11 CHILHOWIE COURT
Address

COCKEYSVILLE MD 21030
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):

THE SUBJECT LOT HAS LARGE SETBACKS (50') FROM EACH SIDE WHICH LEAVES ONLY A NARROW BUILDING ENVELOPE. THE EXISTING HOUSE WAS BUILT TO MAXIMIZE THAT ENVELOPE AND DOES NOT ALLOW FOR ANY EXPANSION OTHER THEN TO THE BACK. THE PROPOSED ADDITION WOULD NOT WORK FOR THE FAMILY IF ATTACHED TO THE BACK OF THE HOUSE. ALSO, IF THE ADDITION WAS PLACED ON THE BACK OF THE HOUSE THE DECK, PATIO & LANDSCAPING WOULD NEED TO BE REMOVED,

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.

Signature

ANTHONY E. JULIO
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of May, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Anthony E. Julio 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

May 20, 2003
Date

Cynthia T. Blachowicz
Notary Public

My Commission Expires 01-01-07

CYNTHIA T. BLACHOWICZ NOTARY PUBLIC BALTIMORE COUNTY, MARYLAND

REV 09/15/98

03-551-A

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

May 15, 2003

JULIO PROPERTY
11 CHILHOWIE COURT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the south side of Chilhowie Court which is 50 feet wide at a distance of 900 feet, more or less, ~~southwesterly of the centerline~~ southwest of C.B. centerline of Cleghorn Road, which is 50 feet wide, being Lot #16 "Padonia Farms" as recorded in the Baltimore County Plat Book #56, folio #23, containing 2.14 Acres of land, more or less, also known as 11 Chilhowie Court and located in the Eighth Election District, Third Councilmanic District.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
BRUCE EDWIN DOAK
No. 531
REGISTERED
PROPERTY LINE SURVEYOR
5/20/03

X:\julio\zoningdescrip..doc

03-551-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23090

DATE 5/20/03 ACCOUNT R 001-006-6150

AMOUNT $ 130.00

RECEIVED FROM: Gerald, Cross & Fetzel, LTD.

FOR: 11 Chilhowie Court - Variance (03-551-A)

Julie

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED
FILE NUMBER

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-551-A
PETITIONER/DEVELOPER:
Anthony E. Julio
DATE OF HEARING:
June 16 , 2003

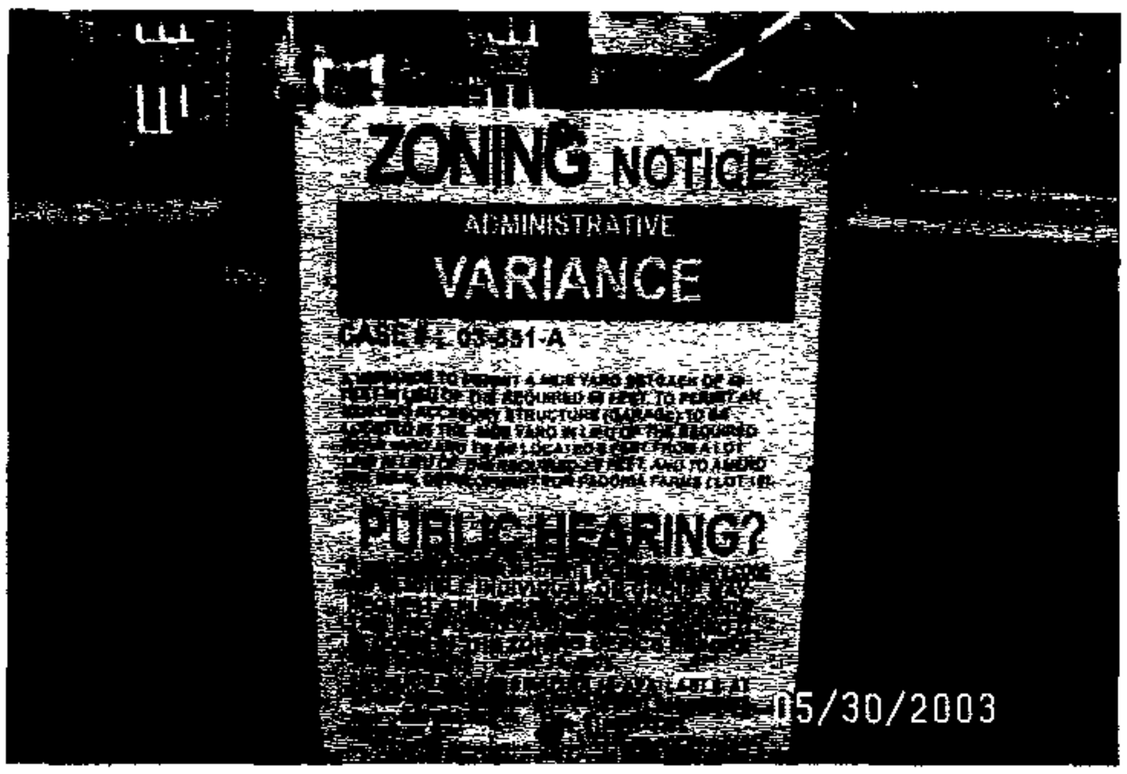
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA 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

LOCATION:
11 Chilhowie Court



POSTED ON : May 30, 2003

DATE:
June 3, 2003

Bruce E. Doak
SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 551 -A Address 11 Chilhowie Court

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 5/20/03 **Posting Date:** 6/1/03 **Closing Date:** 6/16/03

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

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 551 -A Address 11 Chilhowie Court

Petitioner's Name Julio Telephone 410-560-0022

Posting Date: 6/1/03 **Closing Date:** 6/16/03

Wording for Sign To Permit a side yard setback of 40 feet in lieu of the required 50 feet, to permit an existing accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to be located 0 feet from a lot line in lieu of the required 2.5 feet, and to amend the Final Development Plan for Padonia Farms (Lot 16)

WCR - Revised 6/28/00

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

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

June 16, 2003

Anthony M. Julio
11 Chilhowie Court
Cockeysville, MD 21030

Dear Mr. Julio:

RE: Case Number: 03-551-A, 11 Chilhowie Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 20, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Towson 21286

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Fire Department

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

:ounty Office Building, Room 111
Mail Stop #1105
.11 West Chesapeake Avenue
'owson, Maryland 21204

May 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 27, 2003

Item No.: 544, 547-551

Dear Ms. Hart:

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.

'. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 27, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-550 and 03-551**
Administrative Variance

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: Mark A Cunningham

Section Chief: Lyn Lanham

AFK/LL:MAC

RECEIVED
MAY 28 2003
ZONING COMMISSIONER

RECEIVED
MAY 28 2003
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 30, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2003
Item Nos. 544, 545, 546, 547, 548,
549, and 551

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

RWB:CEN:jrb

cc: File

(1)

03-551-A

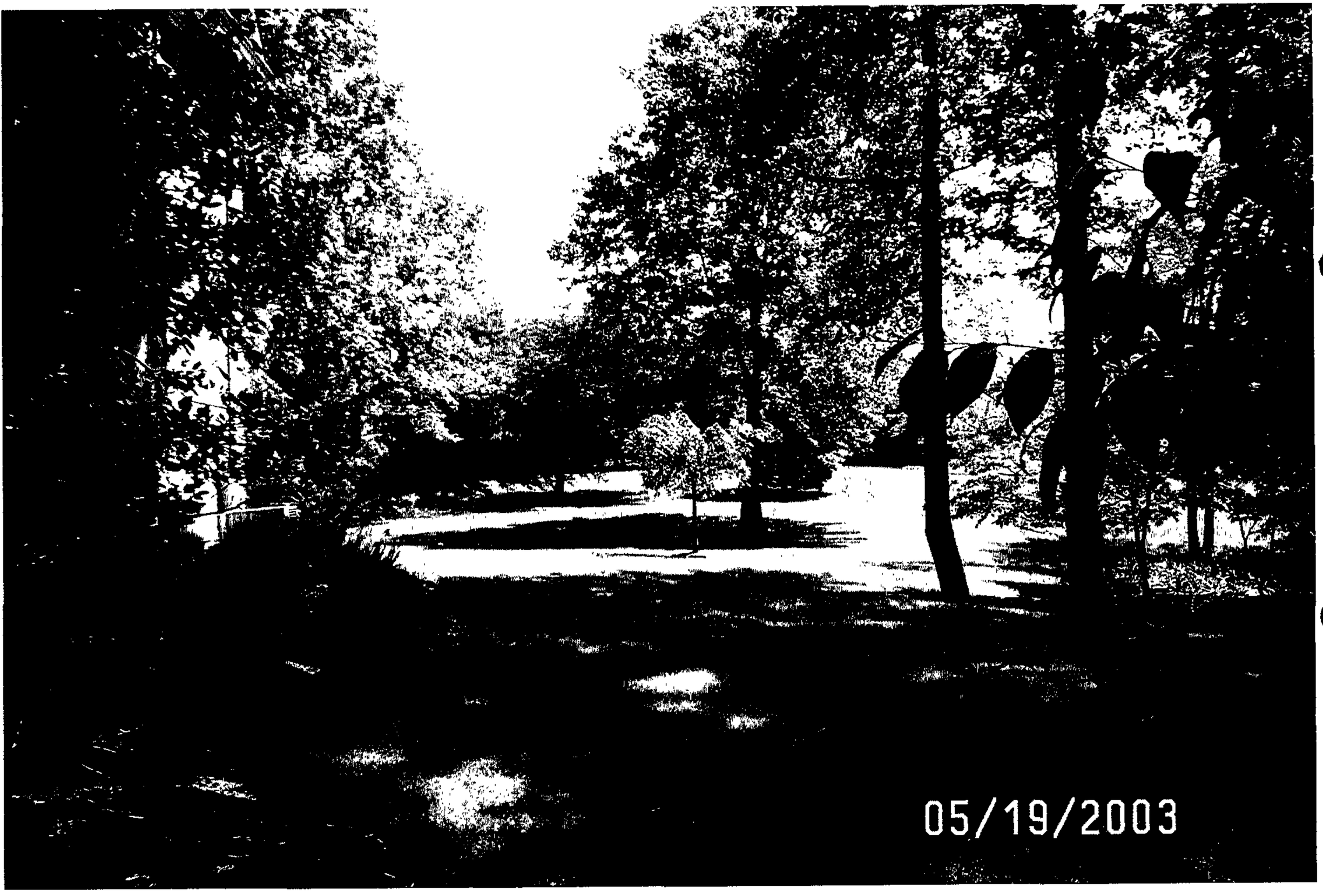
(2)

03-551-A

③

03-551-A

03-551-A

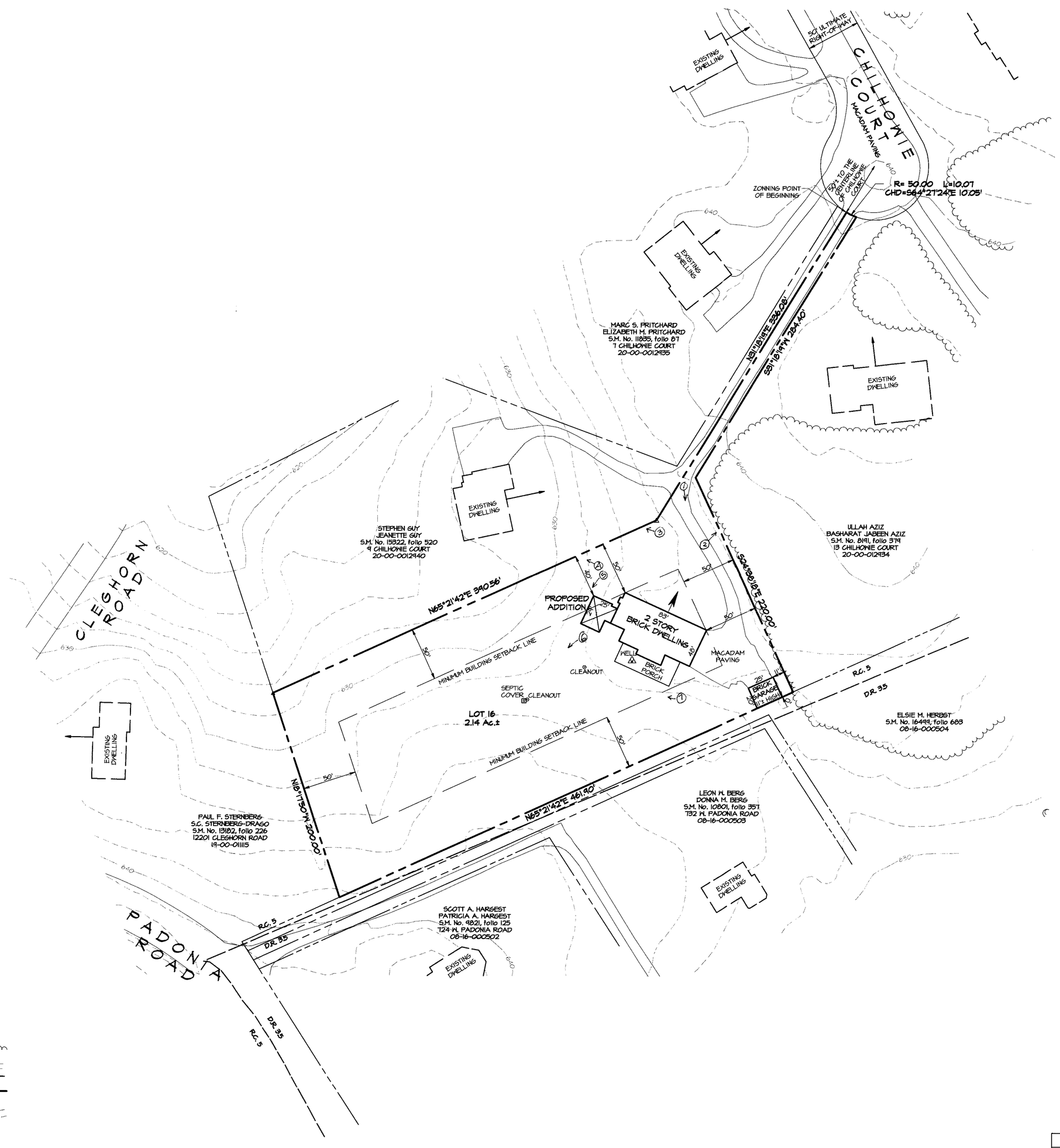


03-551-A

(6)

03-551-A

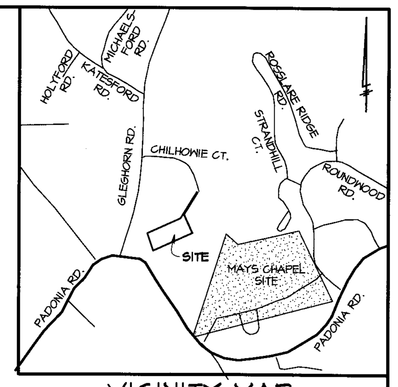
03-551-A



LEGEND

- PROPOSED ADDITION
- EXISTING DWELLING
- WOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

Baltimore County Grid Meridian



VICINITY MAP

1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 51A2.
3. CENSUS TRACT 4083.01 A.D.C. MAP & GRID 18 D8
   WATERSHED LOCH RAVEN SUBGENERSHED 36 N
   SCHOOL DISTRICT 165 REGIONAL PLANNING DISTRICT 307A
4. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

OWNER\DEVELOPER

ANTHONY E. JULIO
11 CHILHOWIE COURT
COCKEYSVILLE, MARYLAND 21030
(410)560-0022

VARIANCE REQUESTED

SECTION 1A04.3.B.2 B.C.Z.R.
TO PERMIT A SIDE YARD SETBACK OF 40' IN LIEU OF THE REQUIRED 50'.

SECTION 400.1 B.C.Z.R.
TO PERMIT AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND TO BE LOCATED 0'± FROM A LOT LINE IN LIEU OF THE REQUIRED 2.5'.

Pet. Ex. #1

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAT TO ACCOMPANY A PETITION FOR VARIANCES OF THE JULIO PROPERTY

11 CHILHOWIE COURT
PADONIA FARMS
Plat Ref: 56, folio 23
Deed Ref: S.M. No. 9271 folio 763
Tax Account No.: 20-00-012941
Zoned R.C. 5; Map NW 15C
Tax Map 51; Grid 13; Parcel 76; Lot 16
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — BRUCE EDWIN RAY — No. 531 — REGISTERED PROPERTY LINE SURVEYOR — 5/16/03

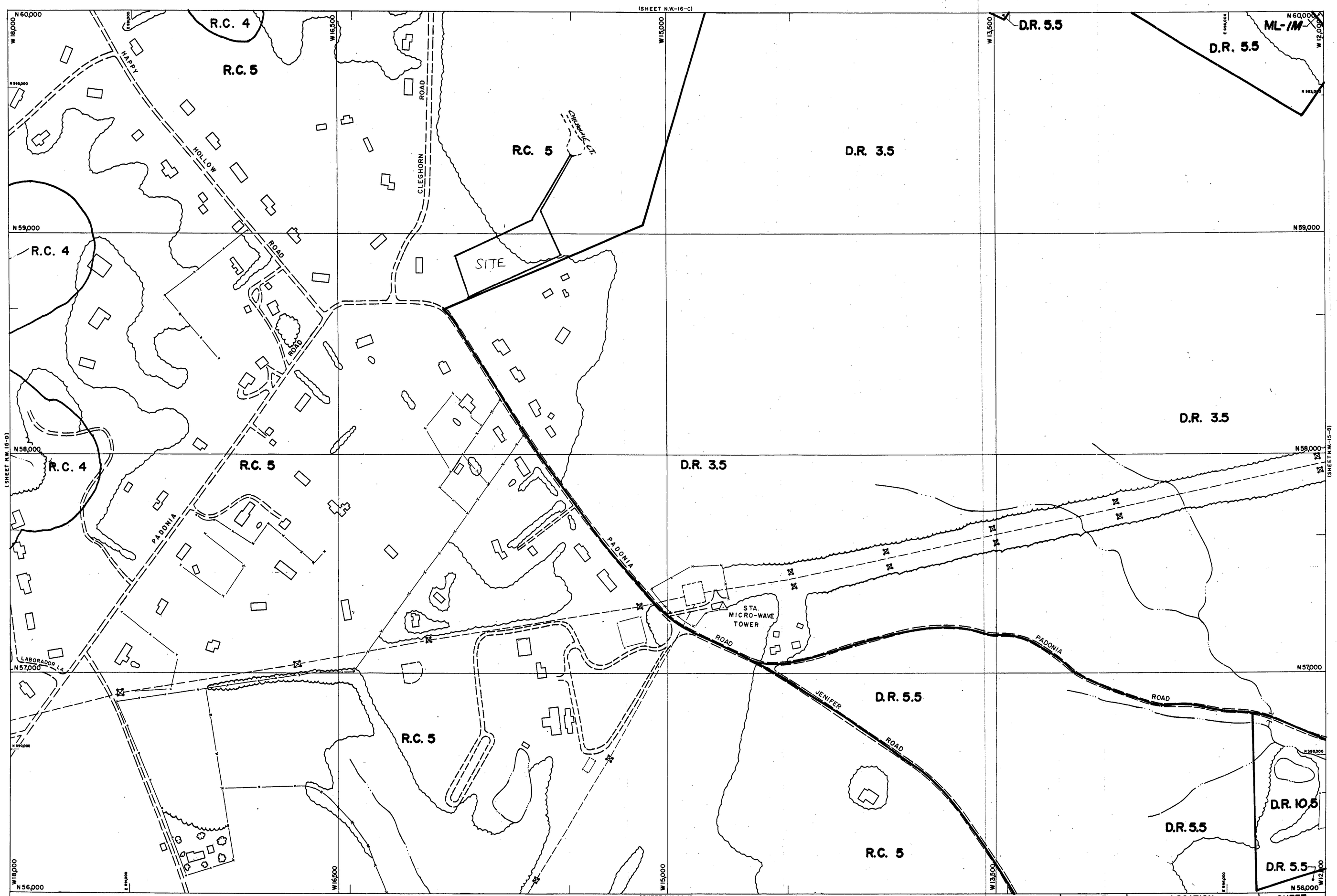
Scale: 1"=50' Date: MAY 15, 2003

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED: G.T.L.	DRAWN: E.T.M.	CHECKED: B.E.R.	FILE:X:\julio\zoning.pro

May 15, 2003

PHOTOGRAPH KEY MAP-03-551-A



S-NW S-NE
V-SW V-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	TEXAS	N. W. 15-C
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 15 C

03-551-A