

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Timahoe Circle, 380' W
of Ridgely's Choice Drive
11th Election District
6th Councilmanic District
(3731 Timahoe Circle)

Karyn Kraft
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-018-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Karyn Kraft, the legal owner of the subject property. The variance request is for property located at 3731 Timahoe Circle in the eastern area of Baltimore County. The Petitioner herein seeks an administrative variance from Comprehensive Manual of Development Policies (C.M.D.P.) § V.B.6.b, Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback for an addition (sunroom) with a 3 ft. side yard setback in lieu of the required 15 ft. and to amend the Final Development Plan for "Ridgely's Choice", Section II, Lot No. 97. 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

8/9/03
K. R. Kraft

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 Deputy Zoning Commissioner for Baltimore County, this 9 day of August, 2003, that an administrative variance from C.M.D.P., Sec. V.B.6.b, Sec. 504 of the B.C.Z.R., to permit a side yard setback for an addition (sunroom) with a 3 ft. side yard setback in lieu of the required 15 ft. and to amend the Final Development Plan for "Ridgely's Choice", Section II, for Lot No. 97 only, 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 her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

8/9/03
R. Jameson



Baltimore County
Zoning Commissioner

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

August ~~6~~⁹, 2003

Ms. Karyn Kraft
3731 Timahoe Circle
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 04-018-A
Property: 3731 Timahoe Circle

Dear Ms. Kraft:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3731 Timahoe Ct
which is presently zoned D.R.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) (CMDP)V.B.6.b., 504 (BCZR)

TO PERMIT A SIDE YARD SETBACK FOR AN ADDITION (SUNROOM) WITH A 3-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 15- FEET AND TO AMEND THE FDP FOR RIDGELY'S CHOICE, SECTION II, LOT 97.

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 N/A

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print N/A

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print Karen Kraft

Signature Karen Kraft

Name - Type or Print

Signature

Address 3731 TIMAHOE CT

City Baltimore

State MD.

Zip Code 21236

Telephone No. (410) 256-2475

Representative to be Contacted:

Name Petitioner

Address WORK

City

State

Zip Code

Telephone No. (410) 993-2603

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. 04-018-A

Reviewed By D. THOMPSON Date 7/9/03

Estimated Posting Date 7/20/03

REV. 10/25/01

8/9/03
D.P. O'NEILL

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 3731 TIMAHOE CI
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):

The Affiant wishes to enclose the existing back deck and have windows on the sides of the enclosure. It is a practical difficulty to comply with existing set back requirements.

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.

Karyn Kraft
Signature
Karyn Kraft
Name - Type or Print

Signature

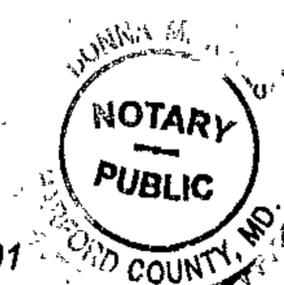
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Anne Arundell

I HEREBY CERTIFY, this 8th day of July, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

KARYN KRAFT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Donna M. Reals
Notary Public Donna M. REALS
My Commission Expires 1-1-2006

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.

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Address
Baltimore MD 21236
City State Zip Code

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Karyn Kraft
Signature
Karyn Kraft
Name - Type or Print

Signature

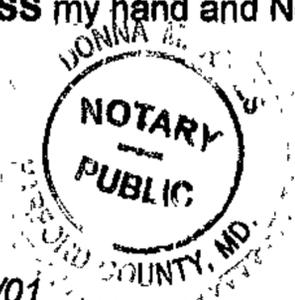
Name - Type or Print

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I HEREBY CERTIFY, this 8th day of July, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

KARYN KRAFT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Donna M. Reels
Notary Public Donna M. Reels
My Commission Expires 1-1-2006



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3731 TIMAHOE CI
which is presently zoned O.B.55

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) (CMDP) V. B. 6. b, 504 (BCZR)

TO PERMIT A SIDE YARD SETBACK FOR AN ADDITION (SUNROOM) WITH A 3-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 15- FEET AND TO AMEND THE FDP FOR RIDGELY'S CHOICE, SECTION II, LOT 97.

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:

N/A
Name - Type/or Print
Signature
Address Telephone No.
City State Zip Code

Legal Owner(s):

Karyn Kraft
Name - Type or Print
Karyn Kraft
Signature
Name - Type or Print
Signature
3731 TIMAHOE CI. (410) 256-2475
Address Telephone No.
Baltimore MD 21236
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Representative to be Contacted:

Petitioner
Name
WORK (410) 993-2603
Address Telephone No.
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 04-018-A

Reviewed By D. THOMPSON Date 7/9/03

REV 10/25/01

Estimated Posting Date 7/20/03

Zoning Description for **3731 Timahoe Circle**

Beginning at a point on the north side of Timahoe Circle 380-feet west of Ridgely's Choice Drive and containing a total area of 1900 square feet. Also known as Lot 97 as shown on the plat entitled, "Second Amended Plat A, Section II Ridgely's Choice" recorded among the Land Records of Baltimore County as Plat 60, Folio 21 located in the 11th Election District and the 6th Councilmanic District of Baltimore County.

04-018-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25584

DATE 7/9/03 ACCOUNT 0010066150

AMOUNT \$ 115.00

RECEIVED FROM: KARYN KRAFT

FOR: ITEM # 18, 04-018-A - AMEND FDP

3731 TIMAHOE CIRCLE BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
7/11/2003 7/11/2003 09:39:33 3
REG WS03 WALKIN - LPET LWP
>> RECEIPT # 260962 7/11/2003 OFLN
DEPT 5 528 ZONING VERIFICATION
CRIM. 025584
Receipt Tot \$115.00
115.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-018-A

Petitioner/Developer: _____

KRAFT

Date of Hearing/Closing: 8/4/03

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 _____

3731 TIMAHOE CIR

The sign(s) were posted on 7/20/03
(Month, Day, Year)

CASE # 04-018-A

Sincerely,

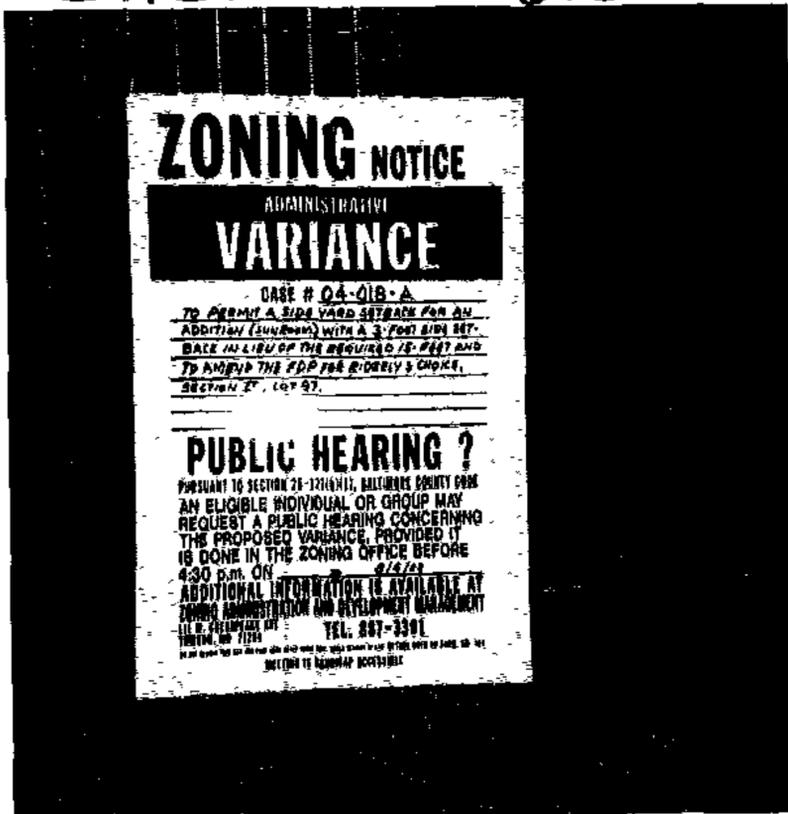
Richard E. Hoffman 7/20/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)



3731 TIMAHOE CIR
POSTED 7/20/03
Richard E. Hoffman 7/20/03

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-018 -A Address 3731 TIMAHOE CIRCLE

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 7/9/03 Posting Date: 7/20/03 Closing Date: 8/4/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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 04-018 -A Address 3731 TIMAHOE CIRCLE

Petitioner's Name KRAFT Telephone 410-256-2475

Posting Date: 7/20/03 Closing Date: 8/4/03

Wording for Sign To Permit A SIDE YARD SETBACK FOR AN ADDITION (SUNROOM) WITH A 3-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 15-FEET AND TO AMEND THE FDP FOR RIDG. Y'S CHOICE, SECTION, LOT 97.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 04-018-A

Petitioner: KRAFT

Address or Location: 04-018-A

PLEASE FORWARD ADVERTISING BILL TO:

Name: KARYN R. KRAFT

Address: 3731 TIMAHOE CIRCLE

BALTO. MD 21236-2947

Telephone Number: 410-256-2475



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

August 4, 2003

Karyn Kraft
3731 Timahoe Circle
Baltimore, MD 21236

Dear Ms. Kraft:

RE: Case Number: 04-018-A, 3731 Timahoe Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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





Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 21, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 21, 2003

Item No.: 015-020, 022-026 *OK*

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.

7. 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

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



State Highway Administration

MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Date: 7.22.03

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

RE: Baltimore County
Item No. 018 DT

Dear Ms. Hart:

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,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 28, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-016 and 04-018
Administrative Variance

RECEIVED
JUL 29 2003
ZONING COMMISSIONER

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: Kathy Schreiber

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 12, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2003
Item Nos. 015, 017, 018, 020, 022,
023, 024, 025, and 026

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

RWB:CEN:jrb

cc: File

Administrative Variances Check List

Case Number

04-018-A

Location

3731 Tunaloc Cir

Zoning

DR 5.5

Request

side y set 3' for sun room

Zoning Regs

504.

Verify sign posting

7/20 ok

ZAC comments

none

Reason for request

lots are 20' wide 15 feet setback on each side prohibits any building

Site Plan

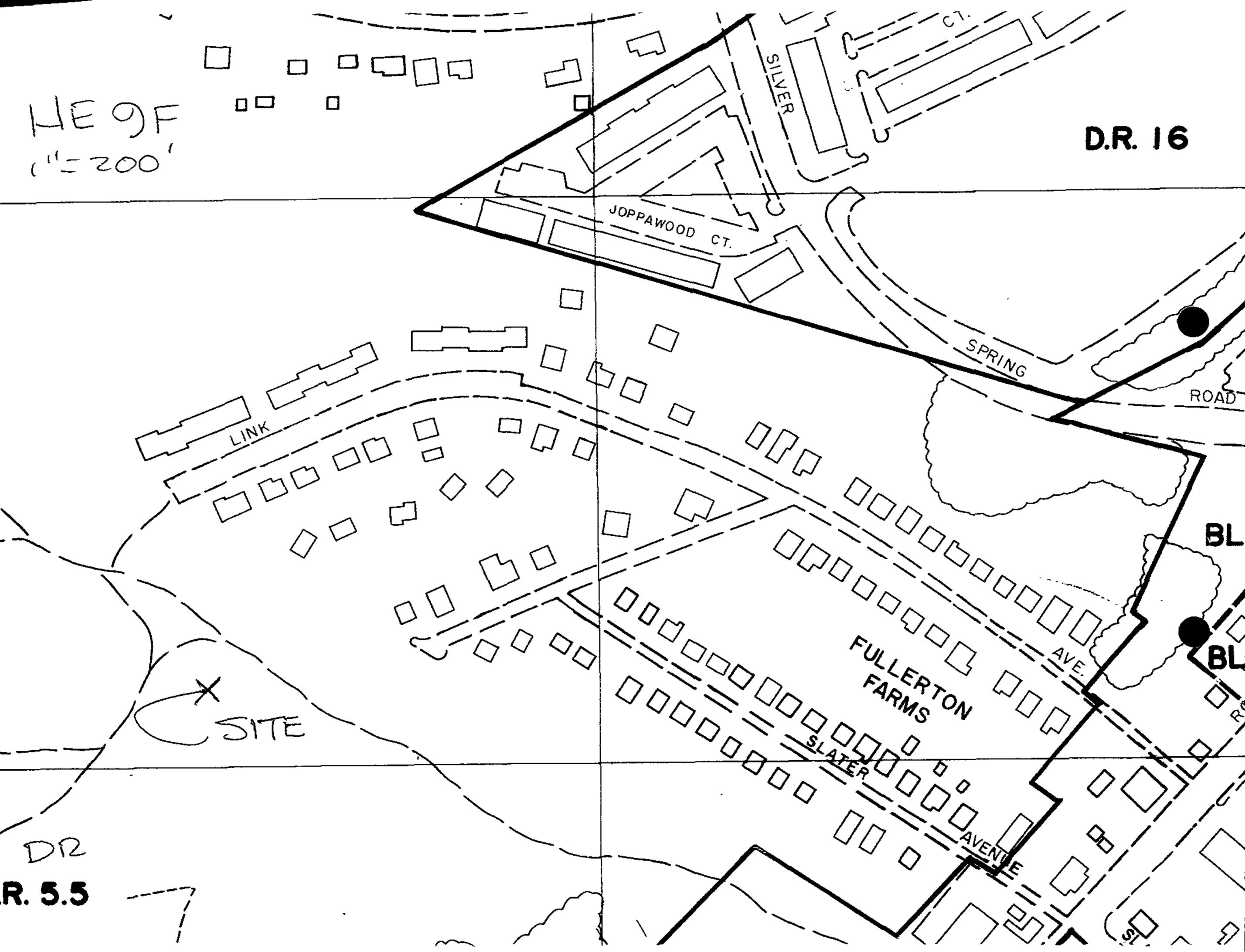
Pictures

Opinion

everyone has deck - keep deck on top
enclose deck

HE 9F
1"=200'

D.R. 16



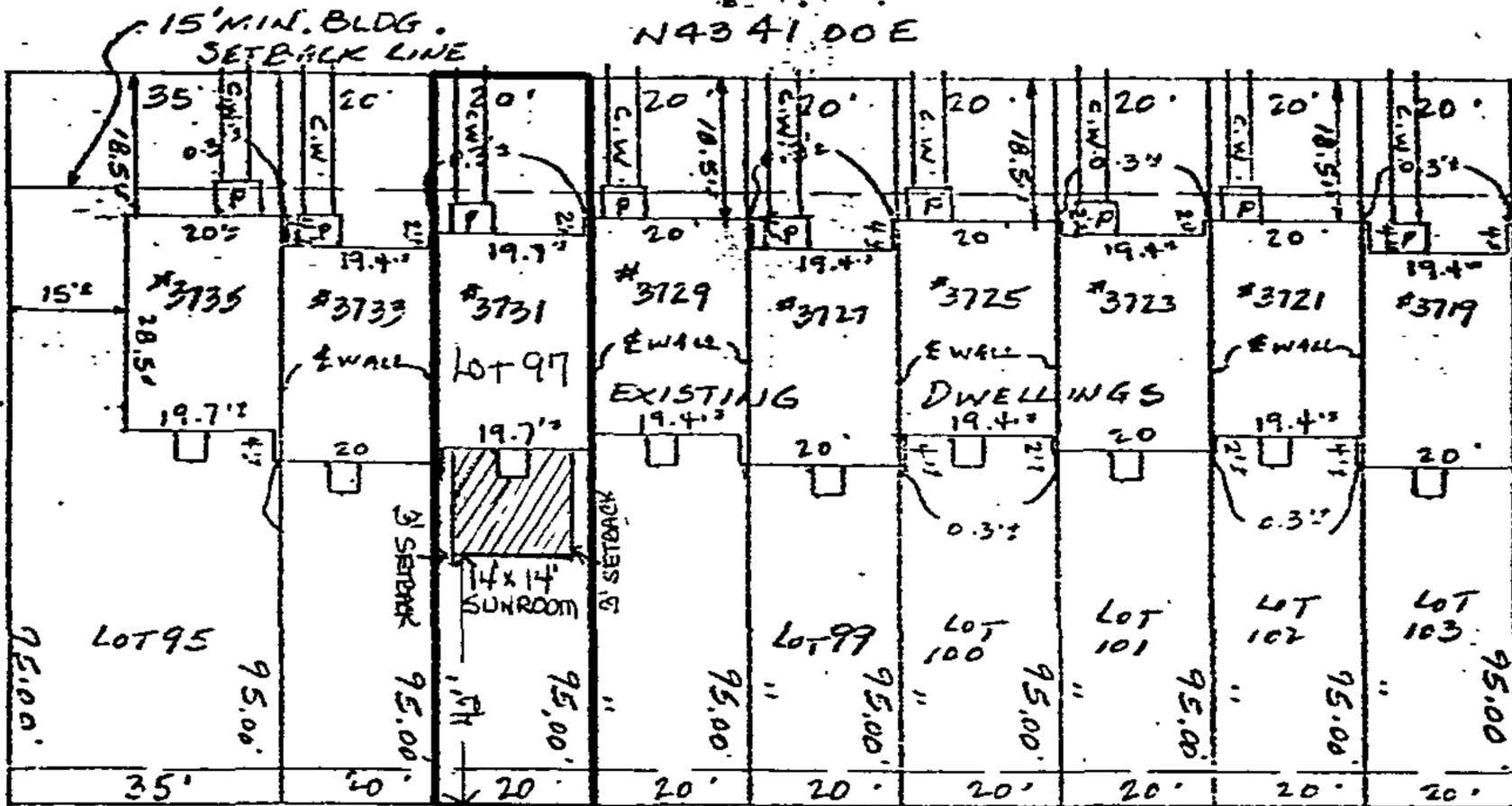
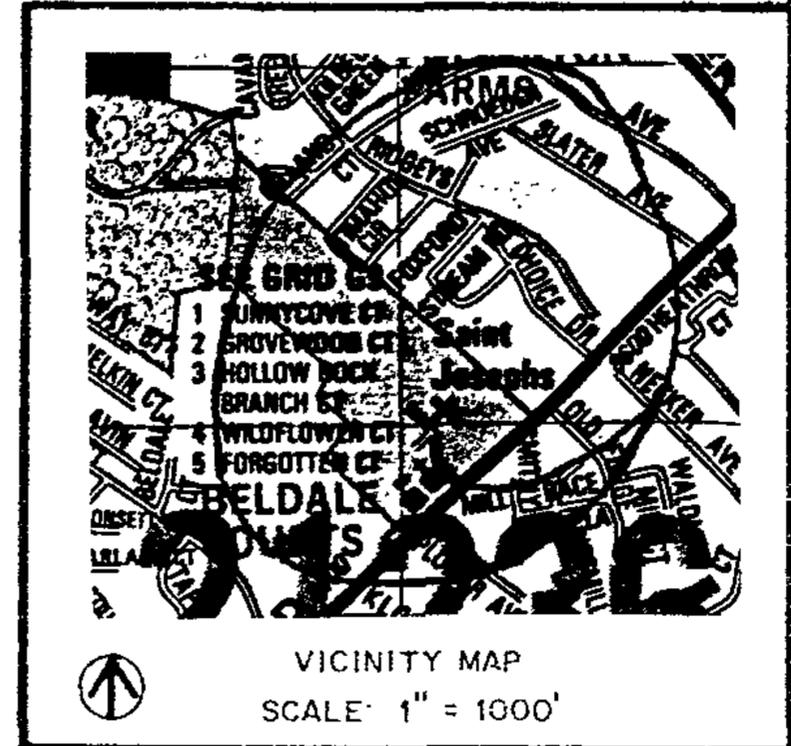
DR
R. 5.5

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS 3131 TIMAHOE CIRCLE
 SUBDIVISION NAME RIDGELY'S CHOICE
 PLAT BOOK # 60 FOLIO # 21 LOT # 97 SECTION # II
 OWNER KARYN K. KRAFT

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

TIMAHOE CIRCLE



LOCATION INFORMATION

ELECTION DISTRICT 11th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # NE9F

ZONING DR5.5

LOT SIZE

	ACREAGE	SQUARE FEET
		1900
		PUBLIC PRIVATE
SEWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES NO
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
100 YEAR FLOOD PLAIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HISTORIC PROPERTY/BUILDING	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR ZONING HEARING	NONE	

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D. THOMPSON	18	04-018-A

SCALE OF DRAWING: 1" = 30'

-15-
Pet. G. # 1

