

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S of Berkshire Road, 200 ft +/-, NW
centerline of Larkfield Road
12th Election District
7th Councilmanic District
(7477 Berkshire Road)

Dorothy Wiseman Potter
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-190-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject Dorothy Wiseman Potter. The variance request is for property located at 7477 Berkshire Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family attached dwelling with addition to have a rear yard setback of 24 ft. in lieu of the required 50 ft. 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 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

ORDER RECEIVED FOR FILING

Date

By

11/20/03

R. Quast

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 Zoning Commissioner for Baltimore County, this 20th day of November, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family attached dwelling with addition to have a rear yard setback of 24 ft. in lieu of the required 50 ft., 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.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING
Date 11/20/03
By R. G. [Signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 20, 2003

Ms. Dorothy Wiseman Potter
7477 Berkshire Road
Baltimore, Maryland 21224

Re: Petition for Administrative Variance
Case No. 04-190-A
Property: 7477 Berkshire Road

Dear Ms. Potter:

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 black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7477 Berkshire Rd
which is presently zoned DR 10.5

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)

TO PERMIT AN EXISTING SINGLE FAMILY
ATTACHED DWELLING WITH ADDITION TO HAVE
A REAR YARD SETBACK OF 24' IN LIEU OF THE
REQUIRED 50'.

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 NA
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print NA
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Dorothy Wiseman Potter
Signature Dorothy Wiseman Potter
Name - Type or Print _____
Signature _____
Address 7477 Berkshire Rd Telephone No. 410-285-4241
City Baltimore State MD Zip Code 21224

Representative to be Contacted:

Name Anthony J. Russo Jr
Address 3504 Galloway Rd Telephone No. 410-335-5200
City BALTO State MD Zip Code 21220-4429

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 October, 2003, 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. 04-190-A

Reviewed By LTM Date 10/15/03

REV 10/25/01

Estimated Posting Date 10/26/03

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

7477 Berkshire Road
Address
Baltimore Maryland 21224
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):

*would like to add living space to rear of house
cannot add to side or front of house.
EXISTING LOCATION of the house cannot meet the set set back.*

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.

Dorothy Wiseman Potter
Signature

Signature

Dorothy Wiseman Potter
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of October 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dorothy Wiseman Potter
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sharon R. Jones
Notary Public

My Commission Expires 2/1/09

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/does not presently reside at 7477 Berkshire Road
Address Baltimore Maryland 21224
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):

Would Like To add Living space to rear of house.
CANNOT add to side or front of house.
EXISTING location of the house cannot meet the 50' setback.

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.

Dorothy Wiseman-Potter
Signature
DOROTHY WISEMAN POTTER
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dorothy Wiseman-Potter
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Thomas R. Jones
Notary Public
My Commission Expires 8/1/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7477 Berkshire Rd
which is presently zoned DR 10.5

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) 1802.3.C.1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY ATTACHED DWELLING WITH ADDITION TO HAVE A REAR YARD SETBACK OF 24' IN LIEU OF THE REQUIRED 50'.

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:

NA
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

NA
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

Dorothy Wiseman Potter
Name - Type or Print
Dorothy Wiseman Potter
Signature
Name - Type or Print
Signature
7477 Berkshire Rd 410-285-4241
Address Telephone No.
Baltimore Md 21224
City State Zip Code

Representative to be Contacted:

Anthony J. Russo Jr
Name
3504 Galloway Rd 410-335-5200
Address Telephone No.
BALTO Md 21220-4429
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 10/15/03 day of October 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. 04-190-A

Reviewed By CTM Date 10/15/03

REV 10/25/01

Estimated Posting Date 10/26/03

Zoning Description

ZONING DESCRIPTION FOR 7477 Berkshire Road
(address)

Beginning at a point on the SE side of
(north, south, east or west)
BERKSHIRE which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 200' NW of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street LARKFIELD
(name of street)

which is 50' wide. *Being Lot # 65
(number of feet of right-of-way width)

Block _____, Section # 1 in the subdivision of BERKSHIRE
(name of subdivision)

as recorded in Baltimore County Plat Book # CHL 13, Folio # 32

containing 3025. Also known as 7477 Berkshire Rd
(square feet or acres) (property address)

and located in the 12 Election District, 7 Councilmanic District.



190

CERTIFICATE OF POSTING

RE: Case No.: 04-190-A

Petitioner/Developer: DOROTHY

POTTER

Date of Hearing/Closing: 11/10/03

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

ATTN: Becky Hart {(410) 887-3394}

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:

7477 BERKSHIRE RD

The sign(s) were posted on

10/25/03
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster)

10/25/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

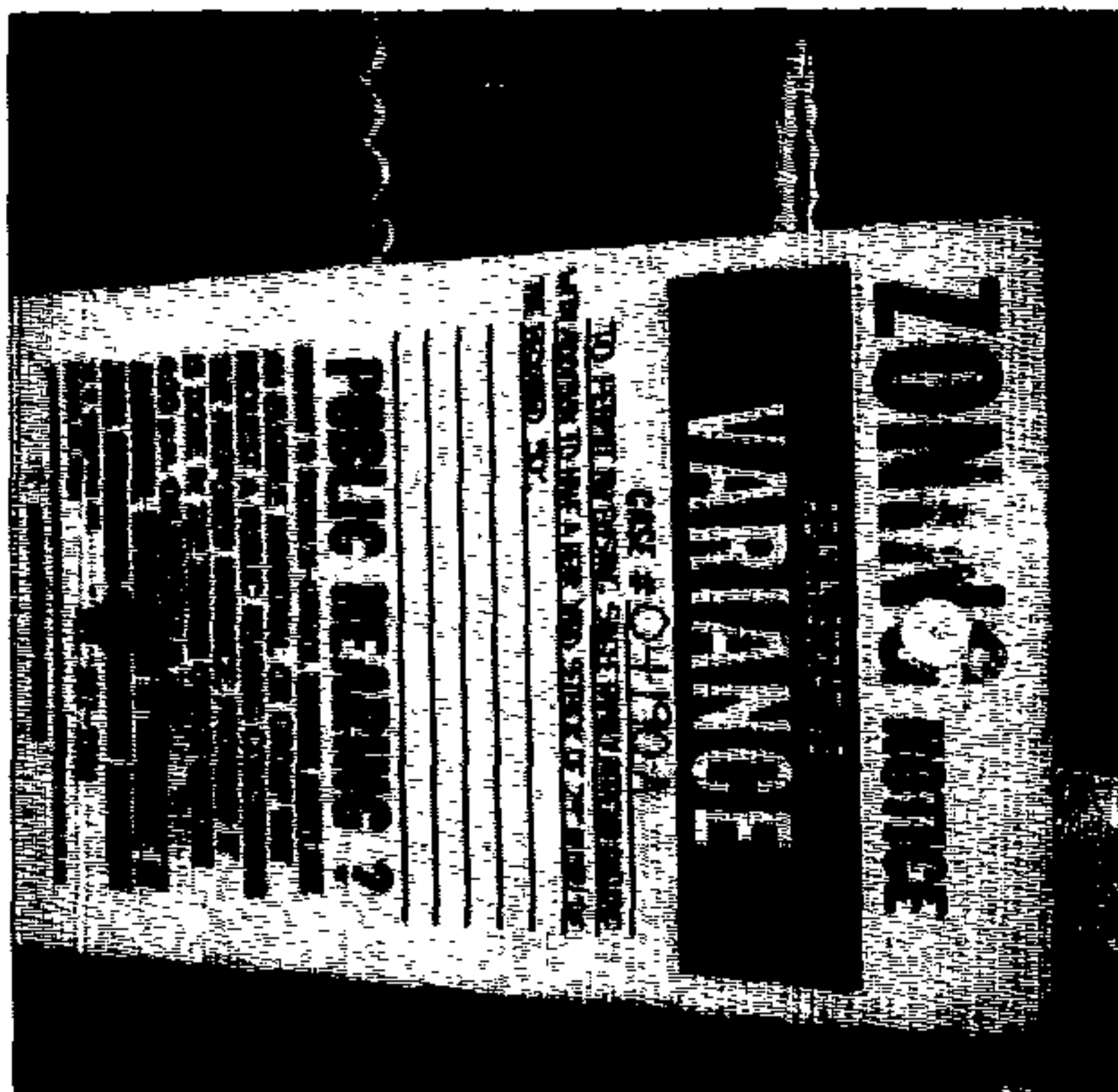
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: x 04-190-A
Petitioner: Dorothy Wiseman Potter
Address or Location: 7477 Berkshire Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Anthony J. Russo Jr
Address: 3504 Galloway Road
BALTO, Md 21220-4429
Telephone Number: OFF 410-335-5200 CEL 443-2500887

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴ ~~190~~ 190 -A Address 7477 BERKSHIRE RD
Contact Person: LIOYOT.MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/15/03 Posting Date: 10/26/03 Closing Date: 11/10/03

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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴ ~~190~~ 190 -A Address 7477 BERKSHIRE RD
Petitioner's Name DOROTHY POTTER Telephone 410 285 4241
Posting Date: 10/26/03 Closing Date: 11/10/03
Wording for Sign: To Permit AN EXISTING SINGLE FAMILY
ATTACHED DWELLING WITH ADDITION TO HAVE A REAR
YARD SETBACK OF 24' IN LIEU OF THE REQUIRED
50'.

PLANS RECEIVED POSTING 11/10/03 DB

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 10, 2003

Dorothy Wiseman Potter
7477 Berkshire Road
Baltimore, MD 21224

Dear Mr. Potter:

RE: Case Number: 04-190-A, 7477 Berkshire Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 15, 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, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Anthony J. Russo, Jr., 3504 Galloway Road, Baltimore 21220

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





**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

October 27, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 27, 2003

Item No.: 183-194 (190)

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





State Highway
Administration

Driven to Excel

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.28.03

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

RE: Baltimore County
Item No. 190 LTM

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-188, 04-190, and 194
Administrative Variance

RECEIVED

OCT 30 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:

Lynne L. Lohan

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 13, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2003
Items Nos. 183, 184, 185, 186, 187,
188, 189, 190, 191, 192, 193, and 194

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

RWB:CEN:jrb

cc: File

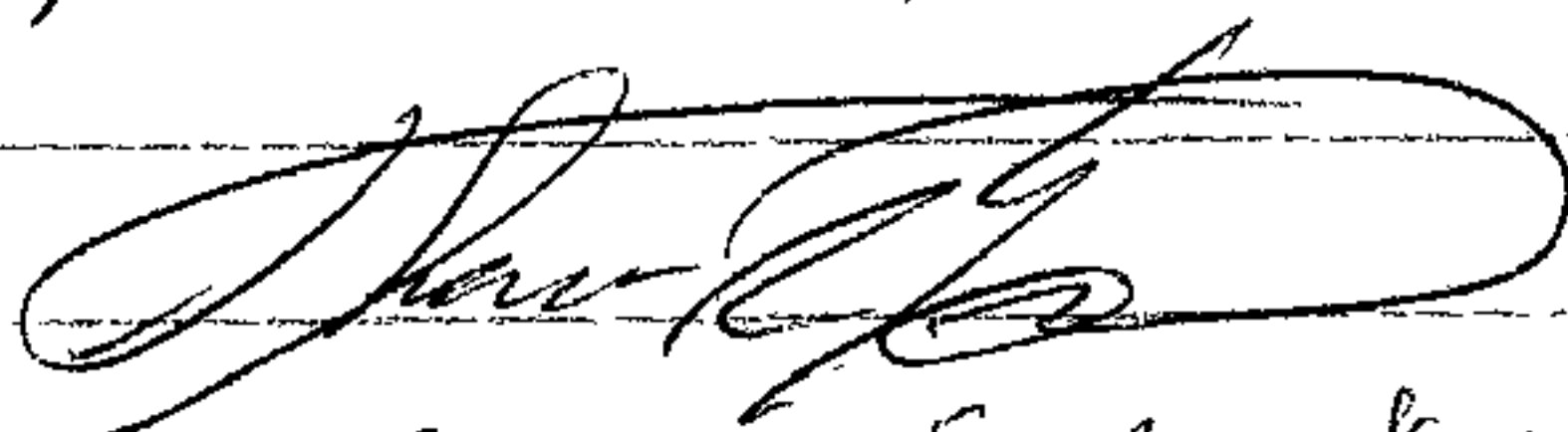
To Whom it may concern

10-3-03

I Margaret Carroll have no objection
to Dorothy Wiseman Potter at 7477 Berkshire
Rd to build a 2 story addition to the
rear of their house.

Witness Anthony Bump
Witness Cheryl White

MARGARET CARROLL
7477 BERKSHIRE ROAD
BALTIMORE, MD 21224

 10/3/03
COMM EXR P-1-04

#190

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

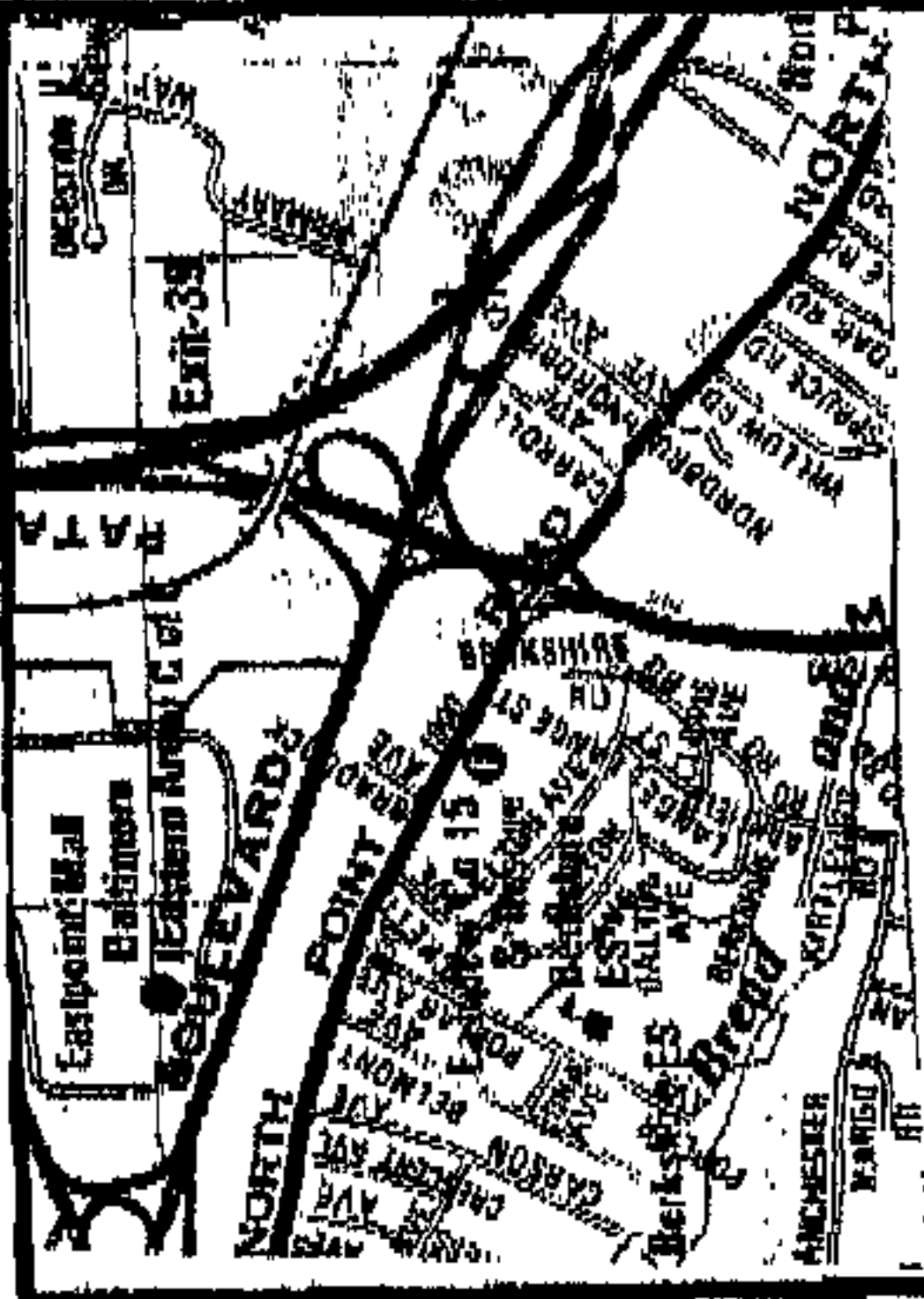
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 7477 Berkshire Road

SUBDIVISION NAME BERKSHIRE

FLAT BOOK # 13 FOLIO # 32 LOT # 65 SECTION # 1

OWNER DOROTHY WILSEMAN POTTER



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # JE2F

ZONING DR10.5

LOT SIZE 369 ACRES 3025 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒ YES ☐ NO ☒

CHESAPEAKE BAY CRITICAL AREA ☒

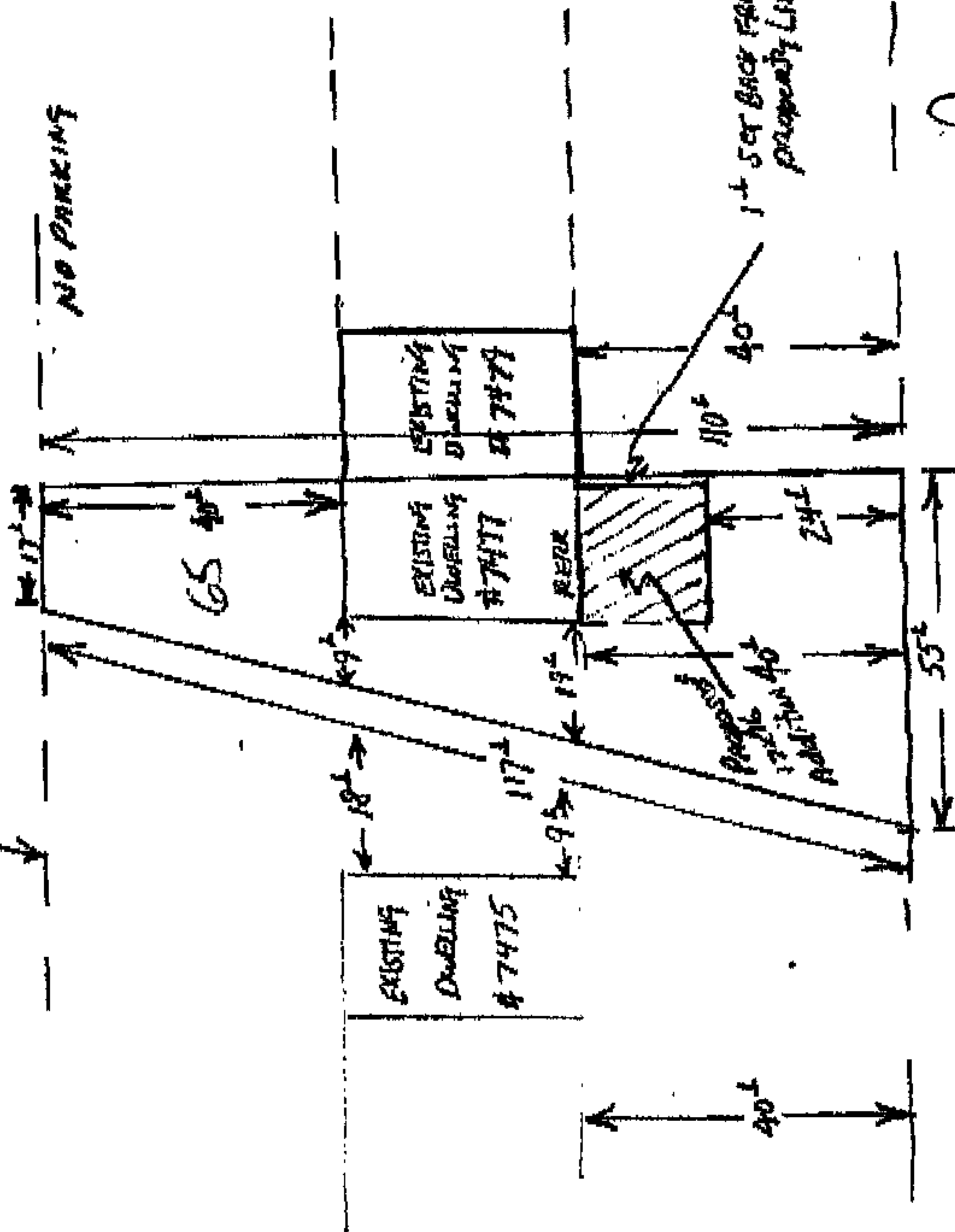
100 YEAR FLOOD PLAIN ☒

HISTORIC PROPERTY/BUILDING ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY CTM ITEM # 190 CASE #

Parking
BERKSHIRE ROAD
NO PARKING



ALLEYWAY
NO HOME
THIS SIDE

Lot 66

Lot 65

Lot 64

9
NORTH

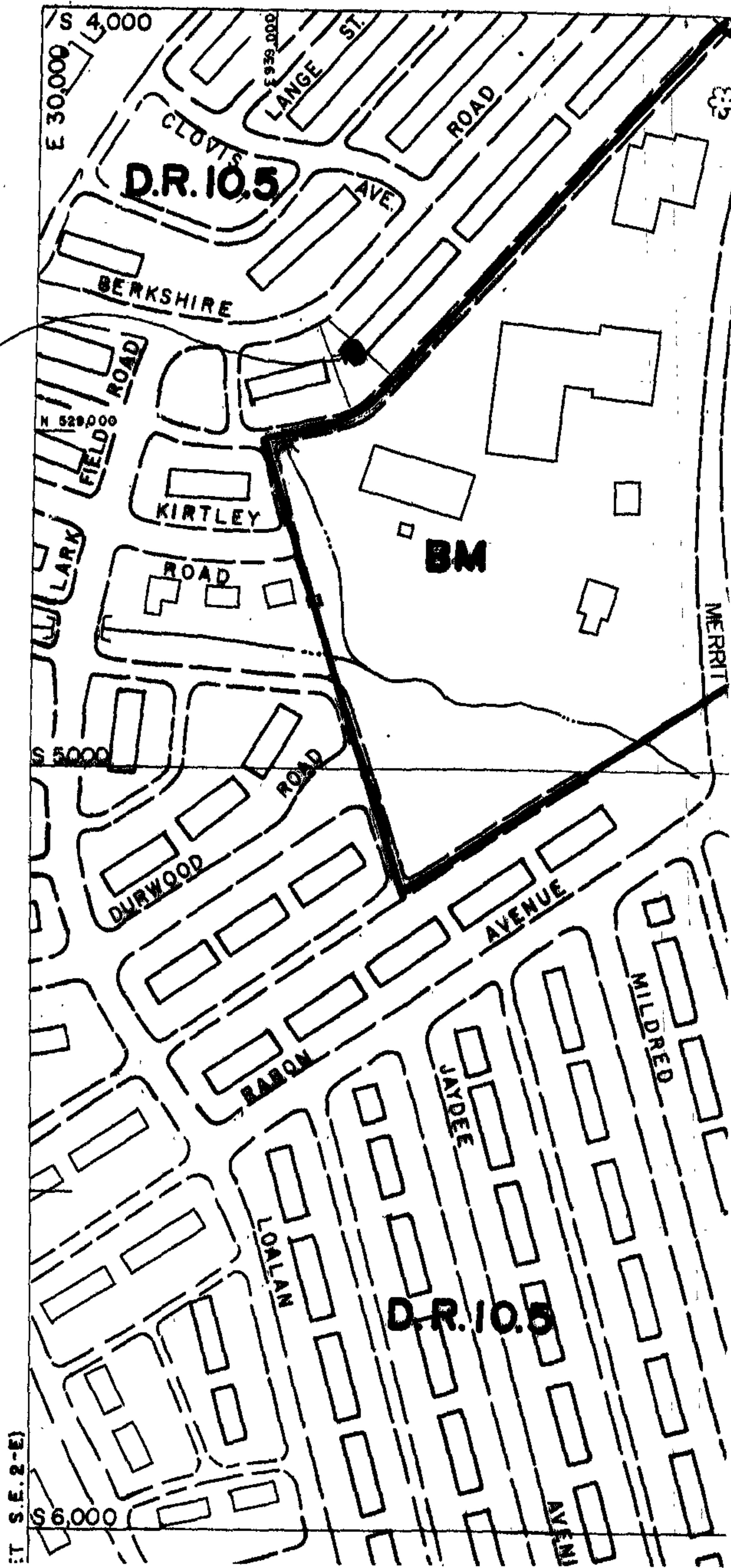
SCALE OF DRAWING: 1" = 30'

Anthony Russo Jr

PREPARED BY

SE ZF 1"=200'

SITE



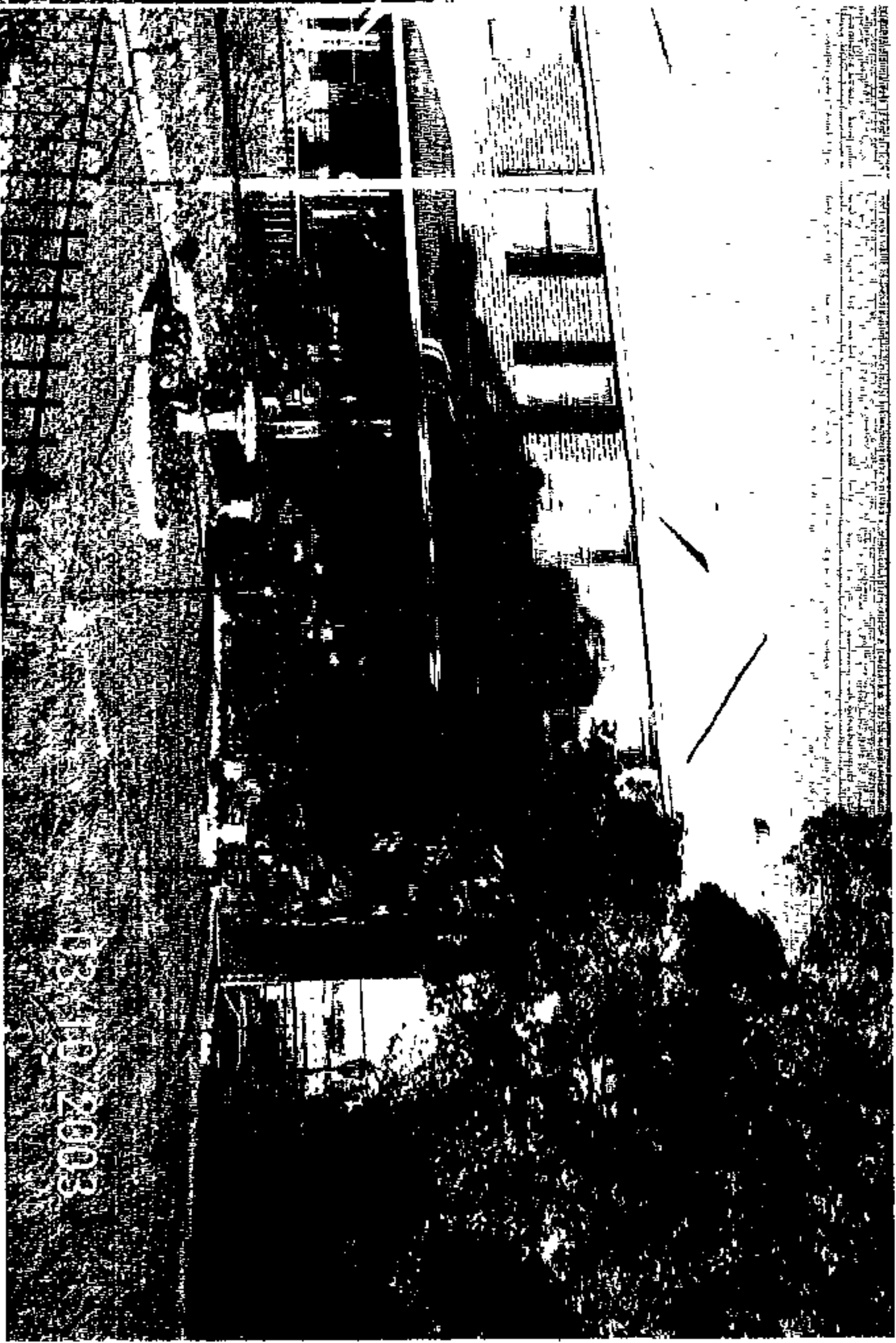
#190

ET S.E. 2-E)

VIEW OF REAR OF HOUSE - addition area.



FRONT VIEW OF HOUSE



along View of property looking North

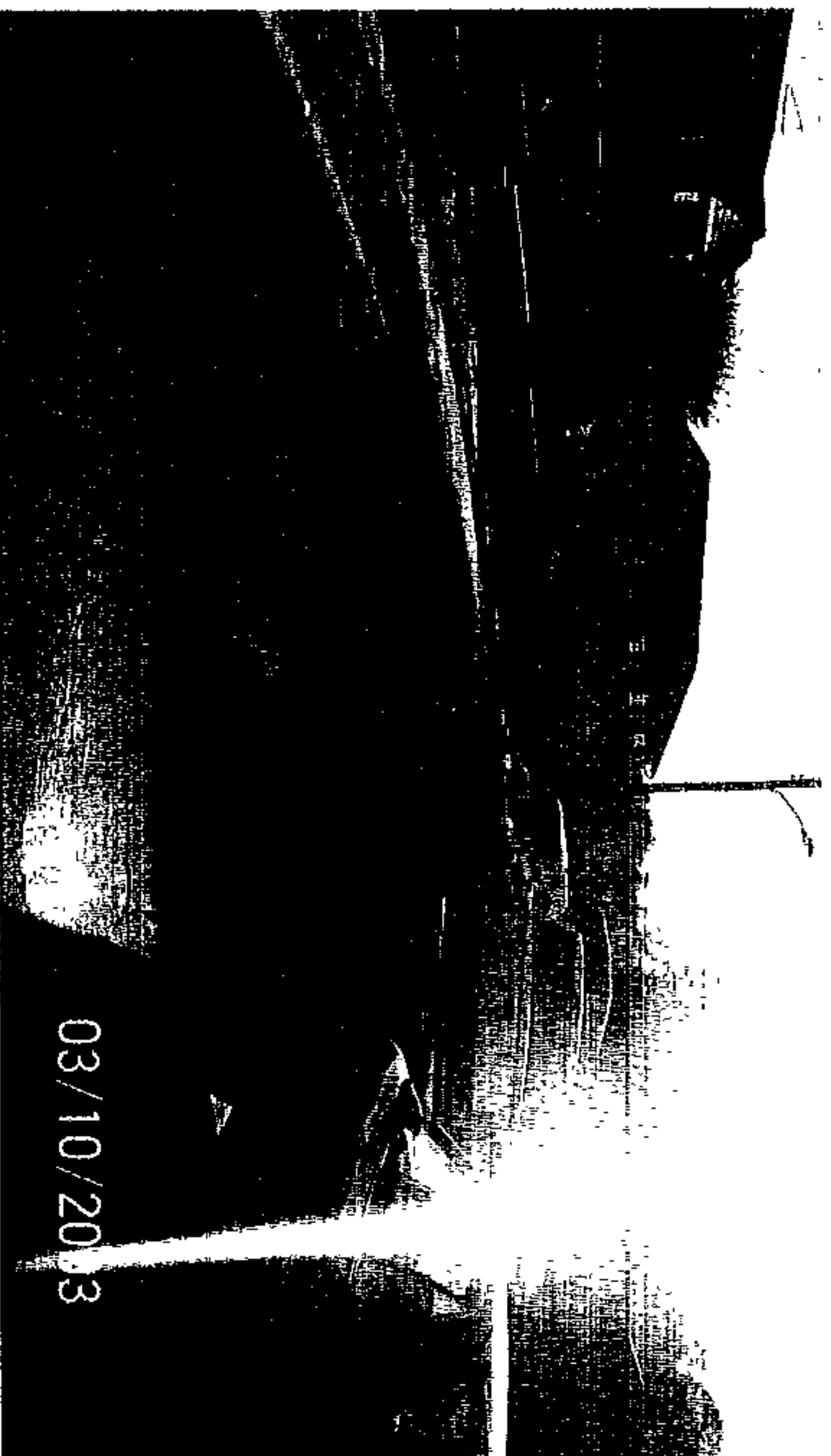


Back view of property where proposed addition will be built



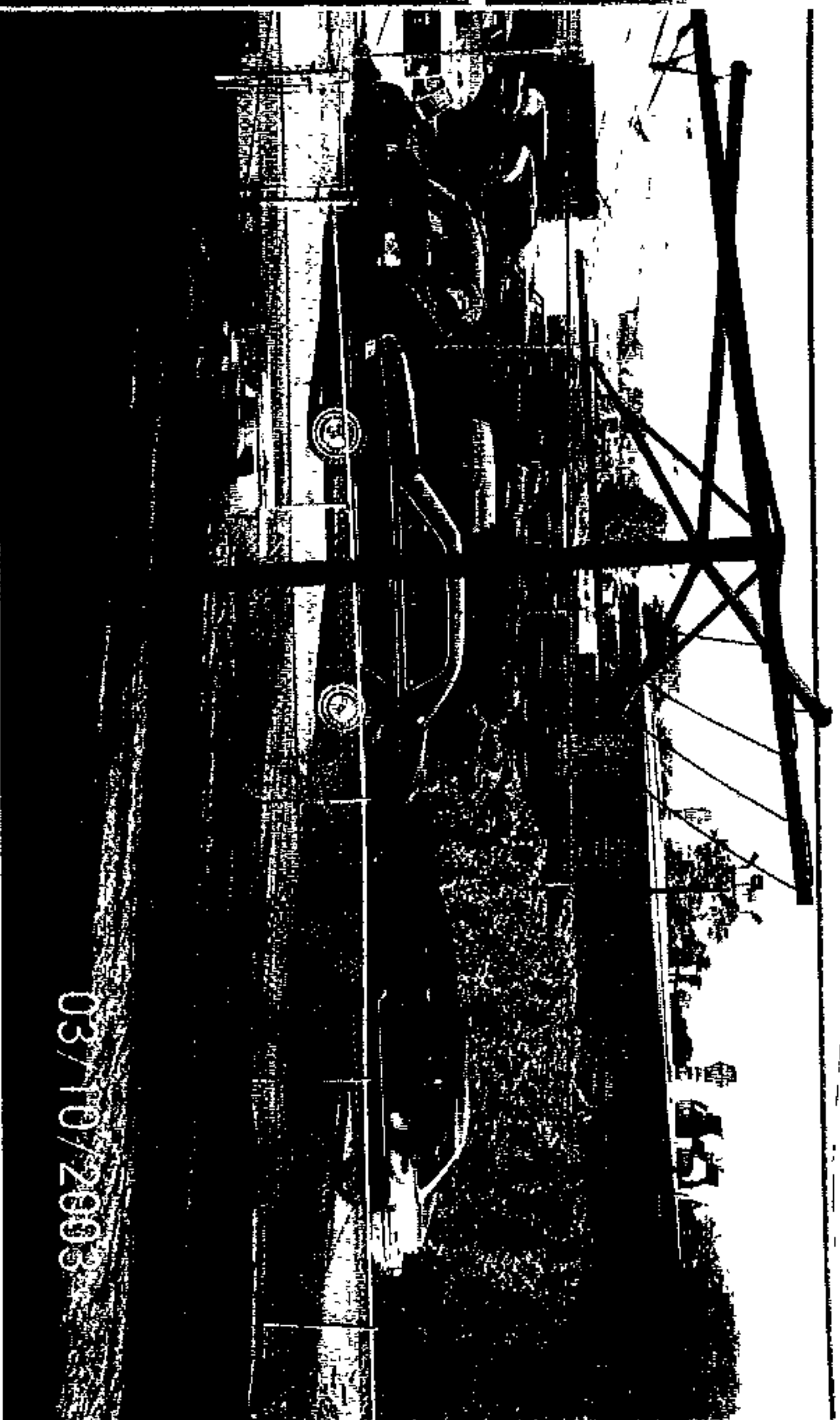
#190

Street view looking South



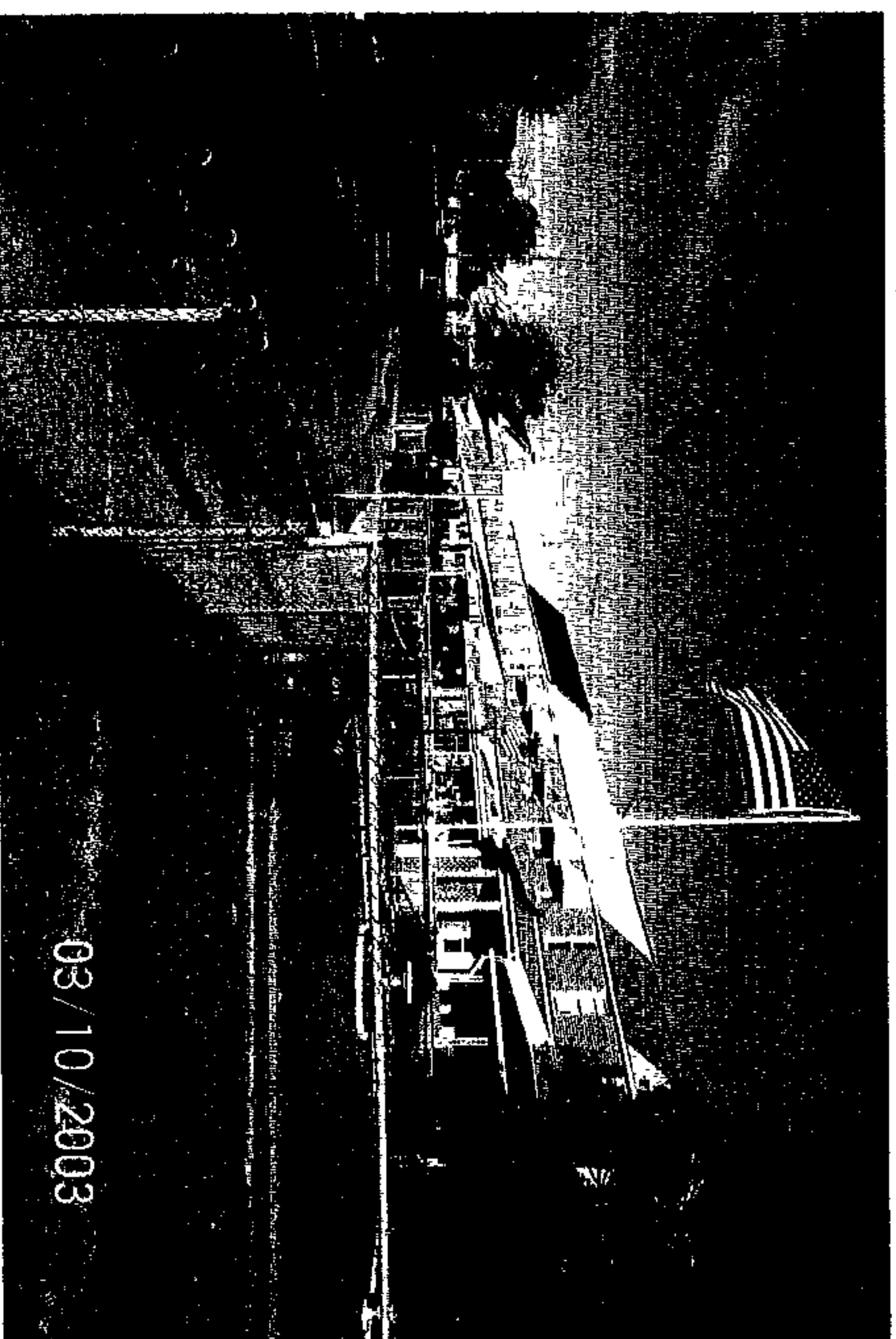
03/10/2003

View from Backyard to alley



03/10/2003

Street view look North.



03/10/2003

#190