IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Chestnut Woods Court, 2,200 ft.,
W centerline of Dover Road
4th Election District
2nd Councilmanic District
(2615 Chestnut Woods Court)

Kim & John Callari

Petitioners

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 05-003-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 owners of the subject property, Kim and John Callari. The administrative variance is requested for property located at 2615 Chestnut Woods Court in the Reisterstown area of Baltimore County. The administrative variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 27 ft. for a garage addition in lieu of the required 50 ft. 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 on July 8, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

MANUAL SECTION FOR FLANT

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this \( \sum\_{\text{of}} \) day of August, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Sections 208.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (proposed carport) with a side yard setback of 5 ft. in lieu of the required 7 \( \frac{1}{2} \) ft. with a sum of side yards of 18 ft. in lieu of the required 18.75 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

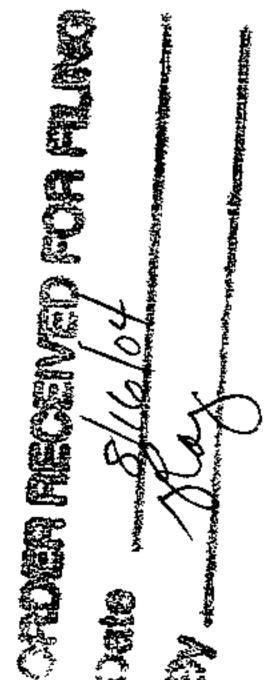
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



## 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

August 16, 2004

Mr. & Mrs. John Callari 2615 Chestnut Woods Court Reisterstown, Maryland 21136

> Re: Petition for Administrative Variance Case No. 05-003-A Property: 2615 Chestnut Woods Court

Dear Mr. & Mrs. Callari:

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

c: George L. Schnader, Jr., Inc. 5103 Harford Road
Baltimore, MD 21214



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



# Petition for Administrative Variance

for the property located at 2615 Chestnut Woods Court

# to the Louise Commissioner of Baltimore County

which is presently zoned \_\_\_\_

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# 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	<u>2615 Chestnut Woo</u>	ds Court	
	<u>Reisterstown.</u> City	Mary land State	21136 Zip Code
That based upon personal knowledge, the followard Variance at the above address (indicate hardsh	owing are the facts upon vip or practical difficulty):	which I/we base the request fo	r an Administrative
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Signature  John Callari  Name - Type or Print	Signature  Kim Co  Name - T		
STATE OF MARYLAND, COUNTY OF BALTIN			<b></b>
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AS WITNESS my hand and Notarial Seal	Kaden (	Thompson	
	Notary Public  My Commission	Expires 4/5/05	

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AS WITNESS my hand and Notarial Seal	Notary Public  My Commission	Expires 4/5/05	

REV 10/25/01

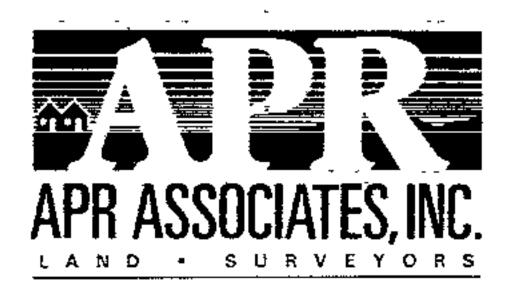


REV 10/25/01

# to the Zoning Commissioner of Baltimore County

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		Telephone No.	Kim Callari Name Type or Print	Ori	<u> </u>
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J. 1. ∄"∀	<del></del>		<u>George L. Schna</u> Name	der Jr., Inc.	<u> </u>
		Telephone No	<u>5103 Harford Ro</u> Address	ad	(410) 426-4112 Telephone No
	State	Zip Code	<u>Baltimore</u> City		<i>Jland</i> 21214 Zip Code
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ASE NO. 05	-033A	Rev	Zoning Commission	sioner of Baltimore C	0unty

Estimated Posting Date



# ZONING DESCRIPTION FOR 2615 CHESTNUT WOODS COURT

BEGINNING AT A POINT on the South side of Chestmut Woods Court which is 40 feet wide at the distance of approximately 2,200 feet West of the centerline of Dover Road.

BEING Lot 15 in the Subdivision of Chestmut Woods, Plat Two of Two as recorded in Baltimore County Plat Book SM 69, Folio 42, containing 1.4747 acres.

ALSO KNOWN AS 2615 Chestnut Woods Court and located in the

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District, Third Councilmanic District.

06/17/04

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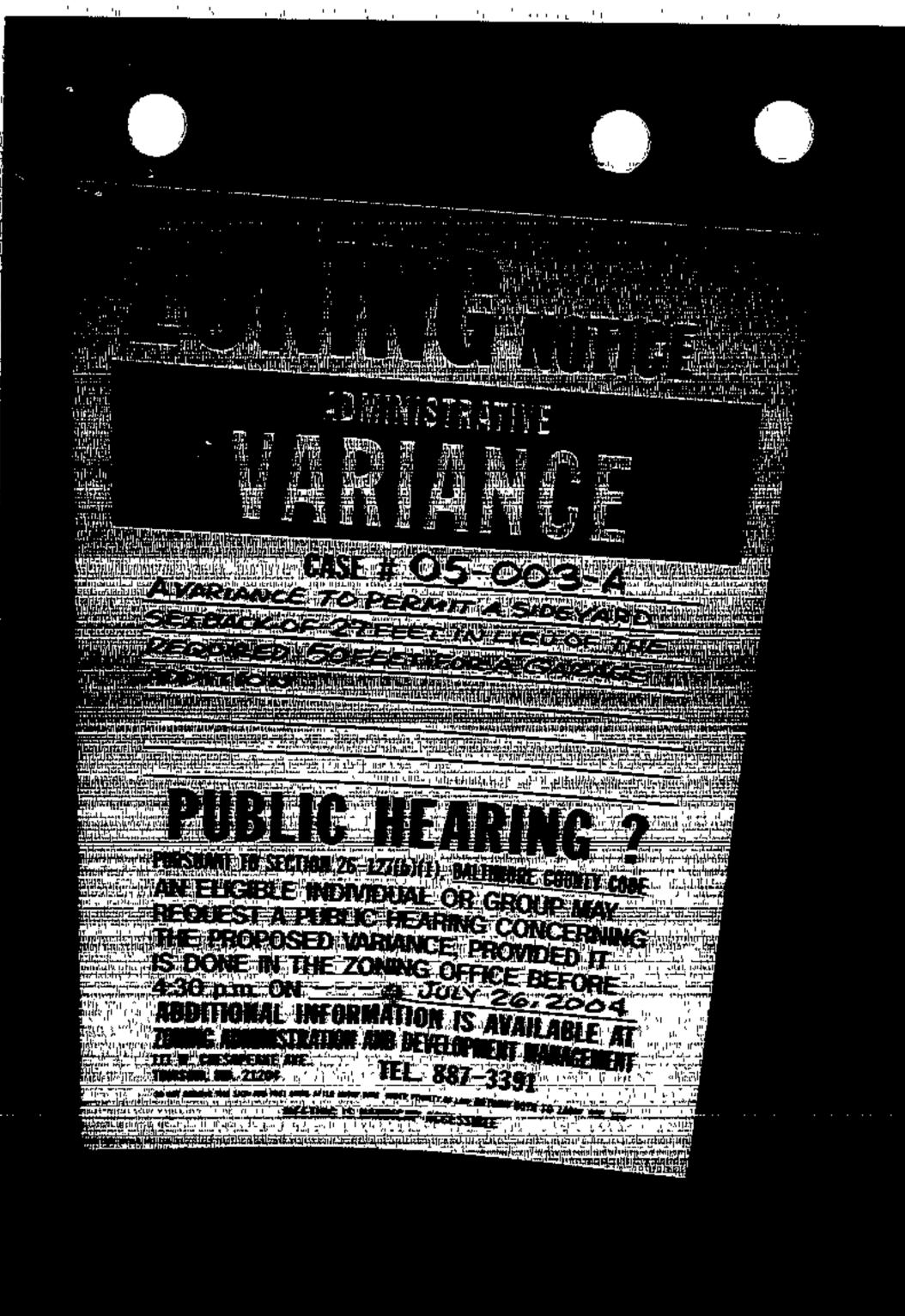
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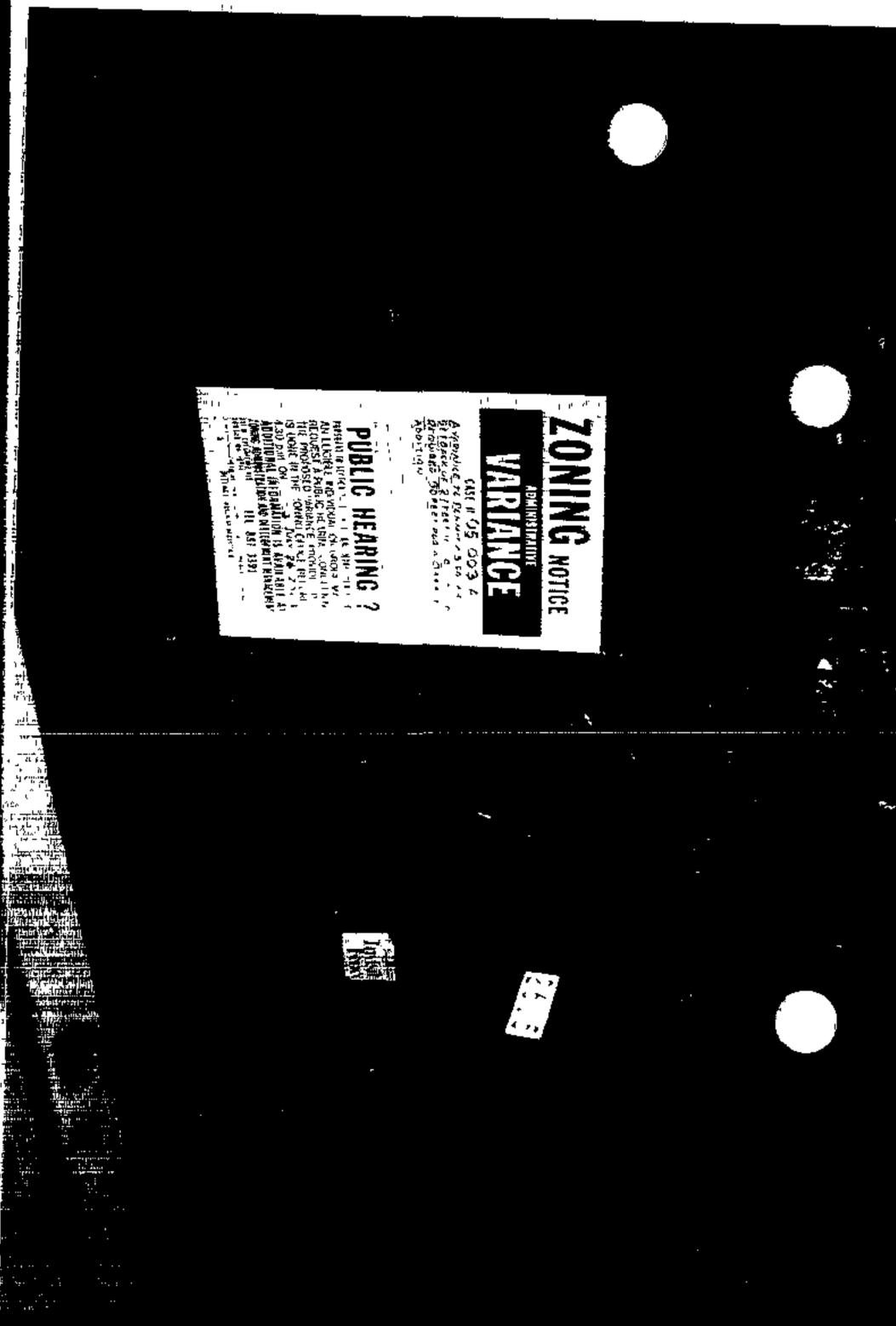
Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Becky Hart
Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at # 26/5 CHESTAIUT WOODS COUNTY
The sign(s) were posted on
Sincerely,  Signature of Sign Poster and Date)  GARLAND E. Moord  (Printed Name)  3225 RYERSON CIRCLE  (Address)  DAUTIMORE, MD. 21227  (City, State, Zip Code)  C410) 242-4263  (Telephone Number)

RE: Case No.: 05-003-4

Petitioner/Developer: JOHN CALLARI

Date of Hearing/ Closing: July 26, 04





# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: DOHN AND KIM CALLARI
Address or Location: HESTNUT WOODS CT. 21136
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Telephone Number: (410) 444-4312

# Department of Permits a Development Management

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





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

July 26, 2004

John Callari Kim Callari 2615 Chestnut Woods Court Reisterstown, Maryland 21136

Dear Mr. and Mrs. Callari:

RE: Case Number: 05-003-A, 2615 Chestnut Woods Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 1, 2004.

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,
U. Call Rill

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

People's Counsel C: George L. Schnader Jr., Inc. 5103 Harford Road Baltimore 21214



## Fire Department

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



# Baltimore County

James T Smith, Jr., County Executive John J. Hohman, Chief

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

July 19, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 19, 2004

Item No.:

001 (003)016

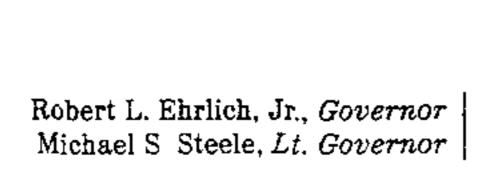
Dear Ms. Mathews:

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.

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

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

c: File





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

#### Maryland Department of Transportation

Date: 7

7.16.04

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

RE:

Baltimore County

Item No. OO3

JUM

Dear. Ms. Matthews:

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. J. Gredle

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco								
FROM:	John D. Oltman, Jr								
DATE:	July 22, 2004, 2004								
SUBJECT:	Zoning Item # 05- 003 Address 2615 Chestnut Wood Ct.								
Zonin	g Advisory Committee Meeting of July 19, 2004.								
<del></del>	Department of Environmental Protection and Resource Management has not ents on the above-referenced zoning item.								
- "	Department of Environmental Protection and Resource Management offers llowing comments on the above-referenced zoning item:								
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 14-331 through 14-350 of the Baltimore County Code).								
<u>X</u>	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).								
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).								
A 1 1*.	• 10								

#### Additional Comments:

Ther is an outstanding Forest Conservation Easement Encroachment Violation on this property. Before this Department can approve any permits, this issue must be resolved.

Reviewer: John Russo Date: July 22, 2004, 2004

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-003 and 5-025

Administrative Variance(s)

**DATE:** July 26, 2004

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:

Division Chief:

MAC/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 23, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 26, 2003

Item Nos. 001(003)004, 005, 006, 007, 008, 009, 010, 012, 013, 014,

015, and 016

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

RWB:CEN:jrb

cc: File





# CHESTNUT WOODS Architectural Review Committee 2516 Chestnut Woods Ct. Reisterstown, MD 21136

June 17, 2004

John & Kim Callari 2615 Chestnut Woods Ct. Reisterstown, MD 21136

Dear John & Kim:

To confirm our phone conversation of today, your addition plan looks good, and is hereby approved. If you have any questions, please don't hesitate to give one of us a call.

Sincerely,

The Chestnut Woods Architectural Review Committee

From:

Roberta Jameson

To:

Cunningham, Mark

Subject:

ZAC comments

Do you have any ZAC comments for the following case:

05-003-A - John & Kim Callari, 2615 Chestnut Woods Court

The above case has a closing date of 7/26/04. I will wait to hear from your office before I process this request for final approval.

Thanks.

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GEORGE L. SCHNADER JR., INC. 5108 HARFORD ROAD . BALTIMORE, MD 21214

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