

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of a dirt road, 550 ft. NE of		
Bernoudy Rd. & 1,600 ft. E Wiseburg Rd.	*	DEPUTY ZONING COMMISSIONER
7th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(928A Bernoudy Road)		
	*	CASE NO. 05-102-A
Jackie Grant Wells, Linda Lou Wells		
& Amy Lynn Wells		
<i>Petitioners</i>	*	

* * * * *

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, Jackie Grant Wells, Linda Lou Wells and Amy Lynn Wells. The variance request is for property located at 928A Bernoudy Road in the White Hall area of Baltimore County. The variance request is from Section 1A03.4.B.2.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 10 ft. side yard setback in lieu of the required 25 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 September 5, 2004, 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 requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

COPIES RECEIVED FROM PLAND
 9/30/04
 By *[Signature]*

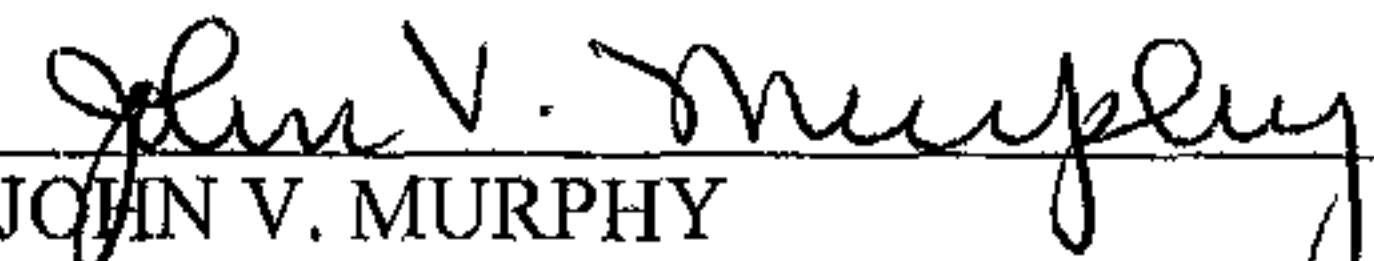
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 30 day of September, 2004, that a variance from Section 1A03.4.B.2.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 10 ft. side yard setback in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
2. Compliance with any recommendations, if any, made by the Department of Environmental Protection & Resource Management (DEPRM).
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
9/30/04
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

September ³⁰~~29~~, 2004

Ms. Jackie Grant Wells
Ms. Linda Lou Wells
Ms. Amy Lynn Wells
928A Bernoudy Road
White Hall, Maryland 21161-9412

Re: Petition for Administrative Variance
Case No. 05-102-A
Property: 928A Bernoudy Road

Dear Ladies:

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 928^A BERNOUY ROAD
which is presently zoned R.C.4

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) 1A03.4B, 2.a. (BCZR)

TO PERMIT AN ADDITION WITH A 10-FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 25-FEET

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 9/30/04 day of September, 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): Jackie Grant Wells
JACKIE GRANT WELLS
Linda Lou Wells
LINDA LOU WELLS

Name - Type or Print

Amy Lynn Wells
Amy Lynn Wells

Signature

Robert W. Blymire III
Robert W. Blymire III

Name - Type or Print

Signature

928^A BERNOUY RD. 410-357-0122
Address Telephone No.

WHITE HALL, MD 21161-9412
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-102-A

Reviewed By D. THOMPSON Date 8/24/04

Estimated Posting Date 9/5/04

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 928 Bernoudy Road
Address
White Hall Maryland 21161
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):

- Because of the grade of the land, it is only possible to build a garage on this side of the house
- lack of storage space in existing house
- if addition is added to house, it will not meet existing regulations (10 feet from property line)

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.

Linda Lou Wells
Quaker Grant Wells
Signature
LINDA LOU WELLS
Quaker Grant Wells
Name - Type or Print

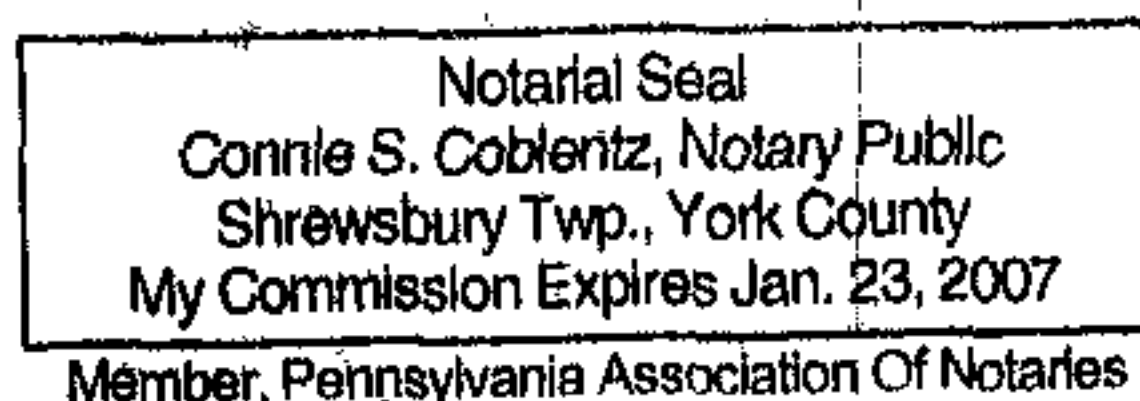
Amy Lynn Wells
Robert W. Blymire III
Signature
AMY LYNN WELLS
Robert W. Blymire III
Name - Type or Print

STATE OF ~~MARYLAND~~ ^{Pennsylvania} COUNTY OF ~~BALTIMORE~~ ^{York}, to wit:

I HEREBY CERTIFY, this 23rd day of August, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Connie S. Coblenz
Notary Public
My Commission Expires 1/23/07

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

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Address
White Hall Maryland 21161
City State Zip Code

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- lack of storage space in existing house
- if addition is added to house, it will not meet existing regulations (10 feet from property line)

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.

Jackie Grant Wells Linda Lou Wells
Signature

JACKIE GRANT WELLS LINDA LOU WELLS
Name - Type or Print

Amy Lynn Wells Robert W. Blymire III
Signature

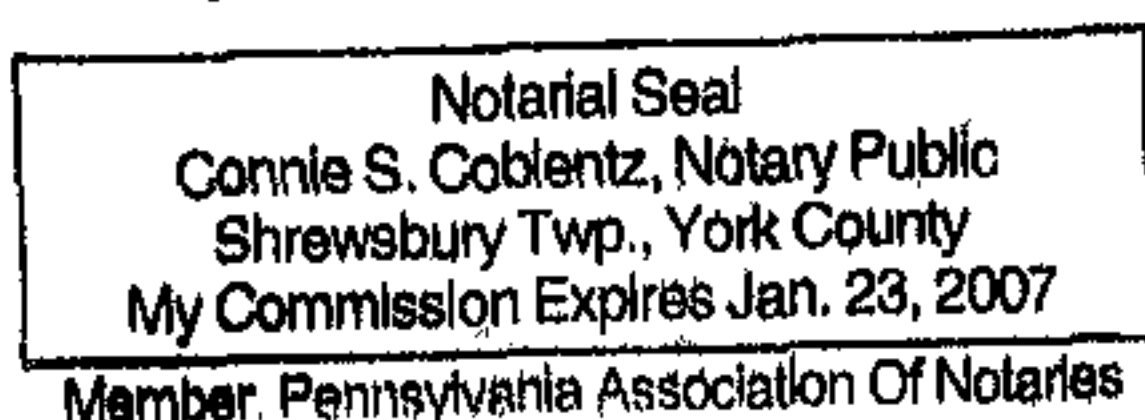
AMY LYNN WELLS Robert W. Blymire III
Name - Type or Print

STATE OF ~~MARYLAND~~, COUNTY OF ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 23rd day of August, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Connie S. Coblenz
Notary Public
My Commission Expires 1/23/07



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 928^A BERNOUDY ROAD
which is presently zoned R.C.4

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) 1A03.40.2.a. (BCZR)

TO PERMIT AN ADDITION WITH A 10-FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 25-FEET.

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):

JACKIE GRANT WELLS LINDA LOU WELLS
Jackie Grant Wells Linda Lou Wells
Name - Type or Print _____

Amy Lynn Wells Robert W. Blymire III
Signature _____

AMY LYNN WELLS Robert W. Blymire III
Name - Type or Print _____

Signature _____

928 A. BERNOUDY RD. 410-357-0122
Address _____ Telephone No. _____

WHITE HALL, MD 21161-9412
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

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. 05-102-A

Reviewed By D. THOMPSON Date 8/24/04

REV 10/25/01

Estimated Posting Date 9/5/04

ZONING DESCRIPTION

Zoning Description for 928 A Bernoudy Road, White Hall, MD

Beginning at a point on the south side of a dirt road (no name given) which is 12-feet wide at the distance of 550-feet north of nearest improved intersecting street Bernoudy Road which is 18-feet wide. As recorded in the Deed Liber No. 5826, Folio 662.

Running thence binding on the south side of said road North 81 degrees 35 minutes East 123.73 feet, thence leaving the south side of said road and running for lines of division the three following courses and distances, south 8 degrees 25 minutes West 371.70 feet to the place of beginning. Containing 1.00 acre of land, more or less. Also known as 928 A Bernoudy Road and located in the 7th Election District, 3 Councilmanic District.

05-102-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39744

DATE 8/24/04 ACCOUNT 001006150

AMOUNT \$ 65.00

RECEIVED FROM: Ann Wells

FOR: Item # 102 05-102-A

928 BERNARD RD. PM D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS NAME THE
8/24/2004 8/24/2004 10:14:14

WEB 0005 WALKIN FOR 100
CHECKING # 38866 8/23/2004 971

Dept 5 528 700000 VERIFICATION
12 MO. 01/7/04

Recpt Tot 453.00

453.00 10 4.00 13

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-102-A

Petitioner/Developer: _____

WELLS, ETAL

Date of Hearing/Closing: 9/20/04

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

Attention: KRISTEN MATTHEWS

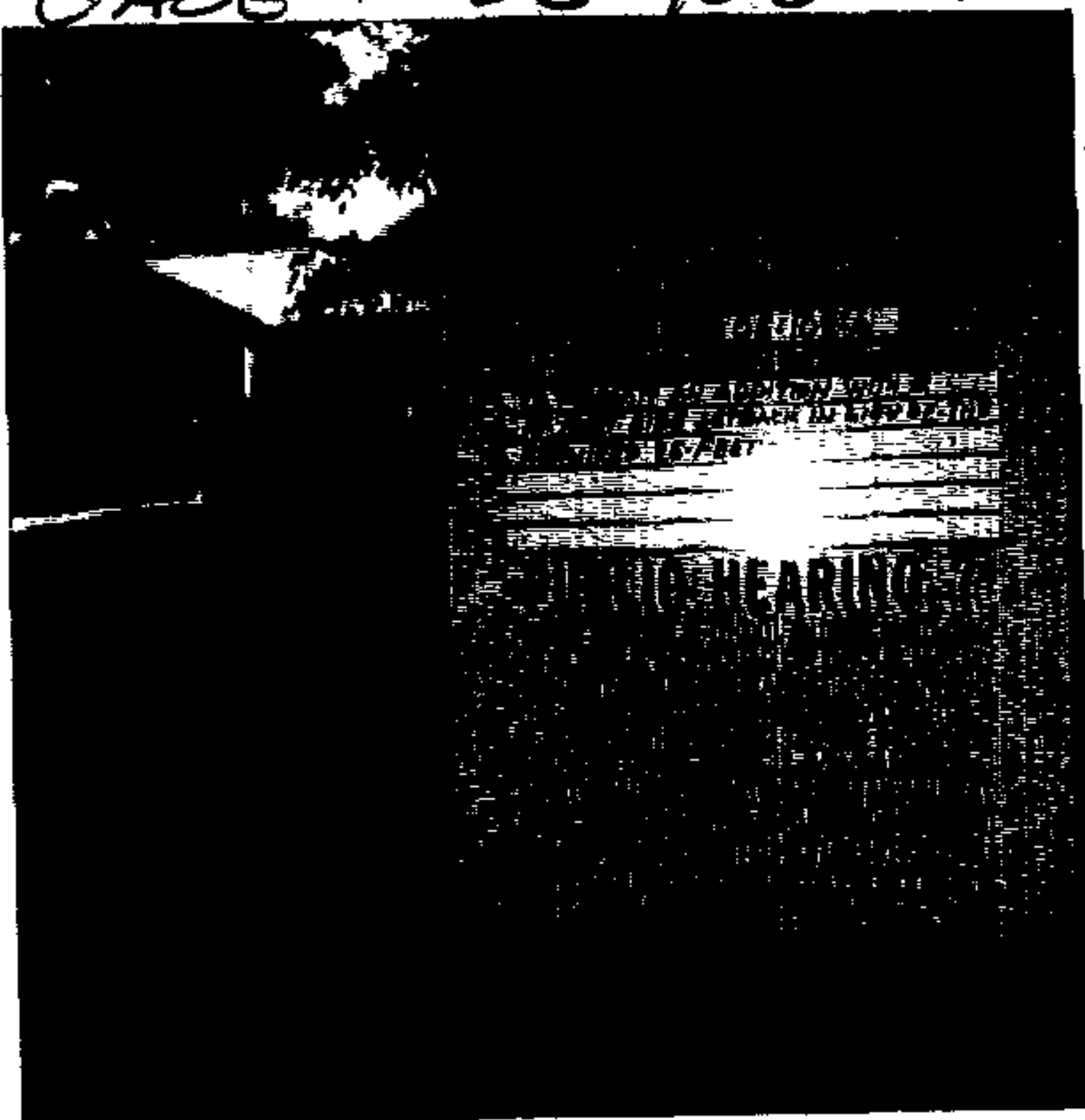
Ladies and Gentlemen:

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 _____

928 BERNOUY RD

The sign(s) were posted on 9/5/04
(Month, Day, Year)

CASE # 05-102-A



Sincerely,

Richard E. Hoffman 9/5/04
(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)

928 BERNOUY RD

POSTED 9/5/04

Richard E. Hoffman 9/5/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 102 -A

Address 928 BERNOUDY RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8/24/04

Posting Date: 9/5/04

Closing Date: 9/20/04

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 05- 102 -A

Address 928 BERNOUDY RD.

Petitioner's Name WELLS, ET AL

Telephone _____

Posting Date: 9/5/04

Closing Date: 9/20/04

Wording for Sign: To Permit AN ADDITION WITH A 10-FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED 25-FEET.

**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: 05-102-A

Petitioner: WELLS, ET AL

Address or Location: 928 BERNOUNY RD.

^
A

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. AMY LYNN WELLS

Address: 928^A BERNOUNY RD.

WHITE HALL, MD 21161-9412

Telephone Number: _____

**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

September 20, 2004

Jackie Grant Wells
928-A Bernoudy Road
White Hall, Maryland 21161-9412

Dear Ms Wells:

RE: Case Number: 05-102-A, 928-A Bernoudy Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

September 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: September 7, 2004

Item No.: ⁽¹⁰³⁾ 101-103, 105-111, 113-115.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 410-887-4881
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 13, 2004
Item Nos. 101, 102, 103, 104, 105, 106,
107, 109, 110, 111, 112, 113, 114, and
115

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-100 and 5-102**
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:



Division Chief:



MAC/LL

RECEIVED

SEP - 9 2004

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 9.2.04

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

RE: Baltimore County
Item No. 102 DT

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).

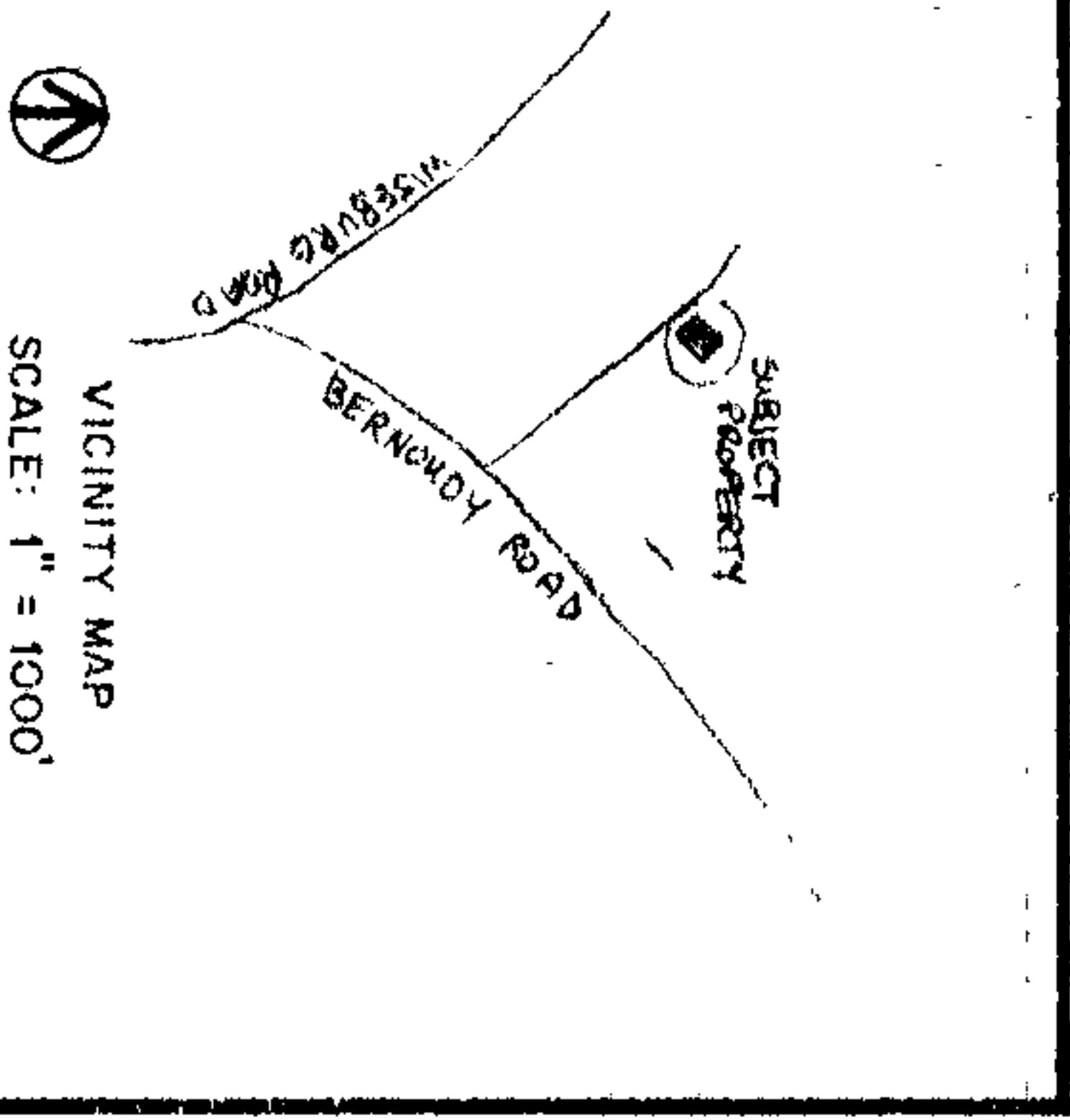
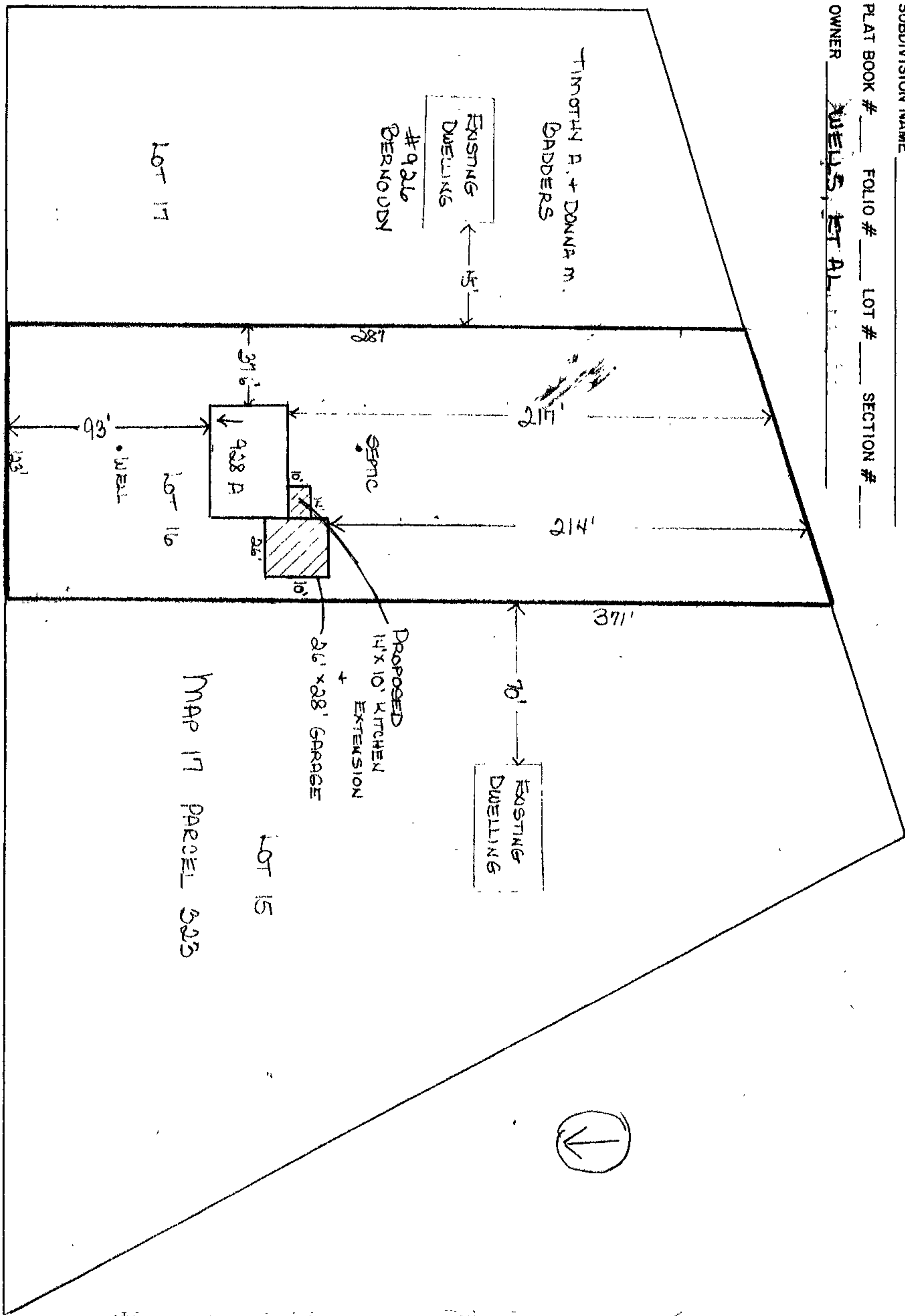
Very truly yours,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

SUBDIVISION NAME _____
PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____
OWNER MUELLS, ET AL.



LOCATION INFORMATION

ELECTION DISTRICT 7
COUNCILMANIC DISTRICT 3
1" = 200' SCALE MAP # NW 30 B
ZONING R.C.4

LOT SIZE	ACREAGE	SQUARE FEET
<u>1.00</u>		

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY J. Thompson ITEM # 102 CASE # 05-102-A

Att 24 #1

