

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Sugar Mill Circle, 375 ft. S
centerline of Myersville Drive
15th Election District
6th Councilmanic District
(12128 Sugar Mill Circle)

Aurora & Rolando Bolus
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 05-287-A

* * * * *

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, Aurora and Rolando Bolus. The variance request is for property located at 12128 Sugar Mill Circle in Baltimore County. The variance request is from Sections V.B.5.a and V.B.6.b (CMDP) and Sections 1B01.2C.2.a, and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a window to tract boundary setback of 25 ft. and a building setback of 25 ft. in lieu of 35 ft. and 30 ft. respectively for a proposed sunroom and to permit an existing 2nd story deck with a 20 ft. setback in lieu of 35 ft. and to amend the Final Development Plan for "Chase Manor", Lot 4a. 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 December 12, 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

ORDER RECEIVED FOR FILING

1/4/05

By

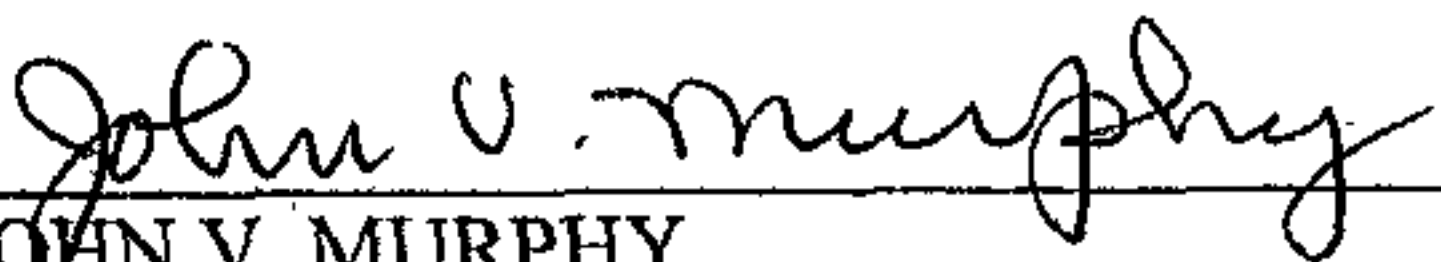
that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the 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 4 day of January, 2005, that a variance from Sections V.B.5.a and V.B.6.b (CMDP) and Sections 1B01.2C.2.a, and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a window to tract boundary setback of 25 ft. and a building setback of 25 ft. in lieu of 35 ft. and 30 ft. respectively for a proposed sunroom and to permit an existing 2nd story deck with a 20 ft. setback in lieu of 35 ft. and to amend the Final Development Plan for "Chase Manor", Lot 4a, 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.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

1/4/05

By



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
William J. Wiseman III, Zoning Commissioner

January 4, 2005

Mr. & Mrs. Rolando Bolus
12128 Sugar Mill Circle
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 05-287-A
Property: 12128 Sugar Mill Circle

Dear Mr. & Mrs. Bolus:

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

c: Bob Whitmer
1585 Sulphur Spring Road
Baltimore, MD 21227

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 12128 SUGAR MILL CIRCLE
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) V.B.5.a and V.B.6.b CMDP and Sections 1B01.2C, 2a. 504 BCZR To Permit a window To Tract Boundary setback of 25 Ft. and a Building Setback 25 Ft in Lieu of 35 Ft and 30 Ft respectively For a Proposed sun room and to Permit an Existing ^{2nd story} Deck with a 20 Ft Setback in Lieu of 35 Ft and To Amend the Final Development Plan For Chase Manor Lot 49.

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:

APPTERY SYSTEMS
Name - Type or Print

X
Signature

1585 SULPHUR SPRING RD
Address

Baltimore M.D. 21227
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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):

ROLANDO BOJUS
Name - Type or Print

Signature

AURORA BOJUS
Name - Type or Print

Signature

12128 SUGAR MILL CIRCLE
Address

Baltimore M.D. 21220
City State Zip Code

Telephone No. 410 344-0540

Representative to be Contacted:

BOB WHITMER
Name

1585 SULPHUR SPRING RD
Address

Baltimore M.D. 21227
City State Zip Code

Telephone No. 1-410-242-597

Zoning Commissioner of Baltimore County

Reviewed By JL Date 12/03/04

Estimated Posting Date 12/12/04

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

12128 Sugar Mill Cir
Address

Balto Md 21220-1371
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):

*We would like to build a 10'x14' Patio Room on our Ext deck.
This is the only place we can build the room.
The deck is Existing and it has a sliding door.*

Our house is a center unit and it is larger than most of the homes This gives a real small back yard

The deck is Existing and this to need a Var. for same Reason

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.

Rolando Bolus
Signature

Rolando Bolus
Name - Type or Print

Aurora Bolus
Signature

Aurora Bolus
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of November, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires May 20, 2007

Zoning description for 12128 Sugar Mill circle

Beginning at a point on the south side of Sugar Mill Circle which is 25 feet right-of-way wide at the distance of 375 feet south of the centerline of the nearest improved intersection street Myersveiw Drive, Which is 50 feet fight-of-way wide. *Being lot # 49 in the subdivision of Chase Manor as recorded in the Baltimore County Plat book #65, Folio #135, containing 1,660 sq. ft. Also known as 12128 Sugar Mill Circle and located in the 15th

Election District, 6th Councilmanic District

287

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE

ACCOUNT

AMOUNT

RECEIVED
FROM

FOR

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

287 No. 42622

JL

12/03/04 001 016 6150

AMOUNT \$ 130.00

Abby

Vernon + General F.D.P.

13128 Super (M.M.)

PAID RECEIPT

RECEIVED FROM TIME

12/03/2004 12:03:00 PM 09:37:57

RECEIVED FROM TIME

SUBJECT 4 11234 12/03/2004 09:37:57

RECEIVED FROM TIME

RECEIVED FROM TIME

RECEIVED FROM TIME

RECEIVED FROM TIME

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-287-A

Petitioner/Developer: ROLAND

AURORA

Date of Hearing/Closing: _____

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

ATTN: Kristen Matthews ((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: _____

12128 SUGAR MILL CIRCLE

The sign(s) were posted on 12/12/04
(Month, Day, Year)

Sincerely,

Robert Black 12/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

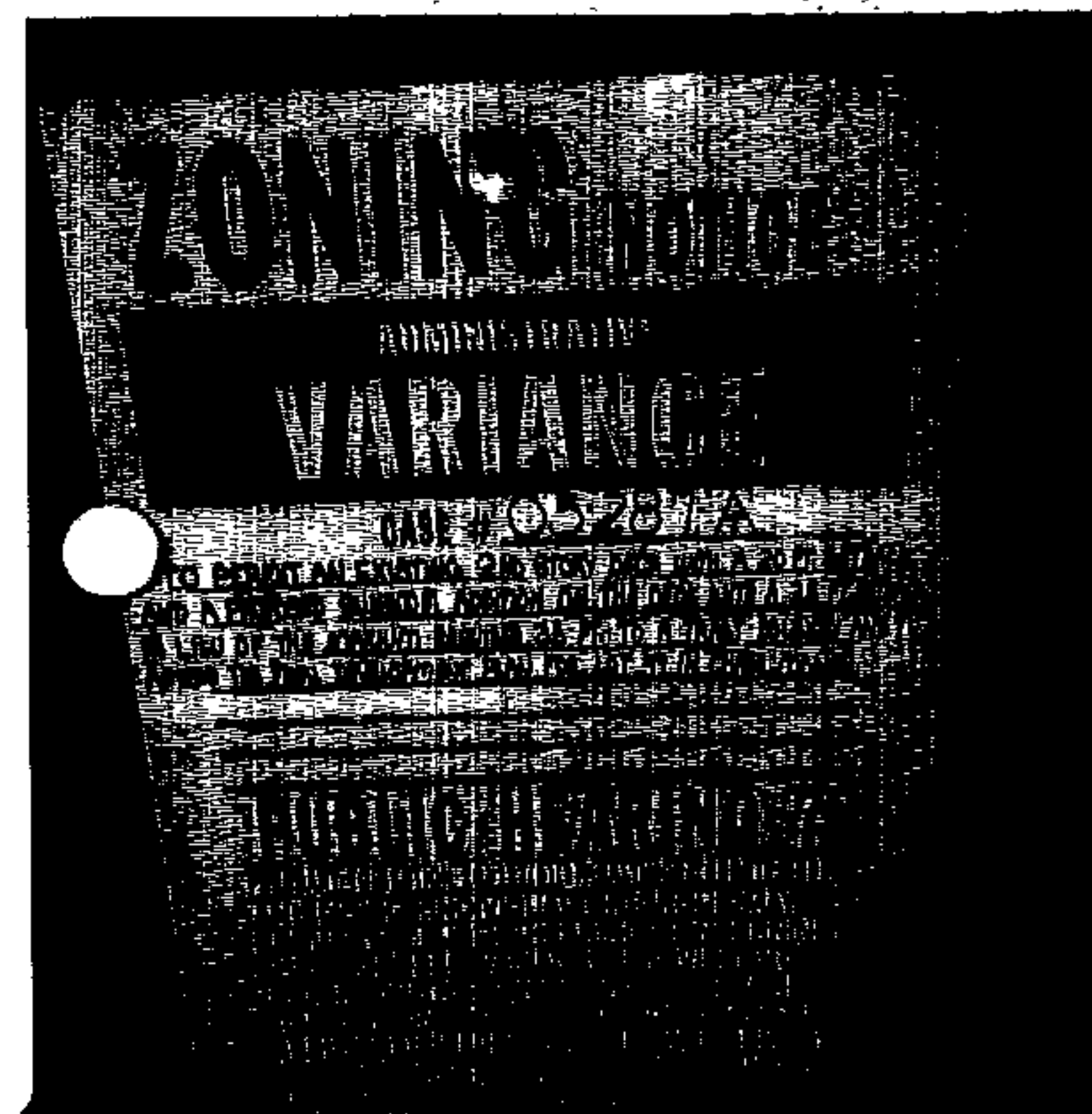
(Address)

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: 05-287-A

Petitioner: BOLUS

Address or Location: 12128 SUGAR MILL CIR.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Appleby

Address: 1585 Sulphur Spring Rd
Balto. MD. 21227

Telephone Number: 410 242-5970

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 287 -A

Address 12128 SUGAR MILL CIRCLE

Contact Person: JOHN CENIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/3/04

Posting Date: 12/12/04

Closing Date: 12/27/04

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- 287 -A

Address 12128 SUGAR MILL CIRCLE

Petitioner's Name ROLAND & AURORA BOLUS

Telephone 410-344-0540

Posting Date: 12/12/04

Closing Date: 12/27/04

Wording for Sign: To Permit ^{2ND STORY} AN EXISTING DECK WITH A 20 FT. SETBACK AND A PROPOSED
SUNROOM ADDITION (ON THE DECK) WITH A 2.5 FT. SETBACK IN LIEU OF THE MAXIMUM REQUIRED
35 FT. TO A TRACT BOUNDARY AND TO AMEND THE FINAL DEVELOPMENT PLAN
FOR LOT 49, IN CHASE MANOR IN CHASE MANOR

WCR - Revised 6/25/04

**Department of Permits
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*

December 27, 2004

Rolando Bolus
Aurora Bolus
12128 Sugar Mill Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Bolus:

RE: Case Number:05-287-A , 12128 Sugar Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 3, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Bob Whitmer 1585 Sulphur Springs Road Baltimore 21227

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

December 9, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 13, 2004

Item No.: 267, 277-290

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.

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

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

cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 29, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 20, 2004
Item No. 287

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The minimum width of road right-of-way in Baltimore County is 40 feet. Setback on Sugar Mill Circle shall be modified to reflect the minimum width. The right-of-way widening is 7.5 feet, giving a minimum front setback of 7.5 feet.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr *JDO*
DEPRM

DATE: January 24, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 20, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-278

05-279

05-281

05-287

05-289

05-290

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 23, 2004

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

RECEIVED

DEC 27 2004

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-287
Administrative Variance

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark Cunningham by *LL*

Division Chief:

Pat Keller

MAC/LL

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



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

Maryland Department of Transportation

Date: 12.16.04

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

RE: Baltimore County
Item No. 287 JLL

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, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 12128 Sugar Mill Cir.

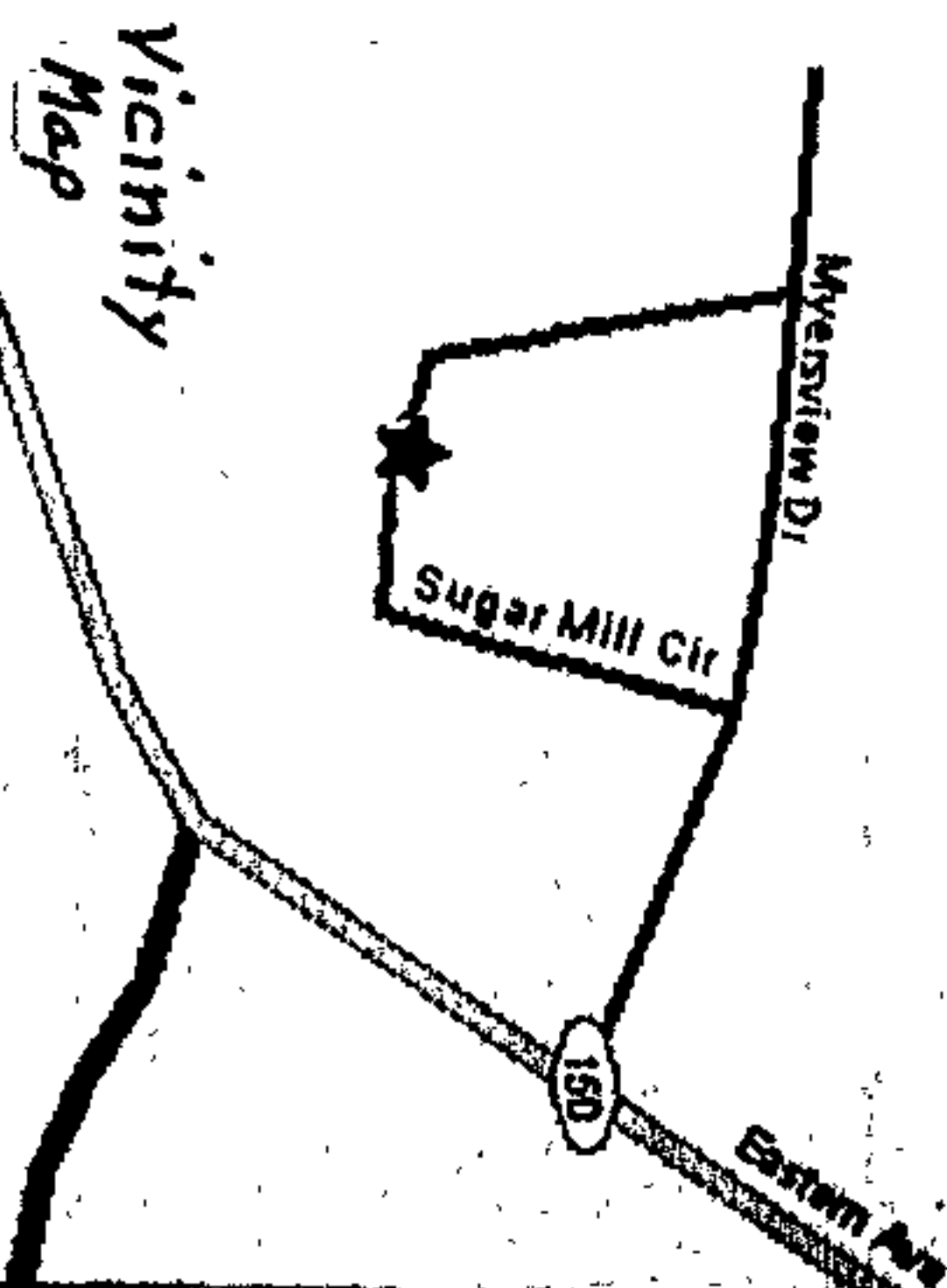
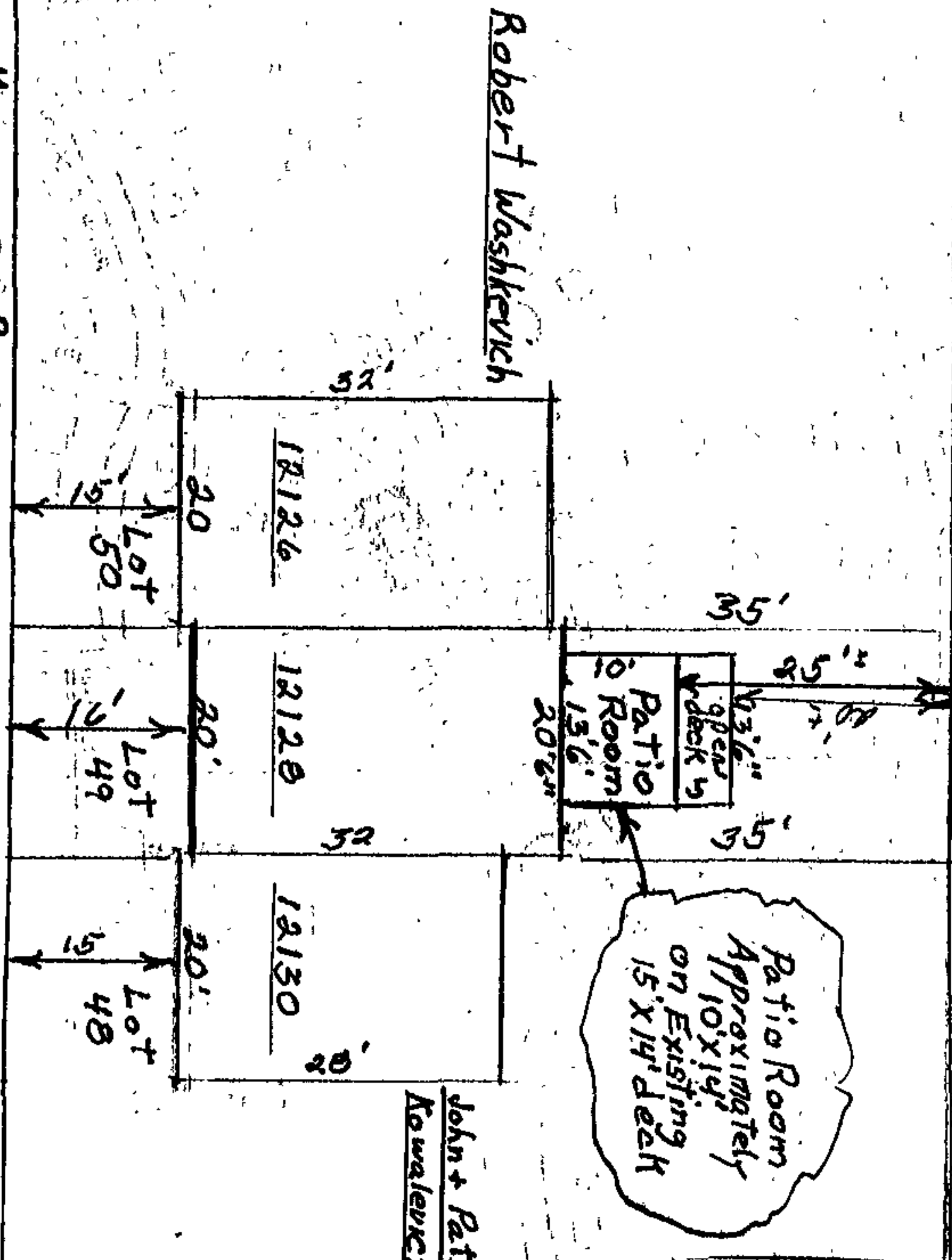
SEE PAGES 5 & 6 OF THE CHECKLIST FOR

SUBDIVISION NAME Chase Manor

PLAT BOOK # 65 FOLIO # 135 LOT # 49 SECTION #

OWNER Robert Washkevich

*Wooded Area
no homes*



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # N.E. 5-L

ZONING DR 5.5

LOT SIZE 20' X 83' 1,660.00 SQUARE FEET

ACREAGE

PUBLIC ☒ PRIVATE ☐

SEWER

WATER

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/ BUILDING

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 20

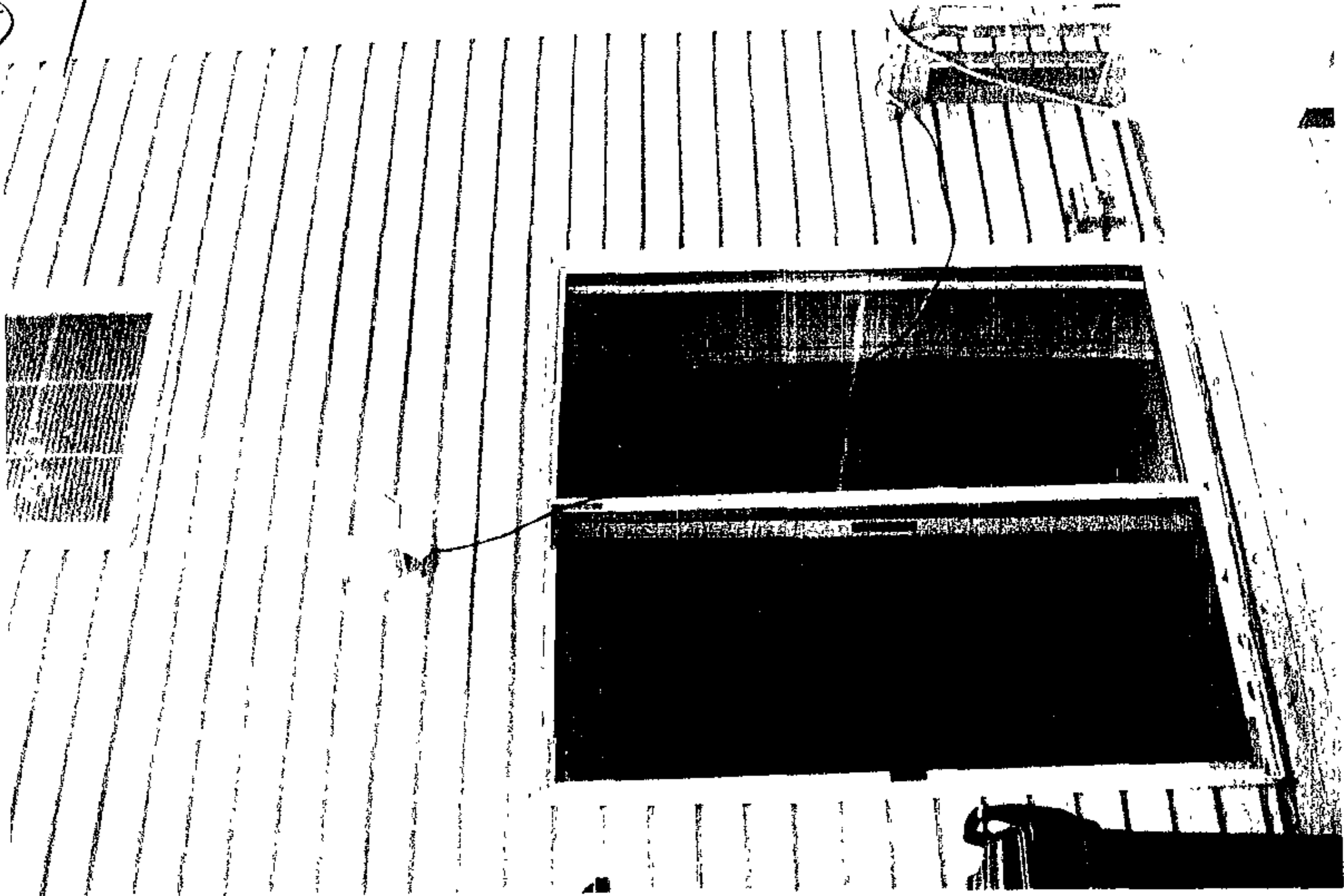


Myersview Dr.

Sugar Mill Cir 25' R.W.

Plt. 1287

287



Ext deck

287



Ext Deck

