IN RE: PETITION FOR ADMIN. VARIANCE
N/S of King George Court, 936 ft. +/- S
centerline of Joppa Road
11th Election District
5th Councilmanic District
(4523 King George Court)

Kathy & Bruce Fachler

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-299-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, Kathy and Bruce Fachler. The variance request is for property located at 4523 King George Court in the Perry Hall area of Baltimore County. The variance is requested from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 18 ft. for an enclosed addition in lieu of the minimum required 30 ft. and to amend the latest approved development plan to allow projection of same outside of the building envelope. 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 26, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agency: A ZAC comment was submitted by the Office of Planning dated January 3, 2005, a copy of which is attached hereto and made a part hereof.

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 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, this <u>Ao</u> day of January, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 18 ft. for an enclosed addition in lieu of the minimum required 30 ft. and to amend the latest approved development plan to allow projection of same outside of the building envelope, be and it is hereby APPROVED, 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 the ZAC comments submitted by the Office of Planning dated January 3, 2005, a copy of which is attached hereto and made a part hereof;

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

SAUER MECENVED FOR FILING



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 4523 King George Ct 2108 which is presently zoned DR-5-5

This Petition shall be filed with the Department of Perowner(s) of the property situate in Baltimore County and w	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Se	ction(s) ノドゥノ・フ・C・ノ・A・
To allow a rean yard	setbock of 18 ft for an enclosed
projection of same outside ?	nova development plan to alle
projection of said	
	g law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the l, or we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursuant	posting, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u>
	Bruce Fachler
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print  A Sher Lach ler
City State Zip Code	Signature J. Jach ler
Attorney For Petitioner:	4523 King George Ct 410-933-5103
Attorney i or reguoner.	Address Telephone No
	Perry Hall MD 21128
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	Jeffrey Hoilman
Старапу	Name 221 Gateway Dr. 410-557-055
Address Telephone No	Address A Telephone No
Address Telephone No	Bel 14: mo 2014
State Zip Code	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,
Proble Hearing having been formally demanded and/or found to leave of that the subject matter of guardons of Baltimore County and that the property be reposted.	of this petition be set for a public hearing, advertised, as required by the zoning
322	
<b>E</b> 117	Zoning Commissioner of Baltimore County
ECASE NO. 05-299 R	eviewed By 4/16 Date 1243-04
	stimated Posting Date 12-26-04
	sundicu i Osung Date

# 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	4523	King	veorge Ct	
	Address	11 11	\00 L	711

Address
Very Itall MD

City State

Address

2128

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 existing SFD was placed on the rear 30° BRL, this leaves no practical space for any enclosed improvements or alteration to the existing home.

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.

R Brue Holl	* Kashy Lachter
Signature	Signature
^ -	

Brue tocker Rathy L. Fachler

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of 100 day of

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

AS WITNESS my hand and Notarial Seal

SANDI L TUNNEY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July

Notary Public

My Commission Expires

# 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

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 existing SFD was placed on the year 30' BRL, this leaves no practical space for any enclosed improvements or alterations to the existing home.

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.

Kashy L. Fachler Kashy L. Fachler

Name - Type or Print Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

2004, before me, a Notary Public of the State

Bruce + Kathy Fachler the Afflant(s) herein, personally known or satisfactorily identified to me as such Afflant(s).

AS WITNESS my hand and Notarial Seal

SANDI L. TUNNEY NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires July Notary Public

My Commission Expires



CASE NO.

REV 10/25/01

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 4523 King Feorge C+ 21128 which is presently zoned DR-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) \( \begin{align\*} \

p 18 ft. for an enclosed addition in lieu of the minimum required 30 ft. AND to amend the latest approved development plan anojection of same outside the building coverage.

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 a perjury, that I/we are the legal of is the subject of this Petition.		
Contract Purchaser/	Lessee:		Legal Owner(s):		
			Bruce Fachler		
Name - Type or Print			Name - Type or Print		
Signature			Signature Katha Fachler		<u></u> _
Address		Telephone No.	Name - Type or Print	hlow	<u> </u>
City	State	Zip Code	Signature		
Attorney For Petition	<u> 1er:</u>		4523 King George	C+	410-933-5103
			Address	_	Telephone No
			Perry Hall	WD	31138
Name - Type or Print			City	State	Zip Code
			Representative to be Co	ntacted:	
Signature			Jeffray Hoilman		
Company			Name		
			221 Gateway Dr.		110-557-0555
Address		Telephone No.	Address		Telephone No
			Bel Hir	WO	21014
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bethis day ofegulations of Baltimore Count	en formally demand that y and that the proper	ed and/or found to be at the subject matter of by be reposted.	required, it is ordered by the Zoning (this petition be set for a public hearing, as	Commissione dvertised, as	r of Baltimore County, required by the zoning
<b>-</b>		,			
			Zoning Commissioner of	Baltimore Co.	intv

**Reviewed By** 

**Estimated Posting Date** 

### ZONING DESCRIPTION FOR 4523 King George Court

Beginning at the point on the North side of King George Court which is 50 feet wide at the distance of 936 feet South of the centerline of the nearest improved intersecting street Joppa Road which is 35 feet wide.

Being Lot #22, Section # in the subdivision of Oakdale II

as recorded, in the Baltimore County Plat Book #70, Folio #55, containing

as recorded in the Baltimore County Plat Book # 70, Folio # 55, containing 5,409 sq. feet. Also known as 4523 King George Court and located in the 11th Election District, 5th Councilmanic District.

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				CABHIER'S WALIDATION
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RE: Case No. 05-299-A
Petitioner/Developer:

**Bruce Fachler** 

Closing Date: Jan. 10, 2005

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

Attention: Ms. 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 4523 King George Ct..

The sign(s) were posted on 12/2604.

Sincerely,

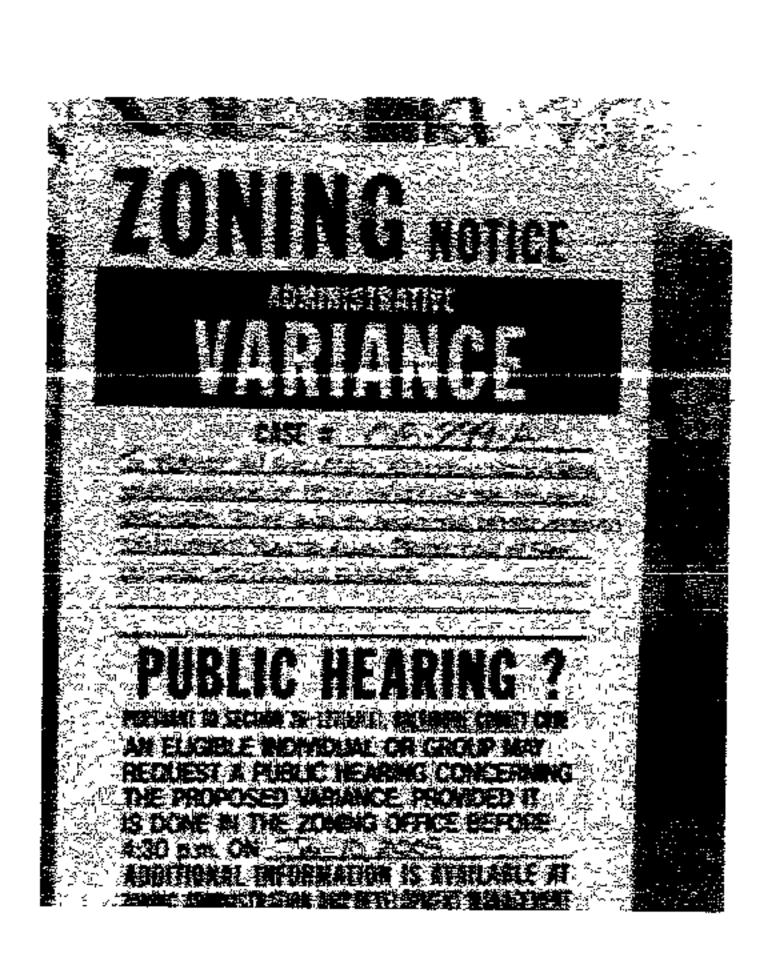
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

		<del></del>	1				
Case	Number 05	-299	-A A	ddress <u>452</u>	3 King	George C	<del>/</del> -
Cont	act Person:		An Sulloa Please Print Your Name	1	Phone	e Number: 410	)-887-3391
Filing	g Date: <u>/</u> z	2-13-04	Posting	Date: 12-26-	<i>_04</i> C	losing Date:	1-10-05
Any through	contact made gh the contac	e with this off ct person (plan	ice regarding th ner) using the ca	e status of the se number.	administra	ative variance	should be
1.	reposting m	sust be done or a	titioner must use and the petition of the lassociated costosting date note	er is responsible sign posters on sts. The zoning	the appro	nting/posting of ved list and the	osts. Any petitioner
2.	a journal le	yuest ioi a pt	late is the deadling blic hearing. Fig. the process is	iease understar	nd that bu	en if there is	feet to file no formal
	order that the control of the contro	he matter be hin 7 to 10 day ill go to public l	g date, the file (a) grant the received set in for a pullys of the closing nearing. The order	quested relief; (the blic hearing. Ye date) as to whe ler will be mailed	o) deny the ou will red ther the per less than t	e requested re ceive written re tition has been First Class ma	lief; or (c) otification granted, il.
	commissione changed givi	e to a neighbor), notification ing notice of the	or's formal requested will be forward date, the change and a plant of the change are c	lest or by order led to you. The time and location	r of the z ne sign or	oning or depute the property	ty zoning must be
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	r		OMINISTRATIVE				
Case N	lumber 05-	299 -A	Address _	4523 Kin	g Geo	rge ct	
Petition	ner's Name _	Bruce	FACHLER		Telephon	e <u>410-933</u>	-5103
ostin	g Date:	12-26-	04	Closing Date	e: <u>0/-</u>	10-05	
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			-			MCD David	ad 6135104

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

### ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baitimore 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. Brune Fachler
Address or Location: 4523 King Gronge Cti
PLEASE FORWARD ADVERTISING BILL TO
Name. Jettrey Hoilman
Address _221 Gateway DR.
Bel Air, Md, 21014
Telephone Number: 410-557-0555

# 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

January 10, 2005

Bruce Fachler Kathy Fachler 4523 King George Court Perry Hall, Maryland 21128

Dear Mr. and Mrs. Fachler:

RE: Case Number:05-299-A, 4523 King George Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 13, 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. Callilally

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Jeffrey Hoilman 221 Gateway Drive Bel Air 21014



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 December 23, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 20, 2004

Item No.:

252, 291-296, 2<del>98-</del>300, 302-304

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





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

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

112

Maryland Department of Transportation

Date: 12.21.04

Baltimore County

Item No. 299

RE:

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

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

1. f. Dredh

Engineering Access Permits Division

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

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

**DEPRM** 

DATE:

January 19, 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:

05-291

05-293

05-296

05-297

05-299 05-301

05-304

Reviewers:

Sue Farinetti, Dave Lykens

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: January 3, 2005

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN 5 2005

ZONING COMMISSIONER

SUBJECT:

4523 King George Court

INFORMATION:

Item Number:

5-299

Petitioner:

Bruce Fachler

Zoning:

DR 5.5

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the exterior materials and design of the proposed addition are similar to the existing single-family dwelling on the subject property.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:

PADER RECEIVED FOR FILING

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 21, 2005

Department of Permits & Development Management

FROM:\},

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For December 27, 2004

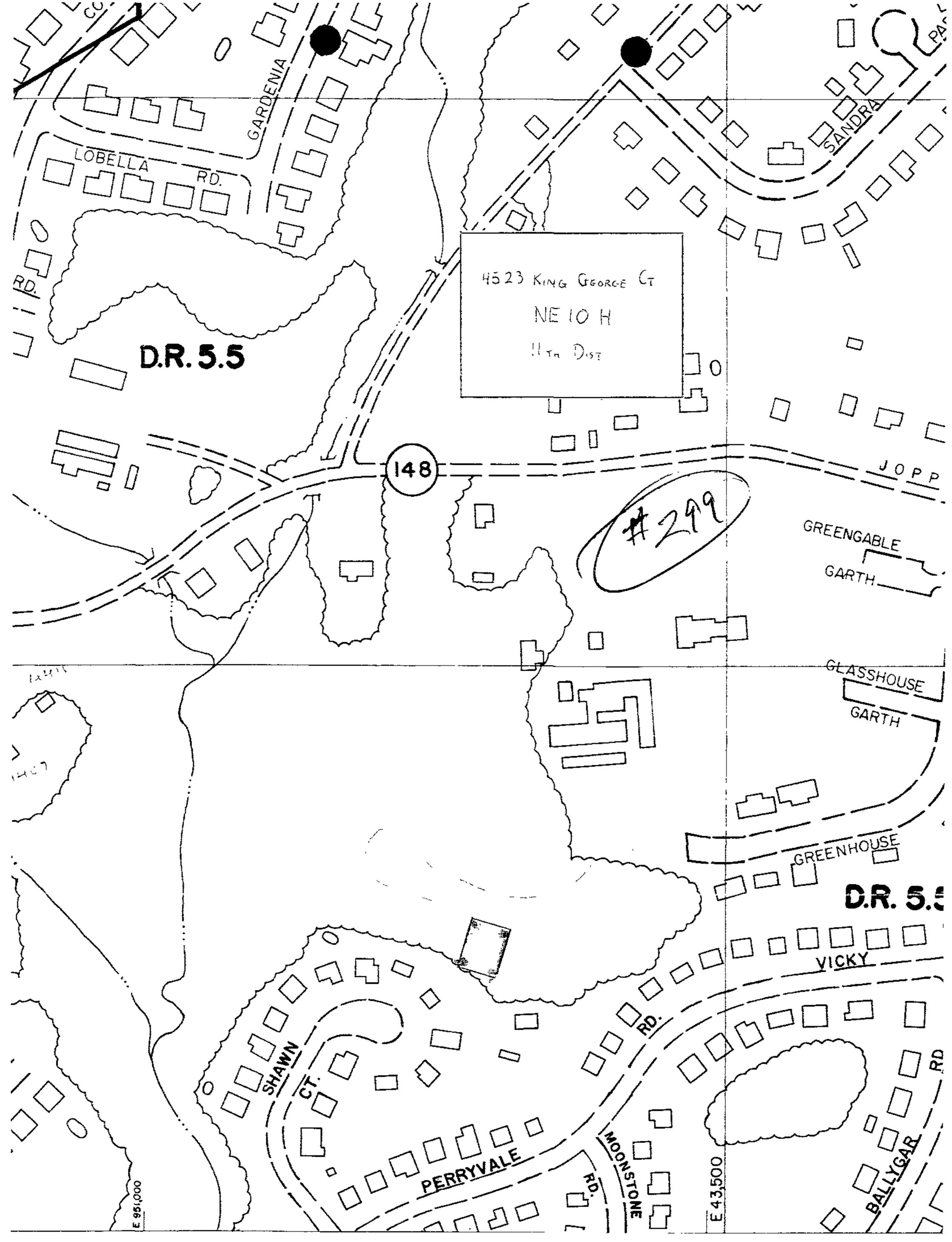
Item Nos. 291, 293, 294, 296, 297 299,

300, 301, 302, and 304

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

RWB:CEN:jrb

cc: File



12-13-04



¥299

SPECIAL HEARING **XX** THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION SOUNE FI Ϋ́ES PRIVATE LOCATION INFORMATION 1000,= King George Ct VICINITY MAP Snyder, property -COUNCILMANIC DISTRICT PIJBLIC 4 1"= 200' SCALE MAP # ZON'NG D. (C. 5'5 100 YEAR FLOOD PLAIN SCALE: 1" 这 D. 12 Y ELECTION DISTRICT CHESAPEAKE BAY CRITICAL AREA SEWER WATER LOT SIZE SNINOZ VARIANCE Zone (Se Ffer Baltimore Fort County 185.00's 91.20. 3.94.17.91N **ZONING** F achler SEE PAGES STORY 公 用 の 下 38 FOR 0'27 \$0 TION .2.85 SECTION .SZ Search Ct. 1.0T # 3500001954 O ACCOMPAN FOLIO # 55 PROPERTY ADDRESS SUBDIVISION NAME PLAT BOOK # 10 OWNER (B)C. PLAT T

N N PRIOR ZONING HEARING HISTORIC PROPERTY/ BUILDING

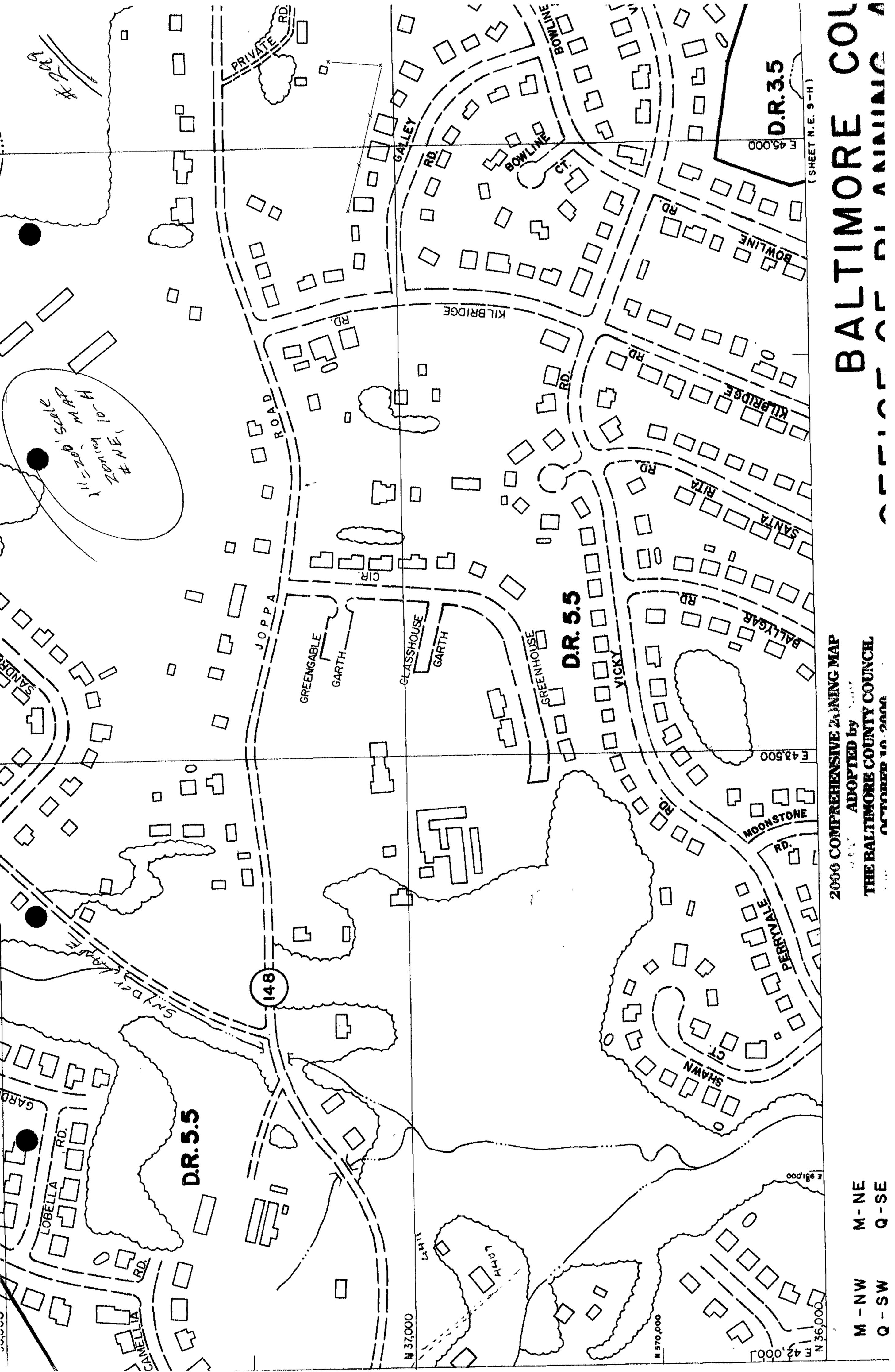
> DRAWING: 9 SCALE

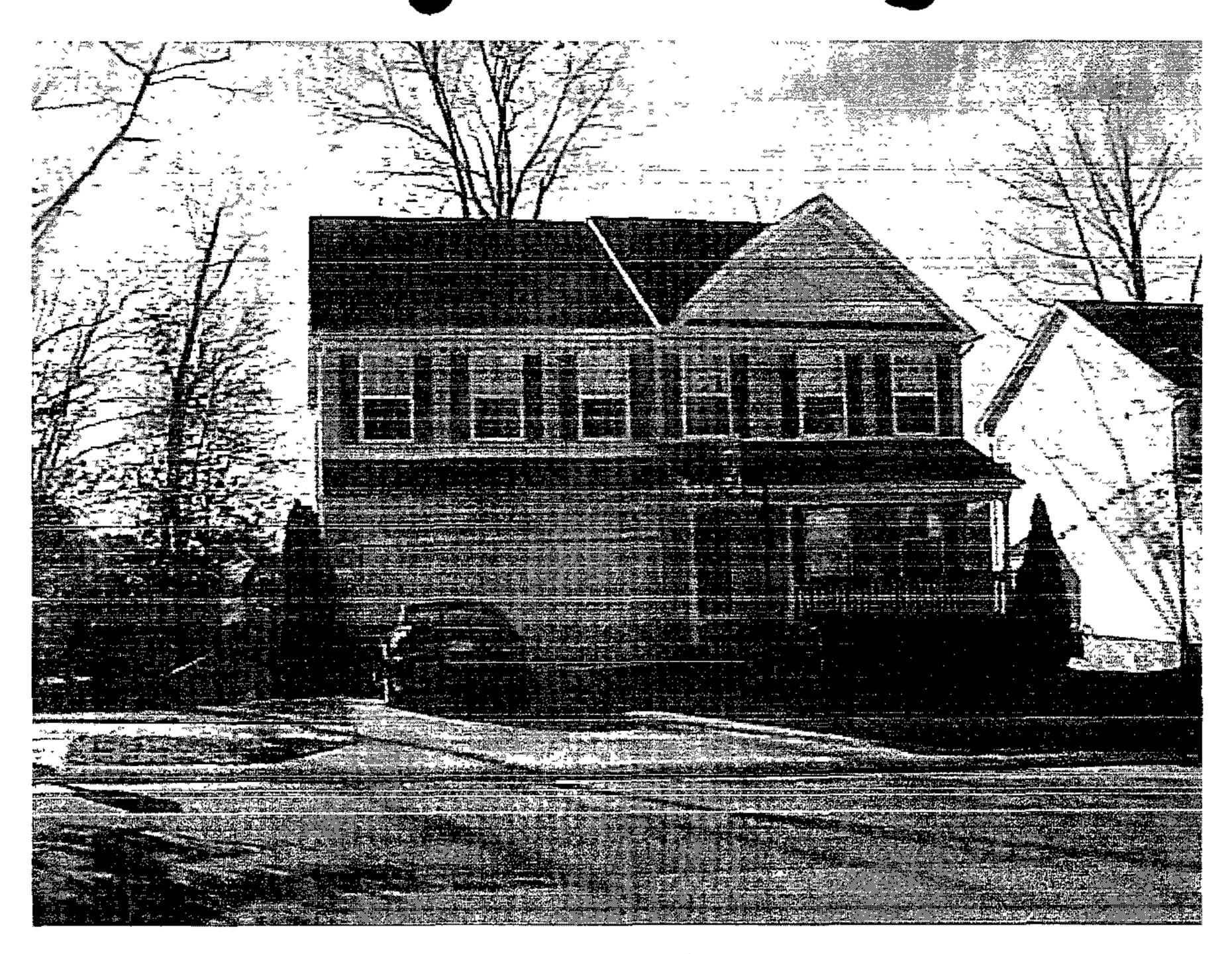
> > PREPARED BY

849 ZONING REVIEWED BY

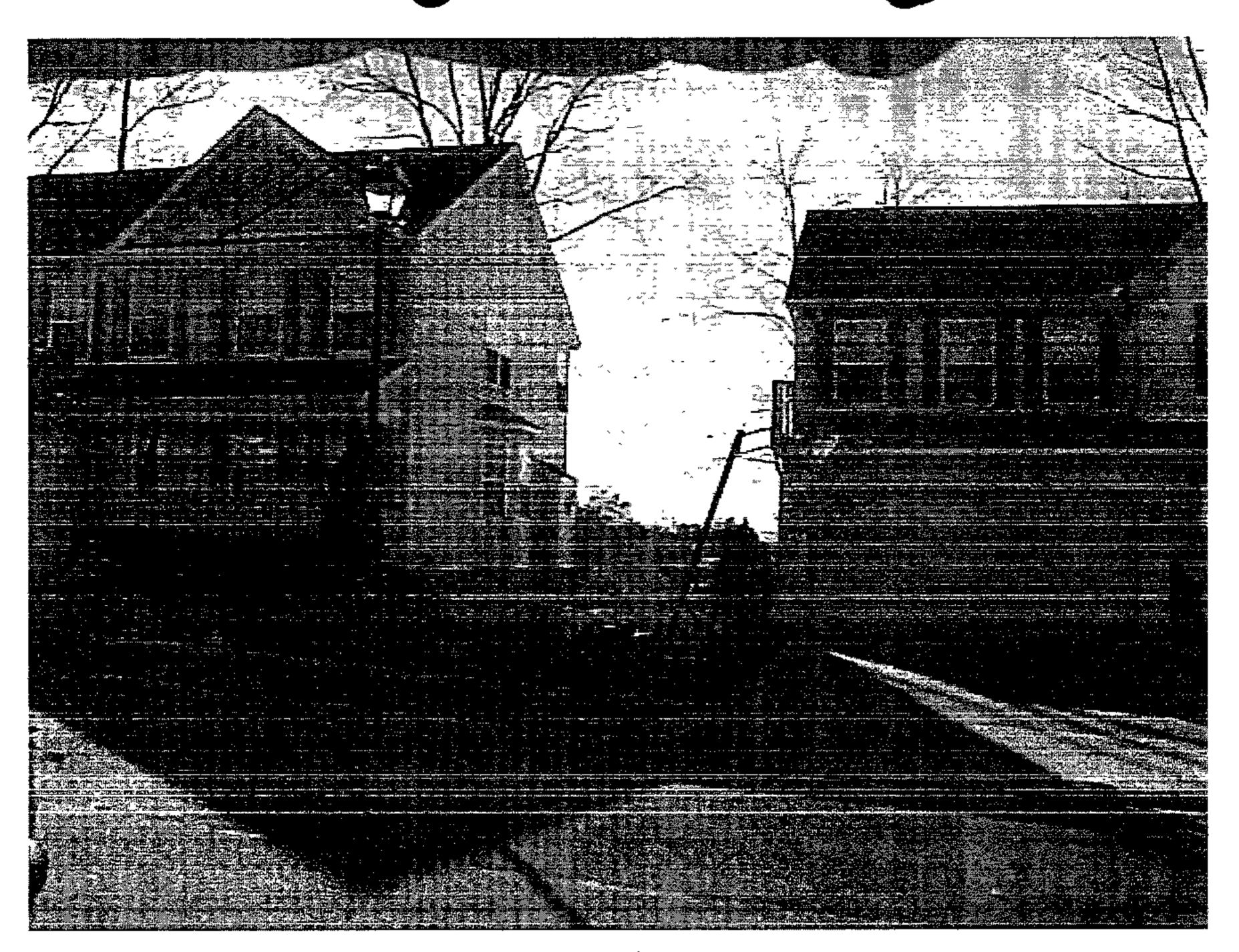
ONLY

OFFICE USE

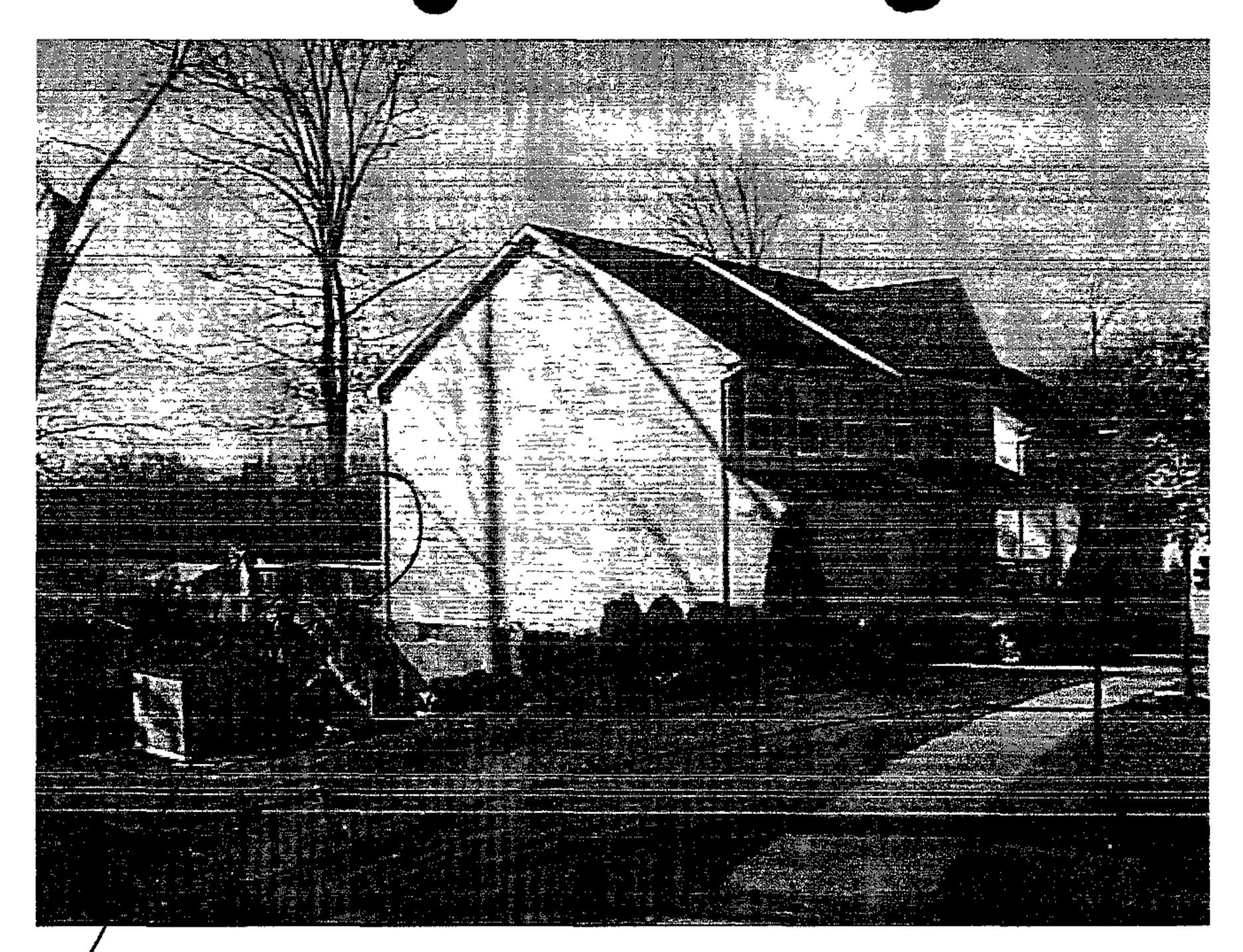




4523 tring George Ct. Front of existing SFO.



4523 King George Ct. Right side of existing SFD.



Prof's Left side of existing SFD enclosed addition

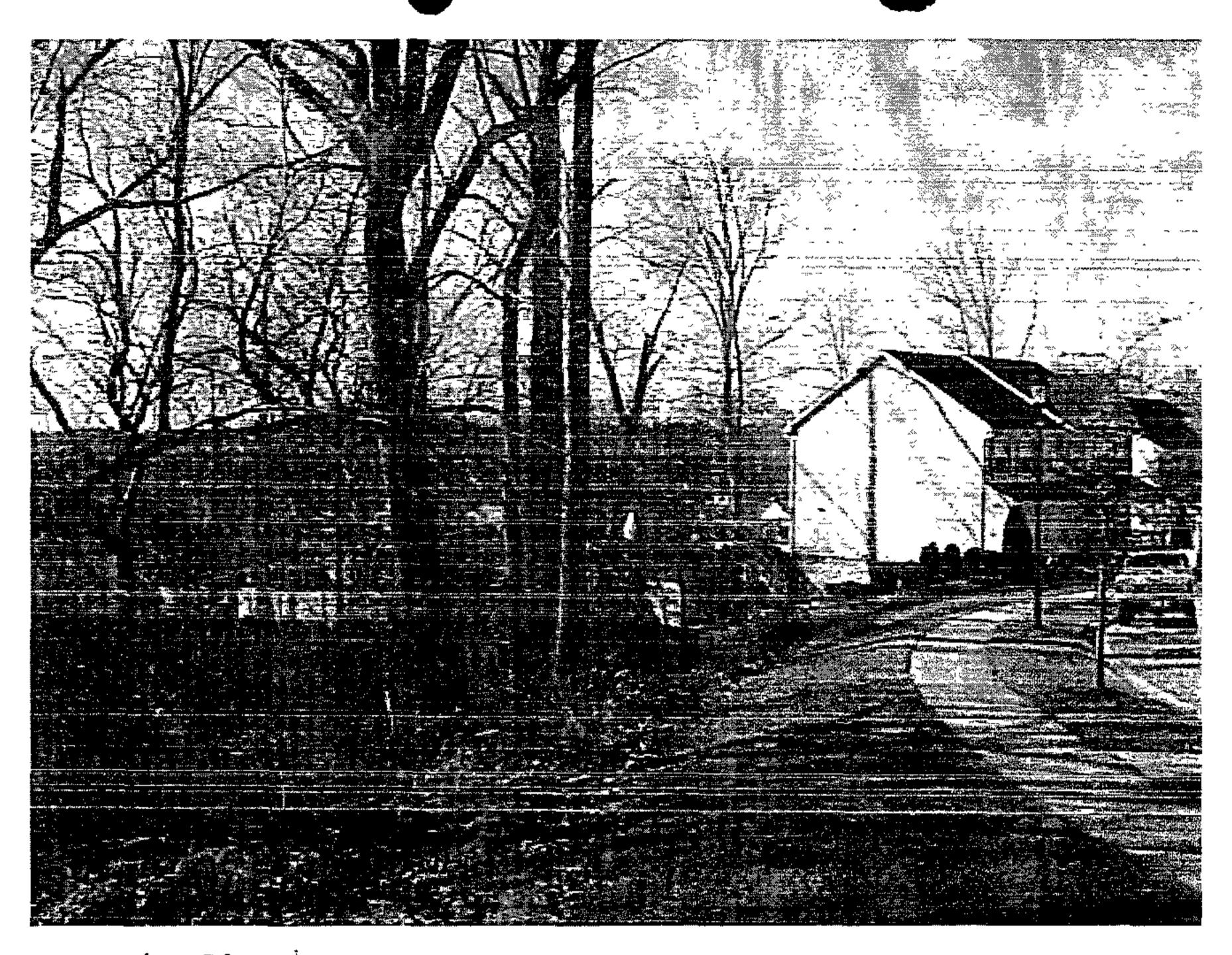


4523 King George Ct.

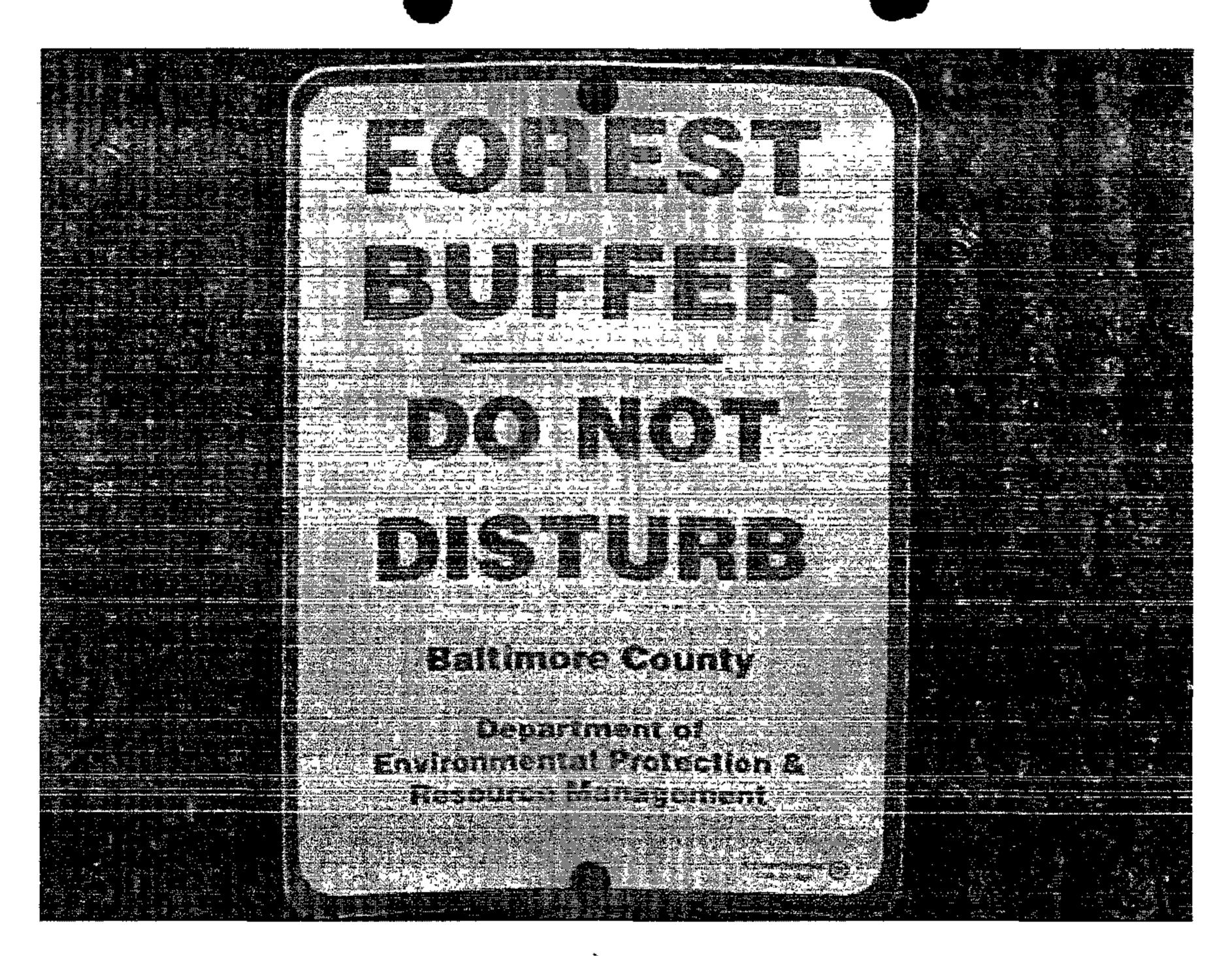
Roar of existing SFD and prop. Sunroom area on

Existing dech

2 na



4523 King George Ct.
Forest Busser area and left side of existing SFD



Property to left of home is a forest Buffer some.



Fort Buffer 2 one to the left of the existing SFD located @ 4523 & King George Ct.

## 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 19, 2005

Mr. & Mrs. Bruce Fachler 4523 King George Court Perry Hall, Maryland 21128

> Re: Petition for Administrative Variance Case No. 05-299-A Property: 4523 King George Court

Dear Mr. & Mrs. Fachler:

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,

John V. Murphy

Deputy Zoning Commissioner

John V- Musphy

JVM:raj Enclosure

c: Jeffrey Hoilman 221 Gateway Drive Bel Air, MD 21014



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