IN RE: PETITION FOR ADMIN. VARIANCE S/S of Perhall Court, 211 ft. E centerline of Perglen Road 11th Election District 5th Councilmanic District (5 Perhall Court)

Janice & Joseph Tewey

Petitioners

* BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 06-018-A

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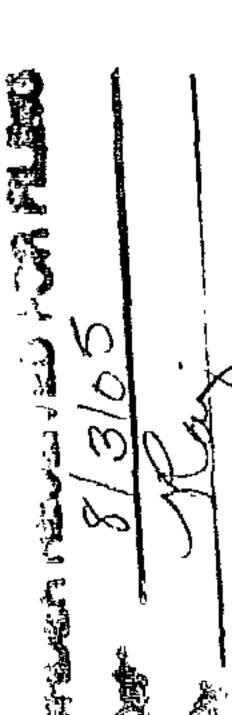
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Janice and Joseph Tewey. The administrative variance is requested for property located at 5 Perhall Court in Baltimore County. The administrative variance request is from Sections 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (CMDP), to permit a single-family dwelling with addition with windows to have a distance of 24 ft. between facing windows and 7.2 ft. window to property line in lieu of the required 40 ft. and 15 ft. respectively. 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 14, 2005, 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: A ZAC comment was received from the Office of Planning dated July 27, 2005, a copy of which is attached hereto and made a part hereof.



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 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 32-3-303 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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>3</u> day of August, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for administrative variance from Sections 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Sections V.B.6.b and V.B.6.c of the

Comprehensive Manual of Development Policies (CMDP), to permit a single-family dwelling with addition with windows to have a distance of 24 ft. between facing windows and 7.2 ft. window to property line in lieu of the required 40 ft. and 15 ft. respectively, 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. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated July 27, 2005, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

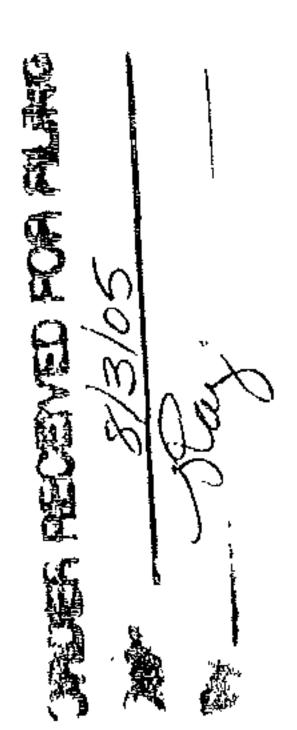
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

August 4, 2005

Mr. & Mrs. Joseph Tewey 5 Perhall Court Baltimore, Maryland 21236-1633

Re: Petition for Administrative Variance Case No. 06-018-A
Property: 5 Perhall Court

Dear Mr. & Mrs. Tewey:

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

JVM;raj Enclosure

c: Chris Hanson Merritt Development Consultants, Inc. 2416 E. Joppa Road Baltimore, MD 21236



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

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Petition for Administrative Variance

Legal Owner(s):

to the Zoning Commissioner of Baltimore County

for the property located at #5 PERHALL COURT which is presently zoned _____ DR 3.5

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 polition for a Variance from Section(s) 504.7 (BCZR)

4.13.6.6, V.B.6. C (cmop) TO PERMIT A SINGLE FAMILY DWELLING WITH ADDITION WITH WIHDOWS TO HAVE A DISTANCE OF Z4' BETWEEN FACILIA WINDOWS, 7.2' WIHOOW TO PROPERTY LIHE IN LIEU OF THE REQUIRED

GO' AND 15' RESPECTIVELY of the zoring 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 t, 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

WWe do solemnly declare and affirm, under the penalties of perjury, that liwe are the legal owner(s) of the property which is the subject of this Pelition

Zona g Commissioner of Baltimore County

Estimated Posting Date 7

Contract	Purchaser/L	esseei
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Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of penury 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.

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That the Affiant(s) does/do presently reside at	#5 PERHALL COURT	پ مدد ده ایرا خواند محمومی و مشود مشد مشور مشور میشود. میشود و دو او ایران و مانداش و میشود به به ده و مو د مو	⁸ -1-8-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
	BALTIMORE	MD	21236-163
	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);

WITHOUT THE VARIANCE REQUEST APPROVED WE CANNOT CONSTRUCT THE REQUESTED ADDITION. THE PROPOSED ADDITION WILL NOT ENCROACH INTO THE SIDE YARD ANY FURTHER THAN THE EXISTING DWELLING WHICH REMAINS INSIDE THE SIX FOOT BUILDING RESTRICTION LINE.

hat the Alhant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising the and may be required to provide additional information

Signature SEPHIEWEY Karre - YER OF DOM Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

THEREBY CERTIFY this 1ST day of July 2005 before me, a Notary Public of the State of M. Vland, mand for the County aforesaid bersonally appeared

JOSEPH TEWEY AND JANICE JEWEY the Affiant(s) herein, personally know i or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts heremabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notanai Seat

Notary Public

THOMAS G. KNIGHT **NOTARY PUBLIC** HARFORD COUNTY -MARYLAND My Cythninission Expires Mot. 1, 2006

3E / Co. 15/98

ZONING DESCRIPTION FOR #5 PERHALL COURT

Beginning at a point on the South side of Perhall Court which is 50 feet wide at a distance of 211 feet East of the centerline of the nearest improved intersecting street Perglen which is 50 feet wide. Being Lot #33, Block C, Section 1, Plat 3 in the subdivision of Perry Hall Gardens Addition as recorded in Baltimore County Plat Book #42, Folio 66, containing 9450 square feet. Also known as #5 Perhall Court and located in the 11th Election District, ** Councilmanic District.

RECEIVED FROM: FOR: OFFICE OF BUDGET & FINANCE MISCELLANEOUS BALTIMORE COUNTY, MARYLAND RECEIPT - , , -, ACCOUNT AMOUNT ~ } 10 1000年100日 である。 Entrant Contract かけではある中でであるが、 西の上海教 不是不是 医 THE STATE OF THE S

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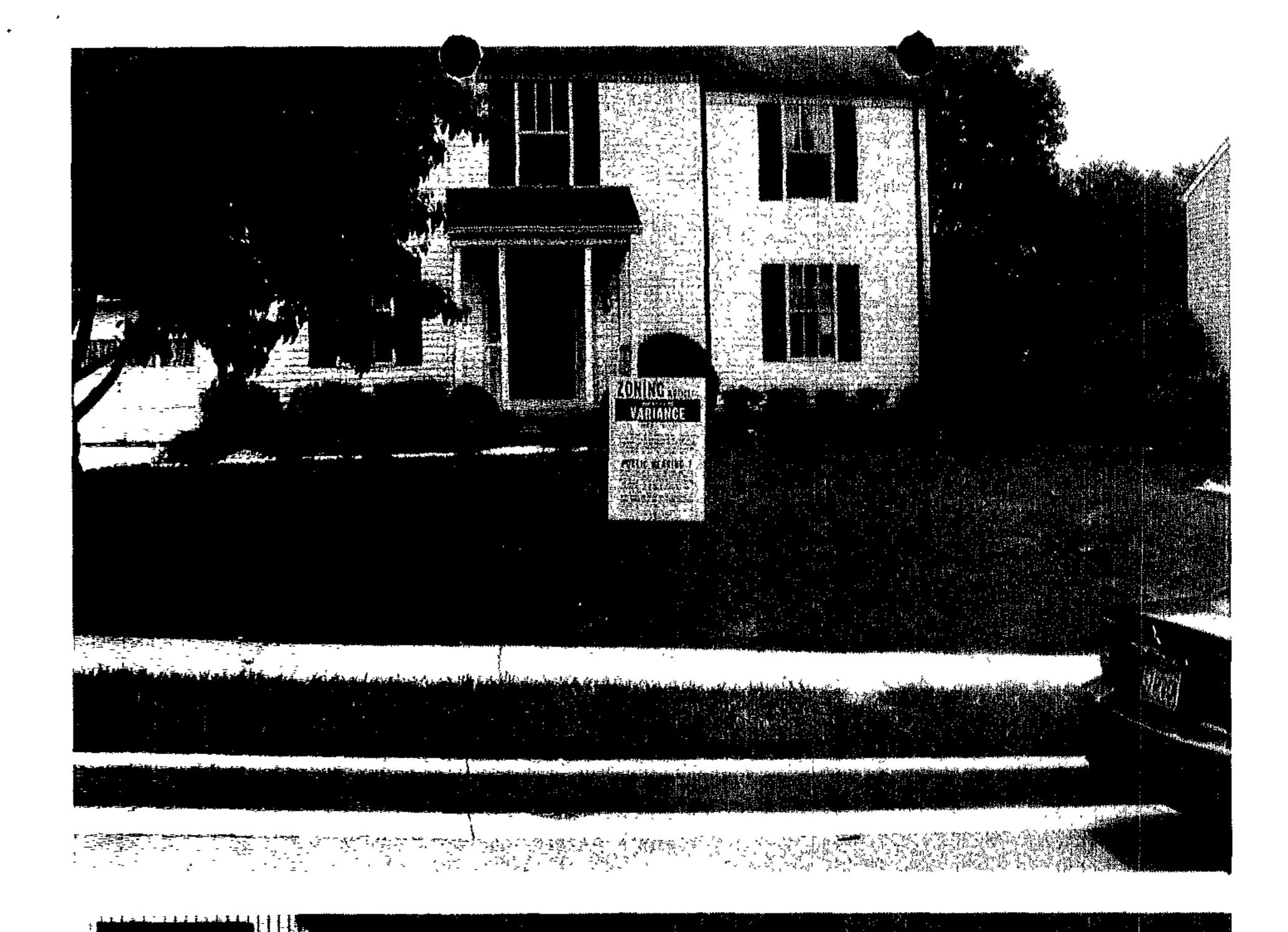
PINK

- AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING

Date: July	18, ZOOS
RE: Case Number: OCO-018 Petitioner/Developer: JOSEFF 3 JANKE TENEY Date of Hearing/Closing: Axoust 1, 2005	
This is to certify under the penalties of perjury that the necessary sing(s) on the property located at #5 PERIALL COURT	required by law were posted conspicuously
The sign(s) were posted on JULY 14. Z005 (Month, Day, Ye	ar)
	Styreiture of Stan Poster)
	Charles E. Merritt 1831 Magledt Road 3altimore, MD 21234 410-665-5562



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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

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 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: <u> </u>
Petitioner: Joseph 3 JANICE Final
Address or Location: #5 PSHAL COUPT.
PLEASE FORWARD ADVERTISING BILL TO:
Name: KRIS PANDOT (KRIS KONSTRUCTION)
Address: 1708 CANNONSATE
FOREST HILL.
MARIAND 21050
Telephone Number: <u>877-638-1803</u>

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

$\mathcal{O}_{\mathcal{O}}$
Case Number 05-019 -A Address 5 PENHALL 27
Contact Person: LIOYO MOXLEY Phone Number: 410-887-3391
Filing Date: 7/6/05 Posting Date: 7/17/05 Closing Date: 8/1/05
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <u>DEADLINE:</u> 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.
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.
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- D18 -A Address 5 PERHALC CT
Petitioner's Name JOSEPH JANICE TEWEY Telephone
Posting Date: 7/17/05 Closing Date: 8/1/05
Nording for Sign: To Permit A SINGLE FAMILY DWELLING WITH ADDITION
WITH WINDOWS TO HAVE A DISTANCE OF ZA' BETWEEN FACING
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40' AND 15' RESPECTIVELY
WCR - Revised 6/25/04

Department of Permits and Development Management

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



Baltimore County

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

August 1, 2005

Joseph Tewey Janice Tewey 5 Perhall Court Baltimore, Maryland 21236-1134

Dear Mr. and Mrs. Tewey:

RE: Case Number: 06-018-A, 5 Perhall Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 5, 2005.

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. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Merritt Development Consultants Chris Hanson 2416 E. Joppa Road Baltimore 21236



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

Fire Department

nt | | 5500

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 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014,015,016,017,618,019

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.

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

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 25, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 25, 2005

Item Nos. 001, 003, 006, 008, 011, 012, 013, 014, 016, 017, 018, and 019

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

DAK:CEN:clw

ce: File

ZAC-NO COMMENTS-07252005.doc

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

DATE: July 27, 2005

JUL 2 9 2005

MING COMMISSIONER

SUBJECT:

5 Perhall Court

INFORMATION:

Item Number:

6-018

Petitioner:

Joseph Tewey

Zoning:

DR 3.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. Sufficient distance exists between the west side and the rear of the proposed addition and the adjacent property to not impose a significant negative impact. However, the proposed addition shall be made of materials that are consistent with the existing single-family dwelling on the subject property.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

W.\DEVREV\ZAC\6-018.doc



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

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

Maryland Department of Transportation

Date:

7.15.05

RE:

Baltimofe County
Item No.

LTM

Towson, Maryland 21204

Dear. Ms. Matthews:

Ms. Kristen Matthews

Baltimore County Office of

Permits and Development Management

County Office Building, Room 109

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.

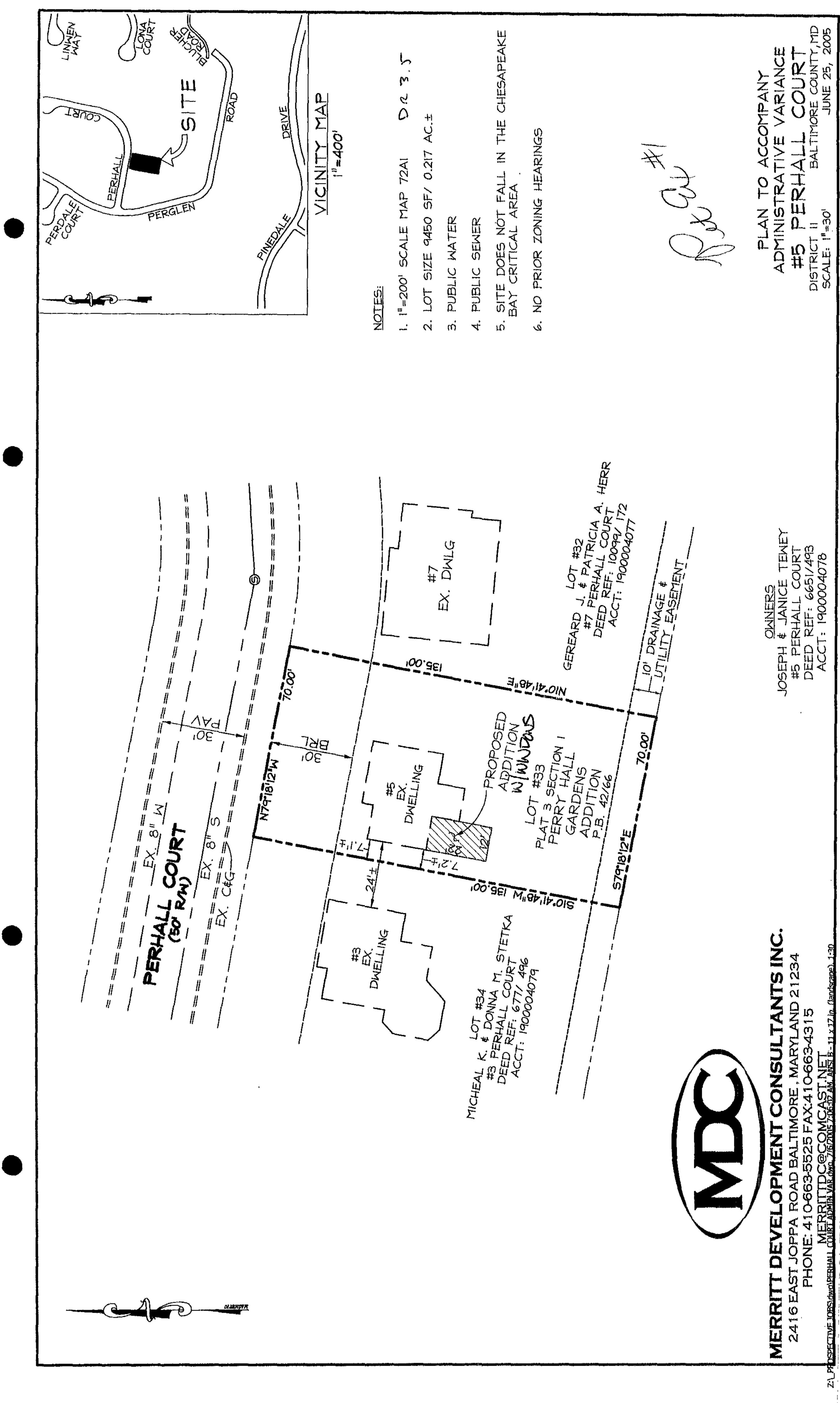
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

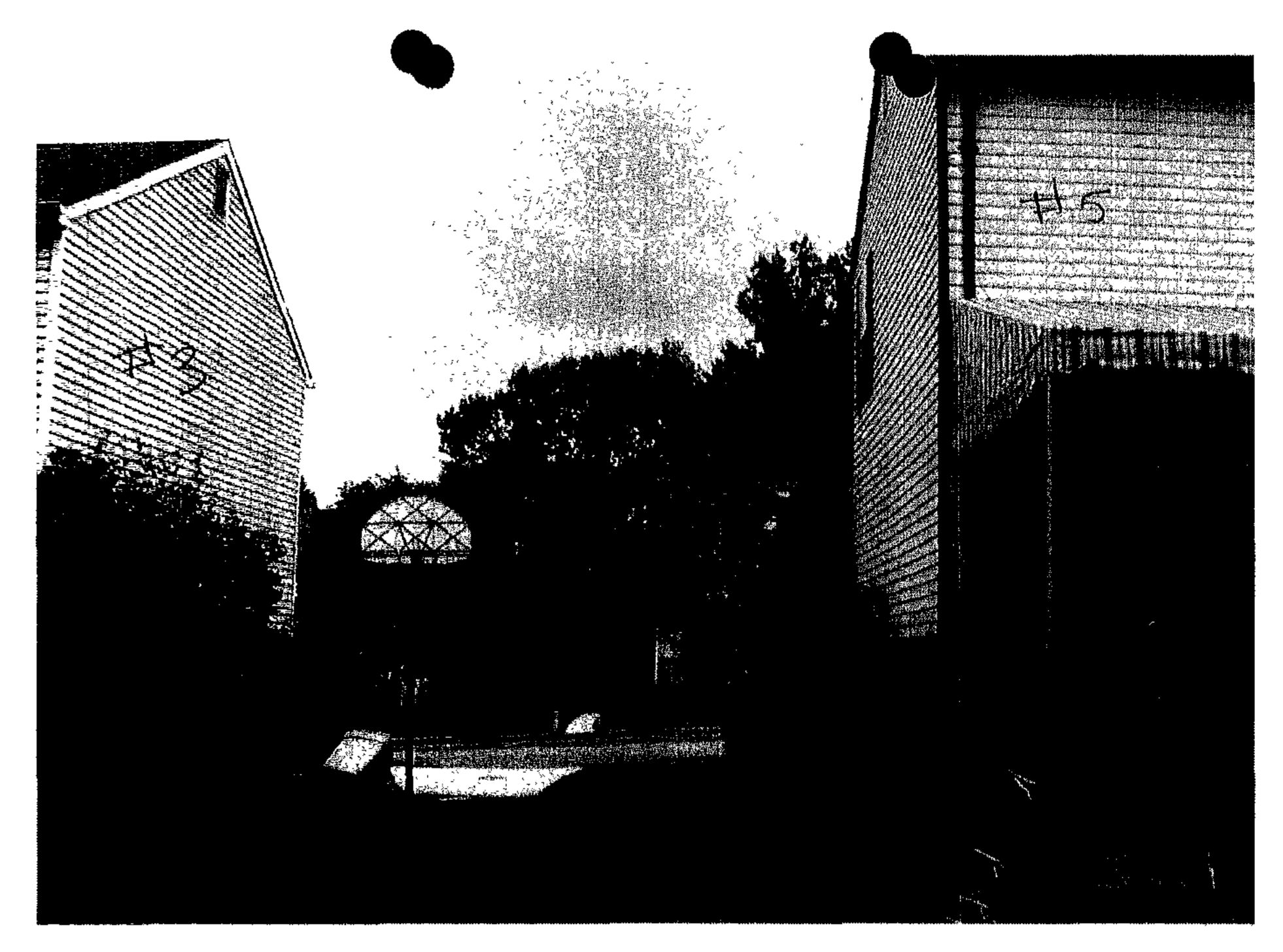
Engineering Access Permits Division

1. J. Hall











SITE OF PROPADOITION WILLDOWS

