

IN RE: PETITION FOR ADMIN. VARIANCE
SW/S of Old Field Court, south of
Meadow Glen Road
15th Election District
6th Councilmanic District
(21 Old Field Court)

James Stichel
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-685-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 owner of the subject property, James Stichel. The variance request is for property located at 21 Old Field Court. The variance request is from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.B of the Comprehensive Manual of Development Policies (CMDP) (1971-92 regs) to permit a window to property line setback as close as 11 feet in lieu of the minimum allowed 15 feet and to amend Case No. 95-121-A and the approved Final Development Plan for Lot 43, Section 1 of Rohe Farm. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that the lot is extremely shallow at 75 feet and the lot is a zipper type which has four different rear property lines. The proposed sunroom addition will be built on an existing deck which has a sliding door at this location. The room is designed with five walls 10 feet x 3 feet x 10 x 3 feet x 10 feet. The addition is designed to be parallel with the rear property lines.

Zoning Advisory Committee Comments

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

RECEIVED FOR FILING

8-7-06

103

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 16, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

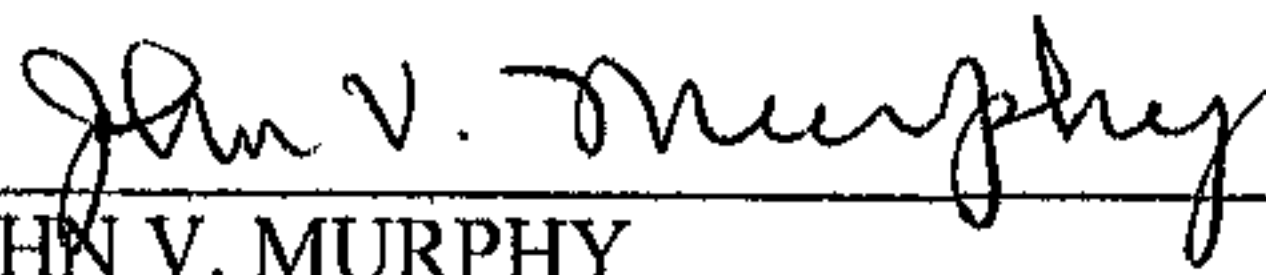
The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare 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 Petitioner.

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 7th day of August, 2006, that a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.B of the Comprehensive Manual of Development Policies (CMDP) (1971-92 regs) to permit a window to property line setback as close as 11 feet in lieu of the minimum allowed 15 feet and to amend Case No. 95-121-A and the approved Final Development Plan for Lot 43, Section 1 of Rohe Farm be and is hereby GRANTED, subject to the following:

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:pz

RECEIVED FOR FILING
8-7-06
pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 21 Old Field Ct
which is presently zoned DR 2

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) 504, BCZR AND V.B. 6.6, CMDP

(1971-92 REG-S) TO PERMIT A WINDOW TO ~~BE SET BACK~~ PROPERTY LINE SETBACK AS CLOSE AS 11 FT. IN LIEU OF MINIMUM ALLOWED 15 FT. AND TO AMEND CASE #95-121-A AND THE APPROVED FINAL DEVELOPMENT PLAN FOR LOT 43, SECTION 1 OF ROHE FARM.

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. No. 07-06-06

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):

Stichel, James
Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

21 Old Field Ct (410) 686-0254
Address _____ Telephone No. _____

Baltimore MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Mike Diehl
Name _____

7110 Golden Ring Road 410-780-0062
Address _____ Telephone No. _____

Baltimore MD 21221
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. 06 685 A

Reviewed By D. M. OFF Date 7/06/05

REV 10/25/01

Estimated Posting Date 7/16/06

RECEIVED FOR FILING

8-6-06

[Signature]

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 21 Old Field Ct
Address
Baltimore MD 21220
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):

Our home is located on a lot which has several problems. First the lot is extremely shallow at 75 ft. The second the lot is a zipper type and has four different rear property lines. This with our proposed sunroom will leave us with a rear setback of 12ft. In lieu of the required 15ft. The room will be built on an existing deck which has a sliding door at this location. The room is designed with 5 walls 10'x3'x10' x3'x10', this will be done to run parallel with the rear property lines, this way we are asking for a rear setback of 12ft in lieu of the required 15ft. We can not meet.

a Variance of 11ft PG

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.

Signature *James Stichel*
Stichel, James
Name - Type or Print

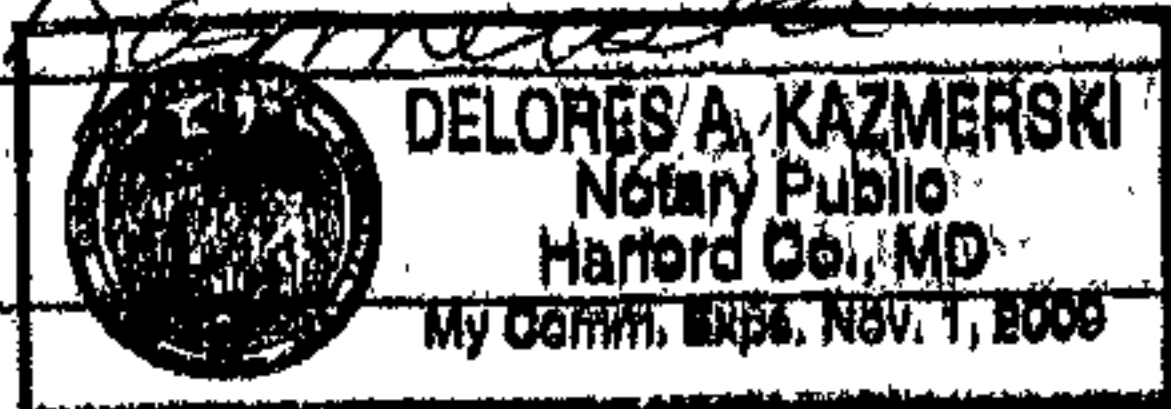
Signature _____
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of June, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Delores A. Kazmerski
Notary Public
My Commission Expires _____


Zoning Description for 21 Old Field Ct.

Beginning at a point on the South-West side of Old Field Ct. which is 50 ft. wide at the distance of 646' ft. South of the centerline of the nearest improved intersecting street Meadow Glen Rd. which is 50 ft. wide. *Being lot #43, Section #1 in the subdivision of Rohe Farm as recorded in the Baltimore county Plat Book #64, Folio #111, containing 5,052 sq. ft. Also known as 21 Old Field Ct. and located in the 15th election district, 6th Councilmanic District.

685

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 707

DATE 7/06/05 ACCOUNT 001 006 6150

AMOUNT \$ 130.00

RECEIVED CHURCH & DWIGHT REALTY
FROM

FOR RV 45PH
21 OLD FIELD CT

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
7/06/2005 7/06/2005 10:55:06
REV MEDS WALKIN CENTER
SHELDY P 21507 7/06/2005 FIELD
DEPT 5 SON FINDING VERIFICATION
OF MD. 005707

Receipt For \$130.00
\$130.00 OF \$200.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-685-A

Petitioner/Developer: JAMES

STICHEL

Date of Hearing/Closing: 7-31-06

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:

21 OLD FIELD CT

The sign(s) were posted on 7-16-06
(Month, Day, Year)

Sincerely,

Robert Black 7-17-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

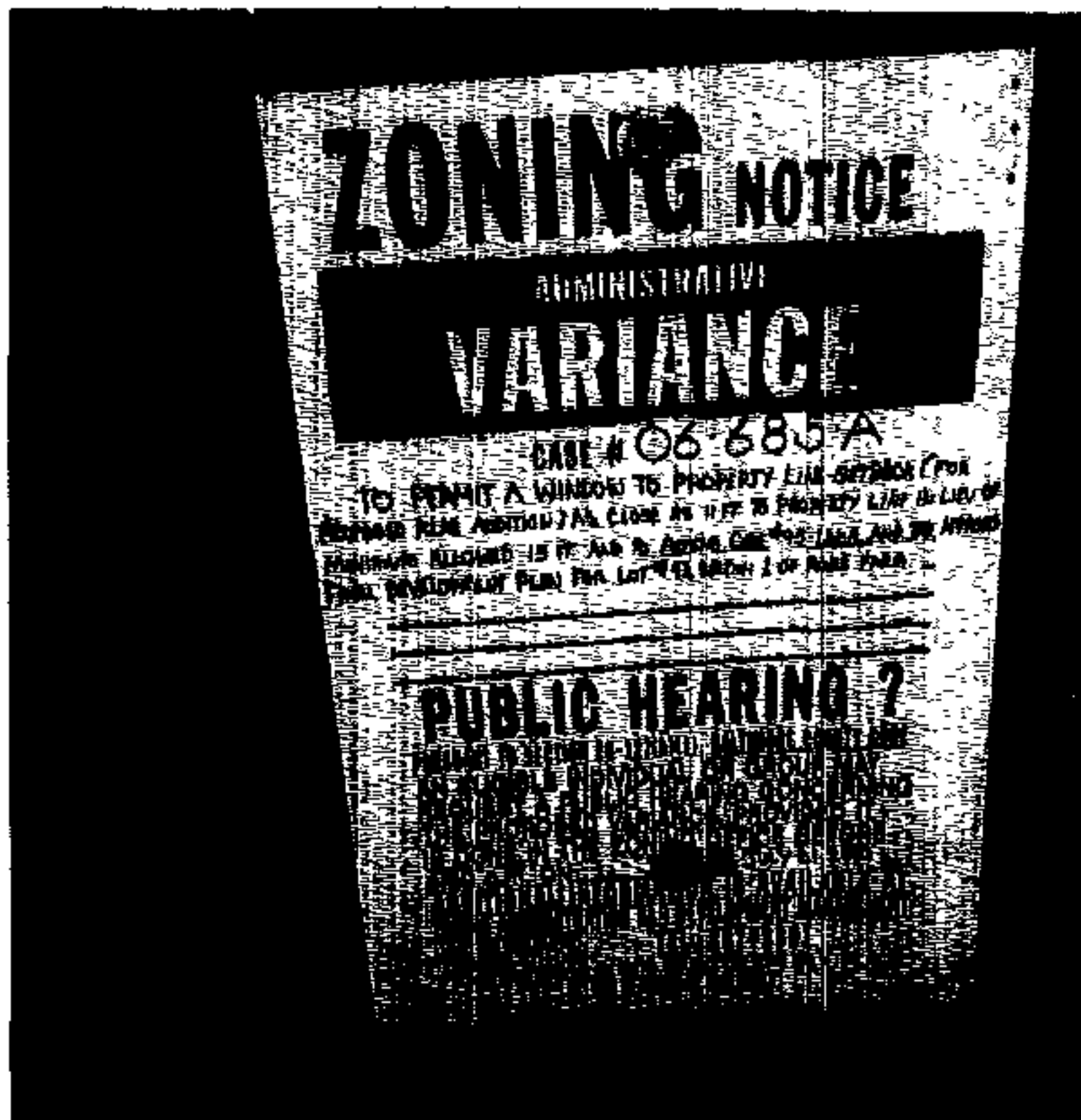
(Address)

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: 06 685 A
Petitioner: Stichel James
Address or Location: 21 Old Field CT

PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion
Address: 7110 Golden Ring RD
Balto Md
Telephone Number: 410 780-0062

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEWADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 06- 685 -A Address 21 OLD FIELD CT.Contact Person: JOHN LEWIS (DROP OFF PET) Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 7/06/06 Posting Date: 7/16/06 Closing Date: 7/31/06

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 FORMATCase Number 06- 685 -A Address 21 OLD FIELD CT.Petitioner's Name JAMES STICHEL Telephone 410 686 0254Posting Date: 7/16/06 Closing Date: 7/31/06Wording for Sign: To Permit A WINDOW TO PROPERTY LINE SETBACK (FOR PROPOSED REAR ADDITION)
AS CLOSE AS 11 FT TO PROPERTY LINE IN LIEU OF MINIMUM ALLOWED 15 FT. AND TO
AMEND CASE # 95-121-A AND THE APPROVED FINAL DEVELOPMENT PLAN FOR LOT # 43,
SECTION 1 OF ROHE FARM

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 31, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

James Stichel
21 Old Field Court
Baltimore, MD 21220

Dear Mr. Stichel:

RE: Case Number: 06-685-A, 21 Old Field Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 6, 2006.

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:amf

Enclosures

c: People's Counsel
Mike Diehl 7110 Golden Ring Road Baltimore 21221

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 7, 2006

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

RECEIVED

AUG 07 2006

SUBJECT: Zoning Advisory Petition: Case 6-685

INFORMATION:

Item Number: 6-685

Petitioner: James Stichel

Zoning: DR 2

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared by: CM

Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 13, 2006

FROM: Denis A. Kennedy, ^{DM}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 17, 2006
Item Nos. 623, 638, 674, 675, 676, 677,
678, 679, 680, 683, 684, 685, 686, 687, and 688

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 7132006.doc

Fire Department

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



Baltimore County

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

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

July 13, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 10, 2006

Item No.: 638, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686,
687 and 688.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F



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



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

Maryland Department of Transportation

Date: 7.11.06

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

RE: Baltimore County
Item No. 685 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

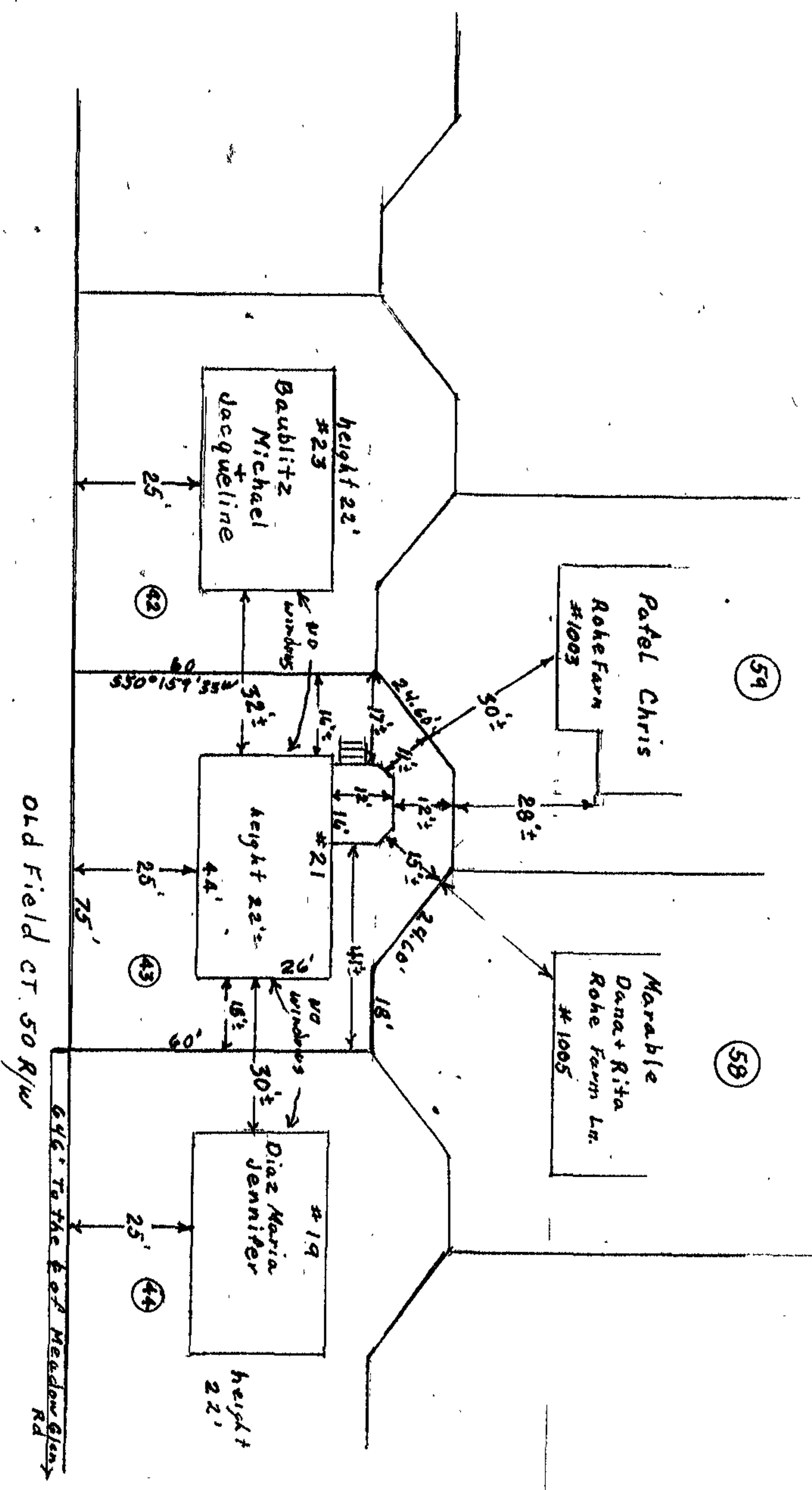
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 21 Old Field CT

SUBDIVISION NAME Rohe Farm

PLAT BOOK # 64 FOLIO # 111 LOT # 43 SECTION # 1

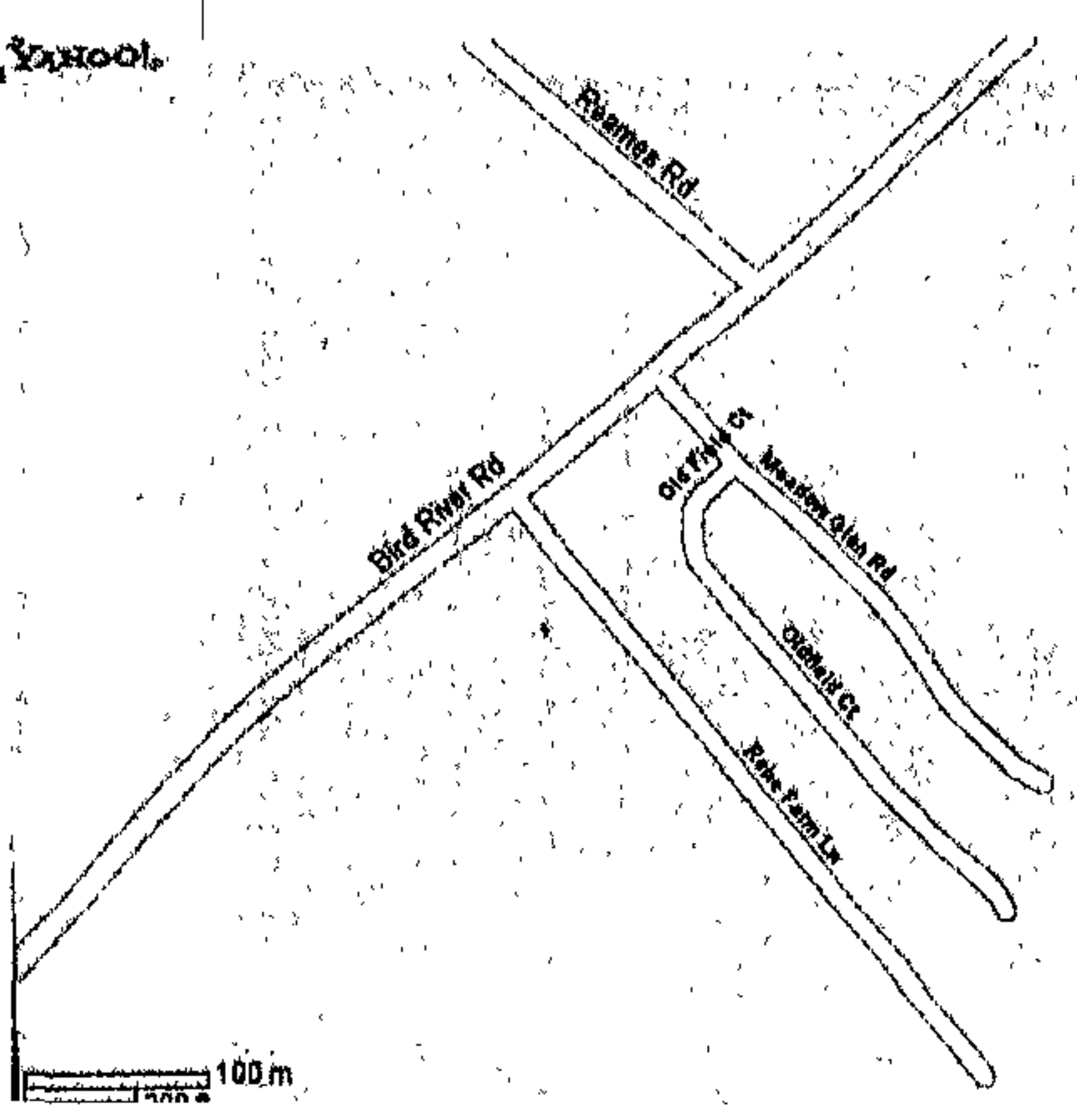
OWNER Stichel, James



PREPARED BY Gerard Andersen

07/06/06

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 082C3

ZONING D.R. 2

LOT SIZE 5,052 ACREAGE 5,052 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING 95-121-A

ZONING OFFICE USE ONLY
RECEIVED BY ITEM # CASE #
DATE 07/06/06
FILED 106685-A

Copyright (C) 2005 Baltimore County, Maryland



685



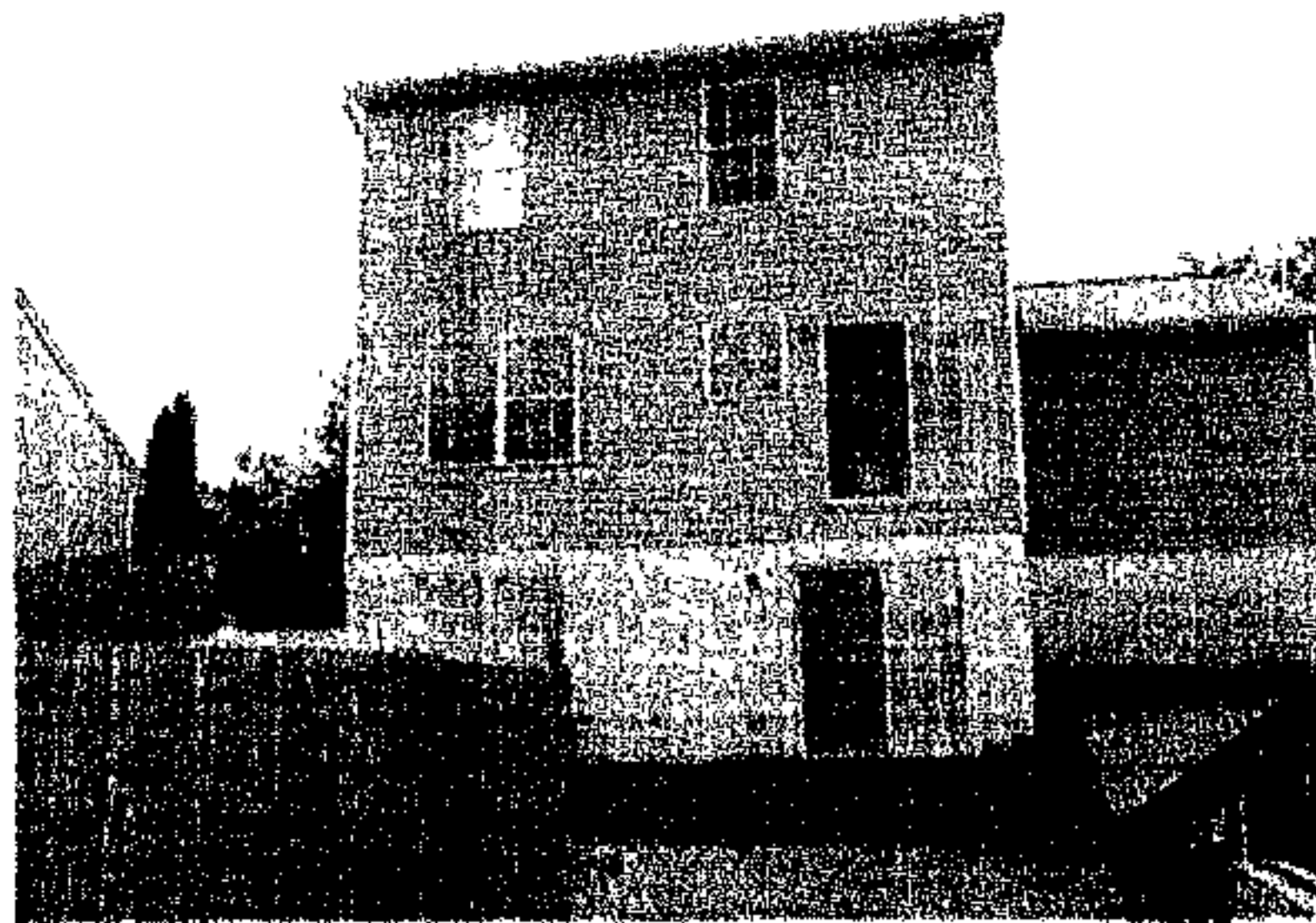
Sideview of 1005 Rohe Farm Ln.



Front of 21 Old Friend Ct.



Rear of 21 Old Friend Ct.
Location of proposed sunroom
on existing deck



Rear view of 1003 Rohe Farm Ln.



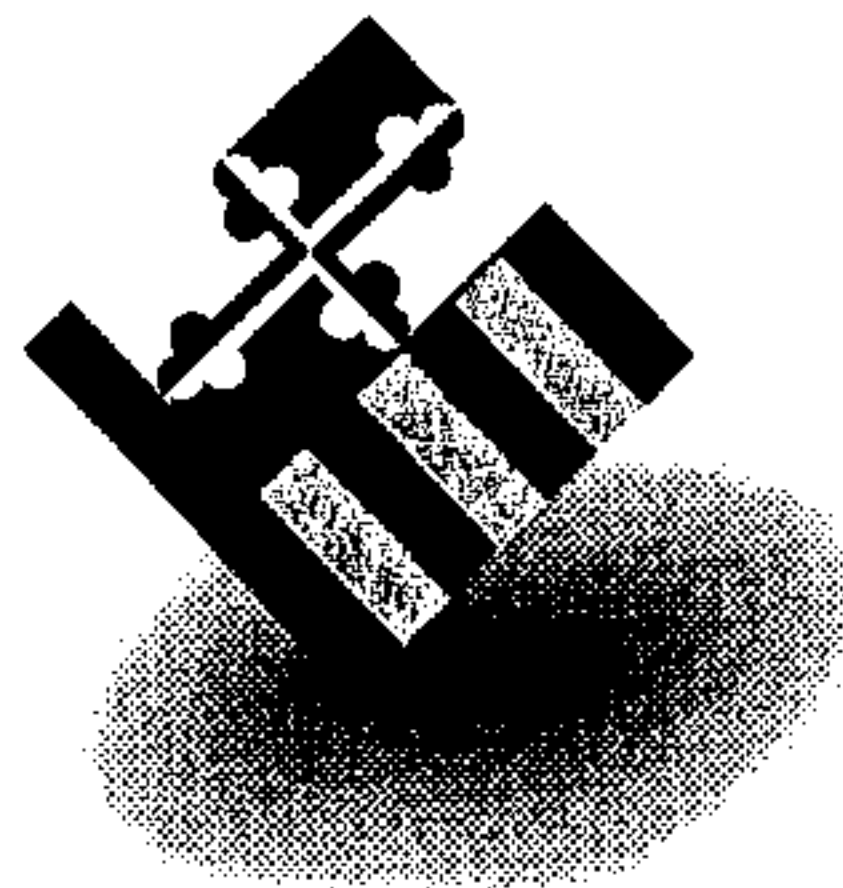
Side veiw of 19 Old Friend Ct.

*with a patio
Room*



Front and sideveiw of 23 Old Friend Ct.

685



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 7, 2006

JAMES STICHEL
21 OLD FIELD COURT
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 06-685-A
Property: 21 Old Field Court

Dear Mr. Stichel:

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:pz

Enclosure

c: Mike Diehl, 7110 Golden Ring Road, Baltimore MD 21221