IN RE: PETITION FOR ADMIN. VARIANCE N/S of Kristal Court, 297 feet +/- north c/l

of Garland Avenue.

11th Election District

6th Councilmanic District

(9 Kristal Court)

Charles and Sheila Gelwicks Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-006-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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*

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Charles and Sheila Gelwicks. The variance request is for property located at 9 Kristal Court. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition and open projections (decks) to have rear yard setbacks of 10 feet to addition, 11 feet to open projection, and a side yard to open projection of 3 feet in lieu of the required 30 feet, 22.5 feet, 7.5 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that their home was positioned too close to the rear property line to meet the front yard setback because of the angled front property line. Consequently, there is no adequate space in the rear yard for the proposed improvements of a sunroom and a deck..

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

Applicable Law

THE STATE OF

S CONTROL S

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, offstreet 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 22, 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 23rd day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition and open projections (decks) to have rear yard setbacks of 10 feet to addition, 11 feet to open projection, and a side yard to open projection of 3 feet in lieu of the required 30 feet, 22.5 feet, 7.5 feet, respectively 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

CONTRACTOR NED



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 23, 2006

CHARLES AND SHEILA GELWICKS 9 KRISTAL COURT BALTIMORE MD 21236

> Re: Petition for Administrative Variance Case No. 07-006-A Property: 9 Kristal Court

Dear Mr. and Mrs. Gelwicks:

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:pz

Enclosure



CASE N

REV 10/2

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

Tall the State of the State of

for the property located at	9	Kristal	Ct.	
which	is pre	sently zoned	DR. 5.5	

This Petition shall	be filed with the D	epartment of Permits	and Developme	ent Management.	The undersigned	, legal
owner(s) of the prop	perty situate in Baltin	nore County and which	is described in th	e description and	plat attached heret	to and
made a part hereof,	, hereby petition for a	a Variance from Section	(s) 1 Bo2.3	.c.1. Bc2	R	

To permit an existing single family divelling with addition and open projections (Dech) to have rearyand setbacks of 10' to addition. It to open projection and a sideyard to open projection of 3' in lieu of the required 30', 22.5' 7.5' Respectively

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name / Type or Print Signature Signature **Address** Name Type or Print Telephone No. • City State Zip Code Signature 410-256-6174 Krista Attorney For Petitioner: Address Telephone No. $\omega_{\mathcal{O}}$ tinore Name - Type or Print City Zip Code State Representative to be Contacted: Signature Name Company Telephone No. Address Address Telephone No. M Zip Code City State Zip Code State A 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 this day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County,

Reviewed By_

Estimated Posting Date

Affida Vit 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	9 Kris	stal Ct		
	Address City	State		21236 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	ip or practical difficult	y):		
The existing SF?	D was	pastioned to	close	to the
rear property line to	o meet the	s front Gard	Jetback.	because
of the anyled from	t property	ine. Because	of this	there
is No adequate spa	ice in the	rear yard	for endos	ed improve
				·, ·
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand is file additional information	d, Affiant(s) will be r	equired to pay a	reposting and
Moles Silence	# S	Shila	Gelwechs	<u>/</u>
Signature Cources Celwicks	Sigi	Shella Go	elwicks	
Name - Type or Print	Nar	ne - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTII	MORE, to wit:	· · · · · · · · · · · · · · · · · · ·	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersonally appeared		me, a Notary Pub	olic of the State
the Affiant(s) herein, personally known or satisf	actorily identified to m	ne as such Affiant(s).	elluck	·
AS WITNESS my hand and Notarial Seal		•		
A STATE OF THE STA	Notary Pub	a George ?	nogsitt	
	{ /		3-1-09	-

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

			W	vhich is pre	sently zon	ned DR	5.5	
This Petition shall be file owner(s) of the property sit made a part hereof, hereby	tuate in Baltim	ore County and Variance from S	which is desc	ribed in the d	lescription	and plat att	ached here	eto and
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Projections (Deck	e) to h	ave roar {	gard Sett	sachs at	10° to	additio	n . 11'	to open
Projection and	a sidey	and to o	Pen Proje	ction of	3';	n lieu	7	the
Required 30°, 5	22.5	7.5 R	espectively	,	•			, ,
of the zoning regulations of of this petition form.	f Baltimore Co	ounty, to the zoni	ng law of Balt	imore County	y, for the re	easons indic	cated on th	ie back
Property is to be posted an I, or we, agree to pay expense regulations and restrictions of	es of above Vai	riance, advertising	, posting, etc.	and further agr	ree to and a more Count	re to be bou	nded by the	zoning
	•		perjur	do solemnly de y, that I/we are subject of this	e the legal o	•	•	
Contract Purchaser/Le	ssee:		<u>Lega</u>	al Owner(s)	<u>:</u>			
			O '	harles	Cel.	ich C	•	
Name - Type or Print	<u> </u>		Name	- Type or Print	d			· ·
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Address	·	Telephone No.	Name	- Type or Print	1-6/7	ichs		
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Attorney For Petitioner	<u>r:</u>		9	Kristal	(C.t.)	· 4(0	<u>- 92C -</u>	
•		•	Addres	11.		WD	l eleph	none No.
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Company			Name	·	P	DR.	116-557	
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A 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 day of this regulations of Baltimore County and that the property be reposted.

CASE NO. 07-006-4	Reviewed By (7)
REV 10/25/01 JOURA RECEIVED FOR FILMING	Estimated Posting Date
8/25/00	The State of the S

Zoning Commissioner of Baltimore County

Affida Vit 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 \(\kappa \	
Address Baltimore MO Zip Cod Zip Cod	le
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrativ Variance at the above address (indicate hardship or practical difficulty):	ve
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rear property line to meet the front yard Setback because	Se
of the anyted front property line. Because of this the	િલ
is no adequate space in the rear yard for enclosed impr	ጉ ሪቱ
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting an advertising fee and may be required to provide additional information.	nd
Aple stolerte	
Charles Gelwicks Skerla Gelwicks	
Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
HEREBY CERTIFY, this 7 day of 944 day of 3006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared	ate
Charles Helwicks Shella Helwicks the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	
July Heory Megatta	
My Commission Expires 3-1-09	

REV 10/25/01

ZONING DESCRIPTION FOR 9 Kristal Court

Beginning at the point on the North side of Kristal Court which is 30 feet wide at the distance of 297 feet North of the centerline of the nearest improved intersecting street Garland Avenue which is 30 feet wide.

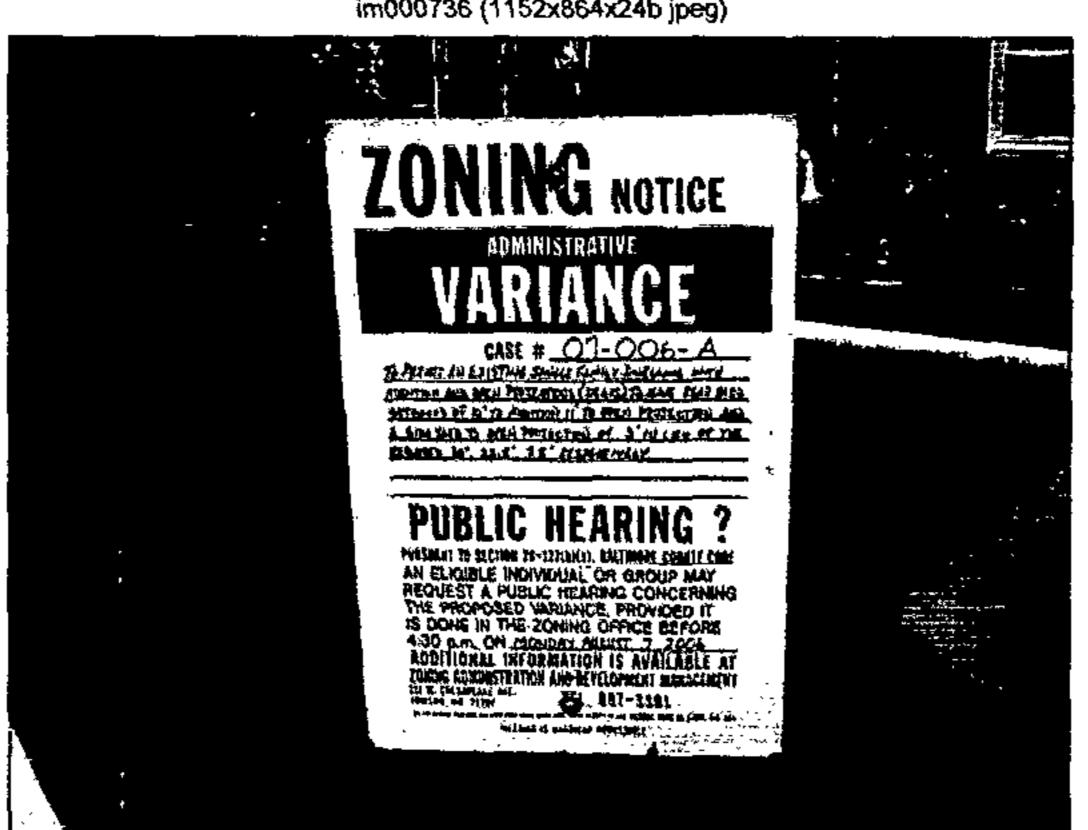
Being Lot # 14, Section # 2 in the subdivision of Silvergate South Addition as recorded in the Baltimore County Plat Book # 52, Folio # 126, containing 4,922 sq. feet. Also known as 9 Kristal Court and located in the 11th Election District, 6th Councilmanic District.

J YELLOW - CUSTOMER RECEIPT ANEOUS OF BUDGET MISCELL

CERTIFICATE OF POSTING

	RE: Case No: 07-000
	Petitioner/Developer: CHAS BELWICKS ET AL
-	Date Of Hearing/Closing: 8/7/0
Baltimore County Department Permits and Development Mar County Office Building, Room I I 1 West Chesapeake Avenue	nagement
Attention:	
Ladies and Gentlemen:	
	he penalties of perjury that the necessary osted conspicuously on the property 9KLISTAL CT
This sign(s) were posted on	Moath, Day, Year) Sincerely,

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Mactin fle 7/22/d

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 07-	006	-A	Address	0) (<u> </u>	AL	<u> </u>
Conta	ct Person:	L1040 Planner	Please Print You		<i>-</i>	Phone	Number	410-887-3391
Filing	Date: 7	200	_ Pos	sting Date:	7/23/	OF CI	osing Da	te: 8/7/06
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3.	order that the commissions order that the commissions of the commission	er. He may: he matter be	(a) grant to set in for livs of the cl	he requested a public he osing date) a	d relief; (b aring. You as to whet	o) deny the ou will rec ther the pe	request eive writ tition has	deputy zoning ed relief; or (c) ten notification been granted, as mail.
4. ; .	commissione changed givi	e to a neigh er), notification ing notice of t	n will be formathe hearing of	I request or orwarded to date time a	by order you. The	r of the zone ne sign or n As whe	oning or the pro	public hearing deputy zoning perty must be n was originally be forwarded to
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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 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.

Item Num	ber or Ca	ase Numl	ber:	סח	-00	4 - A			
Petitioner:						•		• <u>• </u>	
						Baltin	٠ ٧٠٠٤	21236	
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PLEASE I Name: Address:	331. 200	Tunr	Lug.	- A1	Merican	Derigh	and	Build	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and August 8, 2006 Development Management

Charles Gelwicks Sheila Gelwicks 9 Kristal Court Baltimore, MD 21236

Dear Mr. and Mrs. Gelwicks:

RE: Case Number: 07-006-A, 9 Kristal Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

u. Callibal)

WCR:amf

Enclosures

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Tin othy M. Kotroco, Director

DATE: July 26, 2006

Del artment of Permits & Development Lla lagement

FROM:

Dei nis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Cor ing Advisory Committee Meeting

For July 24, 2006

lter i Nos. 002, 003, 004, 005 (006) 007, (108, 009, 010, and 011

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have so comments.

DAK:CEN:clw cc: File

ZAC-NO COMMENTS -07252006.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

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-006- Administrative Variance

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

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

RECEIVED

DATE: August 9, 2006

AUG 1 8 2006

ZONING COMMISSIONER



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

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

Maryland Department of Transportation

Date:

7.21.06

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

RE:

Baltimore County

Item No. 006

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

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Engineering Access Permits Division



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

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

July 20,2006

ATTENTION: Zoning Review Planners

Distribution Meet: ny Of: July 24, 2006

Item Number(s): 0(1 through 011

Pursuant to you 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.

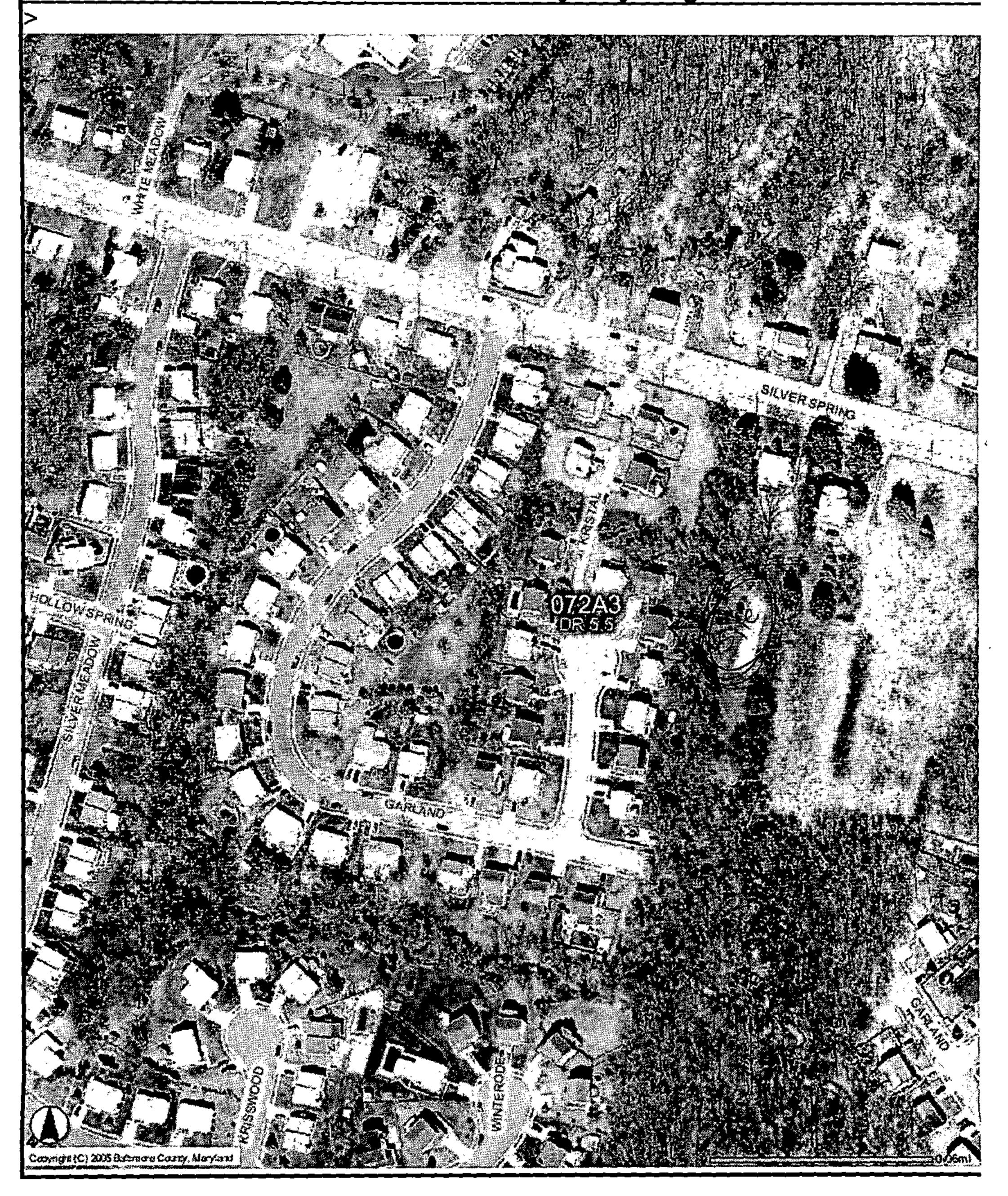
Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

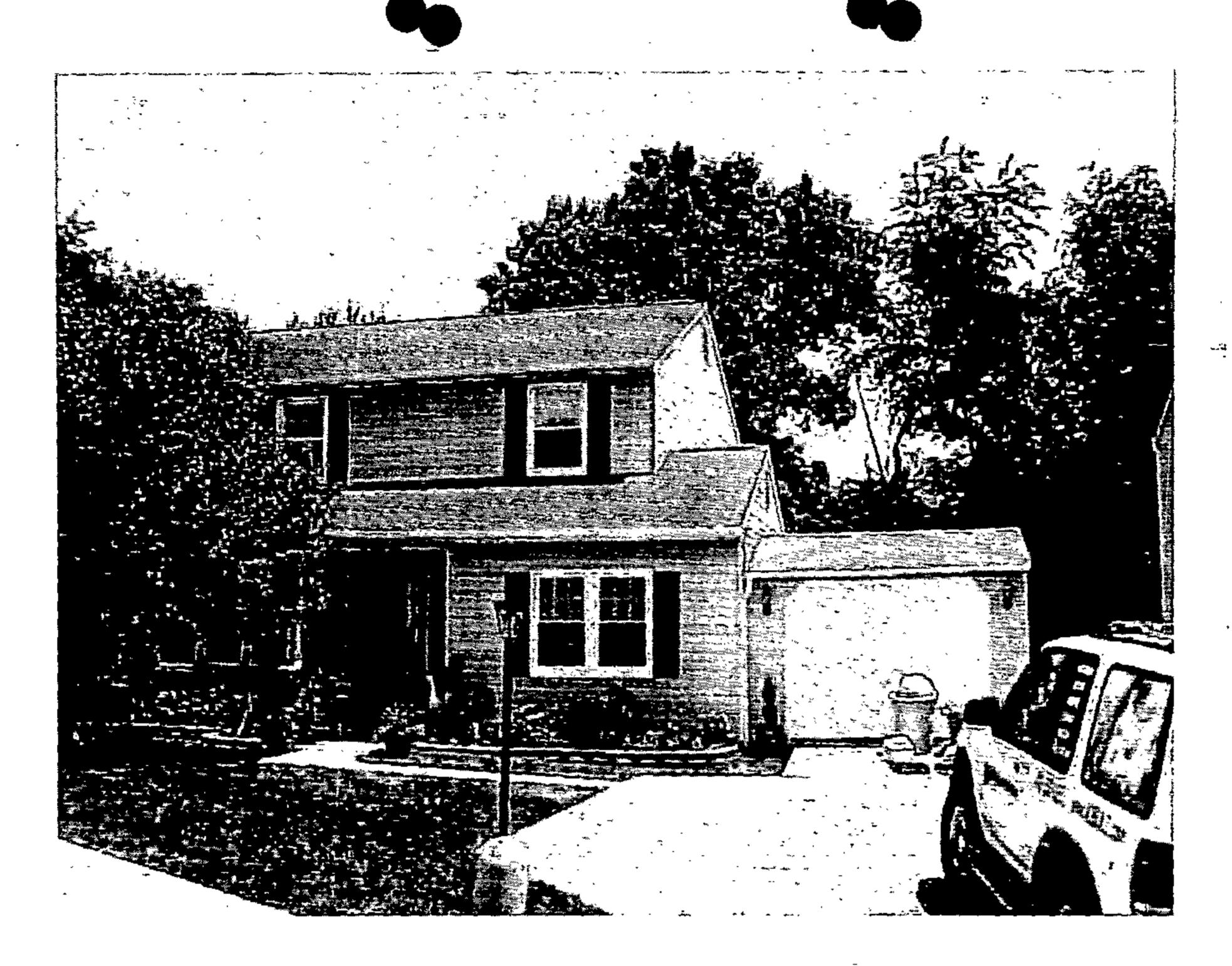
cc: File

PREPARED NORTH PROPERTY SUBDIVISION NAME PLAT BOOK **ADDRESS** ACCOMPANY 20 Hoilman 18. 58. 52. £ 80.86. LOT # 15.81 SECTION ۍـ ۴ SCALE SEE 3,52,82,8 ZONING 유 PAGES DRAWING: フォーナアマグ HH VARIANCE CHECKLIST FOR ZONING SONING HISTORIC PROPERT PRIOR CHESAPEAKE ADDITIONAL 1"=200 ELECTION DISTRICT COUNCILMANIC DIS 100 SIZE YEAR FLOOD WATER SEWER ZONING HEA SPEC LOCATION SCALE MAP 0. 8.5. ACREAGE SCALE REQUIRED OFFICE (VICINITY N/V7 ⊠ IC N RING INFORMATION INFORMATION N N N N **USE** 1000 HEARING SQUARE PRIVATE ONLY 图 8 区点



Baltimore County - My Neighborhood

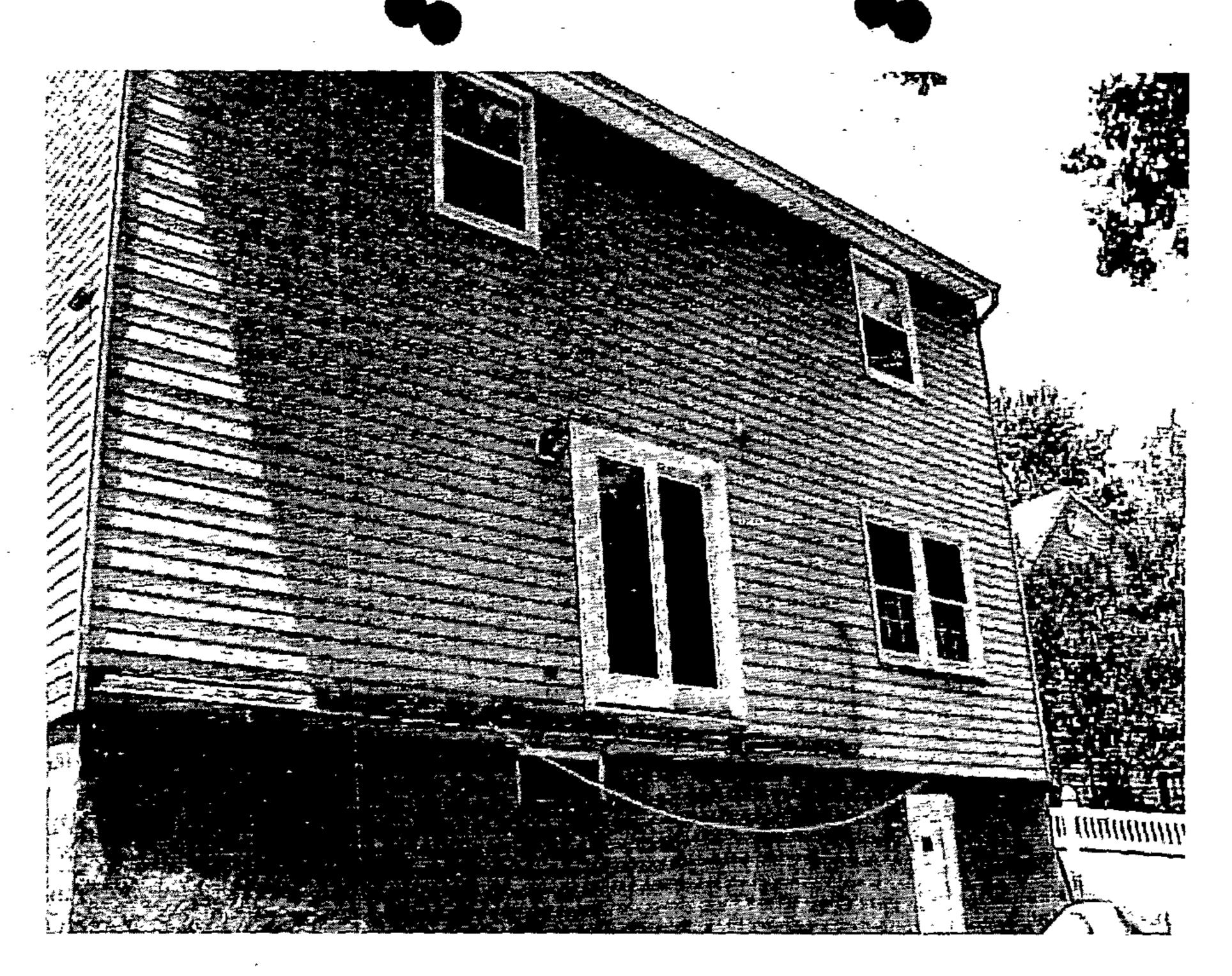




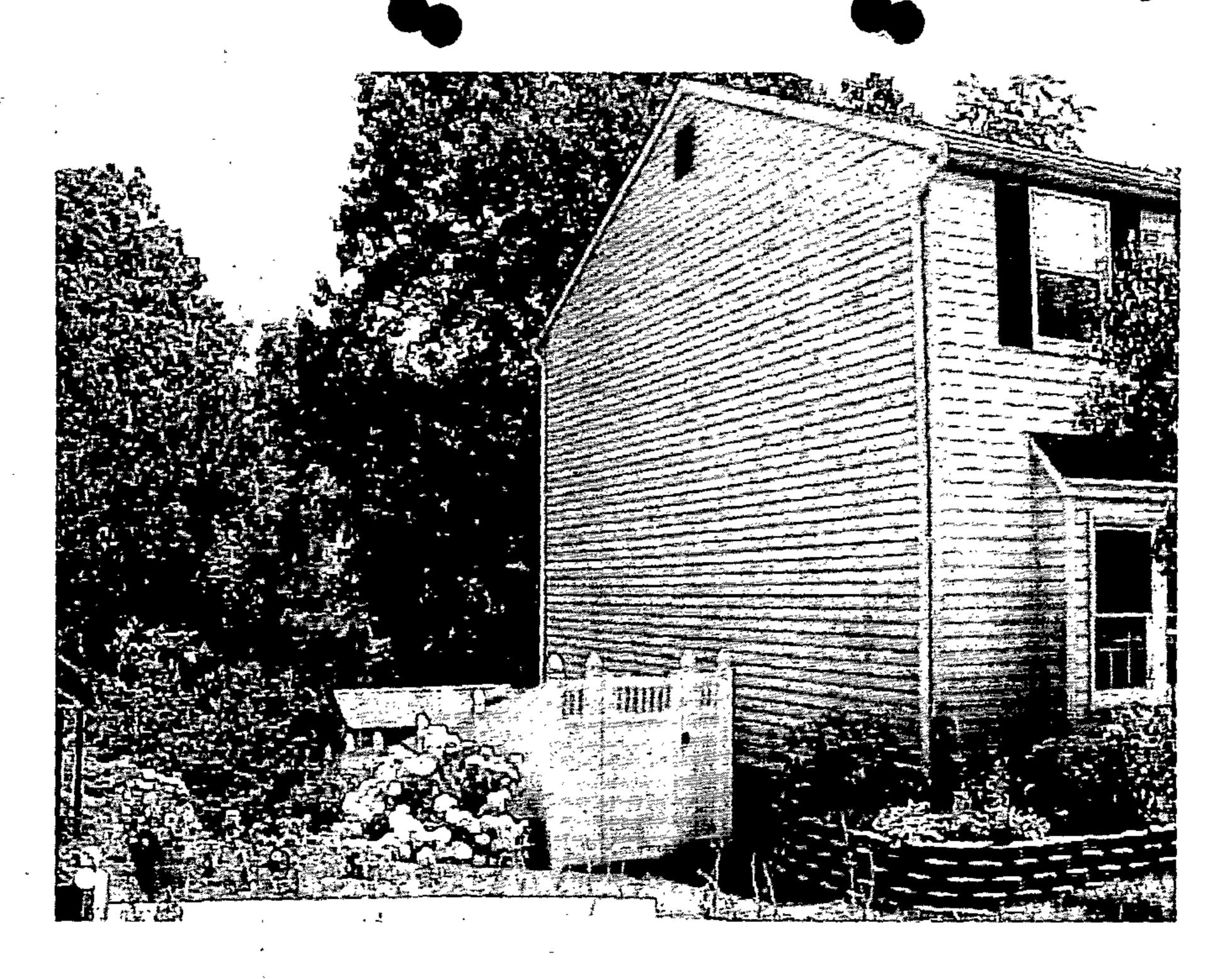
9 Kristal Ch Baltimore 21236 Front Side of ex. SFD



9 Kristal Ct Balkinge 21236 Right Side of ex. SFD



9 Kristal Ct.
Baltimore 21236
Rear of home and proposed
area of deah & surroom



9 Kristal Ct. Baltimore 21236 Test Side of ex. SFD