IN RE: PETITION FOR ADMIN. VARIANCE
NE side of Tisbury Court, NW of
centerline of Heathermill Road
11th Election District
5th Councilmanic District
(12 Tisbury Court)

Francis Josephson and Judith Josephson Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-066-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, Francis Josephson and Judith Josephson. The variance request is for property located at 12 Tisbury Court. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the existing home was positioned away from the front setback line because of the angled front parking line. The rear property line is also angled making it difficult for any reasonable size addition or enclosed improvement to be constructed without encroaching in the rear setback line. The Petitioners wish to construct a sunroom and 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: A ZAC comment letter was received from the Office of Planning dated September 7, 2006. That office comments that the additions do not appear to negatively impact the adjacent properties nor will they adversely impact the surrounding neighborhood.

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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 having filed a Petition for Administrative Variance and the subject property having been posted on October 8, 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 30th day of October, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 30 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.

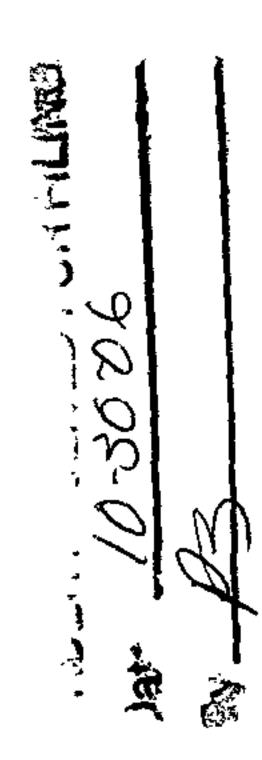
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

John V. Murphy

FOR BALTIMORE COUNTY

JVM:pz





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

MARYLAND	for the property locat	ted at <u> </u>	ntly zoned	C+.
owner(s) of the property situate i made a part hereof, hereby petiti	Hara Department of Permits and In Baltimore County and which is defion for a Variance from Section(s) ☐ PART SETEMARY COE	escribed in the des	scription and pla	t attached hereto and

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. Legal Owner(s): Contract Purchaser/Lessee: Josephson Name - Type or Print Name - Type or Print Signature Signature Address -Telephone No. Name - Type or Print City Zip Code State Attorney For Petitioner: **Address** Telephone No. Nottingham Zip Code State Name - Type or Print Representative to be Contacted: Signature Name Company Address Address Telephoné No. Zip Code State City 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 day of this

		Zoning Commissioner of Balamore Coperity
CASE NO.	07-0GG-A	Reviewed By ST Date
REV 10/25/01		Estimated Posting Date
	W	The state of the s

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	12 Tisbury	C4.	
	Nottingham.	State	2(236 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	ving are the facts upon which or practical difficulty):		
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Setback line because of	the angled	trant property	tine. it diffic
The rear Property lin	onso and	or enclosed	improvement
for any reasonable si to be constructed wit	that encroad	hing the rea	r Setback
line.	•		
		•	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is filed, Affiandditional information.	nt(s) will be required to	pay a reposting and
Francis Josephon	<u>k</u>	dick Jacqueto	<u></u>
Signature			
Name - Type or Print	Name - Type	or Print	
STATE OF MARYLAND, COUNTY OF BALTIN			
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	sonally appeared	<u>00</u> 6, before me, a Nota	ry Public of the State
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as su	ch Affiant(s).	<u> </u>
AS WITNESS my hand and Notarial Seal			
The state of the s	Notary Public	eory Mozget	<u></u>
	My Commission Ex	-	-09

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	Nothinghan	State	2 (236 Zip Code
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Setback line; because	al Lha anale	I front property	1 line.
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For any reasonable si: be constructed without	te encroaching	r enclosed in	toack line
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature as a signature as a signature as a signature.	additional information.	effiant(s) will be required to	
Name - Type or Print	Name - 1	Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	.		
I HEREBY CERTIFY, this _/ day of of Maryland, in and for the County aforesaid, per		before me, a No	otary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal	· 、		
THINGS TO BE SEEN THE STATE OF	Dec u	Linge Mrs	with-
STATE OF A	Notary Public My Commission	7	-09



CASE NO

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

Zoning Commissioner of Baltimor Goun

perjury, that I/we are the legal owner(s) of the property which

for the property located at _	12	Tisburg	Ct.		
which	is pre	sently zoned _	DR	16	

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

owner(s) of the property situate in Ballimore County and The made a part hereof, hereby petition for a Variance from Section(s) 1802.3C.1 (CHART.) TO PERMUT

REAR YARD SECTIFICK OF 28 FT- UN (LEW OF THE TERMINE'S 30 F.

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.

is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Jose Phson t-rancis Name - Type or Print Name - Type or Print Signature Signature Osephson Name - Type or Print Telephone No. Address Zip Code State City 410-931-3487 Attorney For Petitioner: Telephone No. Address 21236 Nottingham Zip Code City State Name - Type or Print Representative to be Contacted: Signature Name Company 4110.5570555 **⊃**€ Telephone No. Address Telephone No. Address $\mathcal{M}\mathcal{O}$ 2(014 (Sal Zip Code Zip Code State City State City 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.

Reviewed By

Estimated Posting Date

ZONING DESCRIPTION FOR 12 Tisbury Court

Beginning at the point on the North East side of Tisbury Court which is 50 feet wide at the distance of 254 feet North West of the centerline of the nearest improved intersecting street Heathermill Rd. which is 50 feet wide. Being Lot # 40, Block A, Section # 2 in the subdivision of Heathermill Phase 2B as recorded in the Baltimore County Plat Book # 49, Folio # 103, containing 4,392 sq. feet. Also known as 12 Tisbury Court and located in the 11th Election District, 5th Councilmanic District.

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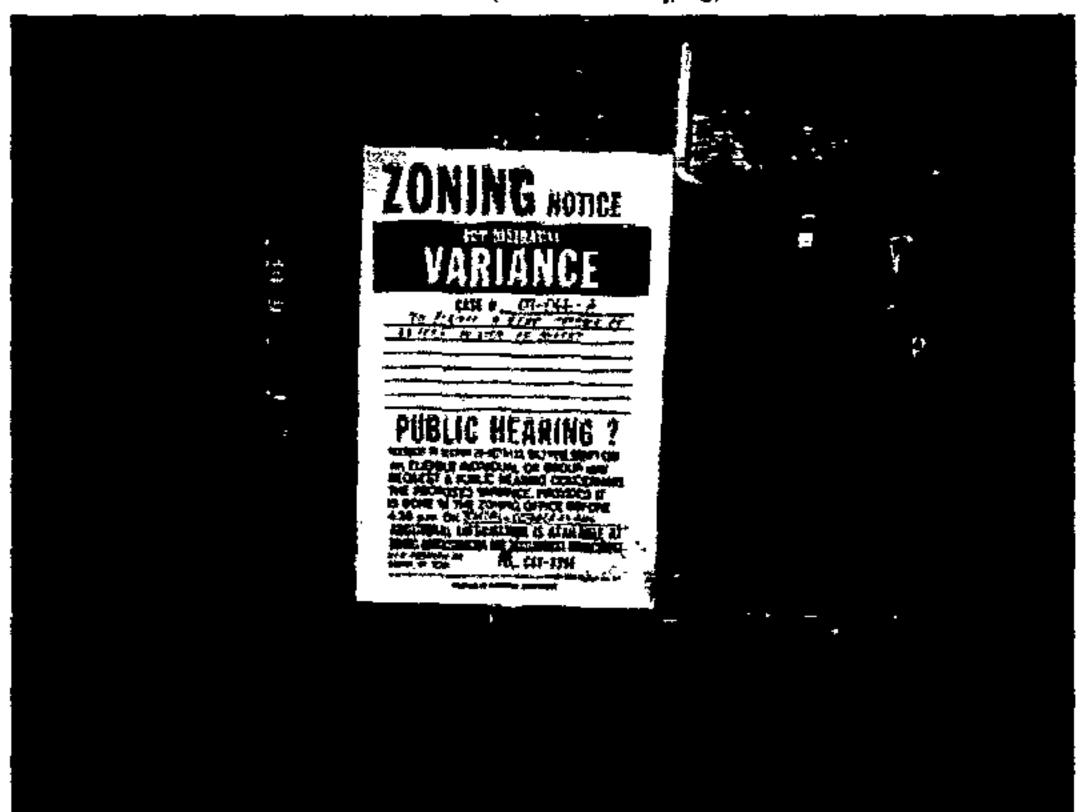
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CERTIFICATE OF POSTING

n	RE: Case No: 07-046-A
	Petitioner/Developer: FLAN!
	JUSTIH JOSEPHSON
	Date Of Hearing/Closing: 19/23/04
Baltimore County Department Permits and Development Ma County Office Building, Roo 111 West Chesapeake Avenue	anagement m 111
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were	the penalties of perjury that the necessary posted conspicuously on the property TISBULY COURT
This sign(s) were posted on	Malece 8, 2014
ims sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Sincerely, (Signature of sign Poster and Date)
	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster 16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)

im000834 (576x432x24b jpeg)



matterede 10/8/06

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.

For Newspaper Advertising:
Item Number or Case Number: 07-066-A
Petitioner: Francis and Judith Josephson
Address or Location: 12 Tisbury Ct.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Joe Tunny American Design and Build
Address: 221 Gateway NR.
Bel Air. MS 21014

Revised 7/11/05 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-066 -A Address 12 TISBURY GT.
Contact Person: Sour Rease Print Your Name 10-08 Phone Number: 410-887-3391
Filing Date: Posting Date: Pos
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. <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 08- 666 -A Address 12 TISBUTY CT
Petitioner's Name Transit Subitu Josephson Telephone 40 -931- 3487 Posting Date: 28-27-66 Closing Date: 29-14-66
Posting Date: 27 66 Closing Date: 27 6
Nording for Sign: To Permit A REAR SE-037ACK OF 28-FT. CN (CE)
OF 30 F-7
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 7, 2006

RECEIVED

SEP - 7 2006

ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

12 Tisbury Court

INFORMATION:

Item Number:

Petitioner:

Francis Josephson

Zoning:

DR 16

7-066

Requested Action:

Administrative variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a rear yard building to property line setback of 25 feet in lieu of the required 30 feet in order to construct a proposed sunroom and open deck. These additions to the property do not appear to negatively impact the adjacent properties nor will they adversely impact the surrounding neighborhood.

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

Prepared by:

Division Chief:

AFK/LL: CM



JAMES T. SMITH, JR. County Executive

September 12, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Francis Josephson Judith Josephson 12 Tisbury Court Nottingham, MD 21236

Dear Mr. and Mrs. Josephson:

RE: Case Number: 07-066-A, 12 Tisbury Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 16, 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

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



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

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

Maryland Department of Transportation

Date: 8.20.01

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

RE:

Baltimore County

Item No. 0766 JRA

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. J Godh

Engineering Access Permits Division

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 August 22, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 21, 2006

Item No.: 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

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

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 23, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 28, 2006

Item Nos. 07-036, 057, 058, 059, 060, 061, 062,

063, 064, 065, and 066)

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-08232006.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 30, 2006

FRANCIS JOSEPHSON AND JUDITH JOSEPHSON 12 TILSBURY COURT NOTTINGHAM MD 21236

Re: Petition for Administrative Variance

Case No. 07-066-A

Property: 12 Tilsbury Court

Dear Mr. and Mrs. Josephson:

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

c: Jeff Hoilman, American Design & Build, 221 Gateway Drive, Bel Air, MD 21014

From:

Patricia Zook

To:

Matthews, Kristen

Date:

9/12/2006 2:02:46 PM

Subject:

Admin Var 07-066-A

closed 9-11-06

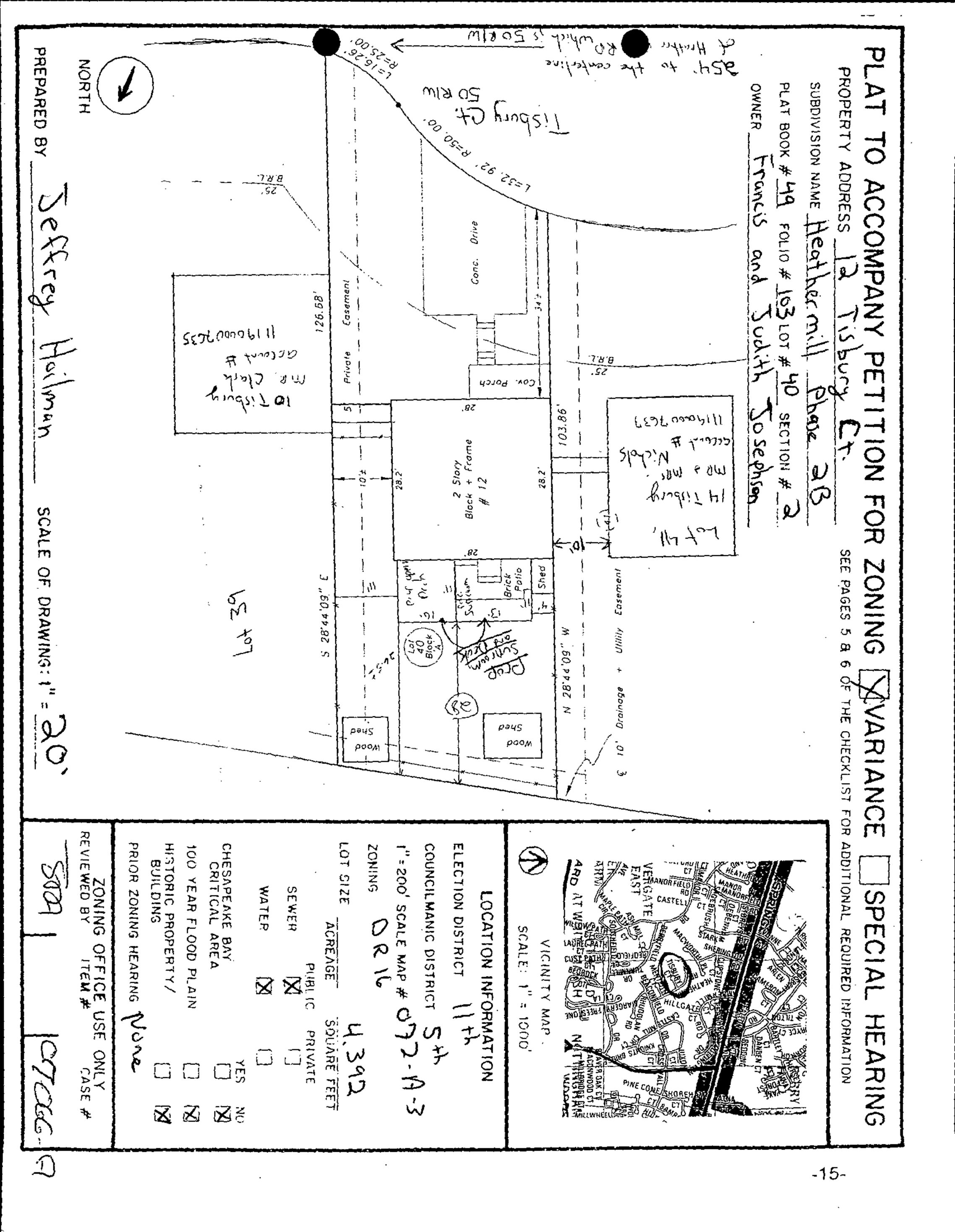
FYI

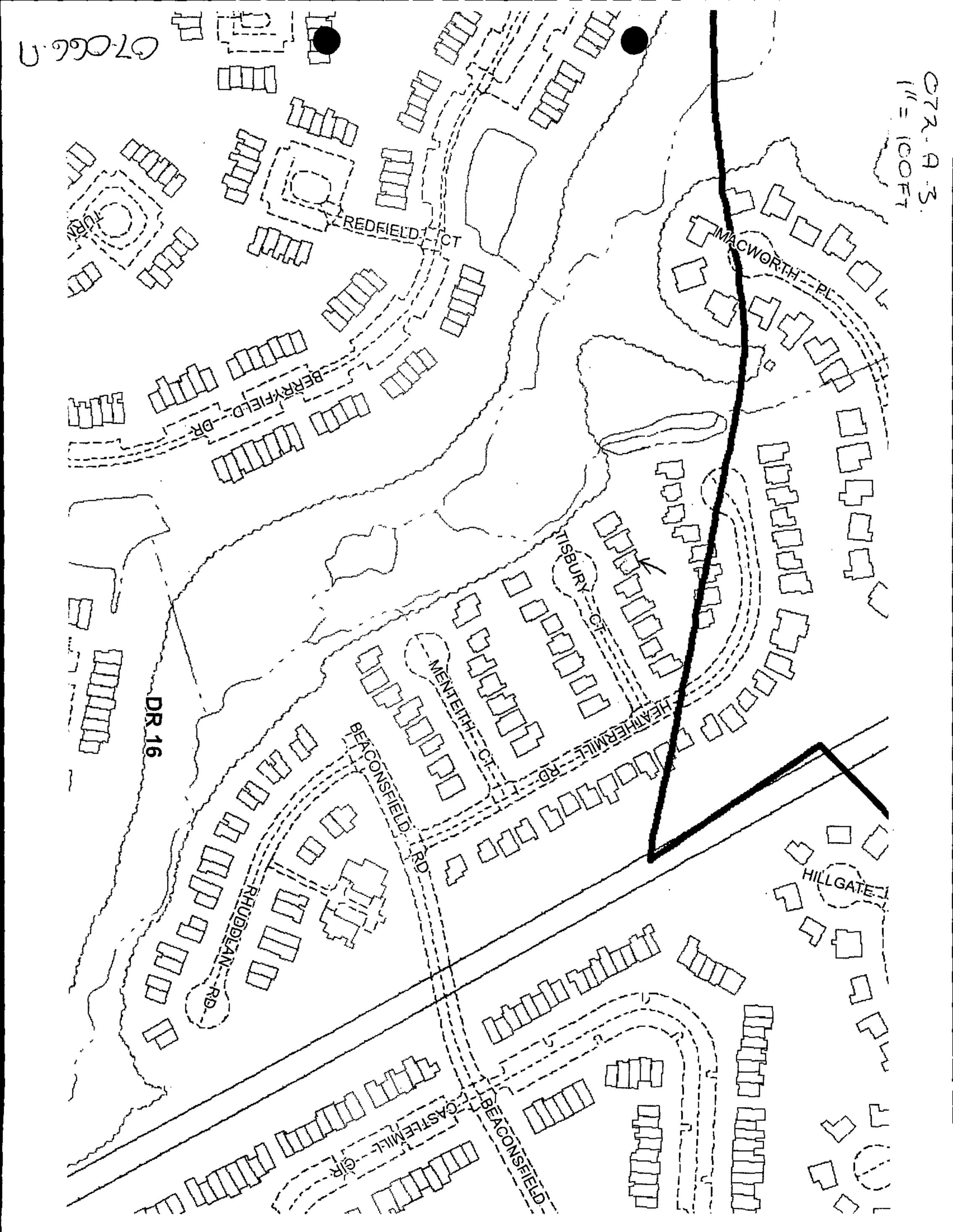
Hi Kristen -

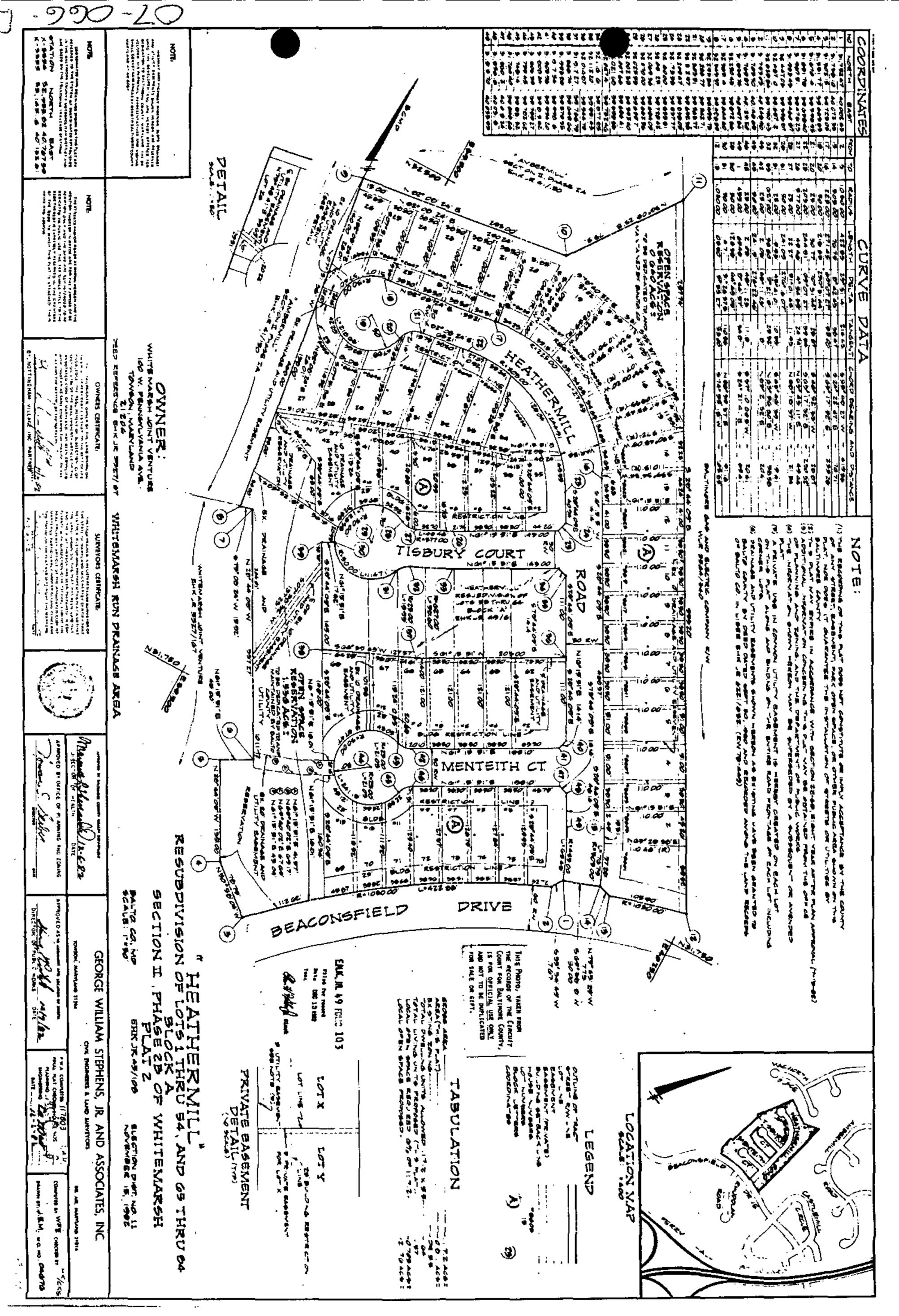
I contacted Jeff with American Design & Build this morning. I did not see the affidavit of posting in the case file. He confirmed that the sign posting was not done. He is going to contact you regarding the new posting and new timeframe. He hopes to post the sign either today or tomorrow.

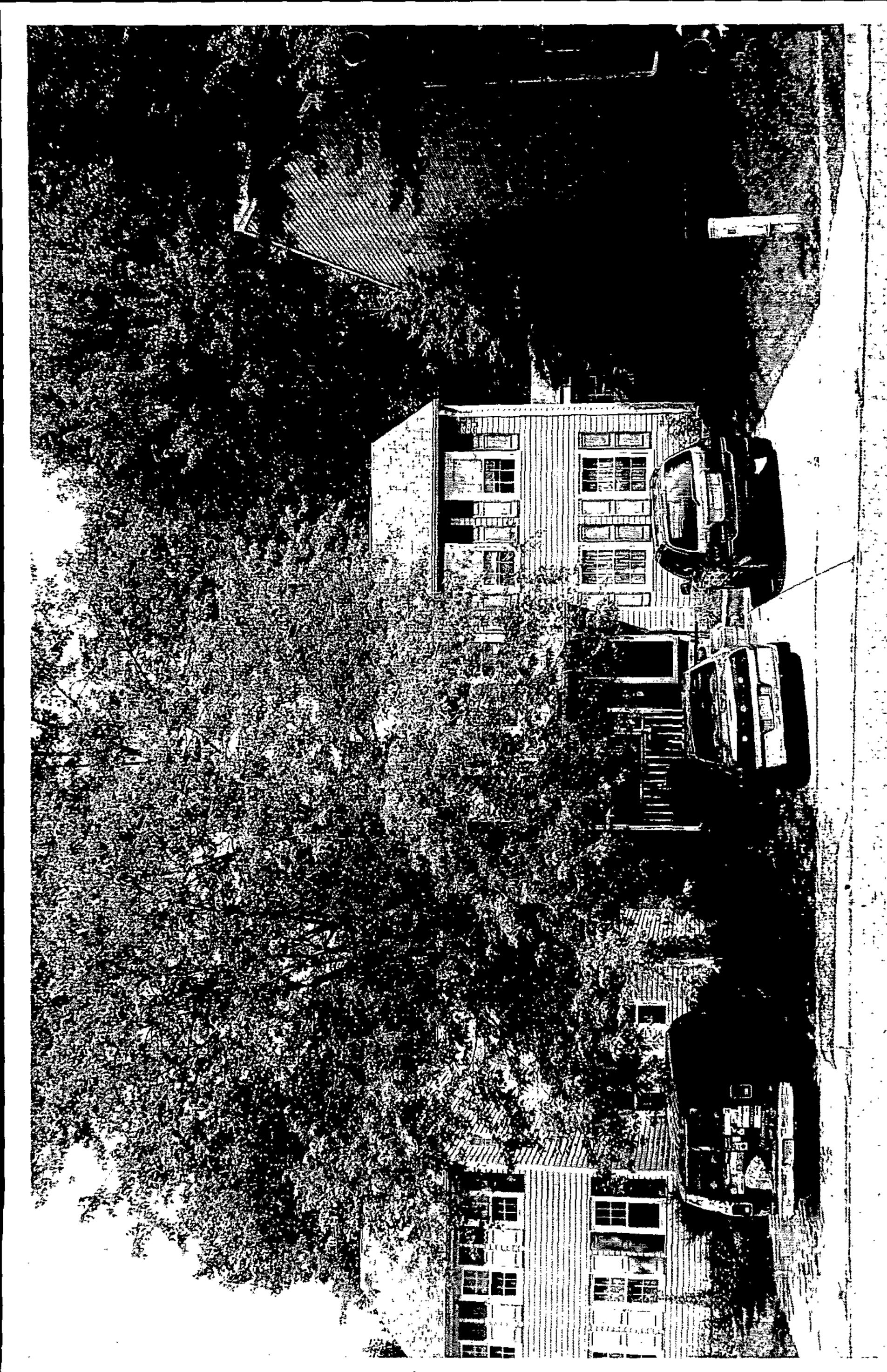
I informed him that the closing date of 9-11-06 will change because the posting wasn't done when it should have been.

Patti Zook Legal Secretary Baltimore County Office of the Zoning Commissioner 410-887-3868









7.2-Cec +--

2 Tisbury Ct.
Rear of Home and Myszed
area for new Sungaam

