IN RE: PETITION FOR ADMIN. VARIANCE
W side Harris Avenue, 100 feet
S centerline Williams Avenue
(8430 Harris Avenue)
9<sup>th</sup> Election District
6<sup>th</sup> Council District

Barbara H. Hemmeter
(a.k.a. Barbara H. Wright)

Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY

\* Case No. 07-180-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Barbara H. Hemmeter (a.k.a. Barbara H. Wright). The Petitioner is seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 31 feet in lieu of the required 50 feet for an addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

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Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioner proposes to construct an 18 foot x 16 foot addition on the rear of the existing dwelling. The proposed addition will increase living space because the Petitioner's 88 year old mother now lives with her. Due to the location of the existing house, the concrete drive, and the 16 foot alley behind the house, the proposed addition will have a rear yard setback of 31 feet from the rear property line. Thus, the requested variance is necessary. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_day of November, 2006 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 31 feet in lieu of the required 50 feet for an addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:pz

THE PARTY

Zoning Commissioner for Baltimore County

AM LWICEMAN, III



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

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Attorney For F	<u>Petitioner:</u>		Address	Harris Au more	10-88 MD	75209 Telephone No. 21234
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City	State	Zip Code	City		State	Zip Code
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				oning Commission	er of Baltimore Cour	
CASE NO.	07-180-A	MA PAR BARB	Reviewed By	/>/\	Date	1706 - L. KILLING
REV 10/25/01	· 11/14/90		Estimated Postir	ng Date	10/29/06	IHILL

# 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

8430 Harris Ave

Address

Daltimore MD

City

State

Z1234

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):

To increase space for safe + secure living area for my 88 yr old mother living with me.

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

Signature

Signature

Signature

Signature

Signature

Name - Type or Print

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 5-/-



### Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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				perjury, tha	plemnly declare an at I/we are the lega ect of this Petition.	al owner(s) of th	e property which
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Address			Telephone No.	Name - Typ	e or Print		
City <b>Attorney F</b>	For Petitioner:	State	Zip Code	Signature 8430 Address	Harris 1	4ve 410	7-855-6037 0-882-5209 Telephone No.
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# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the particles of the follows: That the information herein given is competent to testify thereto in the event that a particle of the event that a particle	within the persoublic hearing is	sonal knowle scheduled i	n the future with r	11(S) and that Amand(S) Island
That the Affiant(s) does/do presently reside at	8430 Address	Harris		
	Address PM 1+i	more	MD State	21234 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hards)	owing are the fa nip or practical d	acts upon whifficulty):		•
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To increase space for my 88-yr old mo	ther Who	is hvic	ng with me	<b>?.</b> •
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STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		<b>~</b>	
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the Affiant(s) herein, personally known or satisf	factorily identifie	ed to me as s	such Affiant(s).	
AS WITNESS my hand and Notarial Seal		2/		
		ry Public	Expires <u>5-/</u>	-j/
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REV 10/25/01

### **Zoning Description**

ZONING DESCRIPTION FOR 8430 Harris Avenue

Beginning at a point on the West side of Harris Avenue which is 50 feet wide at a distance of 100 feet south of the centerline of the nearest improved intersecting street Williams Avenue which is 50 feet wide. Being Lot # 22, Block A,

in the subdivision of **Kings Ridge Villa** as recorded in Baltimore

County Plat Book # **OTG 32**, Folio # **92**, containing .**05** acres. Also known as **8430 Harris Avenue** and located in the **9**<sup>th</sup> Election District, **6**<sup>th</sup> Councilmanic District.

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				CASHIER
YLAND Walter	Account (CO) (CO)	AMOUNT STATE OF STATE		VELLOW CUSTOMER
BALTIMORE COUNTY, MAR OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE	RECEIVED	FOR	DISTRIBUTION WHITE - CASHIER PINK - AGENCY

### CERTIFICATE OF POSTING

RE: Case No.: 07-180-A

Petitioner/Developer: BARBARA

H. WRIGHT Date of Hearing/Closing: //- /3-04 **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: 8430 HARRIS AVENUE 10.29-06 The sign(s) were posted on (Month, Day, Year) Sincerely, 11.2-0C (Signature of Sign Poster) SSG Robert Black ADMINISTRATIVE (Print Name) 1508 Leslie Road TO PERMIT AN ADDITION WITH A THAN YARD SOTERS OF 31 FT. IN LIEU OF THE REDUKED SO FT. (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number	er 07-	180	-A	Address_	8430	Harris	Aur,	
Contact Pers	son: _		Rudaits er. Please Print Your	Name	<del></del>	Phone Nu	ımber: 410	0-887-3391
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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.

<del></del>	·	
For Newspaper Adve	rtising:	•
Item Number or Case	Number: 07-180-	<u>4</u>
Petitioner:	Barbara H. Wright	
Address or Location:	8430 Harris Ave	Balto MD 21234
•		
PLEASE FORWARD.	ADVERTISING BILL TO:	
Name:	arbara H. Wright	
Address:81	130 Harris Ave	
P	alto MD 21234	
T		•
Telephone Number:	410-855-6037 (w)	410.882-5209 (H)



JAMES T. SMITH, JR. County Executive

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

November 14, 2006

Barbara Hemmeter 8430 Harris Avenue Baltimore, MD 21234

Dear Ms. Hemmeter:

RE: Case Number: 07-180-A, 8430 Harris Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 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 D

WCR:amf

**Enclosures** 

c: People's Counsel



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 14, 2006

Barbara Hemmeter 8430 Harris Avenue Baltimore MD 21234

RE: Petition For Administrative Variance

(8430 Harris Avenue) Case No. 07-180-A

Dear Ms. Hammeter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 410-887-3391.

. Very trally yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

di

### 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) 7-180- 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

DATE: November 2, 2006

NOV - 3 2006



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 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 170 through 182

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.

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

cc: File





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Octobre 31,2006

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

RE: Baltimore County

Item No. 7-180-A

8430 HARRIS AVENUE
HAMMETER PROPERTY
VARIANCE - PERMIT A

REAR YARD SETBACK OF 31

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 26, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 30, 2006

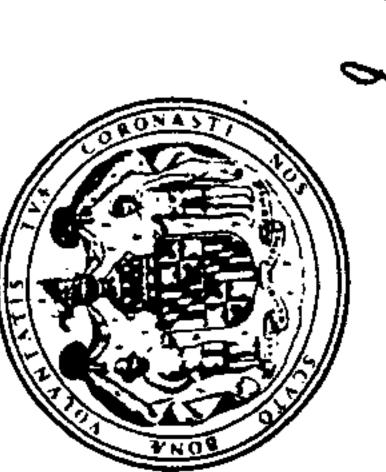
Item Nos. 07-170, 171, 172, 174, 175, 176, 177, 178, 179, 180, 181, and 182

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-10262006.doc

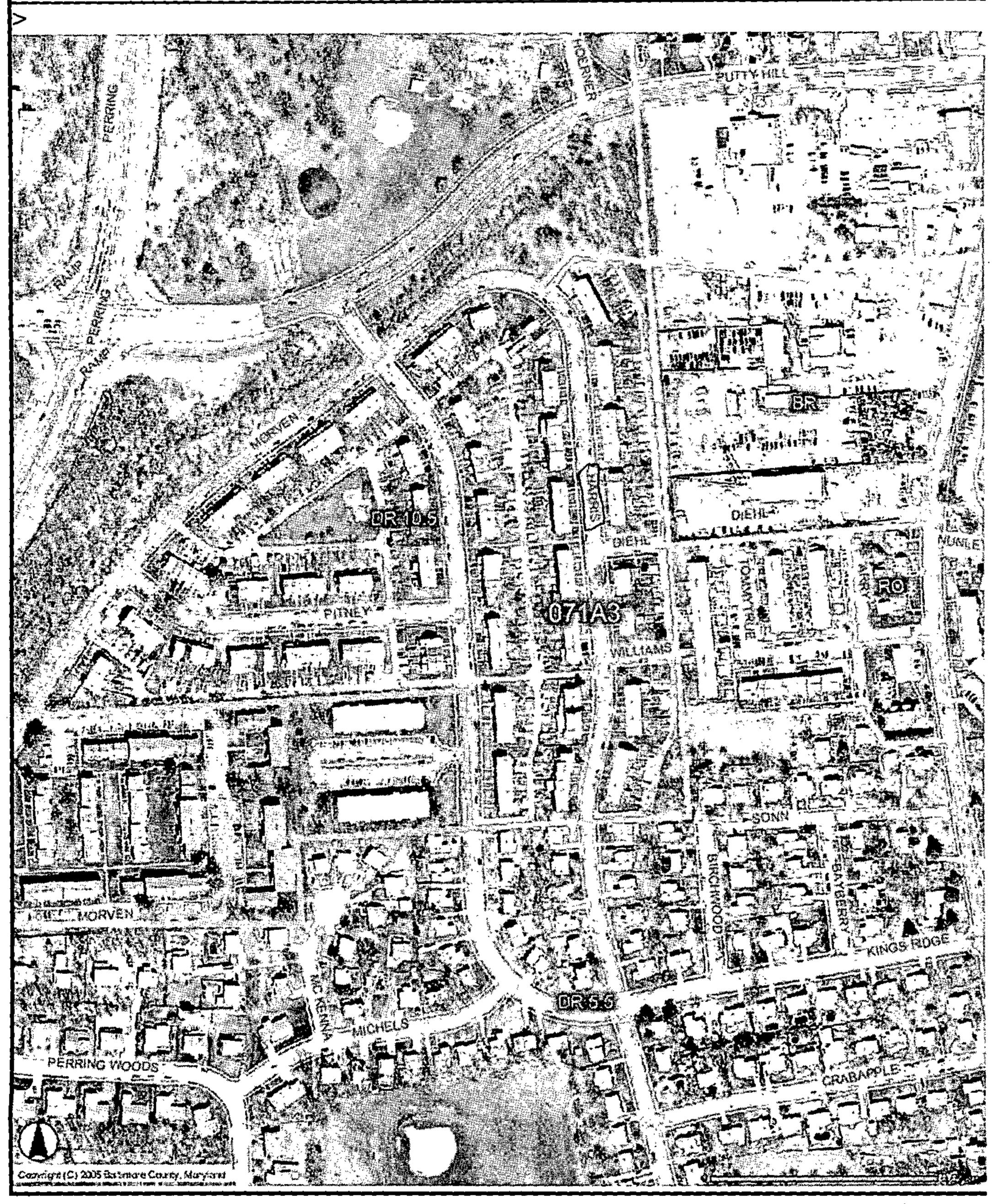


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	following persons were by me united in marriage at	accordance
	4.	

Maryland 147252	Certify that on the 9th day of October 1994 of Dern Hall (City or Town) of the Clerk of the Court in the jurisdiction shown above.	David Wright  Ore 34, Baltimore Co., MD  Age 37  BirthplaceMaryland  Gounty  Town or Cityl  Town
	the following persons were by me unit in accordance with the License of the contract of the co	Groom's Peter David Wright Name Baltimore 34, Balt Bride's Barbara Helene Hem Name Baltimore 34, Balt Residence frown or City) Residence Groom's S.S. No. 218 74 6734 Groom's S.S. No. 217 46 1986 Bride's S.S. No. 217 46 1986

REPARED BY B.H. Wright SCALE OF DRAWING: 1" = 20'	WEAUE within a too yea	HORNE HOUSE (18 KIG)  HORNE HOUSE (18 KIG)  AND THE HOUSE (18 KIG)  AND THE HOUSE (18 KIG)  AND THE HOUSE (18 KIG)  FROM HOUSE (18 KIG)	PROPERTY ADDRESS 8430 Harris Ave. SEE PAGES 5 8 6 OF THE CHECKLIST SUBDIVISION NAME Kings Ridge VILLA  PLAT BOOK # 32 FOLIO # 92 LOT # 22 SECTION #  OTCO  PLAT BOOK # 32 FOLIO # 42 LOT # 22 SECTION #
180 107-180-A	REVIEWED BY ITEM # CASE #	LOCATION INFORMATION ELECTION DISTRICT COUNCILMANIC DISTRICT COUNC	FOR ADDITIONAL REQUIRED INFORMATION

### Baltimore County - My Neighborhood







8430 Harris Ave

