

IN RE: PETITION FOR ADMIN. VARIANCE
N side of Piccadilly Road, 650 feet E of
Chestnut Avenue
9th Election District
5th Councilmanic District
(524 Piccadilly Road)

Lewis and Jennifer Shock
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-286-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, Lewis and Jennifer Shock. The variance request is for property located at 524 Piccadilly Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 10 feet in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they wish to construct a long overdue addition onto their house. Their lot is an irregularly shaped lot and the side yard is extremely close to the residence. Any improvement on that side of the rear of the house, which is where the existing door to the back yard exists, would necessitate a variance. Their lot site at the approximate 90 degree angle of Piccadilly Road. Other lots in the immediate area do not have such constraints. There is a tree line between their property and the most affected neighbor. In fact, that neighbor has no objections to the proposed addition.

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

1-31-07
123

Planning dated January 16, 2007. That Office does not object to the request. However, they caution that the administrative variance shall not set a precedent for similar variance petitions for other properties in the Ruxton-Riderwood Design Review area. Any such request will be reviewed on a site-by-site basis.

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 December 31, 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,

1-31-07
B3

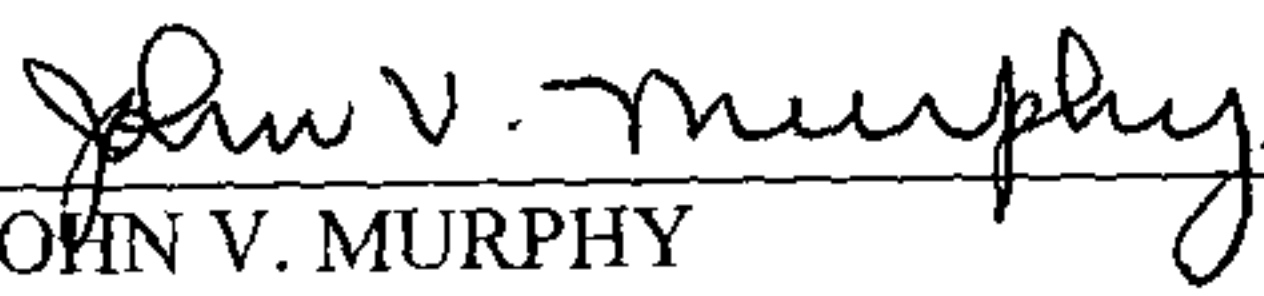
strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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. However, this variance shall not set a precedent for similar variance petitions for other properties in the Ruxton-Riderwood Design Review area. Future requests will be reviewed on a site-by-site basis.

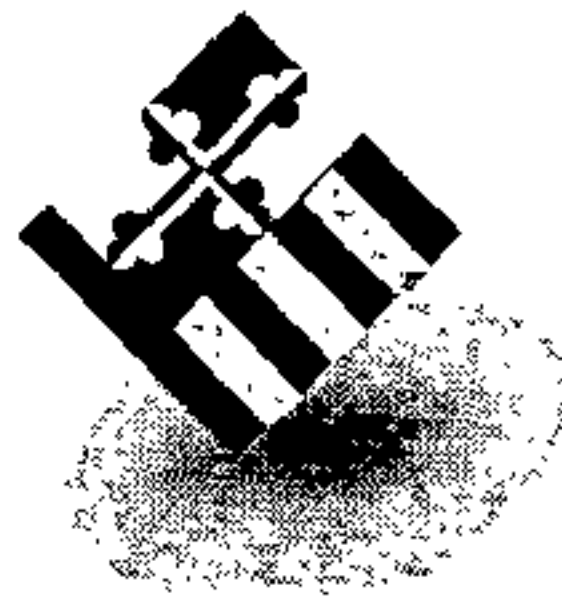
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31st day of January, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 10 feet in lieu of the minimum required 30 feet 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.
2. The granting of this administrative variance shall not set a precedent for similar variance petitions for other properties in the Ruxton-Riderwood Design Review area. Any such request will be reviewed on a site-by-site basis.

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 29, 2007

LEWIS AND JENNIFER SHOCK
524 PICCADILLY ROAD
BALTIMORE MD 21204

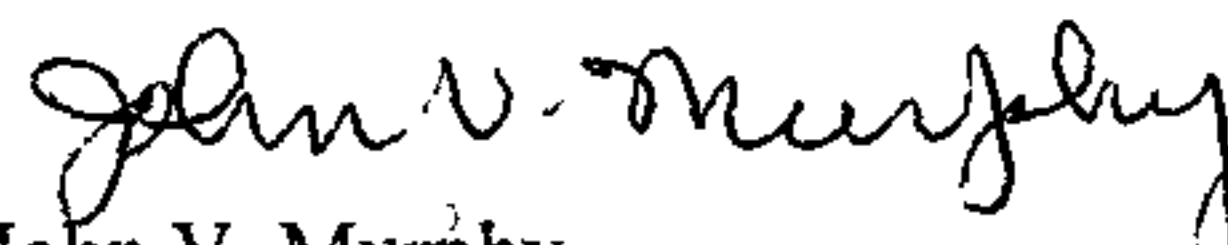
Re: Petition for Administrative Variance
Case No. 07-286-A
Property: 524 Piccadilly Road

Dear Mr. and Mrs. Shock:

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: Jeremy Clancy, 7051 Macbeth Way, Eldersburg MD 21784

1-31-07
JVM



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 524 Piccadilly Rd Baltimore
which is presently zoned DK 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 petition for a Variance from Section(s)

1B02.3.C.1, BC2R, to permit a
proposed addition with a rear yard setback of 10 feet in lieu of the
minimum required 30 feet.

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 bound 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

City

Signature

Company

Address

Telephone No.

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.

Legal Owner(s):

Lewis Shock

Name - Type or Print

Lewis Shock

Signature

Jennifer Shock

Name - Type or Print

Jennifer Shock

Signature

524 Piccadilly Rd (410) 887-1261

Address

Telephone No.

Baltimore MD 21204

City

State

Zip Code

Representative to be Contacted:

Jeremy Clancy

Name

7051 Macbeth Way (443) 340-1229

Address

Telephone No.

Eldersburg MD 21784

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 07-286-A

Reviewed By

JNP

Date

12/21/06

REV 9/15/91

Estimated Posting Date

12/31/06

RECEIVED FOR FILING

Date

12/21/06

By

[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 524 Piccadilly Rd
Address
Baltimore MD 21204
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 hardships or practical difficulty):

See ATTACHED

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.

Lewis Shock
Signature

Lewis Shock
Name - Type or Print

Jennifer Shock
Signature

Jennifer Shock
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

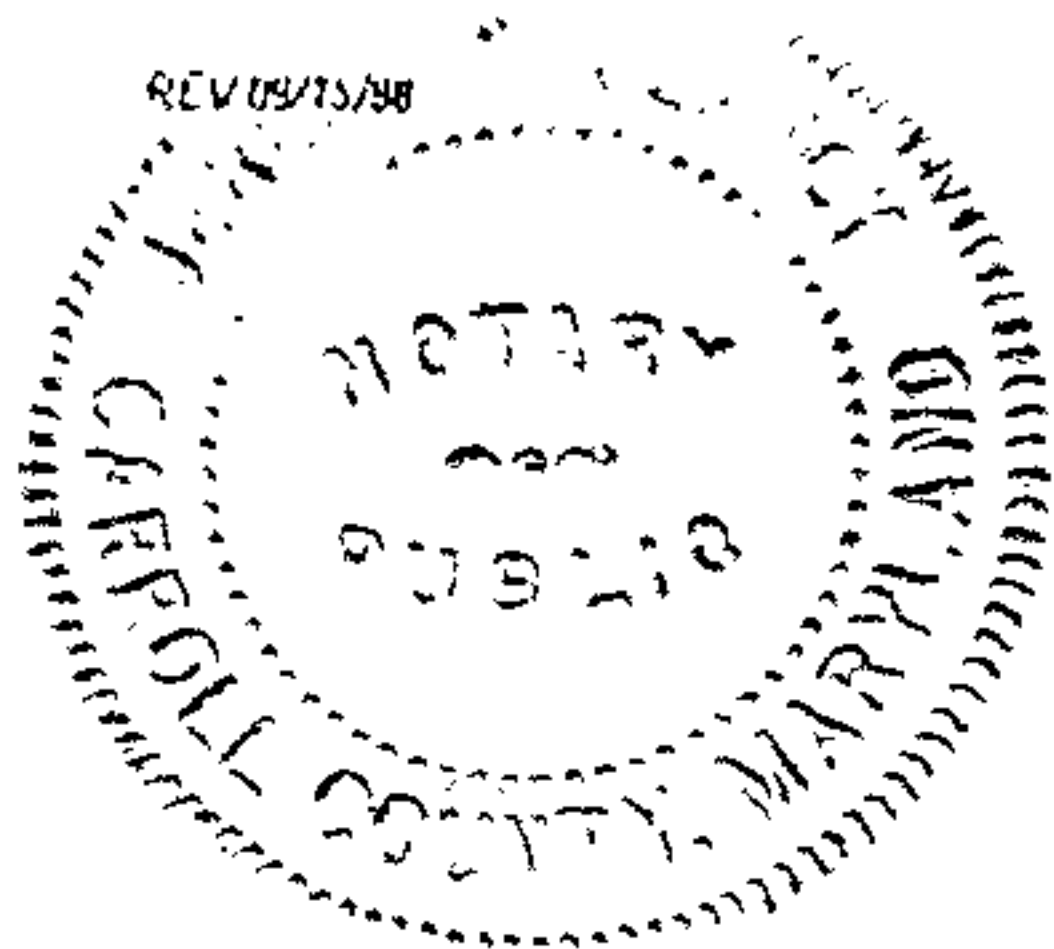
I HEREBY CERTIFY, this 20th day of December, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jennifer - Lewis Shock
(the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

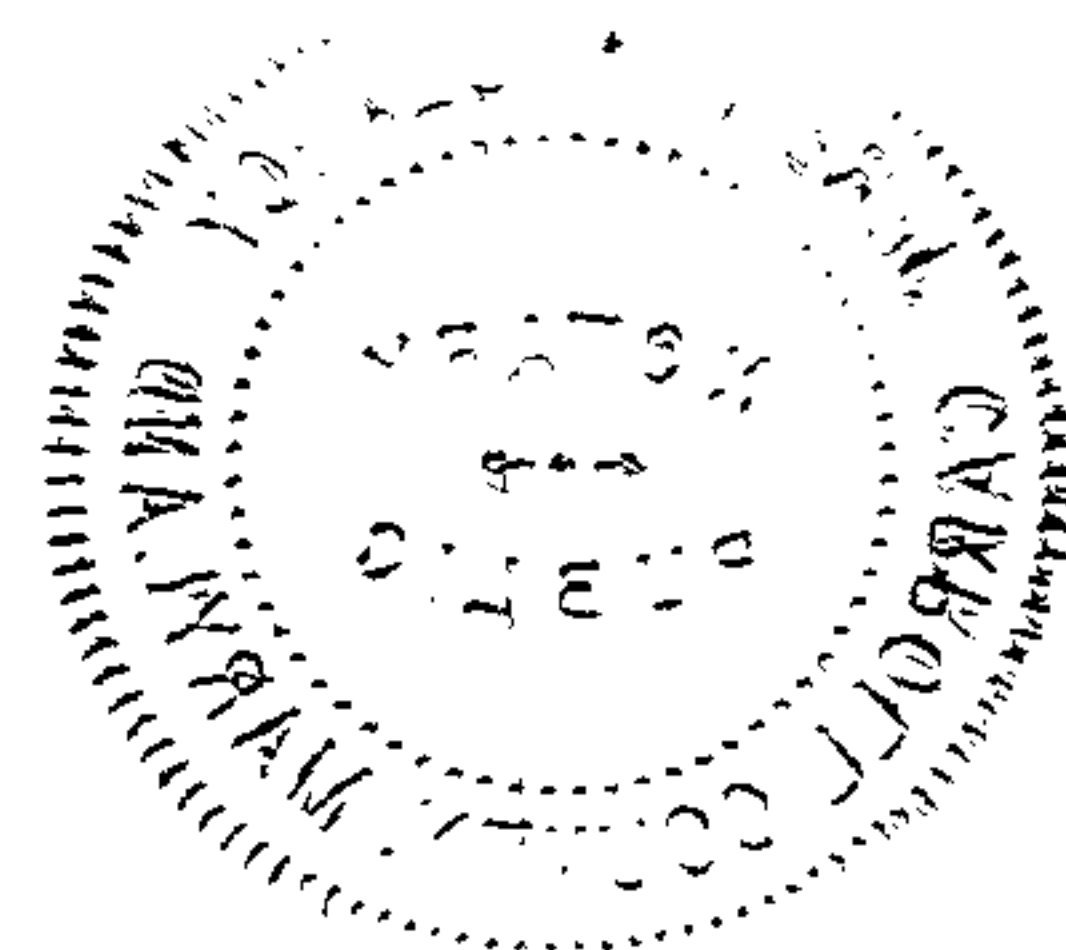
AS WITNESS my hand and Notarial Seal

12/20/06
Date

[Signature]
Notary Public
My Commission Expires 12/27/2008



07-286-A



Justification

We are requesting a variance of the required side yard setback for an addition at our property located at 524 Piccadilly Rd. We are proposing to construct an addition on our house that is greatly needed for long overdue additional living space. As you can see from our plat, our lot is drastically angled, cutting our side yard extremely close to our principle residence. Any improvement on that side of the rear of the house, which incidentally is where our existing door to the backyard exists, would necessitate such variance. Other than one other lot on our street, over 30-40 other lots do not have such a problem as there is no angle; which is create as Piccadilly bends ninety degrees. Even the lots across the street where the bend takes place, they actually benefit from the bend getting more lot area. We sincerely ask that this variance be granted as such relief is desperately needed, no impact on the area will be created as there is a tree line between us and the neighbor affected, and we have already contacted that neighbor and there is no objection. Thank you in advance for you consideration on this matter.

07-286-A

ZONING DESCRIPTION FOR 524 PICCADILLY ROAD

Beginning at a point on the north side of Piccadilly Road which is 50' wide at the distance of 650' East of the centerline of the nearest improved intersecting street Chestnut Ave. which is 50' wide. Being Lot #113 in the subdivision of Chestnut Hill as recorded in Baltimore County Plat Book #14, Folio #118 containing 13,937 square feet. Also known as 524 Piccadilly Road and located in the 9th election district, 5th Councilmanic District.

07-286-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23085

DATE 12/21/06 ACCOUNT A-001-006-6/SD
AMOUNT \$ 65.00

RECEIVED FROM: Karen Clancy
FOR: Adm. Variance - 524 Piccadilly Road
07-286-A (Stock)

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
12/21/2006 12/21/2006 12/21/2006
RECEIPT # 33406 12/21/2006
Dept. 5 FISCAL VERIFICATION
CR NO. 002006
Receipt \$14.00
\$51.01 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-286-A

Petitioner/Developer:
LEWIS & JENNIFER SHOCK

Date Of Hearing/Closing: 1/15/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 524 PICCADILLY ROAD

This sign(s) were posted on December 31, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 12/31/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE
ADMINISTRATIVE
VARIANCE

CASE # 01-18-1
10-11-1
10-11-1
10-11-1
10-11-1
10-11-1
10-11-1
10-11-1
10-11-1
10-11-1

PUBLIC HEARING ?
PURSUANT TO SECTION 24-107(2)(3) OF THE ZONING CODE, ANY
ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON THURSDAY, JUNE 14, 2007
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT DEPARTMENT
AND IS POSTERED IN THE
OFFICE OF THE ZONING ADMINISTRATOR.
TEL. 807-333-1111

NOTE: Please refer to the zoning code for specific rules and regulations. The zoning code is available at the City of Honolulu Planning Department.

Masterfile 12/31/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 286 -A

Address 524 Piccadilly Road

Contact Person: Jeffrey Perlow
Planner Please Print Your Name

Phone Number 410-887-3391

Filing Date: 12/21/06

Posting Date: 12/31/06

Closing Date: 1/15/07

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.
- 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.
- 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 07- 286 -A

Address 524 Piccadilly Road

Petitioner's Name Lewis & Jennifer Shook

Telephone 410-887-1261

Posting Date: 12/31/06

Closing Date: 1/15/07

Wording for Sign: To Permit a proposed addition with a rear yard setback of 10 feet in lieu of the minimum required 30 feet.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 16, 2007

Lewis Shock
Jennifer Shock
524 Piccadilly Road
Baltimore, MD 21204

Dear Mr. and Mrs. Shock:

RE: Case Number: 07-286-A Comments, 524 Piccadilly Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 21, 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
Jeremy Clancy 7051 Macbeth Way Eldersburg, MD 21784

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



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

Date: 01-03-2007

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

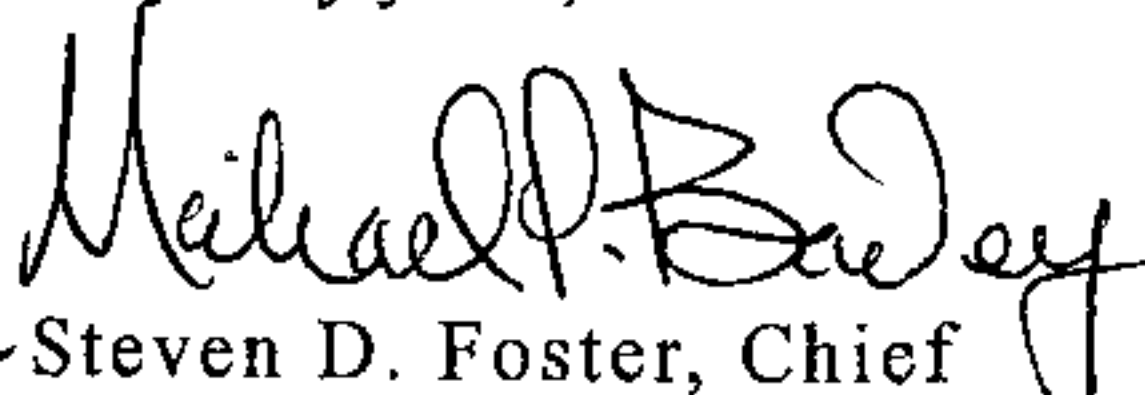
RE: Baltimore County
Item No. 7-286-A
524 PICCADILLY ROAD
SHOCK PROPERTY
ADMINISTRATIVE VARIANCE

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. 7-286A.

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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 16, 2007

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

SUBJECT: 524 Piccadilly Road

INFORMATION:

Item Number: 7-286

Petitioner: Lewis Shock

Zoning: DR 3.5

Requested Action: Administrative Variance

RECEIVED

JAN 24 2007

ADMINISTRATIVE VARIANCE

SUMMARY OF RECOMMENDATIONS:

The subject property is located within the Ruxton-Riderwood Design Review Area. Additions that exceed 50% of the square footage of the primary dwelling are subject to review by the Baltimore County Design Review Panel. Upon field inspection and a review of the site plan and petition, the proposed addition will increase the total square footage of the dwelling by approximately 41%, and thus no Design Review Panel review is required in this case.

If the petitioner's request for variance is granted, the Office of Planning requests that the zoning commissioner state in his order that this case shall not set a precedent for similar variance petitions requested for other properties in this community as this Office reviews each request for variance on a site-by-site basis.

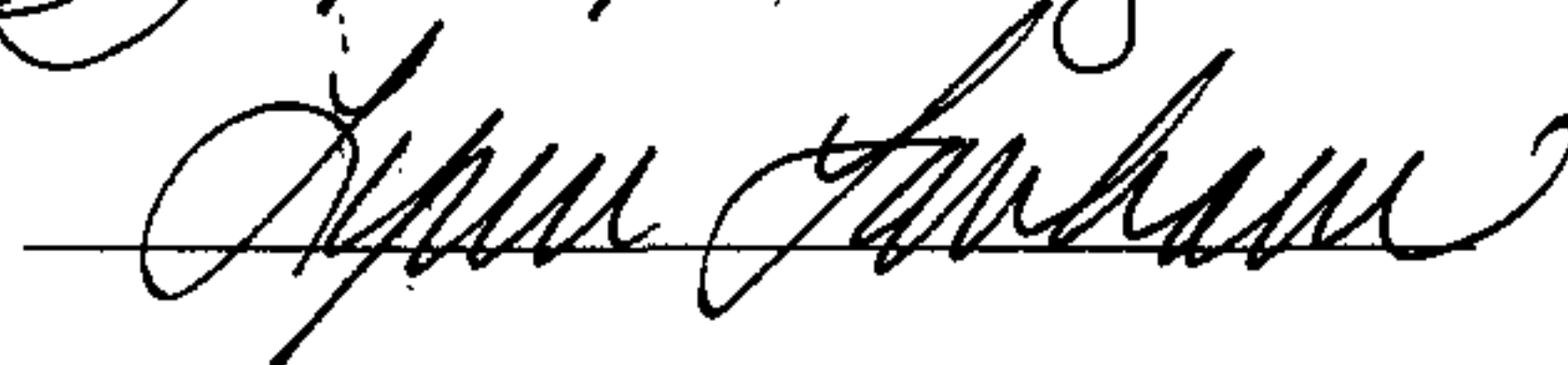
For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Reviewed by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

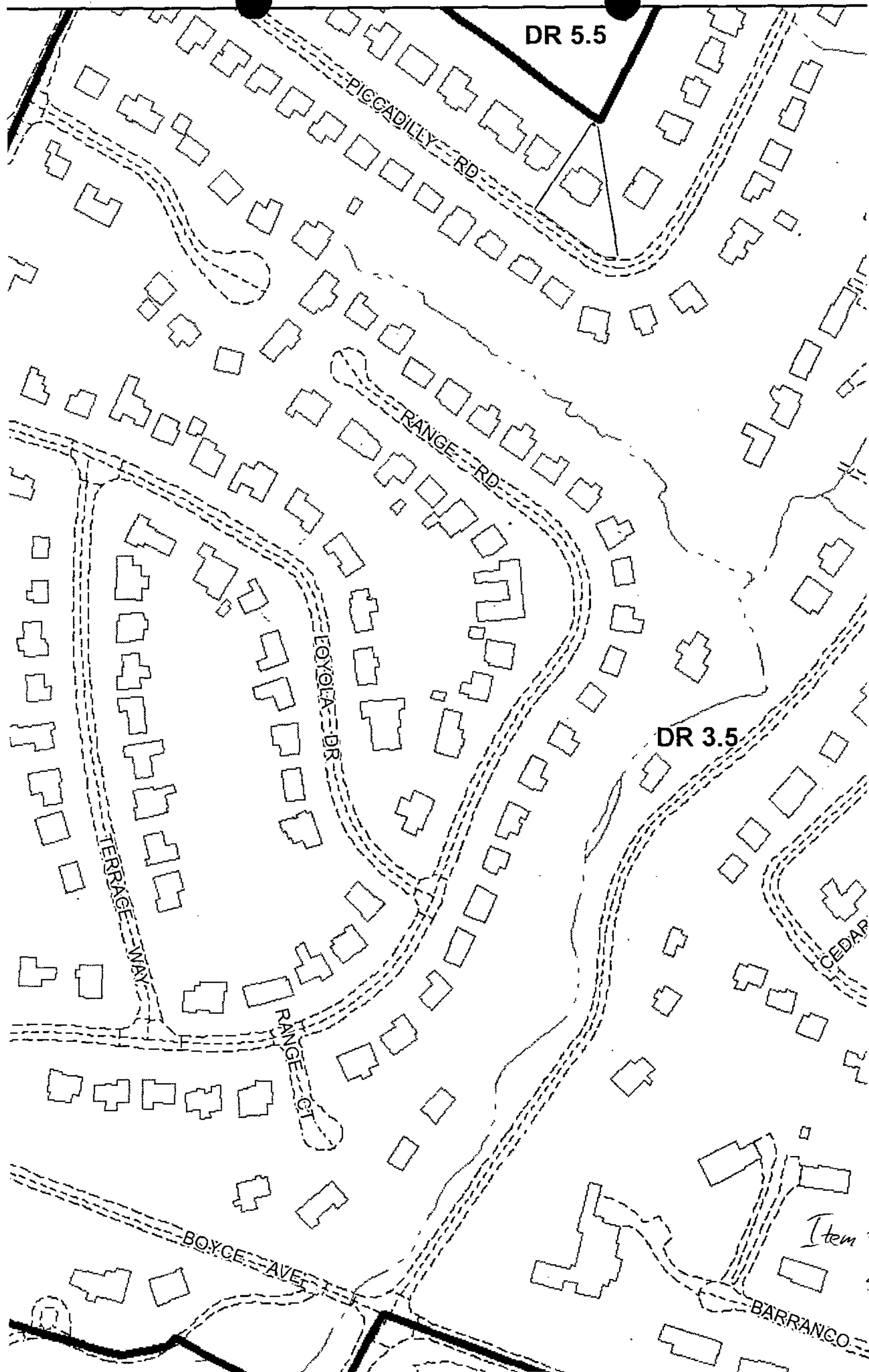
SUBJECT: Zoning Advisory Committee Meeting
For January 8, 2006
Item Nos. 07-281, 284, 285, 286, 287, 288,
289, 291, 292, and 293

DATE: January 3, 2007

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-01032007.doc

ZONING MAP 069C2



Item #
286

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 524 Piccadilly Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Chestnut Hill

PLAT BOOK # 14 FOLIO # 118 LOT # 113 SECTION #

OWNER Lewis-Jennings Shack

P.157

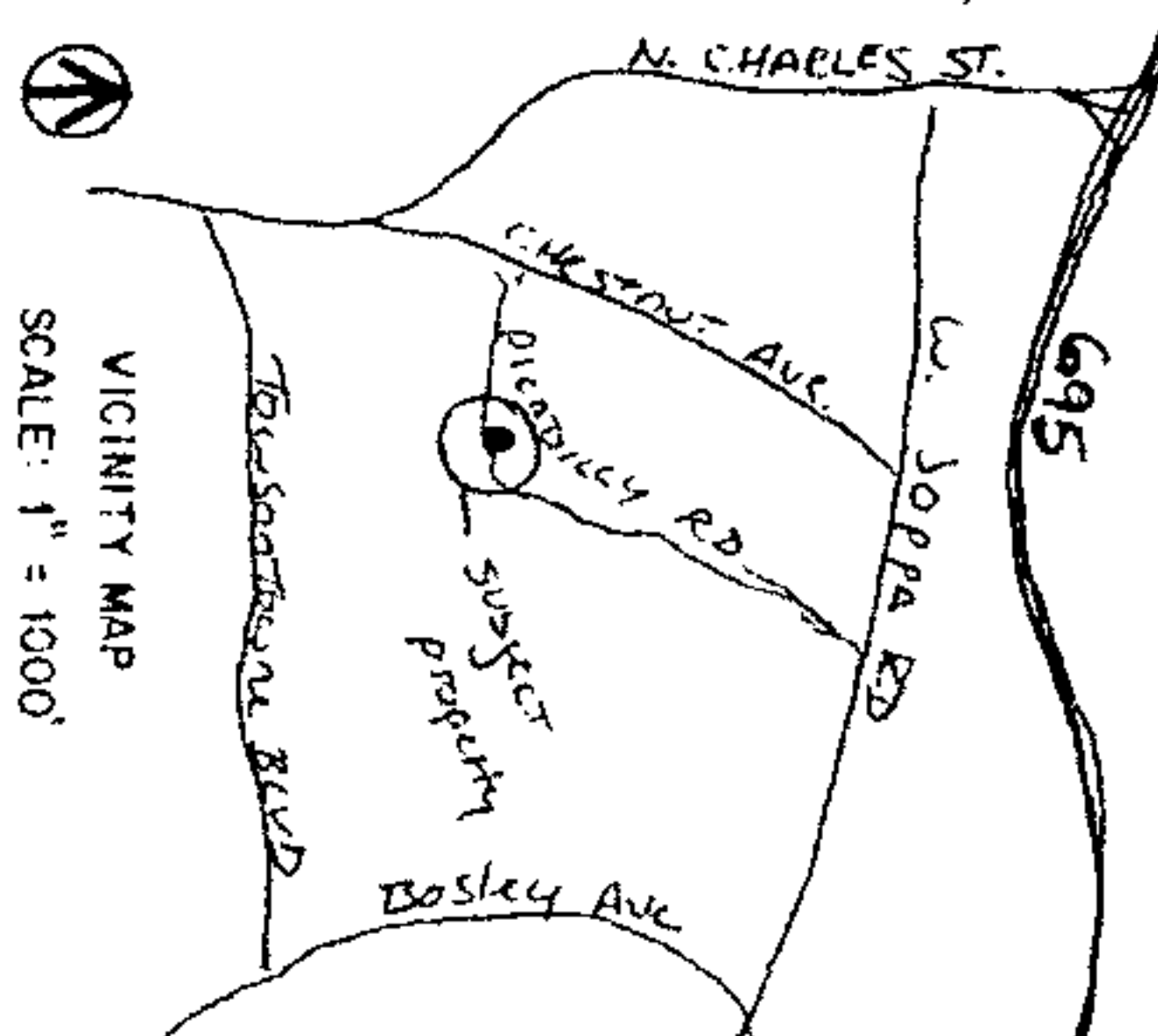
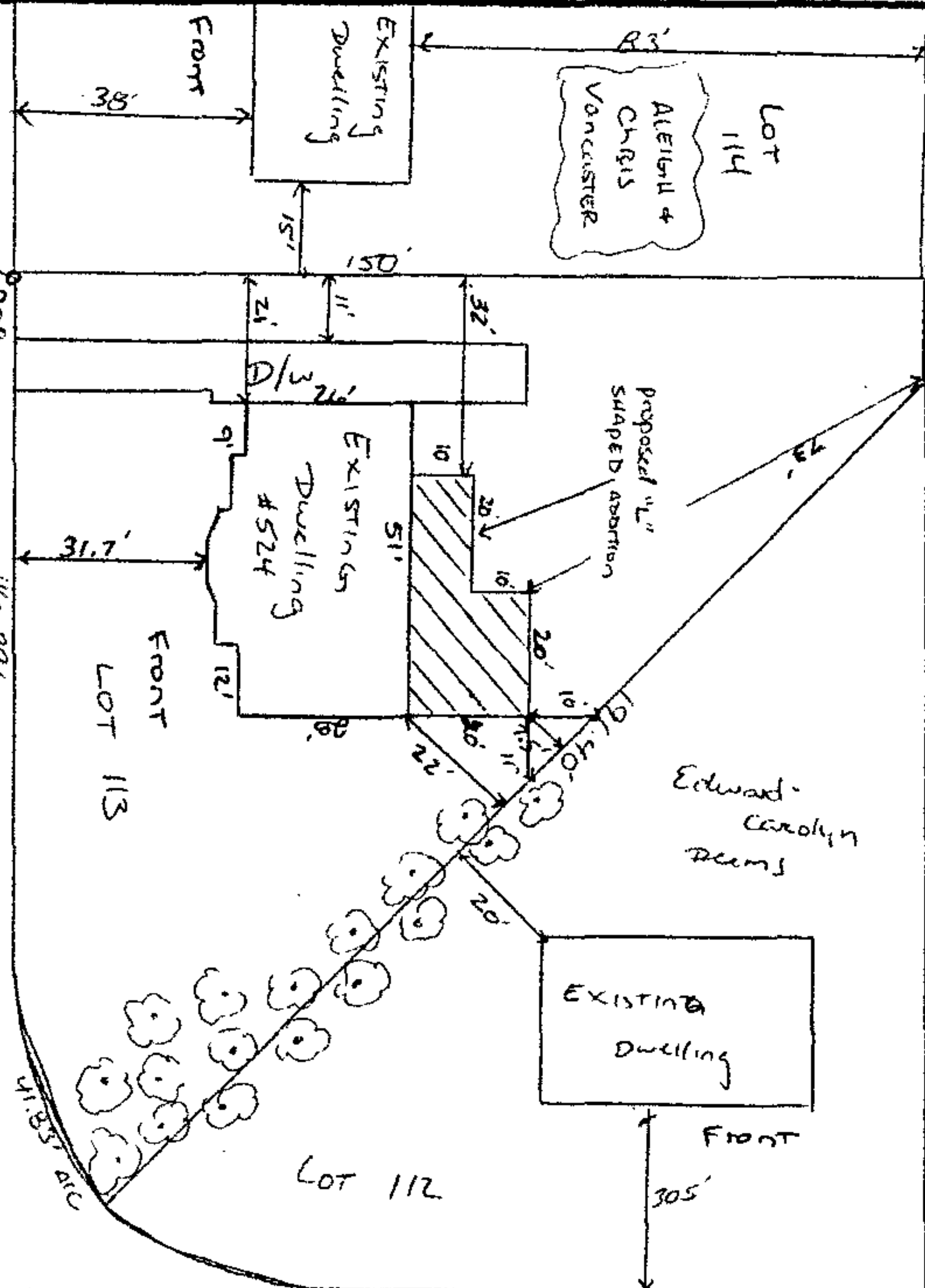


NORTH

PREPARED BY Jeremy Clancy

SCALE OF DRAWING: 1" = 40'

Piccadilly Road (50' wide/paving)



LOCATION INFORMATION

ELECTION DISTRICT 09

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 209C2

ZONING DR 3.5

LOT SIZE .32 ACREAGE 13,937 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 NA

ZONING OFFICE USE ONLY
REVIEWED BY JWP ITEM # 286 CASE # 107-286-4



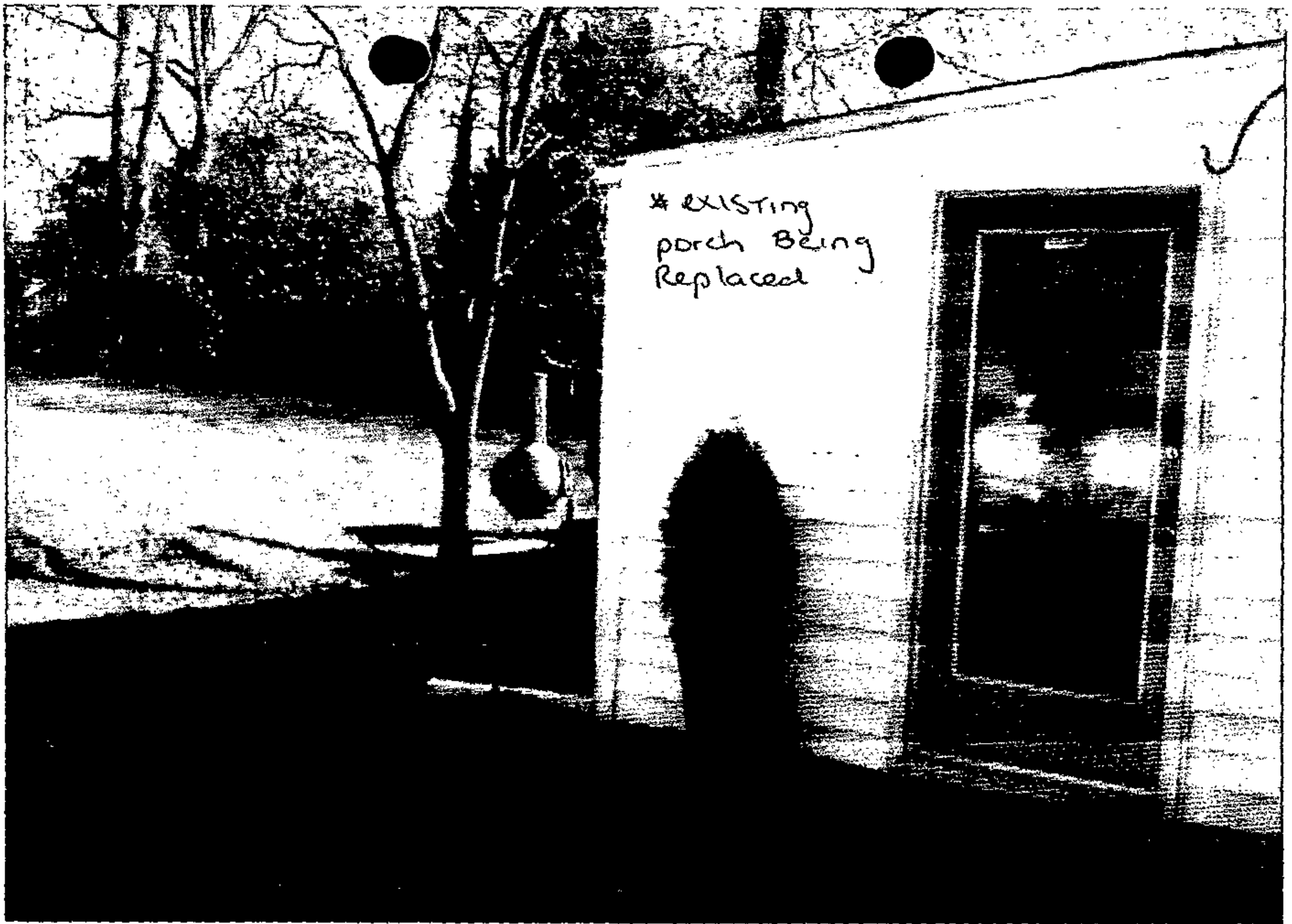
Showing ENTIRE RT. yard and Tree Line Between sub. prop. and affected Neighbor



FRONT OF HOUSE

Piccadilly Rd ↓

07-286-A



Rear yard From LT. prop Line

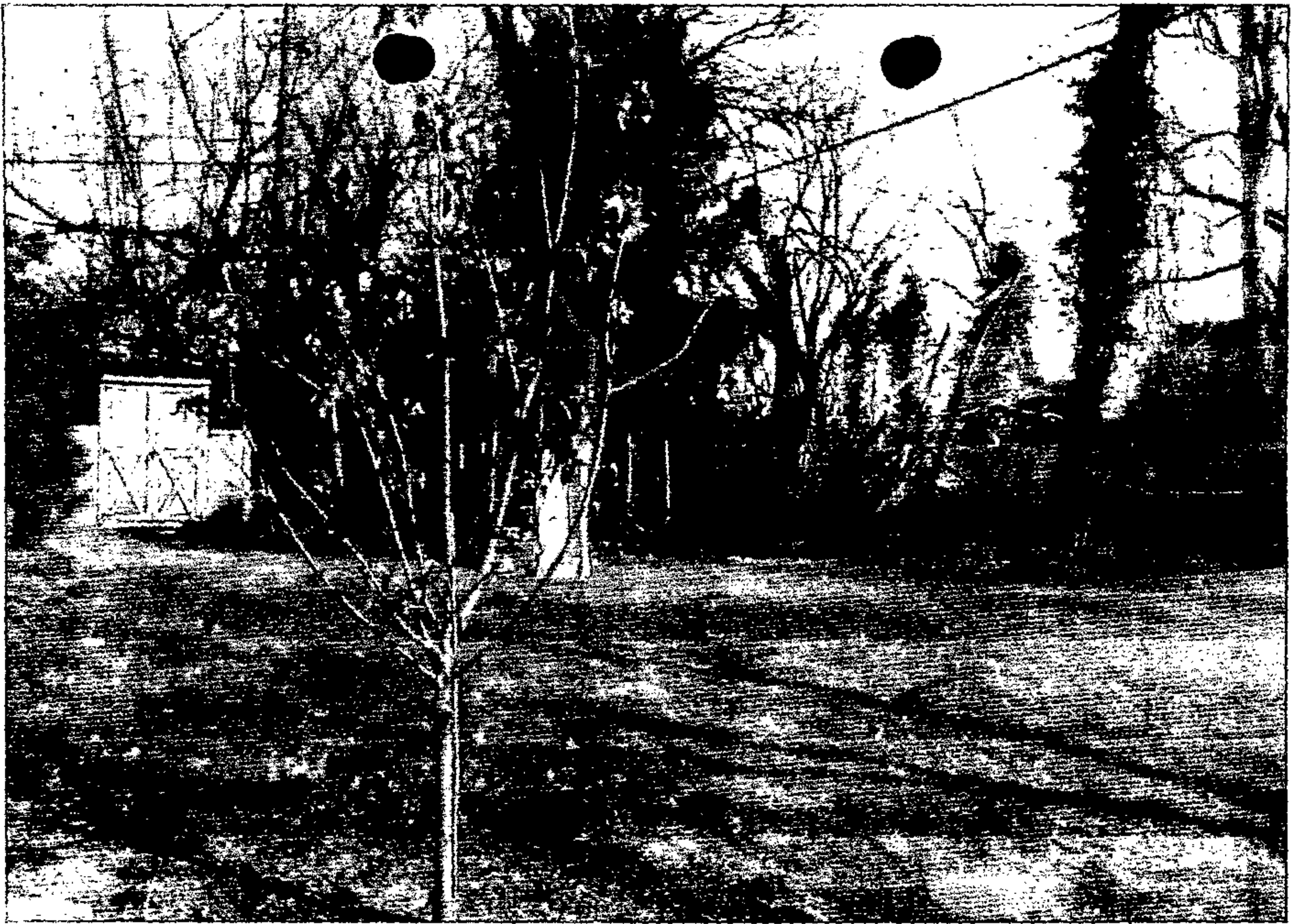
Piccadilly Road →



RT. Side yard

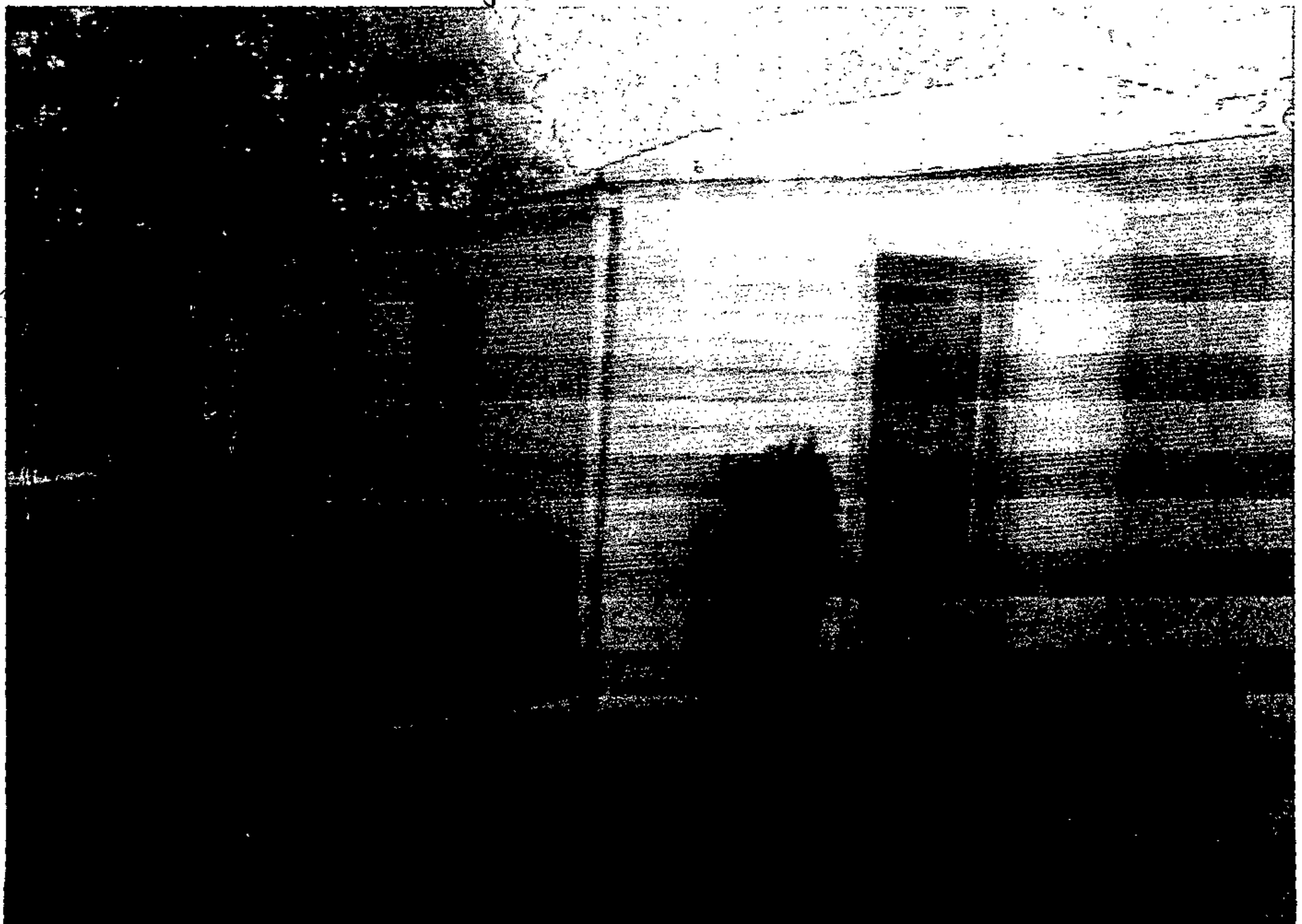
Piccadilly Road ↓

07-286-A



Rear yard view of subj. prop. Back yard

House ↓



Shows entire EXISTING 10' x 40' porch being replaced in same footprint.

Adding 10' x 20' section on Far Half

07-286-A



Left Property Line and Rear Yard view

piccadilly road ↓



Along Front yard

09-286-A



↓ Piccadilly Road

* From Road looking along Tree line on RT.
property line viewing Rt. side and portion of
Rear - where prop add'n is going.

07-286-A