IN RE: PETITION FOR ADMIN. VARIANCE

* BEFORE THE

S/S Chapman Road, 610 feet E c/l Cedar Avenue

(7717 Chapman Road)

ZONING COMMISSIONER

11th Election District
3rd Council District

OF BALTIMORE COUNTY

JoAnn P. Gerhart Petitioner

Case No. 07-547-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, JoAnn P. Gerhart. Variance relief is requested from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 41 feet in lieu of the required 50. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked 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, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the size of the property, placement of home on the property, the age of the home, and the location for the proposed addition. As shown on the site

plan, the Petitioner proposes to construct a 1-story addition measuring 30 feet x 48 feet on the side of the home nearest the existing driveway. The Petitioner is getting married and the home must expand to accommodate the growing family. The addition will contain bedrooms and a family room for the enlarging family.

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 without 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 June, 2007 that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 41 feet in lieu of the required 50 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 his/her 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.
- 2) The building materials for the proposed addition shall remain consistent with that of the existing dwelling and the rural character of the area.

VILLAAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 6, 2007

JoAnn P. Gerhart 7717 Chapman Road Kingsville MD 21087

RE:

Petition For Administrative Variance

Property: 7717 Chapman Road

Case No. 07-547-A

Dear Ms. Gerhart:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with a restriction, 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 truly yours,

Zoning Commissioner

for Baltimore County

WJW:pz

Enclosure

c: Gary Hohman, 1706 Anne Avenue, Baltimore MD 21221

ZONING DESCRIPTION FOR 7717 CHAPMAN ROAD.

BEGINNING AT A POINT ON THE SOUTH SIDE OF CHAPMAN ROAD
WHICH IS 20' WIDE AT A DISTANCE OF 610' EAST OF THE CENTERLINE
OF THE NEAREST IMPROVED INTERSECTING STREET CEDAR AVENUE
WHICH IS 20' WIDE. "AS RECORED IN DEED LIBER 13417, FOLIO 423"
AND INCLUDES THE MEASUREMENTS AND DIRECTIONS SOUTH 53°
51 MINUTES EAST 180', SOUTH 30° 50 MINUTES 30 SECONDS WEST 292',
NORTH 58° 51 MINUTES WEST 170', NORTH 30° 50 MINUTES 30 SECONDS
292'. CONTAINING 51,000 SF OR 1.14 ALSO KNOWN AS 7717 CHAPMAN ROAD
AND LOCATED IN THE 11 ELECTION DISTRICT, 3 COUNCILMANIC DISTRICT.

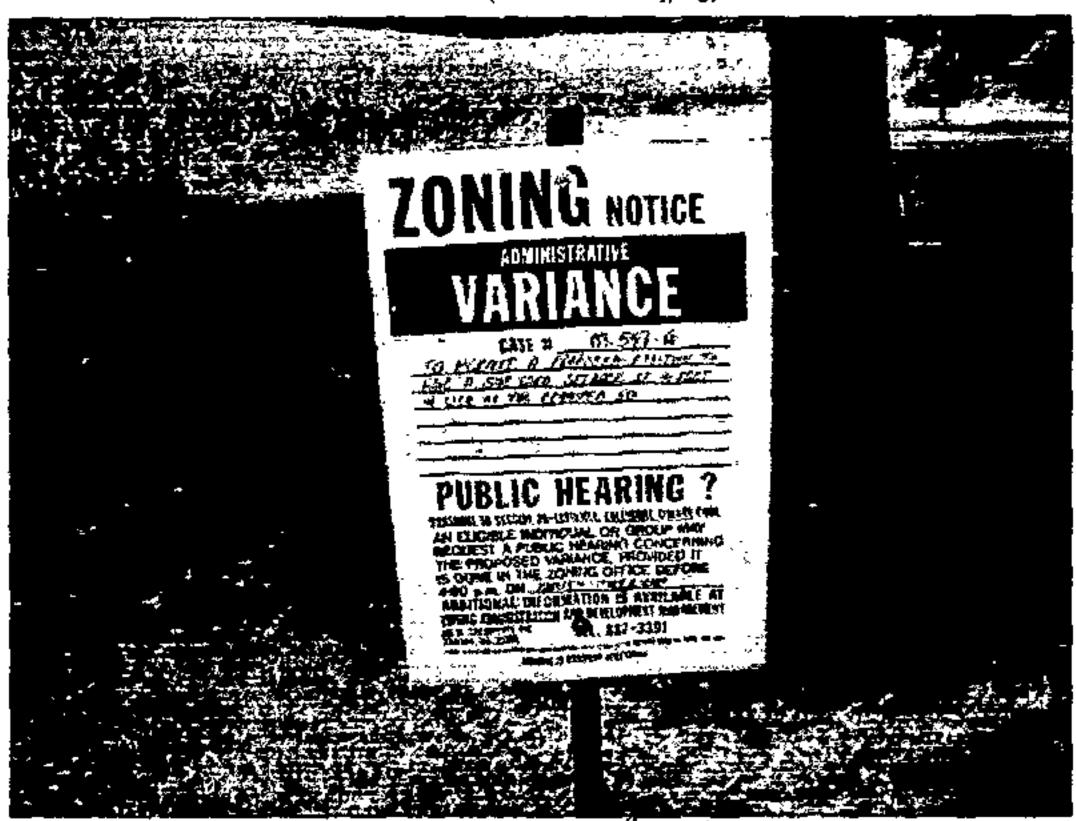
I tem # 547

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CERTIFICATE OF POSTING

	RE: Case No: 07-547-A
	Petitioner/Developer:
	Date Of Hearing/Closing: 7/2/07
Baltimore County Department of Permits and Development Manage County Office Building, Room 111	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	penalties of perjury that the necessary ed conspicuously on the property 1 CHAPMAN POAN
	<u></u>
	(Month, Day, Year) Sincerely, Marting 6/17/27
	(Signature of sign Poster and Date) Martin Ogle Sign Poster
	16 Salix Court Address Balto. Md 21220
	(443-629 3411)

im001091 (576x432x24b jpeg)



Mailingle 4/17/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07-	547 -A	Address	7717 (hapman	Koad
Contact Person: _	Planner, Please I		•		r: 410-887-3391
Filing Date: _6/	4/67	Posting Date:	6/17/07	Closing D	ate: 7/2/07
	e with this office re t person (planner) u			inistrative vari	ance should be
reverse side reposting m is again res	COST: The petitione of this form) and to ust be done only by ponsible for all assert or before the posting	the petitioner is re cone of the sign pro- ociated costs. Th	sponsible for osters on the a soning notice.	all printing/pos approved list a ce sign must b	sting costs. Any nd the petitioner of visible on the
a formal re-	The closing date is quest for a public la public hearing, the	hearing.: Please	understand th	nat even if the	*
commission order that to the commission of the c	After the closing da er. He may: (a) g he matter be set in thin 7 to 10 days of till go to public hearing	rant the requested n for a public he the closing date)	d relief; (b) de earing. You v as to whether	eny the request vill receive write the petition ha	ted relief; or (c) itten notification is been granted,
(whether du commission changed giv	PUBLIC HEARING ie to a neighbor's er), notification will ing notice of the hea ification of this chan	formal request or be forwarded to aring date, time ar	by order of you. The second location. A	the zoning or ign on the prosecution is the sign of th	operty must be in was originally
	•	(Detach Along Dotted L	_ine)	_	
Petitioner: This P	art of the Form is f	or the Sign Poste	r Only		
	USE THE ADMIN	IISTRATIVE VARI	ANCE SIGN F	ORMAT	
Case Number 07-	547 -A	Address 771	7 Chapm	ian Road	
Petitioner's Name	J Gerhart			ephone <u>410</u>	808 3239
Posting Date:	6/17/07	CId	osing Date: _	7/2/0	7
Wording for Sign:	n lieu of the	posed addition	n to have	a side yar	d setloack
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				WCI	R - Revised 6/25/04

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 New	spaper Advertising:
Item Nun	nber or Case Number: 07-547-A
	JoAnn P. Gerhart
Address	or Location: 7717 Chapman Road
	FORWARD ADVERTISING BILL TO: JoAnn P Chapman
Address:	7717 Chapman Road
-	_Kingsville , MD
Telephon	e Number:410-808-3239

Revised 2/20/98 - SCJ

Exempt Class:



Go Back View Map New Search GroundRent

* NONE *

		Owr	er Information			
Owner Name:	GERHART JOAN	IN P	Use	2:	RE	SIDENTIAL
			Prid	ncipal Residenc	e: YE	S
Mailing Address:	7717 CHAPMAN	I RD	Dec	ed Reference:	1)	/13417/ 423
	KINGSVILLE MI	21087-1529			2)	
·	···	Location &	Structure Infor	mation	<u>. </u>	
Premises Address				_	Description	
7717 CHAPMAN RD				1.14		
					CHAPMAN RD SS	
		<u> </u>			T SE CEDAR AVE	_
Map Grid Parcel	Sub District	Subdivision	Section	Block Lot	Assessment Ar	
55 20 400			·	<u> </u>	3	Plat Ref
'n	Tov	vn				
Special Tax Areas	Ad	Valorem				
	Tax	Class				
Primary Struc	ture Built	Enclosed	Area	Property La	nd Area	County Use
1910)	1,456	SF	1.14 A	(C	04
Stories	Baseme	nt		Туре		Exterior
2	YES		STA	NDARD UNIT		
· · · · · · · · · · · · · · · · · · ·		Val	ue Information		<u></u>	· · · · · · · · · · · · · · · · · · ·
	Base Value	Value	Phase-in Asses	sments		_
		As Of	As Of	As Of		
		01/01/2006	07/01/2006	07/01/2007		
Land	60,840	101,400				
Improvements	•	185,140				
Total	•	286,540	219,853	253,196		
Preferential Land	. 0		0	0		<u> </u>
		Trans	sfer Information	<u> </u>		
Seller: KUHN IRIS ANN	1		Date	01/04/1999	Price:	\$185,000
Type: NOT ARMS-LEN	GTH		Deed	1: /13417/ 423	Deed2:	
Seller: KUHN GEORGE	THOMAS,2ND		Date	: 04/15/1986	Price:	\$0
Type: NOT ARMS-LEN	GTH		Deed	1: / 7133/818	Deed2:	
Seller:	<u>-</u>		Date	t *	Price:	
Туре:			Deed		Deed2:	
		Exem	ption Information		<u> </u>	
Partial Exempt Assess	ments		Class	07/01/2006	Ω7/ (1/2007
County			000	0	0,70	
			000	0	0	
State			11111	•		

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	7717 Chapma Address	n Road	
	Kingsville	MD	21087
•	City	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi			request for an Administrative
As single individual the With marriage in the howill be living with the in order to expand ther more living space would relocate in order to lifor a family. The practive current home with a accommodate a growing for the current home with a commodate a growing for the current home with a commodate a growing for the current home with a commodate a growing for the current home with a commodate a growing for the current home with a commodate a growing for the current home with a commodate a growing for the current home with a commodate a growing for the current home with the current home with a commodate a growing for the current home.	rizon, her fim. The home e family with be necessary ve in a house tical path to additional	ance already has currently has to more children . It would be take would be	as a child that two bedrooms in the future hardship to suitable to expand
•			
	-		
	-	•	
- -	· .		
		•	
Signature JoAnn of Gerhart Name - Type or Print	Signa	ture - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:		
I HEREBY CERTIFY, this 30 day of 900 day of	spnally appeared	, <u>200</u>	, a Notary Public of the State
the personally known or satisfa	ctorily identified to me	as such Affiant/s)	<u> </u>
As INESS my Hand and Notarial Seal	ctorny identified to file	as such Amani(s).	
	Milma	1 S. Mastr	7
	Notary Public	Deb	orah J. Martin
The state of the s	My Commics		otary Public County, Maryland

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

ARYLAS .	for the property located at
	which is presently zoned <u>RC 5</u>
owner(s) of the property situate in Baltim made a part hereof, hereby petition for a	epartment of Permits and Development Management. The undersigned, legal ore County and which is described in the description and plat attached hereto and Variance from Section(s)
proposed addition to the required 50.	have a side yard setback of 41 feet in lieu of
of the zoning regulations of Baltimore Co of this petition form.	unty, to the zoning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Varegulations and restrictions of Baltimore Court	s prescribed by the zoning regulations. iance, advertising, posting, etc. and further agree to and are to be bounded by the zoning ity 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:	Legal Owner(s):
Name - Type or Print	JoAnn P Gerhart Name - Type or Frit
Signature	Signature JoAnn P. Ber heart
Address	Telephone No. Name - Type or Print
City	Zip Code Signature
Attorney For Petitioner:	7717 Chapman Road 410-808-3239 Address Telephone No.
Name - Type or Print	<u>Kingsville MD 21087</u> City State Zip Code
	Representative to be Contacted:
Signature	Gary Hohman
Company	Name
Address	Telephone No. Address Telephone No.
City	Zip Code City Baltimore MD 31.2.2.1 City State State
this day of,tregulations of Baltimore County and that the prope	ted and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County at the subject matter of this petition be set for a public hearing, advertised, as required by the zoning ty be reposted.
	Zoning Commissioner of Baltimore County
CASE NO. 2.7.5.4.7.1	Reviewed By K. Date 6/1/07
REV 10/25/01	Estimated Posting Date 6/17/07



JAMES T. SMITH, JR. County Executive

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

July 2, 2007

JoAnn P. Gerhart 7717 Chapman Road Kingsville, MD 21087

Dear Ms. Gerhart:

RE: Case Number: 07-547-A, 7717 Chapman Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

WCR:amf

Enclosures

c: People's Counsel
Gary Hohman 1706 Anne Avenue Baltimore 21221

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 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 11, 2007

5 54/ Item Number: 542 Through 549

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





Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 18,2007

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

RE:

Baltimore County

Item No. 7-547-A

7717 CHADHAD ROAD

CZERHART PROPERTY ADHINISTRATIVE 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. 7-547-A.

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,

A Steven D. Foster, Chlef

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 14, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2007 Item Nos. 07-542, 543, 544, 547, 548, and 549

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-06142007.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

DATE: June 25, 2007

DECEIVE JUN 2 7 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-547- Administrative Variance

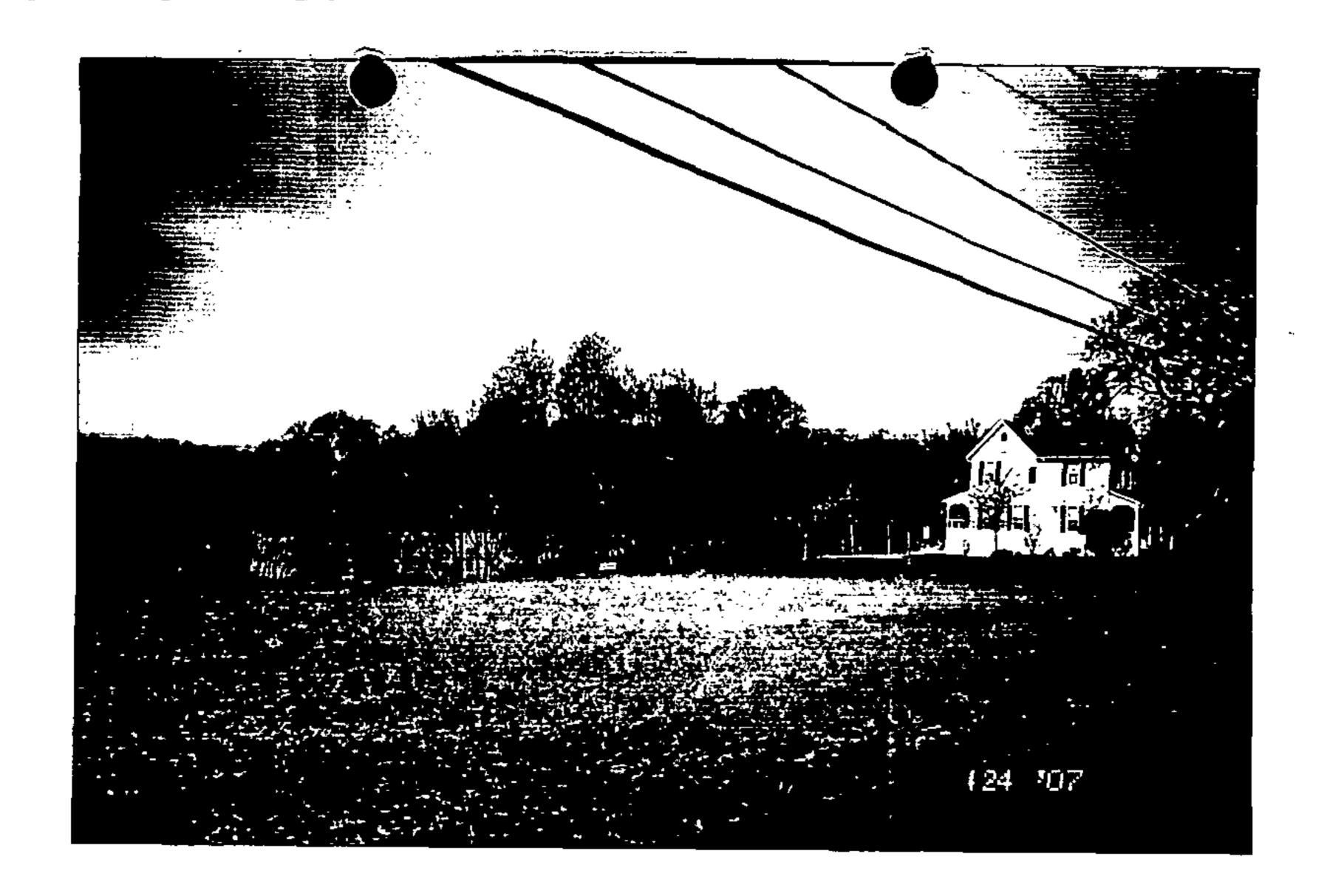
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided that the building materials for the proposed garage remain consistent with that of the existing dwelling and the rural character of the area.

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

Prepared By:

Division Chief:

CM/LL

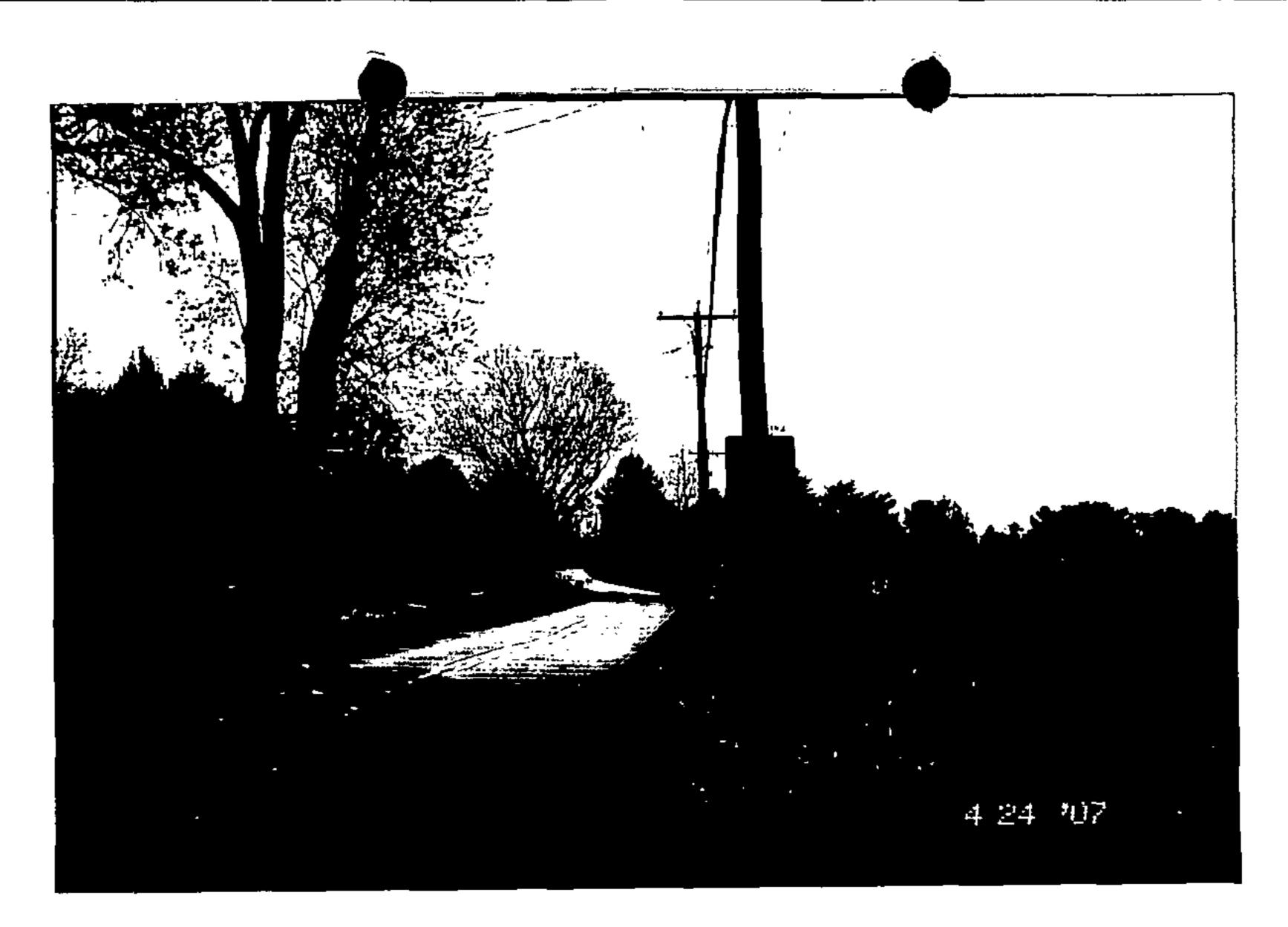


STANDING ON CHAPMAN RD ON EASTSIDE OF PROPERTY LOOKING WEST WHRER PROPOSED ADDITION IS PLANNED.



STANDING ON PROPERTY LOOKING AT EAST SIDE OF HOME WHERE PROPOSED ADDITION IS PLANNED.

Item #547



STANDING ON CHAPMAN ROAD LOOKING EAST DOWN CHAPMAN ROAD

Item # 547



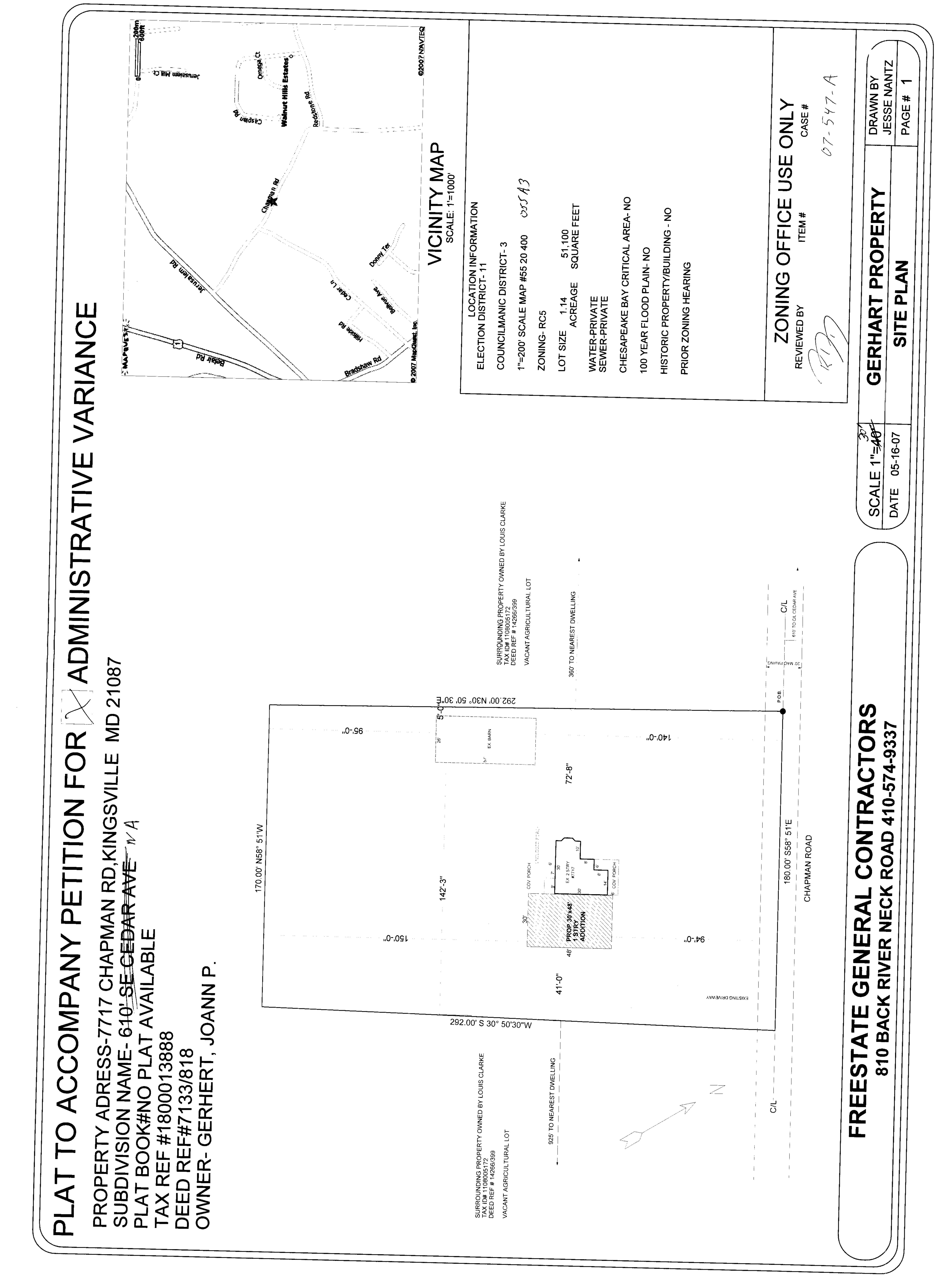
STANDING ON EAST SIDE LOOKING SOUTH AT OPEN FIELDS ON SIDE AND REAR OF PROPERTY.



STANDING ON EAST SIDE OF HOUSE LOOKING NORTH WEST ACROSS CHAPMAN ROAD

Item #547

Them WEY



51,100 SQUARE LOCATION INFOR COUNCILMANIC DISTRICT-1.14 ACREAGE HISTORIC PROPERT 100 YEAR FLOOD PL CHESAPEAKE BAY PRIOR ZONING HE WATER-PRIVATE SEWER-PRIVATE ZONING-LOT SIZE 292.00' N30° 50' 30"É \sim "0-'041 · **,,**0-,96 292.00' S 30° 50'30"W

JEINZSIEUS WIN CF

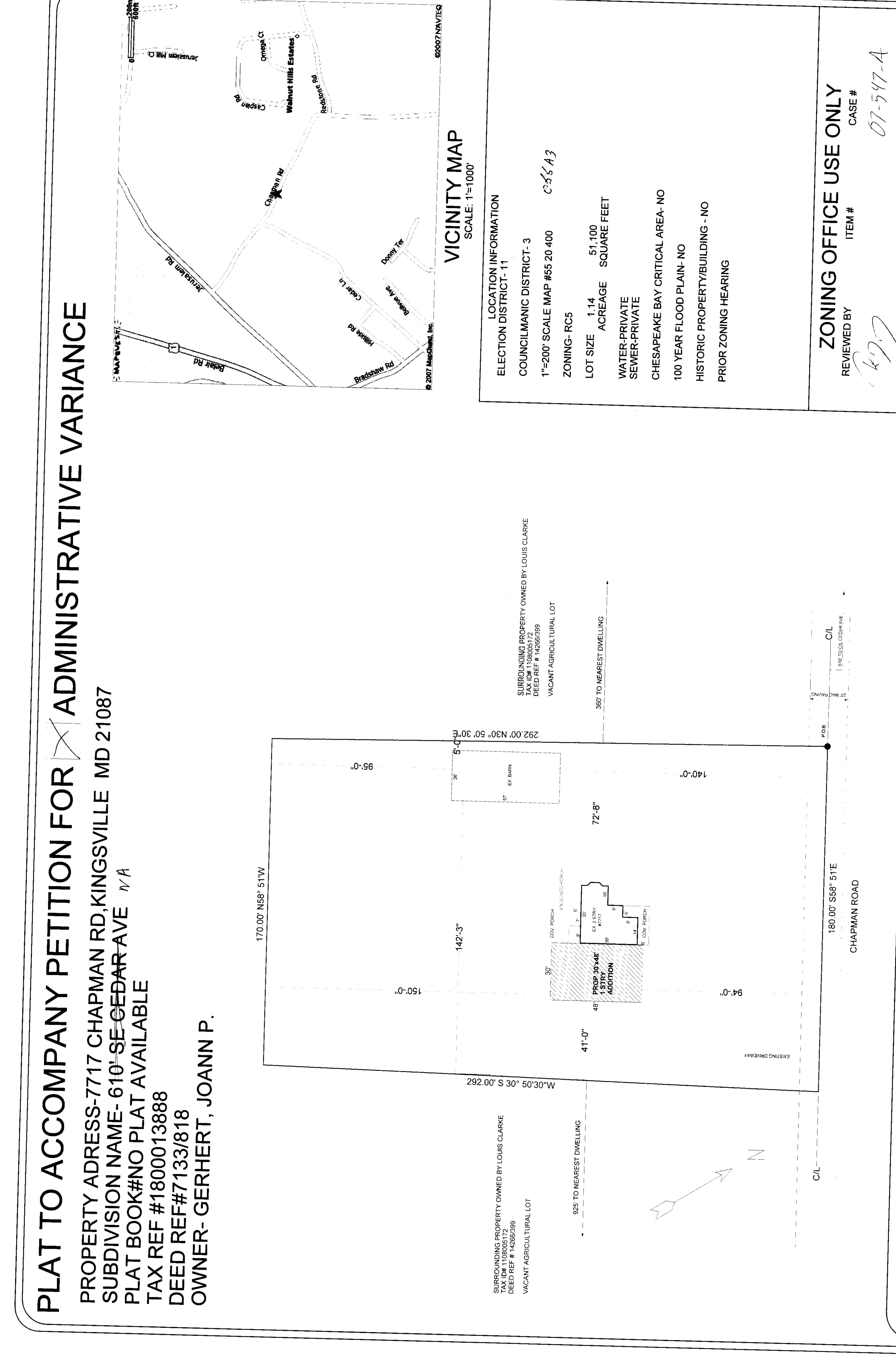
ZONII REVIEWED BY

ZO' MAC PAVING

EXISTING DRIVEWAY

5 ∞

GERH/ LE 1"=40" -16-07 05



292.00' S 30° 50'30"W EXISTING DRIVEWAY 150'-0" 94'-0" 292.00' N30° 50' 30"Ē j 20' MAQ PAVING ALE MAP #55 20 400