IN RE: PETITION FOR ADMIN. VARIANCE \*

BEFORE THE

SE corner of Jericho, 600 feet N of Woodberry Place

11<sup>th</sup> Election District

DEPUTY ZONING COMMISSIONER

3<sup>rd</sup> Councilmanic District

(11919 Jericho Road)

BALTIMORE COUNTY

Roger and Donna Boschert Petitioners

k CASE NO. 08-020-A

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

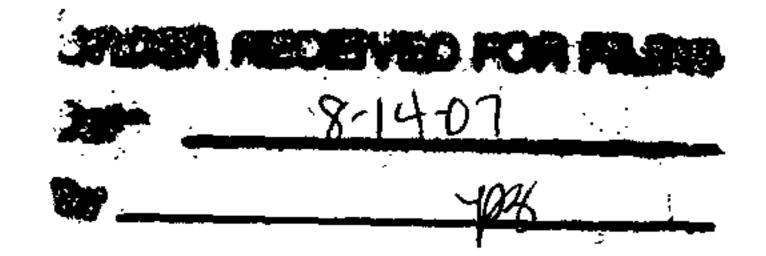
\*

#### 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, Roger and Donna Boschert for property located at 11919 Jericho Road. The variance request is from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the half of the yard closest to the side street with a 0 foot rear setback and 5 feet from the centerline of the alley in lieu of the permitted half of the yard farthest from the side street, 2.5 feet and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a new 24 foot x 30 foot garage. The existing garage measures 20 feet x 20 feet, was built in 1953, is in deteriorated condition, and will be removed. The new garage will allow the Petitioners to have safe and secure parking for their two vehicles and secure storage for personal property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 22, 2007 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 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, 4th day of August, 2007 that a variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the half of the yard closest to the side street with a 0 foot rear setback and 5 feet from the centerline of the alley in lieu of the permitted half of the yard farthest from the side street, 2.5 feet and 15 feet, respectively be and is hereby GRANTED, subject to the following:

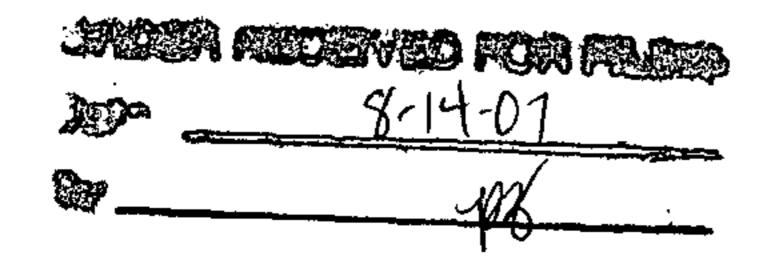
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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.

MOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 14, 2007

ROGER AND DONNA BOSCHERT 11919 JERICHO ROAD KINGSVILLE MD 21087

Re: Petition for Administrative Variance Case No. 08-020-A

Property: 11919 Jericho Road

Dear Mr. and Mrs. Boschert:

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



CASE NO.

REV 10/25/01

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	11919	JERICHO	RD.	
which	is pres	sently zoned	R.C.5	<del></del>

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

attimore County

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) HOO, I, HOO, Q (BCZR)

To permit an accessory structure (detached garage) to be located in the half of the yard closest to the side street with a 0-foot rear setback and 5-feet from the centerline of the alley in lieu of the permitted half of the yard farthest from the side street, 2.5-feet and 15-feet, 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. Legal Owner(s): Contract Purchaser/Lessee: BOSCH GAT Name - Type or Print Name - Type or Print Signature Signature 303 CHERT Telephone No. Name - Type or Print Address Zip Code Signature State City Attorney For Petitioner: Telephone No Address LING SUILLE State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Telephone No. Address Zip Code State Zip Code 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 day of regulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

# AffidaVit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

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.

KNOSUILLE

	City		State	Zip Code
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Signature  Robert Bost  Name - Type or Print	1+4A+	Signature	Print BOSCHFR	7
Name - Type of Fillit	·	reame - Type of		
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the Affiant(s) herein, person	onally known or satisfactorily	y identified to me as such	Affiant(s).	<del></del>
AS WITNESS my hand ar	nd Notarial Seal			
	William Charles	Marlena (	) (Mille	
	STORE OF THE PROPERTY OF THE P	Notary Public  My Commission Expi	ires Ollabor	
REV 10/25/01	X X X X X X X X X X X X X X X X X X X	y	<u> </u>	

# Affida Vit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

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11919 JERICHO RUAD

•	KINGSUILLE	140	2100
•	City	State	Zip Code
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Jose Bonkert			
Signature	Signatur		etus -
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ROGEN -BUSCHERT	Name -	Type or Print	
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· · · · · · · · · · · · · · · · · · ·		$\Delta N = 1$	Adada a Distriction Otto
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	sonally appeared	, <u>qui i</u> , before me, a	a Notary Public of the State
Ragor & Donna Boscher	<b>\</b>		
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REV 10/25/01		•	
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CASE NO.

REV 10/25/01

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	11919 JERICHO	<u> 20</u>
<u> </u>	a is presently zoned	

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) 400.1,400.2 (BCZR)

To permit an accessory structure (detached garage) to be located in the half of the yard closest to the side street with a 0-foot rear setback and 5-feet from the centerline of the alley in lieu of the permitted half of the yard farthest from the side street, 2.5-feet and 15-feet, 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.

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. Legal Owner(s): Contract Purchaser/Lessee: BOSCHELT Name - Type or Print Name - Type or Print Signature SCHERT DOWNA Name - Type or Prin Telephone No. Address Zip Code Signature State City 1919 I EXILUS Attorney For Petitioner: Telephone No Address 21047 KINGSDILLS State Zip Code City Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. **Address** Telephone No. Address Zip Code State Zip Code 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 day of regulations of Baltimore County and that the property be reposted. Baltimore County

Reviewed By

Estimated Posting Date

### Zoning Description for 11919 Jericho Road

Beginning at a point on the southeast corner of Jericho Road (formally known as North Main Street and Maple Drive) and located 600-feet north of the centerline of Woodberry Place.

Being the same property and recorded among land records of Baltimore County in Plat Book 9, Folio 65 being Lot #1 and #3 and being in the subdivision known as "Franklinville Village" containing 11,141 square feet. Also known as 11919 Jericho Road and located in the 11<sup>th</sup> Election District and 3rd Councilmanic District.

WHEN WITH THE THE THE THE THE THE THE THE THE T	ALFUH HEBIT P. PAZAN 77/15 ALAMINO UFF	TO THE CHAPTER TO THE CASE OF	8		CASHIER'S VALIDATION
No. 00887	Sub Rept BS Rev Catg Acct Amount		Total:		ð
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT	Fund Ago, Orgn. Source R		Rec Prom. PROLLO L'ELLO	For TEAN # OND OR ONE	MHITE - CASHIER PINK - AGENCY

## CERTIFICATE OF POSTING

- · · · · · · · · · · · · · · · · · · ·	RE: Case No.: 08-020-A
	Petitioner/Developer:
	BOSCHERT
	Date of Hearing/Closing: 8/6/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	•
were posted conspicuously on the property loca	
11919 JERIC.	40 /(D
The sign(s) were posted on	7/22/07 Month, Day, Year)
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Aul 2000 1/22/07	

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

## 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: 08-050-A
Petitioner: BOSCHERT
Address or Location: 11919 JER ICHO RD
PLEASE FORWARD ADVERTISING BILL TO:  Name:MR. ROBER BOSCHERT
Address: 11919 TERICHO RD.  KINGSVILLE, MD 21087
Telephone Number: 410-592-9265



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 6, 2007

Roger Boschert Donna Boschert 11919 Jericho Road Kingsville, MD 21087

Dear Mr. and Mrs. Boschert:

RE: Case Number: 08-020-A, 11919 Jericho Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9. 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,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

### 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:** July 24, 2007

IECEIVE JUL 2 7 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 008-020- 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 Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



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

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

Maryland Department of Transportation

Date: JULY 23, 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. 8-20A

HOMINISTEATIVE 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. 8-20 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,

Steven D. Foster, Chief

For Engineering Access Permits

Division

SDF/MB

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 24, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 008-020- Administrative Variance

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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



### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 30, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 30, 2007

Item Nos. 08-020, 021, 022, 023, 026, 029, 031, 032, 033, and 034

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-07302007.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief
Fire Department

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 July 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 23, 2007

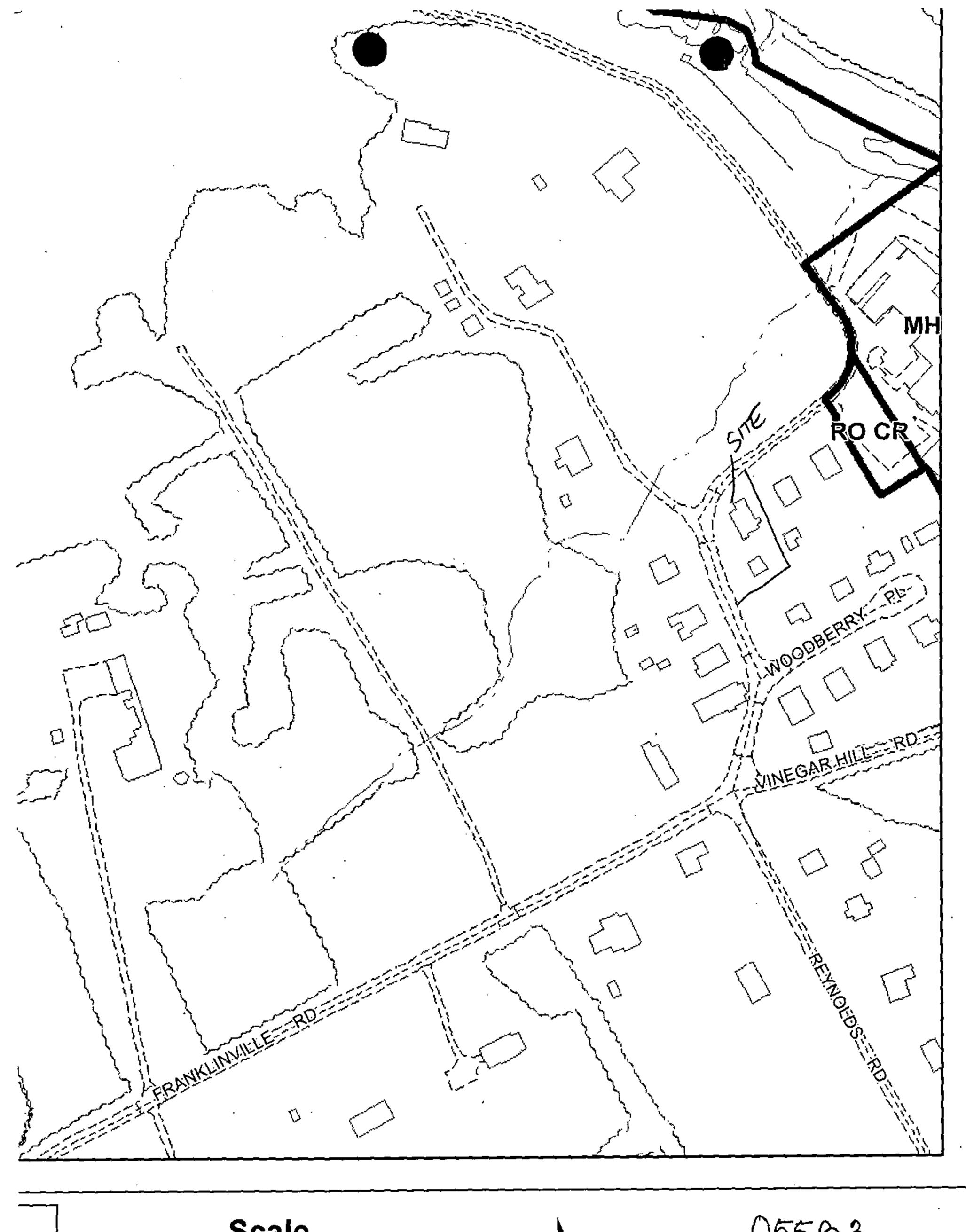
Item Number: 020)through 034

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



Scale

1" = 200'



05503

**Data Sources:** 

Planametric Data - Baltimore County OIT/GIS Services Unit

A-020-80

