

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Cuning Court, 520 feet SW
of the c/l of Cuning Circle
15th Election District
6th Councilmanic District
(15 Cuning Court)

Brian and Terri Wratchford
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-269-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, Brian and Terri Wratchford for property located at 15 Cuning Court. The variance request is from Sections 301 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an 11 foot (side) and 14 foot (rear) window to property line setback in lieu of 15 feet, an 10 foot (side) open projection (deck) setback in lieu of 11.25 feet, and an amendment to the last approved Final Development Plan of Cuninghill Cove Lot 118 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition measuring 12 feet x 16 feet in size and an open deck measuring 12 feet x 22.2 feet in size. The Petitioners need additional living space for their growing family. Petitioners have a rear door leading to the back yard; however this door does not have direct access to the back yard because there are no steps or deck to actually reach the back yard. The proposed deck will allow the Petitioners to access the back yard. The size of the deck will accommodate the family, deck furniture and a grill. No neighbors to the rear are affected by the proposal. The subject lot is essentially square-shaped; however, the front

ORDER RECEIVED FOR FILING

1-22-08

[Signature]

property line is curved and the home is set back from the curving line. The existing lot size does not allow for much dwelling expansion without a variance.

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 December 30, 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 Petitioners.

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 22nd day of January, 2008 that a variance from Sections 301 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an 11 foot (side) and 14 foot (rear) window to property line setback in lieu of 15 feet, an 10 foot (side) open projection (deck) setback in lieu of 11.25 feet,

ORDER RECEIVED FOR FILING
JAN 22 2008
BY _____

and an amendment to the last approved Final Development Plan of Cunninghamhill Cove Lot 118 only 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.

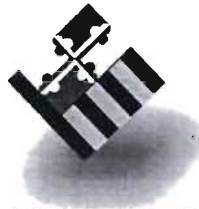
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
1-22-08
127



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 22, 2008

BRIAN AND TERRI WRATCHFORD
15 CUNNING COURT
MIDDLE RIVER MD 21220

Re: Petition for Administrative Variance
Case No. 08-269-A
Property: 15 Cunning Court

Dear Mr. and Mrs. Wratchford:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 15 Cuning Court
which is presently zoned DR 5.5

Deed Reference: 156891603 Tax Account # 1800010308

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)

301 and 504, BCR and V.B.B., CMAP to permit
an 11-ft (side) and 14-ft (rear) window to property line setback
in lieu of 15-ft, a 10-ft (side) open projection (deck) setback
in lieu of 11.25 ft, and an amendment to the last
approved FDP of "Cunningh. II Cove," (B. 11 100, 1970)
Lot 118, only.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

x Brian Wratcatchford
Name - Type or Print

x B. Wratcatchford
Signature

x Terri Wratcatchford
Name - Type or Print

x B. Wratcatchford
Signature

x 15 Cuning Court 4103359099
Address Telephone No.

x Middle River MD 21220
City State Zip Code

Representative to be Contacted:

above or Mr. Kellman
Name 443-286-3030

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.

Zoning Commissioner of Baltimore County

Case No. 08-269-A

Reviewed By JF Date 12-17-07

REV 7/20/07

Estimated Posting Date 12-30-07

1-27-08
1-27-08

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 x 15 Craning Court
Address
x Middle River MD 21220
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 hardship or practical difficulty):

Need more living space for growing family. more feasible to add to existing dwelling instead of buying new house. Existing lot size does not allow for much dwelling expansion without a variance.

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.

x Brian Watchford
Signature

x Terril Watchford
Signature

x Brian Watchford
Name - Type or Print

x Terril Watchford
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

x I HEREBY CERTIFY, this 27 day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brian Watchford and Terri Watchford
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Janice M. Meisel
Notary Public
My Commission Expires 9/1/08

Zoning Description For
15 Cuning Court
Middle River, MD
21220

Beginning at a point on the southeast side of Cuning Court, which is fifty feet wide, at the distance of 520 feet southwest of the centerline of Cuning Circle, which is fifty feet wide. Being Lot # 118, Plat IV in the Cuninghill Cove subdivision as recorded in Baltimore County Plat Book # 53, Folio # 29 containing .130 acres. Also known as 15 Cuning Court and located in the 15th Election District and 6th Councilmanic District.

269

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **08753**

Date: **12-17-07**

PAID RECEIPT

BUSINESS ACTION TIME
 12/19/2007 12/17/2007 10:50:21 2
 000002 MAIL 0000 000
 000000 000000 12/17/2007 0000
 Dept 5 508 2000000000000000
 000000
 Recpt Tot \$115.00
 \$115.00 00 0.00 00
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			6150				115.00

Total: **115.00**

Rec

From: **BRIAN WRATCHFORD**

For:

Admin. Vtr. (15 Cunniff G) - MEMO 269

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-269-A

Petitioner/Developer: BRIAN +
TERRY WRATCHEFORD

Date of Hearing/Closing: 1-14-08

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:

15 CONNING CT

The sign(s) were posted on 12-30-07
(Month, Day, Year)

Sincerely,

Robert Black 1-2-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 269 -A

Address 15 CUNNING CT

Contact Person: JUN FERNANDO
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-17-07

Posting Date: 12-30-07

Closing Date: 1-14-08

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. **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.
3. **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.
4. **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- 269 -A

Address 15 CUNNING CT

Petitioner's Name Brian & Terri Wratford

Telephone 410-335-9099

Posting Date: 12-30-07

Closing Date: 1-14-08

Wording for Sign: To Permit a two story addition with a side yard setback of 11' and rear yard setback of 14' in lieu of the required window to property line setbacks of 15', respectively. And to permit an open projection addition (deck) with a setback of 10' in lieu of 11.25'. And to amend the approved FDP of Cunningham Cove, WCR - Revised 6/25/04 lot # 118 only.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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:

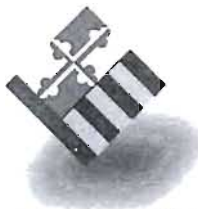
Item Number or Case Number: 08-269-A
Petitioner: Brian & Terri Wratheford
Address or Location: 15 Cuning Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian & Terri Wratheford
Address: 15 Cuning Court
Middle River, MD 21220

Telephone Number: 410 - 335 - 9099

Revised 7/11/05 - SCJ



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 14, 2008

Brian Wratchford
Terri Wratchford
15 Cunning Court
Middle River, MD 21220

Dear Mr. and Mrs. Wratchford:

RE: Case Number: 08-269-A, 15 Cunning Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 27, 2007

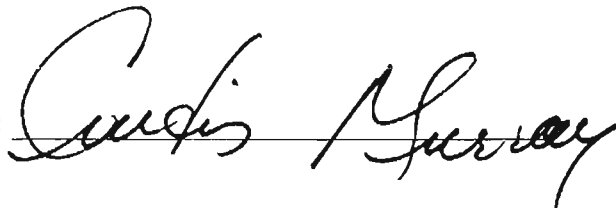
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-269- 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:

A handwritten signature in black ink, appearing to read "Curtis Murray", written over a horizontal line.

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2007
Item Nos. 08-257, 259, 260, 261, 262, 263,
265, 266, 267, 268, 269, 270, 271, 272, and 274

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- 01032008.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: JANUARY 3, 2008

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

RE: Baltimore County
Item No. 8-269-A
IS CUNNING COURT
WRATCH FORD 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. 8-269-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,

^{for} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257,259,260,265,266,267,268,269,270,271,272,273,274

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.

. 1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Patricia Zook - Re: Site Plans needed for 2 Administrative Variance cases (closed 1-14-08)

From: Andrea Freeburger
To: Zook, Patricia
Date: 1/16/2008 2:42 PM
Subject: Re: Site Plans needed for 2 Administrative Variance cases (closed 1-14-08)

Kristen has already given me the phone message. They are in the box to go over to your office along with next week's files.

>>> Patricia Zook 1/16/2008 2:40 PM >>>

Hello Andrea -

In reviewing the administrative variance files I discovered that two files are missing site plans □
Case 08-269-A and 08-271-A. Both files have the zoning map, but no site plans.

When you locate the site plans, you can just send them to me via inter-office mail.

Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Site Plans needed for 2 Administrative Variance cases (closed 1-14-08)

From: Patricia Zook
To: Freeburger, Andrea
Date: 1/16/2008 2:40 PM
Subject: Site Plans needed for 2 Administrative Variance cases (closed 1-14-08)

Hello Andrea -

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Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

ADMINISTRATIVE

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

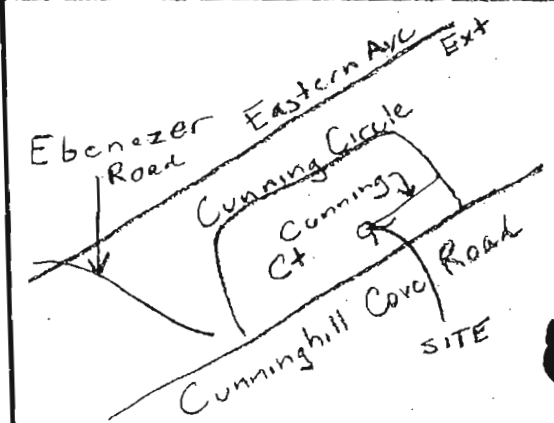
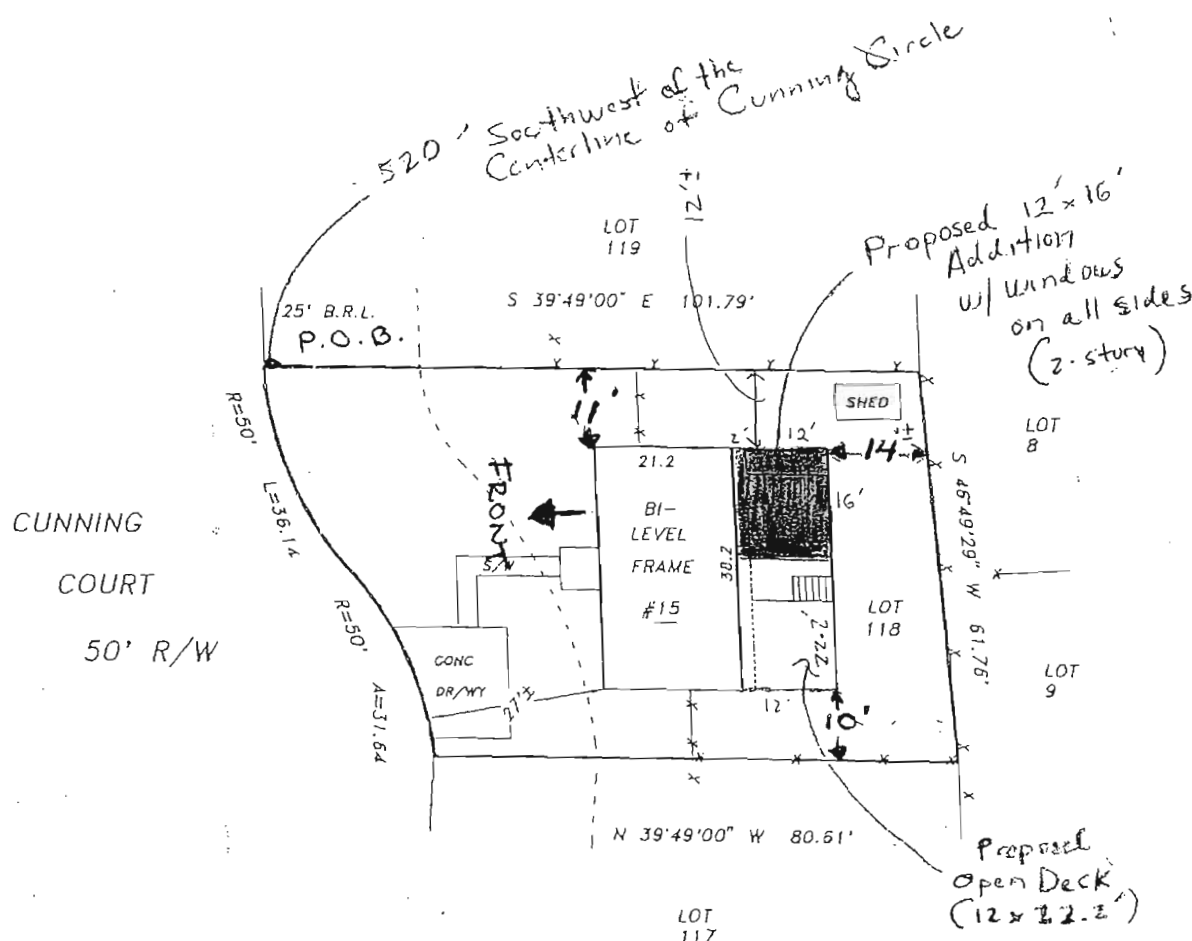
PROPERTY ADDRESS 15 Cuning Court

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

SUBDIVISION NAME "Cunninghill Cove"

PLAT BOOK # 53 FOLIO # 29 LOT # 118 SECTION # - Plat IV

OWNER Brian & Terri Wratford



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 6th
1" = 200' SCALE MAP # 084AZ
ZONING DR 5.5
LOT SIZE .130 5,672
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

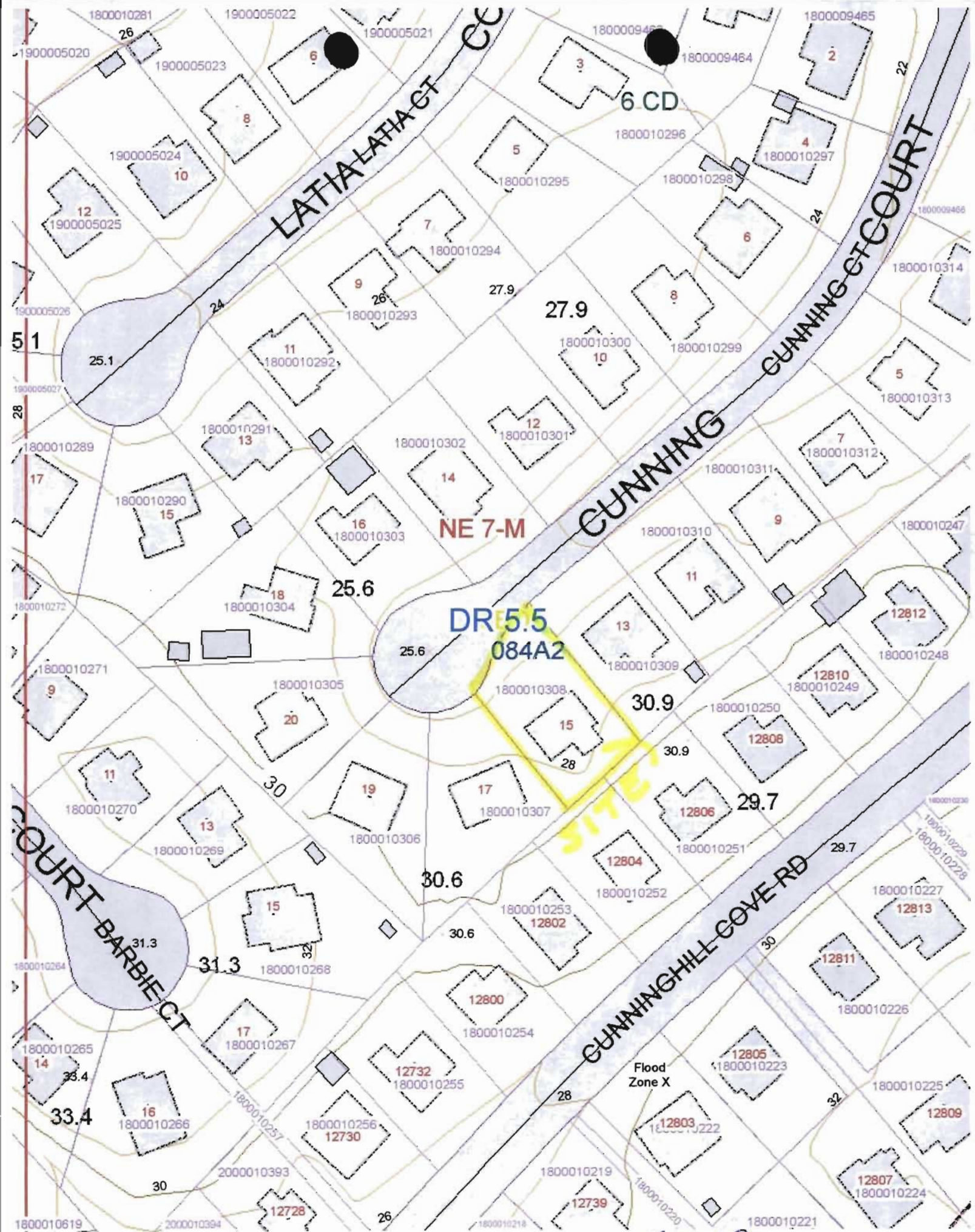
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY
REVIEWED BY JF ITEM # 269 CASE # 08269-A



PREPARED BY MJK for BW & TW

SCALE OF DRAWING: 1" = 30'

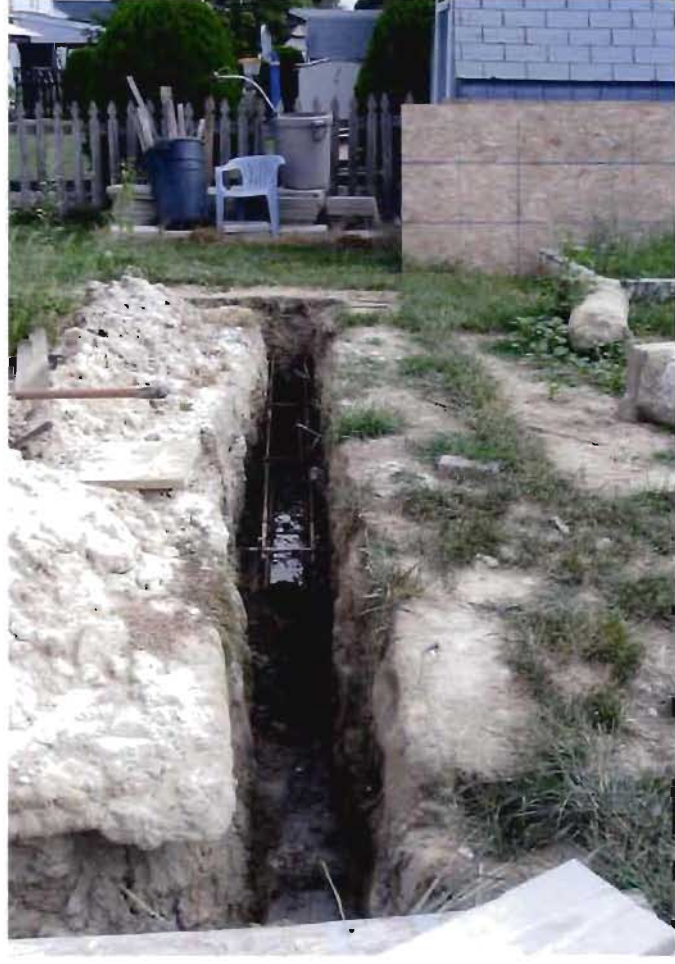


267

looking from kitchen down toward



looking from end of house to neighbors yard



path towards neighbors yard



from closet back fence to back of house