IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Sunshine Avenue, 600 feet +/-SE of Stoney Batter Road 11th Election District 3rd Councilmanic District (6833 Sunshine Avenue)

Michael and Melissa Bishoff
Petitioners

* BEFORE THE

DEPUTY ZONING

* COMMISSIONER

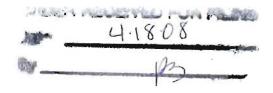
* FOR BALTIMORE COUNTY

* Case No. 08-442-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, Michael and Melissa Bishoff for property located at 6833 Sunshine Avenue. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet for an addition in lieu of the required 35 feet. 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 18 feet in size to be built on the west side of the home. The addition cannot be placed in the rear of the home because it would be too close to the septic tank and septic reserve area. The east side of the home contains the existing driveway and garage. The well in the front yard prevents the addition being constructed onto the front of the home. The neighbors residing at 6829 Sunshine Avenue do not object to the proposed addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated April 16, 2008 which indicates that the property must comply with the Forest Conservation Regulations, an evaluation of the septic system may be required prior



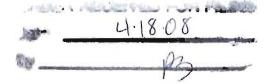
to building permit approval, and a Single Lot Declaration of Intent may be filed with DEPRM to address Forest Conservation Regulations for the proposed addition.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 30, 2008 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.

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. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- 3. A Single Lot Declaration of Intent may be filed with the Department of Environmental Protection and Resource Management to address Forest Conservation Regulations for the proposed addition.
- 4. Prior to building permit approval, an elevation of the septic system may be required.

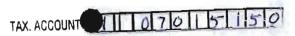
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned

made a part nereo	r, nereby pet	ition for a V	ariance fro	m Sectio	in(s)	A01.3	B3;	BLZ	R,	to
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permit	n in	liev) 0	FT	MP .	requ	ire d	35	Ft.	4
of the zoning regul of this petition form		timore Cou	nty, to the	zoning la	w of Balt	timore Cou	nty, for the	e reasons i	indicated	d on the back
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A Public Hearing have this day of regulations of Baltimore		that	the subject r	matter of th	required, in spetition	be set for a p	by the Zonii bublic hearing	g, aovertiseo	, as requir	allmore County, ed by the zoning
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REV 10/25/01		100	3-	Lall	mateu F	cating Da				-
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	A STATE OF THE STA	Secretary in the				1				

for the property located at

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

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	6833	Sun	shine	Ave	
City	Kingsv	rille	M D State		2108 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or	are the facts practical diffic	s upon which culty):	I/we base the	request for an A	dministrative
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away From large tre	e roo	ty			
That the Affiant(s) acknowledge(s) that if a forma advertising fee and may be required to provide addit	I demand is ional informat	filed, Affiant(s) will be req	uired to pay a re	eposting and
Signature -	 :	Signature	17/)	
Michael Bishoft Name - Type or Print	 ;	Mk/155 Name - Type or	a 65hoff	7	
STATE OF MARYLAND, COUNTY OF BALTIMOR					
of Maryland, in and for the County aforesaid, person				e, a Notary Public	of the State
MICHAEL BISHOFF the Affiant(s) herein, personally known or satisfactor	ily identified to	me as such	Affiant(s)		
the Amant(s) herein, personally known or satisfactor	ny identined to	o ille as sucil	Amam(s).		
AS WITNESS my hand and Notarial Seal	/				
	Notary F	du Liago	: hera	lac 15-2009	-
	My Com	mission Expi	res <u>6 -</u>	15-2009	
REV 10/25/01	-				





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MARYLAND	for the property		833 Sunsk	
		which is pres	sently zoned <u>RC</u>	- 2
This Petition shall be filed with the Downer(s) of the property situate in Baltim made a part hereof, hereby petition for a	ore County and which Variance from Section	is described in the deficiency $AO/-3$	escription and plat atta ろう 、	ached hereto and R、To
permit a side	yard setb	ack of 8	AIFT. For	an
Addition in Lie	n of th	l required	1 35F1	
of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning law	v of Baltimore County	γ , for the reasons indic	ated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Va regulations and restrictions of Baltimore Court	riance, advertising, posti	ing, etc. and further agr	ee to and are to be bour nore County.	nded by the zoning
		I/We do solemnly de perjury, that I/we are is the subject of this	eclare and affirm, under the the legal owner(s) of the Petition.	he penalties of e property which
Contract Purchaser/Lessee:		Legal Owner(s)	1 Park FF)
Name - Type or Print		Name - Type or Print	estra	I.
Signature		Signature	AST	MALA
Address City State	Telephone No.	Name - Type of Print	Melissa	JBetyl
Attorney For Petitioner:	Zip Gode	Address	Sunshine A	Telephone No.
Name - Type or Print		City	State	Zip Code
Signature		Representative	to be Contacted:	
Company		Name	JAWL.	
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally demand this day of th regulations of Baltimore County and that the proper	at the subject matter of this	s petition be set for a publi	c hearing, advertised, as re	equired by the zoning
CASE NO. 2008-044 REV 10/25/01 4.180	Fetim	Zoning Comm	missioner of Baltimore Cour Date 3.2	21.08
	A			

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.

competent to testify thereto in the event that a public hearing is	
That the Affiant(s) does/do presently reside at Address	3 Sunshing Aug VILL MD 21087 State Zip Code
Kings	VILK MD 21087
City	State Zip Code
That based upon personal knowledge, the following are the factoriance at the above address (indicate hardship or practical difference of the factorian control of the facto	cts upon which I/we base the request for an Administrative friculty):
10.22	connot be placed roadside
	d is too close to the
house a well.	
94 -	jut put on the back sic
because it is	too close to was sep
3. It cannot b	e put on East side
because of drive	eway.
41 It must be p	laced on this side to keep
away from varge	tree roots.
That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional inform	s filed, Affiant(s) will be required to pay a reposting and ation.
m Beshell	100
Signature A S A S A S A	Signature
Name - Type or Print	Name - Type or Print
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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this 18 day of March of Maryland, in and for the County aforesaid, personally appeared	, 2008 , before me, a Notary Public of the State
MICHAEL BISKS F the Affiant(s) herein, personally known or satisfactorily identified	
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Public Morale 6-15-2009
Wotary	Public Inorales
My Co	mmission Expires 6-15-2009

ZONING DESCRIPTION FOR 6833 Sunshine Ave

As recorded in Liber W.P.C. No. 632, folio 190, and thence binding on the southwest side of Sunshine Avenue, south fifty-four degrees and sixteen minutes east one hundred eleven and twenty-five one hundredths feet; thence running for lines of division, the two following courses and distances, to wit; south twenty-nine degrees and four minutes west four hundred ninety-eight one-hundredths feet and north sixty degrees and four minutes west one hundred ten feet to the end of the second line, thence running with and binding on the third line thereof, north twenty-nine degrees and one minute east five hundred ten and eight one hundredths feet to the place of beginning. Containing one and two hundred seventy-six one-thousandths (1.276) acres of land, more or less. The improvements thereon being known as 6833 Sunshine Avenue located in the eleventh Election District, third councilman district.

BALTIMORE COUNTY, MARYLAND

OFFICE	OF BUI	DUNTY, DGET AN US RECI	ND FINA		J		No.	2110/21/0	PAID RECEIPT BISTHESS ACTUAL TIME ONLY 21/2008 3/21/2008 09/15/38 Z BOZ HATE NEW ME
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<u>DISTRIBL</u> WHITE - (PINK - A	GENCY			YELLOW	/ - CUSTOMER	CASHIER'S VALIDATION

Certificate of Posting

	RE: Case NO. <u>2008-04</u>	42-A
	Petitioner/Developer	
	M. Bishoft	ŧ .
	Date of Hearing/Closing	4/14/08
Baltimore County Department of Permits and Developmo County Office Building – Room 111 11 W. Chesapeake Ave. Fowson, Md. 21204	ent Managements	
Attention:		
This letter is to certify, under penalties equired by law, were posted conspicu		
6833 Suns	hine Avenue	
The sign(s) were posted on	3/30/08	
	(Month, Day, Year)	
	Sincerely, (Signature of sign Pos	<u>3/30/08</u> ter and date)
See Attached Photograph	Richard E. Hoffma (Printed Name) 904 Dellwood Dr (Address)	
	Fallston, Md. 2104 (City, State, Zip C	
	410-879-3122 (Telephone Numb	er)
	(- y

Certificate of Posting Photograph Attachment

Ke:	2008-0442-A
Petitio	ner/Developer:
	M.Bishoff
Date o	f Hearing/Closing: 4/14/08



6833 Sunshine Ave.

Posting Date: <u>3/30/08</u>

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2008-0442 -A Address 6833 Sunshine Ave
Contact Person: Phone Number: 410-887-3391
Contact Person: Planner, Please Print Your Name Posting Date: 3/30/07 Closing Date: 4/14/07
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.
2. <u>DEADLINE</u> : 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 08- 00442 -A Address 6833 Sunshine Aur.
Petitioner's Name M- Bish ff Telephone 410-592-2959
Posting Date: 3/39 Closing Date: 4/14
Nording for Sign: To Permit A SIDE YARD SETBACK FOR AN
ADDITION OF ZIFT. IN LIEU OF The
REDVICED 35ft.

WCR - 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 Newspaper Advertising:
Item Number or Case Number: 0442
Petitioner: Michael Bishoff
Address or Location: 6833 Sunshine Ave., Kingsville M. 21
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
Telephone Number: 410 - 592 - 2958



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

April 15, 2008

Michael Bishoff Melissa J. Bishoff 6833 Sunshine Avenue Kingsville, MD 21087

Dear Mr. and Mrs. Bishoff:

RE: Case Number: 08-442-A, 6833 Sunshine Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 21, 2008. 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

U. Cal Richal

WCR:amf

Enclosures

c: People's Counsel



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

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

Maryland Department of Transportation

Date: Avail 4, 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. 8-442-A

6883 SLUSHINE AVENUE BISHORF PROPRIETY ADMIN. 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. 8-442-4.

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,

1 Steven D. Foster, Chief

For Engineering Access Permits

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 7, 2008

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) 08-442- 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 Bialek in the Office of Planning at 410-887-3480.

Prepared By

CM/LL



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

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441 442 443,444,445,446,447,449

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.

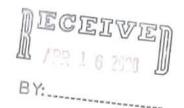
1The Fire Marshal's Office has no comments at this time.

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

cc: File

Inter-Office Correspondence





TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

April 16, 2008

SUBJECT:

Zoning Item # 08-442-A

Address

6833 Sunshine Avenue

(Bishoff Property)

Zoning Advisory Committee Meeting of March 10, 2008

Ü	•
	partment of Environmental Protection and Resource Management has no the above-referenced zoning item.
	partment of Environmental Protection and Resource Management offers the ents on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
X	Development of this property must comply with the Forest

_X Development of this property must comply with the Forest
 Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

<u>Additional Comments:</u> A Single Lot Declaration of Intent may be filed with DEPRM to address Forest Conservation Regulations for the proposed addition. – Glenn Shaffer; Environmental Impact Review

Prior to Building Permit approval, an evaluation of the septic system may be required.

- S. Farinetti; Ground Water Management

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 1, 2008

· TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 7, 2008

Items Nos. 08-441, 442, 443, 445,

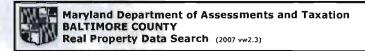
446, 447, 448, and 449

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

DAK:CEN:lrk

cc: File





Go Back View Map **New Search**

Account Identifier:

District - 11 Account Number - 1107015150

Owner Information

Owner Name:

Mailing Address:

BISHOFF MICHAEL

BISHOFF MELISSA

Principal Residence:

RESIDENTIAL YES

6833 SUNSHINE AVE KINGSVILLE MD 21087-1248 **Deed Reference:**

1) /21402/ 154

Location & Structure Information

Premises Address

6833 SUNSHINE AVE

Legal Description

1.276 AC

6833 SUNSHINE AVE SWS

1895 E HARFORD RD

Grid Map 12

Parcel 295

Sub District

Subdivision

Section

Lot **Block**

Assessment Area

Plat No:

Plat Ref:

Town

Special Tax Areas

Ad Valorem Tax Class

Primary Structure Built 1936

Enclosed Area 1,242 SF

Property Land Area 1.27 AC

County Use 04

Stories 1 1/2

Basement YES

Type STANDARD UNIT **Exterior**

SIDING

Value Information

Base Value Value 01/01/2006

As Of As Of 07/01/2007

As Of 07/01/2008

Land Improvements: 61,620 68,470

154,050 134,620 288,670

235,810

Phase-in Assessments

288,670

Total: **Preferential Land:**

GRIFFITHS DAVID JAMES

IMPROVED ARMS-LENGTH

GILLISPIE JOSEPH KEVIN

130,090

Transfer Information

Date: Deed1:

Date:

Date:

02/09/2005 /21402/ 154 07/25/2000

Price: Deed2:

Price:

Deed1: /14595/ 320

Deed2:

Price:

\$50,000

Type: IMPROVED ARMS-LENGTH

Partial Exempt Assessments

NOT ARMS-LENGTH

HUDSON CLIFFORD F

Deed1: **Exemption Information**

Class

000

000

000

/ 6675/ 510

03/05/1984

Deed2:

\$289,000

\$179,000

07/01/2007

0

0

0

07/01/2008

0

0

Tax Exempt: **Exempt Class:**

Seller:

Seller:

County

Municipal

State

Type:

Type: Seller:

NO

Special Tax Recapture:

