

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Berrycrest Court, 300 feet S
c/l of Walnutwood Road
8th Election District
3rd Councilmanic District
(6 Berrycrest Court)

Scott R. and Sarah E. Samels
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0555-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, Scott R. and Sarah E. Samels for property located at 6 Berrycrest Court. The variance request is from Section 1B01.2.C.1 (1970 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition on rear of existing dwelling with a window to lot line distance of 11 feet and a rear setback of 13 feet in lieu of the required 15 feet respectively, and to amend the 2nd Amended Partial Development Plan, Ssection IV of Hunters Run, Lot #90 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' wish to construct an addition onto the rear of the home to extend the length of the existing family room in order to accommodate the growing family. The addition will add two windows on the side of the house which will provide necessary natural light in the room. No windows currently exist due to the new size, the room would be too dark without them. Christopher and Colleen Copestake, who reside next door at 8 Berrycrest Court, and who are the most affected neighbor, submitted a letter of support for the Petitioners' proposal. Behind the subject property is a five foot drainage and utility easement and beyond that is open space owned by the Hunt Valley Station Homeowners Association, Inc.

POWER RECEIVED FOR FILING
7-1-08
PM

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 June 8, 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.

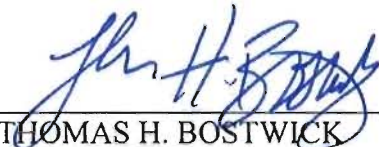
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18th day of July, 2008 that a variance from Section 1B01.2.C.1 (1970 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition on rear of existing dwelling with a window to lot line distance of 11 feet and a rear setback of 13 feet in lieu of the required 15 feet respectively, and to amend the 2nd Amended Partial Development Plan, Ssection IV of Hunters Run, Lot #90 only is hereby GRANTED, subject to the following:

RECEIVED FOR FILING
7.1.08
[Signature]

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 1, 2008

SCOTT R. AND SARAH E. SAMELS
6 BERRYCREST COURT
HUNT VALLEY MD 21030

Re: Petition for Administrative Variance
Case No. 2008-0555-A
Property: 6 Berrycrest Court

Dear Mr. and Mrs. Samuels:

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 "Th. 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 6 Berrycrest Court

which is presently zoned 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) 1B01.2.C.1 (1970 Reg.)

TO PERMIT AN ADDITION ON REAR OF EXISTING DWELLING WITH A WINDOW TO LOT LINE DISTANCE OF 11 FEET AND A REAR SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 15 FEET AND 15 FEET RESPECTIVELY; AND TO AMEND THE 2ND AMENDED PARTIAL DEVELOPMENT PLAN, SECTION IV OF HUNTERS RUN, LOT #90 ONLY.

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.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

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. 2008-0555-A

Reviewed By A. TSUI Date 05/30/08

REV 10/25/01

FORM RECEIVED FOR FILING

Estimated Posting Date 06/08/08 - 06/23/08

7.1.08 jmj

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

6 Berrycrest Court
Address
Hunt Valley MD 21030
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):

We are planning an addition on the back of our house to extend the length of the existing family room in order to accomodate our growing family. The current space is not large enough for the entire family (as well as visitors) to be in the room comfortably at the same time. The addition will add two windows on the side of the house which will provide necessary natural light in the room. No windows currently exist and due to the new size, the room would be too dark without them. The variance request is to permit these windows to have a setback of 11 feet instead of the required 15 feet. Our neighbors at 8 Berrycrest Ct. who are immediately next to the proposed addition have provided a letter of support acknowledging that they do not oppose the placement of these windows. No other neighbor should be affected by this change.

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.

Scott R. Samels
Signature

Scott R. Samels
Name - Type or Print

Sarah E. Samels
Signature

Sarah E. Samels
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of MAY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SCOTT R. SAMELS & SARAH E. SAMELS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Austin D. Hooney
Notary Public

My Commission Expires 2/1/11

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

6 Berrycrest Court
Address
Hunt Valley MD 21030
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):

We are planning an addition on the back of our house to extend the length of the existing family room in order to accommodate our growing family. The current space is not large enough for the entire family (as well as visitors) to be in the room comfortably at the same time. The addition will add two windows on the side of the house which will provide necessary natural light in the room. No windows currently exist and due to the new size, the room would be too dark without them. The variance request is to permit these windows to have a setback of 11 feet instead of the required 15 feet. Our neighbors at 8 Berrycrest Ct. who are immediately next to the proposed addition have provided a letter of support acknowledging that they do not oppose the placement of these windows. No other neighbor should be affected by this change.

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.

Scott R. Samels
Signature

Scott R. Samels
Name - Type or Print

Sarah E Samels
Signature

Sarah E Samels
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of MAY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott R. Samels & Sarah E. Samels
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Austin D. Rooney
Notary Public

My Commission Expires 2/1/11



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6 Berrycrest Court
which is presently zoned 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) 1 B01.2.C.1 (1970 REG.)

TO PERMIT AN ADDITION ON REAR OF EXISTING DWELLING WITH A WINDOW TO LOT LINE DISTANCE OF 11 FEET AND A REAR SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 15 FEET AND 15 FEET RESPECTIVELY; AND TO AMEND THE 2ND AMENDED PARTIAL DEVELOPMENT PLAN, SECTION IV OF HUNTERS RUN, LOT # 90 ONLY.

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.

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):

Scott R Samels
Name - Type or Print _____
Scott R Samels
Signature _____
Sarah E Samels
Name - Type or Print _____
Sarah E Samels
Signature _____
6 Berrycrest Ct. 410-785-4014
Address _____ Telephone No. _____
Hunt Valley MD 21030
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
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. 2008-0555-A

REV 10/25/01

POWER RESERVED FOR FILE

7.1.08 pm

Reviewed By A. TSUI Date 05/30/08

Estimated Posting Date 06/08/08 - 06/23/08

ZONING DESCRIPTION FOR 6 Berrycrest Court Hunt Valley, MD 21030

Beginning at a point on the west side of Berrycrest Court which is 40 feet wide at the distance of 300 feet south of the centerline of the nearest improved intersecting street, Walnutwood Road, which is 40 feet wide. Being Lot # 90, Block (n/a), Section #4 in the subdivision of Hunters Run as recorded in Baltimore County Plat Book # 59, Folio #109, containing 0.18 acres. Also known as 6 Berrycrest Court and located in the 8th Election District, 3rd Councilmanic District.

2008-0555-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **15332**

Date:

05/30/08

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				115 --

Total:

\$ 115 --

Rec
From:

Sarah Samels

For:

6 Benjuevst Ct.

08-0555-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

PAID RECEIPT
 05/30/08 6/10/2008 10:21:19
 001 006 6150 115 --
 RECEIPT # 359112 5/30/2008 05/30
 5 500 JAMES VERIFICATION
 01532
 Recpt Tot \$115.00
 \$115.00 OK \$ 00 CB
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 06/10/08

Case Number: 08-0555-A

Petitioner / Developer: SARAH SAMELS

Date of Hearing (Closing): JUNE 23, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6 BERRYCREST COURT

The sign(s) were posted on: 06/08/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 0555 -AAddress 6 BERRYCREST CT. 21030Contact Person: AARON TSUI
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 05/30/2008Posting Date: 06/08/08Closing Date: 06/23/08

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- 0555 -AAddress 6 BERRYCREST CT.Petitioner's Name SAMELSTelephone 410-785-4014

Posting Date: _____

Closing Date: _____

Wording for Sign: To Permit AN ADDITION ON REAR OF EXISTING DWELLING WITH A WINDOW TO LOT LINE DISTANCE OF 11 FEET AND A REAR SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 15 FEET AND 15 FEET RESPECTIVELY.

WCR - Revised 6/25/04



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

June 23, 2008

Scott R. Samels
6 Berrycrest Ct.
Hunt Valley, MD 21030

Dear: Scott R. Samels

RE: Case Number 2008-0555-A, Address: 6 Berrycrest Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 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

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 25, 2008

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

RECEIVED
JUN 27 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-555- 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

Curtis Murray

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 10, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2008
Item Nos. 08-0548, 0549, 0550, 0551,
0552, 0553, 0554, 0555, 0556, and 0557

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

DAK:CEN:lrk

cc: File

ZAC-06102008-NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

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

June 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: 0527A, 0549A, 0550A, 0551SPH, 0552SPHA, 0553X, 0554A, 0555A, 0556A, 0557SPH

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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-20-2008

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

RE: Baltimore County
Item No 2008-0555-A
6 BERRYCREST CT
SAMELS 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. 2008-0555-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



May 27, 2008

To Whom It May Concern:

We are aware that Sarah and Scott Samels, our next-door neighbors who reside at 6 Berrycrest Court, are planning to put an addition on the back of their house. The addition will include 2 windows on the side of their house that faces our property, 8 Berrycrest Court. These windows will be 11 feet from their property line.

We do not have windows on the main side of our house; however there is a window in our family room which is set further away from the main side of our house. Although this window does face the property of 6 Berrycrest Court, because of the distance involved of approximately 70 feet, we have no objections to their plans. If there are any further questions, please do not hesitate to contact us at 410-785-1265.

Sincerely,

Christopher Copestake
Colleen Copestake

Christopher Copestake
Colleen Copestake

2008-0555-A

1210
042C1

NW 19-B

DR-3.5

042C2

8 ED

3 CD

HUNTERS RUN (SECTION 4) (PDM File/Project #)

NW 19-A

2008-0555-A

RC



2008-0555-A



2008-0555-A



REVIEWED BY	ITEM #	CASE #
A Tsui	0555	2008-0555-A