

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Cuning Circle, 83 feet S side
of Eva Court
7th Election District
6th Councilmanic District
(7128 Cuning Circle)

Matthew and Michelle Christensen
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0191-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, Matthew and Michelle Christensen for property located at 7128 Cuning Circle. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 26 feet in lieu of the required 30 feet for an addition. 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 split-level dwelling to accommodate their growing family. This proposed addition will contain a dining room, deck with stairs, and a bedroom. The rear of the dwelling has a concrete stairwell leading to the basement, so Petitioners are limited exactly where they can construct the addition. The rear property line is on an angle; therefore, the left side of the addition will encroach 4 feet into the 30 foot setback and the right side of the addition will encroach 2 feet into the 30 foot setback. Construction drawings submitted with the Petition depict an attractive addition which will be an asset to the neighborhood.

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.

2-10-09
M

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 25, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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.

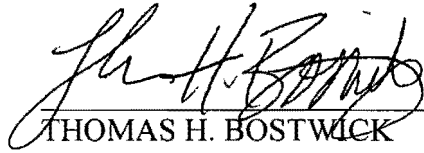
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10th day of February, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 26 feet in lieu of the required 30 feet for an addition 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.

~~STAMPED~~
2-10-09
PM

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



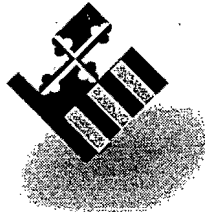
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

APPROVED FOR FILING

2-10-09

pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 10, 2009

MATTHEW AND MICHELLE CHRISTENSEN
7128 CUNNING CIRCLE
MIDDLE RIVER MD 21220-1253

Re: Petition for Administrative Variance
Case No. 2009-0191-A
Property: 7128 Cuning Circle

Dear Mr. and Mrs. Christensen:

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 dark ink, appearing to read "Tom H. Bostwick", written over a circular stamp or seal.

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 7128 CUNNING CIRCLE, MIDDLE RIVER, MD 21220
which is presently zoned DR-5.5

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) ~~1802.3.C.1~~ 1802.3.C.1, BCZR, To permit a rear setback of 26 ft in lieu of the required 30 ft for an addition.

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): ✓

MATTHEW DAVID CHRISTENSEN
Name - Type or Print _____
Signature _____
MICHELLE ELIZABETH CHRISTENSEN
Name - Type or Print _____
Signature _____
7128 CUNNING CIRCLE 443-720-0814
Address Telephone No. _____
MIDDLE RIVER MD 21220-1253
City State Zip Code _____

Representative to be Contacted:

Name Same
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. 2009-0191-A

Reviewed By SCM

Date 1.16.09

REV 10/25/01

Estimated Posting Date 1.25.09

2-10-09

pm

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 7128 CUNNING CIRCLE
Address
MIDDLE RIVER MD 21220-1253
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):

Due to the complex nature of the existing roof offsets, we are only able to construct an addition on one half of the rear of the house. We wish to build a dining room and bedroom. Accommodating these rooms push the addition into the 30' rear setback.

Without this expansion, we will be forced to move from our home in order to support the growth of our family.

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.

[Signature]
Signature

MATTHEW DAVID CHRISTENSEN
Name - Type or Print

[Signature]
Signature

MICHELLE ELIZABETH CHRISTENSEN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of January, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Notary Seal]
RAMONA JOHNSON
Notary Public
Baltimore City
Maryland
My Commission Expires May 15, 2012
[Signature]
Notary Public
My Commission Expires 5-15-12

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35043**

Date: **01/16/09**

PAID RECEIPT

BUSINESS: ACTUAL THE
 1/16/2009 1/16/2009 07:17:05

REB 8502 WALKIN JEWELL
 RECEIPT # 620400 1/16/2009

5 528 JUDICIAL RELOCATION

OR 023043

Receipt Tot \$45.00

\$45.00 CL \$45.00 CL

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Total: **65.00**

Rec From: **M. CHRISTENSEN**

For: **2009-0191-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

ZONING DESCRIPTION FOR 7128 CUNNING CIRCLE, MIDDLE RIVER, MD 21220-1253

Beginning at a point on the west side of Cunning Circle which is 50 feet wide at the distance of 83 feet south of the centerline of the nearest improved intersecting street Eva Court which is 50 feet wide.

*Being Lot # 39, Block F in the subdivision of Cunninghill Cove – First Amended Plat # 5 as recorded in Baltimore County Plat Book # 45, Folio # 145, containing 5,969 square feet. Also known as 7128 Cunning Circle and located in the 15th Election District, 6th Councilmanic District.

CERTIFICATE OF POSTING

RE: 2009-0191-A

Petitioner/Developer: _____

M. Christensen

Date of Hearing/closing Feb 9 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews

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: _____
7128 Cuning Circle .

The sign(s) were posted on _____ Jan 25, 2009
(Month, Day, Year)

Sincerely,

Robert Black 1-27-09
(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)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0191-A

A VARIANCE TO PERMIT A REARYARD SETBACK FOR AN
ADDITION OF 26 FT IN LIEU OF THE REQUIRED 30 FT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
4:00 P.M. ON 12-09-09

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0191 -A

Address 7128 CUNNING CIRCLE

Contact Person: J. MEFFEY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1-16-09

Posting Date: 1-25-09 Closing Date: 2-09-09

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2009- 0191 -A

Address 7128 CUNNING CIRCLE

Petitioner's Name M. CHRISTENSEN

Telephone 410-730-0314

Posting Date: 1-25-09

Closing Date: 2-09-09

Wording for Sign: A VARIANCE
To Permit A REARYARD SETBACK FOR AN
ADDITION OF 26 ft. IN LIEU OF THE
REQUIRED 30 ft.

WCR - Revised 7/7/08

**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/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.

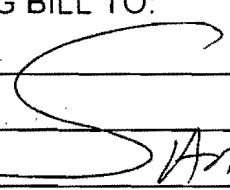
For Newspaper Advertising:

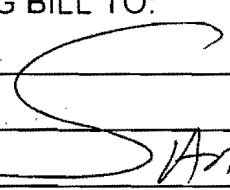
Item Number or Case Number: 0191

Petitioner: MATTHEW CHRISTENSEN

Address or Location: 7128 CUNNING CIRCLE, Middle River, Md. 21220-1253

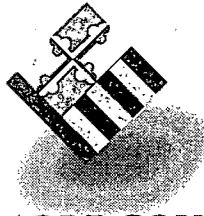
PLEASE FORWARD ADVERTISING BILL TO:

Name: 

Address: 

Telephone Number: ~~410~~ 443-730-0314

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
February 09, 2009

Matthew & Michelle Christensen
7128 Cunning Cir.
Middle River, MD 21220

Dear: Matthew & Michelle Christensen

RE: Case Number 2009-0191-A, 7128 Cunning Cir.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 16, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

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: February 4, 2009

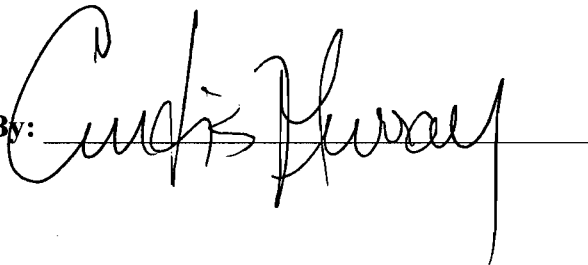
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-191- 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:
CM/LL

A handwritten signature in black ink, appearing to read "Laurie Hay", is written over a horizontal line. The signature is fluid and cursive.

RECEIVED

FEB 05 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

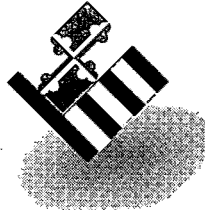
DATE: February 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item Nos. 2009-0166, ~~0191, 0192~~, 0193, and 0194

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

DAK:CEN:lrk
cc: File
ZAC-02092009 -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

February 2, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 2, 2009

Item Numbers 0166, 0190, 0191, 0192, 0193, 0194, 0195, 0196

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

PLAT TO ACCOMPANY PETITION FOR ZONING

☒ VARIANCE

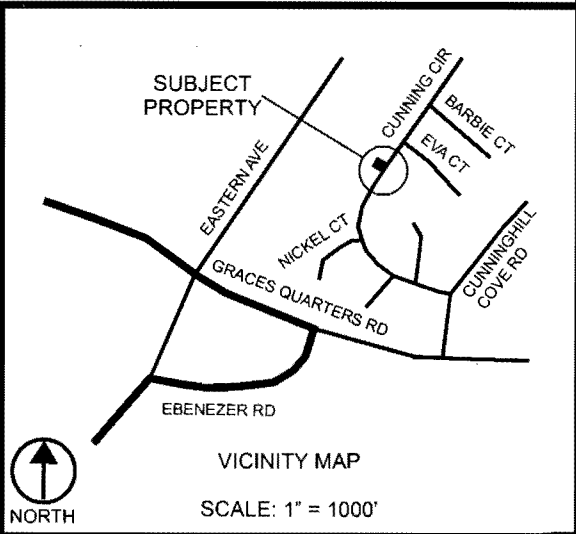
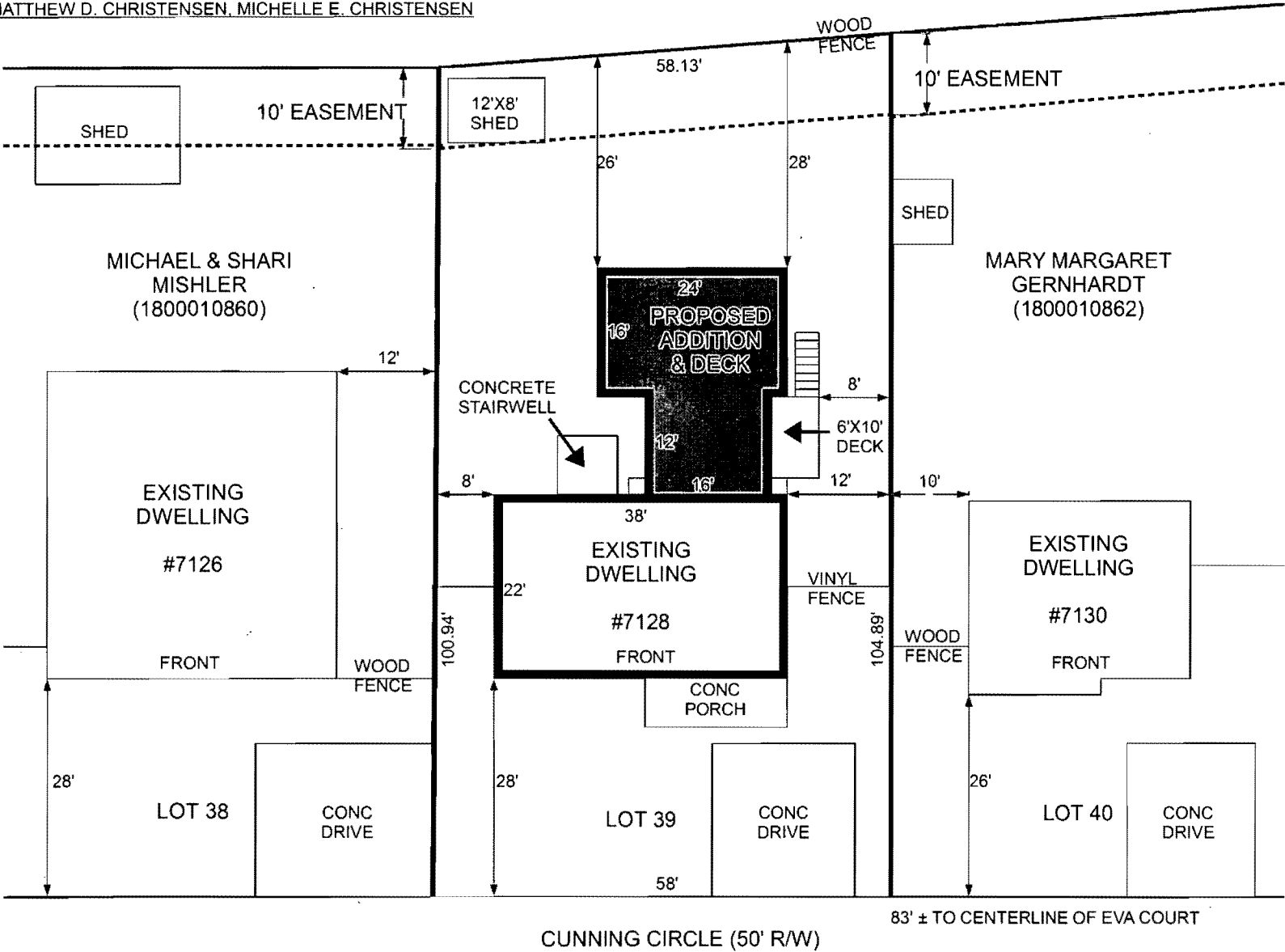
☐ SPECIAL HEARING

PROPERTY ADDRESS 7128 CUNNING CIRCLE, BALTIMORE COUNTY, MARYLAND

SUBDIVISION NAME CUNNINGHILL COVE - FIRST AMENDED PLAT #5

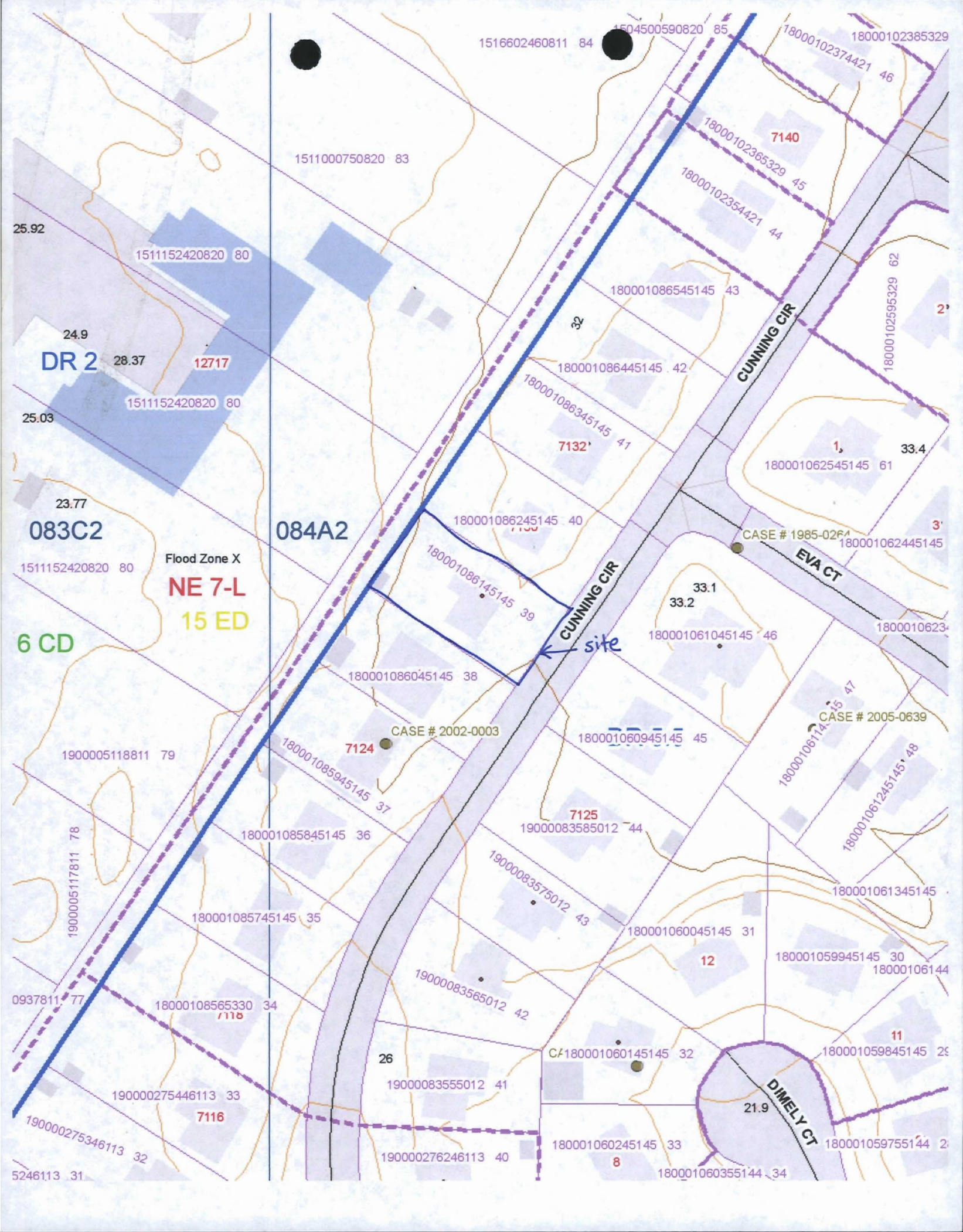
PLAT BOOK # 45 FOLIO # 145 LOT # 39 SECTION # N/A

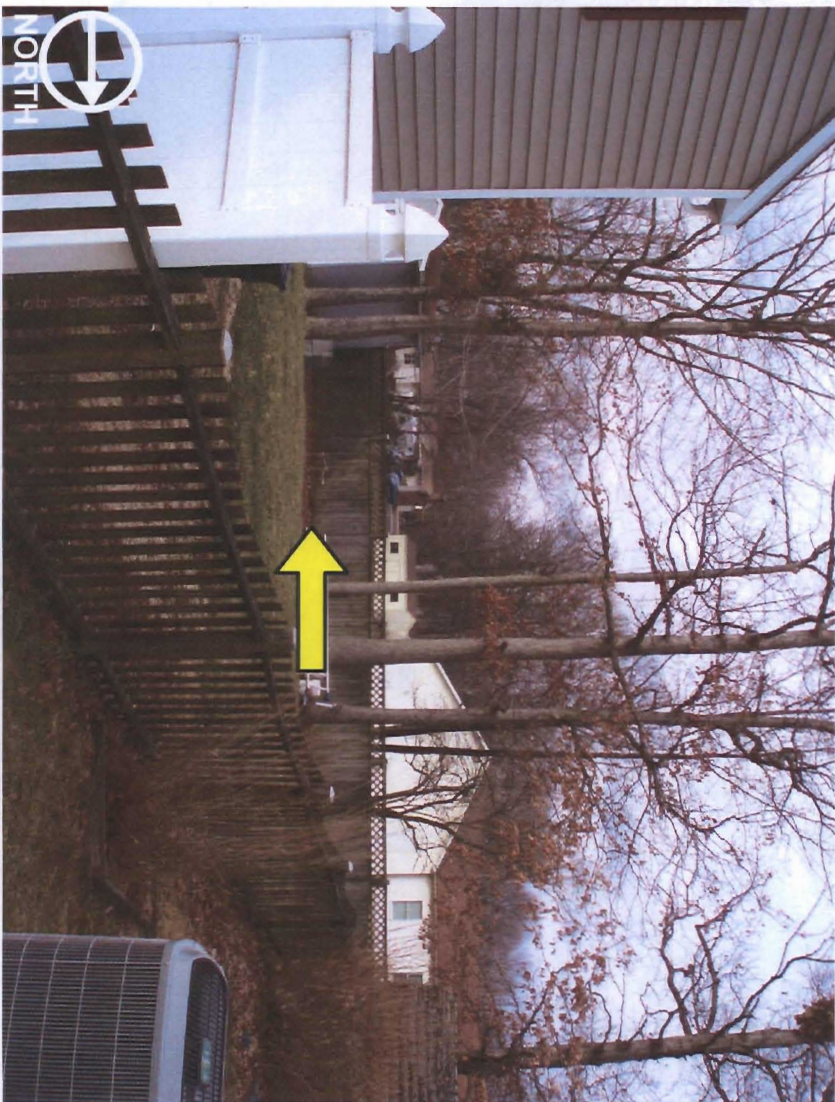
OWNER MATTHEW D. CHRISTENSEN, MICHELLE E. CHRISTENSEN



LOCATION INFORMATION			
ELECTION DISTRICT <u>15th</u>			
COUNCILMANIC DISTRICT <u>6th</u>			
1" = 200' SCALE MAP # <u>NE 7-L</u>			
ZONING <u>DR-5.5</u>			
LOT SIZE	<u>0.137</u>	<u>5.969</u>	
	ACREAGE	SQUARE FEET	
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA		☐ YES	☒ NO
100 YEAR FLOOD PLAIN		☐	☒
HISTORIC PROPERTY / BUILDING		☐	☒
PRIOR ZONING HEARING			NONE





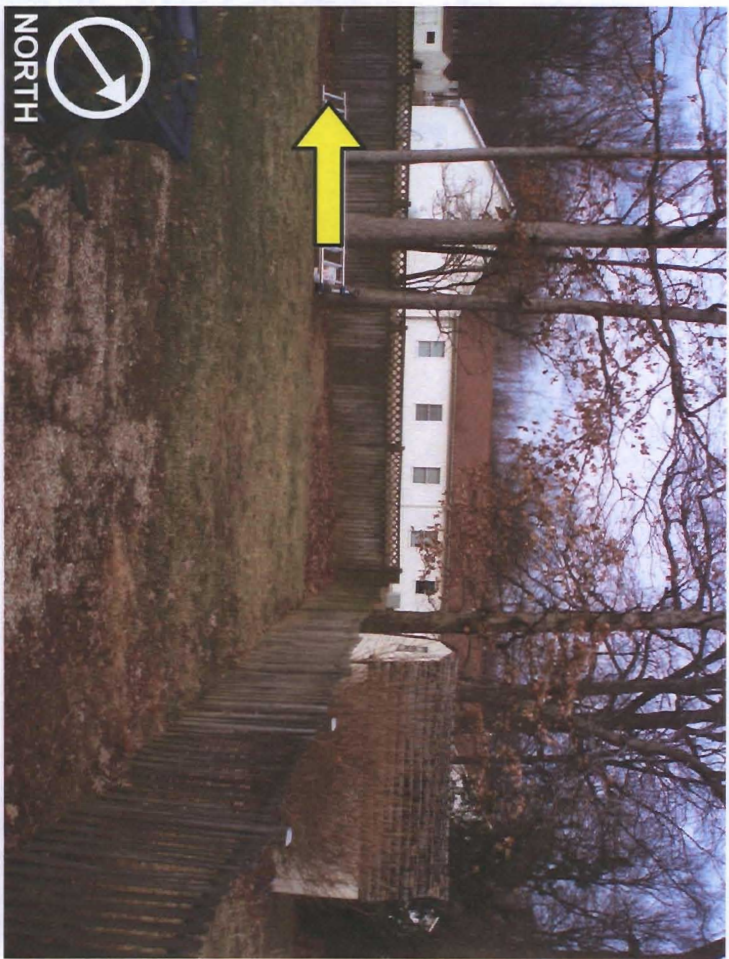


PROPERTY PHOTOGRAPHS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION
01.11.2009

PREPARED BY
MATTHEW CHRISTENSEN



PROPERTY PHOTOGRAPHS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION
01.11.2009

PREPARED BY
MATTHEW CHRISTENSEN

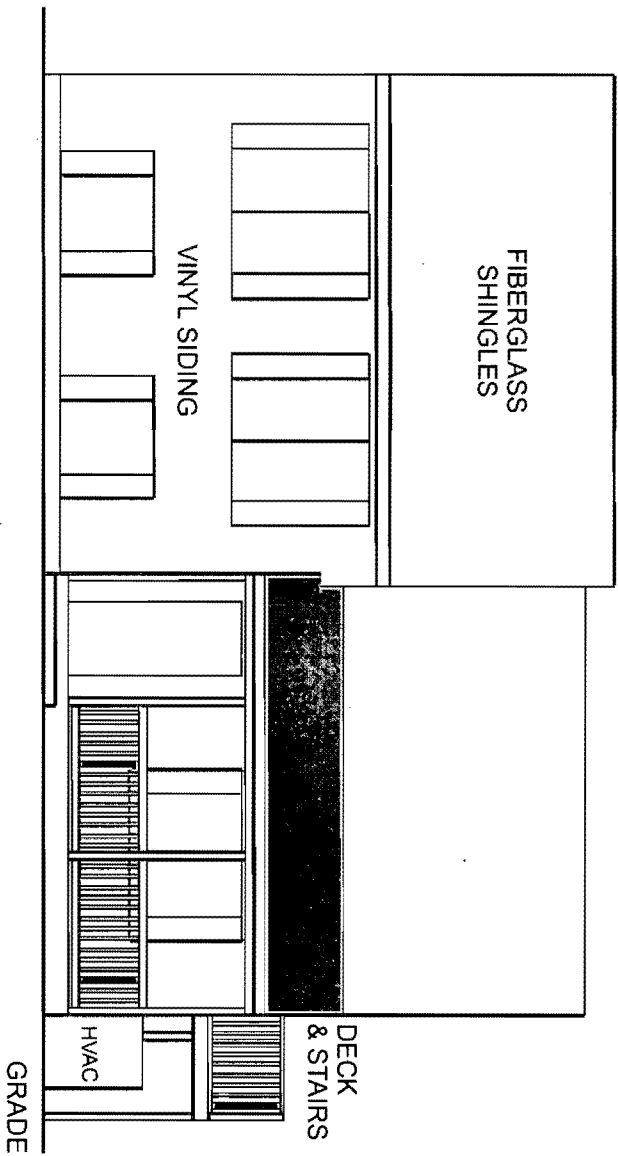


PROPERTY PHOTOGRAPHS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

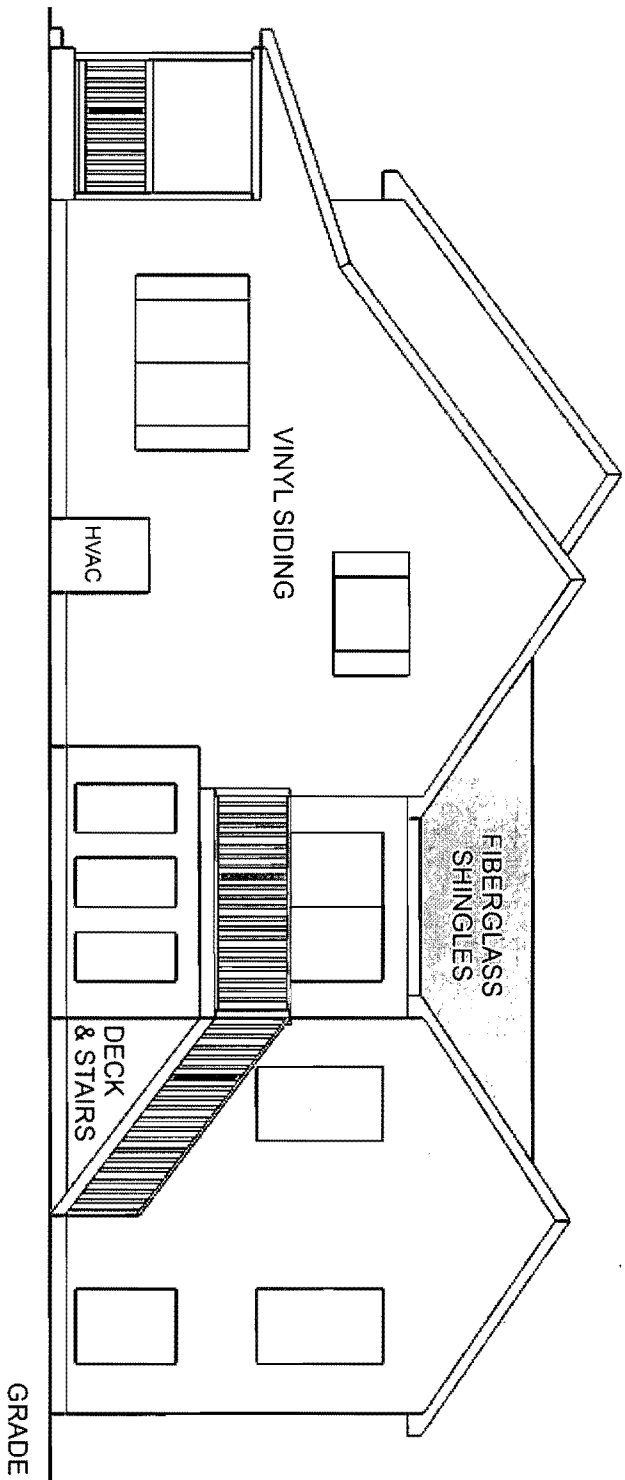
REVISION
01.11.2009

PREPARED BY
MATTHEW CHRISTENSEN



FRONT ELEVATION

SCALE 1/8" = 1'



RIGHT ELEVATION

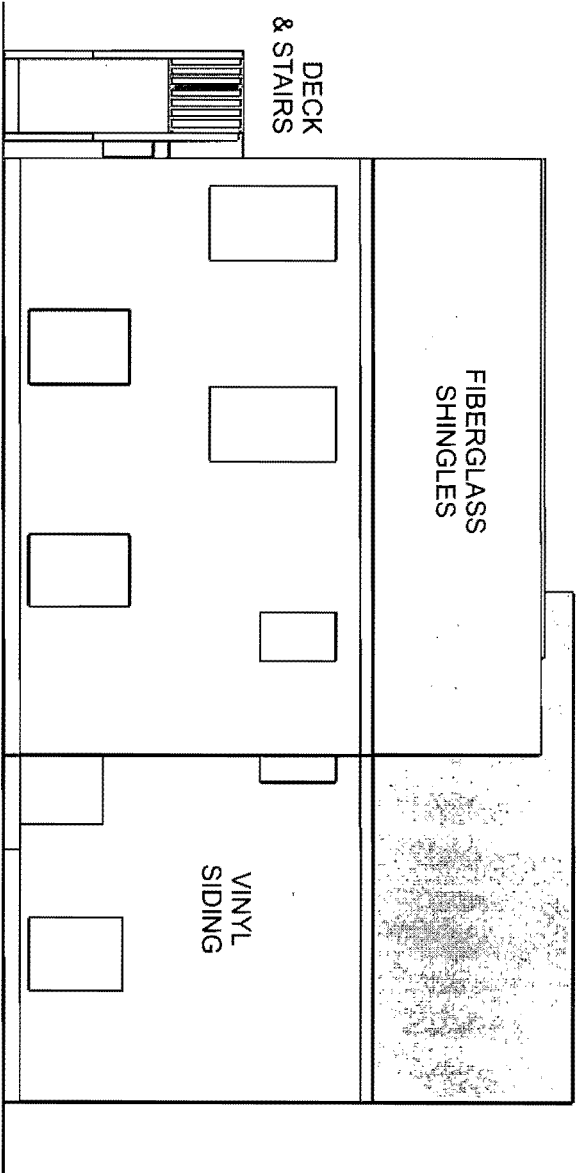
SCALE 1/8" = 1'

ADDITION CONSTRUCTION PLANS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

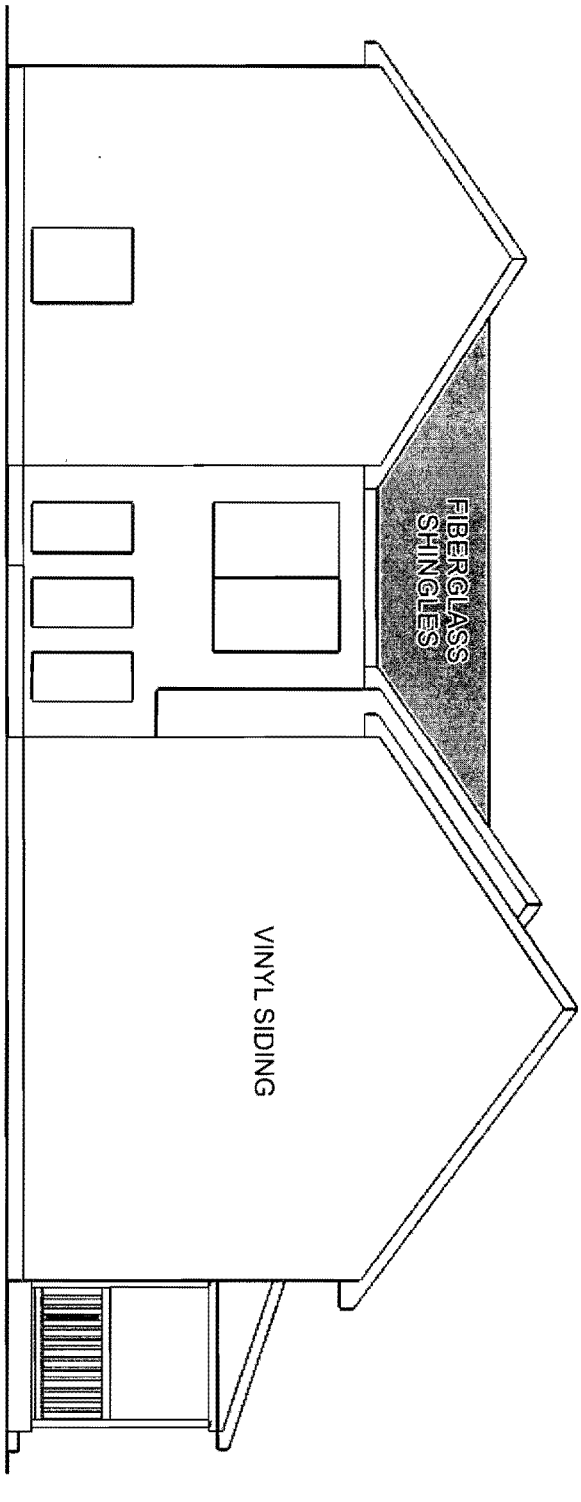
REVISION
01.01.2009

DRAWN BY
MATTHEW CHRISTENSEN



REAR ELEVATION

SCALE 1/8" = 1'



LEFT ELEVATION

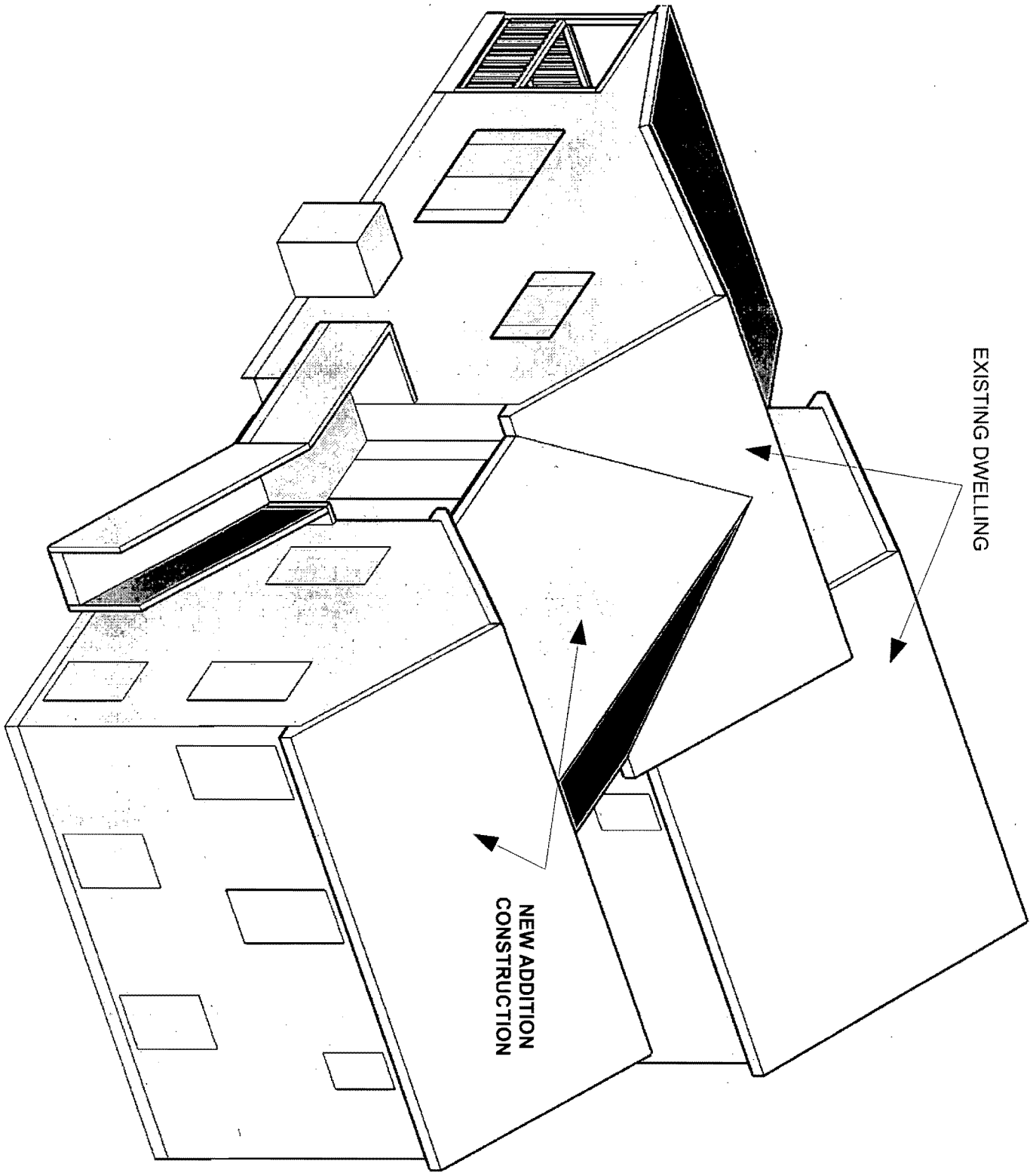
SCALE 1/8" = 1'

ADDITION CONSTRUCTION PLANS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION
01.01.2009

DRAWN BY
MATTHEW CHRISTENSEN

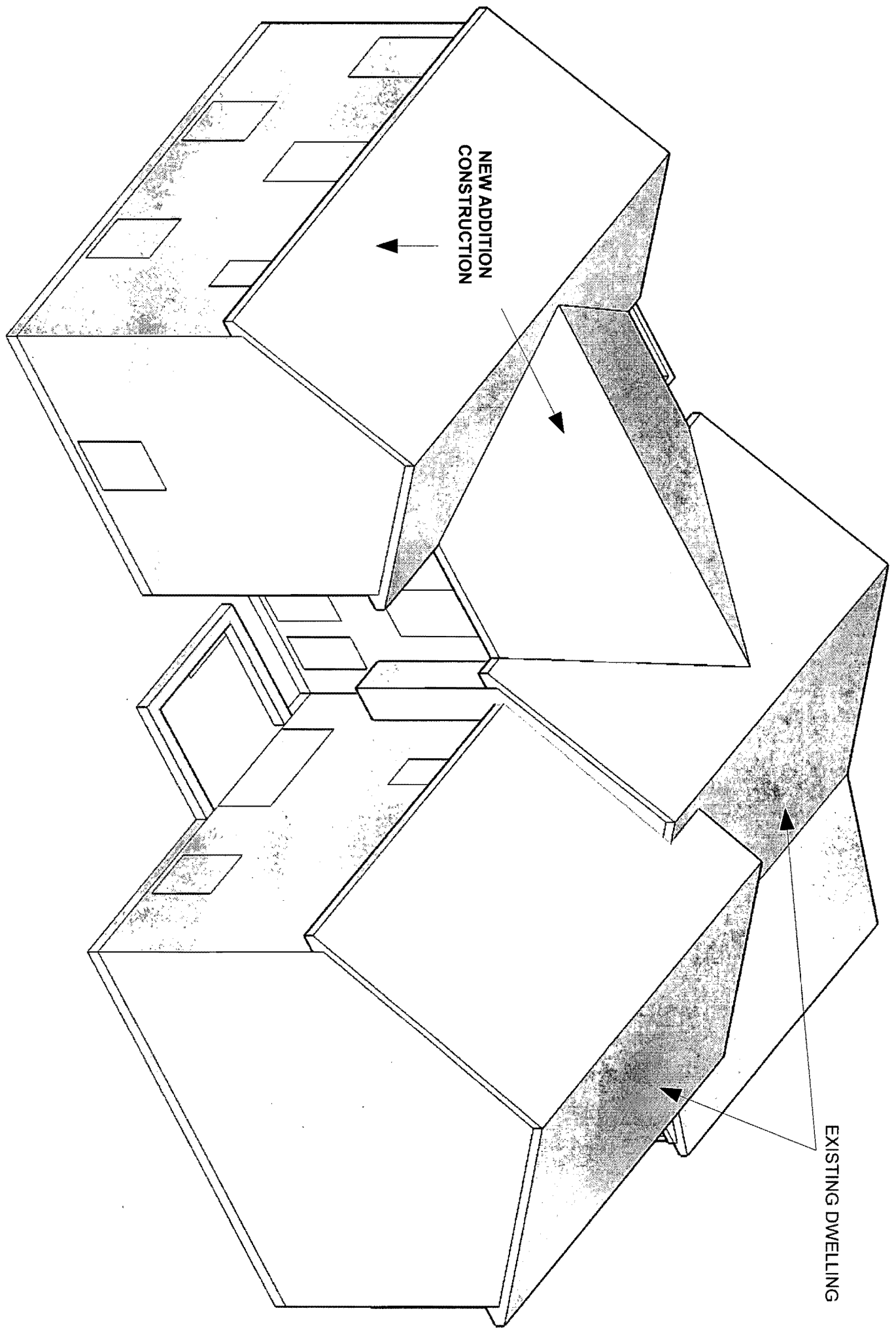


ADDITION CONSTRUCTION PLANS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION
01.01.2009 _____

DRAWN BY
MATTHEW CHRISTENSEN

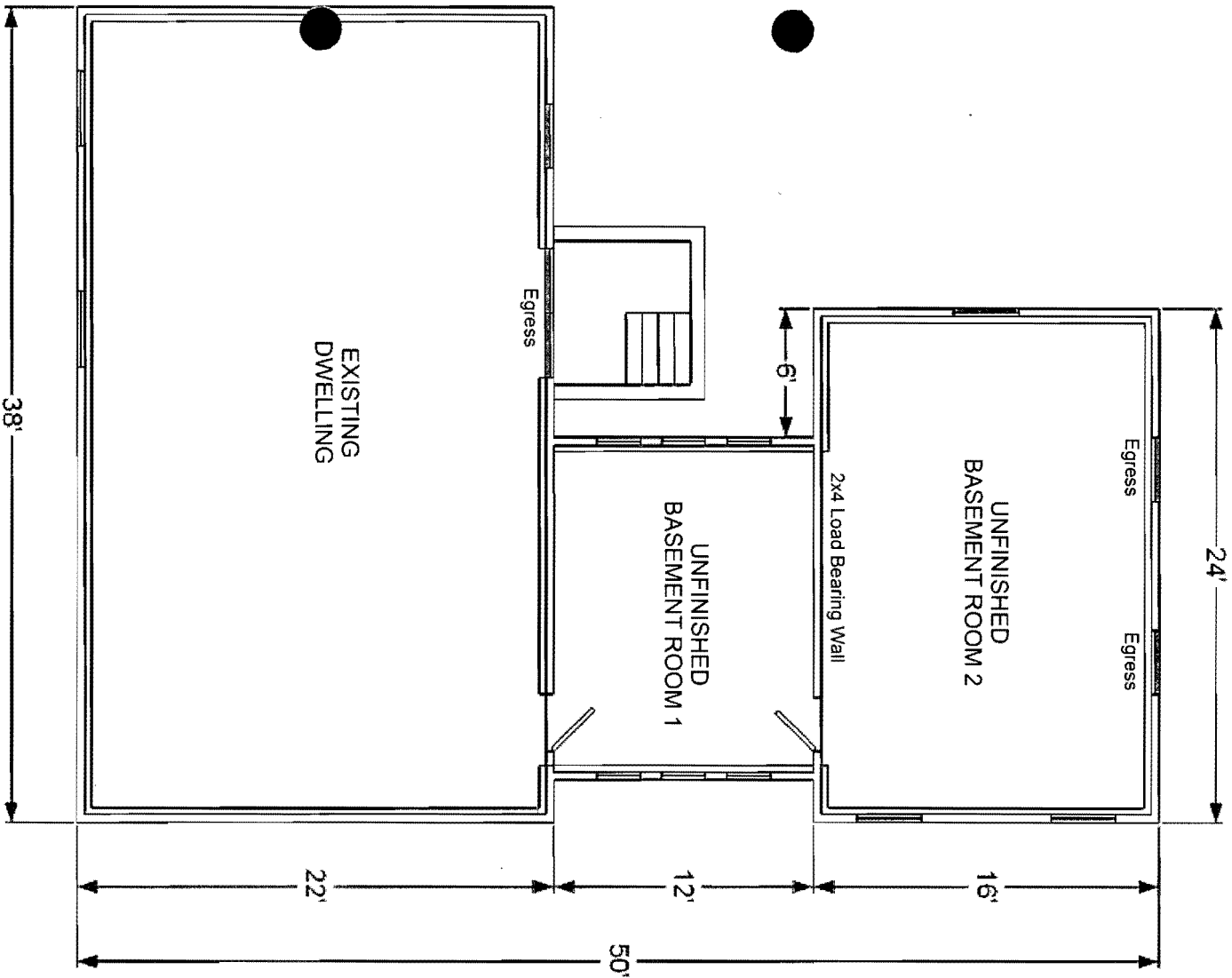


ADDITION CONSTRUCTION PLANS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

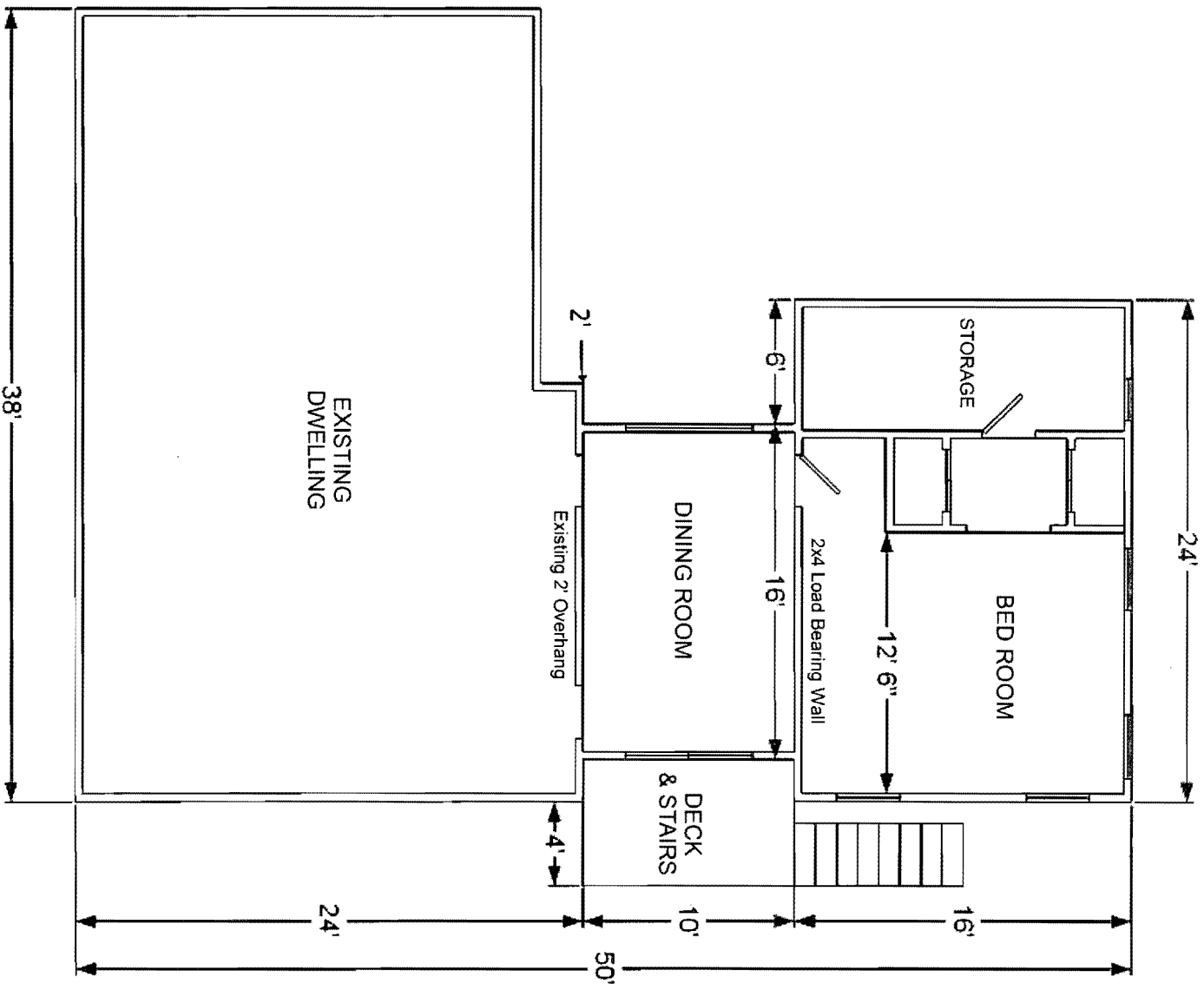
REVISION
01.01.2009

DRAWN BY
MATTHEW CHRISTENSEN



FIRST FLOOR

SCALE 1/8" = 1'



SECOND FLOOR

SCALE 1/8" = 1'

ADDITION CONSTRUCTION PLANS

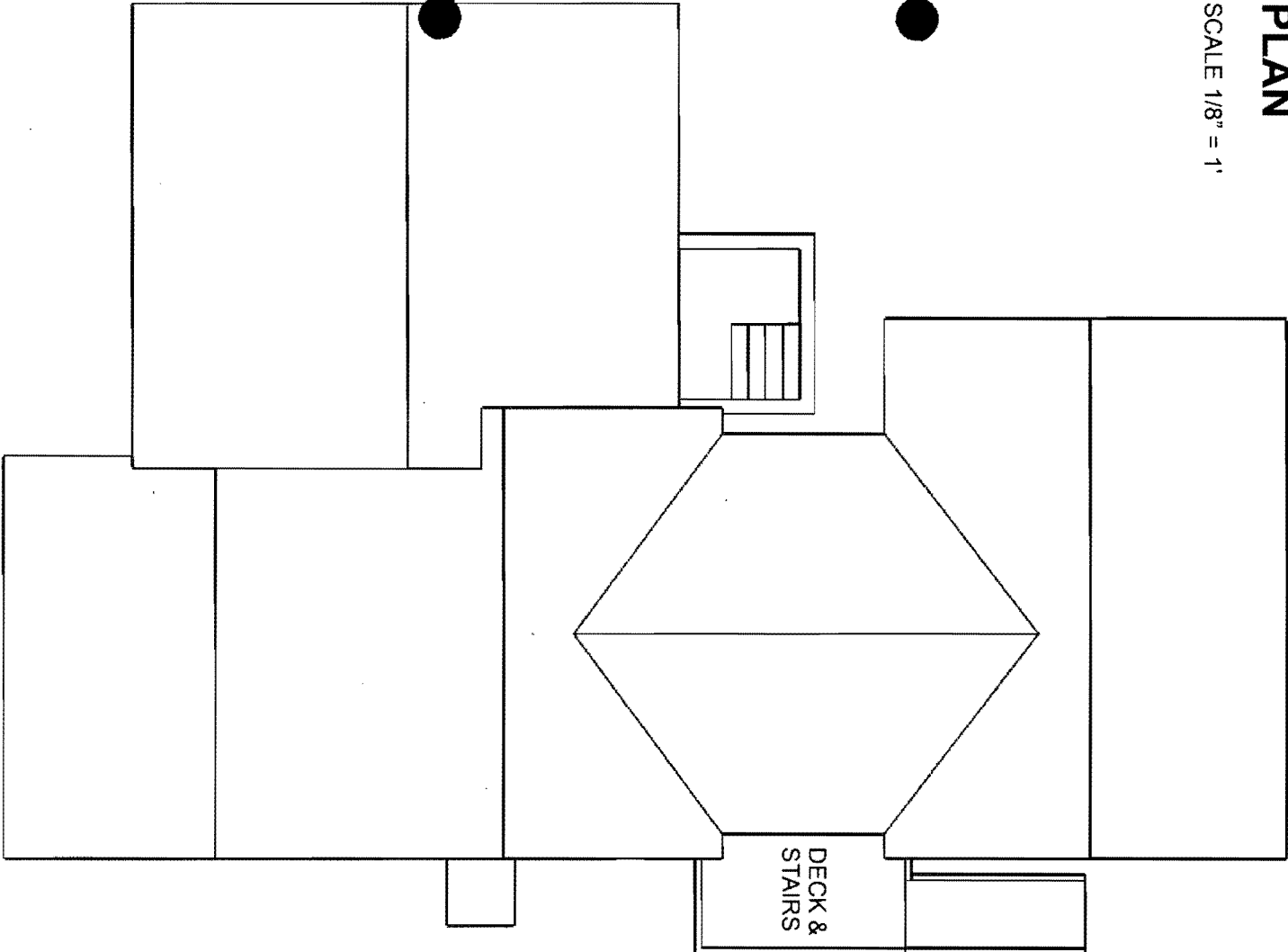
7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION
01.01.2009

DRAWN BY
MATTHEW CHRISTENSEN

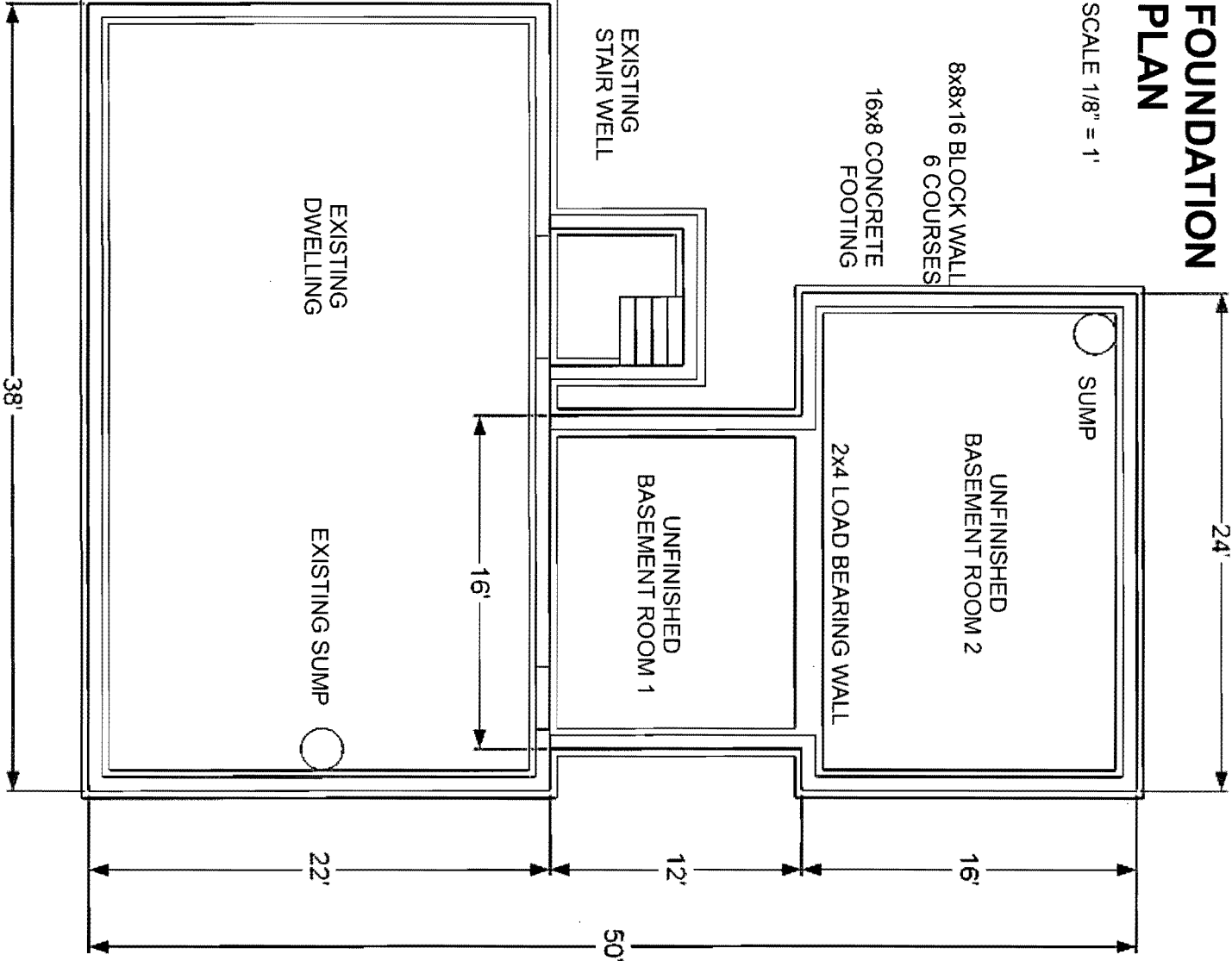
ROOF
PLAN

SCALE 1/8" = 1'



FOUNDATION
PLAN

SCALE 1/8" = 1'

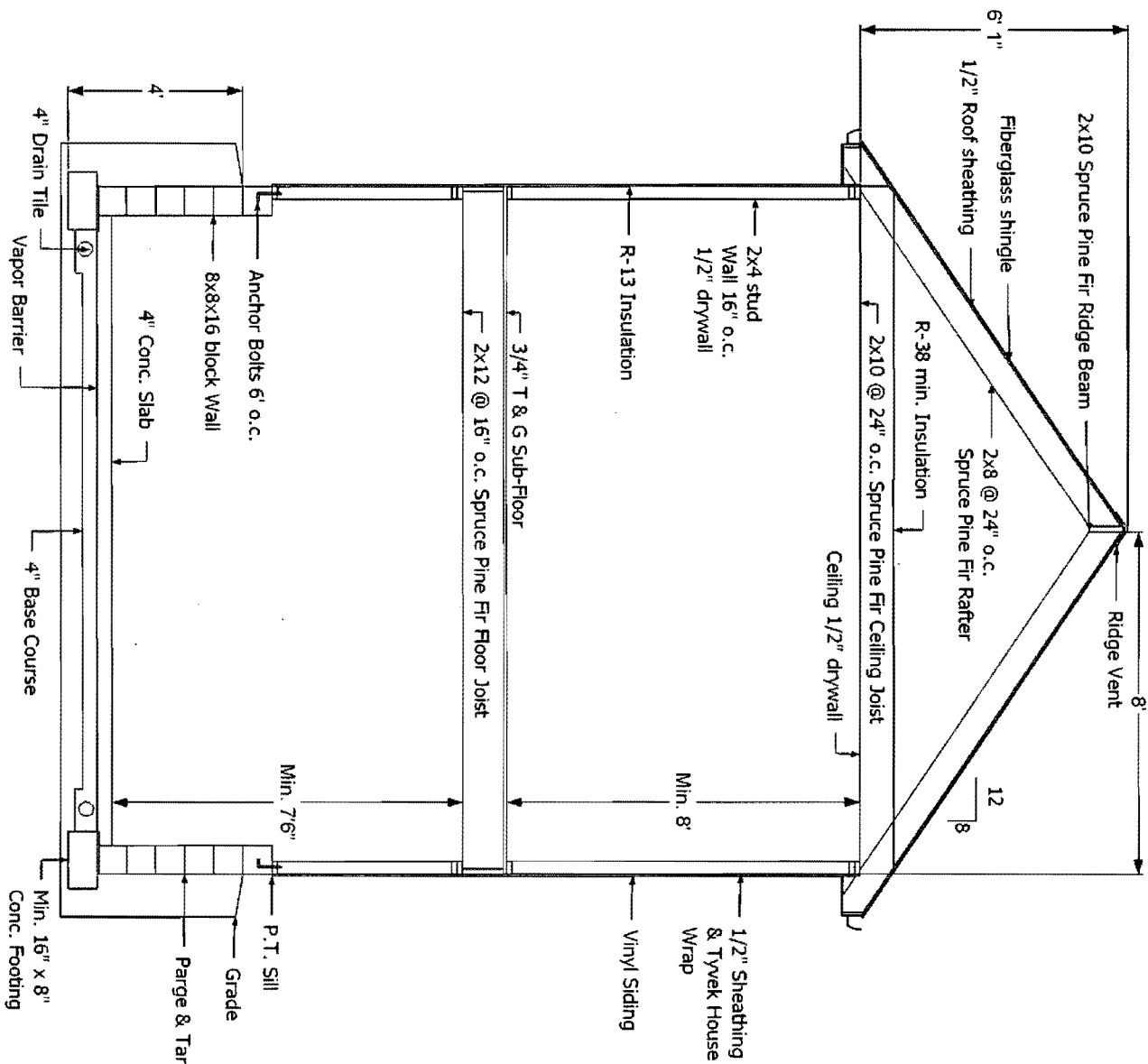


ADDITION CONSTRUCTION PLANS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION	
01.01.2009	

DRAWN BY
MATTHEW CHRISTENSEN



BUILDING CROSS-SECTION

SCALE 1/4" = 1'

ADDITION CONSTRUCTION PLANS

7128 CUNNING CIRCLE
BALTIMORE COUNTY, MARYLAND

REVISION
01.01.2009

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MATTHEW CHRISTENSEN