IN RE: PETITION FOR ADMIN. VARIANCE

E side of Perry Road; 304 feet S of the c/l of Fitch Avenue
14th Election District
6th Councilmanic District
(7833 Perry Road)

Richard T. and Laura L. Chisolm Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0016-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, Richard T. and Laura L. Chisolm for property located at 7833 Perry Road. The variance request is from Section 1B02.3.B (1B01.2.C.4 1970 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a propsed open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet, and to amend the Final Development Plan of Perry Place for Lot 4 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated July 30, 2010 which states that permanent structures may not be built in an existing drainage and utility easement. Petitioners may apply to the County for the release of the easement or revise the site plan to remove the portion of the structure from the easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 18, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER R	ECEIVED FOR FILING	
Date	8-11-10	
Bv	00	

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. In light of the comment from the Bureau of Development Plans Review dated July 30, 2010 related to the carport location in the County's drainage and utility easement, a condition of relief shall involve compliance with the Bureau of Development Plans Review comment. Relief is herein conditioned upon Petitioners obtaining satisfactory approval of the location of said carport from the Bureau of Development Plans Review, or altering the site plan so that the proposed carport is no longer in the drainage and utility easement.

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 _______ day of August, 2010 that an Administrative Variance from Section 1B02.3.B (1B01.2.C.4 1970 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a propsed open projection (carport) to have a side yard setback of 0 feet in lieu of the required 6 feet, and to amend the Final Development Plan of Perry Place for Lot 4 only is hereby GRANTED, subject to the following:

ORDER RE	ECEIVED FOR FILING	à
Date	8-11-10	
Ву		2

- 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. Petitioners shall comply with the Bureau of Development Plans comment dated July 30, 2010 which states that permanent structures may not be built in an existing drainage and utility easement. Petitioners may apply to the County for the release of the easement or revise the site plan to remove the portion of the structure from the easement.

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

3

PHOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB/pz

ORDER RECEIVED FOR FILING

Date_		8-11-10	
Ву	·	06	



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 11, 2010

RICHARD T. AND LAURA L. CHISOLM 7833 PERRY ROAD BALTIMORE MD 21236

Re: Petition for Administrative Variance

Case No. 2011-0016-A Property: 7833 Perry Road

Dear Mr. and Mrs. Chisolm:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: HJ&R Contractors, Inc., PO Box 15453, Baltimore MD 21220



CASE NO. 2011-0016-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

MARYLLIN	for the property located at	7833	Perry	Pd. (DR 5.5	reas
	which	h is present	tly zoned <u>'</u>	JR 3.5	
This Petition shall be filed with	he Department of Permits and Develo	opment Mar	nagement. Th	ne undersigned, leg-	al

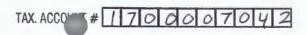
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B 02.3. B (1B01.2.C.4 1970 regs.) to permit a proposed open projection (carport) to have a side yard setback of & feet in lieu of the required 6; and to amend the final development plan of Perry Place, lot 4 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:	Legal Owner(s):
	Richard Chisolm
Name - Type or Print	Name - Type or Print
Signature	Signature Chisolm
Address . Telephone No.	Name - Type or Print Policy have
City State Zip Code	Signature
Attorney For Petitioner:	7833 Perry Rd.
	Baltimore, Maryland 21236
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	HJ+R Contractors, Inc. (Robert)
Address ORDER RECEIVED FOR FILING Telephone No.	P. 0 Box 15453 410.391-6811
	Baltimore, Maryland 21220
Date State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be r	equired, it is ordered by the Zoning Commissioner of Baltimore County, s petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County

Estimated Posting Date





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

TARIO .	for the property located at	7833 Perry	Pd (DR 5.51	970
	which	h is presently zoned	DR	3.5	regs
ition shall be filed with the De	partment of Permits and Devel	onment Management	The unde	ersigned	lenal

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) (BO2.3.B (BO1.2.C.4 1970 regs) —

to permit a proposed open projection (carport) to have a side yard set back of a feet in lieu of the required 6; and to amend the final development plan of Perry Place, lot 4 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: Legal Owner(s): Name - Type or Print Signature Address Telephone No. City State Zip Code Signature 410 668 7224 Attorney For Petitioner: Telephone No. Name - Type or Print ORDER RECEIVED FOR FILING Representative to be Contacted: Signature Company Name elephone No. Address electione No. State Zip Code City

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.

		Zonning Commissioner of Baltimore County				
CASE NO. 20	11-0016-A	Reviewed By 67 Date 7/9/10				
REV 10/25/01		Estimated Posting Date 7/18/10				
		, , , , , , , , , , , , , , , , , , , ,				

Zoning Description

east

south

Zoning description for 7833 Perry Road, Baltimore, Maryland 21236. Beginning at a point on the west side of Perry Road which is 30' wide at the distance of 304' north of the centerline of the nearest improved intersecting street Fitch Avenue which is 30' wide. Being Lot # 4 in the subdivision of Perry Place as recorded in Baltimore County Plat Book # 39, Folio # 72, containing 6,732 sq. ft. Also known as 7833 Perry Road, Baltimore, Maryland 21236 and located in the 14th Election District, 6th Councilmanic District.

Item #2016

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010 - 0016 - A Address 7833 Perry Rd
Contact Person: David Duyall Phone Number: 410-887-3391
Filing Date: 7/9/10 Posting Date: 1/18/10 Closing Date: 8/2/10
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.
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 2016 -A Address 7833 Kerry Rd
Petitioner's Name Richard Chisolm Telephone, 410-668-7224
Posting Date: 7/18/10 Closing Date: 8/2/10
Wording for Sign: To Permit a proposed open projection (carport) to have a side yard setback of & feet in lieu of the required 6; and to amend the final development plan of Perry Place, lot 4 only
· · · · · · · · · · · · · · · · · · ·

Revised 8/20/09

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: 2011-0016-A
Petitioner: CHISOIM, RICHARD & LAURA
Address or Location: 7833 PETTY RD
PLEASE FORWARD ADVERTISING BILL TO: Name: HUS R contractors INC.
Address: _ f.o. BoX \ \(\sigma \) \(\sigma
B. Ito. MD 21220
Telephone Number:

		,0 0,101	I RECEIPT	Rev Source/	Sub Rev/	Date:	7/	1/20	AND RESERVED
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	in into ano
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									WILL STREET
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									100 mm mm
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For:			200		- 643	*	2011-	U016-A	
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		,				*			
		3				f			,
									CASHIER'S
	JTION					-			VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2011-0016-A

	Petitioner/Developer KICHALI CHISOLIU
	Date Of Hearing/Closing: 8/2/10
Baltimore County Department of Permits and Development Mana County Office Building,Room 11 111 West Chesapeake Avenue	gement
Attention:	
adies and Gentlemen	
	alties of perjury that the necessary sted conspicuously on the property 7833 PELLY LD
This sign(s) were posted on	Month, Day, Year Sincerely,
	Signature of Sign Poster and Date
	Martin Ogle 60 Chelmsford Court
	Baltimore,Md,21220 443-629-3411



Mader Ogle 7/18/10



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 3, 2010

Richard and Laura Chisolm 7833 Perry Rd. Baltimore, MD 21236

Dear: Richard and Laura Chisolm

RE: Case Number 2011-0016-A, 7833 Perry Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 2010. 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 HJ & R Contractors, Inc.; P.O. Box 15453; Baltimore, MD 21220



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 20, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 2, 2010

Item No.: Variance: 2010-0363A, 2011-0008A - 0010A,

2011-0012A - 0014A, and 2011- 0017A.

Administrative Variance: 2011- 0011A, 2011- 0016A, and 2011- 0019A - 0020A.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File



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

Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 26,2010

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

Baltimore County RE:

Item No. 2011-0016-A 7833 PERRY ROAD CHISOLM PROPERTY 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. 20 11.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

SDF/mb

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 30, 2010

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 August 2, 2010 Item No.: 2011-016

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Permanent structures may not be built in an existing drainage and utility easement. You may apply to the County for the release of the easement or revise the plan to remove portion of the structure from the easement.

DAK CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2011-016-08022010.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 22, 2010

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) 11-016- 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

TB AV 8/2/10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 2 3 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 20, 2010

SUBJECT:

Zoning Item # 11-016-A

Address

7833 Perry Road

(Chisolm Property)

Zoning Advisory Committee Meeting of July 19, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer:

JWL

Date: 8/20/10

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ No Comment	
7-30-10	DEVELOPMENT PLANS REVIEW	oppose	
	DEPRM (if not received, date e-mail sent)		
7-20-10	FIRE DEPARTMENT	nc	
7-22-10	PLANNING (if not received, date e-mail sent)		
7-26-10	STATE HIGHWAY ADMINISTRATION	ne	
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS	<u>-</u>	
ZONING VIOLAT	ION (Case No		
PRIOR ZONING	(Case No.		
NEWSPAPER AD	VERTISEMENT Date:		
SIGN POSTING	Date: 7-18-10		
PEOPLE'S COUNS	SEL APPEARANCE Yes No N		
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No No		
Comments, if any:			



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw1.1d)

Go Back View Map **New Search**

Account Identifier:	District -	14 Account N	umber - 17	00007	042						
		Ow	ner Inform	ation							
Owner Name:	CHARD T NURA L		Use: Principal Residence:					RESIDENTIAL YES			
Mailing Address:	RD MD 21236-39	22	Deed Reference:					1) / 5788/ 660 2)			
		Location 8	Structure	Infor	matio	n					
Premises Address 7833 PERRY RD		Legal Descrip .156 AC 184 S FITCH A PERRY PLACE					CH AV	n			
Map Grid Parcel 81 12 517	Sub District	Subdivision	Section I	Block	Lot 4	Asse	ssmer 3	nt Area	Plat No: Plat Ref:	39/ 72	
Special Tax Areas	A	own d Valorem ax Class									
Primary Struct 1977	Enclosed Area 1,232 SF			Property Land Area 6,732.00 SF			rea	County Use 04			
Stories	Basement	Туре							Exterior		
1	YES		STANDARD UNIT				AS	BESTO	SHINGLE		
		Va	lue Inform	ation							
	Base Value	Value As Of 01/01/2009	As C 07/01/200	f	As	Of					
Land		94,230	07/02/200		,02,2						
Improvements: Total:		150,610 244,840	229,64	0	237,	240					
Preferential Land	0	0		0		0					
	130-130-130	Trait	nsfer Inform	natio	n.						
Seller: HOWES CONS Type: IMPROVED AF						10/197 788/ 6		Price Deed	\$56,400		
eller: ype:			Date: Deed1:					Price			
Seller: Type:		Date: Deed1:				Price: Deed2:					
		Exen	nption Info	mati	on						
Partial Exempt Asse	ssments		Cla			01/200	9	0	7/01/2010		
County			000		0			0			
State Municipal			000		0			0			
Tax Exempt: N Exempt Class:		Special Tax Recapture: * NONE *									

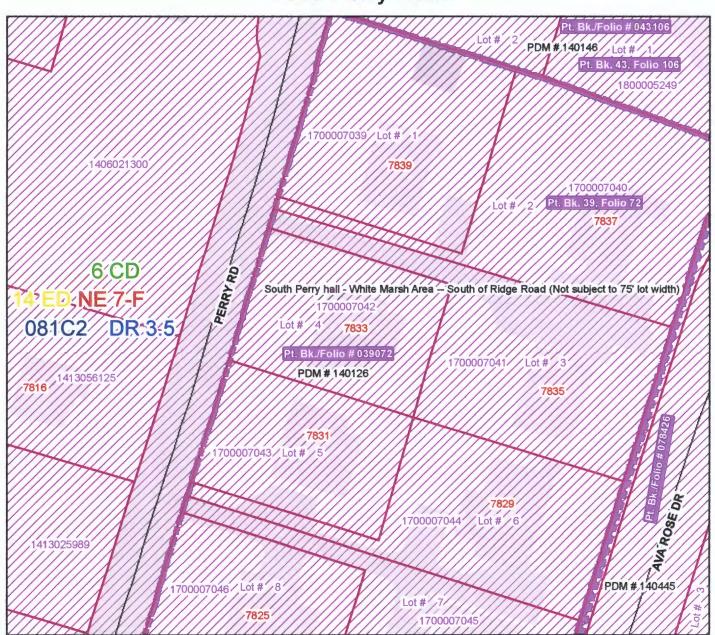






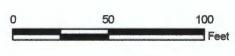


7833 Perry Road









0016-A