

IN RE: PETITION FOR ZONING VARIANCE
W/S Dulany Valley Road, 337.5'
V of the c/l of Charmuth Road
(1206 Dulany Valley Road)
9th Election District
4th Councilmanic District
John P. Harper, Jr., et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-89-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 2.9 feet in lieu of the minimum required 11.25 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners, by John P. Harper, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1206 Dulany Valley Road, consists of .46 acres zoned D.R. 2 and is improved with a single family dwelling which has been the Petitioners' residence since 1958. Petitioners propose adding a wood deck onto the existing dwelling on the north side which has natural shade and is most aesthetically attractive. However, the side on which the deck is proposed lacks the required setbacks from the property line. Testimony indicated the Petitioners have discussed their plans with the adjoining affected property owner who has no objection. Testimony further indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding neighborhood.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, 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 September, 1989 that the Petition for Zoning Variance to permit a side yard setback of 2.9 feet in lieu of the minimum required 11.25 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 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 is reversed. 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.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 2, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-89-A
W/S Dulany Valley Road, 337.5' N of c/l of Charmuth Road
1206 Dulany Valley Road
9th Election District - 4th Councilmanic
Petitioner(s): John P. Harper, Jr., et ux
HEARING SCHEDULED: THURSDAY, SEPTEMBER 7, 1989 at 3:00 p.m.

Variances To permit a 2.9 ft. side yard setback for an open projection (deck) in lieu of the minimum 11.25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

MICROFILMED

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:ga
cc: Mr. & Mrs. Harper
File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
90-89-A
The undersigned, legal owner(s) of the property situated 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 11B02-3 A.1.1.205.3, Dec. 1956 and 301.1
To permit a 2.9' side yard setback for an open projection (deck)
in lieu of the minimum 11.25'

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

1/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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:

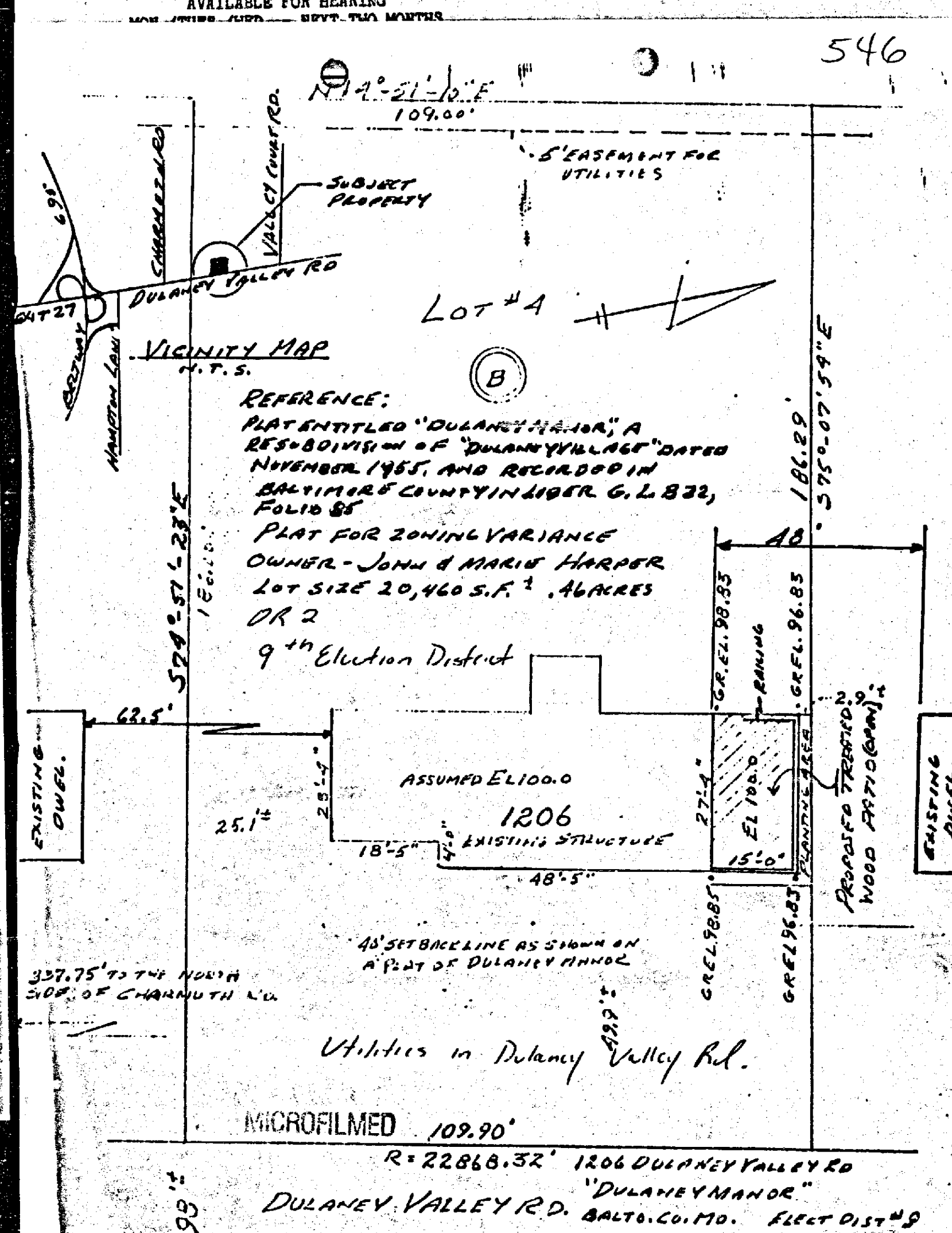
Legal Owner(s):
JOHN P. HARPER, JR.
(Type or Print Name)
Signature
MARIE C. HARPER
(Type or Print Name)
Signature
MARIE C. HARPER
(Type or Print Name)
Signature

1206 DULANY VALLEY RD. 90-89-A
TOWSON, MD. 21204
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
JOHN P. HARPER, JR.
1206 DULANY VALLEY RD. 90-89-A
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of Sept. 1989, at 3 o'clock p.m.

MICROFILMED

ESTIMATED LENGTH OF HEARING (over) + 1HR.
AVAILABLE FOR HEARING
MAY BE HEARD - ADV. BY FAX MONTHS



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th
Date of Posting: 9/1/89
Petitioner: John P. Harper, Jr., et ux
Location of property: W/S Dulany Valley Rd., 337.5' N of Charmuth Rd.
1206 Dulany Valley Rd.
Location of Sign: 1206 Dulany Valley Rd., 337.5' N of Charmuth Rd.
Remarks: Property of J. P. Harper
Posted by: [Signature]
Date of return: 9/1/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 18, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive first publication appearing on August 17, 1989.
THE JEFFERSONIAN
and
TOWSON TIMES,
S. Zebe Olson
Publisher
80
4120
90-89-A
price \$95.29
MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 9/1/89

Mr. & Mrs. John P. Harper, Jr.
1206 Dulany Valley Road
Towson, Maryland 21204
Res: Petition for Zoning Variance
CASE NUMBER: 90-89-A
W/S Dulany Valley Road, 337.5' N of c/l of Charmuth Road
1206 Dulany Valley Road
9th Election District - 4th Councilmanic
Petitioner(s): John P. Harper, Jr., et ux
HEARING SCHEDULED: THURSDAY, SEPTEMBER 7, 1989 at 3:00 p.m.

Dear Mr. & Mrs. Harper:

Please be advised that \$120.27 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND No. 074440
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 9-7-89 ACCOUNT: R-01-65-000
AMOUNT: \$ 120.28
RECEIVED FROM: John P. Harper, Jr., et ux
FOR: PIA for 9/7/89 Hearing 90-89-A
\$ 118*****120281\$ 5376F
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN P. HARPER, JR.

Location: W/S OF DULANEY VALLEY ROAD

Item No.: 546 Zoning Agenda: JUNE 27, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Ch. J. Kelly 6-26-89* Noted and Approved *Capt. Wm. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/ZEK

MICROFILMED

JUN 27 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

RECEIVED
AUG 3 1989

ZONING OFFICE



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,

Michael S. Flahigan
Michael S. Flahigan
Traffic Engineer Associate II

MSF/lab

MICROFILMED

BALTIMORE COUNTY, MARYLAND

MICROFILMED

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 16, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John and Marie Harper, Item 546
Zoning Petition No. 90-89-A

The petitioners request a variance to permit a 2.9 foot side yard setback for an open projection (deck) in lieu of the minimum 11.25 feet.

In reference to the above request, the Office of Planning and Zoning offers no comment.

PK/JL/sf

AUG 17 1989



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kessoff
Administrator

June 21, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
John P. Harper Property
Zoning meeting 6/27/89
W/S Dulane Valley
Road
MD 146
337' north of
Charmuth Road
Item #546

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a 2.9 foot side yard setback for an open projection deck, we find the plan acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr. Chief
Engineering Access Permits
Division

LB/es

cc: Mr. J. Ogle

MICROFILMED

RECEIVED
JUN 26 1989

ZONING OFFICE

FAX #333-1041

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717