

IN RE: PETITION FOR ZONING VARIANCE
W/S Meadow Mist Court, 125' +/-
SW of Bentley Hill Drive
(4 Meadow Mist Court)
4th Election District
3rd Councilmanic District
John W. Livermore, III, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-274-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 17 feet in lieu of the required 22.5 feet for an open projection (porch addition) in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 4 Meadow Mist Court, consists of 0.290 acres zoned D.R. 3.5, and is improved with a single family dwelling which has been Petitioners' residence since 1970. Petitioners are desirous of replacing the original deck on the rear of the property with one of a greater size to permit the addition of a screened porch in conjunction with the deck construction. Testimony indicated that due to the shape of the lot and the location of existing improvements thereon, the proposed improvements cannot be accomplished in strict conformance with the zoning regulations. Petitioners testified that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. To support their position, Petitioners introduced letters of consent from the two adjoining property owners.

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.)

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-274-A**

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 301.1 and 205.4 (1963)

To permit a rear yard setback of 17 feet in lieu of the required 22.5 feet for an open projection (porch addition) in accordance with Petitioner's Exhibit 1.

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

I, 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.

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.

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Md. 21204
(301) 887-3353

DATE **1-4-90**

Mr. & Mrs. John W. Livermore, III
4 Meadow Mist Court
Reisterstown, Maryland 21136

Re: Petition for Zoning Variance
CASE NUMBER: 90-274-A
W/S of Meadow Mist Court, 125' +/- SW of c/l of Bentley Hill Drive
4 Meadow Mist Court
4th Election District - 3rd Councilmanic
Petitioner(s): John W. Livermore, III, et ux
HEARING: WEDNESDAY, JANUARY 10, 1990 at 8:30 a.m.

Dear Mr. & Mrs. Livermore:

Please be advised that \$114.85 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 and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

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

J. Robert Haines
Zoning Commissioner

November 5, 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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-274-A
W/S of Meadow Mist Court, 125' +/- SW of c/l of Bentley Hill Drive
4 Meadow Mist Court
4th Election District - 3rd Councilmanic
Petitioner(s): John W. Livermore, III, et ux
HEARING: WEDNESDAY, JANUARY 10, 1990 at 8:30 a.m.

Variance to permit a rear yard setback of 17 feet in lieu of the required 22.5 feet setback for an open projection.

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.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Petitioners

Reisterstown, Md.
January 3, 1990

To Whom It May Concern,

We live next door to Liz and Jack Livermore at 6 Meadow Mist Ct. in Reisterstown. We have no objections to the granting of the zoning variance for which they have applied in order to construct an addition to their residence.

Sincerely,
Mary A. Rhodes
Joseph E. Rhodes

PETITIONER'S EXHIBIT 2B

Lot 18

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 10th day of January, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 17 feet in lieu of the required 22.5 feet for an open projection (porch addition) in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief 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) The variance granted herein is limited to an open deck and screened in porch addition. Said porch shall not be fully enclosed for year round use.

ANN M. NASTAPOWICZ
ANN M. NASTAPOWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

ORDER RECEIVED FOR FILING
Date **1/10/90**
By **J. Robert Haines**

ZONING DESCRIPTION

Beginning at a point on the West side of Meadow Mist Court which is sixty six feet wide at the distance of forty feet West of the centerline of the nearest improved court which is eighty feet wide. Being Lot # 19, Block F, Section # Two in the subdivision of Chartley North as recorded in Baltimore County Plat Book # 31, Folio # 4-6, containing 0.209 acres. Also known as 4 Meadow Mist Court and located in the 4th Election District.

PETITIONER'S EXHIBIT 2B

Lot 20

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

J. Robert Haines
Zoning Commissioner

January 22, 1990

Mr. & Mrs. John W. Livermore, III
4 Mead, Mist Court
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
W/S Meadow Mist Court, 125 1/2 SW of Bentley Hill Drive
(4 Meadow Mist Court)
4th Election District, 3rd Councilmanic District
John W. Livermore, III, et ux - Petitioners
Case No. 90-274

Dear Mr. & Mrs. Livermore:
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs

cc: People's Counsel
File

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
1st day of November, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: John W. Livermore, et ux

Petitioner's Attorney:

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

November 9, 1989

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

RECEIVED
NOV 16 1989

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 500, 131, 132, 133, 134, 135, 137, 139, 140, and 141.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 28, 1989

Mr. & Mrs. John W. Livermore
4 Mead, Mist Court
Reisterstown, MD 21136

RE: Item No. 138, Case No. 90-274-A
Petitioner: John W. Livermore, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Livermore:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WIMIASKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 15, 1989

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
John W. Livermore, III, et ux, Item 138
SUBJECT: Zoning Petition No. 90-274A

The Petitioners request a variance to rear yard setback requirements.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

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

Paul H. Polack
Chief

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: John W. Livermore, III, et ux
Location: W/S of Meadow Mist Court
Item No.: 138 Zoning Agenda: 10/31/89

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: [Signature]
Planning Bureau
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

