

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
 W/S Constantine Drive, 310 ft. N of Jarrettsville Pike  
 #6 Constantine Drive  
 11th Election District  
 5th Councilmanic District  
 Jonathan R. Harlow, et ux  
 Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY  
 CASE NO. 92-78-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1A01.3.B.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an attached open projection (deck) to be located 30 ft. from a lot line in lieu of the required 50 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted 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 26-127 (b)(1) 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 Zoning Commissioner, the information, pictures, 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.

ORDER RECEIVED FOR FILING  
 Date: 7/27/91  
 By: [Signature]

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 Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of Sept, 1991 that the Petition for a Zoning Variance from Sections 1A01.3.B.3 and 301.1 to allow an attached open projection (deck) to be located 30 ft. from a lot line in lieu of the required 50 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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.

[Signature]  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

ORDER RECEIVED FOR FILING  
 Date: 7/27/91  
 By: [Signature]

LES/mmm

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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, petition for a variance from Section 1A01.3.B.3 and S-301.1 (1975 regulations) to permit an attached open projection (deck) to be located 30 ft. from a lot line in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

The house was built in the corner of the lot because of bedrock found in the central portion. Without a variance, we would be unable to have a screened deck enclosure with access to the house.

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

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

6 Constantine Drive 301-666-2570

Phoenix, Maryland 21131

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Jonathan R. Harlow

6 Constantine Drive Phoenix, MD 21131

301-666-2570

ORDERED by the Zoning Commissioner of Baltimore County, this 21<sup>st</sup> day of Sept, 1991, that the subject matter of this petition be posted on the property on or before the 21<sup>st</sup> day of Sept, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 21<sup>st</sup> day of Sept, 1991, 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 the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21<sup>st</sup> day of Sept, 1991, at 10:00 a'clock, a.m.

ORDER RECEIVED FOR FILING  
 Date: 7/27/91  
 By: [Signature]



ZONING COMMISSIONER OF BALTIMORE COUNTY

111 West Chesapeake Avenue  
 Towson, MD 21204

887-3353

September 24, 1991

Mr. and Mrs. Jonathan R. Harlow  
 6 Constantine Drive  
 Phoenix, Maryland 21131

RE: Petition for Residential Zoning Variance  
 Case No. 92-78-A

Dear Mr. and Mrs. Harlow:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

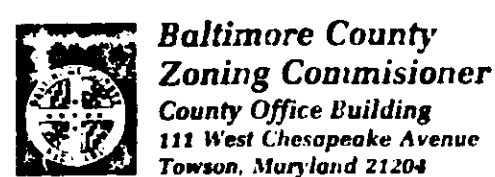
Very truly yours,

[Signature]  
 Lawrence E. Schmidt  
 Zoning Commissioner

LES:mmm  
 encl.  
 cc: Peoples Counsel

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 11  
 Date of Posting: 9/21/91  
 Posted for: Jonathan R. Harlow, et ux  
 Petitioner: Jonathan R. Harlow, et ux  
 Location of property: 6 Constantine Drive, Phoenix, MD 21131  
 Location of Sign: [Signature]  
 Remarks: [Signature]  
 Posted by: [Signature]  
 Date of return: 9/21/91  
 Number of Signs: 1



Date

Account: R 001-6150  
 Number

111 WEST CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 BALTIMORE COUNTY  
 PHONE: 887-3353  
 FAX: 887-3391

Please Make Check Payable to Baltimore County \$60.00  
 BA 008148A08-06-91

Order Validation

receipt

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING 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 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/so presently reside at 6 Constantine Drive

Phoenix, Maryland 21131

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

The house was built in the corner of the lot due to bedrock being discovered during excavation. Without a variance from the 50' setback, we will be unable to have a screened deck enclosure with access to the house.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

Jonathan R. Harlow

AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

Wendy E. Harlow

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21<sup>st</sup> day of Sept, 1991, before me, a Notary Public of the State of Maryland, in and for the County of said, personally appeared Jonathan R. Harlow and Wendy E. Harlow

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/25/91

DATE

[Signature]

NOTARY PUBLIC

My Commission Expires: July 1993

RECEIVED  
 AUG 20 1991  
 ZONING OFFICE

ZONING DESCRIPTION

Beginning at a point on the west side of Constantine Drive which is 50' wide at the distance of 310' North of the centerline of Jarrettsville Pike. Being Lot #1 as shown on the plat entitled "Section Three, Merrymans Mill", which plat is recorded among the land records of Baltimore County in Plat Book No. 39, Folio 124 containing 1.1 acres. Also known as 6 Constantine Drive and located in the 11<sup>th</sup> Election District.

Baltimore County Government  
 Zoning Administration  
 Office of Planning and Zoning



111 West Chesapeake Avenue  
 Towson, MD 21204

887-3353

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management  
 Office of Planning & Zoning



111 West Chesapeake Avenue  
 Towson, MD 21204

887-3354

August 27, 1991

Jonathan R. Harlow, et ux  
 6 Constantine Drive  
 Phoenix, Maryland 21131

RE: CASE NUMBER: 92-78-A  
 LOCATION: W/S Constantine Drive, 310' N of Jarrettsville Pike (#6 Constantine Drive)

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 8, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is September 23, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30-45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]  
 Owen G. Stephens  
 Docket Clerk

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
92-78-A

887-3353

August 13, 1991

Jonathan R. Harlow  
Wendy E. Harlow  
5 Constantine Drive  
Phoenix, MD 21131

RE: Petition Filed in Zoning Office  
Item Number 54

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of August 20, 1991. According to our records, this Petition was filed on August 6, 1991 with John L. Lewis.

In order for this Petition to be placed on the next agenda, you must contact Mr. Lewis at 887-3391 to rectify the problem.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:scj

*Jonathan R. Harlow*

92-78-A  
August 5, 1991

To Whom It May Concern:

The property at 6 Constantine Drive shares a common property line with my property located at 13912 Jarrettsville Pike. I am aware of the intent by the owners to build a screened-in porch which when completed would be within 30 feet of the property line. I have no objections to this improvement to their property.

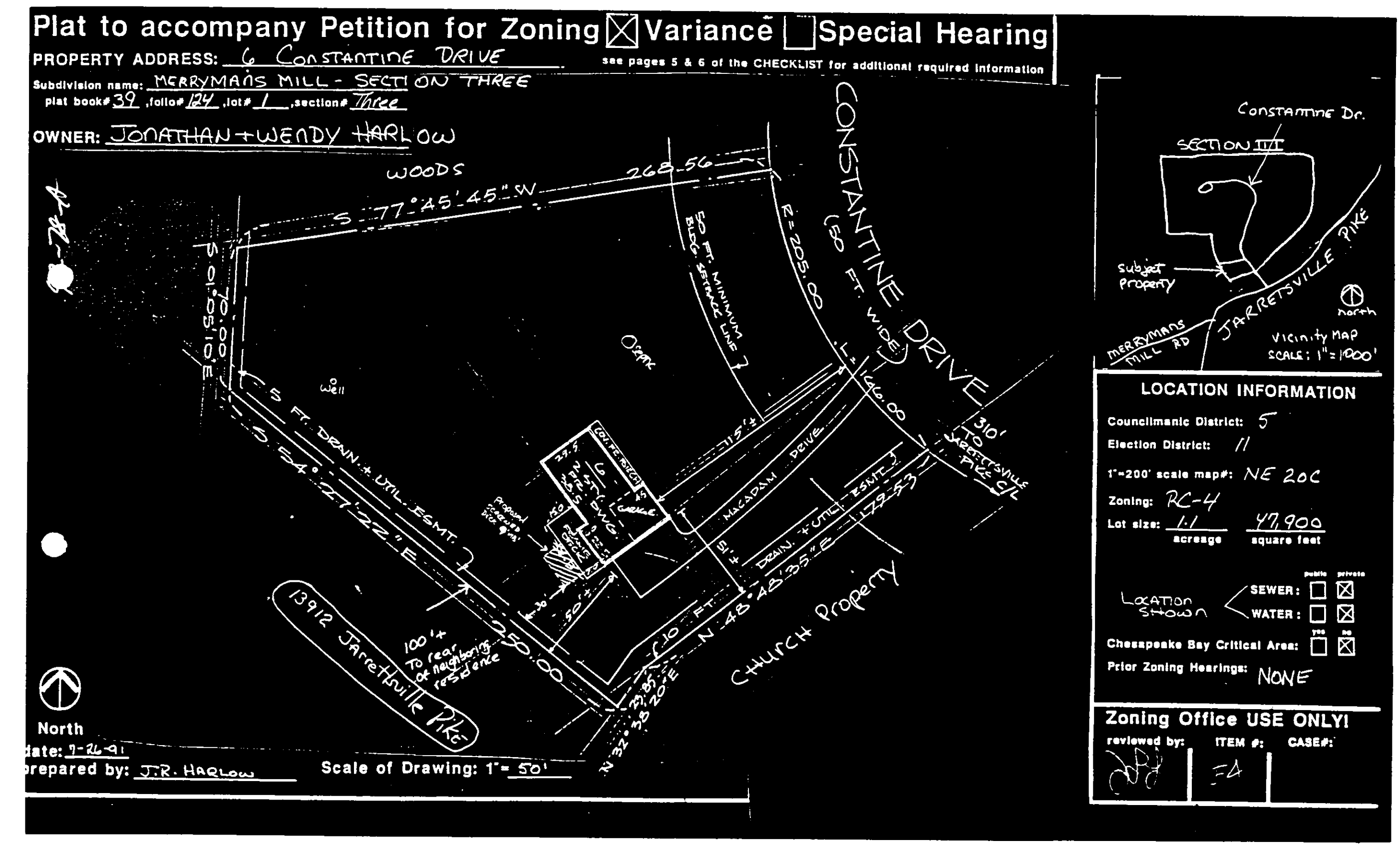
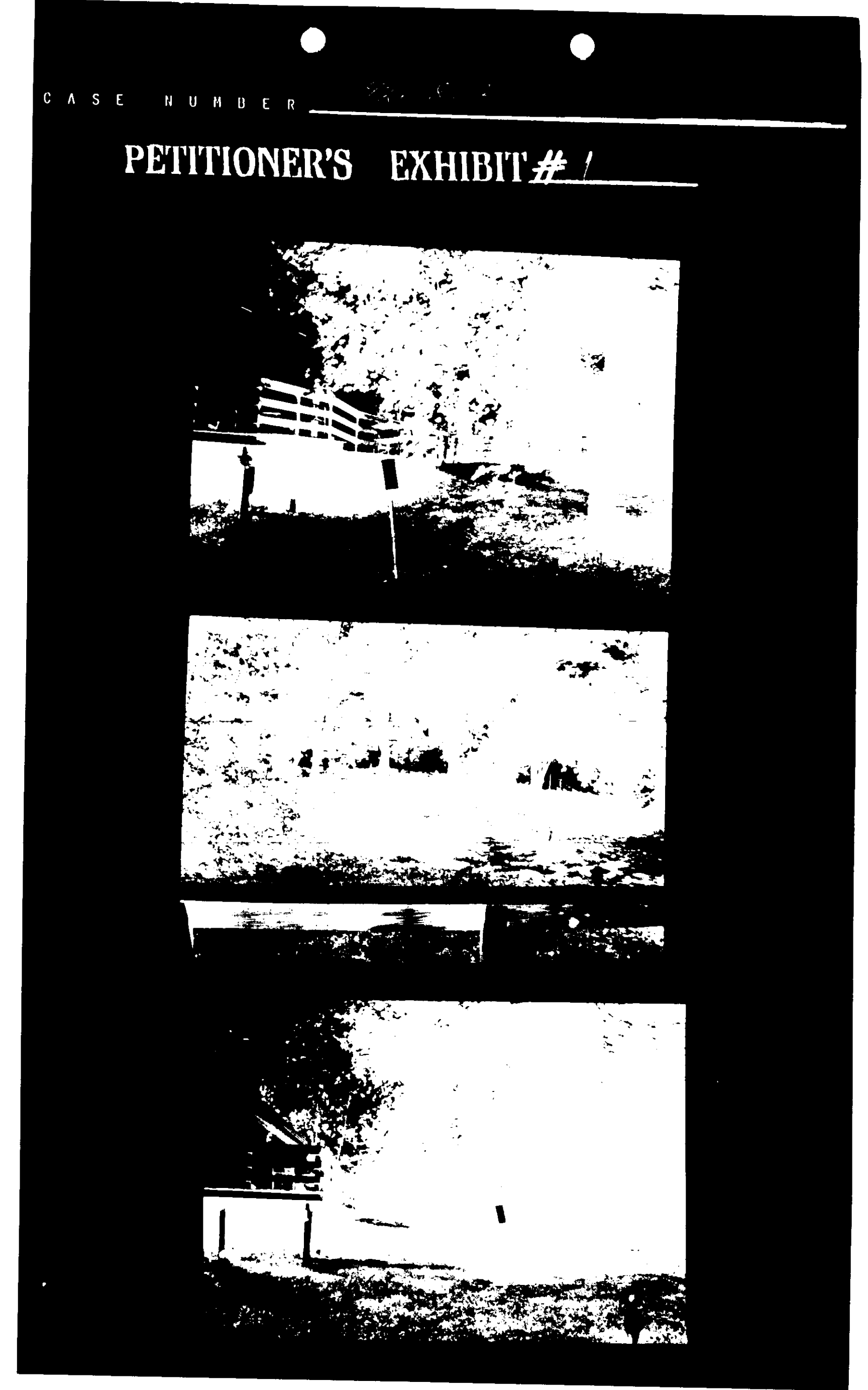
Sincerely,  
*N. Randall Cooper*  
N. Randall Cooper

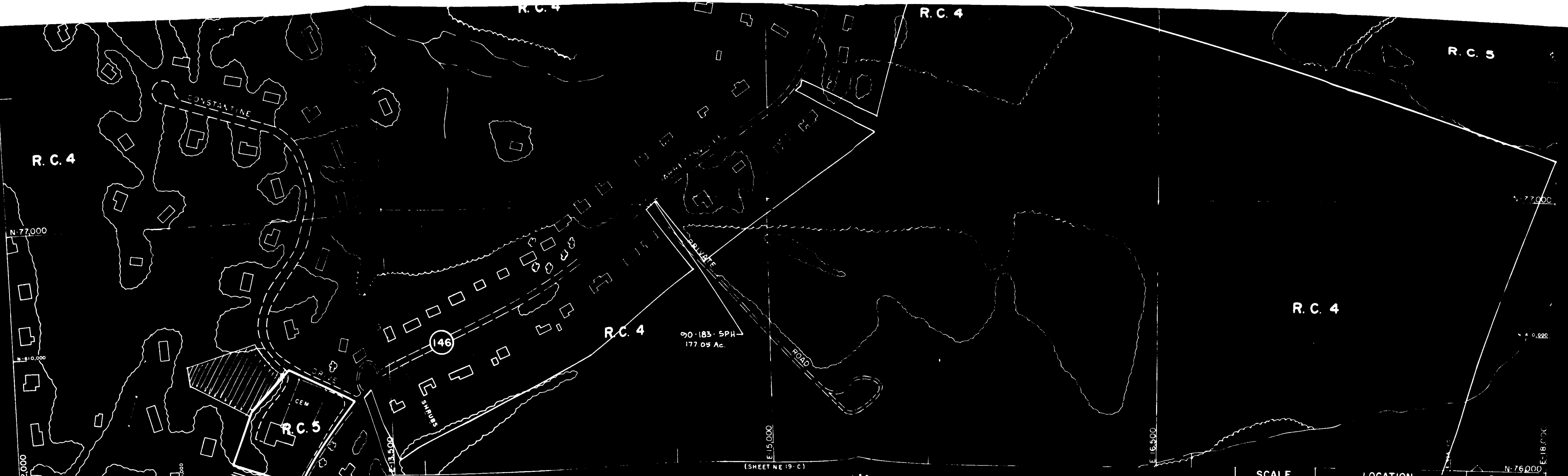
92-78-A

STATEMENT OF INTENT  
6 Constantine Drive

It is our intent to construct an 18' x 18' enclosed/ screened deck adjacent to our family room and utilizing a portion of the existing deck, which would be extended by 9' towards the property line. The screened deck area would have a knee wall approximately 30" in height and would be screened to the ceiling. It is our intent that this area remain open, only screened. (See attached drawing)

*Jonathan R. Harlow*





U-NW U-NE  
EE-SW EE-NW

NE 20-C  
# 54

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
On: 13, 1988  
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*[Signature]*  
Baltimore County Council

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION SOUTH OF JACKSONVILLE	SHEET N.E. 20-C
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

92-78-A



92-78-A

# 54

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION SOUTH OF JACKSONVILLE	SHEET N.E. 20-C
DATE OF PHOTOGRAPHY JANUARY 1986		