IN RE: PETITION FOR ADMIN. VARIANCE N/S Clifford Road, 250' W of the c/l of Lawrence Hill Road (5034 Clifford Road) 11th Election District 6th Councilmanic District Bobby B. Bateman, Sr., et ux Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 97-505-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance for that property known as 5034 Clifford Road, located in the vicinity of Lawrence Hill Road in Perry Hall. The Petition was filed by the owners of the property, Bobby B. Bateman, Sr., and his wife, Deborah A. Bateman. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear yard setback of 3 feet in lieu of the required 15 feet for a proposed 10' x 12' addition, and an amendment to the Final Development Plan of Lawrence Hill, Lot 20, thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community

and should therefore be granted. In the opinion of the Deputy 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.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of June, 1997 that the Petition for Administrative Variance seeking relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear yard setback of 3 feet in lieu of the required 15 feet for a proposed 10' x 12' addition, and an amendment to the Final Development Plan of Lawrence Hill, Lot 20, thereof, 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 has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date
By

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 9, 1997

Mr. & Mrs. Bobby Bateman, Sr.
5034 Clifford Road
Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Clifford Road, 250' W of the c/l of Lawrence Hill Road
(5034 Clifford Road)
11th Election District - 6th Councilmanic District
Bobby B. Bateman, Sr., et ux - Petitioners
Case No. 97-505-A

Dear Mr. & Mrs. Bateman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Permits and Development Management Office at 887-3391.

Very truly yours,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Gregory S. Belcher, Appleby Systems, Inc.
1585 Sulphur Spring Road, Baltimore, Md. 21227

People's Counsel

File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5034 Clifford Rd

which is presently zoned DR 5.5

97-505-A

This Petition shall be filed with the Office of Zoning Administration & 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) 504 (BCZR) & V.B.6.b (CMDP)

to permit a rear setback of 3 ft. in lieu of the required 15 ft. for the proposed additional room and to amend the FDP of Lawrence Hill Subd.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

In order to increase comfort and pleasure of present property. Room is to be constructed on existing Deck

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.

Contract Purchaser/Lessee:

Applebby Systems Inc.
(Type or Print Name)

Gregory S Baldwin
Signature

1585 Sulphur Spring Rd
Address

Baltimore MD 21227
City State Zipcode

Attorney for Petitioner: 410-242-5970

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Bobby B. Bateman Jr
(Type or Print Name)

Bobby B. Bat
Signature

Deborah A Bateman
(Type or Print Name)

Deborah A. Bat
Signature

5034 Clifford Rd (410) 931-0307
Address Phone No.

Perry Hall MD 21128
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____, 19___, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Date

By

REVIEWED BY: RT DATE: 5-7-97

ESTIMATED POSTING DATE: _____

Printed with Soybean Ink on Recycled Paper

ITEM #: 505

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 5034 Clifford Rd
address

Perry Hall MD 21128
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)

In order to increase comfort and pleasure of present property and existing deck, Room ~~is~~ to be constructed on existing deck.

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

Bobby B. Bateman Jr.
(signature)

Bobby B. BATEMAN JR
(type or print name)

BALTIMORE COUNTY MARYLAND

Deborah A. Bateman
(signature)

Deborah A. BATEMAN
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of March, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bobby B. Bateman Jr. and Deborah A. Bateman

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

3/19/97
date

Susan L. Smith
NOTARY PUBLIC

My Commission Expires: 9/1/98

ITEM #505

Bateman

97-505-A

Zoning description for 5304 Clifford Road beginning at a point on the north side of Clifford Road. This is 50 feet wide at the distance of 250± feet west of the center line of the nearest improved intersecting street, Lawrence, which is 50 feet wide. Being Lot #20, Block , Section D, in the sub-division of Lawrence Hill as recorded in Baltimore County.
Plat Book #54 Folio #9 containing 2756 square feet
Also Known As 5304 Clifford Rd and located in the Eleventh election district and in the sixth Councilmanic district.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 035015

DATE 5-7-97 ACCOUNT R-001-6150

010 VARIANCE

AMOUNT $ 50.00

RECEIVED FROM: GREGORY BELCHER

FOR: ADMIN VAR. (5034 CLIFFORD RD

97-505A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

REGIT

PAID RECEIPT
05/07/97 01 5 JUN 2 2001
Dept 5 505 ADMIN DEPT Hearing
Ck No. 05001
$50.00 CK
Baltimore County Maryland
Office Of Budget & Finance

CASHIER'S VALIDATION

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 22, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-505-A
5034 Clifford Road
N/S Clifford Road, 250'+/- W of c/l Lawrence Road
11th Election District - 6th Councilmanic
Legal Owner(s): Bobby B. Bateman, Sr. and Deborah A. Bateman
Post by Date: 05/18/97
Closing Date: 06/02/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.

2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.

3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She 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 (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.

4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Bobby and Deborah Bateman
Appleby Systems, Inc.

Exhibit A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 5-18-97

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-505A

ADM. VARIANCE TO PERMIT A REAR SETBACK OF 3 FT. IN LIEU OF THE REQUIRED 15 FT. FOR THE PROPOSED ADDITIONAL ROOM AND TO AMEND THE F.D.P. OF LAWRENCE HILL SUBD.

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 5:00 P.M. ON 6-2-97.

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

Development Processing
County Office Building
111 West Chesapeake Av
Towson, Maryland 2120-

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 505

Petitioner: Bobby Bateman

Location: 15034 Clifford Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Appleby

ADDRESS: 1585 Sulphur Spring Rd
Balto, MD 21227

PHONE NUMBER: (410) 242-5970

AJ:ggs

(Revised 09/24/96)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 2, 1997

Mr. and Mrs. Bobby Bateman
5034 Clifford Road
Perry Hall, MD 21128

RE: Item No.: 505
Case No.: 97-505-A
Petitioner: Bobby Bateman, et ux

Dear Mr. and Mrs. Bateman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 7, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: May 29, 1997

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 27, 1997
Item Nos. 502, 505, 508, 510, 511

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE527.NOC

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 5-16-97
Item No. 505 RT

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

May 20, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 27, 1997

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

501, 502, 505, 506, 507, 508, 509, 510, 511, and 512

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: May 27, 97

FROM: R. Bruce Seeley RBS/sp
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: May 19th 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 500 502 503 504 505 508 511

RBS:sp

BRUCE2/DEPRM/TXTSBP

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5034 CLIFFORD RD

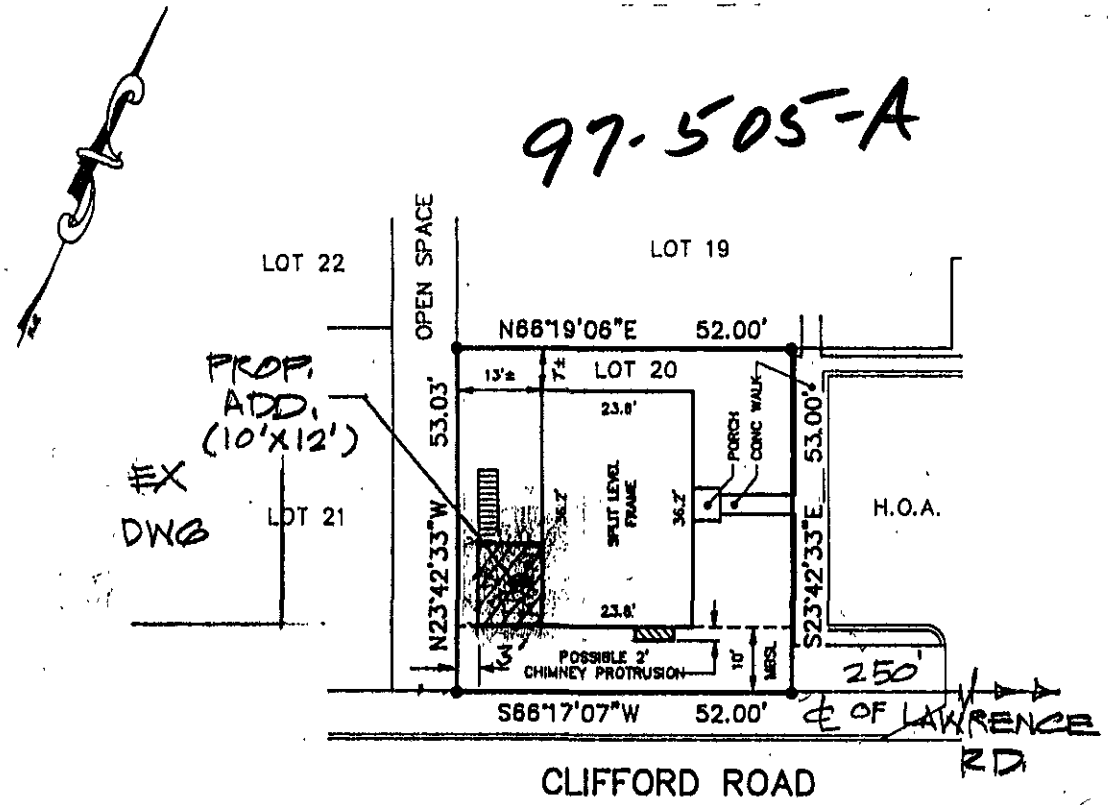
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: LAWRENCE HILL

plat book# 54, folio# 9, lot# 20, section# III

OWNER: BOBBY BATEMAN

97-505-A



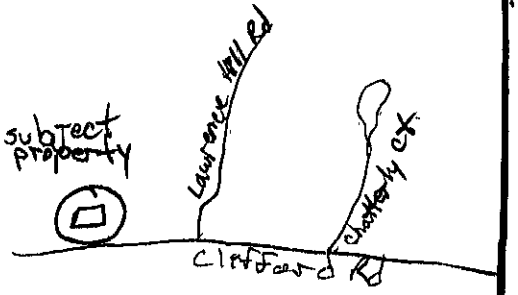
PET. EX. 1

North

date: 4-22-97

prepared by: G.B.

Scale of Drawing: 1" = 30'



North

Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 11

Councilmanic District: 6

1" = 200' scale map#: NE 8-H

Zoning: DR 5.5

Lot size: ~~2704~~ acreage 2704 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: NONE

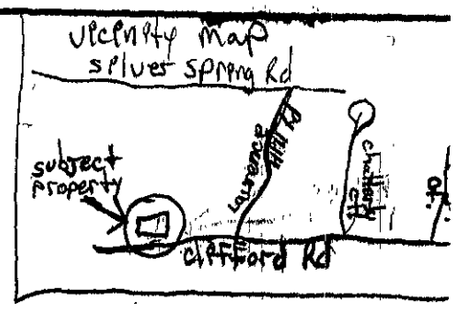
Zoning Office USE ONLY!

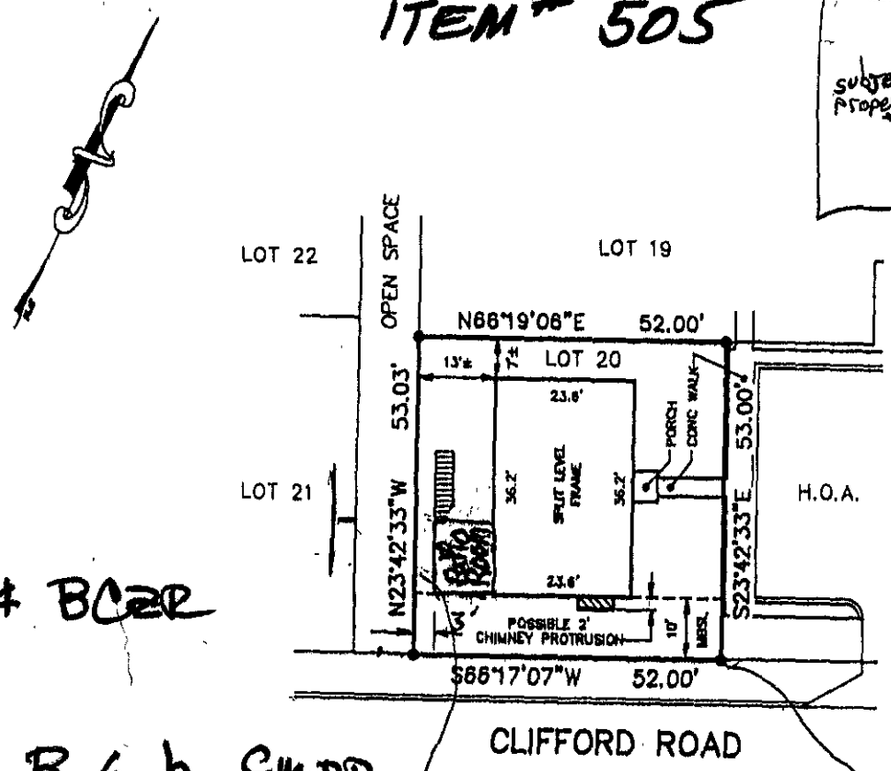
reviewed by:	ITEM #:	CASE#:
RT	505	

-15-

Plat to Accompany Zonning Variance
For 5034 Clifford Rd

ITEM # 505





504 BCZR

V.B.6.b CMDP

250' west CL at Lawrence Hill Rd

3' rear set back

Lot size
acreage ____

200 scale map NE 8 H
site is served by public utilities
not in critical area

XI-240

DR 5.5
Election District 11
Council District 6

PROPERTY DESCRIPTION

BEING ALL THAT TRACT OF LAND KNOWN AND DESIGNATED AS LOT 20 AS SHOWN ON PLAT ENTITLED "RESUBDIVISION PLAT OF LAWRENCE HILL, SECTION III, PHASE 1 B OF WHITE MARSH" RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 54, FOLIO 9. THE IMPROVEMENTS THEREON BEING KNOWN AS 5034 CLIFFORD ROAD.

NOTES

PROPERTY SUBJECT TO ALL EASEMENTS, AGREEMENTS AND OTHER MATTERS OF RECORD.

PROPERTY LINES BASED ON THE ABOVE REFERENCED DEED AND\OR PLAT OF RECORD. THE EXACT PROPERTY CORNERS HAVE NOT BEEN LOCATED OR SET. THIS SURVEY IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

THE SUBJECT PROPERTY LIES IN ZONE C AS GRAPHICALLY SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 240010 0290 B, DATED MARCH 2, 1981.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY AND THAT THE IMPROVEMENTS ARE LOCATED AS SHOWN.

DATED THIS 25TH DAY OF JANUARY, 1994

STATE OF MARYLAND
ERIC MILES SHERN
496
PROPERTY LINE SURVEYOR

ERIC M. SHERN, PLS # 496

97-505-A

4C
H 8
DR 5.5

ASM TECHNOLOGIES, INC
2 WEST FORREST AVENUE
SHREWSBURY, PA 17361
717/235-8325

LOCATION SURVEY
5034 CLIFFORD ROAD
BALTIMORE COUNTY, MARYLAND

SCALE	1"=30'
DATE	01/25/94
NOTES	24-59
PROJECT	9306x288

97-505-A
REAR ELEV #505

SOUTH ELEV.
#505 97-505-A

FRONT 97-505-A
#505

NORTH ELEV
#505 97-505-A

FAX