

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
S/S White Wood Court, 118' E of	
the c/l of Oak White Road	* ZONING COMMISSIONER
(5 White Wood Court)	
11th Election District	* OF BALTIMORE COUNTY
5th Councilmanic District	
	* Case No. 98-241-A
John O. Hennegan, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, John O. and Eileen O. Hennegan. The Petitioners seek relief from Sections 1B02.3.B and 1B01.2.C.6 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 side yard setback of 5 feet in lieu of the required 15 feet for a proposed addition and to amend the Final Development Plan for the Village of White Oak, Lot 21 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence 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 Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient

ORDER RECEIVED FOR FILING

Date

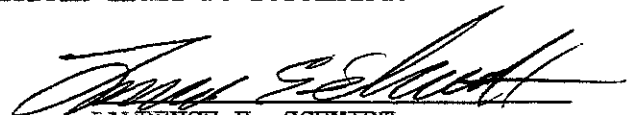
By

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 Zoning Commissioner for Baltimore County this 16th day of January, 1998 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 1B01.2.C.6 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 side yard setback of 5 feet in lieu of the required 15 feet for a proposed addition and to amend the Final Development Plan for the Village of White Oak, Lot 21 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER FILED FOR FILING
Date 1/16/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 16, 1998

Mr. & Mrs. John O. Hennegan
5 White Wood Court
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S White Wood Court, 118' E of the c/l of Oak White Road
(5 Whitewood Court)
11th Election District - 5th Councilmanic District
John O. Hennegan, et ux - Petitioners
Case No. 98-241-A

Dear Mr. & Mrs. Hennegan:

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,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: ~~People's Counsel~~

✓ File



Petition for Administrative Variance

AND to AMEND F.D.P. of the Village of White Oak
to the Zoning Commissioner of Baltimore County

for the property located at 5 Whitewood Court

which is presently zoned D.R.3.5

This Petition shall be filed with the Dept. of Permits & 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)

1B02.3.B., 1B01.2.C.65(V.B.6.b)

A SIDEYARD SETBACK OF 5 FT. IN LIEU OF THE REQUIRED 15 FT. FOR AN ADDITION. C.M.D.P. to permit

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

SEE OVER

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

John O. Hennegan

(Type or Print Name)

Signature

Eileen O. Hennegan

(Type or Print Name)

Signature

5 Whitewood Court

410-887-3290

Address

Phone No.

Baltimore, MD. 21236

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Same

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 newspaper of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *DAM*

DATE: *12-19-97*

ESTIMATED POSTING DATE: *12-28-97*

Printed with Soybean Ink
on Recycled Paper

ITEM #: *241*

98-241-A

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.

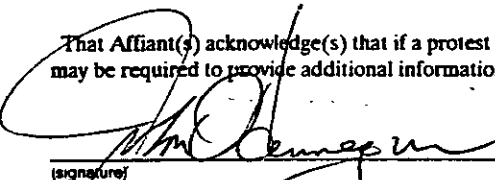
That the Affiant(s) does/do presently reside at 5 Whitewood Court
address
Baltimore, MD 21236
City State Zip Code

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)

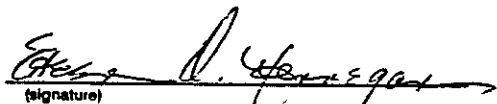
To extend the addition towards the rear property line would result in placing the addition's foundation in an area where the grading is so poor that there is constant standing water or ice. This could result in erosion and damage to the foundation and footings of the addition.

In addition, twenty foot pine trees, which help prevent erosion, would have to be trimmed and/or removed in order not to interfere with the addition.

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.


(signature)
John O. Hennegan
(type or print name)




(signature)
Eileen O. Hennegan
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

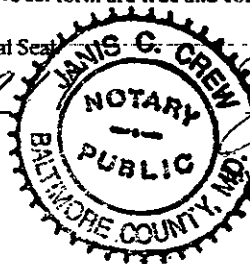
I HEREBY CERTIFY, this 24th day of November 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

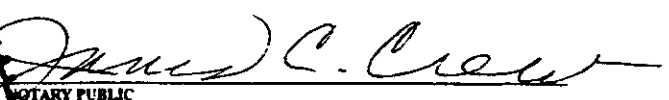
JOHN O. HENNEGAN

the Affiants(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

Nov 24, 1997
date




NOTARY PUBLIC
Commission Expires: 1/10/99

A-145-8A

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.

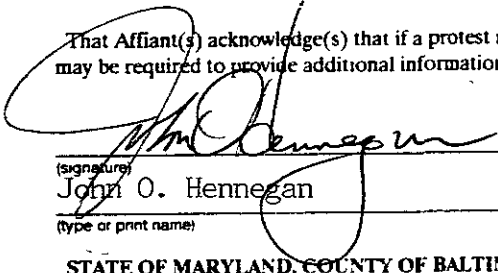
That the Affiant(s) does/do presently reside at 5 Whitewood Court
address
Baltimore, MD 21236
City State Zip Code

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)

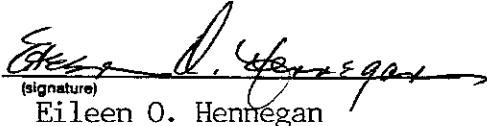
To extend the addition towards the rear property line would result in placing the addition's foundation in an area where the grading is so poor that there is constant standing water or ice. This could result in erosion and damage to the foundation and footings of the addition.

In addition, twenty foot pine trees, which help prevent erosion, would have to be trimmed and/or removed in order not to interfere with the addition.

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.


(signature)
John O. Hennegan
(type or print name)




(signature)
Eileen O. Hennegan
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

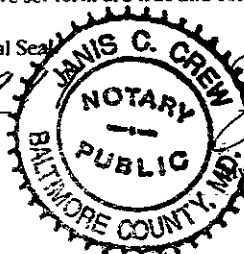
I HEREBY CERTIFY, this 24th day of November, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

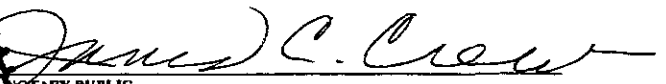
JOAN O. HENNEGAN

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

Nov 24, 1997
date




NOTARY PUBLIC
Commission Expires: 1/10/99

4-145-88



Petition for Administrative Variance
AND to AMEND F.D.P. of the Village of White Oak
to the Zoning Commissioner of Baltimore County
for the property located at 5 Whitewood Court

which is presently zoned D.R.3.5

This Petition shall be filed with the **Dept. of Permits & 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)

1B02.3.B, 1B01.2.C.6 (BCZR); and (V.B.6.b)

C.M.D.P. to permit
A SIDEYARD SETBACK OF 5 FT. IN LIEU OF
THE REQUIRED 15 FT. FOR AN ADDITION.

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

SEE OVER

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

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

John O. Hennegan

(Type or Print Name)

Signature

Eileen O. Hennegan

(Type or Print Name)

Signature

5 Whitewood Court 410-887-3290

Address Phone No

Baltimore, MD. 21236

City State Zipcode

Name, Address and phone number of representative to be contacted

Same

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

REVIEWED BY: JCM DATE: 12-19-97

ESTIMATED POSTING DATE: 12-28-97

Printed with Soybean Ink
on Recycled Paper

ITEM #: 241

98-241-A

ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION FOR 5 White Wood Court
(address)

Beginning at a point on the South side of White Wood Court which is 50 feet
(number of feet or right-of-way width)

wide at the distance of 118 feet East of the centerline of the nearest improved

intersection street Oak White Road which is 50 feet wide. *Being Lot # 21,

Block B, Section # 3 in the subdivision of Village of White Oak as recorded in

Baltimore County Plat Book # 46, Folio # 143 containing 5800 sq. feet. Also

know as 5 White Wood Court and located in the 11th Election District, 5th

Councilmanic District.

241

98-241-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

241

No.

046706

DATE 12-19-97 ACCOUNT RC01-6150

AMOUNT \$ 100.00

RECEIVED
FROM:

John HEENEGAN 5 WHITE WOOD CE.

FOR:

(010) Ad. VAR.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PROCESS ACTUAL TIME
12/22/1997 12/19/1997 15:36:32

REG 4801 CASHIER CLIM CML DRAWER
5 MISCELLANEOUS CASH RECEIPT

Receipt # 032644
CP NO. 046706

UFLN

100.00 CHECK
Baltimore County, Maryland

98-241-A

CASHIER'S VALIDATION

A-145.8P

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 241 -A Address 5 WHITEWOOD CT.

Contact Person: JOE MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12-19-97 Posting Date: 12-28-97 Closing Date: 1-12-98

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.
3. **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 (typically within 7 to 10 days of the closing date) 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 98- 241 -A Address 5 WHITEWOOD CT.

Posting Date: 12-28-97 Closing Date: 1-12-98

Wording for Sign: To Permit A SIDEYARD SETBACK OF 5ft. IN
LIEU OF THE REQUIRED 15ft. For an Addition.



Baltimore County
Department of Permits and
Development Management

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

January 7, 1998

Mr. and Mrs. John Hennegan
5 Whitewood Court
Baltimore, MD 21236

RE: Item No.: 241
Case No.: 98-241-A
Petitioner: John Hennegan, et ux

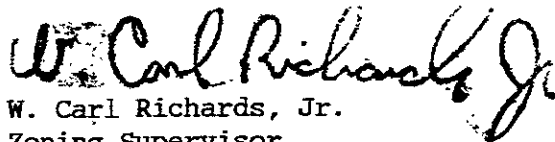
Dear Mr. and Mrs. Hennegan:

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 December 19, 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)





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 12-31-57
Item No. 241 (JCM)

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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: December 30, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 232, 233, 236, 237, 241, and 242

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley. *RBS/48*
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: *Dec 29, 92*

DATE: _____

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

Item #'s: 230
232
233
234
240
241
229

RBS:sp

BRUCE2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



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

(410) 887-4500

January 5, 1998

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 December 29, 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:

231, 232, 233, 236, 237, and 241

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

cc: File





SHEET

N. E.

11-G

LOCATION

24

PERRY HALL

SCALE

1" = 200' ±

DATE

OF

PHOTOGRAPHY

JANUARY

1986

Site

D.R. 3.5

98241-A



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

John D. HENNEGAN
EILAN D. HENNEGAN

Scale: 1"=1000'

7 cm 241

574

98-241-A



241

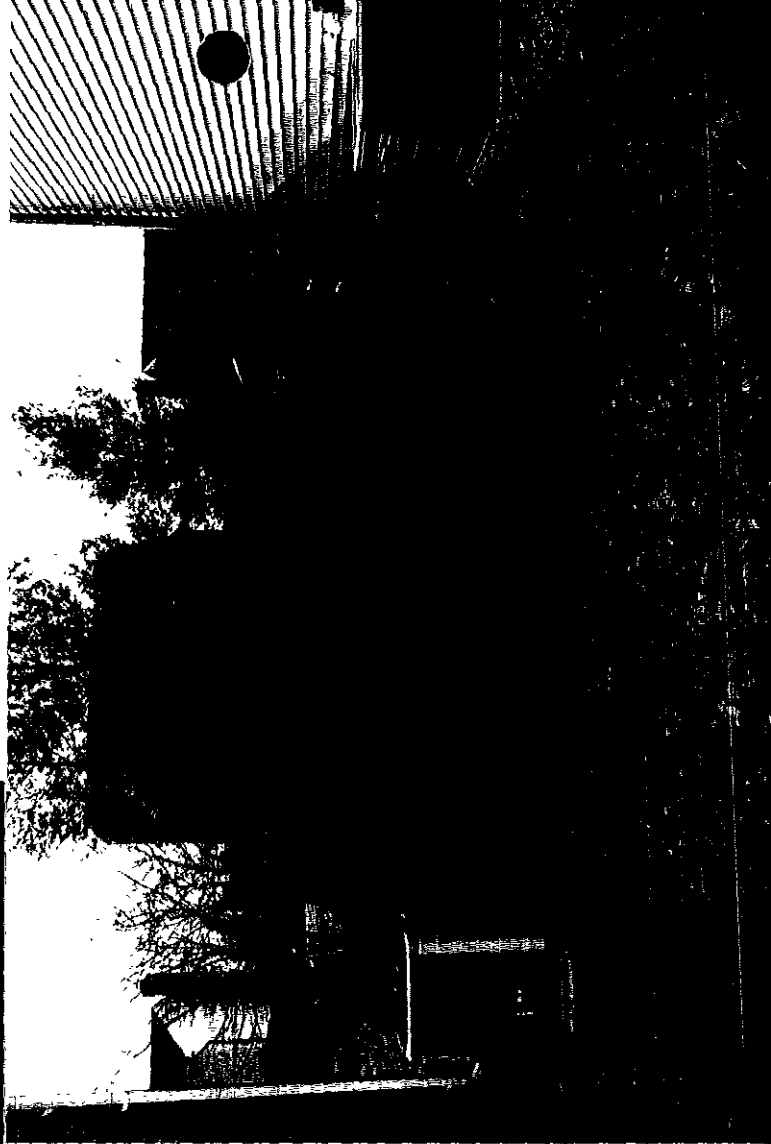
98-241-A

5 white wood
court



241

98-241-A



241

98-241-A