IN RE:

PETITION FOR ADMIN. VARIANCE

N/S Clanford Road, 121' W of the

c/l of Geier Court

(9805 Clanford Road) 2nd Election District

2nd Councilmanic District

Oliver Harvey, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-343-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property Oliver and Sylvia Harvey. The Petitioners seek relief from Section 1802.3.8 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Planning Board approval 1965 Regulations) to permit a side yard setback of 6 feet in lieu of the required 10 feet, and a side yard setback sum of 17 feet in lieu of the required 25 feet, for a proposed garage addition. 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 facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

OR FILING NOTE THE

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 day of April, 1998 that the Petition for Administrative Variance seeking relief from Section 1802.3.8 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Planning Board approval 1965 Regulations) to permit a side yard setback of 6 feet in lieu of the required 10 feet, and a side yard setback sum of 17 feet in lieu of the required 25 feet, for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

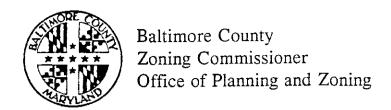
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

PHOEN RECEIVED BY FILING



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

April 20, 1998

Mr. & Mrs. Oliver Harvey 9805 Clanford Road Randallstown, Maryland 21133

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Clanford Road, 121' W of the c/l of Geier Court
(9805 Clanford Road)
2nd Election District - 2nd Councilmanic District
Oliver Harvey, et ux - Petitioners

Case No. 98-343-A

Dear Mr. & Mrs. Harvey:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Pepple's Counsel

File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #9805 Clanford Road

17	
which is	presently zoned

D.R. 3.5

ITEM #: 343

This Petition shall be filed with the Office of	ning Administration & Develor	pment Management
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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)

Section 1802. 3B (Planning Board approval 1965 BCZR) to permit a side yard setback of 6 feet in-lieu of the required 10 feet, and a total for both sides of 17 feet in-lieu of the required 25 feet.

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

- 1. The house that the garage is to be attached to is existing and the sideyard dimension is only 18'. The proposed garage is to be 12', thus leaving a sideyard of 6'.
- 2. The existing chimney is located on the proposed garage side, having to make room to pass it with a car requires the width to be 12'.
- Cannot accommodate the garage in the rear yard, the grade of the existing ground is
 too severe.
 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.

			! We do solemnly declare and affirm, under the penalties of penury, that t/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:			Legai Owner(s):
			Oliver Harvey
(Type or Print Name)			(Type or Print Name)
			(x) Oliver Hawey
Signature			Signature
Address			S//via Harvey
			Sylvia Harvey
City	State Zi	pcode	Signature
Attorney for Petitioner.		٠	9805 Clan Ford Rd. 925-23
(Type or Print Name)	 		Address Phone No.
			Randaustown Md. 21133
Signature			City State Zipcode Name, Address and phone number of representative to be contacted.
			M&H Development Engineers
			Vincent J. Moskunas
Address	Phone No.		Name 200 E. Joppa Road, Room 101 (410)828-9060
City	State Zu	ocode .	Address Phone No. Towson, MD 21286
that the subject matter of this	n requested and/or found to be requi petition be set for a public hearing, nore County, and that the property be	advertised, as rea	by the Zoning Commissioner of Baltimore County, this day of, 19 uured by the Zoning Regulations of Baltimore County, in two newspapers of general
		•	
			Zoning Commissioner of Ealtimore County

ORDER RECEIVED FOR FILING
Date

ESTIMATED POSTING DATE

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.

testify thereto in the event of			_		
That the Affiant(s) does/do presently reside at	9805	Clanfo	ord	Road	
add	irens				
	Balti	imore,	MD	21133	
	City			State	Zip Code
That based upon personal knowledge, the followin Variance at the above address: (indicate hardship or pra	ng are the	facts upon	whic	h I/we base the request	for an Administrative
		•			
-			<u>-</u>		
(signature) Oliver Harvey (type or print name) STATE OF MARYLAND, COUNTY OF BALTIS	MORE, to	wit	当	Sylvia (signature) (Sylvia (type or print name)	Harvey
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	MALC sonally ap	ppeared	. /	, 19 <u>9</u> , before me	;, a Notary Public of the State
Oliver Harvey	<u> SV/Y</u>	IN F	LA	evey	
the Affiants(s) herein, personally known or satisfithat the matters and facts hereinabove set forth a					made oath in due form of la nowledge and belief.
AS WITNESS my hand and Notarial Scal.	, -		1	Maron	Chemen
March 11, 1998	•		ARY PI	,	
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at the Affiant(s) does/do presently reside at		Clanford	KOAG	
	ddress	•	21122	
	Balt	imore, MD		Zip Code
-	City		State	·
	· al-m	fore upon whi	ch live hase the re	squest for an Administrative
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STATE OF MARYLAND, COUNTY OF BAL	TIMORE,	to wit:		
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HEREBY CERTIFY, this day of	i <u>///i/</u>	11/	, 19 <u>7 </u>	ole me, a rising y
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f Maryland, in and for the County aforesaid,		71000	/	
he Affiants(s) herein, personally known or sa hat the matters and facts hereinabove set for	th are true:	and correct to t	he best of his/her/	their knowledge and belief.
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #9805 Clanford Road

			-
which is presently zoned	D.R.	3.	5

This Petition shall be filed with the Office of Zoni	g Administration & Development Management.
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Section 1802. 3B (Planning Board approval 1965 BCZ12) to permit a side yard setback of Efect in-lieu of the required 10 feet, and a total for both sides of 17 feet in-lieu of the required 25 feet.

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- 2. The existing chimney is located on the proposed garage side, having to make room to pass it with a car requires the width to be 12'.
- Cannot accommodate the garage in the rear yard, the grade of the existing ground is
 too severe. 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.

	1		(We do solemnly declare and affirm, under the penalties of penjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:			Legal Owner(s):
			Oliver Harvey
(Type or Print Name)			(Type or Print Name)
· A Property of			(x) Oliver Haven
Signature			Signature
		·	SVIVIA Harvey
Address			Sylvia Havey
City	State	Zipcode	Signature (4/6)
Altomey for Petitioner:			9805 Clanford 669-3466 (4
Type or Print Name)			Address Phone No.
			RINDAUI STOWN Md. 21/33
Signature			Name, Address and phone number of representative to be contacted. M&H Development Engineers
		•	Vincent J. Moskunas
Address	Phone No.		Name 200 E. Joppa Road, Room 101 (410)828-9060
City	State	Zipcode	Address Phone No. Towson, MD 21286



ESTIMATED POSTING DATE 3/29/98



Printed with Soybean Ink on Recycled Paper 98-343-A

Zaning Commissioner of Baltimore County

TEL.: 410-828-9060 FAX: 410-828-9066

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21286

February 26,1998

ZONING DESCRIPTION FOR #9805 CLANFORD ROAD

BEGINNING at a point on the north side of Clanford Road which is 50' wide at a distance of 121' west of the centerline of Geier Court which is 50' wide. Being Lot No. 31, Block SS in the subdivision of Kings Point as recorded in Baltimore County Plat Book No. 30, folio 125, containing 8373.4 square feet. Also known as #9805 Clanford Road and located in the 2nd. Election District, 2nd. Councilmanic District.



J. Tilghman Downey, Jr.

98-343-A

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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•			Plai	nner, Please	Print Your Na	ame				
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Baltimore County Department of Permits and Development Management

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

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.: 343	•
Petitioner: Oliver and Sylvia Harv	rey
Location: #9805 Clanford Road	
PLEASE FORWARD ADVERTISING BILL TO: NAME: Oliver and Sylvia Harvey	
ADDRESS: 9805 Clanford Road	
Baltimore, MD 21133	
PHONE NUMBER: (410) 669-3466	
AJ:ggs	343-A (Revised 09/24/96)

CERTIFICATE OF POSTING

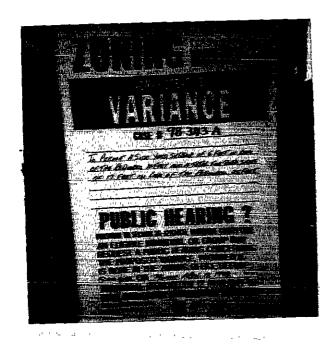
RE: Case No. 98-343-A
Petitioner/Developer:
(Oliver Harvey)
Date of Hearing/Closing:
(Apr. 13, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by							
law were posted conspicuously on the property located at							
9805 Clanford Road Randallstown, Maryland 21133							
The sign(s) were posted onMar. 26, 1998							



Sincerely,

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

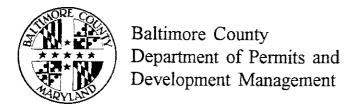
Baltimore, Maryland 21221

(410) 687-8405

(Telephone Number)

98-343-A

•



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

April 8, 1998

Oliver and Sylvia Harvey 9805 Clanford Road Randallstown, MD 21133

RE:

Item No.: 343 Case No.: 98-343-A

Petitioner: Oliver & Sylvia Harvey

Location: 9805 Clanford Road

Dear Mr. & Mrs. Harvey:

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 March 19, 1998.

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.

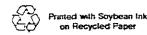
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

South Super

WCR:ggs
Attachment(s)





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 3/25/98 BR

Item No. 343

Oliver Harvey

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,

m Link

Ronald Burns, Chief
 Engineering Access Permits
 Division

LG

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

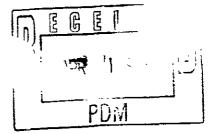
TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: March 26, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions



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

Item No. 337, 339, 340, 341, 343, 344, 345, and 346

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Dary Lews

Prepared by

Division Chief

AFK/JL .

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley RISS/97 Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee Meeting Date: There

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

Item #'s:

337

33-8

341

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 8, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for April 6, 1998

Item Nos. 339, 340, 341, 342, 343

344, 345, and 346

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

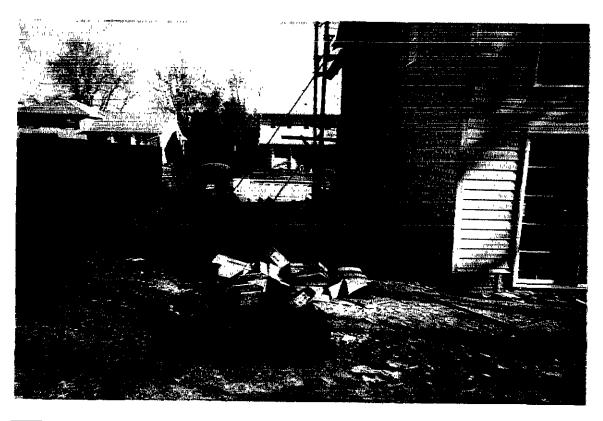
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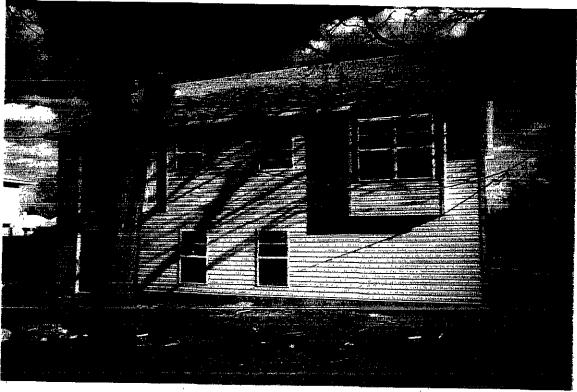
cc: File





98-343-A





98-343-A





98.343-A



