

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Morningside Drive, 500' N
centerline of Joppa Road
9th Election District
4th Councilmanic District
(712 Morningside Drive)

J. Michael Burke
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-051-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by J. Michael Burke, property owner, for that property known as 712 Morningside Drive in the Towson area of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 ft. in lieu of the required 30 ft. to build an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative 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 Petitioner has 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 Deputy Zoning Commissioner, the information, photographs, 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 Petitioner.

ORDER RECEIVED FOR FILING

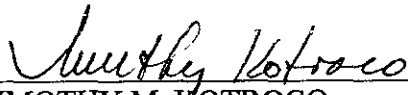
Date 9/2/99

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 Deputy Zoning Commissioner for Baltimore County this 2nd day of September, 1999 that a variance from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 ft. in lieu of the required 30 ft. to build an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 9/2/99
By R. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 2, 1999

Mr. J. Michael Burke
712 Morningside Drive
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 00-051-A
Property: 712 Morningside Drive

Dear Mr. Burke:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

C: Ms. Jane Herschelman
c/o Diversified Industries
4934 Bucks Schoolhouse Road
Baltimore, Maryland 21237

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 712 Morningside Drive
which is presently zoned DR-5.5

This Petition shall be filed with the Department of Permits and 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)

1 Bo2.3.c.1 to permit a
rear yard setback of 18 ft. in lieu of the required 30 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

As a Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 8 day of August that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-51-A

Reviewed By BN

Date 8/3/99

Estimated Posting Date

8/15/99

REV 9/15/98

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 712 Morningside Drive
Address
Towson MD 21204
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):

- ① ADDITIONAL LIVING SPACE IS NECESSARY
- ② EXISTING PATIO IS USABLE IN ONLY ONE SEASON
- ③ PROPOSED SUNROOM WILL ADD LIVING SPACE THAT IS USABLE IN ALL FOUR SEASONS
- ④ PROPOSED SUNROOM WILL USE EXISTING PATIO SLAB

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

J. Michael Burke
Signature
J. Michael Burke
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of AUGUST, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

J. Michael Burke
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

8/2/99
Date

Ann E. Enoch
Notary Public

My Commission Expires 11/1/01

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 712 MORNING SIDE DRIVE
Address
TOWSON MD 21204
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):

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- ② EXISTING PATIO IS USABLE IN ONLY ONE SEASON
- ③ PROPOSED SUNROOM WILL ADD LIVING SPACE THAT IS USABLE IN ALL FOUR SEASONS
- ④ PROPOSED SUNROOM WILL USE EXISTING PATIO SLAB

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

J. Michael Burke
Signature
J. Michael Burke
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of AUGUST, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

J. Michael Burke
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

8/2/99
Date

Ann E. Eckenrode
Notary Public
My Commission Expires 11/1/01

Zoning Description

Zoning Description for 712 Morningside Drive

Beginning at a point on the west side of Morningside Drive which is 50 feet wide at the distance of 500 feet north of the centerline of the nearest improved intersecting street Joppa Road which is 50 feet wide. Being Lot 22 in the subdivision of Morningside as recorded in Baltimore County Plat Book #12, Folio #104, containing 8579 square feet. Also know as 712 Morningside Drive and located in the 9th Election District, 4th Councilmanic District.

00.051-A

51

No. 06024

ACCOUNT 10001-6/50

AMOUNT
\$ 50.00

Deafened Infants

FOR: Cable - Embassy, U.S. -

YELLOW - CUSTOMER

1/5000

CASHIER'S VALIDATION

00.051-A

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5. HAZ ZONING CERTIFICATION

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Report in 50

FOOD

Figure 1. A. A schematic diagram of the experimental setup. B. A photograph of the experimental setup.

CERTIFICATE OF POSTING

RE: CASE #00-051-A
PETITIONER/DEVELOPER:
(Michael Burke)
DATE OF Closing
(Aug 30, 1999)

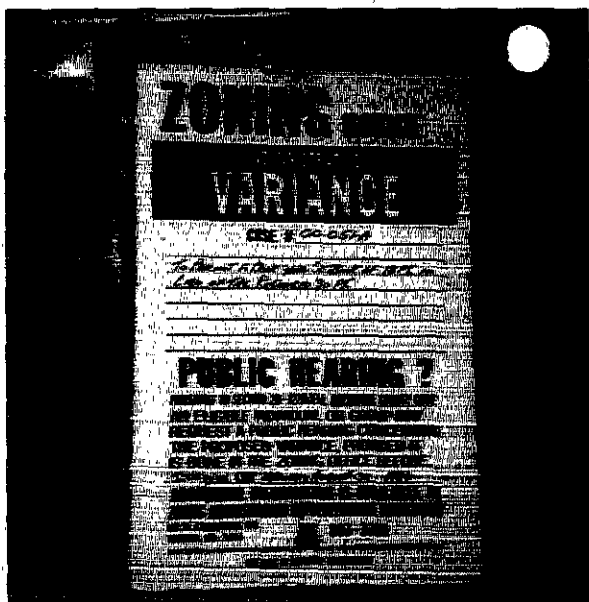
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

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
712 Morningside Drive Baltimore, Maryland 21204_____

The sign(s) were posted on _____ 8-13-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ [410]-687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 51 -A Address 712 Morningside Drive
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/3/99 Posting Date: 8/15/99 Closing Date: 8/30/99

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 00- 51 -A Address 712 Morningside Drive
Petitioner's Name Michael Burke Telephone 410-583-6906
Posting Date: 8/15/99 Closing Date: 8/30/99
Wording for Sign: To Permit a rear yard setback of 18 ft. in lieu
of the required 30 ft.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-51-A

Petitioner: MICHAEL BURKE

Address or Location: 712 MORNINGSIDE DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: DIVERSIFIED INDUSTRIES

Address: 4934 BUCKS SCHOOLHOUSE RD

BALTIMORE, MD 21237

Telephone Number: 410-882-0584

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: September 3, 1999

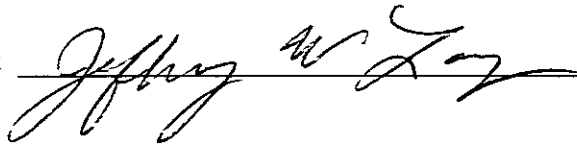
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 051

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

SEP - 7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 19, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - KH
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 051
PETITIONER: J. Michael Burke

VIOLATION CASE NO.: 98-3306

LOCATION OF VIOLATION: W/S Morningside Drive, 500' N of centerline
Joppa Road (712 Morningside Drive)

DEFENDANT(S): J. Michael Burke

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/kh/lmh

00-051-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 712 Morningside Drive

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

Subdivision name: MORNINGSIDE

Plat book # 12, folio # 104, lot # 22, section #

OWNER: Michael Burke

(Lot 21) 714 Morningside Drive
SHAWN THORIMBERT
01-21-850000

Northeasterly - 107'



North
date: 9-25-95
prepared by: M.H.

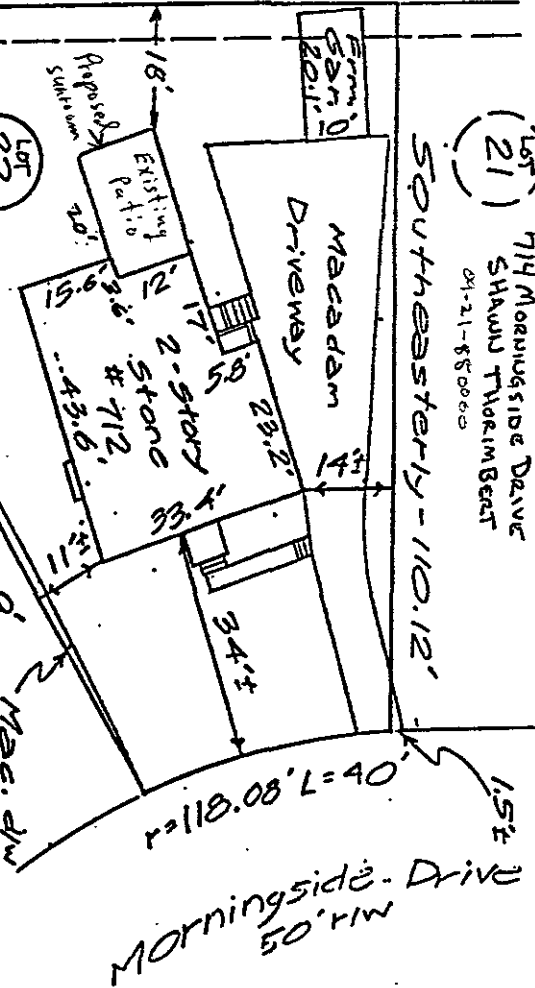
Scale of Drawing: 1" = 30'

5' Reservation

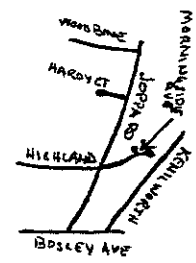
(Lot 23) 710 Morningside Drive
James L. W. RAS
09-12-491990

(Lot 22)

Westerly - 137.09' from Mac. Dr



NOTE: Garage appears to be lying within 5' reservation. Driveway appears to be encroaching upon lot-21 as shown. Portion of driveway from lot-23 appears to be encroaching upon this lot.



Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 9
Councilmanic District: 4
1" = 200' scale map: N.E. 10-A
Zoning: DR-5.5
Lot size: 8579 square feet

SEWER: ☒ PUBLIC ☐ PRIVATE
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

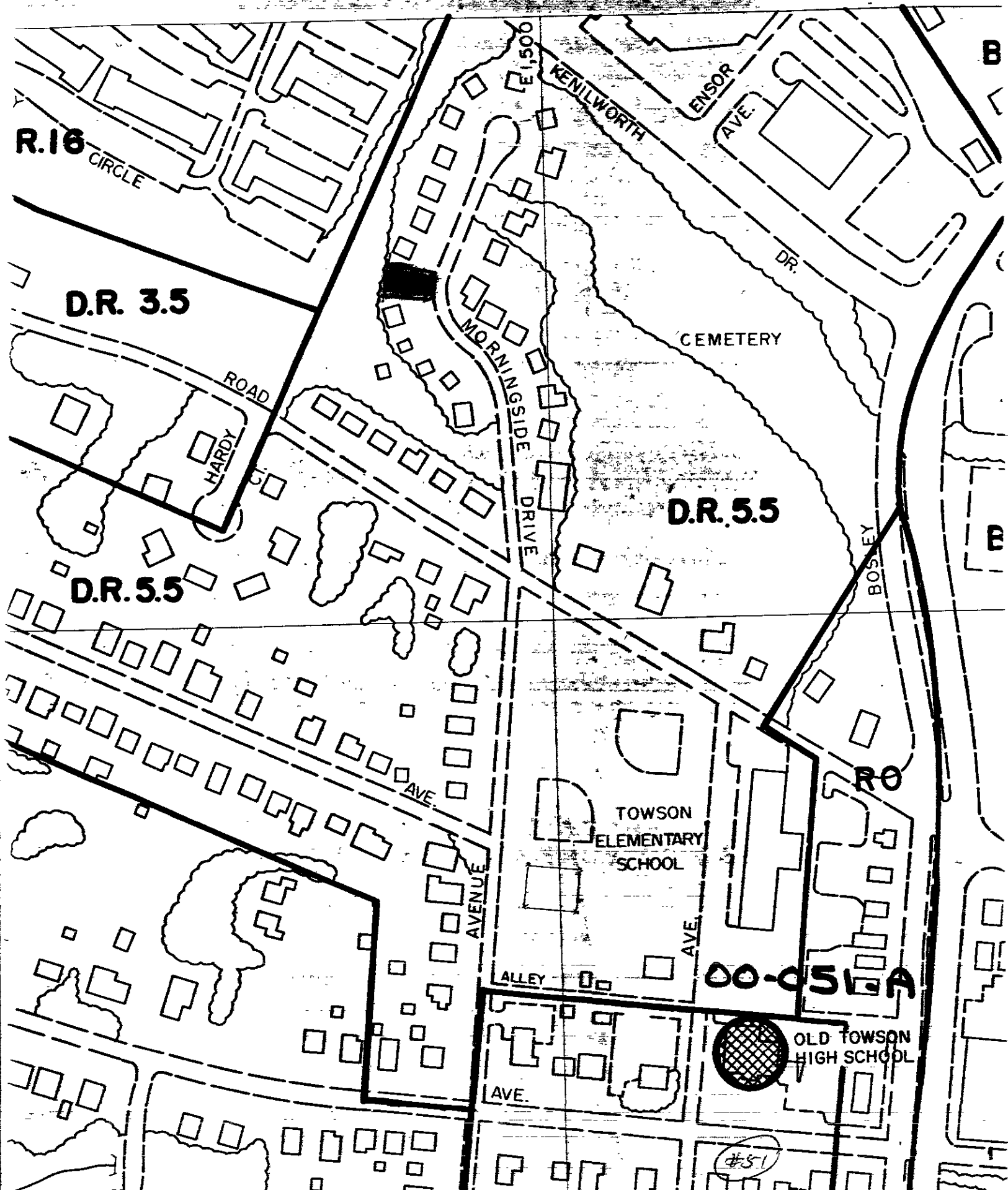
Zoning Office USE ONLY!

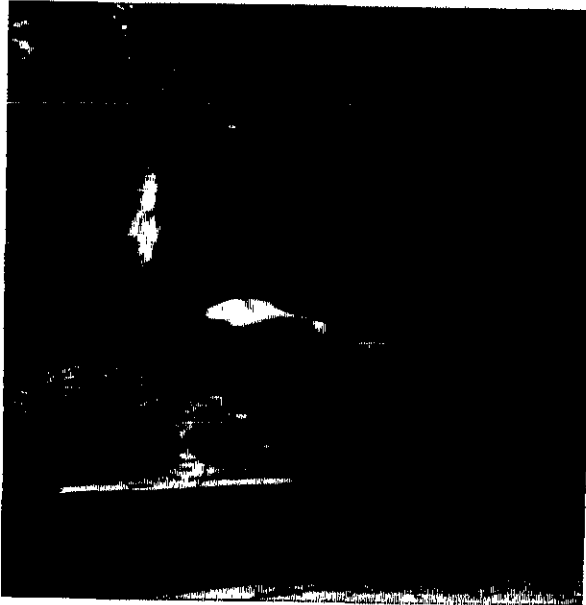
reviewed by: ITEM #: CASE #:

SH 51 00-51-A

T.X3.L3d

NE 1"=200'
TO-A





PATIO toward 710 MORNING SIDE
#00-51-A



PATIO LOOKING TOWARD 710 MORNING SIDE
#00-51-A



→
724

Patio from back

#00-51-A



Patio looking toward 714 MORNING SIDE

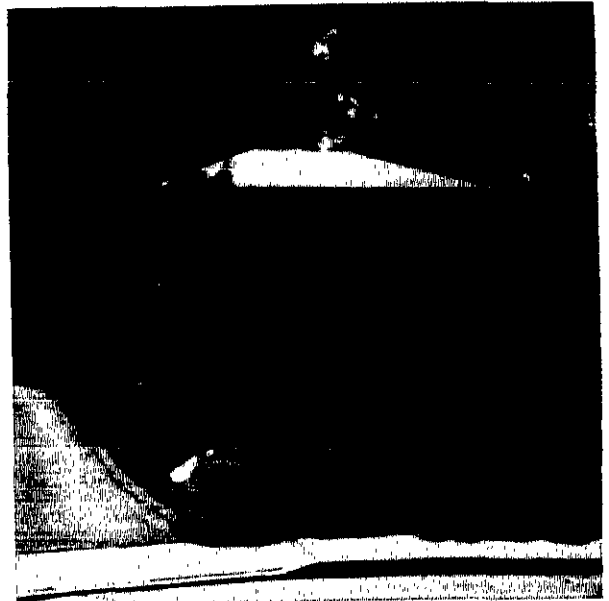
#00-51-A

00-051-A



PATIO FROM BACK

00-51-A



712 MORNINGSIDES

00-51-A



710 MORNINGSIDES

00-51-A



714 MORNINGSIDES

00-51-A

00-051-A

