

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Southern Cross Drive, 25' S
centerline of Westridge Road
3rd Election District
2nd Councilmanic District
(3804 Southern Cross Drive)

Fannie B. and Warren E. Harvey
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-420-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Fannie B. and Warren E. Harvey, legal owners of that property known as 3804 Southern Cross Drive in the Milford area of Baltimore County. The Petitioners herein seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard street setback of 18 ft. in lieu of the required 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners 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 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 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 Petitioners.

ORDER TO COVER FOR FILING
DATE 5/15/01
BY J.P. Jensen

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 15th day of May, 2001, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard street setback of 18 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED FOR FILING
MAY 15 2001
R. Johnson



Baltimore County
Zoning Commissioner

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

May 16, 2001

Mr. & Mrs. Warren E. Harvey
3804 Southern Cross Drive
Baltimore, Maryland 21207

Re: Petition for Administrative Variance
Case No. 01-420-A
Property: 3804 Southern Cross Drive

Dear Mr. & Mrs. Harvey:

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 Department of Permits and Development Management. 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 M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Richard Kaline
2707 Merrick Way
Abingdon, MD 21009





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3804 Southern Cross 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)

1B02.3B (BCZR)

to permit an addition with a front street set back of 18 feet in lieu of the required 25 feet

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):

Warren E. Harvey
Name - Type or Print

Warren E. Harvey
Signature

Fannie B. Harvey
Name - Type or Print

Fannie B. Harvey
Signature

3804 Southern Cross Dr. 410-484-3667
Address Telephone No.

Balt. md 21207
City State Zip Code

Representative to be Contacted:

Richard Kaline
Name

2707 Merrick way 410-515-3106
Address Telephone No.

Abingdon md 21009
City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 4/12/01

Estimated Posting Date 4/22/01

ORDER RECEIVED FOR FILING

CASE NO. 01-420-A

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 3804 Southern Cross Drive
Address
Balt. MD 21207
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):

House needs to be enlarged to accommodate family. Due to location of EXISTING house on property proposed ADDITION HAS TO BE placed at Location Requested.

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.

Warren E. Harvey
Signature

Warren E. Harvey
Name - Type or Print

Fannie B. Harvey
Signature

Fannie B. Harvey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of March, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Warren Harvey and Fannie Harvey
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

Date

3/22/01

Renee Vick
Notary Public

My Commission Expires
Renee Vick, Notary Public
City of Baltimore
State of Maryland
My Commission Expires March 1, 2002

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 3804 Southern Cross Drive
Address
Balt. md 21207
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):

*HOUSE NEEDS TO BE ENLARGED TO ACCOMMODATE FAMILY. DUE TO LOCATION
EXISTING OF A HOUSE ON PROPERTY PROPOSED ADDITION HAS TO BE PLACED AT
LOCATION REQUESTED.*

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.

Warren E. Harvey
Signature

Warren E. Harvey
Name - Type or Print

Fannie B. Harvey
Signature

Fannie B. Harvey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of March, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Warren Harvey and Fannie Harvey
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

3/22/01
Date

Renee Vick
Notary Public
My Commission Expires March 1, 2002
Renee Vick, Notary Public
City of Baltimore
State of Maryland
My Commission Expires March 1, 2002



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3804 Southern Cross Drive
which is presently zoned DRS.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) 1802.3B (BC2R)

to permit an addition with a front street setback of 18 feet in lieu of the required 25 feet.

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):

Warren E. Harvey
Name - Type or Print _____

Warren E. Harvey
Signature _____

Fannie B. Harvey
Name - Type or Print _____

Fannie B. Harvey
Signature _____

3804 Southern Cross Drive
Address _____ Telephone No. 410-484-3667

Balt. md 21207
City _____ State _____ Zip Code _____

Representative to be Contacted:

Richard Kaline
Name _____

2707 Merrick way 410-515-3106
Address _____ Telephone No. _____

Abingdon md 21009
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ 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. 01-420-A

REV 9/15/98

Reviewed By JNP Date 4/12/01

Estimated Posting Date 4/22/01

ZONING DESCRIPTION FOR 380A Southern Cross Drive

Beginning at a point on the West side of

Southern Cross Drive ^{RR} which is 50 FT

wide at the distance of 25 ^{RR} FT SOUTH ^{RR} of the

centerline of the nearest improved intersecting street WESTRIDGE RD ^{RR}

which is 50 FT wide. *Being Lot # 3 ^{RR}

Section # 1 ^{RR} in the subdivision of Campfield Gardens

^{RR} as recorded in Baltimore County Plat Book # 17, Folio # 66,

containing 7,020 SQUARE FEET ^{RR}. Also known as 380A Southern Cross Drive

and located in the 3 ^{RR} Election District, 2 Councilmanic District ^{RR}.

01-420-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

92943

DATE

4/12/01

ACCOUNT

R-001-D-06-6150

AMOUNT \$

50.00

RECEIVED
FROM:

Richard Kline

FOR:

Adm. Expense - CI-420-A

3804 Southern Cross Rd. (Harvey)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
4/12/2001 4/12/2001 09:57:16

REC #003 CASHIER LWL LWM DRAWER 3

>>RECEIPT # 178462

Dep. 5 520 ZONING VERIFICATION

CR NO. 092943

OFLR

Recpt Tot:

50.00

50.00 OK

00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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/neighbor 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: 01-420-A

Petitioner: Warren - Fannie Harvey

Address or Location: 3804 Southern Cross Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Benchmark Custom Contracting

Address: 2810 Creswell Rd
Belair Md 21015

Telephone Number: 410-879-5827

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 420 -A Address 3804 Southern Cross Drive

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/12/01 Posting Date: 4/22/01 Closing Date: 5/7/01

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 01- 420 -A Address 3804 Southern Cross Drive

Petitioner's Name Warren & Fannie Harvey Telephone 410-484-3667

Posting Date: 4/22/01 Closing Date: 5/7/01

Wording for Sign: To Permit an addition with a front street setback of 18 feet in lieu of the required 25 feet



Baltimore County
Department of Permits and
Development Management

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

May 7, 2001

Fannie B & Warren E Harvey
3804 Southern Cross Drive
Baltimore MD 21207

Dear Mr. & Mrs. Harvey:

RE: Case Number: 01-420-A, 3804 Southern Cross Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G12
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Richard Kaline, 2707 Merrick Way, Abingdon 21009
People's Counsel



PN
5/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 10, 2001

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

MAY 11

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-420

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Lee

AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: June 4, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2001
Item Nos. 412, 413, 414, 415, 416, 417,
418, 419, 420, 421, 422, 424, and 426

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 25, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 23, 2001

Item No.: See Below

Dear Ms. Stephens:

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:

412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422,
423, 424, 425, AND 426

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.25.01

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

RE: Baltimore County
Item No. 420 JHP

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: April 30, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 23, 2001

DEPRM has no comments for the following zoning petitions:

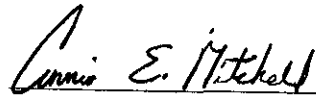
Item #	Address
<u>412</u>	220 Glyndon Watch La.
<u>415</u>	27 Gray Squirrel Ct.
<u>416</u>	1947 Greenspring Dr.
<u>417</u>	217 Sacred Heart La.
<u>418</u>	1905 Broadwy Rd.
<u>419</u>	15233 Jarrettsville Pike
<u>420</u>	3804 Southern Cross Dr.
<u>424</u>	8111 Philadelphia Rd.
<u>426</u>	9301 Seven Courts Dr.

BENCHMARK ●

CUSTOM CONTRACTING

April 10, 2001

THE UNDERSIGNED, BEING THE NEIGHBOR RESIDING AT 3802 SOUTHERN CROSS DR. AND BORDERING DIRECTLY ON THE PROPERTY OF MR. WARREN HARVEY AT 3804 SOUTHERN CROSS DR. HAVE NO OBJECTIONS TO THE BUILDING OF HIS PROPOSED ADDITION.

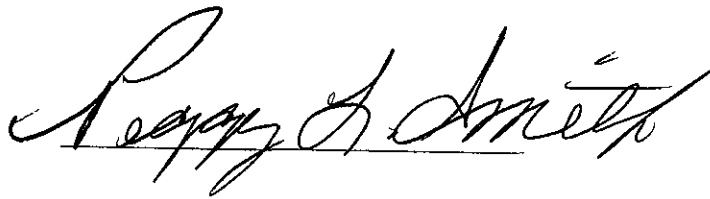
_____

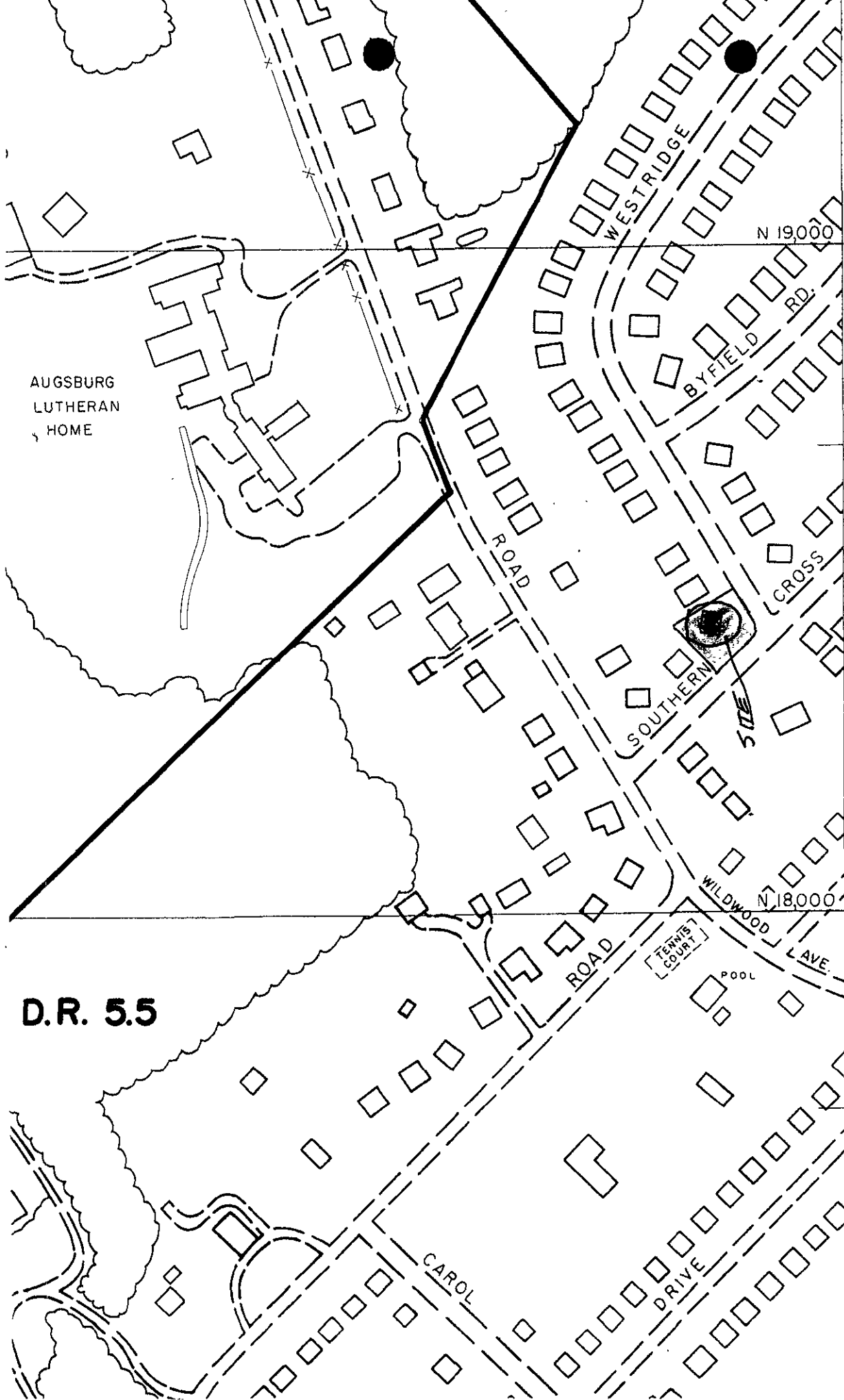
BENCHMARK

CUSTOM CONTRACTING

April 10, 2001

THE UNDERSIGNED, BEING THE NEIGHBOR RESIDING AT 6800 WESTRIDGE RD.
AND BORDERING DIRECTLY ON THE PROPERTY OF MR. WARREN HARVEY AT
3804 SOUTHERN CROSS DR. HAVE NO OBJECTIONS TO THE BUILDING OF HIS
PROPOSED ADDITION.





(SHEET NW-5-E)

TLW
5A
1"=200'

01-4207A

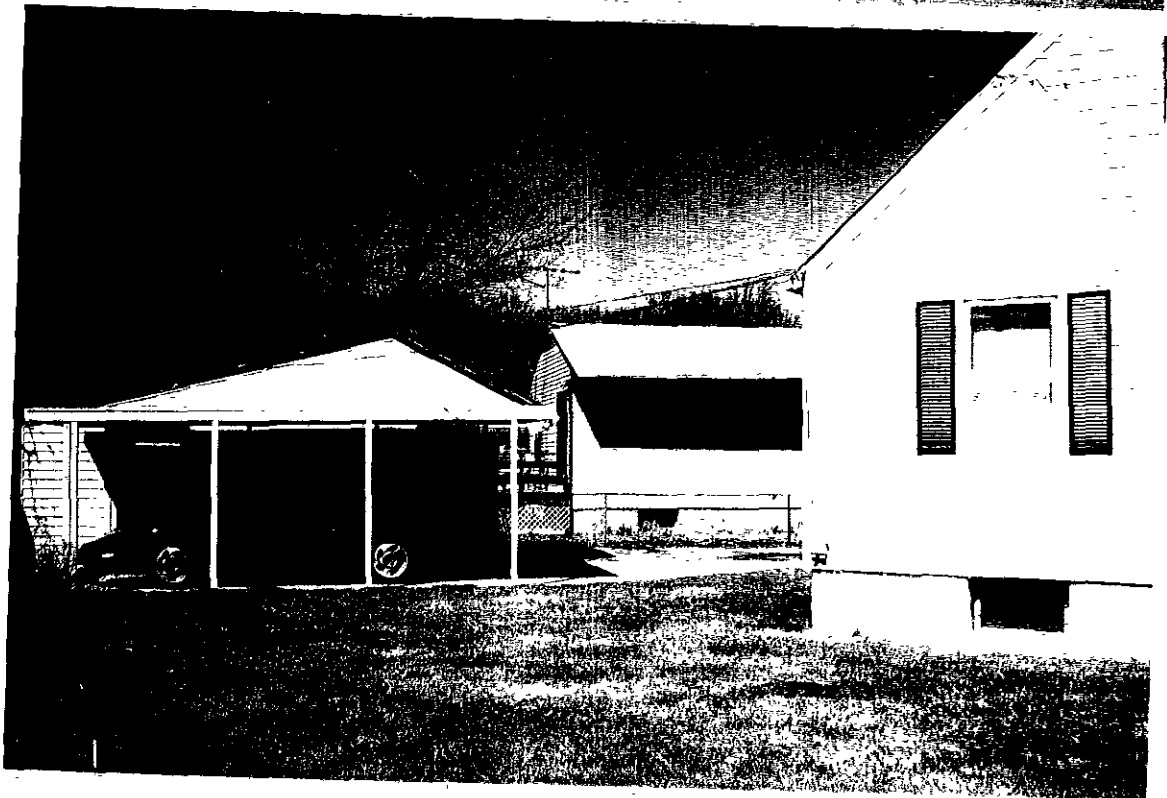
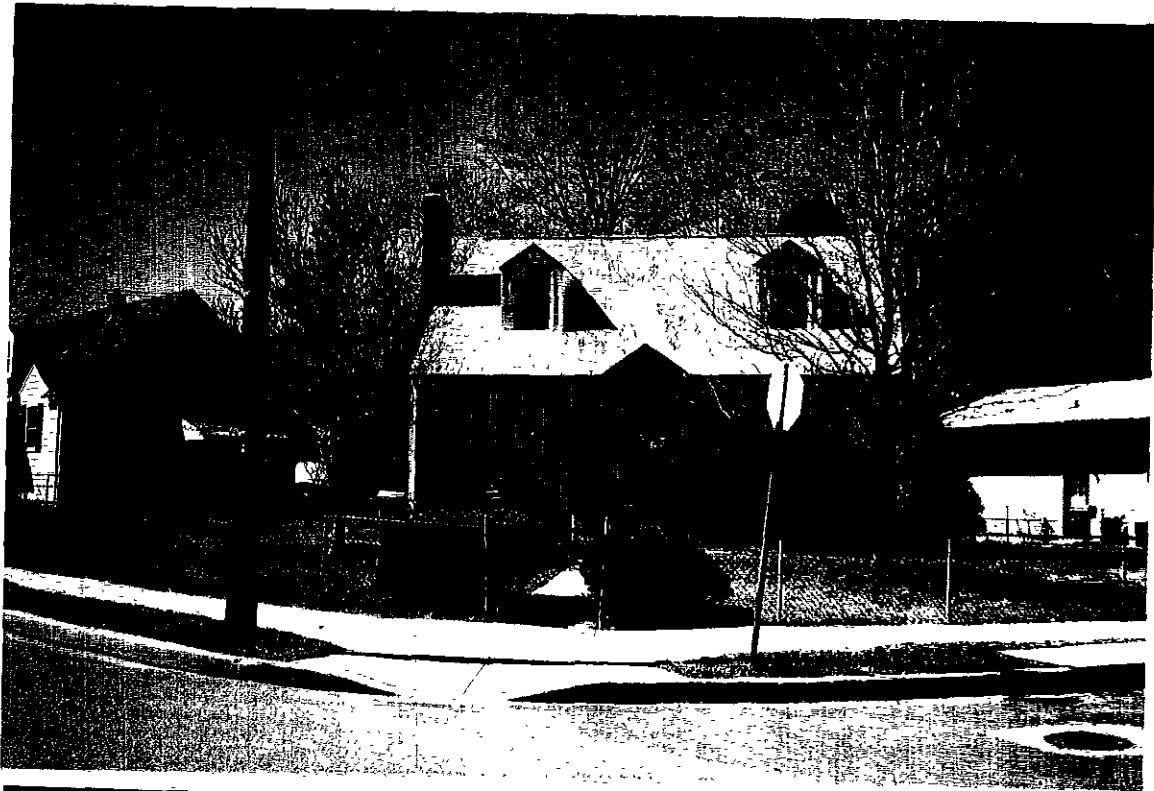


01-420-A



01-420-A

01-420-A



01-420-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

LOCATION

SCALE

1" = 200'

MIL FORD

N.W.
5-F

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET