

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S Bush Street, 400' W
centerline of Philadelphia Road
11th Election District
5th Councilmanic District
(5600 Bush Street)

Susan & Robert Roby
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-060-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Susan and Robert Roby. The variance request is for property located at 5600 Bush Street in the White Marsh area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with an open projection (deck) to have a side yard setback of 5 ft. 6 in. in lieu of the required 11.25 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

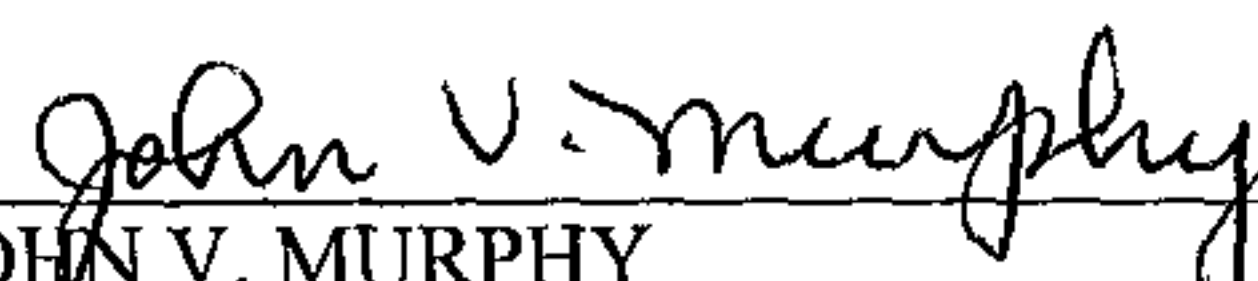
9/8/03
R. J. Jenson

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 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 8 day of September, 2003, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit an existing single-family dwelling with an open projection (deck) to have a side yard setback of 5 ft. 6 in. in lieu of the required 11.25 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.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

9/8/03
R. J. Jenson



Baltimore County
Zoning Commissioner

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

September 5, 2003

Mr. & Mrs. Robert Roby
5600 Bush Street
White Marsh, Maryland 21162

Re: Petition for Administrative Variance
Case No. 04-060-A
Property: 5600 Bush Street

Dear Mr. & Mrs. Roby:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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 5600 Bush ST
which is presently zoned DR2

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) BOZ.3.C.1 (BCZR)

TO PERMIT A EXISTING SINGLE FAMILY DWELLING
WITH OPEN PROJECTION (DECK) TO HAVE A
SIDE YARD SETBACK OF 5'6" IN LIEU OF THE REQUIRED
11.25'.

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):

Robert L. Roby Jr.
Name - Type or Print

Robert L. Roby Jr.
Signature

Susan A. Roby
Name - Type or Print

Susan A. Roby
Signature

5600 Bush Street 410 256 8753
Address Telephone No.

White Marsh MD 21162
City State Zip Code

Representative to be Contacted:

Same
Name

As
Address Telephone No.

Abou.
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 9th day of August, 2003, 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. 04-060-A

Reviewed By CTM Date 8/6/03

Estimated Posting Date 8/17/03

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

5600 Bush Street
Address
White Marsh Md 21162
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):

Reasons for administrative appeal

- 1) Existing front door of house faces south and over 100' from drive entry of property. This forces all entry through the side entry of the house.
 - a) We would propose making the side entry of the house the main entry, eliminating the need to extend a drive to the front section of the house, increasing the impervious area of the area
 - b) The proposed entry way would be open with roof area over the proposed new front entry of the house
- 2) The nearest neighbors are not impacted
 - a) Lot 4 and 8 face away from the proposed porch area
 - b) JFK highway is on the west side of Bush Street or "Access Road" opposite our property.

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.

Robert L. Roby Jr.
Signature
Robert L. Roby Jr.
Name - Type or Print

Susan A. Roby
Signature
Susan A. Roby
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert L. Roby Jr. & Susan A. Roby
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Jan Adria Stachura
Notary Public
My Commission Expires January 1, 2006

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Address
White Marsh Md 21162
City State Zip Code

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Robert L Roby Jr
Signature
Robert L Roby Jr
Name - Type or Print

Susan A Roby
Signature
Susan A. Roby
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert L Roby Jr & Susan A. Roby
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Jan Adria Stokewest
Notary Public
My Commission Expires January 1, 2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5600 Bush St
which is presently zoned DR2

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TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH OPEN PROJECTION (DECK) TO HAVE A SIDEYARD
SETBACK OF 5'6" IN LIEU OF THE REQUIRED 11.25'

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.

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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):

Robert L. Roby Jr
Name - Type or Print

Robert L. Roby
Signature

Susan A. Roby
Name - Type or Print

Susan A. Roby
Signature

5600 Bush Street 410.256
Address Telephone No.

White Marsh Md 8753
City State Zip Code

Representative to be Contacted:

Same
Name

AS
Address Telephone No.

About
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. 04-060-A

Reviewed By LTM Date 8/6/03

Estimated Posting Date 8/17/03

Zoning Description for 5600 Bush Street White Marsh, Maryland

Beginning on the north east side of Bush street which is approximately 50' wide at the distance of ~~377' North 24 1/2' East~~ of the nearest intersecting street (~~Service Road~~) Being lot 3 & 9, Block C, in the subdivision of Forge Acres as recorded in Baltimore County Plat Book #~~5948~~ / Folio ~~663~~ **14188** containing 35,178 SF also known as 5600 Bush Street, and located in the 11th Election District and the 5th councilmanic District

* 400' WEST OF

** PHILADELPHIA ROAD 66' WIDE

#60

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **27420**

DATE 8/16/03 ACCOUNT R001 006 6150

AMOUNT \$ 65.00

RECEIVED
FROM:

R. ROBY

FOR:

04-060-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
8/07/2003 8/06/2003 11:28:21

REG 4801 WALKIN JRIC JMR

RECEIPT # 150271 8/06/2003

DEPT 5 528 ZIMING VERIFICATION

CFR NO. 027420

Receipt Tot \$65.00

.00 CK 70.00 CA

5.00- 06

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 8/17/03

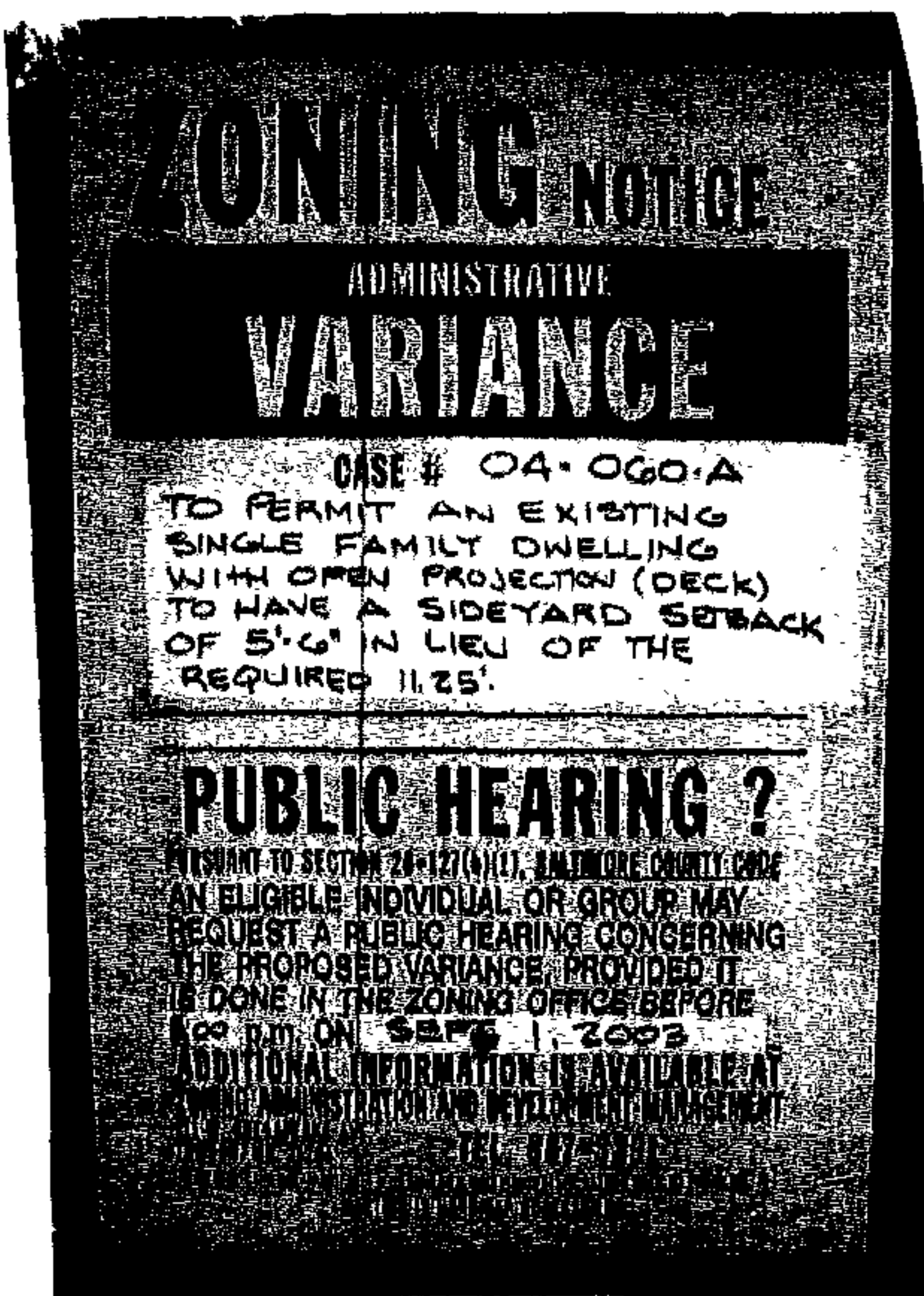
RE: Case Number: 04-060-A

Petitioner/Developer: ROBERT ROBY

Date of Hearing/Closing: 9/1/03

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5600 Bush ST.

The sign(s) were posted on 8/16/03
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Magleth Road
Baltimore, MD 21234
410-665-5562

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴ ~~03~~- 060 -A Address 5600 BUSH ST
Contact Person LYDIA T. MOXLEY Phone Number 410-887-3391
Planner Please Print Your Name
Filing Date: 8/6/03 Posting Date: 8/17/03 Closing Date: 9/1/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number

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.

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.

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.

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.

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴ ~~03~~- 060 -A Address 5600 BUSH ST
Petitioner's Name ROBERT L. ROBY Telephone 410 256 8753
Posting Date: 8/17/03 Closing Date: 9/1/03
Reason for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING
WITH OPEN PROJECTION (DECK) TO HAVE A SIDEYARD SETBACK
OF 5'6" IN LIEU OF THE REQUIRED 11.25'

I HAVE RECEIVED POST INFO

**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: 04-60-A
Petitioner: Robert L. Roby Jr
Address or Location: 5600 Bush Street

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert L. Roby Jr
Address: 5600 Bush ST.
White Marsh Md 21162

Telephone Number: ~~410-597-8219~~ 410-256-8753



Baltimore County
Department of Permits and
Development Management

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

August 29, 2003

Mr. Robert L. Roby, Jr.
Mrs. Susan A. Roby
5600 Bush Street
White Marsh, MD 21162

Dear Mr. and Mrs. Roby:

RE: Case Number: 04-060-A, 56 Bush Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 6, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

August 13, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 11, 2003

Item No.: 4-48-SPHA 4-49-SPH 4-50-A 4-51-A 4-52-SPHA 4-53-SPHA
4-54-A 4-55-A 4-56-A 4-57-A 4-58-A 4-59-A 4-60-A 4-61-A 4-62-a
04-43-SPH 03-0545-X

Dear Ms. Hart:

Pursuant to your request, the referenced properties 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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

DEPARTMENT OF TRANSPORTATION

Date: 8.13.03

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

RE: Baltimore County
Item No. 060 LTM

Dear Ms. Hart:

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address, 707 North Calvert Street Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 14, 2003

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

SUBJECT: 56 Bush Street

INFORMATION:

Item Number: 04-060

Petitioner: Robert L. Roby, Jr.

Zoning: DR 2

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an existing dwelling with an open projection to have a side yard setback of 15 feet in lieu on the minimum required 11.25 feet.

Prepared by: Martha Cumpfe

Section Chief: James L. Larkin

AFK/LL:MAC:

RECEIVED
AUG 15 2003
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 25, 2003

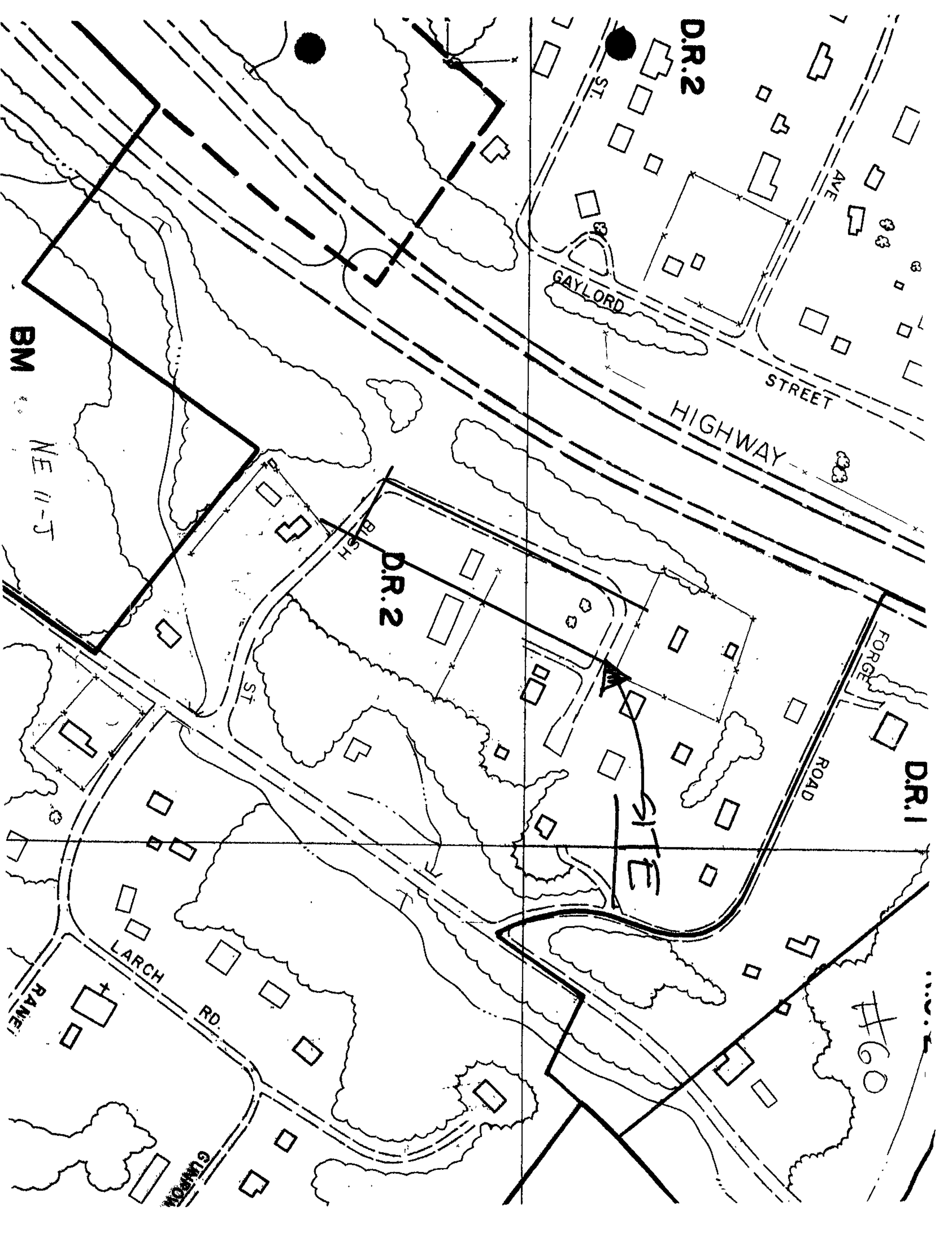
FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 18, 2003
Item Nos. 048, 049, 050, 051, 053,
054, 055, 056, 057, 058, 059, 060,
061, and 062

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

RWB:CEN:jrb

cc: File

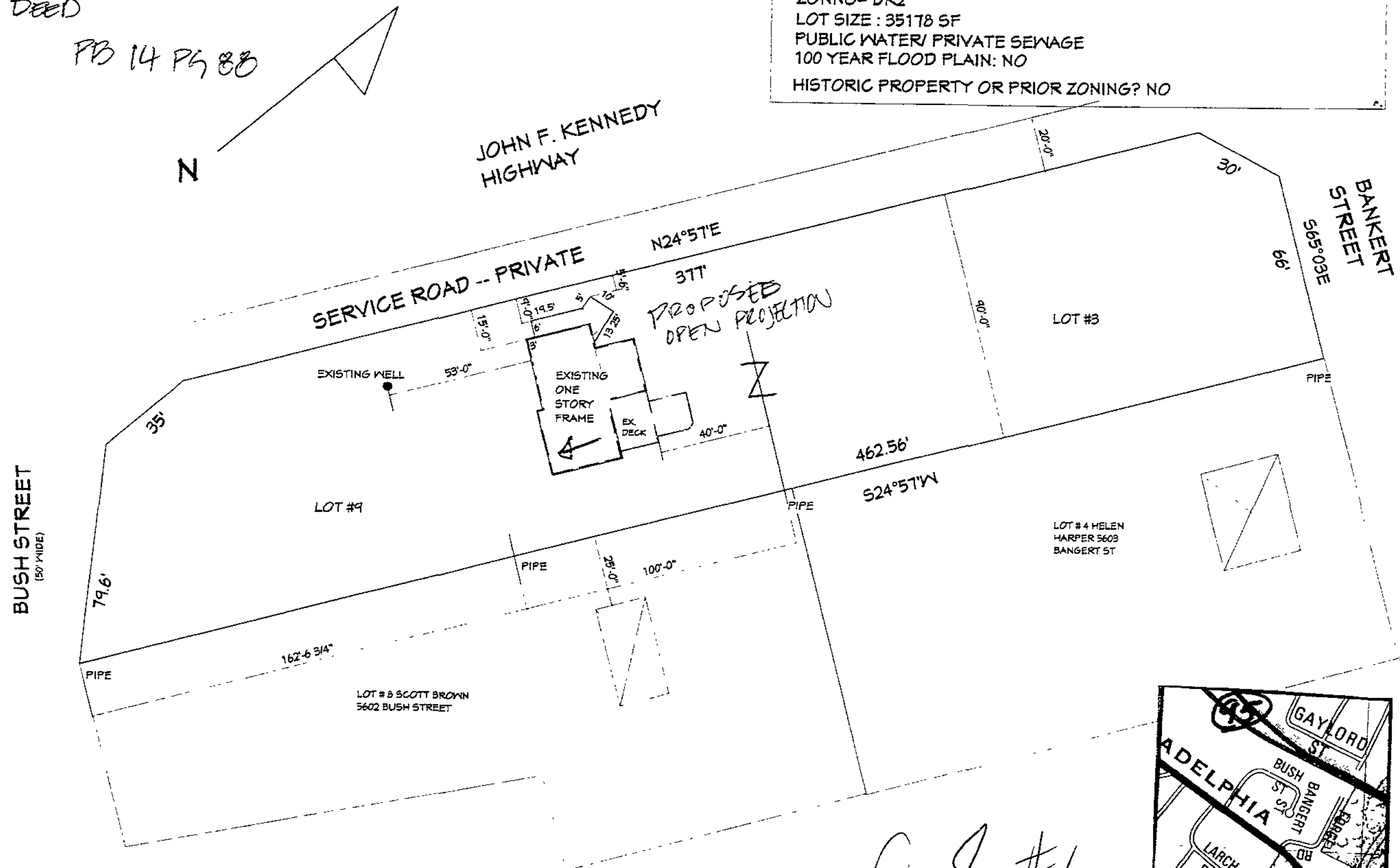


LOCATION SURVEY TO ACCOMPANY ZONING VARIANCE

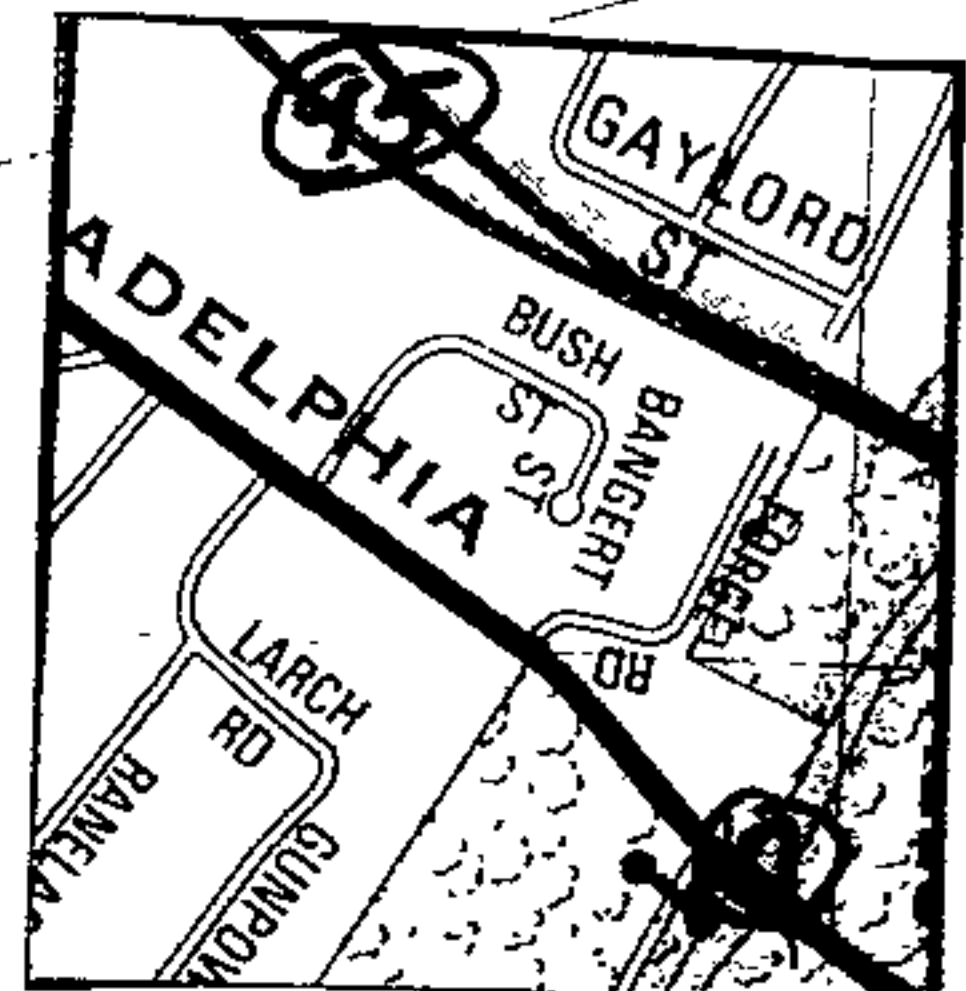
PROPERTY ADDRESS: 5600 BUSH STREET
 SUBDIVISION NAME: FORGE ACRES
 PLAT BOOK # 5948 FOLIO #663 BLOCK "C"
 DEED

PB 14 PG 88

LOCATION INFORMATION:
 ELECTION DISTRICT: 11TH
 COUNCILMANIC DISTRICT: 5TH
 1" = 200' SCALE MAP= NE 11 J
 ZONING= DR2
 LOT SIZE : 35178 SF
 PUBLIC WATER/ PRIVATE SEWAGE
 100 YEAR FLOOD PLAIN: NO
 HISTORIC PROPERTY OR PRIOR ZONING? NO



Plot #1



Robert Kelly

#60 CTM

ALL DIMENSIONS APPROXIMATE; MUST BE VERIFIED IN FIELD; NOT FOR LEGAL USE; SCALE = 1"= 50'

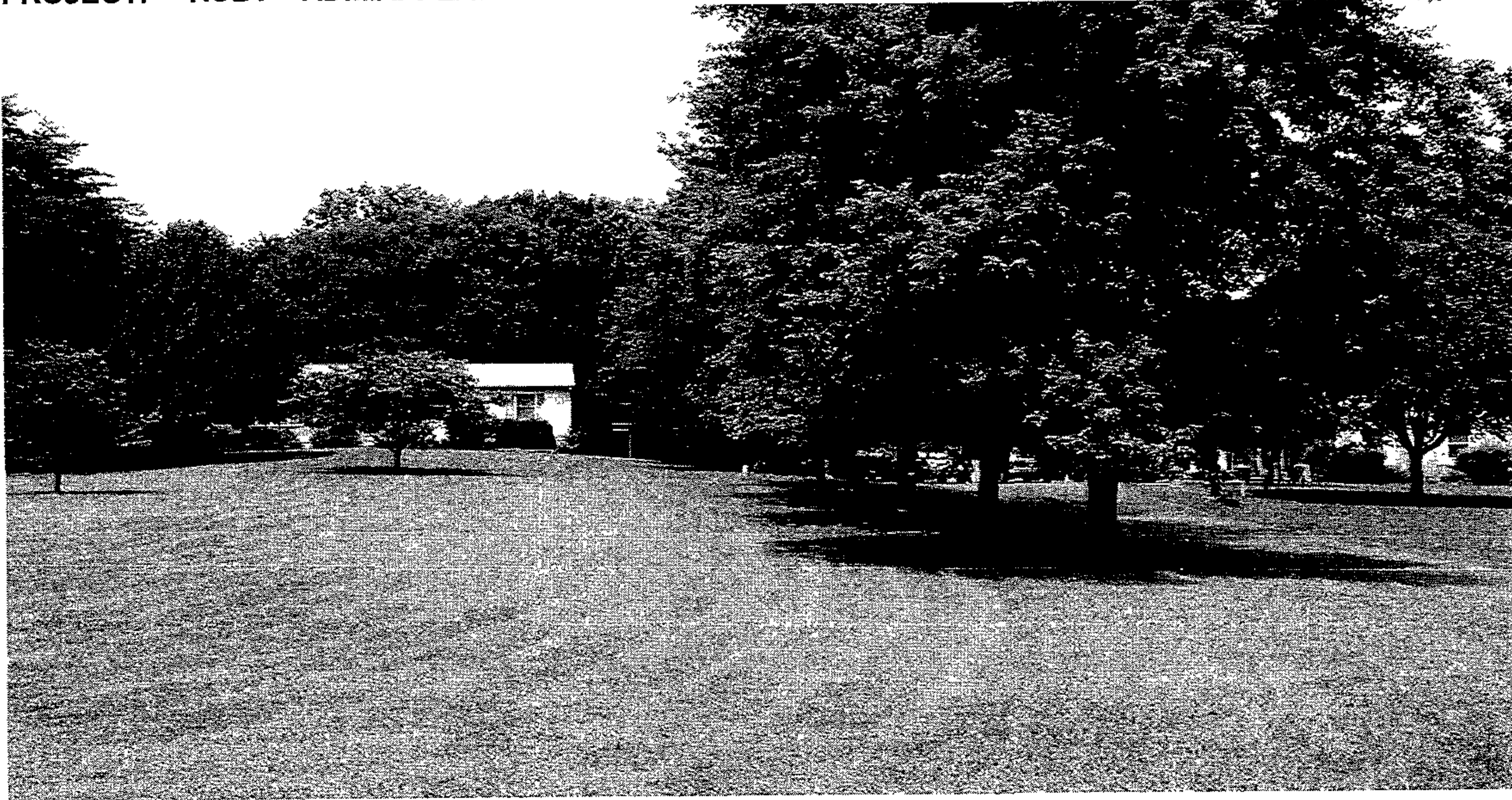


Figure 1 VIEW FROM SOUTH END OF PROPERTY LOOKING AT ROBY HOUSE

#60



Figure 2 VIEW FROM RESIDENCE LOOKING SOUTH DOWN SERVICE ROAD

#60

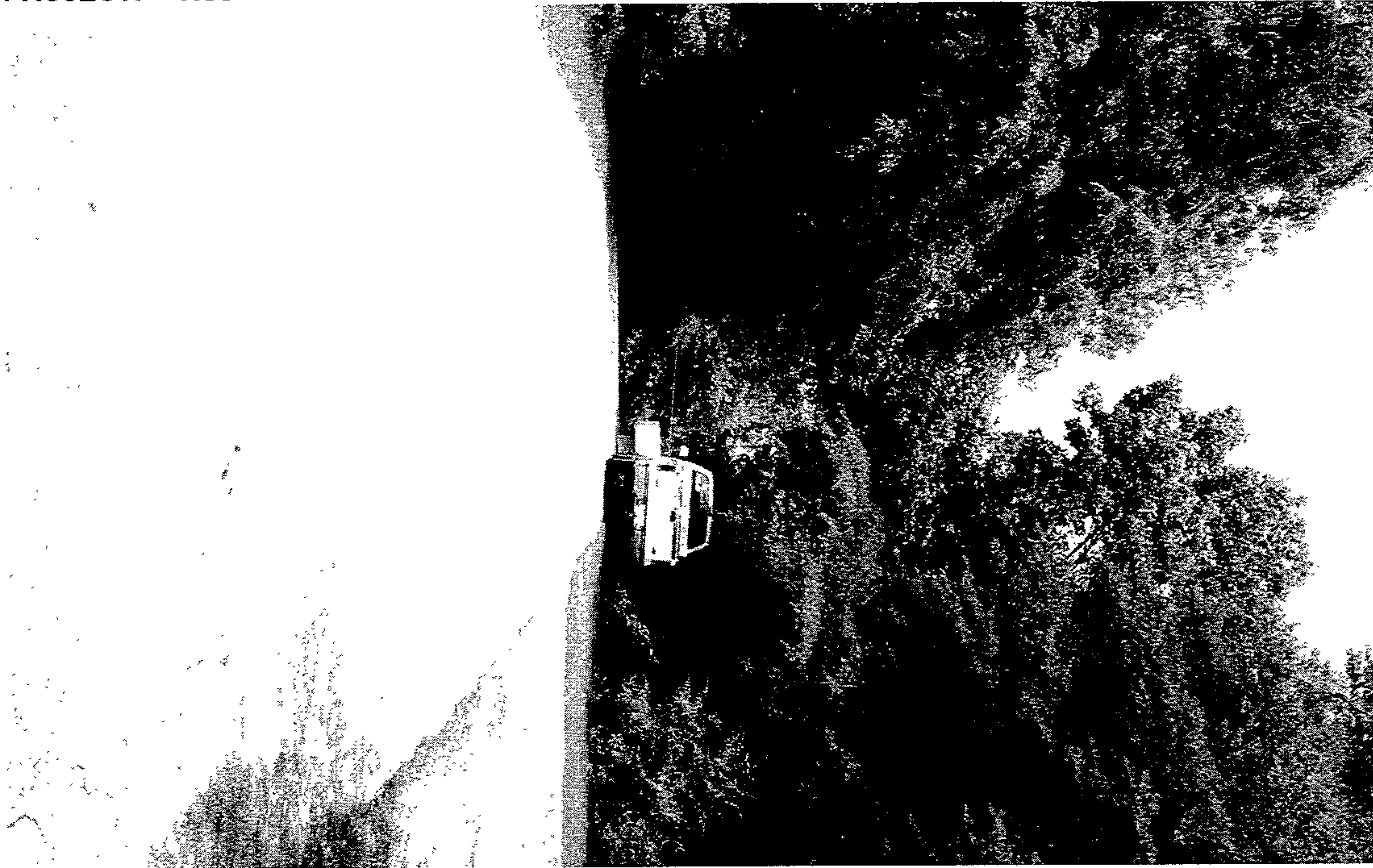


Figure 4 VIEW FROM ROBY RESIDENCE DRIVE LOOKING NORTH

#60



Figure 5 VIEW FROM ROBY RESIDENCE DRIVE LOOKING WEST

#60



Figure 6 VIEW FROM SERVICE ROAD LOOKING SOUTH OR PROPOSED PORCH AREA

#60