IN RE: PETITION FOR ADMIN, VARIANCE W/S of Heatherfield Drive,
0 ft. E of Windsor Boulevard
2nd Election District
4th Councilmanic District
(7519 Heatherfield Drive)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-067-A

Harriett & William Johnson, Jr. Petitioners

* * * * * * * * * * * * *

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, Harriett and William Johnson. The variance request is for property located at 7519 Heatherfield Drive in the western 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 addition (sunroom, deck) to have rear yard setbacks of 20 ft. and 19 ft. to an open projection in lieu of the required 30 ft. and 22.5 ft. respectively and to approve a single lot amendment of the Final Development Plan of "Clay Brooke" for Lot 71 only, in conjunction with the administrative variance. 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.

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 <u>l</u> b 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 addition (sunroom, deck) to have rear yard setbacks of 20 ft. and 19 ft. to an open projection in lieu of the required 30 ft. and 22.5 ft. respectively and to approve a single lot amendment of the Final Development Plan of "Clay Brooke" for Lot 71 only, in conjunction with the administrative variance, 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.

OMN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 12, 2003

Mr. & Mrs. William Johnson, Jr. 7519 Heatherfield Drive Baltimore, Maryland 21244

Re: Petition for Administrative Variance

Case No. 04-067-A

Property: 7519 Heatherfield Drive

Dear Mr. & Mrs. Johnson:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

John V. Murphy

Deputy Zoning Commissioner

John V. mustry

JVM:raj Enclosure

c: Greg Falter
Patio Enclosures
224 8th Avenue, NW
Glen Burnie, MD 21061



Visit the County's Website at www.baltimorecountyonline.info

Affidavit in Apport of Administrative Cariance

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.

7519 Heatherfield Dr.				
Address Baltimore Md, 21244				
/ State Zip Code				
g are the facts upon which I/we base the request for an Administrative r practical difficulty):				
facilities and land without r plan patterns.				
weather, bugs: mosquitos, flies				
to any addition of pratical size without requiring a variance.				
demand is filed, Affiant(s) will be required to pay a reposting and				
tional information.				
- Manut Jhnon				
Signature				
Harriett Johnson Name - Type or Print				
E, to wit:				
<u>y</u> , <u>1003</u> , before me, a Notary Public of the				
ersonally appeared				
A HARRICT OHNSON				
rily identified to me as such Affiant(s), and made oath in due form of are true and correct to the best of his/her/their knowledge and belief.				
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Notary Public				

REV 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7519 Heatherfield dr. Balt. Md 21244 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) | BoZ. 3. C. I (BCZR)

TO PERMIT AH EXISTIHG SINGLE FAMILY DWELLING WITH ADDITION (SUMROOM, DECK) TO HAVE REARMARD SETBACKS OF ZO' AND IG'

TO AM OPEN PROJECTION IN LIEU OF THE REQUIREM 30' AND ZZ.S'

RESPECTIVELY. AND TO APPROVE A SINGLE LOT AMENDMENT OF THE EINAL DEVELOPMENT PLAN FOR LOT 71, CLAYBROOKE, ONLY, IN CONJUNCTION WITH THE ADMINISTRATIVE VARIANCE.

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.			Legal Owner(s):		
			_	William Johnson jr.		
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		Name	- Type or Print		
Signature			-	Signature	nu	
Address		Telephone No.	-	- Harriett Johnson Name i Type or Print /	·	
		·		X Munut John		
City	State	Zip Code		9ignature	440	277. 4440
Attorney For Petition	<u>ner:</u>			7519 Heatherfield dr.	410	-277-4449 Telephone No.
				Baltmore, MD 21244		rospriore re.
Name - Type or Print			City	State		Zip Code
			_	Representative to be Con	tacted:	
Signature				Patio Enclosures Inc. (at	ttn: Grec	ı Falter)
Company			ı	Name 224 8th Ave NW		43-797-0351
Address		Telephone No.		Address Glen Burnle, MD 21061		Telephone No.
City	State	Zip Code		City	State	Zip Code
A Public Hearing having bed day of	e property be reposted.	subject matter of this	petition	Zoning Commissioner of Balt	s required by t	the zoning regulations
REV 9/15/98		•	Estimat	red Posting Date	3	

ZONING DESCRIPTION FOR 7519 Heatherfield Dr.

DR. WHICH IS 50' WIDE AT THE DISTANCE OF 0' EAST OF THE NEAREST IMPROVED INTERSECTING STREET WINDSOR BLVD.

WHICH VARIES IN WIDTH. BEING LOT # 71 BLOCK __, SECTION ___ IN THE SUBDIVISION OF CLAYBROOKE AS RECORDED IN COUNTY PLAT BOOK # 67, FOLIO # 130, CONTAINING 6,737SQ'.

ALSO KNOWN AS 7519 HEATHERFIELD DR. LOCATED IN THE 02nd ELECTION DISTRICT, 4th COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

PINK - AGENCY

WHITE - CASHIER

No. 2742

DATE 5/	2/03 ACCOUNT 12001 006 6150	2
	AMOUNT \$ //5	_
RECEIVED FROM:	PATIO LICCEUXSS	
FOR:	01.067-A	
DISTRIBUTION		

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CASHIER'S VALIDATION



ADMINISTRATIVE

CASE # 04-067-A

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (SUN ROOM, DECK) TO HAVE A REAR

YARD SETBACK OF ZOFT ANDISET TO AN OPEN

PROJECTION IN LIEU OF THE REQUIRED BOFF AND

22.8 FT RESPECTIVELY AND TO APPROVE A SINGLE

LOT AMENDMENT OF THE FINAL DEVELOPMENT PLAN FOR

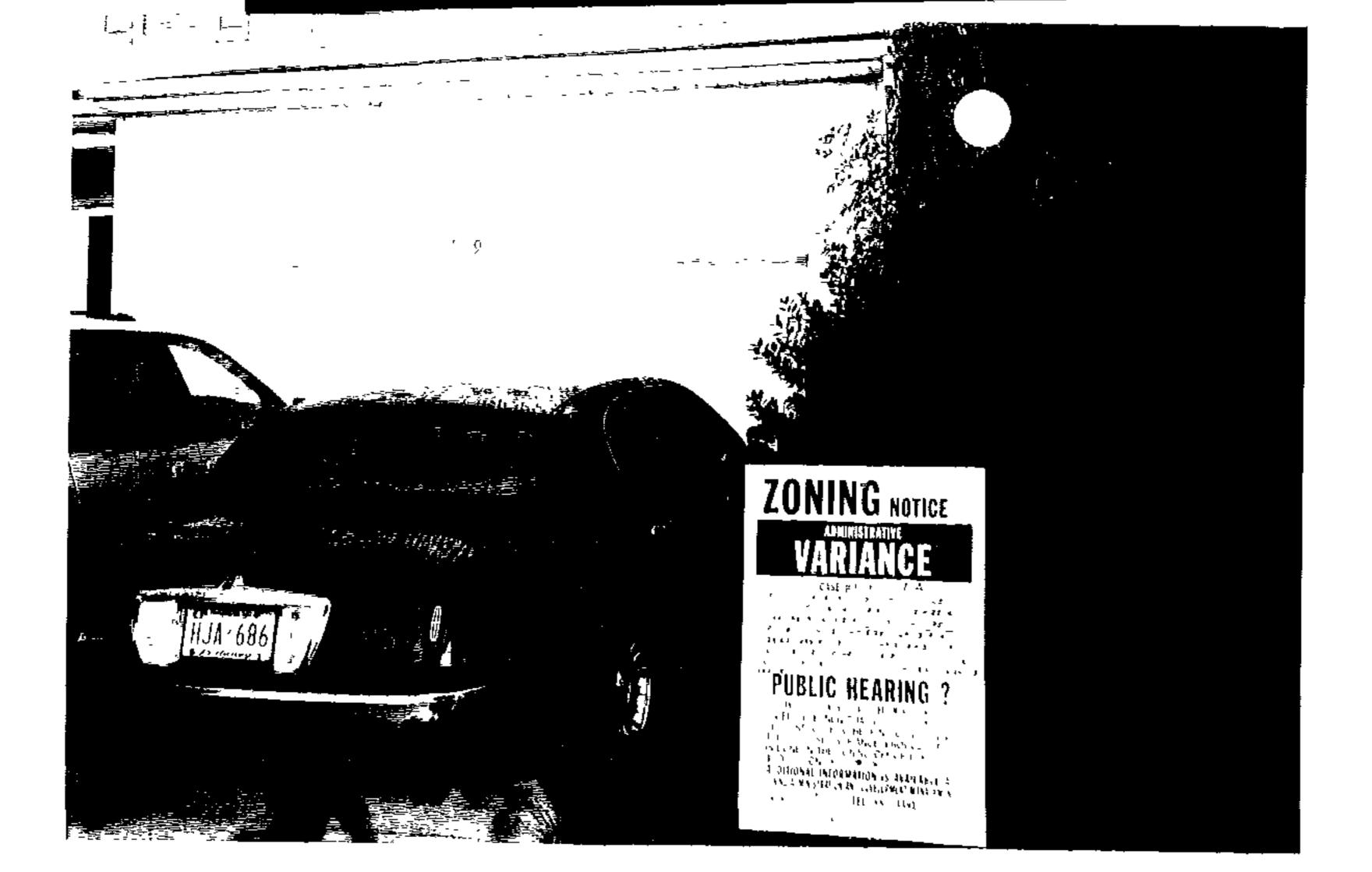
LOT 71, CLAY BROOKE ONLY IN CONJUNCTION WITH THE ADMINISTRATIVE BOHAIRAV

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON SEPT. # 8TH 2003

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT TOWSON, MD 21201

TEL. 887-3391

39 abi bemint tal f. a 443 t. ? Bill 44410 Lager bate Lagen bennte de Law RETURN BOTH TO ZADM, RM 101 MEETING IS HANDICAP ACCESSIBLE



CERTIFICATE OF POSTING

 $\gamma'_{-\gamma}$

	RE: Case No.: ()21-06")-A
	Politioner/Developer: William JOHNISON, J12
•	Date of Hearing/Closing: <u>C3-8-03</u>
Saltimore County Department of Jermits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Jowson, MD 21204	
attention: BECKY HART	•
adies and Gentlemen: This letter is to certify unde	or the penalties of perjury that the necessary sign(s) required by
	ancd at # 7519 HEATHENFIELD DRIVE
f	
he sign(s) were posted on $\triangle U(z)$.	2003 Month, Day, Year)
	Sincerely, Sincerely, (Signature of Sign Poster and Date)
	GARLANDE, Moores (Printed Name)
	3225 RYERSON CIRCLES (Address)
	PAUTINIARE, MD. 2127 (City, State, Zip Code)
	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 25- 067 -A Address 7519 HEATUERFIELD DR

Contact Person: LIOYD T. MOXLEY Phone Number 410-887-3391

Filing Date: $\frac{8/12/05}{12/05}$ Posting Date: $\frac{8/24/03}{12/03}$ Closing Date: $\frac{9/8/03}{12/03}$

Planner Please Print Your Name

Any contact made with this office regarding the status of the administrative variance should be hrough 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.
PEADLINE: 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.
$\Gamma = (-1, -1)$
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 03- 067 A Address 7519 HEATUEN FIELD DR
etitioner's Name WILLIAM JOHNSON JIZ Telephone 410 277 4449
osting Date: $\frac{8/24/03}{Closing Date: 9/8/03}$
lording for Sign To Permit An EXISTING SINGLE FAMILY DWELLING WITH ADDITION
SUMPOOM, DECK) TO HAVE A REARYARD SETBACKS OF ZU AND 19
OAN OPEN PROJECTION IN LIEU OF THE REQUIRED 30' AND 27.5'
ESPECTIVELY AND TO APPROVE A SILIGLE LOT AMELIONNENT OF THE WILL DEVELOPMENT PLAN FOR LOT 71, CLAYBROOKE ONLY IN CONJUNICION

DEPARTMENT OF PERMIT AND DEVELOPMENT MANAGEMENT

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

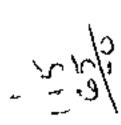
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

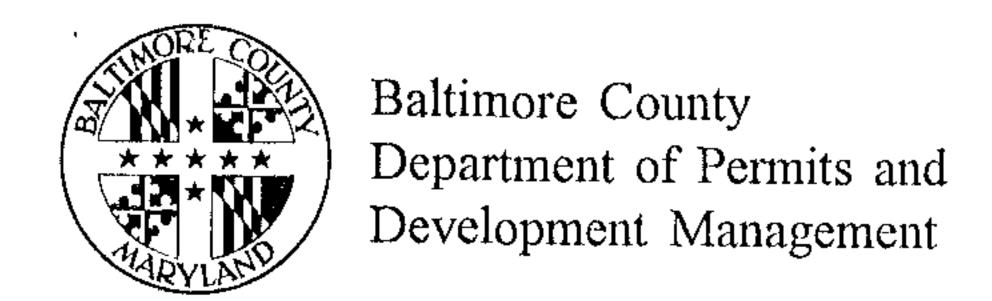
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

04-067-1
r. & Harriett
nerfield Dr. Baltimore, MD 21244
G BILL TO:
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,

Revised 2/20/98 - SCJ





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

September 8, 2003

William Johnson Harriett Johnson 7519 Heatherfield Drive Baltimore, MD 21244

Dear Mr. and Mrs. Johnson:

RE: Case Number: 04-067-A, 7519 Heatherfield Drive

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

U. Carl Picharde In

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Patio Enclosures, Greg Falter, 224 8th Avenue, NW, Glen Burnie 21061



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

August 20, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 18, 2003

Dear Ms. Hart:

Item No.: 4-63A 4-64A 4-65A 4-66A (4-67A) 4-68A

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.

7. 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

LTM

Maryland Department of Fransportation

Date: 8.19.03

Baltimore County

Item No. 067

RE:

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 04-066, 04-067, and 04-094

Administrative Variance

DATE: September 4, 2003

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:

Section Chief: Man San Sam

AFK/LL:MAC

SEP - 4 2003 ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 25, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 25, 2003
Item Nos. 063, 064, 065, 066, 067, and 068

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

RWB:CEN:jrb

cc: File

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 75/9 HEATHERFIELD DR. SEE PAGES 5 & 6 OF THE CHECKLIST FOR SUBDIVISION NAME.	
SUBDIVISION NAME CLAYBROOKE.	
PLAT BOOK # 67 FOL10 # 130 LOT # 1 SECTION #	Artington
OWNER WILLIAM & HARRIETT JOHNSON. ARA CLAYS. WINDSOR R. IBTA. &	Baptist Woodlawn Co 3 G Rescue RU WIND STACT WIND STACT WIND WIND STACT STACT STACT WIND WIND STACT S
WALTER SANTER 60'+ TO DIVLG. © CLAYS LY. MICO DECK UTILM EASEMENT TO DRAINAGE 5 UTILM EASEMENT TO DRAINAGE 5 TO DRAI	LOCATION INFORMATION ELECTION DISTRICT OZ COUNCILMANIC DISTRICT OY I"=200' SCALE MAP # NW 4-G ZONING DR 5-5 LOT SIZE -/5 G.737 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER
	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING
NORTH	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY GREGORY A. FALTER. SCALE OF DRAWING: 1" = 30'	con 67



REAR YARD AS SEED FROM LEFT SIDE OF DWELLENG.



REAR YARD AS SEEN FROM RIGHT SIDE OF DWELLENG.

