

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Harvey Court, 130 ft. W		
centerline of Asbury Court	*	DEPUTY ZONING COMMISSIONER
11th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(5627 Harvey Court)		
	*	CASE NO. 04-070-A
Barbara & William Page		
<i>Petitioners</i>	*	

* * * * *

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, Barbara and William Page. The variance request is for property located at 5627 Harvey Court in the eastern area of Baltimore County. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 23 ft. for a proposed sunroom addition in lieu of the required 30 ft. and to approve a single lot amendment of the Final Development Plan for "Honeygo Ridge", for Lot #37. 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

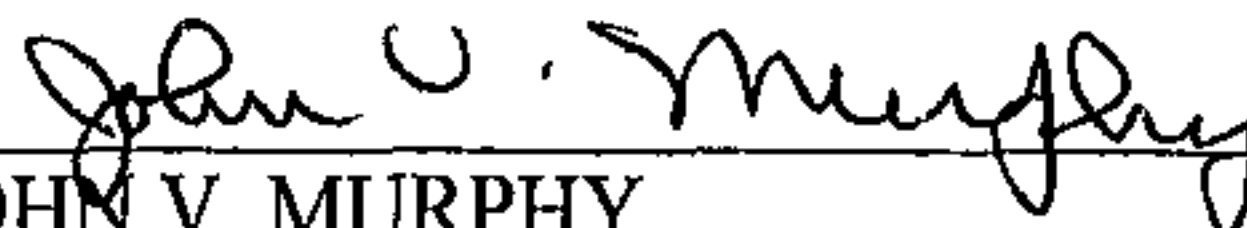
9/16/03
D. J. [Signature]

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 16 day of September, 2003, that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 23 ft. for a proposed sunroom addition in lieu of the required 30 ft. and to approve a single lot amendment of the Final Development Plan for "Honeygo Ridge", for Lot #37 only, 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

9/16/03


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 16, 2003

Mr. & Mrs. William Page
5627 Harvey Court
White Marsh, Maryland 21162

Re: Petition for Administrative Variance
Case No. 04-070-A
Property: 5627 Harvey Court

Dear Mr. & Mrs. Page:

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 black ink that reads "John V. Murphy". The signature is written in a cursive, flowing style.

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5627 Harvey Court
which is presently zoned D.R.-3.5

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 B01.2.C.1.6 to permit a rear yard setback of 23 ft. for a proposed sunroom addition in lieu of the required 30 ft., and to approve a single lot amendment of the Final Development Plan - Honeygo Ridge - for lot #37 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:

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 Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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. 04-070-A

Reviewed By BK Date 8/13/03

Estimated Posting Date 8/24/03

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

5627 HARVEY COURT
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):

Lot setback at rear is 25'. Distance from rear of lot to existing dwelling is 32'. Proposed patio room addition to rear of dwelling extends 9'. This exceeds setback by 2' All other setbacks are closer to dwelling.

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.

William E. Page
Signature

WILLIAM E. PAGE
Name - Type or Print

Barbara L. Page
Signature

BARBARA L. PAGE
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William E. Page
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Mary E. Goldbrough
Notary Public

My Commission Expires 11/1/04

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at

5627 HARVEY COURT
Address
WHITE MARSH MD 21162
City State Zip Code

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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.

William E. Page
Signature

WILLIAM E. PAGE
Name - Type or Print

Barbara L. Page
Signature

BARBARA L. PAGE
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William E. Page
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Mary E. Goldsborough
Notary Public

My Commission Expires 11/1/04



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5627 Harvey Court
which is presently zoned D.R.-3.5

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)

1B01.2.c.1.b to permit a rear yard setback of 23 ft. for a proposed sunroom addition in lieu of the required 30 ft., and to approve a single lot amendment of the Final Development Plan - Honeygo Ridge - for lot #37 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:

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):

WILLIAM E. PAGE
Name - Type or Print

William E. Page
Signature

BARBARA L. PAGE
Name - Type or Print

Barbara L. Page
Signature

5627 HARVEY COURT 410-537-3603 (W)
Address Telephone No.

WHITE MARSH MD 21162
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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. 04-070-A

REV 10/25/01

Reviewed By RSK Date 8/13/03

Estimated Posting Date 8/24/03

ZONING DESCRIPTION

Zoning Description For 5627 Harvey court

Beginning at a point on the South side of Harvey Court which is 50 feet wide at the distance of 130 feet west of the centerline of the nearest improved intersecting street Asbury Court which is 50 feet wide. Being Lot # 37, Section 2 in the subdivision of Honeygo Ridge as recorded in Baltimore County Plat Book # 74, Folio 133, containing 14,895 square feet. Also known as 5627 Harvey Court and located in the 11th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27425

DATE 8/13/03 ACCOUNT 1007-006-6150

AMOUNT \$ 115.00

RECEIVED FROM William Page

FOR: Zoning variance @ 5041 1st RVP Amend.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 70

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/14/2003	8/13/2003	14:58:44	2
REG WS02	MAIL	JAVA JEE	
>> RECEIPT # 289112		8/13/2003	QFLN
Dept 5 520 ZONING VERIFICATION			
CR NO. 027429			

Receipt Tot \$115.00
115.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-070-A

Petitioner/Developer: _____

WILLIAM PAGE

Date of Hearing/Closing: 9/8/03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: MS. BECKY HART

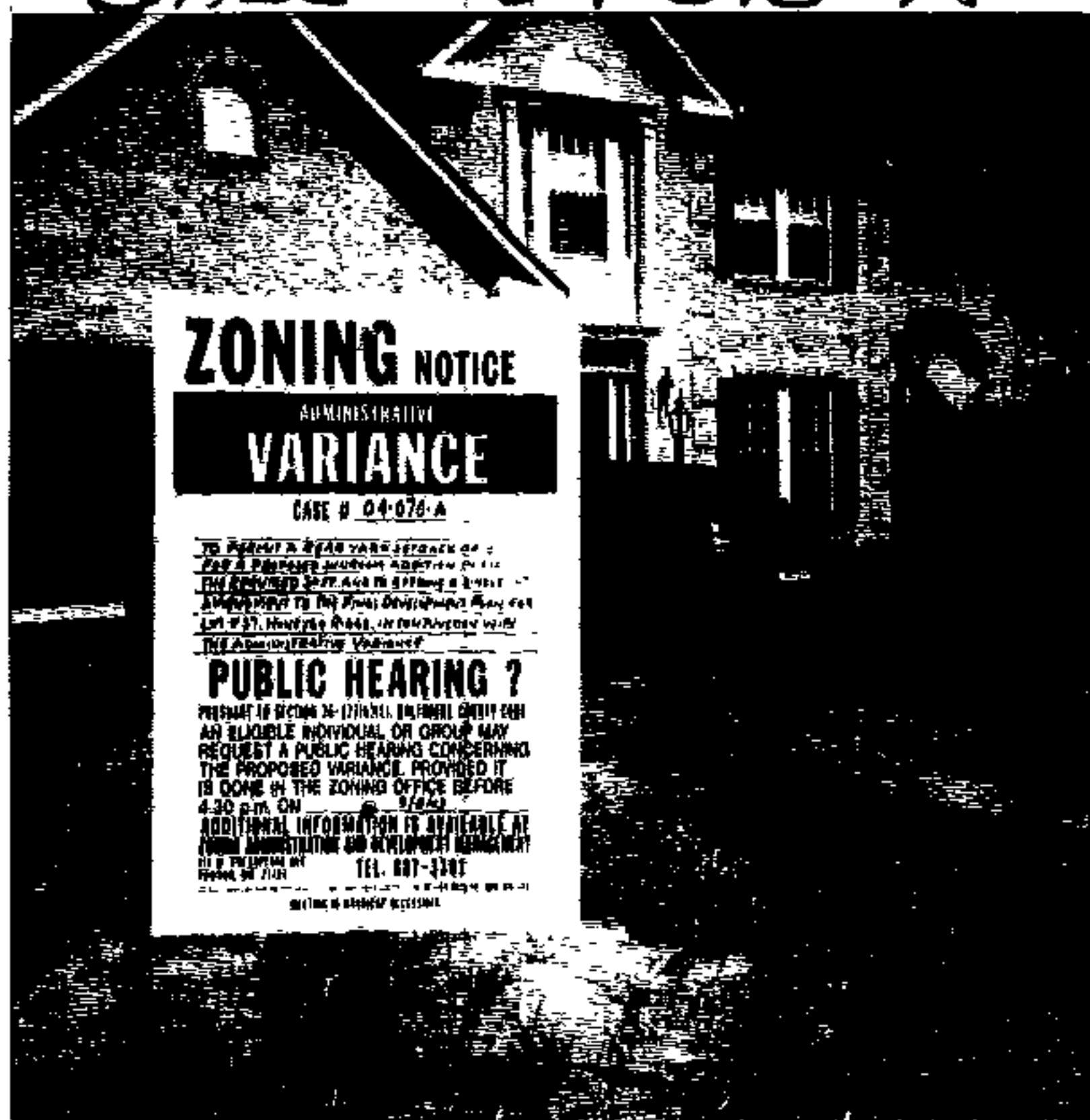
Ladies and Gentlemen:

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 _____

5627 HARVEY CT.

The sign(s) were posted on 8/24/03
(Month, Day, Year)

CASE # 04-070-A



Sincerely,

Richard E. Hoffman 8/24/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

5627 HARVEY CT
POSTED 8/24/03
Richard E. Hoffman 8/24/03

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 070 -A Address 5627 Harvey ct.
 Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
 Filing Date: 8/13/03 Posting Date: 8/24/03 Closing Date: 9/8/03

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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04 070 -A Address 5627 Harvey ct.
 Petitioner's Name William Page Telephone 410-537-3603
 Posting Date: 8/24/03 Closing Date: 9/8/03
 Reasoning for Sign: To Permit a rear yard setback of 23 ft, for a proposed sunroom addition in lieu of the required 30 ft, and to approve a single lot amendment of the Final Development Plan for lot # 37, Honeygo Ridge, in conjunction with the Administrative Variance.

WCR - Revised 6/28/00

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: 04-070-A

Petitioner: WILLIAM E. PAGE

Address or Location: 5627 HARVEY COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM E. PAGE

Address: 5627 HARVEY COURT

WHITE MARSH MD 21162

Telephone Number: 410-256-9760 (H) 410-537-3603 (W)



Baltimore County
Department of Permits and
Development Management

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

September 8, 2003

William Page
Barbara Page
5627 Harvey Court
White Marsh, MD 21162

Dear Mr. and Mrs. Page:

RE: Case Number: 04-070-A, 5627 Harvey Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 13, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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



Printed with Soybean Ink
on Recycled Paper



**Baltimore County
Fire Department**

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

~~County Office Building, Room 111~~

August 26, 2003

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: August 26, 2003

Item No.: ⁷⁰069-087

Dear Ms. Hart:

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 2, 2003
Item Nos. 069, 070, 071, 072, 073, 074,
075, 077, 080, 081, 082, 085, and 086

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 5, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-070 – Administrative Variance**

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: [Signature]

AFK/LL:MAC



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.26.03

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

RE: Baltimore County
Item No. 070 BTR

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 5627 HARVEY COURT

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HONEYGO RIDGE

PLAT BOOK # 14 FOLIO # 133 LOT # 37 SECTION # 2

OWNER William E. & Barbara L. Page

HARVEY COURT
(R/W VARIES)
R=275.00'

3629 HARVEY CT.
STEPHEN L. & TORI S. PROSSER
DEED: 17648/220
ACCT: 230007405

11501 ASBURY CT.
NUR, INC.
DEED: 17891/328
ACCT: 230007404

EASEMENT FOR INCREASED
ROAD, MAINTENANCE AND
UTILITIES

EXISTING
DWELLING
#5629

EXISTING
DWELLING
#11501

LOT 36

LOT 35

36-9

EXISTING
DWELLING
#5627

PROPOSED
ADDITIONAL
9'x16'
PATIO
10'x11.5'
DECK

EXISTING
DWELLING
#11505

11505 ASBURY CT.
PHILADELPHIA ROAD
JOINT VENTURE LLC
DEED: 14959/69
ACCT: 230007402

EXISTING
DWELLING
#5625

5625 HARVEY CT.
FREDERICK W. MACCUBBIN
DEED: 17665/549
ACCT: 230007407

LOT 38

LOT 37

LOT 33

FOREST
CONSERVATION
EASEMENT

10' DRAINAGE AND
UTILITY EASEMENT

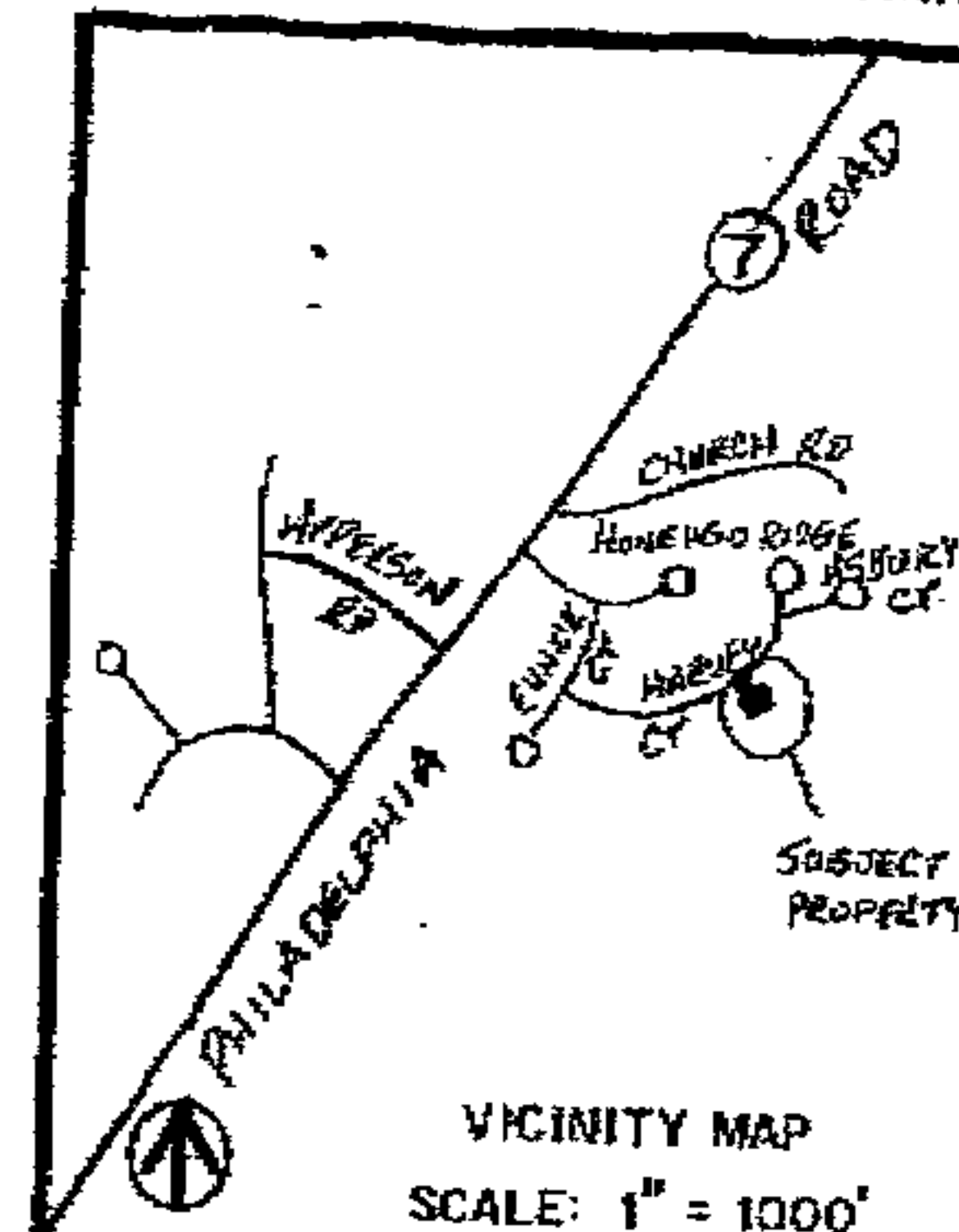
OPERATING ENGINEERS LOCAL 37
ALEXANDER ROAD



NORTH

PREPARED BY WEP

SCALE OF DRAWING: 1" = 40'



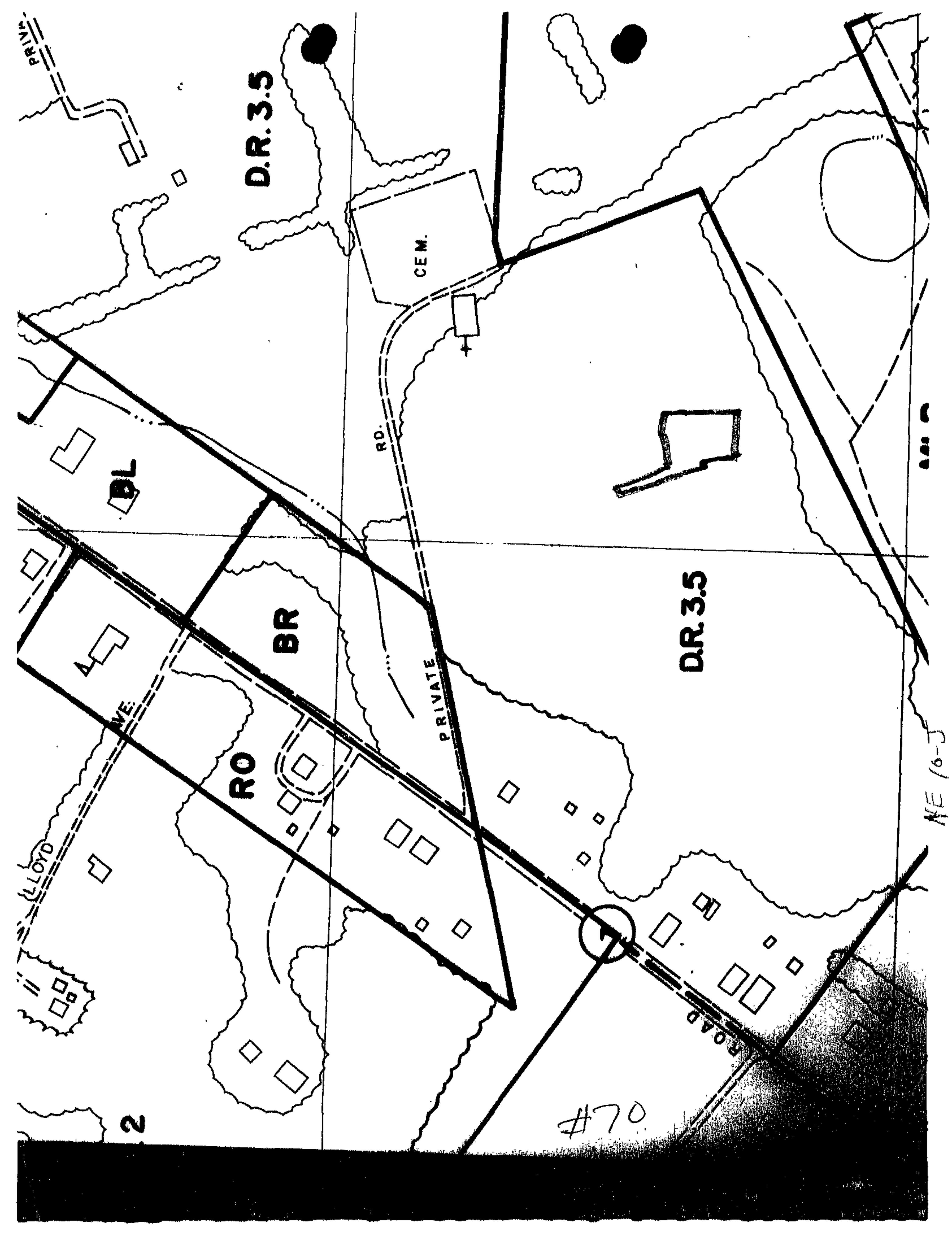
LOCATION INFORMATION

ELECTION DISTRICT 11
COUNCILMANIC DISTRICT 5
1"=200' SCALE MAP # NE10J
ZONING DR 3.5
LOT SIZE 0.34 14,895.84
ACREAGE SQUARE FEET
SEWER PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

BVL 70 04-070-A

Handwritten signature: J. A. #1



Application for Administrative Variance
Photo Documentation

William E. Page
Barbara L. Page
5627 Harvey Court
White Marsh, MD 21162
(Honeygo Ridge)



Page 2 - continued

5627 Harvey Court – Photo Documentation

