ORDER DE

IN RE: PETITION FOR ADMIN. VARIANCE E/S of Derwood Court, 634 ft. E of Scott's Haven Drive 11th Election District

5th Councilmanic District (32 Derwood Court)

Hope Lynn Harris Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-329-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 owner of the subject property, Hope Lynn Harris. The variance request is for property located at 32 Derwood Court in the "Scott's Haven" subdivision of Baltimore County. The variance request is from Sections 504 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (in-law suite) with a 14 ft. window to tract boundary setback in lieu of the required 35 ft. and to amend the latest Final Development Plan for "Scott's Haven", Lot 62. 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

H FILING

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.

In addition, the Petitioner must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Office of dated February 9, 2004, a copy of which is attached hereto and made a part hereof.

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.

- 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;
- 2. Compliance with the ZAC recommendations submitted by the Office of Planning dated February 9, 2004, a copy of which is attached hereto and made a part hereof;
- 3. File a Declaration of Understanding For In-Law Quarters as indicated in Memo to File from Donna Thompson, Zoning Review Office dated January 29, 2004, a copy of which is attached hereto and made a part hereof.

SAN SOUND FOR FLING

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

ORIDER RECEIVED FOR FILTRAL

Date

By

Children

Childre

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

February 18, 2004

Ms. Hope Lynn Harris
32 Derwood Court
Baltimore, Maryland 21234-1341

Re: Petition for Administrative Variance
Case No. 04-329-A

Property: 32 Derwood Court

Property: 32 Derwood Court

Dear Ms. Harris:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 32DERWOODCT.

which is presently zoned DR-5.5

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

This Patition 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) 50+, 1802, 38. (802R)

TO PERMIT AN ADDITION (IN-LAW SUITE) WITH A IM-FOOT WINDOW TO TRACT BOUNDARY SETBACK IN LIEU OF THE REQUIRED 35-FEET, AND TO AMEND THE LATEST FOP FOR "SCOTT'S HAVEN", LOT #62.

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 lagree 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.

		is the subject of this Petition	1.	
Contract Purchaser/Lessee:		Legal Owner(s):	11	•
Name - Type or Print		Name - Type or Print	TARRIS	-
Signature		Signature Signature	Hayro	
Address	none No.	Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	,-
Actorney For Petitioner:	Zip Code	Signature 32 DERWOOD	<u> چون پانداز استان در پر چون پر کانداز کی در پر در پ</u>	
Name - Type or Print	<u> </u>	BALTIMORE, City		ephone No. /34/ Zip Code
Signature		Representative to be	Contacted:	
C pany (Name		· · · · · · · · · · · · · · · · · · ·
Actives: Telep	hone No.	Address	Tele	phone No
State	Zip Code	City	State	Zip Code
high ay that the substant of the country and that the property be reposed.	or found to be rec elect matter of this ested.	petition be set for a public hearin	ng Commissioner of Baltim g, advertised, as required by	ore County, the zoning
CASEING. 04-329-A	Review	wed By D.THOMPSON	Date 1/16/04	
7 8 2.5/0	Estima	ated Posting Date	1/25/04	-

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.

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 $\frac{32}{32}$ DERWOOD CT.	· · · · · · · · · · · · · · · · · · ·
Address	,
BALTIMORE, Mp. 21234-134, City State	Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an A variance at the above address (indicate hardship or practical difficulty):	Administrative
(1) UNABLE TO PROVIDE A FULL SAFE LIVING SPACE (SHE WANTS HER	E DWN SPACE
ON ONE LEVEL IN MY HOME FOR DISABLED MOTHER. SHE SLE	EPS ON 157
FLOOR SOFA WHEN VISITING MY HOME,	
(1) MY PROPERTY IS A LARGER PROPERTY THAT BORDERS ON ROOF WAY WHICH WOULD ALLOW FOR AN ADDITION.	BE RICHT
(3) HARDSHIP IS RESULT OF MOTHER'S BLINDNESS, HEARING I	STEETCULTY
VARIOUS ILLNESSES (COPD, PULMONARY HYPERTENSION, OSTEOPOROS	IS) + STROK
(BALANCE & MEMORY PROBLEMS) WHICH REQUIRE INCREASING SUP	ERVISION
REPERABLY IN MY HOME WHICH WOULD LESSEN THE HARDSH	
CARING FOR 2 HOMES, PREPARING MEALS AT MY MOM	
STAYING AT MY MOM'S HOME, WHERE ALL FACILITIES ARE	NOT
ON ONE FLOOR FOR HER.	
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reducertising fee and may be required to provide additional information. Signature	eposting and
Signature Signature	
HOPE LYNN HARRIS Name - Type or Print Name - Type or Print	····
rame - rype or rime	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
	ic of the State
I HEREBY CERTIFY, this day of,	C OI life State
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
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AS WITNESS my hand and Notarial Seal	,
Donnette Leeve	•
Notary Public	
and a finding	

REV 10/25/01

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	32 DERWOOD CT.	
	Address	1
	BALTIMORE, MD. 21234-1341 City State	p Code
Variance at the above address (indicate hardshi		! :
(1) UNABLE TO PROVIDE A PON ON ONE LEVEL IN MY HOME FLOOR SOFA WHEN VISITIN	PULL SAFE LIVING SPACE (SHE WANTS HER OW) FOR DISABLED MOTHER. SHE SLEEPS IC MY HOME.	N SHACE
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	OF MOTHER'S BLINDNESS, HEARING DIFF ULMONARY HYPERTENSION, OSTEOPOROSIS)	
	S) WHICH REQUIRE INCREASING SUPERV WHICH WOULD LESSEN THE HARDSHIP O	
	PREPARING MEALS AT MY MOM'S	
STAYING AT MY MOM'S HO	OME, WHERE ALL FACTLETZES ARE NO)
ON ONE FLOOR FOR HER.		•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	formal demand is filed, Affiant(s) will be required to pay a repostir additional information.	ng and
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Signature tarre	Signature	
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HOPE LYNN HARRIS Name - Type or Print	Name - Type or Print	
	•	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersonally appeared , 2004, before me, a Notary Public of the	e State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).	**************************************
AS WITNESS my hand and Notarial Seal		•
AG TTITITLOG IIIY HANG ANG NOGHAI OGAI		
	Notary Public Leves	
	My Commission Expires 10 -1-0 7	

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 32 Derwood Ct. Baltimore, Md. 21234-1341.

Beginning at point on the East side of Derwood Ct which is 76 feet wide at the distance of 634 feet East of the centerline of the nearest improved intersecting street, Scott's Haven Dr which is 50 feet wide. Being Lot # 62 in the subdivision of Scott's Haven as recorded in Baltimore County Plat Book # 51, Folio # 75 containing 6446 sq ft or .148 acres. Also known as 32 Derwood Ct and located in the 11th Election District, 5th Councilman District.

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CERTIFICATE OF POSTING

	RE: Case No.: 04-329-A
	Petitioner/Developer: HARIS
-	Date of Hearing/Closing: 2/9/04
Baltimore County Department of Permits and Development Manageme County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	•
This letter is to certify under the pens	alties of perjury that the necessary sign(s) required by law were
posted conspicuously on the property	located at:
<u>32</u>	DERWOOD CI
- -	
The sign(s) were posted on	1/24/04:
	(Month, Day, Year)
	Sincerely,
<u> </u>	
	1/24/2
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
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Andrew Court of the Antonia and the Antonia	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 04	329	-A	Address	32 DEF	RWOOD C	T.	
Contact Person: _		HOMPSON Please Print Your N	Vame	··· ·	Phone Nur	nber: 410	-887-3391
Filing Date:	1 .			1/25/04	Closin	g Date:	2/9/04
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a formal re	The closing quest for a paper page 1	ublic hearing	. Please	understand	that even if	there is	
commission order that (typically wi	After the closi er. He may: the matter be thin 7 to 10 da vill go to public	a) grant the set in for a sys of the clos	requested public he sing date) a	d relief; (b) (aring. You as to whethe	deny the rec will receive er the petition	quested re written r n has bee	elief; or (c) notification n granted,
(whether du commission changed giv	PUBLIC HEA le to a neigh er), notification ing notice of this ification of this	bor's formal n will be for he hearing da	request or warded to ate, time ar	by order of you. The address of the second order ord	of the zonin sign on the As when the	g or depu e property e sign was	uty zoning / must be s originally
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Petitioner: This F	art of the Fo	m is for the	Sign Poste	er Only			
	USE THE	ADMINISTRA	TIVE VARI	ANCE SIGN	IFORMAT		
Case Number 0#-	329 -4	Addre	ess <u>32</u>	DERWOOD	OCT.		
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

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.

For Newspaper Advertising:
Item Number or Case Number: 04-329-A
Petitioner: HARRIS
Address or Location: 32 DERWOOD CT.
PLEASE FORWARD ADVERTISING BILL TO:
Name: HOPE LYNN HARRIS
Address: 32 DERWOOD CT.
BALTO, MD 21234-1341
Telephone Number: 410-668-4483

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

February 10, 2004

Ms. Hope Lynn Harris 32 Derwood Court Baltimore, Maryland 21234

Dear Ms. Harris

RE: Case Number: 04-329-A, 32 Derwood Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 15, 2004.

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. Callibal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

MEMO TO FILE

January 29, 2004

MEMO TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II

Zoning Review

RE: Item No: 329, Case No. 04-329-A

32 Derwood Court

The petition filed for the above referenced case number is to permit an addition onto an existing townhouse. This addition will be used as an in-law suite for the petitioner's mother who has become ill and can no longer live alone. When this petition was filed it was explained to Petitioner, Ms. Hope Harris that besides the zoning variance a Declaration of Understanding for In-Law Quarters will need to be filed and approved by this office before the approval of any building permit for this proposed addition.

/dt



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

February 4, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 2, 2004

Item No.:

329~336, 338, 339

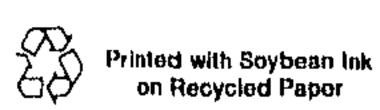
Dear Ms. Hart:

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.

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



Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

2.3.64 Date:

Item No.

Baltimore County

329

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 10, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting For February 9, 2004

Item Not. 329, 330, 331, 335, 336,

337, 338, 339, and 340

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

RWB:CEN:jrb

cc: File

DATE: February 9, 2004

RECEIVED

FEB 1 1 2004

JWING COMMISSIONER

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:

32 Derwood Court

INFORMATION:

Item Number:

4-329

Petitioner:

Hope Lynn Harris

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

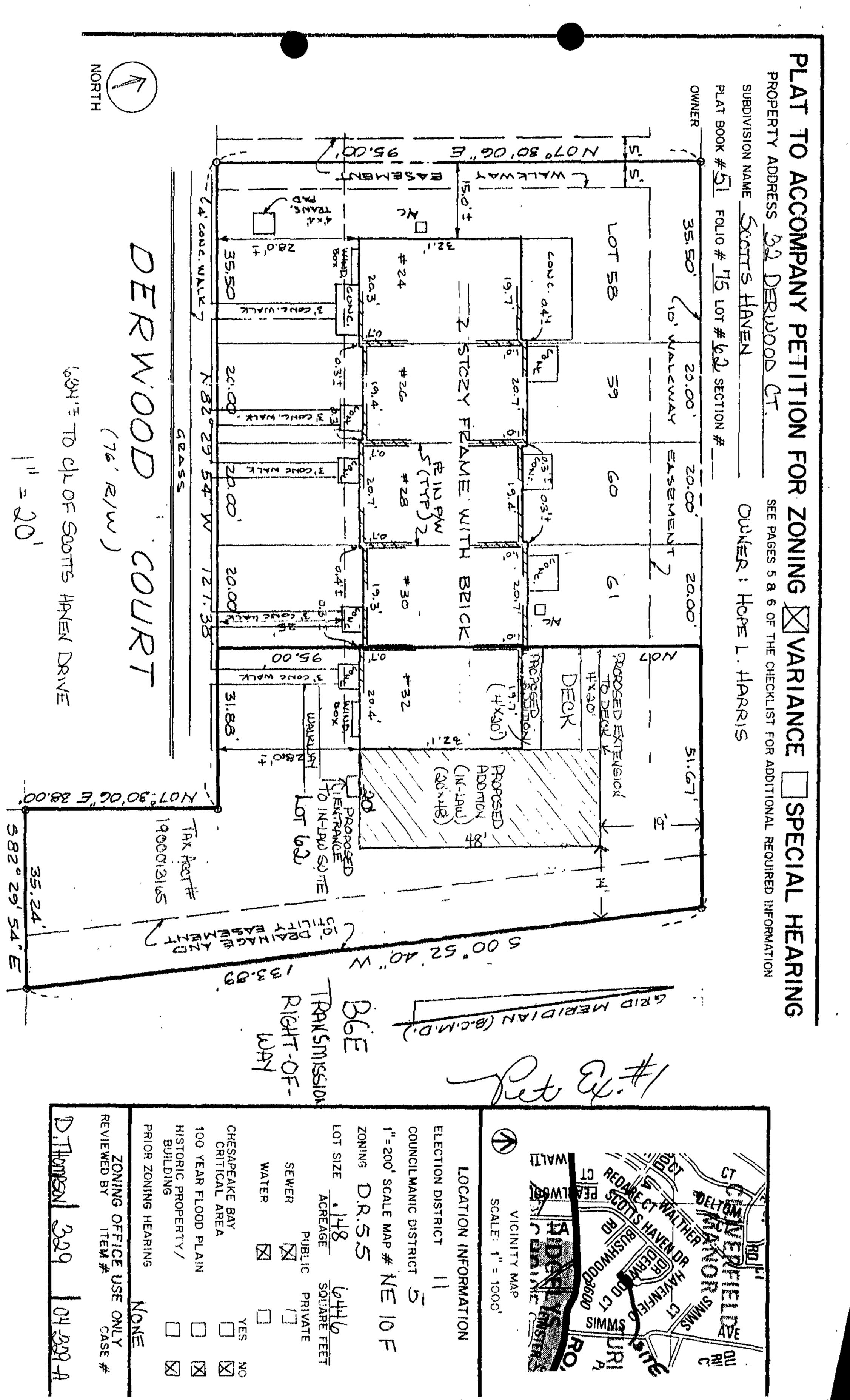
- 1. Submit building elevations of the proposed addition. All exterior materials and architectural features shall emulate the articulation of the existing townhouse development.
- 2. Submit a floor plan of the proposed addition to this office for review and approval prior to the issuance of any building permits. The proposed addition shall not be an independent dwelling unit, but shall be limited to an extension of the existing dwelling with the same address.
- 3. Provide landscaping across the front of the subject lot, especially in the vicinity of the proposed addition.

For more information concerning the matters stated herein, please contact Karin Brown at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC:





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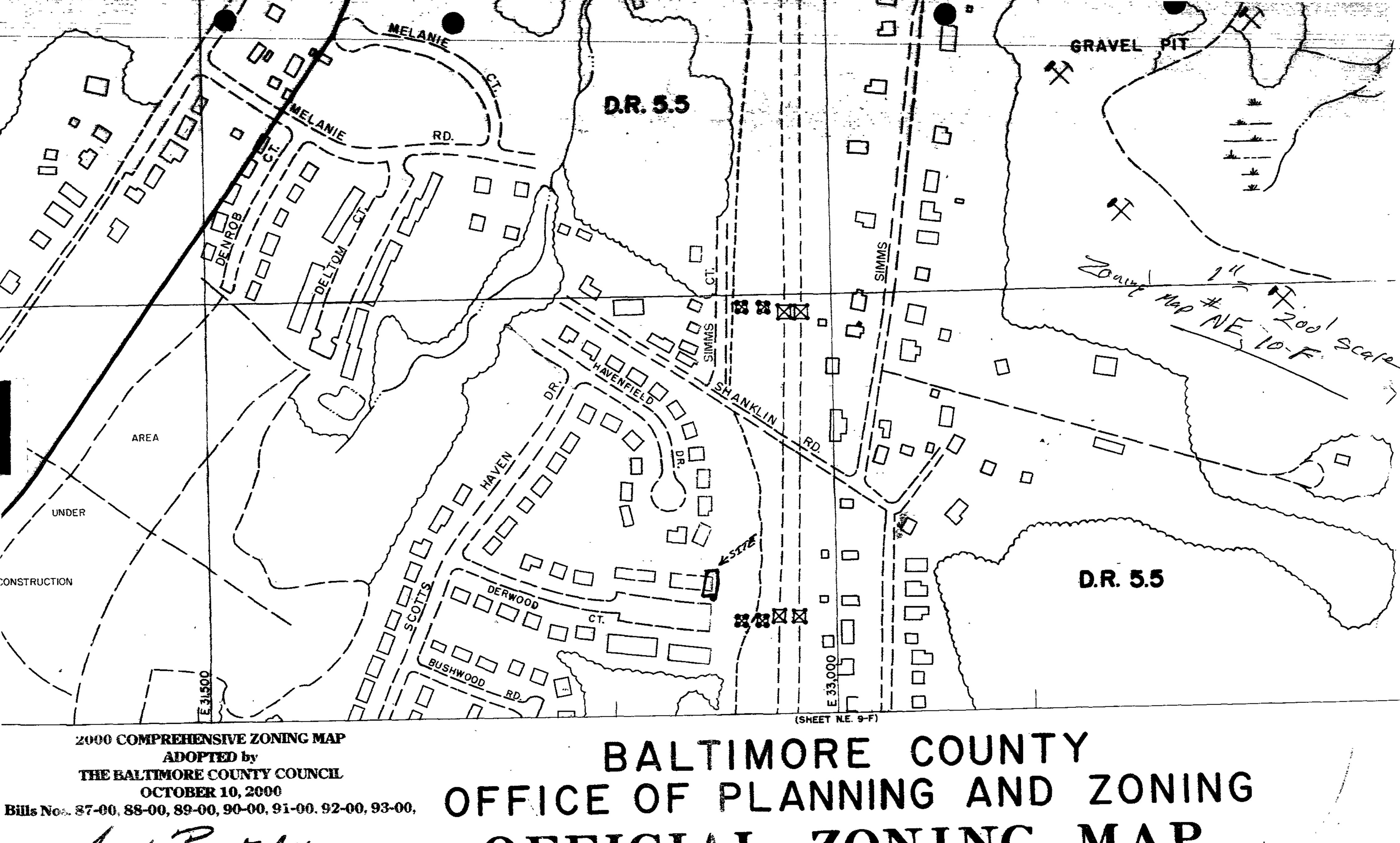
OH-329-A

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Chairman, County Council

OFFICIAL ZONING MAP