IN RE: PETITION FOR ADMIN. VARIANCE W/S of Heritage Hills Court, 540 ft. S centerline of New Center Road 11th Election District 5th Councilmanic District **(8 Heritage Hills Court)** Pauline F. & Curtis J. Herbert *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-540-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, Paul F. & Curtis J. Herbert. The administrative variance is requested for property located at 8 Heritage Hills Court in the Kingsville area of Baltimore County. The administrative variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling to be located 71 ft. from a street centerline in lieu of the minimum required 75 ft. and to amend the latest Final Development Plan for "Heritage Hills", Lot 4. 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 on May 28, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

ORDER RECEIVED FOR FILING
Date 7/2/04
By

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this 2 day of ~~June~~ July 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling to be located 71

ORDER RECEIVED FOR FILING
Date 7/2/04
By

ft. from a street centerline in lieu of the minimum required 75 ft. and to amend the latest Final Development Plan for "Heritage Hills", Lot 4 only, be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 7/23/04
By

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

June 30, 2004

Howard Alderman, Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 04-540-A
Property: 8 Heritage Hills Court

Dear Mr. Alderman:

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

c: Mr. & Mrs Curtis J. Herbert
8 Heritage Hills Court
Kingsville, MD 21087-1156

Department of Permits
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

May 21, 2004

John Richardson, Vice President
CNA, Inc.
215 Bynum Road
Forest Hill, Maryland 21050

RE: Case No. 04-540-A
Administrative Variance for 8 Heritage Hills Court
11th Election District

Dear Mr. Richardson:

The Petition for Administrative Variance for 8 Heritage Hills Court has been accepted for filing. Enclosed please find a copy of the Administrative Variance Information Sheet and Dates listing the posting and closing date as well as the language for this case. Please notify a sign poster (list of sign posters enclosed) of your choice as soon as possible so that a sign can be posted by May 30, 2004.

Please do not hesitate calling me with any questions that you may have. I can be reached at 410-887-3391.

Sincerely,

Donna Thompson

Donna Thompson
Planner II
Zoning Review

DT

Enclosures

Cc: Howard L. Alderman, Esquire
Levin & Gann, PA

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at EIGHT HERITAGE HILLS COURT

which is presently zoned RC-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) 1A04.3B.2 (BCZR)

To permit an existing dwelling to be located 71-feet from a street centerline in lieu of the minimum required 75-feet and to amend the latest final development plan for "Heritage Hills", Lot 4 .

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:

N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

CURTIS J. HERBERT

Name - Type or Print

Signature

PAULINE F. HERBERT

Name - Type or Print

Signature

EIGHT HERITAGE HILLS COURT 4105927516

Address Telephone No.

KINGSVILLE MD 21087-1156

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address Telephone No.

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

John Richardson, VP CNA, INC.

Name

215 Bynum Road 410-879-7200

Address Telephone No.

Forest Hill MD 21050

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. 04-540-A **Reviewed By** D. THOMPSON **Date** 5/21/04

Estimated Posting Date 5/30/04

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 7/2/04
By

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 Eight Heritage Hills Court (the subject property)
Address
Kingsville MD 21087
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):

JUSTIFICATION We purchased our home in February of 2004 from our builder. We did not have any role in the siting of the home on the lot and relied on the builder to comply with all applicable requirements. Only after a recent survey was conducted did we learn that our attached garage was located more than 50 feet from our front lot line (in compliance) but was set back only 71 feet from the centerline of Heritage Hills Court instead of the 75 feet required by Section 1A04.3B.2 of the County's zoning regulations. We have a brick front home and the removal of 4 feet of our garage would make it unuseable and would destroy the roof line of our home.

As shown on the enclosed Plat to Accompany Petition for Zoning Variance and the color photos, our home cannot be moved or altered to correct this existing deficiency. We are not seeking this zoning variance relief to permit us to build or add-on to our home; rather, we want to correct the mistake made by others when the home and attached/incorporated garage were constructed. To require us to remove a portion of the garage or to physically move our home would result in real and absolute practical difficulty to us. If the requested variance is granted, there will be no increase in allowable density on our lot. We are familiar with the area in which we live and believe our property to be unique to others in the area based on the size, shape and configuration at the end of the street on the cul-de-sac. The relief that we are requesting is the minimum necessary and will allow us to retain our beautiful home without impacting other properties in the area. In fact, had the most recent surveyor not identified the issue based on in-field, technical measurements, we doubt that the issue would have been discovered from a visual inspection. The house and garage are situated on the lot in a logical and pleasing manner, not unlike other homes in our community. Finally, we believe that this minimial relief can be granted within the spirit and intent of the zoning regulations.

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.

Signature Signature

CURTIS J. HERBERT PAULINE F. HERBERT

Name - Type or Print Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of April, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
CURTIS J. HERBERT & PAULINE F. HERBERT, husband and wife

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

4/25/04
Date

Notary Public

My Commission Expires 9/1/04

REV 09/15/98

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 Eight Heritage Hills Court (the subject property)
Address

Kingsville MD 21087
City State Zip Code

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As shown on the enclosed Plat to Accompany Petition for Zoning Variance and the color photos, our home cannot be moved or altered to correct this existing deficiency. We are not seeking this zoning variance relief to permit us to build or add-on to our home; rather, we want to correct the mistake made by others when the home and attached/incorporated garage were constructed. To require us to remove a portion of the garage or to physically move our home would result in real and absolute practical difficulty to us. If the requested variance is granted, there will be no increase in allowable density on our lot. We are familiar with the area in which we live and believe our property to be unique to others in the area based on the size, shape and configuration at the end of the street on the cul-de-sac. The relief that we are requesting is the minimum necessary and will allow us to retain our beautiful home without impacting other properties in the area. In fact, had the most recent surveyor not identified the issue based on in-field, technical measurements, we doubt that the issue would have been discovered from a visual inspection. The house and garage are situated on the lot in a logical and pleasing manner, not unlike other homes in our community. Finally, we believe that this minimial relief can be granted within the spirit and intent of the zoning regulations.

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.

Signature Signature

CURTIS J. HERBERT PAULINE F. HERBERT

Name - Type or Print Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of April, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CURTIS J. HERBERT & PAULINE F. HERBERT, husband and wife

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

4/25/04
Date

Notary Public

My Commission Expires 9/1/04

REV 09/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at EIGHT HERITAGE HILLS COURT

which is presently zoned RC-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) 1A04.3B.2 (BCZR)

To permit an existing dwelling to be located 71-feet from a street centerline in lieu of the minimum required 75-feet and to amend the latest final development plan for "Heritage Hills", Lot 4 .

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:

N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

CURTIS J. HERBERT

Name - Type or Print

Signature

PAULINE F. HERBERT

Name - Type or Print

Signature

EIGHT HERITAGE HILLS COURT 4105927576

Address Telephone No.

KINGSVILLE MD 21087-1156

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address Telephone No.

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

John Richardson, VP CNA, INC.

Name

215 Bynum Road 410-879-7200

Address Telephone No.

Forest Hill MD 21050

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. 04-540-A **Reviewed By** D. THOMPSON **Date** 5/21/04

REV 9/15/98 **Estimated Posting Date** 5/30/04

campbell & nolan associates, inc.

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers

April 30, 2004

CNA Job No.: 01212

PARTICULAR DESCRIPTION
LOT 4
HERITAGE HILLS
COUNCILMANIC DISTRICT 5
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the westerly right of way line of Heritage Hills Court at the beginning of the North 68°58'23" West 253.32 foot line dividing lot 3 and lot 4 as shown on a plat entitled **"Final Subdivision Heritage Hills"** and recorded among the Plat Records of Baltimore County in Plat Book S.M. 73 folio 69, *running thence and binding on the aforesaid* right of way line the three following courses and distances with the bearings herein being referred to the bearings shown on the aforesaid plat;

1) **South 21°01'42" West 102.92 feet**;
2) **Southwesterly** by a line curving to the right having a **radius of 50.00 feet** for an **arc distance of 39.77 feet,** said curve being subtended by a **chord bearing South 43°48'54" West 38.73 feet** to a point of reverse curve;
3) **Southwesterly** by a line curving to the left having a **radius of 50.00 feet** for an **arc distance of 38.89 feet,** said curve being subtended by a **chord bearing South 44°19'09" West 37.92 feet**, thence leaving the aforesaid right of way line and binding on the outline of the aforesaid lot 4 the three following courses and distances;
4) **South 88°27'15" West 226.56 feet**;
5) **North 17°55'25" East 260.81 feet,** and;
6) **South 68°58'23" East 253.32 feet** to the point of beginning.

CONTAINING 51,382 square feet or 1.180 acres of land, more or less, as prepared by CNA in April 2004.

BEING THE SAME AND ALL as lot 4 as shown on a plat entitled **"Final Subdivision Heritage Hills"** and recorded among the Plat Records of Baltimore County in Plat Book S.M. 73 folio 69.

4-30-04

STATE OF MARYLAND
JAMES E. CATRON
No. 121
PROPERTY LINE SURVEYOR

L:\ Surveys\01000/012127HeritageHills/Descriptions\01212-Lot 4.doc

P.O. Box 850 • Bel Air, Maryland 21014-0850 • 410-879-7200 • 410-838-2784 • Fax 410-838-1811

E-mail: cnamail@campbell-nolan.com

04-540-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 16660

DATE 5/21/04 ACCOUNT 001006.150

AMOUNT $ 115.00

RECEIVED FROM: LEVIN & GANN, P.A. + CNA

FOR: ITEM # 540 04-540-A + AMEND FDP

2 HERITAGE HILLS CT., BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL TIME	TRAN
11/24/2004	5/21/2004 13:34:32	2

REG WEST HALL JEWA JEE
RECEIPT # 339385 5/21/2004 OPEN
Dept: 5 SEB ZONING VERIFICATION
CK NO. 013666
Rcpt Tot $115.00
$115.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date June 3, 2004

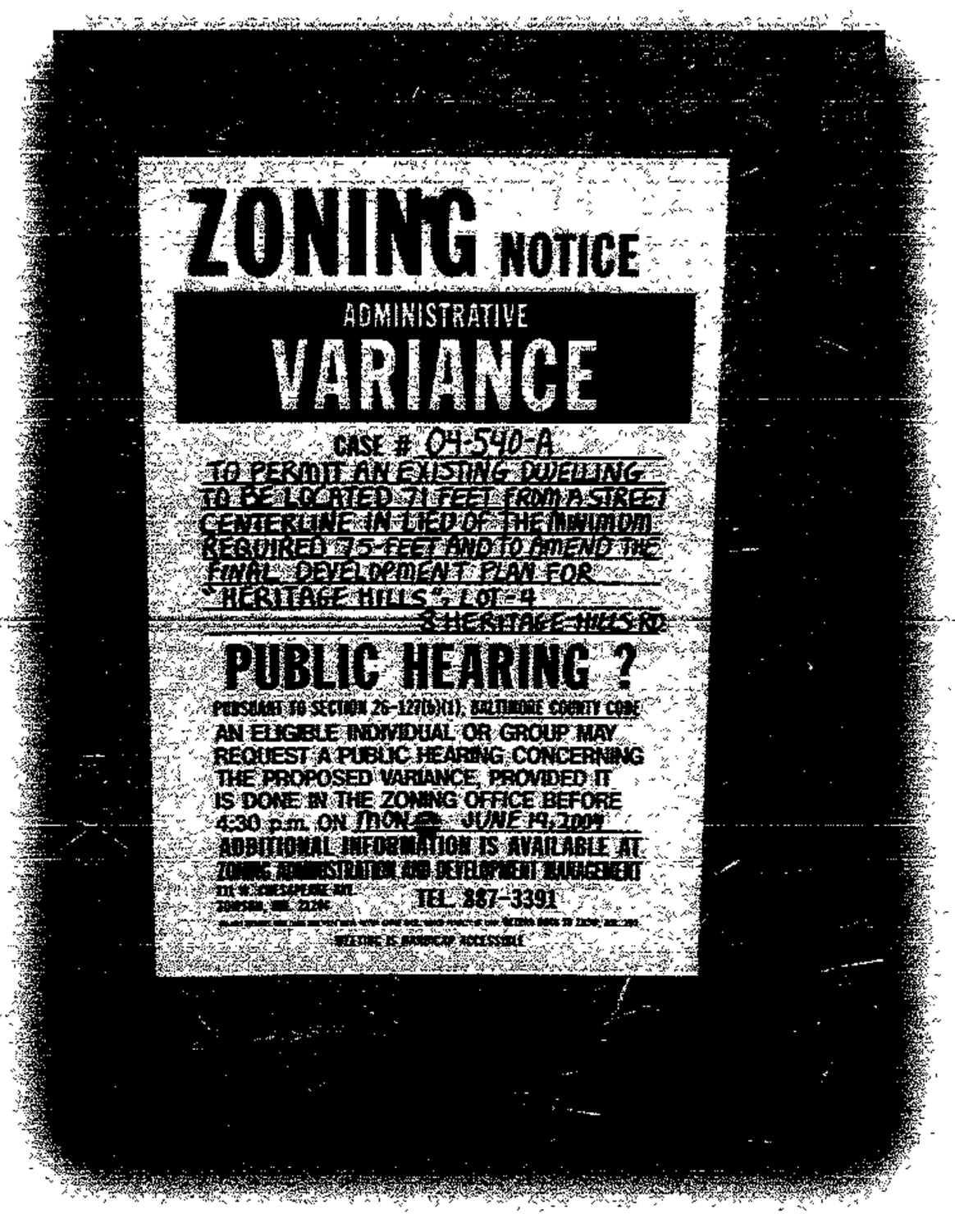
RE: Case Number 04-540-A

Petitioner/Developer HERBERT/CAMPBELL + NOLAN ASSOC., INC/ETAL

Date of Hearing/Closing June 14, 2004

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 8 HERITAGE HILLS CT.

The sign(s) were posted on May 28, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-540 -A Address 8 HERITAGE HILLS CT.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/21/04 **Posting Date:** 5/30/04 **Closing Date:** 6/14/04

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 04-540 -A Address 8 HERITAGE HILLS CT.

Petitioner's Name HERBERT Telephone 410-592-7516

Posting Date: 5/30/04 **Closing Date:** 6/14/04

Wording for Sign: *To Permit* AN EXISTING DWELLING TO BE LOCATED 71-FEET FROM A STREET CENTERLINE IN LIEU OF THE MINIMUM REQUIRED 75-FEET AND TO AMEND THE LATEST FDP FOR "HERITAGE HILLS", LOT 4.

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: 04-540-A

Petitioner: CURTIS J. & PAULINE F. HERBERT ---- LEGAL OWNERS

Address or Location: EIGHT HERITAGE HILLS COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN RICHARDSON, VP

Address: CNA, INC.

215 Bynum Road

Forest Hill, Maryland 21050

Telephone Number: 410-879-7200

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

June 14, 2004

Howard L. Alderman, Jr. Esquire
Levin & Gann
502 Washington Avenue 8th Floor
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number:04-540-A, 8 Heritage Hills Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 21, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Curtis J. and Pauline F.Herbert 8 Heritage Hills Court Kingsville 21087-1156
John Richardson, VP CNA, INC 215 Bynum Road Forest Hill 21050

Baltimore County
Fire Department

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

June 8, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 7, 2004

Item No.: (540)-549, 552 & 553

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

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6 · 5 · 04

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

RE: Baltimore County
Item No. 540 DT

Dear. Ms.Matthews:

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

Granted 7/2

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr

DATE: June 22, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 7, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-540
04-542
04-543
04-544
04-545
04-546
04-547
04-549
04-551
04-552
04-558

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 14, 2004

RECEIVED
JUN 14 2004
ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-540, 4-543, and 4-546**
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

Division Chief: Lyn Lanham

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 1, 2004

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

SUBJECT: *Zoning Advisory Committee Meeting*
For June 14, 2004
Item Nos. 540, 542, 543, 544, 545,
546, 547, 548, 549, 552, 553, and 558

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

RWB:CEN:jrb

cc: File

ZAC-06-14-2004-ITEM NOS 540-558-07012004

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

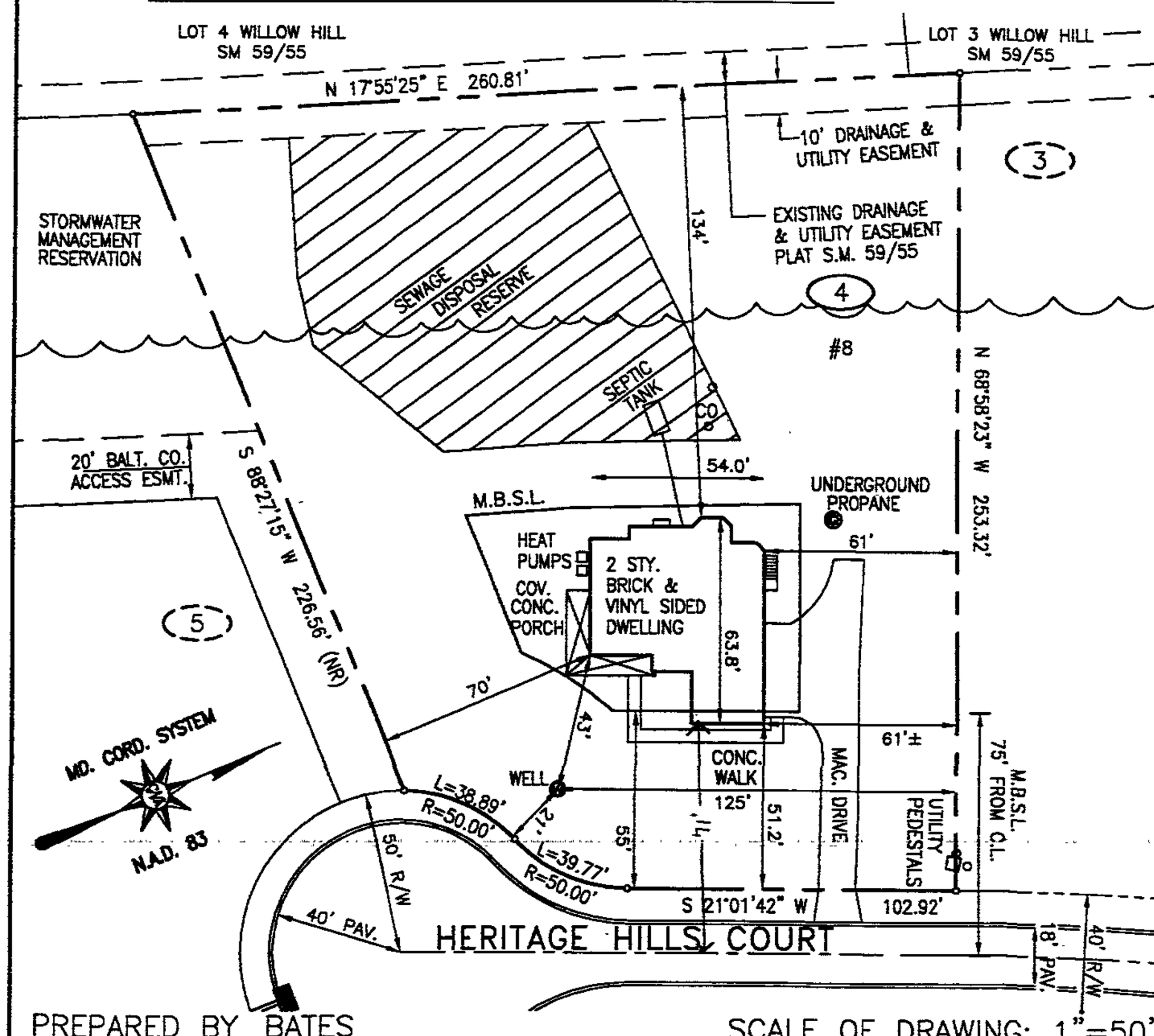
PROPERTY ADDRESS #8 HERITAGE HILLS COURT

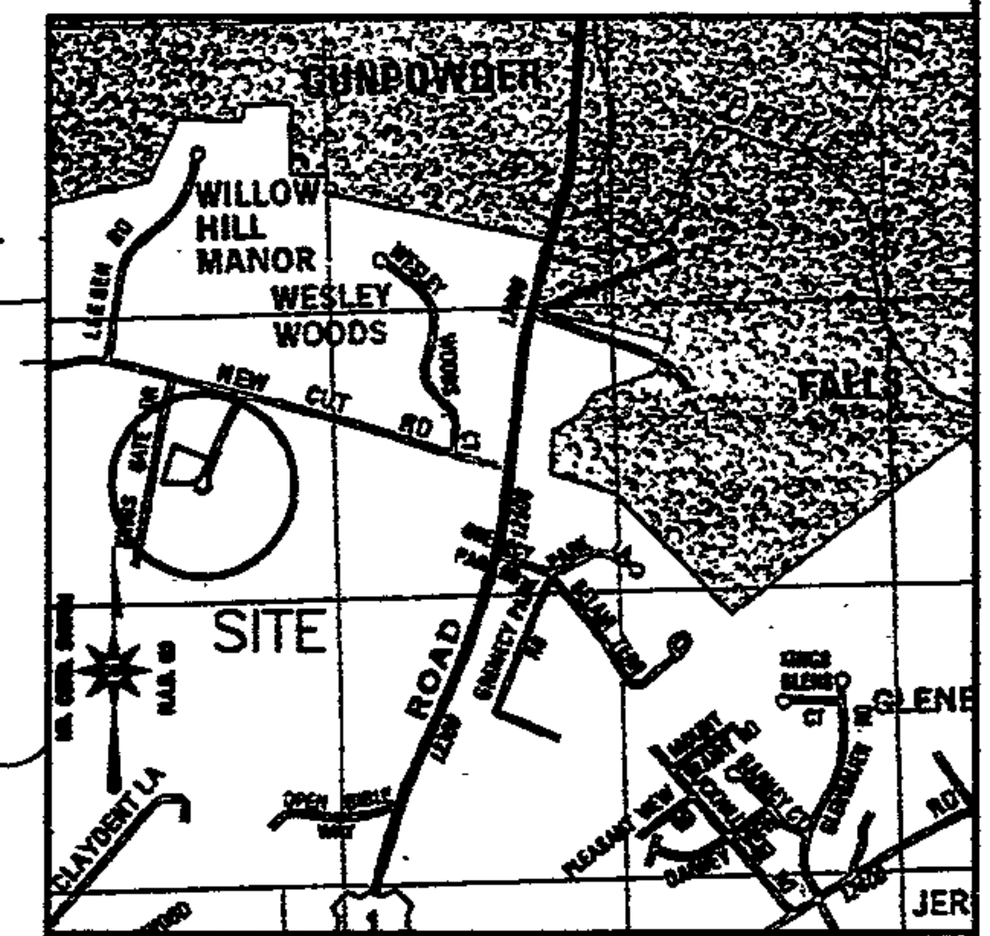
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME HERITAGE HILLS

PLAT BOOK # 73 FOLIO # 69 LOT # 4 SECTION #

OWNER CURTIS J AND PAULINE F HERBERT





LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 2000' SCALE MAP # NE16J

ZONING: R.C.5

LOT SIZE: ACRES 1.18 SQ.FT. 51,382

SEWER:	PUBLIC [ ]	PRIVATE [X]
WATER:	PUBLIC [ ]	PRIVATE [X]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY / BUILDINGS	[ ]	[X]
PRIOR ZONING HEARINGS	[ ]	[X]

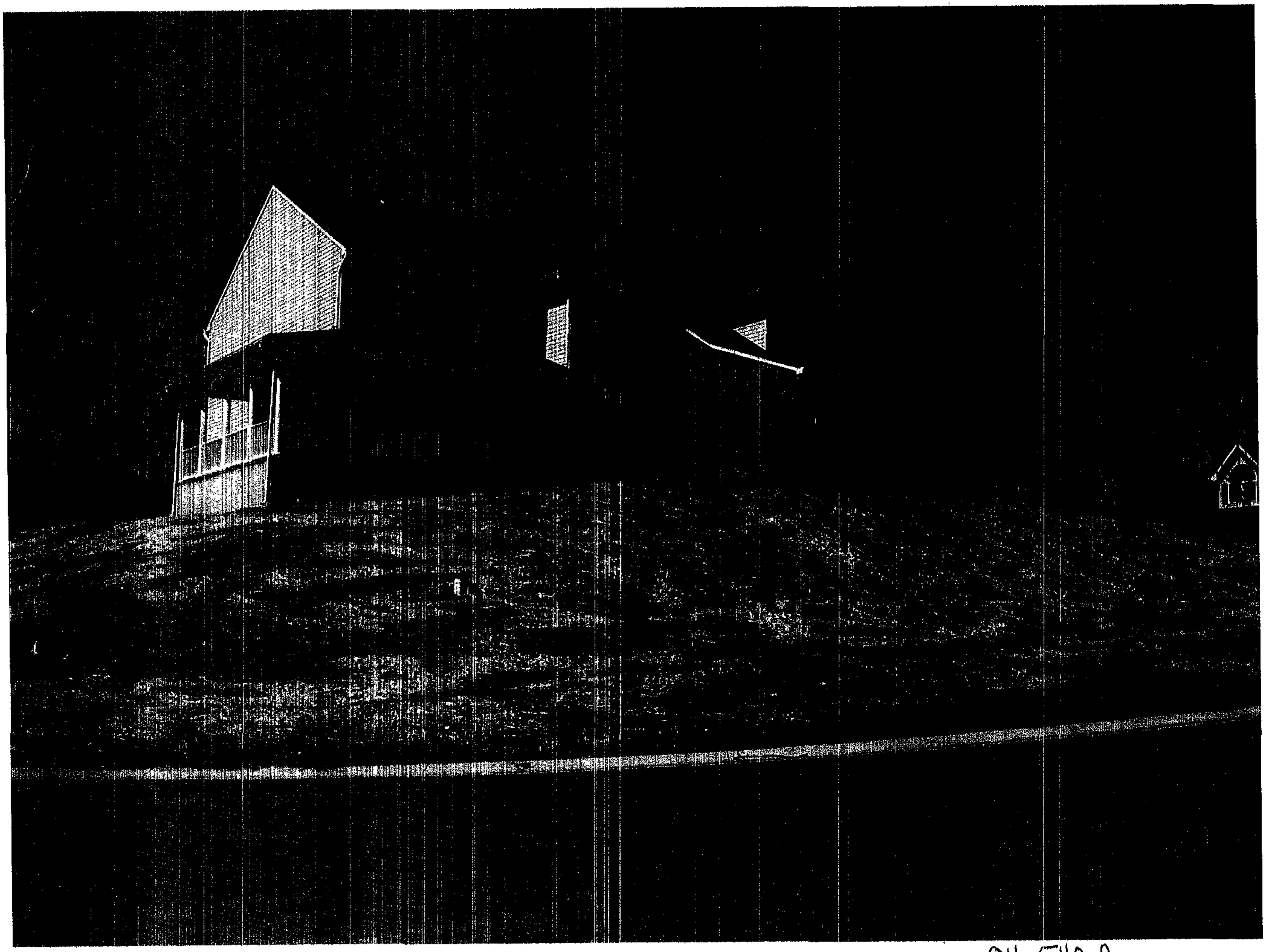
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.Thompson	540	04-540-A

PREPARED BY BATES

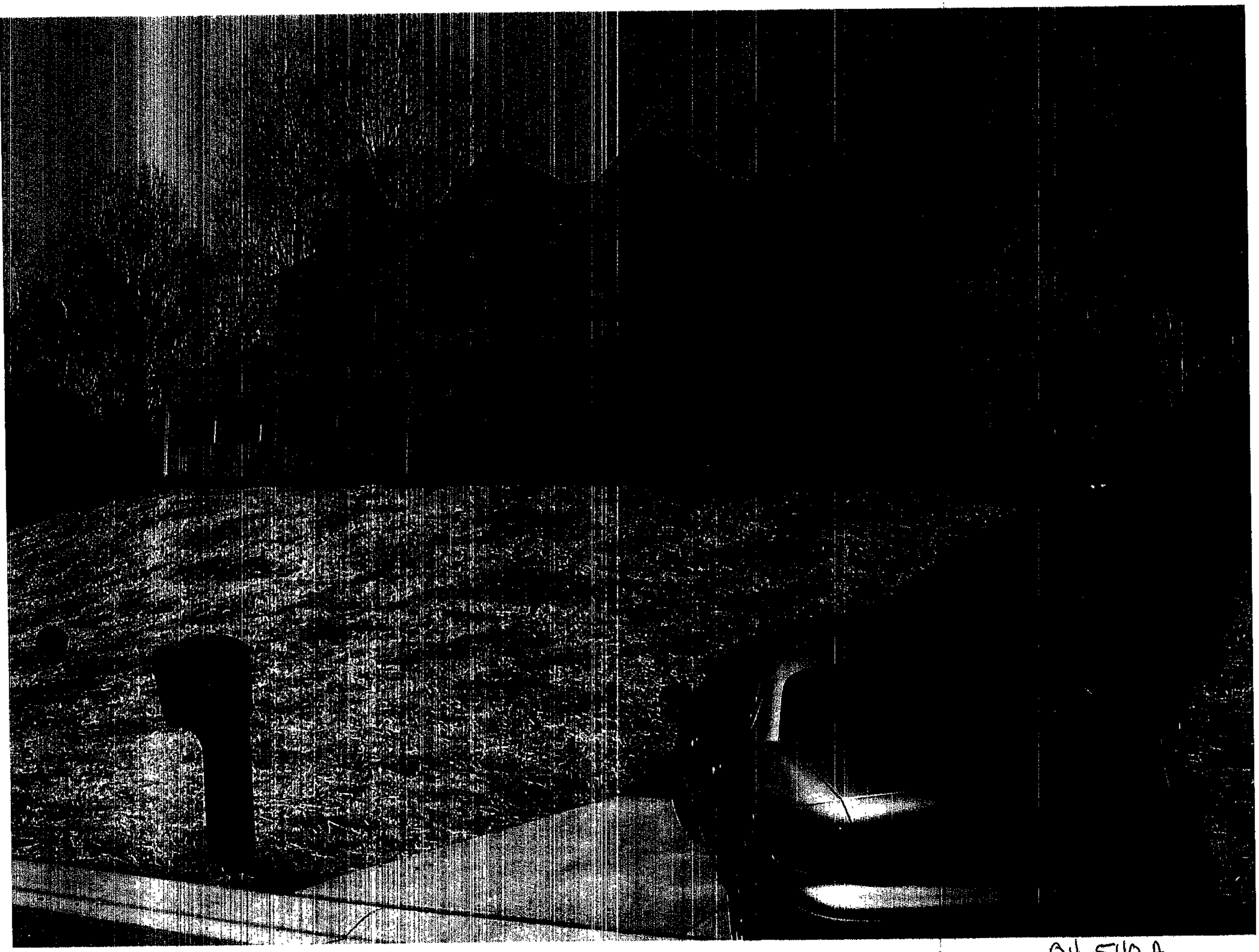
SCALE OF DRAWING: 1"=50'

Pet. Ex. #1



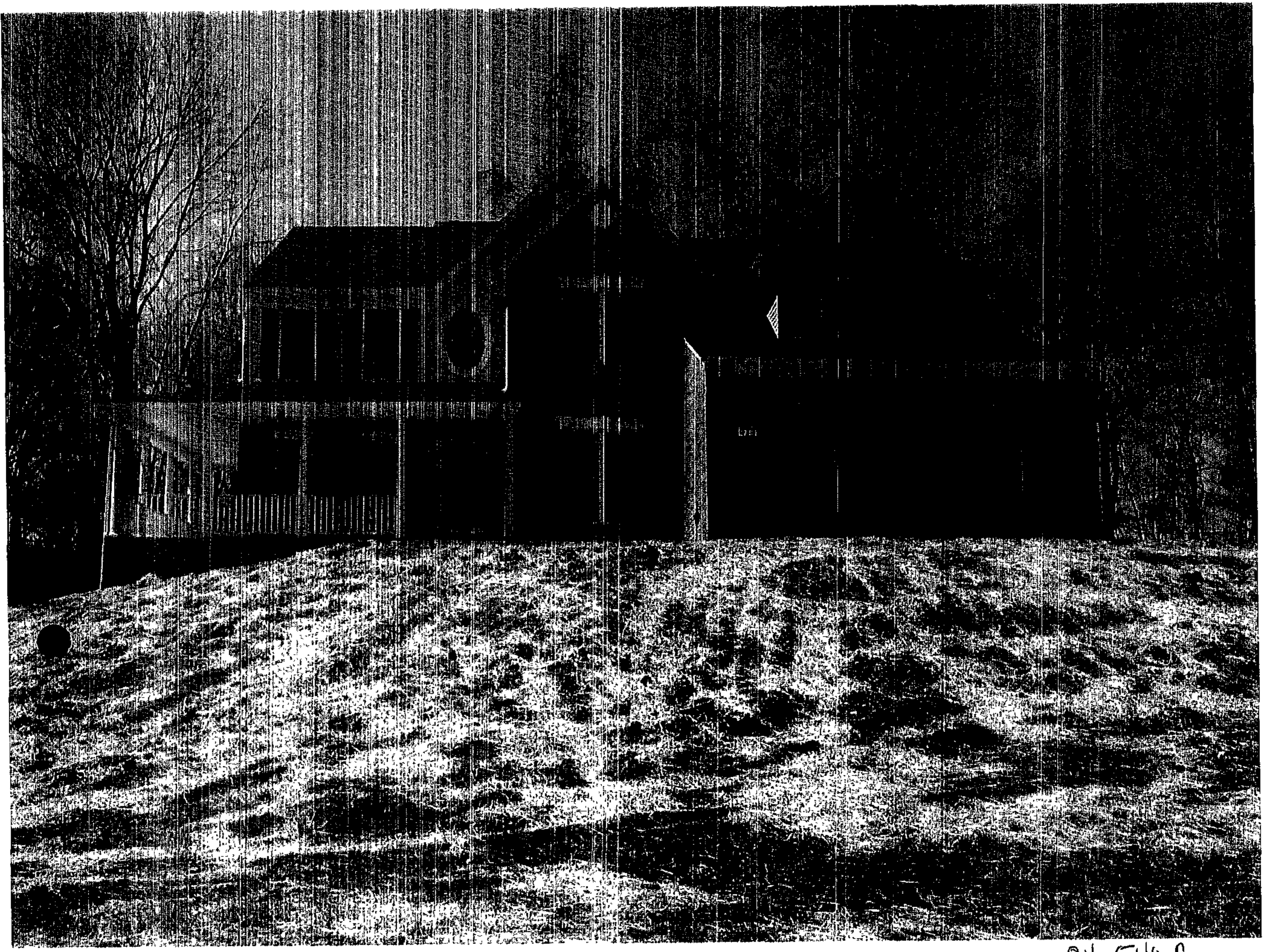
04-540-A

04-540-A

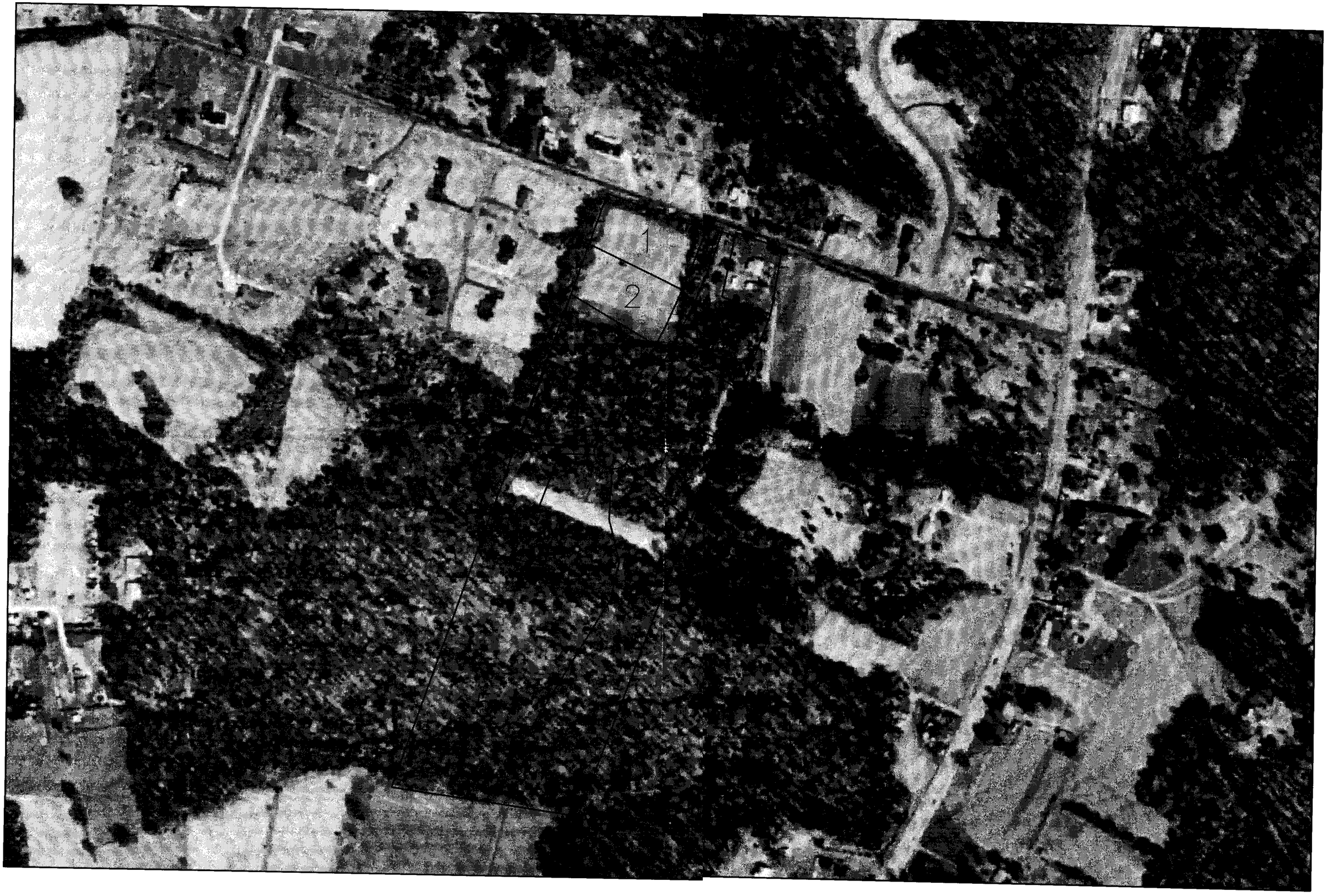


04-540-A

04-540-A

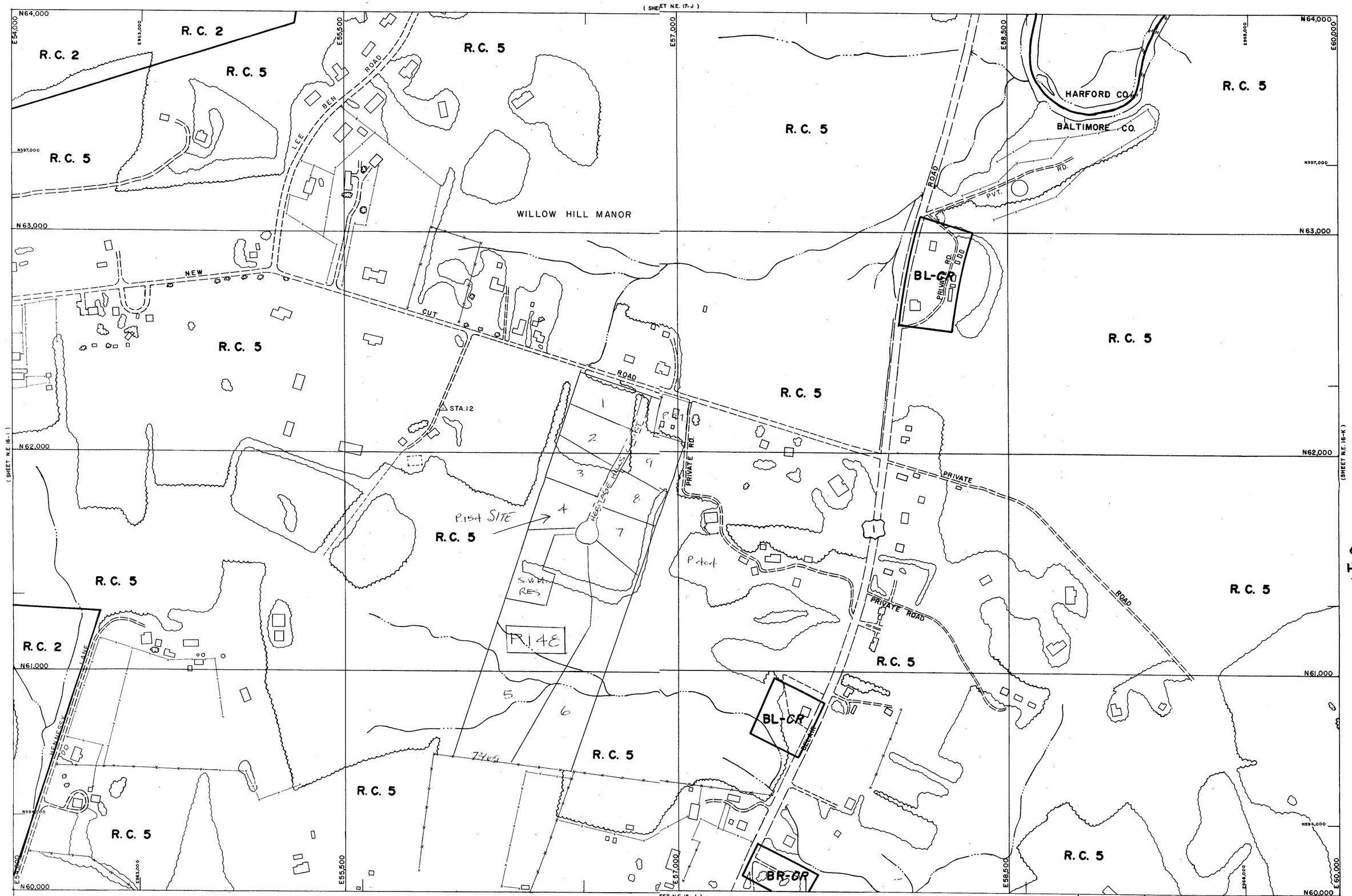


04-540-A



AERIAL PHOTOGRAPH – 1"=200'

04-540-A



UU-SE TT-SW
Q-NE QQ-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
VOTED
THE BALTIMORE COUNTY COUNCIL
ON OCTOBER 16, 1992
WITH AMENDMENTS THROUGH JANUARY 1, 1994

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	SOUTH OF RECKORD	N. E. 16 – J
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 16 J

04-540-A