NAMED TO FREE

IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Sea Horse Court, 330 ft. S Green Cove Road 15th Election District 7th Councilmanic District (9311 Sea Horse Court)

> Stacie A. & Richard D. Henderson, II Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

k CASE NO. 05-118-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Stacie A. and Richard D. Henderson, II. The variance request is for property located at 9311 Sea Horse Court in the Edgemere area of Baltimore County. The variance is requested from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (proposed deck) in the rear yard with a 14 ft. rear yard setback in lieu of the required 22 ½ ft. and to amend the Final Development Plan for "Beachwood Estates", Lot #429. 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 September 12, 2004, 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 day of October, 2004, that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (proposed deck) in the rear yard with a 14 ft. rear yard setback in lieu of the required 22 ½ ft. and to amend the Final Development Plan for "Beachwood Estates", Lot #429, 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;

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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

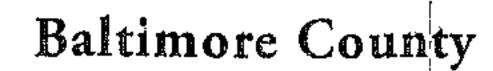
JVM:rai

NOW MAN

#### Zoning Commissioner

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





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

October 19, 2004

Mr. & Mrs. Richard D. Henderson, II 9311 Sea Horse Court Edgemere, Maryland 21219

> Re: Petition for Administrative Variance Case No. 05-118-A Property: 9311 Sea Horse Court

Dear Mr. & Mrs. Henderson:

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.

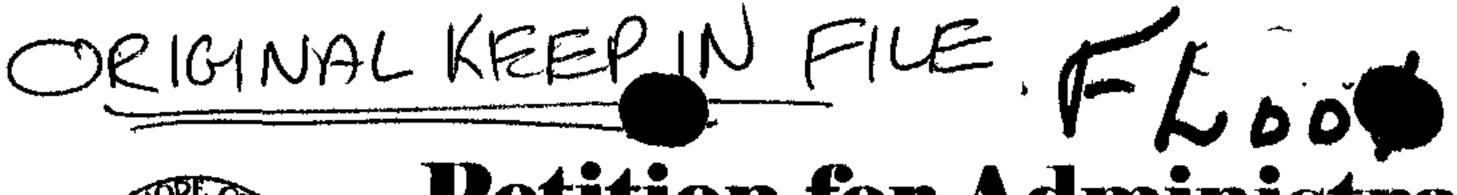
Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj . Enclosure









to the Zoning Commissioner of Baltimore County

for the property located at 9311 Sea Horse Ct. Edgement, MD which is presently zoned DR 3.5

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

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) | Bo1, 2, C, 1, b and 30%, 1 BCZR TO PERMIT AN OPEN PROJECTION (PROPOSED DECK) IN REAR YARD WITH A 14 FT. REAR YARD SETBACK IN LIEU OF THE REQUIRED 22 12 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR BEACHWOOD ESTATES LOT # 429

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.

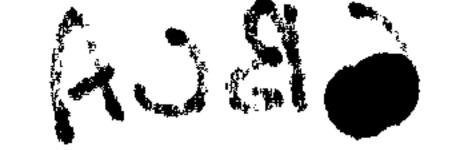
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			is the subject of this Pe	etition.	roperty w
Contract Purchaser	<u>/Lessee:</u>		<u>Legal Owner(s):</u>		•
			Richard & H	enderson II	1
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Attorney For Petitio	ner:		9311 Sen Hoor	50 Ct. (4w)	477-4
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## 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	9311 Seva H	WED CH.	
· · · · · · · · · · · · · · · · · · ·	Ed që moru	5 ₩\\_\ State	21219 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ving are the facts o or practical diffic	upon which I/we base the iulty):	request for an Administrative
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We would like to have a deck to last of the property lie. This a	only lepus 1	o 14 Infl. From 46	proparly in.
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is t dditional informati	iled, Affiant(s) will be requon.	ired to pay a reposting and
Signature Signature	· · · · · · · · · · · · · · · · · · ·	Stabil Hander	Don
Richard D Henderson ( Th		STACIE A. Henderson	<u>u</u>
		· ;	
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:		
I HEREBY CERTIFY, this K 1 5 7 day of A 3 of Maryland, in and for the County aforesaid, per	September sonally appeared	, <u>১ 2০০।</u> , before me	, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	৮ Sa	me as such Affiant(s).	<u></u>
AS WITNESS my hand and Notarial Seal			
	Notary P	Yach Y Nowak	owshi.
SEAL-	•	mission Expires 1 6-1-	2007
REV 10/25/01			





# Affidavit in Support of Administrative Variance

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follows: That the information herein given is competent to testify thereto in the event that a p	within the personal know ublic hearing is scheduled	viedge of the Affiant(s) in the future with regard	and that Affiant(s) is/are thereto.
That the Affiant(s) does/do presently reside at	9311 Seva Hars	Ct.	
	Edgemens	M/\(\sigma\)	2 2 9 Zip Code
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Signature			
Richard D Henderson ( TK Name - Type or Print	N me -	Type or Print	<u> </u>
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		ļ
I HEREBY CERTIFY, this X 151 day of X S of Maryland, in and for the County aforesaid, p		<u>, × 20041</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisf	tactorily identified to ne a	s such Affiant(s).	<u> </u>
trie Amarit(s) nerein, personally known or same			
AS WITNESS my hand and Notarial Seal			i
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REV 10/25/01

# oFLood GBCA



### Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 931 Sea Horse Ct. Edgemere MD which is presently zoned DR 3.5

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

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) | Bol. 2. C. 1.b AND 303.1 BCZR TO PERMIT AN OPEN PROJECTION (PROPOSED DECK) IN REAR YARD WITH A 14 FT. REAR YARD SETBACK IN LIEU OF THE REQUIRED 22/2 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR BEACHWOOD ESTATES LOT # 429

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.
If 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 } _	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):
Name - Type or Print .	· · · · · · · · · · · · · · · · · · ·	Richard B Henderson II  Name Type or Print
Signature		Signature
Address	Telephone N	Laterage 1
City	Zip Cod	Signature Signature (40) -536-1077
Attorney For Petitioner:	 	9311 Sem Hoors & Ct. (4w) 477-4414 Address Telephone No.
Name - Type or Print	 	City State Zip Code
Signature	<u> </u>	Representative to be Contacted:
Company	<del></del>	Name
Address	Telephone No	Address Telephone No.
City	Zip Cod	City State Zip Code
A Public Hearing having been formally demande this day of that regulations of Baltimore County and that the property	d and/or found the subject mai be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, er of this petition be set for a public hearing, advertised, as required by the zoning
	-	Zoning Commissioner of Baltimore County
CASE NO. 05/18 A.		Reviewed By JL Date 9/01/04
REV 10/25/01	i : :	Estimated Posting Date 9/12/04

#### **Zoning Description**

Zoning Description for 9311 Sea Horse Ct. Beginning at a point on the South West side of Sea Horse Ct. which is 50 . ft. wide at the distance of 330 ln.ft. South of the centerline of the nearest improved intersection street Green Cove Circle which is 50 . ft. wide.\* Being Lot # 429 Block -, Section # 2 in the subdivision of Beachwood Estates as recorded in Baltimore County Plat Block # 72, Folio # 131, containing 7138 sq.ft. Also known as 9311 Sea Horse Ct. and located in the 15<sup>th</sup> Election District, 7<sup>th</sup> Councelmanic District.

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Crr.

x ·

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RE: Case No.: 05-118-A

Petitioner/Developer: RICAGIO 4

9TACIE HENDER SON

Date of Hearing/Closing: 9/27/04

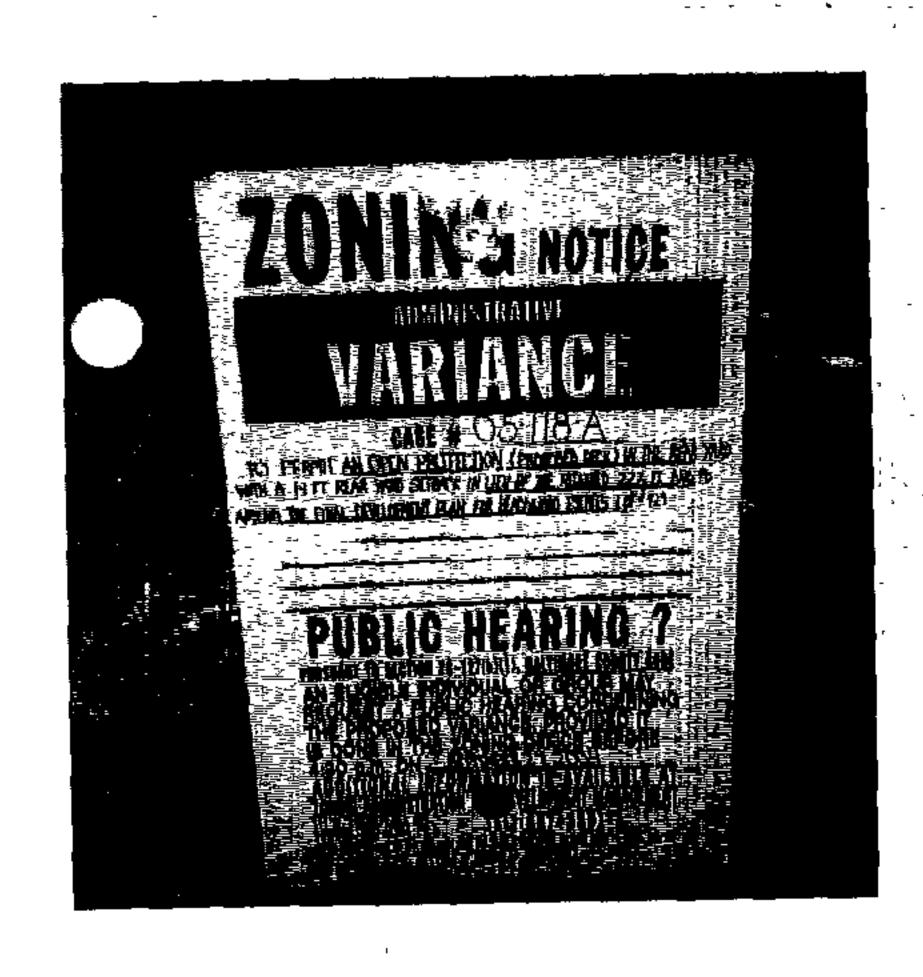
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under to posted conspicuously on the p	the penalties roperty loca	s of perjury that the sted at:	necessary	y sign(s) r	equired by i	aw were
	9311	SEAHORSE	Ct.		.'↓" ***	
**************************************	•				<u>-</u>	:
The sign(s) were posted on		9/12/04	*		4	<del></del>
		(Month, Day	, Year)	**************************************		

Sincerely,



### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 18 -A Address x 9311 Septhes Ct.
Contact Person: LEWIS Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 9/0/04 Posting Date: 9/12/04 Closing Date: 9/27/04
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 118 -A Address x 9311 Sep Horso Ct.
etitioner's Name X Richard & Stacie Henderson II Telephone x 410 477-1444
osting Date: 9/12/04 Closing Date: 9/27/04
ording for Sign: To Permit & Ad Open Protection (Proposo Deda) in the
etal yord with a 14Et. REAR Yard Set Back in LIEU OF HO ROW, Roll
22/2 FF AND to AMEAD The FIND! Develop mon! Plan For
Benchwood Estates Lot 4479
WCR - Revised 6/25/04

### 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.

## Department of Permits as 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

September 27, 2004

Richard D. Henderson II Stacie Henderson 9311 Sea Horse Court Edgemere, Maryland 21219

Dear Mr. and Mrs. Henderson:

RE: Case Number:05-118-A, 9311 Sea Horse Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 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. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel



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

#### Fire Department



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



### Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

September 14, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 13, 2004

Item No.:

108, 116-119, 122-124, 128 & 129

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

: File







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 9./3.04

Baltimore County

Item No. 118

RE:

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

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,

1. 1. Hoell

Steven D. Foster, Acting Chief Engineering Access Permits Division

9/21/14/19

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 🙌

DATE:

October 6, 2004

RECEIVED

 $\sqrt{0}$ CT - 6 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 13, 2004

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

05-108

04-117

04-118

04-119

04-121

04-122

04-123

04-124

04-126

04-128

04-129

Reviewers:

Sue Farinetti, Dave Lykens

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 27, 2004

RECEIVED

SEP 2 8 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-118- Administrative Variance

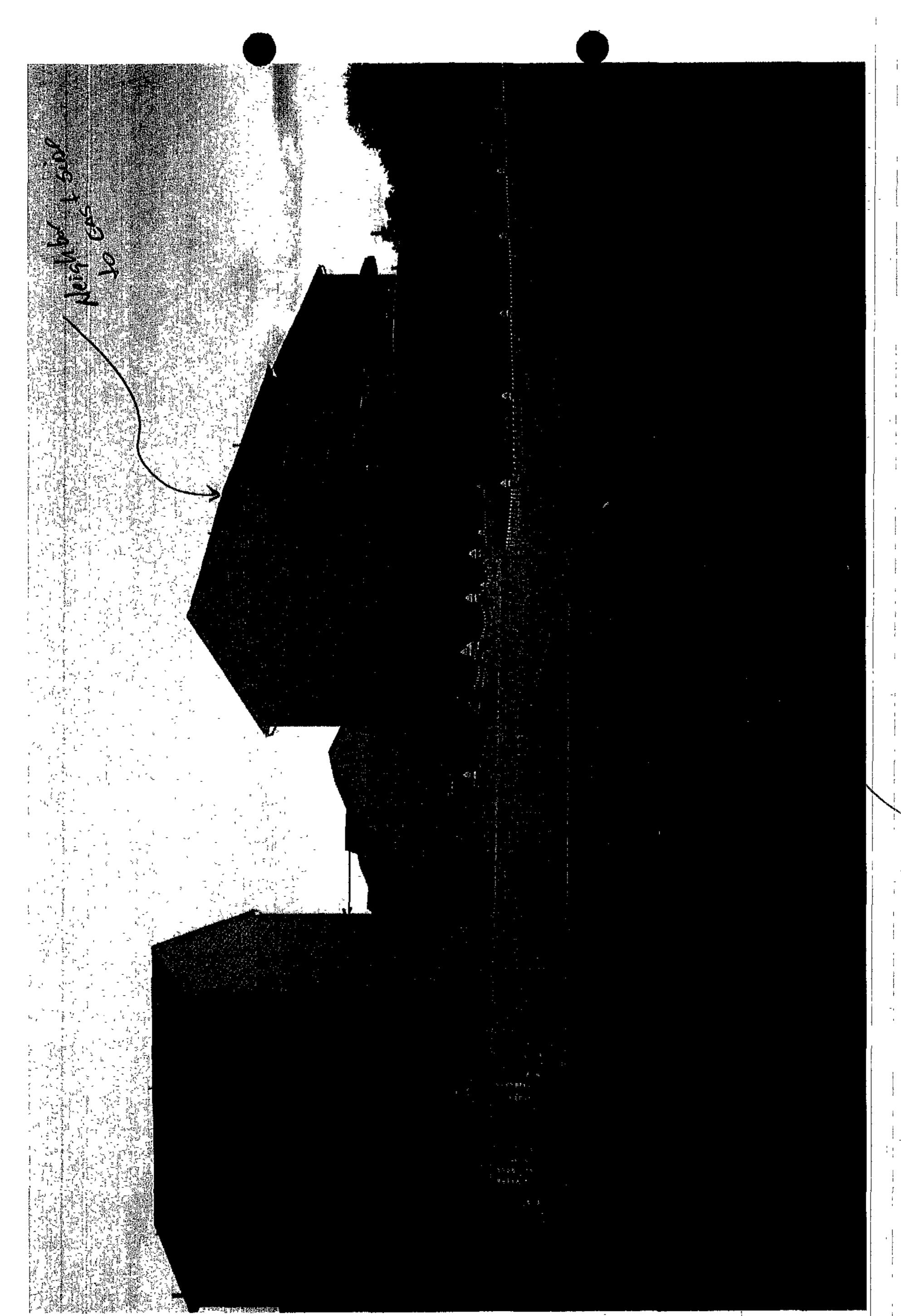
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

MAC/LL

PREPARED 8Y NORTH PROPERTY ADDRESS 1811 Sue Hors ? SUBDIVISION NAME DEACH WOOD OWNER PICK AND PLAT BOOK #1 ROLL IT ACCOMPANY FOLIO # 101 LOT # 429 SECTION # CH STALIG 6540405 HENDERSON. CHAP. A CA B 十七十二 18 Drick SCALE SEE PAGES ZONING 읶 BBO FT TO GREEN COVERD Decksni DRAWING: 6, S S OBIO 001 ďγ arrit MRIANCE CHECKLIST FOR REVIEWED BY CHESAPEAKE CRITICAL 9NEWOZ HISTORIC PROPERTY, **ADDITIONAL** FOL SIZE COUNCIL MANIC DISTRICT ELECTION DISTRICT PRIOR ZONING ;"=200<sup>-</sup> 3,300 8 YEAR FLOOD **EN** SEWER 出到了 SPECIAL LOCATION INFORMATION SCALE MAP X ACREAGE SCALE: REQUIRED INFORMATION BAY # Kall HEARING 300 Pr Ko が配合 PLAIN Ö X X - $\aleph$ 恶气 1000 SQUARE BEIT # 3SA3 U. 



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