

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Hillside Road, 325' E of the c/l

Keller Road

(1531 Hillside Road)

3rd Election District

2nd Council District

William Hefferman & Erin Murphy

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-507-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, William Hefferman and Erin Murphy. The Petitioners seek relief from Sections 1A04.3.B.2.b and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 17 feet in lieu of the required 37.5 feet for a proposed screened porch and deck. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

RECEIVED FOR FILING
Date 5-18-09
By [Signature]

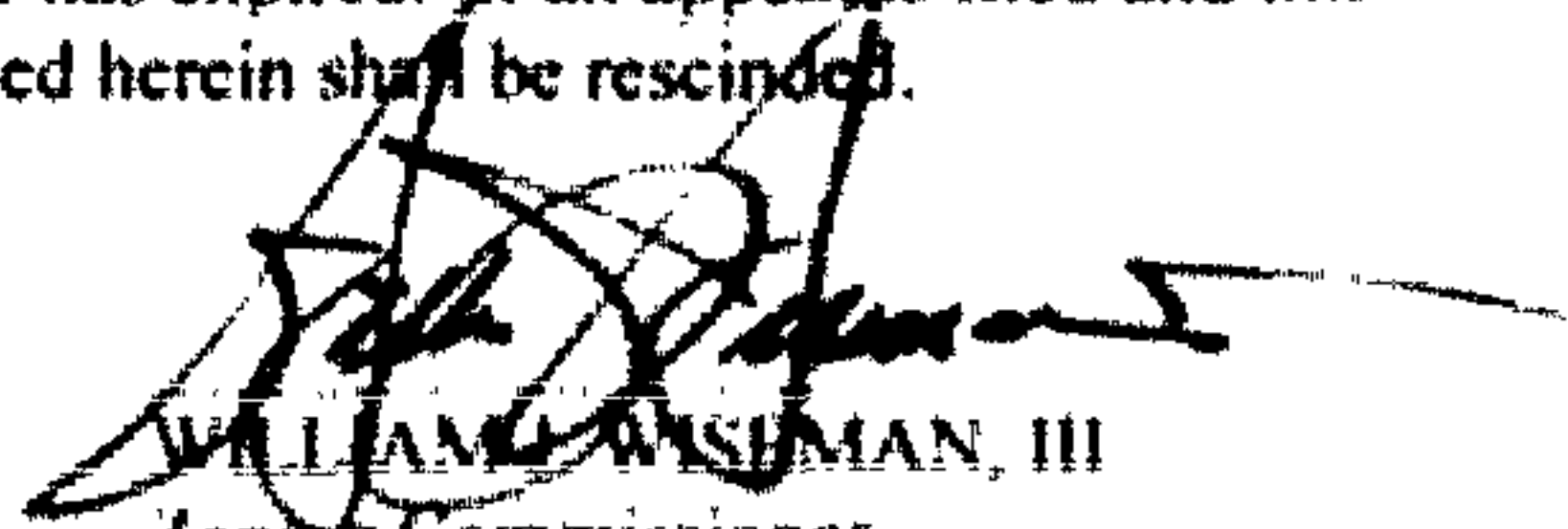
Based upon all of the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the layout and location of the existing dwelling. The Petitioners propose constructing a 13' x 20' screened porch and 13' x 9' deck immediately to the rear of the existing dwelling, which is located 27 feet from the rear property line. Thus, any addition to the rear of the home would necessitate variance relief. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any opposition. In this regard, it was indicated that there is no dwelling on an adjacent lot within 200 feet of the proposed construction. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of May 2006 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.2.b and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 17 feet in lieu of the required 37.5 feet for a proposed screened porch and deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:bjs


WILLIAM WISEMAN, III
Zoning Commissioner
for Baltimore County

DATE: 5-18-06
BY: [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 18, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. William Hefferman
Ms. Erin Murphy
1531 Hillside Road
Stevenson, Maryland 21153

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Hillside Road, 325' E of the c/l Keller Road
(1531 Hillside Road)
3rd Election District – 2nd Council District
William Hefferman & Erin Murphy - Petitioners
Case No. 06-507-A

Dear Mr. Hefferman & Ms. Murphy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: People's Counsel; Case File

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1531 Hillside Rd.
which is presently zoned RC5

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) *(A04.3 B.2.6 and 303.1; BC2R,*

To Permit a rear yard setback of 17 feet for a Deck and A screened porch in lieu of the required 37.5 feet.

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

2010

Telephone No

Figure 1

Sintesis

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, Maryland, that the subject matter of this petition be set for a public hearing as required, as required by the zoning regulations of Baltimore County and that the property be reported

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Rates

Address



25

Zip Code

REPUBLICAN CONVENTION

Reviewed By:

Estimated Posting Date

YES NO

REFERENCES



10



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

1531 Hillside Rd.
Address
Shunna MD 21153
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):

Based upon the enclosed photos and the small amount of available and usable space behind our home we request a variance to build a screened porch.

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.

Erin Murphy
Signature
Erin Murphy
Name - Type or Print

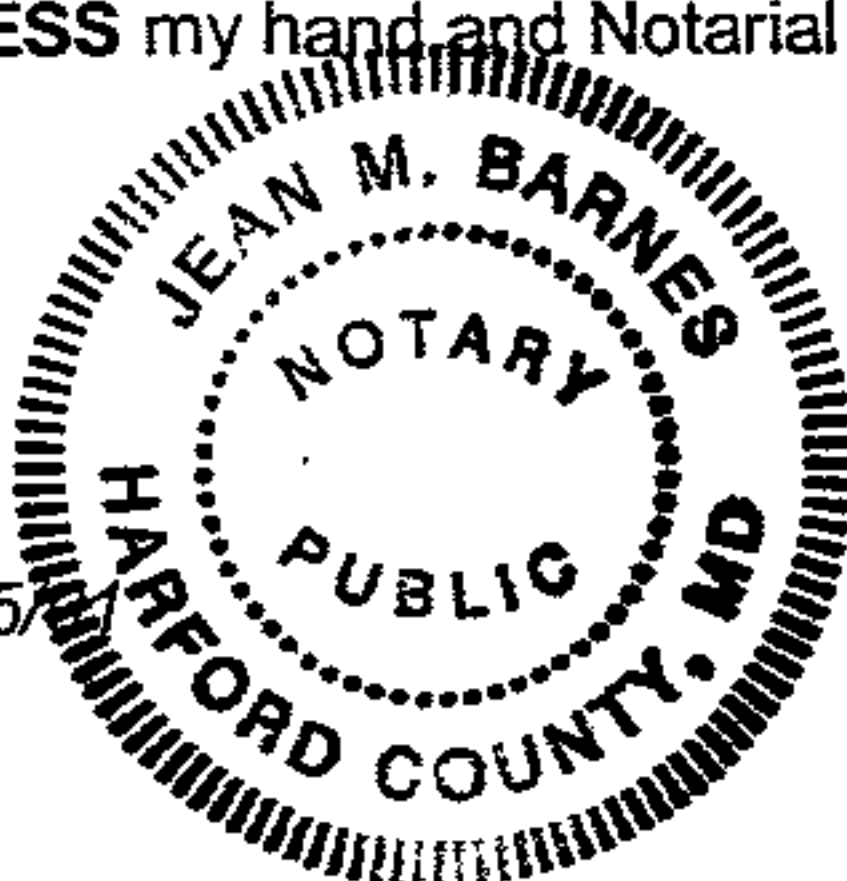
William O. Heffernan
Signature
William O. Heffernan
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Erin Murphy and William O. Heffernan
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/04

J. Barnes
Notary Public Jean M. Barnes
My Commission Expires 9-1-07

BPS/land technology, inc.

Engineers & Surveyors

P O Box 5614 • Baltimore, MD 21210 • (410) 435-0800

ZONING DESCRIPTION 1531 HILLSIDE ROAD

Beginning at a point at the centerline of Hillside Road which is 18 feet in paving width at a distance of 325 feet east of the centerline of Keller Road which is 18 feet in paving width. The property is located in the Third Election District, Second Councilmanic District.

Metes and bounds as recorded in Deed Liber 7294, Folio 529: N. 89° 42' E. 73.55 ft., S. 88° 18' E. 16.46 ft., Due South 145.83 ft., N. 85° 48' W. 95.90 ft., and N. 02° 19' E. 138.97 ft. to the place of beginning.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE & FINANCE
RECEIPTS RECEIPT**

No. **6000**

DATE 4-13-06 ACCOUNT Exch-CCY-6150

AMOUNT \$ 65.00

NAME James C. Murphy ADDRESS 1531 Hillside Rd

PHONE 410-412-1111

REMARKS PAID - RECEIPT YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ADDRESS DATE TIME DAY
9/13/2006 4/13/2006 12:23:15 PM
RECEIPT # 202181 4/13/2006
DATA 5 SUB ZONING VERIFICATION
CIP NO. DISCARD

Receipt Tot \$65.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: Kristen Mathhews

DATE: 4/24/06

Case Number: 06-507-A

Petitioner/Developer: ERIN MURPHY

Date of Hearing (Closing): 05/08/06

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: 1531 HILLSIDE ROAD

The sign(s) were posted on: 4/20/06



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 06- 507 -A Address 1531 Hillside Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4.13.06 Posting Date: 4.23.06 Closing Date: 5.8.06

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 06- 507 -A Address 1531 Hillside Rd.
Petitioner's Name E. Murphy Telephone 410-602-6540
Posting Date: 4.23.06 Closing Date: 5.8.06
Wording for Sign To Permit A REAR YARD SETBACK OF 37.5 FT
for a screened porch in lieu of the
required 37.5 ft

FOR REVIEW ONLY

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: 507

Petitioner: ERIN MURPHY

Address or Location: 1531 Hillside Rd. STEVENSON, Md. 21153

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAME

Telephone Number 410-662-6840

**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

May 8, 2006

Erin Murphy
William Heffernan
1531 Hillside Road
Stevenson, MD 21153

Dear Ms. Murphy and Mr. Heffernan:

RE: Case Number: 06-507-A, 1531 Hillside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 13, 2006.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

April 21, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 24, 2006

Item Numbers: 491-515

Pursuant to your ⁵⁰⁷request, 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.

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

Lieutenant Roland P. Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 25, 2006

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2006
Item Nos. 491, 492, 493, 494, 495, 498,
499, 500, 502, 504, 505, 507, 508, 509,
511, 513, 514, 515, 516, 517

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

DAK:CEW:clw

cc: File

ZAC-NO COMMENTS-04252006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 3, 2006

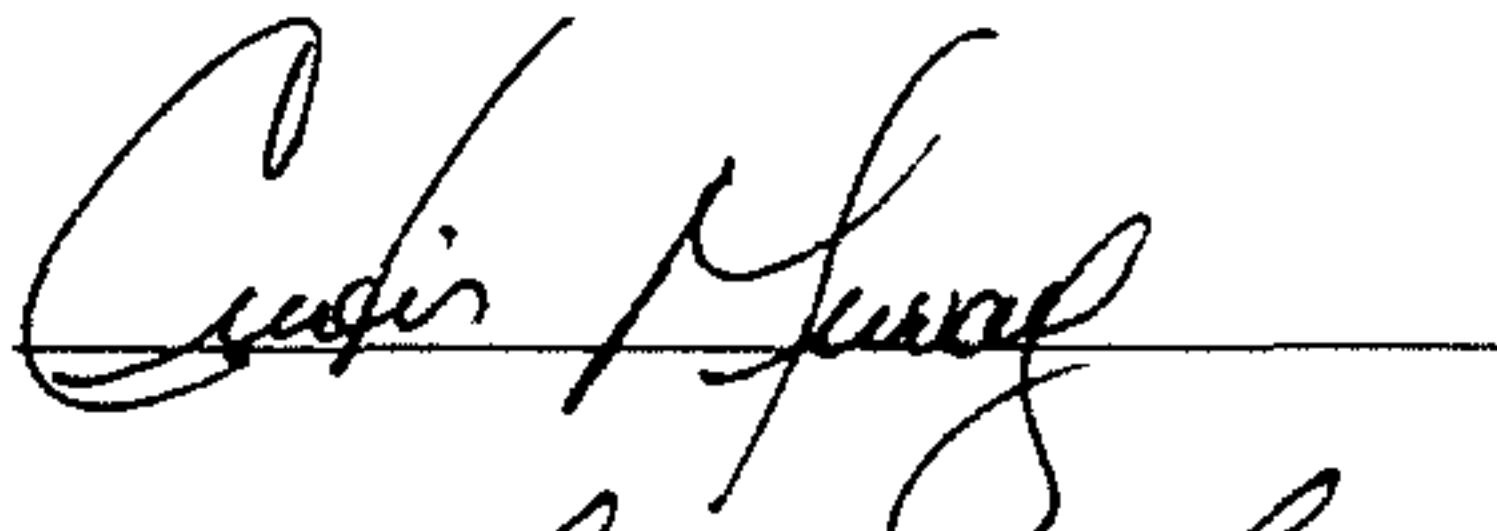
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-507- Administrative Variance

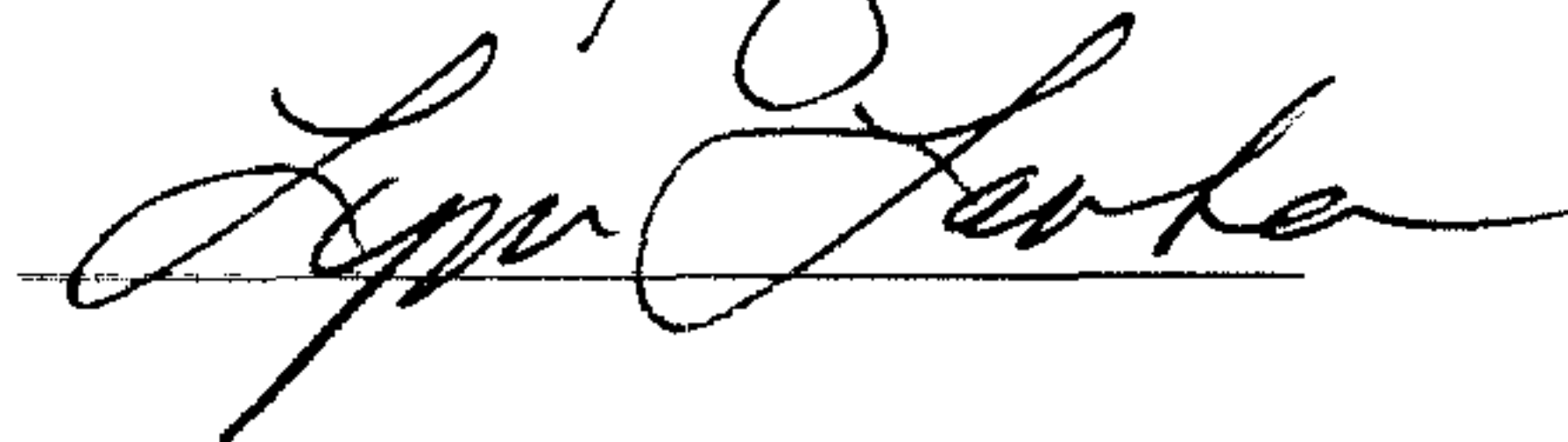
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



RECEIVED

MAY - 3 2006

2006 05 03 10:57

CM/LL

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



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

Maryland Department of Transportation

Date: 4.21.06

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

RE: Baltimore County
Item No. 507 JCM

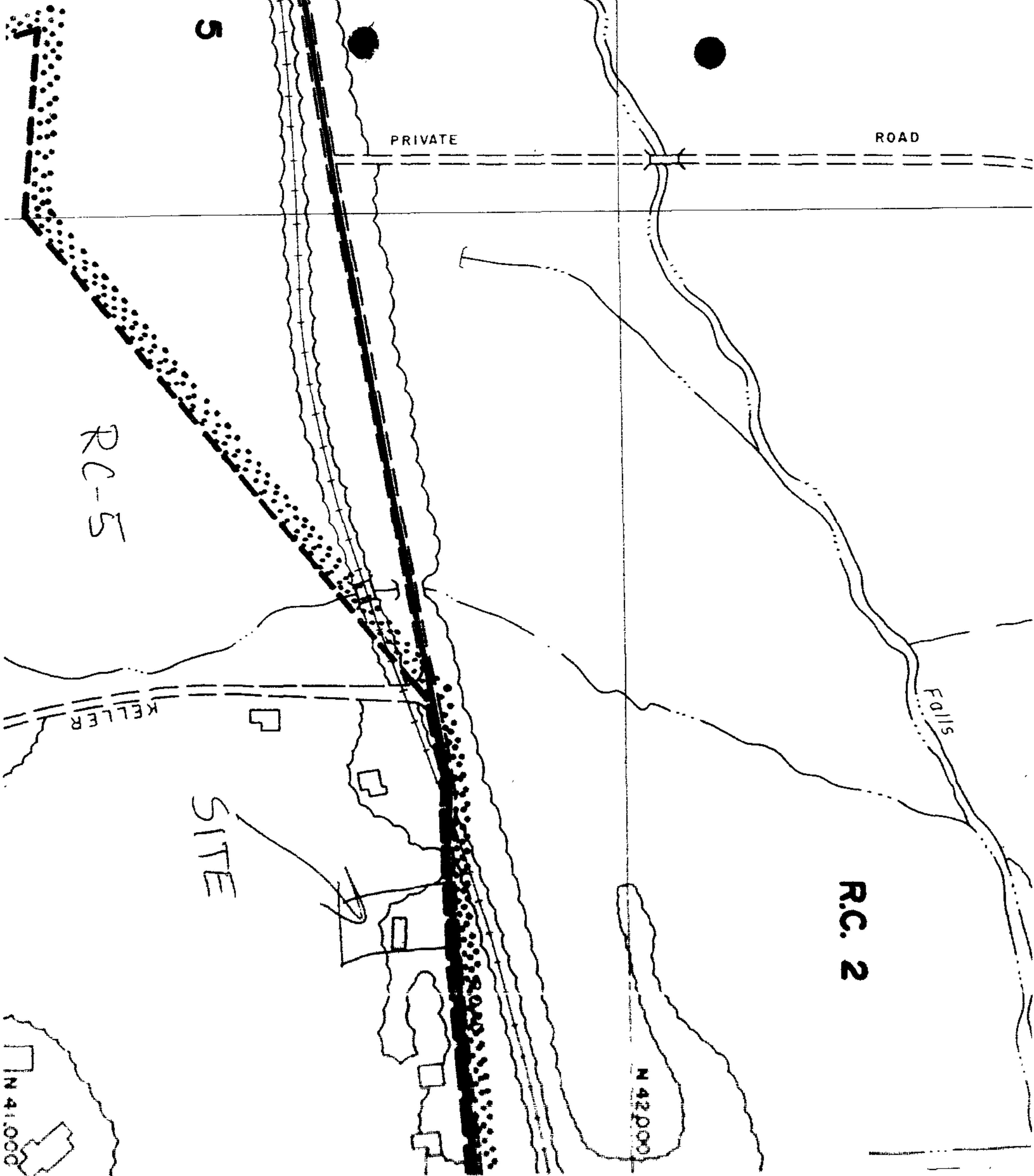
Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division



R.C. 2

SHEET 1 NW 11-01

N 41,000

N 42,000

SITE

KELLER

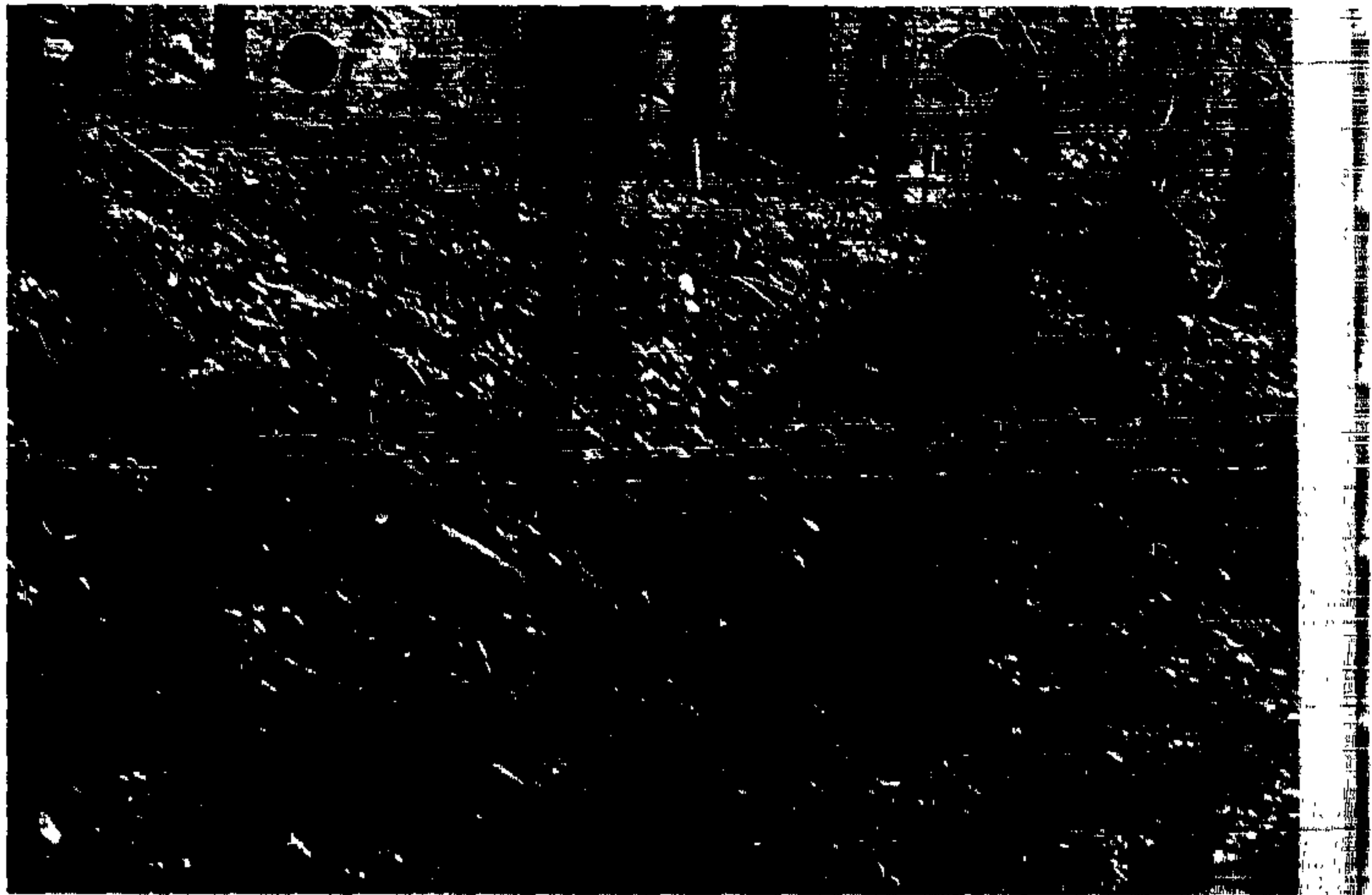
Falls

PRIVATE

ROAD

5

RC-5









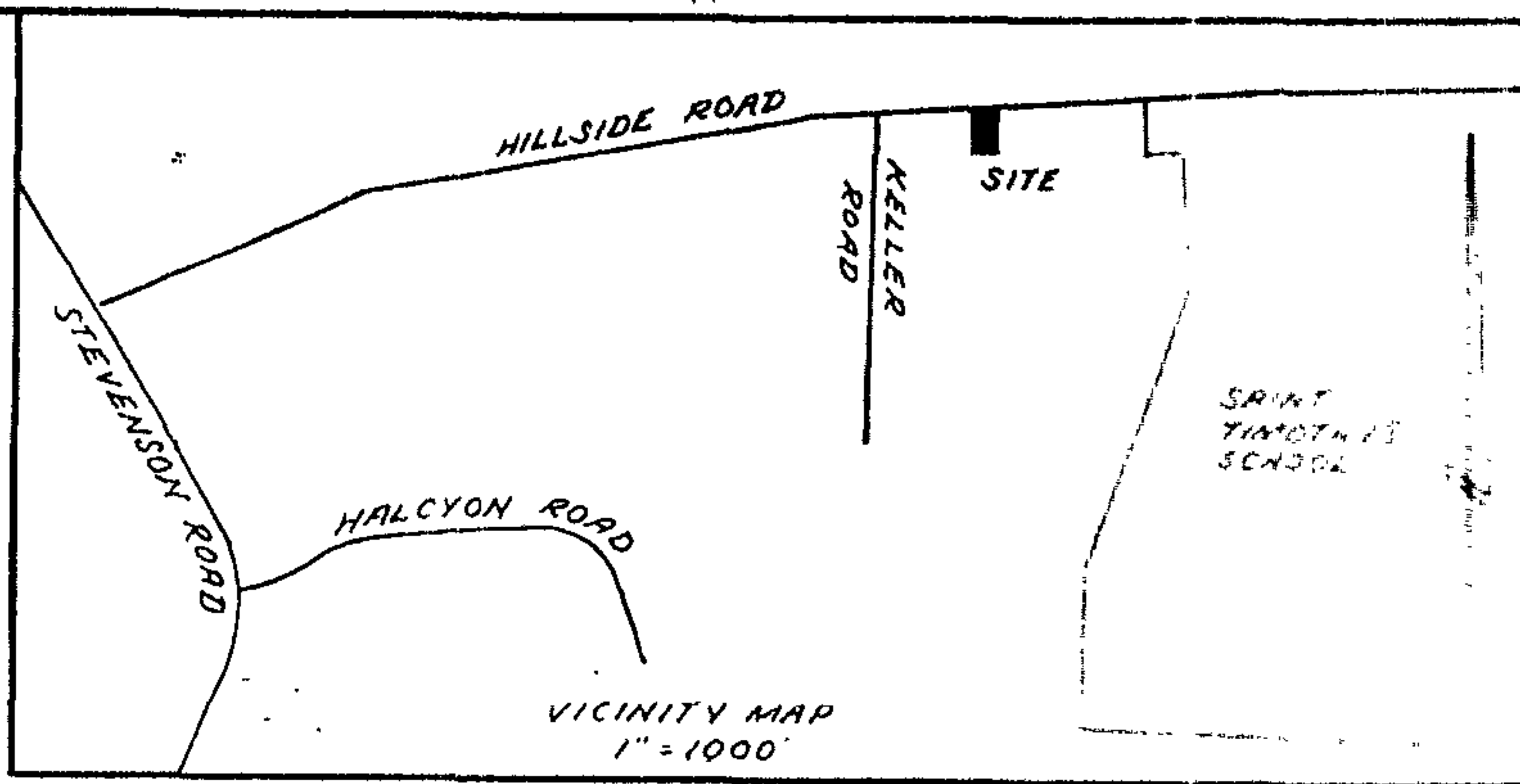
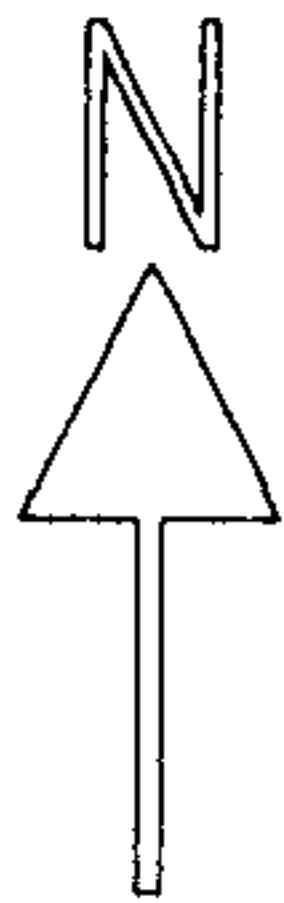




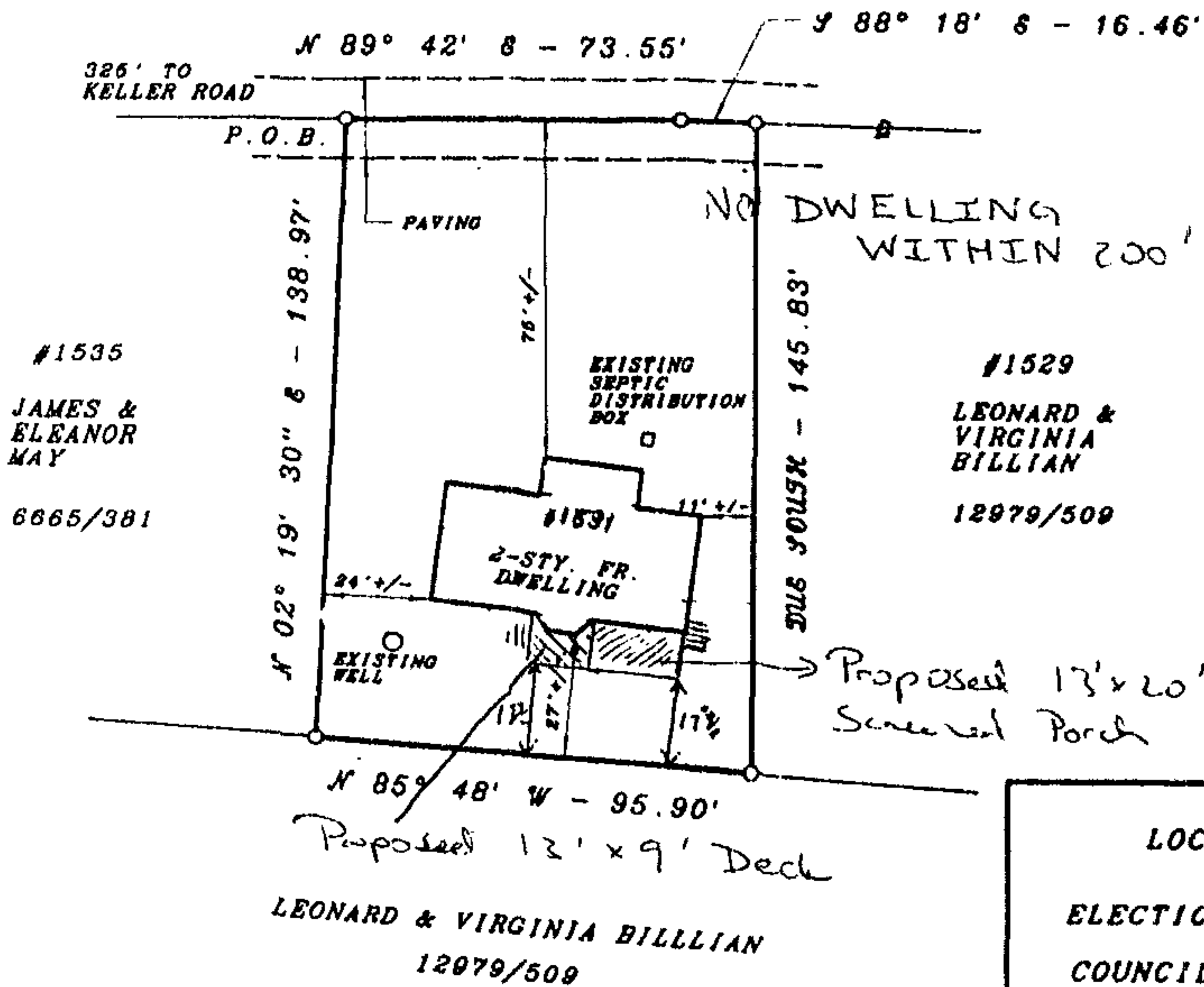








HILLSIDE ROAD



PET. EX. 1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 1531 HILLSIDE ROAD

LIBER #21901 FOLIO #499

OWNERS: Erin H. Murphy & William O. Heffernan

SCALE: 1" = 50'

DATE: MARCH 29, 2006

BPS/land technology, inc.

Engineers & Surveyors

P. O. Box 5614

Baltimore, Maryland

410-435-0800

21210

LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP # NW 11 E

ZONING R C. 5

LOT SIZE:

0.304 AC.
13,243 SQ. FT.

SEWER: PRIVATE
WATER: PRIVATE

CHESAPEAKE BAY CRITICAL AREA NO

100 YEAR FLOOD PLAIN NO

HISTORIC PROPERTY/BUILDING NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #