IN RE: PETITION FOR ADMIN. VARIANCE NE corner of Harford Road and Regwood Road 11th Election District 3rd Councilmanic District **(12402 Harford Road)** William G. Greenhalgh *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 07-044-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, William G. Greenhalgh. The variance request is for property located at 12402 Harford Road. The variance request to permit a 51 foot set back from the center of Regwood Road to proposed addition to existing dwelling in lieu of required 100 feet and an 83 foot setback from the center of Harford Road to the existing dwelling in lieu of required 150 feet (a variance of 49 feet and 67 feet). (1A04.3B2b.BCZR Amended by County Council Bill #77-05, July 5, 2005). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Petitioner states the existing dwelling was built in 1920 prior to Baltimore County zoning regulations. The 1970 County zoning map lists the zoning classification as RDP which required the 50 foot building setbacks. The property is now zoned RC 5 with amendments to RC 5 zoning (Bill 77-05, July 5, 2005). The Petitioner wishes to construct a 33 foot x 18 foot addition to his existing 2 ½ story home. Variances are requested to bring setback to the existing dwelling and proposed addition to meet the present setback requirements.

Preliminary Matters

A letter was received from Peoples Counsel dated August 10, 2006 which indicated that a special hearing is required for this relief and requesting a hearing on the merits of the case with

ORDER RECEIVED FOR FILING
Date 9-13-06
By

notice to interested persons. However a later note was received from the Zoning Office which indicated the Peoples Counsel and DPDM agreed that under the circumstances, the request for special hearing and public hearing on the merits was no longer required. Consequently the case continued to be reviewed administratively.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comment letter was received from the Bureau of Development Plans Review dated August 8, 2006 which requests the Petitioner show a 40 foot right of way for Regwood Road. However this comment did not affect the Petition as the Petition reflects the requests from the center of the roadway and not the edge of the right of way. A ZAC comment letter was received from the Department of Environmental Protection and Resource Management dated August 16, 2006 which contains a restriction. Copies of which are attached hereto and made a part hereof.

Applicable Law

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

"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."

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By

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 11, 2006 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 and photographs as required by Section 32-3-303 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 Petitioner.

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 13th day of September, 2006, that a variance from Section 1A04.3B2b of the BCZR to permit a 51 foot set back from the center of Regwood Road to proposed addition to existing dwelling in lieu of required 100 feet and an 83 foot setback from the center of Harford Road to the existing dwelling in lieu of required 150 feet be and is hereby GRANTED, subject to the following:

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. The location of the well and septic system are not shown on the plan. Prior to building permit approval, an inspection may be required by DEPRM.

ENTERED FOR FILING
Date 9-13-06
By

3. The minimum right-of-way for all public roads in Baltimore County is 40 feet. Show the future right-of-way for Regwood Road centered on the existing 16 foot right-of-way. Setback shall be adjusted accordingly.

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:pz

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Date 9-13-06
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 13, 2006

WILLIAM G. GREENHALGH
12402 HARFORD ROAD
HYDES MD 21082

Re: Petition for Administrative Variance
Case No. 07-044-A
Property: 12402 Harford Road

Dear Mr. Greenhalgh:

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Paul Lee, Century Engineering Inc., 10710 Gilroy Road, Hunt Valley, MD 21031

ORDER RECEIVED FOR FILING
Date 9-13-06
By KB

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12402 HARFORD ROAD

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) 1A04.3B2b.BCZR (AMENDED BY COUNTY COUNCIL BILL #77-05, JULY 5, 2005) TO PERMIT A 51' SETBACK FROM THE CENTER OF REGWOOD ROAD TO PROPOSED ADDITION TO EXISTING DWELLING IN LIEU OF REQUIRED 100' AND AN 83' SETBACK FROM THE CENTER OF HARFORD ROAD TO THE EXISTING DWELLING IN LIEU OF REQUIRED 150' (A VARIANCE OF 49' AND 67').

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~~ ENGINEER:

PAUL LEE - CENTURY ENGINEERING, INC.
Name - Type or Print

Signature

10710 GILROY ROAD — 410-823-8070
Address — Telephone No

HUNT VALLEY — MD — 21031
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

WILLIAM G. GREENHALGH
Name - Type or Print

Signature

Name - Type or Print

Signature

12402 HARFORD ROAD — 410-823-8070
Address — Telephone No.

HYDES — MARYLAND — 21082
City — State — Zip Code

Representative to be Contacted:

PAUL LEE _ CENTURY ENGINEERING, INC.
Name

10710 GILROY ROAD — 410-823-8070
Address — Telephone No

HUNT VALLEY — MARYLAND — 21031
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. 2007-0444-A

REV 10/25/01

9-13-06 PM

Reviewed By JF **Date** 8/2/06

Estimated Posting Date 8/13/06

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 12402 HARFORD ROAD
Address

HYDES, MARYLAND 21082
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):

THE EXISTING DWELLING WAS BUILT IN 1920 PRIOR TO BALTIMORE COUNTY ZONING REGULATIONS. THE 1970 COUNTY ZONING MAP LISTS THE ZONING CLASSIFICATION AS "RDP" WHICH REQUIRED 50' BLDG. SETBACKS. PROPERTY IS NOW ZONE "RC-5" WITH AMENDMENTS TO RC-5 ZONING (BILL 77-05, JULY 5, 2005).

THE OWNER IS REQUESTING TO CONSTRUCT A 33' x 18' ADDITION TO HIS EXISTING 2½ STORY DWELLING. VARIANCES ARE REQUESTED TO BRING SETBACK TO THE EXISTING DWELLING AND PROPOSED ADDITION TO MEET THE PRESENT SETBACK REQUIREMENTS.

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

WILLIAM G. GREENHALGH
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1ST day of AUGUST, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WILLIAM C. GREENHALGH

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

AS WITNESS my hand and Notarial Seal

Kenneth M. Stratemeyer
Notary Public

My Commission Expires 10/1/09

REV 10/25/01

Kenneth M. Stratemeyer
NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires 10/01/09

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 12402 HARFORD ROAD
Address

HYDES, MARYLAND 21082
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):

THE EXISTING DWELLING WAS BUILT IN 1920 PRIOR TO BALTIMORE COUNTY ZONING REGULATIONS. THE 1970 COUNTY ZONING MAP LISTS THE ZONING CLASSIFICATION AS "RDP" WHICH REQUIRED 50' BLDG. SETBACKS. PROPERTY IS NOW ZONE "RC-5" WITH AMENDMENTS TO RC-5 ZONING (BILL 77-05, JULY 5, 2005).

THE OWNER IS REQUESTING TO CONSTRUCT A 33' x 18' ADDITION TO HIS EXISTING 2½ STORY DWELLING. VARIANCES ARE REQUESTED TO BRING SETBACK TO THE EXISTING DWELLING AND PROPOSED ADDITION TO MEET THE PRESENT SETBACK REQUIREMENTS.

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

WILLIAM G. GREENHALGH
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1ST day of AUGUST, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WILLIAM C. GREENHALGH

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

AS WITNESS my hand and Notarial Seal

REV 10/25/01

Kenneth M. Stratemeyer
Notary Public

My Commission Expires 10/1/09

Kenneth M. Stratemeyer
NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires 10/01/09

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12402 HARFORD ROAD

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) 1A04.3B2b.BCZR (AMENDED BY COUNTY COUNCIL BILL #77-05, JULY 5, 2005) TO PERMIT A 51' SETBACK FROM THE CENTER OF REGWOOD ROAD TO PROPOSED ADDITION TO EXISTING DWELLING IN LIEU OF REQUIRED 100' AND AN 83' SETBACK FROM THE CENTER OF HARFORD ROAD TO THE EXISTING DWELLING IN LIEU OF REQUIRED 150' (A VARIANCE OF 49' AND 67').

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~~ ENGINEER:

PAUL LEE - CENTURY ENGINEERING, INC.
Name - Type or Print

Signature

10710 GILROY ROAD — 410-823-8070
Address — Telephone No.

HUNT VALLEY — MD — 21031
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

WILLIAM G. GREENHALGH
Name - Type or Print

Signature

Name - Type or Print

Signature

12402 HARFORD ROAD — 410-823-8070
Address — Telephone No.

HYDES — MARYLAND — 21082
City — State — Zip Code

Representative to be Contacted:

PAUL LEE _ CENTURY ENGINEERING, INC.
Name

10710 GILROY ROAD — 410-823-8070
Address — Telephone No.

HUNT VALLEY — MARYLAND — 21031
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. 07-044-A

REV 10/25/01 9-13-06

Reviewed By JF **Date** 8/2/06

Estimated Posting Date 8/13/06

CENTURY
ENGINEERING
CONSULTING ENGINEERS

DESCRIPTION

12402 HARFORD ROAD

ELECT. DIST. 11c3 BALTIMORE CO., MD

BEGINNING FOR THE SAME AT A POINT LOCATED IN THE PAVING AND CENTER OF HARFORD ROAD AT THE INTERSECTION WITH THE EXTENSION OF THE EAST SIDE OF REGWOOD ROAD (16' WIDE); THENCE LEAVING SAID PAVING AND RUNNING WITH AND BINDING ON SAID EAST SIDE OF REGWOOD ROAD N 12°-15' E – 418'- 0", THENCE LEAVING SAID POINT S 29°- 03' E – 322'- 5" TO A POINT IN THE PAVING AT THE CENTER OF HARFORD ROAD, THENCE LEAVING SAID POINT AND RUNNING WITH PAVING AND CENTER OF HARFORD ROAD S 62°-00' W 276'-0" TO THE POINT OF BEGINNING.

CONTINUING 44,000 SF± (1.0 AC±) OF LAND MORE OR LESS.

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

044

10710 GILROY ROAD Hunt Valley, Maryland 21031 410-823-8070 FAX: 410-823-2184

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 9769

DATE 8-2-06 ACCOUNT 001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: CENTURY ENGINEERING, INC.
12402 HARFORD RD.

FOR: Admin Var Item # 0464

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL TIME	DRW
8/03/2006	8/02/2006 12:15:20	1

RCD MSO1 MAIL JRTC JHR
>>RECEIPT # 224210 7/31/2006 OPLR
Dept 5 SPA ZONING VERIFICATION
CR NO. 005769
Rcpt Tot $65.00
$65.00 CR $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 07-044-A

TO PERMIT A 51FT. SETBACK FROM THE CENTER OF REGWOOD ROAD TO A PROPOSED ADDITION IN LIEU OF THE REQUIRED 100FT. AND AN 65FT. SETBACK FROM THE CENTER OF HARFORD ROAD TO THE EXISTING DWELLING IN LIEU OF THE REQUIRED 150FT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(4), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON ~~~ AUGUST 28, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 07-044-A

Petitioner/Developer: W. GREENHALGH

Date of Hearing/Closing: AUG. 28, 2006

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

Attention: **Christen Matthews**

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at

12402 HARFORD ROAD

The sign(s) were posted on AUG. 11, 2006
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

RE: PETITION FOR ADMINSTRATIVE VARIANCE	*	BEFORE THE
12402 Harford Road; NE corner Harford Road & Regwood Road	*	ZONING COMMISSIONER
11th Election & 3rd Councilmanic Districts	*	FOR
Legal Owner(s): William Greenhalgh Petitioner(s)	*	BALTIMORE COUNTY
	*	07-044-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, William Greenhalgh, 12402 Harford Road, Hydes, MD 21082 and to Paul Lee, Century Engineering, Inc, 10710 Gilroy Road, Hunt Valley, MD 21031, Representative for Petitioner(s).

RECEIVED
AUG 1 0 2006
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 044 -A Address 12402 HARFORD RD.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-2-06 **Posting Date:** 8-13-06 **Closing Date:** 8-28-06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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 07- 044 -A Address 12402 HARFORD RD.

Petitioner's Name WILLIAM GREENHALGH Telephone 410-823-8070

Posting Date: 8-13-06 **Closing Date:** 8-28-06

Wording for Sign: To Permit A 51' SETBACK FROM THE CENTER OF REGWOOD RD TO A PROPOSED ADDITION IN LIEU OF THE REQUIRED 100' AND AN 83' SETBACK FROM THE CENTER OF HARFORD RD. TO THE EXISTING DWELLING IN LIEU OF THE REQUIRED 150'.

WCR - Revised 6/25/04

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: ITEM 044

Petitioner: WILLIAM G. GREENHALGH

Address or Location: 12402 HARFORD ROAD - 21082

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM G. GREENHALGH

Address: 12402 HARFORD ROAD
HYDES, MARYLAND 21082

Telephone Number: 410-823-8070

Revised 7/11/05 - SCJ

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

August 3,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 3,2006

Item No.: 031, 036, 037, 038, 039, 040, 041, 042, 043 and 044

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 8, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 14, 2006
Item No. 044

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the future right-of-way for Regwood Road centered on the existing 16-foot right-of-way. Setback shall be adjusted accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 044-08082006.doc

RECEIVED FOR FILING
Date 9-13-06
By KB

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: August 16, 2006

SUBJECT: Zoning Item # 07-44-A
Address 12402 Harford Road
(Greenhalgh Property)

Zoning Advisory Committee Meeting of August 7, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The locations of the well and septic system are not shown on the plan. Prior to building permit approval, an inspection may be required.

Reviewer: S. Farinetti Date: August 11, 2006

RECEIVED FOR FILING
Date 9-13-06
By

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-44-A.doc

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

SHA State Highway Administration Driven to Excel

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

Maryland Department of Transportation

Date: 8-3-01

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

RE: Baltimore County
Item No. 044 JRF

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 10, 2006

William J. Wiseman, III, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, MD 21204

Re: Petition for Administrative Variance
William G. Greenhalgh – Legal Owner
Case No.: 07-044-A

Dears Messrs. Wiseman and Murpny:

We observed that the aforementioned case was filed as an administrative variance. Under the relevant regulations BCZR 1A04.3.B, it appears that a "special hearing" and variance are both required. Therefore, we believe a hearing is warranted, with appropriate notice.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio/pmz

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
cc: William G. Greenhalgh, Petitioner
Paul Lee, Century Engineering, Inc

ZONING COMMISSIONER'S ADMIN HEARING SCHEDULE
Updated and Distributed September 7, 2006

Rec'd fee 9/8/06 P.M.

CASE NUMBER: 44
12402 Harford Road
Location: Northeast corner of Harford Road and Regwood Road.
11th Election District, 3rd Councilmanic District
Legal Owner: William G, Greenhalgh
Contract Purchaser:
8/28/2006

ADMINISTRATIVE VARIANCE To permit a 51 foot setback from the center of Regwood Road to proposed addition to existing dwelling in lieu of required 100 feet and an 83 foot setback from the center of Harford Road to the existing dwelling in lieu of required 150 feet (a variance of 49 feet and 67 feet). (1A04.3B2b.BCZR Amended by County Council bill #77-05, July 5, 2005)

Hearing: , at ,

Talk to Jun about People's Counsel's request for hearing

9/7/06

To: Bill,

Per my conversation w/ Paul Lee, Pete & Carroll from people counsel's and Tim Kotroco has no problem. This case does not require a hearing.
Thanks JUN.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2005, Legislative Day No. 14

Bill No. 77-05

Mr. T. Bryan McIntire, Councilman

By the County Council, July 5, 2005

A BILL
ENTITLED

AN ACT concerning

R. C. 5 Zone - Area Regulations

FOR the purpose of amending the definition of a collector road for purposes of the building setback requirements in the R.C. 5 zone; providing a setback requirement from scenic routes; providing for the application of the Act; and generally relating to the area regulations of the R.C. 5 zone.

BY repealing and re-enacting, with amendments

Section 1A04.3.B.2.a. and b.
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 1A04.3.B.2.a. and b. of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Section 1A04

R. C. 5 (Rural-Residential) Zone

1A04.3 Height and area regulations.

B. Area regulations.

2. Building setbacks.

a. As used in this section, "collector road" means a street or road that ~~is [designated for speeds at least 35 miles per hour, and is] intended for travel, including commuter~~ is [designed for speeds of at least 35 miles per hour, and is] intended for travel, including commuter travel, between residential neighborhoods, but not for travel within neighborhoods, and is not designated as a principal arterial.

b. Any principal building hereafter constructed in an R.C. 5 Zone shall be situated at least 150 feet from the center line of any collector road, OR ANY SCENIC ROUTE IDENTIFIED IN THE BALTIMORE COUNTY MASTER PLAN, and 100 feet from the center line of any road that leads to or connects with a collector road, and at least 75 feet from the center line of any other street or road, and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall not apply to any concept plan or application for limited exemption or waiver accepted for filing prior to July 5, 2005, nor shall it be read to override any of the grandfathering provisions contained in Bill No. 55-04.

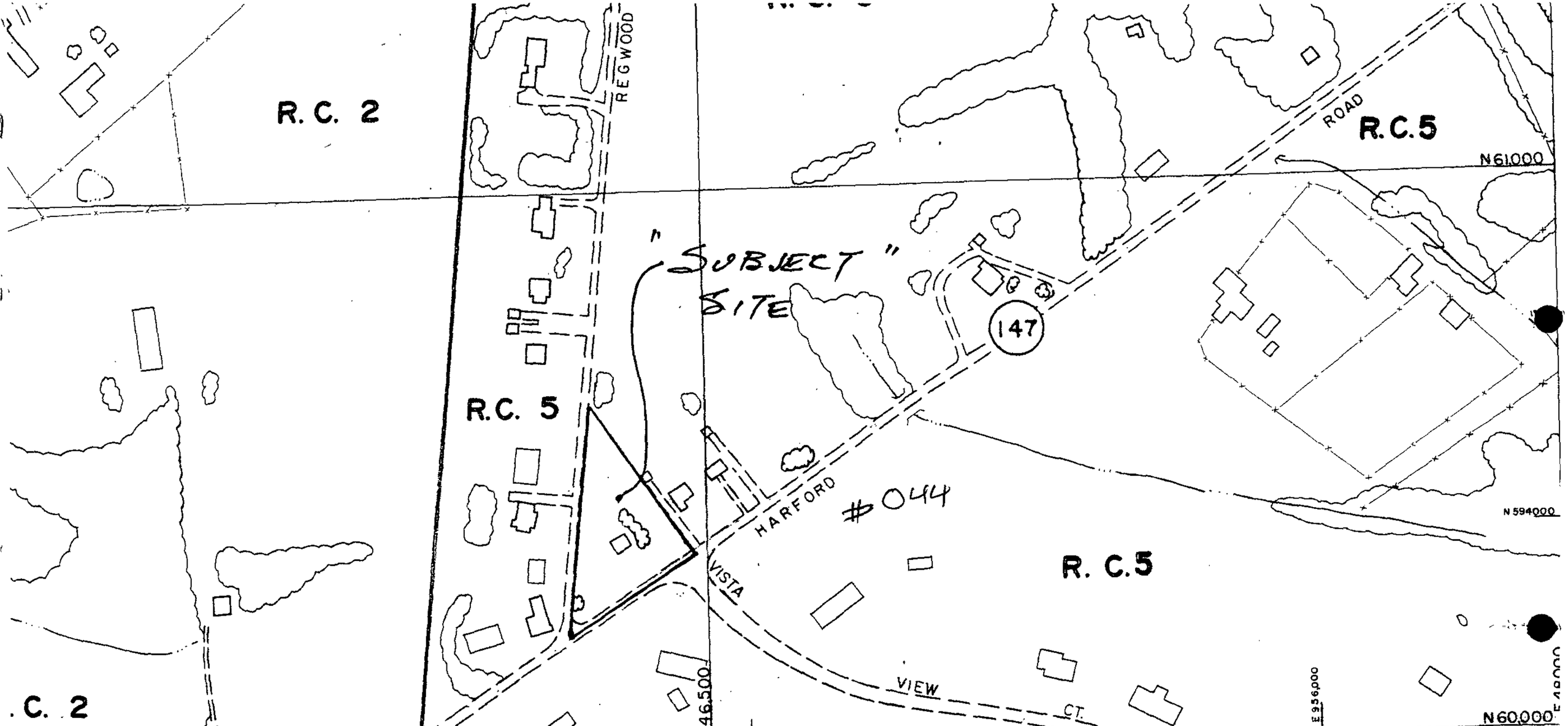
SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days after its enactment and shall apply retroactively to May 1, 2005.

b07705.wpd

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-044-A

Date Completed/Initials	
8/2/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



)UNTY
AND ZONING

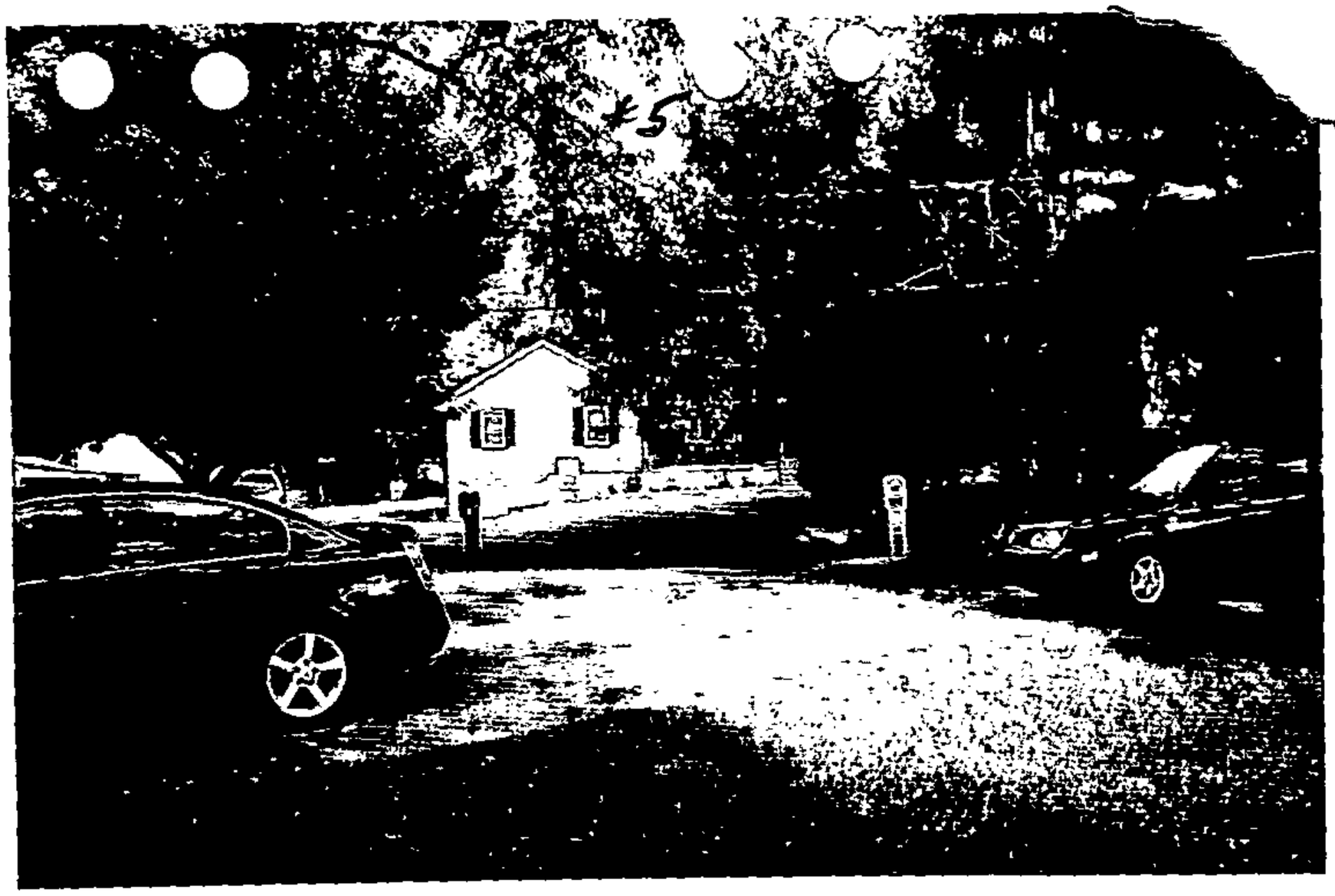
SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF MOUNTVISTA	N. E. 16—H
DATE OF PHOTOGRAPHY		

#1

#2

#3

#4



EX. ZONING: "RC-5"

EX. DWLG. #12404

FRANK E. GALANTINO
KATHLEEN B. GALANTINO
5140-198

EX. DWLG. #12402

MICHAEL L. CLARKE &
LISA MARIE CLARKE
16481-203

EX. PAVING

PT. OF BEG. 15390-1

418.00'

322'-5"

EX. ZONING: "RC-5"

JOHN D. & MELBA M.
GEDGHEGAN
4802-264

WILLIAM C. GREENHALGH
15390-1

JAMES P. BREDEHOEFT JR.
7517-396

EX. BLDG.

REGWOOD

N 12° 15' E

51' SETBACK REQUESTED
IN LIEU OF REQ'D. 100'
FROM CENTER OF ROAD

EXISTING DR.

PROP. STY. ADDITION

75'

EX. CONC. PAD

EX. FRAME PORCH

EX. 28½' 2 STY. DWLG.

26'

80'

EX. FRAME PORCH

#12402

S 29° 03' E

EX. DWLG.

#12406

EX. 16' R/W

EX. DWLG.

#12348

83' SETBACK REQUESTED
IN LIEU OF REQ'D. 150'
FROM CENTER OF HARFORD ROAD

83'±

HARFORD ROAD

70' R/W

EX. PAVING

PT. OF BEG.

S 62° 00' W

EX. PAVING

EX. CURB

35'

276.00'

PUT.

EX. CURB

LOT 23
DERRICK & DEDRA M. CHAUDRON
14694-257

LOT 22
CHARLES R. & ANN G. HOFFA
8571-34

EX. ZONING: "RC-5"

115TH VIEW COURT

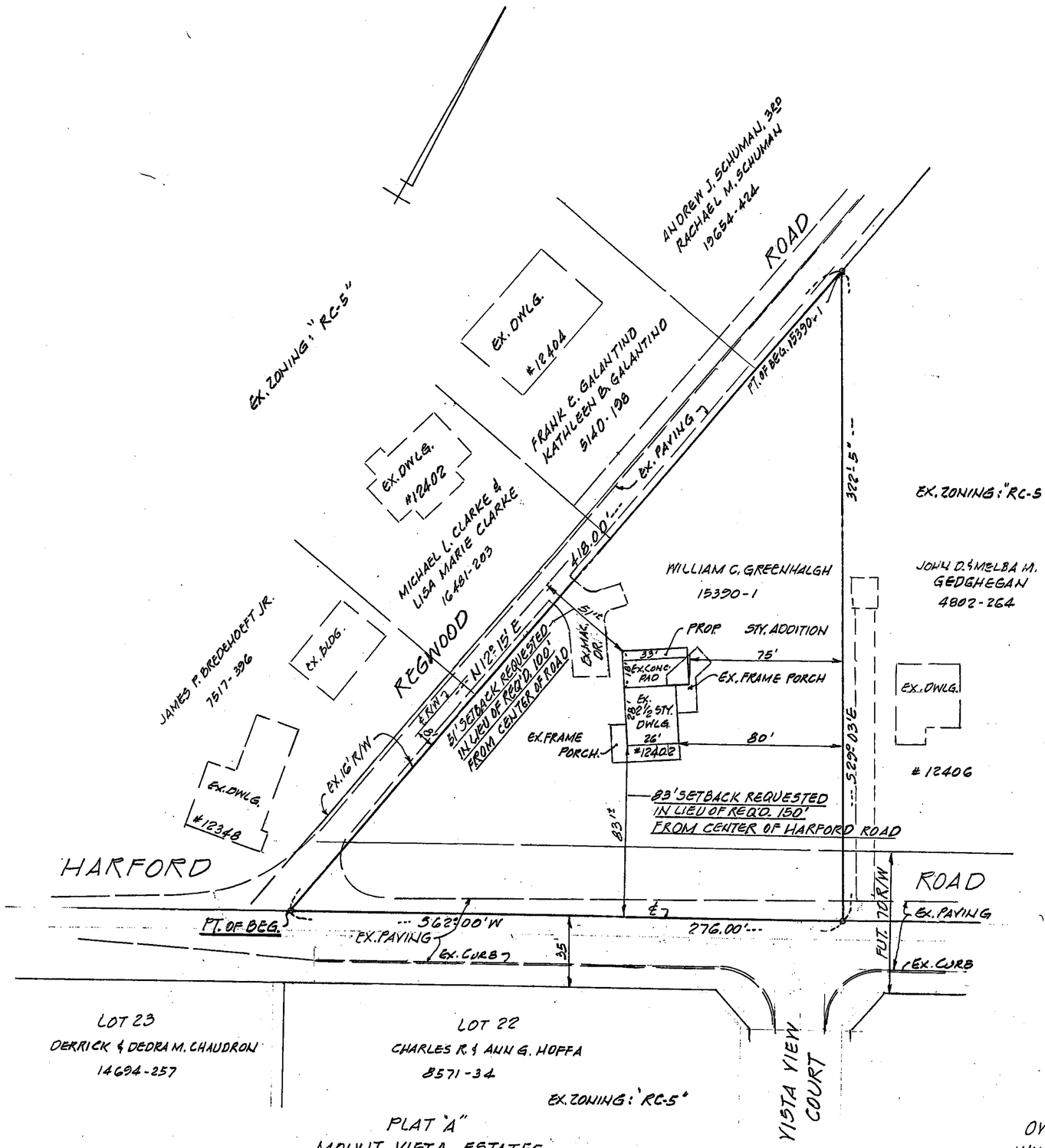
PLAT "A"

OWNER:

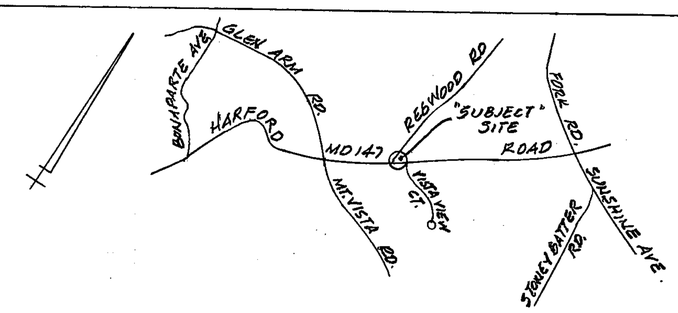
#044

PHOTO MAP

1. A
2. EX.
3. EX.
4. PR
5. PR
6. PR
7. EX.
Z
IN
8. PR
9. PE
D.
A
PI
A
IN
10. PR
11. PR
12. PR
TO



PLAT "A"
MOUNT VISTA ESTATES
EHK JR. 40-7



LOCATION MAP
SCALE: 1" = 2000'

GENERAL NOTES:

1. AREA OF PROPERTY = 44,000 S.F.± (1.0 AC.±)
2. EXISTING ZONING OF PROPERTY = "RC-5"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "RC-5"
5. PROPOSED USE OF PROPERTY = "RESIDENTIAL"
6. PROPERTY ACCT. # 1108005630 - DEED: 15390-1
7. EXISTING DWELLING WAS CONSTRUCTED IN 1920 PRIOR TO COUNTY ZONING REGULATIONS. ZONING CLASSIFICATION FOR THE PROPERTY WAS LISTED AS "RDP" ON THE 1970 ZONING MAP. SETBACKS ALL 50'.
8. PROPERTY SERVED BY WELL AND SEPTIC SYSTEM.
9. PETITIONER REQUESTING A VARIANCE TO SECTION 1A04.3B2.b OF THE BCZR (AMENDED BY COUNCIL BILL #77-05 (7-5-05)) TO PERMIT A 51' SETBACK FROM THE CENTER OF REGWOOD ROAD (16' R/W) TO PROPOSED ADDITION FOR EXISTING DWELLING IN LIEU OF REQ'D. 100'
   A 83' SETBACK FROM THE CENTER OF HARFORD ROAD TO THE EXISTING IN LIEU OF THE REQ'D. 150' (A VARIANCE OF 49' & 67' RESPECTIVELY).
10. PROPERTY HAS NO ZONING HISTORY.
11. PROPERTY IS LOCATED ON BCZM "NE 16H", SCALE: 1" = 200'.
12. PROPERTY NOT LOCATED IN CHESAPEAKE BAY CRITICAL AREA, 100 YR. FLOOD PLAIN OR CONSIDERED A HISTORIC PROPERTY.

ITEM - 044A

PLAT TO ACCOMPANY PETITION
FOR

VARIANCES
#12402 HARFORD ROAD

WILLIAM C. GREENHALGH PROPERTY

ELECT. DIST. 11C3 — BALTIMORE COUNTY, MD.
SCALE: 1" = 40' — JULY 2, 2006

OWNER:
WILLIAM C. GREENHALGH
12402 HARFORD ROAD
HYDES, MARYLAND 21082

ENGINEER: CENTURY ENGINEERING
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: (410) 823-8070 Fax: (410) 823-2184

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER

RECEIVED
AUG 15 2006
Per.....