

IN RE: PETITION FOR ADMIN. VARIANCE
S side Cutter Cove Court, 480 feet W of c/l
Carrollwood Road
15th Election District
6th Councilmanic District
(39 Cutter Cove Court)

Lawrence J. and Donna P. Foard
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-210-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, Lawrence J. and Donna P. Foard for property located at 39 Cutter Cove Court. The variance request is from Section 504 (1971) of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.B (1971) of the Comprehensive Manual of Development Policies (CMDP) to permit a proposed addition (sunroom) to have window to property line setbacks as close as 1 foot and 7 ½ feet on the sides and 12 feet on the rear in lieu of the minimum required 15 feet; and to amend the Final Development Plan of Seneca Harbor, block A, lot 25 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a sunroom measuring 12 feet 9 inches x 15 feet 2 inches in size. The existing deck will be enclosed and made into the sunroom. The family needs additional living space.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER RECEIVED FOR FILING
12-3-07
[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 11, 2007 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 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.

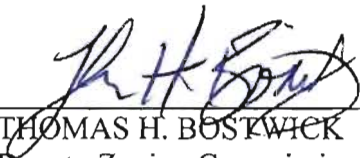
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3rd day of December, 2007 that a variance from Section 504 (1971) of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.B (1971) of the Comprehensive Manual of Development Policies (CMDP) to permit a proposed additon (sunroom) to have window to property line setbacks as close as 1 foot and 7 ½ feet on the sides and 12 feet on the rear in lieu of the minimum required 15 feet; and to amend the Final Development Plan of Seneca Harbor, block A, lot 25 only 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.

ORDER RECEIVED FOR FILE

12-3-07

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
12-3-07
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 3, 2007

LAWRENCE J. AND DONNA P. FOARD
39 CUTTER COVE COURT
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 08-210-A
Property: 39 Cutter Cove Court

Dear Mr. and Mrs. Foard:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



TAX ACCOUNT # 200015217

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 39 Cutter Cove Court
which is presently zoned DR 5.5

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) 504, 1971 BCZR (V.B.G.B., 1971 CMPD)

- to permit a proposed addition to have window-to-property line setbacks as close as 1 foot and 7 1/2 feet on the sides and 12 feet on the rear in lieu of the minimum required 15 feet; and to amend the Final Development Plan of Seneca Harbor, block A, lot 25 only

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
Address Telephone No.
City State Zip Code

Legal Owner(s):

Lawrence J. Foard
Name - Type or Print
Signature
Donna P. Foard
Name - Type or Print
Signature
39 Cutter Cove Court 410-335-4544
Address Telephone No.
Baltimore MD 21220
City State Zip Code

Representative to be Contacted:

Name
Address Telephone No.
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. 08-210-A

Reviewed By RJD Date 11/2/07

REV 10/25/01 12-3-07

Estimated Posting Date 11/11/07

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.

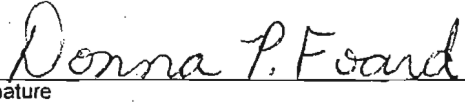
That the Affiant(s) does/do presently reside at 39 Cutter Cove Court
Address
Baltimore MD 21220
City State Zip Code

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):

1. Need more square footage. Have 5 people living here.
2. Real estate costs high, less costly to enclose deck and make it a sunroom.
3. At ages 53 and 57, don't want to move and have a 30 yr. mortgage.

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
Lawrence J. Foard
Name - Type or Print


Signature
Donna P. Foard
Name - Type or Print

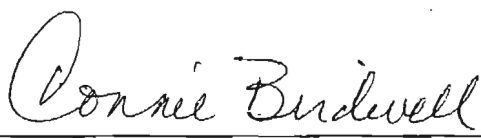
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of October, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lawrence J. Foard and Donna P. Foard
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal




Notary Public
My Commission Expires 2/1/2011

ZONING DESCRIPTION FOR 39 Cutter Cove Court.

Beginning at a point on the South side of Cutter Cove Court which is 24' wide at the distance of 480' (+/-) West of the centerline of the nearest improved intersecting street Carrollwood Road which is 36' wide. Begin Lot # 25 Block A in Subdivision of Seneca Harbor as recorded in Baltimore County Plat Book # 64, Folio # 128 containing 1,742.00 Sq. Ft. Also known as 39 Cutter Cove Court and located in the 15th Election District 6th Councilmanic District.

Item #210

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **06840**

Date: **11/2/07**

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
 11/6/2007 11/02/2007 15:00:50 4
 REC 1036 WALTON 120010H
 RECEIPT # 003091 11/02/2007 0624
 Dept 5 520 ZW0000 VERIFICATION
 003040
 Recpt Tot \$115.00
 \$115.00 CR \$4.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount

Total: **115.00**

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 08-210-A

Petitioner/Developer: L & D FOARD

Date Of Hearing/Closing: 11/26/07

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

Attention:

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 property
at 39 CATTLE CREEK CT.

This sign(s) were posted on November 11, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 11/11/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-210-A

THE PLANNING & ZONING COMMISSION IS NOW OPENING TO PUBLIC COMMENT FOR THE VARIANCE REQUESTED BY THE APPLICANT. THE VARIANCE REQUESTED IS FOR THE VARIANCE OF THE ZONING REQUIREMENTS OF THE ZONING ORDINANCE, THE PLANNING & ZONING COMMISSION IS NOW OPENING TO PUBLIC COMMENT FOR THE VARIANCE REQUESTED BY THE APPLICANT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-1271(a)(1), 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 WEDNESDAY, JULY 23, 2008.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

225 N. CALVERT STREET
Baltimore, MD 21202

TEL. 887-3391

FOR MORE INFORMATION, PLEASE VISIT THE ZONING OFFICE OR VISIT THE ZONING WEBSITE AT www.baltimore.gov/zoning

NOTICE IS HEREBY GIVEN

W. J. J. J.
10/10/07

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 210 -A Address 39 Cutter Cove Ct
Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 11/2/07 Posting Date: 11/11/07 Closing Date: 11/26/07

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 08- 210 -A Address 39 Cutter Cove Ct
Petitioner's Name L + D Foard Telephone 410 335 4544
Posting Date: 11/11/07 Closing Date: 11/26/07
Wording for Sign: To Permit a proposed addition to have window-to-property line setbacks as close as 1 foot and 7 1/2 feet on the sides, and 12 feet on the rear in lieu of the minimum required 15 feet; and to amend the Final Development Plan of Seneca Harbor, block A, lot 25 only

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.

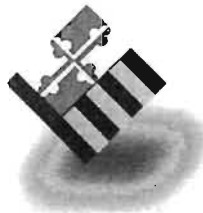
For Newspaper Advertising:

Item Number or Case Number: 08-210-A
Petitioner: Donna & Lawrence Foard
Address or Location: 39 Cutter Cove Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Donna & Lawrence Foard
Address: 39 Cutter Cove Ct.
Baltimore, MD 21220

Telephone Number: 410-335-4544



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

November 26, 2007

Lawrence J. Foard
Donna P. Foard
39 Cutter Cove Court
Baltimore, MD 21220

Dear Mr. and Mrs. Foard:

RE: Case Number: 08-210-A, 39 Cutter Cove Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 2, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 13, 2007

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

RECEIVED
NOV 13 2007

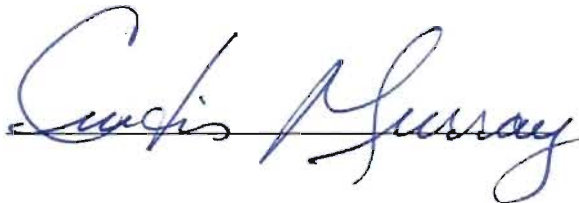
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-210- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Reviewed By:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 15 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JML*

DATE: January 15, 2008

SUBJECT: Zoning Item # 08-210-A
Address 39 Cutter Cove Road
(Foard Property)

Zoning Advisory Committee Meeting of November 12, 2007

- ☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
 - ☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Regina Esslinger

Date: 1/15/08

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For November 20, 2007
Item Nos. 08-195, 206, 207, 208, 209,
210, 211, 212, 213, 214, 215, and 216

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-11092007.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Maryland Department of Transportation

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Date: 11/20/2007

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

RE: Baltimore County
Item No. 8-210-A
39 CUTTER COVE CT
FOARD PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-210A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in blue ink that reads "Michael P. Bailey".

Foster
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 16, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2007

210

Item Number: Item Numbers 196, 206 through 216

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

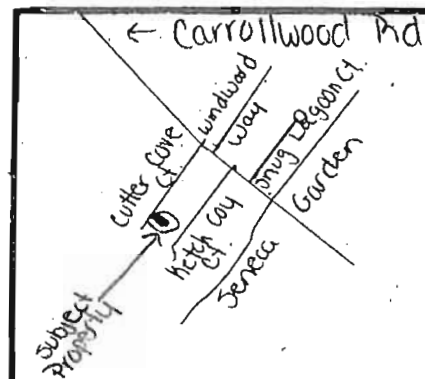
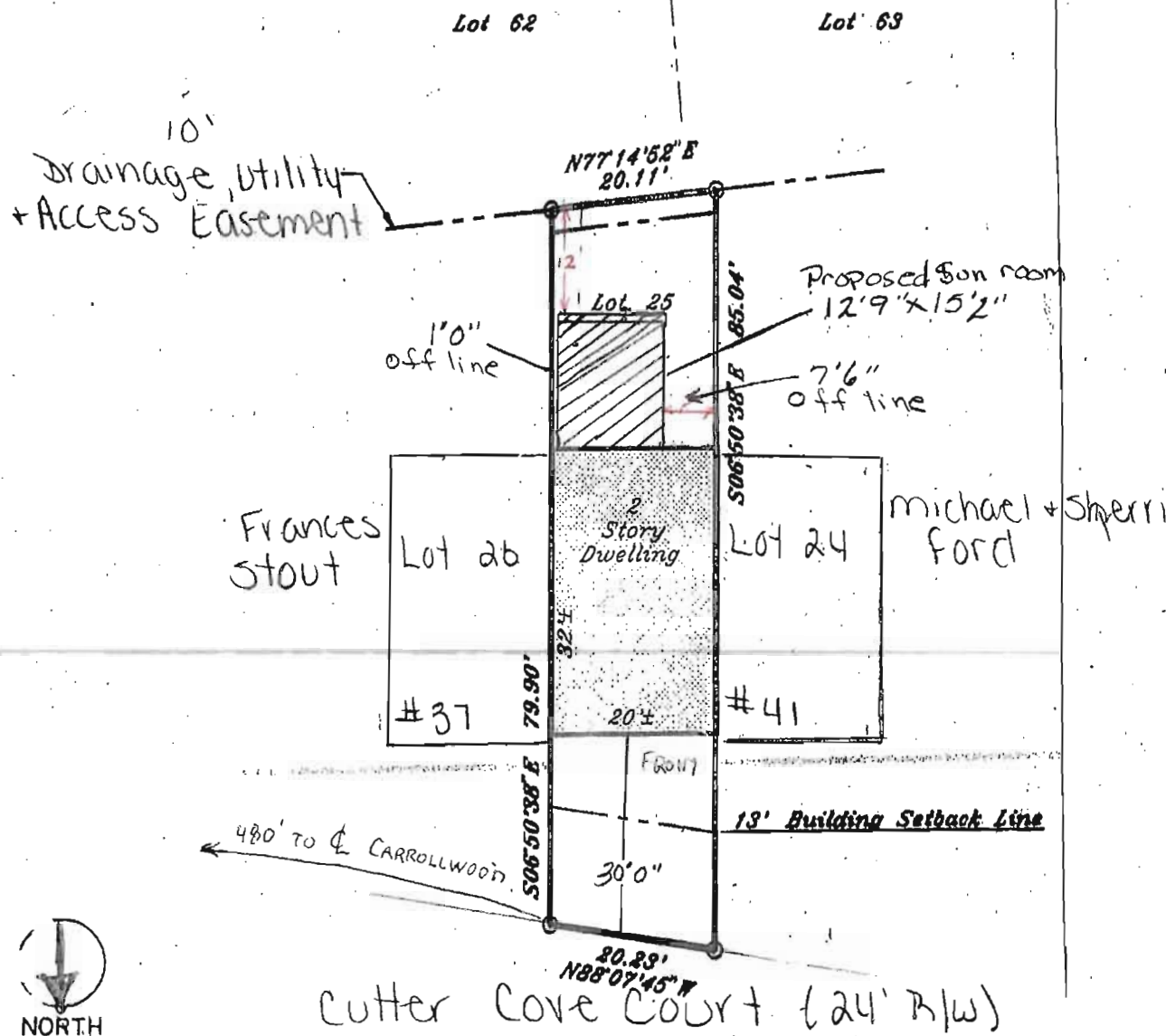
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 39 Cutter Cove Court SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Seneca Harbor

PLAT BOOK # 64 FOLIO # 128 LOT # 25 SECTION # A

OWNER Larry and Donna Foard



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 09182

ZONING DRS.5

LOT SIZE 0.04 ACRES 1,742.00 SQUARE FEET

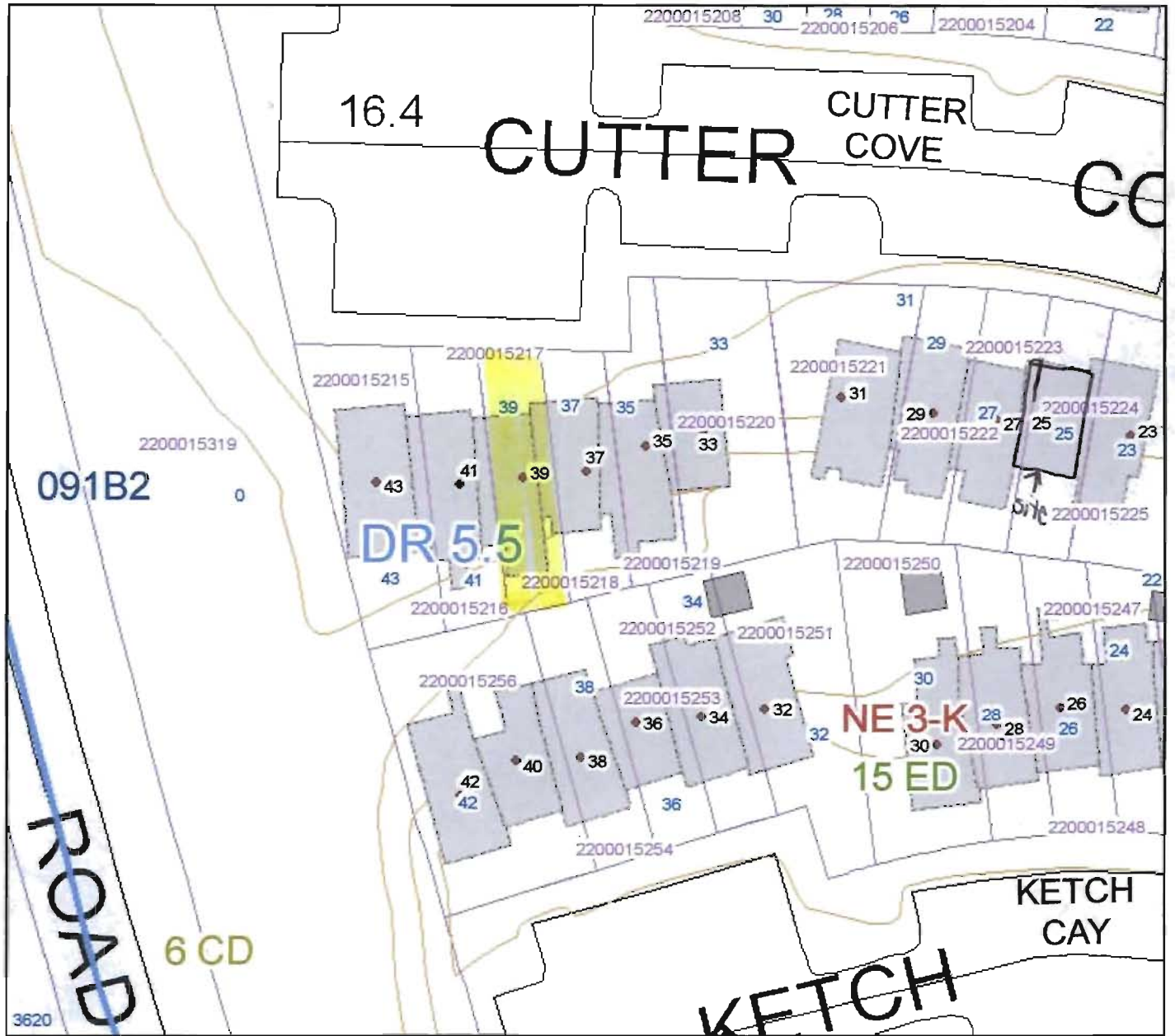
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	None	

ZONING OFFICE USE ONLY

REVIEWED BY RJD ITEM # 08-210-A CASE #

PREPARED BY Paul Craft SCALE OF DRAWING: 1" = 20'

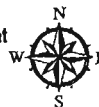
39 Cutter Cove Rd



DQ Map Notes



Publication Date: October 30, 2007
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



50 0 50
 Feet
 1 inch equals 50 feet

Item # 210







