

IN RE: PETITION FOR ADMIN. VARIANCE

S side Hurstoak Court, 115 feet W of
Stone Oak Road
11th Election District
5th Councilmanic District
(3 Hurstoak Court)

David George and Bonnie Susan Roberts
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-404-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, David George and Bonnie Susan Roberts for property located at 3 Hurstoak Court. The variance request is from Section 1B01.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 8 feet in lieu of the required 15 feet for proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 14 foot x 16 foot sunroom at the location of the existing deck. The home is only 8 feet from the side yard and the proposed sunroom will be in line with the existing dwelling. No neighbors voiced any objection to the proposal.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 9, 2008 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

ORDER REVIEWED FOR FILING

3-27-08

123

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 27th day of March, 2008 that a variance from Section 1B01.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 8 feet in lieu of the required 15 feet for proposed addition 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.

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 PLANNING
3-27-08




BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 27, 2008

DAVID GEORGE AND BONNIE SUSAN ROBERTS
3 HURSTOAK COURT
BALTIMORE MD 21236

Re: Petition for Administrative Variance
Case No. 08-404-A
Property: 3 Hurstoak Court

Dear Mr. and Mrs. Roberts:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



TAX. ACCOUNT 000001522

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3 Hurst Oak 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) 1801. C. 1. b to allow a

SIDE YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED
15 FEET FOR PROPOSED ADDITION

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):

DAVID GEORGE ROBERTS

Name - Type or Print

Signature

BONNIE SUSAN ROBERTS

Name - Type or Print

Signature

3 Hurst Oak Ct. 410-529-2809

Address

Telephone No.

Baltimore MD

City

State

21236

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 08 day of February, 2008, 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. 08-3404-A

Reviewed By CM

Date 2-28-08

REV 10/25/01

Estimated Posting Date 3-29-08

3-27-08

pm

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 3 Hurst oak Court
Address Baltimore MD 21236
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):

Request a setback variance to build a sun room on rear of dwelling. The property is situated in such a manner that to build a room in any fashion without a setback variance is not possible. Requesting side set back of variance 8' to property line.

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.

David George Roberts
Signature
Name - Type or Print

Bonnie Susan Roberts
Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 00 day of February, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David G Roberts and Bonnie S Roberts
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Janis A Smith
Notary Public
My Commission Expires 03-06-2010

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

Address 3 Hurst Oak Ct
City Baltimore State MD Zip Code 21236

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):

Request a setback variance to build a sun room on rear of dwelling. The property is situated in such a manner that to build a room in any fashion without a setback variance is not possible. Requesting side setback of variance 8' to property line.

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 David George Roberts

Name - Type or Print David George Roberts

Signature Bonnie Susan Roberts

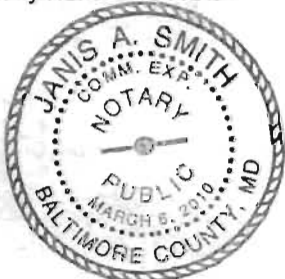
Name - Type or Print Bonnie Susan Roberts

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of February 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David G Roberts & Bonnie S Roberts
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

Signature Janis A. Smith
Notary Public
My Commission Expires 03-06-2010



TAX. ACCOUNT # 2000001522

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3 Hurst Oak Court
which is presently zoned DR5.5

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)

A SIDE YARD SETBACK OF 8 FEET 1801.2.C.1.b TO ALLOW
15 FEET FOR PROPOSED ADDITION IN LIEU OF THE REQUIRED

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):

DAVID GEORGE ROBERTS

Name - Type or Print

Signature

BONNIE SUSAN ROBERTS

Name - Type or Print

Signature

3 Hurst Oak Ct. 410-529-2809

Address

Telephone No.

Baltimore MD

City

21236

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. 08-404-A

Reviewed By CM

Date 2-28-08

REV 10/25/01

Estimated Posting Date 3-9-08

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3 HurstOak Court
(address)

Beginning at a point on the South side of
(north, south, east or west)
HurstOak Court which is 50
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 115 West of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Stone Oak Rd
(name of street)

which is 50 wide. *Being Lot # 27
(number of feet of right-of-way width)

Block R, Section # 2 in the subdivision of Oakhurst
(name of subdivision)

as recorded in Baltimore County Plat Book # 52, Folio # 85

containing .16 Also known as 3 HurstOak Ct
(square feet or (acres)) (property address)

and located in the 11 Election District, 5 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

08-404-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 11114

Date: 2-28-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
101		006		6550				65.00

Total: 65.00

Rec
From:

D. Roberts

For:

3 HURSTON CT 21236

AD VAN CB-904-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DAY

2/28/2008 2/28/2008 15:03:00 1

01 WALKIN JRIC JHR

>RECEIPT # 365354 2/28/2008 0FLH

Dept 5 520 ZONING VERIFICATION

011114

Recpt Tot 65.00

65.00 CR 1.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-404-A

Petitioner/Developer: DAVID G.

ROBERTS

Date of Hearing/Closing: 3-24-08

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

ATTN: Kristea Matthews ((410) 887-3394)

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 located at: _____

3 HURSTOAK CT.

The sign(s) were posted on 3-9-08
(Month, Day, Year)

Sincerely,

Robert Black 3-10-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 404 -A Address 3 HURSTOAK CT

Contact Person: CRAIG MCGRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2-28-08 Posting Date: 3-9-08 Closing Date: 3-24-08

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

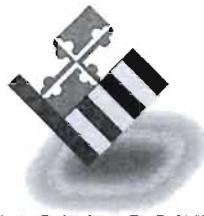
Case Number 08- 404 -A Address 3 HURSTOAK CT

Petitioner's Name _____ Telephone _____

Posting Date: 3-9-08 Closing Date: 3-24-08

Wording for Sign: To Permit A SIDE YARD SETBACK OF 8 FEET
IN LIEU OF THE REQUIRED 15 FEET FOR PROPOSED
SUNROOM ADDITION

WCR - Revised 6/25/04



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

March 24, 2008

David George Roberts
Bonnie Susan Roberts
3 Hurstoak Court
Baltimore, MD 21236

Dear Mr. and Mrs. Roberts:

RE: Case Number: 08-404-A, 3 Hurstoak Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 28, 2008. 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



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

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

Maryland Department of Transportation

Date: March 10, 2008

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

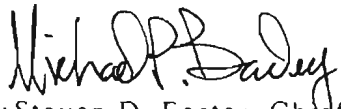
RE: Baltimore County
Item No. OB-404-A
3 HURSTOAK COURT
ROBERTS PROPERTY
ADMINISTRATIVE VARIANCE

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. B-404-A.

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,


Steven D. Foster, Chief
For Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 14, 2008

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

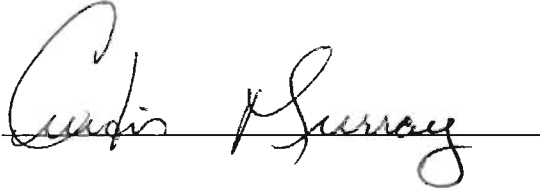
RECEIVED
MAR 14 2008

BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-404- 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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By: 

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 13, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc



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

March 12, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 10, 2008

Item Number: 400, 403, 404, 405, 406, 407, 409, 410, 411, 412, 413, 414, 415, 416 and 417

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.

1The 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

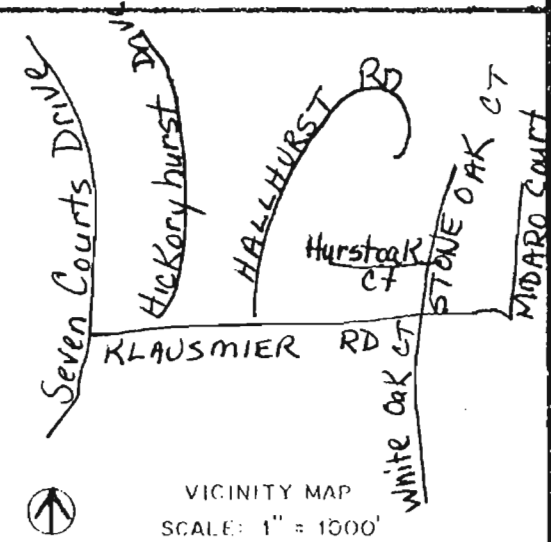
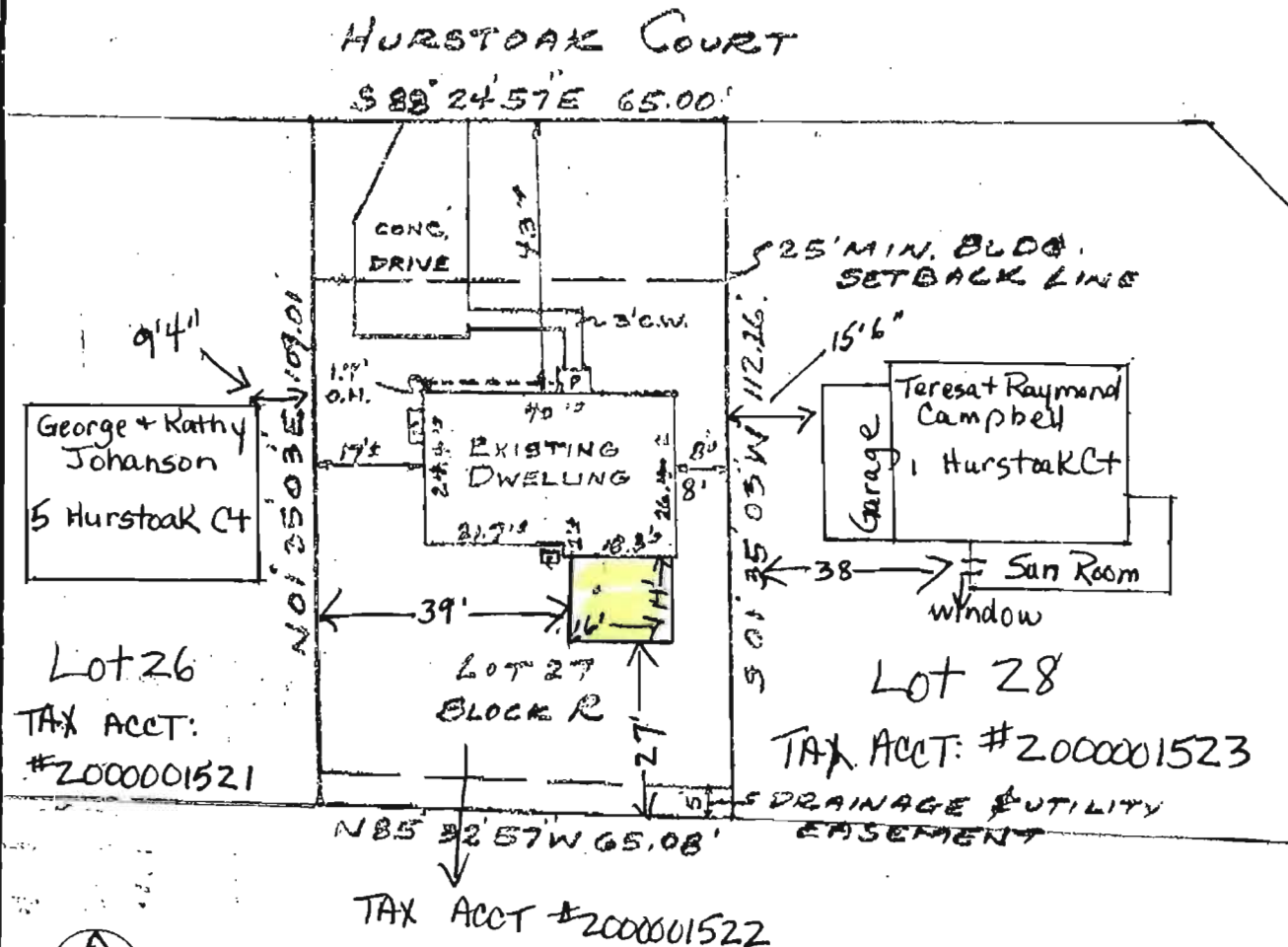
PROPERTY ADDRESS 3 Hurst Oak Court

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

SUBDIVISION NAME Section #2 Oakhurst

PLAT BOOK #EHK FOLIO #85 LOT #27 SECTION #

OWNER David & Bonnie Roberts



LOCATION INFORMATION

ELECTION DISTRICT 11
 COUNCILMANIC DISTRICT 5th
 1" = 200' SCALE MAP # 072 A1
 ZONING DR 5.5
 LOT SIZE .1636 7182.50
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

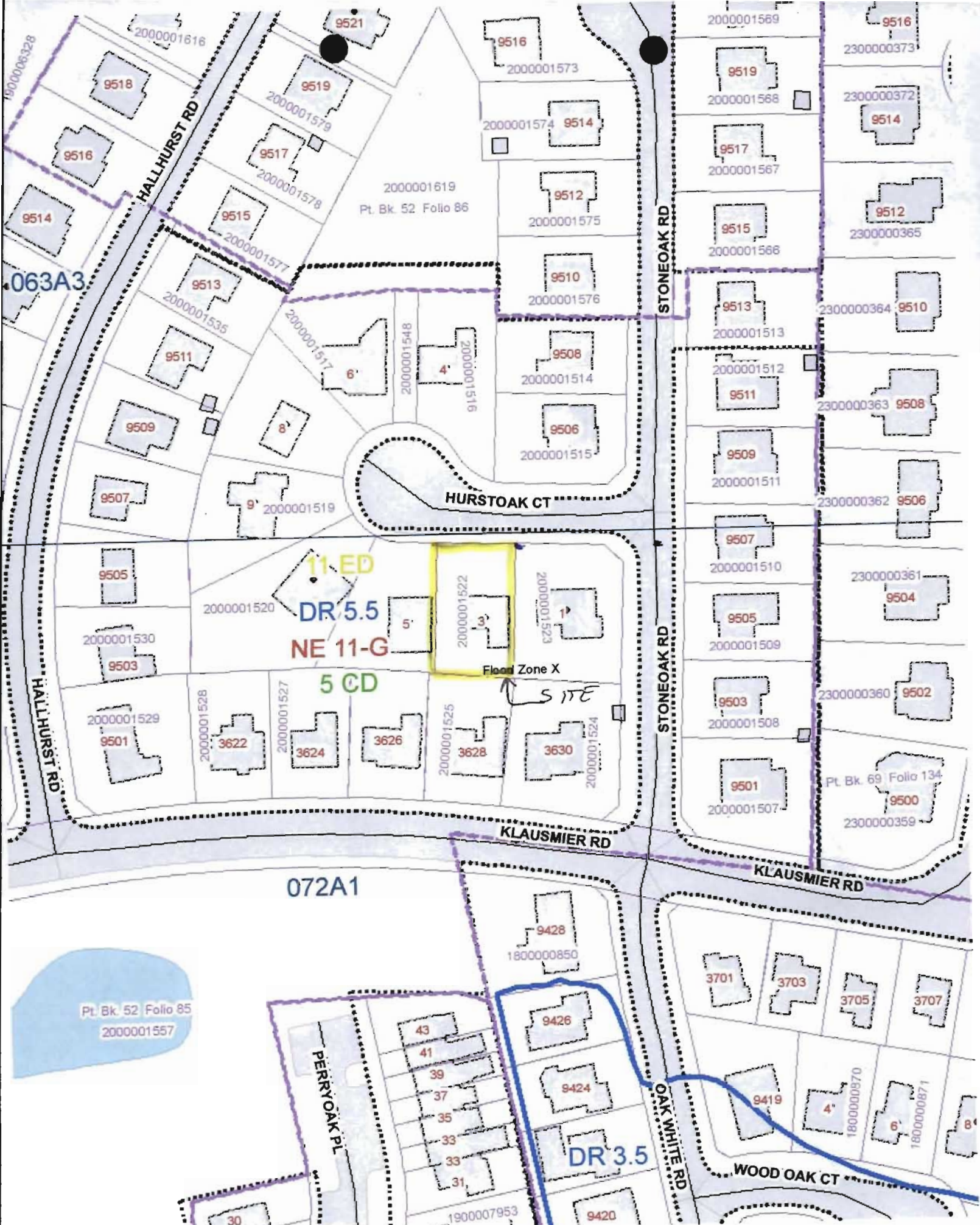
ZONING OFFICE USE ONLY
 REVIEWED BY _____ ITEM # _____ CASE # _____

CM | 404 | 08-404



PREPARED BY David Roberts

SCALE OF DRAWING: 1" = 30'



00-404-A



Rear yard of 3 Hurstoak facing 1 Hurstoak Court rear yard.



Area between 3 Hurstoak and 1 Hurstoak Court



Deck on 3 Hurstoak Court



Front of 3 Hurstoak on right and 1 Hurstoak Court on left.

08-404-A



Looking at the side of 1 Hurstoak Court



View of 1 Hurstoak Court from deck of 3 Hurstoak Court

08-404-A



Side of 5 Hurstoak Court



3 Hurstoak Court



3 Hurstoak Court

08-404-A



08-404-A

Looking
at
1 Hurst
REAR

