IN RE: PETITION FOR ADMIN. VARIANCE

W side of Bathurst Road, 50 feet S of

c/l Bucksport Court

1st Election District

1st Councilmanic District

(501 Bathurst Road)

William H. and Isabel A. Harman *Petitioners*

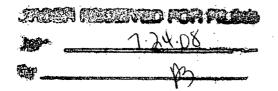
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2008-0585-A

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, William H. and Isabel A. Harman for property located at 501 Bathurst Road. The variance request is from Sections 1B02.3.A.1 and 211.4 (1967) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 23 foot rear setback in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners desire to enclose the rear porch. The porch foundation was poured 39 years ago before Petitioners lived in the house. The previous owner had intended to enclose the porch, but was transferred out of state. Petitioners now wish to enclose the area to provide a room that is not in direct sunlight. The porch measures 14 feet by 16 feet in size.

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 July 4, 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 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 29-th day of July, 2008 that a variance from Sections 1B02.3.A.1 and 211.4 (1967) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 23 foot rear setback in lieu of the required 30 feet 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.

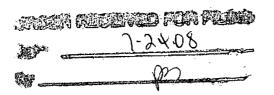
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICT

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 24, 2008

WILLIAM H. AND ISABEL A. HARMAN 501 BATHURST ROAD BALTIMORE MD 21228

> Re: Petition for Administrative Variance Case No. 2008-0585-A Property: 501 Bathurst Road

Dear Mr. and Mrs. Harman:

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

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 501 Bathurst Road, Baltimore, Md 21228

which is presently zoned residential

Deed Reference: 5511 ___ / 412 _ Tax Account # 0401011810.32.50

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) | BOA. SA.1. (BCZP) + 211. 4-1967 (BCZP)

TO PERMIT AN ADDITION WITH A 23-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 30-FEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Administrative 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, und perjury, that I/we are the legal owner(s) o is the subject of this Petition.	
Contract Purchase	er/Lessee:		Legal Owner(s):	
			William H Harman	
Name - Type or Print			Name - Type or Print	
-			William A Harman	
Signature			Signature	
Address		Telephone No.	Isabel A Harman Name—Type or Print	
Address		relephone No.	Name Type of Finn	Mai
City	State	Zìp Code	Signature	
Attorney For Petiti	onor:	·	501 Bathurst Road,	410-788-884
Attorney For Fettu	uner.		Address	Telephone No.
	•		Batlimore, Maryland 212	28
Name - Type or Print	-		City State	Zîp Code
			Representative to be Contacted	d:
Signature			· · ·	_
Company			Name	
Address		Telephone No.	Address · ·:	Telephone No.
City	State	Zip Code	City State	Zip Code
A Public Hearing having this day of regulations of Baltimore Co	, t	hat the subject matter of	quired, it is ordered by the Zoning Commissioner this petition be set for a public hearing, advertised,	as required by the zoning
Case No. <u> </u>	08-0585-A		Zoning Commissioner of Baltimore (newed By Date	24/08
REV 7/20/07		Estimated Po	sting Date <u>7/ le 08</u>	
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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	501 BATH	URBT	ROAS
	CATONSVILL City	E M	2/228 Zip Code
That based upon personal knowledge, the folio		we base the reque	est for an Administrative

We want to enclose our rear porch because we need to have a room not in direct sun. My mother cannot be in the sun and she is with me a lot of the time and we needed a space without exposed to direct sun and on the same level as the main floor The present porch was poured as a foundation 39 years ago before we lived in the house. At that time the previous owner had intended to enclose the porch but was transferred out of the area. We had an engineer determine the porch was satisfactory for the addition. This porch is 14 ' X 16'

That the Affiant(s) acknowledge(s) that if a formal demandadvertising fee and may be required to provide additional info	d is filed, Affiant(s) will be required to pay a reposting and ormation.
Signature Hours	William H. Harman Signature
JABEL A. HARMAN Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	_
of Maryland, in and for the County aforesaid, personally appe	, <u>loos_</u> , before me, a Notary Public of the State
Isabel + William Harman	
the Affiant(s) herein, personally known or satisfactorily identified AS WITNESS my hand and Market GRIF	Thed to me as such Amani(s).
43:40	Commission Expires 11 2 4 2011
My My	11/21/2011

2008-0585-A

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70NING NOTICE

ADMINISTRATIVE ARIANCE

CASE # 08-585-A

PERMIT AN ADDITION WITH A

3 FOOT REAR SETBACK IN LIEU OF

THE REQUIRED 30 FEET.

BLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN FLIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE

CERTIFICATE OF POSTING

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

Attention: Christen Matthews

The sign(s) were posted on

Towson, MD 21204

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 #501 BATHURST ROAD JULY 4, 2008 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CARLAGE, MORZ (Printed Name) 3225 RYELSON CIRCLE (Address) BALTIMORE, MD, 21227 (City, State, Zip Code) (Telephone Number)

RE: Case No.: 08-585-A

Petitioner/Developer: HARMUU

Date of Hearing/Closing: 7-21-08

ZONING REVIEW

ADMINISTRA E VARIANCE INFORMATION SHEET AND DATES

Case	Number (05	85 -A	·	Address	<u>501</u> B	PTHURS	BT RD.		:
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Filing	Date:	ie 24 08		Posti	ng Date:	7/6/08		Closing D	ate: 기	21/08
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-	(whether commission changed (due to a oner), not giving not ertification	neighbor' ification w ce of the h	G AND RE s formal re vill be forw nearing dat ange and a	equest or arded to e, time ar	by order you. The location	of the e sign o . As wh	zoning or on the pro ien the sig	deputy operty m n was or	zoning nust be riginally
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case	Number:	85-A	
Petitioner:	HARMAN	···	
Address or Location:	501 BATHURST RD.		
•			•
PLEASE FORWARD A	ADVERTISING BILL TO:		
Name: MR	.4MRS. WILLIAM HARN	na V	
		NAV	
Address: 501	.4MRS. WILLIAM HARN BATHURST RD.	·	
Address: 501	4MRS. WILLIAM HARN	·	

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

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

July 21, 2008

William H. & Isabel A. Harman 501 Bathurst Rd. Baltimore, MD 21228

Dear: William H. & Isabel A. Harman

RE: Case Number 2008-0585-A, Address: 501 Bathurst Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

ECEIVE

DATE: July 10, 2008

JUL 1 4 2008

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-585- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 8, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 14, 2008

Item Nos. 08-0519, 0520, 0581, 0583, 0585, 0587, 0589, 0590, 0592, and 0593

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

DAK:CEN:lrk

cc: File

ZAC-07082008-NO COMMENTS



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 July 3, 2008,2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7,2008

Item Number: 0519a,0520a,0583,0584,0585,0587,0589,0590,0591,0592,0593

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



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

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

Maryland Department of Transportation

Date: July 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 2008 -0585-A SOI BATHURGT ROAD HARMAN 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. 2008 - 0585-A.

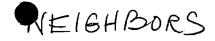
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief **Engineering Access Permits**

Division

SDF/MB



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.

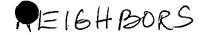
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	City	<u> </u>	State	Zip	Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardshi			ve base the reque	st for an Adminis	trative
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and is two houses down	from Deir	s. We 1	have no o	bjectn'	
to Their building of the	3 additi	2 or to	eir home.		
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signature	<u> </u>	Signature			
Christine Reiner Hes	<u>.</u>		ALEXANDER	HESS	
		namery	ype or Print		
STATE OF MARYLAND, COUNTY OF BALTIM) . · .				
HEREBY CERTIFY, thisday of	Kene	,2008_,	before me, a Nota	ry Public of the S	3tate
of Maryland, in and for the County aforesaid, p∉r	sonally appeared			and A L Meson.	
he Affiant(s) herein, personally known or satisfac	ctorily identified to	me as such Af	fiant(s)	NUAL OKID	
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My Commission Expires



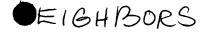
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	427	BATHURST	ROAD	
	Address ATD	BATHURST NSVILLE	wh b	2/2Z8 Zip Code
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Signature Luckers		(signatuje	Luckert	
ROBERT LUECKERT Name - Type or Print		CYNUM Name - Type o	A. LVECKE	RT
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of Maryland, in and for the County aforesaid, pe	regnally appear		i i entiti	KIBA
the Affiant(s) herein, personally known or satisfa AS WITNESS my hand and Notarial Seal	actority identified			R
AC MINECO IIIy IIana ana Notanai Geal	Notary	Herdall Publicy	MERICOUBL	10.25
			HALL	2008



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	503	13ATHU	R55 K	5
	Address CATO	USVILL	E MZ	2/228
	City		State	Zip Code
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Daharah L Page				<i>y</i>
Signature		Signature		·
$\mathcal{D}_{\mathcal{A}}$				
Name - Type or Print		Name	e - Type or Print	
STATE OF MARYLAND, COUNTY, OF BALTIN	MORE, to wit:			
I HEREBY CERTIFY, this What day of	ine	200		Notary Public of the State
Word of Al Caru				OTAR!
the Affiant(s) herein, personally known or patisf: AS WITNESS my hand and Notarial Seal	(4)	Fordal	Affiant (S)	NO.
	Notai	y Public	June	COUNTY LANGE OF THE PARTY OF TH



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 505 Puttured Road	
Address 2/228 City Syste Zip Code	<u>~</u>
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):	
we have no objection to the proposed	; _ _
plans of our neighbors, william	
(Isalel Harman, 501 Bathurs &d. Sawi	ra
MD 21228, to build an addition onto	
their home. need in this neighborhood for new have lived in this neighborhood for new 20 years. We live just 2 doors from the Harmans. They are fine neighbors.	N
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	-
Charles Yoe Name - Type or Print Lynne Yoe Name - Type or Print	-
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	-
I HEREBY CERTIFY, this 20th day of	
of Maryland, in and for the County aforesaid personally appeared Chaules 9. Vol. 1 County aforesaid personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal Notary Public CONTY	
My Commission Expires 10010	

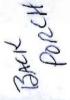
NEIGHBORS

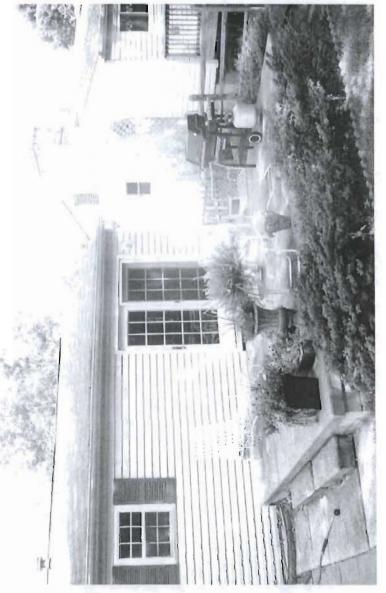
Affidavit in Support of Administrative Variance

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	Rockway RD
Address	tonsville MD 21228 State Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pra	the facts upon which I/we base the request for an Administrative
	problem with the
addition at 501.	Bathurst. My house
s behind 501 Bat	hurst.
*	
That the Affiant(s) acknowledge(s) that if a formal de advertising fee and may be required to provide additional acknowledge(s) that if a formal de advertising fee and may be required to provide additional acknowledge(s).	mand is filed, Affiant(s) will be required to pay a reposting and al information. Signature
Orinne Missigman	
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to HEREBY CERTIFY, this 20 H day of	L, 2608, before me, a.Notary Public of the State
of Maryland, in and for the County aforesaid, personally ORinne Missigman	- مامار ان در
the Affiant(s) herein, personally known or satisfactorily in AS WITNESS my hand and Notarial Seal	dontified to me as such Afficient(s)
	defilined to the as such Amani(s).
	Notary Public Supplied Supplie

ZONING DESCRIPTION FOR SOLBATHURST RD
(address)
Beginning at a point on theside ofside of
(north, south, east or west)
(north, south, east or west) BATHURST ROAD which is
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of
centerline of the nearest improved intersecting street <u>Buck sport</u> G
which is
Block, Section # in the subdivision of
as recorded in Baltimore County Plat Book # 016 32. Folio # 60.
containing 6500 0,15 Also known as 501 BAT HURAT RD (square feet or acres) (property address)
and located in the Election District, Councilmanic District.





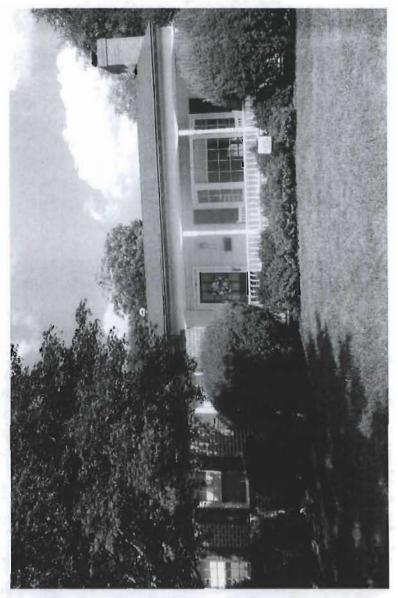


SOI BATHURST RD

2008-0585-A

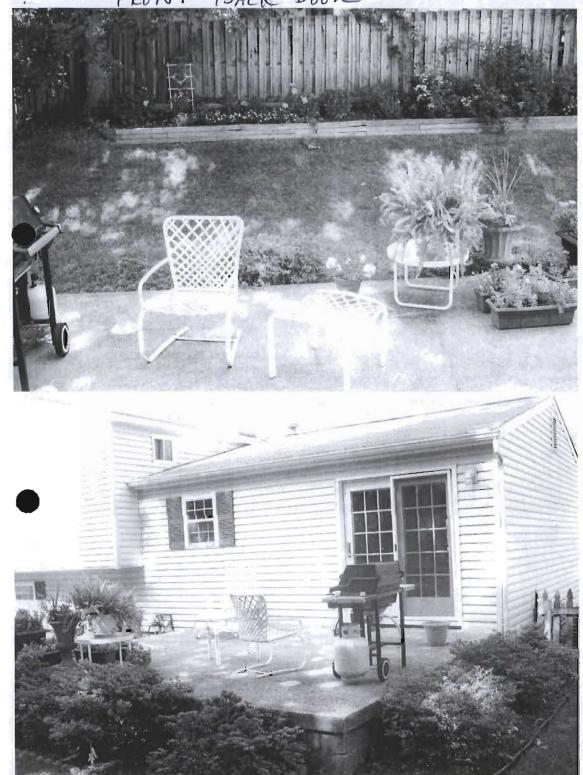
BACK DECK





427 BATHURST RD 2008-0585-A

FRONT BACK DOOR

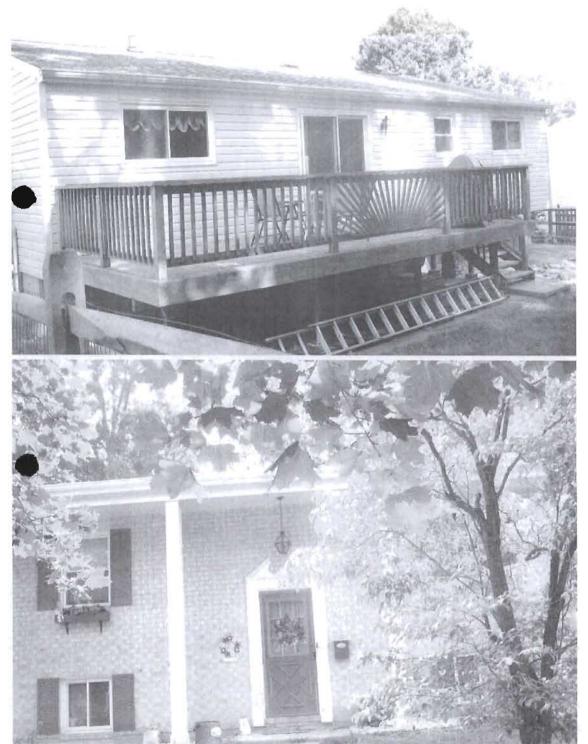


PORCH



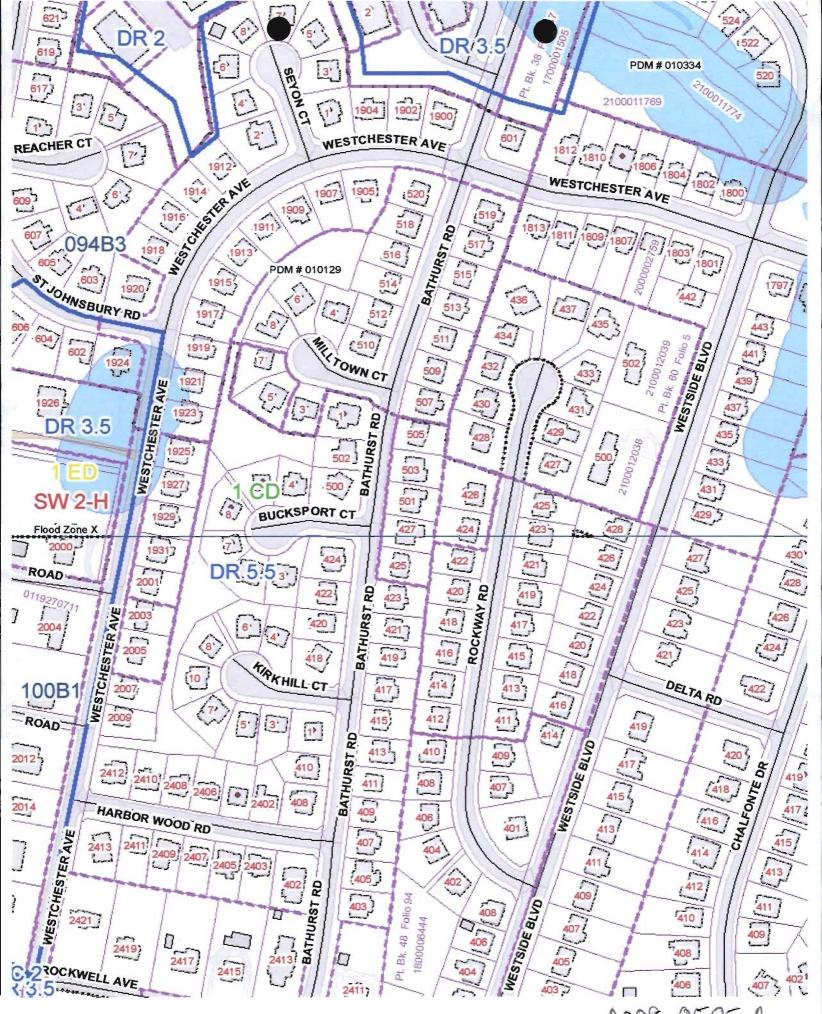
501 BATHURST RD 2008-0585-A

BACK DECK





503 BATHURST RD 2008-0585-A



2008-0585-A

PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE SPECIAL HEARING

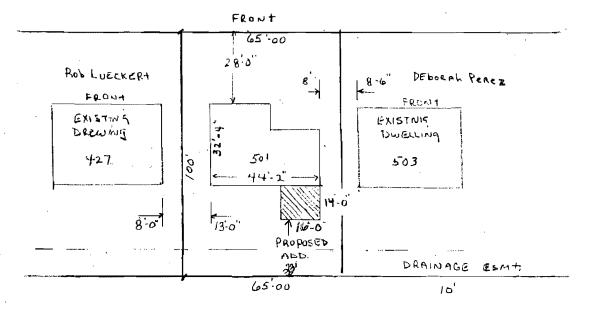
PROPERTY ADDRESS 501 BATHURST RD SEE PAGES 5 8-6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WESTCHESTER

PLAT BOOK # 31 FOLIO # 4 DLOT # 14 SECTION #

OWNER WILLIAM & ISABEL HARMAN

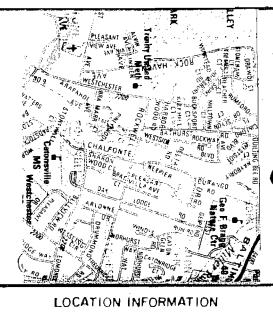
BATHURST RD





PREPARED BY William Harman

SCALE OF DRAWING: 1" = 40



ELECTION DISTR	іст /		
COUNCILMANIC DISTRICT			
1"= 200' SCALE MAP #			
ZONING D.R.S.S			
LOT SIZE 15 ACREAGE		6500 SOLIARE FE	ET.
	PUBLIC	PRIVATE	
SEWER		13	
WATER	\boxtimes		
CHESAPEAKE BAY CRITICAL AREA		YES [_]	NO NO
100 YEAR FLOOD PLAIN			X
HISTORIC PROPERTY/ BUILDING			M

ZONING OFFICE USE ONLY REVIEWED BY CASE #

D.T. 0525

PRIOR ZONING HEARING

12008-0585-A