

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Morning Dove Way; 213 feet SW
of the c/l of East Joppa Road
11th Election District
5th Councilmanic District
(5234 Morning Dove Way)

Jonathan and Geannine Darby
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0314-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, Jonathan and Geannine Darby for property located at 5234 Morning Dove Way. The variance request is from Sections 259.9.B, 259.9.C and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open deck addition with a rear setback of 33 feet 7 inches in lieu of the required 37 feet 6 inches, and to amend the last revision of the Final Development Plan of "Orchard Crossing", Lot 9 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a deck onto the rear of the home. The proposed deck is 18 feet 6 inches in depth. A basement entrance limits the width of the deck. Pictures submitted by the Petitioners demonstrate that other dwellings in the development have decks. A rear yard setback adjustment of 3 feet 10 inches will not be an imposition on any adjacent properties as the Petitioners' property backs up to community open 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.

RECEIVED FOR FILE
7-7-09
[Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 12, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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.

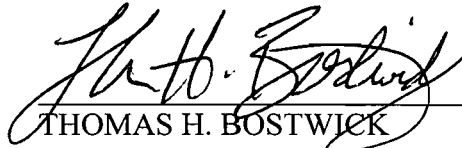
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of July, 2009 that a variance from Sections 259.9.B, 259.9.C and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open deck addition with a rear setback of 33 feet 7 inches in lieu of the required 37 feet 6 inches, and to amend the last revision of the Final Development Plan of "Orchard Crossing", Lot 9 only is hereby GRANTED, subject to the following:

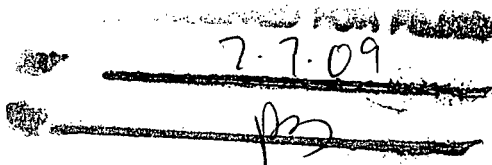
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

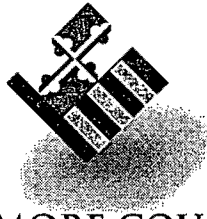
RECEIVED FOR FILE
7-7-09
m

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


7-7-09
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 7, 2009

JONATHAN AND GEANNINE DARBY
5234 MORNING DOVE WAY
PERRY HALL MD 21128

Re: Petition for Administrative Variance
Case No. 2009-0314-A
Property: 5234 Morning Dove Way

Dear Mr. and Mrs. Darby:

Enclosed please find the decision rendered in the above-captioned case.

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 "Thomas H. Bostwick".

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 5234 Morning Dove Way
which is presently zoned residential

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) 259.9B; 259.9C; 301.1

To permit an open deck addition with a rear setback of 33-feet 7-inches in lieu of the required 37-feet 6-inches and to amend the last revision of the Final Development Plan of "Orchard Crossing" for Lot 9 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):

Jonathan Darby
Name - Type or Print

Signature

Geannine (Hladky) Darby
Name - Type or Print

Signature wk. 443-444-4887

5234 Morning Dove Way 410-256-1206
Address Telephone No.

Perry Hall MD 21128-8972
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 7-7-09 day of July 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. 2009-0314-A

REV 10/25/01

Reviewed By [Signature] Date 6/1/09

Estimated Posting Date 6/14/09

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 5234 Morning Dove Way
Address
Perry Hall, MD 21128-8972
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. This house was the model for the development and was set further back from the road than the other houses around it for presentation purposes. Due to that fact, our backyard and useable space has been reduced by the steep hill behind the house and the required community swale, as well as the 37'6" setback. As you can see, these hindrances combine to make it challenging to develop a useable and functional space. We are not asking for an outrageously large deck, but something useable for normal and everyday entertaining.
2. The proposed deck is typical in size and no larger than other decks in the neighborhood.
3. The proposed deck is 18'6" in depth which would require a rear-yard setback of 33'7" in lieu of the required 37'6". Therefore, we are only requesting an adjustment of 3'10" to the rear-yard setback, and with our backyard abutting a large undevelopable open green space, we are not imposing on any neighbors.
4. With these facts, we would hope that you would grant us the variance to build the proposed deck for our family of four.

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.

Geannine L. Darby
Signature
Geannine (Hladky) Darby
Name - Type or Print

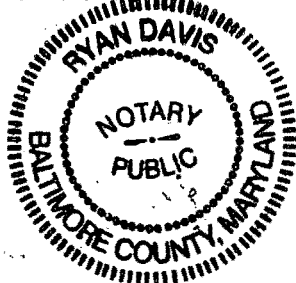
Jonathan L. Darby
Signature
Jonathan L. Darby
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of May, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 10/17/09

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 5234 Morning Dove Way
Address Perry Hall MD 21128-8972
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. This house was the model for the development and was set further back from the road than the other houses around it for presentation purposes. Due to that fact, our backyard and useable space has been reduced by the steep hill behind the house and the required community swale, as well as the 37'6" setback. As you can see, these hindrances combine to make it challenging to develop a useable and functional space. We are not asking for an outrageously large deck, but something useable for normal and everyday entertaining.
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3. The proposed deck is 18'6" in depth which would require a rear-yard setback of 33'7" in lieu of the required 37'6". Therefore, we are only requesting an adjustment of 3'10" to the rear-yard setback, and with our backyard abutting a large undevelopable open green space, we are not imposing on any neighbors.
4. With these facts, we would hope that you would grant us the variance to build the proposed deck for our family of four.

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.

Geannine Darby
Signature
Geannine (Hladky) Darby
Name - Type or Print

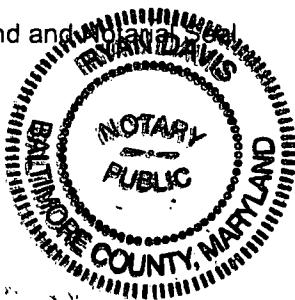
Jonathan L. Darby
Signature
Jonathan L. Darby
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of May, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and



[Signature]
Notary Public

My Commission Expires 10/17/09



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5234 Morning Dove Way
which is presently zoned residential

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)

259.7B; 259.9C; 301.1

To permit an open deck addition with a rear setback of 33-feet 7-inches in lieu of the required 37-feet 6-inches and to amend the last revision of the Final Development Plan of "Orchard Crossing" for Lot 9 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):

Jonathan Darby
Name - Type or Print

Signature

Geannine (Hladky) Darby
Name - Type or Print

Signature

5234 Morning Dove Way
Address

Perry Hall
City

MD
State

wk-443-444-4887

410-256-1206
Telephone No.

21128-8972
Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

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 7-7-09 day of July 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. 2009-0314-A

REV 10/25/01

Reviewed By [Signature]

Date

6/1/09

Estimated Posting Date

6/14/09

No. 6000

Date _____

Source/	Rev	Sub	Rev/
---------	-----	-----	------

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

[illegible]

Total

1500

Rec

Front

For

2009-0314-H

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**

ZONING DESCRIPTION FOR 5234 Morning Dove Way, Perry Hall, MD 21128

Beginning at a point on the northwest side of

Morning Dove Way which is 50'

wide at the distance of 213' southwest of the

centerline of the nearest improved intersecting street East Joppa Road

which is 100' wide. *Being Lot #9,

Block _N/A_, Section #_N/A_ in the subdivision of Orchard Crossing

as recorded in the Baltimore County Plat Book #78, Folio #34,

containing .2102 acres or 9,154 square feet. Also known as 5234 Morning Dove Way

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

2009-0314-A

Certificate of Posting

RE: Case NO. 2009-0314-A

Petitioner/Developer _____

Jonathan & Geannine Darby

Date of Hearing/Closing 6/29/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

5234 Morning Glory Way

The sign(s) were posted on 6/12/09
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2009-0314-A

Petitioner/Developer: _____

Jonathan & Geannine Darby

Date of Hearing/Closing: 6/29/09



5234 Morning Glory Way

Posting Date: 6/12/09

Richard E. Hoffman

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0314 -A Address 5234 Morning Dove Way
Contact Person: GEORGE WASILCWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/1/09 Posting Date: 6/14/09 Closing Date: 6/29/09

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, usually within 10 days of the closing date if all County agencies' comments are received, 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)

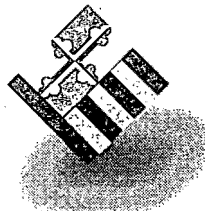
Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0314 -A Address 5234 Morning Dove Way
Petitioner's Name JONATHAN + GEANNINE DARBY Telephone 410-256-1206
Posting Date: 6/14/09 Closing Date: 6/29/09
Wording for Sign: To Permit

To permit an open deck addition with a rear setback of 33-feet 7-inches in lieu of the required 37-feet 6-inches and to amend the last revision of the Final Development Plan of "Orchard Crossing" for Lot 9 only.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 30, 2009

Jonathan & Geannine Darby
5234 Morning Dove Way
Perry Hall, MD 21128

Dear: Jonathan & Geannine Darby

RE: Case Number 2009-0314-A, 5234 Morning Dove Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2009
Item Nos. 2009-202, 288, 311, 312,
313, and 314

DATE: June 15, 2009

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

DAK:CEN:dak
cc: File
ZAC-06152009 -NO COMMENTS



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

State Highway
Administration

Beverly K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 10, 2009

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

RE: Baltimore County
Item No 2009-0314-A
5234 MORNING DOVE WAY
DARBY PROPERTY
ADMIN. 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.

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: July 6, 2009

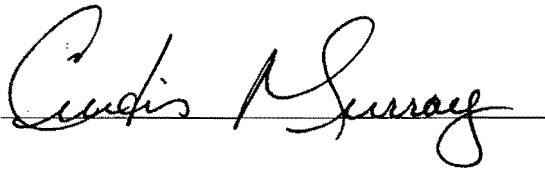
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

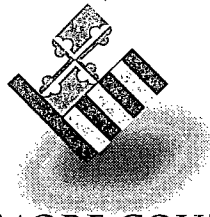
SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-314- Administrative Variance**

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
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

June 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 8.2009

Item Numbers 0288,0311,0312,0313,0314

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
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 6, 2009

RECEIVED

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

JUL 07 2009

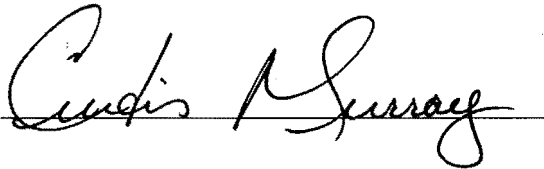
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-314- 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



Patricia Zook - Case 2009-0314-A - comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 7/2/2009 9:33 AM
Subject: Case 2009-0314-A - comments needed
CC: Bostwick, Thomas

Curtis -

We need Planning comments for the below described administrative variance that closed June 29.

CASE NUMBER: 2009-0314-A

5234 Morning Dove Way

Location: NW side of Morning Dove Way; 213 feet SW of the c/l of East Joppa Road.

11th Election District, 5th Councilmanic District

Legal Owner: Jonathan and Geannine Darby

ADMINISTRATIVE VARIANCE To permit an open deck addition with a rear setback of 33 feet 7 inches in lieu of the required 37 feet 6 inches, and to amend the last revision of the Final Development Plan of "Orchard Crossing", Lot 9 only.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



Tidewater Property Management, Inc.

RESIDENTIAL / COMMERCIAL

 3706 Crondall Lane, Suite 105
 Owings Mills, MD 21117-2231

April 16, 2009

 John & Geannie Darby
 5234 Morning Dove Way
 Perry Hall, MD 21128

Post-It® Fax Note	7671	Date	6-1-09	# of pages	3
To	Len Wasilewski	From	Geannie Darby		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	410 887 3048	Fax #	443-444-4599		

Thanks you!

Re: Application for Exterior Alteration - Deck, Patio with Landscaping

Dear Homeowner:

The Orchard Crossing Homeowners Association Architectural Review Committee has determined that your request for a deck and patio with landscaping meets the guidelines of the Architectural Rules and Regulations, and therefore approves your request as submitted in your application received on April 3, 2009. This approval does not include any permits required by Baltimore County or the State of Maryland. It is your responsibility to obtain such permits.

You, the homeowner, hereby agree that any and all liability caused by or arising from this modification shall not be held against the Association, Management Company, Builder or Developer. Consequently, the Association, Management Company, Builder or Developer will not be held liable for any damage or hazards caused by this modification to said lot or any adjacent lot. Please note that approval by the Architectural Review Committee is for aesthetic purposes only and does not imply that any review has been made of the structural or other adequacy nor does it imply nor avert the necessity for approval by appropriate governmental authorities. Nothing may be permanently installed in any lake, drainage or utility easements. Any construction pursuant to the provisions of this approval shall be subject to the continuing effect of the provisions of the Declaration, and of the Rules and Regulations of the Association and the Architectural Review Committee. In addition, if any other alterations or changes are considered please insure you send in another application form.

We hope your new alterations will provide your family with many years of enjoyment.

Cordially,

TIDEWATER PROPERTY MANAGEMENT INC.**Managing Agent for Orchard Crossing Homeowners Assn.**

 Dale Russell
 Property Manager
DRussell@TidewaterProperty.com

DSR:mm

APPLICATION FOR EXTERIOR ALTERATION

RECEIVED

Submit to:
 Tidewater Property Management, Inc.
 3706 Crondall Lane, Suite 105
 Owings Mills, MD 21117-2231
 Office: 443-548-0191
 Fax: 443-548-0196

APR 09 2009

TIDEWATER
PROPERTY MGT**PLEASE PRINT CLEARLY**

Community: Orchard Crossing
 Name: Jon and Geannie Darby
 Address: 5234 Morning Dove Way
 City/State/Zip: Perry Hall, MD 21128-8972
 Home No.: 410-256-1206 Work No.: 443-444-4887 Cell No.: 410-419-8265
 E-Mail Address: ghladky@verizon.net

Description of Proposed Alteration

deck and patio with landscaping - deck is similar to neighbors with
white railing and grey/tan floor and steps; patio is grey and tan
pavers or flagstone with quarter-circle retaining wall, seat height
into base of hill, with fire pit in center of retaining wall; drainage
culvert under patio; plantings around deck and patio with gravel path
behind deck

You MUST submit items 1 through 5 (if applicable) in order for this application to be processed.

If these items are not submitted, the application will be denied and returned to you.

1. Plat showing property boundaries with the proposed alteration drawn on it - see Attachment A
2. Complete list of materials - PVC for deck floor and railings; Crushed rock (white) under deck; pavers,
gravel and
3. Total dimensions of proposed project - see attached drawing - Attachment B
4. Color (if applicable) - patio - greys and tans; deck - white railing with grey/tan deck floor
plantings per
5. Diagram or brochure with pictures of proposed alteration - see Attachment B
attached;
culvert/drainage
pipe

Please be advised that you will still need to obtain any County permits/approvals for the proposed alteration.
 Work is not to start until the appropriate permits/approvals are obtained.

Homeowner's Signature(s): Jonathan Darby Date 4/3/09
Geannie Darby Date 4/6/09
 Approved By: Dale Russell Date 4-15-09

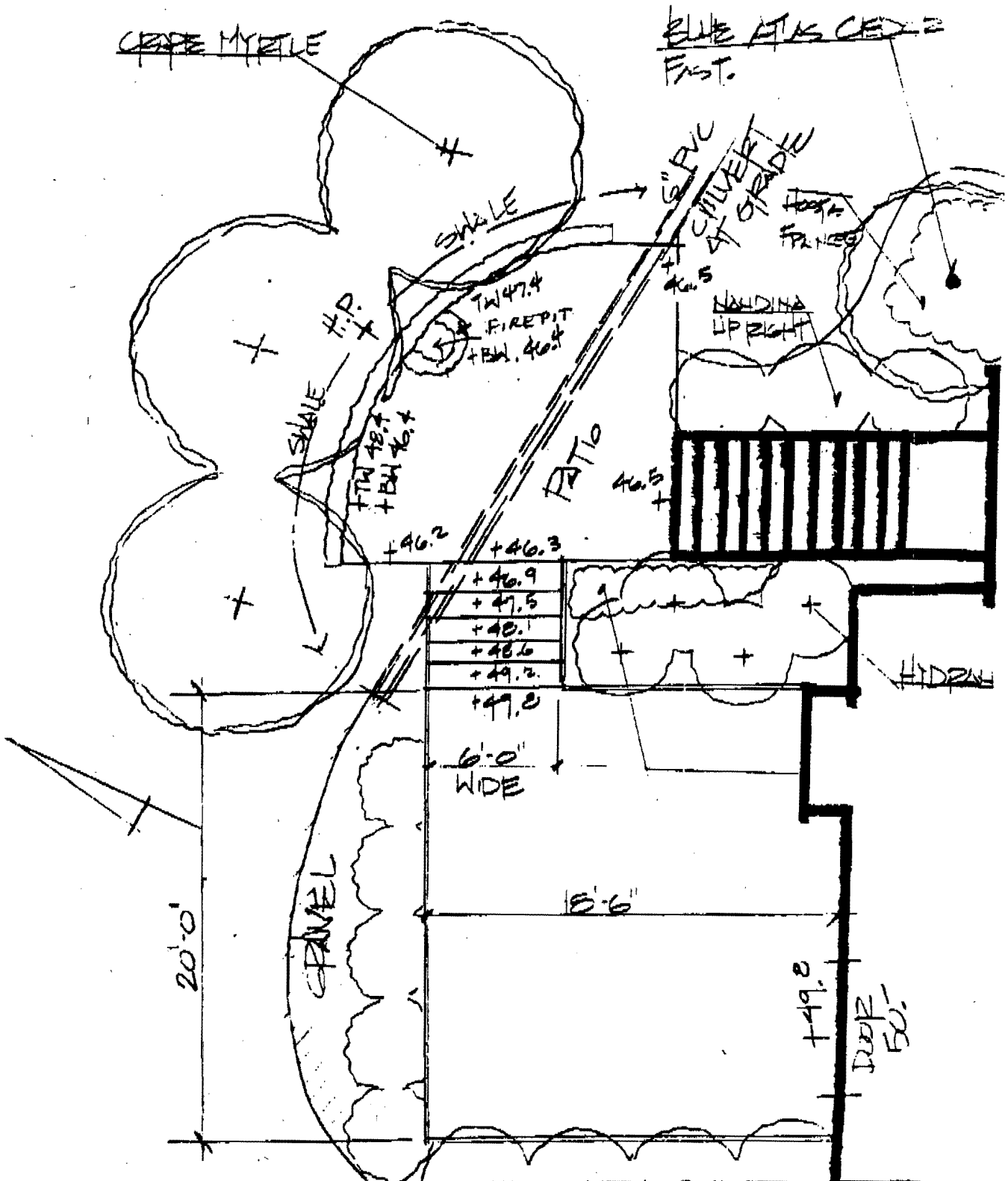
Remarks: exact color of stones will be known once we are approved
and purchase - will be greys and tans - flagstone and/or pavers for
floor of patio and quarter-circle retaining wall; please call or email
with any questions

WAIVER OF LIABILITY

The homeowner hereby agrees that any and all liability caused by or arising from this modification shall not be held against the Association, Management Company, Builder or Developer. Consequently, the Association, Management Company, Builder or Developer will not be held liable for any damages or hazards caused by this modification to said lot or any adjacent lot.

Please note that approval by the Architectural Review Committee is for appearance only and does not imply that any review has been made of the structural or other adequacy nor does it imply nor avert the necessity for approval by appropriate governmental authorities. Nothing may be permanently installed in any lake, drainage, or utility easements. Any construction pursuant to the provisions of this approval shall be subject to the continuing effect of the provisions of the Declaration, and of the Rules and Regulations of the Association and the Architectural Review Committee.

Revised - 01/24/2008



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

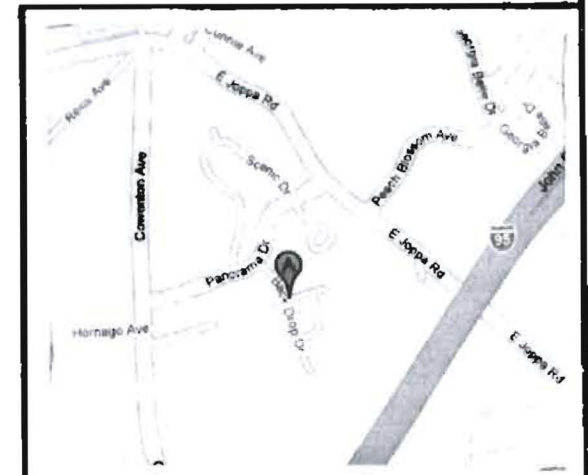
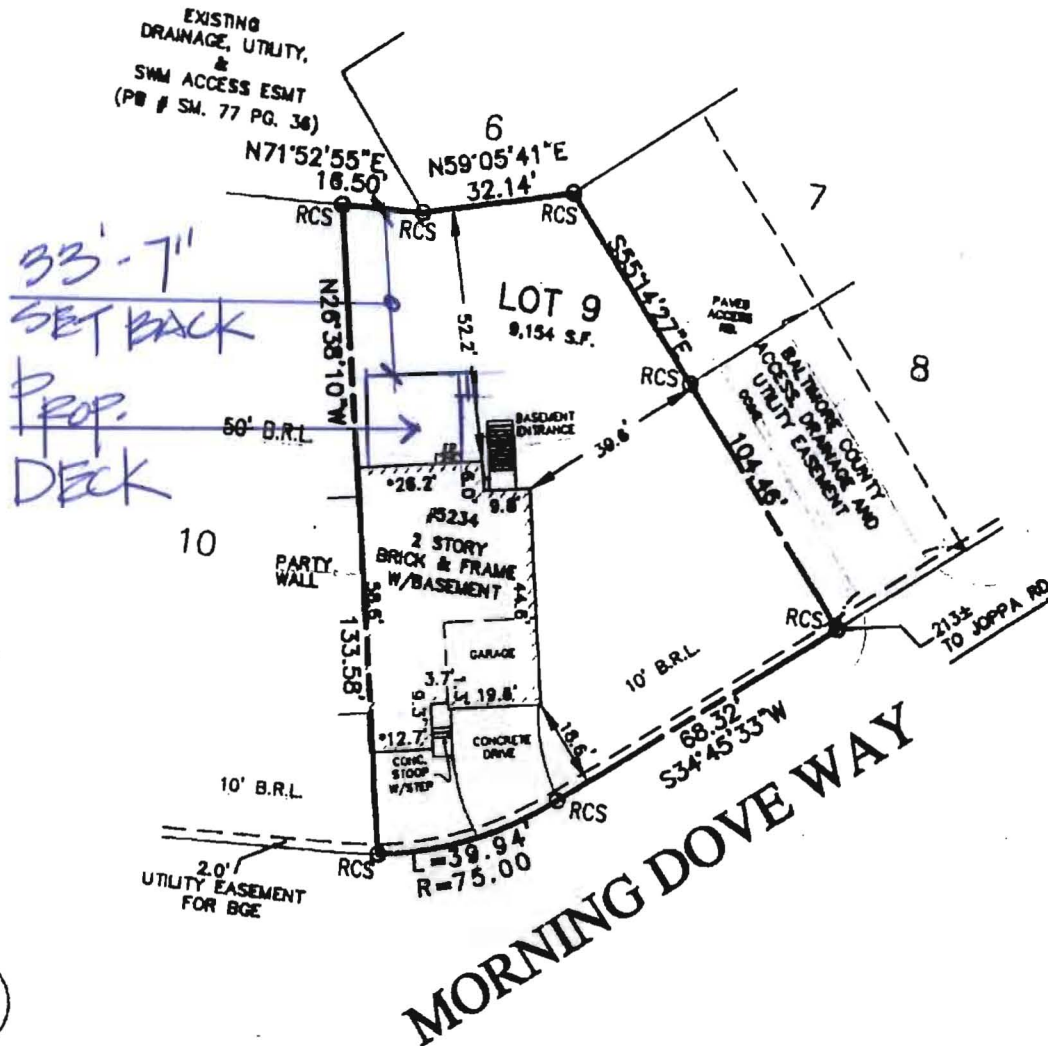
PROPERTY ADDRESS 5234 Morning Dove Way, Perry Hall, MD 21128

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

SUBDIVISION NAME Orchard Crossing

PLAT BOOK # 78 FOLIO # 34 LOT # 9 SECTION #

OWNER Jonathan Darby + Geannine (Hladky) Darby



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11
COUNCILMANIC DISTRICT 5
1" = 200' SCALE MAP # 072C2
ZONING DR 3.5
LOT SIZE .2102 9,154 #
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY W ITEM # 2009 CASE # 0314-A



NORTH

PREPARED BY PAL

SCALE OF DRAWING: 1" = 40'

LOCATION PERRY HALL
THIS SHEET PROVIDED
by COUNTY OFFICE

SCALE:
PER COUNTY

MOORES ORCHARD (PDM File/Project # 11-837)

Pt. Bk. 73 Folio 130

2300011810

Pt. Bk. 78 Folio 33

BIRD RIVER SUBAREA

072C2

DR 3.5 H

11 ED

NE 10-1

5 CD

SITE

MORNING DOVE WAY

JOPPA RD
JOPPA RD

JOPPA RD
JOPPA RD

JOPPA RD

MYERS ORCHARD WAY

MYERS ORCHARD WAY

ORCHARD CROSSING (PDM File/Project # 11-953)

Pt. Bk. 78 Folio 34

2400012855

2400012847

5306

5304

5302

2400012853

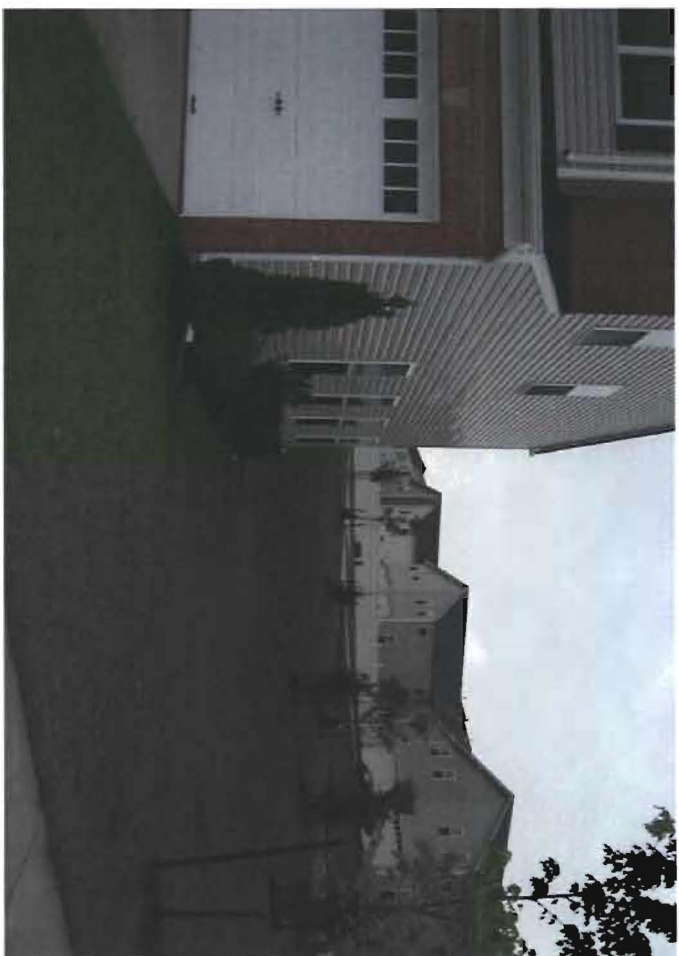
2400012856

2400012851

195 S

2009-0314-A

Darby, Jon and Seannine - 5234 Morning Dove Way - re: administrative variance



2009-0314-A

