PETITION FOR ZONING VALLANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Cornition B. Highto, his wife,
Goraldine B. Highto, his wife,
Goraldine B. Highto, his wife,
County and which is described in the description and plat attache thereto and made a part bereof,
hereby petition for a Variance from Section. 490.1. to permit w. awimming pool on

a corner lot not in the 1/3 of lot fartherest removed from both

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

 Hardship since pool cost more than \$2,000 and petitioners cannot afford loss thereof by removal from lot.

2) Practical Difficulty in that pool namnot be removed without great coast to petitioners and damage to a major portion of the lot.

The existence of the swimming peol at its present location is not detrieved.

The existence of the swimming pool at its present location is not detrimental to the health or walfare of the neighborhood. Removal from its present location could cause the petitioner a loss of more than \$2,000.00 since there is no market for the sale of the pool.

See attached description

reperty is to be posted and advertised as prescribed by Zoning Segulation.

(d) we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this content of the posting regulations and restriction of the County adopted pursuant to the Zoning Law For Baltimore County.

Martin M. Highto

Geraldine B. Hightoletal Owner s

o malley

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of Hilford Kill

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Kuil Myst Paul E. Alpert, Esq.

DRDER RECT

dress 151 Equitable Building

Joseph Greek Building

dress 151 Equitable Building

Building 1202

Building 1202

Greek Building 1202

Greek Building 1202

Greek Building 151

Greek Build

of Sancenber 196. 9, that 'he subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general sirculation throughout Baltimore County, that property be posted, and that the public hearing 4 and before the Zoning Commissioner of Baltimore County in Room 100, County Office Badding in Townon, Baltimore County, office 1, 70 and 1, 100 and 1, 100

County of the Table Tth

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Mortin M. Highto - \$70-82-A and \$8-69-249-3

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 18th day of June, 1970, by the County Board of A seals, ORDERED that the Order of the Deputy Zoning Commissioner, dated December 5, 1969, is hereby affirmed and the variance petitioned for, be and the same is hereby GRANTED, and it is

FURTHER OKDERED that the refusal of the Buildings Engineer to issue a bilding permit is hereby reversed, and that the building permit shall be issued.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 8 of Maryland Rules of Procedure, 1961 edition.

CCUNTY BOARD OF APPEALS

William S. Baldwin, Chairman

W. Giles Parker

John A. Slowie

RE: PETITION FOR VARIANCE from Section 400.1 of the Baltimore County Zoning

Regulations, and a
BUILDING PERMIT for a
SWIMMING POOL OF THE
SWIMMING POOL OF THE
NE correr Milford Mill Road
and Glenrock Road,
3rd District
Martin M. Highto,

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BEFORE
COUNTY BOARD OF APPEALS
OF

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No. 70-82-A and No. 8-69-249-3

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OPINION

This opin's a catually covers two causs that were consolidated on appeal before the Board. Case No. 70-82-A is a petition for a variance from Section 400.1 of the Zoning Regulations to permit an aboveground swimming poul in a location on a corner lot, in the one-third of the lot furtherest removed from both streets. The varian was granted by the Deputy Zoning Commissioner, and an appeal was taken to the Board from bit Order.

Case No. 8-49-249-3 involves an appeal from the refusal of the Brildings Engineer to waive the 10 foot setback required for swimming apols of 100 square fast area or more under Section 409.10 of the Baltimore County Building Code. The pool was constructed on or about May 1st, 1969; is 16 feet by 31 fer*, for a total square foot area of 496 square feet, and is situated 6 feet from the west property line, 8 feet from the north (real) property line, and 13 feet from the east property line. No building permit was applied for prior to the beginning of construction.

Mr. Highto, the property owner, restified that he contracted with National Home Products for the construction of the pool, and that it was his impression that any permits needed would be obtained by the National Home Products. After the pool had been completed, a complaint was made to Baltimore County by a next door neighbor, a Mr. Marton Marris, and as a result of the complaint John J. France, a building inspector for Baltimore County, visited the property and issued a Stop Work Notice. The owners, through their attorney, subsequently applied for a building permit for the pool, which was denied by Mr. Charles B. Wheeler, Buildings Engineer for Baltimore County, "ecause it did not comply with Section 409. 10g(2), and an appeal from this action was taken by the

December 29, 1369

Re: Petition for Variance.
Martin M. Highto and Geraldine
B. Highto, Petitioners-No. 70-82-A

Please note an Appeal in the above captioned case, on behalf of the Protestants, Mr. & Mrs. Mortimer Morris.

JOSEPH J. O'MALLEY, JR.

Attorney at Law 5712 POPE STREET BALTIMORE MARYLAND 2122

Honorable Edward D. Hardesty Deputy Zoning Commissioner of Baltimore County 111 W. Chesnpeake Avenue Towson, Maryland 21204

Dear Mr. Commissioners

Thank you.

Very truly yours,

Joseph J. O'Malley, Jr.

Joseph J. O'Malley, Jr.

ce: Faul Alpert, Esquire

55; Equinos Building
Builtmore, Maryland 21202

DEC 30 '69 AM -

760

Martin M. Highto - #70-82-A and # 5-69-249-3

properly owner

Mr. Highlo, the property uwner, testified that he had contracted with National Hame Products for the construction of the pool on April 9, 1969; that work began approximately two weeks later, and that the pool was coupleted an May 1, 1969. He testified that the cost of the pool was \$2,000, plus \$300 for a fence eracted around it as required by the Regulations, plus \$115 for necessary electrical work, and \$120 for a survey of his property, plus legal fees. He stated that he had been unable to get any satisfaction from National Home Products, the contractor, and that suit has been entered against tham by his orbinney. He further testified that he had contacted another pool company, and had obtained an estimate of \$700 to move the swimming pool so as to comply with the County satback requirements (Petitioner's Exhibit D).

Section 409, 10g(2) reads in part as foilows:

"Sethacks from adjacent property lines shall be not less than 10 feat for swimming pools 100 square feet or more in are, and not less than the maximum depth of the pool for those less than 100 square feet."

Another provision of the same section provides:

"The above requirements may be wrived by the Buildings Engineer in such instances where the size of the premises indicate no hazard to the public on adjacent premises."

Mr. Wheeler, the Buildings Engineer, testified that he had visited the property in May of 1969, and that while he could not see any hazard resulting from the pool being six feet from the property line instead of the ten feet required by the Building Code, it had been his policy for a number of years as Buildings Engineer not to waive the ten foot setback requirement where there was an objection by any persons who might be affected by the waiving of the provision.

On cross-examination, he stated that he would have waived the ten foot setback requirement if there had been no objection from Mr. Marris.

The Board can understand that Mr., Wheeler may have had good practical reasons for the establishment of this policy. However, under all recognized principles of administrative law and considering the language of Section 409, 10, the Board finds that the Mortin M. Highto - \$70-82-A and \$8-69-249-3

Buildings Engineer is required to make a decision as to whether or not he will waive a setback based upon the actual existing facts. To deny building permits for the scle reason that a neighbor objects is an arbitrary act, and not based on the exercise of sound discretion which the statute requires. The validity of these principles is certainly confirmed by the facts in this particular case where the Buildings Engineer himself testified that he would have waived the setback requirement if there had been no objection raised by the neighbor.

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The orly protestants to appear as witnesses were Mr., and Mrs., Morton Morris.

Their principal objection seems to involve the effect on their property of a fence which Mr. Highto has receted, and which is not itself a violation, but on the other hand is required by the Code, and this fence would still be in its present position even if the witnessing pool were moved back by four feet. The Board cannot possibly conceive that the swimming pool would be any less objectionable at a distance of ten feet from the property line than it presently is at a distance of six feet from, the property line, and that the swimming pool were moved by the property line than it presently is at a distance of six feet from, the property line, and that a require Mr. Highto to move the pool at great expense to him would be unicir, orbitrary, a of no particular benefit to anyone. Furthermore, evidence in the case indicated that Mr. Marris had agreed at one time to settle this matter, but his demands were considered to be excessive by Mr. Highto.

Under the facts of this case, the "board feels impelled to affirm the Order of the Deputy Zoning Commissioner granting the variance requested, and to reverse the central of the parmit by the Buildings Engineer.

Description of No. 622 Milford Mill Road from Deed dated December 27, 195% between Ralph W. Weiss and Evelyn M. Weiss, his wife, and Martin M. Highto and Geraldine B. Highto, his wife, and recorded among the Land Records of Baltimore County in Liber 2621, page 491.

BEGINNING for the same at a point on the north side of Milford Mill Road where it is intersected by the east side of Glenrock Road, as shown on Plat of Sudbrock Park Lot No. 12, Block N, as described in Liber W.P.C. No. 603, folio 44, and recorded among the Land Records of baltimore County; running thence from said place of beginning along the north side of Milford Mill Road, as shown on Plat of Sudbrock Park, north eighty-nine degrees trenty-five mirutes east fifty feet, thence along the dividing line between Lot No. 12, and No. 13, Block N, as shown on said plat, north no degrees thirty-five minutes west one hundred and fifty feet; thence, by a line parallel to Milford Mill Road, south eighty-nine degrees twenty-five minutes west fifty feet to the east side of Clenrock Road, thence, binding on the east side of Glenrock Road, thence, binding on the east side of Glenrock Hondred and fifty feet to the place of beginning. The improvements thereon being known as No. 622 Milford Mill Road

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO. Mr. Edward D. Hordesty, Deputy Zoning
Commissioner
FROM Mr. George E. Gavrelis, Director of Planning

SUBJECT. Petition *70-82-A. Variance to permit a swimming pool on a corner lot not in the 1/3 of the lot fartherest removed from both streets. Northeast corner of Millford Mill and Glenrock Roads. Martin M. Highto, Petitioner.

3.d District

HEARING: Monday, October 27, 1969 (10:00 A.M.)

The Planning staff will offer no comment on the subject petition.

GEG:bres

NOV 22 1971

18 osting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts .that.strict.compliance.with the ore County Zoning, Regulations would result in practical difficulty and unreasonable hardship upon the petitioner and the requested variance would give relief without ntial injury to the health, safety or general welfare of the locality, the Variance IT IS ORDERFD by the Zoning Commissioner of Baltimore County this ..., 196 9..., that the herein Petition for a Variance should be and the sted, from and after the date of this order, to pe, mit a swimming pool on a corner third of lot fartherest removed from both streets, subject to
tte plan by Bureau of
Office of Planning and
Zoning Commissioner of Baltimore County in the one-third of lot factherest re il of the site plan by Bureau of Works & Office of Planning and uant to the advertisement, posting of property and public hearing on the above petition the above Variance should NOT BE GRANTED. . 196 that the above Variance be and the same is hereby DENIED. Zoning Commissioner of Beltimore County

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTMORE COUNTY
TOWNS MONTHS OF THE POST OF TH

District. 2 Rd.

District. 2 Rd.

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District. 3 Rd.

District. 3 Rd.

District. 4 Rd.

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CERTIFICATE OF POSTING
ONING DEPARTMENT OF BALTIMORE COUNTY

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 26, 1969

Ill W. Chreage of Ave Townes Maryland 212

OLIVER L MYERS 353 Equitable Bu Chairean Baltimore, Maryl

BUREAU OF ENGINEERING

BUREAU OF ENGINEERING DEPARTMENT OF TRAFFIC ENGINEERING

BUCEAU OF FIRE PREVENTION HEALTH DEPARTMENT PROJECT PLAYING SCIEDES DEPARTMENT HOARD OF EDUCATION ZONING ADMINISTRATION INDUSTRIAL INDUSTRIAL

HARTIN M. HIGHTO HITO-52. HE/cor. of Hilford Hill & Glenred Roads 3rd

#20-82-4

W.W.

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Paul E. Alpert, Esq. 353 Equitable Building Baltimore, Maryland 21202

RE: Type of Hearing: Wariance to permit a swimming pool of the permit of the permit of the permit of 13' E. of Cleancek Ma. Patitioner: Martin M. Hights, et us. Committee Neeting of September 16, 1969 3rd District liem 55

Bose Sier

The Zoning Advisory Condition has reviewed the plans submitted with the above referenced position and has made an on-site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located in an existing residential development. The surfment pool is located outside the one-third of the lot furthest from the nearest intersecting street; and is a violation of the Zoning Regulations. There is a 6 foot his, redwood frace running along Glernoxx Road and the rear of the property. The property is also wall screened on the rear and invide property lines also wall street and other shrunbery. Also, on the abutting which is located approximately 8 use the fraces Glernoxx Road, which is located approximately 8 use that fraces Glernoxx Road, which is located approximately 8 use that fraces Glernoxx Road, property line and the 6 ft. fonce.

BUREAU OF ENGINEERING:

Hi ghways:

Glenrock Road is an existing County road which has been improved as a 24-foot closed section with flexible type pavement on a 50-foot right of way. Sunce the existing sidewalk is located clear of the 5-foot redwood fence, this increachement within the highway right-or-awy can be tolerated until such time as further highway improvements are required or until complaints are reported. In either event, required or until complaints are reported. In either event, the complaints are capacited. In either event, we have a such as a fine to be removed and relocated at the proporty sends a spense upon notification by any County agency.

Paul E. Alpert, Esq. 35, Equitable Building Baltimore, Haryland 21202 Item 55 Page 2

September 26, 1969

Highways: (Continued)

Milford Mill Road is an existing County road which will be improved in the future as a thoroughfare type highway on a 70-foot right-of-way. No highway improvements are required at this time; however, highway widening will be required from this property in the future.

Storm Drains:

The Applicant must provide necessary drainage facilities (temporary or otherwise) to prevent creating any nulsancer or damages to disparary or otherwise) to prevent concentration of surface waters. Correction of any problem which concentration of surface grading or other drainage facilities, would be the full responsibility of the Applicats.

Sanitary Sewer:

Public sanitary sewerage is available to serve this property.

Waters

Public water supply is available to serve this property.

PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site planning factors requiring comment.

BUREAU OF TRAFFIC ENGINEERING:

The requested variance should have no affect on traffic.

BOARD OF EDUCATION:

No bearing on student population.

PLANS REVIEW DIVISION:

This pool is in violation of the required distances from one side and the rear property lines. It is governed by the overhead electrical sendec coming into the rear side of the house, (Pool shall be no closer than 100 to electrical service, overhead lines). By keeping the pool away from these lines a violation on the opposite property line occurred, Mad the petitioner been properly advised by the pool company, this

Paul E. Alperi, Esq. 353 Equitable Building Baitimore, Maryland 21202 Item 55 Page 3

September 26, 196

PLANS REVIEW DIVISION: (Continued)

violation could have been averted, by using a smaller pool. No application was submitted for a permit or this office would have advised the owner of the rules and regulations concerning pools.

FIRE DEPARTMENT:

This office has no comment at this time.

HEALTH DEPARTMENT:

Since public water and sewers are available to this site, no health problems are anticipated.

ZONING ADMINISTRATION DIVISION:

This position is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be ferwarded to you in the near future.

Very truly yours,

OLIVER L. HYERS, Chairman

CLM:JD Enc.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of California and Records
COT RT HOUSE
TOWNN MARYLAND 21204

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Towns, Md., 21204

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Towns, Md., 21204

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IMPORTANT MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
L TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 212

as destable High biotomy No. 15th BALTIMOR OUNTY OFFICE OF PLANNING AND LING

County Office Juilding 111 W. Chesapeaku Avenue Towson, Maryland 21204

Your Patition has been received and accepted for filling this

y of , 1969

Petitioner Bertin H. Mighte, et un

ToJes. J. C'Malley, Jr., Esq. 5712 Pope Street Baltimore, Md. 21725

etitio--r's Attorney Boul E. Alpert, for Reviewed

by Miss of Muses

Chetren of Advisory Committee

BALT TORE COUNTY, MARY AND
OFFICE OF FINANCE

Division of Collection and Receipts
COUNTY HOUSE
TOWNON, MARYLAND 21204

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Selection 11, 1845

Belliams, No. 22205

Secret 10, 465

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CONTROL PRINCE AND CONTROL PRINC

PETITION FOR VARIANCE
3rd DISTRICT
ZONINGS PETITOS for Variance
for a Swimming Pool on a corner

ORIGINAL

OFFICE OF

COMMUNITY IMES

RANDALLSTOWN, MD. 21133 October 13, 1969

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Bultimore County

was inserted in the issue of October 9, 1969.

was inserted in THE COMMUNITY TIMES, a workly newspaper prohished in Paltimore County, Waryland, once a week for One XXXXXXX week/ before the 13thday of Oct., 169, that is to say, Je same

STROMBERG PUBLICATIONS, Inc

By Buth Morgan

NOV 221971

PETITION FOR VARIANCE SIG DISTRICT

EONING: Petition for Variation for a Swimming Pool on a complete of LOCATION: Northeast corner of Mill Aced and Glenrock Roed.

DATE & TIME: Monday, October 27, 1969 at 10:00 A.M. PUBLIC MEARING: Room 108, County Office Building, 111 W Chespeaks Avenue, Towson. Maryland.

The Zoning Commissioner of Saltimore County, by authority of the Zoning Act and Regulations of Saltimore County, will hold to

Polition for Verience from the Zoning Regulations of Baltimor-County to permit a swimming poo on a corner lot not in the 1/3 o lot fartherest removed from botterests.

The Zoning Regulation to be

Election 400.1 — Accessory Buildngs—On corner lots they shall be occated only in the third of the lot arthest removed from any street and shall couppy not more than

All that paresi of land in the Third District of Sattimore County. BMGRNNING for the mane at a point on the north side of Millford Mill Good where it is intersected by the east side of Genrock Road, as shown on Plat of Sudbrook Park Lot No. 12. Block N., as described in Liber W.P.C. No. 603, folio 44, and recorded samong the Land Roords of Baltimore County; running thence from said place of beginning thence from said place of beginning the north side of Millford Mill Road, as frown on Pat of Sudbrook Park, north eighty-nine largeres twenty-live minuter east fifty feet, hence along the dividing line between Lot No. 12, and No. 13, Block N. as shown on said platnorth no degree thirty-live minutes west one hundred and fifty feet; thence, by a line parallel to Millord Mill Road, south eighty-sine degrees twenty-five minutes west fifty feet to the east side of Glenrock Road, south as degrees thirty-five minutes east one hundred and fifty feet to the place of beginning. The improvements thereon being known as No. 622 Mill Road. Mill Road.

Being the property of Martin M.
Highto and Gereidine B. Highto
as shown on plat plan filed with
the Zon'ng Department.

as snown on past pean ried with the Zoning Department. Hearing Date: Monday, October 27, 1869 at 10:00 A.M. Pubuc Hearing: Room 108, County Office Building, 111 W. Chesapeake Avanue, Towson, Maryland.

By order of JOHN G. ROSE Zening Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that 'he annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once in each
of one time saccessive weeks before the 27th
day ofOctober, 19_69_, the first publication
appearing on the 9th day of October
19.59

THE JEFFERSONIAN,

TOWSON MD October 9 19 69

Manager.

Cost of Advertisement, \$_____

TELEPHONE 823-3000 EXT. 387

INVOICE

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE

No. 67033

DATEOCE. 27, 1969

Division of Collection and Receipts
COURT HOUSE
TOWSON, MARYLAND 21204

BILLED BY:

Tomartin M. Highto 622 Hilford Hill Road Soltimore, Nd. 21268

Zoning Bept, of Coltiers County

QUANTITY	O ACCOUNT NOT-622	RETURN THIS PORTION WITH YOUR REMITTANCE DETACH ALONG PERFORATION AND KEEP THIS FORTION FOR YOUR RECORDS	T TOTAL PROPERTY AND ADDRESS OF THE PARTY OF
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IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204



