

75-19-A (over 7/18) **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Clarence M. Malone, Jr., legal owner, 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 400.1 to permit an accessory structure (swimming Pool) in the side yard in lieu of the required rear yard.

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

Imprecise to place behind house because of severe fall to ground
See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser Clarence M. Malone, Jr.
Address Rd. 2, Box 204
Upper Beckleysville Rd.,
Hampstead, Maryland 21074
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day

of July, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of August, 1974, at 10:00 o'clock

S. Eric Di Nenna
Zoning Commissioner of Baltimore County.
(over)

DESCRIPTION FOR VARIANCE PETITION

C.M. MALONE

Beginning at a point at the northeast corner of Middletown Road (Beckleysville Road) and Upper Beckleysville Road, and thence running and binding on the east side of Upper Beckleysville Road N 12°15' W, 268.13 feet; thence bearing the east side of said road N 59°E 592 feet to a point, thence S 24°45' E, 277.11 feet to the northwest side of Middletown Road (Beckleysville Road), thence running and binding on the northwest side of said road S 41°41' W, 231.0 feet; thence S 72°45' W, 135.3 feet; thence S 70°15' W, 169.95 to the point of beginning.

Containing 3.3 acres of land, more or less.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Di Nenna, Zoning Commissioner Date: August 7, 1974

FROM: William D. Fromm, Office of Planning

SUBJECT: Petition #75-19-A, Northeast corner of Middletown Road (Beckleysville and Upper Beckleysville Road).
Petition for Variance for an Accessory Structure.
Petitioner - Clarence M. Malone, Jr. and Airabella P. Malone

6th District

HEARING: Wednesday, August 14, 1974 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

The granting of this application will not adversely affect the 1980 Guideplan, the County's official master plan.

William D. Fromm
William D. Fromm,
Director of Planning

WDF:NEG:rv

August 16, 1974

Mr. & Mrs. Clarence M. Malone, Jr.
R. D. 2, Box 204
Upper Beckleysville Road
Hampstead, Maryland 21074

RE: Petition for Variance
NE corner of Middletown Road
(Beckleysville Road) and Upper
Beckleysville Road - 6th Elec-
tion District
Clarence M. Malone, Jr., et ux -
Petitioners
NO. 75-19-A (Item No. 8)

Dear Mr. & Mrs. Malone:

I have this date passed my Order in the above referenced matter.
Copy of said Order is attached.

Very truly yours,

S. Eric Di Nenna
Zoning Commissioner

SED/aw

Attachments

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Clarence M. Malone, Jr.
Rte. 2, Box 204
Upper Beckleysville Road
Hampstead, Maryland 21074

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted
for filing this 12th day of July, 1974.

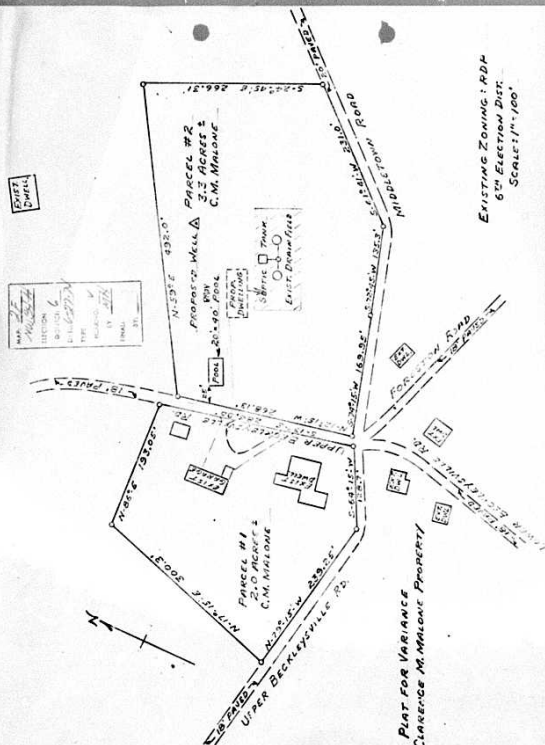
S. Eric Di Nenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner Clarence M. Malone, Jr.

Petitioner's Attorney _____ Reviewed by James A. Byrnes, Jr.
Chairman,
Zoning Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>ETH</u>			Revised Plans:		Change in outline or description		Yes		No	
Previous case:			Map #							



Pursuant to the advertisement, posting 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 Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, s,

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of August, 1974, that the herein Petition for a Variance to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 18, 1974

Mr. Clarence M. Malone, Jr.
Rte. 2, Box 204
Upper Beckleysville Road
Hampstead, Maryland 21074

Re: Variance Petition
Item # 8
E/S of Upper Beckleysville Road & N/S of Middletown Road
Variance from Section 400.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard

Dear Mr. Malone:

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

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located at the northeast quadron of the convergence of Upper Beckleysville, Lower Beckleysville, Middletown, and Foreston Roads, in the 6th Election District of Baltimore County.

The property is presently improved with an inground swimming pool currently under construction. A dwelling is proposed. The property opposite the site on Upper Beckleysville Road is improved with an existing dwelling and garage under the same ownership. Various dwellings exist to the southwest of the site along Lower Beckleysville and Foreston Roads.

The petitioner is requesting a Variance to permit the aforementioned swimming pool to be

Mr. Clarence M. Malone, Jr.
Re: Item # 8
July 18, 1974

Page 2

located in the side yard instead of the required rear yard.

This petition is accepted for filing on the date of the meeting of the Committee. Notice of the hearing on the petition will be given at least 30 days prior to the date of the hearing on the filing of the petition, while the petition is pending.

Very truly yours,

James B. Byrnes, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR
WM. T. MALLER
DEPUTY TRAFFIC ENGINEER

July 24, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item # 8 - ZAC - July 9, 1974
Property Owner: Clarence Malone
E/S Upper Beckleysville Road and N/S Middletown Road
Variance from Section 400.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard
District 6

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance for an accessory structure to the side yard.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF/pk

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204

822-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Clarence M. Malone, Jr.

Location: E/S of Upper Beckleysville Road & N/S of Middletown Road

Item No. 219 Zoning Agenda July 9, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: _____ Noted and Approved: _____
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mls
4/16/73

Baltimore County, Maryland Department Of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH H. DYER, P. E. CHIEF

July 30, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #8 (1974-1975)
Property Owner: Clarence M. Malone, Jr.
E/S of Upper Beckleysville Rd. & N/S of Beckleysville Rd.
Existing Zoning: R.U.D.P.
Proposed Zoning: Variance from Section 400.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard
No. of Acres: 3.3 District 6th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The submitted plan must be revised to indicate the existing swimming pool, filter and pump facilities, wood fencing, the road pavement, and their close proximity thereto.

Highways:

Lower Beckleysville, Upper Beckleysville and Beckleysville Roads, existing County roads, are proposed to be improved and realigned at this intersection in the future on 50-foot rights-of-way.

Highway improvements are not required at this time. Highway rights-of-way widening including fillet areas for sight distance at the intersection will be required in connection with any grading or building permit application. The revised plan is also to indicate the proposed highway rights-of-way widening. Further information may be obtained from the Baltimore County Bureau of Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

July 12, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 8, Zoning Advisory Committee Meeting, July 9, 1974, are as follows:

Property Owner: Clarence M. Malone, Jr.
Location: E/S of Upper Beckleysville Road & N/S of Middletown Road
Existing Zoning: R.U.D.P.
Proposed Zoning: Variance from Section 400.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.
No. of Acres: 3.3
District: 6th

Comments: Water well in good condition, septic system being installed.

Very truly yours,

Thomas H. Devlin
Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/nep

Item #8 (1974-1975)
Property Owner: Clarence M. Malone, Jr.
Page 2
July 30, 1974

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Drainage and utility easements will be required through this property for future public utilities.

Water and Sanitary Sewers:

Public water supply and sanitary sewerage are not available to serve this property.

This property is beyond the limits of the Baltimore County Metropolitan District and the Urban Rural Recreation Line. The Baltimore County Comprehensive Water and Sewerage Plan, Amended July 1973, indicates "No Planned Service" in this area.

Very truly yours,

Ellsworth H. Dyer
Ellsworth H. DYER, P.E.
Chief, Bureau of Engineering

END:RAM:PAR:iss

cc: J. Trimmer
J. Somers

JJ-34 Key Sheet
125 & 126 NW 31 Pos. Sheets
NW 12 & 13 Topo
15 Tax Map



July 12, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 8A, Zoning Advisory Committee Meeting, July 9, 1974, are as follows:

Property Owner, Clarence M. Malone, Jr.
Location: E/S of Upper Beckleysville Road and N/S of Middletown Road
Existing Zoning: R.D.P.
Proposed Zoning: Variance from Section 400.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.
No. of Acres: 3.3
District: 6th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 4643221 ZONING 4643201

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: July 11, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: July 9, 1974

Re: Item 219

Property Owner: Clarence M. Malone, Jr.

Location: E/S of Upper Beckleysville Road and N/S of Middletown Road

Present Zoning: R.D.P.

Proposed Zoning: Variance from Section 400.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.

District: 6th

No. Acres: 3.3

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
William D. Fromm
W. Eric DiNenna
Zoning Commissioner

M. EMILIE PARKS, President
LINDSEY G. HEDDER, Vice President
WILLIAM D. FROMM, Secretary

MARCUS M. RUTASWIS
JOSEPH N. MORGAN
SARVA CORREA
JUDITH H. WHEELER, Treasurer

T. RAY TO WILSON
WILLIAM D. FROMM
WILLIAM D. FROMM

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 25, 1974

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each successive weeks before the 11th day of August, 1974, the first publication appearing on the 25th day of July, 1974.

L. S. Brandt
THE JEFFERSONIAN
Manager

Cost of Advertisement, \$.

PETITION FOR A VARIANCE 6TH DISTRICT

ZONING: Petition for Variance for an Accessory Structure.
LOCATION: Northeast corner of Middletown Road (Beckleysville Road) and Upper Beckleysville Road.
DATE & TIME: Wednesday, August 14, 1974 at 8:00 A.M.
PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above-captioned petition for a variance from the Zoning Regulations of Baltimore County to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.

All that parcel of land in the 6th District of Baltimore County, containing 3.3 acres of land, more or less, being the property of Clarence M. Malone, Jr. and Arabella P. Malone, as shown on plat filed with the Zoning Department.

By *William D. Fromm*
W. Eric DiNenna
Zoning Commissioner of Baltimore County

THE JEFFERSONIAN COMMUNITY TIMES

RANDALLSTOWN, MD. 21133 July 29 - 1974

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE JEFFERSONIAN TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 29 day of July 1974, the first publication appearing on the 25th day of July 1974.

STROMBERG PUBLICATIONS, Inc.

By *William D. Fromm*
W. Eric DiNenna
Zoning Commissioner of Baltimore County

PETITION FOR A VARIANCE 6TH DISTRICT

ZONING: Petition for Variance for an Accessory Structure.
LOCATION: Northeast corner of Middletown Road (Beckleysville Road) and Upper Beckleysville Road.
DATE & TIME: Wednesday, August 14, 1974 at 8:00 A.M.
PUBLIC HEARING: Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above-captioned petition for a variance from the Zoning Regulations of Baltimore County to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard.

All that parcel of land in the 6th District of Baltimore County, containing 3.3 acres of land, more or less, being the property of Clarence M. Malone, Jr. and Arabella P. Malone, as shown on plat filed with the Zoning Department.

By *William D. Fromm*
W. Eric DiNenna
Zoning Commissioner of Baltimore County

STROMBERG PUBLICATIONS, Inc.

By *William D. Fromm*
W. Eric DiNenna
Zoning Commissioner of Baltimore County

BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER OF
BALTIMORE COUNTY
July 24

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 6th
Posted for: Petition for Variance
Petitioner: CLARENCE M. MALONE, JR.
Location of property: NE COR. of MIDDLETOWN RD. (Beckleysville Rd.) AND UPPER Beckleysville Rd.
Location of Sign: NE COR. of Beckleysville Rd. AND UPPER Beckleysville Rd.
Remarks: Thomas E. Botard
Posted by: Thomas E. Botard
Date of Posting: July 27, 1974
Date of return: August 2, 1974

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15131

DATE August 14, 1974 ACCOUNT 01-662

AMOUNT \$10.50

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER
FIN - AGENCY

Cash - Advertising and posting of property for Clarence M. Malone, Jr.

#15-19-A

495000

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 26th day of

July 1974. Item #

John L. Wimbley
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Malone Submitted by: Malone

Petitioner's Attorney: Reviewed by: F. H.

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 15103

DATE July 18, 1974 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER
FIN - AGENCY

Chesapeake Swimming Pools, Inc.
179 N. Padonia Rd.
Timonium, Md. 21093

#15-19-A

495000

