

76-148-A #102 **PETITION FOR ZONING VALLANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JOHN AND CAROLYN BYRNE 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) to be located outside of the rear third of the lot furthest removed from both streets on a corner lot.

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

- (1) TO MOVE AWAY FROM NEIGHBORS PROPERTY.
- (2) TO IMPROVE APPEARANCE OF PROPERTY.
- (3) TO MOVE AWAY FROM OVERHEAD ELECTRICAL LINES.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. We, the undersigned, 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 _____
Address _____
Baltimore, Maryland 21206
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day

of 1976, I certify 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of February, 1976, at 10:00 o'clock A.M.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: January 26, 1976
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition # 76-148-A. Petition for a Variance for an Accessory Structure (Swimming Pool).
Southeast corner of Hazelwood Avenue and Daybreak Terrace.
Petitioner - John R. Byrne and Carolyn M. Byrne

14th District

Hearing: Monday, February 9th, 1976 at 10:00 A.M.

There are no comprehensive plan issues raised by this petition.

William D. Fromm
Director of Planning

WDF:NEG:nb

RE: PETITION FOR VARIANCE
Southeast corner of Hazelwood Avenue and Daybreak Terrace, 14th District
JOHN R. AND CAROLYN BYRNE, Petitioners
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 76-148-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Mountz, Jr.
Charles E. Mountz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
494-2108

I hereby certify that a copy of the foregoing order was mailed to Mr. and Mrs. John R. Byrne, 5301 Hazelwood Avenue, Baltimore, Maryland 21206, Petitioners.



February 11, 1976

Mr. & Mrs. John Byrne
5301 Hazelwood Avenue
Baltimore, Maryland 21206

RE: Petition for Variance
SE/corner of Hazelwood Avenue and Daybreak Terrace - 14th Election District
John R. Byrne, et ux - Petitioners
NO. 76-148-A (Item No. 102)

Dear Mr. & Mrs. Byrne:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

George A. Martinak
George A. Martinak
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

DESCRIPTION FOR VARIANCE
JOHN & CAROLYN BYRNE

SOUTHEAST CORNER OF HAZELWOOD AVENUE AND DAYBREAK TERRACE, AS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 22 FOLIO 147, LOT 1, BLOCK A, SECTION 1 OF HAZELWOOD ACRES.

OTHERWISE KNOWN AS 5301 HAZELWOOD AVENUE, IN THE FOURTEENTH ELECTION DISTRICT.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 102

Mr. John R. Byrne
5301 Hazelwood Avenue
Baltimore, Md. 21206

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 30th day of December 1975

S. Eric DiNenna,
Zoning Commissioner

Petitioner John and Carolyn Byrne

Petitioner's Attorney _____ Reviewed by Franklin T. Hoggins, Jr.
Chairman,
Zoning Advisory
Committee

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204

875-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: John & Carolyn Byrne

Location: SE/C of Hazelwood Avenue & Daybreak Terrace

Item No. 102 Zoning Agenda December 2, 1975

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 _____ EXCEEDS the maximum allowed by the Fire Department.
- () 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 Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

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 Petitioners

the above Variance should be had, and it further appearing that by reason of the existing of the Variance requested not adversely affecting the health, safety and general welfare of the community, a Variance to permit an accessory structure (swimming pool) to be located outside of the rear third of the lot furthest removed from both streets on a corner lot should be granted.

Deputy
IS ORDERED by the Zoning Commissioner of Baltimore County this 11TH day of February, 1976, that the herein Petition for a Variance 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 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 21, 1976

COUNTY OFFICE BUILDING
111 M. Chesapeake Avenue
Towson, Maryland 21204

Franklin T. HOGANS, Jr.
XXXXXXXXXXXXXXXXXXXX
Chairman

Mr. John R. Byrne
5301 Hazelwood Avenue
Baltimore, Md. 21206

RE: VARIANCE PETITION
Item 102
John and Carolyn Byrne - Petitioners

Dear Mr. Byrne:

The Zoning Plans 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 or problems with regard to the development 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 on the southeast corner of Hazelwood Avenue and Daybreak Terrace, and is currently improved with a single family dwelling. The petitioner is requesting a Variance to permit an accessory structure (swimming pool) to be located outside of the rear third of the lot furthest removed from both streets.

Adjacent properties are improved with single family dwellings of similar structure and apparent value as that of the petitioner.

This petition 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

Mr. John R. Byrne
Re: Item 102
January 21, 1976
Page 2

than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. HOGANS, Jr.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

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

Division of Engineering
ELLSWORTH M. DIVER, P.E. CHIEF

January 8, 1976

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

Re: Item #102 (1975-1976)
Property Owner: John and Carolyn Byrne
S/E cor. of Hazelwood Ave. and Daybreak Terrace
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be located outside of the rear third of the lot furthest removed from both streets on a corner lot.
District: 14th

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:

Baltimore County utilities and highway improvements are not involved. The submitted plan should be revised to indicate that this property is Lot 1, Block "A" of the subdivision "Section 1 Hazelwood Acres" recorded G.L.B. 22, folio 147.

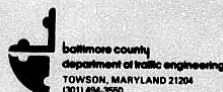
This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #102 (1975-1976).

Very truly yours,

Ellsworth M. Diver
ELLSWORTH M. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:PMR:ss

J-NE Key Sheet
17 NE 19 Pos. Sheet
NE 5 E Topo
89 Tax Map



STEPHEN E. COLLINS
DIRECTOR

December 10, 1975

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

Re: Item 102 - ZAC - December 2, 1975
Property Owner: John & Carolyn Byrne
Location: SE/C of Hazelwood Ave. & Daybreak Terrace
Existing Zoning: D.R. 5.5
Proposed Zoning: Var. from Sec 400.1 to permit an accessory structure (swimming pool) to be located outside of the rear third of the lot furthest removed from both streets on a corner lot

No. of Acres:
District: 14th

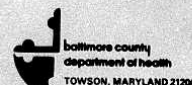
Dear Mr. DiNenna:

The requested variance to permit a swimming pool to be located outside of the rear third of the lot furthest removed from both streets on a corner lot, is not expected to cause any traffic problems.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate

MSF:nc



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

December 15, 1975

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

Dear Mr. DiNenna:

Comments on Item #102, Zoning Advisory Committee Meeting, December 2, 1975, are as follows:

Property Owner: John & Carolyn Byrne
Location: SE/C of Hazelwood Ave. & Daybreak Terrace
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be located outside of the rear third of the lot furthest removed from both streets on a corner lot.

No. of Acres:
District: 14th

Metropolitan water and sewer are existing.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

RJV:dls

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 5, 1975

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

Z.A.C. Meeting of: December 2, 1975

Re: Item 102
Property Owner: John & Carolyn Byrne
Location: SE/C of Hazelwood Ave. & Daybreak Terrace.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 400.1 to permit an accessory structure (swimming pool) to be located outside of the rear third of the lot furthest removed from both streets on a corner lot.

District: 14th
No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

WNP/ml

H. ENSLEY PARKS, President
EUGENE C. HESS, Vice President
MRS. ROBERT L. BEMLEY

MARCUS W. BODIGAN
JOSEPH N. WOODMAN
ALVIN LOWERY

THOMAS H. DEVLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

ZONE - DR5.5 - RESIDENTIAL USE

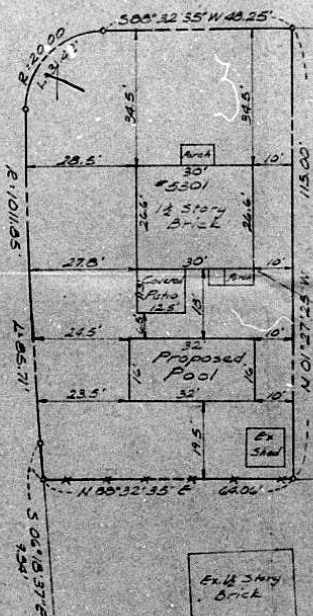
HAZELWOOD (45' WIDE) AVENUE



LOCATION PLAN

ZONE - DR5.5

DAYBREAK (50' WIDE) TERRACE

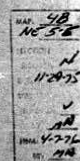


ZONE - DR5.5

PLAT to ACCOMPANY
PETITION
for
VARIANCE
#5301 HAZELWOOD AVE.
Elect. Dist. 14 Baltimore Co.

for
JOHN BYRNES
Scale 1"=20'

Variance to Sect. 400.1 Baltimore
County Zoning Regulations.



ZONE - DR5.5 - RESIDENTIAL USE

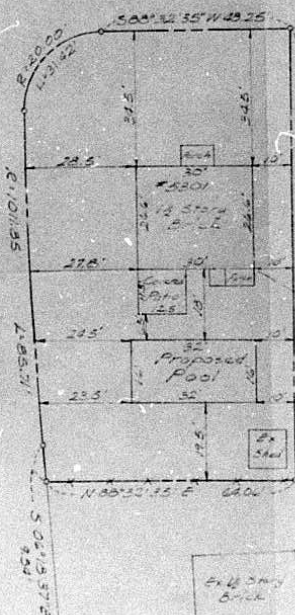
HAZELWOOD (45' WIDE) AVENUE



LOCATION PLAN

ZONE - DR5.5

DAYBREAK (50' WIDE) TERRACE



ZONE - DR5.5

PLAT to ACCOMPANY
PETITION
for
VARIANCE
#5301 HAZELWOOD AVE.
Elect. Dist. 14 Baltimore Co.

for
JOHN BYRNES
Scale 1"=20'

Variance to Sect. 400.1 Baltimore
County Zoning Regulations.