

301 85-343-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 400.1 to permit an accessory structure (swimming pool) Variance from Section outside of the third of the lot farthest removed from both streets (cor. lot)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The present B.R.L. leave us a steep slope to build our swimming pool where a very difficult and expensive retaining structure and land fill will be required. To make the pool possible, we request to be allowed to build it (with proper screening around) on a relatively level ground, 10 ft. from the side property line along the (Shaw-n Cr.) side street.

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.

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Address
City and State
Name, address and phone number of legal representative to be contacted
Name
Address
City and State
Attorney's Telephone No.:
Address
City and State

Legal Owner(s):
Scottie J. Beech
(Type or Print Name)
Signature
Jane E. Beech
(Type or Print Name)
Address
City and State
Name
Address
City and State
Name
Address
City and State
Name
Address
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day

1985, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

on the 5th day of June, 1985, at 10:00 o'clock

By *Arnold Jablon*
Zoning Commissioner of Baltimore County.

(over)

ZONING DESCRIPTION

Beginning on the NW/4s of Perryvale Rd. at the SW corner of Shawn Court Being Lot #13 Block: A in the Subdivision of Perryvale (Rolling Hills) recorded in Book: 41, Folio: 5 also known as 9024 Perryvale Road in the 11 th Election District.

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

May 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: David Mark Jones, et ux

Location: N/S Joppa Road, 1028' W of centerline of Wine Spring Lane

Item No.: 300 Zoning Agenda: Meeting of 4-30-85

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 or 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 operation.
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 "Life Safety Code", 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Ernest M. Tarkenton* Noted and Approved: *Ernest M. Tarkenton*
Planning Group Fire Prevention Bureau
Special Inspection Division

6/5 /mb
85-344-A

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

May 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Scottie J. Beech, et ux

Location: S/W Corner Shawn Court

Item No.: 301 Zoning Agenda: Meeting of 4-30-85

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 or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
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6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Ernest M. Tarkenton* Noted and Approved: *Ernest M. Tarkenton*
Special Inspection Division Fire Prevention Bureau

6/5 /mb
85-343-A

PETITION FOR VARIANCE

11th Election District

LOCATION: Southwest corner Perryvale Road and Shawn Court (9024 Perryvale Road)

DATE AND TIME: Wednesday, June 5, 1985 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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:

Petition for Variance to permit an accessory structure (swimming pool) outside of the third of the lot farthest removed from both streets (corner lot).

Being the property of Scottie J. Beech, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 16, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Scottie J. Beech,
9024 Perryvale Road
Baltimore, Md. 21236

Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

RE: Item No. 301 - Case No. 85-343-A
Petitioner - Scottie J. Beech, et ux
Variance Petition

Dear Mr. & Mrs. Beech:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman, Zoning Plans
Advisory Committee

NBC:bsc

Enclosure.
cc: Mr. Al Erdi
P.O. Box 10055
Towson, Md. 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4500
NORMAN E. GORDON
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

MAY 20, 1985

Re: Zoning Advisory Meeting of APRIL 30, 1985
Item # 301
Property Owner: SCOTTIE J. BEECH, ET UX
Location: SW CORNER SHAWN COURT

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- The County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-56 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on.
- Landscape: Must comply with Baltimore County Landscape Manual.
- The property is located in a deficient service area as defined by Bill 178-75. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is located in a traffic area controlled by a "B" level intersection as defined by Bill 178-75, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments:

Eugene A. Bohn
Chief, Current Planning and Development

cc: James Roswell

6/5
85-343-A

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit _____

_____ be granted/denied, with/without the following conditions: _____

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Date: May 22, 1985
SUBJECT: Zoning Petitions No. 85-337-A, 85-340-A, 85-343-A, 85-344-A, 85-345-A and 85-346-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber, Director
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:slm



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

May 13, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 301 Zoning Advisory Committee Meeting are as follows:

Property Owner: Scottie J. Beech, et ux
Location: S/W Corner Shawn Court
District: 11th.

APPLICABLE ITEMS ARE CIRCLED

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
5. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 101.07, Section 101.08 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from the _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Overturn. Please see the attached copy of Section 216.2 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the limits of our service including basement.
10. Comments:
11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 V. Chesapeake Avenue, Towson, Maryland 21204.

L/27/85



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
DIRECTOR

July 3, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #301 (1984-1985)
Property Owner: Scottie J. Beech
S/W Corner Shawn Court
District 11th

Dear Mr. Jablon:

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 Comments:

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.

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.

Very truly yours,

James A. Marble, P.E.
JAMES A. MARBLE, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: File

5-343-A

PETITION FOR VARIANCE

11th Election District

LOCATION: Southwest corner Perryvale Road and Shawn Court (9024 Perryvale Road)

DATE AND TIME: Wednesday, June 5, 1985 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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:

Petition for Variance to permit an accessory structure (swimming pool) outside of the third of the lot farthest removed from both streets (corner lot).

Being the property of Scottie J. Beech, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW Corner Perryvale Rd. and : OF BALTIMORE COUNTY
Shawn Ct. (9024 Perryvale :
Rd.), 11th District :
SCOTTIE J. BEECH, et ux, : Case No. 85-343-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 14th day of May, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Scottie J. Beech, 9024 Perryvale Rd., Baltimore, MD 21236, Petitioners; and Mr. Al Erdi, P.E., Consulting Engineer, P.O. Box 10055, Towson, MD 21204, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

May 16, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 296, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312
Property Owner: 313, 314 Meeting of April 30, 1985
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 296, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310, 311, 312, 313, and 314.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm

IN RE: PETITION ZONING VARIANCE : BEFORE THE
SW corner of Perryvale Road : ZONING COMMISSIONER
and Shawn Court (9024 Perry- : OF BALTIMORE COUNTY
vale Road) - 11th Election :
District :
Scottie J. Beech, et ux, : Case No. 85-343-A
Petitioners :
: : : : :
: : : : :
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) outside of the third of the rear yard farthest removed from both streets, as shown on Petitioners' Exhibit 1.

Al Erdi, a registered engineer, appeared and testified on behalf of the Petitioners. The Petitioners did not appear. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, is located on the corner of Perryvale Road and Shawn Court, with the home fronting on Perryvale Road. They wish to construct a 20' x 38' pool in the rear yard but, due to the topography and existing screening, need to locate it outside of the third of the rear yard farthest removed from Shawn Court where the property levels off. The lot has a steep slope to the northwest property line, away from Shawn Court, and this would require a very difficult and expensive retaining structure to be constructed in order for the pool to meet the requirements of Section 400.1, Baltimore County Zoning Regulations (BCZR). In addition, the land would need to be filled and the existing screening removed.

The Petitioners seek relief from Section 400.1, pursuant to Section 307, BCZR, an area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

UNDER RECEIVED FOR FILING
DATE
BY

