TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 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 400.1 to permit an accessory structure to be located on the roof 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) 1. The dish does not get any reception in the back yard. IN RE: PETITION ZONING VARIANCE 2. The dish does not fit in the back yard. top of a pole about 20 to 30 feet in height, on a pole attached to the house, N/S of Rolandvue Avenue. property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty 1,500 E of the centerline ZONING COMMISSIONER which would have to extend above the pitch of the roof, or on the roof itself. of Bellona Avenue for an area variance, the petitioner must meet the following: (1014 Rolandvue Avenue) -OF BALTIMORE COUNTY It could also be located in the side yard, but this was requested by the 9th Election District 1. whether strict compliance with requirement would Case No. 86-196-A Petitioner in Case No. 85-276-A. That variance request was denied and is now unreasonably prevent the use of the property for a Philip A. Doccolo, Property is to be posted and advertised as prescribed by Zoning Regulations. permitted purpose or render conformance unnecessarily pending before the Board of Appeals of Baltimore County on appeal. The 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. burdensome: Petitioner purpose of this hearing is to request permission to erect the dish on the 2. whether the grant would do substantial injustice to applicant as well as other property owners in the * * * * * * * I/Ws do solemnly declare and affirm, district or whether a lesser relaxation than that under the penalties of perjury, that I/ws am are the legal owner(x) of the property which is the subject of this Petition. applied for would give substantial relief; and FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioner argued that if the dish is not permitted in the side yard, 3. whether relief can be granted in such fashion that The Petitioner herein requests a variance to permit an accessory strucas previously requested, a variance would be necessary to locate it anywhere the spirit of the ordinance will be observed and Legal Owner(s): Contract Purchaser: public safety and welfare secured. ture (satellite dish) on the roof instead of the required rear yard. else on the property, including the rear yard, which would require a height Philip A. Doccolo Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). (Type or Print Name) (Type or Print Name) The Petitioner appeared and testified and was represented by Counsel. variance. He testified that erecting the dish on the roof would minimize its BECTION It is clear from the testimony that if the variance were granted, such Testifying on behalf of the Petitioner was Ken Wagner, General Sales Manager visibility, and to further shield it from obvious view, it would be of black Signature use as permitted would not be contrary to the spirit of the BCZR and would not for Action Earth Satellite Company. Albert V. Williams, a neighbor, appeared mesh. He believes that he has made every effort to minimize any adverse (Type or Print Name) result in substantial detriment to the public good. and testified in opposition and was represented by Counsel. Counsel for the aesthetic impact on the surrounding community. After due consideration of the testimony and evidence presented, it is Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. (Association), Signature Mr. Williams and the Association would prefer the dish elsewhere, if at clear that a practical difficulty or unreasonable hardship would result if the Attorney for Petitioner: appeared and expressed its opposition to the requested variance. Mrs. all; however, it would be less objectionable if its diameter were reduced from 1014 Rolandyue Avenue variance, as restricted below, were not granted. It has been established that Zelle Debra Gilden Richard Steeper, an adjoining property owner, appeared and testified that she ten feet to eight feet. the requirement from which the Petitioner seeks relief would unduly restrict Towson, Maryland 21204 was not in opposition after learning where the satellite dish (dish) was to Zelle Delva Glden The Petitioner seeks relief from Section 400.1, pursuant to Section 307, the use of the land due to the special conditions unique to this particular be located. Baltimore County Zoning Regulations (BCZR). 300 East Joppa Road Name, address and phone number of legal owner, conparcel. In addition, the variance requested will not be detrimental to the Testimony indicated that the subject property, zoned D.R.1, is located on tract purchaser or representative to be contacted Although no specific zoning regulations deal with satellite dishes, the public health, safety, and general welfare. Towson, Maryland 21204 Rolandvue Avenue. The Petitioner proposes to erect a dish, 10 feet in applicability of Section 400.1, as to their placement, was extensively Pursuant to the advertisement, posting of the property, and public diameter, on his roof, which is parallel to Rolandvue Avenue. It would be Attorney's Telephone No.: (301) 583-9001 analyzed in the case cited above. The rationale expressed therein shall be bearing on this Petition held, and for the reasons given above, the variance located on that side of the roof which slopes toward the rear of the property adopted in its entirety here, and a copy of that decision is attached hereto ORDERED By The Zoning Commissioner of Baltimore County, this ____30th_____ day requested should be granted. and also would be partially obscured by the chimney. It would extend about of Sentember 19 85, 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 Paltimore County, that property be posted, and that the public hearing be had before the Zoning County of Baltimore County in Room 106, County Office Building in Towson, Baltimore and adopted by reference for the purpose stated. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, 3 1/2 feet above the pitch of the roof when in an open position. Mr. Wagner day of November, 1985, that the Petition for Zoning Variance test fied that the dish had to be able to reach the south- western sky at 258 regulation would cause practical difficulty to the petitioner and his on the ____13th _____ day of ____November____, 19_85_, at 10:00 o'clock germit an accessory structure (satellite dish) on the roof in lieu of the degrees to be effective. It could be located in the rear yard if erected on BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 PETITION FOR VARIANCE RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER N/S Rolandvue Ave., 1500 required rear yard be and is hereby GRANTED, subject, however, to the follow-9th Election District E of the C/L Bellona Ave. OF BALTIMORE COUNTY LOCATION: North Side of Rolandvue Avenue, 1500' E of the ARNOLD JABLON ZONING COMMISSIONER (1014 Rolandvue Ave.), ing restriction, which is a condition precedent to the relief granted herein: centerline of Bellona Avenue (1014 Rolandvue Avenue) 9th District 1. The satellite dish shall be no more than eight feet in PHILIP A. DOCCOLO, Petitioner : Case No. 86-196-A diameter and shall be of black mesh. DATE AND TIME: Wednesday, November 13, 1985 at 10:00 a.m. ::::::: PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland ENTRY OF APPEARANCE Zelle Debra Gilden, Esquire The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: 300 East Joppa Road Towson, Maryland 21204 Please enter the appearance of the People's Counsel in the above-AJ/aj Petition for Variance from Section 400.1 to permit an accessory structure to be captioned matter. Notices should be sent of any hearing dates or other located on the roof in lieu of the required rear yard. Attachment proceedings in this matter and or the passage of any preliminary or final cc: Lawrence I. Weisman, Esquire Deborah Dopkin, Esquire Phyllis Cole Friedman Stuart S. Janney, III, Esquire Dear Ms. Gilden: People's Counsel People's Counsel for Baltimore County This is to advise you that _____\$63.75 is due for advertising and posting of the above property. This fee must be paid before an Being the property of Philip A. Doccolo 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, entergood cause shown. Such request must be received in writing by the date of the THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Do <u>not</u> remove sign from property from the time it is placed by this office until the day of the hearing itself. hearing set above or made at the hearing. Towson, MD 21204 494-2188 BY ORDER OF ARNOLD JABLON BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION ZONING COMMISSIONER I HEREBY CERTIFY that on this 15th day of October, 1985, a copy MISCELLANEOUS CASH RECEIPT OF BALTIMORE COUNTY of the foregoing Entry of Appearance was mailed to Zelle Debra Gilden, Esquire, 300 E. Joppa Road, Towson, MD 21204, Attorney for Petitioner. MECEIFED Philip A. Doccolo FOR: Advertising and Posting 86-106-A

PETITIO: FOR ZONING VARIANCE

N.

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

Re: N/S Rolandvue Ave., (1500' E of the

Philip A. Doccolo - Petitioner Case No. 86-196-A

c/l of Bellona Ave. (1014 Rolandvue Ave.)

re County, Maryland, and remit

Iding, Towson, Maryland

November 6, 1985







