

PETITION FOR ZONING VARIANCE
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 490.1 To Permit Accessory Structures (pool and shed) to be located in the side yard in lieu of the rear yard.

We installed an above ground pool in our side yard four years ago for the following reasons:
1. We have no rear yard.
2. This gives us good visibility from our house for the safety of our children while swimming.

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)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
City and State
Attorney's Telephone No.

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

ORDERED BY The Zoning Commissioner of Baltimore County, this 19th day of September, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in ten newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of October, 1986, at 10:00 o'clock A.M.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 3rd
Posted for: Variance
Petitioner: Robert H. Brooks, et ux
Location of property: NE 1/2 of Pikeville Rd., 251.5' SE of the R/W of Mt. Wilson La., (8825 Pikeville Road)
Location of Sign: SW part of 8825 Pikeville Road
Remarks:
Posted by: [Signature]
Number of Signs: 1

ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]

IN RE: PETITION FOR ZONING VARIANCE
NE 1/2 of Pikeville Rd., 251.5'
SE of the R/W of Mt. Wilson La.,
(8825 Pikeville Road)
3rd Election District
Robert H. Brooks, et ux
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-161-A
November 7, 1986
The Petitioners herein request a zoning variance to permit accessory structures (swimming pool and shed) to be located in the side yard in lieu of the required rear yard.
Testimony by one of the Petitioners indicates that he was unaware of Baltimore County Zoning Regulations (BCZR) which require that accessory structures be placed in the rear yard. He was informed by the Department of Permits and Licenses that no permit was required for the shed/dog house because it is less than 100 square feet in size. The swimming pool, used for medically required exercise by his wife (Petitioner's Exhibit 2, Page 15), was built four years ago by a pool company (Petitioner's Exhibit 2, Page 3), which apparently did not obtain a permit. The neighbor to the south does not object to the variance requested (Petitioner's Exhibit 2, Page 16).
A resident who occupies a dwelling on a life/10-year estate within the site is concerned that there is no gate preventing access to the pool. In addition, she and her 88-year old mother are greatly disturbed by the noise from the continuously operating pool filter located between the pool and her home.
After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, it is determined that the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]

Therefore IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24th day of November, 1986, that the herein request for a zoning variance to permit accessory structures (swimming pool and shed) in the side yard, in accordance with Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:
1) At all times the pool must be completely enclosed by fencing/gate as required by Baltimore County regulations.
2) The pool filter shall be enclosed and sound treated that the noise level shall not exceed 95 dba at a distance of 25 feet from the enclosure from 8:00 A.M. to 9:00 P.M. and 90 dba from 9:00 P.M. to 8:00 A.M.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3355
ARNOLD JALON
ZONING COMMISSIONER
November 7, 1986
JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER
RE: Petition for Zoning Variance
NE 1/2 of Pikeville Road,
251.5' SE of the R/W of
Mt. Wilson Lane
3rd Election District
Case No. 87-161-A
Dear Mr. & Mrs. Brooks:
Enclosed please find a copy of the decision rendered in the above referenced case. Please be advised that your Petition for Zoning Variance has been granted, in accordance with the enclosed Order.
If you have any further questions on the subject matter, please do not hesitate to contact this office.
Very truly yours,
[Signature]
Deputy Zoning Commissioner
Enclosures
cc: Ms. May Elgin
8825 Pikeville Road
Pikesville, Maryland 21208
Peoples Counsel

ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]

Beginning at a point on the Northeast side of Pikeville Rd. [40' Wide] at a distance of 251.5' Southeast of the right of way of Mt. Wilson Lane and being lots 3 & 4 as shown on the plot of "Pikeville Farms", which is recorded in the LMS in Plot Book NYC No 7, Folio 7, known as 8825 Pikeville Road in the 3rd Election District.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]

PETITION FOR ZONING VARIANCE
3rd Election District
Case No. 87-161-A
LOCATION: Northeast Side of Pikeville Road, 251.5 feet Southeast of the right-of-way of Mt. Wilson Lane (8825 Pikeville Road)
DATE AND TIME: Wednesday, October 15, 1986, at 10:00 A.M.
PUBLIC HEARING: Room 106, 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
Petition for Zoning Variance to permit accessory structures (pool and shed) in the side yard in lieu of the required rear yard
Being the property of Robert H. Brooks, et ux, as shown on plat plan filed with the Zoning Office.
In the event that this Petition(s) 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 JALON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

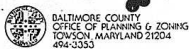
ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]

RE: PETITION FOR VARIANCE
NE 1/2 of Pikeville Rd., 251.5'
SE of Right-of-Way of Mt. Wilson
La. (8825 Pikeville Rd.)
3rd District
ROBERT H. BROOKS, et ux.
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
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
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of September, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert H. Brooks, 8825 Pikeville Rd., Pikesville, MD 21208, Petitioners.

[Signature]
Peter Max Zimmerman

ORDER RECEIVED FOR FILING
Date: 9-23-86
By: [Signature]



ARNOLD JABLON
ZONING COMMISSIONER

October 7, 1986

Mr. Robert H. Brooks
Mrs. Susan L. Brooks
8825 Pikeville Road
Pikeville, Maryland 21208

RE: PETITION FOR ZONING VARIANCE
N/2 of Pikeville Rd., 251.5' SE of the
right-of-way of Mr. Wilson La.
(8825 Pikeville Rd.)
3rd Election District
Robert H. Brooks, et ux - Petitioners
Case No. 87-151-A

Dear Mr. and Mrs. Brooks:

This is to advise you that \$67.51 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 10/15/86 ACCOUNT 8-411-615-000

STAMP & POST RETURNED \$ 67.51

RECEIVED BY Mr. Robert Brooks, 8825 Pikeville Rd., Baltimore, Md. 21208

FOR FORWARDING & POSTING COUNTY OF CASE 87-151-A

U 8925*****87513 9156F

VALIDATION OR SIGNATURE OF CARRIER

re County, Maryland, and remit
ding, Towson, Maryland

Mr. Robert H. Brooks
Mrs. Susan L. Brooks
8825 Pikeville Road
Pikeville, Maryland 21208

September 12, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
N/2 of Pikeville Rd., 251.5' SE of the
right-of-way of Mr. Wilson La.
(8825 Pikeville Rd.)
3rd Election District
Robert H. Brooks, et ux - Petitioners
Case No. 87-151-A

TIME: 10:00 a.m.

DATE: Wednesday, October 15, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

James E. Dier
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 9/15/86 ACCOUNT 8-411-615-000

STAMP & POST RETURNED \$ 35.00

RECEIVED BY Mr. Robert Brooks, 8825 Pikeville Rd., Baltimore, Md. 21208

FOR FORWARDING & POSTING COUNTY OF CASE 87-151-A

U 8925*****87513 9156F

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 9, 1986

Mr. Robert H. Brooks
8825 Pikeville Road
Pikeville, Maryland 21208

RE: Item No. 55 - Case No. 87-151-A
Petitioners: Robert H. Brooks, et ux
Petition for Zoning Variance

Dear Mr. Brooks:

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 particular 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,

James E. Dier
JAMES E. DIER
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures



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

SEPTEMBER 15, 1986

Re: Zoning Advisory Meeting of August 19, 1986
Item # 55
Property Owner: ROBERT H. BROOKS, et ux
Location: N/2 of PIKEVILLE RD., 251.5'
SE of R/W of MT. WILSON LA.

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.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a building permit.
- ☒ This site is part of a building permit; 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 22-98 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.
- ☒ Landscaping: Must comply with Baltimore County Landscaping Manual.
- ☒ The property is located in a deficient service area as defined by Section 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Section 118-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments.

cc: James Howell

David Fields, Acting Chief
Current Planning and Development

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 25, 1986

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 25, 1986

THE JEFFERSONIAN

Sharon Sander Abbott

Publisher

Cost of Advertising

24.75

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: September 18, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-151-A, 87-151-A, 87-151-A and 87-151-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sm



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3350

STEVEN E. COLLINS
DIRECTOR

September 5, 1986

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 59, 60, and 61.

Very truly yours,

Steve Collins
Steve Collins
Traffic Engineer Associate II

MSF:tc



TED ZALESKI, JR.
DIRECTOR

August 15, 1986

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

Dear Mr. Jablon:

Comments on Item # 55 - Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert H. Brooks, et ux
Location: N/2 of PIKEVILLE ROAD, 251.5' SE of right-of-way of Mr. Wilson La.
District: 304

APPLICABLE ZONING AND ORDINANCES

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

2. A building and other construction permit shall be required before the start of any construction.

3. Separate permits are required for the following: a. Building permits are required for the construction of new buildings or the alteration of existing buildings.

4. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

5. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

6. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

7. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

8. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

9. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

10. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

11. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

12. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

13. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

14. The provisions shall conform to the Baltimore County Building Code as adopted by Council Bill 87-86.

[illegible]

WITNESSETH:

THAT in consideration of the sum of Forty-Eight Thousand Dollars (\$48,000.00), receipt of which is hereby acknowledged, the Grantors do hereby grant, convey and assign unto the Grantees, in fee simple, subject to the hereinafter created life estates, all those lots of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows:

BEGINNING FOR THE FIRST on the northeast side of Pikeville Road at the southeast corner of Lot No. 2 as shown on the Plat of Pikeville Farms, as shown on the southeast corner of the lot on U.F.C. No. 7, folio 7; thence southeasterly binding on the northeast side of said road, one hundred and thirty-five feet to said plat; thence northerly binding on said Lot No. 2, one hundred and thirty-five and seven-tenths feet to the outline of the whole property of which this is a part, to the beginning of said line, being one hundred and thirty-five degrees, thirty minutes west one hundred and fifteen one-hundredths feet, more or less, to the southeast corner of said lot; thence southeasterly binding on the southermost line of said Lot No. 2 southeasterly one hundred and ninety-eight and seven-tenths feet to said plat; the place of beginning. Being designated as Lot No. 3 on the Plat aforesaid, and

BEGINNING FOR THE SECOND on Pikesville Road and being known and designated as Lot No. 4 on the Plat of Pikesville Farms, said; at being recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 7.

BEING the same lots of ground which by deed dated December 18, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4412, Folio 428, were granted and conveyed by The Garlan Company, a body corporate unto Emma A. Warrenner.

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

By her joining herein, MAY M. ELGIN hereby consents to this conveyance of said lots of ground and relinquishes any and all right to and interest in said lots of ground which she may possess under the deed, described above, by which The Garlan Company, a body corporate, granted and conveyed said lots unto EDNA A. WARRENER.

TO HAVE AND TO HOLD the said described lots of ground and premises unto and to the proper use and benefit of the said Grantees, their heirs and assigns, forever in fee simple, subject, however, to successive estates for life reserved to EDW. A. WARRENER and MAY M. ELGIN, his daughter, in the rear portion of that lot of ground designated as Lot No. 3 on the Plat of Pikeville Farms duly recorded in the Land Records of Baltimore County in Plat Book W.P.C. No. 7, Folio 7, and more particularly described as that portion of Lot No. 3 measuring approximately 86 feet long by 58 feet wide, such length to begin 4 feet from the property line designated as S.35°30'E.1305.0' on the aforesaid Plat and such width to begin 22 feet from the property line shown to extend 198.24 feet on the aforesaid Plat, together with the right of access thereto from Pikeville Road; provided, however, that in the event both life tenants vacate the aboves-described portion of the property subject to the successive life estates for a continuous period of six months, said life estates shall terminate automatically and any and all interest held by the successive life tenants, or the survivor of them, shall be extinguished and shall revert to the Grantees, their personal representatives, heirs and assigns, in fee simple.

And the Grantors hereby covenant to warrant specially the property hereby granted and conveyed, and to execute such other and further assurances as may be requisite.

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
4th day of September, 1986.

ARNOLD J. BLON
Zoning Commissioner

Petitioner Robert H. Brooks, et al
 Petitioner's
 Attorney _____

Received by: James E. Dyer
Chairman, Zoning
Advisory Committee



WITNESS:

Emmett Barker Emma A. Warrener (SEAL)
Emma A. Warrener

Emmett Brooks May M. Elgin (SEAL)

STATE OF MARYLAND)
) SS:
CITY OF BALTIMORE)

I HEREBY CERTIFY that on this 23rd day of May, 1979,
before me, a Notary Public of the State aforesaid, personally
appeared EMMA A. WARRENER, the within named Grantor, known to
me to be the person whose name is subscribed to the within
instrument, who signed the same in my presence, and acknowledged
that she executed the same for the purposes therein contained.

WITNESS my hand and notarial seal.

0051*** 249562 61-52-10
0070*** 249562 61-52-10
0000*** 249562 61-52-10
0051*** 249562 61-52-10
0051*** 249562 61-52-10
My Commission Expires 7/1/82.

STATE OF MARYLAND)
CITY OF BALTIMORE) SS:

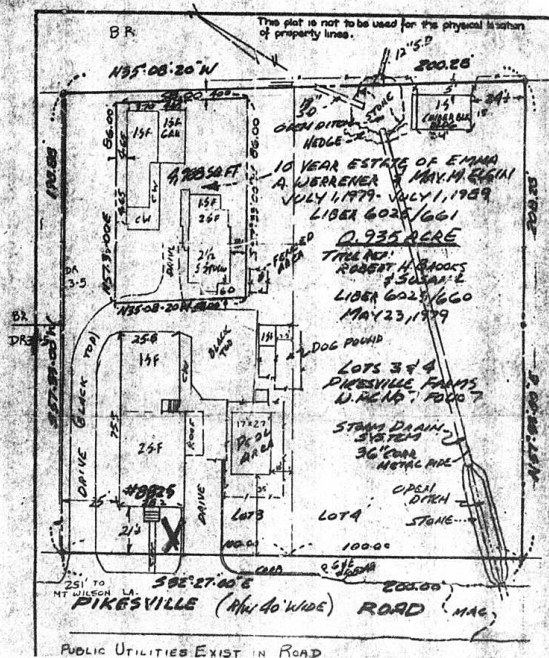
I HEREBY CERTIFY that on this 23rd day of May, 1979,
before me, a Notary Public of the State aforesaid, personally
appeared MAY M. ELGIN, the within named Grantor, known to me
to be the person whose name is subscribed to the within instru-
ment, who signed the same in my presence, and acknowledged that
she executed the same for the purposes therein contained.

o'd for recd MAY 25 1979 at _____
 or Elmer H. Kalline, Jr., Clerk
 ill to Care McDaniel
 receipt No. \$ 12.00

WITNESS my hand and notarial seal.
 1979
[Signature]
 Notary Public

My Commission Expires 7/1/82

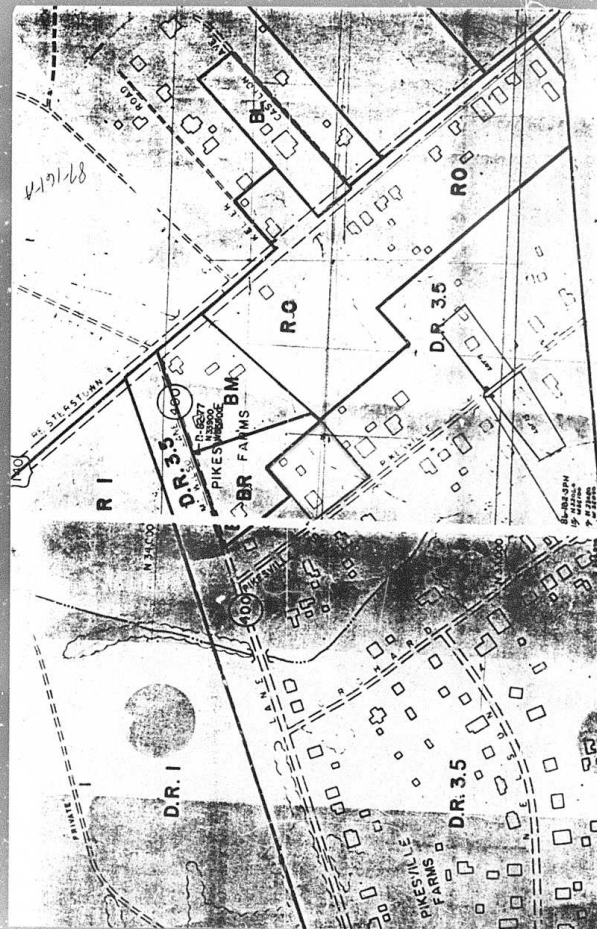
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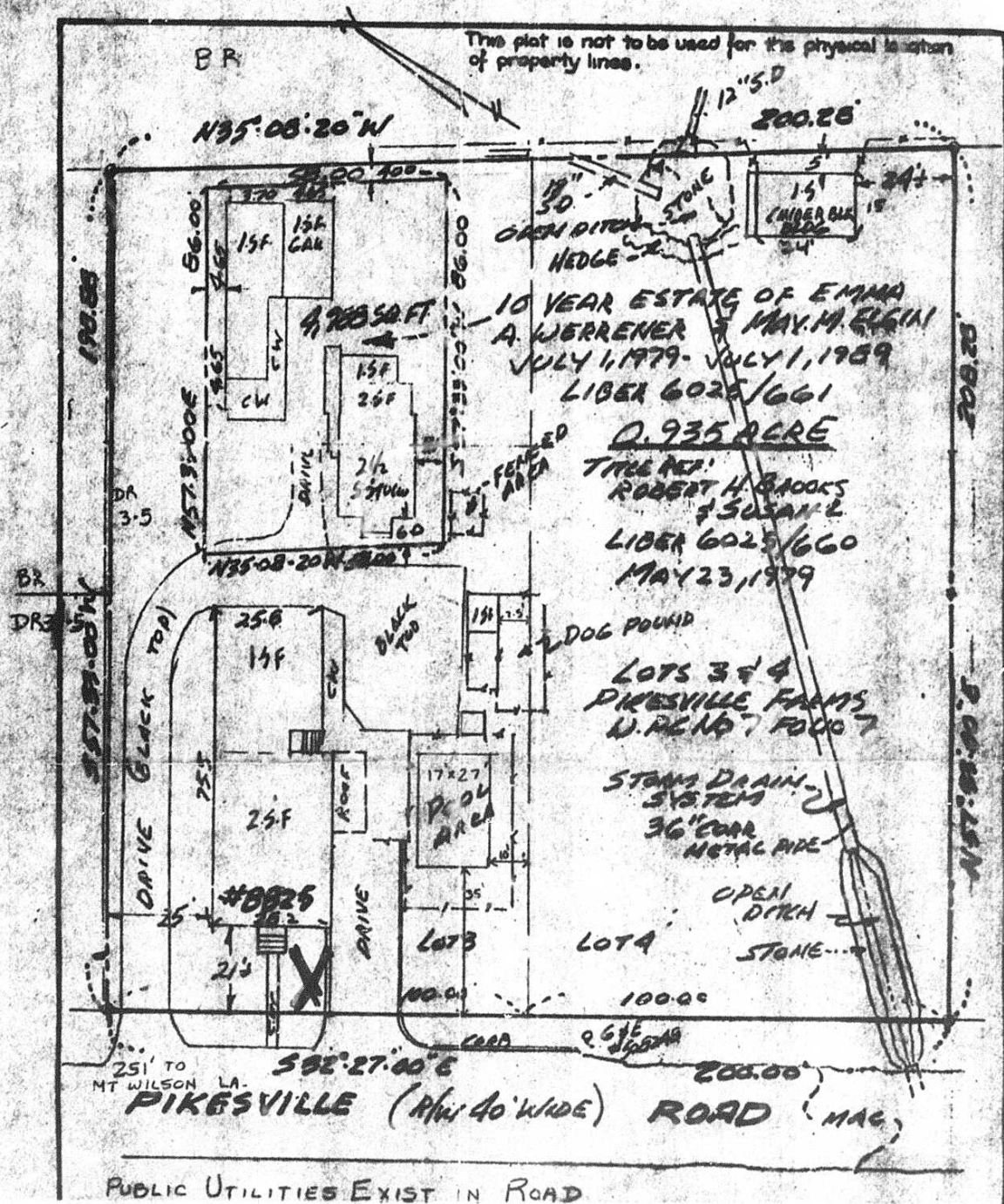


PETITIONER'S
EXHIBIT /

OFFICE COPY

DR 3.5 ZONE
3RD DISTRICT
1" = 30'





PETITIONER'S EXHIBIT

55 89-761-A
OFFICE COPY

DR 3-5 ZONE
3RD DISTRICT
1" = 30'

