

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 1A01.3.B.3 to permit sideyard setbacks of 10 feet and 16 feet in lieu of the required 35 feet.

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

1. Location of existing dwelling which will remain intact until proposed dwelling is habitable, restricts placement of proposed dwelling.
2. Adhering to RC2 would not allow sufficient area for septic system.
3. Passive solar design of proposed dwelling requires maximum southern exposure.

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
Attorney's Telephone No.:
Address
Phone 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
Address
Phone No.

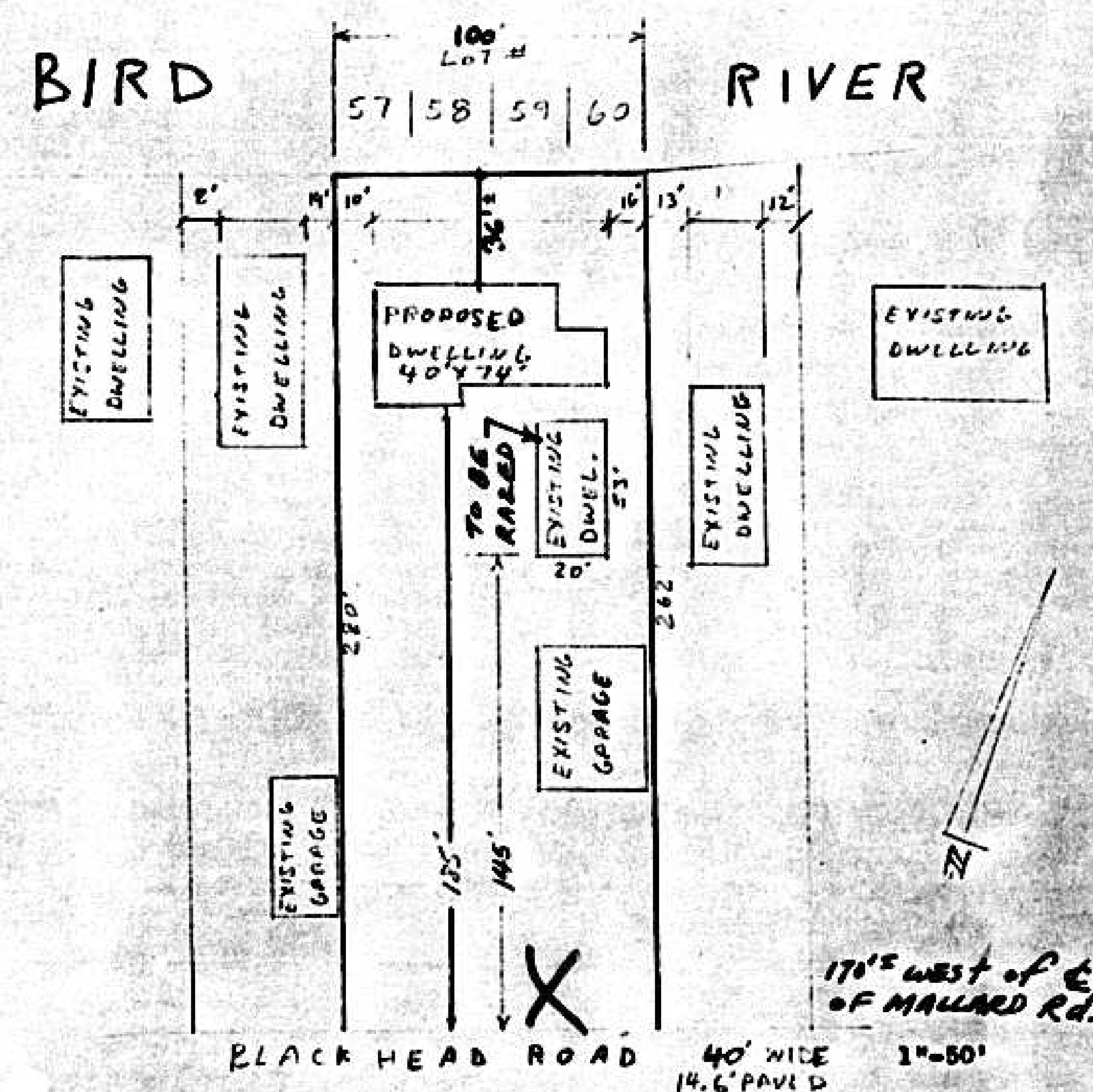
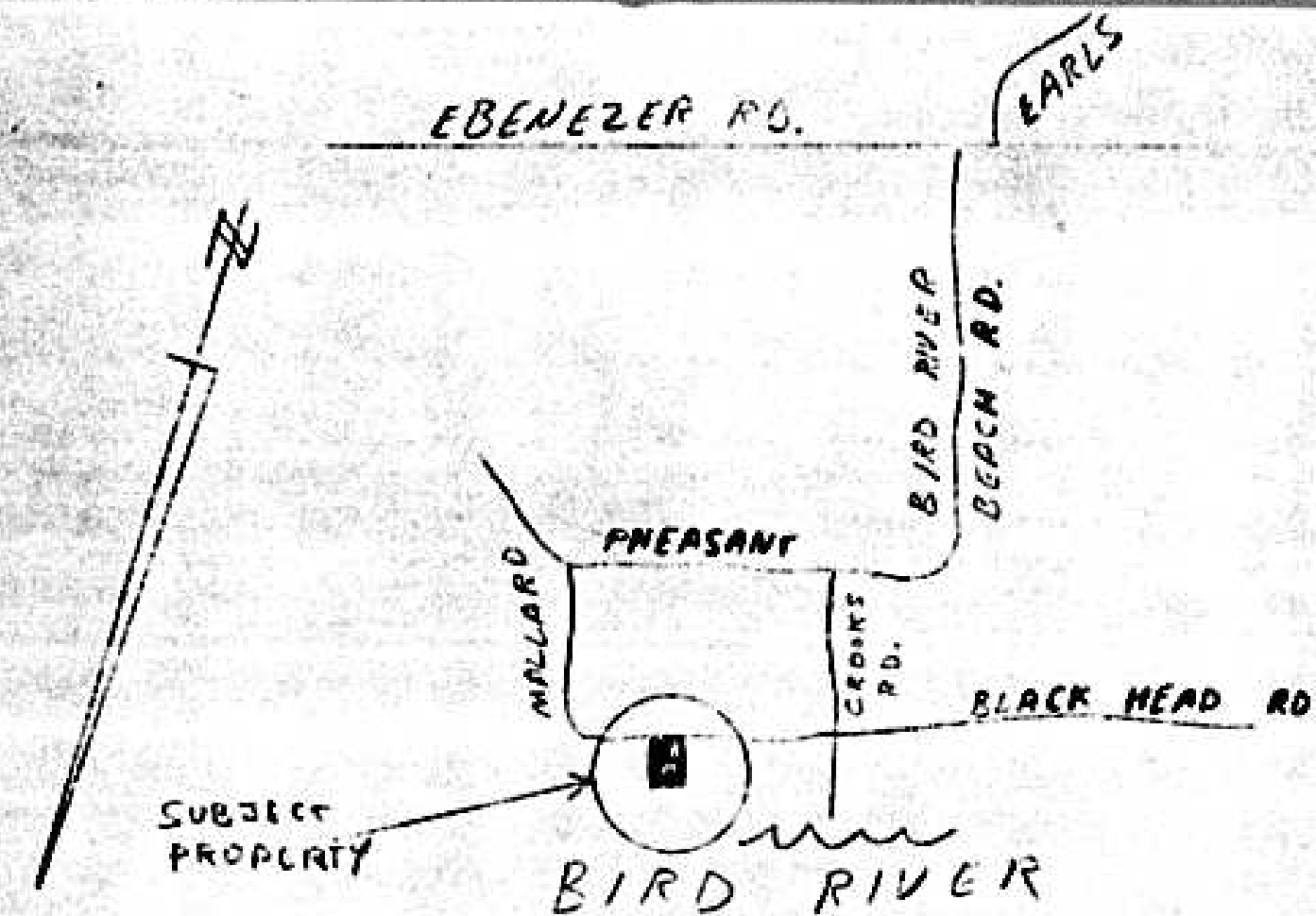
MAP NE 2K
5B
15
DATE 9/2/87
1000
\$
N 28 40
E 64 850

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of June, 1987, 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 28th day of July, 1987, at 10:20 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR. + 1 HR.
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER (over)
REVIEWED BY: RLM DATE 5/9/87

88-52-A
464
Stephen Fackett, et ux 88-52-A
N/S Black Head Rd., 170' W of
C/L of Mallard Rd. (6618 and
6616 Black Head Rd.) 15th E.D.
300 C.T.

88-52-A
464



Plat for zoning variance
Owners Stephen and Paula Fackett Lot size: .35 acres 88-52-A
15 th. election district zoned RC 2
Liber. R.G.S.A 1480 Folio 484
Lots 57,58,59,60 Plat book 7/70
464

OFFICE COPY

ZONING DESCRIPTION

Beginning on the North side of Black Head Road 40' wide, at the distance of 170 feet west of the centerline of Mallard Road. Being lots 57,58,59 & 60 as shown on "Bird River Beach" recorded in Baltimore County in plat book 7/70. Also known as 6618 & 6616 Black Head Road in the 15th election district.

PETITION FOR ZONING VARIANCE

15th Election District - 5th Councilmanic District
Case No. 88-52-A

LOCATION: North Side of Black Head Road, 170 feet West of Centerline of Mallard Road (6618 and 6616 Black Head Road)

DATE AND TIME: Tuesday, July 28, 1987, at 10:20 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 side yard setbacks of 10 feet and 16 feet in lieu of the required 35 feet

Being the property of Stephen Fackett, 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 JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Black Head Rd., 170' W of : OF BALTIMORE COUNTY
C/L of Mallard Rd. (6618 & 6616 :
Black Head Rd.), 15th District :
STEPHEN FACKETT, et ux, : Case No. 88-52-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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 30th day of June, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Stephen Fackett, 6618 Black Head Rd., Baltimore, MD 21220, Petitioners.

RECEIVED
JUL 1 1987
ZONING OFFICE

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITION FOR ZONING VARIANCE
N/S Black Head Road, 170' W
of the c/l of Mallard Road
(6618 & 6616 Black Head Rd.)
15th Election District
5th Councilmanic District
Stephen Fackett, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-52-A

The Petitioners herein request a variance to permit side yard setbacks of 10 feet and 16 feet in lieu of the required 35 feet.

Testimony by one of the Petitioners indicated that the subject property is currently improved with an old, small summer cottage, and a garage. The lot is 100' wide and has private water and sewer service. Almost all of the other dwellings in the area are placed on 50' lots. The Petitioners propose razing the existing dwelling and constructing a new dwelling with an attached garage to provide additional and needed habitable space for the family. A large oak tree is in the front yard and 6 or 7 fruit and other trees are in the rear. When the new garage is built, the existing garage will be used for storing the Petitioner's antique vehicles. That garage has electricity but no water or sewer.

There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; in the opinion of the Deputy Zoning Commissioner, the requested variance will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of August, 1987 that a variance to permit side yard setbacks of 10 feet and 16 feet in lieu of the required 35 feet, in accordance with the plan submitted, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) Five (5) major deciduous trees, or ten (10) conifers, or ten (10) minor deciduous trees shall be planted and maintained on the lot. A combination of these three tree types is acceptable provided that 5,000 sq.ft. of tree cover is provided.
- 2) Storm water runoff from impervious surfaces associated with this Petition should be directed over pervious areas such as lawn to encourage maximum infiltration.
- 3) The existing dwelling and the proposed dwelling may be occupied simultaneously as living units for no more than two weeks while moving.
- 4) The existing garage shall never be used for living purposes.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

August 6, 1987

Mr. & Mrs. Stephen Fackett
6618 Black Head Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
N/S Black Head Road, 170' W of the c/l of Mallard Road
15th Election District, 5th Councilmanic District
Case No. 88-52-A

Dear Mr. & Mrs. Fackett:

Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: Mr. Michael Worthop
Maryland State Department of Planning
301 W. Preston Street
Baltimore, Maryland 21201

People's Counsel

Mr. Stephen Fackett
Mrs. Paula Fackett
6618 Black Head Road
Baltimore, Maryland 21220

June 18, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
N/S Black Head Rd., 170' W of c/l of
Mallard Rd. (6618 and 6616 Black Head Rd.)
15th Election District
Stephen Fackett, et ux - Petitioners
Case No. 88-52-A

TIME: 10:20 a.m.

DATE: Tuesday, July 28, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 36073
DATE 5/8/87 ACCOUNT 201-015-000
AMOUNT \$ 35.00
PAID TO: Stephen Fackett
FOR: ZONING VARIANCE
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 22, 1987

Mr. Stephen Fackett
Mrs. Paula Fackett
6618 Black Head Road
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
N/S Black Head Rd., 170' W of c/l of Mallard
Rd. (6618 and 6616 Black Head Rd.)
15th Election District - 5th Councilmanic District
Stephen Fackett, et ux - Petitioners
Case No. 88-52-A

Dear Mr. and Mrs. Fackett:

This is to advise you that \$110.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

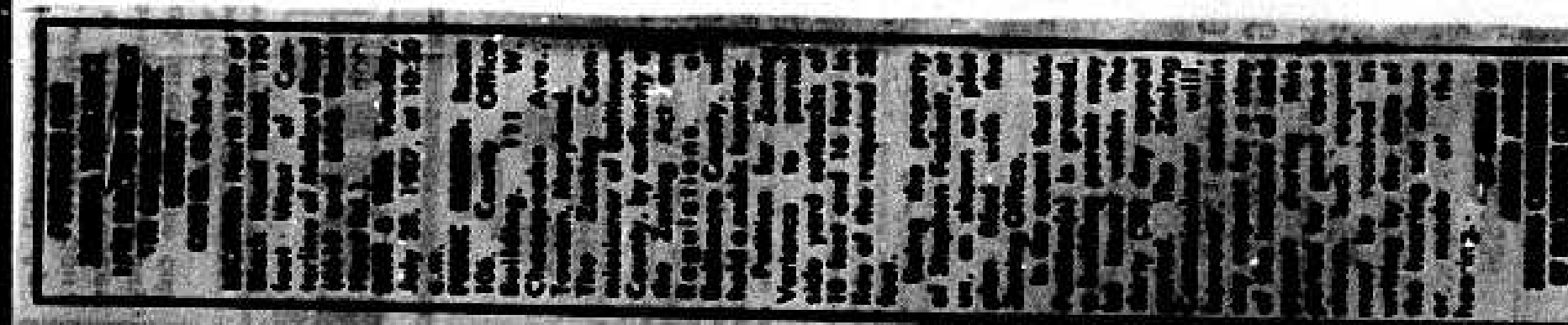
THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 37813
DATE 7/28/87 P-01-615-000
SIGN & POST RETURNED \$110.25
Mr. Stephen Fackett, 6618 Black Head Rd.,
Baltimore, Md. 21220
ADVERTISING & POSTING COSTS RE CASE #88-52-A
B 035600001102514 5266F

ORDER RECEIVED FOR FILING
Date 8/6/87
By [Signature]



CERTIFICATE OF PUBLICATION Office of THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

JULY 9 1987

THIS IS TO CERTIFY, that the annexed advertisement of
STEPHEN FACKETT, ET UX, 15th E.D.
To advertise FOR 89756 RE09 M03340
N/S BLACK HEAD RD., 170' W OF C/L OF
MALLARD RD. (6618 and 6616 BLACK HEAD RD)
HEARING: TUESDAY, JULY 28, 1987 at 10:20am
119 lines at \$59.50

was inserted in **The Avenue News** a weekly newspaper
published in Baltimore County, Maryland once a week for
successive week(s) before the 10th day of JULY 19 87
that is to say, the same was inserted in the issues of 7/09 19 87

The Avenue Inc.

per publisher

By *Diane F. Colwell*

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 5, 1987

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
July 9, 1987

THE JEFFERSONIAN,

Susan Sander O'Connell
Publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th
Posted for: Stephen Fackett, et ux
Petitioner: Stephen Fackett, et ux
Location of property: N/S Black Head Rd., 170' W of Mallard Rd.
6618 & 6616 Black Head Rd.
Location of sign: Existing Black Head Rd. across 10' E.D.
roadway, on property of Petitioner
Remarks:
Posted by: [Signature] Date of return: 7/29/87
Number of signs: 1

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
5th day of June, 1987.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Stephen Fackett, et ux
Petitioner's Attorney

Received by:

James E. Dyer, Inc.
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
Date: July 13, 1987
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Chesapeake Bay Critical Area Findings- Stephen Fackett,
et ux (88-52-A, Item 464)

In accordance with Section 8-1813 of the Chesapeake Bay Critical Law and the July 8, 1985 Opinion from the County attorney, it is hereby my "findings" that the proposed development will comply with the terms of Section 8-1813(a) for minimizing adverse impacts on water quality and protecting identified habitats, provided that the zoning petition is conditioned on compliance with the following requirements:

1. Five (5) major deciduous trees, or ten (10) conifers, or ten (10) minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 5,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet. Any existing trees that are to remain can be credited toward meeting these requirements.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over previous areas such as lawn to encourage maximum infiltration.

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

NEG/PJS/jew

cc: Robert W. Sheesley
Janice B. Duten
Tim Dugan
David Fields
Jim Hoswell
Tom Vidmar
People's Counsel

RECEIVED
JUL 13 1987
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: July 15, 1987
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 88-37-A, 88-41-A,
88-43-A, 88-52-A and 88-62-A

Please consider the Chesapeake Bay Critical Area Findings (see memo dated July 13, 1987, from Gerber to Jablon) to represent the position of this office.

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

NEG/JGH/sf

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1987

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

000

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

Mr. & Mrs. Stephen Fackett
6618 Black Head Road
Baltimore, Maryland 21220

RE: Item No. 464 - Case No. 88-52-A
Petitioner: Stephen Fackett, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Fackett:

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,

James E. Dyer, Inc.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bjs

Enclosures

cc: File

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

SEYMOUR K. MOORE
DIRECTOR
C. Richard Moore
Acting Director

June 10, 1987

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 452, 453, 454, 455, 456, 457, 458, 459, 461, 462, 464, 465, 466, 468, 451, 467, and 463.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY DEPARTMENT

RECEIVED
JUL 2 1987

ZONING OFFICE

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

Zoning Item # 464, Zoning Advisory Committee Meeting of May 19, 1987

Property Owner: Stephen Fackett

Location: N/S Blackhead Rd., 170' W of intersection of District 15

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any chaffronier operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other apparatuses pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

Zoning Item # 464 Zoning Advisory Committee Meeting of May 19, 1987
Page 2

- (X) Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- (X) Soil percolation tests (have been/are) conducted.
The results are valid until 4/28/90.
(X) Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____ is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others _____

Karen M. Murray
Bureau of Environmental Services

WWQ 2 4/86

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Retzke
Chief

May 26, 1987

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

Re: Property Owner: Stephen Fackett, et ux (critical area)

Location: N/S Blackhead Rd., 170' → W c/1 Mallard Road

Item No.: 464

Zoning Agenda: Meeting of 5/19/87

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.
- (X) 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: _____ Noted and Approved: _____
Planning Group
Special Inspection Division

/31