

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Poplar Avenue, 1077' +/- * ZONING COMMISSIONER
E of Shelbourne Road (1245 Poplar Avenue) * OF BALTIMORE COUNTY
13th Election District * Case No. 89-47-A
1st Councilmanic District
Timothy E. Farrell, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 8 feet in lieu of the required 10 feet for a proposed one-story screened porch addition, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September, 1988 that the Petition for Zoning

Variance to permit a side yard setback of 8 feet in lieu of the required 10 feet for a proposed one-story screened porch addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

September 6, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Timothy E. Farrell
1245 Poplar Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
S/S Poplar Avenue, 1077' +/- E of Shelbourne Road
(1245 Poplar Avenue)
13th Election District - 1st Councilmanic District
Case No. 89-47-A

Dear Mr. & Mrs. Farrell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-47-A
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 1802.3.C.1. To allow a side yard setback of 8 ft. in lieu of the required 10 ft.

Property is to be posted and advertised as prescribed by Zoning Regulations. Above Variance advertising, posting, etc. upon filing of this petition shall be bound by the zoning regulations and restrictions of the Zoning Law For Baltimore County.

To construct a one story screened porch on existing concrete pad (12' x 22' +/-) to provide sufficient space for family recreational activities. Porch to be enclosed with glass (or plastic) partitions of the year.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 5-21-88
AMOUNT: \$ 35.00
ACCOUNT: P-01-115-000
No. 52594
Legal Owner(s): Timothy E. Farrell
Signature: Timothy E. Farrell
Ruth E. Farrell
Signature: Ruth E. Farrell
Address: Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
City and State
Name
Address
Phone No.
Attorney's Telephone No.:
ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of JUNE 1988 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 108, County Office Building in Towson, Baltimore County, on the 30th day of AUG 1988 at 9 o'clock A.M.
ESTIMATED LENGTH OF HEARING: 1/2HR. +1HR.
AVAILABLE FOR HEARING: MON. / TUES. / WED. - REPT TWO MONTHS
ALL REVIEWED BY: J. Robert Haines
DATE: 5-21-88 (over)

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 4 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 4 1988.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

33.75

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed advertisement on August 30, 1988 at 9:00 A.M. in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petitioner: Timothy E. Farrell, et ux
Address: S/S Poplar Avenue, 1077' +/- E of Shelbourne Road (1245 Poplar Avenue) 13th Election District 1st Councilmanic District
Purpose: Variance to allow a side yard setback of 8 feet in lieu of the required 10 feet.
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 in writing and received in the office by the date of the hearing, set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
8009 Aug 4

Office of
PATUXENT
Publishing Company

10750 Line Patuxent Pkwy.
Columbia, MD 21046

August 15 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

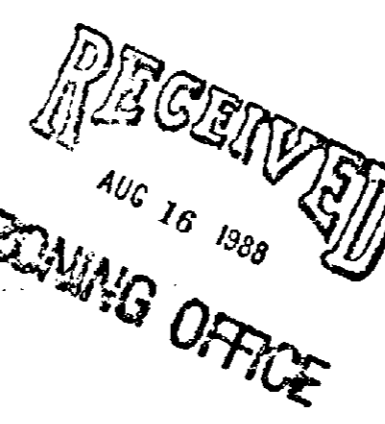
NOTICE OF HEARING

- was inserted in the following:
 Catonsville Times \$32.19 Booster Weekly
 Arbutus Times Owings Mills Flier
 Reporter Weekly Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for 1 successive weeks before the 4 day of August 19 88, that is to say, the same was inserted in the issues of

August 4, 1988

PATUXENT PUBLISHING COMPANY
By: [Signature]



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13
Posted for: [Signature]
Date of Posting: August 11, 1988
Petitioner: Timothy E. Farrell, et ux
Location of property: S/S Poplar Ave. 1077' +/- E of Shelbourne Road (1245 Poplar Ave.)
Location of Sign: On front of 1245 Poplar Ave.
Remarks:
Posted by: [Signature]
Date of return: August 15-88
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Date: 8/16/88



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Timothy E. Farrell
1245 Poplar Avenue
Baltimore, Maryland 21227

Re: Petition for Zoning Variance
CASE NUMBER: 89-47-A
55 Poplar Avenue, 1077' +/- E of Shelbourne Road
(1245 Poplar Avenue)
13th Election District - 1st Councilmanic
Petitioner(s): Timothy E. Farrell, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 30, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Farrell:

Please be advised that \$0.94 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 8/30/88
ACCOUNT: B-01-G15-000
AMOUNT: \$ 80.94
RECEIVED FROM: Timothy E. Farrell
FROM: Posting & Advertising
B 014*****004: a 3306F
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-5333

JUL 11 1988

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-47-A
55 Poplar Avenue, 1077' E of Shelbourne Road
(1245 Poplar Avenue)
13th Election District - 1st Councilmanic
Petitioner(s) Timothy E. Farrell, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 30, 1988 at 9:00 a.m.

Variance to allow a side yard setback of 8 feet in lieu of the required 10 feet.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Timothy Farrell, et ux
File

FILE NO. 75-157

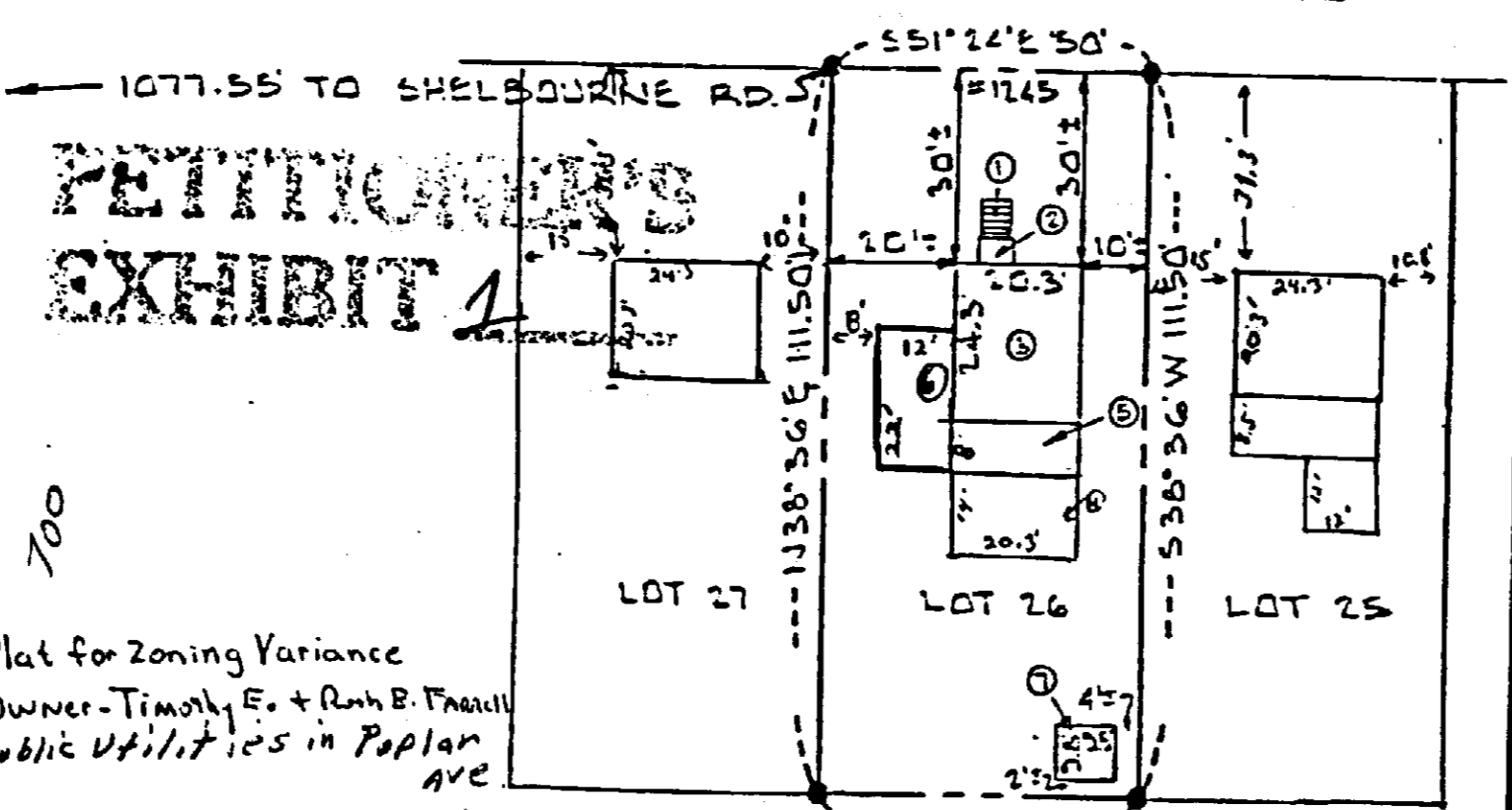
#433

THIS IS TO CLRTIFY THAT I HAVE LOCATED THE IMPROVEMENTS, ALL ELECTRIC LINES, GUY WIRES, TELEPHONE LINES, DRAINAGE DITCHES, SLOPES AND DRAINAGE SWALES AS SHOWN. THERE ARE NO SLOPES THAT SUPPORT ADJACENT GROUND.

Russell R. Hales
LAND SURVEYOR, L.I.C. NO. 8685 Updated 5/88 Red & Trace

POPLAR AVENUE

EDGE OF 26.0' MACADAM ROAD 7



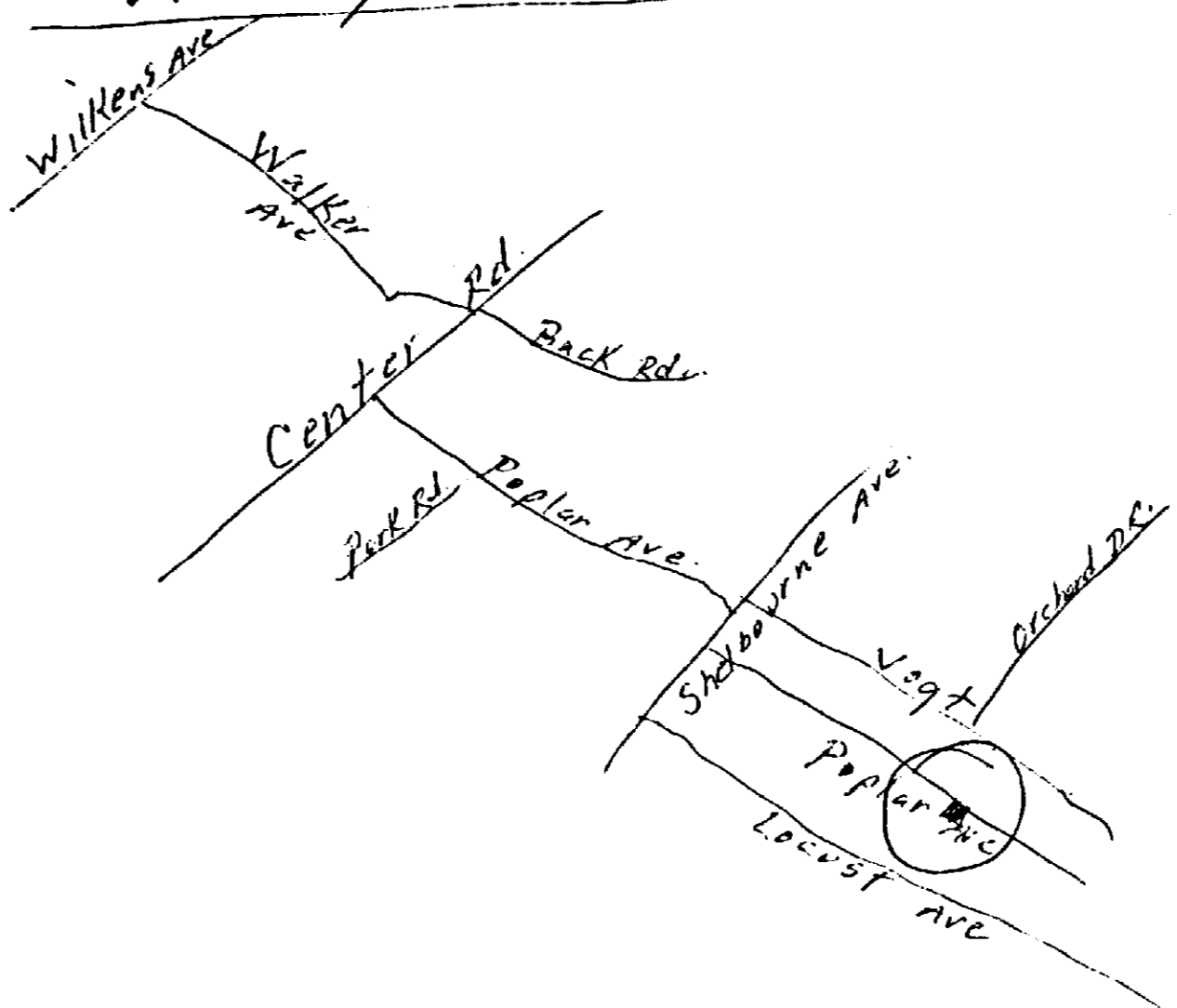
Plat for Zoning Variance
Owner: Timothy E. + Ruth E. Farrell
Public Utilities in Poplar Ave

Zone D.R. 5.5
PLAT BOOK 14, FOLIO 57.
Lot size 5575 sq. ft. 0.13 acres

5.5' x 126' CONG STEPS
5.7' x 1' CONG PORCH
2' x 2' SHINGLE
13' x 13' SHINGLE ADDITION
PROPOSED 1 STORY SHINGLE ADDITION
CENTRAL SHADE

HOUSE LOCATION PLAT FOR
#1245 POPLAR AVENUE
Plat after being filed
LOT 26 Zoning Review "POPLAR AVENUE - CONTINUED"
13 TH. ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 30'
DATE: MAY, 1975
TRUE NORTH SURVEYING SERVICES
BALTIMORE, MARYLAND 21229

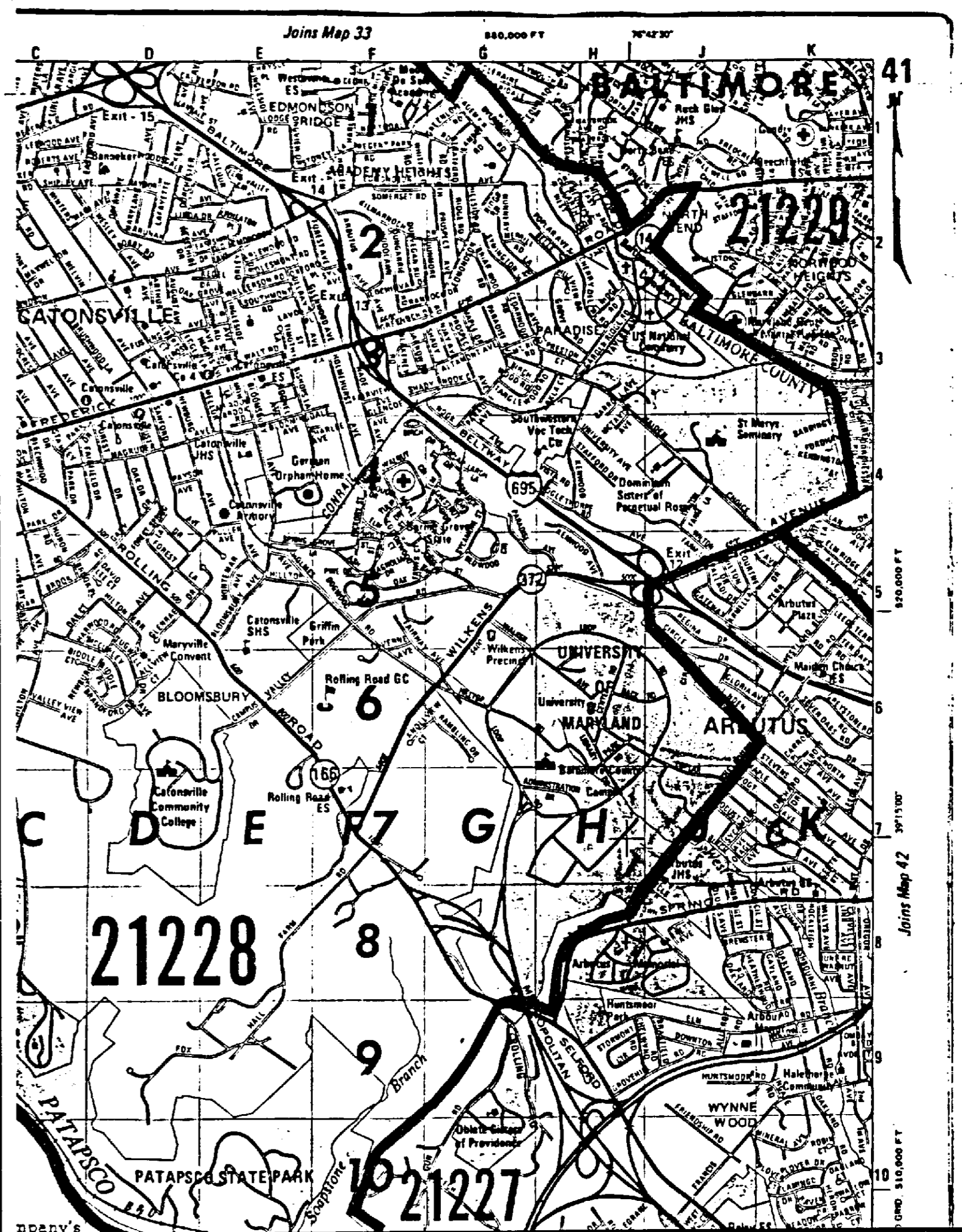
Vicinity Map



#433

SW 5D 2A

#433



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
Date: July 11, 1988
FROM: P. David Fields, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions #89-35-A, 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields, Director
Office of Planning and Zoning

PDF/jst
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 12 1988
ZONING OFFICE

cc: Mr. & Mrs. Timothy E. Farrell
7-12-88

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 18, 1988

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

Mr. & Mrs. Timothy E. Farrell
1245 Poplar Avenue
Baltimore, Maryland 21227

RE: Item No. 433 - Case No. 89-47-A
Petitioner: Timothy E. Farrell, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Farrell:
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
Chairman
Zoning Plans Advisory Committee

JED:dt

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

June 14, 1988

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Farrell, et ux
Location: S/S Poplar Avenue, 1077' +/- E of Shelbourne Road,
1245 Poplar Avenue
Item No.: 433 Zoning Agenda: 6/14/88

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 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: Capt. Joseph Kelly 6-14-88 Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

89-47-A

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 15th day of June, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Timothy E. Farrell, et ux Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee