

IN RE: PETITION FOR ZONING VARIANCE
 2 Glyndale Court, 213.53'
 W c/l of Glyndon Drive
 2 Glyndale Court
 4th Election District
 3rd Councilmanic District

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 90-187-A

Billy W. DeFoor, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1801.2.C.6. and 301.1 to permit a side yard setback of 5 feet in lieu of 11.25 feet for an open projection (deck) in accordance with Petitioners' Exhibit 1.

The Petitioner, Mr. Billie W. DeFoor, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, located at 2 Glyndale Court, Reisterstown, Maryland 21136, consist of .07 acres +/-, zoned D.R.3.5. and is improved with a single family dwelling.

Testimony indicated that the Petitioner desires to construct a 10 x 16 foot deck on the west side of his home. Testimony also indicated, that in view of the layout of the subject lot, the proposed location for the deck is the only practical placement of the deck on the subject lot.

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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of November, 1989 that the petition for a variance to permit a side yard setback of 5 feet in lieu of 11.25 feet for an open projection (deck), in accordance with Petitioners' Exhibit 1, be and it hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment.
- 3) Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner for Baltimore County

JRH:mm
 cc: Peoples Counsel

ORDER RECEIVED FOR FILING
 Date 12/1/89
 By M. Haines

ORDER RECEIVED FOR FILING
 Date 12/1/89
 By M. Haines

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-187-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 1801.2.C.6. & 301.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
To DECEASE a side yard setback of 5 feet in lieu of 11.25 feet for an open projection (deck)

MAP/INDEX
 10
 E. D. 4/4
 DATE 6-1-91
 300 BF
 AND BF
 G.

1. With my property being only 15.0 L.F., off of my house a zoning regulation of 11.5 L.F. will only allow me 3:5 L.F. of usable property.

See attached for 2 and 3.

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 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 owner, contract purchaser or representative to be contacted _____
 Name _____
 Address _____
 City and State _____
 Attorney's Telephone No.: _____
 Address _____
 Phone No. _____

ORDERED By the Zoning Commissioner of Baltimore County, this 21 day of Sept, 1989, 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 21 day of Oct, 1989, at 10:00 o'clock P.M.
J. Robert Haines
 Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1/2 HR. (over)
 AVAILABLE FOR HEARING
 MON./TUES./WED. - NEXT TWO MONTHS
 ALL OTHER DATE 28 Oct 89
 REVIEWED BY: CJM Correction Notice

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 27, 1989
 THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct 26, 1989.

OWINGS MILLS TIMES,
S. Zabe Olson
 Publisher

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 property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 on the following date:
 Petition for Zoning Variance Case Number: 90-187-A
 2 Glyndale Court, 213.53' W of Glyndon Drive
 4th Election District
 3rd Councilmanic District
 Petitioner(s): Billy W. DeFoor, et ux
 Hearing Date: Tuesday, Nov. 21, 1989 at 2:00 p.m.
 Variance to permit a side yard setback of 5 feet in lieu of 11.25 feet for an open projection (deck).
 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
 OCT1110274 OCT 28

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 27, 1989
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 26, 1989.

THE JEFFERSONIAN,
S. Zabe Olson
 Publisher

NOTICE OF HEARING
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 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 OCT1110274 OCT 28

2 Glyndale Court
 Reisterstown, MD 21136
 July 27, 1989

Zoning Commission
 Baltimore County Zoning
 Towson, Maryland 21204

Gentlemen:

I hereby offer the following additional information in support of my petition for a variance in the construction of a proposed deck adjacent to property at 16 Glyndale Court.

As shown on the attached plat (coordinates W-155750 & N-61000), the property located west of the property line of #16 Glyndale Court has, for a distance of 66.54 L.F., been dedicated to greenery. No building will be allowed in this area.

Granting of this variance will still allow 5.0 L.F. for a walkway on my property, and will in no way restrict any public use of this green area. As evidenced by a permit issued to the owner of property at 17, 19, & 24 Glouster Court for a similar deck, there can be no question of the good aesthetic value added to surrounding neighborhood.

Your favorable consideration for this variance is appreciated.

Very truly yours,
Billy W. DeFoor
 Billy and Judi DeFoor

2. Granting of the variances will in no way restrict the use of the other property owners. There will still be a 3.0 L.F. inside of my property line for an easement.
3. A five foot easement attached to my property adjacent to a 66.54 L.F. dedicated greenery will observe the spirit of the ordinance and public safety and welfare secured.

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

Mr. & Mrs. Billy W. DeFoor
 2 Glyndale Court
 Reisterstown, Maryland 21136

Re: Petition for Zoning Variance
 CASE NUMBER: 90-187-A
 US Glyndale Court, 213.53' W c/l Glyndon Drive
 2 Glyndale Court
 4th Election District - 3rd Councilmanic
 Petitioner(s): Billy W. DeFoor, et ux
 HEARING: TUESDAY, NOVEMBER 21, 1989 at 2:00 p.m.

Dear Mr. & Mrs. DeFoor:

Please be advised that \$ 76.12 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. YOU NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Baltimore County
 Zoning Commissioner
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21284

Date _____

Account: R-001-6150
 Number

No

375

90-157

Receipt

8 121*****961218 2215F
 Please make checks payable to this account.

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

October 13, 1989

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 property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

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 2 Glyndale Court
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NOTE:

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

Date of Posting November 1, 1989
 District 4th
 Posted for: Variance
 Petitioner: Billy W. DeFoor
 Location of property: 16 Glyndale Court, 213.53' W c/l Glyndon Drive
 District: 4th
 Location of Sign: In front of 2 Glyndale Court
 Remark: _____
 Posted by: S. J. Arata Date of return: November 2, 1989
 Number of Signs: 1

Nov. 21

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: November 3, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-187A
Billy DeFoor, Item 41

The Petitioner requests a Variance to permit a side yard setback of 5 feet in lieu of 11.25 feet for an open projection.

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
ZPVARIU

11/7/89 mailed late comments jwd

NOV 06 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989

ZONING OFFICE



Dennis F. Rasmussen
County Executive

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief



Dennis F. Rasmussen
County Executive

AUGUST 11, 1989

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

RE: Property Owner: BILLY W. DEFOOR
Location: 2 GLYNDALE COURT
Item No.: 41 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt Joseph Kelly 8-11-89* Noted and Approved *Capt Wm Bradley*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

AUG 16 1989