

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
NW/8 Merino Court, 170' SW of
the c/l of Owings Mills Blvd. * ZONING COMMISSIONER
(59 Merino Court) * OF BALTIMORE COUNTY
4th Election District * Case No. 91-143-A
3rd Councilmanic District *
David C. Prucnal, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard with a contiguous open area of 240 sq.ft. in lieu of the required minimum of 500 sq.ft. and to amend the 5th Amended Final Development Plan of Shepherds Glen, Lot 24, for an existing open deck, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of November, 1990 that the Petition for Residential Variance to permit a rear yard with a contiguous open area of 240 sq.ft. in lieu of the required minimum of 500 sq.ft. and to amend the 5th Amended Final Development Plan of Shepherds Glen, Lot 24, for an existing open deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 existing deck shall remain open on the three currently exposed sides. Further, there shall be no permanent roof attached to the subject deck.

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

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 21, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. David C. Prucnal
59 Merino Court
Owings Mills, Maryland 21117

RE: PETITION FOR RESIDENTIAL VARIANCE
NW/8 Merino Court, 170' SW of the c/l of Owings Mills Blvd.
(59 Merino Court)
4th Election District - 3rd Councilmanic District
David C. Prucnal, et ux - Petitioners
Case No. 91-143-A

Dear Mr. & Mrs. Prucnal:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential 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 887-3391.

Very truly yours,

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

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-143-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 59 Merino Ct.
Owings Mills, MD 21117
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

In order to comply with the applicable code,
the deck would have to be less than 100 square
feet in surface area. This would be too small
for practical use.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

David C. Prucnal
AFFIANT (Handwritten Signature)
Donna M. Prucnal
AFFIANT (Printed Name)
David C. Prucnal
AFFIANT (Printed Name)
Donna M. Prucnal
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donna & David Prucnal

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10-4-90
DATE

Christine A. Lindsey
NOTARY PUBLIC
My Commission Expires: 10/1/93

ZONING DESCRIPTION

91-143-A

Beginning at a point on the north side of Merino Court at a distance of 170 ft. west of the centerline of Owings Mills Blvd. which is 70 ft. wide. Being Lot #24, in the subdivision of Shepherds Glen as recorded in the fifth amended final development plan in Baltimore County Plat Book #58, Folio #59, containing 1600 square feet. Also known as 59 Merino Court and located in the #4 Election District.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3550

Date

10/05/90

HP100149

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00
LAST NAME OF OWNER: PRUCNAL		

04A04#0053M1CHRC \$60.00
BA C009736A#10-05-90
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 15, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. David C. Prucnal
59 Merino Court
Owings Mills, Maryland 21117

RE: CASE NUMBER: 91-143-A

ITEM NUMBER: 149

LOCATION: NW/8 Merino Court, 170' SW of c/l of Owings Mills Boulevard

59 Merino Court

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 24, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is November 8, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

PETITION FOR RESIDENTIAL VARIANCE

#149

91-143-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

304.2 (C.M.D.P., V.B.7) To allow a rear yard with a contiguous open area of 240 sq. ft. in lieu of the required 500 sq. ft. AND to amend the 5th Amended Final Development plan of Shepherds Glen

Lot No. 24 for same.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty)

In order to comply with the above code, the deck
have to be less than 100 square feet in surface
This would be too small for practical use.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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(s)

(Type or Print Name)

Signature

(Type or Print Name)

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

Mr. David C. Prucnal

(Type or Print Name)

Signature

Mrs. Donna M. Prucnal

(Type or Print Name)

Signature

59 Merino Ct. W. 379-9746

Owings Mills, MD 21117 H. 531-0531

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of Oct, 1990, that the subject matter of this petition be posted on the property on or before the 24th day of Oct, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED.

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of Oct, 1990, 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 the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 24th day of Oct, 1990, at 10:00 o'clock, a.m.

ORDERED FOR FILING
10-11-90
By *[Signature]*

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 7, 1990

Mr. & Mrs. David C. Prucnal
59 Merino Court
Owings Mills, MD 21117



Dennis F. Rasmussen
County Executive

RE: Item No. 149, Case No. 91-143-A
Petitioners: David C. Prucnal, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Prucnal:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

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



Your petition has been received and accepted for filing this
24th day of October, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Hynes
Chairman,
Zoning Plans Advisory Committee

Petitioner: David C. Prucnal, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 22, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: David C. Prucnal, Item No. 149

The Petitioner requests a Variance to all a rear yard with a
contiguous open area of 240 sq. ft. in lieu of the required 500 sq.
ft., and to amend the fifth Amended Final Development Plan of
Shepherd's Glen.

Should the Petitioner's request be granted, staff recommends
that a landscape buffer be provided to mitigate the impact of the
deck's setback.

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/cmm
ITEM149/ZAC1

Rec
10/25/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

OCTOBER 24, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: DAVID C. PRUCNAL

Location: #59 MERINO COURT

Item No.: 149 Zoning Agenda: OCTOBER 23, 1990

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. David W. 10-24-90* Noted and Approved *Captain W. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Rec
10/24/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 17, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF
PERMITS & LICENSES C.E.B.
SUBJECT: ZONING ITEM #: 149
PROPERTY OWNER: David C. Prucnal, et ux
LOCATION: NW/4 Merino Court, 170' SW of centerline
Owings Mills Boulevard (#59 Merino Court)
ELECTION DISTRICT:
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE
FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF
MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE
HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE
SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT
BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.
SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE
REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING
USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND
ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE
TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0
COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - SEE ATTACHED MEMO #:

PERMITS MAY BE APPLIED FOR 9 ROOM 100, 111 WEST CHESAPEAKE AVENUE,
TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A
FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE
SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for October 23, 1990

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 136, 144, 146, 149 and 150.

For Items 140 and 145, County Review Group Meetings may
be required.

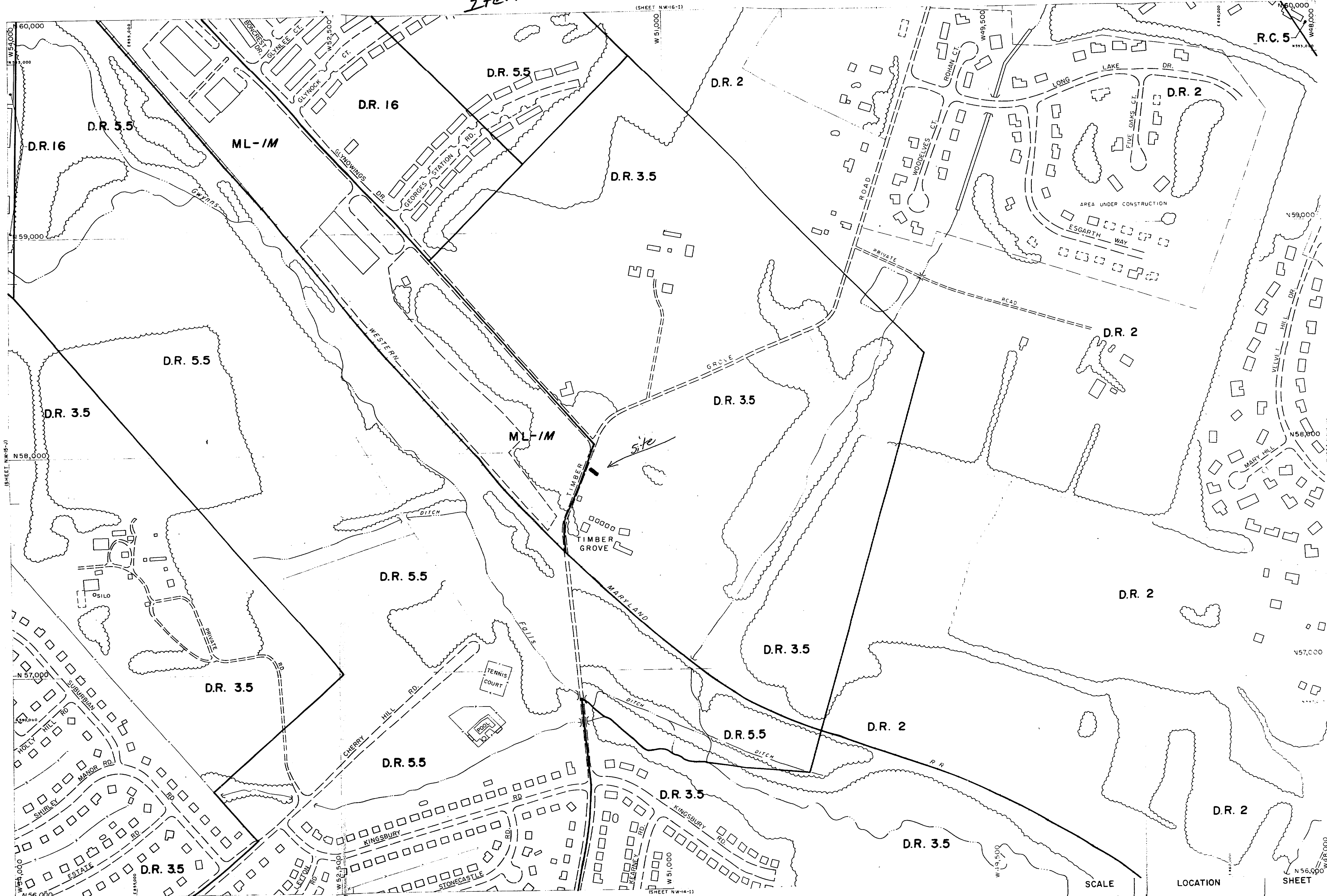
Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing
PROPERTY ADDRESS: 59 Merino Court
Subdivision name: *Shepherd's Glen*
plat book # *58*, folio # *51*, lot # *24*, section #
OWNER: *David & Donna Prucnal*
see pages 5 & 6 of the CHECKLIST for additional required information
Petitioner's Exhibit 1
91-143-A
North
date: *10/4/90*
prepared by: *DCP* Scale of Drawing: 1" = 30'
LOCATION INFORMATION
Councilmanic District: #3
Election District: #A
1"=200' scale map: NW-15E
Zoning: DR-3.5
Lot size: 0.037 acreage 1600 square feet
SEWER: ☒ WATER: ☒ CHESAPEAKE BAY CRITICAL AREA: ☒
Prior Zoning Hearings: NONE
Zoning Office USE ONLY!
reviewed by: *JA* ITEM #: 149 CASE#:

Rec 10/23/90
Rec

Item #149



T - NW
W - SW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 12, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
[Signature]
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TIMBER GROVE

N.W.
15-1
SHEET

91-143-A