

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S of Bayville Road, W of the
C/L of Nollmeyer Road
(3840 Bayville Road)
15th Election District
5th Councilmanic District
Sean K. McFaul, et ux
Petitioners
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-226-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 22.5 feet for an enclosed porch in lieu of the minimum required 30 feet, 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 1st day of Feb, 1991 that the Petition for Residential Variance to permit a rear yard setback of 22.5 feet for an enclosed porch in lieu of the minimum required 30 feet, 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) Petitioner shall not allow or cause the proposed porch addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

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

ORDER RECEIVED FOR FILING
Date 1/19/91
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 1, 1991

Mr. & Mrs. Sean K. McFaul
3840 Bayville Road
Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Bayville Road, W of the C/L of Nollmeyer Road
(3840 Bayville Road)
15th Election District - 5th Councilmanic District
Sean K. McFaul, et ux - Petitioners
Case No. 91-226-A

Dear Mr. & Mrs. McFaul:

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

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 3840 Bayville Road, Balto, MD 21220
(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)

(see attached) 1) to build a porch onto an existing concrete pad, similar to 3 out of 5 of our immediate neighbor's porches, which will,
2) increase the value of our property.

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.

Sean K. McFaul
AFFIANT (Handwritten Signature)
Sean K. McFaul
AFFIANT (Printed Name)

Robin A. McFaul
AFFIANT (Handwritten Signature)
Robin A. McFaul
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of November, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Sean K. McFaul and Robin A. McFaul

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 knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE 1/27/91

Wanda A. Alschine
NOTARY PUBLIC
1/19/91
My Commission Expires:

PROPERTY DESCRIPTION

Beginning at a point on the north side of Bayville Road which is 50 feet wide at the distance of 117.75 feet west of the centerline of the nearest improved intersecting street, Nollmeyer Road, which is 70 feet wide. Being lot # 17, block H, section # 3, in the subdivision of Carrollwood as recorded in Baltimore County Plat Book # 31, Folio # 41, containing 0.1632 acres also known as 3840 Bayville Road and located in the 15th election district.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 1st Date of Posting 1/19/91
Posted for: Residential Variance
Petitioner: Sean K. McFaul et ux
Location of property: N/S Bayville Rd, W/E of Nollmeyer Rd
3840 Bayville Rd
Location of Sign: Bayville Rd, near Nollmeyer Rd
on property of Petitioner
Remarks: [Signature]
Posted by: [Signature] Date of return: 1/29/91
Number of Signs: 1

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

Account: R-001-6150
Number

receipt

12-7-90

Date 12-7-90

Sean K. McFaul
3840 Bayville Rd
Balto, MD 21220

Residential Variance filing fee (admin. cost) \$ 35.00
Sign 25.00
Total \$ 60.00

Please Make Checks Payable To: Baltimore County
Cashier Validation

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

Account: R-001-6150
Number

receipt

Date

Please Make Checks Payable To: Baltimore County
Cashier Validation

PETITION FOR RESIDENTIAL 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, petition for a Variance from Section

1802.3.B (21.4) To allow a rear yard setback of 22 1/2 feet for enclosed porch

in lieu of the minimum required 30 feet.

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

(see attached) 1) to build a porch onto an existing concrete pad similar to 3 out of 5 of our immediate neighbor's porches, which will,
2) increase the value of our property.

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, 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 owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

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 7th day of Dec, 1990, that the subject matter of this petition be posted on the property on or before the 26th day of Dec, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

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

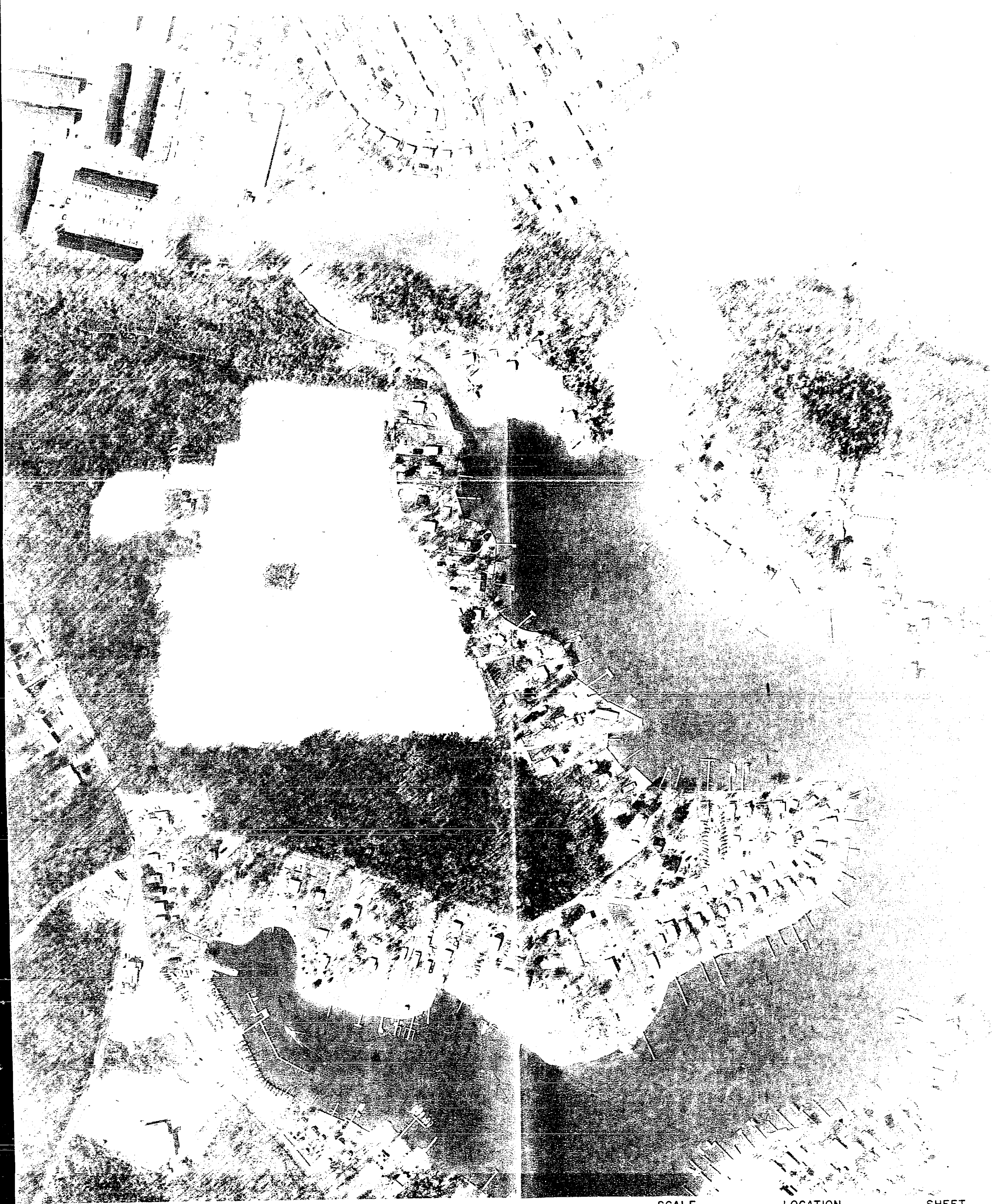
IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, 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 _____ day of _____, 19____, at _____ o'clock, _____.

ORDER RECEIVED FOR FILING

Date 1/19/91

By [Signature]

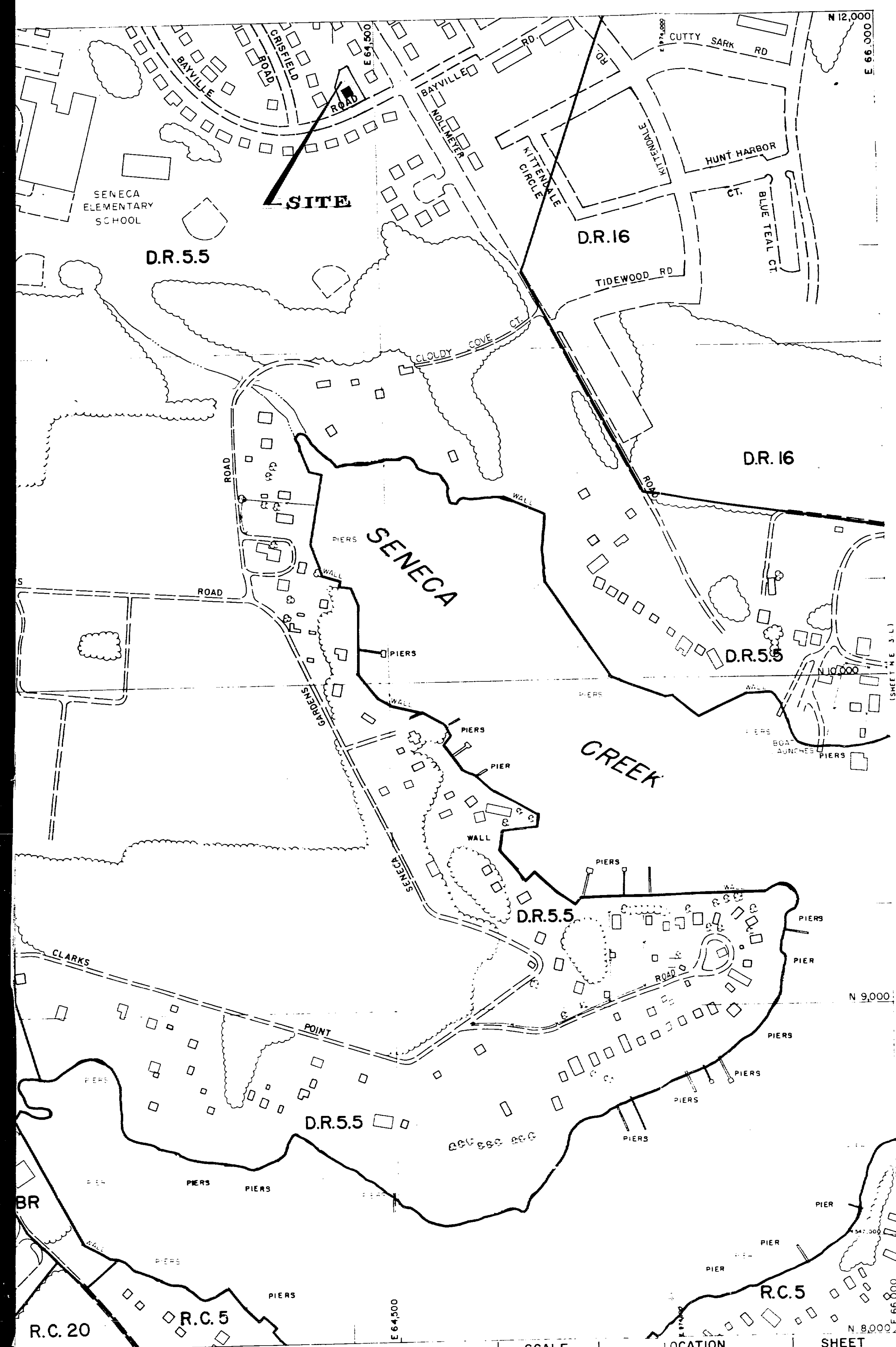
ZONING COMMISSIONER OF BALTIMORE COUNTY



IMORE COUNTY PLANNING AND ZONING OGRAPHIC MAP

Item #235
91-226-A

SCALE	LOCATION	SHEET
1" = 200' ±	BOWLEYS QUARTERS	N E 3-K
DATE OF PHOTOGRAPHY JANUARY 1986		



NTY ND ZONING G MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BOWLEYS QUARTERS	N E 3-K
DATE OF PHOTOGRAPHY JANUARY 1986		

Item #235
91-226-A