

RECEIVED FOR FILING
11/28/90

The Petitioners herein request a variance from the setback of 40 feet in lieu of the required 10 feet for an existing open carport, a side yard setback of 16 feet in lieu of the required 30 feet for a proposed addition, and a sum of the side yard setbacks of 26 feet in lieu of the required 45 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 22-26 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.

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...requested should be granted.

...by the Zoning Commissioner for Baltimore County, Maryland, on November 1, 1991 that the Petition for Residential Variance from Section 1802.3.8 (202.3) to allow side yard setbacks of 10 feet in lieu of the required 30 feet, a side yard setback of 16 feet in lieu of the required 45 feet, and a sum of the side yard setbacks of 26 feet in lieu of the required 45 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) The relief granted herein is limited to an existing open carport and proposed one story addition in accordance with Petitioner's Exhibit 1. The subject carport shall not be enclosed and shall remain open on the three exposed sides.
- 3) Petitioners shall not allow or cause the subject carport or proposed addition to be converted to a second dwelling unit and/or apartments. There shall be no electric provided to the carport and no kitchen facilities in the proposed addition.
- 4) 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.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Robert Haines
ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 5, 1991

Mr. & Mrs. Barry Mogol
16 Halcyon Court
Baltimore, Maryland 21208

RE: PETITION FOR RESIDENTIAL VARIANCE
NE/S Halcyon Court, 825.8' E of the c/l of Halcyon Road
(16 Halcyon Court)
3rd Election District - 2nd Councilmanic District
Barry Mogol, et ux - Petitioners
Case No. 91-267-A

Dear Mr. & Mrs. Mogol:

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 Redcliffe at 887-3391.

Very truly yours,
Robert Haines
ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel
File

262
91-267-A

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 1802.3.8 (202.3) To allow side yard setbacks of 10 ft. (for an open carport), 16 ft. (for an addition) & a sum of side yard setbacks of 26 ft. in lieu of the required 15 ft., 30 ft., & 45 ft. respectively.

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 mechanical equipment which cannot functionally be relocated. 2 In order to provide proper on site drainage in accordance with building codes. 3 In order to provide an aesthetic compliment to the neighboring properties as well as the owners. 4 In order to maximize the value of the property to the owner and neighbors.

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: _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
(Type or Print Name)

City/State/Zip Code: _____
Attorney for Petitioner: _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
(Type or Print Name)

City/State/Zip Code: _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
*BARBARA T. BROWNIE, RECHUTE 1
914 PENNSYLVANIA AVE. BALDUIN, MD 20704*

ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of Dec, 1990, that the subject matter of this petition be posted on _____ property on or before the 10th day of Jan, 1991.

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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ORDER RECEIVED FOR FILING
Date 11/28/90
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-267-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 _____
16 Halcyon Court Baltimore, Maryland 21208
(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)
1 Location of existing mechanical equipment which cannot functionally be relocated. 2 In order to provide proper on site drainage in accordance with building codes. 3 In order to provide an aesthetic compliment to the neighboring properties as well as the owners. 4 In order to maximize the value of the property to the owner and neighbors.

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.

Barry Mogol
AFFIANT (Handwritten Signature)
Barry Mogol
AFFIANT (Printed Name)

Linda Mogol
AFFIANT (Handwritten Signature)
Linda Mogol
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 28 day of NOVEMBER, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared BARRY MOGOL AND LINDA MOGOL

the Affiant(s) hereto, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the 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.
William D. Macgill
Notary Public
DATE 11/28/90
By Commission Expires: 10/1/93

262

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-267-A

District: 3rd Date of Posting: January 18, 1991

Posted for: Barry Mogol

Petitioner: Barry Mogol

Location of property: 16 Halcyon Court, 825.8' E of c/l of Halcyon Road

Location of Sign: on front of 16 Halcyon Court

Remarks: _____

Posted by: [Signature] Date of return: January 25, 1991

Number of Signs: _____

ZONING DESCRIPTION

Beginning at a point on the northeast side of Halcyon Court which is 100 feet wide at a distance of 825.8 feet east of the centerline of the nearest improved intersecting street Halcyon Road which is 120 feet wide. *Being lot# 10, Block _____, Section 10-D in Dunmore estates, as recorded in the Baltimore County Plat book #25, Folio #52, containing 36400 square feet of area. Also known as #16 Halcyon Court in the Third election district.

receipt

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 11, 1991

Barry and Linda Mogol
16 Halcyon Court
Baltimore, Maryland 21208

Re: CASE NUMBER: 91-267-A
LOCATION: 16 Halcyon Court, 825.8' E of c/l of Halcyon Road
16 Halcyon Road

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 receipt regarding the administrative process.

1) Your property will be posted on or before January 16, 1991. The last date (closing date) on which a petition may file a formal request for hearing is January 31, 1991. 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 are 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.

PLEASE REFER TO THE DATE AFTER THE POSTING PERIOD.
IF YOU HAVE A PUBLIC HEARING, THE FILE MUST GO THROUGH FINAL REVIEW AND THE ZONING COMMISSIONER'S DECISION. WHEN THE ORDER IS ISSUED, IT WILL BE MAILED TO YOU VIA FIRST CLASS MAIL.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 11, 1991

Barry and Linda Mogol
16 Halcyon Court
Baltimore, Maryland 21208

Re: CASE NUMBER: 91-267-A
LOCATION: 16 Halcyon Court, 825.8' E of c/l of Halcyon Road
16 Halcyon Road

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PLEASE REFER TO THE DATE AFTER THE POSTING PERIOD.
IF YOU HAVE A PUBLIC HEARING, THE FILE MUST GO THROUGH FINAL REVIEW AND THE ZONING COMMISSIONER'S DECISION. WHEN THE ORDER IS ISSUED, IT WILL BE MAILED TO YOU VIA FIRST CLASS MAIL.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

February 13, 1991

Mr. & Mrs. Barry Mogol
16 Halcyon Court
Baltimore, MD 21208

RE: Item No. 262, Case No. 91-267-A
Petitioner: Barry Mogol, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Mogol:

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 Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

Your petition has been received and accepted for filing this 4th day of January, 1990.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Barry Mogol, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: January 25, 1991
Zoning Commissioner

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

SUBJECT: Albert Jones, Item No. 245
Michael Homsey, III, Item No. 246
Roy A. Mansfield, Item No. 260
Barry Mogol, Item No. 262
Pat Guzman, Item No. 271
Matthew S. Duerksen, Item No. 266
Howard B. Myers, Item No. 270

In reference to the above-mentioned cases, staff offers no comments.

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
ITEMVARI.ED/ZAC1

received
1/28/91

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21284-5500

JANUARY 14, 1991

(301) 887-4500

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: FARRY MOGOL
Location: #16 HALCYON COURT
Item No.: 262 Zoning Agenda: JANUARY 14, 1991
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.

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", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* 1-14-91 Noted and Approved
Planning Review Fire Prevention Bureau
Special Inspection Division

JK/REK

received
1/14/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 245, 246, 262, 267, 271 and 270.

For Item 265, a County Review Group Meeting may be required.

For Item 260, this site must be submitted through the minor subdivision process for review and comments.

For Item 263, the site is subject to the minor subdivision process for review and comments.

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

RWB:c

Plan to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 16 HALCYON CT

Subdivision name: 100 MORE ESTATES
plat books 25 follow SE lot # 10 sections B

OWNER: BARRY & MRS. MOGOL

Petitioner's Exhibit 1

Scale of Drawing: 1" = 50'

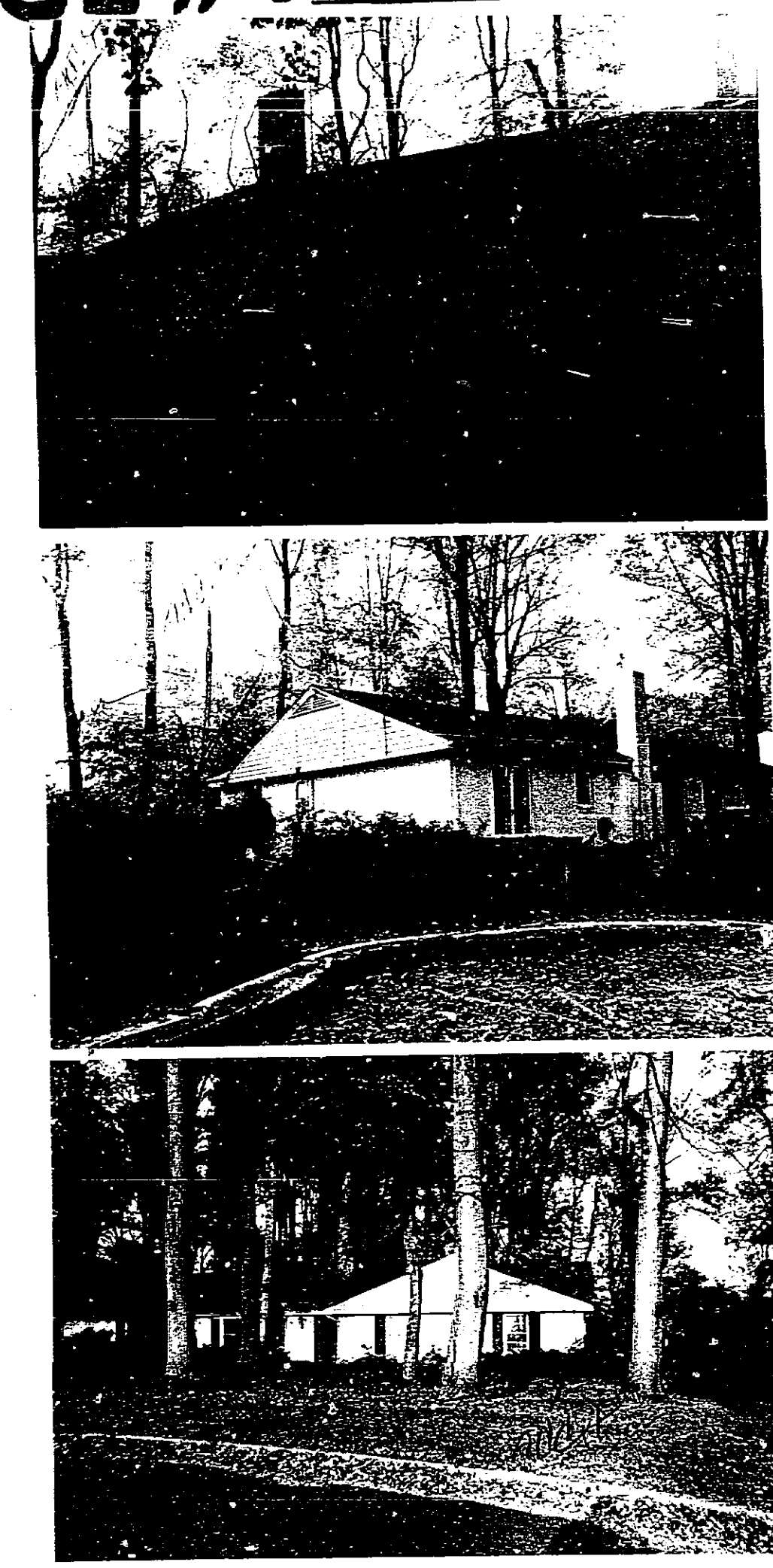
North
date: 1/25/91
prepared by: STT

LOCATION INFORMATION
Councilmanic District: 2
Election District: 4
1"=200' scale map: 100
Zoning: R-1
Lot size: 2.5 acreage 10,890 square feet

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearings: None

Zoning Office USE ONLY!
reviewed by: ITEM #: 262 CASE #: 91-267-A

CASE #: 91-267-A



PETITIONER'S EXHIBIT #2



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	91-267-A	N.W.
DATE OF PHOTOGRAPHY	ROCKLAND	10-D
JANUARY		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401