

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
 E/S Magnolia Avenue, 87' S of
 Hazel Avenue
 (1729 Magnolia Avenue)
 13th Election District
 1st Councilmanic District
 * DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 92-7-A
 M. Bruce Walker and
 Shiril K. Sanders -
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6" in lieu of the minimum required 22.5 feet for a proposed 22' x 14' 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 26-127 (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 Deputy 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.

ORDER RECEIVED FOR FILING
 Date 8/19/91
 By [Signature]

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 Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1991 that the Petition for Residential Variance from Sections 1B02.3.C.1 and 301.1 of the B.C.Z.R. to permit a rear yard setback of 6" in lieu of the minimum required 22.5' for a proposed 22' x 14' 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.

[Signature]
 TIMOTHY M. KOTROCCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
 Date 8/19/91
 By [Signature]

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 1B02.3.C.1 and 301.1 To permit a back yard setback, that would allow enough room for the construction of a 22 x 14 x 4' high deck, in lieu of the required 22.5'

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

The irregular shape of the back lot resulting from the conveyance of a portion of the original property from the original owners to the State Road Commission. The subsequent altered property line and setback restrictions does not enable the current owners to make practical use or reasonable alterations to the back yard or back of the house.

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

I, or we, agree to pay expense 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) MR. M. BRUCE WALKER
 Signature [Signature]
 Address 1729 MAGNOLIA AVE.
 City/State/Zip Code RELAY, MD 21227 333-3225

Legal Owner(s):
 (Type or Print Name) MR. M. BRUCE WALKER
 Signature [Signature]
 Address 1729 MAGNOLIA AVE.
 City/State/Zip Code RELAY, MD 21227 333-3225

Attorney for Petitioner:
 (Type or Print Name) [Blank]
 Signature [Blank]
 Address [Blank]
 Attorney's telephone number [Blank]

ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of August, 1991, that the subject matter of this petition be posted on or before the 24th day of August, 1991.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of August, 1991, 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 109, County Office Building in Towson, Baltimore County, on the 26th day of August, 1991, at 10:00 o'clock, a.m.

ORDER RECEIVED FOR FILING
 Date 8/19/91
 By [Signature]

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/was competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at 1729 MAGNOLIA AVENUE
 RELAY, MARYLAND 21227
 (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)

The irregular shape of the back lot resulting from the conveyance of a portion of the original property from the original owners to the State Road Commission. The subsequent altered property line and setback restrictions does not enable the current owners to make practical use or reasonable alterations to the back yard or back of the house.

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.

[Signatures]
 AFFIANT (Handwritten Signature) MR. M. BRUCE WALKER
 AFFIANT (Printed Name) BRUCE WALKER
 AFFIANT (Handwritten Signature) SHIRIL K. SANDERS
 AFFIANT (Printed Name) SHIRIL SANDERS

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of August, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Bruce Walker & Shiril Sanders

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.
 [Signature]
 NOTARY PUBLIC
 My Commission Expires: 1/1/92

Zoning Description

Beginning at a point on the south side of Magnolia Ave which is 50 ft wide at the distance of 87.5 ft south of the centerline of the nearest improved intersecting street Hazel Avenue which is 50 ft wide. *Being Lot(s) #94, 95, 96 per State Roads Commission Plat No. 39822, in the subdivision of Cedar Heights as recorded in Baltimore County Plat Book #1, Folio #62, containing 12,632 square feet or .029 acres. Also known as 1729 Magnolia Avenue and located in the 13th Election District, 1st Councilmanic District.

92-7-A

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

August 19, 1991

Mr. M. Bruce Walker
 Ms. Shiril K. Sanders
 1729 Magnolia Avenue
 Baltimore, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE
 E/S Magnolia Avenue, 87' S of Hazel Avenue
 (1729 Magnolia Avenue)
 13th Election District - 1st Councilmanic District
 M. Bruce Walker and Shiril K. Sanders - Petitioners
 Case No. 92-7-A

Dear Mr. Walker & Ms. Sanders:

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,
 [Signature]
 TIMOTHY M. KOTROCCO
 Deputy Zoning Commissioner
 for Baltimore County

TWK:bjs
 cc: People's Counsel
 File

505

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1729 MAGNOLIA AVENUE
 Subdivision name: CEDAR HEIGHTS
 and book 62, page 62, Joseph A. Spangher
 1729
 OWNER: BRUCE WALKER & SHIRIL SANDERS

Scale of Drawing: 1" = 20'

North

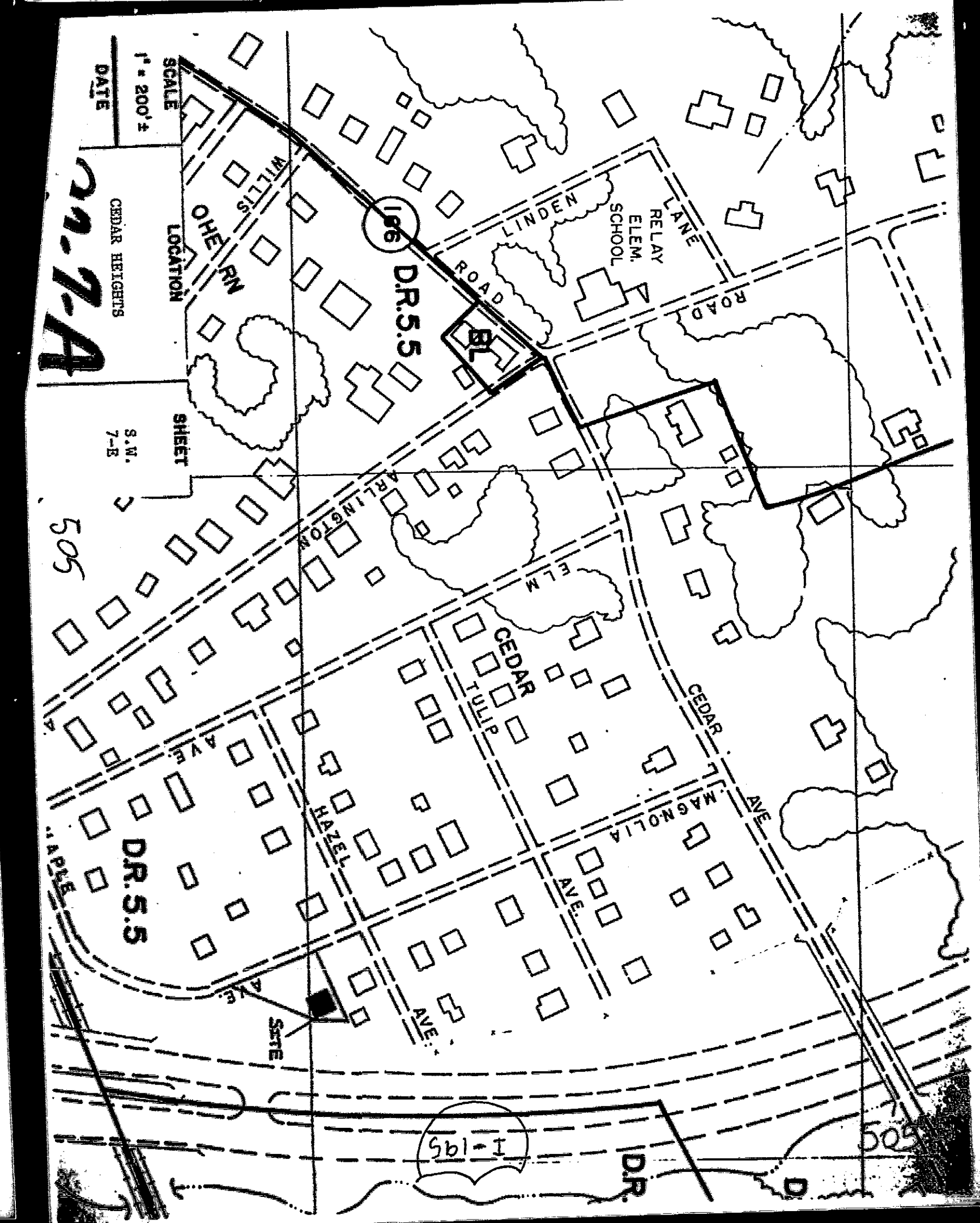
dated: 8/19/91

Prepared by: [Signature]

Map showing property boundaries, setbacks, and surrounding streets (Magnolia Avenue, Cedar Avenue, etc.).

LOCATION INFORMATION
 Councilmanic District: 1
 Election District: 13
 Zoning: D.R.-5.5
 Lot Area: 12,632 sq. ft.
 Lot Area: 12,632 sq. ft.
 Lot Area: 12,632 sq. ft.

Zoning Office USE ONLY
 reviewed by: [Signature]
 Date: 8/19/91



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

August 14, 1991

Mr. and Mrs. Curtis L. King,
2405 Edgewood Avenue
Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance
Case No. 92-6-A

Dear Mr. and Mrs. King:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel
cc: Nicholas Commodari

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
August 5, 1991
887-3353

Mr. M. Bruce Walker
1729 Magnolia Avenue
Reley, MD 21227

RE: Item No. 505, Case No. 92-7-A
Petitioner: M. Bruce Walker, et al
Petition for Residential Variance

Dear Mr. Walker:

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
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
13th day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: M. Bruce Walker, et al
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director DATE: August 1, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowlin, P.E.
RE: Zoning Advisory Committee Meeting
For July 30, 1991

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for items 505, 3, 7, 9, 10, 17, 18, 19, 21, 22, 25, 27, 29 and 31.

For Item 20, the extension of public water, sewer and paving may be required. Prior to issuance of a building permit for this lot.

For Item 18, the previous County Review Group comments are still applicable.

Robert W. Bowlin
ROBERT W. BOWLIN, P.E., Chief
Developers Engineering Division

RWB

92-7-A 8-12 859-92
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
August 15, 1991
TO: ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 505
PROPERTY OWNER: M. Bruce Walker, et ux
E/S Magnolia Ave, 87' S of Hazel Avenue
LOCATION: (#1729 Magnolia Avenue)
ELECTION DISTRICT: 13th
COUNCILMANIC DISTRICT: 1st
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 05.02.02, 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.
() 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 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
() OTHER -
PERMITS MAY BE APPLIED FOR @ 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: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

8-12-91 92-7-A
BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND
Date: August 30, 1991
TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z. A. C. Comments
Z. A. C. MEETING DATE: July 30, 1991
This office has no comments for item numbers 505, 3, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30 and 31.
Rahee J. Famili
Rahee J. Famili
Traffic Engineer II
RJF:bza
Rec'd 9/4/91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
July 1, 1991
M. Bruce Walker
Shirl K. Sanders
1729 Magnolia Avenue
Reley, MD 21227
RE: Petition Filed in Zoning Office
Item Number 505
Dear Petitioner:
This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of July 9, 1991. According to our records, this Petition was filed on June 24, 1991 with Laurence J. Goetz.
In order for this Petition to be placed on the next agenda, you must contact Mr. Goetz at 887-3391 to rectify the problem.
Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner
JRH:scj

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director DATE: August 16, 1991
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Walker Property, Item No. 505 ✓
Parsons Property, Item No. 9
Donovan Property, Item No. 10
Wolf Property, Item No. 17
Pearson Property, Item No. 19
Stifler Property, Item No. 22
Felts Property, Item No. 24
Melchor Property, Item No. 25
Faulkner Property, Item No. 27
McJilton Property, Item No. 32
Horne Property, Item No. 33
Elsnic Property, Item No. 38
Mugrage Property, Item No. 39
Copeland Property, Item No. 42
Eckert Property, Item No. 44
Hartel Property, Item No. 50
Gimbel/Gaffney Property, Item No. 51
In reference to the Petitioners' requests, 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/pat
NUMEROUS.ITM/ZAC1

92-7-A

8/14/91

To Hearing Officer

Applicant would like building permit as soon as possible. They have a deadline of Aug 26th with contractor to start work and will lose \$600 in late fees if not able to start on that day.

Sign was posted earlier than stated in letter (July 27th instead of August 8th) per certification of posting. Closing date on sign was changed from Aug 19th to August 12th (and was up 16 days) to allow commission time to review case, write order, and for applicant to secure building permit by 8/16.

Sign was returned 8-13-91.

Larry Goez
Blumer

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

July 23, 1991

887-3353

W. Bruce Walker and Shirli K. Sanders
1729 Magnolia Drive
Relay, Maryland 21227

COPY

Re: CASE NUMBER: 92-7-A
LOCATION: 875 Magnolia Avenue, 87' S of Hamal Avenue
1729 Magnolia Avenue

Dear Petitioner(s):

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

- Your property will be posted on or before August 9, 1991. The closing date is August 19, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).
- Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

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,

J. Stephen
(301) 267-3391

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

Account: R-001-6150
Number



Date

RECEIVED

PLEASE MAKE CHECKS PAYABLE TO: Baltimore County
92-7-A

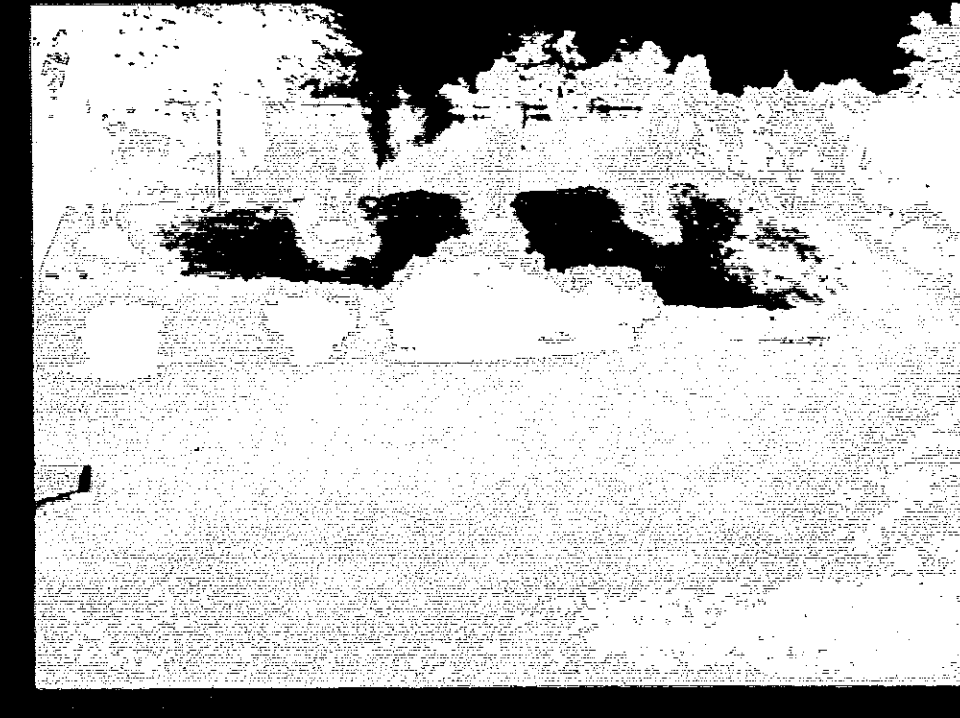
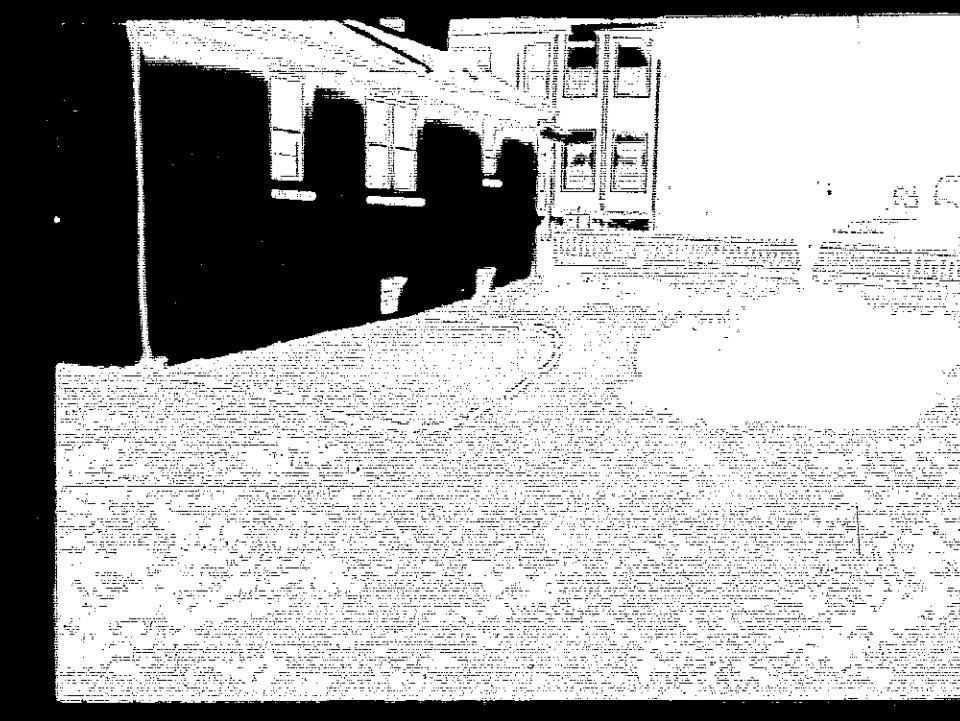
CASE NUMBER **92-7-A**

PETITIONER'S EXHIBIT #

CASE NUMBER **92-7-A**

PETITIONER'S EXHIBIT #


SCALE 1" = 200' ±	LOCATION RELAY	SHEET S.W. 7-E
DATE OF PHOTOGRAPHY JANUARY 1986	92-7-A	505

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: July 27, 91

Posted for: Residential Variance

Petitioner: Mr. Bruce Walker et al.

Location of property: E. S. of Magnolia Avenue, 87' South of
Hamal Avenue (1729 Magnolia Avenue)

Location of Sign: Sign posted at 1729 Magnolia Avenue

Remarks:

Posted by: L.D. Brite Date of return: 8-2-91

Number of Signs: 1