

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 5/8 Bray Court, 325' S of the
 2/1 of Rockwell Avenue
 (S. Bray Court)
 1st Election District
 The Councilmanic District
 Carl M. Pearson, et al.
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1801.2.2.1 (V.B.S.A.), C.M.D.P.) and 504 (V.B.S.A., C.M.D.P.) to permit a window and building to property line setback of 25 feet each in lieu of the required 35 feet and 30 feet, respectively, and to amend the partial development plan of Daum Property, Section 2, for a proposed addition, 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 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 Section 22-11(d) of the Baltimore County Code, Petitioner has also submitted a resolution from the Baltimore County Council, dated August 6, 1992, which indicates that the filing of the subject variance does not contravene the public welfare and is therefore authorized.

Pursuant to the petition 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 25th day of August, 1992 that the Petition for Residential Variance from Sections 1801.2.2.1 (V.B.S.A., C.M.D.P.) and 504 (V.B.S.A., C.M.D.P.) to permit a window and building to property line setback of 25 feet each in lieu of the required 35 feet and 30 feet, respectively, and to amend the partial development plan of Daum Property, Section 2, for a proposed addition, 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 is reversed. 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.

ORDER RECORDED IN BOOK 1992-19

Carl M. Pearson
 Zoning Commissioner
 for Baltimore County

JRH:bjj

PETITION FOR RESIDENTIAL VARIANCE #19
 92-12-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 the following:

SECTION 1801.2.2.1 (V.B.S.A., C.M.D.P.) AND 504 (V.B.S.A., C.M.D.P.) TO PERMIT A 25' WINDOW AND BUILDING TO TRACT BOUNDARY SET BACK IN LIEU OF 35' AND 30', RESPECTIVELY, TO AMEND THE PARTIAL DEVELOPMENT PLAN OF DAUM PROPERTY, SECTION 2.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

- 1) GROWING FAMILY NEEDS REQUIRING GREATER LIVING AREA.
- 2) MAKING USE OF OTHERWISE UNUSABLE BACK YARD.

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

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

MR. CARL M. PEARSON

(Type or Print Name)

Carl M. Pearson

Signature

MRS. JOAN A. PEARSON

(Type or Print Name)

Joan A. Pearson

Signature

W. 887-3540

5 BRAY COURT H. 747-6050

Address

CATONSVILLE, MD 21228

City/State/Zip Code

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

MRS. JOAN A. PEARSON

Name

5 BRAY CT CATONSVILLE 887-3540

Address

MD 21228

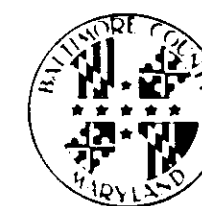
City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR HELD 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 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.

REVIEWED BY: _____ DATE: _____



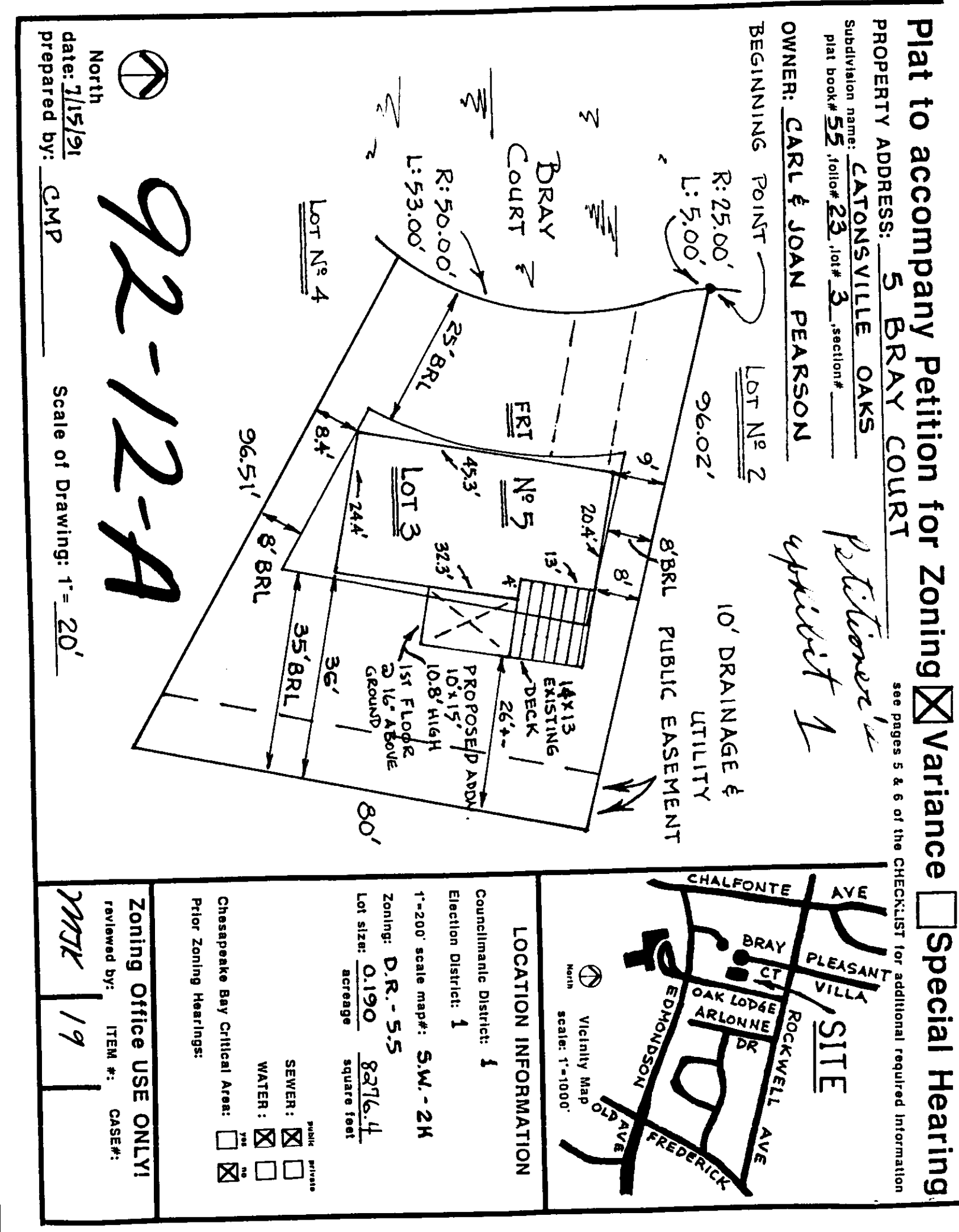
ZONING COMMISSIONER OF BALTIMORE COUNTY

"ZONING DESCRIPTION"

BEGINNING ON THE EAST SIDE OF BRAY COURT, AT THE DIVISION LINE BETWEEN LOTS NOS. 2 AND 3 AS SHOWN ON THE PLAT OF CATONSVILLE OAKS, WHICH PLAT IS RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK E.H. K. JR. No 55, FOLIO 23; THENCE BINDING ON THE EAST SIDE OF BRAY COURT BY A LINE CURVING TO THE RIGHT WITH AN INSIDE RADIUS OF 25.00' THE DISTANCE OF 5.00' TO THE INTERSECTION OF A LINE CURVING TO THE RIGHT WITH AN OUTSIDE RADIUS OF 50.00' THE DISTANCE OF 53.00' TO THE DIVISION LINE BETWEEN LOTS NOS. 3 AND 4, AS SHOWN ON SAID PLAT; RUNNING N-56°34'27" W THE DISTANCE OF 96.51'; S-15°54'26" W THE DISTANCE OF 80.00'; S-71°44'10" E THE DISTANCE OF 96.02' TO PLACE OF BEGINNING. THE MAJOR IMPROVEMENTS THEREON BEING KNOWN AS LOT No. 3; No. 5 BRAY COURT.

92-12-A

#11



BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
 Zoning Administration and
 Development Management
 DATE: August 13, 1992

FROM: J. Lawrence Pilsion, Jr.
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #7
 #3 Clipping Tree Lane - Querido Property
 Zoning Advisory Committee Meeting of August 3, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

1. Office review indicates presence of a tributary of Western Run (Use III) passing through the property i.e., within the 50 ft. drainage utility easement. The lot is part of a County approved subdivision - 1974. Therefore, development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.
2. Any permanent building structure must be located at least 20 ft. from the septic system and the 10,000 sq. ft. septic reserve area. It appears that the proposed garage is in the septic reserve area. The septic reserve area must be revised if the garage is kept in this location.

JLP:sp
 JABLON/S/TXTSBP

RECEIVED
 AUG 25 1992
 ZONING OFFICE

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
 92-12-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) and is true and correct to the best of their knowledge and belief.

That the Affiant(s) does/so presently reside at 5 BRAY COURT
CATONSVILLE, MD. 21228
 (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 whether or practical difficulty)

- 1) GROWING FAMILY NEEDS REQUIRING GREATER LIVING AREA.
- 2) MAKING USE OF OTHERWISE UNUSABLE BACK YARD.

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

Deponent (Underwritten Signature)

Affiant (Underwritten Signature)

Deponent (Printed Name)

Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I, _____, do hereby certify that _____ day of _____, 19____, before me a Notary Public for the State of Maryland, in and for the County aforesaid, personally appeared _____

The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to the facts hereinabove set forth as true and correct to the best of their knowledge and belief.

SO WITNESS my hand and Notarial Seal.

My Commission Expires:

AGNES H. SCOTT
 NOTARY PUBLIC
 STATE OF MARYLAND

receipt

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

Account: R 001-6150
 Number

Date

Please Make Checks Payable To: Baltimore County
 24-434-0067M2CHRC
 010111AM07-16-91 \$60.00

Combin Validation



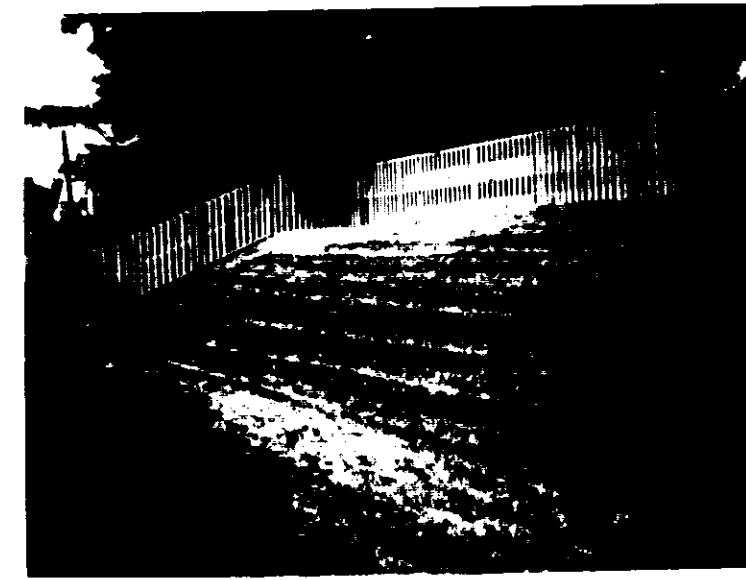
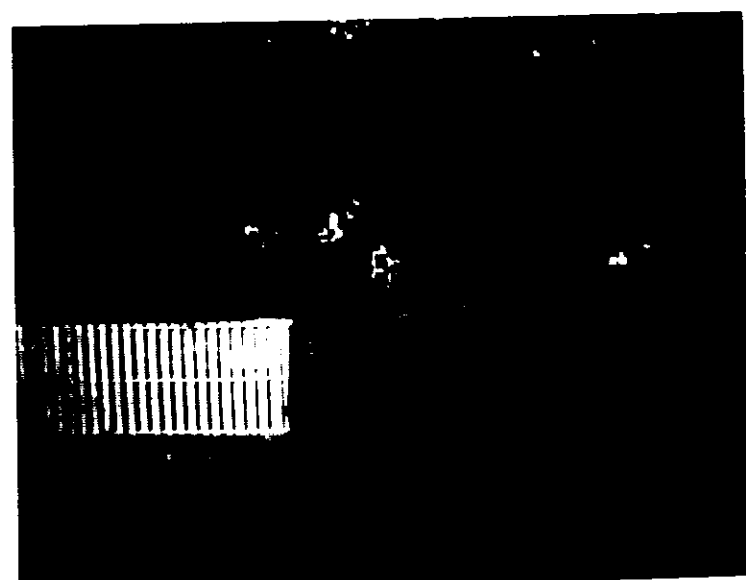
ROOM WILL ENCLOSE LEFT SIDE OF DECK, FROM GREEN TRIM TO RIGHT EDGE OF KITCHEN WINDOW (4th WINDOW @ CENTER)

TAKEN FROM BACK HILL SHOWING PROPOSED ROOM IN RELATION TO LOT N5 Z

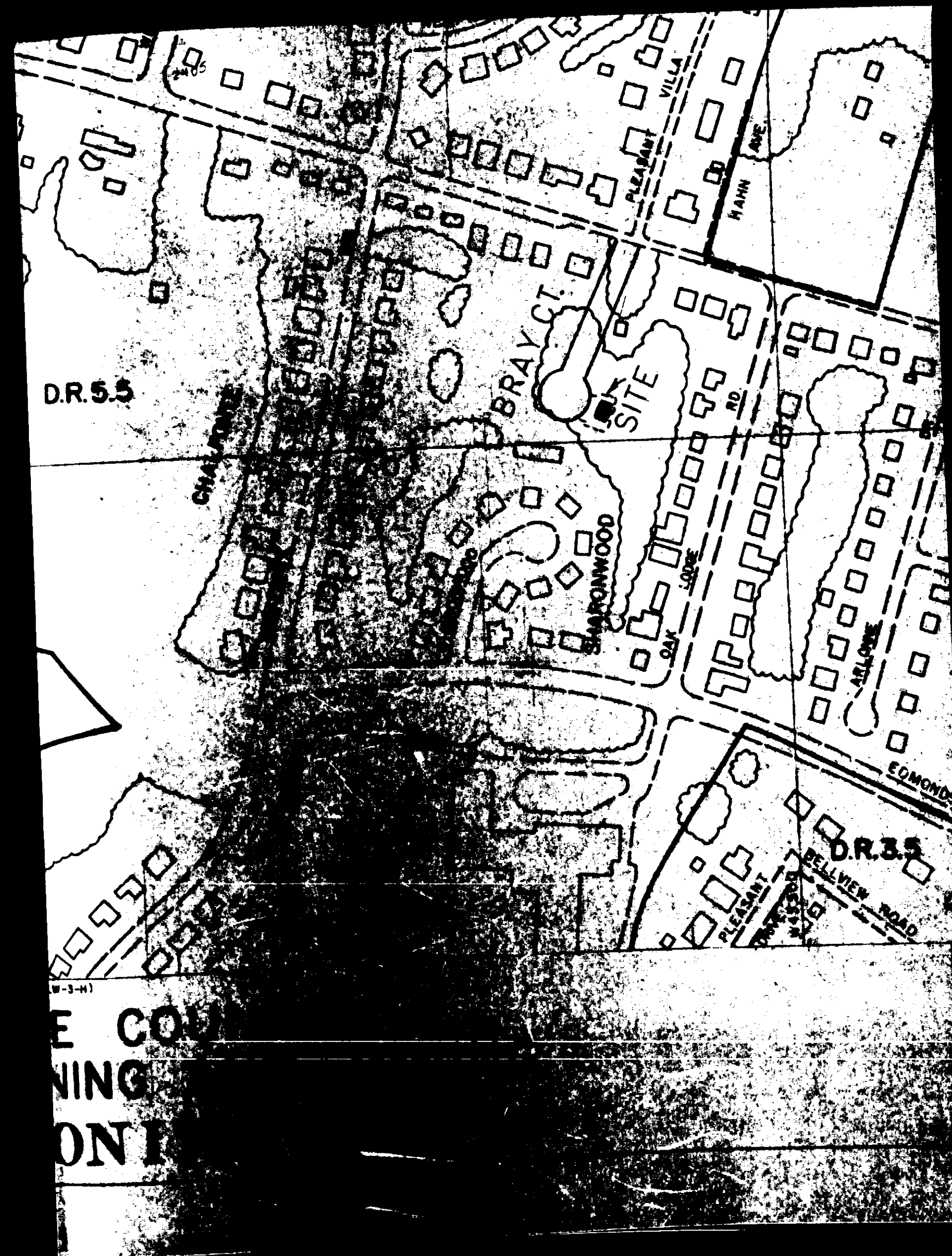
92-12-A

TAKEN FROM 2ND STORY WINDOW OVER DECK SHOWING DISTANCE TO REAR NEIGHBOR...

ROOM WILL EXTEND OUT TO RAIL OF EXISTING DECK. NOTE: UNUSABLE HILL IN BACK YARD...



19



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 23, 1991

Mr. & Mrs. Carl M. Pearson
5 Bray Court
Catonsville, Maryland 21228

RE: PETITION FOR RESIDENTIAL VARIANCE
E/S Bray Court, 325' S of the c/l of Rockwell Avenue
(S Bray Court)
1st Election District - 1st Councilmanic District
Carl M. Pearson, et ux - Petitioners
Case No. 92-12-A

Dear Mr. & Mrs. Pearson:

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
August 13, 1991

TO: ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM # 19
PROPERTY OWNER: Carl M. Pearson, et ux

LOCATION: E S Bray Court, 325' S of centerline
325' S of c/l of Rockwell Avenue
ELECTION DISTRICT: 1st
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 () STORAGE
- () 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 3 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

County Council of Baltimore County

Court House, Towson, Maryland 21204
(301) 887-3196
Fax (300) 887-5791

19

COUNCIL

Bertha L. Mauer
1st District

Miriam G. Munn
2nd District

Charles A. Sappenger III
3rd District

Dianna B. Sims
4th District

John S. Sweeney
5th District

William A. Howard IV
6th District

Donald C. Mann
7th District

Thomas J. Peddicord, Jr.
8th District

Thomas J. Peddicord, Jr.
Secretary

August 6, 1991

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

Dear Mr. Haines:

Attached please find a copy of Resolution 47-91 concerning the public disclosure of JoAnne Pearson, an employee of the Baltimore County Department of Public Works. Ms. Pearson intends to file a request for a zoning variance for the construction of improvements to her existing home located in the First Councilmanic District.

This Resolution was unanimously approved by the County Council at their meeting on Monday, August 5, 1991 and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Council/Secretary

TJP:dp
Enclosure

cc: JoAnne Pearson ✓

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO.

RESOLUTION NO. 47-91

MRS. BEUCHE L. HANLEY, COUNCILWOMAN

BY THE COUNTY COUNCIL, AUGUST 5, 1991

A RESOLUTION concerning the public disclosure of JoAnne Pearson, an employee of the Baltimore County Department of Public Works.

WHEREAS, JoAnne Pearson intends to file a request for a zoning variance for the construction of improvements to her existing home located in the First Councilmanic District of Baltimore County; and

WHEREAS, this Resolution is intended to provide full public disclosure of her interest in the proceeding before the Zoning Commissioner under Section 26-3(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland that the filing of a zoning variance and related requests in connection therewith by JoAnne Pearson does not contravene the public welfare and is hereby authorized.

R4791/BES91

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

Rahee J. Famili

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 16, 1991

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

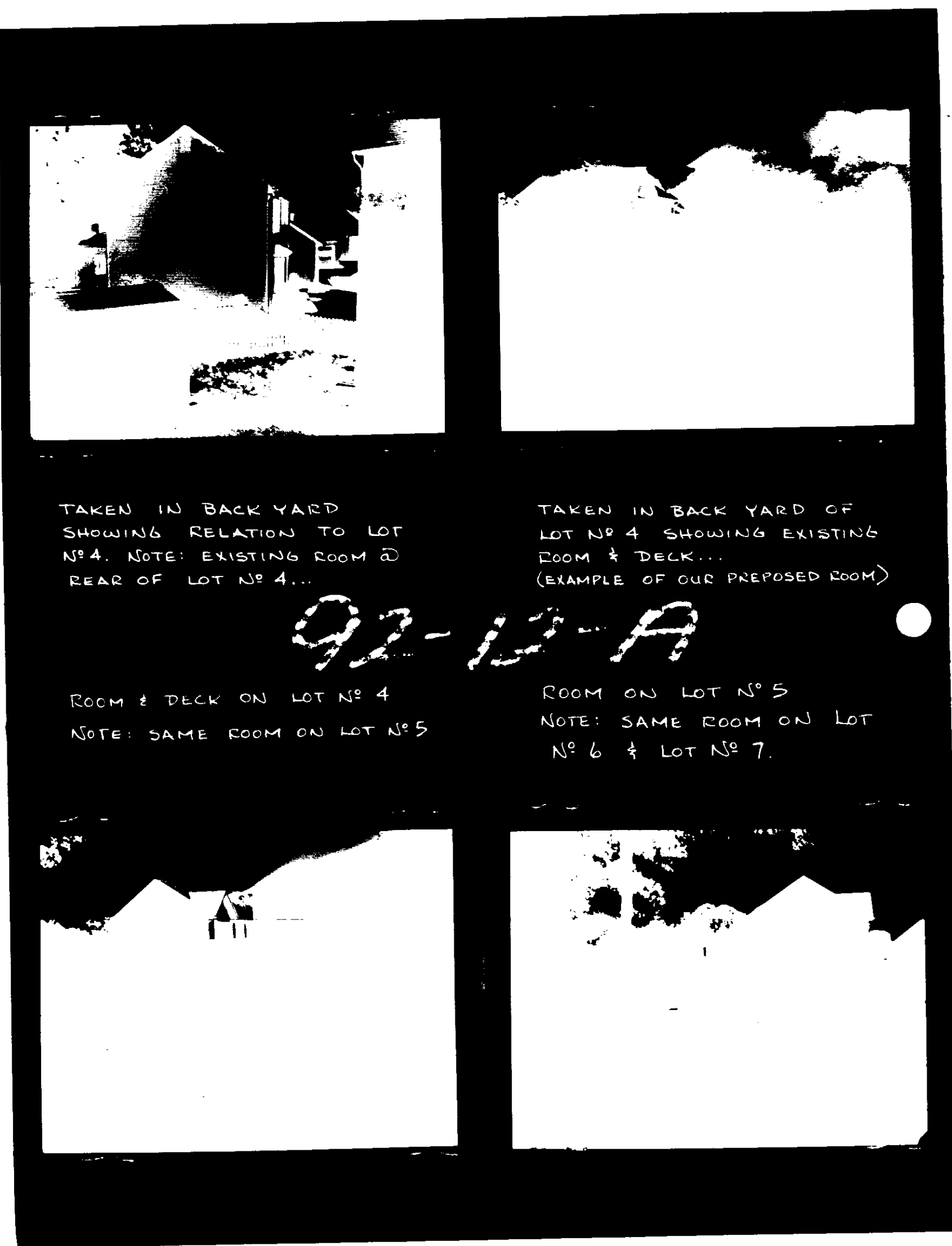
SUBJECT: Walker Property, Item No. 305
Parsons Property, Item No. 9
Donovan Property, Item No. 10
Wolf Property, Item No. 17
Pearson Property, Item No. 19-
Stifler Property, Item No. 22
Felts Property, Item No. 24
Weicher Property, Item No. 25
Faulkner Property, Item No. 27
Medilton Property, Item No. 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
Simbel/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.17M/2AC1

Jeffrey Long



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21287

August 5, 1991

Mr. & Mrs. Carl M. Pearson
5 Bray Court
Catonville, MD 21228

RE: Item No. 19, Case No. 92-12-A
Petitioner: Carl M. Pearson, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Pearson:

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
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 21287

August 1, 1991

Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
July 30, 1991

RE: Zoning Advisory Committee Meeting
July 30, 1991

Your petition has been received and accepted for filing this 16th day of July, 1991.

Arnold Jablon
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Carl M. Pearson, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
DATE: August 1, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
July 30, 1991

RE: Zoning Advisory Committee Meeting
July 30, 1991

The Developer's Engineering Division has reviewed the subject zoning items and we have no comments for Items 18, 19, 20, 21, 22, 23, 24, 27, 30 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. Bowling, P.E., Chief
Developer's Engineering Division

RWB:cl

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21287

July 26, 1991

Mr. M. and Joan A. Pearson
5 Bray Court
Catonville, Maryland 21228

Re: CASE NUMBER: 92-12-A
LOCATION: E/S Bray Court, 325' S of c/j Rockwell Avenue
S Bray Court

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 refresher regarding the administrative process.

1) Your property will be posted on or before August 4, 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.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) 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,
G. S. Stephens
(301) 887-3391

COPY

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: _____

Posted for: _____

Petitioner: _____

Location of property: _____

Location of Sign: _____

Remarks: _____

Posted by: _____ Date of return: _____

Number of Signs: _____