

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE W/S Kincaid Court 710 ft. S of C/1 Sweet Air Road 10 Kincaid Court 10th Election District 6th Councilmanic District Dennis Melchor, et ux Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 92-22-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 40 ft. (enclosed deck) in lieu of the required 50 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a 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 variance 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of August, 1991 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 40 ft. (enclosed deck) in lieu of the required 50 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH/mm

ORDER RECEIVED FOR FILING
Date 8/29/91
By J. H. Haines

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
92-22-A
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 1A04.3.B.3 to allow a rear yard setback of 40' in lieu of the required 50'.

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

- This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
- Insulate and reduce heating bills.
- Reduce outside noise.
- A place to sit out and not be concerned with the weather, bugs; mosquitoes, flies, etc.
- Improve appearance of house.

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: _____

Legal Owner(s):
Dennis Melchor
Stephanie Melchor
Type or Print Name: _____
Signature: _____
Address: 10 Kincaid Ct., 592-5465
Baltimore, MD. 21013
City/State/Zip Code: _____

ANNEXED Petitioner:
Patio Enclosures, Inc.
Type or Print Name: _____
Signature: _____
Address: 224 8th Avenue, N.W.
Glen Burnie, MD. 21061
Telephone number: 760-1919

Name, address and phone number of legal owner, contact purchaser or representative to be contacted:
Patio Enclosures, Inc.
224 8th Avenue, N.W., 760-1919
Glen Burnie, MD. 21061

ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of June, 1991, that the subject matter of this petition be posted on the property on or before the 1st day of July, 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 _____ 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 6-18-91
By M.P. Gary Sipe

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
92-22-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 reside at 10 Kincaid Ct., BALDWIN, MD. 21013
(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)
- THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
 - INSULATE AND REDUCE HEATING BILLS.
 - REDUCE OUTSIDE NOISE.
 - A PLACE TO SIT AND NOT BE CONCERNED WITH THE WEATHER, BUGS; MOSQUITOES, FLYS, ETC.
 - IMPROVE APPEARANCE OF HOUSE.

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

Dennis Melchor
Stephanie Melchor
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 18th day of JUNE, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DENNIS & STEPHANIE MELCHOR

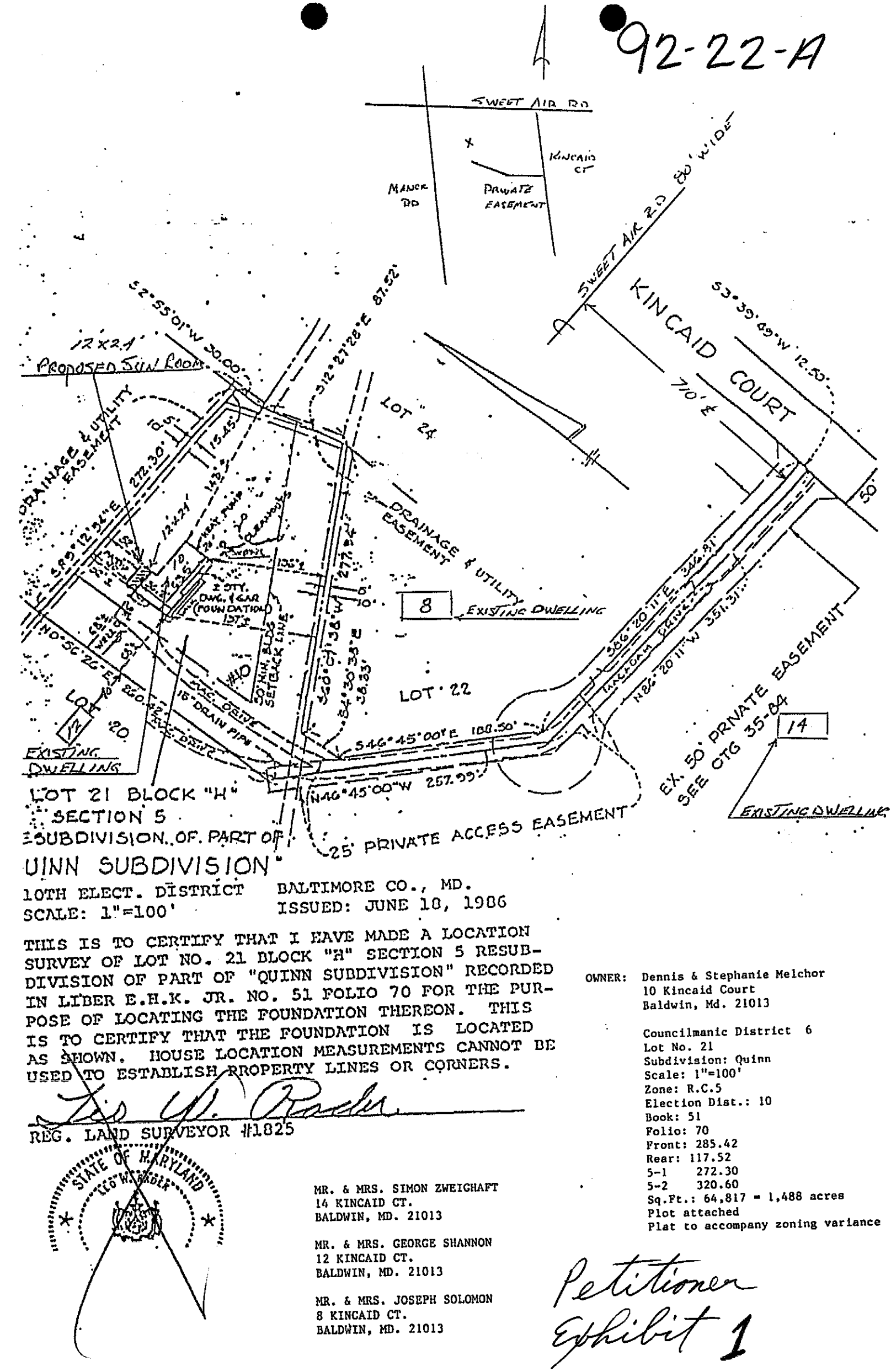
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.
M.P. Gary Sipe
NOTARY PUBLIC
My Commission Expires: 7/1/94

92-22-A

LEGAL DESCRIPTION

Beginning on the West side of Kincaid Court, 50' wide, at a distance of 710' of the centerline of Sweet Air Road, 80' wide. BEGINNING for the same and being known and designated as Lot No. 21 in Block H, as shown on the plat entitled "Section 5 Resubdivision of Part of Quinn Subdivision, Section 4 (O.T.G. 35/84)" which plat is recorded among the land Records of Baltimore County in Plat Book E. H.K. Jr., No 51 at folio 70. The improvements thereon being now known as 10 Kincaid Court. Located in the 10th Election District, 6th Councilmanic District, containing 1.488 acres ±.



LOT 21 BLOCK "H" SECTION 5 SUBDIVISION OF PART OF QUINN SUBDIVISION 10TH ELECT. DISTRICT BALTIMORE CO., MD. ISSUED: JUNE 10, 1986 SCALE: 1"=100'

THIS IS TO CERTIFY THAT I HAVE MADE A LOCATION SURVEY OF LOT NO. 21 BLOCK "H" SECTION 5 RESUBDIVISION OF PART OF "QUINN SUBDIVISION" RECORDED IN LIBER E.H.K. JR. NO. 51 FOLIO 70 FOR THE PURPOSE OF LOCATING THE FOUNDATION THEREON. THIS IS TO CERTIFY THAT THE FOUNDATION IS LOCATED AS SHOWN. HOUSE LOCATION MEASUREMENTS CANNOT BE USED TO ESTABLISH PROPERTY LINES OR CORNERS.

REG. LAND SURVEYOR #1625

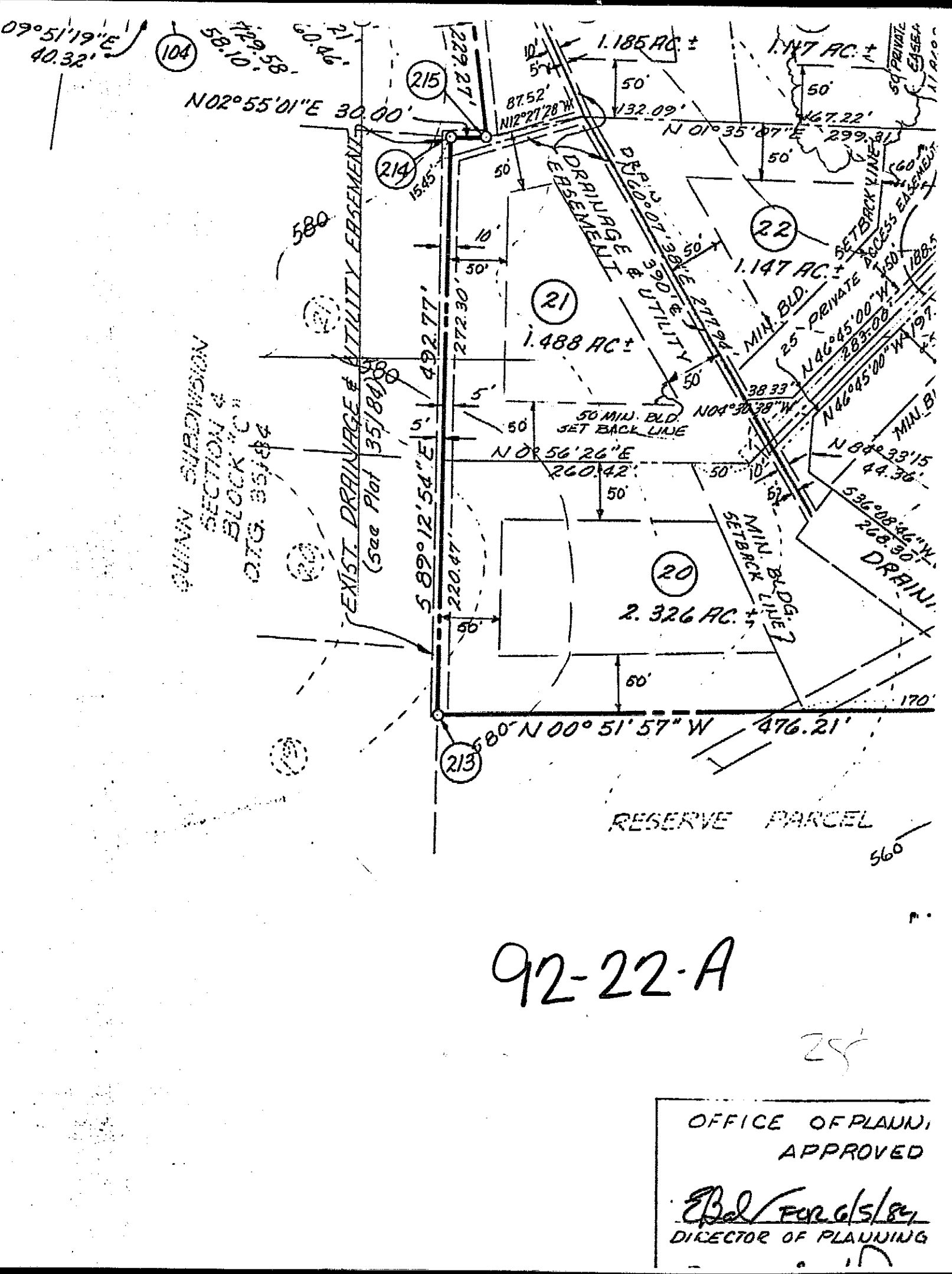
OWNER: Dennis & Stephanie Melchor
10 Kincaid Court
Baltimore, Md. 21013
Councilmanic District 6
Lot No. 21
Subdivision: Quinn
Scale: 1"=100'
Zone: R.C.5
Election Dist.: 10
Book: 51
Page: 70
Front: 285.42
Rear: 117.52
S-1: 272.30
S-2: 320.60
Sq. Ft.: 64,817 - 1.488 acres
Plat attached
Plat to accompany zoning variance

MR. & MRS. SIMON ZWEIGHAFT
14 KINCAID CT.
BALDWIN, MD. 21013

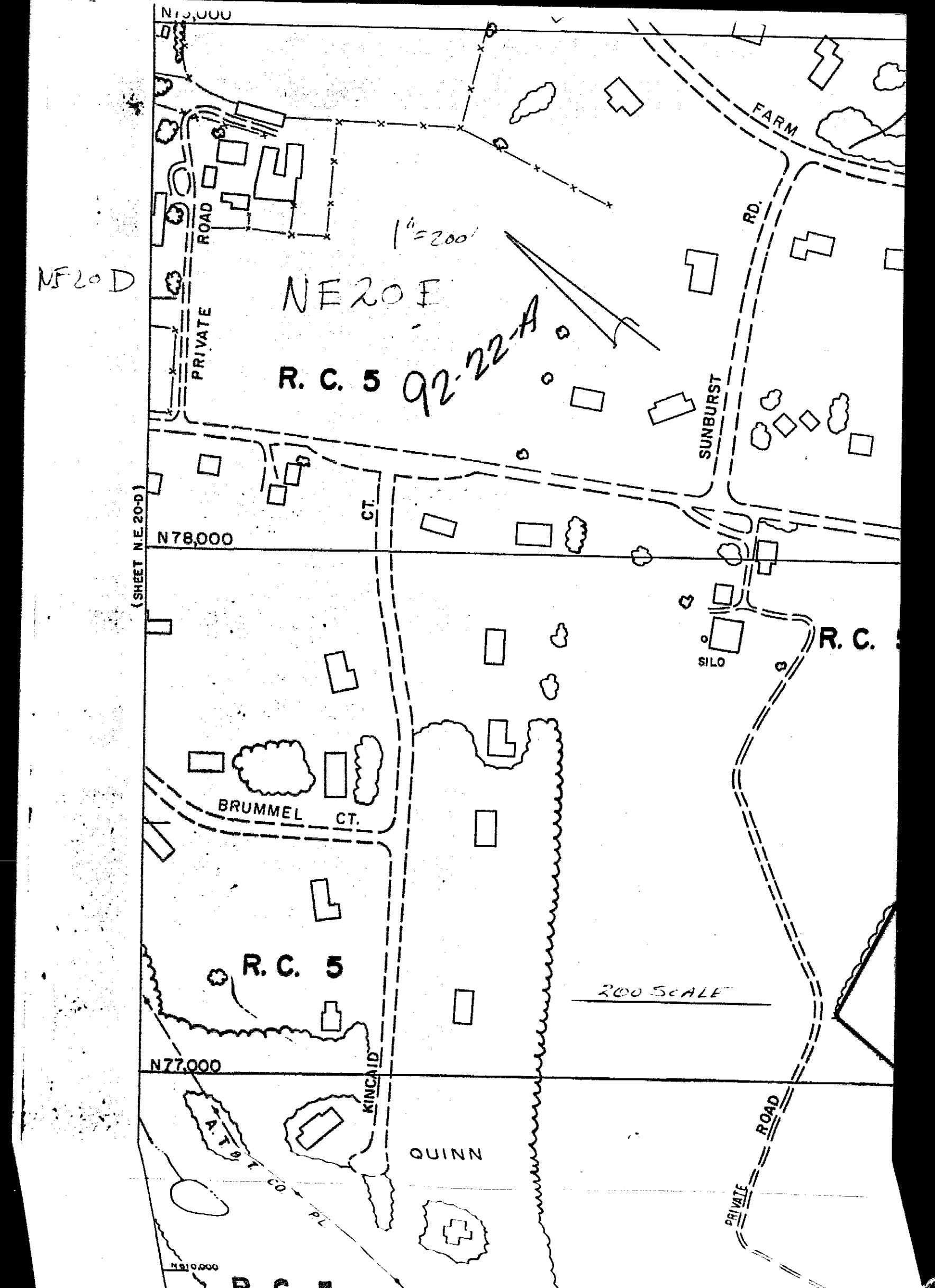
MR. & MRS. GEORGE SHANNON
12 KINCAID CT.
BALDWIN, MD. 21013

MR. & MRS. JOSEPH SOLOMON
8 KINCAID CT.
BALDWIN, MD. 21013

Petitioner Exhibit 1



OFFICE OF PLANNING APPROVED
D. P. FERGUSON
DIRECTOR OF PLANNING





111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 16, 1991

Mr. Bob Tice
Patio Enclosures, Inc.
224 8th Avenue
Glen Burnie, MD 21061

RE: Item No. 25, Case No. 92-22-A
Petitioner: Dennis Melchor, et ux
Petition for Residential Variance

Dear Mr. Tice:

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

cc: Mr. & Mrs. Dennis Melchor
10 Kincaid Court
Baldwin, MD 21013



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 18th day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Dennis Melchor, et ux

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: September 11, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 6, 1991

This office has no comments for item numbers 25, 28, 30, 33, 34, 35, 39, 40, 42, 43 and 44.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 28, 1991

Mr. and Mrs. Dennis Melchor
10 Kincaid Court
Baldwin, Maryland 21013

RE: Petition for Residential Zoning Variance
Case No. 92-22-A

Dear Mr. and Mrs. Melchor:

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:mmn
encl.
cc: Peoples Counsel

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
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

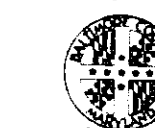
In reference to the Petitioners' requests, staff offers no comments.

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.

EK/JL/pat

NUMEROUS.ITM/ZAC1

Rec'd 8/20/91



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

August 6, 1991

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

RE: Property Owner: PATIO ENCLOSURES, INC.

Location: #10 KINCAID COURT

Item No.: *25 Zoning Agenda: AUGUST 6, 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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* Noted and Approved
Special Inspection Division Fire Prevention Bureau

JR/YFK

Rec'd 8/1/91

92-22 * 8-26

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: August 20, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
See August 9, 1991

The Development Engineering Division has reviewed the subject zoning items and we have no comments for items 25, 28, 30, 33, 34, 35, 39, 40, 42, 43 and 44.

The Item 420 (Plate No. 91-424 A), the previous minor subdivision names are applicable.

The Items 25 and 37, revised County Review Group Plans are required.

Robert W. Bowling / DAK
ROBERT W. BOWLING, P.E., Chief
Development Engineering Division

RWB:



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 19, 1991

Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, MD 21061

RE: Petition Filed in Zoning Office
Item Number 25

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 30, 1991. According to our records, this Petition was filed on July 18, 1991 with Catherine A. Milton.

In order for this Petition to be placed on the next agenda, you must contact Miss Milton at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

cc: Dennis Melchor
Stephanie Melchor
10 Kincaid Court
Baldwin, MD 21013

CASE NUMBER 92-22-A
PETITIONER'S EXHIBIT # 2

