

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE. BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY. Case No. 92-147-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 ft. in lieu of the required 26.25 ft. for construction of a 16 ft. x 20 ft. deck, in a D.R.5.5 zone, 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.

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 8th day of Sept, 1991 that the Petition for a Zoning Variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 ft. in lieu of the required 26.25 ft. for construction of a 16 ft. x 20 ft. deck, in a D.R.5.5 zone, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

- 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.

LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County

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LES:mnn

Baltimore County Government, Zoning Commissioner, Office of Planning and Zoning

111 West Chesapeake Avenue, Towson, MD 21204

887-3353

November 7, 1991

Mr. and Mrs. Joseph T. Nolan, 9551 Hallhurst Road, Baltimore, Maryland 21236

RE: Petition for Residential Zoning Variance, Case No. 92-147-A

Dear Mr. and Mrs. Nolan:

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,

Lawrence E. Schmidt, Zoning Commissioner

LES:mnn, encl., cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-147-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 301.1 to permit a rear yard setback of 20' in lieu of the required 26.25' for construction of a 16' x 20' deck

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

- 1. Existing boundary only allows 10' wide deck, which would be unusable.
2. Tract boundary is facing permanent open space which will not be developed.

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(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

9551 Hallhurst Rd 21236

441 to 140 21236

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 30th day of Sept, 1991, that the subject matter of this petition be posted on or before the 30th day of Sept, 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 reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.

REVIEWED BY: [Signature] DATE: 30 Sept 91. COPIES RECEIVED FOR FILING

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 92-147-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 9551 Hallhurst Rd, Baltimore, Md 21236

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) Existing boundaries only allow construction of a 10' wide deck, which will be unusable.
(2) Tract boundary is facing permanent open space which will not be developed.

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

Joseph T. Nolan, AFFIANT (Handwritten Signature)

Carol L. Nolan, AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of September, 1991, before me, a Notary Public of 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 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.

9-30-91

Notary Public Signature

My Commission Expires: 9-23-94

ZONING DESCRIPTION

92-147-A

Beginning at a point on the west side of Hallhurst Road, the property in question has the following boundaries: N 01 degrees 35' 03" E, N 88 degrees 24' 57" W 110.00 ft. S 01 degrees 35' 02" W 90.90 feet, and N 84 degrees 06' 11" E 98.32 feet. Being Lot # 59 Block R as shown on a resubdivision of part of the resubdivision of, and addition to, Plat 6, section 2, Oakhurst recorded in Plat Book S.M. 56 Folio 95, containing .19 acres. Also known as 9551 Hallhurst Road and located in the 11th Election District, Councilmanic District 5.

CERTIFICATE OF POSTING, ZONING DEPARTMENT OF BALTIMORE COUNTY, Towson, Maryland

District: 111 Date of Posting: 9/30/91
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Address]
Location of Sign: [Address]
Remarks: [Text]
Posted by: [Signature] Date of return: 9/30/91
Number of Signs: 7

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

Account R-001-4150

04A040020N1CHR6 \$60.00, SA 0003106PH09-30-91, Please Make Checks Payable To Baltimore County

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

111 West Chesapeake Avenue, Towson, MD 21204

Oct 6, 1991

887-3353

Joseph and Carol Nolan, 9551 Hallhurst Road, Baltimore, MD 21236

RE: CASE NUMBER: 92-147-A, LOCATION: E/S Hallhurst Road, 120' Nely centerpoint of end cul-de-sac of Hallhurst Road, 9551 Hallhurst Road, 11th Election District - 5th Councilmanic

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 October 20, 1991. The closing date is November 4, 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 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).
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,

Lawrence E. Schmidt, Zoning Commissioner, Baltimore County

**Plat to accompany Petition for Zoning  Variance  Special Hearing**

PROPERTY ADDRESS: 9551 HALL HURST Rd see pages 2 & 3 of the CHECKLIST for additional required information

Subdivision name: OLLIVEST  
 plat book # 54, folio 35, lot # 54, section # 14 & 15, Section 2

OWNER: JOSEPH T. & CAROL L. NOLOD

*Bolton's Expert #1*

**92-147-A**

Scale of Drawing: 1" = 30'

North

Date: \_\_\_\_\_  
 prepared by: \_\_\_\_\_

**LOCATION INFORMATION**

Councilmanic District: 5  
 Election District: 11  
 T=200' scale map: NE 11-6  
 Zoning: 0 L-5.5  
 Lot size: 19 8376  
 acreage square feet

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

**Zoning Office USE ONLY!**

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_  
156



Left house 9551 Right house 9549

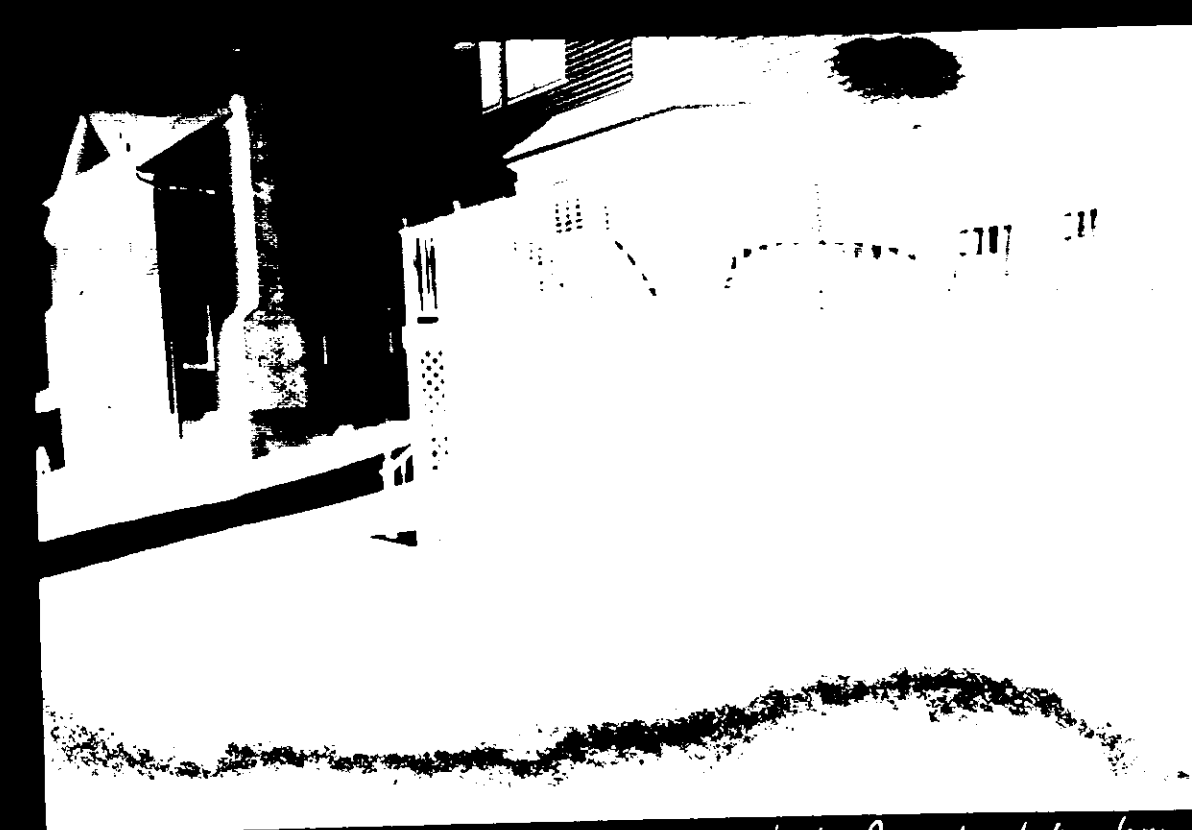


Left house 9550 Right house 9551

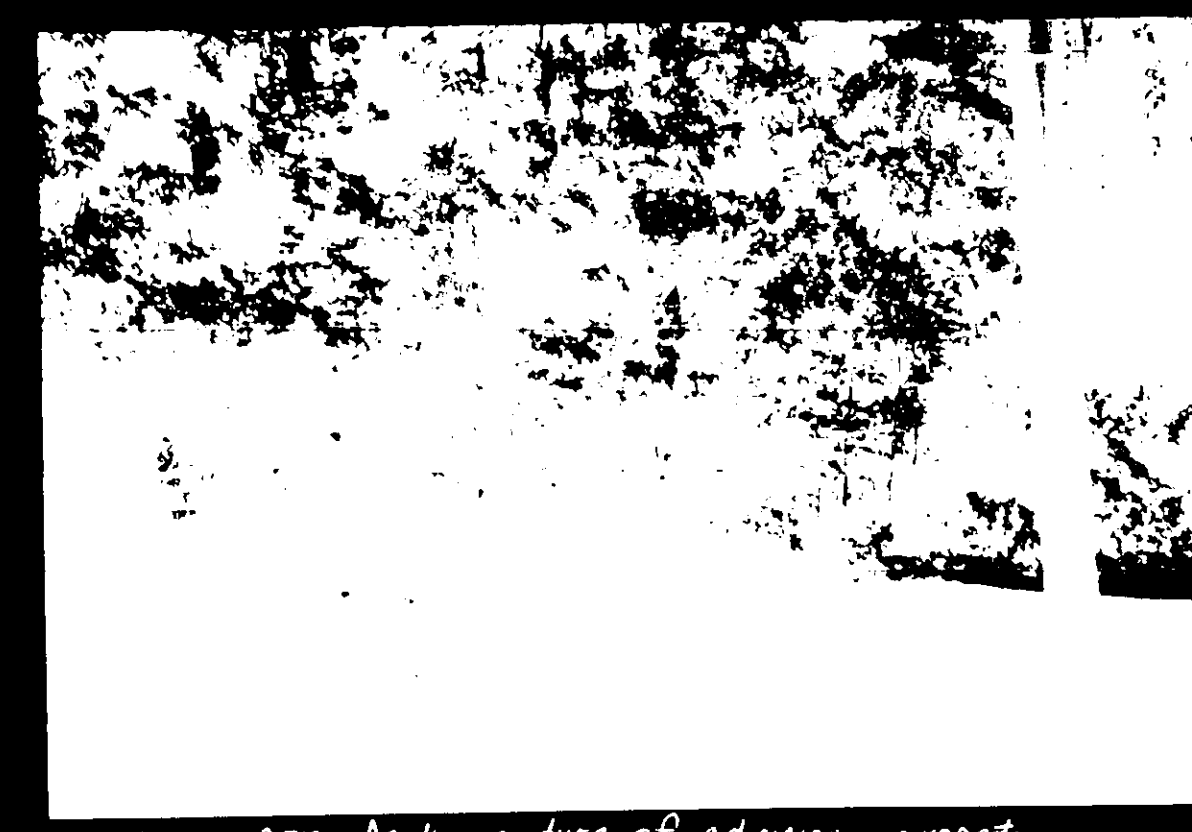


Picture of left side of 9551 plus deck to tract boundary (woods)

92-147-A



Left 9549 9551 deck from tract boundary



From 9551 Deck - picture of adjoining property



Picture of adjoining property with into woods is a 25 ft drop to Gaspower stream

92-147-A

15C

15C

**GENERAL NOTES**

1. The Building Elevation is shown for information only. The actual building elevations shall be determined by the County Engineer's Office.
2. Necessary Easements, Rights and Easements for utility lines may be indicated on this drawing but shall not be construed as a grant of any such easements or rights. The easement holder shall be responsible for obtaining the same from the appropriate utility company and for providing the same to the County Engineer's Office.
3. Before construction to be started by the Contractor, the County Engineer's Office shall be notified in writing by the Contractor.
4. Local laws shall be observed and maintained by the Contractor. County Dept. of Public and Recreation.
5. Understanding Developer to Provide Retaining Wall and Mulch. Any further landscaping to be responsibility of the individual lot owner.
6. All Lots are for sale.
7. Street Lights shown here.
8. All Parking Spaces shall be provided with 10' x 20' (MIN).
9. Parking spaces and Driveways to be paved with 2" Bituminous concrete on compacted subgrade.
10. All street lighting to be provided by Baltimore County and 20' x 20' High.

**GENERAL NOTES-CONT**

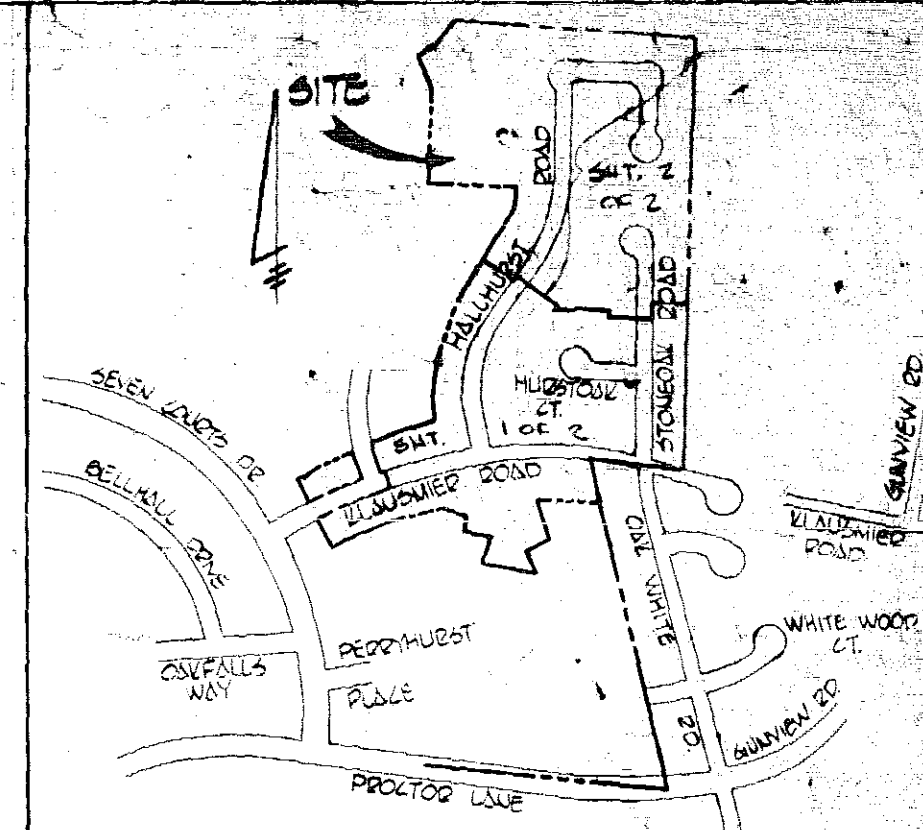
12. For All Lots within the Transition Area the following Minimum setbacks shall apply:  
 Window to Window - 20' Window to Street - 25'  
 Window to Lot Line - 15' Window to Tract Boundary - 35'  
 Building to Tract Boundary - 30'
13. The storm water Management facilities to serve this Area will be constructed in accordance with an approved storm water Management Plan and be located within the Out Line of these Plans.
14. UTILITIES SHOWN ARE PRELIMINARY ONLY. CHANGES MAY BE MADE AT TIME OF FINAL DESIGN.

OWNER/DEVELOPER  
 UNIVERSAL HOUSING & DEVELOPMENT CO.  
 1103 LAUREL RD.  
 BALTIMORE, MARYLAND

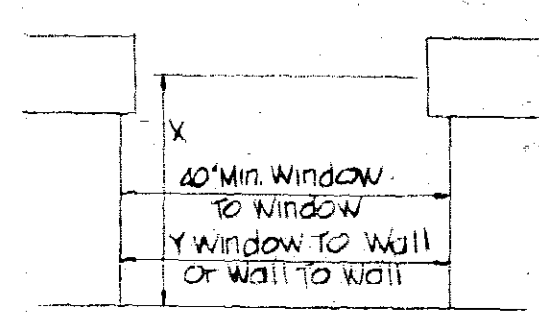
OFFICE OF PLANNING & ZONING  
 APPROVED BY: [Signature]  
 DATE: 11/14/87

ENGINEER  
 GEORGE W. STEPHENS JR. & ASSOCIATES INC.  
 303 ALLEGHENY AVE.  
 BALTIMORE, MARYLAND 21201

PLAT 1  
 SECTION TWO  
 OAKHURST  
 E.H. 42-121

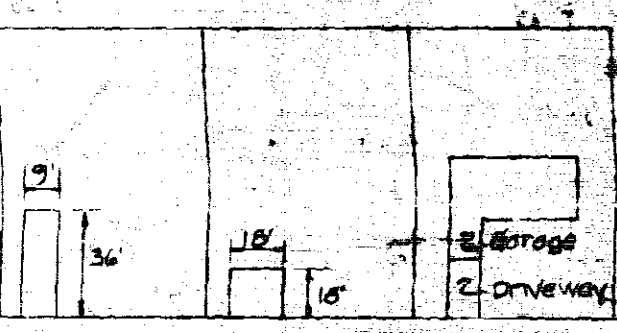


LOCATION MAP  
 SCALE 1" = 500'

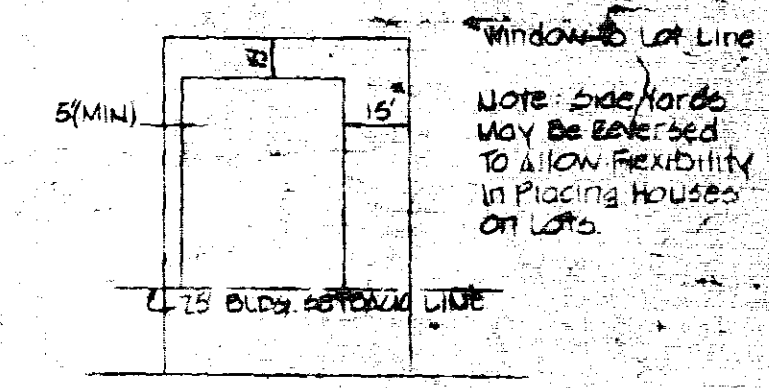


HEIGHT TO HEIGHT RELATIONSHIP  
 UP TO 25'-0"  
 If x is greater than 20' but less than 25'  
 If x is less than 20' y is 16' (MIN.)

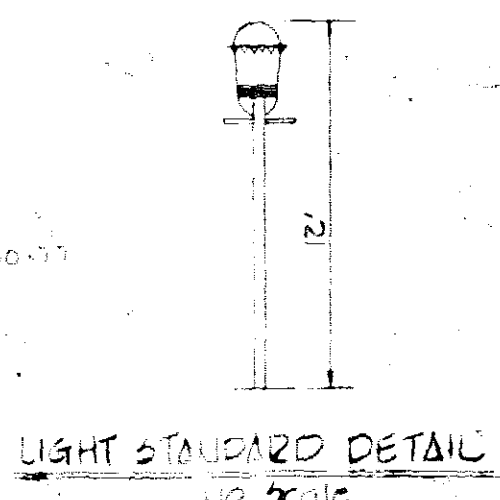
PERZMALL GARDENS  
 E.H. 42-41-121  
 SECTION 1, PLAT 4  
 TENTATIVE APPROVAL DATE - 5-18-79



TYPICAL PARKING SPACES  
 10' x 20'



TYPICAL LOT  
 10' x 20'



LIGHT STANDARD DETAIL  
 10' x 20'

**92-147-A**

TENTATIVE APPROVAL 2-14-77  
 TENTATIVE APPROVAL EXTENSION  
 6-7-80

FIRST AMENDED  
 PARTIAL DEVELOPMENT PLAN  
 RESUBDIVISION OF  
 ADDITION TO  
 PLAT 4, SECTION TWO  
 OAKHURST

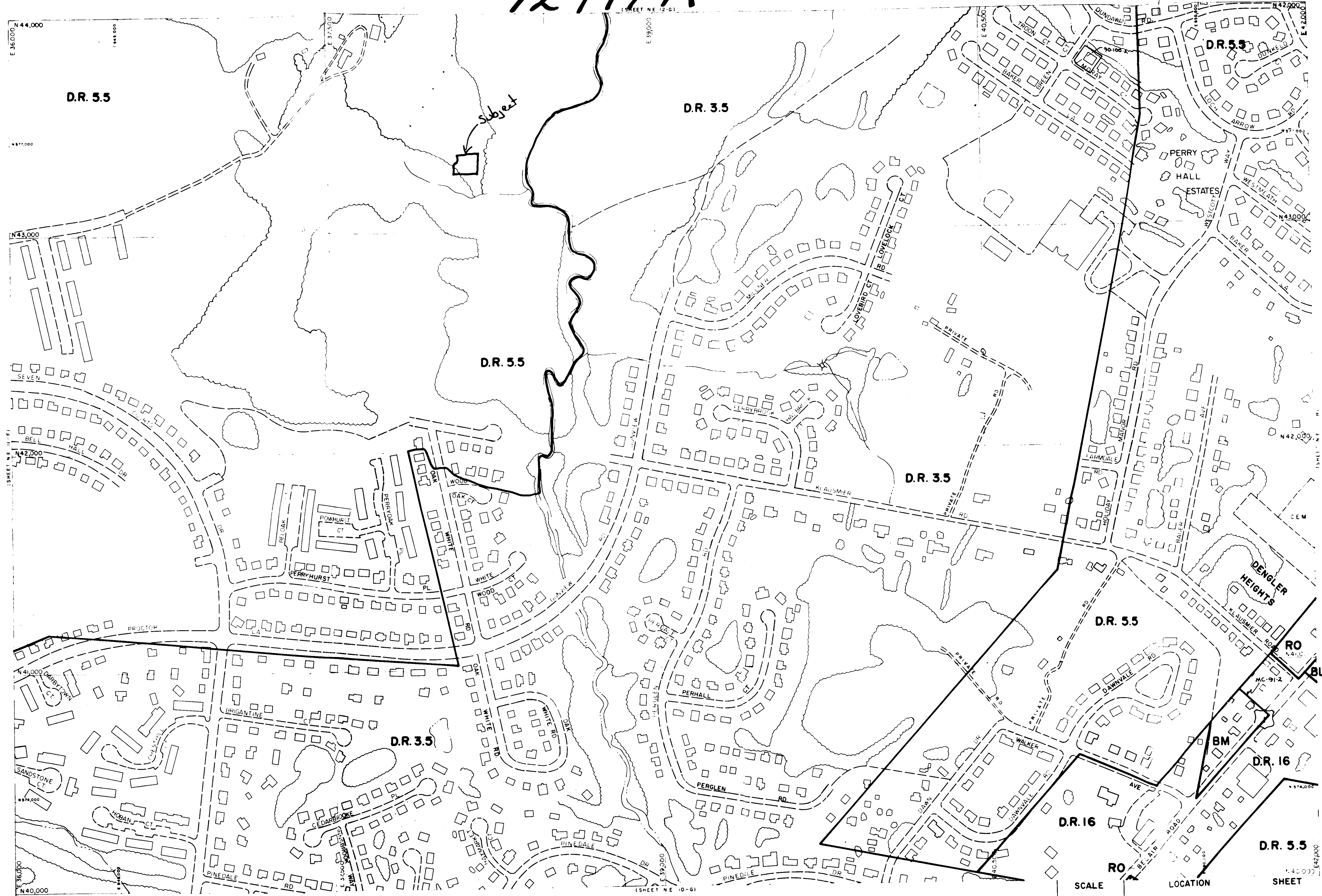
#156

DATE COMD  
 04/11/80

SHEET NO. 11  
 REV. 11/14/87

SHEET WORK

92-147-A



Q - SW  
M - NW

1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 13, 1988  
 GH Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*John J. [Signature]*  
 Chairman, County Council

BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 OFFICIAL ZONING MAP

SCALE  
 1" = 200'  
 DATE  
 OF  
 PHOTOGRAPHY  
 JANUARY  
 1986

LOCATION  
 PERRY HALL  
 SHEET  
 N E  
 11 - G

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