

IN RE: PETITIONS FOR ADMIN. VARIANCE AND SPECIAL HEARING, N/S Breezy Ct., 481' N of Blacksmith Ct., (14 Breezy Court) 4th Election District 3rd Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 94-96-AA

Michael C. Allen, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance and Special Hearing filed by the owners of the subject property, Michael C. and Michele S. Allen. The Petitioners request relief from Section 1801.2.C.2a of the Baltimore County Zoning Regulations (Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) and from Section 301.1.A of the B.C.Z.R. to permit a window to tract boundary setback of 10 feet in lieu of the required 26.25 feet, and to amend the Final Development Plan of Hunters Glen South, for a proposed deck and gazebo in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative 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 301.1 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 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 5th day of October, 1993 that the Petition for Administrative Variance and Special Hearing requesting relief from Section 1801.2.C.2a of the Baltimore County Zoning Regulations (Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.)) and from Section 301.1.A of the B.C.Z.R. to permit a window to tract boundary setback of 10 feet in lieu of the required 26.25 feet, and an amendment to the Final Development Plan of Hunters Glen South, for a proposed deck and gazebo, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

ORDER RECEIVED FOR FILING
Date 10/30/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

October 5, 1993

Mr. & Mrs. Michael C. Allen
14 Breezy Court
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE AND SPECIAL HEARING
N/S Breezy Court, 481' N of Blacksmith Court
(14 Breezy Court)
4th Election District - 3rd Councilmanic District
Michael C. Allen, et ux - Petitioners
Case No. 94-96-AA

Dear Mr. & Mrs. Allen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance and Special Hearing 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 the Zoning Administration Office at 887-3391.

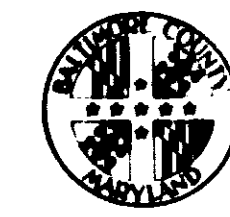
Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: People's Counsel

file



Petition for Administrative Variance
AND SPECIAL HEARING
to the Zoning Commissioner of Baltimore County

for the property located at 14 BREEZY COURT, REISTERSTOWN
which is presently zoned R-335

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 hereby petition for a Variance from Section(s) 1801.2.C.2 a; B.C.Z.R. (V.B.5.a.C.H.D.P.) TO PERMIT A WINDOW TO TRACT BOUNDARY SETBACK OF 10' IN LIEU OF THE REQUIRED 26.25' (301.1.A.); BC22 AND TO AMEND THE FINAL DEVELOPMENT PLAN OF HUNTERS GLEN SOUTH OF THE Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County for the following reasons: Indicate hardship or practical difficulty STRICT COMPLIANCE WITH THE ZONING REGULATIONS WOULD RESULT IN PRACTICAL DIFFICULTY IN BUILDING A WINDOW INTO THE GAZEBO. SINCE LOT 34 IS ON THE OPPOSITE OF THE TRACT FROM THE HOUSE (25% OF THE 34 FOOT BUILDING SETBACK) IS NOT PRACTICAL OR USABLE WITHOUT A VARIANCE. PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS. I, or we agree to pay expenses of above variance advertising, posting, etc. 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.

Contact Person Name: MICHELE S ALLEN
Type of Petitioner: Individual
Signature: [Signature]
Address: 14 BREEZY COURT
City: REISTERSTOWN, MD 21136
Telephone: 712-6942
Signature: [Signature]
Address: SAME AS ABOVE
City: REISTERSTOWN, MD 21136
Telephone: 712-6942

ORDER RECEIVED FOR FILING
Date 10/30/93
By [Signature]

REVIEWED BY: _____ DATE: _____
ESTIMATED FILING DATE: _____

Affidavit in support of Administrative 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 that Affiant(s) were competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 14 BREEZY CT.
REISTERSTOWN MD 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: strict compliance of the zoning regulations would result in practical difficulty in building a wood deck and gazebo. Since the lot is on the outside of the tract, the distance that the proposed deck can extend out from the house (25% of the 34 foot building setback) is not practical or usable without a variance.

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

[Signature]
MICHELE S. ALLEN
MICHAEL C. ALLEN

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I HEREBY CERTIFY, this 30th day of October, 1993, before me a Notary Public of the State of Maryland, as and for the County aforesaid, personally appeared

Michael S. Allen and Michael C. Allen

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 knowledge and belief.

AS WITNESS my hand and Notarial Seal
[Signature]
My Commission Expires: 1-1-94

Zoning Description 94-96-AA

ZONING DESCRIPTION FOR 14 BREEZY COURT
(address)
Election District 04 Councilmanic District 3

Beginning at a point on the NORTH side of BREEZY COURT
(north, south, east or west)

COURT which is 50 FEET
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 481 FEET ± NORTH of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street BLACKSMITH COURT
(name of street)

which is 50 FEET wide. *Being Lot # 25
(number of feet of right-of-way width)

Block --- Section --- in the subdivision of

HUNTERS GLEN SOUTH as recorded in Baltimore County Plat
(name of subdivision)

Book # SMS9, Folio # 8, containing

10,229.9 SQUARE FEET, 0.235 ACRES.
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ---, Folio ---" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 04 Date of Posting: 9/10/93

Posted for: Kate...

Petitioner: Michael S. Michael Allen

Location of property: 14 Breezy Ct., N/S, N/E, N/Blacksmith Ct.

Location of Sign: Front, Back, & 1/2 Block, Reisterstown

Remarks: _____

Posted by: [Signature] Date of return: 9/10/93

Number of Signs: 7

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21286

ITEM 100 receipt

Account: R-981-030
Number: JCM

9-1-93
MICHAEL ALLEN - 14 BREEZY CT.
Admin. Fee. (010) _____ 50.00
Posting (080) _____ 35.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 9-24-93 ACCOUNT: R001-6150

AMOUNT: 50-

RECEIVED BY: Michael Allen

FOR: SPH filing fee - 94-96-AA

VALIDATION OR SIGNATURE OF CLERK

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 23, 1993

Mr. and Mrs. Michael C. Allen
14 Breezy Court
Reisterstown, Maryland 21136

RE: Case No. 94-96-A, Item No. 101
Petitioner: Michael C. Allen, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Allen:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments of each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 September 1, 1993, and a hearing was scheduled accordingly.

Additional comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9/10/93

Re: Baltimore County
Item No. 94-96-A (300A)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1550 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5882 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 13, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Michele S. Allen and Michael C. Allen
14 Breezy Court
Reisterstown, Maryland 21136

RE: CASE NUMBER: 94-96-AA (Item 101)
14 Breezy Court
8/5 Breezy Court, 481 1/2 W of e/l Blacksmith Court
4th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before September 19, 1993. The closing date (October 4, 1993) 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. They 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 a Baltimore County newspaper. Charges related to the reposting and newspaper 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 \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, the ad receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDERS.

Arnold Jablon, Director

For newspaper advertising:
Item No: 101
Petitioner: MICHAEL C. ALLEN
Location: 14 Breezy Ct. Reisterstown Md. 21136

PLEASE FORWARD ADVERTISING BILL TO:
NAME: SAME
ADDRESS: SAME
PHONE NUMBER: 712-6462

Atty: (Rev. 04/09/93)

9/17/93 7497-93

SEPTEMBER 3, 1993

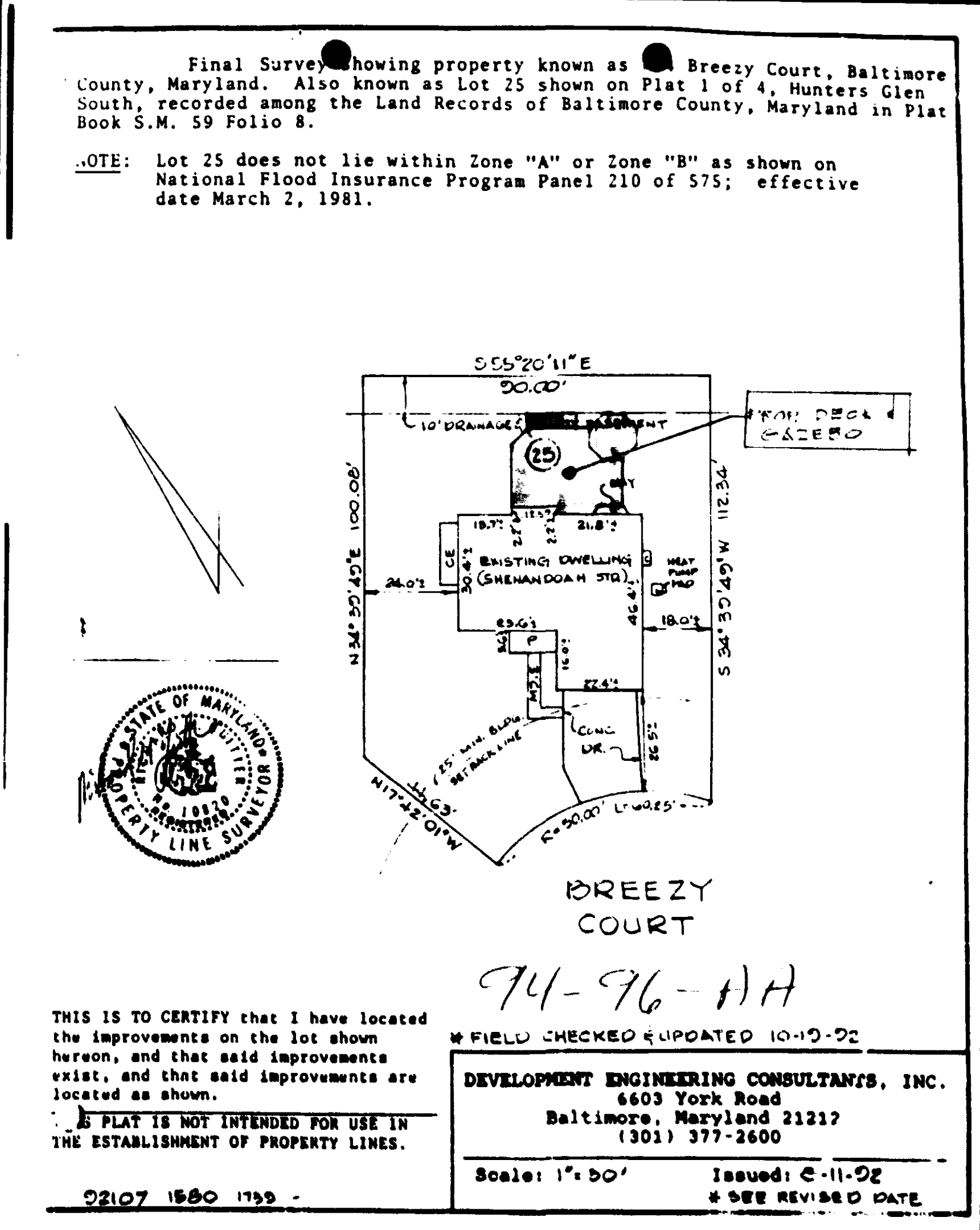
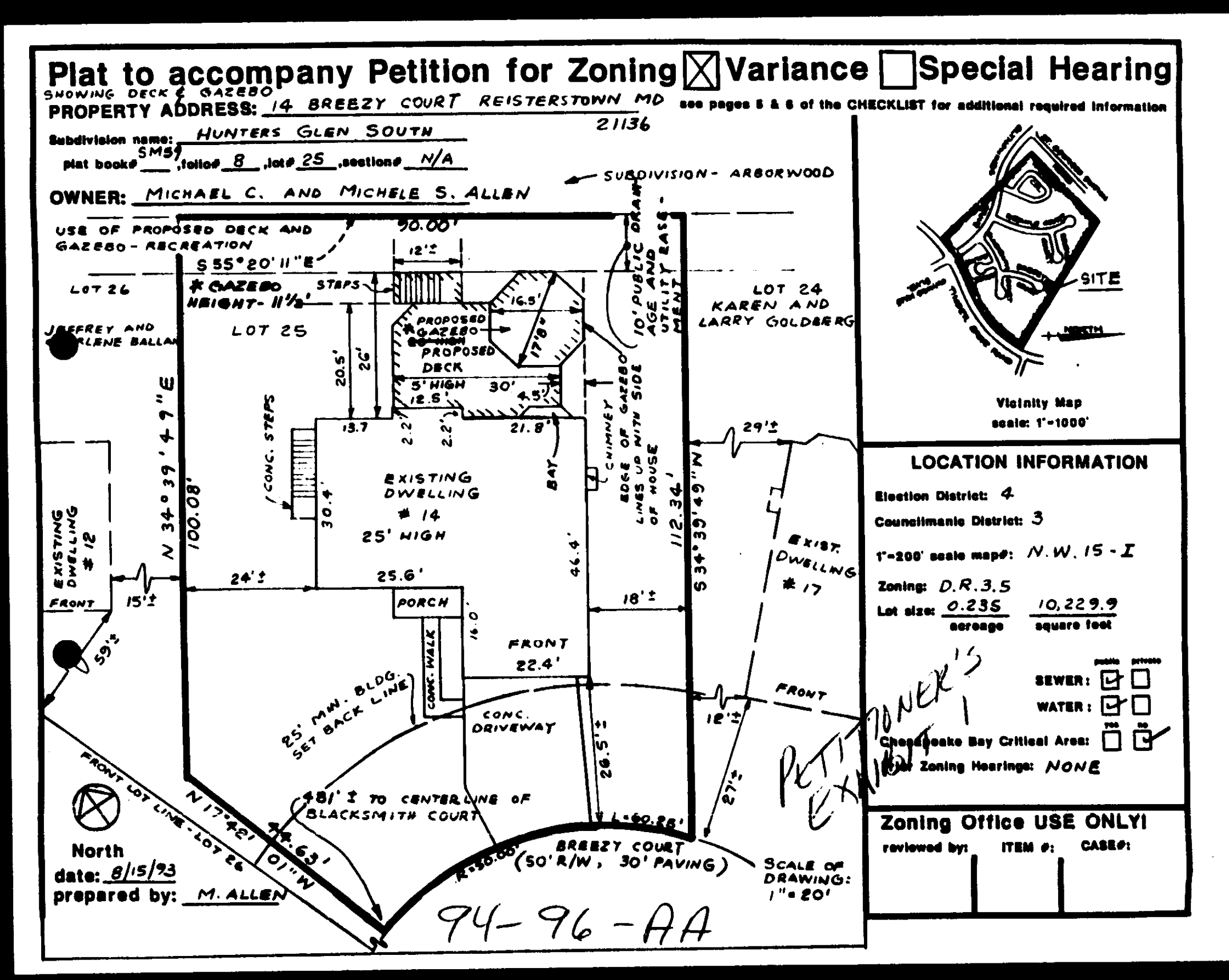
SOPHIA JENNINGS
BALTIMORE COUNTY ZONING OFFICE

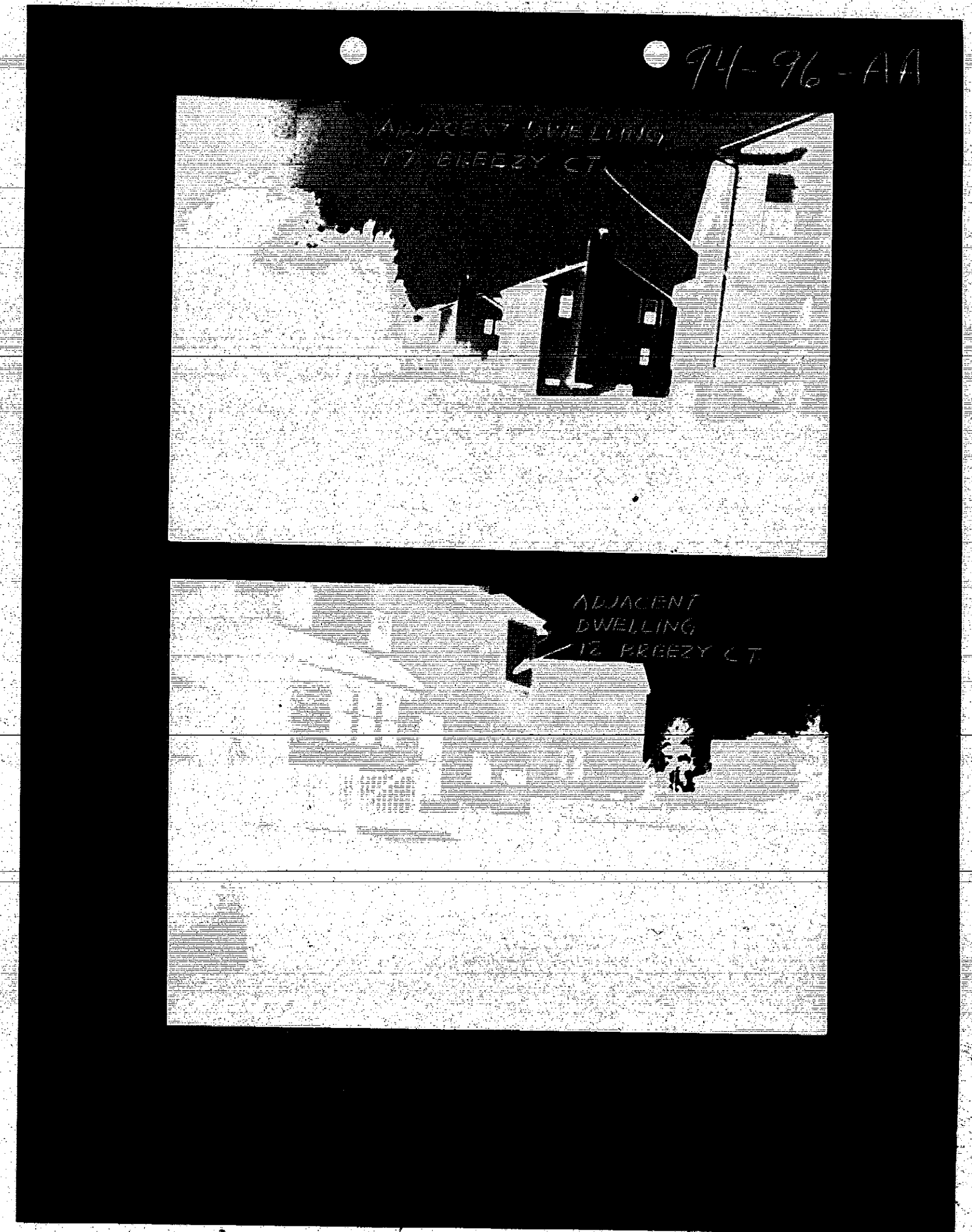
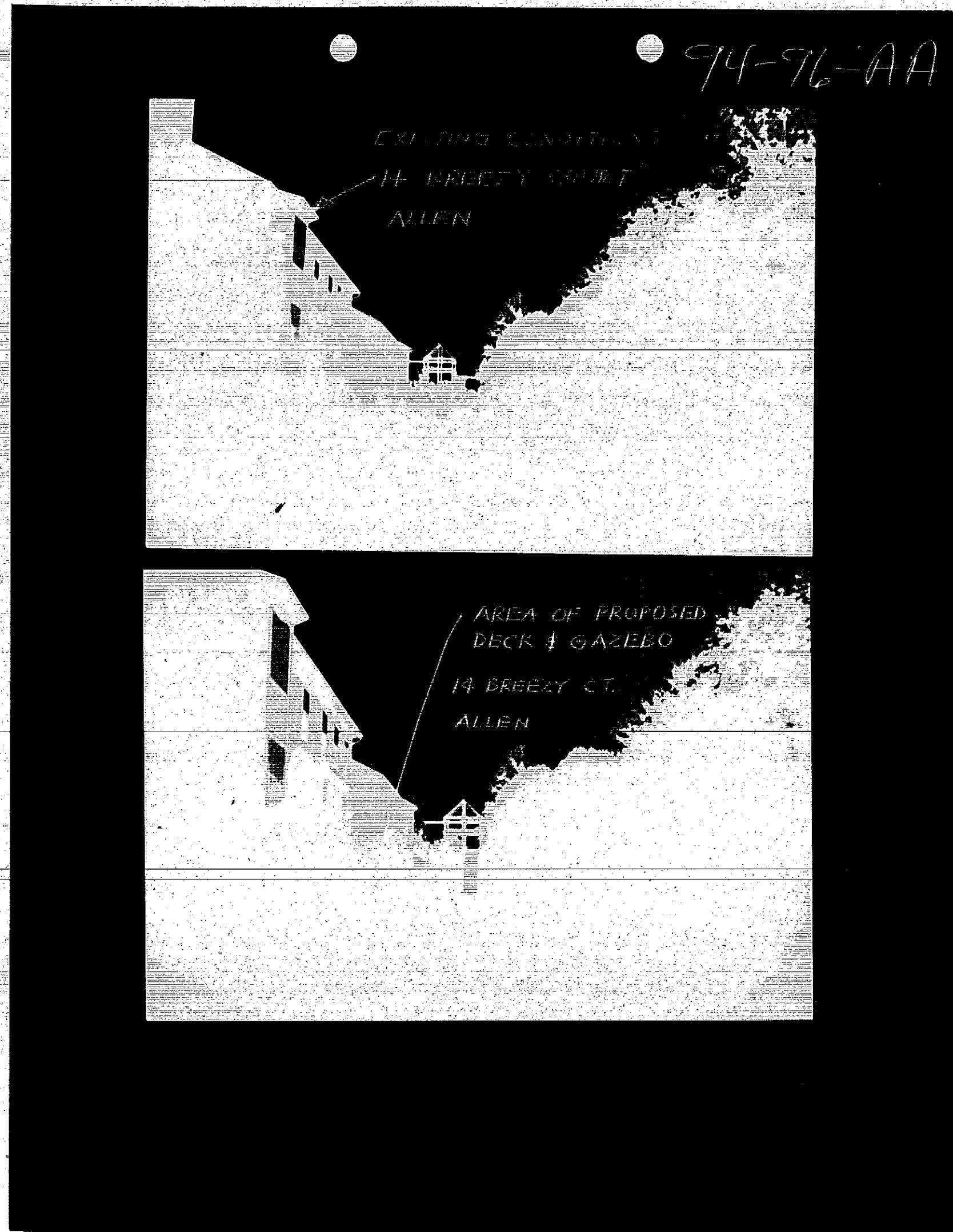
DEAR MS. JENNINGS,
I ATTACHED FIFTY DOLLARS TO AMEND THE FINAL DEVELOPMENT PLAN OF HUNTERS GLEN SOUTH. JOE MERRIE CALLED ME TO TELL ME THE MONEY IS REQUIRED AS PART OF MY PETITION FOR AN ADMINISTRATIVE VARIANCE, ITEM 101, THAT I FILED 9/1/93. PLEASE PUT THIS CHECK IN MY FILE TO BE PROCESSED. THANK YOU.

SINCERELY,
MIKE ALLEN
14 BREEZY COURT
REISTERSTOWN MD 21136

GG'S
SPH fee

RECEIVED
SEP 7 1993
ZADM







94-96-AA

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

TIMBER GROVE
APPLICATION FOR ADMINISTRATIVE
VARIANCE

NW
15-1

LOT 25 HUNTERS GLEN SOUTH ALLEN