

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
NW/8 Park Drive, 80 ft. +/-
NW from c/l of Windsor Rd.
7702 Park Drive
9th Election District
6th Councilmanic District
John Buxton, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John Buxton and Margaret Buxton, his wife for that property known as 7702 Park Drive in the Harford Park subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1802.3.C.1, 301.1.A and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft., in lieu of the required 7.5 ft., for an open projection; and to allow an existing accessory structure to be located in the side yard with an 8" setback, in lieu of the required rear yard setback of 2.5 ft., respectively. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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, photographs, 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 21st day of November, 1993 that the Petition for a Zoning Variance from Sections 1802.3.C.1, 301.1.A and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft., in lieu of the required 7.5 ft., for an open projection; and to allow an existing accessory structure (shed) to be located in the side yard with an 8" setback, in lieu of the required rear yard setback of 2.5 ft., respectively, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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.

LES:mmm

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 23, 1993

Mr. and Mrs. John Buxton
7702 Park Drive
Baltimore, Maryland 21234

RE: Petition for Administrative Zoning Variance
Case No. 94-167-A
Property: 7702 Park Drive

Dear Mr. and Mrs. Buxton:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative 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:mmm
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 7702 PARK DRIVE
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property hereby petition for a Variance from Sections 1802.3.C.1, 301.1.A and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft., in lieu of the required 7.5 ft., for an open projection; and to allow an existing accessory structure to be located in the side yard with an 8" setback, in lieu of the required rear yard setback of 2.5 ft., respectively.

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

1. PROPERTY HAS NO REAR DOOR
2. SIDE YARD IS 11 FEET WIDE, A 6 FOOT DECK IS NEEDED TO CLEAR 3 FOOT SHED DOOR
3. CONFORMANCE PREVENTS CONSTRUCTION OF A DECK OF USABLE DIMENSIONS

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

I, or we, agree to pay expenses of above variance advertising posting and posting 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.

- 4) EXISTING SHED ON NORTH SIDE

Contract Purchase Price: \$100,000
Type of Petition: Variance
Signature: MR. JOHN BUXTON
Address: 7702 PARK DR., BALTO MD 21234
Telephone: 785-4513 W, 665-3330 H
Name of Petitioner: MRS. MARGARET BUXTON
Name of Applicant: MARGARET BUXTON
Name of Attorney: [blank]
Name of Agent: [blank]
Name of Broker: [blank]
Name of Lender: [blank]
Name of Title Company: [blank]
Name of Surveyor: [blank]
Name of Engineer: [blank]
Name of Architect: [blank]
Name of Designer: [blank]
Name of Planner: [blank]
Name of Consultant: [blank]
Name of Other: [blank]

A Public Hearing having been requested and/or found to be required, it is ordered that the Zoning Commission of Baltimore County shall hold a public hearing on the subject matter of this petition at its next regular meeting, to be held on the 1st day of December, 1993, at 7:00 PM, in the Zoning Commission Hearing Room, located at the County Administration Center, 111 West Chesapeake Avenue, Towson, Maryland 21204.

REVIEWED BY: R.T. DATE: 12-19-93
ESTIMATED POSTING DATE: 11-7-93
ITEM # 167

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) 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/also presently reside at: 7702 PARK DRIVE
BALTO MD 21234

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: (Indicate hardship or practical difficulty)

- 1) PROPERTY HAS NO REAR DOOR
- 2) SIDE YARD IS 11 FEET WIDE, A 6 FOOT DECK IS NEEDED TO CLEAR A 3 FOOT SHED DOOR
- 3) CONFORMANCE PREVENTS CONSTRUCTION OF A DECK OF USABLE DIMENSIONS
- 4) EXISTING SHED ON NORTH SIDE

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

John Buxton
Margaret Buxton

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 18th day of October, 1993, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared

John & Margaret Buxton
the Affiant(s) herein, personally known and satisfactorily identified to me as each 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.
10/18/93
My Commission Expires: 9/95

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7702 PARK DRIVE, BALTO.
Election District 9 Councilmanic District 6

Beginning at a point on the NORTHWEST side of PARK DRIVE (north, south, east or west)

which is 50' (number of feet of right-of-way width)

(street on which property fronts) wide at a distance of 80' NORTHEAST of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street WINDSOR RD (name of street)

which is 40' wide. *Being Lot # 849 (number of feet of right-of-way width)

Block 20, Section # 'A' in the subdivision of HARFORD PARK (name of subdivision)

Book # 5, Folio # 62, containing 4800 SQ. FT. 0.106 AC. (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.

ITEM # 149

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/4/93
Posted for: Variance
Petitioner: John & Margaret Buxton
Location of property: 7702 Park Drive, NW/8 Windsor Rd.
Location of Sign: Along Roadway on Park Dr. facing 7702
Remarks: [blank]
Posted by: [blank] Date of return: 11/5/93
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 12, 1993

Mr. and Mrs. John Buxton
7702 Park Drive
Baltimore, Maryland 21234

RE: Case No. 94-167-A, Item No. 169
Petitioner: John Buxton, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Buxton:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from 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 October 19, 1993, and a hearing was scheduled accordingly.

The following 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

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

Re: Baltimore County
Item No. 145 (RT)

Dear Ms. Minton:

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 project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID A. KATSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 1, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 144, 167, 168, 169, 172, 175, 176 and 177.

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 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC 144/PZCNE/ZAC1

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 12, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

MEETING OF NOVEMBER 1, 1993

Property Owner: MHL Realty Company
Location: #1504 Reisterstown Road
Item No.: #168 (WCR)

Property Owner: John Buxton and Margaret Buxton
Location: #7702 Park Drive
Item No.: #169 (RT)

Property Owner: Edward C. Chavatel & Virginia H. Chavatel
Location: #32 Pleasant Hill Road
Item No.: #170 (RT)

Property Owner: Lea Anne Dunton & Gary C. Dunton
Location: #803 Katesford Road
Item No.: #171 (JMC)

Property Owner: Steven W. Heiger & Peggy A. Heiger
Location: #23 Glasshouse Garth
Item No.: #172 (JRF)

Property Owner: Powerline Investments, Inc.
Location: #1704 Middleborough Road
Item No.: #174 (JLL)

Property Owner: Powerline Investments, Inc.
Location: #1702 Middleborough Road
Item No.: #174 (JLL)

Property Owner: Carol A. Grillo and Philip R. Grillo
Location: #100 Armagh Drive
Item No.: #175 (JMC)

Property Owner: Margaret Chenoweth & Donald L. Chenoweth &
Location: Lot Behind #2927 Chenoak Avenue
Item No.: #176 (RT)

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 29, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: John Buxton and Margaret Buxton
7702 Park Drive
Baltimore, Maryland 21204

Re: CASE NUMBER: 94-167-A (Item 169)
7702 Park Drive
84/8 Park Drive, 80/8: 84 from c/o of Windsor Road
9th Election District - 6th 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 887-3353. This notice also serves as a reference regarding the administrative process.

1) Your property will be posted on or before November 1, 1993. The closing date (November 22, 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.

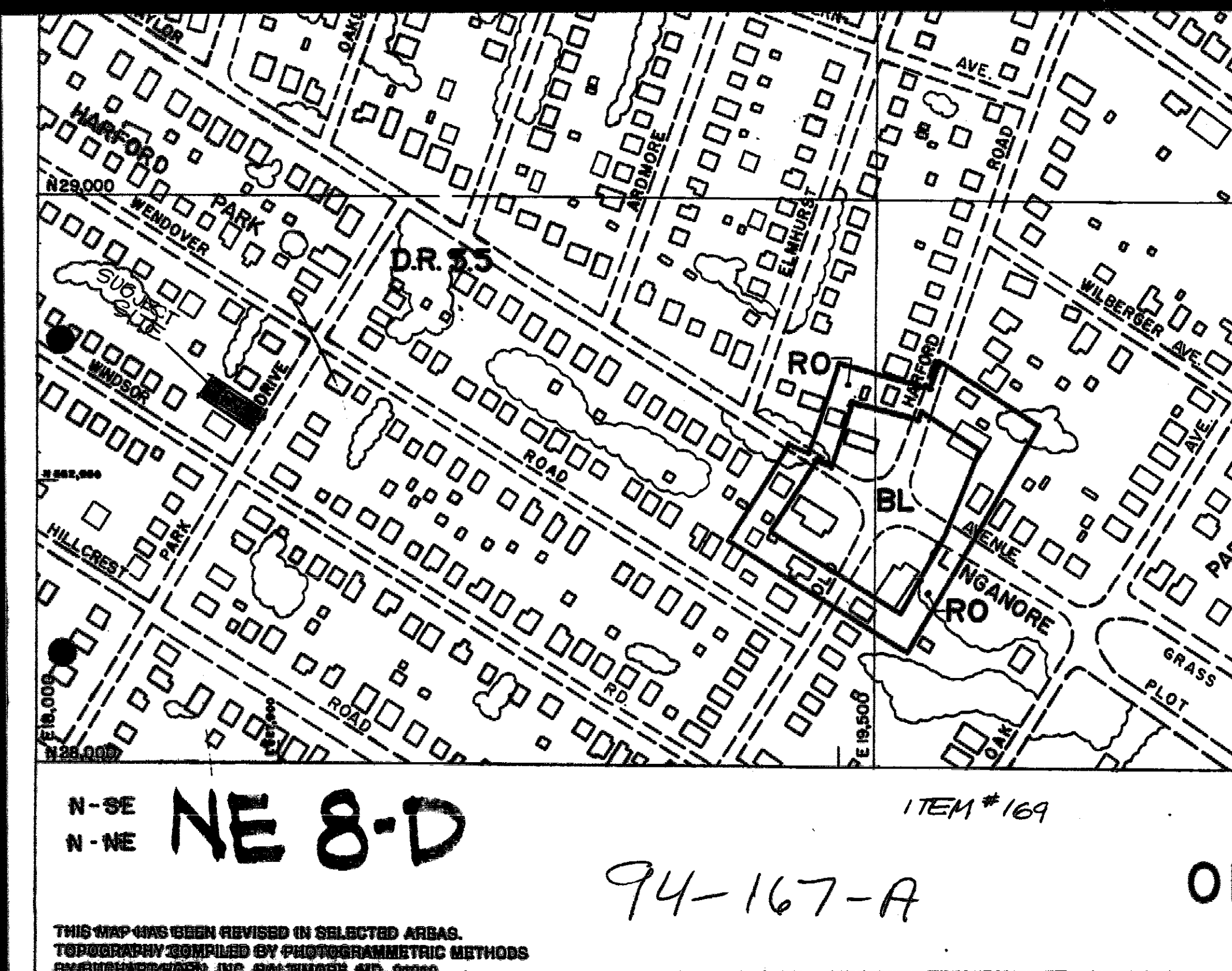
2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

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

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on Recycled Paper



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7702 PARK DRIVE

Subdivision name: HARFORD PARK

plat book: 12-15-93

OWNER: JOHN & MARGARET BUXTON

94-167-A

DATE: 12-15-93

PREPARED BY: J. BUXTON

Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Councilmanic District: 6

Election District: 9

1"-200' scale map: NE 8-D

Zoning: DR-5.5

Lot size: 4,800 square feet

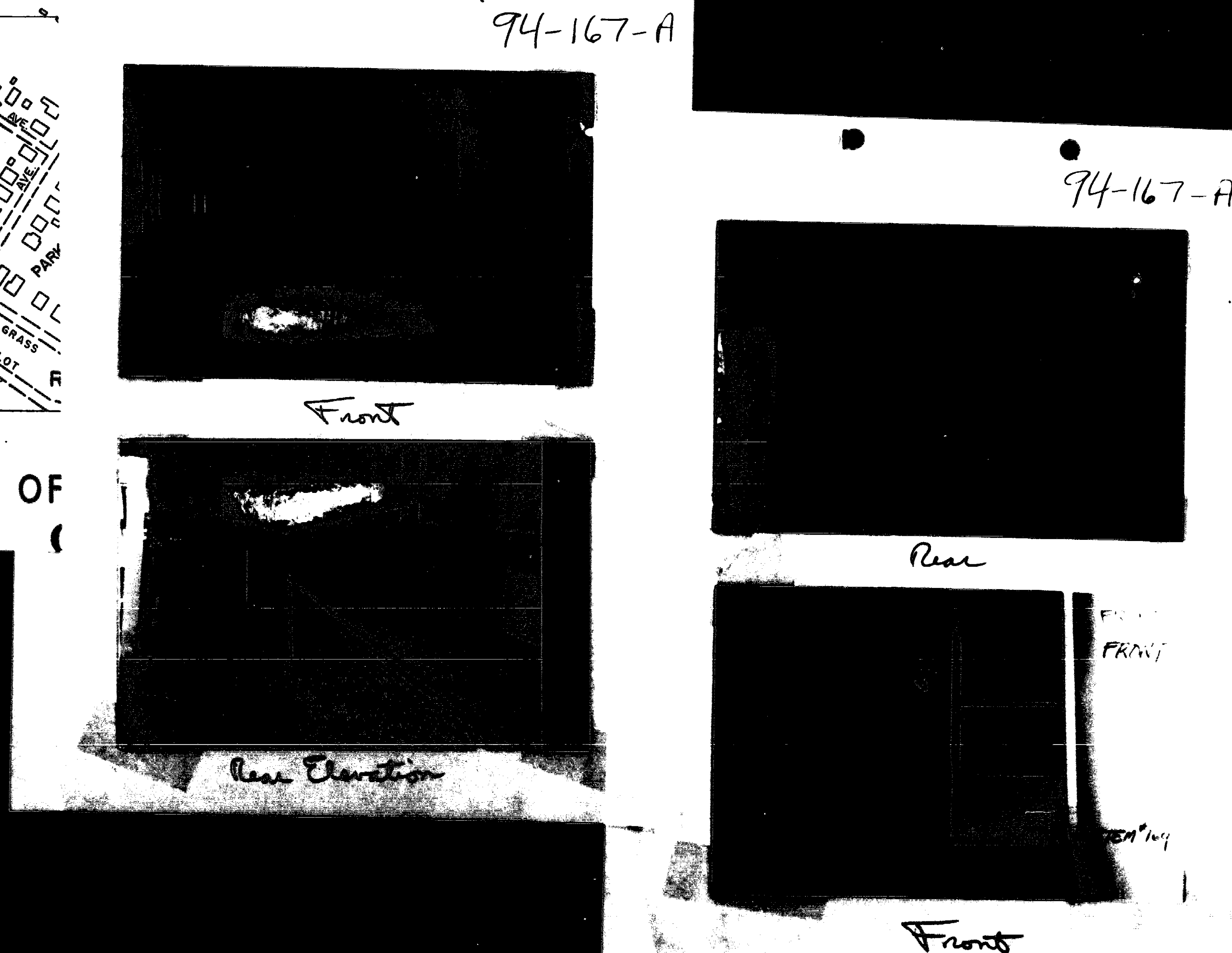
Chesapeake Bay Critical Area: UNKNOWN

Prior Zoning Hearings: UNKNOWN

Zoning Office USE ONLY:

reviewed by: R.T.

DATE: 1/6/94





94-167-A

ITEM #149

SECTION A

HARFORD PARK

SUBDIVIDED BY

INTER-CITY LAND CO.

KNICKERBOCKER BUILDING-BALTIMORE, MD.

W.P.C. No 5-162

Plot accompanying Deed
for Adam Taylor for et al
to
Inter-City Land Co. 4-15-09

Baltimore County
Baltimore City

94-167-A



ITEM #169

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PARKVILLE

SHEET
N E
8-D