

IN RE: PETITION FOR VARIANCE
NE/S Old North Point Road, 300'
NW of the c/l Rosebank Avenue
(3700 Old North Point Road)
12th Election District
7th Councilmanic District

Robert Alderson, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-227-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3700 Old North Point Road, located in the vicinity of Charlesmont. The Petition was filed by the owners of the property, Robert and Linda Alderson. The Petitioners seek relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) recreational vehicles on the subject property in lieu of the permitted one (1), and from Sections 203.3.A.1, 1B02.3.C.1 and 301.1.A to permit a side yard setback of 4 feet for an attached swimming pool in lieu of the minimum required 7.5 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robert Alderson. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 10,802 sq.ft. zoned R.O. and is improved with a single family dwelling, a swimming pool which has been attached to the dwelling via a deck, a detached garage, and a shed. The instant Petition was filed in response to a violation notice the Petitioners received as to the number of recreational vehicles being stored on the property and to legitimize the setback provided for the existing swimming pool. Mr. Alderson testi-

ORDER RECEIVED FOR FILING
Case 95-227-A
By [Signature]

MICROFILMED

fied that he has owned and resided on the subject property for the past 15 years and that he has owned all three recreational vehicles which are the subject of this Petition for approximately 3 years. He testified that he currently has a pop-up camper, which is used as a utility trailer, a 1977 20-foot motor home, which is property tagged and operational, and a 23-foot boat which sits on a trailer. Testimony indicated that because of a dispute with the adjoining property owner, a complaint was filed with the Zoning Administration and Development Management (ZADM) office as to the number of recreational vehicles he stores on the property. Following an investigation of his property by a Zoning Enforcement Inspector, the Petitioner was advised to file the instant Petition to request permission to continue storing all three recreational vehicles on his property, and to obtain variance relief for the existing swimming pool which does not meet current setback requirements. Mr. Alderson testified that the swimming pool has existed in its present location for the past 10 years. Further testimony revealed that Mr. Alderson has braces on both legs and that the pool provides therapy.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

ORDER RECEIVED FOR FILING

Date

By

[Handwritten signature]
[Handwritten signature]

[Handwritten notes]

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, and the absence of any opposition, it appears the relief requested should be granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of this request and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioners. The variances requested will not cause any injury to the public health, safety or general welfare and meet the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1995 that the Petition for Variance seeking relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) recreational vehicles on the subject property in lieu of the permitted one (1), and from Sections 203.3.A.1, 1B02.3. C.1 and 301.1.A to permit a side yard setback of 4 feet for an attached swimming pool in lieu of the minimum required 7.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order.

ORDER RECEIVED FOR FILING

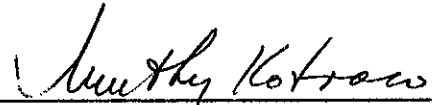
Date 2/10/95
By [Signature]

[Handwritten signature]

In the event an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the existing pop-up camper, 20-foot motor home, and 23-foot boat. In the event the Petitioner finds it necessary to replace any of these recreational vehicles, he shall be permitted to do so with one of the same or lesser size. However, the Petitioner is not permitted to replace any of the recreational vehicles with one of a greater size.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

2/14/95

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 10, 1995

Mr. Robert Alderson
3700 Old North Point Road
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
NE/S Old North Point Road, 300' NW of the c/l Rosebank Avenue
(3700 Old North Point Road)
12th Election District - 7th Councilmanic District
Robert Alderson, et ux - Petitioners
Case No. 95-227-A

Dear Mr. Alderson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓
File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3700 Old North Point Rd

which is presently zoned

RO

VIOLATION

95-227-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate 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)

415A.1, BC2R, TO PERMIT 3 RECREATIONAL VEHICLES IN LIEU OF THE PERMITTED 1; AND SECTIONS 203.3.A.1, BO2.3.C.1 AND 301.1A. TO PERMIT A SIDEYARD ~~VARIANCE~~ SETBACK OF 4' (FOR AN ATTACHED POOL) IN LIEU OF THE REQUIRED 7.5'.

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

To BE PRESENTED AT HEARING.

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.

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink on Recycled Paper

Zoning Administration

MICROFILMED

222

EXAMPLE 3 - Zoning Description

- 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3700 OLD NOVA POWT RD.
(address)

Beginning at a point on the NORTH EAST side of OLD NOVA POWT
(north, south, east or west) (name of

Rd. which is _____
(number of feet of right-of-way width)

street on which property fronts) _____
wide at the distance of 450 SOUTH EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street ROBERTAWK AVE.
(name of street)

which is X _____ wide. *Being Lot # _____
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of _____
(name of subdivision)

as recorded in Baltimore County Plat Book # _____, Folio # _____, containing

10802 # Also known as _____
(square feet or acres) (property address)

and located in the 12 Election District, 7 Councilmanic District.

*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.

Typical 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.

222

-
- _____ 12. FEATURES: Location of streams, stormwater management systems, drainage pipe systems on or within 50 feet of the property, and the 100-year floodplain, if any. If not in the floodplain, note this on the plan.
 - _____ 13. B.O.C.A.: Buildings must meet the building code and fire code requirements with regard to type of construction, windows, setbacks, etc.
 - _____ 14. SPECIAL REQUIREMENTS: For special hearings on two-apartment dwellings, floor plans detailing each floor with room sizes and uses are required. For waterfront construction such as piers, ask for a copy of the waterfront construction checklist (available in Room 109).

ALL OF THE ABOVE INFORMATION MUST BE COMPLETE AND ACCURATE OR THE PETITION CANNOT BE ACCEPTED FOR FILING.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-227-12

District 12th

Date of Posting 1/14/95

Posted for: Variance

Petitioner: Robert & Arida Alderson

Location of property: 3700 Old North Point Rd, NE/S

Location of Signs: Felling road way on property being zoned.

Remarks: (No Ads Used)

Posted by [Signature]
Signature

Date of return: 1/20/95

Number of Signs: 1

MICROFILMED



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 12, 1995.

THE JEFFERSONIAN,

A. Henrichsen

LEGAL AD. - TOWSON.

NOTICE OF HEARING

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-227-A (Item 222)
3700 Old North Point Road
NE/S Old North Point Road
300' +/- NW of a/
Rosebank Avenue

12th Election District
7th Councilmanic

Legal Owner(s):

Robert Alderson and
Linda Alderson

HEARING: THURSDAY

FEBRUARY 2, 1994 at
10:00 a.m. in Rm. 118, Old
Courthouse

Variance to permit 3 recreational vehicles in lieu of the permitted 1; and to permit a sideyard setback of 4 feet (for an attached pool) in lieu of the required 7.5 feet.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or hearing, please call 887-3391.

1/118 January 12.

SEARCHED
SERIALIZED
INDEXED
FILED

222



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-227-A

Account: R-001-6150

Number

JCM

Date

12-29-94

ROBERT ALDRICH _____ 3700 OLD N. PT. RD.

VARIANCE (010) _____

50.00

POSTING (080) _____

35.00

85.00

APPROVED

COPIES OF RECEIPT TO BE
BY TOWSON

300.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

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/neighboring 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:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 222
 Petitioner: ROBERT ALBERSON
 Location: 3700 OLD N. PT. RD. BALD. MD. 21222

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SAME
 ADDRESS: _____

PHONE NUMBER: 288-0536

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
January 12, 1995 Issue - Jeffersonian

Please forward billing to:

Robert and Linda Alderson
3700 North Point Road
Baltimore, Maryland 21222
288-0536

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-227-A (Item 222)

3700 Old North Point Road

NE/S Old North Road, 300'+/- NW of c/l Rosebank Avenue

12th Election District - 7th Councilmanic

Legal Owner(s): Robert Alderson and Linda Alderson

HEARING: THURSDAY, FEBRUARY 2, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit 3 recreational vehicles in lieu of the permitted 1; and to permit a sideyard setback of 4 feet (for an attached pool) in lieu of the required 7.5 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

W. CROFF-11-10-90

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

JANUARY 6, 1995

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-227-A (Item 222)
3700 Old North Point Road
NE/S Old North Road, 300'+/- NW of c/l Rosebank Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Robert Alderson and Linda Alderson
HEARING: THURSDAY, FEBRUARY 2, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit 3 recreational vehicles in lieu of the permitted 1; and to permit a sideyard setback of 4 feet (for an attached pool) in lieu of the required 7.5 feet.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Robert and Linda Alderman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) ~~OFFICES~~ ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 26, 1995

Mr. and Mrs. Robert Alderson
3700 Old North Point Road
Baltimore, Maryland 21222

RE: Item No.: 222
Case No.: 95-227-A
Petitioner: Robert Alderson, et ux

Dear Mr. and Mrs. Alderson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 29, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-19-95

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

Re: Baltimore County
Item No.: *\$ 222 (JCM)*

Dear Ms. Watson:

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,

for *Bob Small*
Ronald Burns, 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

MICROFILMED

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

TO: ZADM

DATE: 1/26/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 1/9/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

222 ✓

224

LS:sp


LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 9, 1995

From: Pat Keller, Director 
Office of Planning and Zoning

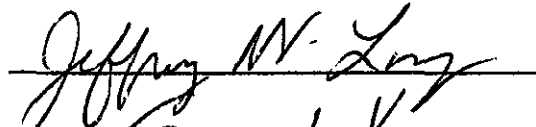
Subject: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comment on the following petitions:

Item Nos. 218, 220, 222, 223, and 224

If there should be any 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:



JL NC218/PZONE/TXTJWL

MICROFILMED

gw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/04/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 9, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 222, 223 AND 224.

RECEIVED

JAN 5 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



RE: PETITION FOR VARIANCE	*	BEFORE THE
3700 Old North Point Road, NE/S Old North	*	ZONING COMMISSIONER
Point Road, 300'+/- NW of c/l Rosebank	*	OF BALTIMORE COUNTY
Avenue, 12th Election District	*	
7th Councilmanic	*	
Robert and Linda Alderson	*	CASE NO. 95-227-A
Petitioners		

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert and Linda Alderson, 3700 North Point Road, Baltimore, MD 21222, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

FILED

NOTE TO HRG OFFICER:

1. PET'R CANNOT READ OR WRITE.
2. PET'R IS A Co. EMPLOYEE ADVISED Re: COUNCIL RESOLUTION.

~~30 THE TRUCK OWNED BY PET'R
A SUE PLAN~~

WICRONLINE

NEEDS

C.C.

RESOLUTION

MICROFILMED



9-227-A

County Council of Baltimore County

Court House, Towson, Maryland 21204

(410) 887-3196

Fax (410) 887-5791

Stephen G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

Louis L. DePazzo
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

January 18, 1995

Mr. Lawrence E. Schmidt
Zoning Commissioner
Court House
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 1-95 concerning the public disclosure of Robert Olderson. Mr. Olderson, an employee of Public Works has applied for a zoning variance in order to store recreational vehicles in the yard of his home located at 3700 Old North Point Road.

This Resolution was unanimously approved by the County Council at its January 17, 1995 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Mr. Robert Olderson

MICROFILMED

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1995, LEGISLATIVE DAY NO. 2
RESOLUTION NO. 1-95

Mr. Louis L. DePazzo, Councilman

BY THE COUNTY COUNCIL, January 17, 1995

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

WHEREAS, Robert Olderson, an employee of Baltimore County, has applied for a zoning variance in order to store recreational vehicles in the yard of his home located at 3700 Old North Point Road, Baltimore, Maryland 21222; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(e) of the Baltimore County Code.

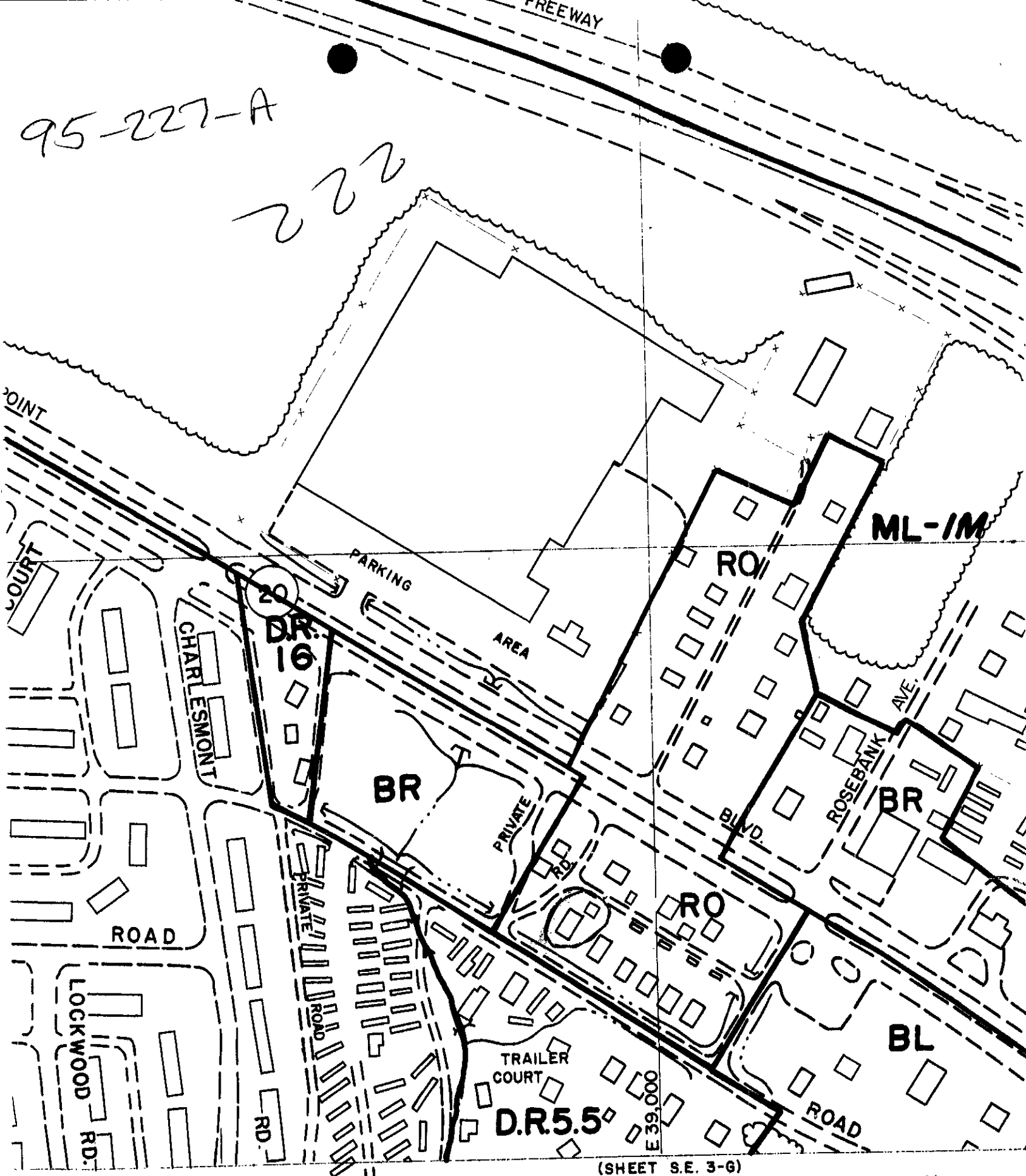
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a variance filed by Robert Olderson does not contravene the public welfare and is hereby authorized.

R00195/RES95

UNRECORDED

95-227-A

222



BALTIMORE COUNTY
OFFICE OF PLANNING AND



4 alley
11 to 2



PETITIONER'S
EXHIBIT 2

SIGN-IN SHEET

NAME	IN	INITIALS	OUT	INITIALS	REMARKS
ALEXANDER, J.					
BANNERMAN, L.					
BROWN, C.					
CONNOR, K.					
DUVALL, R.					
ECKERT, R.					
EDWARDS, B.					
FERNANDO, B.					
FITTS, T.					
FREUND, G.					
JENNINGS, S.					
KEHRING, H.					
KELLMAN, M.					
KUGELBERG, K.					
LEWIS, J.					
LOWERY, S.					
LUPERINI, G.					
MARANTO, J.					
MCGRAW, C.					
MERREY, J.					
MILTON, C.					
PUTTY, D.					
RASCOE, D.					
RICHARDS, C.					
RORKE, C.					
STEPHENS, G.					
SULLIVAN, J.					
TANGUILIG, R.					
THOMPSON, D.					
THOMPSON, J.					
WASILEWSKI, L.					
WATSON, J.					
WIMBLEY, S.					
WINIARSKI, J.					
FORD, K.					
HAMILTON, K.					

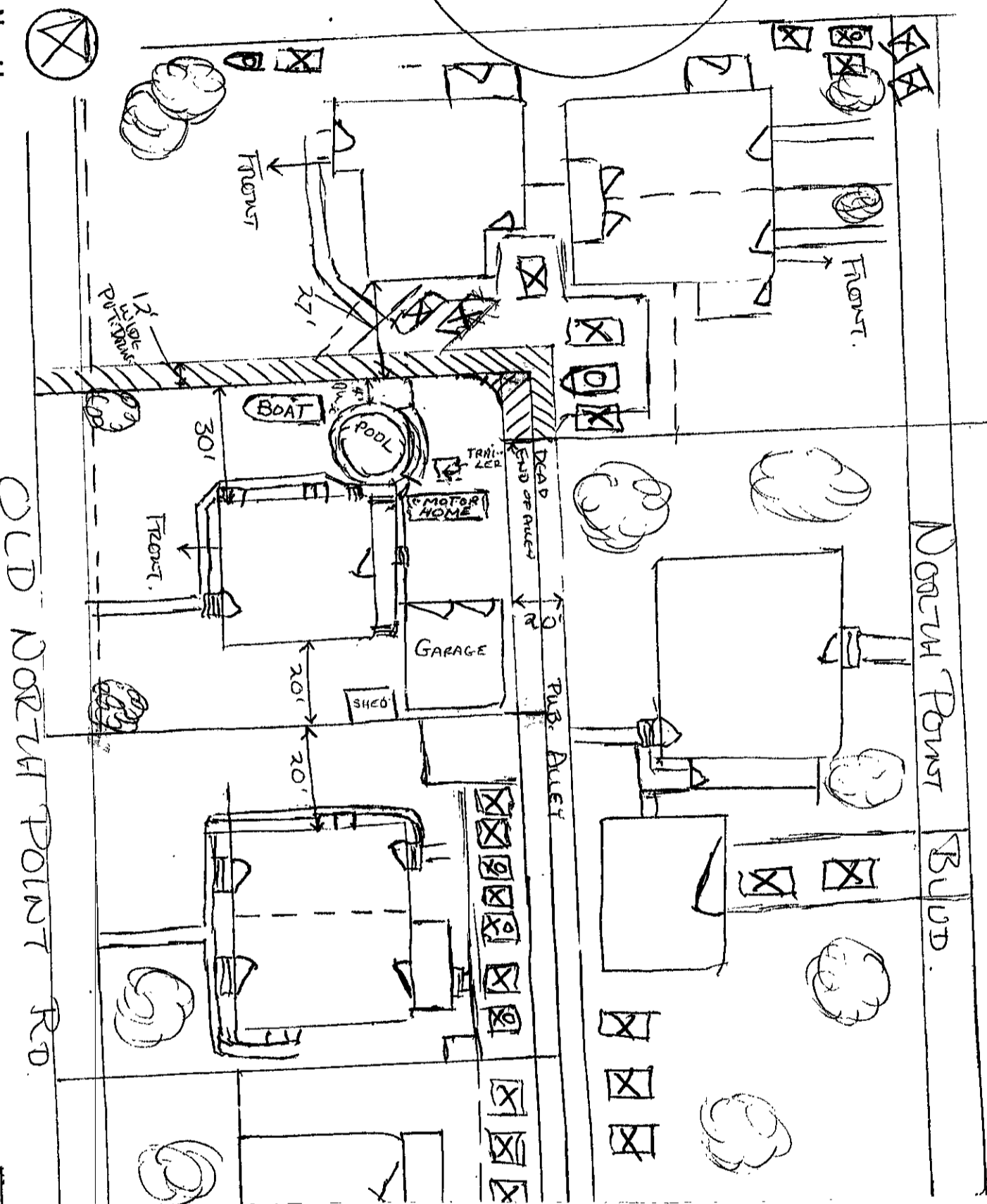
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 3700 Old North Point Road

see pages 5 & 6 of the CHECKLIST for additional required information

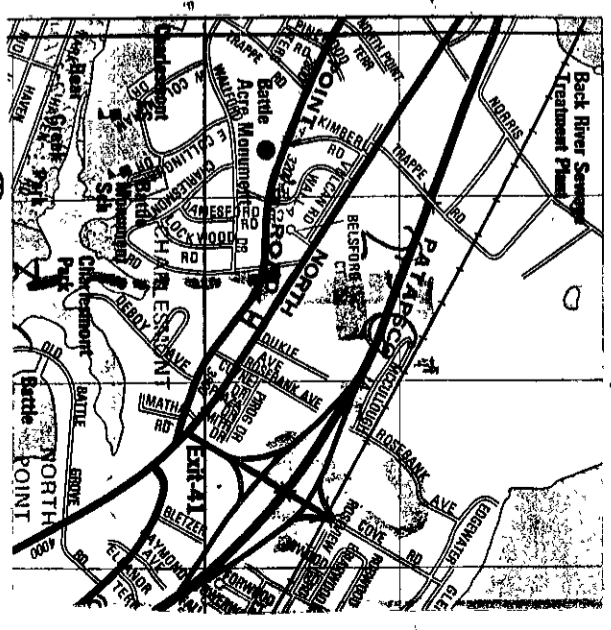
Subdivision name: _____
 plat book# _____, folio# _____, lot# _____, section# _____
 OWNER: Robert Lee Alderson

PETITIONER'S
 EXHIBIT # 1



North
 date: 12-30-84
 prepared by: _____

Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Election District: 12.
 Councilmanic District: 7.
 T=200' scale map#: SE. 2-G.
 Zoning: RO.
 Lot size: _____
 acreage _____ square feet 10902 sqft.

- | | | |
|--------|--|----------------------------------|
| SEWER: | <input checked="" type="checkbox"/> public | <input type="checkbox"/> private |
| WATER: | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

Chesapeake Bay Critical Area:
 Prior Zoning Hearings: NONE.

Zoning Office USE ONLY!
 reviewed by: _____ ITEM #: _____ CASE#: _____
DM 222 95-227-A

* per Lew W. Measurement

IN RE: PETITION FOR VARIANCE
 NE/S Old North Point Road, 300'
 NW of the c/1 Rosebank Avenue
 (3700 Old North Point Road)
 12th Election District
 7th Councilmanic District

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 95-227-A

Robert Alderson, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3700 Old North Point Road, located in the vicinity of Charlesmont. The Petition was filed by the owners of the property, Robert and Linda Alderson. The Petitioners seek relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) recreational vehicles on the subject property in lieu of the permitted one (1), and from Sections 203.3.A.1, 1802.3.C.1 and 301.1.A to permit a side yard setback of 4 feet for an attached swimming pool in lieu of the minimum required 7.5 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robert Alderson. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 10,802 sq.ft. zoned R.O. and is improved with a single family dwelling, a swimming pool which has been attached to the dwelling via a deck, a detached garage, and a shed. The instant Petition was filed in response to a violation notice the Petitioners received as to the number of recreational vehicles being stored on the property and to legitimize the setback provided for the existing swimming pool. Mr. Alderson testi-

fied that he has owned and resided on the subject property for the past 15 years and that he has owned all three recreational vehicles which are the subject of this Petition for approximately 3 years. He testified that he currently has a pop-up camper, which is used as a utility trailer, a 1977 20-foot motor home, which is property tagged and operational, and a 23-foot boat which sits on a trailer. Testimony indicated that because of a dispute with the adjoining property owner, a complaint was filed with the Zoning Administration and Development Management (ZADM) office as to the number of recreational vehicles he stores on the property. Following an investigation of his property by a Zoning Enforcement Inspector, the Petitioner was advised to file the instant Petition to request permission to continue storing all three recreational vehicles on his property, and to obtain variance relief for the existing swimming pool which does not meet current setback requirements. Mr. Alderson testified that the swimming pool has existed in its present location for the past 10 years. Further testimony revealed that Mr. Alderson has braces on both legs and that the pool provides therapy.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

ORDER RECEIVED FOR FILING

Date 1/14/95
 By [Signature]

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, and the absence of any opposition, it appears the relief requested should be granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structures which are the subject of this request and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioners. The variances requested will not cause any injury to the public health, safety or general welfare and meet the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of February, 1995 that the Petition for Variance seeking relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three (3) recreational vehicles on the subject property in lieu of the permitted one (1), and from Sections 203.3.A.1, 1802.3.C.1 and 301.1.A to permit a side yard setback of 4 feet for an attached swimming pool in lieu of the minimum required 7.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order.

ORDER RECEIVED FOR FILING

Date 1/14/95
 By [Signature]

In the event an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to the existing pop-up camper, 20-foot motor home, and 23-foot boat. In the event the Petitioner finds it necessary to replace any of these recreational vehicles, he shall be permitted to do so with one of the same or lesser size. However, the Petitioner is not permitted to replace any of the recreational vehicles with one of a greater size.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

TMK:bjs

[Signature]
 TIMOTHY M. KOTROCCO
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING

Date 1/14/95
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

February 10, 1995

(410) 887-4386

Mr. Robert Alderson
 3700 Old North Point Road
 Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
 NE/S Old North Point Road, 300' NW of the c/1 Rosebank Avenue
 (3700 Old North Point Road)
 12th Election District - 7th Councilmanic District
 Robert Alderson, et ux - Petitioners
 Case No. 95-227-A

Dear Mr. Alderson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[Signature]
 TIMOTHY M. KOTROCCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

cc: People's Counsel

File

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at 3700 Old North Point Rd
 which is presently zoned RO

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) 415.A.1, 203.3.C.1, 1802.3.C.1 AND 301.1.A TO PERMIT 3 RECREATIONAL VEHICLES IN LIEU OF THE PERMITTED 1 AND SECTION 203.3.A.1, 1802.3.C.1 AND 301.1.A TO PERMIT A SIDEYARD SETBACK OF 4' (SEE AN ATTACHED PLAN) IN LIEU OF THE REQUIRED 7.5'.

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.

Correct Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Petitioner

(Type or Print Name)

Address

City State Zip

Phone No.

ESTIMATED LENGTH OF HEARING

on the following date: _____

at _____

By _____

With 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.

Legal Owner(s)

Robert Alderson

Robert Alderson

Linda Alderson

Linda Alderson

3700 N.P. Rd 2880536

BATT MD 21202

Name, Address and phone number of representative to be contacted

SMC

OFFICE USE ONLY

RECORDED BY [Signature] DATE 12-29-94

ORDER RECEIVED FOR FILING

Date 1/14/95
 By [Signature]

EXAMPLE 3 - Zoning Description - 3 copies

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK" - Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3700 Old North Point Rd
 (address)

Beginning at a point on the NORTH EAST side of OLD NORTH POINT
 (north, south, east or west) (name of street)

RO street on which property fronts) which is 450
 (number of feet of right-of-way width)

wide at the distance of 450 SOUTH EAST of the
 (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street ROSEBANK AVE.
 (name of street)

which is 450 wide. *Being Lot # ---
 (number of feet of right-of-way width)

Block --- Section # --- in the subdivision of ---
 (name of subdivision)

as recorded in Baltimore County Plat Book # --- Folio # --- containing
108024 Also known as --- (property address)

and located in the 12 Election District, 7 Councilmanic District.

*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.

Typical 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.

CR/RESID (TXTSOPI)
 REVISED 5/16/94

222

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 12th Date of Posting 1/14/95
 Posted for: Variance
 Petitioner: Robert & Linda Alderson
 Location of property: 3700 Old North Point Rd, MD
 Location of Signs: Facing road sign on property being posted
 Remarks: (No Pls. Used)
 Posted by: [Signature] Date of return: 1/29/95
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan 13, 1995
 THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 12, 1995

THE JEFFERSONIAN,
A. Henrickson
 LEGAL AD. - TOWSON

222 receipt
95-227-A

Account: R0714150
Number: JCM

Date: 12-27-94

Robert Alderson 3700 Old North Point Road
UARMCC (010) 50.00
Resident (080) 35.00
85.00

Please Make Checks Payable To: Baltimore County

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/neighboring 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, due upon receipt, will come from and should be remitted directly to the newspaper.

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

Arnold Jablon, DIRECTOR

For newspaper advertising:
Item No.: 222
Petitioner: Robert Alderson
Location: 3700 Old North Point Road, Towson, Md, 21222

PLEASE FORWARD ADVERTISING BILL TO:
NAME: SAME
ADDRESS:
PHONE NUMBER: 283-0536

Al:ggg (Revised 04/09/93) 13

TO: PUNCEY PUBLISHING COMPANY
January 12, 1995 Issue - Jeffersonian

Please forward billing to:
Robert and Linda Alderson
3700 North Point Road
Baltimore, Maryland 21204
283-0536

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-227-A (Item 222)
3700 Old North Point Road
3700 Old North Point Road
12th Election District - 7th Councilmanic
Legal Owner(s): Robert Alderson and Linda Alderson
HEARING: THURSDAY, FEBRUARY 2, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit 3 recreational vehicles in lieu of the permitted 1; and to permit a sideyard setback of 4 feet (for an attached pool) in lieu of the required 7.5 feet.

LAURENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
JANUARY 6, 1995 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-227-A (Item 222)
3700 Old North Point Road
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Arnold Jablon
Director

cc: Robert and Linda Alderson

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

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

January 26, 1995

Mr. and Mrs. Robert Alderson
3700 Old North Point Road
Baltimore, Maryland 21222

RE: Item No.: 222
Case No.: 95-227-A
Petitioner: Robert Alderson, et ux

Dear Mr. and Mrs. Alderson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 29, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-19-95

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

Re: Baltimore County
Item No.: 222 (JCM)

Dear Ms. Watson:

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 410-333-1550 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2269 (toll free)
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

TO: ZADM DATE: 1/26/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 1/14/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 222
224

LS:sp
LETTY2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management Date: January 13, 1995

FROM: Robert N. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 1995
Item #222 & #224

The Developers Engineering Section has reviewed the subject zoning items. There are no comments for subject items.

RWB:jrb
cc: File

RWB:6

Plat to accompany Petition for Zoning Variance Special Hearing

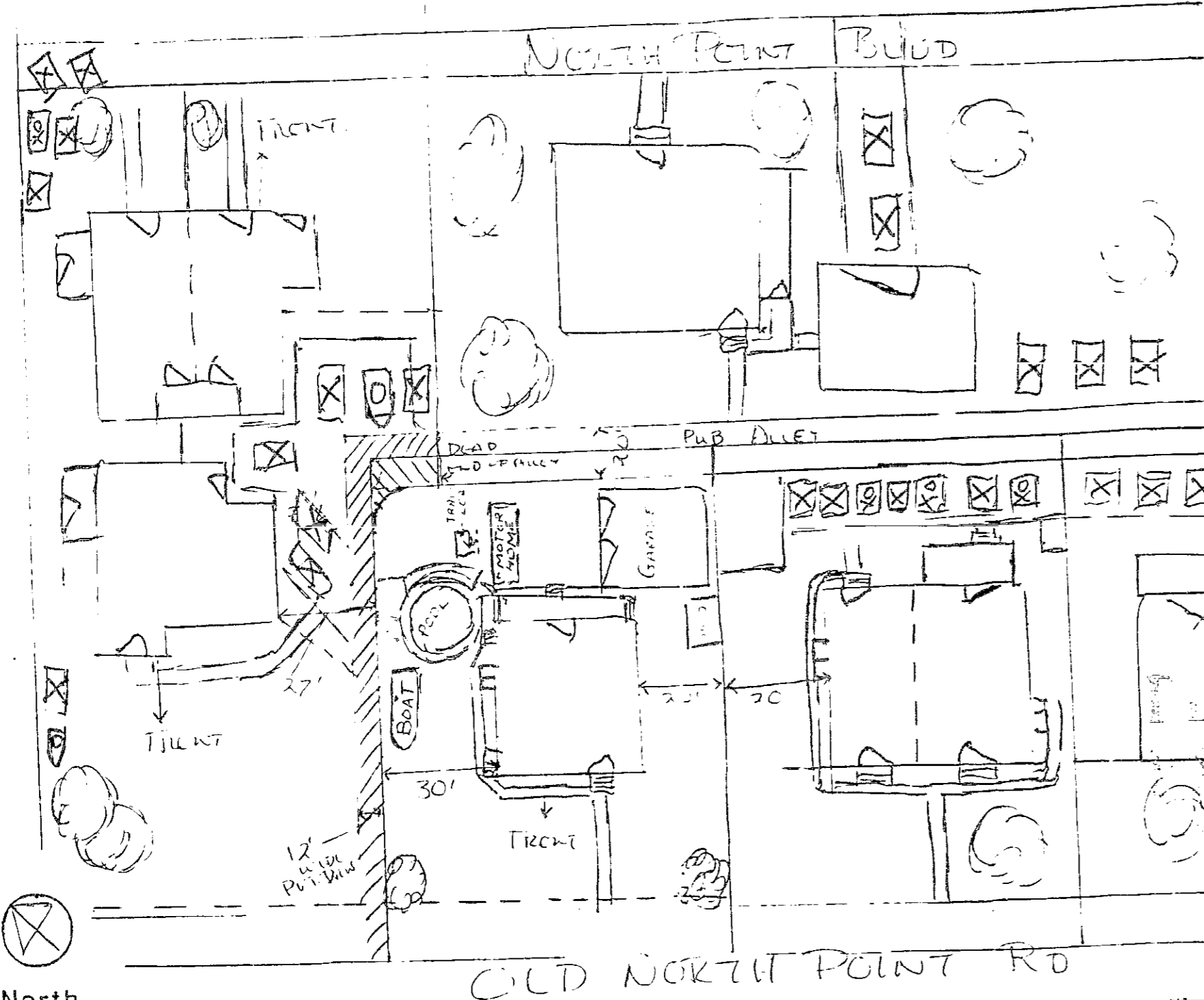
PROPERTY ADDRESS: 2706 Old North Point Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: KARLIT LEE ANDERSON

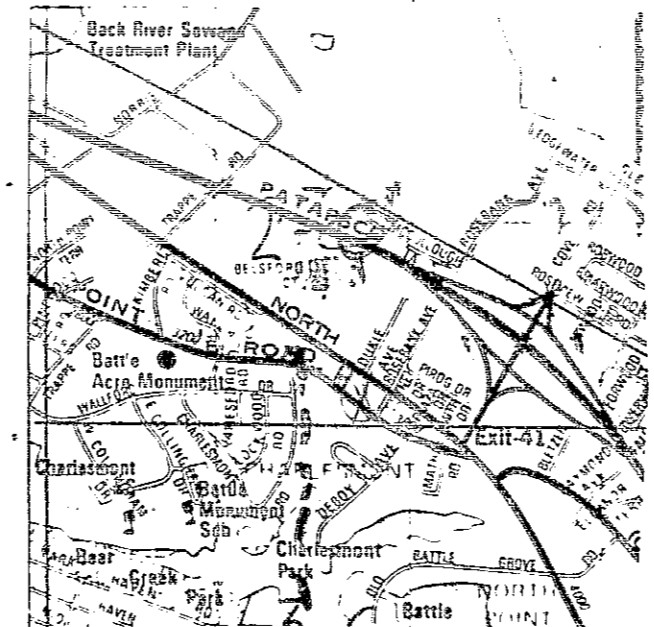
95-227-A



North

date: 12-20-94
prepared by: _____

Scale of Drawing: 1" = 30'



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 12

Councilmanic District: 7

1"=200' scale map #: SE. 2. G

Zoning: RO

Lot size: _____
acreage square feet

PETITIONER'S
Habit

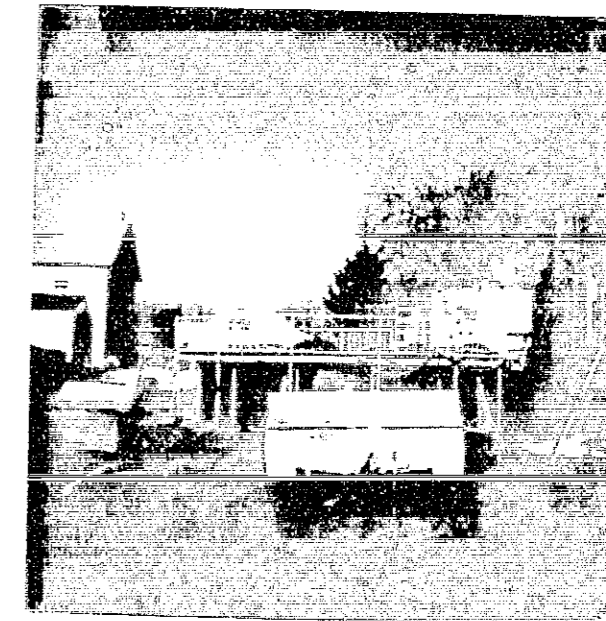
	public	private
SEWER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chesapeake Bay Critical Area: yes no

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____



EXHIBIT