

IN RE: PETITION FOR VARIANCE
W/S South Marlyn Avenue,
62.5' N of Glass Avenue
(202 S. Marlyn Avenue)
15th Election District
5th Councilmanic District

Sharon Hunter
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-138-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 202 South Marlyn Avenue, located in the vicinity of Eastern Avenue in Essex. The Petition was filed by the owner of the property, Sharon Hunter. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit detached (accessory) structures to be located 1 foot from the side and rear property lines in lieu of the minimum required 2.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Sharon Hunter, property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 7500 sq.ft., zoned D.R. 16, and is improved with a 1.5 story single family dwelling, and several accessory structures including a 12' x 25' outbuilding, a 9' x 9' shed, a 9' x 15 and 1/2' screen house, and a swimming pool 18' in diameter with an attached 10' x 16' deck. Surrounding the rear and side yards is a 6-foot high privacy fence. All of the accessory structures are located in the rear yard of the property adjacent to rear and side yard property lines. Ms. Hunter testified that she, her

ORDER RECEIVED FOR FILING

Date

By

11/30/95
11/30/95

three children, and her boyfriend have resided on the property for the past 5.5 years. She testified that some of the accessory structures have existed on the property for many years, however, the deck attached to the swimming pool and the screen house were recently added. The site plan indicates that most of the accessory structures are located as close as 1 foot from the side and rear property lines and thus the requested variance is necessary.

From the photographs submitted into evidence, it is apparent that Ms. Hunter maintains her property in good condition. Most of the accessory structures provide a safe area for Ms. Hunter's children to play and enjoy the rear yard of their property. South Marlyn Avenue in this area is a busy road and Ms. Hunter would prefer that her children play in the rear yard. While no one appeared in opposition to the request, Ms. Hunter indicated that she filed the Petition as a result of a complaint by a neighbor with whom she has not been able to get along with for some time.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Date 11/30/95
By [Signature]

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

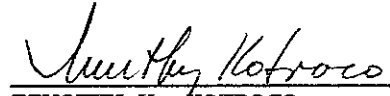
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1995 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit detached structures to be located 1 foot from the side and rear property lines in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that a thirty (30) day appeal period runs from the date of this

Order. If an appeal is filed and the decision rendered in this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/30/05
By Rep

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 30, 1995

Ms. Sharon Hunter
202 S. Marlyn Avenue
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
W/S South Marlyn Avenue, 62.5' N of Glass Avenue
(202 S. Marlyn Avenue)
15th Election District - 5th Councilmanic District
Sharon Hunter - Petitioner
Case No. 96-138-A

Dear Ms. Hunter:

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, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

11/30/95

Violation



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 202 S. MARLYN AVE.
96-138-A which is presently zoned DN-16

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) 400.1 To Allow ^{DETACHED} ~~ACCESSORY~~ STRUCTURES (SHED, DECK, SCREEN ROOM) TO BE 1 FT. FROM SIDE & REAR PROPERTY LINES IN LIEU OF THE REQUIRED 2.5'

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

SEE ATTACHED

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.

Contract Purchaser/Lessee

SHARON LOUISE HUNTER
(Type or Print Name)

Sharon Louise Hunter
Signature

202 S. MARLYN AVE
Address

BALTO MD 21221
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

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.

Legal Owner(s):

SHARON HUNTER
(Type or Print Name)

Sharon Hunter
Signature

(Type or Print Name)

Signature

202 S. MARLYN AVE 341-1946
Address Phone No.

BALTO MD 21221
City State Zipcode

Name Address and phone number or 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: JPA DATE 9-26-95

137

ORDER RECEIVED FOR FILING

Date

BY

Printed with Soybean Ink
on Recycled Paper



ADDENDUM TO AFFIDAVIT

96-138-A

I, SHARON HUNTER, HOMEOWNER OF SAID SINGLE FAMILY RESIDENTIAL LOT KNOWN AS 202 S. MARLYN AVENUE. THE RESIDENCE WAS PURCHASED FIVE YEARS AGO WITH THE INTENTION OF PROVIDING A SAFE FAMILY ATMOSPHERE FOR MY CHILDREN. THE FIRST IMPROVEMENT MADE TO MY PROPERTY WAS THE ERECTION OF A SIX FOOT PRIVACY FENCE AROUND THE PROPERTY. THIS WAS BUILT BY A LICENSED, PRIVATE CONTRACTING COMPANY AND WAS BUILT TO CODE. THE ABOVE GROUND POOL WAS CONSTRUCTED TO PROVIDE SUMMER RECREATION FOR MY CHILDREN. THE POOL IS SEVEN FEET FROM THE REAR PROPERTY LINE & FOUR FEET FROM THE SIDE.

IN ORDER TO PROVIDE SAFE ACCESS TO THE POOL, A SMALL WOODEN DECK WAS CONSTRUCTED FROM THE REAR PROPERTY LINE. THE DECK WAS COMPLETED FOUR YEARS AGO. THE DECK IS TWELVE INCHES FROM THE REAR PROPERTY LINE AND TWENTY FOUR INCHES FROM THE SIDE PROPERTY LINE. THIS SPRING I HAD A WOODEN SCREEN HOUSE CONSTRUCTED TO PROVIDE MY FAMILY A PLACE TO ENJOY THE OUTDOORS AND PROVIDE PROTECTION FROM INSECTS AND OTHER WEATHER ELEMENTS. THE SCREEN HOUSE IS TWELVE INCHES INSIDE THE PROPERTY LINES.

MY INTENTIONS FROM CONSTRUCTING THESE SAID STRUCTURES, WAS TO PROVIDE MY FAMILY WITH A SAFE, ENJOYABLE, ENVIRONMENT WITHIN MY PROPERTY BOUNDARIES AND TO PROVIDE AN ALTERNATIVE TO ALLOWING THEM TO ROAM THE STREETS FOR RECREATION. AT NO TIME DID I INTEND TO CAUSE HARDSHIP ON ANY RESIDENCE BORDERING MY PROPERTY. NONE OF MY NEIGHBORS HAVE VOICED ANY COMPLAINTS OR DISPLEASURE TO ME.

I RESPECTFULLY REQUEST APPROVAL OF A VARIANCE FOR THE MENTIONED STRUCTURES AND ACKNOWLEDGE THAT HAD I BEEN AWARE OF THE ZONING REQUIREMENTS, I WOULD HAVE ABIDED BY THEM FULLY.

VARIANCE REQUEST - PRACTICAL DIFFICULTY

A 1) STRICT COMPLIANCE TO REQUIREMENT WOULD PROVE TO BE AN UNNECESSARILY BURDENENCE, AS MOVEMENT OF SAID STRUCTURES WOULD RENDER THEM AS UNUSABLE AND CAUSE DESTRUCTION.

2) LESSER RELAXATION WOULD PROVIDE SUBSTANTIAL RELIEF IN THAT THE STRUCTURES ARE IN FACT WITHIN MY PROPERTY BOUNDARIES AND ARE NOT ON ANY ADJACENT PROPERTY LINES.

3) GRANTING RELIEF WOULD IN NO WAY JEOPARDIZE PUBLIC SAFETY AND WELFARE. THE STRUCTURES ARE WITHIN A SIX FOOT PRIVACY FENCE AND ARE NOT ACCESSIBLE TO THE PUBLIC.

B THERE IS NO INCREASE TO RESIDENTIAL DENSITY REQUIREMENTS SET FORTH IN THE CODE.

C IN CONFORMING TO STRICT HARMONY, SPIRIT AND INTENT OF HEIGHT, THE STRUCTURES DO NOT OBSTRUCT VIEW. THEY ARE WITHIN THE FENCED AREA WHICH IS SIX FEET IN HEIGHT.

D. GRANTING RELIEF WOULD IN NO WAY CAUSE OR PRECIPITATE INJURY OR WOULD IT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC. 0

HOUSE

$$23' \times 13' = 299 \text{ FT}^2$$

$$23'5 \times 35 = 822.5 \text{ FT}^2$$

$$5.5 \times 11.5 = 63.25 \text{ FT}^2$$

96-138-A

$$1,184.75 \text{ FT}^2$$

OUT BLDG

$$12 \times 25 = 300 \text{ FT}^2$$

SHED

$$9 \times 9 = 81 \text{ FT}^2$$

HSE

$$9 \times 15.5 = 139.5 \text{ FT}^2$$

DECK

$$10 \times 16 = 160 \text{ FT}^2$$

POOL 18' ROUND

πR^2

$$3.14 \times 81 = 254.4 \text{ FT}^2$$

$$2,120 \text{ FT}^2$$

TOTAL COVERED SPACE

* THIS REPRESENTS 28% OF
TOTAL SPACE OF THE LOT COVERED BY
DETACHED ACCESSORY STRUCTURES

EXAMPLE 3 -- Zoning Description

96-138-A

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 202 S. MARLYN AVE.
(address)

Beginning at a point on the WEST side of
(north, south, east or west)
S. MARLYN AVE which is 40'
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 62.5' NORTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street GLASS AVE.
(name of street)
which is 25' wide. *Being Lot # 2.
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of GLASSCO
(name of subdivision)
as recorded in Baltimore County Plat Book # 7, Folio # 20;
containing 7500 SQ. FT. Also known as 202 S. MARLYN AVE.
(square feet or acres) (property address)
and located in the 15th Election District, 5 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.

RECORDED

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 #96-138-A
(Item 137)
202 South Marilyn Avenue
W/S South Marilyn Avenue
62 S. N. of Glass Avenue
5th Election District
Legal Owner(s):
Sharon Hunter

Variance: to allow detached structures to be 1 foot from side and rear property lines in lieu of the required 2.5 feet.

Hearing: Thursday, November 9, 1995 at 3:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) or information concerning the file and/or Hearing, Please Call 887-3391.

10/21/10 Oct. 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/23, 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 10/19, 1995.

THE JEFFERSONIAN,

A. H. Henderson
LEGAL AD. - TOWSON

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

No.

137.

DATE 9-26-75 ACCOUNT 96-138-A
K-00-CSC

AMOUNT \$ 85.00

RECEIVED FROM: Sharon Hunter 2025. MAULTN AVE

CIO R-1 VAN 150
CSC 1 SIGN 35

FOR: 1975

IN FULL PAID TO BALTIMORE COUNTY OFFICE OF FINANCE
RECEIVED 9-26-75

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

SRD



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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 accessed 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.: 137 Petitioner: SHARON HUNTER

Location: 202 S. MARLYN AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SHARON HUNTER

ADDRESS: 202 S. MARLYN AVE

BALTO. MD 21221

PHONE NUMBER: 391-1946

137

TO: PUTUXENT PUBLISHING COMPANY

October 19, 1995 Issue - Jeffersonian

Please forward billing to:

Sharon Hunter
202 South Marlyn Avenue
Baltimore, MD 21221
391-1946

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: 96-138-A (Item 137)

202 South Marlyn Avenue

W/S South Marlyn Avenue, 62.5' N of Glass Avenue

15th Election District - 5th Councilmanic

Legal Owner: Sharon Hunter

Variance to allow detached structures to be 1 foot from side and rear property lines in lieu of the required 2.5 feet.

HEARING: THURSDAY, NOVEMBER 9, 1995 at 3:00 p.m. in Room 118, Old Courthouse.

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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 12, 1995

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: 96-138-A (Item 137)
202 South Marlyn Avenue
W/S South Marlyn Avenue, 62.5' N of Glass Avenue
15th Election District - 5th Councilmanic
Legal Owner: Sharon Hunter

Variance to allow detached structures to be 1 foot from side and rear property lines in lieu of the required 2.5 feet.

HEARIN:G: THURSDAY, NOVEMBER 9, 1995 at 3:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director

cc: Sharon Hunter

- 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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 2, 1995

Ms. Sharon Hunter
202 S. Marilyn Avenue
Baltimore, Maryland 21221

RE: Item No.: 137
Case No.: 96-138-A
Petitioner: S. Hunter

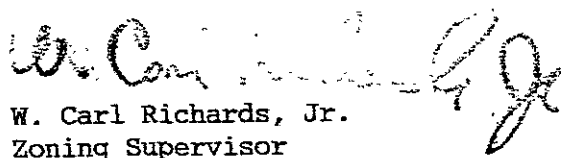
Dear Ms. Hunter:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 26, 1995.

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 (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.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 18, 1995
 Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
 Development Plans Review

RE: Zoning Advisory Committee Meeting
 for October 16, 1995
 Items 134, 136, 137, 138, 142 and 144 5

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

FAX

5108

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

TO: ZADM - Joyce Watson
 FROM: DEPRM
 Development Coordination
 SUBJECT: Zoning Advisory Committee
 Agenda: 10/2 and 10/10/95

DATE: 10/19/95

Post-It® Fax Note	7671	Date	10/19/95	# of pages	1
To	Joyce Watson	From	Letty Sonn		
Co./Dept	PDM	Co.			
Phone #		Phone #	3980		
Fax #	5708	Fax #			

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

ZAC MTG of
OCT. 2

Item #'s:

123
 124
 125
 126
 127
 131
 132

ZAC MTG of
OCT. 10

133
 136
 137
 138
 141
 142
 143
 144

LS:sp

LETTY2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 10/11/95

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 OCT. 10, 1995.

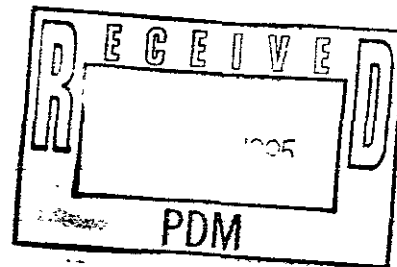
Item No.: SEE BELOW

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.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139,
140, 141, 142 AND 144. 8



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

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 4, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144.

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:

Jeffrey W. Long

Division Chief:

Carol Kerns

PK/JL



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-10-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 137(JRA)

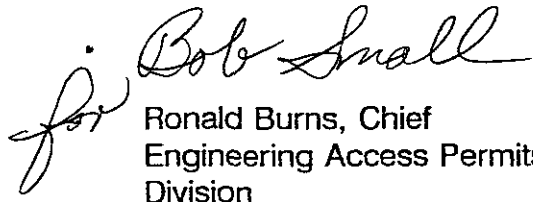
Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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,


Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

PETITION PROBLEMS

#133 — MJK

1. No telephone number for legal owner.

#136 — JRA

1. No zoning on petition form.

#137 — JRA

1. Folder was not marked critical area.

#139 — MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

#140 — CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

#141 — MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser., along with power of attorney.

#142 — CAM

1. No review information on bottom of petition form.

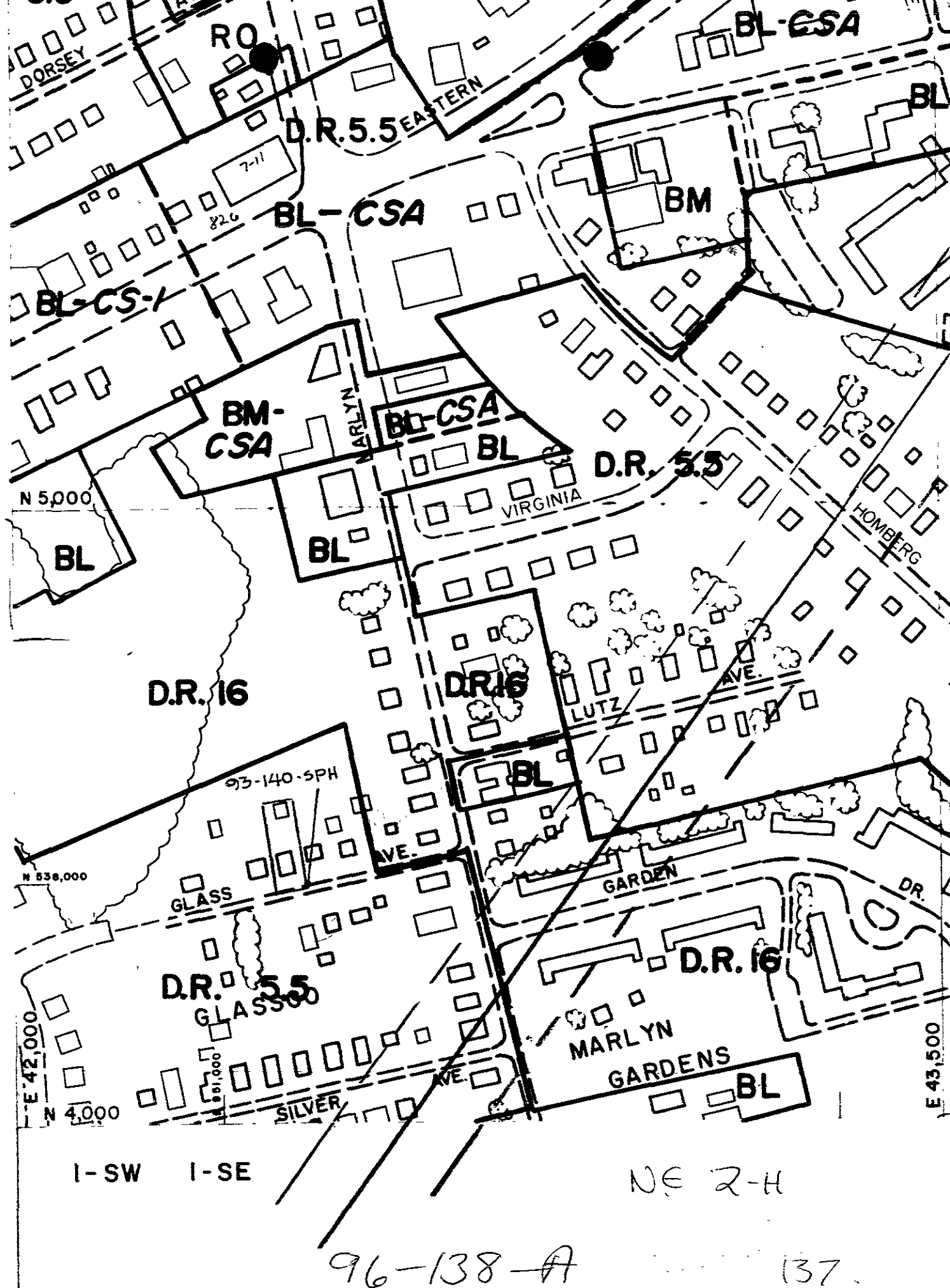
#143 — JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.

I, SHARON HUNTER, HAVE CONTACTED THE FOLLOWING PERSONNEL IN REFERENCE TO SAID VARIANCE TO DETERMINE WHETHER THE STRUCTURES ARE BOTHERSOME OR CAUSING A HARDSHIP ON THE NEIGHBORHOOD;

NAME	ADDRESS	PHONE NUMBER
1) Debbie Olsen	812 Glass Ave	574-1752
2) Hil Raitt	812 Glass Ave	574-1752
3) Cynthia	200 S Marilyn	PH 782 3882
4) Matt Huth	208 S. Marilyn	574-2883
5) Mary Bongorano	112 S. Marilyn	682-6263
6) Joyce Hagenbaker	204 S. Marilyn Ave	686-6937
7)		
8)		
9)		
10)		

12/10/2012



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS

96-138-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 202 S. MARLYN AVE

Subdivision name: GLASSCO

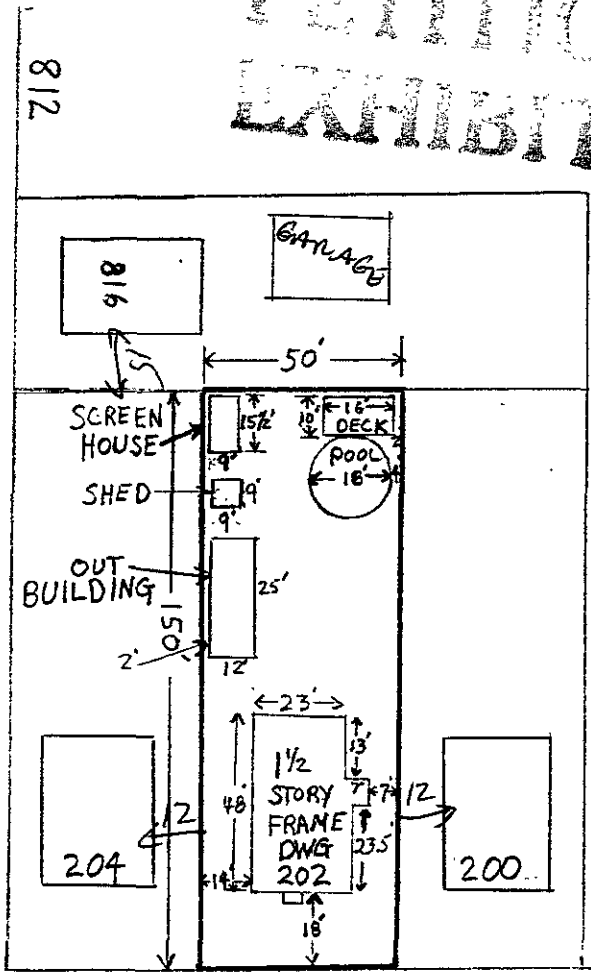
plat book # 7, folio # 20, lot # 2, section #

OWNER: SHARON L. HUNTER

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

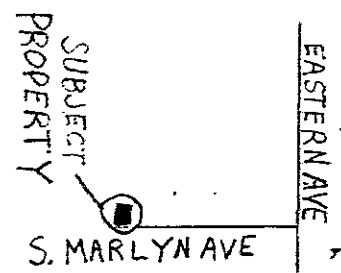
NOTE:
A. DISTANCE FROM SCREEN HOUSE TO PROPERTY LINE IS 1' ON SOUTH AND WEST BORDERS.
B. DISTANCE FROM DECK TO PROPERTY LINE IS 1' ON WEST BORDER AND 2' ON NORTH BORDER

PETITIONER'S EXHIBIT



GLASS AVENUE

SOUTH MARLYN AVENUE



Vicinity Map
scale: 1"=100'

LOCATION INFORMATION

Election District: 5

Councilmanic District: 15

1"=200' scale map#: NE 2-H

Zoning: DR16

Lot size: .17 acreage 7500 square feet

SEWER: ☒ public ☐ private
WATER: ☒ yes ☐ no

Cheasapeake Bay Critical Area: ☒ yes ☐ no
Prior Zoning Hearings: NONE

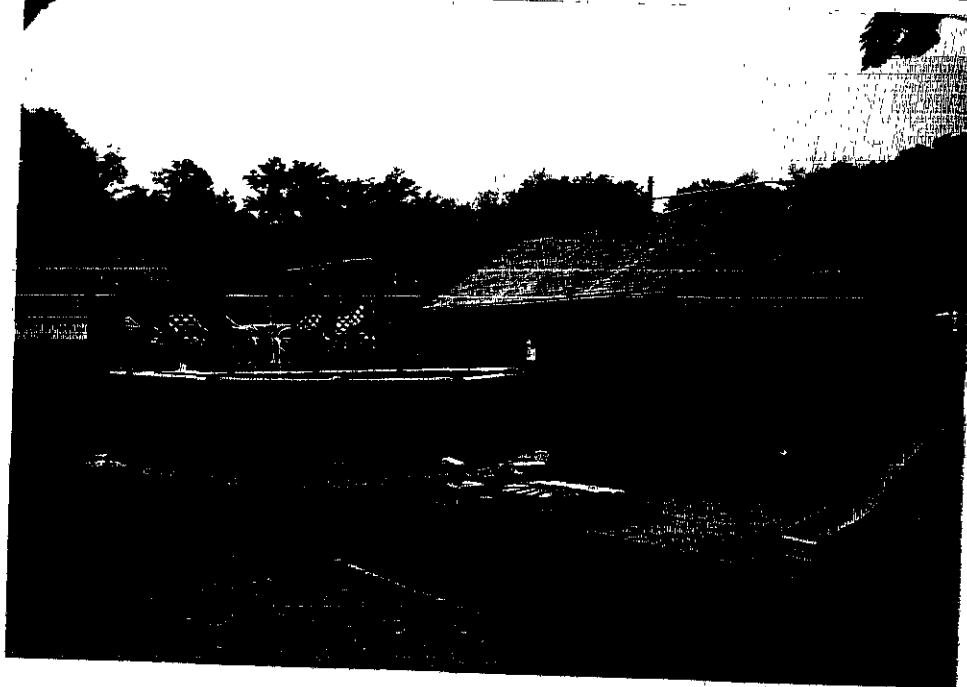
Zoning Office USE ONLY

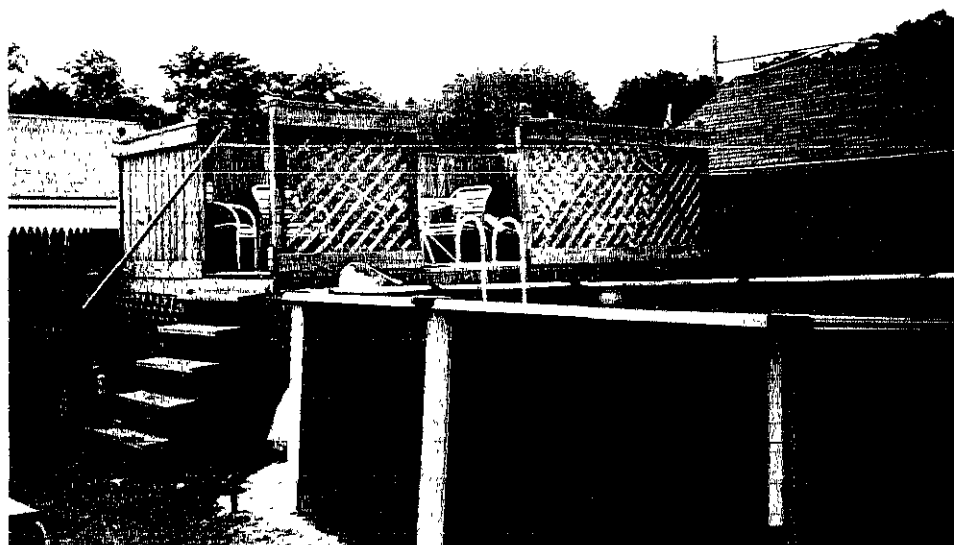
reviewed by: ITEM #: CASE#:

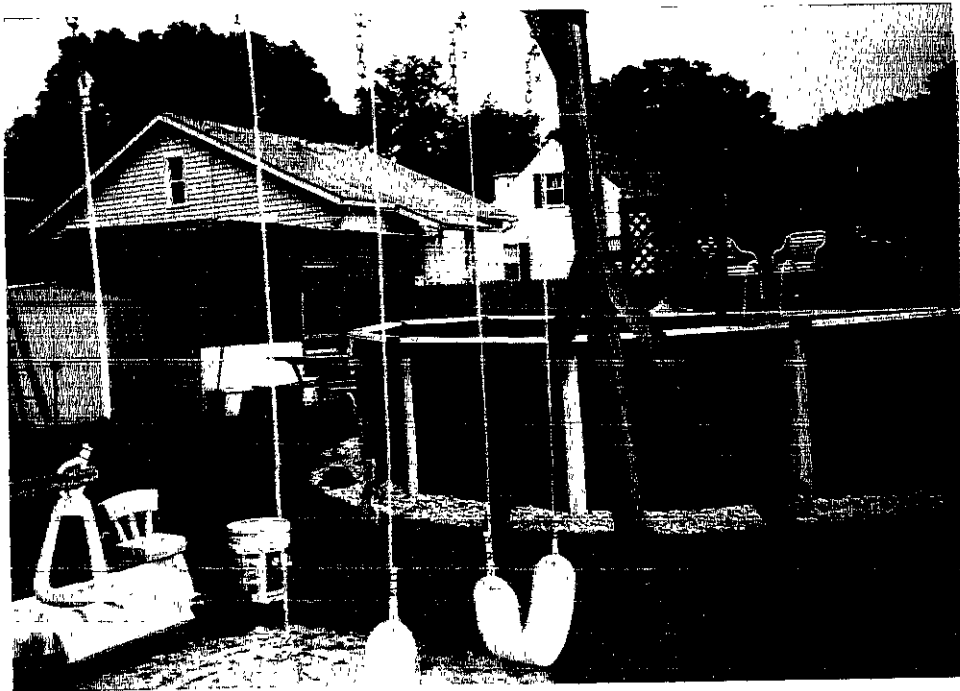
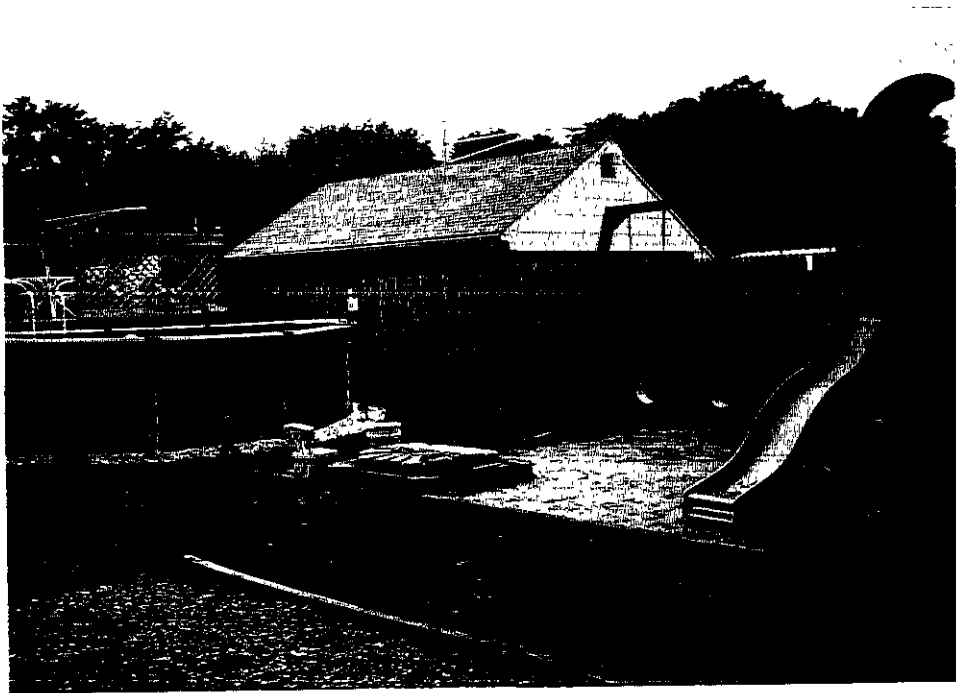
5200 137

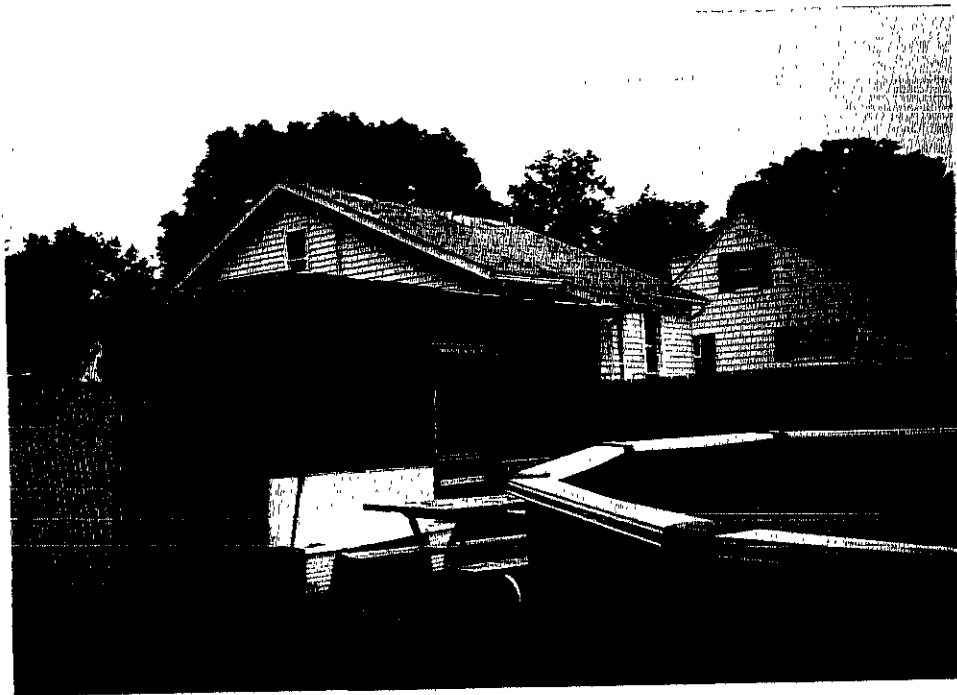
North
date: 9/26/95
prepared by: GGR
Scale of Drawing: 1"= 50'





















IN RE: PETITION FOR VARIANCE
W/S South Marlyn Avenue,
62.5' N of Glass Avenue
(202 S. Marlyn Avenue)
15th Election District
5th Councilmanic District
Sharon Hunter
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-138-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 202 South Marlyn Avenue, located in the vicinity of Eastern Avenue in Essex. The Petition was filed by the owner of the property, Sharon Hunter. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit detached (accessory) structures to be located 1 foot from the side and rear property lines in lieu of the minimum required 2.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Sharon Hunter, property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 7500 sq.ft., zoned D.R. 16, and is improved with a 1.5 story single family dwelling, and several accessory structures including a 12' x 25' outbuilding, a 9' x 9' shed, a 9' x 15 and 1/2' screen house, and a swimming pool 18' in diameter with an attached 10' x 16' deck. Surrounding the rear and side yards is a 6-foot high privacy fence. All of the accessory structures are located in the rear yard of the property adjacent to rear and side yard property lines. Ms. Hunter testified that she, her

three children, and her boyfriend have resided on the property for the past 5.5 years. She testified that some of the accessory structures have existed on the property for many years, however, the deck attached to the swimming pool and the screen house were recently added. The site plan indicates that most of the accessory structures are located as close as 1 foot from the side and rear property lines and thus the requested variance is necessary.

From the photographs submitted into evidence, it is apparent that Ms. Hunter maintains her property in good condition. Most of the accessory structures provide a safe area for Ms. Hunter's children to play and enjoy the rear yard of their property. South Marlyn Avenue in this area is a busy road and Ms. Hunter would prefer that her children play in the rear yard. While no one appeared in opposition to the request, Ms. Hunter indicated that she filed the Petition as a result of a complaint by a neighbor with whom she has not been able to get along with for some time.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

- 2 -

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1995 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit detached structures to be located 1 foot from the side and rear property lines in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that a thirty (30) day appeal period runs from the date of this

- 3 -

Order. If an appeal is filed and the decision rendered in this Order is reversed, the relief granted herein shall be rescinded.

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

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/30/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/30/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/30/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/30/95
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 30, 1995

Ms. Sharon Hunter
202 S. Marlyn Avenue
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
W/S South Marlyn Avenue, 62.5' N of Glass Avenue
(202 S. Marlyn Avenue)
15th Election District - 5th Councilmanic District
Sharon Hunter - Petitioner
Case No. 96-138-A

Dear Ms. Hunter:

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,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
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 202 S. Marlyn Ave
96-138-A which is presently zoned DR 16

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 lot attached hereto and a part hereof, hereby petition for a Variance from Section(s) 400.1 to ALLOW 4' DETACHED STRUCTURES (SHED, DECK, SCREEN HOUSE) TO BE 1 FT. FROM SIDE & REAR PROPERTY LINES IN LIEU OF THE REQUIRED 2.5'

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

SEE ATTACHED

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 Purchase/Lessor: SHARON LOUISE HUNTER
(Type or Print Name) Legal Owner: SHARON HUNTER
(Type or Print Name)

Sharon Louise Hunter Sharon Hunter
(Signature) (Signature)

202 S. Marlyn Ave 202 S. Marlyn Ave
Address Address

BALTO MD 21221 BALTO MD 21221
City State Zip City State Zip

Attorney for Petitioner: [Signature] 202 S. Marlyn Ave 941-946
(Type or Print Name) Address Phone No.

[Signature] BALTO MD 21221
(Type or Print Name) City State Zip

Name Address and phone number or representative to be contacted

Name Address Phone No.

Name Address Phone No.

Name Address Phone No.

Name Address Phone No.

Name Address Phone No.

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Name Address Phone No.



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

(410) 887-4500

DATE: 10/11/95

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

RE: Property Owner: SEE BELOW

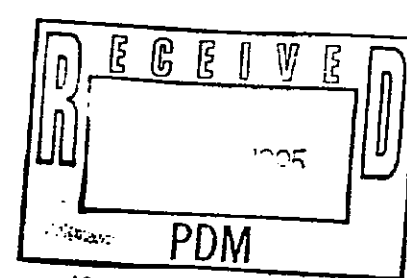
LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

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.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139, 140, 141, 142 AND 144.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4991, MB-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 4, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144.

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: *Jeffrey M. Long*

Division Chief: *Carol Kern*

PK/JL

ITEM123/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 137 (JRA)

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 affected by any State Highway Administration projects.

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
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

PETITION PROBLEMS

#133 -- MJK

1. No telephone number for legal owner.

#136 -- JRA

1. No zoning on petition form.

#137 -- JRA

1. Folder was not marked critical area.

#139 -- MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

#140 -- CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

#141 -- MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser, along with power of attorney.

#142 -- CAM

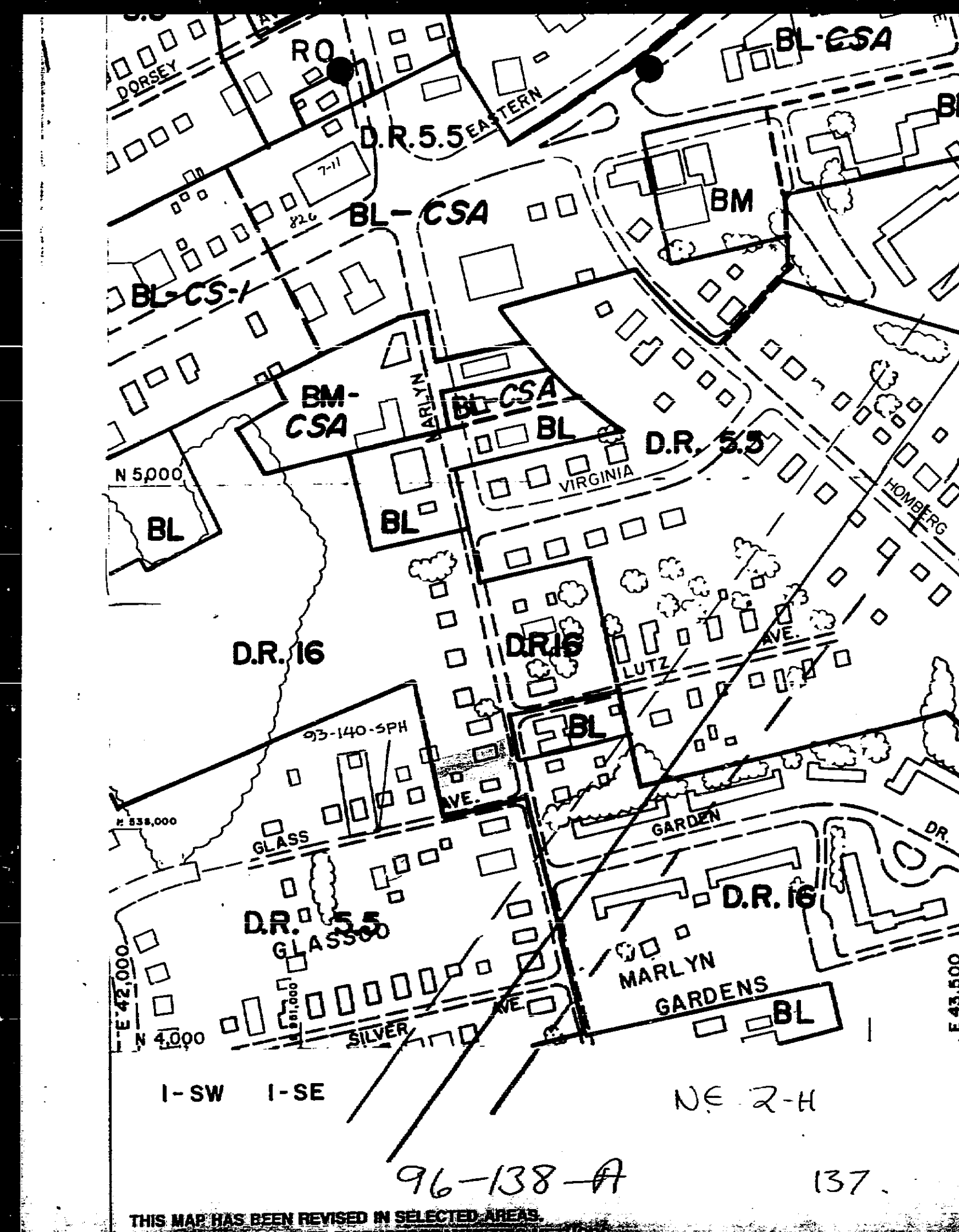
1. No review information on bottom of petition form.

#143 -- JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.

I, SHARON HUNTER, HAVE CONTACTED THE FOLLOWING PERSONNEL IN REFERENCE TO SAID VARIANCE TO DETERMINE WHETHER THE STRUCTURES ARE BOTHERSOME OR CAUSING A HARDSHIP ON THE NEIGHBORHOOD:

NAME	ADDRESS	PHONE NUMBER
1) <i>Delia P. Glass</i>	<i>814 Glass Ave</i>	<i>594-7752</i>
2) <i>Lee Ruth</i>	<i>814 Glass Ave</i>	<i>594-1752</i>
3) <i>Caplan, John</i>	<i>200 S. Marlyn</i>	
4) <i>Neil Hark</i>	<i>204 S. Marlyn</i>	<i>594-2883</i>
5) <i>Mary Bongrano</i>	<i>112 S. Marlyn</i>	<i>682-6263</i>
6) <i>Joyce Fitzgerald</i>	<i>204 S. Marlyn Ave</i>	<i>684-6938</i>
7)		
8)		
9)		
10)		



96-138-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 202 S. MARLYN AVE

Subdivision name: GLASSCO

plot books: 7, 20, 21, 22

OWNER: SHARON L. HUNTER

NOTE: A. DISTANCE FROM SCREENING LINE 15' ON SOUTH AND WEST BORDERS
B. DISTANCE FROM DECK TO PROPERTY LINE IS 4' ON WEST BORDER AND 2' ON NORTH BORDER

LOCATION INFORMATION

Election District: 5

Councilmanic District: 15

1"=200' scale map: NE 2-H

Zoning: DR16

Lot size: .17 acreage

7500 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

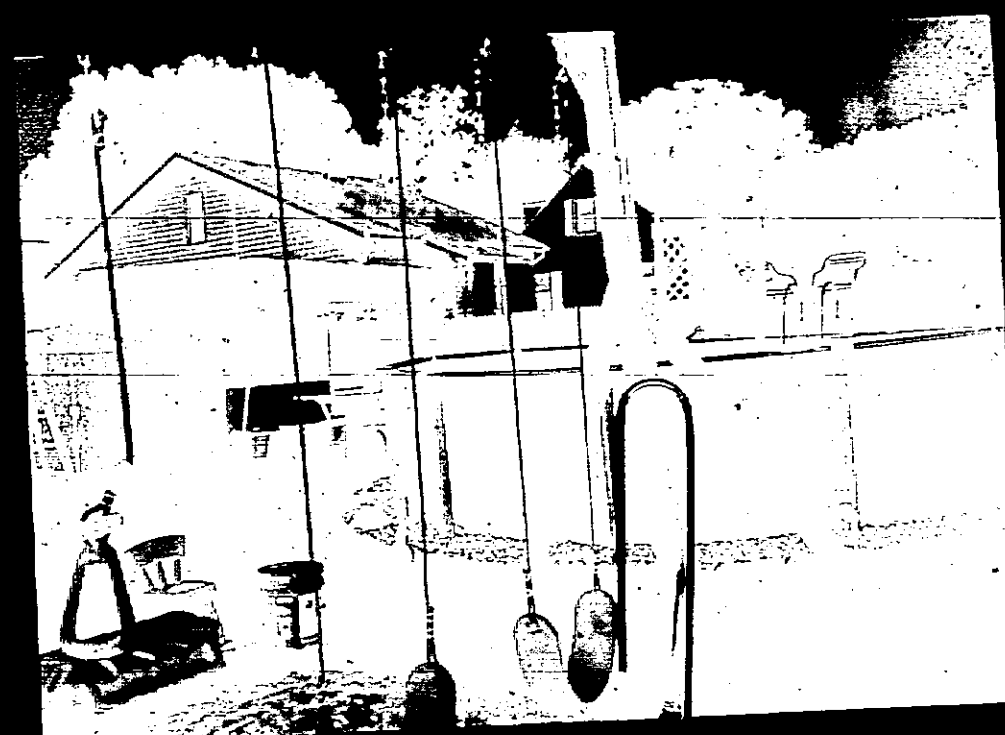
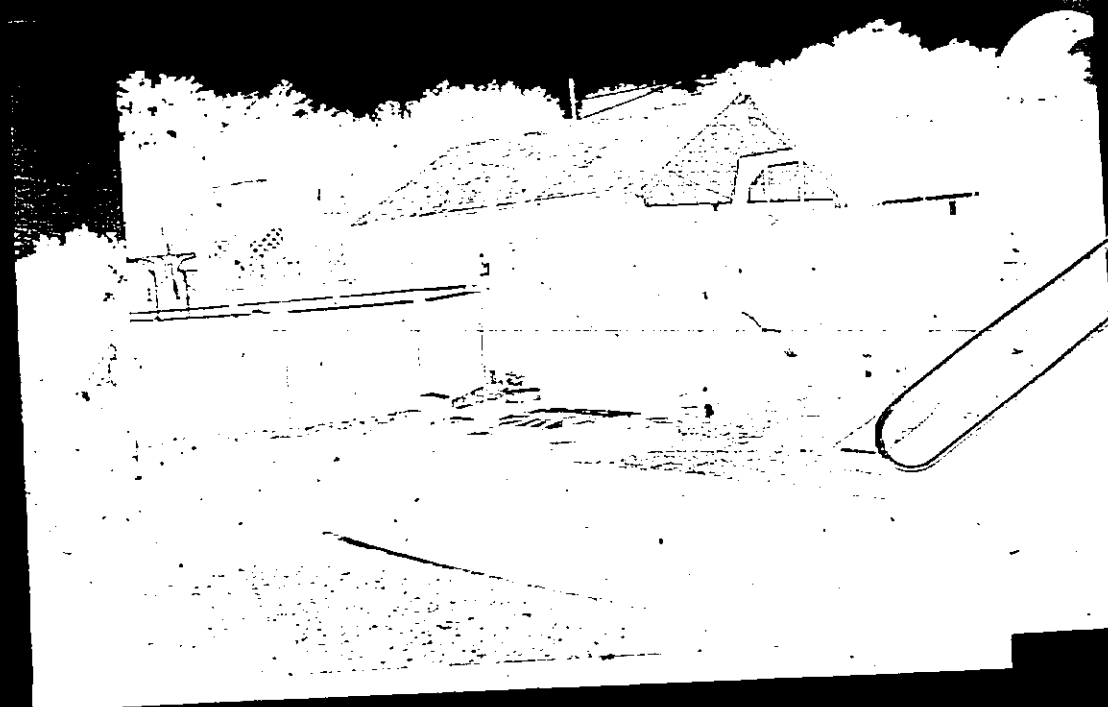
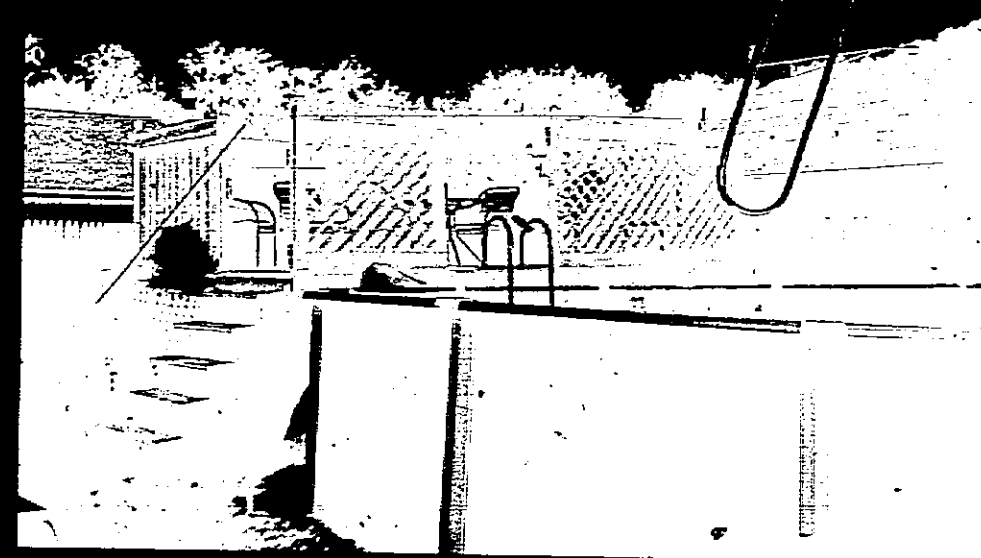
Zoning Office USE ONLY!

reviewed by: *SWA* ITEM #: *137*

Scale of Drawing: 1"= 50'



PHOTOS ARE OF ALL
ANGLES IN REAR YARD.



PROPERTY OF
202 S. MARLYN AVE



TAKEN ON GLASS AVE

TAKEN ON
PROPERTY OF
200 S. MARLYN

GLASS AVE/
SHOWING PROPERTY
LINES

TAKEN ON
PROPERTY OF
812 GLASS AVE

* NEIGHBORS ALSO
CONSTRUCTED
PRIVATE FENCE *



TAKEN FROM V.F.W.
PARKING LOT

ALSO FROM
PROPERTY OF
812 GLASS AVE

