

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
 N/S Broadway Road, 137' W of the * DEPUTY ZONING COMMISSIONER
 c/l of Kelley Avenue * OF BALTIMORE COUNTY
 (1904 Broadway Road) * Case No. 97-239-A
 8th Election District *
 3rd Councilmanic District *
 Robert A. Clayton, et ux *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1904 Broadway Road, located in the vicinity of Greenspring Avenue in Lutherville. The Petition was filed by the owners of the property, Robert A. and Cindy L. Clayton. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding locale and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Further-

ORDER RECEIVED FOR FILING
 Date 11/29/97
 By [Signature]

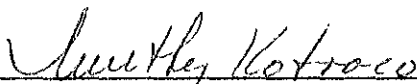
MICROFILMED

more, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of January, 1997 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 2, 1997

Mr. & Mrs. Robert A. Clayton
1904 Broadway Road
Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Broadway Road, 137' W of the c/l of Kelley Avenue
(1904 Broadway Road)
8th Election District - 3rd Councilmanic District
Robert A. Clayton, et ux - Petitioners
Case No. 97-239-A

Dear Mr. & Mrs. Clayton:

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1904 Broadway RD
which is presently zoned R15

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 permit an accessory structure (pool) in the side yard in lieu of the rear.

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

1) Due to elevation difficulties in back yard, pool to cross plain of the back of the house into the side yard.

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 *1904 Broadway RD 410 560 7925*

City State Zipcode *Lutherville MD 21093*

Name, Address and phone number of representative to be contacted

Name *Doug Parkinson*

Address Phone No *10840 Guilford RD 410 544-5693*

suite 406 Annapolis Junction MD 20701

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: *[Signature]* DATE: *12/4/96*

ESTIMATED POSTING DATE: *12/15/96*



Printed with Soybean Ink on Recycled Paper

ITEM #: *239*

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ORDER RECEIVED FOR FILING
Date *12/15/96*
BY: *[Signature]*

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1904 Broadway Rd
address
Lutheville MD 21093
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Due to the elevation of the property, the side yard is the practical location of the swimming pool.

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

Robert A. Clayton
(signature)
Robert A. Clayton
(type or print name)



Cindy L. Clayton
(signature)
Cindy L. Clayton
(type or print name)

STATE OF MARYLAND, COUNTY OF Prince Georges BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of December, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert A. & Cindy L. Clayton

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12-4-96
date

Wanda D. Breeden
NOTARY PUBLIC

My Commission Expires: 12-1-99

Zoning Description For 1904 Broadway
Rd Luthersville, MD, beginning at a point on the
North side of Broadway Rd which is
18 wide at the distance of 137 feet west
of the centerline of the nearest improved intersecting
street of Kelley Avenue.

This lot contains 4.563 acres. Also known
as 1904 Broadway Rd and located in the 8th election
District, 8th Councilmanic District

MICROFILMED

239

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

No. 029930

DATE 12/14/86 ACCOUNT 01-015

*Item 254
By 2201*

AMOUNT \$ 50.00

RECEIVED FROM: Robert Clayton - 1984 Broadway Pl

FOR: 010 - Rev Vac - # 50001

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~~DATE RECEIVED~~ 12/14/86

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-239-A

Petitioner/Developer: _____

Mr & Mrs Clayton

Date of Hearing/Closing: 12-30-96

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

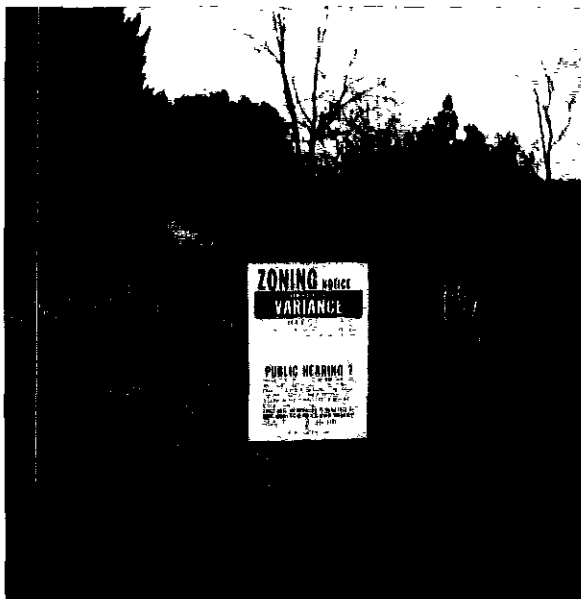
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

1904 BROADWAY ROAD

The sign(s) were posted on December 14, 1996
(Month, Day, Year)



Sincerely,

Sue W. McKenzie 12-14-96
(Signature of Sign Poster and Date)

Sue W. MCKENZIE
(Printed Name)

6 Topwood Ct.
(Address)

Baltimore, MD 21234
(City, State, Zip Code)

(410) 668-8576
(Telephone Number)

Case No - 97-239-A

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Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 12/15/96

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-239

to permit an accessory structure (pool) in the
side yard in lieu of the rear

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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/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.: 239 Petitioner: Robert Clayton

Location: 1904 Broadway Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bob and Cindy Clayton

ADDRESS: 1904 Broadway RD
Lutherville, MD 21093

PHONE NUMBER: 410 560 7975

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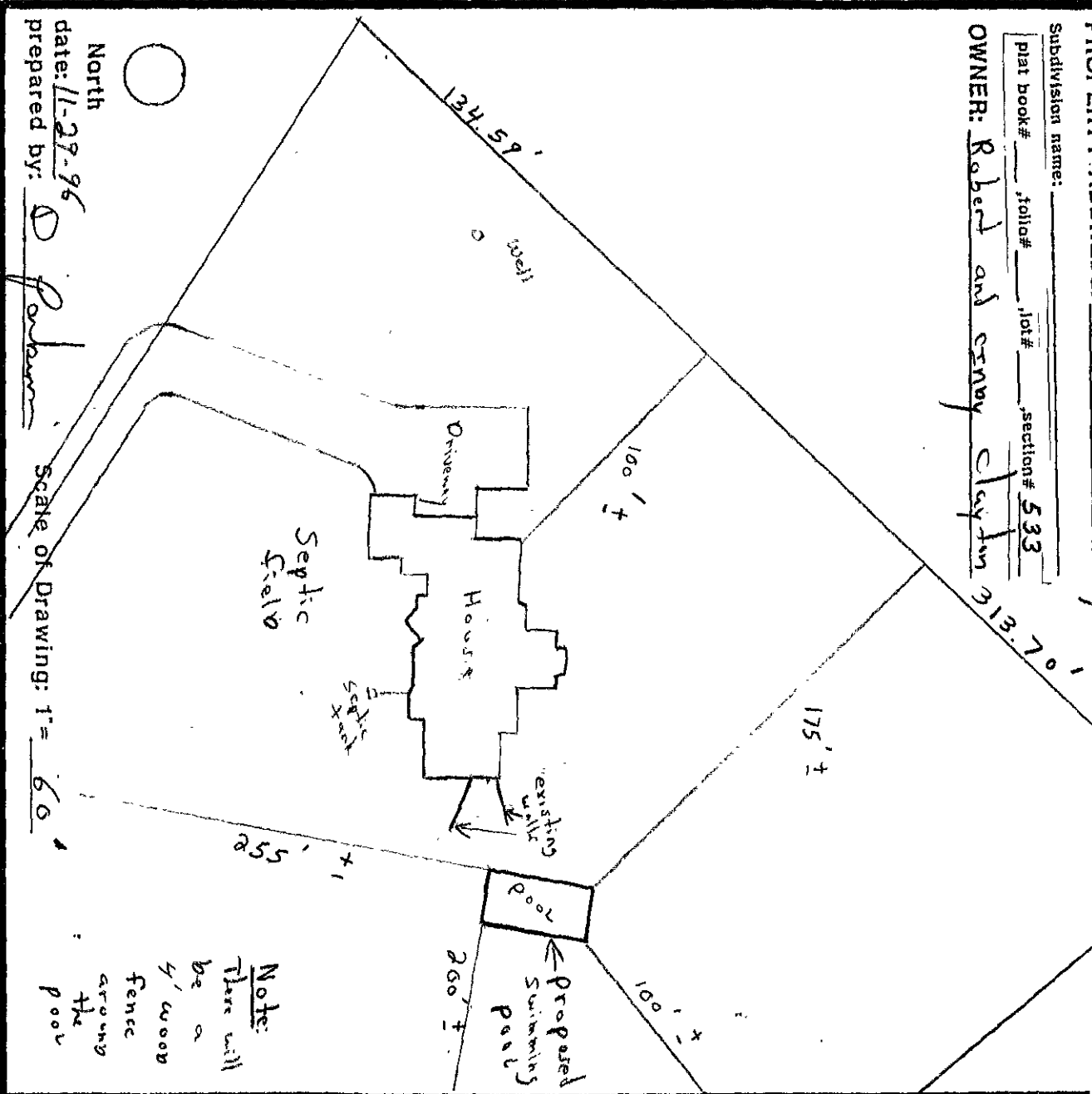
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1904 Broadway Rd

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

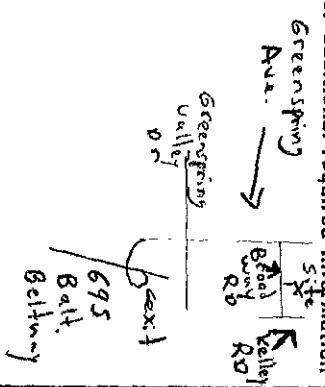
Subdivision name: _____
 plat book # _____, folio # _____, lot # _____, section # 533

OWNER: Robert and Envy Clayton



Variance

Special Hearing



LOCATION INFORMATION

Election District: 8
 Councilmanic District: 8

1"=200' scale map#: NW-14 E

Zoning: Rc 5

Lot size: 4.563 acreage square feet

Public Sewer: Private Sewer:
 Public Water: Private Water:

Chesapeake Bay Critical Area:
 Prior Zoning Hearings: None

Zoning Office USE ONLY!

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



Baltimore County
Department of Permits and
Development Management

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

December 13, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-239-A (Item 239)
1904 Broadway Road
N/S Broadway Road, 137' W of c/l Kelley Avenue
8th Election District - 3rd Councilmanic
Legal Owner(s): Robert A. Crayben and Cindy L. Clayton
Post by Date: December 15, 1996
Closing Date: December 30, 1996

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

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

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

Arnold Jablon
Director

cc: Robert and Cindy Clayton
Doug Parkinson

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Baltimore County
Department of Permits and
Development Management

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

December 31, 1996

Mr. and Mrs. Robert A. Clayton
1904 Broadway Road
Lutherville, MD 21093

RE: Item No.: 239
Case No.: 97-239-A
Petitioner: Robert Clayton, et ux

Dear Mr. and Mrs. Clayton:

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 December 4, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 12.13.96
Item No. 239 MJK

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

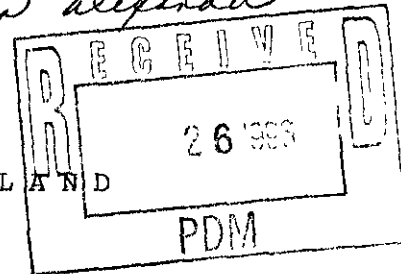
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

01/18/97

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: Dec. 23, 1996

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

SUBJECT: Zoning Advisory Committee Meeting
for December 23, 1996
item Nos. 235, 237, 239, 240,
241, 242

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

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 12/18/96

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 DEC. 16, 1996.

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: 235, 236, 237, 238, 239, 240,
241 AND 242.

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

cc: File



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

TO: PDM

DATE: 12/17/96

FROM: R. Bruce Seeley *RBS/sp.*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 16 *+L*

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

Item #'s:

235
236
237
239
240
241

RBS:sp

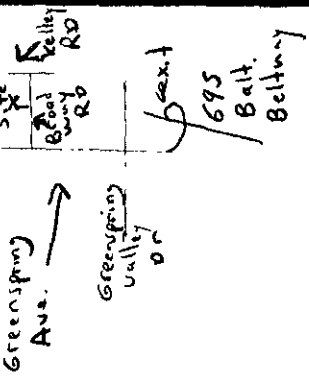
BRUCE2/DEPRM/TXTSBP

Plat to accompany Petition for Zoning Variance Special Hearing

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

PROPERTY ADDRESS: 1904 BROADWAY RD

Subdivision name: _____
 plat book# _____, folio# _____, lot# _____, section# 533
 OWNER: Robert and Cindy Clayton



Vicinity Map
 scale: 1"=1000'

North

LOCATION INFORMATION

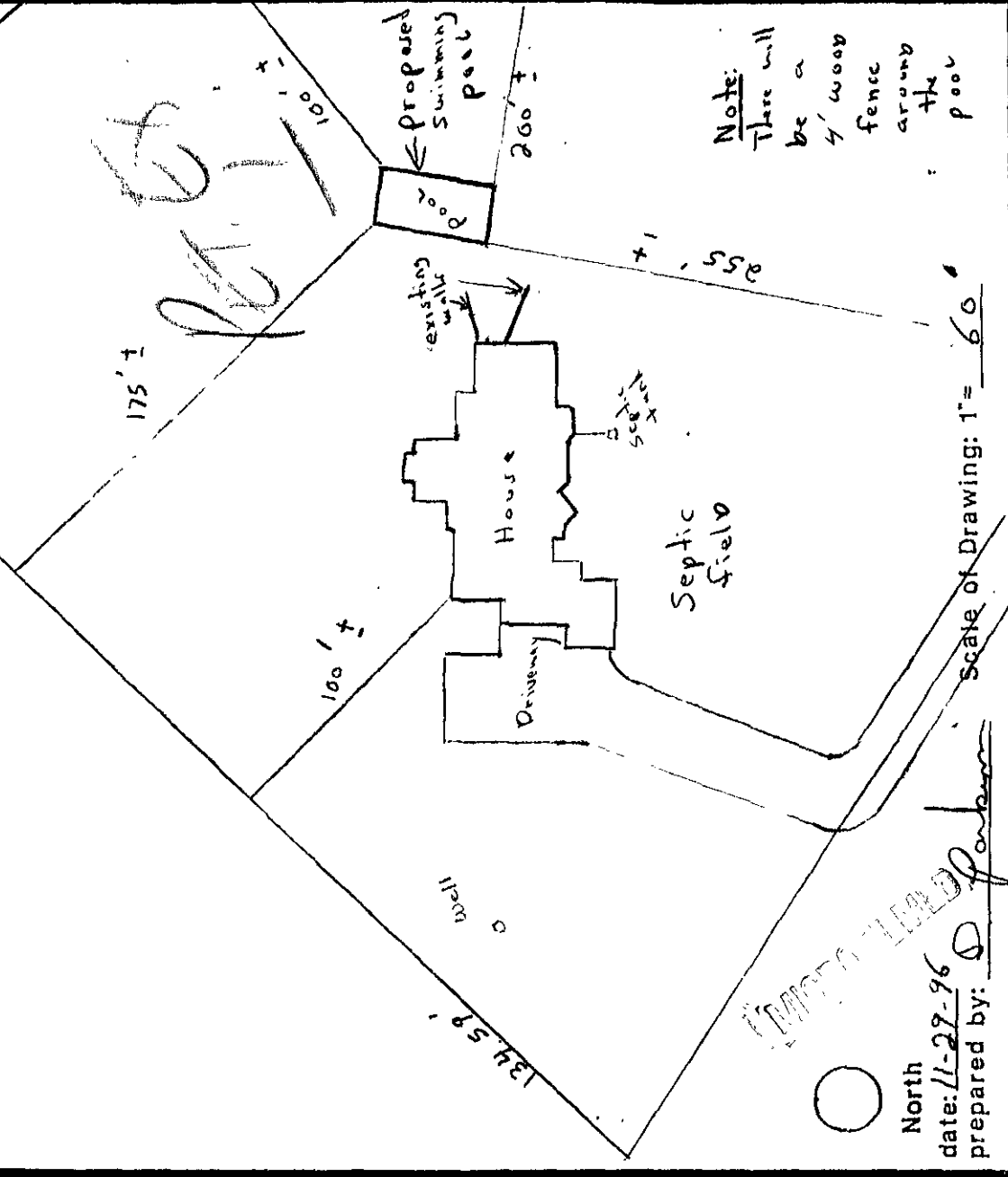
Election District: 8
 Councilmanic District: 83
 T=200' scale map#: NW-14 E
 Zoning: RC 5
 Lot size: 4.563 acreage square feet

public private
 SEWER:
 WATER:
 Chesapeake Bay Critical Area:

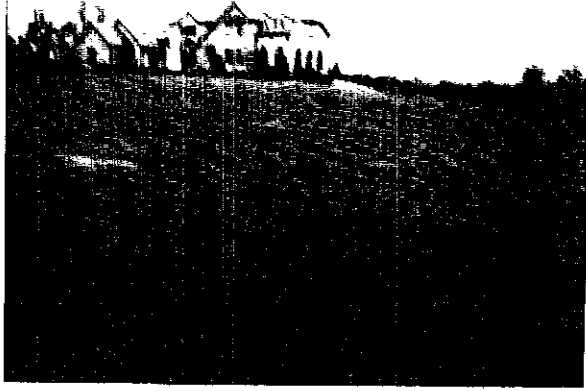
Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: Mark ITEM #: 239 CASE#:



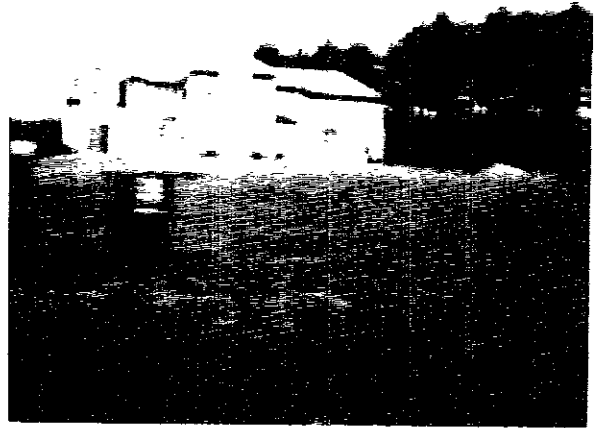
North
 date: 11-27-96
 prepared by: [Signature]



front



right side



Back



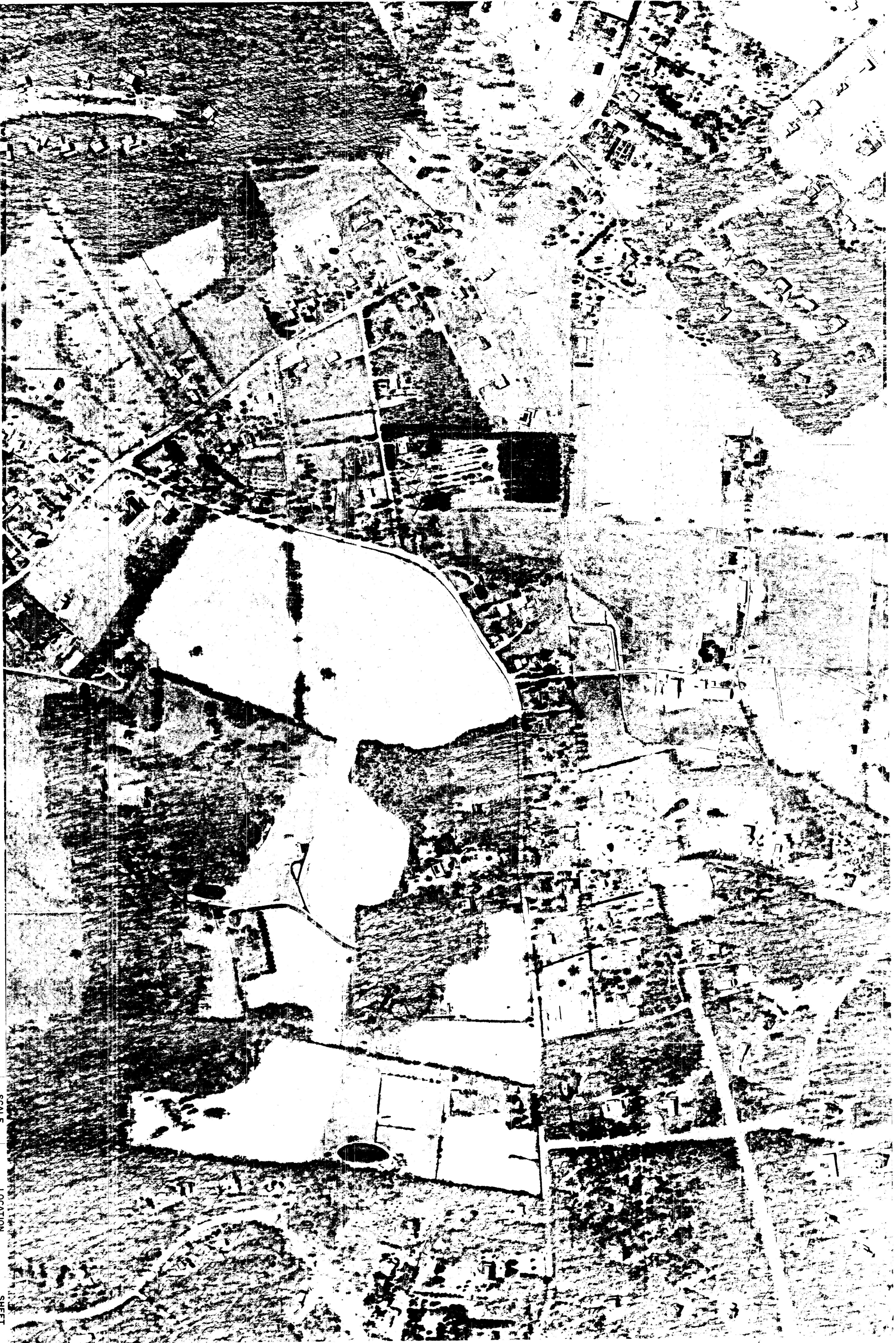
Left side



Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

MICROFILMED

Printed with Soybean Ink



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	1" = 200'	LOCATION	MICROFILMED	SHEET	N.W.
DATE OF PHOTOGRAPHY	JANUARY 1986	CRONHARDT #	234		14-E

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

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY MICHAEL-KORN, INC. BALTIMORE, MD. 21210

1986 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1986
Map No. 14-0-01-14-2
Baltimore County Council

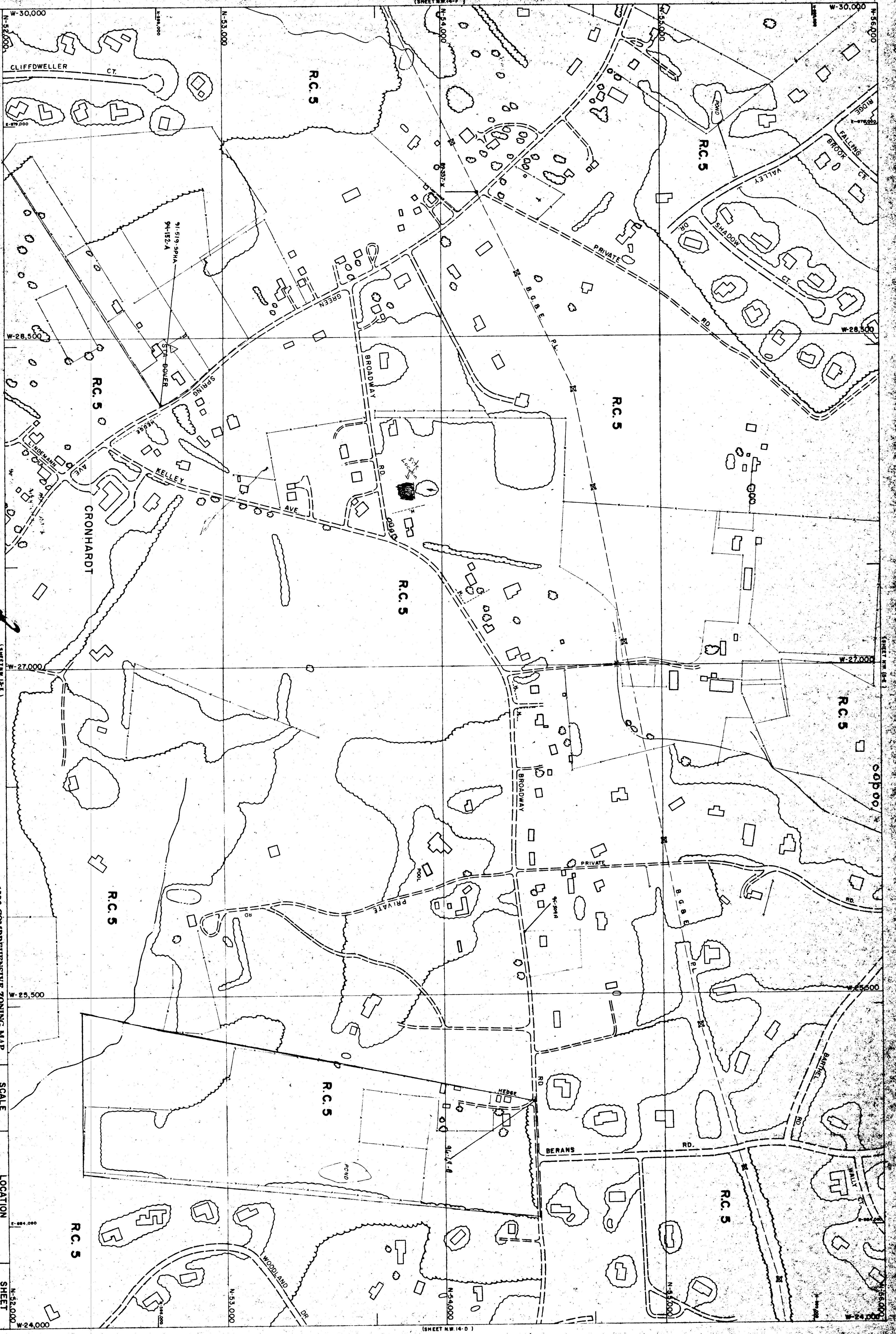
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Map No. 14-0-01-14-2
Baltimore County Council

SCALE
1" = 200' ±
DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
CRONHARDT

SHEET
N.W.
14-2
329



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