

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 N/S Mays Chapel Road, 1200 ft. E of Chapel Ridge Road
 11816 May Chapel Road
 8th Election District
 3rd Councilmanic District
 Michael A. Zito, Jr., et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 97-350-A
 *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Michael A. Zito, Jr., and Catherine M. Zito, his wife, for that property known as 11816 Mays Chapel Road in the Wilson property subdivision of northern Baltimore County. The Petitioners/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING
 Date 3/21/97
 By M. Novak

REC'D

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

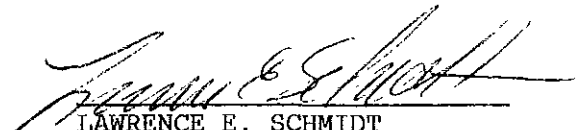
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of March 1997, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction:

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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING
3/21/97
M. G. Gorb

LES:mmn


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

March 19, 1997

Mr. and Mrs. Michael A. Zito, Jr.
11816 Mays Chapel Road
Timonium, Maryland 21093

RE: Petition for Administrative Variance
Case No. 97-350-A
Property: 11816 Mays Chapel Road

Dear Mr. and Mrs. Zito:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11816 Mays Chapel Road
which is presently zoned RC-5

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; BEZR, To PERMIT

A POOL IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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

1. Inadequate space behind house (23' from deck to property line) for a 24' round pool.
2. Area behind the house is completely shaded.
3. House is between desired area of pool (side of house) and only accessible County Road.

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.

Legal Owner(s):

(Type or Print Name)

Michael A. Zito, Jr.
(Type or Print Name)

Signature

[Signature]
Signature

Address

Catherine M. Zito
(Type or Print Name)

City State Zipcode

Catherine M. Zito
Signature

Attorney for Petitioner:

11816 Mays Chapel Rd. 561-7291
Address Phone No 308-6389

(Type or Print Name)

Timonium MD 21093
City State Zipcode

Signature

Name, Address and phone number of representative to be contacted

Address Phone No.

Name SAME

City State Zipcode

Address Phone No

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: JAM

DATE: 2-20-97

ESTIMATED POSTING DATE: 3-2-97



Printed with Soybean Ink on Recycled Paper

ITEM #: 350

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 11816 Mays Chapel Road
address
Timonium 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)

We wish to erect a 29' round above-ground pool beside our house. Our house would be between the pool and the only accessible County road, Mays Chapel Road. The area behind our house is inadequate because: (1) there is only 23' between our existing deck and property line; and (2) the back of our house is completely shaded.

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.

Michael A. Zito Jr
(signature)

Michael A. Zito Jr
(type or print name)



Catherine M. Zito
(signature)

Catherine M. Zito
(type or print name)

STATE OF MARYLAND, ~~county~~ ^{city} OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of February, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael A. Zito, Jr. and Catherine M. Zito

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.

February 20, 1997
date

Barbara A. Meyer
NOTARY PUBLIC BARBARA A. MEYER
My Commission Expires: May 1, 1999

ZONING DESCRIPTION FOR 11816 MAYS CHAPEL ROAD

Beginning at a point on the North side of Mays Chapel Road which is 40 feet wide at the distance of 1200 feet East of the centerline of the nearest improved intersecting street Chapel Ridge Road which is 40 feet wide. Being Lot #1 in the subdivision of Wilson Property as recorded in Baltimore County Plat Book #62, Folio #117, containing 1 acre. Also known as 11816 Mays Chapel Road and located in the 8th Election District, 3rd Councilmanic District.

350

MICROFILM

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

350

No.

032638

DATE 2-20-97 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: MICHAEL ZIB 11816 Maryland Ave

FOR: AD. UAR. (010)

MICHAEL ZIB
11816 Maryland Ave
Arlington, VA

0349130245HICRU \$50.00
BA 000210FNO2-20-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JC my

CERTIFICATE POSTING

RE: Case No.: 97-350-A

Petitioner/Developer: _____

CATHERINE ZITO

Date of Hearing/Closing: 3-17-97

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 _____

11816 MAYS CHAPEL ROAD BALTIMORE, MD 21093

The sign(s) were posted on FEB 27, 1997
(Month, Day, Year)

Sincerely,

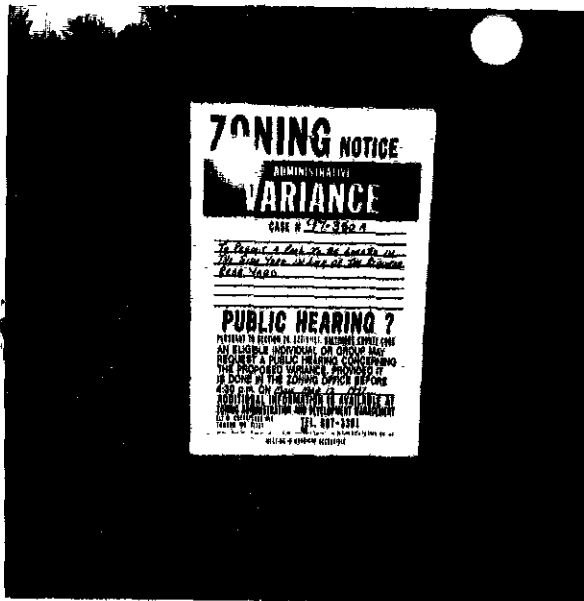
Thomas P. Ogletree
(Signature of Sign Poster and Date)

THOMAS P. OGLETREE SR
(Printed Name)

325 NICHOLSON ROAD
(Address)

BALTIMORE, MARYLAND 21221
(City, State, Zip Code)

(410) 687-8405
(Telephone Number)



97-350-A

MICRO



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 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.: 350 Petitioner: Michael A + Catherine M. Zito

Location: 11816 Mays Chapel Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Catherine M. Zito

ADDRESS: 11816 Mays Chapel Road

Timonium, MD 21093

PHONE NUMBER: (410) 561-7291

MICROFILM



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 3-2-97

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No. 97-350-A

TO PERMIT A POOL TO BE LOCATED
IN THE SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD.

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

3-17-97

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

February 28, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-350-A
11816 Mays Chapel Road
N/S Mays Chapel Road, 1200' E of c/l Chapel Ridge Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Michael A. Zito, Jr. and Catherine M. Zito
Post by Date: 3/2/97
Closing Date: 3/17/97

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: Michael and Catherine Zito





Baltimore County
Department of Permits and
Development Management

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

March 12, 1997

Mr. and Mrs. Michael Zito, Jr.
11816 Mays Chapel Road
Timonium, MD 21093

RE: Item No.: 350
Case No.: 97-350-A
Petitioner: Michael Zito, et ux

Dear Mr. and Mrs. Zito:

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 February 20, 1997.

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.

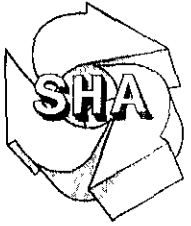
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





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 3.4.97
Item No. 350 JCM

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,

P. J. Gredlein
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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 28, 1997

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. 346, 348, 349, 350 and 351

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 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: March 10, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for March 10, 1997
Item Nos. 348, 349, 350, & 351

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: March 4, 1997

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 MARCH 3, 1997

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:

344, 345, 346, 348, 349, 350, 351, and 352

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: _____

FROM: R. Bruce Seeley .
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: March 3, 1997

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

Item #'s:

344

345

346

347

348

350

352

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 20, 1997

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I
Zoning Review, PDM

SUBJECT: Item #350
11816 Mays Chapel Road

Applicant advised photos would follow by mail.

JCM:scj

RECEIVED
FEB 23 1997

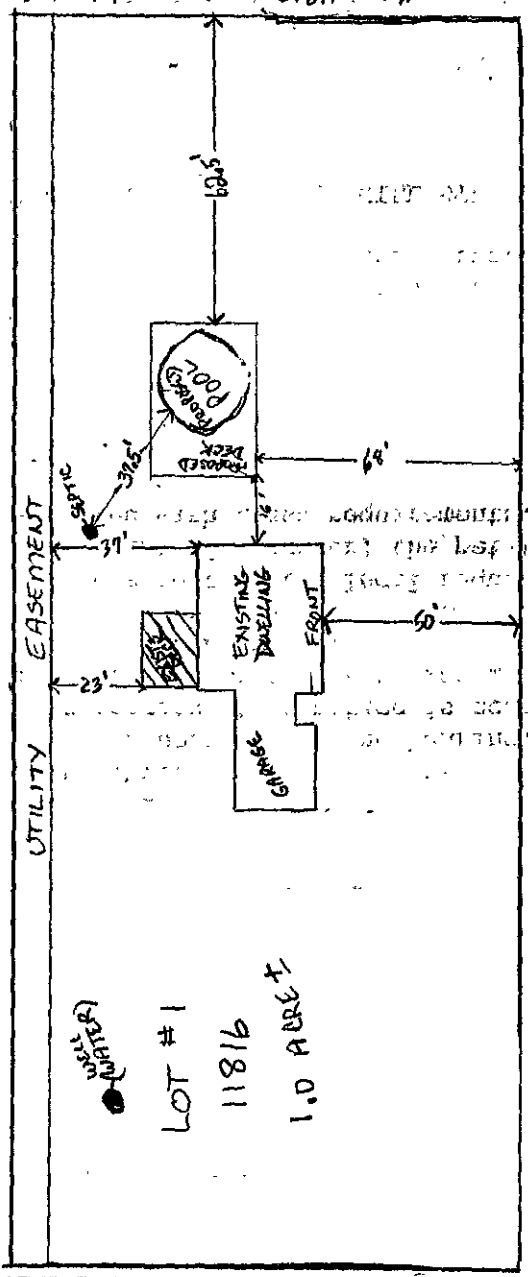
Plat to accompany Petition for Zoning Variance Special Hearing

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

PROPERTY ADDRESS: 11816 MAYS CHAPEL ROAD

Subdivision name: WILSON PROPERTY
 plat book # 62, folio # 117, lot # 1, section # 1
 OWNER: MICHAEL A. & CATHERINE M. ZITO

LOT 1: MRS. TRAKIE WASHBURN (PERKINS)
4189-421



ACCESS DRIVEWAY

LOT # 4 1.039 ACRES
 11820A
 KATHY WINTERS

97-350-A

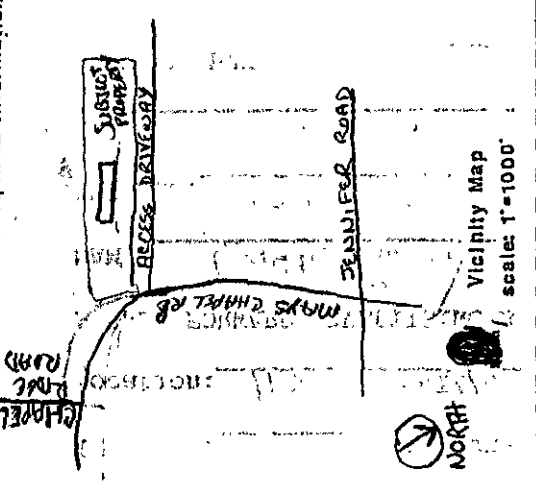


North

date: 2/18/97

prepared by: cmz

Scale of Drawing: 1"=50'



LOCATION INFORMATION

Election District: 8th
 Councilmanic District: 3B
 1"=200' scale map #: NW 14-C
 Zoning: RC-5
 Lot size: 1.0 acreage
43560 ± square feet

public private
 SEWER:
 WATER:
 Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: Jim ITEM #: 350 CASE#:



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

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 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: _____ Petitioner: Michael A + (Katherine M.) Zito

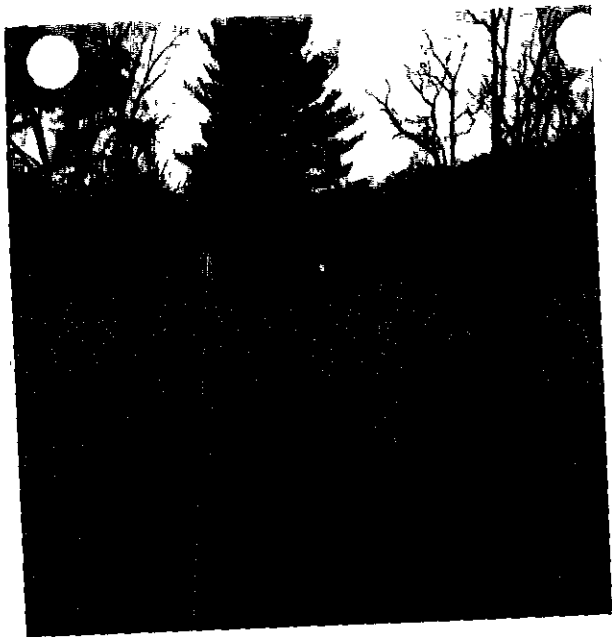
Location: 11816 Mays Chapel Road

PLEASE FORWARD ADVERTISING BILL TO:

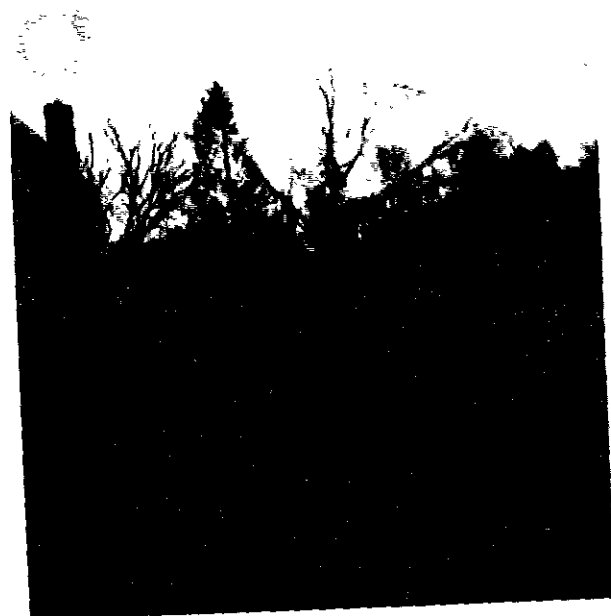
NAME: Katherine M. Zito

ADDRESS: 11816 Mays Chapel Road
Timonium, MD 21093

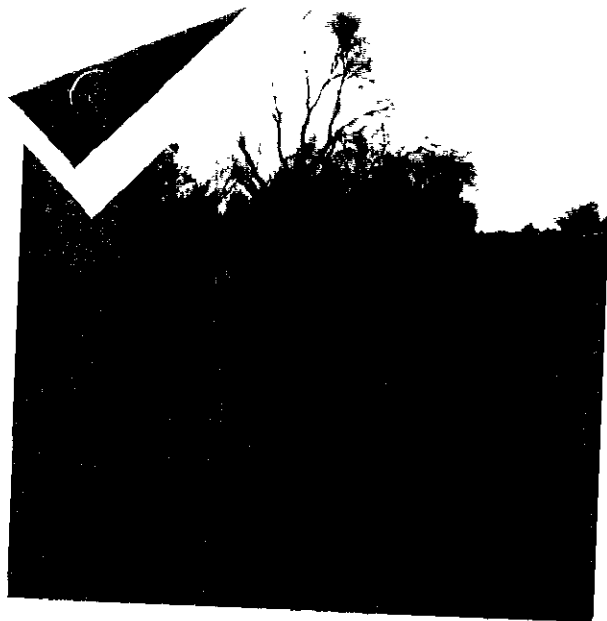
PHONE NUMBER: (410) 561-7291



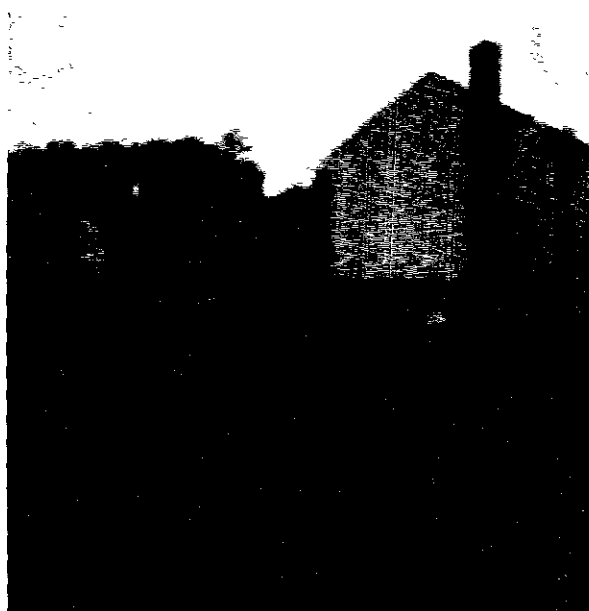
ITEM # 350



ITEM # 350



ITEM # 350



ITEM # 350

97-350-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

LOCATION
BALTIMORE
COUNTY

SHEET
N.W.
11E14-C

DATE
OF
PHOTOGRAPHY
JANUARY
1986

BALTIMORE
COUNTY
CLUB

