

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
Cor. N/S Hilltop Ave., E/S
of Woodland Avenue
7226 Hilltop Avenue
14th Election District
7th Councilmanic District
Gordon Malone
Petitioner

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-542-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Gordon Malone for that property known as 7226 Hilltop Avenue in the Summit Farms subdivision of Baltimore County. The Petitioner/property owner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR), to permit an accessory structure located in the third of the lot closest to a side street in lieu of the farthest third for a pool and deck. The property and relief sought are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

ORDER RECEIVED FOR FILING

Date

By

7/7/97
M. Chodak

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 7th day of July 1997 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR), to permit an accessory structure located in the third of the lot closest to a side street in lieu of the farthest third for a pool and deck, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING
Date 7/7/97
By TMK

TMK:mmn

Timothy M. Kuroko
TIMOTHY M. KUROKO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 7, 1997

Mr. Gordon Malone
7226 Hilltop Avenue
Baltimore, Maryland 21237

RE: Petition for Administrative Variance
Case No. 97-542-A
Property: 7226 Hilltop Avenue

Dear Mr. Malone:

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, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7226 Hilltop Ave.

which is presently zoned DR 5.5

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

The undersigned, legal owner(s) of the property 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 located in the third of the lot closest to a side street in lieu of the farthest third.

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

1. Pool had permit approved for intended area. Present request for this deck was discussed at that time.
2. Garden already in place behind home.
3. Moving pool and destroying garden would be excessively costly.
4. Building permit #B274781 issued by mistake 6/20/96 at start of project was not my mistake.

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

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

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):

Gordon Malone

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7226 Hilltop Ave. 410-866-2006

Address

Phone No.

Rosedale, MD. 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

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: MSK

DATE 6/2/97

ESTIMATED POSTING DATE

6/15/97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 542

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 7226 HILLTOP AVE
address
ROSEDALE MD 21237
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)

SEE REVERSE SIDE

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.

Gordon Malone
(signature)
GORDON MALONE
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of MAY, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gordon Malone

the Affiant(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.

5/31/97
date

Richard E. Lipp
NOTARY PUBLIC

My Commission Expires: 10/1/97

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 7226 Hilltop Ave
address
ROSEDALE MD. 21237
City State Zip Code

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Gordon Malone
(signature)

GORDON MALONE
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of MAY, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gordon Malone

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5/31/97
date

Richard E. Lepp
NOTARY PUBLIC

My Commission Expires: 10/1/97



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

7226 Hilltop Ave

which is presently zoned

DR 5.5

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

The undersigned, legal owner(s) of the property 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 located in the third of the lot closest to a side street in lieu of the farthest third

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

1. Pool had permit approved for intended area. Present request for this deck was discussed at that time.
2. Garden already in place behind home.
3. Moving pool and destroying garden would be excessively costly.
4. Building permit #B274781 issued by mistake 6/20/96 at start of project was not my mistake.

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

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):

Gordon Malone

(Type or Print Name)

Signature

(Type or Print Name)

Signature

7226 Hilltop Ave. 410-866-2006

Address

Phone No.

Rosedale, MD. 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

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: mk

DATE: 6/2/97

ESTIMATED POSTING DATE: 6/15/97



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on Recycled Paper

ITEM #: 542

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 7226 Hilltop Ave. Rosedale, MD. 21237

Beginning at a point on the North side of

Hilltop Ave. which is 50'

wide at a distance of 25', East of the

centerline of the nearest improved intersecting street Woodruff Ave.

which is 50' wide. *Being lot # 141,

Block N/A , Section N/A , in the subdivision of Summit Farms

as recorded in the Baltimore County Play Book # 7, Folio # 48,

containing 20,000 sq. ft. . Also known as 7226 Hilltop Ave. Rosedale, MD. 21237

and located in the 14th Election District, 7th Councilmanic District.

542

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

038084

DATE 6/2/97 ACCOUNT 01-615

Item: 542
By: MTK

AMOUNT \$ 50.00

RECEIVED FROM: Matone, Gordon - 7226 Hilltop Ave

FOR: 010 - Res Ver. - \$50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

CHK # 2230

06/02/97 03 6 ULM R 5857
Dept 5 513 ZONING VERIFICATION
CR NO. 038084

\$50.00 CK P-A-I-D
Baltimore County Maryland
Office Of Budget & Finance

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN:

RE: Case No.

97-542-A

Petitioner/Developer

O'KEEFE/ETAL

ON BEHALF PROPERTY OWNER

Date of Hearing/Closing

7/1/97

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 #7226 HILLTOP AVE.
@ WOODRUFF

The sign(s) were posted on

6/13/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 6/13/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

905-8571
Pager (410) 666-6354

97-542-A
cert doc

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 97-542-A

VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE LOCATED IN THE THIRD OF THE
LOT CLOSEST TO A SIDE STREET IN LIEU OF
THE FARTHEST THIRD.

* 7226 HILLTOP AVE. @
WOODRUFF

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 IT
IS DONE IN THE ZONING OFFICE BEFORE

97-542-A

#7226 HILLTOP AVE
@ WOODRUFF RD. 6/13/97

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6/15/97

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

542

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-542

Variance to permit an accessory structure located
in the third of the lot closest to a side street
in lieu of the farthest third

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**

* 6/30/97

**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 Ave.
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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 542

Petitioner: Gordon Malone

Location: 7226 Hilltop Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Gordon Malone

ADDRESS: 7226 Hilltop Ave

Rosedale, MD 21237

PHONE NUMBER: (410) 866-2006

AJ:ggs

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

June 13, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-542-A
7226 Hilltop Avenue
corner N/S Hilltop Avenue, E/S Woodland Avenue
14th Election District - 7th Councilmanic
Legal Owner(s): Gordon Malone
Post by Date: 06/15/97
Closing Date: 06/30/97

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, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Gordon Malone



BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 2, 1997

TO: Hearing Officer

FROM: Mitch Kellman
Planner II
Zoning Review, PDM

SUBJECT: Item #542
7226 Hilltop Avenue

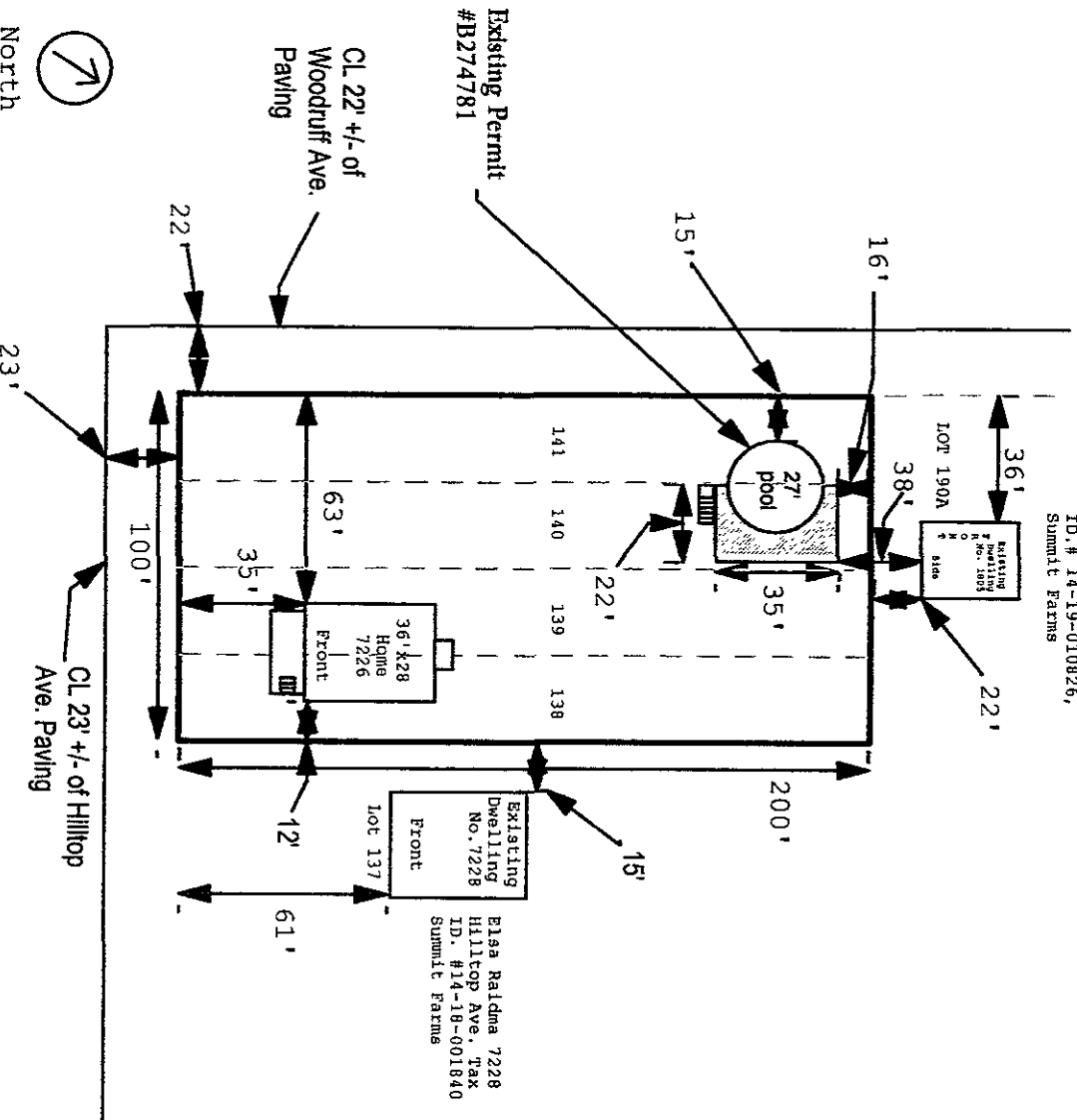
The total site is about 1/2 of an acre. On the site plan, the site, as shown, is listed as .23 of an acre. This is listed as .23 because of the two separate lots the accessory structure sits upon. The total site is 4 lots combined in one deed.

MJK:scj

Plat to accompany Petition for Zoning Variance

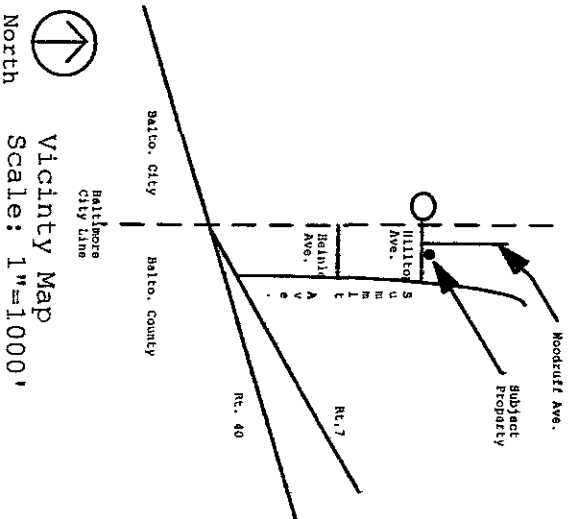
Property Address: 7226 Hilltop Ave. Balto. MD. 21237
 Subdivision name: SUMMIT FARMS
 plat book # 7, folio #48, lots #140 & 141
 OWNER: Gordon Malone

Valerie Scheek 1805
 Woodruff Ave. Tax
 ID # 14-19-010826,
 Summit Farms



Date: 05/30/97
 Prepared by: Gordon Malone

(Utilities in Road.)
 (Not in 100 Yr Floodplain.)
 Scale of Drawing: 1" = 50'



Location Information

Councilmanic District: 7th
 Election District: 14th

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

Zoning:

Lot Size: .23 acreage 10,000 square feet

Sewer: ☒ public ☐ private

Water: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office Use Only

reviewed by: Item#: CASE#:

mm

542

Pool Erection Permit



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B274781 CONTROL #: RS DIST: 14 PREC: 11
DATE ISSUED: 06/20/96 TAX ACCOUNT #: 1413041000 CLASS: 04

PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 7226 HILLTOP AVE
SUBDIVISION: SUMMIT FARM

OWNERS INFORMATION

NAME: MALONE, GORDON
ADDR: 7226 HILLTOP AVE.

TENANT:

CONTR: DIG-UM-INSTALLERS INC.

ENGR:

SELLR:

WORK: INSTALL ABOVE GROUND 27' DIA IN REAR YARD.
D.E. FILTER. FILLED BY TRUCK AND HOSE
W/VACUUM BREAKER. LADDER TO BE REMOVED
WHEN POOL IS NOT IN USE. POOL LETTER ATTACHED.
52" DEPTH.

BLDG. CODE: BOCA CODE

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD AND POOL
2800.00 EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: SWIMMING POOL

FOUNDATION:

BASEMENT:

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0100.00 X 0200.00

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: 14/58

SIDE STR SETB:

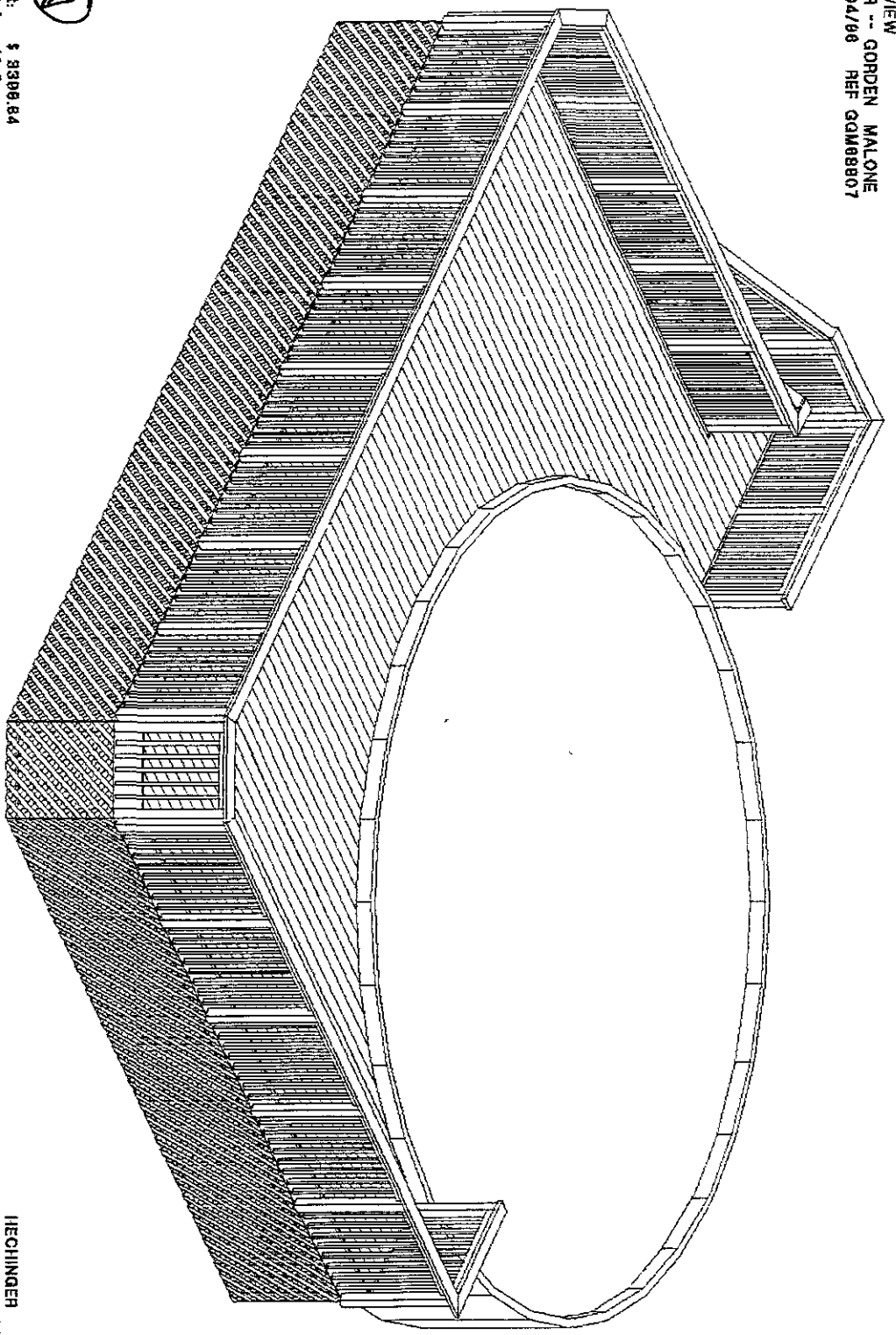
REAR SETB: 18

THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE

542

GENERAL RENDERING, Pool Deck to Be ABOVE Pool Deck

CUSTOM VIEW
CUSTOMER -- GORDEN MALONE
DATE 10/04/88 REF GQM8807



①
Total Cost: \$ 3389.84
Price Valid for 10 Days.
NORTH

HIECHINGER
8885 PULASKI HIGHWAY
BALT MARYLAND

542

1805 Woodcutt Ave

NW

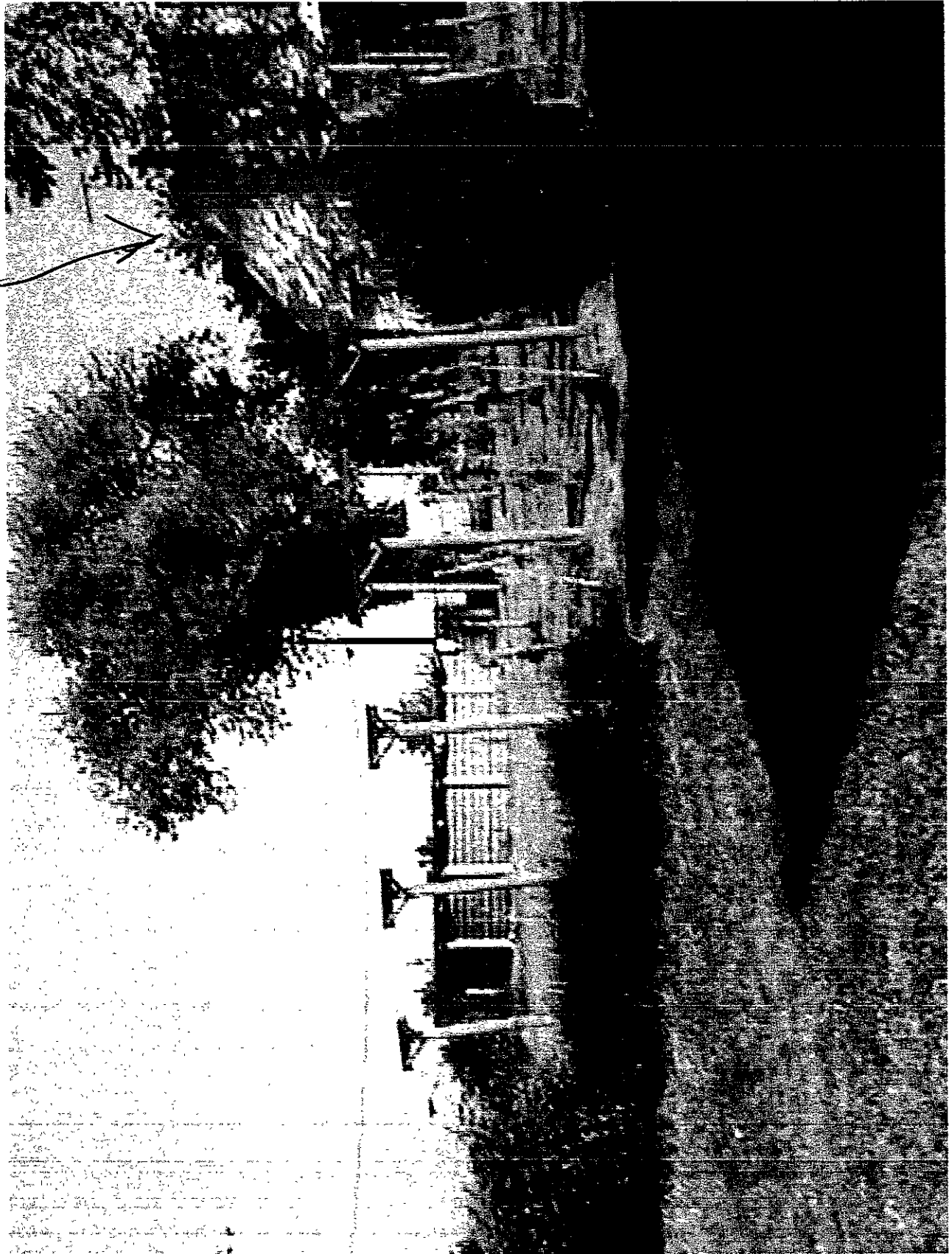
NE

#542

SE

(*) NORTH

SW



SE

7228 HILLTOP AVE

my home

SW



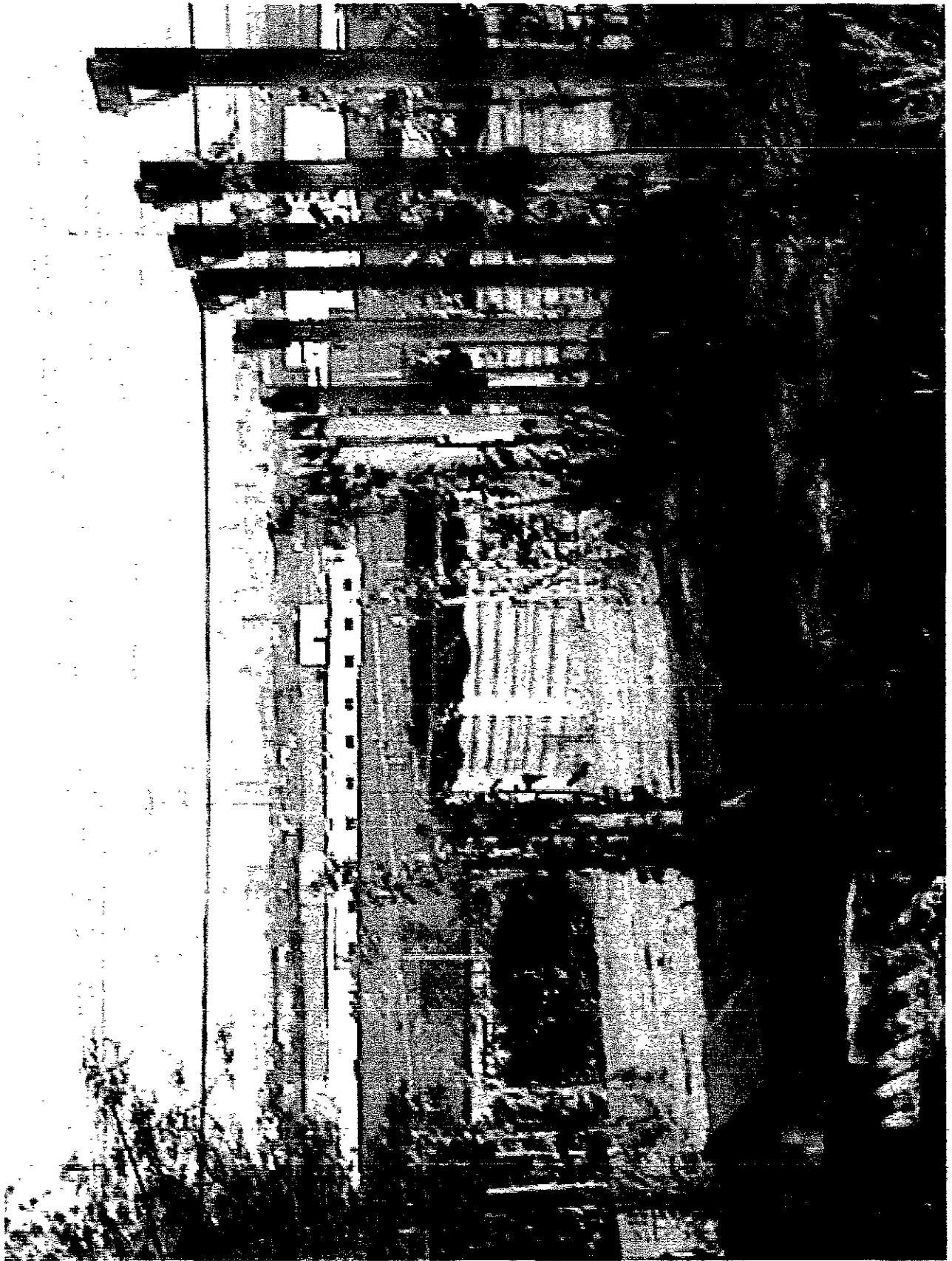
NE



NORTH

NW

#542



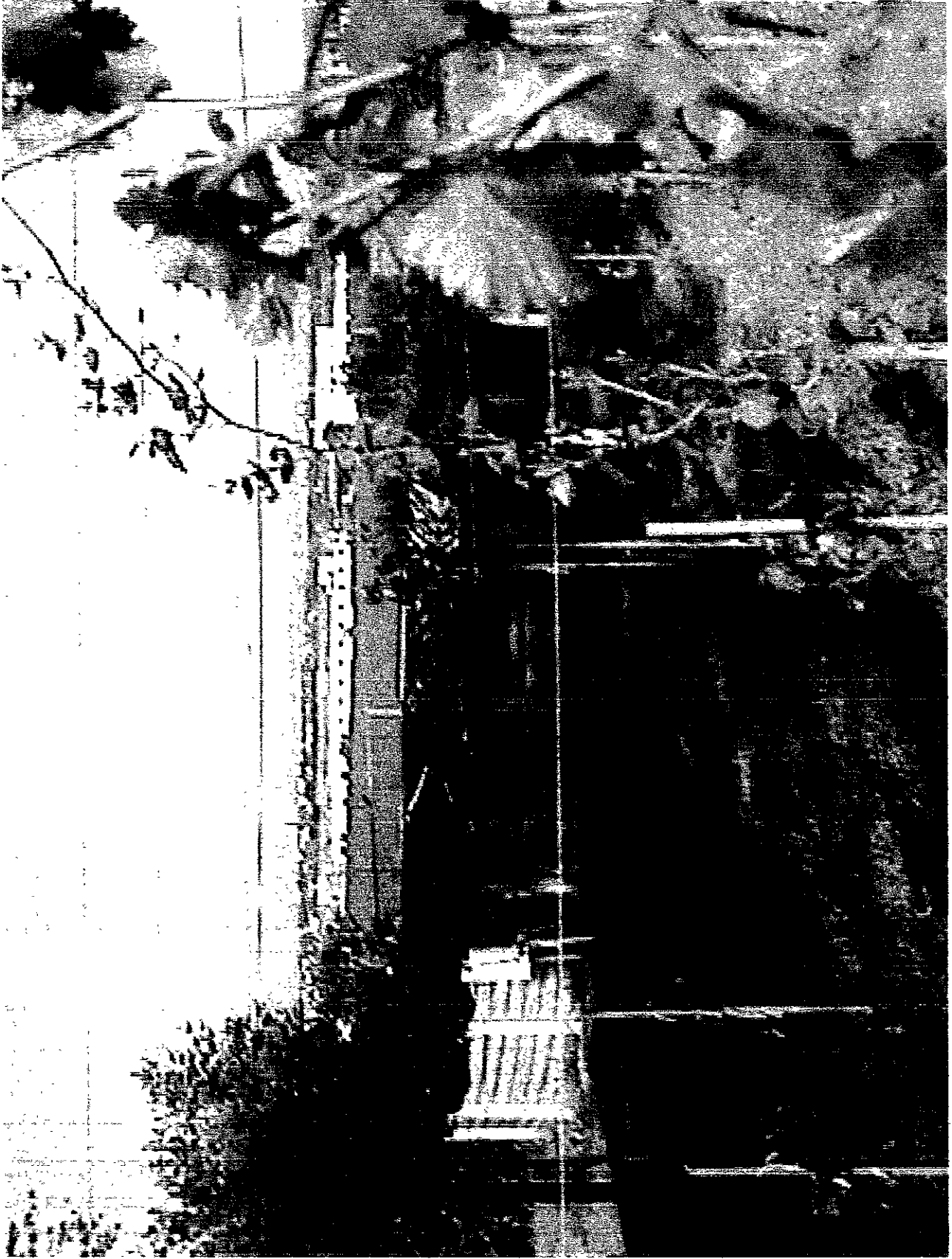
2nd #

4

NOVA

④

S



W

2

#542

E



NORTH

S