ORDER RECEWED FOR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE

NW/S Pebblecreek Drive, 440' W

of Spyglass Court

(11531 Pebblecreek Drive) 8th Election District 4th Councilmanic District

William M. Huhn, et ux Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 97-555-A

\*

\* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by William M. Huhn, and his wife, Diana L. Huhn, for the subject property, known as 11531 Pebblecreek Drive, which is located in the vicinity of Jenifer Road in Timonium. The Petitioners seek relief from Sections 504, 301.1 and 1801.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5 of the Comprehensive Manual of Development Policies (C.M.D.P. (1971-92 Regulations) to permit an open deck with a tract boundary setback of 19 feet in lieu of the required 27 and 1/2 feet, and to amend the last approved Final Development Plan for Pebblecreek, Lot 33 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence 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 a public hearing, a decision shall be rendered based upon the documentation contained within the case file. 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 community

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Date
By

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. Furthermore, 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 // day of July, 1997 that the Petition for Administrative Variance seek relief from Sections 504, 301.1 and 1B01.2.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5 of the Comprehensive Manual of Development Policies (C.M.D.P. (1971-92 Regulations) to permit an open deck with a tract boundary setback of 19 feet in lieu of the required 27 and 1/2 feet, and to amend the last approved Final Development Plan for Pebblecreek, Lot 33 thereof, 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



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

July 11, 1997

Mr. & Mrs. William M. Huhn 11531 Pebblecreek Drive Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/S Pebblecreek Drive, 440' W of Spyglass Court
(11531 Pebblecreek Drive)
8th Election District - 4th Councilmanic District
William M. Huhn, et ux - Petitioners
Case No. 97-555-A

Dear Mr. & Mrs. Huhn:

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:bis

cc: People's Counsel

File

CHANGES OIL



## DRIGHAL: KEEP Downer FILE Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at  $\times // \le 3 /$ 

which is presently zoned

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) 504 BOILS.C. 2. & BCZR AND V.B. 5 BOILS AND 1801.2.C. 2. & BCZR AND V.B. 5 BOILS AND 1801.2.C. 2. & BCZR AND V.B. 5 BOILS AND 1801.2.C. 2. & BCZR AND V.B. 5 BOILS AND TO PERMIT AN OPEN DECK WITH A 19 FT. SETBACK IN CIEV OF THE REQUIRED 272 FT. SETBACK TO TRACT BOUNDARY, AND TO AMEND THE LAST APPRINED FINAL DEVELOPMENT PLAN FOR LOT 33 OF PEBBLECREEK.

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

SEE AFFIDAVIT

ESTIMATED POSTING DATE 6/22/97

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.

			legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee			Legal Owner(s)
			* WILLAM M. HUND
(Type or Print Name)		<del></del>	(Type or Priot Name)
			× (e) when me the li-
Signature			Signature
	•		* DIANA L. HUHLIP
Address		<del></del>	(Type or Print Name)
City	State	Zipcode	Signature Signature
Attorney for Petitioner			
			× 11531 PEBBUCREEK DR (410)25
(Type or Print Name)			Address Phone No
			xTIMONIUM XMD X2
Signature	<del></del>		City State Zipcode Name, Address and phone number of representative to be contacted
-			
			Name
Address	Phone N	0	Name
	State	Zipcode	Address Phone No
City			<del>-</del>

Printed with Soybean Ink

# 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 1/53/ PEBBLECREEK IN 1/2
That the Affiant(s) does/do presently reside at 77
TIMONIUM MD. 31093 Coty 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)
THE LAND IN THE REAL OF OUR AGRE DOES NOT
RECEIUS AD EQUATE SUNLIGHT BECAUSE OF THE ORIENTATION.
AS A RESULT DUR YARD IS DAMP AND MUDDY A GREAT
DEAL OF THE TIME. THIS RESULTS IN THE YARD BEING
LINUSPABLE MOST OF THE TIME. A DELK WOULD ALLOW
US TO USE THE BACK YARD. THE CHINENT RESTRICTION
OF A NINE FOOT WIDE DECK IS NOT ADEQUATE FOR OUR
PURPOSES, AND WE THEREFORE REQUEST A VARIANCE.
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.
(signature)  WILLIAM M. HUND  (type or print name)  (signature)  DIANA C. HUHN  (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
of Maryland, in and for the County aforesaid, personally appeared
William M. Huhn & Diana. L. Huhn
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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.
6/9/97 Phylles Cook
Ma Communication Evapores:
My Commission Expires:

# 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.

shry thereto in the event that a public hearing is scheduled in the trade
That the Affiant(s) does/do presently reside at 1/531 PEBBLECREEIC 10210E
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)
THE LAND IN THE REAL OF OUR HOME DOES NOT
Macquis ASOUTS SUNLIGHT BECAUSE OF THE ORIENTATION.
AS A CESUT MILL YARD IS DAMP AND MUSBY A GREAT
1) EAL OF THE TIME. THIS PLESALTS IN THE YAILS ISTANG
LINUSEABLE MOST OF THE TIME. A DECK WOULD Allow
US TO USE THE BACK YARD. THE CUMENT KESTRICTION
MA AINE FOOT WISE DECK IS NOT ADEQUATE FOR OUR
PURPOSES, AND WE THEREFORE REQUEST A VARIANCE.
(signature)  (signature)  (type or print name)  STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 9 day of JUL 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
William W. Huhn & Diana L. Huhn
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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.
date 6/9/97 Physical Cook
My Commission Expires:
4/1/00
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$50^{\circ}$

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555

### ZONING DESCRIPTION FOR 11531 Pebblecreek Drive.

NW. SiDE OF PEBBLE CREEK DR. 440 FT. W. OF SPYGLASS CT. Being known as Lot Numbered 33, as shown on a plat entitled, FIRST

RESUBDIVISION PEBBLECREEK, Lots 25 through 36, (Previously Recorded at S.M.

63/55)", which Plat is duly recorded among the Land Records of Baltimore county,

Maryland in Plat Book S.M. 64, folio 071. The improvements thereon being known as

11531 Pebblecreek Drive, Timonium, Maryland 21093.

The property encompasses 5,150 SF and is located in the 8th Election District.

PAID RECEIPT  PROCESS ACTUM. TIME  A12/1997 6/12/1997 14:16:12  REG MSOG, CASHIER KNOW KWH INFARER  MISCELLANOUS CRSH RECEIPT  RECRIPT  RECRIPT  CR 10. 038193  CR 10. 038193  CR 10. 038193  CR 10. 038193		CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND  OFFICE OF BUDGET & FINANCE  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  OATE  O	FOR: RV ADMIN FILING + AMFND MNJ	DISTRIBUTION WHITE - CABHIER PINK - AGENCY YELLOW · CUSTOMER

## CERTIFICATE OF POSTING

ADMIN

RE: Case No. 97-555-A

HUHN, ETAL

YO P.M. DKEETE

Date of Heating/Closing

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen-

This letter is to certify under the penalties of perjuty that the necessary sign(s) required by have were posted conspicuously on the property located at #1/53/PEBBLE CREEK DL. LOT-33

The sign(s) were posted on

( Month, Day, Year) Sincerely,

(Signature of Sign Poster and Date

Patrick M. O'Keefe (Printed Name)

523 Penny Lane (Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

<u>[410]</u> 666-5366 Pager (410) 646 (Telephone Number)



TO REPORT WEEK TOR 12 7/7 317



# Baltimor County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake A Towson, Maryland 2120

## 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 (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.

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Exhibit A

\*PLANNERS FILL IN THE POSTING AND CLOSING DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than

o later than  $\frac{*6/22/97}{}$ .

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

## ZONING NOTICE

## ADMINISTRATIVE VARIANCE

Case No.: <u>97-555-</u>A

A VARIANCE TO PERMIT A SETBACK OF 19 FT. IN LIEU OF THE PEGVIRED

272 FT FOR A PROPOSED DECK AND TO AMEND THE LAST APPROVED

FINAL DEVELOPMENT PLAN FOR PEBBLECREEK, LOT#33

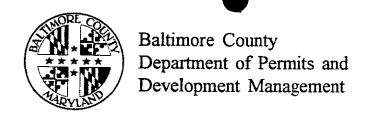
## **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. 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



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

June 24, 1997

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-555-A
11531 Pebblecreek Drive
NW/S Pebblecreek Drive, 440' W of Spyglass Court
8th Election District - 4th Councilmanic
Legal Owner(s): William M. Huhn and Diana L. Huhn
Post by Date: 06/29/97
Closing Date: 07/07/97

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.

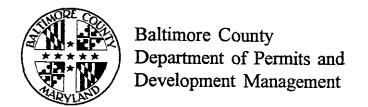
- The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing 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 DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE AVAILABLE FOR FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: William and Diana Huhn





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

July 8, 1997

Mr. and Mrs. William Huhn 11531 Pebblecreek Drive Timonium, MD 21093

RE: Item No.: 555

Case No.: 97-555-A

Petitioner: William Huhn, et ux

Dear Mr. and Mrs. Huhn:

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 June 12, 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 (410-887-3391).

Sincerely,

Victorialy ye W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



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 6.20.97 Item No. 555

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,

Ja Ronald Burns, Chief

**Engineering Access Permits** 

Division

LG

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

DATE: June 20, 1997

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 552, 553, 554, 555, 557, 558 and 562

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Division Chief:

(for bery Herns

AFK/JL

## BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

## INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: June

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

Item #'s:

558

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 1, 1997

Department of Permits & Development

Management

FROM:

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

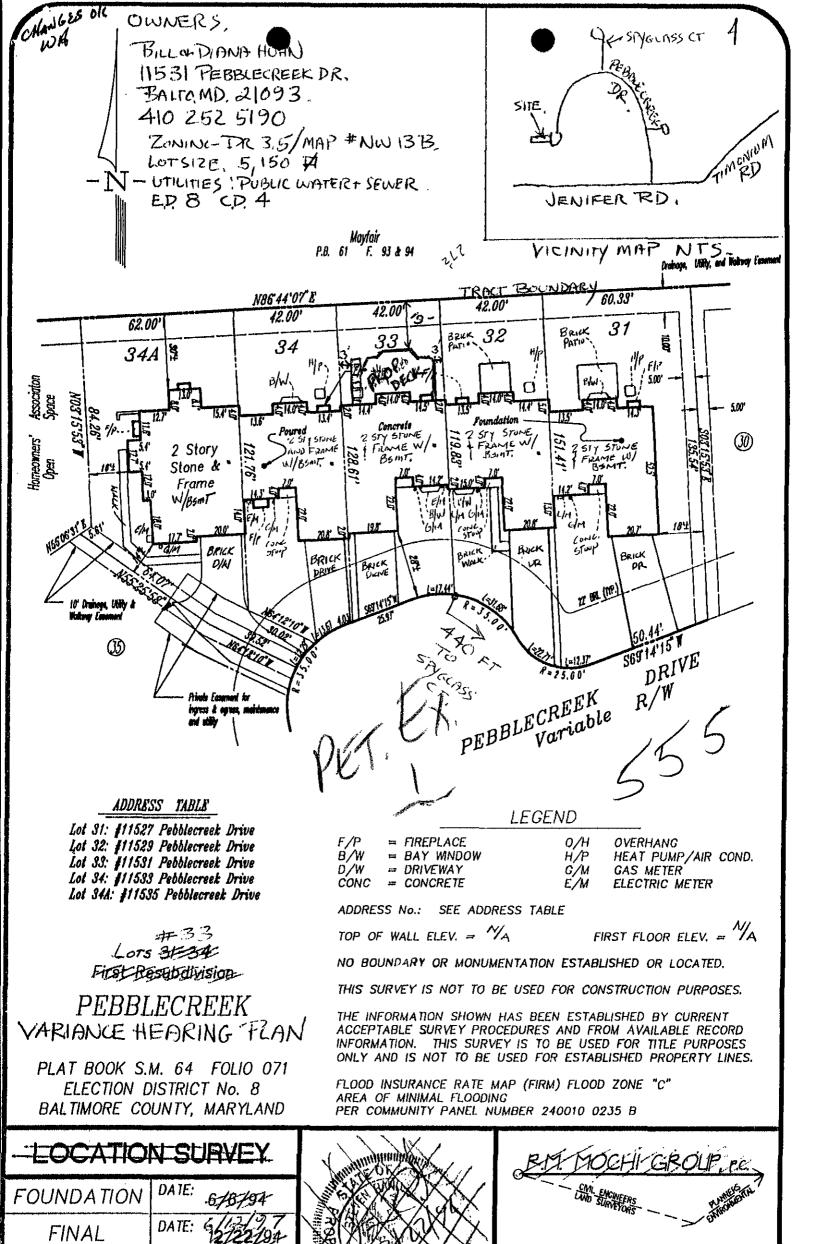
for June 30, 1997

Item Nos. 550, 551, 552, 554, 555, 556, 557, 558, 559, 560, & 562

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

RWB:HJO:jrb

cc: File



555 require before removal of Posted sign. Pariet desponsibility to see there Otolo's one delivered as per petition 555 requirements. William John----

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NW 13B , Pob. 1=200' 206 N 52000 D.R. 3.5 DICK WALTON WAY SQUA