

IN RE: PETITION FOR ADMIN. VARIANCE
NW/Corner Leeds Avenue and
Beechfield Avenue
(4110 Leeds Avenue)
13th Election District
1st Councilmanic District

Donald Dorsey, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-562-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 Donald Dorsey, Jr., and his wife, Brenda Dorsey, owners of the subject property, known as 4110 Leeds Avenue. The property is located in the vicinity of Southwestern Boulevard and the Baltimore Beltway (I-695) in Arbutus. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an above-ground 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 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 and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide

ORDER RECEIVED FOR FILING

Date

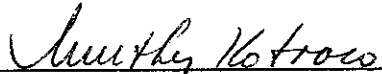
By

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 11th day of July, 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 above-ground 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

Date 7/11/97

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

July 11, 1997

Mr. & Mrs. Donald Dorsey, Jr.
4110 Leeds Avenue
Baltimore, Maryland 21229

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Leeds Avenue and Beechfield Avenue
(4110 Leeds Avenue)
13th Election District - 1st Councilmanic District
Donald Dorsey, Jr., et ux - Petitioners
Case No. 97-562-A

Dear Mr. & Mrs. Dorsey:

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,

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



6-13
2:00 PM



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4110 Leeds Ave

which is presently zoned DRS-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) 4001.1 BCZR TO PERMIT
A POOL TO BE LOCATED IN THE SIDEYARD 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 MY HOUSE HAS NO REAR YARD
- ② MY HOUSE HAS A FRONT YARD & SIDE YARD MY REAR DOOR EXITS MY HOUSE AT SIDE YARD.
- ③ I PUT UP FENCE WITH ALL LOCKED GATES

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

Of Course

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

DONALD + BRENDA DORSEY JR

(Type or Print Name)

Donald F Dorsey Jr.

Signature

4110 Leeds Ave

Address

BALTO. CO MD 21229

City

State

Zipcode

Attorney for Petitioner

STEVEN HEISLER

(Type or Print Name)

Steven Heisler

Signature

410-539-5300

Address

Phone No

BALTO MD 21223

City

State

Zipcode

Legal Owner(s)

DONALD + BRENDA DORSEY JR

(Type or Print Name)

Donald F Dorsey DONALD DORSEY JR.

Signature

BRENDA S. Dorsey

(Type or Print Name)

Brenda S. Dorsey

Signature

4110 Leeds Ave 410 247-4283

Address

Phone No

BALTO. CO. MD 21229

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Donald + Brenda Dorsey

Name

4110 Leeds Ave 410-247-4283

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: J. Cam DATE: 6-13-97

ESTIMATED POSTING DATE: 6-22-97

Printed with Soybean Ink
on Recycled Paper

ITEM #: 562

ORDER RECEIVED FOR FILING

Date

By

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 4110 Leeds Ave
address
Baltimore md. 21229
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 moved to Balto co because we like the area all we
want is to put a pool in our yard. the pool is not
A cheap pool it will look nice I keep my yard up.
my neighbors don't mind I already spoke with them
I will not disturb anyone + I have a fence around
my house with the gates are locked I have no
trespassing signs up I swear I will not be a problem
to the neighbors we are good people + we know how to
behave thank-you also we don't have a teen girl
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.

Donald F Dorsey Jr.
(signature)
DONALD F DORSEY JR.
(type or print name)



Brenda S. Dorsey
(signature)
BRENDA S. DORSEY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13TH day of June, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donald & Brenda Dorsey Jr.

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.

06/13/97
date

Joan D Stranitzke
NOTARY PUBLIC

My Commission Expires:

5/22/98

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 7110 Leeds Ave
address
BALTO MD 21229
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 moved to Balto co because we like the area all we want
is to put pool in our yard the pool is not a cheap pool it will
look nice & I keep my yard clean my neighbors dont mind
I already spoke with them I will not disturb them & I have a
fence around my house with the gates locked I have no
trespassing signs up. Also we dont have a rear
yard

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.

Donald F. Dorsey Jr.
(signature)
DONALD F. DORSEY JR.
(type or print name)



Brenda S. Dorsey
(signature)
BRENDA S. DORSEY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13TH day of June, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donald & Brenda Dorsey Jr.

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.

06/13/97
date

David Strandquist
NOTARY PUBLIC

My Commission Expires:

5/22/98

ZONING DESCRIPTION FOR 4110 LEEDS AVE

BEGINNING AT A POINT ON THE ~~SOUTH~~ ^{NORTHWEST} SIDE OF
BEECHFIELD AVE WHICH IS 50 FEET FROM THE NEAREST
STREET WHICH IS BEECHFIELD AVE WHICH IS NORTH
OF THE CENTERLINE OF THE NEAREST INTERSECTING STREET
WHICH IS LEEDS AVE AT A DISTANCE OF 105' BEING
LOT # 52 SECTION LIBER # 8982 BOOK 758
BLOCK # 4 PLATBOOK WPC 7 FOLIO # 69
#6 FOLIO # 177
13TH DISTRICT BALTO CO. MD. IN THE SUBDIVISION OF
RIDGEWOOD BLOCK # 4 AS RECORDED BALTO CO PLAT
BOOK # WPC # 7 FOLIO # 69 CONTAINING 9979 SQ.
FT ALSO KNOWN AS 4110 LEEDS AVE AND LOCATED
IN THE 13TH ELECTION DISTRICT BALTO COUNTY MD.

562

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

562

No.

038106

DATE 6-13-97

ACCOUNT

RC001-6150

AMOUNT

\$ 50.00

RECEIVED
FROM:

D. DORSEY, JR. 4110 LEES AC.

FOR:

Ad. VAR. (010)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PROCESS ACTUAL TIME
6/16/1997 6/13/1997 15:05:00

REG 4506 CASHIER BTRY EXT DRAWER 5

MISCELLANEOUS CASH RECEIPT

Receipt # 011211

DELM

CR NO. 038106

\$50.00 CASH
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-562-A

Petitioner/Developer:
(Donald Dorsey)

Date of Hearing/Closing:
(July 7, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 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 _____
4110 Leeds Ave. Baltimore, Maryland 21229 _____

The sign(s) were posted on _____ Jun. 20, 1997 _____
(Month, Day, Year)

Sincerely,

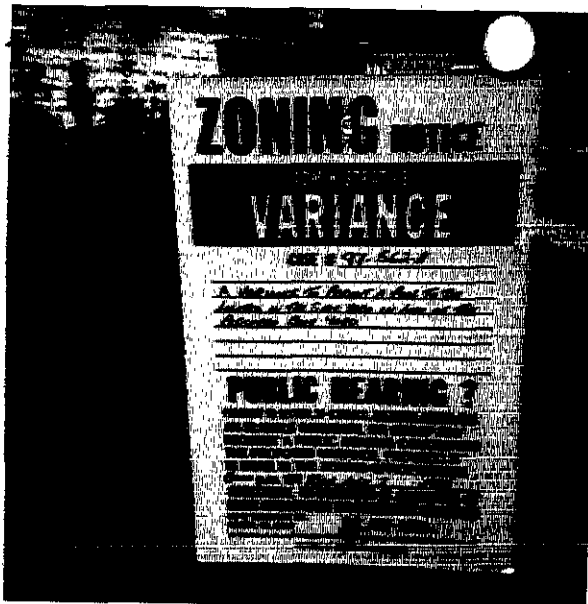

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



97-562-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 6-22-97

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

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-562-A

A VARIANCE 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**

*

7-7-97

**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

June 24, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-562-A

4110 Leeds Avenue

NWC Leeds Avenue and Beechfield Avenue

13th Election District - 1st Councilmanic

Legal Owner(s): Donald Dorsey, Jr. and Brenda S. Dorsey

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.

- 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 black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Donald and Brenda Dorsey, Jr.





Baltimore County
Department of Permits and
Development Management

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

July 8, 1997

Mr. and Mrs. Donald Dorsey, Jr.
4110 Leeds Avenue
Baltimore, MD 21229

RE: Item No.: 562
Case No.: 97-562-A
Petitioner: Donald Dorsey, et ux

Dear Mr. and Mrs. Dorsey:

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 13, 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,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Due Date 6/30/97

From: ~~J. Lawrence Pilson~~ R Bruce Seely

MK

Dorson Prop: 4110 Leeds Ave

Zoning Advisory Committee Meeting of 6/23/97

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

[illegible]

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:

Jeffrey W. Long

Division Chief:

Diane Utter
(for Gary Kerns)

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: July 1, 1997

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

~~Robert W. Bowling~~ ROBERT W. BOWLING

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

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 13, 1997

TO: Hearing Officer

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

SUBJECT: Item #562
4110 Leeds Avenue

I urged the petitioners not to file their petition request in its current condition. It is replete with mistakes and errors. They insisted upon filing as is. I do not believe I have the authority to refuse to accept a petitioner's variance petition.

JCM:scj

JUNE 3, 1997

TO WHOM IT MAY CONCERN:
I DOROTHY FALLOW OF
1039 BEECHFIELD AVE.
HAVE NO PROBLEM WITH
MR. & MRS. DORSEY HAVING A
POOL IN THEIR YARD.

YOURS TRULY
Dorothy Fallow

562 ✓
NEXT DOOR NEIGHBOR

Photo of cards & other houses.
3 copies 20 min. 20 sec. 20 min. 20 sec.
12 copies of Miller's Dry Ice Paper

6-9-97

To whom it may concern:

cln regards to Brenda and Don Dorsey,
installing a swimming pool at 4110 Leeds Ave.

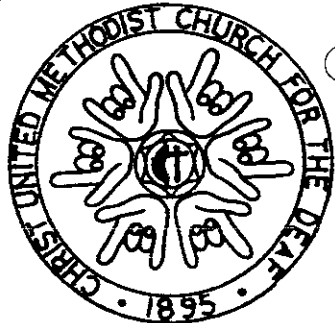
cl; Denise Philip reside at 4108 Leeds Ave.

cl have no concerns or regrets in the
decision the Dorsey's have made to install
a swimming pool.

Sincerely,

Denise Philip
4108 Leeds Ave
Balt, MD 21229

562



CHRIST UNITED METHODIST CHURCH OF THE DEAF

1040 S. Beechfield Avenue • Baltimore, Maryland 21229-4938
(410) 455-9118 V/TDD

The Rev. Dr. Peggy A. Johnson
5606 Johnycake Road
Baltimore, MD 21207-4743
(410) 747-5689 V/TDD

June 6, 1997

To whom it may concern,

On behalf of Christ United Methodist Church of the Deaf I am writing to let you know that we have no objections to Mr. & Mrs. Dorsey's swimming pool. The pool will be located at the house next to the church (4110 Leeds Avenue). We see no reason why they cannot have their pool and wish them good luck and happiness.

Sincerely,

Peggy A. Johnson
Rev. Peggy A. Johnson

Legal Owner(s): Donald Dorsey, Jr. and Brenda S. Dorsey

Administrative Variance to permit a pool to be located in the side yard
in lieu of the required rear yard.

we Request Larry Schmidt be assigned the
Case

James Long Jr.

4110 Leeds ave

Salts mt. 21229

562

~~PKT. 1~~

