

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Manns Avenue, 50' E
centerline of Aurelia Avenue
9th Election District
6th Councilmanic District
(Manns Avenue)

Robert Felts & Judith Spoonire
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-053-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Robert Felts and Judith Spoonire, property owners, for that property known as 2946 Manns Avenue in the Parkville area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback for an accessory structure (swimming pool) to be located partially in the side yard in lieu of being situated entirely in the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy 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 B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORIGINAL RECEIVED FOR FILING

Date

9/2/99

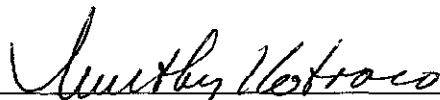
By

R. J. Johnson

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 Deputy Zoning Commissioner for Baltimore County this 2nd day of September, 1999, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback for an accessory structure (swimming pool) to be located partially in the side yard in lieu of being situated entirely in the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
DATE 9/2/99
BY J.R. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 3, 1999

Mr. Robert Felts
Ms. Judith Spoonire
2946 Manns Avenue
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 00-053-A
Property: 2946 Manns Avenue

Dear Mr. Felts & Ms. Spoonire:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at X 2946 MANN'S AVE.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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 BCZR TO PERMIT A

PROPOSED ACCESSORY STRUCTURE (SWIMMING POOL) TO BE LOCATED
PARTIALLY IN SIDE YARD IN LIEU OF ENTIRELY IN REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Robert Felts
Name - Type or Print

X Robert Felts
Signature

Judith Spoonire
Name - Type or Print

X Judith b Spoonire
Signature

2946 MANN'S AVE 410-882-3880
Address Telephone No.

Baltimore Md 21234
City State Zip Code

Representative to be Contacted:

LARRY FELTS
Name

13203 Patuxent Rd 410-335-7676
Address Telephone No.

BALTO, Md 21220
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 9/2/99 day of September that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-53-A

Reviewed By VL Date 8/5/99

Estimated Posting Date 8/15/99

REV 9/15/98

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 2946 MARYS AVE
Address
Baltimore, Md 21234
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):

To install a pool behind the house would mean that:

- ① *Avery Large, old tree, fence and grape arbor would have to be removed.*
- ② *Construction of a retaining wall on four side of the pool would have to be built, so the pool's grading will not be steep, this will add an additional cost of \$4,200.00 to pool*
- ③ *Pool would have to be installed close to electrical wires, again this will add an additional cost of \$1,900.00 to pool.*

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

Robert T. Felts
Signature
Robert Felts
Name - Type or Print

Judith L. Spoonire
Signature
Judith Spoonire
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of AUGUST, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

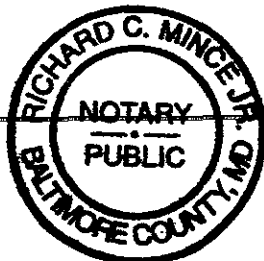
ROBERT FELTS AND JUDITH SPOONIRE
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

8/2/99
Date

Richard C. Mince Jr.
Notary Public

My Commission Expires 05/30/2001



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 2946 MANNIS AVE
Address
Baltimore, Md 21234
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):

To install a pool behind the house would mean that:

- ① A very large, old tree, fence and grape arbor would have to be removed.
- ② Construction of a retaining wall on four side of the pool would have to be built so the pool grading will not be steep. This will add an additional cost of \$4,200.00 to pool
- ③ Pool would have to be installed close to electrical wires, again this will add an additional cost of \$1,900.00 to pool

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

x Robert F. Felts
Signature
Robert Felts
Name - Type or Print

x Judith L. Spoonire
Signature
Judith Spoonire
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of AUGUST, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT FELTS AND JUDITH SPOONIRE
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.

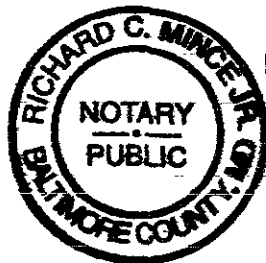
AS WITNESS my hand and Notarial Seal

8/2/99
Date

Richard C. Minie, Jr.
Notary Public

My Commission Expires 05/30/2001

REU 09/15/98





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2946 Mannie Ave
which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and 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 BCZR To Permit A
Proposed Accessory Structure (Swimming Pool) to be Located
Partially in side yard in Lieu of Entirely in Rear Yard

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Robert Felts
Name - Type or Print _____
x Robert Felts
Signature _____
Judith Spoonire
Name - Type or Print _____
x Judith L. Spoonire
Signature _____
2946 Mannie Ave 410882-3880
Address _____ Telephone No. _____
Baltimore, Md 21234
City _____ State _____ Zip Code _____

Representative to be Contacted:

Larry Felts
Name _____
13203 Patuxent Rd
Address _____ Telephone No. _____
Balto, Md 21220
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00 53 A

Reviewed By ✓ Date 8/5/99

REC 9/15/98

Estimated Posting Date 8 15 99

53

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2949 MANNS AVE

BEGINNING AT A POINT ON THE NORTH SIDE OF MANNS AVE WHICH IS 30 FEET WIDE AT THE DISTANCE OF 50 FEET EAST OF THE CENTERLINE OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET AURELIA AVE WHICH IS 30 FEET WIDE. BEING LOT# 23, 24, 25 AND 26 BLOCK ---, SECTION# - IN THE SUBDIVISION OF EDGEWOOD PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 07, FOLIO# 06 CONTAINING 9075 SQUARE FEET ALSO KNOWN AS 2949 MANNS AVE AND LOCATED IN THE 09 ELECTION DISTRICT, 2 COUNCILMANIC DISTRICT 6

00.053-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JK 53

No. 069827

DATE

8/5/99

ACCOUNT

R0016150

AMOUNT \$

50.00

RECEIVED FROM:

PERSONALIZED LICENSES

FOR:

Rea Lawrence

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

00.053-A

CASHIER'S VALIDATION

Paid RECEIPT

PROCESS ACTUAL TIME

8/05/1999 8/05/1999 09:36:48

REG 4003 CASHIER PLED PER ORDER

DEPT 5 528 ZONING OR REGISTRATION

RECEIPT # 093677

CR NO. 069827

Receipt Tot

50.00 FK

Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: CASE #00-053-A
PETITIONER/DEVELOPER:
(Robert Felts)
DATE OF Closing
(Aug 30, 1999)

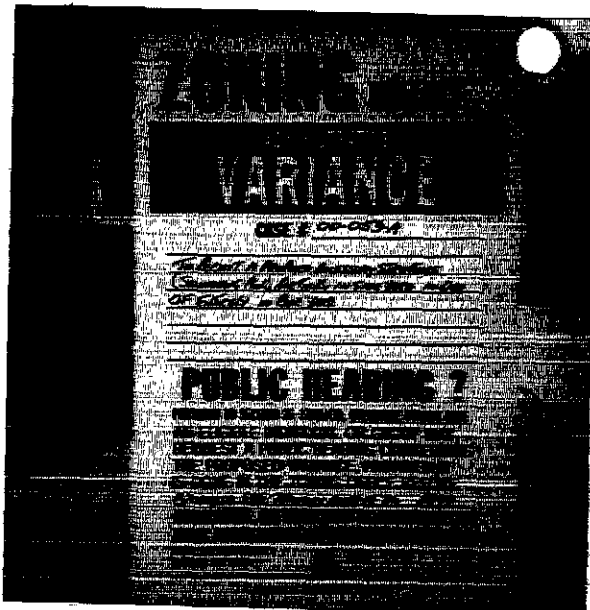
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
2946 Manns Ave. Baltimore, Maryland 21234_____

The sign(s) were posted on _____ 8-13-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle 8/13/99
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410) 687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 53 -A Address 2946 MANN'S AVE

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/5/99 Posting Date: 8/15/99 Closing Date: 8/30/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 53 -A Address 2946 MANN'S AVE

Petitioner's Name ROBERT FELTS / JUDITH SPOONIRE Telephone 410 882 3880

Posting Date: 8/15/99 Closing Date: 8/30/99

Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE (SWIMMING POOL)
PARTIALLY IN SIDE YARD ~~IN~~ IN LIEU OF ENTIRELY IN REAR YARD

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 0053 A

Petitioner: Robert Felts & Judith Spooner

Address or Location: 2946 Mann's Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Felts

Address: 2946 Mann's Ave

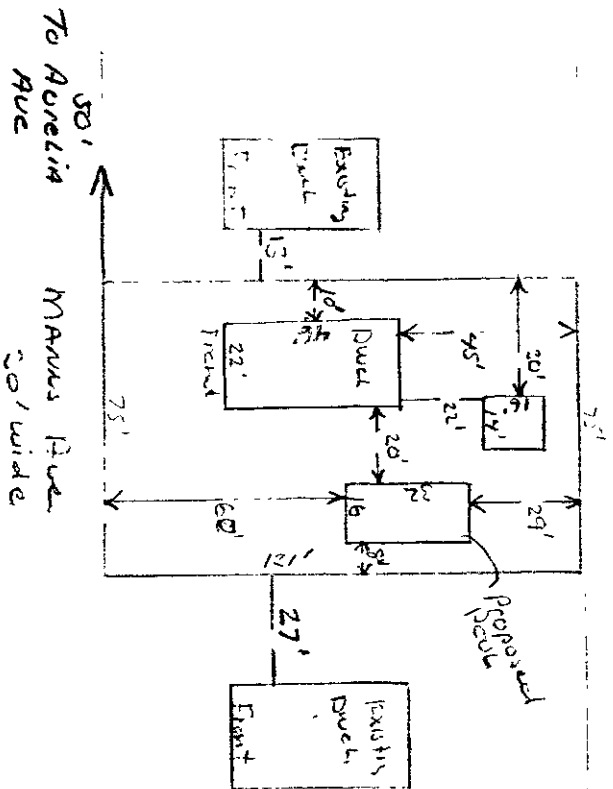
BALTO MD. 21234

Telephone Number: 410 882-3886

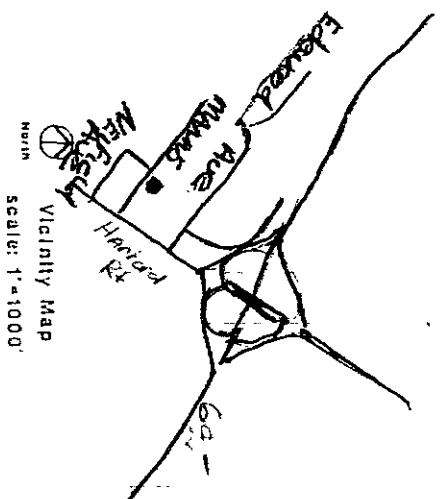
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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

PROPERTY ADDRESS: 2946 Manor Ave
 Subdivision name: Edgewood Park
 plat book # 2, folio # 6, lot # 23, 24, 25, 26, section #
 OWNER: Robert Fetto Judith Spacore



North
 date: 2/12/59
 prepared by: L. Fetto Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 9
 Councilmanic District: 6

1" = 200' scale map: NE 90

Zoning: D.R.S.5

Lot size: 0.21 acreage 7025 square feet

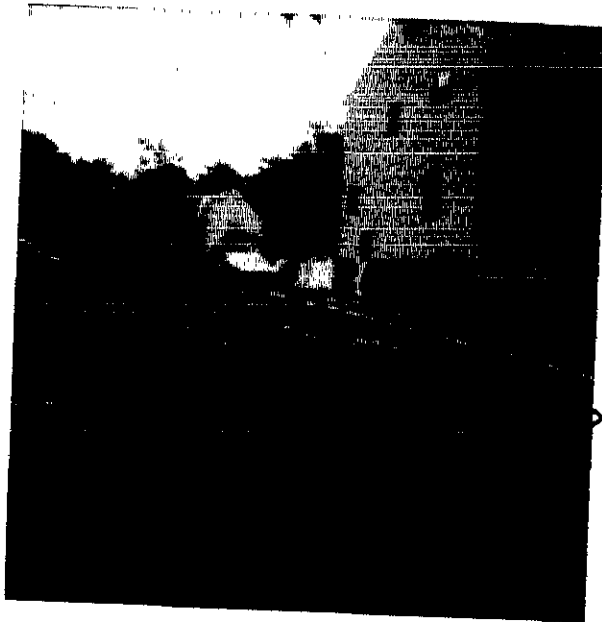
SEWER: ☒ public ☐ private
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings: ☐ ☒

Zoning Office USE ONLY!

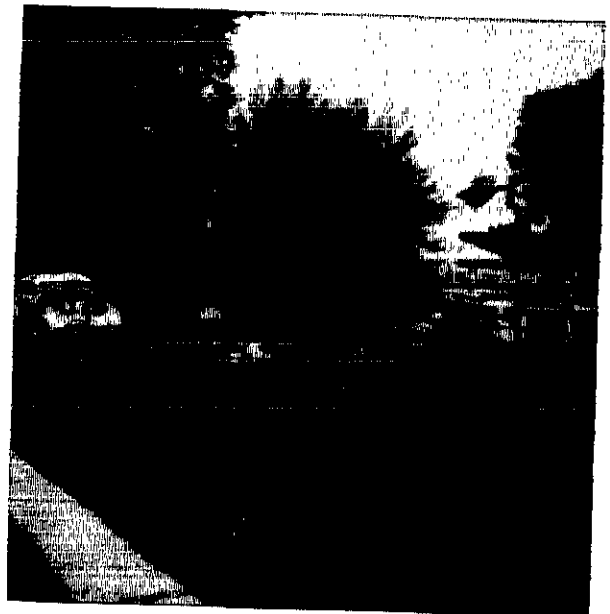
reviewed by: 53 ITEM #: CASE #:

PET. EX. 1

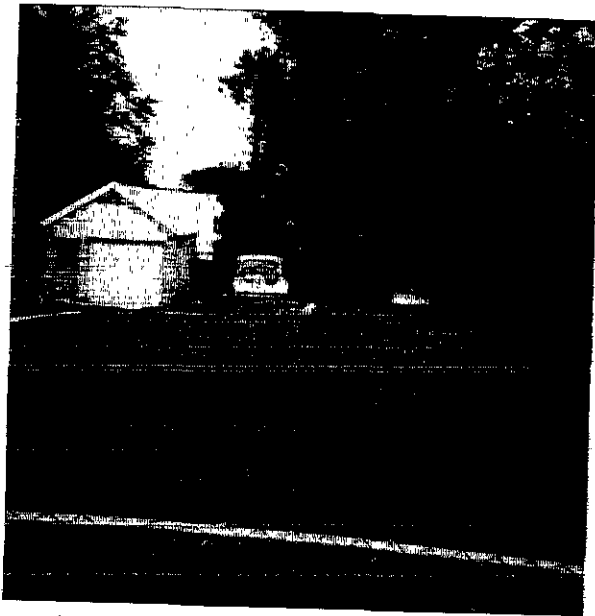
00-053-A



Back of yard to street, Area
of pool.



Shows yellow glass of pool
& Right sides lot

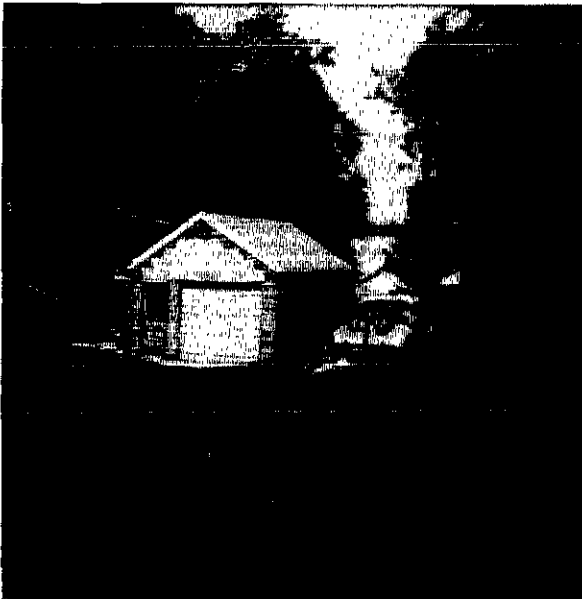


Shows right side of house
where pool will be placed



Shows fence & lot on
Left side of 2946 Main
Ave

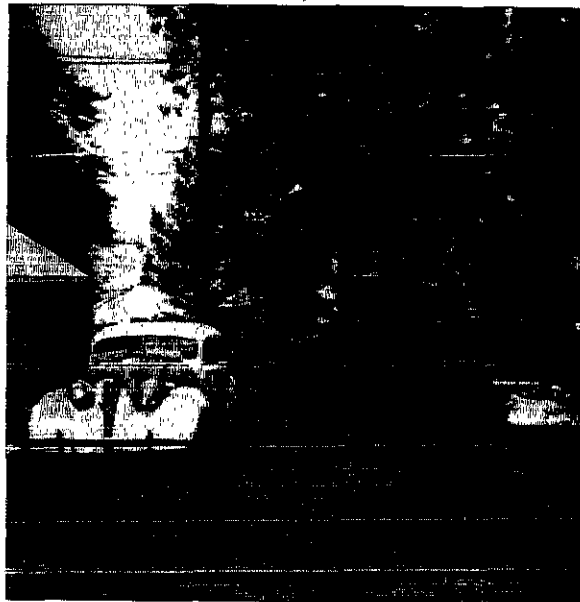
00.053-A



If pool goes behind house it
would be adjacent garage & rear of
yard, this is where grape arbor, tree &
limes are



right of 2746 Manns Ave



Shows Area where we would
have to buy a in-ground pool

00-053-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	SITE LOCATION PARKVILLE	SHEET 53
DATE OF PHOTOGRAPHY JANUARY 1986		N.E. 9-D

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

00-053-A