

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of York Road, 250' N
of the centerline of Sparks Road
8th Election District
3rd Councilmanic District
(15010 York Road)

Mike & Alex Flanagan
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-090-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Mike & Alex Flanagan, property owners, for that property known as 15010 York Road in the Sparks 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 pool to be located in the sideyard in lieu of the required 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.

ORDER RECEIVED FOR FILING

Date

9/30/99

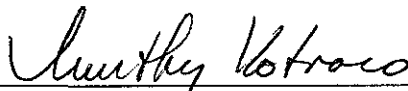
By

R. J. Jenson

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 30th day of September, 1999 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a pool to be located in the sideyard in lieu of the required 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 9/30/99
BY R. J. Jenson



Baltimore County
Zoning Commissioner

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

September 30, 1999

Mr. & Mrs. Mike Flanagan
15010 York Road
Sparks, Maryland 21120

Re: Petition for Administrative Variance
Case No. 00-090-A
Property: 15010 York Road

Dear Mr. & Mrs. Flanagan:

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 cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

C: Mr. Doug Parkinson
344 C Ritchie Highway
Severna Park, Maryland 21146

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 15010 YORK RD.
which is presently zoned RC-4

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, BC2R, TO PERMIT

A pool TO BE LOCATED IN THE SIDENYARD IN LIEU
of THE REQUIRED 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):

x MIKE FLANAGAN
Name - Type or Print

x [Signature]
Signature

x Alex FLANAGAN
Name - Type or Print

x [Signature]
Signature

15010 York RD 410 472-1702
Address Telephone No.

Sparks MD 21120
City State Zip Code

Representative to be Contacted:

Doug Parkinson
Name

344 c Ritchie Hwy 410 544 5693
Address Telephone No.

Severna Park MD 21146
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 9/30/99 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. 00-90-A

Reviewed By Jan Date 8-27-99

Estimated Posting Date 9-5-99

ORDER RECEIVED FOR FILING
9/30/99

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

Address 15010 York RD
City Sparks State MD Zip Code 21120

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 build an inground swimming pool that crosses the back line of the house towards the side yard. This location is requested due to the grading issues involved with moving the pool back in the yard. (Hill and existing tree)

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 Mike Flanagan
Signature
X MIKE FLANAGAN
Name - Type or Print

X Alex Flanagan
Signature
X Alex Flanagan
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of August, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mike Flanagan and Alex Flanagan
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

Aug. 27, 1999
Date

Wanda D. Breeden
Notary Public
My Commission Expires 12-1-99

272

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

15018 York Rd
Address
SParkes MD 21120
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 build an inground swimming pool that crosses the back line of the house towards the side yard. This location is requested due to the grading issues involved with moving the pool back in the yard. (Hill and existing Tree)

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 Mike Flanagan
Signature
X MIKE FLANAGAN
Name - Type or Print

X Alex Flanagan
Signature
X Alex Flanagan
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of August, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mike Flanagan and Alex Flanagan
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

Aug. 27th, 1999
Date

Wanda D Breedin
Notary Public

My Commission Expires 12-1-99

Zoning Description for 15010 York Road

Beginning at a point on the west side
of York Road which is 60 feet
wide at the distance of 250 feet North
of the centerline of the nearest improved
intersecting street Sparks Road which
is 50 feet wide.

Containing 10.506 Ac. Also known as
15010 York Road and located in
the 8th Election District, ^{3rd}~~60th~~ Councilmanic
District.

90

00-090-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

90

No. 069863

DATE 8.27.99 ACCOUNT R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: M. FLANAGAN 15010 York B.

FOR: (DIO) Pch Van.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

PAID RECEIPT

PROCESS ACTUAL TIME
8/30/1999 8/27/1999 15:34:40

REG MS05 CASHIER MSTE MES DRAWER 5
Dep 5 528 ZONING VERIFICATION
Receipt # 119667
CR NO. 069863

Receipt Tot 50.00
50.00 CK .00 CA
Baltimore County, Maryland

00-090-A

CASHIER'S VALIDATION

00-090-A

CERTIFICATE OF POSTING

RE: CASE #00-090-A
PETITIONER/DEVELOPER:
[Mike Flanagan]
DATE OF Closing
[Sept. 20, 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
15010 York Road Baltimore, Maryland 21152_____

The sign(s) were posted on_____ 9-3-99 _____
[Month, Day, Year]

Sincerely,

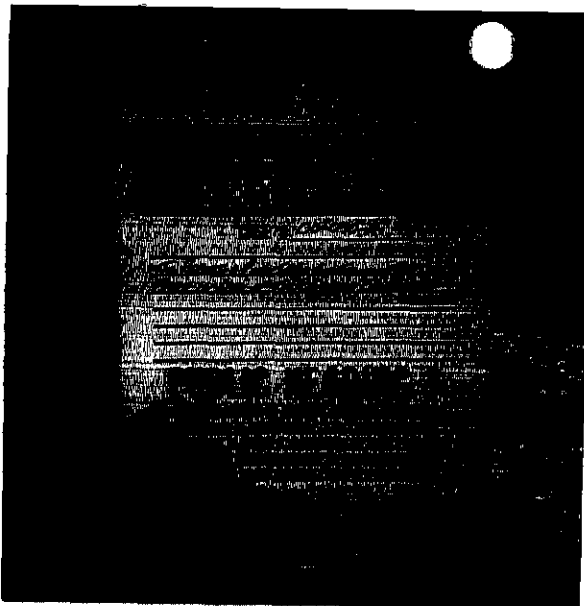

[Signature of Sign Roster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

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



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 90 -A Address 15010 YORK RD.

Contact Person: J. Menez Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8.27.99 Posting Date: 9.5.99 Closing Date: 9.20.99

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- 90 -A Address 15010 YORK RD.

Petitioner's Name MIKE FLANAGAN Telephone _____

Posting Date: 9.5.99 Closing Date: 9.20.99

Wording for Sign: A VARIANCE
To Permit A Pool TO BE LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED 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: 90

Petitioner: MIKE FLANAGAN

Address or Location: 15010 YORK RD. SPARKS, MD. 21120

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME

Address: SAME

Telephone Number: (410) ~~544-5693~~ 544-5693



00-090-A



00-090-A

AN
9/20

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: September 21, 1999

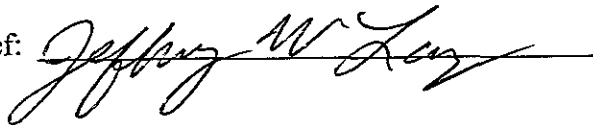
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

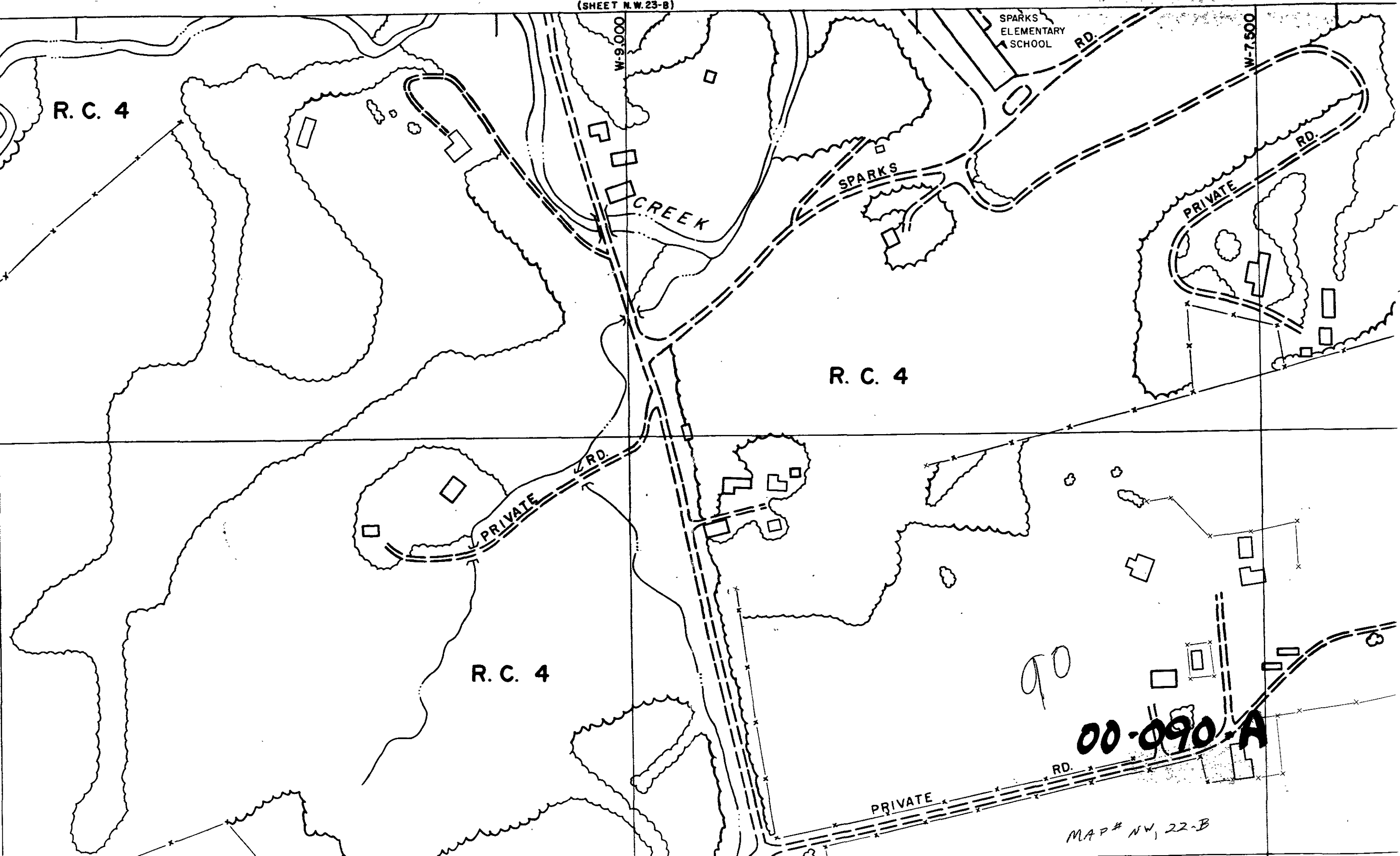
The Office of Planning has no comment on the following petition(s):
Item No(s): 073, 090, 091, and 095

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



R. C. 4

R. C. 4

R. C. 4

SPARKS
ELEMENTARY
SCHOOL

SPARKS

CREEK

PRIVATE

PRIVATE

PRIVATE

RD.

00-090-A

MAP# NW, 22-B

90



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	SHEET	MICROFILMED
1" = 200' ±	LOCATION	
DATE OF PHOTOGRAPHY	SPARKS	NW
JANUARY 1986	90	22-B
	00-090-A	