TOTAL RECEIVED FOR FILING

10 9/13/00

10 P. Amusin

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Alabama Road, 470' E centerline of Dixie Street 9th Election District 4th Councilmanic District

(406 Alabama Road)

Kristin and Vincent Nesline Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 01-070-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kristin and Vincent Nesline. The variance request is for property located at 406 Alabama Road, in the Towson area of Baltimore County. The variance request is from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition (sunroom) to have a side yard setback of 6 ft. in lieu of the required 10 ft. 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.

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 Aday of September, 2000, that a variance from Section 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition (sunroom) to have a side yard setback of 6 ft. in lieu of the required 10 ft., 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





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

Fax: 410-887-3468

September 14, 2000

Mr. & Mrs. Vincent P. Nesline 406 Alabama Road Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 01-070-A

Property: 406 Alabama Road

Dear Mr. & Mrs. Nesline:

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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

> Very truly yours, buther Notroco

Timothy M. Kotroco

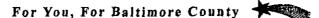
Deputy Zoning Commissioner

TMK:raj Enclosure

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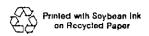














Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Estimated Posting Date 827/00

	to the Zoning	Commissioner of Baltimore County
	for the property	y located at 406 Acabama RD
		which is presently zoned <u>DES.5</u>
This Petition shall be filed with owner(s) of the property situate in made a part hereof, hereby petition	t Haltimore Collinty and which	its and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and on(s) IBOL.3C (BELR)
To Permit an Existing si set buck of 6 feet in 1	ingle-family dwelling lieu of the required	g with addition (sun-room) to have a side yald 10 feet.
of the zoning regulations of Baltim of this petition form.	nore County, to the zoning la	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and adve i, or we, agree to pay expenses of ab regulations and restrictions of Baltimo	pove Variance, advertising, pos	zoning regulations. sting, etc. and further agree to and are to be bounded by the zoning o 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:		Legal Owner(s):
		Mvs. Knistin I. Nesline
Name - Type or Print		Name - Type or Print
		Mrs. Kustin I. Nesline
Signature		Signature
		Mr. Vincent P. Nesline
Address	Telephone No.	Name - Type or Print
Dity S	State Zip Code	Signature (July 410, 828)
•	rate Zip Code	LIM ALL
Attorney For Petitioner:		706 Mabama Rd H-410-821-6
		Address Telephone No. 21204
Name - Type or Print		TOWSON MD 21204 City State Zip Code
1 1/2		Representative to be Contacted:
Signature		•
		SAME
Company C		Name
Address 7	Telephone No.	Address Telephone No.
	releptione 140.	A BOVE
sity C F	State Zip Code	City State Zip Code
REA DI RI	demonded and for found to be	and the second had a Table Constitution
his day of egulations of Baltimore County and that t	that the subject matter of the	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
egulations of Baltimore County and that t	he property be reposted.	
69		
	ø	Zoning Commissioner of Baltimore County
OASENO. 01-070-A	Λ -	1 1
MASE IND. 01-0.10- F	<u> </u>	iewed By Date 8/14/00

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.

competent to testify thereto in the event that a p	ublic nearing is screen	^ 1	tnereto.
That the Affiant(s) does/do presently reside at	406 Alab	ama Rd	
	Towson	MD State	21204 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh Practical Difficulty Screened in Jorch has installing windows a well as adding heat, I will be using the ly support columns and increase the space to and slewe.	ip or practical difficulty - We wan nd make a nd doors	is to take an instead of the a	existing som by screen, as
That the Affiant(s) acknowledge(s) that if a fe advertising fee and may be required to provide	ormal demand is filed additional information	d, Affiant(s) will be required .	to pay a reposting and
Kustin I. Mesline Sightajure		ment Mealing	2
Knistin T. Nesline Name-Type or Print	Nan	Vincent P. Nes ne-Type or Print	line
STATE OF MARYLAND, COUNTY OF BALTII I HEREBY CERTIFY, this 9th day of 000 of Maryland, in and for the County aforesaid, po		, <u>2000</u> , before me, a N	lotary Public of the State
of Maryland. In and for the County aforesaid, pe	ersonally appeared	estine	
the Affant(s) nerein, personally known or satisfaw that the matters and facts hereinabove set	sfactorily identified to	me as such Affiant(s), and m	nade oath in due form o knowledge and belief.
AS WITNESS my hand and Notarial Seal			
august 9, 2000	Notary Pub	cola B. Rou	re
9	My Commi	ssion Expires See 2	- 11.2000

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 406 ALABAMA RD

Beginning at a point on the North side of ALABAMA ROAD which is feet wide at the distance of 470 feet more or less East of the centerline of the neavest improved intersecting street, DIXIE DRIVE which is 52 feet wide. Being LOT # 17, Block #3, Section - in the subdivision of SOUTHLAND HILLS as recorded in the Baltimore County Plat Book #12, Folio #30, containing 7500 square feet. Also known as 406 ALABAMA ROAD and located in the 9th Election District, 4th Councilmanic District.

BALTIMORE COUNTY, MARYLANI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

25250

AMOUNT \$ 50,00

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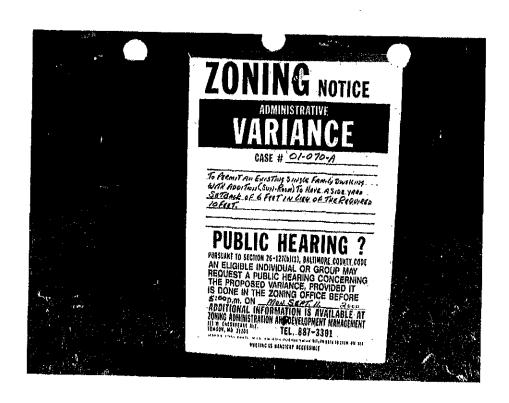
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01-070-A

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CERTIFICATE OF POSTING

RE: CASE # 01-070-A
PETITIONER/DEVELOPER
(Vincent P. Nesline)
DATE OF Hearing Closing
(9-11-00)

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 SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

406 Alabama Road Baltimore, Maryland 21204	
THE SIGN(S) WERE POSTED ON	8-25-00(MONTH, DAY,YEAR)
	SINCERELY,
	(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 01- 070 -A Address 406 Alabama Road		
Contact Person: Jett rey Perlow Phone Number: 410-887-3391		
Contact Person: Jetfrey Perlow Planner, Please Print Your Name Filing Date: 8 14 2000 Posting Date: 8 27 00 Closing Date: 9 11 00		
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. <u>DEADLINE:</u> 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.		
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 01- 070 -A Address 406 Alabama Road		
Petitioner's Name Nestine Telephone 410-821-0873		
Posting Date: $27/2000$ Closing Date: $9/11/2000$		
Wording for Sign: To Permit an existing single-family dwelling with addition (sun-room		
to have a side yard set back of 6 feet in lieu of the required 10 feet.		

I have received posting information from planner fustin

WCR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

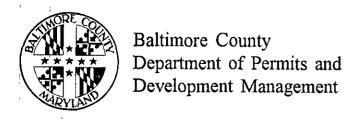
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

Revised 2/20/98 - SCJ

prepared by: Scale of Drawing: 1"=



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

September 11, 2000

Mr. & Mrs. Vincent P. Nesline 406 Alabama Road Towson, MD 21204

Dear Mr. & Mrs. Nesline:

RE: Case Number: 01-070-A, 406 Alabama Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 14, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

625

Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 3, 2000

Department of Permits & Development Mgmt.

FROM: \

W I

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 18, 2000

Item Nos. 070, 071, 072, 073, 075, 078, 079, 081, 082, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 097, 098,

100, 101, 103, and 104

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

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 00 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

September 19, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF September 11, 2000

Item No.: SEE BELOW

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS REGARDING THE FOLLOWING:

ITEM #'S 070, 071, 072, 073, 074, 075, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 092, 093, 094, 095, 097, 098, 099, 100, 101, 102, 103, AND 104

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and` Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 01-070.

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC

SEP 13

DATE: September 13, 2000



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 10. 2 00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 270

JNP

Dear. Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P.J. Dudl

In

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. _01-070-A

Date Completed/Initials

9-7-00 607	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
·	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
9-11-00 62	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of

week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)

To whom it may concern:

I am writing this letter to certify that I have

spoken with Kristin and Vince Nestmi about their

plan to enclose the patio on the east side

of their house. I am their lastern neighbor,

and I do not object to this plan. If you

have any question, plan do not besitate

to contact me.

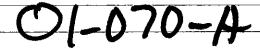
Sincerely, Levin Dualue, M.D. (410) 938-8911

Concerns Administrative Variance Request

Case # 01-070-A Nesline 406 Alabama Rd.

Contact Jeffrey Perlow Towson MD 21204

Posting Date 8/27 Closing 9/11/2000



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01-070-A





01-070-A



OFFICE OF PLANNING AND ZONING PHOTOGRAPH WAP

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

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