

IN RE: PETITION FOR ADMIN. VARIANCE
N/S New York Avenue, 25' W
centerline of Brian Street
13th Election District
1st Councilmanic District
(2816 New York Avenue)

Judy Vance and Thomas Smith
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-409-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, Judy Vance and Thomas Smith. The variance request is for property located at 2816 New York Avenue in the Halethorpe 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 an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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.

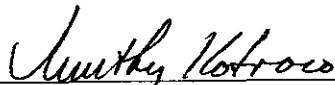
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

RECEIVED
5/8/01
By [Signature]
DEPT. OF PLANNING

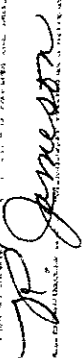
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May 2001, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from any street, 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 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 RECD. BY CLERK OF COURT
5/8/01
By 
P. J. Janssen



Baltimore County
Zoning Commissioner

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

May 8, 2001

Ms. Judy Vance
Mr. Thomas Smith
2816 New York Avenue
Halethorpe, Maryland 21227

Re: Petition for Administrative Variance
Case No. 01-409-A
Property: 2816 New York Avenue

Dear Ms. Vance & Mr. Smith:

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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2816 New York 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 an accessory structure (swimming pool)
to be located outside of the third of the lot
farthest removed from any street.

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):

Thomas Smith

Name - Type or Print

Signature

Judy Vance

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

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 10 day of April 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. 01-409-A

Reviewed By JRF

Date 4-6-01

R20 9/15/98

Estimated Posting Date 4-15-01

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

2816 New York Ave
Address
Halethorpe Md. 21227
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):

- ① The Pool must be located 10 feet away from the side of the OH wires.
- ② There are five trees on the left side of the yard.
- ③ My garden is also located on the left side of the yard.
- ④ My Shed and doghouse is also located on the left side of the house.
- ⑤ In order to move the OH Electric wires the meter and breaker boxes would have to be relocated.

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.

Judy Vance
Signature
Judy Vance
Name - Type or Print

Thomas Smith
Signature
THOMAS Smith
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of April 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ms. Judy Vance
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.

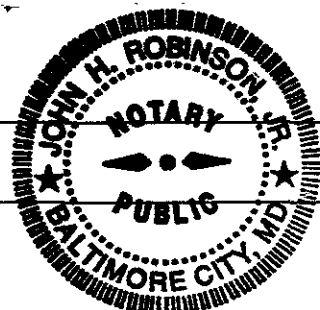
AS WITNESS my hand and Notarial Seal

April 2, 2001
Date
John H. Robinson Jr.
Notary Public
REV 09/15/98

MY COMMISSION
EXPIRES: 7-1-02

Notary Public

My Commission Expires



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Address
Halethorpe MD 21227
City State Zip Code

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Judy Vance
Signature
Judy Vance
Name - Type or Print

Thomas Smith
Signature
THOMAS Smith
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of April 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ms. Judy Vance
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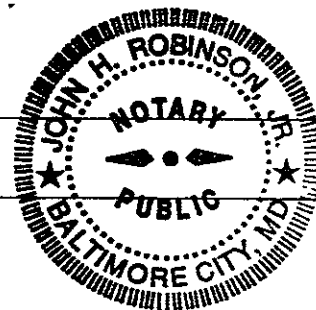
AS WITNESS my hand and Notarial Seal

April 2, 2001
Date
John H. Robinson Jr.
Notary Public
REV 09/15/98

MY COMMISSION
EXPIRES: 7-1-02

Notary Public

My Commission Expires





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2816 New York 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 an accessory structure (swimming pool)
to be located outside of the third of the lot
farthest removed from any street.

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):

Thomas Sr.

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No

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. 01-409-A

Reviewed By JRF Date 4-6-01

Estimated Posting Date 4-15-01

R20 9/15/98

(2)

ZONING DESCRIPTION FOR 2816 New York Ave
(address)

Beginning at a point on the North side
of

(north,south,east or west)

New York Ave which is
(name of street on which property front)

50' wide at the distance of 25'
(number of feet of right-of-way width) (number of feet)

West of the centerline of the nearest
(north,south,east or west)

improved intersecting street BRAIN St which is
(name of street)

50' wide. *Being Lot # 14,15,16,
(number of feet of right-of-way width)

Block G Section# D in the subdivision of Brain Street
(name of subdivision)

as recorded in Baltimore County Plat Book # 3
Folio # 34, containing 9,375.00 square feet . Also
(square feet or acres)

know as 2816 New York Ave and located in the 13th
(property address)

Electoin District, 8th Councilmanic District

1st

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

93159

No.

DATE 4-6-01 ACCOUNT 001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM:

Sondy Stump

2816 New York Ave.

FOR: 01 VARIANCE TAKEN BY: JRF

ITEM # 409

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL

4/06/2001 4/06/2001 09:58:49

REG 0003 CASHIER LILL LAM DRAMER 3

>> RECEIPT # 177551

Dept 5 528 ZONING VERIFICATION

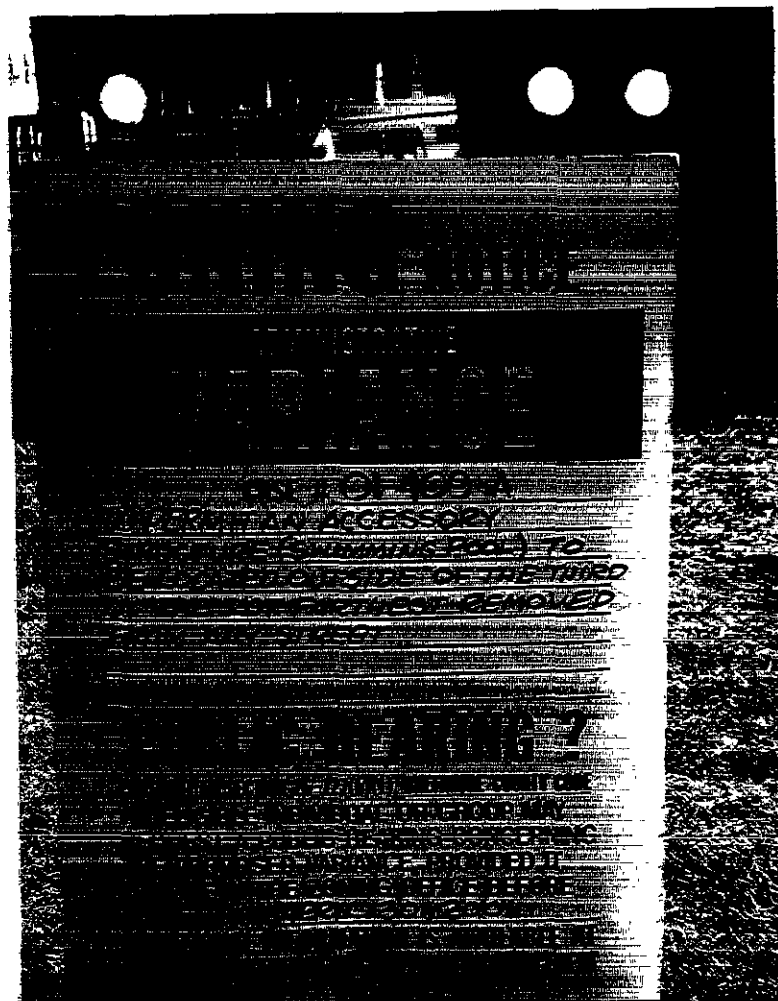
EX NO. 093159

Receipt Tot.

.00 TX 50.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION



CERTIFICATE OF POSTING

RE: Case No.: 01-409-A

Petitioner/Developer: _____

JUDY VANCE

Date of Hearing/Closing: 4-30-01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 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 _____

2816 NEW YORK AVE.

The sign(s) were posted on APRIL 14, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

**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: 409
Petitioner: Judy Vance
Address or Location: 2816 New York Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Judy Vance
Address: 2816 New York Ave.
Balto, Md. 21227
Telephone Number: (410) 789-4845

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 409 -A Address 2816 New York Ave

Contact Person: Jun Fernandez Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-6-01 Posting Date: 4-15-01 Closing Date: 4-30-01

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 01- 409 -A Address 2816 New York Ave

Petitioner's Name Thomas Smith & Judy Vance Telephone 410-789-4845

Posting Date: 4-15-01 Closing Date: 4-30-01

Wording for Sign: To Permit an accessory structure (swimming pool)
to be located outside of the third of the lot farthest
removed from ^{any} street.



Baltimore County
Department of Permits and
Development Management

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

April 30, 2001

Judy Vance &
Thomas Smith
2816 New York Avenue
Halethroe MD 21227

Dear Ms. Vance & Mr. Smith:

RE: Case Number: 01-409-A, 2816 New York Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 6, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. C 02
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



Smh
4/30/01 AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-383, 01-398, 01-399, 01-405 & 01-409

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

Mark A. Cunningham

APR 18

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Baltimore County
Fire Department

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

April 17, 2001

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 April 16, 2001

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

379, 383, 395, 396, 397, 398, 399, 400, 402, 404, 405, 406, 407,
409, and 411

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4-12-01

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

RE: Baltimore County
Item No. 409 JRF

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,

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

My telephone number is _____

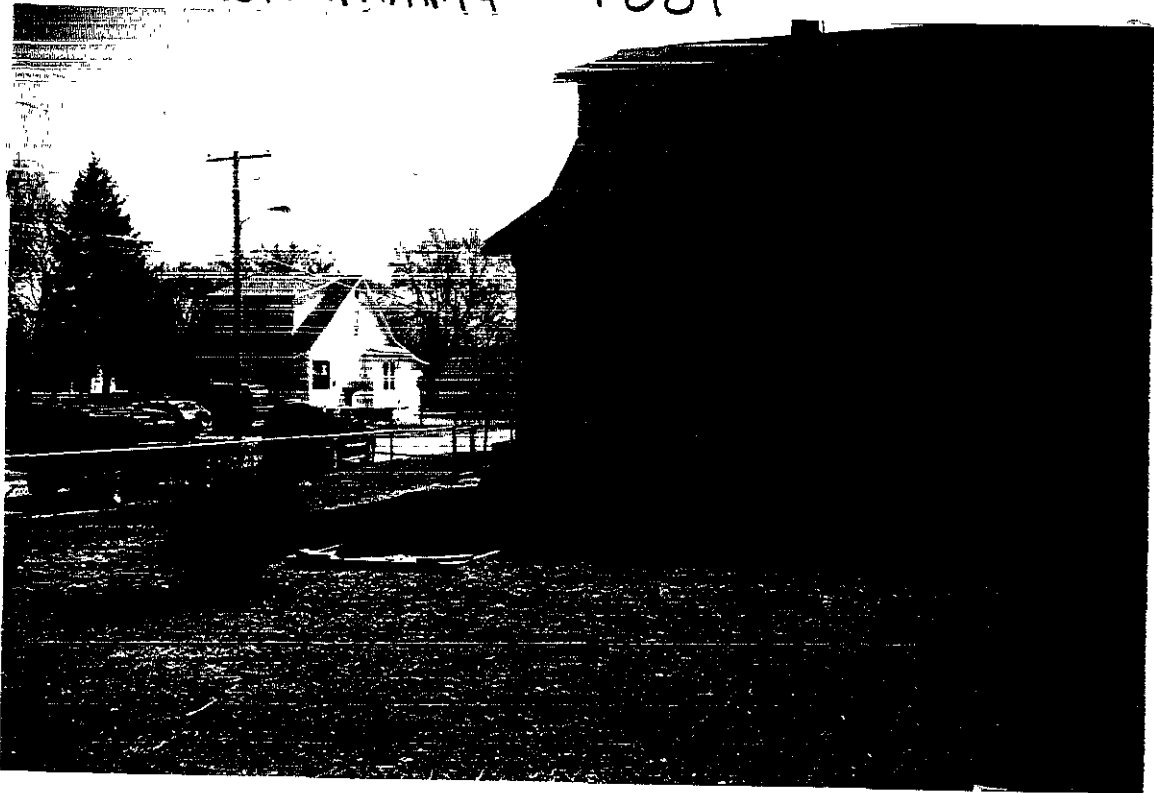
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

2816 Back Yard



PurPOSED_{of} Location
Swimming Pool



Plat to accompany Petition For Zoning ☒ Variance ☐ Special Hearing

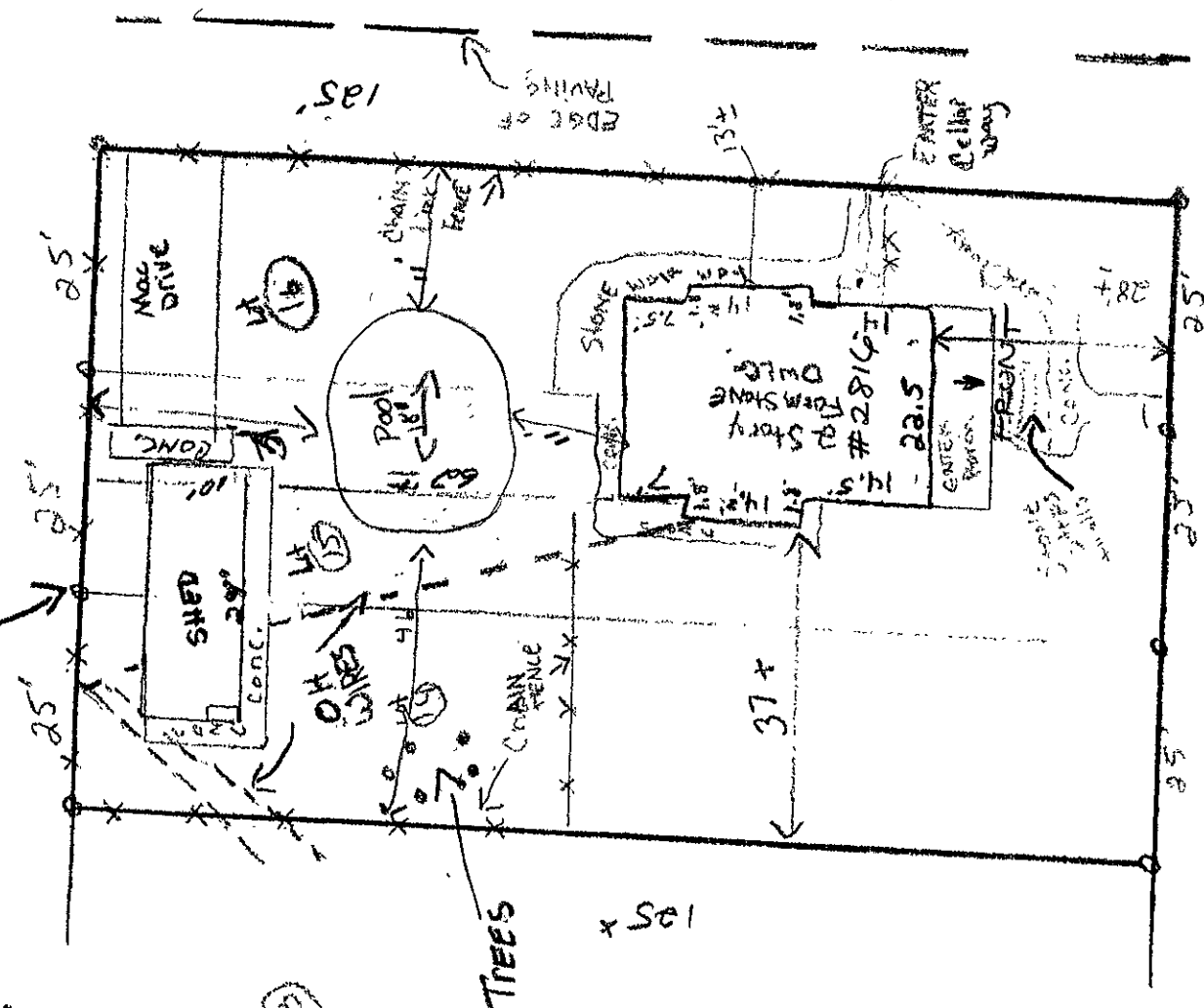
PROPERTY ADDRESS 2816 NEW YORK AVENUE

SUBDIVISION NAME BRAIN STREET

PLAT BOOK # 34 LOT # 14, 15, 16 SECTION #

OWNER:
Thomas Smith
Judy Vance

10' ALLEY (FBI) UNIMPROVED



Ex. 1 story dwelling #2814

Plot #1

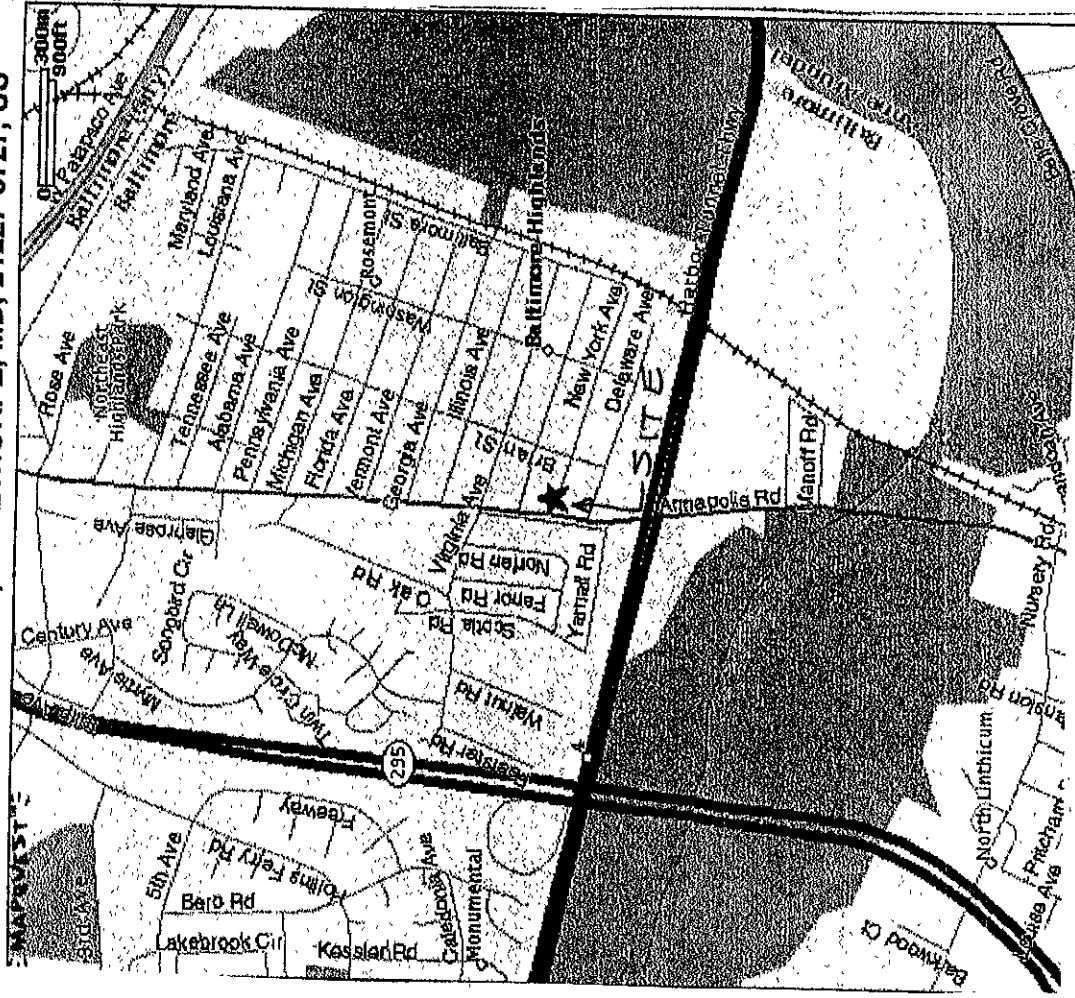
NORTH

Date 4-3-01
 Prepared J.V.

NEW YORK AVENUE
 (50' WIDE)

Scale of Drawing 1"=20'

2816 NEW YORK AVE, HALETHORPE, MD, 21227-3727, US



North

LOCATION INFORMATION

Election District: 13th

Councilmanic District: 8TH

1"=200' Scale map: SW 6-B

Zoning: DR-5.5

Lot Size: 9,375 sq
 Acreage square feet

Sewer: ☒ Public ☐ Private
 Water: ☒ ☐

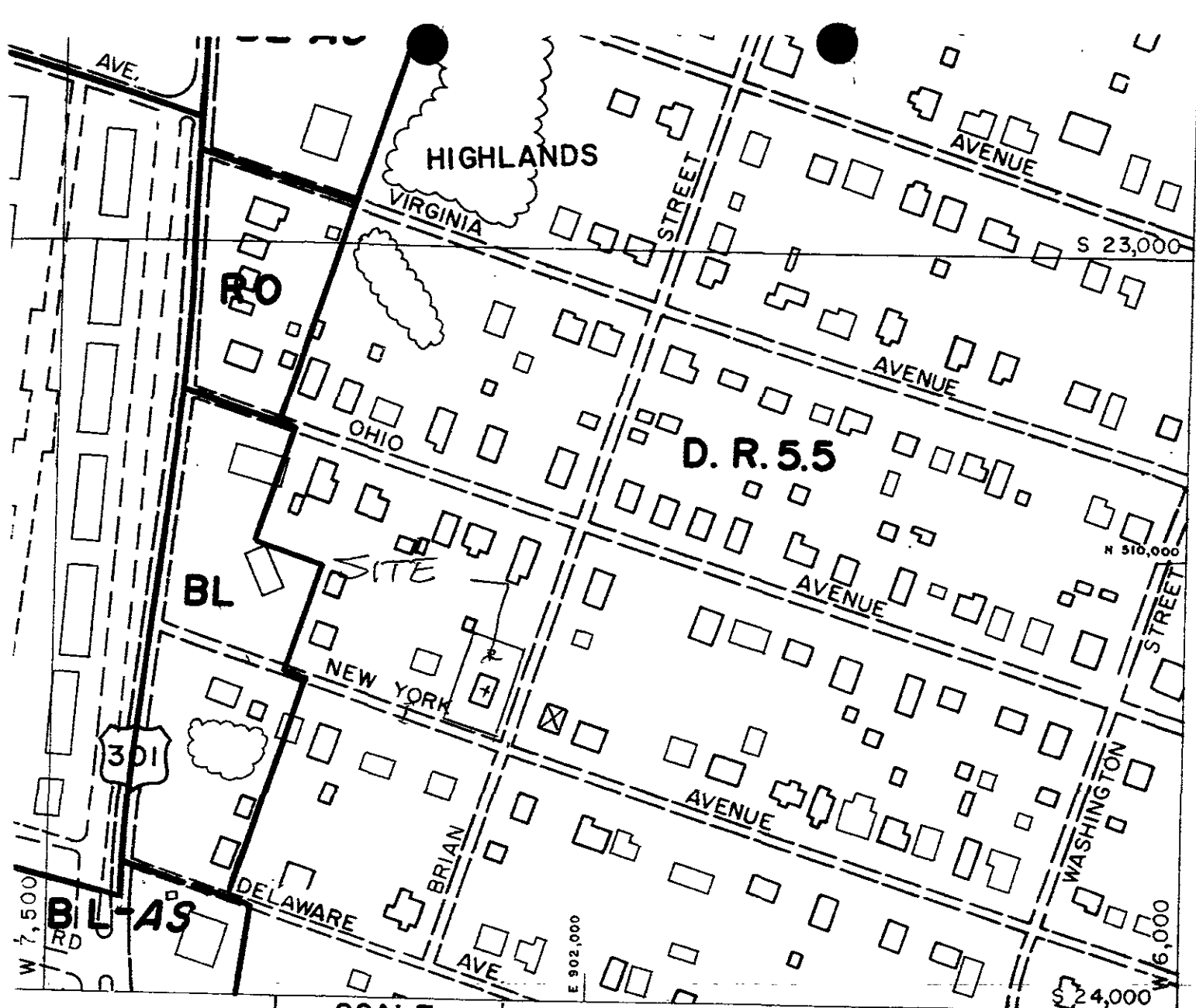
Chesapeake Bay Critical Area
 YES ☐ NO ☒

Prior Zoning Hearings
 NONE

Reviewed by: Zoning Office USE ONLY!

ITEM #:
409

Case #:



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

MONUMENTAL
BALTIMORE
HIGHLANDS

SHEET

S. W
6-B

Plat to Accompany Petition For Zoning
PARTY ADDRESS 2816 NEWMARK AVENUE

PROPERTY ADDRESS 2816 NEW YORK AVENUE

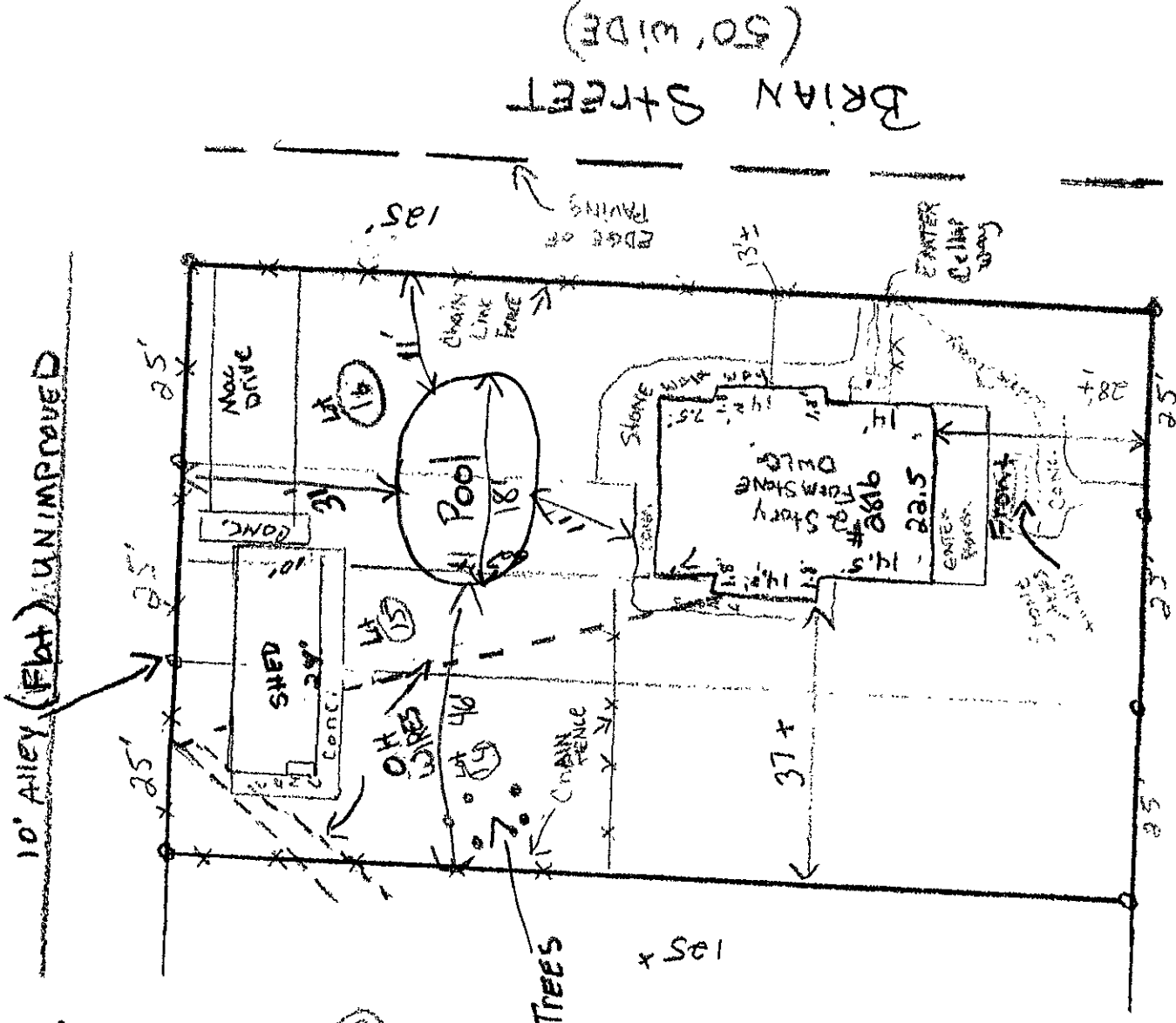
Subdivision Name Brain St.

Plot Book

File # 34 Lot # 14, 15, 16 Section #

OWNER:

Thomas Smith
Judy Vance



Pl. Ex. #1



Date 4-3-01

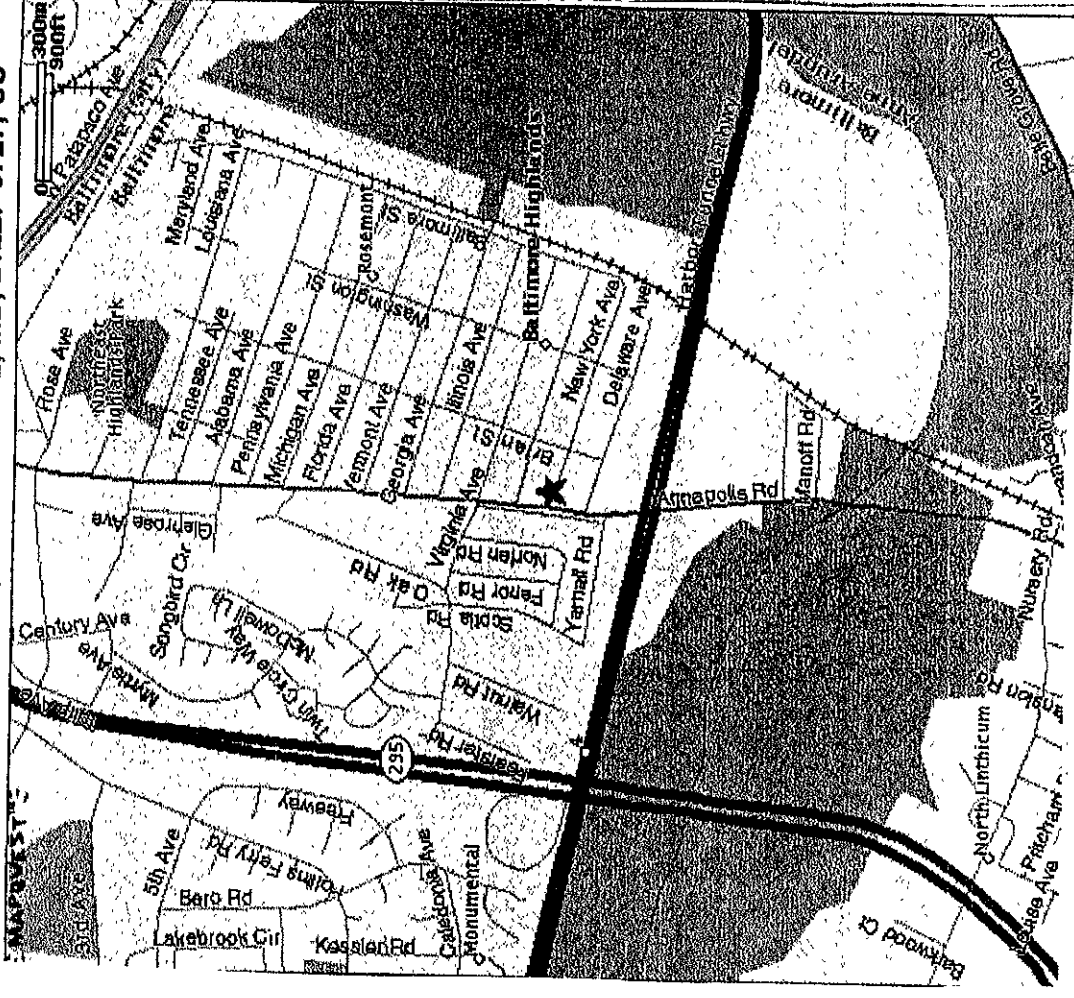
20

Scale of Drawing L-20

Variable ☒

Media Hearing

2816 NEW YORK AVE, HALETHORPE, MD, 21227-3727, US



North

LOCATION H N Formation

Electro Distillation

Councilman District 8th

1:200' scale map. SW6-B

Zoning: D.R.S.S

Lot Size	Average	400 sq. ft.
13215407	9.375	

	Public	Private
Sewer:	☒	☐
Water	☒	☐

Chesapeake Bay Critical Area

Prior Zoning Hearings
None

Zoning office use only!

Revised

10

6077

404



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'	MONUMENTAL BALTIMORE	S.W. 6-B
DATE JANUARY 1986		