

IN RE: PETITION FOR ADMIN. VARIANCE
W Diana Court, 100' W
Sylvale Road
3rd Election District
2nd Councilmanic District
(6802 Diana Court)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-440-A

Nancy Kane
Petitioner

* * * * *

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 owner of the subject property, Nancy Kane. The variance request is for property located at 6802 Diana Court in the Pikesville area of Baltimore County. The Petitioner herein seeks 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 in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner 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.

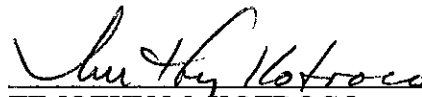
The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public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

ORDER RECORDED FOR FILING
Date 10/22/01
By [Signature]

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 22nd 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 in the side yard 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 Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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 5/22/01
By R. J. Johnson



Baltimore County
Zoning Commissioner

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

May 22, 2001

Ms. Nancy Kane
6802 Diana Court
Baltimore, Maryland 21209

Re: Petition for Administrative Variance
Case No. 01-440-A
Property: 6802 Diana Court

Dear Ms. Kane:

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 that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6802 Diana Court
which is presently zoned DR25.5

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)

x 400.1 BCZR To permit an accessory structure (pod) to be located in the side yard 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 _____

Legal Owner(s):

Nancy Kane
Name - Type or Print _____
Nancy Kane
Signature _____
Name - Type or Print _____
Signature _____

Attorney For Petitioner:

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

6802 Diana Court (410) 484-5838
Address _____ Telephone No. _____
Baltimore Maryland 21209
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

If a Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, on this _____ day of _____, 2001, 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. 01-440-A

Reviewed By CTM/GMH Date 4/19/01

Estimated Posting Date 4/29/01

ORIGINAL FILED FOR FILING

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 6802 Diana Court
Address
Baltimore, Maryland 21209
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):

I am placing the pool on the side of the house because of a practical difficulty in putting it in the back of the house. There is a slope that would make it prohibitive.

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.

Signature _____

Nancy Kane
Signature

Name - Type or Print _____

Nancy Kane
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of April, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

NANCY KANE

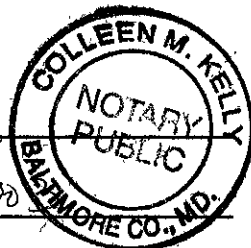
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

4/11/01
Date

Colleen M Kelly
Notary Public

My Commission Expires June 1, 200



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.

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Signature

Name - Type or Print

Nancy Kane
Signature
Nancy Kane
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of April, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

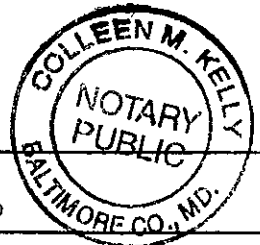
NANCY KANE

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

4/11/01
Date

Colleen M Kelly
Notary Public
My Commission Expires 6-1-2003





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6802 Diana Court
which is presently zoned DRS-J

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 (pool) to be located in the side yard 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:

Legal Owner(s):

Name - Type or Print _____

Nancy Kane
Name - Type or Print _____

Signature _____

Nancy Kane
Signature _____

Address _____ Telephone No. _____

Name - Type or Print _____

City _____ State _____ Zip Code _____

Signature _____

Attorney For Petitioner:

6802 Diana Court (410) 484-5838
Address _____ Telephone No. _____

Name - Type or Print _____

Baltimore, Maryland 21209
City _____ State _____ Zip Code _____

Signature _____

Representative to be Contacted:

Company _____

Name _____

Address _____ Telephone No. _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

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. 01-440-A

Reviewed By LTM/BMH Date 4/19/01

R20 9/15/98

Estimated Posting Date 4/29/01

Zoning Property Description

ZONING DESCRIPTION FOR: 6802 Diana Court.

Beginning at a point on the west side of Diana Court which is 25 feet wide at the distance
of 100 feet west of the centerline of the nearest improved intersecting street ~~Diana Court~~ SYLVAN RD

which is 30 feet wide. Being lot #15, Block A, Section #3 in the subdivision of Summit

Park as recorded in Baltimore County Plat Book #22, Folio# 19, containing 11,413

square feet. Also known as 6802 Diana Court and located in the 3 Election District, 2

councilmanic District.

440

CERTIFICATE OF POSTING

RE: Case No.: 01-440-A

Petitioner/Developer: _____

NANCY KANE

Date of Hearing/Closing: 5/14/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

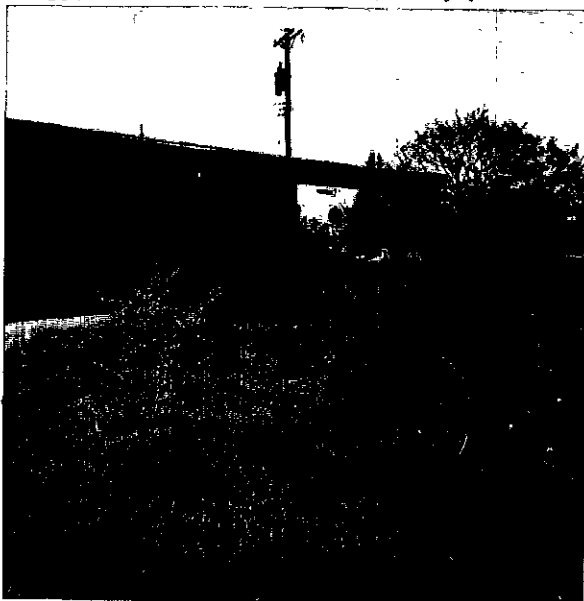
Ladies and Gentlemen:

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 _____

6802 DIANA CT.

The sign(s) were posted on 4/29/01
(Month, Day, Year)

CASE #.01-440-A



6802 DIANA CT.

POSTED 4/29/01

Richard E. Hoffman 4/29/01

Sincerely,

Richard E. Hoffman 4/29/01
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

RECEIVED
MAY 11 2001
DEPT. OF PERMITS AND
DEVELOPMENT REGULATORY

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: -01-440-A

Petitioner: Nancy Kane

Address or Location: 6802 Diana Court Baltimore, MD 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: Nancy Kane

Address: 6802 Diana Court

Baltimore, MD 21209

Telephone Number: (410) 484-5838

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 440 -A Address 6802 DIAHA CT

Contact Person: LOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/19/01 Posting Date: 4/29/01 Closing Date: 5/14/01

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

I HAVE RECEIVED POSTING INFO

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- 440 -A Address 6802 DIAHA CT.

Petitioner's Name HANCY KANE Telephone (410) 484-5838

Posting Date: 4/29/01 Closing Date: 5/14/01

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (POOL)
TO BE LOCATED IN THE SIDE YARD IN LIEU OF
THE REQUIRED REAR YARD.



Baltimore County
Department of Permits and
Development Management

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

May 14, 2001

Nancy Kane
6802 Diana Court
Baltimore MD 21209

Dear Ms. Kane:

RE: Case Number: 01-440-A, 6802 Diana Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 19, 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. *CDZ*
Supervisor, Zoning Review

WCR: gdz


Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: June 4, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2001
Item Nos. 427, 430, 431, 432, 440, 441,
and 442

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 15, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-432 & 01-440

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

Section Chief: Jeffrey M. Long

AFK/JL:MAC



Baltimore County
Fire Department

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

May 10, 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 MAY 7, 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:

428, 429, 430, 431, 432, 440, 441, 442

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

cc: File



**Maryland Department of Transportation
State Highway Administration**

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

Date: 5 9 . 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. 440 LTM

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.', is written above the typed name.

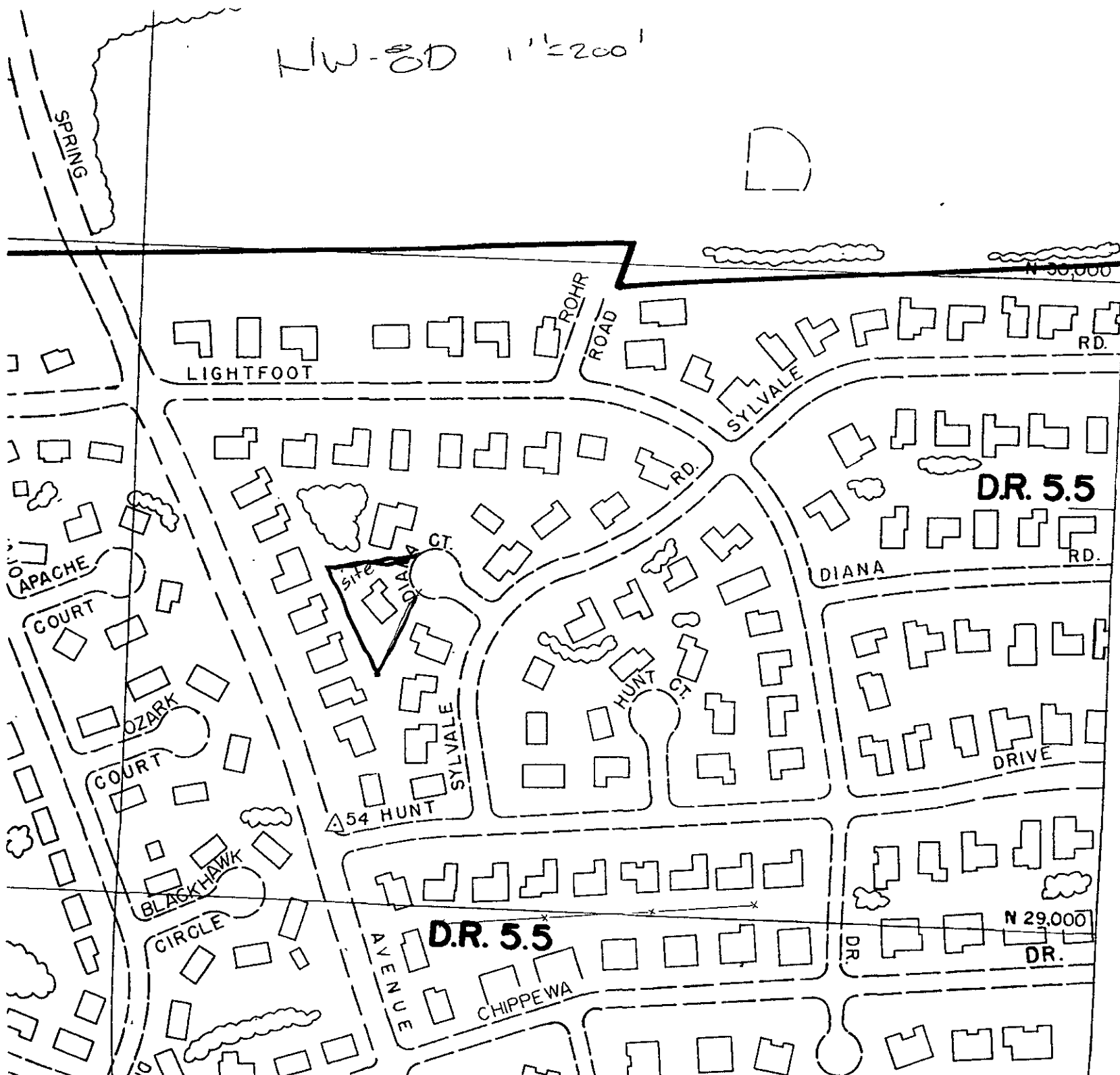
for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

NW-8D 1"=200'



(SHEET NW-8-C)

#440

Plat to accompany Petition for Zoning Variance Special Hearing

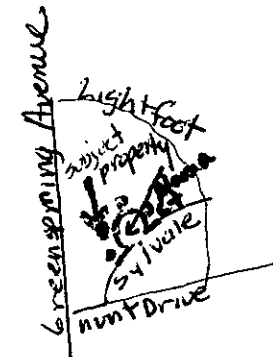
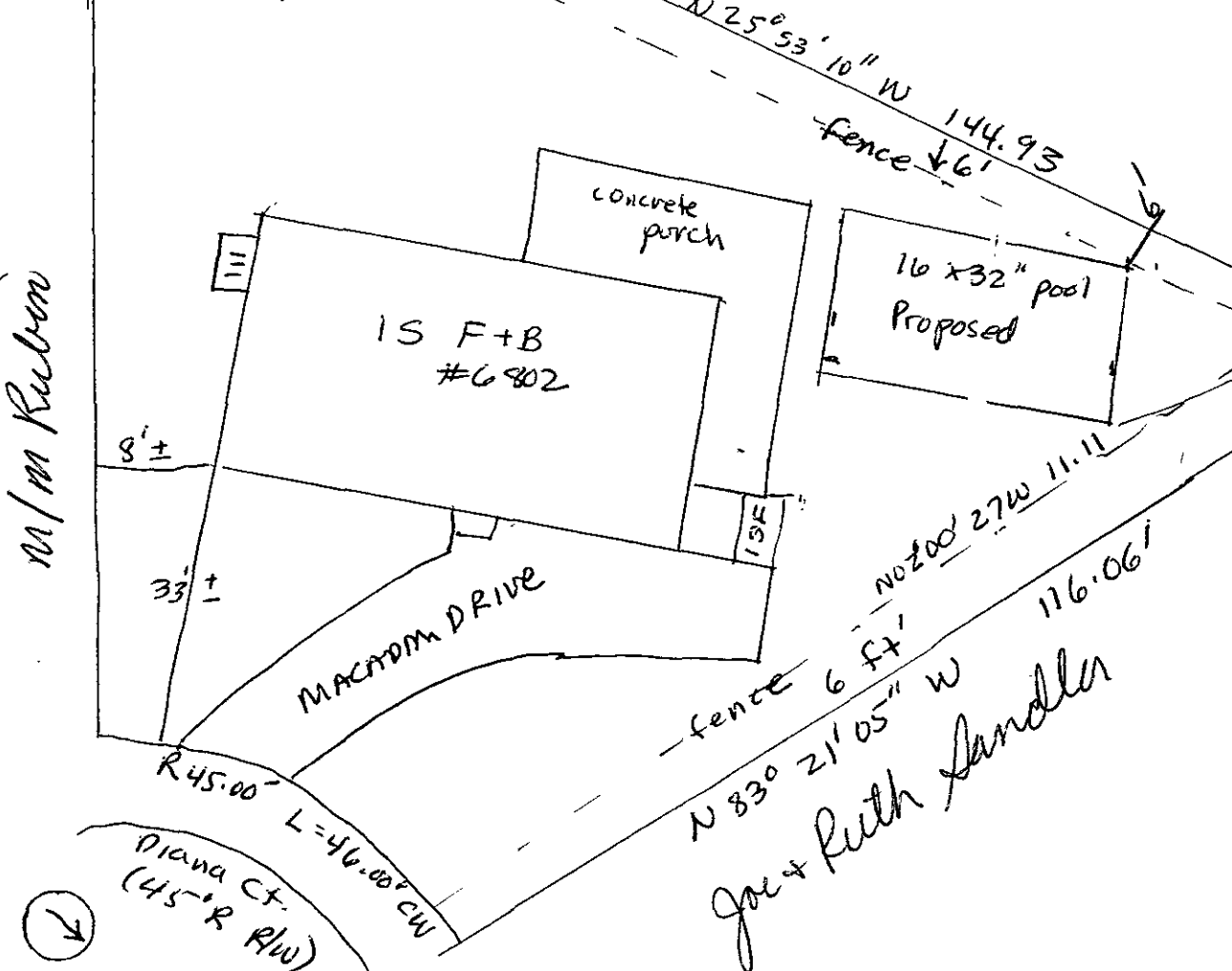
PROPERTY ADDRESS: 6802 Diana Court

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

Subdivision name: Summit Park

Plat book # 22, folio # 19, lot # 15, section # 3

OWNER: Nancy Kane



North
Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 3
 Councilmanic District: 2
 1" = 200 scale map #: NW 8D
 Zoning: D.R. 5.5
 Lot size: .25 acreage 11413 square feet

SEWER: PUBLIC PRIVATE
 WATER: PUBLIC PRIVATE
 Chesapeake Bay Critical Area: YES NO

Prior Zoning Hearings:
NONE

Zoning Office USE ONLY!

reviewed by: LTM GMH ITEM #: 440 CASE#:

North
date: 4
prepared by: NK

Scale of Drawing: 1" = 20'

Joe + Ruth Sandler

SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: Nancy Kane

File No.: 20003404

Property Address: 6802 Diana Court

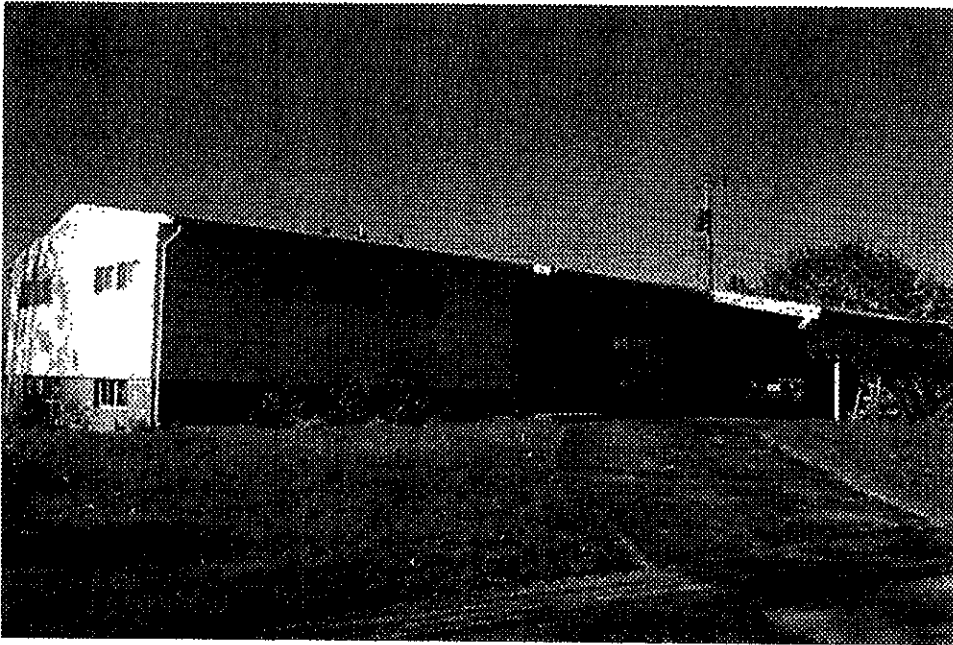
Case No.:

City: Baltimore County

State: MD

Zip: 21209

Lender: FFFCU of Maryland 21093



**FRONT VIEW OF
SUBJECT PROPERTY**

Appraised Date: October 30, 2000

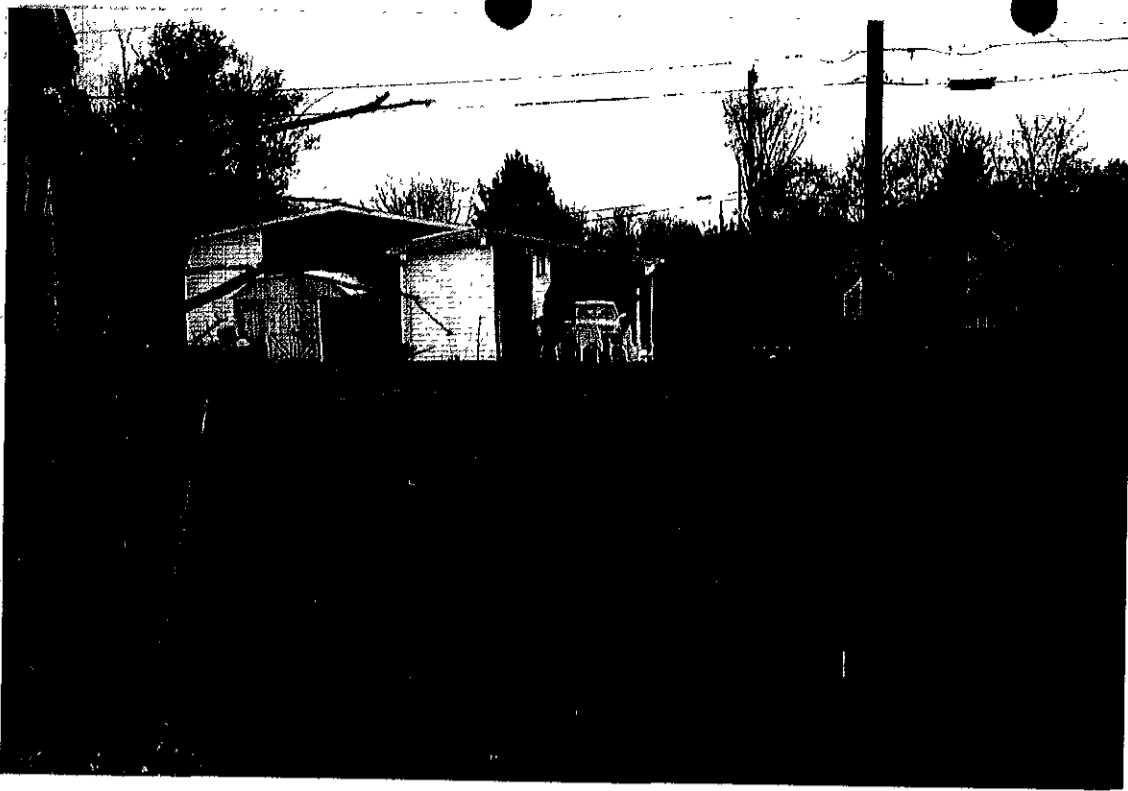


**REAR VIEW OF
SUBJECT PROPERTY**

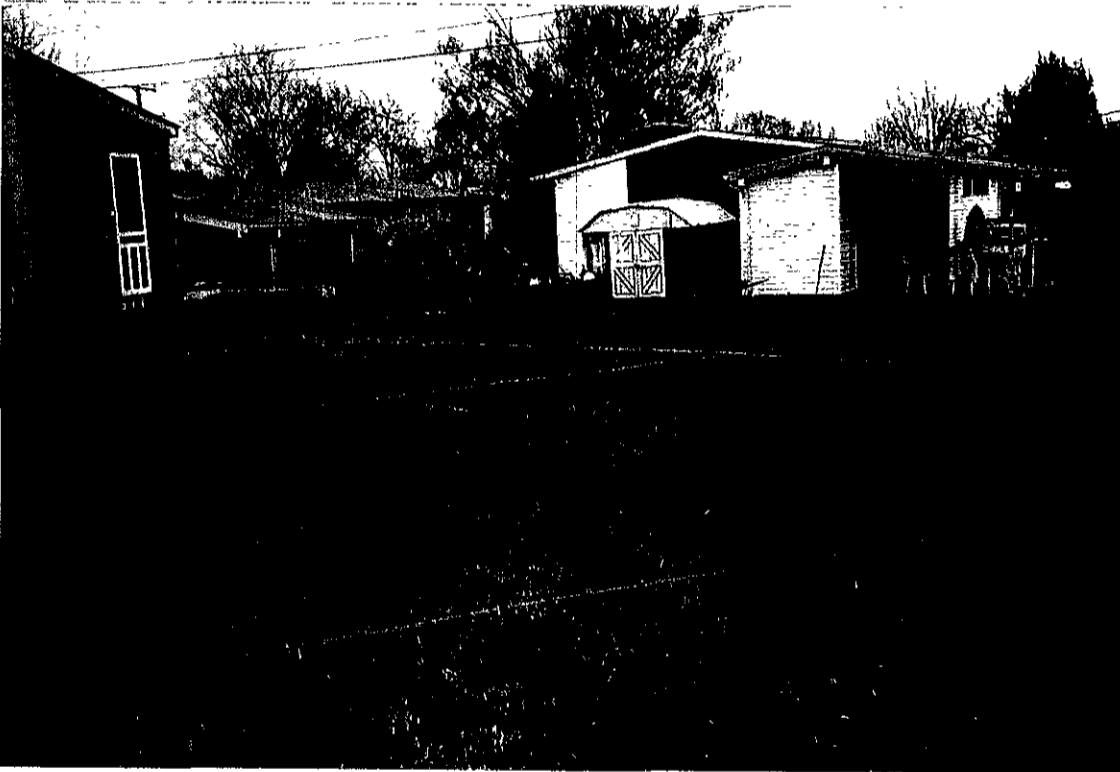


STREET SCENE

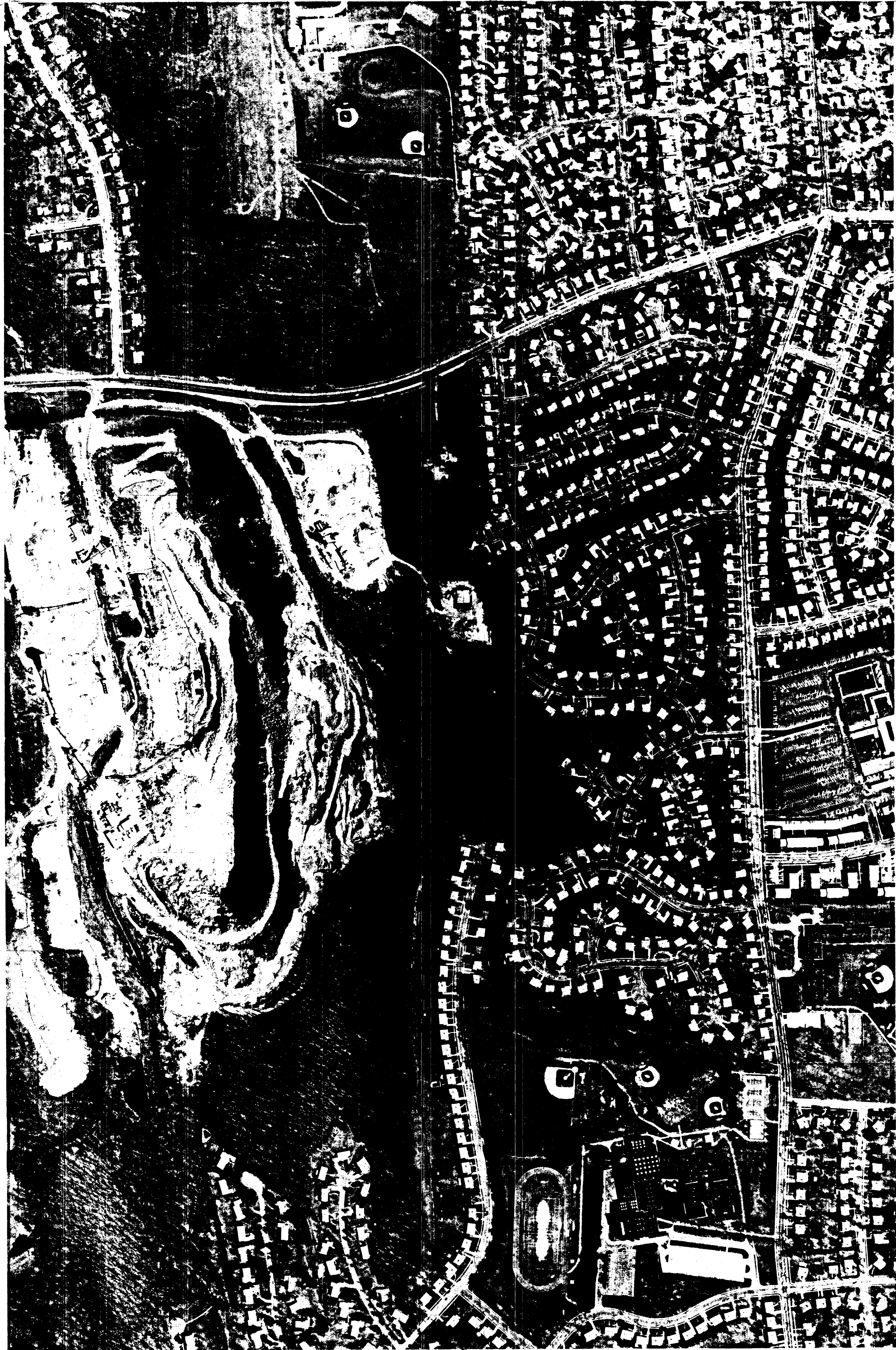
#440



View of
proposed
pool site
from the side



#440



MICROFILMED

#405

SHEET

N W
8-D

LOCATION

PIKESVILLE
AREA

SCALE

1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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