IN RE: PETITION FOR ADMIN. VARIANCE S/E Cor. Old Harford Road

And Hillcrest Avenue 9th Election District 6th Councilmanic District

(7511 Old Harford Road)

Felicia & Jeffery A. Presgraves Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 02-138-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, Felicia and Jeffery A. Presgraves. The variance request is for property located at 7511 Old Harford Road 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 an accessory structure (swimming pool) to be located in the third portion of the rear yard closest to the road in lieu of the required third portion farthest removed from the road. 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.

12/4/alman

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 4th day of December 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 third portion of the rear yard closest to the road in lieu of the required third portion farthest removed from the road, 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





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

Fax: 410-887-3468

December 4, 2001

Mr. & Mrs. Jeffery A. Presgraves 7511 Old Harford Road Parkville, Maryland 21234

> Re: Petition for Administrative Variance Case No. 02-138-A Property: 7511 Old Harford Road

Dear Mr. & Mrs. Presgraves:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

buthy llotroco

TMK:raj Enclosure



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	75	1 1	010	HALFOLD	RI
which	h is pre	sently	zoned	DiR5.5	

	which is presently zoned	DiR5.5
This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	n(s) 400.1 to serm t	olat attached hereto and
structure (swimming pool) be	located in the third	portion of the
rear yard closest to the road		suired third
portion farthest removed from	m the road.	
of the zoning regulations of Baltimore County, to the zoning lar of this petition form.	w of Baltimore County, for the reasor	s indicated on the back
Property is to be posted and advertised as prescribed by the z I, or we, agree to pay expenses of above Variance, advertising, post regulations and restrictions of Baltimore County adopted pursuant to	ing etc. and further agree to and are to	be bounded by the zoning
	I/We do solemnly declare and affirm, perjury, that I/we are the legal owner is the subject of this Petition.	under the penalties of (s) of the property which
Contract Purchaser/Lessee:	Legal Owner(s):	
Name - Type or Print	Name Type or Print	TESTAVES
Signature	Signature Preso	avaves
Address Telephone No.	Selvia Frest	raves
City State Zip Code  Attorney For Petitioner:	Signature 4	186658762 A
	PACKVILLE, N	Télephone No.  D 21234 tate Zip Code
Name - Type or Print	City S Representative to be Contac	
Signature	Nepresentative to be Contac	rea: // ///
Company	Name	
Address Telephone No.	Address	Telephone No.
City State Zip Code		tate Zip Code
A Public flearing having been formally demanded and/or found to be rethis of the subject matter of this regulations of Baltimore County and that the property be reposted.	equired, it is ordered by the Zoning Commis petition be set for a public hearing, advertise	ssioner of Baltimore County, ed, as required by the zoning
Parameter County and that the property be reposted.		

CASE NO. 02-138-A	Reviewed By Br Date 10/1/01
281/9/15/98	Estimated Posting Nate 10 /14/07

Zoning Commissioner of Baltimore County

# 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 public hearing is scheduled in the luture with regard thereto.
That the Affiant(s) does/do presently reside at
PACKVILLE MD 21234
City ( State Zip Cod
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):
12-0 PECTY Mas Exciting garage
IN TEST YEAR YEARING NO
57.5
SPACE FOR POOL, TMUS, Creat
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting ar advertising fee and may be required to provide additional information.
Folicia Fresquaves
Signature Signature
Name - Type of Print  Name - Type of Print  Name - Type or Print
J. Carrie Type of Think
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 26 D day of
Felicia Presgraves & Jeffrey Presgraves
the Affiant(s) herein, personally (Inown or satisfactorily identified to me as such Affiant(s), and made oath in due form 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
Pote 9-R10-01 Notany Public Surfers
Date Notary Public
My Commission Expires 6-1-2004

REU 09/15/98

# 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.

competent to testify thereto in the event that a p	ublic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	7511 OID HARFORD ROAD
	PACKVILLE State ZidCode
That based upon personal knowledge, the follovariance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative
Property N in react year Space for A Mardshi	D. Leaving No Pool. Thus, Creating ?
advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.  Signature  Felicia Presques  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN	
of Maryland, in and for the County aforesaid, pe	
the Affiant(s) herein) personally known or satisfiaw that the matters and facts hereinabove set for	factorily identified to me as such Affiant(s), and made oath in due form of orth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
926.01	Notary Public  My Commission Expires  6-1-2004
Date	Notary Public
	My Commission Expires 6-1-2004



REU 9/15/98

### **Petition for Administrative Variance**

### to the Zoning Commissioner of Baltimore County

for the preparty located at 7511 OID LACEOED DI

		ior the propert	which is p	resently zone		R, ~5,5
This Petition shall be fit owner(s) of the property made a part hereof, here	i <b>led with the D</b> situate in Baltin by petition for a	epartment of Perm nore County and white Variance from Secti	its and Developme ch is described in the on(s)	nt Managemei e description ar	nt. The un	dersigned, legal ched hereto and
structure (su	imming.	pool) be 100	cater in the	o permit	an a	clessory
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portion for	thest	removed	from the	road.	reguir	ea mra
of the zoning regulations of this petition form.	of Baltimore Co	ounty, to the zoning I	aw of Baltimore Cou	ntỷ, for the rea	sons indica	ted on the back
Property is to be posted a l, or we, agree to pay exper regulations and restrictions	ises of above Va	riance advertising no	sting etc and further	agree to and are altimore County.	to be bound	led by the zoning
			I/We do solemnly perjury, that I/we is the subject of t	are the legal own	rm, under th ner(s) of the	e penalties of property which
Contract Purchaser/L	essee:		Legal Owner	<b>(s):</b> .		
Name - Type or Print			Name Type or Pri	nt Y	HES	Graves
Signature	, ',		Signature	Dro (	VAINO C	•
Address		Telephone No.	Name - Type or Pri	170/2	MILIP	<u>-</u>
City	State	Zip Code	Signature	11000	418	<u> </u>
Attorney For Petition	9 <u>r:</u>		Address	OID H	ACFO	Telephone No.
Name - Type or Print			City	ille W	State 2	1234 Zip Code
Signature			<u>Representativ</u>	<u>/e to be Cont</u>	tacted: 4	10-420-6766 1
Company	· · · · · · · · · · · · · · · · · · ·		Name	· · · · · · · · · · · · · · · · · · ·		
Address		Telephone No.	Address	<u> </u>		Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having beer this day of regulations of Baltimore County	. th	at the subject matter of th	required, it is ordered is petition be set for a pu	by the Zoning Con ublic hearing, adve	nmissioner of rtised, as requ	Baltimore County, uired by the zoning
			Zonina Co	ommissioner of Bal	timore County	<u>,                                     </u>
CASE NO. $02$	138-A	Revi	lewed By 13/		,	1

#### Jeffery A. Presgraves

7511 Old Harford Road
Parkville, Maryland
410-665-8762
drsindd@cs.com

### ZONING DESCRIPTION

Zoning Description for 7511 Old Harford Road Parkville, Maryland 21234. Beginning at a point on the Southeast corner side of Old Harford Road & Hillcrest Ave. which is 40 feet At the distance of (0) zero feet centerline of the nearest improved intersecting street. Which is 40 feet At the distance of (0) Being Lot #61 & 62 Block (N/A) Section # (N/A) in the subdivision of Oak Crest as recorded in Baltimore County Plat Book 6, Folio #172, containing 6,450 square feet. Also, known as 7511 Old Harford Road Parkville, Maryland 21234 and located in the 9 Election District, 6 Councilmanic District.

#02-138-A

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- Davidnece	_
YELLOW - CUSTOMER	CASHIER'S VALIDATION
	ACCOUNT SOUTH COLFERS OF SOUTH

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### CERTIFICATE OF POSTING

4106560929

RE: Case No.: 02-138-A-Petitioner Developer PRESGRAVES, ETAL

Date of Hearing Closin

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

Attention: Ms. Gwendolyn Stephens / MR. GEORGE ZAHNER.

Ladies and Gentlement

Phone # 666-5366 666.0929

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 # 1511 OLD HARFORD RD

The sign(s) were posted on \_

Sincerely,

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL: 410.905-857!
(Telephone Number)

# DEPARTMENT F PERMITS AND DEVELOPIENT 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.

For Newspaper Advertising:
Item Number or Case Number: 02-137-5PH  Petitioner: ROSSI
Address or Location: 11411 Notch cliff Road
PLEASE FORWARD ADVERTISING BILL TO:  Name: Anthony F. Rossi
Address: 11411 Notch cliff Road
Glen Arm, MD 21057
Telephone Number: <u>410-592-7460</u>

# BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

		,					
Case	Number 02-	138	-A	Address	75/1	Old Hurford	Rd.
Conta	ct Person: _	<u>Sr</u>	No Ru Please Print You	daitis or Name	<del></del>	Phone Number	: 410-887-3391
Filing	Date:	5/1/01	_ Pos	sting Date:/	0/14/01	Closing Da	ite: 18/24/4
Any c	ontact made	with this of	ice regardii	ng the status on the case number	of the adm	ninistrative varia	ance should be
1.	reposting muis again res	ust be done ( ponsible for a	nly by one o	of the sign post	onsible for ers on the	ers on the appro all printing/post approved list ar ce sign must be emain there thro	ting costs. Any nd the petitioner
	w romandi içi	iuusi n i	TIONE HEALT	deadline for an eg. Please und ess is not compl	Marciana H	or owner within 1 nat even if ther closing date.	,000 feet to file re is no formal
	order that the control of the contro	ne matter be nin 7 to 10 da	(a) grant to set in for ays of the cl	ne requested re a public hearings osing date) as	ellet; (b) de ng. You v	the zoning or eny the request will receive writh the petition has you by First Class	ed relief; or (c) ten notification
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Petitio	ner: This Pa	art of the Foi	m is for the	Sign Poster C	Only		
	•	USE THE A	ADMINISTRA	ATIVE VARIAN	ICE SIGN F	ORMAT	
Case N Petition Postine	lumber 02-[ ner's Name _ g Date:	138 -A Jeffafelici	A Addi a Presgrac	ress 75/1		Harford 410-6	Rd. 420- 6766 wk.
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the	roud.			1			

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 30, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 13, 2001

Item Nos. 136, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,

and 160

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

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

November 8, 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 November 5, 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:

136, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 160

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

cc: File

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 21, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

2

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-138

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:

**Section Chief:** 

AFK/JL:MAC



#### Maryland Department of Transportation State Highway Administration

Parris N. Glendening

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 11. 9.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 138 BR

Dear. Mr. Zahner:

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,

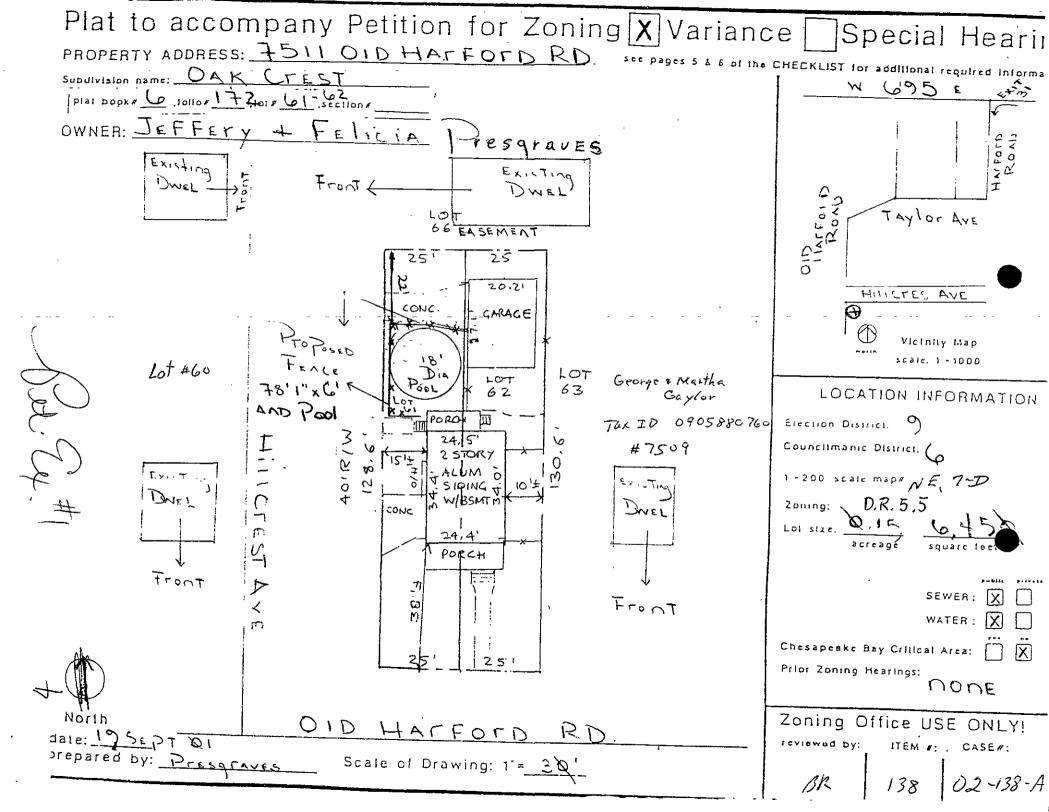
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

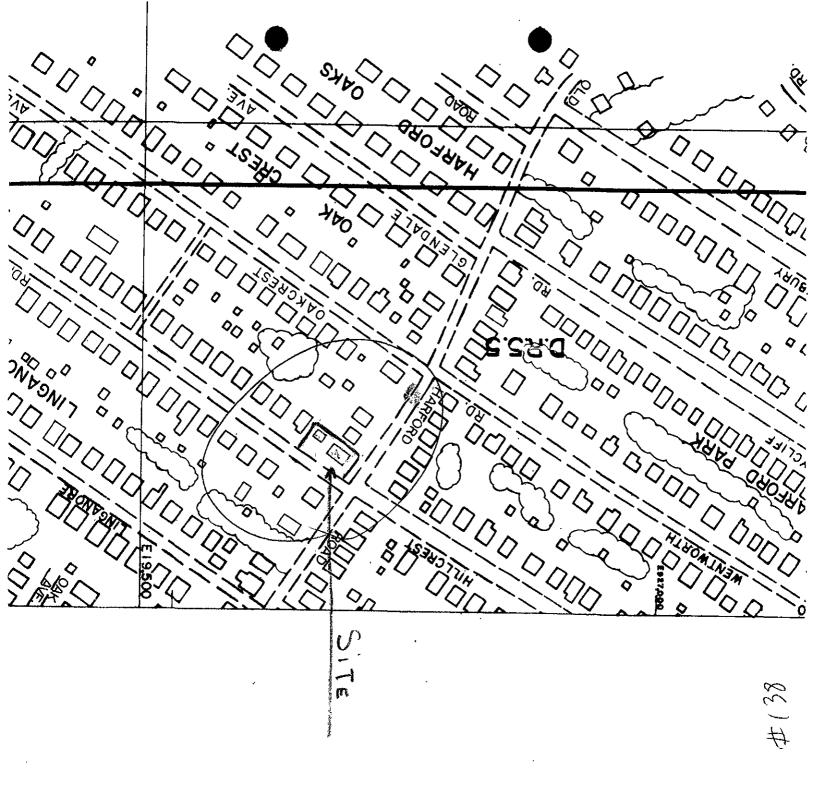
1. J. Gredh

### ZONING HEARING FILE INTERNAL CHECKLIST

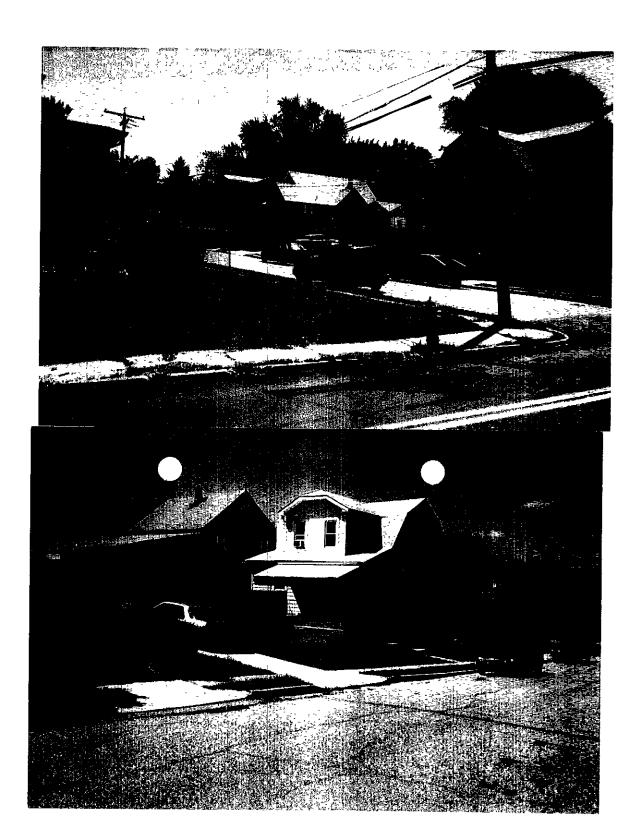
Zoning Case No. 02-138-A

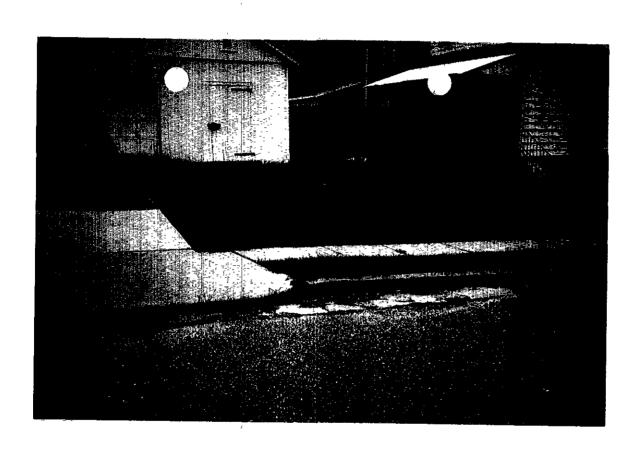
Date Completed/Initials	
11/5/0/	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days 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)
	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 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)

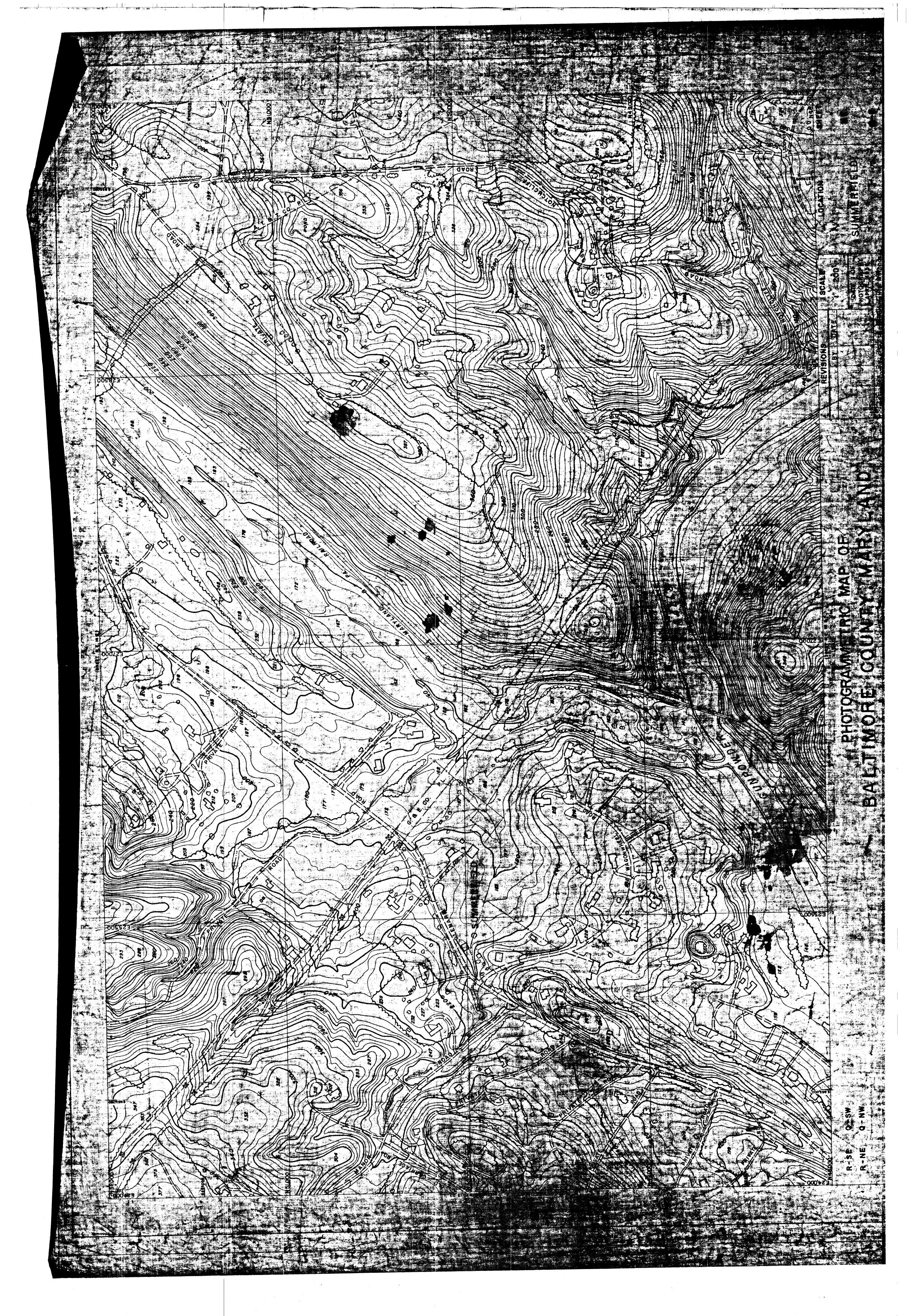




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BALTIMORE COUNTY OFFICE OF PLANNING AND PHOTOGRAPHIC MA

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13-E

PHOTOGRA JANUAF

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