

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE/corner St. Charles and		
Hooper Avenues	*	DEPUTY ZONING COMMISSIONER
13th Election District		
1st Councilmanic District	*	OF BALTIMORE COUNTY
(42 Hooper Avenue)		
	*	CASE NO. 02-459-A
Sherry & David Morales		
Petitioners	*	

* * * * *

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, Sherry and David Morales. The variance request is for property located at 4200 Hooper Avenue in the western 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 allow an accessory structure (pool) to be located in the front yard and 10 ft. from the side street in lieu of the required rear yard and 1/3 rear yard farthest removed from the side 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.

Date 5/15/02
By P. Jenson

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of May, 2002, that a variance from Section 400.1 of the B.C.Z.R., to allow an accessory structure (pool) to be located in the front yard and 10 ft. from the side street in lieu of the required rear yard and 1/3 rear yard farthest removed from the side 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 RECEIVED FOR FILING
Date 5/15/02
By J.R. Gannon



Baltimore County
Zoning Commissioner

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

May 15, 2002

Mr. & Mrs. David Morales
4200 Hooper Avenue
Baltimore, Maryland 21229

Re: Petition for Administrative Variance
Case No. 02-459-A
Property: 4200 Hooper Avenue

Dear Mr. & Mrs. Morales:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4200 HOOVER 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) RECEIVED SECTION 400.1

To allow an accessory structure pool to be located in the front yard and 10 ft. from the side street in lieu of the required rear yard and 1/3 rear yard farthest removed from the side 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:

Legal Owner(s):

Name - Type or Print

DAVID MORALES
Name - Type or Print

Signature

David Morales
Signature

Address

Telephone No.

SHERRY MORALES
Name - Type or Print

City

State

Zip Code

Sherry Morales
Signature

Attorney For Petitioner:

4200 HOOVER AVE
Address

410-242-8299
Telephone No.

Name - Type or Print

BALTIMORE
City

MD
State

21229
Zip Code

Signature

Representative to be Contacted:

JEFF WRYE
Name

5815 MORAVIA RD
Address

410-536-3355
Telephone No.

Company

Address

Telephone No.

City

State

Zip Code

BALTIMORE MD
City

MD
State

21206
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. 02-459-A

Reviewed By BR Date 4/18/02

REV 10/25/01

Estimated Posting Date 4/29/02

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 4200 Hooper Ave
Address
Baltimore MD 21229
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):

LIST REASON ZONING REGULATION CANNOT BE MET ON
PROPERTY:
1) NO ROOM IN BACK YARD BECAUSE OF SHAPE OF YARD
AND GARAGE.

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.

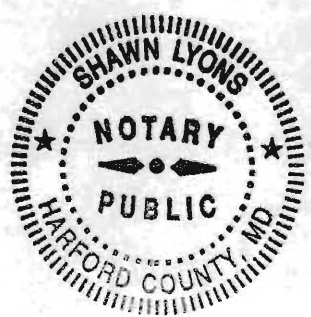
David Morales
Signature
DAVID MORALES
Name - Type or Print

Sherry Morales
Signature
SHERY MORALES
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16TH day of APRIL, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
DAVID MORALES + SHERY MORALES
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Shawn Lyons
Notary Public
My Commission Expires 07-23-2005

ZONING DESCRIPTION FOR 4200 HOOPER AVE.

Beginning at a point on the North East Corner of HOOPER and ST. CHARLES AVE.

Being Lot # 7, in the Subdivision of Ridgewood as recorded in Baltimore County Plat Book # 7, Folio # 69, containing 13,542 Sq. ft.

Also known as 4200 HOOPER AVE and located in the 13th Election District, 1st Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13305

DATE 4/15/02 ACCOUNT RCV-006 6150
AMOUNT \$ 50.00

RECEIVED FROM: LEEDY WIFE
FOR: ADMINISTRATIVE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item #459

PAID RECEIPT

BUSINESS	ACTUAL	TIME
4/18/2002	4/18/2002	11:06:49
REG 0503	WALKIN DRCL DND	DRAWER 2
RECEIPT # 240222	4/18/2002	OFLN
DEPT 5	528 ZONING VERIFICATION	
CR NO. 013305		
Receipt Tot	\$50.00	
50.00 CR	.00 CR	
Baltimore County, Maryland		

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-459-A

Petitioner/Developer: DAVID

SHERY MORALES

Date of Hearing/Closing: 5/14/02

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 4200 HOOPER AVE

The sign(s) were posted on 4/28/02
(Month, Day, Year)

Sincerely,

[Signature] 4/28/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(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/neighborhood 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: 02-459-A

Petitioner: DAVID + SHERY MORALES

Address or Location: 4240 HOPPER AVE, BALTIMORE MD 21229

PLEASE FORWARD ADVERTISING BILL TO:

Name: CROWN POOL CO. C/O JEFFREY WRYE

Address: 5815 MORAVIA RD, BALTIMORE MD

21206

Telephone Number: 410-325-2442

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 459 -A Address 4200 Hooper Ave.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/18/02 Posting Date: 4/29/02 Closing Date: 5/14/02

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 02- 459 -A Address 4200 Hooper Ave.

Petitioner's Name David & Sherry Morales Telephone 410-242-8299

Posting Date: 4/29/02 Closing Date: 5/14/02

Wording for Sign: To Permit an accessory structure (pool) to be located
in the front and side yards and 10 ft. from the side street in
lieu of the required rear yard and the 1/2 portion of the
rear yard farthest removed from the road.

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 13, 2002

Mr. & Mrs. David Morales
4200 Hooper Avenue
Baltimore MD 21206

Dear Mr. & Mrs. Morales:

RE: Case Number: 02-459-A, 4200 Hooper Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 18, 2002.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Jeff Wrye, 5815 Moravia Road, Baltimore 21206
People's Counsel

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



AV
5/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 1, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-459

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.

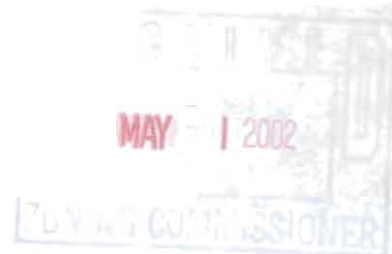
Prepared by:

Mark A. Cunningham

Section Chief:

Stephen J. Harlan

AFK/LL:MAC





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.26.02

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

RE: Baltimore County
Item No. 459 BZ

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,

Kr 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



Baltimore County
Fire Department

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

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

April 26, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 29, 2002

Item No.: See Below

Dear Mr. Zahner:

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 at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

443-451, 453, 458 + 459

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

cc: File
{PRIVATE}

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 29, 2002

FROM: *RWB* Robert W. Bowling
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 29, 2002
Item No. 443, 444, 446, 447, 448, 449, 450, 451, 452, 453,
458 and 459

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

RWB:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/BT*

DATE: June 5, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of April 29, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

445-448, 450, 451, 459

☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4200 Harper Ave.

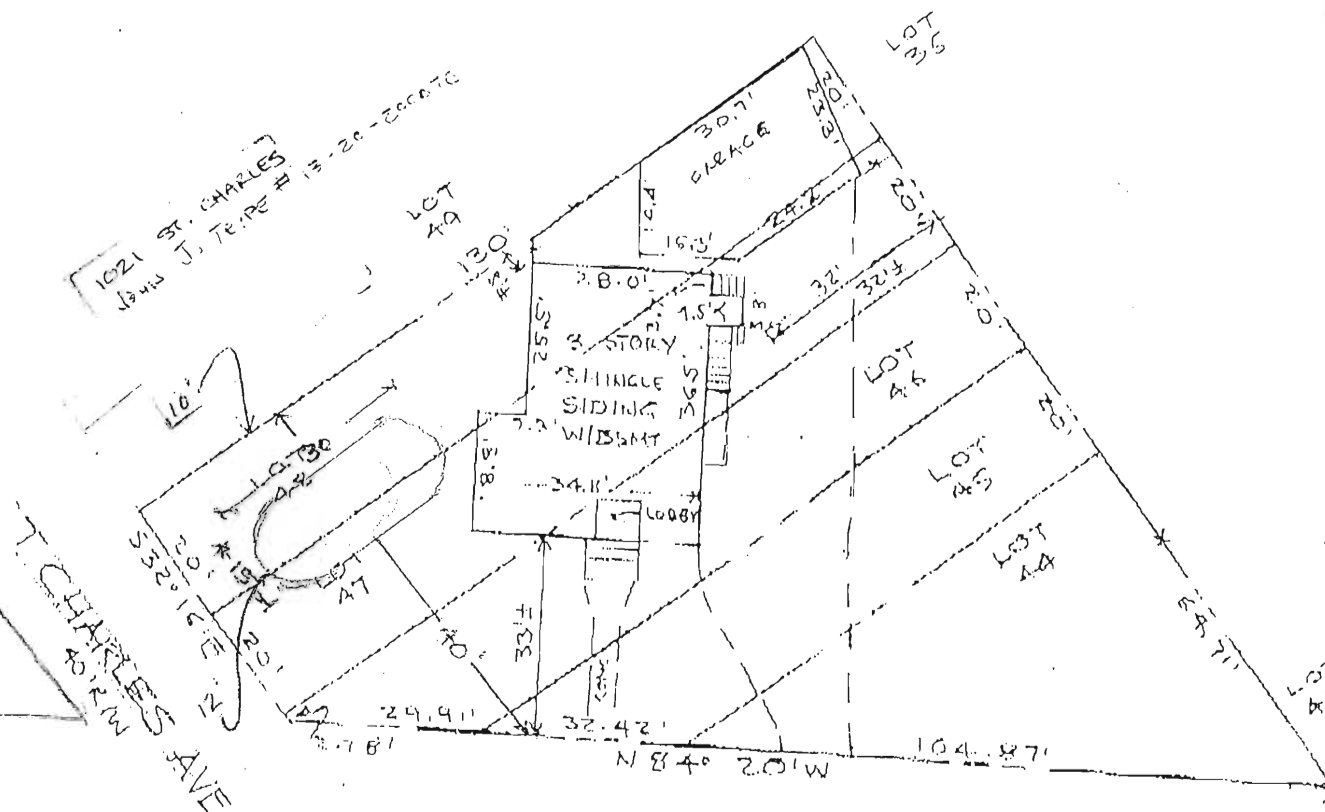
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Ridgewood

PLAT BOOK # 7 FOLIO # 69 LOT # 44-183 SECTION # —

OWNER David & Sherry Morales

110 1" = 30'



HOOPER AVE
48121W

Front

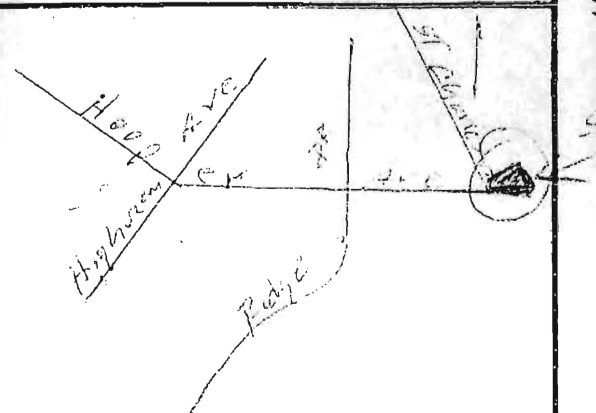


NORTH

4203 HOOPER
MILWAUKEE ARMAN # 13-19-390050

PREPARED BY JEFFREY WRYE

SCALE OF DRAWING: 1" = 30'



VICINITY MAP

LOCATION INFORMATION

ELECTION DISTRICT 13th

COUNCILMANIC DISTRICT

1" = 200' SCALE MAP # 564 M.D.

ZONING *DR-5.5*

LOT SIZE 0.31 13,524
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

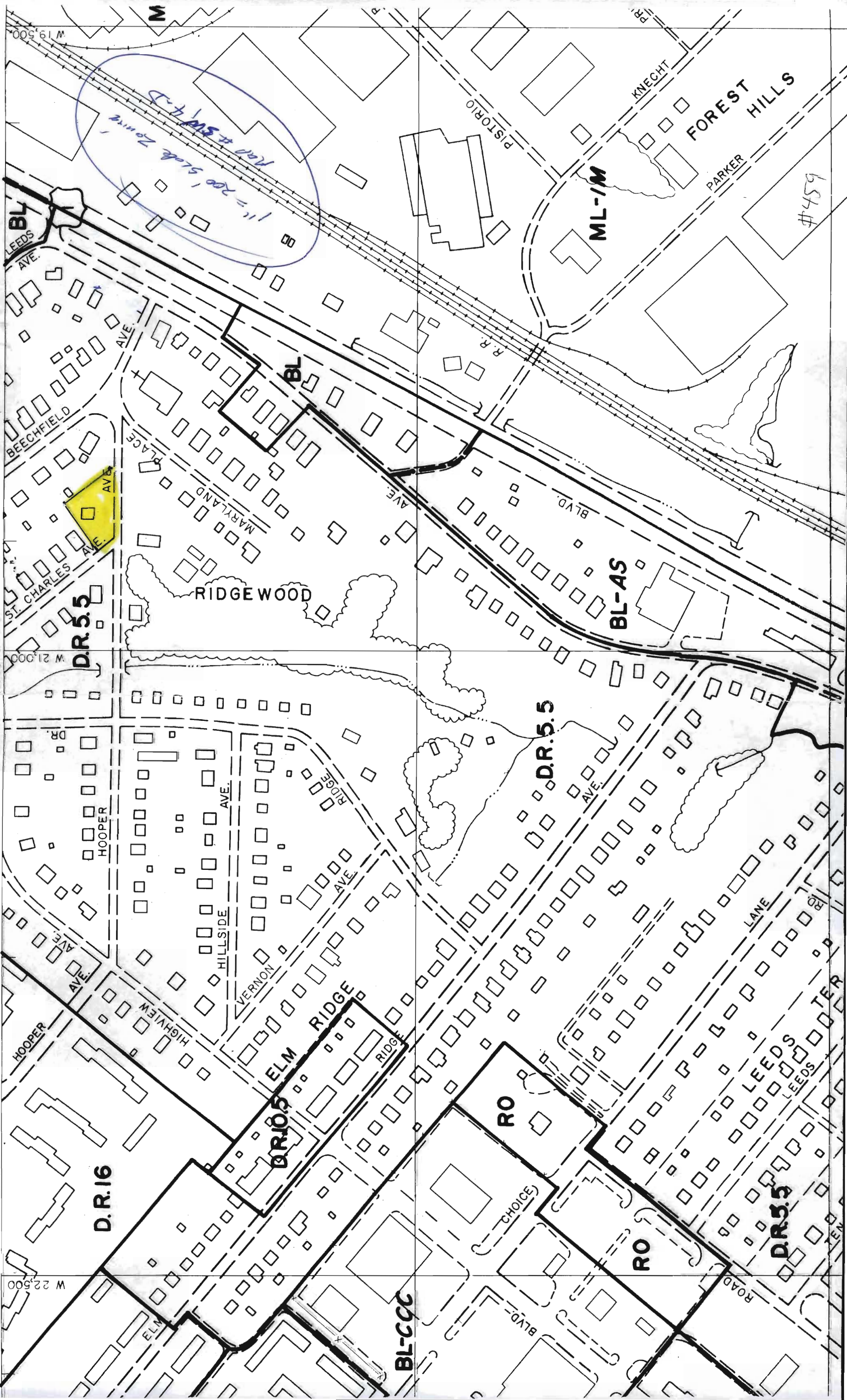
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

BN	459	02-459-A
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(SHEET SW-3-D)



DR.5.5

D.R.16

DR.10.5

BL-CCC

DR.5.5

RO

RO

DR.5.5

BL-AS

ML-1M

BL

RIDGE WOOD

FOREST HILLS

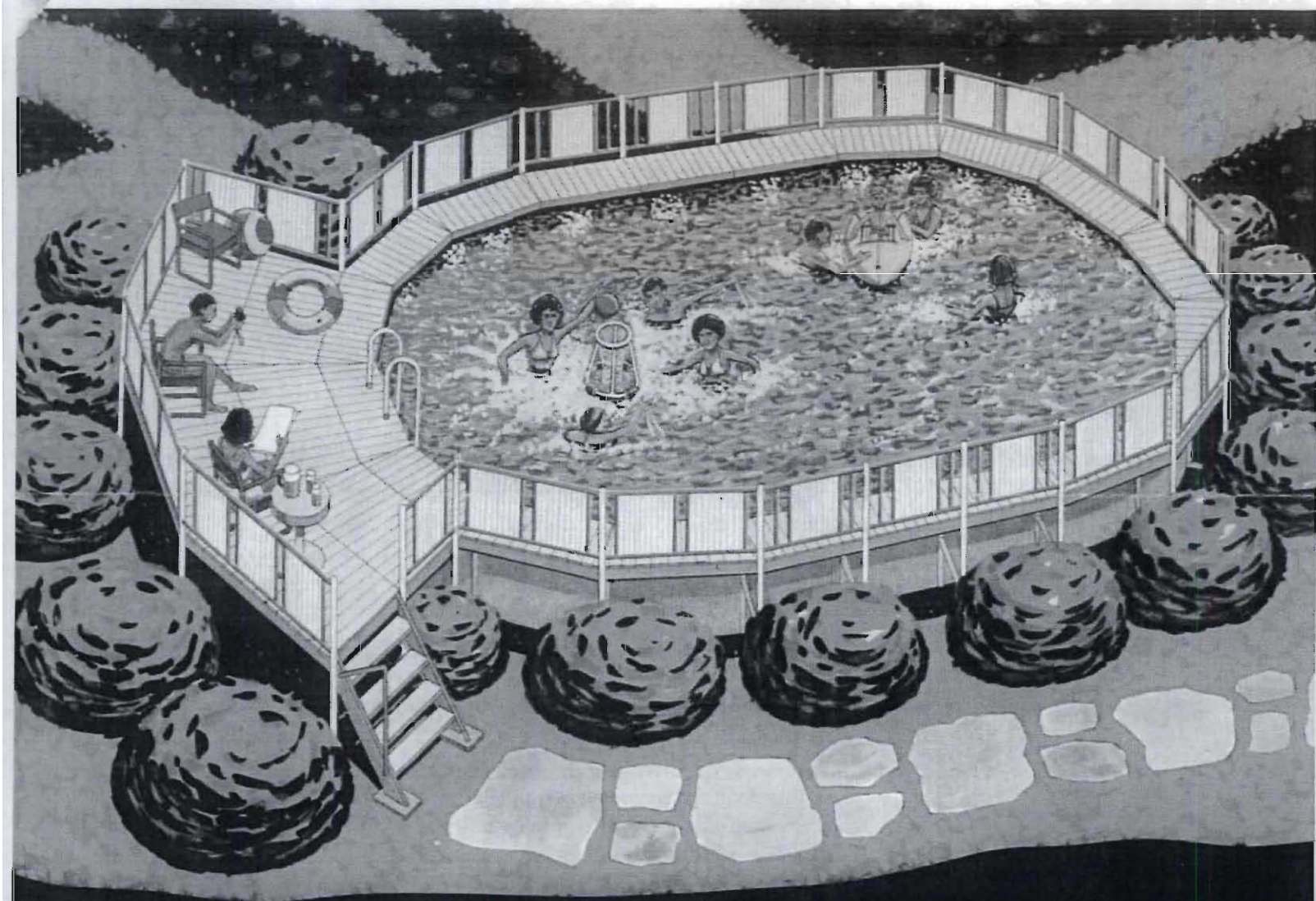
#459



Handwritten note: 11-200 Scale Zone, Map # SW-4-D

**AMBASSADOR
POOLS**

Regal Duchess



The unique design of the all-aluminum Regal Duchess places it among the world's most beautiful pools. Based on the configuration of the artist's ellipse, it combines spacious swimming area with full size patio deck. An all-aluminum walk-around deck and fence with privacy panels surround the entire pool. New construction techniques utilize the exceptional strength, durability and virtually maintenance-free character of aluminum. The size and unusual beauty of the Regal Duchess herald endless days of family fun.

Regal Duchess

SPECIFICATIONS AND FEATURES

30' 7" x 21' Overall
15' x 30' Swim Area
17' 6" x 5' 3" Aluminum Patio Deck
Color coordinated in azure blue and white
All-aluminum construction
Virtually maintenance-free
Aluminum walk-around deck surrounds entire pool
Aluminum fence with privacy panels
Heavy extruded aluminum vertical supports
Aluminum sidewalls that never need painting
Vinyl acrylic finish
In-wall automatic skimmer
Self-locking aluminum exterior ladder
20 gauge vinyl liner—Terrazzo Design bottom
Space Age water purification system
20 year transferable limited factory warranty

The Space Age Swimming Pool Filter

A TOTALLY NON-CORROSIVE FILTRATION SYSTEM

The new Regal Duchess filter system is the key to a clean sparkling pool, day after day. It sets a new standard of performance in home pool filtration, offering features previously found only in commercial systems.

- Permanent media sand filter
- Over 2,000 gallons per hour filter capacity
- National Sanitation Foundation Testing Laboratory approved
- Fiberglass reinforced tank—completely corrosion resistant
- Easy to clean strainer pot for maximum pump protection
- Fingertip control, 6 position multi-port valve
- Filter and 3/4 h.p. motor and pump assembled on non-corrosive base

The Regal Duchess Water Purification System cleans pools fast; removes even the most minute particles the first time through. Filter and pump work together in perfect balance.





459



459



459



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