

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Darney Court; 25 feet W of the
c/l of Glenbauer Road
11th Election District
3rd Councilmanic District
(2 Darney Court)

Gerald W. and Betty J. Hart
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0138-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, Gerald W. and Betty J. Hart for property located at 2 Darney Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool) to be located in the third of the lot adjacent to a street in lieu of the required third of the lot farthest removed from the street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to install a vinyl swimming pool measuring 16 feet x 44 feet surrounded by the required fencing. The property is served by private water and sewer systems; therefore the swimming pool cannot be placed in another location on the property. Photographs submitted with the Petition illustrate that the property has slopes which limit the practical location of the swimming pool. Said property contains 1.70 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

RECEIVED FOR FILING
11.17.09
[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 25, 2009 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 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

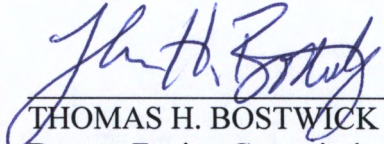
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 17th day of November, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pool) to be located in the third of the lot adjacent to a street in lieu of the required third of the lot farthest removed from the street is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

REMOVED FOR FILING
11.17.09
P3

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

REMOVED FOR FILING
11-17-09
ed



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 17, 2009

GERALD W. AND BETTY J. HART
2 DARNEY COURT
KINGSVILLE MD 21087

Re: Petition for Administrative Variance
Case No. 2010-0138-A
Property: 2 Darney Court

Dear Mr. and Mrs. Hart:

Enclosed please find the decision rendered in the above-captioned case.

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 dark ink, appearing to read "Thomas H. Bostwick".
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Dean Gennerella, Admiral Enterprises, 1010 Edgewood Road, Edgewood MD 21040



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 Dorney Court, 21087
which is presently zoned RC-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 (RCZR)

To permit an accessory structure (pool) to be located in the third of the lot adjacent to a street in lieu of the required third of the lot farthest removed from the 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):

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 11 day of November, 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.

2010-0138-A

Reviewed By

D.T.

Date

10/16/09

REV 10/25/01

Estimated Posting Date

10/25/09

11.17.09

ps

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

Address 2 Darwen Ct
Kingsville MD 21087
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 EXISTING SEPTIC AND DRAIN FIELD IS IN DESIGNATED POOL AREA. COST OF RELOCATION
- ② PRACTICAL DIFFICULTIES OF LARGE TREE REMOVAL.
- ③ SITE GRADU REQUIRING EXCESSIVE SITE WORK & RETENTION

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.

Gerald W. Hart
Signature
GERALD W. HART
Name - Type or Print

Betty J. Hart
Signature
Betty J. Hart
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of October, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gerald W. Hart and Betty J. Hart
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Joan E. Surda
Notary Public
My Commission Expires MY COMMISSION EXPIRES FEBRUARY 12, 2013

Property Description

Home Owners: Gerald W. and Betty J. Hart

Zoning Description for # 2 Darney Court, Kingsville, Maryland 21087

Beginning at a point on the North East side of Darney Court which is 50 feet wide at the distance of 25 feet west of the centerline of the nearest improved intersecting street Glenbauer which is 50 feet wide.

Being Lot # 40, Section #2 in the subdivision of Glenbauer as recorded in the Baltimore County Plat Book # 58. Folio# 78 containing 1.70 acres. Also known as #2 Darney Court and located in the 11th Election district, 3rd Council manic District.

2010-0138-A

**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: 2010-0138-A
Petitioner: HART
Address or Location: 2 DARNEY CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. GERALD W. HART
Address: 2 DARNEY CT.
KINGSVILLE, MD 21087

Telephone Number: 410-817-6843

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0138 -A Address 2 DARNEY CT.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/16/09 Posting Date: 10/25/09 Closing Date: 11/9/09

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0138 -A Address 2 DARNEY CT.

Petitioner's Name HART Telephone 410-817-6843

Posting Date: 10/25/09 Closing Date: 11/9/09

Wording for Sign: To permit an accessory structure (pool) to be located in the third of the lot adjacent to a street in lieu of the required third of the lot farthest removed from the street.

Revised 8/20/09

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 67527

Date: 10/2/09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				
001	200	6000		1050					65.00

Total: 65.00

Rec From: H. MURRAY - POLICE

For: 8-H
2001 B1 CT.
E. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 2010-0138-A

Petitioner/Developer _____

Hart

Date of Hearing/Closing 11/9/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

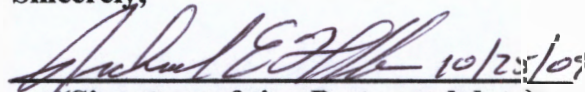
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

2 Darney Ct.

The sign(s) were posted on 10/25/09
(Month, Day, Year)

Sincerely,

 10/25/09
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

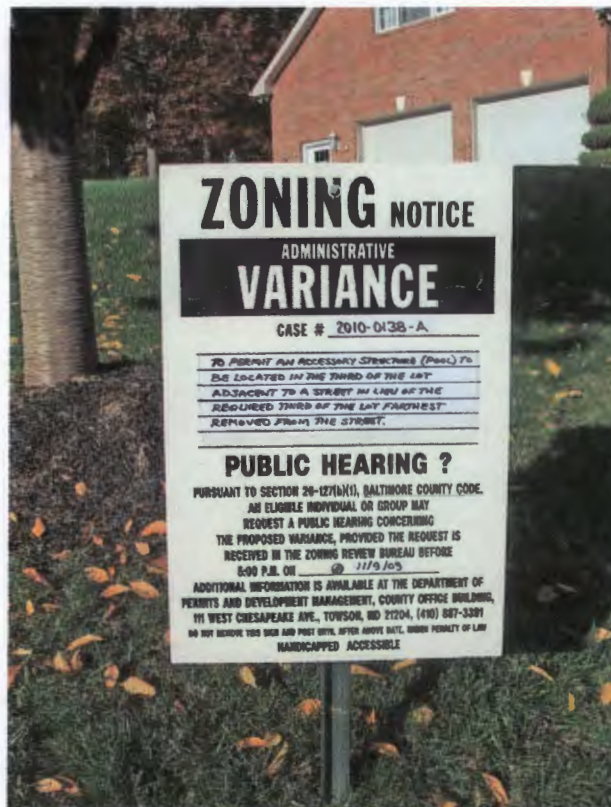
Certificate of Posting
Photograph Attachment

Re: 2010-0138-A

Petitioner/Developer: _____

Hart

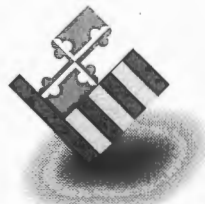
Date of Hearing/Closing: 11/9/09



2 Darney Ct.

Posting Date: 10/25/09

[Signature] 10/25/09
(Signature and date of sign poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

November 10, 2009

Gerald & Betty Hart
2 Darney Ct.
Kingsville, MD 21087

Dear: Gerald & Betty Hart

RE: Case Number 2010-0138-A, 2 Darney Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Dean Gennenella; 1010 Edgewood Rd.; Edgewood, MD 21040

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 2, 2009

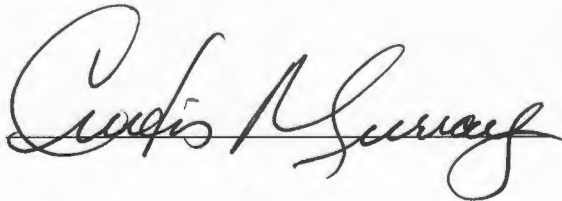
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-138- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:
CM/LL



RECEIVED

NOV 02 2009

ZONING COMMISSIONER



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 26. 2009

Item Numbers: 0134,0135,0136,0137,0138

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: October 29, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 9, 2009
Item Nos. 10-134, 135, 136, 137 and 138

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11.09.2009 -NO COMMENTS.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-30-2009

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

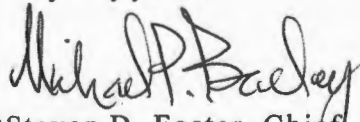
RE: Baltimore County
Item No. 2010-6138-A
2 DARNEY COURT
HART PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-6138-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

Bing Maps

 2 Darney Ct, Kingsville, MD 21087-1162

My Notes

 **FREE!** Use **Bing 411** to find movies, businesses & more: **800-BING-411**



lot # 4





2010-013-A

View From Front "Left Side"



View From Front "Right Side"



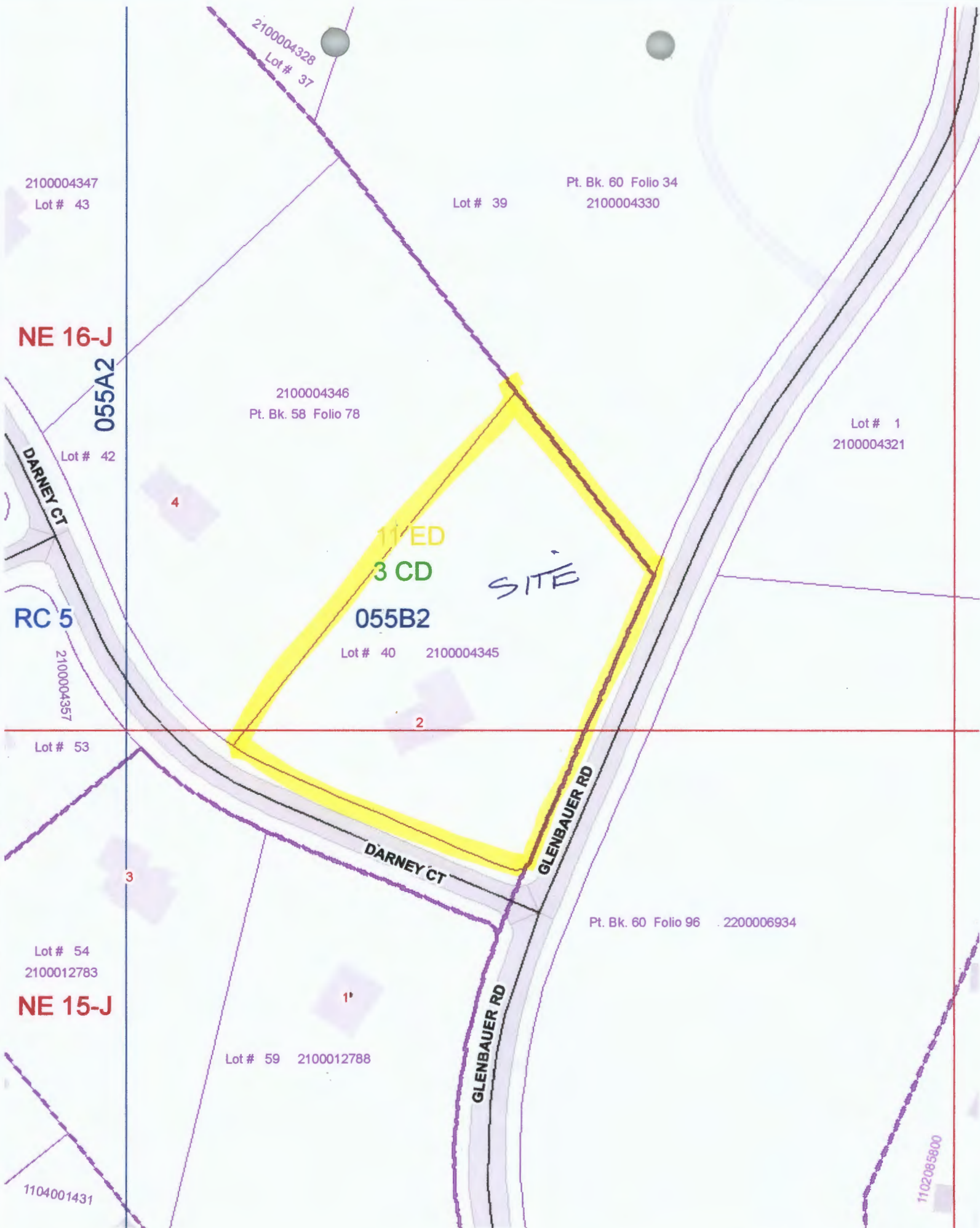
Front View



View From Rear "Left Side"



2010-013--A



2100004347
Lot # 43

Lot # 39
Pt. Bk. 60 Folio 34
2100004330

NE 16-J
055A2

2100004346
Pt. Bk. 58 Folio 78

Lot # 1
2100004321

DARNEY CT
Lot # 42
RC 5
2100004357

**TYPED
3 CD**

SITE

055B2

Lot # 40 2100004345

Lot # 53

Lot # 54
2100012783
NE 15-J

Lot # 59 2100012788

Pt. Bk. 60 Folio 96 2200006934

1104001431

1102085800

2010-0138-A

FOR USE IN ESTABLISHING
PROPERTY LINES

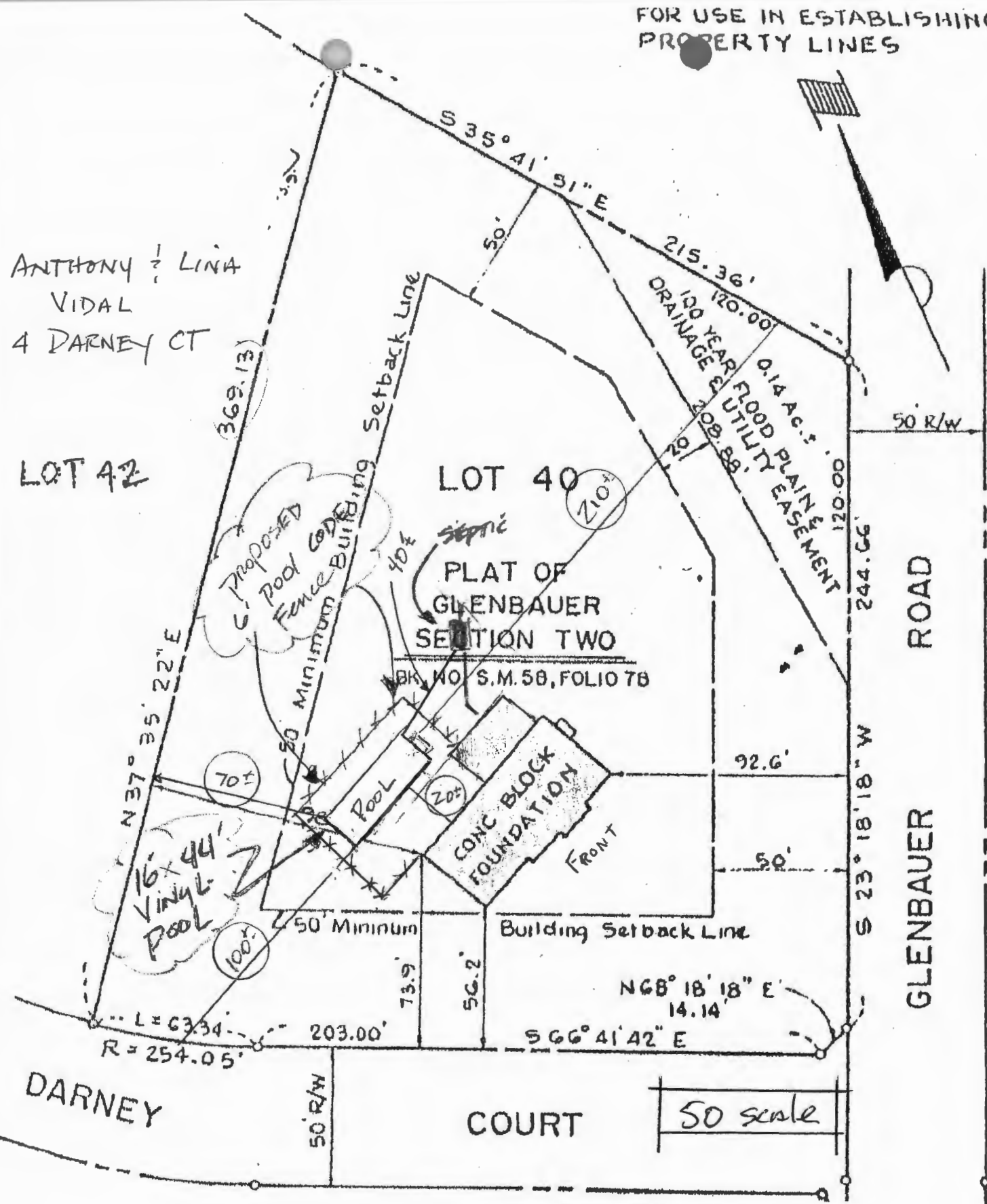
ANTHONY & LINA
VIDAL
4 DARNEY CT

LOT 42

LOT 40

PLAT OF
GLENBAUER
SECTION TWO

BOOK NO. S.M. 58, FOLIO 78



Property Address: #2 Darney Court

Subdivision: Glenbauer

Plat book #58 - folio #78 - Lot #40 - Section

Owners: Gerald W. & Betty J. Hart

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3RD

1" = 200' SCALE MAP # ADG 77

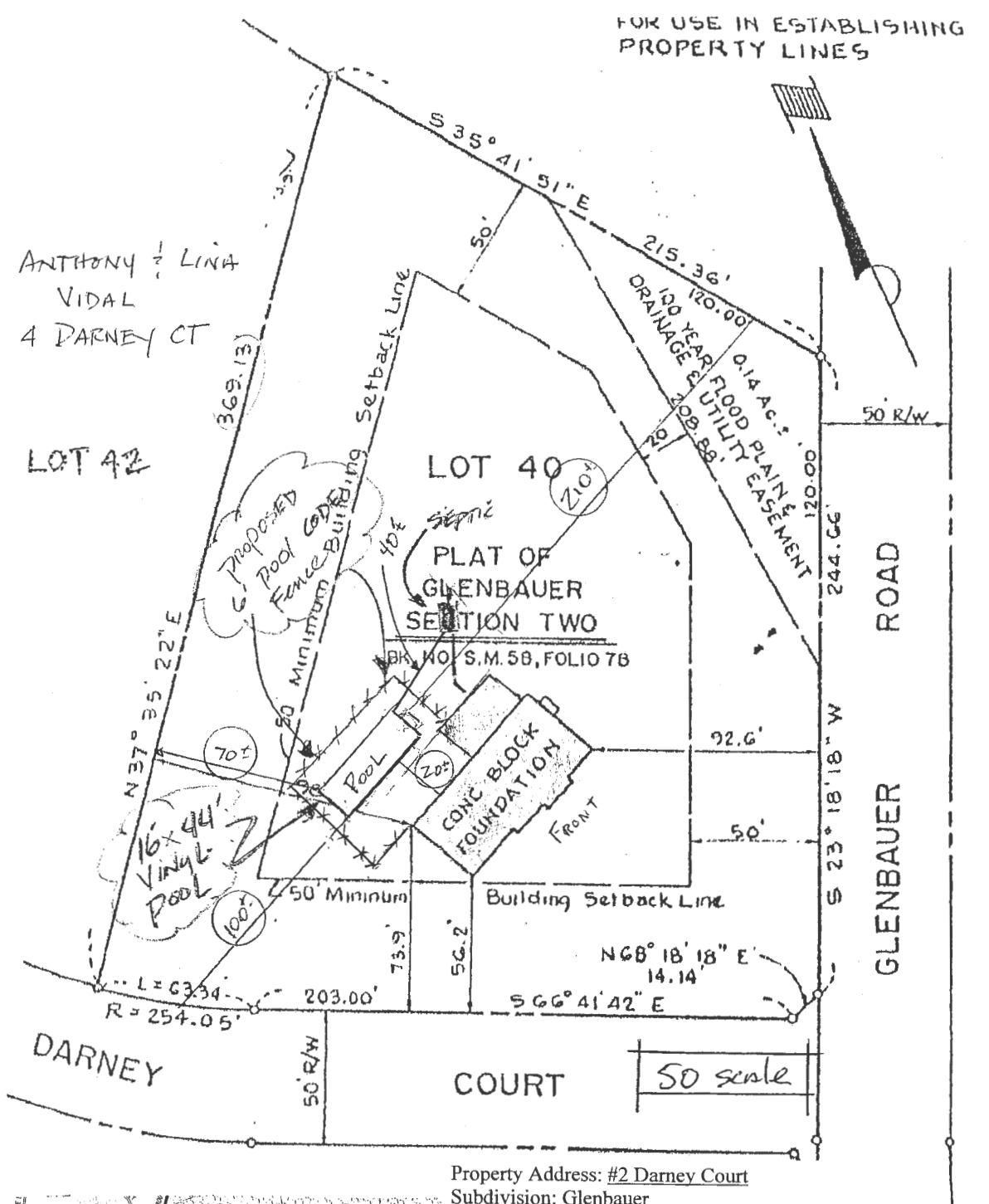
PG 22
B-C



FOR USE IN ESTABLISHING
PROPERTY LINES

ANTHONY LINA
VIDAL
4 DARNEY CT

LOT 42



Property Address: #2 Darney Court

Subdivision: Glenbauer

Plat book #58 - folio #78 - Lot #40 - Section

Owners: Gerald W. & Betty J. Hart

LOCATION INFORMATION

ELECTION DISTRICT 11
COUNCILMANIC DISTRICT 3RD
1" = 200' SCALE MAP # ADG Pg 72
ZONING RL-5
LOT SIZE 1.70 72,050
ACREAGE SQUARE FEET
SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☐ PUBLIC ☒ PRIVATE
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY/ BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #
D.T. 0138 2010-0138-A

