

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, BROOKWOOD CORPORATION owner... 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 IADO.3B.3 to permit a front yard setback from the centerline of street of forty (40) feet instead of the required seventy-five (75) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Due to the triangular shape of the lot, it is impossible to build a house with a seventy-five (75) foot front setback and still maintain the fifty (50) foot side yard setbacks.

This lot was created many years ago when the County built Marshall Mill Road cutting off this corner of the farm.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser

Charles C. Reeder, Pres
Legal Owner

Address Gray's Creek

Pasadena, Maryland 21222

Petitioner's Attorney

Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 31st day

of 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 23rd day of October, 1973, at 10:30 o'clock

Eric D. Hanna
Zoning Commissioner of Baltimore County

(over)

MAN 12
ELECTION
DISTRICT 5
DATE 10-23-73
BY [Signature]
10-23-73

COPIES RECEIVED FOR FILING

DATE November 5, 1973
BY John P. Kelly, ed.

RE: PETITION FOR VARIANCE : BEFORE THE
N/S of Marshall Mill Road, 500' : DEPUTY ZONING
E of Upper Beckleysville Road - :
5th District : COMMISSIONER
Brookwood Corporation - Petitioner :
NO. 74-106-A (Item No. 41) : OF
: BALTIMORE COUNTY

This Petition represents a request for a Variance to permit a front yard setback from the center line of the street of forty (40) feet instead of the required seventy-five (75) feet. The property is located on the north side of Marshall Mill Road, 540 feet east of Beckleysville Road, in the Fifth Election District of Baltimore County.

Testimony and other evidence indicated that the property in question contains .835 acres, more or less, and represents a small portion of a large farm that was severed when Marshall Mill Road was constructed sometime in the early 1950's.

The property is irregular in shape and is located at a bend in Marshall Mill Road making it difficult, if not impossible, to construct a dwelling in compliance with the R. D. P. setback requirements.

Three area residents appeared in protest of the Petitioner's request. They objected to the Petitioner's earlier lot sales which have resulted in small homes being constructed that are not in keeping with other existing homes in the area. They also felt that the requested Variance would result in the home being closer to the road than their homes and as such would be out of character.

After reviewing the evidence and testimony in detail, it is the opinion of the Deputy Zoning Commissioner that the granting of the Variance as requested could be detrimental to the health, safety and general welfare of the area and as such should not be granted. It is also evident, that some relief is necessary particularly when one considers that this .8 of an acre

parcel existed before the present regulations (R. D. P.) were adopted, and could have been improved on the basis of prior setback and area requirements that existed up until the adoption of Bill 100 in 1970. The application of the new regulations on this existing irregular shaped lot does create a hardship and practical difficulty. Finally, to grant no Variance would be paramount to confiscation of property.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 5th day of November 1973, that the herein requested Variance for a forty (40) foot setback be Denied; and a Variance of fifty (50) feet in lieu of the requested seventy-five (75) feet setback from the center line of Beckleysville Road, should be and the same is hereby Granted from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

James S. Hill
Deputy Zoning Commissioner of Baltimore County

COPIES RECEIVED FOR FILING

DATE November 5, 1973
BY John P. Kelly, ed.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 1, 1973

COUNTY OFFICE BLDG.
111 N. CHARLES ST.
TOWSON, MARYLAND 21286

JOHN J. DILLON, JR.
Chairman

- MEMBERS
- BUREAU OF ENGINEERING
- DEPARTMENT OF TRAFFIC ENGINEERING
- STATE BOARD COMMISSION
- BUREAU OF FIRE PREVENTION
- HEALTH DEPARTMENT
- PROJECT PLANNING
- HOLDING DEPARTMENT
- BOARD OF EDUCATION
- ZONING ADMINISTRATION
- INDUSTRIAL DEVELOPMENT

Mr. Charles C. Reeder, President
Brookwood Corporation
Gray's Creek
Pasadena, Maryland 21222

RE: Variance Petition
Item 41
Brookwood Corporation -
Petitioners

Dear Mr. Reeder:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the north side of Marshall Mill Road, 540 feet east of Upper Beckleysville Road, in the 5th District of Baltimore County.

This triangular shaped lot, which is zoned RDP and contains 0.8348 acres of land, is requesting a front yard setback of 40 feet instead of the required 75 feet.

Information that we have been able to obtain indicates that this lot was created several years ago, and that with the 50 foot side and rear yard restrictions, the proposed location of this property is the most reasonable.

Mr. Charles C. Reeder, President
Brookwood Corporation
Item 41
October 1, 1973

Future widening of Marshall Mill Road has been indicated on the submitted site plan, and the petitioners are advised that should this Variance be granted, full compliance with Health Department regulations must be adhered to.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
John J. Dillon, Jr.
JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJDjr:JJD
Enclosure

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21284

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Director
Wm. T. MILLER Deputy Traffic Engineer

September 27, 1973

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21284

Re: Item 41 - ZAC - August 28, 1973
Property Owner: Brookwood Corporation
Marshall Mill Road, 540' E of Upper Beckleysville Road
Variance to permit a front yard setback from the centerline of the street of forty (40) feet instead of the required seventy-five (75) feet
District 5

Dear Mr. DiMenna:

No traffic problems are anticipated by the requested variance to the front yard setback.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

Baltimore County, Maryland
Department of Public Works
 COUNTY OFFICE BUILDING
 TOWSON, MARYLAND 21284

Division of Engineering
 ELLSWORTH H. DYER, P.E., CHIEF
 September 7, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

Re: Item #1 (1973-1974)
 Property Owner: Brookwood Corporation
 Location: Marshall Hill Rd., 540' E. of Upper Beckleysville Rd.
 Existing Zoning: R.D.P.
 Proposed Zoning: Variance to permit a front yard setback from the centerline of the street of 40 feet instead of the required 75 feet.
 District: 5th No. Acres: 0.8348 acres

Dear Mr. DiNenna:
 The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:
 Marshall Hill Road, an existing public road is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening including any necessary revertible easements for slopes will be required in connection with any grading or building permit application.

Sediment Control:
 Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:
 The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problems which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #1 (1973-1974)
 Property Owner: Brookwood Corporation
 Page 2
 September 7, 1973

Water and Sanitary Sewer:
 Public water supply and sanitary sewerage are not available to serve this property which lies beyond the limits of the Baltimore County Metropolitan District and the Baltimore County Comprehensive Sewer and Sewage Plan for 1970-1980, Amended 1971.

Very truly yours,
Ellsworth H. Dyer
 ELLSWORTH H. DYER, P.E.
 Chief, Bureau of Engineering

END:BAK/PFR:SS
 cc: J. Trenner
 J. Somers
 CC-NW Key Sheet
 121 NW 38 & 39 Pos. Sheets
 NW 31 J Topo
 1/4 Tax Map

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH
 JEFFERSON BUILDING
 TOWSON, MARYLAND 21284
 September 7, 1973
 DONALD J. ROOP, M.D., M.P.H.
 DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21284

Dear Mr. DiNenna:
 Comments on Item #1, Zoning Advisory Committee Meeting August 28, 1973, are as follows:

Property Owner: Brookwood Corporation
 Location: Marshall Hill Rd., 540' E of Upper Beckleysville Rd.
 Present Zoning: R.D.P.
 Proposed Zoning: Variance to permit a front yard setback from the centerline of the street of 40' instead of the required 75'.
 Election District: 5
 No. Acres: 0.8348

Complete soil evaluation must be conducted and an approved water well must be drilled prior to issuance of building permit.

Very truly yours,
Thomas H. Devlin
 Thomas H. Devlin, Director
 BUREAU OF ENVIRONMENTAL SERVICES

NVB:md

WILLIAM D. FROMM
 DIRECTOR
 S. ERIC DINENNA
 ZONING COMMISSIONER



September 4, 1973

Mr. S. Eric DiNenna, Zoning Commissioner
 Zoning Advisory Committee
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21284

Dear Mr. DiNenna:
 Comments on Item #1, Zoning Advisory Committee Meeting, August 28, 1973, are as follows:

Property Owner: Brookwood Corporation
 Location: Marshall Hill Road, 540' E of Upper Beckleysville Road
 Existing Zoning: R.D.P.
 Proposed Zoning: Variance to permit a front yard setback from the centerline of the street of forty (40) feet instead of the required seventy-five (75) feet.
 Election District: 5
 No. of Acres: 0.8348 acres

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,
John L. Wimbley
 John L. Wimbley
 Planning Specialist II
 Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 SUITE 301 JEFFERSON BUILDING 108 WEST CHESTER AVENUE TOWSON, MARYLAND 21284
 AREA CODE 301 PLANNING 484-2211 ZONING 484-3281

**BOARD OF EDUCATION
 OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: August 31, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

Z.A.C. Meeting of: Tuesday, August 28, 1973

Re: Item #1
 Property Owner: Brookwood Corporation
 Location: Marshall Hill Road, 540' E. of Upper Beckleysville Road
 Present Zoning: R.D.P.
 Proposed Zoning: Variance to permit a front yard setback from the centerline of the street of forty (40) feet instead of the required seventy-five (75) feet.

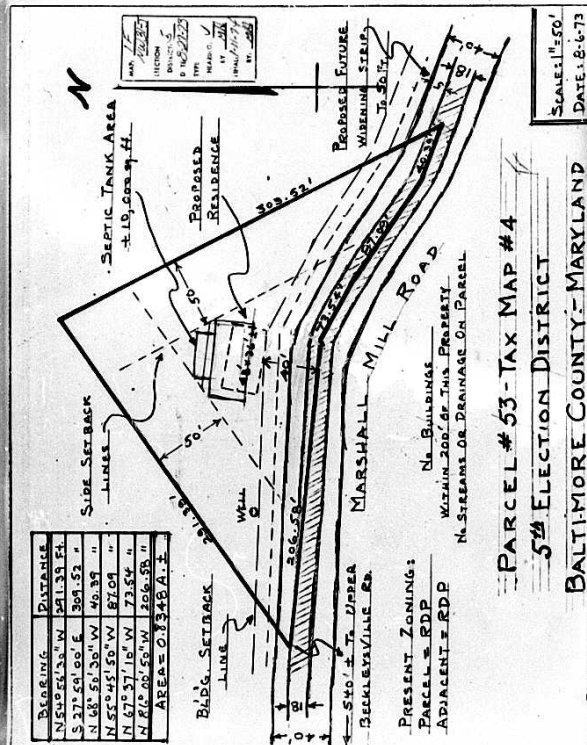
District: 5
 No. Acres: 0.8348 acres

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,
W. Nick Futrovich
 W. Nick Futrovich
 Field Representative

MWP:al



OFFICE OF THE COMMUNITY TIMES
 RANDALLSTOWN, MD. 21133 October 8, 1973

THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for One WEEKEND week before the 8th day of Oct., 1973 that is to say, the same was inserted in the issue of October 4, 1973.

STROMBERG PUBLICATIONS, Inc.
 By *Ruth Morgan*

CERTIFICATE OF PUBLICATION
 TOWSON, MD., October 8, 1973

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for One WEEKEND week before the 8th day of Oct., 1973, the last publication appearing on the 1st day of October 1973.

THE JEFFERSONIAN
L. Leach Smith
 Manager

Cost of Advertisement, \$.....

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th Date of Posting: OCT. 5, 1973
 Posted for: PETITION FOR VARIANCE
 Petitioner: BROOKWOOD CORP.
 Location of property: N/S. OF MARSHALL MILL RD. 540' E. OF
UPPER BECKHYSVILLE RD.
 Location of Signs: N/S. OF MARSHALL MILL RD. 600' TO E. OF
UPPER BECKHYSVILLE RD.
 Remarks: _____
 Posted by: Thomas E. Boland Date of return: OCTOBER 13, 1973
Signature

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		ZOO Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>[Signature]</u>	Revised Plans: Change in outline or description: <u>Yes</u> / <u>No</u>									
Previous cases: _____	Map # _____									

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 Mr. Charles C. Reeder, President
 Brookwood Corporation
 Gray's Creek
 Pasadena, Md. 21122
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Item 41

Your Petition has been received and accepted for filing
 this 5th day of August 1973.

[Signature]
 S. ERIC BYRNUM,
 Zoning Commissioner

Petitioner: Brookwood Corporation

Petitioner's Attorney: _____ Reviewed by: [Signature]
 Chairperson
 Zoning Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received * this 17th day of August 1973.

[Signature]
 Zoning Commissioner

Petitioner: Brookwood Corp. Submitted by: [Signature]

Petitioner's Attorney: _____ Reviewed by: [Signature]

* This is not to be interpreted as acceptance of the Petition for purposes of a hearing date.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 12448

DATE Oct. 1, 1973 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

The Brookwood Corp.
 King's Creek
 Towson, Md. 21122
 Petition for Variance of Zoning
 25.00 MS

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 12488

DATE Oct. 24, 1973 ACCOUNT 01-662

AMOUNT \$16.25

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

Brookwood Corp.
 King's Creek
 Towson, Md. 21122
 Advertising and posting of property
 #11-106-A 4625 MS