

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James B. Gardner, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

herby petition for a Variance from Section 1A00.3a(3) to permit 40' x 30' side yard & 43' rear yard instead of a required 50' side yard & 50' rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: indicate hardship or practical difficulty. The variance is necessary in order that the South Side of the existing structure does not have to be torn down and set back in order to comply with the existing county set back codes. The same reason, as stated above, except applicable to the southeast rear of the existing structure.

A 30 Foot side yard on the North Side of the structure is necessary to permit use of the existing attached structure.

See attached description

Property is to be posted and advertised as provided 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: James B. Gardner Legal Owner
Address: 10318-M Malcolm Circle, Cockeysville, Md. 21030
Petitioner's Attorney: _____
Protestant's Attorney: _____
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of April 11, 1975, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of May, 1975, at 10:00 o'clock A. M.

Eric D. Denna
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Denna, Zoning Commissioner Date: May 8, 1975

FROM: William D. From, Director of Planning

SUBJECT: Petition 75-254-A, Petition for Variance for Side and Rear Yards
North side of Western Run Road 1400 feet southeast of the intersection of Western Run Road and Western Road.
Petitioner - James B. Gardner and Joyce Wheeler Gardner

8th District

HEARING: Monday, May 12, 1975 (10:00 A.M.)

The staff of the Office of Planning and Zoning will offer no comment of this petition at this time.

William D. From
Director of Planning

WDF/REG:rw



RE: PETITION FOR VARIANCE
FOR SIDE AND REAR
YARDS.
North side of Western Run
Road 1400 feet southeast of
the intersection of Western
Run Road and Western Road,
8th District.
JAMES B. GARDNER
* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 75-254-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

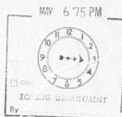
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

John W. Hessler, III
John W. Hessler, III
People's Counsel

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-3211

I HEREBY CERTIFY That a copy of the foregoing Order was mailed this 7th day of May, 1975 to James B. Gardner and Joyce Wheeler Gardner, 10318-M Malcolm Circle, Cockeysville, Maryland, 21030, Legal Owners.

John W. Hessler, III
John W. Hessler, III



I WILL NOT ATTEND. JWH

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

ERNEST J. CLIFORD, P.E. Director
WILL T. MAXLEY Deputy Traffic Engineer

May 14, 1975

Mr. S. Eric Denna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 184 - ZAC - March 24, 1975
Property Owner: Joyce W. & James B. Gardner
Location: W/S of Western Run Rd. 1400' from the intersection of Western Road & Western Run Road
Existing Zoning: RCP
Proposed Zoning: VARIANCE from Sec. 1A00.3b (3) to permit a 40' x 30' side yard & 43' rear yard instead of a required 50' setback.
No. of Acres: 1.94
District: 8th

Dear Mr. Denna:

No traffic problems are expected by the requested variances the side and rear yards.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc.

MSP/Dea

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. James B. Gardner
10318-M Malcolm Circle
Cockeysville, Maryland 21030

RE: Petition for Variances
N/S of Western Run Road, 1400' SE
of the intersection of Western Run
and Western Roads - 8th Election
District
James B. Gardner, et ux -
Petitioners
NO. 75-254-A (Item No. 184)

Dear Mr. Gardner:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

June 9, 1975

SPELLMAN, LARSON & ASSOCIATES, INC.

ROUTE 303 INVESTMENT BUILDING
TOWSON, MARYLAND 21204
823-0020

ROBERT E. SPELLMAN, P.L.C.
JOSEPH L. LARSON
LOUIS J. MARCO, P.E.

DESCRIPTION FOR VARIANCE TO ZONING
WESTERN RUN ROAD, 8TH DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same in the center of Western Run Road, 40 feet side at the distance of 1400 feet, more or less, measured Southerly and South-easterly from center run road and running thence and binding on the center of Western Run Road with 65 Degrees 42 Minutes East 77.55 feet thence leaving the center of Western Run Road and running North 58 Degrees 02 Minutes East 38.72 feet, North 32 Degrees 32 Minutes East 435.00 feet, South 34 Degrees 28 Minutes East 145.00 feet, North 43 Degrees 32 Minutes East 185.00 feet, North 46 Degrees 5 Minutes East 45.00 feet, South 81 Degrees 48 Minutes 30 Seconds West 21.1 feet and South 22 Degrees 32 Minutes East 539.05 feet to the place of beginning.

Containing 1.94 acres of land, more or less.

10-15-74



RESIDENTIAL & COMMERCIAL DEVELOPMENT - DESIGN - LAND SURVEYING
LAND PLANNING - SUBDIVISION LAYOUT - PARKING LOT STUDIES - SITE DESIGN
GRADING STUDIES - LOCATION SURVEYS - TECHNICAL CONSULTATION

Item 184

Mr. James B. Gardner
10318-M Malcolm Circle
Cockeysville, Md. 21030

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 7th day of April, 1975

S. Eric Denna
S. Eric Denna
Zoning Commissioner

Petitioner Joyce W. & James B. Gardner

Petitioner's Attorney
Spellman, Larson & Associates, Inc.
Route 303, Investment Bldg.
Towson, Md. 21204

Reviewed by Franklin T. Denna, Jr.
Chairman
Zoning Advisory Committee

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety and general welfare of the community. Variances to permit 40 feet and 30 feet side yards and of the required 50 feet; and a 40 foot rear yard instead of the required 50 feet should be granted.

It is ORDERED by the Zoning Commissioner of Baltimore County this 27th day of June, 1975, that the herein Petition for a Variance should be and the same is 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.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of June, 1975, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
151 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Franklin T. Hoggans
XXXXXXXXXXXXXXXXXXXX
Chairman

May 6, 1975

Mr. James B. Gardner
10318-M Malcolm Circle
Cockeysville, Maryland 21030

RE: Variance Petition
Item 184
Joyce W. & James B. Gardner - Petitioners

Dear Mr. Gardner:

The Zoning Plans 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 an irregular 1.94 acre parcel located on the north side of Western Run Road, 1400 feet south of Western Road. This property abuts along its rear property line the Western Run stream course, and is currently the site of an old stone mill structure.

The petitioner is requesting variances for yard requirements in order that this existing mill may be converted for use as a dwelling.

As per the comments of the Bureau of Engineering, the site plan must be revised to indicate the location of the existing stream course. Further,

Mr. James B. Gardner
Re: Item 184
May 6, 1975
Page 2

the petitioner should note more especially the comments of the Health Department concerning this proposal.

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,

Franklin T. Hoggans, Jr.
Chairman
Zoning Plans Advisory Committee

FTH:JD

Enclosure

cc: Spellman, Larson & Associates, Inc.
Suite 303 Investment Bldg.
Towson, Md. 21204

Item #184 (1975-1975)
Property Owner: Joyce W. & James B. Gardner
Page 2
April 24, 1975

Storm Drainage (Cont'd)

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

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

Water and Sanitary Sewers

Public water and sanitary sewerage are not available to serve this property which lies beyond the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, amended July 1973, indicates "No Planned Service" in the area.

Very truly yours,

William S. Diver, P.E.
Chief, Bureau of Engineering

WSD:JAN:ms

cc: J. Somers

T-40 Key Sheet
75 & 79 1/2 12 Pcs. Sheets
NY 20 C Topo
42 Topo Map

Baltimore County Fire Department

J Austin Deitz
Chief



Towson, Maryland 21204
422-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Joyce W. & James B. Gardner

Location: N/S of Western Run Rd. 1400' from the intersection of Western Rd. & Western Run Rd.
Item No. 184 Zoning Agenda March 24, 1975

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead-end condition shown at [redacted] exceeds the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 - Life Safety Code, 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments at this time.

Reviewed: [Signature] Noted and Approved: [Signature]
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

WILLIAM D. FROMM
DIRECTOR
B. ERIC DINGMAN
ZONING COMMISSIONER



April 14, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna,

Comments on Item #184, Zoning Advisory Committee Meeting, March 24, 1975, are as follows:

Property Owner: Joyce W. & James B. Gardner
Location: N/S of Western Run Rd. 1400' from the intersection of Western Run Rd. & Western Run Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Variance from Sec. 1400.38(3) to permit a 40' and 30' side yard and 43' rear yard instead of a required 50' setback
No. of Acres: 1.94
District: 8H

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 424-2211 ZONING 424-2011

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELIZABETH M. DIVER, P. E. CHIEF

April 22, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #184 (1975-1975)

Property Owner: Joyce W. & James B. Gardner
N/S of Western Run Rd., 1400' from the intersection of Western Rd. & Western Run Rd.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1400.38(3) to permit a 40' and 30' side yard and 43' rear yard instead of a required 50' setback.
No. of Acres: 1.94 District: 8H

Dear Mr. DiNenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Western Run Road, an existing County road, is proposed to be improved in the future on a 60-foot right-of-way. Highway improvements are not required on this item. Highway right-of-way widening including any necessary reversible easements for access will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, causing private and public buildings down stream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Storm Drainage:

Although the structure proposed to be removed as a residence on this relatively unique site is a former water mill, provisions for accommodating storm water or drainage have not been indicated on the submitted plans.

Drainage and utility easements and/or reservations will be required through Western Run and the existing culverts and mill race and water courses through this site and at Western Run Road.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD S. ROOM, M.D., M.P.H.
Baltimore County Health Officer

March 20, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 184, Zoning Advisory Committee Meeting, March 24, 1975, are as follows:

Property Owner: Joyce W. & James B. Gardner
Location: N/S of Western Run Rd. 1400' from the intersection of Western Rd. & Western Run Rd.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1400.38(3) to permit a 40' & 30' side yard rear yard instead of a required 50' setback.
No. of Acres: 1.94
District: 8H

Comments: This lot is located within the flood plain of Western Run, therefore, it is very unlikely that permission will be granted for the use of living quarters.

Very truly yours,

Thomas A. [Signature]
BUREAU OF ENVIRONMENTAL SERVICES

WHD:JCH

