

76-171-A (over No. 152) PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

John D. Bruce and
I, or we, ROSE C. BRUCE, 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, hereby petition for a Variance from Section 1B02.3C1 to permit a lot width of 50 feet instead of the required 55 feet.

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

- Existing lots in this subdivision are improved as 50 feet.
- Bought lot from sister-in-law two years ago and would like to build at this time.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, 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 of Baltimore County.

Contract purchaser
Address: 2304 W. Mosher Street
Baltimore, Maryland 21216

Petitioner's Attorney
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of January, 1976, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of March, 1976, at 10:00 o'clock A.M.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW side of Third Avenue 87.5 feet
SW of Center Street, 2nd District : OF BALTIMORE COUNTY
JOHN D. & ROSE C. BRUCE, Petitioners : Case No. 76-171-A

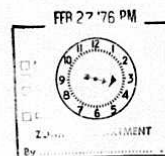
ORDER TO ENTER APPEARANCE

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.

Charles E. Kountz, Jr.
Deputy People's Counsel
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 26th day of February, 1976, a copy of the foregoing Order was mailed to Mr. and Mrs. John D. Bruce, 2304 W. Mosher Street, Baltimore, Maryland 21216, Petitioners.



PROPERTY DESCRIPTION

Beginning at a point located on the northwest side of Third Avenue (40 feet wide), 87.5 feet southwest of the centerline of Center Street (25 feet wide) and thence running the following courses and distances; 1) N56°45'W, a distance of 125 feet; thence, 2) S33°15'W, a distance of 50 feet; thence, 3) S56°45'E, a distance of 125 feet; thence, 4) N33°15'E, a distance of 50 feet to the point of beginning.

Known as Lots 8 and 9 of Woodlawn Terrace, section "O", as recorded in the Land Records Office of Baltimore County.

March 3, 1976

Mr. & Mrs. John D. Bruce
2304 West Mosher Street
Baltimore, Maryland 21216

RE: Petition for Variance
NW/5 of Third Avenue, 87.5' SW
of Center Street - 2nd Election
District
John D. Bruce, et ux - Petitioners
NO. 76-171-A (Item No. 152)

Dear Mr. & Mrs. Bruce:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/srl

Attachments

cc: John W. Hession, III, Esquire
People's Counsel

12/75

CASE 76-171-A

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

March 17, 1976

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

Re: Item #152 (1975-1976)
Property Owner: John & Rose Bruce
N/MS Third Ave., 87' S/W of Center St.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit width of 50' in lieu of required 55'.
No. of Acres: 50' x 125' District: 2nd
50' x 125'

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:

Third Avenue is an existing public road, and Center Street is an unimproved "paper" street, both are shown on the recorded plat of "Woodlawn Terrace" (W.P.C. 7, Folio 49), of which this site comprises Lots 8 and 9 of Block "O". These roads, if improved in the future as public roads, would be as 30-foot closed section roadways on 50-foot and 40-foot rights-of-way, respectively. Highway improvements are not required at this time. Highway right-of-way widening, including a fillet area for sight distance at the intersection and any necessary reversible 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 problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #152 (1975-1976)
Property Owner: John & Rose Bruce
Page 2
March 17, 1976

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Third Avenue. This property is tributary to the Gwynns Falls Sewerage System, subject to State Health Department imposed moratorium restrictions.

Very truly yours,

Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

L-NE Key Sheet
14 NW 25 Pos. Sheet
NW 4 G Topo
87 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 19, 1976

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-171-A. Petition for Variance for Lot Width.
Northwest side of Third Avenue 87.5 feet
Southwest of Center Street
Petitioner - John D. Bruce and Rose C. Bruce

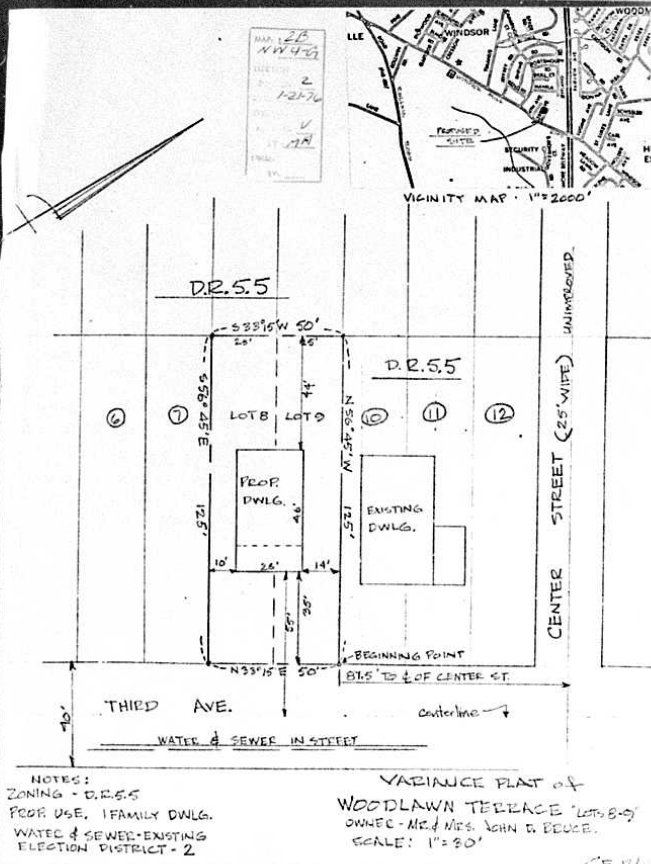
2nd District

Hearing: Monday, March 1, 1976 at 10:00 A.M.

There are no comprehensive planning factors requiring comment on this petition.

William D. Fromm
Director of Planning

WDF:JGH:nb



JUN 17 1976

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 Petitioners.

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, the Variance to permit a lot width of fifty (50) feet in lieu of the required fifty-five (55) feet should be granted.

IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of March, 1976, that the herein Petition for the aforementioned 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 day of 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(301) 494-3660
STEPHEN E. COLLINS
DIRECTOR

February 19, 1976

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

Re: Item 152 - ZAC - January 27, 1976
Property Owner: John & Rose Bruce
Location: NW/8 Third Avenue, 87' SW of Center St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Var. to permit width of 50' in lieu of req. 55'
No. of Acres: 50 X 125'
District: 2nd

Dear Mr. DiNenna:

No major traffic engineering problems are anticipated by the requested variance to lot width.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate

MSP:nc

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 152
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 27th day of January 1976

S. Eric DiNenna
Zoning Commissioner

Petitioner John D. Bruce

Petitioner's Attorney

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 11, 1976

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. Hoggans, Jr.
Chairman

Mr. John D. Bruce
2304 W. Mosher Street
Baltimore, Maryland 21216

RE: Variance Petition
Item 152
John D. Bruce and Rose C.
Bruce - Petitioners

Dear Mr. Bruce:

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 located on the northwest side of Third Avenue, 87 feet southwest of Center Street, and is currently an unimproved parcel of land. Adjacent properties are improved with single family residences, with the adjacent property to the south currently the site of a new dwelling under construction. The petitioner is requesting a Variance to permit a lot width of 50 feet instead of the required 55 feet, in order that a single family dwelling may be constructed on the lot. Center Street, as noted in the description of this property, does not exist in the field.

Mr. John D. Bruce
Re: Item 152
February 11, 1976
Page 2

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.
FRANKLIN T. HOGGANS, JR.
Chairman, Zoning Plans
Advisory Committee

PTH:JD

Enclosure

Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: John & Rose Bruce

Location: NW/8 Third Avenue, 87' SW of Center St.

Item No. 152 Zoning Agenda January 27, 1976

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 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

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 "The Life Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: J. Kelly Noted and Approved: J. H. Murphy
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 30, 1976

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

Z.A.C. Meeting of: January 27, 1976

Re: Item 152
Property Owner: John & Rose Bruce
Location: NW/8 Third Avenue, 87' S.W. of Center St.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit width of 50' in lieu of required 55'.

District: 2nd
No. Acres: 50 x 125'
50 125'

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich, Jr.
Field Representative.

H. ENSLEY PARKS, PRESIDENT
EUGENE C. MOSS, VICE-PRESIDENT
MRS. ROBERT L. BERNY

MARCUS M. BOYDARIS
JOSEPH N. MCGARR
ALVIN LORNECK
JOSHUA R. WHEELER, SUPERVISOR

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACY, VICE
MRS. RICHARD A. HOGGANS

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

February 19, 1976

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 #152, Zoning Advisory Committee Meeting, January 27, 1976, are as follows:

Property Owners: John and Rose Bruce
Location: N/W/S Third Avenue, 87' SW of Center Street
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit width of 50' in lieu of required 55'
No. Acres: 50 x 125'
District: 2nd

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
John L. Wimbley
Planning Specialist II
Project and Development Planning

baltimore county
department of health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

February 10, 1976

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

Dear Mr. DiNenna:

Comments on Item #152, Zoning Advisory Committee Meeting, January 27, 1976, are as follows:

Property Owner: John & Rose Bruce
Location: NW/S Third Avenue, 87' SW of Center St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit width of 50' in lieu of required 55'
No. Acres: 50 x 125'
District: 2nd

Metropolitan water and sewer are available.

A moratorium was placed on new sewer connections in the Gwynns Falls Drainage Basin by Dr. Neil Solomon, Secretary of Health and Mental Hygiene, on May 14, 1974; therefore approval may be withheld for this connection.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

RJW:pb6

PETITION FOR A VARIANCE
TO ZONING
The undersigned, Petitioner for Variance, for Lot 10, Block 10, of the subdivision of 100 Acres, more or less, of the Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, do hereby certify that the same is a true and correct copy of the original as the same is on file in the Office of the Zoning Commissioner of Baltimore County, Maryland.

CERTIFICATE OF PUBLICATION
P. O. 7892 EOB406
Pikeville, Md., Feb. 12, 1976
THIS IS TO CERTIFY, that the annexed advertisement was published in the MONTGOMERY STAR, a weekly newspaper published in Pikeville, Baltimore County, Maryland before the 1st day of Mar., 1976
the first publication appearing on the 12th day of Feb., 1976
the second publication appearing on the 18th day of Feb., 1976
the third publication appearing on the 25th day of Feb., 1976
Cost of Advertisement, \$ 17.00
Jeffrey Pollack

PETITION FOR A VARIANCE
TO ZONING
The undersigned, Petitioner for Variance, for Lot 10, Block 10, of the subdivision of 100 Acres, more or less, of the Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204, do hereby certify that the same is a true and correct copy of the original as the same is on file in the Office of the Zoning Commissioner of Baltimore County, Maryland.

CERTIFICATE OF PUBLICATION
TOWSON, MD., February 12, 1976
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each of one time successive weeks before the 1st day of March, 1976, the 19th publication appearing on the 12th day of February, 1976.
THE JEFFERSONIAN,
H. P. ...
Manager.
Cost of Advertisement, \$

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 28233
DATE Mar. 2, 1976 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED FROM Cash John D. Bruce 2304 V. Mosher St. Baltimore, Md. 21216
FOR Petition for Variance
\$25.00
25.00 MSC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 31640
DATE Mar. 1, 1976 ACCOUNT 01-662
AMOUNT \$43.00
RECEIVED FROM Money Order #21210773 for John D. Bruce 2304 V. Mosher St., Baltimore, Md. 21216
FOR Planning and zoning of property #76-171-A
\$43.00
43.00 MSC
VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: Feb. 14, 1976
Posted for: PETITION FOR VARIANCE
Petitioner: JOHN D. BRUCE
Location of property: NW/S of THIRD AVE. 87.5' SW of CENTER ST.
Location of Signs: NW/S of THIRD AVE. 100 ft. SW of CENTER ST.
Remarks: ...
Posted by: ...
Date of return: Feb. 20, 1976

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by Z.C. BA, CC, CA									
Reviewed by: FTH	Revised Plans:				Change in outline or description				
Previous case:					Yes				
					No				

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received * this 2nd day of JAN 1976 Filing Fee \$ 25 Received Check
M. Bruce
S. Eric DiNenna, Zoning Commissioner
Petitioner John D. Bruce Submitted by SAME
Petitioner's Attorney Reviewed by FTH
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.