

77-30-0 #2140 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, George W. & Donna L. Burke, 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 Sections 1400.3B.3 to permit side setbacks of 35 feet in lieu of the required 50 feet.

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

- 1.) Lot is only 150 feet wide. In order to build a house 72 feet wide, which would be in conformity with the existing neighborhood, with an attached garage, we would need to reserve a building area of at least 80 feet in width, which would result in side setbacks of 35 feet on each side. Therefore, I feel it would cause me undue hardship if I were required to maintain 50 feet setbacks.
- 2.) Lot was created and existing since 1953.

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 be and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract purchaser: George W. Burke
Address: 6806 Meyer Ave
City: Baltimore, Md 21234
Petitioner's Attorney: John L. Winkley
Protestant's Attorney: _____

ONCE BY THE Zoning Commissioner of Baltimore County, this _____ day of _____, 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 the 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 _____ day of _____, 1976, at 11:00 o'clock.

Witness my hand and the seal of Baltimore County, this _____ day of _____, 1976.

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 21, 1976

Franklin T. Hogan, Jr.
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROAD COMMISSION

BUREAU OF FIRE PROTECTION

HEALTH DEPARTMENT

PROJECT PLANNING

PUBLIC WORKS DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Mr. George W. Burke, Jr.
6806 Meyer Avenue
Baltimore, Maryland 21234

RE: Variance Petition

Item 262

George W. & Donna L. Burke -

Petitioners

Dear Mr. Burke:

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 southwest side of Goettner Road, 930 feet southeast of Belair Road, and is currently an unimproved lot. The petitioner is requesting Variances to yard setbacks in order that a single family dwelling and garage may be located on the property. Adjacent properties in this area are improved with single family dwellings.

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

Mr. George W. Burke, Jr.
Re: Item 262
July 21, 1976
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you in the near future.

Very truly yours,

Franklin T. Hogan, Jr.
FRANKLIN T. HOGAN, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: July 1, 1976

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

Z.A.C. Meeting of June 29, 1976

Re: Item 262
Property Owner: George W. & Donna L. Burke
Location: 930 S.E. Belair Road
Present Zoning: R.D.P.
Proposed Zoning: Variance to permit side setbacks of 35' in lieu of the required 50'

District: 11th
No. Acres: 150 x 150
150 150

Dear Mr. DiNenna:

No bearing on student population

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

NWP/el

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 625-7310

Paul H. Beinecke
CHIEF

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

Attention: Mr. Frank Hogan, Chairman
Zoning Advisory Committee

Re: Property Owner: George W. & Donna L. Burke

Location: 930 S.E. Belair Rd.

Item No. 262

Zoning Agenda June 29, 1976

Gentlemen:

In answer 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 _____

_____ 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 by: *John L. Winkley*
Planning Group
Special Inspection Division
Noted and Approved: *George W. Hogan*
Baltimore County
Fire Prevention Bureau

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 625-7310

WILLIAM B. FROMM
DIRECTOR

July 27, 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 #262, Zoning Advisory Committee Meeting, June 29, 1976, are as follows:

Property Owner: George W. & Donna L. Burke
Location: 930 S.E. Belair Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Variance to permit side setbacks of 35' in lieu of the required 50 feet
Acres: 150 x 150
District: 11th

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 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. Winkley
John L. Winkley
Planner III
Project and Development Planning

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
(301) 625-7310

STEPHEN E. COLLINS
DIRECTOR

July 22, 1976

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

Re: Item 262 - ZAC - June 29, 1976

Property Owner: George W. & Donna L. Burke
Location: 930 S.E. Belair Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Variance to permit side setbacks of 35' in lieu of req. 50'
Acres: 150 x 150
District: 11th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances to the side yard setbacks.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF/nc

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

August 3, 1976

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

Re: Item #262 (1975-1976)

Property Owner: George W. & Donna L. Burke
Location: 930 S.E. Belair Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Variance to permit side setbacks of 35' in lieu of the required 50'.
Acres: 150 x 150 District: 11th

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.

General:

Comments were supplied in connection with the Zoning Advisory Committee review of this property for Item #71 (1974-1975), Jarrett S. Bell, Petitioner.

The indicated width of 60 feet for the proposed dwelling and garage is in error on the presently submitted plan.

The location of the proposed well, which is not acceptable within the proposed 50-foot right-of-way for Goettner Road, must satisfy State and County health department regulations.

Highways:

Goettner Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening including any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering.

Sediment Control:

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

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 foregoing of the Variance requested not adversely affecting the health, safety, and general welfare of the community,

require of 50 feet
a Variance to permit side setback of 35 feet in lieu of the... should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this... day of September, 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

Mr. George W. Burke, Jr.
The above Petition
Baltimore, Md. 21234

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... day of... 1976.

Eric DiMenna
Zoning Commissioner

Petitioner: George W. & Donna L. Burke

Petitioner's Attorney: Franklin T. Rogers, Jr.
Reviewed by: Chairman, Zoning Plans Advisory Committee

Item #262 (1975-1976)
Property Owner: George W. & Donna L. Burke
Page 2
August 3, 1976

Stone Drainage

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 Sewer

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, amended August 1974, indicates "Planned Service" in 5 to 10 years.

Very truly yours,

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

END/DAM:FW:SS

cc: J. Somers

G-NE Key Sheet
54 NE 38 Post. Sheet
NE 14 J Topo
64 Tax Map

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

Refer to: Case 77-30-A

August 31, 1976

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

Dear Mr. DiMenna:

Comments on Item #262, Zoning Advisory Committee Meeting, June 29, 1976, are as follows:

Property Owner: George W. & Donna L. Burke
Location: SW/S Goettner Rd. 930' SE Belair Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Variance to permit side setbacks of 35' in lieu of the required 50'.
District: 11th

Acres: 150 x 150
150 x 156

The plot plan as submitted for re-zoning in connection with setbacks is not acceptable. Approval for the side yard on the southwest side of the proposed dwelling shall not be less than 45 feet as submitted at the previous hearing. The reason for this is that the sewage disposal system must be constructed in this area as shown on the attached plan.

Very truly yours,

Thomas H. Duvlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

WMC:pb

RE: PETITION FOR VARIANCE
SW/S of Goettner Road 930 feet SE of
Belair Road, 11th District
OF THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

GEORGE W. BURKE, et ux, Petitioners : Case No. 77-30-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. Kowitz, Jr.
Deputy People's Counsel

John W. Heslin, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of July, 1976, a copy of the foregoing Order was mailed to Mr. & Mrs. George W. Burke, Jr., 6806 Meyer Avenue, Baltimore, Maryland 21234.

Charles E. Kowitz, Jr.

September 7, 1976

Mr. & Mrs. George W. Burke, Jr.
6806 Meyer Avenue
Baltimore, Maryland 21234

RE: Petition for Variance
SW/S of Goettner Road, 930'
SE of Belair Road - 11th
Election District
George W. Burke, Jr., et ux -
Petitioners
NO. 77-30-A (Item No. 262)

Dear Mr. & Mrs. Burke:

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

Very truly yours,

S. ERIC DIMENNA
Zoning Commissioner

SED/scw

Attachments

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

DESCRIPTION FOR VARIANCE
PROPERTY OF GEORGE W. & DONNA L. BURKE

Beginning at a point on the Southwest side of Goettner Road 930 feet, more or less, Southeast of Belair Road, and thence running the following courses and distances: South 1/2 degrees 22 minutes West, 156 feet, South 1/2 degrees 55 minutes East, 150 feet, North 1/2 degrees 22 minutes East, 155 feet, North 1/2 degrees 30 minutes West, 150 feet to the point of beginning.



