

# PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Thomas E. & Helen C. Boris, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, 1400, 3, B, 3 hereby petition for a Variance from Section 1400, 3, B, 3 to permit side setbacks of 31.3' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty): The home which we are building to build on this lot will be 81' x 48'. The existing 50' side setback which now exists would not enable us to construct this house at the 80' building restriction line. We would have to move back into the lot approximately 125' where we would then have the 50' side setback. Because of a severe slope of the land at that point it would require an extremely large amount of fill to be placed in order to gain a level terrain for this home. And, of course, would be a great financial burden. In addition, this would necessitate a disproportionately large front yard and a small and inadequate back yard.

The 30' side setback that we are requesting would allow us to build at the 80' building restriction line and we would avoid the financial burden that would be necessitated by an extremely large amount of fill and we would have an adequate backyard.

## 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 of Baltimore County.

Contract purchaser: Thomas E. Boris  
Address: 1400 Lexington Road, Baltimore, Md. 21136  
Petitioner's Attorney: [Signature]  
Protestant's Attorney: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of September, 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 public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of October, 1976, at 10:45 o'clock.

By: [Signature]  
Zoning Commissioner of Baltimore County.

SEP 7 1976 AM



Baltimore County  
Department of Public Works  
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.  
DIRECTOR

October 1, 1976

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

Re: Item #42 (1976-1977)  
Property Owner: Thomas E. & Helen C. Boris  
Existing Zoning: R.S.C.  
Proposed Zoning: Variance to permit side setbacks of 31.3' in lieu of the required 50'.  
Acres: 124.65 x 434.23 District: 4th  
279.46 434.15

Dear Mr. DiMenna:

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:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement #47502, executed in conjunction with the development of "Franklin Valley".

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #42 (1976-1977).

Very truly yours,

[Signature]  
ELLSWORTH M. DIVER, P.E.  
Chief, Bureau of Engineering

END: EAM:PMK:s

cc: Robert Morton  
Robert Domes

59 x 60 IN 45 x 46 Pos. Sheets  
SW 15 x 16 L Top  
48 Tax Map  
Y-NE Key Sheet

## BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

October 6, 1976

COUNTY OFFICE BLDG.  
111 W. Alexander Ave.  
TOWSON, MARYLAND 21204

MEMBERS

KENNEDY

KUBARK OF

ANNUALING

REPRESENTATIVE OF

FRANCO ENGINEERING

STATE BOARD COMMISSIONER

MEMBER OF THE

FRANCO ENGINEERING

HEALTH DEPARTMENT

PROJECT PLANNING

RECORDS DEPARTMENT

BOARD OF EDUCATION

NATIONAL ASSOCIATION OF

RECREATION

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Mr. Thomas E. Boris  
142 Leyton Road  
Reisterstown, Maryland 21136

RE: Variance Petition  
Item #2  
Thomas E. & Helen C. Boris -  
Petitioners

Dear Mr. Boris:

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.

Those 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.

This partially wooded site, currently zoned RSC, is located on the east side of Franklin Valley Circle, approximately 1050 feet south of Cockeys Hill Road, in the 4th Election District. Properties surrounding this site are similarly zoned and also consist of vacant wooded lots, with the exception of a dwelling, currently under construction to the south of this site.

It should be noted that this lot, along with other lots in this subdivision, was the subject of a previous Variance request (Case No. 76-212-A, in which 25 foot side setbacks were requested in lieu of the required 50 feet; however, this request was denied. This previous Variance was requested by the owner and developer of the subdivision, while

Mr. Thomas E. Boris  
Re: Item #2  
October 6, 1976  
Page 2

the present Variance is being requested by the same lot owner.

This petition is an appeal for relief from the provisions of the Zoning Regulations of Baltimore County, which require a side setback of 50 feet, in lieu of the required 50 feet, in order to permit the construction of a dwelling on the lot.

Very truly yours,  
[Signature]  
Michael P. DiMenna,  
Director of Planning & Zoning,  
Associate III

ENCLOSURE

Baltimore County  
Department of Permits and Licenses  
TOWSON, MARYLAND 21204  
(410) 484-3015

JOHN D. SEVIER  
DIRECTOR

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 #42, Zoning Advisory Committee Meeting, September 7, 1976, are as follows:

Property Owner: Thomas E. & Helen C. Boris  
Locations: 8/S Franklin Valley Cir. 1050' S. Cockeys Hill Rd.  
Existing Zoning: R.S.C.  
Proposed Zoning: Variance to permit side setbacks of 31.3' in lieu of the required 50'.

Acres: 124.65 x 434.15 District: 4th  
279.46 434.15

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☒ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

Very truly yours,

[Signature]  
Charles E. Jurnham  
Plans Review Chief

Baltimore County  
Department of Health  
TOWSON, MARYLAND 21204

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

September 29, 1976

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

Dear Mr. DiMenna:

Comments on Item #42, Zoning Advisory Committee Meeting, September 7, 1976, are as follows:

Property Owner: Thomas E. & Helen C. Boris  
Locations: 8/S Franklin Valley Cir. 1050' S. Cockeys Hill Rd.  
Existing Zoning: R.S.C.  
Proposed Zoning: Variance to permit side setbacks of 31.3' in lieu of the required 50'.  
Acres: 124.65/279.46 x 434.15/434.15  
District: 4th

Since this is a variance to permit side setbacks of 31.3' in lieu of the required 50', revised plot plan showing adjacent wells and septic system is required. (Subdivision: Franklin Valley)

Very truly yours,

[Signature]  
Thomas E. Davis, Director  
BUREAU OF ENVIRONMENTAL SERVICES

TOWSON-3/S



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 unnecessary 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 side yard setbacks of 31 feet 4 inches in lieu of the required 50 feet should be GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of October, 1976, that the above 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, Planning and Zoning, 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) 494-2200

STEPHEN E. COLLINS  
DIRECTOR

September 22, 1976

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

Re: Item 41 - ZAC - September 7, 1976  
Property Owner: Thomas E. & Helen C. Boris  
Location: E/S Franklin Valley Cir. 1050' S Cocksays Mill Rd.  
Existing Zoning: R.S.C.  
Proposed Zoning: Variance to permit side setbacks of 21.3' in lieu of req. 50'  
Acres: 124.45 x 434.33  
279.46 x 454.15  
District: 4th

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate

MSF:nc

Baltimore County  
Office of Planning and Zoning  
TOWSON, MARYLAND 21204  
(301) 494-3211

Norman E. Gerber  
Acting Director

September 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 42, Zoning Advisory Committee Meeting, September 7, 1976, are as follows:

Property Owner: Thomas E. & Helen C. Boris  
Location: E/S Franklin Valley Cir 1050' S Cocksays Mill Road  
Existing Zoning: R.S.C.  
Proposed Zoning: Variance to permit side setbacks of 31.31' in lieu of the required 50'.  
Acres: 124.45 x 434.33  
279.46 x 454.15  
District: 4th

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. Winkley  
Planner III  
Project and Development Planning

## BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: September 2, 1976

I.A.C. Meeting of: September 7, 1976

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

Re: Item 42  
Property Owner: Thomas E. & Helen C. Boris  
Location: E/S Franklin Valley Cir. 1050' S Cocksays Mill Rd.  
Present Zoning: R.S.C.  
Proposed Zoning: Variance to permit side setbacks of 31.3' in lieu of the required 50'.

District: 4th  
No. Acres: 124.45 x 434.33  
279.46 x 454.15

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich, Jr.  
Field Representative.

JOSEPH W. HESLOP, President  
T. FRANKLIN TULLOCH, JR., Vice President  
HILL, ROBERT L., Secretary

BARBARA H. SPITZBERG  
TOWSON W. BOYER  
WILLIAM L. LUTCHER

ROGER W. HANSEN  
ALVIN LUTCHER  
RICHARD W. TAYLOR, JR.

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: September 28, 1976

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition 77-72-A. Petition for Variance for Side Yards.

East side of Franklin Valley Circle 1050 feet South of Cocksays Mill Road  
Petitioner - Thomas E. Boris and Helen C. Boris

4th District

HEARING: Wednesday, October 13, 1976 (10:45 A.M.)

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

Norman E. Gerber  
Acting Director of Planning

REG:JGH:rw

### DESCRIPTION FOR VARIANCE PROPERTY OF MR. THOMAS E. AND HELEN C. BORIS 4TH ELECTION DISTRICT

Beginning at a point on the East side of Franklin Valley Circle approximately 1050 feet South of Cocksays Mill Road and being known and designated as Lot 14, Block A, Section 1, Plat 2, "Franklin Valley", as shown on the plat recorded in the Land Records of Baltimore County in Liber 39, Folio 10.

October 14, 1976

Mr. & Mrs. Thomas E. Boris  
342 Layton Road  
Reisterstown, Maryland 21136

RE: Petition for Variance  
E/S of Franklin Valley Circle,  
1050' S of Cocksays Mill Road -  
4th Election District  
Thomas E. Boris, et ux -  
Petitioners  
NO. 77-72-A (Item No. 42)

Dear Mr. & Mrs. Boris:

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

Very truly yours,

S. ERIC DINENNA  
Zoning Commissioner

SED:aw

Attachments

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

RE: PETITION FOR VARIANCE  
E/S of Franklin Valley Circle 1050 feet  
S of Cocksays Mill Rd., 4th District  
THOMAS E. BORIS, et ux, Petitioners  
BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 77-72-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. Kautz, Jr.  
Charles E. Kautz, Jr.  
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 4th day of October, 1976, a copy of the foregoing Order was mailed to Mr. & Mrs. Thomas E. Boris, 342 Layton Road, Reisterstown, Maryland 21136, Petitioners.

John W. Heslop, III



THIS IS TO CERTIFY, that the annexed advertisement of  
Petition for a Variance-- Boris  
was inserted in the following:

☐ Calverville Times      ☐ Towson Times  
☐ Dandalk Times        ☐ Arbutus Times  
☐ Essex Times            ☐ Community Times  
☐ Suburban Times East   ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland,  
once a week for 212 successive weeks before the  
1312 day of October 1976, that is to say, the same  
was inserted in the issues of Sept. 29, 1976.

STROMBERG PUBLICATIONS, INC.  
By Pth Smick

OFFICE OF  
**THE TIMES**  
NEWSPAPERS

TOWSON, MD. 21204      Sept. 29, 1976

THIS IS TO CERTIFY, that the annexed advertisement of  
Petition for a Variance-- Boris  
was inserted in the following:

☐ Calverville Times      ☐ Towson Times  
☐ Dandalk Times        ☐ Arbutus Times  
☐ Essex Times            ☐ Community Times  
☐ Suburban Times East   ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland,  
once a week for 212 successive weeks before the  
1312 day of October 1976, that is to say, the same  
was inserted in the issues of Sept. 29, 1976.

STROMBERG PUBLICATIONS, INC.  
By Pth Smick



# CERTIFICATE OF PUBLICATION

TOWSON, MD. September 30 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. annually  
at one time annually before the 1312  
day of October 1976, the time publication  
appearing on the 30th day of September  
1976.

THIS JEFFERSONIAN,  
H. Frank Shultz  
Manager

Cost of Advertisement, \$                     

# CERTIFICATE OF POSTING

District: 4th      Date of Posting: Oct 7, 1976

Posted for: PETITION FOR VARIANCE

Petitioner: THOMAS E. BORIS

Location of property: E/S OF FRANKLIN Valley Circle 1850' S.E.F.  
Cockeys Mill Rd.

Location of Sign: E/S OF FRANKLIN Valley Circle 1850' S.E.F.  
Cockeys Mill Rd.

Remarks:  
Posted by Thomas E. Boris      Date of return: Oct 9, 1976

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING      Form 43

Mr. Thomas E. Boris      County Office Building  
343 Layton Road      111 W. Chesapeake Avenue  
Baltimore, Md. 21136      Towson, Maryland 21204

Your Petition has been received and accepted for filing  
this 7th day of September 1976.

H. D. Dineen  
S. ERIC DINEEN  
Zoning Commissioner

Petitioner: Thomas E. Boris      Reviewed by: Nicholas B. Comodari  
Petitioner's Attorney      Planning & Zoning  
Associate III



BALTIMORE COUNTY, MARYLAND      No. 40415

OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

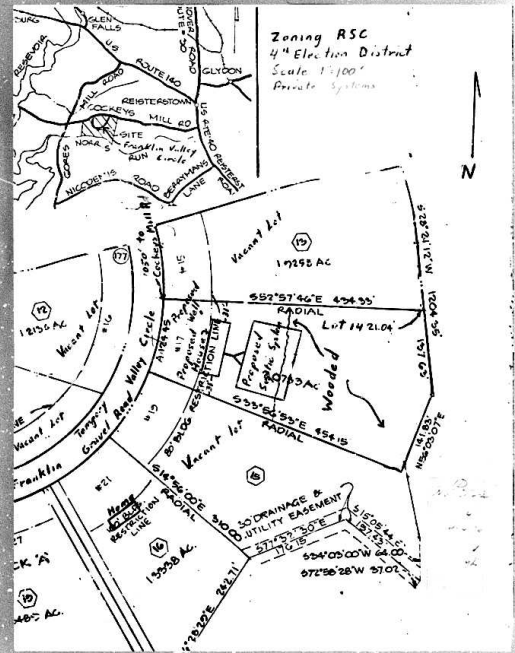
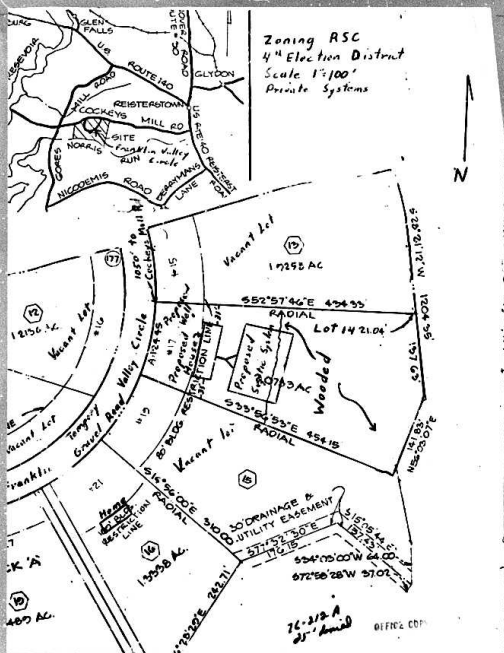
DATE: Sept. 27, 1976      ACCOUNT: 01-662

AMOUNT: \$55.00

RECEIVED FROM: Mr. Thomas E. Boris, 343 Layton Rd., Baltimore, Md. 21136  
FOR: Petition for Variance-- 77-72-4

250.00      250.00

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received \* this 27 day of  
August 1976.      Filing Fee \$ 24.00      Received ☐ -Check  
☐ -Cash  
☐ -Other

H. D. Dineen  
S. ERIC DINEEN  
Zoning Commissioner

Petitioner: Thomas E. Boris      Submitted by: Thomas E. Boris  
Petitioner's Attorney      Reviewed by: 01-662

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

BALTIMORE COUNTY, MARYLAND      No. 40440

OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: Oct. 13, 1976      ACCOUNT: 01-662

AMOUNT: \$60.75

RECEIVED FROM: Mr. Thomas E. Boris, 343 Layton Rd., Baltimore, Md. 21136  
FOR: Advertising and posting of property 77-72-4

407.50      407.50

VALIDATION OR SIGNATURE OF CASHIER