

**PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS**

97-133-A  
(Rev. 7-6-11)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Mr. Francis G. Buschman, 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 1302.3B (211.4) to permit a rear setback of 24 feet in lieu of the required 30 feet.

Section 1001.1 to permit existing swimming pool in the side yard instead of the required third of the lot farthest removed from any street and shall occupy not more than 50% of such side yard.

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

1. Due to the circumstantial prevailing need for more habitable area, we desire to erect a one-story rear addition as noted on Plat 22 feet wide by 12 feet deep.
2. Appealing to the Zoning Commissioner to grant approval and permission to erect said addition to alleviate the hardship now encountered. The addition will be used for a family room, study, and play-room room for the children. We would rather add said addition than re-locate.

Soliciting the co-operation of the Zoning Commissioner in granting approval and permission to erect the one story addition as noted on Plat. We

Remain Respectfully  
Francis Gordon & Jerlene Ann Buschman 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: *John W. Hession, III*  
 Petitioner's Attorney: \_\_\_\_\_  
 Address: *1044 Kenilworth Drive*

RECEIVED BY The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1977.

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 property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1977, at \_\_\_\_\_ o'clock \_\_\_\_\_ A.M.



(over)

10:00 AM  
2/2/77

ORDER RECEIVED FOR FILING DATE January 27, 1977

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
NE/C of Kenilworth Drive & Marleigh Circle, 9th District : OF BALTIMORE COUNTY

FRANCIS G. BUSCHMAN, et ux, : Case No. 77-133-A  
Petitioners

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

Charles E. Kuntz, Jr.  
Dputy People's Counsel

I HEREBY CERTIFY that on this 27th day of January, 1977, a copy of the foregoing Order was mailed to Mr. & Mrs. Francis G. Buschman, 1044 Kenilworth Drive, Towson, Maryland 21204, Petitioners.

John W. Hession, III



**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: S. Eric DiNenna, Zoning Commissioner Date: January 28, 1977

FROM: Norman F. Gerber, Acting Director of Planning

SUBJECT: Petition #77-133-A. Petition for Variance for a Rear Yard and Side Yard Northeast corner of Kenilworth Drive and Marleigh Circle Petitioner - Francis Gordon Buschman and Jerlene Ann Buschman

9th District

HEARING: Wednesday, February 2, 1977 (10:00 A.M.)

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

*Norman F. Gerber*  
Norman F. Gerber  
Acting Director of Planning

NEG:JGH:rw

**BALTIMORE COUNTY  
ZONING PLANS  
ADVISORY COMMITTEE**



**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

February 3, 1977

Mr. & Mrs. Francis G. Buschman  
1044 Kenilworth Drive  
Towson, Maryland 21204

RE: Petition for Variances  
NE/corner of Kenilworth Drive  
and Marleigh Circle - 9th Election District  
Francis G. Buschman, et ux -  
Petitioners  
NO. 77-133-A (Item No. 111)

Dear Mr. & Mrs. Buschman:

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

Mr. Francis Gordon Buschman  
1044 Kenilworth Drive  
Towson, Md. 21204

Item 111

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 December 1976.

*S. Eric DiNenna*  
S. ERIC DI NENNA  
Zoning Commissioner

Petitioner Francis Buschman

Petitioner's Attorney \_\_\_\_\_ Reviewed by Nicholas J. Concedetti  
Planning & Zoning Associate III



THORNTON M. MOURING, P.E.  
DIRECTOR

January 13, 1977

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

Re: Item 111 (1976-117)  
Property Owner: Francis Buschman  
N/E cor. Kenilworth Dr. & Marleigh Circle  
Existing Zoning: SB S-5  
Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 30'.  
Acres: \_\_\_\_\_ District: 9th

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:**  
Baltimore County highway and utility improvements are not directly involved.

Sediment control measures as may be necessary to protect the adjacent property, which is at a considerably lower elevation than this site, will be required in connection with any grading or building permit application.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 111 (1976-1977).

Very truly yours,  
*Thornton M. Mouring*  
THORNTON M. MOURING, P.E.,  
Chief, Bureau of Engineering

END:EM:PM:rs

S-SE Key Sheet  
43 SW 3 Pos. Sheet  
1W 11 A Topo  
69 Tax Map

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 there is compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variances should be had, and it further appearing that by reason of the granting of the Variances requested, not adversely affecting the health, safety, and general welfare of the community, Variances to permit a rear yard setback of 24 feet in lieu of the required 30 feet and an existing swimming pool in the side yard in lieu of the required third of the lot farthest removed from any street, not to occupy more than 50 per cent of such third, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2<sup>nd</sup> day of FEBRUARY, 1977, 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 Zoning Commissioner of Baltimore County Office of Planning and Zoning.

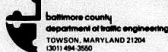
Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.....

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ..... day of ..... 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED



STEPHEN E. COLLINS  
DIRECTOR

December 21, 1976

Mr. Eric S. DiNenna  
Zoning Commissioner  
2nd Floor, Courthouse  
Towson, Maryland 21204

Re: Item 111 - ZAC - December 6, 1976  
Property Owner: Francis Buschman  
Location: NE/C Kenilworth Dr. & Marleigh Cir.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear setback of 24' in lieu of req. 30'  
Acres: .....  
District: 9th

Dear Mr. DiNenna:

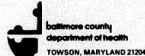
No traffic problems are anticipated by the requested variance to the rear yard.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate

MSF:nc

MICROFILMED



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

January 4, 1977

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

Dear Mr. DiNenna:

Comments on Item 111, Zoning Advisory Committee Meeting, December 6, 1976, are as follows:

Property Owners: Francis Buschman  
Location: NE/C Kenilworth Dr. & Marleigh Cir.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 30'.

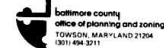
Acres: .....  
District: 9th  
Comments: Since metropolitan water and sewer exist, no health hazard is anticipated.

Very truly yours,

*Thomas S. Rowlin*  
Thomas S. Rowlin, Director  
BUREAU OF ENVIRONMENTAL SERVICES

THS/RLW/th

MICROFILMED



January 3, 1977

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 #111, Zoning Advisory Committee Meeting, December 6, 1976, are as follows:

Property Owner: Francis Buschman  
Location: NE/C Kenilworth Drive and Marleigh Circle  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 30' Acres: .....  
District: 9th

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  
Planner III  
Project and Development Planning

MICROFILMED



JOHN D. SEVIER  
DIRECTOR

December 6, 1976

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

Dear Mr. DiNenna:

Comments on Item # 111 Zoning Advisory Committee Meeting, December 6, 1976 are as follows:

Property Owner: Francis Buschman  
Location: W/C Kenilworth Dr. & Marleigh Cir.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 30'.

Acres: .....  
District: 9th

The items checked below are applicable:

- A. Structure shall conform to Baltimore County Building Code (B.C.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,

*Charles E. Durban*

Charles E. Durban  
Plans Review Chief  
CED:rrj

BOARD OF EDUCATION  
OF BALTIMORE COUNTY

TOWSON, MARYLAND, 21204

Date: November 30, 1976

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

Re: Item No: 111  
Property Owner: Francis Buschman  
Location: NE/C Kenilworth Drive & Marleigh Circle  
Present Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear setback of 24' in lieu of the required 30'.

District: 9th  
No. Acres: .....

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

*E. Mel Petrovich*  
E. Mel Petrovich,  
Field Representative.

MSF:pd

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 26, 1977

COUNTY OFFICE BLDG.  
1117 CHARLES ALAN  
TOWSON, MARYLAND 21204

Nicholas B. Comodari  
Acting Chairman

MEMBERS

BOARD OF ENGINEERING  
DEPARTMENT OF TRAFFIC ENGINEERING  
STATE ROADS COMMISSION  
BUREAU OF FIRE PROTECTION  
HEALTH DEPARTMENT  
PROJECT PLANNING  
BUILDING DEPARTMENT  
BOARD OF EDUCATION  
ZONING ADMINISTRATION  
ENVIRONMENTAL DEVELOPMENT

Mr. Francis Gordon Buschman  
1044 Kenilworth Drive  
Towson, Maryland 21204

Re: Variance Petition  
Item 111  
Francis Buschman - Petitioner

Dear Mr. Buschman:

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.

Known as 1044 Kenilworth Drive, this site is presently improved with a single family dwelling and above ground swimming pool in the side yard, with properties in the immediate environs improved with similar type uses.

This request originated from your proposal to construct an addition within 24 feet of the rear in lieu of the required 30 feet, however, it was my decision to include the request to allow the existing pool to remain in its present location, which is in violation of Section 400.1 of the Zoning Regulations.

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

Mr. Francis Gordon Buschman  
Re: Item 111  
January 26, 1977  
Page 2

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,

*Nicholas B. Comodari*  
NICHOLAS B. COMODARI  
Acting Chairman, Zoning  
Plans Advisory Committee

NBC:JD

Enclosure

MICROFILMED

