

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Cardens, Inc., 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 Sections 1002.2B(1)(a) and 1002.2C of the Baltimore County Zoning Regulations to permit (i) a rear yard of two feet in lieu of the required forty feet and (ii) a distance between buildings of twenty-five feet in lieu of the combined requirement of one hundred feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

The variances requested in this Petition are necessary in order to permit construction of a proposed mausoleum between the existing mausoleum and the northeast property line of the subject property. As shown on the Plat and Site Plan submitted with this Petition, the proposed mausoleum, and the courtyard to be constructed in connection therewith, are intended to be in harmony with the overall layout for Holly Hill Memorial Gardens and with the existing mausoleum structure. The variances requested therefore promote the spirit and intent of the Baltimore County Zoning Regulations.

There is a need for a new and expanded mausoleum at Holly Hill Memorial Gardens. The site proposed for the new mausoleum is not capable of being utilized for any other use in connection with the Memorial Gardens. To construct a new mausoleum at any other site on the Memorial Gardens would (i) disrupt the overall plan for its rational development and (ii) unnecessarily eliminate useable burial sites.

The adjoining property is unimproved agricultural land, and is subject to a twenty-foot setback 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.

See attached description

Contract purchaser

Legal Owner

Harry N. Phelan, Jr.

Address: 10201 Bird River Road

Baltimore County, Maryland 21220

Petitioner's Attorney

William R. Hansen

Address: 2000 First Maryland Building

25 South Charles Street

Baltimore, Maryland 21201

Submitted by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1977.

of March 1977, 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, Maryland, on the _____ day of April, 1977, at 10:30 o'clock a.m.

(over)

Upon utility easement along the boundary it shares in common with the Memorial Gardens. The variances requested would not impose upon or affect adversely the adjoining property. Therefore, in accordance with Section 307 of the Baltimore County Zoning Regulations, the variances requested can be granted without any injury to the public health, safety and general welfare.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
Beginning 398.25' E of Bird River Rd. and 2058' NE of Roman Rd., 15th District : OF BALTIMORE COUNTY
HOLLY HILL MEMORIAL GARDENS, INC. : Case No. 77-197-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.

Charles E. Kautz, Jr.
Charles E. Kautz, 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 4th day of April, 1977, a copy of the foregoing Order was mailed to William R. Hansen, Esquire, 2000 First Maryland Building, 25 S. Charles Street, Baltimore, Maryland 21201, Attorney for Petitioners.

John W. Hession, III



FROM THE OFFICE OF
FRANCIS M. STEPHENS, JR. AND ASSOCIATES, INC.
PLANNING & ZONING ENGINEERS
P.O. BOX 6878, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition
for Variance Requests in an Existing DR-2 Zone
Holly Hill Memorial Gardens
0.139 Acres, more or less.

December 21, 1976

Beginning for the same at the end of the two following courses: first, commencing at the intersection of the centerlines of Bird River Road and Roman Road and running thence North 41° 22' 47" East 2058 feet more or less to the point where the centerline of said Bird River Road is intersected by the northeasterly outline of Holly Hill Cemetery and second thence along said northeasterly outline South 57° 32' 24" East 394.25 feet to the herein above mentioned beginning point, thence thence binding on said northeasterly outline (1) South 57° 32' 24" East 147.50 feet, thence leaving said outline and running the three following courses: (1) South 12° 27' 36" West 97.44 feet, (2) North 57° 32' 24" West 147.50 feet and (3) North 32° 27' 36" East 97.44 feet to the place of beginning.

Containing 0.139 acres of land, more or less.

William R. Hansen, Esquire
2000 First Maryland Building
25 South Charles Street
Baltimore, Maryland 21201

April 12, 1977

RE: Petition for Variances
Beginning 398.25' E of Bird River Road and 2058' NE of Roman Road - 15th Election District
Holly Hill Memorial Gardens, Inc. - Petitioner
NC. 77-197-A (Item No. 178)

Dear Mr. Hansen:

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

Very truly yours,

ERIC DI NENNA
Zoning Commissioner

SED/arl

Attachment

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: E. Eric DiNenna, Zoning Commissioner Date: March 10, 1977
Norman R. Gerber, Acting Director of Planning

FROM: [Redacted]
SUBJECT: Petition for Variance for Rear Yard and Distance between Buildings
Beginning 398.25 feet East of Bird River Road and 2058 feet Northeast of Roman Road.
Petitioner - Holly Hill Memorial Gardens, Inc.

15th District

RECEIVED: Wednesday, April 6, 1977 (10:30 A.M.)

There are no comprehensive planning factors requiring comment. However, the request for a 2 ft. rear setback based on hardship on such a large property, the size portion of which is labeled for future use, is pending. Additionally, it is suggested that the possible adverse impact on the adjacent property (i.e., from the construction of a 16 foot high structure 2 feet away) be considered.

Norman R. Gerber
Acting Director of Planning

MD:200:law

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 1, 1977

THOMAS M. MOURING, JR.
1500 N. HANCOCK ST.
TOWSON, MARYLAND 21204

MEMORANDUM
TO: [Redacted]
FROM: [Redacted]

RE: Variance Petition
Item No. 178
Holly Hill Memorial Gardens, Inc.

Mr. William R. Hansen
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hansen:

The enclosed comments are to be included with the Zoning Plans Advisory Committee comments sent you March 31, 1977 referenced subject.

Very truly yours,

NICHOLAS B. CONNOR, JR.
Planning & Zoning Associate III

NBC:JD

Enclosure

cc: George William Stephens, Jr.
and Associates, Inc.
Engineers.

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

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

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 case.

Highways

Bird River Road, an existing public road, is proposed to be improved in the future as a divided, graded section roadway on a 40-foot right-of-way. Highway right-of-way widening, including any necessary retable and curb & gutter will be required in connection with any grading or building permit application. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

The three locations are subject to approval by the Department of Public Works, and shall be constructed in accordance with Baltimore County Standards.

Drainage

Development of this property through, stripping, grading and stand zoning would require a separate plan for drainage, including private and public drainage. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

Storm Drainage

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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.

Zoning Commissioner of Baltimore County

N-SR Key Sheet
21 - 24 NE 36 - 38 Pos. Sheets
NE 6 I & J Topo
83 Tax Map

Petitioner's Attorney William E. Thomas, III Reviewed by Nicholas S. Comodan
 CC: George William Stephens, Jr. Planning & Zoning
and Associates, Inc. Associate III
Shelton

At the time of this writing, formal written comments from the Bureau of Engineering were not available.



JOHN D. SEYFFERT
DIRECTOR

February 10, 1977

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

Dear Mr. DiNenna:

Comments on Item # 178 Zoning Advisory Committee Meeting, February 8, 1977
are as follows:

Property Owner: Holly Hill Memorial Gardens Inc
Location: 396' S/E Bird River Road - 2050' N/E Reames Road
Existing Zoning: D.R. 2
Proposed Zoning: Variance to permit a rear setback of 2' in lieu of the
required 40' and a distance between buildings of 25' in
lieu of the required 100'.
Acre: 0.330
District: 15th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.O.C.A.)
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 may conflict with the Baltimore County
Building Code. See Section 607.2.

Very truly yours,

Charles E. Burnham C.E.B.

Charles E. Burnham
Plans Review Chief
CEB:rrj

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 17, 1977

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 one time
before the 6th day of April 1977, the publication
appearing on the 17th day of March 1977.

S. Eric DiNenna
THE JEFFERSONIAN
Manager

Cost of Advertisement, \$

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 31 day of
1977. Filing Fee \$ 22 Received ☒ Check
☐ Cash
☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner *Holly Hill Memorial Gardens Inc* Submitted by *H. H.*
Petitioner's Attorney *W. H. H.* Reviewed by *W. H. H.*

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



TOWSON, MD. 21204 Mar. 17, 1977

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance-- Holly Hill Mem. Gardens
was inserted in the following:

- | | |
|---|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☒ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland,
once a week for one successive weeks before the
6th day of April 1977, that is to say, the same
was inserted in the issues of Mar. 17, 1977.

STROMBERG PUBLICATIONS, INC.

BY *W. H. H.*

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#77-197-A

District: 15 Date of Posting: 3-17-77
Posted for: *Holly Hill Memorial Gardens Inc*
Petitioner: *Holly Hill Memorial Gardens Inc*
Location of property: *396' S/E Bird River Rd. N/E Reames Rd. 2050'*
Location of Signs: *1 Sign Bird River Rd. at Reames Rd. Property*

Remarks:
Posted by *W. H. H.* Date of return: 3-24-77
Signature

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 46472

DATE: Mar. 14, 1977 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: Messrs. Piper & Marbury, 2000 Vine St. Bldg.
25 S. Charles St., Baltimore, Md. 21201
FOR: Petition for Variance for Holly Hill Memorial Gardens,
Inc. #77-197-A

48277 FIVE 15

25.00 MSC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 4725

DATE: April 4, 1977 ACCOUNT: 01-662

AMOUNT: \$57.25

RECEIVED FROM: Messrs. Piper & Marbury, 2000 First
Maryland Building, 25 S. Charles St., Baltimore, Md. 21201
FOR: Advertising and posting of property for Holly
Hill Memorial Gardens, Inc.
#77-197-A

48253 FIVE 5

57.25 MSC

VALIDATION OR SIGNATURE OF CASHIER

