

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

78-254-A
#212

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Richard & Shirley Brooks, 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, hereby petition for a Variance from Section 1A01.3 B, 2A1A00.3 B, 3F to permit side yard setback of 26 feet in lieu of the required 50 feet.

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

The contour of the lot is such that the house cannot be situated far enough to the rear to accommodate the side yard requirements of 50 feet. The contour of the lot requires the house to be situated on the lot where the side yard would be reduced to 30 feet on either side.

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.

DATE: June 7, 1978
 BY: Shirley Brooks
 Contract purchaser: Richard & Shirley Brooks
 Address: P.O. Box 56, Manchester, Maryland 21102
 Petitioner's Attorney: John W. Hession, III
 Address: 111 W. Chesapeake Ave., Towson, Maryland 21284

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of June, 1978, 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 13th day of June, 1978, at 10:00 o'clock A.M.

S. Eric Dinenna
Zoning Commissioner of Baltimore County

(over)

5/2/78

78-254

RE: PETITION FOR VARIANCE
 E/S of Marshall Mill Rd., 2172
 S of Grace Rd., 5th District
 OF BALTIMORE COUNTY
 RICARD W. BROOKS, ET UX, Petitioners : Case No. 78-254-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.

John W. Hession, III
 John W. Hession, III
 People's Counsel
 County Office Building
 Towson, Maryland 21204
 494-2183

I HEREBY CERTIFY that on this 5th day of May, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Richard W. Brooks, P. O. Box 56, Manchester, Maryland 21102, Petitioners.



John W. Hession, III



S. ERIC DINENNA
ZONING COMMISSIONER

June 7, 1978

Mr. & Mrs. Richard W. Brooks
 P. O. Box 56
 Manchester, Maryland 21102

RE: Petition for Variance
 E/S of Marshall Mill Road,
 2172 S of Grace Road - 5th
 Election District
 Richard W. Brooks, et ux -
 Petitioners
 NO. 78-254-A (Item No. 212)

Dear Mr. & Mrs. Brooks:

I have this date passed my Order in the above referenced matter, in accordance with the attached.

Very truly yours,
George J. Martnak
 GEORGE J. MARTNAK
 Deputy Zoning Commissioner

GJM/jhm

Attachment

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dinenna, Zoning Commissioner Date: May 22, 1978
 FROM: Lettie H. Graef, Director of Planning
 SUBJECT: Petition #78-254-A, Petition for a Variance for a side yard setback East side of Marshall Mill Road, 2,172 feet South of Grace Road. Petitioner - Richard W. and Shirley A. Brooks
5th District

HEARING: Wednesday, May 31, 1978 (10:00 A.M.)

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

Lettie H. Graef
 Lettie H. Graef
 Director of Planning

LHG:JGH:rw

BALTIMORE COUNTY

**ZONING PLANS
 ADVISORY COMMITTEE**



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. & Mrs. Richard Brooks
 P.O. BOX 56
 Manchester, MD BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 21102

ITEM # 212

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

Your Petition has been received and accepted for filing this 11th day of April, 1978.

S. Eric Dinenna
 S. ERIC DINENNA
 Zoning Commissioner

Petitioner: Richard Brooks
 Petitioner's Attorney: Nicholas S. Commodari Reviewed by: Nicholas S. Commodari
 Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 18, 1978

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

cc: Nicholas S. Commodari
 Chairman

Mr. & Mrs. Richard Brooks
 P. O. Box 56
 Manchester, Maryland 21102

RE: Variance Petition
 Item Number 212
 Petitioner - Richard Brooks

Dear Mr. & Mrs. Brooks:

The Zoning Plans Advisory Committee has reviewed the plan, 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 suitability of the requested zoning.

This Variance is necessitated by your proposal to construct a dwelling and attached garage on this vacant property within 26 feet of the southerly property line in lieu of the required 50 feet.

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,
Nicholas S. Commodari
 NICHOLAS S. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

NBC:rf

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 grading of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a side yard setback of 26 feet in lieu of the required 50 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of June, 1978, 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 Deputy 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 following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of June, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



THORNTON M. MOURING, P.E. DIRECTOR May 24, 1978

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

Re: Item #212 (1977-1978) Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Rd. 2172' S. Grace Rd. Existing Zoning: RC-2 Proposed Zoning: Variance to permit a side setback of 26' in lieu of the required 50'. Acres: 3.0676 District: 5th

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 and are as required in conjunction with the development of "Buena Vista Estates", of which this property comprises Lot 13 of "Plat One Buena Vista Estates", recorded E.H.K., Jr. 39, 40 to 50.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #212 (1977-1978).

Very truly yours, Edward D. O'Neil, P.E. Chief, Bureau of Engineering

END: EAM: PWR:ms OO: H. ...-lowitz 02-NW Key Sheet 116 NW 38 Post. Sheet BM 29 J Topo 14 1st Map



LESLIE H. DRAEF DIRECTOR May 15, 1978

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

Dear Mr. DiNenna: Comments on Item #212, Zoning Advisory Committee Meeting, April 11, 1978, are as follows:

Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Road 2172' S. Grace Road Existing Zoning: RC-2 Proposed Zoning: Variance to permit a side setback of 26' in lieu of the required 50' Acres: 3.0676 District: 5th

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 I. Wimbley Planner III Current Planning and Development



DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE AND COUNTY HEALTH OFFICER May 12, 1978

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

Dear Mr. DiNenna: Comments on Item #212, Zoning Advisory Committee Meeting, April 11, 1978, are as follows:

Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Rd. 2172' S. Grace Rd. Existing Zoning: R.C. 2 Proposed Zoning: Variance to permit a side setback of 26' in lieu of the required 50'. Acres: 3.0676 District: 5th

The area of the requested variance will not be located in the area of the water well or sewage disposal area, therefore no health hazards are anticipated.

Very truly yours, Thomas H. Dewlin, Director BUREAU OF ENVIRONMENT - SERVICES

TED/JRP/ltg



STEPHEN E. COLLINS DIRECTOR April 19, 1978

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

Item No. 212 - SAC - April 11, 1978 Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Rd. 2172 Feet S Grace Rd. Existing Zoning: R.C. 2 Proposed Zoning: Variance to permit a side setback of 26 feet in lieu of the required 50 feet.

Acres: 3.0676 District: 5th

Dear Mr. DiNenna: The variance should have no effect on traffic.

Very truly yours, Stephen E. Weber Engineer I

SEC/dmm



Fred H. Reinken CHIEF

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

Attention: N. Commodari, Chairman Zoning Advisory Committee

Re: Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Rd. 2172' S Grace Rd. Item No. 212 Zoning Agenda Meeting of 04/11/78

General: 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 carried-out 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.
(x) 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", 1976 Edition prior to occupancy.
() 6. Site plans are approved as drawn.
() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: 4-27-78 Special Inspection Division APPROVED: Charles E. Bullock Fire Prevention Bureau



JOHN B. SEEVERT DIRECTOR April 11, 1978

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

Dear Mr. DiNenna: Comments on Item #212 Zoning Advisory Committee Meeting, April 11, 1978 are as follows:

Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Road - 2172' S Grace Road Existing Zoning: R.C. 2 Proposed Zoning: Variance to permit a side setback of 26' in lieu of the required 50'. Acres: 3.0676 District: 5th

The items checked below are applicable:

- X1. Structures shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and used and other applicable codes.
X2. A building permit shall be required before construction can begin.
C. Additional _____ permits shall be required.
D. Building shall be upgraded to new use - require alteration permit.
X3. Three sets of construction drawings will be required to file an application for a building permit.
F. 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.
G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if a distance is between 3'0" and 6'0" of property line.
E. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
1. No Comment.
2. Comment:

Very truly yours, Charles E. Bullock Plans Review Chief

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 17, 1978

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

Z.A.C. Meeting of: April 11, 1978

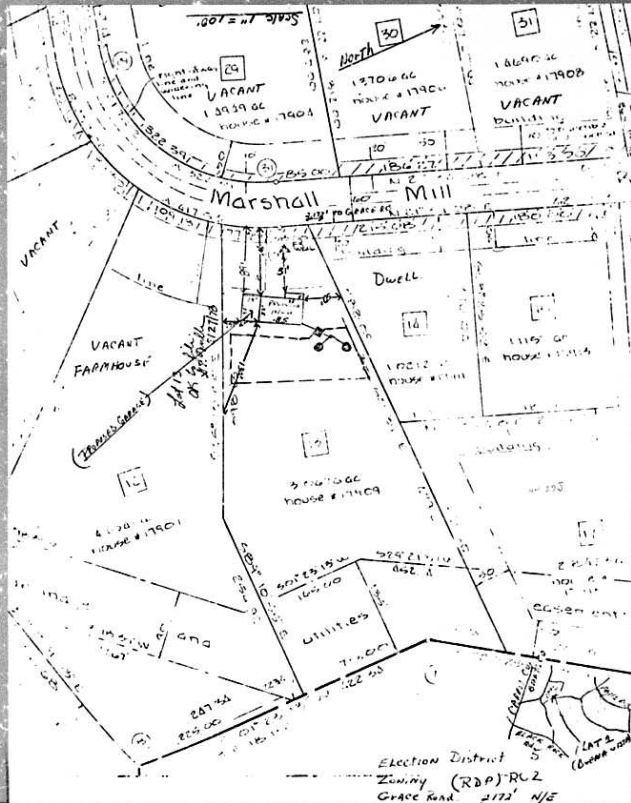
RE: Item No: 212 Property Owner: Richard & Shirley Brooks Location: E/S Marshall Mill Road 2172' S. Grace Road Present Zoning: R.C.2 Proposed Zoning: Variance to permit a side setback of 26' in lieu of the required 50'.

District: 5th No. Acres: 3.0676

Dear Mr. DiNenna: No bearing on student population.

Very truly yours, W. Nick Petrovich, Field Representative

WSP/bp THOMAS H. ROYER ALVIN L. BOYER MRS. L. MARINE F. CHURCH ROBERT W. HANCOCK ROBERT V. DUNN, REPRESENTATIVE



OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 May 11 19 78

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - Richard W. & Shirley A. Brooks was inserted in the following:

<input type="checkbox"/> Catonsville Times	<input type="checkbox"/> Towson Times
<input type="checkbox"/> Dundalk Times	<input type="checkbox"/> Arbutus Times
<input type="checkbox"/> Essex Times	<input checked="" type="checkbox"/> Community Times
<input type="checkbox"/> Suburban Times East	<input type="checkbox"/> Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 12th day of May 1978, that is to say, the same was inserted in one issues of May 11, 1978

STROMBERG PUBLICATIONS, INC.
BY Eathe Burger

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 11 1978

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week one time successive weeks before the 12th day of May 1978, the first publication appearing on the 11th day of May 1978

THE JEFFERSONIAN,
L. Susan Sturtevant
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 3rd day of April 1978. Filing Fee \$ 25.00 Received Check Cash Other _____

S. Eric DiNenna
S. Eric DiNenna
Zoning Commissioner

Petitioner: Richard W. & Shirley A. Brooks Submitted by SAMC

Petitioner's Attorney _____ Reviewed by SD

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

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>SD</u>	Revised Plans: Change in outline or description _____ Yes _____ No									
Previous case: <u>NONE</u>	Map # <u>NW29K</u>									

1-SIGN 78-254-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 5th Date of Posting MAY 13, 1978

Posted for: PETITION FOR VARIANCE

Petitioner: RICHARD W. AND SHIRLEY A. BROOKS

Location of property: E/S OF MARSHALL MILL ROAD, 2172' S. OF GRACE RD.

Location of Signs: FRONT 17909 MARSHALL MILL RD.

Remarks: _____

Posted by: Thomas K. Poland Date of return: MAY 19, 1978
Signature

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

No. 65640

DATE May 31, 1978 ACCOUNT 01-662

AMOUNT \$44.52

RECEIVED FROM Richard W. Brooks, Cost of Advertising and Posting for Case No. 78-254-A

44.52

VALIDATION OR SIGNATURE OF CASHIER

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

No. 65550

DATE April 3, 1978 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM Cash - Richard W. Brooks P.O. Box 56 Manohasseton, MA 01902

FOR Petition for Variance

25.00

VALIDATION OR SIGNATURE OF CASHIER