

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, CLARENCE M. MALONE, JR., 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 400.1, to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

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

Impactical to place behind the house because of severe fall to ground.

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

Petitioner's Attorney

Address _____
City _____
State _____
County, on the _____ day of _____, 1978, at _____ o'clock _____ A. M.

Deputy Zoning Commissioner of Baltimore County, this _____ day (over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE corner of Middletown Rd. &
Upper Beckleysville Rd., 6th District : OF BALTIMORE COUNTY
CLARENCE M. MALONE, JR., et ux : Case No. 79-70-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.

Peter Max Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 31st day of August, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Clarence M. Malone, Jr., Rd-2 Box 204, Upper Beckleysville Road, Hampstead, Maryland 21074, Petitioners.

John W. Heslan, III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Zoning Commissioner Date: August 31, 1978
From: Leslie H. Grief
Subject: Item #10
Petition 79-70-A. Petition for Variance for an accessory structure
Northeast corner of Middletown Road and Upper Beckleysville Road
Petitioner - Clarence and Airabella Malone
6th District

HEARING: Wednesday, September 27, 1978 (10:00 A.M.)

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

Leslie H. Grief
Director of Planning

LHG:JGHrw

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
CIVIL-210
S. ERIC DINENIA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

October 25, 1978

Mr. & Mrs. Clarence M. Malone, Jr.
3800 Gunpowder Road
Hampstead, Maryland 21074

RE: Petition for Variance
NE corner of Middletown Road and
Upper Beckleysville Road - 6th
Election District
Clarence M. Malone, Jr., et ux -
Petitioners
NC 79-70-A (Item No. 10)

Dear Mr. & Mrs. Malone:

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

Very truly yours,

Eric Dinenia
Deputy Zoning Commissioner

GJMmr
Attachments

cc: Mr. Melvin Schultz
3709 Beckleysville Road
Millers, Maryland 21107

John W. Heslan, III, Esquire
People's Counsel

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

DESCRIPTION FOR VARIANCE PETITION

C.M. MALONE

Beginning at a point at the northeast corner of Middletown Road (Beckleysville Road) and Upper Beckleysville Road, and thence running and binding on the east side of Upper Beckleysville Road to 12°15' W, 263.13 feet; thence bearing the west side of said road to 8°45' 00" E, 263.13 feet; thence 5°24'45" E, 271.11 feet to the northeast side of Middletown Road (Beckleysville Road), thence running and binding on the northwest side of said road to 14°11' W, 231.0 feet; thence 5°24'45" W, 135.3 feet; thence 5°24'15" W, 169.95 to the point of beginning.

Containing 3.3 acres of land, more or less.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 25th day of July 1978.

Eric Dinenia
Zoning Commissioner

Petitioner, Malone
Petitioner's Attorney

Reviewed by
Nicholas B. Tomlinson
Chairman, Zoning Plans
Advisory Committee

Mr. & Mrs. Clarence Malone
Rd-2 Box 204
Upper Beckleysville Road
Hampstead, Maryland 21074

Item No. 10

cc: Spry and Law, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THOMAS M. MCGRAW, P.E.
DIRECTOR

August 9, 1978

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

Re: Item #10 (1078-1979)
Property Owner: Clarence M. and Airabella M. Malone
11200 W. Middletown Rd. & Upper Beckleysville Rd.
Existing Zoning: NC 4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 3.3 District: 6th

Dear Mr. Dinenia:

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

The comments which were supplied in conjunction with the Zoning Advisory Committee review of this property for Item #10 (1974-1975) are referred to for your consideration.

The submitted plan does not indicate the formal name changes for the adjacent roads, i.e., formerly "Upper Beckleysville Road" (west of the intersection) together with Beckleysville Road (northeast of the intersection) is known as Beckleysville Road as of March 24, 1978; and the combination of formerly "Upper Beckleysville Road" (northeast of the intersection) and formerly "Lower Beckleysville Road" (southeast of the intersection) is known as Gunpowder Road as of February 24, 1978.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #10 (1978-1979).

Very truly yours,

Thomas M. McGraw, P.E.
Chief, Bureau of Engineering

END:RAN:FW:SS

cc: C. Beaman

CG-MW Key Sheet
125 x 126 NW 1/4 Pos. Sheet
NW 22 1/2 Topo
15 Tax Map

Attachment

ORDER RECEIVED FOR FILING
DATE 10/1/78 BY [Signature]

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 unacceptable 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 an accessory structure (garage) to be located in the front yard in lieu of the required rear yard should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of October, 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 garage being used for vehicle storage and approval of a site plan by the Department of Public Works and the Office of Planning, Zoning, and the Office of Planning.

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 25th day of October, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. GENESEE AVE.
TOWSON, MARYLAND 21204

TO: Nicholas B. Commodari
Chairman

FROM: Bureau of Engineering
Traffic Engineering

RE: Variance Petitioner
Item No. 10
Petitioner - Malone

September 8, 1978

Mr. & Mrs. Clarence Malone
Rd-2 Box 204
Upper Beckleyville Road
Hampstead, Maryland 21074

Dear Mr. & Mrs. Malone:

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 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.

Located on the northeast corner of Gunpowder and Beckleyville Roads (see comment from Bureau of Engineering) in the 6th Election District, the subject parcel consists of 3.3 acres of land improved with a swimming pool and a recently excavated foundation for a proposed dwelling.

This property was subject of a previous zoning hearing (Case No. 75-19-A) in which a Variance to permit the existing pool in the side yard was granted. Because the proposed garage, which is the subject of this petition, was not indicated at that time, this additional variance must be requested. It is the interpretation of this office that an accessory structure such as a swimming pool or garage is not permitted on a lot without a principal structure. When the site plan was submitted for the previous case, the dwelling was also indicated as proposed. After four years, the question arises as to whether the owner will ever be constructed. This matter should be resolved and clearly stated at the time of the scheduled hearing.

Mr. & Mrs. Malone
Page 2
September 8, 1978

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 B. Commodari
Chairman
Zoning Plans Advisory Committee

NE/Camr
Enclosure

cc: Snyder and Law, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

July 30, 1978

Bureau of Engineering
ELLENBORTH N. DIER, P.E. CHIEF

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

Re: Item #5 (1078-1975)
Property Owner: Clarence M. Malone, Jr.
1/2 of Upper Beckleyville Rd. & W/S of Beckleyville Rd.
District: 6th
Proposed Zoning: Variance from Section 600.1 to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard
No. of Acres: 3.3 District: 6th

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.

Comments:

The submitted plan must be revised to indicate the existing swimming pool, filter, and pump facilities, wood fencing, the pool pump, and their close proximity thereto.

Highways:

Lower Beckleyville, Upper Beckleyville and Beckleyville Roads, existing County roads, are proposed to be improved and designed at this intersection in the future on 50-foot right-of-way.

Highway improvements are not required at this time. Highway right-of-way widening including right-of-way for right-of-way at the intersection will be required in connection with any road or building permit application. The revised plan is also to indicate the proposed highway right-of-way widening. Further information may be obtained from the Baltimore County Bureau of Engineering.

Setback Comments:

Development of this property through striping, grading and stabilization could result in a sedimentation problem, creating private and public health concerns of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Form 63 (1078-1975)
Property Owner: Clarence M. Malone, Jr.
Page 2
July 30, 1978

Storm Drainage

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

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances 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.

Drainage and utility easements will be required through this property for storm public utilities.

Water and Sanitary Sewers

Public water supply and sanitary sewerage are not available to serve this property.

This property is beyond the limits of the Baltimore County Metropolitan District and the Urban Farm Preservation Line. The Baltimore County Comprehensive Water and Sewerage Plan, Amended July 1973, indicates "No Planned Service" in this area.

Very truly yours,

ELLENBORTH N. DIER, P.E.
Chief, Bureau of Engineering

END/NA/PH/10

cc: J. Trimmer
J. Siders

JJ-20 Key Sheet
15' x 15' NW 31 Pw. Sheets
W 32 N Topo
15 Top Map

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
001/404-2011
LESLIE H. GIBBS
DIRECTOR

September 5, 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 #10, Zoning Advisory Committee Meeting, July 25, 1978, are as follows:

Property Owner: Clarence M. and Airabelle R. Malone
Location: NE/C Midtown Road and Upper Beckleyville Road
Existing Zoning: RC-4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard
Acres: 3.3
District: 6th

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 ensure 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
Planner III
Current Planning and Development

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
DONALD J. TOOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

September 19, 1978

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

Dear Mr. DiNenna:

Comments on Item #10, Zoning Advisory Committee Meeting, July 25, 1978, are as follows:

Property Owner: Clarence M. and Airabelle R. Malone
Location: NE/C Midtown Rd. & Upper Beckleyville Rd.
Existing Zoning: RC-4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 3.3
District: 6th

The proposed structure will not interfere with the location of either the sewage disposal area or the water well, therefore no health hazards are anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TOD/TH/STH

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
001/404-2050
STEPHENE COLLINS
DIRECTOR

July 28, 1978

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

Dear Mr. DiNenna:

Item No. 10 - SAC - Meeting of July 25, 1978
Property Owner: Clarence M. & Airabelle R. Malone
Location: NE/C Midtown Rd. & Upper Beckleyville Rd.
Existing Zoning: RC-4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 3.3
District: 6th

No traffic problems are anticipated by the requested variances to permit an accessory structure to be located in the front yard.

Sincerely yours,
Mike S. Flanagan
Traffic Engineering Associate II

MS/ajm

