

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Council of Co-Owners of the Belmont

I, or we, Condominium, Section 2, Plat 1 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 special hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the first amended Partial Development Plan of Belmont Condominium, Section II, Plat 1 to allow another accessory building (utility shed)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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.

By: Terry Kirby, President, Board of Directors
Contract Purchaser
Address: c/o Wallace H. Campbell & Co., Inc., 1701 Meridene Drive, Baltimore, Maryland 21239 Agents
Petitioner's Attorney
Protestant's Attorney

ORDERED By the Zoning Commissioner of Baltimore County, this 21st day of June, 1979, 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 106, County Office Building in Towson, Baltimore County, on the 21st day of July, 1979, at 10:15 o'clock A. M.

William E. Hammond
Zoning Commissioner of Baltimore County

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Council of Co-Owners of the Belmont

I, or we, Condominium, Section 2, Plat 1 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,

herely petition for a Variance from Section 5.1502.28 (VBE)

setbacks for other principal uses in a 10' zone to permit a side yard

setback of 13.5' instead of the required 25' (D. R. 16).

the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Hardship and practical difficulty in that the foundation has been built and the Association assumed that the structure would be considered an accessory use since it was to be used for the storage of maintenance equipment (grass mowing equipment, snow removal machines, etc.). The Zoning Enforcement Officer "ruled" that the building was an "Other Principal Use" structure and must comply accordingly to the setback requirements. Also, other areas within the site are not as accessible and would require extensive driveways or grading to prepare an area for the building. For these and any other reasons which may be brought forth at a later date, this variance is being requested.

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.

By: Terry Kirby, President, Board of Directors
Contract purchaser
Address: c/o Wallace H. Campbell & Co., Inc., 1701 Meridene Drive, Baltimore, Maryland 21239 Agents
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of June, 1979, 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 106, County Office Building in Towson, Baltimore County, on the 21st day of July, 1979, at 10:15 o'clock A. M.

William E. Hammond
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCE : OF BALTIMORE COUNTY
NE/S of Dunfield Rd., 1361.25' :
S' of Walther Blvd., 11th District

COUNCIL OF CO-OWNERS OF THE BELMONT CONDOMINIUMS, : Case No. 80-18-SPHA
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 324.1 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 : John W. Hession, III
Peter Max Zimmerman : John W. Hession, III
Deputy People's Counsel : People's Counsel for Baltimore County
 : County Office Building
 : Towson, Maryland 21204
 : 494-2188

I HEREBY CERTIFY that on this 6th day of July, 1979, a copy of the foregoing Order was mailed to Terry Kirby, President, Board of Directors, and Charles E. Hansen, Vice-President, Board of Directors, Council of Co-owners of the Belmont Condominium, Section 2, Plat 1, c/o Wallace H. Campbell & Co., Inc., Agents, 1701 Meridene Drive, Baltimore, Maryland 21239, Petitioners.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 15, 1979

Ms. Judith Hooper Shub
Attorney at Law
1517 Reisterstown Road
Pikesville, Maryland 21208

RE: Petitions for Special Hearing and Variance
North-east side of Dunfield Road,
1361.25 feet Southeast of Walther
Boulevard - 11th Election District
Council of Co-Owners of Belmont
Condominium - Petitioner
NO. 80-18-SPHA (Item No. 209)

Dear Ms. Shub:

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

Very truly yours,
Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

cc: Mr. Terry Kirby
10 Melken Court
Baltimore, Maryland 21236

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

KIDDE CONSULTANTS, INC.
Subsidiary of Walter Kidde & Company, Inc.

Cable: KIDDENGR
Telex: 87769
1020 Cromwell Bridge Road
Baltimore, Maryland 21204
(301) 321-5500

DESCRIPTION

0.05 ACRE PARCEL, WEST SIDE OF HYDRA LANE, NORTH OF DUNFIELD ROAD, SECTION II, PLAT I, "BELMONT", ELEVENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

This Description is for Yard Variance

Beginning for the same at a point on the west side of Hydra Lane, as shown on the Amended Plat I of Section II, "Belmont" recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 36, page 150, at the distance of 785 feet, more or less, as measured northeasterly and northerly along the northwest and west side of said Hydra Lane from its intersection with the center line of Dunfield Road, seventy feet wide, as shown on said plat, running thence binding on the west and northwest side of said Hydra Lane, (1) northeasterly, by a curve to the right with the radius of 40.00 feet, the arc distance of 52 feet, more or less, thence, (2) N 37° 36' 20" E 11 feet, more or less, thence along the northeast outline of the land shown on said plat, (3) N 52° 23' 40" W 61 feet, more or less, thence two courses: (4) S 55° 36' 20" W 38 feet, more or less, and (5) S 34° 23' 40" E 46 feet, more or less, to the place of beginning.

Containing 0.05 of an acre of land, more or less.

HGH:mjs

J.O. 1-71178-T

3/5/79

W.O. 24213-C



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner Date: July 17, 1979
John D. Seyffert, Director
FROM: Office of Planning and Zoning

SUBJECT: Petition #80-18-SPH, Item 209
Petition for Variance for side yard setback and Special Hearing for amendment to development plan, Northeast side of Dunfield Road, 1361.25 feet, Southeast of Walther Blvd. Petitioner - Council of Co-Owners of the Belmont Condominiums

11th District

HEARING: Tuesday, July 24, 1979 (10:45 A.M.)

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

John D. Seyffert
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:rw

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Messrs. Terry Kirby and Charles Hansen : cc: Kidde Consultants, Inc.
c/o Wallace H. Campbell & Co., Inc. : 1020 Cromwell Bridge Road
1701 Meridene Drive : Baltimore, Maryland 21204
Baltimore, Maryland 21239

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 21st day of June, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Council of Co-Owners
Petitioner of the Belmont Condominium

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

JAN 22 1980

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, in accordance with the power granted unto the Deputy Zoning Commissioner by Section 500.7 of the Baltimore County Zoning Regulations, it is hereby determined that said Petition will not be detrimental to the health, safety, and general welfare of the community and would be within the spirit and intent of said Regulations; therefore, the Special Hearing to amend the development plan of Belmont Condominium, Section II, Plat I, as previously approved on the First Amended Partial Development Plan, to permit another primary building (utility shed), should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 15th day of August, 1979, that the herein Petition for the aforementioned Special Hearing should be and the same is GRANTED, from and after the date of this Special Hearing, subject to the following restrictions:

- Building to be used only for storage of maintenance equipment.
- Exterior of building to be compatible with adjacent residences.
- Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Sam M. H. Jones
DEPUTY ZONING COMMISSIONER OF
BALTIMORE COUNTY

the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 196__, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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 Petitioner, the 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 a side yard setback of 13.5 feet in lieu of the required 25 feet should be granted.

ORDER RECEIVED FOR FILING
DATE August 15, 1979
BY *John Kirby*

Deputy Zoning Commissioner of Baltimore County this 15th day of August, 1979, 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 Office of Planning and Zoning. Deputy Zoning Commissioner of Baltimore County

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 _____, 197__, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 12, 1979

COUNTY OFFICE BLDG.
111 W. Chesapeake
TOWSON, MARYLAND 21204

ofo
Nicholas B. Commodari
Chairman

- MEMBERS
- Bureau of Engineering
- Department of Traffic Engineering
- State Roads Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

Messrs. Terry Kirby and Charles Hansen
c/o Wallace H. Campbell & Co., Inc.
1701 Meridene Drive
Baltimore, Maryland 21239

RE: Item No. 209
Petitioner - Council of Co-Owners of the Belmont Condominium, Section 2, Plat 1
Special Hearing and Variance Petitions

Gentlemen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petitions. 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.

Because of your proposal to amend the partial development plan encompassing this particular section of Belmont by constructing a utility shed at the intersection of Burnsaw Court and Hydra Lane, this combination hearing is required. Said amendment was approved by the Baltimore County Planning Board on June 21, 1979.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. These petitions are accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not

Item No. 209
Page 2
July 12, 1979

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
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Enclosures

cc: Kidde Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Nicholas Commodari Date: June 27, 1979
FROM: Harry Grace
SUBJECT:

The Planning Board on June 21, 1979, approved Belmont II Plat I and Whitmarsh Section II Phase IA & 1B.

Harry Grace
Harry Grace

baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

May 23, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #209 (1978-1979)
Property Owner: Council of Co-Owners of the Belmont Condominium
N/ES Dunfield Rd. 1361.25' S/E Walther Blvd.
Existing Zoning: DR 16
Proposed Zoning: Special Hearing to approve the first amended Partial Development Plan of Belmont Condominium, Sect. II, Plat I, to allow another primary building (utility shed) and Variance to permit a side setback of 13.5' in lieu of the required 25'.
Acres: 10.4659 District: 11th

Dear Mr. Hammond:

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 as this subdivision "Belmont - Section II - Plat I", recorded E.H.K., Jr. 36, Folio 72, has developed under the aegis of a Condominium Association.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #209 (1978-1979).

Very truly yours,

Charles E. Burnham
ELLEWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss
cc: J. Wimbley

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 434-3610

JOHN D. SEYFFERT
DIRECTOR

April 25, 1979

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

Dear Mr. DiMenna:

Comments on Item # 209 Zoning Advisory Committee Meeting, April 10, 1979 are as follows:

Property Owner: Council of Co-Owners of the Belmont Condominium
Location: N/ES Dunfield Road 1361.25' SE Walther Blvd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Hearing to approve the first amended Partial Development Plan of Belmont Condominium, Section II, Plat I, to allow another primary building (utility shed) and Variance to permit a side setback of 13.5' in lieu of the required 25'.

Acres: 10.4659
District: 11th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- C. Additional _____ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- X F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal may 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 distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- J. Comments:

Very truly yours,

Charles E. Burnham
Charles E. Burnham
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

June 8, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 209, Zoning Advisory Committee meeting of April 10, 1979, are as follows:

Property Owner: Council of Co-Owners of the Belmont Condominium
Location: N/ES Dunfield Rd. 1361.25' SE Walther Blvd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Hearing to approve the first amended Partial Development Plan of Belmont Condominium, Sect II, Plat I, to allow another primary building (utility shed) and Variance to permit a side setback of 13.5' in lieu of the required 25'.
Acres: 10.4659
District: 11

Metropolitan water and sewer presently serves the property therefore, the proposed utility shed should not pose any health hazards.

Very truly yours,

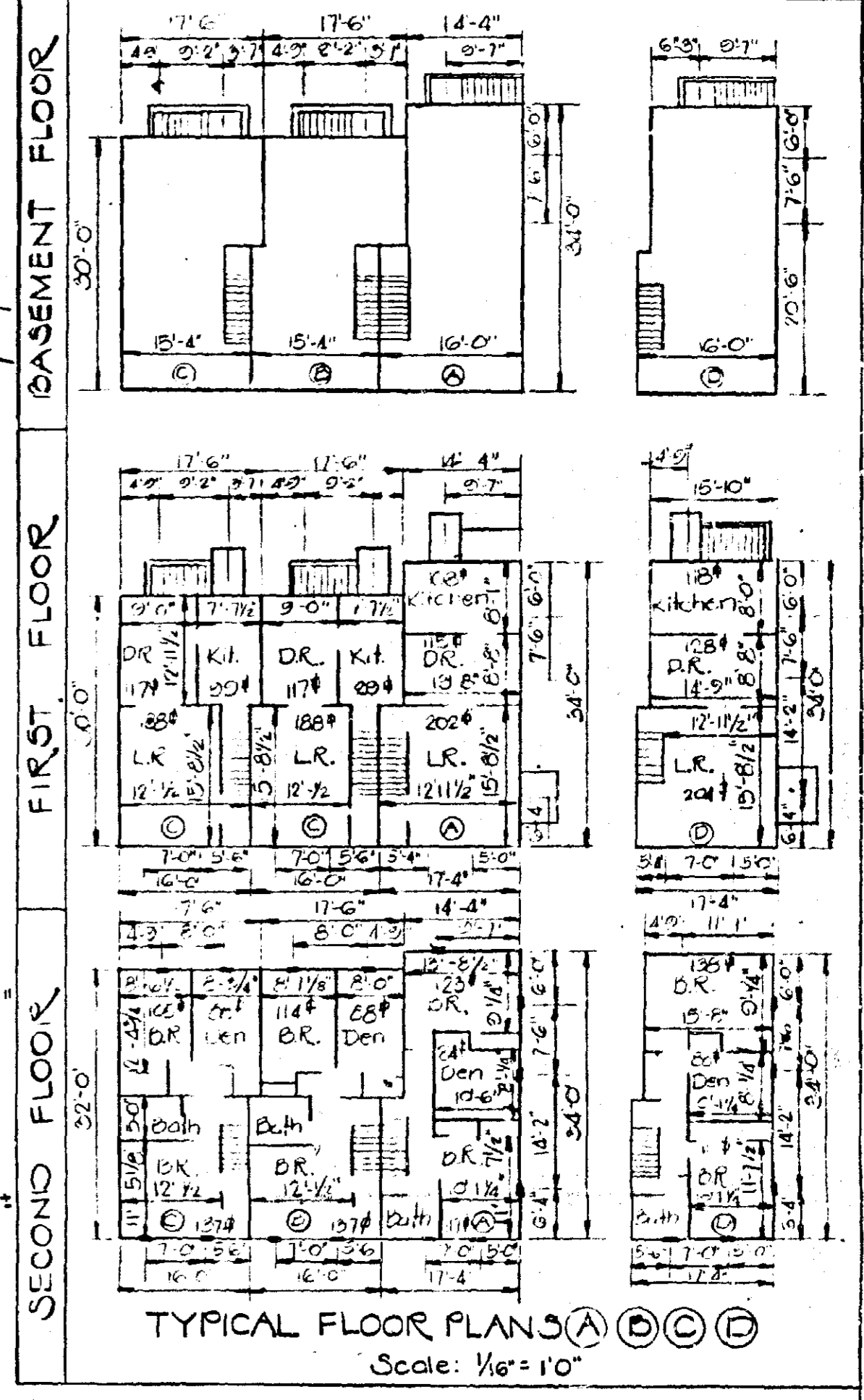
Ian J. Forrist
Ian J. Forrist, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/JRF:phG



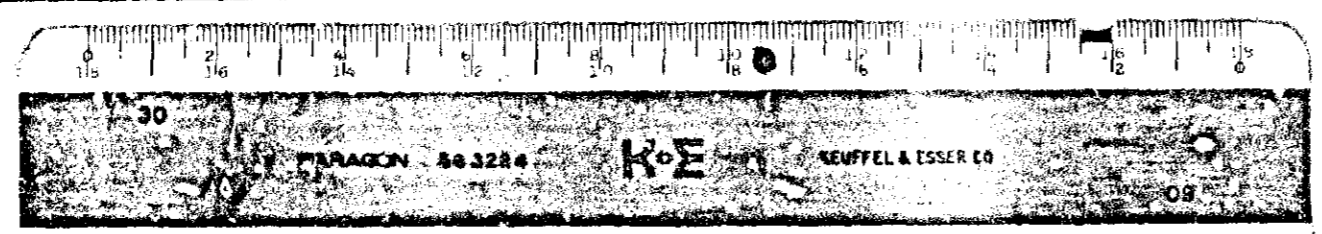
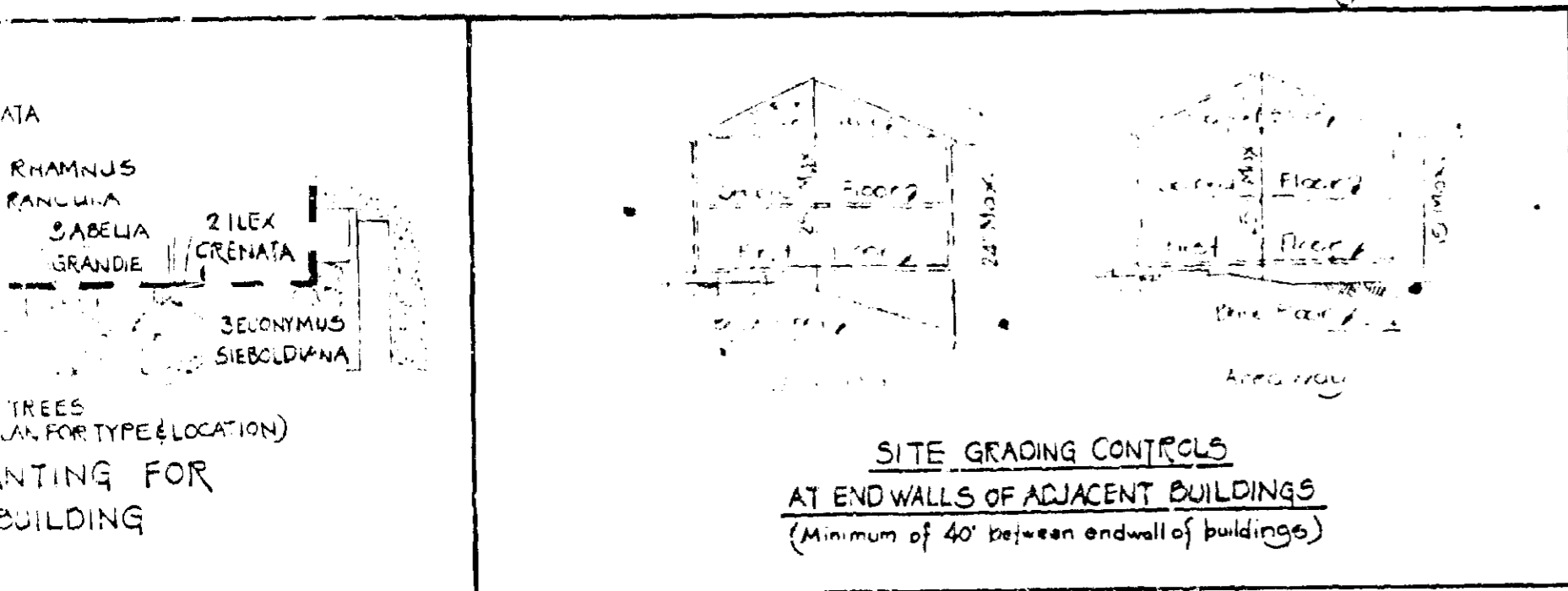
GENERAL NOTES

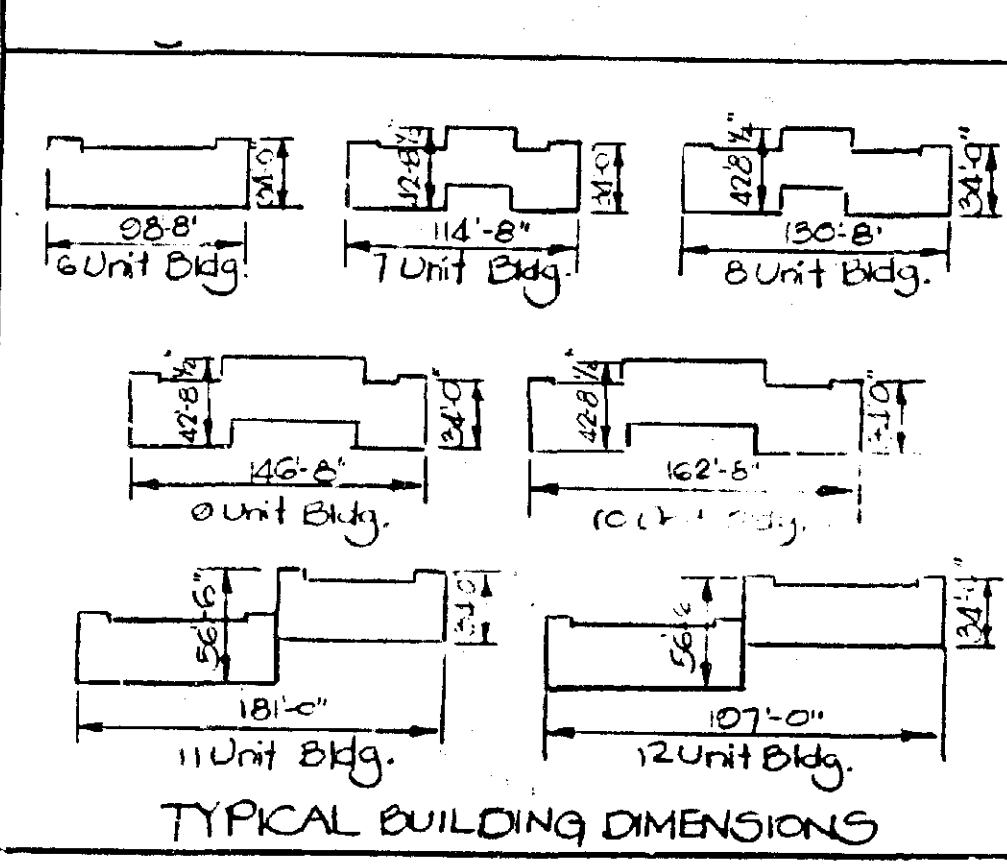
1. TOTAL AREA OF BELMONT CONDOMINIUMS - SECT. II - 31.08 ACRES ±
2. TOTAL AREA OF PLAT I, SECTION II (THIS PLAN) - 11.25 ACRES ±
3. EXISTING ZONING OF SITE "DR-16"
4. PRESENT USE OF PROPERTY "RESIDENTIAL - TOWNHOUSE CONDOMINIUMS"
5. PROPOSED ZONING OF PROPERTY "DR-16" & DR-16 WITH SIDE YARD VARIANCE FOR UTILITY BUILDING
6. PETITIONER IS REQUESTING A VARIANCE TO SECTIONS 1802.2(B), SECTION 504 & V.D. 2. OF THE ZONING CODE TO ALLOW A SIDE YARD OF 13.5' ± INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 11.5' ±)
7. AREA OF PROPERTY REQUESTING A SIDE YARD VARIANCE - 0.05 AC ±



PLAT TO ACCOMPANY PETITION
FOR
YARD VARIANCES
AT
BURNSWAY COURT & HYDRA LANE
BELMONT CONDOMINIUMS

ELECTION DISTRICT NO. 11 BALTIMORE COUNTY, MD
SCALE: 1" = 30' MARCH 5, 1979



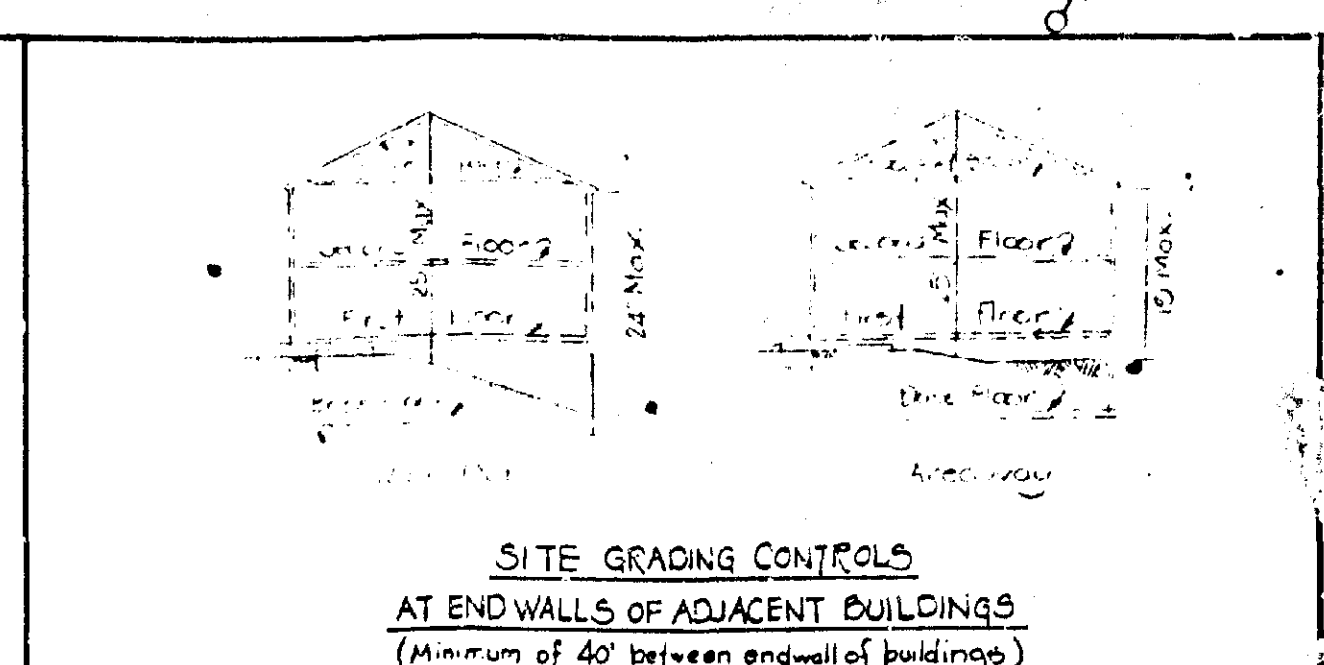
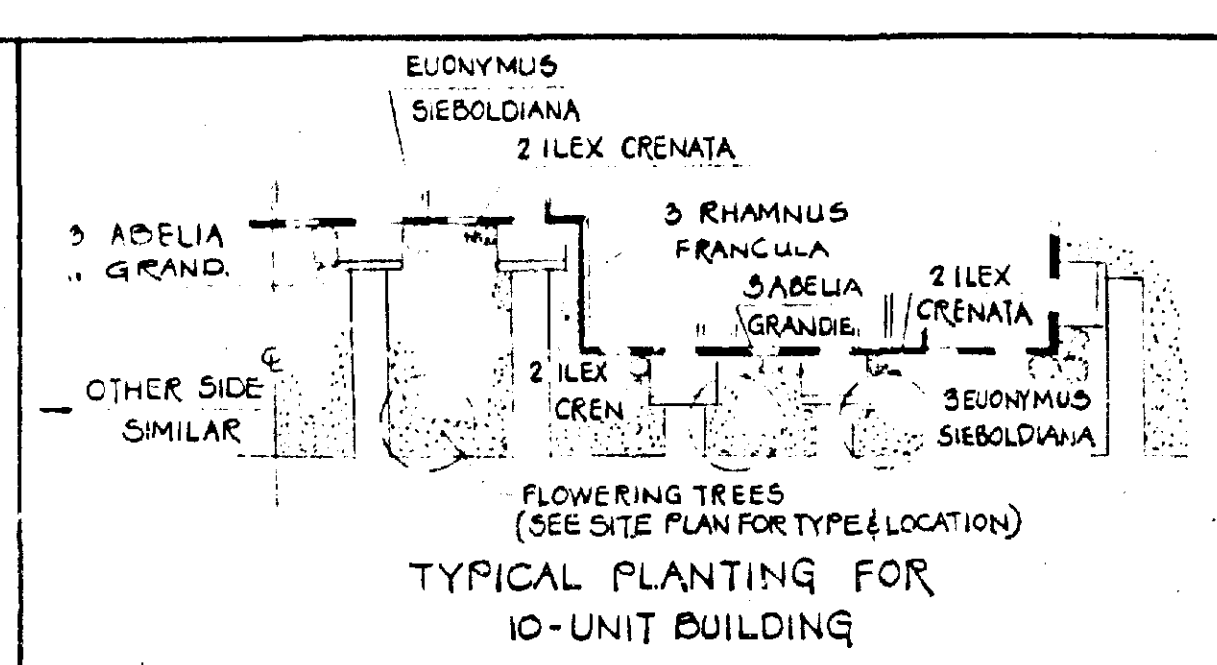
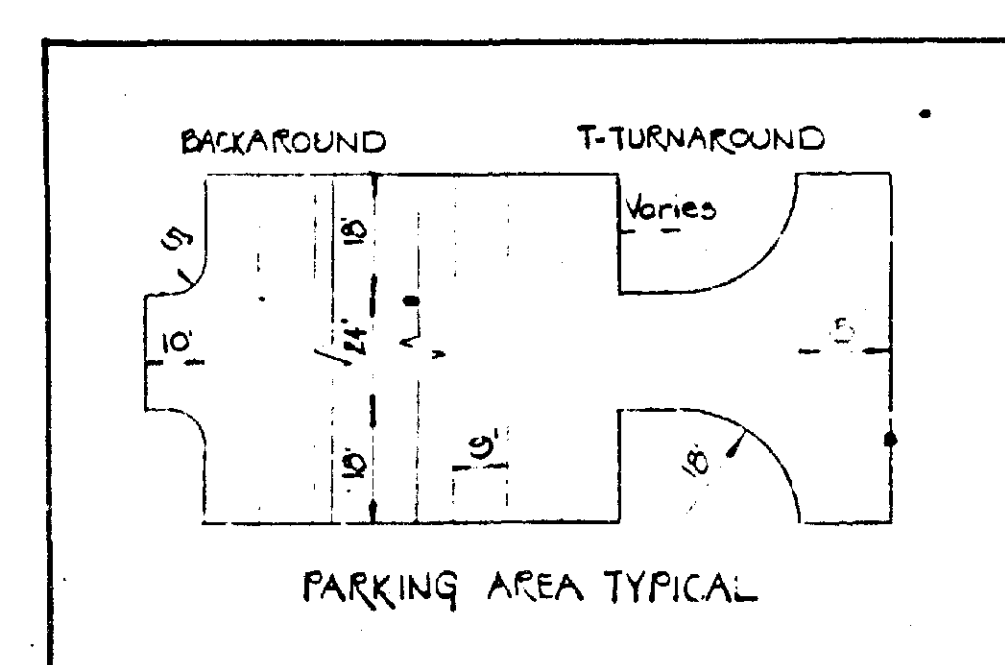
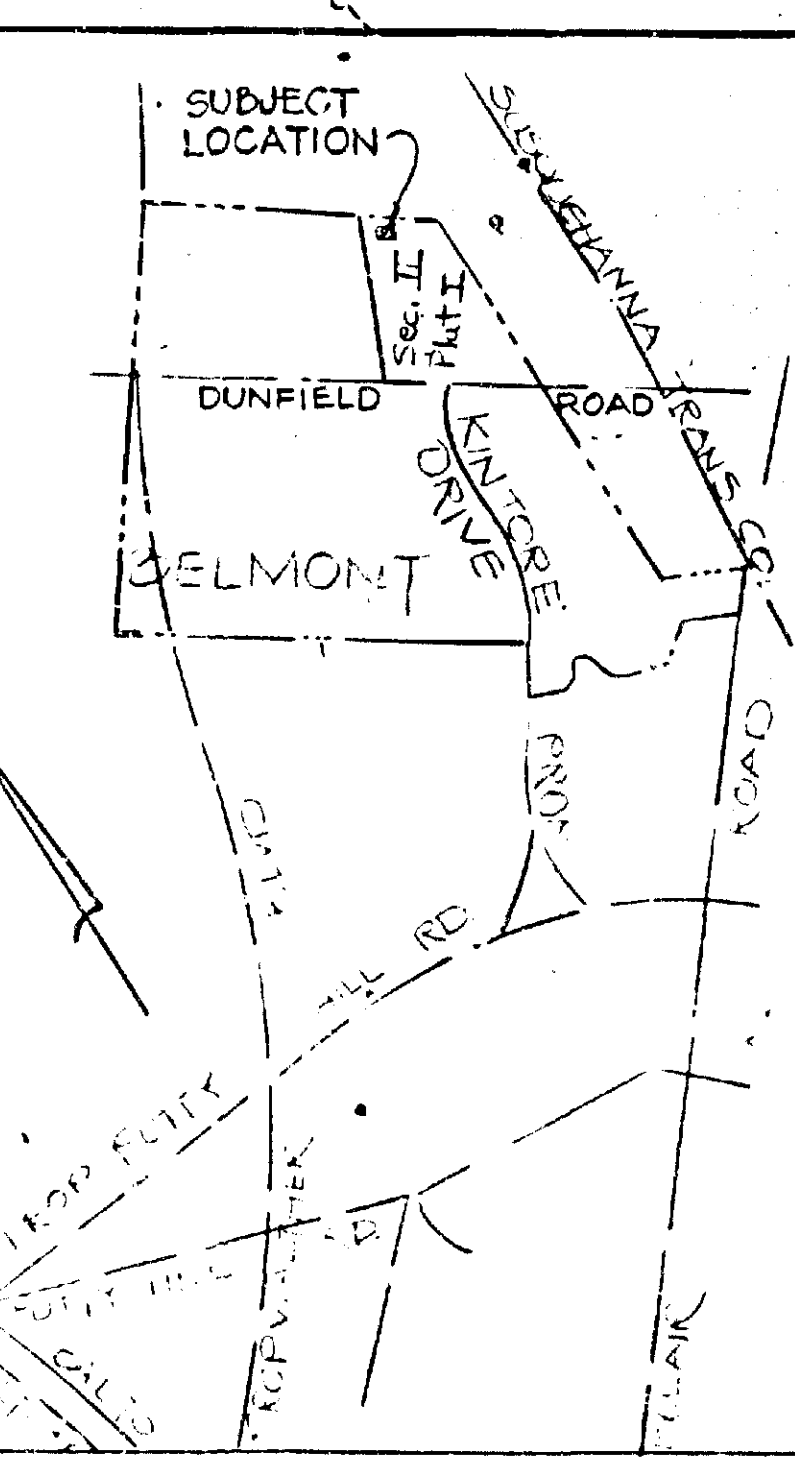


PROPOSED 1 STY. METAL UTILITY BUILDING (EX. CONC. PAD)

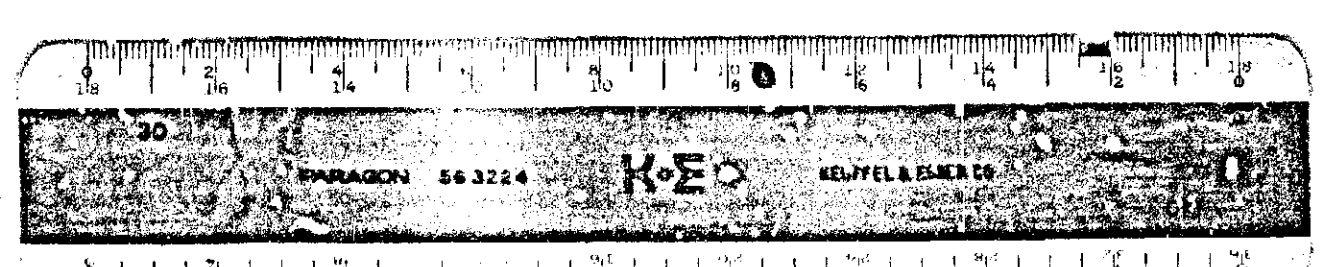
SIDE YARD VARIANCE REQUESTED

AREA OF SITE REQUESTING A Y.R.D. VARIANCE

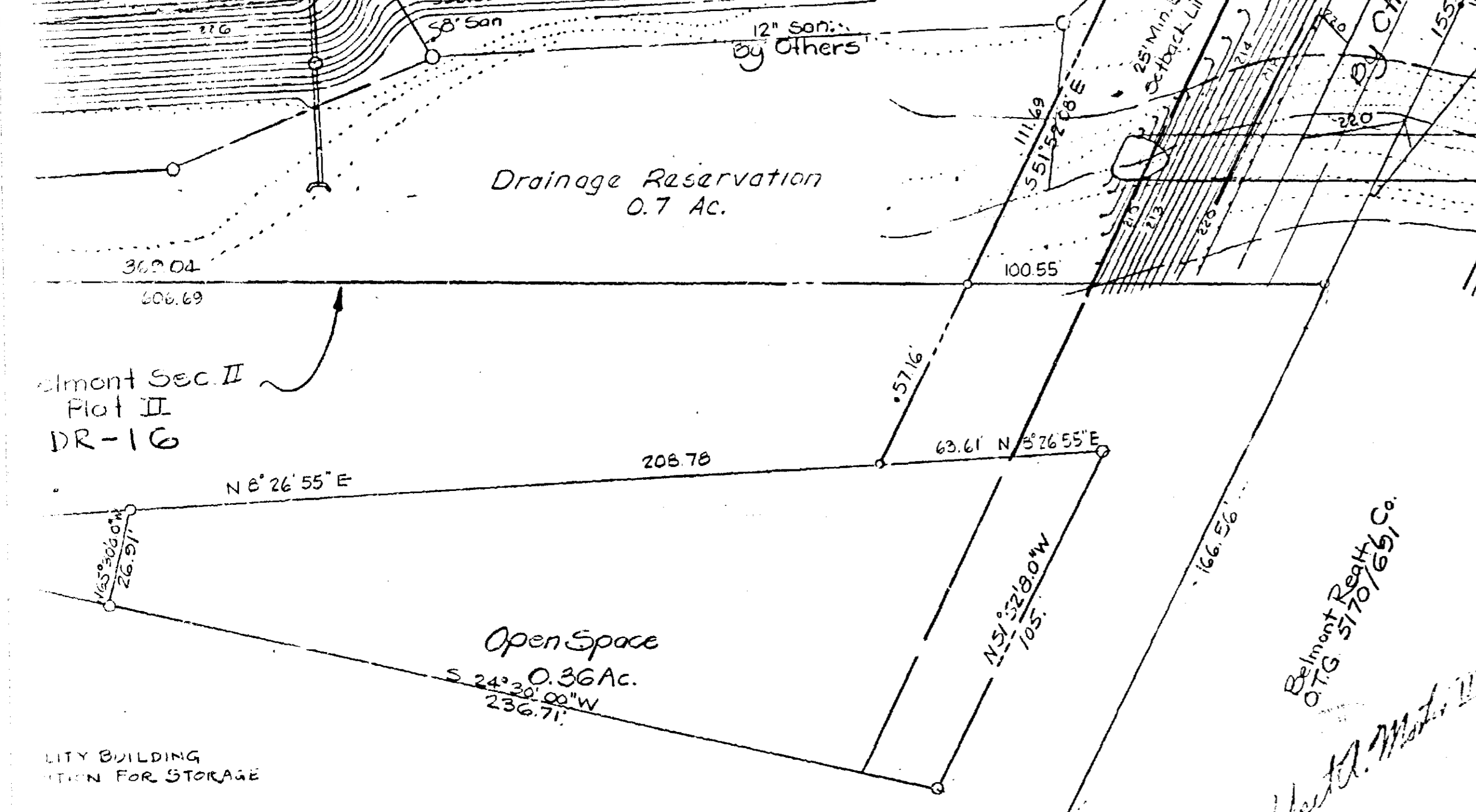
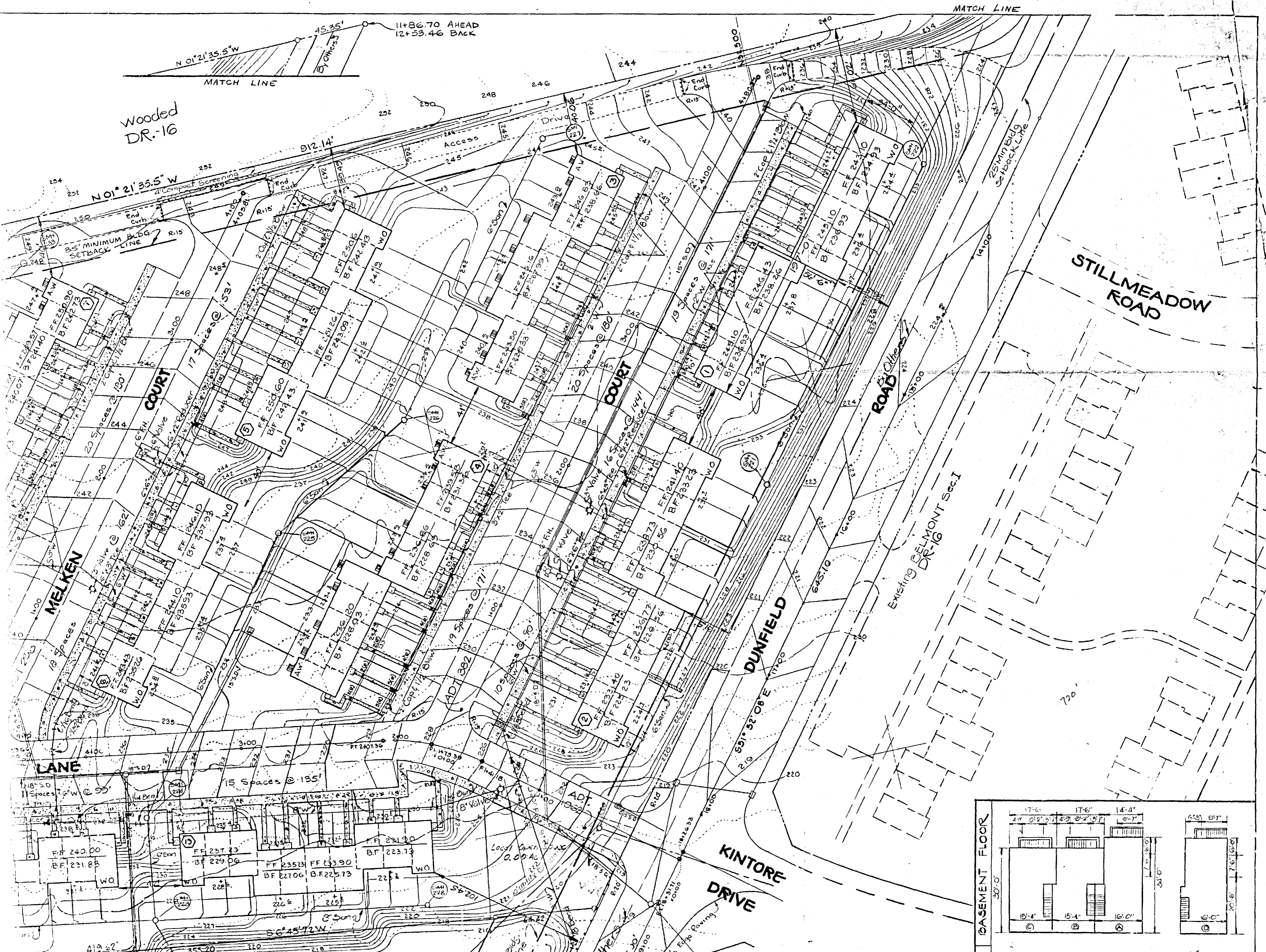
75 Min Bldg Setback Line



1. TOTAL
2. TOTAL
3. EXIST.
4. PRES.
5. PROPO. VA.
6. PETIT. SEC.
7. AREA



KIDD
KIDD CONSULTANTS
1077 LORAIN BLVD.
ANN ARBOR, MI 48106



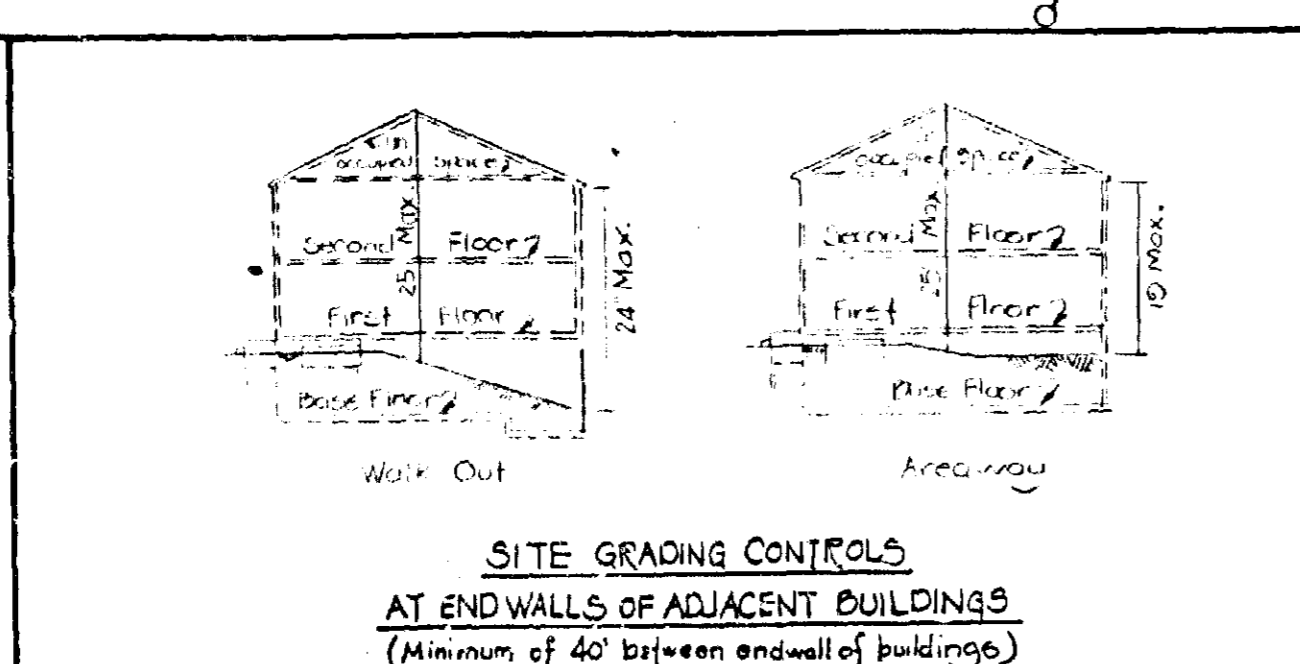
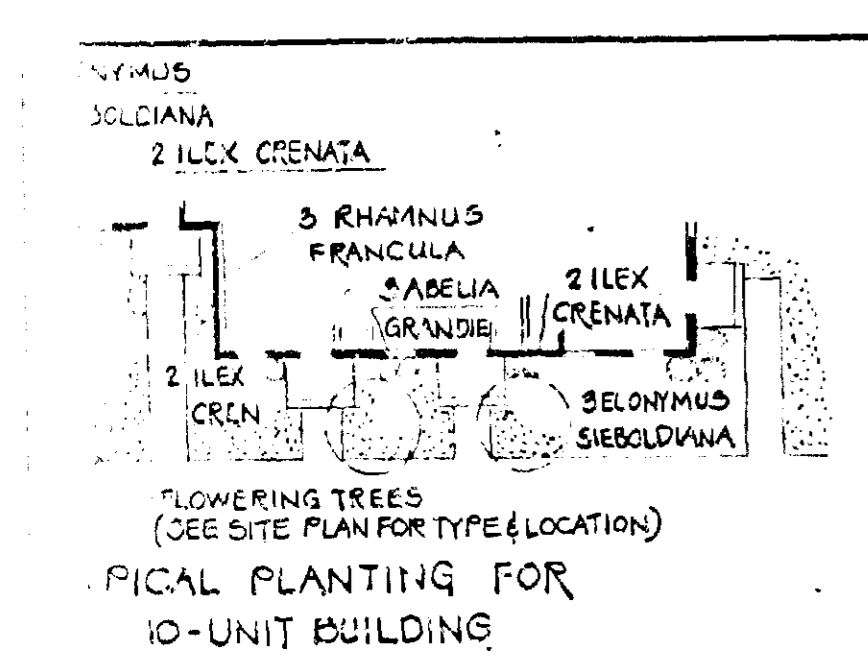
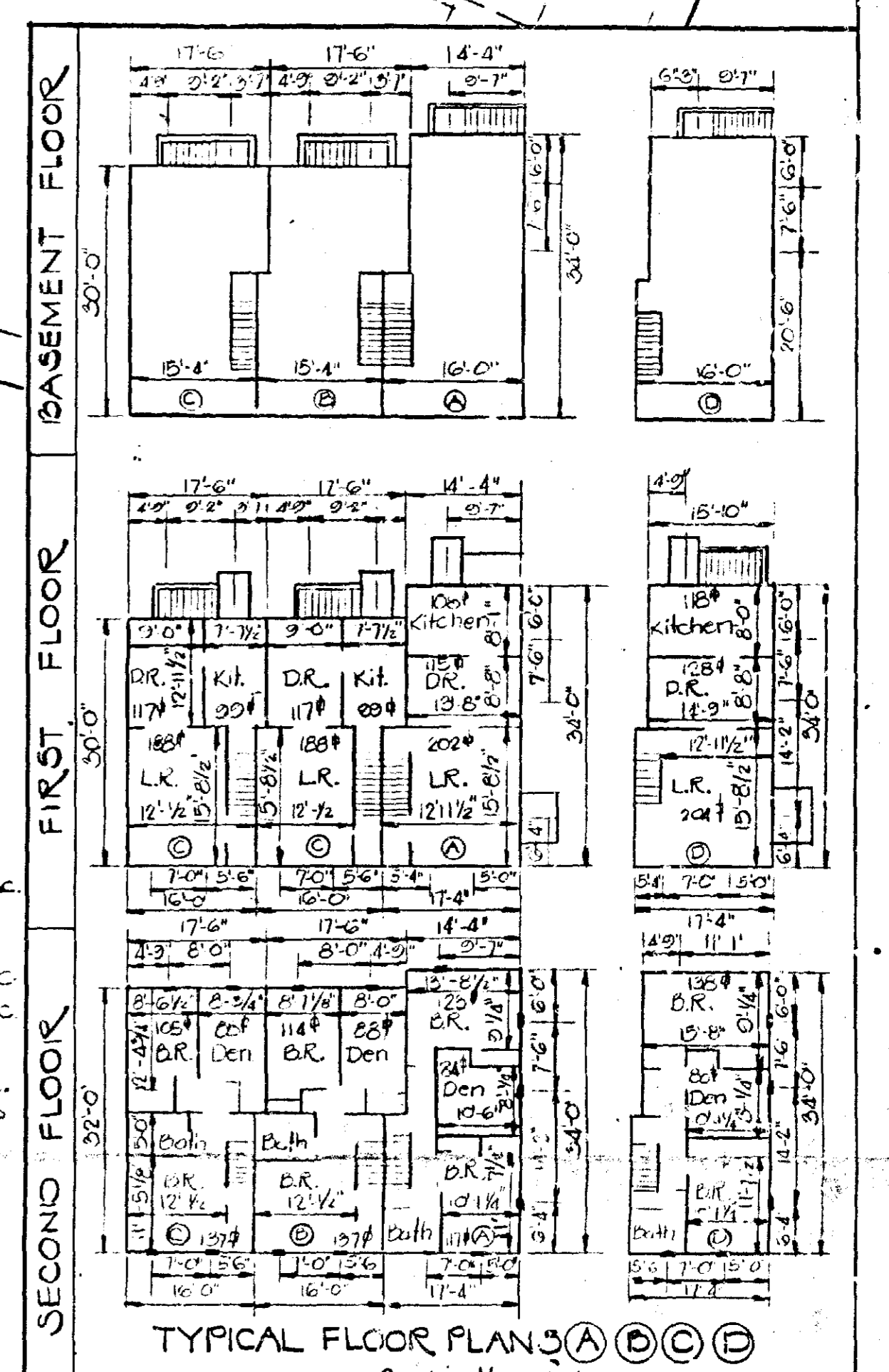
TOTAL - SECTION II

Gross Acreage	21.08 Ac.
No. of Density Units Allowed	497
No. of Density Units Shown	326
No. of Parking Spaces Req.	498
No. of Parking Spaces Shown	612
Open Space Required	4.67 Ac.
Open Space Shown	4.87 Ac.

DENSITY CALCULATIONS

1. Total acreage of site (this portion)	11.25 Ac.
2. Permitted density units	180
3. Density units shown	125
4. Open space required (this portion)	1.69 Ac.
5. Open space provided (total Section II)	4.87 Ac.
6. Parking spaces required	191
7. Parking spaces shown	231
8. Drainage Reservation (total Section II)	2.37 Ac.
9. Present Zoning of site	DR-16
10. Each dwelling contains 2 bdrms & equals 1 D.U.	

- GENERAL NOTES**
- Total area of tract (Section II) 21.08±
 - Area within roads R/W (Section II) 2.65 Ac.
 - Height of Building 25 foot Max.
 - DR-16 CALCULATIONS
 - 125 2BR x 100 (this portion) 125 DU
 - 125 LU x 85 ADT (this portion) 62 ADT
 - Local open areas to be retained and maintained by the Condominium Corporation.
 - All drives and Parking Spaces are Bit Concrete with D.C.B.E. Concrete Curb and Gutter.
 - For dimensions of building see detail above.
 - All Exterior Lights will be Std. type furnished & installed by G.G.E. Co. (12' Max. Height)
 - Common ground immediately adjacent to any dwelling unit shall be reserved for sole use by that unit & yard space in accordance with the following:
 - a) front yard - between wall & main walk
 - b) rear yard - A minimum distance of 20' from rear wall
 - c) side yard - A minimum distance of 10' from end wall of group or between end wall & main walk.
 - Fences & Patios may be erected or installed in rear yards, except that no fence shall be erected forward of the rearline of any building.
 - Fraction of fences and installation of other facilities such as Patios, shall be in accordance with rules and regulations.
 - Trash and Refuse shall be collected under private contract executed by the Council of Co-Owners.



CONDOMINIUMS WILL BE OFFERED FOR SALE

Office of Planning and Zoning Approval by _____

Director _____ Date _____

Zoning Commissioner _____ Date _____

1ST AMENDED PARTIAL DEVELOPMENT PLAN
Belmont - Section II
Plot I

The Dubin Development Company
(in Association with N.C.H.F.)
Owner and Developer
715 St. Paul Street, Baltimore, Md. 21202

Election District No. 11
Jan. 1975

Baltimore County, Md.
Scale: 1" = 30'

