

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, WALTER H. BURTON, JR. and
ARMA LEE BURTON 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 1202.2B (211.4) to permit a rear yard setback of 10' instead of the required 30' and Section 1200.1 to permit an accessory structure (car port) to be located in the side yard instead of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) That the owners of said property, after being unable to secure adequate relief from the Baltimore County to alleviate a serious flooding problem, did construct in 1972 a concrete block steel reinforced wall extending approximately 12' from the original foundation. That in January 1979 the flood control project was completed and equity would dictate that the petitioner should now be permitted to use this foundation to recoup the expense caused by Baltimore County's dilatory actions. Additionally, existing easement on either side of the property preclude construction except to the rear of the property.

That the proposed site of the carport is the only feasible one considering existing easements and the current entrance to the property.

Finally, neither variance encroaches on occupied property and both are aesthetically compatible with the general area.

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 Walter H. Burton, Jr.
Legal Owner
Address 3023 Summit Avenue
Baltimore, Maryland 21234
Petitioner's Attorney John W. Hession, III
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day

of September, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of November, 1979, at 9:45 o'clock A.M.

William E. Hammond
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William E. Hammond
Zoning Commissioner
FROM John D. Seyffert, Director
Office of Planning and Zoning
SUBJECT Petition #80-112A, Item #51.

Petition for Variance for rear yard setback and carport
Southwest side of Summit Avenue, 200 feet Southeast of Acre Court
Petitioner - Walter H. Burton, Jr., et ux.

11th District

HEARING: Thursday, November 1, 1979 (9:45 A.M.)

It would appear that the alignment of Proctor Lane proposed may impact the subject property.

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

JDS:JGH:rw

RE: PETITION FOR VARIANCES
SW/S of Summit Ave., 200'
SE of Acre Court, 11th District
WALTER H. BURTON, JR., et ux,
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

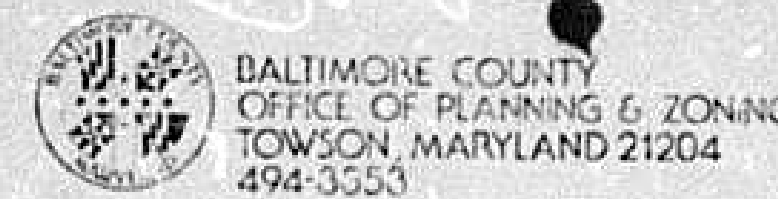
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 22nd day of October, 1979, a copy of the foregoing Order was mailed to Mr. and Mrs. Walter H. Burton, Jr., 3023 Summit Avenue, Baltimore, Maryland 21234, Petitioners.

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



WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 12, 1979

Mr. & Mrs. Walter H. Burton, Jr.
3023 Summit Avenue
Baltimore, Maryland 21234

RE: Petition for Variances
SW/S of Summit Avenue, 200' SE
of Acre Court - 11th Election
District
Walter H. Burton, Jr., et ux -
Petitioners
NO. 80-112-A (Item No. 51)

Dear Mr. & Mrs. Burton:

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/sri

Attachments

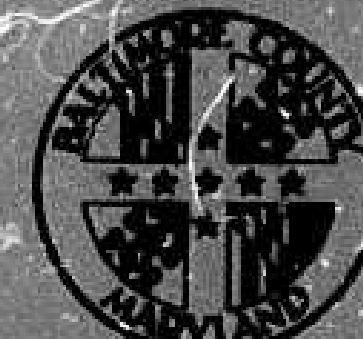
cc: John W. Hession, III, Esquire
People's Counsel

Description of the Property

The property is located on the south side of Summit Avenue approximately 200 feet south-east of Acre Court and known as lot #16 as shown on the plot of Homeacres, Section 1 which is recorded in the land records of Baltimore County Liber 29, Folio 127 and known as 3023 Summit Avenue.

BALTIMORE COUNTY

ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

Oct. 5, 1979
Reference - Items # 50-51 of Zoning Advisory Committee
Case # 80-112-A
Hearing date - 11/1/79
Dear Mr. Burnberry
In accordance with our conversation the date relating to your comments in the above captioned case I am writing to you as requested.
You indicated to me that the information exchanged during the course of our conversation overcame any objection that you raised in your comments and that I should specify those elements in writing to you so that you may have written assurance of these before you withdraw objecting comments. Basically, these items were discussed:
1) The proposed carport is to be an all aluminum structure with either aluminum or all brick supports. This deals with your note concerning proximity to the main structure and soil for fire wall etc.
2) That at the time a building permit is filed for I will submit plans (3 copies) that deal with how the framing structure for the 1st floor is to be constructed since the proposed structure will have more than one overhang and correct design is imperative.
3) That the existing foundation upon which the new structure is to be built will be repaired, if necessary, in accordance with the building inspection findings. You indicated that since the foundation is not new perhaps some repair is etc. could be necessary.
I hope the information is sufficient for your purpose and I would appreciate it if you would notify Mr. Nick Commodari that your reservations have been satisfied.
Sincerely,
Walter H. Burton
cc: MR. NICK COMMODARI - Zoning

Mr. & Mrs. Walter H. Burton, Jr.
3023 Summit Avenue
Baltimore, Maryland 21234

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 4th day of September, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Walter H. Burton, et ux

Petitioner's Attorney

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

APR 21 1980

Pursuant to the advertisement, posting of property, and public hearing on the 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(s), the Variance(s) should be had; and it further appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of November, 1979, that the herein Petition for Variances to permit a rear yard setback of ten feet in lieu of the required thirty feet, for the expressed purpose of constructing an addition to the existing dwelling, and to permit an accessory structure, consisting of an open, free-standing carport, to be erected partially in the side yard should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The addition to the dwelling shall not encroach upon the existing ten foot utility easement, either on, above, or below said easement, located at or near the south-east property line.
2. The open, free-standing carport shall not encroach upon the existing ten foot utility easement, either on, above, or below said easement, located at or near the northwest property line.
3. A revised site plan shall be submitted, incorporating the restrictions set forth above, and approved by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 24, 1979

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

cc:
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

Mr. & Mrs. Walter H. Burton, Jr.
3023 Summit Avenue
Baltimore, Maryland 21234

RE: Item No. 51
Petitioner - Burton
Variance Petition

Dear Mr. & Mrs. Burton:

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

The subject property, located on the southwest side of Summit Avenue, approximately 200 feet southeast of Acre Court in the 11th Election District, is presently improved with a single family dwelling. Adjacent properties are similarly improved and are zoned D.R. 5.5, as is your property, while directly abutting this site to the rear, is a stream and Baltimore County drainage reservation.

Because of your proposal to construct an addition to the rear of the existing dwelling, including an attached open deck within 10 feet of the rear property line, and construct an unattached carport in the side yard, this Variance Hearing is required.

As indicated in our previous conversations, the addition will consist of a basement and first floor. The basement will be above grade and will be located immediately adjacent to the existing utility easement that traverses your property, while the first floor will project over this easement approximately 2.5 feet. In accordance with my telephone conversation of October 16, 1979, with Mr. Edward A. McDonough of the Bureau of Engineering, it is his feeling that the proposed projection over the existing easement would present no particular problem, and he indicated that his office has written to the Department of Land Acquisition in order to try to eliminate this

Item No. 51
Page Two
October 24, 1979

easement. I strongly urge that if his comment has not been submitted before the scheduled hearing, you should present some documentation at the time of said hearing, clearly indicating what the future status of this easement will be. I scheduled this petition prior to receiving said comment, with the verbal understanding that no problem is anticipated. In order to assure that the hearing proceeds smoothly, this matter should be resolved.

In response to the comment from the Department of Permits and Licenses, I have a revised comment from Mr. Ted Burham dated October 10, 1979, which indicated that he has no objection with the proposed construction as long as you comply with the letter that you sent him dated October 5, 1979, and made a part of this file.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. 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 55 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf

Enclosures

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 25, 1979

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

cc:
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

Mr. & Mrs. Walter H. Burton, Jr.
3023 Summit Avenue
Baltimore, Maryland 21234

RE: Item No. 51
Petitioner - Burton
Variance Petition

Dear Mr. & Mrs. Burton:

Subsequent to my comments of October 24, 1979, it has come to my attention that Proctor Lane is proposed to be extended in this area. After consultation with Mr. James Hoswell of the Planning Office and Mr. Fred Ringger of the Bureau of Engineering, it is my understanding that the effect of this road extension on your property is uncertain.

I bring this to your attention in order that you might be formally aware of this proposal, and plan your future actions accordingly. For further information on this matter, you may contact Mr. Hoswell at 494-3480 and/or Mr. Ringger at 494-3754. In order to assure that the hearing proceeds smoothly, I suggest that this matter be pursued.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/sf



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

THORNTON M. MOURING
DIRECTOR

October 29, 1979

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

Re: Item #51 (1979-1980)
Property Owner: Walter H. & Anna L. Burton
S/MS Summit Avenue 200' S/E Acre Ct.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a rear setback of 10' in lieu of the required 30' and to permit an accessory structure to be located in the side yard in lieu of the required rear yard.
Acres: 0.1614 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:

This property is Lot 16 of "Section One Revision of Part of Housewares", recorded R.R.G. 29, Folio 127.

Highways:

Summit Avenue, an existing public road, which has been partially improved through the frontage of this property as indicated, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way, as shown on Drawing #65-2752, File 5.

Proctor Lane, a Baltimore County Highway Project, Item 5.340 in the current 5-Year Capital Improvement Plan, is proposed to be constructed in the future contiguous to the southeast side of this property.

Sediment Control:

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.

Item #51 (1979-1980)
Property Owner: Walter H. & Anna L. Burton
Page 2
October 29, 1979

Storm Drains:

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.

There is a County 21-inch storm drain within the 10-foot drainage and utility easement centered along the northwesterly side of this property, (Drawing #64-0504, File 4). The Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within County rights-of-way and utility easements. During the course of construction on this property, protection must be afforded by the contractor for the public storm drain and the drainage channel to which the drain is tributary (Drawing #65-0198, File 4). Any damage sustained would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There is a public 8-inch water main and 6-inch public sanitary sewerage in Summit Avenue. There is also a 12-inch public sanitary sewer within the 10-foot drainage and utility easement within the southeasterly side of this property, (Drawing #59-0881, File 1). Again, as with the storm drain, the Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within County rights-of-way and utility easements. During the course of construction on this property, protection must be afforded by the contractor for this public sanitary sewerage. Any damage sustained would be the full responsibility of the Petitioner.

Very truly yours,

[Signature]
ELLEN J. H. DIVE
Chief, Bureau of Engineering

END:CAM:FM:SS

cc: J. Wimbley
J. Trenner
D. Grise
S. Bellestri

N-NE Key Sheet
39 NE 19 & 20 Pcs. Sheets
NE 10 E Topo
71 Tax Map



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. LEVY
DIRECTOR

October 16, 1979

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

Dear Mr. Hammond:

Comments on Item #51, Zoning Advisory Committee Meeting, September 4, 1979, are as follows:

Property Owner: Walter H and Anna L. Burton
Location: SW/S Summit Ave. 200' SE Acre Court
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 10' in lieu of the required 30' and to permit an accessory structure to be located in the side yard in lieu of the required rear yard.
Acres: 0.1614
District: 11th

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,

[Signature]
John L. Wimbley
Planner II
Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

November 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 #51, Zoning Advisory Committee meeting of September 4, 1979, are as follows:

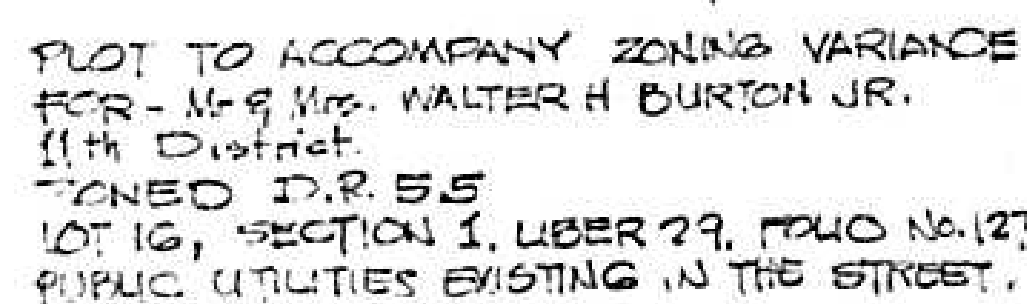
Property Owner: Walter H. & Anna L. Burton
Location: SW/S Summit Ave. 200' SE Acre Ct.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 10' in lieu of the required 30' and to permit an accessory structure to be located in the side yard in lieu of the required rear yard.
Acres: 0.1614
District: 11th

Metropolitan water and sewer exist; therefore, no health hazards are anticipated.

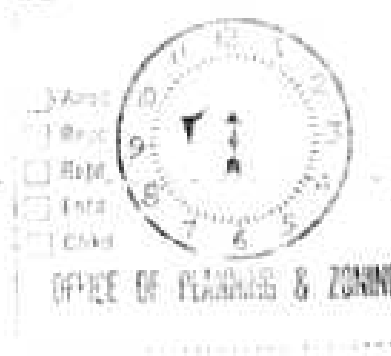
Very truly yours,

[Signature]
Lan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/JRP/rth



SCALE 1"=50'
FOR VICINITY LOCATION - SEE ATTACHED
DRAWING - SCALE: 1"=20'



OWNERS WILL TAKE FULL RESPONSIBILITY
AS TO THE INFORMATION PROVIDED ON
SAID PLOT PREPARED BY BALTEL, L.A.

Walter H. Powell 10-16-78
OWNER DATE
Ann E. Burt 10-16-78
OWNER DATE

PHYSICAL PLAN:

District: 11 Date of Posting: 10/13/79
Posted for: Collection for insurance
Petitioner: Walter W. Bruster, Jr. et al
Location of property: 916 E. 1st Street, 300' S. of Ave. C
Location of Signs: front of property (3013 Commercial Ave.)
Remarks: no plot
Posted by: Brian Coleman Date of return: 10/19/79

Posted by Alan Coleman Date of return: 10/19/79
Signature

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

Your Petition has been received this 22nd day of August, 1979.

Filing Fee \$ 25.00 Received: 5/1 Check

Received: 5 ✓ Check
Cash
Other

Petitioner Anna L. Burton
 Petitioner's Attorney Walter H. Burton Jr.
 Submitted by William E. Hammond, Zoning Commissioner
 Reviewed by [Signature]

*This is not to be interpreted as acceptance of the Petition for assignment of E 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>GAP</u>					Revised Plans: Change in outline or description _____ Yes _____ No					
Previous case: _____					Map # _____					



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

No. 83216

DATE October 1, 1979 ACCOUNT 01-66

AMOUNT \$25.00

RECEIVED
FROM Walter H. Dutton, Jr.

FOR Filing Fee for Cas. No. 80-112-A

8577801 2 25.00

VALIDATION /R SIGNATURE OF CASBNER

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

No. 83258

DATE November 1, 1979 ACCOUNT 21-662

AMOUNT \$41.19

RECEIVED FROM Walter M. Byrton, Jr.

FOR Posting and Advertising for Case No. 80-112-A

20860704 1 411984

VALIDATION OR SIGNATURE OF CASHIER