

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, John N. Allender, legal owner of the property situated 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 522.1 to permit a side yard setback of 3' in lieu of the required 10' and a rear yard setback of 10' in lieu of the required 30' and Section 301.1 to permit a front setback to the centerline of the road of 23' in lieu of the required average setback of 27' from the centerline of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (Indicate hardship or practical difficulty)

Dear Sirs:
I need a little space for a growing family (7) in household. My sister lives next to me on the lot (formerly Stevenson), which I would like to extend 3' to the property line. She does not plan on selling her property nor do I.

Thank you,
John N. Allender

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 John N. Allender
Address P.O. Box 173
Chase, Md. 21027
335-6539
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of November, 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 8th day of November, 1979 at 9:30 o'clock A.M.

William E. Hammond
Zoning Commissioner of Baltimore County.

(over)

11/8/79
9:30 A.M.

RE: PETITION FOR VARIANCES
SE/S of Minnow Branch Rd., 460'
SE of Eastern Ave. Extended
JOHN N. ALLENDER, Petitioner
Case No. 80-113-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.

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 24th day of October, 1979, a copy of the foregoing Order was mailed to Mr. John N. Allender, P. O. Box 173, Chase, Maryland 21027, Petitioner.

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

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 14, 1979

Mr. John N. Allender
P.O. Box 173
Chase, Maryland 21027

RE: Petition for Variance
SW/S of Minnow Branch Road, 460' SE
of Eastern Avenue Extended - 15th
Election District
John N. Allender, et al - Petitioners
NO. 80-113-A (Item No. 35)

Dear Mr. Allender:

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

Attachments

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

PROPERTY DESCRIPTION

Beginning for the same at a point on the Southwest Side of Minnow Branch Road 460' S. of Eastern Blvd. Extended the next following courses and distances:

- 1) N 36-15 E. 70'
- 2) S 53-15 E. 55'
- 3) S 36-15 W. 70'
- 4) N 53-15 W. 55'

to the place of beginning, containing .088 acre more or less.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner
TO: John D. Seyffert, Director
FROM: Office of Planning and Zoning
SUBJECT: Petition #80-113A, Item 35
Petition for Variance for front and rear yard setbacks
Southwest side of Minnow Branch Road, 460 feet Southeast of Eastern Avenue Extended
Petitioner - John N. Allender

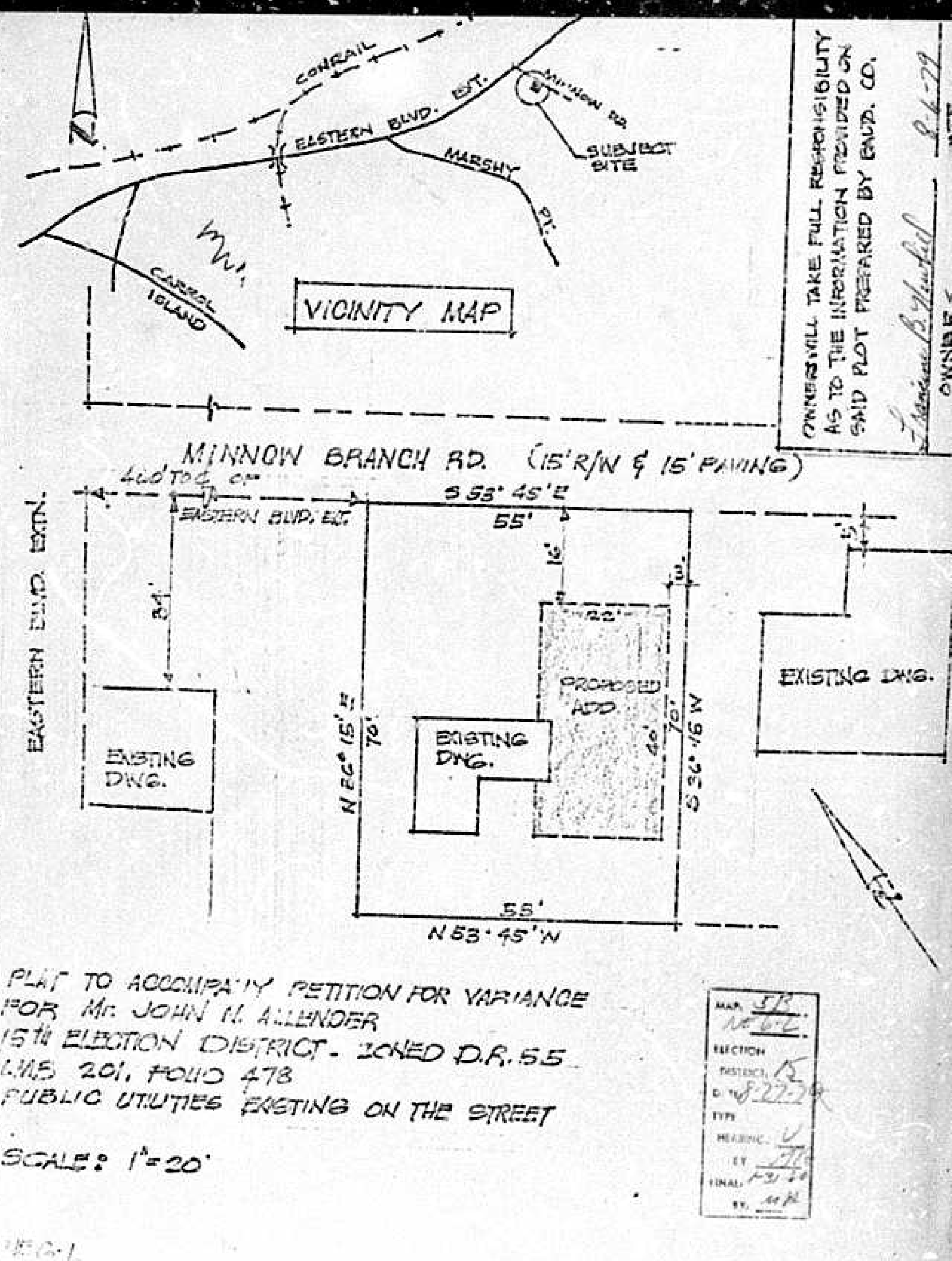
15th District

HEARING: Thursday, November 8, 1979 (9:30 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:JCH:rw



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

Mr. John N. Allender
Chase, Md. Box 173
Chase, Maryland 21027

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 24th day of November, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner John N. Allender
Petitioner's Attorney _____

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

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 appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of November, 1979, that the herein Petition for the Variance(s) to permit a side yard setback of 3 feet in lieu of the required 10 feet, a rear yard setback of 14 feet in lieu of the required 30 feet, and a front yard setback to the centerline of the road of 23 1/2 feet in lieu of the required average setback of 27 feet, 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.

John M. H. Jones
Deputy Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for the Variance(s) to permit _____

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 31, 1979

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

000
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. John W. Allender
Chase, P.O. Box 173
Chase, Maryland 21027

RE: Item No. 35
Petitioner - John W. Allender
Variance Petition

Dear Mr. Allender:

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.

Located on the southwest side of Minnow Branch Road approximately 160 feet southeast of Eastern Avenue in the 15th Election District, the subject property, at the time of field inspection, was improved with the remains of a dwelling. Since this Variance was required to construct an addition to the side and front of the "existing dwelling", an additional Variance request for the rear setback was included in order to legalize the condition that had previously existed prior to the razing of the dwelling, i.e. to allow a rear setback of 14 feet in lieu of the required 30 feet.

The comments from the members of this Committee pertained to the original request for a side and front setback Variance. However, after field inspection, it was suggested that the rear Variance be included with its request, and because of the proposed widening of Minnow Branch Road, the front request was altered. Since there was no revised comments from any member of the Committee, I proceeded to schedule this petition for a hearing.

Particular attention should be afforded to comments of the Department of Permits and Licenses concerning the type of construction of the proposed building.

Item No. 35
Variance Petition
October 31, 1979

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 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
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:aj

Enclosures

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211
John D. Seyffert
DIRECTOR

October 4, 1977

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 #35, Zoning Advisory Committee Meeting, August 14, 1979, are as follows:

Property Owner: John N. Allender
Location: SW/S Minnow Branch Road 460' SE Eastern Ave. Ext'd.
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10' and to permit a front setback of 16' in lieu of the average 19.5'.
Acres: 0.088
District: 15h

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 L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

THORNTON M. MOURING
DIRECTOR

September 24, 1979

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

Re: Item #35 (1979-1980)
Property Owner: John N. Allender
S/S Minnow Branch Rd. 460' S/E Eastern Ave. Extended
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10' and to permit a front setback of 16' in lieu of the average 19.5'.
Acres: 0.088 District: 15h

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.

Highways:

Minnow Branch Road is a County maintained lane (west of Eastern Avenue - Md. 150), which consists of two branches, each road-ended and 15 feet wide with approximately 15 feet of paving.

Minnow Branch Road is proposed to be realigned and improved in the future as a 30-foot closed section roadway on a 40-foot right-of-way, reducing to a 24-foot closed section roadway on a 30-foot minimum right-of-way along the frontage of this property. Such road improvements would generally follow the alignment of the public water main and sanitary sewerage constructed to serve this and other properties (Drawings #65-0585 and 0586, File 3; and #71-0385, File 1), and include standard-type roadway termination.

Highway right-of-way widening, including a fillcut area for sight distance and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

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 #35 (1979-1980)
Property Owner: John N. Allender
Page 2
September 24, 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.

This property is below elevation 10, Baltimore County Datum, subject to tidal flooding by Dundee Creek. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels and other special construction features are required.

Water and Sanitary Sewer:

As stated above, there is a public 8-inch water main and public 8-inch sanitary sewerage in Minnow Branch Road.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Trenner
J. Coopers
D. Grise
J. Wimbley
M. Flanagan

WFSW Key Sheet
21 NE 46 Pos. Sheet
NE 6 L Topo
#3 Top Map

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

October 1, 1979

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

Dear Mr. Hammond:

Comments on Item #35, Zoning Advisory Committee Meeting of August 14, 1979, are as follows:

Property Owner: John N. Allender
Location: SW/S Minnow Branch Rd. 460' SE Eastern Ave. Ext'd
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10' and to permit a front setback of 16' in lieu of the average 19.5'.
Acres: 0.088
District: 15h

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

Very truly yours,

Ian J. Forrest
IAN J. FORREST, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/JRP/rhg

Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reineke
CHIEF

August 28, 1979

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

Attention: Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee

Re: Property Owner John N. Allender

Location: SW/S Minnow Branch Rd. 460' SE Eastern Ave. Ext'd

Item No. 35

Zoning Agenda: Meeting of 8/14/79

Gentlemen:

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 corrected 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.

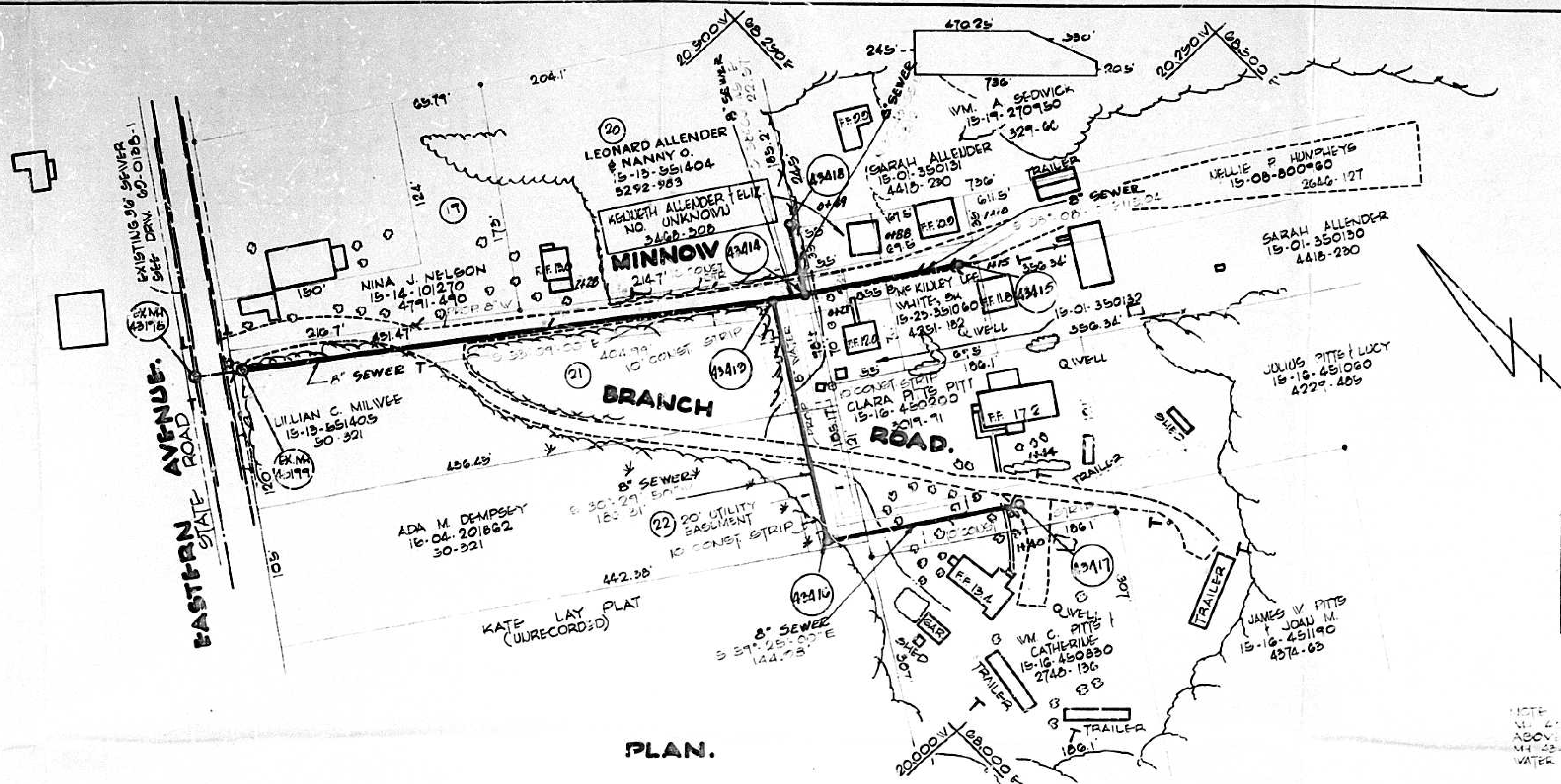
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(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.

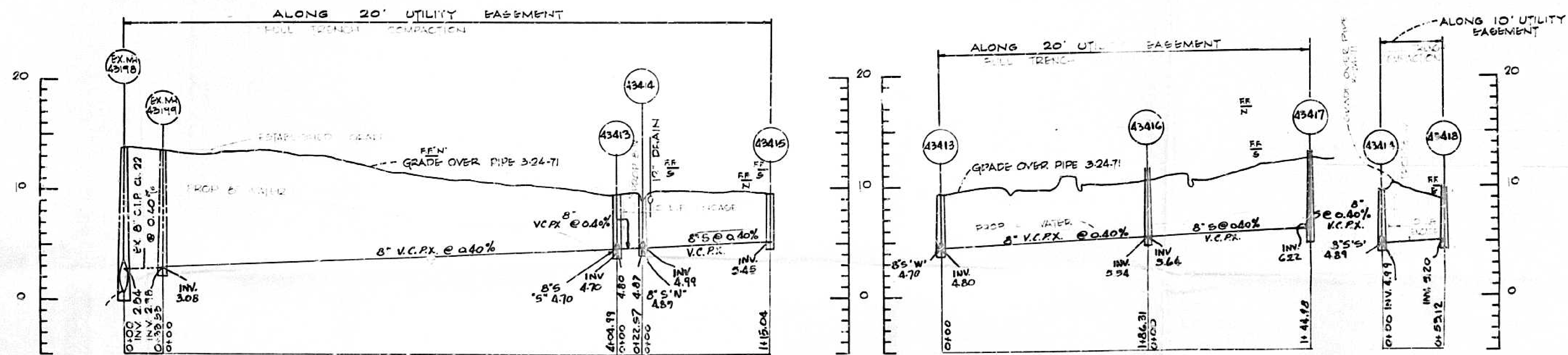
() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Capt. Joseph Kelly* Noted and Approved: *George M. Heywood*
Planning Group Fire Prevention Bureau
Special Inspection Division



MANHOLE NUMBER	COORDINATE EAST COOR.	SCHEDULE NORTH COOR.
43413	43413	43413
43414	43414	43414
43415	43415	43415
43416	43416	43416
43417	43417	43417
43418	43418	43418

NOTE: M. 43413, 43414, 43415 TO BE SET UP ABOVE EXISTING GRADE. M. 43416, 43417, 43418 TO HAVE WATER TIGHT FRAMES AND COVERS.



CITY OF BALTIMORE									
DIRECTOR DEPT. OF PUBLIC WORKS					CHIEF, WATER DIV. BUREAU OF ENGINEERING				
DATE	RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT			
7-23-71	HW 6A-158		PERMIT REQUESTED PERMIT NUMBER GRADE ESTABLISHED PROFILE NUMBER	3033		J.O.	DRAFTSMAN	DATE	
DESIGNED	ENGINEER	REVIEWED	HIGHWAYS	STRICTURES	STORM DRAINS	WATER	SEWER	FIELD ENGINEER	BUREAU OF ENGINEERING
CHECKED	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
7-23-71	7-23-71	7-23-71	7-23-71	7-23-71	7-23-71	7-23-71	7-23-71	7-23-71	7-23-71
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING									
MINNOW BRANCH ROAD - 20' R.W.									
SUBDIVISION									
BALTIMORE COUNTY TYPE NUMBER									
JOB ORDER NO. 1-2-468									
SHEET 2 OF 2									
DWG. NO. 71 0385									
FILE:									