

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Fred T. Kirsch, Jr., 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 1A01.3B-1.d(103.3 and 1A.00.3B.3) to allow a 44 foot side yard setback in lieu of the required 50 feet

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

House has been constructed as shown on the accompanying plat and does not meet 50 foot setback requirement (house has existed on the site in this location for approximately 3 years).

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.

Fred T. Kirsch, Jr.
Contract purchaser
Address 13716 Manda Mill Lane
Phoenix, Maryland 21131
Legal Owner
Address Suite 205 Alexander Brown Bldg.
102 W. Pennsylvania Avenue
Towson, Maryland 21204
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day

of October, 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 16th day of November, 1979, at 1:00 o'clock
P. M.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
TO: Zoning Commissioner
John D. Seyffert, Director
FROM: Office of Planning and Zoning
SUBJECT: Petition No. 80-121-A - Item 73

Date: November 5, 1979

Petition for Variance for side yard setback
South side of Mamopa Court, 400 feet East of Pleasant Grove Road
Petitioner - Fred T. Kirsch, Jr.

4th District

HEARING: Friday, November 16, 1979 (1:00 P.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:dme

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Mamopa Court, 400' E of Pleasant Grove Rd., 4th District : OF BALTIMORE COUNTY
FRED T. KIRSCH, JR., Petitioner : Case No. 80-121-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 Zimmermann
Peter Max Zimmermann
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 5th day of November, 1979, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, Suite 205 Alex. Brown Building, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for 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 16, 1979

S. Eric DiNenna, Esquire
Suite 205
Alexander Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
S/S of Mamopa Court, 400' E of
Pleasant Grove Road - 4th
Election District
Fred T. Kirsch, Jr. - Petitioner
NO. 80-121-A (Item No. 73)

Dear Mr. DiNenna:

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

MCKEE, DUVAL & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

1717 YORK RD.

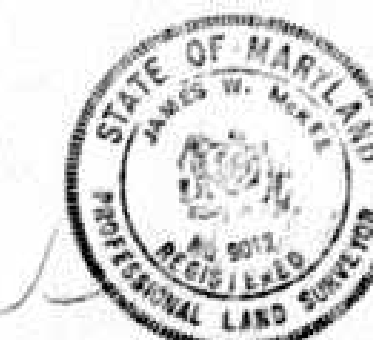
LUTHERVILLE, MARYLAND 21093

Telephone: (301) 252-5820

September 27, 1979

Description of 1.70 Acres of Land, More or Less
4th Election District
Baltimore County, Maryland

Beginning for the same at a point on the southern right-of-way of Mamopa Court (50 feet wide) and running thence with the outline of Lot 17 as shown on a plat dated August 9, 1974 and recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. 38 Folio 2 and known as Pleasant Run the following courses and distances: South 07° 00' 00" West 250.00 feet, South 54° 58' 35" West 56.97 feet, South 86° 45' 00" West 55.00 feet, thence South 36° 30' 00" West 265.54 feet, the aforesaid distance being erroneously shown on the aforesaid plat as 295.54 feet, thence running North 59° 16' 05" West 15.00 feet, thence North 50° 14' 13" West 47.28 feet, thence North 40° 28' 11" West 109.97 feet, thence North 48° 15' 36" West 41.30 feet, thence North 52° 55' 38" West 45.68 feet, thence North 58° 03' 36" West 40.32 feet, thence North 39° 37' 40" West 32.93 feet, thence North 57° 06' 10" East 230.00 feet, thence South 55° 54' 07" East 225.00 feet, thence South 86° 45' 00" East 69.78 feet, thence North 54° 58' 35" East 47.47 feet, thence North 07° 00' 00" East 245.48 feet, thence running with the southerly right-of-way line of Mamopa Court for a curve to the left having a radius of 945 feet and an arc length of 12.03 feet to the place of beginning. containing 1.70 acres of land, more or less.



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

The Honorable William E. Hammond
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Zoning Variance -
5 Mamopa Court, 4th Election District
Petitioner: Fred T. Kirsch, Jr.
My File No. 79-66

Dear Mr. Commissioner:

On September 25, 1979, I filed a Petition for Variance on behalf of my clients. The subject property was, in fact, developed several years ago but was not sold by the developer. Upon entering into a Contract of Sale recently to sell the property, the mortgage company for the Buyer discovered, as a result of a location survey, a possible zoning violation of the set-back requirement. As a result of this discovery, the above-mentioned Petition was filed.

I have recently been informed by my clients that there is in existence a Contract of Sale to a third party with a typical financing contingency herein. The commitment for mortgage money and settlement date November 15, 1979. The mortgage company will not extend the commitment beyond the 15th because of the prime interest rate. As you can see, the whole deal could fall through and some innocent parties will be damaged as a result.

The purpose of this letter is to respectfully request that, if at all possible, this matter be set in for a hearing before you or your Deputy on or before November 15, 1979. If there is any problem or question regarding this request, please do not hesitate to contact me.

Thank you in advance for your kind attention and consideration.

Very truly yours,

S. ERIC DINENNA
S. ERIC DINENNA

SED:cm

Mr. Fred T. Kirsch, Jr.
13716 Manda Mill Lane
Phoenix, Maryland 21131

cc: McKee, DuVal & Assoc., Inc.
1717 York Road
Luth., Md. 21093

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 5th day of October, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Fred T. Kirsch, Jr.

Petitioner's Attorney S. Eric DiNenna

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

FEB 11 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 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 16th day of November, 1979, that the herein Petition for the Variance(s) to permit a 44 foot side yard setback in lieu of the required 50 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. A. 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

November 9, 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

S. Eric DiNenna, Esquire
Suite 205 Alexander Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 73
Petitioner - Fred T. Kirsch, Jr.
Variance Petition

Dear Mr. DiNenna:

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.

Because the existing dwelling situated on the subject property was constructed within 44 feet of the side property line in lieu of the required 50 feet, this Variance is necessary in order to correct this situation. The submitted site plan should indicate the location of the existing well and septic system.

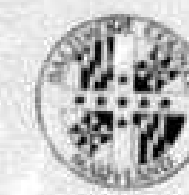
At the time of this writing, all comments from this Committee were not available. Because it was verbally indicated to me that your request presented no particular problems, I scheduled this petition for a hearing. This petition is accepted for filing on the date of the enclosed filing certificate. Notice 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
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: McKee, DuVal & Assoc. Inc.
1717 York Road
Luth., Md. 21093



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

December 3, 1979

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

Re: Item #73 (1979-1980)
Property Owner: Fred T. Kirsch, Jr.
S/S Mamopa Ct. 400' E. Pleasant Grove Rd.
Existing Zoning: RC 2
Proposed Zoning: Variance to permit a side setback of 44' in lieu of the required 50'.
Acres: 1.70 District: 4th

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 and are as secured by Public Works Agreement 47405, executed in conjunction with the development of "Pleasant Run", of which this property comprises Lot 17 of the plat of Pleasant Run, recorded E.H.K., Jr. 36, Folio 2.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 73 (1979-1980).

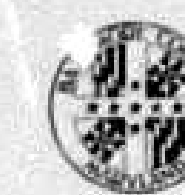
Very truly yours,

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

END:EAM:FWR:ss

cc: J. Wimbley

CC-SW Key Sheet
89 NW 37 Pos. Sheet
NW 23 J Topo
31 & 32 Tax Maps



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

JOHN D. SEYFFERT
DIRECTOR

November 19, 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 #73, Zoning Advisory Committee Meeting, October 9, 1979, are as follows:

Property Owner: Fred T. Kirsch, Jr.
Location: S/S Mamopa Court 400' E. Pleasant Grove Road
Existing Zoning: RC-2
Proposed Zoning: Variance to permit a side setback of 44' in lieu of the required 50'.
Acres: 1.70
District: 4th

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 HEALTH
TOWSON, MARYLAND 21204

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

November 29, 1979

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

Dear Mr. Hammond:

Comments on Item #73, Zoning Advisory Committee Meeting of October 9, 1979, are as follows:

Property Owner: Fred T. Kirsch, Jr.
Location: S/S Mamopa Ct. 400' E Pleasant Grove Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a side setback of 44' in lieu of the required 50'.
Acres: 1.70
District: 4th

The existing dwelling is presently served by a private water well and sewage disposal system. The house location does not interfere with the location of either the well or sewage disposal system; therefore, no health hazards are anticipated.

Very truly yours,

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

LJF/JRE/fthe



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN COLLINS
DIRECTOR

November 23, 1979

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

Item No. 73 - ZAC - October 9, 1979
Property Owner: Fred T. Kirsch, Jr.
Location: S/S Mamopa Ct. 400' E Pleasant Grove Rd.
Existing Zoning: R.C. 2
Proposed Zoning: Variance to permit a side setback of 44' in lieu of the required 50'.
Acres: 1.70
District: 4th

Dear Mr. Hammond:

This Department has no comment for Item 73.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/cmb



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

Paul H. Reineke
CHIEF

October 24, 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 Fred T. Kirsch, Jr.

Location: S/S Mamopa Ct. 400' E Pleasant Grove Rd.

Item No. 73

Zoning Agenda: Meeting of 10/3/79

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 or _____ 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: *George M. Kaganoff*
Planning, Zoning
Special Inspection Division

Noted and Approved: *George M. Kaganoff*
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Nick Commodari Date: October 25, 1979
FROM: Mr. Charles E. Burnham, Chief
SUBJECT: Final Review
Zoning Advisory Committee
Meeting of October 9, 1979

The following cases should be made aware of our standard comments unless other wise noted.

ITEM NO. 66 Standard Comments only.
ITEM NO. 73 Standard Comment only.
ITEM NO. 74 See Comment.
ITEM NO. 75 See Comment.

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CEB:rrj

100302NN 19 503000