

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

BRIAN T. ABT and
DONNA M. HEINZE, 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 100.2.3.1 to permit a lot width of 50 feet in
lieu of the required 55 feet and a front setback of 16 feet in lieu of the required 25 feet and a rear setback of 10 feet in lieu of the required 15 feet. Section 100.2.3.1 also permits a front setback of 8 feet for an open deck in lieu of the required 18.75 feet. Section 100.4 to permit an existing accessory structure in the side-
yard in lieu 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)

1. The practical difficulty for the Petitioners is their inability to
obtain a building permit because their lot is 50' wide instead of the
required 55' wide.

2. Petitioners purchased this property to build a single family home, and
their present inability to obtain a building permit will work a great
hardship upon them in view of the large sum of money they have expended
to purchase the property.

3. A variance to allow construction on a 50' wide lot will not violate
the purposes of the zones as set out in Section 100.1(A) of the
Baltimore County Zoning Regulations i.e. to promote the health, security
comfort, convenience, prosperity, orderly development, and the general
welfare of the community. See attached Exhibit "A".

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
Address REESE AND CARNEY
BY: 2230 Dulaney Ave.
8651 Baltimore National Pike
Ellicott City, Maryland 21043
Petitioner's Attorney 6337806

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day

of May 1980, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out 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 10th day of July 1980, 9:15 o'clock
A.M.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Montrose Ave., 200' : OF BALTIMORE COUNTY
W of Mace Ave., 15th District
BRIAN T. ABT, et al, Petitioners : Case No. 81-10-A

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of June, 1980, a copy of the foregoing

Order was mailed to Kevin J. Kelehan, Esquire, Reese & Carney, 8651 Baltimore National
Pike, Ellicott City, Maryland 21043, Attorney for Petitioners.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Kevin J. Kelehan, Esquire
8651 Baltimore National Pike
Ellicott City, Maryland 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 May 1980.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Brian T. Abt, et al

Petitioner's Attorney

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 27, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
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

Kevin J. Kelehan, Esquire
8651 Baltimore National Pike
Ellicott City, Maryland 21093

RE: Item No. 227
Petitioner - Brian T. Abt, et al
Variance Petition

Dear Mr. Kelehan:

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.

This Variance originates as a result of your clients' purchase
of this 50' wide lot prior to obtaining the necessary hearing to reduce
required lot width. In addition, after conversation with Mr. Abt and
due to the orientation of the proposed dwelling, Variances for front
and rear setbacks are also included. It was my decision to also
include a Variance to legalize the location of the existing combination
shed/patio, which is located to the rear of this site.

Enclosed are all comments submitted to this office from
the committee members at this time. The remaining members
felt that no comment was warranted. This petition was accepted
for filing on the date of the enclosed certificate and a hearing
scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

June 23, 1980

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

Re: Item #227 (1979-1980)
Property Owner: Brian T. Abt & Donna M. Heinze
S/S Montrose Ave. 200' W. Mace Ave.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a lot width of
50' in lieu of the required 55', and a front setback
of 16' in lieu of the required 25', a rear setback of
10' in lieu of the required 30', a front setback of
8' for an open deck in lieu of the required 18.75'
and to permit an accessory structure in the side yard
in lieu of the required rear yard.
Acres: 0.184 District: 15th

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, Lot 70 of "Montrose Farms", W.P.C. 6, Folio 183, is located
500.23 feet westerly of Mace Avenue, not 200 feet as indicated on the submitted plan.

Highways:

Montrose Avenue, an existing County road, is improved as a 30-foot closed section
roadway on a 40-foot right-of-way. No further highway improvements are proposed
at this time.

The construction/reconstruction of concrete sidewalk, curb and gutter, entrance,
apron, etc. will be the full responsibility of the Petitioner.

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 #227 (1979-1980)
Property Owner: Brian T. Abt & Donna M. Heinze
Page 2
June 23, 1980

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.

Water and Sanitary Sewer:

There is public 8-inch water main and 8-inch sanitary sewerage in Montrose
Avenue.

Very truly yours,

ELLI SWORTH W. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Wimbley

I-SW K-y Sheet
8 NE 27 Pos. Sheet
NE 2 G Topo
90 Tax Map



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

August 7, 1980

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Brian T. Abt & Donna M. Heinze

Location: S/S Montrose Ave. 200' W Mace Ave.

Item No: 227 Zoning Agenda: Meeting of 5/20/80

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

REVIEWER
Planning Group
Special Inspection Division

Noted and
Approved: Fire Prevention Bureau

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 17th day of July, 1980, that the herein Petition for the Variance(s) to

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 19th day of July, 1980, that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County

Baltimore County
Department of Planning and Zoning
County Office Building
Towson, Maryland 21204
(301) 224-3000

STEPHEN E. COLLINS
DIRECTOR

June 12, 1980

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

Dear Mr. Hammond:

The Department of Traffic Engineering has reviewed the proposed 21st, 22nd, 23rd, 24th, and 25th of the Zoning Advisory Committee Meeting of May 10, 1980.

Very truly yours,

Michael S. Flanigan
Engineer Associate II

MSF/had

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
(301) 224-3000

TED JAMES JR.
DIRECTOR

June 2, 1980

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

Dear Mr. Hammond:

Comments on Item #227 Zoning Advisory Committee Meeting, May 20, 1980
are as follows:

Property Owner: Brian T. Abt & Donna M. Heinze
Location: S/S Montrose Ave. 200' W Mace Ave.
Relating Zoning: D.R. 5.5
Proposed Variance: to permit a lot width of 55' in lieu of the required 55' and a front setback of 16' in lieu of the required 25' a rear setback of 10' in lieu of the required 30' a front setback of 8' for an open deck in lieu of the required 18.75' and to permit an accessory structure in the side yard in lieu of the required rear yard.

District: 15th
The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1978, and other applicable Codes.

X B. building/ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

X E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction. No openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s.

G. A change occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 211.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawing submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of a permit. If desired additional information may be obtained by visiting Room # 2 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Hammond, Chief
Plans Review

CEH:rrr

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: May 15, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: May 20, 1980

RE: Item No: 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230
City Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

RE: PETITION FOR VARIANCES : BEFORE THE
S/S of Montrose Ave., 200' W of : DEPUTY ZONING
Mace Ave. - 15th Election District : COMMISSIONER
Brian T. Abt, et al - Petitioners :
NO. 81-10-A (Item No. 227) : OF
: BALTIMORE COUNTY

... ..

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for Variances to permit a lot width of 50 feet in lieu of the required 55 feet, a front yard setback of 16 feet in lieu of the required 25 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, a front yard setback of 8 feet for an open deck in lieu of the required 18.75 feet, and an existing accessory structure to be located in the side yard in lieu of the required rear yard. When advertised, a typographical error was made in that the rear yard setback requested was said to be 20 feet.

Testimony presented in behalf of the Petitioners indicated that the subject property was subdivided in 1914 and recorded among the Land Records of Baltimore County on September 26, 1919. The Petitioners purchased the lot in a private sale and were not informed of the 50 foot lot width requirement until the day of settlement. Further, they have been advised that there is no additional land available for purchase.

The fact that the proposed dwelling is to be a Swiss chalet style necessitates the need for the requested variances. The Development Control Section of the Zoning Office generally designates the wall containing the entrance to the living room as the front of the dwelling, which, in this case, would be the 40 foot west wall. Argument was presented that the front orientation has traditionally been considered the wall containing large view windows or glass sliding doors in this type of dwelling, which, in the instant case, would be

the 24 foot north wall. If the north wall was considered the front wall, the only variance required by the Petitioners would be the lot width.

No one appeared at the time of the public hearing in protest of the subject Petition.

Without reviewing the evidence further in detail but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners and would not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 18th day of July, 1980, that the herein Petition for Variances to permit a lot width of 50 feet in lieu of the required 55 feet, a front yard setback of 16 feet in lieu of the required 25 feet, a rear yard setback of 10 feet in lieu of the required 30 feet, a front yard setback of 8 feet for an open deck in lieu of the required 18.75 feet, and an existing accessory structure to be located in the side yard in lieu of the required rear yard should be and the same is hereby GRANTED, from and after the date of this Order, subject, however, to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

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

LIBER 6133 PAGE 734

REAL ESTATE TITLE COMPANY,
INCORPORATED
Kaiser Building
Baltimore, Md.
LE 5-1010 9-3215

PER SIMPLE DEED

App. No. 118127
TITLES INSURED
Lawyers Title
Insurance Corporation
Baltimore, Md.

This Deed, Made this 21st day of February, in the year one thousand nine hundred and eighty eight by BARRY D. TICE and FAMELA P. TICE, his wife, of Baltimore County, State of Maryland, parties of the first part; and CLIFFORD ALLEN O'CONNELL, of Baltimore County, State of Maryland, party of the second part.

WITNESSETH that in consideration of the sum of \$58,000.00 (the actual consideration paid or to be paid) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part

do grant and convey unto the said party of the second part, his

personal representatives heirs and assigns, in fee-simple, all those lots or parcels of ground situated, being and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEHAVING for the same on the southwest side of Montrose Avenue, at the division line between Lot No. 71 and Lot No. 70, as shown on the Plat of Montrose Farms, subdivided by the City of Baltimore Company of Baltimore City, and recorded among the Land Records of Baltimore County in Plat Book V.P.C. No. 6, folio 181; and running thence northwesterly, binding on said southwest side of Montrose Avenue, 115 feet to a point distant 15 feet northwesterly from the division line between Lots Nos. 72 and 73, as shown on said plat; thence southeasterly at right angles to Montrose Avenue, 160 feet to the southwestmost outline of the lots shown on said plat; thence binding on said outline, southeasterly, 115 feet to the division line between Lots Nos. 71 and 70; and thence northeasterly binding on said division line, 160 feet to the place of beginning. Being Lots Numbered 71 and 72 and the southeastmost 15 feet of Lot No. 73 as shown on said Plat of Montrose Farms. The improvements thereon being known as No. 335 Montrose Avenue.

SAVING AND EXCEPTING, however, that portion of the above described lot of ground which was conveyed unto Baltimore County, Maryland, by deed dated July 19, 1968 and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 4510, folio 391, together with an easement as set forth therein, for the widening of Montrose Avenue.

ALSO SAVING AND EXCEPTING all that parcel of land which by Deed dated August 7, 1972 and recorded among the Land Records of Baltimore County in Liber E.N.R. J. No. 5296, folio 278, was granted and conveyed by Thomas D. Houck, et al, to Baltimore County, Maryland, described as follows:

(over)

LIBER 6133 PAGE 735

BEING the right to create, use and maintain on the area of land containing 0.004 acre, more or less, (165 sq. ft.) shown shaded and hatched thus [diagonal lines], and indicated "Reversible Easement for Supporting Slopes" on Baltimore County Drawing No. HW 62-057-24, such slopes as are necessary to retain and support the highway and/or adjacent property, it being agreed between the parties hereto, however, that at such time as the contour of the land over which this slope easement is granted is changed so that the easement required for slope is no longer necessary to retain, support or protect the highway construction, then said easement for slopes shall cease to exist.

BEING part of property as described in a Deed dated May 23, 1974 and recorded among the Land Records of Baltimore County in Liber E.N.R. Jr. No. 3448, folio 927, from Thomas D. Houck and Patricia A. Houck, his wife, to the Grantors herein.

Witness my hand and notarial seal the day and year last above written.

July 1962
NOTARY PUBLIC

NOTARY
PUBLIC
1960
FEB 248 1960

My Commission Expires: July 1, 1962

Witnessed at _____ on _____ day of _____ 1962

H. Kahlina, Jr., Clerk

Mail to REAL ESTATE TITLE CO. INC.

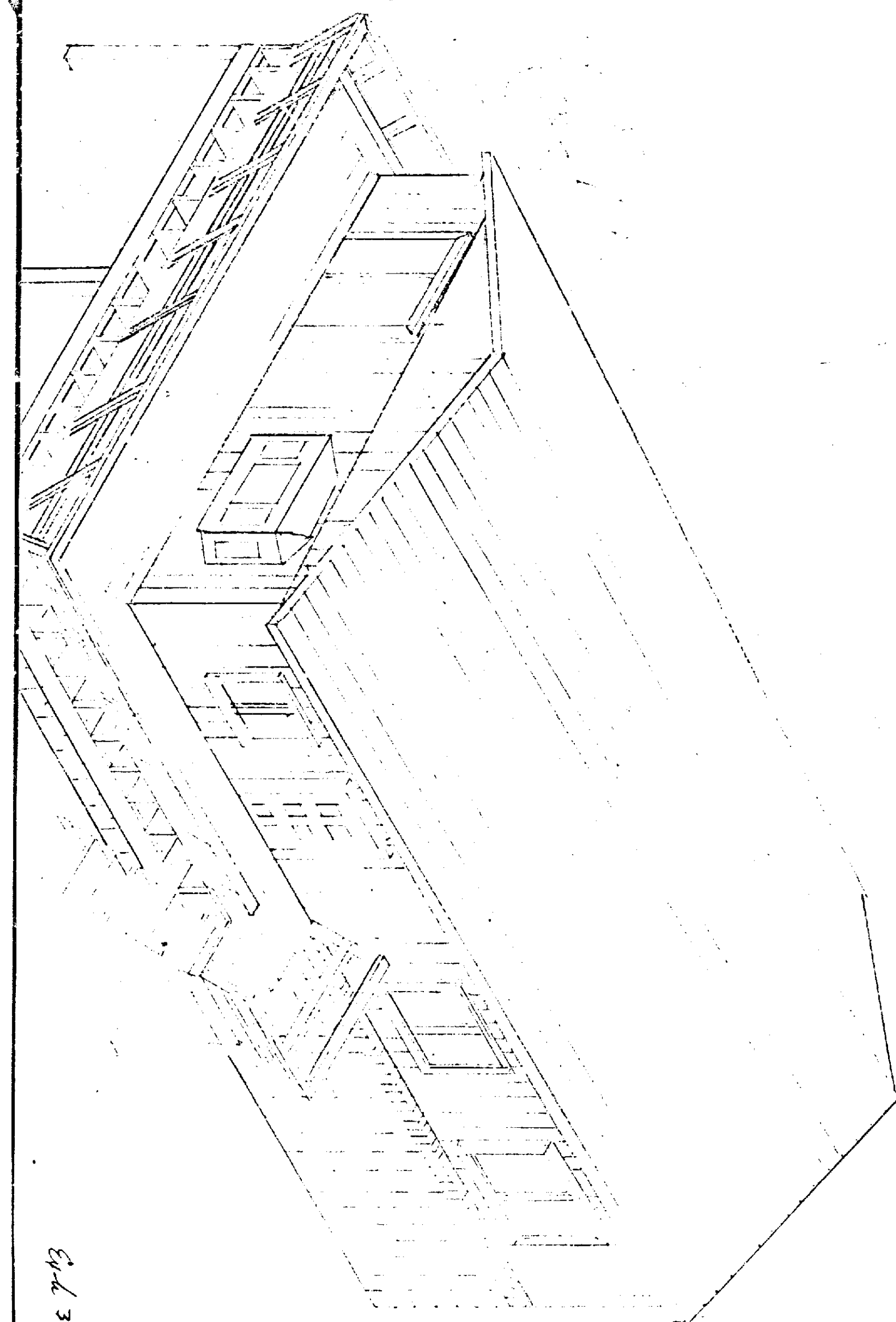
Receipt No. _____ 122-00

NR-1-80	155737#	***139.25
NR-1-83	155732#	***59.50
NR-1-80	155735#	***10.00

Exh 1a

July 1, 1982

Rec'd for record APR 1 1980 at 301
 Per Elmer H. Kahline, Jr., Clerk
 Mail to Mr. Brian T. Holt
 Receipt No. 2 11111



RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"
DRAWN BY: B. AGT
BUILDER: B. AGT

LEFT SIDE ELEVATION

LEFT SIDE ELEVATION

REAR END ELEVATION

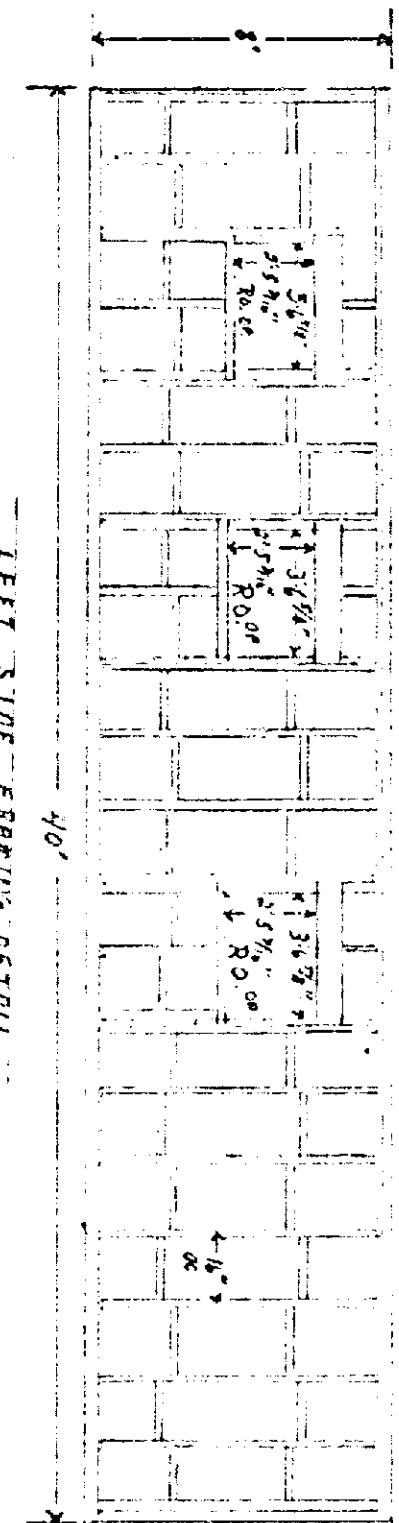
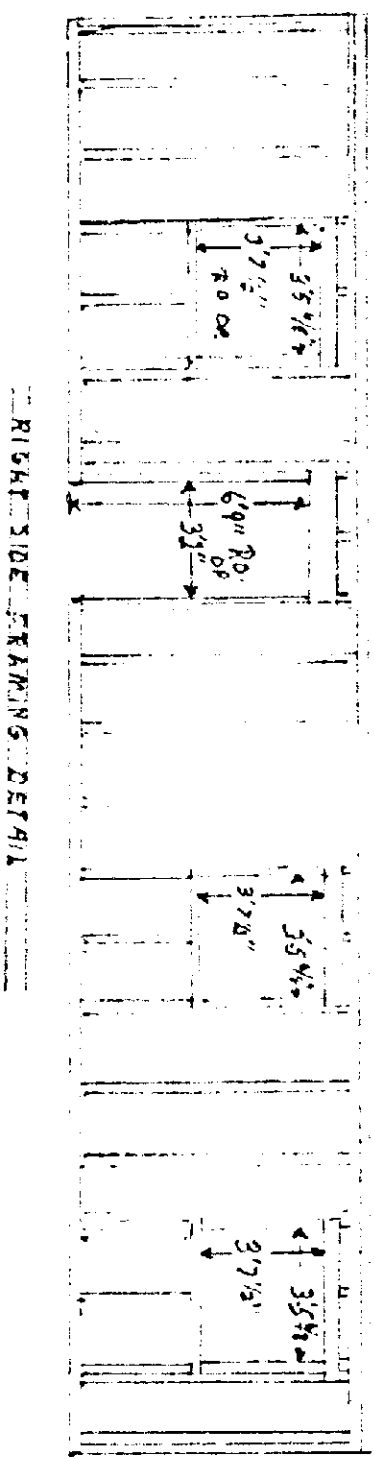
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SCAGS 3/12: 1.00

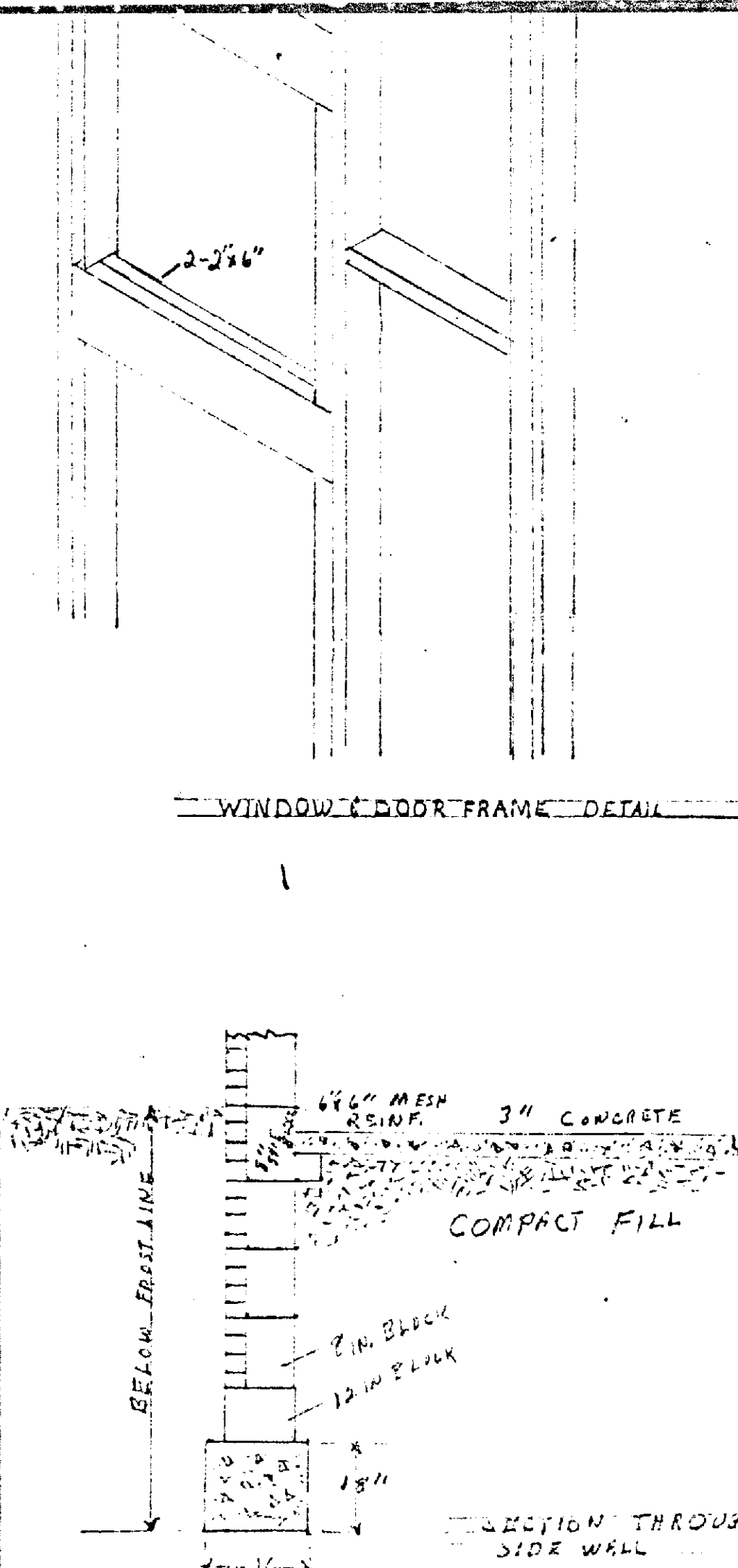
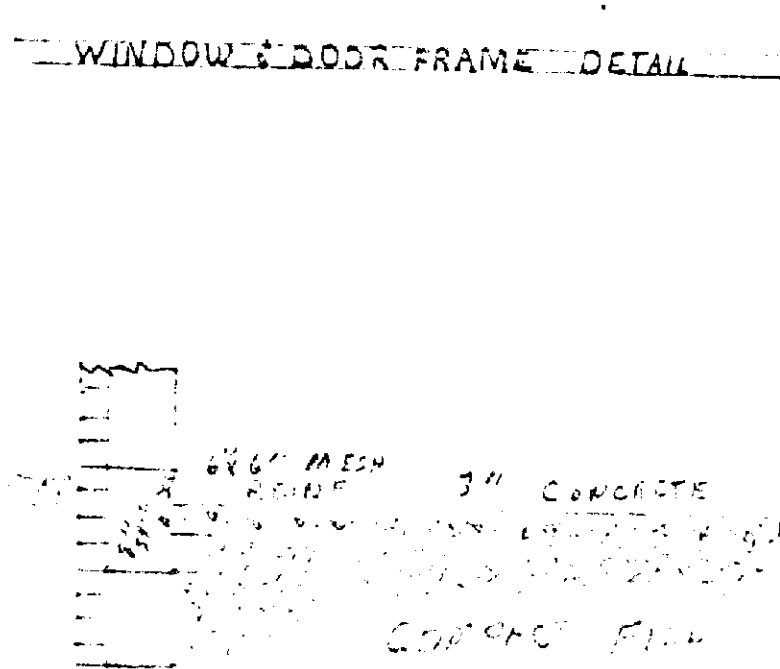
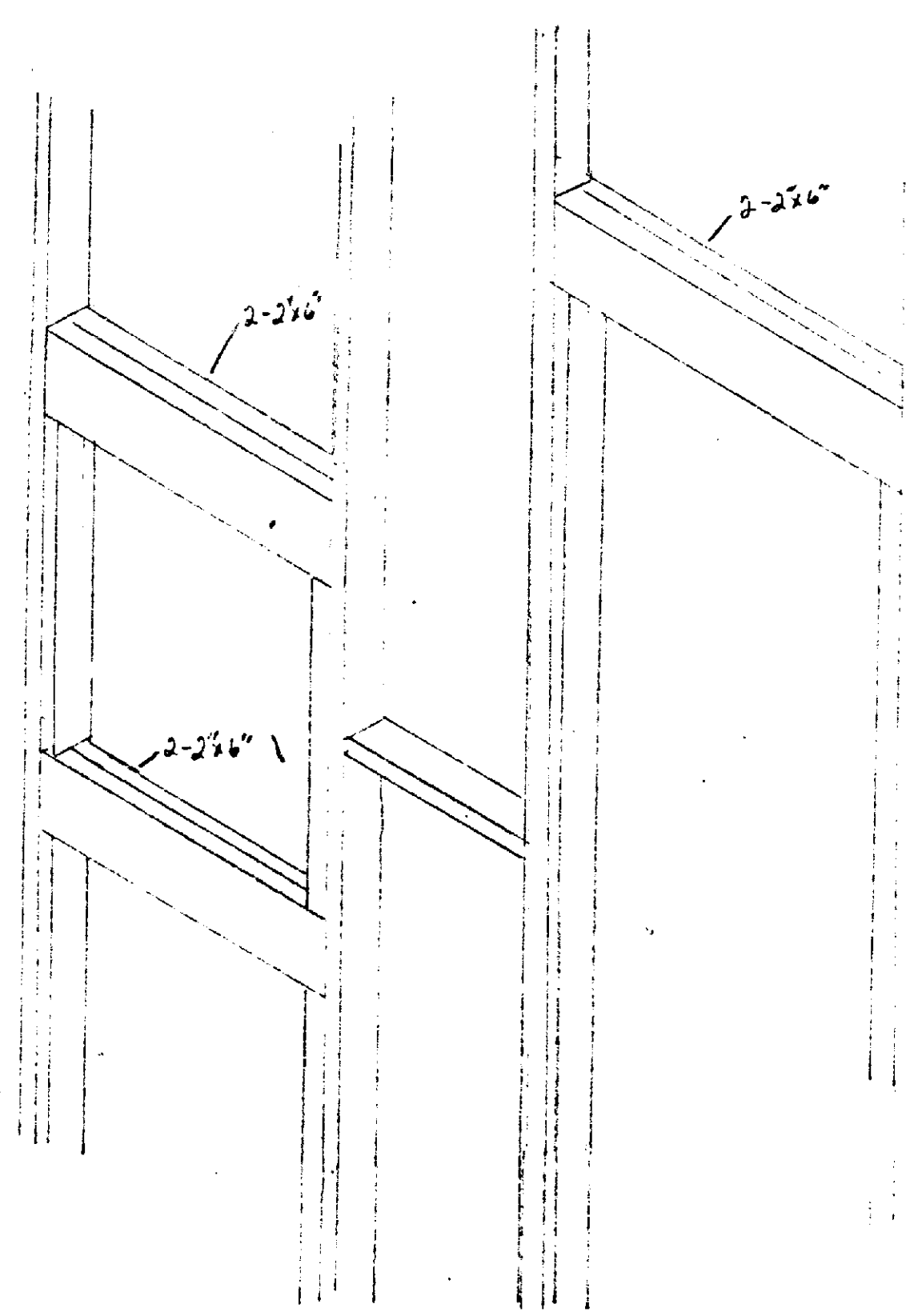
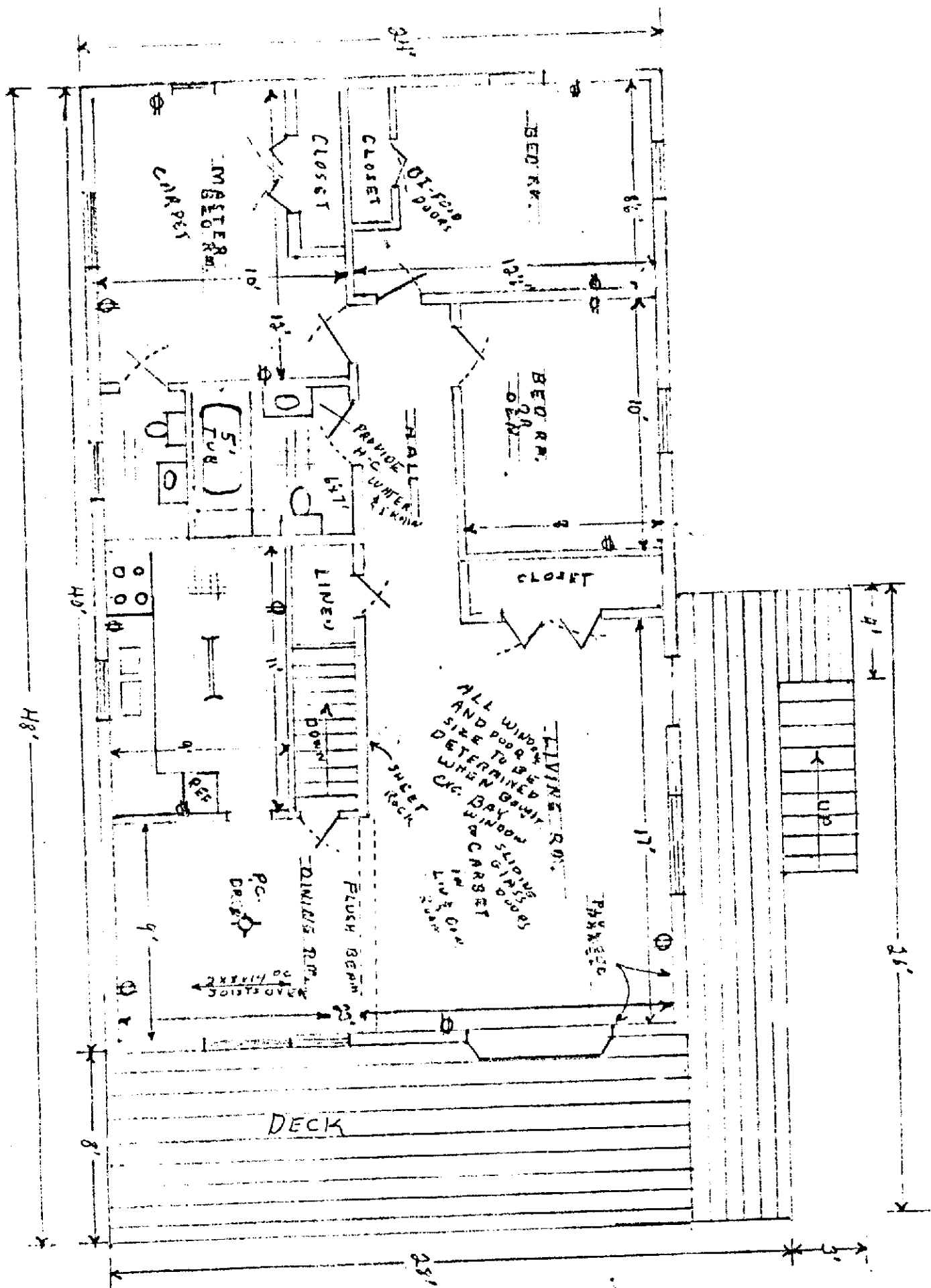
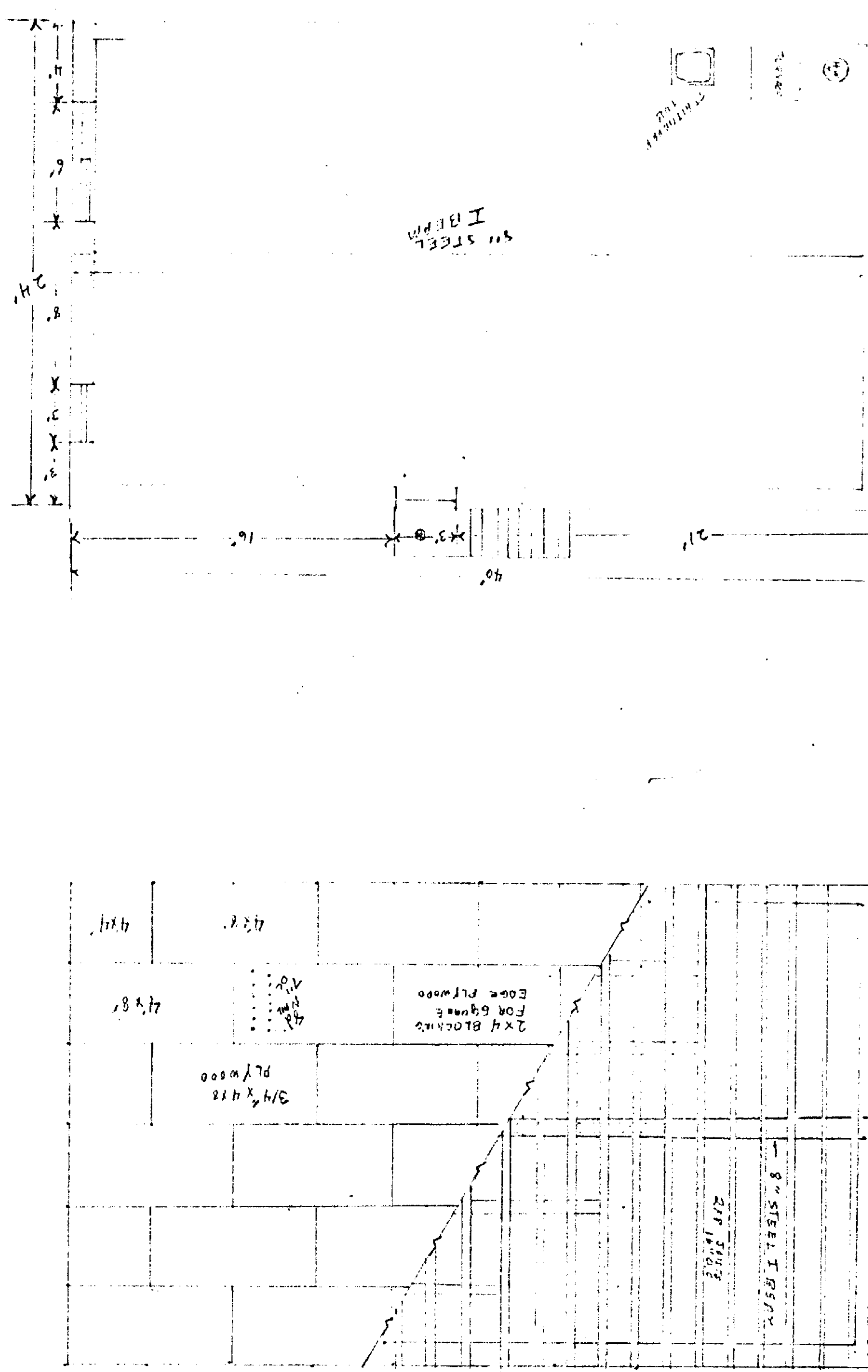
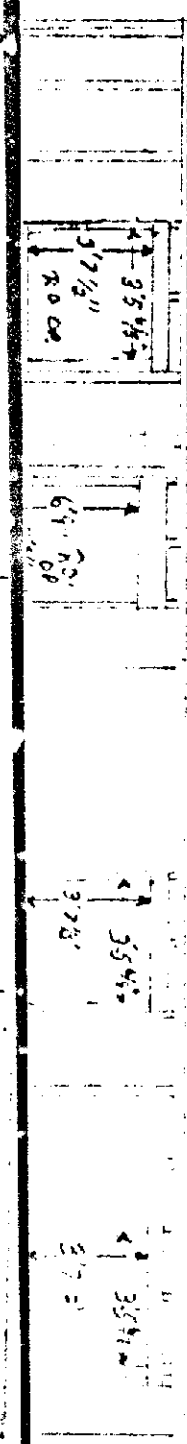
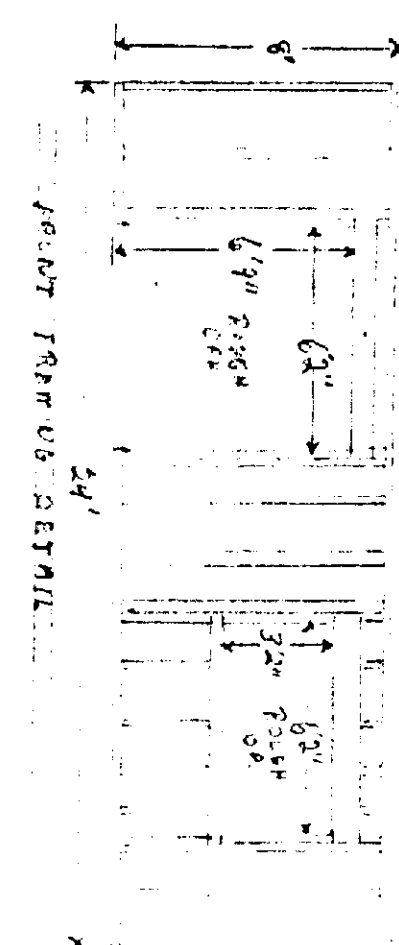
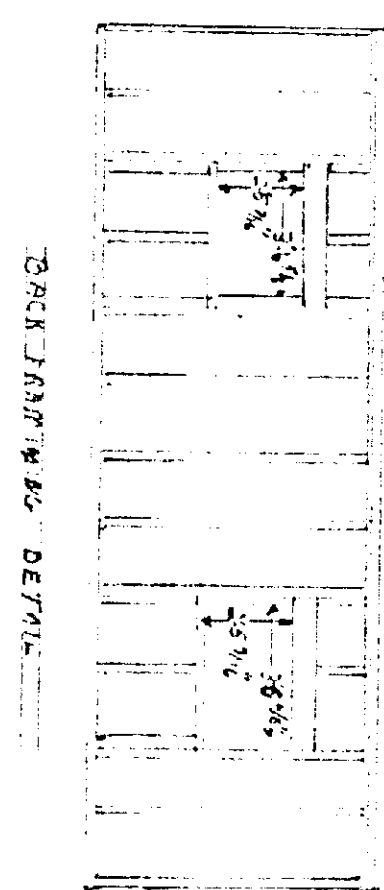
A hand-drawn floor plan of a house, oriented with the front entrance on the right. The plan includes the following rooms and features:

- Front Porch:** Located on the right side, with a set of stairs leading up to the front door.
- Living Room:** A large room on the right side, adjacent to the front porch.
- Bedroom:** Located in the upper right corner.
- Bedroom:** Located in the upper left corner.
- Bedroom:** Located in the lower left corner.
- Bath:** Located in the center of the house, between the two bedrooms on the left.
- Kitchen:** Located in the lower center of the house.
- Dining Room:** Located in the lower left corner, adjacent to the kitchen.
- Hall:** A central hallway connecting the bedrooms, bath, and living areas.
- Stairs:** A set of stairs labeled "Up" and "Down" is located near the central bath.

The drawing is a simple line sketch with handwritten labels for each room. The overall layout is rectangular with a central hallway and a front porch.



SCALE 3/4" = 1'-0"



from each corner of the house, to provide base and

Plumbing

All plumbing shall be installed in accordance with local building codes and shall be approved by the local health department. All plumbing shall be installed in accordance with the following specifications:

1. All plumbing shall be installed in accordance with local building codes and shall be approved by the local health department.
2. All plumbing shall be installed in accordance with the following specifications:

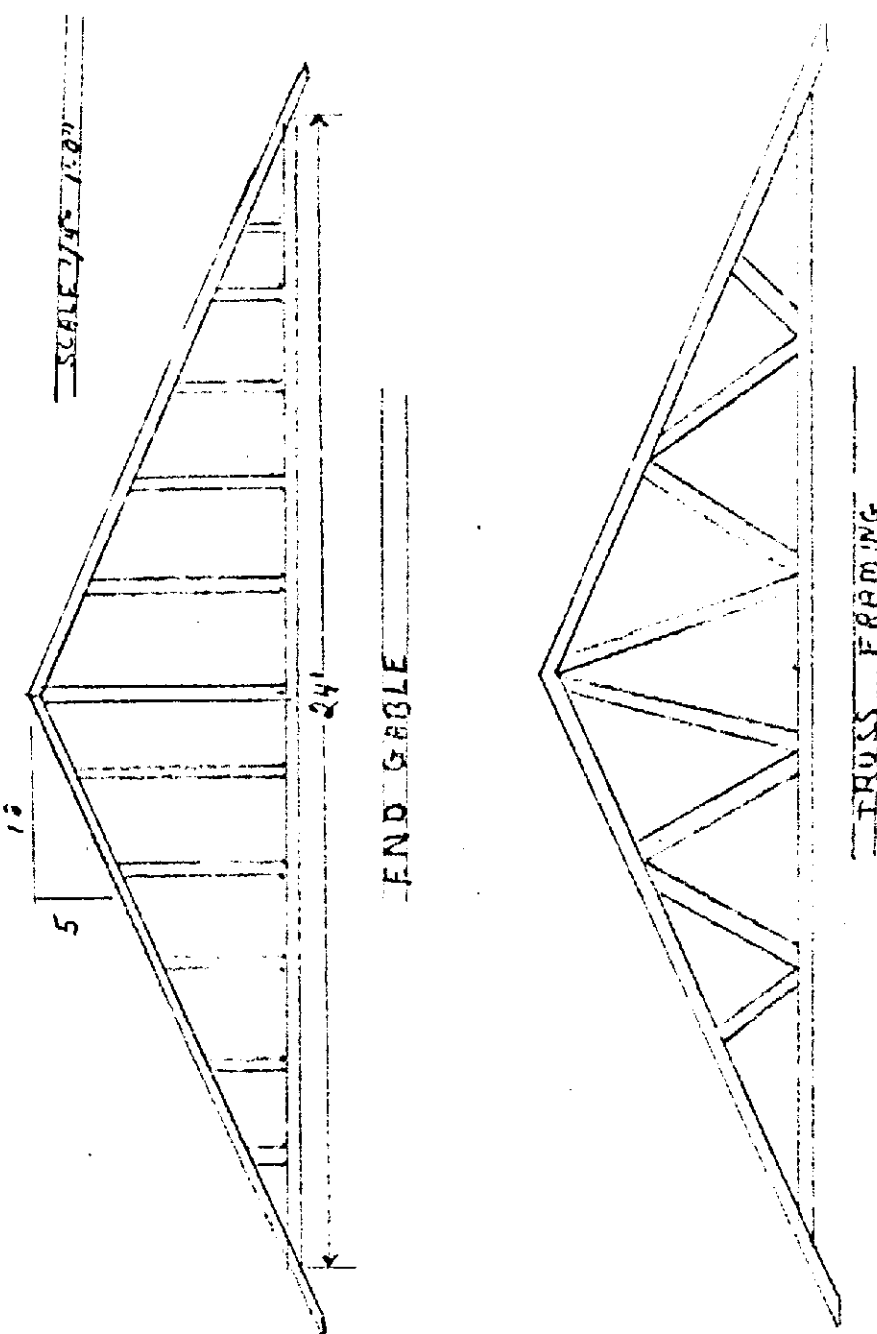
Plumbing Protection: All plumbing shall be protected by a minimum of 1/2" of concrete or equivalent material.

Cross Bracing

Cross bracing shall be installed in accordance with local building codes and shall be approved by the local health department.

Cross bracing shall be installed in accordance with the following specifications:

1. All plumbing shall be installed in accordance with local building codes and shall be approved by the local health department.



I, Louise R. Ryan, owner of Lot 69 of Montrose Farms, certify I am aware of the Petition for Variance filed by Brian Abt and Donna Heinze asking for a variance to allow construction on a 50' wide lot and set-back requirements as more particularly set out in the Variance Petition.

I have no objection to the construction as envisioned by the Variance Petition and as a neighboring landowner do not object to this proposed construction.

Louise R. Ryan, 7/14/80

Mr. & Mrs. Robert B. Goff, owner of Lots 48 & 49 of Montrose Farms, certify I am aware of the Petition for Variance filed by Brian Abt and Donna Heinze asking for a variance to allow construction on a 50' wide lot and set-back requirements as more particularly set out in the Variance Petition.

I have no objection to the construction as envisioned by the Variance Petition and as a neighboring landowner do not object to this proposed construction.

Robert B. Goff
Phyllis F. Goff 7/14/80

DESCRIPTION FOR VARIANCE
Beginning at a point on the South side of Montrose Avenue 200 feet West of Mace Avenue and known as Lot 70 as shown on the Plat of "Montrose Farms" which is recorded in the Land Records of Baltimore County in Liber 6, Folio 183.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: The Honorable Donald P. Hutchinson Date: July 17, 1980
FROM: William E. Hammond
SUBJECT: Zoning Hearings

TUESDAY, AUGUST 12, 1980

9:30 A.M. North side of Hollins Ferry Road, 2120 feet East of Halethorpe Farm Road 13th Election District - 1st Councilmanic District Petition for Special Exception for the erection of four 12 x 25 foot illuminated advertising structures and Variance to permit a front yard setback of 25 feet from the street right-of-way in lieu of the required average of 37.5 feet The B&O Railroad Company - Petitioners

9:45 A.M. East side of York Road, 75 feet North of Anneslie Road 8th Election District - 4th Councilmanic District Petition for Special Exception for an office building and Variance to permit a setback from a D.R.5.5 zoning line of 40 feet in lieu of the required 75 feet Ervin J. Corveny, et ux - Petitioners

THURSDAY, AUGUST 14, 1980

9:30 A.M. West side of Bacon Road, 3500 feet South of Big Falls Road 10th Election District - 3rd Councilmanic District Petition for Special Exception for a trailer on proposed Lot 1 (tenant house) and a trailer on proposed Lot 2 Hurley Powers, et al - Petitioners

The Honorable Donald P. Hutchinson
July 17, 1980
Page Two

THURSDAY, AUGUST 14, 1980

9:45 A.M. South side of Kinwat Avenue, 128.56 feet West of Tibsen Avenue 15th Election District - 5th Councilmanic District Petition for Variance to permit a rear yard setback of 8 inches in lieu of the required 2.5 feet for an existing accessory structure (shed) John M. Lantz, et ux - Petitioners

William E. Hammond
WILLIAM E. HAMMOND
ZONING COMMISSIONER

WEH:sj

cc: Mr. B. Melvin Cole
County Council
Research & Public Affairs
People's Counsel
James Hoswell
Corridor Plan

80-068
400g Hammond
1/80

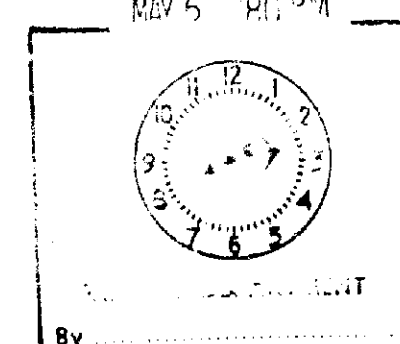
LAW OFFICES
REESE AND CARNEY
8651 BALTIMORE NATIONAL PIKE
ELLICOTT CITY, MARYLAND 21043

CHARLES A. REESE
DAVID A. CARNEY
DAVID C. HORTSBERG
RICHARD D. NEIDIG
KEVIN J. KELEHAN

WASHINGTON AREA
(301) 461-2600
(301) 461-2600

ROCKVILLE AREA
SUITE 505
FUTURBAN TRUST BUILDING
255 NORTH WASHINGTON STREET
ROCKVILLE, MARYLAND 20850
(301) 762-4210

May 5, 1980



Mr. Nick Commodari
Baltimore County Office
of Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Brian Abt and Donna Heinze
Zoning Petition

Dear Mr. Commodari:

I write this letter on behalf of the petitioners, Brian Abt and Donna Heinze who are petitioning for a variance from the 55 foot width restriction in a D-R 5.5 zoning area as more fully described in their petition. Please be advised that they have purchased the property in April with an eye towards immediate construction, not knowing that the width variation prohibited the attention of a building permit. It is absolutely imperative that they receive a building permit and begin construction since they are being married in the winter and have to move into the finished house by that time. Further, the prices which they have received cannot hold during the three to four months which it would take to finally complete the process.

Accordingly, since this is a very simply question not involving intricate parking or a use variance, I respectfully ask that you expedite the hearing date and put it on the earliest possible docket since the questions are very simple and the resolution should not be complex.

Very truly yours,

REESE AND CARNEY
Kevin J. Kelehan

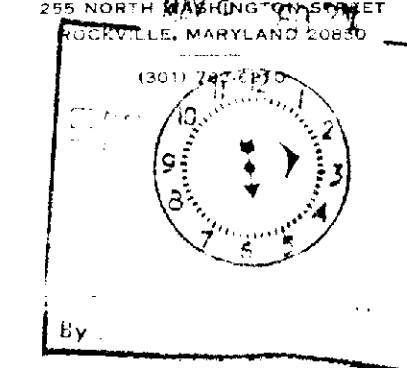
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SUITE 505
SUBURBAN TRUST BUILDING
255 NORTH WASHINGTON STREET
ROCKVILLE, MARYLAND 20850
(301) 762-4210

May 8, 1980



William Hammond, Esquire
Zoning Administrator
Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

RE: Brian Abt and Donna
Heinze - Pending
Variance Petition

Dear Mr. Hammond:

Please be advised that this office represents and is the attorney of record for the above captioned petitioners who recently purchased a lot in the Essex area. In negotiating the purchase of the lot, they negotiated and consummated the purchase of the lot without the benefit of counsel and employed us only after discovering from the Permits and Inspections Department that the lot was technically non-buildable since it did not comply with the 55 foot width restriction contained in the zoning ordinance. Please be advised that Mr. Commodari from your office has our zoning petition seeking a variance due to practical difficulty and undue hardship. As you know, zoning ordinances and requests for variances are construed more liberally when bulk or set back restrictions are concerned rather than when use restrictions are sought to be changed.

Since this request involves only the construction of a single family residence and since there seems to be no apparent opposition in the neighborhood to such construction (the subdivision having been of record for some 60 years and many residences having been constructed prior to the enactment of the ordinance), I would respectfully ask that this be placed on the expedited hardship docket in order to allow a prompt hearing on this matter which should not involve extended testimony, extensive comments from planning, public works or other administrative agencies or a long list of protestants voicing opposition to increased traffic or other unsightly changes in the neighborhood. Rather, this involves a simple

question of fact which should be considered and resolved expeditiously.

Lastly, Mr. Abt and Ms. Heinze must have their variance and building permit as soon as possible in order to allow them to construct a livable residence before the winter of this year, when they plan to marry. They have lined up a contractor whose prices cannot be held if this matter were placed on the regular docket. I am told that the woman who places matters on the docket will be on vacation which would necessitate further delay in the event this request were not granted.

I would appreciate whatever concern and attention can be shown in this matter in order to expedite what should be a prefatory hearing involving a very simple issue.

Very truly yours,

REESE AND CARNEY
Kevin J. Kelehan

KJK:jf
cc: Mr. Abt

PETITION FOR VARIANCES

15th District

ZONING: Petition for Variances
 LOCATION: South side of Montrose Avenue, 200 feet West of Mace Avenue
 DATE & TIME: Thursday, July 10, 1980 at 9:45 A.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a lot width of 50 feet in lieu of the required 55 feet; front setback of 16 feet in lieu of the required 25 feet; rear yard setback of 20 feet in lieu of the required 30 feet; front yard setback of 8 feet for an open deck in lieu of the required 18.75 feet and to permit an existing accessory structure in the side yard in lieu of the required rear yard

The Zoning Regulations to be excepted as follows:

Section 1802.3C.1 - Development Standards for Small Lots or Tracts
 Section 301.4 - Projections into yards
 Section 400.1 Accessory Buildings in Residence Zones

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Brian T. Abt, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, July 10, 1980 at 9:45 A.M.
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
 WILLIAM E. HAMMOND
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
 Zoning Commissioner
 TO: John D. Seyffert, Director
 FROM: Office of Planning and Zoning
 SUBJECT: Petition No. 81-10-A
 Date: July 1, 1980

Petition for Variances
 South side of Montrose Avenue, 200 feet West of Mace Avenue
 Petitioner- Brian T. Abt, et al

Fifteenth District

HEARING: Thursday, July 10, 1980 (9:45 A.M.)

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

John D. Seyffert, Director
 Office of Planning and Zoning

JDS:JGH:vg

June 11, 1980

Kevin J. Kelehan, Esquire
 Reese & Carney
 8651 Baltimore National Pike
 Ellicott City, Maryland 21043

NOTICE OF HEARING

RE: Petition for Variance - S/S Montrose Avenue, 200' W of Mace Avenue
 Brian T. Abt., et al - Case No. 80-273-A 5/1/80

TIME: 9:45 A.M.

DATE: Thursday, July 10, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

WILLIAM E. HAMMOND
 ZONING COMMISSIONER OF
 BALTIMORE COUNTY

BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204

WILLIAM E. HAMMOND
 ZONING COMMISSIONER

June 25, 1980

Kevin J. Kelehan, Esquire
 Reese & Carney
 8651 Baltimore National Pike
 Ellicott City, Maryland 21043

RE: Petition for Variances
 S/S of Montrose Ave., 200' W of
 Mace Ave - Brian T. Abt, et al
 Case No. 81-10-A

Dear Mr. Kelehan:

is to advise you that \$50.75 is due for advertisement and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sandra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
 Zoning Commissioner

WEE:eg

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

WILLIAM E. HAMMOND
 ZONING COMMISSIONER

July 18, 1980

Kevin J. Kelehan, Esquire
 8651 Baltimore National Pike
 Ellicott City, Maryland 21043

RE: Petition for Variances
 S/S of Montrose Ave., 200' W of Mace
 Ave. - 15th Election District
 Brian T. Abt, et al - Petitioners
 NO. 81-10-A (Item No. 227)

Dear Mr. Kelehan:

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

Very truly yours,

DEAN M. H. JUNG
 Deputy Zoning Commissioner

JMHJ/mc

Attachments

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

Mr. William E. Hammond
 Zoning Commissioner
 Room 109, County Office Building
 Towson, Maryland 21204

RE: Case No. 81-10-A
 Building Permit Application
 No.
 15 Election District

Dear Mr. Hammond:

We, the undersigned, being the owner of the above mentioned property and the applicant for the above referenced building permit, do hereby acknowledge that we are fully aware of your Order being subject to a thirty (30) day appeal period, but wish to go ahead with the construction of improvements on the property prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County Maryland and you from any liability or responsibility in this matter and agree to assume any and all financial responsibility for any consequences which might arise during the appeal period if an appeal is filed after construction has begun.

Very truly yours,

Brian T. Abt, et al
 Donna M. Hange

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 24th day of June, 1980

Filing Fee \$25.00 Received: ☒ Cash ☐ Check ☐ Other

Petitioner Brian T. Abt Submitted by Joseph F. Carney

Petitioner's Attorney Kevin J. Kelehan Reviewed by Dean M. Jung

This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15 Date of Posting 7/1/80
 Posted for: Petition for Variance
 Petitioner: Brian T. Abt, et al
 Location of property: S/S of Montrose Ave., 200' W of Mace Ave.
 Location of Signs: 10' x 14' signs at each corner of property
 Remarks:
 Posted by: [Signature] Date of return: 7/1/80
 Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 26, 1980

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once in each of successive weeks before the 1st day of July, 1980, the day of publication appearing on the 1st day of June, 1980.

THE JEFFERSONIAN
 Manager.

Cost of Advertisement, \$1.00

PETITION FOR VARIANCES 15th DISTRICT

ZONING: Petition for Variances
 LOCATION: S/S of Montrose Avenue, 200 feet West of Mace Avenue
 DATE & TIME: Thursday, July 10, 1980 at 9:45 A.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a lot width of 50 feet in lieu of the required 55 feet; front setback of 16 feet in lieu of the required 25 feet; rear yard setback of 20 feet in lieu of the required 30 feet; front yard setback of 8 feet for an open deck in lieu of the required 18.75 feet and to permit an existing accessory structure in the side yard in lieu of the required rear yard

The Zoning Regulations to be excepted as follows:
 Section 1802.3C.1 - Development Standards for Small Lots or Tracts
 Section 301.4 - Projections into yards
 Section 400.1 Accessory Buildings in Residence Zones

All that parcel of land in the Fifteenth District of Baltimore County beginning at a point on the South side of Montrose Avenue 200 feet West of Mace Avenue and known as Lot 70 as shown on the Plat of "Must see Farms" which is recorded in the Land Records of Baltimore County in Liber 4, Folio 185.

Being the property of Brian T. Abt, et al, as shown on plat plan filed with the Zoning Department

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order of
 WILLIAM E. HAMMOND,
 Zoning Commissioner
 of Baltimore County
 June 18

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

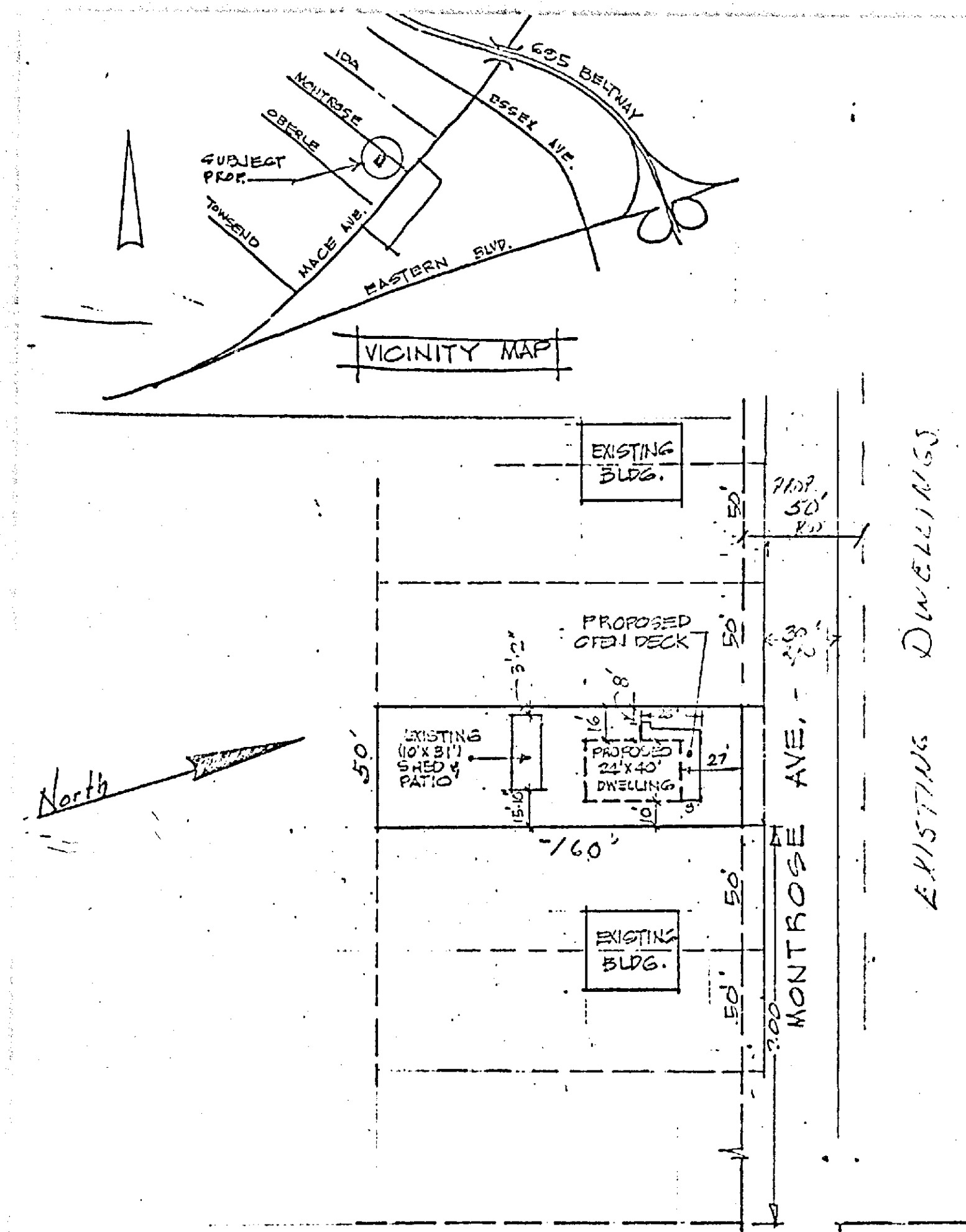
No. 088874

DATE: June 11, 1980 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: Reese & Carney
 FOR: Filing Fee for Case No. 81-10-A

VALIDATION OR SIGNATURE OF CASHIER



PLAT TO ACCOMPANY ZONING VARIANCES
FOR BRIAN T. & DONNA M. HEINZE
15th DISTRICT, ZONE DR-5.5
"MONTROSE FARM"
LOT 70, BOOK NO. 6, FOLIO 183
WATER & SEWER EXISTING IN MONTROSE AVE.
SCALE: 1"=50'

OWNERS WILL TAKE FULL RESPONSIBILITY
AS TO THE INFORMATION PROVIDED ON
SAID PLOT PREPARED BY BALTO. CO.

Brian T. Heinze 5/5/80
OWNER DATE

Donna M. Heinze 5/5/80
OWNER DATE

PETITION FOR VARIANCE
15th District
Zoning: Petition for Variance
Location: South side of Montrose Avenue, 200 feet West of Mace Avenue.
Date & Time: Thursday, July 10, 1980 at 9:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.
Petition for Variance to permit a lot width of 50 feet in lieu of the required 55 feet; front setback of 16 feet in lieu of the required 25'; rear yard setback of 20 feet in lieu of the required 30 feet; front yard setback of 8 feet for an open deck in lieu of the required 18 feet and to permit an existing accessory structure in the side yard in lieu of the required rear yard.
The Zoning Regulations to be excepted as follows:
Section 1B02.3C.1 Development Standards for Small Lots or Tracts.
Section 301.1 - Projections into yards.
Section 400.1 Accessory Buildings in Residence Zones.
All that parcel of land in the Fifteenth District of Baltimore County in Liber 6, Folio 183.
Being the property of Brian T. Abt, et al, as shown on plat plan filed with the Zoning Department.
Hearing Date: THURSDAY, JULY 10, 1980 AT 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
BY ORDER OF
WILLIAM E. HAMMOND
Zoning Commissioner of Baltimore County

The Essex Times
Essex, Md., June 19, 1980

This is to Certify, That the annexed
Petition
was inserted in the Essex Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 19th day of June, 1980
Frederick X, Inc. Publisher.

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

No. 089633

DATE July 11, 1980 ACCOUNT 01-662

AMOUNT \$50.75

RECEIVED FROM Donna Heinze

FOR Advertising and Posting of Case No. C1-10-A

VALIDATION OR SIGNATURE OF CASHIER



Y 8 THE SUN Sunday, February 3, 1980

REAL ESTATE

MOORE MATTHEWS
LUTHERVILLE OFFICE 821-1484 JACKSONVILLE OFFICE 821-1484 ROLAND PARK OFFICE 323-3000

COUNTRY LIFE REALTY
10 to 15 acre lots in Harford and Baltimore Counties, providing a wide selection of sites, views, locations and special features. We are now accepting offers on our own prime subdivisions which guarantee you will find a productive use for any lot you purchase or the developer will refund the purchase price. If you're looking for property, try it - you'll find one of the following is just what you need.

PRICE LOCATION DESCRIPTION AGENT PHONE

10 to 15 acre lots in Harford and Baltimore Counties, providing a wide selection of sites, views, locations and special features. We are now accepting offers on our own prime subdivisions which guarantee you will find a productive use for any lot you purchase or the developer will refund the purchase price. If you're looking for property, try it - you'll find one of the following is just what you need.

MOORE MATTHEWS
LUTHERVILLE OFFICE 821-1484 JACKSONVILLE OFFICE 821-1484 ROLAND PARK OFFICE 323-3000

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