

PETITION FOR ZONING VARIANCE 93-220-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 1802.3.C.1 to permit a side yard setback of 15 feet instead of the required 25 feet and a side/setback of 5 feet instead of the required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
That lots 11 and 12 owned by your Petitioners only have a total frontage of 45' which makes the said lots unsaleable for a dwelling to be built under the present requirement. There are other existing variances for a similar type dwelling which are in the same development. Because of the size of the two lots it is impossible to conform to the zoning requirement as it relates to a dwelling.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Legal Owner(s):
Herbert A. Reynolds
(Type or Print Name)
Signature
Dorothy M. Reynolds
(Type or Print Name)
Signature
Address
5973 Montgomery Avenue
Baltimore, Maryland 21207
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Herbert A. & Dorothy M. Reynolds
Name
5973 Montgomery Ave., 21207 747-9050
Address
City and State
Attorney's Telephone No.: 625-1517

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of January, 1983, 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, last property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 24th day of March, 1983, at 9:15 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

L-SE Key Sheet
1 & 2 NW 22 Pos. Sheets
NW 1 F Topo
95 Tax Map

HARRY J. PISTEL P.E.
DIRECTOR

March 8, 1983

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

Re: Item #137 (1982-1983)
Property Owner: Herbert A. & Dorothy M. Reynolds
S/E corner Kent Ave. and Montgomery St.
Acres: 45 x 125 District: 1st

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:

Kent Avenue and Montgomery Street, existing public roads, are proposed to be further improved in the future as 30-foot closed section roadways on 50-foot rights-of-way with fillet areas for sight distance at their intersection.

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.

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 Sewers:

There are 8-inch public water mains in Kent Avenue and Montgomery Street, and 8-inch public sanitary sewerage exists in Kent Avenue.

Very truly yours,
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:PMR:ss

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 25, 1983

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

ZAC - January 18, 1983
Item Nos. 132, 133, 134, 135, 136, 137, 138, 139, and 140.

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 132, 133, 134, 135, 136, 137, 138, 139, and 140.

Michael S. Flanagan
Traffic Engineer Associate II

MSF/ccm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning Date: February 4, 1983
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item # 127 - E. L. S. Enterprises, Inc.
- Item # 131 - Carl M. & Catherine V. Buxley, Jr.
- Item # 134 - Allen W. Haynie
- Item # 135 - Santi V. & Rose M. Lunco
- Item # 137 - Herbert A. & Dorothy M. Reynolds
- Item # 138 - James T. & Pearl Shipley
- Item # 142 - Daniel T. & Janet F. Brullinski
- Item # 143 - Denver G. Reah
- Item # 144 - William J. & Janice M. Steiner, Jr.
- Item # 145 - Beacon Building Corp.
- Item # 147 - Robert A. & Deborah L. Jennings

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJP/fth

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 8, 1983

1107 Kenilworth Drive
Towson, Maryland 21204

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

RE: Item No. 137 - Case No. 93-220-A
Petitioner - Herbert A. Reynolds, et al
Variance Petition

Dear Mr. Mix:

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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman
ZONING PLANS ADVISORY COMMITTEE

ENCLOSURE

cc: Development Design Group, Ltd.
1107 Kenilworth Drive
Towson, Md. 21204

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
625-7310

PAUL H. RENCKE
CHIEF

January 21, 1983

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: Herbert A. and Dorothy M. Reynolds

Location: SE/Cor. Kent Avenue and Montgomery Street

Item No.: 137 Zoning Agenda: Meeting of January 18, 1983

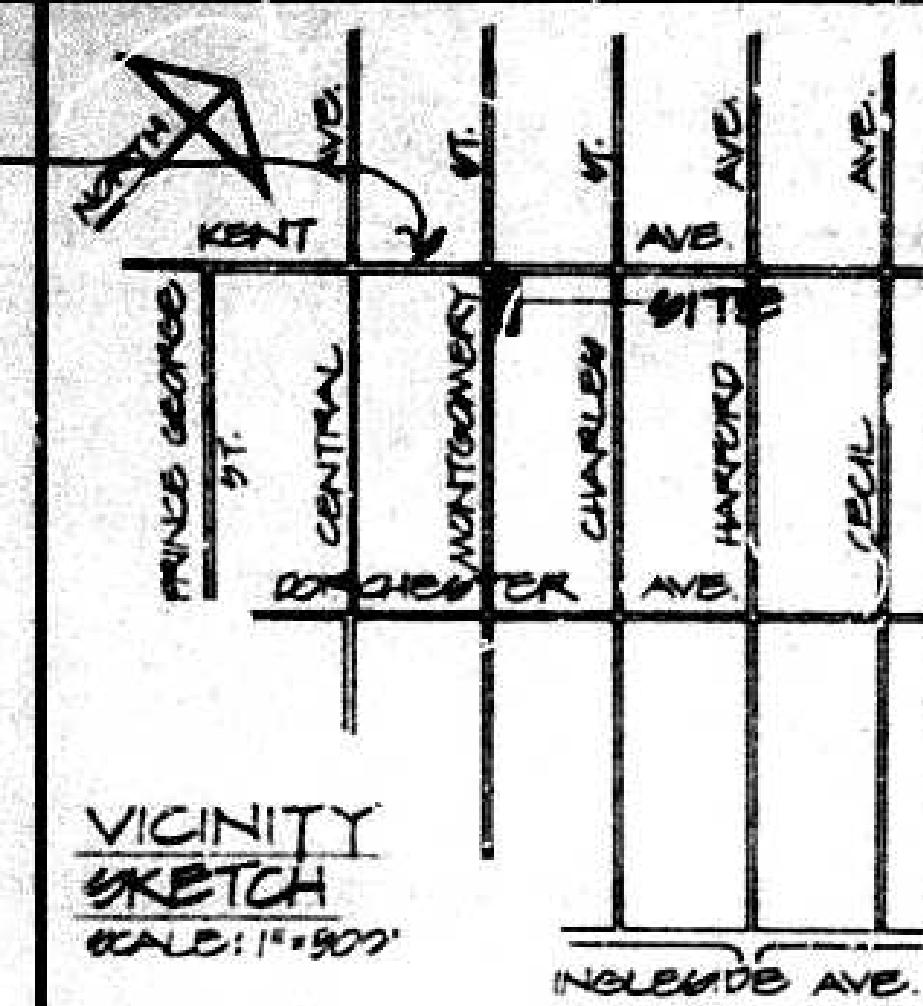
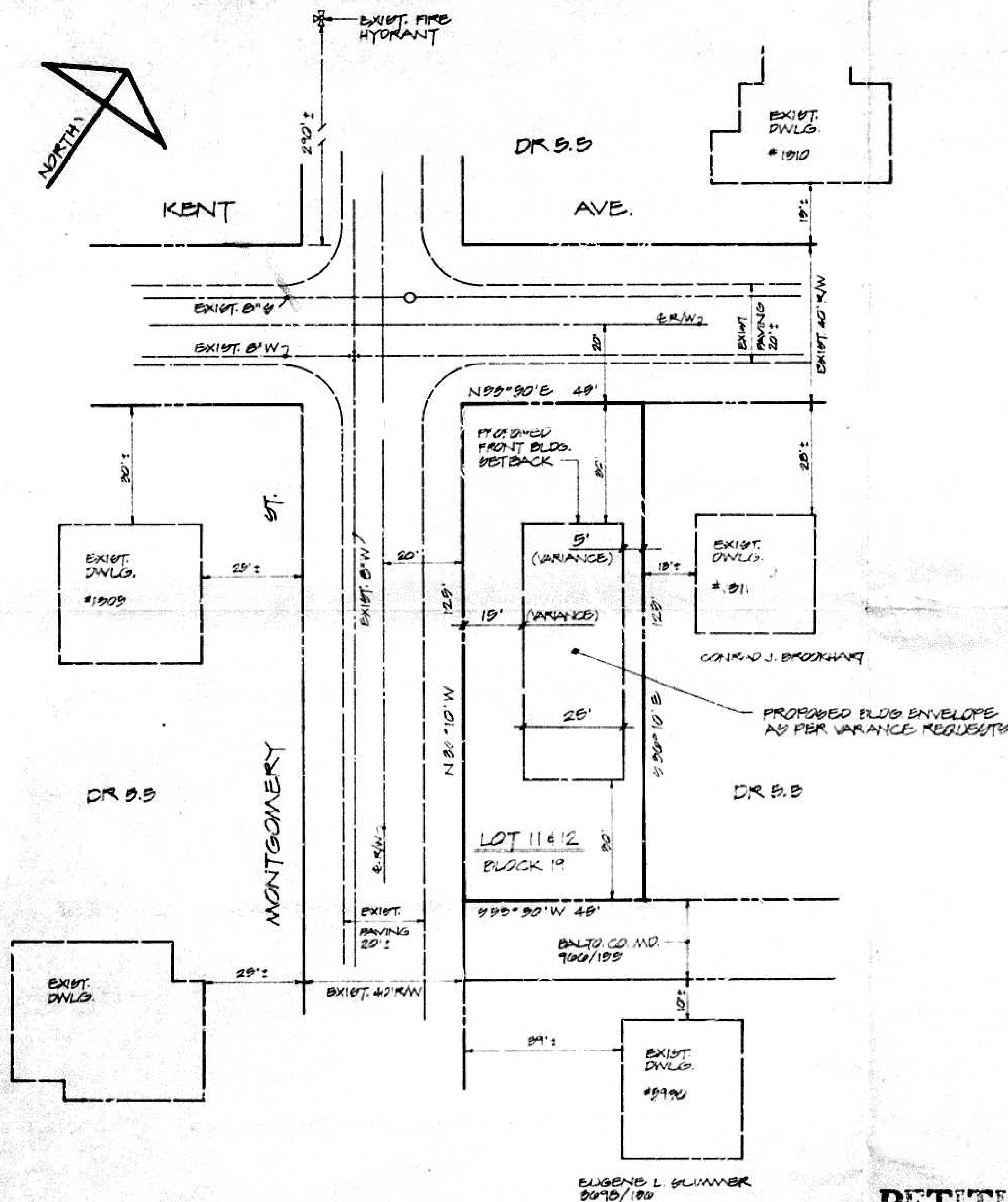
Gentlemen:

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 operation.
- (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.

REVIEWED BY: Ian J. Forrest, 1/24/83
Planning Group
Special Inspection Division

JK/nb/cm



MAP	DR
SECTION	NW 1/4
DISTRICT	1/4
D TO	1/4
TYPE	
DRAWING	2
BY	MD
TOTAL	
ST.	

Sheet #137

PLAT TO ACCOMPANY ZONING PETITION FOR VARIANCE REQUESTS

LOTS 11 & 12, BLK. 19, PLAT 2 CATONSVILLE N ANOR. - 6/110

1st ELEC. DISTRICT BALTIMORE CO. MD. SCALE: 1"=20' DATE: JULY 29, 1962

OWNER:
DOROTHY M. & HERBERT A. REYNOLDS
c/o TURNBULL, MIX & FARMER,
700 WASHINGTON AVE.
TOWSON, MD. 21204



PETITIONER'S EXHIBIT 1

DEVELOPMENT DESIGN GROUP, LTD.
1107 KENILWORTH DR. - TOWSON, MD. 21204



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 6, 1983

Mr. Gary Fennington
1306 Kent Avenue
Baltimore, Maryland 21207

Re: Petition for Variances
SE/corner Kent Avenue and
Montgomery Street
Herbert A. Reynolds, et ux, Petitioners
Case No. 83-220-A

Dear Mr. Fennington:

Please be advised that an appeal has been filed by G. Warren Mix, Esquire, attorney for petitioners, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:aj

cc: Conrad T. Brookhart
1311 Kent Avenue
Baltimore, Maryland 21207

E. Pete Swomerfield, Esquire
170 Painters Mill Road
Suite 6
Owings Mills, Maryland 21117

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

February 23, 1983

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variances
SE/corner of Kent Avenue and Montgomery Street
Herbert A. Reynolds, et ux - Petitioners
Case No. 83-220-A

TIME: 9:15 A.M.

DATE: Thursday, March 24, 1983

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

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

No. 112371

DATE: 1/9/83 ACCOUNT: 01-615-000

AMOUNT: 35.00

RECEIVED FROM: G. Warren Mix
FOR: Filing Fee for Case #137

011*****350015 504EA

VALIDATION OR SIGNATURE OF CASHIER

WILLIAM E. HAMMOND
ZONING COMMISSIONER OF
BALTIMORE COUNTY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

83-220-A

District: 1st Date of Posting: 3-4-83

Posted for: Variance

Petitioner: Herbert A. Reynolds et ux

Location of property: SE/corner of Kent Avenue and Montgomery St.

Location of Sign: SE/corner of Kent Ave. and Montgomery St.

Remarks:

Posted by: S. J. Smith Date of return: 3-11-83

Number of Signs: 1

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

No. 117607

DATE: 3/9/83 ACCOUNT: R-01-615-000

AMOUNT: \$80.00

RECEIVED FROM: G. Warren Mix, Esquire
FOR: Appeal fee for Case 83-220-A

102*****800015 5106A

VALIDATION OR SIGNATURE OF CASHIER

Office of
PATUXENT
Publishing Corp.
10780 Lee Park Drive
Gaithersburg, MD 20878

March 3, 1983

THIS IS TO CERTIFY that the annexed advertisement of

Petition for Variance
42047

was inserted in the following

the Catonsville Times
Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 3 day of March 1983 that is to say
the same was inserted in the issues of

March 3, 1983

PATUXENT PUBLISHING CORP.
By

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 3, 1983

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 a week for one time before the 24th day of March, 1983, the last publication appearing on the 3rd day of March, 1983.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$19.25

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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 17, 1983

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variances
SE/cor. of Kent Avenue and Montgomery Street
Herbert A. Reynolds, et ux - Petitioners
Case No. 83-220-A

Dear Mr. Mix:

This is to advise you that \$45.25 is due for advertising and posting of the above property.

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 117304

DATE: 3/24/83 ACCOUNT: R-01-615-000

AMOUNT: \$45.25

RECEIVED FROM: Herbert A. Reynolds et ux Mr. Mix
FOR: Advertising & Posting Case #83-220-A

010*****452511 8248A

VALIDATION OR SIGNATURE OF CASHIER

of March, 1984, by the County Board of Appeals, ORDERED that the variances of 15 feet in lieu of 25 feet and 5 feet in lieu of 15 feet petitioned for, be and the same are hereby GRANTED, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

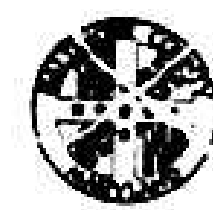
Any appeal from this decision must be in accordance with Rule 15.1 of the Board of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Siders, Acting Chairman

Patricia Pharris

Edith T. Eisenhart
Adm. Secretary



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

June 20, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 83-220-A

HERBERT A. REYNOLDS, ET UX

SE cor. Kent Ave. and Montgomery St

1st District

Variance-Side yd. setback of 15' in lieu of 25' and side yd. setback of 5' in lieu of 10'.

ASSIGNED FOR:

TUESDAY, AUG. 30, 1983, at 10 a.m.

cc: G. Warren Mix, Esq.

Counsel for Petitioners

Gary Fenington

Protestant

Conrad J. Brookhart

E. Pete Summerfield, Esq.

Herbert & Dorothy Reynolds Petitioners

J. E. Dyer

J. Jung

N. Gerber

J. Howell

W. Hammond

J. W. Hessling, Esq.

John Hoffman, Secretary

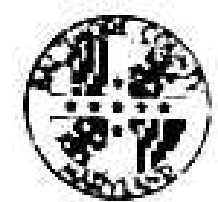
CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 1st Date of Posting 7/19/83
Posted for Herbert A. Reynolds, et ux
Petitioner SE cor. of Kent Avenue and Montgomery St
Location of property SE cor. of Kent Avenue and Montgomery St
Location of Signs SE cor. of Kent Avenue and Montgomery St
Remarks
Posted by [Signature] Date of return 7/14/83
Number of Signs 1

83-220-A
1st District
Herbert A. Reynolds, et ux
SE cor. Kent Ave. & Montgomery St.
1 SIGN

6/20/83 - Following were notified of hearing set for Tues. Aug. 30, 1983 at 10 a.m. -

Warren Mix
Gary Fenington
Conrad Brookhart
E. Pete Summerfield
H. & D. Reynolds
J. Dyer
J. Jung
N. Gerber
J. Howell
W. Hammond
J. Hessling



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

May 1983

G. Warren Mix, Esquire
274 E. Lexington Avenue
Towson, Maryland 21204

Re: Case No. 83-220-A
Herbert A. Reynolds

Dear Mr. Mix:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Adm. Secretary

Encl:

cc: Gary Fenington
Conrad J. Brookhart
E. Pete Summerfield, Esquire
Herbert A. & Dorothy M. Reynolds
Phyllis Cole Friedman
A. Jablon
Tuan M. H. Jung
J. E. Dyer
N. E. Gerber
J. G. Howell



Development Design Group, Ltd.

Richard B. Williams, President
Wayne F. Marchant, Vice President
Liam Neenan, Secretary

100-8284-27

DEVELOPMENT DESIGN GROUP, LTD.
100-8284-27
100-8284-27

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case. Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case. Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.



CERTIFICATE OF POSTING

District 1st Date of Posting 7/19/83
Posted for Herbert A. Reynolds, et ux
Petitioner SE cor. of Kent Avenue and Montgomery St
Location of property SE cor. of Kent Avenue and Montgomery St
Location of Signs SE cor. of Kent Avenue and Montgomery St
Remarks
Posted by [Signature] Date of return 7/14/83
Number of Signs 1

From the property of Herbert A. Reynolds, et ux, as shown in attachment filed with the zoning department.

Hearing Date: Thursday, March 24, 1983 at 10:00 A.M.
Public Hearing: Room 200, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM L. HAMMOND, JR.
ZONING COMMISSIONER
OF BALTIMORE COUNTY

of March, 1984, by the County Board of Appeals, ORDERED that the variances of 15 feet in lieu of 25 feet and 5 feet in lieu of 10 feet petitioned for, be and the same are hereby GRANTED, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

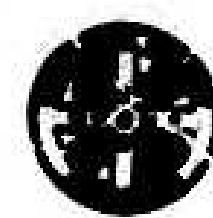
Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Suder, Acting Chairman

Patricia Phipps
Patricia Phipps

LeRoy B. Spurrer
LeRoy B. Spurrer



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #210)
Towson, Maryland 21204
(301) 494-3188

June 20, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 83-220-A

HERBERT A. REYNOLDS, ET UX

SE/cor. Kent Ave. and Montgomery St.

1st District

Variance-Side yd. setback of 15' in lieu of 25' and side yd. setback of 5' in lieu of 10'.

ASSIGNED FOR:

TUESDAY, AUG. 30, 1983, at 10 a.m.

cc: G. Warren Mix, Esq.

Counsel for Petitioners ✓

Gary Fennington

Protestant ✓

Conrad J. Brookhart

"

E. Pete Summerfield, Esq.

"

Herbert & Dorothy Reynolds

Petitioners ✓

J. E. Dyer

J. Jung

N. Gerber

J. Howell

W. Hammond

J. W. Hession, Esq. ✓

June Holmen, Secretary

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

83-220-A

District *1st*

Date of Posting *May 20, 1983*

Posted for: *Herbert A. Reynolds, et ux*

Petitioner: *Herbert A. Reynolds, et ux*

Location of property: *SE/cor. of Kent Avenue and Montgomery St.*

Location of sign: *SE/cor. of Kent Avenue and Montgomery St.*

Remarks:

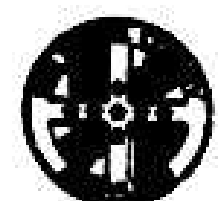
Posted by: *J. G. Phipps*

Date of return: *May 27, 1983*

Number of signs: *1*

6/20/83 - Following were notified of hearing set for Tues. Aug. 30, 1983, at 10 a.m.:

Warren Mix
Gary Fennington
Conrad Brookhart
Pete Summerfield
H. & D. Reynolds
J. Dyer
J. Jung
N. Gerber
J. Howell
W. Hammond
J. Hession



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3188

March 13, 1984

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

Re: Case No. 83-220-A
Herbert A. Reynolds

Dear Mr. Mix:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart,
Adm. Secretary

Encl.

cc: Gary Fennington
Conrad J. Brookhart
E. Pete Summerfield, Esquire
Herbert A. & Dorothy M. Reynolds
Phyllis Cole Friedman
A. Jablon
Jean M. H. Jung
J. E. Dyer
N. E. Gerber
J. G. Howell



Development Design Group, Ltd.

Riderwood Building
Suite 100
1107 Kenilworth Drive
Towson, Maryland 21204

Richard B. Williams, President
Wayne F. Mahlenholder,
Land Surveyor

(301) 828-0727

July 23, 1982

DESCRIPTION TO ACCOMPANY ZONING
PETITION FOR VARIANCE REQUESTS
LOTS 11 & 12 BLOCK 19 CATONSVILLE MANOR

Beginning for the same at the southeast corner of Kent Avenue and Montgomery Street and being known and designated Lots 11 and 12 Block 19 as shown on the plat entitled "Plat Number 2 Catonsville Manor" dated June 1917 and recorded among the Plat Records of Baltimore County, Maryland in Plat Book W.P.C. 6 folio 116.



PETITION FOR VARIANCES

1st Election District

ZONING: Petition for Variances

LOCATION: Southeast corner of Kent Avenue and Montgomery Street

DATE & TIME: Thursday, March 24, 1983 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 Variances to permit a side yard setback of 15 ft. instead of the required 25 ft. and a side yard setback of 5 ft. instead of the required 10 ft.

The Zoning Regulation to be excepted as follows:
Ject. 1802.3.C.1 - side yard setbacks in a D.R. 5.5 zone

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

Being the property of Herbert A. Reynolds, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, March 24, 1983 at 9:15 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
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 8, 1983

G. Warren Mix, Esquire
706 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variances
SE/corner of Kent Ave. and
Montgomery St. - 1st Election
District
Herbert A. Reynolds, et ux -
Petitioners
NO. 83-220-A (Item No. 137)

Dear Mr. Mix:

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

Very truly yours,
John M.H. Jung
JOHN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Mr. Gary Fennington
1306 Kent Avenue
Baltimore, Maryland 21207

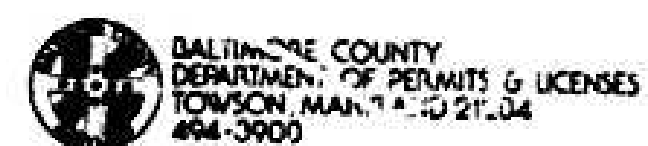
Mr. Conrad J. Brookhart
1311 Kent Avenue
Baltimore, Maryland 21207

E. Pete Summerfield, Esquire
110 Painters Mill Road
Suite 6
Owings Mills, Maryland 21117

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

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

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



TED ZALESKI JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Tower 21204

February 2, 1983

Comments on Item # 137 Zoning Advisory Committee Meeting January 18, 1983 are as follows:

Property Owner: Herbert A. & Dorothy E. Reynolds
Location: SE/Cor. Kent Avenue and Montgomery Street
Building Number: D.R. 9-5
Proposed Variance: to permit a side street setback of 15' in lieu of the required 25' & a side setback of 5' in lieu of the required 10'.
Acres: .15 ± .125
District: 1st

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-22 Study of Maryland Code for the Building and Safety and other applicable Codes.
- X B. A building and other miscellaneous permits shall be required before beginning construction.
- X C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 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. An exterior wall erected within 6' of an adjacent lot line shall be of one hour fire resistant construction, no openings permitted within 1'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 141, line 2, Section 1407 and Table 1402.
- F. Impervious surface shall conform with the Baltimore County Building Code, Section 1407.
- G. A change of 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, the services of a Registered Professional Architect or Engineer certify to this office, in writing, the structure for which a proposed change in use is proposed and comply with the height/area requirements of Table 505 and the required construction classification of Table 141.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Dunsen
Charles E. Dunsen, Chief
Plans Review

CHD:rzj

RE: PETITION FOR VARIANCES : BEFORE THE
SE/Corner of Kent Ave. and : DEPUTY ZONING
Montgomery St. - 1st Election : COMMISSIONER
District :
Herbert A. Reynolds, et ux - : OF
Petitioners : BALTIMORE COUNTY
NO. 83-220-A (Item No. 137) :

Pursuant to the advertisement, posting of property, and public hearing on the petition and subsequent to a field inspection in which it was determined that the granting of the variances requested would not be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would adversely affect the health, safety, and general welfare of the community due to the size of the existing setbacks on the improved lots, particularly the corner lots in the immediate area, the variances should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 9th day of April, 1983, that the Petition for Variances to permit a side yard setback of 15 feet in lieu of the required 25 feet and a side yard setback of 5 feet in lieu of the required 10 feet is hereby DENIED.

Sam M. Dunsen
Deputy Zoning Commissioner
of Baltimore County

RE: Petition for Variances : BEFORE THE ZONING COMMISSIONER
SE corner of Kent Ave. and : OF BALTIMORE COUNTY
Montgomery St., 1st District :
HERBERT A. REYNOLDS, et ux, : Case No. 83-220-A
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 therefor, 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
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 3rd day of March, 1983, a copy of the foregoing

Order was mailed to G. Warren Mix, Esquire, 706 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioners.

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

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 17, 1983

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

Z.A.C. Meeting of: January 18, 1983

RE: Item No: 132, 133, 134, 135, 136, 137, 138, 139, 140
Property 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
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR VARIANCES : BEFORE THE
S/E Corner of Kent Ave. and : DEPUTY ZONING
Montgomery St. - 1st Election : COMMISSIONER
District :
Herbert A. Reynolds, et ux - : OF
Petitioners : BALTIMORE COUNTY
NO. 83-220-A (Item No. 137) :
5924 Montgomery Avenue :
Baltimore, Md. 21207 :

ORDER FOR APPEAL

Please enter an Appeal from the decision of the Deputy Zoning Commissioner dated April 8, 1983, and forward all papers to the Board of Appeals for Baltimore County.



G. Warren Mix
G. WARREN MIX
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, Maryland 21204
825-1517
Attorneys for Petitioners

RE: PETITION FOR VARIANCES : BEFORE THE
S/E Corner of Kent Ave. and : DEPUTY ZONING
Montgomery St. - 1st Election : COMMISSIONER
District :
Herbert A. Reynolds, et ux - : OF
Petitioners : BALTIMORE COUNTY
NO. 83-220-A (Item No. 137) :
5924 Montgomery Avenue :
Baltimore, Md. 21207 :

ORDER FOR APPEAL

Please enter an Appeal from the decision of the Deputy Zoning Commissioner dated April 8, 1983, and forward all papers to the Board of Appeals for Baltimore County.



G. Warren Mix
G. WARREN MIX
TURNBULL, MIX & FARMER
706 Washington Avenue
Towson, Maryland 21204
825-1517
Attorneys for Petitioners

IN THE MATTER OF : BEFORE
THE APPLICATION OF : COUNTY BOARD OF APPEALS
HERBERT A. REYNOLDS :
FOR VARIANCE FROM :
§180C.3.C.1 OF THE BALTIMORE : OF
COUNTY ZONING REGULATIONS : BALTIMORE COUNTY
SE CORNER OF KENT AVENUE :
AND MONTGOMERY STREET :
1st DISTRICT : NO. 83-220-A

OPINION

This case comes before the Board of Appeals on appeal from a decision of the Deputy Zoning Commissioner, dated April 8, 1983, denying the requested variance. The subject property is located on the southeast corner of Kent Avenue and Montgomery Street, in the First Election District of Baltimore County.

A registered civil engineer, Mr. Richard Williams, testified that in order to build a home on this site a side yard variance of 15 feet in lieu of the required 25 feet and a side yard variance of 5 feet in lieu of the required 10 feet would be necessary. These variances would enable a builder to erect a 22 foot house. Mr. Williams submitted a plat with his testimony. He further explained that this corner 55 foot lot, in an older neighborhood, would conform with other houses some of which are on 40 foot lots, others on 60 foot lots and some on 80 foot lots with dwellings of various widths and shapes. His proposed dwelling would have a 25 foot width and up to a 60 foot depth.

Mr. Gary Fenington, a neighbor one house away, opposes the variances primarily because of possible water runoff on such a small lot. He stated that most of the lots in the area are developed and most are 80 foot lots.

The Board has considered all the above testimony and evidence presented and is of the opinion that to deny the requested variances would be arbitrary and/or capricious. Mr. Williams has evidenced a practical way to develop the property in a reasonable way which would not be detrimental to the neighborhood as long as the County requirements for drainage are met and a proper site plan is filed. For these reasons the Board is of the opinion that the variances of 15 feet in lieu of 25 feet and 5 feet in lieu of 10 feet, as requested, should be granted and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this _____ day of _____, 1983,