

PETITION FOR ZONING VARIANCE 84-69-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 1802.3C1 To permit a lot width of 50 feet instead of the required 55 feet.

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

Because of the unique character of the neighborhood wherein all the surrounding developed lots are 50 feet in width, practical difficulty and unusual hardship would be put upon the property owner should the variance not be granted.

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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of July, 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, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of September, 1983, at 10:00 o'clock A.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S of Northeast Ave., 200' :
S of Washington Blvd., :
13th District : OF BALTIMORE COUNTY

JOSEPH D. SUTHERLAND, : Case No. 84-69-A
et ux, Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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

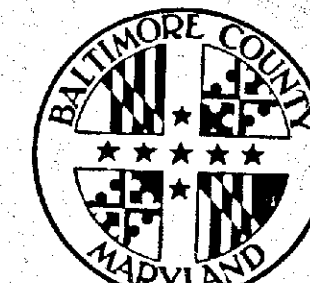
Peter Max Zimmerman
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 16th day of August, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Joseph D. Sutherland, 8533 Summit Road, Pasadena, Maryland 21122, Petitioners.

John W. Hessian, III
John W. Hessian, III

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 30, 1983

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

Mr. & Mrs. Joseph D. Sutherland
8533 Summit Road
Pasadena, Maryland 21122

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

RE: Item No. 4 - Case No. 84-69-A
Petitioner - Joseph D. Sutherland, et ux
Variance Petition

Dear Mr. & Mrs. Sutherland:

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.

In view of your proposal to alter the configuration of lot No. 5 by transferring a portion of said lot to the adjacent property to the south which fronts on Northeast Avenue, this hearing for lot width is required.

I personally contacted Mr. Caulk and informed him that a proposed house or building area on the two properties should be shown. However, he indicated that at the time of building permit application, if the variance is granted, all zoning requirements will be satisfied.

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. Connolly, Jr.
NICHOLAS B. CONNOLLY, JR., Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Tom Caulk, Inc.
7982 Nolcrest Rd.
Glen Burnie, Md. 21061

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 4, Zoning Advisory Committee Meeting of July 5, 1983
Property Owner: Joseph D. + Kimberly A. Sutherland
Location: E/S Northeast Avenue District 13

Water Supply public Sewage Disposal public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 4
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
() The results are valid until
Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others A Hydrogeological Study and an Environmental Effects Report may be required. A Reserve Capacity Use Certificate may be required before a building permit is issued.

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

SS 20 1080 (2)

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

August 3, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #4 (1983-1984)
Property Owner: Joseph D. & Kimberly A. Sutherland
E/S Northeast Ave., 200' S. Washington Blvd.
Acreage: Lot #5 - 7,484 sq. ft.
Lot #6 - 6,891 sq. ft.
District: 13th

Dear Mr. Jablon:

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:

Monumental and Northeast Avenues, existing public roads, are proposed to be further improved in the future as 40 and 30-foot closed section roadways on 60 and 50-foot rights-of-way, respectively.

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 Developer.

Water and Sanitary Sewers:

There are 6 and 12-inch public water mains in Northeast and Monumental Avenues, respectively. There is 8-inch public sanitary sewerage in each of these roads.

Very truly yours,
Robert A. Minton
ROBERT A. MINTON, P. E., Chief
Bureau of Public Services

RAM:DW:PAR:ms

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

STEPHEN E. COLLINS
DIRECTOR

August 2, 1983

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

Item No. 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11. ZAC-Meeting of July 5, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acreage:
District:

Dear Mr. Hammond:

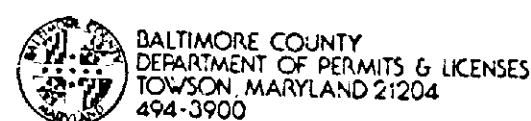
The Department of Traffic Engineering has no comments for item numbers 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/ccm

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



BAITMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
410-330-3300

July 28, 1983

Dear Mr. Hammond

Comments on Item # 1, Zoning Advisory Committee Meeting July 5, 1983 are as follows:

Property Owners Joseph D. & Kimberly A. Sutherland
Location: 2001 S. Washington Blvd.
Baltimore County Office Building
Towson, Maryland 21204
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.

Acres: Lot 5-7, 1.04 sq. ft. Lot 6- 6, 891 sq. ft.
District: 13

The items checked below are applicable:

A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 11-82 State of Maryland Code for the Building and Land Use and other applicable Codes.

B. A building/and other miscellaneous per "a" 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.

E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistant construction. No openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 401, Line 2, Section 1407 and Table 1401.

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

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, 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 505 and the required construction classification of Table 401.

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 desired, additional information may be obtained by visiting Room #102 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Charles E. Burnham, Chief
Plans Review

CEB:rlj

FORM 01-82

BAITMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 5, 1983

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

Z.A.C. Meeting of: July 5, 1983

RE: Item No: 275, 276, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
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, Assistant
Department of Planning

WNP/bp

BAITMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: August 12, 1983

FROM: Norman E. Gerber, Director
Office of Planning and Zoning

SUBJECT: Joseph D. Sutherland
ST. WY 84-69-A

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

Norman E. Gerber, Director
Director of Planning and Zoning

NEG:JGH:cav

Liber-1556

569

named grantor and he acknowledged the foregoing deed to be his act

As Witness my hand and notarial seal

(notarial seal)

Vera C Bushong

Notary Public

Recorded May 8 1947 at 3:10 P M & end per

John W Bishop Clerk

(Rec by BLR)

(Exd W & T)

12412 This deed made this 7th day of May in the year one thousand nine hundred and forty seven by Richard D Biggs assignee as hereinafter

Deed to set forth

Whereas at a public sale made the thirty first day of March

US \$9.45 at \$8.50 in the year one thousand nine hundred and forty seven by the said

Richard D Biggs in pursuance of the special power and authority

vested in him as assignee in and by a certain mortgage from Robert M Pittro to The Loyola

Federal Savings and Loan Association bearing date of the fourth day of April in the year

one thousand nine hundred and forty six and recorded among the land records of Baltimore

County in Liber 155 No 1437 folio 274 which sale was made after default had occurred under

said mortgage and after public notice of sale and after bond had been duly filed in the

Circuit Court for Baltimore County the parcels of land and premises hereinafter described

being the property by said mortgage conveyed were sold unto William H Trascott and Bertha

R Trascott his wife who were then and there bidders at and for the sum of eight thousand

five hundred dollars and the sale having been duly reported to and ratified by the said

court and the purchase money paid as is hereby acknowledged the said Richard D Biggs

assignee is in law duly authorized to execute a deed for the property to the purchasers

Now therefore this deed witnesseth that the said Richard D Biggs assignee as

aforesaid in consideration of the premises and of the sum of one dollar to him by the grantee

paid in execution of the power and authority in him vested by the said mortgage doth grant

and convey unto the said William H Trascott and Bertha R Trascott his wife all the right

title and interest of the said Robert M Pittro or of those claiming by from or under him

in and to all those lots or parcels of ground situate and lying in Baltimore county

aforesaid and particularly described as follows

Beginning for the first thereof on the south side of Washington Boulevard at the

distance of sixty feet west from Monumental Avenue or Road as the same are laid out on

the plat of Oak Park addition filed among the land records of Baltimore County in Plat

Book WPC No 7 folio 23 and at the west corner of Lot No 3 Section B as set forth on said

plat and running thence westerly on the south side of Washington Boulevard forty five feet

to the north corner of Lot No 1 Section B on said plat thence southerly bounding on the

east side of Lot No 1 one hundred forty six and one tenth feet to Lot No 4 section B

on said plat thence easterly bounding on said Lot No 4 forty four and ninety seven one

hundredths feet to said Lot No 3 on said Plat and thence northerly bounding on said Lot

No 3 one hundred forty seven and seventy five one hundredths feet to the place of beginning

Being Lot No 2 Section B as set forth on the aforesaid plat of Oak Park Addition

Beginning for the second thereof on the west side of Monumental Road at the distance

of one hundred fifty feet southerly from the Washington Boulevard as the same are laid out

568

on the plat of Oak Park Addition filed among the land records of Baltimore County in Plat Book WPC No 7 folio 23 and at the east corner of Lot No 3 section B as set forth on said plat and running thence southerly bounding on the west side of Monumental Road fifty feet to Lot No 5 section B as set forth on said plat thence westerly bounding on said Lot No 5 one hundred eighty three and seventy three one hundredths feet to the outline of the whole tract conveyed by Charles W Hull and Mary A Hull his wife to Joshua S Hull and Katherine D Hull his wife by deed dated September 30th 1920 and recorded among the land records of Baltimore County in Liber WPC No 530 folio 402 etc of which the lot now being described was formerly a part and running thence northerly bounding on said outline fifty one and thirty five one hundredths feet to Lot No 1 section B as set forth on said plat thence easterly by a straight line and binding successively on lots Nos 1 2 and 3 section B on said plat one hundred seventy two and eighteen one hundredths feet to the place of beginning

Being Lot No 6 Section B as set forth on the aforesaid plat of Oak Park Addition Beginning for the third thereof and being described as Lots Nos 5 and 6 section B Joshua S Hull and Katherine D Hull his wife by deed dated September 30th 1920 and recorded among the land records of Baltimore County in Plat Book WPC No 7 folio 23 said lots running from Monumental Road to Northeast Avenue in said section B

Together with the improvements thereon and the rights and appurtenances thereto belonging or appertaining

To have and to hold the above granted property unto the said William H Trascott and Bertha R Trascott his wife their heirs and assigns

As Witness his hand and seal the day and year first above written

Test

Regina Graham Richard D Biggs (Seal)

Notary Public

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY that on this 7th day of May in the year one thousand nine hundred and forty seven before me the subscriber a notary public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Richard D Biggs assignee and he acknowledged the foregoing deed to be his act

Witness my hand and notarial seal

(notarial seal)

Regina Graham

Notary Public

Recorded May 10 1947 at 10:00 A M & end per

John W Bishop Clerk

(Rec by BLR)

12413 This release made this second day of May 1947 by The Fidelity

Fidelity Tr Co Trust Company a body corporate of the State of Maryland a duly

Bel to incorporated body under the laws of the State of Maryland

Antonio Marzocchi et al Witnesseth that whereas all the covenants of the hereinafter

described mortgage have been performed and the whole sum of

money and interest secured thereby has been paid the said body corporate doth grant and release unto Antonio Marzocchi and Mary E Marzocchi his wife and assigns all that lot of ground

Liber 1094

309

67763 William H Trascott et al THIS DEED, Made this 31st day of August in the year one thousand nine hundred and forty-eight, by and between

Deed to Harold M Davis et al 1000 nine hundred and forty-eight, by and between

US \$ 1.75 SS & 55 WILLIAM H. TRASCOTT AND BERTHA R. TRASCOTT, his wife of

----- Baltimore County in the State of Maryland, of the first

part, and HAROLD M. DAVIS and ALMA E. DAVIS, his wife of the second part.

WITNESSETH, that in consideration of the sum of Five dollars and other good and valuable

considerations, the receipt whereof is hereby acknowledged, the said parties of the first

part do grant and convey unto the said parties of the second part, as tenants by the entirety, their heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in

Baltimore County, aforesaid, and described as follows, that is to say:-

Beginning for the same at an iron pin at the southwestern corner of Lot No. 6 as shown

on the Plat of "Oak Park Addition, Section B", which Plat is recorded among the Land Records

of Baltimore County in Plat Book No. 7 folio 23 and running thence with the western boundary

of said Lot No. 6 and with the eastern boundary of Northeast Avenue north six degrees forty-

five minutes west fifty-one and thirty-five one-hundredths feet to an iron pin at the north-

western corner of said Lot No. 6; thence running with a part of the northern boundary of

said Lot No. 6 north sixty-nine degrees east ninety-two and one-tenth feet to an iron pin;

thence running the following new courses and distances, viz: south nineteen degrees thirty-

one minutes east fifty feet to an iron pin in the southern boundary of said Lot No. 6; thence

running with the remainder of said southern boundary south sixty-nine degrees west one hundred

three and five-tenths feet to the place of beginning. Containing 0.112 acre of land more or less.

BEING a part of the third lot of ground which by Deed dated May 7th, 1947 and recorded

among the Land Records of Baltimore County in Liber J. W. B. No. 1556 folio 567 was granted

and conveyed by Richard D. Biggs, Assignee unto the said parties of the first part.

TOGETHER with the buildings and improvements thereon erected, made or being and all and

every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the

said belonging, or anywise appertaining.

To Have and to Hold the said lot of ground and premises, above described and mentioned,

and hereby intended to be conveyed; together with the rights, privileges, appurtenances and

advantages thereto belonging or appertaining unto and to the proper use and benefit of the

said parties of the second part, as tenants by the entirety, their heirs and assigns, in

fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered

to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed;

that they will warrant specially the property granted and that they will execute such

further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

TEST:

Gerald Kerr William H Trascott (Seal)

Gerald Kerr William H. Trascott

Bertha R Trascott (Seal)

Bertha R. Trascott

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, That on this 31st day of August in the year one thousand nine hundred

and forty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in

and for Baltimore County aforesaid, personally appeared WILLIAM H. TRASCOTT AND BERTHA R.

TRASCOTT, his wife the above named grantors, and they acknowledged the foregoing deed to be

OFFICE PHONE
800-8005

TOM CAULK, INC.

DEVELOPMENT AND CONSTRUCTION SERVICES

7000 HOLMSTOWN ROAD
GREEN BELT, MARYLAND 21061

Description
Part of Joseph Sutherland Pty.
Part of lot 5 Oak Park Add. Section "B"

Beginning for the same at an iron pipe now set on the easternmost Right of Way line of Northeast Ave. 40 feet wide as shown on the plat of Oak Park Add. Section "B", said plat being recorded among the Land Records of Baltimore County in Plat Book 7 folio 23, said beginning point being located 200 ft. South of Washington Boulevard, thence leaving said Right of Way 40 feet wide and running with and binding along said division line of lot 4 and lot 5 North 69 degrees 00 minutes 00 seconds East 183.78 feet to an iron pipe now set, said pipe being on the westernmost Right of Way line of Monumental Road 40.00 feet wide as shown on the abovementioned plat, thence running with and binding along the westernmost Right of Way 40 feet wide South 21 degrees 00 minutes 00 seconds East 50.00 feet to an iron pipe now set, said pipe being on the division line of lot 5 and lot 6 as shown on the abovementioned plat, thence leaving said Right of Way 40 feet wide and running with and binding along said division line of lot 5 and lot 6 South 69 degrees 00 minutes 00 seconds West 105.30 feet to an iron pipe now set, thence leaving said division line and running for a new line of division North 79 degrees 8 minutes 35 seconds West 94.77 feet to the place of beginning, Containing 7.434 square feet of land more or less.

Being a part of that land which by deed dated April 24, 1982 and recorded among the Land Records of Baltimore County in Liber 6461 folio 624 and 626, was granted and conveyed by and between William M. Stein and Anna E. Stein his wife and Joseph D. Sutherland and Kimberly A. Sutherland his wife.



PETITION FOR VARIANCE

13th Election District

ZONING: Petition for Variance
 LOCATION: East side of Northeast Avenue, 200 ft. South of Washington Boulevard
 DATE & TIME: Wednesday, September 7, 1983 at 10:00 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 ft. instead of the required 55 ft.

The Zoning Regulation to be excepted as follows:
 Section 1802.3C.1 - minimum lot width in D.R. 5.5 zone

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

Being the property of Joseph D. Sutherland, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, September 7, 1983 at 10:00 A.M.
 Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCE
 E/S of Northeast Avenue, 200' S of Washington Boulevard - 13th Election District
 Joseph D. Sutherland, et ux, Petitioners
 BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 84-69-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 50 feet instead of the required 55 feet as mandated by Section 1802.3C.1. of the Baltimore County Zoning Regulations (BCZR). The purpose of their request is to enable the Petitioners to construct a residence on Lot 5, said lot described on their site plan, introduced as Petitioners' Exhibit 1. At present, Lot 5 is vacant.

Petitioner Joseph D. Sutherland appeared and testified on his behalf. Also testifying for the Petitioners were William Parrish, an expert in planning and zoning, and Thomas Caulk, a land development consultant. There were no Protestants.

Testimony indicated, and was uncontested, that the property in question owned by the Petitioners, as shown on Petitioners' Exhibit 1, Lot 5 and half of Lot 6, is now vacant and that the Petitioners wish to build on their half of Lot 6 and on Lot 5. To do so, the Petitioners need to expand their Lot 6 by taking a portion of Lot 5 in order to comply with the Regulations which dictate a minimum lot size of 6,000 square feet. This expansion will take place on the property line facing Northeast Avenue. In no way will this re-subdivision effect the variance herein requested. The variance is requested to allow a 50-foot lot width instead of the required 55 feet nearest the boundary line facing Monumental Road which is on the other end of the property.

The Petitioners purchased their property from Mr. Sutherland's stepfather in April, 1982. He had purchased the property in July, 1978. Indeed, the subdivision

itself was formulated on or about 1921, and the division of Lot 6 was made in 1948. At that time, Lot 6 was divided, and half of that lot was combined with Lot 5 and transferred by deed. It has remained that way since. The Petitioners cannot buy the half of Lot 6 now separated as it is not for sale. It is equally clear from reading the subdivision plan, Petitioners' Exhibit 5, that a 50-foot lot width is more the rule than the exception.

The Petitioners seek relief from Section 1802.3C.1., pursuant to Section 307, BCZR.

However, based on the testimony and evidence presented, it is the opinion here that a variance is not needed or required. Section 304, BCZR, is applicable. It is clear that the property in question has been duly recorded by deed prior to the adoption of the Regulations. In addition, all other requirements of the height and area regulations have been or will be complied with, and the Petitioners do not own sufficient adjoining land to conform substantially to the width and area requirements. The planned expansion of Lot 6 by adding at the expense of Lot 5 additional square footage effects in no way the proposed development on Lot 5 at the building line on Monumental Road.

Even if a variance was necessary and Section 304 inapplicable, there is sufficient evidence presented to warrant the granting of a variance pursuant to Section 307. It is clear from the testimony that if a variance was to be granted, such use as proposed would not be contrary to the spirit of the Regulations, and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that Section 304 is controlling and a variance is not necessary or required to allow for a 50-foot lot width on that part of Lot 5 facing Monumental Road.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons above given, this request for variance is and should be dismissed without prejudice as not required.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of September, 1983, that the Petition for Variance to permit a lot width of 50 feet instead of the required 55 feet be and is hereby DISMISSED without prejudice as not required for the purpose as expressed by the Petitioners, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit, and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Carl J. Jablon
 Zoning Commissioner of
 Baltimore County

ORDER RECEIVED FOR FILING

DATE: September 8, 1983
 BY: *John W. Hession, III*
 ADMINISTRATIVE ASSISTANT

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

ARNOLD JABLON
 ZONING COMMISSIONER

August 30, 1983

Mr. & Mrs. Joseph D. Sutherland
 8533 Summit Road
 Pasadena, Maryland 21122

Re: Petition for Variance
 E/S of Northeast Ave., 200' S of
 Washington Boulevard
 Case No. 84-69-A

Dear Mr. & Mrs. Sutherland:

This is to advise you that \$78.05 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Sincerely,

Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner

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

No. 121514

DATE: 9/6/83 ACCOUNT: R-01-615-000

AMOUNT: \$78.05

RECEIVED FROM: *Kimberly A. Sutherland*
 FOR: Advertising & Posting Case 84-69-A

6 685*****78514 8222A

VALIDATION OR SIGNATURE OF CASHIER

Office of
PATUXENT
 Publishing Corp.
 10750 Little Patuxent Pkwy.
 Columbia, MD 21044

August 18 19 83

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION VARIANCE 46842

was inserted in the following:

☒ Catonsville Times

☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 20 day of August 1983, that is to say, the same was inserted in the issues of

August 18, 1983

PATUXENT PUBLISHING CORP.
 BY: *John W. Hession, III*

Mr. & Mrs. Joseph D. Sutherland
 8533 Summit Road
 Pasadena, Maryland 21122

NOTICE OF HEARING
 Re: Petition for Variance
 E/S of Northeast Ave., 200' S of
 Washington Boulevard
 Case No. 84-69-A

TIME: 10:00 A.M.

DATE: Wednesday, September 7, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
 Zoning Commissioner
 of Baltimore County

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

No. 117685

DATE: 8/23/83 ACCOUNT: R-01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: *TEM CAULK, INC.*
 FOR: FILING Fee For Variance
 Joseph D. Sutherland
 Case No. 84-69-A

VALIDATION OR SIGNATURE OF CASHIER

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

ARNOLD JABLON
 ZONING COMMISSIONER

September 8, 1983

Mr. & Mrs. Joseph D. Sutherland
 8533 Summit Road
 Pasadena, Maryland 21122

IN RE: Petition Zoning Variance
 E/S of Northeast Avenue, 200' S of Washington Boulevard - 13th Election District
 Joseph D. Sutherland, et ux, Petitioners
 Case No. 84-69-A

Dear Mr. & Mrs. Sutherland:

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

Sincerely,

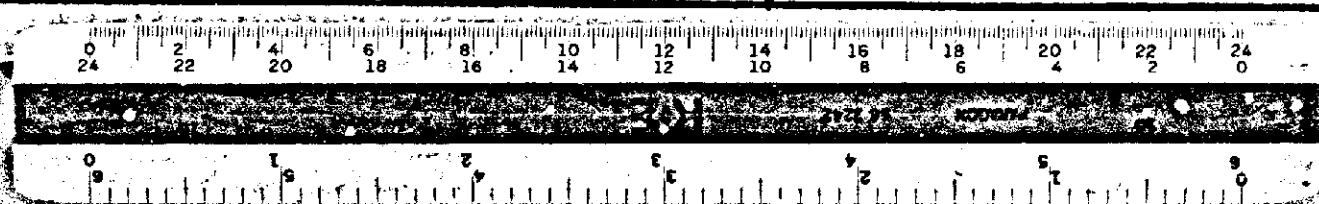
Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner

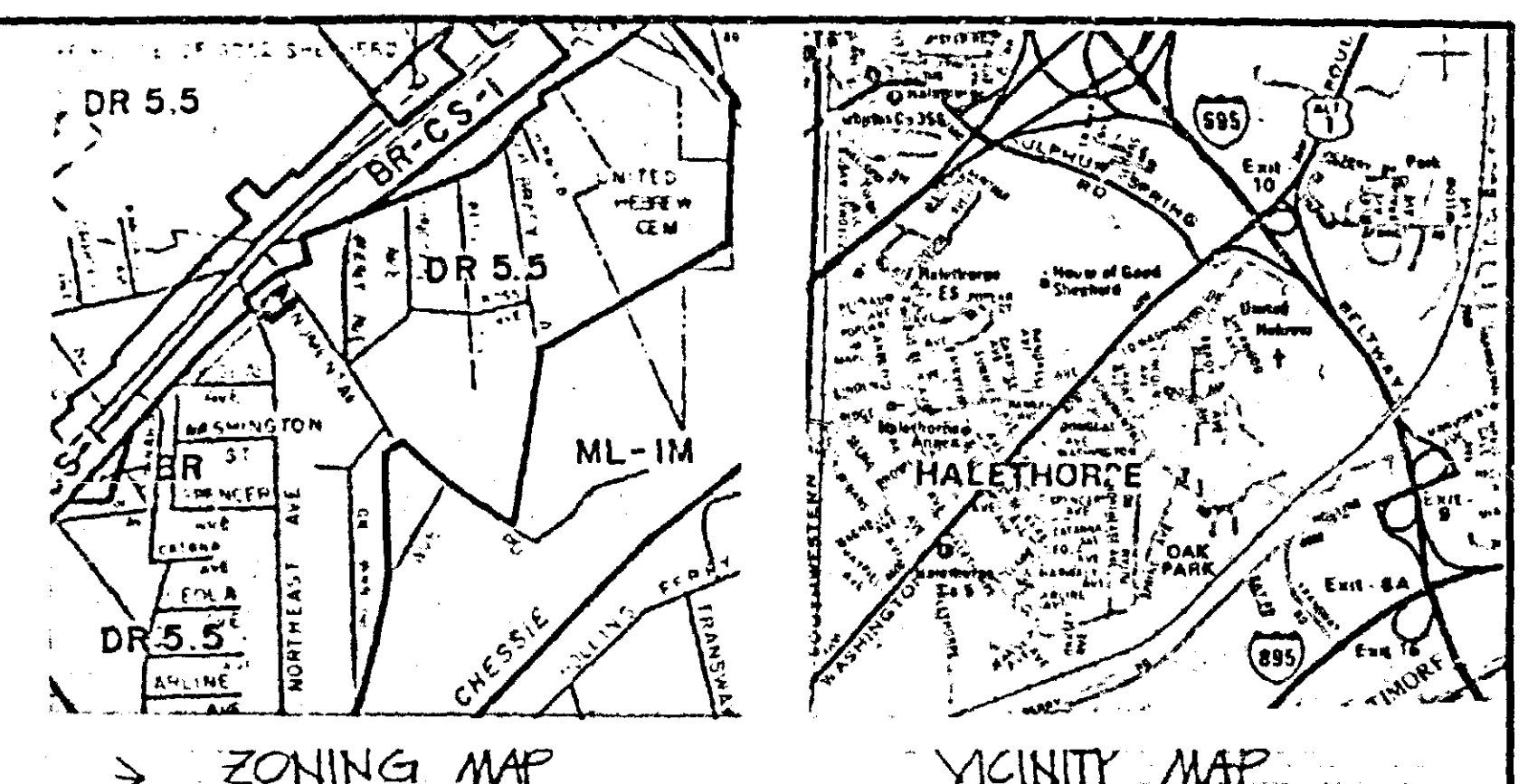
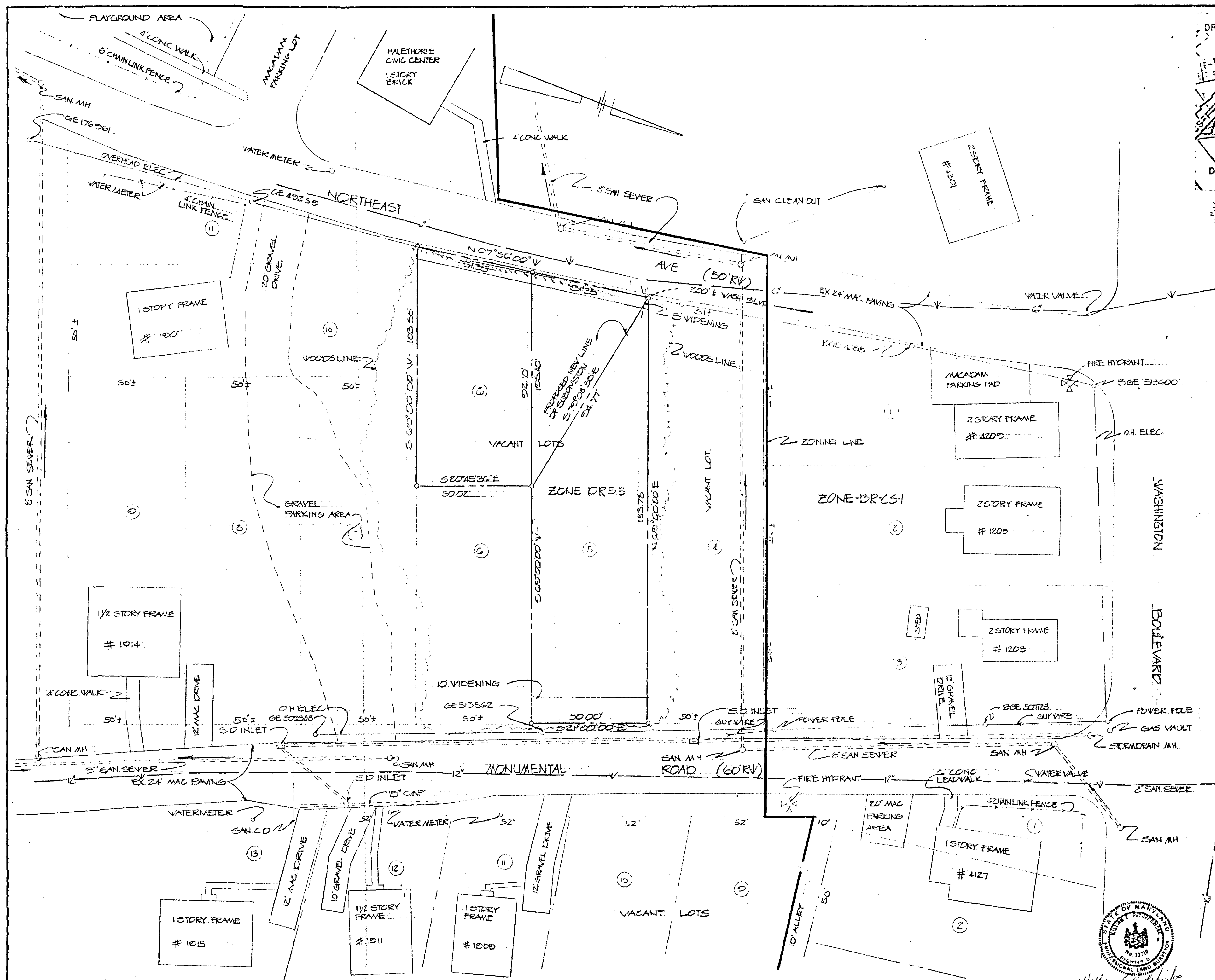
AJ/srl

Attachments

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

Signature 2





GENERAL NOTES

1. OWNERS NAME: JOSEPH SUTHERLAND
2. OWNERS ADDRESS: 8533 SUMMIT ROAD PASADENA, MARYLAND 21122
3. EXISTING ZONING: DR-5.5
4. TOTAL GROSS AREA: 17424 $\pm$ = 0.400 ACRES
5. TOTAL NET AREA: 14375 $\pm$ = 0.330 ACRES
6. EX AREA-LOT 5=5496 $\pm$ - LOT 6=4879 $\pm$
7. PROPOSED AREA-LOTS: 7434 $\pm$ - LOT 6=6891 $\pm$
8. PUBLIC SEWER AVAILABLE-KEYSHEET CNV
9. PUBLIC WATER AVAILABLE-KEYSHEET CNV
10. DEED REF. 6461/624
11. PLAT REF. VPC 7, PART 1-23
12. TAX MAP - 105
13. PARCEL - OAK PARK ADDITION
14. ELECTION DIST. - 13th

*Jeffrey
(Prop. Owner?)*
**PETITIONER'S
EXHIBIT 1**

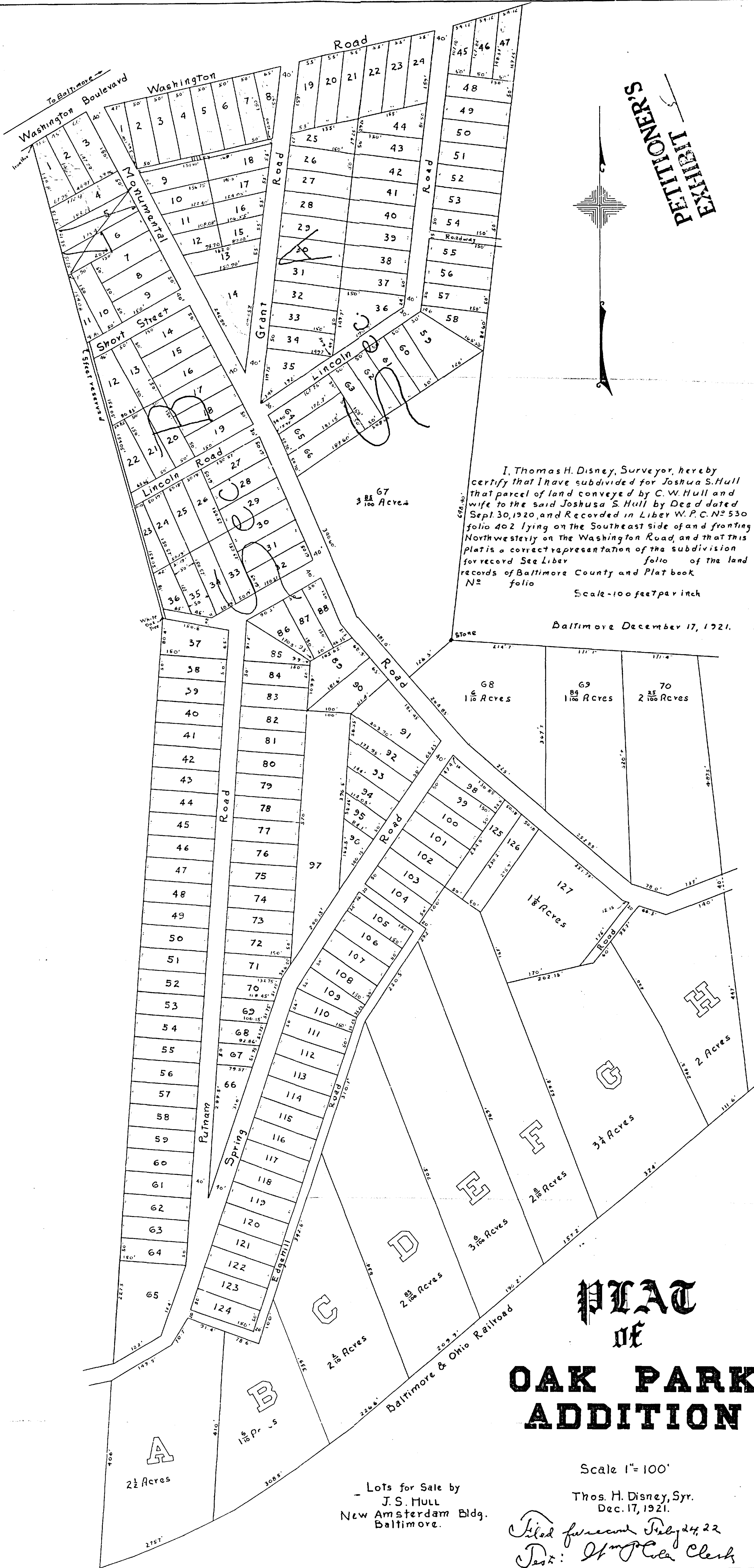
Trs 44

1/10 COPY



William S. Kubit

THIS BLUEPRINT IS LOANED TO YOU AND MUST BE RETURNED WHEN IT HAS SERVED THE PURPOSE FOR WHICH INTENDED	REVISIONS:	REVISIONS:	TOM CAULING INC. 7982 NORTHEAST RD. GLEN RIDE, MD 21051 301-441-3075	SITE PLAN FOR ZONING VARIANCE	DRAWN: TAC CHECKED: [] APPROVED: [] SCALE: 1"=20'	JOSEPH SUTHERLAND PTY. NORTHEAST AVE. LOTS 5 & PART OF 6 BALTIMORE COUNTY, 13th DIST. HALETHORPE, MARYLAND	DATE: JUNE 1983 FIL: NO. 1 SHEET NO. 1 OF 1 DWG. NO. 1



I, Thomas H. Disney, Surveyor, hereby certify that I have subdivided for Joshua S. Hull that parcel of land conveyed by C. W. Hull and wife to the said Joshua S. Hull by Deed dated Sept. 30, 1920, and Recorded in Liber W.P.C. No 530 folio 402 lying on the Southeast side of and fronting Northwesternly on the Washington Road, and that this plat is a correct representation of the subdivision for record See Liber folio of the land records of Baltimore County and Plat book No folio

Scale - 100 feet per inch

Baltimore December 17, 1921.

PLAT OF OAK PARK ADDITION

Scale 1"=100'

Lots for Sale by
J. S. Hull
New Amsterdam Bldg.
Baltimore.

Thos. H. Disney, Syr.
Dec. 17, 1921.

Filed for record Feb 24, 22
Test: J. H. P. Clerk