

114 **PETITION FOR ZONING VARIANCE** 84-248-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1-802-30-1 to permit lot widths of 50 feet in lieu 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)

Lots have been existing since 1947, with many homes built on similar lots. All adjacent properties are 50 foot lots.

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 penalty 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.: _____

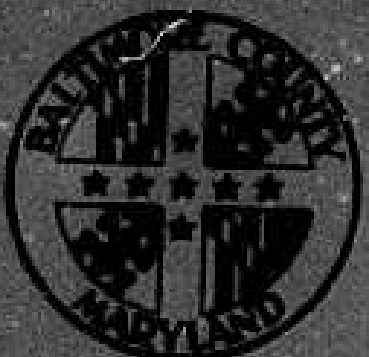
Legal Owner(s): #211-William H. & Juanita Beatty
 (Type or Print Name) _____
 Signature _____
 Address _____
 City and State _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Name _____
 Address _____
 City and State _____
 Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of January, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 29th day of March, 1984, at 10:00 o'clock A.M.

Carl John
 Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY **ZONING PLANS** **ADVISORY COMMITTEE**



PETITION AND SITE PLAN **EVALUATION COMMENTS**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner Date: March 13, 1984
 Norman E. Gerber, Director
 FROM: Office of Planning and Zoning
 William H. Beatty, et al
 SUBJECT: 84-248-A

The majority of the adjacent dwellings appear to be constructed upon 50 foot wide lots; however, the petitioner has sufficient acreage to meet current County requirements either by combining lots or through the resubdivision process. Consequently, this office cannot support the subject request.

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

NEG/JGH/sf

Mr. Norman Wittingham
 628 George Avenue
 Baltimore, Maryland 21221

cc: Frank S. Lee
 1277 Neighbors Avenue
 Baltimore, Maryland 21237

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 24th day of January, 1984.

Petitioner William H. Beatty, et al
 Petitioner's Attorney _____

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 1984

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

no
 Nicholas B. Commodari
 Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial Development

Mr. Norman Wittingham
 628 George Avenue
 Baltimore, Maryland 21221

RE: Case No. 84-248-A (Item No. 184)
 Petitioner - William H. Beatty, et al
 Variance Petition

Dear Mr. Wittingham:

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 report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

These properties were the subject of a previous hearing (Case #79-18-A) in which variances were granted to allow the lots to be sold at widths of 50' each. Following the original order, an amended order was passed that reversed this decision and denied the approvals. In view of this and the fact that the lots were subsequently sold, these variances are now required.

Enclosed are all comments submitted from the members of the Committee at the 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
 NICHOLAS B. COMMODARI
 Chairman

Zoning Plans Advisory Committee

cc: Frank S. Lee
 1277 Neighbors Avenue
 Baltimore, Maryland 21237

ENCLOSURES

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-3211
 NORMAN E. GERBER
 DIRECTOR

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

Re: Zoning Advisory Meeting of 1/24/84
 Item # 184
 Property Owner: William H. Beatty, et al
 Location: 5435 Choptank Rd, NE of Oliver Beach Rd

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group meeting is required.
- () The County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and all conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments: _____

Stephen A. Collins
 Stephen A. Collins
 Chief, Current Planning and Development

cc: James Howell

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

STEPHEN E. COLLINS
 DIRECTOR

February 9, 1984

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

Item No. 176,177,179,182,183,184,187,188,189, & 190 ZAC-Meeting of Jan. 24, 1984
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

Acre:
 District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 176, 177, 179, 182, 183, 184, 187, 188, 189, and 190.

Michael S. Flannigan
 Michael S. Flannigan
 Traffic Engineering Assoc. II

MSP/ccm

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204 2586
 494-4500

PAUL H. RENCKE
 CHIEF

February 10, 1984

Mr. William Wittingham
 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: William H. Beatty, et al

Location: SE/S Choptank Road 209.13 N/E Oliver Beach Road

Item No.: 184

Zoning Agenda: Meeting of January 24, 1984

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.

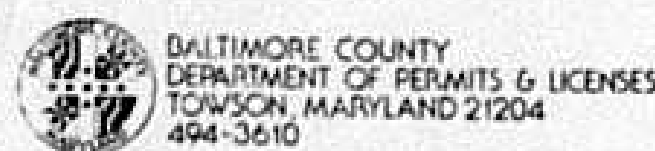
- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 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.

REVIEWER: *George M. Hargan*
 George M. Hargan
 Special Inspection Division
 Fire Prevention Bureau

/mb

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 JABLON, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

February 1, 1984

Dear Mr. Jablon:

Comments on Item # 184, Zoning Advisory Committee Meeting are as follows:

Property Owner: William H. Beatty, et al
Location: SE/S Choptank Road 209.13 N/W Oliver Beach Road
Existing Zoning: D.H. 5.
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55'.

Acres: 250 x 200
District: 15th.

The items checked below are applicable:

A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 ~~and other applicable codes~~ and other applicable codes.

B. A building/ miscellaneous 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 not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

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" for commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive 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 1402, also Section 503.2.

F. Requested variance appears to conflict 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 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Dorman
Charles E. Dorman, Chief
Plans Review

CEB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 26, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 24, 1984

RE: Item No: 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, & 190.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

MNP/1h

Enclosures - 17

RE: PETITION FOR VARIANCE
SE/S of Choptank Rd.,
209.13' NE of Oliver
Beach Rd. (formerly
Harewood Rd.), 15th
District
WILLIAM H. BEATTY, et al,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-248-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of March, 1984, a copy of the foregoing Entry of Appearance was mailed to William H. Beatty, et al, in care of Mr. Norman Winningham, 628 George Avenue, Baltimore, MD 21221, Petitioners' representative.

Phyllis Cole Friedman
Phyllis Cole Friedman

Phone: 687-6922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

JANUARY 7, 1983

15th District Baltimore County, Maryland

Beginning for the same on the southeast side of Choptank Road at the distance of 209.13 feet measured northeasterly along the southeast side of Choptank Road from the northeast side of Oliver Beach Road (formerly Harewood Road) and being known and designated as lots 211, 212, 213, 214 and 215 as laid out and shown on plat of part of Section "B", Oliver Beach, said plat being recorded among the land records of Baltimore County in Plat Book 14 folios 39.

PETITION FOR VARIANCE

15th Election District

ZONING: Petition for Variance
LOCATION: Southeast side of Choptank Road, 209.13 ft. Northeast of Oliver Beach Road (formerly Harewood Road)
DATE & TIME: Thursday, March 29, 1984 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 lot widths of 50 ft. in lieu of the required 55 ft."

Being the property of William H. Beatty, et al, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Norman Winningham
628 George Avenue
Baltimore, Maryland 21221

April 6, 1984

IN RE: Petition Zoning Variance
SE/S of Choptank Road, 209.13'
NE of Oliver Beach Road (formerly Harewood Road) - 15th
Election District
William H. Beatty, et al,
Petitioners
Case No. 84-248-A

Dear Mr. Winningham:

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Ad/srl

Attachments

cc: People's Counsel

March 1984

Mr. Norman Winningham
628 George Avenue
Baltimore, Maryland 21221

NOTICE OF HEARING

Re: Petition for Variance
SE/S Choptank Rd., 209.13' NE of Oliver
Beach Rd. (formerly Harewood Road)
William H. Beatty, et al - Petitioners
Case No. 84-248-A

TIME: 10:00 A.M.

DATE: Thursday, March 29, 1984

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. 124049

DATE: 4/2/84 ACCOUNT: 6-211-615-000

AMOUNT: \$ 25.00

RECEIVED FROM: Norman Winningham

FOR: 15th District

\$ 04/*****35010 5124A

VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF PUBLICATION

TOWSON, MD., March 3, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 27th day of March, 1984, the 8th publication appearing on the 8th day of March 1984.

THE JEFFERSONIAN

L. Frank Smith
Manager

Cost of Advertisement, \$ *1.00*



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

ARNOLD JABLON
ZONING COMMISSIONER

March 19, 1984

Mr. Norman Wainingham
628 George Avenue
Baltimore, Maryland 21221

Re: Petition for Variance
SE/5 Choptank Rd., 209.13' NE of Oliver
Beach Rd. (formerly Harewood Road)
William H. Beatty, et al - Petitioners
Case No. 84-248-A

Dear Mr. Wainingham:

This is to advise you that \$41.38 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

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,

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

No. 128253

DATE *3-29-84* ACCOUNT *R-01-615-000*

AMOUNT *\$ 41.38*

RECEIVED FROM *Norman Wainingham*

FOR *Advertising & Posting Case #84-248-A*
(Wm. H. Beatty et al)

1 Seal

6 01100000412010 BRUSA

VALIDATION OR SIGNATURE OF CASHIER

Arnold Jablon
Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District *15* Date of Posting *3/14/84*

Posted for *Petition for Variance*

Petitioner *W. H. Beatty, et al*

Location of property *SE/5 Choptank Rd., 209.13' NE of Oliver Beach Rd.*

Location of Sign *front of property facing Choptank Rd.*

Remarks

Posted by *Alan J. Coleman* Date of return *3/15/84*

Number of Signs *1*

Petition for Variance
ZONING DEPARTMENT
LOCATION: Southeast side of Choptank Rd. at SE/5 Choptank Rd. NE of Oliver Beach Rd. formerly Harewood Road.
DATE & TIME: Thursday, March 22, 1984, 7:00 PM.
PUBLIC HEARING: 11:00 AM, County Office Building, 111 W. Choptank Ave., Towson, Md.
The Zoning Commission of Baltimore County, by authority of the County's Act and Regulations of Baltimore County, will hear the Petition for Variance to permit the use of the property at the above location for the purpose of a single-family detached dwelling. The property is owned by William H. Beatty, et al. The petitioners seek relief from the application of the zoning regulations to the property at the above location.

The Times

Middle River, Md., March 8, 1984

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of *one* successive weeks before the *8th* day of *March*, 1984.

Sh. D. W. J. Jr. Publisher.

IN RE: PETITION ZONING VARIANCES
SE/5 of Choptank Road, 209.13'
NE of Oliver Beach Road (formerly Harewood Road) - 15th
Election District
William H. Beatty, et al.,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-248-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit lot widths of 50 feet instead of the required 55 feet, as shown on Petitioners' Exhibit 1.

The Petitioners, by Norman Wainingham, appeared and testified. There were no Protestants.

Testimony indicated that the subject property is zoned D.R.5.5. Mr. Wainingham purchased five lots in the subdivision, Lots 211 through 215, in 1976. After constructing a home on Lot 215, he discovered that the lots were undersized and would need variances. He filed a petition, Case No. 79-16-A, and after a public hearing, the Deputy Zoning Commissioner granted the variances on August 8, 1978. However, unbeknownst to Mr. Wainingham, on August 23, 1978, an Amended Order reversed that decision and denied the requested variances. At the time, Mr. Wainingham was in the hospital undergoing major surgery, and he never received the Amended Order. Subsequently, due to his health and medical expenses, Mr. Wainingham, believing he had the needed variances, sold off the remaining lots except for Lot 213. To each of the Contract Purchasers (Purchasers), he represented that there were existing variances. None of the Purchasers of Lots 211, 212, and 214 have attempted to build. However, Mr. Wainingham recently entered into a contract of sale for Lot 213, and he indicated again that a variance existed. The Purchaser attempted to get a building

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *Mary Campbell Clark*

permit but was told that no variances existed and that a permit could not be issued. The Purchaser informed Mr. Wainingham, who was totally surprised, and as a result, the contract of sale was terminated.

The original plat for the subdivision was recorded among the Land Records of Baltimore County in 1947, and all of the lots were 50 feet wide. See Petitioners' Exhibit 1. Approximately 90% of these lots have been improved with homes. The Purchasers of Lot 215 (who later bought Lot 214) and of Lots 212 and 211 were good faith purchasers from Mr. Wainingham, who had assured them of the existence of the variances.

Notwithstanding any other considerations, i.e., the ability of Mr. Wainingham in 1976 to combine contiguous lots to meet the zoning requirements, Mr. Wainingham's representation at the public hearing that he never received the Amended Order is accepted as being true, and in conjunction with the good faith purchase of the lots cited, it would certainly be a practical difficulty to now deny the variances requested. Additionally, the requested variances would be within the spirit and intent of the Baltimore County Zoning Regulations (BCZR).

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

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area

- variance, the Petitioner must meet the following:
- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
 - whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied or would give substantial relief; and

- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *6th* day of April, 1984, that the Petition for Variances to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 211 through 215 be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that 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.

Arnold Jablon
Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman
Nicholas B. Commodari

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

April 19, 1984

Mr. Norman Wainingham
628 George Avenue
Baltimore, Md. 21221

Re: Case 84-248-A (184)
Wm. H. Beatty et al
Variance Petition

Dear Mr. Wainingham:

Enclosed please find additional comments submitted after my original comments of *March 22, 1984*. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

CC Frank Lee
1577 Reigland Ave
Baltimore, Md. 21237



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PATEL, P.E.
DIRECTOR

March 8, 1984

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

Re: Item #184 (1983-1984)
Property Owner: William H. Beatty, et al
S/ES Choptank Rd. 209.13' N/E Oliver Beach Rd.
Acres: 250 X 200 District: 15th

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.

General:

The comments which were supplied in conjunction with the Zoning Advisory Committee review for Item 243 (1977-1978) are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 184 (1983-1984).

Very truly yours,

Robert A. Morton, P.E.
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

PAT:EMW:mas
MM-GW Key Sheet
28 NE 50 P.m. Sheet
NE 7 M Topo
84 Tax Map
Encls.

3/29
84-248-A

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *Mary Campbell Clark*

ORDER RECEIVED FOR FILING

DATE *April 6, 1984*
BY *Mary Campbell Clark*

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

July 12, 1978

Re: Item #243 (1977-1978)
Property Owner: Norman A. & Ruby M. Winningham
5/28 Choptank Rd. 209.13' W/E Harewood Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50'
in lieu of the required 55'.
Acres: 1.1478 District: 15th

Dear Mr. DiNenna:

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:

Choptank Road, an existing public road, is proposed to be improved in the future as a 35-foot closed section roadway on a 50-foot right-of-way.

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:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

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.

Item #243 (1977-1978)
Property Owner: Norman A. & Ruby M. Winningham
Page 2
July 12, 1978

Water and Sanitary Sewer:

An 8-inch public water main and 15-inch sanitary sewerage exist in Choptank Road.

Very truly yours,
EDWARD A. McDONOUGH
ELLISWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM: PWR:as

MS-5W Key Sheet
28 175 50 Pos. Sheet
112 7 11 Topo
84 Tax Map

