

84-338-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 1902.3, C. 1 (301.1) to permit a front setback of 15 ft., rear of 14 ft., and 12 ft. in lieu of the required 25 ft., 30 ft. and 22 1/2 ft. respectively.

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

- To permit the most practical use of an irregular shaped lot.
- To allow a maximum amount of distance from the proposed dwelling to the existing neighbouring dwelling located on Orens Rd.
- To avoid, as much as possible, Drastic cut and fill of the lot.

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:

Joseph A. & Colleen L. Schmitt

(Type or Print Name)

Signature

542-D Carrollwood Road

Baltimore, MD, 21220

City and State

Attorney for Petitioner:

W. C. Bowers, Jr.

(Type or Print Name)

Signature

542-D Carrollwood Road

Baltimore, MD, 21220

City and State

Attorney's Telephone No.:

335-6529

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of May, 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 through-

out 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 4th day of June, 1984, at 10:00 o'clock

A.M.

Legal Owner(s):

MIDDLE RIVER SQUARE CLUB, INC.

(Type or Print Name)

Signature

William C. Bowers, Secretary

(Type or Print Name)

Signature

210 E. JEFFERSON AVE.

668-8828

Address

BALTO., MD.

City and State

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Joseph A. Schmitt

Name

542-D Carrollwood Rd. 335-6529

Address

Phone No.

Call John

(over)

84-338-A



84-338-A

84-338-A

84-338-A

Arnold Jablon
TO: Zoning Commissioner Date: May 16, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 84-335-A, 84-336-A, 84-337-SpH, 84-338-A,
SUBJECT: 84-339-X, 84-342-A, 84-352-A and 84-344-SpH

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

84-338-A

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 1st day of May, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner Middle River Square Club, Inc. advised by Nicholas B. Commodari
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

84-338-A

May 28, 1984

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

000

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. William C. Bowers
Middle River Square Club, Inc.
2021 Oakland Avenue
Baltimore, Maryland 21220

RE: Item No. 287 - Case No. 84-338-A
Middle River Square Club, Inc.
Variance Petition

Dear Mr. Bowers:

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
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Mr. Joseph A. Schmitt
542-D Carrollwood Road
Baltimore, Md. 21220

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4500
NORMAN E. GERBER
DIRECTOR

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

Re: Zoning Advisory Meeting of 5/1/84
Item # 287
Property Owner: MIDDLE RIVER SQUARE CLUB, INC.
Location: NW/Cor. Orens Road & Glider Drive

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.
- A 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 22-99 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 5/1/84.
- 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 as conditions change are re-evaluated annually by the County Council.
- Additional comments:

James A. Bowers
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. RENCKE
CHIEF

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: Middle River Square Club, Inc.

Location: NW/Cor. Orens Road and Glider Drive

Item No.: 287 Zoning Agenda: Meeting of 5/1/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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: [Signature] Noted and: George M. Hegardt
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-4500
TED JALESKI, JR.
DIRECTOR

May 9, 1984

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

Dear Mr. Jablon:

Comments on Item # 287 Zoning Advisory Committee Meeting are as follows:

Property Owner: Middle River Square Club, Inc.
Location: NW/Cor. Orens Road and Glider Drive
Existing Zoning: D-1
Proposed Zoning: Variance to permit a front setback of 15', rear of 14' and 12' in lieu of the required 25', 30' and 22 1/2' respectively.

Address: 3-7/103.5 x 111.1/138.7
District: 15th.

The items checked below are applicable:

1. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 (except as noted) and shall be constructed in accordance with the applicable Code.
2. A building/ other permit shall be required before beginning construction.

Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ 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. In exterior wall erected within 6'0" for Commercial use or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistance construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 401, line 2, Section 4007 and Table 402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/

G. A change of occupancy shall be applied for, along with an alteration permit application, and three revised 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 - It is assumed this is a proposed structure.

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. Murrain, Chief
Plans Review

CD:es

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

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
NW Corner Orens Rd. & Glider : OF BALTIMORE COUNTY
Dr., 15th District :
MIDDLE RIVER SQUARE CLUB, : Case No. 84-338-A
INC., Petitioner

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
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 11th day of May, 1984, a copy of the foregoing Entry of Appearance was mailed to William C. Bowers, Secretary, Middle River Square Club, Inc., 2021 Oakland Ave., Baltimore, MD 21220, Petitioner; and Mr. and Mrs. Joseph A. Schmitt, 542-D Carrollwood Rd., Baltimore, MD 21220, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITION ZONING VARIANCES : BEFORE THE
NW Corner of Orens Road and : ZONING COMMISSIONER
Glider Drive - 15th Election :
District : OF BALTIMORE COUNTY
Middle River Square Club, : Case No. 84-338-A
Inc., :
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a front yard setback of 15 feet instead of the required 25 feet, a rear yard setback of 14 feet instead of the required 30 feet for the house, and a rear yard setback of 12 feet instead of the required 22 feet for the open deck, as more fully described on Petitioner's Exhibit 1.

The Petitioner, by its Secretary, William C. Bowers, appeared and testified. Mr. and Mrs. Joseph Schmitt, the Contract Purchasers also appeared and testified. There were no Protestants.

Testimony indicated that the property, zoned D.R.5.5, is basically triangular in shape, fronting on Glider Drive for a distance of 138.7 feet and with sides of 111.1 feet and 103.5 feet. There is a four-foot square-off on Orens Road to the south. Due to its unique shape, any prospective use would require variances. The Contract Purchasers want to construct a 34' x 26' dwelling with an open deck in the rear, and the location of the house requires the variances requested herein. The proposed dwelling makes the best possible use of the property. The house, as it projects to the rear property line, will be 14 feet instead of the required 30 feet from that line; the deck, which may project 25% further into the rear yard, will be setback 12 feet instead of the required 22 feet. The front of the house will be 15 feet from the front property line.

ORDER RECEIVED FOR FILING
DATE June 5, 1984
BY Shirley J. Gay

The Petitioner seeks relief from Section 1202.3.C.1 (301.1), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. 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 for 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 Petitioner seeks 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.

ORDER RECEIVED FOR FILING
DATE June 5, 1984
BY Shirley J. Gay

- 2 -

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of June, 1984, that the Petition for Zoning Variances to permit a front yard setback of 15 feet instead of the required 25 feet, a rear yard setback of 14 feet instead of the required 30 feet, and a rear yard setback of 12 feet instead of the required 22 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

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

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/ar1

cc: Mr. William C. Bowers

Mrs. & Mrs. Joseph A. Schmitt
People's Counsel

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

June 1, 1984

I-NW Key Sheet
12 = 30 Pos. Sheet
NE 3 H Topo
90 Tax Map

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

Re: Item #287 (1983-1984)
Property Owner: Middle River Square Club, Inc.
N/W cor. Orens Rd. and Glider Dr.
Acres: 3.7/103.5 x 111.1/138.7
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.

Highways

Glider Drive, and Orens Road (formerly a State Road, Md. 493), existing public roads, are proposed to be further improved in the future as 30 and 40-foot closed section roadways on 50 and 60-foot rights-of-way, respectively, with fillet areas for sight distance at their intersection.

Sediment Control

Development of this property through stripping, grading and stabilization could result in sediment pollution, 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 problems which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer

There is a 36-inch public water main and 30-inch public sanitary sewer in Orens Road.

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

RAM:EAM:PWR:ss

Joseph and Coleen Schmitt
542-D Carrollwood Road
Baltimore, Maryland 21220.
ITEM #287

April 24, 1984

Mr. Arnold Jablon, Zoning Commissioner
Baltimore County Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204.

Dear Mr. Jablon:

I am writing to you on behalf of myself and my wife, in regard to a case before you, in which we are seeking a variance to existing zoning setback regulations to permit construction of a single family dwelling on the property known as "N/W corner of Orens Road and Glider Drive".

The application for the variance was submitted on April 19, 1984. We were informed that a period of at least 60 days would be required before the hearing would be held. Additionally, a 30 day period would elapse before construction could begin.

We are the contract purchasers of the captioned property and have an obligation to the sellers to obtain a building permit, if possible, before July 4, 1984. If we are unable to obtain a building permit, we will either lose the opportunity to purchase the lot or must purchase with the uncertainty of being allowed to build. To complicate matters, we have recently learned that Coleen is expecting and this necessitates quick action in order to finish our new home and move, prior to the arrival of our child.

We are requesting your assistance or advise in order to hasten the processing of the variance request, so that we will be able to make a definitive decision on the purchase of the lot and, if favorable, to proceed with building plans. We appreciate your consideration of this matter and look forward to hearing from you soon.

Sincerely,

Joseph A. Schmitt
Joseph A. Schmitt

ORDER RECEIVED FOR FILING
DATE June 5, 1984
BY Shirley J. Gay

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning

Date: May 29, 1984

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items
Meeting - April 24, 1984

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Item #275 - Louis Difasquale
Item #277 - Security Mini Storage
Item #278 - Industrial Enterprises, Inc.
Item #281 - Charles L. Carter

Meeting - May 1, 1984

Item #284 - 122 Slade Ltd. Partnership
Item #285 - James R. Gugliette, Sr., et ux
Item #286 - I.U.E. Local #130
Item #287 - Middle River Square Club, Inc.
Item #288 - Beechwood Development Corp.
Item #289 - Bernard W. Bader
Item #291 - M. Taylor-Gatchell, et ux

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

IJF/rs

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