

PETITION FOR ZONING VARIANCE 85-1-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 1 B02.3 C.1. (To permit rear yard setback of 16-ft. instead of required 30-ft.)

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

- 1) Since the property is "L"-shaped, the addition to the side of house, extending the back line of the house over, would result in a distance of 16-ft. instead of the required 30-ft setback from the rear of the property line.

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 _____

For Petitioner: _____
 (Type or Print Name)

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.: _____
 Address _____
 Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 15th 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 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 2nd day of July, 1984, at 10:00 o'clock A.M.

Carl J. Jablon
 Zoning Commissioner of Baltimore County.

(over)

**BALTIMORE COUNTY
 ZONING PLANS
 ADVISORY COMMITTEE**



**PETITION AND SITE PLAN
 EVALUATION COMMENTS**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
 Office of Planning and Zoning Date: June 14, 1984

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items
 Meeting - May 15, 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 #299 - Char-del, Inc.
- Item #300 - Paul D. Russell, et ux
- Item #303 - Fairfax Savings Association, Inc.
- Item #304 - Christopher G. Myers, et ux

Meeting - May 22, 1984

- Item #308 - McCormick Properties, Inc.
- Item #309 - Tadeusz Podbielski, et ux

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

IJF/rth

7/2 85-1-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: June 14, 1984

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

SUBJECT: Zoning Petition Nos. 85-1, 85-3-5PhA, 85-4-A, 85-5-A, 85-6-X and 85-8-A

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

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

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 19, 1984

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21284

o/o
 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. & Mrs. Christopher Myers
 5900 Carroll Street
 Baltimore, Maryland 21207

RE: Item No. 304 - Case No. 85-1-A
 Petitioner - Christopher G. Myers, et ux
 Variance Petition

Dear Mr. & Mrs. Myers:

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 will 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



HARRY J. PISTEL P.E.
 DIRECTOR

H-NE Key Sheet
 1 SW 22 Pos. Sheet
 SW 1 F Topo
 95 Tax Map

June 8, 1984

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

RE: Item #304 (1983-1984)
 Property Owner: Christopher G. Myers, et ux
 N/ES Carroll St. 128' N/W of centerline
 Ingleside Ave.
 Acre: 40 X 125 District: 1st

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:
 Carroll Street, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 40-foot right-of-way.

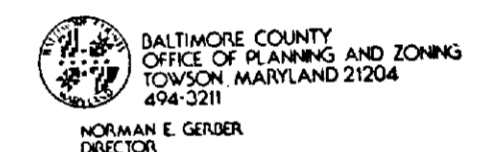
Sediment Control:
 Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:
 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 is an 8-inch public water main and 8-inch public sanitary sewerage in Carroll Street.

Very truly yours,
Gilbert S. Benson
 GILBERT S. BENSON, P.E., Asst. Chief
 Bureau of Public Services

GSB:EAM:FWR:es



NORMAN E. GERBER
 DIRECTOR

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

Re: Zoning Advisory Meeting of 5/18/84
 Item # 304
 Property Owner: CHRISTOPHER G. MYERS ET UX
 Location: N/ES CARROLL ST. 128' NW of
 INGLESIDE AVE.

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.

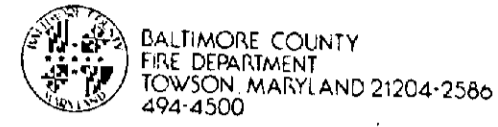
- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must 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 22-96 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 as conditions change traffic capacity may become more limited. The Basic Service Areas are re-evaluated annually by the County Council.
- Additional comments: _____

Duffie A. Bober
 Duffie A. Bober
 Chief, Current Planning and Development

cc: James Howell

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



PAUL H. RENCKE
CHIEF
May 18, 1984

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: Christopher G. Myers, et ux
Location: NE/S Carroll St. 128' N/W of c/l Ingleside Avenue
Item No.: 304 Zoning Agenda: Meeting of 5/15/84

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 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: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/S Carroll St., 128' NW of : OF BALTIMORE COUNTY
the Centerline of Ingleside :
Ave. (5900 Carroll St.), :
1st District :
CHRISTOPHER G. MYERS, et ux, : Case No. 85-1-A
Petitioners : : : : : :

ENTRY OF APPEARANCE

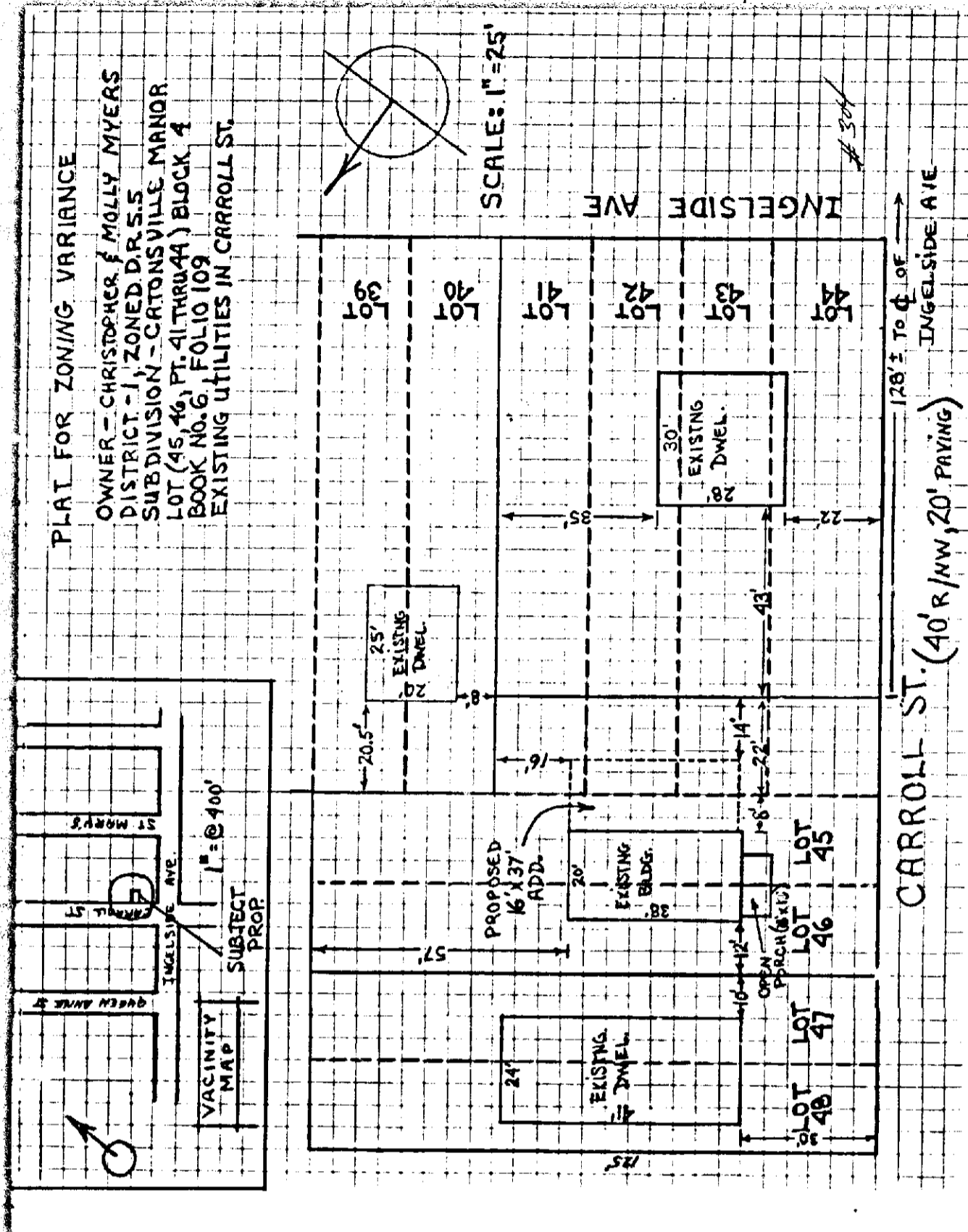
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

[Signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 13th day of June, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Christopher G. Myers, 5900 Carroll Street, Baltimore, MD 21207, Petitioners.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel



ds21
00101 88 ym7 ba5 .A

IN RE: PETITION ZONING VARIANCE : BEFORE THE
NE/S of Carroll Street, 128' : ZONING COMMISSIONER
NW of the centerline of In- :
gleside Avenue (5900 Carroll : OF BALTIMORE COUNTY
Street) - 1st Election :
District : Case No. 85-1-A
Christopher G. Myers, et ux, :
Petitioners :

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 16 feet instead of the required 30 feet, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the Petitioners purchased a 40' x 125' tract (lots 45 and 46) with a dwelling, zoned D.R.5.5, approximately six years ago. They now wish to construct a 16' x 37' single-story addition to the southeastern side of their home which would extend into a lot more recently purchased. The existing tract and the new lot, 22' x 84', create an L-shaped property. The home faces Carroll Street and the addition would as well. The addition would provide an additional bedroom and a one-car garage. Neither could be constructed in the rear or on the other side due to the narrowness of the lots which would not allow access if built in the rear. Also, if built in the rear, the addition would require more extensive and expensive renovation in the home than would be required if constructed as proposed. The Petitioners need the extra space the proposed addition would provide. The addition would extend eight feet into the lot and that portion of the building requires a rear yard setback of 16 feet instead of the required 30 feet.

The Petitioners seek relief from Section 1802.3.C.1, pursuant to Section 307, of the Baltimore County Zoning Regulations (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:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. 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
3. 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. 26 (1974).

It is clear from the testimony that if the variance 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 variance were not granted. It has been established that the requirements 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 variance 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 variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of July, 1984, that the Petition for Zoning Variance to permit a rear yard setback of 16 feet instead of the required 30 feet be and is hereby GRANTED, 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 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.

[Signature]
Zoning Commissioner of Baltimore County

AJ/ar1
cc: Mr. & Mrs. Christopher Gerard Myers
People's Counsel

Mr. & Mrs. Christopher G. Myers
5900 Carroll Street
Baltimore, Maryland 21207

NOTICE OF HEARING

Re: Petition for Variance
NE/S Carroll St., 128' NW of the c/l of
Ingleside Avenue (5900 Carroll Street)
Christopher G. Myers, et ux - Petitioners
Case No. 85-1-A

TIME: 10:00 A.M.
DATE: Monday, July 2, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130222

DATE: 5-4-84 ACCOUNT: R-01-615-072
AMOUNT: 35.00

RECEIVED FROM: *[Signature]*
FOR: *[Signature]*
VALIDATION OR SIGNATURE OF CASHIER

ORDER RECEIVED FOR FILING
DATE: July 5, 1984
BY: *[Signature]*

ORDER RECEIVED FOR FILING
DATE: July 5, 1984
BY: *[Signature]*

ORDER RECEIVED FOR FILING
DATE: July 5, 1984
BY: *[Signature]*

85-1-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 6-17-84
Posted for: Variance
Petitioner: Christopher G. Myers
Location of property: N.E.S. Carroll St. 128' N.W. of the c/l of
Ingleside Ave. 6500 Carroll St.
Location of Signs: on front of 5900 Carroll St.
Remarks:
Posted by: S.J. Arato Date of return: 6-22-84
Signature
Number of Signs: 1

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

June 14 19 84

PETITION FOR VARIANCE
1st Election District
ZONING: Petition for Variance
LOCATION: Northeast side of Carroll Street, 128 ft. Northwest of the centerline of Ingleside Avenue (5900 Carroll Street)
DATE & TIME: Monday, July 2, 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 on the Petition for Variance to permit a rear yard setback of 16 ft. instead of 30 ft.

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE 56421

is inserted in the following:
 Catonsville Times
 Arbutus Times
weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 16 day of June 19 84, that is to say, the same was inserted in the issues of

June 14, 1984

PATUXENT PUBLISHING CORP.
By: S.J. Arato

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY
Plaintiff
vs.
Defendant
CERTIFICATE OF PUBLICATION OF

85-1-A
CERTIFICATE OF PUBLICATION

TOWSON, MD, June 14, 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., appearing on June 14, 1984

THE JEFFERSONIAN,
W. Kentrol
Publisher

Cost of Advertising

\$20.00

Beginning on the northeast side of Carroll Street, 40 ft. wide, at the distance of 128 ft. northwest of the centerline of Ingleside Ave., being lot (45, 46, Pt. 41 thru 44), Block 4, in subdivision of Catonsville Manor. Book No. 6, Folio 109, also known as 5900 Carroll St. in the 1st Election District.

PETITION FOR VARIANCE

1st Election District

ZONING: Petition for Variance
LOCATION: Northeast side Carroll Street, 128 ft. Northwest of the centerline of Ingleside Avenue (5900 Carroll Street)
DATE & TIME: Monday, July 2, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

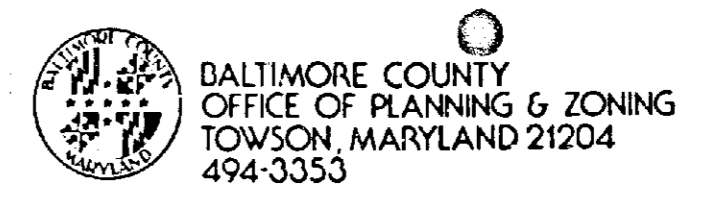
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 16 ft. instead of the required 30 ft.

Being the property of Christopher G. Myers, et ux, 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



ARNOLD JABLON
ZONING COMMISSIONER

June 27, 1984

Mr. & Mrs. Christopher G. Myers
5900 Carroll Street
Baltimore, Maryland 21207

Re: Petition for Variance
NE/S Carroll St., 128' NW of the c/l of
Ingleside Ave. (5900 Carroll Street)
Christopher G. Myers, et ux - Petitioners
Case No. 85-1-A

Dear Mr. & Mrs. Myers:

This is to advise you that \$41.80 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. 131913

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

DATE: 7/11/84 ACCOUNT: R-01-615-000

AMOUNT: \$41.80

RECEIVED FROM: Molly Myers

FOR: advertising and posting Case 85-1-A

⑆ 021*****41061a *11aA

VALIDATION OR SIGNATURE OF CASHIER