

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

85-145-A

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 21-201.2.C.6 (V.B.6.b, V.B.6.c) to permit windows 14 feet to the property line instead of the required 15 feet on lots #1 and #2; and a distance of 30 feet between windows instead of the required 40 feet.

A **PRACTICAL DIFFICULTY**, not self-created, exists by virtue of strict application of the Zoning Regulations. This strict application of requirements renders conformance unnecessarily burdensome; a lesser relaxation of the standards then applied for cannot provide adequate relief; and the applied for relief is still in strict harmony with the spirit and intent of the Regulations. Relief will not result in substantial injury to public health, safety, and general welfare. Nor will relief result in an increase to the present residential density.

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 _____

Legal Owner(s): Harlan G. Cress
(Type or Print Name)
Signature Harlan G. Cress
Elsie V. Cress
(Type or Print Name)
Signature Harlan G. Cress

Morphy for Petitioner:
Thomas J. Ward, 8227 McDonough Road, 363-3875
Address Phone No.
Pikesville, Maryland 21209
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Harlan G. Cress
Name
8227 McDonough Road
Pikesville, MD 21209 363-3875
Address Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this 2nd day of October, 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 104, County Office Building in Towson, Baltimore County, on the 20th day of November, 1984, at 9:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE

PETITION AND SITE PLAN
EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

To: Arnold Jablon, Zoning Commissioner
From: Norman E. Gerber, Director, Office of Planning and Zoning
Subject: Harlan G. Cress, et ux
No. 85-145-A

Date: November 9, 1984

The plan was approved by the County Review Group on September 22, 1983.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGR/st

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 13, 1984

Thomas J. Ward, Esquire
812 Providence Road
Towson, Maryland 21204

RE: Case No. 85-145-A (Item No. 84)
Petitioner - Harlan G. Cress, et ux
Variance Petition

Dear Mr. Ward:

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. Conodari
Nicholas B. Conodari
Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: KCV Consultants, Inc.
760 Fairmount Avenue
Towson, Maryland 21204

ORDER RECEIVED FOR FILING

Harlan G. Cress, et ux
N/S Old Court Rd., 232.37' - 85-145-A
11/10/84

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

November 1, 1984

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

Re: Item #84 (1984-1985)
Property Owner: Harlan G. Cress, et ux
N/S Old Court Rd. 232.37' W. Kilburn Rd.
Acres: 2.09
District: 2nd

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 Comments:

As no public facilities are involved, this office has no comment.

Very truly yours,
James A. Marble, P.E., Chief
Bureau of Public Services

JAM:EAM:ROP:ms

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

10/31/84

Re: Zoning Advisory Meeting of 10/2/84
Item #84
Property Owner: Harlan G. Cress, et ux
Location: N/S Old Court Rd.
W of Kilburn 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.
- (X) A County Review Group Meeting is required.
- (X) 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 22-98 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 as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments:
Plan approved by CRG 9/28/83

Eugene A. Rober
Eugene A. Rober
Chief, Current Planning and Development

cc: James Howell

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

STEPHEN E. COLLINS
DIRECTOR

October 16, 1984

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

Item No. 80, 81, 82, 83, and 84 ZAC Meeting of October 2, 1984

Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 80, 81, 82, 83, and 84.

Richard B. Flindrum
Richard B. Flindrum
Traffic Engineering Assoc. II

MSP/ocm

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 2nd day of October, 1984.

ARNOLD JABLON
Zoning Commissioner

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

Petitioner: Harlan G. Cress, et ux
Petitioner's Attorney: Thomas J. Ward

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 result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should be granted.

Therefore, IT IS ORDERED by the Deputy Commissioner of Baltimore County, this 21st day of November, 1984, that the herein Petition for Variance(s) to permit windows to be 44 feet to the property line in lieu of the required 40 feet and 2 not-to-exceed 20 feet and 30 feet between windows in lieu of the required 40 feet and to permit a distance of 30 feet between windows in lieu of the required 40 feet between windows to be granted and the variance(s) requested be granted.

Jean M.H. Jung
Deputy Zoning Commissioner
Baltimore County

ORDER RECEIVED FOR FILING
DATE: November 21, 1984
BY: Mary Compton
Deputy Zoning Commissioner

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

PAUL H. REINCKE
CHIEF
October 26, 1984

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harlen G. Cress, et ux
Location: N/S Old Court Road 232.37' W. Kilburn Road
Item No.: 84 Zoning Agenda: Meeting of 10/2/84

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works, and 500' of property line.
- () 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____ Standard U-turnaround or cul-de-sac required 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: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3000

October 23, 1984

IED DANEKJI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 84, Zoning Advisory Committee Meeting are as follows:

Property Owner: Harlen G. Cress, et ux
Location: N/S Old Court Road 232.37' W. Kilburn Road
Existing Zoning: _____
Proposed Zoning: Variance to permit windows 11' to the property line in lieu of the required 15' on lots #1 and #2 and a distance between windows of 30' in lieu of the required 40'.

Area: 2.09
District: 2nd.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.
- () other miscellaneous
- (X) A building/raising of permit shall be required before beginning construction.
- (X) 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' for Commercial uses or 3' 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 fire wall is required if construction is on the lot line, see Table 101, Item 2, Section 1017 and Table 102, 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 205 and the required construction classification of Table 101.
- (X) Comments - Firelanes shall be as designated by the Fire Department.

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,
[Signature]
Charles E. Burnham, Chief
Plans Review

CEB:es

RE: PETITION FOR VARIANCE
N/S of Old Court Rd.,
232.37' W of Kilburn
Rd., 2nd District

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

HARLEN G. CRESS, et ux,
Petitioners

Case No. 85-145-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.

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

[Signature]
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 29th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Ward, Esquire, 812 Providence Rd., Towson, MD 21204, Attorney for Petitioners.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

November 21, 1984

Thomas J. Ward, Esquire
812 Providence Road
Towson, Maryland 21204

RE: Petition for Variances
N/S of Old Court Rd., 232.37' W of Kilburn
Rd. - 2nd Election District
Harlen G. Cress, et ux - Petitioners
No. 85-145-A (Item No. 84)

Dear Mr. Ward:

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

Very truly yours,
[Signature]
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMH/mc
Attachments
cc: People's Counsel

October 19, 1984

Thomas J. Ward, Esquire
812 Providence Road
Towson, Maryland 21204

NOTICE OF HEARING
RE: Petition for Variances
N/S Old Court Rd., 232.37' W of
Kilburn Road
Harlen G. Cress, et ux - Petitioners
Case No. 85-145-A

TIME: 9:45 a.m.
DATE: Tuesday, November 20, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 133296

DATE: 9-21-84 ACCOUNT: R-01615-CU
AMOUNT: 35.00

RECEIVED FROM: Ward
FOR: F.I. Fee for Item 84 Cress

089*****125001a 62447

VALIDATION OR SIGNATURE OF CASHIER

85-145-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 11-2-84

Posted for: Variance
Petitioner: Harlen G. Cress

Location of property: N/S Old Court Rd. 232.37' W of Kilburn Rd.

Location of Signs: In front of 5218 Old Court Rd.

Remarks: _____ Date of return: 11-9-84

Posted by: *[Signature]* Signature Date of return: 11-9-84

Number of Signs: 1

85-145-A

CERTIFICATE OF PUBLICATION
TOWSON, MD., November 1, 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 November 1, 1984.

THE JEFFERSONIAN,
[Signature]
Publisher

Cost of Advertising 20.00

LEGAL NOTICE
PETITION FOR VARIANCE
N/S of Old Court Rd.,
232.37' W of Kilburn Rd.,
2nd Election District

CERTIFICATE OF PUBLICATION
60236 85-145-A

Fikesville, Md., Oct. 31, 1984

I HEREBY CERTIFY, that the annexed advertisement was published in Fikesville, Baltimore County, Maryland before the 20th day of October, 1984.

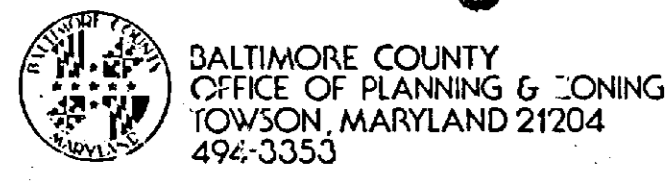
Publication appearing on the _____ day of _____, 1984.

Publication appearing on the _____ day of _____, 1984.

Publication appearing on the _____ day of _____, 1984.

THE NORTHWEST STAR
[Signature]
Manager

Cost of Advertisement \$22.00



ARNOLD JABLON
ZONING COMMISSIONER

November 9, 1984

Thomas J. Ward, Esquire
812 Providence Road
Towson, Maryland 21204

RE: Petition for Variances
N/S Old Court Rd., 232.37' W of
Kilburn Road
Harlan G. Cress, et ux - Petitioners
Case No. 85-145-A

Dear Mr. Ward:

This is to advise you that \$47.00 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. Ariene 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. 135864

DATE: Nov 20 1984 ACCOUNT: K-61-615-000

AMOUNT: \$47.00

RECEIVED FROM: *Harlan G. Cress*
FOR: *Advertising & Posting of Case 85-145-A*

010*****47001A#206F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCES
2nd Election District

LOCATION: North side of Old Court Road, 232.37 feet West of Kilburn Road

DATE AND TIME: Tuesday, November 20, 1984 at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West 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 windows 14 feet to the property line instead of the required 15 feet on lot nos. 1 and 2; and a distance of 30 feet between windows instead of the required 40 feet.

Being the property of Harlan G. Cress, et ux as shown on the plat filed with the Zoning Office.

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

Douglas L. Kennedy, P.E.
John M. Cosaratus, L.S.
William K. Woody, L.S.

(301) 821-0852
821-0594

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
760 Fairmount Avenue
Towson Town Centre
Towson, Maryland 21204

February 27, 1984

DESCRIPTION ON NO. 5018 (LOT NO. 1) AND NO. 5020 (LOT NO. 2)
OLD COURT ROAD, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the North side of Old Court Road at the distance of 232.37 feet measured westerly along the North side of Old Court Road, as widened, and the West side of Kilburn Road, 50 feet wide, running thence and btm. z on the North side of Old Court Road, as widened, South 16 degrees 34 minutes 45 seconds West 5.65 feet to the northwest side of said road, thence by a line curving to the left with a radius of 793.94 feet the distance of 146.27 feet (the chord of the arc bears South 62 degrees 06 minutes 04 seconds West 146.06 feet), thence by a line curving to the right with a radius of 128.97 feet the distance of 35.30 feet (the chord of the arc bears South 69 degrees 05 minutes 22 seconds West 35.19 feet), to the outline of the whole tract, thence along said outline North 00 degrees 59 minutes 59 seconds East 223.69 feet, thence leaving said outline South 89 degrees 00 minutes 01 seconds East 130.70 feet and South 14 degrees 40 minutes 35 seconds East 138.00 feet to the North side of Old Court Road, herein referred to, thence binding on said road South 75 degrees 19 minutes 25 seconds West 6.18 feet to the place of beginning.

