

PETITION FOR ZONING VARIANCE 85-261-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 1-101, 2-C, 2a to permit a dwelling unit window within 30 feet facing a property line which is not a street in lieu of the required 35 feet.

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

1. Configuration of property.
2. Other practical hardships and unreasonable difficulties to be presented at the time of hearing.

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

Legal Owner(s):
Balmoral Development, Inc.
(Type or Print Name)
By: *Nathaniel Katz*
Signature
Nathaniel Katz, President
(Type or Print Name)
Signature

Attorney for Petitioner:
Benjamin Bronstein
(Type or Print Name)
Signature
Suite 200, 102 W. Pennsylvania Avenue
Address
Towson, MD 21204
City and State

2045 York Road
Address
Timonium, MD 21093
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
D. S. Thaler and Associates
Name
11 Warren Road, Baltimore, MD 21208
Address
Phone No. 484-4100

Attorney's Telephone No.: 828-4442

ORDERED By The Zoning Commission of Baltimore County, this 13th day of February, 1985, 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 Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of March, 1985, at 10:30 o'clock.

Call John
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

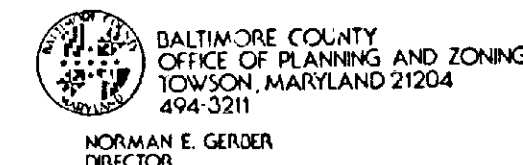
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

RECEIVED



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

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.

- (X) 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.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on.
- (X) Landscaping: Not comply with Baltimore County Landscape Manual.
- (X) The property is located in a deficient service area as defined by §111-178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is.
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by §111-178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:

cc: James Howell

Eugene A. Sobor
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

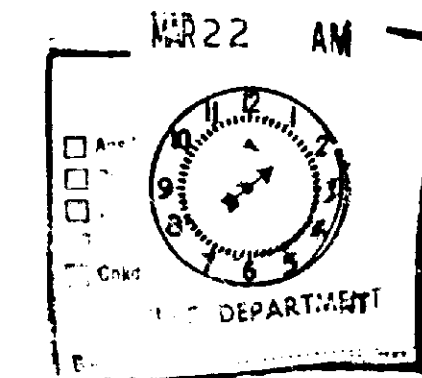
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
TO: _____ Date: March 21, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions Nos. 85-261-A, 85-263-A, 85-264-A, 85-265-A, 85-267-A, 85-269-A

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

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

NEG:JGH:slm



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 14, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
000
Nicholas B. Commodari
Chairman

Benjamin Bronstein, Esquire
Suite 200, 102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 208 - Case No. 85-261-A
Balmoral Development, Inc.
Variance Petition

Dear Mr. Bronstein:

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: D. S. Thaler and Associates
11 Warren Road
Baltimore, Maryland 21208



HARRY J. PISTEL P.E.
DIRECTOR

March 4, 1985

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

RE: Item #208 (1984-1985)
Property Owner: Balmoral Development, Inc.
E/S Pent Angel Way 308' S/W from center-
line Penn Ave.
Acres: 0.1622
District: 11th

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:

Public facilities are currently under contract.

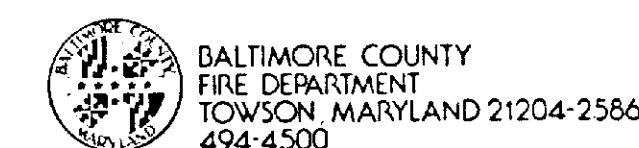
As no public facilities are involved on this site, this office has no comment.

Very truly yours,

James A. Markle
JAMES A. MARKLE, P.E. Chief
Bureau of Public Services

JAM:EAM:ROP:bs

cc: File



PAUL H. RENCKE
CHIEF

February 25, 1985

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: Balmoral Development, Inc.

Location: E/S Pent Angel Way 308' S/W from c/l Penn Avenue

Item No.: 208

Zoning Agenda: Meeting of 2/19/85

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 or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- (X) 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.
- (X) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *James A. Markle* Noted and Approved: *Carroll N. Markowitz*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

AUG 14 1985

Furnish 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

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

March 4, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item #208 Zoning Advisory Committee Meeting are as follows:

Property Owner: Balmoral Development, Inc.
Location: E/S Pent Angel Way 308' S/W from c/l Penn Avenue
Existing Zoning: D.R. 3-5
Proposed Zoning: Variance to permit a dwelling unit window within 30' facing a property line which is not a street in lieu of the required 35'.

Address: 0.1622
District: 11th.

The items checked below are applicable:

- (A) 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.
- (B) A building/ & other /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/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 fire wall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 503.2.
- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section 5.
- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (I) Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 102 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman, Chief
Plans Review

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S Pent Angel Way, : OF BALTIMORE COUNTY
308' SW from the Center-
line of Penn Ave., 11th
District :
BALMORAL DEVELOPMENT, INC., : Case No. 85-261-A
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 6th day of March, 1985, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and D. S. Thaler & Associates, 11 Warren Rd., Pikesville, MD 21208, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
March 14, 1985

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

Benjamin Bronstein, Esquire
Suite 200, 102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 208 - Case No. 85-261-A
Balmoral Development, Inc.
Variance Petition

Dear Mr. Bronstein:

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.

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: D. S. Thaler and Associates
11 Warren Road
Baltimore, Maryland 21208

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2556
494-4500

PAUL H. REINCKE
CHIEF

February 25, 1985

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: Balmoral Development, Inc.

Location: E/S Pent Angel Way 308' S/W from c/l Penn Avenue

Item No.: 203 Zoning Agenda: Meeting of 2/19/85

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

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

March 4, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item #208 Zoning Advisory Committee Meeting are as follows:

Property Owner: Balmoral Development, Inc.
Location: E/S Pent Angel Way 308' S/W from c/l Penn Avenue
Existing Zoning: D.R. 3-5
Proposed Zoning: Variance to permit a dwelling unit window within 30' facing a property line which is not a street in lieu of the required 35'.

Address: 0.1622
District: 11th.

The items checked below are applicable:

- (A) 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.
- (B) A building/ & other /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/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 fire wall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 503.2.
- (F) Requested variance appears to conflict with the Baltimore County Building Code, Section 5.
- (G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (I) Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 102 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman, Chief
Plans Review

February 26, 1985

Benjamin Bronstein, Esquire
Suite 200
102 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance
E/S Pent Angel Way, 308' SW from the
c/l of Penn Avenue
Balmoral Development, Inc. - Petitioner
Case No. 85-261-A

TIME: 10:30 A.M.

DATE: Monday, March 25, 1985

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

Zoning Commissioner
of Baltimore County

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

No. 004923

DATE: 2-25-85 ACCOUNT: 85-261-A

RECEIVED FROM: [Signature] AMOUNT: \$ 550

FOR: [Signature] DUES: [Signature]

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-261-A

District: 11th Date of Posting: 2/25/85

Posted for: Variance

Petitioner: Balmoral Development, Inc.

Location of property: E/S Pent Angel Way, 308' SW from c/l Penn Avenue

Location of Sign: [Signature]

Remarks: [Signature]

Posted by: [Signature] Date of return: 2/25/85

Number of Signs: 1

Petition for Variance

11th Election District

LOCATION: East end of Pent Angel Way, 308' SW from the centerline of Penn Avenue.

DATE & TIME: Monday, March 25, 1985 at 10:30 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 a dwelling unit window within 30' facing a property line which is not a street, in lieu of the required 35'.

Being the property of Balmoral Development, Inc., 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, and above or made at the hearing.

By Order Of: [Signature]

Zoning Commissioner of Baltimore County

85-261-A

The Times

Middle River, Md., March 7, 1985

This is to Certify, That the annexed

Reg. L 70378

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of [Signature] successive

weeks before the 7th day of

March, 1985

Publisher.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 7, 1985

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 March 7, 1985.

85-261-A
THE JEFFERSONIAN

Publisher

Cost of Advertising

\$20.00

PETITION FOR VARIANCE
11th Election District
LOCATION: East side Pent Angel Way, 308' SW from the centerline of Penn Avenue - 11th Election District
DATE: March 7, 1985 at 10:30 A.M.
PLACE: 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 on the petition for variance to permit a dwelling unit window within 30 feet of the rear property line which is not a street, in lieu of the required 35 feet. (window to tract boundary).
Being the property of Balmoral Development, Inc. 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
March 7, 1985



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

March 21, 1985

Benjamin Bronstein, Esquire
Suite 200
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
E/S Pent Angel Way, 308' SW from the
c/l of Penn Avenue
Balmoral Development, Inc. - Petitioner
Case No. 85-261-A

Dear Mr. Bronstein:
This is to advise you that \$45.84 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,

ARNOLD JABLON
Zoning Commissioner

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

No. 005398

DATE: 3/21/85 ACCOUNT: 111-111-111

AMOUNT: \$45.84

RECEIVED FROM: Benjamin Bronstein, Esquire

FOR: Balmoral Development, Inc.

VALIDATION OR SIGNATURE OF CASHIER

D. S. THALER & ASSOCIATES, INC.

11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 384-1100

JASPER PROPERTY

DESCRIPTION OF LOT 29 AS SHOWN ON A PLAT ENTITLED SECTION THREE, JASPER PROPERTY - RECORDED IN E.H.K. Jr., FOLIO 108

Beginning for the same at a point on the East right-of-way line of Pent Angel Way said point being located 308 feet more or less measured in a southwestern direction from the intersection of the centerline of Penn Avenue and the aforementioned right-of-way line of Pent Angel Way thence leaving Pent Angel Way and running the five following courses viz: South 80°29'05" East 90.92 feet, thence South 09°13'42" West 19.37 feet thence South 80°46'26" East 25.00 feet, thence South 47°34'46" West 105.49 feet, thence by a curve to the right having a radius of 133.00 feet for an arc length of 118.14 feet to the place of beginning.

Containing 0.1622 acres more or less.

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS

PETITION FOR VARIANCE

11th Election District

LOCATION: East side Pent Angel Way, 308 ft. Southwest from the centerline of Penn Avenue

DATE AND TIME: Monday, March 25, 1985 at 10:30 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 a dwelling unit window within 30 ft. facing a property line which is not a street, in lieu of the required 35 ft. (window to tract boundary)

Being the property of Balmoral Development, Inc. 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

IN RE: PETITION ZONING VARIANCE
E/S of Pent Angel Way, 308' SW of the centerline of Penn Avenue - 11th Election District
Balmoral Development, Inc.,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-261-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a dwelling-unit window to be within 30 feet of the rear property line instead of the required 35 feet and, additionally, to amend the Second Amended Final Development Plan to reflect same, as more particularly described on Petitioner's Exhibits 1 and 3.

The Petitioner, by its President, Nathaniel Katz, appeared and was represented by Counsel. Also appearing on behalf of the Petitioner was David Thaler, a registered engineer. There were no Protestants.

Testimony indicated that the subject property, Lot 29, zoned D.R.3.5, is located within a subdivision known as Section Three, Jasper Property, and is presently unimproved. The Petitioner proposes to construct a dwelling thereon. The lot is pie-shaped with the right-angled corner of the property to the rear jutting into it. The house, which will front on Pent Angel Way, is to be of a model utilized elsewhere in the development, and a window in the kitchen is required by the Building Code. Since the kitchen is in the rear, a setback of 35 feet is required; however, the unique shape of the lot allows only 30 feet. This is the only lot in the development with this problem. If no variance were granted, the lot would be unusable.

The Petitioner seeks relief from Section 1801.2.C.2.a, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR), and to amend the Second Amended Final Development Plan pursuant to Section 1801.3.A.7.c, 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 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 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 requirement from which the Petitioner seeks relief 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 requested variance and amendment should be granted.

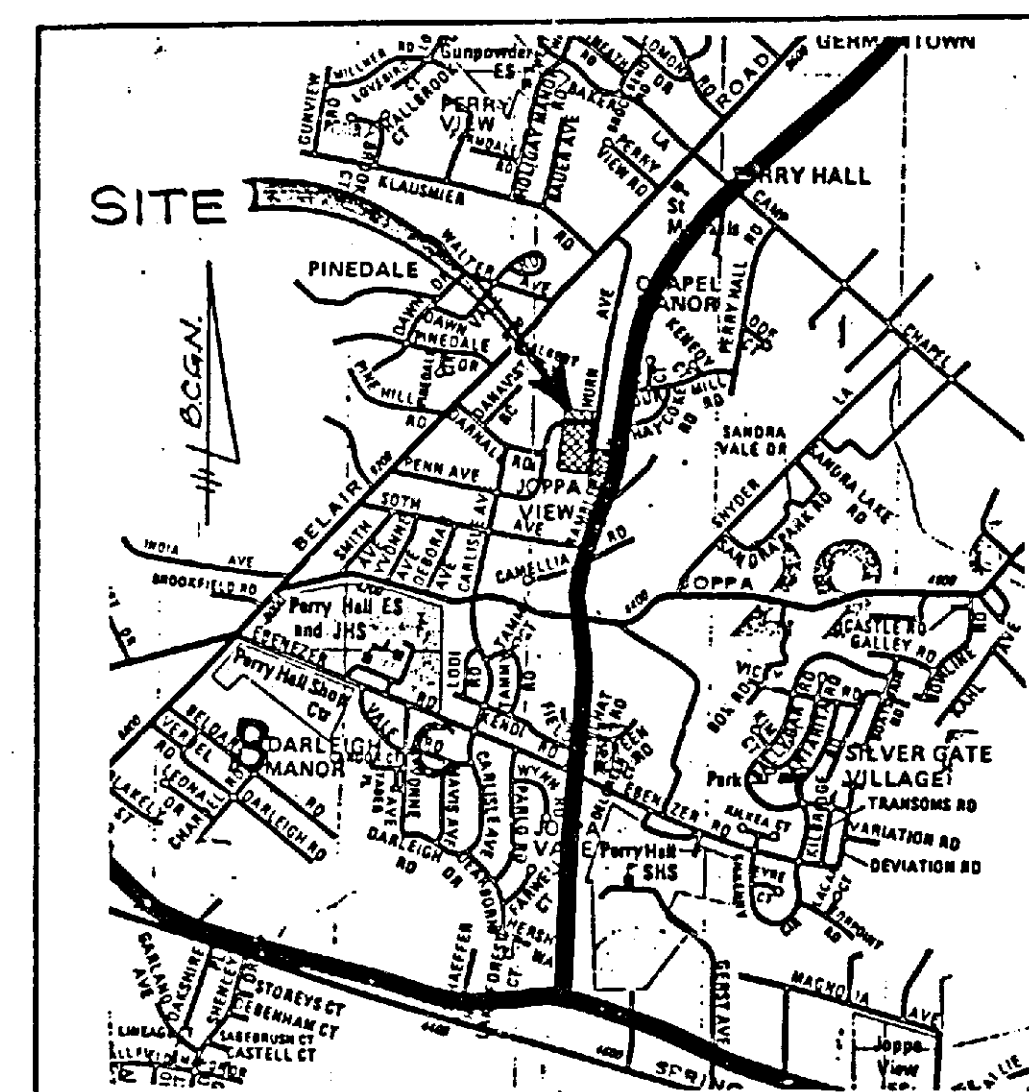
Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of March, 1985, that the Petition for Zoning Variance to permit a dwelling-unit window to be within 30 feet of the rear property line

Instead of the required 35 feet and, additionally, the amendment to the Second Amended Final Development Plan to reflect same be and the same are 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/srl
cc: Benjamin Bronstein, Esquire
People's Counsel



LOCATION MAP

PLAT TO ACCOMPANY
PETITION FOR SETBACK VARIANCE

SCALE: 1" = 200'

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS

D.S. Thaler & Associates, Inc.

PART OF SECTION THREE
JASPER PROPERTY
11th ELECTION DIST. BALTO CO, MD

SHEET 1 OF 2

11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 384-1100

ORDER RECEIVED FOR FILING
DATE: March 26, 1985
BY: [Signature]

ORDER RECEIVED FOR FILING
DATE: March 26, 1985
BY: [Signature]

ORDER RECEIVED FOR FILING
DATE: March 26, 1985
BY: [Signature]

D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 481-1100

JASPER PROPERTY

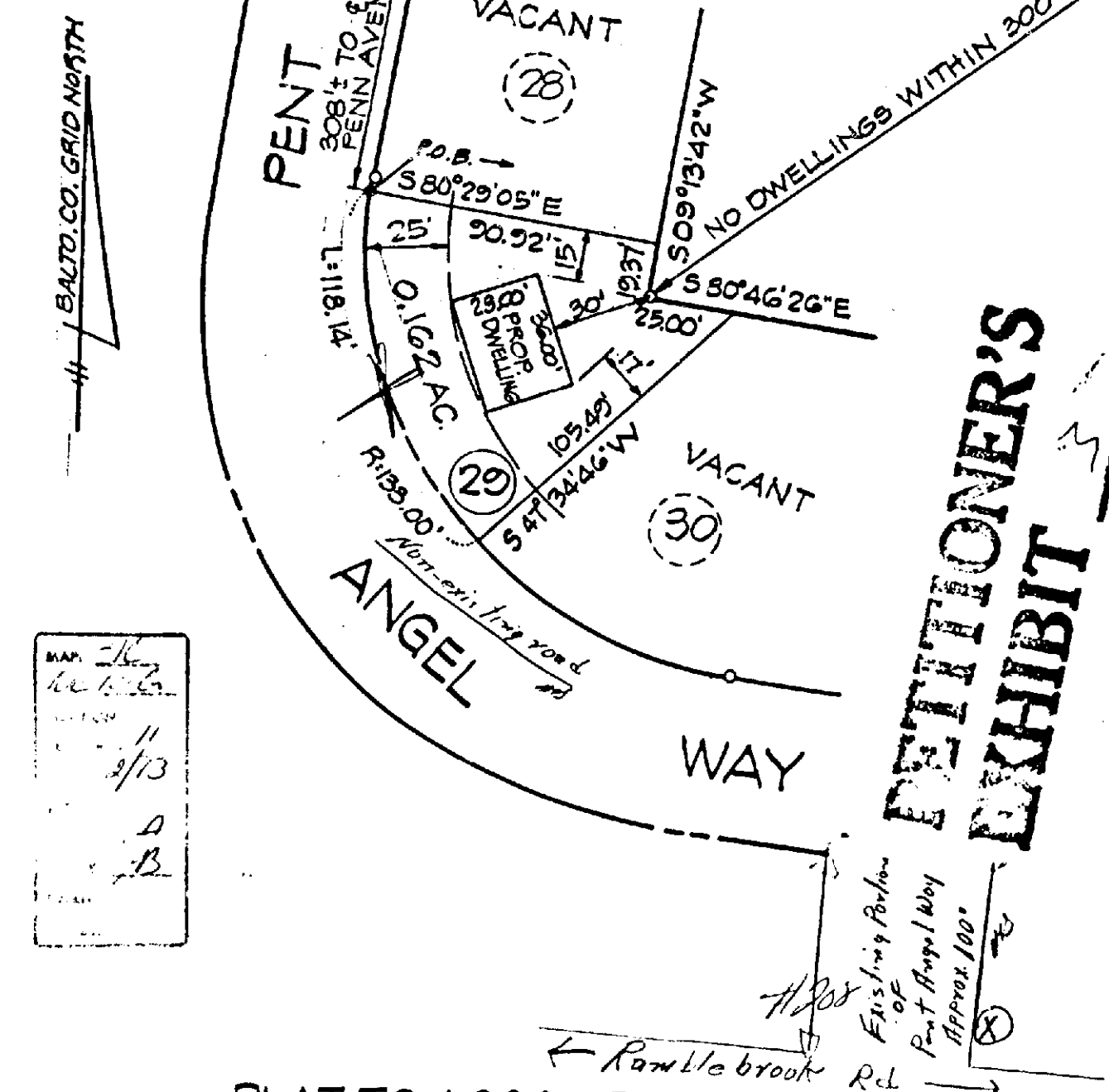
DESCRIPTION OF LOT 29 AS SHOWN ON A PLAT ENTITLED SECTION THREE, JASPER PROPERTY - RECORDED IN E.H.K. Jr., FOLIO 108

Beginning for the same at a point on the East right-of-way line of Pent Angel Way said point being dated 308 feet more or less measured in a southwestern direction from the intersection of the centerline of Penn Avenue and the aforementioned right-of-way line of Pent Angel Way thence leaving Pent Angel Way and running the five following courses viz: South $80^{\circ}29'05''$ East 90.92 feet, thence South $09^{\circ}13'42''$ West 19.37 feet thence South $80^{\circ}46'26''$ East 25.00 feet, thence South $47^{\circ}34'46''$ West 105.49 feet, thence by a curve to the right having a radius of 133.00 feet for an arc length of 118.14 feet to the place of beginning.

Containing 0.1622 acres more or less.

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS

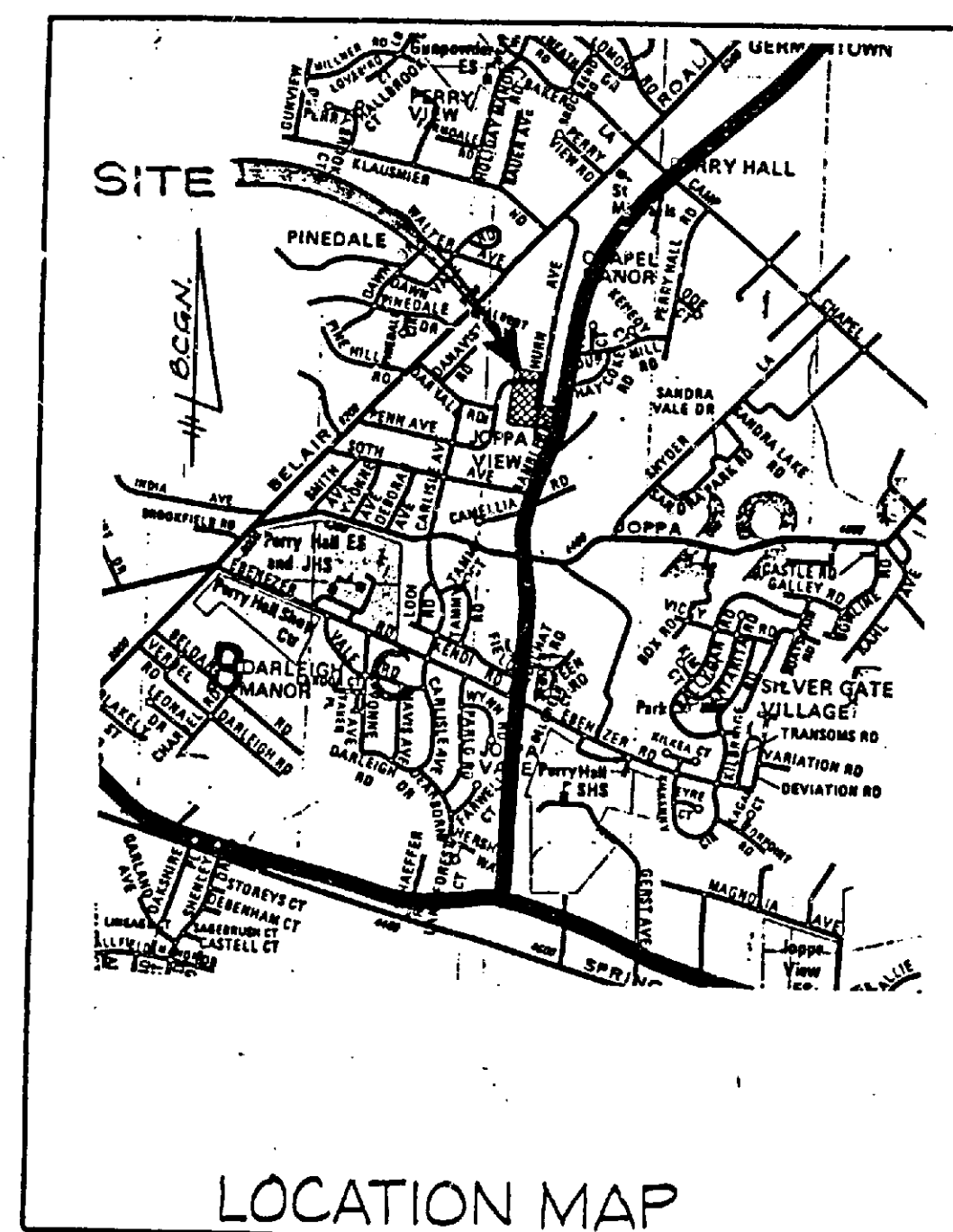
FOR LOCATION MAP
SEE SHEET 1 OF 2.



PLAT TO ACCOMPANY
PETITION FOR SETBACK VARIANCE

SCALE: 1" = 50'
PUBLIC UTILITIES EXIST IN ROAD
NO CONVEYANCES WITHIN 300 FEET

CIVIL ENGINEERS • SITE PLANNERS SURVEYORS	D. S. Thaler & Associates, Inc.	PART OF: SECTION THREE JASPER PROPERTY 11TH ELECTION DIST. BALTO. CO., MD.	SHEET 2 OF 2
11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 481-1100			



LOCATION MAP
PLAT TO ACCOMPANY
PETITION FOR SETBACK VARIANCE

SCALE: 1" = 2000'

CIVIL ENGINEERS • SITE PLANNERS SURVEYORS	D. S. Thaler & Associates, Inc.	PART OF: SECTION THREE JASPER PROPERTY 11TH ELECTION DIST. BALTO. CO., MD.	SHEET 1 OF 2
11 WARREN ROAD • BALTIMORE, MARYLAND 21208 • (301) 481-1100			

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

STEPHEN E. COLLINS
DIRECTOR

February 27, 1985

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

Item No. 208, 227, 228, 229, 230, 233, 234, 235, 236, and 237 ZAC- Meeting of 2-10-85
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

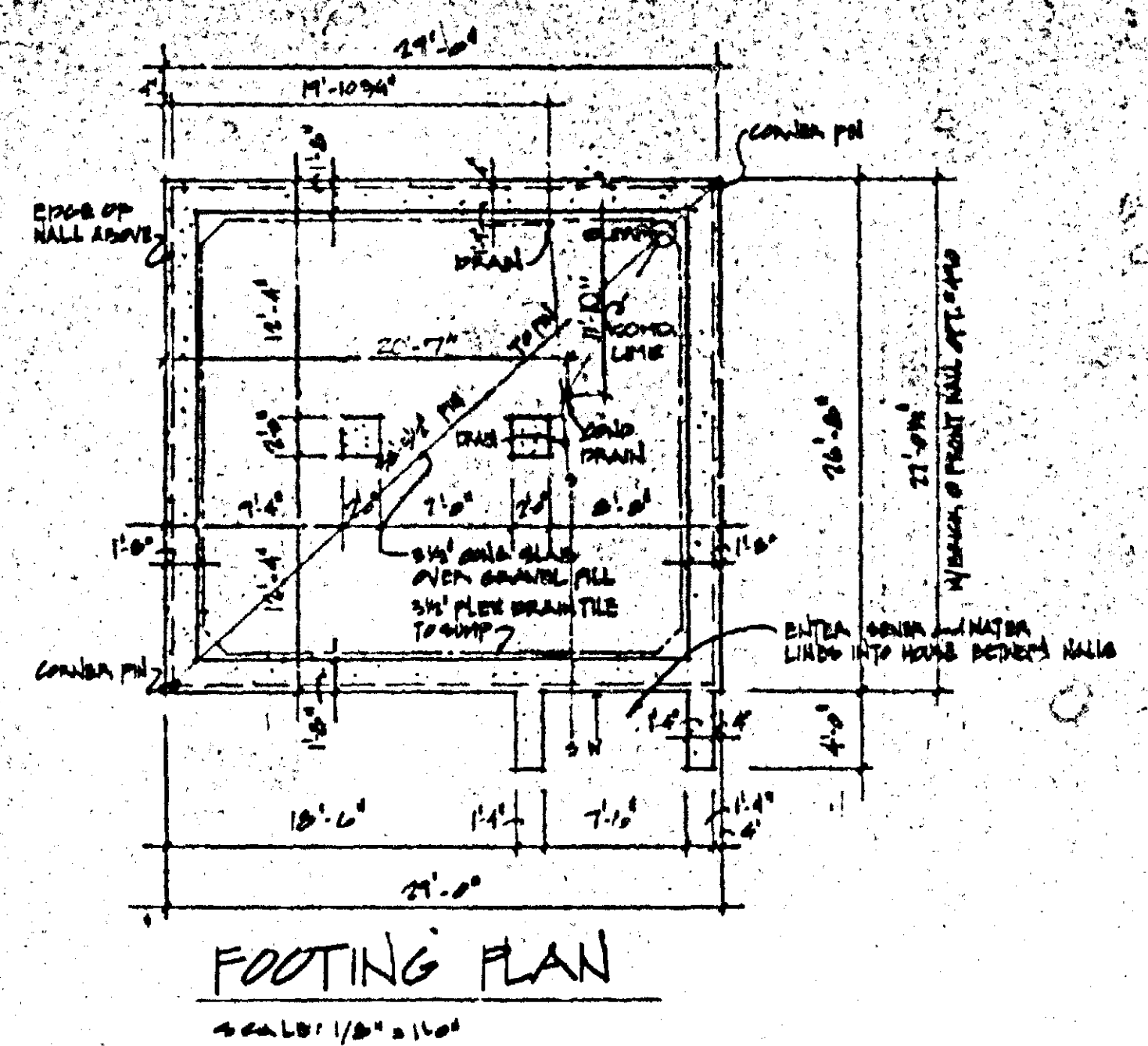
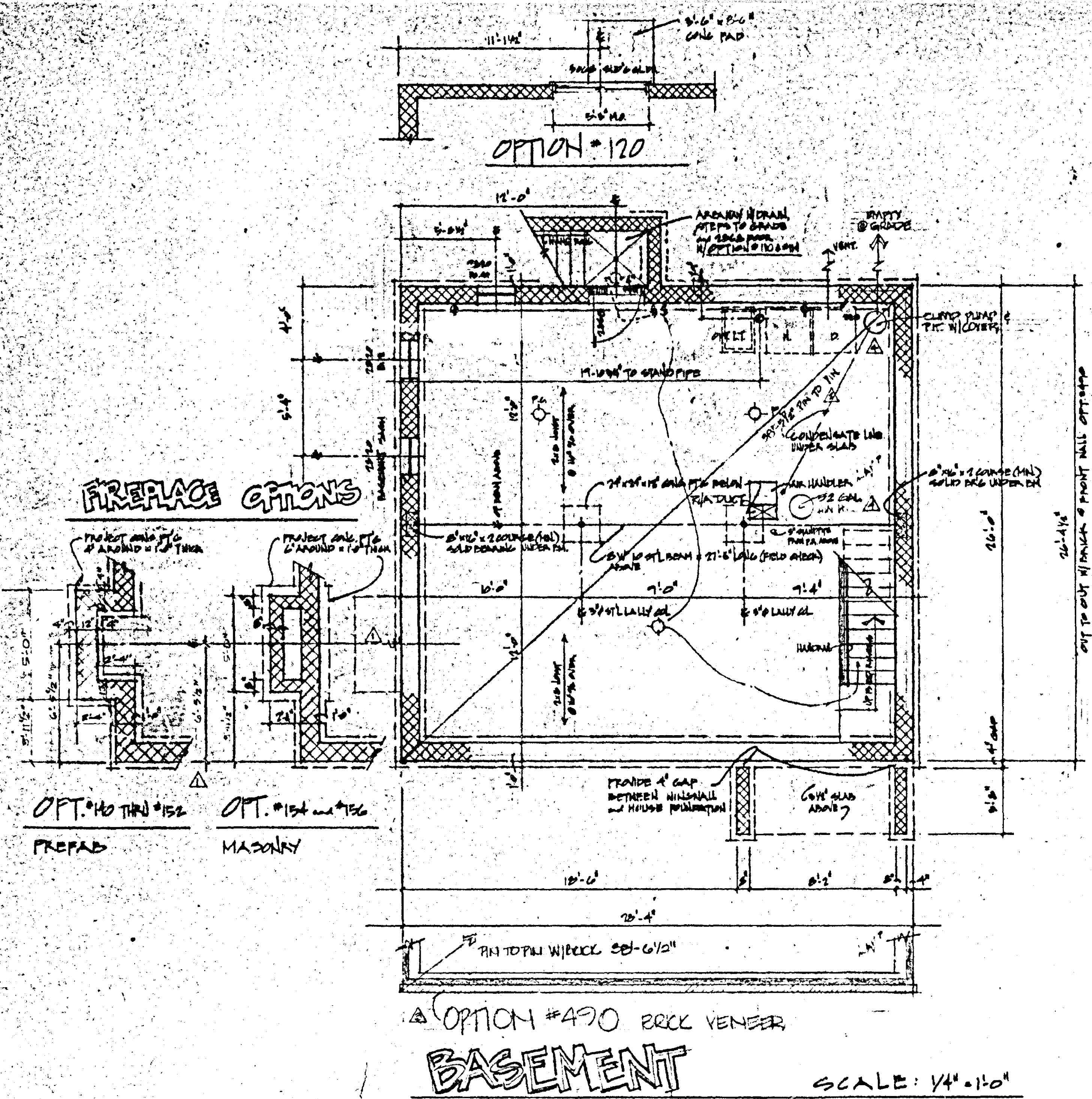
Dear Mr. Jablon:

The Department of Engineering has no comments for item numbers 208, 227, 228, 229, 230, 233, 234, 235, 236, and 237.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/ccm

3/25
85-261-A



REVISION NUMBER	DATE	REMARKS
1	5-13-84	REVISED CHIMNEY DETAILS
2	5-13-84	ADDED FIN TO FIN DIMENSION
3	4-11-84	ADDED OPTION #490
4	4-26-84	RELOCATED SHIP PUMP & WATER HEATER

Matson Homes
3045 YORK ROAD
THUNDERBOLT, MD 21158
(301) 381-2044

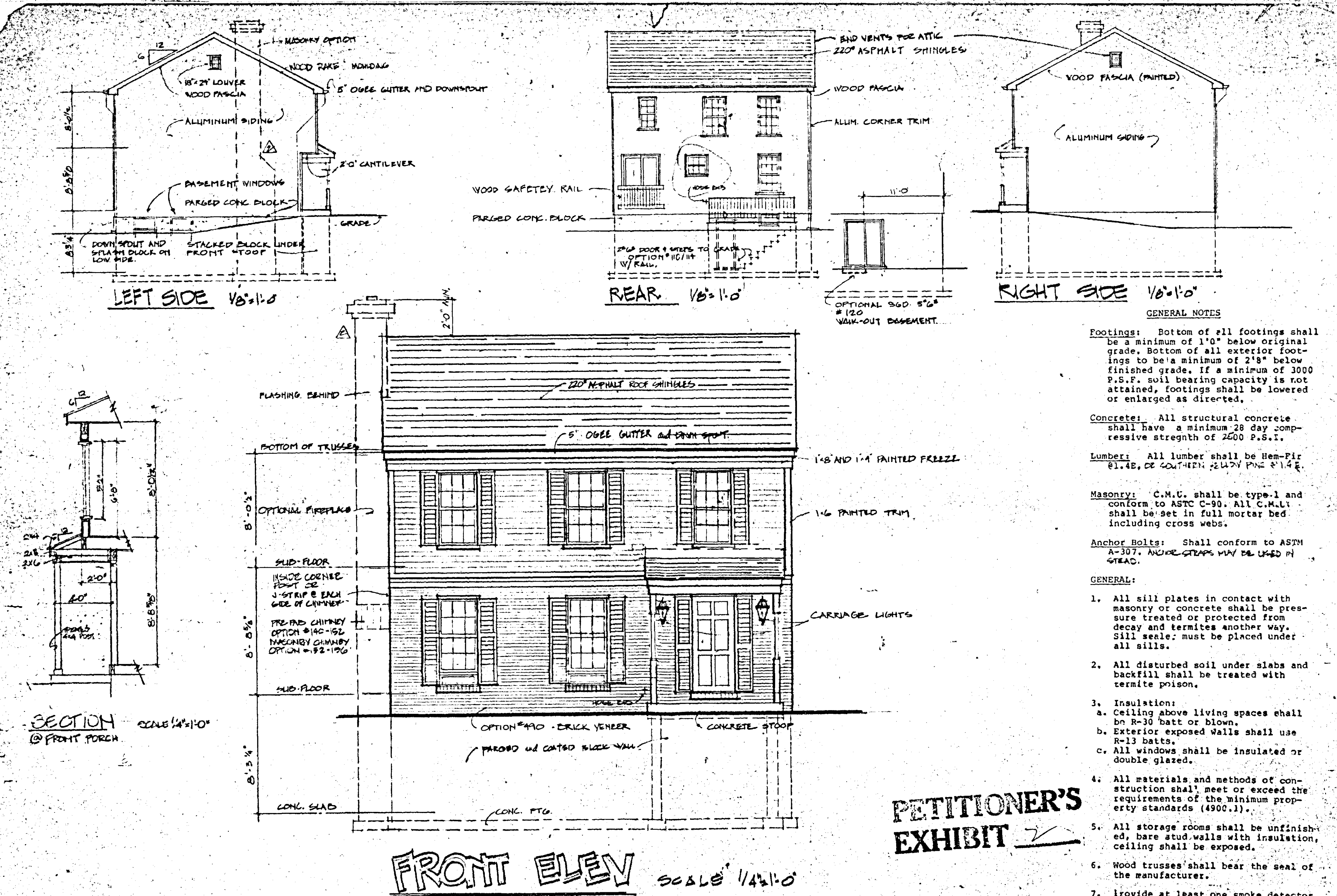
DRAWING: **BASEMENT PLAN** SET # 3350
W/ FOOTING PLAN AND REEPLATE DETAILS

CEDARHURST I

WILLIAM W. KEENEY ARCHITECT
227 MAIN STREET
REISTERSTOWN, MD. 21136
(301) 833-8663

SHEET **2**
SHEET 2 OF 6

DATE: 10-10-83



- GENERAL NOTES**
- Footings:** Bottom of all footings shall be a minimum of 1'-0" below original grade. Bottom of all exterior footings to be a minimum of 2'-0" below finished grade. If a minimum of 3000 P.S.F. soil bearing capacity is not attained, footings shall be lowered or enlarged as directed.
- Concrete:** All structural concrete shall have a minimum 28 day compressive strength of 2500 P.S.I.
- Lumber:** All lumber shall be Hem-Fir #1, 4E, or Southern Yellow Pine #1, 4E.
- Masonry:** C.M.U. shall be type-1 and conform to ASTM C-90. All C.M.U. shall be set in full mortar bed including cross webs.
- Anchor Bolts:** Shall conform to ASTM A-307. ANCHOR BOLTS MAY BE USED IN STEAD.
- GENERAL:**
- All sill plates in contact with masonry or concrete shall be pressure treated or protected from decay and termites another way. Sill seals must be placed under all sills.
 - All disturbed soil under slabs and backfill shall be treated with termite poison.
 - Insulation:**
 - Ceiling above living spaces shall be R-30 batt or blown.
 - Exterior exposed walls shall use R-13 batts.
 - All windows shall be insulated or double glazed.
 - All materials and methods of construction shall meet or exceed the requirements of the minimum property standards (4900.1).
 - All storage rooms shall be unfinished, bare stud walls with insulation, ceiling shall be exposed.
 - Wood trusses shall bear the seal of the manufacturer.
 - Provide at least one smoke detector as required by code.

PETITIONER'S EXHIBIT

REVISION NUMBER	DATE	REMARKS
1	11-10-83	1-STEP NOTE & GENERAL NOTES REVISED
2	5-7-84	REVISED CHIMNEYS

Matson Homes
3045 YORK ROAD
THUNDERBOLT, MD 21158
(301) 381-2044

DRAWING: **ELEVATIONS** SET # 3350

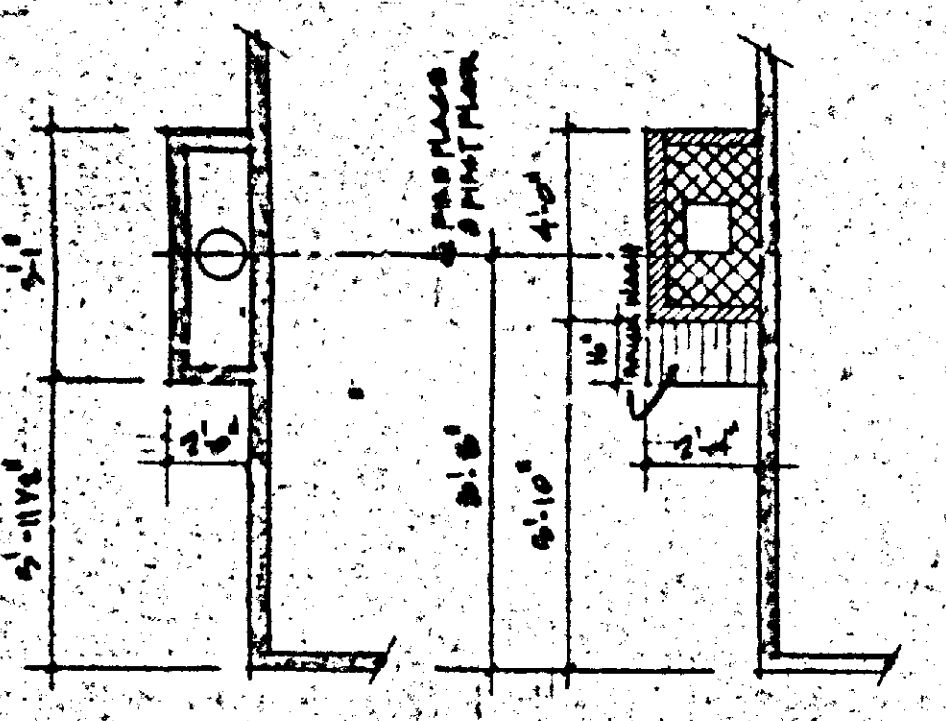
CEDARHURST I

WILLIAM W. KEENEY ARCHITECT
227 MAIN STREET
REISTERSTOWN, MD. 21136
(301) 833-8663

SHEET **1**
SHEET 1 OF 6

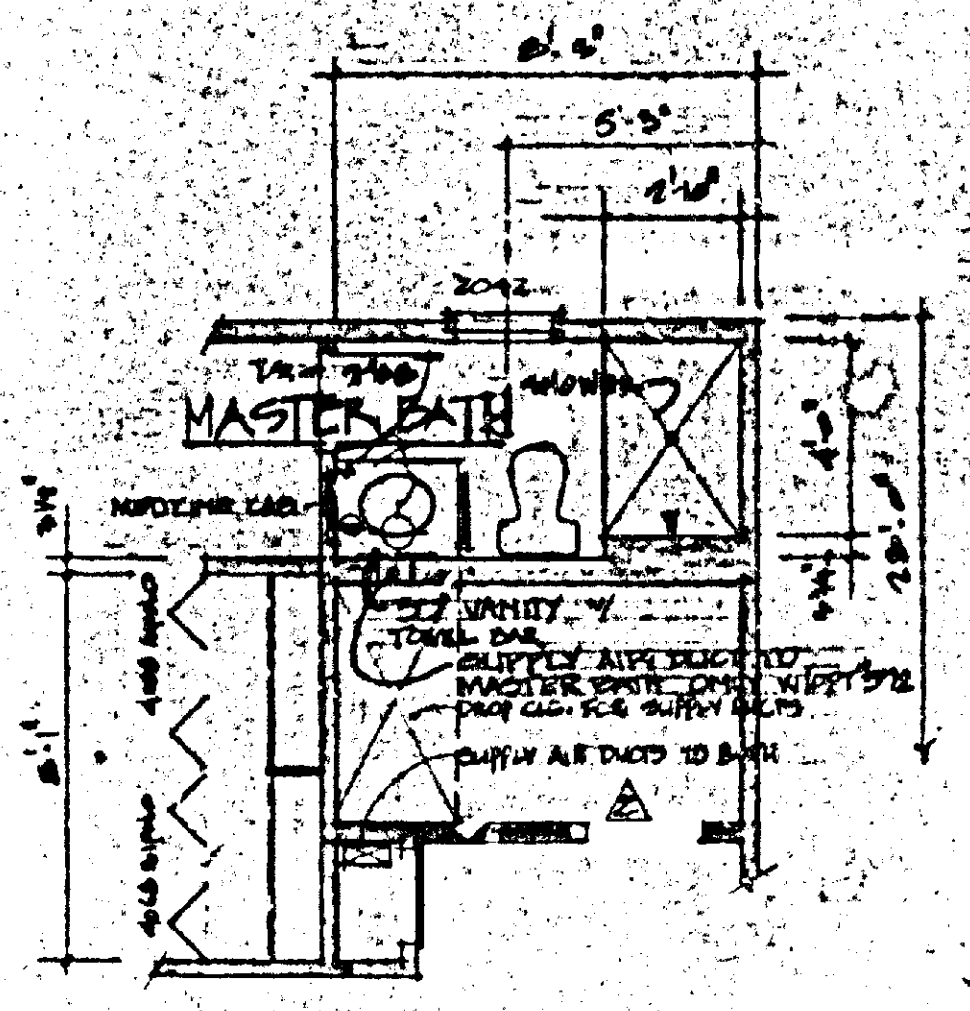
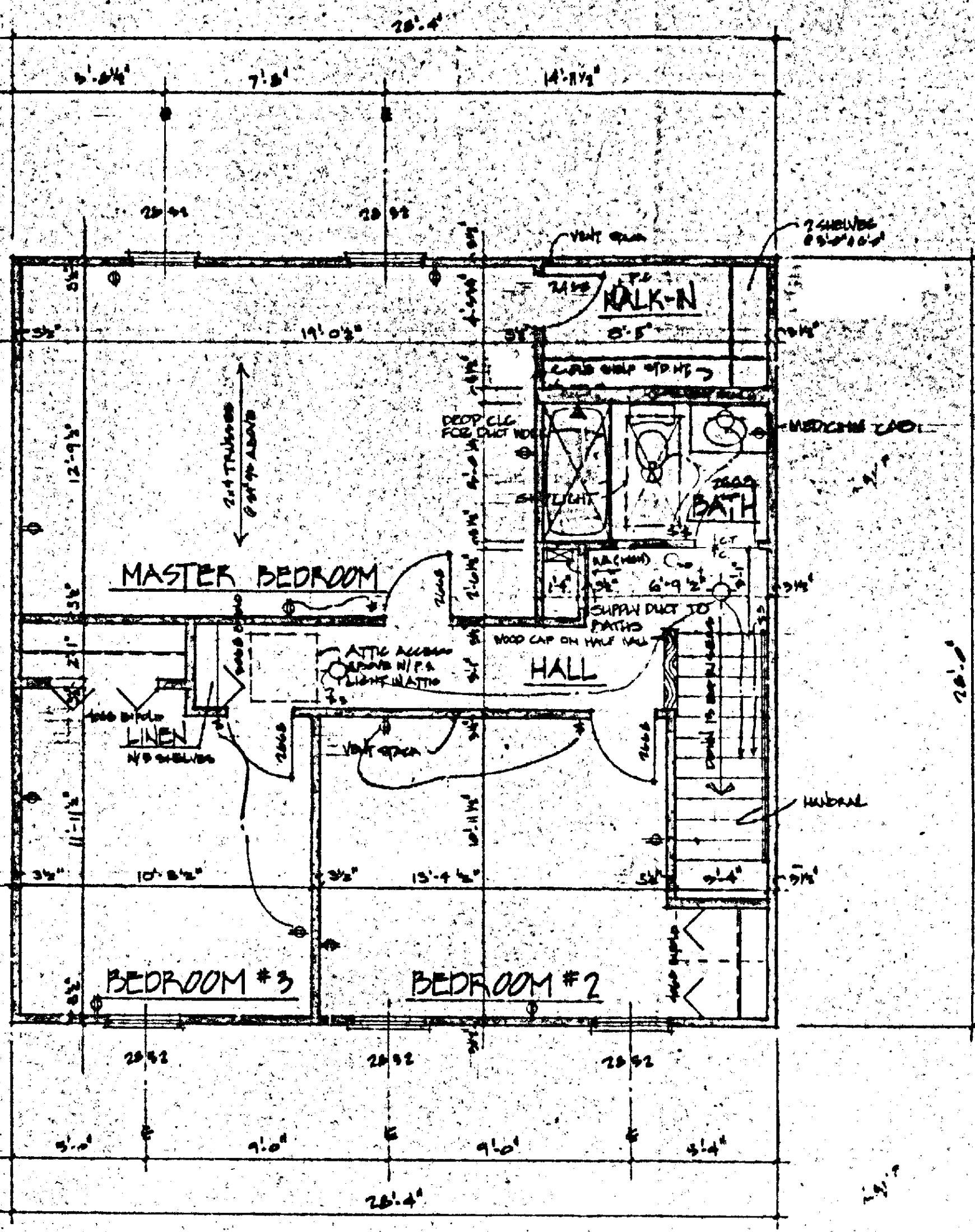
DATE: 10-10-83

FIREPLACE OPTIONS



OPT. #140 THRU #152
PREFAB

OPT. #154 and #156
MASONRY



OPTION # 372

SHOWER/BATH, IN LIEU OF
WALK-IN CLOSET MASTER BEDRM

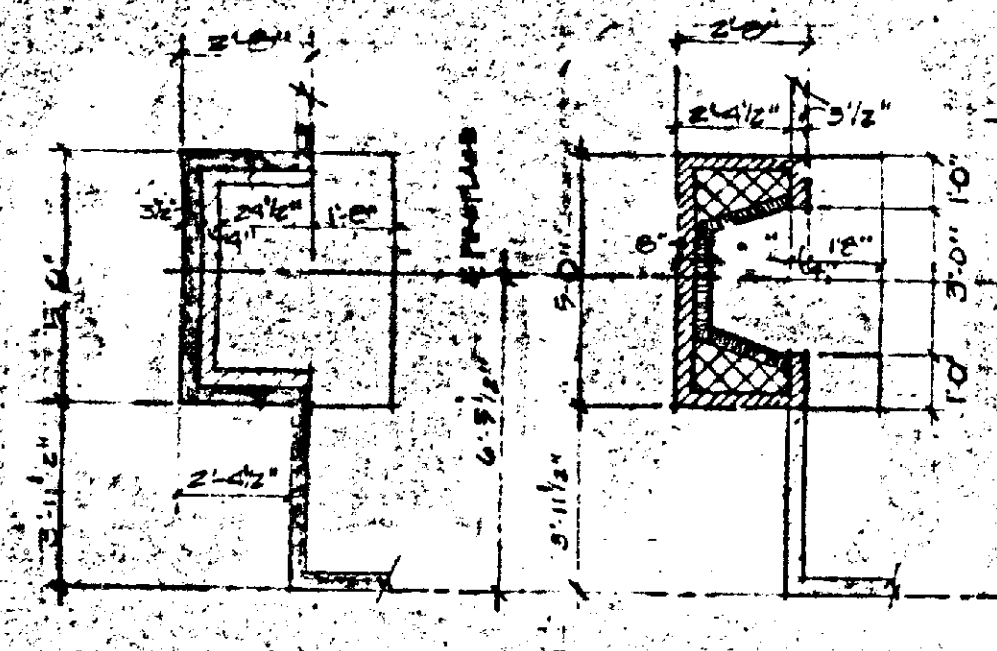
SECOND FLOOR SCALE: 1/4" = 1'-0"

REVISION NUMBER	DATE	REMARKS	DRAWING	SET	ARCHITECT	SHEET	DATE
1	8-10-85	BATHROOM DOOR SIZES REVISED	SECOND FLOOR PLAN	SET # 3350	WILLIAM W. KEENEY ARCHITECT	4	10-10-85
2	5-15-85	ADDED HEAT DUCTS IN OPT. # 372	W/ MASTER BATH OPTION # 372		227 MAIN STREET REISTERSTOWN, MD. 21136		
			CEDARHURST I		(301) 833-8663	SHEET 4 OF 6	

COUNTERTOP
CABINET DETAILS

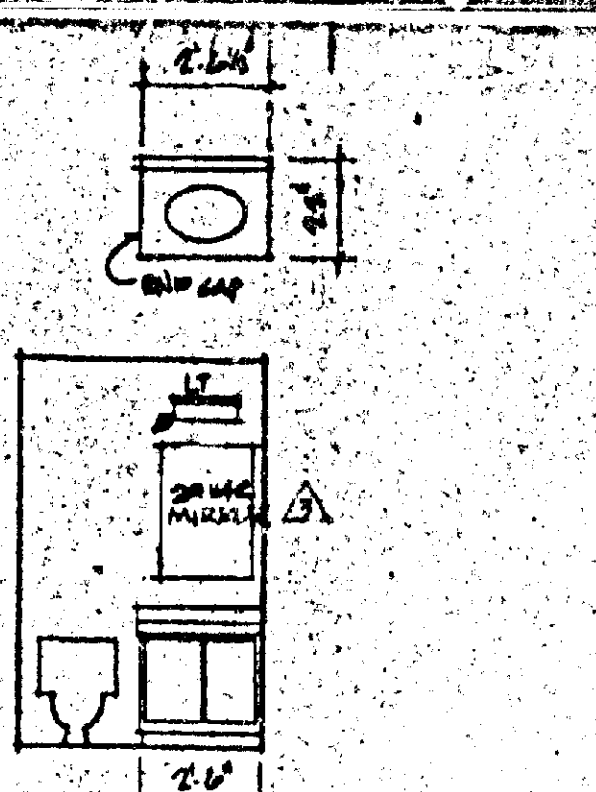
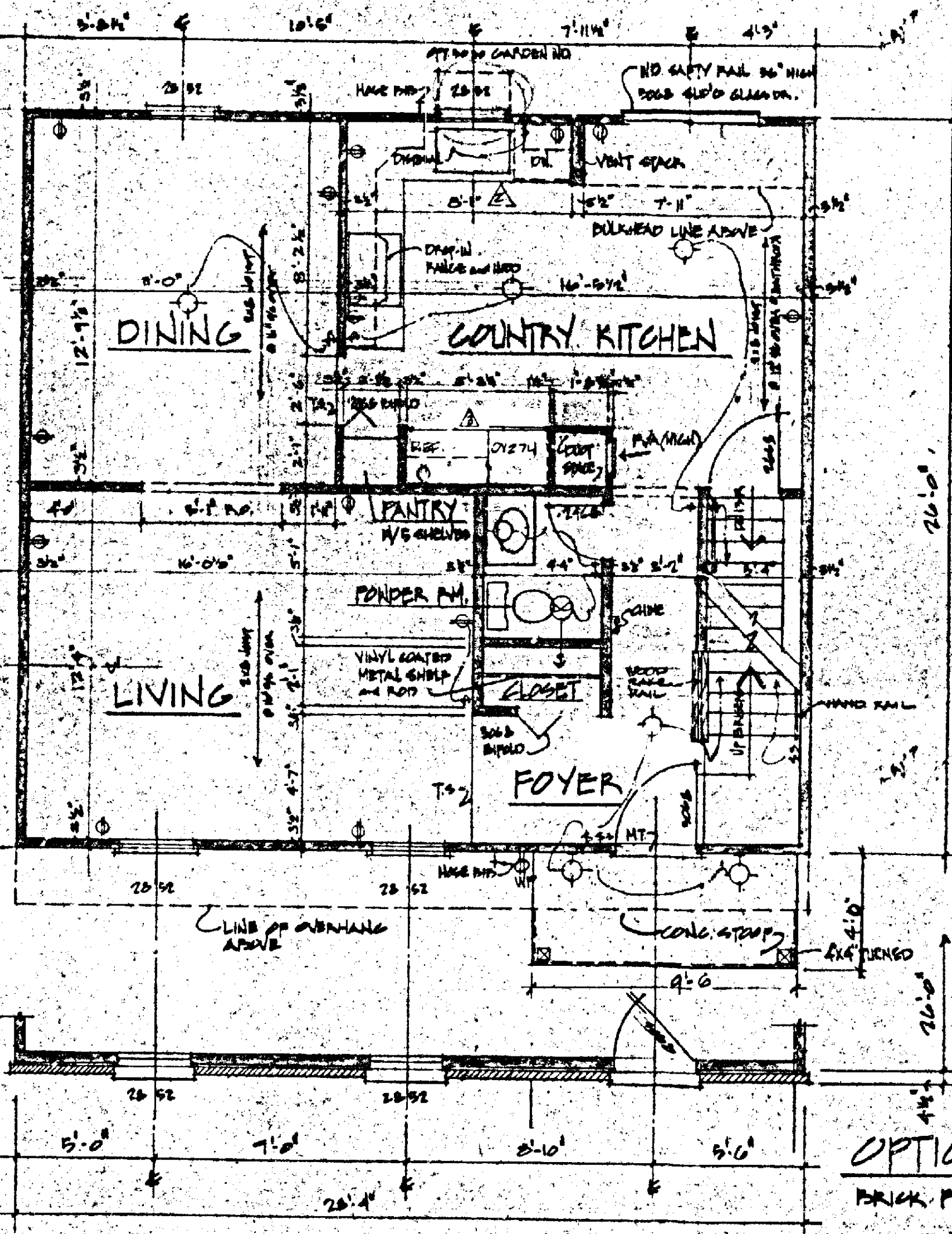
SCALE: 1/4" = 1'-0"

FIREPLACE OPTIONS

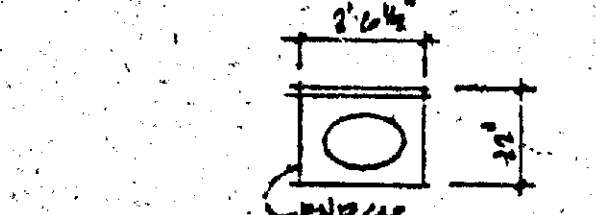


OPT. #140 THRU #152
PREFAB

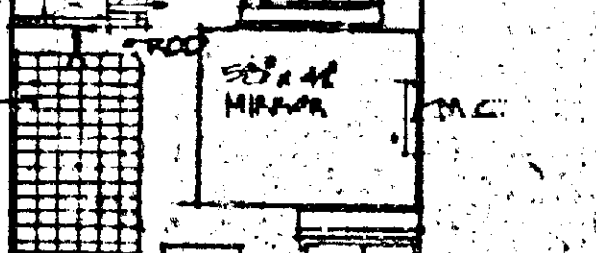
OPT. #154 and #156
MASONRY



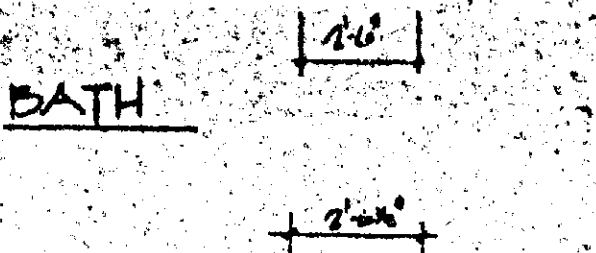
POWDER ROOM



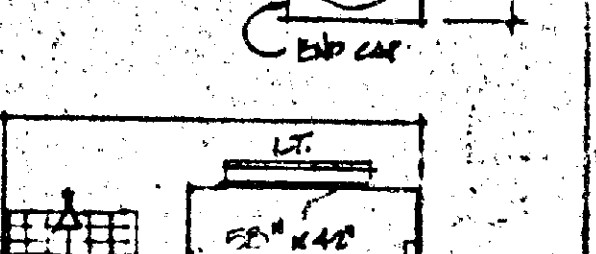
BATH



BATH



BATH



BATH



BATH



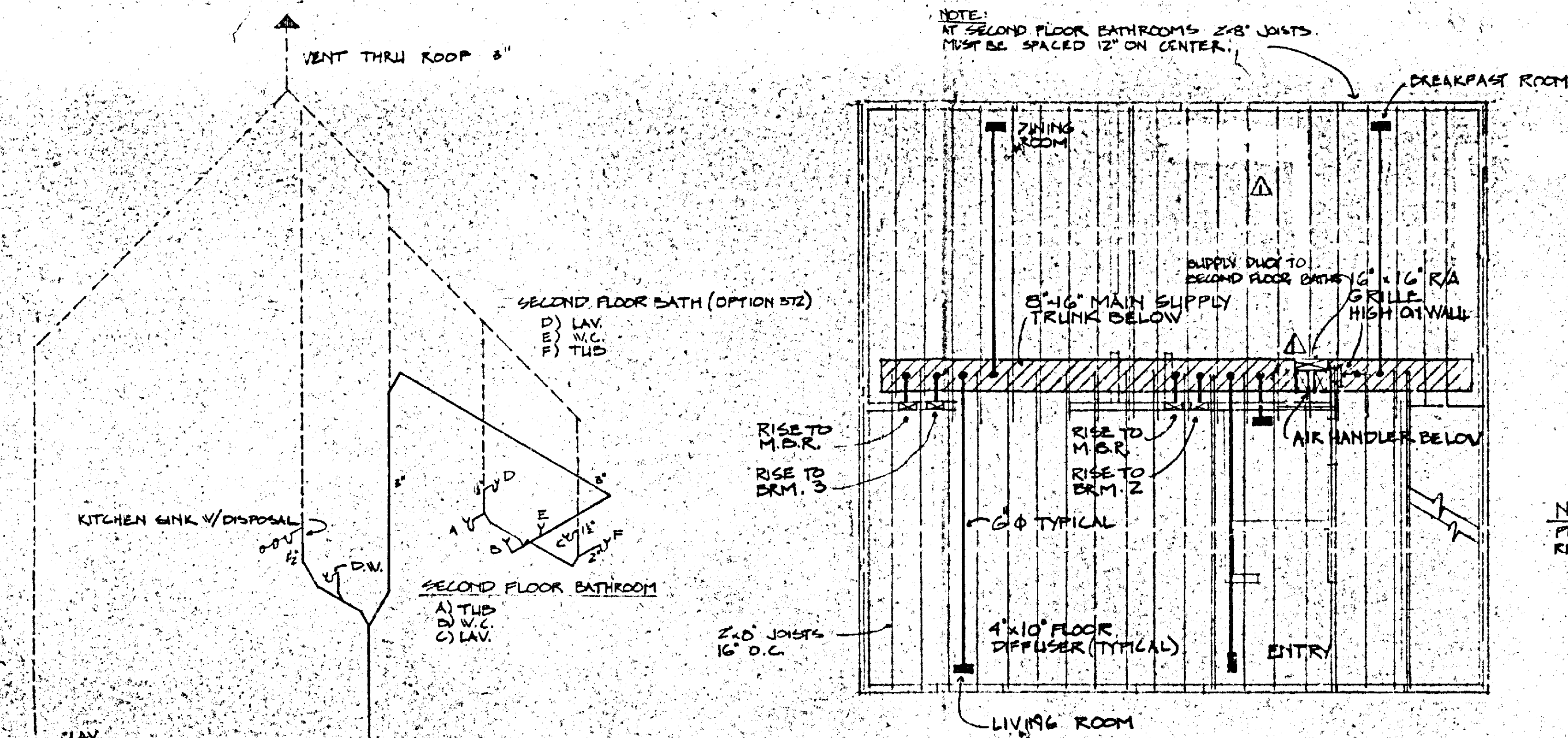
BATH



BATH

FIRST FLOOR SCALE: 1/4" = 1'-0"

REVISION NUMBER	DATE	REMARKS	DRAWING	SET	ARCHITECT	SHEET	DATE
1	8-10-85	POWDER RM. OVER GAR.	FIRST FLOOR	SET # 3350	WILLIAM W. KEENEY ARCHITECT	3	10-10-85
2	5-15-85	REVISED KITCHEN, REVISIONS AND FLOOR PLAN	W/ MASTER BATH OPTION # 372		227 MAIN STREET REISTERSTOWN, MD. 21136		
3	5-15-85	REVISED CHIMNEY DIMENSIONS (POWDER ROOM DETAILS)	CEDARHURST I		(301) 833-8663	SHEET 3 OF 6	
4	5-15-85	ADDED SUPPLY DUCT TO BATH DETAILS					



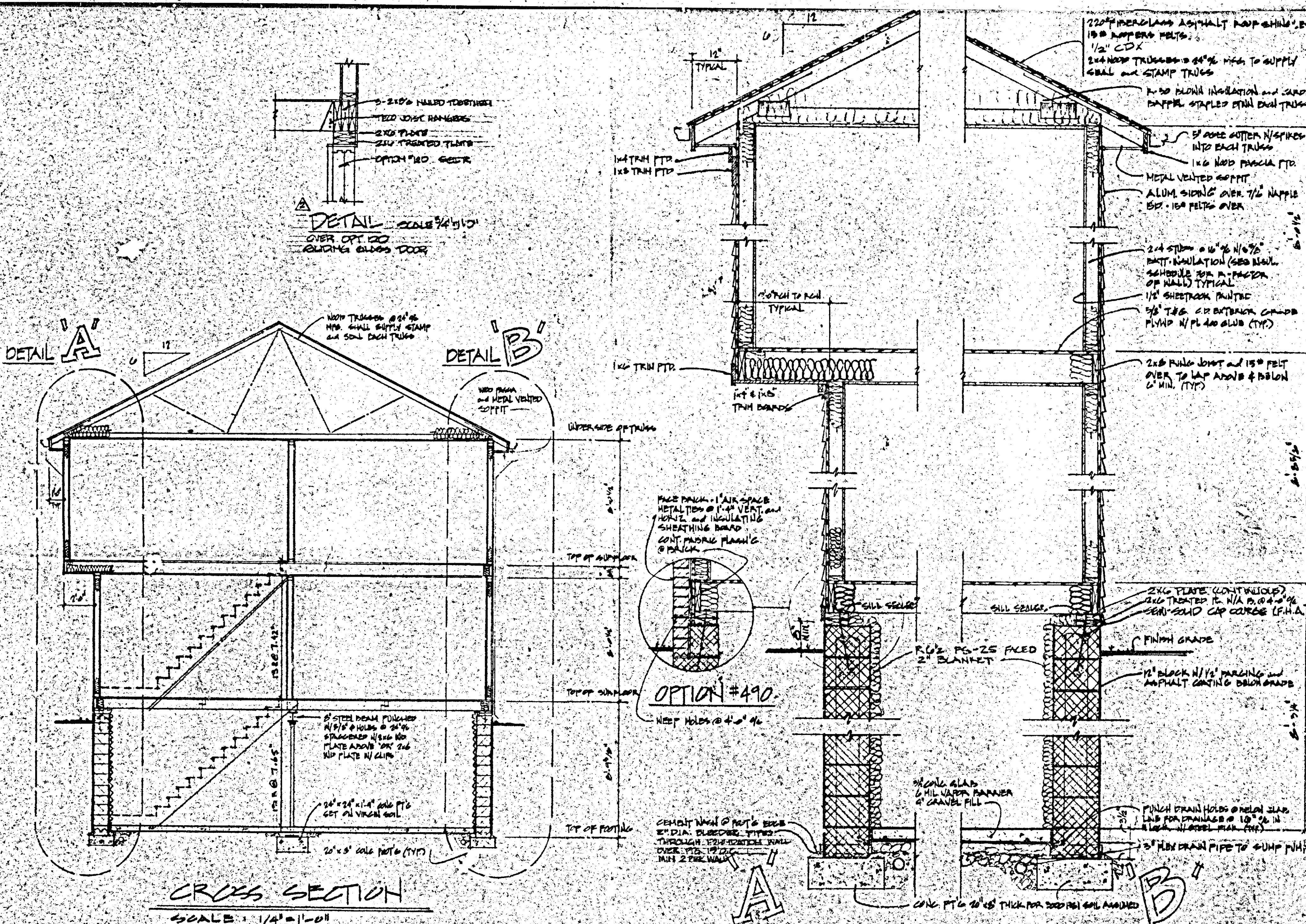
Plumbing:

1. Schedule, arrange and provide valve at water service entrance.
2. All plumbing shall comply with applicable codes.
3. Sanitary piping below grade shall be cast iron or PVC where permitted.
4. Shut-off valves shall be provided at all fixtures.
5. Water heater shall be as shown, glass lined, U.L. approved.
6. All fixtures shall be American Standard or approved equal.
7. Provide hose bibs as indicated on plans.
8. Water service shall be type 'M' above grade. May use plastic below slab, code permitting.

Heating and Air Conditioning:

1. Provide each unit with a heat pump.
2. Condensate line shall discharge to sump pump.
3. Units shall be capable of maintaining 80 degrees inside with 95 degrees outside in summer.
4. provide filters in return air stream. All equipment shall be U.L. approved.
5. Ductwork shall conform to SMACNA standards, and all seams shall be made air-tight with duct tape.
6. Provide exhaust fans in each windowless bathroom to exhaust two CFM per square foot in a duct system to the attic vent and secure.

REVISION NUMBER	DATE	REMARKS	DRAWING	SET	ARCHITECT	SHEET	DATE
1	5-15-84	REVISION TO DUCTWORK ON HEATING PLAN	HEATING & PLUMBING	SET 3350	WILLIAM W. KEENEY ARCHITECT	6	12-10-83
					227 MAIN STREET REISTERSTOWN, MD. 21136		
					(301) 833-8663		



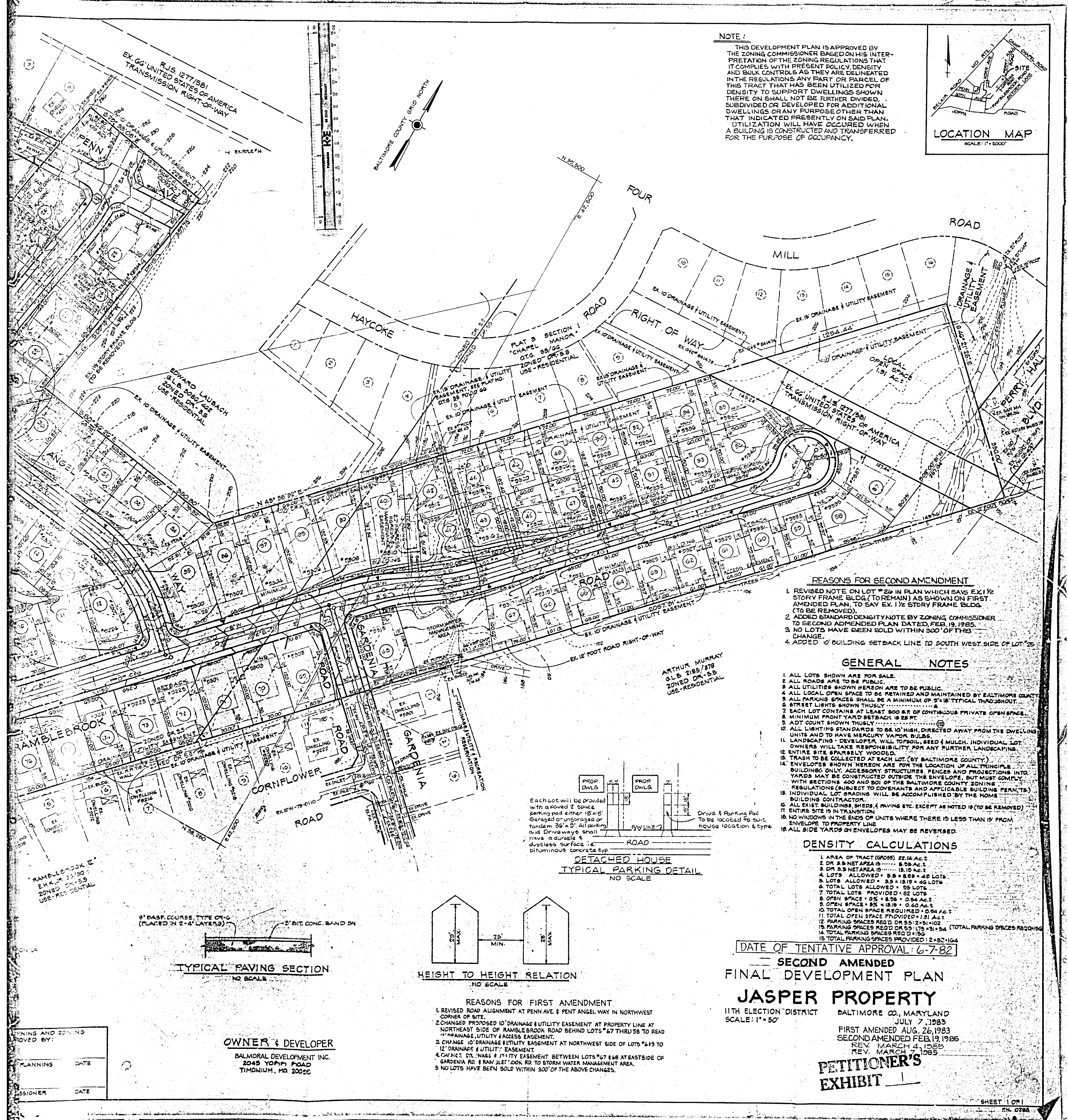
REVISION NUMBER	DATE	REMARKS	DRAWING	SET	ARCHITECT	SHEET	DATE
1	11-10-83	OTHER DETAILS TO SECTION	DETAILS and SECTIONS	SET 3350	WILLIAM W. KEENEY ARCHITECT	5	12-10-83
2	5-15-84	ADDED DETAIL OVER SINK			227 MAIN STREET REISTERSTOWN, MD. 21136		
					(301) 833-8663		

NOTE:

THIS DEVELOPMENT PLAN IS APPROVED BY THE ZONING COMMISSIONER BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THERE ON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A BUILDING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

LOCATION MAP

SCALE: 1" = 2000'



REASONS FOR SECOND AMENDMENT

1. REVISED NOTE ON LOT #24 IN PLAN WHICH SAYS EX 1 1/2 STORY FRAME BLDG. (TO REMAIN) AS SHOWN ON FIRST AMENDED PLAN, TO SAY EX. 1 1/2 STORY FRAME BLDG. (TO BE REMOVED).
2. ADDED STANDARD DENSITY NOTE BY ZONING COMMISSIONER AND AMENDED PLAN DATED FEB. 19, 1985.
3. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THIS CHANGE.
4. ADDED 10' BUILDING SETBACK LINE TO SOUTH WEST SIDE OF LOT #25.

GENERAL NOTES

1. ALL LOTS SHOWN ARE FOR SALE.
2. ALL ROADS ARE TO BE PUBLIC.
3. ALL UTILITIES SHOWN HEREON ARE TO BE PUBLIC.
4. ALL OPEN SPACE TO BE RETAINED AND MAINTAINED BY BALTIMORE COUNTY.
5. ALL PARKING SPACES SHALL BE MINIMUM OF 9' X 18' TYPICAL THROUGHOUT.
6. STREET LIGHTS SHOWN THUSLY.
7. EACH LOT CONTAINS AT LEAST 500 S.F. OF CONTIGUOUS PRIVATE OPEN SPACE.
8. MINIMUM FRONT YARD SETBACK IS 25 FT.
9. ADT COUNT SHOWN THUSLY.
10. ALL LIGHTING STANDARDS TO BE 10' HIGH, DIRECTED AWAY FROM THE DWELLING UNITS AND TO HAVE MERCURY VAPOR BULBS.
11. LANDSCAPING - DEVELOPER WILL TO SOIL, SEED & MULCH. INDIVIDUAL LOT OWNERS WILL TAKE RESPONSIBILITY FOR ANY FURTHER LANDSCAPING.
12. ENTIRE SITE SPARSELY WOODED.
13. TRASH TO BE COLLECTED AT EACH LOT. (BY BALTIMORE COUNTY).
14. ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPLE BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED WITHIN THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
15. INDIVIDUAL LOT GRADINGS WILL BE ACCOMPLISHED BY THE HOME BUILDING CONTRACTOR.
16. ALL EXIST. BUILDINGS, SHEDS & PAVING ETC. EXCEPT AS NOTED IS (TO BE REMOVED).
17. ENTIRE SITE IS IN TRANSITION.
18. NO WINDOWS IN THE ENDS OF UNITS WHERE THERE IS LESS THAN 15' FROM ENVELOPE TO PROPERTY LINE.
19. ALL SIDE YARDS ON ENVELOPES MAY BE REVERSED.

DENSITY CALCULATIONS

1. AREA OF TRACT (GROSS) 22.14 AC.±
2. DR. 5.5 NET AREA IS 8.55 AC.±
3. DR. 5.5 NET AREA IS 13.19 AC.±
4. LOTS ALLOWED - 5.5 X 8.05 = 40 LOTS
5. LOTS ALLOWED - 5.5 X 13.19 = 46 LOTS
6. TOTAL LOTS ALLOWED = 25 LOTS
7. TOTAL LOTS PROVIDED = 82 LOTS
8. OPEN SPACE = 0% X 8.55 = 0.84 AC.±
9. OPEN SPACE = 8% X 13.19 = 0.40 AC.±
10. TOTAL OPEN SPACE REQUIRED = 1.24 AC.±
11. TOTAL OPEN SPACE PROVIDED = 1.31 AC.±
12. PARKING SPACES REQ'D. DR. 5.5 = 25 X 1.02
13. PARKING SPACES REQ'D. DR. 5.5 = 175 X 1.54 (TOTAL PARKING SPACES REQ'D. IS 156)
14. TOTAL PARKING SPACES REQ'D. = 156
15. TOTAL PARKING SPACES PROVIDED = 2 X 82 = 164

DATE OF TENTATIVE APPROVAL: 6-7-82

SECOND AMENDED FINAL DEVELOPMENT PLAN

JASPER PROPERTY

11TH ELECTION DISTRICT
SCALE: 1" = 50'

BALTIMORE CO., MARYLAND
JULY 7, 1983
FIRST AMENDED AUG. 26, 1983
SECOND AMENDED FEB. 19, 1985
REV. MARCH 4, 1985
REV. MARCH 7, 1985

PETITIONER'S
EXHIBIT 1

OWNER & DEVELOPER

BALMORAL DEVELOPMENT INC.
2045 YORK ROAD
TIMONIUM, MD 20052

REASONS FOR FIRST AMENDMENT

1. REVISED ROAD ALIGNMENT AT PENN AVE. & PENT ANGEL WAY IN NORTHWEST CORNER OF SITE.
2. CHANGED PROPOSED 10' DRAINAGE & UTILITY EASEMENT AT PROPERTY LINE AT NORTHEAST SIDE OF RAMBLEBROOK ROAD BEHIND LOTS #67 THRU 58 TO READ 10' DRAINAGE, UTILITY & ACCESS EASEMENT.
3. CHANGE 10' DRAINAGE & UTILITY EASEMENT AT NORTHWEST SIDE OF LOTS #49 TO 12' DRAINAGE & UTILITY EASEMENT.
4. CHANGE DRAINAGE & UTILITY EASEMENT BETWEEN LOTS #47 & 48 AT EASTSIDE OF GARDINIA RD. & RAN JLET LOOK RD. TO STORM WATER MANAGEMENT AREA.
5. NO LOTS HAVE BEEN SOLD WITHIN 300' OF THE ABOVE CHANGES.

8" BASE COURSE TYPE C-6
(PLACED IN 2-4" LAYERS)

TYPICAL PAVING SECTION

NO SCALE

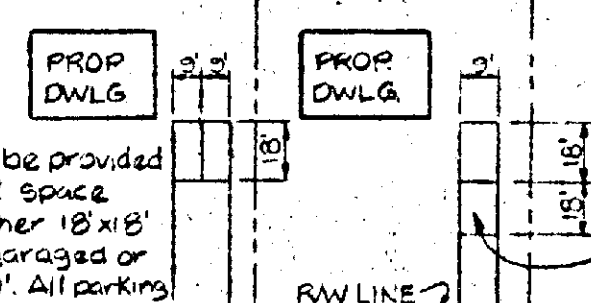
HEIGHT TO HEIGHT RELATION

NO SCALE

DETACHED HOUSE TYPICAL PARKING DETAIL

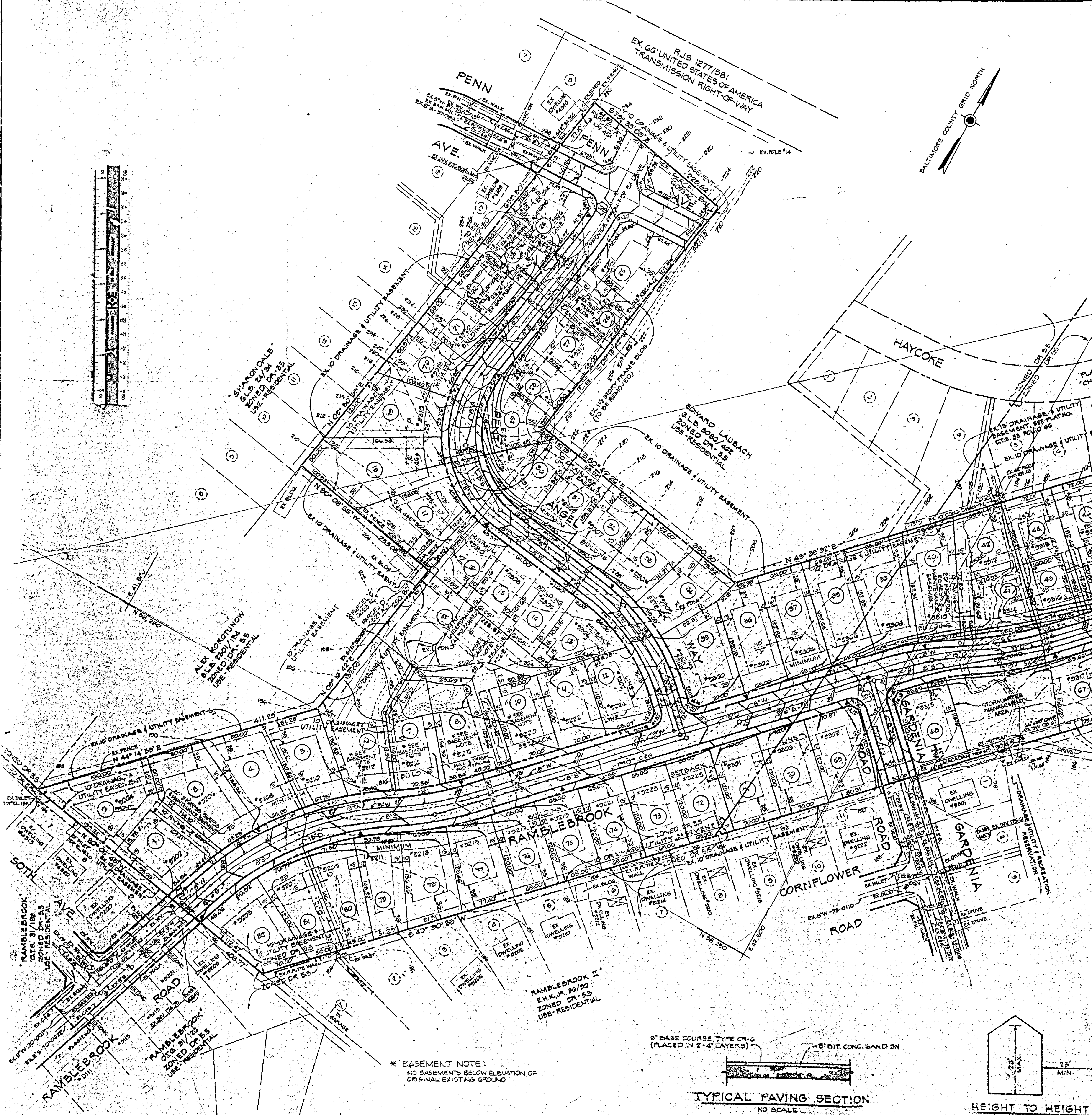
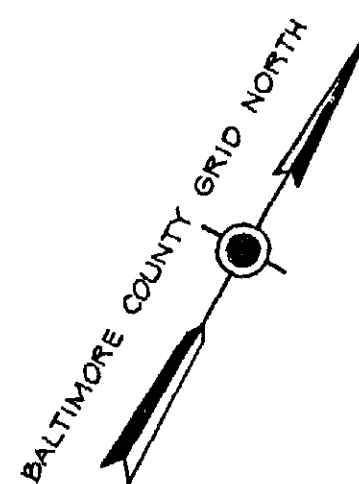
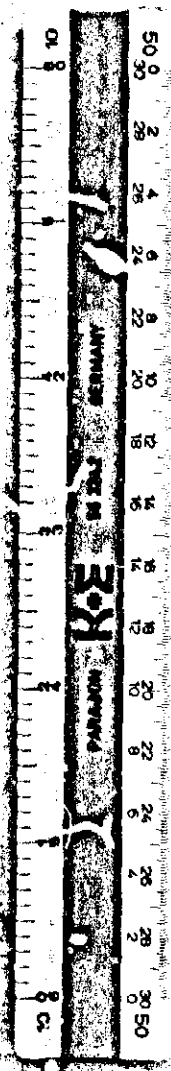
NO SCALE

Each Lot will be provided with a paved 2 space parking pad either 18' x 18' or 18' x 20'. All parking and Driveways shall have a durable & dustless surface i.e. bituminous concrete type.



Drive & Parking Pad To be located to suit house location & type

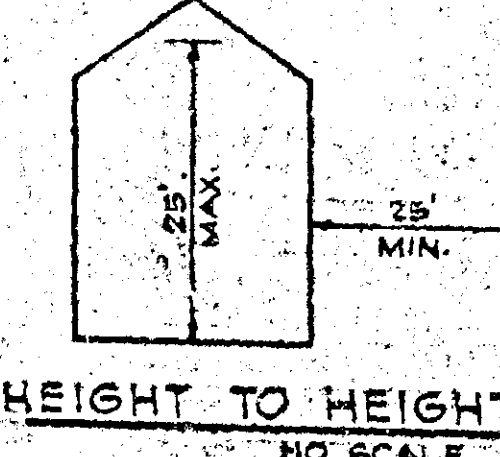
PLANNING	DATE
COMMISSIONER	DATE



* BASEMENT NOTE:
NO BASEMENTS BELOW ELEVATION OF
ORIGINAL EXISTING GROUND

8" BASE COURSE TYPE CR-6
(PLACED IN 2-4" LAYERS)

TYPICAL PAVING SECTION
NO SCALE



ENGINEERS
D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208



OFFICE OF PLANNING AND ZONING APPROVED BY:	
DIRECTOR OF PLANNING	DATE
ZONING COMMISSIONER	DATE

OWNER & DEVELOPER
BALMORAL DEVELOPMENT INC.
2045 YORK ROAD
TIMONIUM, MD 21085

- REASONS FOR
1. REVISED ROAD ALIGNMENT AT CORNER OF SITE.
 2. CHANGED PROPOSED 10' DRAINAGE UTILITY ACCESS, NORTHEAST SIDE OF RAMBLEBROOK RD.
 3. CHANGE 10' DRAINAGE & UTILITY EASEMENT, 12' DRAINAGE & UTILITY EASEMENT, 12' DRAINAGE & UTILITY EASEMENT.
 4. CHANGING DRAINAGE & UTILITY EASEMENT, 12' DRAINAGE & UTILITY EASEMENT, 12' DRAINAGE & UTILITY EASEMENT.
 5. NO LOTS HAVE BEEN SOLD WITHIN THE SITE.