

PETITION FOR ZONING VARIANCE 85-309-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 1802.3.6.1 to permit a side yard setback of 5 feet instead of the required 10 feet and a side street setback of 15 feet instead of the required 25 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. Lot width to narrow to build a single family dwelling under present day zoning regulations

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 _____

Attorney for Petitioner: _____

(Type or Print Name)

Signature _____

Address _____

City and State _____

Attorney's Telephone No.: _____

Legal Owner(s):

BALTIMORE COUNTY, MARYLAND

(Type or Print Name)

Signature _____

WALTER J. RASMUSSEN, CHIEF

BUREAU OF LAND ACQUISITION

(Type or Print Name)

Signature _____

City and State _____

Name, address and phone number of legal owner, contract purchaser, or representative to be contacted

494-3251 or 494-3269

Address _____

City and State _____

Name _____

Address _____

Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of April, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of May, 1985, at 10:15 o'clock.

Cal Jahn

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: April 23, 1985

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

SUBJECT: Zoning Petitions No. 85-300-A, 85-304-A, 85-305-A, 85-306-A, 85-308-A and 85-309-A

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

NEG/JGH:f

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 26, 1985

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

OR
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. Walter J. Rasmussen
Chief, Bureau of Land Acquisition
Baltimore County, Maryland
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 260 - Case No. 85-309-A
Petitioner - Baltimore County, Maryland
Variance Petition

Dear Sirs:

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, Jr.
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

WB:mr
Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 26, 1985

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

RE: Item #260 (1984-1985)
Property Owner: Baltimore County
S/E cor. Florida Ave. & Washington St.
Acres: 50' x 125'
District: 13th

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:

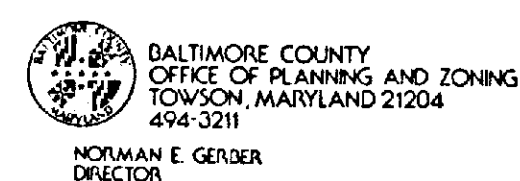
As no public facilities are involved, this office has no comment.

Very truly yours,

James A. Markle, F.E., Chief
Bureau of Public Services

JAM:EAM:HJO:as

cc: File



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3201

NORMAN E. GERBER
DIRECTOR

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

APRIL 19, 1985

Re: Zoning Advisory Meeting of March 19, 1985
Item # 260
Property Owner: BALTIMORE COUNTY
Location: S/E Cor. Florida Avenue & Washington Street

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.
- () 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 22-88 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: Must comply with Baltimore County Landscape Manual.
- () 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: _____

cc: James Howell
Eugene A. Boler
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
DIRECTOR

March 27, 1985

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

Item No. 260, 261, 262, 263, 264, 266
Property Owner: BALTIMORE COUNTY
Location: S/E Cor. Florida Avenue & Washington Street
Existing Zoning: _____
Proposed Zoning: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 260, 261, 262, 263, 264, and 266.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cmm



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

PAUL H. RENCKE
CHIEF

April 4, 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: Baltimore County

Location: S/E Cor. Florida Avenue & Washington Street

Item No.: 260

Zoning Agenda: Meeting of 3/19/85

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 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.

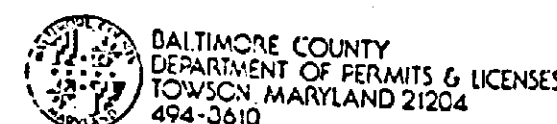
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: _____ Noted and Approved: Roy W. Kammer
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



April 11, 1985

TO: JAMES E. DYER
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Baltimore, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 260 Zoning Advisory Committee Meeting are as follows:

Property Owner: Baltimore County
Location: S/E Corner Florida Avenue and Washington Street
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side yard setback of 5' instead of the required 10' and a side street setback of 15' instead of the required 25'.

Address: 50' x 125'
District: 13th.

The items checked below are applicable:

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

2. A building or other structure shall be required before beginning construction.

3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced scale and signatures are required on Plans and Technical Data.

4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

5. 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 501-2.

6. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.

7. 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.

8. 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 the County that the structure for which a proposed change in use is proposed construction classification of Table 401.

9. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burroughs, Chief
Bureau of Land Acquisition

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor
Date: March 1, 1985

FROM: Walter J. Rasmussen, Chief
Bureau of Land Acquisition

SUBJECT: Petition for Zoning Variance
Lots 64 and 65, Block 1, Baltimore Highlands
Our File: SP 13-022

We are forwarding herewith 10 copies of the plat for zoning variance together with 3 copies of the Petition for Zoning Variance, and 3 copies of the description of the property.

The variance advertising and posting is to be charged to Account Number 01-25-01-04-86.

It will be appreciated if this request is expedited at your earliest possible convenience.

Walter J. Rasmussen, Chief
Bureau of Land Acquisition

WJR:SMH:SJB:vaf
Attachments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: March 18, 1985

FROM: Walter J. Rasmussen, Chief
Bureau of Land Acquisition

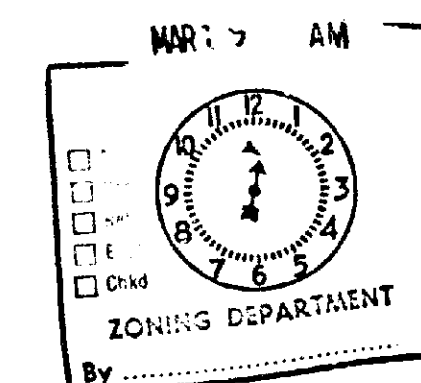
SUBJECT: Petition for Zoning Variance
Lots 64 and 65, Block 1
Flat of Baltimore Highlands
Our File: SP 13-035

BALTIMORE CO., MD.

The Petition for Zoning Variance for the above mentioned property was hand delivered to the Zoning Supervisor's office on March 5, 1985. We were advised that this petition will be processed as Item 260.

It will be appreciated if this request is expedited at your earliest possible convenience.

Walter J. Rasmussen, Chief
Bureau of Land Acquisition



WJR:SMH:SJB:vaf
cc: File

WASHINGTON STREET (50' R/W, 50' PAVING)

FLORIDA AVENUE (50' R/W, 50' PAVING)

PERMITTED BUILDING AREA

NOTE: DWELLINGS EXIST ACROSS STREET.

OWNER: BALTIMORE COUNTY, MARYLAND
C.W.B., Jr. 975-348 & C.W.B., Jr. 954-373
ZONED: D.R. 5.5
SUBDIVISION: BALTIMORE HIGHLANDS
LOTS 64 & 65, BLOCK 1, BOOK W.P.C. 3-2
EXISTING UTILITIES TO FLORIDA AVENUE

VICINITY MAP
NO SCALE

AVERAGE SETBACK: 28' 1/2"

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

SCALE: 1" = 50' SHEET 1 OF 1

PLAT TO ACCOMPANY ACQUISITION OF DISTRICT NO. 13 C1

POSITION SHEET NO.

CONSTRUCTION PLAN NO.

FEDERAL PROJECT NO.

MARYLAND PROJECT NO.

R.C. JOB ORDER NO. 0' #260

SP13-022-2

ORDER RECEIVED FOR FILING
DATE May 16, 1985
BY [Signature]

RE: PETITION FOR VARIANCES
SE/corner of Florida Avenue
and Washington Street
13th Election District
Baltimore County, Maryland -
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-309-A (Item No. 260)

The Petitioner herein requests variances to permit a side yard setback of 5 feet in lieu of the required 10 feet and a side street setback of 15 feet in lieu of the required 25 feet to construct a single family dwelling.

Testimony on behalf of the Petitioner indicates that Baltimore County acquired, through tax sales, two 25' x 125' residentially zoned lots at the southeast corner of Washington Street and Florida Avenue. The ground is not needed by Baltimore County, is surplus, and it is the intention of the County to auction the site. The combined lots provide sufficient area for a buildable lot. If required setbacks were maintained, however, the dwelling constructed could only be fifteen feet wide.

Testimony by Protestants, substantiated by photographs, indicates an extensive amount of water runs from the subject property through at least three lots to the east along the south side of Florida Avenue. Photographs were introduced to show running and standing water evident on the adjacent property (Protestant's Exhibit 3, 4 and 5) even after the County had constructed curbing at the corner of the subject property. In the opinion of the adjacent neighbor, a retaining wall would have to be constructed to prevent water run-off and accompanying dirt from coming onto her property. A neighbor several doors to the east testified to the amount of standing water in her yard following a rain and commented that the County had promised to install swales, but had not done so.

All parties to the hearing stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

Field observations by the Deputy Zoning Commissioner revealed serious water run-off problems already existing on the site and on the adjacent property. In the opinion of the Deputy Zoning Commissioner, to grant both of the required variances to allow construction of the proposed building could add to the run-off problem in the area unless serious, even extreme, precautions are undertaken.

After due consideration of the testimony and evidence presented as well as a field inspection of the property, in the opinion of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of one of the variances requested would not adversely affect the health, safety, and general welfare of the community, and therefore the variances requested should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16th day of May, 1985, that the herein Petition for Variance to permit a side street setback of 15 feet in lieu of the required 25 feet in accordance with the site plan submitted and filed herein, marked Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following:

1. Prior to the issuance of a building permit, a drainage study and grading plan, sealed by a surveyor or engineer, indicating that no additional run-off travels from the subject site to adjacent properties shall be submitted to and approved by the Bureau of Public Services.

ORDER RECEIVED FOR FILING
DATE May 16, 1985
BY [Signature]

2. Run-off from the proposed dwelling shall be so directed that it is absorbed on site or channelled into the street; in neither case shall it be allowed to go onto the adjacent property.
- It is FURTHER ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16th day of May, 1985, that the herein Petition for Variance to permit a side yard setback of 5 feet in lieu of the required 10 feet is hereby DENIED.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
DATE May 16, 1985
BY [Signature]

PETITION FOR ZONING VARIANCE
ZONING DESCRIPTION

BEING at the southeast corner of Florida Avenue and Washington Street both 50 feet wide, being a portion of Lot 64 and all of Lot 65, Block 1 in the Subdivision of "Baltimore Highlands". Plat Book No. 3, folio 2.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13-4 Date of Posting 4-30-85
Posted for: Variance
Petitioner: Baltimore County, Maryland
Location of property: SE corner of Florida Ave. & Washington St.
Location of Signs: SE corner of Florida Ave. & Washington St.
Remarks: _____
Posted by: A. J. Anator Signature
Number of Signs: 1

PETITION FOR VARIANCES
13th Election District

LOCATION: Southeast corner Florida Avenue and Washington Street
DATE AND TIME: Wednesday, May 8, 1985 at 10:15 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 side yard setback of 5 ft. instead of the required 10 ft. and a side yard setback of 15 ft. instead of the required 25 ft.

Being the property of Baltimore County, Maryland 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 JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE Corner Florida Ave. & Washington St., 13th Dist. : OF BALTIMORE COUNTY
BALTIMORE COUNTY, MARYLAND, : Case No. 85-309-A
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel above-captioned matter. Notices should be sent of any hearing 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 16th day of April, 1985, a copy of the foregoing Entry of Appearance was mailed to Walter J. Rasmussen, Chief, Bureau of Land Acquisition, Dept. of Public Works, County Office Building, Towson, MD 21204, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

85-309-SPH
CERTIFICATE OF PUBLICATION

TOWSON, MD. April 18 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 April 18, 1985.

THE JEFFERSONIAN,
JB Ventak
Publisher

Cost of Advertising
20.00

PETITION FOR VARIANCES
13th Election District
LOCATION: Southeast corner Florida Avenue and Washington Street
DATE AND TIME: Wednesday, May 8, 1985 at 10:15 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 side yard setback of 5 ft. instead of the required 10 ft. and a side yard setback of 15 ft. instead of the required 25 ft.
Being the property of Baltimore County, Maryland 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 JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PHOTOGRAPHS OF SUBJECT PROPERTY



PETITIONER'S
EXHIBIT 2

Mr. Walter J. Rasmussen
Land Acquisition Office
County Office Building
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance
SE corner Florida Ave. & Washington St.
Baltimore County, Md. - Petitioner
Case No. 85-309-A

TIME: 10:15 a.m.
DATE: Wednesday, May 8, 1985
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jarlon
Zoning Commissioner
of Baltimore County

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

April 18 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 20 day of April 19 85, that is to say, the same was inserted in the issues of

April 18, 1985

PATUXENT PUBLISHING CORP.
By [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS.

CERTIFICATE OF PUBLICATION OF