

85-322-4 85-322-4 85-322-4

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 1801.2.6.2.a to permit windows within 25 ft. of a tract boundary instead of the required 35 ft.; also to amend the final development plan of The Boyle/Clickner Property, to permit a building outside of the permitted building area.

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.

Due to the irregular shape of the lot, the desired house projects outside of the southeast side of the building envelope (only in the rear)

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: _____ Legal Owner(s): _____
 (Type or Print Name) _____ (Type or Print Name) _____
 Signature _____ Signature _____
 Address _____ Address _____
 City and State _____ City and State _____
 Attorney for Petitioner: _____ P.O. Box 3101 301-747-7246
 (Type or Print Name) _____ Address Phone No.
 Signature _____ Baltimore, Maryland 21228
 City and State _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address _____
 City and State _____
 Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1985, at 10:45 o'clock.

Carl Jablon
 Zoning Commissioner of Baltimore County.

(over)

S/S DEVERE AVENUE 422 Feet : BEFORE THE
 West of the Center line of : ZONING COMMISSIONER
 Frederick Rd., 1915 Devere Ave. : FOR
 Troy Construction Co., Inc. : BALTIMORE COUNTY
 Petition for a Variance :

CONSENT TO THE GRANTING OF A VARIANCE

We, the undersigned property owners, owning lots in the Sub-division known as Boyle and Clickner Property recorded among the Plat Records of Baltimore County in Liber E.H.K., Jr. No. 51, folio 23, and other adjacent property owners, consent to the allowance of a variance to Troy Construction Co., Inc. of 9' which will reduce the side yard set back of the house on Lot No. 1 from 35 feet to 26 feet at the hearing on May 7, 1985. The side yard set back is located on the southwest side of the house erected on Lot No. 1 facing Frederick Road.

NAME	ADDRESS (Property Owned)
<i>Dr. Michael L. Boyle</i>	<i>2001 Devere Ave. Baltimore, Md.</i>
<i>Mr. Michael L. Boyle</i>	<i>1915 Devere Ave. Baltimore, Md.</i>
<i>Mr. Michael L. Boyle</i>	<i>1921 Devere Ave. Baltimore, Md.</i>
<i>Mr. Michael L. Boyle</i>	<i>1914 Devere Ave. Baltimore, Md.</i>
<i>Mr. Michael L. Boyle</i>	<i>Lot #1</i>
<i>Mr. Michael L. Boyle</i>	<i>Lot #5</i>

PETITION FOR VARIANCES

1st Election District

LOCATION: South side Devere Avenue, 422 ft. West of the centerline of Frederick Road (1915 Devere Avenue)

DATE AND TIME: Friday, May 17, 1985 at 10:45 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 Variances to permit windows within 26 ft. of a tract boundary instead of the required 35 ft. and to amend the final development plan of the Boyle/Clickner Property, to permit a building outside of the permitted building area.

Being the property of Troy Construction Co., 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

ZONING DESCRIPTION

Beginning on the south side of Devere Ave. 60 feet wide, at the distance of 422 feet west of the centerline of Frederick Road. Being Lot 1 in the subdivision of Property of Dr. Michael Boyle & Resub. of the David L. Clickner Property Flatbook No. 51, Folio 23. Also known as 1915 Devere Ave. in the 1 st. Election District.

Item #302
4/15/85

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
 S/S Devere Ave., 422' : OF BALTIMORE COUNTY
 W of the Centerline of :
 Frederick Rd. (1915 :
 Devere Ave.), 1st Dist. :
 TROY CONSTRUCTION CO., INC., : Case No. 85-322-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 24th day of April, 1985, a copy of the foregoing Entry of Appearance was mailed to Burnieth G. Hanna, President, Troy Construction Co., Inc., P. O. Box 3101, Baltimore, MD 21228, Petitioner.

Peter Max Zimmerman
 Peter Max Zimmerman

Case No. 85-322-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of April, 1985.

Arnold Jablon
 Arnold Jablon
 Zoning Commissioner
 Petitioner Mr. Burnieth G. Hanna, President
 Petitioner's Troy Construction Co., Inc. Received by
 Attorney Nicholas B. Commodari
 Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 3, 1985

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

cc
 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. Burnieth G. Hanna
 President, Troy Construction Co., Inc.
 P.O. Box 3101
 Baltimore, Maryland 21228

RE: Item No. 302 - Case No. 85-322-A
 Petitioner - Troy Construction Co., Inc.
 Variance Petition

Dear Mr. Hanna:

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

ENCLOSURE
 Enclosures



BALTIMORE COUNTY
 DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY I. PISTEL, P.E.
 DIRECTOR

July 3, 1985

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

Re: Item #302 (1984-1985)
 Property Owners: Troy Construction Co., Inc.
 S/Side Devere Ave., 422' W of centerline of Frederick Road
 District 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

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

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

Very truly yours,
James A. Hinkle
 JAMES A. HINKLE, P.E., Chief
 Bureau of Public Services

JAH:FMO:blp
 cc: File

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 and the granting of the variance requested will not adversely affect the health, safety, and general welfare of the community, the variance and amendment should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of May, 1985, that the Petition for Zoning Variance to permit windows within 26 feet of a tract boundary instead of the required 33 feet and the amendment to the final development of the Boyle/Clickner property to permit a building outside of the allowed building area be and the same are hereby GRANTED, from and after the date of this Order, subject to the following:

1. 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.

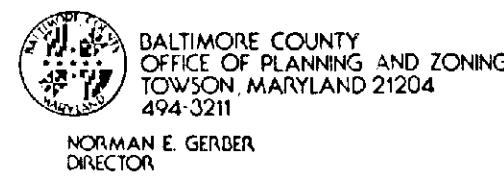
[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Troy Construction Company, Inc.
People's Counsel

ORDER RECEIVED FOR FILING

DATE May 22, 1985
BY *[Signature]*
Troy Construction Co., Inc.



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

APRIL 30, 1985

Re: Zoning Advisory Meeting of April 30, 1985
Item # 302
Property Owner: TROY CONSTRUCTION CO., INC.
Location: S/S DEVERE AVE. 422' W OF E
OF FREDERICK 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.

- (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.
- () 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.
- () 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 1/12/84.
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by still 116-19. 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 176-78, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) THE CRG PLAN (I-237) WAS APPROVED BY THE CRG OF BALTIMORE COUNTY ON 1/12/84.
- (X) THE SOUTH-REAR CORNER BUILDING WILL BE WITHIN 15' OF THE E. FLOODPLAIN BOUNDARY. THE RESERVATION IS A MINIMUM 20'.
- (X) A COPY OF THE FINAL DEVELOPMENT PLAN SHOULD BE INCLUDED WITH THIS FILE!

cc: James Hoswell
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 85-322-A
Date: May 6, 1985

The CRG Plan (I-237) was approved on January 12, 1984. Assuming conformance of the subject petition to that plan, this office is not opposed to the granting of the request.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

Item # 302
4/15/85 new
Troy Construction Co., Inc.
P.O. Box 3101
Baltimore, Md. 21228
April 11, 1985

Zoning Commissioner
Baltimore Co. Office Bldg.
Towson, Md. 21284

Dear Sir:

Re: Emergency hearing for a zoning variance to 1715 Devere Ave. Building Permit # 52524.

On 3/28/84, I applied for a building permit for this property. The first plan that was submitted showed the house inside of the building line in the front and protruding outside of the building line in the rear. This was approved by the Zoning Department and the building permit was issued on 5/14/84.

The house has been sold and settlement is scheduled for April 30th. The people buying the house have sold their house and settlement is scheduled on the morning of the 30th. They are planning on moving into Devere Avenue after settlement on the afternoon.

We were just notified by the title Co. that it was not going to be a clear title without

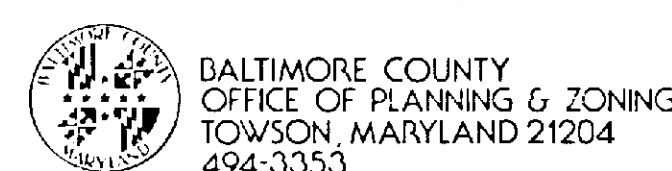
-2-

the proper zoning approval.
Today we went to the county and were told that in order to obtain a clear title we would need a variance.

We are willing to have this done but time is of the essence. If the buyers lose their mortgage commitment from the bank and could not settle, it could possibly result in a lawsuit against me for something I am not really responsible for.

Your help in obtaining a fast settlement of this problem will be greatly appreciated.

Respectfully,
[Signature]
Burnith "Bud" Hanna
Phone No 301-747-7246



ARNOLD JABLON
ZONING COMMISSIONER

Troy Construction Co., Inc.
c/o Burnith G. Hanna
P. O. Box 3101
Baltimore, Maryland 21228

RE: Petition for Variance
S/S Devere Ave., 422' W of the c/l of
Frederick Rd. (1915 Devere Avenue)
Troy Construction Co., Inc. - Petitioner
Case No. 85-322-A

Dear Mr. Hanna:

This is to advise you that \$38.86 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.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007240
DATE: 5/17/85 ACCOUNT: B-01-615-000
AMOUNT: \$38.86
RECEIVED FROM: Troy Construction Co., Inc.
FOR: advertising and posting Case 85-322-A
VALIDATION OR SIGNATURE OF CASHIER

rely,
[Signature]
J. D. JABLON
Commissioner

Troy Construction Co., Inc.
c/o Burnith G. Hanna
P. O. Box 3101
Baltimore, Maryland 21228

April 19, 1985

NOTICE OF HEARING

RE: Petition for Variance
S/S Devere Ave., 422' W of the c/l of
Frederick Rd. (1915 Devere Avenue)
Troy Construction Co., Inc. - Petitioner
Case No. 85-322-A

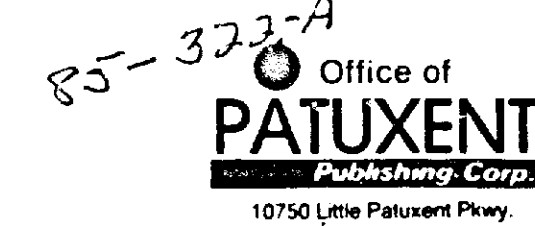
TIME: 10:45 a.m.

DATE: Friday, May 17, 1985

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

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007435
DATE: 4/15/85 ACCOUNT: P-001-000
AMOUNT: \$35.00
RECEIVED FROM: Troy Construction Co., Inc.
FOR: 1/2 fee for Plan # 302
VALIDATION OR SIGNATURE OF CASHIER



April 25 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

Patuxent Publishing Corp.
Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 27 day of April 19 85, that is to say, the same was inserted in the issues of

April 25, 1985

PATUXENT PUBLISHING CORP.

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st.
 Posted for: Variances
 Date of Posting: 4-29-85
 Petitioner: Troy Construction Co. Inc.
 Location of property: S/S Devere Ave. 422' W of the E.L. of Frederick Road (1915 Devere Ave.)
 Location of Signs: In front of 1915 Devere Ave.
 Remarks: _____
 Posted by: S.J. Arata
 Number of Signs: 1
 Date of return: 5-3-85

PETITION FOR VARIANCES
1st Election District
 LOCATION: South side Devere Avenue, 422 ft. West of the centerline of Frederick Road (1915 Devere Avenue)
 DATE AND TIME: Friday, May 17, 1985 at 10:45 a.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

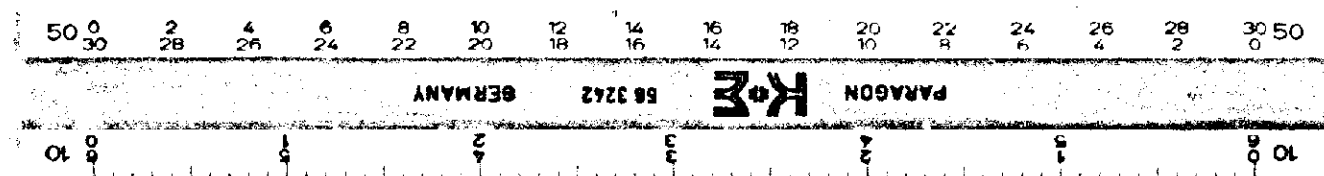
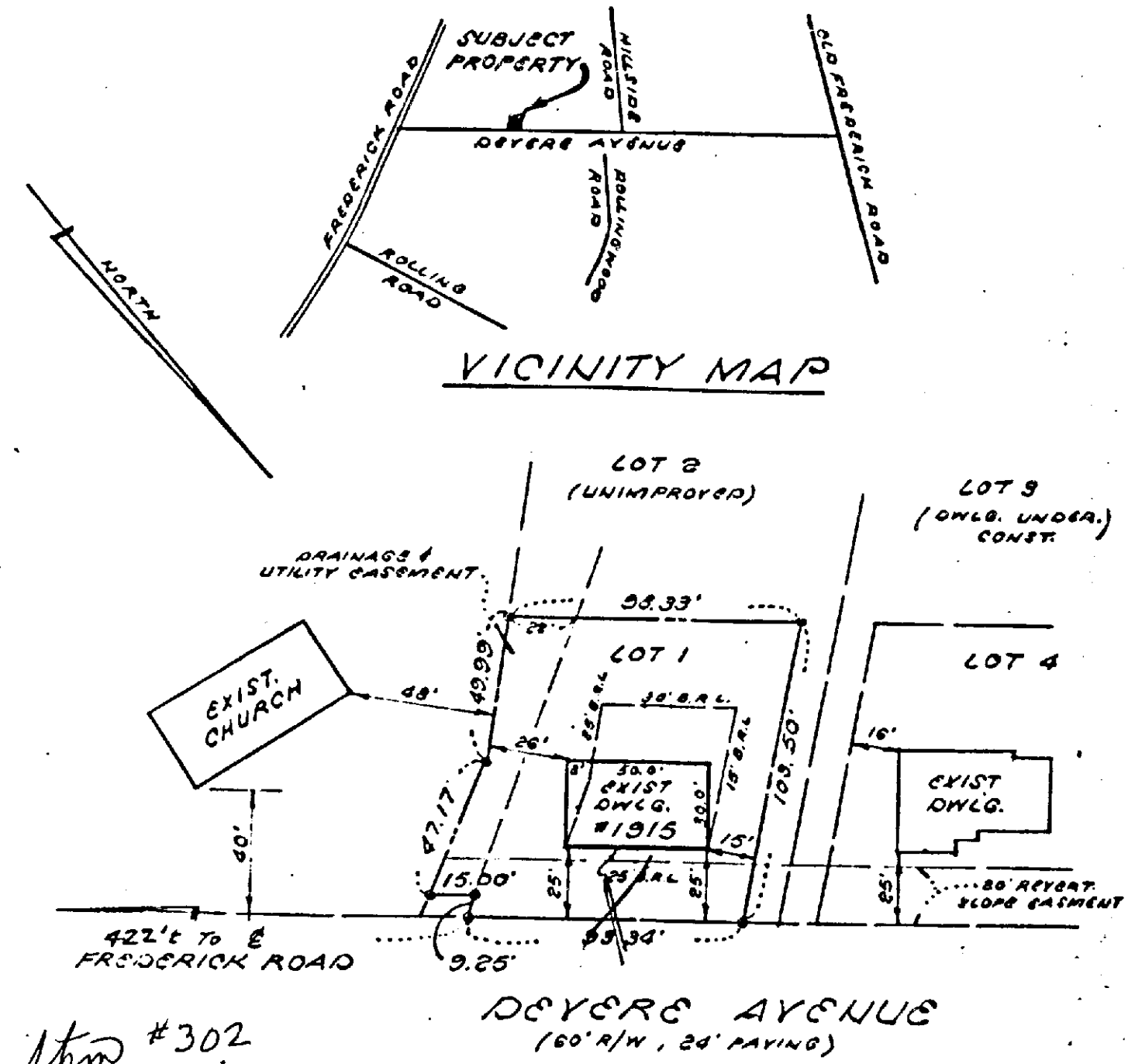
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
 Petition for Variances to permit windows within 28 ft. of a tract boundary instead of the required 35 ft. and to amend the final development plan of the Boyle/Clinker Property, to permit a building outside of the permitted building area.
 Being the property of Troy Construction Co., 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
 Apr. 25

15-322-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., April 25, 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 25, 1985

THE JEFFERSONIAN,
W. Venetian
 Publisher

Cost of Advertising
 20.00



OWNER/DEVEL.
 TROY CONSTRUCTION CO.
 P.O. BOX 3101
 BALTO. MD. 21228