

PETITION FOR ZONING VARIANCE 85-323-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 1802.3.2.1 to permit a rear yard setback of 15 ft. (existing) instead of the required 30 ft. Also 301.1 to permit an open deck (proposed) with a 7 ft. rear setback instead of the required 22.5 ft. and a side setback of 5 ft. instead of the required 7.5 ft.

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) Robert G. Wood
 Signature Signature
 Address Deborah S. Wood
 (Type or Print Name)
 City and State Deborah S. Wood
 Signature
 Attorney for Petitioner:
 (Type or Print Name) 201 S. Tyrone Rd. 377-4583
 Address Baltimore, MD 21212 Phone No.
 Signature City and State
 Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 City and State Name
 Attorney's Telephone No. Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 13th 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 29th day of May, 1985, at 10:00 o'clock.

(over)

IN RE: PETITION ZONING VARIANCES
 SW/S of South Tyrone Road,
 150' NE of the center-line
 of Armagh Drive (201 South
 Tyrone Road) - 9th Election
 District
 Robert G. Wood, et ux,
 Petitioners
 BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 85-323-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a rear yard setback of 15 feet instead of the required 30 feet and rear and side yard setbacks of 7 feet and 5 feet instead of the required 22 1/2 feet and 7 1/2 feet, respectively, for an open deck, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Deborah S. Wood, appeared and testified. Also testifying on behalf of the Petitioners was James Robertson, the Contractor. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, is improved with the Petitioners' home, where they have lived for 15 years. The home itself is over 40 years old. The lot on which it is located is shaped like a shoe with frontage on Tyrone Road and the rear on a 12-foot alley. The Petitioners want to add an open deck, 14 inches above grade, to the west side of the home where they have an existing entrance. In order to do so, variances are necessary. The deck cannot be located elsewhere due to the property's shape and the existence of numerous overhead wires located to the other side and rear. The Petitioners also request legal recognition of the existing rear yard deficient setback from the house to the alley.

The Petitioners request relief from Sections 1802.3.C.1 and 301.1, pursuant to Section 307, Baltimore County Zoning Regulations (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 performance 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 variances 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 variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances 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 variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of May, 1985, that the Petition for Zoning Variances to permit a rear yard setback of 15 feet instead of the required 30 feet and rear and

side yard setbacks of 7 feet and 5 feet instead of the required 22 1/2 feet and 7 1/2 feet, respectively, be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order, however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
 Zoning Commissioner of
 Baltimore County

AJ/srl
 cc: Mr. & Mrs. Robert G. Wood
 People's Counsel

ORDER RECEIVED FOR FILING

DATE May 21, 1985
 BY *[Signature]*
 ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner Date: May 7, 1985
 Norman E. Gerber, Director
 FROM: Office of Planning and Zoning
 SUBJECT: Zoning Petitions Nos. 85-323-A, 85-324-A, 85-327-A, 85-328-A,
 85-329-A, 85-331-A, 85-332-A and 85-334-A

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

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

NEG:JGH:slm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 10, 1985

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

Mr. & Mrs. Robert G. Wood
 201 S. Tyrone Road
 Baltimore, Maryland 21212

RE: Item No. 281 - Case No. 85-323-A
 Petitioners - Robert G. Wood, et ux
 Variance Petition

Dear Mr. & Mrs. Wood:

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,

[Signature]
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Plans Advisory Committee

NBC:mr
 Enclosures

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 111 W. CHESAPEAKE AVENUE
 TOWSON, MARYLAND 21204
 444-0211
 DIRECTOR

MAY 3, 1985

Re: Zoning Advisory Meeting of April 9, 1985
 Item # 281
 Property Owner: ROBERT G. WOOD, ET UX
 Location: SW/S SOUTH TYRONE RD. 150'
 N/E FROM E. ARMAGH DR.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

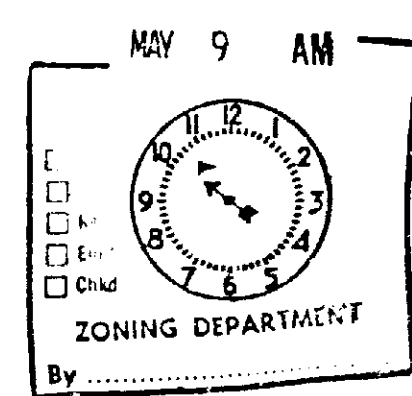
- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-88 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 [blank].
- ☒ 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 [blank].
- ☒ The property is located in a traffic area controlled by a "top 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:

Eugene A. Rober
 Ch. of, Current Planning and Development
 cc: James Howell

Case No. 85-323-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.

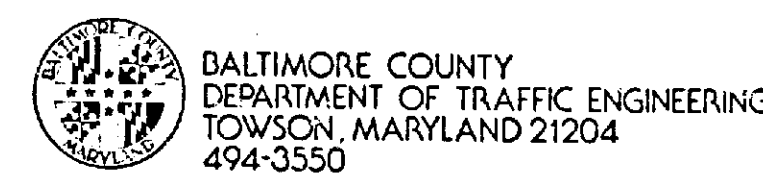
[Signature]
 ARNOLD JABLON
 Zoning Commissioner
 Received by *[Signature]*
 Nicholas B. Commodari
 Chairman, Zoning Plans
 Advisory Committee



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 _____, 1985, that the herein Petition for Variance(s) to permit



STEPHEN E. COLLINS
DIRECTOR

April 8, 1985

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

Item No. 281, 282, 283, 284, 286, and 287. ZAC- Meeting of April 9, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

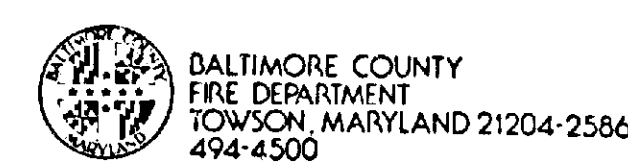
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 281, 282, 283, 284, 286, and 287.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSP/ccm



PAUL H. REINCKE
CHIEF

April 15, 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: Robert G. Wood, et ux

Location: SW/S Tyrone Rd. 150' N/E from c/l Armagh Drive

Item No.: 281

Zoning Agenda: Meeting of 4/9/85

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.

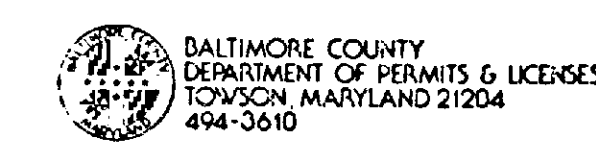
() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

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

REVIEWED BY: *Paul H. Reincke* Noted and Approved: *Paul H. Reincke*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



April 15, 1985

YED JALSKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item #281 Zoning Advisory Committee Meeting are as follows:

Property Owner: Robert G. Wood, et ux
Location: SW/S Tyrone Road 150' N/E from c/l Armagh Drive
Existing Zoning: D-5
Proposed Zoning: Variance to permit a rear yard setback of 15' in lieu of the required 30', to permit an open deck with a 7' rear yard setback in lieu of the required 22.5' and a side setback of 5' in lieu of the required 7.5'.
Acres: 51' 61.46 x 98.11/205.8
District: 9th.

The items checked below are applicable:

(A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(B) A building/ & other / 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/are not required. Non-reproduced scale 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 firewall is required if construction is on the lot line, see Table 601, line 2, Section 1407 and Table 1402, also Section 203-2.

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

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

(I) Comments - Deck shall be designed to support a 60# live load plus the dead loads. Wood shall be treated. See Section 1317.0.

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 112 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CRB:ee

PETITION FOR VARIANCES

LOCATION: 9th Election District
Southwest side of South Tyrone Road, 150 ft. Northeast from the centerline of Armagh Drive (201 South Tyrone Road)

DATE AND TIME: Monday, May 20, 1985 at 10:00 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 a rear yard setback of 15 ft. (existing) instead of the required 30 ft.; to permit an open deck (proposed) with a 7 ft. rear setback instead of the required 22.5 ft. and a side yard setback of 5 ft. instead of the required 7.5 ft.

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

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning on the southwest side of S. Tyrone Road at the southeast corner of a 12' alley 150' northeast of the centerline of Armagh Drive. Being lot #49 on the plat #3 part of Armagh, Plot book #12, folio #102. Also known as #201 South Tyrone Road, 9th Election District.

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SW/S of South Tyrone Rd., : OF BALTIMORE COUNTY
150' NE from the Center- :
line of Armagh Dr. (201 : Case No. 85-323-A
South Tyrone Rd.), :
9th District :
ROBERT G. WOOD, et ux, :
Petitioners :
: : : : :
: : : : :
ENTRY OF APPEARANCE

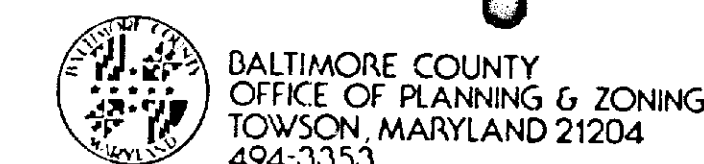
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 1st day of May, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert G. Wood, 201 S. Tyrone Rd., Baltimore, MD 21212, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

May 15, 1985

Mr. & Mrs. Robert G. Wood
201 South Tyrone Road
Baltimore, Maryland 21212

RE: Petition for Variance
SW/S South Tyrone Rd., 150' NE from the c/l
of Armagh Dr. (201 South Tyrone Road)
Case No. 85-323-A

Dear Mr. & Mrs. Wood:

This is to advise you that \$68.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

No. 007391

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

DATE: 5/20/85 ACCOUNT: 2-01-615-000

AMOUNT: \$68.00

RECEIVED FROM: Deborah Wood

Advertising and Posting Case 85-323-A
FOR: \$68.00 *****0101 *****

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCES
 8th Election District
 LOCATION: Southwest side of S. Tyrone Road, 150' E. from the centerline of Armagh Drive (201 South Tyrone Road).
 DATE AND TIME: Monday, May 20, 1985 at 10:00 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 rear yard setback of 15' 8" (existing) instead of the required 20' 8" to permit an open deck (proposed) with a 7' 8" rear setback instead of the required 22' 8" and a side yard setback of 5' 8" instead of the required 7' 8".
 Being the property of Robert G. Wood, et ux as shown on the plat filed with the Zoning Office.
 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
 BY ORDER OF:
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 8480-47705 51

CERTIFICATE OF PUBLICATION

Towson, Md.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 1st day of May 1985

The TOWSON TIMES
 Cost of Advertisement: \$34.40

PETITION FOR VARIANCES
 8th Election District
 LOCATION: Southwest side of South Tyrone Road, 150' E. from the centerline of Armagh Drive (201 South Tyrone Road).
 DATE AND TIME: Monday May 20, 1985 at 10:00 a.m.
 PUBLIC HEARING: 10 a.m. 106, County Office Bldg. 111 W. Chesapeake Avenue, Towson, Maryland
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing.
 Petition for Variance to permit a rear yard setback of 15' 8" (existing) instead of the required 20' 8" to permit an open deck (proposed) with a 7' 8" rear setback instead of the required 22' 8" and a side yard setback of 5' 8" instead of the required 7' 8".
 Being the property of Robert G. Wood, et ux as shown on the plat filed with the Zoning Office.
 In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
 By Order Of:
 ARNOLD JABLON
 Zoning Commissioner
 of Baltimore County
 May 2

CERTIFICATE OF PUBLICATION

TOWSON, MD.

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 May 2, 1985

THE JEFFERSONIAN,

13 Kenton
 Publisher

Cost of Advertising
 27.50

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: 5-4-85
 Posted for: Variance
 Petitioner: Robert G. Wood et ux
 Location of property: SW/S of South Tyrone Road, 150' NE of the CL of Armagh Dr. (201 South Tyrone Road)
 Location of Signs: On front of 201 South Tyrone Road
 Remarks:
 Posted by: A. J. Jablon Signature Date of return: 5-10-85
 Number of Signs: 1

NOTICE OF HEARING

RE: Petition for Variance
 SW/S of South Tyrone Rd., 150' NE from the c/l of Armagh Dr. (201 South Tyrone Road)
 Case No. 85-323-A

TIME: 10:00 a.m.

DATE: Monday, May 20, 1985

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

Arnold Jablon
 Zoning Commissioner
 of Baltimore County

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

No. 005349

DATE: 5/25/85 ACCOUNT: 01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: Robert G. Wood

FOR: Filing Fee for Variance #201

VALIDATION OR SIGNATURE OF CASHIER

