

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property state 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 1104-3, B3 to allow a side yard of 35' in lieu of the required 50'.

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

Purpose of variance requested is to allow a garage to be built. It would be a practical difficulty to be able to construct a 2 car garage for use by family with 3 children. It would be unsafe to require parking on an open driveway in a relatively isolated area by a woman at night.

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: Address City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 9th day of July, 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 12th day of August, 1985, at 10:30 o'clock.

Very truly yours, Zoning Commissioner of Baltimore County.

(over)

Case No. 86-64-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 8th day of July, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner Brent C. Cohn, et ux
Petitioner's Attorney
cc: F. F. Raphael & Assoc., 201 Courtland Ave., Towson, Maryland 21204

Received by Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 5, 1985

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

Mr. & Mrs. Brent C. Cohn
38 Pickersgill Square
Owings Mills, Maryland 21117

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Public Works
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 383 - Case No. 86-64-A
Petitioners - Brent C. Cohn, et ux
Variance Petition

Dear Mr. & Mrs. Cohn:

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 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 hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURES

cc: E. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

RE: Item #383 (1984-1985)
Property Owners Brent C. Cohn
W/S Dover Road, 720' S/E from
c/1 Baublitz Road.
District 4th

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, especially by the concentration of surface waters. Correction of any problem 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.

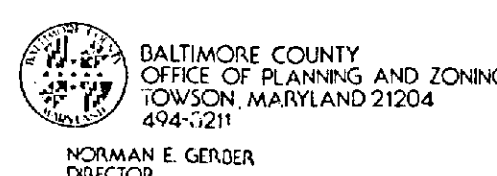
Since no public facilities are involved, this office has no comment.

Very truly yours,

JAMES A. MARBLE, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: File



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4501

NORMAN E. GENDER
DIRECTOR

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

JULY 22, 1985

Re: Zoning Advisory Meeting of JUNE 18, 1985
Item # 383
Property Owner: BRENT C. COHN, et ux
Location: W/S DOVER ROAD 720' S/E FROM c/1 BAUBLITZ ROAD

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.
- () The 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 6/18/85.
- () 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 permits may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service area is re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hoswell

Eugene A. Boser
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
CHIEF

June 26, 1985

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

ZAC-Meeting of June 18, 1985

Item No. 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384.
Property Owner:
Locations:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers, 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm



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

PAUL H. REINCKE
CHIEF

July 2, 1985

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Brent C. Cohn, et ux

Location: W/S Dover Road 720' S/E from c/1 Baublitz Road

Item No.: 383 Zoning Agenda:

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.
- () 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.

REVIEWER: [Signature] Noted and Approved: [Signature]

Planning Group
Special Inspection Division

Fire Prevention Bureau



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

TED ZALESKI, JR.
DIRECTOR

July 8, 1985

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

Dear Mr. Jablon:

Comments on Item # 383 Zoning Advisory Committee Meeting are as follows:

Property Owner: Brent C. Cohn, et ux
Location: W/S Dover Road 720' S/E from c/1 Baublitz Road
District: 4th.

APPLICABLE ITEMS ARE CIRCLED

- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 411-85, 1985, and all other applicable codes and standards.
- (X) A building and other miscellaneous permits shall be required before the start of any construction.
- (X) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (X) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- (X) All the Groups except B-4, Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-4, The Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built up on interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- (X) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested review. If this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- (X) The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
- (X) When filing for a required Change of Use/Temporary Permit, an attention permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements of the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the to the or to the same. See Section 112 of the Building Code.
- (X) The proposed project appears to be located in a Flood Plain, Flood/Direction. Please see the attached copy of Section 516 of the Building Code as adopted by Bill 411-85. It is planned shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- (X) Comments:

These abbreviated 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 review of any permit. If desired the applicant may obtain additional information by visiting Room 127 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

G. L. BARNES, Chief
Building Plans Review

LJ2/75

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: July 26, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-62-A, 86-63-A, 86-64-A, 86-65-A, 86-66-A, 86-67-A, 86-68-A, 86-69-A, 86-70-A, 86-73-A, and 86-74-A

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

NEG:JGH:slm

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

IN RE: PETITION ZONING VARIANCES
W/S of Dover Road, 720' SE of
the centerline of Baublitz
Road - 4th Election District
Brent C. Cohn, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-64-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 35 feet instead of the required 50 feet in order to construct their home.

The Petitioner, Brent C. Cohn, appeared and testified. Eugene F. Raphael, a registered land surveyor, appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, is located on Dover Road and is unimproved. The Petitioners propose to construct an approximately 48' x 28' dwelling with a 24' x 24' garage attached to the north side on the site. The adjoining property to the north received a variance to the side yard adjoining the subject property. Only a variance to that side is necessary since the requisite 50-foot side yard setback to the south property line can be met.

The Petitioners seek relief from Section 1A04.3.B.3, 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. *McIntosh v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
DATE *August 12, 1985*
BY *John P. Langley*

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE *August 12, 1985*
BY *John P. Langley*

ADMINISTRATIVE ASSISTANT

2. 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
3. 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 Petitioners seek 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 should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of August, 1985, that the variance to permit a side yard setback of 35 feet to the north property line instead of the required 50 feet be granted. This hereby GRANTED, from and after the date of this Order, subject to the following:

1. 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,

- 2 -

and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Brent C. Cohn
People's Counsel

PETITION FOR VARIANCE 4th Election District

LOCATION: West side of Dover Road, 720 ft. Southeast of the centerline of Baublitz Road
DATE AND TIME: Monday, August 12, 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 from Section 1A04.3.B3 to allow side yard setbacks of 35 ft. in lieu of the required 50 ft.

Being the property of Brent C. Cohn, 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

OFFICE: 825-3908

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
201 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY VARIANCE
PROPERTY OF BRENT C. COHN
DOVER ROAD, BALTIMORE COUNTY

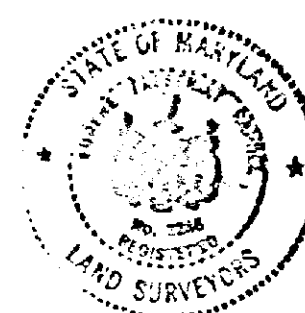
RESIDENCE: 771-4592

June 2, 1985

Beginning at a point in the center of Dover Road, southeasterly 720' from the centerline of Baublitz Road, at the end of the first line of the deed of Brent C. Cohn, running thence on the outline of said deed and on the center of Dover Road S 11° 33' 12" E 111.50' thence leaving said road S 15° 26' 17" W 402.39', N 38° 04' 45" W 215.91' and N 56° 31' 15" E 135.07' to the place of beginning.

Containing 1.405 Acres of land more or less.

Being the property of Brent C. Cohn.



E. F. Raphael
E. F. Raphael, Surveyor
Reg. Prof. Land Surveyor
#2266

RE: PETITION FOR VARIANCE
W/S of Dover Rd., 720'
SE of the Centerline
of Baublitz Rd.,
4th District
BRENT C. COHN, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-64-A

ENTRY OF APPEARANCE

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

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 18th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Brent C. Cohn, 38 Pickersgill Square, Owings Mills, MD 21117, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING

DATE *August 12, 1985*
BY *John P. Langley*
ADMINISTRATIVE ASSISTANT

- 3 -

JUL 27 1985



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

ARNOLD JABLON
ZONING COMMISSIONER

August 8, 1985

Mr. & Mrs. Brent C. Cohn
38 Pickersgill Square
Owings Mills, Maryland 21117

RE: Petition for Variance
W/S Dover Rd., 720' SE/centerline
of Baublitz Road - 4th Elec. Dist.
Brent C. Cohn, et ux - Petitioners
Case No. 86-64-A

Dear Mr. Cohn,

This is to advise you that \$ 48.35 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Mr. & Mrs. Brent C. Cohn
38 Pickersgill Square
Owings Mills, MD 21117

July 12, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
W/S Dover Rd., 720' SE/centerline
of Baublitz Road - 4th Elec. Dist.
Brent C. Cohn, et ux - Petitioners
Case No. 86-64-A

TIME: 10:30 a.m.

DATE: Monday, August 12, 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. 007342

DATE 8/12/85 ACCOUNT R-01-615-000

AMOUNT \$ 48.35

RECEIVED FROM Mr. Brent C. Cohn

FOR Advertising and Posting Case No. 86-64-A

B 8121*****4835:8 8122F

VALIDATION OR SIGNATURE OF CASHIER

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

No. 007287

DATE 8-7-85 ACCOUNT R-01-615-000

AMOUNT \$ 35.00

RECEIVED FROM Mr. Brent C. Cohn

FOR Advertising and Posting Case No. 86-64-A

B 8121*****3500:8 8106F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-64-A

District 4th Date of Posting July 23, 1985

Posted for: Variance

Petitioner: Brent C. Cohn et ux

Location of property: W/S of Dover Road, 720' SE of the C/L

of Baublitz Road

Location of Signs: West side of Dover Road in front of

subject property

Remarks:

Posted by *Arnold Jablon* Date of return: July 26, 1985

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 25 19 85

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 July 25 19 85

THE JEFFERSONIAN,

W. Venetian

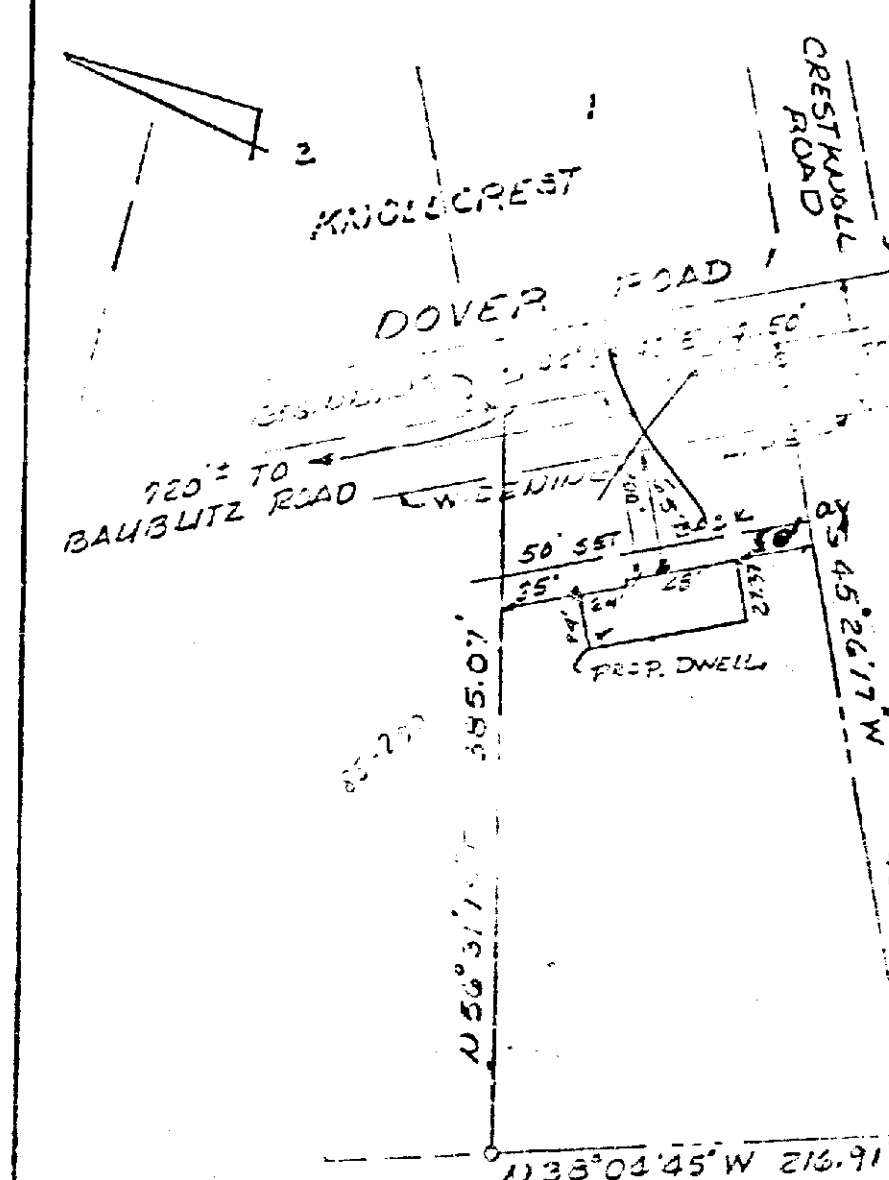
Publisher

Cost of Advertising

22.00

PETITION FOR VARIANCE
4th Election District
LOCATION: West side of Dover Road, 720' SE of the centerline of Baublitz Road
DATE AND TIME: Monday, August 12, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

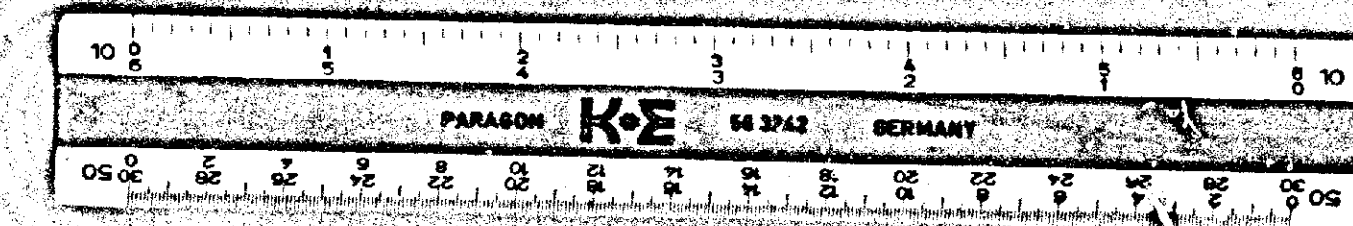
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ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
July 25.



AREA OF PROPERTY 160,000
EXISTING ZONE RC-5

PETITIONER'S EXHIBIT

PLAN 100' x 100'
SECTION 1
DATE 8/12/85
BY A
CR



PETITION FOR VARIANCE
4th Election District
LOCATION: West side of Dover Road, 720' SE of the centerline of Baublitz Road
DATE AND TIME: Monday, August 12, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
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ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., July 25, 19 85
THIS IS TO CERTIFY that the annexed Reg. #L73236 P.O. #67184 was published for one (1) 25 days previous to the day of July, 19 85, in the

- ☐ Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- ☐ Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
- ☒ Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per *James H. Taylor*

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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

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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: Address City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 9th day of July, 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 12th day of August, 1985, at 10:30 o'clock.

Very truly yours, Zoning Commissioner of Baltimore County.

(over)

Case No. 86-64-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 8th day of July, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner Brent C. Cohn, et ux
Petitioner's Attorney
cc: F. F. Raphael & Assoc., 201 Courtland Ave., Towson, Maryland 21204

Received by Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 5, 1985

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

Mr. & Mrs. Brent C. Cohn
38 Pickersgill Square
Owings Mills, Maryland 21117

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Public Works
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 383 - Case No. 86-64-A
Petitioners - Brent C. Cohn, et ux
Variance Petition

Dear Mr. & Mrs. Cohn:

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 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 hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

ENCLOSURES

cc: E. F. Raphael & Associates
201 Courtland Avenue
Towson, Maryland 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

RE: Item #383 (1984-1985)
Property Owners Brent C. Cohn
W/S Dover Road, 720' S/E from
c/1 Baublitz Road.
District 4th

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, especially by the concentration of surface waters. Correction of any problem 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.

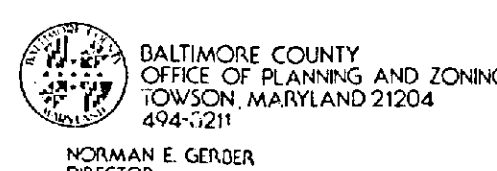
Since no public facilities are involved, this office has no comment.

Very truly yours,

JAMES A. MARPLE, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: File



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

JULY 22, 1985

Re: Zoning Advisory Meeting of JUNE 18, 1985
Item # 383
Property Owner: BRENT C. COHN, et ux
Location: W/S DOVER ROAD 720' S/E FROM c/1 BAUBLITZ ROAD

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.
- () The 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 6/18/85.
- () 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 area is re-evaluated annually by the County Council.
- () Additional comments:

cc: James Hoswell

Eugene A. Boser
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
CHIEF

June 26, 1985

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

ZAC-Meeting of June 18, 1985

Item No. 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384.
Property Owner:
Locations:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers, 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

July 2, 1985

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Brent C. Cohn, et ux

Location: W/S Dover Road 720' S/E from c/1 Baublitz Road

Item No.: 383

Zoning Agenda:

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.
- () 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.

REVIEWER: Planning Group
Special Inspection Division

Noted and Approved: Fire Prevention Bureau



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

TED ZALESKI, JR.
DIRECTOR

July 8, 1985

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

Dear Mr. Jablon:

Comments on Item # 383 Zoning Advisory Committee Meeting are as follows:

Property Owner: Brent C. Cohn, et ux
Location: W/S Dover Road 720' S/E from c/1 Baublitz Road
District: 4th.

APPLICABLE ITEMS ARE CIRCLED

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 411-85.
- () A building and other miscellaneous permits shall be required before the start of any construction.
- () Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- () All the Groups except B-4, Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-4, The Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built up on interior lot line shall require a fire on party exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested review. If this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
- () When filing for a required Change of Use/Temporary Permit, an attention permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements of the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the to the or to the.
- () The proposed project appears to be located in a Flood Plain, Flood/Direction. Please see the attached copy of Section 516-2 of the Building Code as adopted by Bill 411-85. It is planned shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- () Comments:

These abbreviated 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 review of any permit. If desired the applicant may obtain additional information by visiting Room 127 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

LJ2/75

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: July 26, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-62-A, 86-63-A, 86-64-A, 86-65-A, 86-66-A, 86-67-A, 86-68-A, 86-69-A, 86-70-A, 86-73-A, and 86-74-A

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

NEG:JGH:slm

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

IN RE: PETITION ZONING VARIANCES
W/S of Dover Road, 720' SE of
the centerline of Baublitz
Road - 4th Election District
Brent C. Cohn, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-64-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 35 feet instead of the required 50 feet in order to construct their home.

The Petitioner, Brent C. Cohn, appeared and testified. Eugene F. Raphael, a registered land surveyor, appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, is located on Dover Road and is unimproved. The Petitioners propose to construct an approximately 48' x 28' dwelling with a 24' x 24' garage attached to the north side on the site. The adjoining property to the north received a variance to the side yard adjoining the subject property. Only a variance to that side is necessary since the requisite 50-foot side yard setback to the south property line can be met.

The Petitioners seek relief from Section 1A04.3.B.3, 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. *McIntosh v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

ORDER RECEIVED FOR FILING
DATE *August 12, 1985*
BY *John P. Langley*

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING
DATE *August 12, 1985*
BY *John P. Langley*

ADMINISTRATIVE ASSISTANT

2. 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
3. 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 Petitioners seek 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 should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of August, 1985, that the variance to permit a side yard setback of 35 feet to the north property line instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. 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,

- 2 -

and be responsible for returning, said property to its original condition.

Arnold Jablon
Arnold Jablon
Zoning Commissioner of Baltimore County

AJ/srl

cc: Mr. & Mrs. Brent C. Cohn
People's Counsel

PETITION FOR VARIANCE 4th Election District

LOCATION: West side of Dover Road, 720 ft. Southeast of the centerline of Baublitz Road

DATE AND TIME: Monday, August 12, 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 from Section 1A04.3.B3 to allow side yard setbacks of 35 ft. in lieu of the required 50 ft.

Being the property of Brent C. Cohn, 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

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
201 COUNTRYLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY VARIANCE
PROPERTY OF BRENT C. COHN
DOVER ROAD, BALTIMORE COUNTY

RESIDENCE: 771-4592

June 2, 1985

Beginning at a point in the center of Dover Road, southeasterly 720' from the centerline of Baublitz Road, at the end of the first line of the deed of Brent C. Cohn, running thence on the outline of said deed and on the center of Dover Road S 11° 33' 12" E 111.50' thence leaving said road S 15° 26' 17" W 402.39', N 38° 04' 45" W 215.91' and N 56° 31' 15" E 135.07' to the place of beginning.

Containing 1.405 Acres of land more or less.

Being the property of Brent C. Cohn.



E. F. Raphael
E. F. Raphael, Surveyor
Reg. Prof. Land Surveyor
#2266

RE: PETITION FOR VARIANCE
W/S of Dover Rd., 720'
SE of the Centerline
of Baublitz Rd.,
4th District
BRENT C. COHN, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-64-A

ENTRY OF APPEARANCE

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

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 18th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Brent C. Cohn, 38 Pickersgill Square, Owings Mills, MD 21117, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING

DATE *August 12, 1985*

BY *John P. Langley*

ADMINISTRATIVE ASSISTANT

- 3 -

JUL 27 1985

