

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B01.2 C.6 (V.B.7) to allow a private yard space of 500 sq. ft. instead of the required minimum of 500 sq. ft. and 400 sq. ft. to allow an accessory structure (deck) to occupy 66.7% of the rear yard instead of the required 40% and to permit side yard set-backs of 10 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. To make a usable area out of the present unusable situation.
2. To eliminate a potentially hazardous situation to anyone who should cross my property.
3. To eliminate the difficult and dangerous task of maintaining that portion of my property.

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
Phone No.

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31st 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of September, 1985, at 10:00 o'clock.

Carl Jablon
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-95-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 31st day of July, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner: Craig T. VanCutsem
Received by: *James E. Dyer*
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 21, 1985

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

Mr. Craig T. VanCutsem
23 Stillwood Circle
White Marsh, Maryland 21236

RE: Item No. 404 - Case No. 86-95-A
Petitioner - Craig T. VanCutsem
Variance Petition

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

Dear Mr. VanCutsem:

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,

James E. Dyer
JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

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

Re: Item #404 (1984-1985)
Property Owners: Craig T. VanCutsem
E/S Stillwood Cir. 422' S. Fr. c/l
Burnam Woods Road
District 11

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

JAM:PMO:lp

cc: File

BALTIMORE COUNTY BUILDING CODE

1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1

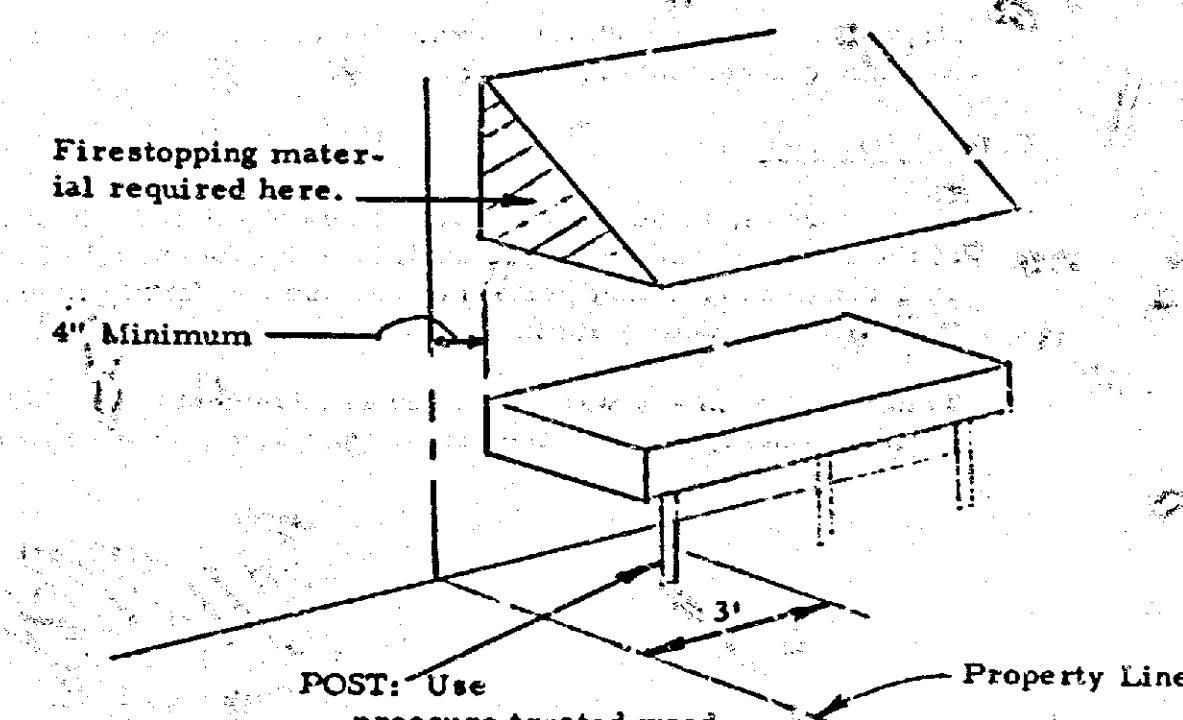
Effective 4-22-85

SUBJECT:

A. Rear Porches

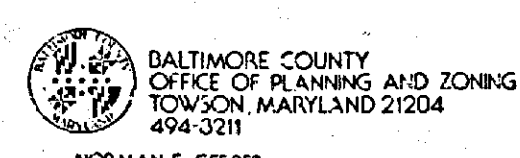
Rear open porches may be constructed of combustible materials up to 3 feet from a property line without any additional fire protection requirements.

Rear open porches may be constructed of combustible materials up to 4' from a property line if facing surfaces shown (see diagram) are protected by a layer of drywall, fire retardant treated plywood, or other approved firestopping material and any exposed supporting members within 3 feet are non-combustible, or pressure treated wood.



POST: Use pressure treated wood.

Property Line.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
404-3211
NORMAN E. GENDER
DIRECTOR

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

AUGUST 20, 1985

Re: Zoning Advisory Meeting of JULY 2, 1985
Property Owner: CRAIG T. VANCUTSEM
E/S STILLWOOD CIRCLE
422' S. Fr. c/l BURNAM WOODS 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.

- ☒ 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 22-59 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 1/25/85.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 175-79. A building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is in the area of the property.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 175-79, and as conditions change traffic capacity may become more limited. The Basic Service Areas are re-evaluated annually by the County Council.
- ☐ Additional comments:

cc: James Howell

Eugene A. Bober
Chief, Current Planning and Development



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

STEPHEN E. COLLINS
DIRECTOR

July 31, 1985

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

Acres:

District:

Item No. 400, 402, 403, 404, 406, 407, and 408 ZAC-Meeting of July 2, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 400, 402, 403, 404, 406, 407, and 408.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/csm



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

TED ZALESKI, JR.
DIRECTOR

July 19, 1985

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

Dear Mr. Jablon:

Comments on Item # 404, Zoning Advisory Committee Meeting are as follows:

Property Owner: Craig T. VanCutsem
Location: E/S Stillwood Circle 422' S. from c/l Burnam Woods Road
District: 11th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #17-7 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: The sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
4. 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.
5. All new Group except B-Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls other than 6'-0" to an interior lot line. For the Group require a one hour wall if closer than 7'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 401, Section 402 and Table 403. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your architect/engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans including how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Group are from the _____ to the _____ or to Mixed Use. See Section 112 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 5-4.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the flood plain levels including basement.
10. Comments: See Code Memo on rear decks attached. A 60 lb. live load design is required.
11. 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 project. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at all times.

Charles E. Dyer
Charles E. Dyer
Building Plans Review

1/22/85

OVER

DEPARTMENT OF ZONING

Pursuant to the advertisement, posting of property, and public hearing on the Petition and if the strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship to 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 _____

CODE MEMORANDUM #1 (Cont'd.)

B. Front Porches

Front awnings and porches may be continuous across property lines and of combustible construction if:

1. They are properly fire stopped with non-combustible materials at each interior property line.
2. They have no combustible or untreated supporting members within 36" of the interior property line.
3. They are limited to one story in height.
4. The adjoining owners agree in writing.
5. The porch is open front and sides.

Drywall and sheet metal are examples of non-combustible materials which are acceptable for fire stopping.

C. All Porches

If any porch is to be closed, it shall be considered a habitable part of the dwelling's interior and shall be subjected to all of the applicable requirements that pertain to one and two family dwellings in the Baltimore County Building Code.

This does not in any way waive any requirements, such as setbacks of other County or State Departments, which may also be applicable.

[Signature]
John R. Reisinger, P. E.
Buildings Engineer

JRR:es

IN RE: PETITION ZONING VARIANCES
E/S of Stillwood Circle, 422'
S of the centerline of Burnam
Woods Road (19 Stillwood Cir-
cle) - 11th Election District
Craig T. VanCutsem,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-95-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a private yard space of zero square feet instead of the required minimum of 500 square feet, an accessory structure to occupy approximately 66.7% of the rear yard instead of the required 40%, and side yard setbacks of zero feet instead of the required 2 1/2 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5 and measuring 87' x 15.5', is improved with a 29' x 15.5' townhouse facing Stillwood Circle, which is part of a new development in the White Marsh area. A storm water management pond exists to the rear of the property. The topography of the property is unique in that approximately 16 feet from the rear of the house, which is 22 feet from the front property line, the land slopes down at a 45 degree angle to the pond, as do all of the adjoining properties. See Petitioner's Exhibits 3 through 10, photographs of the hill.

The Petitioner wishes to construct a 24' x 15.5' deck which would attach to a concrete pad extending five feet from the house and would extend over the hill. See Petitioner's Exhibit 11. The purpose of the deck would be to make a totally unusable rear yard useable. The adjoining neighbors on either side do not object. See Petitioner's Exhibit 2. Indeed, each wants to do the same for the identical reason.

The Petitioner seeks relief from Sections 1801.2.C.6, Baltimore County Zoning Regulations (BCZR) and Section V.B.7 Comprehensive Manual of Development Policies (CMDF), pursuant to section 307, PCZR.

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:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
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 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 Petitioner seeks 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 the Petition held, and for the reasons given above, the requested variances should be granted.

RE: PETITION FOR VARIANCES
E/S of Stillwood Circle,
422' S/centerline of
Burnam Woods Rd.
(19 Stillwood Circle)
11th District
CRAIG T. VANCUTSEM,
Petitioner

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-95-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.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
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 8th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. Craig T. VanCutsem, 21 Stillwood Circle, White Marsh, MD 21236, Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of September, 1985, that the Petition for Zoning Variances to permit a private yard space of zero square feet instead of the required minimum of 500 square feet, an accessory structure to occupy approximately 66.7% of the rear yard instead of the required 40%, and side yard setbacks of zero feet instead of the required 2 1/2 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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: Mr. Craig T. VanCutsem
People's Counsel

PETITION FOR VARIANCE 11th Election District

LOCATION: East side of Stillwood Circle, 422 ft. South of the centerline of Burnam Woods Road (19 Stillwood Circle)

DATE AND TIME: Wednesday, September 4, 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 from Section 1801.2.C.6 (V.B.7) to allow a private yard space of 0 sq.ft. instead of the required minimum of 500 sq.ft. and 400.1 to allow an accessory structure (deck) to occupy 66.7% of the rear yard instead of the required 40% and to permit side yard setbacks of 0 ft. instead of the required 2.5'.

Being the property of Craig T. VanCutsem 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

ZONING DESCRIPTION

Beginning on the east side of Stillwood Circle 40' wide at the distance of 422' south of the center line of Burnam Woods Rd.; 14 Block A, in the subdivision of Stillwood, Book EHR 50 Folio 20. Also known as 19 Stillwood Circle in the 11th Election District.

5'

EXISTING CONCRETE
PAD

24'

STEP
16" DROP-OFF

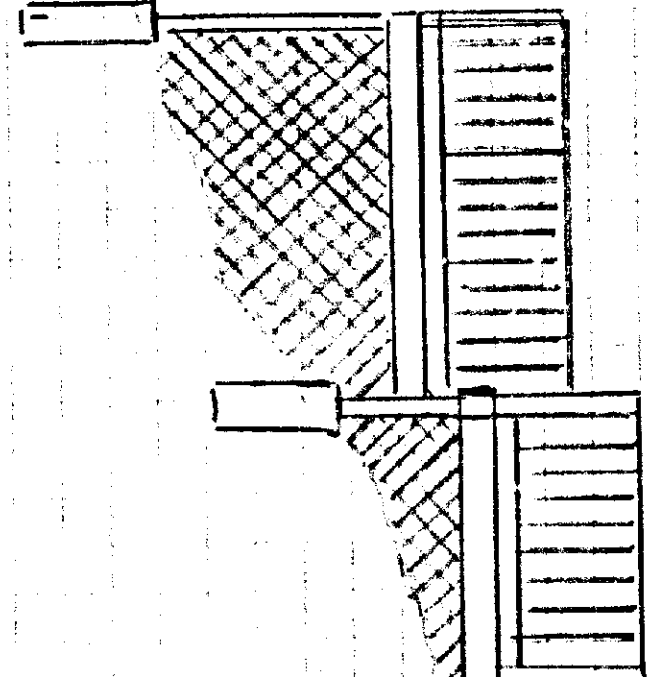
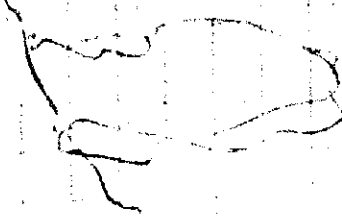


BASEMENT

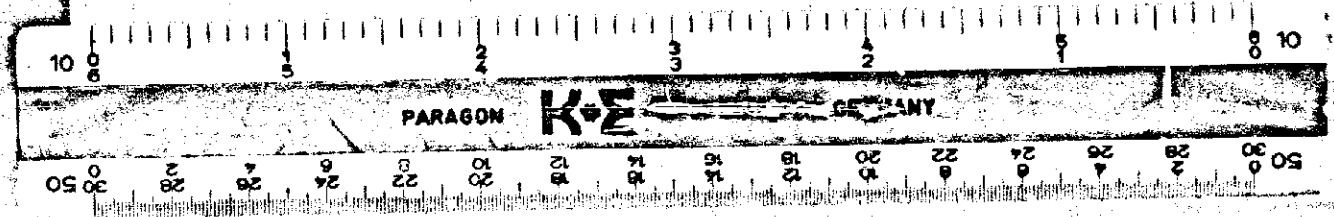
PROPERTY LINE

PETITIONER'S
EXHIBIT

FENCE



EXISTING BOARD ON BOARD
STOCKADE FENCE



PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B01.2 C.6 (V.B.7) to allow a private yard space of 500 sq. ft. instead of the required minimum of 500 sq. ft. and 400 sq. ft. to allow an accessory structure (deck) to occupy 66.7% of the rear yard instead of the required 40% and to permit side yard set-backs of 10 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. To make a usable area out of the present unusable situation.
2. To eliminate a potentially hazardous situation to anyone who should cross my property.
3. To eliminate the difficult and dangerous task of maintaining that portion of my property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

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

Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31st 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of September, 1985, at 10:00 o'clock.

Carl Jablon
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-95-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 31st day of July, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner: *Craig T. VanCutsem*
Received by: *James E. Dyer*
Attorney: *James E. Dyer*
Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 21, 1985

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

Mr. Craig T. VanCutsem
23 Stillwood Circle
White Marsh, Maryland 21236

RE: Item No. 404 - Case No. 86-95-A
Petitioner - Craig T. VanCutsem
Variance Petition

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

Dear Mr. VanCutsem:

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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 15, 1985

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

Re: Item #404 (1984-1985)
Property Owners: Craig T. VanCutsem
E/S Stillwood Cir. 422' S. Fr. c/l
Burnam Woods Road
District 11

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

JAM:PMO:lp

cc: File

BALTIMORE COUNTY BUILDING CODE

1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1

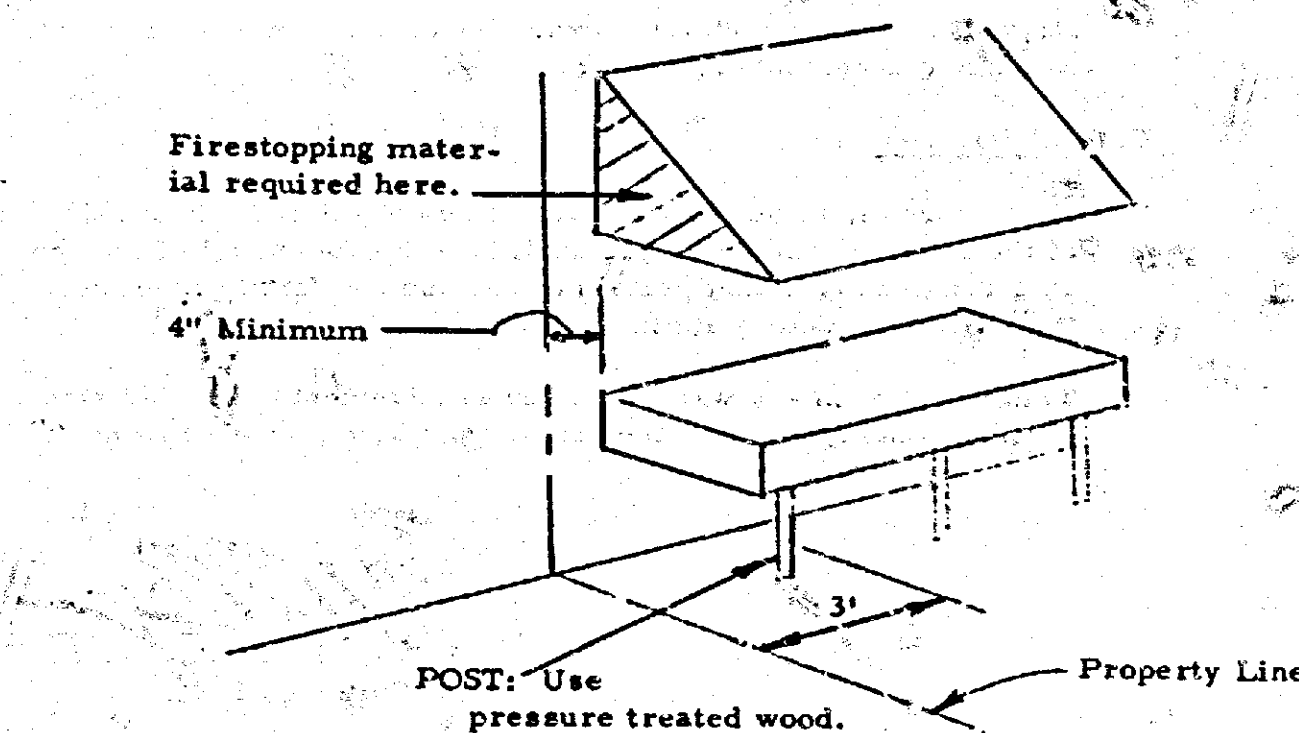
Effective 4-22-85

SUBJECT:

A. Rear Porches

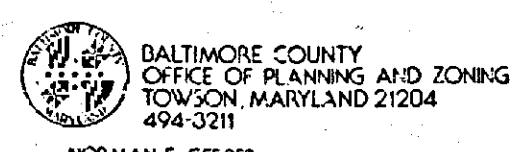
Rear open porches may be constructed of combustible materials up to 3 feet from a property line without any additional fire protection requirements.

Rear open porches may be constructed of combustible materials up to 4" from a property line if facing surfaces shown (see diagram) are protected by a layer of drywall, fire retardant treated plywood, or other approved firestopping material and any exposed supporting members within 3 feet are non-combustible, or pressure treated wood.



POST: Use pressure treated wood.

Property Line.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
404-3211
NORMAN E. GENDER
DIRECTOR

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

AUGUST 20, 1985

Re: Zoning Advisory Meeting of JULY 2, 1985
Property Owner: CRAIG T. VANCUTSEM
E/S STILLWOOD CIRCLE
422' S. Fr. c/l BURNAM WOODS 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.

- ☒ 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 22-59 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 8/14/85.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 175-79. A building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is in the area of the property.
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 175-79, and as conditions change traffic capacity may become more limited. The Basic Service Areas are re-evaluated annually by the County Council.
- ☐ Additional comments:

Eugene A. Bober
Chief, Current Planning and Development

cc: James Howell



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

STEPHEN E. COLLINS
DIRECTOR

July 31, 1985

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

Item No. 400, 402, 403, 404, 406, 407, and 408
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 400, 402, 403, 404, 406, 407, and 408.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/csm



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

TED ZALESKI, JR.
DIRECTOR

July 19, 1985

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

Dear Mr. Jablon:

Comments on Item # 404, Zoning Advisory Committee Meeting are as follows:

Property Owner: Craig T. VanCutsem
Location: E/S Stillwood Circle 422' S. from c/l Burnam Woods Road
District: 11th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #17-7 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: The sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
4. 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.
5. All new Group except B-1 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls other than 6'-0" to 8'-0" on interior lot line. All new Group require a one hour wall if closer than 7'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 401, Section 402 and Table 403. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your architect/engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans including how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Group are from the _____ to the _____ or to Mixed Use. See Section 112 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 5-4.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the flood plain levels including basement.
10. Comments: See Code Memo on rear decks attached. A 60 lb. live load design is required.
11. 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 project. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles S. Flanagan
Charles S. Flanagan
Building Plans Review

1/23/85

OVER

DEPARTMENT OF ZONING

Pursuant to the advertisement, posting of property, and public hearing on the Petition and if the strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship to 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 _____

CODE MEMORANDUM #1 (Cont'd.)

B. Front Porches

Front awnings and porches may be continuous across property lines and of combustible construction if:

1. They are properly fire stopped with non-combustible materials at each interior property line.
2. They have no combustible or untreated supporting members within 36" of the interior property line.
3. They are limited to one story in height.
4. The adjoining owners agree in writing.
5. The porch is open front and sides.

Drywall and sheet metal are examples of non-combustible materials which are acceptable for fire stopping.

C. All Porches

If any porch is to be closed, it shall be considered a habitable part of the dwelling's interior and shall be subjected to all of the applicable requirements that pertain to one and two family dwellings in the Baltimore County Building Code.

This does not in any way waive any requirements, such as setbacks of other County or State Departments, which may also be applicable.

[Signature]
John R. Reisinger, P. E.
Buildings Engineer

JRR:es

IN RE: PETITION ZONING VARIANCES
E/S of Stillwood Circle, 422'
S of the centerline of Burnam
Woods Road (19 Stillwood Cir-
cle) - 11th Election District
Craig T. VanCutsem,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-95-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a private yard space of zero square feet instead of the required minimum of 500 square feet, an accessory structure to occupy approximately 66.7% of the rear yard instead of the required 40%, and side yard setbacks of zero feet instead of the required 2 1/2 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5 and measuring 87' x 15.5', is improved with a 29' x 15.5' townhouse facing Stillwood Circle, which is part of a new development in the White Marsh area. A storm water management pond exists to the rear of the property. The topography of the property is unique in that approximately 16 feet from the rear of the house, which is 22 feet from the front property line, the land slopes down at a 45 degree angle to the pond, as do all of the adjoining properties. See Petitioner's Exhibits 3 through 10, photographs of the hill.

The Petitioner wishes to construct a 24' x 15.5' deck which would attach to a concrete pad extending five feet from the house and would extend over the hill. See Petitioner's Exhibit 11. The purpose of the deck would be to make a totally unusable rear yard useable. The adjoining neighbors on either side do not object. See Petitioner's Exhibit 2. Indeed, each wants to do the same for the identical reason.

The Petitioner seeks relief from Sections 1801.2.C.6, Baltimore County Zoning Regulations (BCZR) and Section V.B.7 Comprehensive Manual of Development Policies (CMDF), pursuant to section 307, PCZR.

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:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
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 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 Petitioner seeks 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 the Petition held, and for the reasons given above, the requested variances should be granted.

ORDER RECEIVED FOR FILING
DATE *[Signature]*
BY *[Signature]*

RE: PETITION FOR VARIANCES
E/S of Stillwood Circle,
422' S/centerline of
Burnam Woods Rd.
(19 Stillwood Circle)
11th District
CRAIG T. VANCUTSEM,
Petitioner

Case No. 86-95-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.

[Signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
TOWSON, MD 21204
494-2188

I HEREBY CERTIFY that on this 8th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. Craig T. VanCutsem, 21 Stillwood Circle, White Marsh, MD 21236, Petitioner.

[Signature]
Peter Max Zimmerman

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of September, 1985, that the Petition for Zoning Variances to permit a private yard space of zero square feet instead of the required minimum of 500 square feet, an accessory structure to occupy approximately 66.7% of the rear yard instead of the required 40%, and side yard setbacks of zero feet instead of the required 2 1/2 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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: Mr. Craig T. VanCutsem
People's Counsel

ORDER RECEIVED FOR FILING
DATE *[Signature]*
BY *[Signature]*

PETITION FOR VARIANCE 11th Election District

LOCATION: East side of Stillwood Circle, 422 ft. South of the centerline of Burnam Woods Road (19 Stillwood Circle)

DATE AND TIME: Wednesday, September 4, 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 from Section 1801.2.C.6 (V.B.7) to allow a private yard space of 0 sq.ft. instead of the required minimum of 500 sq.ft. and 400.1 to allow an accessory structure (deck) to occupy 66.7% of the rear yard instead of the required 40% and to permit side yard setbacks of 0 ft. instead of the required 2.5'.

Being the property of Craig T. VanCutsem 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 JARON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning on the east side of Stillwood Circle 40' wide at the distance of 422' south of the center line of Burnam Woods Rd.; 14 Block A, in the subdivision of Stillwood, Book EHR 50 Folio 20. Also known as 19 Stillwood Circle in the 11th Election District.

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

ARNOLD JABLON
ZONING COMMISSIONER

August 28, 1985

Mr. Craig T. VanCutsem
23 Stillwood Circle
White Marsh, Maryland 21236

Re: Petition for Variance
S/S of Stillwood Circle, 422' S/
centerline of Burnam Woods Road
(19 Stillwood Circle)
11th Election District
Craig T. VanCutsem, Petitioner
Case No. 86-95-A

Dear Mr. VanCutsem:

This is to advise you that \$56.81 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.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012563

DATE 9-4-85 ACCOUNT R-01-615-000

AMOUNT \$ 56.81

RECEIVED Craig T. VanCutsem

FOR Advertising and Posting Case No. 86-95-A

0 025*****5681* 8048F

VALIDATION OR SIGNATURE OF CASHIER

By,

Arnold Jablon
Zoning Commissioner

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 15, 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 August 15, 1985.

THE JEFFERSONIAN,

JB Kentel

Publisher

Cost of Advertising
27.50

PETITION FOR VARIANCE

11th Election District

LOCATION: East side of Stillwood Circle, 422' S of centerline of Burnam Woods Road (19 Stillwood Circle)

DATE AND TIME: Wednesday, September 4, 1985, 10:00 a.m.

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

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance in the 11th Election District, Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland, on Wednesday, September 4, 1985, at 10:00 a.m.

The Petitioner, Craig T. VanCutsem, is requesting a variance from the minimum lot area of 10,000 sq. ft. to 4,000 sq. ft. and from the minimum lot width of 100 ft. to 40 ft.

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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 86-95-A

Towson, Maryland

District: 11th Date of Posting: 9/13/85

Posted for: Variance

Petitioner: Craig T. VanCutsem

Location of property: S/S Stillwood Circle, 422' S of Burnam Woods Rd.

19 Stillwood Circle

Location of Signs: Facing Burnam Woods Rd. at Stillwood Circle

Signs: 8' From curb on each side of intersection

Remarks:

Posted by: [Signature] Date of return: 9/16/85

Number of Signs: 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon To: Zoning Commissioner Date: August 26, 1985

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

SUBJECT: Zoning Petition No. 86-91-A, 86-95-A, 86-100-X, 86-103-A, 86-104-A and 86-106-A

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

NEG:JGH:slm

Norman E. Gerber, Director
Office of Planning and Zoning

WEACO

Welding Engineering & Assembly Co., Inc.



REMODELING

2142 HARFORD ROAD / BALTIMORE, MD. 21218 / PHONE 467-1354 467-5114

Ref: 23 Stillwood Cir.
Petition For Variance
Case No. 86-95-A/Item #4

8/15/85

This Document is to verify that both adjacent neighbors to 23 Stillwood Cir have seen the plans for the structure to be constructed in the above referenced case and have no objections to said structure.

23 Stillwood Cir

sign [Signature] date 8/15/85

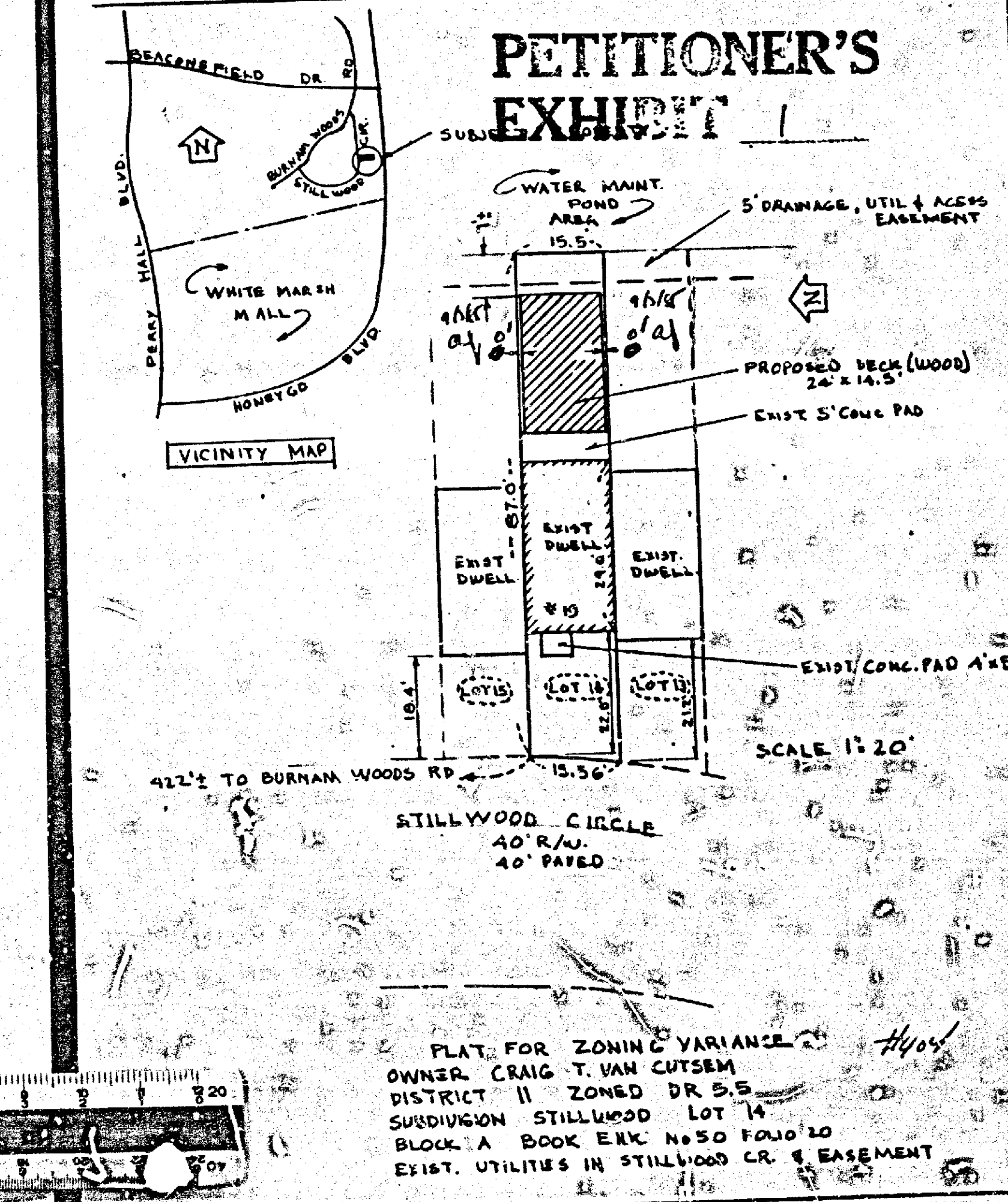
sign [Signature] date 8/15/85

21 Stillwood Cir

sign [Signature] date 9/11/85

sign [Signature] date 9/19/85

PETITIONER'S
EXHIBIT



PLAT FOR ZONING VARIANCE
OWNER CRAIG T. VAN CUTSEM
DISTRICT 11 ZONED DR S.S.
SUBDIVISION STILLWOOD LOT 14
BLOCK A BOOK EHC No. 50 PAID 20
EXIST. UTILITIES IN STILLWOOD CR & EASEMENT

APR 11 1986

5'

EXISTING CONCRETE
PAD

24'

STEP
16" DROP-OFF

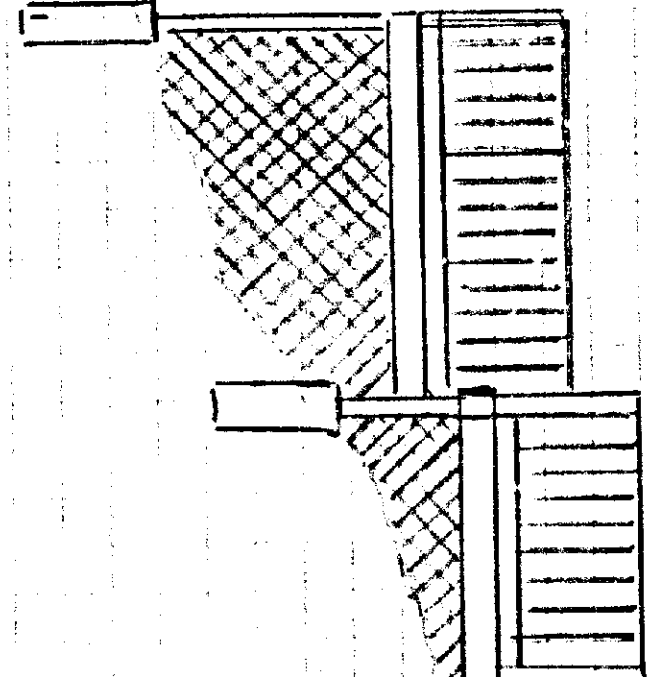
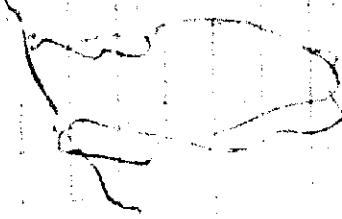


BASEMENT

PROPERTY LINE

PETITIONER'S
EXHIBIT

FENCE



EXISTING BOARD ON BOARD
STOCKADE FENCE

