

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 thereof, hereby petition for a Variance from Section 1802.3B (208.3 & 301.1) to permit side yard setback of 3' in lieu of the required 6' (existing deck) and 0' in lieu of the required 8' (proposed carport with enclosure) and with sum of side yard setbacks of 12' in lieu of the required 20' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Deck on left side of house is existing—at the time it was built there was no knowledge of permit/variance requirements.

Proposed carport is mainly open, with enclosed storage areas. Carport will be for storage and for boat cover. Topography in rear will not allow for proposed structure.

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

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

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

Contract Purchaser: _____ Legal Owner(s): _____
 (Type or Print Name) (Type or Print Name)

Signature: _____ Signature: _____
 (Type or Print Name) (Type or Print Name)

Address: _____ Address: _____
 City and State: _____ City and State: _____

Attorney for Petitioner: _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
 (Type or Print Name) Address _____ Phone No. _____
 City and State _____ Name _____
 Attorney's Telephone No. _____ Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 19th day of _____, 1985, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1985, at 11:15 o'clock.

Carl J. Jablon
 Zoning Commissioner of Baltimore County.
 (over)

G. Terry Minton, et ux
 2804 Second Avenue
 Towson, Maryland 21284

Case No. 86-119-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 19th day of August, 1985.

Received by: *James E. Dyer*
 James E. Dyer, Chairman
 Zoning Plans Advisory Committee

Petitioner: G. Terry Minton, et ux
 Petitioner's Attorney: _____

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
 September 17, 1985

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

Mr. and Mrs. G. Terry Minton
 2804 Second Avenue
 Baltimore, Maryland 21234

RE: Item No. 11 - Case No. 86-119-A
 G. Terry Minton, et ux
 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. and Mrs. Minton:

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:mf
 Enclosures

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-3777

SEPTEMBER 3, 1985

Re: Zoning Advisory Meeting of July 23, 1985
 Item # 11
 Property Owner: TERRY MINTON, et ux
 Location: N SIDE SECOND AVE., 200' SE of E OF FIFTH AVENUE.

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 floodplains 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 _____.
- Landscaping: Must comply with Baltimore County Landscape Manual.
- The property is located in a deficient service area, as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and as conditions change are re-evaluated annually by the County Council.
- Additional comments: _____

Eugene A. Sober
 Chief, Current Planning and Development

cc: James Hoswell

ORDER RECEIVED FOR FILING

DATE Submitted _____
 BY _____

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

STEPHEN E. COLLINS
 DIRECTOR

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

Item No. 11 -ZAC- Meeting of July 23, 1985
 Property Owner: Terry Minton, et ux
 Location: N. side Second Ave., 200' SE of centerline of Fifth Avenue
 Existing Zoning: D. R. 5.5
 Proposed Zoning: Variance to permit side yard setback of 3' in lieu of the required 6' (existing deck) and 0' in lieu of the required 8' (proposed carport) and with sum of side yard setbacks of 12' in lieu of the required 20'

Acres: 64.96/57 x 108.68/118.91
 District: 9th

Dear Mr. Jablon:

The Department of Traffic Engineering has no comment on this particular item.

Very truly yours,
Michael S. Flanagan
 Michael S. Flanagan
 Traffic Engineering Associate II

MSP/bza

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204-2586
 494-4300

PAUL H. RENCKE
 CHIEF

August 6, 1985

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

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Terry Minton, et ux
 Location: N. side of Second Ave., 200' SE of centerline of Fifth Avenue

Item No. 11 Zoning Agenda: Meeting of 7/23/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "*" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals 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 mad: to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (*) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Carl J. Jablon* Noted and Approved: *Roy W. Kemmer*
 Planning Code Division Fire Prevention Bureau
 Special Inspection Division

/mb

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

August 21, 1985

TED ZALESKI, JR.
 DIRECTOR

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

Dear Mr. Jablon:

Comments on Item #11 Zoning Advisory Committee Meeting are as follows:

Property Owner: Terry Minton, et ux
 Location: N Side Second Avenue, 200' SE of e/1 of fifth Avenue
 Districts: 9th.

APPLICABLE ITEMS ARE CHECKED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.S.S. #317) - 1983 other applicable Codes and Standards.
- 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. Approximate seals are not acceptable.

SPECIAL NOTE: All One Group except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. Two One Groups require a one hour wall if closer than 3'-0" to an interior lot line. All One Groups require a one hour wall if closer than 3'-0" to an interior lot line. See Section 212 of the Building Code. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

1. 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 variance type is provided. See Table 501 and 505 and have your Architect/Engineer contact this department.
2. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
3. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of appropriate construction plans indicating 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 Use Groups are from the _____ of _____ or to Mixed Use _____ See Section 212 of the Building Code.
4. The proposed project appears to be located in a Flood Plain, Flood/Overwash. Please see the attached copy of Section 216.0 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/flood level including basement.
5. Comments: _____
6. 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 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Stumler
 C. E. Stumler, Chief
 Building Plans Review

1/22/85

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner _____ Date: September 4, 1985 _____

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

SUBJECT: Zoning Petitions No. 86-117-A, 86-118-A, 86-119-A, 86-121-A, 86-126-A, 86-128-A, 86-129-A, and 86-130-A

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

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

NEG:JGH:elm

APR 15 1986

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

2802 Second Avenue
Baltimore, MD 21234
September 10, 1985

Zoning Commissioner
Baltimore County Zoning Commission
Room 106, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

Dear Sir:

In reference to Case No. 86-119-A, we the neighbors at 2802 Second Avenue do not mind our neighbors, the Mintons, at 2804 Second Avenue, having their present deck and it is not causing a problem.

Sincerely yours,
Leonard & Helen Reich
Leonard and Helen Reich

PETITIONER'S EXHIBIT 2

2806 Second Avenue
Baltimore, Maryland 21234
September 20, 1985

Baltimore County Zoning Commissioner
111 W. Chesapeake Avenue
Room 106
Towson, Maryland

Subject: Zoning Variance Request
2804 Second Avenue
Baltimore, Maryland 21234

Dear Sir,

I am opposed to the granting of any variance at the subject address, except for the variance pertaining to the existing deck. I feel that a carport on the east side of 2804 Second Avenue would be a direct threat to the safety of my family and property because of the probable erosion that would take place over a period of years.

Please find attached a statement by a Mr. David E. Nelson, a Registered Professional Civil Engineer, whom I employed to evaluate the possible hazards to my property (2806 Second Avenue) if a variance were granted for a driveway/carport.

David E. Deinel
David E. Deinel

PROTESTANT'S EXHIBIT 1

1126 Chatelaine Drive
Fallston, Maryland 21047
September 20, 1985

County Zoning Administrator
County Office Building
Towson, Maryland

Subject: Zoning Variance Request
2804 Second Avenue
Baltimore, Maryland 21234

Dear Sir,

I have visited the subject property and have made the following observations:

1. The existing drainage flows to the east onto the property of David Deinel at 2806 Second Avenue. Any structure which would be placed in the rear yard or on the east side of subject lot would increase the amount of water which flows to the Deinelin property.
2. An extension of the existing driveway in a straight line would result in crossing the existing property line. The property line does not run parallel with the sides of the houses.
3. A swimming pool in the back yard could cause damage to the Deinelin property if it should overflow or a leak develops.
4. The existing retaining wall in the rear of the property does not appear to be structurally adequate to withstand the water pressure which will build-up once the drain pipes have silted closed. A large rain in the future could cause the wall to fail and all the mud and water would flow onto the Deinelin property.

I am a Registered Professional Civil Engineer with twenty years of experience in the field and feel that any additions to the rear or east side of the property could have a detrimental effect to the Deinelin property.

David E. Nelson
David E. Nelson, P.E.

IN RE: PETITION ZONING VARIANCES
N/S of Second Avenue, approx-
imately 207' SE of the center-
line of Fifth Avenue (2804
Second Avenue) - 9th Election
District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-119-A

G. Terry Minton, et ux,
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request side yard setbacks of 3 feet instead of the required 6 feet to the west property line for an existing deck and zero feet instead of the required 5 feet to the east property line for a proposed carport with enclosures and a sum of the side yard setbacks of 12 feet instead of the required 20 feet, as more particularly shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified. David E. Deinelin, the adjacent property owner to the east, appeared in opposition of the requested variance for the carport. There were no other Protestants.

At the onset of the hearing, the Petitioners moved to amend the Petition by deleting the request for the zero-foot side yard setback as they have decided not to construct the carport, thereby eliminating the need for a variance for the sum of the side yard setbacks as well. Mr. Deinelin did not object and the motion was granted.

Testimony indicated that the subject property, zoned D.R.5.5, is improved with a dwelling which faces Second Avenue. The Petitioners previously constructed a deck attached to the side of their home within three feet of the west property line without a permit. They did not realize a permit was needed or that setback requirements had to be satisfied. Their immediate neighbor to the west helped them construct the deck and does not object to the requested variance. See Petitioners' Exhibit 2.

Due to the size of the lot, the placement of the home, and the sloping topography of the property, the deck could not be located elsewhere.

The Petitioners seek relief from Sections 1802.3.B (Section 208.3) and 301.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render performance 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 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 requirements 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 30th day of September, 1985, that the Petition for Zoning Variance to permit a side yard setback of 3 feet instead of the required 6 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, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Mr. & Mrs. G. Terry Minton
Mr. David Deinelin
People's Counsel

PETITION FOR VARIANCE
9th Election District

LOCATION: North side of Second Avenue, 200' Southeast of centerline of Fifth Avenue (2804 Second Avenue)

DATE AND TIME: Monday, September 23, 1985 at 11:15 a.m.

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

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances from Section 1802.3B (208.3 & 301.1) to permit side yard setback of 3 feet in lieu of the required 6 feet (existing deck) and 0 feet in lieu of the required 8 feet (proposed carport with enclosures) and with sum of side yard setbacks of 12 feet in lieu of the required 20 feet.

Being the property of G. Terry Minton, 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

ORDER RECEIVED FOR FILING
DATE Sept 23 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE Sept 23 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE Sept 23 1985
BY [Signature]

88
86-120-X
PETITION FOR SPECIAL EXCEPTION

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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an Arcade in the BM Zone pursuant to Section 423 (b)

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception 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: SCHLEE, INC.
Signature: Joseph F. Schlee, President
Address: 3900 Milford Mill Road, 655-3027
City and State: Baltimore, Maryland 21207
Attorney for Petitioner: Julius W. Lichter, Esquire
Address: 113 Chesapeake Building, 392 E. Chesapeake Avenue, Towson, Maryland 21204
Name: Joseph F. Schlee
Address: 3900 Milford Mill Road, 655-3027
City and State: Baltimore, MD 21207

ORDERED By the Zoning Commissioner of Baltimore County, this 19th day of August, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of September, 1985, at 1:00 o'clock.

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

Case No. 86-120-X
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 19th day of August, 1985.
Received by: [Signature] James E. Dyer, Jr., Chairman, Zoning Plans Advisory Committee

Petitioner: Schlee, Inc.
Attorney: Julius W. Lichter, Esquire
Received by: [Signature] Arnold Jablon, Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
September 17, 1985
Julyus W. Lichter, Esquire
113 Chesapeake Building
Towson, Maryland 21204
RE: Item No. 8 - Case No. 86-120-X
Petitioner - Schlee, Inc.
Special Exception Petition
Dear Mr. Lichter:
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, Jr.
Chairman
Zoning Plans Advisory Committee
cc: Spellman, Larson & Associates, Inc.
Suite 107 - Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
SEPTEMBER 3, 1985
Re: Zoning Advisory Meeting of July 16, 1985
Item # 8
Property Owner: SCHLEE, INC.
Location: N/W SIDE MILFORD MILL RD., OPPOSITE WASHINGTON AVE.
Dear Mr. Jablon:
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.
[X] There are no site planning factors requiring comment.
[X] A County Review Group Meeting is required.
[X] This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
[X] A record plat will be required and must be recorded prior to issuance of a building permit.
[X] The access is not satisfactory.
[X] The parking arrangement is not satisfactory.
[X] Parking calculations must be shown on the plan.
[X] This property contains soils which are defined as wetlands, and development on these soils is prohibited.
[X] Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulation.
[X] Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
[X] The amended Development Plan was approved by the Planning Board on [X].
[X] Landscaping must comply with Baltimore County Landscape Manual.
[X] The property is located in a deficient service area as defined by Capacity Use Certificate has been issued. The deficient service is [X].
[X] The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 172-79, and as conditions change traffic capacity may become more deficient. The Basic Services Areas are re-evaluated annually by the County Council.
[X] Additional comments: [X]
cc: James Roswell
Eugene A. Rober
Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR
August 26, 1985
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Item No. 8 - ZAC Meeting of July 16, 1985
Property Owner: Schlee, Inc.
Location: N/W Side Milford Mill Road, opposite Washington Avenue
Existing Zoning: B.M.
Proposed Zoning: Special Exception for an arcade
Acres: 17.25 +
District: 2nd
Dear Mr. Jablon:
The entrance and driveway to this site should be posted no parking anytime for a distance of 100 feet.
Very truly yours,
Michael S. Flanigan
Engineer Associate II
MSF/2ea

BALTIMORE COUNTY FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. REINCKE
CHIEF
August 1, 1985
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Wick Comedari, Chairman
Zoning Plans Advisory Committee
RE: Property Owner: Schlee, Inc.
Location: N/W side Milford Mill Road, opposite Washington Avenue
Item No.: 8
Zoning Agenda: Meeting of 7/16/85
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.
() 1. Fire hydrants for the referenced property are required and shall be located at intervals 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] Approved: [Signature] Fire Prevention Bureau
Special Inspection Division
/mb

BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610
TED ZALESKI, JR.
DIRECTOR
August 21, 1985
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204
Dear Mr. Jablon:
Comments on Item # 8 Zoning Advisory Committee Meeting are as follows:
Property Owner: Schlee, Inc.
Location: N/W Side Milford Mill Road, opposite Washington Avenue
District: 2nd
APPLICABLE CODES AND ORDINANCES:
1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 47-85, the Maryland Code for the Handicapped and Aged (A.S.S.C. 21-104 - 1987) 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 area of construction structures 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. Approved seals are not acceptable.
5. All the Group above B-3 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6' to an exterior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 107, Section 107, Section 108 and Table 108. 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. Refer 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 505 and 506 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 Use/Occupancy Per it, an alteration 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 for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Group are from Use to Use or to Mixed Use.
9. The proposed project appears to be located in a Flood Plain, Flood Protection. Please see SECTION 510.0 of the Building Code as adopted by Bill 47-85. Site plans shall show the correct elevations above sea level for the lot and the Flood Floor Levels including basement.
10. Comments: Clearly indicate the Flood plain boundaries. The portion of the structure housing the arcade shall be an A-3 Use Group and shall be upgraded as may be necessary to satisfy all requirements for an A-3 use.
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 a full review of any permit. If further information is needed, the applicant may obtain additional information by visiting Room 106 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.
[Signature]
Chief, Permits & Licenses

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
Arnold Jablon
TO: Zoning Commissioner
Date: September 16, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-120-X
There are no comprehensive planning factors requiring comment on this petition. We recommend, however, that the arcade area be limited to the building location as shown on the plan.
[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning
NEG:JCH:slm

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 thereof, hereby petition for a Variance from Section 1802.315 (208.3 & 301.1) to permit side yard setback of 3' in lieu of the required 6' (existing deck) and 0' in lieu of the required 8' (proposed carport with enclosure) and with sum of side yard setbacks of 12' in lieu of the required 20' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Deck on left side of house is existing—at the time it was built there was no knowledge of permit/variance requirements.

Proposed carport is mainly open, with enclosed storage areas. Carport will be for storage and for boat cover. Topography in rear will not allow for proposed structure.

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

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

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

Contract Purchaser: _____ Legal Owner(s): _____
 (Type or Print Name) (Type or Print Name)

Signature: _____ Signature: _____
 (Type or Print Name) (Type or Print Name)

Address: _____ Address: _____
 City and State: _____ City and State: _____

Attorney for Petitioner: _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
 (Type or Print Name) Address _____ Phone No. _____
 City and State _____ Name _____
 Attorney's Telephone No. _____ Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ 19th day of _____, 1985, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the _____ day of _____, 1985, at 11:15 o'clock

Arnold Jablon
 Zoning Commissioner of Baltimore County.
 (over)

G. Terry Minton, et ux
 2804 Second Avenue
 Towson, Maryland 21284

Case No. 86-119-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 19th day of August, 1985.

Received by: *James E. Dyer*
 James E. Dyer, Chairman
 Zoning Plans Advisory Committee

Petitioner: G. Terry Minton, et ux
 Petitioner's Attorney: _____

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
 September 17, 1985

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

Mr. and Mrs. G. Terry Minton
 2804 Second Avenue
 Baltimore, Maryland 21234

RE: Item No. 11 - Case No. 86-119-A
 G. Terry Minton, et ux
 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. and Mrs. Minton:

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:mf
 Enclosures

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-3777

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

SEPTEMBER 3, 1985

Re: Zoning Advisory Meeting of July 23, 1985
 Item # 11
 Property Owner: TERRY MINTON, et ux
 Location: N/SIDE SECOND AVE., 200' SE of E OF FIFTH AVENUE.

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 floodplains 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 _____.
- Landscaping: Must comply with Baltimore County Landscape Manual.
- The property is located in a deficient service area, as defined by Bill 118-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and as conditions change are re-evaluated annually by the County Council.
- Additional comments: _____

Eugene A. Sober
 Chief, Current Planning and Development

cc: James Hoswell

ORDER RECEIVED FOR FILING

DATE Submitted _____
 BY _____

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

STEPHEN E. COLLINS
 DIRECTOR

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

Item No. 11 -ZAC- Meeting of July 23, 1985
 Property Owner: Terry Minton, et ux
 Location: N. side Second Ave., 200' SE of centerline of Fifth Avenue
 Existing Zoning: D. R. 5.5
 Proposed Zoning: Variance to permit side yard setback of 3' in lieu of the required 6' (existing deck) and 0' in lieu of the required 8' (proposed carport) and with sum of side yard setbacks of 12' in lieu of the required 20'

Acres: 64.96/57 x 108.68/118.91
 District: 9th

Dear Mr. Jablon:

The Department of Traffic Engineering has no comment on this particular item.

Very truly yours,
Michael S. Flanagan
 Michael S. Flanagan
 Traffic Engineering Associate II

MSP/bza

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204-2586
 494-4300

PAUL H. RENCKE
 CHIEF

August 6, 1985

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

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Terry Minton, et ux
 Location: N. side of Second Ave., 200' SE of centerline of Fifth Avenue

Item No. 11 Zoning Agenda: Meeting of 7/23/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "*" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals 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 mad: to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (*) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Carl Dean* Noted and Approved: *Roy W. Kemmer*
 Planning Code Division Fire Prevention Bureau
 Special Inspection Division

/mb

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

August 21, 1985

TED ZALESKI, JR.
 DIRECTOR

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

Dear Mr. Jablon:

Comments on Item #11 Zoning Advisory Committee Meeting are as follows:

Property Owner: Terry Minton, et ux
 Location: N Side Second Avenue, 200' SE of e/1 of fifth Avenue
 Districts: 9th.

APPLICABLE ITEMS ARE CHECKED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.S.S. #317) - 1983 other applicable Codes and Standards.
- 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. Approximate seals are not acceptable.

SPECIAL NOTE: All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. All walls built on exterior walls shall be constructed with a minimum of 1/2" concrete or masonry block with 1/2" gypsum board and 1/2" insulation. No openings are permitted in an 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 variance by this office cannot be considered until the necessary data pertaining to height/area and variance by this office cannot be considered until the necessary data pertaining to height/area and variance type is provided. See Table 501 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/occupancy Permit, an alteration permit application shall also be filed along with three sets of appropriate construction plans indicating 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 Use Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.
- The proposed project appears to be located in a Flood Plain, Flood/Overwash. Please see the attached copy of Section 516.0 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 finish 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 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Stumler
 C. E. Stumler, Chief
 Building Plans Review

1/22/85

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner _____ Date: September 4, 1985

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

SUBJECT: Zoning Petitions No. 86-117-A, 86-118-A, 86-119-A, 86-121-A, 86-126-A, 86-128-A, 86-129-A, and 86-130-A

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

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

NEG:JGH:elm

APR 15 1986

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

2802 Second Avenue
Baltimore, MD 21234
September 10, 1985

Zoning Commissioner
Baltimore County Zoning Commission
Room 106, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

Dear Sir:

In reference to Case No. 86-119-A, we the neighbors at 2802 Second Avenue do not mind our neighbors, the Mintons, at 2804 Second Avenue, having their present deck and it is not causing a problem.

Sincerely yours,
Leonard & Helen Reich
Leonard and Helen Reich

**PETITIONER'S
EXHIBIT 2**

2806 Second Avenue
Baltimore, Maryland 21234
September 20, 1985

Baltimore County Zoning Commissioner
111 W. Chesapeake Avenue
Room 106
Towson, Maryland

Subject: Zoning Variance Request
2804 Second Avenue
Baltimore, Maryland 21234

Dear Sir,

I am opposed to the granting of any variance at the subject address, except for the variance pertaining to the existing deck. I feel that a carport on the east side of 2804 Second Avenue would be a direct threat to the safety of my family and property because of the probable erosion that would take place over a period of years.

Please find attached a statement by a Mr. David E. Nelson, a Registered Professional Civil Engineer, whom I employed to evaluate the possible hazards to my property (2806 Second Avenue) if a variance were granted for a driveway/carport.

David E. Deinel
David E. Deinel

**PROTESTANT'S
EXHIBIT 1**

1126 Chatelaine Drive
Fallston, Maryland 21047
September 20, 1985

County Zoning Administrator
County Office Building
Towson, Maryland

Subject: Zoning Variance Request
2804 Second Avenue
Baltimore, Maryland 21234

Dear Sir,

I have visited the subject property and have made the following observations:

1. The existing drainage flows to the east onto the property of David Deinel at 2806 Second Avenue. Any structure which would be placed in the rear yard or on the east side of subject lot would increase the amount of water which flows to the Deinelin property.

2. An extension of the existing driveway in a straight line would result in crossing the existing property line. The property line does not run parallel with the sides of the houses.

3. A swimming pool in the back yard could cause damage to the Deinelin property if it should overflow or a leak develops.

4. The existing retaining wall in the rear of the property does not appear to be structurally adequate to withstand the water pressure which will build-up once the drain pipes have silted closed. A large rain in the future could cause the wall to fail and all the mud and water would flow onto the Deinelin property.

I am a Registered Professional Civil Engineer with twenty years of experience in the field and feel that any additions to the rear or east side of the property could have a detrimental effect to the Deinelin property.

David E. Nelson
David E. Nelson, P.E.

IN RE: PETITION ZONING VARIANCES
N/S of Second Avenue, approxi-
mately 207' SE of the center-
line of Fifth Avenue (2804
Second Avenue) - 9th Election
District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-119-A

G. Terry Minton, et ux,
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request side yard setbacks of 3 feet instead of the required 6 feet to the west property line for an existing deck and zero feet instead of the required 5 feet to the east property line for a proposed carport with enclosures and a sum of the side yard setbacks of 12 feet instead of the required 20 feet, as more particularly shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified. David E. Deinelin, the adjacent property owner to the east, appeared in opposition of the requested variance for the carport. There were no other Protestants.

At the onset of the hearing, the Petitioners moved to amend the Petition by deleting the request for the zero-foot side yard setback as they have decided not to construct the carport, thereby eliminating the need for a variance for the sum of the side yard setbacks as well. Mr. Deinelin did not object and the motion was granted.

Testimony indicated that the subject property, zoned D.R.5.5, is improved with a dwelling which faces Second Avenue. The Petitioners previously constructed a deck attached to the side of their home within three feet of the west property line without a permit. They did not realize a permit was needed or that setback requirements had to be satisfied. Their immediate neighbor to the west helped them construct the deck and does not object to the requested variance. See Petitioners' Exhibit 2.

Due to the size of the lot, the placement of the home, and the sloping topography of the property, the deck could not be located elsewhere.

The Petitioners seek relief from Sections 1802.3.B (Section 208.3) and 301.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the 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 requirements 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 30th day of September, 1985, that the Petition for Zoning Variance to permit a side yard setback of 3 feet instead of the required 6 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

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

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Mr. & Mrs. G. Terry Minton
Mr. David Deinelin
People's Counsel

PETITION FOR VARIANCE
9th Election District

LOCATION: North side of Second Avenue, 200' Southeast of centerline of Fifth Avenue (2804 Second Avenue)

DATE AND TIME: Monday, September 23, 1985 at 11:15 a.m.

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

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances from Section 1802.3B (208.3 & 301.1) to permit side yard setback of 3 feet in lieu of the required 6 feet (existing deck) and 0 feet in lieu of the required 8 feet (proposed carport with enclosures) and with sum of side yard setbacks of 12 feet in lieu of the required 20 feet.

Being the property of G. Terry Minton, 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

ORDER RECEIVED FOR FILING
DATE Sept 23 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE Sept 23 1985
BY [Signature]

ORDER RECEIVED FOR FILING
DATE Sept 23 1985
BY [Signature]

Located on the north side of Second Avenue approximately 200' southeast of the centerline of Fifth Avenue and known as lot #10 Block 99 as shown on Plat of Harfordale which is recorded in land records of Baltimore County in Liber 22 folio 146. Also known as 2804 Second Avenue in the 9th Election District

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S of Second Ave., 200'±
SE of Centerline of Fifth Ave. : OF BALTIMORE COUNTY
(2804 Second Ave.),
9th District :

G. TERRY MINTON, et ux, : Case No. 86-119-A
Petitioners

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 28th day of August, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Terry Minton, 2804 Second Ave., Parkville, MD 21234, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

September 19, 1985

Mr. & Mrs. G. Terry Minton
2804 Second Avenue
Baltimore, Maryland 21234

RE: Petition for Variance
N/S of Second Ave., 200' SE
of centerline of Fifth Ave.
(2804 Second Avenue)
9th Election District
G. Terry Minton, et ux, Petitioners
Case No. 86-119-A

Dear Mr. & Mrs. Minton:

This is to advise you that \$52.00 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.

BALTIMORE COUNTY, MARYLAND No. 012534
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 9-23-85 ACCOUNT R-01-615-000
AMOUNT \$52.00
RECEIVED BY G. Terry Minton et ux
FOR Advertising + Postage 86-119-A
B 854248852.C10 238F
VALIDATION OR SIGNATURE OF CASHIER

Mr. & Mrs. G. Terry Minton
2804 Second Avenue
Baltimore, Maryland 21234
August 23, 1985

NOTICE OF HEARING

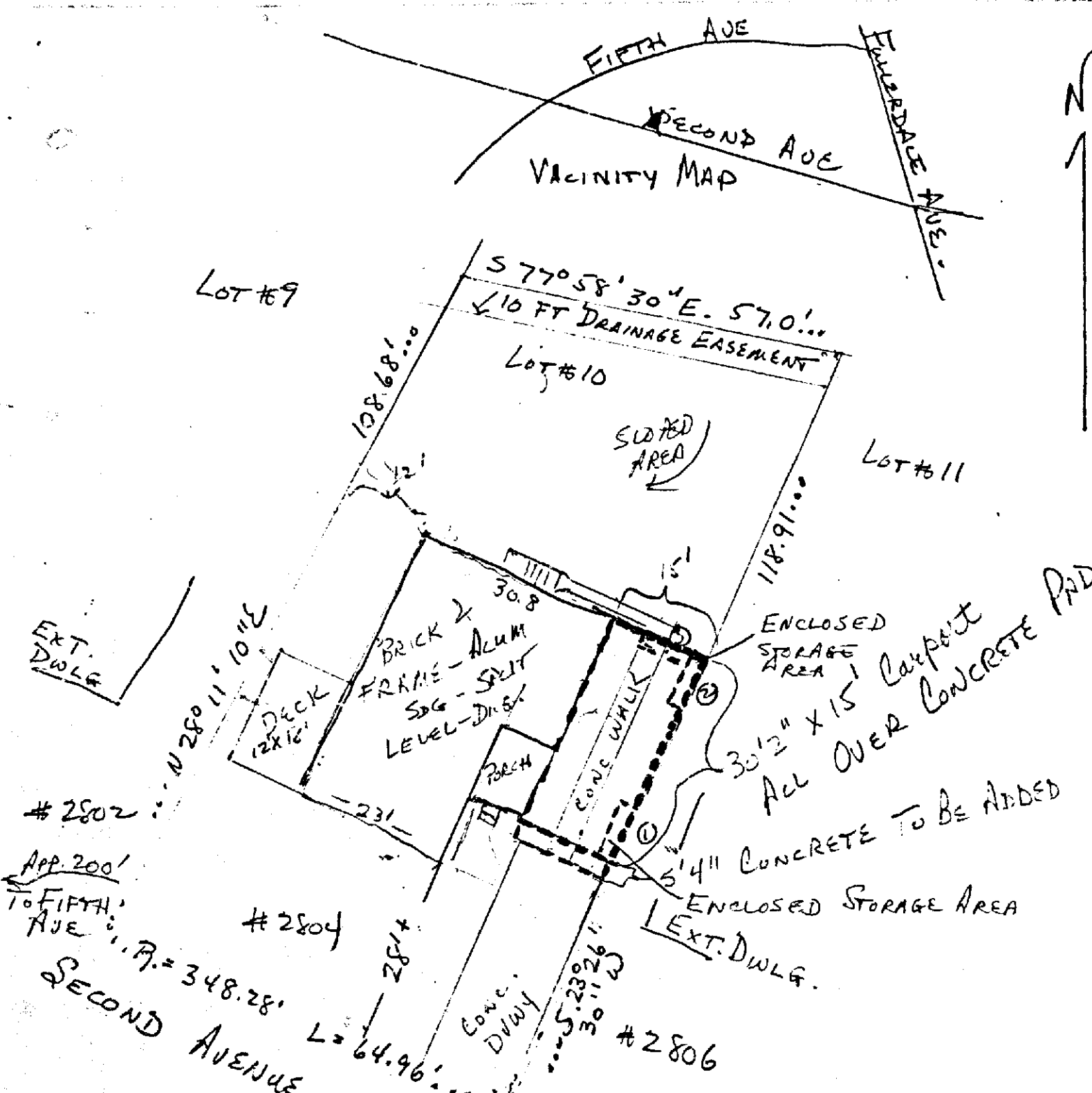
RE: PETITION FOR VARIANCE
N/S of Second Ave., 200'± SE
of centerline of Fifth Ave.
(2804 Second Avenue)
9th Election District
G. Terry Minton, et ux, Petitioners
Case No. 86-119-A

TIME: 11:15 a.m.

DATE: Monday, September 23, 1985

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

BALTIMORE COUNTY, MARYLAND No. 008563
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 7/2/85 ACCOUNT R-01-615-000
AMOUNT \$35.00
RECEIVED BY Sandra Minton
FOR Building fee for Block #11
B 854248852.C10 238F
VALIDATION OR SIGNATURE OF CASHIER



--- PROPOSED ADDITIONAL CONCRETE PAD 15' X 35' 6"
--- " CARPORT 15' X 30' 2"
--- " STORAGE ENCLOSURES (3) 2' X 5'
(3) 2' X 8'
(3) 2' X 8'
SCALE 1"=20'
PLAT FOR ZONING VARIANCE
OWNER - G. Terry & Sandra Minton
LOT # 10 PLAT OF "HARFORDALE" BLDG. CO.
PLAT BOOK G.L.B. 22/146
DISTRICT 9
ZONED DR 55

PETITIONER'S EXHIBIT 1

86-119-A
CERTIFICATE OF PUBLICATION
TOWSON, MD., September 5, 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 September 5, 1985.
THE JEFFERSONIAN,
Publisher
Cost of Advertising 24.75

86-119-A
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 9th
Date of Posting 9/30/85
Posted for: Variance
Petitioner: G. Terry Minton et ux
Location of property: N/S Second Ave., 200' SE Fifth Ave.
2804 Second Ave.
Location of Signs: Third Second Ave. between 12th and 13th Aves.,
on property of R. H. Jones
Remarks:
Posted by: M. J. Jablon
Date of return: 9/6/85
Number of Signs: 1

86-119-A
Petition for Variance
9th Election District
LOCATION: North side of Second Avenue, 200'± Southeast of centerline of Fifth Avenue (2804 Second Avenue)
DATE AND TIME: Monday, September 23, 1985 at 11:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance from Section 100-13 (DR 55) to permit a side yard setback of 3 feet in lieu of the required 8 foot setback and a 10 foot setback with enclosures and with sum of side yard setbacks of 15 feet in lieu of the required 20 feet. Being the property of G. Terry Minton, 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 on above or made at the hearing.
BY ORDER OF:
Arnold Jablon,
Zoning Commissioner
of Baltimore County
86-119-A
The Times
Middle River, Md., Sept 5 1985
This is to Certify, that the annexed Petition for Variance, Case No. 86-119-A, was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of One successive weeks before the 5th day of Sept 1985.
J. W. Jones
Publisher.



88
86-120-X
PETITION FOR SPECIAL EXCEPTION

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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an Arcade in the BM Zone pursuant to Section 423 (b)

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception 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: SCHLEE, INC.
Signature: Joseph F. Schlee, President
Address: 3900 Milford Mill Road, 655-3027
City and State: Baltimore, Maryland 21207
Attorney for Petitioner: Julius W. Lichter, Esquire
Address: 113 Chesapeake Building, 392 W. Chesapeake Avenue, Towson, Maryland 21204
Name: Joseph F. Schlee
Address: 3900 Milford Mill Road, 655-3027, Baltimore, MD 21207

ORDERED By the Zoning Commissioner of Baltimore County, this 19th day of August, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of September, 1985, at 1:00 o'clock.

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

Case No. 86-120-X
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 19th day of August, 1985.
Received by: [Signature] James E. Dyer, Jr., Chairman, Zoning Plans Advisory Committee

Petitioner: Schlee, Inc.
Petitioner's Attorney: Julius W. Lichter, Esquire
Received by: [Signature] Arnold Jablon, Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
September 17, 1985
JULIUS W. LICHTER, Esquire
113 Chesapeake Building
Towson, Maryland 21204
RE: Item No. 8 - Case No. 86-120-X
Petitioner - Schlee, Inc.
Special Exception Petition
Dear Mr. Lichter:
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, Jr.
Chairman
Zoning Plans Advisory Committee
cc: Spellman, Larson & Associates, Inc.
Suite 107 - Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
NORMAN E. GERBER, DIRECTOR
SEPTEMBER 3, 1985
Re: Zoning Advisory Meeting of July 16, 1985
Item # 8
Property Owner: SCHLEE, INC.
Location: N/W SIDE MILFORD MILL RD., OPPOSITE WASHINGTON AVE.
Dear Mr. Jablon:
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.
[X] There are no site planning factors requiring comment.
[X] A County Review Group Meeting is required.
[X] This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
[X] A record plat will be required and must be recorded prior to issuance of a building permit.
[X] The access is not satisfactory.
[X] The parking arrangement is not satisfactory.
[X] Parking calculations must be shown on the plan.
[X] This property contains soils which are defined as wetlands, and development on these soils is prohibited.
[X] Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulation.
[X] Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
[X] The amended Development Plan was approved by the Planning Board on [X].
[X] Landscaping must comply with Baltimore County Landscape Manual.
[X] The property is located in a deficient service area as defined by Capacity Use Certificate has been issued. The deficient service is [X].
[X] The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 172-79, and as conditions change traffic capacity may become more deficient. The Basic Services Areas are re-evaluated annually by the County Council.
[X] Additional comments: []
cc: James Roswell
Eugene A. Rober, Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS, DIRECTOR
August 26, 1985
Mr. Arnold Jablon, Zoning Commissioner
County Office Building
Towson, Maryland 21204
Item No. 8 - ZAC Meeting of July 16, 1985
Property Owner: Schlee, Inc.
Location: N/W Side Milford Mill Road, opposite Washington Avenue
Existing Zoning: B.M.
Proposed Zoning: Special Exception for an arcade
Acres: 17.25 +
District: 2nd
Dear Mr. Jablon:
The entrance and driveway to this site should be posted no parking anytime for a distance of 100 feet.
Very truly yours,
Michael S. Flanigan, Engineer Associate II
MSF/2ea

BALTIMORE COUNTY FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500
PAUL H. REINCKE, CHIEF
August 1, 1985
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Wick Comedari, Chairman
Zoning Plans Advisory Committee
RE: Property Owner: Schlee, Inc.
Location: N/W side Milford Mill Road, opposite Washington Avenue
Item No.: 8
Zoning Agenda Meeting of 7/16/85
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.
[X] 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
[X] 2. A second means of vehicle access is required for the site.
[X] 3. The vehicle dead end condition shown at [X] EXCEEDS the maximum allowed by the Fire Department.
[X] 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.
[X] 6. Site plans are approved, as drawn.
[X] 7. The Fire Prevention Bureau has no comments, at this time.
REVIEWER: [Signature] Special Inspection Division
Approved: [Signature] Fire Prevention Bureau
/mb

BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610
TED ZALESKI, JR., DIRECTOR
August 21, 1985
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
Dear Mr. Jablon:
Comments on Item # 8 Zoning Advisory Committee Meeting are as follows:
Property Owner: Schlee, Inc.
Location: N/W Side Milford Mill Road, opposite Washington Avenue
District: 2nd
APPLICABLE CODES AND ORDINANCES:
1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 47-85, the Maryland Code for the Handicapped and Aged (A.S.S.C. 21-104 - 1987) 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 area of construction structures 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. Approved seals are not acceptable.
5. All the Group above B-3 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6' to an exterior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 104 and Table 102. 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. Refer 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 505 and 506 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. Upon filing for a required Change of Use/Occupancy Per it, an alteration 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 for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Group are from Use [X] to Use [X] or to Mixed Use [X]. See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Overwash. Please see [X] Section 510.0 of the Building Code as adopted by Bill 47-85. Site plans shall show the correct elevations above sea level for the lot and the Flood Floor Levels including basement.
10. Comments: Clearly indicate the Flood plain boundaries. The portion of the structure housing the arcade shall be an A-3 Use Group and shall be upgraded as may be necessary to satisfy all requirements for an A-3 use.
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 a full review of any permit. If further information is needed, the applicant may obtain additional information by visiting Room 106 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.
[Signature]
Chief, Building Plans Bureau

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
Arnold Jablon, Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-120-X
Date: September 16, 1985
There are no comprehensive planning factors requiring comment on this petition. We recommend, however, that the arcade area be limited to the building location as shown on the plan.
[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning
NEG:JCH:slm