

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 400.1 to permit an accessory structure (pool deck) to be 7' from property line instead of 12' from the center line of alley instead of the required 15'.

realizing that deck had to be 2 1/2 feet from property line. If deck is put back 2 1/2 feet there wouldn't be any room left on deck. Deck cannot be installed on other side of pool, because that is my entrance way to house.

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) Address City and State Attorney's Telephone No.: Address City and State

ORDERED BY The Zoning Commissioner of Baltimore County, this 3rd day of September, 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 8th day of October, 1985, at 11:30 o'clock a.m.

Zoning Commissioner of Baltimore County.

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

ARNOLD JABLON ZONING COMMISSIONER

October 15, 1985

Mr. & Mrs. Walter E. Howard, Jr. 5705 Leiden Road Baltimore, Maryland 21206

RE: PETITION FOR VARIANCE S/S Leiden Rd., 196' SW of the c/l Cynthia Court (5705 Leiden Road) 14th Election District Walter E. Howard, Jr., et ux, Petitioners Case No. 86-146-A

Dear Mr. & Mrs. Howard:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours, JEAN M. H. JUNG Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Walter E. Howard Jr., et ux S/S Leiden Rd., 196' SW of Cynthia Ct. (5705 Leiden Rd.) 14th Dist.

IN RE: PETITION FOR VARIANCE S/S Leiden Rd., 196' SW of the c/l Cynthia Court (5705 Leiden Road) 14th Election District Walter E. Howard, Jr., et ux, Petitioners BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-146-A

The Petitioners herein request variances to permit an accessory structure (pool deck) to be 7 inches from the property line in lieu of the required 2 1/2 feet and to allow an existing shed to be 12 feet from the centerline of the alley in lieu of the required 15 feet.

Testimony by the Petitioners indicates that there was an existing 6' x 8' shed located 12 feet from the centerline of the alley when the property was purchased in August, 1982. Subsequently, he replaced the shed, not realizing that it did not meet set back requirements. Because of its size, the building did not require a permit. To relocate the shed within the allowable area would destroy the small area of grass available for clothes drying and the family dog. A shed is needed for storage. Likewise, he did not know the regulations when he constructed a pool deck within the required set backs. To remove the deck would cause damage not only to the deck, but also to the concrete and pool. The shed and deck have been no problem to neighbors and, indeed, are improvements to the neighborhood. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore

County this 15th day of October, 1985, that the herein Petition for Variance to permit an accessory structure (pool deck) to be 7 inches from the property line in lieu of the required 2 1/2 feet, and to allow an existing shed to be 12 feet from the centerline of the alley in lieu of the required 15 feet, in accordance with the plan submitted and filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

- At any such time as the pool is replaced, both pool and deck shall meet the requirements of the BCZR in effect at the time.

Deputy Zoning Commissioner of Baltimore County

JMHJ:bg

ORDER RECEIVED FOR FILING DATE 10/15/85 BY

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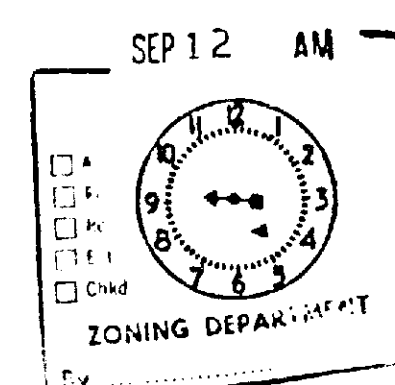
DESCRIPTION

BEGINNING at a point on the southeast side of Leiden Road 196 feet southwest from the center line of Cynthia Terrace and known as Lot 47, Block 9 of Holland Hill and recorded among the Land Records of Baltimore County in Plat Book 29, Folio 107. ALSO KNOWN AS 5705 Leiden Road.

RE: PETITION FOR VARIANCES S/S Leiden Rd., 196' SW of Centerline of Cynthia Ct. (5705 Leiden Rd.), 14th District BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-146-A

ENTRY OF APPEARANCE

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



Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 11th day of September, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Walter E. Howard, Jr., 5705 Leiden Rd., Baltimore, MD 21206, Petitioners.

Peter Max Zimmerman

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

ARNOLD JABLON ZONING COMMISSIONER

October 3, 1985

Mr. & Mrs. Walter E. Howard, Jr. 5705 Leiden Road Baltimore, Maryland 21206

Re: Petition for Variance S/S Leiden Rd., 196' SW/centerline of Cynthia Ct. (5705 Leiden Rd.) 14th Election District Walter E. Howard, Jr., et ux, Petitioners Case No. 86-146-A

Dear Mr. & Mrs. Howard:

This is to advise you that \$50.59 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 Department, County Office Building, Towson, Maryland.

No. 012524

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE 10-3-85 ACCOUNT 86-146-A-000 AMOUNT \$ 50.59 RECEIVED FROM Walter E. Howard FOR Advertising and Posting 86-146-A VALIDATION OR SIGNATURE OF CASHIER

Arnold Jablon Zoning Commissioner

APR 7 1986

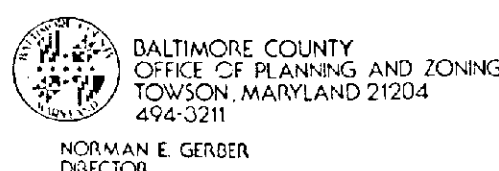
Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) 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

Zoning Description

Being on the south side of Leiden Road 60' wide, at the distance of _____ feet West of the Centerline of Cynthia Terrace.

Being lot # 47, Block 9, in the subdivision of Holland Hill, Book No. 29 Folio 107. also, known as 5705 Leiden Road in the 14th Election District.



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

SEPTEMBER 23, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 3, 1985
Item # 73
Property Owner: WALTER E. HOWARD, JR., et ux
Location: S/E SIDE OF LEIDEN RD. 196' S/W OF CENTERLINE OF CYNTHIA TERRACE

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.
- ☐ 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 22-98 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 178-79. 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 "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

cc: James Howell

Eugene A. Baber
Chief, Current Planning and Development

Mr. & Mrs. Walter E. Howard, Jr.
5705 Leiden Road
Baltimore, Maryland 21206

September 6, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
S/W Leiden Rd., 196' S/W centerline
of Cynthia Ct. (5705 Leiden Rd.)
14th Election District
Walter E. Howard, Jr., et ux, Petitioners
Case No. 86-146-A

TIME: 11:30 a.m.

DATE: Tuesday, October 8, 1985

PLACE: Room 110, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

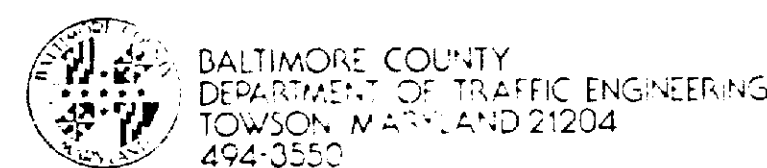
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 008894

DATE: _____ ACCOUNT: _____
AMOUNT: \$ _____

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER



SEPTEMBER 23, 1985

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

September 23, 1985

Item No. -ZAC- Meeting of September 3, 1985
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

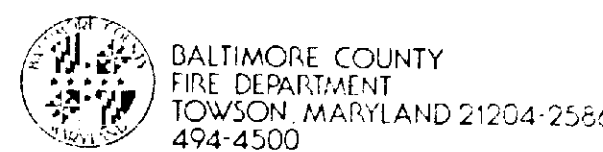
Acres: _____
District: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbers 73, 74, 75, 76, 77, 78, 79, 80, & 81.

Michael S. Flahigan
Traffic Engineer Assoc II

MSF/bld



PAUL H. REINCKE
CHIEF

August 27, 1985

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

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Walter E. Howard, Jr., et ux

Location: S/E side of Leiden Road, 196' S/W of centerline of Cynthia Terrace

Item No.: 73 Zoning Agenda: Meeting of September 3, 1985

Gentlemen:

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

- ☐ 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ☐ 2. A second means of vehicle access is required for the site.
- ☐ 3. The vehicle drive end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- ☐ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ☐ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ☐ 6. Site plans are approved, as drawn.

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

REVIEWED: _____ Noted and Approved: _____
Special Inspection Division Fire Prevention Bureau

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 27, 1985

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

Mr. and Mrs. Walter E. Howard, Jr.
5705 Leiden Road
Baltimore, Maryland 21206

RE: Item No. 73 - Case No. 86-146-A
Petitioners - Walter E. Howard, Jr., et ux
Variance Petition

Dear Mr. and Mrs. Howard:

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.

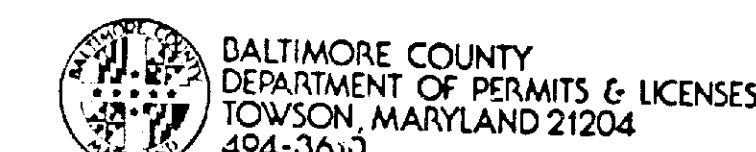
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing 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.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures.



October 24, 1985

YED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 73 Zoning Advisory Committee Meeting are as follows:

Property Owner: Walter E. Howard, Jr., et ux
Location: S/E side of Leiden Road, 196' S/W of c/l of Cynthia Terrace
District: 14th.

APPLICABLE STANDARDS 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 Aged (A.M.S.I. #117), and other applicable Code 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. Approved seals are not acceptable.

- ☐ All Use Groups except R-4, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.

- ☐ The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction 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 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 Architects or Engineers seals are usually required. The change of Use Groups are from the _____ to the _____ or to Mixed Use. See Section 312 of the Building Code.

- ☐ The proposed project appears to be located in a Flood Plain, Flood/Alleviation. 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 elevation above sea level for the lot and the finish floor levels including basement.

- ☒ Comments: The deck shall be of fire retardant wood if closer than 3'-0" to the interior lot line.

- ☐ 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 extent 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.

19/8
86-146-A

Building Plans Service

APR 7 1986

