

ORDER RECEIVED FOR FILING
DATE October 30, 1985
BY [Signature]

36-184-A #56

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 1B02.3.C.1. to permit a rear yard setback of 16 ft. instead of the required 30 ft.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. That the addition being placed other than on the rear will cause the original building design to be non conformant to existing houses in the development.
 2. There is not enough existing property on lot 284 & 285 and a portion of 286 to add to the existing house the desired addition other than to the rear of existing structure.
 3. There is no existing room in the front of existing structure to make an addition. Without additional living space, the applicant's Mother will not have proper living conditions. 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)	Barbard, John Smith
Signature	[Signature]
Address	Diana Jo Smith
City and State	[Signature]
Attorney for Petitioner:	
(Type or Print Name)	123 Second Ave. W-X2321
Address	301-242-6047
Signature	Lansdowne, MD 21227
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	City and State
City and State	Name
Attorney's Telephone No.:	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th 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 29th day of October, 1985, at 9:30 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.
(over)



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

October 30, 1985

Mr. and Mrs. Bernard J. Smith
123 Second Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
S/S Second Avenue, 225' E
of Baltimore Avenue
(123 Second Avenue) -
13th Election District
Bernard J. Smith, et ux,
Petitioners
Case No. 86-184-A

Dear Mr. and Mrs. Smith:

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

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

JMHJ:b

Attachments

cc: People's Counsel

IN RE: PETITION FOR VARIANCE
S/S Second Avenue, 225' E
of Baltimore Avenue
(123 Second Avenue) -
13th Election District
Bernard J. Smith, et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-184-A

The Petitioners herein request a variance to permit a rear yard setback of 16 feet in lieu of the required 30 feet.

Testimony by the Petitioner indicated that he, his wife and their children utilize the habitable space in the existing dwelling in its entirety and, therefore, additional space is needed for his mother. The proposed addition will provide a sitting area, a bedroom and closet space for her. At some future time, part of the closet will become a bathroom. There will be no second kitchen. 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 variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 30th day of October, 1985, that the herein Petition for Variance to permit a rear yard setback of 16 feet in lieu of the required 30 feet, in accordance with the plan submitted and filed herein, is hereby GRANTED, from and after the date of this Order.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

ZONING DESCRIPTION

Beginning on the south side of Second Avenue, 225' East of Baltimore Avenue, being lots 282-285 and 7 feet of lot 286 as shown on the plat of Lansdowne. Book #1, folio 49. Also known as 123 Second Avenue. In the 13th Election District.



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

ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1985

Mr. & Mrs. Bernard J. Smith
123 Second Avenue
Lansdowne, Maryland 21227

Re: Petition for Variance
S/S Second Ave., 225' E/Baltimore Ave.
(123 Second Avenue)
13th Election District
Bernard J. Smith, et ux - Petitioners
Case No. 86-184-A

Dear Mr. & Mrs. Smith:

This is to advise you that \$43.83 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 hearing on the day of the hearing. Do not remove sign until day of the hearing.

Please make the payment to Baltimore County, Maryland, County Office Building, Planning.

No. 012436

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

DATE 10-29-85 ACCOUNT R-01-615-CCO

AMOUNT \$ 43.83

RECEIVED FROM Mr. Bernard J. Smith

FOR Advertising & Posting 86-184-A

8 801700000431312 22301

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCE
S/S Second Ave., 225' E
of Baltimore Ave.
(123 Second Ave.),
13th District
JOHN BERNARD SMITH,
et ux, Petitioners
Case No. 86-184-A

ENTRY OF APPEARANCE

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

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

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

I HEREBY CERTIFY that on this 2nd day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Bernard John Smith, 123 Second Ave., Lansdowne, MD 21227, Petitioners.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

Office of
PATUXENT
PUBLISHING CORP.
10750 Line Patuxent Ferry
Columbia, MD 21044

October 10¹⁹ 85

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION VARIANCE

was inserted in the following:

- [] Catonsville Times
- [] Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 12 day of October 1985, that is to say, the same was inserted in the issues of October 10, 1985

PATUXENT PUBLISHING CORP.
By [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS.

CERTIFICATE OF PUBLICATION OF

JUN 12 1986

Mr. & Mrs. Bernard J. Smith
123 Second Avenue
Landsdowne, Maryland 21227

September 27, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
S/S Second Ave., 225' E of Baltimore Ave., (123 Second Avenue)
13th Election District
Bernard J. Smith, et ux, Petitioners
Case No. 86-184-A

TIME: 9:30 a.m.

DATE: Tuesday, October 29, 1985

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

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

No. 006863

DATE: 8/6/85 ACCOUNT: 01-615-000

AMOUNT: \$ 35.00

RECEIVED FROM: Bernard John Smith

FOR: Variance # 56

8 B051*****355614 2056F

VALIDATION OR SIGNATURE OF CASHIER

Adj. rear

Fay Swafford ORIGINALS

June 24, 1985
136 Third Ave
Balt Md 21202

To whom it may concern:

I have no objection to Bernard and Diana Smith putting up a structure close to my property line.

Mary R. Hoff

Adj. East Side

Fay Swafford ORIGINALS

June 24, 1985
1125 Second Avenue
Baltimore, Md 21202

To whom it may concern:

I have no objection to Bernard and Diana Smith putting up a structure close to my property line.

Cecilia C. Harris

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 7, 1985

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

Mr. and Mrs. Bernard J. Smith
123 Second Avenue
Landsdowne, Maryland 21227

RE: Item No. 56 - Case No. 86-184-A
Petitioners - Bernard J. Smith, et ux
Variance Petition

Dear Mr. and Mrs. Smith:

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, Inc.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3500
NORMAN E. GERSEN
DIRECTOR

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

OCTOBER 7, 1985

Re: Zoning Advisory Meeting of August 20, 1985
Item # 56 BERNARD JOHN SMITH
Location: S/S SECOND AVE, 225' E OF BALTIMORE 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.

- ☒ 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 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 22-38 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [blank].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "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. Robor
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. 56 -ZAC- Meeting of August 20, 1985
Property Owner: Bernard John Smith
Location: S/S Second Avenue, 225' E. of Baltimore Avenue
Existing Zoning: D. R. S.5
Proposed Zoning: Variance to permit a rear yard setback of 16' instead of the required 30'

Acres: .245 acres
District: 13th Election District

Dear Mr. Jablon:

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

Very truly yours,

Michael S. Flanigan
Traffic Engineering Associate II

MSE/bsa



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

PAUL H. REINCKE
CHIEF

August 20, 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: Bernard John Smith

Location: S/S Second Avenue, 225' E of Baltimore Avenue

Item No.: 56

Zoning Agenda: Meeting of August 20, 1985

Compliments:

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 [blank] 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 [blank] EXCEEDS the maximum allowed by the Fire Department.
- ☒ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ☒ 6. Site plans are approved, as drawn.
- ☒ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: Roy W. Kemmer
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



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

September 10, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 56 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bernard John Smith
Location: S/S Second Avenue, 225' E of Baltimore Avenue
District: 13th.

APPLICABLE ITEMS ARE CIRCLED:

- ☒ 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.B.S.I. #117-85 - 1980) and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction.
- ☒ Residential: The sets of construction drawings are required to file a permit application. The seal of a Registered Professional Engineer or Architect is not required on plans and technical data.
- ☒ Commercial: Three sets of construction drawings sealed and signed by a registered Professional Engineer or Architect are required to file with a permit application. Registered seals are not acceptable.
- ☒ All One and One-Half Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls other than 6'-0" to an interior lot line. All One and One-Half Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls other than 6'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 101.01 and Table 101.01. 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 construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- ☒ The requested variance appears to conflict with Section(s) [blank] 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 Group are from the [blank] to the [blank] or to Mixed Use. See Section 312 of the Building Code.
- ☒ The proposed project appears to be located in a Flood Plain, Flood Protection. 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 finished floor levels including basement.
- ☒ Comments: Remove the interior lot line between lot 285 and 284 from plans. There shall be no property lines thru a building as this would mean a fire wall.
- ☒ 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 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Ted Zaleski, Jr.
Director

LWZ/RS

JUN 12 1986

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Date: October 21, 1985

Norman E. Gerber, Director
Office of Planning and Zoning

FROM: Zoning Petitions No. 86-174-A, 86-175-XA, 86-179-A, 86-181-A,
86-183-A, 86-184-A, and 86-185-A

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

Norman E. Gerber per J. Howell
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGP:s1m

Case No. 86-184-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
24th day of September, 1985.

Petitioner Bernard J. Smith, et ux
Petitioner's Attorney

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

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

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting October 9, 1985
Posted for: Variance
Petitioner: Bernard J. Smith, et ux
Location of property: S/S of Second Ave. 225' E. Baltimore Ave.
(123 Second Ave.)
Location of Signs: In front of 123 Second Ave.
Remarks:
Posted by: *S. J. Prata* Date of return: October 18, 1985
Number of Signs: 1

86-184-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., October 10, 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 October 10, 1985.

THE JEFFERSONIAN,

B. Venetian
Publisher

Cost of Advertising

2200

PETITION FOR VARIANCE

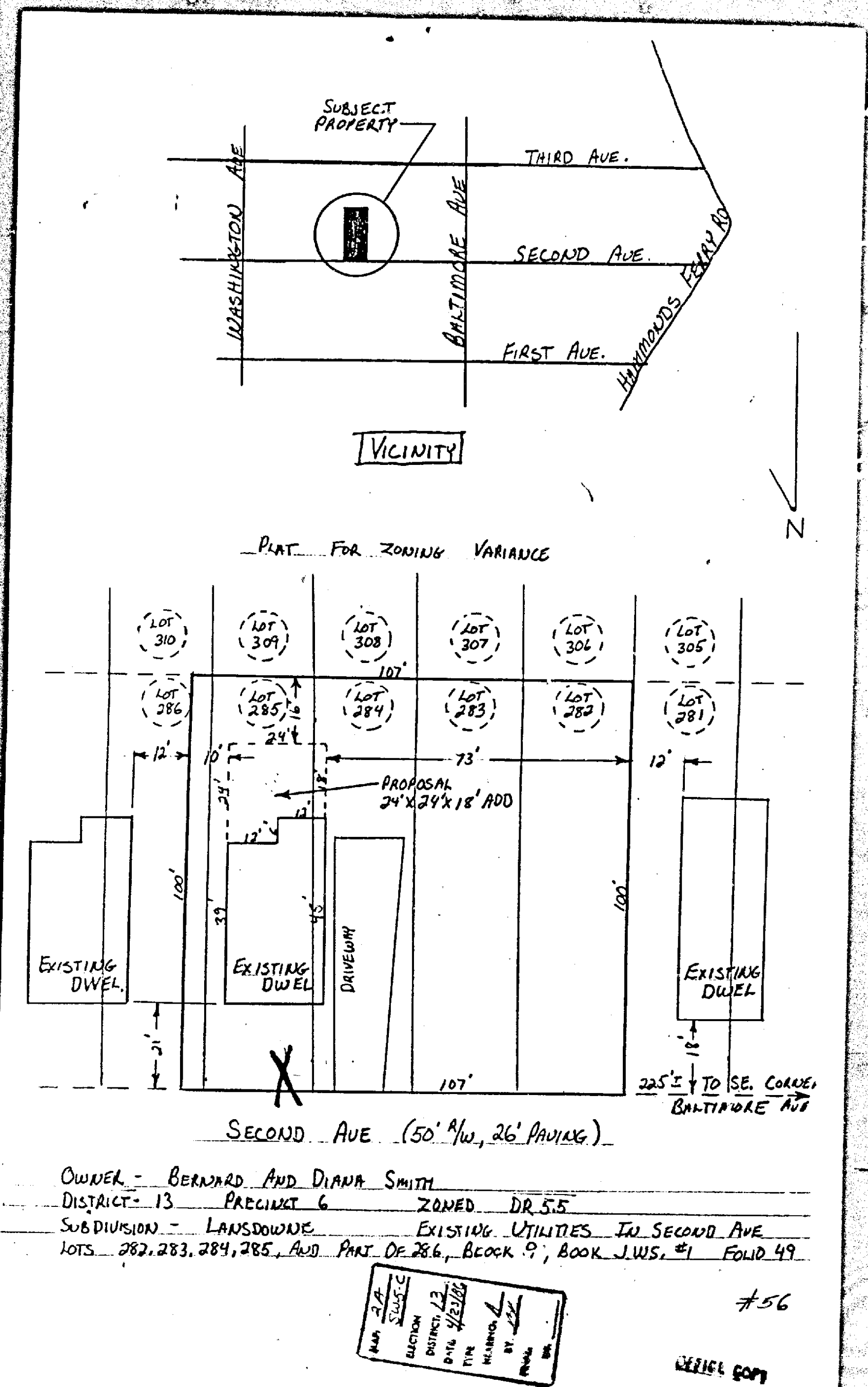
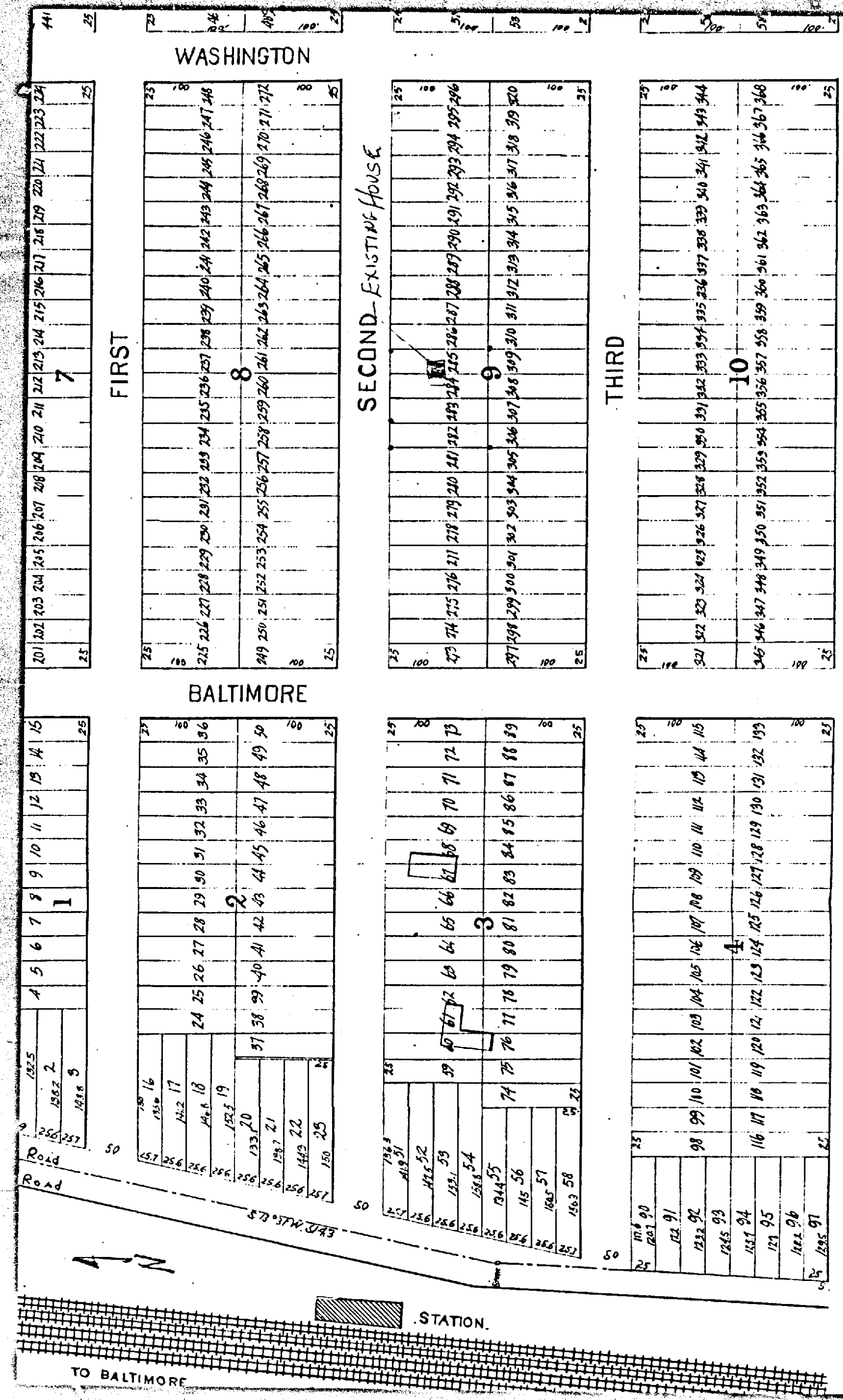
13th Election District

LOCATION: South side of Second Ave., 225' East of Baltimore Ave., (123 Second Ave.)
DATE AND TIME: Tuesday, October 29, 1985 at 8:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance from Section 1802.1.C.1 to permit a rear yard set back of 10' in lieu of the required 30'. Being the property of Bernard J. Smith, 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 above. 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
Oct. 16.



Zoning Description

Beginning on the south side of Second Ave. at a distance of 225 feet easterly from the corner formed by the intersection of the south side of Second Ave. and the east side of Baltimore Ave., thence easterly binding on the south side of Second Ave. 107 feet running thence southerly at right angles to Second Ave. 100 feet to lot numbered 310 as shown on said Plat, running thence westerly binding on lots numbered 307, 308, 309, 310, and 306, 107 feet to the division line between lots numbered 281, 282, as shown on said Plat and running thence northerly binding on said division line 100 feet to the place of beginning. The improvements thereon being known as 123 Second Ave. Lots Numbered 282, 283, 284, 285, and a Part of 286 as shown on the Plat of Lansdowne, recorded among the Plat Records of Baltimore County in Liber T.W.S. No.1, folio 49, Election District 13.

Beginning on the south side of Second Ave. at a distance of 225 feet easterly from the corner formed by the intersection of the south side of Second Ave. and the east side of Baltimore Ave., thence easterly binding on the south side of Second Ave. 107 feet running thence southerly at right angles to Second Ave. 100 feet to lot numbered 310 as shown on said Plat, running thence westerly binding on lots numbered 307, 308, 309, 310, and 306, 107 feet to the division line between lots numbered 281, 282, as shown on said Plat and running thence northerly binding on said division line 100 feet to the place of beginning. The improvements thereon being known as 123 Second Ave. Lots Numbered 282, 283, 284, 285, and a Part of 286 as shown on the Plat of Lansdowne, recorded among the Plat Records of Baltimore County in Liber T.W.S. No.1, folio 49, Election District 13.

Zoning Description