

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 1602.3.C.1 to permit side yard setbacks of 6 feet in lieu of the required 10 feet each.

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

- Existing house not liveable
- Want to rebuild new house and cannot meet current regulations
- Also need a larger house because of large family.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address

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

46 Ambo Circle
335-8471
Baltimore, Maryland 21220
Sharon L. Baxter
335-8471

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of October, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of November, 1985, at 10:30 o'clock.

Paul Jablon
Zoning Commissioner of Baltimore County.

Case No. 86-213-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 14th day of October, 1985.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Sharon L. Baxter
Petitioner's Attorney
Received by: *James E. Dyer*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 23, 1985

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

Ms. Sharon L. Baxter
46 Ambo Circle
Baltimore, Maryland 21220

RE: Item No. 97 - Case No. 86-213-A
Petitioner - Sharon L. Baxter
Variance Petition

Dear Ms. Baxter:

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.

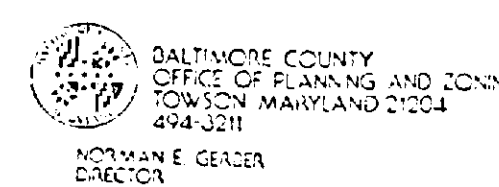
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing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

Enclosures



NOVEMBER 6, 1985

RE: Zoning Advisory Meeting of September 17, 1985
Item # 97
Property Owner: SHARON L. BAXTER
Location: NE/S POPES LANE, 335' NW of & OF LODGE FARM RD.

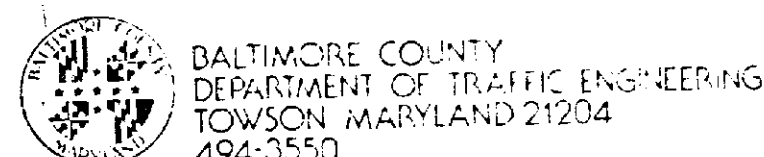
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ The 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 22-99 of the Development Regulations.
- ☐ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☐ The amended Development Plan was approved by the Planning Board on 1/25/85.
- ☐ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☐ The property is located in a deficient service area as defined by §111.175-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- ☐ If the property is located in a traffic area controlled by a "D" level intersection as defined by §111.175-79, 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. Bober
Chief, Current Planning and Development



STEPHEN E. COLLINS
DIRECTOR

September 25, 1985

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

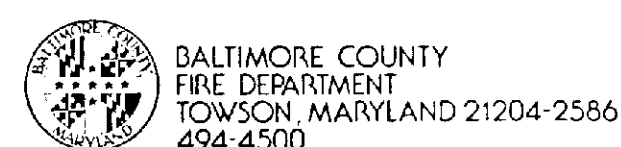
Item No. -ZAC- Meeting of September 17, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbers 91, 92, 94, 95, 96, 97.

MSF/bld



PAUL H. REINCKE
CHIEF

September 26, 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: Sharon Baxter
Location: NE/S Popes Lane, 335' NW of centerline of Lodge Farm Road
Item No.: 97 Zoning Agenda: Meeting of 9/17/85

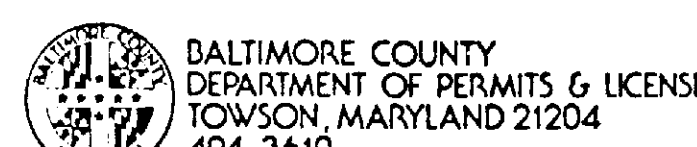
Gentlemen:

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 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: *Paul H. Reincke* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



TED ZALESKI, JR.
DIRECTOR

November 5, 1985

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

Dear Mr. Jablon:

Comments on Item # 97 Zoning Advisory Committee Meeting are as follows:
Property Owner: Sharon L. Baxter
Location: NE/S Popes Lane, 335' NW of c/l of Lodge Farm Road
District: 15th.

APPLICABLE CODES ARE CIRCLED:

- (1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #1174 - 1980) and other applicable Codes and Standards.
- (1) A building and other miscellaneous permits shall be required before the start of any construction.
- (1) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- (1) 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. Registered seals are not acceptable.
- (1) All the Groups except B-4, Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-4, Use Groups require a new bond 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 wall. See Table 101, Section 1007, Section 1008-1 and Table 1002. 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 construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- (1) The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
- (1) 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 Architectural or Engineer seals are usually required. The Change of Use Groups are from Use to Use, Use to Use, or to Mixed Use.
- (1) The proposed project appears to be located in a Flood Plain, Flood/Elevation. 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.
- (1) Comments:
- (1) These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full review of any project. If desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Schumacher
CHAS. E. SCHUMACHER
Chief, Building Plans Review

1/22/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: November 12, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-212-A, 86-213-A, 86-218-A, 86-219-A, 86-220-A, 86-221-A, 86-223-A, and 86-224-A

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

NEC:JCH:slm

Norman E. Gerber
Norman E. Gerber, Director

AUG 11 1985

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

To The Zoning Board of Baltimore County, Maryland

We, the neighbors of Sharon L. Baxter and Connel Holmes, do not have any objections to the side yard set back of 4 1/2 feet instead of the requested 6 feet on the property of 2525 Popes Lane, Edgemere, Maryland 21219.

Mr. Paul L. Poole

11/25/85
Date

Ms. Helen M. Hopkins

11/25/85
Date

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of November, 1985, that the Petition for Zoning Variances to permit side yard setbacks of 4 1/2 feet instead of the required 10 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

M/srl

cc: Ms. Sharon L. Baxter
People's Counsel

ZONING DESCRIPTION

Beginning on the NE/S of Popes Lane 335 ft. NW of the centerline of Lodge Farm Road. Thence the 4 following courses and distances:

1. N. 45° 46' E. 116.54 ft.
2. N. 48° 43' 40" W. 33 ft.
3. S. 49° 10' 30" W. 117.29 ft.

4. S. 48° 43' 40" E. 40 ft. to the place of beginning
Also would be known as 2525 Popes Lane in the 15th. Election District.

IN RE: PETITION ZONING VARIANCES *
N/S of Popes Lane, 335' W of *
the centerline of Lodge Farm *
Road (2525 Popes Lane) - *
15th Election District *
Sharon L. Baxter, *
Petitioner *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-213-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of 6 feet instead of the required 10 feet, as described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

At the onset of the hearing, the Petitioner moved to amend the Petition to relocate the proposed dwelling to create a front yard setback of 25 feet instead of the 12 feet indicated on Petitioner's Exhibit 1, which does not require a variance, and to permit side yard setbacks of 4 1/2 feet instead of the requested 6 feet. The motion was granted.

Testimony indicated that the subject property, zoned D.R.5.5 and located on Popes Lane, measures approximately 33' x 116' x 40' x 117'. An existing structure on the site will be razed and a new dwelling constructed. The Petitioner proposes to place a 28' x 56' home on the site to accommodate two adults and four children, and because the property is narrow, the side yard variances are required.

The Petitioner has discussed the need for the side yard setbacks of 4 1/2 feet with the adjacent property owners and they do not object. See Petitioner's Exhibits 2 and 3.

The Petitioner seek relief from Section 1B02.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

ORDER RECEIVED FOR FILING
DATE 11/25/85
BY Helen M. Hopkins

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Popes La., 335' : OF BALTIMORE COUNTY
W of Centerline of :
Lodge Farm Rd. (2525 :
Popes La.), 15th Dist. :
SHARON L. BAXTER, Petitioner : Case No. 86-213-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 other Order.

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

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

I HEREBY CERTIFY that on this 29th day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Sharon L. Baxter, 46 Ambo Circle, Baltimore, MD 21220, Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

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

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

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

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

ORDER RECEIVED FOR FILING
DATE 11/25/85
BY Helen M. Hopkins

PETITION FOR VARIANCE

15th Election District

LOCATION: North side of Popes Lane, 335' West of the centerline of Lodge Farm Road, (2525 Popes Lane)

DATE AND TIME: Monday, November 25, 1985 at 10:30 a.m.

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

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

Petition for Variance from Section 1B02.3.C.1 to permit side yard setbacks of 6 feet in lieu of the required 10 feet each.

Being the property of Sharon L. Baxter as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

AUG 11 1986



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

November 21, 1985

Ms. Sharon L. Baxter
46 Ambo Circle
Baltimore, Maryland 21220

Re: Petition for Variance
N/S Popes Lane, 335' W of the c/l Lodge
Farm Rd., (2525 Popes Lane)
15th Election District
Sharon L. Baxter - Petitioner
Case No. 86-213-A

Dear Ms. Baxter:

This is to advise you that \$55.80 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

No. 012432

DATE 11-25-85 ACCOUNT R-01-615-000

AMOUNT \$ 55.80

RECEIVED FROM Sharon Baxter

FOR Advertising & Posting 86-213-A

B 8053*****5580:a 25%F

VALIDATION OR SIGNATURE OF CASHIER

October 25, 1985

Ms. Sharon L. Baxter
46 Ambo Circle
Baltimore, Md. 21220

NOTICE OF HEARING

RE: N/S Popes Lane, 335' W of the c/l Lodge
Farm Rd., (2525 Popes Lane)
15th Election District
Sharon L. Baxter - Petitioner
Case No. 86-213-A

TIME: 10:30 a.m.

DATE: Monday, November 25, 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. 012545

DATE 9/5/85 ACCOUNT 01-615-000

AMOUNT \$ 35.00

RECEIVED FROM: Connell Holmes

FOR: Variance # 97

B 8091*****3500:a 25%F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE

15th Election District

LOCATION: North side of Popes Lane, 335' West of the centerline of Lodge Farm Road, (2525 Popes Lane)

DATE AND TIME: Monday, November 25, 1985 at 10:30 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 on the above property at the time and place stated above.

Being the property of Sharon L. Baxter 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
Nov. 7, 1985

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 7, 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 November 7, 1985

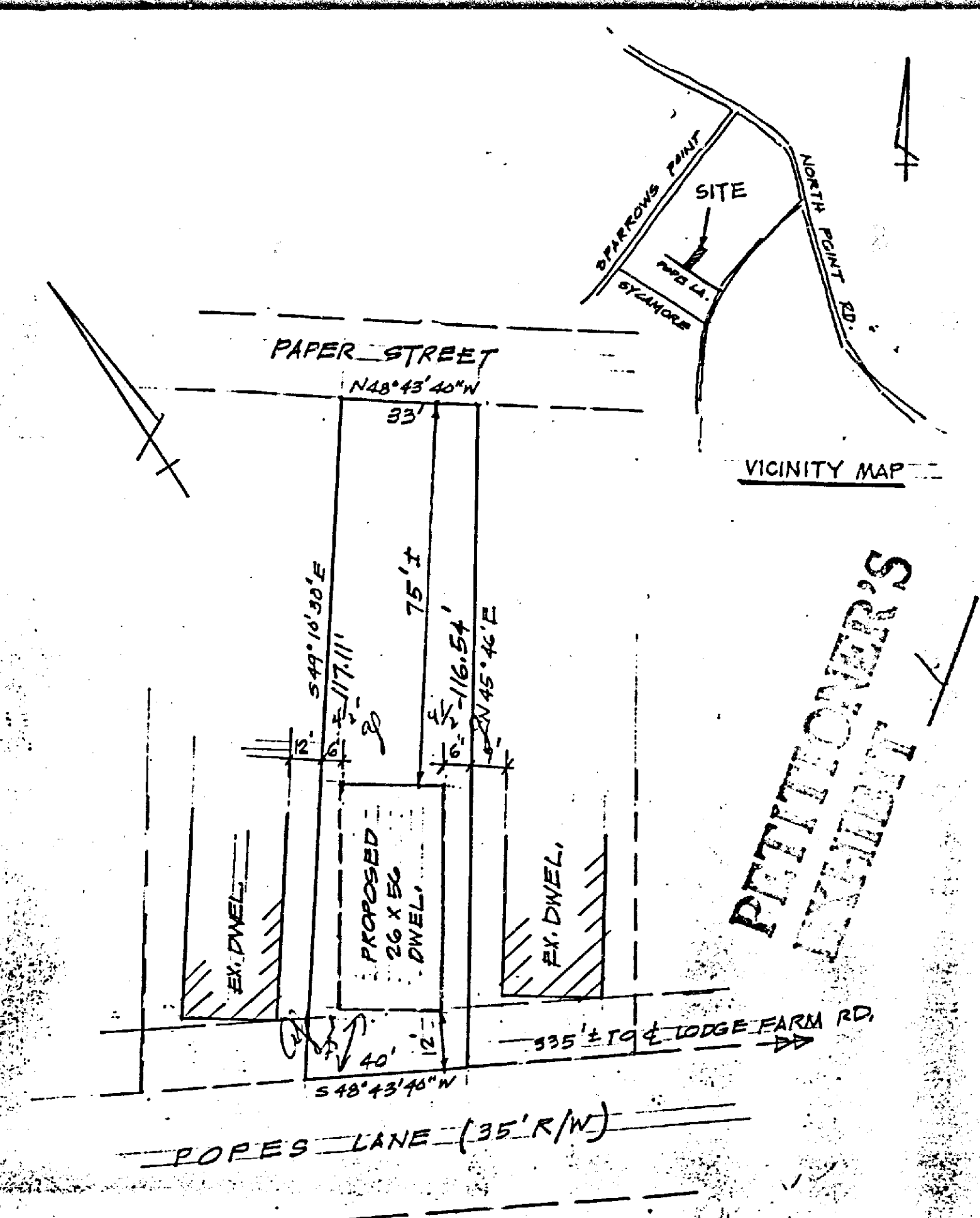
THE JEFFERSONIAN,

18 Venetian

Publisher

Cost of Advertising

22.00



PLAT FOR ZONING VARIANCE
OWNER - SHARON L. BAXTER
ELECTION DIST. 15, ZONED D.R.5.5
EXISTING UTILITIES IN POPES LANE

SCALE: 1"=30'

MAP 47
SECTION 5
DATE 11/25/85
TYPE A
BY [Signature]
FINAL [Signature]

OWNERS WILL TAKE FULL RESPONSIBILITY AS TO THE INFORMATION PROVIDED ON SAID PLAT PREPARED BY SAUTO CO.
OWNER [Signature] DATE 11-25-85
OWNER [Signature] DATE

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

November 11, 1985

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Petition for Variance - P.O. #71356 - Req. #L83978 - 72 lines @ \$28.80.

was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 8th day of November 1985; that is to say, the same was inserted in the issues of November 7, 1985

Kimbel Publication, Inc.

per Publisher.

By K.E. Ralke

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1524

Date of Posting 11/2/85

Posted for: Variance

Petitioner: Sharon L. Baxter

Location of property: N/S Popes Lane, 335' W of Lodge Farm Rd.
2525 Popes Lane

Location of Signs: Facing Popes Lane, Approx 5' Fr. Roadway
on property of Petitioner

Remarks:

Posted by: [Signature]

Date of return: 11/8/85

Number of Signs: 7