

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 1111 "A" Residence C.3, to permit a side yard set back of 1' instead of the required 7'.

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.

- (1) Undersod it was permissible to construct a carport without the walls being enclosed.
(2) Extreme hardship in cost of having to remove the structure.
(3) Expected the contractor to obtain the building permit if needed.

I, or 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: Dorothy A. Sell
Legal Owner(s): Dorothy A. Sell
Address: 8326 Old Harford Rd. 882-6504
City and State: Baltimore, Md. 21234

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of November, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County...

MAP 3C NEPD

DATE 8/1/85
E.D. 7
1000 1/2

86-240-A
126

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 5th day of November, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner Dorothy A. Sell
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 20, 1985

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

Ms. Dorothy A. Sell
8326 Old Harford Road
Baltimore, Maryland 21204

RE: Item No. 126 - Case No. 86-240-A
Petitioner - Dorothy A. Sell
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

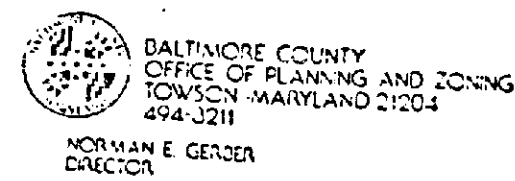
Dear Ms. Sell:

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.

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 comments are received, active 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
Chairman
Zoning Plans Advisory Committee

JED:nr
Enclosures



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

NOVEMBER 15, 1985

Re: Zoning Advisory Meeting of OCTOBER 8, 1985
Item # 126
Property Owner: DOROTHY A. SELL
Location: 8326 OLD HARFORD RD. 105S.
KINGS RIDGE RD.

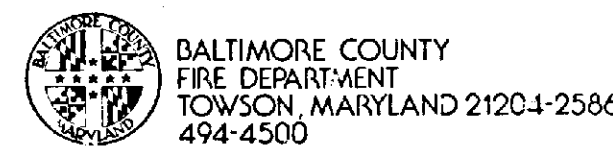
Dear Mr. Jablon:

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.
Records 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.
Development on these soils which are defined as wetlands, and construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.
Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
The proposed development was approved by the Planning Board on 11/13/85.
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 property is located in a traffic area controlled by a "T" level intersection as defined by Bill 172-79, and as conditions change the intersection may become more limited. The Traffic Services Areas are re-evaluated annually by the County Council.
Additional comments:

cc: James Howell

Eunone A. Sobor
Chief, Current Planning and Development



PAUL H. REKKE
CHIEF

October 14, 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: Dorothy A. Sell

Location: W/S Old Harford Road, 105 S. Kings Ridge Road

Item No.: 126

Zoning Agenda: Meeting of October 8, 1985

Gentlemen:

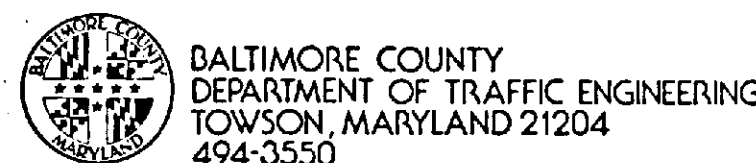
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 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 [diagram] 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.

Noted and Approved: John F. O'Neill
Fire Prevention Bureau

REVIEWER: [Signature]
Special Inspection Division

/mb



STEPHEN E. COLLINS
DIRECTOR

November 14, 1985

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

Item No. -24C-

Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

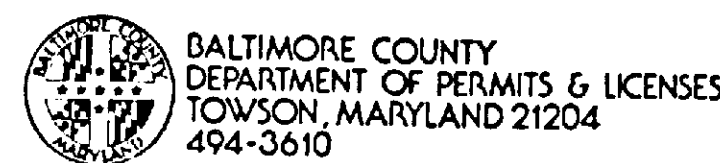
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 121, 122, 123, 124, 125 & 126.

Michael S. Fladigan
Traffic Engineer Assoc II

MSF/bld

12/10
86-240-A



TED ZALESKI, JR.
DIRECTOR

November 22, 1985

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

Dear Mr. Jablon:

Comments on Item # 126 Zoning Advisory Committee Meeting are as follows:

Property Owner: Dorothy A. Sell
Location: W/S Old Harford Road, 105 S. Kings Ridge Road
District: 9th.

APPLICABLE ITEMS ARE CIRCLED

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 417-85, the Maryland Code for the Handicapped and Aged (H.A.G.A.), Bill 171-79 (1980) and 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/are 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. Reproduced seals are not acceptable.

All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. 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 601 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.

Man's 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. Heighted architectural or to fixed uses are usually required. The change of Use Groups are from Use Group to Use Group. See Section 312 of the Building Code.

The proposed project appears to be located in a Flood Plain, Flood Alteration. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill 417-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

Comments: Code memo #1 attached could also be considered applicable as to construction applications for carports.

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 the Office of Planning and Zoning at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

12/21/85

Charles S. [Signature]
Building Plans Section

BALTIMORE COUNTY BUILDING CODE

1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1

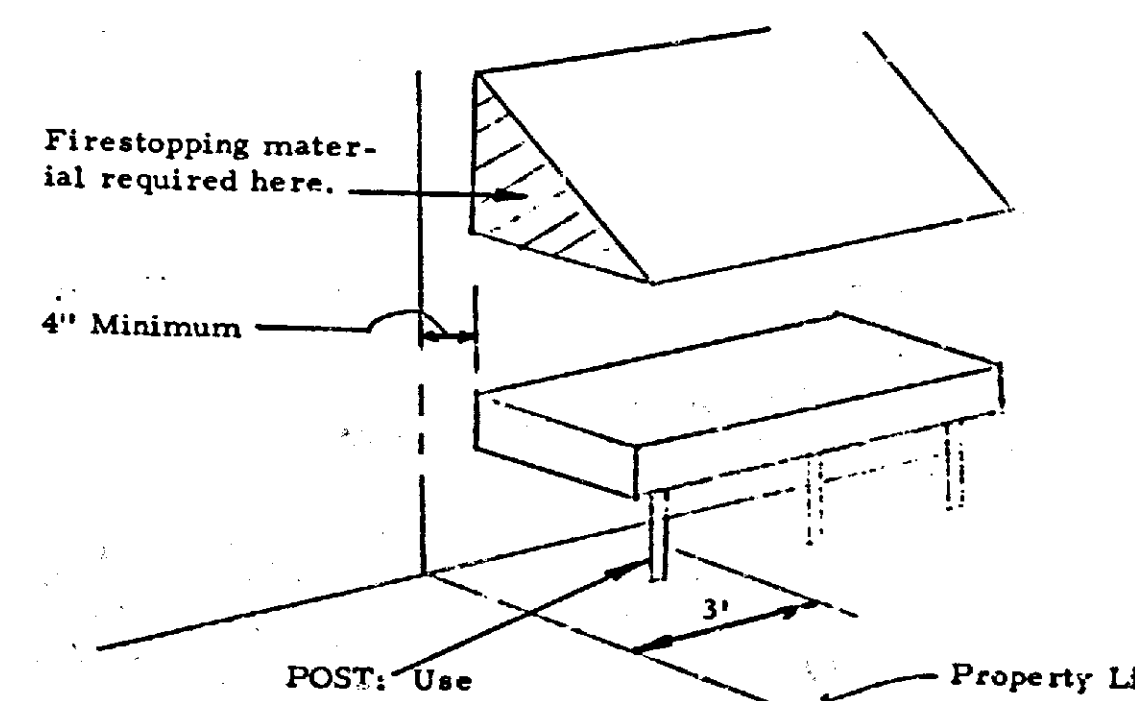
Effective 4-22-85

SUBJECT:

A. Rear Porches

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

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



POST: Use pressure treated wood.

OVER

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

CODE MEMORANDUM #1 (Cont'd.)

B. Front Porches

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

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

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

C. All Porches

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

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

Signature of John K. Reisinger, P. E., Buildings Engineer

JRR:es

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner, Date: November 21, 1985

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

SUBJECT: Zoning Petitions No. 86-238-X, 86-239-A, 86-240-A, 86-241-A, and 86-244-A

There are no comprehensive planning factors requiring comment on this petition.

Signature of Norman E. Gerber, Director

NEG:JGH:slm

Handwritten notes and stamps: 70-20-20, 1/11/85, 70-20-20, 8, 8326 Old Harford Road, Baltimore, Maryland 21234, January 6, 1985, and a circular stamp dated JAN 8 1985.

Mr. John Estep, Loch Raven Aluminum Co., Inc., 1646 Natura Road, Baltimore, Maryland 21204

Dear Mr. Estep:

On July 1, 1985 we entered into a contract (copy enclosed) in which you were to install a carport roof to my house approximately 12 feet by 26 feet in size.

You informed me that you had checked with the Office of Zoning and was told by a member of that office a carport could abut the property line and then you proceeded to build the carport without first obtaining a building permit. If you had proceeded with this formality, as expected of you, a permit would have been denied if the zero setback requirement was incorrect.

On approximately September 16, 1985 I was served with a "Correction Notice for Alleged Zoning Violation" (copy enclosed). Upon receipt of this notice I applied for a "Petition for Variance", (copy enclosed).

My petition was reviewed by the Zoning Plans Advisory Committee and accepted for filing. (comments enclosed)

On Tuesday, December 10, 1985 a hearing was held regarding my Petition for Variance and on December 23, 1985 the Deputy Zoning Commissioner rendered a decision. (copy enclosed)

As you built this carport to a size of approximately 15 feet by 26 feet instead of the 12 feet by 26 feet as specified in our contract and you did not obtain a building permit, I feel that you should make the changes necessary to comply with the order of the Deputy Zoning Commissioner.

Very truly yours, Dorothy A. Sell, Deputy Zoning Commissioner

Enclosures

cc: Ms Jean M.H. Jung, Baltimore County Office of Planning and Zoning

IN RE: PETITION FOR VARIANCE W/S Old Harford Road, 105' S of Kings Ridge Road (8326 Kings Ridge Road) - 9th Election District, Dorothy A. Sell, Petitioner, BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY, Case No. 86-240-A

The Petitioner herein requests a variance to permit a side yard setback of one foot in lieu of the required seven feet.

Testimony by the Petitioner indicated that she previously had an awning, attached by pipes, approximately 6' x 6', over her side door. A licensed contractor convinced her to have a large carport constructed as indicated on the plan submitted and marked Petitioner's Exhibit 1. She was ignorant as to the necessity for a permit and relied upon the contractor. She needs a porch because there are leaks around the kitchen door. At this time, there would be a substantial financial hardship if she had to remove the carport.

The adjacent neighbor testified in protest. During construction, she asked the Petitioner if she had a permit. The structure obstructs the Protestant's view as she exits her side door and takes away from her privacy. Part of the water run off comes onto her property. It is her belief that the Petitioner would have to come on her property for maintenance of the carport. There are no other lots in the neighborhood with so little setback.

All parties stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood. The site visit by the Deputy Zoning Commissioner to both the site and the adjacent property indicated that the carport is a tall, massive structure with the peak of the roof at least 4 feet above the ceiling. At the time of the visit a car was parked in the carport. There was at least 4 feet between the side of the car and the house and 1 1/2 feet from the car to the outside supports.

In the opinion of the Deputy Zoning Commissioner, the carport was built not only without a permit having been obtained by the contractor, but also to an excessive size.

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 Petitioner, and the granting of part of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variance should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of December, 1985, that the herein Petition for Variance to permit a side yard setback of 4 feet in lieu of the required 7 feet for a carport not to exceed 12 feet in width and 28 feet in length is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

- 1. The present carport must be razed or reduced to the size and located with the setback granted above within eighteen (18) months from the date of this Order.

Signature of Jean M.H. Jung, Deputy Zoning Commissioner of Baltimore County



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

ARNOLD JABLON, ZONING COMMISSIONER

JEAN M. H. JUNG, DEPUTY ZONING COMMISSIONER

December 23, 1985

Ms. Dorothy A. Sell, 8326 Old Harford Road, Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE W/S Old Harford Road, 105' S of Kings Ridge Road (8326 Kings Ridge Road) - 9th Election District, Dorothy A. Sell, Petitioner, Case No. 86-240-A

Dear Mrs. Sell:

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

JMH:rbg

Attachments

cc: People's Counsel

Ms. May Nicholes, 8324 Old Harford Road, Baltimore, Maryland 21234

ZONING DESCRIPTION

Beginning on the west side of Old Harford Road, 55 feet wide, at the distance of 105 feet south of the centerline of Kings Ridge Road. Being Lot 2, Block B, in the subdivision of Kings Ridge, Book No. 21, Folio 58. Also known as 8326 Old Harford Road in the 9th Election District.

#126

ORDER RECEIVED FOR FILING, December 23, 1985, BY [Signature]

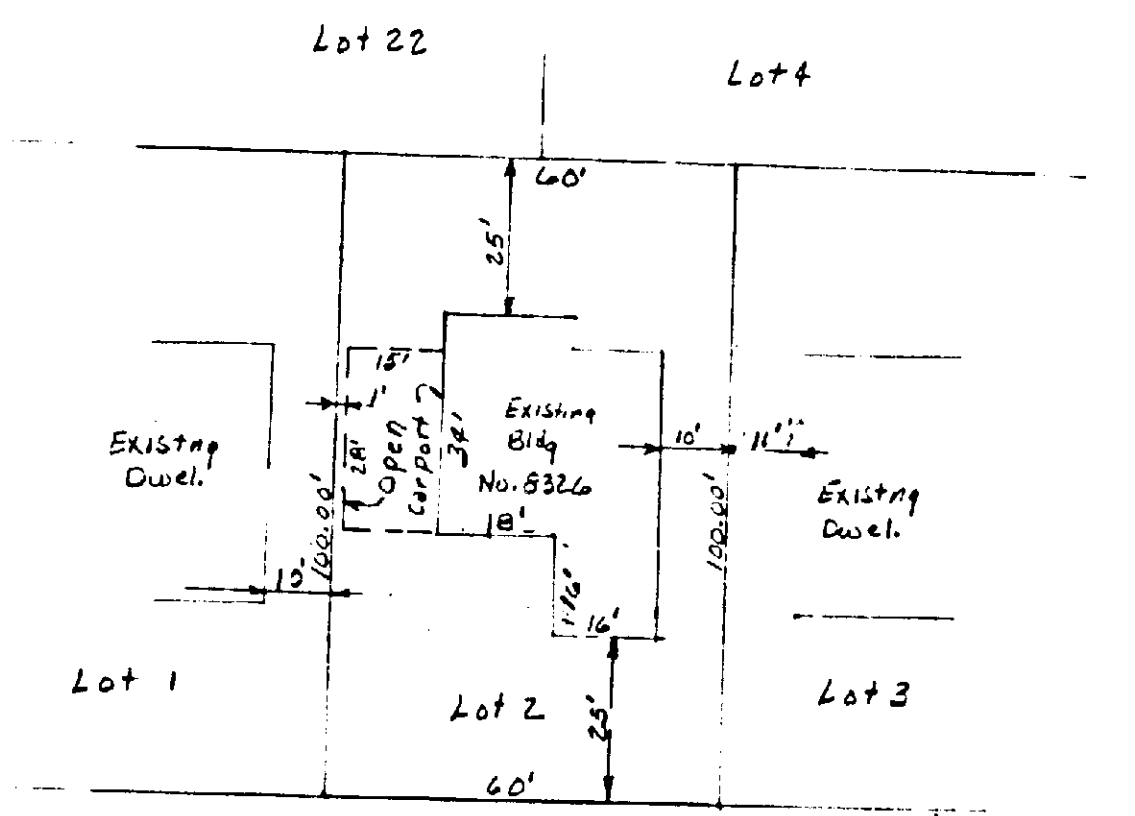
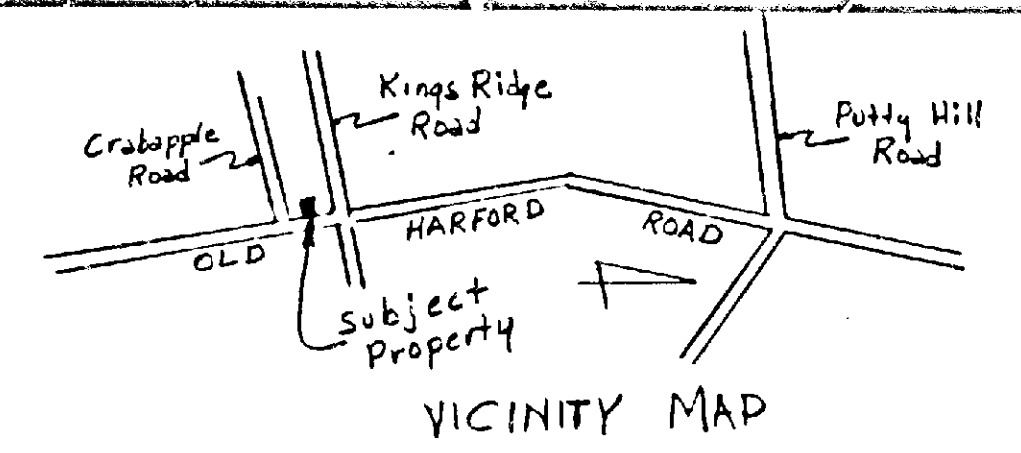
ORDER RECEIVED FOR FILING, December 23, 1985, BY [Signature]

PETITION
Sheet of

WE, THE NEIGHBORS OF MRS. DOROTHY SELL, 8326 OLD HARFORD ROAD,
APPROVE OF THE ADDITION OF THE CAPPORT TO HER HOME. IT NOT ONLY ENHANCES
THE BEAUTY OF HER HOME BUT ALSO TO OUR NEIGHBORHOOD.

NAME	ADDRESS	DATE
<i>Mrs. J. D. Lane</i>	<i>2616 Crabapple Rd</i>	<i>10/1/85</i>
<i>Patricia A. Reed</i>	<i>8328 Old Harford Rd</i>	<i>10/1/85</i>
<i>Dorothy Kern</i>	<i>8325 Old Harford Rd</i>	<i>10/1/85</i>
<i>Betty Adams</i>	<i>2614 Crabapple Rd</i>	<i>10/1/85</i>
<i>Mr. & Mrs. J. T. Markie</i>	<i>2612 Crabapple Rd</i>	<i>10/1/85</i>
<i>Mrs. D. J. Caputo</i>	<i>2617 Crabapple Rd</i>	<i>10/1/85</i>
<i>Mr. & Mrs. Charles Swindler</i>	<i>8327 Old Harford Rd</i>	<i>10/1/85</i>
<i>Kathleen Lankau</i>	<i>8329 Old Harford Rd</i>	<i>10/1/85</i>
<i>Sharon M. Kane</i>	<i>8329 Old Harford Rd</i>	<i>10/1/85</i>
<i>Suzanne Digney</i>	<i>7905 Elmhorst Ave</i>	<i>2/23/84</i>
<i>Evelyn Kane</i>	<i>8329 Old Harford Rd</i>	<i>10/1/85</i>
<i>Walter W. King Jr.</i>	<i>8329 Old Harford Rd</i>	<i>11-15-85</i>
<i>Marianne Spitzer</i>	<i>8328 Old Harford Rd</i>	<i>10/1/85</i>
<i>Sh. M. Linn</i>	<i>1331 Old Harford Rd</i>	<i>12-2-85</i>
<i>Serg. Warren</i>	<i>8331 Old Harford Rd</i>	<i>11-7-85</i>
<i>Kay C. Smith</i>	<i>831 Old Harford Rd</i>	<i>10/1/85</i>

PETITIONER'S
EXHIBIT 3



OLD HARFORD ROAD
55' R/W - 40' PAVING

PLAT FOR ZONING VARIANCE
OWNER - DOROTHY A. SELL
DISTRICT - 9, ZONED - DR 55
SUBDIVISION - KINGS RIDGE
LOT 2, BLK. B. BOOK NO. 21, FOLIO 58
EXISTING UTILITIES IN OLD HARFORD ROAD
SCALE: 1"=30'

PETITIONER'S
EXHIBIT 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/15/85

Posted for: Variance

Petitioner: Dorothy A. Sell

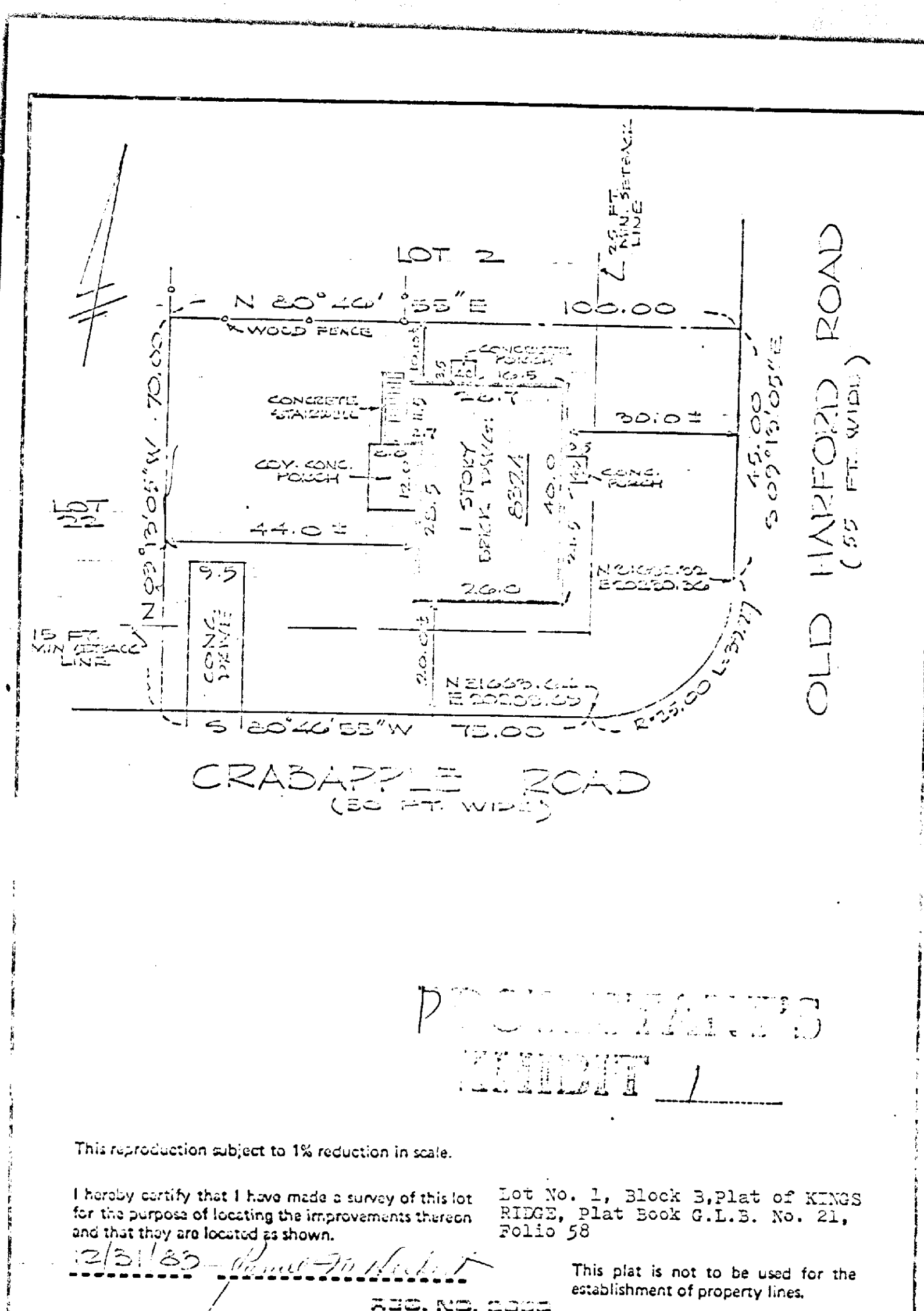
Location of property: Old Harford Rd, 105' S/Kings Ridge Rd, 7326 Old Harford Rd

Location of Signs: Property of P. H. Linn

Remarks: _____

Posted by: [Signature] Date of return: 11/22/85

Number of Signs: 1



PROFESSIONAL
EXHIBIT 1

This reproduction subject to 1% reduction in scale.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

12/31/85 [Signature]

REG. NO. 6388

LOT NO. 1, BLOCK 3, PLAT OF KINGS RIDGE, PLAT BOOK G.L.S. NO. 21, FOLIO 58

This plat is not to be used for the establishment of property lines.

LOCATION SURVEY
8326 OLD HARFORD ROAD, BALTIMORE COUNTY, MD.

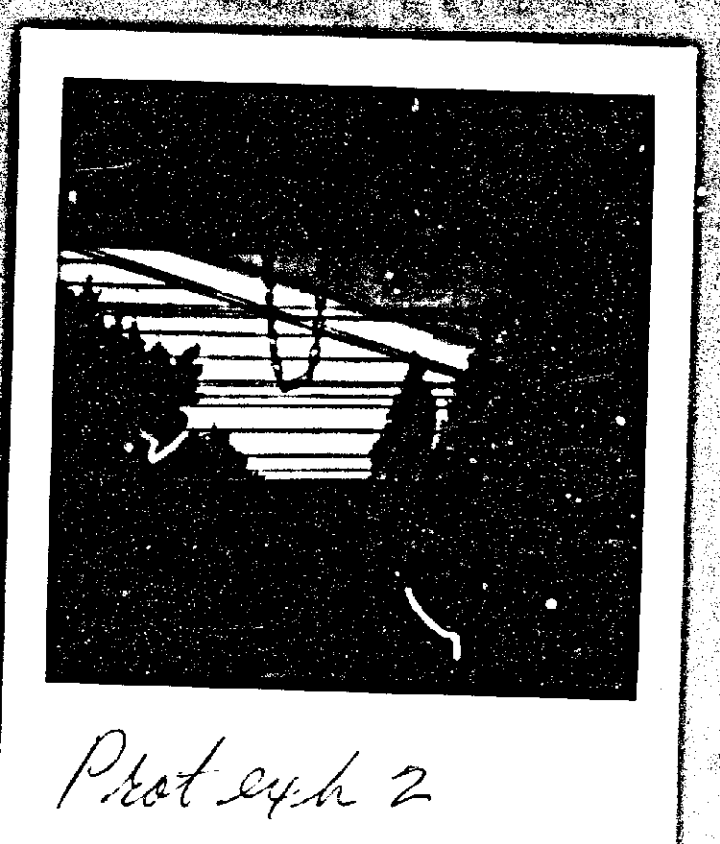
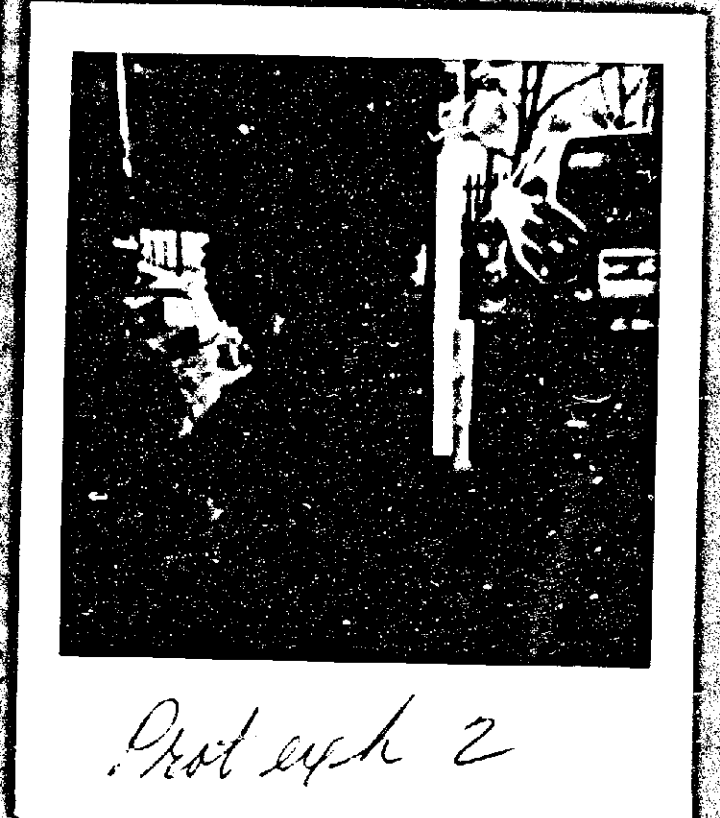
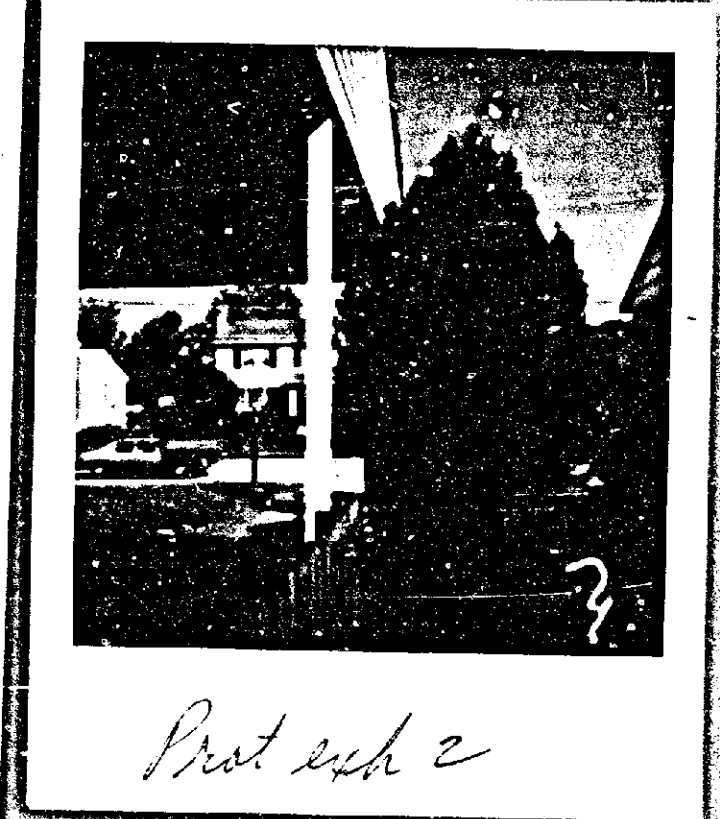
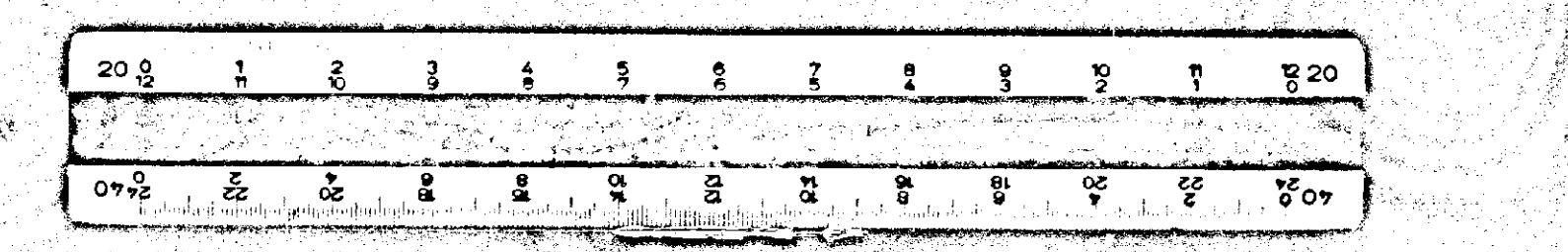
OFFICE OF
MARK C. KUNST
400 YORK ROAD
TOWSON, MARYLAND 21284

SCALE: 1"=20'

DATE: 12/31/85

JOB NO.: 125

BY: [Signature]



Petition for Variance

8th Election District
LOCATION: West side of Old Harford Road, 105' South of Kings Ridge Road, 8326 Old Harford Road.
DATE & TIME: Tuesday, December 16, 1985 at 10:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

This is to Certify, That the annexed Petition - Pg. 1 84033 was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 20th day of Nov., 1985.

By Order of
Zoning Commissioner
of Baltimore County

