86-276-A

MAP 5E-4G
4A
E.D. 12
DATE 12/1/85
200
1000
DP

86-276-A
#220

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 1B02.3C.1 to permit a minimum side yard setback of 5' in lieu of the required 10'.

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

1) Wife is due to have a baby in late November. The home is only one bedroom.
2) Existing property is shape of triangle and a 10 ft. setback is not enough for small addition

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)	Warren V. Coleman (Type or Print Name)
Signature	Warren V. Coleman (Signature)
Address	Kelly J. Coleman (Type or Print Name)
City and State	Kelly J. Coleman (Signature)

Attorney for Petitioner:

(Type or Print Name) — 1701 Park Drive 21128 (Address, Phone No.)
Signature — Baltimore, Md. 21228 (City and State)
Address — Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State — Name
Attorney's Telephone No.: — Address, Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of December, 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 6th day of January, 1986, at 1:30 o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

Warren V. Coleman, et ux 86-276-A
SE/S Park Dr., 65' S of Bear Creek Dr.
(1701 Park Drive) 12th Dist.

IN RE: PETITION ZONING VARIANCE
SE/S of Park Drive, 65' S Bear Creek Drive (1701 Park Drive)- 12th Election District
Warren V. Coleman, et ux,
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 86-276-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a minimum side yard setback of 5 feet instead of the required 10 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Louis Leitch, a contractor, appeared on behalf of the Petitioners. William Holewinski, the adjoining property owner to the north., appeared in opposition and was represented by Counsel.

Testimony indicated that the Petitioners purchased the subject property, zoned D.R.5.5 and located on Park Drive, a year ago. It measures 60' x 94' x 54' x 88' and is improved with a one-story, three-room dwelling consisting of a bedroom, kitchen, and living room. Since the Petitioners are expecting their first child, more room is needed. Indeed, they propose to construct a 13' x 42' addition to the north side of the dwelling, which will consist of two bedrooms and a family room. It cannot be constructed other than where contemplated due to the odd shape of the lot. Therefore, a variance to the side yard setback requirement is necessary. All of the lots in the area are as small.

It should be noted that the Petitioners somehow obtained a building permit, and after securing Mr. Wolewinski's agreement to a minimum setback of 6 feet to the north property line, began construction. The dwelling is

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

constructed at an angle to the property line and the addition would be approximately 5 feet at its closest point and about 8 feet at its farthest point from the property line. Unfortunately, it has since been determined that the addition would be within 4 1/2 feet or 5 feet from Mr. Holewinski's property line at its closest point.

Testimony indicated that Mr. Holewinski objects to the closer setback because he believes property values will decline. However, there was testimony that he would agree not to oppose the variance for $1,500, notwithstanding his concerns. He is understandably upset that construction has proceeded to 75% completion without a variance.

The Petitioners seek relief from Section 1B02.3.C.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 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. or 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 requirement 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 9th day of January, 1986, that the Petition for Zoning Variance to permit a minimum side yard setback of ~~5 feet~~ 4½ feet instead of the required 10 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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.
2. Baltimore County, Maryland has reviewed this application involving property located in the Maryland Chesapeake Bay Critical Area and has determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

cc: Mr. & Mrs. Warren V. Coleman
Mary Jean Kretschmen, Esquire
People's Counsel

220

Located on the southeast side of Park Drive 65' south of Bear Creek Drive and thence running S 55°47'E 87.65' thence
S 34°15'W 60.00 thence
N 55°45'W 94.00 thence
N 40°23'30" 54.06' thence
by a line curving northerly toward the left having a radius of 180.00' and a chord bearing N 39°23' 30" E 6.28' a distance of 6.28'. Also known as 1701 Park Drive.

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)

DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.36.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

JAN 8 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

---

RE: PETITION FOR VARIANCE
SE/S Park Drive, 65' S of Bear Creek Dr. (1701 Park Drive), 12th District

WARREN V. COLEMAN, et ux, Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:
: Case No. 86-276-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
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 12th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Warren V. Coleman, 1701 Park Drive, Baltimore, MD 21222, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 2, 1986

Mr. and Mrs. Warren V. Coleman
1701 Park Avenue
Baltimore, Maryland 21222

Re: Petition for Variance
SE/S Park Drive, 65' S of Bear Creek Drive (1701 Park Drive)
12th Election District
Warren V. Coleman, et ux. - Petitioners
Case No. 86-276-A

Dear Mr. and Mrs. Coleman:

This is to advise you that $57.75 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. 016094

DATE 1-6-86 ACCOUNT R-01-615-000
AMOUNT $ 57.75
RECEIVED FROM: Warren V Coleman, Esq
FOR: Advertising/Posting #86-276-A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)
DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.3b.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

Dec. 19.

Case # 86-276-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 19, 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 December 19, 1985.

THE JEFFERSONIAN,

Publisher

Cost of Advertising
24.75

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)
DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.3b.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

CERTIFICATE OF PUBLICATION

86-276A

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 December 19, 1985 19

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Joblon in the matter of P.O. #12336 - Req. #84087 - 70 lines @ $28.00.

was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive week before the 20th day of December 1985; that is to say, the same was inserted in the issues of Dec. 19, 1985

Kimbel Publication, Inc.
per Publisher.

By K. E. Oehe

Mr. and Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

December 6, 1985

NOTICE OF HEARING

PETITION FOR VARIANCE
SE/S Park Dr., 65' S of Bear Creek Drive (1701 Park Drive)
12th Election District
Warren V. Coleman, et ux - Petitioners
Case No. 86-276-A

TIME: 1:30 p.m.

DATE: Monday, January 6, 1985

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

Arnold Jablon
Zoning Commissioner
for Baltimore County

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

No. 012390

DATE 11/27/85 ACCOUNT R-01-615-000
AMOUNT $ 35.00
RECEIVED FROM: Kelly Coleman
FOR: filing fee for Item #220 VARIANCE

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner

Date: January 3, 1986

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

SUBJECT: Zoning Petition No. 86-276-A

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

Norman E. Gerber/JGH
Norman E. Gerber, AICP

NEG/JGH/sf

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

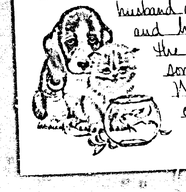
86-276-A

District 12 th Date of Posting 12/20/85
Posted for: Variance
Petitioner: Warren V. Coleman, et ux
Location of property: SE/S Park Dr., 65' S/Bear Creek Drive 1701 Park Drive
Location of Signs: Facing Park Drive approximately 5' from roadway on property of Petitioner
Remarks:
Posted by: Signature Date of return: 12/30/85
Number of Signs: 1

Ref: Item # 220
WARREN COLEMAN
Nov. 29, 1985

Dear Mr. Jablon,

My husband and I are in a predicament and I hope you can be of some assistance to us. We are having a baby in December and we live in a one-bedroom house. October 2, 1985 we contracted K & L Construction to build an addition to our home. A permit was obtained by the owner Louis Kutch but he falsified the information on the permit by stating that it would have a ten foot setback. He knew there would only be a five foot setback and he was supposed to apply for a variance, which he never did. On November 27, 1985 my husband and I filed for a variance and have been informed that the hearing won't be until some time in January. We are hoping that you could grant us an emergency hearing.



(1)

JAN 8 1987

Ref: Item #220

Our contractor has totally messed us up and we do have a complaint filed against him with the Home Improvement Commission. But our problem remains; we have no place for our soon to arrive baby. Granted, the child can stay in our room for the first couple of weeks but after that there is no place to put the crib or other necessary child care items.

This addition has turned into a nightmare. It was supposed to be completed by Thanksgiving and here we are the day after without the first step attained; permission.

I sincerely hope you can help us in this most trying time.

Sincerely,
Mr. & Mrs. W.V. Coleman
1701 Park Drive
Balto., Md. 21222

(2)

Case No. 86-276-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 29th day of November, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Warren V. Coleman, et ux
Petitioner's Attorney

Received by: James E. Dyer (mt)
Chairman, Zoning Plans Advisory Committee

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

December 27, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon

Comments on Item # 220 Zoning Advisory Committee Meeting are as follows:

Property Owner: Warren V. Coleman, et ux
Location: SE/S Park Drive, 65' S Bear Creek Drive
District: 12th

APPLICABLE ITEMS ARE CIRCLED:

(A) 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.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

(C) 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.

D. 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.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-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 wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____, _____, of the Baltimore County Building Code.

H. 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 _____, or to Mixed Uses _____, _____, _____. See Section 312 of the Building Code.

NOTE: (I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. 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.

J. Comments

K. 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.

By: C. E. Burnham, Chief
Building Plans Review

L/22/84

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: January 2, 1986

FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning

SUBJECT: Critical Area Comments, Warren V. Coleman, et ux (86-276-A, Item 220)

This petition for a variance has been determined to be consistent with the requirements of the Chesapeake Bay Critical Area statute.

No mitigative measures regarding water quality will be required in this case since the site has no suitable area for such practices.

NEG:PJS:vh

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

cy: People's Counsel

Thomas L. Vidmar
Engineering, Public Works

Tim Dugan, Special Assistant
Office of the Director

James G. Hoswell, Planner
Office of the Director

Andrea Van Arsdale
Coastal Zone Planner

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1981
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 16, 1985

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

odo

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

Mr. and Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

RE: Item No. 220 - Case No. 86-276-A
Petitioners - Warren V. Coleman, et ux
Variance Petition

Dear Mr. and Mrs. Coleman:

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 (mt)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Maryland 21214

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

DECEMBER 5, 1985
CRITICAL AREA

Re: Zoning Advisory Meeting of DECEMBER 10, 1985
Item # 220
Property Owner: WARREN V. COLEMAN, et ux
Location: SE/S PARK DRIVE, 65' S. BEAR CREEK DRIVE

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 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 "D" level intersection as defined by Bill 178-79, and the conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

Evonne A. Baker
Chief, Current Planning and Development

cc: James Hoswell

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

PAUL H. REINCKE
CHIEF

December 18, 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: Warren V. Coleman, et ux
Location: SE/S Park Drive, 65' S. Bear Creek Drive
Item No.: 220 Zoning Agenda: Meeting of December 10, 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 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: Capt. Joseph Kelly 12/19/85 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

86-276-A

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

odo

Nicholas B. Commodari
Chairman

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

December 31, 1985

Mr. & Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

RE: Item No. 220 - Case No. 276-A
Warren V. Coleman, et ux
Variance Petition

Dear Mr. & Mrs. Coleman:

Enclosed please find additional comments submitted after my original comments of December 16, 1985.

Very truly yours,

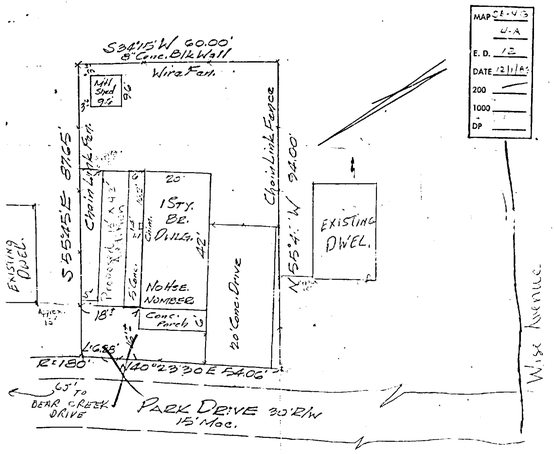
James E. Dyer (mt)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bsc

Enclosures

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Md. 21214

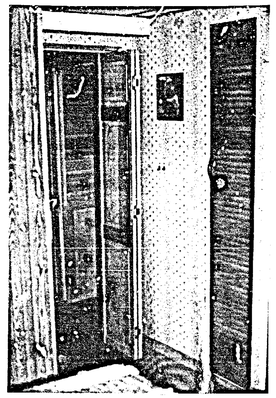
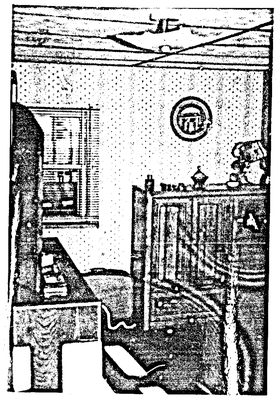
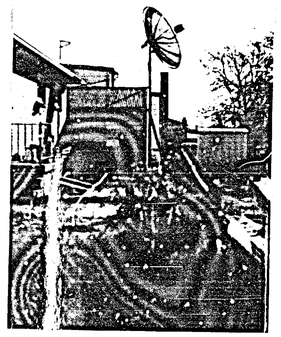
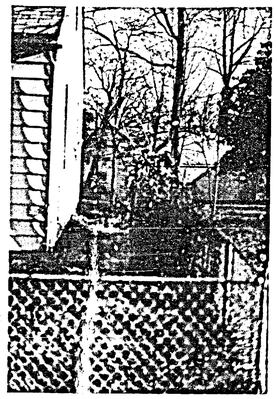
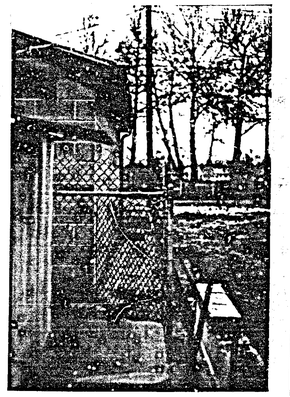
JAN 8 1987

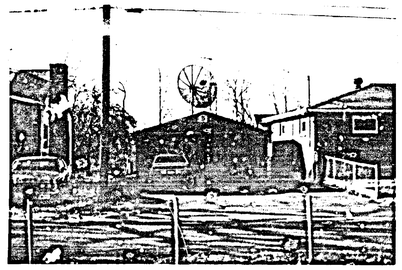


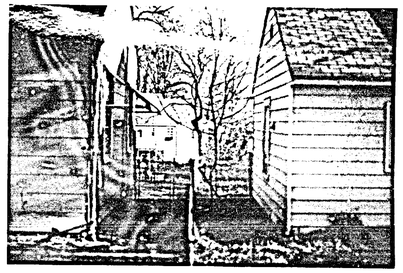
Plat for zoning variance
Owner - Warren & Hattie Coleman
District - 12 zoned D.R. 5.5
Subdivision - [illegible]
Plat book [illegible], folio [illegible]
Scale - [illegible]
Deed Ref. [illegible]

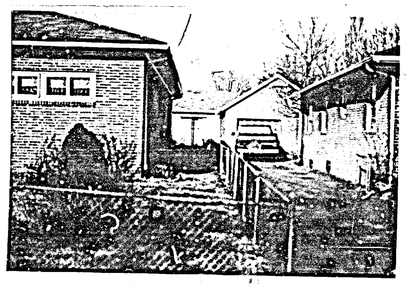
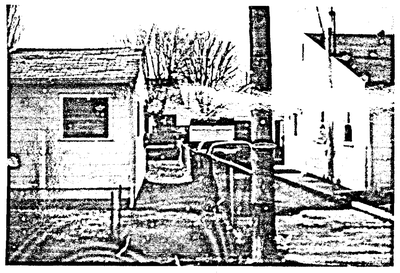
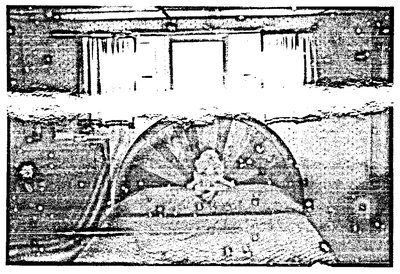
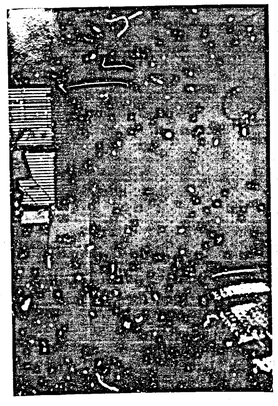
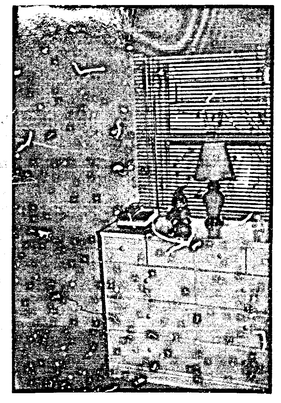
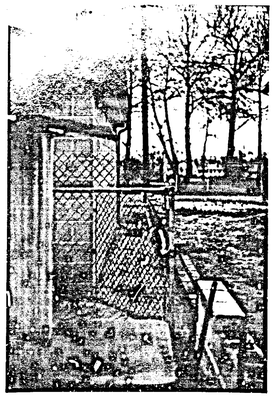
1701 PARK DRIVE
ELECT. DIST. 12 BALTO. CO. MD.
SCALE: 1"=20' 12/20/64
DEED REF. 5851-372

PETITIONER'S EXHIBIT 1





JAN 8 1987

86-276-A

MAP 5E-4G
4A
E.D. 12
DATE 12/1/85
200
1000
DP

86-276-A
#220

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 1B02.3C.1 to permit a minimum side yard setback of 5' in lieu of the required 10'.

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

1) Wife is due to have a baby in late November. The home is only one bedroom.
2) Existing property is shape of triangle and a 10 ft. setback is not enough for small addition

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)	Warren V. Coleman (Type or Print Name)
Signature	Warren V. Coleman (Signature)
Address	Kelly J. Coleman (Type or Print Name)
City and State	Kelly J. Coleman (Signature)

Attorney for Petitioner:

(Type or Print Name) — 1701 Park Drive 21128 (Address, Phone No.)
Signature — Baltimore, Md. 21228 (City and State)
Address — Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State — Name
Attorney's Telephone No.: — Address, Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of December, 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 6th day of January, 1986, at 1:30 o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

Warren V. Coleman, et ux 86-276-A
SE/S Park Dr., 65' S of Bear Creek Dr.
(1701 Park Drive) 12th Dist.

IN RE: PETITION ZONING VARIANCE
SE/S of Park Drive, 65' S Bear Creek Drive (1701 Park Drive)- 12th Election District
Warren V. Coleman, et ux,
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 86-276-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a minimum side yard setback of 5 feet instead of the required 10 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Louis Leitch, a contractor, appeared on behalf of the Petitioners. William Holewinski, the adjoining property owner to the north., appeared in opposition and was represented by Counsel.

Testimony indicated that the Petitioners purchased the subject property, zoned D.R.5.5 and located on Park Drive, a year ago. It measures 60' x 94' x 54' x 88' and is improved with a one-story, three-room dwelling consisting of a bedroom, kitchen, and living room. Since the Petitioners are expecting their first child, more room is needed. Indeed, they propose to construct a 13' x 42' addition to the north side of the dwelling, which will consist of two bedrooms and a family room. It cannot be constructed other than where contemplated due to the odd shape of the lot. Therefore, a variance to the side yard setback requirement is necessary. All of the lots in the area are as small.

It should be noted that the Petitioners somehow obtained a building permit, and after securing Mr. Wolewinski's agreement to a minimum setback of 6 feet to the north property line, began construction. The dwelling is

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

constructed at an angle to the property line and the addition would be approximately 5 feet at its closest point and about 8 feet at its farthest point from the property line. Unfortunately, it has since been determined that the addition would be within 4 1/2 feet or 5 feet from Mr. Holewinski's property line at its closest point.

Testimony indicated that Mr. Holewinski objects to the closer setback because he believes property values will decline. However, there was testimony that he would agree not to oppose the variance for $1,500, notwithstanding his concerns. He is understandably upset that construction has proceeded to 75% completion without a variance.

The Petitioners seek relief from Section 1B02.3.C.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 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. or 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 requirement 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 9th day of January, 1986, that the Petition for Zoning Variance to permit a minimum side yard setback of ~~5 feet~~ 4½ feet instead of the required 10 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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.
2. Baltimore County, Maryland has reviewed this application involving property located in the Maryland Chesapeake Bay Critical Area and has determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

cc: Mr. & Mrs. Warren V. Coleman
Mary Jean Kretschmen, Esquire
People's Counsel

220

Located on the southeast side of Park Drive 65' south of Bear Creek Drive and thence running S 55°47'E 87.65' thence
S 34°15'W 60.00 thence
N 55°45'W 94.00 thence
N 40°23'30" 54.06' thence
by a line curving northerly toward the left having a radius of 180.00' and a chord bearing N 39°23' 30" E 6.28' a distance of 6.28'. Also known as 1701 Park Drive.

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)

DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.36.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

JAN 8 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

---

RE: PETITION FOR VARIANCE
SE/S Park Drive, 65' S of Bear Creek Dr. (1701 Park Drive), 12th District

WARREN V. COLEMAN, et ux, Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:
: Case No. 86-276-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
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 12th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Warren V. Coleman, 1701 Park Drive, Baltimore, MD 21222, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 2, 1986

Mr. and Mrs. Warren V. Coleman
1701 Park Avenue
Baltimore, Maryland 21222

Re: Petition for Variance
SE/S Park Drive, 65' S of Bear Creek Drive (1701 Park Drive)
12th Election District
Warren V. Coleman, et ux. - Petitioners
Case No. 86-276-A

Dear Mr. and Mrs. Coleman:

This is to advise you that $57.75 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. 016094

DATE 1-6-86 ACCOUNT R-01-615-000
AMOUNT $ 57.75
RECEIVED FROM: Warren V Coleman, Esq
FOR: Advertising/Posting #86-276-A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)
DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.3b.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

Dec. 19.

Case # 86-276-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 19, 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 December 19, 1985.

THE JEFFERSONIAN,

Publisher

Cost of Advertising
24.75

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)
DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.3b.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

CERTIFICATE OF PUBLICATION

86-276A

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 December 19, 1985 19

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Joblon in the matter of P.O. #12336 - Req. #84087 - 70 lines @ $28.00.

was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive week before the 20th day of December 1985; that is to say, the same was inserted in the issues of Dec. 19, 1985

Kimbel Publication, Inc.
per Publisher.

By K. E. Oehe

Mr. and Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

December 6, 1985

NOTICE OF HEARING

PETITION FOR VARIANCE
SE/S Park Dr., 65' S of Bear Creek Drive (1701 Park Drive)
12th Election District
Warren V. Coleman, et ux - Petitioners
Case No. 86-276-A

TIME: 1:30 p.m.

DATE: Monday, January 6, 1985

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

Arnold Jablon
Zoning Commissioner
for Baltimore County

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

No. 012390

DATE 11/27/85 ACCOUNT R-01-615-000
AMOUNT $ 35.00
RECEIVED FROM: Kelly Coleman
FOR: filing fee for Item #220 VARIANCE

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner

Date: January 3, 1986

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

SUBJECT: Zoning Petition No. 86-276-A

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

Norman E. Gerber/JGH
Norman E. Gerber, AICP

NEG/JGH/sf

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

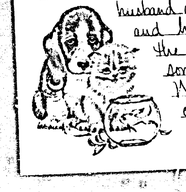
86-276-A

District 12 th Date of Posting 12/20/85
Posted for: Variance
Petitioner: Warren V. Coleman, et ux
Location of property: SE/S Park Dr., 65' S/Bear Creek Drive 1701 Park Drive
Location of Signs: Facing Park Drive approximately 5' from roadway on property of Petitioner
Remarks:
Posted by: Signature Date of return: 12/30/85
Number of Signs: 1

Ref: Item # 220
WARREN COLEMAN
Nov. 29, 1985

Dear Mr. Jablon,

My husband and I are in a predicament and I hope you can be of some assistance to us. We are having a baby in December and we live in a one-bedroom house. October 2, 1985 we contracted K & L Construction to build an addition to our home. A permit was obtained by the owner Louis Kutch but he falsified the information on the permit by stating that it would have a ten foot setback. He knew there would only be a five foot setback and he was supposed to apply for a variance, which he never did. On November 27, 1985 my husband and I filed for a variance and have been informed that the hearing won't be until some time in January. We are hoping that you could grant us an emergency hearing.



(1)

JAN 8 1987

Ref: Item #220

Our contractor has totally messed us up and we do have a complaint filed against him with the Home Improvement Commission. But our problem remains; we have no place for our soon to arrive baby. Granted, the child can stay in our room for the first couple of weeks but after that there is no place to put the crib or other necessary child care items.

This addition has turned into a nightmare. It was supposed to be completed by Thanksgiving and here we are the day after without the first step attained; permission.

I sincerely hope you can help us in this most trying time.

Sincerely,
Mr. & Mrs. W.V. Coleman
1701 Park Drive
Balto., Md. 21222

(2)

Case No. 86-276-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 29th day of November, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Warren V. Coleman, et ux
Petitioner's Attorney

Received by: James E. Dyer (mt)
Chairman, Zoning Plans Advisory Committee

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

December 27, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon

Comments on Item # 220 Zoning Advisory Committee Meeting are as follows:

Property Owner: Warren V. Coleman, et ux
Location: SE/S Park Drive, 65' S Bear Creek Drive
District: 12th

APPLICABLE ITEMS ARE CIRCLED:

(A) 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.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

(C) 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.

D. 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.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-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 wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____, _____, of the Baltimore County Building Code.

H. 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 _____, or to Mixed Uses _____, _____, _____. See Section 312 of the Building Code.

NOTE: (I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. 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.

J. Comments

K. 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.

By: C. E. Burnham, Chief
Building Plans Review

L/22/84

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: January 2, 1986

FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning

SUBJECT: Critical Area Comments, Warren V. Coleman, et ux (86-276-A, Item 220)

This petition for a variance has been determined to be consistent with the requirements of the Chesapeake Bay Critical Area statute.

No mitigative measures regarding water quality will be required in this case since the site has no suitable area for such practices.

NEG:PJS:vh

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

cy: People's Counsel

Thomas L. Vidmar
Engineering, Public Works

Tim Dugan, Special Assistant
Office of the Director

James G. Hoswell, Planner
Office of the Director

Andrea Van Arsdale
Coastal Zone Planner

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1981
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 16, 1985

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

odo

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

Mr. and Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

RE: Item No. 220 - Case No. 86-276-A
Petitioners - Warren V. Coleman, et ux
Variance Petition

Dear Mr. and Mrs. Coleman:

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 (mt)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Maryland 21214

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

DECEMBER 5, 1985
CRITICAL AREA

Re: Zoning Advisory Meeting of DECEMBER 10, 1985
Item # 220
Property Owner: WARREN V. COLEMAN, et ux
Location: SE/S PARK DRIVE, 65' S. BEAR CREEK DRIVE

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 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 "D" level intersection as defined by Bill 178-79, and the conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

Evonne A. Baker
Chief, Current Planning and Development

cc: James Hoswell

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

PAUL H. REINCKE
CHIEF

December 18, 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: Warren V. Coleman, et ux
Location: SE/S Park Drive, 65' S. Bear Creek Drive
Item No.: 220 Zoning Agenda: Meeting of December 10, 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 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: Capt. Joseph Kelly 12/19/85 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

86-276-A

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

odo

Nicholas B. Commodari
Chairman

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

December 31, 1985

Mr. & Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

RE: Item No. 220 - Case No. 276-A
Warren V. Coleman, et ux
Variance Petition

Dear Mr. & Mrs. Coleman:

Enclosed please find additional comments submitted after my original comments of December 16, 1985.

Very truly yours,

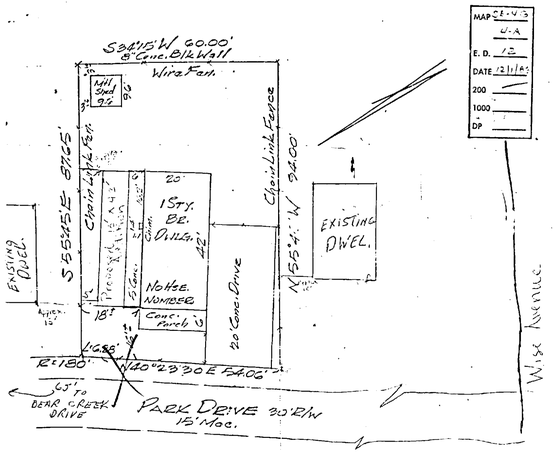
James E. Dyer (mt)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bsc

Enclosures

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Md. 21214

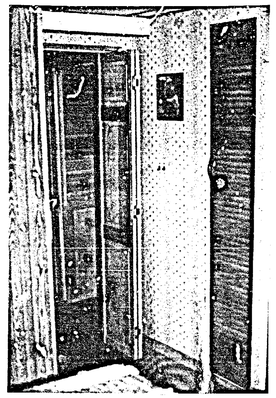
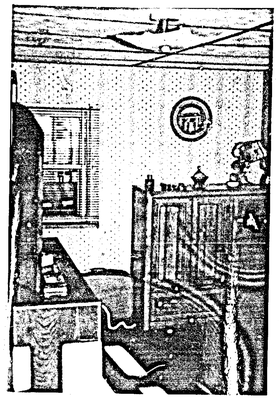
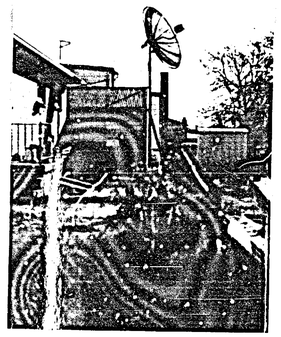
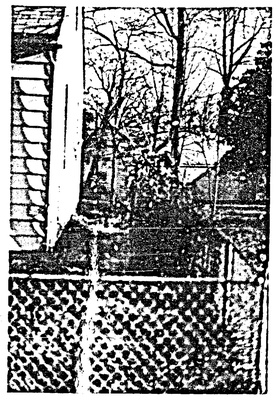
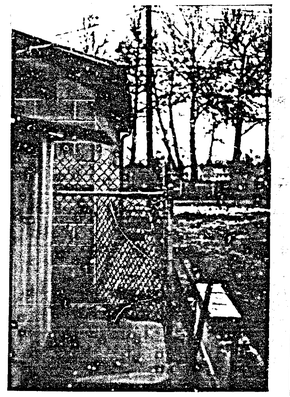
JAN 8 1987

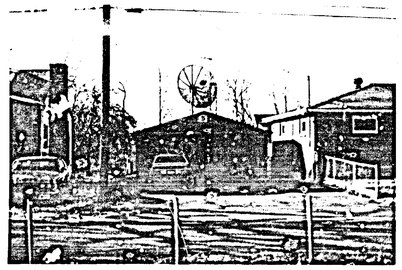


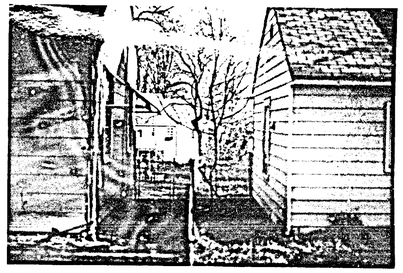
Plat for zoning variance
Owner - Warren & Hattie Coleman
District - 12 zoned D.R. 5.5
Subdivision - [illegible]
Plat book [illegible], folio [illegible]
Scale - [illegible]
Deed Ref. [illegible]

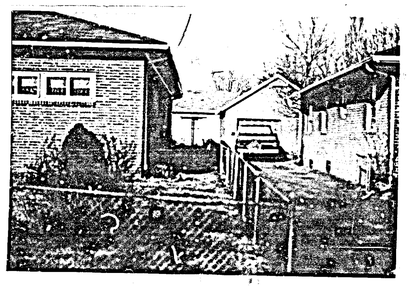
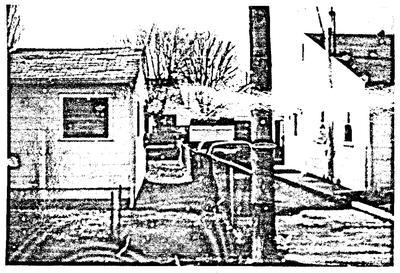
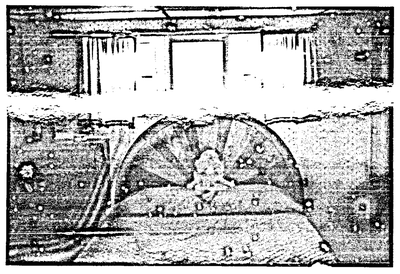
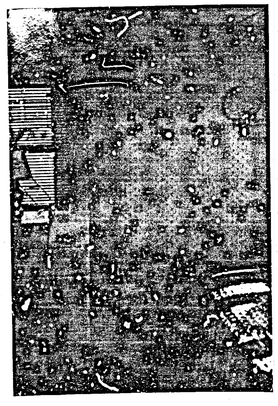
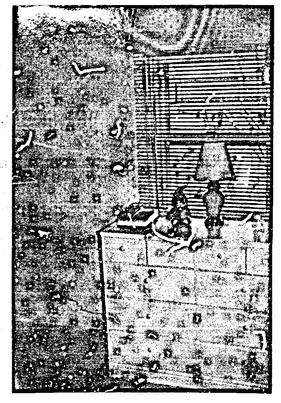
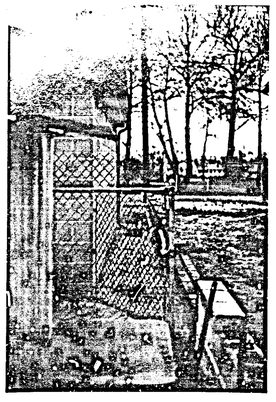
1701 PARK DRIVE
ELECT. DIST. 12 BALTO. CO. MD.
SCALE: 1"=20' 12/20/64
DEED REF. 5851-372

PETITIONER'S EXHIBIT 1





JAN 8 1987

86-276-A

MAP 5E-4G
4A
E.D. 12
DATE 12/1/85
200
1000
DP

86-276-A
#220

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 1B02.3C.1 to permit a minimum side yard setback of 5' in lieu of the required 10'.

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

1) Wife is due to have a baby in late November. The home is only one bedroom.
2) Existing property is shape of triangle and a 10 ft. setback is not enough for small addition

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)	Warren V. Coleman (Type or Print Name)
Signature	Warren V. Coleman (Signature)
Address	Kelly J. Coleman (Type or Print Name)
City and State	Kelly J. Coleman (Signature)

Attorney for Petitioner:

(Type or Print Name) — 1701 Park Drive 21128 (Address, Phone No.)
Signature — Baltimore, Md. 21228 (City and State)
Address — Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State — Name
Attorney's Telephone No.: — Address, Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of December, 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 6th day of January, 1986, at 1:30 o'clock

Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

Warren V. Coleman, et ux 86-276-A
SE/S Park Dr., 65' S of Bear Creek Dr.
(1701 Park Drive) 12th Dist.

IN RE: PETITION ZONING VARIANCE
SE/S of Park Drive, 65' S Bear Creek Drive (1701 Park Drive)- 12th Election District
Warren V. Coleman, et ux,
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 86-276-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a minimum side yard setback of 5 feet instead of the required 10 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Louis Leitch, a contractor, appeared on behalf of the Petitioners. William Holewinski, the adjoining property owner to the north., appeared in opposition and was represented by Counsel.

Testimony indicated that the Petitioners purchased the subject property, zoned D.R.5.5 and located on Park Drive, a year ago. It measures 60' x 94' x 54' x 88' and is improved with a one-story, three-room dwelling consisting of a bedroom, kitchen, and living room. Since the Petitioners are expecting their first child, more room is needed. Indeed, they propose to construct a 13' x 42' addition to the north side of the dwelling, which will consist of two bedrooms and a family room. It cannot be constructed other than where contemplated due to the odd shape of the lot. Therefore, a variance to the side yard setback requirement is necessary. All of the lots in the area are as small.

It should be noted that the Petitioners somehow obtained a building permit, and after securing Mr. Wolewinski's agreement to a minimum setback of 6 feet to the north property line, began construction. The dwelling is

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

constructed at an angle to the property line and the addition would be approximately 5 feet at its closest point and about 8 feet at its farthest point from the property line. Unfortunately, it has since been determined that the addition would be within 4 1/2 feet or 5 feet from Mr. Holewinski's property line at its closest point.

Testimony indicated that Mr. Holewinski objects to the closer setback because he believes property values will decline. However, there was testimony that he would agree not to oppose the variance for $1,500, notwithstanding his concerns. He is understandably upset that construction has proceeded to 75% completion without a variance.

The Petitioners seek relief from Section 1B02.3.C.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 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. or 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 requirement 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 9th day of January, 1986, that the Petition for Zoning Variance to permit a minimum side yard setback of ~~5 feet~~ 4½ feet instead of the required 10 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

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.
2. Baltimore County, Maryland has reviewed this application involving property located in the Maryland Chesapeake Bay Critical Area and has determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE January 9, 1986
BY
ADMINISTRATIVE ASSISTANT

cc: Mr. & Mrs. Warren V. Coleman
Mary Jean Kretschmen, Esquire
People's Counsel

220

Located on the southeast side of Park Drive 65' south of Bear Creek Drive and thence running S 55°47'E 87.65' thence
S 34°15'W 60.00 thence
N 55°45'W 94.00 thence
N 40°23'30" 54.06' thence
by a line curving northerly toward the left having a radius of 180.00' and a chord bearing N 39°23' 30" E 6.28' a distance of 6.28'. Also known as 1701 Park Drive.

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)

DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.36.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

JAN 8 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

---

RE: PETITION FOR VARIANCE
SE/S Park Drive, 65' S of Bear Creek Dr. (1701 Park Drive), 12th District

WARREN V. COLEMAN, et ux, Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:
: Case No. 86-276-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
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 12th day of December, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Warren V. Coleman, 1701 Park Drive, Baltimore, MD 21222, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 2, 1986

Mr. and Mrs. Warren V. Coleman
1701 Park Avenue
Baltimore, Maryland 21222

Re: Petition for Variance
SE/S Park Drive, 65' S of Bear Creek Drive (1701 Park Drive)
12th Election District
Warren V. Coleman, et ux. - Petitioners
Case No. 86-276-A

Dear Mr. and Mrs. Coleman:

This is to advise you that $57.75 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. 016094

DATE 1-6-86 ACCOUNT R-01-615-000
AMOUNT $ 57.75
RECEIVED FROM: Warren V Coleman, Esq
FOR: Advertising/Posting #86-276-A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)
DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.3b.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

Dec. 19.

Case # 86-276-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 19, 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 December 19, 1985.

THE JEFFERSONIAN,

Publisher

Cost of Advertising
24.75

PETITION FOR VARIANCE
12th Election District

LOCATION: Southeast side of Park Drive, 65' South of Bear Creek Drive (1701 Park Drive)
DATE AND TIME: Monday, January 6, 1986 at 1:30 p.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 1B02.3b.1 to permit a minimum side yard setback of 5 feet in lieu of the required 10 feet.

Being the property of Warren V. Coleman, 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

CERTIFICATE OF PUBLICATION

86-276A

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222 December 19, 1985 19

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Joblon in the matter of P.O. #12336 - Req. #84087 - 70 lines @ $28.00.

was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week for one successive week before the 20th day of December 1985; that is to say, the same was inserted in the issues of Dec. 19, 1985

Kimbel Publication, Inc.
per Publisher.

By K. E. Oehe

Mr. and Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

December 6, 1985

NOTICE OF HEARING

PETITION FOR VARIANCE
SE/S Park Dr., 65' S of Bear Creek Drive (1701 Park Drive)
12th Election District
Warren V. Coleman, et ux - Petitioners
Case No. 86-276-A

TIME: 1:30 p.m.

DATE: Monday, January 6, 1985

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

Arnold Jablon
Zoning Commissioner
for Baltimore County

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

No. 012390

DATE 11/27/85 ACCOUNT R-01-615-000
AMOUNT $ 35.00
RECEIVED FROM: Kelly Coleman
FOR: filing fee for Item #220 VARIANCE

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner

Date: January 3, 1986

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

SUBJECT: Zoning Petition No. 86-276-A

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

Norman E. Gerber/JGH
Norman E. Gerber, AICP

NEG/JGH/sf

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

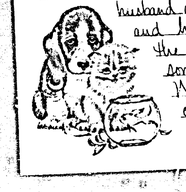
86-276-A

District 12 th Date of Posting 12/20/85
Posted for: Variance
Petitioner: Warren V. Coleman, et ux
Location of property: SE/S Park Dr., 65' S/Bear Creek Drive 1701 Park Drive
Location of Signs: Facing Park Drive approximately 5' from roadway on property of Petitioner
Remarks:
Posted by: Signature Date of return: 12/30/85
Number of Signs: 1

Ref: Item # 220
WARREN COLEMAN
Nov. 29, 1985

Dear Mr. Jablon,

My husband and I are in a predicament and I hope you can be of some assistance to us. We are having a baby in December and we live in a one-bedroom house. October 2, 1985 we contracted K & L Construction to build an addition to our home. A permit was obtained by the owner Louis Kutch but he falsified the information on the permit by stating that it would have a ten foot setback. He knew there would only be a five foot setback and he was supposed to apply for a variance, which he never did. On November 27, 1985 my husband and I filed for a variance and have been informed that the hearing won't be until some time in January. We are hoping that you could grant us an emergency hearing.



(1)

JAN 8 1987

Ref: Item #220

Our contractor has totally messed us up and we do have a complaint filed against him with the Home Improvement Commission. But our problem remains; we have no place for our soon to arrive baby. Granted, the child can stay in our room for the first couple of weeks but after that there is no place to put the crib or other necessary child care items.

This addition has turned into a nightmare. It was supposed to be completed by Thanksgiving and here we are the day after without the first step attained; permission.

I sincerely hope you can help us in this most trying time.

Sincerely,
Mr. & Mrs. W.V. Coleman
1701 Park Drive
Balto., Md. 21222

(2)

Case No. 86-276-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 29th day of November, 1985.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Warren V. Coleman, et ux
Petitioner's Attorney

Received by: James E. Dyer (mt)
Chairman, Zoning Plans Advisory Committee

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

December 27, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon

Comments on Item # 220 Zoning Advisory Committee Meeting are as follows:

Property Owner: Warren V. Coleman, et ux
Location: SE/S Park Drive, 65' S Bear Creek Drive
District: 12th

APPLICABLE ITEMS ARE CIRCLED:

(A) 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.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

(C) 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.

D. 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.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-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 wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable 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 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____, _____, of the Baltimore County Building Code.

H. 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 _____, or to Mixed Uses _____, _____, _____. See Section 312 of the Building Code.

NOTE: (I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. 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.

J. Comments

K. 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.

By: C. E. Burnham, Chief
Building Plans Review

L/22/84

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: MR. ARNOLD JABLON, Zoning Commissioner Date: January 2, 1986

FROM: NORMAN E. GERBER, Director, Office of Planning and Zoning

SUBJECT: Critical Area Comments, Warren V. Coleman, et ux (86-276-A, Item 220)

This petition for a variance has been determined to be consistent with the requirements of the Chesapeake Bay Critical Area statute.

No mitigative measures regarding water quality will be required in this case since the site has no suitable area for such practices.

NEG:PJS:vh

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

cy: People's Counsel

Thomas L. Vidmar
Engineering, Public Works

Tim Dugan, Special Assistant
Office of the Director

James G. Hoswell, Planner
Office of the Director

Andrea Van Arsdale
Coastal Zone Planner

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1981
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tidewaters, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 16, 1985

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

odo

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

Mr. and Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

RE: Item No. 220 - Case No. 86-276-A
Petitioners - Warren V. Coleman, et ux
Variance Petition

Dear Mr. and Mrs. Coleman:

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 (mt)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Maryland 21214

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

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

DECEMBER 5, 1985
CRITICAL AREA

Re: Zoning Advisory Meeting of DECEMBER 10, 1985
Item # 220
Property Owner: WARREN V. COLEMAN, et ux
Location: SE/S PARK DRIVE, 65' S. BEAR CREEK DRIVE

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 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 "D" level intersection as defined by Bill 178-79, and the conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
(X) Additional comments:
THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

Evonne A. Baker
Chief, Current Planning and Development

cc: James Hoswell

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

PAUL H. REINCKE
CHIEF

December 18, 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: Warren V. Coleman, et ux
Location: SE/S Park Drive, 65' S. Bear Creek Drive
Item No.: 220 Zoning Agenda: Meeting of December 10, 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 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: Capt. Joseph Kelly 12/19/85 Noted and Approved: John J. O'Neill
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb

86-276-A

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

odo

Nicholas B. Commodari
Chairman

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

December 31, 1985

Mr. & Mrs. Warren V. Coleman
1701 Park Drive
Baltimore, Maryland 21222

RE: Item No. 220 - Case No. 276-A
Warren V. Coleman, et ux
Variance Petition

Dear Mr. & Mrs. Coleman:

Enclosed please find additional comments submitted after my original comments of December 16, 1985.

Very truly yours,

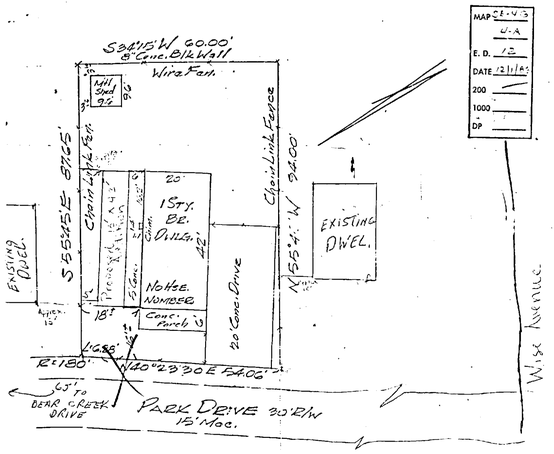
James E. Dyer (mt)
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:bsc

Enclosures

cc: B. D. Lynch Co., Inc.
4907 Harford Road
Baltimore, Md. 21214

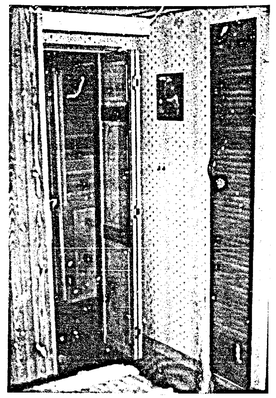
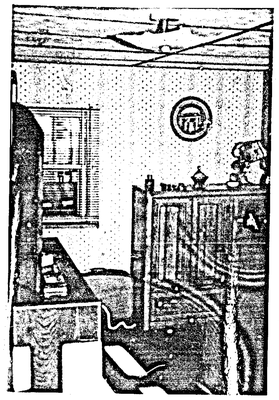
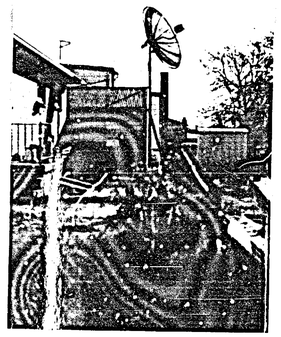
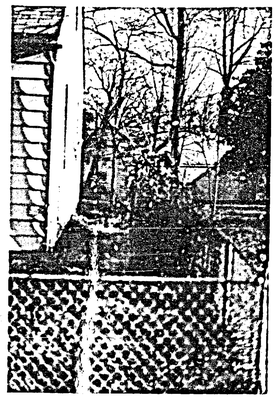
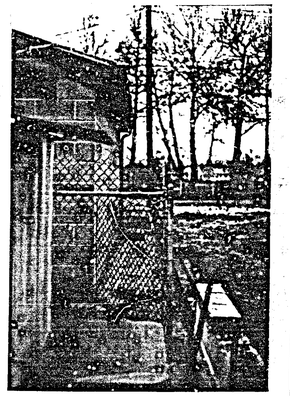
JAN 8 1987

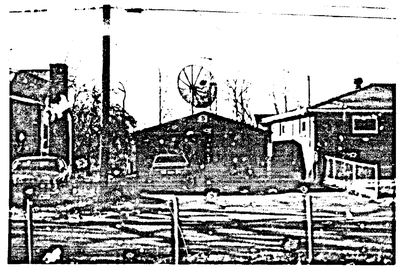


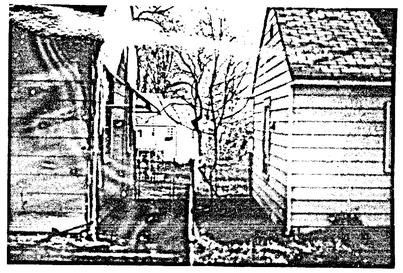
Plat for zoning variance
Owner - Warren & Hattie Coleman
District - 12 zoned D.R. 5.5
Subdivision - [illegible]
Plat book [illegible], folio [illegible]
Scale - [illegible]
Deed Ref. [illegible]

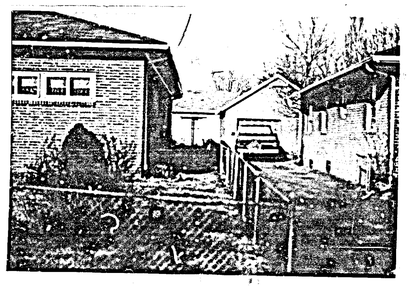
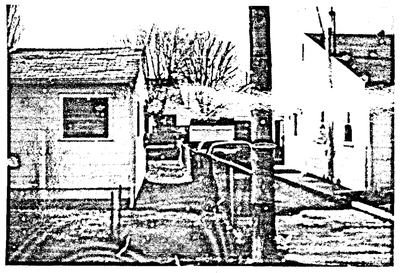
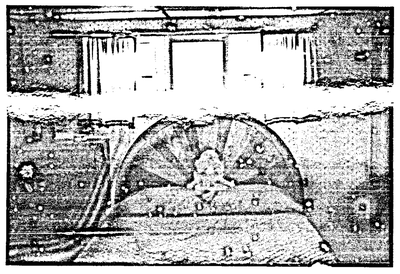
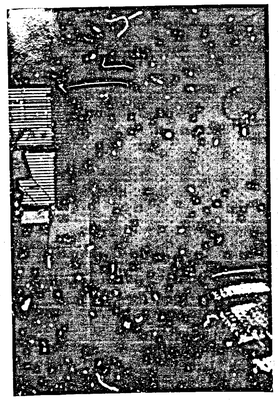
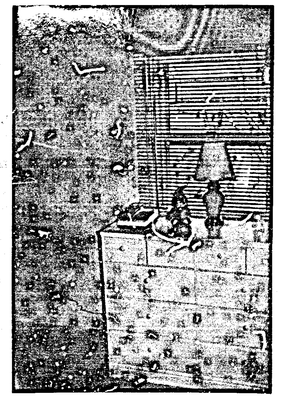
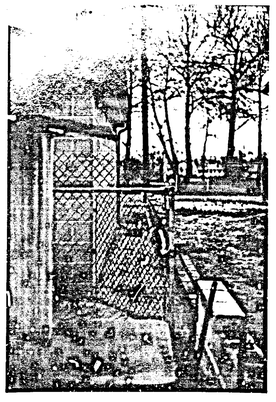
1701 PARK DRIVE
ELECT. DIST. 12 BALTO. CO. MD.
SCALE: 1"=20' 12/20/64
DEED REF. 5851-372

PETITIONER'S EXHIBIT 1





JAN 8 1987