

MAP 100-32-4
2F
E.D. 5
DATE 1-19-87
1000
DP

Thomas Walter Gemmill, Jr. 86-386-A
N/S Beckleysville Rd., 750' W. of
Foreston Rd. (3900 Beckleysville
Rd.)
3rd Elec. Dist.

IN RE: PETITION ZONING VARIANCE *
N/S of Beckleysville Road, *
750' W of Foreston Road *
(3900 Beckleysville Road) - *
5th Election District *
Thomas Walter Gemmill, *
Petitioner *
Case No. 86-386-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 24 1/2 feet instead of the required 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, zoned R.C.4 and located on Beckleysville Road, is improved with a dwelling constructed in 1854. The Petitioner has resided in it since 1943 and now wishes to construct a 21' x 18' addition to be used as a family room.

A recently completed survey of the property required the Petitioner to move, at the onset of the hearing, to amend the Petition to request a 19-foot side yard setback to the west property line instead of the originally requested 24 1/2 feet. The survey used to determine the proposed setback was very old and obviously in error. The motion was granted.

The addition cannot be placed on the east side of the dwelling due to the septic reservation and cannot be added to the rear because of a well. The adjacent property to the west property line is owned by the Petitioner and will be sold to his nephew who does not object to the requested variance.

The Petitioner seeks relief from Section 1A03.4.B.4, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

ORDER RECEIVED FOR FILING
DATE April 9, 1986
BY [Signature]

ORDER RECEIVED FOR FILING
DATE April 9, 1986
BY [Signature]

ORDER RECEIVED FOR FILING
DATE April 9, 1986
BY [Signature]

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

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

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

It is clear from the testimony that if the 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 Petitioner seeks 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 in 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 April, 1986, that the Petition for Zoning Variance to

permit a side yard setback of 19 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Mr. Thomas Walter Gemmill
People's Counsel

ORDER RECEIVED FOR FILING
DATE April 9, 1986
BY [Signature]

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 1A03.4B.4 to permit a side setback of 24 1/2 feet in lieu of the required 50 feet

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

House is 130 years old and existing setback is 42 1/2 feet.
Location of driveway and well limit placement of 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: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

Legal Owner(s):
Thomas Walter Gemmill
(Type or Print Name)
Signature [Signature]
(Type or Print Name)
Signature _____
Address _____
City and State _____
3900 Beckleysville Road 374-2534
Address Phone No.
Hampstead, Maryland 21074
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Thomas Walter Gemmill
Name
3900 Beckleysville Road 374-2534
Address Phone No.
Hampstead, MD 21074

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of March, 1986, 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 7th day of April, 1986, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County.

(over)

ZONING/PROPERTY DESCRIPTION

Beginning at a point on the North side of Beckleysville Road
750' west of Foreston Road and running the following courses and distances:

- N 72° 10' 35" W - 328.11'
- N 15° 55' 30" E - 325.61'
- S 73° 48' 39" E - 182.64'
- N 15° 09' 59" E - 357.53'
- S 40° 27' 32" E - 166.86'
- S 15° 28' 20" W - 258.16'
- S 16° 07' 45" W - 351.07'

to the point of beginning known as 3900 Beckleysville Road in the 5th Election District.

PETITION FOR ZONING VARIANCE

5th Election District

LOCATION: North Side of Beckleysville Road, 750 feet West of Foreston Road (3900 Beckleysville Road)
DATE AND TIME: Monday, April 7, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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

Petition for Zoning Variance to permit a side yard setback of 24 1/2 feet in lieu of the required 50 feet

Being the property of Thomas Walter Gemmill, as shown on plat plan filed with the Zoning Office.

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

BY ORDER OF
ARNOLD JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S Beckleysville Rd. : OF BALTIMORE COUNTY
750' W of Foreston Rd. :
(3900 Beckleysville Rd.) :
5th District) :

THOMAS WALTER GEMMILL, : Case No. 86-386-A
Petitioner :
: : : : :

ENTRY OF APPEARANCE

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

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

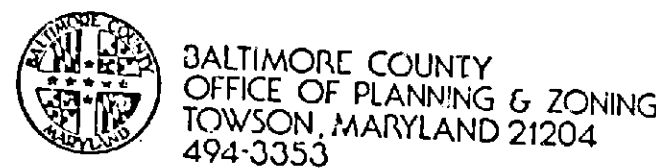
[Signature]
Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 18th day of March, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. Thomas Walter Gemmill, 3900 Beckleysville Rd., Hampstead, MD 21074, Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

ORDER RECEIVED FOR FILING

DATE April 9, 1986
BY [Signature]



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 2, 1986

Mr. Thomas W. Gemmill
3900 Beckleysville Road
Hampstead, Maryland 21074

RE: PETITION FOR ZONING VARIANCE
NS/Beckleysville Rd., 750' W of Foreston Rd.
(3900 Beckleysville Rd.)
5th Election District
Thomas Walter Gemmill - Petitioner
Case No. 86-386-A

Dear Mr. Gemmill:

This is to advise you that \$71.00 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. 018564

DATE: 4/7/86 ACCOUNT: R-01-515-000

SIGN & POST

RETURNED 4/7/86

AMOUNT: \$ 71.00

RECEIVED FROM: T. Walter Gemmill

FOR: Advertising & Posting re Case #86-386-A

8 8014*****7100: 4074F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 20, 1986

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 March 20, 1986.

THE JEFFERSONIAN,

JB Kentz
Publisher
Cost of Advertising

86-386-A 22.00

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 12, 1986.

TOWSON TIMES,

JB Kentz
Publisher

34.00

86-386-A

Case No. 86-386-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 4th day of March, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Thomas Walter Gemmill

Petitioner's Attorney: *James E. Dyer*

Received by: *James E. Dyer*

Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th Date of Posting: 3-21-86

Posted for: *Thomas W. Gemmill*

Petitioner: *Thomas W. Gemmill*

Location of property: *NS/Beckleysville Rd., 750' W of Foreston Rd. (3900 Beckleysville Rd.)*

Location of Sign: *On front of 3900 Beckleysville Road*

Remarks: *See above*

Posted by: *James E. Dyer* Date of return: 3-31-86

Number of Signs: 1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 14, 1986

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

Mr. Thomas Walter Gemmill
3900 Beckleysville Road
Hampstead, Maryland 21074

RE: Item No. 254 - Case No. 86-386-A
Petitioner - Thomas W. Gemmill
Variance Petition

Dear Mr. Gemmill:

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
JAMES E. DYER

Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: March 24, 1986

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

SUBJECT: Zoning Petition Nos. 86-386A, 86-387A, 86-388A, 86-389A,
86-394A, 86-395A, 86-397A

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

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

NEG/JGH/dml

AL:med

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

No. 016178

DATE: 4/1/86 ACCOUNT: R-01-515-000

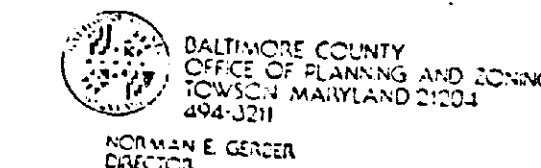
AMOUNT: \$ 34.00

RECEIVED FROM: *Thomas W. Gemmill*

FOR: *Advertising & Posting re Case #86-386-A*

8 8014*****3400: 4074F

VALIDATION OR SIGNATURE OF CASHIER



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

March 19, 1986

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.
- ☒ Forward 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 proposed Development Plan was approved by the Planning Board on [blank].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual, 8111-178-79. A building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by 2111-125-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ Additional comments: [blank]

cc: James Howell

Erin A. Soper
Chief, Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 17, 1986

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

Item No. -ZAC- Meeting of January 21, 1986
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 254, 256, and 257.

Michael S. Flanagan
Traffic Engineer Associate II

MSF/61d



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

January 20, 1986

PAUL H. REINCKE
CHIEF

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: Thomas Walter Gemmill

Location: N/S Beckleysville Road, 750' W of Foreston Road

Item No.: 254 Zoning Agenda: Meeting of 1-21-86

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 1-20-84
Planning Group
Special Inspection Division

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

/mb



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

February 11, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablonski:

Comments on Item # 254 Zoning Advisory Committee Meeting are as follows:

Property Owner: Thomas Walter Gemmill
Location: N/S Beckleysville Road, 750' W of Foreston Road
District: 5th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. 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.
Plans required if over 600 square feet or one story.
4. 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.
5. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls except 3'-0" to an interior lot line. B-4 Use Groups require 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.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____, _____, of the Baltimore County Building Code.
8. 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.
9. 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.
10. 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

4/22/85

