

MAP 111
E.D. 4
DATE 2-10-87
200
1000
DP

IN RE: PETITION FOR VARIANCE
51.8' S of Brookshire Drive,
92.3' E of Benwell Road
(43 Brookshire Drive) -
4th Election District
Marshall W. Ridgely, III,
et ux,
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-450-A

The Petitioners herein request a variance to permit a projection of 10 feet in lieu of the permitted 6.25 feet.

Testimony by the Petitioners indicated that both a front door and a patio door are located on the front of their quadruplex. Since a slope renders the yard unusable, they propose an 8' x 10' elevated deck adjacent to the patio door. It will be constructed of wood and have a safety railing. Lattice will be installed from deck to ground level. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 9th day of May, 1986, that the herein Petition for Variance to permit a projection of 10 feet in lieu of the permitted 6.25 feet, in accordance with the plan submitted and filed herein marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

1. Nothing shall be placed on the ground beneath the deck to prevent the natural absorption of water run off.

Jan M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

Marshall W. Ridgely, III, et ux
51.8' S of Brookshire Dr., 92.3'
E of Benwell Rd.
(43 Brookshire Dr.)

ORDER RECEIVED FOR FILING
DATE May 9, 1986
BY *Jan M. H. Jung*
ADMINISTRATIVE ASSISTANT

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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 9, 1986

Mr. and Mrs. Marshall W. Ridgely, III
43 Brookshire Drive
Reisterstown, MD 21136

RE: PETITION SPECIAL HEARING
51.8' S of Brookshire Drive,
92.3' E of Benwell Road
(43 Brookshire Drive) -
4th Election District
Marshall W. Ridgely, III,
et ux, Petitioners
Case No. 86-450-A

Dear Mr. and Mrs. Ridgely:

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

Very truly yours,

Jan M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:jbg

Attachments

cc: People's Counsel

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 1802.3B, 217.5 (301.1) TO PERMIT A PROJECTION OF 10 FEET IN LIEU OF THE PERMITTED 6.25 FEET (SEE CASE NO. 78-49A)

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

TO ENHANCE AND ADD TO THE BEAUTIFICATION AND VALUE OF THE COMMUNITY KNOWN AS BROOKSHIRE II CONDOMINIUM

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.

GROUP 20 PHASE 3

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)

MARSHALL W. RIDGELY, III
(Type or Print Name)

Signature

Signature

Address

CATHERINE M. RIDGELY
(Type or Print Name)

City and State

Signature

Attorney for Petitioner:

43 Brookshire Dr. #336081
Address Phone No.

(Type or Print Name)

REISTERSTOWN, MD.
City and State

Signature

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

Name

City and State

Address

Attorney's Telephone No.:

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of April, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of May, 1986, at 9:45 o'clock.

ORDER RECEIVED FOR FILING
DATE May 9, 1986
BY *Jan M. H. Jung*
ADMINISTRATIVE ASSISTANT

Dech
Granted

Carl John
Zoning Commissioner of Baltimore County.
(over)

BEGINNING AT A POINT 51.8' SOUTH OF THE CENTERLINE OF BROOKSHIRE DRIVE, 92.13 FEET EAST OF BENWELL ROAD AND BEING UNIT "B" BUILDING P-55, AS SHOWN ON THE PLAT OF BROOKSHIRE CONDOMINIUM NO. TWO, PHASE 3, WHICH IS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN CONDOMINIUM PLAT BOOK 5, FOLIO 62.

KNOWN AS 43 BROOKSHIRE DRIVE IN THE 4TH ELECTION DISTRICT

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 17, 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 April 17, 1986.

THE JEFFERSONIAN,
JB Kenton

Publisher
Cost of Advertising
22.00

PETITION FOR ZONING VARIANCE
4th Election District
Case No. 86-450-A
LOCATION: 51.8 feet South of Brookshire Drive, 92.3 feet East of Benwell Road (43 Brookshire Drive)
DATE AND TIME: Tuesday, May 6, 1986, at 9:45 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 projection of 10 feet in lieu of the permitted 6.25 feet.
Being the property of Marshall W. Ridgely, III, et ux, as shown on 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 JABLON,
Zoning Commissioner
of Baltimore County
Apr. 17

PETITION FOR ZONING VARIANCE

4th Election District

Case No. 86-450-A

LOCATION: 51.8 feet South of Brookshire Drive, 92.3 feet East of Benwell Road (43 Brookshire Drive)

DATE AND TIME: Tuesday, May 6, 1986, at 9:45 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 projection of 10 feet in lieu of the permitted 6.25 feet

Being the property of Marshall W. Ridgely, III, et ux, as shown on 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 JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE
51.8' S of Brookshire Dr.,
92.3' E of Benwell Rd.
(43 Brookshire Drive)
4th District
Marshall W. Ridgely, III,
et ux, Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-450-A

ENTRY OF APPEARANCE

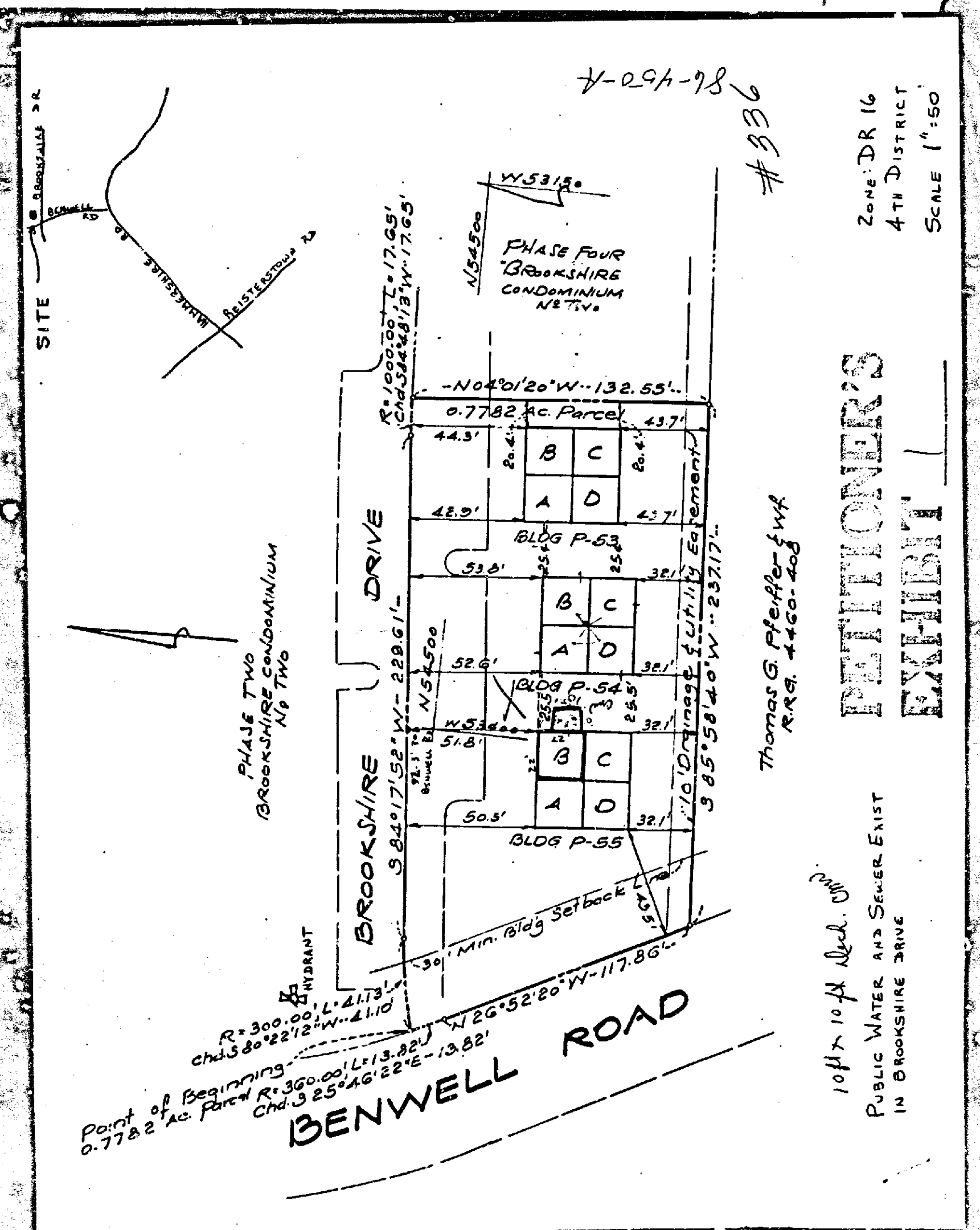
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of April, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Marshall W. Ridgely, III, 43 Brookshire Dr., Reisterstown, MD 21136, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



PETITIONER'S EXHIBIT 1

Thomas G. Pfeiffer, Esq.
R.R. 460-408

10' x 10' Deck
PUBLIC WATER AND SEWER EXIST
IN BROOKSHIRE DRIVE



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 29, 1986

Mr. Marshall W. Ridgely, III
Mrs. Catherine M. Ridgely
43 Brookshire Drive
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
51.8' S of Brookshire Dr., 92.3' E of Benwell Rd.
(43 Brookshire Dr.)
4th Election District
Marshall W. Ridgely, III, et ux - Petitioners
Case No. 86-450-A

Dear Mr. and Mrs. Ridgely:

This is to advise you that \$64.76 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.

Please bring this receipt to the County Office, Maryland, and remit the fee, Towson, Maryland

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

No. 021614

DATE 5/16/86 ACCOUNT 8-01-615-000

SIGN & POST RETURNED TO ZONING OFFICE AMOUNT \$ 64.76

RECEIVED FROM Mrs. Catherine M. Ridgely

FOR: Advertising & Posting to Case #86-450-A

B 8011*****647613 2024F

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE
4th Election District
Case No. 86-450-A

LOCATION: 51.8' S of Brookshire Drive, 92.3' E of Benwell Rd. (43 Brookshire Dr.)
DATE AND TIME: Tuesday, May 6, 1986, at 9:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Zoning Variance to permit a projection of 10 feet in lieu of the permitted 6.25 feet.

Being the property of Marshall W. Ridgely, III, et ux, as shown on plat plan 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 the 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

Case No. 86-450-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 3rd day of April, 1986.

Petitioner
Marshall W. Ridgely, III,
et ux

Received by:

James E. Dyer
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 4-12-86
Posted for Variance
Petitioner Marshall W. Ridgely III, et ux
Location of property 51.8' S of Brookshire Dr., 92.3' E of Benwell Rd.
(43 Brookshire Dr.)
Location of Sign In front of subject property 43 Brookshire Dr.
Remarks
Posted by [Signature] Date of return 4-18-86
Number of Signs 1

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., Apr. 17, 1986

THIS IS TO CERTIFY that the annexed Reg. #189312 P.O. #75896 was published for one (1) consecutive week/days previous to the 17th day of April, 1986, in the

- ☐ Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
☐ Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
☒ Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Per [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: April 15, 1986
FROM: Norman E. Gerber, Director Office of Planning & Zoning
SUBJECT: Zoning Petition Nos. 86-438-A, 86-433-A, 86-443-A, 86-444-A, 86-449-A, 86-450-A, 86-451-A

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

[Signature]
NORMAN E. GERBER, AICP, Director
Office of Planning and Zoning

NEG/JGH/dmi

CPS-008

Mr. Marshall W. Ridgely, III
Mrs. Catherine M. Ridgely
43 Brookshire Drive
Reisterstown, Maryland 21136

April 7, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
51.8' S of Brookshire Dr., 92.3' E of Benwell Rd.
(43 Brookshire Dr.)
4th Election District
Marshall W. Ridgely, III, et ux - Petitioners
Case No. 86-450-A

TIME: 9:45 a.m.

DATE: Tuesday, May 6, 1986

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

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 019843

DATE 4/20/86 ACCOUNT 01-615

RECEIVED FROM [Signature] AMOUNT \$ 35.00

FOR: Planning Fee - Item No. 336

B 8014*****350013 2124F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 10, 1986

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

Mr. and Mrs. Marshall W. Ridgely, III
43 Brookshire Drive
Reisterstown, Maryland 21136

RE: Item No. 336 - Case No. 86-450-A
Marshall W. Ridgely, III, et ux -
Petitioners
Variance Petition

Dear Mr. and Mrs. Ridgely:

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,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

Lego Management Services, Inc.
P. O. BOX 5738 BALTIMORE, MARYLAND 21208
(301) 486-4256

April 25, 1986

M/M Marshall Ridgely III
43 Brookshire Dr.
Reisterstown, Md. 21136

Dear M/M Ridgely,

The Board has approved the building of a deck as noted with one exception at 43 Brookshire Dr.

If utility company need to remove deck to replace their equipment or lines, the owner will be responsible for any repair to said structure.

Sincerely,
[Signature]
Arthur Lego
Lego Management Services, Inc.

cc: Board of Directors

PETITIONER'S
EXHIBIT 2

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 21201

APRIL 14, 1986

Re: Zoning Advisory Meeting of April 1, 1986
Item # 336
Property Owner: MARSHALL W. RIDGELY III
Location: 51.8' S of Brookshire Dr., 92.3' E of Benwell Rd. (43 Brookshire Dr.)
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 22-58 of the Development Regulations.
☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
☒ The amended Development Plan was approved by the Planning Board on [blank].
☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change are re-evaluated annually by the County Council. Additional comments: [blank]

cc: James Howell

Norman E. Gerber
Chair, Current Planning and Development



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

PAUL H. REINCKE
CHIEF

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

RE: Property Owner: Marshall W. Ridgely, III, et ux

Location: 51.8' South of Brookshire Dr., 92.3' East of Benwell Dr.
(43 Brookshire Dr.)

Item No.: 336 Zoning Agenda: Meeting of April 1, 1986

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 4-16-86 Noted and Approved:
Planning Group
Special Inspection Division

/mb

John F. O'Neill
Fire Prevention Bureau



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

April 30, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 336 Zoning Advisory Committee Meeting are as follows:

Property Owner: Marshall W. Ridgely, III, et ux
Location: 51.8' South of Brookshire Dr., 92.3' East of Benwell Dr.
District: 4th. (43 Brookshire Dr.)

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.M.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 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.

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.

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.

NOTE: J. Comments: The fire separation in Item "E" above when two buildings are on the same lot, they are measured from each building to an imaginary line between the structures. Any wall closer than 6'-0 to this imaginary line would require a 1 hour fire rated wall and fire protected openings.

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.

Charles E. Dunham
BY: C. E. Dunham, Chief
Building Plans Review

L/22/85