

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92
87-187-A

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 400.1 to permit an accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard, and to allow an accessory structure to be larger than the principal structure.

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

Garage building exists on the site constructed for use by Baltimore Gas and Electric. Owner wishes to construct a dwelling placed to side and rear of existing garage.

MEGE
42
C.D. 1474
DATE 5-5-87
200
1000
DP

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) BRADLEY A. BARKMAN
Signature *Bradley A. Barkman*
Address _____
(Type or Print Name) _____
City and State _____
Signature _____
Attorney for Petitioner:
(Type or Print Name) 2 CLIFFWOOD AVE. 21206
Address _____ Phone No. _____
Signature *Bradley A. Barkman*
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
BRADLEY A. BARKMAN
City and State _____
Attorney's Telephone No.: 28 CLIFFWOOD AVE. 21206
Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of September, 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 108, County Office Building in Towson, Baltimore County, on the 10th day of November, 1986, at 9:30 o'clock A.M.

Callahan
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date November 12, 1986
By *John P. Lawrence*

Bradley A. Barkman, 87-187-A
NW/S of Cliffwood Rd., 100' SW of
14th Election District

IN RE: PETITION ZONING VARIANCES * BEFORE THE
NW/S of Cliffwood Road, * ZONING COMMISSIONER
100' SW of Kenwood Road - * OF BALTIMORE COUNTY
14th Election District *
Bradley A. Barkman, * Case No. 87-187-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard and to permit the structure to be larger than the principal structure, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Ruby Ridgley, a neighbor, appeared, not in opposition but for clarification of the proposed use.

Testimony indicated that the subject property, located on Cliffwood Avenue and zoned D.R.5.5, consists of three, 50-foot lots. The Petitioner purchased them for the purpose of constructing his 28' x 36' dwelling 32 feet from Cliffwood Road. A 41' x 26' brick building, constructed by the Baltimore Gas and Electric Company in 1931, presently exists on the site 19 feet from Cliffwood Road.

Obviously, to require the destruction or relocation of the existing building would be unfeasible.

Ms. Ridgley's only concern is that the Petitioner not use the building as a service garage. Mr. Barkman assured her that it would be used solely as a garage for his personal automobile.

The Petitioner seeks relief from section 400.1, pursuant to Section 308, Baltimore County Zoning Regulations (BCZR).

Callahan
Zoning Commissioner of Baltimore County

to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard and to permit the structure to be larger than the principal structure be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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.
2. The existing structure shall be solely accessory to the dwelling and used solely as the Petitioner's personal residential garage.
3. No service garage of any kind, size, or scope shall be permitted.

AJ/srl
cc: Mr. Bradley A. Barkman
Ms. Ruby Ridgley
People's Counsel

ORDER RECEIVED FOR FILING
Date November 12, 1986
By *John P. Lawrence*

PETITION FOR ZONING VARIANCES
14th Election District
Case No. 87-187-A

LOCATION: Northwest Side of Cliffwood Road, 100 feet Southwest of Kenwood Road
DATE AND TIME: Monday, November 10, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 301, 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 Variances to permit an accessory structure (garage) in the front and side yard in lieu of the required rear yard and an accessory structure to be larger than the principal structure

Being the property of Bradley A. Barkman, 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 VARIANCES : BEFORE THE ZONING COMMISSIONER
NW/S of Cliffwood Rd., 100' SW : OF BALTIMORE COUNTY
of Kenwood Rd., 14th District :
BRADLEY A. BARKMAN, Petitioner : Case No. 87-187-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 3rd day of October, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. Bradley A. Barkman, 2A Cliffwood Ave., Baltimore, MD 21206, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

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

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

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

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

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

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of November, 1986, that the Petition for Zoning Variances

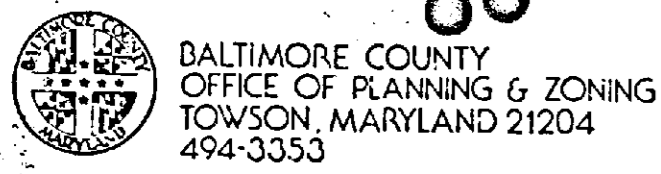
ORDER RECEIVED FOR FILING
Date November 12, 1986
By *John P. Lawrence*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

87-187-A

District 147th Date of Posting 9/26/86
Posted for Variance
Petitioner Bradley A. Barkman
Location of property NW/S of Cliffwood Rd., 100' SW Kenwood Ave.
Location of Signs Cliffwood Rd., across 2nd Ex. via survey, on property of Baltimore
Remarks _____
Posted by *Callahan* Date of return 10/31/86
Number of Signs 1

92



ARNOLD JABLON
ZONING COMMISSIONER

November 3, 1986

Mr. Bradley A. Barkman
2-A Cliffwood Avenue
Baltimore, Maryland 21206

RE: PETITION FOR ZONING VARIANCE
NW/S of Cliffwood Rd., 100' SW of Kenwood Rd.
14th Election District
Bradley A. Barkman - Petitioner
Case No. 87-187-A

Dear Mr. Barkman:

This is to advise you that \$53.80 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

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

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJmed

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. Bradley A. Barkman
2-A Cliffwood Avenue
Baltimore, Maryland 21206

September 26, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
NW/S of Cliffwood Rd., 100' SW of Kenwood Rd.
14th Election District
Bradley A. Barkman - Petitioner
Case No. 87-187-A

TIME: 9:30 a.m.

DATE: Monday, November 10, 1986

PLACE: Room 301, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

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

No. 025906

DATE 10/28/86 ACCOUNT 01-613

AMOUNT \$ 35.00

RECEIVED FROM BRADLEY A. BARKMAN

FOR FILING FEE FOR VARIANCE ITEM 92

B 8811*****322010 32201F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

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

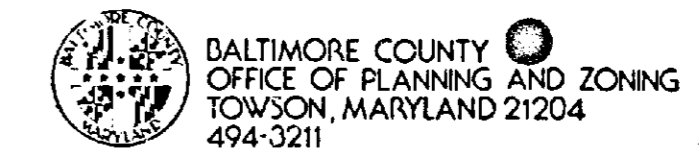
SUBJECT: Zoning Petition No. 87-184-A, 87-185-A, 87-186-A, 87-187-A, 87-188-A, 87-189-A, 87-190-A and 87-192-A

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

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slb

CP5-008



NORMAN E. GERBER
DIRECTOR

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

OCTOBER 17, 1986

Re: Zoning Advisory Meeting of SEPTEMBER 9, 1986
Item # 92
Property Owner: BRADLEY A. BARKMAN
Location: NW/S CLIFFWOOD RD. 100' NE, KENWOOD RD.

Dear Mr. Jablon:

The Division of Current Planning and Zoning 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 as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments: _____

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 23, 1986

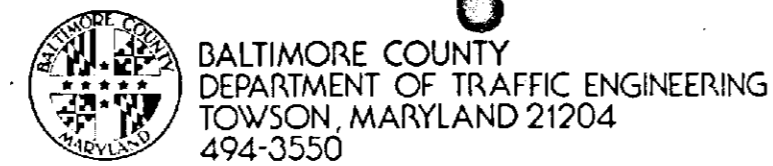
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 23, 1986.

THE JEFFERSONIAN,

Susan Seidel O'Connell
Publisher

24.75

PETITION FOR ZONING VARIANCE
14th Election District
Case No. 87-187-A
LOCATION: North Side of Cliffwood Road, 100 feet Southwest of Kenwood Road
DATE AND TIME: Monday, November 10, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 301, 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 on the Petition for Zoning Variance (Case No. 87-187-A) at the time and place stated above. The Petitioner is advised that the front and side yard setbacks and any necessary structures to be larger than the present setbacks.
Being the property of Bradley A. Barkman, as shown on the plat filed with the Zoning Office.
In the event that this Petitioner is granted a building permit and the necessary structures are erected in violation of the Zoning Act and Regulations of Baltimore County, 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 accompanied by a check for the amount of \$53.80, as above or made at the hearing.
By Order of
ARNOLD JABLON
Zoning Commissioner
Baltimore County
11/24/86



STEPHEN E. COLLINS
DIRECTOR

October 2, 1986

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 88, 89, 90, 91, 92, 93, and 94.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 13, 1986

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

Mr. Bradley A. Barkman
2A Cliffwood Avenue
Baltimore, Maryland 21206

Chairman

RE: Item No. 92 - Case No. 87-187-A
Petitioner: Bradley A. Barkman
Petition for Zoning Variance

Dear Mr. Barkman:

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.

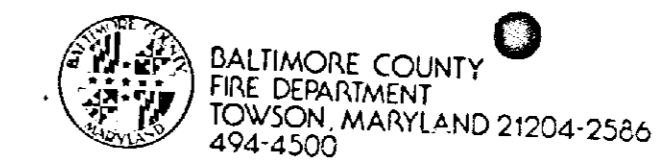
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

Marked 10/22/86



PAUL H. REYNOLDS
CHIEF

September 5, 1986

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

RE: Property Owner: Bradley A. Barkman

Location: NW/S Cliffwood Road, 100' NE Kenwood Road

Item No.: 92

Zoning Agenda: Meeting of 9/9/86

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.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- 6. Site plans are approved, as drawn.
- 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Reynolds* Noted and Approved: *Paul H. Reynolds*
Planning Group Fire/Prevention Bureau
Special Inspection Division

/s/

The Times

Middle River, Md., October 23, 1986

This is to Certify, That the annexed Petition

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 23 day of October, 1986
Donna Betty Publisher.

24.05

Petition for Zoning Variance
14th Election District
Case No. 87-187-A
LOCATION: Northwest side of Cliffwood Road, 100 feet Southwest of Kenwood Road
DATE & TIME: Monday, November 10, 1986 at 9:30 a.m.
PUBLIC HEARING: Room 301, 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 on the Petition for Zoning Variance (Case No. 87-187-A) at the time and place stated above. The Petitioner is advised that the front and side yard setbacks and any necessary structures to be larger than the present setbacks.
Being the property of Bradley A. Barkman, as shown on the plat filed with the Zoning Office.
In the event that this Petitioner is granted a building permit and the necessary structures are erected in violation of the Zoning Act and Regulations of Baltimore County, 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 accompanied by a check for the amount of \$53.80, as above or made at the hearing.
By Order of
ARNOLD JABLON
Zoning Commissioner
Baltimore County
11/24/86



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

September 16, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 92 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bradley A. Barkman
Location: NW/S Cliffwood Road, 100 feet NE Kenwood Road
Districts: 14th.

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 5'-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 Use _____. 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.
- J. Comments: Plat shows a property line through each building. These lines shall be removed due to fire wall requirements at property lines by the Building Code.
- 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 132 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

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

4/22/85

87-187-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

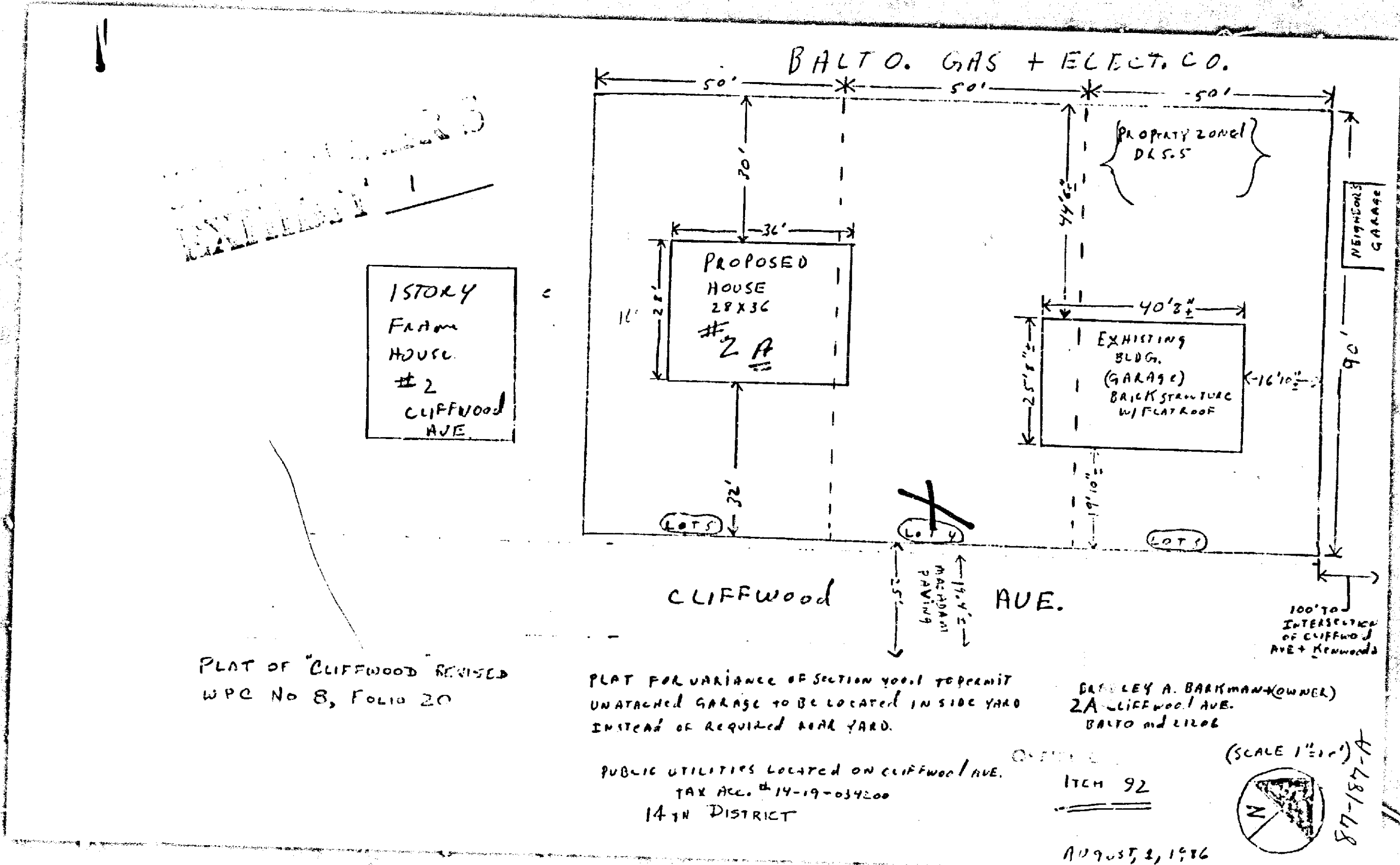
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
22nd day of September, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Bradley A. Barkman
Petitioner's Attorney: _____

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



PLAT OF CLIFFWOOD REVISED
WPC No 8, FOLIO 20

PLAT FOR VARIANCE OF SECTION 400.1 TO PERMIT
UNATTACHED GARAGE TO BE LOCATED IN SIDE YARD
INSTEAD OF REQUIRED REAR YARD.

BRADLEY A. BARKMAN (OWNER)
2A CLIFFWOOD AVE.
BALTO MD 21206

PUBLIC UTILITIES LOCATED ON CLIFFWOOD AVE.
TAX AC. # 14-19-034200
14TH DISTRICT

ITCH 92

11/9/86

