

87-276-A

E/S Kincaid Ct., 1300' S of Sweet Air Rd.  
(15 Kincaid Ct.)

10th Elec. Dist.

**# 153**

11/26/86

Variance - filing fee \$35.00 - Darryl G. Fletcher, et ux

11/26/86

Hearing set for 1/5/87, at 9:45 a.m.

1/5/87

Advertising and Posting - \$73.75

6/23/87

Ordered by the Zoning Commissioner that variances to permit side yard setbacks of 44' in lieu of the required 50' are GRANTED with conditions.

**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 1A04.3, B.3 to permit side yard setbacks of 40 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)

- The Zoning Regulations requiring a 50' side yard set back does not allow adequate to build the size house that we want to build.

MAP NE 20F  
 4-D  
 E. D. 10  
 DATE 7/28/86  
 200  
 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: \_\_\_\_\_ Legal Owner(s): \_\_\_\_\_  
 (Type or Print Name) DARRYL G. FLETCHER  
 Signature \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 Attorney's Telephone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of November, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of January, 1987, at 9:45 A.M.

*Arnold Jablon*  
 Zoning Commissioner of Baltimore County.

ORDER REQUIRED FOR FILING  
 Date \_\_\_\_\_  
 By \_\_\_\_\_

DESCRIPTION - 15 KINCAID COURT

BEING KNOWN AND DESIGNATED as Lot No. 7, Block C, as shown on a Plat entitled "Section 5, Resubdivision of Part of Quinn Subdivision, Section 4 (OTG No. 35, Folio 84), which said Plat is recorded among the Land Records of Baltimore County in Plat Book EHK JR., No. 51, Folio 70.

Located on the east side of Kincaid Rd. (50 feet wide) at a distance of 1300 feet south of Sweet Air Road.

PETITION FOR ZONING VARIANCE

10th Election District  
 Case No. 87-276-A

LOCATION: East Side of Kincaid Court, 1300 feet South of Sweet Air Road (15 Kincaid Court)

DATE AND TIME: Monday, January 5, 1987, 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 side yard setbacks of 40 feet in lieu of the required 50 feet

Being the property of Darryl G. Fletcher, et ux, 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 JABLON  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
 E/S Kincaid Ct., 1300' S of Sweet : OF BALTIMORE COUNTY  
 Air Rd. (15 Kincaid Ct.) :  
 10th District :

DARRYL G. FLETCHER, et ux, : Case No. 87-276-A  
 Petitioners :

ENTRY OF APPEARANCE

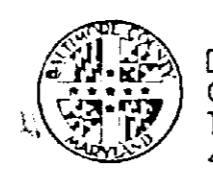
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*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, MD 21204  
 494-2188

I HEREBY CERTIFY that on this 24th day of December, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Darryl G. Fletcher, 4517 Hydes Rd., Hydes, MD 21082, 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

December 30, 1986

Mr. Darryl G. Fletcher  
 Mrs. Rosemarie Fletcher  
 4517 Hydes Road  
 Hydes, Maryland 21082

RE: PETITION FOR ZONING VARIANCE  
 E/S Kincaid Ct., 1300' S of Sweet Air Rd.  
 (15 Kincaid Ct.)  
 10th Election District  
 Darryl G. Fletcher, et ux - Petitioners  
 Case No. 87-276-A

Dear Mr. and Mrs. Fletcher:

This is to advise you that \$73.75 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.

Please make the check payable to Baltimore County, Maryland, and remit to, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 No. 025773

DATE \_\_\_\_\_ ACCOUNT \_\_\_\_\_  
 AMOUNT \$ \_\_\_\_\_  
 RECEIVED FROM \_\_\_\_\_  
 FOR \_\_\_\_\_  
 VALIDATION OR SIGNATURE OF CASHIER \_\_\_\_\_

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 18, 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 December 18, 1986.

THE JEFFERSONIAN,

*Susan Steudel Obrecht*  
 Publisher

24.75

PETITION FOR ZONING VARIANCE  
 10th Election District  
 Case No. 87-276-A  
 LOCATION: East Side of Kincaid Court, 1300 feet South of Sweet Air Road (15 Kincaid Court)  
 DATE AND TIME: Monday, January 5, 1987, 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 side yard setback of 40 feet in lieu of the required 50 feet.  
 Being the property of Darryl G. Fletcher, et ux, as shown on plat plan filed with the Zoning Office.  
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 By Order of  
 ARNOLD JABLON  
 Zoning Commissioner  
 of Baltimore County  
 12/17 Dec. 18

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 17, 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 December 17, 1986.

TOWSON TIMES,

*Susan Steudel Obrecht*  
 Publisher

34.00

PETITION FOR ZONING VARIANCE  
 10th Election District  
 Case No. 87-276-A  
 LOCATION: East Side of Kincaid Court, 1300 feet South of Sweet Air Road (15 Kincaid Court)  
 DATE AND TIME: Monday, January 5, 1987, 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 side yard setback of 40 feet in lieu of the required 50 feet.  
 Being the property of Darryl G. Fletcher, et ux, 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 JABLON  
 Zoning Commissioner  
 of Baltimore County  
 12/17 Dec. 17

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District 10th Date of Posting 12/18/86  
 Posted for: Variance  
 Petitioner: Darryl G. Fletcher et ux  
 Location of property: E/S Kincaid Ct., 1300' S of Sweet Air Rd., 15 Kincaid Ct.  
 Location of Sign: Facing Kincaid Ct., across S. Ft. Meade Hwy, ex property of Baltimore  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 12/22/86  
 Number of Signs: 1

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  
25th day of November, 1986.

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

Petitioner Darryl G. Fletcher, et ux Received by: James E. Dyer  
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO: Zoning Commissioner Date: December 9, 1986

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

SUBJECT: Zoning Petition No. 87-275-A, 87-276-A, 87-278-A, 87-281-A, 87-282-A and 87-284-A

There are no com; rehensive planning factors requiring comment on these petitions.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:JGH:sib

LAW OFFICE  
Darryl G. Fletcher, P.A.  
8905 HARFORD ROAD  
BALTIMORE, MARYLAND 21234  
301 682-2000

6/19/87  
RECEIVED  
JUN 19 1987  
ZONING OFFICE

June 17, 1987

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

RE: PETITION FOR ZONING VARIANCE  
E/S Kincaid Ct., 1300' S of Sweet Air Rd.  
(15 Kincaid Ct.)  
10th Election District  
Darryl G. Fletcher, et ux - Petitioners  
Case No. 87-276-A

Dear Mr. Jablon:

As you may recall a hearing was held in the above referenced matter on January 5, 1987. I have finally been able to resolve the building plans for the proposed house on the subject property. My neighbors, Mr. and Mrs. William Schwindt, and Mr. and Mrs. Gary Terraroni, have agreed and consented to a six foot variance to each side set back to the subject property. The original petition was for a ten foot variance on each side. They have agreed to the six foot variance.

In accordance with your direction at the time of the hearing, I would request that you pass an order allowing this variance. If there is anything further needed to be done, please let me hear from you.

Very truly yours,

*Darryl G. Fletcher*  
Darryl G. Fletcher

cc: Mr. & Mrs. William Schwindt  
Mr. & Mrs. Gary Terraroni

DGF:es

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 23, 1986

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

Mr. Darryl G. Fletcher  
4517 Hydes Road  
Hydes, Maryland 21082

Chairman

RE: Item No. 153 - Case No. 87-276-A  
Petitioner: Darryl G. Fletcher, et ux  
Petition for Zoning Variance

MEMBERS

- Bureau of Engineering
- Department of Traffic Engineering
- State Roads Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

Dear Mr. Fletcher:

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:kbb

Enclosures

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

STEPHEN E. COLLINS  
DIRECTOR

November 26, 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 150, 151, 152, 153, 154, and 156.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:it

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 8, 1986

Re: Zoning Advisory Meeting of OCTOBER 28, 1986  
Item # 153  
Property Owner: DARRYL G. FLETCHER, et ux  
Location: E/S KINCAID COURT, 1300'  
S. SWEET AIR RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- 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 limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments: \_\_\_\_\_

David Fields, Acting Chief  
Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204

November 10, 1986

TED ZALESKI, JR.  
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 153 Zoning Advisory Committee Meeting are as follows:

Property Owner: Darryl G. Fletcher, et ux  
Location: E/S Kincaid Court, 1300 Ft. S Sweet Air Road  
District: 10th.

APPLICABLE ITEMS ARE CIRCLED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (M.S.G.I. #117-1 - 1980) and other applicable Codes and Standards.
- A building and other miscellaneous permits shall be required before the start of any construction.
- Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- All Use Groups except R-1 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-1 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 1106.2 and Table 1407. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your architect/engineer contact this department.
- The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- 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 the \_\_\_\_\_ of Mixed Use \_\_\_\_\_. See Section 317 of the Building Code.
- 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 finished floor levels including basement.

J. Comments:

*Michael S. Flanigan*  
Mr. C. E. Burman, Chief  
Building Plans Rev. Co.

L/27/86

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

PAUL H. REINCKE  
CHIEF

November 18, 1986

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

RE: Property Owner: Darryl G. Fletcher, et ux

Location: E/S Kincaid Court, 1300 ft. S Sweet Air Road

Item No.: 153 Zoning Agenda: Meeting of Oct. 28, 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 of \_\_\_\_\_ 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: *C. E. Burman*  
Planning Group  
Special Inspection Division

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

/mb

Mr. Darryl G. Fletcher  
 Mrs. Rosemarie Fletcher  
 4517 Hydes Road  
 Hydes, Maryland 21082

December 5, 1986

**NOTICE OF HEARING**

RE: PETITION FOR ZONING VARIANCE  
 E/S Kincaid Ct., 1300' S of Sweet Air Rd.  
 (15 Kincaid Ct.)  
 10th Election District  
 Darryl G. Fletcher, et ux - Petitioners  
 Case No. 87-276-A

TIME: 9:45 a.m.

DATE: Monday, January 5, 1987

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

*[Signature]*  
 Zoning Commissioner  
 Anne County

No. 026059

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

DATE: 1/5/87 ACCOUNT: 01-112

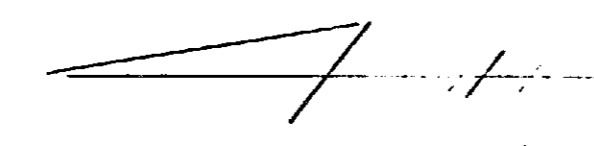
AMOUNT \$ 35.00

RECEIVED FROM: Darryl G. Fletcher

FOR: 01-112

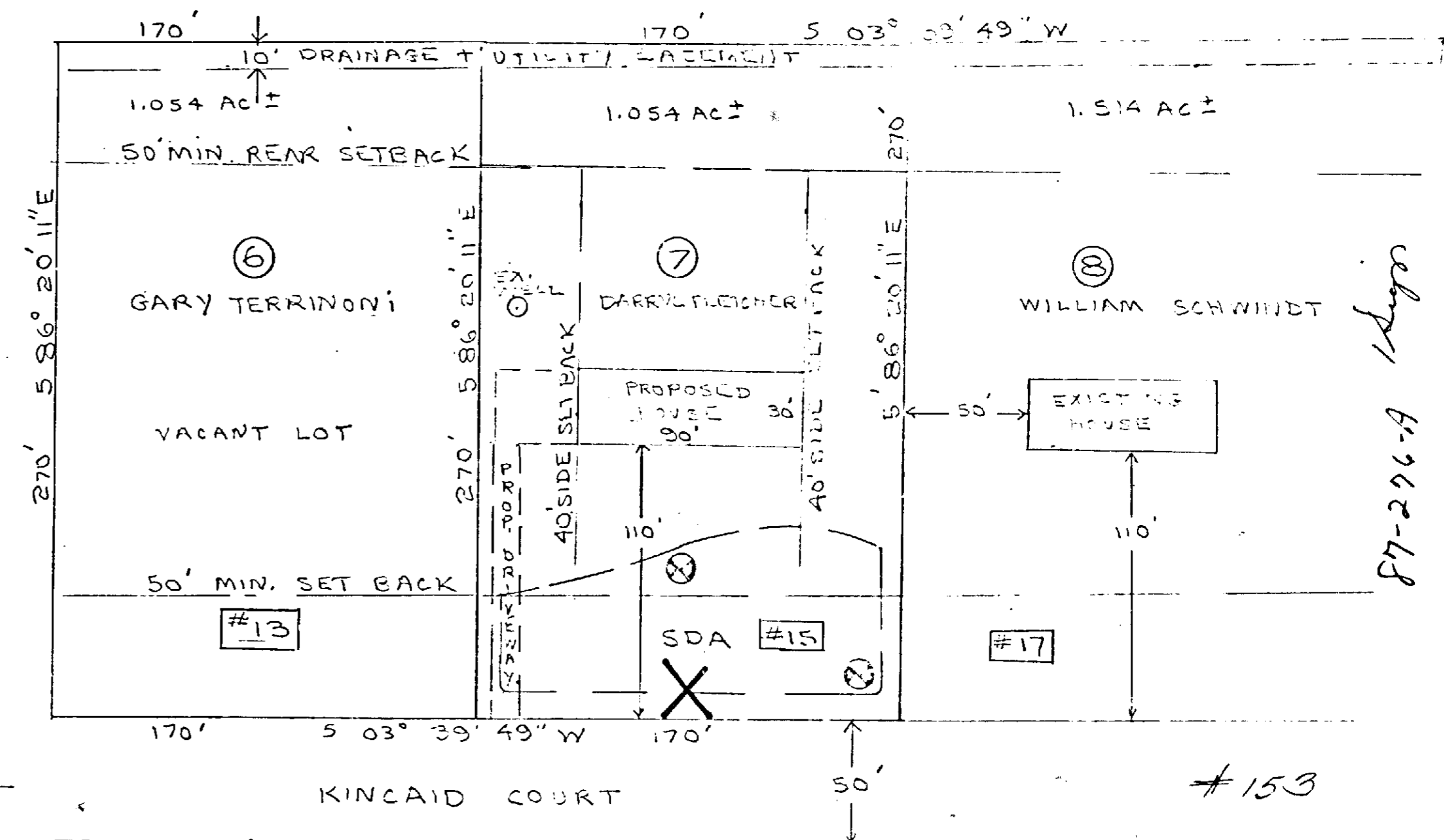
VALIDATION OR SIGNATURE OF CASHIER

VARIANCE PLAT TO ALLOW 40'  
 SIDEYARD IN LIEU OF REQUIRED  
 50' SIDEYARD FOR LOT 7



DIST. 10  
 ONE RC-5

**PETITIONER'S  
 EXHIBIT**



87-276-A  
 1/5/87

