

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 1802.3.1.1. to permit a side yard setback of 1 foot in lieu of the required 10 feet and to permit a minimum sum of side yard setbacks of 16 feet in lieu of the required 25 feet for the erection of a residential garage.

Because of the topography of the remaining land of Applicants ownership, the proposed garage cannot be erected elsewhere thereon.

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) Joseph L. Brown
Signature Shirley A. Brown
Address 111 New Avenue
City and State Reisterstown, Md. 21136
Attorney for Petitioner: William E. Hammond
Address 102 Main Street
City and State Reisterstown, Md. 21136
Attorney's Telephone No. 833-1322

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of December, 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 13th day of January, 1987, at 10:30 o'clock a.m.

Zoning Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 25, 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 25, 1986.

THE JEFFERSONIAN,

Sharon Sander O'Brien
Publisher

Cost of Advertising

24.75

IN RE: PETITION FOR ZONING VARIANCE
E/S New Avenue, 224' N of the
C/L of Mysticwood Road
4th Election District
Joseph L. Brown, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-297-A

The Petitioners herein request a zoning variance to permit a side yard setback of 1 foot in lieu of the required 10 feet and to permit a minimum sum of the side yard setbacks of 16 feet in lieu of the required 25 feet for the construction of a garage.

Testimony by one of the Petitioners indicated that there is a severe slope in the property from the rear wall of the existing dwelling towards the rear of the property. To place a garage in the rear yard would necessitate the removal of a large portion of an existing driveway, extensive fill dirt being hauled in, and relocating utility lines. There is already a serious drainage problem in back yards throughout the area. An attached double garage would protect the family cars from neighborhood vandalism and, by the use of matching siding, add to the aesthetic value of the community. The wall adjacent to the side property line will have no windows or door. The water runoff from the rear portion of the roof will be channelled north and from the front portion will be channelled under the driveway to an existing buried drain and thus to the road.

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, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of January, 1987, that a side yard setback of 1 foot and a minimum sum of the side yard setbacks of 16 feet for the construction of a garage, in accordance with the plan submitted and identified as Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

The water runoff from the rear portion of the roof will be channelled north and from the front portion will be channelled under the driveway to an existing buried drain.

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

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

ARNOLD JARLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 23, 1987

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Petition for Zoning Variance
E/S New Avenue, 224' N of the
C/L of Mysticwood Road
4th Election District
Case No. 87-297-A

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

If you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,
Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Enclosures

cc: Mr. & Mrs. Joseph L. Brown
111 New Avenue
Reisterstown, Maryland 21136
People's Counsel

RE: PETITION FOR VARIANCES
E/S New Ave., 224' N of C/L of
Mysticwood Rd., 4th District
JOSEPH L. BROWN, et ux,
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, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 8th day of January, 1987, a copy of the foregoing Entry of Appearance was mailed to William E. Hammond, Esquire, 107 Main St., Reisterstown, MD 21136, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR ZONING VARIANCE
4th Election District
Case No. 87-297-A

LOCATION: East Side of New Avenue, 224 feet North of the Centerline of Mysticwood Road

DATE AND TIME: Tuesday, January 13, 1987, at 10:30 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 1 foot in lieu of the required 10 feet and a minimum sum of the side yard setbacks of 16 feet in lieu of the required 25 feet for a residential garage

Being the property of Joseph L. Brown, 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 JARLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

DESCRIPTION
NORTHERMOST LOT
PART OF PARCEL A
SECTION I
CHATSORTH GROVE
4th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the easternmost side of New Avenue

said point being 224 feet ±

northerly from the centerline of
Mysticwood Road and running thence

North 04° 32' 50" West 80 feet, thence
North 85° 25' 10" East 135.00 feet, thence
South 04° 34' 50" East 80.00 feet, thence
South 85° 25' 10" West 135.05 feet to the point of beginning, containing 10,802 square feet of land more or less.

BEING a part of Parcel A, as shown on the Plat of Section I, Chatsworth Grove, recorded among the plat records of Baltimore County, Maryland in Plat Book R.R.G. 29 at Folio 63.

To whom it may concern;

This is to inform you that I have no objection to my neighbor, Mr. Joseph Brown, to build a garage up to, but not to extend beyond our property line.

Sincerely,
Robert J. Brown
113 New Ave.
Reisterstown Md. 21136
EXHIBIT 4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Date: December 19, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-287-A, 87-288-A, 87-289-A, 87-295-A, 87-296-A, 87-297-A, 87-298-A and 87-299-A

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

Norman E. Gerber, AICP
Director

NEG:JGH:sib

RECEIVED
DEC 23 1986

ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 7, 1986

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Item No. 174 - Case No. 87-297-A
Petitioner: Joseph L. Brown, et ux
Petition for Zoning Variance

Dear Mr. Hammond:

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, Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

DECEMBER 18, 1986

Re: Zoning Advisory Meeting of NOVEMBER 18, 1986
Item # 174
Property Owner: JOSEPH L. BROWN, et al
Location: E/S NEW AVE, 224' N. &
MYSTICWOOD 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 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

WILLIAM E. HAMMOND
ATTORNEY AT LAW
107 MAIN STREET
REISTERSTOWN, MARYLAND 21136
811-1712

RECEIVED
NOV 3 1986

October 31, 1986

ZONING OFFICE

Mr. Carl W. Richards, Jr.
Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Residential Variance
Joseph L. Brown, et ux

Dear Carl:

In keeping with our telephone conversation, enclosed please find three (3) copies of the executed Petition for Variance and a check in the amount of \$35.00 as filing fee.

Please forward for my file the original papers required for this filing.

Thank you for your kind assistance in this regard.

Very truly yours,

William E. Hammond

WEH:dd
Encl. (Petition and Check)

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

STEPHEN E. COLLINS
DIRECTOR

December 15, 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 171, 174, 175, 176, 178, 179, 180, 181, 182, 184, 185, 186, and 187.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:tt

11/3
87-297-A

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

PAUL H. REINCKE
CHIEF

November 24, 1986

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

RE: Property Owner: Joseph L. Brown, et ux

Location: E/S New Avenue, 224' N. centerline Mysticwood Road

Item No.: 174

Zoning Agenda: Meeting of 11/18/86

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 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.

REVIEWED: _____
Planning Group
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

December 2, 1986

TED ZALESKI, JR.
DIRECTOR

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

Comments on Item # 174: Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph L. Brown, et ux
Location: E/S New Avenue, 224' N c/l Mysticwood Road
District: 4th.

APPLICABLE ITEMS ARE CHECKED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Manufactured and Appliance (AMC-11, #17-85) 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 required on plans and technical data.
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.

SPECIAL NOTE:

1. All Use Groups except B-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. B-4 Use Groups require a one hour wall of exterior wall. See Table 401, Section 1107, and Table 1102. No enclosures are permitted in an exterior wall within 1'-0" of an interior lot line.
2. 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 101 and 505 and have your Architect/Engineer contact this department.
3. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
4. 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 Architect or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Fixed Use. See Section 112 of the Building Code.
5. 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 #17-86. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

E. 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 120 of the County Office Building at 111 West Chesapeake Avenue, Towson, Maryland 21204.

Mr. C. E. Burnham, Chief
Building Plans Review

L/22/86

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

87-297-A

District 4th Date of Posting 12-23-86

Posted for: Variance

Petitioner: Joseph L. Brown, et ux

Location of property: E/S of New Ave. 224' N' of the C/L of

Mysticwood Road

Location of Signs: Close front of subject property 111 New Avenue

Remarks: _____

Posted by: [Signature] Date of return: 12-30-86

Number of Signs: 1

87-297-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
10th day of December, 1986.

[Signature]
ARNOLD LABON
Zoning Commissioner

Petitioner Joseph L. Brown, et ux
Petitioner's Attorney William E. Hammond, Esquire

Received by: James E. Dyer

Chairman, Zoning Plans
Advisory Committee



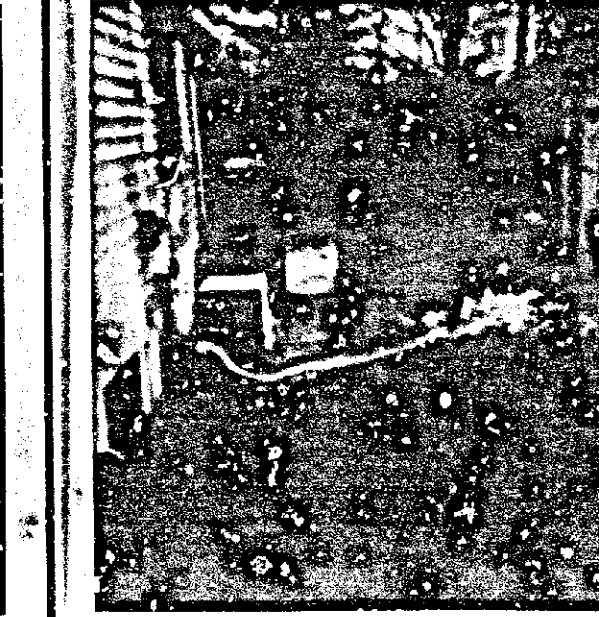
1-13-87 Pet 1 d



1-13-87 Pet 1 c



1-13-87 Pet 4 h



1-13-87 Pet 4 a

9-10-87

RIGHT SIDE ELEV.