

PETITION FOR ZONING VARIANCE

182

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 1804.36.3 of the Baltimore County Zoning Regulations to allow for a 40' sidewalk on the right side and a 45' sidewalk on the left side, in lieu of the required 50' for each, and to amend the Final Development Plan of 5 Springs West, Lot 28, to allow construction outside of the building envelope.

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

1. The existing setbacks will not accommodate the proposed dwelling.

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 _____

Legal Owner(s): _____
(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.: _____
Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day

of December, 1987, 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 13th day of January, 1987, at 10:45 o'clock

(over)

PETITION FOR ZONING VARIANCE

3rd Election District

Case No. 87-298-A

LOCATION: Southeast Side of Westspring Way, 327 feet Southwest of Greenspring Avenue (7 Westspring Way)

DATE AND TIME: Tuesday, January 13, 1987, at 10:45 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 Variances to permit a 40 foot side yard setback in lieu of the required 50 feet, a 45 foot side yard setback in lieu of the required 50 feet, and to amend the Final Development Plan of 5 Springs West, Lot 28, to permit construction outside of the building envelope

Being the property of Pridemark Custom Homes, 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 VARIANCES : BEFORE THE ZONING COMMISSIONER
SE/S Westspring Way, 327' SW of : OF BALTIMORE COUNTY
Greenspring Ave. (7 Westspring :
Ave.), 3rd District

PRIDEMARK CUSTOM HOMES, : Case No. 87-298-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.

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 Pridemark Custom Homes, P. O. Box 278, Millersville, MD 21108, Petitioner.

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

January 7, 1987

Mr. Gersham Thiman
Pridemark Custom Homes
Pridemark Enterprises, Inc.
P.O. Box 278
Millersville, Maryland 21108

RE: PETITION FOR ZONING VARIANCE
SE/S Westspring Way, 327' SW of
Greenspring Ave. (7 Westspring Way)
3rd Election District
Pridemark Custom Homes - Petitioner
Case No. 87-298-A

Dear Mr. Thiman:

This is to advise you that \$70.00 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.

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

BALTIMORE COUNTY, MARYLAND		No. 025797
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE 1/13/87	ACCOUNT R-01-615-000	
SIGN & POST RETURNED	AMOUNT \$ 70.00	
Pridemark Enterprises, Inc., P.O. Box 278, Millersville, Md. 21108		
RECEIVED FROM	ADVERTISING & POSTING COSTS RE CASE #07-298-A	
FOR	8 8034*****70000 01001	
VALIDATION OR SIGNATURE OF CARRIER		

IN RE: PETITION FOR ZONING VARIANCE : BEFORE THE
SE/S Westspring Way, 327' SW : DEPUTY ZONING COMMISSIONER
Greenspring Avenue : OF BALTIMORE COUNTY
(7 Westspring Way)
3rd Election District :
Pridemark Custom Homes : Case No. 87-298-A
Petitioner :

The Petitioner herein requests a zoning variance to permit a 40-foot side yard setback on the right side and a 45-foot side yard setback on the left side in lieu of the required 50-foot setbacks for each, and additionally, to amend the Final Development Plan of 5 Springs West, Lot #28, to permit construction outside of the building envelope.

At the onset of the hearing, the Petition was corrected to read a 40-foot side yard setback on the west side and a 45-foot side yard setback on the east side.

Testimony by and on behalf of the Petitioner indicated that the 7 constructed and 4 planned residences in the 31-lot development are close to 88 feet wide. Most of the lots in the development are laid out so that they can accommodate much larger homes, however, one variance has already been granted, the building envelope on the subject site is insufficiently wide and one additional lot may possibly need a variance. Separate garages are not allowed according to developer restrictions. The section is wooded and the requested variances should not affect the adjacent lots as yet undeveloped. The Petitioner, and current developer, is not the original developer.

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 27th day of January, 1987, that the herein request for a 45-foot side yard setback on the east and a 40-foot side yard setback on the west, in accordance with the plan submitted, be and is hereby GRANTED, from and after the date of this Order.

JEAN M. H. JUNG
Deputy Zoning Commissioner
of Baltimore County



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 27, 1987

Mr. Gersham Thiman
Pridemark Custom Homes
P.O. Box 278
Millersville, Maryland 21108

RE: Petition for Zoning Variance
SE/S Westspring Way, 327' SW
Greenspring Avenue
(7 Westspring Way)
3rd Election District
Case No. 87-298-A

Dear Mr. Thiman:

Enclosed please find a copy of the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been Granted.

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

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

JMHJ:bjs
Enclosures
cc: People's Counsel

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 252-5820
October 31, 1986

DESCRIPTION OF LOT 28
FIVE SPRINGS WEST
FOR ZONING VARIANCE
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southeastern most right-of-way line of Westspring Way, at a distance of 327'± southwesterly from the southeastern most corner of Westspring Way and Greenspring Avenue. Being lot 28 as shown on a plat of "5 Springs West"; as recorded among the land records of Baltimore County in Liber 53, Folio 11. Also being known as #7 Westspring Way.

9-10-87

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 7, 1986

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

ooc

Chairman

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

Mr. Gershan Thiman
Pridemark Enterprises, Inc.
P.O. Box 278
Millersville, Maryland 21108

RE: Item No. 182 - Case No. 87-298-A
Petitioner: Pridemark Custom Homes
Petition for Zoning Variance

Dear Mr. Thiman:

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

cc: McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, Maryland 21030

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 18, 1986

Re: Zoning Advisory Meeting of NOVEMBER 18, 1986
Item # 182
Property Owner: PRIDEMARK CUSTOM HOMES
Location: SE/S WESTSPRING WAY, 327'
SW GREENSPRING AVE.

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.

- (X) 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 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 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: _____

David Fields, Acting Chief
Current Planning and Development

cc: James Hoswell

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

Dear Mr. Jablon:

Comments on Item # 182 Zoning Advisory Committee Meeting are as follows:
Property Owner: Pridemark Custom Homes
Location: SE/S Westspring Way, 327 feet SW Greenspring Avenue
Districts: 3rd.

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 E-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. E-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/At-sea. 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: _____
- 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

4/22/86

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: Pridemark Custom Homes

Location: SE/S Westspring Way, 327' SW Greenspring Avenue

Item No.: 182

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 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: *C. E. Burnham*
Planning Group
Special Inspection Division

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

/mb

9-10-87

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. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:1t

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 25, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 25, 1986.

OWINGS MILLS TIMES,

Susan Seiden Obeult

Publisher

27.50

PETITION FOR
ZONING VARIANCE
AND
REPLACEMENT
OF
EXISTING
BUILDING
ON
LOT 28
OF
SECTION 104.38.3
OF
THE
BALTIMORE
COUNTY
ZONING
REGULATIONS
TO
ALLOW
FOR
A
40' SIDEYARD
ON
THE
RIGHT
SIDE
AND
A
45' SIDEYARD
ON
THE
LEFT
SIDE,
IN
LIEU
OF
THE
REQUIRED
50' FOR EACH.

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
Norman E. Gerber, AICP
Director

NEG:JGH:sib

87-298-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.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Pridemark Custom Homes
Petitioner's Attorney: Mr. Gershan Thiman

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

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,

Susan Seiden Obeult

Publisher

Cost of Advertising

27.50

PETITION FOR
ZONING VARIANCE
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LOT 28
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SECTION 104.38.3
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IN
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OF
THE
REQUIRED
50' FOR EACH.

Mr. Gershan Thiman
Pridemark Custom Homes
Pridemark Enterprises, Inc.
E.O. Box 278
Millersville, Maryland 21108

December 12, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SE/S Westspring Way, 327' SW of
Greenspring Ave. (7 Westspring Way)
3rd Election District
Pridemark Custom Homes - Petitioner
Case No. 87-298-A

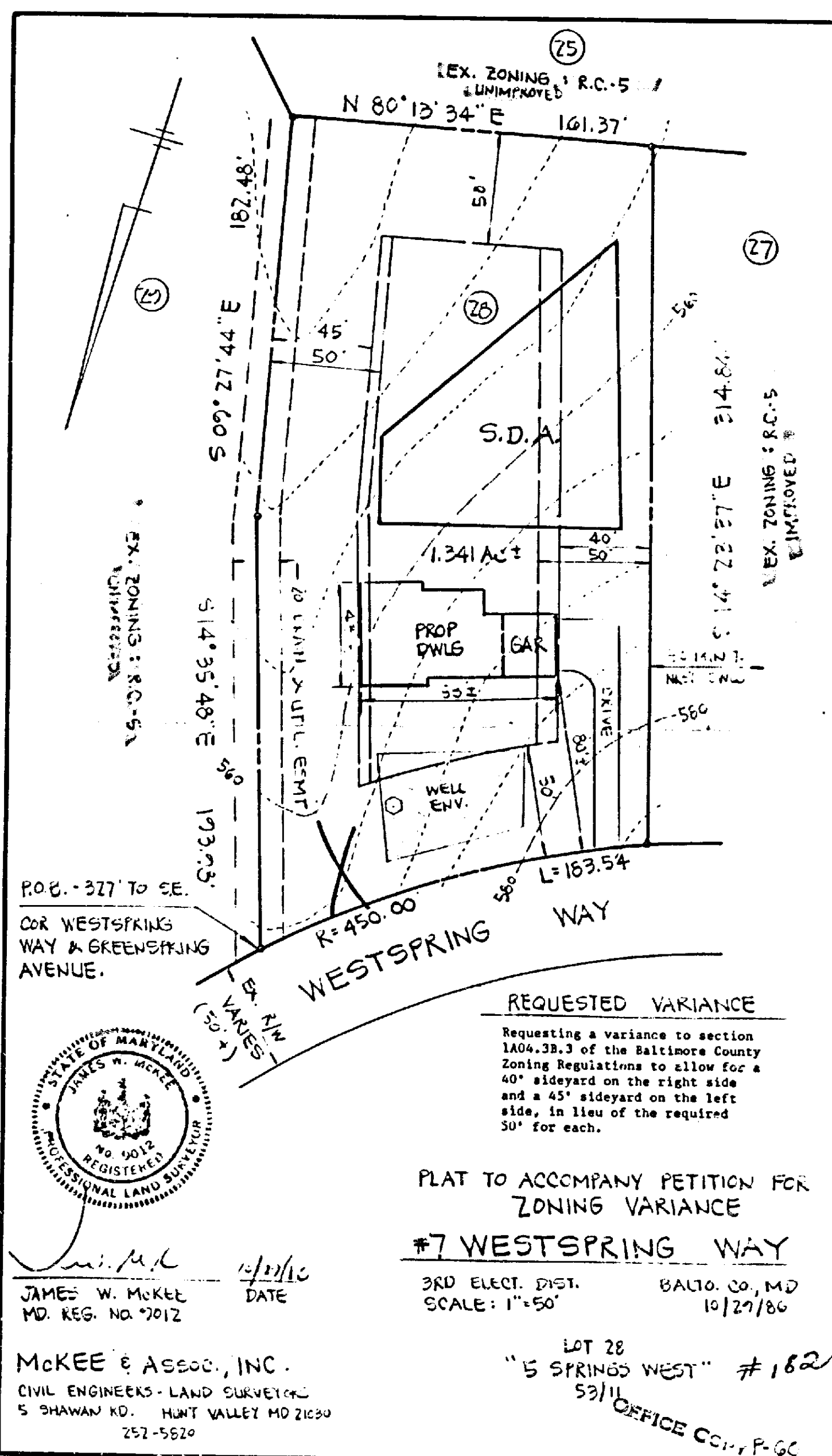
TIME: 10:45 a.m.

DATE: Tuesday, January 13, 1987

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

RECEIVED
DEC 23 1986
ZONING OFFICE

CPS-008



PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
#7 WESTSPRING WAY

3RD ELECT. DIST. BALTO. CO., MD.
SCALE: 1"=50' 10/27/86

LOT 28
"5 SPRINGS WEST" #162
OFFICE COPY P-66

McKEE & ASSOC., INC.
CIVIL ENGINEERS - LAND SURVEYORS
5 SHAWAN RD. HUNT VALLEY MD 21039
252-5520

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

No. 025663

DATE: 1/13/86 ACCOUNT: 01 1-10

AMOUNT: \$ 35.00

RECEIVED FROM: McKee & Associates

FOR: FILING FEE FOR VARIANCE 1/13/86

PRIDEMARK CUSTOM HOMES - DOWNSIDE

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

87-298-A

Date of Posting: Dec 22, 86

District: 3rd
Posted for: Pridemark Custom Homes
Petitioner: Pridemark Custom Homes
Location of property: SE/S of Westspring Way, 327' SW of
Greenspring Ave. (7 Westspring Way)
Location of Signs: SE/Side of Westspring Way on front of
Lot # 28
Remarks: 1/13/86
Posted by: [Signature] Date of return: 12-30-86
Number of Signs: 1