

291

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 87-467-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 103.3 (1A00.3.8.3) to allow 35' side yard setbacks 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)
To allow house to be placed in front portion of lot without moving septic area which would require new perc tests.
Present zoning is R.C. 2, which would permit 35 foot setbacks.

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):
Ken Bruette
(Type or Print Name)
Signature
Mary J. Bruette
(Type or Print Name)
Signature

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of February, 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 property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1987, at 10:30 o'clock A.M.

(over)

Zoning Commissioner of Baltimore County.

Description to Accompany
Petition for Zoning Variance

Beginning on the south side of Weywood Drive, 58 feet wide at the distance of 2788 feet more or less west of the westernmost right-of-way line of Hanover Pike (Md. Rt. 30). Being Lot 16 of the subdivision of Wood Glen Farms as recorded in the plat records of Baltimore County in plot book EHKJR. 43, folio 68. Said lot also being known as 5501 Weywood Drive and located in the 4th Election District.



87-467-A
#291
Ken Bruette, et ux
S/S Weywood Dr., approx. 2700' W of
Hanover Pike (5501 Weywood Dr.)
4th Elec. Dist.
3rd Ctl.

ORDER RECEIVED FOR FILING
Date 4/14/87
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE
S/S Weywood Drive, approx.
2700' W of Hanover Pike
(5501 Weywood Drive)
4th Election District
3rd Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Ken Bruette, et ux
Petitioners

Case No. 87-407-A

The Petitioners herein request a variance to permit a side yard setback of 35 feet in lieu of the required 50 feet.

Testimony by and on behalf of the Petitioners indicated that the subject property is an undeveloped lot, which was recorded when it was zoned RDP, and therefore requires 50' side yard setbacks. However, the present zoning of RC2 requires 35' side yard setbacks. The Petitioners propose the construction of a home on the lot, which provides only one area that meets Health Department requirements for the location of a septic system. The only available building site is towards the front of the lot where the building envelope is not wide enough to meet the setback requirements. Placement of the house to the rear of the septic area would result in an uphill sewage flow, which is not acceptable to the Health Department. 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 16th day of April, 1987, that side yard setbacks of 35 feet, in

ORDER RECEIVED FOR FILING
Date 4/14/87
By [Signature]

accordance with the plan submitted, be approved and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:
The house and garage shall not exceed 62 feet in width.

[Signature]
Deputy Zoning Commissioner
of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

April 16, 1987

Mr. & Mrs. Ken Bruette
12342 Bon Fire Drive
Reisterstown, Maryland 21136

RE: Petition for Zoning Variance
S/S Weywood Drive, approx.
2700' W of Hanover Pike
(5501 Weywood Drive)
4th Election District
3rd Councilmanic District
Case No. 87-407-A

Dear Mr. & Mrs. Bruette:

Enclosed please find a copy of the decision rendered on 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 concerning this matter, please do not hesitate to contact this office.

Very truly yours,

[Signature]
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjjs

Enclosures

cc: People's Counsel

PETITION FOR ZONING VARIANCE
4th Election District - 3rd Councilmanic District
Case No. 87-407-A

LOCATION: South Side of Weywood Drive, approximately West of Hanover Pike (5501 Weywood Drive)

DATE AND TIME: Tuesday, April 14, 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 35 foot side yard setbacks in lieu of the required 50 feet

Being the property of Ken Bruette, 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
S/S Weywood Dr., approx. 2700'
W of Hanover Pike (5501 Weywood Dr.), 4th District

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY

KEN BRUETTE, et ux, Petitioners : Case No. 87-407-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.

[Signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 16th day of March, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Ken Bruette, 12342 Bon Fire Drive, Reisterstown, MD 21136, Petitioners; and McKee & Associates, Inc., Shavan Place - 5 Shavan Rd., Cockeysville, MD 21030, who requested notification.

[Signature]
Peter Max Zimmerman

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

ARNOLD JABLON
ZONING COMMISSIONER

April 9, 1987

Mr. Ken Bruette
Mrs. Mary J. Bruette
12342 Bon Fire Drive
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
S/S Weywood Dr., approx. 2700' W of Hanover Pike
(5501 Weywood Dr.)
4th Election District - 3rd Councilmanic District
Ken Bruette, et ux - Petitioners
Case No. 87-407-A

Dear Mr. and Mrs. Bruette:

This is to advise you that \$91.93 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.

County, Maryland, and remitting, Towson, Maryland

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

DATE 4/14/87 ACCOUNT 8-01-615-000

SIGN & POST RETURNED

AMOUNT \$ 91.93

Mr. Kenneth A. Bruette, 1804 Forest Valley Court, Forest Hill, Md. 21050

RECEIVED FROM [Signature]

ADVERTISING & POSTING COSTS PER CASE #87-407-A

FOR \$ 8 0041*****95328 21446

VALIDATION OR SIGNATURE OF CARRIER

OFFICE COPY

12/17/87

Mr. Ken Bruette
Mrs. Mary J. Bruette
12342 Bon Fire Drive
Reisterstown, Maryland 21136

February 25, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
S/S Weywood Dr., approx. 2700' W of Hanover
Pike (5501 Weywood Dr.)
4th Election District - 3rd Councilmanic District
Ken Bruette, et ux - Petitioners
Case No. 87-407-A

TIME: 10:30 a.m.
DATE: Tuesday, April 14, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

No. 30456

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

DATE: 4/6/87 ACCOUNT: 01-615
AMOUNT: \$ 35.00
RECEIVED FROM: M. KEE & ASSOCIATES
FOR: FILING FEE FOR VARIANCE 1124 291
B 8104*****250015 5016F
BROUITS - PETITIONER
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: March 22, 1987
Posted for: Variance
Petitioner: Ken Bruette, et ux
Location of property: S/S Weywood Dr. approx. W of Hanover Pike
(5501 Weywood Dr.)
Location of Sign: In front of subject property S/S Weywood Dr.
Remarks:
Posted by: S. J. Winters Date of return: April 3, 1987
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Mar. 26, 1987
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
Mar. 26, 1987.

THE JEFFERSONIAN,

Publisher

32-17

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 25, 1987
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
March 25, 1987.

TOWSON TIMES,

Publisher

44-76

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: April 8, 1987
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-397-A, 87-398-A, 87-399-A, 87-402-X,
87-404-A, 87-405-A, 87-406-A, 87-407-A,
87-412-A and 87-413-SpH

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

[Signature]
Norman E. Gerber, AICP
Director

NEG:JGH:sib

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
18th day of February, 1987.

[Signature]
ARNOLD JABLON
Zoning Commissioner

Petitioner: Ken Bruette, et ux Received by: James E. Dyer
Petitioner's Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 8, 1987

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

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. Ken Bruette
12342 Bon Fire Drive
Reisterstown, Maryland 21136

RE: Item No. 291 - Case No. 87-407-A
Petitioners: Ken Bruette, et ux
Petition for Zoning Variance

Dear Mr. Bruette:

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 suit-
ability 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:skb

Enclosures

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

87-2001
87-6014
Baltimore County Zoning Commission
Office of Planning and Zoning
County Office Building
111 West Chesapeake Avenue
Towson Maryland 21204
Re Item # 291 Case # 87-407A
KEN BRUETTE, et ux

Gentlemen:

Please change our mailing address from
12342 Bonfire Drive, Reisterstown, Maryland,
21136 to 1604 Forest Valley Court, Forest
Hill, Maryland 21050 effective
immediately.

Sincerely
Kenneth B. Bruette

RECEIVED
APR 30 1987

ZONING OFFICE

KENNETH B. AND MARY JANE BRUETTE
1604 FOREST VALLEY COURT
FOREST HILL, MD 21050



Maryland Department of Transportation

State Highway Administration

JAN 30 1987

William K. Hoffmann
Secretary
Hal Kussoff
Administrator

January 27, 1987

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

Re: Baltimore County
Item #291
Property Owner: Ken
Bruette, et ux
Location: S/S Weywood Dr.
Maryland Route 30
2700' W Hanover Pike
Existing Zoning: R.C. 2
(RDP)
Proposed Zoning: Var.
to allow 35' side yard
set backs in lieu of the
required 50'
Area: 2.29 acres
District: 4th

Dear Mr. Jablon:

The State Highway Administration's proposal for the relocation of Hanover Pike may require the acquisition of the subject site at some future date. Since our study is of a very preliminary nature, there is no location approval for the project and we are unable to determine for certain, if the property will be affected.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits
by: John Meyers

CL-JM:ies

cc: J. Ogle

My telephone number is 333-1350

Teletypewriter for Impaired Hearing or Speech
3837555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



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

STEPHEN E. COLLINS
DIRECTOR

January 30, 1987

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 287, 288, 289, 290, 291, 292, and 295.

Very truly yours,

Michael S. Flahigan
Michael S. Flahigan
Traffic Engineer Associate II

MSF:lt



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

PAUL H. REINCKE
CHIEF

January 27, 1987

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

Re: Property Owner: Ken Bruette, et ux

Location: S/S Weywood Dr., 2700' +/- W. Hanover Pike

Item No.: 291

Zoning Agenda: Meeting of 1/20/87

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: *Carl Joseph Kelly* +2717 Noted and Approved:
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 291 Zoning Advisory Committee Meeting are as follows:

Property Owner: Ken Bruette, et ux
Location: S/S Weywood Drive, 2700 feet +/- W Hanover Pike
District: R.C. 2 (RDP)

APPLICABLE ITEMS ARE CIRCLED:

1. 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 (A.M.S.T. #117-1 - 1980) 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/are not 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. Stamped seals are not acceptable.
5. All New Groups except R-1 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. R-2 Two 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 101, Section 1107, Section 1106.2 and Table 1105. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 205 for permissible height/area. Reply to the requested variance by this office cannot be obtained until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 205 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(a) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Temporary 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.
9. The proposed project appears to be located in a Flood Plain, Flood/Overwash. Please see the attached copy of Section 316.0 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.
10. Comments:
11. 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 211 N. Chesapeake Avenue, Towson, Maryland 21204.

Charles P. Johnson
Ch. P. Johnson, Chief
Building Plans Review

L/22/86

Henry J. Herr
1835 A Misty Lynn Cir.
Cockeysville, Md. 21030

April 6, 1987

To Whom It May Concern:

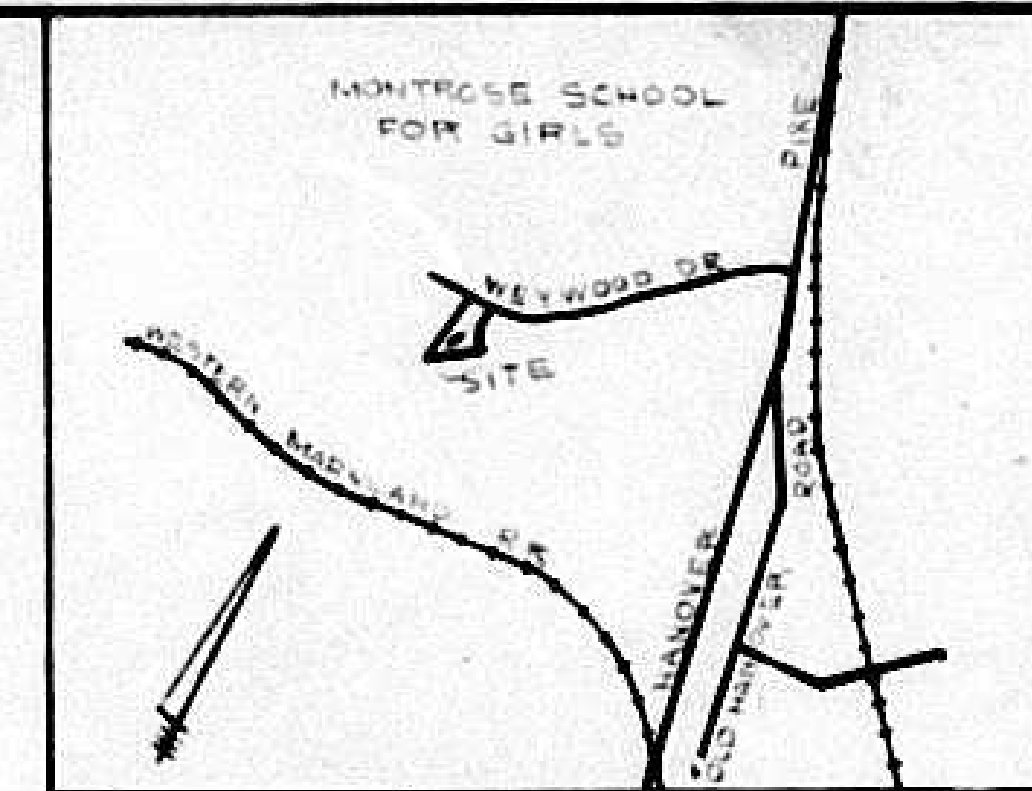
I am the owner of Lot 17 Wood Glen Farms at the address of 5583 Weywood Drive. It is my understanding that my immediate neighbor Mr. Ken Bruette is applying for a zoning variance for his property to allow his house to be less than the required 50 feet setback from the side property line. I have no objection to this change in the zoning.

If you have any questions about this please feel free to contact me at home at 666-0729.

Sincerely,

Henry J. Herr

April 14



LOCATION MAP
SCALE 1" = 2000'

ZONING REQUEST

A VARIANCE TO SECTION 103.3 (1A003.3) TO ALLOW 35' SIDE YARD SETBACKS IN COMPLIANCE WITH THE CURRENT RC-2 ZONING IN LIEU OF THE 50' SETBACKS REQUIRED IN AN RDP ZONE IN EFFECT AT THE TIME OF RECORDING OF THE RECORD PLAT

APPLICANT

KEN BRUETTE
2542 BONFIRE DR.
ROBERTSTOWN MD 21136
832-7415

291
11-10-13
OFFICE COPY

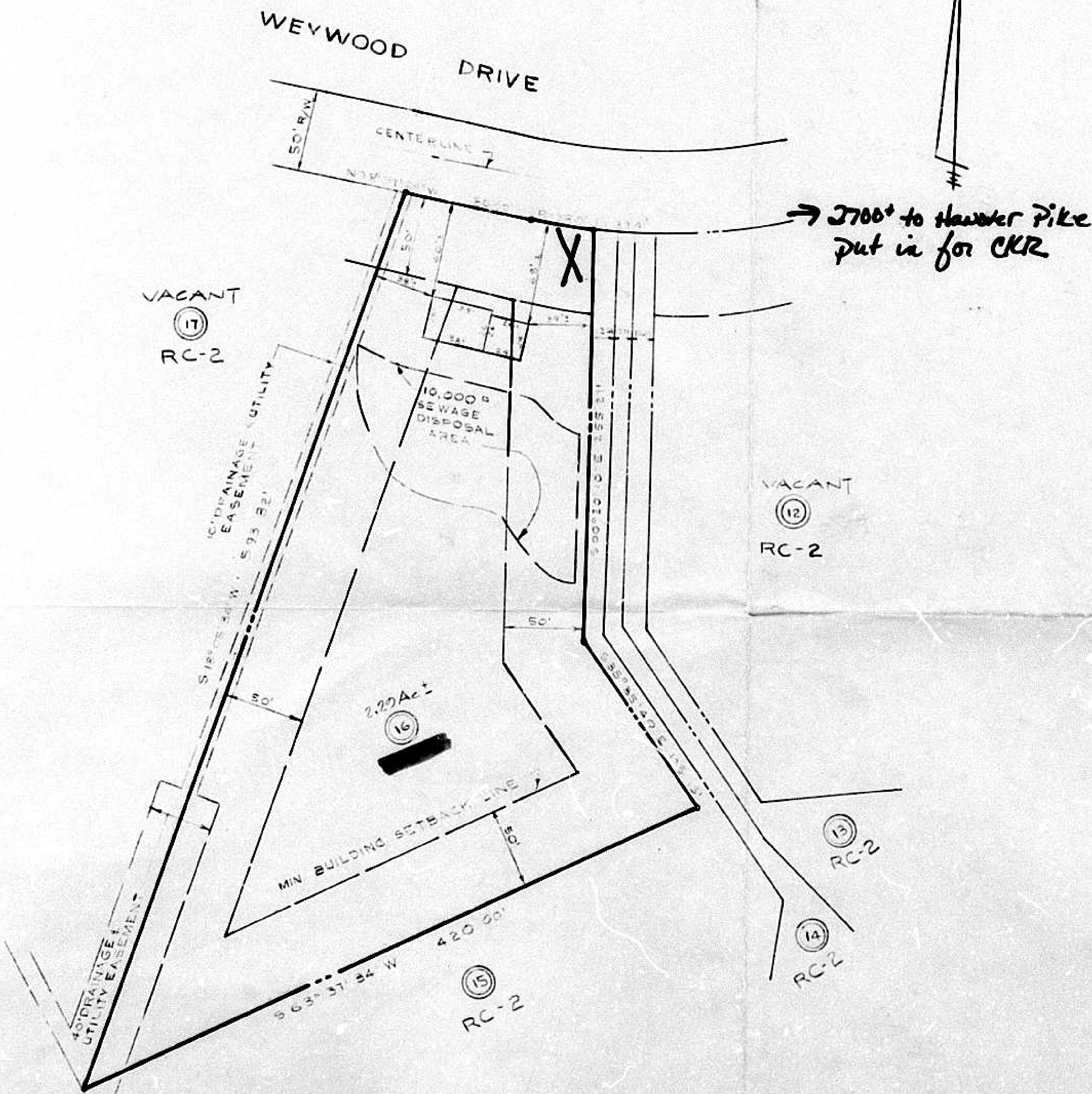
PLAT TO ACCOMPANY
PETITION FOR
VARIANCE TO ZONING

#5501 WEYWOOD DRIVE

4TH ELECTION DIST.
SCALE 1" = 50'

BALTO CO. MD
DECEMBER 17, 1996

LOT 16
"WOOD GLEN FARMS"
43/69



James W. McKee
JAMES W. MCKEE REG #5012 DATE 11/1/97

McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE
5 SHAWAN ROAD - MOUNT VALLEY, MD 21030
301-252-5820