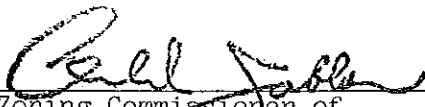


87-440-A #333	N/S Silver Ave., 350' W of Marlyn Ave. <u>(808 Silver Ave.)</u>	15th E.D.
3/24/87	Variance - filing fee \$35.00 - Donald Leroy Duke	
3/24/87	Hearing set for 5/11/87, at 10:00 a.m. (Mr. Jablon)	
5/11/87	Advertising and Posting - \$67.78	
5/12/87	Ordered by the Zoning Commissioner that the Petition for Zoning Variance to permit a side yard setback of 6 inches in lieu of the required 2-1/2 feet for an accessory structure is GRANTED with one restriction.	

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of the variance requested ~~will~~ will not adversely affect the health, safety, and general welfare of the community, the variance should /~~should not~~ be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of May, 1987, that the Petition for Zoning Variance to permit a side yard setback of 6 inches in lieu of the required 2.5 feet for an accessory structure be and is hereby GRANTED, from and after the date of this Order, subject to the following restriction which is a condition precedent to the relief granted herein:

1. Compliance with the Chesapeake Bay Critical Area comments submitted by the Director of Planning, dated May 1, 1987, attached hereto and made a part of this Order.


Zoning Commissioner of
Baltimore County

AJ/srl

Attachment

cc: Mr. Donald Leroy Duke

People's Counsel

333
87-440A
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 400.1 to permit a side yard setback of 6 inches in lieu of the required 2 1/2 feet for an accessory structure.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Original structure has been located there since 1917. An expansion of over 25% has occurred in 1985 which negates the nonconforming status.

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) Donald Leroy Duke
Signature Signature
Address Address
City and State City and State
Attorney for Petitioner: 808 Silver Ave 391-0505
(Type or Print Name) Address Phone No.
Signature Baltimore Md 21221
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address
City and State
Attorney's Telephone No.: Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of May, 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 11th day of May, 1987, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING: 15 MIN. (over)
ALL OTHERS: 15 MIN.
EXEMPTED BY: C.R. DATE: 2/15/87

DESCRIPTION OF PROPERTY
BEGINNING on the north side of Silver Avenue (40' wide) at a distance of 350 feet west of Marlyn Avenue and being known as Lot 27 as shown on the plat of "Glassco", which is recorded within the Land Records of Baltimore County in Plat Book 7, Folio 115.
Known as 808 Silver Avenue in the 15th Election District.

PETITION FOR ZONING VARIANCE
15th Election District - 5th Councilmanic District
Case No. 87-440-A
LOCATION: North Side Silver Avenue, 350 feet West of Marlyn Avenue (808 Silver Avenue)
DATE AND TIME: Monday, May 11, 1987, at 10:00 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 6 inches in lieu of the required 2 1/2 feet for an accessory structure

Being the property of Donald Leroy Duke, 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
N/S Silver Ave., 350' W of : OF BALTIMORE COUNTY
Marlyn Ave. (808 Silver Rd.) :
15th District :
DONALD LEROY DUKE, Petitioner : Case No. 87-440-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 14th day of April, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. Donald L. Duke, 808 Silver Ave., Essex, MD 21221, 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

May 5, 1987

Mr. Donald Leroy Duke
808 Silver Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
N/S Silver Ave., 350' W of Marlyn Ave.
(808 Silver Ave.)
15th Election District - 5th Councilmanic District
Donald Leroy Duke - Petitioner
Case No. 87-440-A

Dear Mr. Duke:

This is to advise you that \$67.78 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 payment to the County, Maryland, and remit to the County, Maryland, and remit to the County, Maryland.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 5/11/87 ACCOUNT: 8-01-615-000
SIGN & POST RETURNED AMOUNT: \$ 67.78
Mr. Donald L. Duke, 808 Silver Ave., Balto., Md. 21221
RECEIVED FROM: ADVERTISING & POSTING COSTS RE CASE #87-440-A
FOR: 8 8028*****6778:4 8118F
VALIDATION OR SIGNATURE OF CASHIER

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
24th day of March, 1987.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Donald Leroy Duke 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: May 1, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 87-439-A, 87-440-A, 87-441-A and 87-442-A

Please consider the Chesapeake Bay Critical Area Findings
(see memo dated 5/1/87) to be this office's comment.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 5, 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. Donald Leroy Duke
808 Silver Avenue
Baltimore, Maryland 21221

RE: Item No. 333 - Case No. 87-440-A
Petitioner: Donald Leroy Duke
Petition for Zoning Variance

Dear Mr. Duke:

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

March 19, 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 327, 328, 330, 332, 333, 334, 335, 337, 338, 339, 340, 344, 345, 346, 347, and 348.

Very truly yours,

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

MSF:lt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2560
494-4500

PAUL H. REINCKE
CHIEF

March 3, 1987

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

RE: Property Owner: Donald L. Duke

Location: N/S Silver Ave., 350' W. of S. Marlyn Avenue

Item No.: 333

Zoning Agenda: Meeting of 3/3/87

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 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: *John F. O'Neill*
Planning Group
Special Inspection Division

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

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

March 13, 1987

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

Dear Mr. Jablon:

Comments on Item # 333 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald L. Duke
Location: N/S Silver Ave., 350' W of S. Marlyn Ave.
District: 15th

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 Aged (A.M.S.I. #117-1 - 1980) and other applicable Code(s) 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 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 Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

5. 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 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 601, Section 1001, Section 1002 and Table 1003. 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 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 601 and 605 and have your Architect/Engineer contact this department.

7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

8. 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.

9. 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.

10. Comments: By increasing the area of the existing structure the whole building must comply to the Code Section 505.2. The west wall facing the property line shall be 1 hour rated without any openings.

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. It is desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. Schuman
Mr. C. E. Schuman, Chief
Building Plans Review

LWZ/PS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 1, 1987
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
Chesapeake Bay Critical Area Findings
SUBJECT: Donald L. Duke (87-440-A) Item #333

In accordance with Section 8-1813 of the Chesapeake Bay Critical Law and the July 8, 1985 Opinion from the County Attorney, it is hereby my "findings" that the proposed development will comply with the terms of Section 8-1813(a) for minimizing adverse impacts on water quality and protecting identified habitats, provided that the Special Exception is conditioned on compliance with the following requirements:

- One (1) major deciduous trees, or Two (2) conifers, or Two (2) minor deciduous trees are planted and maintained on the lot. A combination of these three tree types is acceptable provided that 1,000 square feet of tree cover is provided. A large deciduous tree is estimated to cover 1,000 square feet and a minor deciduous or conifer 500 square feet. Any existing trees that are to remain can be credited toward meeting these requirements.
- Storm water runoff from impervious surfaces associated with this petition should be directed over previous areas such as lawn to encourage maximum infiltration.

Norman E. Gerber
Norman E. Gerber, AICP
Director

ORDER RECEIVED FOR FILING
Date: May 13, 1987
By: *John F. O'Neill*

cc: Uri Avin
Tim Dugan
David Fields
Jim Hoswell
Tom Vidmar
People's Counsel

CPS-008

RECEIVED
MAY 4 1987

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer
TO: Zoning Supervisor Date: February 18, 1987
James Thompson
FROM: Zoning Enforcement Coordinator
Item No.: 333 (if known)
SUBJECT: Petitioner: Duke (if known)

VIOLATION CASE # C-87-991

LOCATION OF VIOLATION 808 Silver Avenue

DEFENDANT Donald & Joanne Duke ADDRESS 808 Silver Avenue
Baltimore, Md. 21221

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Harry Schriver 806 Silver Avenue
Baltimore, Md. 21221

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 4/19/87
Posted for: Terrence
Petitioner: Donald Leroy Duke
Location of property: N/S Silver Ave., 350' W of Marlyn Ave.
808 Silver Ave.
Location of Signs: Along Silver Ave. across N to Marlyn Ave.
a property of petitioner
Remarks: _____
Posted by: [Signature] Date of return: 4/24/87
Number of Signs: 1

Mr. Donald Leroy Duke
808 Silver Avenue
Baltimore, Maryland 21221

April 3, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
N/S Silver Ave., 350' W of Marlyn Ave.
(808 Silver Ave.)
15th Election District - 5th Councilmanic District
Donald Leroy Duke - Petitioner
Case No. 87-440-A

TIME: 10:00 a.m.

DATE: Monday, May 11, 1987

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 23, 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 April 23, 1987.

THE JEFFERSONIAN,

Susan Shuster Obrecht
Publisher

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 29989

DATE: 4/19/87 ACCOUNT: 01-613

AMOUNT \$ 35.00

RECEIVED FROM: Donald L. Duke

FOR: Fee for Variance Item 333

B 053*****350013 01761

VALIDATION OR SIGNATURE OF CASHIER

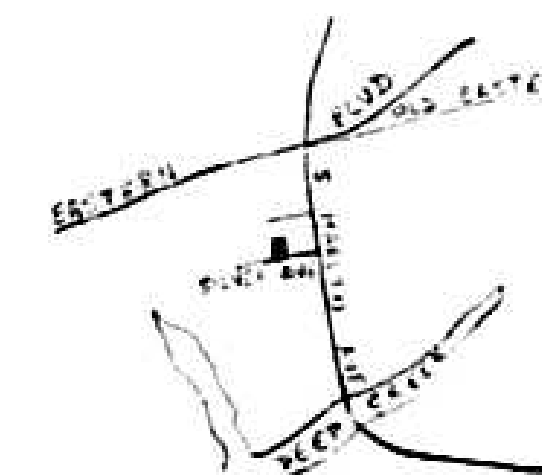
PETITION FOR ZONING VARIANCE
15th Election District
5th Councilmanic District
Case No. 87-440-A
LOCATION: North Side Silver Avenue, 350 feet West of Marlyn Avenue (808 Silver Avenue)
DATE AND TIME: Monday, May 11, 1987, at 10:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake 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 6 inches in lieu of the required 20 feet for an accessory structure.
Being the property of Donald Leroy Duke, as shown on plat plan filed with the Zoning Office.
In the event that this Petitioner 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 TABLON
Zoning Commissioner
of Baltimore County
8274 - Apr. 23.

Petition For Zoning Variance
15th Election District
5th Councilmanic District
Case No. 87-440-A
LOCATION: North Side Silver Avenue, 350 feet West of Marlyn Avenue (808 Silver Avenue)
DATE AND TIME: Monday, May 11, 1987, at 10:00 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 setback of 6 inches in lieu of the required 20 feet for an accessory structure.
Being the property of Donald Leroy Duke, as shown on plat plan filed with the Zoning Office.
In the event that this Petitioner 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 TABLON
Zoning Commissioner
of Baltimore County
8274 - Apr. 23.

The Times

Middle River, Md., April 23, 1987

This is to Certify, That the annexed
Petition - Duke
Reg 100087
was inserted in the Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 22nd day of April, 1987
[Signature] Publisher.

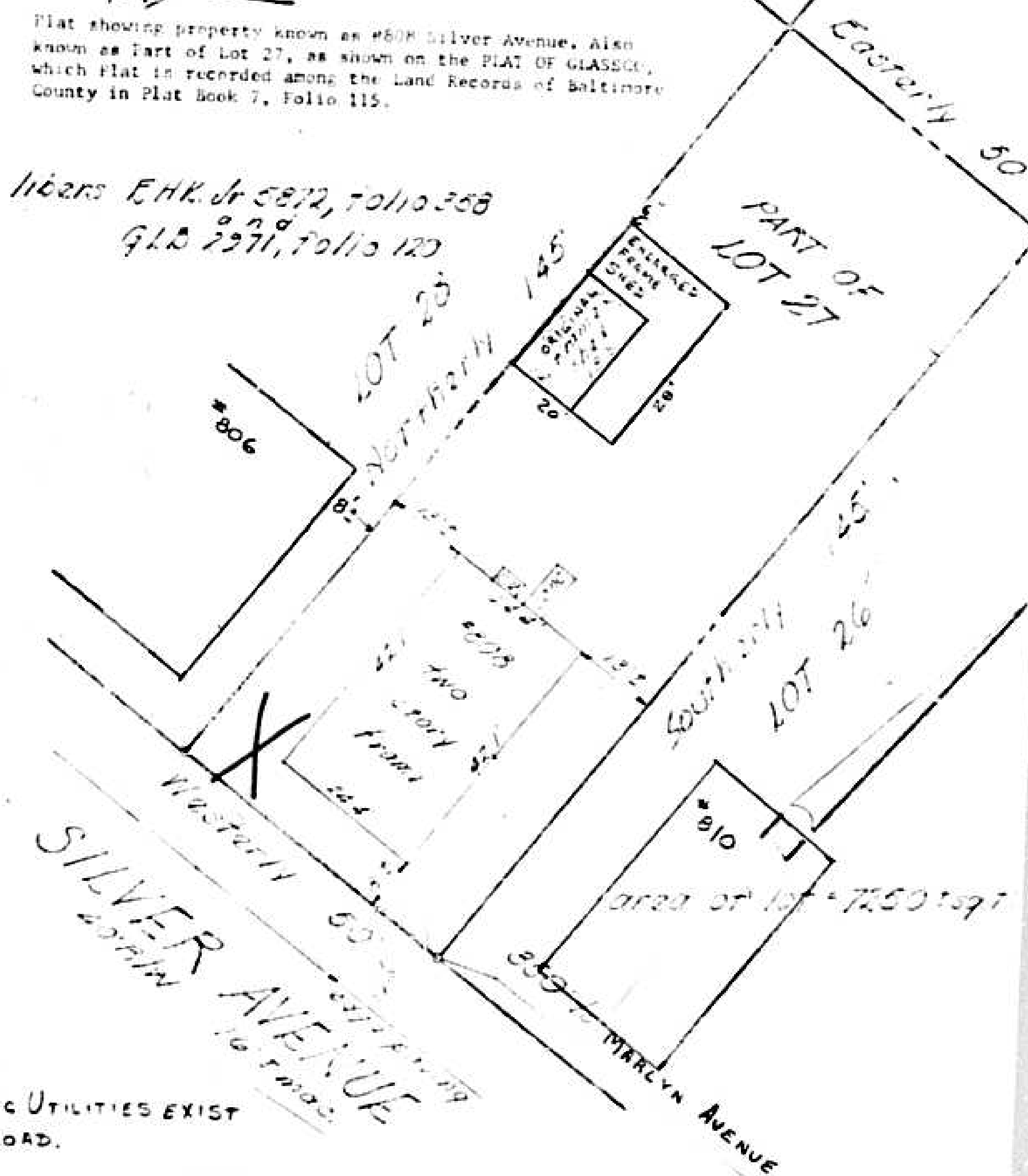


N & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS

8013 BELAIR ROAD / BALTIMORE, MD. 21236 (301) 668 1501
530 POPLAR STREET / CAMBRIDGE, MD. 21613 (301) 228 3350
111 JOHN STREET / WESTMINSTER, MD. 21157 (301) 848 1790
11 S WASHINGTON STREET / EASTON, MD. 21601 (301) 822 5433

Plat showing property known as 808 Silver Avenue. Also known as part of Lot 27, as shown on the PLAT OF GLASSCO, which Plat is recorded among the Land Records of Baltimore County in Plat Book 7, Folio 115.

libers E.H.K. Jr 5872, Folio 368
G.L.S. 2271, Folio 120



PUBLIC UTILITIES EXIST IN ROAD.

DR 6-5 ZONE

15TH DISTRICT

SCALE 1" = 20'

333
87-440-A

10-25
[Signature]
ENGINEER

7810-