

376
87-481-A
#396

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 11B02.1aC(1) of the Zoning Regulations of Baltimore County to:

To permit a side yard set back of 13' in lieu of the 25' required.

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

- 1) Reduce noise and odor from Kentucky Fried Chicken and York Road.
 - 2) Increase living space without diminishing back yard area or obstructing garage access.
 - 3) Utilize existing porch/patio in all seasons without impact from KFC and York Road, etc.
- 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: N/A
(Type or Print Name)

Signature: _____

Address: _____

City and State: _____

Attorney for Petitioner: _____

Legal Owner(s): ROGER L. ELLIOTT
(Type or Print Name)

Signature: _____

Address: _____

City and State: _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of April 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of June 1987, at 9:45 a.m.

Phyllis Cole Friedman
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
W/S Willow Ave., 165' E of York Rd. (1 Willow Ave.), 9th Dist. : OF BALTIMORE COUNTY

ROGER L. ELLIOTT, Petitioner : Case No. 87-481-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.

I HEREBY CERTIFY that on this 20th day of May, 1987, a copy of the foregoing Entry of Appearance as mailed to Roger L. Elliott, Esquire, Suite 102, Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Petitioner/Attorney.

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

IN RE: PETITION FOR ZONING VARIANCE
N/S Willow Ave., 165' E of York Rd. (1 Willow Ave.)
9th Election District
4th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 87-481-A

Roger L. Elliott
Petitioner

The Petitioner herein requests a variance to permit a side yard setback of 13 feet in lieu of the required 25 feet.

Testimony by the Petitioner indicated that the subject property is improved with an open porch, which he proposes to enclose and enlarge upon. The addition will provide more habitable space approximately 12 feet wide across the front and 16 feet along the side of the existing dwelling. The addition cannot be located otherwise due to the configuration of the home. The variance is for the side of the property adjacent to commercially zoned and utilized property. 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 26th day of June 1987, that a variance to permit a side yard setback of 13 feet for an addition, in accordance with the plan submitted, 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

June 2, 1987

Mr. Roger L. Elliott
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S Willow Ave., 165' E of York Rd.
(1 Willow Ave.)
9th Election District - 4th Councilmanic District
Roger L. Elliott - Petitioner
Case No. 87-481-A

Dear Mr. Elliott:

This is to advise you that \$67.81 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.

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

No. 36192

DATE 6-9-87 ACCOUNT 02665-000

RECEIVED FROM Roger Elliott

FOR 87-481-A Advertising

Signature of Cashier

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

Arnold Jablon
Zoning Commissioner

Roger L. Elliott, Esquire
1 Willow Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Willow Avenue,
165' E of York Road
9th Election District
4th Councilmanic District
Case No. 87-481-A

Dear Mr. Elliott:

Pursuant to the hearing recently held on the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

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

JMH:ajs
Enclosures
cc: People's Counsel

Office of
PATUXENT
10750 Little Patuxent Pkwy
Columbia, MD 21044

May 28 19 87

THIS IS TO CERTIFY that the annexed advertisement of

PETITION FOR ZONING VARIANCE

was inserted in the following:

☐ Catonsville Times TOWSON FLIER \$23.85
☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for 8 successive weeks before the 23 day of May 19 87, that is to say, the same was inserted in the issues of

May 21, 1987

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

PETITION FOR ZONING VARIANCE
9th Election District - 4th Councilmanic District
Case No. 87-481-A

LOCATION: North Side Willow Avenue, 165 feet East of York Road (1 Willow Avenue)

DATE AND TIME: Tuesday, June 9, 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 Office to permit a side yard setback of 13 feet in lieu of the required 25 feet

Being the property of Roger L. Elliott, 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

Mr. Roger L. Elliott
105 West Chesapeake Avenue
Towson, Maryland 21204

April 30, 1987

NOTICE OF HEARING
RE: PETITION FOR ZONING VARIANCE
N/S Willow Ave., 165' E of York Rd.
(1 Willow Ave.)
9th Election District - 4th Councilmanic District
Roger L. Elliott - Petitioner
Case No. 87-481-A

TIME: 9:45 a.m.
DATE: Tuesday, June 9, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

No. 32465

DATE 6/2/87 ACCOUNT 01-615

RECEIVED FROM Roger L. Elliott

FOR Filing Fee for Variance Item 376

Signature of Cashier

This Deed. Made this 14th day of November

in the year one thousand nine hundred and eighty-three by and between

JAMES C. SWARTZ

of Baltimore County in the State of Maryland, of the first part, and

ROGER L. ELLIOTT

of the second part.

Witnesseth, That in consideration of the sum of EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00)

the said party of the first part

does grant and convey unto the said ROGER L. ELLIOTT, his Personal Representative,

tatives, A RCT 12.00
A TX 425.00
DEED 425.00
EIN TP T 262.0
#45783 0003 001 10910
11/25/83

hereby and assigns, in fee simple, all that certain lot of ground, situate, lying and being in Baltimore County, Maryland, and described as follows, that is to say:--

Beginning for the same on the north side of Willow Avenue at a point distant 165 feet measured easterly along the north side of Willow Avenue from the corner formed by the intersection of the north side of Willow Avenue with the east side of the lot road, said point being at the east side of a 15 foot alley there situate; thence binding on the east side of said alley with the right and use thereof in common with others entitled thereto, North 16 degrees 43 minutes east 123.66 feet to a point midway between Willow Avenue and Susquehanna Avenue, thence leaving said alley and binding on the land which by a Deed dated January 11, 1893, and recorded among the Land Records of Baltimore County in Liber L.M.B. No. 196, folio 282, was conveyed by Francis M. Hines, Trustee, et al, to David G. McIntosh, South 83 degrees 15 minutes east 57 feet; thence leaving said land and running South 16 degrees 53 minutes west 121.69 feet to a point on the north side of Willow Avenue distant 57 feet easterly from the place of beginning; thence binding on the north side of Willow Avenue, North 85 degrees 15 minutes west 57 feet to the place of beginning. The improvements thereon being known as 1 Willow Avenue

Being the same property fee simple title described in a Deed dated Aug. 11, 1977 and recorded among the land records of Baltimore County in Liber E.H.K. No. 101, folio 02 which was granted and conveyed by John Louis Leason, Personal Representative of the Estate of Grace M. Gunther unto James C. Swartz, the grantor here.

STATE DEPARTMENT OF

Addition to be constructed at 1 Willow Avenue, Towson, Md. 21204 Residence of Roger Elliott.

Construct a one story addition on present house, approximately 12' x 17'.

Addition to be constructed of concrete footing with 8" block foundation. Walls will be constructed of 2" x 4" studding covered with Texture 111 with 1/2" sheetrock interior. Side wall will have two Andersen windows 32" x 50". Back wall will have one Andersen window 32" x 50". A 36" x 80" steel insulated door with lock and dead bolt will be installed in back wall.

The roof will be a gable roof sloped from front to rear. Rafters will be 2" x 6" - 16" on center, covered with 1/2" CDX plywood and one layer of 15 lb felt and 25 year Fiberglass shingles. Ceiling to be insulated with 6" of Fiberglass and finished with Armstrong Woodgrain Plank Tile. The roof will have two vented skylights 22" x 46" slanted toward front. The soffit, fascia, gutters and downspouts will be white aluminium.

The floor to be covered with tile as close in pattern as possible to present patio floor. The interior and exterior of addition to be finished ready to paint by homeowner.

A combination heating and cooling wall mounted unit will be installed at a cost of

A switch and ceiling outlet for a future light or fan will be installed in ceiling

LIBRARY

March 24, 1987

Arnold E. Jablon
Zoning Commissioner
County Office Building
Room 109
Towson, Maryland 21204

HAND DELIVERED

Re: Zoning Variance/1 Willow Avenue, Towson
Item No.: 376
Request for Expedited Hearing

Dear Mr. Jablon:

I have this day filed a Petition for a side yard setback variance on my residence located at No. 1 Willow Avenue, Towson, Maryland. I have contracted with a home improvement contractor to enclose my existing covered patio and have been told that I need this variance in order to obtain the necessary permit.

The reason for requesting your assistance in obtaining an expedited hearing on this matter is that the contractor, in whom I repose a great deal of trust, is contemplating retirement and relocation out of state in the very near future. In the event that I am unable to obtain the necessary permit or an expedited basis, I may well be forced to begin the bidding process all over again and to deal with another, probably more expensive, contractor.

I would greatly appreciate any assistance which you could provide in connection with this request. Thank you for your kind attention to this matter.

Very truly yours,

ROGER L. ELLIOTT

RIE:kv
408/17L

