

88-106-A
#493

NW/cor. of Gardman Ave. and Pleasant View
Ave. (1406 Gardman Ave.)

3rd E.D.

8/13/87

Variance - filing fee \$35.00 - Mary Braxton Smith

8/13/87

Hearing set for 9/21/87, 10:15 a.m., before Mr. Haines.

9/21/87

Advertising and Posting - \$76.35

9/25/87

Ordered by the Zoning Commissioner that the Petition for Zoning Variance to permit side yard setbacks of 3.5' and 0' in lieu of the minimum required 10' and a sum of side yard setbacks of 3.5' in lieu of the required minimum sum of 25' is DENIED and Petitioner is entitled to an immediate right to re-petition for a different variance.

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

The undersigned, I was 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 100.1.2.2.1. to permit side yard setbacks of 3.5 feet and 0 feet in lieu of the minimum required 10 feet, and a sum of side yard setbacks of 3.5 feet in lieu of the required minimum sum of 25 feet.

The lot is too small to allow for a reasonably sized dwelling with the required 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: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ Address _____
City and State _____ City and State _____
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 _____ day of _____, 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 _____ day of _____, 1987, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD, HUNT VALLEY, MARYLAND 21030
Telephone: (301) 257-5820

April 22, 1987

DESCRIPTION OF
1406 GARDMAN AVENUE
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at the Western most intersection of Gardman Avenue, 40 feet wide, and Pleasant View Avenue, 20 feet wide, being all of lot 3 as shown on a plat of Pleasant View recorded among the land records of Baltimore County in plat book - 1189 101 folio 82.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: August 21, 1987
Posted for: Variance
Petitioner: Mary Braxton Smith
Location of property: 1406 Gardman Ave. and Pleasant View Ave.
(1406 Gardman Ave.)
Location of Sign: in front of 1406 Gardman Ave.
Remarks:
Posted by: E. J. Prater Date of return: September 11, 1987
Number of Signs: _____

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

September 25, 1987

Ms. Mary Braxton Smith
2735 Hugo Avenue
Baltimore, Maryland 21218

RE: Petition for Zoning Variance
NW/Cor. of Gardman Avenue and Pleasant View Avenue (1406 Gardman Avenue)
3rd Election District, 2nd Councilmanic District
Case No. 88-106-A

Dear Ms. Smith:

Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Denied 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,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

Enclosures

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

3rd Election District - 2nd Councilmanic District
Case No. 88-106-A

LOCATION: Northwest Corner Gardman Avenue and Pleasant View Avenue
(1406 Gardman Avenue)

DATE AND TIME: Monday, September 21, 1987, at 10:15 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 setbacks of 3.5 feet and 0 feet in lieu of the minimum required 10 feet and a sum of side yard setbacks of 3.5 feet in lieu of the required minimum sum of 25 feet

Being the property of Mary Braxton Smith, as shown on plat
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.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LEGAL NOTICE

PETITION FOR ZONING VARIANCE

Case No. 88-106-A

1406 GARDMAN AVENUE, BALTIMORE COUNTY, MARYLAND

3RD ELECTION DISTRICT

DATE: Monday, September 21, 1987, at 10:15 a.m.

LOCATION: Northwest Corner Gardman Avenue and Pleasant View Avenue

(1406 Gardman Avenue)

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 SETBACKS OF 3.5 FEET AND 0 FEET IN LIEU OF THE MINIMUM REQUIRED 10 FEET AND A SUM OF SIDE YARD SETBACKS OF 3.5 FEET IN LIEU OF THE REQUIRED MINIMUM SUM OF 25 FEET

BEING THE PROPERTY OF MARY BRAXTON SMITH, AS SHOWN ON PLAT 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.

CERTIFICATE OF PUBLICATION

90742

Pikesville, Md., Sept. 2, 1987.

That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 21st day of Sept. 1987.

the first publication appearing on the _____ day of Sept. 1987.

the second publication appearing on the _____ day of _____ 1987.

the third publication appearing on the _____ day of _____ 1987.

THE JEFFERSONIAN

Cheryl Sheehy
-adager

Cost of Advertisement \$25.00

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

J. ROBERT HAINES
ZONING COMMISSIONER

September 15, 1987

Ms. Mary Braxton Smith
2735 Hugo Avenue
Baltimore, Maryland 21218

RE: PETITION FOR ZONING VARIANCE
NW/Cor. Gardman Ave. and Pleasant View Ave.
(1406 Gardman Ave.)
3rd Election District - 2nd Councilmanic District
Mary Braxton Smith - Petitioner
Case No. 88-106-A

Dear Ms. Smith:

This is to advise you that \$76.35 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 THIS 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 Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:md

BALTIMORE COUNTY, MARYLAND No. 37884

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: 9/21/87 ACCOUNT: 8-01-615-000

FOR: SIGN & POST

AMOUNT: \$ 76.35 CASH

RECEIVED FROM: JERRY BRAXTON SMITH

ADVERTISING & POSTING COSTS RE CASH 88-106-A

FOR: B 8001*****76351a 8214a

VALIDATION OR SIGNATURE OF CARRIER

NOTICE OF HEARING

Ms. Mary Braxton Smith
2735 Hugo Avenue
Baltimore, Maryland 21218

August 17, 1987

RE: PETITION FOR ZONING VARIANCE
NW/Cor. of Gardman Ave. and Pleasant View Ave.
(1406 Gardman Ave.)
3rd Election District - 2nd Councilmanic District
Mary Braxton Smith - Petitioner
Case No. 88-106-A

TIME: 10:15 a.m.

DATE: Monday, September 21, 1987

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

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: 9/22/87 ACCOUNT: 8-01-615-000

FOR: SIGN & POST

AMOUNT: \$ 76.35 CASH

RECEIVED FROM: JERRY BRAXTON SMITH

ADVERTISING & POSTING COSTS RE CASH 88-106-A

FOR: B 8001*****76351a 8214a

VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. Sept. 3, 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 Sept. 3, 1987.

THE JEFFERSONIAN

Lucan Lewis O'Brien
Publisher

PETITION FOR ZONING VARIANCE
Case No. 88-106-A
1406 GARDMAN AVENUE, BALTIMORE COUNTY, MARYLAND
3RD ELECTION DISTRICT
DATE: Monday, September 21, 1987, at 10:15 a.m.
LOCATION: Northwest Corner Gardman Avenue and Pleasant View Avenue
(1406 Gardman Avenue)
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 SETBACKS OF 3.5 FEET AND 0 FEET IN LIEU OF THE MINIMUM REQUIRED 10 FEET AND A SUM OF SIDE YARD SETBACKS OF 3.5 FEET IN LIEU OF THE REQUIRED MINIMUM SUM OF 25 FEET
BEING THE PROPERTY OF MARY BRAXTON SMITH, AS SHOWN ON PLAT FILED WITH THE ZONING OFFICE.

REQUESTED VARIANCE:
REQUESTING A VARIANCE FROM SECTION 100.1.2.2.1 TO ALLOW FOR A LEFT SETBACK OF 0 FEET
STEAK OF 3.5' IN LIEU OF THE MINIMUM
REQUIRED AND A SETBACK TOTAL OF
3.5' IN LIEU OF THE REQD 25'

LOT SIZE: 7,059.55 / 1618 ACRES
36.14' 58-106-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
#1406 GARDMAN AVENUE
3RD ELECTION DIST. BALTO. Co. MD.
SCALE: 1" = 30' JAN. 24, 1987

LOT #3
"PLEASANT VIEW"
10/82

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
Shawon Place - 5 Shawon Road
Hunt Valley, MD 21030
301-252-5820

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

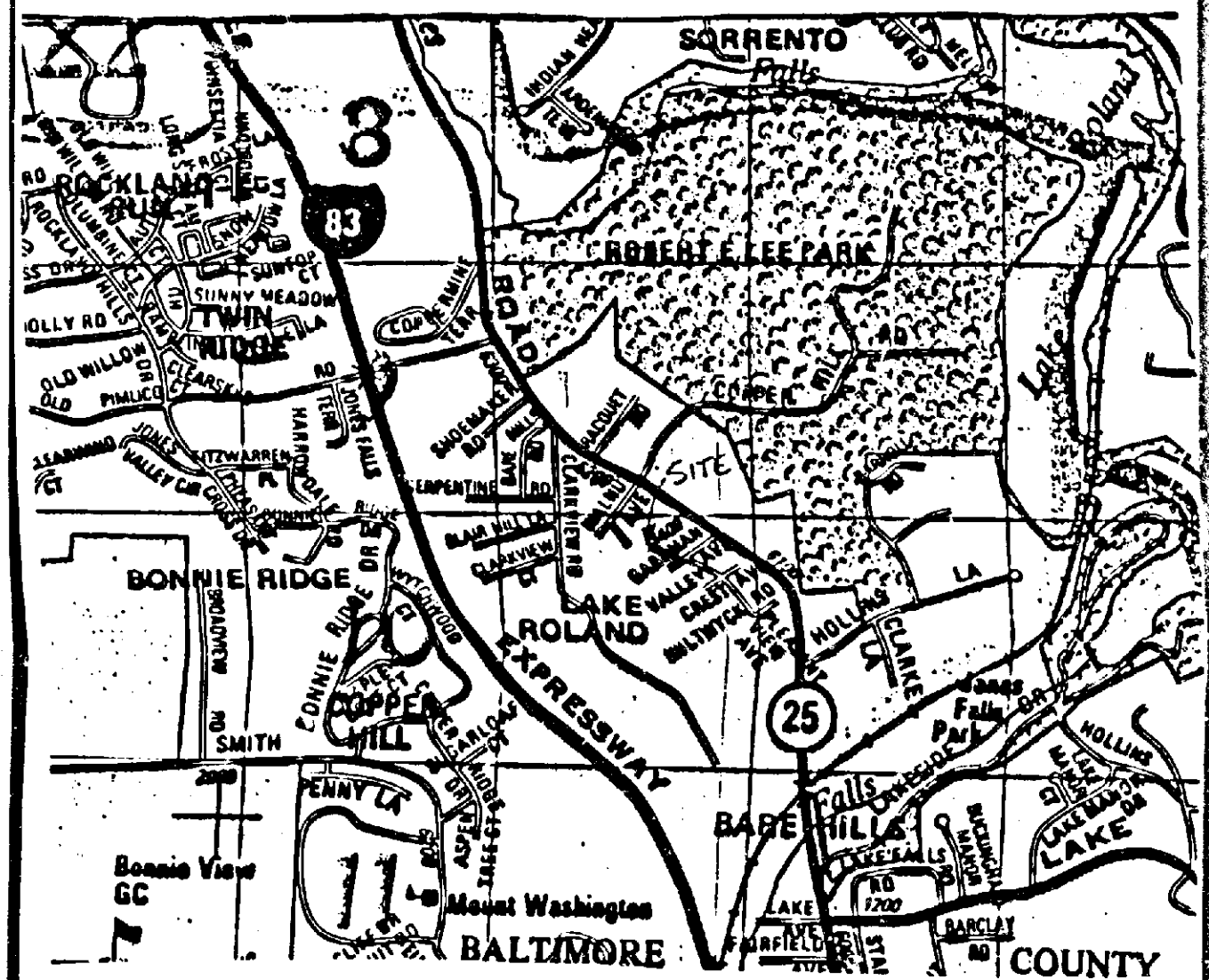
Mr. J. Robert Haines
TO: Zoning Commissioner
Date: September 3, 1987
FROM: Norman E. Gerber, AICP
Director, Division of Planning and Zoning
Zoning Petition Nos. 88-16-SM, 88-103-A,
88-104-A, 88-105-A, 88-106-A, 88-108-A,
SUBJECT: 88-109-A, 88-110-A, 88-111-A, 88-112-A

There are no comprehensive planning factors requiring comment on the above numbered petitions.

REC:KAK:dm
cc: Mr. Shirley M. Hess, Legal Assistant, People's Counsel
File

Norman E. Gerber
Norman E. Gerber, AICP
Director

RECEIVED
SEP 17 1987
ZONING OFFICE



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1987

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

600

Ms. Mary Braxton Smith
2735 Hugo Avenue
Baltimore, Maryland 21218

RE: Item No. 493 - Case No. 88-106-A
Petitioner: Mary Braxton Smith
Petition for Zoning Variance

Dear Ms. Smith:

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

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

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 _____ day of _____ 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Mary Braxton Smith Received by: James E. Dyer
Attorney: _____ Chairman, Zoning Plans Advisory Committee

The Pleasant View Civic Association wishes to go on record as being opposed to the request for a variance (case 88-106-A). The request to permit the property owner to build within 3.5 feet on the sides instead of the existing 10 feet is totally unacceptable to the residents of the community for the following reasons: * and a sum of the side yard setbacks of 3.5 feet is less than the required 10 feet.

1. Such a structure would completely change the character of the existing neighborhood.
2. It would depreciate the value of all surrounding properties by causing a congested appearance. That would certainly distract from the suburban atmosphere that we have successfully maintained for over 30 years.
3. Permitting such a variance could possibly, some day, open the door for any property owner with a sizeable front footage to be able to sell off excess unoccupied lands for building purposes.



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

XXXXXXXXXXXXXX
XXXXXX

C. Richard Moore
Acting Director

June 10, 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 485, 486, 487, 488, 489, 490, 491, 493 and 494.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:tt

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

June 11, 1987

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



Dennis F. Rasmussen
County Executive

Re: Property Owner: Mary Braxton Smith

Location: NW/C Gardman and Pleasant View Avenues

Item No.: 4934

Zoning Agenda: Meeting of 6/2/87

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.
- (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: *Capt. Joseph Kelly 6-5-87*
Planning Group
Special Inspection Division

Noted and
Approved:

John F. O'Neill
Fire Prevention Bureau