

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 400.3 to permit an accessory structure (garage) height of 22 feet in lieu of the permitted 15 feet.

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

1. Owners are requesting permission to construct a 1 1/2 story garage, measuring 26' x 36'. Rear yard set-back of 50' in RC 2 area.
2. Garage will have a roof with 12/12 roof pitch and a height of 22'6". Present zoning restricts roof height to no more than 15'.
3. Zoning variance is needed so that new construction will complement the historic homes and to match existing roof pitch on the owners' house.

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)	Legal Owner(s): (Type or Print Name)	MAP MV-172 ID
Signature	Signature	E. D. 44
Address	Address	DATE 2-8-87
City and State	City and State	200 BF
Attorney for Petitioner: (Type or Print Name)	Address	1000 BF
Signature	Phone No.	DP
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	City and State	W-55, 605
Address	Address	N-04, 412
City and State	Name	
Attorney's Telephone No.	Address	
	Phone No.	

ORDERED By The Zoning Commissioner of Baltimore County, this 30th 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 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 2nd day of December, 1987, at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Posted for: Variance
Petitioner: J. Robert Haines, et ux
Location of property: SE/S Prospect Ave., 750' NE of Waugh Ave. (4601 Prospect Ave.)
Location of Sign: On front of subject property, 4601 Prospect Ave.
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S Prospect Avenue, 750' * ZONING COMMISSIONER
NE Waugh Avenue * OF BALTIMORE COUNTY
(4601 Prospect Avenue) *
4th Election District *
3rd Councilmanic District *
Charles F. Welsh, et ux *
Petitioners *
Case No. 88-207-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein seek permission, pursuant to a Petition for Zoning Variance, from Section 400.3 to permit an accessory structure, specifically a garage to have an overall height of 22 feet in lieu of the permitted 15 feet, as more particularly described on Petitioner's Exhibit 1 and 2.

The Petitioner was present and testified on his own behalf. There were no Protestants.

Based upon the evidence and testimony presented by the Petitioner, it is the opinion of the Zoning Commissioner for Baltimore County that the Petitioner's property suffers from a practical difficulty and/or an unreasonable hardship caused by the height restrictions found in the Baltimore County Zoning Regulations. It is my opinion that the requested variance, if granted, would not increase density and, furthermore, would not adversely affect the public health, safety and/or general welfare. Furthermore, the requested variance, if granted, would clearly not be in contradiction to the spirit and intent of the Baltimore County Zoning Regulations.

Pursuant to the advertisement, posting of the property, and the public hearing on the Petition and it appearing that strict compliance with the B.C.Z.R. would result in a practical difficulty upon the petitioner and the granting of the variance requested will not adversely affect the health, safety and general welfare of the community, the variance should be granted.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21284
494-3554

September 23, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 43, 44, 45, 46, 47, 48, 49, 52, 55, 56, 57, and 58.

Very truly yours,

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

MSF:sb

RECEIVED
SEP 30 1987
ZONING OFFICE

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of December, 1987 that the herein Petition for Variance to permit an accessory structure, specifically a garage, to have a height of 22 feet in lieu of the permitted 15 feet be and is hereby GRANTED, subject to the conditions precedent set forth below:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. That the Petitioner will not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. That the accessory structure shall contain no living quarters, no kitchen facilities and no sleeping facilities. That the Petitioner is specifically barred from converting the property to a two-family property.

JRH:mmm
cc: Peoples Counsel

COPY SENT TO [Signature]
DATE: 1/2/87
BY: [Signature]

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

- 2 -

Baltimore County
Fire Department
Towson, Maryland 21204-2556
494-4500

Paul H. Reinke
Chief
August 26, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Charles F. Welsh, et ux

Location: SE/S Prospect Avenue, 750' NE Waugh Avenue

Item No.: 56

Zoning Agenda: Meeting of 8/18/87

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.
- (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: [Signature] 5/26/87
[Signature] 5/26/87
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

/s/

ZONING DECISION

BEGINNING for the same at a point in the center of Prospect Avenue 40 feet wide as shown on the Plat recorded with a Deed from Benjamin F. Bennett and Joshua Register and their wives to John W. Stallings recorded among the Land Records of Baltimore County in Liber Wad 126, folio 371, etc., said point being at the northeast corner of lot 11 of said plat; running thence bounding on the center of said 40 foot avenue north 55 degrees and 45 minutes East 50 feet north 50 degrees and 45 minutes east 50 feet north 40 degrees and 45 minutes east 50 feet north 30 degrees and 45 minutes east 100 feet thence north 18 degrees and 45 minutes east 50 feet along the center of said avenue which is reduced to 15 feet wide north 48 degrees and 45 minutes east 50 feet north 58 degrees and 45 minutes east 50 feet north 88 degrees and 45 minutes east 50 feet north 78 degrees and 45 minutes east 50 feet north 83 degrees and 45 minutes east 100 feet thence leaving the center of said avenue and by line of direction the two following courses and distance south 43 degrees and 45 minutes east 138 feet south 45 degrees and 18 minutes west 608.6 feet intersection in the north 35 degrees and 30 minutes west 300 feet line of lot 13 mentioned in the aforesaid deed 87.4 feet from the beginning thence along said line north 32 degrees and 45 minutes west 262.6 feet to the beginning. Containing in all 1.2 acres of land more or less as surveyed by George W. Arnold, civil engineer, May 14, 1937. BEING a part of lots numbers thirteen and fourteen which are shown and laid out on the plat aforesaid which plat is recorded among the plat records of Baltimore County in Plat Book 375 2, folio 18.

SAVING AND EXCEPTING a parcel of land 39 feet in width, lying along and adjacent to the northerly side of the division line between lots 11 and 13 as shown on the plat of land belonging to B. F. Bennett and Joshua Register, said plat being attached to and recorded with a deed from Benjamin F. Bennett, et al to J. W. Stallings, dated October 27, 1883 and recorded among the Land Records of Baltimore County in Liber Wad 126, folio 371, said parcel being for a distance of 37 feet on the center line of Prospect Avenue and extending in a southerly direction with an even width of 39 feet for a distance of 242.6 feet more or less bounding on, adjacent to and parallel with the northerly side of the aforesaid dividing line between lot 11 and lot 13, to intersect and abut on the second or North 45 degrees 27 minutes 52 seconds east 607.78 foot line in a Deed from Clayton Methodist Church, et al into the within named grantee dated October 8, 1958 and recorded among the Land Records of Baltimore County in Liber GLB 3467, folio 335.

PROPERTY 10 DOWN AS 4601 PROSPECT AVE.
GLYNDEN, MD. 21071
IN THE 4th ELECTION DISTRICT

CIBEX 6987 FOLIO 714

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41437
DATE 9/1/87 ACCOUNT 01-415
AMOUNT \$ 75.00
RECEIVED FROM CHARLES F. WELSH
FOR FILING FOR ZONING VARIANCE 1744 56
8033*****350018 21661

PETITION FOR ZONING VARIANCE

4th Election District - 3rd Councilmanic District
Case No. 88-207-A

LOCATION: Southeast Side of Prospect Avenue, 750 feet Northeast of Waugh Avenue (4601 Prospect Avenue)

DATE AND TIME: Wednesday, December 2, 1987, at 9:00 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 an accessory structure (garage) height of 22 feet in lieu of the permitted 15 feet

Charles F. Welsh, et ux
Being the property of _____, 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.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

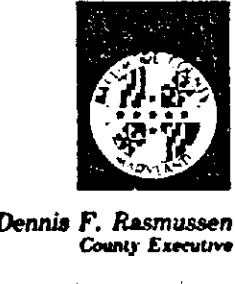
Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s)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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
494-3333

J. Robert Haines
Zoning Commissioner

November 18, 1987



Mr. & Mrs. Charles F. Welsh
4601 Prospect Avenue
Glyndon, Maryland 21071

Re: Petition for Zoning Variance
SE/S Prospect Avenue, 750' NE Waugh Avenue
(4601 Prospect Avenue)
4th Election District - 3rd Councilmanic District
Charles F. Welsh, et ux - Petitioners
Case number: 88-207-A

Dear Mr. & Mrs. Welsh:

Please be advised that \$8.69 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

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.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 11 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 Nov 11 1987

TOWSON TIMES,

Susan Seuder Obrecht
Publisher

PETITION FOR ZONING VARIANCE
ON THE PROPERTY OF
Charles F. Welsh, et ux
Case No. 88-207-A
The Zoning Commission of Baltimore County, Maryland, is hereby notified that the Petitioner(s) has/have filed a Petition for Zoning Variance with the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204, on the above-referenced property. The Petitioner(s) has/have requested a Zoning Variance from the Zoning Regulations of Baltimore County, Maryland, to permit the use of the property for the purpose of the use stated in the Petition. The Zoning Commission will hold a public hearing on the Petition for Zoning Variance on the date and at the place stated in the Petition. The Zoning Commission will hold a public hearing on the Petition for Zoning Variance on the date and at the place stated in the Petition. The Zoning Commission will hold a public hearing on the Petition for Zoning Variance on the date and at the place stated in the Petition.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 12 1987

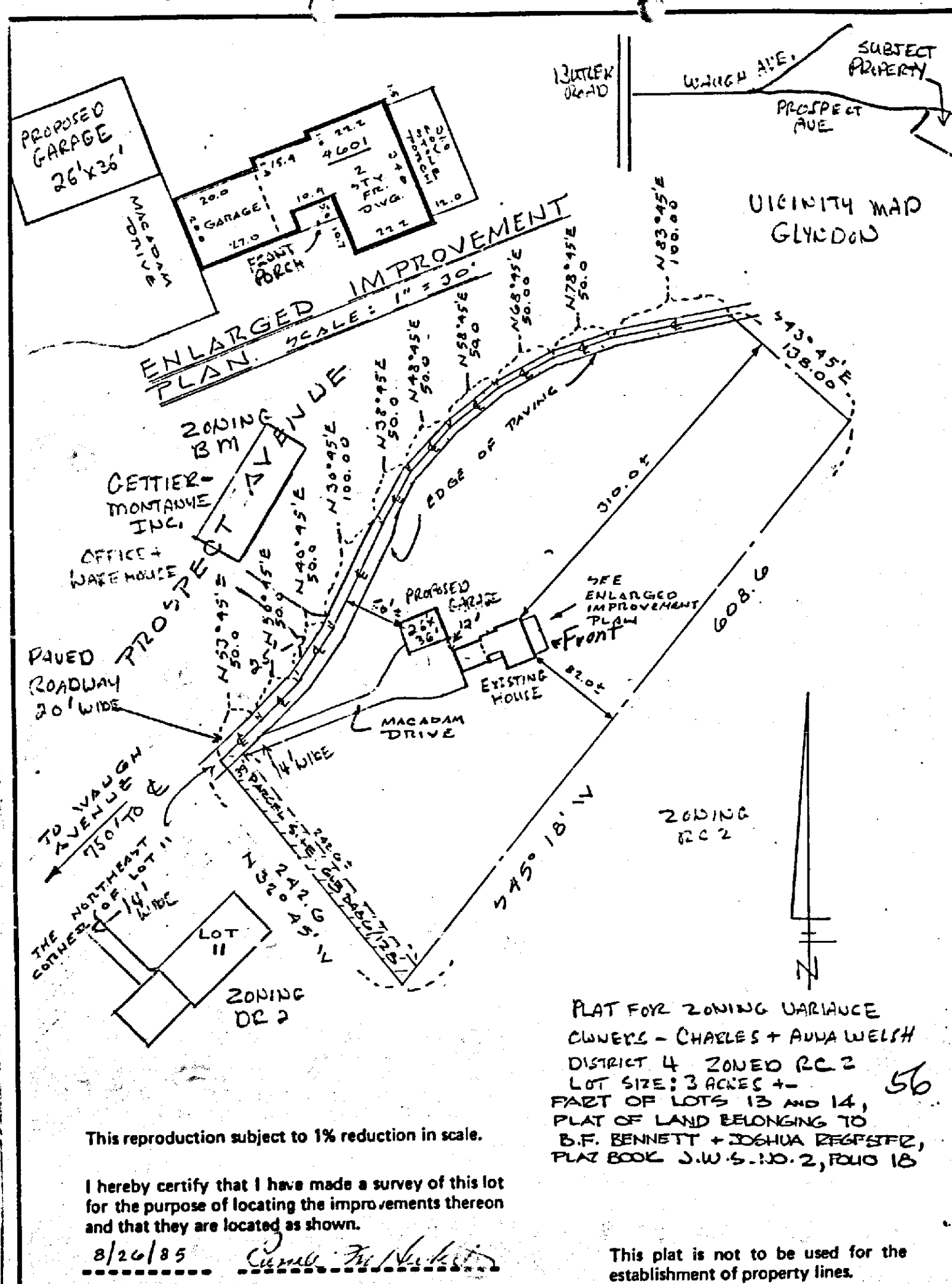
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov 12 1987

THE JEFFERSONIAN,

Susan Seuder Obrecht
Publisher

PETITION FOR ZONING VARIANCE
ON THE PROPERTY OF
Charles F. Welsh, et ux
Case No. 88-207-A
The Zoning Commission of Baltimore County, Maryland, is hereby notified that the Petitioner(s) has/have filed a Petition for Zoning Variance with the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204, on the above-referenced property. The Petitioner(s) has/have requested a Zoning Variance from the Zoning Regulations of Baltimore County, Maryland, to permit the use of the property for the purpose of the use stated in the Petition. The Zoning Commission will hold a public hearing on the Petition for Zoning Variance on the date and at the place stated in the Petition. The Zoning Commission will hold a public hearing on the Petition for Zoning Variance on the date and at the place stated in the Petition. The Zoning Commission will hold a public hearing on the Petition for Zoning Variance on the date and at the place stated in the Petition.

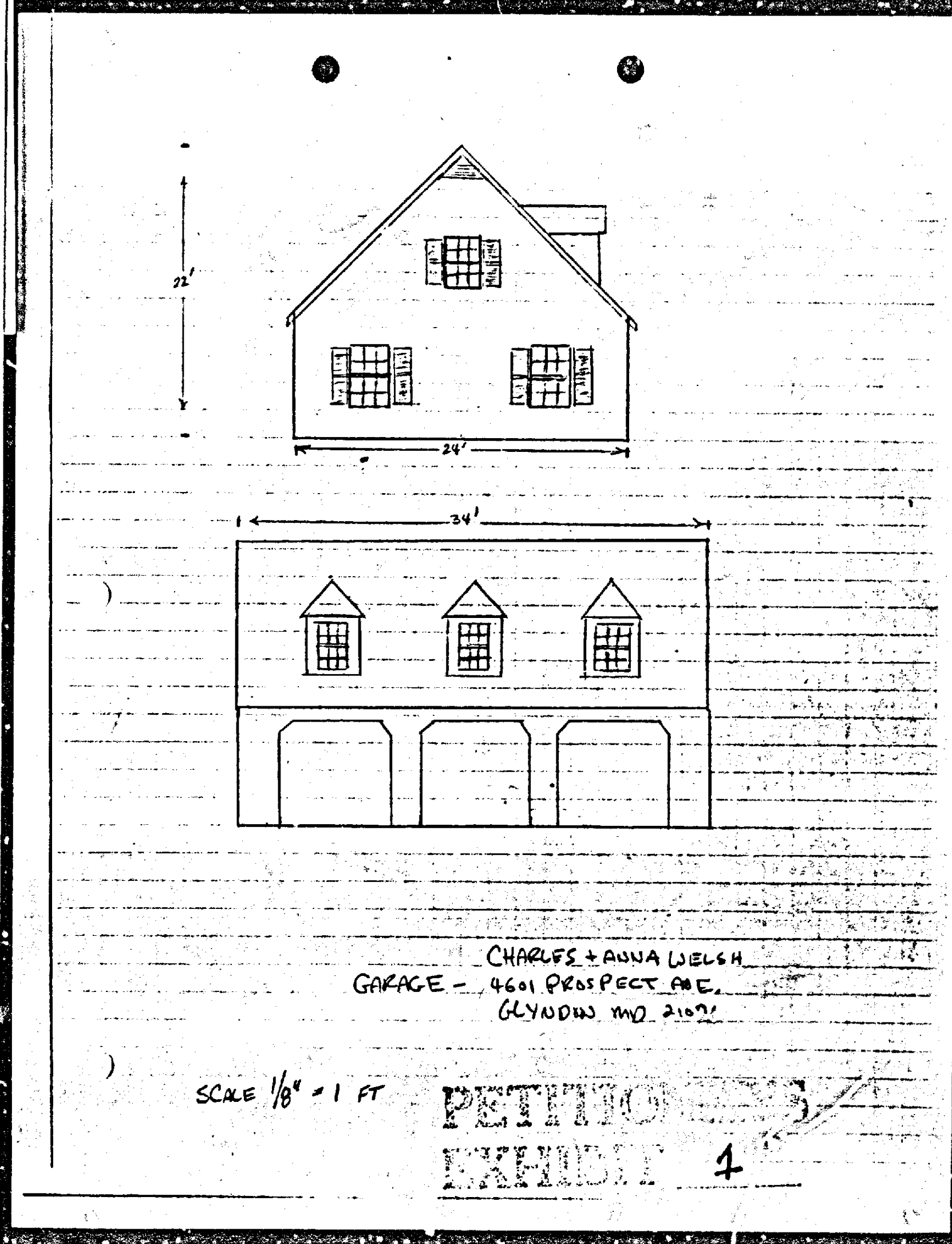
BALTIMORE COUNTY, MARYLAND No. 45835
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 12/2/87 ACCOUNT 01-615-000
AMOUNT \$ 98.69
RECEIVED FROM Charles F. Welsh
FOR Posting Advertising
BY POSTING ADVERTISING
VALIDATION OR SIGNATURE OF CASHIER 88-207-A



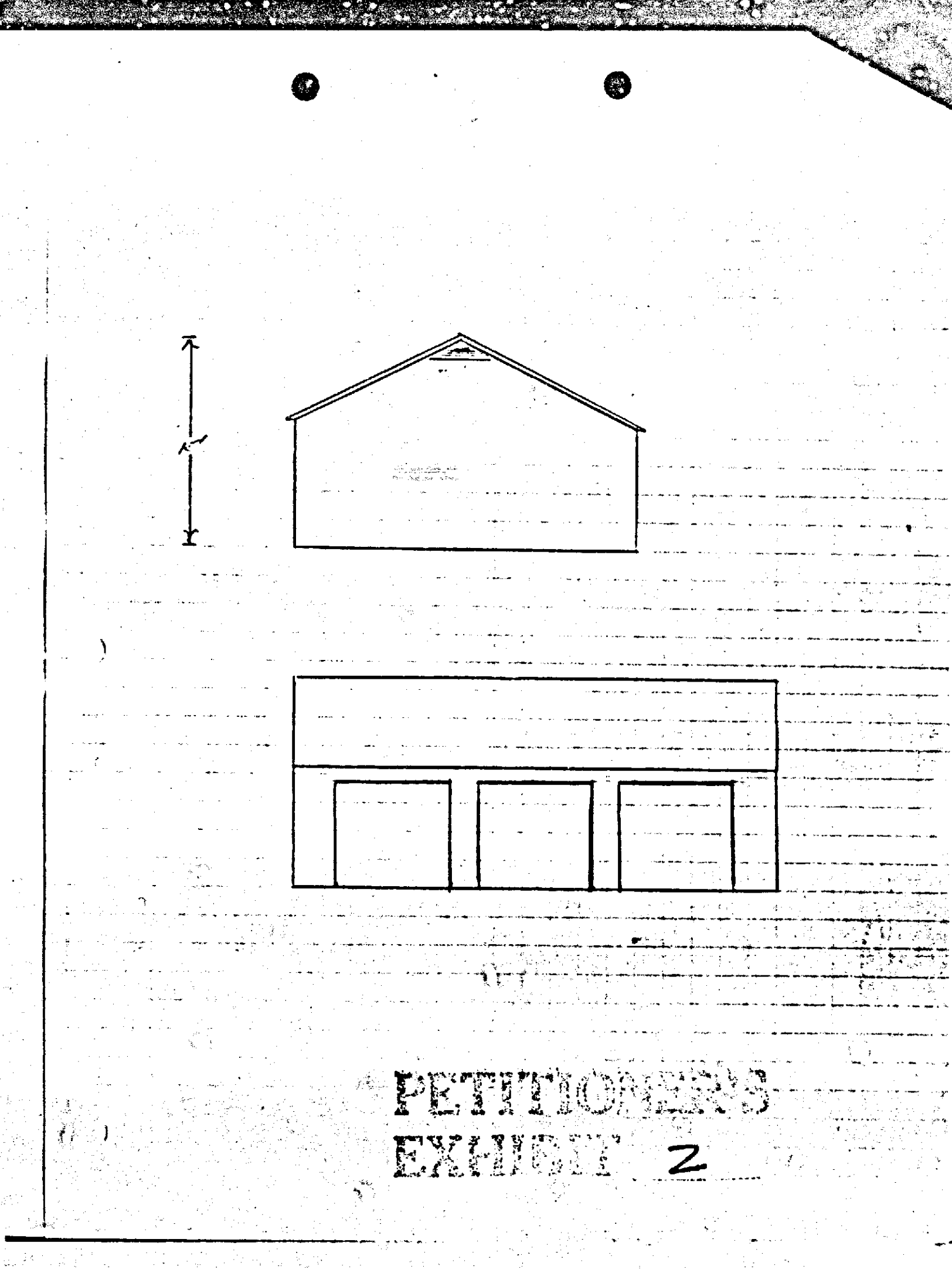
PLAT FOR ZONING VARIANCE
DISTRICT - CHARLES & ANNA WELSH
DISTRICT 4 ZONED RC 2
LOT SIZE: 3 ACRES +
PART OF LOTS 13 AND 14,
PLAT OF LAND BELONGING TO
B.F. BENNETT & JOSEPH ERNSTEIN,
PLAT BOOK J.W.S. 110, 2, PAGES 15

This reproduction subject to 1% reduction in scale.
I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.
8/26/85 *Samuel M. Mank*
This plat is not to be used for the establishment of property lines.

REG. NO. 2890
LOCATION SURVEY
4601 PROSPECT AVENUE, BALTIMORE COUNTY, MD.
OFFICE OF
MANK & KUNST
408 YORK ROAD
TOWSON, MARYLAND 21284
SCALE 1"=100'
DATE 8/26/85
JOB NO. 159-85 G



CHARLES & ANNA WELSH
GARAGE - 4601 PROSPECT AVE.
GLYNDON MD 21071



PETITIONER'S
EXHIBIT 2

Mr. Charles F. Welsh
Mrs. Anna M. Welsh
4601 Prospect Avenue
Glyndon, Maryland 21071

November 4, 1987
NOTICE OF HEARING
RE: PETITION FOR ZONING VARIANCE
SE/S Prospect Ave., 750' NE Waugh Ave.
(4601 Prospect Ave.)
4th Election District - 3rd Councilmanic District
Charles F. Welsh, et ux - Petitioners
Case No. 88-207-A

TIME: 9:00 a.m.
DATE: Wednesday, December 2, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:med

IN CASE OF SNOW, HEARING WILL BE CANCELLED AND RESCHEDULED FOR A LATER DATE AND TIME. JRH