

88-466-SPH
#305

NE/C Bedwell Court and Rutledge Road
#1 Bedwell Court

2/23/88

Special Hearing filing fee - \$35.00 - John S. Battista

3/9/88

Hearing set for May 4, 1988 at 11:00 a.m.

6/1/88

ORDERED by Zoning Commissioner Haines, that approval to permit the construction of an attached garage outside of the building envelope with a distance between addition wall and neighboring dwelling (lot #5) of 26 ft. and to amend the Partial Development Plan of Mays Chapel Village, Section 3, Block F, Lot #6 be and is hereby DENIED.

7/9/88

Appeal taken to County Board of Appeals by Petitioner, John Battista.

8/2/88

Assigned to be heard before County Board of Appeals on August 16, 1988 at 1:00 p.m.

8/5/88

Reassigned to same date, earlier time - 10:30 a.m.

8/12/88

ORDERED by County Board of Appeals that the variance to permit construction of a garage, 22 feet in width and allowing 28 feet between the side of the proposed garage and the neighboring property's home be and the same is hereby GRANTED.

IN THE MATTER OF
THE APPLICATION OF
JOHN S. BATTISTA, ET UX
FOR A SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTHEAST CORNER OF
BEDWELL COURT AND RUTLEDGE ROAD
(1 BEDWELL COURT)
8th ELECTION DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-466-SPH

OPINION

This matter comes before the Board on appeal from the decision of the Zoning Commissioner of Baltimore County denying Mr. Battista the variance requested to build an attached two-car garage, 24 feet in width. Subsequent to the Zoning Commissioner's decision in this matter, Mr. Battista filed an amended plan to make the garage 22 feet in width and allowing 28 feet between the side of the proposed garage and the neighboring property's home. In addition, instead of a five-foot side setback, the reduction to 22 feet would allow a 7-foot side setback.

At the hearing, Mr. Battista testified and produced a series of ten photographs which the Board considered as well as a plat which was introduced at the Zoning level and part of the Board's file. In addition, affidavits were introduced from neighboring property owners who stated they had no opposition to the granting of the variance for the construction of the garage 22 feet in width.

The Board has considered all of the evidence in this matter and finds as a fact that the granting would not be in disharmony with the spirit and intent of the Zoning Regulations of Baltimore County. The Board finds that other houses in the area have the garages, and in addition the garage will have to be built in conformity with the architectural design of the present home and other existing homes in the area. The Board notes that this is an area

Case No. 88-466-SPH
John S. Battista, et ux

variance as opposed to a use variance with a lesser burden of proving practical difficulty, and in this case the Board so finds that the Petitioner has presented evidence to substantiate the requirements of Section 502.1 of the Baltimore County Zoning Regulations and therefore will grant the variance.

ORDER

It is therefore this 17th day of August, 1988 by the County Board of Appeals of Baltimore County ORDERED that the variance to permit construction of a garage, 22 feet in width and allowing 28 feet between the side of the proposed garage and the neighboring property's home be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Thomas J. Hollinger, Acting Chairman

Henry H. Lewis

Lynn B. Moreland

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-466-SPH

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve: Construction of an attached garage outside of the building envelope with a distance between addition wall and neighboring dwelling (Lot #5) of 26 feet; and To amend the Partial Development Plan of Mays Chapel Village, Section 3, Block F, Lot #6.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing 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

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

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

Name

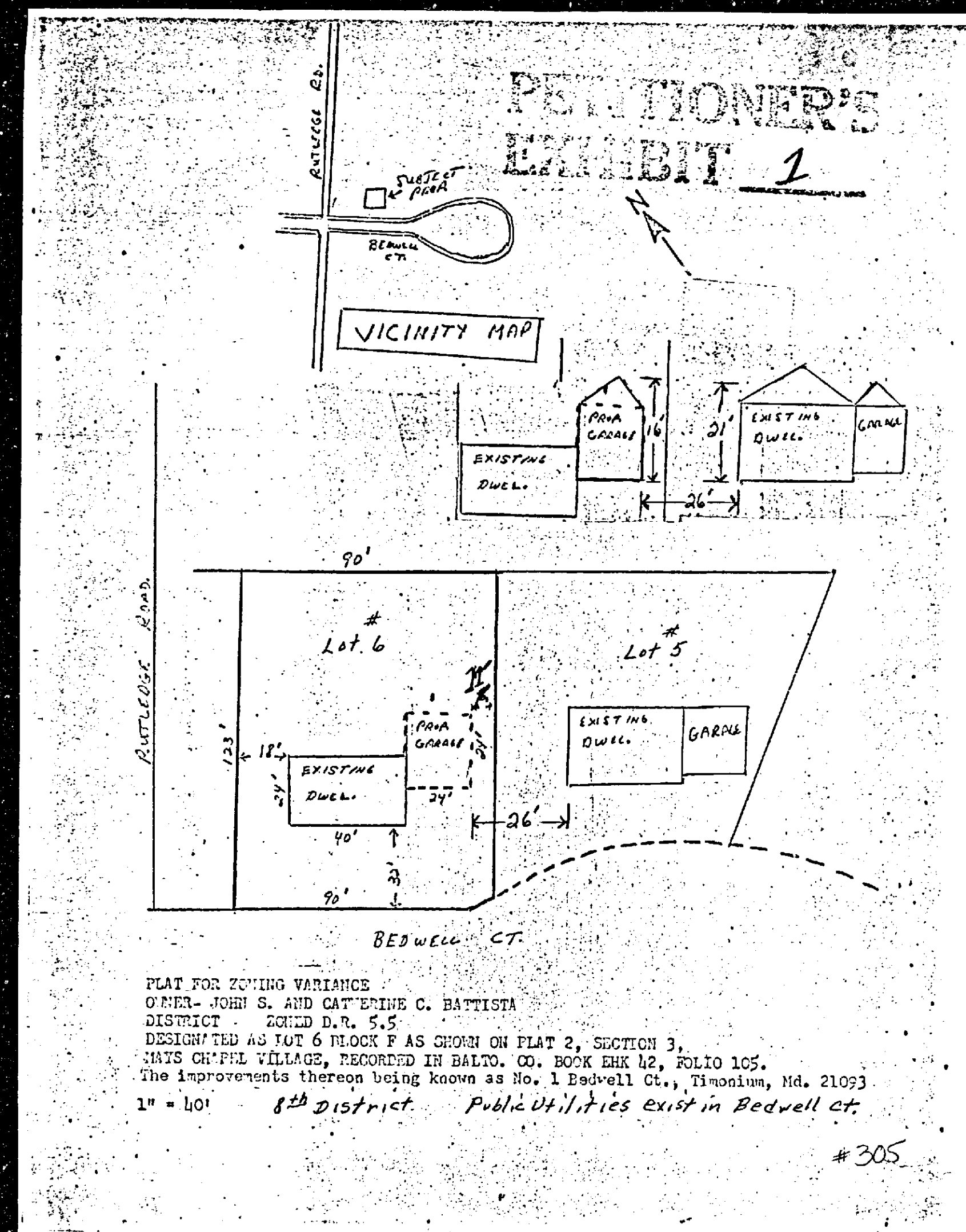
Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of March, 1988, 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 108, County Office Building in Towson, Baltimore County, on the 4th day of May, 1988, at 11 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE 2-23-88
REVIEWED BY: J. Robert Francis
Zoning Commissioner of Baltimore County.



#2 Bedwell Ct.

#4 & #6 Bedwell Ct.

#6 Bedwell Ct.

PETITIONER'S
EXHIBIT 2



#3 & #5
Bedwell Ct.

#5 and Garage #6
Bedwell Ct.



#3 Bedwell Ct.

#3 and #5
Bedwell Ct.



#1 and #3
Bedwell Ct.

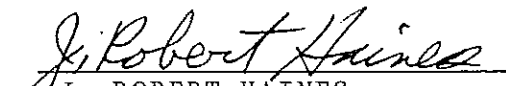
#1 and #3
Bedwell Ct.

Petitioner's
House



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts: That the Petitioner has presented no evidence to substantiate the requirements of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) in reference to the specific request made.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of June, 1988, that approval to permit the construction of an attached garage outside of the building envelope with a distance between addition wall and neighboring dwelling (lot #5) of 26 ft. and to amend the Partial Development Plan of Mays Chapel Village, Section 3, Block F, Lot #6 be and is hereby DENIED.


J. ROBERT HAINES
ZONING COMMISSIONER

#1 Bedwell Ct.



#1 Bedwell Ct.



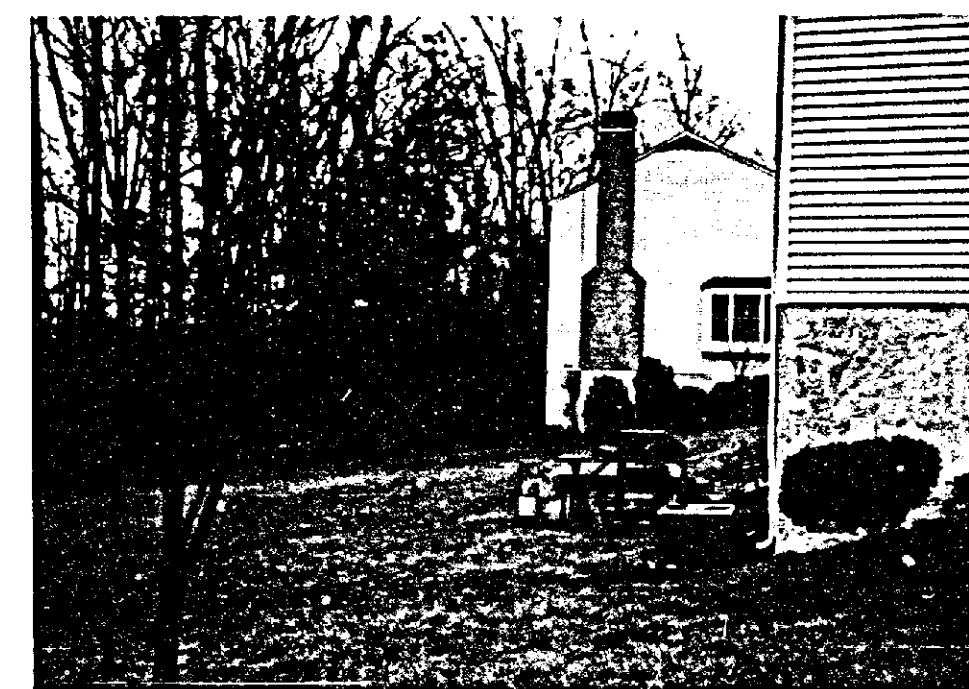
#1 and #3
Bedwell Ct.



#1 and #3
Bedwell Ct.



#1 and #3
Bedwell Ct.



Being Known as Lot 6 Block F as shown on Plat 2
Section 3 Moys Chapel Village recorded in Baltimore
County Book EHK 42 Folio 105.

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. April 14, 1988
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 14, 1988

THE JEFFERSONIAN,

Susan S. Smith
Publisher

\$37.50

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property described herein in Room 106 of the County Office Building, 304 E. Lexington Avenue, Baltimore, Maryland, on Tuesday, May 10, 1988 at 11:00 a.m.
Petition for Special Hearing
Case number 88-466-SPH
NE/C Bedwell Court and Rutledge Road (1 Bedwell Court)
8th Election District - 3rd Councilmanic District
3rd Councilmanic District
Petitioner: John S. Battista, et al.
Hearing Date: Tuesday, May 10, 1988 at 11:00 a.m.
An attached garage outside of the building envelope with a distance between addition wall and neighbor's building of 25 feet is being proposed. The Petitioner is requesting that the Zoning Commission amend the Partial Development Plan of Moys Chapel Village, Section 3, Block F, Lot #4.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission 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 in writing and received in this office by the date of the hearing or as provided at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
4102 Apr. 14.

June 7, 1988

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson MD 21204

RE: Case #88-466-SPH

Dear Mr. Haines:

This acknowledges receipt of your letter dated June 2, 1988 wherein my petition for a special hearing has been denied.

You will recall at the special hearing that testimony was given by Mr. Russell Daniels, chairman of the First Mays Chapel Architectural Committee, wherein he opposed the building of a 24 foot garage that would come within 25 feet of my neighboring dwelling. He also testified that he was in agreement to allow for a 22 foot garage that would come within 25 feet of my neighboring dwelling.

Also at the hearing there was testimony given by my next door neighbor, Mr. Glen Steinbach and another neighbor, Mr. John Boyer, who also opposed a 24 foot garage but had agreed to a 22 foot garage and requested that the commissioner approve the necessary variance to allow for the 22 foot garage.

Please accept this letter as notice that I am filing an appeal before the Board of Appeals however, prior to the hearing it is my intention to amend my request for a 24 foot garage to a 22 foot garage which would bring me within 28 feet of my neighbors dwelling.

Since the Architectural Committee Chairman and neighbors have agreed to a 22 foot garage, I have already contacted my contractor and have revised my plans to coincide with their wishes.

If you can place the distance between the building and the neighbor's building at 28 feet, without greatly appreciated.

the Board of Appeals, I am more County Maryland. I of the scheduled date.

No. 52775

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

DATE: 6-15-88 ACCOUNT: 52775
AMOUNT: \$ 17.00
PAID TO: J. ROBERT HAINES
RECEIVED BY: J. ROBERT HAINES
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

July 22, 1983

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
NE/C Bedwell Court and Rutledge Road
(1 Bedwell Court)
8th Election District, 3rd Councilmanic District
JOHN S. BATTISTA, ET UX - Petitioner
Case No. 88-466-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 9, 1988 by John Battista, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. 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:cer

Enclosures

cc: People's Council of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Hearing
NE/C Bedwell Court and Rutledge Road
(1 Bedwell Court)
8th Election District - 3rd Councilmanic District
JOHN S. BATTISTA, ET UX - Petitioner
Case No. 88-466-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Council (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Plat for Zoning Variance

2.) 14 3/4" x 5" photographs of surrounding houses

Zoning Commissioner's Order dated June 1, 1988 (Denied)

Notice of Appeal received June 9, 1988 from John Battista, Petitioner

People's Council of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastorowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Bucket Clerk

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-466-SPH

District: 8th Date of Posting: 4-13-88
Posted for: Special Hearing
Petitioner: John S. Battista, et ux
Location of property: NE/C Bedwell Court and Rutledge Road
Location of Sign: 1 Bedwell Court
Remarks: [Signature]
Posted by: [Signature] Date of return: 4-15-88
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property described herein in Room 106 of the County Office Building, 304 E. Lexington Avenue, Baltimore, Maryland, on Tuesday, May 10, 1988 at 11:00 a.m.
Petition for Special Hearing
Case number 88-466-SPH
NE/C Bedwell Court and Rutledge Road (1 Bedwell Court)
8th Election District
3rd Councilmanic District
Petitioner: John S. Battista, et al.
Hearing Date: Tuesday, May 10, 1988 at 11:00 a.m.
An attached garage outside of the building envelope with a distance between addition wall and neighbor's building of 25 feet is being proposed. The Petitioner is requesting that the Zoning Commission amend the Partial Development Plan of Moys Chapel Village, Section 3, Block F, Lot #4.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission 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 in writing and received in this office by the date of the hearing or as provided at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
808-Towson, Md. 21204

Office of
PATUXENT
Publishing Company

10750 Little Patuxent Pkwy
Columbia, MD 21044

APRIL 20 19 88

THIS IS TO CERTIFY, that the annexed advertisement of
NOTICE OF HEARING

was inserted in the following:
☐ Catonsville Times
☐ Arbutus Times
☐ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☐ Towson Flier \$23.31

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 15 day of April 1988, that is to say, the same was inserted in the issues of

APRIL 14, 1988

PATUXENT PUBLISHING COMPANY
By [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

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

J. Robert Haines
Zoning Commissioner

Date: 4/24/88

Mr. & Mrs. John S. Battista
One Bedwell Court
Timonium, Maryland 21093

Re: Petition for Special Hearing
Case Number: 88-466-SPH
NE/C Bedwell Court and Rutledge Road
(1 Bedwell Court)
8th Election District - 3rd Councilmanic District
Petitioner(s): John S. Battista, et ux
HEARING SCHEDULED: WEDNESDAY, MAY 4, 1988 at 11:00 a.m.

Dear Mr. & Mrs. Battista:

Please be advised that \$75.81 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.



Dennis F. Rasmussen
County Executive

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

J. Robert Haines
Zoning Commissioner

MAR 17 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
Case Number: 88-466-SPH
NE/C Bedwell Court and Rutledge Road
(1 Bedwell Court)
8th Election District - 3rd Councilmanic District
Petitioner(s): John S. Battista, et ux
HEARING SCHEDULED: WEDNESDAY, MAY 4, 1988 at 11:00 a.m.

Special Hearing: Construction of an attached garage outside of the building envelope with a distance between addition wall and neighboring dwelling (Lot #5) of 26 feet Village, Section 3, Block

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

No. 47589

DATE: 3-22-88 ACCOUNT: 201-415-600

AMOUNT: \$ 25.81

RECEIVED FROM: J. Robert Haines

FOR: Petition for Special Hearing

VALIDATION OR SIGNATURE OF CASHIER

File

ing permit may be issued
& Commissioner will, however,
said permit during this
n writing and received in
presented at the hearing.

Dennis F. Rasmussen
County Executive



Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office of Planning & Zoning
County Office Building
111 W. Chesapeake Avenue
Townson MD 21204

RE: Item #305
Account #R01-615-000

Dear Mr. Haines:

On November 10, 1987 I filed a petition for an amendment to a development plan in order to build a garage to be attached to my residence at One Bedwell Court, Timonium Maryland 21093.

I was informed by your office on December 3, 1987 that a hearing had been filed by one of my neighbors. At that time I was informed that a hearing would be scheduled and I would be advised the date, time, and place of the designated hearing.

On February 16, 1988, I called your office and was informed that a hearing is not automatic and that I had to file a petition for a special zoning hearing. On February 23, 1988, I filed a petition for a special zoning hearing and was informed that it would take approximately 14 weeks for the hearing to be scheduled.

Due to the misinformation I received back on December 3, 1987, and the delay already incurred, I am requesting an early hearing in order to avoid further delays in this matter.

Your cooperation in scheduling an early zoning special hearing is greatly appreciated.

Very truly yours,

John Battista
One Bedwell Court
Timonium MD 21093
(301) 491-3180

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

Date of Posting: August 4, 1988

District: 8th
Posted for: J. Robert Haines, et ux
Petitioner: John S. Battista, et ux
Location of property: NE/C Bedwell Court and Rutledge Road
Location of Sign: One Bedwell Court
Remarks: J. Robert Haines
Date of return: August 4, 1988



County Board of Appeals of Baltimore County

HEARING ROOM #218

August 2, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-466-SPH JOHN S. BATTISTA, ET UX

NE/C Bedwell Court and Rutledge Road
(1 Bedwell Court)
8th Election District
3rd Councilmanic District
SPH -Construction of an attached garage
6/01/88 -Z.C.'s Order -Denied Variance.

ASSIGNED FOR: Tuesday, August 16, 1988 at 1:00 p.m. 10:30 a.m.

cc: Mr. & Mrs. John Battista Appellant /Petitioner

Mr. John Boyer

Mr. Glenn Steinbach

Mr. Carroll Sauer

Mr. Russell Daniels

People's Counsel for Baltimore County

P. David Fields

James G. Hoswell

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk -Zoning

Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

88-466-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Townson, Maryland 21204

Your petition has been received and accepted for filing this
day of March, 1988.

J. Robert Haines
Zoning Commissioner

Petitioner: John S. Battista, et ux
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 25, 1988

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

Mr. John S. Battista, et ux
One Bedwell Court
Timonium, Maryland 21093

RE: Item No. 305 - Case No. 88-466-SPH
Petitioner: John S. Battista, et ux
Petition for Special Hearing

Dear Mr. & Mrs. Battista:

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. 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
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosure



County Board of Appeals of Baltimore County

HEARING ROOM #218

August 2, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-466-SPH JOHN S. BATTISTA, ET UX

NE/C Bedwell Court and Rutledge Road
(1 Bedwell Court)
8th Election District
3rd Councilmanic District
SPH -Construction of an attached garage
6/01/88 -Z.C.'s Order -Denied Variance.

ASSIGNED FOR: Tuesday, August 16, 1988 at 1:00 p.m. 10:30 a.m.

cc: Mr. & Mrs. John Battista Appellant/Petitioner

Mr. John Boyer

Mr. Glenn Steinbach

Mr. Carroll Sauer

Mr. Russell Daniels

P. David Fields

James G. Hoswell

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

Docket Clerk -Zoning

Arnold Jablon, County Attorney

Kathleen C. Weidenhammer
Administrative Secretary

Baltimore County
Fire Department
Townson, Maryland 21204-2566
494-4300

Paul H. Reincke
Chief

March 10, 1988

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

Re: Property Owner: John S. Battista, et ux
Location: NE/C Bedwell Ct. and Rutledge Rd.

Item No.: 305 Zoning Agenda: Meeting of 3/8/88

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: J. Robert Haines
Planning Group
Special Inspection Division

Noted and Approved: J. Robert Haines
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: April 13, 1988

FROM: P. David Fields
Director of Planning and Zoning
Zoning Petition Nos. 88-465-SPH, 88-466-SPH, 88-467-SPH, 88-468-SPH, 88-469-SPH, 88-470-SPH, 88-471-SPH, 88-472-SPH, 88-473-SPH, 88-474-SPH, 88-475-SPH, 88-476-SPH

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
Director

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 15 1988

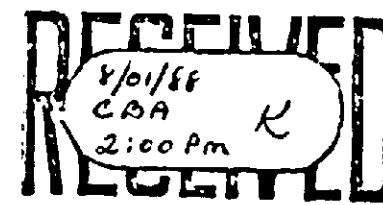
ZONING OFFICE

cc: John S. Battista, et ux

CP5-008

Mr. Hackett, Chairman of Board of Appeals
Board of Appeals Office
Room 315
County Office Building
Towson MD 21204

July 25, 1988



RE: Case #88-466-SPH

Dear Mr. Hackett:

This letter is in reference to an Appeals hearing that I requested with the Commissioners office on June 7, 1988. A copy of that letter is attached.

On or about November 10, 1987 I filed an amendment for a zoning variance to build a 24 foot garage.

On May 4, 1988 a hearing was scheduled in the presence of Commissioner J. Robert Haines and there was opposition from two neighbors and the Mays Chapel Architectural Committee for a zoning variance of 4 feet but at the hearing, the Architectural Committee man and neighbors agreed for the Commissioner to allow a 2 foot variance.

In my letter of June 7, 1988 to Commissioner J. Robert Haines, I requested to change my petition from a 24 foot garage to a 22 foot garage since a resolution was agreed with the neighbors and Architectural Committee.

In a phone conversation with Mr. Dyer on June 7, 1988, he suggested I file a hearing with the Board of Appeals since this was the quickest way to expedite a decision for a 2 foot variance. Again, the neighbors and Architectural Committee people have agreed to the 2 foot variance with will be providing me with affidavits they are not contesting a 2 foot variance.

In a phone conversation with the zoning office on July 25, 1988, I was informed that my case was forwarded to the Board of Appeals on Friday, July 22, 1988.

Since there is no opposition from the neighbors or Architectural Committee, I am requesting an early hearing date.

Your cooperation in assisting me in this matter is greatly appreciated.

Very truly yours,

John Battista
John Battista
One Bedwell Court
Timonium MD 21093
(301) 252-4483

Affidavits from Mr. Russell E. Daniels of the Mays Chapel Association and neighbors Glen Steinbach and John Boyer attached.

June 7, 1988

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson MD 21204

RE: Case #88-466-SPH

Dear Mr. Haines:

This acknowledges receipt of your letter dated June 2, 1988 wherein my petition for a special hearing has been denied.

You will recall at the special hearing that testimony was given by Mr. Russell Daniels, chairman of the First Mays Chapel Architectural Committee, wherein he opposed the building of a 24 foot garage that would come within 26 feet of my neighboring dwelling. He also testified that he was in agreement to allow for a 22 foot garage that would come within 28 feet of my neighboring dwelling.

Also at the hearing there was testimony given by my next door neighbor, Mr. Glen Steinbach and another neighbor, Mr. John Boyer, who also opposed a 24 foot garage but had agreed to a 22 foot garage and requested that the commissioner approve the necessary variance to allow for the 22 foot garage.

Please accept this letter as notice that I am filing an appeal before the Board of Appeals however, prior to the hearing it is my intention to amend my request for a 24 foot garage to a 22 foot garage which would bring me within 28 feet of my neighbors dwelling.

Since the Architectural Committee Chairman and neighbors have agreed to a 22 foot garage, I have already contacted my contractor and have revised my plans to coincide with their wishes.

If you can make a ruling for a 22 foot garage which would place the distance between the additional wall and my neighbors dwelling at 28 feet, without the necessity of an Appeal hearing, this would be greatly appreciated.

In the event that the hearing must go in front of the Board of Appeals, I am enclosing my check for \$75 made payable to Baltimore County Maryland. If the Appeal hearing is necessary, please advise me of the scheduled date.

Thank you for your cooperation in this matter.

Very truly yours,

John Battista
John Battista

enc.

STATEMENT

Comes now Russell E. Daniels. Having previously testified in opposition to a petition by Mr. John S. Battista for construction of an attached garage outside of the building envelope, I hereby submit this statement.

I live at 6 Belden Court, Timonium, Maryland, 21093. I am the Chairman of the Architectural Control Committee and a member of the Board of Directors of the First Mays Chapel Homeowners Association.

A copy of the revised plans submitted to our committee is attached. The Architectural Control Committee has reviewed Mr. Battista's revised plans for a garage that will be 22 feet wide, with a distance between the addition wall and the neighboring dwelling (Lot #5) of 28 feet. It is the position of the Architectural Control Committee that said revision is acceptable. The committee and the Board of Directors have agreed not to protest Mr. Battista's revised petition.

It is understood that the Development Plan of Mays Chapel Village would be amended for Section 3, Block F, Lot #6 (One Bedwell Court) only.

State of Maryland

County of Baltimore.

Russell E. Daniels, being duly sworn, on his oath says that he has read the foregoing statement; that, as to the matters and facts stated therein to be true, the same are true; and that, as to the matters and facts stated therein upon information and belief, the same are true as affiant is informed and verily believes.

Russell E. Daniels
Russell E. Daniels

Subscribed and sworn to before me July 29, 1988.

Lillie P. Bowles
Lillie P. Bowles

Notary Public in and for
the City of Baltimore
State of Maryland.

My commission expires 7-1-90

July 28, 1988

TO WHOM IT MAY CONCERN:

It is my understanding that a revised plan has been submitted for the attached garage to be constructed at 1 Bedwell Court, Timonium, Maryland, 21093. This plan allows for the width of the garage to be 22 feet, leaving 28 feet between this structure and my house at 3 Bedwell Court. I believe this revised plan to be a reasonable compromise and will not oppose the zoning needed for its construction.

Glen L. Steinbach
Glen L. Steinbach
3 Bedwell Court
Timonium, MD 21093
252-8381

To: Chairman - Board of Appeals
Baltimore County Commissioner

I, John W. Boyer, 6 Bedwell Court
Timonium, Md. authorize the Board of Appeals
to approve a 2 foot variance for John
Battista, 1 Bedwell Ct. Timonium, Md., so
he can build a 22 foot garage that will
come within 28 feet of the adjoining dwelling
of Glenn Steinbach, 3 Bedwell Ct. Timonium,
Md.

WITNESS

John W. Boyer 7/26/88
Debra M. Boyer 7/26/88

Appeal from Zoning - Case No. 88-466-SPH

Appeal taken by Mr. Battista - Petitioner

His requested variance for 24' garage was denied in Zoning.

Has reached agreement w/Protestants; wants to request early hearing so that his 22' garage can be built. Neighbors will agree to 22' garage if Board will grant variance of that height.

He spoke w/Mr. Dyer in Zoning; was advised that most expedient way to handle was to appeal Zoning decision; come before Board and agree to 22' garage with no objections by neighbors.

Mr. Battista to write to Mr. Hackett requesting early hearing; Charlotte forwarded case to CBA on 7/22/88.

k

7/25/88



County Board of Appeals of Baltimore County

~~Room 315, County Office Building~~
Towson, Maryland 21204
(301) 494-3180

August 17, 1988

Mr. & Mrs. John S. Battista
1 Bedwell Court
Timonium, MD 21093

RE: Case No. 88-466-SPH
John S. Battista, et ux

Dear Mr. & Mrs. Battista:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. John Boyer
Mr. Glen Steinbach
Mr. Carroll Sauer
Mr. Russell Daniels
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk -Zoning
Arnold Jablon, County Attorney

APPEAL

Petition for Special Hearing
NE/C Bedwell Court and Rutledge Road)
(1 Bedwell Court)
8th Election District - 3rd Councilmanic District
JOHN S. BATTISTA, ET UX - Petitioner
Case No. 88-466-SPH

SPH-Construction of an attached garage

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Plat for Zoning Variance

2.) 14 3" x 5" photographs of surrounding houses

Zoning Commissioner's Order dated June 1, 1988 (Denied)

Notice of Appeal received June 9, 1988 from John Battista, Petitioner

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

John Battista, et ux, Petitioners
One Bedwell Ct.
Timonium, MD. 21093

PROTESTANT: Boyer
Mr. John Boyer
6 Bedwell Court
Timonium, MD 21093

PROTESTANT:
Mr. Carroll Sauer
7 Teaneck Court
Timonium, MD 21093

PROTESTANT:
Mr. Glenn Steinbach
3 Bedwell Court
Timonium, MD 21093

PROTESTANT:
Mr. Russell Daniels
6 Belden Court
Timonium, MD 21093