

IN RE: PETITION FOR ZONING VARIANCE
E/S Tenth Avenue, 1190' S of
the c/l of Joppa Road
11th Election District
6th Councilmanic District
George W. Fitch
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-471-A

MEMORANDUM AND ORDER

The Petitioner herein requests a variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Counsel, Philip Petty, Esquire. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of May, 1988 that the Petition for Zoning Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petition #88-471-A

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

P. David Fields per J. Robert Haines
Director
Office of Planning and Zoning

PDF:dt

cc: Shirley Hess, People's Counsel
Zoning Office
J. G. Hoswell

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.

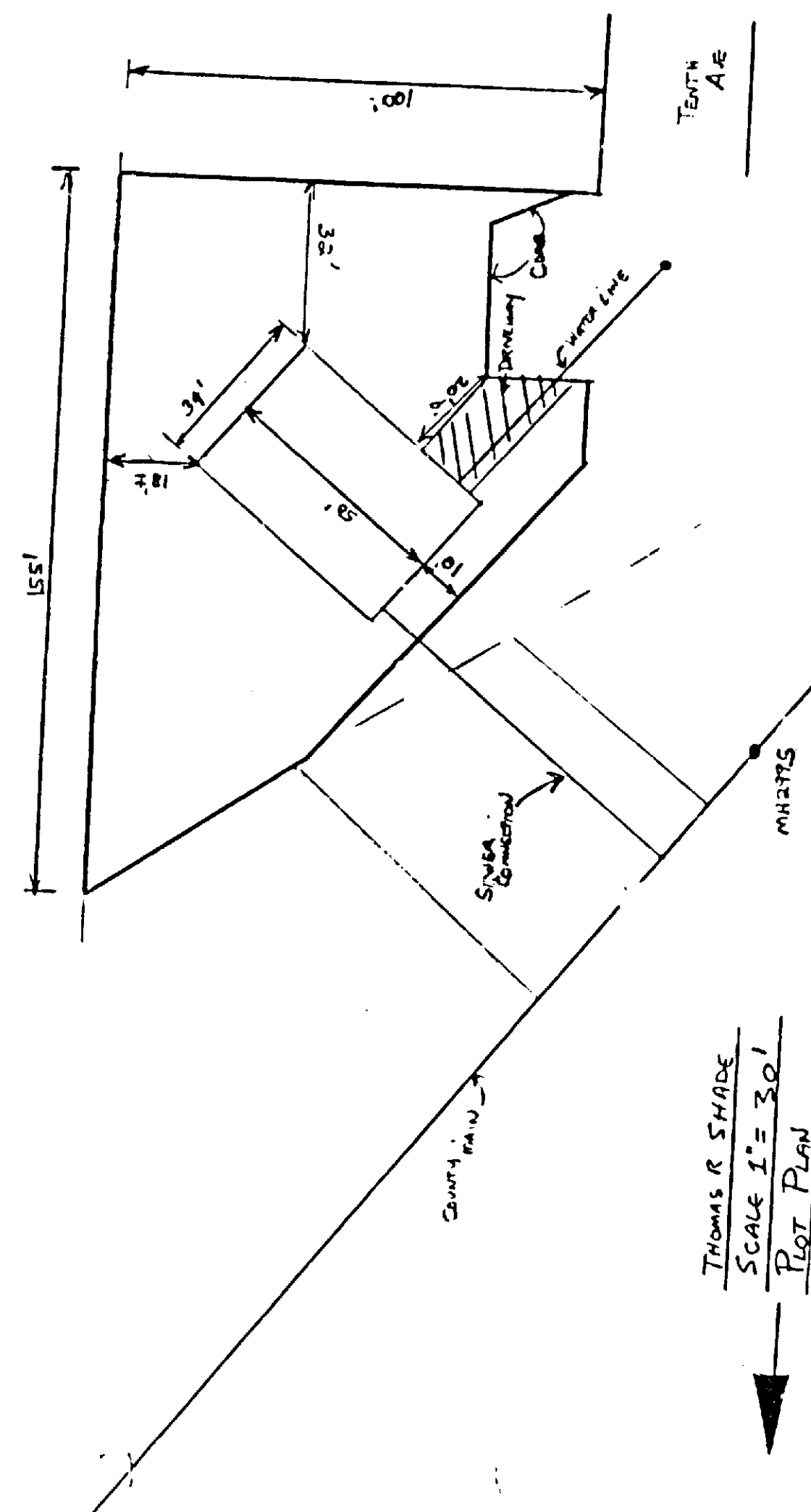
J. Robert Haines
Zoning Commissioner of
Baltimore County

JRH:bjs

DESCRIPTION OF PROPERTY

Beginning on the east side of Tenth Avenue (30 feet wide) at a distance of 1190 feet north of the Centerline Joppa Road and being known and designated as Lots 186, 187, and 188 as shown on the plot of "Carney Heights Addition," which is recorded in the Land Records of Baltimore County in plat book WPC No 7, Part 1, Folio 19.

Saving and excepting a 52' x 30' parcel as shown on Baltimore County Bureau of Land Acquisition Plat No RW 82-318-9.



THOMAS R. SHAW
SCALE 1" = 30"
LOT PLAN

Plat offered for sale with changes as shown on plat 6/16/88
OKD with the spirit and intent of the law #88-471-A J.R.H.

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 1.802.3C.1 to permit:

rear yard setback of 15 feet in lieu of the required 30 feet.

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

The County's acquisition of a 30 x 52' parcel in the front of the lot to place a T-Turnaround prohibits placement of a dwelling on the lot without

advertised as prescribed by Zoning Regulations.

If above Variance advertising, posting, etc., upon filing of this petition is to be bound by the zoning regulations and restrictions of 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.

Legal Owner(s):

George W. Fitch

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

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Signature

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
April 27, 1988

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

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. Philip Petty, Esquire
1426 East Joppa Road
Towson, Maryland 21204

RE: Item No. 317 - Case No. 88-471-A
Petitioner: George W. Fitch
Petition for Zoning Variance

Dear Mr. Petty:

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

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

Paul H. Reiche
Chief

April 26, 1988

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: George W. Fitch/Contract Purchaser - Thomas R. Shade
Location: E/S Tenth Ave., 1,190' S of c/l Joppa Rd.

Item No. 317

Zoning Agenda: Meeting of 4/28/88

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 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: *Carl J. Kelly* v. 2. 88
Special Inspection Division

Noted and Approved:

John F. Hill
Fire Prevention Bureau

/31

May 13, 1988

Philip Petty, Esquire
1426 E. Joppa Road
Towson, Maryland 21204

RE: Petition for Zoning Variance
E/S Tenth Avenue, 1190' S of the c/l of Joppa Road
11th Election District, 6th Councilmanic District
George W. Fitch - Petitioner
Case No. 88-471-A

Dear Mr. Petty:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

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

JRH:bja

Enclosures

cc: Mr. Thomas R. Shade, Contract Purchaser
4 Lava Court, Apt. 2D, Baltimore, Md. 21234

People's Counsel

File

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

J. Robert Haines
Zoning Commissioner

March 15, 1988
NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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 Zoning Variance
Case Number: 88-471-A
E/S Tenth Avenue, 1,190' S of c/l Joppa Road
11th Election District - 6th Councilmanic District
Petitioner(s): George W. Fitch
HEARING SCHEDULED: THURSDAY, APRIL 28, 1988 at 9:00 a.m.

Variance to permit a front yard setback of 15' (consistent with houses on Tenth Ave.) in lieu of the required 25 feet and a rear yard setback of 15 feet in lieu of the required 30 feet.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Philip Petty, Esq.
Thomas R. Shade
File

317. Property Owner: George W. Fitch/Contract Purchaser - Thomas R. Shade
Location: ES Tenth Ave., 1,190' S of c/l of Joppa Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet.
Area: 10,329 square feet/.24 acre
District: 11th Election District

DUE TO ERROR THE ABOVE ITEM WAS NOT SUBMITTED WITH AN AGENDA. THIS ITEM NO. 317 IS CASE NO. 88-471-A BEING HEARD ON 04/28/88 AT 9:00 A.M. IF YOU HAVE ANY COMMENTS TO ADDRESS PLEASE CALL ME AT 494-3391 AND I WILL IN TURN NOTIFY THE ZONING COMMISSIONER AND PETITIONER.

THANK YOU,
DONNA THOMPSON
ZONING

cc: James E. Dyer, Zoning Supervisor

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3513

Mr. Thomas R. Shade
4 Lava Court, Apt. 2D
Baltimore, Maryland 21234

Date: 4-18-88

Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
Case Number: 88-471-A
E/S Tenth Avenue, 1,190' S of c/l Joppa Road
11th Election District - 6th Councilmanic District
Petitioner(s): George W. Fitch
HEARING SCHEDULED: THURSDAY, APRIL 28, 1988 at 9:00 a.m.

Dear Mr. Shade:

Please be advised that 71.03 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.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111 - Towson, Maryland 21204 (15) minutes before

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

No. 52417
DATE: 4/28/88 ACCOUNT: R-01455000
AMOUNT: \$ 71.03
RECEIVED FROM: *George W. Fitch*
FOR: *George W. Fitch*
VALIDATION OR SIGNATURE OF CASHIER

and post set(s), there be for each set not
YOURS,
Haines
Zoning Commissioner of Baltimore County

THOMAS R. SHADE
4 Lava Ct., Apt. 2D
Baltimore, Maryland 21234
(301) 882-6210 Home
(301) 837-3691 Work

March 1, 1988

J. Robert Haines
Zoning Commissioner of
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204-4688

Ref: Shade/Fitch Zoning Variance

Dear Mr. Haines:

I would like to request an early hearing on a rear setback variance (Baltimore County, Item #317) which was submitted March 1, 1988.

The early request for hearing is requested because I am under contract for the piece of land, and the lot is unacceptable if the variance is not granted. The county has created the problem for the owner of the property by installing a turnaround. Because I want to settle on the land, (and even with the early variance, I have to delay settlement) and because there is a financial loss incurred if the variance is not granted the hardships certainly justify the early hearing request.

Thank you for your consideration.

Sincerely,

Thomas R. Shade
Thomas R. Shade

TRS/djb
COR-4

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. April 7, 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 7, 1988

THE JEFFERSONIAN,

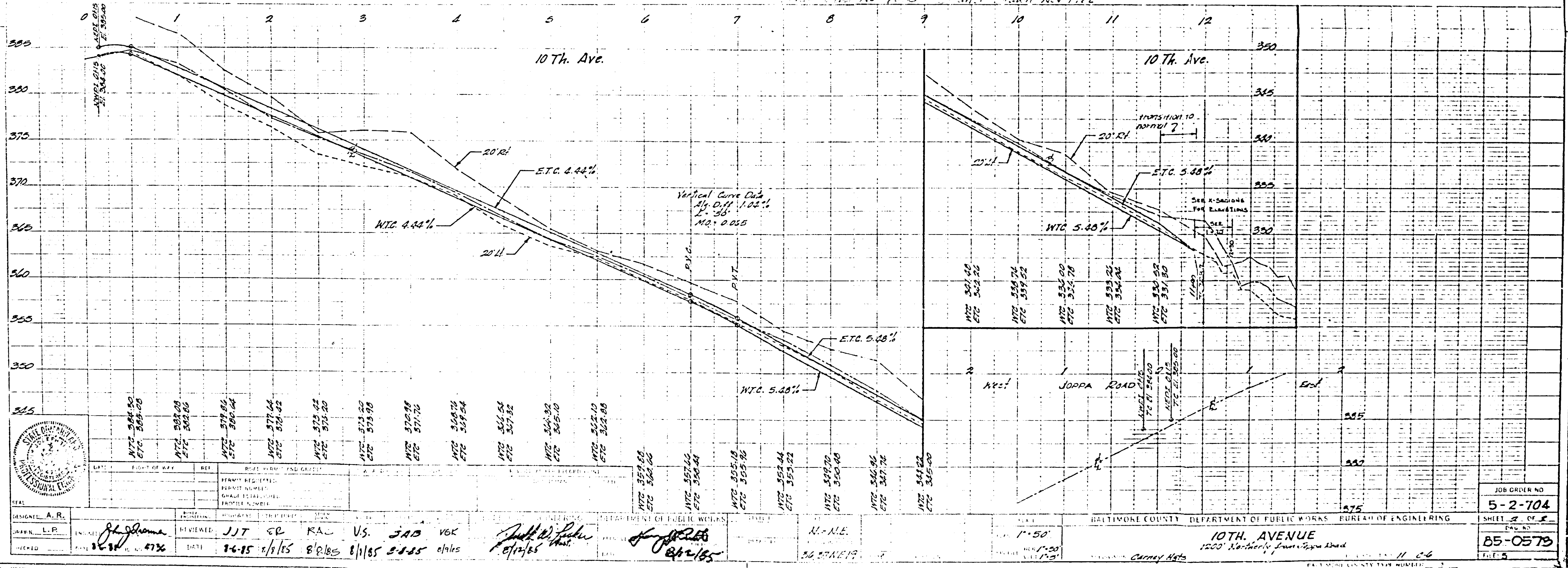
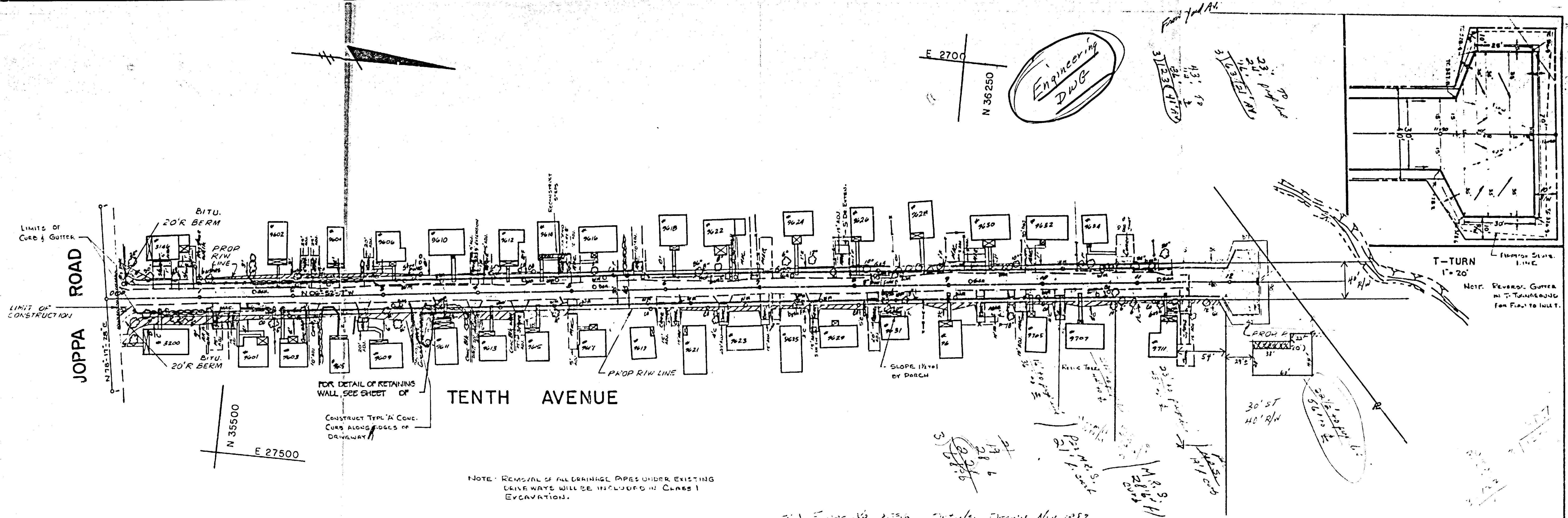
Susan Shuler
Publisher

33.75

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 Zoning Variance
Case Number: 88-471-A
E/S Tenth Avenue, 1,190' S of c/l Joppa Road
11th Election District - 6th Councilmanic District
Petitioner(s): George W. Fitch
HEARING SCHEDULED: THURSDAY, APRIL 28, 1988 at 9:00 a.m.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

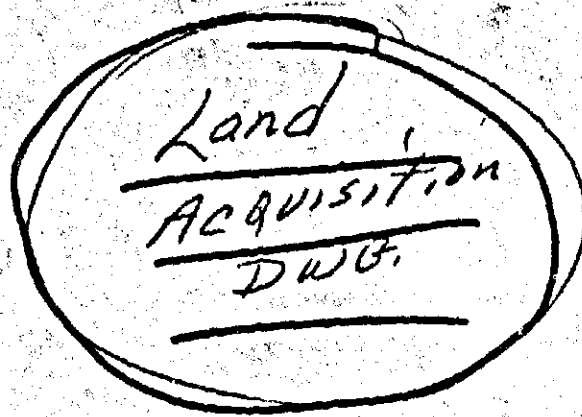
District: 11th
Date of Posting: 4/18/88
Posted for: *George W. Fitch*
Petitioner: *George W. Fitch*
Location of property: *E/S Tenth Ave., 1,190' S of Joppa Rd.*
Location of Sign: *11th Election District - 6th Councilmanic District*
Remarks: *See above*
Posted by: *Philip Petty*
Number of Signs: 1



		DATE: 10/15/85 ELEVATION: 345.00 ETC: 345.00	
DESIGNER: A.R. DRAWN: L.P. CHECKED: 10/15/85		REVIEWED: J.T. ER DATE: 10/15/85	
PROJECT: 10TH AVENUE SHEET: 1 OF 2		JOB ORDER NO: 5-2-704 SHEET: 1 OF 2	
BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING		10TH AVENUE 1500' North of Joppa Road	

EXIST. BA. Co. RW 77-282
E.H.K. Jr. 6228/369

EXIST. BA. Co. UTILITY
EASEMENT RW 77-282
E.H.K. Jr. 6224/542



EXISTING BA. Co.
DRAINAGE + UTILITY
EASEMENT
RW 61-005
W.J.R. 3841/313

DRIVEWAY ADJUSTMENT
AREA

HIGHWAY WIDENING

EXISTING BA. Co. WATER + SEWER EASEMENT
SEE RW 30-039 L.M.C.M. 860/359

TENTH AVE.

(35)
GEORGE W. FITCH + ALBERTA HIS WIFE
G.L.B. 3273/560
HIGHWAY WIDENING AREA = 394 SQ. FT. = 0.009 AC.
DRIVEWAY ADJUSTING AREA = 255 SQ. FT. = 0.006 AC.

PLAT OF
CARNEY HEIGHTS ADDITION
W.P.C. 7-19
SCALE 1" = 10'
BEARINGS AND DISTANCES DEVELOPED FROM
PLATS + DEED, NOT FROM SURVEY

(40)
GEORGE FITCH
E.H.K. JR. 6473/74
HIGHWAY WIDENING AREA = 1434 SQ. FT. = 0.032 AC.
UTILITY EASEMENT AREA = 85 SQ. FT.
TEMPORARY CONSTRUCTION AREA =
338 SQ. FT. = 0.008 AC.

HIGHWAY WIDENING

TEMPORARY CONSTRUCTION AREA

UTILITY
EASEMENT

HIGHWAY WIDENING

(37)
GEORGE W. FITCH
E.H.K. JR. 6332/377
HIGHWAY WIDENING AREA = 1410 SQ. FT. = 0.032 AC.