

IN RE: PETITION FOR ZONING VARIANCE
 S/S Carrollton Avenue, 850'
 E of Boyce Avenue
 (1203 Carrollton Avenue)
 9th Election District
 4th Councilmanic District
 Richard C. Burch, et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 89-40-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 11.3 feet and a rear yard setback of 6 feet in lieu of the required 15 feet and 40 feet respectively for a proposed one and one-half story garage addition, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Richard Burch, appeared and testified. 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, 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 8th day of September, 1988 that the Petition for Zoning Variance to permit a side yard setback of 11.3 feet and a rear yard setback of 6 feet in lieu of the required 15 feet and 40 feet respectively for a proposed one and one-half story garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 30-day 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) The Petitioner shall not allow or cause the addition to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

JRH:bjs

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

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

J. Robert Haines
 Zoning Commissioner

September 8, 1988

Mr. & Mrs. Richard C. Burch
 1203 Carrollton Avenue
 Ruxton, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
 S/S Carrollton Avenue, 850' E of the c/l of Boyce Avenue
 (1203 Carrollton Avenue)
 9th Election District - 4th Councilmanic District
 Case No. 89-40-A

Dear Mr. & Mrs. Burch:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Redcliffe at 494-3391.

Very truly yours,

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

JRH:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
 County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-40-A
 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 1B02.3.C.1. to permit side yard setback of 11.3' and a rear yard setback of 6' in lieu of the required 15' and 40', respectively.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. Addition must be located as shown on plans due to location of existing driveway, location of existing structure and sloping grade of property.
 2. Addition must be located as shown on plans in order to be architecturally compatible with existing structure and neighborhood.
 3. Professional architect advised that the only feasible or practical means to improve existing structure is to locate addition as shown on the plans.
- 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: _____
 (Type or Print Name)
 Signature _____
 Address _____
 City and State _____

Legal Owner(s):
 (Type or Print Name) Jana Corn Burch
 Signature Jana Corn Burch
 (Type or Print Name) Richard C. Burch
 Signature [Signature]

Address 1203 Carrollton Avenue
 City and State Ruxton, Maryland 21204

828-1335 (o)
 821-8563 (h)
 Phone No.

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

Name _____
 Address _____
 Phone No. _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of September, 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 110, County Office Building in Towson, Baltimore County, on the 24th day of August, 1988, at 10 o'clock A.M.

ORDER RECEIVED FOR FILING
 Dec 3 9/16/88
 By *J. Robert Haines*

NW 108
 3C
 E.D. 9th
 DATE 11/16/88
 230
 1000
 87

MICHAEL B. DALLAS

Registered Surveyor
 STATE 800
 24 W PENNSYLVANIA AVENUE
 TOWSON, MD 21204

494-0020

ZONING DESCRIPTION
 1203 CARROLLTON AVENUE

BEGINNING for the same at a point along the centerline of Carrollton Avenue (30 feet wide) at a point distant 850 feet, more or less, southeasterly from the intersection of the centerline of Carrollton Avenue with the centerline of Boyce Avenue; thence running and binding along the centerline of said Carrollton Avenue the three following courses and distances, viz: 1) South 71 degrees 13 minutes East 66.13 feet; 2) South 87 degrees 41 minutes East 50 feet; and, 3) North 75 degrees 49 minutes East 50 feet; thence leaving said centerline of said Carrollton Avenue and running South 26 degrees 52 minutes East 96.07 feet; thence running South 24 degrees 17 minutes East 87.20 feet; thence running South 73 degrees West 121.38 feet; thence running North 30 degrees 23 minutes West 245.94 feet to said centerline of said Carrollton Avenue, and the place of beginning.

May 4, 1988

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 9th Date of Posting August 15, 88
 Case No. 89-40-A
 Posted for: Variance
 Petitioner: Jana Corn Burch, et ux
 Location of property: S/S of Carrollton Avenue, E of Boyce Avenue, (1203 Carrollton Avenue)
 Location of Signs: 1/2 front of 1203 Carrollton Avenue
 Remarks: _____
 Posted by: [Signature] Date of return: August 19, 88
 Number of Signs: 1

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

J. Robert Haines
 Zoning Commissioner

Date: 8/16/88

Mr. & Mrs. Burch
 1203 Carrollton Avenue
 Ruxton, Maryland 21204



Dennis F. Rasmussen
 County Executive

Re: Petition for Zoning Variance
 CASE NUMBER: 89-40-A
 S/S Carrollton Avenue, 850' E of c/l Boyce Avenue
 (1203 Carrollton Avenue)
 9th Election District - 4th Councilmanic
 Petitioner(s): Jana Corn Burch, et ux
 HEARING SCHEDULED: September 7, 1988 at 2:45 p.m.

Dear Mr. & Mrs. Burch:

Please be advised that \$100.50 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 fifteen (15) minutes before

and post set(s), there for each set not

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

No. 059242

DATE _____ ACCOUNT P.O. 115 000

AMOUNT \$ 100.50

RECEIVED FROM: Jana Corn Burch

FOR: Posting & Ad 9/7/88 hearing

8 895*****10050: a 5075F 89-40-A

VALIDATION OF SIGNATURE OF CASHIER
 GUN 12888 FBI-ARJBY YELLOW-GLETONS

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., August 11, 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., once in each of 1 successive weeks, the first publication appearing on August 11, 1988.

THE JEFFERSONIAN,
S. Zeke Orlean
 Publisher

37.50

PO# 02710
 Reg# M18813

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 110 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on September 7, 1988 at 2:45 p.m.
 Petitioner: Jana Corn Burch, et ux
 Hearing Date: Wednesday, Sept. 7, 1988 at 2:45 p.m.
 Variance to permit side yard setback of 11.3 feet and a rear yard setback of 6 feet in lieu of the required 15 feet and 40 feet, respectively.
 It is noted that this Petition is subject to the 30-day appellate process. A building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will consider 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 the office by the date of the hearing set above or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 8/08 Aug 11

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 10, 1988
 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 10, 1988.

TOWSON TIMES,
S. Zeke Orlean
 Publisher

PO# 02711
 Reg# M18812
 58.00

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 110 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on September 7, 1988 at 2:45 p.m.
 Petitioner: Jana Corn Burch, et ux
 Hearing Date: Wednesday, Sept. 7, 1988 at 2:45 p.m.
 Variance to permit side yard setback of 11.3 feet and a rear yard setback of 6 feet in lieu of the required 15 feet and 40 feet, respectively.
 It is noted that this Petition is subject to the 30-day appellate process. A building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will consider 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 the office by the date of the hearing set above or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 8/08 Aug 10

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

July 14, 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: 89-40-A
5/5 Carrollton Avenue, 850' E of c/l Boyce Avenue
(1203 Carrollton Avenue)
9th Election District - 4th Councilmanic
Petitioner(s): Jana Corn Burch, et ux
HEARING SCHEDULED: WEDNESDAY, September 7, 1988 at 2:45 p.m.

Variance to permit side yard setback of 11.3 feet and a rear yard setback of 6 feet in lieu of the required 15 feet and 40 feet, respectively.

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: Mr. & Mrs. Burch
File

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

July 1, 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: 89-40-A
5/5 Carrollton Avenue, 850' E of c/l Boyce Avenue
(1203 Carrollton Avenue)
9th Election District - 4th Councilmanic
Petitioner(s): Jana Corn Burch, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 24, 1988 at 10:00 a.m.

Variance to permit side yard setback of 11.3 feet and a rear yard setback of 6 feet in lieu of the required 15 feet and 40 feet, respectively.

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: Jana Corn Burch, et ux
File

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

RE: Petition for Zoning Variance
Case No. 89-40-A
1203 Carrollton Avenue

Dear Zoning Commissioner of Baltimore County:

We own the property known as 1304 Berwick Road in Ruxton, Maryland. The rear of our property abuts the rear of the property known as 1203 Carrollton Avenue which is owned by Jana and Richard Burch. We understand that the Burches have applied for a zoning variance from the 40 feet rear yard and 15 feet side yard setback requirements in order to build a two story addition and garage to their current home.

This note is to advise your office that we do not object to the granting of the variance in order to allow the Burches to build their addition.

Alec Munsell
Alec Munsell
1304 Berwick Road

PETITIONER'S EXHIBIT 2

Frances Munsell
Frances Munsell
1304 Berwick Road

Date: August 25, 1988

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

RE: Petition for Zoning Variance
Case No. 89-40-A
1203 Carrollton Avenue

Dear Zoning Commissioner of Baltimore County:

We own the property known as 1207¹²⁰⁷ Carrollton Avenue in Ruxton, Maryland. The side of our property abuts the side of the property known as 1203 Carrollton Avenue which is owned by Jana and Richard Burch. We understand that the Burches have applied for a zoning variance from the 40 feet rear yard and 15 feet side yard setback requirements in order to build a two story addition and garage to their current home.

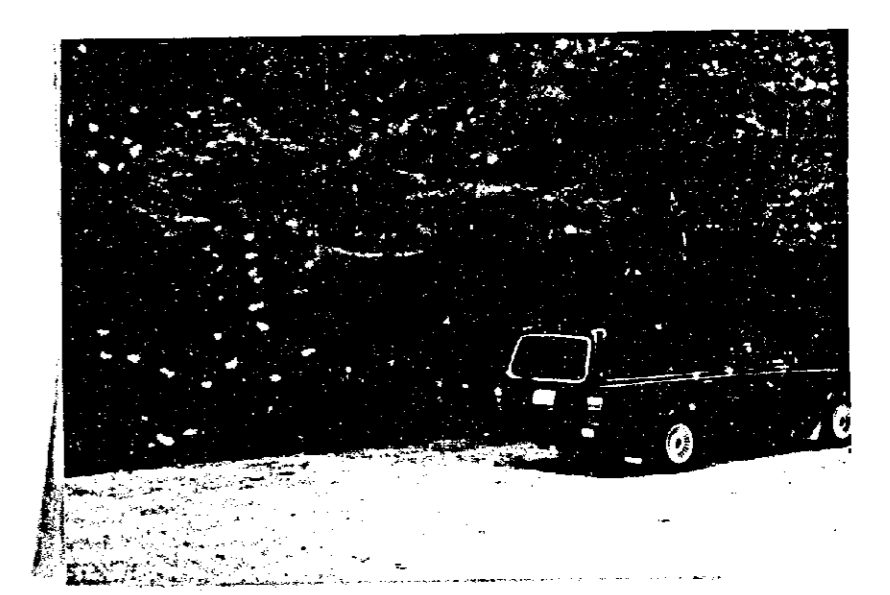
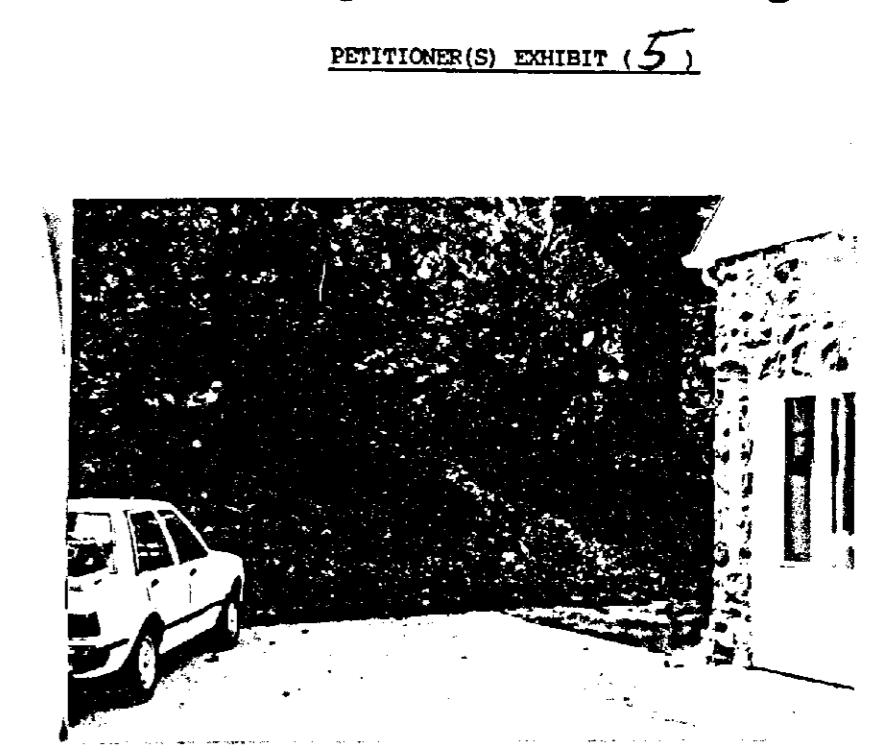
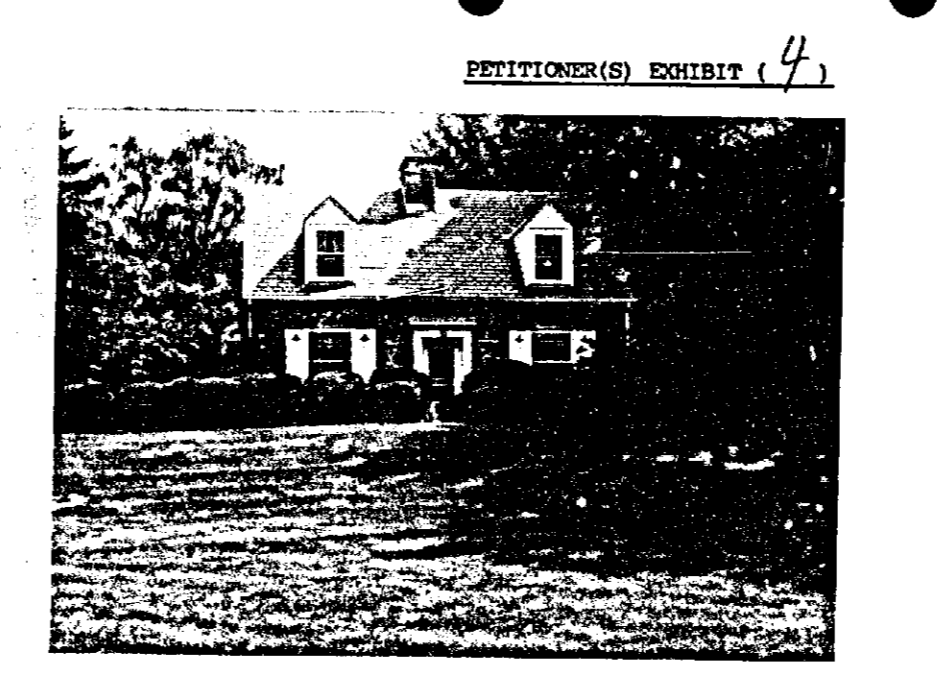
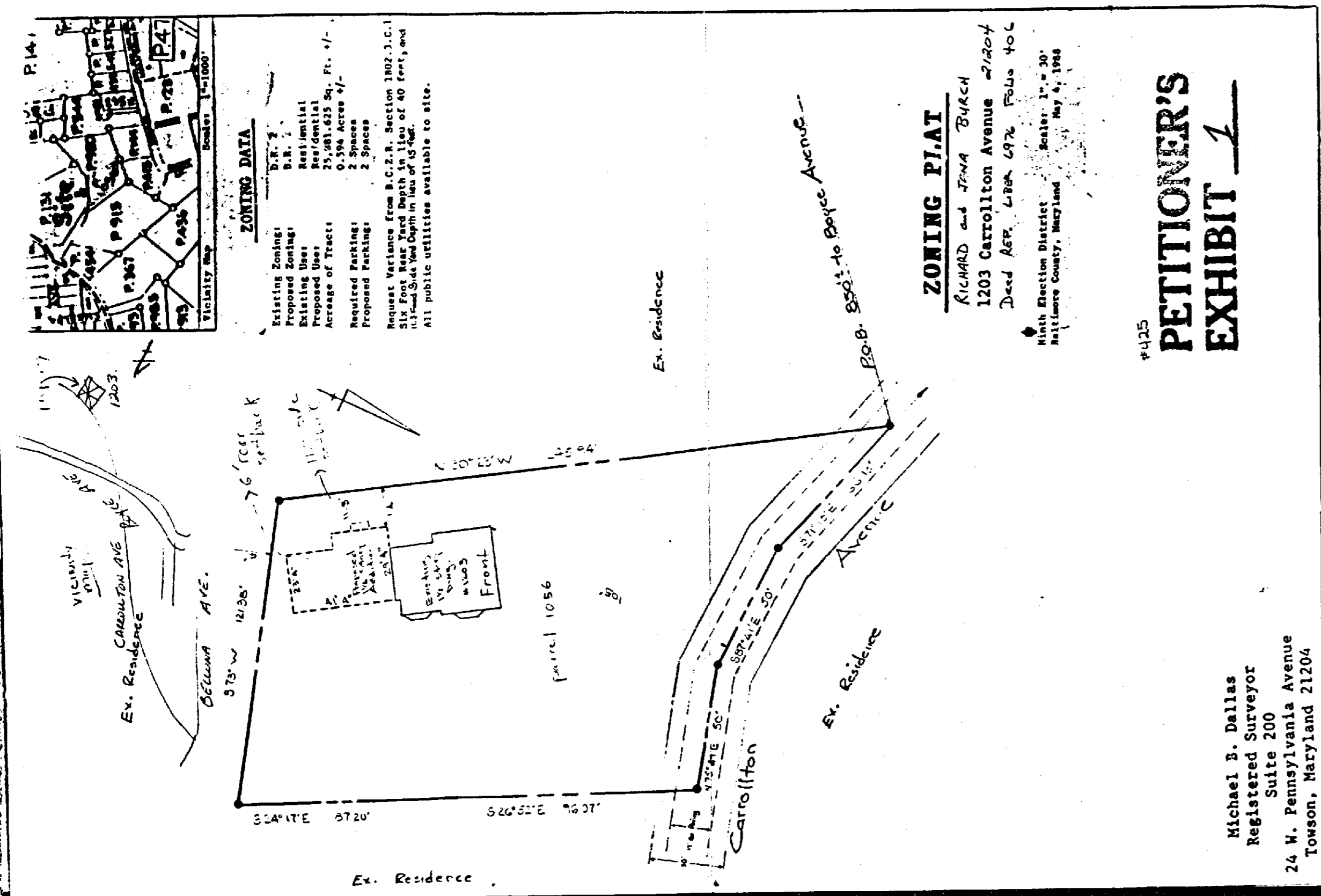
This note is to advise your office that we do not object to the granting of the variance in order to allow the Burches to build their addition.

Robert William Muldoon
Robert William Muldoon
1203 Carrollton Avenue
1207

Virginia B. Muldoon
Virginia Muldoon
1203 Carrollton Avenue
1207

Date: August 15, 1988

PETITIONER'S EXHIBIT 3



89-49-A

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
8th day of June, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner Richard C. Burch, et ux Received by: James E. Dyer
Petitioner's Chairman, Zoning Plans
Attorney Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2686
484-4500

June 7, 1988

Paul H. Reincke
Chief

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: Burch, et ux

Location: South side of Carrollton Ave., 850' of c/1 Boyce Avenue

Item No.: 425

Zoning Agenda: Meeting of 6/7/88

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: *[Signature]* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

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

Mr. & Mrs. Richard C. Burch
1203 Carrollton Avenue
Ruxton, Maryland 21204

RE: Item No. 425 - Case No. 89-40-A
Petitioner: Richard C. Burch, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Burch:

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 date of the enclosed 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

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

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

July 5, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 421, 422, 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pm1-b

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: July 11, 1988
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petitions 89-35-A, 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48-A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 12 1988
ZONING OFFICE

cc: Mr. & Mrs. Burch
7-12-88

CPS-008

RECEIVED
JUL 14 1988
ZONING OFFICE