

IN RE: PETITION FOR ZONING VARIANCE
E/S Cummings Avenue, 26.25' S
of Pearl Road
1st Election District
1st Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Alexander Woodhouse, Sr., et ux
Petitioners

* Case No. 89-124-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 50 feet for Lots 156 and 157 in lieu of the required 55 feet for both as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Woodhouse, appeared, testified, and were represented by Gerald A. Smith, Esquire. Also appearing on behalf of the Petition were Mario Brunetto, Contract Purchaser of Lot 156, and Paul J. Redmond, Esquire, Mr. Brunetto's attorney. 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 21st day of October, 1988 that the Petition for Zoning Variance to permit a lot width of 50 feet for Lots 156 and 157 in lieu of the required 55 feet for both, 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 is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

3) There shall be no two-family dwellings constructed on either lot. Only a single family dwelling shall be permitted to be constructed on Lots 156 and 157.

4) When the Petitioner and/or Mr. Brunetto apply for their respective building permits, the site plan filed with the building permit must reference this case and set forth and address the restrictions of this Order.

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

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 27, 1988

Gerald A. Smith, Esquire
711 Saint Paul Street
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE
E/S Cummings Avenue, 26.25' S of the c/l of Pearl Road
1st Election District - 1st Councilmanic District
Alexander Woodhouse, Sr., et ux - Petitioners
Case No. 89-124-A

Dear Mr. Smith:

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 Radcliffe at 494-3391.

Very truly yours,

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

JRH:bjs

cc: Paul J. Redmond, Esquire
405 Allegheny Avenue
Townson, Maryland 21204

People's Counsel

File



Dennis F. Rasmussen
County Executive

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

#33
89-124-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 304.6 to permit (2) 50 ft. lot widths of adjacent ownership in lieu of the required 55 ft.

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

1. Applicant is unable to secure a reasonable return or make any reasonable use of his property.
2. The difficulties or hardship is peculiar to the subject property in contrast with other properties in the Zoning District.
3. Hardship was not a result of the Applicants own action. 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

Attorney for Petitioner:

Gerald A. Smith

(Type or Print Name)

Signature

Address

City and State

Address

City and State

Attorney's Telephone No.:

(301) 727-0920

Address

City and State

Attorney's Telephone No.:

(301) 727-0920

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Attorney's Telephone No.:

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City and State

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

Date: 9/30/88

Mr. Alexander Woodhouse, Sr.
3406 Wabash Avenue
Baltimore, Maryland 21215

Re: Petition for Zoning Variance
Case number: 89-124-A

Dear Mr. Woodhouse:

Please be advised that \$82.45 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 set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

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

No. 059053

post set(s), there each set not

DATE 10/13/88 ACCOUNT 89-124-A-000

AMOUNT \$ 82.45

RECEIVED FROM Alexander Woodhouse

FOR 10/13/88 hearing

89-124-A

VALIDATION OR SIGNATURE OF CASHIER

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

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:

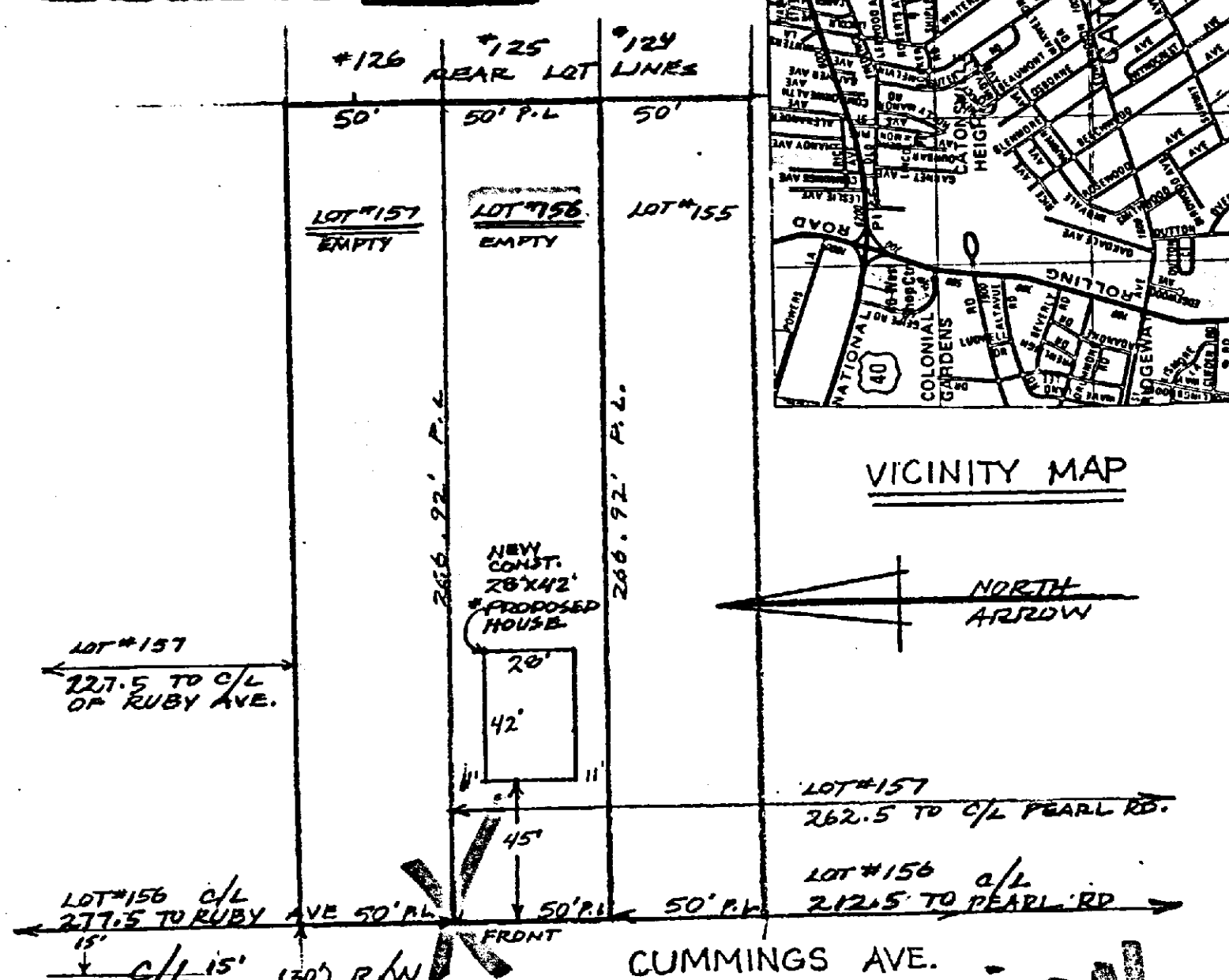
Petition for Zoning Variance
CASE NUMBER: 89-124-A
Cummings Avenue, 262.5' S c/l Pearl Road
(Lots Nos. 156 and 157)
1st Election District - 1st Councilmanic
Petitioner(s): Alexander Woodhouse, Sr., et al
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 9:00 a.m.

Variance to permit (2) 50 ft. lot widths of adjacent ownership in lieu of the required 55 feet.

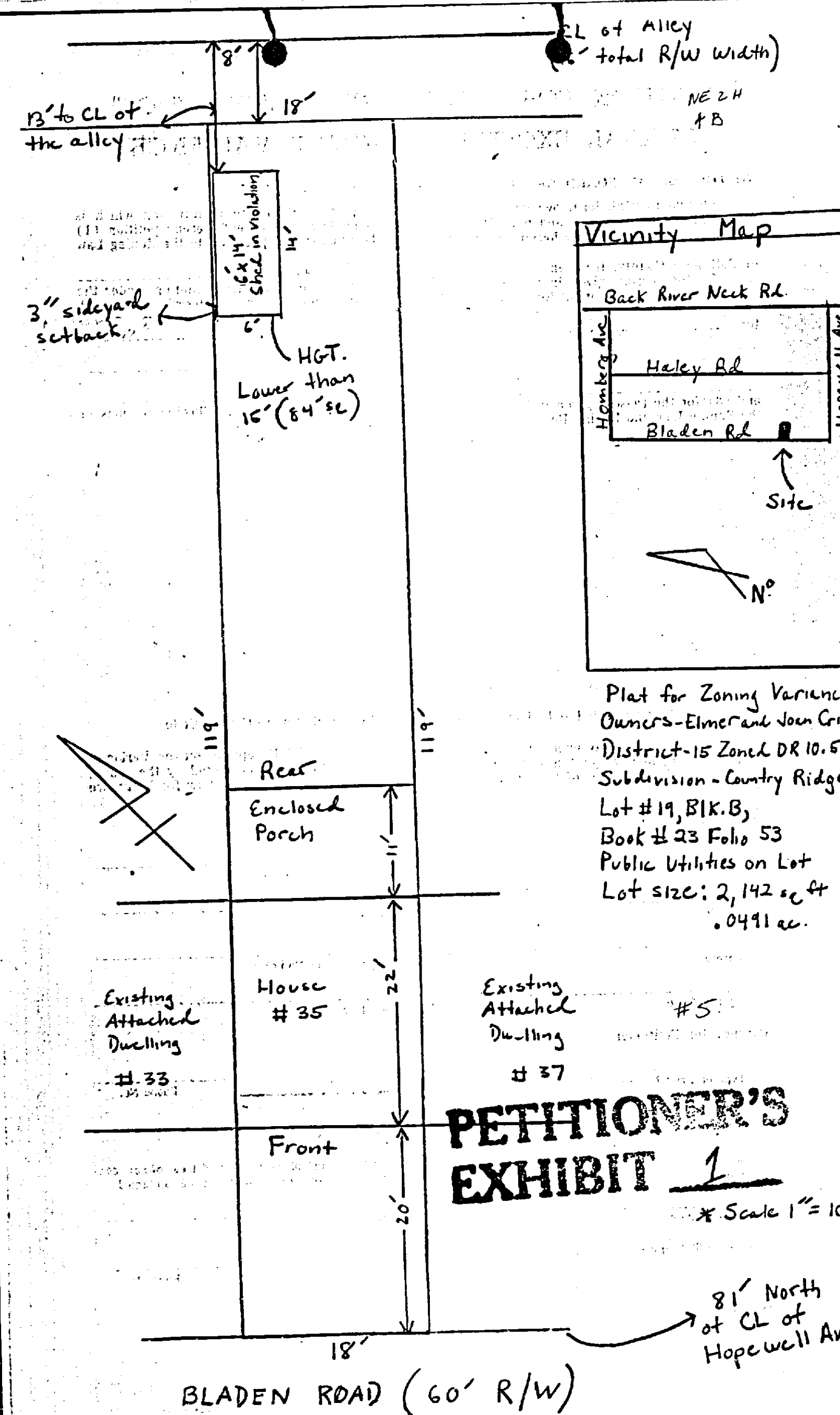
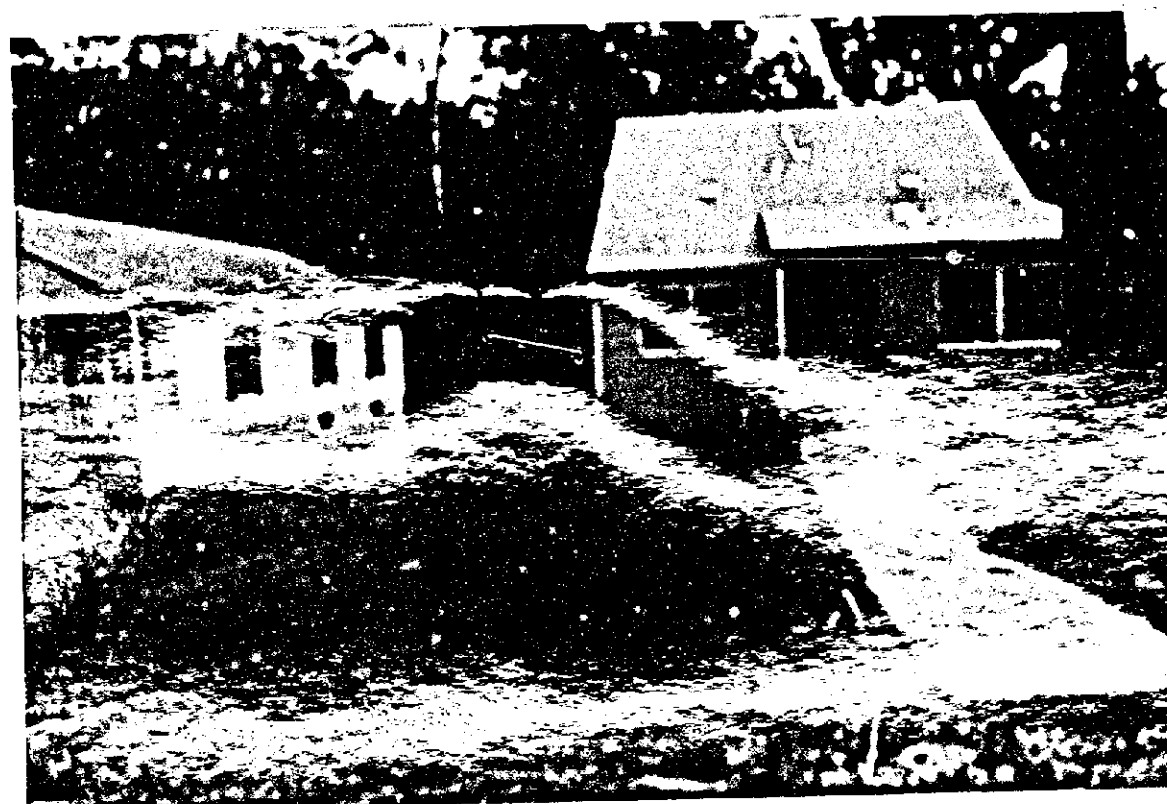
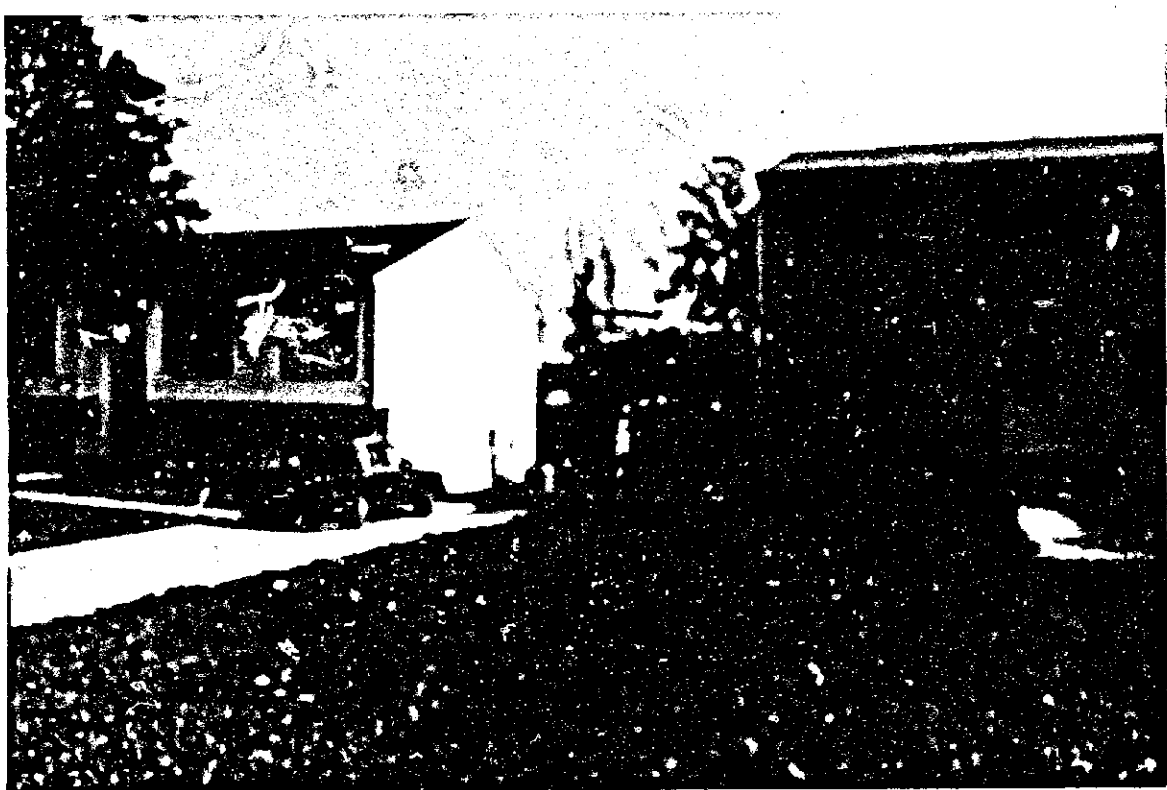
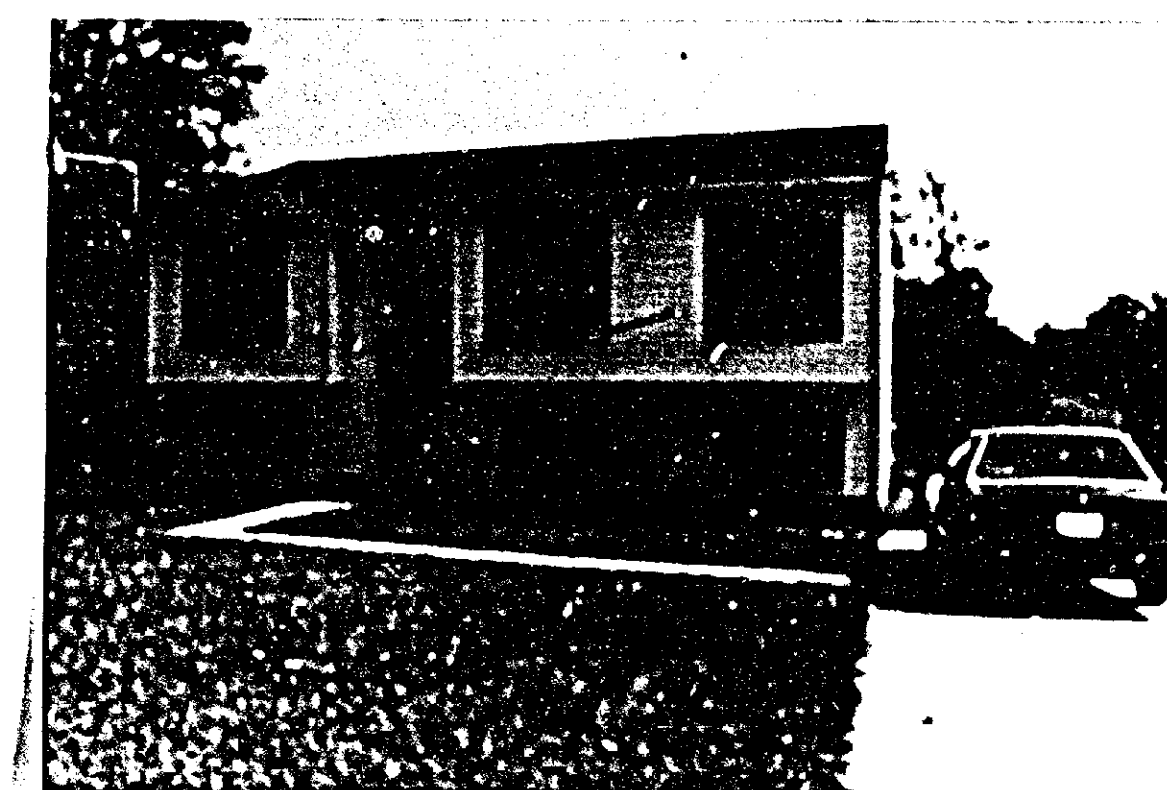
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

PETITIONER'S EXHIBIT 1



PLAT FOR ZONING VARIANCE
OWNER - ALEXANDER WOODHOUSE/NE LOT SIZE: 156, 13,350 sq. ft.
DISTRICT - #1 ZONED D.R. 5.5
SUBDIVISION - DOUGLASS PARK
LOT # 156 & 157 LIBER W.P.C. 7 FOLIO L 69
EXISTING UTILITIES IN CUMMINGS AVE.
SCALE 1" = 50' J.B. REID 097-1265 9/31/88



Plat for Zoning Variance
Owners - Elmer and Joan Crist
District - 15 Zoned DR 10.5
Subdivision - Country Ridge
Lot # 19, B/K.B.
Block # 23 Folio 53
Public Utilities on Lot
Lot size: 2,142 sq. ft.
.0491 ac.

PETITIONER'S EXHIBIT 1

Scale 1" = 10'

81' North of CL of Hopewell Ave.

PETITIONER(S) EXHIBIT (2)

89-124-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 10th day of August, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Alexander Woodhouse, Sr., et al Received by: James E. Pusey
Petitioner's Attorney Gerald A. Smith Chairman, Zoning Plans Advisory Committee

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

Paul H. Reincke
Chief

August 18, 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: Alexander Woodhous, Sr.

Location: Cummings Avenue, 262.5' South of c/l of Pearl Road

Item No.: 33

Zoning Agenda: Meeting of 8/9/88

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: *John F. O'Neill*
Noted and Approved: _____
Planning Group
Special Inspection Division

/j1

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

August 24, 1988

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

Dennis F. Rasmussen
County Executive

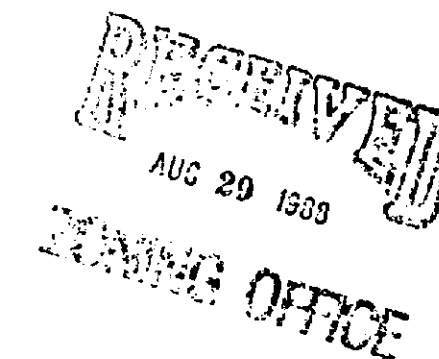
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 480, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 23, 25, 26, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39 and 40.

Very truly yours,

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

SEW/RF/lab



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 30, 1988

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

o0o

Gerald A. Smith, Esquire
711 Saint Paul Street
Baltimore, Maryland 21202

RE: Item No. 33 - Case No. 89-124-A
Petitioner: Alexander Woodhous, Sr., et al
Petition for Zoning Variance

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

Dear Mr. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Paul J. Redmond, Esquire
405 Allegheny Avenue
Towson, Maryland 21204