

IN RE: PETITION FOR ZONING VARIANCE 5/8 White Marsh Road, 726' NE of the c/l of Timberbrooke Road (4611 White Marsh Road) 14th Election District 6th Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a building and a window-to-street right-of-way setback of 12 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Charles W. Glock and Mark Kromm of Bal-ford, Inc., the Contract Purchaser of the subject property, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4611 White Marsh Road, is zoned D.R. 3.5 and is currently improved with a one and one-half story single family dwelling. The subject property was originally part of a larger tract of land which was subdivided into 18 building lots. The property in question, identified as Lot 18 on Petitioner's Exhibit 1, has frontage on White Marsh Road and is the site of the existing dwelling. As a result of the required widening of White Marsh Road to serve the subdivision, the existing house on Lot 18 no longer meets zoning setback requirements.

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 10-2-2(c) of the Baltimore Zoning Regulations.

ORDER RECEIVED FOR FILING Date 11/13/88 By Ruth J. Salomon

tion 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.

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 4th day of January, 1989 that the Petition for Zoning Variance to permit a building and a window-to-street right-of-way setback of 12 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 variance granted herein is limited to the structure on Lot 18 as it presently exists. Petitioners shall not request any future front, side or rear variances for the subject property. Further, Petitioners shall not allow any expansion to take place on the affected side of the dwelling unit.
3) Petitioner shall not allow or cause the existing structure to be converted to a two-family dwelling unit and/or apartments.

11/13/88 Ruth J. Salomon

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this order.

J. Robert Haines, Zoning Commissioner for Baltimore County

JRH:bja

ORDER RECEIVED FOR FILING Date 11/13/88 By Ruth J. Salomon

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-233-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 10-2-2(c) of the Baltimore Zoning Regulations to permit a building and a window to street right-of-way of 12 feet in lieu of the required 25 feet.

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: Charles W. Glock, Bal-ford, Inc. (Type or Print Name) Signature: Charles W. Glock

Legal Owner(s): Lewis H. Richter (Type or Print Name) Signature: Ruth N. Richter

Address: 4611 White Marsh Road, Baltimore, Maryland 21236

City and State: Baltimore, Maryland 21236

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Charles W. Glock, Bal-ford, Inc., P.O. Box 10, Fallston, Maryland 21047

Attorney's Telephone No.: 592-6589

ORDERED By the Zoning Commissioner of Baltimore County, this 26th day of 11, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County.

J. Robert Haines, Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING Date 11/13/88 By Ruth J. Salomon

Form with fields for NAME, SEX, RACE, ETHNIC OR HISPANIC OR LATINO ORIGIN, DATE OF BIRTH, PLACE OF BIRTH, MARITAL STATUS, OCCUPATION, etc.

W. DUVAL & ASSOCIATES, INC. Engineers * Surveyors * Land Planners

September 13, 1988 Zoning Description BEGINNING for the same at a point located on the southernmost side of White Marsh Road, 50 feet wide, said point also being located 726 feet plus or minus northeast of the centerline intersection of White Marsh Road and Timberbrooke Road, thence binding on the southernmost side of White Marsh Road from said point of beginning the following courses and distances: North 39 degrees 17 minutes 28 seconds East 14.10 feet; thence easterly by a curve to the right having a radius of 543.00 feet and an arc length of 117.22 feet; thence leaving White Marsh Road South 25 degrees 12 minutes 25 seconds East 88.00 feet; thence South 50 degrees 47 minutes 35 seconds West 109.00 feet; thence North 39 degrees 12 minutes 25 seconds West 71.81 feet to the point of beginning.

Containing 0.1960+ Acres of land, more or less. Being Lot No. 18 as shown on a plat entitled "Richter Property" to be recorded among the plat records of Baltimore County, said lot being in the 14th Election District also being known as #4611 White Marsh Road.

530 East Joppa Road / Towson, Maryland 21284 / (301) 553-9571

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

January 4, 1989

Mr. Charles W. Glock Mr. Mark Kromm Bal-ford, Inc. P.O. Box 10 Fallston, Maryland 21047

RE: PETITION FOR ZONING VARIANCE 5/8 White Marsh Road, 726' NE of the c/l of Timberbrooke Road (4611 White Marsh Road) 14th Election District - 6th Councilmanic District Ruth N. Richter - Petitioner Case No. 89-233-A

Dear Messrs. Glock & Kromm:

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 494-3393.

Very truly yours, J. Robert Haines, Zoning Commissioner for Baltimore County

JRH:bjs cc: Ms. Ruth N. Richter 4611 White Marsh Road, Baltimore, Md. 21236 People's Counsel File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: 14th Date of Posting: 11/24/88 Posted for: 30 days Petitioner: Charles W. Glock, Bal-ford, Inc. Location of property: 5/8 White Marsh Rd, 726' NE of Timberbrooke Rd, 4611 White Marsh Rd Location of Sign: Facing White Marsh Rd, 726' NE of Timberbrooke Rd, 4611 White Marsh Rd, 726' NE of Timberbrooke Rd Remarks: See attached plat and zoning map Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, November 23, 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 November 23, 1988. NORTHEAST TIMES THE JEFFERSONIAN, S. Zafe Olson, Publisher

PO 05897 reg M 20458 case 89-233-A price \$ 75.90

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

*IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3391 OR 887-3391 TO CONFIRM DATE.

J. Robert Haines
Zoning Commissioner

Date: 12/2/88

Mr. Charles W. Glock
Bal-ford, Inc.
P. O. Box 10
Fallston, Maryland 21047



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 89-233-A
5/5 White Marsh Road, 726' NE c/l Timberbrooke Road
(4611 White Marsh Road)
14th Election District - 6th Councilmanic
Legal Owner: Richter, et ux
Contract Purchase(s): Charles W. Glock; Bal-ford, Inc.
HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.*

Dear Mr. Glock:

Please be advised that \$90.90 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 the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059889
DATE: 12/15/88 ACCOUNT: 8-04-015-000
AMOUNT: \$ 90.90
RECEIVED FROM: Bal-ford, Inc.
FOR: Posting & Sign 12/15/88 Hearing
VALIDATION OR SIGNATURE OF CASHIER: 892 233-A

post set(s), there each set not
lines
of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, 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: 89-233-A
5/5 White Marsh Road, 726' NE c/l Timberbrooke Road
(4611 White Marsh Road)
14th Election District - 6th Councilmanic
Legal Owner: Richter, et ux
Contract Purchase(s): Charles W. Glock; Bal-ford, Inc.
HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.*

Variance to permit a building and window to street right-of-way of 12 feet in lieu of the required 25 feet.

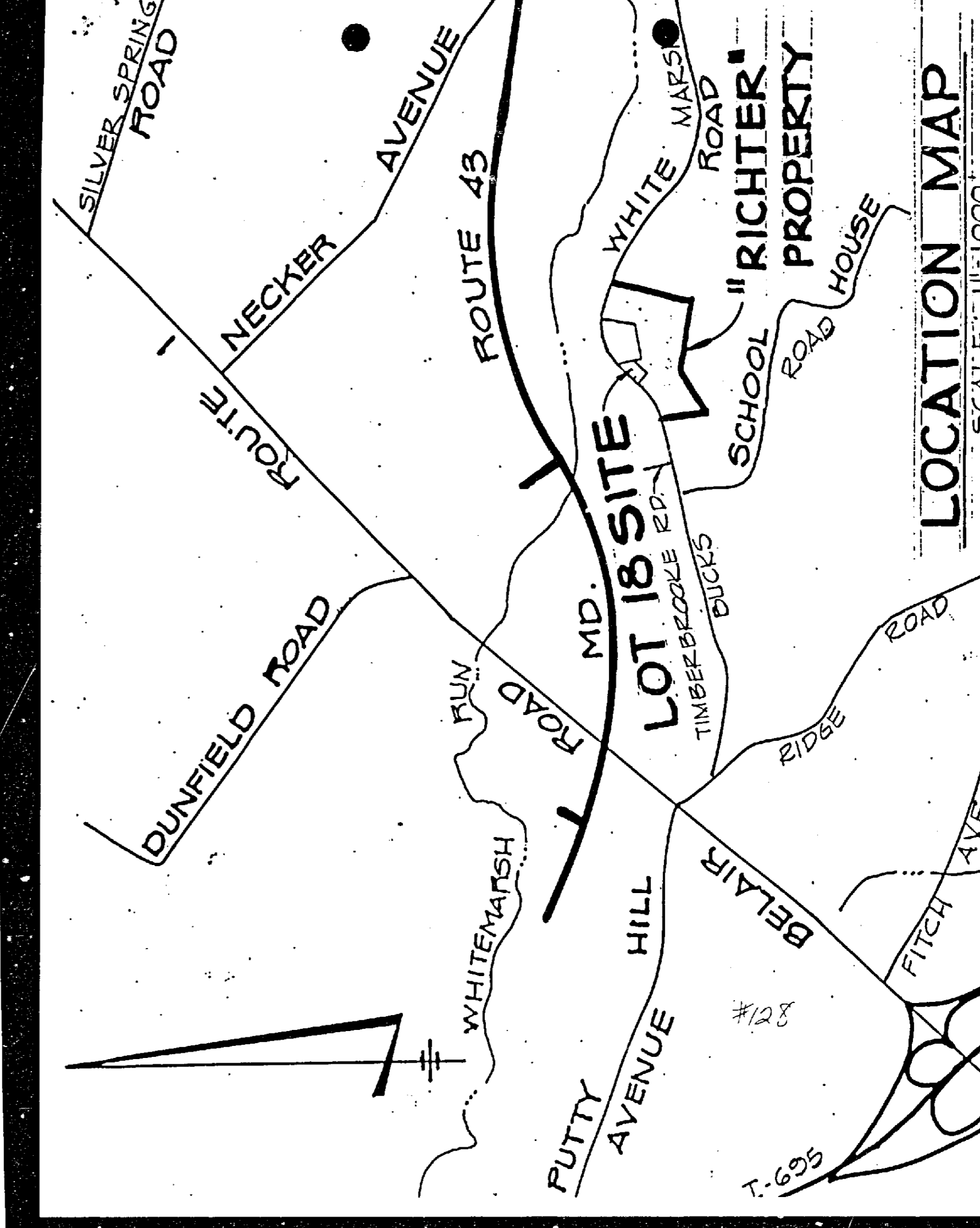
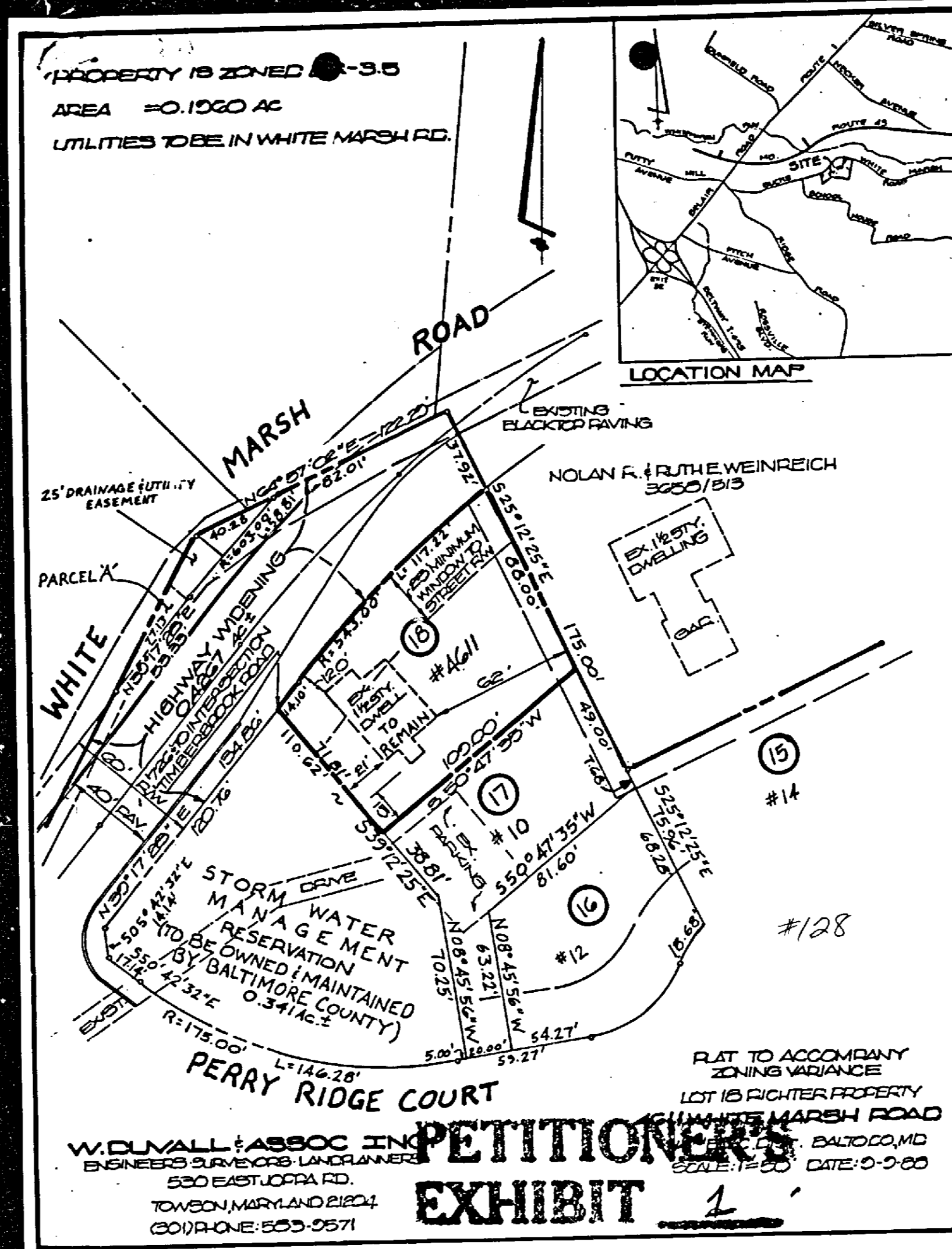
*IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 494-3391 OR 887-3391 TO CONFIRM DATE.

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



Dennis F. Rasmussen
County Executive



89-233-A
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 26th day of October, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Lewis H. Richter, et ux/L.O.
Petitioner's Attorney: Charles W. Glock/Bal-ford, Inc.
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

Baltimore County
Fire Department
Townson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Townson, Maryland 21204

Re: Property Owner: Contract Purchaser: Charles W. Glock, Bal-ford, Inc./Legal Owner: Ruth N. Richter
Location: s/s White Marsh Rd., 726' NE of c/l Timberbrooke Rd.
Item No.: 128 Zoning Agenda: Meeting of 10/25/88

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 750 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 & APPROVED: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

December 6, 1988

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

Charles W. Glock
Bal-ford, Inc.
P.O. Box 10
Fallston, MD 21047

RE: Item No. 128; Case No. 89-233-A
Petitioner: Legal Owner - Lewis H. Richter, et ux
Contract Purchaser - Charles W. Glock
Petition for Zoning Variance

Dear Mr. Glock:

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:acj
Enclosure

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

October 28, 1988

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 440, 58, 102, 128, 144, 145, 147, 150, 151, 153, 154, 155, 156, and 157.

Very truly yours,
Michael S. Flanigan
Engineering Associate

MSP/lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines
Zoning Commissioner
Date: December 13, 1988
From: Pat Keller, Deputy Director
Office of Planning and Zoning
Baltimore
Subject: Zoning Petition No. 89-233-A

The Richter property was subdivided and approved for CRG on 2/19/88. Staff has no comment on the applicant's request.

PK/sf