

IN RE: PETITION FOR ZONING VARIANCE
 W/S Newburg Avenue 30' N of
 c/l of Magruder Avenue
 28 Newburg Avenue
 1st Election District
 1st Councilmanic District
 Robert J. Hopp, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 89-502-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side street setback of 11 feet in lieu of the minimum 25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 28 Newburg Avenue, consists of .3049 acres +/- zoned B.R. 5.5 and is improved with a two story single family dwelling.

The Petitioners propose constructing a two story addition on the south side of the existing dwelling to provide more habitable space for their growing family, particularly, enlarging their existing kitchen. The Petitioners testified they have spoken with most of their neighbors in the area who have expressed no objections to their plans.

Testimony indicated that the granting of the requested variance will not result in any detriment to the health, safety or general welfare of the community.

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 107.1 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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of June, 1989 that the request for a variance to permit a side street setback of 11 feet in lieu of the minimum 25 feet for the purpose of extending the existing kitchen, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

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 appeal 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
 J. ROBERT HAINES
 Zoning Commissioner
 For Baltimore County

JRH:mmn

cc: Peoples Counsel

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

June 21, 1989



Dennis F. Rasmussen
 County Executive

Mr. and Mrs. Robert J. Hopp
 28 Newburg Avenue
 Baltimore, Maryland 21228

RE: Petition for Zoning Variance
 Case No. 89-502-A

Dear Mr. and Mrs. Hopp:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
 J. Robert Haines
 Zoning Commissioner

JRH:mmn
 cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-502-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 107.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Current kitchen is too small (5'6" X 15'4").
 2. Current structure is poorly constructed.
 3. The main members of structure are rotten.
 4. Current structure is poorly insulated.
- 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:	Legal Owner(s):
(Type or Print Name)	Robert J. Hopp
Signature	<i>Robert J. Hopp</i>
Address	Patricia D. Hopp
City and State	(Type or Print Name)
Address	Signature
City and State	Address
Attorney for Petitioner:	28 Newburg Avenue 764-5278
(Type or Print Name)	Address Phone No.
Signature	Catonsville, Maryland 21228
Address	City and State
City and State	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Attorney's Telephone No.:	Name
	Address
	Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this 12th day of June, 1989, 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 106 County Office Building in Towson, Baltimore County, on the 2nd day of June, 1989, at 2 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County
 (over)

412

Robert J. & Patricia Hopp
 28 Newburg Avenue
 Catonsville, Maryland 21228

ZONING DESCRIPTION

Beginning for same at the corner formed by the intersection of the north side of Magruder Avenue and the west side of Newburg Avenue and running thence northerly bounding on the west side of Newburg Avenue 75 feet thence westerly parallel with Magruder Avenue 180 feet more or less; thence southerly parallel with Newburg Avenue 75 feet to the north side of Magruder Avenue and thence easterly bounding on the north side of Magruder Avenue 180 feet more or less to the place of beginning. The improvements thereon being known as No. 28 Newburg Avenue.

PETITIONER(S) EXHIBIT (3)



CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

Date of Posting: May 22-59

District: 1st

Posted for: Variance

Petitioner: Robert J. Hopp, et ux

Location of property: W/S of Newburg Avenue, between 30' N of the c/l of Magruder Avenue & 28 Newburg Avenue

Location of Signs: See front of 28 Newburg Avenue

Remarks: _____

Posted by: J. Robert Haines Date of return: May 21-59

Number of Signs: _____

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
 DATE: MAY 18, 1989

FROM: Pat Keller, Deputy Director, Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-502-A
 Item No. 412

Re: Robert J. Hopp, et ux

The Petitioners request a Variance to permit a side street setback of 11 feet in lieu of the permitted 25 feet. In reference to this request, staff offers no comment.

A:6989, INC. Pg. 4

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 494-3353

J. Robert Haines
 Zoning Commissioner

May 8, 1989

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: 89-502-A
 W/S of Newburg Avenue, 30' N c/l of Magruder Avenue
 28 Newburg Avenue
 1st Election District - 1st Councilmanic
 Petitioner(s): Robert J. Hopp, et ux
 HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:30 p.m.

Variance to permit a side street setback of 11 ft. in lieu of the minimum 25 ft.

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
 J. ROBERT HAINES
 Zoning Commissioner of
 Baltimore County

cc: Robert J. Hopp, et ux
 File

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

J. Robert Haines
Zoning Commissioner

Date: 4/25/89



Mr. & Mrs. Robert J. Hopp
28 Newburg Avenue
Catonsville, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 89-502-A
1/2 S of Newburg Avenue, 30' N of Magruder Avenue
28 Newburg Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Robert J. Hopp, et ux
HEARING SCHEDULED: FRIDAY, JUNE 9, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Hopp:

Please be advised that \$76.27 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 is scheduled to begin.

Baltimore County, Maryland
Office of Finance - Revenue Division
MISCELLANEOUS CASH RECEIPT

Form with fields for DATE, ACCOUNT, AMOUNT (\$76.27), RECEIVED FROM, and SIGNATURE.

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 zoning variance for the property located at 28 Newburg Avenue, 1st Election District, Catonsville, Maryland 21228 as follows:

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 zoning variance for the property located at 28 Newburg Avenue, 1st Election District, Catonsville, Maryland 21228 as follows:

Office of PATUXENT Publishing Company

1070 Lane Road, P.O. Box 1070, Columbia, MD 21044

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following: X THE JEFFERSONIAN, Arbutus Times, Reporter Weekly, Owings Mills Flier, Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for 19 successive weeks before he day of May 18, 1989 that is to say, the same was inserted in the issues of

PATUXENT PUBLISHING COMPANY
By S. Zabe - Olson

PO 12522
reg M 28984
ca 89-502-A
price \$ 61.27

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

89-502-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 12th day of April, 1989.

Petitioner Robert J. Hopp, et ux
Petitioner's Attorney
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 31, 1989

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

Mr. & Mrs. Robert J. Hopp
28 Newburg Avenue
Catonsville, MD 21228

RE: Item No. 412, Case No. 89-502-A
Petitioner: Robert J. Hopp, et ux
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. Hopp:

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 petition requested, but to assure that all parties are made aware of plans or problems with regard to the development 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Curtis Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 21, 1989



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and 413.

Very truly yours,

Michael S. Planigan
Traffic Engineer Assoc. II

MSF/lab

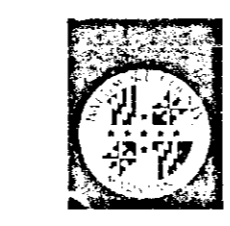
RECEIVED
MAY 29 1989
ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204-2566
494-4500

Paul H. Reimke
Chief

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

MAY 14 1989



Dennis F. Rasmussen
County Executive

Re: Property Owner: Robert J. Hopp, et ux

Location: W/S of Newburg Avenue, 30' N centerline of Magruder Ave.

Item No.: 412 Zoning Agenda: 4/11/89

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," 1988 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: [Signature]
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 23, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 416.

Comments are attached for items 405 and 411.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

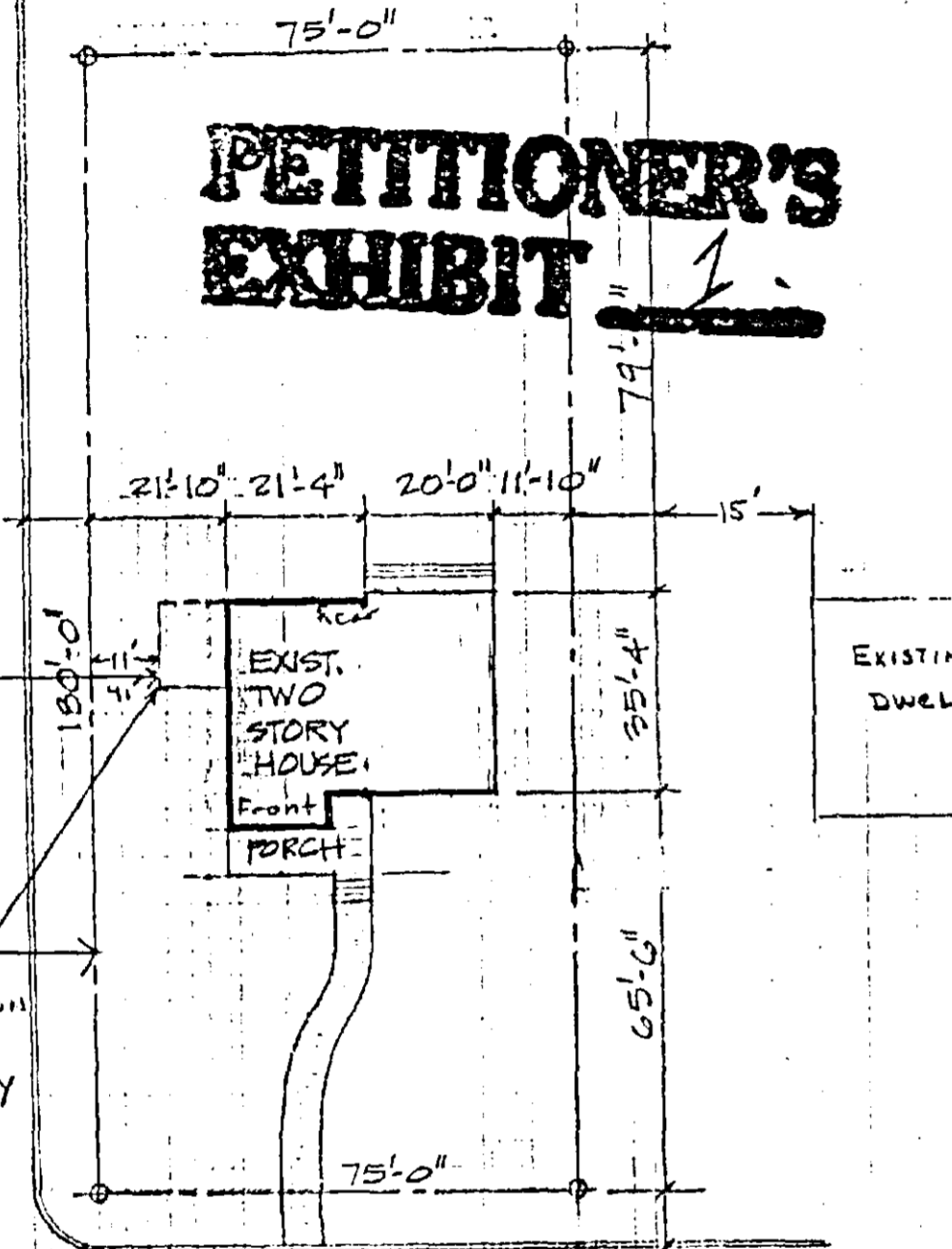
Encls.

MAY 2 - 1989

MR. & MRS. ROBERT HOPP 28 NEWBURG AVE. CATONSVILLE, MD. 21228

412
PLAT FOR ZONING VARIANCE
DISTRICT 1 PRECINCT 11 ZONED D.R. 5.
Liber 5686 Folio 0698
Map 101 Block 07 Parcel 00276
Lot Size 13,500 sq. feet, ± 3097 ac.
Utilities in Newburg Avenue
*The lot is not in a Recorded Subdivision.

**PETITIONER'S
EXHIBIT 1**



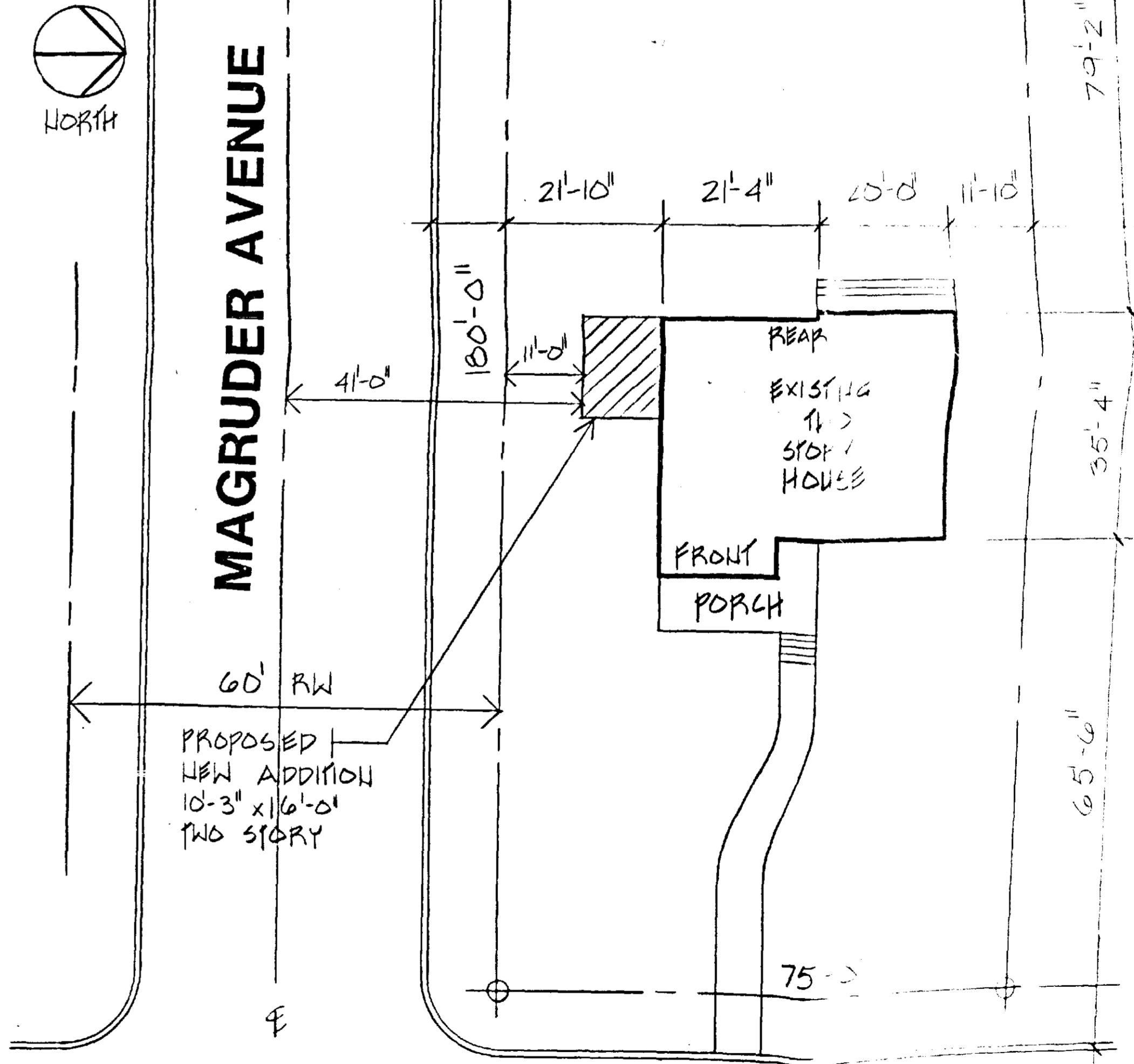
SITE PLAN SCALE 1" = 30'-0"
MR. & MRS. ROBERT HOPP
28 NEWBURG AVENUE
CATONSVILLE, MARYLAND 21228

ZONING DESCRIPTION

BEGINNING for same at the corner formed by the intersection of the north side of Magruder Avenue and the west side of Newburg Avenue and running thence northerly bounding on the west side of Newburg Avenue 75 feet thence westerly parallel with Magruder Avenue 180 feet more or less, thence southerly parallel with Newburg Avenue 75 feet to the north side of Magruder Avenue and thence easterly bounding on the north side of Magruder Avenue 180 feet more or less to the place of beginning. The improvements thereon being known as No. 28 Newburg Avenue.

INDEX	
DWG.	CONTENT
1.	Site Plan/Title Sheet
2.	Front Elevation
3.	Side Elevation
4.	Rear Elevation
5.	First Floor Plan
6.	Second Floor Plan

REVISIONS	
DATE	COMMENT
6-8-89	ISSUE FOR PERMIT REVIEW



(SITE PLAN)

Baltimore Architecture Collaborative
301-539-0305
1305 West Pratt St. Baltimore, MD. 21223

TITLE SHEET/SITE PLAN
HOPP RESIDENCE
NEW ADDITION

NO.	DATE	DESCRIPTION

