

IN RE: PETITION FOR ZONING VARIANCE
S/S Woodland Avenue, 63' E of
and opposite of Patapsco Avenue
(119 Woodland Avenue)
12th Election District
7th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-526-A

Glenn A. Welsh, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 7 feet each in lieu of the required 10 feet for both, for a proposed new dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 119 Woodland Avenue, is located in the Chesapeake Bay Critical Areas near the Patapsco River and consists of .11478 acres zoned D.R. 5.5. Said property is presently improved with a single family dwelling which received structural damage during a wind storm and is in need of major repairs. Petitioners propose razing the existing dwelling and constructing a new dwelling with additional living space. Testimony presented indicated the Petitioners have discussed their plans with their neighbors who have expressed their support in letters dated June 19, 1989 identified herein as Petitioners' Exhibits 2 through 6. Petitioners' testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Testimony further indicated that to deny the relief requested would result in practical difficulty and unreasonable hardship upon Petitioners.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient-

ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore 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.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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 17th day of June, 1989 that the Petition for Zoning Variance to permit side yard setbacks of 7 feet each in lieu of the required 10 feet for both for a proposed new dwelling, 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 herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 12, 1989, attached hereto and made a part hereof.

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

JRH:bjs

ORDER RECEIVED FOR FILING

Date 6/27/89
By *Robert Haines*

ORDER RECEIVED FOR FILING

Date 6/27/89
By *Robert Haines*

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 1902.3.C.1 To allow side yard setbacks of 7 ft. in lieu of the required 10 ft.

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

See attached letter

MAP	526
E.D.	12
DATE	6-27-89
200	25
1000	48
DP	

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)	Glenn A. Welsh
Signature	<i>Glenn A. Welsh</i>
Address	Melinda Kroat-Welsh
City and State	<i>Melinda Kroat-Welsh</i>
Attorney for Petitioner:	119 Woodland Ave. 21222
(Type or Print Name)	Address
Signature	Baltimore, MD 21222
City and State	City and State
Attorney's Telephone No.:	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
	Address
	City and State
	Name
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of April, 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 27th day of June, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Mr. & Mrs. Glenn Welsh
119 Woodland Avenue
Baltimore, MD 21222

January 23, 1989

Zoning Commissioner
of Baltimore County
Office of Zoning Variance

REF: Property: 119 Woodland Avenue
Baltimore, MD 21222

To Whom It May Concern:

We are applying for a variance, for property address 119 Woodland Avenue, zone 21222, for the following reasons:

1. During a wind storm we received structural damage to the right rear corner of the house. The contractor that we contracted said to repair the roof properly it would require replacing the whole roof because of rotten wood. There is also a question of whether the foundation would be able to support a new roof since the house is now sitting on individual blocks.
2. My wife and I are considering having children and have spoke with a contractor about building an additional bedroom to the house. He advised us against anymore additions to the present structure.
3. The reconstruction of this dwelling would increase the value of our home and also be an asset to the neighborhood and other property owners in the neighborhood.

Thank you for taking the time to review this petition for a zoning variance. If there are any further questions we can be reached during the day at 955-7137 (Mrs. Welsh), evening 282-9347.

Sincerely,

Glenn A. Welsh
Glenn A. Welsh
Melinda Kroat-Welsh
Melinda A. Kroat-Welsh



CHARLES CENTER • P.O. BOX 1475 • BALTIMORE, MARYLAND 21203

December 1, 1986

Mr. & Mrs. Glenn A. Welsh
119 Woodlawn Avenue
Baltimore, Maryland 21222

Dear Mr. & Mrs. Welsh:

License Agreement Executed on: January 28, 1985

For: Lawn Extension & Gardening

Renewal Period: January 1, 1987 to December 31, 1989

We are writing to you to determine if you wish to renew the license agreement you have with the Baltimore Gas and Electric Company. If you wish to continue to use our property for the above renewal period, please sign this letter in the space indicated below, have your signature(s) witnessed, and return the original letter to me. Please keep one copy for your records.

If we do not hear from you within thirty (30) days from the date of this letter, we will consider this license agreement terminated. Please remove any personal property from our property immediately since we cannot be responsible for it if damaged or destroyed.

Very truly yours,

Ray D. Hofferbert
Property Management Coordinator
Property Management Unit

Witness: _____

Signed: _____

Witness: _____

Signed: *Glenn A. Welsh*

B3J(LicenseLtr)(Var-Ltr)

FM 84-355
23-110-076

THIS REVOCABLE LICENSE, Made this 28th day of January, 1985, by and between BALTIMORE GAS AND ELECTRIC COMPANY, hereinafter referred to as "Licensor", and Glenn A. Welsh and Melinda L. Welsh, his wife, hereinafter referred to as "Licensee",

WITNESSETH:

That the Licensee has requested the right and privilege to enter upon and use that portion of the Licensor's property, hereinafter referred to as parcel of land, as delineated on a plat attached hereto, dated 9/24/81, attached hereto, made a part hereof, and a part hereof, for the purpose stated below, and the Licensor is willing to grant such use subject to the terms and conditions as hereinafter set forth.

NOW, THEREFORE, in consideration of the right and privilege herein granted and the sum of One Dollars (\$ 1.00), paid by the Licensee to the Licensor in advance for the period January 1, 1985 to December 31, 1986, it is mutually agreed as follows:

1. LICENSOR hereby grants unto Licensee, and the latter hereby accepts a license to enter upon and use the parcel of land as delineated on the aforementioned plat solely for the purpose of a lawn extension and gardening.

2. LICENSOR shall have the right of ingress and egress over the said parcel of land to:

- a. Construct, operate and maintain present and/or future gas and/or electric facilities in, over and under the said parcel of land and the right to make necessary openings and excavations for the purpose of examining, repairing, altering or extending said electric and/or gas facilities provided that all openings and excavations shall be properly refilled and resurfaced and the parcel of land left in a good and safe condition.
- b. Make test borings or surveys on said parcel of land provided that such ingress and egress to the parcel of land does not unreasonably disturb the peaceful enjoyment of the licensee.
- c. Trim, top and/or cut down and keep trimmed, topped and cut down any trees or bushes on said parcel of land which, in the sole judgment of Licensor, may interfere with or fall upon the said present and/or future gas and/or electric facilities.

3. LICENSOR shall not be liable for any crop and/or other damage, regardless of cause, on the parcel of land.

4. LICENSEE, as part of the consideration hereof, agrees to:

- a. Accept the parcel of land in its present condition for the right and privilege hereby given.
- b. Keep said parcel of land in good order and condition at all times.
- c. Comply with all present and future applicable laws and requirements of public authorities in respect to the parcel of land or use thereof.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-2253
J. Robert Haines
Zoning Commissioner

Date: 6/9/89



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 89-526-A
55 Woodland Avenue, 63 ft. E of and opposite Patapsco Avenue
119 Woodland Avenue
12th Election District - 7th Councilmanic
Petitioner(s): Glenn A. Welsh, et ux
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Welsh:

Please be advised that \$93.40 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 your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

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

JRH:gs
cc: File

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

May 15, 1989

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: 89-526-A
55 Woodland Avenue, 63 ft. E of and opposite Patapsco Avenue
119 Woodland Avenue
12th Election District - 7th Councilmanic
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 2:00 p.m.

Variance: To allow side yard setbacks of 7 feet in lieu of the required 10 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: Mr. & Mrs. Walsh
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Date: May 10, 1989



Dennis F. Rasmussen
County Executive

Glenn & Melinda Welsh
119 Woodland Avenue
Baltimore, Maryland 21222

Re:

Request for Expedited Hearing
Item #409

Dear Mr. & Mrs. Welsh:

This office is in receipt of your request for an early hearing with reference to the above captioned matter.

Please be advised that Zoning Regulations require that all cases must be placed on the hearing docket no later than 90 days after the date of filing. Further, the number of petitions filed this year has increased by 33% from the previous year.

We have no choice but to comply with regulations and must inform you, that although consideration of your request is merited, we can only aim to schedule your hearing on the first available date after we have met regulation requirements.

Bearing the above in mind, this office will endeavor to give you the earliest possible date.

Very truly yours,

D. G. Stephens
Deputy Clerk
887-3391

GCS:af

RECEIVED
MAY 23 1989

ZONING OFFICE

Zoning Commissioner
of Baltimore County
Office of Zoning Variance

REF: Property: 119 Woodland Avenue
Baltimore, MD 21222

To Whom It May Concern:

We have submitted our paperwork for a hearing date for a variance in reference to property, 119 Woodland Avenue, 21222. We would like to ask if you could schedule us for the earliest hearing date possible so that we can inform our building contractors of any building codes or regulations that they will need to adhere to.

We appreciate all your efforts in this matter. If you should have further questions please contact either Mrs. Welsh at 955-7137 or Mr. Welsh at 282-9347.

Sincerely,

Glenn A. Welsh
Melinda L. Kroat-Welsh

Mr. & Mrs. Vernon Holt, Jr.
113 Woodland Avenue
Baltimore, MD 21222
June 19, 1989

To Whom It May Concern:

Mr. and Mrs. Glenn Welsh have discussed with us about rebuilding their house at 119 Woodland Avenue. We understand that the new house will be 36' X 30' and will not meet the 10' set back law on each side.

We have no objections to the construction of their proposed house and feel it will not affect us as a direct neighbor.

Sincerely,

Mr. & Mrs. Vernon Holt, Jr.

Mr. & Mrs. Vernon Holt, Jr.
Kimberly M. Holt
PETITIONER'S
EXHIBIT 2

Mr. & Mrs. Frank Pugh
117 Woodland Avenue
Baltimore, MD 21222
June 19, 1989

To Whom It May Concern:

Mr. and Mrs. Glenn Welsh have discussed with us about rebuilding their house at 119 Woodland Avenue. We understand that the new house will be 36' X 30' and will not meet the 10' set back law on each side.

We have no objections to the construction of their proposed house and feel it will not affect us as a direct neighbor living next door to 119 Woodland Avenue.

Sincerely,

Mr. & Mrs. Frank Pugh

PETITIONER'S
EXHIBIT 3

Mr. Nathan Glover
8 Patapsco Avenue
Baltimore, MD 21222
June 19, 1989

To Whom It May Concern:

Mr. and Mrs. Glenn Welsh have discussed with me about rebuilding their house at 119 Woodland Avenue. I understand that the new house will be 36' X 30' and will not meet the 10' set back law on each side.

I have no objections to the construction of their proposed house and feel it will not affect me as a direct neighbor.

Sincerely,

Mr. Nathan Glover

PETITIONER'S
EXHIBIT 4

Mr. & Mrs. Elmer Wilson
1 Patapsco Avenue
Baltimore, MD 21222
June 19, 1989

To Whom It May Concern:

Mr. and Mrs. Glenn Welsh have discussed with us about rebuilding their house at 119 Woodland Avenue. We understand that the new house will be 36' X 30' and will not meet the 10' set back law on each side.

We have no objections to the construction of their proposed house and feel it will not affect us as a direct neighbor living across the street from 119 Woodland Avenue.

Sincerely,

Mr. & Mrs. Elmer Wilson

PETITIONER'S
EXHIBIT 5

Mr. Louis Blazic
16 Patapsco Avenue
Baltimore, MD 21222

January 23, 1989

To Whom It May Concern:

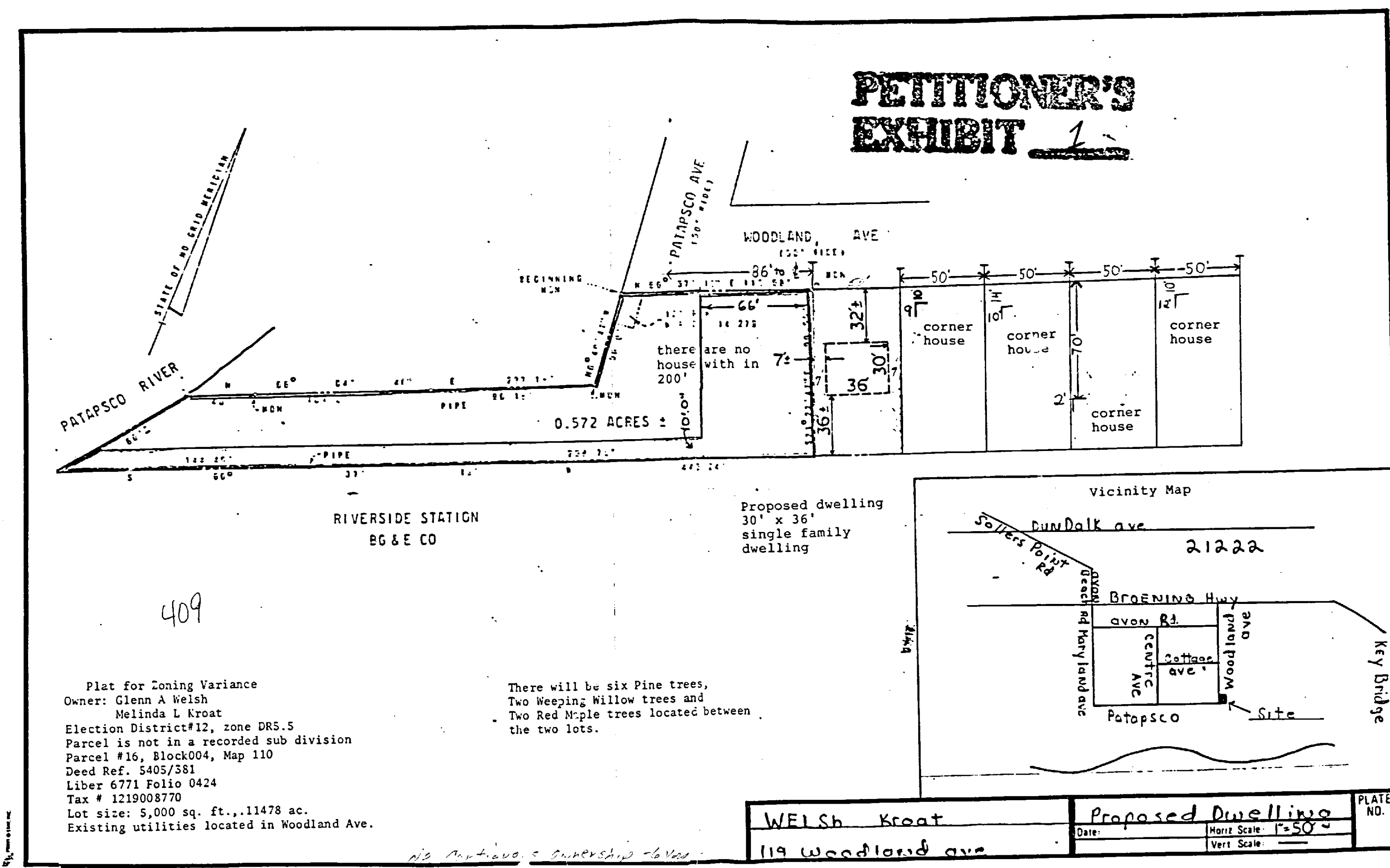
Mr. and Mrs. Glenn Welsh have discussed with me about rebuilding their house at 119 Woodland Avenue. I understand that the new house will be 36' X 30' and will not meet the 10' set back law on each side.

I have no objections to the construction of their proposed house and feel it will not affect me as a direct neighbor.

Sincerely,

Louis Blazic
Mr. Louis Blazic

PETITIONER'S EXHIBIT



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-526-A
Item No. 409

Re: Glenn A. Welsh, et ux

The Petitioners request a variance to allow side yard setbacks of 7 feet in lieu of the required 10 feet. In reference to this request, staff offers no comment.

A:62289.txt Pe:1

89-526-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

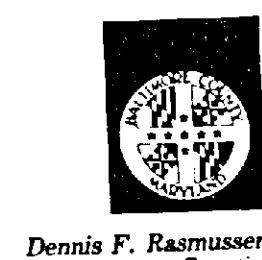
Your petition has been received and accepted for filing this
12th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Glenn A. Welsh, et ux
Petitioner's Attorney: _____
Received by: _____
Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

April 21, 1989



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. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 28 1989
ZONING OFFICE

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

Paul H. Reincke
Chief

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

Re: Property Owner: Glenn A. Welsh, et ux

Location: SS Woodland Ave, 63' E of and opposite Patapsco Ave
#119 Woodland Avenue
Item No.: 409
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: *Capt. Wm. Braddy*
Noted and Approved: _____
Planning Group: _____
Special Inspection Division: _____

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE 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

Dear Sir or Madam

We have not yet received our paperwork from our hearing on June 22, Account # R-01-615-000.

The hearing officer mentioned we would get a hearing summary in the mail in 6 weeks the longest.

I have enclosed a copy of our hearing receipt in case it would facilitate you. Thank you in advance for helping me with this matter.

Sincerely,

Glenn A. Welsh
Glenn A. Welsh
282-9347
955-7137 (w/ps)
119 Woodland Ave
Baltimore, MD 21222

RECEIVED
JUN 15 1989
ZONING OFFICE

Glenn A. Welsh
6/27
mailed additional
copy 9/15/89