

IN RE: PETITION FOR ZONING VARIANCE
W/S Park Heights Avenue
235' N of Velvet Ridge Drive
11210 Park Heights Avenue
3rd Election District
3rd Councilmanic District
Charles M. Alpert, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-25-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1804.3.B.3 to permit a property line setback of 18 feet in lieu of the required 50 feet, as more particularly described on Petitioners' Exhibit 1.

Mrs. Teresa Alpert appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, known as 11210 Park Heights Avenue, consists of 4.132 acres +/-, zoned R.C.5, and is currently improved with a single family dwelling. The Petitioners propose having a two car garage added onto the north side of the existing dwelling.

The Petitioner testified that the reason they cannot put the garage on the south side of the house is because their living room is located on that side and it would be impractical to have the garage access the living room.

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 307.1 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 15th day of August, 1989 that a variance to permit a property line setback of 18 feet in lieu of the required 50 feet for a two car garage, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

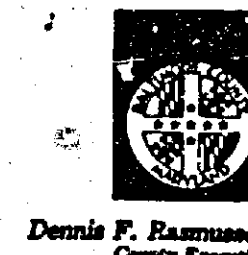
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure 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.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH/mm
cc: Peoples Counsel

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

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

August 11, 1989



Mr. and Mrs. Charles M. Alpert
11210 Park Heights Avenue
Owings Mills, Maryland 21117

RE: Petition for Zoning Variance
Case No. 90-25-A

Dear Mr. and Mrs. Alpert:

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/mm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-25-A
The undersigned, legal owner(s) of the property situated 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 1804.3.B.3 to permit a property line setback of 18 ft. in lieu of the required 50 ft.

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

1. 2 car garage

TO BE PRESENTED AT THE PUBLIC HEARING

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) Charles M. Alpert
(Type or Print Name) Teresa Alpert
Signature Signature
Address Address
City and State City and State
Phone No. Phone No.

Signature Signature
Address Address
City and State City and State
Phone No. Phone No.

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Phone No. Phone No.

483

ZONING DESCRIPTION

Beginning on the W/S of Park Heights Avenue, approximately 235 ft. N of the centerline of Velvet Ridge Drive, thence, the following courses and distances:

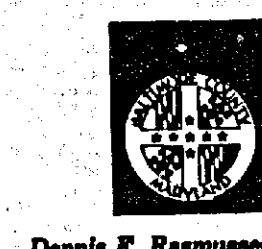
1. N. 84°50'45"W. approx. 795 ft.
2. N. 64°55'10"E. 128.55 ft.
3. S. 84°57'15"E. 110.36 ft.
4. N. 60°35'52"E. 513.87 ft.
5. S. 07°02'17"W. 60.63 ft.
6. S. 70°29'47"W. 5.00 ft.
7. S. 07°02'17"W. 200.63 ft.
8. S. 82°57'43"E. 100.00 ft.
9. N. 07°02'17"E. 50.00 ft.
10. S. 82°20'13"E. 203.87 ft.

11. S. 13°06'40"W. 196.68 ft. to the place of Beginning. Containing 4.132 acres in the third Election District. Also known as #11210 Park Heights Avenue.

Item #483

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE 7/29/89



Mr. and Mrs. Charles M. Alpert
11210 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: 90-25-A
W/S Park Heights Avenue, 235' N of c/l of Velvet Ridge Drive
11210 Park Heights Avenue
3rd Election District - 3rd Councilmanic
Petitioner(s): Charles M. Alpert, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 2, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$99.16 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

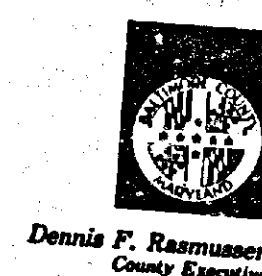
Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 068401
DATE 7-29-89 ACCOUNT 601610000
RECEIVED FROM Charles M. Alpert et ux
FOR Pmt
AMOUNT \$ 99.16
B 8125*****888678 0025F
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 28, 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: 90-25-A
W/S Park Heights Avenue, 235' N of c/l of Velvet Ridge Drive
11210 Park Heights Avenue
3rd Election District - 3rd Councilmanic
Petitioner(s): Charles M. Alpert, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 2, 1989 at 2:00 p.m.

Variances to permit a property line setback of 18 ft. in lieu of the required 50 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
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Charles M. Alpert
File

BALTIMORE COUNTY DEPARTMENT OF PLANNING & ZONING
 COUNTY OFFICE BUILDING
 11210 Park Heights Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this
 1989 day of May 1989

James E. Dyer
 ZONING COMMISSIONER

Received by: *James E. Dyer*
 Chairman, Zoning Plans
 Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
 July 24, 1989

Mr. & Mrs. Charles M. Alpert
 11210 Park Heights Avenue
 Owings Mills, MD 21117

RE: Item No. 483, Case No. 90-25-A
 Petitioner: Charles M. Alpert, et ux
 Petition for Zoning Variance

Dear Mr. Alpert:

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.

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

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

JED:jw
 Enclosures

SHA Maryland Department of Transportation
 State Highway Administration

Richard H. Trainer
 Secretary
 Hal Kassoff
 Administrator

May 15, 1989

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

Re: Baltimore County
 Charles M. Alpert
 Property
 Zoning Meeting of 5-16-89
 W/S Park Heights Avenue
 (MD 129) 235' North of
 Velvet Ridge Drive
 (Item: 483)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a property line setback of 18 feet in lieu of the required 50 feet, we find the plan acceptable.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,
Gregory S. Mills, Jr.
 Gregory S. Mills, Jr., Chief
 Engineering Access Permits
 Division

LB:maw
 cc: Mr. J. Ogle

RECEIVED
 MAY 18 1989
 ZONING OFFICE

My telephone number is (301) 333-1350
 Teleprinter for Impaired Hearing or Speech
 333-7535 Baltimore Metro - 543-0451 D.C. Metro - 1-800-482-8082 Statewide Toll Free
 707 North Calvert St., Baltimore, Maryland 21203-0717

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

June 6, 1989

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 253, 313, 466, 467, 469, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, and 486.

Very truly yours,
Michael S. Flanigan
 Michael S. Flanigan
 Traffic Engineer Assoc. II

MSF/LW

BALTIMORE COUNTY, MARYLAND
 INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989
 FROM: Robert W. Bowling, P.E.
 RE: Zoning Advisory Committee Meeting
 for May 18, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 466, 468, 469, 470, 471, 474, 475, 476, 478, 480, 481, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 487 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a revertible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

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

RWB:s

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: Charles M. Alpert
 Location: W/S Park Heights Ave, 235' N of centerline of Velvet Ridge Dr
 (11210 Park Heights Ave)
 Item No.: 483 Zoning Agenda: May 16, 1989

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: *Robert W. Bowling* Noted and Approved: *Robert W. Bowling*
 Planning Group Fire Prevention Bureau
 Special Inspection Division

7/1