

IN RE: PETITION FOR ZONING VARIANCE
S/S Glencoe Road, 1050' E of
Lower Glencoe Road
(1333 Glencoe Road)
10th Election District
3rd Councilmanic District
David T. Warfield, et ux
Petitioners

ORDER OF DISMISSAL

WHEREAS, the Petitioners requested a variance to permit a side yard setback of 5 feet in lieu of the required 50 feet for a proposed addition in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, a hearing was held on August 15, 1989 at which time the Petitioners, by David T. Warfield, appeared to testify, and Gregory E. Hammond, Esquire, appeared to testify on behalf of the adjoining property owner, Alfred E. Sharp, a Protestant in the matter;

WHEREAS, as a result of his neighbor's opposition and prior to Petitioner presenting any evidence in support of the Petition, Mr. Warfield withdrew his request;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 1989 that the Petition for Zoning Variance in the above-referenced matter be and the same is hereby DISMISSED without prejudice.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: Gregory E. Hammond, Esquire
Turnbull, Mix & Farmer, 706 Washington Avenue, Towson, Md. 21204
People's Counsel; File

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

Mr. David T. Warfield
1333 Glencoe Road
Sparks, Maryland 21152

Re: Petition for Zoning Variance
CASE NUMBER: 90-50-A
S/S Glencoe Road, 1050' E of Lower Glencoe Road
1333 Glencoe Road
10th Election District - 3rd Councilmanic
Petitioner(s): David T. Warfield, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 15, 1989 at 2:00 p.m.

Dear Mr. Warfield:

Please be advised that \$120.29 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 OR 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 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 074514
DATE 8/15/89 ACCOUNT R01615.000
AMOUNT \$ 120.29
RECEIVED David Warfield
PAID 8/16/89
FOR 90-50-A
BICS*****1202918 8154F
VALIDATION OR SIGNATURE OF CARRIER

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 1103.4.B.4 To allow a side yard setback of 5 ft. in lieu of the minimum required 50 ft.

1. Desire to add Master Bathroom, in part to keep the house comparable to new houses being built in the area.
2. Desire to maintain architectural integrity of the house and area necessitates construction towards existing property line.

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 the 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

Legal Owner(s):
David T. Warfield
(Type or Print Name)
Signature
Alison B. Warfield
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and telephone number of legal owner, contract purchaser or representative to be contacted
David T. Warfield (301) 821-0200
Name
1333 Glencoe Road - Sparks, MD 21152
Address
Phone No.

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of August, 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, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of August, 1989, at 2 o'clock p.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 31, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 27, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zeke Orlean
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

District 10th Councilmanic
Date of Posting 7/28/89
Posted for David T. Warfield et ux
Petitioner: David T. Warfield et ux
Location of property 1333 Glencoe Rd, 1050' E of Lower Glencoe Rd, 10th Election District
Location of Sign 1333 Glencoe Rd, 1050' E of Lower Glencoe Rd, 10th Election District
Remarks: On property of Petitioner
Posted by [Signature]
Date of return 7/28/89
Number of Signs 1

Zoning Description

Beginning at a point on the southside of Glencoe Rd. at the distance east of Lower Glencoe Rd. Thence running S 70° 30' E 68.97 ft. thence S 71° E 117.81 ft. thence S 47° E 305.58 ft. thence S 61° W 110.81 ft. thence S 72° W 204.6 ft. thence N 21° 45' 295.02 ft. to the point of beginning. Also known as 1333 Glencoe Rd. in the 10th Election District.

WARFIELD-DORSEY COMPANY, INC.

Established 1894
INSURANCE
20 E. SUSQUEHANNA AVE. • BALTIMORE, MARYLAND 21204
Telephone 821-0200

Mr. J. Roberts Haines
Zoning Commissioner for
Baltimore County
111 W. Chesapeake Avenue
Baltimore, MD 21204

Dear Mr. Haines:

My petition for a residential zoning variance was accepted today, and I look forward to my scheduled hearing with you. It is my understanding that the actual hearing is scheduled eleven to twelve weeks from the date the petition was accepted, and the purpose of this letter is to request your consideration of the fact that I will be out of town the first two weeks of August on vacation, and would hope that my hearing could be scheduled either before or after those dates.

I appreciate your consideration of this matter, and look forward to hearing from you regarding the setting of my hearing date.

Very truly yours,
David T. Warfield, C.P.C.U.

DTW/dm
Enclosure

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

July 7, 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: 90-50-A
S/S Glencoe Road, 1050' E of Lower Glencoe Road
1333 Glencoe Road
10th Election District - 3rd Councilmanic
Petitioner(s): David T. Warfield, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 15, 1989 at 2:00 p.m.

Variances to allow a side yard setback of 5 ft. in lieu of the minimum 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
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: David T. Warfield
File

LAW OFFICES
TURNBULL, MIX & FARMER

O. WARREN MIX
JAMES M. FARMER
DOUGLAS T. BAKER
PATRICK J. PERKINS
OSBOURNE R. HAMMOND

FOR WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(301) 888-0700
(301) 888-1817

August 10, 1989

OF COUNSEL
WILLIAM T. HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON
JOHN HARRISON

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

RE: David T. Warfield
Petition for Variance
File No.: 90-50-A

Dear Mr. Haines:

I am aware that a hearing has been scheduled in the above entitled matter for August 15, 1989.

It is my desire to protest the granting of this Petition for Variance. Unfortunately, I have made previous plans which will prevent my personally attending this hearing and therefore, I appoint my attorney, Gregory E. Hammond, Esquire, and the law firm of Turnbull, Mix and Farmer, to appear on my behalf to represent my interests and voice my protest.

My concerns include the affect that this Variance would have on my future plans for the adjoining lots regarding residence and/or accessory uses.

Thank you for your attention in this matter.

Very truly yours,

Alfred E. Sharp, Jr.
ALFRED E. SHARP, JR.

IMPORTANT NOTICE

TO: PETITIONER
FROM: ZONING COMMISSIONER
SUBJECT: PETITION FOR ZONING VARIANCE

The following information is provided to you as a forwarding and it is not to be considered complete legal advice.

First, and most importantly, you must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of proof required by the Baltimore County Zoning Regulations. A judicial hearing is an adversary process, and therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the variance will be granted.

Second, you must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation.

Third, it is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below.

Fourth, no employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representations and opinions of any employee are not to be considered as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing.

Section 307 requires the Zoning Commissioner to grant variances free height and area regulations when strict compliance would result in practical difficulty or unreasonable hardship, but only if in strict harmony with the spirit and intent of the regulations and the only if such a manner as to grant relief without substantial injury to the public health, safety, and general welfare.

The Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 25, stated:

"To prove undue hardship for a use variance the following three criteria must be met:

- (1) APPLICANT MUST BE UNABLE TO SECURE A REASONABLE RETURN OR MAKE ANY REASONABLE USE OF HIS PROPERTY (UNDER FINANCIAL HARDSHIP OR OPPORTUNITY FOR GREATER PROFIT IS NOT ENOUGH).
- (2) THE DIFFICULTIES OR HARDSHIP IS PARTICULAR TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.
- (3) HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.

To prove practical difficulty for an area variance the following criteria must be met:

- (1) WHETHER STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE UNREASONABLY HARDSHIP.
- (2) WHETHER THE GRANT WOULD SO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN DISTRICT OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF.
- (3) WHETHER RELIEF CAN BE GRANTED IN SUCH FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND "PUBLIC SAFETY AND WELFARE SECURED."

This Notice is not to be considered legal advice.

Even though there may not be opposition in a given case, your request may be denied. This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

SECTION 307 - VARIANCES

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations. From offsetting zoning regulations and from sign regulations, only in cases where strict compliance with the regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowed by the regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of the regulations and the only if such a manner as to grant relief without substantial injury to the public health, safety, and general welfare. They shall have no power to grant any other variance. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall make a public hearing and shall consider the evidence and testimony presented at the hearing and shall make a finding of fact and shall specify the reasons for granting such variance.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 2, 1989

Mr. & Mrs. David T. Warfield
1333 Glencoe Road
Sparks, MD 21152

RE: Item No. 468, Case No. 90-50-A
Petitioner: David T. Warfield, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Warfield:

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 JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #468 - Zoning Advisory Committee Meeting of May 14, 1989

Property Owner: David Warfield

District: 10

Location: 1333 Glencoe Rd

Water Supply: public

Sewage Disposal: private

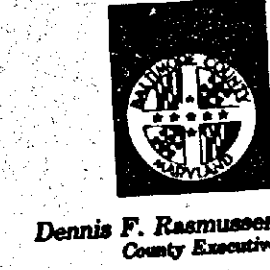
COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chabroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted, must be conducted.
- () The results are valid until _____.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () Is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others: sewage disposal system must be eliminated per 90

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

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



Your petition has been received and accepted for filing this
17th day of May, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: David T. Warfield, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: July 26, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: David and Alison Warfield, Item #468
Zoning Petition No. 89-234-A

The petitioners request a variance to allow a side yard setback of 5 feet in lieu of the minimum required 50 feet. In reference to this request, staff offers no comment.

PK/sf

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office 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, 468, 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

MSP/LW

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: David T. Warfield, et ux

Location: 1333 Glencoe Road, 1,050' E of Lower Glencoe Road
(1333 Glencoe Road)
Item No.: 468 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 of _____ 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: *Capt. Joseph J. Kelly* 5-11-89 Noted and Approved: *Capt. Wm. Bradley*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 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 467 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 reversible 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.

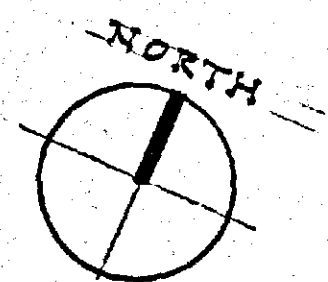
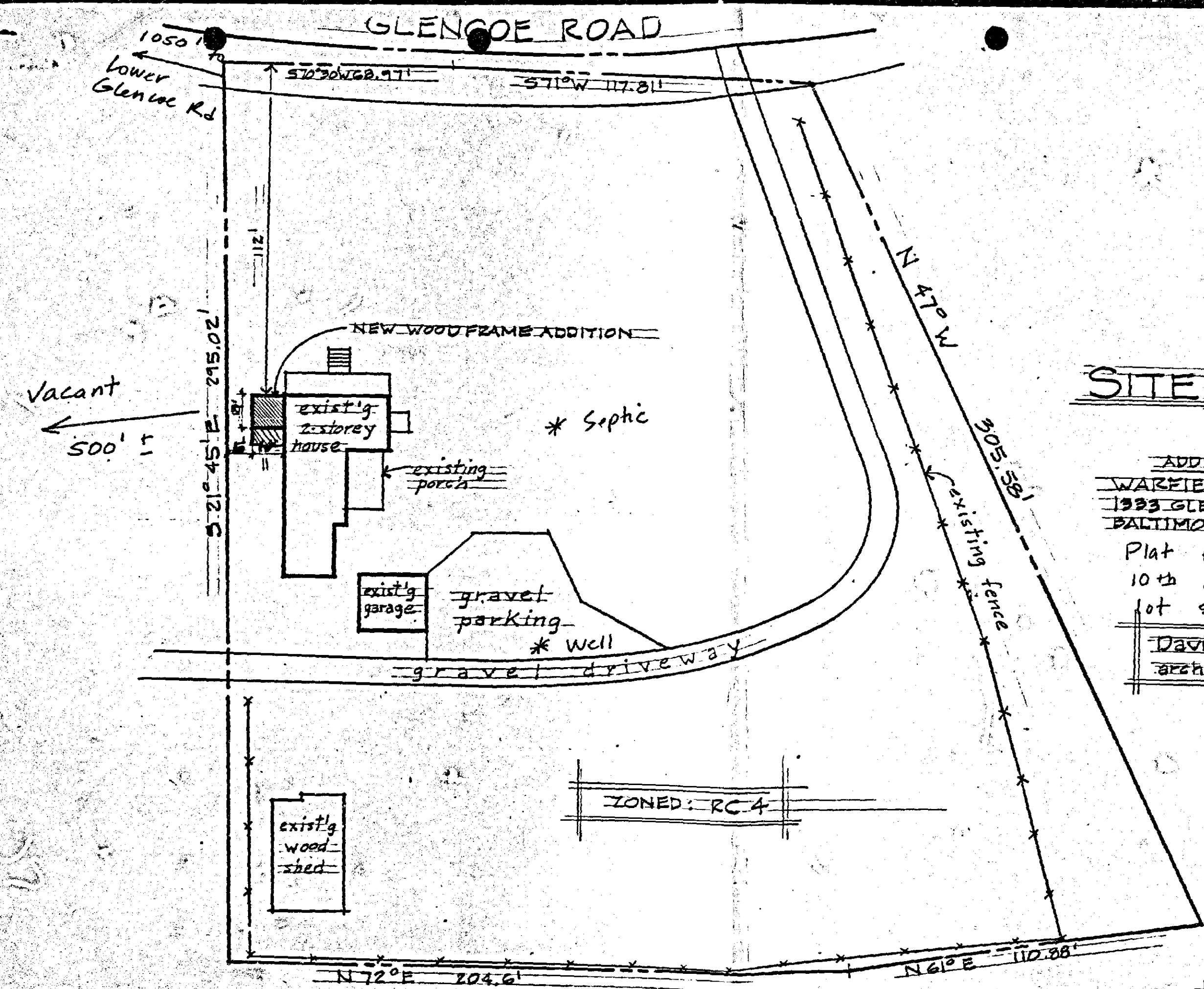
For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

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

JUN 2 1989



SITE PLAN
 SCALE: 1" = 30'

ADDITION TO:
 WARFIELD RESIDENCE
 1333 GLENCOE ROAD
 BALTIMORE COUNTY, MD.

Plat for a zoning Variance
 10th District
 lot size: 2.00 ac±

David H. Gleason Assoc.
 architects 4.20.89

#468

SHEET 2 of 2

