

IN RE: PETITION FOR ZONING VARIANCE
 N/S Mount Carmel Road, 1050' W of the c/l of Miller Lane (1314-A Mt. Carmel Road) 7th Election District 3rd Councilmanic District
 Glenn L. Durst, et ux Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-302-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 29 feet in lieu of the required 35 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Thomas P. Dore, Esquire. Also appearing on behalf of the Petition was Michael B. Dallas, Registered Property Line Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 1314-A Mt. Carmel Road, consists of 1.299 acres zoned R.C. 2 and is improved with a single family dwelling which Petitioners built in 1981. Petitioners testified their son resides on the property with his three small children. In June, 1988, Petitioners obtained a building permit to construct an addition in the side yard. Testimony indicated the building permit had been issued in error as a side yard variance was necessary and was not discovered until after commencement of construction. A stop work order was subsequently issued and Petitioners were advised to file the instant Petition. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community as the affected side is wooded and the closest house is approximately 700 feet away. Further testimony indicated that to deny the variance would

result in tremendous hardship as a considerable amount of time and expense had already been invested prior to their receipt of the stop work order.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 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. 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 requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of February, 1990 that the Petition for Zoning Variance to permit a side yard setback of 29 feet in lieu of the required 35 feet for a proposed addition 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 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.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date _____
 By _____

ORDER RECEIVED FOR FILING
 Date _____
 By _____

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3333

February 2, 1990



Thomas P. Dore, Esquire
 614 Bosley Avenue
 Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
 N/S Mt. Carmel Road, 1050' W of the c/l of Miller Lane (1314-A Mt. Carmel Road) 7th Election District - 3rd Councilmanic District
 Glenn L. Durst, et ux - Petitioners
 Case No. 90-302-A

Dear Mr. Dore:

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 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:hjs
 cc: People's Counsel
 File

PETITION FOR ZONING VARIANCE 160

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-302-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 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit side yard set back of 29 ft. in lieu of the required 35 ft. side yard set back.

1. Baltimore County originally issued a Building Permit for improvements on the subject property which permit was subsequently revoked.
 2. The Petitioners commenced construction of additional improvements on the site based on the Baltimore County Building Permit and the improvements on the site are partially completed.
 3. It would impair the integrity of existing improvements to remove same or otherwise demolish the construction that was commenced in accordance with the Building Permit.
- 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: _____
 (Type or Print Name)

Signature: _____
 Address: _____
 City and State: _____

Legal Owner(s): _____
 Glenn L. Durst
 (Type or Print Name)
 Signature: _____
 Barbara J. Durst
 (Type or Print Name)
 Signature: _____

Address: 1314-A Mt. Carmel Road
 Parkton, Maryland 21120
 City and State: _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
 Name: _____
 Address: _____
 Phone No.: _____

Attorney's Telephone No.: (301) 828-9441

ORDER RECEIVED FOR FILING
 Date _____
 By _____

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day of February, 1990, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of Feb 1990 at 11 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

MICHAEL B. DALLAS
 Registered Surveyor
 SUITE 200
 24 W PENNSYLVANIA AVENUE
 TOWSON, MD 21284
 494-0020

ZONING DESCRIPTION 1314-A MT. CARMEL ROAD

BEGINNING for the same in the center line of Mt. Carmel Road at a point distant 1,050 feet more or less westerly from the intersection of said center line of Mt. Carmel Road with the center line of Miller Lane thence leaving said road and running

1. North 03 degrees 35 minutes 20 seconds West 366.22 feet
2. North 10 degrees 44 minutes 00 seconds West 445.00 feet
3. North 83 degrees 20 minutes 00 seconds West 175.00 feet
4. South 03 degrees 35 minutes 30 seconds East 320.00 feet
5. North 86 degrees 24 minutes 30 seconds East 178.16 feet
6. South 10 degrees 44 minutes 00 seconds East 155.00 feet
7. South 03 degrees 35 minutes 20 seconds East 363.17 feet

to said center line of Mt. Carmel Road thence binding thereon

8. South 86 degrees 56 minutes 05 seconds East 20.01 feet to the place of beginning.

CONTAINING 1.298 Acres of land more or less
 May 3, 1989



CERTIFICATE OF PUBLICATION

TOWSON, MD., January 4, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan. 4, 1990.

THE JEFFERSONIAN,

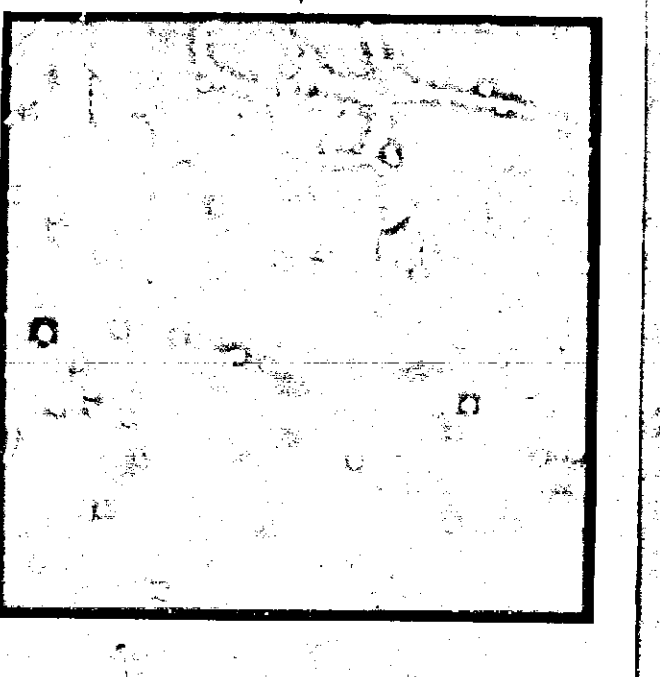
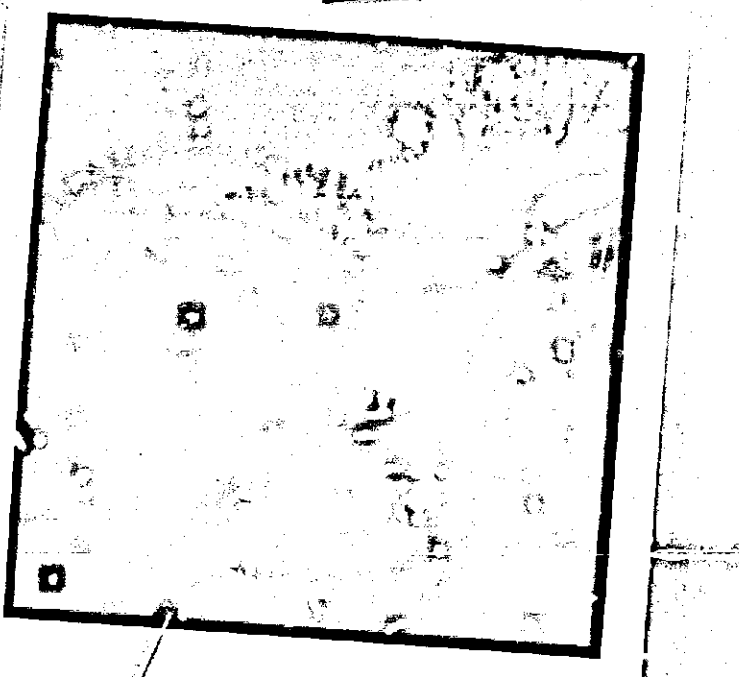
S. Zabe Orlean
 Publisher

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 Variance herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284, on the following date:
 Petitioners:
 Glenn L. Durst, et ux
 Hearing Date: Thursday, Feb. 1, 1990 at 11:00 a.m.
 Variance: To permit side yard setback of 29 ft. in lieu of the required 35 feet.
 On the event that the Petition is granted, a building permit may be issued within the 30-day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office by the date of the hearing and above as prepared at the hearing.
 NOTE:
 A "STATE OF EMERGENCY PLAN" is in effect in Baltimore County for the above hearing date. The hearing will be postponed in the event of snow, telephone 877-3381 to confirm hearing date.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 2/1/90 J.R.H.

Petitioners'
 PROXY SIGN-IN SHEET

NAME	ADDRESS
Glenn Durst ARA 2000 Drive	1314 B Mt. Carmel Rd Parkton MD 21120
Michael B. Dallas 24 W. Penn. Ave Towson Md	
Thomas P. Dore Atty for Petitioners	614 Bosley Ave Towson Md 21284

PETITIONER(S) EXHIBIT ()



Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 494-3333

Mr. Ted Zaleski, Jr.
 Director
 Department of Permits and Licenses
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

RE: Building Permit #5006-30
 District 7 - Precinct 2
 1314 A. Mt. Carmel Road
 Parkton, Maryland 21120

Dear Mr. Zaleski:

The Zoning office is withdrawing its approval of the above referenced building permit. The approval was erroneous and inappropriate because a variance is required for a deficient side yard setback. In light of this, our approval is hereby rescinded.

Sincerely,

James E. Adge
 Zoning Supervisor

By: Alfred F. Glover
 Planning & Zoning Associate I

JED:ATJ/dt
 cc: Glenn & Viola Durst
 1314 A. Mt. Carmel Road
 Parkton, Maryland 21120

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

J. Robert Haines
Zoning Commissioner

DATE 1/7/90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Glenn L. Durst
1314-A Mt. Carmel Road
Parkton, Maryland 21120

Re: Petition for Zoning Variance
CASE NUMBER 90-302-A
1/3 Mount Carmel Road, 1050' W of Miller Lane
1314-A Mt. Carmel Road
7th Election District - 3rd Councilmanic
Petitioner(s) Glenn L. Durst, et al
HEARING: THURSDAY, FEBRUARY 1, 1990 at 11:00 a.m.

Dear Mr. & Mrs. Durst:

Please be advised that \$142.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE UNDER 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, 1111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

NOTE:
(IF "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

cc: Edward C. Covashey, Jr., Eng.

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

J. Robert Haines
Zoning Commissioner

December 14, 1989



Dennis F. Rasmussen
County Executive

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 90-302-A
1/3 Mount Carmel Road, 1050' W of Miller Lane
1314-A Mt. Carmel Road
7th Election District - 3rd Councilmanic
Petitioner(s) Glenn L. Durst, et al
HEARING: THURSDAY, FEBRUARY 1, 1990 at 11:00 a.m.

Variance to permit side yard setback of 20 ft. in lieu of the required 25 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, withhold any request for a permit in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Durst
Edward C. Covashey, Jr., Eng.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150

Number: No 1201

receipt

90-302-A

1/31/90

H9000-114

PUBLIC HEARING FEES	QTY	PRICE
080 - PULTING SIGNS / ADVERTISING	1	\$142.77
TOTAL:		\$142.77

LAST NAME OF OWNER: DURST

022-*****162716 70186
Please make checks payable to Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

90-302-A

District: 7th Date of Posting: 1-11-90

Posted for: Variance

Petitioner: Mr. & Mrs. Durst et al

Location of property: N/S of Mt. Carmel Road, 1050' W of Miller Lane, 1314-A Mt. Carmel Road

Location of Signs: East front of 1314-A Mt. Carmel Road

Remarks: S. J. O'Leary

Posted by: S. J. O'Leary Date of return: 1-

Number of Signs: 1

CERTIFICATE OF PUBLICATION

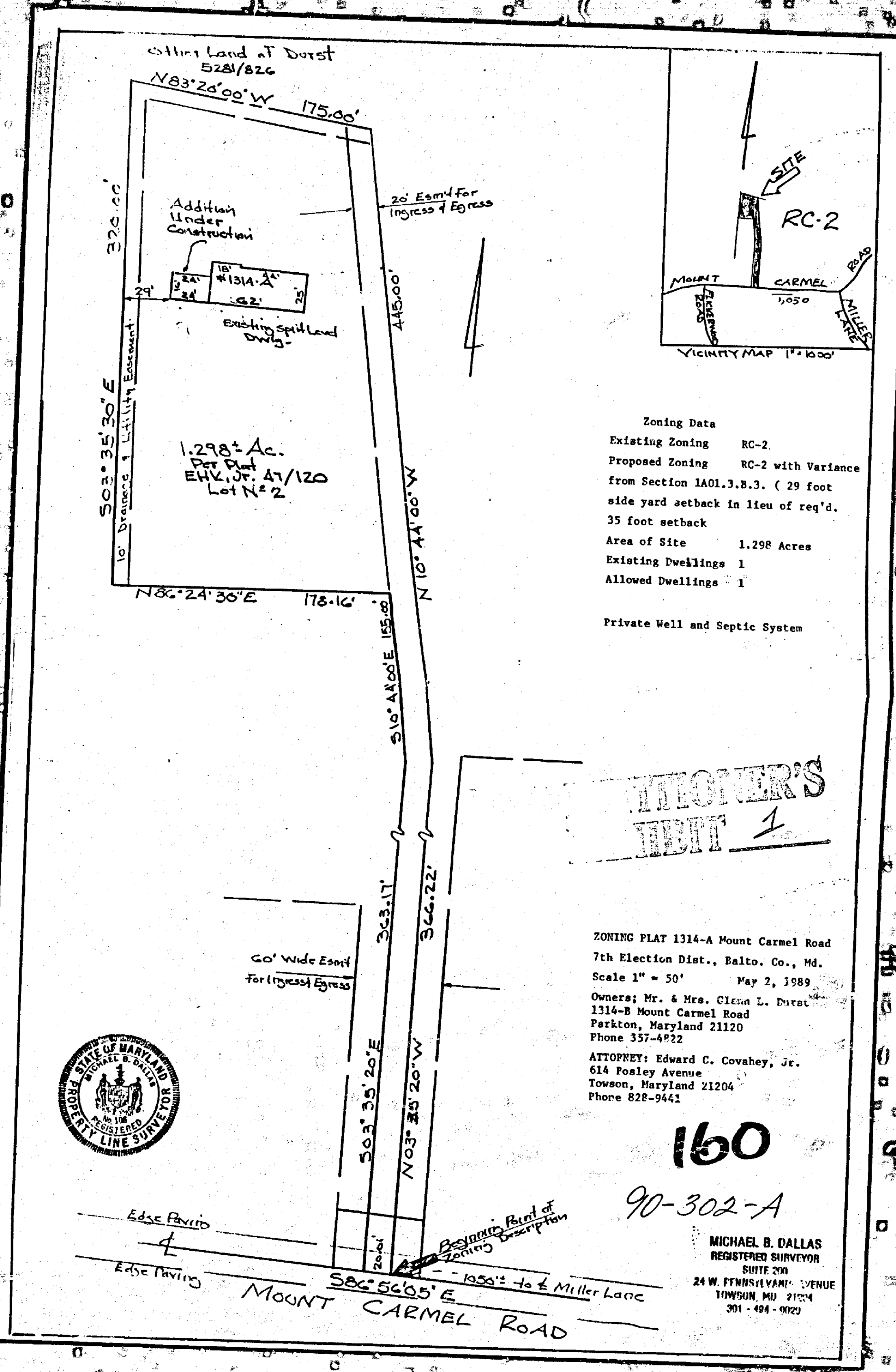
TOWSON, MD., January 4, 1990

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 3 successive weeks, the first publication appearing on Jan. 3, 1990.

TOWSON TIMES.

S. Zabe O'Leary
Publisher

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number 90-302-A
1/3 Mount Carmel Road, 1050' W of Miller Lane
1314-A Mt. Carmel Road
7th Election District - 3rd Councilmanic
Petitioner(s) Glenn L. Durst, et al
Hearing Date: Thursday, Feb. 1, 1990 at 11:00 a.m.
Variance to permit side yard setback of 20 ft. in lieu of the required 25 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, withhold any request for a permit in writing and received in this office by the date of the hearing set above or presented at the hearing.
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)
J. ROBERT HAINES
Zoning Commissioner of Baltimore County



Zoning Data
Existing Zoning RC-2
Proposed Zoning RC-2 with Variance
from Section 1A01.3.B.3. (29 foot side yard setback in lieu of req'd. 35 foot setback)
Area of Site 1.298 Acres
Existing Dwellings 1
Allowed Dwellings 1

Private Well and Septic System

ZONING PLAT 1314-A Mount Carmel Road
7th Election Dist., Balto. Co., Md.
Scale 1" = 50' May 2, 1989
Owner: Mr. & Mrs. Glenn L. Durst
1314-B Mount Carmel Road
Parkton, Maryland 21120
Phone 357-4922
ATTORNEY: Edward C. Covashey, Jr.
614 Fosley Avenue
Towson, Maryland 21284
Phone 828-9442

160
90-302-A

MICHAEL B. DALLAS
REGISTERED SURVEYOR
SUITE 200
24 W. FYNHURST LANE
TOWSON, MD 21284
301-494-9922

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 18, 1990

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21284

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

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Item No. 160, Case No. 90-302-A
Petitioner: Glenn L. Durst, et ux
Petition for Zoning Variance

Dear Mr. Covahey:

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
cc: Mr. & Mrs. Glenn L. Durst
1314-A Mt. Carmel Road
Parkton, MD 21120

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 22nd day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

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

Petitioner: Glenn L. Durst Henry, et ux
Petitioner's Attorney: Edward C. Covahey, Jr.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 10, 1990

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

SUBJECT: Glenn L. Durst, Item 160
Zoning Petition No. 90-302

The Petitioner requests a Variance to permit a side yard setback of 20 ft. in lieu of the required 35 ft. side yard setback.

In reference to this request, staff offers no comment.


If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

FK/JL/cmm

JAN 11 1990

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

November 29, 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 160, 161, and 162.


Very truly yours,
Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

MSF/Lab

RECEIVED
DEC 6 1989
ZONING OFFICE

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reiche
Chief

DECEMBER 1, 1989



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: GLENN L. DURST
Location: 1314-A MT. CARMEL ROAD
Item No.: 160 Zoning Agenda: NOVEMBER 21, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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.

REVIEWER: *Paul H. Reiche* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 21, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 161, and 162.

For item 135 the previous CRG comments are still valid.

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

RWB:s

DEC 27 1989