

IN RE: PETITION FOR ZONING VARIANCE
 SW/S Walnut Avenue, 165' NW of Spruce Street (Lot 370, Walnut Avenue) 14th Election District 6th Councilmanic District
 Wayne Hollyoak, et ux Petitioners

* BEFORE THE DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 90-345-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1.

At the time of filing the instant Petition, Wayne and Bonnie Hollyoak were the legal owners and Kevin Fitzpatrick was the Contract Purchaser. Mr. Fitzpatrick became the legal owner in January, 1990. Accordingly, Mr. Fitzpatrick appeared and testified on behalf of himself as the legal property owner. Appearing as Protestants in the matter were: John K. Kelly, representing the Overlea Community Association, William and Lorraine Fowler and Warren Wallring.

Testimony indicated that the subject property, known as Lot 370 of the Overlea subdivision, consists of 7,250 sq.ft. zoned D.R. 5.5 and is presently unimproved. Said property was conveyed to Mr. Fitzpatrick along with the adjoining Lot 369 in January, 1990. Lot 369 is improved with a single family dwelling. Mr. Fitzpatrick is desirous of developing Lot 370 with a single family dwelling as depicted in Petitioner's Exhibit 1. He testified that both lots are 50 feet wide which is the typical lot width for properties in the Overlea subdivision. He indicated that the relief requested should be granted as a matter of course as he is aware of other 50-foot wide lots being developed in Baltimore County. To further support

his request, Mr. Fitzpatrick submitted a copy of the original subdivision plan filed for the development in July, 1991.

Mr. Kelly testified in opposition to the relief requested on behalf of the Overlea Community Association. He stated that the Association is opposed to the requested variance and believes the granting of same would be detrimental to the health, safety and general welfare of the surrounding neighborhood. Mr. Kelly testified that there are numerous lots in the vicinity which were not developed as 50-foot lots. He further believes that the granting of the variance would result in other properties no different from the subject property being developed with houses being too close together.

Mr. Wallring, who resides to the rear of the subject property, testified in opposition to the request. Mr. Wallring stated that he has resided in the area all of his life and believes that the granting of the variance will have an adverse impact on the community.

Mr. & Mrs. Fowler, adjoining property owners, also appeared and testified in opposition to the relief requested. Mr. & Mrs. Fowler, who have resided at 107 Walnut Avenue for the past 15 years, testified that their house is located on a 60-foot lot and not a 50-foot lot, as contended by Petitioner and as denoted on the subdivision plat filed in July, 1991. Mr. Fowler testified that the granting of the variance will have an adverse impact on the community as there are a number of lots in the area that are no different than Lots 369 and 370 that are currently undeveloped.

Mr. Fitzpatrick conceded that he is familiar with real estate and was aware of the fact that the subject lots were undersized at the time of his purchase. It should be noted that Petitioner has only filed for a

variance for Lot 370, although advised, as noted in the file, that the subdivision proposed by him would require a variance for Lot 369 also.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 27 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioner was in support of a matter of preference rather than of the necessity for the variance. Clearly, Lot 369 has been part and parcel with Lot 370 for a number of years. At the time of purchase of the property, both lots were titled and conveyed as one parcel, known as 103 Walnut Avenue, to Petitioner. To permit the development of Lot 370 as a separate lot would not be in keeping with the spirit and intent of the B.C.Z.R. The Petitioner has failed to show that compliance would unreasonably prevent the use of the

property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1990 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Ann M. Nastarowicz
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 3/14/90
 By [Signature]

ORDER RECEIVED FOR FILING

Date 3/14/90
 By [Signature]

ORDER RECEIVED FOR FILING

Date 3/14/90
 By [Signature]

ORDER RECEIVED FOR FILING

Date 3/14/90
 By [Signature]

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (801) 897-3333

March 19, 1990

Mr. Kevin Fitzpatrick
 842 North Marllyn Avenue
 Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
 SW/S Walnut Avenue, 165' NW of Spruce Street
 (103 Walnut Avenue)
 14th Election District - 6th Councilmanic District
 Kevin Fitzpatrick - Petitioner
 Case No. 90-345-A

Dennis F. Rasmussen
 County Executive

Dear Mr. Fitzpatrick:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied 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
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs
 cc: Mr. John K. Kelly
 4011 Chesley Avenue, Baltimore, Md. 21206

Mr. & Mrs. William Fowler
 107 Walnut Avenue, Baltimore, Md. 21206

Mr. Warren Wallring
 108 Chesley Avenue, Baltimore, Md. 21206

Mr. & Mrs. George Pelczeder
 105 Walnut Avenue, Baltimore, Md. 21206

Mr. John Cox
 108 Walnut Avenue, Baltimore, Md. 21206

Mr. & Mrs. Edward A. Findell
 102 Walnut Avenue, Baltimore, Md. 21206

People's Counsel; File

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-345-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 1, B02.3.A.3 and C.1 To allow a lot width of 50 feet in lieu of the required 55 feet.

1. 50' lots are typical for the area.
 2. Strict compliance with the code would be unnecessarily burdensome because many other 50' lots have been developed.
 3. Because all other codes, including setback requirements, are being complied with the public welfare is secure and will cause no injustice to other property owners.
 4. This hardship created by strict compliance with the code was not the result of any action by the applicant.
 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: Kevin Fitzpatrick
 (Type or Print Name)
 Signature: *Kevin Fitzpatrick*

Legal Owner(s): Wayne Hollyoak
 (Type or Print Name)
 Signature: *Wayne Hollyoak*

842 North Marllyn Avenue
 Address
 Baltimore, Md. 21221 686-8070
 City and State

103 Walnut Avenue 668-2331
 Address
 Baltimore, Md. 21206
 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Kevin Fitzpatrick
 Name
 842 N. Marllyn Ave. Balt., Md. 21221 686-8070
 Address
 Baltimore, Md. 21221
 City and State

Attorney's Telephone No.: N/A

ORDERED By The Zoning Commissioner of Baltimore County, this 17 day of Jan 19 90 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17 day of March, 19 90, at 11 o'clock A.M.

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

ORDER RECEIVED FOR FILING

Date 3/14/90
 By [Signature]

ZONING DESCRIPTION 90-345-A

RE: Lot 370, Overlea
 Kevin Fitzpatrick
 686-8070

Beginning at a point on the southwest side of Walnut Avenue which is 50' wide at the distance of 165' northwest of the centerline of Spruce Street which is 30' wide. Being Lot # 370 in the subdivision of Overlea as recorded in Baltimore County Plat Book # 2, Folio 77, containing 7,250 square feet. Located in the # 14 Election District.

MAP NSGE
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 14
 DATE 3/14/90
 300
 8000
 D

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (801) 887-3333

J. Robert Haines
 Zoning Commissioner

October 24, 1990

Mr. Wilbur Wiley
 103 Walnut Avenue
 Baltimore, MD 21206

RE: Permit Number 8061583
 Hearing Case No. 90-345-A

Dear Mr. Wiley:

Having no number to contact you by telephone, I am forwarding this letter for the purpose of advising you that notwithstanding our belief that the above building permit was issued properly, some neighbors who reside in the adjoining community are objecting to the issuance of the permit which was based on adjusted property lines so as to comply with the lot width requirements. They have indicated that they may be filing a Special Hearing with the Zoning Commissioner for a determination as to whether or not such procedures were proper. You may or may not wish to proceed with the construction of this dwelling pending the outcome of the Special Hearing.

We will continue to contact you via mail with the future status of this matter. If you have any questions concerning the above, please do not hesitate to contact this office at 887-3391.

Very truly yours,
James E. Dyer
 JAMES E. DYER
 Zoning Supervisor

JED:cer

cc: Mr. John Kelly - 4011 Chesley Avenue, Baltimore, MD 21206
 Mr. Kevin Fitzpatrick - 842 N. Marllyn Avenue, Baltimore, MD 21221

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553
J. Robert Haines
Zoning Commissioner

November 2, 1990



Dennis F. Rasmussen
County Executive

Mr. William H. Fowler
107 Walnut Avenue
Baltimore, Maryland 21206

RE: Petition for Zoning Variance
SW/S Walnut Avenue, 165' NW of Spruce Street
(Lot 370 Walnut Avenue)
14th Election District - 6th Councilmanic District
Wayne Hollyoak, et ux - Petitioners
Case No. 90-345-A

Dear Mr. Fowler:
In response to your recent letter regarding the above-captioned matter, the following comments are offered.

As you noted in your letter, the variance requested in the subject Petition for a 50-foot lot width in lieu of the required 55 feet was denied by Order issued March 19, 1990. However, the Petitioners subsequently resubdivided Lots 370 and 369 to attain the required footings at the front foundation line by deducing 10 feet from the rear of the site plan Lot 370. For your reference, enclosed please find a copy of the site plan submitted during application for a building permit, which was issued as a matter of right.

For your information, John Kelly also recently contacted this office and requested a stop work order be issued and the building permit pulled. Mr. Kelly was advised the permit was properly issued as a result of the resubdivision and that it would not be rescinded.

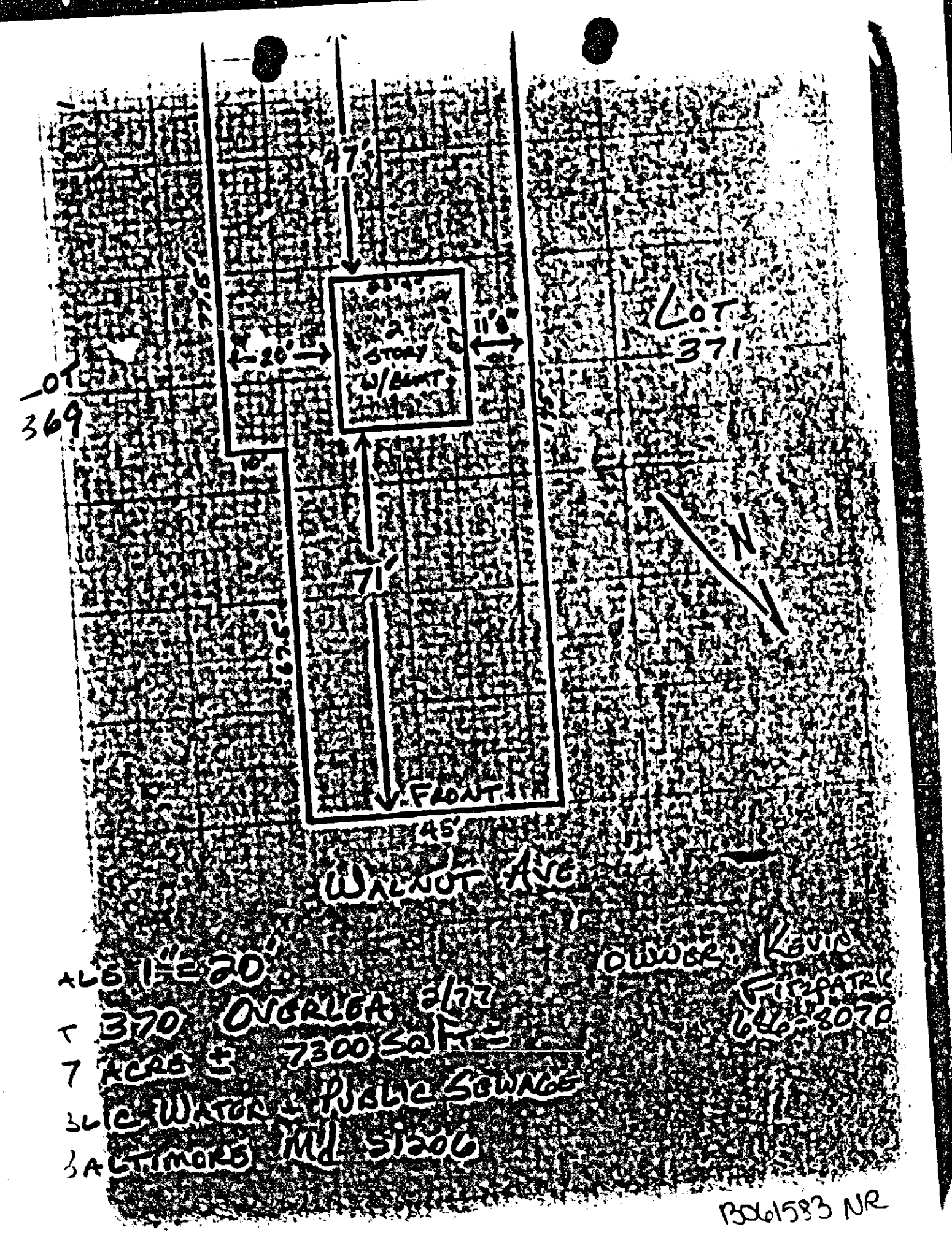
Should you have any further questions on the subject, please do not hesitate to contact either me or James Dyer, Zoning Supervisor, who is also familiar with the case.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bj

cc: Case File



William H. Fowler
107 Walnut Ave
Baltimore, Md. 21206
Phone: 301-882-2911

Dear Mrs. M. Nastarowicz

In the early part of the year 1990 I and my wife appeared before you in the matter of Case No. 90-345-A against petitioner Kevin Fitzpatrick. On March 19, 1990 I received from your office that the petition for zoning variance to permit a lot width of 50 feet in lieu of the required 55 feet in accordance with Petitioner's Exhibit, was and is hereby DENIED. You stated in your letter to me and my wife that an appeal would have not been heard from your office at any time since I received the letter.

On October 9, 1990 a building permit was posted on the lot in question. The permit was issued in July of 1990 to M. Kelly, the builder and Kevin Fitzpatrick as brokers. I was not notified of this at any time. They dug the foundation for this lot and put a stream they put pipes from the foundation to the street to flow off the water.

90-345

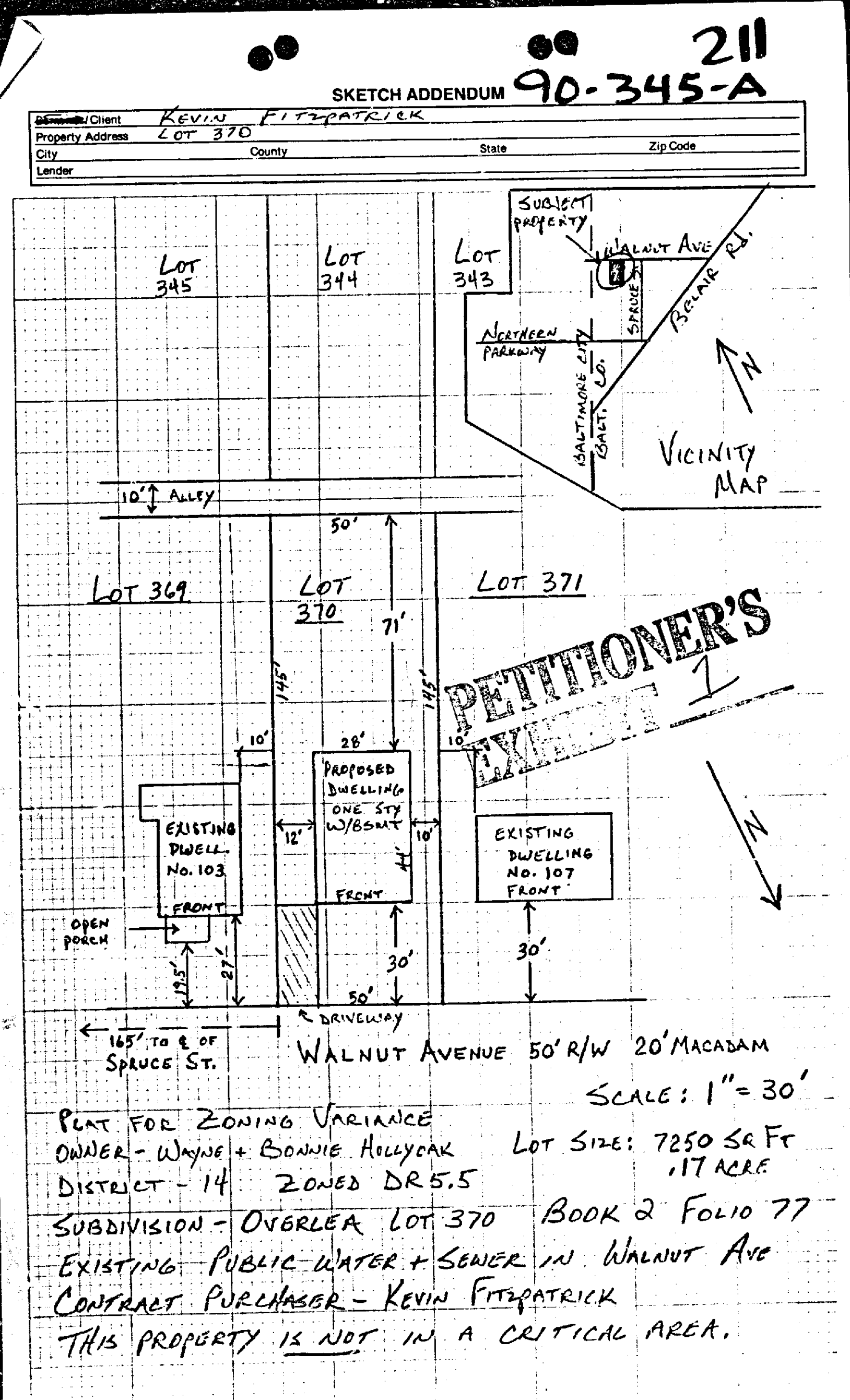
PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

Warren Walling 108 Chesley Ave 21206

John K. Kelly - representing the Overseas Company Assn.
Please send a copy of all zoning decisions by.
John K. Kelly 401 Chesley Ave Bldg. 21206

Here William Fowler 107 Walnut Ave 21206
Lorraine Fowler 107 Walnut Ave 21206
George Polczeden 105 Walnut Ave "
John Cox 108 Walnut Ave "



DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM
LIGER 0 0 7 2 PAGE 7 9 8

This Deed, MADE THIS 30th day of December in the year one thousand nine hundred and eighty-eight by and between EDWARD ERNEST CHILDRESS, SR. AND CAROLE ANN CHILDRESS of BALTIMORE, MARYLAND, PARTIES of the first part, and WAYNE M. HOLLYOAK AND BONNIE A. HOLLYOAK, PARTIES of the second part.

WITNESSETH, That in consideration of the sum of FORTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$45,000.00)

the said EDWARD ERNEST CHILDRESS, SR. AND CAROLE ANN CHILDRESS, GRANTORS do grant and convey to the said WAYNE M. HOLLYOAK AND BONNIE A. HOLLYOAK, GRANTEEES AS TENANTS BY THE ENTIRETY personal representatives/successors and assigns of ground situate in BALTIMORE COUNTY and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as lots numbered three hundred and sixty-nine and three hundred and seventy (369) & (370) as shown on the plat of the property of The Overseas Land Company of Baltimore County, which plat is duly filed in the Land Records of Baltimore County, in Plat Book J.W.S. No. 2, Folio 77. The improvements thereon being known as No. 103 Walnut Avenue.

RECEIVED FOR TRANSFER
State Department of Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE DATE 1-10-89

PETITIONER'S EXHIBIT 2

LIGER 0 0 7 2 PAGE 0 0 0

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said WAYNE M. HOLLYOAK AND BONNIE A. HOLLYOAK AS TENANTS BY THE ENTIRETIES personal representatives/successors and assigns, in fee simple.

And the said party of the first part hereby covenants that they not do or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

Test: Edward Ernest Childress Sr. (SEAL) EDWARD ERNEST CHILDRESS, SR.
Carole Ann Childress (SEAL) CAROLE ANN CHILDRESS

STATE OF MARYLAND, Baltimore County wit: I HEREBY CERTIFY, That on this 30th day of December in the year one thousand nine hundred and eighty-eight before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Edward Ernest Childress, Sr. and Carole Ann Childress known to me (or satisfactorily proven) to be the persons whose names is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires: July 1, 1990

Return to: Olegary Jane C. Inc.
2101 West Ave Suite 1A
Towson, Md. 21204

ADDRESS AGENT OWNER PHONE

SIGNATURE OF APPLICANT PHONE

10/10 for ANN

PAGE 2 OF 2

TIME: 09:47:53 DATE: 10/10/90

PERMIT #: E061583 AGENCY DATE CODE COMMENTS

BLD PLAN 06/28/90 01 ALR/MODULAR

SEDI CTL 06/22/90 01 M/JM/TT

ZONING 06/22/90 01 JN/CB/JP

PUB SERV 07/05/90 01 WD

ENVRNT 07/02/90 01 MC

PERMITS 06/22/90 01 RT/CB/JP

DAS/HR

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - NEXT APPROVAL PF4 - ISSUE PERMIT PF9 - SAVE CLEAR - MENU

Baltimore County Zoning Commissioner
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21284
 (301) 887-3353

Notice to Hearing Officer -
 Applicant was made aware that by Sec 304.C THE HOLLYOKS would be creating an undersized lot because they have not applied for a variance on their lot (lot 368) common ownership.

211 CAM per WCR Applicant = to contract purchase

recci

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

Date of Posting: 2/23/90

District: 14th Variances

Posted for: Wayne Hollis et al

Petitioner: Wayne Hollis et al, 165' N. Spruce St

Location of property: 105 Walnut St

Location of Sign: Facing Walnut St, approx. 13' on east side

Remarks: Property of Baltimore

Posted by: [Signature]

Number of Signs: 1

Date of return: 2/23/90

CERTIFICATE OF PUBLICATION
 February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 14, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zabe Orban
 Publisher

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

J. Robert Haines
 Zoning Commissioner

DATE: 2/27/90

Kevin Fitzpatrick
 842 N. Maryn Avenue
 Baltimore, Maryland 21221

Re: Petition for Zoning Variance
 CASE NUMBER: 90-345-A
 518' Walnut Avenue, 165' N. of c/l of Spruce Street
 Lot 370 (Proposed 105 Walnut Avenue)
 14th Election District - 6th Councilmanic
 Legal Owner(s): Wayne Hollis, et ux
 Contract Purchaser(s): Kevin Fitzpatrick
 HEARING: MONDAY, MARCH 12, 1990 at 11:00 a.m.

Dear Sir:

Please be advised that \$121.56 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) MUST BE INSTALLED BY THE HEARING OR THE ORDER SHALL NOT ISSUE.

CERTIFICATE OF PUBLICATION
 TOWSON, MD., Feb 15, 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 Feb 15, 1990.

THE JEFFERSONIAN

S. Zabe Orban
 Publisher

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

Account: 8 001 6150
 Number: No 1678

Date: 3/12/90

PUBLIC HEARING FEES: \$111.00

080 - POSTING SIGNS / ADVERTISING: \$10.56

LAST NAME OF OWNER: HOLLYOK TOTAL: \$121.56

8 071 6156 6 5126 F
 Please make checks payable to: Baltimore County

receipt

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

J. Robert Haines
 Zoning Commissioner

January 26, 1990

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: 90-345-A
 518' Walnut Avenue, 165' N. of c/l of Spruce Street
 Lot 370 (Proposed 105 Walnut Avenue)
 14th Election District - 6th Councilmanic
 Legal Owner(s): Wayne Hollis, et ux
 Contract Purchaser(s): Kevin Fitzpatrick
 HEARING: MONDAY, MARCH 12, 1990 at 11:00 a.m.

Variance: To allow a lot width of 50 feet in lieu of the required 55 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.

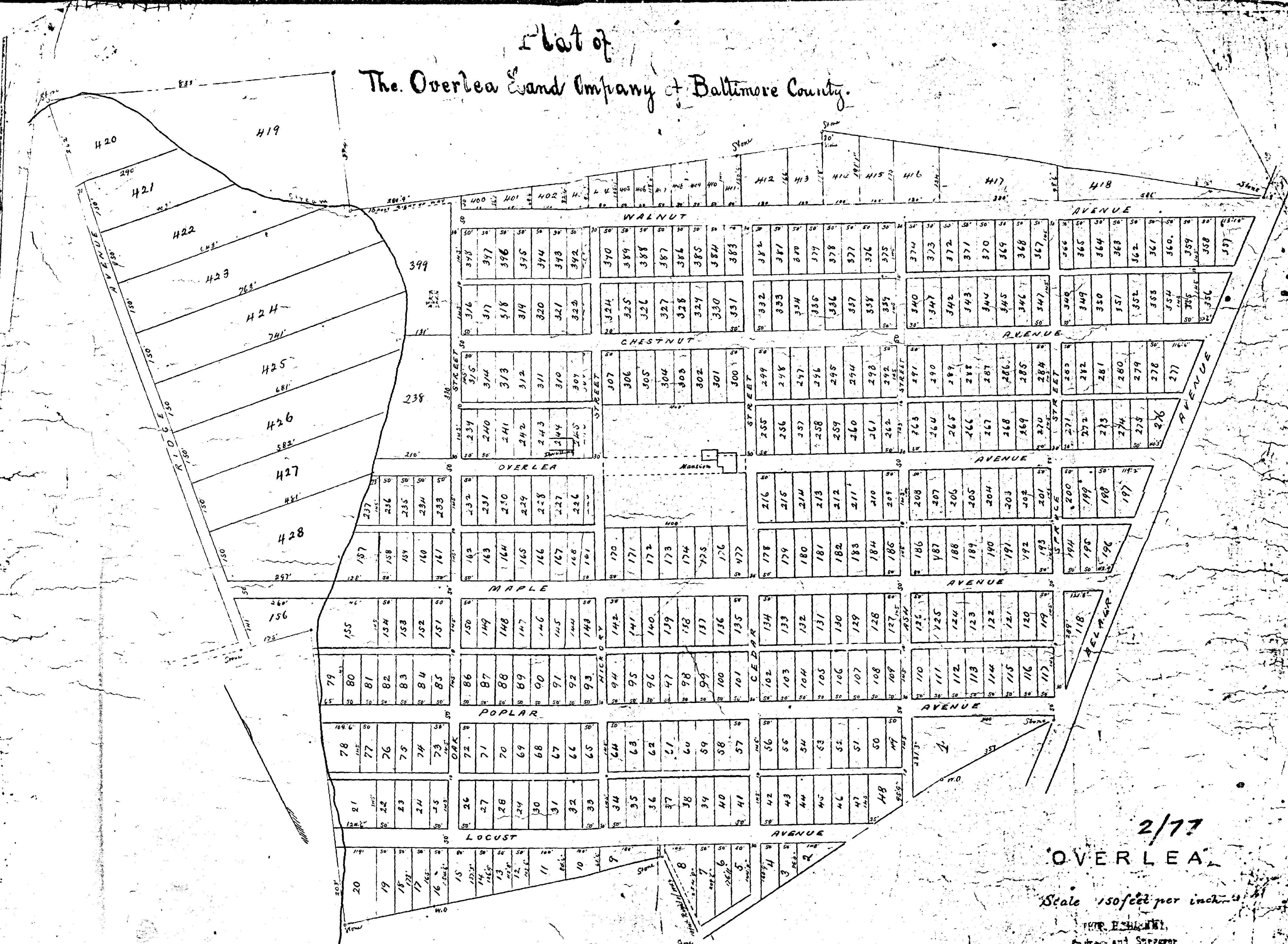
NOTE:
 If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3301 to confirm hearing date.

J. Robert Haines
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Hollyok
 Kevin Fitzpatrick
 File



Plan of
The Overlea Land Company of Baltimore County.



2/77
OVERLEA
Scale 150 feet per inch.

THOMAS H. BISHOP,
Engineer and Surveyor
2102 KIDGEE AVENUE

Filed July 17, 1906
Pat. H. Boyle, Attorney

PETITIONER'S
EXHIBIT 3

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

March 6, 1990

Mr. & Mrs. Wayne Hollyoak
103 Walnut Avenue
Baltimore, MD 21206

RE: Item No. 211, Case No. 90-345-A
Petitioner: Wayne Hollyoak, et ux
Petition for Variance

Dear Mr. & Mrs. Hollyoak:

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

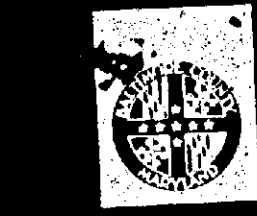
Very truly yours,

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

JED:jw

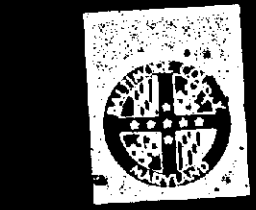
Enclosures

cc: Mr. Kevin Fitzpatrick
842 North Main Avenue
Baltimore, MD 21221



Dennis F. Rasmussen
County Executive

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
17th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Wayne Hollyoak

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 18, 1990

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

SUBJECT: Wayne Hollyoak, Item 211

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based on the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.

- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

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.

PK/JL/cmm

JAN 19 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-5300
(301) 887-4500
Paul H. Reincke
Chief

JANUARY 29, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: WAYNE HOLLYOAK

Location: SW/S WALNUT AVENUE

Item No.: 211 Zoning Agenda: JANUARY 16, 1990

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: *Pat Keller* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

JAN 29 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: January 19, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 16, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 182, 209, 211, 213, 215, 216 and 218.

For Items 214 and 222 the County Review Group Comments for each item still apply.

For Item 217 the County Review Group Comments still apply. There are many discrepancies on the boundary of the storm water management reservation compared to the record plat, and an 8-foot vertical difference in grades between Sections 1 and 2 adjacent to lot 74.

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

RWB:s