

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 1815 Acme Avenue, 320 ft. SW of Davis Road
 10812 Acme Avenue
 1st Election District
 2nd Councilmanic District
 Thomas Jackson, et ux
 Petitioners

BEFORE THE:
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 92-282-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 25 ft. building setback (for an addition), in lieu of the required 50 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 107-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 107.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of February 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 25 ft. building setback (for an addition), in lieu of the required 50 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES:mmn

CHERRY ST. 10812 ACME AVE
 10812 ACME AVE
 BY: [Signature]

Baltimore County, Code name of
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

February 27, 1992

Mr. and Mrs. Thomas M. Jackson
 10812 Acme Avenue
 Woodstock, Maryland 21163

RE: Petition for Residential Zoning Variance
 Case No. 92-282-A

Dear Mr. and Mrs. Jackson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential 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,
 [Signature]
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mmn
 encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.B.3 to permit a 25' BLDG. SETBACK (FOR AN ADDITION) IN LIEU OF THE REQUIRED 50 FT.

Of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty) see attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expense of the above posting and, if necessary, advertising, 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 State Zip Code

Day

(Signature)

Address

City State Zip Code

Day

(Signature)

Address

City State Zip Code

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City State Zip Code

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(Signature)

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of February, 1992, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: [Signature] DATE: 11/1/92
 ESTIMATED POSTING DATE: 1/1/92 ESTIMATED CLOSING DATE: [Blank]



AFFIDAVIT
 IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with respect thereto.

That the Affiant(s) do(es) presently reside at: 10812 Acme Avenue

Woodstock Maryland 21163

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) see attached

see attached

see attached

see attached

see attached

see attached

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see attached

The right side of the house is currently 38' from the property line. The well is located in the rear of the house, the septic is in the front of the house, and the left side of house is 50' from the property line. The house is relatively small and to meet our current needs (including family size) we need more living space. We are requesting an additional 8 feet of living space to be added to the right side of the house which is already non-conforming to the current zoning regulations. The additional 8' will still leave a 30' side clearance. The lot was purchased with the intention of being able to add on to the existing house; we thought the lot was large enough and were not informed at settlement that the lot does not already conform to zoning regulations. Most houses on our street, as well as ours, were built prior to the current zoning law and do not conform to the 50' side setback code.

We understand that the purpose of the current zoning law is to maintain a rural setting; we appreciate this fact and feel that the spirit of the law will be maintained, despite the non-conformance of the requested variance.

The Description

Zoning Description

Beginning at a point on the side of Acme Avenue which is 20 FT FROM wide at the distance of 320' SW of the centerline of the nearest improved intersecting street JAVIS RD which is 20 FT FROM wide. & Being Lot # (---), Block # (---), Section # (---) in the subdivision of as recordeed in Baltimore County Plat Book # (4263), Folio # (52Z), containing 28,350 SF (Also known as) 10812 Acme Ave and located in the # (2nd) Election Di.

320' E/W OF CL OF DAVIS AVE THENCE BOUNDING ALONG ACME AVE. A DISTANCE OF 150 FT SW THENCE 100 FT NW THENCE 150 FT NE. THENCE 100 FT SE TO THE PLACE OF BEGINNING.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: [Blank] Date of Posting: [Blank]
 Posted for: [Blank]
 Petitioner: [Blank]
 Location of property: [Blank]
 Location of Sign: [Blank]
 Remarks: [Blank]
 Posted by: [Blank] Date of return: [Blank]
 Number of Signs: [Blank]

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Date: [Blank] Account: R-001-6150
 Number: [Blank]
 Please Make Checks/Payable To: Baltimore County
 24 2012 139402 31-92 \$60.00
 Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 5, 1992

Mr. & Mrs. Thomas M. Jackson
10812 Acme Avenue
Woodstock, MD 21163

RE: Item No. 300, Case No. 92-282-A
Petitioner: Thomas M. Jackson, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Jackson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

W. Carl Richards Jr.

W. Carl Richards
Coordinator
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 21th day of January, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Thomas M. Jackson, et ux

Petitioner's Attorney:

DATE: February 20, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 4, 1992

This office has no comments for item numbers 298, 299, 300, 301, 302 and 303.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: February 4, 1992
FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning
SUBJECT: LeBrun Property, Item No. 301
Jackson Property, Item 300
Buell Property, Item 296
Loncala Property, Item 291
Knoll Property, Item 290
Trustees Cedar Grove V.M. Church, Item No. 289
Hoffman Property, Item 285
Brooks Property, Item 283

In reference to the Petitioners' request, the staff offers no comments.

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.

Report prepared by:

Jeffrey Long
Jeffrey Long

GLK/JL:rdn
ITEM301/TXTROZ



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 31, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THOMAS M. JACKSON & CAROL M. JACKSON
Location: #10812 ACME AVENUE
Item No.: 300 Zoning Agenda: FEBRUARY 4, 1992

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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. ...* Noted and
Approved
Fire Prevention Bureau
Special Inspection Division

JF/KEK

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management
FROM: A. J. Haley, Deputy Director
Economic Development Commission
DATE: January 29, 1992
RE: Zoning Advisory Comments for Meeting of February 4, 1992

This office has no comment for items 298, 299, 300, 301, 302, 303 and 304.

RECEIVED
JAN 30 1992
ZONING OFFICE

92-282-A 2-24

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: February 13, 1992
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 4, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 299, 300, 301, 302 and 303.

For Item 304, this site must be submitted for review and comments under the minor subdivision process.

For Item 298, a County Review Group Meeting will be required.

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

RWB:s

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21286

(410) 887-3353

January 28, 1992

Thomas and Carol Jackson
10812 Acme Avenue
Woodstock, Maryland 21163

Re: CASE NUMBER: 92-282-A
LOCATION: NW/4 Acme Avenue, 120' SW of Davis Road
10812 Acme Avenue
1st Election District - 2nd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reference regarding the administrative process.

1) Your property will be posted on or before February 9, 1992. The closing date is February 24, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commission), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schiavo
Lawrence E. Schiavo
Zoning Commissioner, Baltimore County

Liber 1713 300 79

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY, that on this 19th day of Sept. in the year nineteen hundred and forty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Michael J. Wheeler, the within named grantor, and he acknowledged the foregoing deed to be his act.

AS WITNESS my hand and Notarial Seal.

(Notarial Seal) Donald A. King, Notary Public

Rec Nov 8 1948 at 1:30 P M & ext per - T Braden Silcott Clerk - Rec b- dk
EXP BY WREAU

75467 Regina Nystrand et al : THIS DEED, made this 4th day of November, in the year
Deed to Frederick L. Brantley et al : nineteen hundred and forty-eight, by and between
US \$2.75 St \$2.75 : Regina Nystrand and Martin J. Nystrand, her husband,
of Baltimore County, State of Maryland, parties of the first part, and Frederick L. Brantley and Margaret Elizabeth Brantley, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of five dollars and other good and valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said Regina Nystrand and Martin J. Nystrand, her husband, do grant and convey unto the said Frederick L. Brantley and Margaret Elizabeth Brantley, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor, in fee simple, subject, however, to a life estate reserved in said property to the said Regina Nystrand and Martin J. Nystrand, her husband, during their joint natural lives and the life of the survivor and no longer, all that parcel of ground situate lying and being in the Second Election District of Baltimore County and described as follows:

BEGINNING for the same at a point intersecting lots number six (#6) and number seven (#7) and number ten (#10) on a plat of land laid off in fourteen (14) lots for Tenant Nelson by John A. Denton A. D. 1937, and running thence south 38 degrees east 12-16/100 perches to the center of an avenue, thence bounding on the center of said Avenue south 57 degrees west 20-1/2 perches to intersect the land of Tenant Nelson, a part of the whole tract, thence bounding on said Nelson's whole tract North 51 degrees west 12.6 perches intersecting said Nelson's part of whole tract and lot number thirteen (#13) on the aforesaid plat, thence again bounding on lots numbers thirteen (#13) and ten (#10) respectively North 57 degrees east 25-1/2 perches to the place of beginning.

Containing 1 acre and 116 square perches of land more or less.

The same parcel of land marked on aforesaid plat "lot number eleven (#11)".

BEING all and the same property which by deed dated February 6, 1923, and recorded among the land records of Baltimore County in Liber W.P.C. No. 563, folio 42 was granted and conveyed by Elizabeth Nash, widow, unto Regina Nystrand and Martin J. Nystrand, her husband, in fee simple.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or any-wise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Frederick L. Brantley and Margaret Elizabeth Brantley, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of the survivor,

DECEMBER 19 1948

