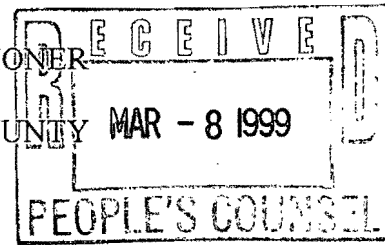


P.C.
3/2/99

IN RE: PETITION FOR VARIANCE
N/S Bond Avenue, 15 ft. E of
The c/l of New Avenue
50 Bond Avenue
4th Election District
3rd Councilmanic District
James Moss, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No: 99-275-A



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 50 Bond Avenue in the Glyndon community of northwestern Baltimore County. The Petition was filed by James Moss, property owner. Variance relief is requested from Sections 1B02.3.C and 304 of the Baltimore County Zoning Regulations to permit a dwelling on a lot with a width of 54 ft. in lieu of the required 70 ft. and a side street setback of 16 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was James Moss, Petitioner/property owner, and Ron Kearney, the surveyor who prepared the site plan. Also present was Lenwood Johnson from the Office of Planning. There were no Protestants present.

Testimony and evidence was that the subject property is a roughly rectangular shaped lot, approximately 54 ft. wide and 111 ft. deep. The property has frontage on Bond Avenue in the Glyndon community. One side of the property abuts the right of way for Wolf Avenue. Testimony was offered that this right of way is 30 ft. in width, however, the paved section of Wolf Avenue is significantly narrower. Apparently, that road provides vehicular access to several dwellings to the rear of the subject site and is improved with a loose gravel/stone base, approximately 16 ft. wide.

Presently, the subject property is unimproved. The Petitioner proposes constructing a single family dwelling thereon. The building envelope is shown to be 23.7 ft. wide x 40 ft. deep. The property is zoned D.R.3.5; a classification which requires a 70 ft. width and 30 ft. setback from a street right of way.

Mr. Moss testified that he has owned the property for approximately 1 year. He indicated that the property would be unbuildable if variance relief was not granted. Testimony was also offered that the Office of Planning conditionally supports the project. A Zoning Plans Advisory Committee (ZAC) comment from the Office of Planning indicates that the variance request would be supported, assuming that the Petitioner submits detailed building elevation drawings showing the door, window and porch treatment of the Bond and Wolf Avenue sides of the house. This comment was generated in that the subject property is located in Glyndon, a community listed in the National Register of Historic Districts. The Petitioner and his surveyor indicated that detailed drawings, as required, would be submitted.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. I am satisfied that the Petitioner has met the requirements of Section 307 of the BCZR. However, in granting the relief, I will require that the Petitioner submit detailed building elevation drawings to the Office of Planning. Those drawings shall provide a sufficient level of detail to allow the Office of Planning to review and evaluate the proposal. Moreover, no building permit shall be issued until the Office of Planning reviews and approves those schematic drawings.

Pursuant to the advertisement, posting of the property and the public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 2nd day of March, 1999, that the Petition for Variance from Sections 1B02.3.C and 304 of the Baltimore County Zoning Regulations (BCZR) to permit a dwelling on a lot with a width of 54 ft., in lieu of the required 70 ft., and a side street setback of 16 ft., in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceedings at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason this Order is reversed, the Petitioner would be required to return, and be responsible for returning said property to its original condition.

2. The Petitioner shall submit detailed building elevation drawings to the Office of Planning for review and consideration. No building permit shall be issued until the Office of Planning has reviewed and approved the aforesaid building elevation drawings.

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 50 Bond Avenue

which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. 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(s) 1 B02.3.C. & 304: BCZR, TO

PERMIT AN ^{UNDERSIZED} LOT ^{WITH A} WIDTH OF 54 FT. IN LIEU OF THE REQUIRED 70 FT. AND A SIDE STREET SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 30 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The lot is a corner lot and is 54 feet wide.

By meeting the required setbacks, there is not sufficient area for a dwelling.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No.

99-275A

REV 9/15/98

Legal Owner(s):

Name - Type or Print

Signature

James Moss

Name - Type or Print

Signature

554 Presstman Street 410-523-8906

Address

Telephone No.

Baltimore, Maryland

21217

City

State

Zip Code

Representative to be Contacted:

Ronald M. Kearney

Name

102 N. Main Street 410-838-1441

Address

Telephone No.

Bel Air, Maryland 21014

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

1.20.99

20

RE: PETITION FOR VARIANCE
50 Bond Avenue, N/S Bond Ave,
15' E of c/l New Avenue, 4th Election
District, 3rd Councilmanic

Legal Owners: James Moss

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-275-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of January, 1999, a copy of the foregoing Entry of Appearance was mailed to Ronald M. Kearney, 102 N. Main Street, Bel Air, MD 21014, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



**Maryland Department of Transportation
State Highway Administration**

Parris N. Giendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1-26-99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 275

JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

10 Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202