

IN RE: PETITION FOR VARIANCE
NW/Corner Balnew and Ash Avenues
(129 Balnew Avenue)
12th Election District
7th Councilmanic District

Sadie L. Barnett
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-022-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Sadie L. Barnett. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Zoning Commissioner's Policy Manual Pg. 1-13a) to permit a side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in this case were Sadie Barnett, property owner, and her granddaughter, Monica Wood. There were no Protestants or other interested persons present.

As more particularly shown on the site plan, the subject property is an irregular shaped parcel, approximately .14 acres (6,210 sq.ft.) in area, zoned D.R.5.5 and is presently unimproved. The property is located on the corner of the intersection of Balnew Avenue and Ash Avenue in the community of Turner's Station in southeastern Baltimore County. Testimony and evidence offered revealed that the Petitioner is desirous of developing the property with a single family dwelling in which she will reside. As shown on the site plan, the proposed dwelling will be a modular structure, 60 feet wide by 27.5 feet deep. Variance relief is necessary to permit a 15-foot setback from the side yard in lieu of the required 25 feet. This setback will be the distance between the dwelling and the right-of-way for Ash Avenue; that is, the property will front Balnew

ORDER RECEIVED FOR FILING

Date

By

Avenue. Further testimony indicated that the property is unique due to its configuration. Indeed the property does have an unusual shape, due to the fact that same is a corner lot and is roughly triangular in shape. Clearly, variance relief is necessary to improve the property with a permitted use, i.e., a single family dwelling. Moreover, the property is of sufficient size to permit development as proposed. In addition, variance relief is not necessary from front setback requirements in that the property meets the requirements for a front average setback, as set out in Section 303.1 of the B.C.Z.R.

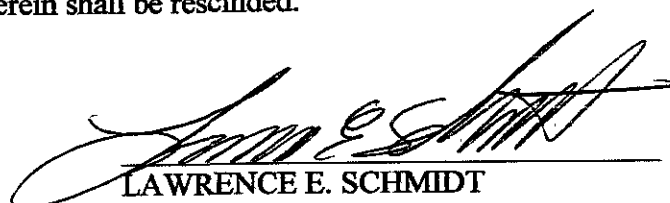
Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioner has met the requirements of Section 307 of the B.C.Z.R. The uniqueness of the lot is based upon its shape and there would be a practical difficulty suffered by the Petitioner if relief were denied. Moreover, relief can be granted without adverse impacts to surrounding properties.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of September, 1999 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Zoning Commissioner's Policy Manual Pg. 1-13a) to permit a side yard setback of 15 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

COPIES OF THIS ORDER
DATE 9/21/99
BY [signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 20, 1999

Mrs. Sadie Barnett
209 Fleming Drive
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
NW/Corner Balnew and Ash Avenues
(129 Balnew Avenue)
12th Election District – 7th Councilmanic District
Sadie L. Barnett - Petitioner
Case No. 00-022-A

Dear Ms. Barnett:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Monica Wood
8007 E. Baltimore Street, Baltimore, Md. 21224
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 129 Balnew Avenue
which is presently zoned DR5.5

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) 1802.3.C.1, BCZR) (ZOPM PG.1-1.3a)

To permit A sideyard setback of 15 ft for a dwelling in lieu of the required 25ft.

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

~~Setback won't allow for a house that's 60ft long.~~

TO BE PRESENTED AT HEARING.

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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By J Cur Date 7-19-99

ORDER RECEIVED FOR FILING

Date

Case No. 00-22A

REC 9/15/98

ZONING DESCRIPTION FOR 129 Balnew Ave being that property located on the NorthWest corner of Balnew Avenue and Ash Street. Being lots 11, 12 and 13 as laid out and shown on the plat entitled "First Addition to Turner," which is recorded among the plat records of Baltimore County in Plat Book W.P.C. No. 5, folio 10, containing 6,210 square feet. Also known as 129 Balnew Avenue and located in the 12th Election District, 7th Councilmanic District.

22

00-022-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070453

DATE

7/19/99

ACCOUNT

601-6150

AMOUNT \$

50.00

RECEIVED FROM:

S. BARNETT 129 Balnew Ave.

FOR:

(cell) UAR

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

7/19/1999

ACTION

TIME

REG 4805 CASHIER WASTE MESS DRAINER 5

Dept 5 528 ZONING VERIFICATION

Receipt # 11296

CR NO. 070453

Receipt Total

50.00

CR

Baltimore County, Maryland

00-022-A

00-055-A

CERTIFICATE OF POSTING

RE: CASE 00-022-A
PETITIONER/DEVELOPER:
(Sadie L. Barnett)
DATE OF Hearing
(Sept. '8 1999)

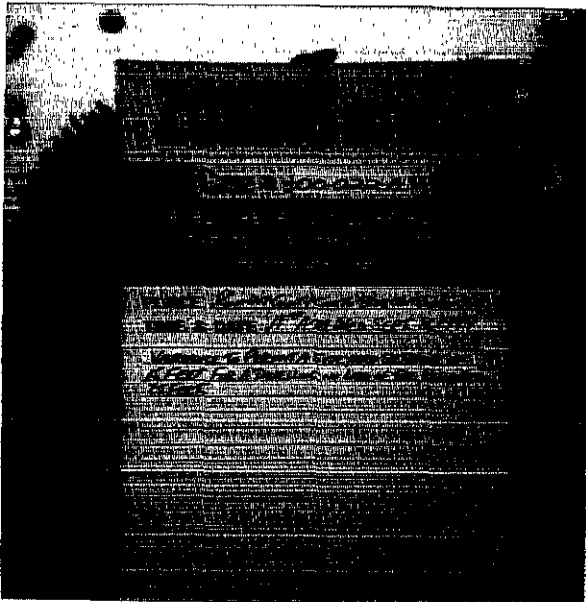
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
129 Balnew Ave. Baltimore, Maryland 21222_____

The sign(s) were posted on _____ 8-24-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]

**NOTICE OF ZONING
HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 501, Maryland on the property identified herein as follows:

Case #00-022-A

129 Balnear Avenue
NW/C Balnear Avenue and Ash
Street

12th Election District

7th Councilmanic District

Legal Owner: Sade L. Barnett

Variance: to permit a side
yard setback of 15 feet for a
dwelling in lieu of the required
25 feet.

Hearing: Wednesday, Sep-
tember 8, 1999 at 11:00
a.m. in Room 401, County
Courts Bldg., 401 Bosley
Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
handicapped accessible, for
special accommodations
please contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the file and/or hearing,
contact the Zoning Review Of-
fice at (410) 887-3391.

JTU/8/23 Aug 24 C334142

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/26, 1999

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 Tues. 8/24, 1999.

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING

RE: PETITION FOR VARIANCE
129 Balnew Avenue,
NWC Balnew Ave and Ash St
12th Election District, 7th Councilmanic

Legal Owner: Sadie L. Barnett
Petitioner(s)

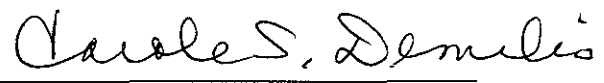
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-22-A

* * * * *

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 or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Monica Wood, 8007 E. Baltimore Street, Baltimore, MD 21224, representative for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 11, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-022-A
129 Balnew Avenue
NWC Balnew Avenue and Ash Street
12th Election District – 7th Councilmanic District
Legal Owner: Sadie L. Barnett

Variance to permit a side yard setback of 15 feet for a dwelling in lieu of the required 25 feet.

HEARING: Wednesday, September 8, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". The signature is written in dark ink and is positioned above the printed name and title.

Arnold Jablon
Director

c: Mrs. Sadie L. Barnett, 209 Fleming Drive, Baltimore 21222
Monica Wood, 8007 E. Baltimore Street, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 24, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 24, 1999 Issue – Jeffersonian

Please forward billing to:

Monica Wood 410-285-7969
129 Balnew Avenue
Baltimore, MD 21222

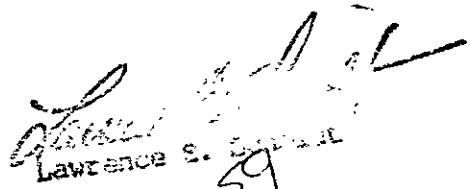
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CASE NUMBER: 00-022-A
129 Balnew Avenue
NWC Balnew Avenue and Ash Street
12th Election District – 7th Councilmanic District
Legal Owner: Sadie L. Barnett

Variance to permit a side yard setback of 15 feet for a dwelling in lieu of the required 25 feet.

HEARING: Wednesday, September 8, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 22
Petitioner: MONICA WOOD
Address or Location: 129 BALNEW AVE. BALTIMORE, MD.
21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME

Telephone Number: 410-285-7969

Revised 2/20/98 - SCJ

00.022-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 3, 1999

Mrs. Sadie Barnett
209 Fleming Drive
Baltimore, MD 21222

Dear Mrs. Barnett:

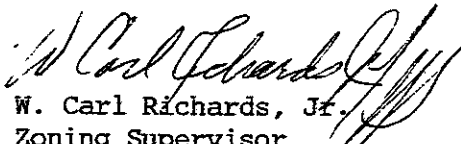
RE: Case No.: 00-22-A, Petitioner: Mrs. Sadie Barnett,
Location: 129 Balnew Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 19, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 26, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 9, 1999

Item No.: See Below

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

015, 016, 017, 019, 022, 023, 024, 025, 026, 027,
028, 029, 030, 031, 032, 033, 034, 035, 036, 038,
039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: August 16, 1999

FROM: *fwb* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for August 16, 1999
 Item Nos. 016, 017, 018, 019, 020,
 021, 022, 023, 024, 026, 028, 030,
 031, 032, 033, 034, 035, 042, 043,
 044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC08169.NOC

Lis
9/18

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: August 25, 1999

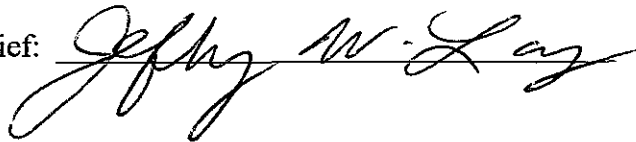
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 022 and 047

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.10.99

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

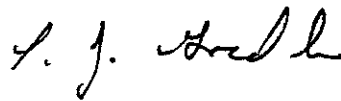
RE: Baltimore County
Item No. 022 JCM

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,


to Michael M. Lenhart, 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

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

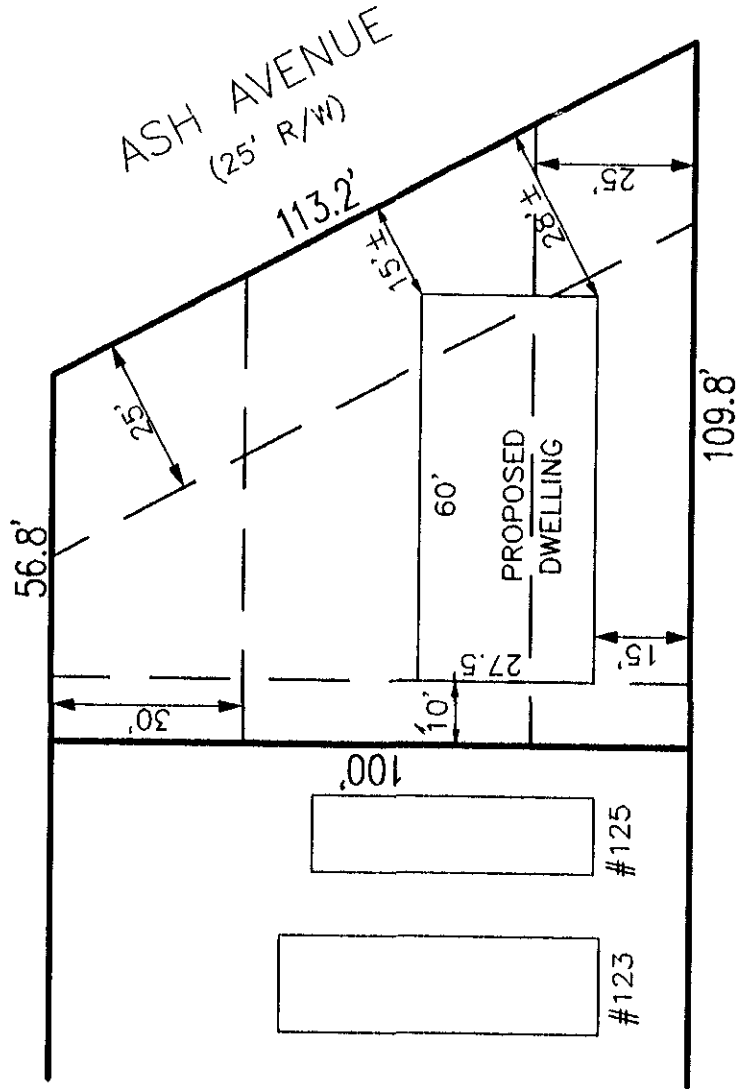
PROPERTY ADDRESS: 129 BALNEW AVENUE

see pages 5 & 6 of the CHECKLIST for additional required information

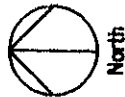
Subdivision name: TURNERS
plat book# 5, folio# 10, lot# 11.12 & 13, section#

OWNER: SADIE BARNETT (12842/55)

#1122
Ad No 1



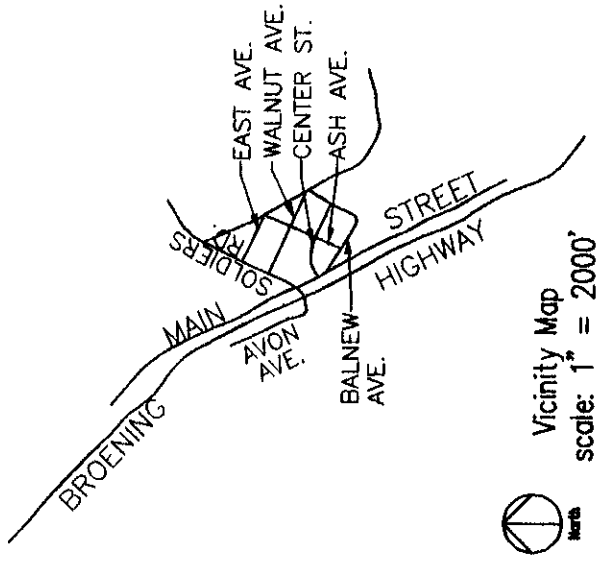
NOTE:
THE FRONT YARD SETBACK MEETS THE
REQUIREMENTS OF BALTIMORE COUNTY
ZONING REGULATIONS AS STATED IN
SECTION 303.1 WITH REGARD TO FRONT
YARD AVERAGING.



date: 7-13-99

prepared by: J. CAMPBELL

Scale of Drawing: 1" = 30'



LOCATION INFORMATION

Councilmanic District: 7

Election District: 12

1" = 200' scale map#: S.E. 6 E

Zoning: DR5.5

Lot size: 0.14 acreage 6210 square feet

Sewer: ☒ public ☐ private
Water: ☒ public ☐ private
Cheapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: J. CAMPBELL ITEM #: 22 CASE#:

00-022-A

