

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, SPRINGDALE, INC., legal owner, 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 208.2 - To permit front yards setback of 15 feet from the front property line and 40 feet from the center line of the street instead of 30 feet and 55 feet respectively for Lots 38, 39, 40, 41, 42 and 43 and 29, 66 and 65.

Section 208.1 - Side Yards - To permit a side yard setback of 10 feet for one side and a total of 20 feet for both sides instead of the required 10 feet for one side and a total of 25 feet for both sides on Lots 38, 39, 40, 41, 42 and 43, 29, 66 and 65.

That because of the topography of the lots there is a practical difficulty with locating houses on the lots, and to attempt to locate them as required by the zoning laws would work an undue hardship on the owner.

See attached description

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.

Contract purchaser
Address
BY James F. Offutt, Jr. Attorney
Address
ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of October, 1968, 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 25th day of November, 1968 at 11:00 o'clock.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner and the Variances requested would grant relief without substantial injury to the public health, safety and general welfare of the locality involved.

the above Variance should be had, such further appearing that by reason of Variances to permit front yard setbacks of 15 feet from the front property line and 40 feet from the center line of the street instead of the required 30 feet and 55 feet respectively for Lots 38, 39, 40, 41, 42 and 43, and Lots 29, 66 and 65; and to permit side yard setbacks of 10 feet for one side and a total of 20 feet for both sides instead of the required 10 feet for one side and a total of 25 feet for both sides on Lots 38, 39, 40, 41, 42 and 43, and Lots 29, 66 and 65 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27 day of December, 1968, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order, to permit front yard setbacks of 15 feet from the front property line and 40 feet from the center line of the street instead of the required 30 feet and 55 feet respectively for Lots 38, 39, 40, 41, 42 and 43, and Lots 29, 66 and 65; and to permit side yard setbacks of 10 feet for one side and a total of 20 feet for both sides instead of the required 10 feet for one side and a total of 25 feet for both sides on Lots 38, 39, 40, 41, 42 and 43, and Lots 29, 66 and 65, subject to the approval of the site plan by the Bureau of Public Safety and the Office of Planning and Zoning.

the above Variance should NOT BE GRANTED.
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27 day of December, 1968, that the above Variance be and the same is hereby DENIED.
Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCE from Sections 208.2 and 208.3 of the Zoning Regulations W/S of Stillway Court 971.10' N. of Gateridge Road, and N/S of Stillway Court 118.58' N. of Gateridge Road 8th District Springdale, Inc., Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-115-A

OPINION

This case comes before the Board on an appeal from the decision of the Deputy Zoning Commissioner granting the petitioner, Springdale, Inc., variances from the front and side yard setback requirements for nine lots, situated on Stillway Court in the development of Springdale, in the Eighth Election District of Baltimore County.

The petitioner produced testimony by a consulting engineer, Robert A. Whiteford, that strict compliance with Sections 208.2 and 208.3 of the Zoning Regulations would present practical difficulty and an unreasonable hardship to the developer. He testified that Stillway Court loops around a high knob of land, and that the lots in question slope quite steeply to the rear away from the road. He stated that in order to construct houses on these lots and comply with the Baltimore County Building Code, it would require, in some cases, twenty to thirty feet of fill to enable the houses to connect to the sewer in the street and that this, from an engineering standpoint, is totally unfeasible. He further testified that due to the steep topography which necessitates the moving of the houses forward to the more narrow front section of the lots, requires a side yard variance to permit a building separation of twenty feet instead of the required twenty-five feet, even though no variance is requested or needed for the normal ten foot side yard required under the Regulations.

At the outset of the hearing, the petitioner amended his request for variances to delete lots #42 and #43, and requires on lots #38 and #39 a variance from Section 208.2 for a twenty foot front yard setback instead of the required thirty feet, and on lots #40 and #41 a twenty-five foot front yard setback instead of the required thirty feet.

There is no question from the testimony given by Mr. Whiteford, the engineer, that it would be totally unfeasible to construct houses on the lots if strict compliance with the setback regulations is required. This testimony was undisputed, and the attorney for the Improvement Association advised the Board that his client does not oppose the petition for variances as amended.

Springdale, Inc. - #69-115-A

The Board finds as a fact that strict compliance with the regulations would result in practical difficulty and unreasonable hardship to the petitioner, and that the granting of the variances here will grant relief to the petitioner without substantial injury to the health, safety, and general welfare of the locality involved.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of April, 1969 by the County Board of Appeals, ORDERED that the petitioner is hereby GRANTED a variance on lots #29, #66, #65, #38, #39, #40, #41, #42, and #43 from Section 208.3 of the Zoning Regulations to permit a twenty (20) foot building separation instead of the required twenty-five (25) feet.

FURTHER, the petitioner is GRANTED a variance on lots #29, #66, and #65 to permit a front yard setback of fifteen (15) feet from the front property line and forty (40) feet from the center line of the street, instead of thirty (30) feet and fifty-five (55) feet respectively as required by Section 208.2 of the Regulations.

FURTHER, the petitioner is GRANTED a variance on lots #38 and #39 to permit a front yard setback of twenty (20) feet from the front property line and forty-five (45) feet from the center line of the street, instead of thirty (30) feet and fifty-five (55) feet respectively as required.

FURTHER, the petitioner is GRANTED a variance on lots #40 and #41 to permit a front yard setback of twenty-five (25) feet from the front property line and fifty (50) feet from the center line of the street, instead of thirty (30) feet and fifty-five (55) feet respectively as required.

FURTHER, on lots #42 and #43, the petition for a front yard variance from Section 208.2 is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slawik

WHITEFORD, FALK, AND MARK
Consulting Engineers - Land Surveyors
Land Planners
JEFFERSON BUILDING
TOWSON, MARYLAND 21204

September 19, 1968

Description to Accompany Petition
for Front Yard and Side Yard Variance
Lots 29, 65 and 66, Block "C"
Springdale

Beginning for the same at a point on the west side of Stillway Court, 50 feet wide, at a distance of 871.10 feet from the intersection of the north side of Stillway Court, 30 feet wide, and the northwesternmost side of Gateridge Road of varying width said point being the northeasternmost corner of Lot 29, Block "C" as shown on Plat 3, A Part of Section II, Springdale, and recorded among the Land Records of Baltimore County in Plat Book G.T.C. 31, folio 143; thence binding on the west side of Stillway Court the following two (2) courses: (1) Due South, 70 feet and (2) 114.22 feet by an arc curving to the left with a radius of 175.00 feet, which arc is subtended by a chord bearing South 18° 41' 50" East, 112.25 feet to the southeasternmost corner of Lot 65, Block "C" as shown on the Resubdivision of Part of Plat 3, A Part of Section II, Springdale and recorded among the Land Records of Baltimore County in Plat Book G.T.C. 32, folio 122; thence binding on the division line of Lots 66 and 65, South 52° 36' 20" West, 130.00 feet to a point; thence North 28° 23' 11" West, 51.75 feet to a point; thence North 61° 05' 00" West, 55.75 feet to a point; thence Due North,

70.00 feet to the northwest corner of the aforementioned Lot 29, Block "C"; thence with the north side of said Lot 29, Due East, 115.00 feet to the point of beginning.

Containing 0.73305 acres of Land, more or less.

Being Lot 29, Block "C" as shown on Plat 3, A Part of Section II, Springdale as recorded among the Land Records of Baltimore County in Plat Book G.T.C. 31, folio 143 and all of Lots 65 and 66, Block "C" as shown on the Resubdivision of Part of Plat 3, A Part of Section II, Springdale and recorded among the Land Records of Baltimore County in Plat Book G.T.C. 32, folio 122.

LAW OFFICES
A. OWEN HENNEGAN
406 JEFFERSON BUILDING
105 WEST CECILIA AVENUE
TOWSON, MARYLAND 21204

January 24, 1969

John G. Rose, Zoning Commissioner
Baltimore County, Maryland
County Office Building
Towson, Maryland - 21204

Re: No. 69-115-A
Petition for Variance,
Springdale, Incorporated - Petitioner

Dear Mr. Rose:

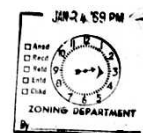
Please enter an Appeal to the Baltimore County Board of Appeals on behalf of the Protestants. Daniel E. McDade, Anthony Izzo, Donald Sylvestri, J. Nicholas Jackson, and David C. Sorenson, in the above matter, from the decision and Order dated December 27, 1968. Enclosed is a check in the amount of \$45.00, representing payment for Appeal and posting.

Very truly yours,

John H. Garner

JHG:mfl
Encl.

cc: James F. Offutt, Jr., Esq.
Jefferson Building
Towson, Maryland - 21204



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: November 15, 1968

FROM: George E. Gavrellis, Director of Planning

SUBJECT: Petition #69-115-A. Petition for variances to front and side yard setbacks. West side of Stillway Court 971.10 feet North of Gateridge Road and the North side of Stillway Court 118.58 feet North of Gateridge Road. Springdale, Inc., Petitioners.

8th District

HEARING: Monday, November 25, 1968 (11:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition for variances and has the following advisory comments to make with respect to pertinent planning factors:

1. Grading plans have not been submitted with this petition. It appears that construction of the proposed dwellings will occur on fill regardless of setback.
2. Is the house proposed for these lots simply too wide for the approved lot widths? Is it not possible to resubdivide and eliminate the need for side yard variances?
3. Does the 15 foot setback enable offstreet parking clear of the road right-of-way for second cars?

CEG:bms

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

October 31, 1968

James F. Offutt, Jr.,
107 Jefferson Building
Towson, Maryland 21204

RE: Type of Hearing: Reclassification from an R-40 zone to an BL zone
Location: W/S Stillway Ct., 971' W. of Gatebridge Rd. & N/S Stillway Ct., 118' W. of Gatebridge Rd.
Districts: 8th
Petitioner: Springdale, Inc.
Committee Meeting of Oct. 22, 1968
Item 92

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject petition consists of two parcels: the first parcel containing six lots, and the second parcel containing three lots. Both parcels have extremely steep topography. A level area exists from the curb to a point approximately 15 or 20 ft. back, at which point the property drops off abruptly to an elevation approximately 30 to 40 ft. below the curb elevation. Extensive fill will be required regardless of whether the houses are set back 15 ft. or the required 30 ft.

Public Services: All utilities are available to the site.

Site Plans: The site plan indicates side yard setbacks of 10 ft. for both sides of each dwelling. The zoning regulations require a minimum setback on one side of 10 ft., and an overall setback for both sides of 25 ft. The plan should be revised prior to the hearing to indicate the proper 10 and 15 ft. setback for each building.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

James F. Offutt, Jr.
JAMES F. OFFUTT, JR.,
Chairman

JED:JD
Enc.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE		INVOICE No. 56382 DATE: Nov. 6, 1968
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		TO: James F. Offutt, Jr., Esq., 107 Jefferson Building Towson, Md. 21204
Zoning Dept. of Balco. Co.		RE: Type of Hearing: Reclassification from an R-40 zone to an BL zone
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$55.00
69-115-A	Petition for Variance for Springdale, Inc.	21.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE		INVOICE No. 60807 DATE: Jan. 24, 1969
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		TO: John M. Garmes, Esq., 406 Jefferson Bldg., Towson, Md. 21204
Office of Planning & Zoning 119 County Office Bldg., Towson, Md. 21204		RE: Cost of appeal - Springdale, Inc.
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$45.00
69-115-A	Cost of appeal - Springdale, Inc.	35.00
2 signs		10.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE		INVOICE No. 60716 DATE: Nov. 24, 1968
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		TO: Springdale, Inc., 107 Light Street Baltimore, Md. 21202
Baltimore County Zoning Dept.		RE: Advertising and posting of property
REPORT TO ACCOUNT NO. 01-622		RETURN THIS PORTION WITH YOUR REMITTANCE
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	TOTAL AMOUNT \$100.00
69-115-A	Advertising and posting of property	100.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204		

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING	
James F. Offutt, Jr., 107 Jefferson Building Towson, Maryland 21204	County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204
Your Petition has been received and accepted for filing this 31st day of October, 1968.	
<i>John G. Rose</i> JOHN G. ROSE, Zoning Commissioner	
Petitioner: Springdale, Inc.	Petitioner's Attorney: James F. Offutt, Jr.
Reviewed by: <i>Chairman of Advisory Committee</i>	

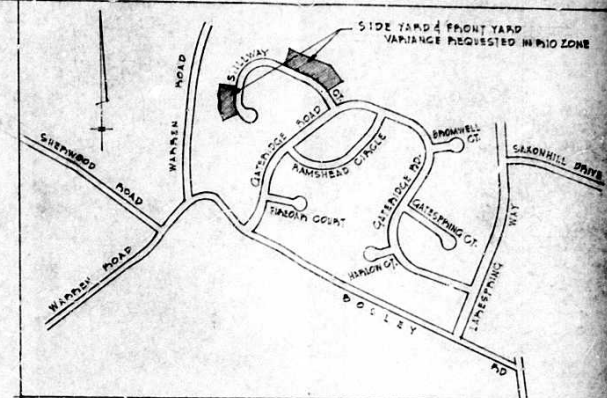
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING	
James F. Offutt, Jr., 107 Jefferson Building Towson, Maryland 21204	County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204
Your Petition has been received and accepted for filing this 31st day of October, 1968.	
<i>John G. Rose</i> JOHN G. ROSE, Zoning Commissioner	
Petitioner: Springdale, Inc.	Petitioner's Attorney: James F. Offutt, Jr.
Reviewed by: <i>Chairman of Advisory Committee</i>	

CERTIFICATE OF PUBLICATION	
TOWSON, MD. NOV 7 1968	
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 consecutive weeks before the 25th day of November, 1968, the first publication appearing on the 19th day of November, 1968.	
THE JEFFERSONIAN, <i>L. Frank Murphy</i> Manager	
Cost of Advertisement, \$	

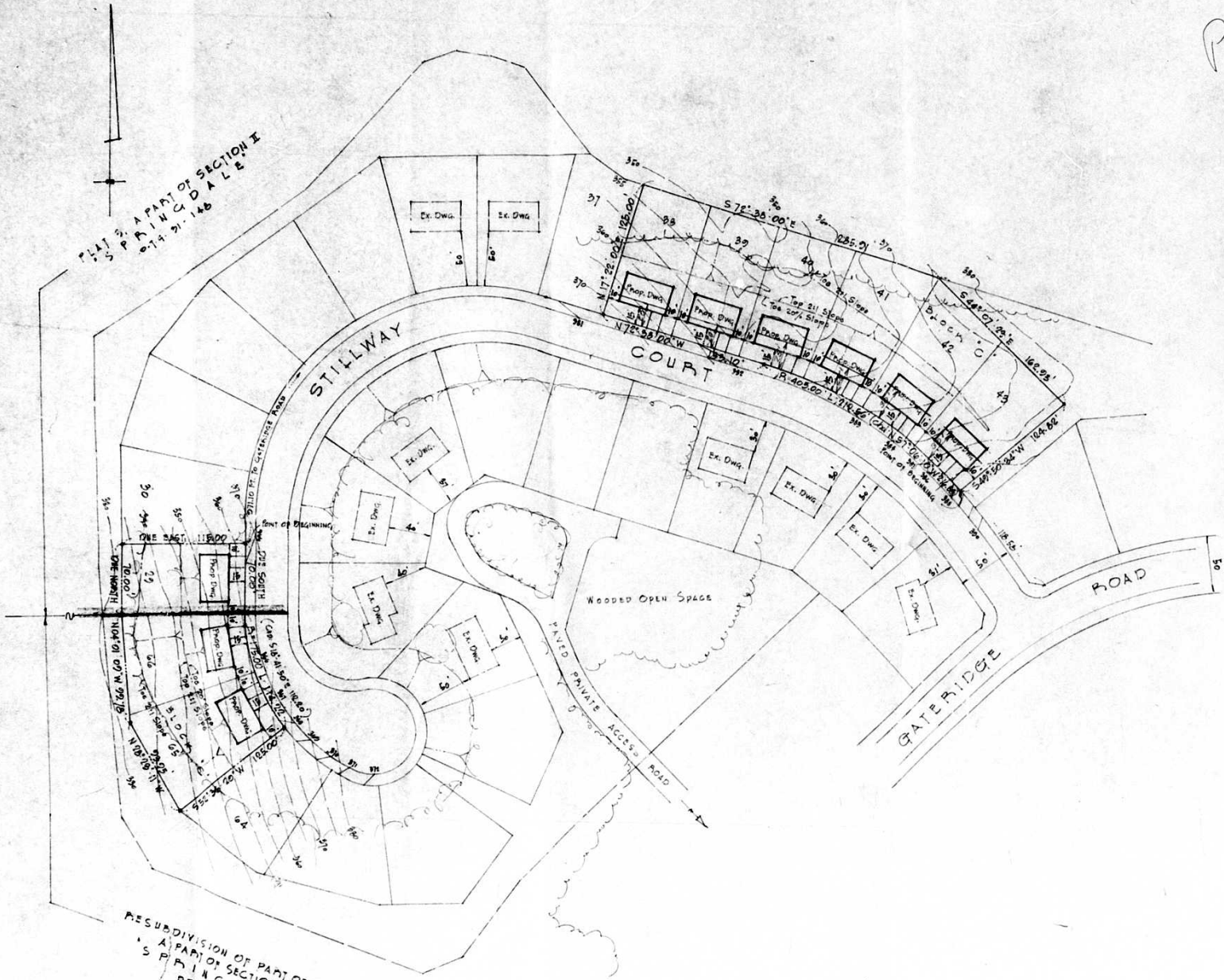
CERTIFICATE OF POSTING	
#3 Sign	#69-115-A
ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland	
District: 8th	Date of Posting: 11-8-68
Posted for: Springdale, Inc.	Location of property: W/S of Stillway Ct. 971' W. of Gatebridge Rd.
Petitioner: Springdale, Inc.	Location of Signs: 3 Signs Road on Stillway Ct. facing Street
Remarks: <i>Mark H. Hines</i>	Date of return: 11-15-68
Posted by: <i>Mark H. Hines</i>	Signature

CERTIFICATE OF POSTING	
2 Signs	#69-115-A
ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland	
District: 8th	Date of Posting: 11-14-68
Posted for: Springdale, Inc.	Location of property: W/S of Stillway Ct. 971' W. of Gatebridge Rd.
Petitioner: Springdale, Inc.	Location of Signs: 2 Signs on Stillway Ct. 971' W. of Gatebridge Rd.
Remarks: <i>Mark H. Hines</i>	Date of return: 11-17-68
Posted by: <i>Mark H. Hines</i>	Signature

*Pet
SPL#1*



LOCATION PLAN
Scale: 1" = 500'



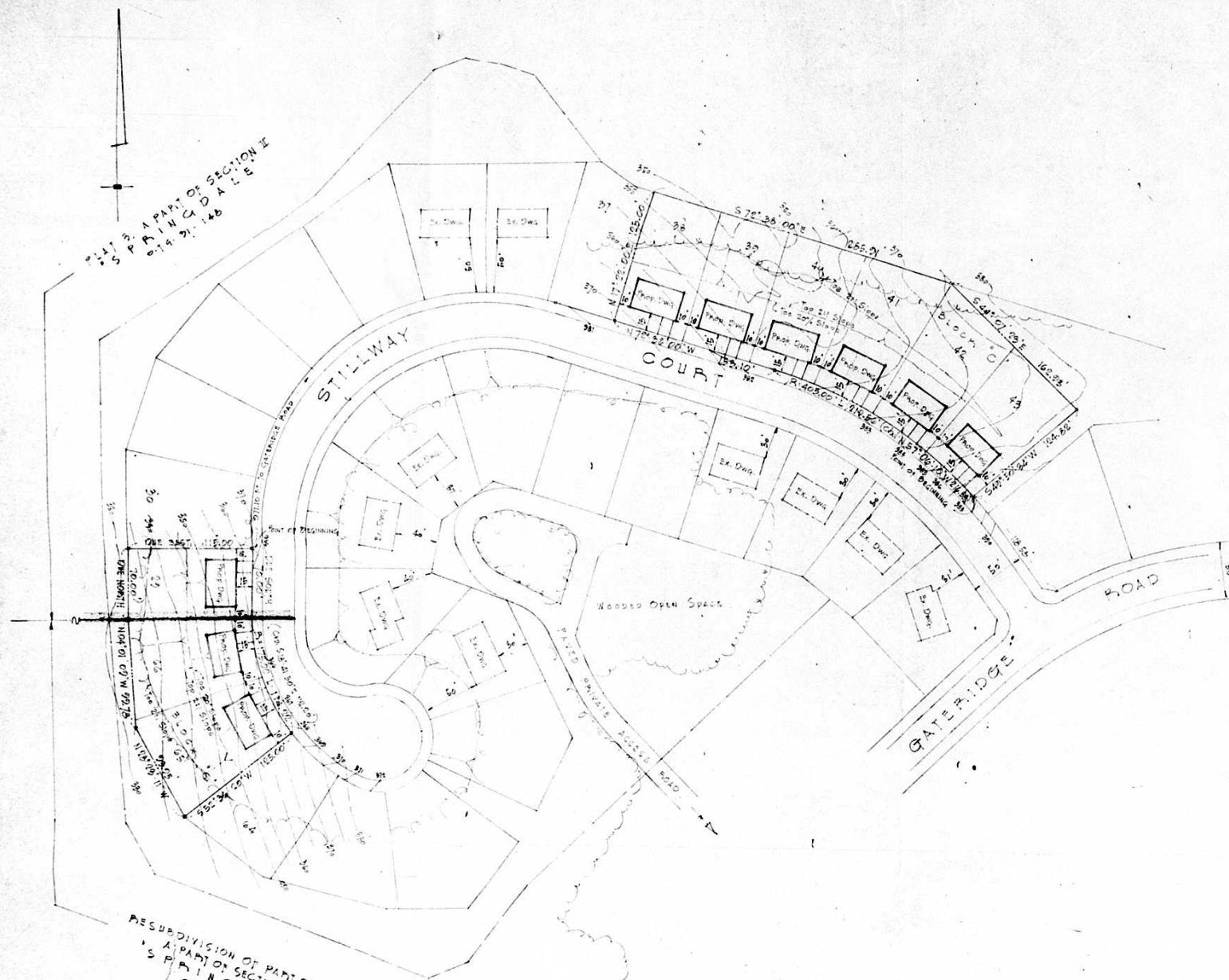
PLAT 3, A PART OF SECTION II
SPRINGDALE
D.T.G. 91-146

RESUBDIVISION OF PART OF PLAT 3
A PART OF SECTION II
SPRINGDALE
D.T.G. 92-122

PLAT TO ACCOMPANY PETITION FOR VARIANCE
OF SIDE YARDS AND FRONT YARDS IN R10 ZONE
LOTS 27, 33 THROUGH 43, AND LOTS 65 THROUGH 66
BLOCK "C" SECTION II, SPRINGDALE
8TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 50' AUGUST 2, 1966

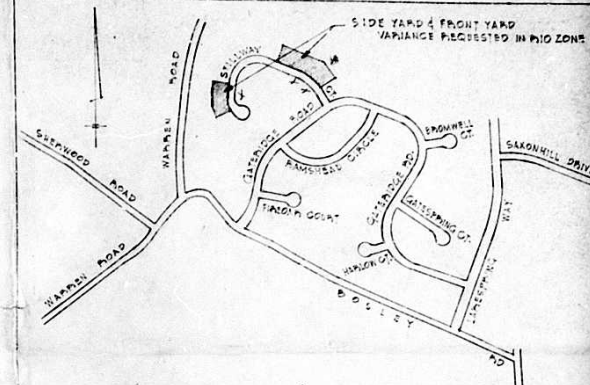


WHITEFORD, FALK & MASK
CONSULTING ENGINEERS & LAND SURVEYORS
JEFFERSON BLDG. TOWSON, MD. 21204



PLAT 3 A PART OF SECTION I
SPRINGDALE
0-19-31-146

RESUBDIVISION OF PART OF PLAT 3
A PART OF SECTION II
SPRINGDALE
0-19-32-122



LOCATION PLAN
SCALE: 1" = 500'

PLAT TO ACCOMPANY PETITION FOR VARIANCE
OF SIDE YARDS AND FRONT YARDS IN R10 ZONE
LOTS 29, 39 THROUGH 43, AND LOTS 65 THROUGH 66
BLOCK 'C' SECTION II, SPRINGDALE
8TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 50' August 2, 1966



WHITEFORD, FALK & MASK
CONSULTING ENGINEERS & LAND SURVEYORS
JEFFERSON BLDG. TOWSON, MD. 21204