PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or wa Charlon Taskalen & Carolyn Regal owner of the property situate in Baltimore ounty and which is described in the description and plat attached hereto and made a part hereof.

hereby petition for a Variance from Section. 1463.h.B.h. (1038).

to allow side yard setbacks of fifteen (15) feet (both sides of yard)

in lieu of the required 50 feet.

of the Zoning Regulations of Baltimere County, to the Zoning Law of Baltimere County; for the following reasons (Bedietia Barchija) or present difficulty.

Low does not parent 50 foot ties estabant due to singe — Mal width at 55 foot front setback totals less than 100 feet, making 50 at 10 yards at this point impossible. Properly allows steeply to rear united makes a desper front stablest impossible. Properly allows steeply to rear united makes a desper front stablest impossible. Properly allows allowed like, and the steep topography 2.

deres 1002 SAYMARE AVA BALTO. 214. 21234

missioner of Baltimore County, this 15th of __august._______197 8_, 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 Saltimore County, that preperty be posted, and that the public hearing be had before the Zoning Commissioner or Baltim we County in Room 160, County Office Building in Towson, Baltimore

ORDER RECEIVED

10/16/18

RE: PETITION FOR VARIANCE N/S of Spring Green Lane 1170' NE of Greencroft Lane 8th District BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

CHARLES TSAKALES, et ux,

. Case No. 79-85-A

ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter May 3um Peter Max Zimmerman

Inlinto. Hissien John W. Hessian, III People's Counsel County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 22nd day of September, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Charles Tsakales, 1007 Scyward Avenue, Baltimore, Maryland 21234, Petitioners.

> John W. Nessin I John W. Hessign, III

PETITION FOR VARIANCE W/S of Spring Green Lane 1170'NE of Greencroft Lane 8th District BEFORE THE ZONING COMMISSIONER

CHARLES TSAKALES, et ux

BALTIMORE COUNTY CASE #79 85 A

.

ORDER TO ENTER APPEARANCE

Dear Mr. Commissioner:

Please enter my appearance as Counsel for the Petitioners, Mr. & Mrs. Charles Tsakales, in the above-captioned proceeding.

I HEREBY CERTIFY, that on this 26th day of September 1978 a copy of the aforegoing was mailed to Peter Max Zimmerman, Esquire, Deputy People's Counsel and John W. Hessian, III, Esquire, People's Counsel, County Office Building, Towson, Maryland 21204, 494-2188.

James M. Smith

BACTIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

S. Frie Di Nenno

Date October 12, 1978

Lelsie H. Graef
PROM. Director of Planning

SUBJECT Petition 779-85-A. ITEM 7 27

Petition for Variance for side yard setbacks North side of Spring Green Lane, 1170 feet Northeast of Greencroft Lane Petitioner – Charles and Carolyn Tsakales

HEARING: Monday, October 16, 1978 (10:00 A.M.)

There are no comprehensive planning factors requiring comment on this

I HG- IGH-rw

George J. Martinak
Deputy Zoning Commissione

October 24, 1978

James M. Smith, Esquire Suite 1544, The World Trade Center Baltimore, Maryland 21202

RE: Petition for Variances N/S of Spring Green Lane, 1170' NE of Greencroft Lane - 8th Election District Charles Tsakales, et ux - Petitioners NO. 79-85-A (Fem No. 27)

I have this day passed my Order in the above referenced matter, in accordance with the attached.

GIMmr

cc: Mr. Sylvester G. Macis 3922 Mt. Zion Road Upperco, Maryland 21155

Mr. Costas C. Nicolaides, Chairman Greencroft Community Association, Inc. 13909 Greencroft Lane Cockeysville, Maryland 21030

John W. Hessian, III, Esquire

ZONING DESCRIPTION

Beginning at a point on the North end of Spring Green Lane, approximately 1170 feet Northeast of Greencroft Lane and known as Lot 32 as shown on Plat 2, Section I of "Greencroft", which is recorded in the Land Records of Baltimore County in Liber 37, Polio 66. Also known as 10 Spring Green Lane.

S. ERIC DINGHNA ZONING COMMISSIONER

> RE: N/S OF SPRING GREEN LANE, 1170 NE OF GREENCROFT LANE - 8Th BLECTION DISTRICT CHARLES TSAKALES AT US No 79-85-A (ITEM No 27)

810 SERWORD RD. TOW SON, Mb. 2/704 11/1+/78

DEAR SIR

I WOUD LIKE TO ARREAL THE

ABOVE CASE IN MY BEHALF.

ENCLOSED IS \$40 FILING FEE.

W 14 78 AM

Theodor C. Moor THOROSORE C. MOSRE

Res Case No. 79-85-A (Item #27) Charles Tsakalas, et ux

Enclosed berowith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case

Very truly yours,

Meta J. Painter

Jones M. Smith, Esq.
Nr. & Mrs. Charles Tsokoles
Nr. Sylveste G. Mocis
Nr. Coston C. Nicolados
Nr. Coston C. Nicolados
The Rev. Alban N. Helvestrait, X.
John W. Hesslen, III, Esq.
Nr. Jense E. Dyer
Nr. E. Dilhenna
Nr. L. Creaff
Nr. L. Coston

JUL 3 1 1979

Charles Tsakales, et ux - 179-85-A

does not view this reasoning as the sort of practical difficulty that is envisioned by the Courts as sufficent to warrant the granting of a Variance from the existing zoning

Therefore, for the reasons set out above, the requested Variances will be denied

ORDER

For the reasons set forth in the aforegoing Opinion, it is this day of May, 1979, by the County Board of Appeals, ORDERED that the Variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-I thru 8-12 of the Maryland Rules of Procedure

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING

REFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY Na 70-05-A

OPINION

This case comes before the Board on an appeal from a decision of the Deputy Zoning Commissioner which granted requested Variances for side yard serbacks a

The subject property is located in the Eighth Election District in the relatively recently subdivided community known as the Greencroft. Specifically, the subject property is located at the end of a cul-de-sac known as Spring Green Lane. The subject lot may be noted as lot #32 on a partial plat of the Greencroft subdivision which is in evidence as Petitioner's Exhibit *3. The subject lot contains 1.54 acres and 't is irregular in shape. The dimensions of the various lot times are noted as the Petitioner's Exhibit #3. Because of this irregular shape and topography considerations, the petitioner seeks Variances to allow side yard setbacks of fifteen (15) feet on each side of the subject lot in lieu of the required fifty (50) foot side yard setbacks on each

The current level title holder of this lot testified and told the Board tha he bought the lot in May of 1976, originally intending to build a home for his own parsonal residence. Subsequently, he has sold the lat to a speculative home builder who now, as contract purchaser of the subject lot, seeks the Variances described above

The contract purchaser/homebuilder testified before the Board and stated that the Variances were necessary because of the shape and extreme topography that uniquely exists at the subject lot. This witness told the Board that from his experience in home building, it was not practical to construct a home on this lot within the fifty (50) foot side yard setback as required by the regulations. On cross examination by the

Epiphany Episcopal Church

CI *-1415

December 13, 1978

County Board of Appeals Room 219 Baltimore County Courthouse Towson, MD 21204

Dear Mr. Buddemeier,

Confirming our conversation today, please notify me at 6 Spring Green Lane, Cockeysville, MD 21030 of the date that case number 79-85% will be reconsidered. This case concerns rezoning of a lot owned by Mr. Charles Tsakales and is being contested by a Mr. Moore.

Thank you for your help.

Sincerely yours. Cursalvertal X The Rev. Albert N. Halverstadt

ANH. Jr. pb

Charles Tsakales, et ux - #79-85-A

Perole's Counsel, this witness stated that he had not taken field measurements to see if any type house might be built within the existing setback regulations. This witness also stated that he was not familiar with others in this subdivision that had similar problems and had constructed rusidences in conformity with the existing fifty (50) foot side yard setback regulations. He stated that he was only familiar with this lot because this is the one he was interested in purchasing. He did state that it might be possible but not practical to construct a residence upon this particular lot but since he was a speculative builder, he had to build to the market place and could not construct a special two residence that would have to fit upon this particular unique homesite

Henry LeBrun, o we'll-known and respected and estate expect, testified on behalf of the petitioner in this case. Mr. LeBrun told the Board in order to maximize the excellent view from this lot the residence should be built as close to the cul-de-sac a possible. Mr. LeBrun stated that in this cul-de-sac, only lots \$28 and \$32 remained totally unimproved. This expert stated that because of the shape and topography of this lot, there exists practical difficulty in location a residence near the culaderine and within the existing fifty (50) foot side yard set lack regulations. If the residence were placed further back on the lot, then this particular home would not be in conformity with the rest of the homes on the cul-de-sac and in essence might be looking at the rear of the adjoining lots. Mr. LeBrun stated unequivocally that if the Variances were granted, same would have no adverse effect on the adjoining lots

Two witnesses appeared in opposition to the granting of this petition. One was a nearby resident in the Greencroft community. This witness told the Board because of the general rolling nature of the land in this extire community, there were many lots that had topographical exchlams similar to that of the subject assesses and there was built, within the existing zoning side yard setback regulations, residence upon some of these lots that had somewhat similar topographical situations. Theodore C. Moore, the owner of the adjoining lot \$28, testified in opposition to the granting of this Variance. Mr. Moore told the Board that one of his reasons for buying the lot next-door to the subject property was that there existed a fifty (50) foot sethack

Charles Tsakales, et ux - 79-85-A

regulation on each side of each lot. This appealed to Mr. Moore and was part of his motivation in buying the adjoining lot #28. Mr. Moore told the Board that he is now and has been for some time working bard with his problems in order to least. Viplanned residence on his lot #28 so the same would conform to the existing fifty (50) foot side yard setback regulations. Lot #28 has the same sort of topographical problems as the subject lot #32. Mr. Moore was adamantly opposed to the granting of the requested fifteen (15) foot side yard setbac's in lieu of the required fifty (50) foot side

If the petitioner is to be successful in this instance, he must evidence to the satisfaction of the Board practical difficulty and/or unreasonable hardship unique to this petition. A member of this Board has personally inspected the subject lot and the surrounding Greencraft community. After carefully reviewing the testimony and evidence offered in this case, and reflecting upon the personal inspection made by one of the Board members. It is the judgement of this board that there does not exist sufficer proof of practical difficulty and/or unreasonable hardship in this case to warrant the granting of the requested fifteen (15) foot side yard setbacks in lieu of the required fifty (50) foot side yard setbacks on each of the subject lot. The personal inspection bear out the testimony of the protestants concerning the Greencroft community and the rolling nature of the topography on many of the subdivided lists in this community Many of the homes in this community are built upon lots that have similar topcaraphical situations and the same have been constructed within the existing side yard setback regulations. The petitioner has admitted that he has made little, If any effort to plan a residence that might more uniquely fit upon the subject lot considering its shape and

The board can sympathize with the contract purchaser/home builder when he states that he cannot build a home uniquely for this lot, but must build a home that would find a general and ready acceptance in the market place. However, the Board

Greencroft 13909 Greencroft Lane

Mr. George J. Martinak Deputy Zoning Commissioner Foom 109 County Office Building Towson, Maryland 2120 Re: Case No. 79-85A Dear Mr. Martinak:

The Board of Directors of Greencroft Community Association, Inc. has become aware of a request of variance from the minimum building setback provisions applicable to Lot 32 of Greencroft. The Board unanimously opposes the granting of such request. The Board believes that the large size of the lot (1.54 acres) and its topography permit the construction of any size house without varying the minimus settack requirements and without any undue financial hardship to the owner.

The Board also believes that the requested variance, if granted, would undray and without justification infringe upon the rights of adjoining and other lot owners to enjoy their properties in the manner in which the existing setback requirements would allow. In taking this position, the Board is soting in its capacity as the elected governing body representing the lot owners in Green-croft.

Yours truly, POARD OF DIRECTORS Cottos C Milades

Costas C. Nicolaides, Chairman

1 ZONING DE

OCT 23'78 AM

CHARLES TSAKALES

250 70,0 5. 50. 231 10 000 00 18 1.92 Ac JE Sir Constitution of the state o Chin 35 Ball Salas CAFLAN O: POVACANT 30 SCC 35FI \$ 57.90'00'E VACANT

Quil 12.18.78

BALTIMORE COUNT ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 28, 1978

Department of

Braith Departmen

Project Flanning

Building Departmen Board of Education

Zoning Administratio

State Roads Commission Bureau of Fire Prevention

Mr. & Mrs. Charles Tsakales 1007 Sayward Avenue Baltimore, Maryland 21234

Bureau of

RE: Variance Petition Item No. 37 Petitioner - Tsakales

Dear Mr. & Mcs. Tsakales:

The Zoning Plans 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 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. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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,

Nilsh B Commoden NICHOLAS B. COMMODARI Chairman

NBC/sf Enclosure to prevent creating any nuisances or damegae to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improver grading or improper installation of draining facilities, would be the full responsibility of the Petitioner.

Zoning Plans Advisory Committee

Chaworth N Diver to West Chief, Bureau of Engineering

September 8, 1979

in lieu of the required 50'. Acres: 1.54 District: 8th

The following rements are furnished in repard to the plat submitted to this office

Boltimore County highway and utility improvements are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment poliction problem, damaging private and public holdings deveatream of the property. A grading persit is, therefore, necessary for all grading, including the stripping of top soil.

This office has no further comment in regard to the plan submitted for Zoning

Advisory Committee review in connection with this Item #27 (1973-1979).

Item 827 (1978-1979)
Property Owner: Charles & Carolyn Ysakales
N/S Spring Green Lane 1170' W/E Greencroft Lane
Existing Zoolnys: 82 4
Proposed Zoolnys: Variance to permit side wetbacks of 15'

FND FAM FWR : 88 V-NN Key Sheet 78 NW 14 Poz. Sheet NW 20 D Topo 41 Tax Mar

TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E. DIRECTOR

Mr. S. Eric DiNenna

Zoning Commissioner County Office Building Towson, Maryland 21204

for review by the Zoning Advisory Committee in cor

battimore county office of planning and zoning TOWSON, MARYLAND 21204 3011494-3211

LESUE H. GRAEF DIRECTOR

September 25, 1978

Nr. Eric S. DiNenna, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on \$27, Zoning Advisory Committee Meeting, August 15, 1978, are as follows:

Property Owner Charles and Carolyn Tsckales Location: N/S Spring Green Lane 1170' NE Greencroft Lone Existing Zoning: RC-4 Proposed Zoning: Variance to permit side setbacks of 15' in lieu of the required 50'. District- 8th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment

Current Planning and Developmen

paltimore county

Petitioner Teaksles

Mr. & Mrs. Charles Tsakales 1007 Styward Avenue Baltimore, Maryland 21231

DONALD J. ROOP, M.D., M.P.H

September 21, 1978

Mr. S. Eric DiNenna Office of Planning and Zoning County Office Building Towson, Maryland 21204

Commencs on Item #27, Zoning Advisory Committee Meeting, August 15, 1970, are as follows:

Charles & Carolyn Tsakales N/S Spring Green La. 1170 NE G sencroft La. R.C. 4 Location:

Existing Zoning: Variance to permit side setbacks of 15 in Proposed Zoning: lieu of the required 50%.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Ave. Towson, Maryland 21204

Your Petition has been received and accepted for filing this 15th day of August 1976.

The proposed variance will not interfere with the location of the wage disposal area, therefore no health hazards are anticipated.

Very truly yours,

Thomas H. Devlin, Director Bureau of Environmental Services

THD/JRP:ph 6

Peul H. Reincke

August 29, 1978

Office of Planning and Zoning Haltimore County Office Building Townen, Maryland 21204 Attention: N. Commodari, Chairman

Zoning Adivsory Committee

Re: Property Comer: Charles & Carolyn Tsakales Location: N/S Spring Green La. 1170' NE Greencroft La.

Zoning Agenda | Heeting of 08/15/78

Pursuant to your request, the referenced property has been surveyed by this Bureau and the commente below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or the referenced property are required and shall be located at intervals or feet along an approved read in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCERDS the maximum allowed by the Pire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Pire Pro-tection Association Standard No. 101 "Life Safety Code", 1970 Politics prize to company.

() 6. Site plane sie approved as drawn.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

SETTINGS 14 When Kill, An XL Approved.

Rectal Reported Privation

Fire Prevention Purvan



Mr. S. Eric DiNenna, Zoning Commissioner Office of Flanzing and Ioning

Comments on Itam # 27 Soning Advisory Constitute Neeting, August 15, 1978 are as follows:

Property Owner Charles & Carolyn Teakales
Tosations X/S Spring Green Lane 1170' NE Greencroft Lane
Entsting Somities, U.S. i
Proposed Jonise, Variance to permit side setbacks of 15' in lieu of the required 50'.

August 23, 1978

The items checked below are applicables

X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Exportment, and other applicable codes.

Y B. A building named shall be received before construction can back.

C. Additional _____Permits shall be required.

D. Building shall be upgraded to new use - requires alteration permit.

X E. Three sets of a astruction drawings will be required to file an symbloction for a building permit. Three sets of construction drawings with a registered Faryland Architect or Engineer's original seal will be required to file an application for a building penalt.

Vood frame valls are not permitted within 3'0" of a property line. Contact Bullding Repartment if distance is between 3'0" and 6'0" of property line.

H. Requested setback variance conflicts with the Baltimore County Bullding Code. See Section

I. No Comment.

Thanks & Sumbon Charles E. Burnham Flans Revie: Chisf

CEBITTS

CERTIFICATE OF PUBLICATION

Leanh Structur

Cost of Advertisement, \$_____





TOWSON, MD. 21204 September 28

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Charles Tsakales, et ux was inserted in the following:

☐ Catonsville Times

□ Towson Times

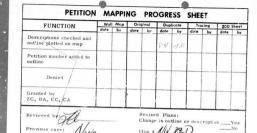
☐ Dundalk Times
☐ Essex Times
☐ Suburban Times Fast

☐ Arbutus Times
☐ Community Times
☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 29th day of September 19 78, that is to say, the same was inserted in the issues of September 28, 1978

STROMBERG PUBLICATIONS, INC.

BY Esthu Burger



VALIDATION OR SIGNATURE OF CASHIER

79-85-4

	CERTIFICAT	E	F POSTA	IG
ZONING	DEPARTMENT	OF	BALTIMORE	COUNTY

District Sth. Posted for Petition For V	ARIANSE
Petitioner CHARLES TSAKA	LES, AT UX FREEN LANK, 1170' NE OF GRENSROFT LAND
	N LAWS 1170'TOL-NE OF GREENSHOLT LAW
Remarks Posted by Floring B. Rala Signature	in tel Date of return CCT. 6, 1918
	1-5,6N

OFFICE OF FINANCE AFFECUNE DIVISION NO. 76094	BALTIMORE COUNTY, MARYLAND OFFICE OF PLANCE - REVINUE DIVISION MISCELLANEOUS CAGH RECEIPT
DATE Oct. 23, 1978 ACCOUNT 01-662	DATE 12/1/70 ASSOUNT 01.712
Cohbardt A Brith On Coal of Advantising and Posting for Cose No. 79-55-4 250 5 ORECT 52 41.13 NRC	Date M. Solth, Eq. Solte 154 World Tools Cirea over 19,00 Bellinon, M. 21002 World Tools Cirea over 19,00 Bellinon, M. 21002 World Tools Cirea over 19,00 Bellinon, M. 21002 World Tools of Solten Tools of So
ALTIMORE COUNTY, MARYLAND	BALTIMORE COUNTY, MARYLAND No. 73517
FICE OF FINANCE REVENUE DIVISION SCELLANEOUS JASH RECEIPT TE REVENUE 16, 1978 ACCOUNT 01-662	MICCELLANGUIS CASH RECE,PT
AM013917 NO.00	AMOUNT_\$25,00
Theodore C. Moore	PRODUCE Bylvester G. Macie
Cost of Appeal for Case No. 79-85-A	ros Filting Fee for Case No. 7'-85-A
2833 024 L +++	2500 mm 2500 2500 mm

VALIDATION OR SIGN TURE OF CASHIER

	-		
	600	#79-	05
	-	# 14-	04

CENTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towns, Maryland

Posted for: APPCAL	Date of Posting Dec. 8, 1978
Petitioner: CHARLES TSAKALE	25, ET UX
Location of property: N/S CF SPRIN Green Croft	G GREEN LAINE 1170' NE OF
Location of Signs: N/S OF SPRING GREEN CROFT L	Cheen LANE 1170 to,-NE CF
Remarks: Comman & Boles	Date of return: Dec. 15, 1978
Signature	1-S(GN)

BALTHORE COUNTY OFFICE OF PLANNING Add SONING

COUNTY OFFICE OF PLANNING Add SONING

COUNTY OFFICE BUILding

10.1% Chesses it is a considered of the conside

