

84-253-A
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 102.2 (202-2) to permit front setback of 55 feet in lieu of the required 50 feet for an attached garage, and a distance of 70 ft. to the centerline of road in lieu of the required 75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

We feel that the house would look much better if the new attached garage could be built even with the front of the house line.

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.

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 and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of JANUARY, 1984, 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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 2nd day of APRIL, 1984, at 10:00 o'clock A.M.

Carl J. Jell
Zoning Commissioner of Baltimore County.
(over)

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: March 1, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
George S. Wareheim, Jr., et ux
SUBJECT: 84-253-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

MR. & Mrs. George S. Wareheim, Jr.
15 Glen Alpine Road
Phoenix, Maryland 21131

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 24th day of January, 1984.

Carl J. Jell
ARNOLD JABLON
Zoning Commissioner
Petitioner: George S. Wareheim, et ux Received by: *Nicholas B. Commodari*
Petitioner's Attorney: _____
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 23, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. George S. Wareheim, Jr.
15 Glen Alpine Road
Phoenix, Maryland 21131

RE: Case No. 84-253-A (Item No. 188)
Petitioner - George S. Wareheim, Jr., et ux
Variance Petition

Dear Mr. & Mrs. Wareheim:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

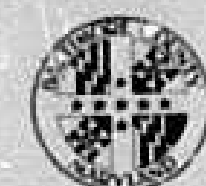
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

March 15, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #188 (1983-1984)
Property Owner: George S. Wareheim, Jr., et ux
W/S Glen Alpine Rd. 80' S. from Siesta Garth
Acres: 742.85/50 X 372.87/331.98
District: 11th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 116903, executed in conjunction with the development of "Windemere", of which this property is a part.

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

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 188 (1983-1984).

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EW:PMR:ss

U-SE Key Sheet
62 & 63 NE 15 & 16 Pos. Sheets
NE 16 D Topo
53 Tax Map

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 188, Zoning Advisory Committee Meeting of Jan 24, 1984

Property Owner: George S. Wareheim, Jr., et ux

Location: W/S Glen Alpine Road District 11

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank's (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 188
Page 2

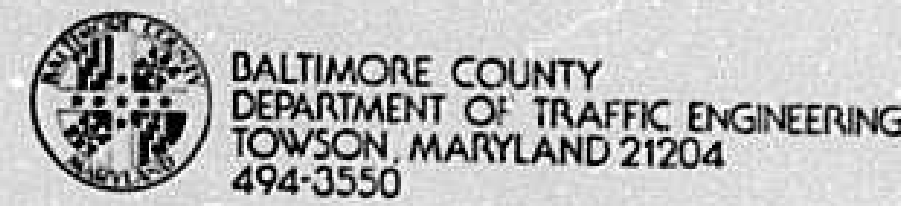
- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
{ } The results are valid until
{ } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water will yield test
{ } shall be valid until
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- () Others: This site is served by a water well and sewage disposal system, both of which appear to be in satisfactory condition. Proposed garage extension will not interfere with either of these systems, including the area intended for sewage disposal expansion.

Jan J. Forrester
Jan J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted. [Section 11-101(b)(1) of the Regulations]

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 176,177,179,182,183,184,187,188,189, & 190 ZAC-Meeting of Jan. 24, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

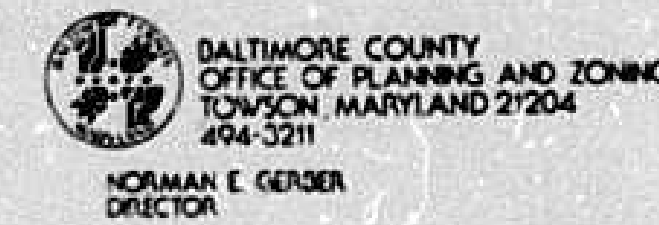
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 176, 177, 179, 182, 183, 184, 187, 188, 189, and 190.

Michael S. Flahigan
Traffic Engineering Assoc. II

MSF/ccm



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 1/24/84
Item #188
Property Owner: George S. Wareheim, Jr., et ux
Location: W.S. Glen Alpine Rd.

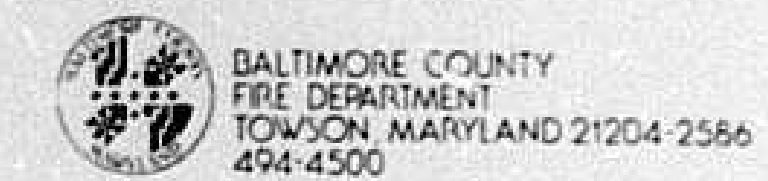
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) The property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-9C of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on _____.
- (X) Landscaping should be provided on this site and shown on the plan.
- (X) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments: _____

Eugene A. Boser
Chief, Current Planning and Development

cc: James Howell



PAUL H. REINCKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: George S. Wareheim, Jr., et ux

Location: W.S. Glen Alpine Road 80' S. from Siesta Garth

Item No.: 188

Zoning Agenda: Meeting of January 24, 1984

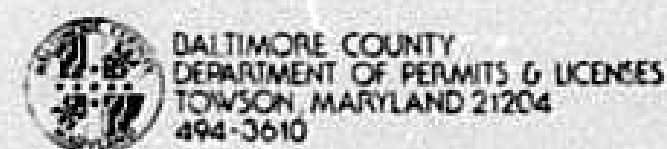
Gentlemen:

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

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- (X) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *George M. Heymann*
Planning Group
Special Inspection Division
Fire Prevention Bureau

/mb



TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

February 1, 1984

Dear Mr. Jablon:

Comments on Item #188 Zoning Advisory Committee Meeting are as follows:

Property Owner: George S. Wareheim, Jr., et ux
Location: W.S. Glen Alpine Road 80' S. from Siesta Garth
Existing Zoning: B-C-1
Proposed Zoning: Variance to permit a front yard setback of 45' in lieu of the required 50'.

Acres: 262.85/50 x 372.87/331.98
District: 11th.

The items checked below are applicable:

- (X) A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 ~~and other applicable codes~~ and other applicable Codes.
- (X) B. A building/ ~~and other~~ miscellaneous permit shall be required before beginning construction.
- (X) C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- (X) D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no change permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 401, line 2, Section 1107 and Table 1102, also Section 503.2.
- (X) F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- (X) G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (X) H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (X) I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 120 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burman
Charles E. Burman, Chief
Plans Review

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
W/S Glen Alpine Rd., 80' S : OF BALTIMORE COUNTY
from the Centerline of Siesta :
Garth (15 Glen Alpine Rd.), :
11th District : Case No. 84-253-A
GEORGE S. WAREHEIM, JR., :
et ux, Petitioners : : : : :
: : : : :

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 20th day of March, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. George S. Wareheim, Jr., 15 Glen Alpine Rd., Phoenix, MD 21131, Petitioners.

Phyllis Cole Friedman
Phyllis Cole Friedman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 14, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

080
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. George S. Wareheim, Jr.
15 Glen Alpine Road
Phoenix, Maryland 21131

RE: Item No. 188
Petitioner: George S. Wareheim, et ux
Variance Petition

Dear Mr. & Mrs. Wareheim:

I have reviewed the above referenced petition and have some questions concerning the site plan and/or petition forms. In order to avoid any extended delays in processing this petition, you should contact me immediately, at 494-3301, to discuss my concerns.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

file

ZONING DESCRIPTION

Beginning on the west side of Glen Alpine Road 80 feet from the centerline of Siesta Garth, as recorded in the Land Records at Baltimore County in Plat Book 33, Folio 183, Section V, Block C, Lot 3. (Otherwise known as 15 Glen Alpine Road in the 11th Election District.

Office Copy

Mr. & Mrs. George S. Wareheim, Jr.
15 Glen Alpine Road
Phoenix, Maryland 21131

April 5, 1984

IN RE: Petition Zoning Variances
W/S of Glen Alpine Road, 80' S of
the centerline of Siesta Garth
(15 Glen Alpine Road) - 11th
Election District
George S. Wareheim, Jr., et ux,
Petitioners
Case No. 84-253-A

Dear Mr. & Mrs. Wareheim:

I have this date passed my Order in the above-referenced matter in accordance
with the attached.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

Mr. & Mrs. George S. Wareheim, Jr.
15 Glen Alpine Road
Phoenix, Maryland 21131

March 6, 1984

NOTICE OF HEARING

Re: Petition for Variances
W/S of Glen Alpine Rd., 80' S from the
c/l of Siesta Garth (15 Glen Alpine Rd.)
George S. Wareheim, Jr., et ux - Petitioners
Case No. 84-253-A

TIME: 10:00 A.M.

DATE: Monday, April 2, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 124072

DATE: 1/16/84 ACCOUNT: 01-615-000
AMOUNT: \$35.00
RECEIVED FROM: George S. Wareheim, Jr.
FOR: File for Tax # 188

8 045*****350010 5165A

VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION

Beginning on the west side of Glen Alpine Road 80 feet South
the centerline of Siesta Garth, as recorded in the Land Records at Baltimore
County is Plat Book 33, Folio 123, Section V, Block C, Lot 3. Otherwise
known as 15 Glen Alpine Road in the 11th Election District.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 3/17/84
Posted for: Petition for Variance
Petitioner: George S. Wareheim, Jr., et ux
Location of property: W/S of Glen Alpine Rd., 80' S from the
c/l of Siesta Garth
Location of Sign: front of property at 15 Glen Alpine
Rd.
Remarks: none
Posted by: David J. Coleman Date of return: 3/22/84
Number of Signs: 7

CERTIFICATE OF PUBLICATION

Towson, Md. 3/26 1984
THIS IS TO CERTIFY, that the annexed advertisement
was published in the TOWSON TIMES, a weekly news-
paper distributed in Towson, Baltimore County, Md.,
once a week for 7 consecutive weeks, the
first publication appearing on the 14th day of
March 1984.

The TOWSON TIMES
in Charles
Cost of Advertisement: \$20.16

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 15, 1984

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 a week
of one time before the 2nd
day of April, 1984, the first publication
appearing on the 15th day of March
1984.

THE JEFFERSONIAN,

S. Frank Smith
Manager

Cost of Advertisement, \$20.00

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

March 28, 1984

Mr. & Mrs. George S. Wareheim, Jr.
15 Glen Alpine Road
Phoenix, Maryland 21131

Re: Petition for Variances
W/S of Glen Alpine Rd., 80' S from the
c/l of Siesta Garth (15 Glen Alpine Rd.)
George S. Wareheim, Jr., et ux - Petitioners
Case No. 84-253-A

Dear Mr. & Mrs. Wareheim:

This is to advise you that \$45.16 is due for advertising and posting
of the above property.

This fee must be paid and our zoning sign and post returned on the day
of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and
remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 128256

DATE: 4-2-84 ACCOUNT: R-01-615-000
AMOUNT: \$45.16

RECEIVED FROM: Linda Wareheim
FOR: advertising & posting case # 84-253-A

8 084*****4516 8028A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCES

11th Election District

ZONING: Petition for Variances
LOCATION: West side of Glen Alpine Road, 80 ft. South from the
centerline of Siesta Garth (15 Glen Alpine Road)
DATE & TIME: Monday, April 2, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a front yard setback of 45 ft.
in lieu of the required 50 ft. for an attached garage and a distance
of 70 ft. to the centerline of road in lieu of the required 75 ft.

Being the property of George S. Wareheim, Jr., et ux, as shown on plat plan
filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however,
entertain any request for a stay of the issuance of said permit during this period
for good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCE
W/S of Glen Alpine Road, 80' S
of the centerline of Siesta
Garth (15 Glen Alpine Road) -
11th Election District
George S. Wareheim, Jr.,
et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-253-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of
45 feet instead of the required 50 feet and a distance of 70 feet to the center-
line of the road in lieu of the required 75 feet.

The Petitioners and their contractor appeared and testified. There were no
Protestants.

Testimony indicated that the Petitioners have lived on the subject prop-
erty, zoned R.C.4, for the past four years. Attached to their home is a two-car
garage, to the left of the house as one faces it from the front on Glen Alpine
Road. The Petitioners propose to build an addition to the garage, and in order
to do so need variances to the setbacks required as described above. However,

the Petitioners wish to amend their Petition by requesting a front yard setback
of seven feet instead of five feet and a setback to the centerline of the road
of seven feet instead of five feet. The reason for this motion to amend is that
they wish to build a 35' x 20' addition rather than the 36' x 14' addition
originally requested.

The addition will be attached to the left of the existing garage and will
be used for storage and as a garage. It will be built parallel to the front pro-
jection of the house which will provide for architectural integrity and project
BY the front of the existing garage, as shown on Petitioners' Exhibit 1. The

ORDER RECEIVED FOR FILING
DATE: April 5, 1984
FILED: Linda Wareheim

proposed addition cannot be placed in the rear of the house due to the sloping topography. In order to build the garage there, tremendous retaining walls would be required and the existing driveway would have to be expanded to the rear. The addition could not be placed on the side of the house because the septic system is located there. Thus, there is no other location where the addition could be located.

The Petitioners motion to amend their petition is granted. As such, they seek relief from Section 103.3 (202.2), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement that the Petitioners seek relief from here would unduly restrict the use of the

land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of April, 1984, that the Petition for Variance to permit a front yard setback of 43 feet instead of the required 50 feet and a distance of 68 feet to the centerline of the road instead of the required 75 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners shall submit a final site plan to the Zoning Office reflecting the variances granted herein.
2. 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 applicable 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.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE April 5, 1984
BY John P. Law
ADMINISTRATIVE ASSISTANT

