

85-300-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 400.1 to permit an accessory structure (swimming pool) partially in the sideyard instead of the required rear yard.

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

- 1). Due to ground contours and property lines, pool can not be located entirely in rear yard as the house is not positioned parallel to property lines.
- 2). Traffic of pool bathes to use entrance door and existing decking located on side of house furthest from road and drive.
- 3). Pool can not be tied directly into house with walls to eliminate variance due to septic area and design of dwelling.

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.:

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of April, 1985, 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 106, County Office Building in Towson, Baltimore County, on the 6th day of May, 1985, at 10:00 o'clock.

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

DATE 1985 BY [Signature]

ZONING DESCRIPTION

Beginning in the center of a 20 ft. right of way said point being S. 02° 07' 30" W 446 ft. South from a point on the SE/5 of St. Thomas Lane and said point on the S/5 of St. Thomas Lane being 1029' Ft. Southwest of the center of Garrison Forest Road. Thence the 4 following courses and distances:

1. S. 02° 07' 30" W 260.51 ft.
2. N. 82° 54' 50" W 320.85 ft.
3. N. 17° 16' 30" E 313.93 ft.
4. S. 82° 54' 50" E 267.47 ft.

to the place of beginning. Also known as #239 St. Thomas Lane. Election district #3.

IN RE: PETITION ZONING VARIANCE
Beginning 446' S of St. Thomas Lane, 1,029' SW of the centerline of Garrison Forest Road - 3rd Election District
Petitioner
Pamela W. Tillman,

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-300-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a portion of her proposed pool to be constructed in the side yard rather than entirely within the rear yard, as more particularly described on Petitioner's Exhibit 1.

Inasmuch as the Petitioner was out of the Country at the time of the hearing, Edgar Erdman, Jr., the Contractor, appeared and testified on her behalf. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.1, is located off St. Thomas Lane with its access on the east side via an easement from St. Thomas Lane. The house faces the north property line. Due to the severe slope of the property from the house to the south (rear) property line, the pool cannot be located entirely within the rear yard. In addition, the Petitioner suffers from a degenerative disc disease and her doctor recommends swimming as a major part of her physical rehabilitation. However, access to the house is from the west side and the Petitioner requires access from the house to the pool to be as close and convenient as possible. Approximately 80% of the pool will be located in rear with the remainder to the side. Additionally, there are existing trees in the rear which screen the Petitioner's house from her nearest neighbor. If pool were located entirely in the rear, the trees would have to be removed and the severe slope leveled.

ORDER RECEIVED FOR FILING
DATE 1985 BY [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: April 21, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 85-300-A, 85-304-A, 85-305-A, 85-306-A, 85-308-A and 85-309-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG/JGH/sf

The Petitioner seeks relief from Section 400.1, pursuant to Section 307, 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 variance 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 variance were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the requested variance 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 requested variance should be granted.

ORDER RECEIVED FOR FILING
DATE 1985 BY [Signature]

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 26, 1985

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

Chairman
Nicholas B. Commodari

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

Mrs. Pamela W. Tillman
239 St. Thomas Lane
Baltimore, Maryland 21117

RE: Item No. 250 - Case No. 85-300-A
Petitioner - Mrs. Pamela W. Tillman
Variance Petition

Dear Mrs. Tillman:

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,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

cc: Mr. Edgar Erdman, Jr., V.P. Erdman Const. Co.
6210 Golden Ring Road, Baltimore, Maryland 21237

Mank & Kunst
408 York Road, Towson, Maryland 21204

ORDER RECEIVED FOR FILING
DATE 1985 BY [Signature]

AD/srl

cc: Mrs. Pamela W. Tillman
People's Counsel

[Signature]
Zoning Commissioner of Baltimore County

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 2nd day of April, 1985.

Petitioner Pamela W. Tillman
Petitioner's Attorney

ARNOLD JABLON
Zoning Commissioner
Received by [Signature]
NICHOLAS B. COMMODARI
Chairman, Zoning Plans Advisory Committee

AUG 20 1985

