75 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1: Hardship - the mortgaged refuses and continues to refuse to provide permanent financing due to a cloud on the title resulting from the placement of this house on its lot, in violation of the Baltimore County set back requirement.

2: Practical Difficulty - in that the contractor has inadvertently violated the 50 foot set back on the northern corner of the residence by 30 inches. 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 fling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of the 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/well are the legal owner(s) of the property which is the subject of this Petitionan Contract Purchaser: Legal Owner(s): Francis Donald Goodrich (Type or Print Name) (Type or Print Name) Sarah Ann Goodrich (Type or Print Name) City and State Attorney for Petitioner: Thomas J. Hackett, Esquire 1046 Greenhill Farm Road Baltimore, Maryland 21136 356-6766 201 North Charles St. Suite 1504 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, Maryland 21201 City and State Attorney's Telephone No.: (301) 685-0600 of April 19.85, that the subject matter of this petition be advertised, as required by the Zoming 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 Complicationer of Baltimore County in Room 106, County Office Building in Towson, Baltimore

PETITION FOR ZONING VERIANCE

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 1 B02.3.B (202.2) to permit a front yard set back of

47-1/2 feet in lieu of the required 50 feet and 72-1/2 feet from the center line of Greenhill Farm Road in lieu of the required

TO THE 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 day of April , 1985.

Zoning Commissione Petitioner Francis D. Goodrich, et ux Received by: Petitioner's Attorney Thomas J. Hackett, Esquire Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 10, 1985

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

Thomas J. Hackett, Esquire 201 North Charles Street, Suite 1504 Baltimore, Maryland 21201

Nicholas B. Cormodari

Chairman

MEMBERS

Department of

Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Bureau of

Bureau of

Industrial

Development

RE: Item No. 304 - Case No. 85-324-A Francis Donald Goodrich, et ux, Petitioners Variance Petition

Dear Mr. Hackett:

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 State Roads Commission 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.

> In view of your clients' proposal to legalize the setback of the existing dwelling along Greenhill Farm Road, this hearing is required. At the time the petition was filed it was uncertain whether the

front of the dwelling faced the road on one of the "side" property lines. For that reason, the petition was advertised requesting a "front/side yard setback."

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.

May 16, 1985

The Department of Traffic Engineering has no comments

Traffic Engineering Assoc. II

for item numbers 296, 299, 300, 301, 302, 303, 304, 305, 307, 308, 309, 310,

313, 314 Meeting of April 30, 1985

Item No. 296, 299, 300, 301, 302, 303, (304,) 305, 307, 308, 309, 310, 311, 312

Zecholas B. Commodere, be NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:nr

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR

Mr. Arnold Jablon

Zoning Commissioner

County Office Building

Towson, Maryland 21204

Property Owner:

Existing Zoning:

Proposed Zoning:

Location:

Acres: District:

311, 312, 313, and 314:

Dear Mr. Jablon:

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204 HARRY I PISTEL P. E. DIRECTOR

July 3, 1985

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

> Re: Item #304 (1984-1985) Property Owner: Frances Donald Goodrich S/S Green Hill Farm Road, 770' W of centerline of Ivy Mill Road District 4th

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

General Comments:

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.

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.

Since no public facilities are involved, this office has no comment.

JAMES A. MARKLE, P.E., Chief Bureau of Public Services

May 15, 1985

JAM: PMO: blp.

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE CHIEF

Mr. Arnold Jablon 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: Francis Donald Goodrich, et ux

Location: S/S Green Hill Farm Road, 770' W of centerline of Ivy Mill Road Item No.: 304 Zoning Agenda: Meeting of April 30, 1985

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.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road 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

EXCEEDS the maximum allowed by the Fire Department.

() 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.

() 6. Site plans are approved, as drawn.

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

REVIEWER: Cat Joseph Kelly 5/16/85 Approved: Forol n Markowit Planning Group Fire Prevention Bureau Special Inspection Division

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 MAY 3, 1985

Location: SIS GREEN HILL FRAM RO, 770' WOF

& OF IVY MILL RD The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

 (X)There are no site planning factors requiring comment.
 (A County Review Group Meeting is required.
 (Denty Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.)This site is part of a larger tract; therfore it is defined as subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior o issuance of a building permit.

The access is not satisfactory.

The circulation on this site is not satisfactory. The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.
)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development

Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Planning Board)Landscaping: Must comply with Baltimore County Landscape Manual. 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)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.)Additional comments:

DEPARTMENT OF PERMITS & L TOWSON, MARYLAND 21204 494-3610 BALTIMORE COUNTY A DEPARTMENT OF PERMITS & LICENSES

TED ZALESKI, JR.

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204

Property Owner: Francis Donald Goodrich, et ux

S/S Green Hill Farm Road, 770' W. of c/l of Ivy Mill Road District:

All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85.

The Karaland Lodge Long Code and Standards. A building and other miscellameous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except B-k Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. B-k Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table k01, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Archivect/Engineer contact this department G. The requested variance appears to conflict with Section(s) _______ of the Baltimore

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three mets of acceptable construction plans indicating how the existing structure is

I. The proposed project appears to be located in a Flood Flaim, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Rill \$17-35. Bite plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

K. These abbreviated 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

Pursuant to the advertisement, positing 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.

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

> IN RE: PETITION ZONING VARIANCES BEFORE THE S/S of Green Hill Farm Road, 770' W of the centerline of * ZONING COMMISSIONER Ivy Mill Road (1046 Green Hill Farm) - 4th Election OF BALTIMORE COUNTY District Case No. 85-324-A Francis D. Goodrich, et ux, Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request variances to permit a front yard setback of $47\frac{1}{2}$ feet instead of the required 50 feet and a setback of $72\frac{1}{2}$ feet instead of the required 75 feet to the centerline of Green Hill Farm Road, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and were represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.4, was purchased by the Petitioners in June, 1982. In June, 1984, they began to clear the property and began construction in September, 1984. Their home was completed in March, 1985, and they have received a use and occupancy permit. However, they have discovered through their lending institution that a mistake was made in that the house was constructed 30 inches too close to the front property line. The lending institution refuses to provide further construction loans until the setbacks are legally declared.

The Petitioners testified that their neighbors have been approached and all are favor of the requested relief.

Petitioners seek relief from Sections 1802.3.B (202.2) and 1A01.3.B.3, purs ant to Section 307, Baltimore County Zoning Regulations (BCZR). 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 from which the Petitioners seek relief 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 requested variances should be granted.

herefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of May, 1985, that the Petition for Zoning Variances to perfront yard setback of $47\frac{1}{2}$ feet instead of the required 50 feet and a set- $\frac{1}{2}$ feet instead of the required 75 feet to the centerline of Green Hill

Farm Road be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

> 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 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.

AJ/srl

cc: Thomas J. Hackett, Esquire People's Counsel

PETITION FOR VARIANCES

4th Election District

South side Green Hill Farm Road, 770 ft. West of the centerline of Ivy Mill Road (1046 Green Hill Farm Road)

PUBLIC HEARING:

LOCATION:

Monday, May 20, 1985 at 10:15 a.m.

Room 106, County Office Building, 111 West 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/side yard setback of 47.5 ft. in lieu of the required 50 ft. and 72.5 ft. from the centerline of Green Hill Farm Road in lieu of the required 75 ft.

Being the property of Francis D. Goodrich, et ux the plat filed with the Zoning Office.

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, entergood 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

ZONING DESCRIPTION

Located on the south side of Green Hill Farm Road 770' west of the centerline of Ivy Mill Road and known as Lot #6 Block "B", Section VI as shown on the Plat of Green Hill Farm, which is recorded in land records of Baltimore County in Liber 35, folio 28. Aslo known as 1046 Green Hill Farm Road.

RE: PETITION FOR VARIANCES S/S Green Hill Farm Rd., 770' W of the Centerline of Ivy Mill Rd. (1046 Green Hill Farm Rd.), 4th District

> FRANCIS D. GOODRICH, et ux, Petitioners

BEFORE THE ZONING COMMISSIONER

Case No. 85-324-A

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.

Phyllic Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 1st day of May , 1985, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hackett, Esquire, 201 N. Charles St., Suite 1504, Baltimore, MD 21201, Attorney for Petitioners.

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

ARNOLD JABLON ZONING COMMISSIONER

May 15, 1985

Thomas J. Hackett, Esquire 201 North Charles Street Suite 1504 Baltimore, Maryland 21201

> RE: Petition for Variances 8/8 Green Hill FArm Rd. 770' W of the c/l of Ivy Mill Rd. (1046 Green Hill FArm Road) Francis Donald Goodrich, et ux - Petitioner

Dear Mr. Hackett:

This is to advise you that __\$55.99 __ 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, LIARYLAND OFFICE OF FINANCE - REVEI IUE DIVISION	No. 007390	Sall
MISCELLANEOUS CASH RECEIPT DATE 5/20/85 ACCOUNT	R-01-615-000	DLD JABLON bg Commissione
AMOUNT_	\$ 55.99	
Francis Goodrich, e	t AX	
some advertising and posting	Case 85324-A	
B BB31*****55991a	\$20\$F	•

VALIDATION OR SIGNATURE OF CASHIER

April 22, 985 Dr:1 16, 1985 Africal Jablon Thomas J. Hackett, Esquire Zoning Commissioner 201 North Charles Street Suite 1504 111 B. Chesquede Ave Baltimore, Maryland 21201 NOTICE OF HEARING Both, ND. RE: Patition for Variances S/S Green Hill Farm Rd., 770' W of the c/l of Ivy Mill Rd. (1046 Green Hill Farm Road) Francis D. Goodrich, et ux - Petitioners Re: Partion for vorionce Francis D. Goodrich Sorah Ann Goodrich Case No. 85-324-A TIME: 10:15 a.m. DATE: Monday, May 20, 1985 Dear Mr. Jablon: PLACE: Room 106, County Office Building, 111 West Chesapeake Please set alis possion in for a Avenue, Towson, Maryland heoring on the earliest convenient date, or the mortgagee refuses to provide permonent loon expires on 5-31.85, which would need that ode owners to reapply, pay points, and other of Baltimore County No. 007437 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION AMOUNT \$ 35.00 201 N. Charles St. Su.Tu 1504 B.140, m& 21701 TALIDATION OR SIGNATURE OF CASHIER PETITION FOR VARIANCES ● 85-324-A PETITION FOR VARIANCES 4th Election District CERTIFICATE OF PUBLICATION LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC. LOCATION: South side Green Hill Farm Road, 770 ft. West of the e-nterine of Lvy Mill Road (1946 Green Hill Farm Road) DATE AND TIME: Monday, West of the center-ine of try Mill Road (1046 Green Hill Farm Road) Monday, May 20, Westminster, Md. ...May...2,.....19..85.... DATE AND TIME: 19 85 May 20, 1965 at 10:15 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111
West Chesapeake Arenue,
Towson, Maryland 1985 at 10:15 a.m. PUBLIC HEARING: THIS IS TO CERTIFY that the annexed Reg.#L71708 P.O.#64922 VICINITY MAP THIS IS TO CERTIFY, that the annexed advertisement was was published for.....one. (1) xsuccessive xweeks/days previousday of May 19.85 ...2nd.. published in THE JEFFERSONIAN, a weekly newspaper printed 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/side yard setback of 47.5 ft. in lieu of the required 50 ft. and 72.5 ft. from the centering of Green Hill The Zoning Commissioner of Baltimore Carroll County Times, a daily newspaper published County, by authority of the Zoning Act and Regulations of Baltimore County, and published in Towson, Baltimore County, Md., appearing on in Westminster, Carroll County, Maryland. will hold a public hearing: Petition for Variances to permit a front/ side yard setback of 47.5 ft. in lieu of the required 50 ft. and 72.5 ft. from the South Carroll Herald, a weekly newspaper published in Eldersburg, Carroll County, Maryland. quired 50 ft. and 72.5 ft. from
the centerline of Green Hill
Farm Road in idea of the required 75 ft.

Being the property of Francis D. Goodrich, et us as
shown on the plat filed with
the Zoning Office.
In the event that this Penttion is granted a building per centerline of Green Hill Farm Road in fieu of the required 75 ft. Community Times, a weekly newspaper published Being the property of Francis D. Goodin Reisterstown, Baltimore County, Maryland. rich, et ux as shown on the plat filed THE JEFFERSONIAN, with the Zoning Office. In the event that this Petition is granted, LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC. a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, ention is granted, a building per-mit may be issued within the thirty (30) day appear period The Zoning Commissioner will, tertain any request for a stay of the however, entertain any request for a stay of the sasuance of said permit during this period for good cause shown. Suce request must be received in issuance of said permit during this period for good cause shown. Such Publisher request must be received in writing by the date of the hearing set above or made at the hearing. the hearing.
By Order Of
ARNOLD JABLON BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY Cost of Advertising Zoning Commissiones of Saltimore County 27.50 0 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY F5-324-A .S/S Freen Hill Farm Rad . 770'W of the Cll clay Fill Rock (10146 Freen Hill Form Rock Location of Signs: Clon front of 1046 Freen Thele Form Road.

*

Number of Signe: __