

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.

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

ZONING DESCRIPTION:

Beginning in the case at the point where Mt. Vista Road intersects the northwestern most side of Elray Road as laid out 80' wide, running thence along Mt. Vista Road in a northwesterly direction for a distance of 1,207 ft. more or less to intersect the northern most side of Elray Road, thence in a northwesterly direction along Elray Road for a distance of 125 ft. to a point, said point being Lot No. 15, Block A of the East of Elray Farms E.H.K. Jr. 47, folio 144. Also known as Elray Road in the 11th Election District of Baltimore County.

ZONING DESCRIPTION

Beginning on the NW/S of El-Ray Road at the distance of 700 ft. NE from the centerline of Mt. Vista Rd. Being Lot # 15, Block A, on the Plat of El - Ray Farms E.H.K. Jr. 47, folio 144. Also known as Elray Road in the 11 th. election district.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/S of El-Ray Rd., 700' : OF BALTIMORE COUNTY
NE of the centerline of :
Mt. Vista Rd., 11th Dist.
GEORGE A. SEVICK, Jr., : Case No. 86-15-A
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 19th day of June, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. George Albert Sevick, Jr., 206 Ballard Ave., 2nd Floor, Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

June 5, 1985

Mr. & Mrs. George A. Sevick, Jr.
206 Ballard Ave., 2nd Floor
Baltimore, Md. 21220

NOTICE OF HEARING

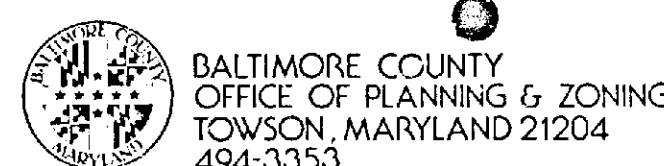
RE: PETITION FOR ZONING VARIANCE
NW/S of El-Ray Rd., 700 ft.
NE/centerline of Mt. Vista Rd.
11th Election District
George A. Sevick, Jr., et ux. - Petitioners
Case No. 86-15-A

TIME: 10:00 a.m.

DATE: Wednesday, July 10, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County



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

ARNOLD JABLON
ZONING COMMISSIONER

July 9, 1985

Mr. & Mrs. George A. Sevick, Jr.
206 Ballard Ave., 2nd Floor
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
NW/S of El-Ray Rd., 700 ft.
NW/centerline of Mt. Vista Rd.
11th Election District
George A. Sevick, Jr., et ux - Petitioners
Case No. 86-15-A

Dear Mr. & Mrs. George Sevick,

This is to advise you that \$ 52.90 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

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

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

No. 007361

DATE 7/10/85 ACCOUNT R-01-615-000

AMOUNT \$ 52.90

RECEIVED BY Mr. Geo. Sevick, Jr.

FOR Advertising & Posting Case No. 86-15-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 25, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-16-A, 86-15-A, 86-9-A, 86-12-A, and 86-17-A

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

Norman E. Gerber per J. Jablon
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

IN RE: PETITION ZONING VARIANCE : BEFORE THE
NW/S of Elray Road, 700' NE : ZONING COMMISSIONER
of the centerline of Mt. Vista : OF BALTIMORE COUNTY
Road - 11th Election District :
George A. Sevick, Jr., et ux, : Case No. 86-15-A
Petitioners :

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 40 feet instead of the required 50 feet in order to construct their home, as more particularly described on Petitioners' Exhibit 1, and if granted, to amend the 5th Amended Development Plan of Elray Farms, Block A, Lot 15, to construct the home outside of the building envelope shown thereon.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, is long and narrow and shaped like a boomerang. The property fronts on Elray Road, 106 feet wide at that point, stretches over 650 feet to the rear property line, and is 190 feet wide in the rear. The building envelopes for this subdivision are to the rear of the properties, and the Petitioners have attempted to locate the proposed home within this site's particular building area. However, they need a home larger than would fit due to plans for Mrs. Sevick's parents to live with them, and the custom home designed for them exceeds the envelope and transgresses the east side yard setback required by law by ten feet. Due to the unusual shape of the property, the location of the envelope, and the existing well and large drainage and utility easement, the home can only be located where proposed. Indeed, to locate the house other than where proposed would still require either a variance or an amendment to the development plan. The Petitioners discussed their needs with the immediate neighbor to the east, the owner of Lot 16, and he does not object to the requested relief.

The Petitioner seek relief from Section 1A04.3.B.3, pursuant to Section 307, and from Section 1B01.3.A.7.c, 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 Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance 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 the Petition held, and for the reasons given above, the requested variance and amendment should be granted.

ORDER RECEIVED FOR FILING

DATE 7/12/85 BY [Signature]

ORDER RECEIVED FOR FILING

DATE 7/12/85 BY [Signature]

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of July, 1985, that the Petition for Zoning Variance to permit a side yard setback of 40 feet instead of the required 50 feet and, additionally, the amendment to the 5th Amended Development Plan of Elray Farms, Block A, Lot 15, be and are 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.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. George Albert Sevick, Jr.

People's Counsel

PETITION FOR ZONING VARIANCE
11th Election District

LOCATION: Northwest side of El-Ray Road, 700 feet Northeast of the centerline of Mt. Vista Road.

DATE AND TIME: Wednesday, July 10, 1985 at 10:00 a.m.

PUBLIC HEARING: 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 Zoning Variance from Section 1A04.3.B.3 to permit a side yard setback of 40 feet instead of the required 50 feet and to amend the 5th amended development plan of El-Ray Farm lot 15 Block A to construct a dwelling outside of the allowable building area.

Being the property of George A. Sevick, Jr., et ux as shown on 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, 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
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007453

DATE 7/1/85 ACCOUNT 01-615-000

AMOUNT \$ 35.00

RECEIVED FROM: George Sevick Jr.

FOR: Variance # 326

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE
11th Election District

LOCATION: Northwest side of El-Ray Road, 700 feet Northeast of the centerline of Mt. Vista Road.

DATE AND TIME: Wednesday, July 10, 1985 at 10:00 a.m.

PUBLIC HEARING: 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 Zoning Variance from Section 1A04.3.B.3 to permit a side yard setback of 40 feet instead of the required 50 feet and to amend the 5th amended development plan of El-Ray Farm lot 15 Block A to construct a dwelling outside of the allowable building area.

Being the property of George A. Sevick, Jr., et ux as shown on 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, 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
June 20, 1985

86-0-A
CERTIFICATE OF PUBLICATION

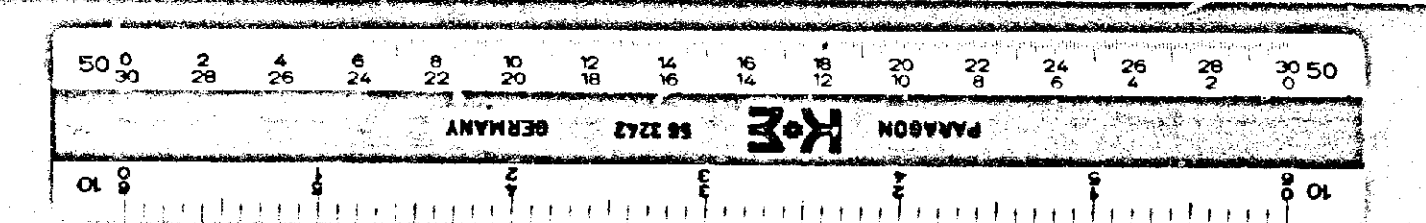
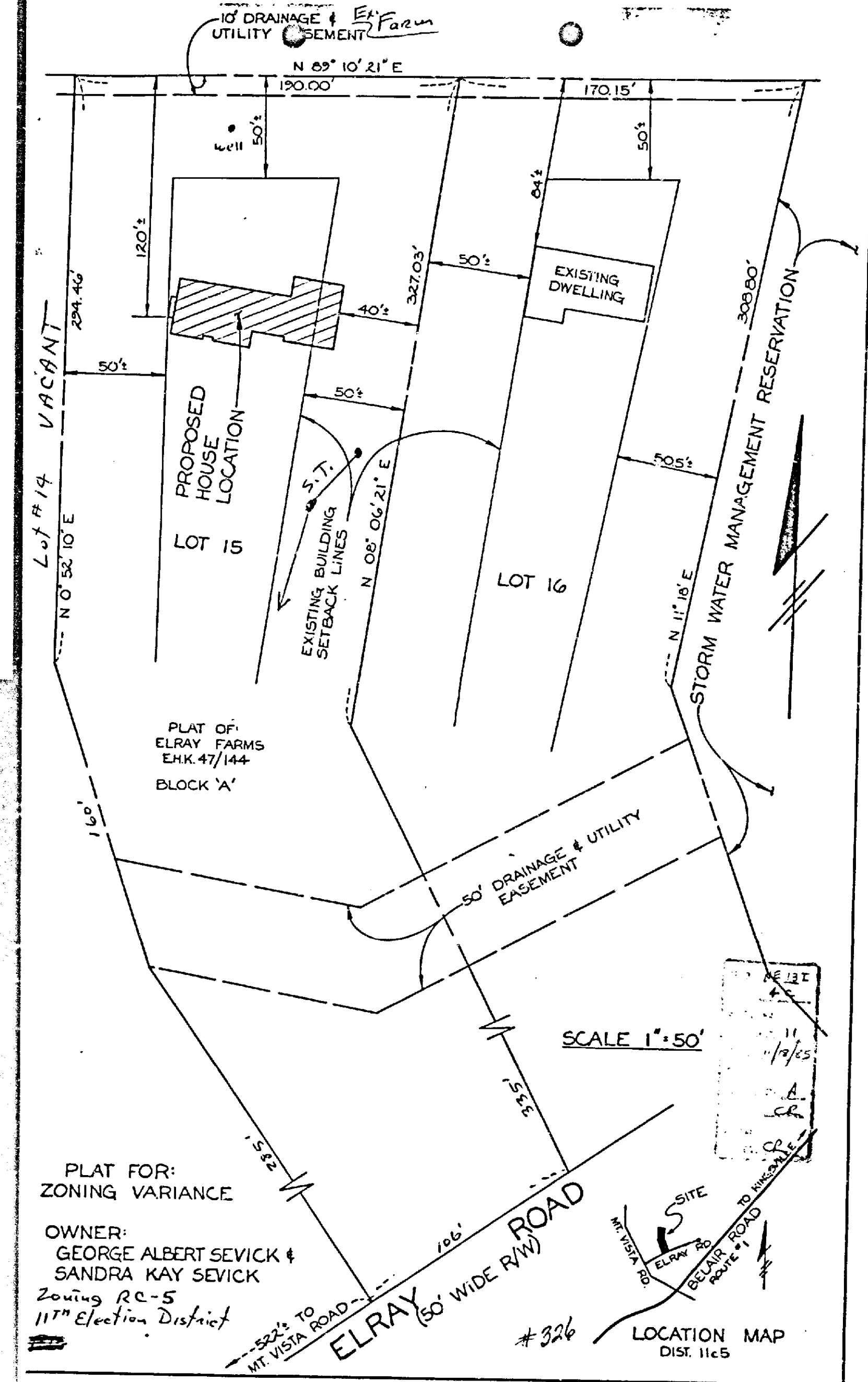
TOWSON, MD., June 20, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 20, 1985.

THE JEFFERSONIAN,

[Signature]
Publisher

Cost of Advertising
24.75



Petition
for Zoning Variance

11th Election District
LOCATION: Northwest side of El-Ray Road, 700 feet Northeast of the centerline of Mt. Vista Road.

DATE & TIME: WEDNESDAY, JULY 10, 1985 AT 10:00 a.m.

PUBLIC HEARING: 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 Zoning Variance from Section 1A04.3.B.3 to permit a side yard setback of 40 feet instead of the required 50 feet and to amend the 5th amended development plan of El-Ray Farm lot 15 Block A to construct a dwelling outside of the allowable building area.

Being the property of George A. Sevick, Jr., et ux, as shown on 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, 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

86-15-A

The Times

Middle River, Md., June 20, 1985

This is to Certify, That the annexed

[Signature]
Repl. 73123

was inserted in the Times, a newspaper printed and published in Baltimore County, once in each of one successive

weeks before the 20th day of

June, 1985

[Signature] Publisher.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th

Posted for: Variance

Petitioner: George A. Sevick, Jr., et ux

Location of property: NW 1/4, El-Ray Rd., 700' NE of Mt. Vista Rd.

Location of Signs: Along El-Ray Rd., Approx. 12' E. of road way on property of Publisher

Remarks: None

Posted by: [Signature] Date of return: 6/21/85

Number of Signs: 1