

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: July 11, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:slm

IN RE: PETITION ZONING VARIANCE
SE/8 of St. Lukes Lane,
173.78' S of Brompton Road
(3215 St. Lukes Lane) - 2nd
Election District
Petitioner
Cleveland James Davis,
Case No. 86-36-A
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 4.6 feet instead of the required 7.5 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.3.5, is located on St. Lukes Lane near Brompton Road and is improved with the Petitioner's residence, which faces St. Lukes Lane. The Petitioner proposes to construct a carport attached to the west side of the dwelling in order to afford protection to himself and his family from inclement weather. In addition, the Petitioner has a very expensive automobile which requires protection from the weather. Although the carport will protrude into the requisite setback, the neighbor immediately to the west does not object. The carport is to be located where proposed because of the existing driveway and side door to the kitchen, which would provide access. Additionally, the carport could not be constructed elsewhere without a variance.

The Petitioner seeks relief from Section 1802.3.B (Section 208.3) and from Section 301.1, 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:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 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
- 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 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 this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of July, 1985, that the Petition for Zoning Variance to permit a side yard setback of 4.6 feet instead of the required 7.5 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- 2 -

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Cleveland James Davis

People's Counsel

PETITION FOR VARIANCE 2nd Election District

LOCATION: Southeast side of St. Luke's Lane, 173.78 ft. South of Brompton Road (3215 St. Luke's Lane)

DATE AND TIME: Wednesday, July 24, 1985 at 9:30 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 Variance from Section 1802.3B, Section 208.3 (301.1) to permit a side yard setback of 4.6 feet in lieu of the required 7.5 feet.

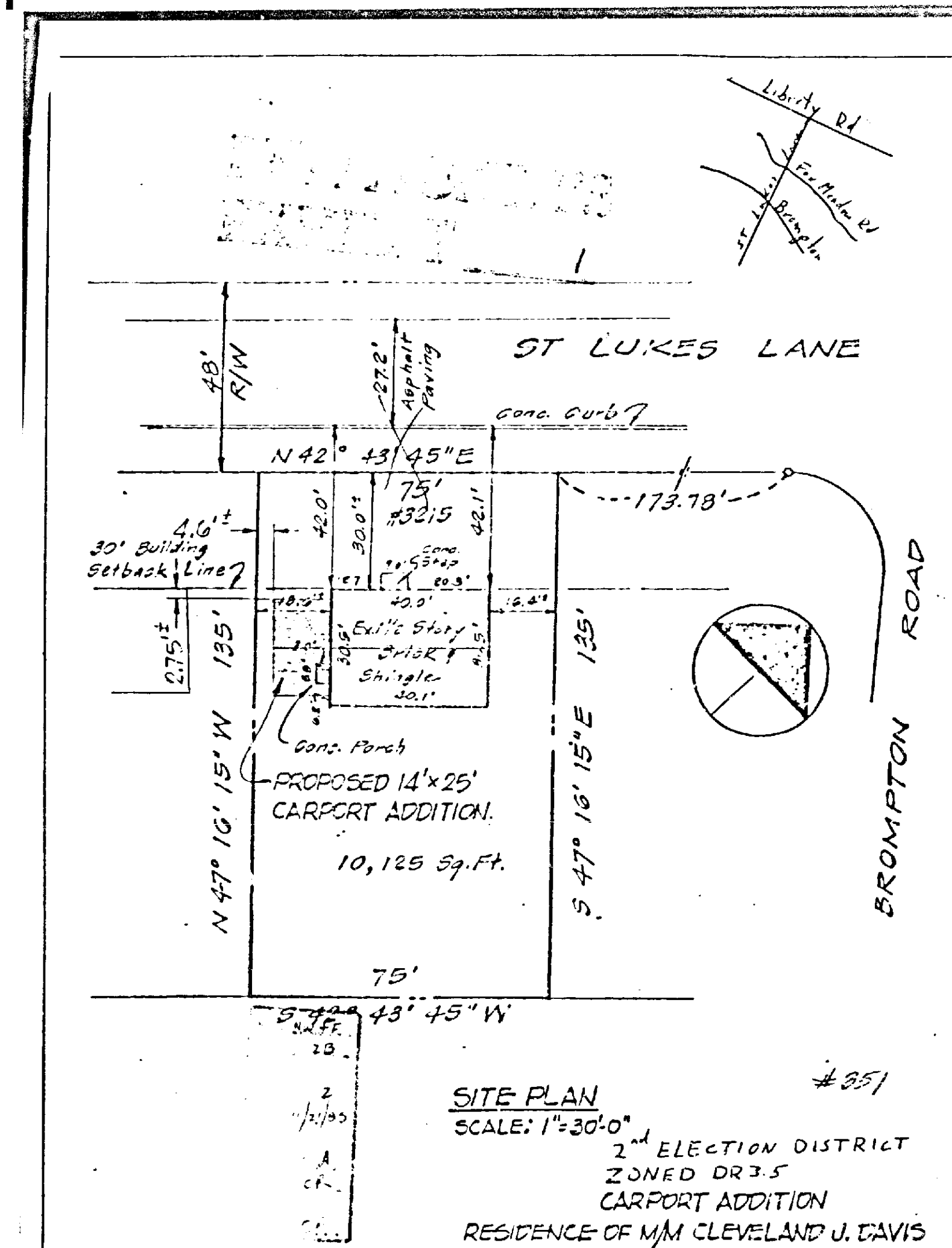
Being the property of Cleveland James Davis as shown on the plat filed with the Zoning Office.

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

ZONING DESCRIPTION

Beginning on the southeast side of St. Lukes Lane, at the distance of 173.78 feet south of Brompton Road, Being Lot 7, Block C, in the subdivision of Deerfield, Book No. 26 Folio 13. Also known as 3215 St. Lukes Lane in the 2nd Election District.



ORDER RECEIVED FOR FILING

DATE: July 25, 1985
BY: [Signature]
COMMUNITY DEVELOPMENT

- 3 -

JAN 17 1986

RE: PETITION FOR VARIANCE
SE/S of St. Luke's Lane,
173.78' S of Brompton
Rd. (3215 St. Luke's
Lane), 2nd District
CLEVELAND JAMES DAVIS,
Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 86-36-A

ENTRY OF APPEARANCE

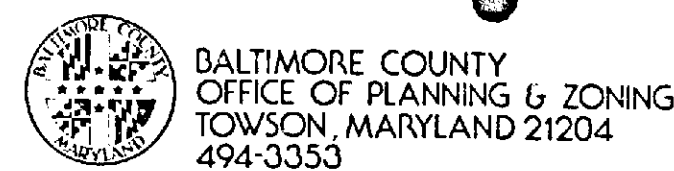
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Cleveland James Davis, 3215 St. Luke's Lane, Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Mr. Cleveland James Davis
3215 St. Luke's Lane
Baltimore, Maryland 21207

RE: Petition for Zoning Variance
SE/S of St. Luke's Lane, 173.78'
S of Brompton Rd. (3215 St. Luke's Lane)
2nd Election District
Cleveland James Davis, Petitioner
Case No. 86-36-A

Dear Mr. Davis,

This is to advise you that \$ 51.75 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, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

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

No. 007265

DATE 7-24-85 ACCOUNT 01-615-000

AMOUNT \$ 51.75

RECEIVED FROM Cleveland Davis

FOR Order - Posting - Case #86-36-A

0 0018*****012121 02601

VALIDATION OR SIGNATURE OF CASHIER

Mr. Cleveland James Davis
3215 St. Luke's Lane
Baltimore, Maryland 21207

June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SE/S of St. Luke's Lane, 173.78 ft.
S of Brompton Rd. (3215 St. Luke's Lane)
2nd Election District
Cleveland James Davis, Petitioner
Case No. 86-36-A

TIME: 9:30 a.m.

DATE: Wednesday, July 24, 1985

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

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007218

DATE 7-24-85 ACCOUNT 01-615-000

AMOUNT \$ 35.00

RECEIVED FROM Cleveland Davis

FOR Order - Posting - Case #86-36-A

0 0018*****012121 02601

VALIDATION OR SIGNATURE OF CASHIER

86-36-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 4, 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 July 4, 1985

THE JEFFERSONIAN,

18 Kenton
Publisher

Cost of Advertising
24.75

PETITION FOR VARIANCE
2nd Election District
LOCATION: Southeast side of St. Luke's Lane, 173.78 ft. South of Brompton Road (3215 St. Luke's Lane)
DATE AND TIME: Wednesday, July 24, 1985 at 9:30 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 on the Petition for Variance from Section 1902.1B, Section 208.3 (1) to permit a side yard setback of 4.5 feet to lots of the required 7.5 feet.
Being the property of Cleveland James Davis as shown on the file 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, determine any request for a stay of the issuance of said permit during said period. For good cause in writing for the date of the hearing or otherwise at the hearing.
By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
July 4, 1985

86-36-A
CERTIFICATE OF PUBLICATION

67060

Pikesville, Md., July 3, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 24th day of July 1985

the first publication appearing on the 3rd day of July 1985
the second publication appearing on the day of 1985
the third publication appearing on the day of 1985

THE NORTHWEST STAR

Phyllis Kelley
Manager

Cost of Advertisement \$22.00

LEGAL NOTICE
PETITION FOR VARIANCE
2nd Election District
LOCATION: Southeast side of St. Luke's Lane, 173.78 ft. South of Brompton Road (3215 St. Luke's Lane)
DATE AND TIME: Wednesday, July 24, 1985 at 9:30 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 on the Petition for Variance from Section 1902.1B, Section 208.3 (1) to permit a side yard setback of 4.5 feet to lots of the required 7.5 feet.
Being the property of Cleveland James Davis as shown on the file 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, determine any request for a stay of the issuance of said permit during said period. For good cause in writing for the date of the hearing or otherwise at the hearing.
By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
July 4, 1985

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-36-A

District 2nd Date of Posting July 3, 1985
Posted for: Varian
Petitioner: Cleveland James Davis
Location of property: SE/S of St. Luke's Lane, 173.78 ft. South of Brompton Rd. (3215 St. Luke's Lane)
Location of Signs: On front of subject property 3215 St. Luke's Lane
Remarks: _____
Posted by: A. J. Ruck Date of return: July 3, 1985
Number of Signs: 1

351 26-36-A PETITION FOR ZONING VARIANCE TO THE 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 1802.3B (301.1) to permit a side yard setback of 4.6 feet in lieu of the required 7.5 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. To improve house appearance and increase its value
2. To protect automobile from weather
3. Protection from weather entering in and out of car.

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
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Attorney's Telephone No.:

Legal Owner(s):
Cleveland James Davis
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Address
City and State
Phone No.
Cleveland James Davis
3215 St. Lukes Lane Balto. Md.
Address
Phone No. 298-4226

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of June, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 24th day of July, 1985, at 9:30 o'clock

[Signature]
Zoning Commissioner of Baltimore County.

(over)

Case No. 86-36-A

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 18th day of June, 1985.

Petitioner Cleveland James Davis
Petitioner's Attorney
Received by *[Signature]*
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 15, 1985

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

Mr. Cleveland James Davis
3215 St. Lukes Lane
Baltimore, Maryland 21207

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

RE: Item No. 351 - Case No. 86-36-A
Petitioner - Cleveland James Davis
Variance Petition

Dear Mr. Davis:

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

ENCLOSURE

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

July 5, 1985

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

RE: Item #351 (1984-1985)
Property Owner: Cleveland James Davis
S/E side St. Lukes Ln. 173.78' S of Brompton Road
District 2nd

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 Comments:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, 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 downstream of the property, damaging private and public holdings in grading, including the stripping of top soil.

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

Very truly yours,
James A. Markle
JAMES A. MARKLE, P.E., Chief
Bureau of Public Services

JAM:PMO:blp

cc: File

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-4321
DIRECTOR

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

JULY 3, 1985

RE: Zoning Advisory Meeting of MAY 28, 1985
Item # 351
Property Owner: CLEVELAND JAMES DAVIS
Location: S/E SIDE ST. LUKES LANE,
173.78' S OF BROMPTON 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.

- ☒ There are no site planning factors requiring comment.
- ☐ A County Review Group Meeting is required.
- ☐ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☐ This site is part of a larger tract, therefore it is defined as a subdivision. The plan must show the entire tract.
- ☐ A record plat will be required and must be recorded prior to 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 22-90 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 is:
- ☐ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change the intersection may become more limited. The Basic Services areas are reevaluated annually by the County Council.

cc: James Howell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-4350

STEPHEN E. COLLINS
DIRECTOR

June 26, 1985

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

ZAC-Meeting of May 28, 1985

Item No. 350 (351) 352, 353, 354, 356, 357, 358, 359, 361, 363, 364, 365, and 366
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Dear Mr. Jablon:

Acres:
District:

The Department of Traffic Engineering has no comments for item numbers 350, 351, 352, 353, 354, 356, 357, 358, 359, 361, 363, 364, 365, and 366.

[Signature]
Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/ccm

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
494-4300

PAUL H. RENCKE
CHIEF

June 5, 1985

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Cleveland James Davis

Location: S/E side St. Lukes Lane, 173.78' S of Brompton Road

Item No. 351 Zoning Appeal: Meeting of May 28, 1985

Comments:

In answer 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 of _____ 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.
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 "Fire Safety Code", 1984 edition prior to occupancy.

6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

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

TED ZALESKI, JR.
DIRECTOR

June 7, 1985

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

Dear Mr. Jablon:

Comments on Item # 351 Zoning Advisory Committee Meeting are as follows:

Property Owner: Cleveland James Davis
Location: S/E Side St. Lukes Lane, 173.78' S. of Brompton Road
District: 2nd.

APPLICABLE CODE AND COMMENTS

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 67-85, and other applicable codes and standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a professional Engineer is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered Professional Engineer shall be required to file a permit application. Reproduced seals are not acceptable.
5. All the Group except B-1 Single Family Detached Dwelling require a minimum of 1 hour fire rating for exterior walls above 4' to an interior lot line. B-1, Two Group require a one hour fire rating for exterior walls above 4' to an interior lot line. All walls built on an interior lot line shall require a fire on party wall. See Table 101, Section 101.2 and Table 101.2. No openings are permitted in an exterior wall within 3' of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary drawings to be submitted are received.
7. The proposed variance appears to conflict with Section 505 of the Baltimore County Building Code.
8. When filing for a required Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineering Plans are usually required. The change of use groups are from the Maryland Architectural or Engineering Plans. See Section 505 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 110 of the Building Code as adopted by Bill 67-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments:

All 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 review of any permit. If desired, the applicant may obtain additional information by visiting Room 108 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

[Signature]
Nicholas B. Commodari
Zoning Plans Bureau

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: July 11, 1985
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-31-A, 86-36-A, 86-37-A, 86-38-X, 86-39-A and 86-40-A

There are no comprehensive planning factors requiring comment these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:slm

IN RE: PETITION ZONING VARIANCE
SE/8 of St. Lukes Lane,
173.78' S of Brompton Road
(3215 St. Lukes Lane) - 2nd
Election District
Petitioner
Cleveland James Davis,
Case No. 86-36-A
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 4.6 feet instead of the required 7.5 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.3.5, is located on St. Lukes Lane near Brompton Road and is improved with the Petitioner's residence, which faces St. Lukes Lane. The Petitioner proposes to construct a carport attached to the west side of the dwelling in order to afford protection to himself and his family from inclement weather. In addition, the Petitioner has a very expensive automobile which requires protection from the weather. Although the carport will protrude into the requisite setback, the neighbor immediately to the west does not object. The carport is to be located where proposed because of the existing driveway and side door to the kitchen, which would provide access. Additionally, the carport could not be constructed elsewhere without a variance.

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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:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 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
- 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 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 this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of July, 1985, that the Petition for Zoning Variance to permit a side yard setback of 4.6 feet instead of the required 7.5 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- 2 -

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. Cleveland James Davis

People's Counsel

PETITION FOR VARIANCE 2nd Election District

LOCATION: Southeast side of St. Lukes Lane, 173.78 ft. South of Brompton Road (3215 St. Lukes Lane)

DATE AND TIME: Wednesday, July 24, 1985 at 9:30 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 Variance from Section 1802.3B, Section 208.3 (301.1) to permit a side yard setback of 4.6 feet in lieu of the required 7.5 feet.

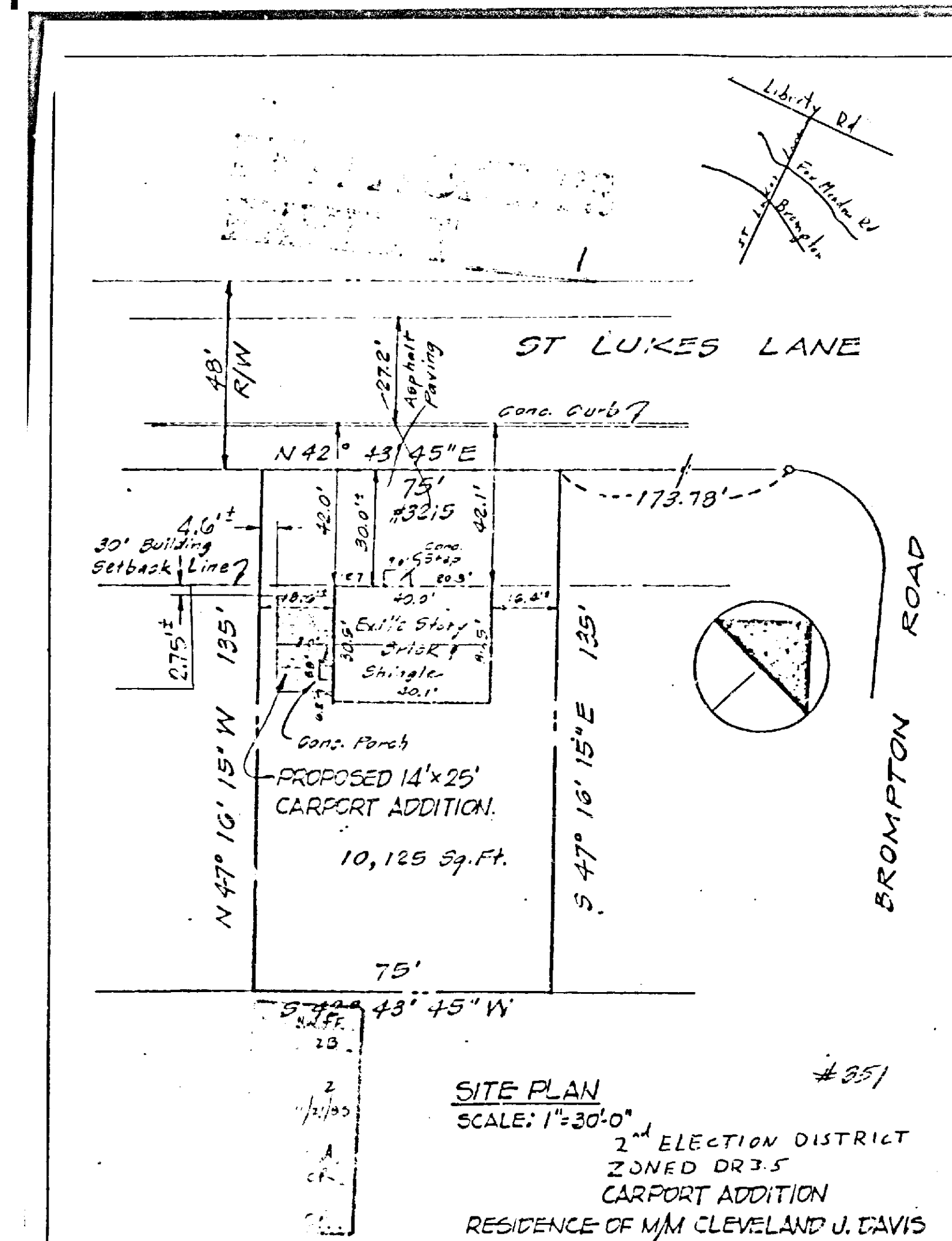
Being the property of Cleveland James Davis as shown on the plat filed with the Zoning Office.

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

ZONING DESCRIPTION

Beginning on the southeast side of St. Lukes Lane, at the distance of 173.78 feet south of Brompton Road, Being Lot 7, Block C, in the subdivision of Deerfield, Book No. 26 Folio 13. Also known as 3215 St. Lukes Lane in the 2nd Election District.



ORDER RECEIVED FOR FILING

DATE: July 25, 1985
BY: [Signature]
COMMERCIAL FILING

- 3 -

JAN 17 1986

RE: PETITION FOR VARIANCE
SE/S of St. Luke's Lane,
173.78' S of Brompton
Rd. (3215 St. Luke's
Lane), 2nd District
CLEVELAND JAMES DAVIS,
Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 86-36-A

ENTRY OF APPEARANCE

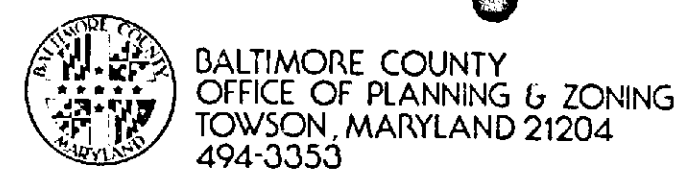
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 9th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Cleveland James Davis, 3215 St. Luke's Lane, Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

July 17, 1985

Mr. Cleveland James Davis
3215 St. Luke's Lane
Baltimore, Maryland 21207

RE: Petition for Zoning Variance
SE/S of St. Luke's Lane, 173.78'
S of Brompton Rd. (3215 St. Luke's Lane)
2nd Election District
Cleveland James Davis, Petitioner
Case No. 86-36-A

Dear Mr. Davis,

This is to advise you that \$ 51.75 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, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

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

No. 007265

DATE 7-24-85 ACCOUNT 01-615-000

AMOUNT \$ 51.75

RECEIVED FROM Cleveland Davis

FOR Order - Posting - Case #86-36-A

0 0018*****012121 02601

VALIDATION OR SIGNATURE OF CASHIER

Mr. Cleveland James Davis
3215 St. Luke's Lane
Baltimore, Maryland 21207

June 19, 1985

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
SE/S of St. Luke's Lane, 173.78 ft.
S of Brompton Rd. (3215 St. Luke's Lane)
2nd Election District
Cleveland James Davis, Petitioner
Case No. 86-36-A

TIME: 9:30 a.m.

DATE: Wednesday, July 24, 1985

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

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 007218

DATE 7-24-85 ACCOUNT 01-615-000

AMOUNT \$ 35.00

RECEIVED FROM Cleveland Davis

FOR Order - Posting - Case #86-36-A

0 0018*****012121 02601

VALIDATION OR SIGNATURE OF CASHIER

86-36-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., July 4, 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 July 4, 1985

THE JEFFERSONIAN,

18 Kenton

Publisher

Cost of Advertising

24.75

86-36-A
CERTIFICATE OF PUBLICATION

67060

Pikesville, Md., July 3, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 24th day of July 1985

the first publication appearing on the 3rd day of July 1985

the second publication appearing on the day of 1985

the third publication appearing on the day of 1985

THE NORTHWEST STAR

Phyllis Kellum
Manager

Cost of Advertisement \$22.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

86-36-A

District 2nd Date of Posting July 3, 1985
Posted for: Varian
Petitioner: Cleveland James Davis
Location of property: SE/S of St. Luke's Lane, 173.78 ft. South of Brompton Rd. (3215 St. Luke's Lane)
Location of Signs: On front of subject property 3215 St. Luke's Lane
Remarks: _____
Posted by: Arnold Jablon Date of return: July 3, 1985
Number of Signs: 1

LEGAL NOTICE

PETITION FOR VARIANCE
2nd Election District
LOCATION: Southeast side of St. Luke's Lane, 173.78 ft. South of Brompton Road (3215 St. Luke's Lane)
DATE AND TIME: Wednesday, July 24, 1985 at 9:30 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 on the petition for variance from Section 1802.1B, Section 208.3 (1) (a) to permit a rear yard setback of 4.6 feet to less than the required 7.5 feet.
Being the property of Cleveland James Davis as shown on the file card 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, determine any request for a stay of the issuance of said permit during said period. For good cause in writing for the date of the hearing or otherwise at the hearing.
By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
July 4, 1985