

86-54-A 368 **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 d... and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 (303.1) to permit a front yard set back average of 10' in lieu of the maximum required 25'. A side street setback of 10' instead of the required 25'. And a side yard setback of 8' in lieu of the required 10'.

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.

To permit more area within the building restriction lines to build a house of reasonable size commensurate with the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

Contract Purchaser: (Type or Print Name) _____ Signature _____ Address _____ City and State _____

Legal Owner(s): (Type or Print Name) John P. Roche Signature John P. Roche Address Altamont Place City and State BALTO, MD. 21210

Attorney for Petitioner: (Type or Print Name) ALTAMONT PLACE Address BALTO, MD. 21210 City and State BALTO, MD. 21210

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: LLOYD E. LIPIN 2810 COLLEGE VIEW DR. CHURCHVILLE, MD. 21038 676-9326

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of July, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 5th day of August, 1985, at 10:00 o'clock.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

Case No. 86-54-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 day of July, 1985.

Petitioner John P. Roche, et ux
Petitioner's Attorney Mr. Lloyd E. Lipin
2810 College View Drive, Churchville, Maryland 21038

Received by Arnold Jablon
Zoning Commissioner
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE July 26, 1985

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

Mr. & Mrs. John P. Roche
Altamont Place
Baltimore, Maryland 21210

RE: Item No. 368 - Case No. 86-54-A
Petitioners - John P. Roche, et ux
Variance Petition

MEMBERS

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

Dear Mr. & Mrs. Roche:

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:mr

Enclosures

cc: Mr. Lloyd E. Lipin
2810 College View Drive
Churchville, Maryland 21028

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3550

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

JULY 12, 1985

Re: Zoning Advisory Meeting of JUNE 11, 1985
Item # 368
Property Owner: JOHN P. ROCHE, et ux
Location: 515 LAKE AVE. 20' E. FROM
OF ALTAMONT PLACE

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 22-59 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 on 1/15/85.
- ☐ Landscaping must comply with Baltimore County Landscape Manual, Bill 180-79. 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 traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

Eugene A. Schar
Chief, Current Planning and Development

cc: James Hossell

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

STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

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

Item No. 367, 368, 369-ZAC- June 11, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 367, 368, and 369.

HSP/cem

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2585
494-4500

PAUL H. REINCKE
CHIEF

July 2, 1985

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: John P. Roche, et ux

Location: S/S Lake Avenue 20' E. from c/1 Altamont Place

Item No.: 368 Zoning Agenda: Meeting of June 11, 1985

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.

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 "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: Michael S. Flanigan Noted and Approved: Ray W. Kemmer
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

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

July 8, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 368 Zoning Advisory Committee Meeting are as follows:

Property Owners: John P. Roche, et ux
Location: S/S Lake Avenue 20' E. from c/1 Altamont Place
District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 41-85, Maryland Code for the Handicapped and Aged (A.H.S.I. §117-1 - 1980) and other applicable Codes and Standards.
2. A building and other structure 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 Registered Professional Engineer or Architect is not required on plans and technical data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered Professional Engineer or Architect shall be required to file with a permit application. Reproduced seals are not acceptable.
5. All One Group except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. R-1 One Group except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls 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 101, Section 1007, Section 1008.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permitted 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 101 and 505 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Accessory Permit, an alternative permit application shall also be filed in order to comply with the Code requirements for the new use. Maryland Architectural or Building seals are usually required. The change of Use Group are from the site to the Building Code. See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood/Overseas. Please refer to the attached copy of Section 114.0 of the Building Code as adopted by Bill 41-85. This plan shall show the current elevations above sea level for the lot and the finished floor levels including basement.
10. Comments:

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, the applicant may obtain additional information by visiting Room 377 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Johnson
By: C. E. Johnson, Chief
Building Plans Review

W/27/85

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon
To: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 86-54-A, 86-55-A, 86-56-A, 86-57-A and 86-59-A

Date: July 16, 1985

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:slm

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

RE: PETITION ZONING VARIANCES
SE/Corner of Lake Avenue
and Altamont Place
9th Election District
John P. Roche, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-54-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a front yard setback of 25 feet instead of the maximum required average of 40 feet for Lot 2, side yard setbacks of 8 feet instead of the required 10 feet for Lot 2, and side yard setbacks of 8 feet and 10 feet instead of the required 10 feet and 25 feet, respectively, for Lots 1 and 3, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Lloyd & Lipin, their registered civil engineer, appeared and testified. William Kearns, an adjacent property owner, appeared in opposition and was represented by Counsel. Thomas Owens and his wife, Dr. Barbara Howard, as well as Patrick Shelley, a neighbor who also represented the Lake Falls Community Association, also appeared in opposition.

Testimony indicated that the subject property, zoned D.R.5.5 and located on the corners of Altamont Place, Barclay Road (a private road), and Lake Avenue, contains approximately 0.44 of an acre and is improved with an existing building which would be razed. The Petitioners wish to subdivide the property into three lots, identified on Petitioners' Exhibit 1 as Lots 1, 2, and 3. Lot 1 would measure 74' x 85' x 71' x 94' with a frontage of 74 feet on Lake Avenue. Lot 2 would measure 55' x 94' x 34' x 67' x 20' x 42' x 121' with a frontage of 55 feet on Lake Avenue and access from Barclay Road. Lot 3 would measure 60' x 105' x 67' x 98' with a frontage of 60 feet on Altamont Place. The requested

variances would provide for flexibility and versatility as to the size of the home that could be constructed on each lot. The average home in this area is approximately 33' x 40' and is situated on an expansive lot.

The Petitioners request side yard setbacks of 8 feet instead of 10 feet to the east property line between Lot 2 and the Kearns' property and 8 feet instead of 10 feet from the building envelope on Lot 2 to the west property line and from that property line to the building envelope on Lot 1. They also request a front yard setback of 25 feet instead of 40 feet to Lake Avenue for Lot 2 and 10 feet instead of 25 feet for the side yard to the west property line on Altamont Place for Lot 1. Side yard setbacks of 8 feet to the north property line between Lots 3 and 1 instead of 10 feet and 10 feet instead of 25 feet to the south property line facing Barclay Road for Lot 3 are also requested.

It has been a long-standing policy of the Zoning Commissioner to require setbacks to side streets to be the same as the front yard requirement, except that averaging is not permitted on a side street setback and a front average setback cannot be duplicated on the side street, and therefore, the side yards to Altamont Place for Lot 1 and to Barclay Road for Lot 2 require setbacks of 25 feet.

All of the Protestants object to the division of this comparatively small parcel into three lots. Indeed, Lot 2 could have a 35-foot-wide house with no side yard setbacks, Lot 1 could have a 39-foot-wide house, and Lot 3 could either have an approximately 25-foot-wide house facing Altamont Place or the house could be repositioned to utilize the larger total area provided. The only legitimate variance requested as far as the Zoning Commissioner is concerned is to the average maximum front yard setback. The property owned by Mr. Kearns is improved with his home which sits back about 110 feet from Lake Avenue. The

building envelope proposed for Lot 2, which would immediately adjoin the Kearns property, shows a front yard setback of 25 feet, necessitating a variance from the maximum required average of 40 feet.

The Petitioners request relief from Sections 1802.3.C.1 and 303.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The BCZR requires a minimum front yard setback of 25 feet in a D.R.5.5 Zone; however, Section 303.1 requires that the front yard depth shall be the average of the front yard depths of those lots immediately adjoining that have existing buildings within 200 feet of the joint side property line. To move the projected home on Lot 2 back 15 additional feet would require a rear yard setback variance. Inasmuch as the small lot table requires a front yard setback of 25 feet, that particular variance would not be irrational and this Commissioner would be predisposed to granting it as the Petitioners have met their burden under Section 307. However, the Petitioners have not met their burden as to the other requested variances.

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.
- Arnold 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 be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that no practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been sufficiently established that the requirements from which the Petitioners seek relief would not unduly restrict the use of the land for its intended purpose nor would it render conformance unnecessarily burdensome.

There is no question that the Petitioners can subdivide their property; there is also no question that they can meet the required side yard setbacks if they choose to divide their parcel into three lots. The fact that larger homes could be constructed with variances, thereby providing the potential for greater profit, is not a reason to grant a variance. No practical difficulty exists. The BCZR do not take into account greater flexibility for potential construction as a reason to grant a variance. To the contrary, the BCZR constrict development to ensure compliance with the aims and objectives of the various zoning classifications created by legislative act. The standards created are minimum requirements, and the Petitioners do not present sufficient evidence to overcome their strict application.

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 not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of August, 1985, that the Petition for Zoning Variances to permit a front yard setback of 25 feet instead of the maximum required average of 40 feet for Lot 2, side yard setbacks of 8 feet instead of the required 10

feet for Lot 2, and side yard setbacks of 8 feet and 10 feet instead of the required 10 feet and 25 feet, respectively, for Lots 1 and 3 be and is hereby DENIED.

Rexall
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Mr. Lloyd E. Lipin
Bruce S. Landin, Esquire
Patrick Shelley, Esquire
Mr. Thomas Owens and Dr. Barbara Howard
People's Counsel

PETITION FOR VARIANCE
9TH Election District

LOCATION: Southeast corner of Lake Avenue between Altamont Place

DATE AND TIME: Monday, August 5, 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:

Variances from Section 1802.3.C.1 (303.1) to permit a front yard setback of 25' in lieu of the maximum required average of 40', a side street setback of 10' instead of the required 25' and a side yard setback of 8' in lieu of the required 10'.

Being the property of John P. Roche, 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

ZONING DESCRIPTION

Beginning on the south side of Lake Avenue 60 feet wide at a distance of 20 feet east of the centerline of Altamont Place, thence N 74°36'40"E 130.00', S 10°35'20"E 121.33', Being Lot 2 of the proposed subdivision of the John P. Roche property. Book No. 4963 Folio 394. Also being at the southeast corner of the intersection of Lake Avenue with Altamont Place.

S 03°20'20"E 42.60', S 83°11'40"W 118.70', N 12°51'20"W 145.00' To the place of beginning, containing 0.445 Acres of land more or less.

• • • • •

Phyllis Cole Friedman
Phyllis Cole Friedman

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

I HEREBY CERTIFY that on this 12th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John P. Roche, Petitioners, c/o Lloyd E. Lipin, 2810 College View Drive,

Peter Max Zimmerman

 BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
410-325-3200

ARNOLD JABLON
ZONING COMMISSIONER

August 1 1985

Mr. & Mrs. John P. Roche
Altamont Place
Brooklyn, N. Y.

RE: Petition for Variance
SE/corner Lake Ave. between
Altamont Place - 9th Elec. Dist.
John P. Roche, et ux - Petitioners
C. N. 86.5. 4

This is to advise you that \$ 77.97 is due for advertising and posting of the above property. This fee must be paid before

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

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

Sincerely,

 ARNOLD JABLON

Mr. & Mrs. John P. Roche
Altamont Place
Baltimore, Maryland 21210

Table 5 1025

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
SE/cor. Lake Ave. between
Altamont Place - 9th Elec. Dist.
John P. Roche, et ux - Petitioners

10 33

DATE May 2 1964

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

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

No. 007253

DATE 5-22-85 ACCOUNT R 21-615-074

AMOUNT \$ 35

RECEIVED FROM: 5 City of Baltimore 348 1st

FOR: 5

8 8073*****38614 1228F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

District 9th Date of Posting 7-18-85
 Posted for: Variances
 Petitioner: John P. Roche, et ux
 Location of property: S/E corner of Lake Ave. between Altamont Pl.
 Location of Signs: 1 sign S/E corner of Lake & Altamont Place
1 sign N/E corner of Altamont Place & Barclay Rd.
 Remarks: _____
 Posted by E. J. Austin Date of return: 7-19-85
 Signature

TOWSON, MD., ----- July 18, 1981

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

Cost of Advertising

PETITION FOR VARIANCE
 9TH District Court
 LOCATION / Southeast corner of
 10th and Broadway Avenues
 Place
 10th and Broadway Avenues
 6 - 10:00 a.m. Monday August
 6 - 10:00 a.m. 1950
 PUBLIC HEARING Room 102
 County Office Building, 1101 West
 Chesapeake Avenue, Topeka,
 Kansas

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 17th day of

The TOWSON TIMES
Maurice Shytle

Cost of Advertisement: \$ 43.25

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE RECEIVED
MISCELLANEOUS CASH RECEIPT

No. 006890

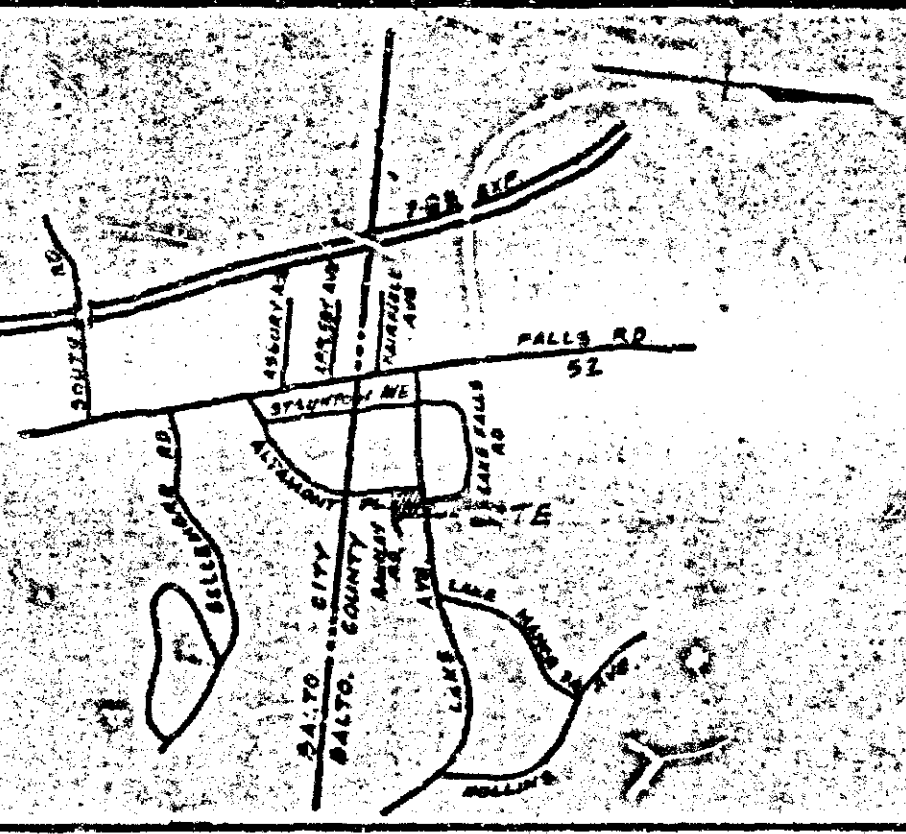
DATE 5-14-85 ACCOUNT R-01-615-000

AMOUNT \$77.37

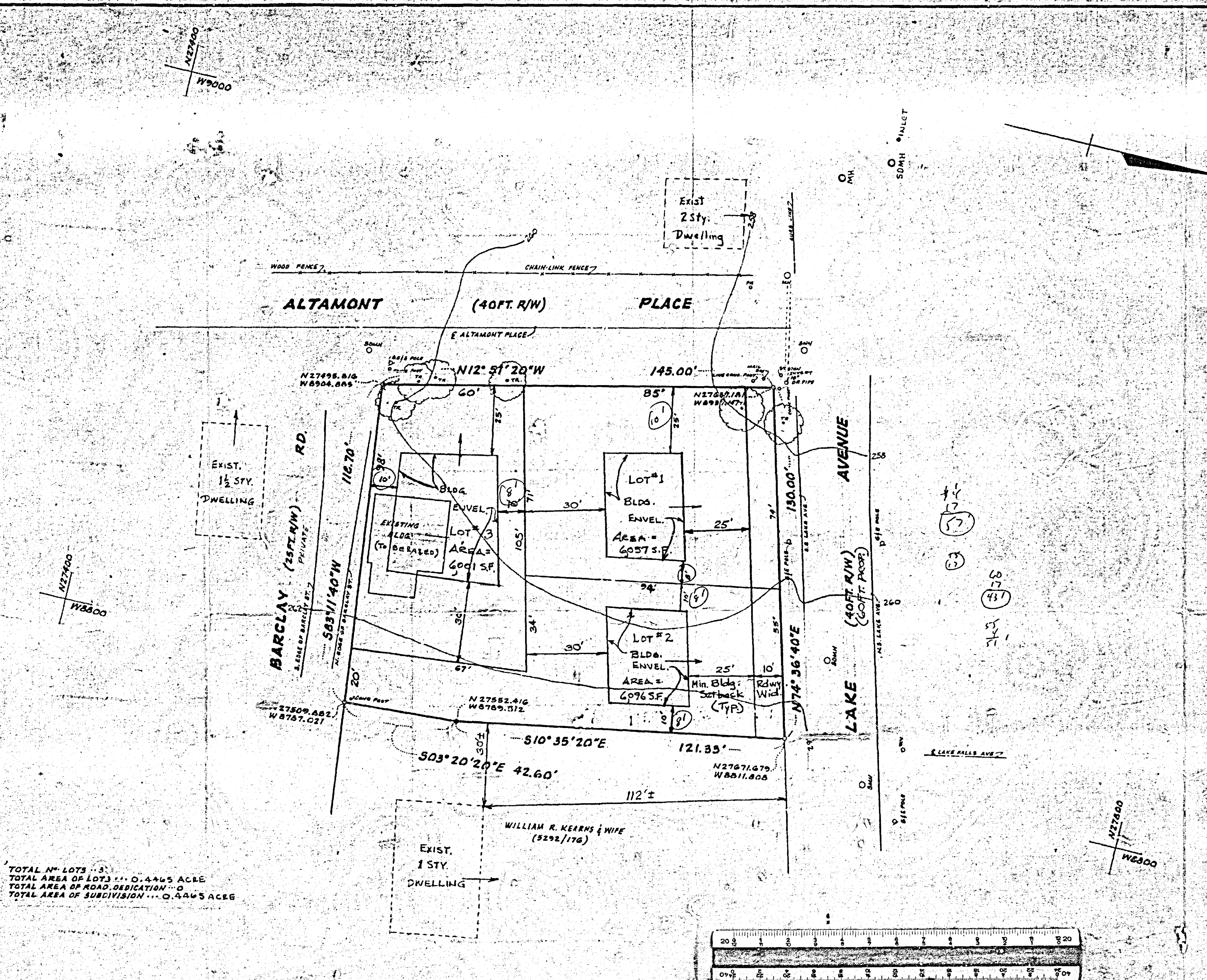
RECEIVED FROM John P Roche

FOR Advertising and Posting Case 86-54-A

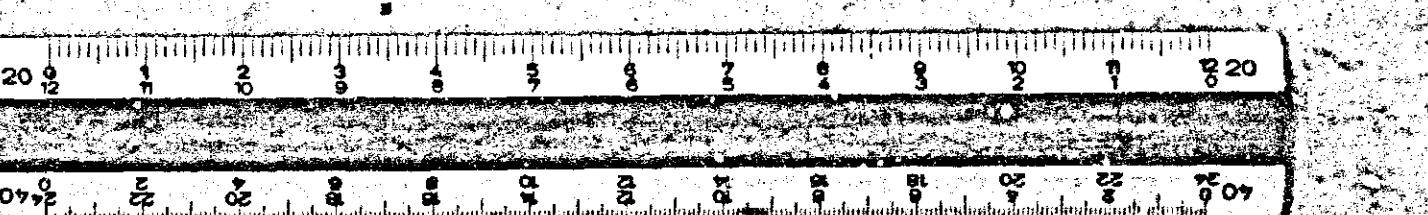
R B067-*****77371; 2146F



VICINITY MAP
SCALE: 1"=1500'



TOTAL NO. LOTS: 3
TOTAL AREA OF LOTS: 0.4465 ACRES
TOTAL AREA OF ROAD DEDICATION: 0
TOTAL AREA OF SUBDIVISION: 0.4465 ACRES



- GENERAL NOTES:**
1. EXISTING ZONING: DR-5.5
 2. THIS PLAT SHALL NOT BE HONORED BY BALTO. COUNTY AFTER FIVE (5) YEARS FROM RECORDING DATE, SEE BALTO. COUNTY BILL # 61-79 (SECTION 22-371)
 3. EXISTING GRADING WILL NOT CHANGE
 4. CONTOUR INTERVAL = 2'
 5. MINIMUM OFF-STREET PARKING PER DWELLING = 2 SPACES

PLAT FOR ZONING VARIANCE
OWNER: JOHN P. ROCHE & WIFE
DISTRICT 9, ZONED DR-5.5
LOT #2 PROPOSED SUBDIVISION BOOK 14963/394
EXISTING UTILITIES IN LAKE AVE. & ALTAMONT PLACE
SCALE: 1"=20'

PETITIONER'S EXHIBIT

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 d... and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 (303.1) to permit a front yard set back average of 10' in lieu of the maximum required 25' and a side street setback of 10' instead of the required 25' and a side yard setback of 8' in lieu of the required 10'.

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To permit more area within the building restriction lines to build a house of reasonable size commensurate with the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

Contract Purchaser: (Type or Print Name) _____ Signature _____ Address _____ City and State _____

Legal Owner(s): (Type or Print Name) _____ Signature _____ Address _____ City and State _____

Attorney for Petitioner: (Type or Print Name) _____ 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.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 _____ day of _____, 1985, at 10:00 o'clock.

_____ Zoning Commissioner of Baltimore County.

MAN 11178
SECTION 303.1
EST. 9/2/85
TOWSON, MD
BY: CK

Case No. 86-54-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 day of July, 1985.

Petitioner John P. Roche, et ux
Petitioner's Attorney
cc: Mr. Lloyd E. Lipin
2810 College View Drive, Churchville, Maryland 21028

Received by: _____
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE July 26, 1985

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

Mr. & Mrs. John P. Roche
Altamont Place
Baltimore, Maryland 21210

RE: Item No. 368 - Case No. 86-54-A
Petitioners - John P. Roche, et ux
Variance Petition

MEMBERS

Nicholas B. Commodari
Chairman
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

Dear Mr. & Mrs. Roche:

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, Inc.
Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

cc: Mr. Lloyd E. Lipin
2810 College View Drive
Churchville, Maryland 21028

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3550
NORMAN E. GERBER
DIRECTOR

JULY 12, 1985

Re: Zoning Advisory Meeting of JUNE 11, 1985
Item # 368
Property Owner: JOHN P. ROCHE, et ux
Location: 515 LAKE AVE. 20' E. FROM 1st OF ALTAMONT PLACE

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.
- () 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 22-59 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 on _____.
- () Landscaping must comply with Baltimore County Landscape Manual, Bill 110-19. 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 traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments: _____

Eugene A. Schar
Chief, Current Planning and Development

cc: James Hossell

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

STEPHEN E. COLLINS
DIRECTOR

June 25, 1985

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

Item No. 367, 368, 369-ZAC- June 11, 1985
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

Acres: _____
District: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 367, 368, and 369.

HSP/cem

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2585
494-4500

PAUL H. REINCKE
CHIEF

July 2, 1985

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: John P. Roche, et ux

Location: S/S Lake Avenue 20' E. from c/1 Altamont Place

Item No.: 368 Zoning Agenda: Meeting of June 11, 1985

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.
- () 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: _____ Noted and Approved: _____
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

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

July 8, 1985

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 368 Zoning Advisory Committee Meeting are as follows:

Property Owners: John P. Roche, et ux

Location: S/S Lake Avenue 20' E. from c/1 Altamont Place

District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

- (X) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 41-85, Maryland Code for the Handicapped and Aged (A.M.S.I. 41-1-1 - 1980) and other applicable Codes and Standards.
- (X) A building and other structure shall be required before the start of any construction.
- (X) Residential: Two sets of construction drawings are required to file a permit application. The seal of a Registered Professional Engineer or Architect is not required on plans and technical data.
- () Commercial: Three sets of construction drawings sealed and signed by a registered Professional Engineer or Architect shall be required to file with a permit application. Reproduced seals are not acceptable.
- (X) All One Group except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. R-1 One Group except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls 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 101, Section 1007, Section 1008.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- () The structure does not appear to comply with Table 505 for permitted 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 101 and 505 and have your Architect/Engineer contact this department.
- () The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- () When filing for a required Change of Use/Accessory Permit, an alternative permit application shall also be filed in order to comply with the Code requirements for the new use. Maryland Architectural or Building seals are usually required. The change of Use Group are from R-1 to R-2, R-2 to R-3, R-3 to R-4, R-4 to R-5, R-5 to R-6, R-6 to R-7, R-7 to R-8, R-8 to R-9, R-9 to R-10, R-10 to R-11, R-11 to R-12, R-12 to R-13, R-13 to R-14, R-14 to R-15, R-15 to R-16, R-16 to R-17, R-17 to R-18, R-18 to R-19, R-19 to R-20, R-20 to R-21, R-21 to R-22, R-22 to R-23, R-23 to R-24, R-24 to R-25, R-25 to R-26, R-26 to R-27, R-27 to R-28, R-28 to R-29, R-29 to R-30, R-30 to R-31, R-31 to R-32, R-32 to R-33, R-33 to R-34, R-34 to R-35, R-35 to R-36, R-36 to R-37, R-37 to R-38, R-38 to R-39, R-39 to R-40, R-40 to R-41, R-41 to R-42, R-42 to R-43, R-43 to R-44, R-44 to R-45, R-45 to R-46, R-46 to R-47, R-47 to R-48, R-48 to R-49, R-49 to R-50, R-50 to R-51, R-51 to R-52, R-52 to R-53, R-53 to R-54, R-54 to R-55, R-55 to R-56, R-56 to R-57, R-57 to R-58, R-58 to R-59, R-59 to R-60, R-60 to R-61, R-61 to R-62, R-62 to R-63, R-63 to R-64, R-64 to R-65, R-65 to R-66, R-66 to R-67, R-67 to R-68, R-68 to R-69, R-69 to R-70, R-70 to R-71, R-71 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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

RE: PETITION ZONING VARIANCES
SE/Corner of Lake Avenue
and Altamont Place
9th Election District
John P. Roche, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-54-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a front yard setback of 25 feet instead of the maximum required average of 40 feet for Lot 2, side yard setbacks of 8 feet instead of the required 10 feet for Lot 2, and side yard setbacks of 8 feet and 10 feet instead of the required 10 feet and 25 feet, respectively, for Lots 1 and 3, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by Lloyd & Lipin, their registered civil engineer, appeared and testified. William Kearns, an adjacent property owner, appeared in opposition and was represented by Counsel. Thomas Owens and his wife, Dr. Barbara Howard, as well as Patrick Shelley, a neighbor who also represented the Lake Falls Community Association, also appeared in opposition.

Testimony indicated that the subject property, zoned D.R.5.5 and located on the corners of Altamont Place, Barclay Road (a private road), and Lake Avenue, contains approximately 0.44 of an acre and is improved with an existing building which would be razed. The Petitioners wish to subdivide the property into three lots, identified on Petitioners' Exhibit 1 as Lots 1, 2, and 3. Lot 1 would measure 74' x 85' x 71' x 94' with a frontage of 74 feet on Lake Avenue. Lot 2 would measure 55' x 94' x 34' x 67' x 20' x 42' x 121' with a frontage of 55 feet on Lake Avenue and access from Barclay Road. Lot 3 would measure 60' x 105' x 67' x 98' with a frontage of 60 feet on Altamont Place. The requested

variances would provide for flexibility and versatility as to the size of the home that could be constructed on each lot. The average home in this area is approximately 33' x 40' and is situated on an expansive lot.

The Petitioners request side yard setbacks of 8 feet instead of 10 feet to the east property line between Lot 2 and the Kearns' property and 8 feet instead of 10 feet from the building envelope on Lot 2 to the west property line and from that property line to the building envelope on Lot 1. They also request a front yard setback of 25 feet instead of 40 feet to Lake Avenue for Lot 2 and 10 feet instead of 25 feet for the side yard to the west property line on Altamont Place for Lot 1. Side yard setbacks of 8 feet to the north property line between Lots 3 and 1 instead of 10 feet and 10 feet instead of 25 feet to the south property line facing Barclay Road for Lot 3 are also requested.

It has been a long-standing policy of the Zoning Commissioner to require setbacks to side streets to be the same as the front yard requirement, except that averaging is not permitted on a side street setback and a front average setback cannot be duplicated on the side street, and therefore, the side yards to Altamont Place for Lot 1 and to Barclay Road for Lot 2 require setbacks of 25 feet.

All of the Protestants object to the division of this comparatively small parcel into three lots. Indeed, Lot 2 could have a 35-foot-wide house with no side yard setbacks, Lot 1 could have a 39-foot-wide house, and Lot 3 could either have an approximately 25-foot-wide house facing Altamont Place or the house could be repositioned to utilize the larger total area provided. The only legitimate variance requested as far as the Zoning Commissioner is concerned is to the average maximum front yard setback. The property owned by Mr. Kearns is improved with his home which sits back about 110 feet from Lake Avenue. The

building envelope proposed for Lot 2, which would immediately adjoin the Kearns property, shows a front yard setback of 25 feet, necessitating a variance from the maximum required average of 40 feet.

The Petitioners request relief from Sections 1802.3.C.1 and 303.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The BCZR requires a minimum front yard setback of 25 feet in a D.R.5.5 Zone; however, Section 303.1 requires that the front yard depth shall be the average of the front yard depths of those lots immediately adjoining that have existing buildings within 200 feet of the joint side property line. To move the projected home on Lot 2 back 15 additional feet would require a rear yard setback variance. Inasmuch as the small lot table requires a front yard setback of 25 feet, that particular variance would not be irrational and this Commissioner would be predisposed to granting it as the Petitioners have met their burden under Section 307. However, the Petitioners have not met their burden as to the other requested variances.

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.
- And Smith 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 be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that no practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been sufficiently established that the requirements from which the Petitioners seek relief would not unduly restrict the use of the land for its intended purpose nor would it render conformance unnecessarily burdensome.

There is no question that the Petitioners can subdivide their property; there is also no question that they can meet the required side yard setbacks if they choose to divide their parcel into three lots. The fact that larger homes could be constructed with variances, thereby providing the potential for greater profit, is not a reason to grant a variance. No practical difficulty exists. The BCZR do not take into account greater flexibility for potential construction as a reason to grant a variance. To the contrary, the BCZR constrict development to ensure compliance with the aims and objectives of the various zoning classifications created by legislative act. The standards created are minimum requirements, and the Petitioners do not present sufficient evidence to overcome their strict application.

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 not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of August, 1985, that the Petition for Zoning Variances to permit a front yard setback of 25 feet instead of the maximum required average of 40 feet for Lot 2, side yard setbacks of 8 feet instead of the required 10

feet for Lot 2, and side yard setbacks of 8 feet and 10 feet instead of the required 10 feet and 25 feet, respectively, for Lots 1 and 3 be and is hereby DENIED.

Rexall
Zoning Commissioner of
Baltimore County

AJ/srl
cc: Mr. Lloyd E. Lipin
Bruce S. Landin, Esquire
Patrick Shelley, Esquire
Mr. Thomas Owens and Dr. Barbara Howard
People's Counsel

PETITION FOR VARIANCE
9TH Election District

LOCATION: Southeast corner of Lake Avenue between Altamont Place

DATE AND TIME: Monday, August 5, 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:

Variances from Section 1802.3.C.1 (303.1) to permit a front yard setback of 25' in lieu of the maximum required average of 40', a side street setback of 10' instead of the required 25' and a side yard setback of 8' in lieu of the required 10'.

Being the property of John P. Roche, 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

ZONING DESCRIPTION

Beginning on the south side of Lake Avenue 60 feet wide at a distance of 20 feet east of the centerline of Altamont Place, thence N 74°36'40"E 130.00', S 10°35'20"E 121.33', Being Lot 2 of the proposed subdivision of the John P. Roche property. Book No. 4963 Folio 394. Also being at the southeast corner of the intersection of Lake Avenue with Altamont Place.

S 03°20'20"E 42.60', S 83°11'40"W 118.70', N 12°51'20"W 145.00' To the place of beginning, containing 0.445 Acres of land more or less.

RE: PETITION FOR VARIANCES
SE Corner of Lake Ave.
and Altamont Pl.,
9th District
JOHN P. ROCHE, et ux,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-54-A

ENTRY OF APPEARANCE

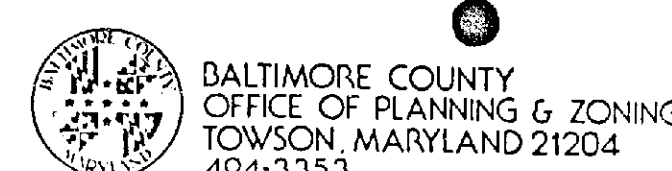
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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 12th day of July, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John P. Roche, Petitioners, c/o Lloyd E. Lipin, 2810 College View Drive, Churchville, MD 21028, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER

August 1, 1985

Mr. & Mrs. John P. Roche
Altamont Place
Baltimore, Maryland 21210

RE: Petition for Variance
SE corner Lake Ave. between
Altamont Place - 9th Elec. Dist.
John P. Roche, et ux - Petitioners
Case No. 86-54-A

Dear Mr. Roche,

This is to advise you that \$77.97 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

Mr. & Mrs. John P. Roche
Altamont Place
Baltimore, Maryland 21210

July 5, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
SE corner Lake Ave. between
Altamont Place - 9th Elec. Dist.
John P. Roche, et ux - Petitioners
Case No. 86-54-A

TIME: 10:00 a.m.

DATE: Monday, August 5, 1985

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

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

No. 007253

DATE: 7-29-85 ACCOUNT: R-01-615-000

RECEIVED FROM: *John P. Roche* AMOUNT: \$75

FOR: *516 E. Corner of Lake Ave. between Altamont Pl. & Barclay Rd.*

VALIDATION OR SIGNATURE OF CASHIER

Chase
Fitzgerald
& Company Inc.
Realtors/Appraisers
1800 ROLAND AVENUE • BALTIMORE, MD 21210 • 301-366-7700 • IN HISTORIC ROLAND PARK SHOPPING CENTER



Mr. William Kearns
1139 Lake Avenue
Baltimore, Maryland 21210

Re: 1139 & 1141 Lake Avenue

Dear Mr. Kearns,

As per your request, I have personally inspected the above two referenced properties for the purpose of estimating what impact a zoning variance, if allowed, would have on your property at 1139 Lake Avenue. Upon first examination, it would appear that the removal of the existing dwelling at 1141 Lake and the construction of new homes would be beneficial to your property value. I feel, however, that the zoning setback variance which is being requested to allow construction of three homes will be detrimental to the fair market value of your property.

I feel that the proposed lots and setbacks are too congested in general and that the panhandle lot adjacent to your lot to the west will place an atypical structure 8'-10' from your lot line. It should be noted that the nearest residence now is over 50' from your home. It is the opinion of your appraiser that if the setback variance is allowed the market value of your property will be reduced by 10-12%.

If I can be of any further assistance, please let me know.

Sincerely,

Arthur E. Davis, III
Arthur E. Davis, III
President

PHILIP W. CHASE • DOROTHY L. FITZGERALD • DOROTHY F. ROSS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 7-18-85

Posted for: *Variations*

Petitioner: *John P. Roche, et ux*

Location of property: *516 E. Corner of Lake Ave. between Altamont Pl. & Barclay Rd.*

Location of Signs: *Signs at SE corner of Lake & Altamont Place & signs at SE corner of Altamont Place & Barclay Rd.*

Remarks: *See above*

Posted by: *E.J. Asatkin* Date of return: 7-19-85

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 18, 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 18, 1985.

86-54-A

THE JEFFERSONIAN,
18 Kenton
Publisher

Cost of Advertising
24.75

PETITION FOR VARIANCE
LOCATION: Southeast corner of Lake Ave. between Altamont Pl. & Barclay Rd. 9th District
DATE AND TIME: Monday, August 5, 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 Ordinance of Baltimore County, has received and reviewed the petition for a zoning variance from the Zoning Ordinance of Baltimore County, Case No. 86-54-A, and has determined that the variance is in the public interest and that the variance is consistent with the Comprehensive Zoning Ordinance of Baltimore County.

Being the property of John P. Roche, 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, ascertain 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 on above-captioned case at the hearing.

By Order of:
ARNOLD JABLON,
Zoning Commissioner of Baltimore County
July 18, 1985

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/30/85

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 17th day of July, 1985.

Cost of Advertisement: \$43.33

Michael Dwyer
The TOWSON TIMES

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

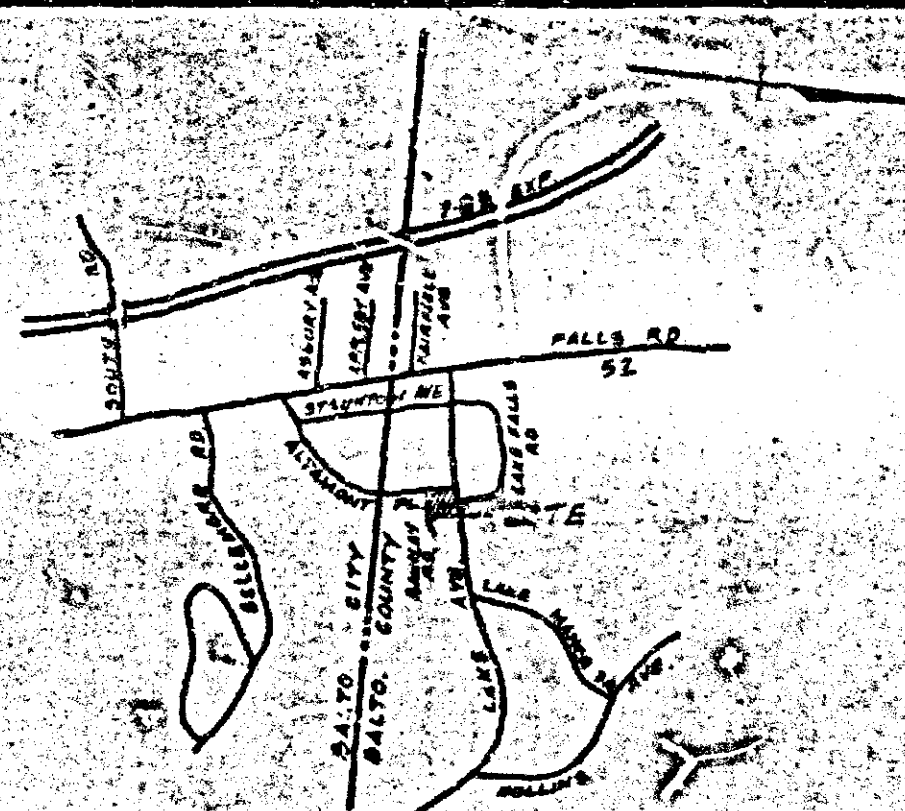
No. 006890

DATE: 8-14-85 ACCOUNT: R-01-615-000

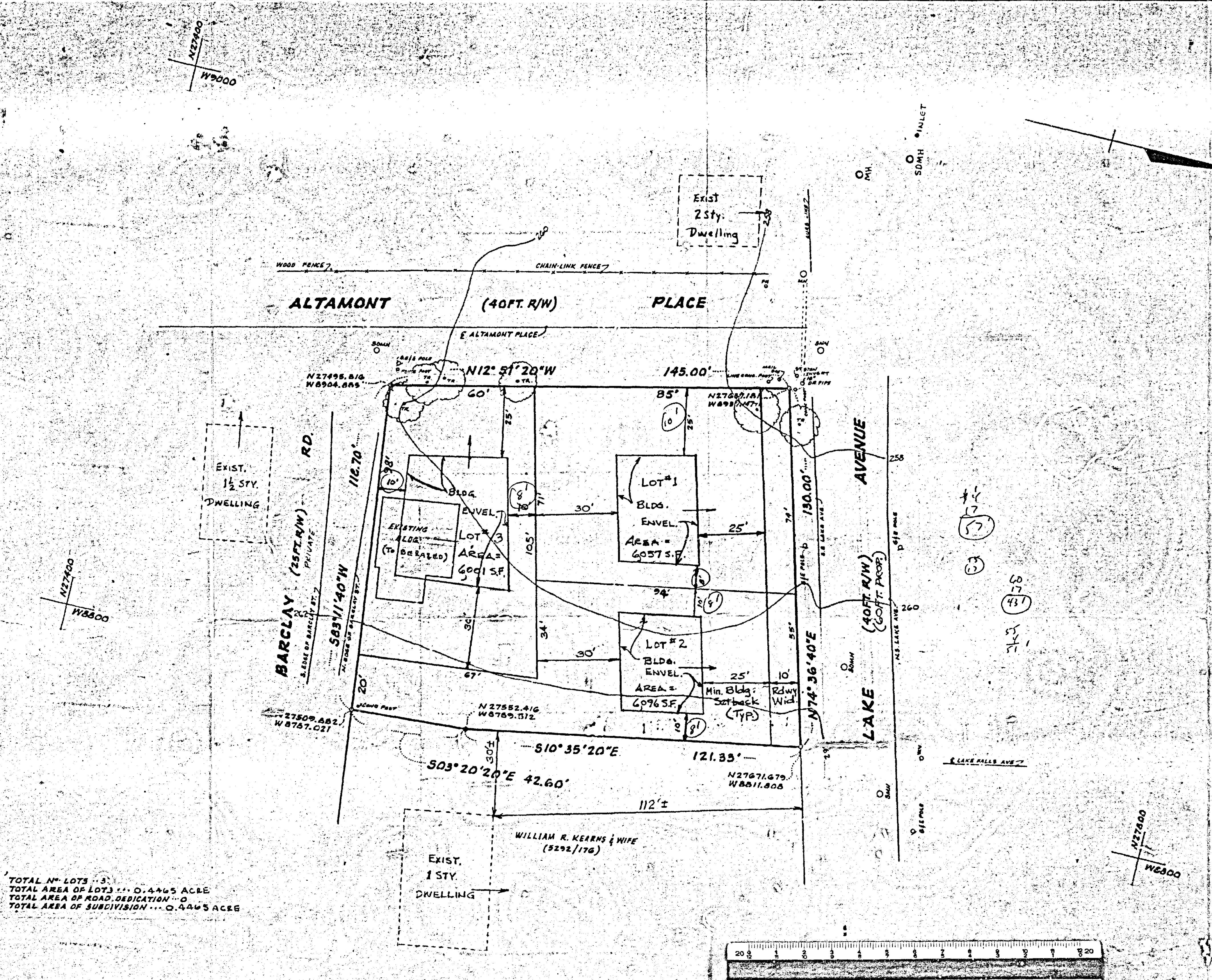
RECEIVED FROM: *John P. Roche* AMOUNT: \$77.37

FOR: *Advertising and Posting Case 86-54-A*

VALIDATION OR SIGNATURE OF CASHIER



VICINITY MAP
SCALE: 1"=1500'



TOTAL NO. LOTS: 3
TOTAL AREA OF LOTS: 0.4465 ACRES
TOTAL AREA OF ROAD DEDICATION: 0
TOTAL AREA OF SUBDIVISION: 0.4465 ACRES



PETITIONER'S EXHIBIT