

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

Liberty Road Community Council, Inc.
7407 Norman Drive Baltimore, Maryland 21208 414-9317

October 24, 1985

Mr. Arnold Jablon
Zoning Commissioner
Room 109
County Office Building
Towson, MD 21204

Dear Commissioner Jablon:

Pursuant to the petition by Mercedes King for a zoning variance from Section 402.1 to permit a side yard setback of 16 feet instead of the required 25 feet for an existing multi-family dwelling, the Liberty Road Community Council supports the petitioners request. At the general meeting held on Tuesday, October 8, 1985, the membership cast a unanimous vote to support the petitioner. The consensus was that since the property has been used as a triplex since 1954 and is currently being used as one, the petitioner's request would merely legalize a situation that currently exists.

Additionally, the communities along Liberty Road welcome home owners such as the Kings. Mr. & Mrs. King are community oriented individuals, with impeccable characters. They would be an asset in our community. Aside from these facts, they are the kind of potential homeowners who would keep their property in excellent shape, thereby enhancing our neighborhood. Consequently, we appeal to you to grant the petitioners the zoning variance.

Respectfully,

Ella Campbell
Ella Campbell
President

CC: Mr. & Mrs. Mercedes King

**PETITIONER'S
EXHIBIT 1**

Working Together For Community Progress

ing individual apartments on the second floor will remain. All of the apartments contain separate cooking facilities and bathrooms.

Mrs. Berger testified that, in her opinion, the granting of the requested variance would not create any problem. Mr. and Mrs. Goldstein, who live directly across the street on Liberty Terrace, disagreed and pointed to the continuing problem they face with people using their driveway to turn around. They complained of the parking problem and believe the three-family dwelling contributes to it. Mrs. Fisher is also concerned about the parking problem and is afraid that it will only get worse if the utilization of the apartments is expanded. Mrs. King shares these same concerns.

The Petitioners seek relief from Section 402.1, pursuant to Section 307, 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 Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of October, 1985, that the Petition for Zoning Variance to permit a side yard setback of 16 feet instead of the required 25 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The property shall be limited to three living units, with no further expansion.
- No more than five people, including adults and children, may maintain their residence on the property at any one time.
- Only one automobile, either owned or used by any resident of this property, may be parked on Sylvan Drive or Liberty Terrace at any one time. At the expiration of one year from the date of this Order, Mrs. King may request the Zoning Commissioner to reopen this case for the sole purpose of deleting this restriction. No further public notice need be provided; however, notice shall be served on those identified herein as Protestants.

[Signature]
Zoning Commissioner of
Baltimore County

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.1 to permit a side yard setback of 16 feet instead of the required 25 feet for an existing multi-family dwelling.

See cover letter for detailed position regarding hardship

I, or we, agree to pay expenses of a Variance advertisement, 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: *Mercedes King*
Signature: *Mercedes King*
Address: *2900 16th Street NW*
City and State: *Washington, D.C. 20001*

Legal Owner(s): *Gary M. Boardley*
Signature: *Gary M. Boardley*
Address: *1802 Liberty Terrace*
City and State: *Baltimore, MD 21204*

Attorney for Petitioner: *Leonard McCants*
Signature: *[Signature]*
Address: *5733 Eastern Ave. Suite 600*
City and State: *Baltimore, MD 21204*

Attorney's Telephone No.: *(301) 588-1850*

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of September, 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 October, 1985, at 10:00 o'clock A.M.

(over)

IN RE: PETITION ZONING VARIANCE
NA/corner of Liberty Terrace
and Sylvan Drive (6606 Liberty
Terrace) - 3rd Election
District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-174-A

Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 16 feet instead of the required 25 feet for an existing multi-family dwelling, as more particularly described on Petitioners' Exhibit 2.

The Petitioners, by their Contract Purchaser, Mercedes King, appeared and testified and was represented by Counsel. Judith Berger, a nearby resident, and Richard Goodman, a realtor, appeared on behalf of the Petitioners. Josephine Fisher and Mr. and Mrs. Leslie Goldstein, nearby residents, appeared in opposition.

Testimony indicated that the subject property, zoned D.R.5.5, is a corner lot located on Liberty Terrace and Sylvan Drive and is improved with a two-story, three-family dwelling, which has been in existence for many years. The lot, measuring approximately 248' x 245' x 125' x 170' x 72' x 140', is large enough to satisfy all of the requirements for a three-family dwelling under Section 402, Baltimore County Zoning Regulations (BCZR), except for the side yard requirement of 25 feet for a corner lot; only 16 feet exists from the dwelling east property line adjoining Sylvan Drive.

Although there is some disagreement as to the length of time the building has been utilized as a three-family dwelling, there is no question that the Contract Purchaser intends to use it as such. Mrs. King testified that she and her husband will reside on the first floor and that the two tenants presently rent-

cc: Leonard McCants, Esquire
J. Melville Townsend, Esquire
Ms. Josephine Fisher
People's Counsel

Legal Description
BEGINNING FOR THE SAME at the intersection of the northeast side of Liberty Terraces and the northwest side of Sylvan Drive, as laid out 40 feet wide, said point of beginning being at the southernmost corner of Lot No. 1, Block D, as shown on a Plat entitled "Section One, Lochearn", recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, Folio 153, and running thence and binding on the northwest side of Sylvan Drive north 34 degrees 40 minutes east 48.70 feet, thence still binding on the northwest side of Sylvan Drive north 51 degrees east 197.63 feet to a point in line with the northeast side of a stone wall there erected, thence to and along the northeast side of said stone wall north 38 degrees 41 minutes west 247.79 feet to a point in line with the northwest side of another stone wall there erected, thence to and along the northwest side of said second-mentioned stone wall and continuing shown on said Plat, thence binding on part of Lot No. 4 and Lot No. 3, south 55 degrees 20 minutes east 72.04 feet to the dividing line between Lots Nos. 2 and 3, thence with said dividing line south 34 degrees 40 minutes west 170.00 feet to the northeast side of Liberty Terraces, thence binding on the northeast side of Liberty Terraces south 55 degrees 20 minutes east 125.00 feet to the place of beginning, BEING and intending to describe all of Lots Nos. 1, 2, 40 and 41 and a portion of Lots Nos. 9, 10 and 11, Block D on the Plat hereinabove mentioned. The improvements thereon being now known as No. 6606 Liberty Terraces.

FORM 1002 (Continuation)

ORIGINAL

JUN 12 1986

PETITION FOR VARIANCE
3rd Election District

LOCATION: Northwest corner of Liberty Terrace & Sylvan Drive
(6606 Liberty Terrace)

DATE AND TIME: Monday, October 26, 1985 at 10:00 a.m.

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

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 402.1 to permit a side yard setback of 16' in lieu of the required 25' for an existing multi-family dwelling.

Being the property of Gary M. Boardley, 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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/Corner Liberty Terrace : OF BALTIMORE COUNTY
& Sylvan Dr. (6606 Liberty :
Terrace), 3rd District :
GARY M. BOARDLEY, et ux, : Case No. 86-174-A
Petitioners :
: : : : :
: : : : :

ENTRY OF APPEARANCE

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

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 1st day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to Leonard McCants, Esquire, 8730 Georgia Ave., Suite 600, Silver Springs, MD 20910, Attorney for Petitioners; and Mercedes A. King, 3900 16th St., N.W., #138, Washington, D. C. 20011, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1985

Leonard McCants, Esquire
8730 Georgia Avenue
Suite 600
Silver Spring, Maryland 20910

Re: Petition for Variance
NW/Corner Liberty Terrace &
Sylvan Drive (6606 Liberty Terrace)
3rd Election District
Gary M. Boardley, et ux - Petitioners
Case No. 86-174-A

Dear Mr. McCants:

This is to advise you that \$47.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

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

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

No. 012471

DATE 10-28-85 ACCOUNT R-01-615-000
AMOUNT \$ 47.00

RECEIVED FROM: Mercedes King
FOR: Petitioning Party 86-174-A

VALIDATION OR SIGNATURE OF CASHIER

LEGAL NOTICE

PETITION FOR VARIANCE
3rd Election District

LOCATION: Northwest corner of Liberty Terrace & Sylvan Drive (6606 Liberty Terrace)

DATE AND TIME: Monday, October 28, 1985 at 10:00 a.m.

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

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 402.1 to permit a side yard setback of 16' in lieu of the required 25' for an existing multi-family dwelling.

Being the property of Gary M. Boardley, 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

CERTIFICATE OF PUBLICATION

70167

Fikesville, Md., Oct. 9, 1985

CERTIFY, that the annexed advertisement

is published in the NORTHWEST STAR, a weekly

published in Fikesville, Baltimore

land before the 28th day of

19 85

publication appearing on the

day of Oct., 19 85

the second publication appearing on the

day of 19

the third publication appearing on the

day of 19

THE NORTHWEST STAR

Phyllis Cole Friedman
Manager

Cost of Advertising \$20.00

Leonard McCants, Esquire
8730 Georgia Avenue
Suite 600
Silver Springs, Maryland 20910

September 27, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
NW/Corner Liberty Terrace &
Sylvan Drive (6606 Liberty
Terrace) - 3rd Election Dist.
Gary M. Boardley, et ux - Petitioners
Case No. 86-174-A

TIME: 10:00 a.m.

DATE: Monday, October 28, 1985

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

PETITIONER'S
EXHIBIT

June 8, 1985

Mr. Richard Goodman
Mr. Oscar Samuelson
Merrill Lynch Pierce
10 Church Lane
Pikesville, MD

Gentlemen:

This correspondence has a two-fold purpose. First to give you a progress report on contractual matters relative to our purchase of 6606 Liberty Terrace. We have engaged the service of Colonial Mortgage Service Company as the lending agency for this property, and all pertinent forms have been completed and executed. The loan originator and his assistant are listed herein, should you wish to contact them.

The structural and mechanical inspection of the property was conducted by Jack Reilly and Associates in a timely fashion. A letter setting forth major concerns pertaining thereto was submitted to your office three days later, per addendum to the contract, pending receipt of the completed typewritten report of the inspector. The aforementioned items document seriousness of purpose and intent and confirms our interest in purchasing the subject property.

The second reason for this letter is to apprise you of, and to ask your assistance in resolving a matter that has come to our attention since we signed the contract to purchase subject property. Subsequent visits to the area revealed the continual parking of commercial vehicles on the south property boundary bordered by Sylvan Road. Our initial concern is in regard to a truck bearing the imprint of Independent Roofing Company. Examination of public records reflected that the owner of said company resides at 3602 Sylvan Road, the contiguous north rear property line with 6606 Liberty Terrace.

The truck in question is unsightly in its own right. Moreover, it has a tandem

attached which bears a tar boiler that enhances its status as an eyesore. We have checked the neighborhood on weekdays as well as weekends and this truck is there at all times. In addition, there are two (2) panelled trucks bearing the imprint of The Bread Oven, again apparently the possessions of owners who live on Sylvan Road, but prefer to deface 6606 Liberty Terrace by parking their commercial vehicles next to its fence, rather than in front of the property maintained by them for residential purposes. We hold that the aforementioned concerns are of a serious nature, and not just happenstance. In light of the fact that we are purchasing 6606 Liberty Terrace as our primary residence and that we will be investing a substantial amount of our life savings, as well as a monthly outlay in excess of \$1,300 for the next fifteen years, we implore you to assist in correcting this problem.

We have checked the Baltimore County Code governing such matters and we find the actions listed in violation of Code 17-36. We have enclosed a copy for your reference. In that we are not legally entitled to raise such questions, we are asking that you, through the current owner of 6606 Liberty Terrace initiate the necessary action for correcting the aforementioned violations. Please advise us at your earliest convenience of your intent to address these issues.

We will be out of town for a few days on business. However, we will communicate with you via telephone on June 14, 1985.

Sincerely,

Meredes A. King

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 3rd

Date of Posting October 9, 1985

Posted for: Variance

Petitioner: Gary M. Boardley, et ux

Location of property: NW/Corner Liberty Terrace & Sylvan Drive

(6606 Liberty Terrace)

Location of Sign: In front of 6606 Liberty Terrace

Remarks:

Posted by: S. J. Grata

Date of return: October 18, 1985

Number of Signs: 1

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

No. 012548

DATE 10-28-85 ACCOUNT R-01-615-000

AMOUNT \$ 22.00

RECEIVED FROM: Mercedes King

FOR: filing fee for 86-174-A VARIANCE

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 10, 19 85

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 October 10, 19 85

THE JEFFERSONIAN,

W. Kenton
Publisher

Cost of Advertising

22.00

JUN 12 1985

JUN 12