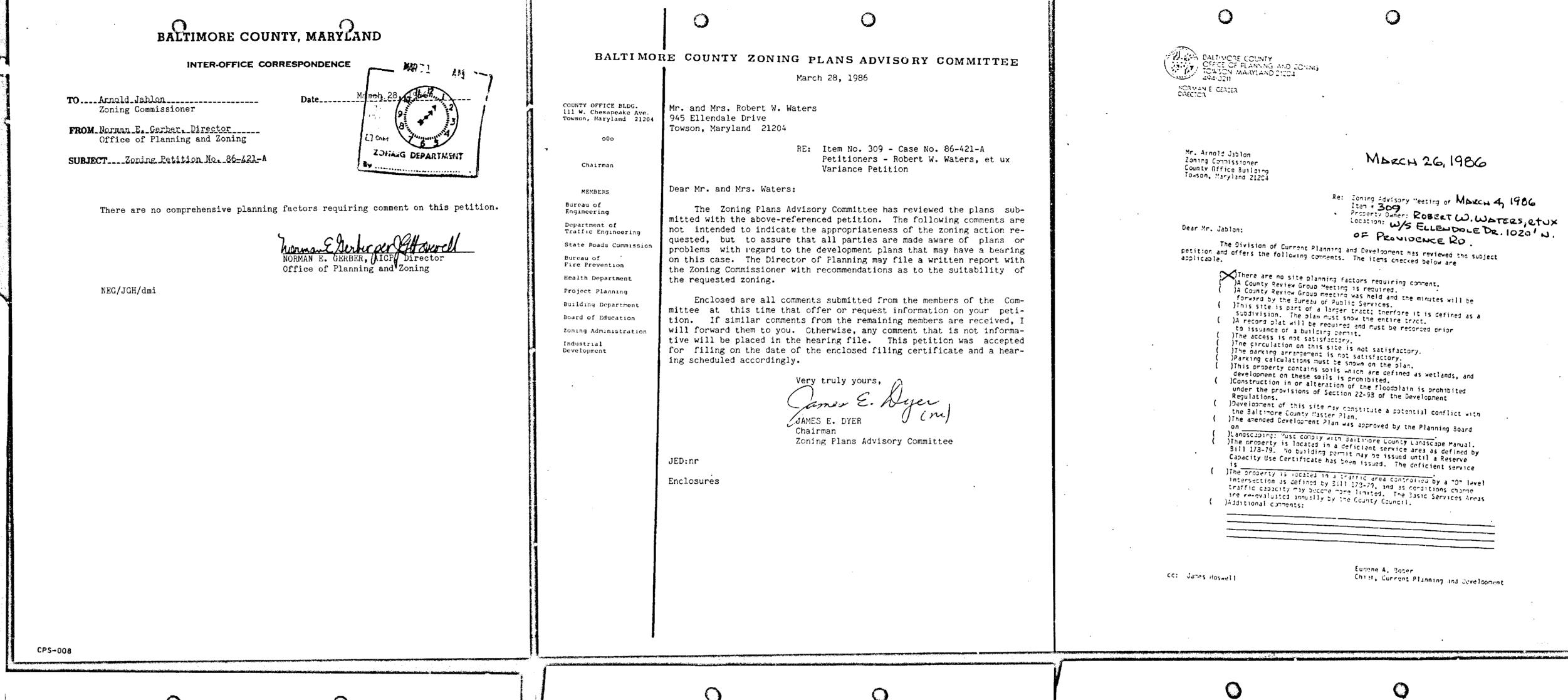
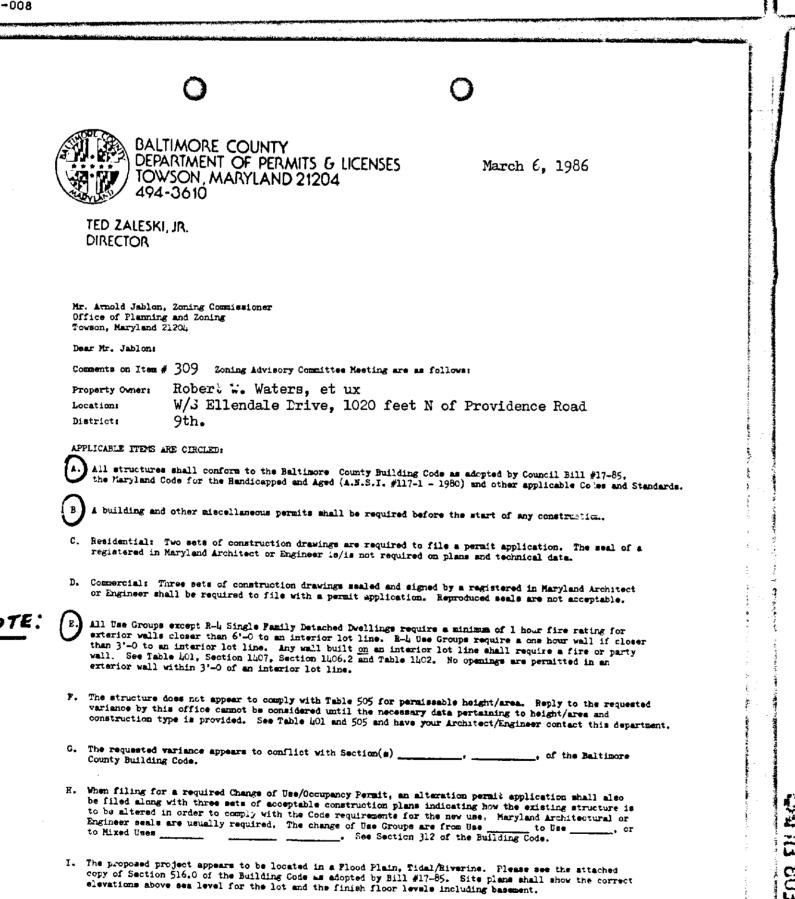


comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition price

Zoning Commissioner of Baltimore County.





K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson. Maryland 21204.

Minister 9 Survivales

BY: C. E. Burnham, Chief

Building Plans Review

BEFORE THE IN RE: PETITION ZONING VARIANCES W/S of Ellendale Drive, 1,020' ZONING COMMISSIONER N of Providence Road (945 Ellendale Drive) -OF BALTIMORE COUNTY 9th Election District Case No. 86-421-A Robert W. Waters, et ux, Petitioners * * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW The Petitioners herein request variances to permit a side yard setback of 4.5 feet instead of the required 15 feet and a sum of the side yard setbacks of 34.5 feet instead of the required 40 feet, as more particularly described on Petitioners' Exhibit 1. The Petitioner, Darlene E. Waters, appeared and testified. Joseph Wilz and William Schoenhaar, neighbors, appeared and testified in opposition. Wilbur Schmidt testified that he was not opposed if the existing garage were being converted to a family room. Testimony indicated that the subject property, zoned D.R.2 and located on Ellendale Drive, is improved with the Petitioners' 38 to 40-year-old dwelling, which has been their residence for 12 years. The Petitioners wish to convert the existing garage to a family room and add a new 26' x 21' garage to the front of the dwelling, which will necessitate a side yard setback of 4.5 feet to the north property line and a sum of the side yard setbacks of 34.5 feet. They cannot add the addition to the rear because the existing driveway on the noted side would need to be extended to the south property line and around the dwelling in order to provide access. The house presently extends to within

eight feet of the north property line. Mr. Wilz testified that Petitioners' Exhibit 1, which reflects a 30-foot setback from the dwelling to the south property line, is wrong and, in

reality, is only about 15 feet. He also guestioned whether the Petitioners had secured a building permit for the addition constructed on the south side

of the dwelling. The Petitioners seek relief from Section 1802.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

Upon demand, the Petitioners submitted a copy of Building Permit No. 29832, issued on August 14, 1980, to enclose an existing porch which was to be converted to a den. This negates the second concern raised by the Protestants. At this Commissioner's request, a zoning inspector visited the site on July 21, 1986 in order to measure the south side yard setback, and he concluded that the distances cited on Petitioners' Exhibit 1 are correct, thereby negating the first concern.

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;
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Ark son v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). Lit is clear from the testimony that if the variances were granted, such use is proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

- 2 -

RECEIVED

to occupancy.

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

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

ZONING DESCRIPTION

Beginning on the West Side of Ellendale Drive, 1020 ft. N. of the centerline of Providence Road. Being Lot # 38 Plat #2, Glen Ellen Book 14, Folio 25. in the 9th. Election District, Baltimore County Maryland. Also Known as # 945 Ellendale Drive. Containing 1.33 Acres.

After due consideration of the testimony and evidence precented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of July, 1986, that the Petition for Zoning Variances to permit a side yard setback of 4.5 feet instead of the required 15 feet and a sum of the side yard setbacks of 34.5 feet instead of the required 40 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Báltimore County

Mr. & Mrs. Robert W. Waters Mr. John Wilz People's Counsel

PETITION FOR ZONING VARIANCE 9th Election District

West Side of Ellendale Drive, 1020 feet North of Providence Road LOCATION: (945 Ellendale Drive)

DATE AND TIME: Monday, April 21, 1986, at 10:00 a.m.

00

Petitioner: Robert W. Waters, et ux

O.Q.

District 97/2

Number of Signs:

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

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

Petition for Zoning Variance to permit a side yard setback of 4 feet 6 inches in lieu of the required 15 feet and a sum of the side yard setbacks of 34.5 feet in lieu of the required 40 feet

Being the property of <u>Robert W. Waters, et ux</u>, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

> > 90

96-1171-H

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: WS/Floridale Drive, 1020' N/Providania Rd.

Location of Signs: Factoring Flow dolo Drive, epinon. 17 fr. yeadway

on proporty of Potitioner

915 Ellerdolo Dr.

RE: PETITION FOR VARIANCES W/S Ellendale Dr., 1020' N of Providence Rd. (945 Ellendale Dr.) 9th District

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

ROBERT W. WATERS, et ux, Petitioners

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the Paople'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 People's Counsel for Baltimore County

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 April, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Robert W. Waters, 945 Ellendale Dr., Towson, MD 21204, Petitioners.

7

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

April 16, 1986

ARNOLD JABLON

ZONING COMMISSIONER

0

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

Mr. Robert W. Waters Mrs. Darlene E. Waters 945 Ellendale Drive Towson, Maryland 21204

> RE: PETITION FOR ZONING VARIANCE W/S Ellendale Dr., 1020' N of Providence Rd. (945 Ellendale Dr.) 9th Election District Robert W. Waters, et ux - Petitioners Case No. 86-421-A

Dear Mr. and Mrs. Waters:

This is to advise you that \$73.75 is due for advertising and posting of the above property. This fee must be paid before an

Mrs. Darlene E. Waters 945 Ellendale Drive Towson, Maryland 21204

> 10:00 a.m. Monday, April 21, 1986

Avenue, Towson, Maryland

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

01.615.000

VALIDATION OR SIGNATURE OF CASHIER

PUBLIC HEARING ACTION OF THE PUBLIC HEARING ACTION OF BUILDING AVENUE. TOWSON, MARYLAND The Zoning Commissioner of Balti-more County, by authority of the Zoning Act and Regulations of Balti-more County, wit hold a public near-

permit a side yard setback of 4 feet 6 inches in lieu of the required 15 feet and a sum of the Being the property of Robert W Waters, et us, as shown an plat plan filed In the event that this Patition(s) is granted, a building pennit may be seased within the thirty (3L) day appaul penod. The Zoning Commis-sioner will, however, entertain any request for a stay of the statushos of said permit during this period for hood cause shown. Such request must be received in writing by the date of the howing set above or made at the hearing.

75335-L87694 Apr. 2

PETITION FOR ZONING VARIANCE 9th Electron Castella

LOCATION: West State of Drive. 1020 feet North of Poat (945 Elendale Date AND TRUE Montage)

90 CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 2 , 19 86

> Publisher 34.00

TOWSON TIMES.

PETITION FOR ZONING VARIANCE 9th Election District LOCATION: West Side of Ellendale Drive. 1020 feet North of Providence Road (945 Ellendale Drive) DATE AND TIME: Monday, April 21, 1986, at 10:00 a.m. PUBLIC HEARING: Room 106, County Office Paril

County Office Building, 111 W. Chevapeake Avenue, Towson,

The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore County, will hold a public hearing: Petition for Zoning Variance to per-mit a tide yard set her by of the form

above or made at the bearing.

By Order Of
ARNOLD JABLON,

Zoning Commissioner of Baltimore County
Apr. 3.

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 3 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

April 3 , 19 86

retuon for Zoning Variance to permit a sade yard setback of 4 feet 6 inches in lieu of the required 15 feet and a sum of the side yard setbacks of 34.5 feet in lieu of the required 40 feet.

Being t'se property of Robert W. Witers, et say, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit man be THE JEFFERSONIAN, in the event that this Petition(s) 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.

Publisher Cost of Advertising

Case No. 85-421-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 the day of March, 1986.

Zoning Commissioner

Petitioner Robert W. Waters, 68 um Petitioner's Attorney

Received by: smes Entype Chairman, Zoning (Plans m) Advisory Committée

APR 23 1087_

THIS FEE MUSA BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Do not remove sign from nreathis office time it is placed by No. 021896 BALTIMORE COUNTY, MARYLAND County, Maryland, and remit OFFICE OF FINANCE REVENUE DIVISION ing, Towson, Maryland MISCELLANEOUS CASH RECEIPT __ACCOUNT_ R 01-(15 000 B -8535******7375:a 6212F VALIDATION OR SIGNATURE OF CASHIER

March 21, 1986

Mr. Robert W. Waters

- 3 -

NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE W/S Ellendale Dr., 1020' N of Providence Rd. (945 Ellendale Dr.) 9th Election District Robert W. Waters, et ux - Petitioners

Case No. 86-421-A

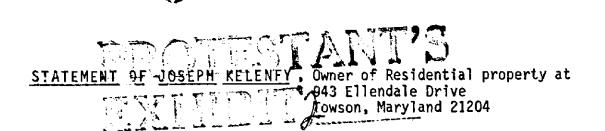
PLACE: Room 106, County Office Building, 111 West Chesapeake

of Baltimore County

No. 618483

AMOUNT_\$ 35.04

3 8010*****3000:a 07128



SUBJECT: Zoning variance request for 945 Ellendale Drive Towson, Maryland 21204 Case #86-421A

This statement is prepared in lieu of my personal appearance for subject Zoning Hearing on April 21, 1986 - 10:00 a.m., due to a business commitment which I could not change.

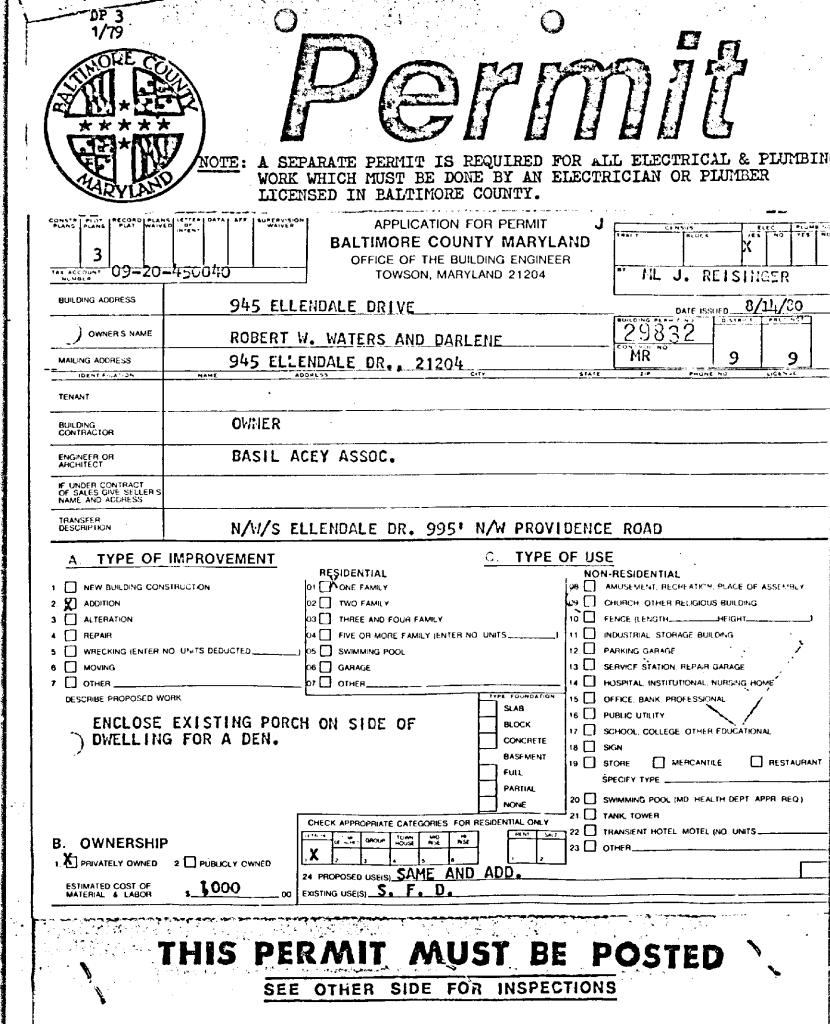
I, Joseph Kelenfy, oppose the subject zoning variance and request denial by the authorities for the following reasons:

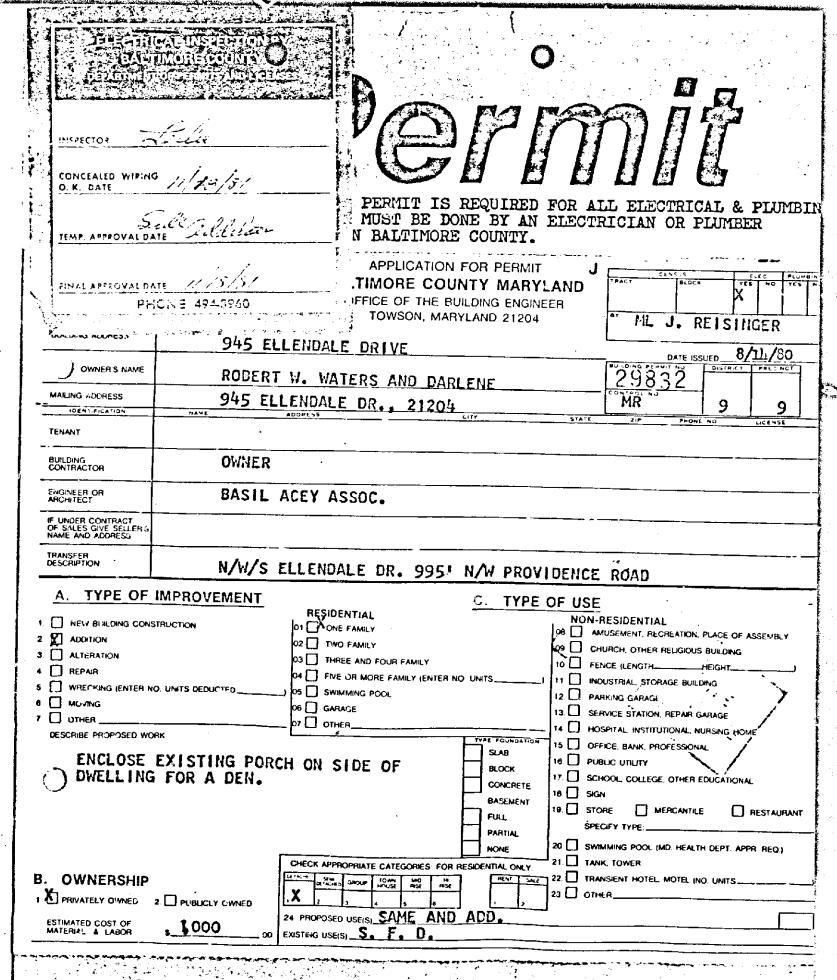
- 1. The existing garage building is already too close to the property line on the north side between 943 and 945 Ellendale Drive, and the proposed expansion would reduce the above distance to a couple feet since the adjacent properties are pie-shaped, narrowing to the front in the direction of the proposed building expansion.
- 2. If proposed building is constructed, it will impair the present view from the picture window of our living room and it will block the view from the side window of same living room.
- 3. The curvature in which the adjacent houses are constructed carefully follow the street curvature, providing harmony between buildings and land shapes. The proposed expansion would destroy this harmony.
- 4. Since the proposed construction is to facilitate a family room by the conversion of the existing garage, exactly in line with and behind the proposed new garage, living quarters would be too close to the north property line between the properties of 943 and 945 Ellendale Drive, Towson, Maryland.

Based on the above points, I respectfully oppose the Zoning Variance. Should this statement be insufficient for any protest, I request a postponement of this hearing.

Witness:

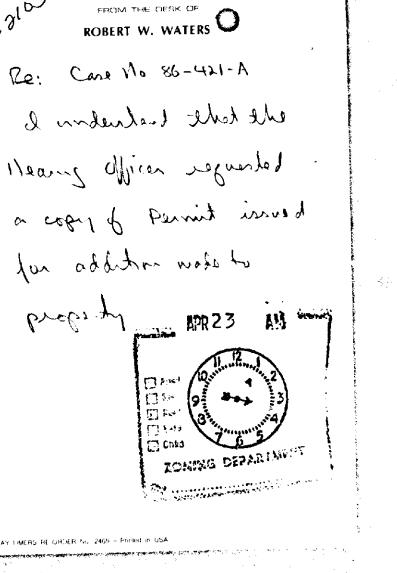
Joseph Kelenfy Owear - Residence 943 Ellendale Drive Towson, MD 21204

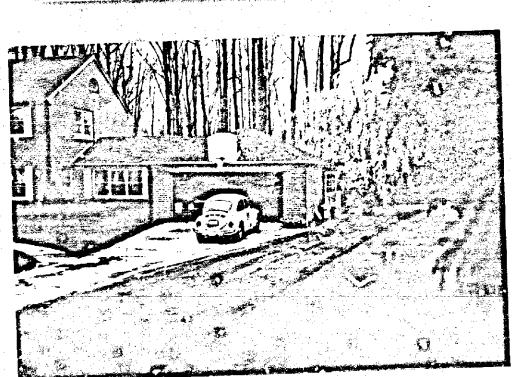




THIS PERMIT MUST BE POSTED

SEE OTHER SIDE FOR INSPECTIONS







25 701

SCALE 1"=100"

OWNEL - ROBLET W. & DATLENE E WYATERS

DISTRICT 9 ZONED D.R. 2

LOT 38 PLAT BOOK J. W. B NO 14 Folio 25

SUR-DIVISION . OLEN ELLEN

APPLICATION FOR VARIANCE

VICINITY MAP



