

64 362 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 1901.2.C.6 (V.R.5.a, V.R.5.b) to permit setbacks of 5 feet and 15 feet for window to tract boundary and 10 feet from building to tract boundary in lieu of the required 35 feet and 30 feet respectively.

Practical difficulty is evident by the following site restriction:
1) The lot configuration (jog in south property line);
2) Steep slope area directly behind the proposed dwelling;
3) The need to retain the privacy (sight visibility) for the applicant and the property owner immediately to the north.
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Type or Print Name: RONALD L. KAUFMAN
Signature: [Signature]
Address: 2915 WILMARCO AVE
City and State: BALTIMORE, MD 21223

Legal Owner(s):
Type or Print Name: JOSEPH S. GROSS
Signature: [Signature]
Address: 1830 FREDERICK ROAD
City and State: BALTIMORE, MD 21228

Attorney for Petitioner:
Type or Print Name: ARNOLD JABLON
Signature: [Signature]
Address: 1830 FREDERICK ROAD
City and State: BALTIMORE, MD 21228

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Name: ARNOLD JABLON
Address: 1830 FREDERICK ROAD
City and State: BALTIMORE, MD 21228
Phone No.: 494-6010

Attorney's Telephone No.: 494-6010

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of April, 1986, 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 2nd day of June, 1986, at 11:15 o'clock a.m.

Zoning Commissioner of Baltimore County.

(over)

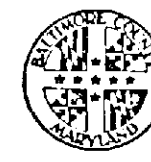


Zoning Description

Beginning at a point on the W/S of a 50 ft. R/W running North off of Frederick Road. Said point being 190.44' N. of the N/S of Frederick Road. Said point on the N/S of Frederick Road being 710' E. of the centerline of N. Rolling Road. Thence the 7 following courses and distances:

1) North 86 degrees 15 minutes 00 seconds West 189.92 feet, 2) North 04 degrees 34 minutes 00 seconds East 35.00 feet, 3) North 86 degrees 15 minutes 00 seconds West 225.00 feet, 4) North 01 degrees 33 minutes 20 seconds West 149.72 feet, 5) South 70 degrees 56 minutes 46 seconds East 314 feet, 6) North 86 degrees 23 minutes 40 seconds East 92.00 feet to a point on the west side of a 50 foot right of way leading to Frederick Road, thence binding on the west side of the 50 foot right of way, 7) South 06 degrees 34 minutes 20 seconds East 110.86 feet to the point of beginning.

Containing 45,733 square feet or 1.0499 acres of land, more or less in the First Election District.



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

ARNOLD JABLON
ZONING COMMISSIONER

May 27, 1986

Mr. Ronald L. Kaufman
2915 Wilmarco Avenue
Baltimore, Maryland 21223

RE: PETITION FOR ZONING VARIANCES
Beg. @ 190' N of Frederick Rd., 710' E of
North Rolling Rd.
1st Election District
Joseph S. Gross - Petitioner
Case No. 86-486-A

Dear Mr. Kaufman:

This is to advise you that \$74.70 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

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

No. 021729

County, Maryland, and remit
to, Towson, Maryland

DATE: _____ ACCOUNT: _____
AMOUNT: \$ 74.70

RECEIVED FROM: _____

FOR: _____

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCES

1st Election District

Case No. 86-486-A

LOCATION: Beginning at 190 feet North of Frederick Road, 710 feet East of North Rolling Road

DATE AND TIME: Monday, June 2, 1986, at 11:15 a.m.

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 setbacks of 5 feet and 15 feet for window to tract boundary and 10 feet from building to tract boundary in lieu of the required 35 and 30 feet respectively

Being the property of Joseph S. Gross, 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

Patuxent Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

May 15 19 86

TO CERTIFY, that the annexed advertisement of
Zoning Variance 76068

was inserted in the following:

Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 17th day of May 1986, that is to say, the same was inserted in the issues of

May 15, 1986

PATUXENT PUBLISHING CORP.
By: [Signature]

RE: PETITION FOR VARIANCES
Beginning @ 190' N of Frederick Rd., 710' E of N. Rolling Rd. 1st District
JOSEPH S. GROSS, Petitioner : Case No. 86-486-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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 8th day of May, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. Joseph S. Gross, 2830 Frederick Rd., Baltimore, MD 21228; Mr. Ronald L. Kaufman, 2915 Wilmarco Ave., Baltimore, MD 21223, Contract Purchaser; and Mr. Bill Monk, P.O. Box 11415, Baltimore, MD 21239, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Mr. Joseph S. Gross
1830 Frederick Road
Baltimore, Maryland 21228

May 2, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
Beg. @ 190' N of Frederick Rd., 710' E of North Rolling Rd.
1st Election District
Joseph S. Gross - Petitioner
Case No. 86-486-A

TIME: 11:15 a.m.

DATE: Monday, June 2, 1986

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

Zoning Commissioner
of Baltimore County

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

No. 019087

DATE: 5/15/86 ACCOUNT: 01-019-000

AMOUNT: \$ 35.00

RECEIVED FROM: R. L. Kaufman

FOR: 02

VALIDATION OR SIGNATURE OF CASHIER

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

VS.

CERTIFICATE OF PUBLICATION OF

86-486-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
20th day of April, 1986.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Joseph S. Gross
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 15, 1986

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
May 15, 1986

THE JEFFERSONIAN,
W. Kentz
Publisher

Cost of Advertising
24.75

PETITION FOR ZONING
VARIANCES
1st Election District
Case No. 86-486-A

LOCATION: Beginning at 190 feet
North of Frederick Road, 710 feet
East of North Rolling Road,
DATE AND TIME: Monday, June 2,
1986, at 11:15 a.m.
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
setbacks of 5 feet and 15 feet for
windows to street boundary and 10 feet
from building to street boundary in lieu
of the required 35 and 30 feet respectively.
Being the property of Joseph S.
Gross, as shown on 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 or
before or made at the hearing.

By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
May 15, 1986

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: May 6, 1986

Posted for: Variance

Petitioner: Joseph S. Gross

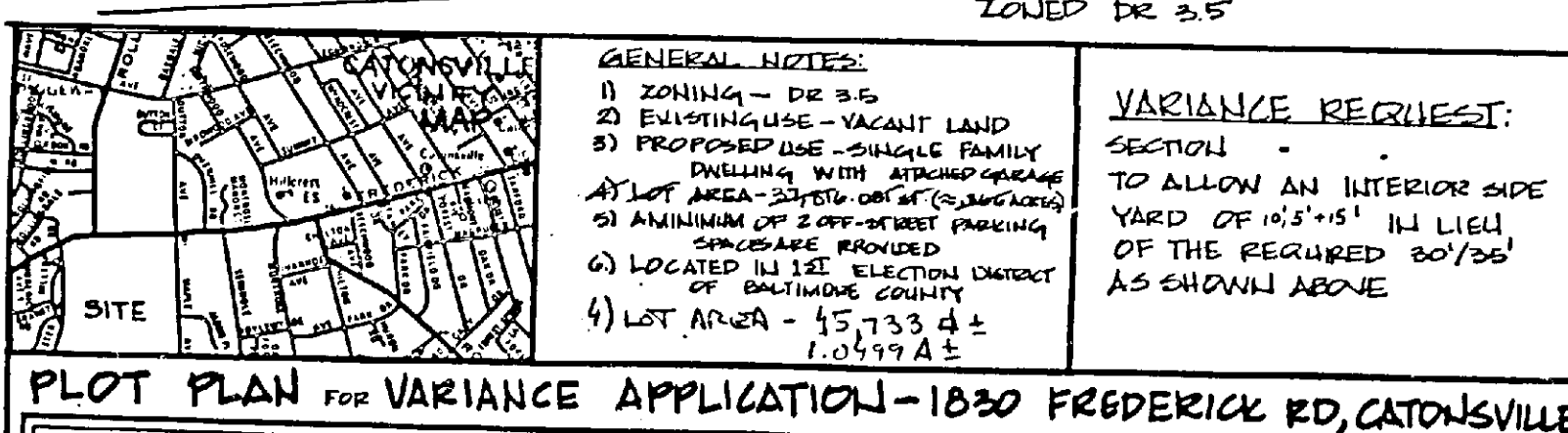
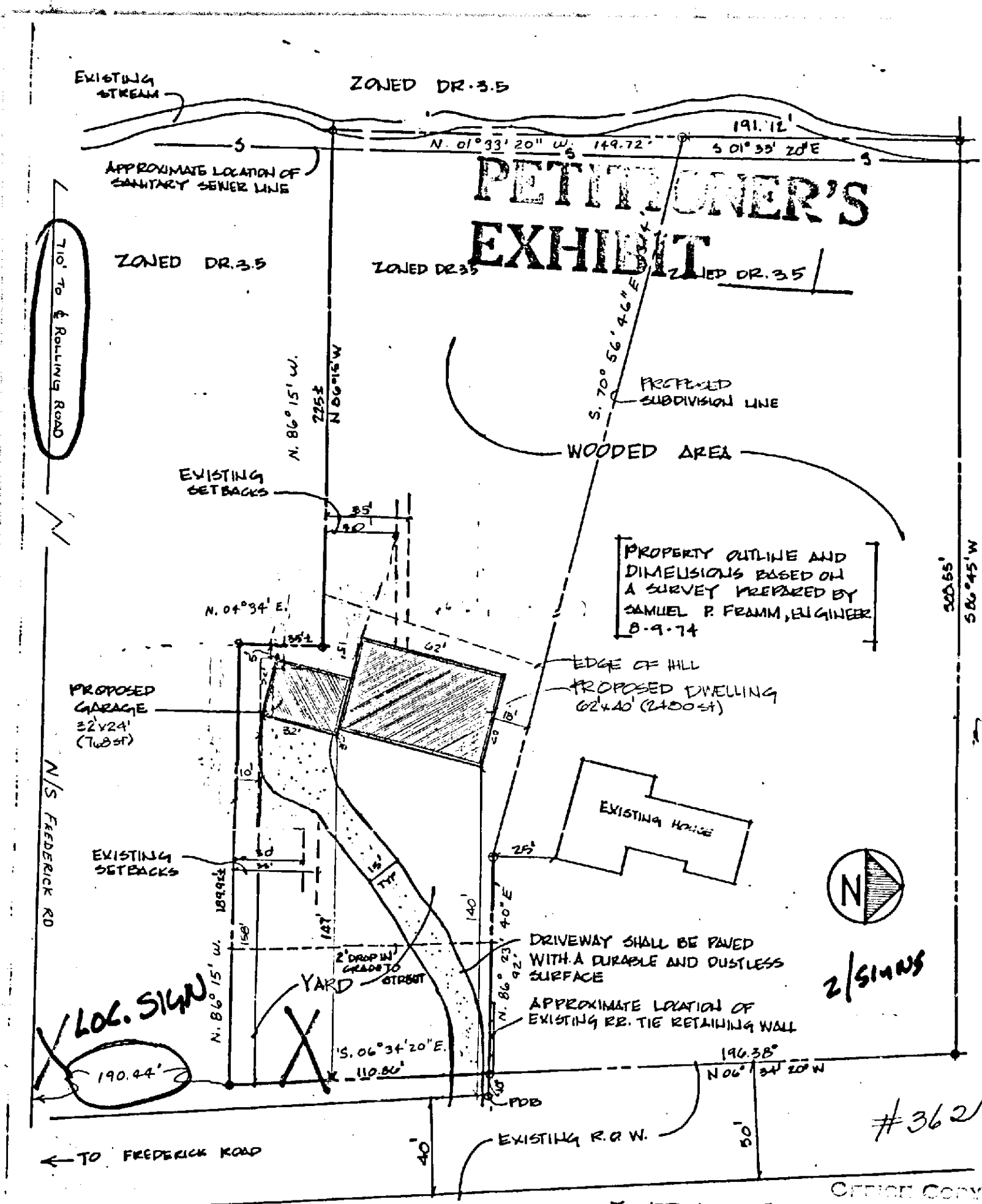
Location of property: Beg. 190' N. of Frederick Rd., 710' E. of N. Rolling Rd.

Location of Signs: Location signs N/S of Frederick Rd. at R.O.W. to subject property. End signs N/S of R.O.W. in front of subject property.

Remarks:

Posted by: E. J. Arata Signature Date of return: 5-16-86

Number of Signs: 2



Charles S. Kamosky, Architect, dca
1993 Moreland Parkway, Suite 103, Annapolis, Maryland 21401 Phone (410) 267-6066

SCALE: 1" = 50' 0.44"
DATE: 5/15/86
APPLICANT: RONALD L. KAUFMAN
55 LEXA
2915 VULCANIA AVE
BALTIMORE, MD 21202
OFFICE COPY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 19, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 86-474-A, 86-477-A, 86-479-A, 86-482-A, 86-485-A,
86-486-A, 86-488-A, 86-489-A, and 86-490-A

There are no comprehensive planning factors requiring comment
on these petitions.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sim

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 15, 1986

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

Mr. Bill Monk
P.O. Box 11415
Baltimore, Maryland 21239

Chairman

RE: Item No. 362 - Case No. 86-486-A
Petitioner - Joseph S. Gross
Variance Petition

Dear Mr. Monk:

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JJD:hsc
Enclosures
cc: Charles S. Kamosky
1993 Moreland Parkway
Suite 103
Annapolis, Md. 21401

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
494-4500

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

MAY 12, 1986

Re: Zoning Advisory Meeting of April 22, 1986
Item No. 362 - JOSEPH S. GROSS
Location: 190' N. of Frederick Rd., 710'
E. of North Rolling Rd.

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 22-33 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 1/15/86.
- ☒ Plans (setback) must comply with Baltimore County Landscape Manual,
Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The sufficient service
is.
- ☒ The property is located in a service area controlled by a non-level
intersection as defined by Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The sufficient service
is.
- ☒ The property is located in a service area controlled by a non-level
intersection as defined by Bill 173-79. No building permit may be issued until a Reserve
Capacity Use Certificate has been issued. The sufficient service
is.

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2286
494-4500

PAUL H. REINCKE
CHIEF

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

RE: Property Owner: Joseph S. Gross
Location: 1900 ft. N. of Frederick Rd., 710 ft. E. of North Rolling Rd.
Item No.: 362 Zoning Agenda: Meeting of April 22, 1986

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 or 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: *John F. Dyer* Noted and Approved: *John F. Dyer*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



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

**TED ZALESKI, JR.
DIRECTOR**

May 14, 1986

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

Dear Mr. Jablon:

Comments on Item # 362 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph S. Gross
Location: 190 feet N of Frederick Road, 710 feet E of North Rolling Road 1st.
District:

APPLICABLE ITEMS ARE CIRCLED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- A building and other miscellaneous permits shall be required before the start of any construction.
- Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.
- Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary 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/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.
- The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- Comments:

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. It is desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burman, Jr.
Building Plans Review

4/22/86

for a window to a tract boundary. Due to the topography and the unusual shape of the lot, placement of the proposed dwelling is limited. The property is heavily wooded to the rear and it slopes downward in excess of 15%, about 12 feet to the rear of the proposed dwelling. The house will be constructed at an angle and will face the private road, which is perpendicular to Frederick Road. If the home were constructed at any other angle, variances would still be required.

The tract boundary adjoins Mr. Carbo's property for a distance of 190 feet back from the private road and extends back another 225 feet. Behind Mr. Carbo's property and adjacent to the side of the new lot is property owned by Baltimore County. The proposed home, which will have an attached garage facing Mr. Carbo's property, will be constructed parallel to Mr. Carbo's rear property line and be at an angle to his property and to the property behind him. Due to the proposed angle of the dwelling and the unusual shape of the lot, the home will be situated a minimum of 10 feet to the tract boundary on the side and 5 feet from a rear property line which juts in from the side tract boundary approximately 35 feet before extending back 225 feet at a perpendicular angle. The house will be 15 feet from the side tract boundary adjacent to the County-owned property. Mr. Carbo believes that the proposed dwelling will be too close to his property line. Mr. Helfrich believes that the proposed dwelling is too wide for the width of the lot, which is about 111 feet.

Mr. Kaufman centered the dwelling on the lot and placed it at an angle to mitigate any impact the requested variances might have. He testified that the house will have only three bedrooms and, in his opinion, is not too large.

The Petitioner seeks relief from Sections 1B01.2.C.6 and 1B02.3.A.3, Baltimore County Zoning Regulations (BCZR), and Section V.B.5.a and b,

- 2 -

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 16th day of June, 1986, that the Petition for Zoning Variances to permit 15 feet from window to tract boundary and 5 feet and 10 feet from building to tract boundary in lieu of the required 35 feet and 30 feet, respectively, 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 Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioner and Contract Purchaser shall not be permitted to further subdivide either of these two lots.

Charles E. Burman, Jr.
Zoning Commissioner of
Baltimore County

- 4 -

IN RE: PETITION ZONING VARIANCES * BEFORE THE
Beginning 190' N of Frederick * ZONING COMMISSIONER
Road, 710' E of North Rolling * OF BALTIMORE COUNTY
Road - 1st Election District *
Joseph S. Gross, * Case No. 86-486-A
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit setbacks of 5 feet and 15 feet from window to tract boundary and 10 feet from building to tract boundary in lieu of the required 35 feet and 30 feet, respectively, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. The Contract Purchaser, Ronald L. Kaufman, also testified, as did William Monk, an expert land planner. Edward Carbo, the adjacent property owner to the south, and Campbell Helfrich, another nearby property owner, appeared in opposition. Mary Wilson appeared as an interested party.

Testimony indicated that the subject property, zoned D.R.3.5 and containing 2 1/2 acres, is located off Frederick Road with access from a private road serving four properties. The Petitioner has lived there for 11 years and now proposes to subdivide his property into two lots. Mr. Kaufman proposes to purchase a one-acre lot to construct his home thereon. Mr. Gross will retain the remainder of the property to the north on which his home is situated.

Although the Petitioner is proposing only two lots, the entire tract can be developed into six or more dwelling units. Because of this, a setback of 30 feet is required for a building to a tract boundary and 35 feet is required

Comprehensive Manual of Development Policies (CMPD), pursuant to Section 307, BCZR.

Mr. Kaufman proposes no windows for the garage, and therefore, setbacks of 30 feet to the south tract boundary, adjacent to Mr. Carbo's property, and to the west rear tract boundary are required. Since a window is proposed on the south side of the dwelling, a setback of 35 feet to the south tract boundary is required.

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 variances 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 variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel.

- 3 -

RECEIVED FOR FILING
June 16, 1986
DATE
BY

cc: Mr. Joseph Gross
Mr. Edward Carbo
Mr. Campbell Helfrich
Ms. Mary Wilson
People's Counsel

RECEIVED FOR FILING
June 16, 1986
DATE
BY