

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 to permit a lot width of 66 ft. in lieu of the required 80 ft. (per D.R. 5.5) and a special hearing to determine if an existing residence in an R-1 zone may utilize the conversion provisions of S. 402 to legalize an existing 2 family dwelling, for # 8105 Dukie Ave. and for #8103 Dukie Ave. to permit a lot width of 66 ft. in lieu of the required 80 ft. and a side yard setback of 12 ft. in lieu of the required 15 ft. to legalize an existing 2 family dwelling.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Premises originally built as two apartments many years ago by owner's predecessor. Owner cannot afford costs of conversion to single family dwelling.
2. Tenants on premises, who are long term residents averaging 12 years in occupancy, will be forced to relocate.
3. No additional front footage available on either side of lot in question.
4. Owner is not aware of any neighborhood objection to use of premises as two apartments.

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.

Cont. & Purchaser:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Address
Arne-Stewart V. Palmer	8105 Dukie Avenue
(Type or Print Name)	Address
Signature	Baltimore, Maryland 21222
One North Charles Street	City and State
Suite 900	Name, address and phone number of legal owner, contract purchaser or representative as so contacted
Baltimore, Maryland 21201	James Siford
City and State	6925 Delvale Place
Attorney's Telephone No.: 752-3650	Baltimore, Maryland 21222 285-3092
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of May, 1987, 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 20th day of July, 1987, at 10:00 A.M.

Carl J. Jablon
Zoning Commissioner of Baltimore County.

Case No. 88-18-SPHA

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 5th day of June, 1987.

Arnold Jablon
Zoning Commissioner

Petitioner: James Siford
Petitioner's Attorney: Arne-Stewart V. Palmer, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 88-18-SPHA

Date: June 17, 1987

In view of the subject of this petition, this office offers no comment.

Norman E. Gerber
Norman E. Gerber
Director

NEG:JGH:sib

RECEIVED
JUN 17 1987

ZONING OFFICE

June 24, 1987

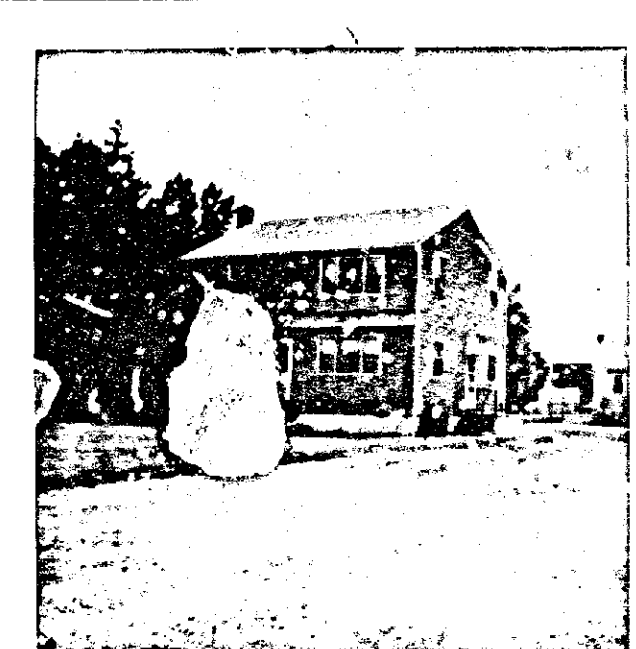
TO WHOM IT MAY CONCERN:

I want it to be known, as of this writing, that there are no problems with parking or space at the apartment site of 8103 and 8105 Dukie Avenue, Baltimore, Maryland 21222.

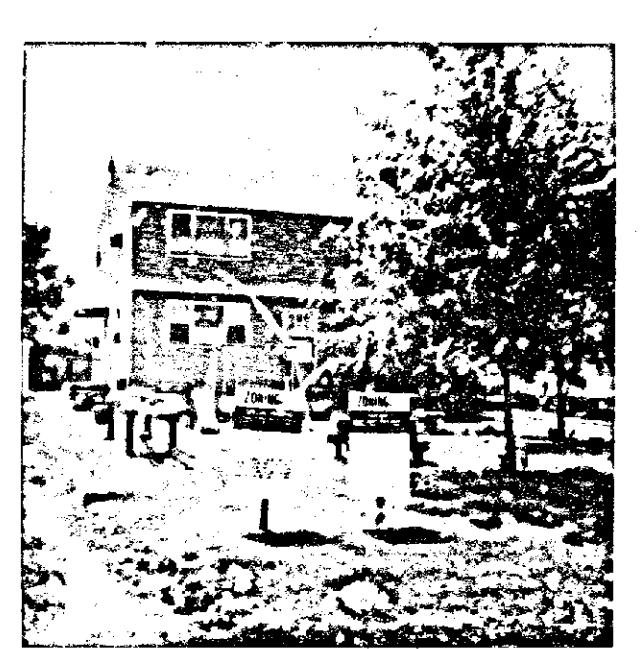
James G. Rayner

James G. Rayner
8107 Dukie Ave.

PETITIONER'S EXHIBIT



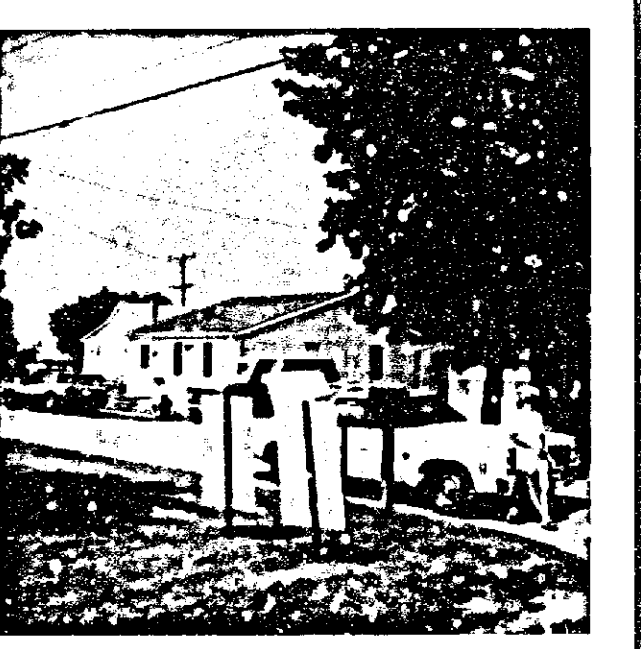
8105 DUKIE



8103 DUKIE



8104-06-08 DUKIE



8100 DUKIE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 19, 1987

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

Chairman

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

Arne-Stewart V. Palmer, Esquire
One North Charles Street, Suite 900
Baltimore, Maryland 21201

RE: Item No. 396 - Case No. 88-18-SPHA
Petitioner: James Siford
Petition for Special Hearing and Zoning Variance

Dear Ms. Palmer:

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

JED:bjb

Enclosures

cc: E. F. Raphael & Associates
205 Courtland Avenue, Towson, Md. 21204

Baltimore County
Fire Department
Towson, Maryland 21204-2506
(410) 450-4500

Paul H. Rincke
Chief

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

April 23, 1987

Re: Property Owner: James Siford

Location: SE/S Dukie Avenue, 166' NE NE/S N. Pt. Blvd.

Item No.: 396

Zoning Agenda: Meeting of 4/21/87

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.
- (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 comment at this time.

REVIEWER: *John F. O'Neill*
Planning Group
Special Inspection Division

Noted and Approved: *John F. O'Neill*
Fire Prevention Bureau

1/31

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

THOMAS MOORE
THOMAS MOORE
C. Richard Moore
Acting Director

May 11, 1987

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

Dear Mr. Jablon:

The Bureau of Traffic Engineering has no comments for items number 396, 404, 409, 410, 414, 415, 411, 412, and 406.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

I would like to inform you that I have lived on Dukie Ave. for about nine years and I have always known the apartments and the people. The people that I have known in the apartments have always been nice and never had any trouble with anything. They people on this road are really nice and everyone talks to each other and keeps their lawns and houses nice. We or anyone else has no trouble parking or getting in and out of the street. The family upstairs takes care of back yard and the family down stairs take care of front which everything looks nice. My father in law has lived here all his life and has known the apartments for a long time and he has said he wouldn't live anywhere else this road has been great never any trouble and is quiet and he really likes it this way. And my husband and I hope it stays like this way to.

MRS. DAVID KEMMER
8101 DUKIE AVE
2858463
David Kemmer

2-11-87

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

To whom it may concern:

6-29-87

We (Mary Charlotte Collins) have lived here at 8103-B Dukie Ave. for a little over seven (7) years now. It's a nice quiet place to live, it's trouble free from our neighbor or any one else on Dukie Ave.

On the seven (7) years we have had 2 boys, now 5 years & 12 years old they both like to play in the nice size yard & get along well with the neighbors children. There's plenty of space for all of them to play in.

There is plenty of parking space, we all can get in & out without parking anybody to move a car. At 8103 we have 4 cars between us & 8105 now have 2, but at one time there were 4 cars and still have no problem getting in & out, and that a total of 8 cars, with no problem.

I think it would be sad to have anything changed here on Dukie Ave.

Sincerely Yours,
Mrs. Mary Charlotte Collins

To whom it may concern:

7-10-87

I have known Mrs. Jim Sifford the owner of 8103-B Dukie Ave. for a long time. He is a very up standing and kind man. He is a credit to our small neighborhood. He does not have any trouble with his tenants. We have never had any trouble with parking or trash or any other problems which usually occur with apt's.

Mean with respect appreciate Mrs. Jim Sifford.

Respectfully,

Mrs. Mary E. Painter
8106 Dukie Ave.
Baltimore, Md.
21222

To whom it may concern,

My name is Rose Reel. I have lived at 8105 Dukie Ave for 22 years. I live in the ground apt. The people who live above me have been there about 5 or 6 years. It is very quiet here and I have no complaints. There is plenty of parking space. There are no children. Both of these homes were built over 25 years ago as two apartments each. There were always separate gas & elec. meters for each apt.

The people next door are elderly and in poor health. If they had to move it would be hard on them. They are quiet fine people. The other tenants are young with 2 children. They have swings and fenced in back yard. We love it here. Mr. Sifford is a good

landlord. The only problem he had was with a girl who used to live below me. She had cats that smelled. She blamed the smell on Mr. Sifford. The smell left the day she died. We get along with everyone around here. I hope to live here 22 more years.

Mrs. Rose Reel
8105-A Dukie Ave.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: James Dyer, Zoning Supervisor Date: 3/16/87
FROM: James Thompson, Zoning Enforcement Coordinator 396
Item No.: 396 (if known)
SUBJECT: Petitioner: James Sifford (known)

VIOLATION CASE # 87-767
LOCATION OF VIOLATION 8105 B Dukie Avenue
DEPENDANT James Sifford ADDRESS 6925 Belvidere Place

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Thomas Krawczyk 19 Bay View Court
Apt C 21221

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

Zoning Board
of Baltimore County

Dear Sirs,
I have been a tenant of 8103 Dukie Ave. for 9 years. The other tenants have been cooperative, quiet and have kept the grounds and apartments clean and neat.

There is ample off street parking for 6 cars. The front and back lots are more than adequate for children to play and outdoor activity for the adults.

I know of no complaints from the other residents of the neighborhood. They all seem to get along well with each other.

Sincerely,
Mrs. & Mrs. P. A. Fushaw

PETITIONER'S EXHIBIT 3

ESTIMATE/WORK ORDER		WAYNE CLARK 3473 MARBLE ARCH PASADENA, MD. 21122	DATE 6/30/87	LOCATION 8103 DUKIE AVE. 8105 DUKIE AVE.
		YES	NO	
QUANTITY	DESCRIPTION	ITEMS	HOURS BY DAY	DATE
	PART 1 - REMOVE 2ND APARTMENT			
	TEAR OUT WALL SEPARATING BOTTOM APARTMENT FROM STAIRWAY LEADING TO 2ND FLOOR.			
	TEAR OUT STEPS LEADING TO 2ND FLOOR. REMOVE WALL BETWEEN BEDROOMS ON FIRST FLOOR.			
	REMOVE AND CAP OFF STOVE AND GAS WORKS ON 2ND FLOOR ALSO REMOVE KITCHEN SINK ON 2ND FLOOR. REMOVE LINOLEUM FROM 2ND FLOOR KITCHEN. DISCONNECT PLUMBING FROM 2ND FLOOR KITCHEN. TEAR OUT DOOR LEADING TO 2ND APARTMENT.			
	LABOR FOR PART 1: \$2,500.00 EACH HOUSE			
	PART 2 - REPLACING STRUCTURE TO ACCOMMODATE 1 FAMILY DWELLING.			
	REBUILD STAIRWAY TO 2ND FLOOR, NOW ACCESSIBLE FROM GROUND LEVEL. MAKE LIVING ROOM ON FIRST FLOOR FROM 2 BEDROOMS. CREATE 2ND EXIT AT REAR END OF HOUSE. ON 2ND FLOOR, TURN LIVING ROOM INTO 3RD BEDROOM.			
	LABOR FOR PART 2: \$6,500.00 EACH HOUSE			
	TOTAL HOURS			
	LABOR AND MATERIAL (DRY WALL, PAINT, LUMBER ETC.) \$9,000.00 EACH HOUSE			
	(DOES NOT INCLUDE PAINTING, ELECTRICIAN OR PLUMBING WORK OR CARPET)			
	TOTAL			
	INSPECTED AND APPROVED BY Wayne Clark DATE 6/30/87			
	TOTAL LABOR			
	PARTS			
	TAX			
	TOTAL 18,000.00			

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3508

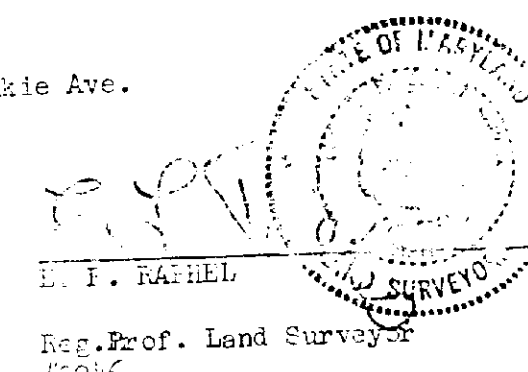
DESCRIPTION TO ACCOMPANY PETITION
FOR VARIANCE
8103 & 8105 DUKIE AVE.

RESIDENCE: 771-4502

April 6, 1987

Beginning for the same at a point on the southeast side of
Dukie Ave., said point being located N 20° 45' 23" E 156' ± from
the intersection of the southeast side of North Point Blvd. (150' wide)
and the southeast side of Dukie Ave., running thence on the southeast
side of Dukie Ave. N 20° 45' 23" E 66.81' ± & N 20° 45' 23" E 66.81',
thence leaving Dukie Ave., S 65° 07' 37" E 152.95', S 30° 33' 23" W
66.87', S 30° 33' 23" W 66.87' and N 62° 07' 37" W 149' ± to the
place of beginning.

Being known as #8103 and #8105 Dukie Ave.



#8103 = 10012 sq. ft.
#8105 = 10150 sq. ft.

PETITION FOR SPECIAL HEARING AND VARIANCES
15th Election District - 7th Councilmanic District
Case No. 88-18-SPHA

LOCATION: Southeast Side Dukie Avenue, 166 feet Northeast of Northeast Side of
North Point Boulevard (8103 Dukie Avenue) and Southeast Side Dukie Avenue,
232.81 feet Northeast of Northeast Side North Point Boulevard
(8105 Dukie Avenue)
DATE AND TIME: Monday, July 20, 1987, at 10:00 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 Special Hearing to determine if an existing residence in an M.L.
Zone may utilize the conversion provisions of S. 402 via S. 302 to
legalize an existing two-family dwelling for Nos. 8103 and 8105 Dukie Avenue

Petition for Zoning Variance to permit a lot width of 66 feet in lieu of the
required 80 feet (per D.R. 5.3), a lot width of 66 feet in lieu of the required
80 feet and a side yard setback of 12 feet in lieu of the required 15 feet

Being the property of James Siford, as shown on plat
being 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

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
SE/S Dukie Ave., 166' NE of : OF BALTIMORE COUNTY
NE/S of North Point Blvd.
(8103 Dukie Ave.) & SE/S :
Dukie Ave., 232.81' NE of :
NE/S North Point Blvd. :
(8105 Dukie Ave.) :
15th District :
JAMES SIFORD, Petitioner : Case No. 88-18-SPHA

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 18th day of June, 1987, a copy of
the foregoing Entry of Appearance was mailed to Anne-Stewart V. Palmer,
Esquire, One North Charles St., Baltimore, MD 21201, Attorney for
Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3553

ARNOLD JABLON
ZONING COMMISSIONER

JAN M. HARRIS
DEPUTY ZONING COMMISSIONER

July 15, 1987

Anne-Stewart V. Palmer, Esquire
One North Charles Street, Suite 900
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL HEARING AND VARIANCES
SE/S Dukie Ave., 166' NE of NE/S of North Point
Blvd. (8103 Dukie Ave.) & SE/S Dukie Ave., 232.81' NE of
NE/S North Point Blvd. (8105 Dukie Ave.)
15th Election District - 7th Councilmanic District
James Siford - Petitioner
Case No. 88-18-SPHA

Dear Ms. Palmer:

This is to advise you that \$110.00 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 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.

Please make the check payable to Baltimore County, Maryland, and remit
to the Zoning Office, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 35977

DATE: 7/23/87 ACCOUNT: 8-01-61-000

2 SIGNS & POSTS
RETURNED AMOUNT: \$ 110.00

Mr. James Siford, 6425 Melvale Place,
Dundalk, Md. 21222

RECEIVED FROM: ADVERTISING & POSTING COSTS RE CASE #87-18-SPHA

FOR: 8 8023*****110000 6106

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 7/1/87
Posted for: James Siford
Petitioner: James Siford
Location of property: SE/S Dukie Ave., 166' NE of NE/S of North Point Blvd. (8103 Dukie Ave.) & SE/S Dukie Ave., 232.81' NE of NE/S North Point Blvd. (8105 Dukie Ave.)
Location of signs: Posting on both sides of property, 12' x 18' signs
Remarks: on property of Petitioner
Posted by: James Siford Date of return: 7/6/87
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD, July 2, 1987

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 2, 1987.

THE JEFFERSONIAN,

Susan Linder Christ
Publisher

PETITION FOR
SPECIAL HEARING
AND VARIANCES
15th Election District
7th Councilmanic District
Case No. 88-18-SPHA
LOCATION: Southeast Side Dukie Avenue, 166 feet Northeast of Northeast Side of North Point Boulevard (8103 Dukie Avenue) and Southeast Side Dukie Avenue, 232.81 feet Northeast of Northeast Side North Point Boulevard (8105 Dukie Avenue)
DATE AND TIME: Monday, July 20, 1987, at 10:00 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 Special Hearing to determine if an existing residence in an M.L. Zone may utilize the conversion provisions of S. 402 via S. 302 to legalize an existing two-family dwelling for Nos. 8103 and 8105 Dukie Avenue
Petition for Zoning Variance to permit a lot width of 66 feet in lieu of the required 80 feet (per D.R. 5.3), a lot width of 66 feet in lieu of the required 80 feet and a side yard setback of 12 feet in lieu of the required 15 feet
Being the property of James Siford, as shown on plat being 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
July 2, 1987

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222 July 2, 1987

THIS IS TO CERTIFY, that the annexed advertisement of
Arnold Jablon in the matter of Zoning Hrgs. Case #88-18-SPHA -
P.O. #89023 - REQ. #803272 - 84 lines @ \$33.60,
was inserted in The Dundalk Eagle a weekly news-
paper published in Baltimore County, Maryland, once a week
for one successful week before the
3rd day of July 1987; that is to say,
the same was inserted in the issues of July 2, 1987

Kimbel Publication, Inc.
per Publisher.

By L.C. Oller

Anne-Stewart V. Palmer, Esquire
One North Charles Street, Suite 900
Baltimore, Maryland 21201

June 8, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING AND VARIANCES
SE/S Dukie Ave., 166' NE of NE/S of North Point
Blvd. (8103 Dukie Ave.) & SE/S Dukie Ave., 232.81'
NE of NE/S North Point Blvd. (8105 Dukie Ave.)
15th Election District - 7th Councilmanic District
James Siford - Petitioner
Case No. 88-18-SPHA
10:00 a.m.

DATE: Monday, July 20, 1987

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

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

No. 32552

DATE: 7/15/87 ACCOUNT: 8-01-61-000

AMOUNT: \$ 110.00

RECEIVED FROM: Mr. James Siford, 6425 Melvale Place, Dundalk, Md. 21222

FOR: ADVERTISING & POSTING COSTS RE CASE #87-18-SPHA

8 8023*****110000 6106

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION ZONING VARIANCES
AND SPECIAL HEARING
SE/S of Dukie Avenue, 166' NE
of the NE/S of North Point
Boulevard (8103 Dukie Avenue)
and the SE/S of Dukie Avenue,
232.81' NE of the NE/S of
North Point Boulevard
(8105 Dukie Avenue) -
15th Election District
James Siford,
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests an opinion as to whether Section 402--Conversion of Dwellings, Baltimore County Zoning Regulations (BCZR), is applicable to industrial zones, pursuant to Section 302, BCZR, and if it is, variances to permit lot widths of 66 feet in lieu of the required 80 feet for two-family dwellings on two separate lots and a side yard setback of 12 feet in lieu of the required 15 feet for 8103 Dukie Avenue, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Marian Krawczyk, a former tenant of the Petitioner, appeared in opposition. There were no other Protestants.

Testimony indicated that the subject properties, located on Dukie Avenue and zoned M.L.-I.M., are each improved with a two-family dwelling. Each lot measures approximately 66' x 150', and the dwellings were constructed in 1959 or 1960. Each home has been utilized as a two-family dwelling since initial construction, and indeed, the four tenants, two in each dwelling, have been residents for 7, 9, 12, and 22 years, respectively.

Ms. Krawczyk stated that she was evicted by the Petitioner because she complained about a water leak, which the Petitioner refused to repair. One of

the buildings previously had three apartments, but upon notice that this was illegal, the Petitioner ceased the use of one of the apartments.

Section 302 was adopted in 1955 and predated the construction and utilization of the buildings as two-family dwellings. The Petitioner argued that, by way of Section 302, Section 402 is applicable, and therefore, the requested variances should be granted. Certainly, the existing buildings have a long and original history of being two-family dwellings and to deny the variances would be unreasonable.

The Petitioner seeks relief from Section 402 by way of Section 302, pursuant to Section 307, BCZR.

It is clear that Section 302 permits the applicability of all height and area regulations for the residential zone adjacent to business and manufacturing zones or those applicable to the D.R.5.5 Zone for all homes constructed after 1955 in such business or manufacturing zones. Section 402 is such a height and area regulation and thereby governs conversions of single-family dwellings and is the applicable section here.

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.

- 2 -

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. 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 relief and variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1987, that the existing dwellings in an M.L. Zone may utilize Section 402 for conversion purposes and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, the Petition for Zoning Variances to permit lot widths of 66 feet in lieu of the required 80 feet for two-family dwellings on two separate lots and a side yard setback of 12 feet in lieu of the required 15 feet for 8103 Dukie Avenue be and is hereby GRANTED, from and after the date of this Order, subject to the following restriction which is a condition precedent to the relief granted herein:

1. Each building shall be limited to two apartments.

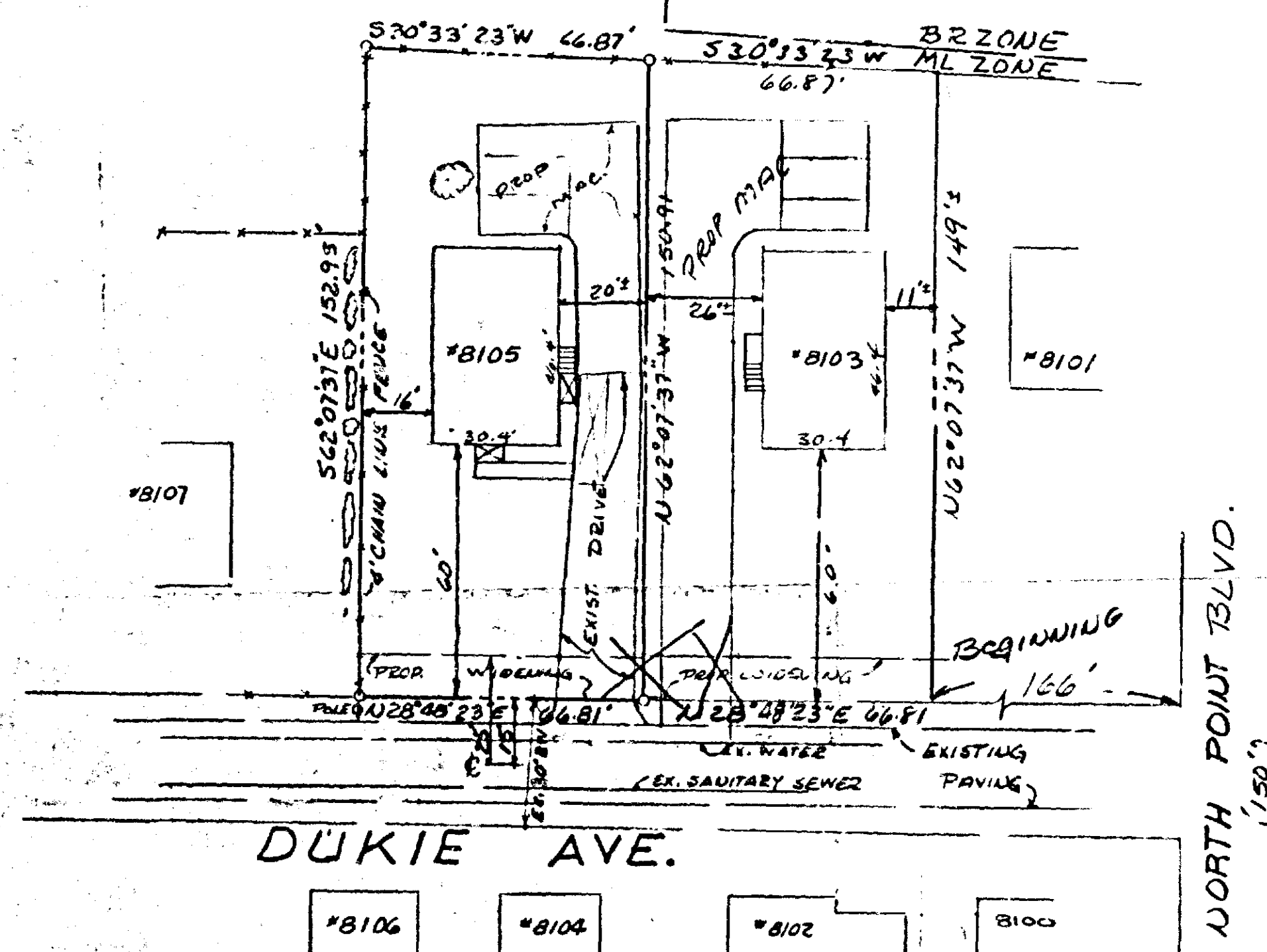
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Anne-Stuart V. Palmer, Esquire
Ms. Marian Krawczyk
People's Counsel



E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204



GENERAL DATA
AREA OF PROPERTY: 0.463 AC
EXISTING ZONE: M.L.I.M.
EXISTING USE: RESIDENTIAL

PETITIONER'S
EXHIBIT 1

2 Signs
396
88-18-SPHA

PLAT TO ACCOMPANY PETITION FOR VARIANCE
8103 & 8105 DUKIE AVE.

15th ELEC. DIST.
SCALE 1" = 30'

THETO. CO. NO.
MARCH 20, 1987

Office

REV. APRIL 7/87

2-11-88