

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 103.3 (1A00.3.B.3.) to permit a side yard set-back of 47.76 feet in lieu of the required 50.00 feet.

FOR ZONING VARIANCE -- No. 4323 Conifer Court, Eleventh Election District, Baltimore County, Maryland.

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)
 Signature: _____
 Address: _____
 City and State: _____

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

Attorney for Petitioner: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Attorney's Telephone No.: _____
 Address: _____
 Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ A.....M.

Carl Jahn
 Zoning Commissioner of Baltimore County

- 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 is not granted, the enforcement of the Zoning Regulations for Baltimore County would cause a practical difficulty and an unreasonable hardship upon the Petitioner. Conformance in this case would be unnecessarily burdensome. The variance will not increase density. Also, the spirit and intent of the area regulations are not violated by the granting of the variance.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of September, 1987, that the herein Petition for Variance to permit a side yard setback of 47.76 feet in lieu of the required 50.00 feet, as shown on Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- No additional area and/or front or side yard setback variance may be granted to this property.

ORDER RECEIVED FOR FILING
 Date September 11, 1987
 By *Sharon D. Cefano*

88-82-A
 # 20
 R. Emmett Voelkel, III 88-82-A
 NW/4 of Manor Wood Drive 1480 SW of the
 (4323 Conifer Ct.) 11th E.D.
 6th C.D.

88-82-A

**Attachment to Paragraph 1, Petition for Zoning Variance
 No. 4323 Conifer Court, Eleventh Election District, Baltimore County**

The location of existing dwelling under construction was cited by a zoning official. A subsequent survey showed the dwelling to be in violation of the required side-yard by 2.24 feet. It was further determined that the violation was caused by an error in surveying the location of the building for construction. This error was not discovered until June 1987.

The construction of this dwelling was begun in April of 1987, at which time the owner contracted with an independent land surveyor to locate the building on the lot within the approved set-back lines. The surveyor appears to have located the northeastern corner of the garage in violation of the set-back line. Subsequently, the dwelling has been sold to the contract purchasers.

Settlement on the sale of this dwelling is to occur on August 30, 1987. Any delay in this process would cause severe economic and personal hardships to the owner/builder and the purchasers through no fault of their own.

- The 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.

J. Robert Haines
 Zoning Commissioner of Baltimore County

JRH:eoh
 cc: Kevin Kelehan, Esquire
 R. Emmett Voelkel, III
 Michael Neimeyer
 Sally Neimeyer
 J. Finley Ransome
 Blane Leidey
 Mimi Wood

ORDER RECEIVED FOR FILING
 Date September 11, 1987
 By *Sharon D. Cefano*

IN RE: PETITION ZONING VARIANCE * BEFORE THE
 NW/5 of Conifer Court, 1,480' * ZONING COMMISSIONER
 SW of Manor Wood Drive * (4323 Conifer Court)
 11th Election District * OF BALTIMORE County
 Real Estate Ventures, Inc. * Case No. 88-82-A
 Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 47.76 feet in lieu of the required 50.00 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Kevin Kelehan, his attorney, presented the testimony of it's President, R. Emmett Voelkel, III, and the contract purchaser, Michael A. Neumeier. Appearing in opposition was Blane Leidey for the adjacent owners.

Testimony indicated that the subject property, located on Conifer Court near Manor Road and zoned R.C. 5, is an improved lot (Lot 14) within a subdivision known as 2nd Addition to Manor Woods. The Petitioner, a contractor, purchased the lot in order to construct a luxury home for sale. The construction of any dwelling within that subdivision is subject to certain deed restrictions that limit the size and location of the dwelling. In addition, placement of the septic and well systems and their respective reservation areas limit the building area. Also, the topography of the lot is unusual in that there is a sharp decline to the rear which further limits the location of any dwelling.

A variance was requested by the Petitioner, in an earlier case, for 40 feet setbacks in lieu of the required 50 feet. That variance was denied by the then Zoning Commissioner in his opinion in Case 87-76-A.

The Zoning Commissioner found in Case No. 87-76-A that the configuration of the dwelling could be altered to allow all setback requirements to be properly enforced.

ORDER RECEIVED FOR FILING
 Date September 11, 1987
 By *Sharon D. Cefano*

J. Finley Ransome & Associates
 Registered Land Surveyors
 P.O. Box 10160
 Towson, Maryland
 21285-0160
 Phone: 301/666-7448

**ZONING DESCRIPTION
 No. 4323 CONIFER COURT**

Beginning on the northwest side of Conifer Court at the distance of 1,480 feet southwesterly of the center line of Manor Wood Drive. Being Lot No. 14 in the subdivision known as 2nd Addition to Manor Woods and recorded in Platbook No. 40, Folio 62. Also known as No. 4323 Conifer Court in the Eleventh Election District of Baltimore County, Maryland.

OFFICE COPY

The testimony clearly establishes that the Petitioner intended to place the house within the building setback lines, as shown on Petitioner's Exhibit 1. The registered land surveyor, J. Finley Ransome, admitted that his survey and placement of the house was in error. Mr. Ransome stated that he set the building stakes 2.5 feet to the North-Northeast. This caused the house to be built with 6 square feet of the southernmost corner of the house outside of the building setback line as shown on Petitioner's Exhibit 1.

Therefore, the house as built is 2.25 feet too close to the east property line. The subject house is approximately 100 feet to the house on Lot 15, which is the closest house on the east side of the subject property.

The placement of the house over the setback line was first discovered by the Protestant, Mr. Blane Leidey. Mr. Leidey filed a complaint with the Zoning Enforcement Section in May, 1987. A Correction Notice for Alleged Zoning Violation was issued on June 8, 1987 stating the house was not within the proper setback.

This Petition for Variance was filed, because, the house was substantially completed and the movement of the house was impossible at the time of the Correction Notice.

The Petitioner seeks relief from Section 1004.3.B.3 (1A00.3.b.3), pursuant to Section 307, Baltimore County Zoning Regulations (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;

- 2 -

ORDER RECEIVED FOR FILING
 Date September 11, 1987
 By *Sharon D. Cefano*

**PETITION FOR ZONING VARIANCE
 11th Election District - 6th Councilmanic District
 Case No. 88-82-A**

LOCATION: Northwest Side Conifer Court, 1480 feet Southwest of the Centerline of Manor Wood Drive (4323 Conifer Court)

DATE AND TIME: Monday, August 31, 1987, at 9:45 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 a side yard setback of 47.76 feet in lieu of the required 50 feet

Being the property of R. Emmett Voelkel, III, 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

July 25, 1988

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 NW/S Conifer Ct., 1480' SW of : OF BALTIMORE COUNTY
 C/L of Manor Wood Dr. (4323 :
 Conifer Ct.), 11th District :
 R. EMMETT VOELKEL, III, : Case No. 88-82-A
 Petitioner :

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 12th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. R. Emmett Voelkel, III, 1210 Cedarcroft Rd., Baltimore, MD 21239, Petitioner; and Mr. J. Finley Ransone, R.L.S., P.O. Box 10160, Towson, MD 21285, who requested notification.

Peter Max Zimmerman
 Peter Max Zimmerman

Mr. R. Emmett Voelkel, III July 21, 1987
 1210 Cedarcroft Road
 Baltimore, Maryland 21239

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
 NW/S Conifer Ct., 1480' SW of the c/l of
 Manor Wood Dr. (4323 Conifer Ct.)
 11th Election District - 6th Councilmanic District
 R. Emmett Voelkel, III - Petitioner
 Case No. 88-82-A

TIME: 9:45 a.m.
 DATE: Monday, August 31, 1987

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

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 of Baltimore County

AJ:med
 cc: J. Finley Ransone, R.L.S.,
 P.O. Box 10160
 Towson, Maryland 21285
 Ms. Sally H. Neumeier
 Neumeier Associates
 20 Powder Rock Place
 Baltimore, Maryland 212

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT No. 37728

DATE 7/2/87 ACCOUNT 01-615
 AMOUNT \$ 35.00

RECEIVED FROM J. FINLEY RANSONE
 FOR FILING FEE FOR VARIANCE 11/24/87
 VOELKEL PETITIONER
 VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3333

J. ROBERT HAINES
 ZONING COMMISSIONER

August 25, 1987

Mr. R. Emmett Voelkel, III
 1210 Cedarcroft Road
 Baltimore, Maryland 21239

RE: PETITION FOR ZONING VARIANCE
 NW/S Conifer Ct., 1480' SW of the c/l of
 Manor Wood Dr. (4323 Conifer Ct.)
 11th Election District - 6th Councilmanic District
 R. Emmett Voelkel, III - Petitioner
 Case No. 88-82-A

Dear Mr. Voelkel:

This is to advise you that \$97.71 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 Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

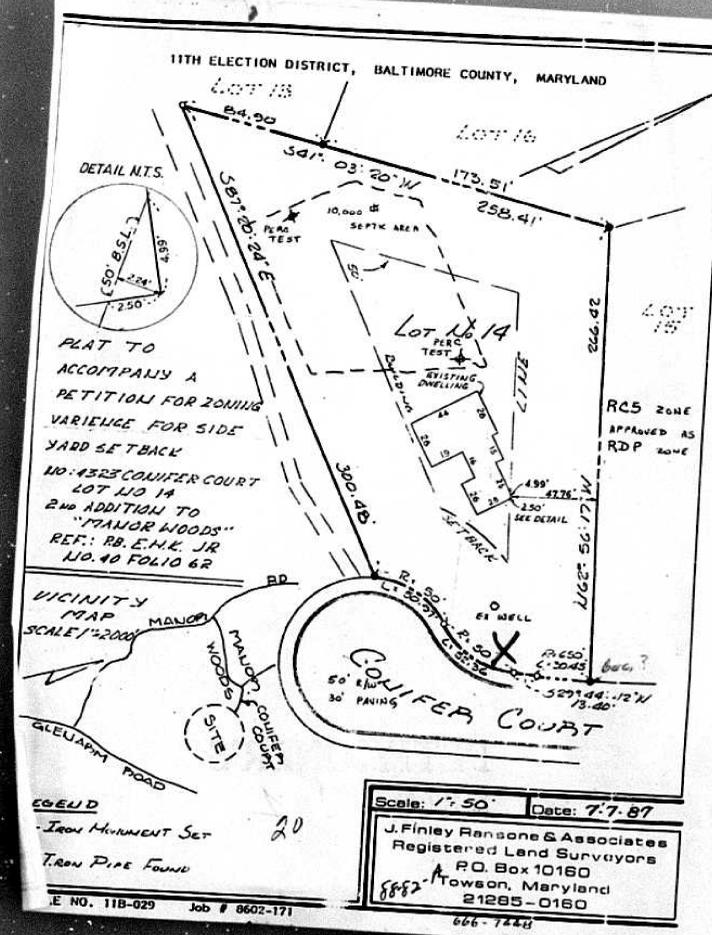
J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner

JRH:med

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE-REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT No. 37858

DATE 8/31/87 ACCOUNT R-01-615-000
 AMOUNT \$ 97.71

RECEIVED FROM Real Estate Ventures, Inc., 1210 Cedarcroft Rd., Balto., Md. 21239
 FOR ADVERTISING & POSTING COSTS RE CASE #88-82-A
 VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner
 TO Zoning Administration
 Date August 18, 1987
 FROM Norman E. Gerber, AICP
 Director of Planning and Zoning
 SUBJECT Zoning Petition No. 88-82-A

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
 Norman E. Gerber, AICP
 Director

NEC:KAK:dme

cc: Ms. Shirley H. Heus, Legal Assistant, People's Counsel
 File

RECEIVED
 AUG 27 1987
 ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

August 13, 1987

R. Emmett Voelkel, III
 1210 Cedarcroft Road
 Baltimore, Maryland 21239

RE: Item No. 20 - Case No. 88-82-A
 Petitioner: R. Emmett Voelkel, III
 Petition for Zoning Variance

Dear Mr. Voelkel:

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:bjjs

Enclosures

cc: J. Finley Ransone
 P.O. Box 10160
 Towson, Maryland 21204

File

Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 405
 Towson, Maryland 21204
 484-3354

July 31, 1987

Dennis F. Rasmussen
 County Executive

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

Dear Mr. Jablon:

The Baltimore County Bureau of Traffic Engineering has no comments for items number 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

Very truly yours,

Michael S. Flanigan
 Michael S. Flanigan
 Traffic Engineer Associate II

MSF:lt

Baltimore County
 Fire Department
 Towson, Maryland 21204-2586
 494-4500

Paul H. Reincke
 Chief

July 28, 1987

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

Re: Property Owner: R. Emmett Voelkel, III

Location: NW/S Conifer Ct., 1480' SW c/l Manor Wood Drive

Item No.: 20

Zoning Agenda: Meeting of 7/21/87

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 comments at this time.

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

Noted and Approved:

Fire Prevention Bureau

