

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 1802.3.C.1 to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 44, 45, 46, and 247 and a side yard setback of zero feet in lieu of the required 40 feet for Lot 248.

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

1. Lots are fifty feet wide and are approved as building lots by Current Planning Section of Baltimore County Office of Planning and Zoning. (see attached)
2. All lots which have been developed in this subdivision are fifty feet wide.
3. Lots are approved as building lots under the guidelines of the Chesapeake Bay Critical Area Interim Development Controls.
4. Under these Controls the lots can not be re-subdivided.
5. Without this variance, the lots will be useless to the owner.
6. Because Lot 248 will be sold along with Lots 249 and 250, which are not ** 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)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Name
City and State
Attorney's Telephone No.

Legal Owner(s):
David C. Sarvis Owner Lots 44, 45, 46, 247, 248, 249, 250
Signature
Judy J. Sarvis Owner Lots 45, 46
(Type or Print Name)
Signature
1016 Armistead Way 485-1763
Address Phone No.
Baltimore, Maryland 21205
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Name
City and State
Attorney's Telephone No.

By ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 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 Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7th day of December, 1987, at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

** Independent building lots, the zero foot setback is requested to allow flexibility in building location in relation to the established property line.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Date: November 23, 1987
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
Zoning Variations No. 88-220-A,
88-242-A, 88-238-A, 88-237-A,
SUBJECT: 88-220-A, 88-235-A, 88-220-A

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

Norman E. Gerber, AICP
Director

NEG:JCH:dm

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

88-220-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 27th day of September, 1987.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: David C. Sarvis
Petitioner's Attorney
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

DAVID C. SARVIS
NE/S Galena Rd., 150' SE of
Cranford Rd.
15th E.D.
S.D. C.D.

RE: PETITION FOR VARIANCE
NE/S Galena Rd., 150' SE of
Cranford Rd., 15th District
DAVID C. SARVIS, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-220-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
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. David C. Sarvis, 1016 Armistead Way, Baltimore, MD 21205, Petitioners; and Mr. Michael F. Gallagher, 203 Wise Ave., Baltimore, MD 21222, who requested notification.

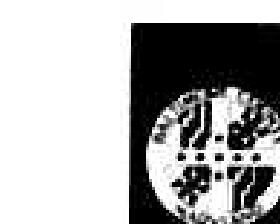
Peter Max Zimmerman
Peter Max Zimmerman

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

Paul H. Rencke
Chief

July 28, 1987

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



Re: Property Owner: David C. Sarvis, et ux (CRITICAL AREA)

Location: NE/S Galena Rd., 150 ft. SE Cranford Road

Item No.: 1 Zoning Agenda: Meeting of 7/14/87

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: C. J. Kelly 231-87 Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 2, 1987

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

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

Mr. David C. Sarvis
1016 Armistead Way
Baltimore, Maryland 21205

RE: Item No. 1 - Case No. 88-220-A
Petitioner: David C. Sarvis
Petition for Zoning Variance

Dear Mr. Sarvis:

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
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. Michael F. Gallagher
203 Wise Avenue
Baltimore, Maryland 21222

Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
494-3554



July 29, 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 1, 3, 5, 6, 7, 9, 10, and 13.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
COUNTY COURTS BUILDING, ROOM 408
TOWSON, MARYLAND 21204
Revised 5/1/87

REQUEST FOR VERIFICATION - LOT OF RECORD OR PLAT

APPLICANTS: PLEASE COMPLETE PARTS I AND II

I. General Information (complete for all requests):

- a. Name of development (section, etc.) and location with plat attached:
Hyde Park 15th District
50' at Back River Neck Rd
- b. Lot Number(s) 44, 45, 46, 247, 248, 249, 250
- c. Owner(s) name David C. Sarvis & Judy J. Sarvis (Lots 45 & 46)
- d. Owner(s) address and phone number 485-1763
- e. Applicant's name (if other than owner) 1016 Armistead Way, Baltimore MD 21205
- f. Applicant's address and phone number 1016 Armistead Way, Baltimore MD 21205
- g. Date recorded 5/2/80
- h. Date recorded 5/2/80
- i. Signature of owner or applicant, date

II. Status of development (complete this part if verification of Plat is required):

- a. Number of lots owned? 7
Do these lots adjoin? 44, 45, 46, 247, 248, 249, 250
- b. Have building permits been issued? yes
If yes, Building permit number(s) 44, 45, 46, 247, 248, 249, 250
Issuance date
Expiration date
- c. Has construction of public or private improvements occurred?
If yes, Public Works Agreement number not known
Type of improvement started or completed and percent completed (list each type separately). Public Water, Public Sewer, Road
** DO NOT WRITE BELOW THIS LINE ** Gully Road

III. VERIFICATION:

- Valid Lot of Record or Plat - this Lot of Record/Plat is valid until 12/1/87 - 44, 45, 46, 247, 248, 249, 250
- Invalid Lot of Record or Plat - this Lot of Record/Plat has lapsed as of 12/1/87 according to the provisions of Section 22-68 of the Development Regulations. 44, 45, 46, 247, 248, 250

COMMENTS:

P.D. Flanagan
Signature, Title, Date
Acting Chief Current Planning 5/1/87

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

IN RE: PETITION FOR ZONING VARIANCE
NE/S Galena Road, 150' SE of
Cranford Road
15th Election District
5th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-220-A

David C. Sarvis, et ux
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 44, 45, 46 and 247, and a side yard setback of 0 feet in lieu of the required 10 feet for Lot 248, as more particularly described in Petitioner's Exhibit 1.

David Sarvis appeared on behalf of himself and his wife, the Petitioners. Additionally, Michael Gallagher, a real estate agent with C. W. Heggie Key Realty, appeared and presented testimony regarding the Petition. There were no Protestants.

The Petitioner testified that he purchased the subject property, which consists of seven lots, in the 1960's. All of the lots are 50 feet wide by 200 feet deep and zoned D.R. 5.5. Mr. Sarvis testified that all of the surrounding lots are improved with existing dwellings on 50-foot wide lots. Mr. Gallagher indicated that the lots are part of the community known as Hyde Park, which was originally subdivided in 1927, and are located on Galena Road near Back River.

Mr. Sarvis indicated that he spoke to the owners of the lots on both sides of his property and was informed that they are not in opposition to his proposal. Further, the Petitioner testified that he contacted the Hyde Park Improvement Association and was told that the Association is not opposed to his request. Mr. Sarvis indicated he requested the 0-foot side yard setback variance for Lot 248 because this lot will be sold jointly with Lots 249 and 250 to provide a suitable building lot. The Petitioner testified that he is unable to

build on Lots 249 and 250 as of April 16, 1982. The Petitioner submitted a copy of the Request for Verification - Lot of Record or Plat completed by P. D. Fields, Acting Chief of Current Planning and Development on May 7, 1987, which verifies Lots 249 and 250 may not be developed.

The Petitioners seek relief from Section 1B02.3.C.1, pursuant to Section 307, Baltimore County Zoning Regulations, (BCZR).

An area variance may be granted where strict application of the zoning regulations 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.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Based upon the testimony and evidence presented in this matter, the relief requested in the Petition for Zoning Variance should be granted. It is clear from the testimony that the variance proposed would not be contrary to the spirit and intent of the BCZR and would 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 after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, strict compliance with the BCZR would result in practical difficulty and unreasonable hardship upon the Petitioners and their property and the variance requested

would not adversely affect the health, safety and general welfare of the public and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 16th day of December, 1987, that lot widths of 50 feet in lieu of the required 55 feet for Lots 44, 45, 46 and 247, and a side yard setback of 0 feet in lieu of the required 10 feet for Lot 248, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) 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.
- 2) The 0-foot side yard setback for Lot 248 is limited to the side closest to the property known as Lot 249 and conditioned upon the sale of Lots 248, 249 and 250 as one with no development on Lots 249 and 250.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

DESCRIPTION FOR VARIANCE

Beginning on the northeast side of Galena Road, 50 feet wide, at a distance of 150 feet southeast of Cranford Road and being Lot Nos. 44, 45, 46, 247, 248, 249, and 250 as shown on the plat of Hyde Park, which is recorded in the Land Records of Baltimore County in Plat book No. 9, Folio 59, 15th Election District.

December 16, 1987

Mr. David C. Sarvis
1016 Armstead Way
Baltimore, Maryland 21205

RE: Petition for Zoning Variance
NE/S Galena Road, 150' SE of Cranford Road
15th Election District; 5th Councilmanic District
Case No. 88-220-A

Dear Mr. Sarvis:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjg
Enclosures

cc: Mr. Michael F. Gallagher
203 Wise Avenue
Baltimore, Maryland 21222

People's Counsel
File

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, MD 21221

NOV 19 1987

THIS IS TO CERTIFY, that the enclosed advertisement of
FOR 94843 2504 N08692 TO ADVERTISE ZONING HEARINGS
NE/S GALLEN RD. 150' SE OF CRANFORD RD. HEARING: DEC.
7, 1987 at 11:00 PM. PETITION FOR ZONING VARIANCE; DAVID
C. SARVIS- PETITIONER; 15th ELECTION DISTRICT
5th Lines at \$43.75

was inserted in The Avenue News a weekly newspaper
published in Baltimore County, Maryland once a week for one
successive week(s) before the 20th day of NOV. 1987.
And it is to say, the same was inserted in the issues of 11/19 1987.

The Avenue Inc.

per publisher

by David Bedwell

PETITION FOR ZONING VARIANCE

15th Election District; 5th Councilmanic District

Case No. 88-220-A

LOCATION: NE/S Galena Road, 150' SE of Cranford Road

DATE AND TIME: Monday, December 7, 1987 at 11:00 AM

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 lot widths of 50 feet in lieu of the required 55 feet for Lots 44, 45, 46 and 247, and a side yard setback of 0 feet in lieu of the required 10 feet for Lot 248.

Being the property of David C. Sarvis, 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.

J. ROBERT NAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

David C. Sarvis
Judy J. Sarvis
1016 Armstead Way
Baltimore, Maryland 21205

November 4, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NE/S Calenda Road, 150' SE of Cranford Road
15th Election District; 5th Councilmanic District
David C. Sarvis - Petitioner
Case No. 88-220-A

TIME: 11:00 AM

DATE: Monday, December 7, 1987

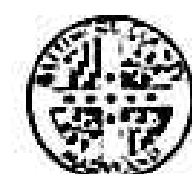
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

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

JRH:bjs

Michael F. Gallagher
203 Wise Avenue
Baltimore, Maryland 21222

IN CASE OF SNOW, HEARING WILL BE CANCELLED AND RESCHEDULED FOR A
LATER DATE AND TIME. JRH



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

J. ROBERT HAINES
ZONING COMMISSIONER

November 9, 1987

Mr. David C. Sarvis
1016 Armstead Way
Baltimore, Maryland 21205

RE: Petition for Zoning Variance
NE/S Calenda Road, 150' SE of Cranford Road
11th Election District; 5th Councilmanic District
Case No. 88-220-A

Dear Mr. Sarvis:

This is to advise you that \$92.71 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:mod

cc: Mr. Michael F. Gallagher
203 Wise Avenue, Baltimore, Md. 21222

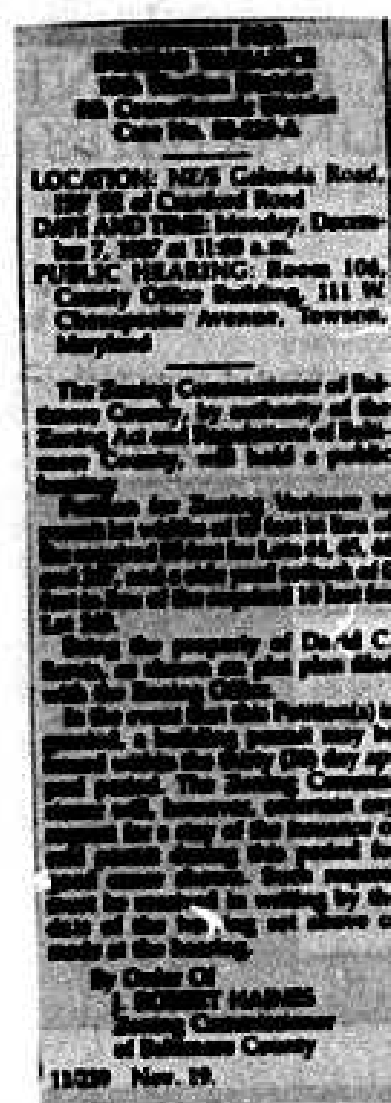
CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 19, 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
Nov 19, 1987

THE JEFFERSONIAN,

Susan Shuler Obrecht
Publisher



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 11/17/87
Posted for: Variance
Petitioner: David C. Sarvis
Location of property: NE/S Calenda Rd, 120' SE Cranford Rd
Location of Sign: Facing Calenda Rd, approx. S. End road way,
on property of Reliance
Remarks:
Posted by: [Signature] Date of return: 11/20/87
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND No. 45856
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 12/7/87 ACCOUNT R-01-615-00
AMOUNT \$ 92.71
RECEIVED Dave Sarvis
FOR Posting Advertising
88-220-A

