IN RE: PETITION FOR ZONING VARIANCE *
N/S Merryman's Mill Road,
618' W of Summer Hill Foad
(2604 Brigadoon Lame)
10th Biaction District
3rd Councilmanic District REPORT THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-228-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front ward setback of 14 feet in lieu of the required 50 feet, as more particularly described on

The Petitioner, by Paul S. Anechiarico, Contract Purchaser, appeared, testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property is zoned R.C. 4, consists of approximately 1.4 acres and is located off of Merryman's Mill Road on Brigadoon Lane in the Loch Raven Watershed area. Mr. Anechiarico testified that he is purchasing the property from his mother, who has owned the property for many years, and plans to construct a one-story frame dwelling thereon. The Petitionas contends that the proposed location of the dwelling is necessary due to unious characteristics of the lot, the grading of the property, and the location of the sentic field. Mr. Americanics indicated that he spoke with the adjoining operty owners who would be most affected if the variance was granted and was they have no objection. He further testified that the dwellings on manner which would have engineered his need for a variance but due to the

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)— sto and made a part hereof, hereby petition for a Variance from Section 103.3 B.C.Z.R. (202.2, 1955 B.C.Z.R.) to permit a front yard setback of 14 feet in lieu of the required 50 feet.

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

To be determined at hearing

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 lion, and further agree to and are to be bound by the zoning regulations and restrictions of imore 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. Lecal Owner(s) Contract Purchases Grace Anechiarico Paul S. Anecharico (Depe or Print Name) Grace Chechianica Port abrestance 4012 Holly Knoll Drive Glen Arm, Maryland 21057 Attorney for Petitioner Robert A. Hoffman, Esquire 2600 Merrymens Mill Road 666-0400 Phoenix, Maryland 21131 210 Allegheny Avenue Robert A. Hoffman, Esquire Towson, Maryland 21204 Name 210 Allegheny Avenue Towson, Maryland 21204 823-4111 Attorney's Telephone No.: _823-6111___ Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this _____4th _____ day

The Petitioner seeks relief from Section 103.3 of the Baltimore County Zoning Regulations (BCZR), pursuant to Section 307 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:

whether strict compliance with requirement would unrea-sonably prevent the use of the property for a permitted ournose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to ap-plicant as well as other property owners in the district or whether a lesser relexation 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 safe-ty 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 was granted, such as approved 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 that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from ich the Petitioner seeks relief would unduly restrict the use of the land due o the special conditions unique to this particular parcel. In addition, the ariance requested will not be detrimental to the public health, safety, and

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested vari-

Property Description

All that percel of land situate in the Tenth Election District of Bailtimore County, State of Maryland, and situates on the morth side of Merryman's Hill Road at a distance of 618 feet west of the intersection of Summer Hill Road and being impowe as Lot Ko, 1, in Records of Bailtimore County in Plat Book G.L.B. No. 23, folio 123, also known as 2600 Rigadoon Lane.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimor of the required 50 feet 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 restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made same that proceeding to this time pellate process from this Order has expired. If, for whatever reason, this Order is expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, and property to the original condition.

2) The Petitioner shall comply with the Baltimore County The Petitioner shall comply with the distinct County Memagement, Division of Maker and Sever comments dated July 30, 1987, and the Baltimore County Fire Department's comments dated August 5, 1987, both attacké bereto and made a part of this Order, unless said conditions are waived by said departments.

-1-

ANN H. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

ANN H. NASTAROWICZ Deputy Zoning Commissions of Baltimore County

December 15, 1987

Petition for Zoning Variance N/S Merryman's Mill Boad, 618' W of Summer Hill Road (2604 Brigadoon Lame) 10th Election District; 3rd Councilments District Grace Assemble 2-224-A

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,

CERTIFICATE OF POSTIME

STMENT OF SALTIMORE COUNTY Tourse, Maryland

Date of Posting 11/22/17

District. 10 Th Verience Petitioner Grass Anaskierico

Location of property N/S Marry mens Mill Bl., 617 / Somewhill Bl.

7604 Brigadoon Lone

Location of Stone France Merry works Mul. Poly seems. 3' Ft. red wes.

Sign Posted at rear of property, de asser la front

Posted by Military Runber of Signes

Dute of return: 11/57/87

88-178-4

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. Sugar Sender Obrest

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, neutralian may request for a stuy of the issuence 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. JRHibis

I. ROBERT HATNES ZONING COMMISSIONER OF BALTIMORE COUNTY

, as shown on plat

cc: Robert A. Hoffman, esquire 210 Allegheny Avenue, Towson, Md. 21204

Being the property of Grace Anechiarico plan filed with the Zoning Office.

Patition for Zoning Variance

10th Flaction District: 3rd Councilmanic District

DATE AND TIME: Wednesday, December 9, 1987 at 9:00 AM PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, To. son, Maryland

LOCATION: M/S Merrymans Mill Road, 618' W of Summer Hill Road (2604 Brigadon Lane)

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 front yard setback of 14 feet in lieu of the required 50 feet.

Grace Anechiarico 2600 Merrymans Mill Road, Phoenix, Maryland 21131

Paul S. Amecharico 4012 Holly Knoll Drive, Glen Arm, Maryland 21057

19⁸⁷ at 9:00 c'clock

Robert Haires

Zoning Commissioner of Baltimore County.

of October 19.87 that the subject matter of this polition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through our Baltimore County, that property be potent, and that the public hearing be halbefore the Zoning County County of Baltimore County in Room 104, County Office Building in Towson, Baltimore

NOTICE OF HEARING

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

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

CERTIFICATE OF PUBLICATION TOWSON, MD. Nov. 18 1987

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Your petition has been received and accepted for filing this _ day of NOVEMBER , 1987.

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Petitioner Signal Hoffman Expurie Chairman, Coning Flans Actorney Robert Hoffman Expurie Indisory Comittee

THIS IS TO CORTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed

and published in Towson, Baltimore County, Md., appearing on Nov 18 1987

TOWSON TIMES.

Sugar Sudu Obrect

Roser A Horenan

17EM 25 8 8397aanaa3500ta 5149F AHECHIALICO - PETITIONES

P. 01-615-000

J. Robert Haines IDH . mad

B B 027 SC CHOST 206

Sincerely.

ZONING COMMISSIONER

Dear Hr. Hoffmans

Robert A. Hoffman, Enquire 210 Allegheny Avenue Towson, miaryland 21204

cc: Paul S. Anecharico 4012 Holly Enoll Drive, Glen Arm, Maryland 21057

This is to advise you that #98.69 and posting of the above property. This fee Order is issued.

RE: Petition For Zoning Variance B/S Marrymans Mill Road, 618 W of Sunmer Hill Road (2504 Brigadoon Lame); 10th Election District; 3rd Councilmanic District Case No. 58-220-A, Grace Ameniarico - Petitioner

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.

BALTIMORE COUNTY ZONING BLANS ADVISORY COMMITTEE

December 4, 1987

Robert A. Hoffman, Esquire 210 Allegheny Avenue P.O. Box 5517 Towson, Maryland 21204

Bureau of Engineering

Department of Traffic Engineering State Roads Commi

Bureau of Fire Prevention

Realth Department

RE: Item No. 25 - Case No. 88-228-A Petitioner: Grace Amechiarico Petition for Zoning Variance

JED:kkb

The Zoning Flans Advisory Committee has reviewed the plans submit-ted with the above-reference petition. The following comments are not intended to indicate the approximatement of the Modics of the Policy of the Policy of the Policy of the Policy of the plans for 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 Joning.

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 standards correlated. Board of Education Joning Administrati

Very truly yours, lanes & Dyer/KILB CHAMES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures cc: Jeffrey A. Lees, AIA 706 Dunkirk Road Baltimore, Maryland 21212

Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke August 5, 1987 Mr. Arnold Jablon Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204 Re: Property Owner: Grace Anechiarico Location: N/S Merryman's Mill Rd., 618' W. Summer Hill Road Zoning Agenda: Meeting of 7/28/87

88-228-A

Raltimore County

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.

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 Publis Works.

() 2. A second means of vehicle access is required for the site.

(×) 3. The vehicle dead end condition shown at Lot #1.

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 resultments of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupant.

() 6. Site plans are approved, as drawn, () 7. The Fire Prevention Bureau has no community at this time. REVIEWER: Ott 10 of Toly 5-6-17 Appr Planning froup Special Inspection Division

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3354

July 31, 1987

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 (25) 26, 27, 28, 29, 30, 31, and 32.

Very truly yours.

Tuchuch Alung — Michael S. Flanigan Traffic Engineer Associate II

MSF:1t

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zoning Commissioner

Norman E. Gerber, AICP FROM Director of Planning and Zoning Zoning Petitions No. 88-228-A, SUBJECT. 88-230-A, 88-231-A, 88-232-A

There are no comprehensive planning factors requiring comment on this

Date November 12, 1987

NEG:JGR:dme

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

BALLTIMORE COUNTY DEPARTMENT OF HEALTH Zoning Commissioner Office of Planning and Zoning County Office Building

Townen, Maryland 21204 Zoning Item # 25. Zoning Advisory Committee Meeting of July 28,1987

Property Owner: Grace Anachiarica Location NES Mercycae's M. H. R.J. 818' W Samore H.II Sistrict 10

private Savage Disposal private COPPLENTS ARE AS FOLLOWS:

() Peter to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility. complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

ments for such installation s before work begins. for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts

A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) souare feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plane and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Mealth and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) conies of plane and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Samriage.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

Zoning Item # 25 Zoning Marisony Committee Meeting of July 28 1987

Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 1/91-3768, regarding resoval and/or dismosal of potentially hazardous materials and solid wastes.

inv shandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed huler and either be removed from the property or properly backfilled. Prior to removal or abandonsent, owner must contact the livision of Mater Quality and Maste Management at 191-3768.

Soil percolation tests have been acceptanced, conducted.

The results are walld until April 13 1996.

Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether

additional tests are required. (W Where water wells are to be used as a source of water supply, a well seeting

the minimum baltimore County Standards must be drilled. In accordance with Section 13-117 of the Baltimore County Code, the water well wield test whall be valid until April 10.1990.

is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Prior to occupancy approval, the potability of the water supply must be vertical by collection of bacteriological and chemical water samples.

If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. Others Septic reserve area and percelation pil

petition for zening variance are in error when disposal system on this let was issued Designated septic reserve area may be a loser than 100 ft. to existing water wells

> TREASURE FROM THE REPORT OF THE REST Division of Water and Sewer

Department of Environmental Protection and Resource Management

28-228A Grace Anechiowico Robert Haffra Fog

No Prokokets

location

lot 7-8 - lots at less

1 st & MR Harsher

