

IN RE: PETITION FOR ZONING VARIANCE *
BUT MERRYMAN'S MILL ROAD, *
618' W. OF SUMMER HILL ROAD, *
(2604 BRIGADON LANE) *
10th ELECTION DISTRICT *
3rd COUNCILMANIC DISTRICT *
Grace Ancharlico *
Petitioner *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW
The Petitioner herein requests a variance to permit a front yard setback of 14 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Paul S. Ancharlico, 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 Brigadon Lane in the Loch Raven Watershed area. Mr. Ancharlico 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 Petitioner contends that the proposed location of the dwelling is necessary due to unique characteristics of the lot, the grading of the property, and the location of the septic field. Mr. Ancharlico indicated that he spoke with the adjoining property owners who would be most affected if the variance was granted and was advised that they have no objection. He further testified that the dwellings on the adjoining Lots 7 and 8, as shown on Petitioner's Exhibit 1, are set back approximately 300 feet from where the property lines meet. The Petitioner further testified that he attempted to locate the house and septic reserve area in a manner which would have prevented his need for a variance but due to the unique characteristics of this parcel, he was unable to do so.

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, do 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 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: Paul S. Ancharlico
(Type or Print Name)
Grace Ancharlico
Signature
4012 Holly Knoll Drive
Glen Arm, Maryland 21057
City and State

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

Attorney for Petitioner:
Robert A. Hoffman, Esquire
(Type or Print Name)
Robert A. Hoffman
Signature
210 Allegheny Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

ORIGINATED BY The Zoning Commissioner of Baltimore County, this 14th day of December, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of December, 1987, at 9:00 o'clock.

(over)

The Petitioner seeks relief from Section 103.3 of the Baltimore County Zoning Regulations (BCZR), pursuant to Section 107 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 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 variance was 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 variance was 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 variance 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 variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 15th day of December, 1987, that a front yard setback of 14 feet in lieu 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:

- 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 shall comply with the Baltimore County Health Department's Environmental Protection and Resource Management, Division of Water and Sewer Comments dated July 30, 1987, and the Baltimore County Fire Department's comments dated August 5, 1987, both attached hereto and made a part of this Order, unless said conditions are waived by said Departments.

AMW/bjs

AMN M. BASTAMONICS
Deputy Zoning Commissioner
of Baltimore County

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
BUT MERRYMAN'S MILL ROAD, 618' W. OF SUMMER HILL ROAD (2604 BRIGADON LANE)
10th ELECTION DISTRICT, 3rd COUNCILMANIC DISTRICT
Grace Ancharlico v. Petitioner
Case No. 89-228-A

Dear Mr. Hoffman:

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,

AMN M. BASTAMONICS
Deputy Zoning Commissioner
of Baltimore County

AMW/bjs
Enclosure

cc: Mr. Paul S. Ancharlico
4012 Holly Knoll Drive
Glen Arm, Maryland 21057

People's Counsel

File

NOTICE OF HEARING

Petition for Zoning Variance

Case No. 89-228-A

10th Election District; 3rd Councilmanic District
LOCATION: B/2 Merryman Mill Road, 618' W. of Summer Hill Road
(2604 Brigadon Lane)

DATE AND TIME: Wednesday, December 9, 1987 at 9:00 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 a front yard setback of 14 feet in lieu of the required 50 feet.

Being the property of Grace Ancharlico, as shown on plat 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.

AMW/bjs

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

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

Grace Ancharlico
2600 Merryman Mill Road, Phoenix, Maryland 21131

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

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 11/22/87
Petitioner: Grace Ancharlico
Location of property: B/2 Merryman Mill Rd., 618' W. of Summer Hill Rd.
2604 Brigadon Lane
Location of Sign: Grace Ancharlico, 4012 Holly Knoll Drive, Glen Arm, Md.
Sign placed at rear of property, as shown in Exhibit
Remarks: See above
Date of return: 11/22/87
Number of Signs: 1

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 Sudek O'Brien
Publisher

7/30/87
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 25, Zoning Advisory Committee Meeting of July 28, 1987

Property Owner: Grace Anacharica

Location: NIS Mccoy's M.N.R. 15' W. S. 11' N. H. 11' E. District 1D

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior 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 requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required 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 into the atmosphere.
- () 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) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans 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 Health 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 sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans 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 Services.
- () 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 Advisory Committee Meeting of July 28, 1987
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- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been ~~performed~~), conducted.
() The results are valid until April 13, 1990.
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well field test shall 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 Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified 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 percolation pit locations indicated on plot plan submitted with petition for zoning variance are in error when compared with perc p/p upon which letter for approval for the installation of a private sewage disposal system on this lot was issued
Designated septic reserve area may be no closer than 100 ft. to existing water wells

Karen M. Murray
Executive Director
Division of Water and Sewer
Department of Environmental Protection
and Resource Management

88-228A Grace Anacharica
Paul Anacharica
Robert Hoffman Esq.

No Protests

Lot broken off Harry man's 1
same Brigades Lane

2100 sq ft

location
size of lot
grades
location of septic field

front yard $\Rightarrow$ new

grades fill off steeply - area -

lot 7-8 - lots at least 300'
both -
lot 8 via Haskey
lot 7 -



ANECHARICO RESIDENCE
PLANT TO ACCOMPANY ZONING VARIANCE PETITION

<u>TITLE</u> SITE PLAN & VICINITY MAP
<u>REVISIONS</u>
<u>SCALE</u> 1" = 20'-0"
<u>DATE</u>
SP-1

