

IN RE: PETITION FOR ZONING VARIANCE
 3/2 Holly Neck Road, 580' E
 of the C/O of Goff Road
 (2229 Holly Neck Road)
 15th Election District
 5th Councilmanic District
 Walter Irvin Isom
 Petitioner

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 88-243-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance to permit a side yard setback of 12.3 feet for proposed Lots #1 and #2 (2227 and 2229 Holly Neck Road, respectively) in lieu of the required 50 feet.

The Petitioner, Walter Irvin Isom, appeared and testified. Also appearing on behalf of the Petition was William Bartiss, of Bartiss and Associates. There were no Protestants.

Testimony indicated that the subject property is zoned R.C. 5, consists of a total of 4.54 acres, and is currently improved with two stone dwellings known as 2227 and 2229 Holly Neck Road. The Petitioner testified that his parents moved to the property in 1945 and that at that time only the dwelling known as 2229 existed. In 1950, the Petitioner's parents built the dwelling at 2227 Holly Neck Road. The Petitioner indicated that there had been no modification of either dwelling except for the enclosure of the front porch on 2227 Holly Neck Road. The Petitioner proposes subdividing the property into two lots. However, there presently exists only 24.6 feet of distance between the two dwellings. Under the present zoning regulations, a 50-foot side yard setback is required for each lot. Thus, the Petitioner has filed the requested variances. The Petitioner indicated that he can no longer maintain the two properties due to his age and the financial burden they have become. The Petitioner pointed out that the existing dwellings were built prior to the 50-foot side yard set-

back requirement. Due to the unique characteristics of the land, the property cannot be subdivided in any way to allow for a greater side yard setback for either property.

The Petitioner seeks relief from Section 1804.3.B.C pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

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 maintained and public safety and welfare secured.

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

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.

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 B.C.Z.R. and would not result in substantial detriment to the public good.

January 12, 1988

ZONING DESCRIPTION

Description of Property owned by Walter I. Isom and known as No. 2227 and No. 2229 Holly Neck Road, Baltimore Maryland 21221, Located in the 15th Election District of Baltimore County, Maryland.

Beginning at a point on the centerline of Holly Neck Road, said point being 580' East, more or less, in a easterly direction from the Centerline intersection of Holly Neck Road and Goff Road; thence running with and binding on the centerline of said Holly Neck Road as now surveyed North 81°-01.3' East 199.77 feet to a point, thence leaving said Holly Neck Road the following three courses and distances:

1. South 16°-48'-27.9" East 1070.35 feet, to a point; thence
2. North 68°-50'-27.9" West 246.18 feet, to a point; thence
3. North 16°-48'-27.9" West 966.24 feet, to the point of beginning.

Containing 197,631 square feet or 4.54 acres of land, more or less.



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

No. 41569

DATE: 1/12/88 ACCOUNT: 01.615.000

AMOUNT: 100.00

PAID TO: William M. Bartiss, P.E.
 Md. Reg. No. 11641

FOR: Variance # 93

VALIDATION BY SIGNATURE OF CLERK

Mr. Walter Irvin Isom
 2227 Holly Neck Road
 Baltimore, Maryland 21221

RE: Petition for Zoning Variance
 3/2 Holly Neck Road, 580' E of C/O of Goff Road (2229 Holly Neck Road)
 15th Election District 5th Councilmanic District
 Case No. 88-243-A

Dear Mr. Isom:

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 H. BASTARONICE
 Deputy Zoning Commissioner
 of Baltimore County

AMH:js
 Enclosures
 ccl People's Counsel
 File

Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 12th day of January, 1988 that a side yard setback of 12.3 feet for proposed Lots #1 and #2 (2227 and 2229 Holly Neck Road, respectively) 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:

- 1) The Petitioner is hereby made aware that proceeding at his own risk until such time as the applicable 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) Each lot will be required to meet all requirements imposed by the State of Maryland or any Department of Baltimore County regarding the subdivision of the property.

Ann M. Bastaronic
 ANN H. BASTARONICE
 Deputy Zoning Commissioner
 of Baltimore County

ORDER RECEIVED FOR FILING
 THIS IS THE ORIGINAL FILED
 BY: [Signature]

BALTIMORE COUNTY
 OFFICE OF FINANCE & ZONING
 TOWNSON, MARYLAND 21204

J. ROBERT BAINEZ
 ZONING COMMISSIONER

Mr. Walter Irvin Isom
 2227 Holly Neck Road
 Baltimore, Maryland 21221

RE: Petition for Zoning Variance
 3/2 Holly Neck Road, 580' E of C/O of Goff Road
 (2229 Holly Neck Road)
 15th Election District 5th Councilmanic District
 Case No. 88-243-A

Dear Mr. Isom:

This is to advise you that \$72.51 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 111, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

J. Robert Bainez
 J. ROBERT BAINEZ
 Zoning Commissioner

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

No. 45885

DATE: 1/12/88 ACCOUNT: Business

AMOUNT: 72.51

PAID TO: Walter Irvin Isom

FOR: [Signature]

VALIDATION BY SIGNATURE OF CLERK

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONERS OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property shown in Baltimore County and which is defined in the description and plan attached hereto and made a part hereof, hereby petition the Zoning Commission of Baltimore County to grant a zoning variance from the Baltimore County Zoning Regulations, 1987, to permit a 12.3 foot side yard setback on proposed Lot #1 (2227 Holly Neck Road) and also on proposed Lot #2 (2229 Holly Neck Road) both in lieu of the required 50 foot side yard setback.

At the Special Regular Meeting of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. In order to conform to current zoning and legally have two dwellings on the subject property, we are requesting a variance from a side yard setback to split the property into two lots, and other reasons to be determined at the 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 we to be bound by the zoning regulations and restrictions of Baltimore County should be passed in the Zoning Law for Baltimore County.

We do solemnly declare and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
 Walter Irvin Isom
 Signature: [Signature]

Contract Purchaser:
 (Type or Print Name)
 Signature: [Signature]

Address:
 (Type or Print Name)
 City and State: [Signature]

Attorney for Petitioner:
 (Type or Print Name)
 Address:
 City and State:
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Name:
 Address:
 City and State:
 Attorney's Telephone No.:
 Phone No.:

ORDERED BY THE Zoning Commissioner of Baltimore County, this 12th day of January, 1988, 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 and that the advertising be published in the Baltimore County Zoning Office, Room 109, County Office Building in Towson, Baltimore County, on the 12th day of January, 1988, at 10:00 o'clock in the forenoon.

J. Robert Bainez
 Zoning Commissioner of Baltimore County

The Times
 Middle River, Md.
 This is to Certify, That the annexed was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 12th day of January, 1988.

J. Robert Bainez
 Publisher.

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

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

December 17, 1987

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Bainez, the matter of zoning laws, Case No. 88-242-A - P.O. #94909 - Reg. #88753 - 89 Lines # 1 was inserted in The Dundalk Eagle, a weekly newspaper published in Baltimore County, Maryland, once a week for one one week before the 18th day of December 1987, that is to say, the same was inserted in the issues of Dec. 17, 1987

Kimbel Publication, Inc.
 per Publisher.
 By: [Signature]

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

TOWSON, MD. Dec 17 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 Dec 19 1987

THE JEFFERSONIAN.

Susan Linder Street

Publisher

Petition for Zoning Variance

Case No. 88-243-A

15th Election District; 5th Councilmatic District

LOCATION: 3/3 Holly Neck Road, 550' E of c/r of Goff Road (323 Holly Neck Road)

DATE AND TIME: Wednesday, January 8, 1988 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 side yard setback of 12.3 feet on proposed Lots #1 and #2 (1227 and 1223 Holly Neck Road), both in line of the required 50 feet.

Being the property of Walter Irvin Isom 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 assessment of the Zoning Commissioner will, however, be of said permit during this period set forth in writing by the date of the

Baltimore County, Maryland Office of Finance Revenue Division Miscellaneous Cash Receipt. No. 41569. DATE: 9/2/87. ACCOUNT: 01615.000. RECEIVED FROM: [Signature]

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 18, 1987

Mr. Walter Irvin Isom 2227 Hollinwood Road Essey, Maryland 21221

RE: Item No. 93 - Case No. 88-243-A Petitioner: Walter Irvin Isom Petition for Zoning Variance

Dear Mr. Isom:

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 any plans or problems with regard to the development plans that may have a bearing on this case.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comment from the remaining members are received, I will forward them to you. Otherwise, any comment that is received will be placed in the hearing file. This is not informative will be placed in the hearing file. This filing 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

cc: Barilla & Associates 1209 Hughloberth Road Baltimore, Maryland 21201

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 818 Towson, Maryland 21284 484-5344

Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 72, 89, 90, 91, 92, 93, 94, 95, and 88A.

October 5, 1987

Meeting of September 15, 1987

Very truly yours,

Michael S. Flaigman Traffic Engineering Associate II

MSF:fb

Baltimore County Fire Department Towson, Maryland 21284-5588 484-4589

Paul M. Roberts Chief

September 11, 1987

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21284

Re: Property Owner: Walter Irvin Isom (critical area)

Location: 3/3 Holly Neck Rd., 550' E. of Goff Rd

Case No.: 93

Zoning Agenda Meeting of 9/15/87

Comments:

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 of 100 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 L-2 site.
3. The vehicle dead end condition shown at [redacted] 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.
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.

REVISIONS: [Signature] 9/11/87 Approved: [Signature] 9/11/87 Special Inspection Division

7/31

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO: Zoning Commissioner Date: November 23, 1987

Norman E. Gerber, ATCP FROM: Director of Planning and Zoning Baltimore County Office Building 88-243-A, 88-238-A, 88-237-A, 88-236-A, 88-235-A, 88-234-A, 88-233-A

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

Norman E. Gerber, ATCP Director

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

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT 10/15/87

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21284

Zoning Item # 93, Zoning Advisory Committee Meeting of 9/15/87

Property Owner: [Signature] District: 15

Location: 3/3 Holly Neck Rd Water Supply: [Signature] Sewage Disposal: [Signature]

COMMENTS AS FOLLOWS:

- 1. Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for use in or proposed food service facilities, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
2. Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 484-3770, to obtain requirements for such installations before work begins.
3. A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint booths, ultraviolet germicidal irradiation units and any other equipment or process which exhausts into the atmosphere.
4. A permit to construct from the Bureau of Air Quality Management is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.
5. Prior to approval of a Building Permit Application for renovation to existing or construction of new health care facilities, complete plans and specifications of the building, food service and other related equipment, including plans and specifications for the building, food service and other related equipment, 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.
6. Prior to any new construction or substantial alteration of public swimming pool, wading pool, health spas, whirlpools, hot tubs, saunas and saunas facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 484-3811.
7. 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 Nurseries and Child Health.
8. If installation work and all changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
9. Prior to testing of existing structures, petitioners must contact the Division of Waste Management at 484-3770. For more complete information, contact the Division of Nurseries and Child Health. Petitioners must contact the Bureau of Air Quality Management regarding removal of asbestos, 484-3770.
10. Any abandoned underground storage tanks containing petroleum, waste oil, petroleum, etc., must have their location, depth, volume and tank removed from the property as properly specified. All information must be submitted to the Division of Waste Management at 484-3770.
11. Soil pollution tests have been conducted.
12. Soil pollution test results have been reviewed. Petitioner should contact the Division of Nurseries and Child Health to determine whether additional tests are required.
13. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County standards must be drilled.
14. In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid only if: a) well acceptable and must be retained. This must be accomplished prior to commencement of property and approval of Building Permit Application.
15. Prior to occupancy approval, the availability of the water supply must be verified by collection of hydrogeological and chemical water samples.
16. If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted.
17. Others: [Signature] specifically will be required to meet all applicable requirements of the City of Baltimore and Baltimore County.

RECEIVED

NOV 23 1987 ZONING OFFICE

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

NOTES:

1. THE FORMAL, IRREVOCABLE OFFERS OF DEDICATION HAVING BEEN MADE.
2. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE OF THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THIS PLAT.
3. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-63 BUL. # 56 OR.
4. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5. THE INFORMATION SHOWN MAY BE SUPERSEDED BY SUBSEQUENT OR AMENDED PLAT.
6. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPT. OF PUBLIC WORKS.

COORDINATES		
NH	SOUTH	EAST
1	2175.125	59592.766
2	6162.782	59530.897
3	6162.357	59593.880
4	6563.723	59725.642
5	7162.262	59902.784
6	7085.122	59678.181
7	6631.773	59423.782
8	6285.412	59330.872

DENSITY CALCULATIONS

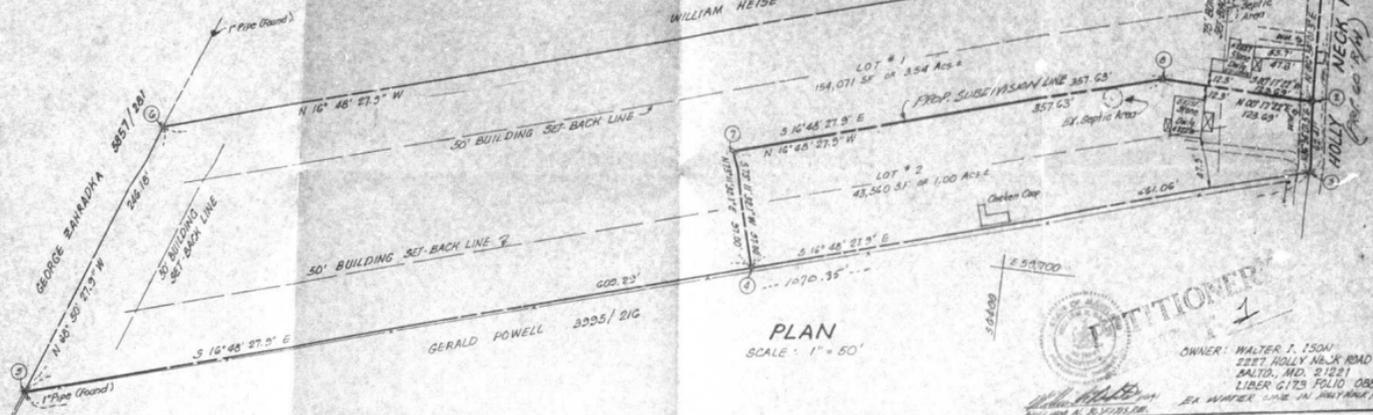
SITE ACREAGE 4.54 Acres
 ZONED RC-5
 LOTS ALLOWED = $4.54 \times 0.667 = 3.02$
 LOTS PROPOSED 2
 MIN. LOT SIZE 1 ACRE

COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METRIC POLY-TM DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:
 X-13560
 X-6156.91
 X-7900
 X-5350.34



LOCATION MAP

Scale: 1" = 200'
 75' OF ROAD
 60' PIPE (ROUND)
 15' OF ROAD



PLAN

SCALE: 1" = 50'

APPLICANT
 WALTER I. ISON
 OWNER: WALTER I. ISON
 2227 HOLLY NECK ROAD
 BALTO., MD. 21221
 LIDER GYER FELIX OBB
 EA NUMBER 1-26-14-1001-1002-1003

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 5-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

REG. NO. DATE

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE THE REQUIREMENT OF SUBSECTION (C) OF SECTION 5-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH, AS SAME CONCERNING THE MAKING OF THIS PLAT.

OWNER DATE

DIRECTOR OF DEPT. OF PUBLIC WORKS

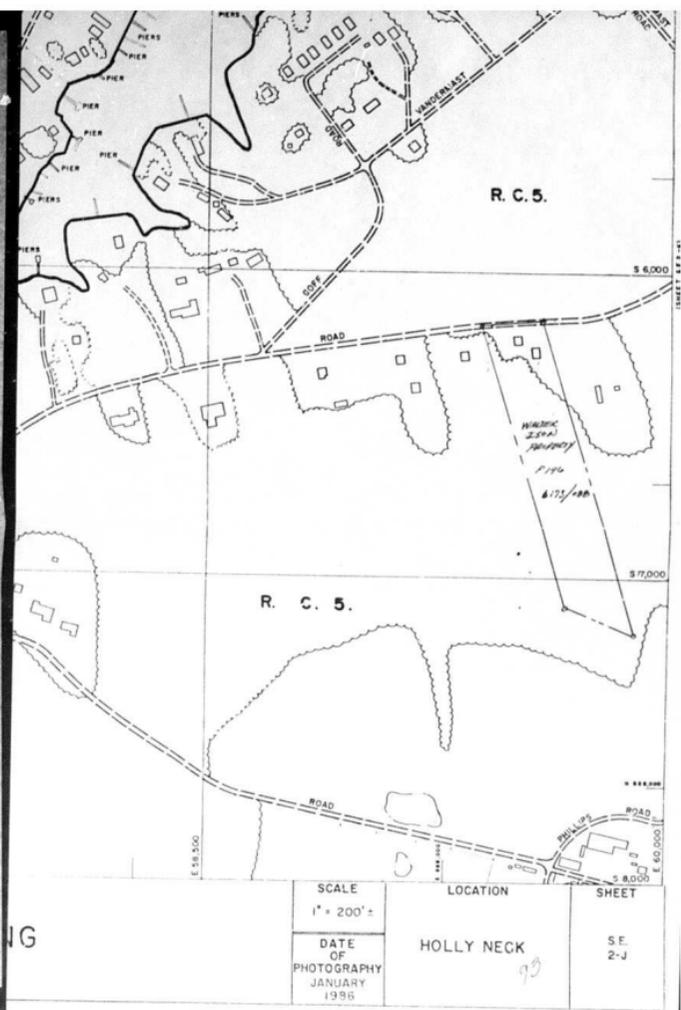
DIRECTOR OF THE OFFICE OF PLANNING & ZONING

DEPUTY STATE AND COUNTY HEALTH OFFICER

PLAT FOR ZONING VARIANCE
WALTER I. ISON PROPERTY
 ELECTION DISTRICT 19C BALTIMORE COUNTY, MD JULY 27, 1987



Carl Engler - Lide Planners / Surveyors
 1000 E. Johns Rd., Baltimore, Md. 21201



SCALE
 1" = 200'

DATE OF PHOTOGRAPHY
 JANUARY 1986

LOCATION
 HOLLY NECK

SHEET
 SE 2-J