IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE AND ZONING VARIANCE - E/S of Ramblebrook Road, N/S of * DEPUTY ZONING COMMISSIONER Gardenia Road (9315 Ramblebrook Road) * OF BALTIMORE COUNTY 11th Election District 5th Councilmanic District * Case No. 88-495-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Robert Meistering, et ux

Petitioners

NOTICE OF HEARING

The Zoning Commissioner of Bul timore County, by authority of th

Zoning Act and Regulations of Balti-more County will hold a public

hearing on the property identified herein in Room 106 of the County office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Variance and Special Hearing
Case number: 88-495-SPHA
SES Ramblebrook Road.
SEC Gardenia Road
(9315 Ramblebrook Road)
11th Election District
5th Councilmanic District
Battlings(4):

Petitioner(s):
Robert Meistering, et ux
Hearing Date: Friday,
June 17, 1988 at 10:00 a.m.

Variance to allow a sideyard set back of 17 feet, 6 inches (in a residen

some in lieu of the 25 feet as originally approved and required. Special Flearing: To amend the previously amended development plan of Lot 68, "Jasper Property".

In the event that this Petition is remained a huilding the property of the

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 reques

must be in writing and received is this office by the date of the hearing

set above or presented at the heat

6013 June 2.

J. ROBERT HAINE

The Petitioners herein request a special hearing to amend the previously amended development plan for Lot No. 68, "Jasper Property" and a variance to permit a side yard setback of 17'6" in lieu of the required 25' as originally approved and required, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Robert Meistering, appeared, testified and was represented by Counsel, Anthony J. DiPaula, Esquire. There were no

Testimony indicated that the subject property, known as 9315 Ramblebrook Road, Lot No. 68, is zoned D.R. 5.5 and is improved with a single family dwelling. Testimony indicated that the Petitioners purchased the property, which is located on the corner of Ramblebrook Road and Gardenia Road, in 1986. The Petitioners propose expanding the existing family room and require both a setback variance and an amendment to the previously approved amended development plan. Mr. Meistering testified that 80% of the family leasure time indoors is spent in the family room which does not currently meet their needs. testified that he discussed his plans with numerous residents in the area who have no objection to the proposed addition.

difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

public hearing on this Petition held, and for the reasons given above, the the special hearing and variance should be granted.

THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for

#352

"DUPLICATE"

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed Towson, Baltimore County, Md., appearing on

CERTIFICATE OF PUBLICATION

Date of Posting 5/75/87 Posted for Vexteris + Special Hooring Petitioner: Robert Meis borring ect up Location of property: SE/cox of Ramble brouk & Gardenia Kdz Location of Signe Focing in for soc from y Rom bly broth 4 Egrapence Res, opppor. 15 For no dury on fro forty of Philioner 6/27/85

DEPARTMENT OF BALTIMORE COUNTY 88- H95- SPHA

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

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

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

After due consideration of the testimony and suidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing and the variance were not granted. It has been established that the requirements 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

Baltimore County this 3/10 day of June, 1988 that an amendment to the previously amended development plan for Lot No. 68, "Jasper Property" and

ZONING DESCRIPTION

Beginning on the East side of Ramblebrook Road 84.35 ft. wide and the north side of Gardenia Road 110 ft. Being Lot 68, " Section Two Jasper Property", which Plat is recorded among the land records of Baltimore County, Maryland in Plat Book Liber EHK Jr. No 51 Folio 107. Also known as 9315 Ramblebrook Road in the 11th Election District.

a side yard setback of 17'6" in lieu of the required 25', in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petitions for Special Hearing and Zoning Variance be and are 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.

A M Nowthrowin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

June 23, 1988

Anthony J. DiPaula, Esquire Covahey & Boozer, P.A. 614 Bosley Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE E/S Ramblebrook Roid, N/S Gardenia Road (9315 Ramblebrook Road) 10th Election District; 3rd Councilmanic District Robert Meistering, et ux - Petitioners Case No. 88-495-SPHA

Dear Mr. DiPaula:

Enclosed please find the decision rendered on the above-referenced case. The Petitions for Special Hearing and Zoning Variance have been granted subject to the restriction 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 within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours.

an Makskining ANN M. NASTAROWICZ

Deputy Zoning Commissioner for Baltimore County

File

Enclosure

cc: People's Counsel

se fot 68 as shown on Plat of "Jash Property" and recorded as and the land records of Baltimore County in Plat Book Si, 1) The improvements are located within or on the perimet coire, curaz PAMBLE BY There are no sale in provenents located on (MAC. PAVING) said land unto any essement there on nor unto any adjoining There are no encroach ments onto said land of existing improve 25 B.A.L. ments located on adjoining land. tionen " of MUH DUG. 493/5 NOTE: FYW MAYES FROM AGO'ANY TOA 14.5 x4 cave. 50' AVIV ALOM3 EASENENT ENT. PANIOLE DADON POND 1-12' A/IV FOR Shull PPYVATE PSP. L Private 12 OF MINAGE & UTILITY EASENIEHT . Zoning: D.R. 5.5 Nav Aldition in This is to coulfy that the improvements Indicated hereis no located as shown. This is not a property fine survey and should not be OWNERS: RUSTRY P. AND DORSEN DON LYNCH ASSOC., INC. MEISTERING 11th Election District 4907 HARFORD ROAD VARINCE AND SARVE HOMEING Dourabh Munshi. BALTIMORE, MD. 21214 Scale: 1" 70" Date: 1/2/86 254-5059 (marie) By -- Enbiscit Property Gardenia YICINITY MAP

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

* 352

Phone No. H-529-2804

Variance from Section 1802.3.8 to allow a sideyard setback of 17 ft. 6 in. in a residential zone in lieu of 25 ft. as originally approved and required; and a special to amend the previously amended development plan of Lot 68, "Jasper Property".

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-495-SPHA

PETITION FOR ZONING VARIANCE AND SPECIAL

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) we are applying to enlarge our family room area. The current space is very small, only 187 sq ft. for a family of 6. When we have company we can't all fit in the room even if it is just 2-3 additional people. To improve the quality of our liesure and family time we need the additional space. Since the masonry fireplace & chimney is located on the side wall the best way to expand would be as we illustrated.

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. MAD NE 10 H Contract Purchaser Legal Owner(s): ROBERT MEISTERING (Type or Print Name) (Type or Print Name) DEBORAH A. MEISTERING (Type or Print Name) Nebros a mestante City and State E-43,650 9315 RAMBLEBROOK ROAD W-882-2520 H-529-2805 Covahey & Boozer, P.A. BALTIMORE, MARYLAND 21236 City and State 614 Bosley Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Towson, Maryland 21204 Attorney's Telephone No.: 828-9441 9315 RAMBLEBROOK ROAD BALTO. MD 21236

644 ORDERED By The Zoning Commissioner of Baltimore County, this _ of APRIL 19 58, 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 106, County Office Building in Towson, Baltimore County, on the 17th day of JUNE, 1988, at 10 o'clock

ESTIMATED LENGTH OF HEARING -1/2HR. THE AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO DONTHS REVIEWED BY: OTHER CAR DATE 3.23

ALTIMORE COUNTY, MAYLAND

INTER-OFFICE CORRESPONDENCE

Date May 16, 1988 P. David Fields, Director Office of Planning and Zoning

SUBJECT Zoning Petitions #88-480-A, 88-481-A, 88-482-A, 88-463-A, 88-484-A, 88-488-A, 88-492-A, 88-493-A, 88-495-SpHA) 88-498-A, 88-499-A, 88-500-A, 88-503-A, 88-504-A, 88-505-A

There are no comprehensive planning factors requiring comments on these petitions.



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

May 10, 1988



Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352) 353, 355, 356 and 357.

> Very truly yours. Outto Ender Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/pm1-b



CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd. Balto., Md. 21221 June 2.

JUNE 17, 1988 at 11:00 am

77 lines at \$42.35

THIS IS TO CERTIFY, that the annexed advertisement of PO# 01000 REQ# M14935 TO ADVERTISE PETITION FOR SPECIAL HEARING CASE NUMBER 88-497-8ph
100'N/W OF GUNDER ON NE SIDE OF GUNDER AVE.
(6922 GUNDER AVE) 15th B.D. 5th COUNCILMANIC
PETITIONS KENT EDEL HEARING SCHEDULED FRIDAY

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for _____one_ successive week(s) before the 3rd day of June 1988.

that is to say, the same was inserted in the issues of 6/2/19 R8.

The Avenue Inc.

88-495-SPHA

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 6th day of April

April 14, 1988

Petitioner Robert Meistering, et ur Petitioner's Attorney

James E. Dyer Chairman, Zoning Plans Advisory Committee

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

Paul H. Reincke J. Robert Haines

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Robert Meistering, et ux

Location: SE/S Ramblebrook Rd., SE/C Gardenia Rd.

Item No.: 352

Zoning Agenda: Meeting of 4/5/88

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 42 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.
- ($_{\rm X}$) 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 t

Baltimore County
Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

mitimore, Meryland 21236

J. Robert Haines Seeing Commissioner

Dennis F. Rasmusson
County Executive

SCS Anniblebrook Annal, SCC Georgesta Road 11th Cloution Cistriot - With Councilments

Please be advised that 109.85 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Beltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room III, Towson, Maryland 21204 fifteen (15) minutes before

No. 52729 ; and post set(s), there BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION for each set not MILCELLANEOUS CASH RECEIPT (.01-11X-000 AECENTED Polist Til se steren e tounes B 036 ** ** 109851 & 178888 - 495-574 -2 VALIDATION OR BIGHATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLOG. 111 M. Chesapeake Ave. Townon, Maryland 21204

Bureau of

State Boads Commis

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

industrial Development

Toning Administration

Mr. & Mrs. Robert Heistering 9315 Ramblebrook Road Baltimore, Maryland 21236

> RE: Item No. 352 - Case No. 88-495-SPHA Petitioner: Robert Meistering, et ux Petition for Zoning Variance and Special Hearing

Dear Mr. & Mrs. Meistering:

Enclosures

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 zonling 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. 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 filling on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Garage & Lugar for

JAHES E. DYER Chairman Zoning Plans Advisory Committee

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines

NOTICE OF HEARING



Donnia F. ilasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Zoning Verience and Special Hearing CASE NUMBER: 88-485-0998 SES Resbiebreck Roady SEC Gardenie Road (9313 Renblabrock Read) 11th Election District - 5th Councilments Patitioner(a): Nobert Meistering, et us HEARTHS SCHEDULEDS FRIDAY, RIKE 17, 1985 of 10000 a.m.

Verteres to allow a sideyerd setback of 17 feet, 8 inches (in a residental zero) in liou of the 25 feet as originally approved and required, Special Hearings To avend the previously anenced development plan of Lot 05, "James Property".

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

or tot 60 as shown on Plat of "Johns Property" and recorded the land records of Daltimore County in Plat Book 31,

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(MAC. MYIME)

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1) The improvements are located within or on the perimet-

said land unto any

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Zoving: DR. S.S

P040

This is to cortify that the improvements

Indicated herein pro located as shown. This is

not a property line survey and should not be

DON LYNCH ASSOC., INC.

4907 HARFORD ROAD

BALTIMORE, MD. 21214

254-5059 (maric)

Date: 1/2/80

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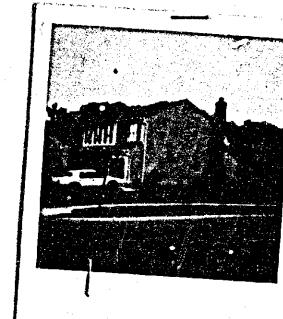
J. ROBERT HAINES Zoning Commissioner of Baltimore County

Robert Meletering, at us Anthony J. DiPsule, East

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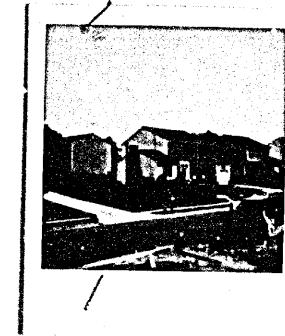
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Cost Numbers 18-205-2016

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J. Robort Highnes Zening Commissioner of Boltmane County

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Mr. J. Robert Haines