

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E/S of Ramblebrook Road, N/S of Gardenia Road (9315 Ramblebrook Road) 11th Election District 5th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-495-SPHA

Robert Meistering, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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. DiPaola, Esquire. There were no Protestants.

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 leisure time indoors is spent in the family room which does not currently meet their needs. Mr. Meistering further testified that he discussed his plans with numerous residents in the area who have no objection to the proposed addition.

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. Coley, 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).

After due consideration of the testimony and evidence 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 public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of June, 1988 that an amendment to the previously amended development plan for Lot No. 68, "Jasper Property" and

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.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

June 23, 1988

Anthony J. DiPaola, Esquire  
Covahey & Booser, P.A.  
614 Bosley Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
N/S Ramblebrook Road, 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. DiPaola:

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,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjs  
Enclosure  
cc: People's Counsel

File

PETITION FOR ZONING VARIANCE AND SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-495-SPHA

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.B 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".

The undersigned, legal owner(s) of the property situate in 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 leisure 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.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Anthony J. DiPaola  
Covahey & Booser, P.A.

Address

City and State

Attorney's Telephone No.: 828-9441

Legal Owner(s):

ROBERT MEISTERING

(Type or Print Name)

Signature

DEBORAH A. MEISTERING

(Type or Print Name)

Signature

9315 RAMBLEBROOK ROAD H-529-2805

Address H-882-2520

BALTIMORE, MARYLAND 21236

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ROBERT P. MEISTERING

Name

9315 RAMBLEBROOK ROAD BALTO. MD 21236

Address H-529-2804

Phone No. H-882-2520

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of APRIL, 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, 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 17th day of JUNE, 1988, at 10 o'clock

A.M.  
ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING  
MON./TUES. PER. - NEXT TWO MONTHS  
ALL OTHERS  
REVIEWED BY: JPB/CKR DATE 5-22-88

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD. June 2, 1988

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 June 2, 1988

THE JEFFERSONIAN,

S. Zeke Olson

Publisher

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 11E Date of Posting 5/25/88  
Posted for: Robert Meistering et ux  
Petitioner: Robert Meistering et ux  
Location of property: SE corner of Ramblebrook Road and Gardenia Rd.  
9315 Ramblebrook Road  
Location of Signs: Facing intersection of Ramblebrook Rd. and Gardenia Rd. approx. 15 ft. on each side of intersection  
Remarks: None  
Posted by: JPB Date of return: 5/27/88  
Number of Signs: 2

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.





