

IN RE: PETITION FOR ZONING VARIANCE
 NE/S Woodsyde Court, 900' +/-
 N of Henson Garth
 (12145 Woodsyde Court)
 4th Election District
 3rd Councilmanic District
 Jeffrey S. Fram, et ux
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 89-23-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a left side setback of 40 feet in lieu of the required 50 feet and to amend the final development plan for Woodsyde Heights, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were James McKee, Professional Land Surveyor, and James D. Gramer, Project Manager, both with McKee and Associates, Inc. Mr. David Abramoff, an adjoining property owner, appeared to support a variance to the left side rather than the right side. There were no Protestants.

Testimony indicated that the subject property, known as 12145 Woodsyde Court and zoned R.C. 5, is an unimproved building lot known as Lot 30 of Woodsyde Heights. The Petitioners purchased the subject property in December 1987. After much planning and consultation with architects, the Petitioners have designed a home which is compatible with the neighborhood but due to the shape of the building envelope and the location of the septic system, the proposed dwelling cannot be built without the requested variance. The Petitioners originally planned to locate their home in such a manner that a variance would be needed on the right side; however, after posting the property and learning of the objection of Mr. Abramoff as to the variance adjoining his property, the Petitioners

modified their plans so that the variance would be on the left side and filed an amended Petition for Zoning Variance.

The Petitioners testified that they contacted the adjoining property owner on the left who indicated he had no objection to their request. To support their position, the Petitioners introduced as Petitioner's Exhibit 2, a letter dated July 14, 1988 addressed to J. Robert Haines from Erwin Warranch requesting a modification for the side variance from the right to the left. It was determined that the property would be reposted for a public hearing on August 9, 1988 to give any potential Protestant an opportunity to be heard. No one, other than the Petitioners, by Mrs. Fram, appeared at the second hearing.

Mr. Abramoff appeared at the first hearing and indicated that he would have no objection to the proposed variance provided it was located on the left side of Petitioners' property.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 for Baltimore County this 10th day of August, 1988 that the Petition for Zoning Variance to permit a left side setback of 40 feet in lieu of the required 50 feet and to amend the final development plan for Woodsyde Heights, be and 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 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
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 494-3333

J. Robert Haines
 Zoning Commissioner

August 10, 1988



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. Jeffrey S. Fram
 3105 Old Post Drive
 Baltimore, Maryland 21208

RE: PETITION FOR ZONING VARIANCE
 NE/S Woodsyde Court, 900' +/- N of Henson Garth
 (12145 Woodsyde Court)
 4th Election District; 3rd Councilmanic District
 Case No. 89-23-A

Dear Mr. & Mrs. Fram:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with 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
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs
 Enclosure
 cc: Mr. David Abramoff
 People's Counsel
 File

ORDER RECEIVED FOR FILING
 Date 8/10/88
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 8/10/88
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 8/10/88
 By [Signature]

EUROPEAN MARBLE DESIGN, INC.

SUPPLIERS • INSTALLERS • FABRICATORS • DESIGNERS OF THE FINEST MARBLES, GRANITES & CERAMICS

July 11, 1988.

Mr. J. Robert Haines
 Zoning Commissioner
 Baltimore County Office Bldg.
 11 W. Chesapeake Ave.
 Room #109
 Towson, MD 21204

RE: Petition for Zoning Variance
 12145 Woodsyde Court
 Lot 30 Section 4 Woodsyde Heights
 Zoning Item #406

To Whom It May Concern:

With regards to requested variance for Lot #30 Section 4, Woodsyde Heights, a variance from Section 1A04.3B.3 of the Baltimore County Zoning Manual to allow for a 40 ft. left set back in lieu of the required 50 ft. set back.

As described above, this is acceptable and I will not object to this variance being passed.

Sworn and Subscribed to before me
 this 13 Day of July 1988.

Lola M. Sherman *Erwin Warranch*
 Lola M. Sherman Erwin Warranch
 Notary Public Lot Owner #31

My Commission Expires July 1, 1990



EXHIBIT 2

9-F GWYNNS MILL COURT / OWINGS MILLS, MARYLAND 21117

TELEX 87770 BAL (301) 363-2093 FAX 301-667-1867

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
 Telephone: (301) 252-5820

July 18, 1988

Mr. J. Robert Haines
 Zoning Commissioner
 Baltimore County Office Building
 111 W. Chesapeake Avenue
 Room 109
 Towson, Maryland 21204

Re: Petition for Zoning Variance
 12145 Woodsyde Court
 Lot 30, Section 4
 Woodsyde Heights
 Zoning Item Number 406

Dear Mr. Haines:

Enclosed are copies of the revised variance package items for the Variance Hearing scheduled for Wednesday, July 20, 1988, at 2:00 p.m.. The variance has been revised to allow for a 40 foot left sideyard instead of the previously requested 40 foot right sideyard. Also, enclosed is a letter signed by Mr. Erwin Warranch the owner of Lot 31 which is the lot to the left of Lot 30.

We are requesting the change in the variance due to the objection of the owner of Lot 29 to having the proposed dwelling situated to close to his proposed dwelling.

We would appreciate your consideration in allowing this change at the hearing.

Thank you for your consideration in this matter. Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,
 MCKEE & ASSOCIATES, INC.

James D. Gramer
 James D. Gramer
 Project Manager

enclosures

JDC:pmx

RECEIVED
 JUL 19 1988
 ZONING OFFICE

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
 Telephone: (301) 252-5820

May 2, 1988

DESCRIPTION OF LOT 30, SECTION 4
 WOODSYDE HEIGHTS
 12145 WOODSYDE COURT
 FOURTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northeastern most right-of-way line of Woodsyde Court (50.00 feet wide) at a distance of 900 feet ± from the northeastern most corner of Woodsyde Court and Henson Garth (50.00 feet wide) thence running with and binding on the northern most right-of-way line of Henson Garth by a curve to the left having a radius of 50.00 feet and an arc length of 38.08 feet to a point, thence leaving said right-of-way and running North 65° 09' 43" West 75.37 feet to a point, thence by a curve to the right having a radius of 25.00 feet and an arc length of 32.30 feet to a point, thence North 08° 52' 06" East 242.87 feet to a point, thence North 87° 53' 25" East 211.13 feet to a point, thence South 22° 45' 52" West 332.54 feet to the point of beginning. Containing 1.1265 acres of land, more or less.

Being known as lot 30 as shown on a plat of Section 4, Woodsyde Heights and recorded among the land records of Baltimore County in Plat Book 55, folio 37.

AMENDED PETITION FOR ZONING VARIANCE #406

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-23-A

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 1A04.3B.3 to allow for a 40 foot left side setback in lieu of the required 50 feet and to amend the final development plan.

DATE	8-5-88
TIME	8:30
FILE	8F
DP	

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

The existing building envelope is too small to accommodate the proposed dwelling.

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.

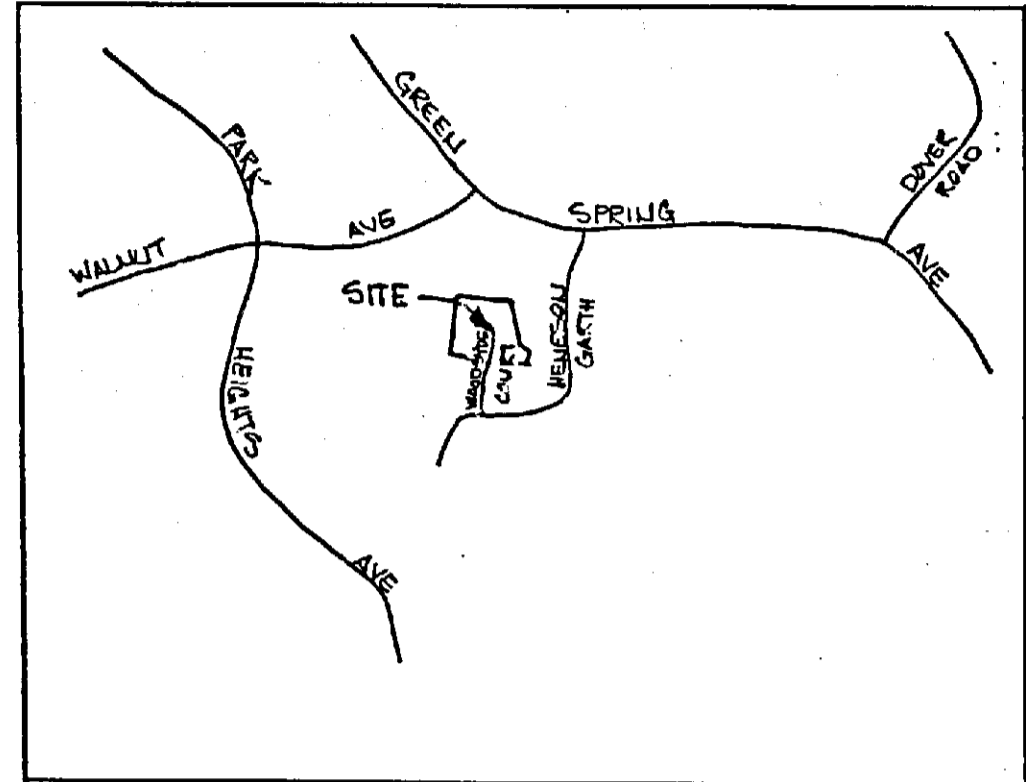
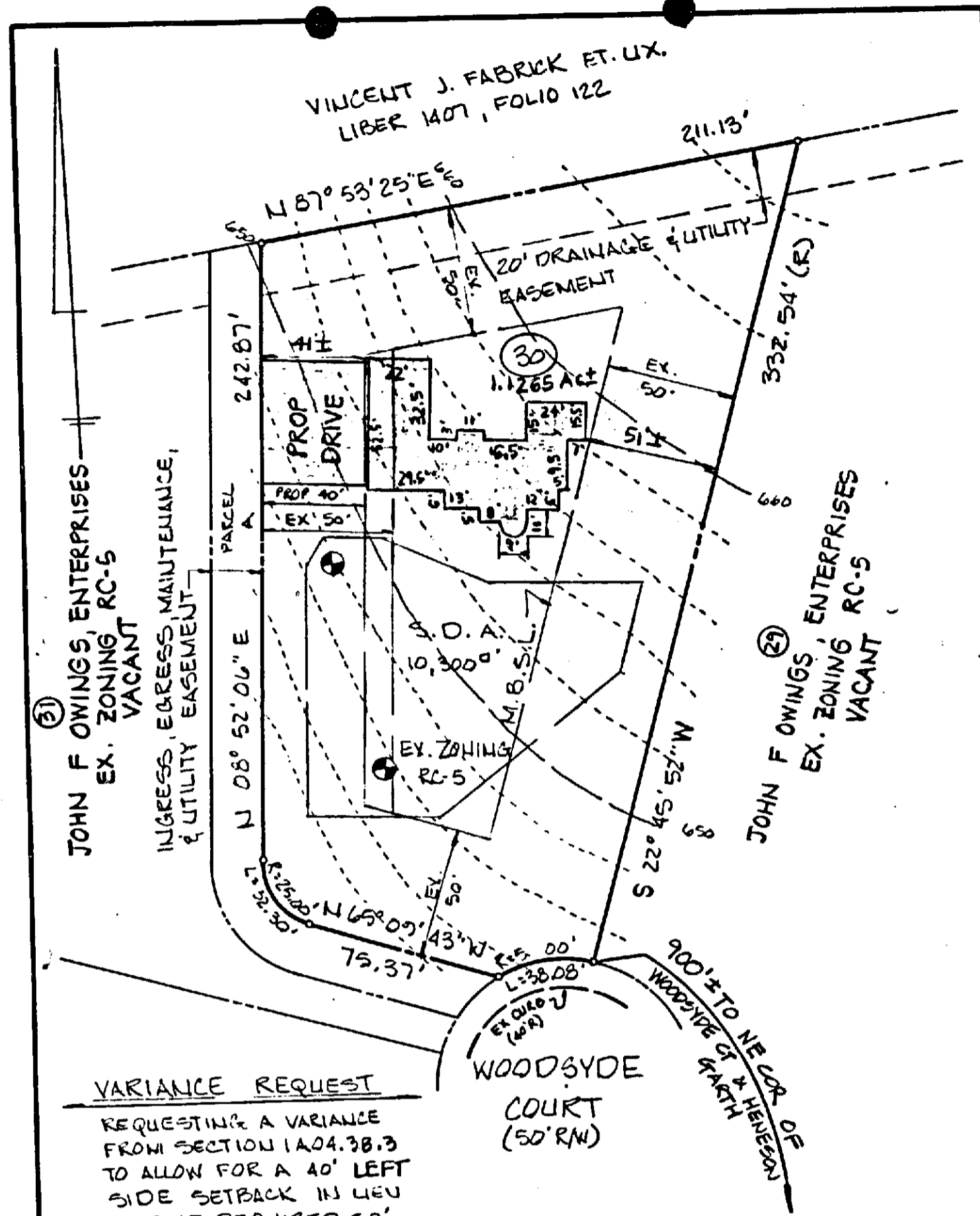
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Jeffrey S. Fram
Signature	(Type or Print Name)
Address	<i>J. Fram</i>
City and State	Lynn D. Fram
Attorney for Petitioner:	(Type or Print Name)
(Type or Print Name)	<i>James D. Fram</i>
Address	Signature
City and State	3105 Old Post Drive 365-2093
Attorney's Telephone No.:	Address
	Baltimore, Maryland 21208
	City and State
	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
	McKee & Associates, Inc.
	Address
	5 Shawan Road
	Hunt Valley, Maryland 21030 252-5820
	City and State
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of JULY 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 three (3) days before the public hearing to be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of August, 1988, at 9 o'clock

J. Robert Haines
 J. Robert Haines
 Zoning Commissioner of Baltimore County.

(over) Filed July 19, 1988

ORDER RECEIVED FOR FILING
 Date 8/10/88
 By [Signature]



VICINITY MAP
SCALE: 1"=2,000'

#406

VARIANCE REQUEST
REQUESTING A VARIANCE FROM SECTION 1A04.38.3 TO ALLOW FOR A 40' LEFT SIDE SETBACK IN LIEU OF THE REQUIRED 50' SETBACK.



MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
Shawan Place - 5 Shawan Road
Hunt Valley, MD 21030
301-252-5820

EXISTING ZONING - RC-5
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE FOR #12145 WOODSYDE COURT, 4TH ELECT. DIST., BALTO., MD. SCALE: 1"=40' JULY 14, 1988

PETITIONER'S EXHIBIT

Rec'd 7/16/88

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-23-A

District: 4th Date of Posting: June 29-88
 Posted for: Variance
 Petitioner: Jeffrey S. Fram et ux
 Location of property: NE side of Woodsyde Court, 500'± N. of Henson Earth
 Location of Signs: N.E. side of Woodsyde Court in front of subject Lot # 30
 Remarks: POSTED 2ND TIME - ON JULY 21-88 FOR NEW HEARING OF AUGUST 9th
 Posted by: A. J. Anta Signature Date of return: July 1-88 9th
 Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

July 20, 1988

Mr. & Mrs. Jeffrey S. Fram
3105 Old Post Drive
Baltimore, Maryland 21208

Re: Petition for Zoning Variance
Case Number: 89-23-A

Dear Mr. & Mrs. Fram:

This letter is to confirm the following:

1. Hearing of the above matter has been continued to August 9, 1988 at 9:00 a.m.
2. There is a \$35.00 filing fee for the Amended Petition.
3. There is a \$15.00 re-posting fee.
4. This office requires two separate checks, however, each is to be made payable to Baltimore County, Maryland.
5. Please do not mail the checks. Bring them in on the date of the hearing, along with the sign and post.

If you have any questions, please call Zoning Information at 494-3331.

Very truly yours,

[Signature]
G. C. Stephens
Docket Clerk

TOTAL \$90.00

NOTICE OF HEARING
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:
 Petition for Zoning Variance
 Case Number: 89-23-A
 N.E.S. Woodsyde Court, 900' ± N Henson Earth
 (12145 Woodsyde Court)
 4th Election District
 3rd Councilmanic District
 Petitioner(s): Jeffrey S. Fram, et ux
 Hearing Date: Wednesday, July 20, 1988 at 2:00 p.m.
 Variance to allow for a 40 foot right side setback in lieu of the required 50 feet and to amend the final development plan of Woodsyde Heights, Section Four, Lot 30, to allow construction outside of the building envelope.
 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 of 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.
 J. ROBERT HAINES
Zoning Commissioner of Baltimore County
L-265 June 23, 1988

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 23 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 23, 1988.

OWINGS MILLS TIMES,
S. Zehe Orlean
Publisher

37.50