

IN RE: PETITION FOR ZONING VARIANCE
S/S Beaverbrook Lane, 1380'
W of the c/l of Falls Road
(1701 Beaverbrook Lane)
8th Election District
3rd Councilmanic District
David P. Bacharach, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-242-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage addition) in the side yard in lieu of the required rear yard, with a height of 15'6" in lieu of the maximum permitted 15' in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mr. Bacharach, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1701 Beaverbrook Lane, is zoned R.C. 5 and consists of approximately 2.03 acres. The property is improved with an existing single family dwelling and a storage building. Petitioners propose constructing a garage addition to the storage building for protection of family vehicles. Due to the location of the dwelling in the rear of the property, the proposed garage addition will be located in the side yard. Petitioners testified they spoke with their neighbors who indicated they had no objection to their plans.

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 January, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage addition) in the side yard in lieu of the required rear yard, with a height of 15'6" in lieu of the maximum permitted 15', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

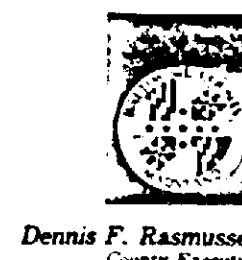
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order 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

CHECK RECEIVED FOR FILING
Date 1/10/89
By [Signature]

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

January 10, 1989



Mr. & Mrs. David P. Bacharach
1701 Beaverbrook Lane
Cockeysville, Maryland 21030

RE: PETITION FOR ZONING VARIANCE
S/S Beaverbrook Lane, 1380' W of the c/l of Falls Road
(1701 Beaverbrook Lane)
8th Election District - 3rd Councilmanic District
David P. Bacharach, et ux - Petitioners
Case No. 89-242-A

Dear Mr. & Mrs. Bacharach:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Variance
Petitioner: David Paul Bacharach, et ux
Location of property: S/S Beaverbrook Lane, 1380' W of c/l Falls Road
Location of sign: Front of 1701 Beaverbrook Lane
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1
Date of Posting: November 29, 1988
Date of return: December 2, 1988

CERTIFICATE OF PUBLICATION

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

THE JEFFERSONIAN
TOWSON TIMES,

S. Zeke Orlan
Publisher

PO05886
M20471
case 89-242-A
price \$101.04 11+J

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: 89-242-A
S/S Beaverbrook Lane, 1380' W of c/l Falls Road
(1701 Beaverbrook Lane)
8th Election District - 3rd Councilmanic District
Petitioner(s): David Paul Bacharach, et ux
HEARING SCHEDULED: TUESDAY, DECEMBER 20, 1988 at 11:30 a.m.
Variance to permit an accessory building in the side yard and 15'6" in height in lieu of the required rear yard and 15', respectively.

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

Date: 12/2/88



Mr. & Mrs. David Paul Bacharach
1701 Beaverbrook Lane
Cockeysville, Maryland 21030

Re: Petition for Zoning Variance
CASE NUMBER: 89-242-A
S/S Beaverbrook Lane, 1380' W c/l Falls Road
(1701 Beaverbrook Lane)
8th Election District - 3rd Councilmanic District
Petitioner(s): David Paul Bacharach, et ux
HEARING SCHEDULED: TUESDAY, DECEMBER 20, 1988 at 11:30 a.m.

Dear Mr. & Mrs. Bacharach:

Please be advised that \$116.04 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 Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204. (Fees are due 30 minutes before the hearing.)

BALTIMORE COUNTY, MARYLAND		No. 058941
OFFICE OF FINANCE - REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: 12/2/88	ACCOUNT: 1-00155500	
AMOUNT: \$ 116.04		
RECEIVED BY: [Signature]		
FOR: 1-00155500 (89-242-A)		
VALIDATION ON SIGNATURE OF CASHIER		

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 and made a part hereof, hereby petition for a Variance from Section 100.1 and 100.3 to permit an accessory building in the side yard and 15'6" in height in lieu of the required rear yard and 15', respectively.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
- (1) Our house is 40 years old and was positioned in a rear corner of the 2-acre lot.
 - (2) There is no rear yard in which to build a garage or any accessory building.
 - (3) Strict compliance with the "rear yard" requirement would unreasonably prevent us from building a garage on our 2-acre lot.

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: _____
(Type or Print Name)
Address: 1701 Beaverbrook Lane, 252-0546
Cockeysville, Maryland 21030
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Deborah B. Bacharach
Name: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Name: _____
Address: _____
City and State: _____
Phone No.: (w) 225-1561

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of December, 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 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 20th day of December, 1988, at 11:30 o'clock a.m.

J. Robert Haines

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

November 9, 1988

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: 89-242-A
S/S Beaverbrook Lane, 1380' W c/l Falls Road
(1701 Beaverbrook Lane)
8th Election District - 3rd Councilmanic District
Petitioner(s): David Paul Bacharach, et ux
HEARING SCHEDULED: TUESDAY, DECEMBER 20, 1988 at 11:30 a.m.

Variance to permit an accessory building in the side yard and 15'6" in height in lieu of the required rear yard and 15', respectively.

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.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Bacharach
File

NOTICE
IF PHASE II OF THE SHOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CALL 887-3391 TO CONFIRM DATE.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353 887-3353
J. Robert Haines
Zoning Commissioner

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: 89-242-A
S/S Beaverbrook Lane, 1380' W c/l Falls Road
(1701 Beaverbrook Lane)
8th Election District - 3rd Councilmanic
Petitioner(s): David Paul Bacharach, et ux
HEARING SCHEDULED: TUESDAY, DECEMBER 26, 1988 at 11:30 a.m.*

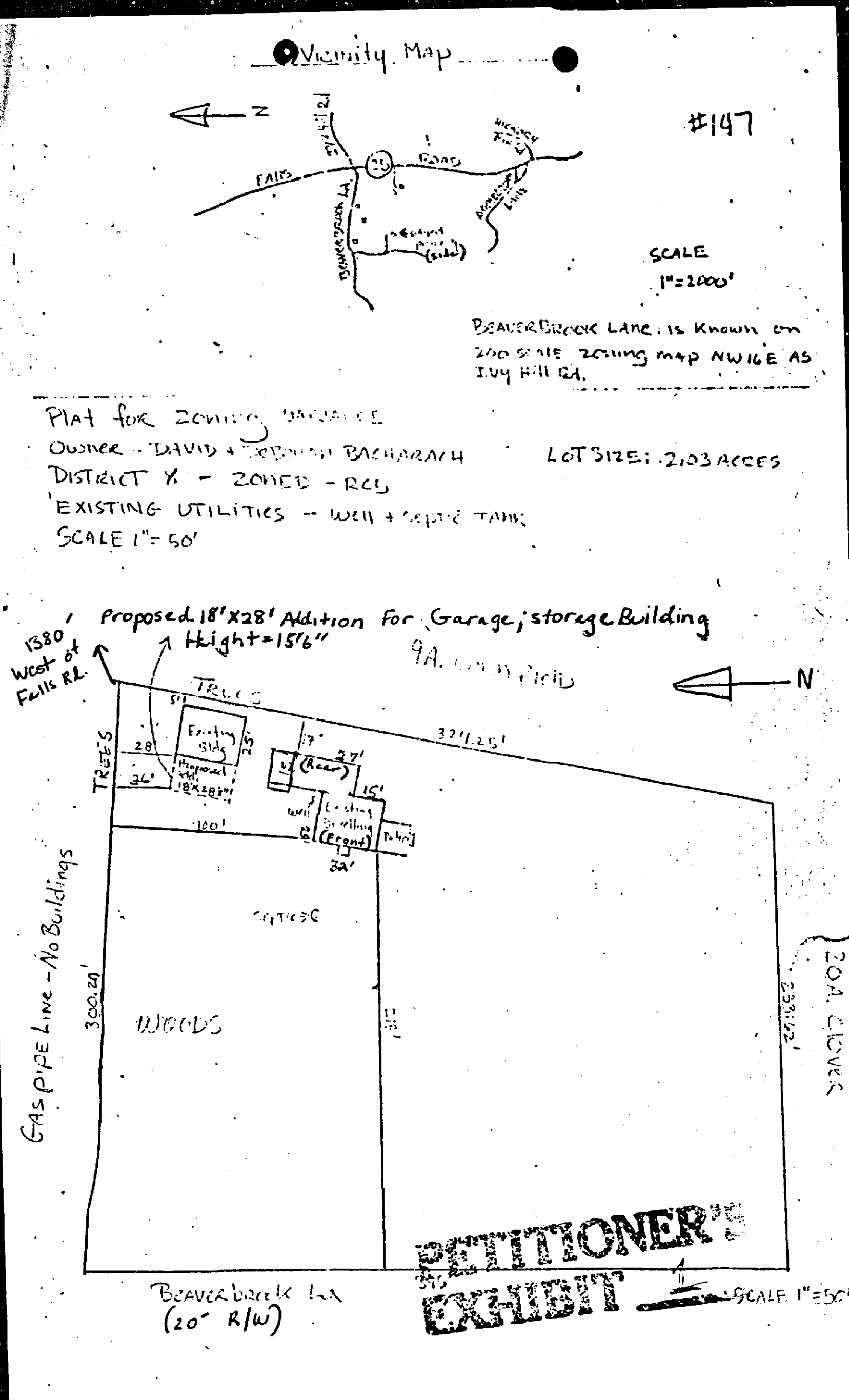
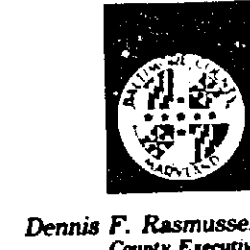
Variance to permit an accessory building in the side yard and 15'6" in height in lieu of the required rear yard and 15', respectively.

*IF PHASE II of SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCHEDULED. CALL 887-3351 TO CONFIRM DATE.

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.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County



RA-242-A

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
26th day of October, 1988.

Petitioner David P. Bacharach, et ux
Petitioner's Attorney

Received by: J. Robert Haines
ZONING COMMISSIONER
James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204 2336
494-4300

December 2, 1988

Paul H. Reincke
Chief

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



Re: Property Owner: David Paul Bacharach, et ux
Location: S/S Beaverbrook Ln., 1,380' W. of c/l of
Falls Road
Item No.: 147
Zoning Agenda: Meeting of 10/25/88

Gentlemen:

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 _____ 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.
- (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 time.

REVIEWER: J. Robert Haines
FIRE PREVENTION BUREAU
Special Inspection Division
NOTED & APPROVED: _____
Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 14, 1988

Mr. & Mrs. David P. Bacharach
1701 Beaverbrook Lane
Cockeysville, Maryland 21030

RE: Item No. 147, Case No. 89-242-A
Petitioner: David P. Bacharach, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Bacharach:

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 140, 58, 102, 128, 144, 145, 150, 151, 153, 154, 155, 156, and 157.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineering Associate

MSP/lvw

RECEIVED
NOV 9 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
TO: _____ Date: December 7, 1988
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 89-214-A (Hottinger); 89-216-SPHA (Grebe); 89-219-SPHA (Fowell); 89-222-SPH (Lawrence); 89-227-A (Sten); 89-232-A (McMillan); 89-234-A (Seven Courts); 89-242-A (Bacharach); and 89-244 (Diekel) 89-210-SPH (Bell)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/sf

RECEIVED
DEC 8 1988
ZONING OFFICE

cc: Mr. & Mrs. Bacharach
12.9.88

DPS-CO3