

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Lisa Lane, 513' S of the * DEPUTY ZONING COMMISSIONER
C/L of Whispering Meadow Drive (Lot 14 of Lisa Lane) * OF BALTIMORE COUNTY
2nd Election District * Case No. 89-345-A
2nd Councilmanic District
Whispering Meadow Ltd. Part.
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 feet in lieu of the required 35 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Richard Klein, Vice President, appeared, testified and were represented by J. Carroll Holzer, Esquire. Also appearing on behalf of the Petition was Hank Sadler, Chief Engineer, with D. S. Thwiler & Associates. There were no Protestants.

Testimony indicated that the subject property, known as Lot 14 of Whispering Meadows, is zoned D.R. 3.5 and is currently unimproved. Testimony presented indicated that the subject property is located within a newly developed subdivision. Due to the configuration of eight of the lots which meet all setback requirements, the subject property, being the last lot, does not meet building setback requirements by 5 feet. Testimony indicated that the proposed dwelling would have to be constructed in reverse of other homes on Lisa Lane or windows would have to be eliminated if strict compliance with the zoning regulations was required. Testimony presented indicated the granting of the relief requested would not create any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

missioner 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 27th day of February, 1989 that the Petition for Zoning Variance to permit a side yard setback of 30 feet in lieu of the required 35 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not request any further variance for Lots 1 through 33 inclusive in the Whispering Meadows development.

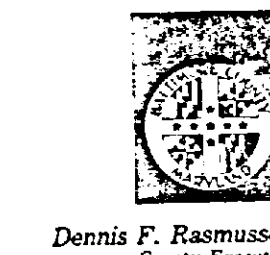
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

February 27, 1989



J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Lisa Lane, 513' S of the c/l of Whispering Meadow Drive
(Lot 14 of Lisa Lane)
2nd Election District - 2nd Councilmanic District
Whispering Meadows Limited Partnership - Petitioners
Case No. 89-345-A

Dear Mr. Holzer:

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

FNN:bjs

cc: Mr. Hank Sadler
11 Warren Road, Baltimore, Md. 21208
People's Counsel
File

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE
PLAT OF LOT NO. 14, WHISPERING MEADOW

Beginning for the same at a point on the south side of Lisa Lane, said point being located 512.83 feet from the centerline of Whispering Meadow Drive as measured along the south side of Lisa Lane; thence, leaving the south side of Lisa Lane and running the three following courses viz: South 23 53'02" West 125.00 feet, North 73 18'20" West 83.66 feet, North 23 53'02" East 125.00 feet to intersect the south side of Lisa Lane, running thence and binding on said south side South 73 18'20" East 83.66 feet to the place of beginning.

Containing 10,375 square feet, more or less, and being Lot No. 14 on Plat of Whispering Meadow, recorded among the Land Records of Baltimore County, Maryland in Plat Book 58 folio 91.

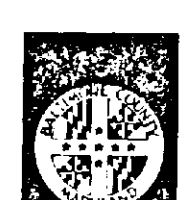
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd
Posted for: 9 days
Petitioner: Richard Klein, Vice President, Petitioner's
Location of property: S/S Lisa Lane, 513' S of the c/l of Whispering Meadow Drive (Lot 14 of Lisa Lane)
Location of signs: South side of Lisa Lane in front of Lot 14
Remarks: J. Robert Haines
Posted by: J. Robert Haines
Number of signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Date: 2/14/89



Whispering Meadow Limited Partnership
1320 Old Chain Bridge Road
McLean, VA 22101

ATTN: RICHARD KLEIN, V.P.

Re: Petition for Zoning Variance
CASE NUMBER: 89-345-A
S/S Lisa Lane, 513' C/L Whispering Meadow Drive
Lot #14, Lisa Lane
2nd Election District - 2nd Councilmanic
Petitioner(s): Whispering Meadow Limited Partnership
HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that \$163.40 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 at 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204, fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 2/24/89 ACCOUNT: 89-345-A
Richard Klein AMOUNT: \$ 95.47
FOR: PIA 2/24/89 89-345-A

VALIDATION OR SIGNATURE OF CASHIER
WITNESSES: WIT: CASHIER P.M. AGENCY YELLOW OUTCOMER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 89-318-A (Podlee); 89-343-SPH (The Whistler);
SUBJECT: 89-345-A (Whispering Meadow); and 89-347-A (Bush)

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 10, 1989
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 February 7, 1989.

THE JEFFERSONIAN,

S. Zabe Orban
Publisher

PO 08642
NY 125243
ca 89-345-A
price \$39.40

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 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet in lieu of the required 35 foot setback. Request a 30 foot setback in lieu of the required 35 foot setback.

1. Due to the physical alignment of the eight lots west of Whispering Meadow Drive, and the compliance with all setbacks and window setbacks, the last lot, No. 14, produced a five foot variance from the required 35 foot setback. The practical difficulties in either reversing the location of the home to be opposite of the other lots, or elimination of windows, creates a practical difficulty and unnecessary burden on the site, and on the Petitioner.
2. Granting of the variance would not do substantial injustice to the other property owners.
3. That the spirit of the ordinance will not be affected by the granting of this variance.

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
Legal Owner(s):
Whispering Meadow Limited Partnership
(Type or Print Name)
Signature
Richard Klein, Vice President
(Type or Print Name)
Signature
1320 Old Chain Bridge Road
Address
McLean, Virginia 22101
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.
Attorney for Petitioner:
J. Carroll Holzer, Esquire
(Type or Print Name)
Signature
Holzer, Maher & Demilio
305 West Chesapeake Avenue
Address
Suite 105
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 301-825-6960
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of February, 1989, 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 24th day of February, 1989, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 15 MIN. (over)
NON/USED/PROB. - HEAT TWO HEARINGS
OTHER
HEARD BY: J. Robert Haines DATE: 2/24/89

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
Zoning Commissioner
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 89-318-A (Podlee); 89-343-SPH (The Whistler);
SUBJECT: 89-345-A (Whispering Meadow); and 89-347-A (Bush)

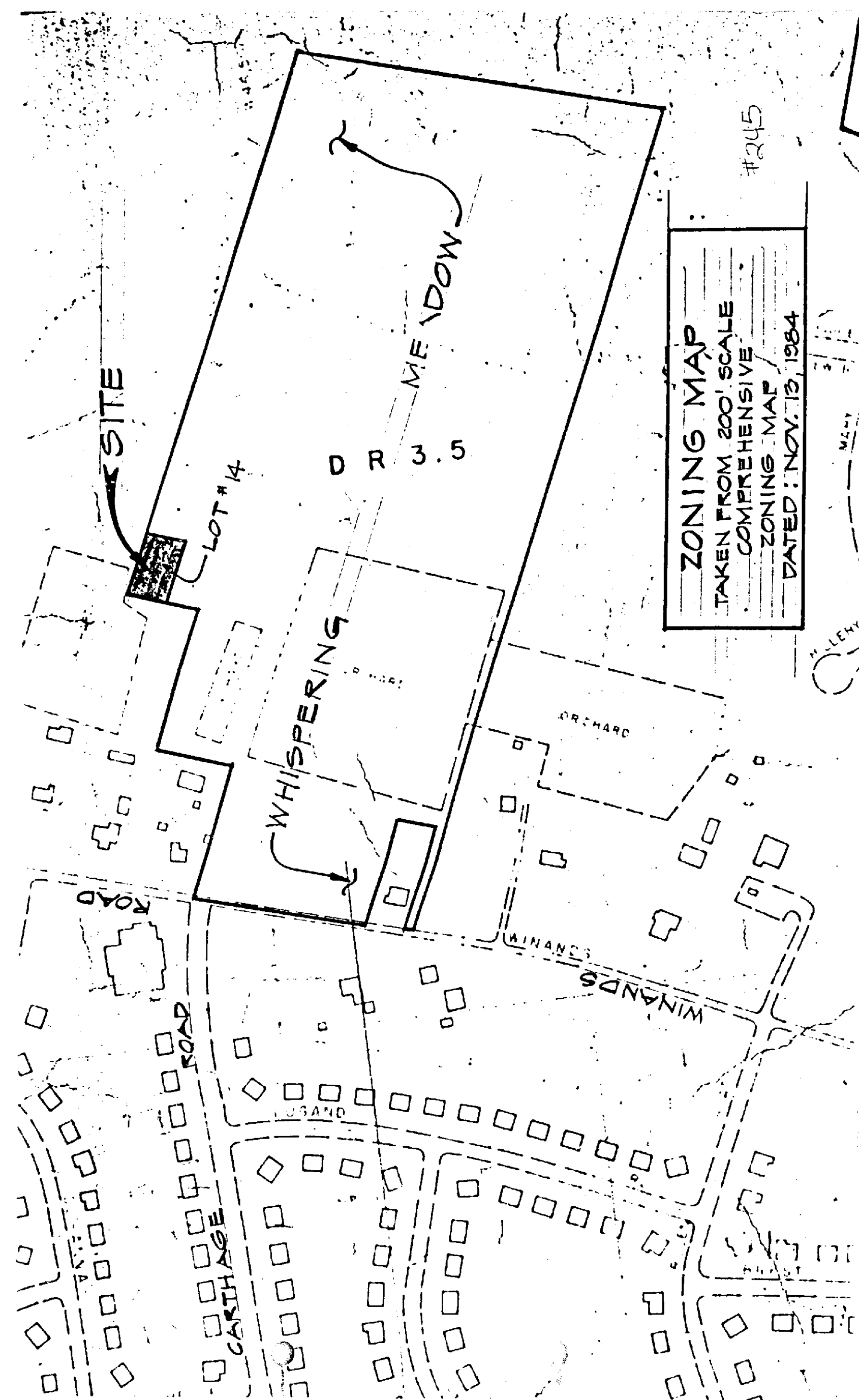
The Office of Planning and Zoning has no comment on the above petitions.

PK/et

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

442 Eastern Blvd.
Towson, Md. 21201
February 10, 1989
THIS IS TO CERTIFY, that the annexed advertisement of Petition for Zoning Variance, petitioner(s) J. Robert Haines, 89-345-A, was published in THE AVENUE NEWS, a weekly newspaper published in Baltimore County, Maryland once a week for 10 days before the 10th day of February, 1989, at 10:00 A.M. The cost of publication was \$44.27. The newspaper is published weekly except on Sundays and public holidays.

The Avenue Inc.
per publisher



NOTE:
A VARIANCE IS REQUESTED FOR LOT #14
FOR THE FOLLOWING REASON:
1) SECTION 1801.2, C.2 DISTANCES RELATED TO
WINDOWS: REQUEST A 30' SETBACK
IN LIEU OF THE REQUIRED 35'

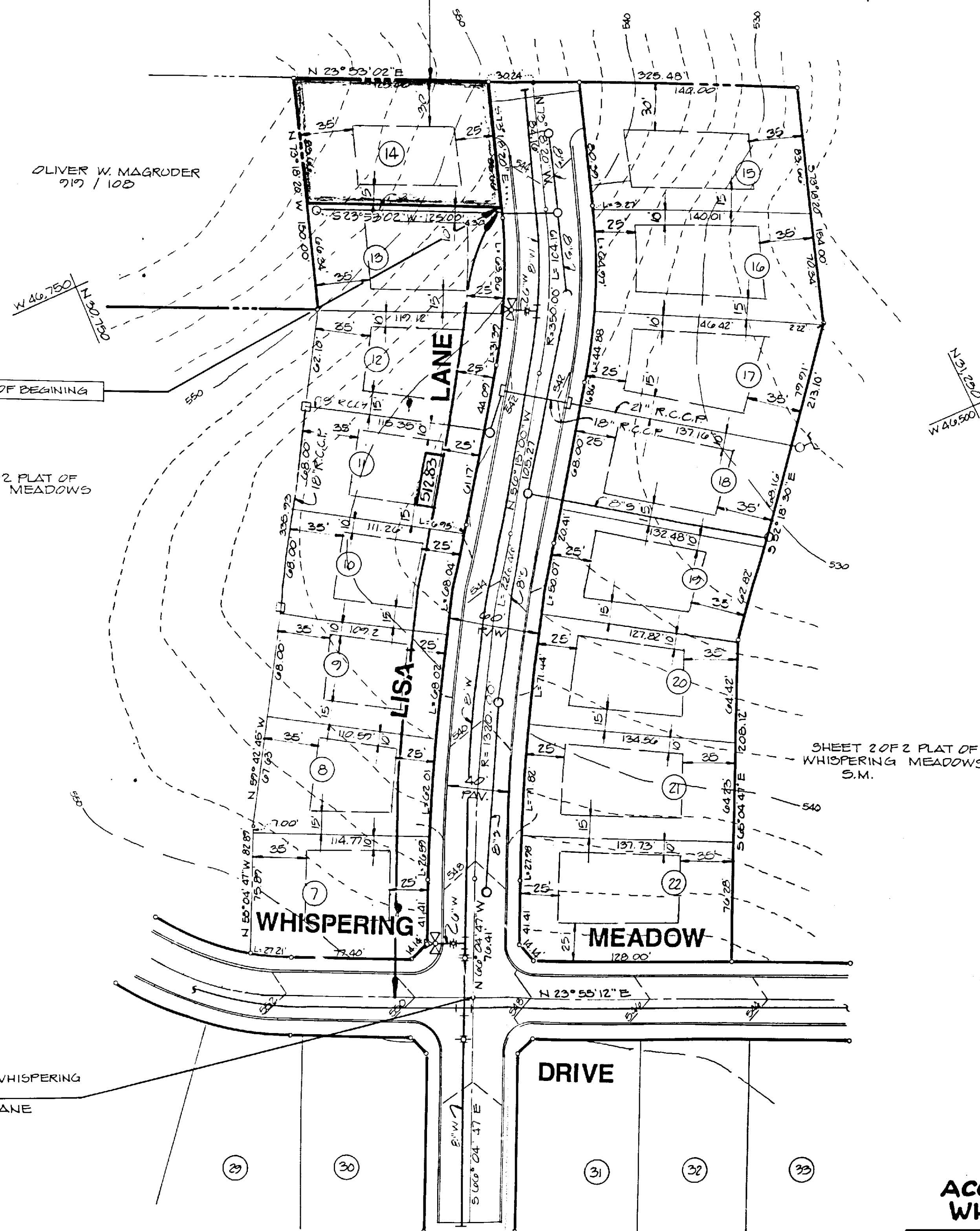
OLIVER W. MAGRUDER
717 / 105

MATHERINE A. BRODBECK
970 / 477

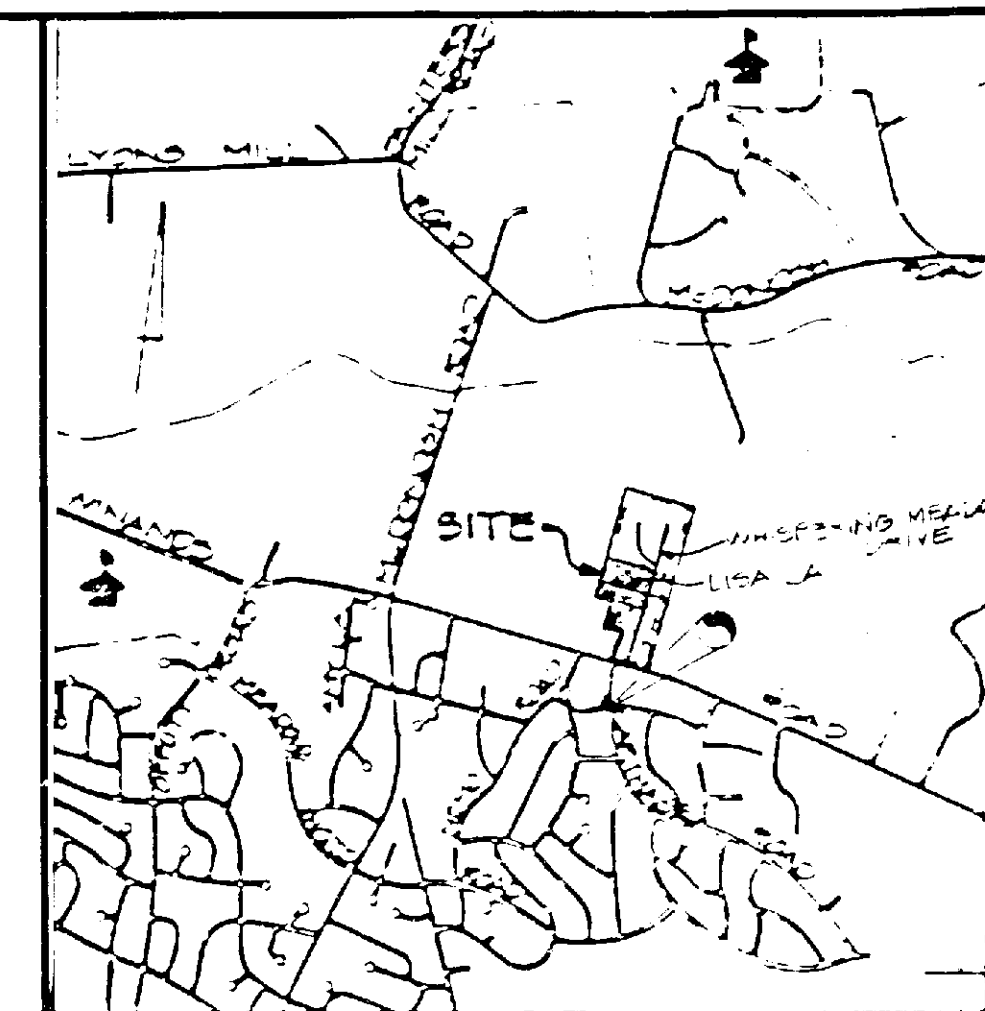
SHEET 2 OF 2 PLAT OF
WHISPERING MEADOWS
S.M.

N 30° 50' 00" E
W 46,500

P.I. STA. 6+87.77 WHISPERING
MEADOW DRIVE
STA. 0+00 LISA LANE
N 30° 01' 25" E
W 46,275.1466



BALTIMORE CO. GRID NORTH



VICINITY MAP
SCALE: 1" = 2000'

B.M. HUB N 8 X 7-1918 ELEV. 558.44
GALVANIZED SPIRE IN MACADAM
WEST SIDE CARTHAGE ROAD
OPPOSITE LUGAND ROAD

1/Sign

ENGINEERS
D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208

PLAT TO
ACCOMPANY PETITION FOR VARIANCE
WHISPERING MEADOW - FOR LOT #14

OCTOBER 25, 1988
DEED REF. 7540/20
2nd. ELECTION DISTRICT
SM 58/91 DATED 5/24/1988

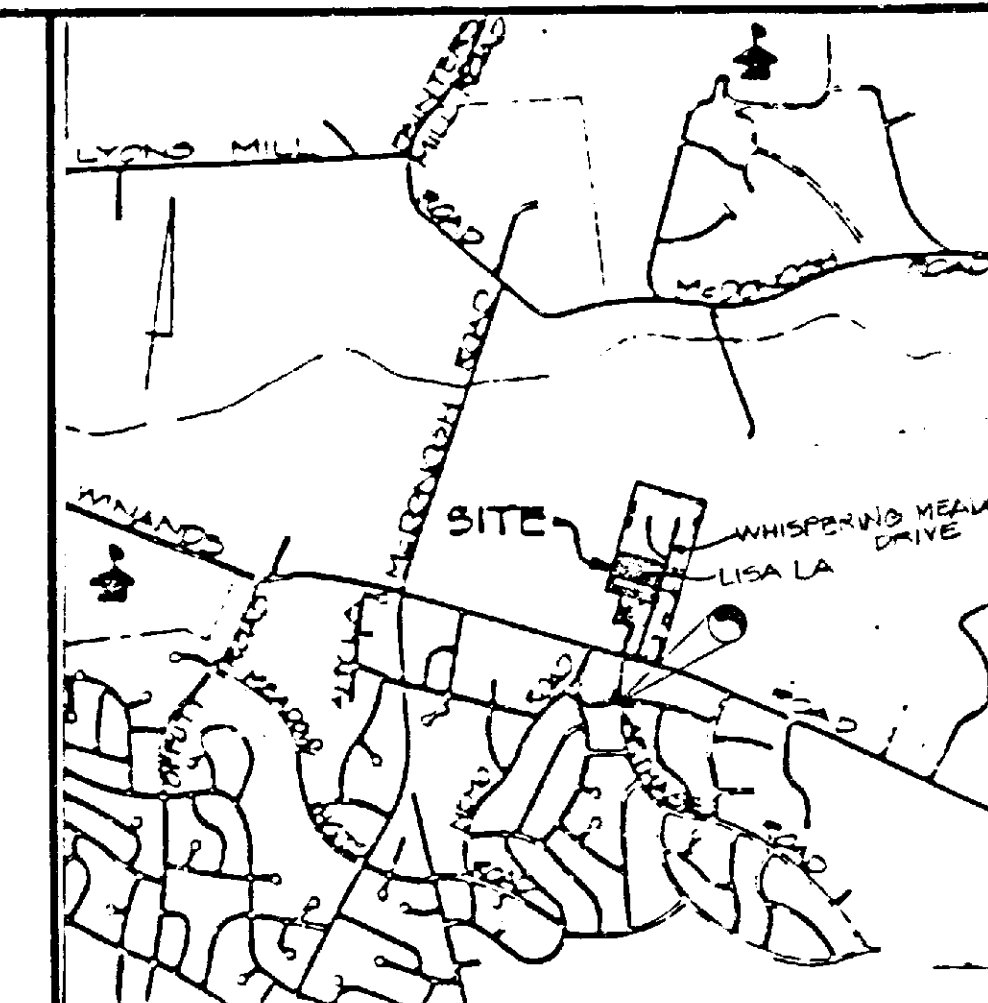
SCALE: 1" = 50'
TAX ACCOUNT #20-00-010800
THROUGH # 20-00-010834
BALTIMORE CO. MD.

#245

NOTE:
A VARIANCE IS REQUESTED FOR LOT #14
FOR THE FOLLOWING REASON
1) SECTION 1801.2. C. 2 DISTANCES RELATED TO
WINDOWS: REQUEST A 30' SETBACK
IN LIEU OF THE REQUIRED 35'

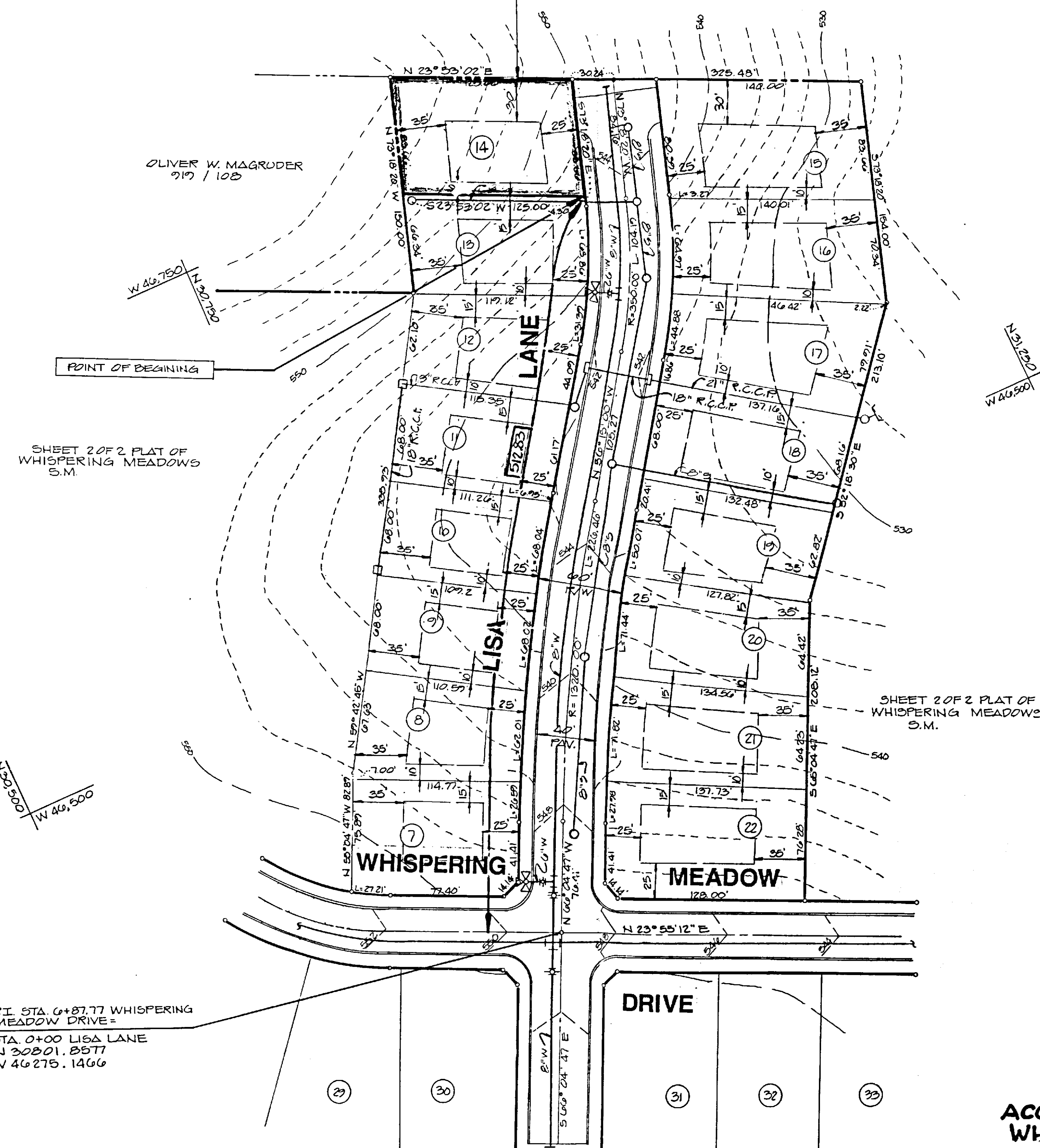
KATHERINE A. BRODBECK
770 / 477

BALTIMORE CO. GRID NORTH



VICINITY MAP
SCALE: 1" = 2000'

D.M. HUB N° X-7918 ELEV. 558.44
GALVANIZED PIPE IN MACADAM
WEST SIDE CARTHAGE ROAD
OPPOSITE LOGAND ROAD



PT. STA 6+87.77 WHISPERING
MEADOW DRIVE =
STA. 0+00 LISA LANE
N 208° 01' 58" E
W 46° 27' 5" 1466

ENGINEERS
D. S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MARYLAND 21208

PLAT TO
ACCOMPANY PETITION FOR VARIANCE
WHISPERING MEADOW - FOR LOT #14

OCTOBER 25, 1988
DEED REF. 7540/20
2nd. ELECTION DISTRICT
SM 58/91 DATED 5/24/1988

SCALE: 1" = 50'
TAX ACCOUNT #20-00-010800
THROUGH # 20-00-010834
BALTIMORE CO. MD.

PETITIONER'S
EXHIBIT 1

