\* BEFORE THE IN RE: PETITION FOR ZONING VARIANCE E/S Swanhill Drive, 737' N of the c/l of Woodvalley Drive (9 Swanhill Drive) \* OF BALTIMORE COUNTY 3rd Election District

\* DEPUTY ZONING COMMISSIONER

2nd Councilmanic District \* Case No. 89-393-A

Ronald A. Lubman, et ux Petitioners \* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side \_ ard setback of 15 feet in lieu of the required 30 feet and a side yard setback sum of 35 feet in lieu of the required 50 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and test ed. There were no Protes-

tants. Testimony indicated that the subject property, known as 3 Swanhill Drive, consists of 0.9 acres zoned D.R. 1 and is improved with a single family dwelling which has been the Petitioners' residence for the past 11 years. Petitioners propose constructing a two-car garage addition to provide storage and protection for the family vehicles and personal property. Mr. Lubman testified he has spoken with the adjoining neighbor on the affected side who indicated he has no objections to their plans. Testimon, presented by Petitioners indicated the proposed location is the only practical choice due to the location of the existing driveway and tennis courts in the rear of the property. Petitioners contend the granting of the variance will not result in 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 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 ad artisement, 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 day of April, 1989 that the Petition for Zoning Variance to permit a side yard setback of 15 feet in lieu of the required 30 feet and a side yard setback sum of 35 feet in lieu of the required 50 feet, for a proposed garage addition, in ccordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject however, to the following restrictions which are conditions precedent to the relief grnted herein:

> 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.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

> ( MNstarowi ANN M. NASTAROWICZ

AMN:bjs

Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

April 4, 1989

Mr. & Mrs. Ronald A. Lubman 9 Swanhill Drive Baltimore, Maryland 21208

RE: PETITION FOR ZONING VARIANCE E/S Swanhill Drive, 737' N of the c/l of Woodvalley Drive (9 Swanhill Drive) 3rd Election District - 2nd Councilmanic District Ronald A. Lubman, et ux - Petitioners

Dear Mr. & Mrs. Lubman:

Case No. 89-393-A

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,

for Baltimore County

and M. Niskowing ANN M. NASTAROWICZ Deputy Zoning Commissioner

Dennis F. Rasmussen

AMN:bjs cc: People's Counsel

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 1802.3.B. (202.3. R.40) to permit a side yard setback of 15' and a side yard setback oum of 35' in lieu of the minimum 30' and 50', respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Existing Double CAR driveway is 15 FEET FROM LEFT PROPERTY LINE. IN ORDER to be ABLE TO drivE INTO A double CAR GARAGE, IT WOULD NEED to be built 25 FEET WIDE, WHICH WOULD PLACE IT ISFERT FROM THE PROPERTY LINE - SINCE HOUSE HAS NO BASE -MENT, STORAGE AREA IS NEEDED FOR GARDENING TOOLS, BIKES, ETC. 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

petit Balti	ion, and further agree to and are to be boun more County adopted pursuant to the Zoning	d by the zoning regulations and restrictions of 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.
Cont	ract Purchaser:	Legal Owner(s):
(	Type or Print Name)	(Type or Print Name) LUBMAN 26
S	ignature	Signature DATE 1/10 6
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	ity and State	Signature S. Fubm 1000 JF
Atto	rney for Petitioner:	N38,120
	Type or Print Name)	Address Phone No.
 S	ignature	BALIO.MD.21208 City and State
<u> </u>	ddress	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
c	Tity and State	Name
Atto	rney's Telephone No.:	

Zoning Commissioner of Baltimore County

STEVENSON RUAD PLAT FOR ZONING VARIANCE, OWNER - RONALD + NANCY LUBMANT DISTRICT -3, ZONED D.R.I SUBDIVISION-HALCYON GATE LOT#2 BOOK #27 FOLIO # 114 BLOCK 313B EXISTING UTILITIES IN SWANHILL DRIVE PROPERTY SCALE 1"=40' LOT SIZE : 39, 273 SQ. FT. GREENERRING AVE. VICINITY MAP 0.9 ACRES SWANHILL DRIVE (50' wide, EXISTING EXISTING DWELL'. EXISTING BUILDING LOT #2

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Beginning on the east side of Swanhill Drive, 50' wide, at a point of 737' North of the centerline of Woodvalley Drive. Being Lot 2, Block B in the Halcyon Gate subdivision, Book 27 Folio 114. Also known as 9 Swanhill Drive in the 3rd Election District.

CERTIFICATE OF POSTING

89-393-A

Els Suanbill Drive 737' N c/1 Wood Valley Location of Signer Front yard of Subject property

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed Publicon for Zoning Variance
Case Number: 89-393-A
E/S Swenthit Drive, 737' N of
I Wood Valley Drive
Sird Election District
2nd Councilmente
Peteonar(s):
Ronald A. Lubman, et lox
Hearry Date: Thursday,
Mar. 30, 1989 at 10:30 a.m.
Variance: to permit a side yard
setback sum of 35 ft. in lieu of the
memmum 30 ft. and 50 ft., respecand published in Towson, Baltimore County, Md., appearing on --- March 9 ...., 19.89. In the event that this Pattion is granted, a building permit may be staud within the flirity (30) day appeal period. The Zoring Commissioniz will, however, entertain any request for a stay of the lessance of said permit during this peniod for good cause shown, such request must be in writing this process of the lessance of the peniod for good cause shown. 5. Zefe Olan Publisher PO 10468 reg, M27069 ca 89-393-1 WOODVALLEY DR. 222 COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 KEYSER ROAD Burrau of Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial 89-393-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 8th day of February , 1989. Ponald A. Lubman , et ux Received by: Chairman, Zoning Plans Petitioner's Advisory Committee Attorney

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_\_\_\_\_ March 9 \_\_\_\_, 1989

CERTIFICATE OF PUBLICATION Pikesville, Md., March 19 89 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newsraper published in Pikesville Baltimore
County, Maryland before the \_\_\_\_\_\_day of monch 19 Ag the first publication appearing on the 84 day of March 19 89 the second publication appearing on the \_\_\_\_\_day of \_\_\_\_\_ the third publication appearing on the \_\_\_\_day of THE NORTHWEST STAR Cost of Advertisement 18

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. Ronald A. Lubman 9 Swanhill Drive Baltimore, MD 21208

RE: Item No. 307, Case No. 89-393-A Petitioner: Ronald A. Lubman, et ux Petition for Zoning Variance

March 15, 1989

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

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dejur/ju JAMES E. DYER

Zoning Plans Advisory Committee

JED:jw Enclosures

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

J. Robert Haines
Zoning Commissioner

Date: 3-/3-29

Mr. & Mrs. Ronald A. Lubran 9 Swanhill Drive Baltimore, Maryland 21208

> Re: Petition for Zoning Variance E/S Swanhill Drive, 737' N c/l Wood Valley Drive 9 Swamhill Drive 3rd Election District - 2nd Councilmanic Petitioner(s): Ronald A. Lubman, et ux

HEARING SCHEDULED: THURSDAY, MARCH 30, 1989 at 10:30 a.m.

Dear Mr. & Mrs. Lubman:

Please be advised that \_\_\_\_\_\_\_ 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 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND post set(s), there each set not OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT P=01-015-000 -1204 AMOUNT\_\$ 72.40 Posting & Advertising (89-393-A) B 528\*\*\*\*\*\*7240:a 2362F

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

March 1, 1989

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

3/25

Dennis F. Rasmussen
County Executive

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 275, 299, 300, 301, 302, 303, 304, 305, 306, 307, & 308.

B.\_TIMORE COUNTY, MARWAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Date March 7, 1989 TO Zoning Commissioner Pat Keller, Deputy Director FROM Office of Planning and Zoning

Zoning Petition Nos. 89-308-SPH (Jefferson); 89-318-A (Podles); 89-350-A SUBJECT\_ (Khouzami); 89-354-A (Smith); 89-359-A (Heuttner); 89-363-A (Cash); 89-364-A (Kaplan); 89-368-A (Appel); 89-369-A (Mathai); 89-375-A (Vinson); 89-376-A (Gambrill); 89-378-A (Lim); 89-379-A (Freundlich); 89-387-A (Babikow and 89-393-A (Lubman)

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

Towson, Maryland 21204 J. Robert Haines

Zoning Commissioner Office of Flanning & Zoning

**Raltimore County** 

February 28, 1379

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. Chesepeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance E/S Swanhill Drive, 737 N c/l Wood Valley Drive 9 Swanhill Drive 3rd Election District - 2nd Councilmanic Petitioner(s): Ronald A. Lubman, et ux HEARING SCHEDULED: THURSDAY, MARCH 30, 1989 at 10:30 a.m.

Variance to permit a side yard setback of 15 ft. and a side yard setback sum of 35 ft. in lieu of the minimum 30 ft. and 50 ft., 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

cc: Mr. & Mrs. Lubman

Baltimore County

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

Paul H. Reincke

February 14, 1989

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

Item No.: 307

- Allen

Re: Property Owner: Ronald A. Lubman Location: E/S of Swanhill Drive, 737' N of centerline Dennis F. Rasmussen County Executive of Woodvalley Drive

Zoning Agenda: Meeting of January 31, 1989

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 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.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protec-tion 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.

201.24 OFFICE