

IN RE: PETITION FOR ZONING VARIANCE
1/3 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

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-393-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a 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 accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Testimony indicated that the subject property, known as 9 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. Testimony 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 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 4th 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 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 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.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

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
Case No. 89-393-A

Dear Mr. & Mrs. Lubman:

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

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.B.40) to permit a side yard setback of 15' and a side yard setback sum 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 15 FEET FROM THE PROPERTY LINE. SINCE HOUSE HAS NO BASEMENT, 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 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)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

RONALD A. LUBMAN

(Type or Print Name)

Signature

Address

City and State

9 SWANHILL DR.

Address

BALTO. MD. 21208

City and State

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

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of April, 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 30th day of March, 1989, at 2:30 o'clock P.M.

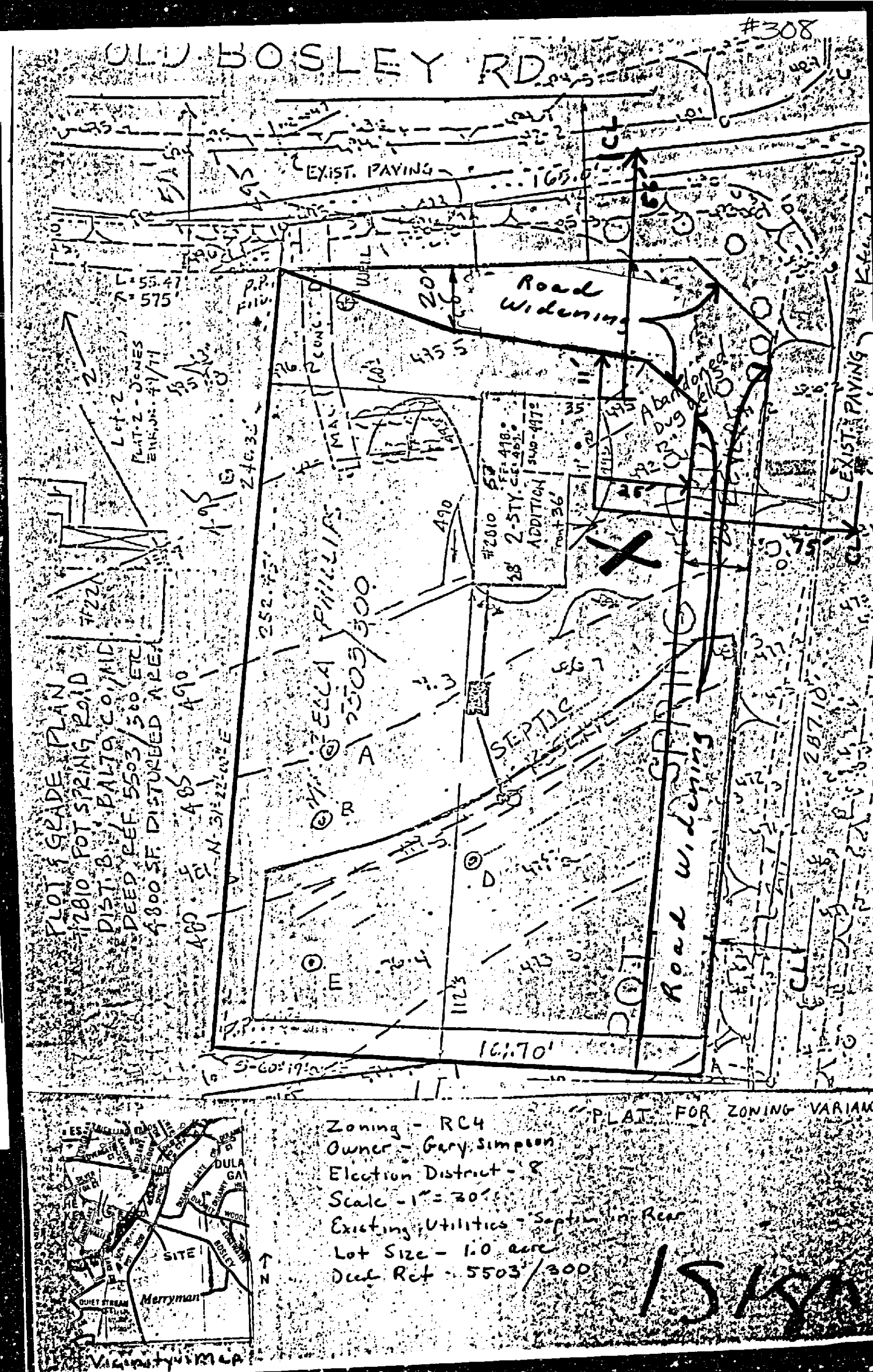
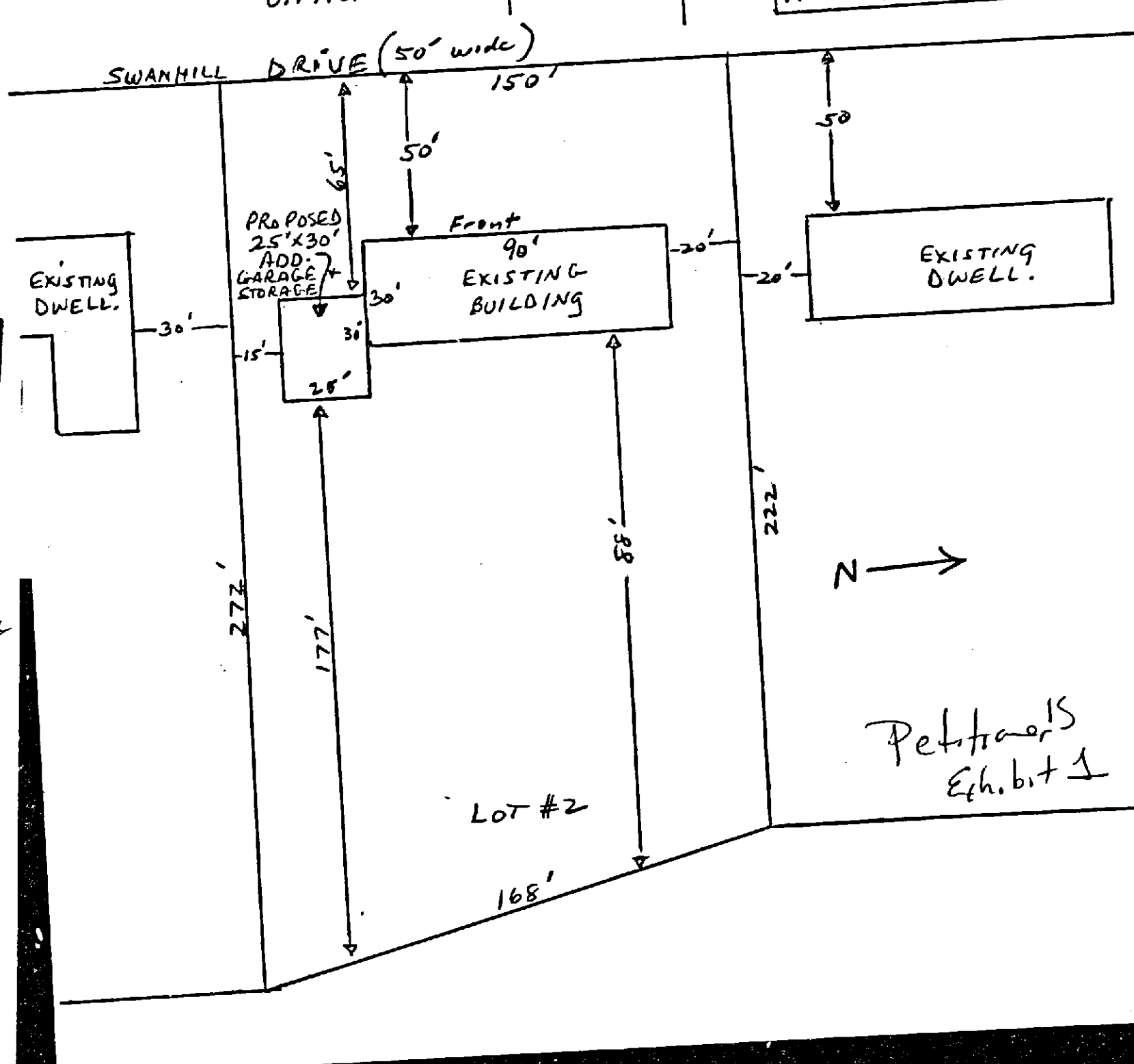
J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

PLAT FOR ZONING VARIANCE

OWNER - RONALD & NANCY LUBMAN
DISTRICT - 3, ZONED D.R. 1
SUBDIVISION - HALCYON GATE
LOT # 2 BOOK # 27
FOLIO # 114 BLOCK 313 B
EXISTING UTILITIES IN SWANHILL DRIVE
SCALE 1"=40'

LOT SIZE : 39,273 SQ. FT.
0.9 ACRES



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

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-393-A

District: 3rd Date of Posting: 3-12-89
Posted for: Zoning Variance
Petitioner: Ronald A. Lubman et ux
Location of property: E/S Swanhill Drive, 737' N of Woodvalley Drive - 9 Swanhill Drive
Location of Sign: Front yard of subject property
Remarks: None
Posted by: Frank M. D. Myle Date of return: MAR 13 1989
Number of Signs: 1

