

IN RE: PETITION FOR ZONING VARIANCE
SW/S Tabor Lane, 238.87' W of
the c/l of Bonita Avenue
(3805 Tabor Lane)
4th Election District
3rd Councilmanic District
Edward B. Leikin, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-398-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit 27 feet between separate buildings in lieu of the required minimum 30 feet for a proposed two-car garage in accordance with Petitioner's Exhibit 1.

The Petitioners, by Edward Leikin, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3805 Tabor Lane, consists of 0.464 acres more or less zoned D.R. 2, and is improved with a single-family dwelling. Petitioners propose constructing a one-story garage with no basement to provide protection for the family vehicles and storage space. Due to the location of the existing dwelling on the lot, the proposed garage will not meet setback requirements as to the dwelling unit on the adjacent lot. Testimony indicated the relief requested 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 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 Zoning Commissioner for Baltimore County this 18th day of April, 1989 that the Petition for Zoning Variance to permit 27 feet between separate buildings in lieu of the required minimum 30 feet for a proposed two-car garage 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.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

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

April 18, 1989

Mr. & Mrs. Edward B. Leikin
3805 Tabor Lane
Owings Mills, Maryland 21117

RE: PETITION FOR ZONING VARIANCE
SW/S Tabor Lane, 238.87' W of the c/l of Bonita Avenue
(3805 Tabor Lane)
4th Election District - 3rd Councilmanic District
Edward B. Leikin, et ux - Petitioners
Case No. 89-398-A

Dear Mr. & Mrs. Leikin:

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.

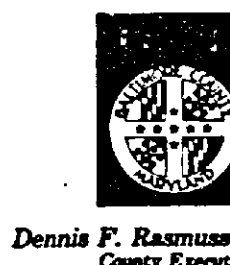
Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

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 180J.2.2.1. To permit 27' between separate buildings in lieu of the minimum 30'.

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

1. NEED TWO CAR GARAGE AND LAWN EQUIPMENT STORAGE.
2. NEED FULL WIDTH FOR ACCESS TO PASSENGER AREA FOR INFANT AND DOUBLE STROLLER BETWEEN CARS.
3. BUILDER POSITIONED HOUSE INCORRECTLY ON LOT. REQUEST WAS MADE TO MOVE IT AS CLOSE AS POSSIBLE TO LEFT BOUNDARY.

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.:
Address
Phone No.

Legal Owner(s):
EDWARD B. LEIKIN
(Type or Print Name)
Signature
BETTY R. LEIKIN
(Type or Print Name)
Signature
3805 TABOR RD. 644-3868
Address Phone No.
OWINGS MILLS, MD. 21117
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th 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 of the County Office Building in Towson, Baltimore County, on the 19th day of April, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 17, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 16, 1989.

OWINGS MILLS TIMES,

S. Zabe Orlean
Publisher

PO 10816
reg H 27077
price \$71.12

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 proposed Variance from Section 180J.2.2.1. To permit 27' between separate buildings in lieu of the minimum 30'.

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.

A PUBLIC HEARING will be held before the Zoning Commissioner of Baltimore County on Tuesday, April 4, 1989 at 2:00 p.m.

At the hearing, the Petitioner must appear in person or by a duly authorized representative. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

A PUBLIC HEARING will be held before the Zoning Commissioner of Baltimore County on Tuesday, April 4, 1989 at 2:00 p.m.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-398-A

District: 4th Date of Posting: 3-17-89
Posted for: Zoning Variance
Petitioner: Edward B. Leikin, et ux
Location of property: SW/S Tabor Lane, 238.87' W of Bonita Ave.
3805 Tabor Lane
Location of Sign: Front Lawn of subject property
Remarks: J. Robert Haines
Posted by: J. Robert Haines Date of return: 3-17-89
Number of Signs: 1

M. & H. DEVELOPMENT ENGINEERS, INC.

300 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
DECEMBER 27, 1988

ZONING DESCRIPTION

Beginning on the southwest side of Tabor Lane (50 feet wide) the distance of 238.87 feet west of the centerline of Bonita Avenue.
Being lot 69, in the subdivision of Velvet Hill, Book no. 46, Folio 30 also known as 3805 Tabor Road in the 4th Election District.



Malcolm E. Hudkins
Registered Surveyor #5095

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Edward B. Leikin
3805 Tabor Road
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: 89-398-A
SW/S Tabor Lane, 238.87' W c/l Bonita Avenue
3805 Tabor Road
4th Election District - 3rd Councilmanic
District
Petitioner(s): Edward B. Leikin, et ux
HEARING SCHEDULED: TUESDAY, APRIL 4, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Leikin:

Please be advised that \$36.12 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 your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

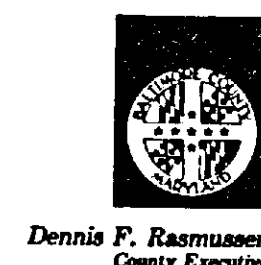
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: File

March 1, 1989

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



Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 290, 297, 298, 309, 310, 311, 315, 317, 319, 320, 321, & 323.

99-399-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
9th day of February, 1989

Petitioner: Edward B. Leikin, et ux
Petitioner's Attorney: J. Robert Haines
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Edward B. Leikin
3805 Tabor Road
Owings Mill, MD 21117

RE: Item No. 319, Case No. 89-398-A
Petitioner: Edward B. Leikin, et ux
Petition for Zoning Variance

Dear Mr. Leikin:

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.

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

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

APRIL 4

ZONING ADVISORY HEARING COMMENTS OFFICE OF PLANNING HEARING 4/4/89

Case # 89-16 SFH
ITEM # 376

The site is located in the Historic District of Glyndon. The construction plans for this dwelling were reviewed by the Landmarks Preservation Commission and were found to be compatible with the surrounding area. (see memo by John McGrain, dated May 12, 1988 and July 15, 1988.)

Case # 89-397 SFH
ITEM # 275

OPZ does not support or oppose (etc.).

Case # 89-398
ITEM # 317

OPZ does not support or oppose this request, however we do recommend that if the request is granted that it be required to be designed in such a way as to be compatible with the existing house and community.

Case # 89-399-A
ITEM # 320

NO COMMENTS

Paul H. Reinecke
Chief

February 14, 1989

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

Re: Property Owner: Edward D. Leikin

Location: SWS of Tabor Lane, 238.87' W of center-line of Bonita Avenue

Item No.: 319 Zoning Agenda Meeting of February 7, 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 of 100 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.

() 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.

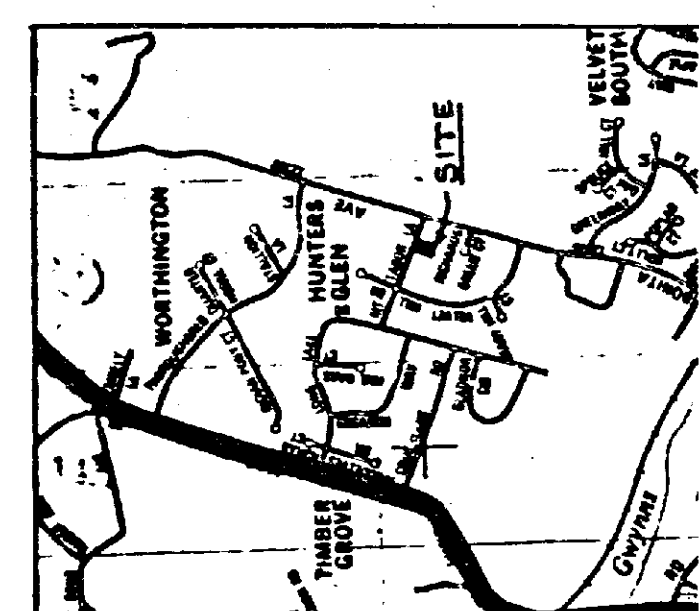
() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: J. Robert Haines
Planning Group
Special Inspection Division

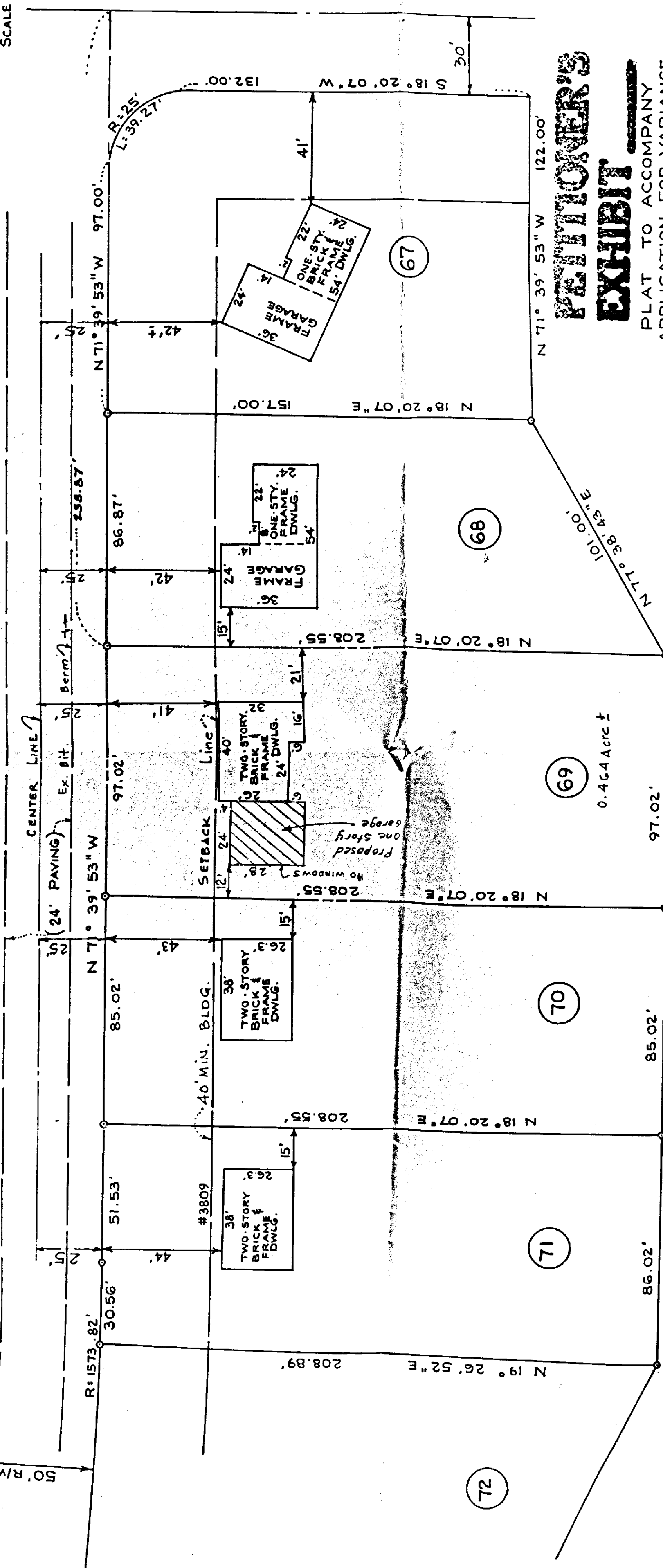
NOTED & APPROVED:
Fire Prevention Bureau

James E. Dyer
Chairman, Zoning Plans Advisory Committee



LOCATION PLAN
SCALE: 1"=2000'

BONITA (FUTURE CO/R/W) AVE.



PETITIONER'S
EXHIBIT

PLAT TO ACCOMPANY
APPLICATION FOR VARIANCE
OWNER: EDWARD & BETTY LEIKIN
NO. 3805 TABOR ROAD
BALTIMORE COUNTY, MD.

LOT NO. 69
"VELVET HILL" PLATBOOK 46/30
DATE: DEC. 22, 1988 SCALE: 1"=30'
LOT SIZE: 0.464 AC. ± 20212 S.F. ±
ZONING: DR-2
PRIVATE: WELL & SEPTIC

Job # CR72