

IN RE: PETITION FOR ZONING VARIANCE
S/S Rolandue Road, 1050' W
of Malvern Avenue
(719 Rolandue Road)
9th Election District
4th Councilmanic District
Jonathan A. Azrael, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-417-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit accessory structures (existing swimming pool and proposed bath house) to be located in the front yard in lieu of the required rear yard, and a height for said accessory structure of 19 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Jonathan Azrael, appear and testified. Also appearing on behalf of the Petition was Walter D. Ramberg, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 919 Rolandue Road, consists of 4.064 acres zoned D.R. 1 and is improved with a single family dwelling and swimming pool. Mr. Azrael testified that the subject property was developed in 1967 as a summer home for Petitioner's aunt and uncle and that he and his wife recently purchased the property from his uncle's estate. Testimony presented indicated that the house, which contains 1,900 sq.ft. of living space, was specifically designed in keeping with the character of surrounding homes and landscape. At the time the original permit was issued, the existing swimming pool was located in the front yard. Petitioners propose constructing a bath house next to the swimming pool to provide a changing area, shower and toilet facilities for the pool as well as storage space for items associated with the

use and maintenance of the pool and personal items for the main dwelling. Testimony indicated that the principle structure has no basement or attic. Mr. Azrael testified that in light of the investment placed into the existing dwelling, Petitioners reconstructed with Mr. Ramberg to construct the proposed bath house in keeping with the design of the principle structure and as an asset to the community.

Mr. Ramberg testified that the requested height variance will allow him to design a roof similar in character to the roof on the existing dwelling and surrounding homes. Mr. Ramberg emphasized the benefit of having the proposed roof rather than a flat roof to the adjoining neighbors. Further testimony presented indicated that the proposed bath house will not be 1,380 sq.ft. as depicted on the original site plan submitted and identified herein as Petitioner's Exhibit 1. Mr. Ramberg testified that the original site plan contained only the building envelope as the architectural plans had not been complete. Petitioner then submitted as Petitioner's Exhibit 4 a site plan of the proposed pool house, including attic space and attached porches. Mr. Ramberg indicated that the square footage of the proposed bath house area would be approximately 600 sq.ft., plus 300 sq.ft. for attic storage space.

Testimony presented by both Mr. Azrael and Mr. Ramberg indicated that there would be no sleeping quarters and/or kitchen facilities other than a wet bar. Mr. Azrael testified that he has spoken with both of his adjoining neighbors who have no objections to his plans. He further testified that in his opinion the granting of the requested variances would not result in any detriment to the health, safety or general welfare of the community. Mr. Azrael emphasized that the property is heavily wooded and

from the road, you can only see woods for approximately 100 feet. At this time, the main house is not visible from the road.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of May, 1989 that the Petition for Zoning Variance to permit accessory structures (existing swimming pool and proposed bath house) to be located in the front yard in lieu of the required rear yard, and a height for said accessory structure of 19 feet in lieu of

the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibit 4, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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 apartments. The proposed bath house shall contain no living or sleeping quarters, and no kitchen facilities.
- 3) Prior to the issuance of any permits, Petitioner shall submit a revised site plan in compliance with zoning requirements which shows the revised design and actual square footage of the proposed bath house, including the attic storage space, and attached porches.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

AMN:bjjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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

J. Robert Haines
Zoning Commissioner

May 2, 1989



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Jonathan A. Azrael
919 Rolandue Road
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Rolandue Road, 1050' W of Malvern Avenue
(919 Rolandue Road)
9th Election District - 4th Councilmanic District
Jonathan A. Azrael, et ux - Petitioners
Case No. 89-417-A

Dear Mr. & Mrs. Azrael:

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:bjjs

cc: People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-417-A

District: 9th Date of Posting: April 5-89

Posted for: J. Azrael et ux

Petitioner: Jonathan A. Azrael et ux

Location of property: S/S of Rolandue Road, 1050' West of Malvern Ave. (919 Rolandue Road)

Location of Signs: On front of 919 Rolandue Road

Remarks:

Posted by: J. Azrael Date of return: April 7-89

Number of Signs: 4

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 9.400.01 to permit accessory structure to be located in front yard in lieu of rear yard (existing swimming pool, proposed bath house); and to Section 400.3 to permit a height of accessory structure of 19' (bath house) in lieu of permitted 15'. This is a large lot (4.064 ac.), well-screened from Rolandue Road. Existing pool was built in 1964 when house constructed. Proposed bath house can only be built in front yard because of severe grade to rear of existing house. Proposed bath house is designed to compliment existing house and to be located adjacent to swimming pool.

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:	Legal Owner(s):
(Type or Print Name)	JONATHAN A. AZRAEL
Signature	(Type or Print Name)
Address	JONATHAN A. AZRAEL
City and State	(Type or Print Name)
Attorney for Petitioner:	MARY P. AZRAEL
(Type or Print Name)	(Type or Print Name)
Signature	(Type or Print Name)
Address	MARY P. AZRAEL
City and State	(Type or Print Name)
Attorney's Telephone No.:	(Type or Print Name)

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd 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 105, County Office Building in Towson, Baltimore County, on the 8th day of April, 1989, at 2:00 o'clock P.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

(over)

Paul Lee P.E.

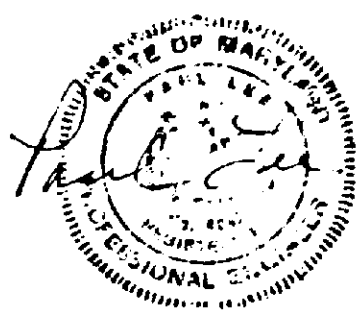
Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5941

DESCRIPTION

919 ROLANDUE ROAD
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located in or near the center of Rolandue Road, said point being located easterly 1050 feet ± from the center of Malvern Avenue; thence leaving said center of Rolandue Road (1) S 37°30' W 381 feet ±, (2) S 16°34' W 394 feet ±, (3) N 34°09' W 133 feet ±, (4) N 26°03' W 112 feet ±, (5) N 20°33' W 184.92 feet ±, and (6) N 34°16'10" E 505 feet ± to the center of Rolandue Road, thence binding in or near the center of Rolandue Road, (7) S 63°13' E 274.88 feet to the point of beginning.

Containing 4.06 acres of land, more or less.



Engineers - Surveyors - Site Planners 1/12/89 J.O. 88075

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

J. Robert Haines
Zoning Commissioner

Date: 4-3-89

Mr. & Mrs. Jonathan A. Azrael
919 Rolandue Road
Towson, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 89-417-A
55 Rolandue Road, 1050' W Malvern Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Jonathan A. Azrael, et ux
HEARING SCHEDULED: TUESDAY, APRIL 25, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Azrael:

Please be advised that \$115.05 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 and bring to the County Office 15 minutes before.

BALTIMORE COUNTY, MARYLAND	No. 057317
OFFICE OF FINANCE - REVENUE DIVISION	
MISCELLANEOUS CASH RECEIPT	
DATE: <u>4-25-89</u>	ACCOUNT: <u>2-01-615-000</u>
AMOUNT: <u>\$115.05</u>	
RECEIVED BY: <u>J. A. Azrael</u>	
FOR: <u>Posting & Advertising (89-417-A)</u>	
9 BALTIMORE COUNTY, MARYLAND	
VALIDATION OR SIGNATURE OF CASHIER	
CC: File	

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

J. Robert Haines
Zoning Commissioner

March 9, 1989

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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: 89-417-A
55 Rolandvue Road, 1050' W. Main Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Jonathan A. Azrael, et ux
HEARING SCHEDULED: TUESDAY, APRIL 25, 1989 at 2:00 p.m.

Variance to permit accessory structure to be located in front yard in lieu of rear yard (existing swimming pool, proposed bath house) and to permit a height of accessory structure of 19 ft. (bath house) in lieu of the permitted 15 ft.

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

89-417-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
22nd day of February, 1989.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Jonathan A. Azrael, et ux
Petitioner's Attorney: et ux
Received by: JAMES E. DYER
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 24, 1989

THIS IS TO CERTIFY, that the annexed advertisement published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 success weeks, the first publication appearing on March 24, 1989.

THE JEFFERSONIAN,

Publisher

PO 10855
NY N 27105
ca 89-417-A
price \$100.05

CERTIFICATE OF PUBLICATION

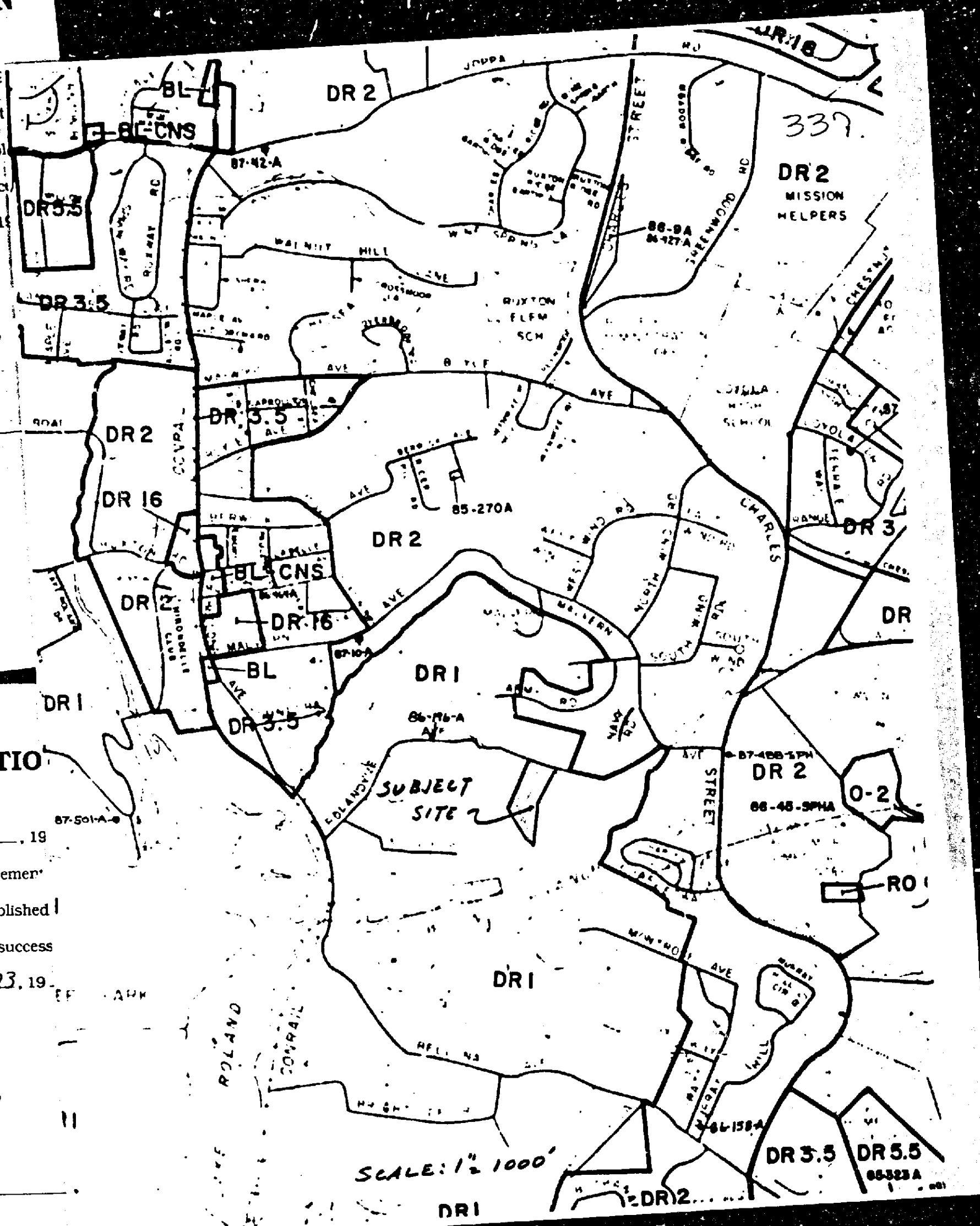
TOWSON, MD., March 24, 1989

THIS IS TO CERTIFY, that the annexed advertisement published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 success weeks, the first publication appearing on March 23, 1989.

TOWSON TIMES,

Publisher

PO 10855
NY N 27105
ca 89-417-A
price 100.05



Baltimore County
Fire Department
Towson, Maryland 21204-2536
494-4500

Paul H. Reincke
Chief

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

Re: Property Owner: Jonathan A. Azrael, et ux

Location: S side Roland Avenue

Item No.: 337

Zoning Agenda: February 21, 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 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: [Signature]
Planning & Zoning
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/j1

a guide to baltimore architecture

by
john dorsey
and
james d. dills

photography by
a. aubrey bodine
and others

EXHIBIT



AZRAEL HOUSE
919 Roland Avenue, Towson
1967-Walter D. Rasmberg

This three-story house of wood and steel construction both complements its site and makes effective use of the land for the residents. The owners wanted a summer house not far from the city but with the feel of the country; one that would enable them and their daughter to have separate living spaces, and one that would provide a large central space for entertaining. Accordingly, the architect designed a house that descends a wooded ravine, its three stories looking into the woods from the side opposite the entrance. The central story, on the entrance level, is almost exclusively a large living room, one end of which rises two stories to a skylight that runs the length of the room and provides light both for the living room and the upper story balcony. The wall that rises to the skylight is a huge bookcase for the owners' large collection of books. The upper story contains bedrooms for daughter and guests; the lower level is the owners' complex of bedroom, office and sitting room, the latter with two glass walls. An enclosed porch on the lower level supports an open deck on the living room level.

202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 21, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-417-A
Item No. 337

Re: Jonathan A. Azrael, et ux

The Petitioners request a variance to permit accessory structures (swimming pool and bath house) to be located in the front yard in lieu of the required rear yard and to permit an accessory structure height of 19 feet in lieu of the permitted 15 feet. In reference to this request, staff provides the following comments:

This office has no comment on the proposed placement of the structures. If the variance to building heights is granted, a condition should be placed in the Order indicating that the bath house shall not contain any living quarters or apartments, and no kitchen facilities shall be permitted.

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

March 1, 1989

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

RECEIVED
MAR 23 1989

ZONING OFFICE

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 331, 332, 335, 337, & 338.

Very truly yours,

[Signature]
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

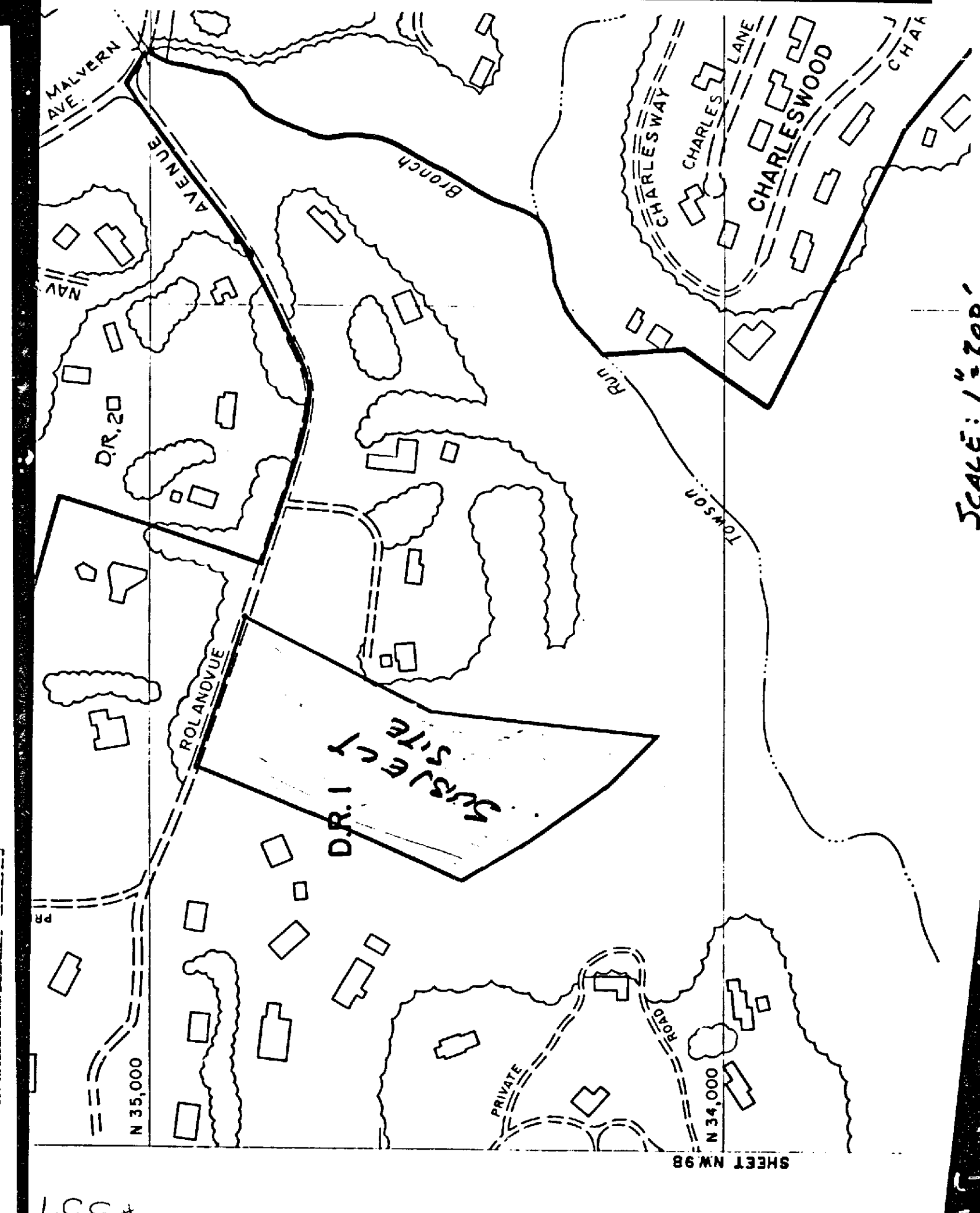


Dennis F. Rasmussen
County Executive

Domestic architect Ramborg wouldn't trade his valley view for anyone's

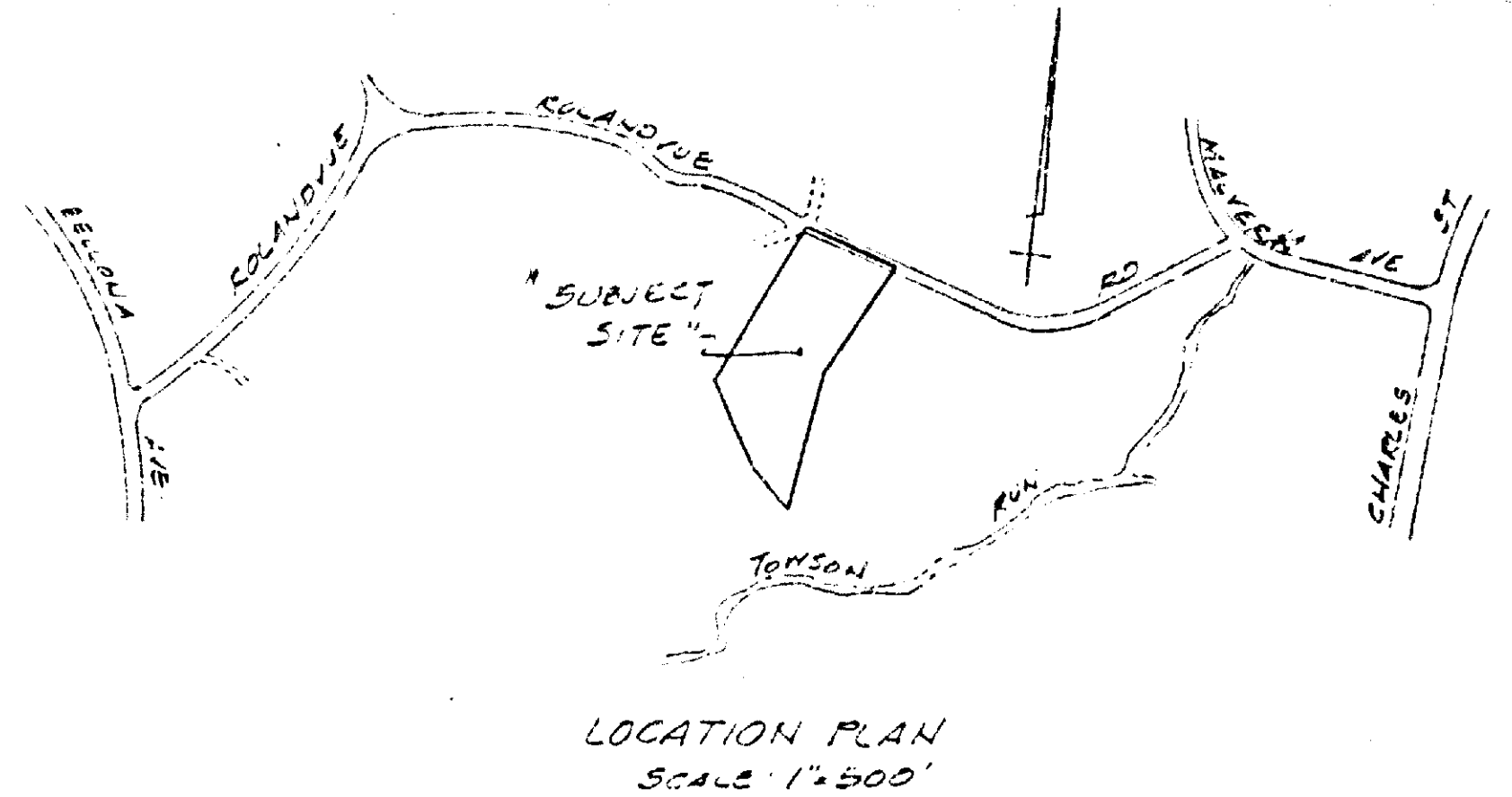
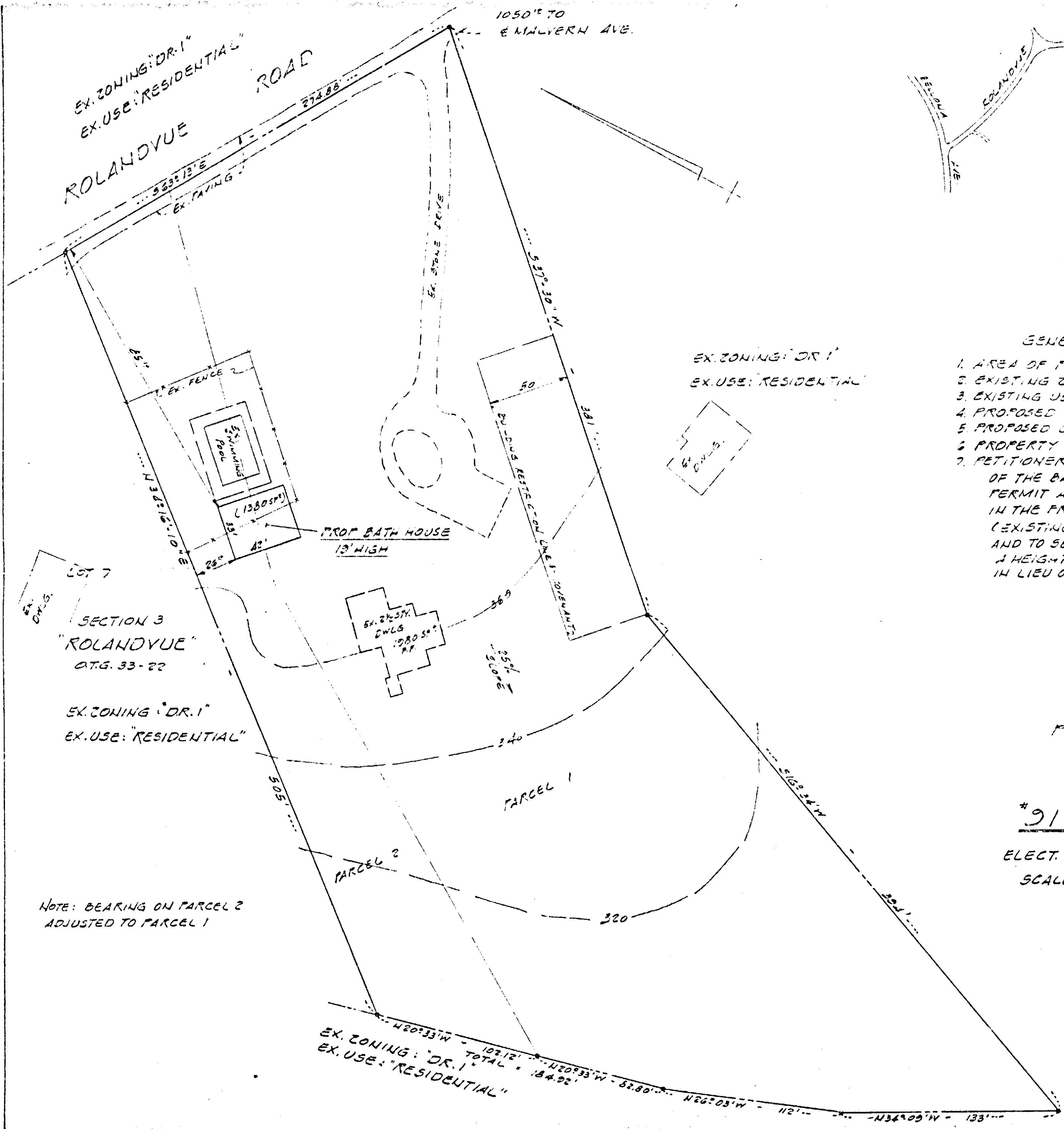
ARCHITECT, from BI
This and the last of the two articles in this series are the first in a series of articles that will be published in the Baltimore County Zoning Commission's newsletter. The first article is a profile of a local architect, and the second is a profile of a local developer. The third article is a profile of a local business owner, and the fourth is a profile of a local farmer. The fifth article is a profile of a local teacher, and the sixth is a profile of a local doctor. The seventh article is a profile of a local police officer, and the eighth is a profile of a local firefighter. The ninth article is a profile of a local judge, and the tenth is a profile of a local mayor. The eleventh article is a profile of a local senator, and the twelfth is a profile of a local congressman. The thirteenth article is a profile of a local governor, and the fourteenth is a profile of a local president. The fifteenth article is a profile of a local king, and the sixteenth is a profile of a local queen. The seventeenth article is a profile of a local pope, and the eighteenth is a profile of a local pope. The nineteenth article is a profile of a local pope, and the twentieth is a profile of a local pope.

PETITIONER'S
EXHIBIT



SCALE: 1"=200'

/j1



- GENERAL NOTES**
1. AREA OF PROPERTY = 4.061 AC.
 2. EXISTING ZONING OF PROPERTY = "DR.1"
 3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
 4. PROPOSED ZONING OF PROPERTY = "DR.1"
 5. PROPOSED USE OF PROPERTY = "RESIDENTIAL"
 6. PROPERTY SERVED BY PRIVATE SEWER & PUBLIC WATER
 7. PETITIONER REQUESTING A VARIANCE TO SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REAR YARD (EXISTING SWIMMING POOL, PROPOSED BATH HOUSE) AND TO SECTION 400.3 OF THE ZONING REGULATIONS TO PERMIT A HEIGHT OF ACCESSORY STRUCTURE OF 15' (BATH HOUSE) IN LIEU OF THE PERMITTED 15' (A VARIANCE OF 4')

PLAT TO ACCOMPANY PETITION
FOR
VARIANCES
"919 ROLANDVUE ROAD"

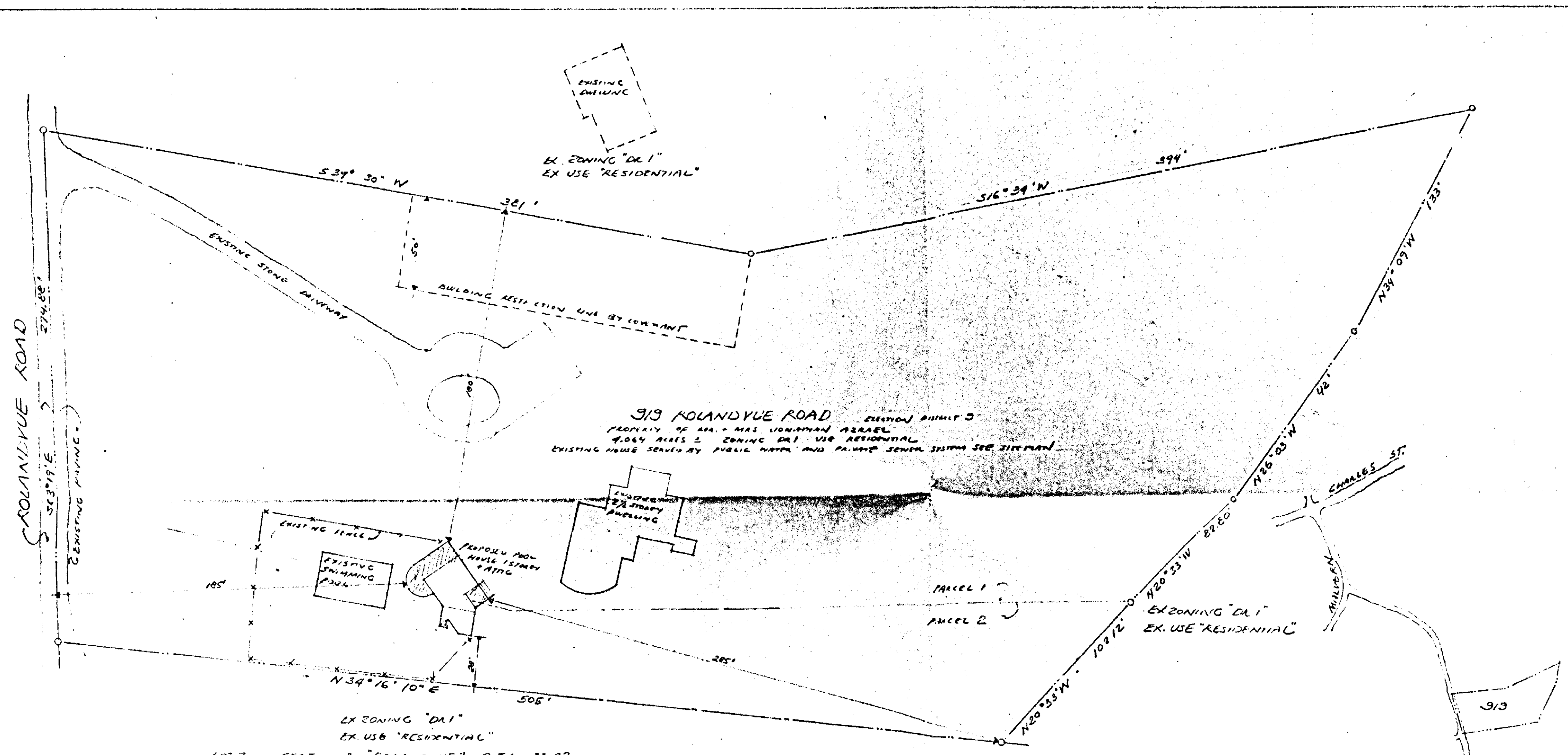
ELECT. DIST. 3 BALTIMORE COUNTY, MD.
SCALE: 1"=40' FEB. 7, 1988

#337
PETITION
EXHIBIT 1

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204



BA-075



- GENERAL NOTES**
1. SOIL BEARING IS ASSUMED TO BE 2 TONS PER SQUARE FOOT.
 2. CONCRETE TO BE 3000 PSI. DESIGN STRENGTH.
 3. ALL FOUNDATIONS TO BE MINIMUM 30" BELOW FINISH GRADE.
 4. ALL FOUNDATIONS TO BE MINIMUM 2" OF FINISH GRADE TO BE MAINTAINED WITH PERMANENTLY MAINTAINED OR MAINTAINED.
 5. ALL FOUNDATIONS TO BE CONSTRUCTION GRADE 1500 PSI. DESIGN STRENGTH. FIN. NUMBER OF SOUTHERN PINE.
 6. FLOOR DESIGN LIVE LOAD IS 40 LBS. PER SQ. FT.
 7. ROOF DESIGN LIVE LOAD IS 30 LBS. PER SQ. FT.

PETITION
EXHIBIT 4

PROPOSED ADDITIONS - ALTERATIONS
AZRAEL HOUSE 919 ROLANDVUE ROAD

REV. 21 APR 89
PHK 1045