

IN RE: PETITION FOR ZONING VARIANCE  
E/S Oakleigh Road, 208' S of  
the c/l of Putty Hill Road  
(8315 Oakleigh Road)  
9th Election District  
6th Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-446-A

Maurice H. Carter, et ux  
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested a variance to permit two lots to have a lot width of 50 feet each in lieu of the required 55 feet, and a side yard setback of 1 foot in lieu of the required 10 feet for an existing dwelling on one of the lots in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, the Petitioners' plan identified the two lots in question as Lots 57 and 58, Lot 58 being developed with the existing dwelling; WHEREAS, at the hearing, the Petitioners indicated Petitioner's Exhibit 1 incorrectly identified the lot numbers and the plan was subsequently amended to change the lot numbers to Lots 58 and 59, Lot 59 being improved with the existing dwelling;

WHEREAS, by Order issued May 23, 1989, the relief requested was granted, subject to restrictions, based upon the lots' new identities;

WHEREAS, upon application for their building permit for Lot 58, Petitioners were advised that Lot 58 was already developed with a single family dwelling and that no further building permits would be issued for said lot;

WHEREAS, upon further investigation with the Maryland State Department of Assessments and Taxation, it was determined that the original plan submitted at the hearing did, in fact, correctly identify the lot

ORDER RECEIVED FOR FILING  
Date 7/10/89  
By [Signature]

numbers in question as Lots 57 and 58, Lot 58 being improved with a single family dwelling;

WHEREAS, Petitioners subsequently requested a modification of the Order issued in this matter to correctly identify the lots in question;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of July, 1989 that the Order issued May 23, 1989 be and the same is hereby AMENDED to correctly identify the two lots in question as Lots 57 and 58 of Hillendale Farms, Lot 58 being improved with the existing dwelling and Lot 57 being proposed for development with a single family dwelling; and,

IT IS FURTHER ORDERED that all other restrictions and conditions of the Order issued May 23, 1989 shall remain in full force and effect.

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

ORDER RECEIVED FOR FILING  
Date 7/10/89  
By [Signature]

JRH:bjs  
cc: Mr. & Mrs. Maurice Carter  
8315 Oakleigh Road, Baltimore, Md. 21234  
People's Counsel  
File

IN RE: PETITION FOR ZONING VARIANCE  
E/S Oakleigh Road, 208' S of  
the c/l of Putty Hill Road  
(8315 Oakleigh Road)  
9th Election District  
6th Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-446-A

Maurice H. Carter, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two lots to have a lot width of 50 feet each in lieu of the required 55 feet, and a side yard setback of 1 foot in lieu of the required 10 feet for Lot 59 for an existing dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Ronald L. Carter, their son, appeared and testified. The following individuals appeared and testified as interested parties: Bernard M. Bowling, Mr. & Mrs. Thomas J. Valias, and Mr. & Mrs. John A. Gavin. There were no Protestants.

Testimony indicated the subject property, known as 8315 Oakleigh Road and also known as Lot 59, Hillendale Farms, consists of 10,000 sq. ft. zoned D.R. 5.5, and is improved with a single family dwelling which has been the family's residence since the 1950s. Mr. Carter testified the Hillendale Farms subdivision was developed prior to 1945 with 50-foot wide lots. He testified the existing dwelling was constructed in the 1930s and due to its size and condition, has become difficult for the elder Mr. Carter to adequately maintain. Testimony indicated the Petitioners are desirous of constructing a new dwelling on Lot 58; however, the existing dwelling on Lot 59 is only 15 inches from the property line thereby necessitating the requested variance for a 1-foot side yard setback for Lot 59 only. Further testimony indicated there is no vacant land available on

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Date 7/10/89  
By [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

May 23, 1989



Mr. & Mrs. Maurice H. Carter  
8315 Oakleigh Road  
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE  
E/S Oakleigh Road, 208' S of the c/l of Putty Hill Road  
(8315 Oakleigh Road)  
9th Election District - 6th Councilmanic District  
Maurice H. Carter, et ux - Petitioners  
Case No. 89-446-A

Dear Mr. & Mrs. Carter:

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

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 Zoning Commissioner for Baltimore County this 23rd day of May, 1989 that the Petition for Zoning Variance to permit Lots 58 and 59 to have a lot width of 50 feet each in lieu of the required 55 feet, and a side yard setback of 1 foot in lieu of the required 10 feet for Lot 59 for an existing 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 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) The variance granted herein for a side yard setback of 1 foot is limited to Lot 59 only. In the event the existing dwelling is ever removed and replaced with a new dwelling, the new dwelling must be developed to meet all setback requirements in force at that time. The existing dwelling may not be enlarged or expanded.
- 3) The proposed dwelling for Lot 58 must be developed to meet a side, rear and front yard setback requirements. Further, the proposed dwelling for Lot 58 must be at least 80 feet from Oakleigh Road.
- 4) Petitioners and/or future owners of the subject property shall not request any additional variances for Lots 58 and 59.

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Date 7/10/89  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/10/89  
By [Signature]

either side of the subject property for lotions to obtain to comply with the present lot width requirements.

The property owners of Lot 57 appeared but did not testify in opposition, indicating they were there for informational purposes only. The owners of Lot 61 also appeared as interested parties but did not testify in opposition. Mr. Bowling testified the neighborhood is already too crowded, that there are too many houses on this particular street. Mr. Valias testified the properties do not match the 50-foot widths as depicted in Petitioner's Exhibit 1.

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 performance 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.

ORDER RECEIVED FOR FILING  
Date 7/10/89  
By [Signature]

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-446-A

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 1902.3(c) to allow two lots to have a lot width of 50' in lieu of the required 55' and to allow Lot #58 to have a side yard setback of 1' in lieu of the required 10'

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

- 1 Building permit can't be issued, because there's only 50ft. front instead of the required 55ft.
- 2 Dwelling on lot #58 at rear is only 1ft. from subject property line lot #57.
- 3 Find it difficult to maintain subject property in a respectful manner, after having a heart attack in 1987.

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 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)	Maurice H & Rose A Carter
Signature	(Type or Print Name)
Address	Maurice H
City and State	(Type or Print Name)
Attorney for Petitioner:	Signature
(Type or Print Name)	Maurice H Carter Rose A Carter
Signature	(Type or Print Name)
Address	8315 Oakleigh Road
City and State	Baltimore, Md. 21234
Attorney's Telephone No.:	688-0723
	Address
	Baltimore, Md. 21234
	City and State
	Name, address and phone number of legal owner, contract purchaser or representative to be contacted by
	Name
	Address
	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of May, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of May, 1989, at 2:00 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING  
Date 7/10/89  
By [Signature]

ZONING DESCRIPTION

LOT #57

Beginning on the East side of Oakleigh Road at a point distant South 158' from the centerline of Putty Hill Road. Thence binding on Oakleigh Road, Southerly 50', thence leaving Oakleigh Road Easterly 200', thence Northerly 50', thence Westerly 200' to the point of beginning. Also being known as Lot 57 in the subdivision of Hillendale, recorded in Baltimore County Land Records in Plat Book 8, Folio 92 and located in the 9th District.

ZONING DESCRIPTION

LOT #58

Beginning on the East side of Oakleigh Road at a point distant South 208' from the centerline of Putty Hill Road. Thence binding on Oakleigh Road, Southerly 50', thence leaving Oakleigh Road Easterly 200', thence Northerly 50', thence Westerly 200' to the point of beginning. Also being known as Lot 58 in the subdivision of Hillendale, recorded in Baltimore County Land Records in Plat Book 8, Folio 92 and located in the 9th District.

8315 Oakleigh Road

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Town, Maryland

District: 976 Date of Posting: 4/18/89  
Petitioner: Maurice H. Carter, et al.  
Location of property: 8315 Oakleigh Rd., 208' x 158' south of Putty Hill Rd.  
Location of Sign: 8315 Oakleigh Rd., 208' x 158' south of Putty Hill Rd.  
Remarks: [blank]  
Posted by: J. Robert Haines Date of return: 4/18/89  
Number of Signs: 1

RECEIVED FROM: [blank] ITEM # 366  
FOR: [blank]  
VALIDATION OR SIGNATURE OF CASHIER

Robert Haines  
Baltimore County  
Zoning Commissioner  
Townson, Maryland 21284

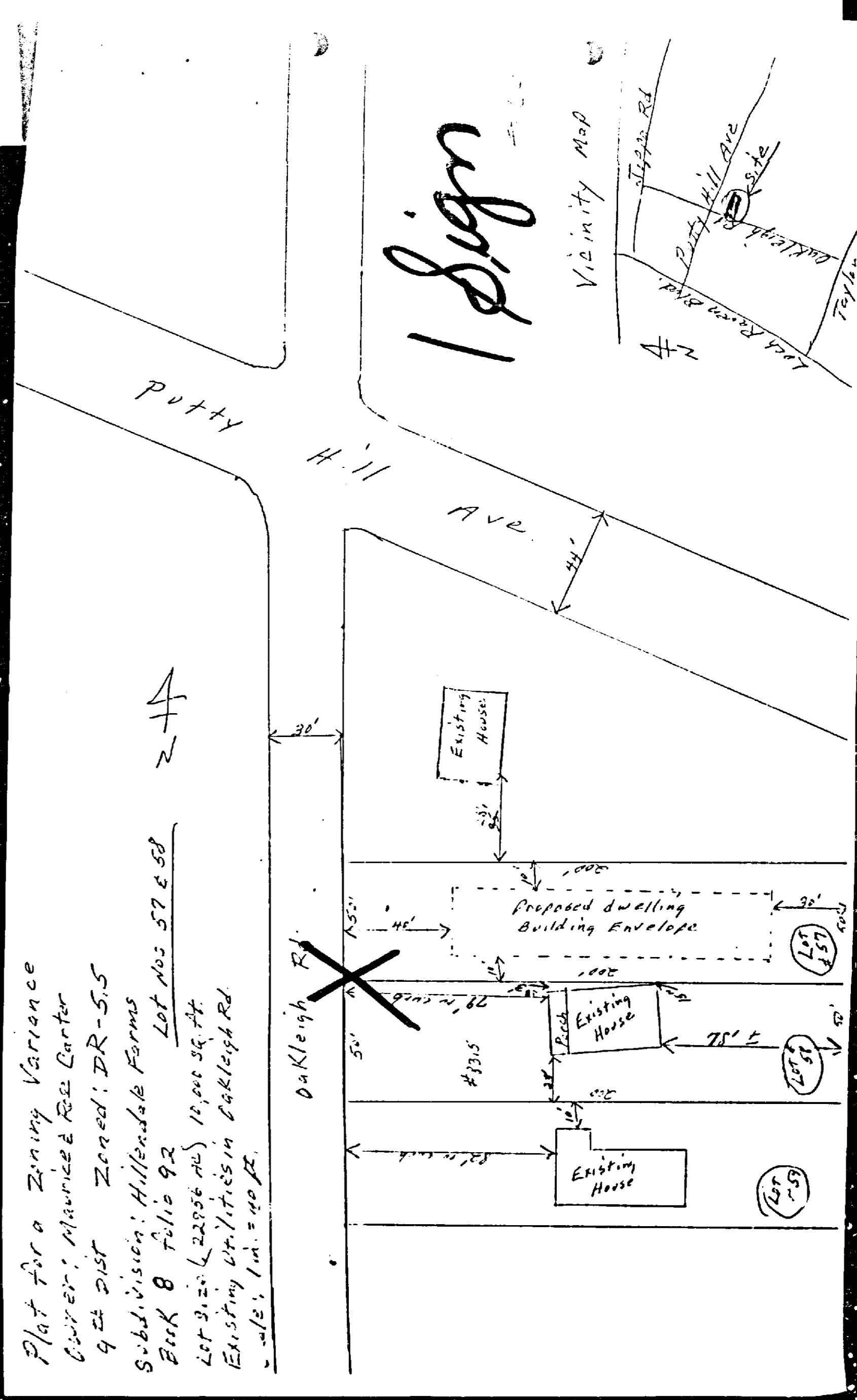
Dear Sir:  
We wish to thank you for your decision of Zoning variance case no. 89-446-A. However we have a problem with sister Valler's opinion of lot numbers. The original numbers were correct. Therefore it's asking that lot numbers 57 and 58 be changed back to read lot nos. 57 and 58 as Mr. Valler counted lot numbers rather than houses. The house at Clearwood and Oakleigh road occupies two lots instead of one. I'm enclosing a portion of map showing correction.

Sincerely Yours

Mr. Mrs. Maurice H. Carter

PAGE 2 OF 2  
INQUIRY DATE 07/25/89 OFFICE OF ASSESSMENTS INQUIRY (1)  
PROPERTY NO. DIST GROUP CLASS OCC. AREA CARD-NO DEL. FTA DATE  
9-03-002400 09 2 PHS 04 HL 17979A 11/15/86  
PARTER MAURICE H PRIMARY DESC... D HILLENDALE FARMS  
CARTER ROSE A SUPPLEMENTAL DESC... LT 57,58  
8315 OAKLEIGH RD IMPRV ADDRESS 08315 OAKLEIGH RD ES  
BALTIMORE MD 21234 NEAREST INTR...  
STRUCTURE... X41-100-A STATE CODE...  
QT... MAP... 070 FRONT 100.00 TRANSFER DATE...  
BLOCK... 18 BACK... 100.00 TRANSFER NO...  
SECTION... PARCEL 00719 SIDE1 200.00 PURCHASE PRICE...  
LAT... LINDER SIDE2 200.00 GROUND RENT...  
DOK... 08 FOLIO... FORMER OWNER...  
DLIO... 092 SU FT LOT... 20,000 (A)  
FULL VALUE\* LAND IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV BLIND  
CURRENT 17,500 0 0 0 0 0 0  
ROPOSED 18,320 36,060 0 0 0 0 0  
\*\*\*BASIS\*\*\* YKMD TAX LAND TAX IMPRV ADVAL EX LAND EX IMPRV EX ADVAL  
9/90 ASSESSMT 8011 0 23,320 23,320 0 0 0  
8/89 ASSESSMT 8711 0 22,920 22,920 0 0 0  
7/88 ASSESSMT 8609 0 22,260 22,260 0 0 0

RECEIVED  
JUN 14 1989  
ZONING OFFICE



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
J. Robert Haines  
Zoning Commissioner  
Date: 4-19-89

Re: Petition for Zoning Variance  
CASE NUMBER: 89-446-A  
ES Oakleigh, 208' & 158' southerly c/l of Putty Hill Road  
8315 Oakleigh Road and Lot #57  
9th Election District - 8th Councilmanic  
Petitioner(s): Maurice H. Carter, et al  
HEARING SCHEDULED: WEDNESDAY, MAY 10, 1989 at 2:00 p.m.

Dear Petitioner(s):  
Please be advised that \$29.16 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 & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.  
Please mail your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Townson, Maryland 21284 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 037874  
DATE: 4/19/89 ACCOUNT: [blank]  
AMOUNT: \$29.16  
RECEIVED FROM: MAURICE H. CARTER  
FOR: [blank]  
B 0103\*\*\*\*\*051603-1101  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner  
March 23, 1989  
Dennis F. Rasmussen  
County Executive

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. Chesapeake Avenue in Townson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-446-A  
ES Oakleigh, 208' & 158' southerly c/l of Putty Hill Road  
8315 Oakleigh Road and Lot #57  
9th Election District - 8th Councilmanic  
Petitioner(s): Maurice H. Carter, et al  
HEARING SCHEDULED: WEDNESDAY, MAY 10, 1989 at 2:00 p.m.

Variance to allow two lots to have a lot width of 50 ft. in lieu of the required 55 ft. and to allow Lot #58 to have a side yard setback of 1 ft. in lieu of the required 10 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  
cc: Maurice H. Carter, et al  
File

CERTIFICATE OF PUBLICATION

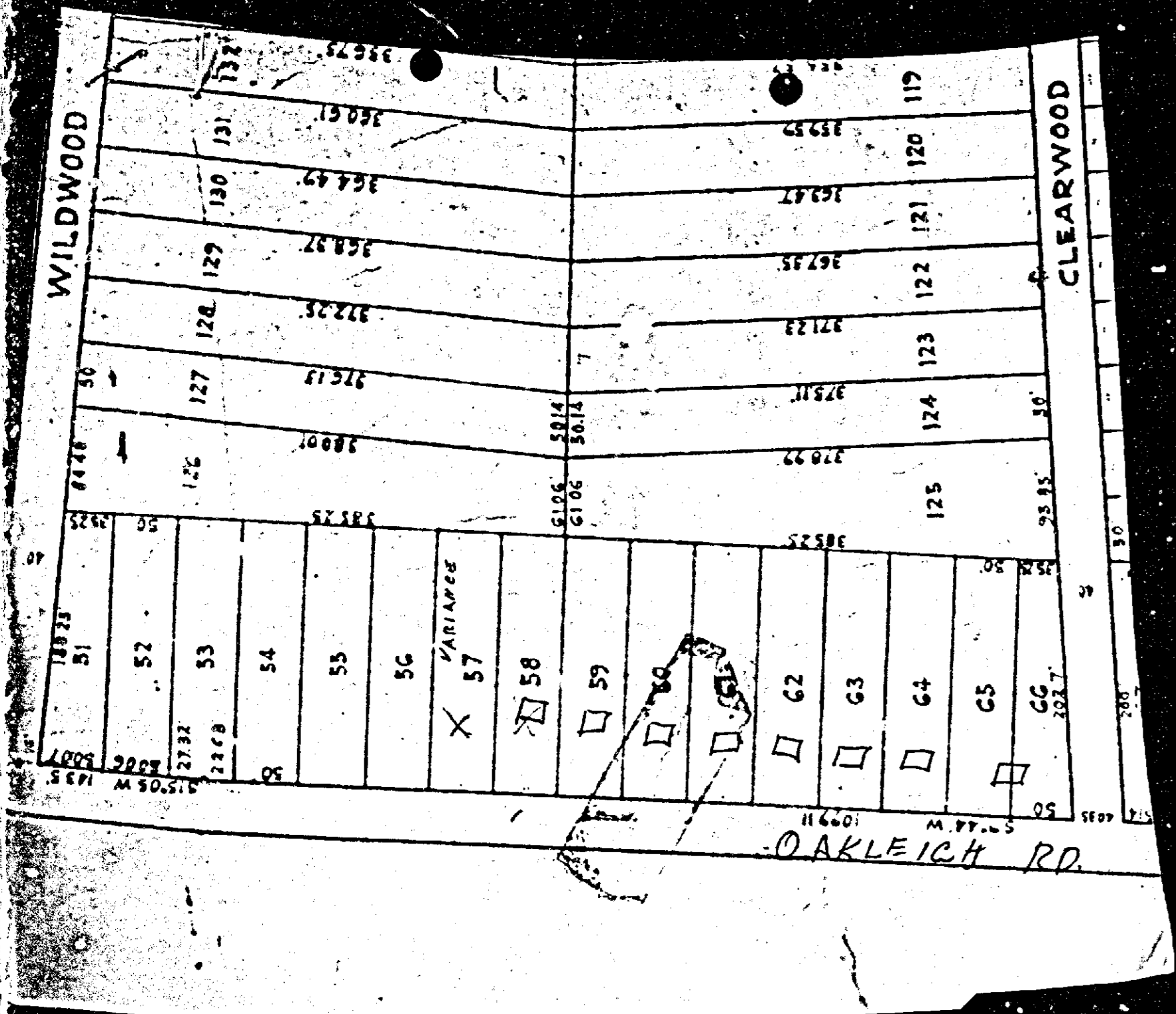
TOWSON, MD., 4/18, 19 89  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/13, 19 89.

THE JEFFERSONIAN,  
S. Zabe Orlean  
Publisher

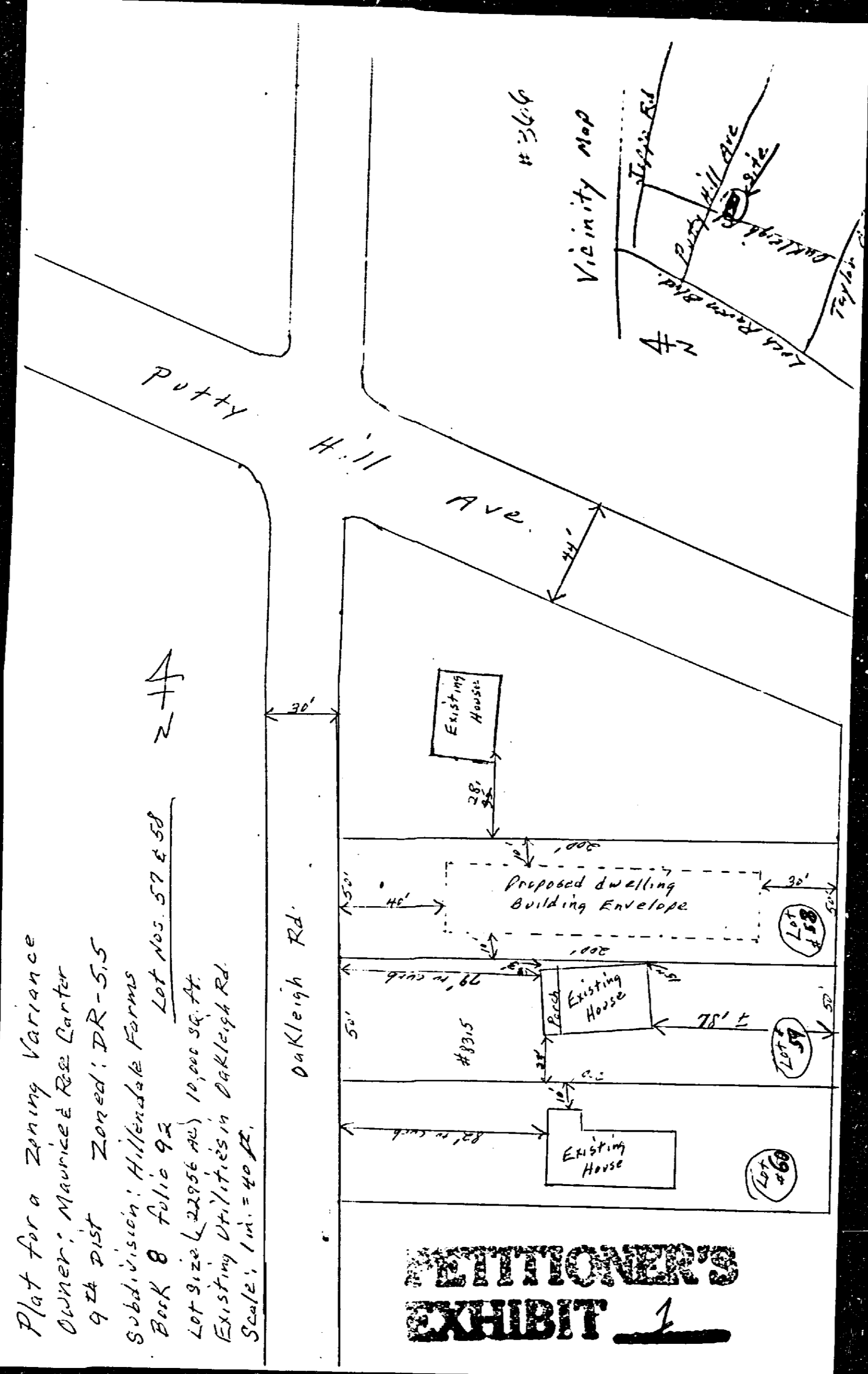
PO 10953  
reg 127147  
ca 89-446-A  
price \$74.86

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. Chesapeake Avenue in Townson, Maryland 21284 as follows:  
Petition for Zoning Variance  
Case number: 89-446-A  
ES Oakleigh, 208' & 158' southerly c/l of Putty Hill Road  
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HEARING SCHEDULED: WEDNESDAY, MAY 10, 1989 at 2:00 p.m.  
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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  
MAY 13, 1989

Interested Party  
Bernad M. Bowling  
John a Gavin  
Donna Gavin  
89-446A



Plat for Zoning Variance  
 Owner: Maurice H. Carter  
 9th Dist Zoned: DR-5.5  
 Subdivision: Hillendale Farms  
 Block 8 Lot 92  
 Lot 9206 (22906 Ave) 10' x 90' x 40'  
 Existing Utilities in Oakleigh Rd.  
 Scale: 1" = 40'.



**PETITIONER'S EXHIBIT 1**

89-446-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  
 15th day of March, 1989.

*J. Robert Haines*  
 J. ROBERT HAINES  
 ZONING COMMISSIONER

Petitioner: Maurice H. Carter, et ux  
 Petitioner's Attorney: \_\_\_\_\_

Received by: James E. Dyer  
 Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

May 1, 1989

Mr. Maurice H. Carter  
 8315 Oakleigh Road  
 Baltimore, MD 21234

RE: Item No. 366, Case No. 89-446-A  
 Petitioner: Maurice H. Carter, et ux  
 Petition for Zoning Variance

Dear Mr. Carter:

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 that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commission 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*  
 JAMES E. DYER  
 Chairman  
 Zoning Plans Advisory Committee

JED:jw  
 Enclosures

- 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

Baltimore County  
 Fire Department  
 Towson, Maryland 21204-2586  
 484-4500

Paul H. Reincke  
 Chief

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



Dennis F. Rasmussen  
 County Executive

Re: Property Owner: Maurice H. Carter  
 Location: 8315 Oakleigh Road & Lot #57  
 Item No.: 366 Zoning Agenda: 03/14/89

- 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]* 3/10/89  
 Planning Group  
 Special Inspection Division

NOTED & APPROVED: *[Signature]*  
 Fire Prevention Bureau

/j1

Baltimore County  
 Department of Public Works  
 Bureau of Traffic Engineering  
 Courts Building, Suite 405  
 Towson, Maryland 21284  
 (301) 887-3554

April 21, 1989



Dennis F. Rasmussen  
 County Executive

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 279, 353, 354, 365, 366, and 373.

Very truly yours,  
*Michael S. Flanagan*  
 Michael S. Flanagan  
 Traffic Engineer Assoc. II

MSF/lab

RECEIVED  
 APR 29 1989  
 ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
 Zoning Commissioner

DATE: May 10, 1989

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

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED  
 MAY 1 1989  
 ZONING OFFICE

Case No. 89-446-A  
 Item No. 366

Re: Maurice H. Carter, et ux

The applicant is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information:

- In instances such as these, staff's primary concerns are:
  1. What is the impact on adjoining property?, and;
  2. Are adequate front, side, and rear yard setbacks being provided on the site? and;
  3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to building unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

A:51089.txt pg. 1