

IN RE: PETITION FOR ZONING VARIANCE
N/S Intersection Bentley
and Kaufman Roads
242 Bentley Road
7th Election District
3rd Councilmanic District
James W. Riley, Legal Owner
Walter Troyer, et ux
Contract Purchasers
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-23-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A00.3.B.3 to permit an existing dwelling with a street centerline setback of 29 feet and a lot line setback of 2 feet in lieu of the required 75 feet and 50 feet respectively, as more particularly described on Petitioners' Exhibit

The Petitioners, Mr. Walter Troyer, (now the Legal Owner) and Mr. James W. Riley appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 242 Bentley Road, consists of 1.093 acres +/-, zoned R.C.5, and is currently improved with a single family dwelling.

Mr. James Riley indicated that the subject dwelling is an old farmhouse, approximately 70 years of age, which, at one time, was part of a 400 acre farm. He testified that he sold the property to Mr. Troyer and that he has been advised by the title company that the requested variance is needed to require clear title for the new buyer.

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 307.1 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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of August, 1989 that a variance to permit an existing dwelling with a street centerline setback of 29 feet and a lot line setback of 2 feet in lieu of the required 75 feet and 50 feet respectively, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with this Order.

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

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3353
J. Robert Haines
Zoning Commissioner

August 11, 1989



Dennis F. Rasmussen
County Executive

Mr. Walter Troyer
242 Bentley Road
Bentley Springs, Maryland 21120

Mr. James W. Riley
200 Townsontown Court
Suite 407
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 90-23-A

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-23-A 473

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 1A00.3.B.3 (1970) to permit an existing

dwelling with a street centerline setback of 29 ft. and a lot line setback of 2 ft. in lieu of the required 75 ft. and 50 ft. respectively.

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

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay a proposed Variance advertising, posting, etc., upon filing of this petition, and further agree to and 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: WALTER TROYER, LINDA HORTWICK-TROYER
(Type or Print Name)

Signature: *James W. Riley*
(Type or Print Name)

Address: 242 Bentley Rd
City and State: Baltimore, MD 21120

Attorney for Petitioner: *James W. Riley*
(Type or Print Name)

Address: 242 Bentley Rd
City and State: Baltimore, MD 21120

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

Name: *James W. Riley*
Address: *242 Bentley Rd*
City and State: *Baltimore, MD*

Attorney's Telephone No.: *343-1064*
Address: *242 Bentley Rd*
City and State: *Baltimore, MD*

ORDERED BY The Zoning Commissioner of Baltimore County, this 17th day of August, 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 104 of the County Office Building in Towson, Baltimore County, on the 2nd day of August, 1989, at 2 o'clock

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

outbuildings existed prior to the present zoning regulations, and specific to minimum setback and easement requirements, and are shown on the enclosed Recorded Plat. The house is approximately 70 years old. However, none of the buildings are shown on the Recorded Plat, dated and recorded 9/21/73.

I have sold this property and have been advised that a zoning exception and/or variance is needed to effect a clear title to the new buyer, as the title companies will not give buyers' title insurance under the present circumstances.

In discussions with both the Planning and Zoning and Public Works Departments, they have suggested I contact you for an "emergency" special exception and ask that you waive the normal waiting period and hearing since time is a factor due to the upcoming settlement of the property.

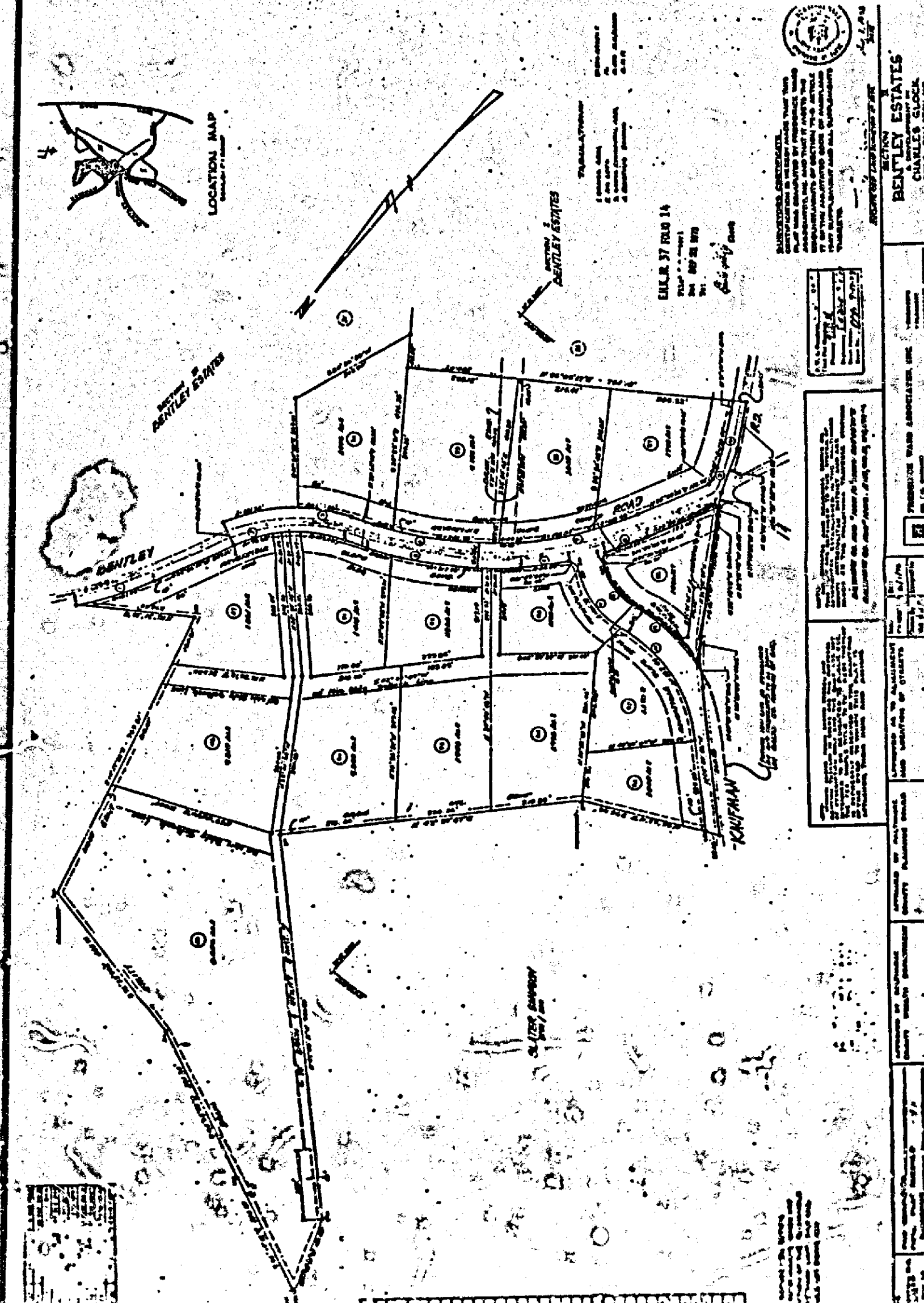
I appreciate your consideration of this matter and await your reply.

Sincerely,

James W. Riley

ZONING DESCRIPTION

Situated in the 7th Election District of Baltimore County, State of Maryland on the north side of Bentley Road, approximately 30 ft from the intersection of Bentley Road and Bee Tree Road and more particularly described as Lot #56, Section II Bentley Estates and recorded among the land records of Baltimore County in liber E.H.K., Jr. 37, Folio 14. A plat of which is attached hereto and made a part hereof.



Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-5553

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commission 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 1115 West Chesapeake Avenue in Towson, Maryland, as follows:

Petition for Zoning Variance
Case Number: 90-23-A
Location: Bentley & Kaufman Roads
7th Election District
Legal Owner(s): James W. Riley
Contract Purchaser(s): Walter Troyer, et al.
HEARING SCHEDULED: WEDNESDAY, AUGUST 2, 1989 at 2:00 p.m.

Variances to permit an existing dwelling with a street centerline setback of 20 feet and a lot line setback of 2 feet from the required 75 feet and 50 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission 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
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: James W. Riley
cc: Walter Troyer

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-5553

J. Robert Haines
Zoning Commissioner

cc: James W. Riley
242 Bentley Road
Parkton, Maryland 21120

Petition for Zoning Variance
Case Number: 90-23-A
Location: Bentley & Kaufman Roads
242 Bentley Road
7th Election District
Legal Owner(s): James W. Riley
Contract Purchaser(s): Walter Troyer, et al.
HEARING SCHEDULED: WEDNESDAY, AUGUST 2, 1989 at 2:00 p.m.

Dear Petitioner:
Please be advised that a fee of \$125.05 is due for advertising and posting of the above captioned property.

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 GRANTED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 1115 West Chesapeake Avenue, Towson, Maryland 21204. (15 minutes before the hearing.)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 8/2/89
AMOUNT: \$125.05
RECEIVED FROM: J. Robert Haines
FOR: Zoning Variance Fee
OFFICIAL SIGNATURE: [Signature]
OFFICIAL TITLE: [Title]

CERTIFICATE OF POSTING

EXAMINER DEPARTMENT OF BALTIMORE COUNTY

District: 7th
Location: Bentley & Kaufman Roads
Petitioner: James W. Riley
Location of property: N. S. Bentley & Kaufman Roads
Location of Sign: 242 Bentley Road
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1
Date of return: 7-14-89

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 13, 1989

THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1989.

THE JEFFERSONIAN
TOWSON TIMES

Publisher

P013710
M31004
90-23-A
Pics \$100.05

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(410) 887-5553

J. Robert Haines
Zoning Commissioner

James W. Riley
242 Bentley Road
Parkton, MD 21120

March 10, 1989

Re: Lot #56, Bentley Estates 37/14
SW cor Bentley Road & Kaufman Road
7th Election District

Dear Mr. Riley:

Thank you for your letter dated March 3, 1989 concerning the above referenced lot. On the advice of other departments, you have requested an emergency zoning hearing to rectify conflicts with the zoning regulations on Lot #56 that were addressed at the time of subdivision in 1973. As you indicate, the conflict center around the existence of an existing 70 year old house and outbuildings that remain today with deficient setbacks. Only if all deficiencies remained unchanged at the time of subdivision, would there be no conflict. If the deficiencies were created or increased by the subdivision, due to a new line of division or road widening in each case, there would be a conflict with the Baltimore County Zoning Regulations.

However, considering that the buildings were vaguely shown on the enclosed preliminary plan dated 5/25/73, and in the absence of any violation of the regulations and our policies, and a zoning hearing will not be demanded.

As you have been informed by the zoning staff, the sole means of final adjudication with the approval of this office is an advertised public hearing and a subsequent favorable decision. I would advise you owners would be insulated against any complaints. If you wish to pursue the hearing, contact Carl Richards or a zoning associate for the filing requirements and schedule a filing appointment with the Development Control Section; phone number 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

WCR:scj

cc: James E. Dyer
W. Carl Richards, Jr.

242 Bentley Road
Parkton, MD 21120
March 3, 1989

Mr. J. Robert Haines
Zoning Commissioner
1115 West Chesapeake Avenue
Towson, MD 21204

cc: Mr. Haines

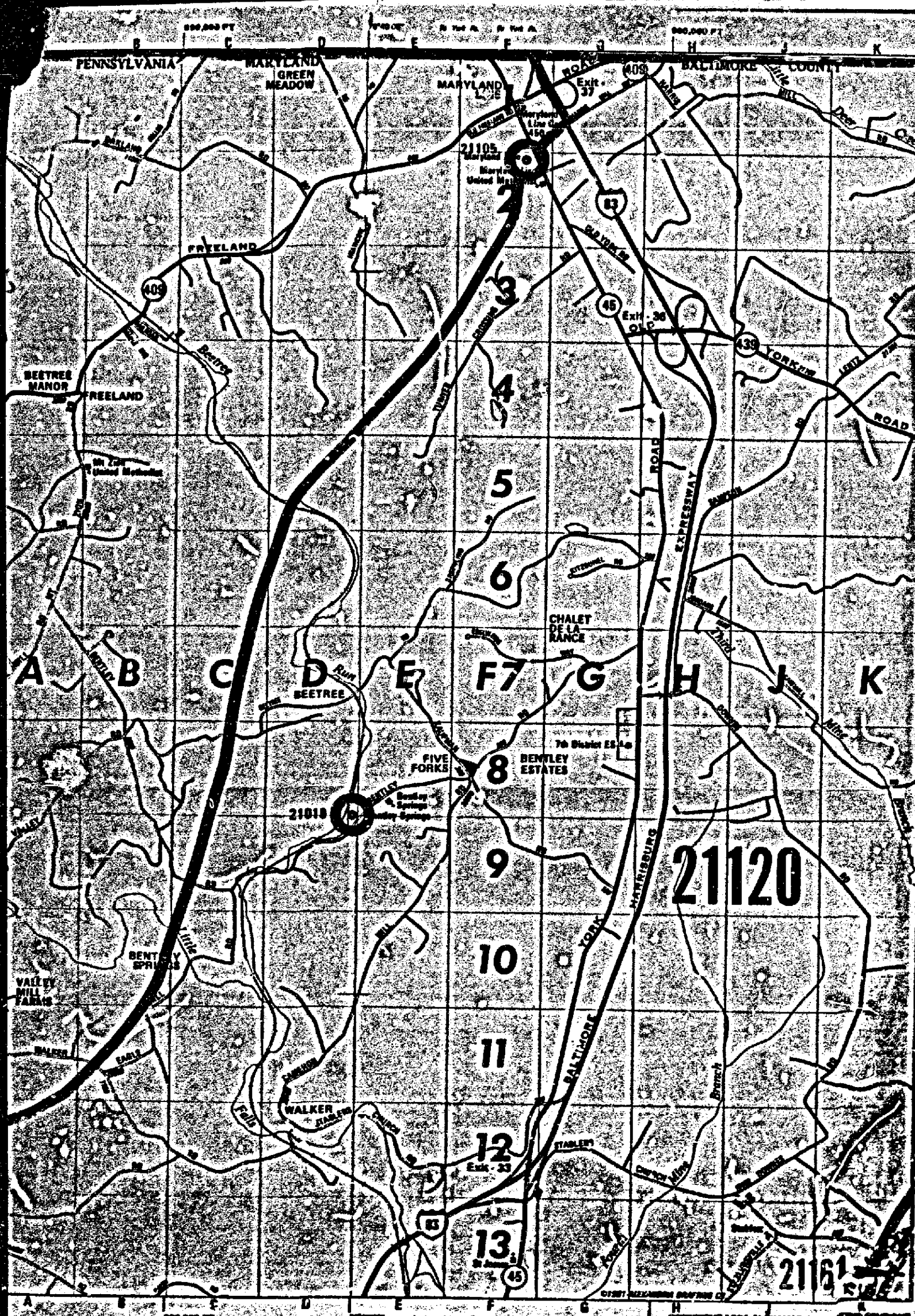
This letter is in reference to the property at the above address, which is also known as Lot 56, Bentley Estates. The house and outbuildings existed prior to the present zoning regulations, and are in compliance with the present zoning regulations, and are in compliance with the present zoning regulations, and are in compliance with the present zoning regulations.

I hereby certify that this property and have been advised that a zoning variance and/or variance is needed to affect a clear title to the property, and the title company will not give buyers' title insurance under the present circumstances.

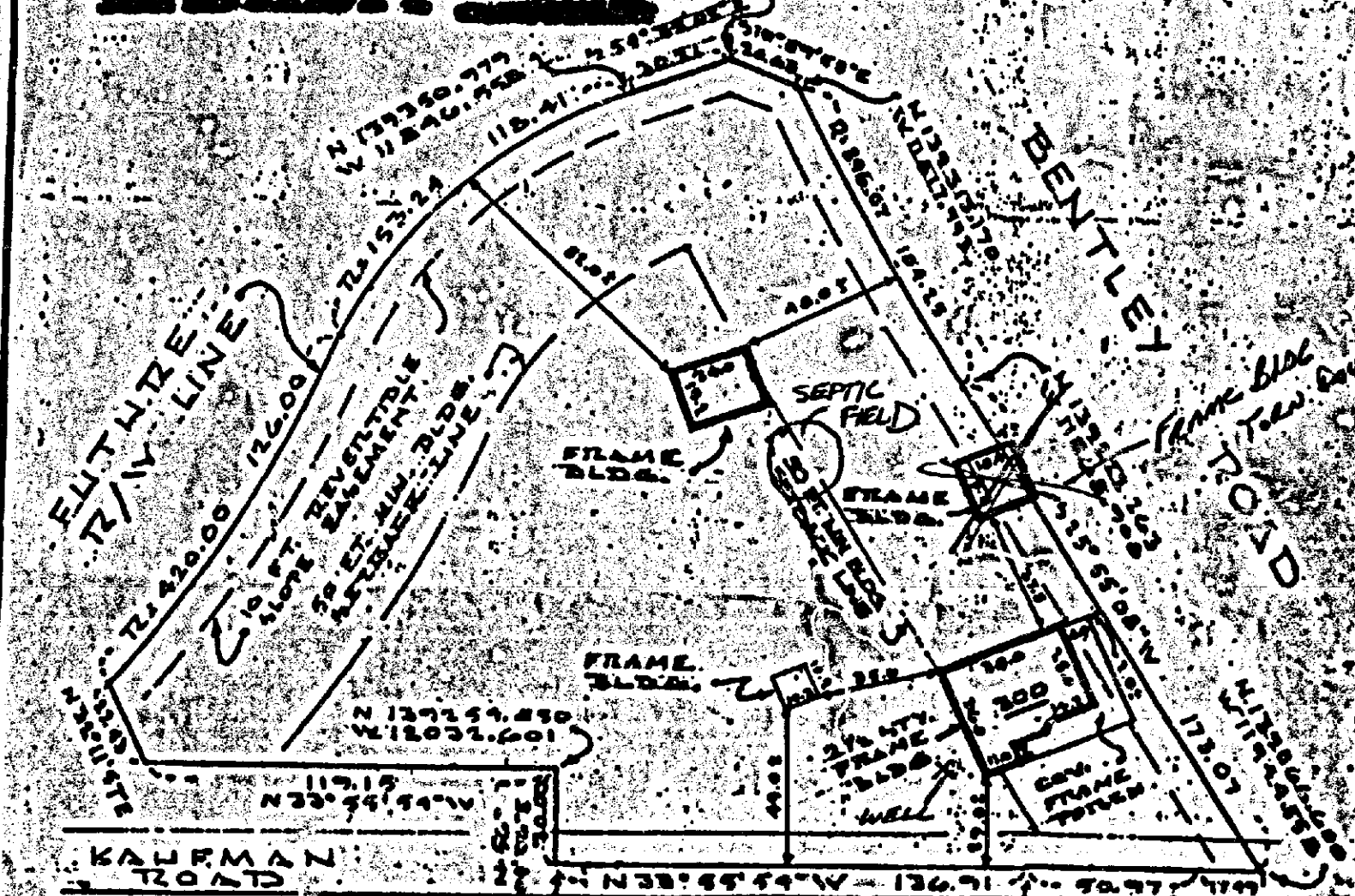
In accordance with the Planning and Zoning and Public Works Departments, they have suggested that you contact me for an emergency hearing, and that you waive the normal waiting period for a hearing, since it is a factor due to the upcoming settlement of the property.

Sincerely,

James W. Riley



PETITIONER'S EXHIBIT



Owner: James W. Riley
Contract Purchaser: Walter Troyer, et al.
Contract Purchaser: Linda Hutchinson Troyer
Zoning: RDP/RC-3

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

Lot 56, Section II, BENTLEY ESTATES, Plat Book E-11, K-37, Folio 14, 1973
Lot Size: 1.0934 acres
This plat is not to be used for the subdivision of property from the above described lot.

LOCATION SURVEY
500 KAUFMAN ROAD, BALTIMORE COUNTY, MARYLAND
DATE: 3/20/89
JOB NO. 15

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 1, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 18, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 486, 488, 489, 470, 471, 474, 475, 476, 478, 480, 481, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a revertible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

Robert W. Bowling, P.E.
Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s