

IN RE: PETITION FOR ZONING VARIANCE
NE Corner Hillchase and
Bellchase Courts
(26 Bellchase Court)
3rd Election District
3rd Councilmanic District
Baltimore Home Builders, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-101-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a window to street right-of-way of 13 feet in lieu of the required 25 feet, and a window to property line of 3 feet in lieu of the required 15 feet, for existing improvements, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Richard Luxenburg, President, appeared, testified, and was represented by Sidney Schlachman, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 26 Bellchase Court, consists of 0.906 acres zoned D.R. 3.5 and is improved with a mansion approximately 75 years of age. Said property was the subject of a previous variance petition, Case No. 89-120-A, and on October 11, 1988 was granted a variance for two accessory structures (garages) to be located in the front yard in lieu of the required rear yard, and proposed additions with window to property line setbacks of 5 feet in lieu of the required 15 feet. Said improvements were planned in conjunction with the conversion of the mansion into four condominium units. Testimony indicated that construction commenced and upon a building inspection of the property, it was determined that one of the additions had been built 3 feet from the property line in lieu of the 5 feet granted. Petitioners testi-

fied the building additions were constructed as set forth on the previously approved site plan in Case No. 89-120-A and that there was no other change or deviation from the original plan. Testimony indicated that Petitioners filed the instant Petition in order to correct the error and that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding 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 26th day of September, 1989 that the Petitioner for Zoning Variance to permit to permit a window to street right-of-way of 13 feet in lieu of the required 25 feet, and a window to property line of 3 feet in lieu of the required 15 feet, for existing improvements in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners 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

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-101-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 1802.3.B. 504 (V.B.6.a. V.B.6.b.) To permit a window to street right-of-way of 13' and a window to property line of 3' in lieu of the required 25' and 15'.

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

There is a 75 year old mansion on the property, which is being rehabilitated. In order to expand the structure without encroaching into the required yard, it was necessary to obtain a variance, which was granted on October 11, 1988 granting a variance of 5 feet in lieu of the required 25 feet. By error, at its nearest point to the property line, a portion of a wall was built 3 feet from the property line and a variance at that point is requested of 3 feet in lieu of the 5 feet.

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	Legal Owner(s): Baltimore Home Builders, Inc. (Type or Print Name) Signature Richard Luxenburg, President (Type or Print Name) Signature Address City and State
Attorney for Petitioner: Sidney Schlachman (Type or Print Name) Signature Address City and State	Attorney for Petitioner: Sidney Schlachman (Type or Print Name) Signature Address City and State
207 East Redwood Street, 9th Floor Baltimore, Maryland 21202 City and State Attorney's Telephone No.: 685-2022	206 Church Lane Baltimore, Maryland 21208 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Name Baltimore, Maryland 21208 Phone No. 356-3306

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of July, 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 20th day of Sept, 1989, at 3 o'clock P.M.

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

DESCRIPTION OF PROPERTY
Lot No. 49, Plat One Section Two Valley Gate, recorded among the Land Records of Baltimore County in Plat Book S.M. 57, folio 34.

Beginning on the north side of Bellchase Road 50' wide, 14.14' S31° 30'00"E to 66.90' S13° 30'00"W to 186.27' N86° 23'54"E to 215.72' N13° 30'00"E to 217.97' S76° 30'00"E to the beginning. Also being the northeast corner of Hillchase Court and Bellchase Court.

J. Robert Haines
Zoning Commissioner
Baltimore County, Maryland

Re: Valley Gate, Section II, Lot 49
Five ft. Variance granted via
Case 89-120-A

Dear Commissioner Haines,

Per your letter of June 20, 1989 (enclosed herewith) I have filed for a new Zoning Hearing with the assistance of Mr. Dyer. It is item number 21 on the agenda.

As you may remember, the variance involves the erroneous construction of one point of an addition to a large old mansion from the granted 5' to 3'.

I am writing you to request an expedition of this hearing since the financial burden is anything but small.

Thank you for your attention to this matter.

RECEIVED
JUL 20 1989

ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 20, 1989

Mr. Sidney Schlachman
Schlachman, Belsky & Weiner, P.A.
207 East Redwood Street
Ninth Floor
Baltimore, Maryland 21202

RE: Valley Gate, Section II, Lot 49
Five ft. Variance granted via
Case 89-120-A

Dear Mr. Schlachman:

By letter dated June 9, 1989, you have indicated that one corner of the above referenced building has been erroneously constructed within three feet of the property line in lieu of the five feet granted by the above referenced variance. While I agree and sympathize with the conditions and facts as explained in your correspondence, I do not feel that legal and binding relief can be granted in the absence of another public hearing. In order to expedite the hearing, I would suggest that you prepare the necessary petitions and accompanying plats and make arrangements to file same directly with James Dyer, Zoning Supervisor. Once filed, I will make every attempt to schedule an early hearing.

Should you have any question concerning the above, please do not hesitate to contact either myself or James Dyer.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:JED:cer

Item 21

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Microfilmed
District: 3rd
Posted for: Variance
Petitioner: Baltimore Home Builders
Location: NE Corner of Hill Chase and Bell Chase Courts
(26 Bell Chase Court)
Location of Sign: NW Corner of 26 Bell Chase Court
Remarks: J. J. Clark
Posted by: J. J. Clark
Number of Signs: 1
Date of Posting: 7-28-89
Date of return: 9-1-89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 9.6.89

Baltimore Home Builders, Inc.
206 Church Lane
Baltimore, Maryland 21208

ATTN: RICHARD LUXENBURG

Re: Petition for Zoning Variance
CASE NUMBER: 90-101-A
N/E Corner Hill Chase & Bell Chase Courts
26 Bell Chase Court, Lot #49
3rd Election District - 3rd Councilmanic
Petitioner(s): Baltimore Home Builders
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 20, 1989 at 3:00 p.m.

Continued:

Please be advised that \$ 99.86 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 ISSUE. 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, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there is a penalty for each set.

BAITMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 074418

DATE 7/20/89 ACCOUNT R-001-615-000

AMOUNT \$ 99.86

RECEIVED BY J. J. Clark

PAID TO J. J. Clark 7/20/89 hearing (Case 90-101-A)

8 111E*****99861-2245

VALIDATION ON SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION

TOWSON, MD.

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on August 24, 1989.

THE JEFFERSONIAN

OWINGS MILLS TIMES.

Publisher

PO 16232
29 M 34139
20 90-101-1
price \$74.86

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

J. Robert Haines
Zoning Commissioner

August 9, 1989

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 Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-101-A
N/E Corner Hill Chase & Bell Chase Courts
26 Bell Chase Court, Lot #49
3rd Election District - 3rd Councilmanic
Petitioner(s): Baltimore Home Builders
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 20, 1989 at 3:00 p.m.

Variances: To permit a window to street right-of-way of 13 feet and a window to property line of 3 ft. in lieu of the required 25 ft. and 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.

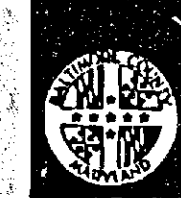
J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:s

cc: Baltimore Home Builders, Inc.
Sidney Schlachman, Esq.
File

MICROFILMED



Dennis F. Br...
County Executive

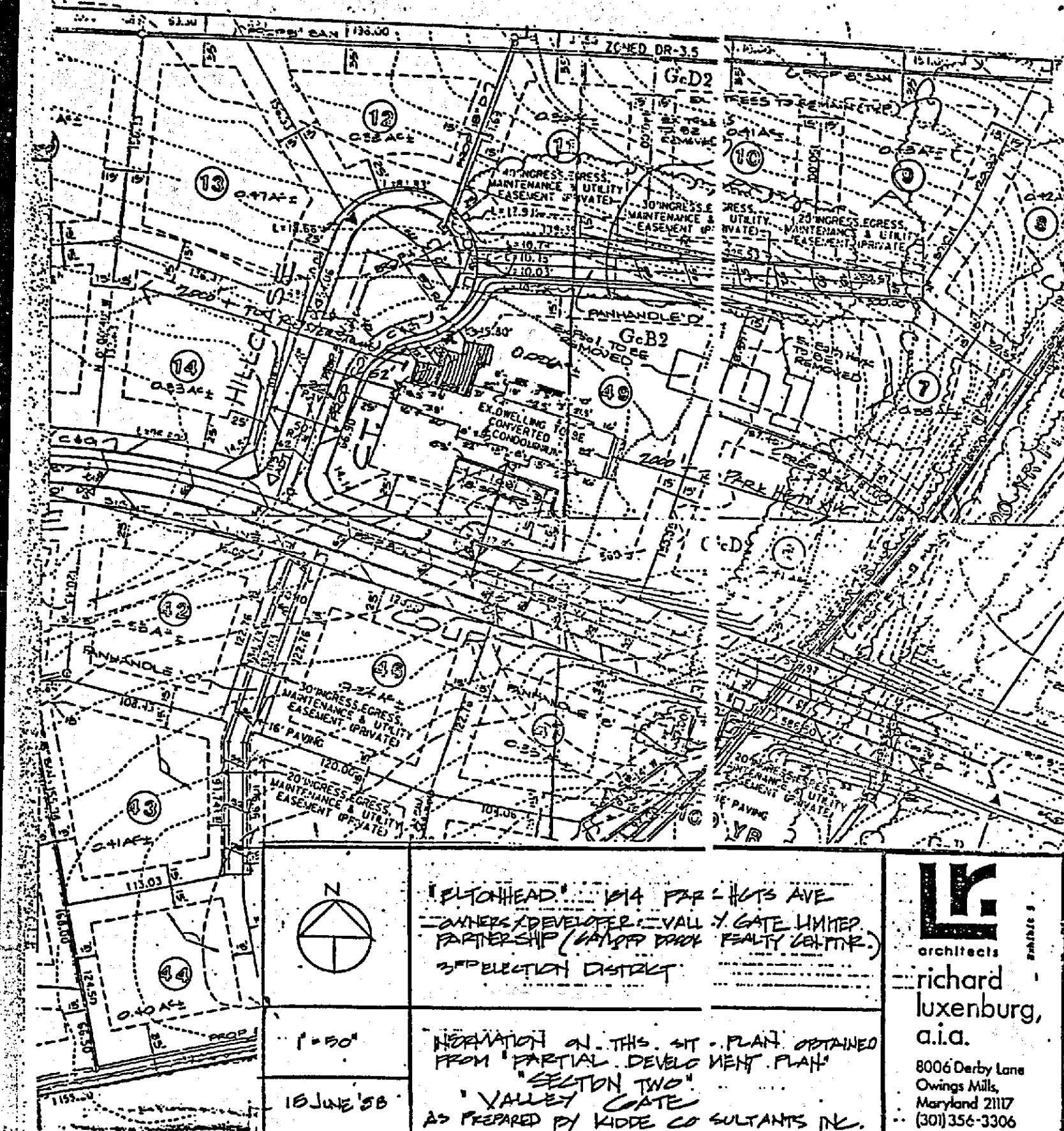
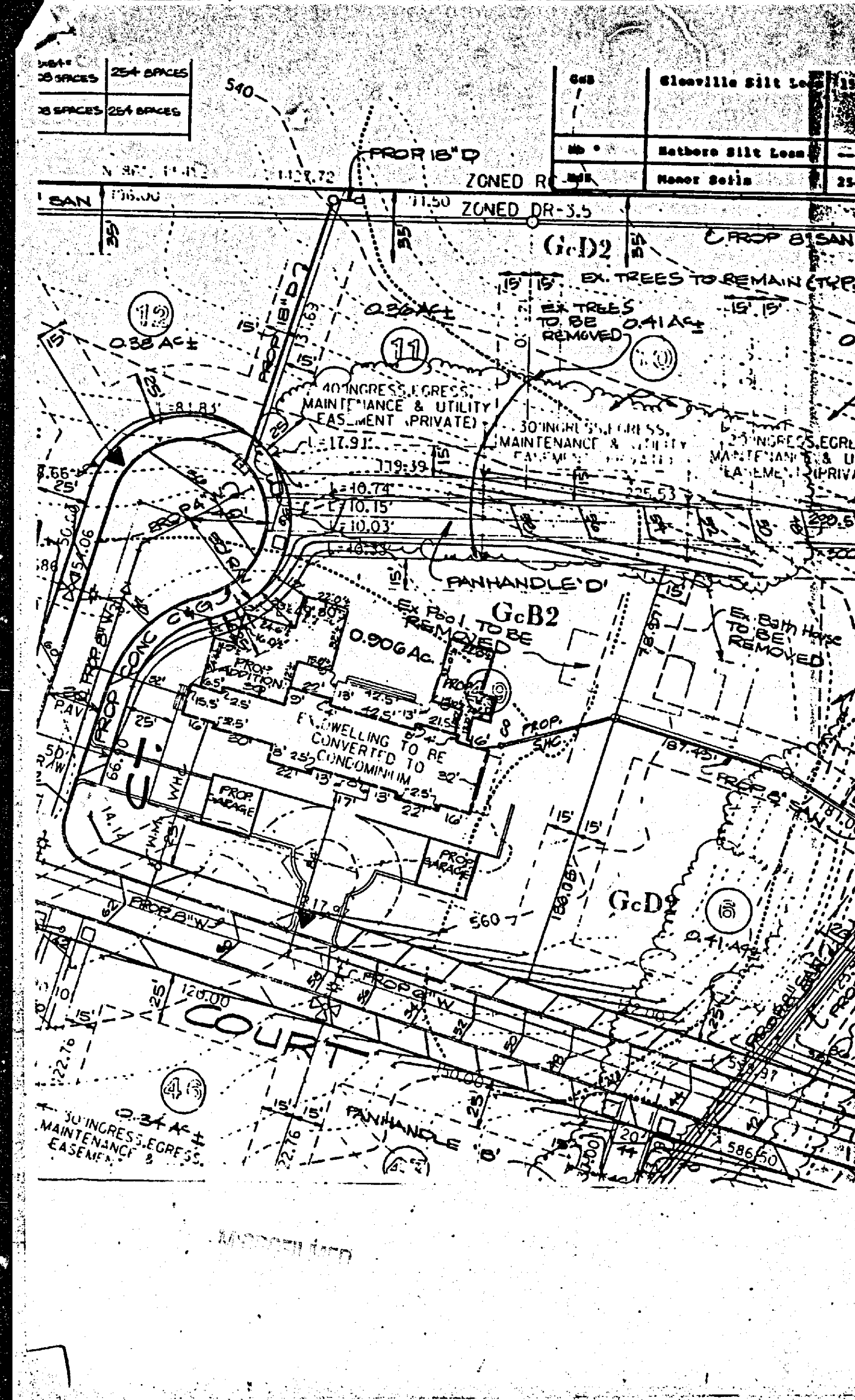
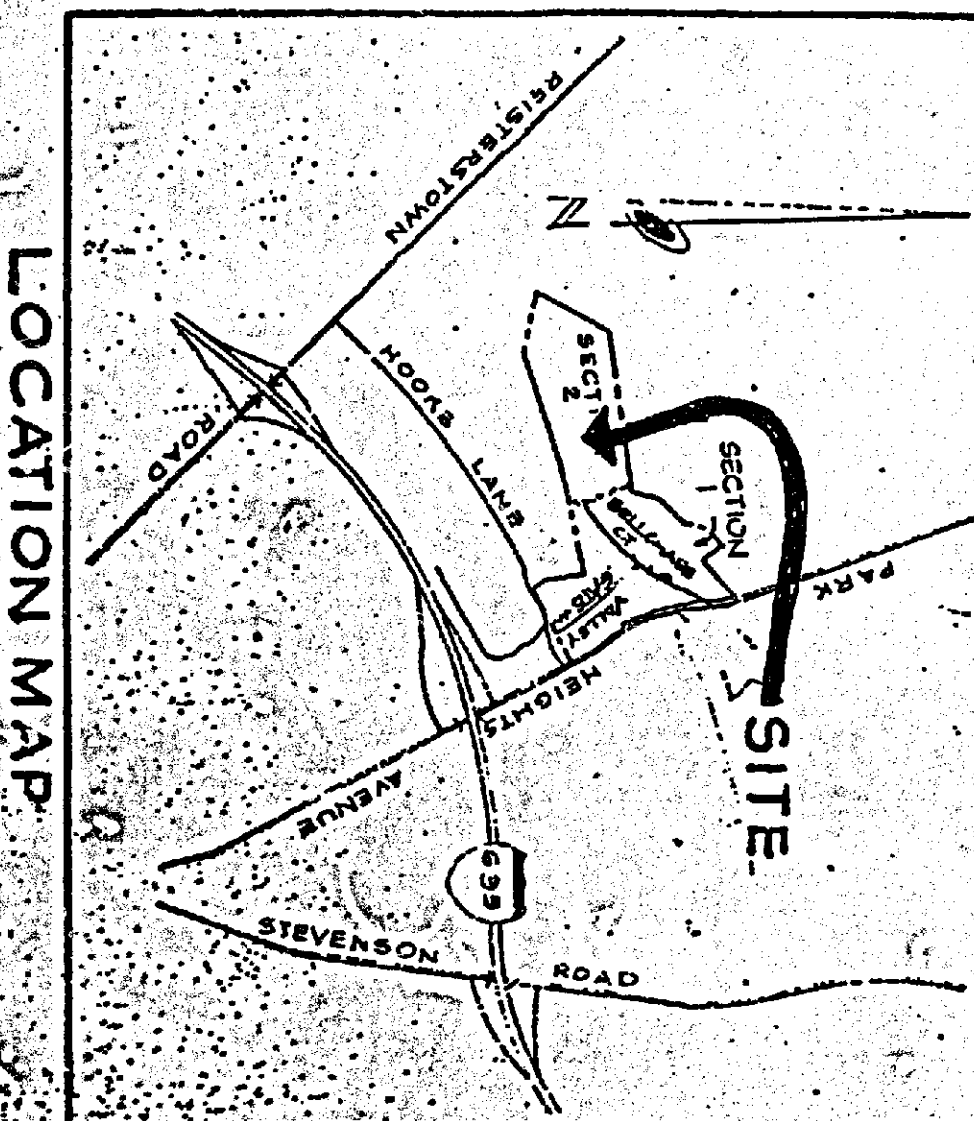
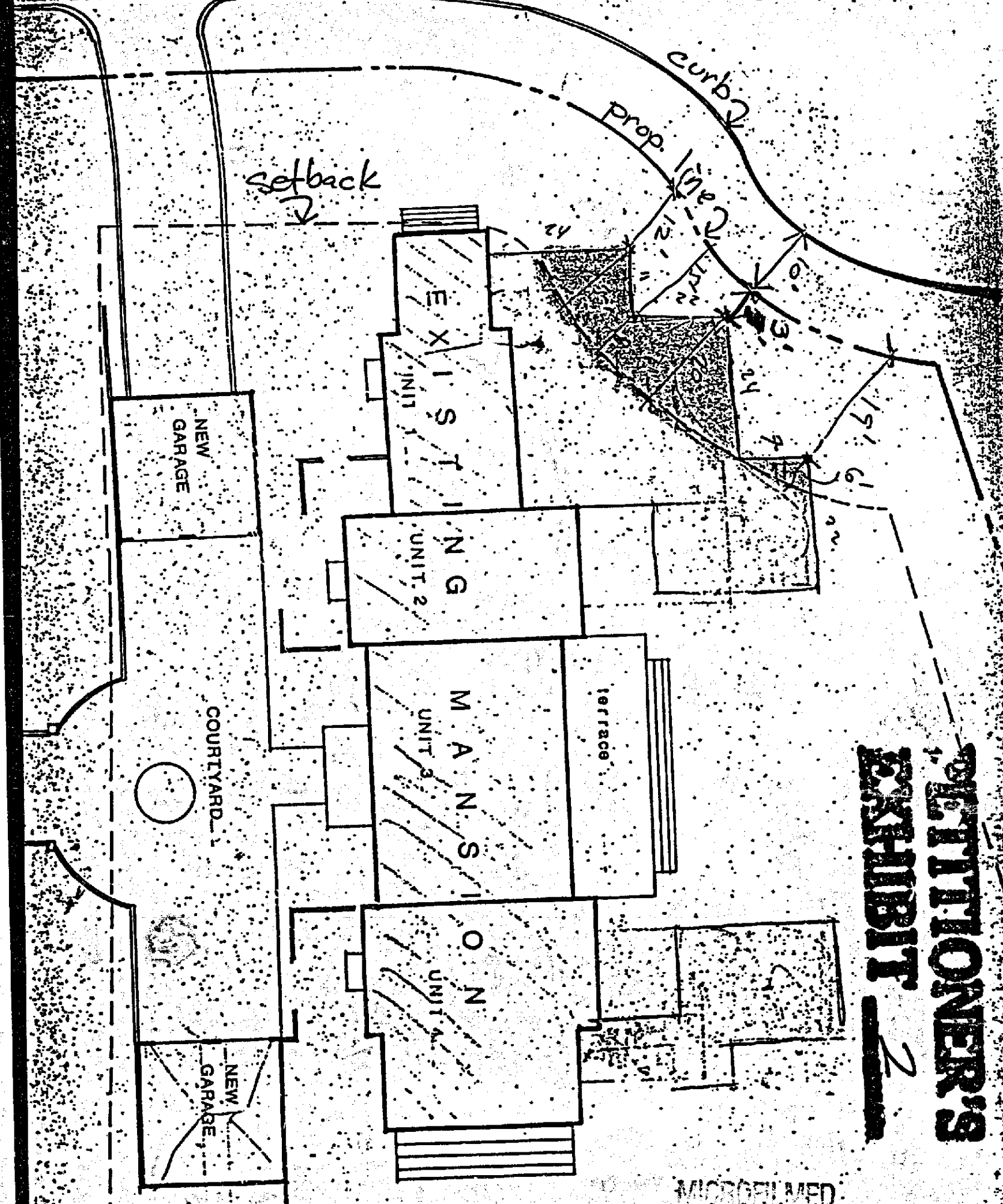


Exhibit 5

richard
luxenburg,
a.i.a.
8006 Derby Lane
Owings Mills,
Maryland 21117
(301) 356-3306

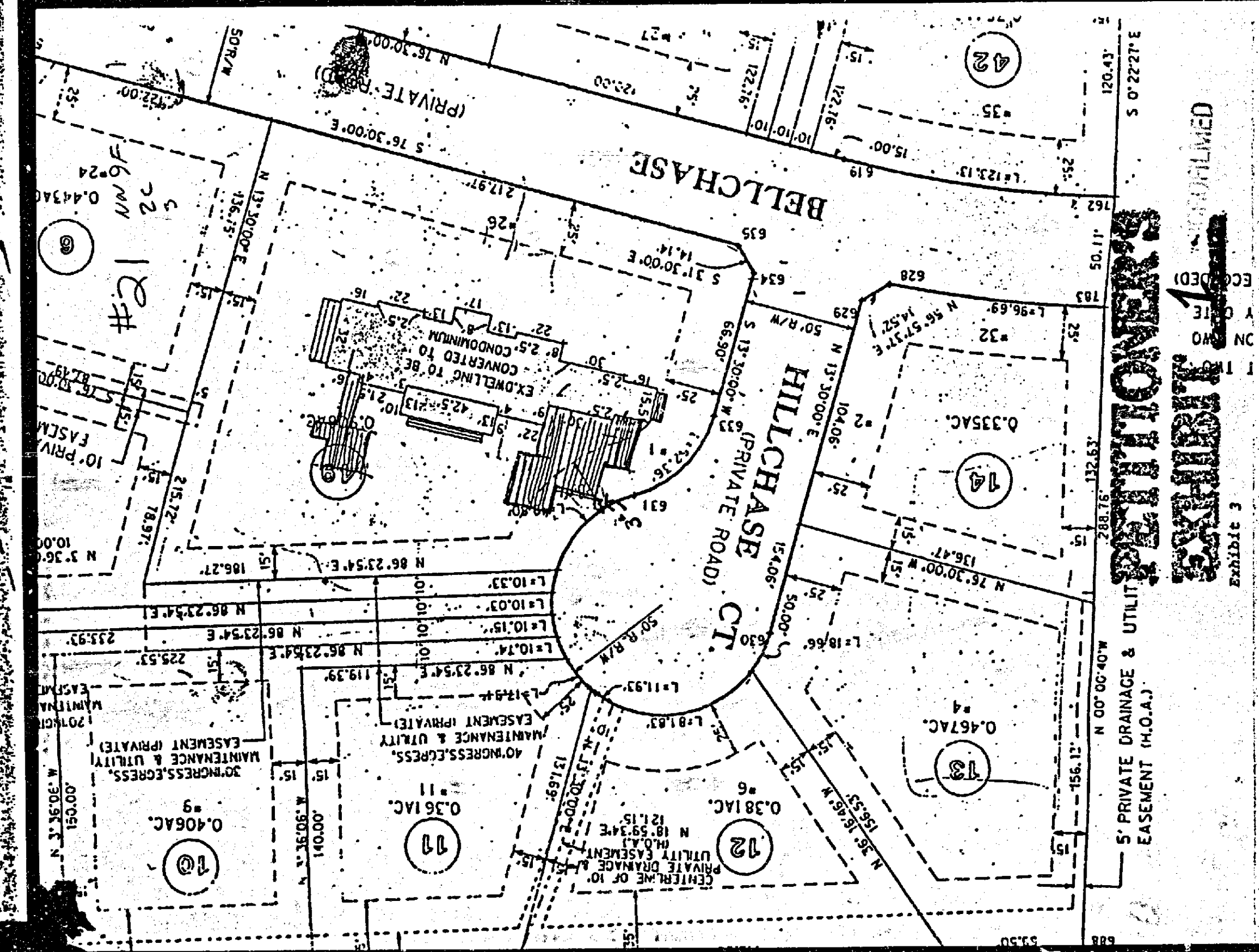


LOCATION MAP



PETITIONER'S
EXHIBIT 2

Exhibit 2



PETITIONER'S
EXHIBIT 3

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 387-4500

Paul H. Reincke
Chief

AUGUST 2, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE HOME BUILDERS, INC.

Location: 26 BELLCHASE COURT, LOT #49

Item No.: 21 Zoning Agenda: AUGUST 1, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *Capt Wm Brady Jr.*
Planning Group
Special Inspection Division

Noted and
Approved

Fire Prevention Bureau

JX/kek

MICROFILMED

9/20
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: September 8, 1989

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

SUBJECT: Baltimore Home Builders, Inc., Item 21
Zoning Petition No. 90-101-A

The petitioner requests a variance to permit a window to street right-of-way of 13 feet and a window to property line of 3 feet in lieu of the required 25 feet and 15 feet.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

9/11/89 rec. late sent comment to you

SEP 11 1989

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 8 1989

ZONING OFFICE



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 22, 23, and 24.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

MSF/lab

MICROFILMED