

IN RE: PETITION FOR ZONING VARIANCE  
 NW/8 Eagles View Rd., 258.33' SW  
 of the c/l of Golden Eagle Dr.  
 (12896 Eagles View Road)  
 10th Election District  
 5th Councilmanic District

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 90-194-A

Thomas V. Whitten, et ux  
 Petitioners

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners hereto request a variance to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by G. Scott Barhight, Esquire. Also appearing on behalf of the Petition were James W. McGee, professional land surveyor with McGee Associates, Inc., Calvin Armocost, builder with Lawson Enterprises, Inc., and Harvey Byrd, the adjoining property owner. There were no Protestants.

Testimony indicated that the subject property, known as 12896 Eagles View Road, consists of 1.00 acres zoned R.C. 4 and is improved with a single family dwelling, which has been Petitioners' residence for the past 10 years, a swimming pool and gazebo. The Petitioners are desirous of constructing a 25' x 20' two story addition on the southwest side of the existing dwelling to provide more habitable space. Testimony presented indicated that due to the location of the existing improvements on the property, the proposed addition cannot be constructed without the requested variance. Further testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Mr. Byrd, the affected adjoining property owner, testified that he has no objections to the Petitioners' proposal

provided the landscaping depicted in the photograph introduced as Petitioner's Exhibit 2C remains. Petitioners have indicated that said landscaping will not be disturbed. Further testimony indicated that the proposed addition will be of the same elevation and exterior materials as the existing dwelling.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy 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 Deputy Zoning Commissioner for Baltimore County this 4th day of November, 1989 that the Petition for Zoning Variance to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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.

2) The variance granted herein is contingent upon the proposed addition being constructed in the location shown on Petitioner's Exhibit 1 with the same or similar exterior materials as the existing dwelling.

3) Petitioners shall insure that the landscaping along the southwest side property line as depicted in Petitioner's Exhibit 2C remains in tact and is not disturbed during construction of the proposed addition.

*J. M. Nastarowicz*  
 ANN M. NASTAROWICZ  
 Deputy Zoning Commissioner  
 for Baltimore County

AMH:bjs

**PETITION FOR ZONING VARIANCE**  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-194-A

The undersigned, legal owner(s) of the property situated 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 11A03.4.B.1 to allow for a 35 foot left sideyard setback in lieu of the required 50 foot sideyard setback.

The existing left sideyard is too small to accommodate the proposed addition.

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

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) \_\_\_\_\_ (Type or Print Name) \_\_\_\_\_  
 Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_ (Type or Print Name) \_\_\_\_\_  
 City and State: \_\_\_\_\_ City and State: \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 City and State: \_\_\_\_\_  
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_  
 Attorney's Telephone No.: \_\_\_\_\_

ORDERED BY The Zoning Commissioner of Baltimore County, this 27th day of November, 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 104, County Office Building in Towson, Baltimore County, on the 27th day of November, 1989, at 10:30 o'clock A.M.

*J. P. F. Frazier*  
 Zoning Commissioner of Baltimore County

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 avoid anything to being  
 2 hr. est.

LAB  
 BY: Scott Johnson

LAB  
 BY: Scott Johnson

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 BY: Scott Johnson

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 BY: Scott Johnson

49

DESCRIPTION OF 12896 EAGLES VIEW ROAD  
 10TH ELECTION DISTRICT  
 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point situated on the northernmost right-of-way line of Eagles View Road, 50.00 feet wide at a distance of 258.33 feet southwesterly from the centerline of Golden Eagle Drive, 50.00 feet wide. Being known as Lot 2 Block E as shown on Plat 1, Eagles Nest as recorded among the land records of Baltimore County in Plat Book 35, folio 81.

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

J. Robert Haines  
 Zoning Commissioner

DATE: 11/3/89

Re: Petition for Zoning Variance  
 CASE NUMBER: 90-194-A  
 NW/8 of Eagles View Road, 258.33' SW c/l of Golden Eagle Drive  
 12896 Eagles View Road  
 10th Election District - 6th Councilmanic  
 Petitioner(s): Thomas V. Whitten, et ux  
 HEARING: FRIDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Whitten:

Please be advised that \$139.34 is due for advertising and posting of the above captioned property.

Baltimore County  
 Zoning Commissioner  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Account: R0016139  
 Number: \_\_\_\_\_

receipt  
 No 427  
 90-194

Date: \_\_\_\_\_

Amount: \$139.34

DATE PAID: 11/3/89

AMOUNT: \$139.34

DATE PAID: 11/3/89

AMOUNT: \$139.34

DATE PAID: 11/3/89

AMOUNT: \$139.34

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

J. Robert Haines  
 Zoning Commissioner

October 16, 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 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
 CASE NUMBER: 90-194-A  
 NW/8 of Eagles View Road, 258.33' SW c/l of Golden Eagle Drive  
 12896 Eagles View Road  
 10th Election District - 6th Councilmanic  
 Petitioner(s): Thomas V. Whitten, et ux  
 HEARING: FRIDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Variance to allow for a 35 foot left side yard setback in lieu of the required 50 feet side yard setback.

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.

NOTE:  
 (If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

*J. Robert Haines*  
 J. ROBERT HAINES  
 ZONING COMMISSIONER  
 BALTIMORE COUNTY, MARYLAND

JRH:gs  
 cc: Mr. & Mrs. Whitten

**Tracking System**

Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning

Date: 11/3/89  
 Receipt Number: 030868  
 FEE: 04036801  
 TYPE: 01  
 Identification Number: 1-6156  
 Council District: 10  
 Election District: 21121  
 Zip Code: 21287

Petitioner: Whitten, Thomas  
 (Last) (First)

Property Address: 12896 Eagles View Road  
 (Number) (Street)

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

No. 088388

DATE: 11/3/89 ACCOUNT: 90-194-A

AMOUNT: \$ 139.34

RECEIVED FROM: McGee Associates  
 12876 Eagles View Road

FOR: Mrs. C. J. Whitten

B 8105\*\*\*\*\*35626 204.F

VALIDATION OR SIGNATURE OF CASHIER

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., November 2, 1989

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 Nov 2, 1989.

THE JEFFERSONIAN,  
S. Zabe Orlem  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Planning and Zoning Department, has scheduled a public hearing on the proposed zoning petition for the property located at 11111 Chestnut Hill Road, Towson, Maryland 21284, on the date and at the time specified below.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner  
DATE: November 3, 1989

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

SUBJECT: Zoning Petition No. 90-194A, Thomas V. Whitten, Item 49

The Petitioner requests a Variance to permit a 35 ft. side yard setback in lieu of the required 50 feet.

In reference to this request, Staff offers no comment.

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 887-3211.

PK:JL:gg1  
ZPVARI0U

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Building, Suite 405  
Towson, Maryland 21284  
(301) 887-3534

RECEIVED  
SEP 14 1989  
ZONING OFF.  
September 5, 1989

Dennis F. Rasmussen  
County Executive

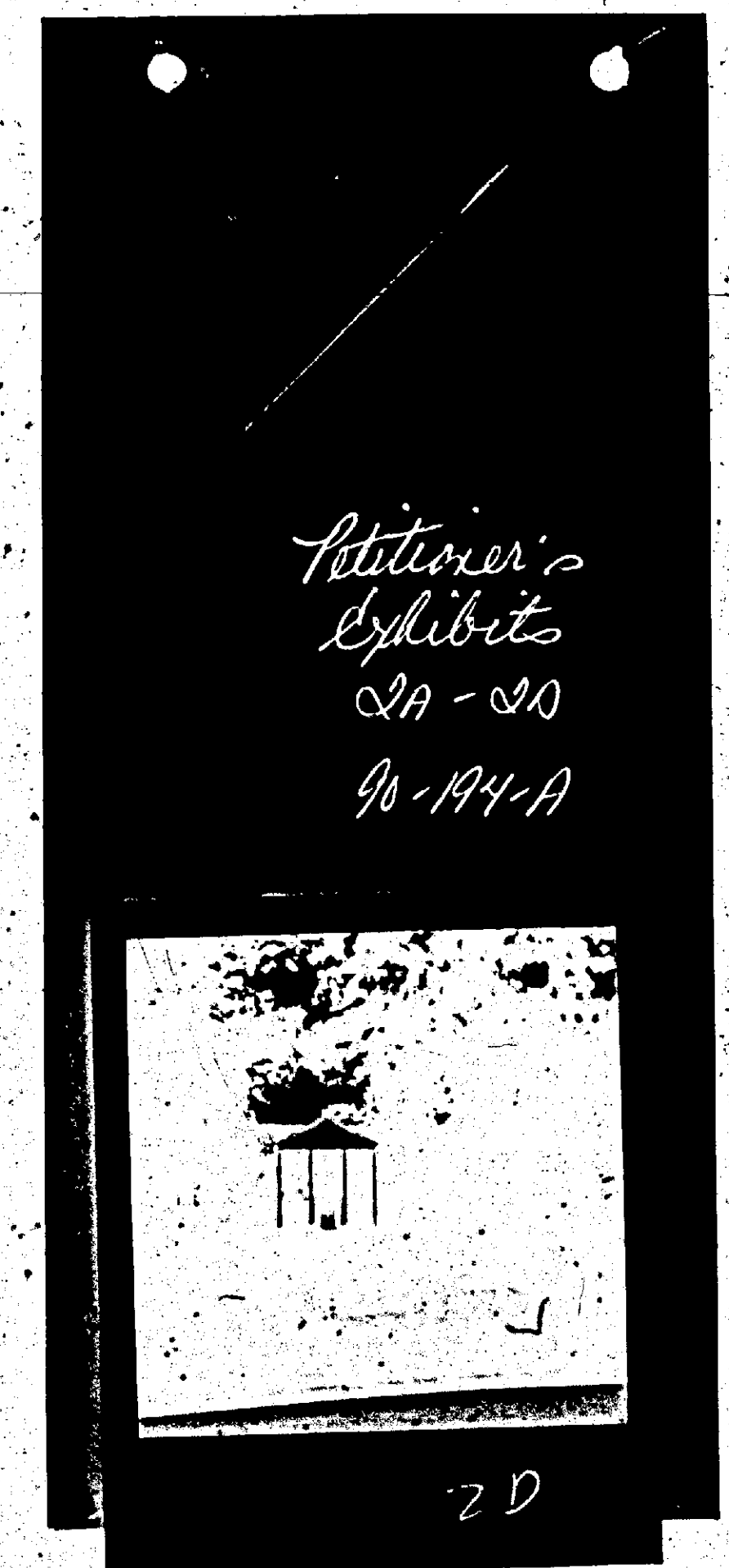
Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 4, 26, 44, 45, 46, 47, 48, 49, 51, 52, 53, and 55.

Very truly yours,  
Richard S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSP/lvw



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1074 Date of Posting: 11/10/89

Posted for: Variances

Petitioner: Thomas V. Whitten, et al

Location of property: 11111 Chestnut Hill Rd, 25733, sufficient Eagle Ridge - 12.86, Eagle View Rd

Location of Sign: Facing Eagle View Rd, opposite 12.15, next to property of Eagle Ridge

Remarks:

Posted by: Pat Keller Date of return: 11/11/89

Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., November 2, 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 Nov 1, 1989.

TOWSON TIMES,  
S. Zabe Orlem  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Planning and Zoning Department, has scheduled a public hearing on the proposed zoning petition for the property located at 11111 Chestnut Hill Road, Towson, Maryland 21284, on the date and at the time specified below.

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2538  
(301) 887-4500

Paul H. Reincke  
Chief

AUGUST 10, 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: THOMAS V. WHITTEN  
Location: NW/S OF EAGLES VIEW ROAD  
Item No.: 49 Zoning Agenda: AUGUST 15, 1989

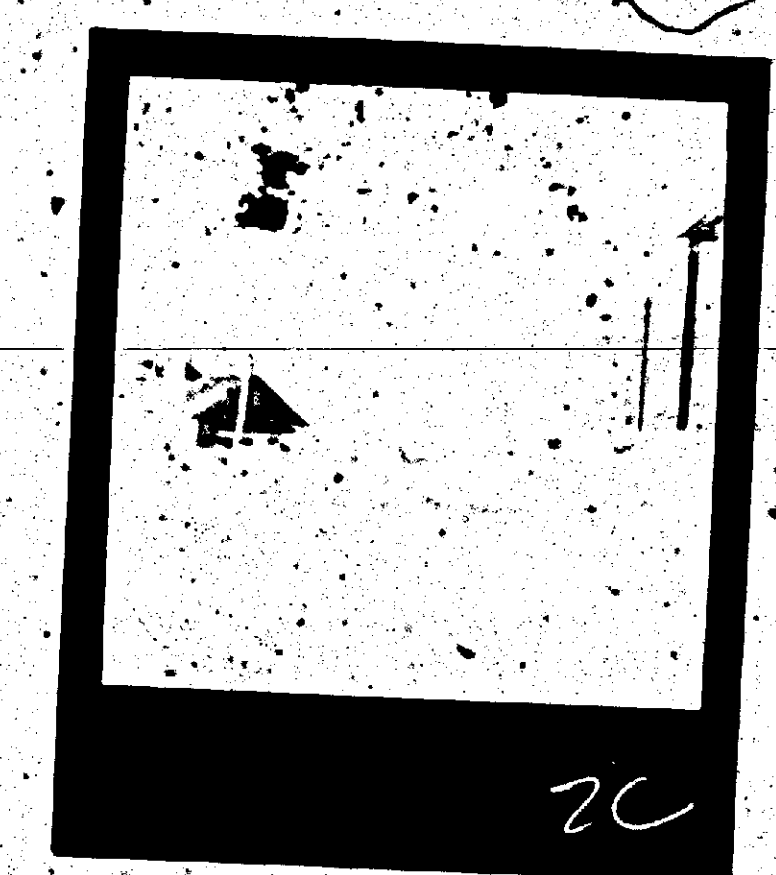
Gentlemen:

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.

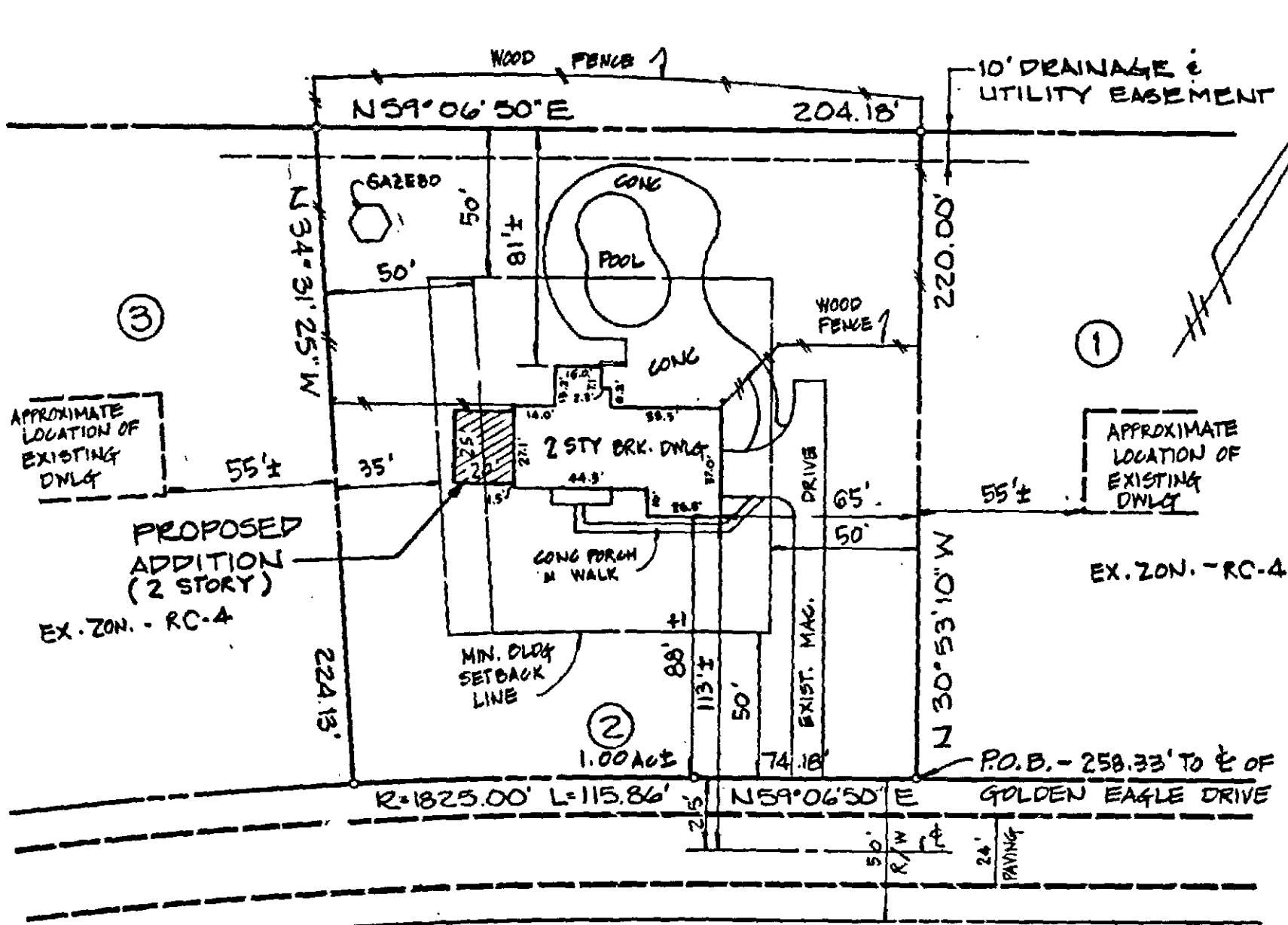
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Pat Keller Noted and Approved: Capt Wm Brady  
Planning Group Special Inspection Division Fire Prevention Bureau

JK/REK



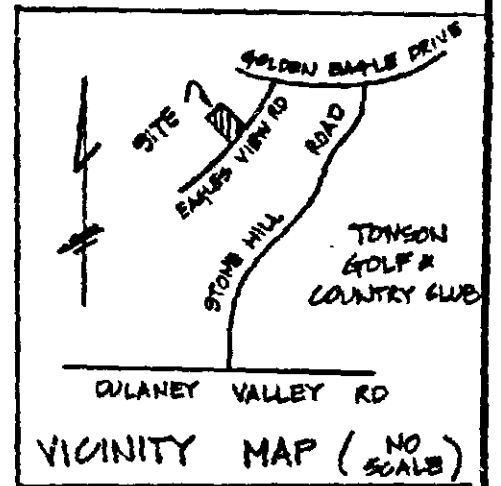
EX. ZON. - RC-4



# EAGLES VIEW ROAD

## REQUESTED VARIANCE

Requesting a variance to Section 1A03.4.B.4 to allow for a 35' left sideyard setback in lieu of the required 50' sideyard setback.



### NOTES:

- ① EXISTING ZONING - RC-4
- ② ZONING AT TIME OF REORDINATION - RSC

PLAT TO ACCOMPANY REQUEST FOR ZONING VARIANCE

## #12896 EAGLES VIEW ROAD

10<sup>TH</sup> ELECTION DIST.  
SCALE: 1"=50'

BALTO. CO., MD.  
JULY 21, 1989



*J. W. McKee*  
JAMES W. MCKEE  
MD. REG. NO. 9012  
DATE 7/25/89

**MCKEE & ASSOCIATES, INC.**  
CIVIL ENGINEERS - LAND SURVEYORS

Showan Place • 5 Showan Road  
Hunt Valley, MD 21030

(301) 527-1555

#49

*Petitioner's*  
BEING *Exhibit*  
LOT 2 BLOCK E  
PLAT 1  
"EAGLES NEST"  
Δ 35/81

DEED REFERENCE 7446/295  
PROPERTY ACCT. NO. 1600007078