

IN RE: PETITION FOR ZONING VARIANCE
 5/5 Blue Bell Way, 1250' +/- N
 of the c/l intersection of
 Fernwood and Warren Roads
 (10601 Blue Bell Way)
 8th Election District
 3rd Councilmanic District
 Joseph C. Anderson, et ux
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-196-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to tract boundary setback of 11.26 feet in lieu of the required 35 feet and an amendment to the 1st Amended Final Development Plan of Warren Manor to permit a rear window to property line of 20 feet in lieu of the 25 feet shown thereon, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 10601 Blue Bell Way, consists of 0.211 acres zoned D.R. 3.5 and is improved with a single family dwelling which has been Petitioners' residence for the past two years. Petitioners are desirous of constructing a two-car garage on the north side of the existing dwelling, which is located on a culdesac, for protective storage of the family's vehicles and to provide protection for Petitioners during inclement weather. Testimony indicated that due to the layout of the existing dwelling and its location on the property the site proposed for the garage is the most practical. Petitioners testified the proposed garage will abut a utility easement.

Testimony indicated that the rear window to property line variance of 20 feet is for the existing dwelling. According to Petitioners' testimony, the 20-foot distance is from the deck to the rear property line. A review of Petitioner's Exhibit 1 indicates that the dwelling is actually

set back 23.6 feet from the rear property line. Testimony presented regarding both issues indicates that the variances requested 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 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 variances 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 variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 1989 that the Petition for Zoning Variance to permit a window to tract boundary setback of 11.26 feet in lieu of the required 35 feet and an amendment to the 1st Amended Final Development Plan of Warren Manor to permit a rear window to property line of 23.6 feet in lieu of the 25 feet shown thereon, 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 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) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) The proposed garage shall not be constructed within the 10' utility easement and/or the 50' access, maintenance and utility easement as depicted in Petitioner's Exhibit 1. The burden of proof shall be upon Petitioners to provide certified plans which prove the proposed garage has not been placed in the easements in the event questions should arise in the future regarding the location of the proposed garage within said rights-of-way.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property and interior of the proposed garage to insure compliance with this Order.

A. Mastanowicz
 ANN M. MASTANOWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-196 A #56

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 11B01.2.C.2.a. & V.B.3.a. (CDDP) - To allow a window-to-tract boundary setback of 11.26 ft. in lieu of the required 35 ft. AND Section 50A - to amend the F.D.P. to allow a rear window to property line of 20 ft. in lieu of the 25 ft. shown on the 1st Amended F.D.P. of Warren Manor to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- Reasons for petition for Garage:
- 1) Safety
 - 2) Protect Cars
 - 3) Additional Space for Storage

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: _____

Attorney for Petitioner: _____
 (Type or Print Name)

Address: 10601 Blue Bell Way N 666-8379

 City and State: Cockeysville, Maryland 21030

Signature: _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Mr. & Mrs. Joseph C. Anderson
 Name: _____
 Address: 10601 Blue Bell Way # 666-8379

 City and State: _____
 Attorney's Telephone No.: _____

Legal Owner(s):
 Joseph Christopher Anderson
 (Type or Print Name)
 Signature: _____
 Suzanne Elizabeth Anderson
 (Type or Print Name)
 Signature: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of Sept 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 28 day of Nov, 1989, at 9:30 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 Dec 19 1989
 By: *John J. Schick*

ORDER RECEIVED FOR FILING
 Dec 15 1989
 By: *John J. Schick*

ORDER RECEIVED FOR FILING
 Dec 15 1989
 By: *John J. Schick*

W. DUVAL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

AUGUST 7, 1989
 ZONING DESCRIPTION
 LOT NO. 28 WARREN MANOR
 EIGHTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same 1250 feet, plus or minus, northerly from the centerline intersection of Fernwood Road and Warren Road at a point on the easternmost right-of-way line of Bluebell Way, 50 feet wide at a point designated as coordinate point No. 431 all as shown on a plat dated May 20, 1987 entitled "First Amended Plat of Warren Manor" as recorded among the Land Records of Baltimore County in Plat Book S.M. 58 Folio 2; thence running for the outline of Lot No. 28 as shown on said plat the following six courses and distances, viz:

- 1) South 51 degrees 14 minutes 50 seconds East 172.49 feet; thence
- 2) South 05 degrees 01 minutes 20 seconds West 82.85 feet; thence
- 3) North 84 degrees 58 minutes 40 seconds West 77.00 feet; thence
- 4) North 05 degrees 01 minutes 20 seconds East 122.24 feet; thence
- 5) North 51 degrees 14 minutes 50 seconds West 86.58 feet to a point on the easternmost side of Bluebell Way; thence binding thereon
- 6) North 38 degrees 45 minutes 10 seconds East 10.00 feet to the point of beginning.

CONTAINING 0.2110 acres of land, more or less.
 The improvements thereon being known as No. 10601 Bluebell Way.



530 East Joppa Road / Towson, Maryland 21284 / (301) 583-9571

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. Zebe Orlow
 Publisher

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. Zebe Orlow
 Publisher

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 proposed Variance from Section 11B01.2.C.2.a. & V.B.3.a. (CDDP) - To allow a window-to-tract boundary setback of 11.26 ft. in lieu of the required 35 ft. AND Section 50A - to amend the F.D.P. to allow a rear window to property line of 20 ft. in lieu of the 25 ft. shown on the 1st Amended F.D.P. of Warren Manor, in accordance with Petitioner's Exhibit 1, at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 on Tuesday, November 28, 1989 at 9:30 a.m.

Petitioner for Zoning Variance Case number: 90-196-A
 5/5 Blue Bell Way, 1250' +/- N of the c/l intersection of Fernwood & Warren Roads
 10601 Blue Bell Way
 8th Election District
 3rd Councilmanic District
 Petitioners: Joseph Christopher Anderson, et ux
 Hearing Date: Tuesday, Nov. 28, 1989 at 9:30 a.m.

Variance: To allow a window-to-tract boundary setback of 11.26 feet in lieu of the required 35 feet, and to amend the First Amended Final Development Plan to allow a rear window to property line of 20 feet in lieu of the 25 feet shown on the First Amended Final Development Plan of Warren Manor.

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, accept any request for a stay of the appeal period. The Zoning Commissioner will, however, accept any request for a stay of the appeal period for good cause shown, which request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

IF "PHASE" OF THE "SHOW EMERGENCY" PLAT is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 807-2391 to confirm hearing date.

J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 TU 11008 November 2, 1989

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 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed Variance from Section 11B01.2.C.2.a. & V.B.3.a. (CDDP) - To allow a window-to-tract boundary setback of 11.26 ft. in lieu of the required 35 ft. AND Section 50A - to amend the F.D.P. to allow a rear window to property line of 20 feet in lieu of the 25 feet shown on the First Amended Final Development Plan of Warren Manor, in accordance with Petitioner's Exhibit 1, at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 on Tuesday, November 28, 1989 at 9:30 a.m.

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J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 TU 11008 November 2, 1989

Tracking System

Baltimore County Zoning Commissioner
 Office of Planning & Zoning

Date: 08/08/89
 Receipt Number: 074660
 FEE TYPE: Identification Number
 Zip Code: 21030

Petitioner: Anderson (Last) Joseph (First) (Middle Initial)

Property Address: 10601 Blue Bell Way (Number) (Street)

BALTIMORE COUNTY, MARYLAND No. 074660
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: 8/8/89 ACCOUNT: R-01-615-000
 AMOUNT: \$ 35.00

RECEIVED FROM: Joseph Anderson
 FOR: Res Var # 56

Baltimore County Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 837-3353

J. Robert Haines
 Zoning Commissioner

DATE: 11/13/89

Mr. & Mrs. Joseph Christopher Anderson
 10601 Blue Bell Way
 Cockeysville, Maryland 21030

Res: Petition for Zoning Variance
 CASE NUMBER: 90-196-A
 E/S Blue Bell Way, 1250' +/- N of Int. section of Fernwood & Warren Roads 10601 Blue Bell Way
 8th Election District - 3rd Councilmanic
 Petitioners: Joseph Christopher Anderson, et ux
 HEARING: TUESDAY, NOVEMBER 28, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Anderson:

Please be advised that \$153.40 is due for advertising on the above.

Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

ACCOUNT: R 001 6150
 NUMBER: 473
 90-196

DATE: _____

FOR FILING FEES: _____
 FOR POSTING SIGNS / ADVERTISING: _____
 FOR OTHER CHARGES: _____

Cashier Validation: _____

