

IN RE: PETITION FOR ZONING VARIANCE
SM/S Edwards Avenue, 120' SE
of the c/l of Harford Road
(3001 Edwards Avenue)
11th Election District
6th Councilmanic District
William A. Sonn, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 19 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Edward Andrews, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 3001 Edwards Avenue, consists of 0.1645 acres zoned D.R. 5.5 and is currently unimproved. Mr. Sonn testified Petitioners acquired the property, also known as Lot 1A, in 1980 from Mr. Sonn's father who subdivided his property and retained ownership of the front lot, known as 9735 Harford Road. Petitioners are desirous of constructing a single family dwelling on the subject property. Testimony indicated that due to the unique characteristics of the lot and the loss of a portion of the front yard for a future widening of Edwards Avenue, the requested variance is needed in order to construct the dwelling. Petitioners testified that a small triangular portion of the rear of the proposed dwelling would not meet the required setbacks. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Further, Petitioners argued that denying the variance will

result in practical difficulty and unreasonable hardship as the subject property would be rendered undevelopable.

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 conformance 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 the 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. 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 Deputy Zoning Commissioner for Baltimore County this 17th day of December, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 19 feet in lieu of the required 30 feet for a proposed dwelling in accordance with Petitioner's

Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 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.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

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

J. Robert Haines
Zoning Commissioner

December 27, 1989

Edward Andrews, Esquire
9028 Belair Road
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
SM/S Edwards Avenue, 120' SE of the c/l of Harford Road
(3001 Edwards Avenue)
11th Election District - 6th Councilmanic District
William A. Sonn, et ux - Petitioners
Case No. 90-228-A

Dear Mr. Andrews:

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 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-228-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described as the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow a rear yard setback of 19 feet in lieu of the required 30 feet.

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

- 1) Due to the realignment and widening of Edwards Ave. the building envelope became only 8' wide on the boundary side of the lot and unusable for an average house.
- 2) The proposed rear setback of 19' would be in line with the rear of the adjacent house at 3002 Edwards Ave.

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.

1/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): (Type or Print Name) Signature Address City and State

Attorney for Petitioner: (Type or Print Name) Signature Address City and State

Attorney's Telephone No. 256-9511 44 Landmarket Rd Baltimore, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 26 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of Dec 1989 at 8:00 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING (1/2HR. + 15MIN. Lower) MON./TUES./WED. - NEXT TWO MONTHS ALL OTHERS

REVIEWED BY: CAM DATE: 8 Sept 89

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 077479
DATE 8 Sept 89 ACCOUNT B-01-615-cc
AMOUNT \$ 35.00
RECEIVED FROM SONN
FOR Res VAC
John H. 8873
VALIDATION OR SIGNATURE OF CASHIER
*****75008 2641

Tracking System
Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Date Receipt FEE
Day Month Year Number TYPE Identification Number Council District Election District Zip Code
077479011-93 11
Petitioner: SONN (Last) William (First) (Middle Initial)
Property Address: 3001 (Number) Edwards (Street) Ave (City)

DESCRIPTION OF PROPERTY
3001 EDWARDS AVENUE
11TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the Southwesterly side of Edwards Avenue, as widened and shown on the plat of Subdivision of Lot 1, Subdivision of property of W.L. Edwards, recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr., 47, Folio 80; said point of beginning being situate at the division line between Lots 1 and 1A as shown on said plat and being distant 120 feet from the centerline of Harford Road; thence binding along the Southwesterly side of Edwards Lane the following three courses and distances: 1) by a curve to the right having a radius of 75.00 feet for an arc length of 39.68 feet, 2) South 29 degrees 55 minutes 50 seconds East 17.64 feet, and 3) by a curve to the left having a radius of 75.00 feet for an arc length of 28.90 feet; thence leaving Edwards Lane and running South 29 degrees 17 minutes 30 seconds West 61.36 feet, then North 60 degrees 14 minutes 30 seconds West 102.00 feet and then North 43 degrees 04 minutes 51 seconds East 92.48 feet to the point of beginning. Lot 1A Edwards Ave. containing area 7167 square feet, 0.1645 acre. N.S.

9/6/89



5216 Harford Road
Baltimore, Maryland 21214
(301) 444-4226

7427 Harford Road
Baltimore, Maryland 21224
(301) 444-4212

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 29, 1989

Edward Andrews, Esquire
9028 Belair Road
Baltimore, MD 21221

RE: Item No. 93, Case No. 90-228-A
Petitioner: William A. Sonn, et ux
Petition for Zoning Variance

Dear Mr. Andrews:

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 plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner 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 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,

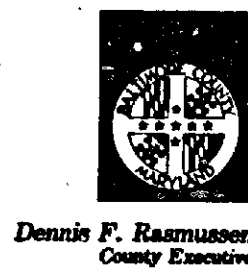
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. William A. Sonn
44 Landmarket Rd
Baltimore, MD 21221

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



Your petition has been received and accepted for filing this
26th day of September, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James S. P.
Chairman,
Zoning Plans Advisory Committee

Petitioner: William August Sonn, et ux
Petitioner's Attorney: Edward Andrews

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 4, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: William August Sonn, Item 93
Zoning Petition No. 90-228

The Petitioner requests a variance to permit a rear yard setback
of 19 ft. in lieu of the required 30 ft.

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/cmm

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

RECEIVED
SEP 14 1989
ZONING OF

September 12, 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 83,
84, 85, 86, 88, 89, 90, 92, and 93.

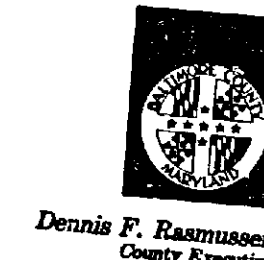
Very truly yours,

Michael S. Flanigan
Michael S. Flanigan

MSF/efm

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2336
(301) 887-4300
Paul H. Reincke
Chief

September 15, 1989



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

RE: Property Owner:

WILLIAM AUGUST SONN

Location:

#3001 EDWARDS LANE

Item No.: 93

Zoning Agenda: AUGUST 19, 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

REVIEWER: *Paul H. Reincke* 9-14-89 Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JK/KEK

SEP 20 1989

CERTIFICATE OF PUBLICATION

November 28, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published
in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES
REPORTER, weekly newspapers published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on Nov 23, 1989.

THE JEFFERSONIAN

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zabe Olson
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 property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 2:00 p.m. on the 13th day of December, 1989.
Petitioner: William August Sonn, et ux
Case Number: 90-228-A
3001 Edwards Avenue, 120' S.E. of c/l of Harford Road
11th Election District - 6th Councilmanic
Petitioner(s): William August Sonn, et ux
HEARING: DECEMBER 13, 1989 at 2:00 p.m.
The purpose of the hearing is to receive testimony from the public and the petitioner regarding the proposed variance.
The Zoning Commissioner will consider the testimony and make a decision on the variance.
If the variance is granted, the petitioner will be required to submit a final plan for the property to the Zoning Commissioner for review and approval.
If the variance is denied, the petitioner will be required to submit a final plan for the property to the Zoning Commissioner for review and approval.
The Zoning Commissioner will make a decision on the variance within 30 days of the hearing.
If the variance is granted, the petitioner will be required to submit a final plan for the property to the Zoning Commissioner for review and approval.
If the variance is denied, the petitioner will be required to submit a final plan for the property to the Zoning Commissioner for review and approval.
The Zoning Commissioner will make a decision on the variance within 30 days of the hearing.

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

DATE DEC 12 1989



Dennis F. Rasmussen
County Executive

Mr. & Mrs. William August Sonn
44 Landmark Street
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 90-228-A
3001 Edwards Avenue, 120' S.E. of c/l of Harford Road
11th Election District - 6th Councilmanic
Petitioner(s): William August Sonn, et ux
HEARING: DECEMBER 13, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Sonn:

Please be advised that \$111.09 is due for advertising and posting of
the above captioned property.

Baltimore County
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Account R-001-6150

No 639

Date: 12/13/89
Amount: \$111.09
Total: \$111.09

12/13/89 M9000219
PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$111.09
LAST NAME OF OWNER: SONN TOTAL: \$111.09

8 0555-1110912 2145F

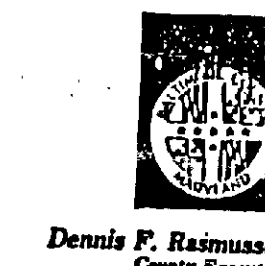
Please make checks payable to: Baltimore County

Receipt

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

November 15, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 2:00 p.m. on the 13th day of December, 1989.

Petition for Zoning Variance
CASE NUMBER: 90-228-A
3001 Edwards Avenue, 120' S.E. of c/l of Harford Road
11th Election District - 6th Councilmanic
Petitioner(s): William August Sonn, et ux
HEARING: DECEMBER 13, 1989 at 2:00 p.m.

Variances to allow a rear yard setback of 19 feet in lieu of the required 30 feet.

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 pre-
sented at the hearing.

NOTES
(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

cc: Mr. & Mrs. Sonn
Edward Andrews, Esq.
File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 11/27/89

District: 11th
Posted for: William August Sonn, et ux
Petitioner: William August Sonn, et ux
Location of property: 3001 Edwards Ave, 120' S.E. of Harford Rd.
Location of Sign: 3001 Edwards Ave, 120' S.E. of Harford Rd.
Remarks: on property of petitioner
Posted by: J. Robert Haines
Date of return: 12/1/89
Number of Signs: 1

HARFORD ROAD (RT. 147)

EDWARDS

AVENUE

#9755 HARFORD RD.

#3001

NOTE: F.H. @ N.E. INTERSECTION OF HARFORD ROAD & EDWARDS AVE. 3100' WEST OF SUBJECT PROPERTY
PRESENT ZONING: DR-55

RESUBDIVISION OF LOT 1
SUBDIVISION OF PROPERTY OF
W.L. EDWARDS
F.H.K., JR. 67 FOLIO 80

LOT 1

LOT 1A

#3002

PROPOSED DWELLING

GARDEN PATCH

CAR PORT OVERHANG

SHED

10' DRAINAGE & UTILITY EASEMENT

STONE SLAB

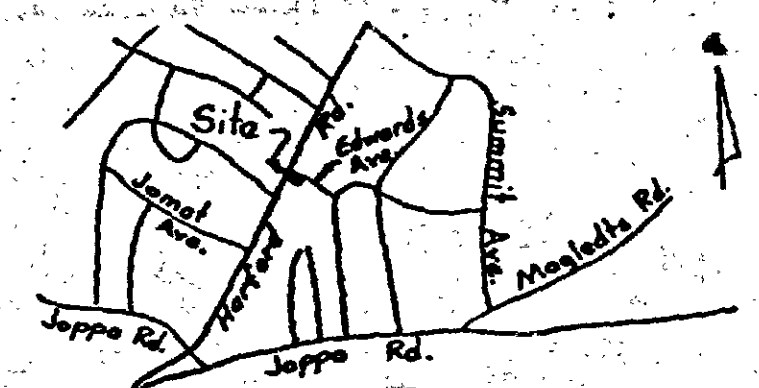
5870' GUY WIRE

NAC DRIVEWAY

MAC DRIVE

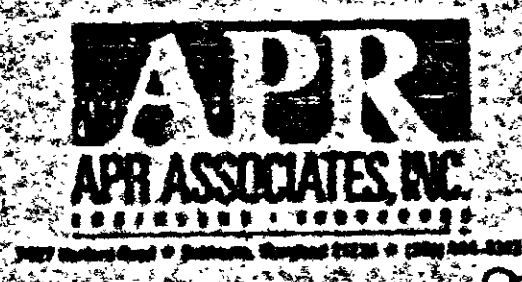
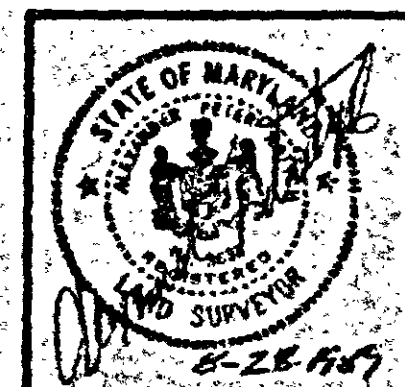
DRIVEWAY

DIRT



VICINITY MAP
Scale: 1" = 2,000'

1 Sign
PETITIONER'S EXHIBIT 1



PLAT TO ACCOMPANY
PETITION FOR
ZONING VARIANCE
3001 EDWARDS AVENUE
11TH ELECTION DISTRICT
BALTIMORE COUNTY,
MARYLAND
SCALE: 1" = 10' AUG. 21, 1987