IN RE: PETITION FOR ZONING VARIANCE
S/S of Zion Road, 55' +/- of
c/l of Mardo Road
2401 Zion Road
13th Election District
1st Councilmanic District

Frank H. Jones, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-242-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section III.C.3 to permit a side yard setback of 6 inches for a covered porch and an attached addition in lieu of the required 7 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, Frank H. Jones and Lillian A. Jones, appeared and testified. Appearing on behalf of the Petitioners was Mrs. Doris Lee. There were no Protestants.

Testimony indicated that the subject property, known as 2401 Zion Road, consists of .14 acres +/-, zoned D.R.5.5, and is currently improved with a single family dwelling and an accessory woodshed.

Testimony indicated that the Petitioners are desirous of constructing a playroom for their grandchild on the southeast corner of their property, as indicated on Petitioners' Exhibit No. 1.

Mr. Jones testified that the playroom will be constructed on a concrete slab and will be used primarily in the summer months, as the Petitioners do not plan to heat this room. Mr. Jones indicated that access to the room will be provided on the east side of the room and there will be no direct access into the family dwelling. He testified that he

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Date 1/19/90
By M. Rasmussen



had substantially completed construction of the playroom in the summer of 1989 when he received a stop work order from the County. Mr. Jones indicated he was unaware that a building permit was required, but has fully complied with the stop work Order.

Mrs. Doris Lee's home is adjacent to the proposed playroom. Mrs. Lee testified that she has no objection to the location or size of the proposed playroom.

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 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 good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the

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requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental 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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of January 1990 that a variance to permit a side yard setback of 6 inches for a covered porch and an attached addition in lieu of the required 7 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

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 Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment.

3. Upon request and reasonable notice, the Petitioners 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/mmn
cc: Peoples Counsel

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Date 1/19/90
By M. Rasmussen

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

*J. Robert Haines*
*Zoning Commissioner*

*Dennis F. Rasmussen*
*County Executive*

January 19, 1990

Mr. and Mrs. Frank H. Jones
2401 Zion Road
Baltimore, Maryland 21227

RE: Petition for Zoning Variance
Case No. 90-242-A

Dear Mr. and Mrs. Jones:

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:mmn
cc: Peoples Counsel

#99

PETITION FOR ZONING VARIANCE
90-242-A
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 III.C.3. (1945 to 1953) To permit a side yard setback of 6 inches for a covered porch and an attached addition in lieu of the required 7 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. No other place to locate because of the existing pool & swing set located in the rear yard.
2. It will provide a safe place to play.

MAP 5W6B
ZONING 28
B.M. 13
DATE 1-11-90
200 FEE
TBM
CASH
C-2C

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) | Mr. Frank H. Jones (Type or Print Name) |
| Signature | Mr. Frank H. Jones (Signature) |
| Address | Mrs. Lillian A. Jones (Type or Print Name) |
| City and State | Mrs. Lillian A. Jones (Signature) |
| Attorney for Petitioner: | 2401 Zion Rd. W 244-0070 H 244-9390 (Address, Phone No.) |
| (Type or Print Name) | Baltimore County, MD 21227 (City and State) |
| Signature | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| Address | Name |
| City and State | Address Phone No. |
| Attorney's Telephone No.: | |

ORDERED By The Zoning Commissioner of Baltimore County, this 2 day of Oct, 19 89, 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 106, County Office Building in Towson, Baltimore County, on the 19th day of Dec, 19 89, at 9:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING -1/2HR.
AVAILABLE FOR HEARING MON. TUES. WED. THURS. FRI.

J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
Date
By

Tracking System
Baltimore County
Zoning Commissioner
Office of Planning & Zoning

| Date (Day Month Year) | Receipt Number | FEE TYPE | Identification Number | Council District | Election District | Zip Code |
|---|---|---|---|---|---|---|
| 01 14 90 | 077165 | d/ | 99 | 1 | 13 | 21227 |

Petitioner: JONES (Last) FRANK (First) (Middle Initial)

Property Address: 2401 (Number) ZION RD. (Street) 21227

| | |
|---|---|
| BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT | No. 077165 |
| DATE 9-14-89 ACCOUNT R-001-7120 | AMOUNT $ 100 |
| RECEIVED Frank H. Jones | |
| FOR Photocopy | |
| VALIDATION OR SIGNATURE OF CASHIER | |

| | |
|---|---|
| BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT | No. 077187 |
| DATE 9/14/89 ACCOUNT R-001-6150 | AMOUNT $ 35.00 |
| RECEIVED MR. FRANK JONES | |
| FOR ADVERTISING FEE - Zoning Appeal #99 | |
| VALIDATION OR SIGNATURE OF CASHIER | |

99

ZONING DESCRIPTION

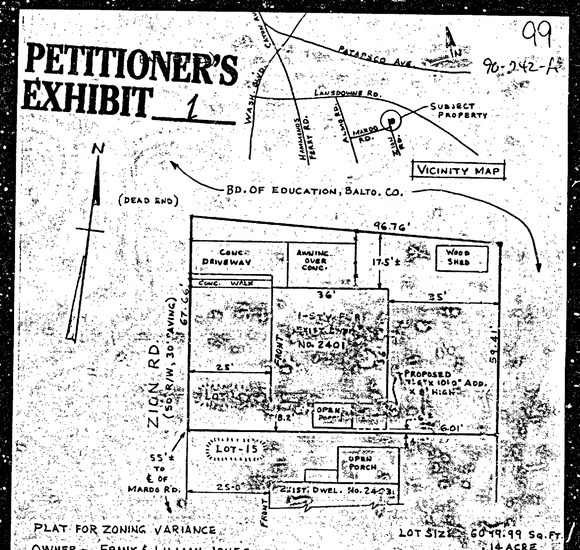
90-242-A

Beginning at a point on the south side of Zion Road which is 50 R/W wide at the distance of 55' north of the centerline of the nearest improved intersecting street of Mardo Road which is 50' R/W wide. Being Lot #14, Block —, Section # —, in the subdivision of Highland as recorded Baltimore County, Plat Book # 19, Folio # 13, Containing 6100± Square Feet, Also known as 2401 Zion Road and located in the # 13 Election District.

99

PETITIONER'S EXHIBIT 1

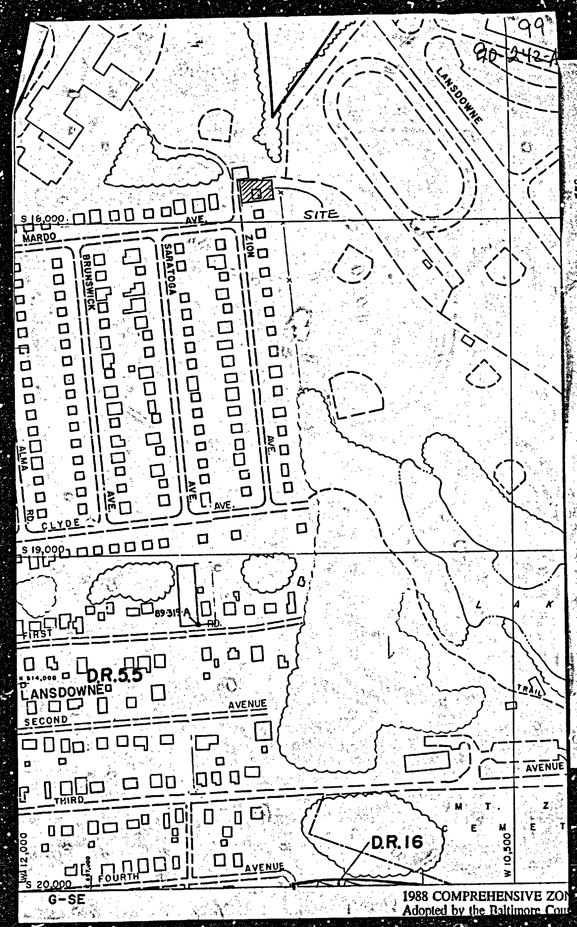
90-242-A




PLAT FOR ZONING VARIANCE
OWNER - FRANK & LILLIAN JONES
DISTRICT - 13, ZONED - D.R.-5.5
SUBDIVISION - HIGHLAND
LOT 14, BOOK NO. 19, FOLIO 13
EXISTING PUBLIC UTILITIES IN ZION ROAD
THIS PROPERTY IS NOT IN CRITICAL AREA

LOT SIZE 6049.99 Sq. Ft. 14 ACRE

SCALE: 1" = 20'




BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

December 11, 1989

Mr. & Mrs. Frank H. Jones
2401 Zion Road
Baltimore, MD 21227

RE: Item No. 99, Case No. 90-242-A
Petitioner: Frank H. Jones, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Jones:

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 filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

2nd day of October, 1989.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Frank H. Jones, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 5, 1989

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

SUBJECT: Frank H. Jones, Item 99
Zoning Petition No. 90-242A

The Petitioner requests a variance to permit a reduced side yard setback for a covered porch and attached addition.

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

DEC 0 - 1989

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

November 9, 1989

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

Dennis F. Rasmussen
County Executive

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NOV 16 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 87, 94, 95, 96, 97, 98, 99, 101, 102 and 104.

Very truly yours,

Michael S. Flanigan,
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

September 25, 1989

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: FRANK H. JONES

Location: S/S OF ZION ROAD

Item No.: 99 Zoning Agenda: SEPTEMBER 26, 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. Jack Kelly 9-25-89 Noted and Approved: Capt. Wm. Moody
Planning Group — Fire Prevention Bureau
Special Inspection Division

JK/KEK

CERTIFICATE OF PUBLICATION

December 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

ARBUTUS TIMES

S. Zeke Orlinsky
Publisher

CERTIFICATE OF POSTING 90-242-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th
Date of Posting November 28, 1989
Posted for: Variance
Petitioner: Frank H. Jones et ux
Location of property: S/S of Zion Road 55' N of c/l of Mardo Road 2401 Zion Road
Location of Sign: In front of 2401 Zion Road
Remarks:
Posted by S. J. Grata Signature
Date of return: December 7, 1989
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 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 Dec 7, 1989.

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

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

Account: R-01-615-000
Number 133

Date 12/15/89

90-242-A

B3U001C258

| PUBLIC HEARING FEES | QTY | PRICE |
|---|---|---|
| 080 POSTING SIGNS / ADVERTISING | 1 | 98.53 |
| | TOTAL: | 98.53 |

LAST NAME OF OWNER: JONES

Cashier Validation

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

*J. Robert Haines*
*Zoning Commissioner*

November 20, 1989

*Dennis F. Rasmussen*
*County Executive*

# 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: 90-242-A**
**S/S of Zion Road, 55'± N of c/l of Mardo Road**
**2401 Zion Road**
**13th Election District - 1st Councilmanic**
**Petitioner(s): Frank H. Jones, et ux**
**HEARING: TUESDAY, DECEMBER 19, 1989 at 9:30 a.m.**

**Variance: To permit a side yard setback of 8 inches for a covered porch and an attached addition in lieu of the required 7 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 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. Jones
File

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

*J. Robert Haines*
*Zoning Commissioner*

DATE _____

*Dennis F. Rasmussen*
*County Executive*

Mr. & Mrs. Frank H. Jones
2401 Zion Road
Baltimore, Maryland 21227

Re: Petition for Zoning Variance
CASE NUMBER: 90-242-A
S/S of Zion Road, 55'± N of c/l of Mardo Road
2401 Zion Road
13th Election District - 1st Councilmanic
Petitioner(s): Frank H. Jones, et ux
HEARING: TUESDAY, DECEMBER 19, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Jones:

Please be advised that $ 88.50 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 will be an additional $50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

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.)