

IN RE: PETITION FOR ZONING VARIANCE
S/S of Zion Road, 55' +/- of
C/I 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

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

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.

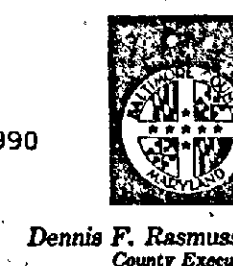
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

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

JRH/mm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-8883
J. Robert Haines
Zoning Commissioner

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/mm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE

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

The undersigned, legal owner(s) of the property at issue 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.

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 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

Signature Mr. Frank H. Jones

Address Mrs. Lillian A. Jones

City and State Mrs. Lillian A. Jones

Attorney for Petitioner: 2401 Zion Rd. W. 2401-0070

(Type or Print Name) Address Floor No.

Signature Baltimore County, Md. 21227

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State Name

Attorney's Telephone No. Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of January 1990, 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 January 1990, at 9:30 o'clock.

ORDER RECEIVED FOR FILING
Date 1/19/90
By J. Robert Haines

ESTIMATED LENGTH OF HEARING 1/22H.

AVAILABLE FOR REPLY 1/22H.

DATE 1/19/90

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

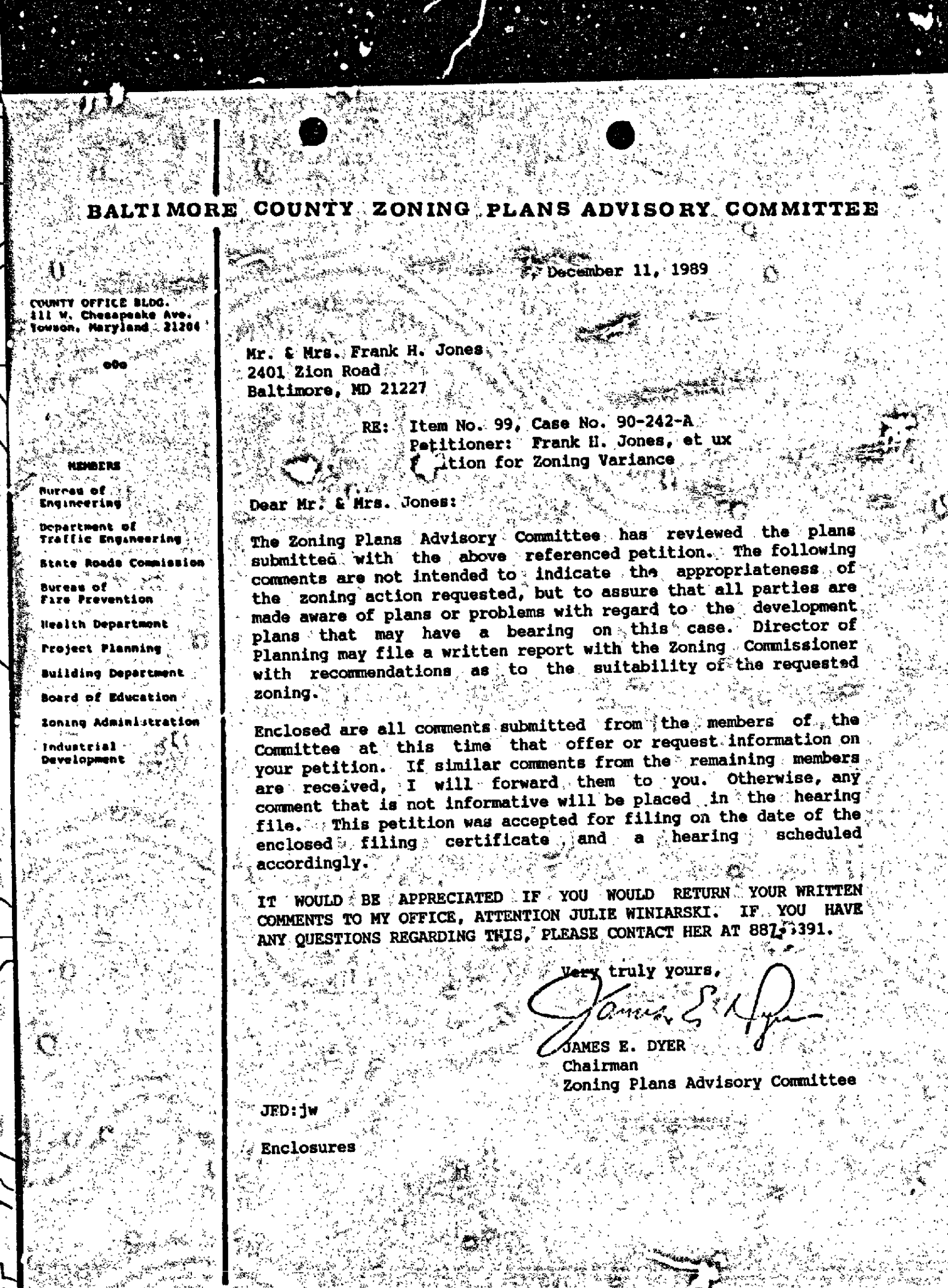
Date Receipt FEE
Day Month Year Number TYPE Identification Number Council District Election District Zip Code

9/14/89 90-242-A 13 99 2401 ZION RD. 21227

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

Property Address: 2401 ZION RD. 21227

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Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2595
(301) 687-4500

Paul H. Roberts
Chief

September 25, 1989

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

Denise F. Kammrath
County Executive

RE: Property Owner: FRANK H. JONES
Location: 6/S OF LION 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. J. M. Jones* Noted and Approved *Capt. J. M. Jones*
Planning Group
Special Inspection Division Life Prevention Bureau

JK/KEK

CERTIFICATE OF PUBLICATION

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 1958.

ARBUTUS TIMES
S. Zebe Wilson
Publisher

A. ROBERT HARRIS
State of Maryland
Commissioner of the General Land Office
BALTIMORE, MARYLAND

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-242-9

District 17th Date of Posting November 28, 1989

Posted by: Insurance

Postitioner: Franklin H. Jones et al

Location of property: 365 of Zion Road 55' W of E/L of Maude Road
2401 Zion Road

Location of Sign: In front of 2401 Zion Road

Remarks:

Posted by: L.J. Brater Signature

Number of Signs: 1 Date of return: December 7, 1989

**Baltimore County
Zoning Commissioner**

County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-27 4190
Number:

Date: 10/18/64

PUBLIC HEARING FEE \$75.00
(AG - POSTING CITIZENS / ADVERTISING) \$80.53
TOTAL \$155.53

LAST NAME OF OWNER: JONES

RECEIVED
7-24-64

119000258

*****865318 *****
Baltimore County Zoning Commission

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

J. Robert Haines
Zoning Commissioner

November 20, 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 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

JRHigs
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 _____

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

JRHigs
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.)