

IN RE: PETITION FOR ZONING VARIANCE
SW/S Sunset Avenue, 105' NW
c/l of Dorchester Avenue
5935 Sunset Avenue
1st Election District
1st Councilmanic District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-264-A

Aubrey T. Sparenberg, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 303.1 to permit a front yard setback of 19.5 feet in lieu of average area setback of 29 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, Aubrey T. Sparenberg and Janice I. Sparenberg, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 5935 Sunset Avenue, consists of .29 acres +/-, zoned D.R.S.5, and is currently improved with a single family dwelling, above ground pool and utility shed. The Petitioners are desirous of adding a 5 x 9-1/2 foot foyer to the front of their home to provide a receiving area for visitors and storage space for coats and umbrellas.

The Petitioners stated that their front door currently opens into their living room with no buffer area for wet and/or muddy clothing.

Testimony and submitted letters indicated the Petitioners' neighbors have no objection to the proposed improvement.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307.1 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 relief requested is hereby granted.

THHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of January, 1990 that a variance to permit a front yard setback of 19.5 feet in lieu of average area setback of 29 feet, as more particularly described on 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.

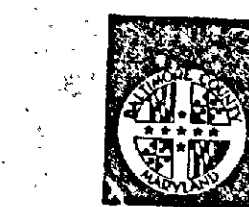
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

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

J. Robert Haines
Zoning Commissioner

January 18, 1990



Mr. and Mrs. Aubrey T. Sparenberg
5935 Sunset Avenue
Baltimore, Maryland 21207

RE: Petition for Zoning Variance
Case No. 90-264-A

Dear Mr. and Mrs. Sparenberg:

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
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

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 303.1 TO PERMIT A FRONT YARD SETBACK OF 19.5' IN LIEU OF AVERAGE AREA SETBACK OF 29'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty which a variance would present in the practical difficulty for homeowners for the following reasons:)

1. THESE LAMPS BE IN STREET SIDE ACCESS TO DWELLING.

2. ALL CONCERNED NEIGHBORS HAVE EXPRESSED STRONG SUPPORT AT HEARING OF PROPOSED VARIANCE TO PERMIT A FRONT YARD SETBACK OF 19.5' IN LIEU OF AVERAGE AREA SETBACK OF 29'.

3. PROPOSED CONSTRUCTION WILL IMPROVE APPEARANCE OF EXISTING STRUCTURE AND IMPROVE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY. AL-A-1015-10-20 PERSONAL LETTERS FROM APPLICANTS SUBMITTED WITH PETITION.

CONTINUED - (SEE ATTACHED SHEET)

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 the 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
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.:
Address
Phone No.

Legal Owner(s):
AUBREY T. SPAREMBERG
Signature
JANICE I. SPAREMBERG
Signature
JANICE I. SPAREMBERG
Signature
5935 SUNSET AVE. 744-3002
Address
BALTO, MD. 21207
City and State
JANICE I. SPAREMBERG
Name
5935 SUNSET AVE. 744-3002
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF
SUNSET AVENUE, WHICH IS 40' WIDE AT THE DISTANCE OF
105' NORTHWEST OF THE CENTERLINE OF THE NEAREST
IMPROVED INTERSECTING STREET, DORCHESTER AVENUE,
WHICH IS 40' WIDE BEING LOT #s 33, 34, 35, AND 36,
TRUCK #4, IN THE SUBDIVISION "CATONVILLE GARDENS",
AS RECORDED IN DEED LIBER 3221, FOLIO 173, CONTAINING
19,625.2 SQUARE FEET OR .29 ACRES, ALSO
KNOWN AS 5935 SUNSET AVENUE AND LOCATED IN
THE 1ST ELECTION DISTRICT.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 14, 1989.

CATONVILLE TIMES

S. Zehe Orlan
Publisher

CERTIFICATE OF PUBLICATION

IT'S NOT MY JOB
THIS LITTLE SUCKER'S ALL YOURS

Billed me &
we fought

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

Petition for Zoning Variance
CASE NUMBER: 90-264-A
SW/S Sunset Avenue, 105' NW c/l of Dorchester Avenue
5935 Sunset Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Aubrey T. Sparenberg, et ux
HEARING: TUESDAY, JANUARY 2, 1990 at 2:00 p.m.

Variance to permit a front yard setback of 19.5' in lieu of average area setback of 29 ft.

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.

(If "PHASE II" of the "SLOW 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
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

PETITION FOR ZONING VARIANCE

REASONS FOR PRACTICAL DIFFICULTY (CONTINUED)

4. ORIGINAL FRONT PORCH WAS RAINLY DETERIORATED AND AS SUCH, ALLOWED DANGEROUS CONDITIONS TO EXIST AT MAIN ENTRANCE TO DWELLING. THIS WAS THE FOREMOST CONCERN IN THE MINDS OF THE PRESENT PROPERTY OWNERS WHO WANTED TO PROVIDE SAFE ACCESS FOR THEIR SMALL CHILDREN AND GUESTS. THE PROPOSED NEW CONSTRUCTION WAS DESIGNED AS A SAFE, ENERGY EFFICIENT REPLACEMENT.

5. ORIGINAL STRUCTURE IS OVER 40 YEARS OLD AND AS SUCH, PERMANENT PROVISIONS WERE MADE TO PREVENT INTRUSIONS & ELEMENT CONDITIONS (RAIN, SLEET, SNOW, FRIGID TEMPERATURES) WHEN FRONT ENTRANCE IS USED. PROPOSED NEW CONSTRUCTION WOULD PROVIDE A BUFFER AGAINST THESE CONDITIONS.

Aubrey T. Sparenberg
1/11/89

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: December 11, 1989

Post for: Variance

Petitioner: Aubrey T. Sparenberg, et al.

Location of property: 5935 Sunset Avenue, 105' W of Dorchester Avenue

Location of Sign: In front of 5935 Sunset Avenue

Remarks:

Posted by: S.J. Arator Date of return: December 15, 1989

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

DEC 12 1989

Mr. & Mrs. Aubrey T. Sparenberg
5935 Sunset Avenue
Baltimore, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 90-264-A
5935 Sunset Avenue, 105' W of Dorchester Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Aubrey T. Sparenberg, et al.
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 92.35 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 N. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gc
cc: Mr. & Mrs. Sparenberg
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

November 30, 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 106 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-264-A
5935 Sunset Avenue, 105' W of Dorchester Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Aubrey T. Sparenberg, et al.
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 2:00 p.m.

Variance to permit a recreational vehicle (a boat with a trailer) in the front and side yard in lieu of the permitted rear yard and side yard 8 feet to the rear of a lateral projection of the front foundation line.

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.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gc
cc: Mr. & Mrs. Sparenberg
File

Regarding: Aubrey T. Sparenberg
Janice I. Sparenberg
5935 Sunset Ave. #130
Bldg. rd. 21207
Appt. 2/7/90 90-264-A

To Whom It May Concern:

I'd like to indicate that the improvements being done to the home located at 5935 Sunset Ave. across the street from us, is not pleasing and desirable. The home prior to the new owners, was in real bad condition, unightly and in real need of repairs. From what I can see, the major improvements are energy conscious projects that include insulation, new thermal windows, doors, a new windbreaking foyer, as well as new siding. These improvements seem to be necessary, and if the type a home owner would have to and cooling. Additionally, these improvements upgrade the home to a level commensurate with other dwellings in this neighborhood and is good for the community. It is to be that other home owners in the area don't improve the condition of their property in a similar manner.

Sincerely,
Delia Kuhn
Charles E. Kuhn
5930 SUNSET AVE
BALTO. MD. 21207

CERTIFICATE OF PUBLICATION

December 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 6, 1989.

CATONSVILLE TIMES
S. Zeke Olson
Publisher

PETITIONER(S) EXHIBIT 4

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 Olson
Publisher

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

receipt

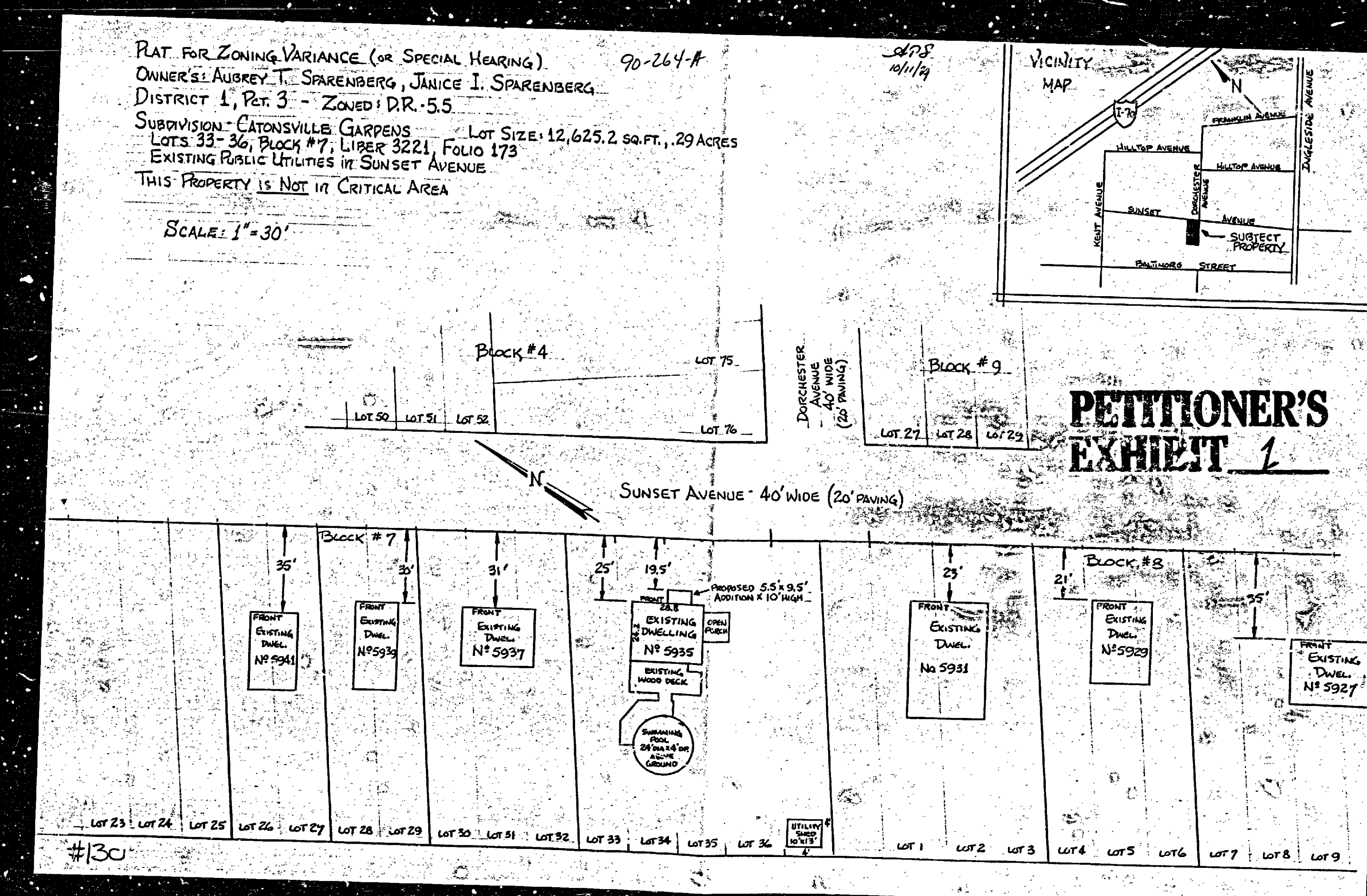
Account R-001-6150
Number 759
70-264-A

DATE: 12-1-89

NAME OF OWNER: SPAREMBERG

PUBLIC HEARING FEES	QTY	PRICE
880 - POSTING SIGNS / ADVERTISING 1 X		\$92.35
TOTAL		\$92.35

8 124*****9235:8 2025
Please make checks payable to Baltimore County



Regarding: Aubrey T. Sparenberg
 Dennis J. Sparenberg
 5935 Sunset Ave.
 Balto. MD 21207
 Sept 27, 1989

To Whom It May Concern:

I'd like to indicate that the improvements being done to the house located at 5935 Sunset Ave. across the street from us, is not planned and desirable. This house, prior to the new owners, was in real bad condition, unsightly and in need of repair. From what I can see, the major improvements are such as new windows, doors, a new windbreaking foyer, as well as new siding. These improvements seem to be necessary, and if the type of home owner would have to make in order to reduce the cost of heating and cooling. Additionally, these improvements upgrade the house to a level consistent with other dwellings in this neighborhood and is good for the community. It is too bad other home owners in the area don't improve the condition of their property in a similar manner.

**PETITIONER'S
 EXHIBIT 3**

Sincerely,

Delvin K. Kurler
 Charles C. Kurler
 5930 SUNSET AVE
 BALTO. MD 21207

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 20, 1989

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

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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

Mr. & Mrs. Aubrey T. Sparenberg
 5935 Sunset Avenue
 Baltimore, MD 21207

RE: Item No. 130, Case No. 90-264-A
 Petitioner: Aubrey T. Sparenberg, et ux
 Petition for Zoning Variance

Dear Mr. & Mrs. Sparenberg:

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 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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner

DATE: December 12, 1989

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

SUBJECT: Aubrey T. Sparenberg, et ux, Item 130
 Zoning Petition No. 90-264A

The Petitioners request a variance to front yard setback requirements.

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 12 1989

Baltimore County
 Fire Department
 800 York Road
 Towson, Maryland 21204-2586
 (301) 887-4500
 Paul H. Reincke
 Chief

OCTOBER 19, 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: AUBREY T. SPARENBERG

Location: #5935 SUNSET AVENUE

Item No.: 130 Zoning Agenda: OCTOBER 24, 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*, 10-20-89
 Planning Group
 Special Inspection Division

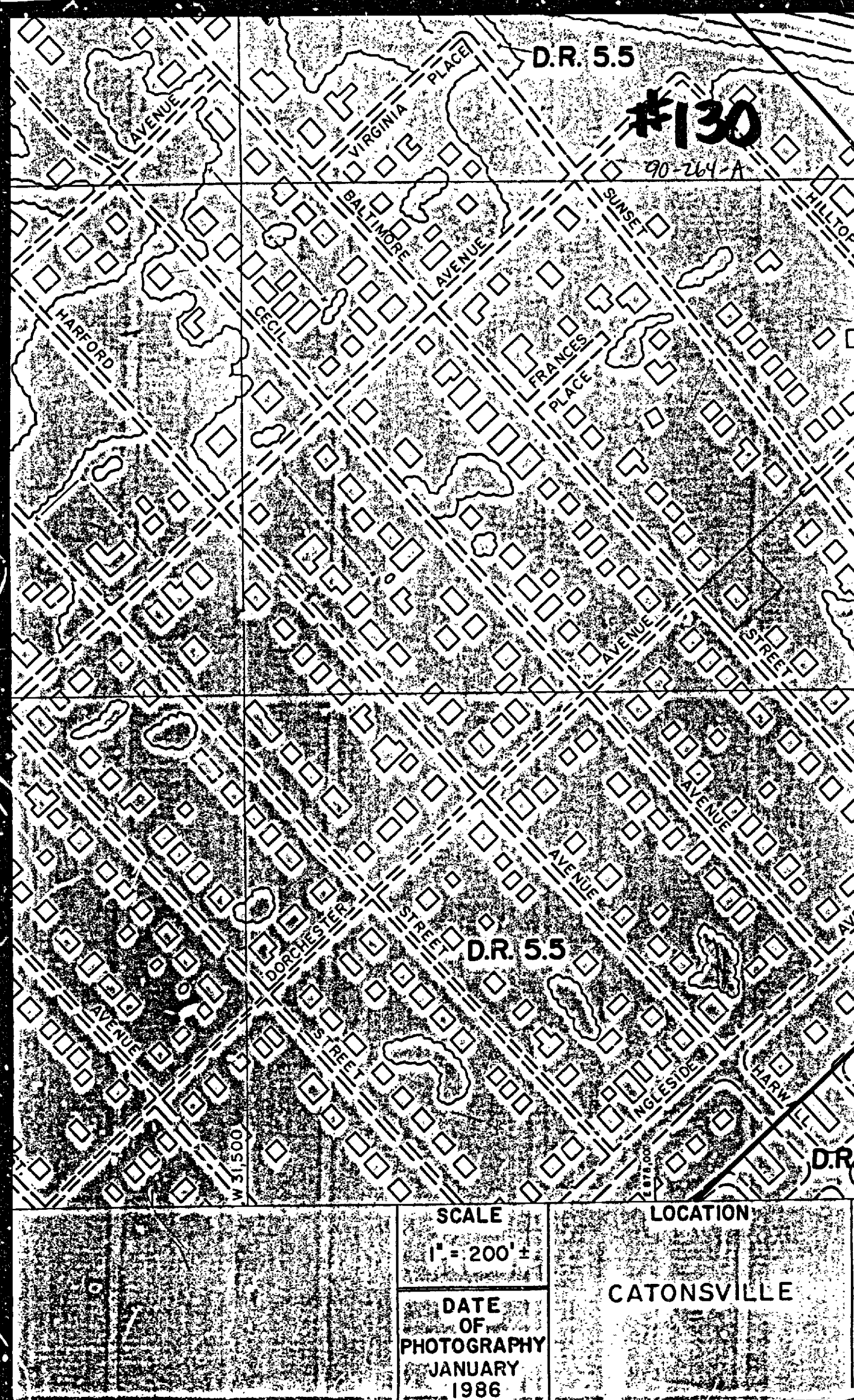
Noted and

Approved

Capo Wm Brink
 Fire Prevention Bureau

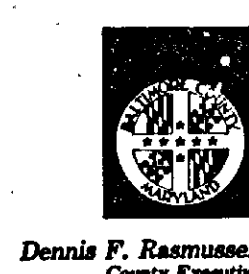
JK/KEK

00 24 000



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
 24th day of October, 1989.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Received By:

James E. Dyer
 Chairman,
 Zoning Plans Advisory Committee

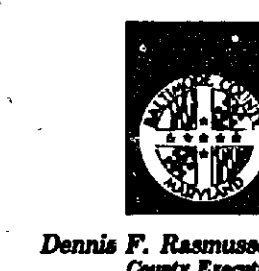
Petitioner: Aubrey T. Sparenberg, et ux

Petitioner's Attorney:

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

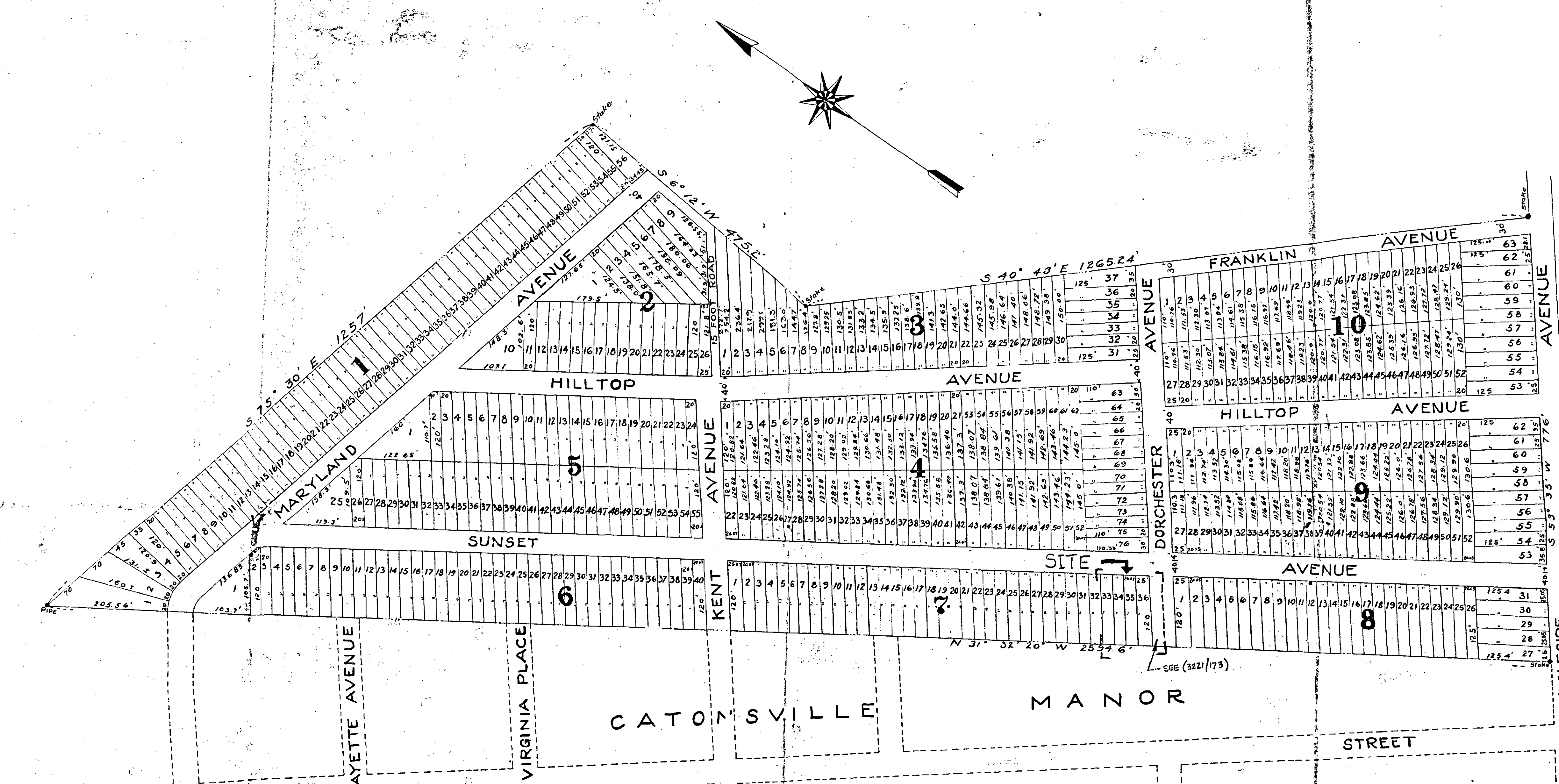
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number 129 and #130.

Very truly yours,

Michael S. Flanagan
 Michael S. Flanagan,
 Traffic Engineer Associate II

MSF/lab



"THE THRIFT SUBURB" CATONSVILLE GARDENS

Surveyed & Laid Out By
J. Spence Howard
Civil & Landscape Engr. Baltimore, Md.
Scale 1 in = 100 ft. June, 1918.

NOTE:
ALL LOTS 20 FT.
UNLESS OTHERWISE NOTED.

Plat accompanying
mortgage from
Inter City Land Company
to
Richard Sullivan
Filed for Record October 4, 1918.
Jm. P. Cole.
Clerk

PETITIONER'S
EXHIBIT 2

90-264-A

Item #130