

IN RE: PETITION FOR ZONING VARIANCE
N/S River Drive Road, 615' W
of the c/l of Ella Avenue
(7225 River Drive Road)
15th Election District
7th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Michael H. Yeager, Jr., et ux
Petitioners

* Case No. 90-276-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet each in lieu of the required 10 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Michael H. Yeager, Jr., appeared and testified. Also appearing on behalf of the Petition was Jason Sandbek, Contract Purchaser. There were no Protestants.

Testimony indicated that the subject property, known as 7225 River Drive Road, consists of 9,210 acres zoned D.M. 5.5, and is presently unimproved. Said property, which is located within the Chesapeake Bay Critical Areas near Lynch Point, is a 50-foot wide lot recorded as part of the Edgemere/Lynch Point subdivision in April, 1926. Testimony indicated that Mr. Yeager purchased the subject property approximately 15 years ago with the intention of giving it to his daughter, Lisa Ann Sandbek. Petitioner owns no adjoining property on either side of the subject site. Testimony indicated that Mr. Yeager's daughter and son-in-law propose constructing a single family dwelling on the subject property. However, as a result of the property not meeting the required minimum lot width of 55 feet, the requested variance is necessary. Petitioners testified the development of the 50-foot wide lot is compatible with the neighborhood.

compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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.

THHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 10th day of January, 1990 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet each in lieu of the required 10 feet for a proposed dwelling 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.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 28, 1989, attached hereto and made a part hereof.

A. H. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-276-A

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 1902.3.C.1 -- To allow a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet each in lieu of the required 10 feet.

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

To be discussed @ meeting

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 swear and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Jason Sandbek

(Type or Print Name)

Jason Sandbek

Signature

3418 E. Lombard St.

Address

Baltimore, Md.

City and State

Signature

Address

City and State

Attorney's Telephone No.:

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 10th day of Jan, 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 the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 10th day of Jan, 1990, at 2:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING (1/2HR) + (15MIN)

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT 120 MONTHS

ALL OTHER

REVIEWED BY: *CAH* DATE: 10/2/90

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

J. Robert Haines
Zoning Commissioner

DATE 1-4-90

Re: Jason Sandbek
3418 E. Lombard Street
Baltimore, Maryland 21224

Re: Petition for Zoning Variance
CASE NUMBER: 90-276-A
N/S Riverdrive Road, 615' W of c/l of Ella Avenue
7225 Riverdrive Road
15th Election District - 7th Councilmanic
Legal Owner(s): Michael H. Yeager, Jr. & Lisa A. Sandbek
Contract Purchaser: Jason Sandbek
HEARING: WEDNESDAY, JANUARY 10, 1990 at 9:30 a.m.

Dear Mr. Sandbek:

Please be advised that \$118.57 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

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 887-3351 to confirm hearing date.)

With respect to the side yard variances requested, testimony indicated that Mr. Sandbek discussed his plans with the adjoining property owners who asked that he design the proposed dwelling in such a manner that the entrance would be to the front of River Drive Road rather than from either side. Petitioners testified that both the adjoining property owners have indicated their support of the requested variances and introduced a letter of consent from Gary and Susan Gephart, adjoining residents of 7221 River Drive Road. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community and that Petitioners will comply with the requirements of the Critical Areas legislation.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore 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.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay

Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon condition or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is

#142

CRITICAL AREA
90-276-A

ZONING DESCRIPTION

Beginning at a point on the NORTH side of Riverdrive Road 40 feet wide at the distance of 615 feet plus or minus west of the center line of the nearest improved intersecting street - Ella Avenue, which is 40 feet wide. "Being Lot No. 20, Block "E" in the sub-division of Lynch Point as recorded in Baltimore County Plat Book No. W.P.C.-5, Folio 38, containing 9,210 square feet plus or minus. 0.21 acres plus or minus. Also known as 7225 Riverdrive Road and located in the 15th Election District.

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

J. Robert Haines
Zoning Commissioner

December 5, 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 109 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-276-A
N/S Riverdrive Road, 615' W of c/l of Ella Avenue
7225 Riverdrive Road
15th Election District - 7th Councilmanic
Legal Owner(s): Michael H. Yeager, Jr. & Lisa A. Sandbek
Contract Purchaser: Jason Sandbek
HEARING: WEDNESDAY, JANUARY 10, 1990 at 9:30 a.m.

Variance to allow a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet each in lieu of the required 10 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, maintain 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 887-3351 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

CRITICAL AREA
90-276-A

VICINITY MAP

PLAT FOR ZONING VARIANCE

OWNER - MICHAEL H. YAGER JR. AND LISA ANN SANDBEK
EX. PUBLIC UTILITIES IN RIVER DRIVE

EX DWELLING No. 7227 2-STORY

FRONT

PROPOSED DWELLING 42' x 28' 2-STORY

FRONT

EX DWELLING No. 7221 1-STORY

FRONT

LOT SIZE: 2,210 SQ. FT.

DRIVE (40' R.W.) 30' (PRIVATE)

RIVER (40' R.W.)

TO ELBANE

IRON PIPE (FD)

IRON PIPE (FD)

PETITIONER'S EXHIBIT

THIS IS TO CERTIFY That the Improvements Located Hereon Are Located As Shown. This Is Not A Line Survey And Should Not Be Used As Such.

This Property is in the Critical Area

LYNCH POINT SUBDIVISION
LOT 20, Block P, L. 8141 F. 286
DISTRICT 15 ZONED DR. 5.5

PLAT Book P Folio 33

DATE: 10-20-89 SCALE: 1" = 20' FILE:

CERTIFICATE OF PUBLICATION

December 14, 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 successive weeks, the first publication appearing on Dec 13, 1989.

THE JEFFERSONIAN
NORTHEAST TIMES BOOSTER and
NORTHEAST TIMES REPORTER

S. Zabe Orlean
Publisher

receipt

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

Account # 0014130
Number 932

90-276-A

1/10/90

PUBLIC HEARING FEES \$118.57
080 - POSTING SIGNS / ADVERTISING \$118.57
TOTAL \$118.57

LAST NAME OF OWNER: YAGER, JR.

0 D18*****1185718 51087

Please make checks payable to Baltimore County

CRITICAL AREA
90-276-A

October 18, 1989

To whom it may concern:

We, Mr. & Mrs. Gary Gebhart, home owners of 7221 Riverdrive Road, Lot #19, Block "P" of Baltimore County, Maryland 21204, have discussed a variance in the zoning with Mr. Sandbek on 7223 Riverdrive Road Lot #20, Block "P" of Baltimore County for the construction of their residential home.

The variance in zoning which Mr. Sandbek and myself with my wife have discussed, was of the setting of his house on a five foot set back of our shared property line dividing Lot #19, Block "P" and Lot #20, Block "P".

After discussing the variance in zoning for Mr. Sandbek's house. My wife & I, Mr. & Mrs. Gary Gebhart believe that it would be best for ourselves and the entire neighborhoods appearance that Mr. Sandbek's house be positioned in the manner in which he has requested.

With no regrets from myself, Mr. Gebhart or my wife, Mrs. Gebhart, we would very much appreciate that Baltimore County approve Mr. Sandbek's request for his variance in zoning for a five foot set back on the sides of Mr. Sandbek's house.

Thank you,
Gary E. Gebhart
Susan C. Gebhart
Mr. & Mrs. Gary Gebhart

PETITIONER'S EXHIBIT 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: November 28, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 142
Yager/Sandbek Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located on Lot 20 of the Lynch Point Subdivision on River Drive Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. Michael H. Yager, Jr. and Ms. Lisa Ann Sandbek

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to allow a lot width of 50 feet in lieu of the required 55 feet and side yard setbacks of 5 feet each in lieu of the required 10 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

COMAR 14.15.10.01.00

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Receipt FEE

Date Number TYPE Identification Number Council District Election District Zip Code

201431011924601114211521211

Petitioner: Sandbek + Yager

Property Address: 7225 River Rd (Mumber) (Buser) 21219

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1529 Date of Posting: 12/5/89

Posted for: Variance

Petitioner: Michael H. Yager, Jr. & Lisa Ann Sandbek

Location of property: 7225 River Drive Rd, 613' N of Elk Rd.

Location of Signs: Facing Riverdrive Rd, approx. 15' ft. for driveway, etc.

Remarks: [Signature]

Posted by: [Signature]

Number of Signs: 1

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

J. Robert Haines
Zoning Commissioner

January 22, 1990

Mr. Michael H. Yager, Jr.
3418 E. Lombard Street
Baltimore, Maryland 21224

RE: PETITION FOR ZONING VARIANCE
N/S River Drive Road, 613' W of the c/l of Ella Avenue
(7225 River Drive Road)
15th Election District - 7th Councilmanic District
Michael H. Yager, Jr., et al - Petitioners
Case No. 90-276-A

Dear Mr. Yager:

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
Deputy Zoning Commissioner
for Baltimore County

cc: People's Counsel
File
Chesapeake Bay Critical Areas Commission
Times State Office Building, D-4, Annapolis, Md. 21404
DEPRM

Memo to Mr. J. Robert Haines
November 28, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Findings: The property is located approximately 175 feet from the tidal waters of Back River. Therefore, the proposed development will not disturb the 100 foot buffer.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Findings: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "No development and related impervious within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." (Baltimore County Code Sec. 22-216)

Findings: In order to comply with the above regulation, the runoff shall be directed through downspouts and into catch basins or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice for evaluating compliance with the 10% Rule in the Chesapeake Bay Critical Area.

CONCLUSION

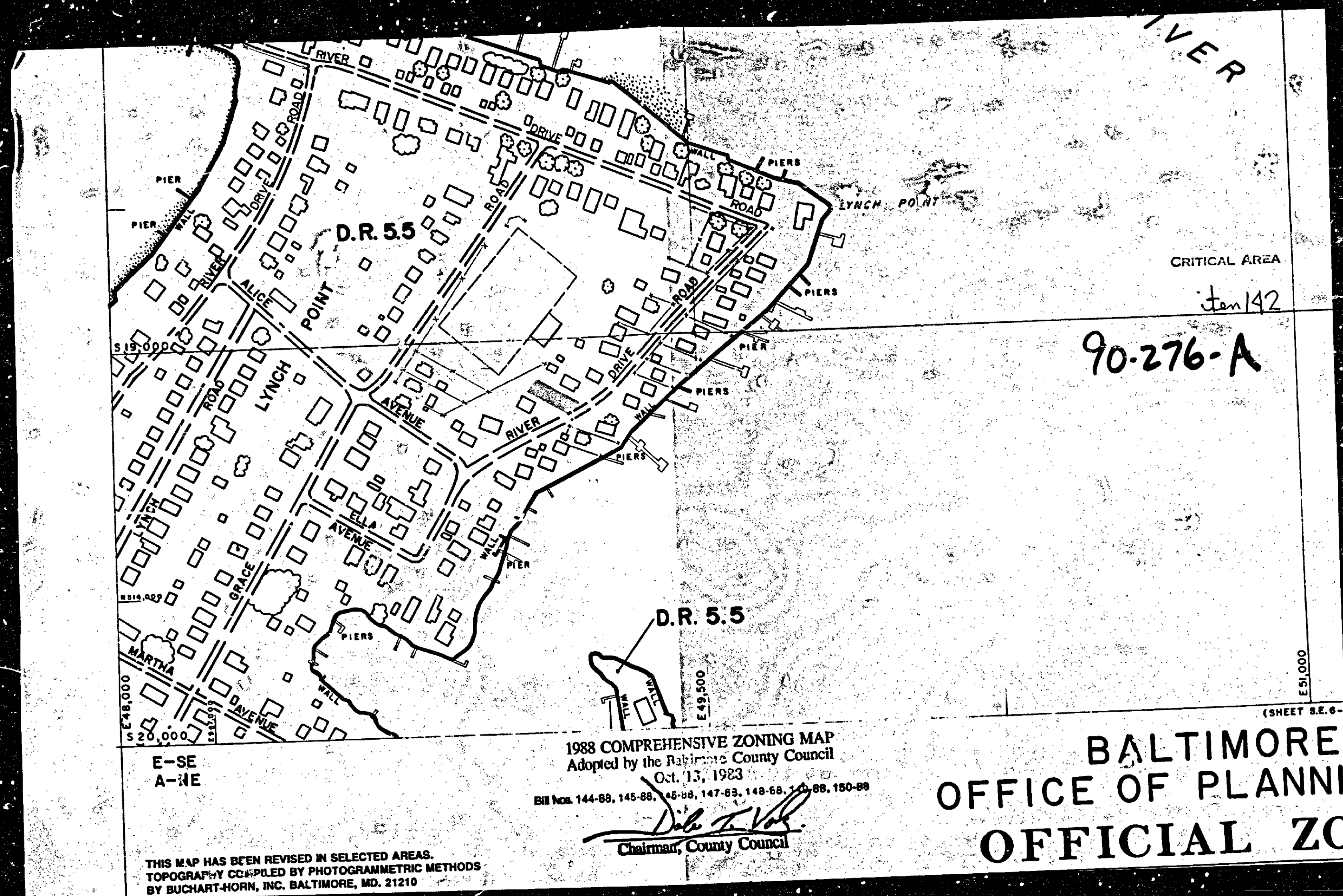
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Director
Department of Environmental Protection
and Resource Management

RWS:KWI:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lausenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
1st day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael H. Yeager, et ux
Petitioner's Attorney:

October 18, 1989

90-276-A

CRITICAL AREA

To whom it may concern:

Mr. & Mrs. Edward J. Yeager, home owners of 7223 Riverdrive Road, Lot #20, Block "P" of Baltimore County, Maryland 21204, have discussed a variance in the zoning with Mr. Sandbek of 7223 Riverdrive Road Lot #20, Block "P" of Baltimore County for the construction of their residential home.

The variance in zoning which Mr. Sandbek and myself with spouse have discussed, was of the cutting of his house on a five foot set back of our shared property line dividing Lot #20, Block "P" and Lot #21, Block "P".

After discussing the variance in zoning for Mr. Sandbek's house. My wife & I, Mr. & Mrs. Edward J. Yeager believe that it would be best for ourselves and the entire neighborhoods appearance that Mr. Sandbek's house be positioned in the manner in which he has requested.

With no regrets from myself, Mr. Yeager, or my wife, Mrs. Yeager, we would very much appreciate that Baltimore County approve Mr. Sandbek's request for his variance in zoning for a five foot set back on the sides of Mr. Sandbek's house.

Thank you,

Edward J. Yeager
Mr. & Mrs. Edward J. Yeager

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 28, 1989

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

Mr. & Mrs. Michael H. Yeager, Jr.
3418 E. Lombard Street
Baltimore, MD 21224

RE: Item No. 142, Case No. 90-276-A
Petitioner: Michael H. Yeager, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Yeager:

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 comments are 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 WINTARSKI. 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

cc: Mr. Jason Sandbek
3418 E. Lombard Street
Baltimore, MD 21224

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(801) 887-4500

Paul H. Reinde
Chief

Dennis F. Rasmussen
County Executive

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

RE: Property Owners: Michael H. Yeager, Jr. & Lisa Sandbek
Location: N/S Riverdrive Road
Item No.: 142 Zoning Agenda: 10/31/89

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: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 15, 1989

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

SUBJECT: Jason Sandbek, Item 142
Zoning Petition No. 90-276

The Petitioner is requesting a variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side, and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build "shotgun" homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Lee in the Office of Planning at 887-3211.

PK/JL/cmm