

IN RE: PETITION FOR ZONING VARIANCE
 N/S Vincent Farm Lane, 175' E
 of Pine Hill Drive
 15th Election District
 5th Councilmanic District
 Adam E. Paul, Sr., et ux
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-316-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a minimum lot width of 99 feet in lieu of the required 100 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, Sarah F. Paul (formerly Gambrell) and Adam E. Paul, Sr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property consists of two lots containing 21,025 sq. ft. total zoned R.C. 3. Said property is part of the Gambrell Vincent Farm subdivision which was owned by Petitioner and her first husband. Petitioner testified she previously resided on the adjoining property known as 10406 Vincent Farm Lane which is currently occupied by relatives. Testimony indicated that over the years Petitioner has sold all of the property with the exception of two lots, identified as Lots A and B on Petitioner's Exhibit 1 for clarity, for the purposes of constructing a new home. Petitioner testified that she did not realize the two remaining lots did not meet lot width requirements until she applied for a building permit and would have kept one foot of the adjoining lot sold. Testimony and evidence presented indicated that there is no other adjacent land available. Testimony further indicated that the relief requested is minimal and will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 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 requested variance should be granted.

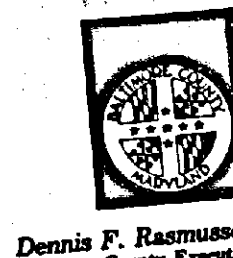
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of February, 1990 that the Petition for Zoning Variance to permit a minimum lot width of 99 feet in lieu of the required 100 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, 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 such 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) There shall be no variances requested from front, rear or side yard setback requirements for the proposed dwelling.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 97-3353
 J. Robert Haines
 Zoning Commissioner

February 21, 1990



Mr. & Mrs. Adam E. Paul, Sr.
 4404-B Ocean Pines
 Berlin, Maryland 21811

RE: PETITION FOR ZONING VARIANCE
 N/S Vincent Farm Lane, 175' E of Pine Hill Drive
 15th Election District - 5th Councilmanic District
 Adam E. Paul, Sr., et ux - Petitioners
 Case No. 90-316-A

Dear Mr. & Mrs. Paul:

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 Redcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs
 cc: People's Counsel
 File

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-316-A

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 1802.3.C.1 - To allow 99 foot minimum lot width in lieu of 100 foot in a D.R.-2 zone.

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

1. Undue Hardship
 (i) We signed a contract to purchase a condo at Waterford in Essex and we need the proceeds to complete the purchase. Sale of the property depends on a variance being granted. Our agent has a contract pending.
 (ii) This property was originally zoned DR 2. The development of Gambrell's Vincent Farm has been built out except for this lot. The zoning change made this lot unbuildable.

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:
 (Type or Print Name) Adam E. Paul, Sr.
 Signature: Adam E. Paul, Sr.
 Address: Sarah F. (Gambrell) Paul
 City and State: 4404 B Ocean Pines (301) 641-8404
 Attorney for Petitioner:
 (Type or Print Name) 4404 B Ocean Pines (301) 641-8404
 Address: Berlin, Maryland 21811
 City and State: Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 Adam E. & Sarah F. (Gambrell) Paul
 4404 B Ocean Pines (301) 641-8404
 Attorney's Telephone No.: 4404 B Ocean Pines (301) 641-8404

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of February, 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, the 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 28th day of February, 1990 at 3 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING: 1/2 HR. + TR.
 EVALUATES FOR HEARING: 1/2 HR.
 ALL INFORMATION - NEXT TWO BUSINESS DAYS
 REVIEWED BY: SDA DATE: 11-24-87

Page 2 #178
 90-316-A

(iii) The hardship was not caused by the applicant. It was created when the zoning was changed from DR 2 to RC 3.

2. Practical difficulty . . . the ordinance would prevent using the parcel as a building lot.
 (i) Strict enforcement of the ordinance would prevent using the parcel as a building lot.
 (ii) Since this is the only lot in Gambrell's Vincent Farm that would need a variance, allowing this lot to be used as a building lot would give relief.
 (iii) There is a fifty foot wide lot next door that is unimproved which allows a buffer zone between this property and the next door. Open space is maintained and density is not increased.

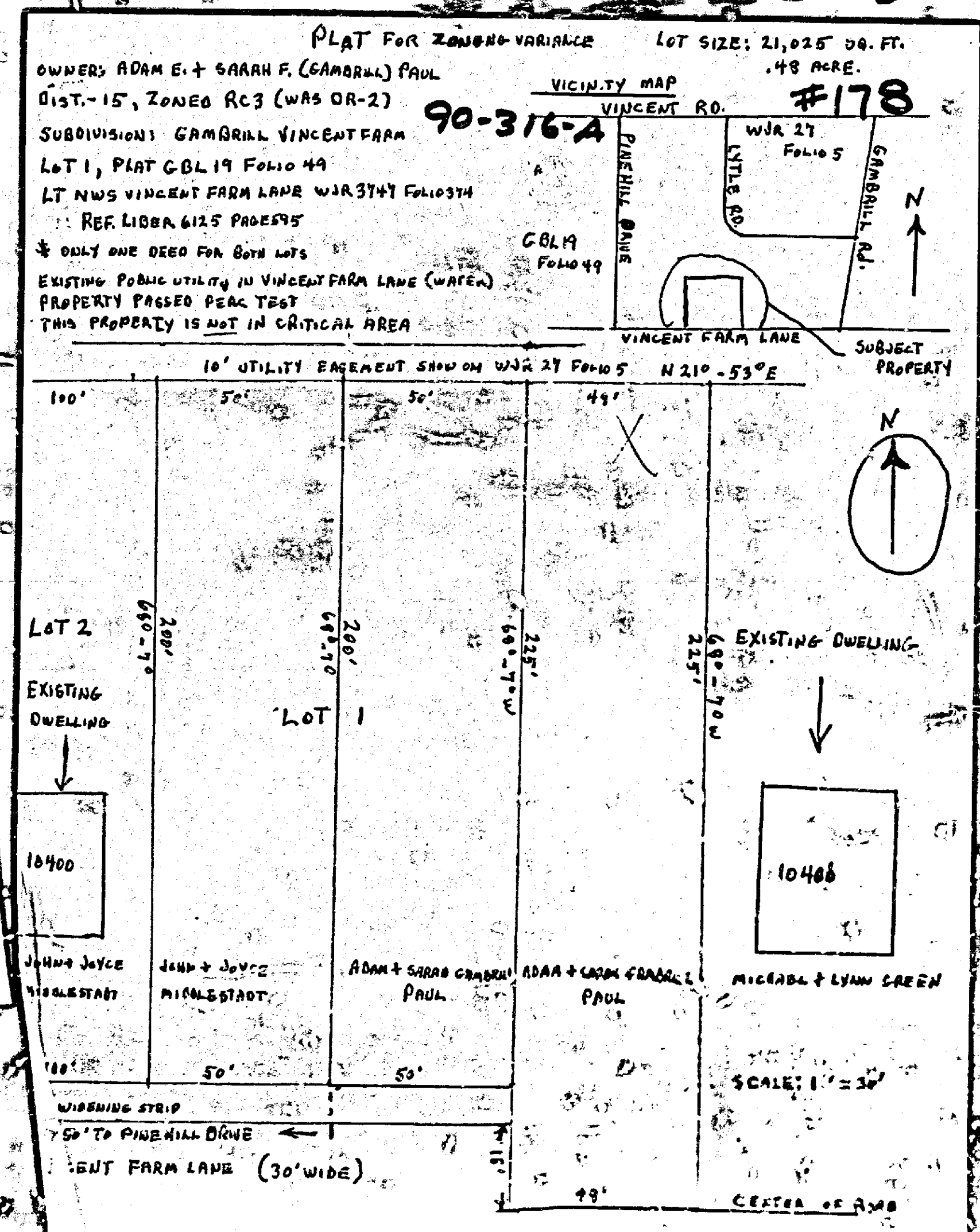
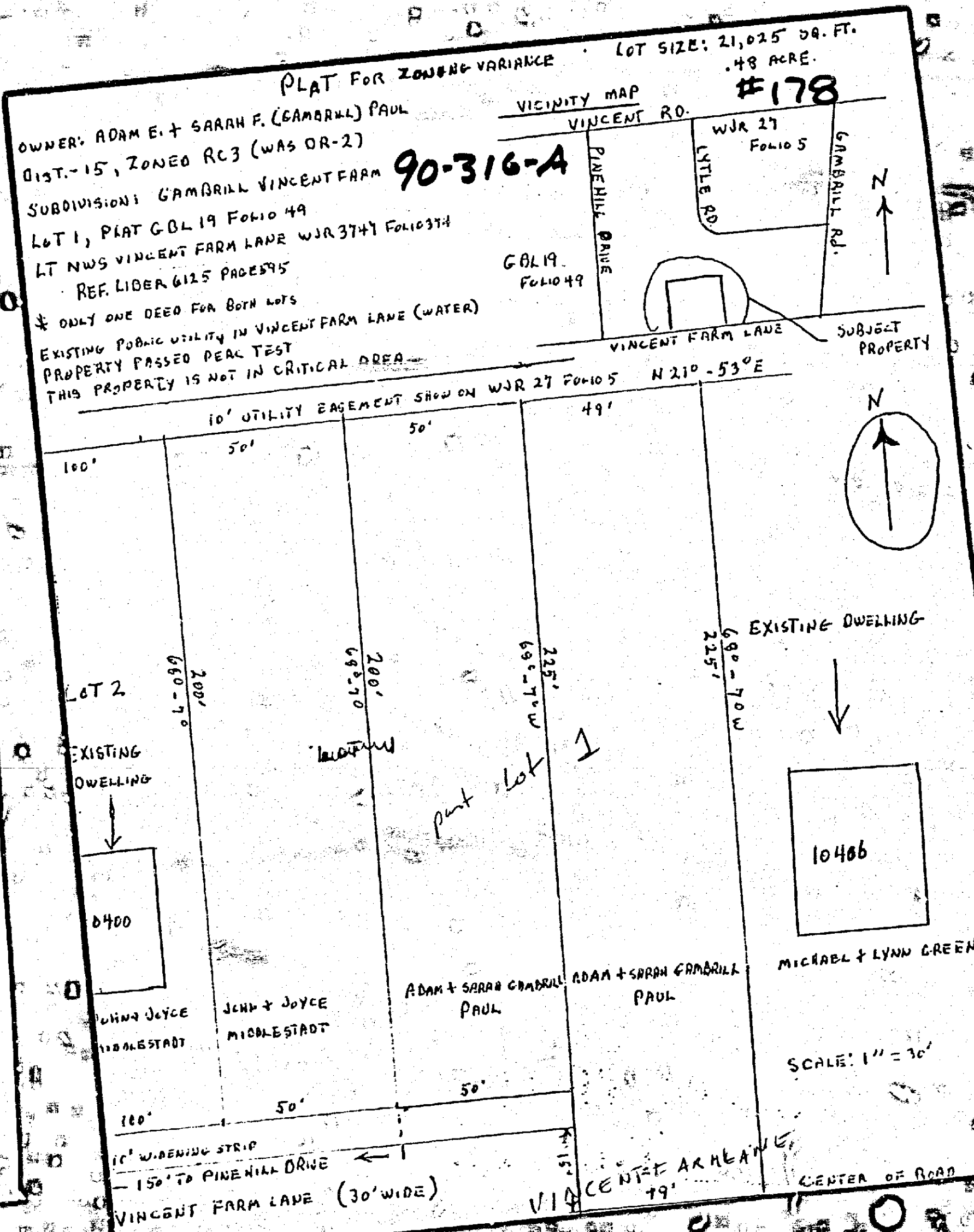
It is not our intention in requesting a variance to ask that the RC 3 zoning be changed for the whole area. We are sure that the change from DR 2 to RC 3 was made for a good reason. We only ask that we be able to use these lots for the purpose they were intended for under the DR-2 zoning.

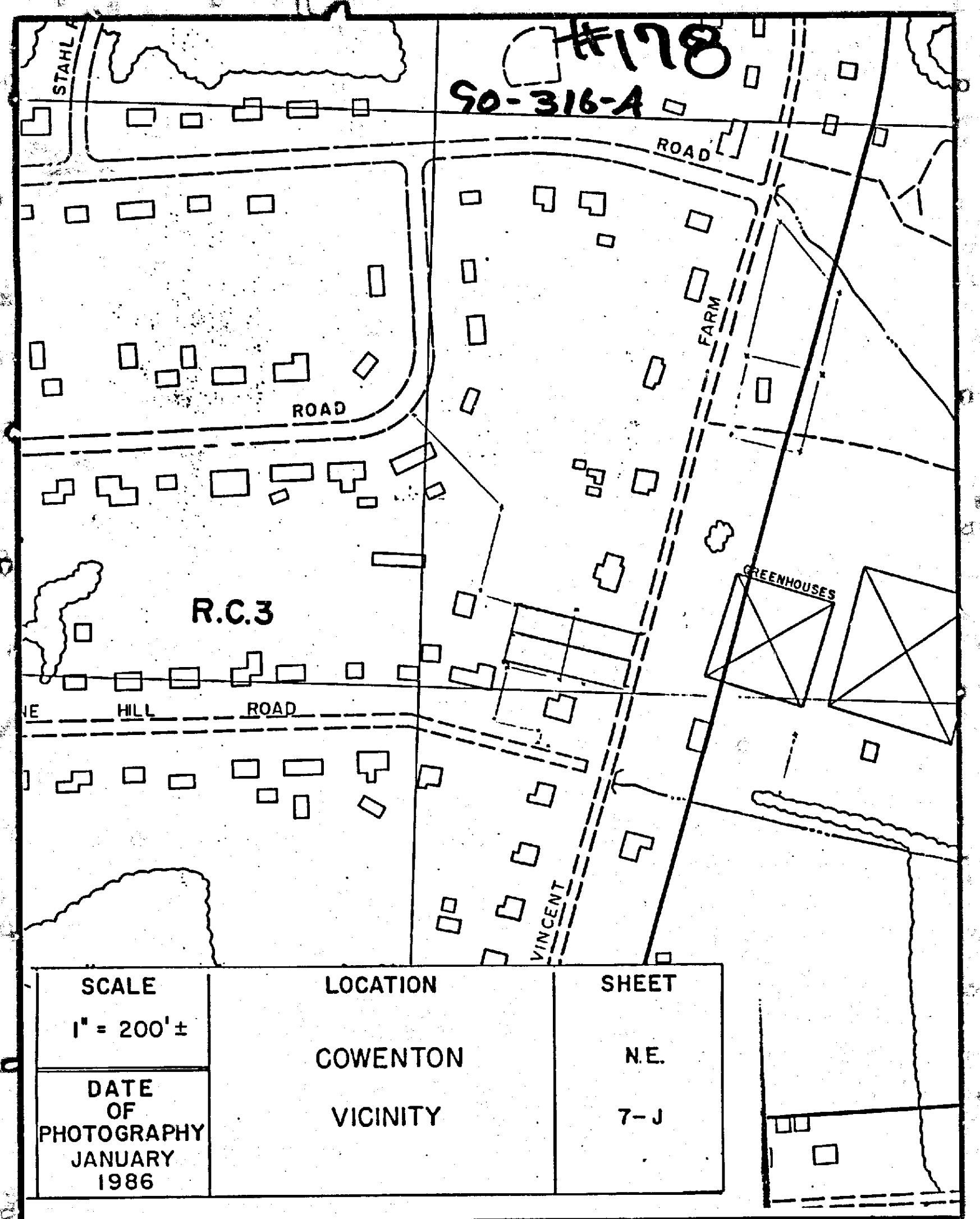
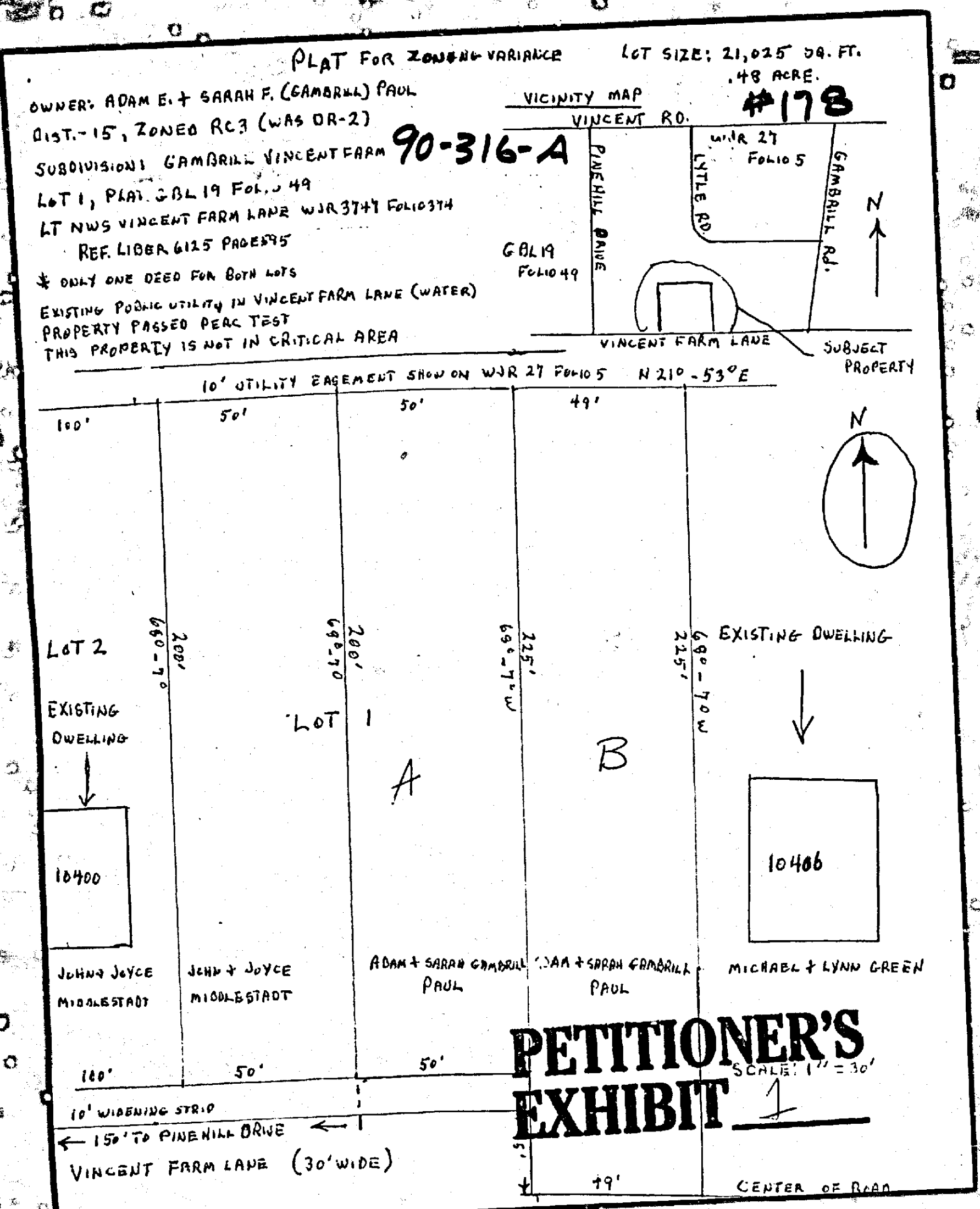
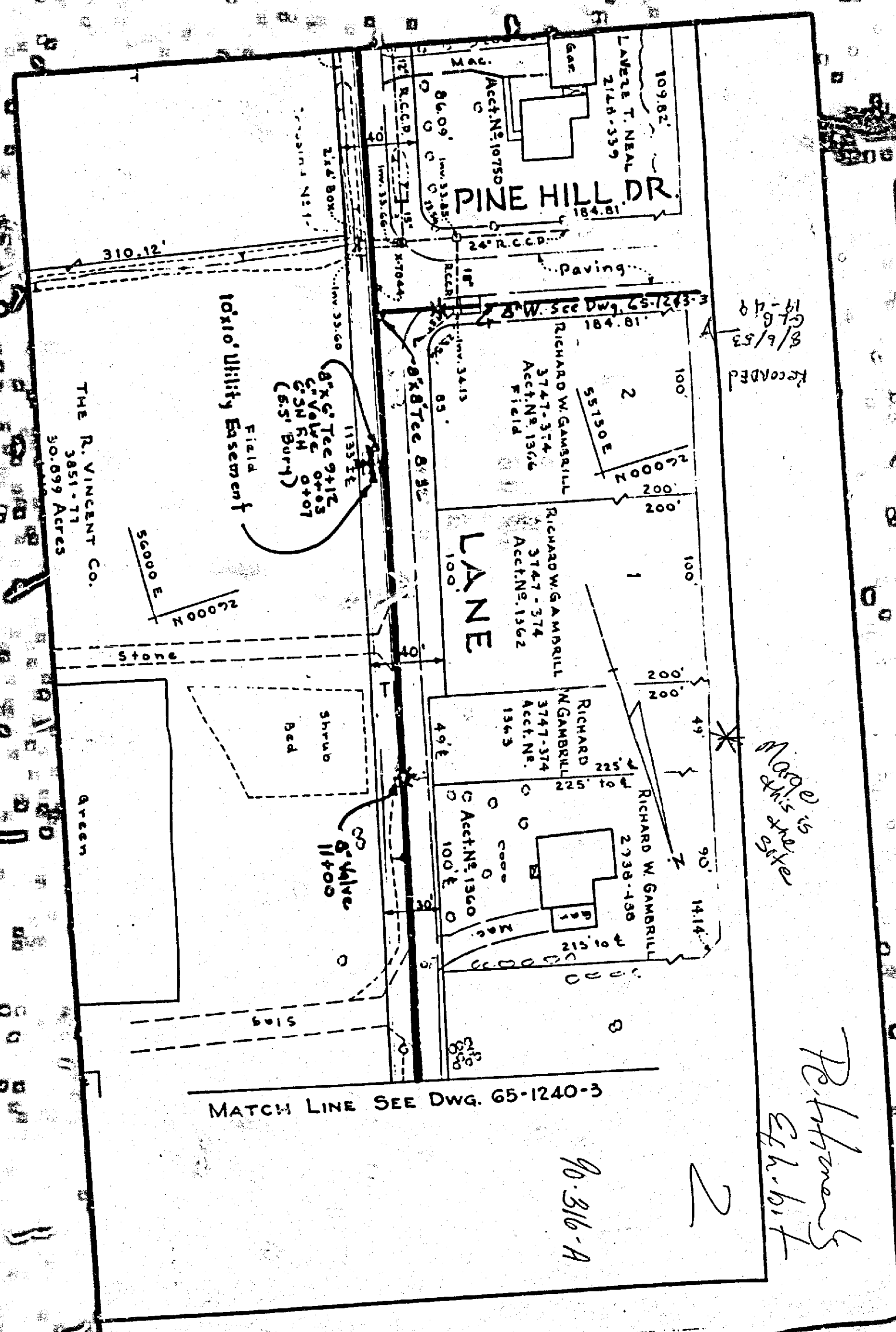
000g Description 90-316-A 178

Lot #1 Beginning at a point on the north side of Vincent Farm Lane which is thirty feet wide at the distance of 175 feet east of the nearest improved intersecting street Pinehill Drive which is fifty feet wide. Being lot #1, Plat 1 in the subdivision of Gambrell's Vincent Farm as recorded in the Baltimore County Plat book # GB 19, Folio # 49 containing 10,000 square feet. An unimproved lot located in the fifteenth Election District of Baltimore County, Maryland.

Lot #2 Beginning at a point on the north side of Vincent Farm Lane which is thirty feet wide at the distance of 225 feet east of the centerline of the nearest intersecting street Pinehill Drive which is fifty feet wide. Being Lot N/S Vincent Farm Lane as recorded in Baltimore County plat book Liber 6125, Page 595 containing 11,025 square feet. An Unimproved lot located in the fifteenth Election District of Baltimore, County, Maryland.

Both lots are recorded on one deed . . . Liber 6125, Page 595. Also refer to WJR 3747, Folio 374 which shows that Sarah F. (Gambrell) Paul has had continual ownership of these lots since August 26, 1960.





Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-3333

January 23, 1990

Mr. & Mrs. Adam F. Paul
4404 B Ocean Pines
Belin, MD 21811

RE: Item No. 178, Case No. 90-316-A
Petitioner: Adam F. Paul
Petition for Zoning Variance

Dear Mr. & Mrs. Paul:

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 informational will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing is scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTHROP. 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
Townson, Maryland 21284
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 8th day of December, 1989.

J. Robert Haines
Zoning Commissioner

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

Petitioner: Adam E. Paul, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

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

SUBJECT: Adam E. Paul, Sr., et ux, Item 178
Zoning Petition No. 90-316A

DATE: December 20, 1989

DEC 27 1989

The Petitioners requests a Variance to lot width 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

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

12/27/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Townson, Maryland 21204

Zoning Item # 178, Zoning Advisory Committee Meeting of December 5, 1989

Property Owner: Adam E. Paul, Sr. et ux
Location: N/S of Vincent Farm Ln, 175' E of Pinehill Dr, District: 15
Water Supply: metro Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal burner generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appliances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 667-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted. The results are valid until February 23, 1992.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others

PAUL MANN
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Fire Department
800 York Road
Townson, Maryland 21204-2586
(301) 887-4800

Paul H. Rotzko

December 4, 1989

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

RE: Property Owner: ADAM E. PAUL, SR.
Location: N/S OF VINCENT FARM LANE
Item No.: 178 Zoning Agenda: DECEMBER 5, 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.

7. The Fire Prevention Bureau has no comments at this time.

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

JK/KEK

BALTIMORE COUNTY, MARYLAND
 INTEROFFICE CORRESPONDENCE
 TO: Zoning Advisory Committee DATE: December 19, 1989
 FROM: Robert W. Bowling, P.E.
 RE: Zoning Advisory Committee Meeting
 December 5, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 171, 173, 174, 177 and 178.

For Item 172, the cover over the existing sewer is 7 feet to 8 feet and in adequate. Avoid damage to existing onsite manhole.

Robert Bowling
 ROBERT W. BOWLING, P.E. Chief
 Developers Engineering Division

RWB:s

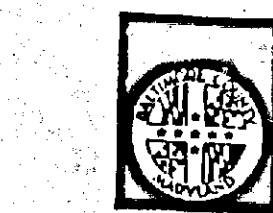
DEC 27 1989

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 837-3353

J. Robert Haines
 Zoning Commissioner

DATE 1-25-90

Adam E. Paul, Sr.
 Sarah F. Gambrell Paul
 44048 Down Pines
 Beltsville, Maryland 21011



Dennis F. Rasmussen
 County Executive

Re: Petition for Zoning Variance
 CASE NUMBER 90-316-A
 N/S Vincent Farm Lane, 175' E of Pine Hill Drive
 15th Election District - 5th Councilmanic
 Petitioner(s) Adam E. Paul, Sr. and Sarah F. Gambrell Paul
 HEARING: THURSDAY, FEBRUARY 8, 1990 at 3:00 p.m.

Dear Petitioners:

Please be advised that \$124.12 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 837-3391 to confirm hearing date.)

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th
 Date of Posting: 1/22/90
 Posted for: Variance
 Petitioner: Adam E. Paul, Sr. & Sarah F. Gambrell Paul
 Location of property: N/S Vincent Farm Lane, 175' E of Pine Hill Dr.
 Location of Sign: 15th Election District - 5th Councilmanic
 on property of Petitioner
 Remarks:
 Posted by: [Signature]
 Date of return: 1/24/90
 Number of Signs: 1

CERTIFICATE OF PUBLICATION
 Office of
 THE AVENUE NEWS

442 Eastern Blvd.
 Balto., MD. 21221
 January 11, 1990

THIS IS TO CERTIFY, that the annexed advertisement of

Adam E. Paul Sr and Sarah F. Gambrell Paul
 in the matter of Petition for
 Zoning Variance of N/S Vincent Farm La.
 175' E of Pine Hill Dr. Case # 90-316-A
 P.O. #0101088, Reg. # M38147.
 91 lines @ \$50.05

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for

successive week(s) before the 12 day of Jan. 19 90.

It is to say, the same was inserted in the issues of Jan. 11 19 90.

The Avenue Inc.
 per publisher

Diane Caldwell

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 103 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following:
 Petition for Zoning Variance Case Number 90-316-A
 N/S Vincent Farm Lane, 175' E of Pine Hill Drive
 15th Election District - 5th Councilmanic
 Petitioner(s) Adam E. Paul Sr. and Sarah F. Gambrell Paul
 HEARING DATE: THURSDAY, FEBRUARY 8, 1990 at 3:00 p.m.
 Variance to allow 90 foot minimum lot width in lieu of 100 ft. in a D.R.2 zone.
 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 appeal 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 "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 837-3391 to confirm hearing date.
 J. ROBERT HAINES
 Zoning Commissioner at Baltimore County
 Mar. 89

MARYLAND State Department of Assessments and Taxation

NOTICE OF ASSESSMENT

#178
 2

TOTAL ASSESSMENT	2,560
CHANGING VALUE	5,210
NEW VALUE	15,000
ADDITIONAL VALUE	11,970
NEW VALUE	15,000
ADDITIONAL VALUE	3,060
TOTAL ASSESSMENT	5,170
ADDITIONAL VALUE	2,450
TOTAL ASSESSMENT	7,620

NO. 56065	DATE OF OFFICE: 12:08:87	PROPERTY OWNER'S COPY: 07:01:88
PROPERTY NUMBER: 15 15 07 001041	MAR. BLOCK: 083	PARCEL: 07 06439
CARD NUMBER: 64679	AREA: 0125	FIELD: 0595
PROPERTY DESCRIPTION AND LOCATION: GAMBRIEL'S VINCENT FARM	LOT: 3000	BLOCK: 070019
ADDRESS: 44048 DOWN PINES	SECTION: 01	FIELD: 0595
PROPERTY TYPE: VINCENT FARM LA	RESIDENTIAL	

THIS IS TO NOTIFY YOU that the assessment for the taxable year ending above is based on the proposed full value of your property for the taxable year as determined by the State of Maryland. The proposed full value is based on the market value of your property as of January 1, 1990. The proposed full value is based on the market value of your property as of January 1, 1990. The proposed full value is based on the market value of your property as of January 1, 1990. The proposed full value is based on the market value of your property as of January 1, 1990.

49-11
CERTIFICATE OF PUBLICATION
 TOWSON, MD., January 11, 1990
 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 Jan 11, 1990.
 THE JEFFERSONIAN,
S. Zebe Nelson
 Publisher

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 837-3353
 J. Robert Haines
 Zoning Commissioner

December 19, 1989

NOTICE OF HEARING

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