

IN RE: PETITION FOR ZONING VARIANCE
 S/S of Cowl Court, 225'
 E/S Compass Road
 13 Cowl Court
 15th Election District
 6th Councilmanic District
 Parker E. Cook
 Petitioner

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-384-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C.1 to permit a side yard setback of 3.5 feet in lieu of 10 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Parker E. Cook appeared, testified and was represented by Norman R. Stone, Esquire. Appearing as a Protestant was Harry Meeks.

Testimony indicated that the subject property, known as 13 Cowl Court consists of 6,000 square feet +/-, zoned D.R.5.5 and is currently improved with a one story framed dwelling and accessory shed.

Mr. Cook testified that he purchased the subject property in April of 1978, and that the subject addition was then existing. Mr. Cook testified that when he purchased the home, he was never advised nor did he have any knowledge that the subject addition required a variance. He further indicated that he has made no improvements to his home other than removing two windows and placing vinyl siding over same for insulation purposes. Mr. Cook testified that he would suffer an undue hardship and practical difficulty should the requested variance be denied.

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

Mr. Meeks testified that he has been a resident of this community since prior to 1978, the year Mr. Cook purchased his home. Unclear at the hearing was why Mr. Meeks decided to wait approximately 20 years before contacting Baltimore County regarding Mr. Cook's alleged violation. Additionally, Mr. Meeks disputed, without the benefit of a survey plat, the property line separating his property and the petitioner's property.

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

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 By Mr. Stone

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 13th day of April, 1990 that the Petition for a Zoning Variance to permit a side yard setback of 3.5 feet in lieu of 10 feet, in accordance with Petitioner's Exhibit No. 1 is hereby GRANTED.

J. Robert Haines
 ZONING COMMISSIONER
 BALTIMORE COUNTY

JRH/wmn
 cc: Peoples Counsel
 cc: Protestant

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-384-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 permit a side yard setback of 3.5 feet in lieu of 10 feet.

I Bought this house in 1978 at that time the house was the way it is now. I did not add anything to this section of the house. It would have to tear this section of the house off and I don't have the money to do this because I am on disability. 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)
 Signature: _____
 Address: _____
 City and State: _____

Legal Owner(s): _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Attorney for Petitioner: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Attorney's Telephone No.: _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of April, 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 108, County Office Building in Towson, Baltimore County, on the 3rd day of April, 1990, at 3 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

ESTIMATED LENGTH OF HEARING - 1/2 HR.
 AVAILABLE FOR HEARING 10A-12P/1-3P/4-7P - HEAR TWO HEARINGS
 REVIEWED BY: J. Robert Haines DATE 1-20-90

SEE ZONING VIOLATION
 C 90-1105

245
 90-384-A
 BEGINNING AT A POINT ON THE SOUTH SIDE COWL COURT WHICH IS 60 FEET WIDE AT A DISTANCE OF 225 FEET EAST OF THE CENTER LINE OF THE NEAREST INTERSECTING STREET COMPASS ROAD WHICH IS 100 FEET WIDE BEING LOT #20 BLOCK 10 SECTION 1 IN THE SUBDIVISION OF VICTORY VILLA AS RECORDED IN BALTIMORE COUNTY PLAT BOOK GLB NUMBER 22 FOLIO 105 CONTAINING 5,940 SQUARE FEET ALSO KNOWN AS 13 COWL COURT AND LOCATED IN THE 15 ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

90-384-A

TO: James E. Dyer
 Zoning Supervisor
 February 7, 1990

FROM: James H. Thompson
 Zoning Enforcement Coordinator

RE: ~~90-237~~ 90-384-A
 Cook - Petitioner

Please note that the above subject case is an active violation case, 90-237, 13 Cowl Avenue.

When this matter is scheduled for a public hearing, please notify:

Harry Meeks
 17 Cowl Court
 Baltimore, Maryland 21220

JHT:ljs

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

February 20, 1990

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: 90-384-A
 S/S of Cowl Court, 225' E/S Compass Road
 13 Cowl Court
 15th Election District - 6th Councilmanic
 Petitioner(s): Parker E. Cook
 HEARING: TUESDAY, APRIL 3, 1990 at 3:00 p.m.

Variance to permit a side yard setback of 3.5 feet in lieu of 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, 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
 BALTIMORE COUNTY, MARYLAND

cc: Parker E. Cook
 File
 Harry Meeks

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

DATE 3/20/90



Dennis F. Rasmussen
 County Executive

Parker E. Cook
 13 Cowl Court
 Baltimore, Maryland 21220

Re: Petition for Zoning Variance
 CASE NUMBER: 90-384-A
 S/S of Cowl Court, 225' E/S Compass Road
 13 Cowl Court
 15th Election District - 6th Councilmanic
 Petitioner(s): Parker E. Cook
 HEARING: TUESDAY, APRIL 3, 1990 at 3:00 p.m.

Dear Mr. Cook:

Please be advised that \$107.92 is due for advertising and posting of the above captioned property.

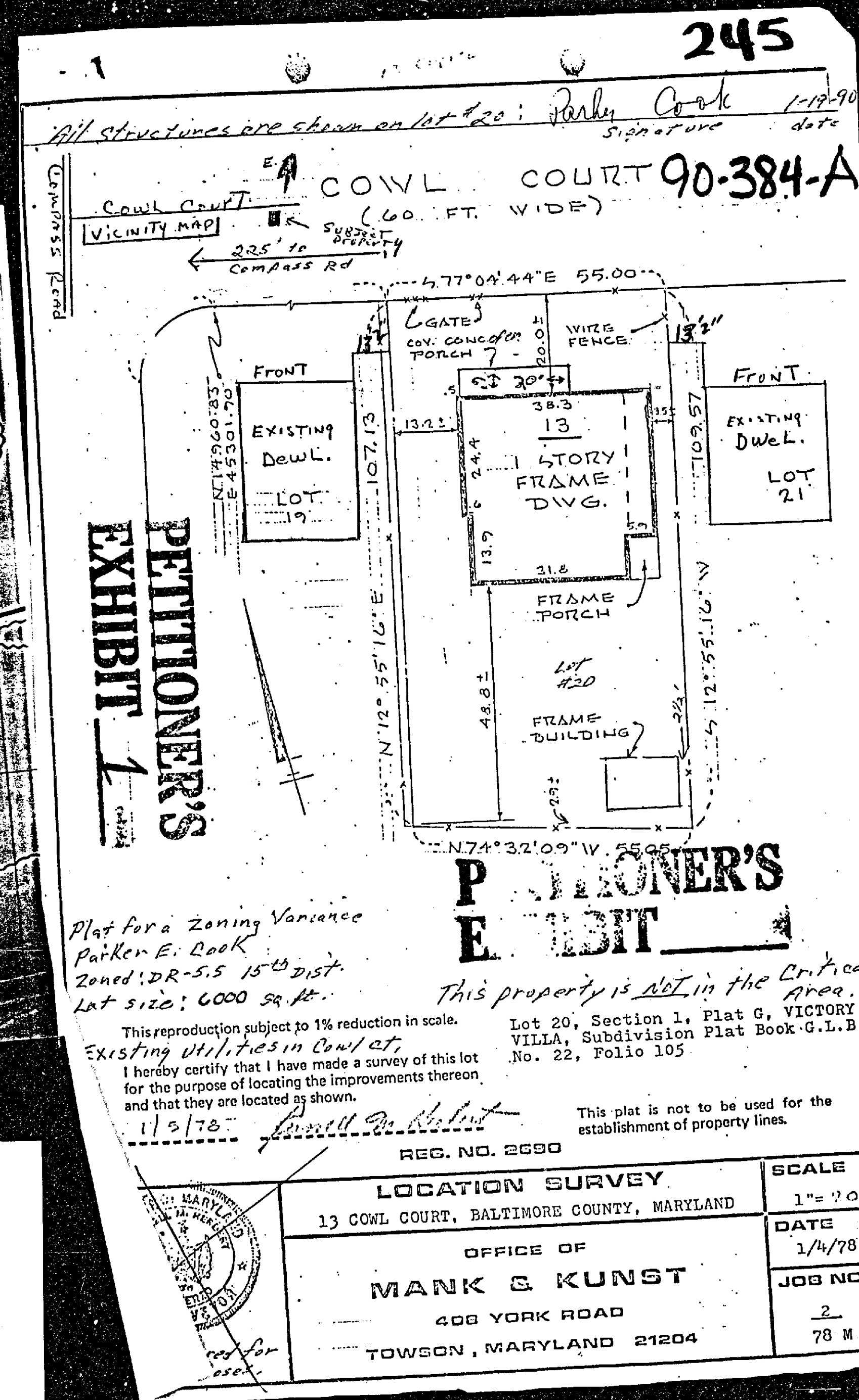
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

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
 ZONING COMMISSIONER

JRH:gs
 cc: File



Plat for a Zoning Variance
 Parker E. Cook
 Zoned: DR-5.5 15' Dist.
 Lot size: 6000 sq. ft.
 This reproduction subject to 1% reduction in scale.
 Existing utilities in Cowl Ct.
 I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon, and that they are located as shown.
 1/31/78
 This plat is not to be used for the establishment of property lines.
 REG. NO. 2690

LOCATION SURVEY		SCALE
13 COWL COURT, BALTIMORE COUNTY, MARYLAND		1" = 20'
OFFICE OF		DATE
MANK & KUNST		1/4/78
408 YORK ROAD		JOB NO.
TOWSON, MARYLAND 21204		2
		78 M

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

March 22, 1990

Mr. Parker E. Cook
 13 Cowl Court
 Baltimore, MD 21220

RE: Item No. 245, Case No. 90-384-A
 Petitioner: Parker E. Cook
 Petition for Zoning Variance

Dennis F. Rasmussen
 County Executive

Dear Mr. Cook:

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 NIEMARSKI. 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) 887-3333
 J. Robert Haines
 Zoning Commissioner

Dennis F. Rasmussen
 County Executive

Your petition has been received and accepted for filing this 21st day of February, 1990.

J. Robert Haines
 Zoning Commissioner

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

Petitioner: Parker E. Cook
 Petitioner's Attorney:

CERTIFICATE OF PUBLICATION
 Office of
THE AVENUE NEWS

1442 Eastern Blvd.
 Balto., Md. 21221

March 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Parker E. Cook in the matter of Petition for Zoning Variance of 13 Cowl Ct. Case # 90-384-A, Req. # M39863, P.O. # 0102786, 77 lines @.55 or \$42.35

was inserted in **The Avenue News** a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 9 day of March 1990; that is to say, the same was inserted in the issues of March 8, 1990

The Avenue Inc.
 per publisher
 By *Debbie 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 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following Petition for Zoning Variance: Case Number 90-384-A, 515 of Cowl Court, 225' x 515' Compass Road 13 Cowl Court, 15th Election District - 6th Condemnations.
 Petitioner(s): Parker E. Cook
 HEARING DATE: TUESDAY, Feb 13, 1990 at 2:00 p.m.
 Variance to permit a side yard setback of 3.5 feet in lieu of 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, attempt to review for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received by the office by the date of the hearing set above or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County Maryland

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

DATE: February 15, 1990

TO: J. Robert Haines
 Zoning Commissioner

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

SUBJECT: Parker E. Cook, Item 245

The Petitioner requests a Variance to permit a side yard setback of 3.5 in. in lieu of 10 ft.

In reference to the Petitioner's 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 Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 406
 Towson, Maryland 21204
 (301) 887-3554

March 9, 1990

Dennis F. Rasmussen
 County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 193, 241, 242, 243, 244, and 245.

Very truly yours,
 Michael S. Flanagan
 Michael S. Flanagan
 Traffic Engineer Assoc. II

MSF/lab

Baltimore County
 Department of Permits & Licenses
 111 West Chesapeake Avenue
 Towson, Maryland 21204
 (301) 887-3610
 Ted Zaleski, Jr.
 Director

FEBRUARY 8, 1990

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: PARKER E. COOK
 Location: #13 COWL COURT
 Item No.: 245 Zoning Agenda: FEBRUARY 20, 1990

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: *Carl J. Kelly 2-9-90* Noted and Approved
 Planning Group Captain *D. Frankel*
 Special Inspection Division Fire Prevention Bureau

JK/KEK

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

90-384-A

Date of Posting: 3/16/90

District: 1574
 Posted for: *Variance*
 Petitioner: *Parker E. Cook*
 Location of property: *815 Cowl Ct., 225' E.S. Comp. Rd. #4*
 Location of Sign: *Facing Road, across 15' from 100' & 100' property of Petitioner*
 Remarks: *M. Kelly*
 Posted by: *M. Kelly*
 Date of return: 3/23/90
 Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for February 20, 1990

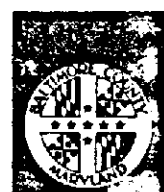
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 193, 224, 241, 242, 243, 244, and 245

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

RWB:s

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

April 12, 1990



Dennis F. Rasmussen
County Executive

Norman R. Stone, III, Esquire
Sutton, McCurdy and Stone, P.A.
2115 Old Dreams Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 90-384-A
Parker E. Cook

Dear Mr. Stone:

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 887-3191.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel
Petitioner
cc: Protestant

90-384A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Darryl Inaba</i>	17 CONL CT

90-384A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Petitioner PARKER COOK</i>	13 Conl Ct. 21220
<i>Att: Norman R. Stone III</i>	2115 Old Dreams Rd. 21220
<i>Sutton, McCurdy & Stone, P.A.</i>	

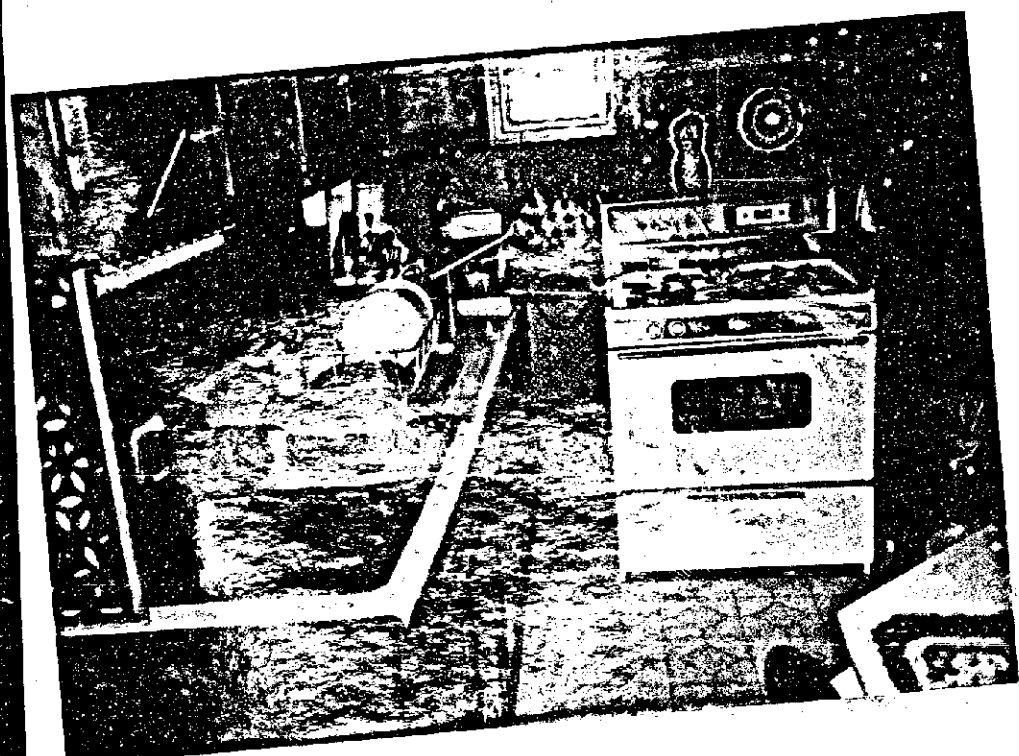
PETITIONER(S) EXHIBIT (3)

90-384A



PETITIONER(S) EXHIBIT (4)

90-384A



CERTIFICATE OF PUBLICATION

TOWSON, MD. March 8, 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 March 8, 1990.

THE JEFFERSONIAN,

S. Zebe Orlean
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described below at 11:15 AM on the date and at the address indicated below:
Petition for Zoning Variance
Case number: 90-384-A
2115 Old Dreams Rd.
13 Conl Ct.
13 Conl Ct.
1300 Clifton Heights
Baltimore, Maryland
Parker E. Cook
Hearing Date: Towson, April 3, 1990 at 3:00 pm.
Variation to permit a side yard setback of 15 feet as shown on the attached site plan.
In the event that the Petition is granted a determination may be made within the hearing that the proposed use is not a permitted use. In that event, the Zoning Commission may require a separate hearing on the proposed use. The proposed use shall be subject to the same conditions and restrictions as those set forth in the Zoning Ordinance. The proposed use shall be subject to the same conditions and restrictions as those set forth in the Zoning Ordinance.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3125 March 8



PETITIONER(S) EXHIBIT (2)

90-384A



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt

Account: R-001-6150
Number: 1987

90-384

Date:

4/08/90

M9000636

	QTY	PRICE
PUBLIC HEARING FEES		
080 -POSTING SIGNS / ADVERTISING	1 X	\$107.92
TOTAL:		\$107.92

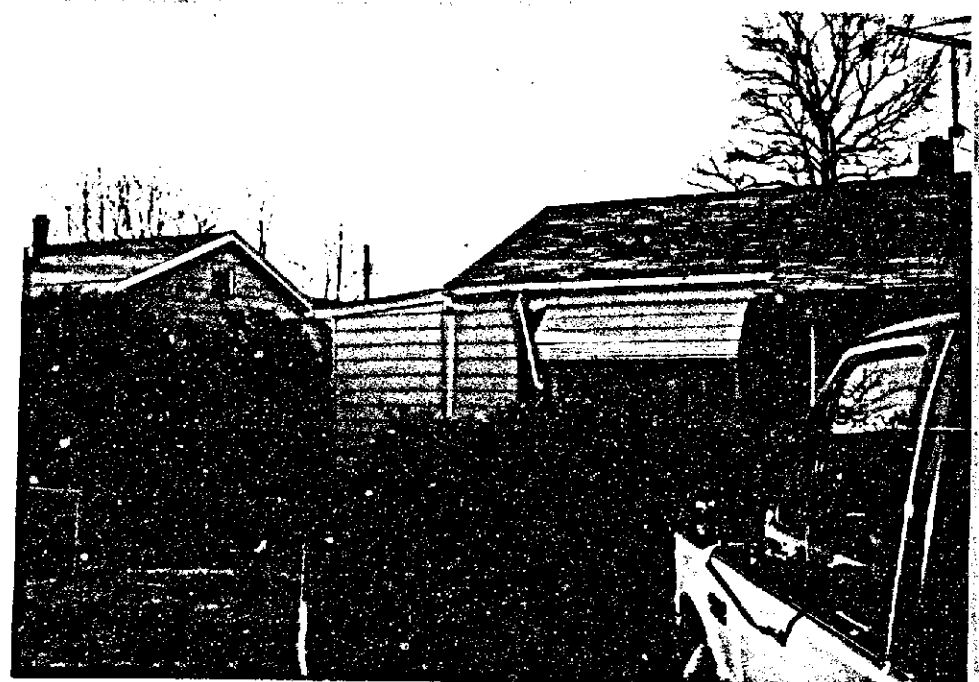
LAST NAME OF OWNER: COOK

B 8 142 *****1075218 3046F
Please make checks payable to: Baltimore County

Cashier Validation:

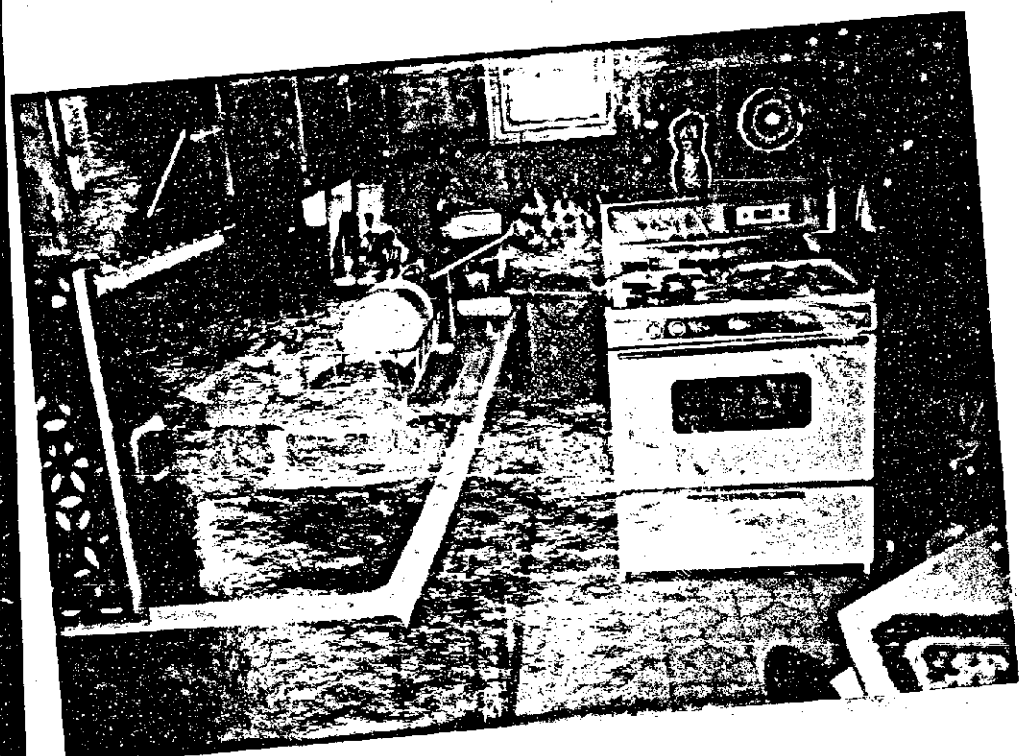
PETITIONER(S) EXHIBIT (3)

90-384A



PETITIONER(S) EXHIBIT (4)

90-384A



CERTIFICATE OF PUBLICATION

TOWSON, MD. March 8, 1990

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THE JEFFERSONIAN,

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Case number: 90-384-A
2115 Old Dreams Rd.
13 Conl Ct.
13 Conl Ct.
1300 Clifton Heights
Baltimore, Maryland
Parker E. Cook
Hearing Date: Towson, April 3, 1990 at 3:00 pm.
Variation to permit a side yard setback of 15 feet as shown on the attached site plan.
In the event that the Petition is granted a determination may be made within the hearing that the proposed use is not a permitted use. In that event, the Zoning Commission may require a separate hearing on the proposed use. The proposed use shall be subject to the same conditions and restrictions as those set forth in the Zoning Ordinance. The proposed use shall be subject to the same conditions and restrictions as those set forth in the Zoning Ordinance.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3125 March 8

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt

Account: R-001-6150
Number: 1131

Date:

1/25/90

M9000245

	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (191)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: COOK

B 8 C52 *****35018 2268F
Please make checks payable to: Baltimore County

Cashier Validation:

IN RE: PETITION FOR ZONING VARIANCE
 S/S of Cowl Court, 225'
 E/S Compass Road
 13 Cowl Court
 15th Election District
 6th Councilmanic District
 Parker E. Cook
 Petitioner

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-384-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C.1 to permit a side yard setback of 3.5 feet in lieu of 10 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Parker E. Cook appeared, testified and was represented by Norman R. Stone, Esquire. Appearing as a Protestant was Harry Meeks.

Testimony indicated that the subject property, known as 13 Cowl Court consists of 6,000 square feet +/-, zoned D.R.5.5 and is currently improved with a one story framed dwelling and accessory shed.

Mr. Cook testified that he purchased the subject property in April of 1978, and that the subject addition was then existing. Mr. Cook testified that when he purchased the home, he was never advised nor did he have any knowledge that the subject addition required a variance. He further indicated that he has made no improvements to his home other than removing two windows and placing vinyl siding over same for insulation purposes. Mr. Cook testified that he would suffer an undue hardship and practical difficulty should the requested variance be denied.

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

Mr. Meeks testified that he has been a resident of this community since prior to 1978, the year Mr. Cook purchased his home. Unclear at the hearing was why Mr. Meeks decided to wait approximately 20 years before contacting Baltimore County regarding Mr. Cook's alleged violation. Additionally, Mr. Meeks disputed, without the benefit of a survey plat, the property line separating his property and the petitioner's property.

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.2.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

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

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 13th day of April, 1990 that the Petition for a Zoning Variance to permit a side yard setback of 3.5 feet in lieu of 10 feet, in accordance with Petitioner's Exhibit No. 1 is hereby GRANTED.

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-384-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 1.802.3.C.1 To permit a side yard setback of 3.5 feet in lieu of 10 feet.

I Bought this house in 1978 at that time the house was the way it is now. I did not add anything to this section of the house. It would have to tear this section of the house off and I don't have the money to do this because I am on disability. 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)
 Signature: _____
 Address: _____
 City and State: _____

Legal Owner(s): _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Attorney for Petitioner: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City and State: _____

Attorney's Telephone No.: _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of April 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 108, County Office Building in Towson, Baltimore County, on the 3rd day of April, 1990, at 3 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 Date 3/20/90
 By Mr. Stone

245
 90-384-A
 BEGINNING AT A POINT ON THE SOUTH SIDE COWL COURT WHICH IS 60 FEET WIDE AT A DISTANCE OF 225 FEET EAST OF THE CENTER LINE OF THE NEAREST INTERSECTING STREET COMPASS ROAD WHICH IS 100 FEET WIDE BEING LOT #20 BLOCK 10 SECTION 1 IN THE SUBDIVISION OF VICTORY VILLA AS RECORDED IN BALTIMORE COUNTY PLAT BOOK GLB NUMBER 22 FOLIO 105 CONTAINING 5,940 SQUARE FEET ALSO KNOWN AS 13 COWL COURT AND LOCATED IN THE 15 ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
 Zoning Supervisor

FROM: James H. Thompson
 Zoning Enforcement Coordinator

RE: 90-384-A
 Cook - Petitioner

Please note that the above subject case is an active violation case, 90-237, 13 Cowl Avenue.

When this matter is scheduled for a public hearing, please notify:
 Harry Meeks
 17 Cowl Court
 Baltimore, Maryland 21220

JHT:ljs

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

February 20, 1990
 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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
 CASE NUMBER: 90-384-A
 S/S of Cowl Court, 225' E/S Compass Road
 13 Cowl Court
 15th Election District - 6th Councilmanic
 Petitioner(s): Parker E. Cook
 HEARING: TUESDAY, APRIL 3, 1990 at 3:00 p.m.

Variance to permit a side yard setback of 3.5 feet in lieu of 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, 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
 BALTIMORE COUNTY, MARYLAND

cc: Parker E. Cook
 File
 Harry Meeks

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

DATE 3/20/90

Parker E. Cook
 13 Cowl Court
 Baltimore, Maryland 21220

Re: Petition for Zoning Variance
 CASE NUMBER: 90-384-A
 S/S of Cowl Court, 225' E/S Compass Road
 13 Cowl Court
 15th Election District - 6th Councilmanic
 Petitioner(s): Parker E. Cook
 HEARING: TUESDAY, APRIL 3, 1990 at 3:00 p.m.

Dear Mr. Cook:

Please be advised that \$107.92 is due for advertising and posting of the above captioned property.

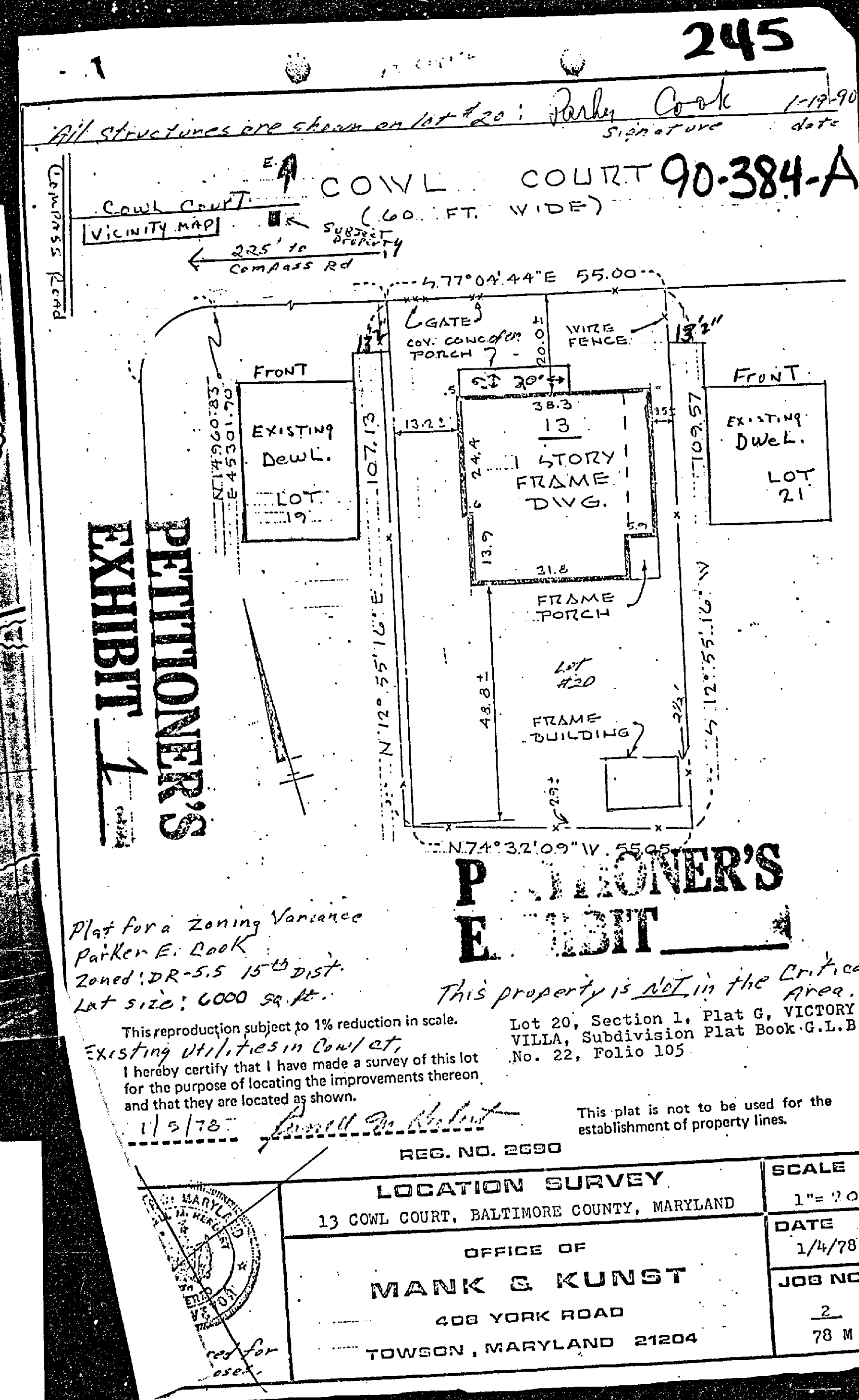
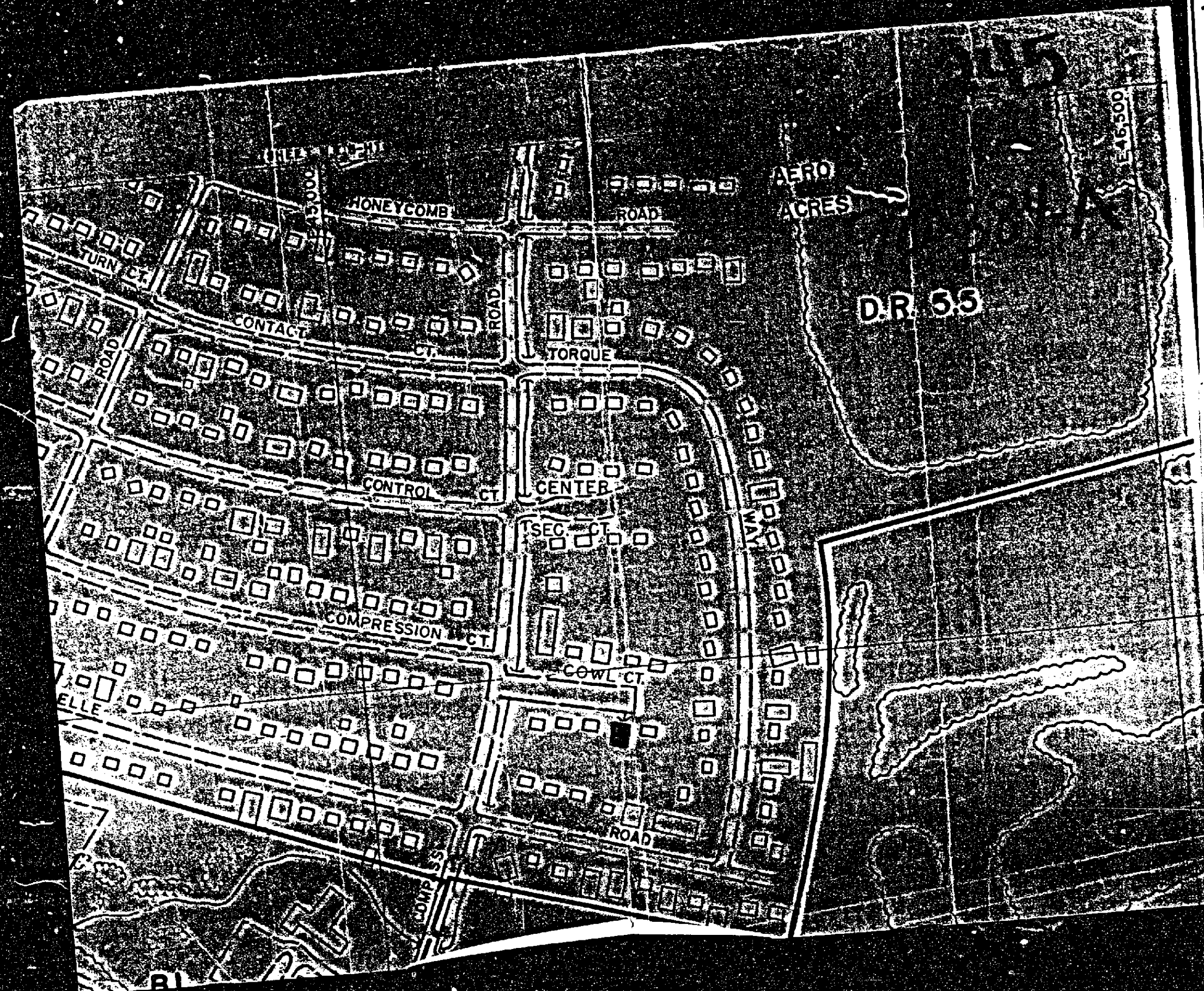
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

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
 ZONING COMMISSIONER

JRH:gs
 cc: File



Plat for a Zoning Variance
 Parker E. Cook
 Zoned: DR-5.5 15' Dist.
 Lot size: 6000 sq. ft.
 This reproduction subject to 1% reduction in scale.
 Existing utilities in Cowl Ct.
 I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon, and that they are located as shown.
 1/31/78
 This plat is not to be used for the establishment of property lines.
 REG. NO. 2690

LOCATION SURVEY		SCALE
13 COWL COURT, BALTIMORE COUNTY, MARYLAND		1" = 20'
OFFICE OF		DATE
MANK & KUNST		1/4/78
408 YORK ROAD		JOB NO.
TOWSON, MARYLAND 21204		2
		78 M

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

March 22, 1990

Mr. Parker E. Cook
 13 Cowl Court
 Baltimore, MD 21220

RE: Item No. 245, Case No. 90-384-A
 Petitioner: Parker E. Cook
 Petition for Zoning Variance

Dennis F. Rasmussen
 County Executive

Dear Mr. Cook:

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 NIEMIARSKI. 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) 887-3333
 J. Robert Haines
 Zoning Commissioner

Dennis F. Rasmussen
 County Executive

Your petition has been received and accepted for filing this 21st day of February, 1990.

J. Robert Haines
 Zoning Commissioner

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

Petitioner: Parker E. Cook
 Petitioner's Attorney:

CERTIFICATE OF PUBLICATION
 Office of
THE AVENUE NEWS

1442 Eastern Blvd.
 Balto., Md. 21221

March 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement of Parker E. Cook in the matter of Petition for Zoning Variance of 13 Cowl Ct. Case # 90-384-A, Req. # M39863, P.O. # 0102786, 77 lines @.55 or \$42.35

was inserted in **The Avenue News** a weekly newspaper published in Baltimore County, Maryland once a week for 1 successive week(s) before the 9 day of March 1990; that is to say, the same was inserted in the issues of March 8, 1990

The Avenue Inc.
 per publisher
 By *Debbie Caldwell*

Notice of Hearing
 The Zoning Commission 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 on the following Petition for Zoning Variance: Case Number 90-384-A, 515 of Cowl Court, 225' x 515' Compass Road 13 Cowl Court, 15th Election District - 6th Condemnations.
 Petitioner(s): Parker E. Cook
 HEARING DATE: TUESDAY, Feb 13, 1990 at 2:00 p.m.
 Variance to permit a side yard setback of 3.5 feet in lieu of 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 Commission will, however, attempt to review for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received by the office by the date of the hearing set above or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County Maryland

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

DATE: February 15, 1990

TO: J. Robert Haines
 Zoning Commissioner

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

SUBJECT: Parker E. Cook, Item 245

The Petitioner requests a Variance to permit a side yard setback of 3.5 in. in lieu of 10 ft.

In reference to the Petitioner's 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 Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 406
 Towson, Maryland 21204
 (301) 887-3554

March 9, 1990

Dennis F. Rasmussen
 County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 193, 241, 242, 243, 244, and 245.

Very truly yours,
 Michael S. Flanagan
 Michael S. Flanagan
 Traffic Engineer Assoc. II

MSF/lab

Baltimore County
 Department of Permits & Licenses
 111 West Chesapeake Avenue
 Towson, Maryland 21204
 (301) 887-3610
 Ted Zaleski, Jr.
 Director

FEBRUARY 8, 1990

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: PARKER E. COOK
 Location: #13 COWL COURT
 Item No.: 245 Zoning Agenda: FEBRUARY 20, 1990

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: *Carl J. Kelly 2-9-90* Noted and Approved
 Planning Group Fire Prevention Bureau
 Special Inspection Division

JK/KEK

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

90-384-A

Date of Posting: 3/18/90

District: 1574
 Posted for: *Variance*
 Petitioner: *Parker E. Cook*
 Location of property: *815 Cowl Ct., 225' E.S. Comp. per P.L. 13 Cowl Ct.*
 Location of Sign: *Facing Road, across 15' from 100' & 100' property of Petitioner*
 Remarks: *M. Kelly*
 Posted by: *M. Kelly*
 Date of return: 3/23/90
 Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 20, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 193, 224, 241, 242, 243, 244, and 245

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

RWB:s

MR. D 1001

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

April 12, 1990



Dennis F. Rasmussen
County Executive

Norman R. Stone, III, Esquire
Sutton, McCurdy and Stone, P.A.
2115 Old Dreams Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 90-384-A
Parker E. Cook

Dear Mr. Stone:

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 887-3191.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel
Petitioner
cc: Protestant

90-384A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Dennis Haines</i>	17 CONL CT

90-384A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Petitioner PARKER COOK</i>	13 Conl Ct. 21220
<i>Atty: Norman R. Stone III</i>	2115 Old Dreams Rd. 21220
<i>Sutton, McCurdy & Stone, P.A.</i>	

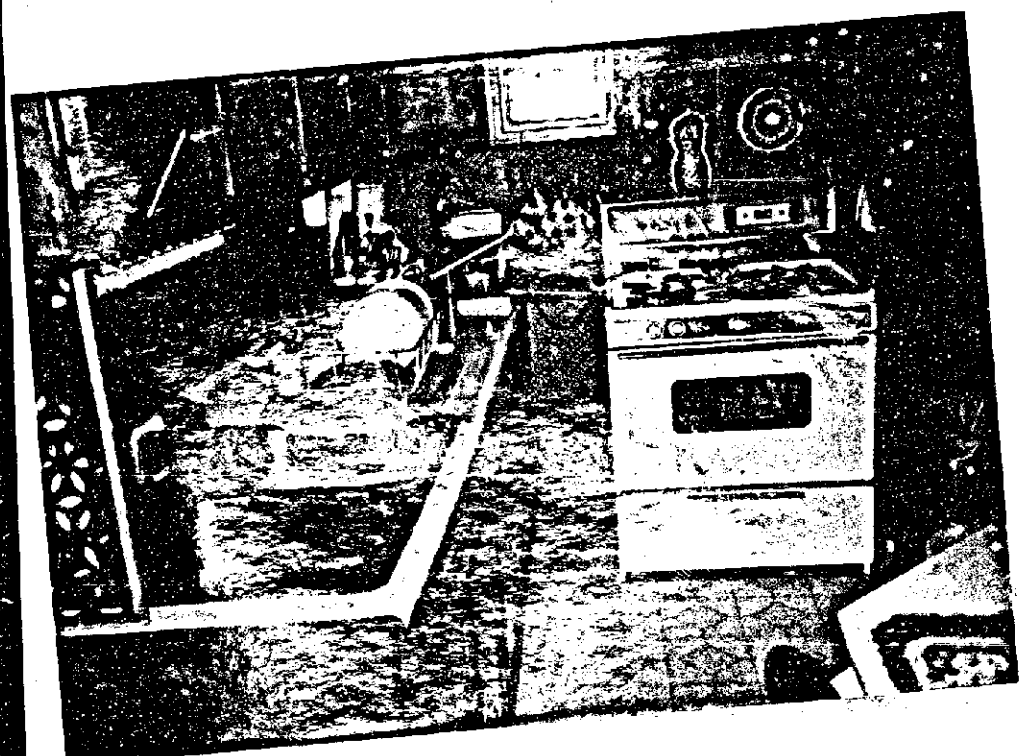
PETITIONER(S) EXHIBIT (3)

90-384A



PETITIONER(S) EXHIBIT (4)

90-384A



CERTIFICATE OF PUBLICATION

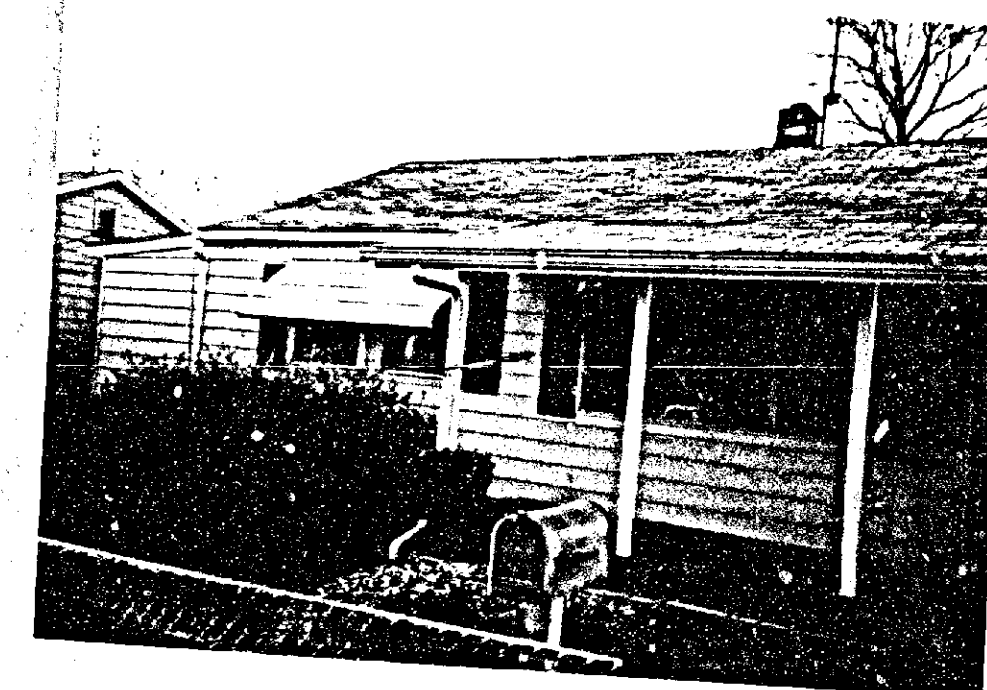
TOWSON, MD. March 8, 1990

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 March 8, 1990.

THE JEFFERSONIAN,

S. Zebe Orlean
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed zoning variance on the property located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 at the following:
Petition for Zoning Variance Case number: 90-384-A
13 Conl Ct., 207 E/B
Comptrol House
13 Conl Ct.
1500 Chesapeake Avenue
Baltimore, Maryland
Parker E. Cook
Hearing Date: Tuesday, April 3, 1990 at 3:00 p.m.
Variance is to permit a side yard setback of 3.5 feet as shown on the attached site plan.
In the event that the Petition is granted a condition may be attached to the zoning variance which may be required for a period of 12 months of the zoning variance. The zoning Commission will review the condition of use permit during the period of the zoning variance. The condition of use permit shall be submitted to the zoning Commission and approved by the zoning Commission before the zoning variance is granted. The zoning Commission will hold a public hearing on the condition of use permit on the date and at the time specified on the attached site plan.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3125 March 8



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt

Account: R-001-6150
Number: 1987

Date: 4/08/90

Number: M9000636

90-384

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
080 -POSTING SIGNS / ADVERTISING	1 X	\$107.92
TOTAL:		\$107.92

LAST NAME OF OWNER: COOK

B 8142*****1075218 3046F

Please make checks payable to: Baltimore County

Cashier Validation:

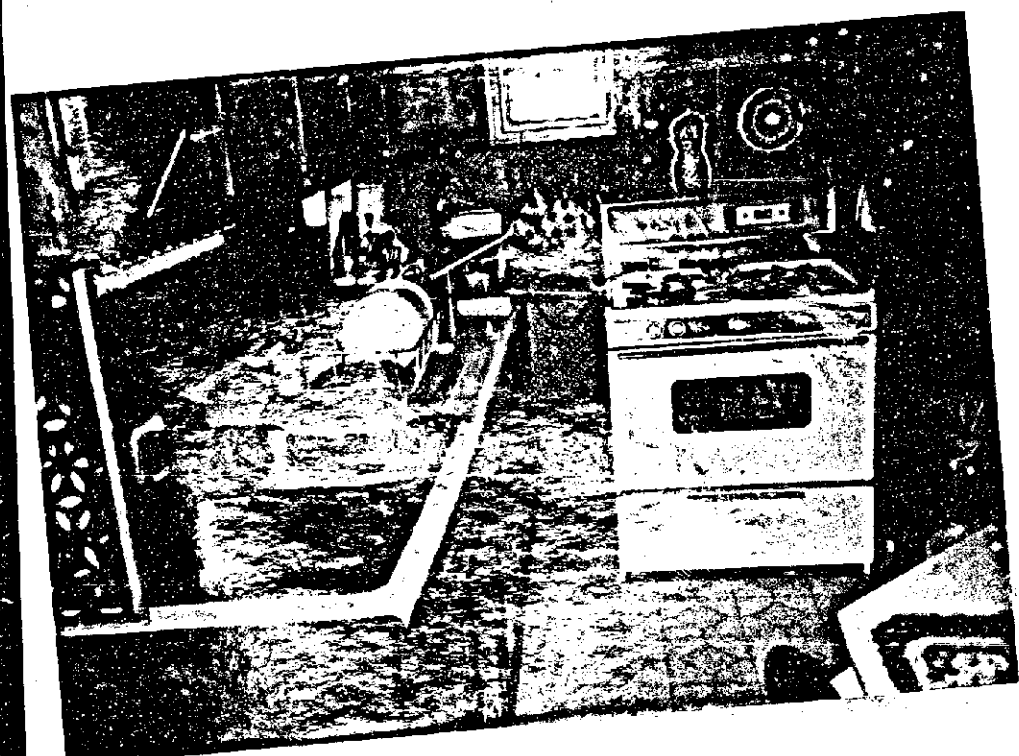
PETITIONER(S) EXHIBIT (3)

90-384A



PETITIONER(S) EXHIBIT (4)

90-384A



CERTIFICATE OF PUBLICATION

TOWSON, MD. March 8, 1990

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Petition for Zoning Variance Case number: 90-384-A
13 Conl Ct., 207 E/B
Comptrol House
13 Conl Ct.
1500 Chesapeake Avenue
Baltimore, Maryland
Parker E. Cook
Hearing Date: Tuesday, April 3, 1990 at 3:00 p.m.
Variance is to permit a side yard setback of 3.5 feet as shown on the attached site plan.
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3125 March 8

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

receipt

Account: R-001-6150
Number: 1131

Date: 1/25/90

Number: M9000245

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (1RL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: COOK

B 8C52*****35018 2268F

Please make checks payable to: Baltimore County

Cashier Validation: