

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
 NW/4 Westworth Road, 190' SW of
 the c/l of Forest Road
 (1812 Westworth Road)
 9th Election District
 4th Councilmanic District
 John E. Leyhe, et ux
 Petitioners

* ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-525-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 5 feet in lieu of the minimum required 7 feet and a rear yard setback of 12 feet in lieu of the minimum required 20 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED FOR FILING
 Date 7/19/90
 By J. Robert Haines

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of July, 1990 that the Petition for Residential Variance to permit a side yard setback of 5 feet in lieu of the minimum required 7 feet and a rear yard setback of 12 feet in lieu of the minimum required 20 feet for a proposed garage addition, 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.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The garage addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ORDER RECEIVED FOR FILING
 Date 7/19/90
 By J. Robert Haines

JRH:bjs

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

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

July 9, 1990



Dennis P. Rasmussen
 County Executive

Mr. & Mrs. John E. Leyhe
 1812 Westworth Road
 Baltimore, Maryland 21234

RE: PETITION FOR RESIDENTIAL VARIANCE
 NW/4 Westworth Road, 190' SW of the c/l of Forest Road
 (1812 Westworth Road)
 9th Election District - 4th Councilmanic District
 John E. Leyhe, et ux - Petitioners
 Case No. 90-525-A

Dear Mr. & Mrs. Leyhe:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential 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,

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

#408
 90-525-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1B02.3.A.1. (Sec. III.C.3 Amended & Sec. III.C.4 - "A" - Residence Zone)

To permit a 5 foot side yard and a 12 foot rear yard in lieu of the minimum 7 foot and 20 feet, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty):
 LOT HAS AN IRREGULAR SHAPE WHICH PROVIDES NO ROOM FOR ANY ADDITION OR EXPANSION. NEED GARAGE FOR STORAGE (DO NOT HAVE BASEMENT) ORIGINAL CONTRACTOR STARTED WORK, I THOUGHT A PERMIT WAS OBTAINED. ALL I WANTED TO DO WAS FINISH THE PROJECT THAT I THOUGHT WAS LEGAL.

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

JOHN EDWARD LEYHE

Signature: John Edward Leyhe

Signature: Revonna Lynn Leyhe

Signature: Revonna Lynn Leyhe

Address: 1812 Westworth Rd. 882-9541

Address: BALTO, MD. 21234

Address: 1812 Westworth Rd. 882-9541

Address: BALTO, MD. 21234

Address: 1812 Westworth Rd. 882-9541

Address: BALTO, MD. 21234

ORDER RECEIVED FOR FILING
 Date 7/19/90
 By J. Robert Haines

Public hearing having been requested and/or found to be required, IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of July, 1990, that the subject matter of this petition be posted on the property on or before the 13th day of June, 1990.

mark - 5/22/90
 est. posting - 6/10/90

90-525-A AFFIDAVIT

AFFIDAVIT
 IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at
 1812 WESTWORTH RD BALTO, MD. 21234

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
 LOT HAS AN IRREGULAR SHAPE WHICH PROVIDES NO ROOM FOR ANY ADDITION OR EXPANSION. NEED GARAGE FOR STORAGE (DO NOT HAVE BASEMENT) ORIGINAL CONTRACTOR STARTED WORK. I THOUGHT A PERMIT WAS OBTAINED. ALL I WANTED TO DO WAS FINISH THE PROJECT THAT I THOUGHT WAS LEGAL.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

John Edward Leyhe
 AFFIANT (Handwritten Signature)
 JOHN EDWARD LEYHE
 AFFIANT (Printed Name)

Revonna Lynn Leyhe
 AFFIANT (Handwritten Signature)
 REVONNA LYNN LEYHE
 AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 17 day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John and Revonna Leyhe
 the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
 5/1/1990
 Notary Public
 By Commission Expires July 1, 1990

Beginning on the northwest side of Westworth Road, 50 feet wide, at the distance of 190 feet southwest of the centerline of Forest Road, being Lot 10, Block C, Plat B of the subdivision of Harford Park, plat book 19, folio 44. Also known as 1812 Westworth Road containing .191 acres is the ninth election district.

90-525-A

#408

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

Account: R-001-6150
 Number: 2531

Date: 5/27/90 H99000410

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
110 - ZONING VARIANCE (REL)	1 X	\$35.00
060 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
LAST NAME OF OWNER: LEYHE	TOTAL:	\$60.00

Cashier Validation: B B 125*****6000:8 5215F
 Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 9th Date of Posting: 6/1/90

Posted for: Venues

Petitioners: John Edward Leyhe et ux

Location of property: NW/4 Westworth Rd, 1812 Westworth Rd

Location of signs: Forest Road, 1812 Westworth Rd, 1812 Westworth Rd, on property of P.L. Venues

Remarks:

Posted by: J. Robert Haines Date of return: 6/15/90

Number of Signs: 1

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

June 18, 1990

Mr. & Mrs. John E. Leyhe
 1812 Westworth Road
 Baltimore, MD 21234

RE: Item No. 408, Case No. 90-525-A
 Petitioner: John E. Leyhe, et ux
 Petition for Residential Variance

Dear Mr. & Mrs. Leyhe:

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.

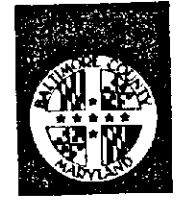
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing 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 WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
 James E. Dyer
 Chairman
 Zoning Plans Advisory Committee

JED:jw
 Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-3853
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
18th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Hays
Chairman,
Zoning Plans Advisory Committee

Petitioner: John E. Leyhe, et ux
Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Townson, Maryland 21204
(301) 887-3554



Dennis F. Rasmussen
County Executive

June 6, 1990

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for
items number 355, 395, 408, 409, 410, 411, 412, 413, 414,
416, 417, 418, and 421.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUN 18 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: John E. Leyhe, Item No. 408

DATE: May 31, 1990

The Petitioners request a Variance to side and rear yard setback
requirements.

In reference to the Petitioners' request, staff offers no
comments.

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
Fire Department
700 East Joppa Road, Suite 901
Townson, Maryland 21284-5500
(301) 887-4300
Paul H. Reincke
Chief



Dennis F. Rasmussen
County Executive

JUNE 4, 1990

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

RE: Property Owner: JOHN EDWARD LEYHE
Location: #1812 WENTWORTH ROAD
Item No.: 408 Zoning Agenda: JUNE 12, 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.
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. CHAPTER 22

REVIEWER: *Carl Brock Kelly* 6-5-90 Noted and Approved *Carl W. Brady* 6-1-90
Planning Group Special Inspection Division Fire Prevention Bureau

JR/REK

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-3853
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

May 29, 1990

Mr. & Mrs. John Edward Leyhe
1812 Wentworth Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 90-525-A
ITEM NUMBER: 408
LOCATION: 1812 Wentworth Road

Dear Petitioner:

Please be advised that your Petition for Residential Zoning
Variance has been assigned the above case number. Any contact made to
this office should reference the case number.

Your property will be posted on or before June 13, 1990. After
the closing date (June 28, 1990) for filing a request for hearing has
passed, the file will be taken to the Zoning Commissioner for review.
You will next receive from this office:

1) Notice that a formal request for hearing has been filed,
taking the matter out of the administrative process. This will mean
advertising of the public hearing and reposting of the property. The
public hearing will be scheduled approximately 30 - 45 days from
receipt of said notice.

OR

2) Notice that the matter has completed the administrative
process and that you may return the sign/post and pick-up your order.

Very truly yours,

G. G. Stephens
G. G. Stephens

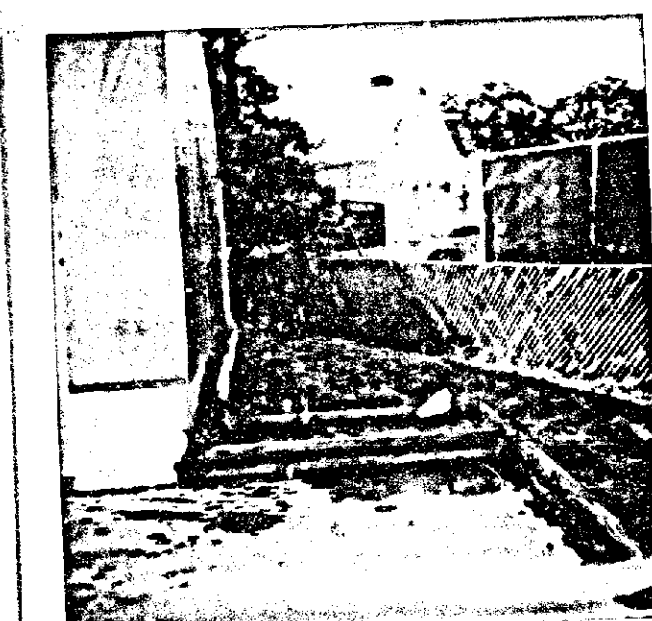
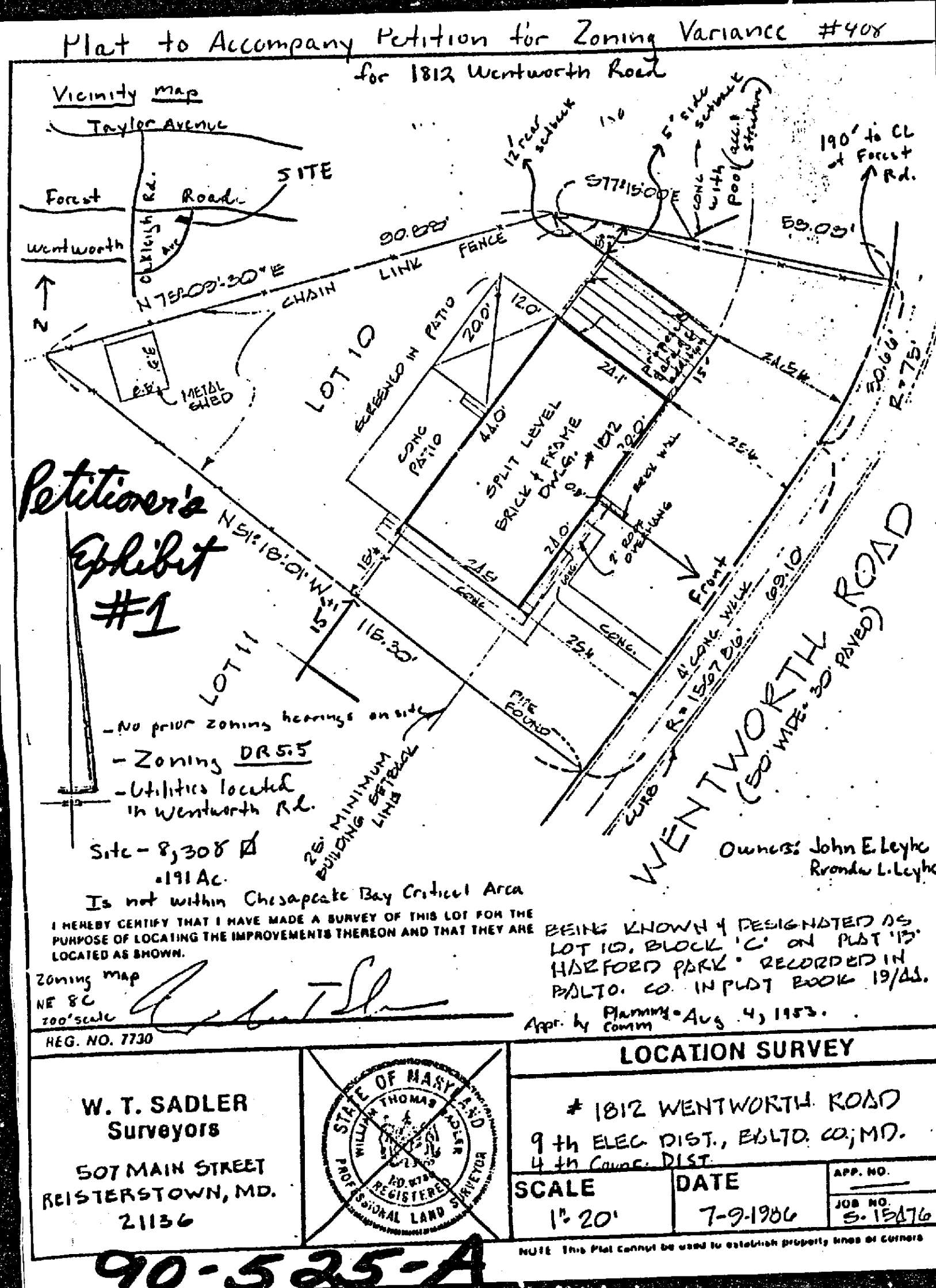
408
DATE: MAY 20, 1990
TO: THE BALTIMORE COUNTY ZONING OFFICE
FROM: MR. & MRS. JOHN EDWARD LEYHE
1812 WENTWORTH RD.
BALTO. MD. 21234

WE, THE UNDERSIGNED WHOSE PROPERTY
ADJOINS 1812 WENTWORTH RD, HAVE NO
OBJECTIONS IN ANY WAY TO THE AMOUNT
OFFEET OR LOCATION MR. & MRS. JOHN E.
LEYHE IS PLANNING TO LOCATE THEIR
GARAGE.

① *WILBUR A. JOHNSON*
1807 FORREST RD.

② *RITA M. JOHNSON*
1809 FORREST RD.

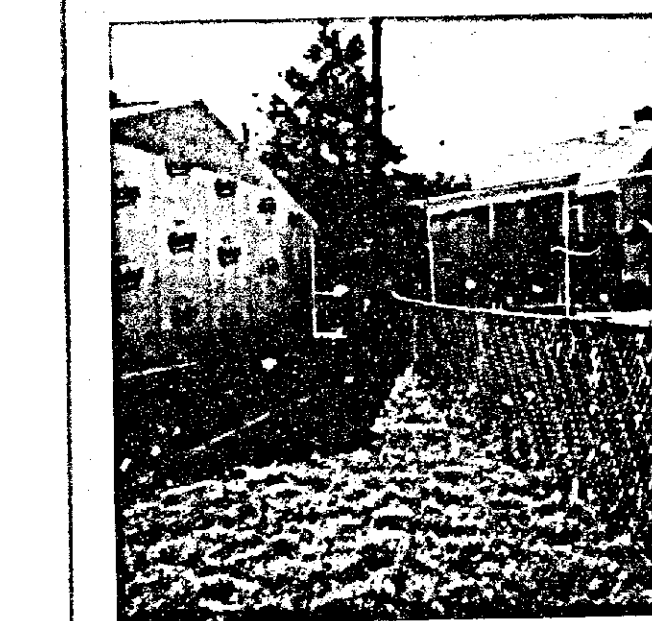
Subscribed and sworn to me in my
presence, this 22nd day of May,
1990, a notary public in and for
the State of Maryland.
John W. [Signature]
Notary Public



90-525-A



90-525-A



90-525-A



90-525-A

Petitioner's
Exhibit # 2

