IN RE: FETITION FOR RESIDENTIAL VARIANCE* BEFORE THE N/S Mays Chapel Road, 1369' W * ZONING COMMISSIONER of Brierleigh Court (3 Brierleigh Court) * OF BALTIMORE COUNTY 8th Election District 3rd Councilmanic District * Case No. 90-526-A Leonard G. Getschel, Jr., et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a structure height of 45 feet in lieu of the maximum permitted 35 feet for a proposed single family dwelling in accordance with Pctitioner's Exhibit 1.

The Petitioners had filed a Petition for Residential Variance in an effort to file through the administrative variance process. Due to the nature of the request, the Zoning Commissioner requested that a public hearing be scheduled and the property was posted and advertised.

The Petitioners, by Kenneth F. Davies, Esquire, appeared and testified. Also appearing on behalf of the Petition was Donald Radcliffe, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 3 Brierleigh Court, consists of 4.376 acres zoned R.C. 5 and is presently unimproved. Petitioners are desirous of constructing a single family dwelling of Georgian architecture in accordance with that depicted in Petitioner's Exhibit 1. Mr. Radcliffe testified that the plans for the home have been submitted to the Architectural Board which represents this $\mathfrak{I}_{ ext{community}}$ and said plans have been approved. The dimensions and style of the proposed dwelling results in a roof pitch with a height greater than that permitted by the zoning regulations. Testimony indicated that the topography of the subject property is such that the proposed dwelling will

sit 19 feet below grade and will not appear disproportionately tall. Further testimony indicated that the subject property contains a wealth of very mature, tall trees which will also visually diminish the height of the proposed dwelling. the relief requested will not result in any detriment to the health safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently corplies 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 Zoning Commissioner for Baltimore County this day of August, 1990 that the Petition for Residential Variance to permit a structure height of 45 feet in lieu of the maximum permitted 35 feet for a proposed single family 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

> 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

Our planned home is a two story, 8,300 square foot, Georgian colonial home with a hip roof. Because of the dimensions and style of

The house is to sit 19 feet below the grade at the circle so it

Our home will be on 4.2 acres protected by many very mature and

tall trees which with their height will visually diminish the height of

Therefore, we are requesting a 10 foot height variance.

the house it requires the currently planned pitch of the roof to

maintain it's proportion.

will not appear disproportionately tall.

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) 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.

Zoning Commissioner for Baltimore County

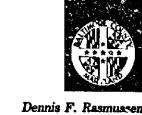
J. Robert Haines

(301) 887-3353

Zoning Commissione

Office of Planning & Zoning Towson, Maryland 21204

August 27, 1990



Kenneth F. Davies, Esquire Wright, Constable & Skeen 250 W. Pratt Street, 13th Floor Baltimore, Maryland 21201-2423

RE: PETITION FOR RESIDENTIAL VARIANCE N/S Mays Chapel Road, 1369' W of Brierleigh Court (3 Brierleigh Court) 8th Election District - 3rd Councilmanic District Leonard G. Getschel, Jr., et ux - Petitioners Case No. 90-421-XA

Dear Mr. Davies:

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.

> A Pobert Haires J. ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

File

cc: People's Counsel

McKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555 Focsimile: (301) 527-1563

90-526-A

April 25, 1990

DESCRIPTION OF 3 BRIERLEIGH COURT

Beginning at a point on the north side of Mays Chapel Road which is 60 feet wide, at a distance of 1,368.51 feet west of the centerline of Brierleigh

Being Lot 11 in the subdivision of "Brierleigh" as recorded in Baltimore County Plat Book 59, folio 135. Containing 4.376 acres of land. Also known as

CERTIFICATE OF POSTING

	Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204		Account: R-001-6150 Number	recei № 25
Date		•		
	5/20/90		H9000410	•
	FUBLIC HEIGHING FEEL	QTY	PRICE	
	010 - ZONING VARIANCE (IRL)	1 X	\$35.00	
	080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00	•
· .	LAST NAME OF DWNER: GETSCHEL	TOTAL:	\$60.00	

B B 152******6000:a 822%F Please make checks payable to: Baltimore County

#410

PETITION FOR RESIDENTIAL VARIANCE 90-526-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is descr the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.A to allow a structure height of 45 feet in lieu of the maximum permitted 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the Afollowing teason (indicate hardship or practical difficulty) D-2. SEE ATTACHED PAGE

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

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.

Centract Purchasers Legal Owner(s): (Type or Print Name) Laura M. Getschel Type of Frint Name

Attorney for Petitioners 206 Edgevale Road 435-2726 Baltimore, Maryland 21210 Name, address and phone number of legal owner, contract

purchaser or representative to be contacted. Leonard G. Getschel, Jr. 206 Edgevale Road 21210 435-2726

on be posted on the property on or before the 13 day of 500. A STATE OF THE STA

ESTIMATED LEEGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING
MONT TIMES. CENT. ROW
RESTO

REVIEWED BY: SVAD DATE 5-21-90

#410

Court which is 50 feet wide.

3 Brierleigh Court.

90-526-14

90-526-A

NOTICE OF HEARING The Zoning Commissioner of Berimore County, by authority of the Zoning Act and Regulations of Battimore County will hold as Petition for Residential
Vertance
Case number: 90-526-A
N/S Mays Chapet Road,
1369' W of Brierleigh Court
3 Brierleigh Court
3th Election District
3rd Councilmanic
Petitioner(s):
Leonard G. Getschel, Jr.,
et uk
Hearing Date: Tuesday,
Aug. 21, 1990 at 3:30 p.m. Varience: to allow a structure height of 45 feet in lieu of the maximum permitted 39 feet. In the event that this Petition is in the event that this petition are to be in the second transition of issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the suance 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.

NOTICE OF HEARING

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Floom 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Residential Variance Case number: 90-526-A N/S Mays Chapel Ros 1369' W of Brierleigh Court

3 Briefeigh Court 8th Election District 3rd Councilmanic Petitioner(s): Leonard G. Getschel, J

Variance: to allow a structure height of 45 feet in fieu of the maximum permitted 35 feet. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day and the period. The Zoning Com-

appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the is-suance 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. POBERT HAINES

CERTIFICATE OF PUBLICATION 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 successive

weeks, the first publication appearing on 8/1, 1970.

THE JEFFERSONIAN,

Publisher

PD 106224

\$102.41

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was TOWSON TIMES published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on _______

> TOWSON TIMES THE JEFFERSONIAN,

CERTIFICATE OF POSTING

District Sth

Posted for:

Posted for:

Petitioner: Turnand J. Setschiel Ja et ux

Petitioner: MS of mays Chapel Rand, 1369 W

Brierleigh Court, 3 Brierleigh Court

Location of Signs: Court of #3 Brierleigh Court

Baltimore County Zoning Commissioner County Office Bui'ling 111 West Chesapeake Avenue

8/21/90

් එල් මීම මෙන M9100137

PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$127.41

LAST NAME OF OWNER: GETSCHEL

\$127.41 04A04#0072MICHRC BA C011:31AM08-27-90 Please make checks payable to: Bultimore County

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

Dennis F. Rasmussen

Mr. & Mrs. Leonard G. Getschel, Jr. 206 Edgevale Road Baltimore, Maryland 21210

Re: Petition for Residential Variance CASE NUMBER: 90-526-A N/S Mays Chapel Road, 1369' W of Brierleigh Court 3 Brierleigh Court 8th Election District - 3rd Councilmanic Petitioner(s): Leonard G. Getschel, Jr., et ux

HEARING: TUESDAY, AUGUST 21, 1990 at 3:30 p.m.

Dear Petitioners:

Please be advised that \$_____ 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.

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

May 29, 1990

Mr. & Mrs. Leonard G. Getschel, Jr. 206 Edgevale Road Baltimore, Maryland 21210

Re: CASE NUMBER: 90-526-A ITEM NUMBER: 410 3 Brierleigh Court LOCATION:

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.

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,

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



NOTICE OF HEARING

July 12, 1990

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 21204 as follows:

Petition for Residential Variance CASE NUMBER: 90-526-A N/S Mays Chapel Road, 1369' W of Brierleigh Court 3 Brierleigh Court 8th Election District - 3rd Councilmanic Fetitioner(s): Leonard G. Getschel, Jr., et ux HEARING: TUESDAY, AUGUST 21, 1990 at 3:30 p.m.

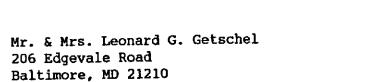
Variance to allow a structure height of 45 feet in lieu of the maximum permitted 35 feet.

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 permi during this period for good cause shown. Such request must be in writing and received in this office by the

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

June 18, 1990

Petition for Residential Variance



Dennis F. Rasmussen
County Executive

RE: Item No. 410, Case No. 90-526-A Petitioner: Leonard G. Getschel, et ux

Dear Mr. & Mrs. Getschel:

206 Edgevale Road

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.

Zoning Plans Advisory Committee

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



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

21th day of May, 1990.

ZONING COMMISSIONER

Zoning Plans Advisory Committee

Petitioner: Leonard G. Getschel, et ux Petitioner's Attorney:

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

June 6, 1990

Zoning Commissioner County Office Building Towson, Maryland 21204

Mr. J. Robert Haines

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 Traffic Engineer Associate II

MSF/lvw

ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke

JUNE 6, 1990

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



RE: Property Owner:

LEONARD G. GETSCHEL, JR.

Location:

#3 BRIERLEIGH COURT
Zoning Agenda: JUNE 12, 1990

Item No.: 410

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.

JK/KEK

S M Y T H

ALBERT-S. SMYTH COMPANY, INC. EXTENSIVED 1914.

29 Greenmeadow Drive • Timonium, Maryland 21093-3285
301/252-6666

July 24, 1990

Mr. J Robert Haines Baltimore County Zoning Commissioner Office Of Planning And Zoning Towson, MD 21204



ZONING OFFICE

Dear Mr Haines:

To obtain a building permit for our proposed home at 3 Brierleigh Court in Lutherville, we have filed for a variance for height. We have been assigned Case #90-526A, Item #410, Building Permit #B-053012. Our hearing is scheduled for August 21st, 1990, at 3:30PM.

We will be out of town at the time of the hearing, and will be represented by our attorney, Mr. Ken Davies of Wright, Constable and Skeen; and by our architect Mr. Donald Ratcliffe.

Our builder, Don Huber is handling all of our permit requirements and we would appreciate it if you would direct all correspondence directly to him

606 East Joppa Road Towson, Maryland 21204

Since we wil' be away on vacation, if you have any questions or should any problems arise, please contact our architect, Mr. Donald Ratcliffe at 484-7010. He will know how to reach us at all times.

Sincerely,

Leonard G. Getschel, Jr.

LLG:dn CC: Mr. Donald Huber Mr. Donald Ratcliffe

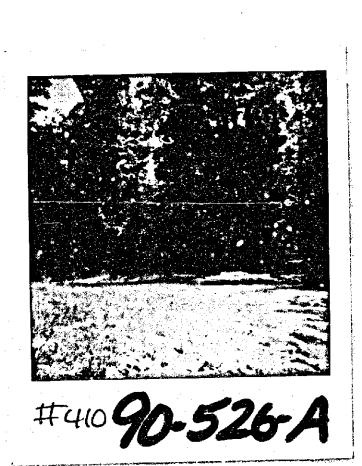
Mr. Ken Davies

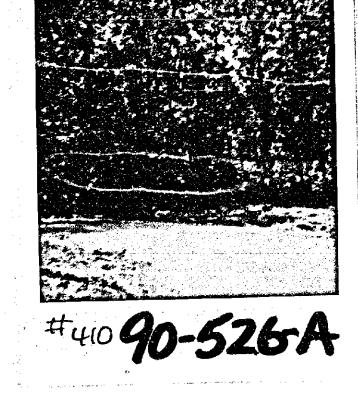
TOWNS OF STEELING • CRYSTA











fill

DONALD B. RATCLIFFE / A.I.A.

July 20, 1990

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Getschel Residence Request for Height Variance Case #: 90-526-A

Dear Ann:

Thank you very much for discussing the above matter with me yesterday. I understand your position since it is the law. However, as we discussed, we proceeded with the request for variance in accordance with the County's instructions, posted the property as required, received no protestants and then were told the procedure was not in accordance with the County requirements although we followed the exact procedure as required by Mr. John Alexander of the Zoning Office.

It is my understanding now that another hearing on the case has been scheduled for August 21, 1990. I appreciate the fact that you will help us to receive an early decision so that we might proceed with the construction.

Thank you for your kindness in this matter.



RECEIVED

JUL 25 1990

ZONING OFFICE

DBR:cag

cc: Mr. Leonard Getschel, Jr.

DONALD B. RATCLIFFE / A.I.A. / ARCHITECT / 10404 STEVENSON ROAD / STEVENSON, MARYLAND 21153 / 484-7010 / FAX 484-3 . READ A. MCCAFFREY
C. GORDON HAINES⁶
THOMAS F. COMBER, 3⁸⁰
P. MCEVOY CROMWELL
JOHN A. SCALDARA
JOHN BRENTNALL POWELL, JR.
B. MARVIN POTLER
MICHAEL J. ABROMAITIS

JOHN BRENTNALL POWELL, JR
B. MARVIN POTLER
MICHAEL J. ABROMAITIS
JAMES W. CONSTABLE
DAVID W. SKEEN
MICHAEL C. WARLOW
JAMES D. SKEEN
KENNETH F. DAVIES
STEPHEN F. WHITE
BRIAN S. GOODMAN
SHARON L. GUIDA

STEPHEN P. KAUFFMAN

FREDERICK L. KOBB DOUGLAS H. SEITZ^b PAUL F. EVELIUS ROBERT L. KLINE HI⁰⁰ WENDY A. KROHMILLER

GEORGE W. CONSTABLE
EMMA S. ROBERTSON
WILLIAM A. SKEEN
WM. PEPPER CONSTABLE

OF COUNSEL

JOHN D. WRIGHT 1903-1975

1882-1976

*(ADMITTED IN D.C. AND MARYLAND)
**(ADMITTED IN FA. AND MARYLAND)

(301) 659-1303

WRITER'S DIRECT DIAL NUMBER

August 23, 1990

RIGHT, CONSTABLE & SKEEN

ATTORNEYS AT LAW

250 WEST PRATT STREET, 13TH FLOOR

BALTIMORE, MARYLAND 21201-2423

TELEPHONE (301) 539-5541

TELEX 710 234-2483 CALDAS

FAX (301) 659-1350

ELKTON OFFICE

138 E. MAIN STREET

ELKTON, MD. 21921

(301) 398-1844

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

ATTN: Mrs. Schuhmann

Re: Case Number: 90-526A Advertising and Posting Fees

Advertising and Posts
Dear Ms. Schuhmann:

Per your request, enclosed please find a check in the amount of \$127.41 for the advertising and posting fees due in the above-referenced case.

Very truly yours,

Kenneth F. Davies

KFD:ped cc: Mr. and Mrs. Getschel 206 Edgevale Rd., 21210 3461P 4

Dear Mr. Davies: Please be advised that posting and advertising in the above-captioned matter was paid on August 27, 1990 by the Getschel's builder. We are therefore returning your check. Thank you for your assistance in this matter.

Bette Schuhmann
Zoning Commissioner's Office

