

IN RE: PETITION FOR ZONING VARIANCE
W/S Stevenson Lane, 30' N of
Aigburth Road
(1120 Stevenson Lane)
9th Election District
4th Councilmanic District
Edmund A. Kendall, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-555-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 2 feet in lieu of the required minimum of 20 feet for a proposed greenhouse in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Andrew G. Bailey, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1120 Stevenson Lane, consists of 7700 sq. ft. zoned D.R. 3.5 and is improved with a single family dwelling which has been Petitioners' residence for the past 17 years. Petitioners are desirous of constructing a 20' x 8' greenhouse to the rear of the existing dwelling adjoining the garage. Testimony indicated there currently exists a delapidated greenhouse on the north end of the property which was in place when Petitioners moved to the

site. Petitioners testified the location proposed is the most practical choice for the greenhouse due to the layout of the dwelling, its location on the lot, and the fact that the property is a corner lot. Testimony indicated that Petitioners have discussed their plans with the adjoining affected property owner to the rear who has no objections, as indicated by Petitioner's Exhibit 3A, and the property owner across from the subject site has indicated her approval as indicated in Petitioner's Exhibit 3B. Petitioners testified that denial of the variance will create practical

difficulty and unreasonable hardship for them. Testimony indicated that the granting of the variance 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 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 24th day of August, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 2 feet in lieu of the required minimum of 20 feet for a proposed greenhouse 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) The variance granted herein is limited to the construction of a greenhouse as set forth in Petitioner's Exhibit 1.

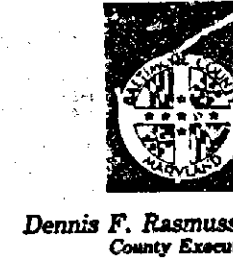
Ann M. Nastaronicz
ANN M. NASTARONICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

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

J. Robert Haines
Zoning Commissioner

August 24, 1990



Andrew G. Bailey, Esquire
9028 Belair Road
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
W/S Stevenson Lane, 30' N of Aigburth Road
(1120 Stevenson Lane)
9th Election District - 4th Councilmanic District
Edmund A. Kendall, et ux - Petitioners
Case No. 90-555-A

Dear Mr. Bailey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastaronicz
ANN M. NASTARONICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: Mr. & Mrs. Edmund A. Kendall
1120 Stevenson Lane, Towson, Md. 21204

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-555-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 1102.3.A.1 (Sec. 111.C.4 - "A" Res., 1990).

To permit a 2 foot rear yard in lieu of the minimum 20 feet.

Because of the landscaping and the way the house is situated, no other area on the lot is practical for the placement of the proposed greenhouse. When the house was built, the way was situated did not conform with 20' rear setback. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expense; 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)
EDMUND A. KENDALL
Signature
Edmund A. Kendall

Address
SANDRA S. KENDALL
Signature
Sandra S. Kendall

City and State
TOWSON, MD 21204

Attorney for Petitioner:
(Type or Print Name)
Andrew G. Bailey, Esq.
Signature
Andrew G. Bailey, Esq.

Address
9028 BELAIR ROAD
City and State
BALTIMORE, MD 21238
(301) 256-0511

Attorney's Telephone No.:
Address
1120 STEVENSON LANE
City and State
TOWSON, MD 21204
Phone No.
410-823-7893

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of August, 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 106, County Office Building in Towson, Baltimore County, on the 22nd day of August, 1990, at 11:30 o'clock.

A. M.
J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1/2HR (1/2HR)
AVAILABLE FOR HEARING
MON, (TUE., WED.) - NEXT TWO MONTHS
OTHER
REVIEWED BY MMK DATE 5/24/90

ZONING DESCRIPTION

417
90-555-A

Beginning at a point on the west side of Stevenson Lane which is 28' wide at the distance of 62' north of the centerline of the nearest improved intersecting street Aigburth Road, which is 50' wide, being lot # (3) Block (A), section # (2) in the subdivision of Donnybrook as recorded in Baltimore County plat book # TSC416, Folio # (92), containing 7700 square feet also known as 1120 Stevenson Lane and located in the (9) Election District.

Account: R-001-6150
Number
No 2593

Date
5/23/90

PUBLIC HEARING FEES
QTY PRICE
910 ZONING VARIANCE FEE 1 \$35.00
TOTAL \$35.00

LAST NAME OF OWNER: KENDALL

Cashier Validation: B B C13*****35D0: 3244F
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 7/2/90

Posted for: Edmund A. Kendall, et ux

Petitioner: Edmund A. Kendall, et ux

Location of property: W/S Stevenson Lane, 30' N/Aigburth Rd.

Location of Sign: Posting Stevenson Lane, 30' N/Aigburth Rd.

Remarks: Property of Petitioner

Posted by: M. Haines Date of return: 7/2/90

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 23, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 18, 1990.

TOWSON TIMES,
S. Zeke Olson
Publisher

PO 106180

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 23, 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 July 19, 1990.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

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

Account: R-001-6150
Number
No 3245

Date 8/22/90 90-555 H9100144

PUBLIC HEARING FEES QTY PRICE
080-POSTING SIGNS / ADVERTISING: X \$122.29

LAST NAME OF OWNER: KENDALL TOTAL \$122.29

Cashier Validation: 04A040048HICRC \$122.29
BA C010140A08-22-90

Please make checks payable to: Baltimore County

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

J. Robert Haines
Zoning Commissioner

DATE 7/31/90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Edmund A. Kendall
1120 Stevenson Lane
Towson, Maryland 21204

Petition for Zoning Variance
CASE NUMBER: 90-555-A
W/S Stevenson Lane, 30' H of Alghurth Avenue
1120 Stevenson Lane
9th Election District - 4th Councilmanic
Petitioner(s): Edmund A. Kendall, et ux
HEARING: WEDNESDAY, AUGUST 22, 1990 at 11:30 a.m.

Dear Petitioners:

Please be advised that \$122.29 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

JRH:ga

cc: Andrew G. Bailey, Esq.

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

J. Robert Haines
Zoning Commissioner

June 26, 1990



Dennis F. Rasmussen
County Executive

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 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-555-A
W/S Stevenson Lane, 30' N of Alghurth Avenue
1120 Stevenson Lane
9th Election District - 4th Councilmanic
Petitioner(s): Edmund A. Kendall, et ux
HEARING: WEDNESDAY, AUGUST 22, 1990 at 11:30 a.m.

Variance to permit a 2 foot rear yard in lieu of the minimum 20 ft.

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
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Kendall
Andrew G. Bailey, Esq.

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

J. Robert Haines
Zoning Commissioner

August 7, 1990



Dennis F. Rasmussen
County Executive

Andrew G. Bailey, Esquire
9028 Belair Road
Baltimore, MD 21236

RE: Item No. 417, Case No. 90-555-A
Petitioner: Edmund A. Kendall, et ux
Petition for Zoning Variance

Dear Mr. Bailey:

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

cc: Mr. & Mrs. Edmund A. Kendall
1120 Stevenson Lane
Towson, MD 21204

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 31, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Edmund A. Kendall, et ux, Item No. 417

The Petitioners request a Variance to rear setback requirements.

In reference to the Petitioner's 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
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

June 6, 1990



Dennis F. Rasmussen
County Executive

Mr. 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 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

RECEIVED
JUN 13 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JUNE 4, 1990

TO: ZONING COMMISSIONER, J. R. HAINES
& CARL RICHARDS
FROM: C.E. BURNHAM, PLANS REVIEW CHIEF
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: JUNE 12, 1990 - ZONING ADVISORY MEETING
EDMUND A. KENDALL, et ux

ANY WALL OF A RESIDENTIAL BUILDING WITHIN 3'-0" OF AN INTERIOR PROPERTY LINE REQUIRES A (1) HOUR FIRE RATED WALL WITHOUT ANY OPENINGS. AS PER THE BALTIMORE COUNTY BUILDING CODE, COUNCIL BILL #158-89, SECTION R-203.1 AND R-203.2 OF THE ONE & TWO FAMILY CODE. THE B.O.C.A. BASIC CODE IF USED IS MORE STRINGENT, SEE TABLE 906.2. THIS MINIMUM DISTANCE IS FOR FIRE SEPARATION.

MORE THAN 3' - 0" SEPARATIONS NEGATES THE (1) HOUR NO OPENING REQUIREMENT.

RECEIVED
JUN 6 1990
ZONING OFFICE

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 13th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Edmund A. Kendall, et ux

Petitioner's Attorney: Andrew G. Bailey

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

Paul H. Reinecke
Chief

JUNE 4, 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: EDMUND A. KENDALL
Location: #1120 STEVENSON LANE
Item No.: 417 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: [Signature] 6-5-90
Planning Group
Special Inspection Division

Noted and

Approved

Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

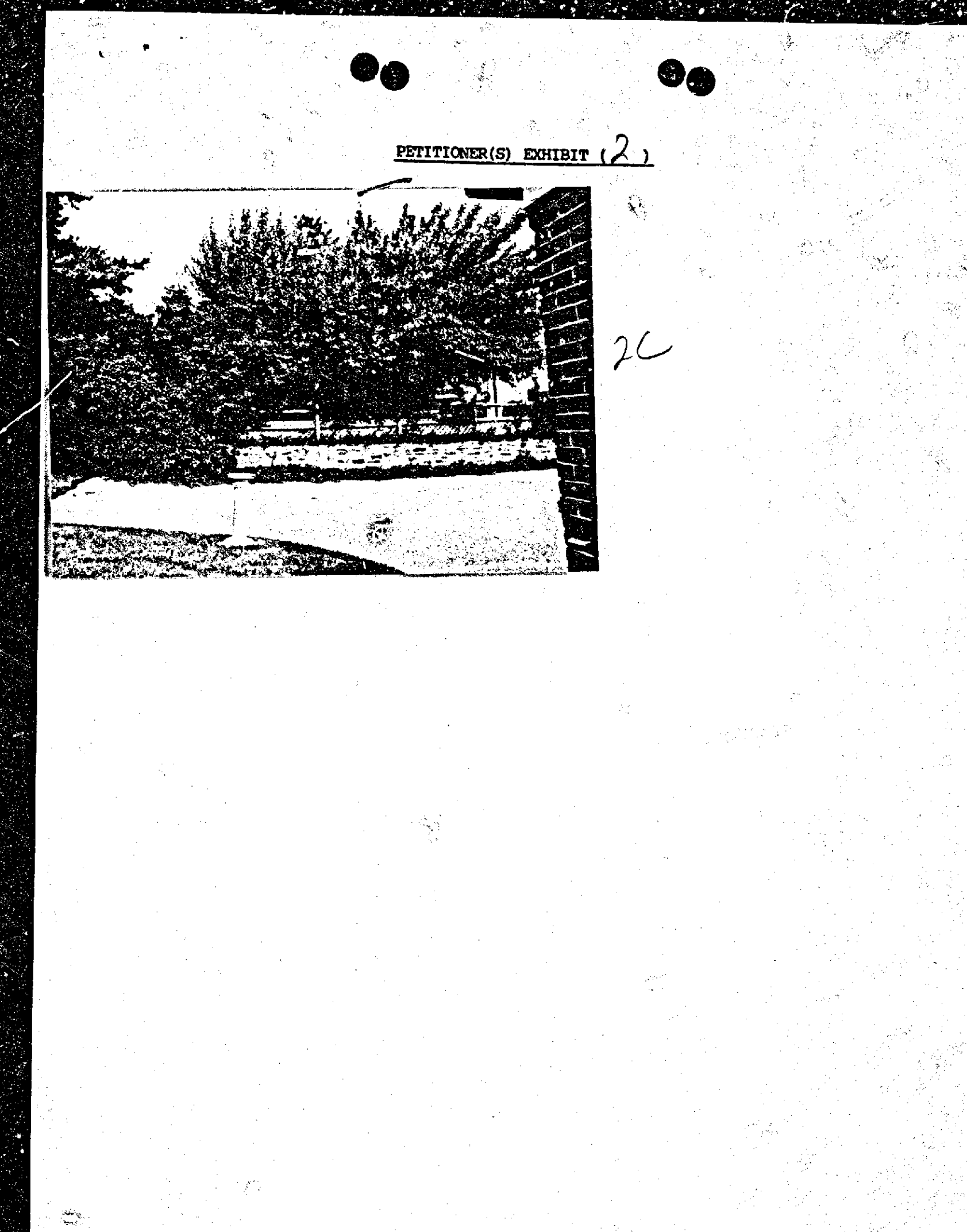
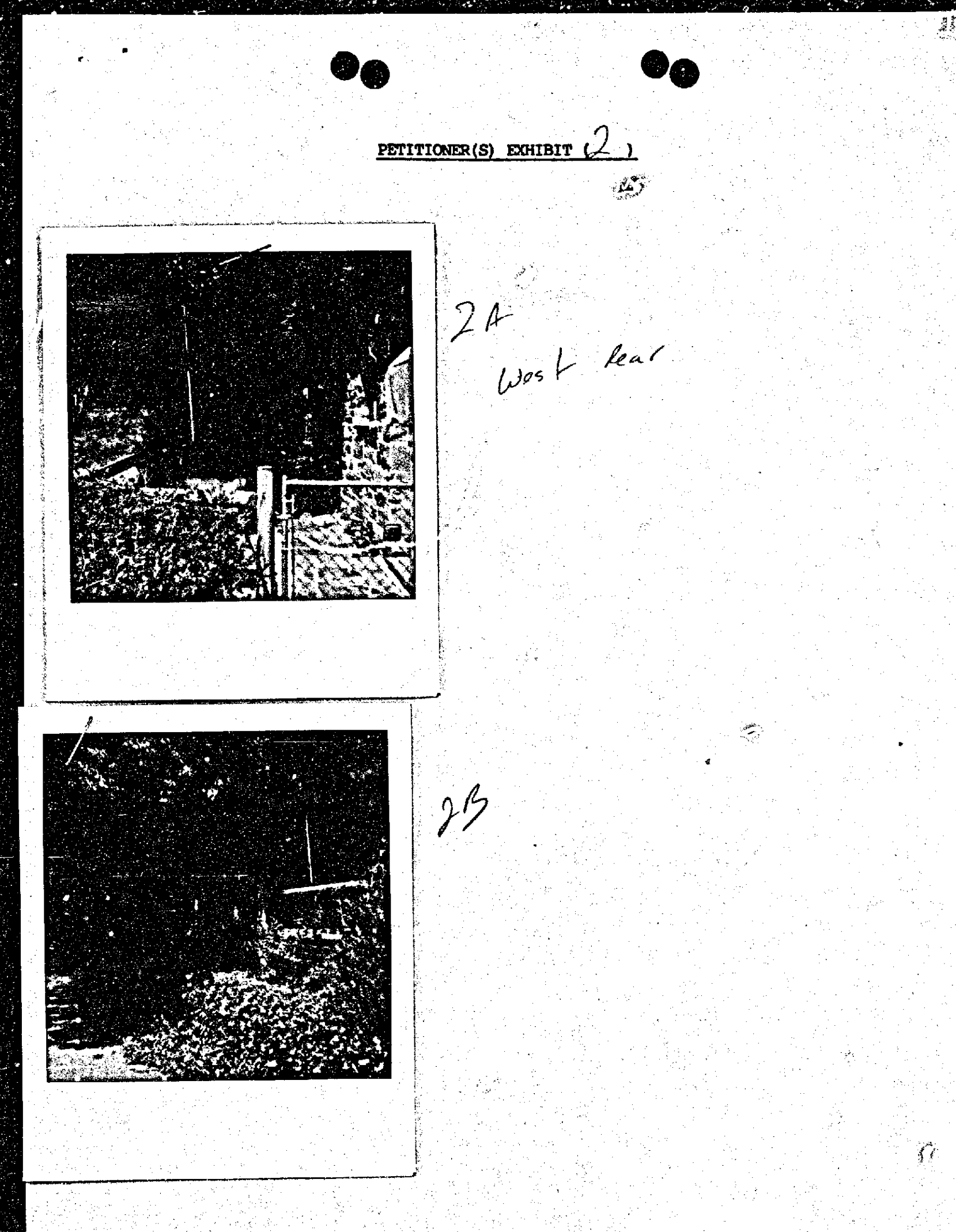
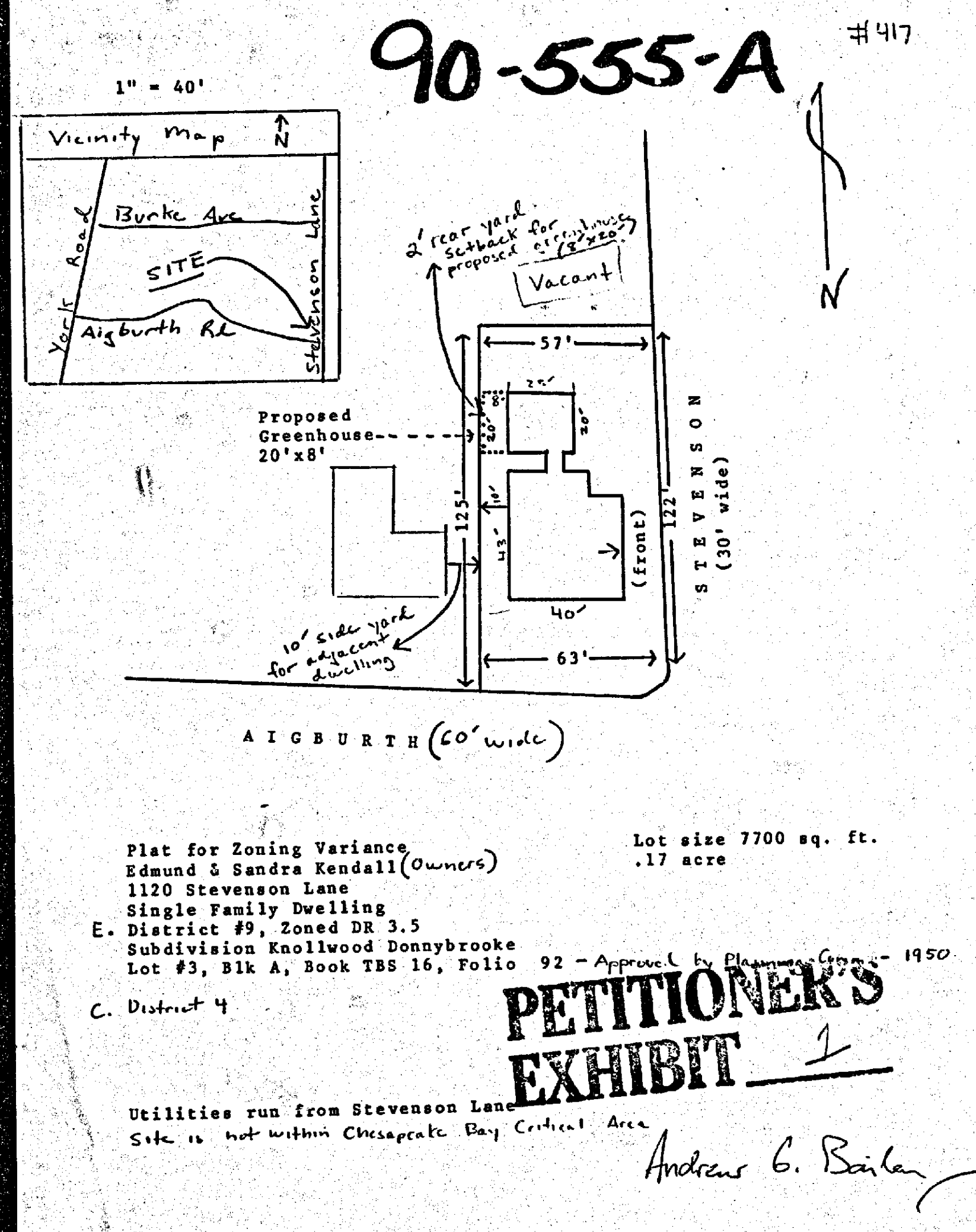
TO: Zoning Advisory Committee DATE: June 14, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for June 12, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 355, 408, 409, 410, 411, 412, 414, 416, 417, 418 and 421.

For Item 395, the side yard as shown on the plat is 34.7 feet. The variance requested to 37 feet would not be adequate.

For Item 413, the previous County Review Group comments still apply.

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



TO WHOM IT MAY CONCERN:

I AM IN AGREEMENT WITH THE PLANNED ADDITION OF A ATTACHED GLASS AND ALUMINUM GREEN HOUSE TO BE CONSTRUCTED ON THE WEST SIDE (BACK SIDE), EXTENDING 8 FEET TO 2 FEET OF PROPERTY LINE OF EXISTING GARAGE AT 1120 STEVENSON LANE, AS REQUESTED BY SANDRA AND EDMUND KENDALL.

NAME *Mr. M. C. Edgerton*
ADDRESS *434 Alsbury Rd.*
Green Mt. 21214
DATE *3/5/90*

PETITIONER'S EXHIBIT 34

TO WHOM IT MAY CONCERN:

I AM IN AGREEMENT WITH THE PLANNED ADDITION OF A ATTACHED GLASS AND ALUMINUM GREEN HOUSE TO BE CONSTRUCTED ON THE WEST SIDE (BACK SIDE), EXTENDING 8 FEET TO 2 FEET OF PROPERTY LINE OF EXISTING GARAGE AT 1120 STEVENSON LANE, AS REQUESTED BY SANDRA AND EDMUND KENDALL.

NAME *Carol H. Hosfeld*
ADDRESS *417 Alsbury Rd.*
Balto., Md. - 21204
DATE *March 10, 1990*

PETITIONER'S EXHIBIT 33

