

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 SE/S Haverhill Road, corner of Littlewood Road
 1901 Haverhill Road
 9th Election District
 6th Councilmanic District
 Richard M. Hollis, et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 91-402-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.B (Section 111C.4 "A" Residential (1953) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an average rear yard setback of 16 ft. in lieu of the required 20 ft. for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 1901 Haverhill Road, improved with a single family brick rancher house, zoned D.R.3.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit an average rear yard setback of 16 ft. in lieu of the required 20 ft. for an addition (Sunroom).

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

ORDER RECEIVED FOR FILING
 Date 4/22/91
 By [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of June, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.B (Section 111C.4 "A" Residential (1953) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an average rear yard setback of 16 ft. in lieu of the required 20 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 4/22/91
 By [Signature]

JRH/mmm
 cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **91-402-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, petition for a Variance from Section 1802.3.B (Section 111C.4 "A" Residential (1953)) to permit an average rear setback of 16 feet in lieu of the required 20 feet.

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

Due to the topography of the lot, the dwelling had been constructed 22 feet from the rear property line. The required setbacks do not accommodate the proposed addition.

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, 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(s)
 (Type or Print Name)
 Signature
 Address
 City/State/Zip Code
 Attorney for Petitioner(s)
 (Type or Print Name)
 Address
 City/State/Zip Code
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
 Name: McKee & Associates, Inc. 527-1555
 Address: 5 Shavano Road Hunt Valley, MD 21030

Legal Owner(s)
 (Type or Print Name)
 Signature
 Name: Richard M. Hollis
 Signature: *Richard M. Hollis*
 Name: DeLoris Hollis
 Signature: *DeLoris Hollis*
 Address: 1901 Haver Hill Road
 Address: *None*
 City/State/Zip Code: Towson, Maryland 21284

ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of April, 1991, that the subject matter of this petition be posted on or before the 24th day of May, 1991.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE NECESSARY, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___, 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 the property be reposted, 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 ___ day of ___, 19___ at ___ o'clock, ___.

ESTIMATED LENGTH OF HEARING: -1/2HR. +1HR.
 MON./TUES./WED. - 9:00 AM TO 12:00 PM
 ALL BALTIMORE COUNTY OFFICES
 REVIEWED BY: [Signature] 4/24/91
 DATE: 4/24/91
 BY: [Signature]

AFFIDAVIT
 (IN SUPPORT OF RESIDENTIAL VARIANCE)

I/We the legal owner(s) of #8811 Littlewood Road, being known as Lot 2, Block A, Coventry (A20/53) hereby affirm to the Zoning Commissioner of Baltimore County, Maryland that I/we do not object to the granting of a variance to permit the construction of the proposed addition of #1901 Haver Hill Road.

AFFIANT:
 Signature: *[Signature]* Date: 4/24/91
 Printed Name: *[Name]* Date: 4/24/91
 WITNESS:
 Signature: *Valerie A. Smith* Date: 4/24/91
 Printed Name: *Valerie A. Smith* Date: 4/24/91

Petitioner's Exhibit 4

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
91-402-A

The undersigned hereby affirm 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/does presently or upon settlement will reside at 1901 Haver Hill Road Towson, Maryland 21284 (Address)

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) Due to the topography of the lot, the dwelling was constructed 22 feet from the rear property line. The required setbacks do not accommodate the proposed addition.

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.

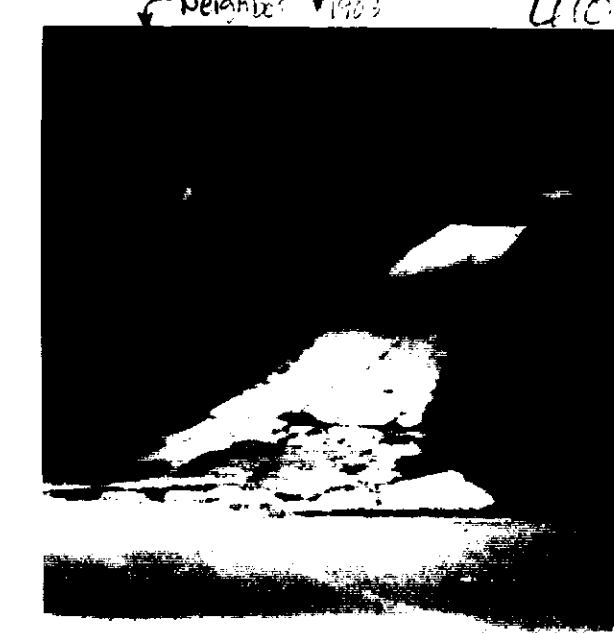
Richard M. Hollis AFFIANT (Handwritten Signature)
Richard M. Hollis AFFIANT (Printed Name)
[Signature] AFFIANT (Handwritten Signature)
[Signature] AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 24th day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared *[Signature]*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the 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.
 DATE: *[Date]*
 NOTARY PUBLIC
 My Commission Expires: *[Date]*
 My Commission Expires December 1, 1992

CASE NUMBER **91-402-A**



Northeast corner of intersection



Southeast corner of intersection



Southwest corner of intersection

PETITIONER'S EXHIBIT # 2

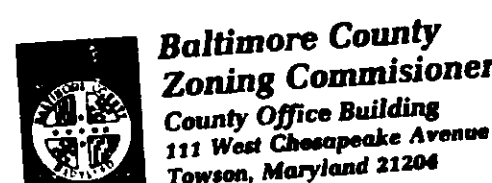
410

91-402-A

April 22, 1991

ZONING DESCRIPTION
 1901 HAVER HILL ROAD
 NINTH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 Beginning for the same at the southeast intersection of Haver Hill Road, being 50.00 feet wide and Littlewood road being 50.00 feet wide. Being known as Lot 3, Block A, Section 4, Coventry as recorded among the land records of Baltimore County in Plat Book 20, Folio 53. Containing 20,220 square feet or 0.46 acres of land, more or less. Also known as 1901 Haver Hill Road lying within the ninth election district.

receipt

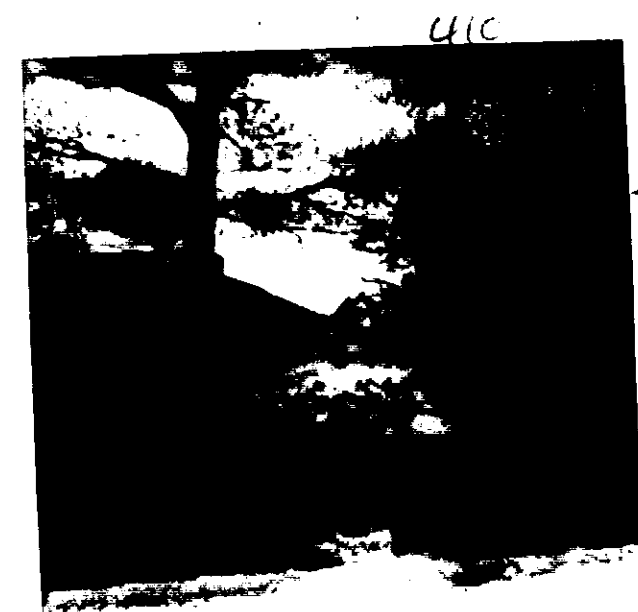


Account: R-001-6150
 Number

HR:09949
 QUANTITY
 UNIT PRICE
 PUBLIC HEARING FEES 1 X \$35.00
 ZONING VARIANCE (10%) 1 X \$25.00
 POSTING SIGNS / ADVERTISING 1 X \$60.00
 TOTAL: \$60.00
 LAST NAME OF OWNER: HOLLIS

04A04N0075MCHRC \$60.00
 Please Make Checks Payable To: Baltimore Code 609157AMD4-24-91

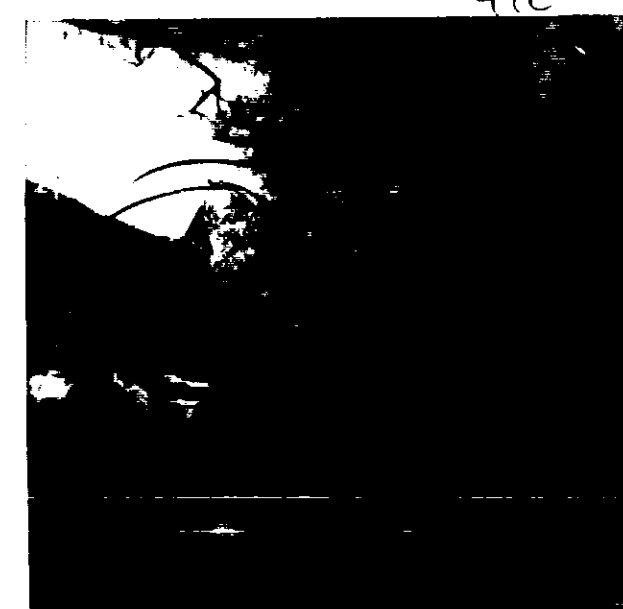
CASE NUMBER **91-402-A**



BACKYARD LOOKING EAST TOWARDS REAR YARD



BACKYARD LOOKING WEST



BACKYARD LOOKING EAST



AT FRONT PORCH ADDITION TOWARDS REAR

PETITIONER'S EXHIBIT # 3

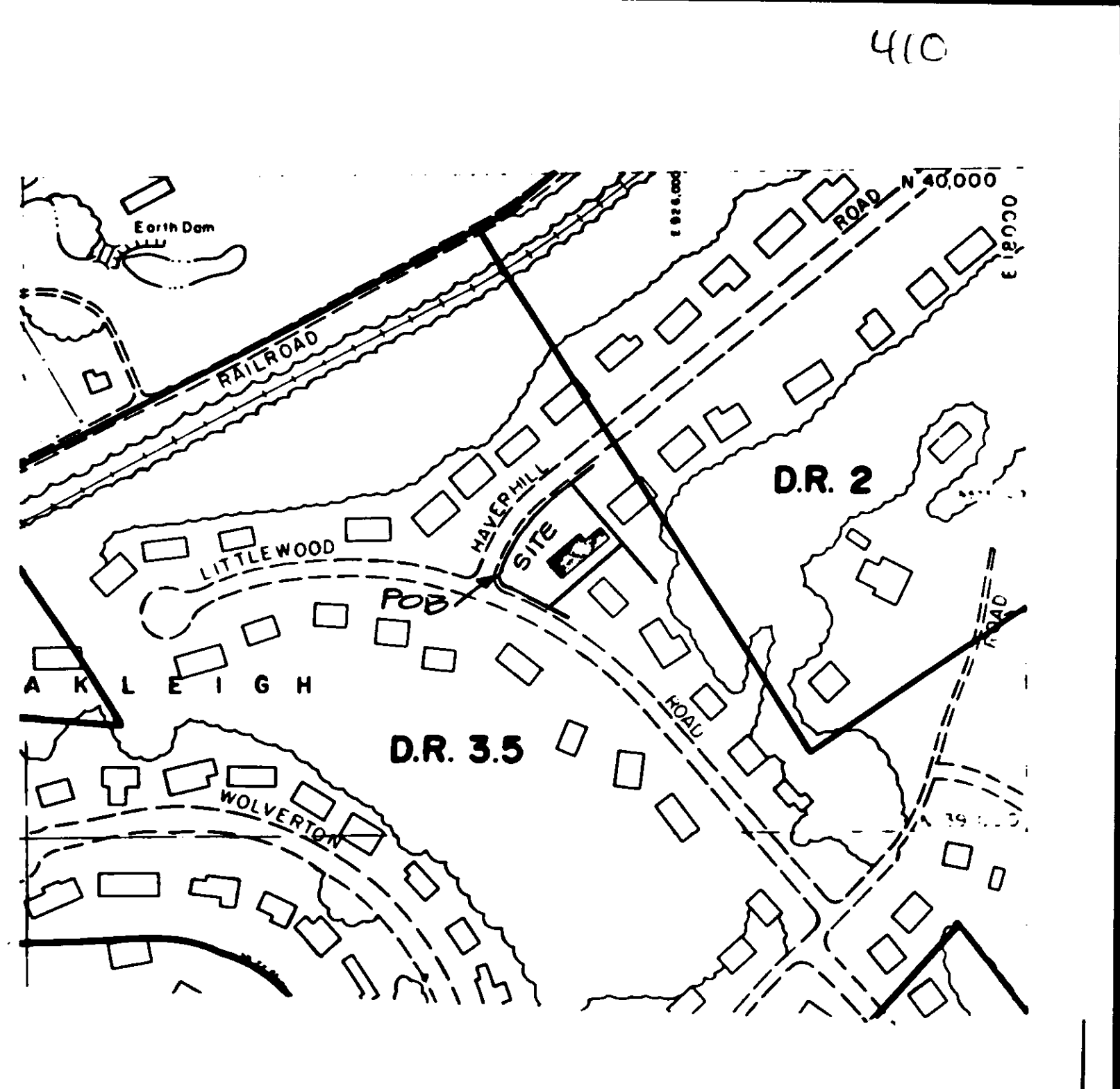
AFFIDAVIT
(IN SUPPORT OF RESIDENTIAL VARIANCE)

I/We the legal owner(s) of #1901 Haver Hill Road, being known as Lot 1, Block B, Haver Hill (329/10) hereby affirm to the Zoning Commissioner of Baltimore County, Maryland that I/we do not object to the granting of a variance to permit the construction of the proposed addition of #1901 Haver Hill Road.

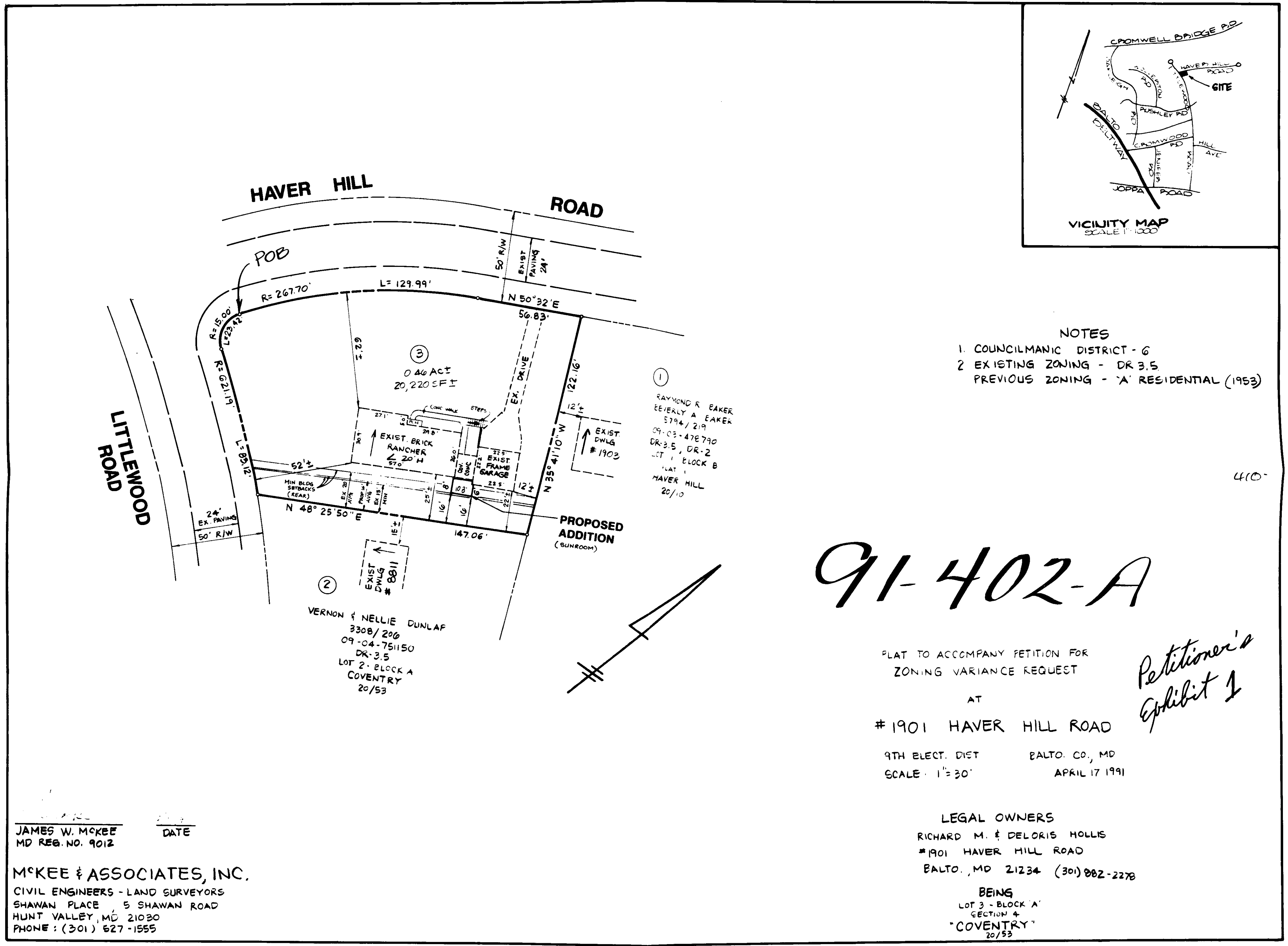
AFFIANT:
Raymond R. Baker
 Signature
 RAYMOND R. BAKER
 Printed Name
 4/22/91
 Date

WITNESS:
Victor A. Smith
 Signature
 VICTOR A. SMITH
 Printed Name
 4-22-91
 Date

Petitioner's Exhibit 5



200 S
MAP NE
91-



Petitioner's Exhibit 1



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 31, 1991

Mr. and Mrs. Richard M. Hollis
1901 Haverhill Road
Towson, Maryland 21204

RE: Petition for Residential Zoning Variance
Case No. 91-402-A

Dear Mr. and Mrs. Hollis:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential 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 887-3391.

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

JRH:mmm
encl.
cc: Peoples Counsel

91-402-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner DATE: June 6, 1991

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

SUBJECT: Richard M. Hollis, Item No. 410
Marc H. Nachman, Item No. 411
Georgia W. Baubitz, Item No. 419

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

ITEMS:3/ZAC1



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 14, 1991

Mr. & Mrs. Richard M. Hollis
1901 Haver Hill Road
Towson, MD 21204

RE: Item No. 410, Case No. 91-402-A
Petitioner: Richard M. Hollis, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Hollis:

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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 24th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard M. Hollis, et ux

Petitioner's Attorney:



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 3, 1991

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

RE: Property Owner: RICHARD M. HOLLIS
Location: 1901 HAVERHILL ROAD
Item No.: 410 Zoning Agenda: MAY 7, 1991

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: *John F. Keller* Noted and Approved
Special Inspection Division
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 6, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for May 7, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 405, 406, 407, 408, 409, 410, 411, and 412.

For Item 323 (Case #91-341-SFH), the previous County Review Group Meeting comments are still applicable.

For Item 397(revised), a revised County Review Group Meeting is required.

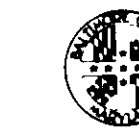
Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:js

received
5/9/91

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *PA* Date of Posting: *5/2/91*
Posted for: *James E. Dyer*
Petitioner: *Richard M. Hollis, et ux*
Location of property: *1901 Haverhill Rd., Towson, MD*
Location of signs: *1901 Haverhill Rd., Towson, MD*
Remarks: *On property of R.M. Hollis*
Posted by: *John F. Keller* Date of return: *5/7/91*
Number of signs: *1*



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 2, 1991

Mr. & Mrs. Richard M. Hollis
1901 Haver Hill Road
Towson, Maryland 21204

Re: CASE NUMBER: 91-402-A
LOCATION: SW/2 Haverhill Rd., corner of Littlewood Road, E/S Littlewood Road
1901 Haver Hill Road

Dear Petitioner(s):

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. This letter also serves as a rebuttal regarding the administrative process.

1) Your property will be posted on or before May 8, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 23, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. S. Stephens
G. S. Stephens
(301) 887-3391