

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S North Marlyn Avenue, 160 * ZONING COMMISSIONER
ft. S of Catherine Avenue *
321 North Marlyn Avenue * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 91-474-A
Beverly J. Donnelly
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Zoning Variance, a variance from Section 1802.3.C.1 of Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the required 55 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 321 N. Marlyn Avenue, consists of .19 acres +/-, zoned D.R.5.5 and is currently unimproved.

Testimony indicated that the Petitioner is desirous of constructing a one-story home measuring 30 ft. by 62 ft. on the subject lot to be utilized as her home. The Petitioner testified that the architecture of the proposed home will be consistent with the architecture of the surrounding community. She testified that if the variance is not granted, she will be unable to construct a residential home on this property as she does not own the property on either side of the subject lot.

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 complies with the requirements of Section 107 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 relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 1802.3.C.1 of Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the required 55 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

JRH/mm
cc: Peoples Counsel



Petition for Variance

to the Zoning Commissioner of Baltimore County

91-474-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 allow a buildable lot with a width of 50 ft. in lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty THIS PROPERTY WAS PURCHASED IN THE BELIEF THAT IT WAS A BUILDABLE LOT, TO THAT ALL LOTS IN THIS AREA OF N. MARLYN AVE. ALREADY HAVE HOMES IN EXISTENCE HAVE THE SAME JOY ABOUT IF A VARIANCE IS NOT GRANTED TO ALLOW A STRUCTURE TO BE BUILT AS DESIRED ON THE LOT. SINCE THE PROPERTY BEING THEREFORE BE UNSALEABLE AND WOULD DEFINITELY CAUSE A HARSHSHIP TO THE PETITIONER. 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, or 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.

Legal Owner(s):

Beverly J. Donnelly
Beverly J. Donnelly
Signature

(Type Print Name)

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

Home, address and phone number of legal owner, co-owner, purchaser or representative to be contacted

Beverly J. Donnelly
309 N. CHESAPEAKE RD. 391-5157 (Home)

EST. LENGTH OF HEARING - 1/2 HR. + 1 HR.

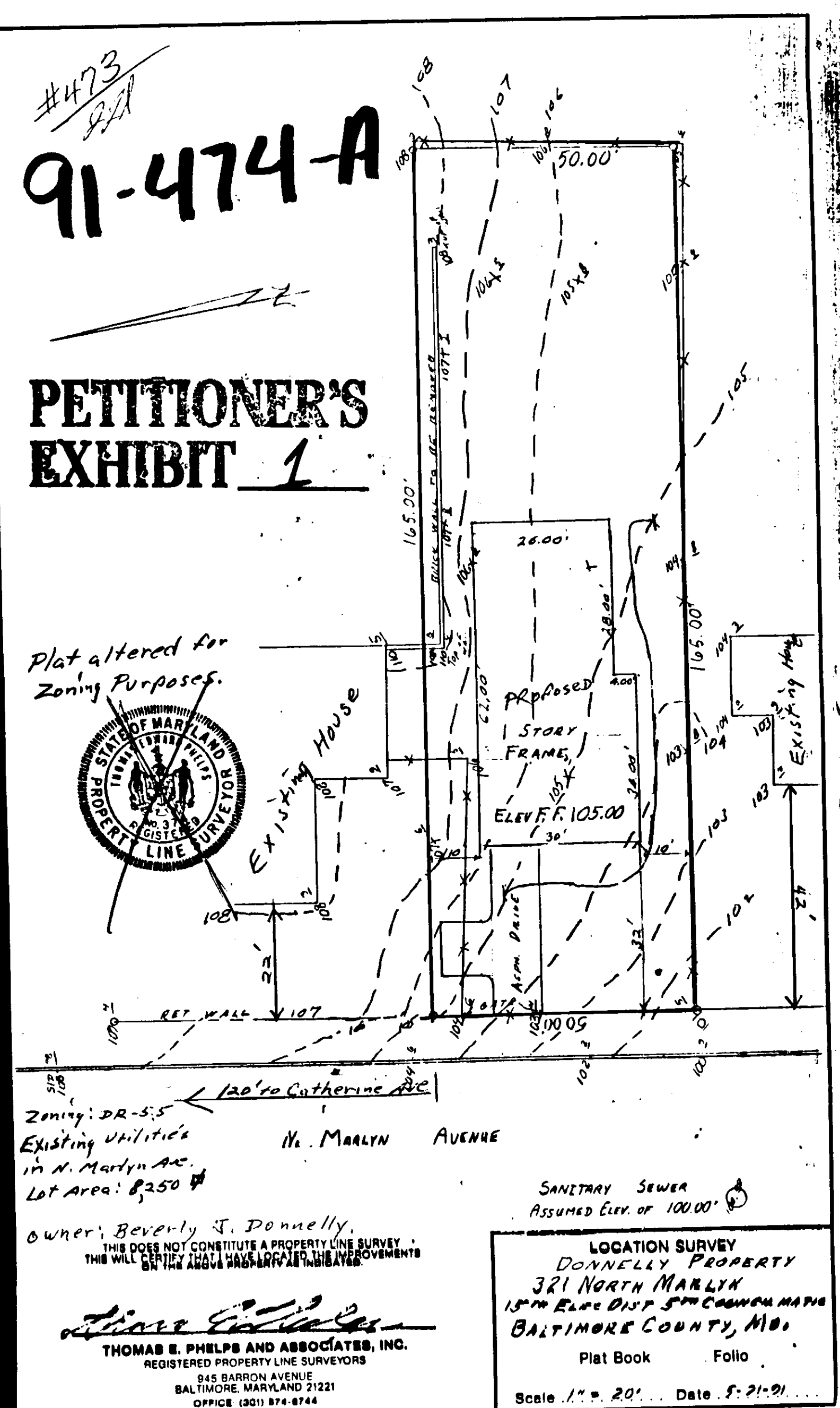
MON./TUES./WED. - NEXT TWO DAYS

ALL OTHER

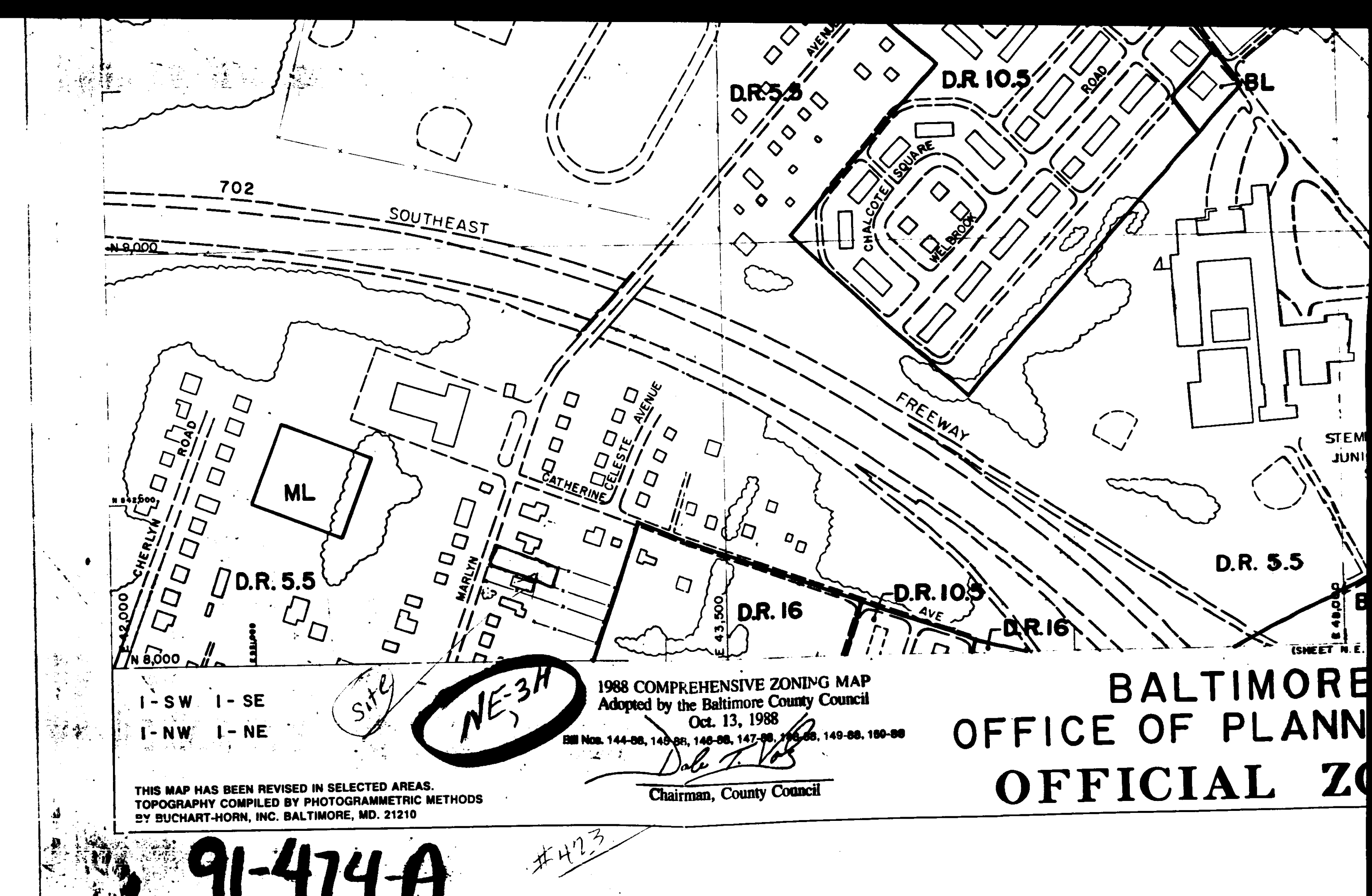
REVIEWED BY

ORDER RECEIVED FOR FILING

332 7920-
OFFICE #
OF OWNER



Baltimore County Zoning Commissioner County Office Building 211 West Chesapeake Avenue Towson, Maryland 21204		Account: R-001-6150 Number
Date	6/07/91	#9100473
PUBLIC HEARING FEE	QTY	PRICE
010 - ZONING VARIANCE (1RL)	1 X	\$35.00
LAST NAME OF OWNER: DONNELLY	TOTAL:	\$35.00
Please Make Checks Payable To: Baltimore County #011-53406-07-91		\$35.00



CASE NUMBER _____
PETITIONER'S EXHIBIT # 2



CASE NUMBER _____
PETITIONER'S EXHIBIT # 3



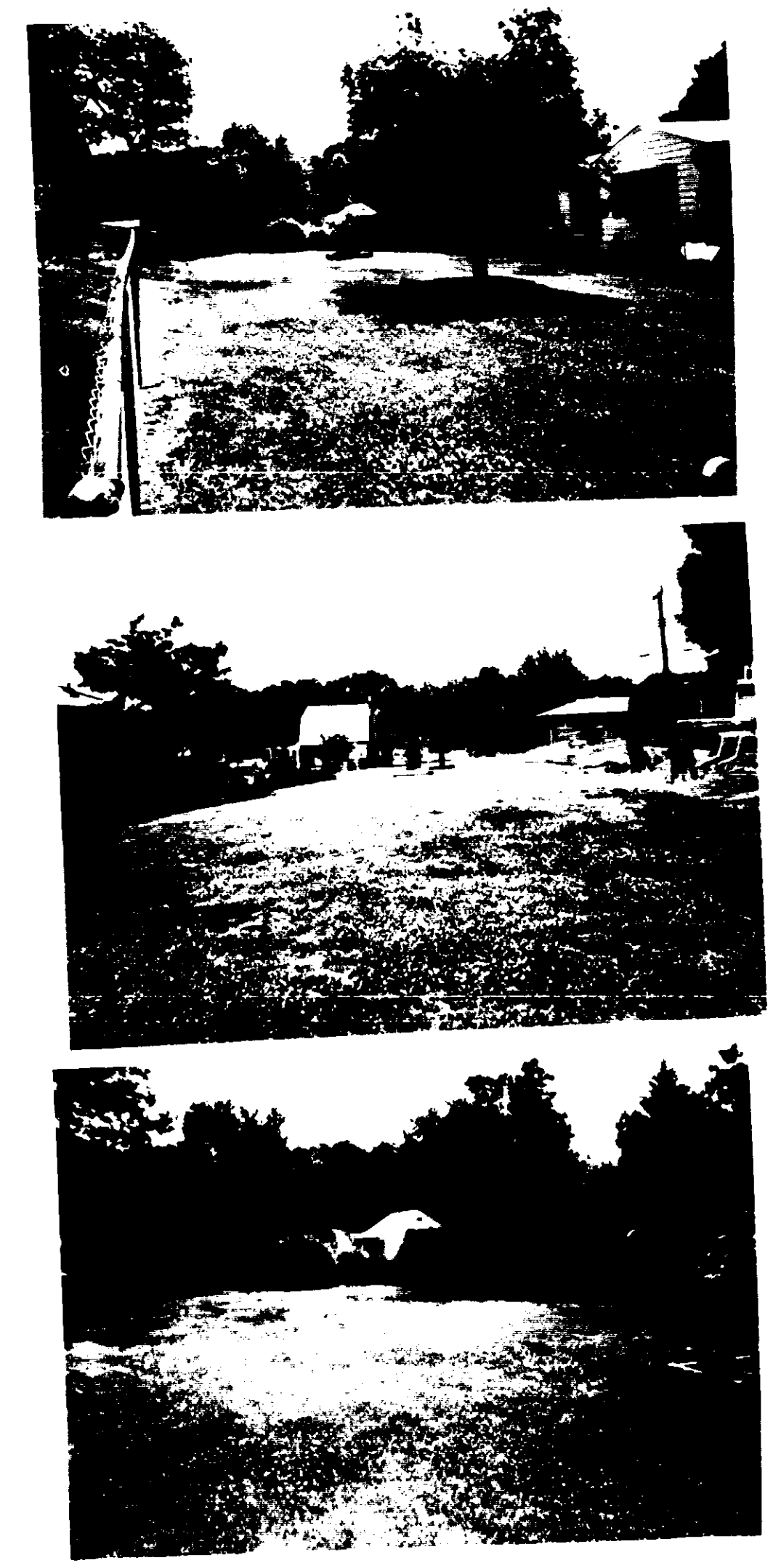
CASE NUMBER _____
PETITIONER'S EXHIBIT # 5



CASE NUMBER _____
PETITIONER'S EXHIBIT # 7



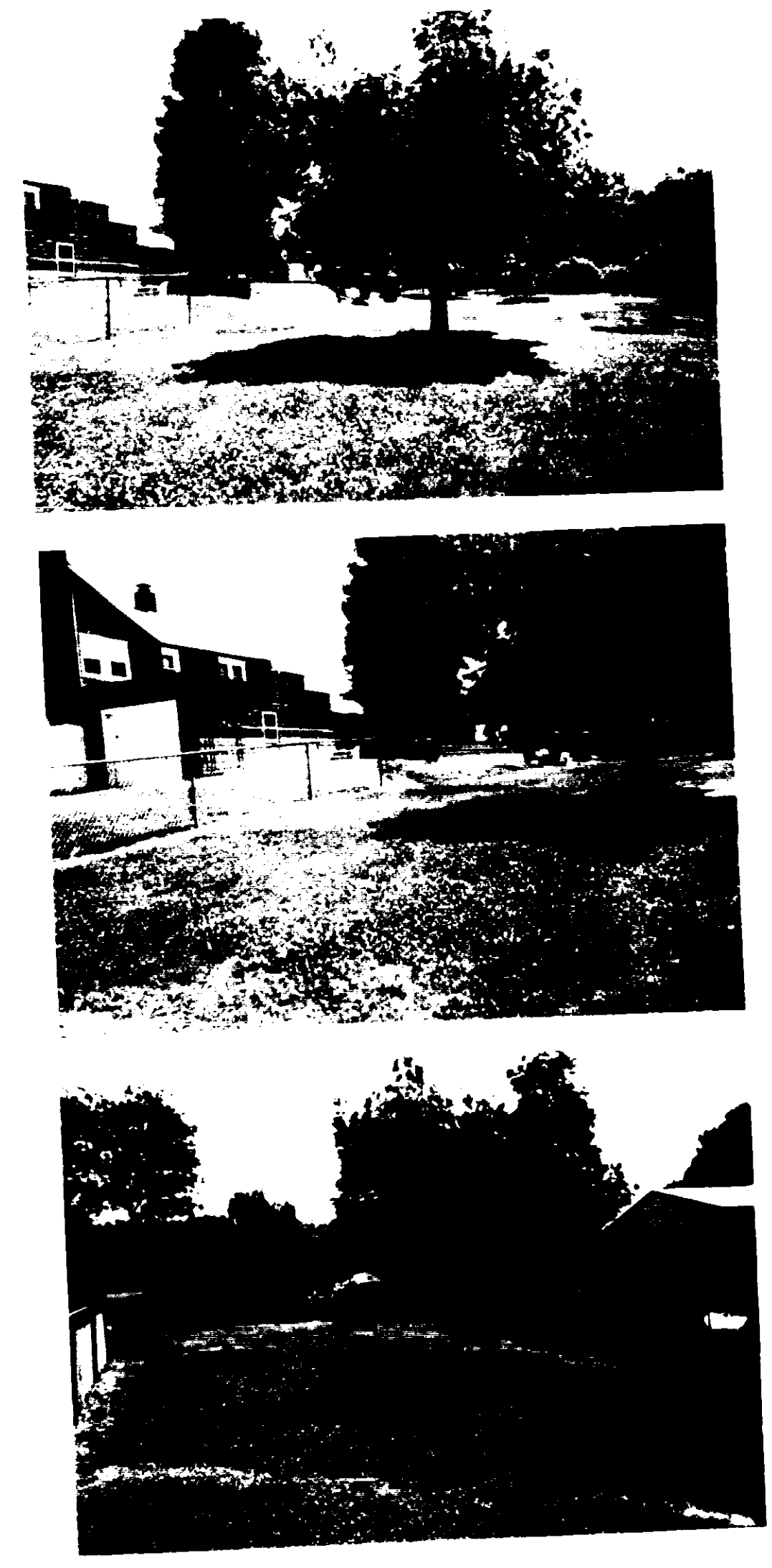
CASE NUMBER _____
PETITIONER'S EXHIBIT # 2



CASE NUMBER _____
PETITIONER'S EXHIBIT # 4



CASE NUMBER _____
PETITIONER'S EXHIBIT # 6



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
July 19, 1991
SS: 3353

Ms. Beverly J. Donnelly
359 Nicholson Road
Baltimore, MD 21221

RE: Item No. 473, Case No. 91-474-A
Petitioner: Beverly J. Donnelly
Petition for Zoning Variance

Dear Ms. Donnelly:

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

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
July 19, 1991
SS: 3353

Your petition has been received and accepted for filing this 7th day of June, 1991.

Arnold Jackson
ARNOLD JACKSON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Beverly J. Donnelly

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: June 26, 1991
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Robert C. Cooper, Item No. 470
John V. Dimenna, Item No. 468
Doris Lee Eller, Item No. 413
Beverly J. Donnelly, Item No. 473.

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

VARITEMS.JL/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 25, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 18, 1991

This office has no comments for items number 468, 470, 472 and 473.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
The Department
111 West Chesapeake Avenue
Towson, MD 21204
JUNE 19, 1991
SS: 3353

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

RE: Property Owner: BEVERLY J. DONNELLY
Location: #321 NORTH MARLYN AVENUE
Item No.: 473 Zoning Agency: JUNE 18, 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.

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. 163 "Life Safety Code", 1998 edition prior to occupancy.

Noted and
Approved
REVIEWED: *Robert W. Bowling*
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KFR

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for June 18, 1991
DATE: June 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 468, 470, 473 and 475.

For Items 458 and 460 the previous County Review Group comments still apply.

For Item 379 (#91-405-SPH), the site must be submitted through the minor subdivision process for review and comments.

For Item 472, as of this date, the proposed 8-inch sanitary sewer has not gone to contract.

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

RWB:s

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
August 22, 1991
887-3353

Ms. Beverly J. Donnelly
321 N. Marlyn Avenue
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
Case No. 91-474-A

Dear Ms. Donnelly:

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 887-3391.

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

JRH:mmn
encl.
cc: Peoples Counsel

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
JUNE 24, 1991
SS: 3353
COPY

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:

Case Number: 91-474-A
5/8 North Marlyn Avenue, 160' S of Catherine Avenue
321 North Marlyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Beverly J. Donnelly
HEARING: THURSDAY, AUGUST 15, 1991 at 10 a.m.

Variance to allow a buildable lot with a width of 50 ft. in lieu of the required 55 ft.

J. Robert Haines

Zoning Commissioner of
Baltimore County

cc: Beverly J. Donnelly