

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 NW/S Westwood Ave., 675' +/- \* ZONING COMMISSIONER  
 NE Southwood Avenue \* OF BALTIMORE COUNTY  
 Lot Nos. 299 and 300 \* Case No. 91-514-A  
 14th Election District  
 6th Councilmanic District  
 Thomas J. Hamper, et ux  
 Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as lots 299 and 300, consists of 0.219 acres +/-, zoned B.R.S.S.

The Petitioners propose to build a two story dwelling house on lots Nos. 299 and 300, as indicated on Petitioners' Exhibit No. 1.

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 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.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Saley, 270 Md. 308 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 27 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

COPY RECEIVED FOR FILING

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 16 day of August, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 ft. in lieu of the minimum 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 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 his 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

COPY RECEIVED FOR FILING

JRH:mm  
 cc: Peoples Counsel

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning



111 West Chesapeake Avenue  
 Towson, MD 21284

887-3354

August 16, 1991

Mr. and Mrs. Thomas J. Hamper  
 5830 Westwood Avenue  
 Baltimore, Maryland 21206

RE: Petition for Zoning Variance  
 Case No. 91-514-A

Dear Mr. and Mrs. Hamper:

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:mm  
 encl.  
 cc: Peoples Counsel

Zoning Description

91-514-A

Baltimore County, State of Maryland, lying and binding on the west side of Westwood Avenue and having a frontage thereon of 50 feet, with a depth on the southerly line of 181.44 feet and a depth on the northerly line of 201.28 feet; and having a width in the rear of 53.2 feet. Being all of lots #299 and 300 being unimproved lots as laid down and shown on a plat of County side made by Benj. O. Green and recorded among the land records of Baltimore County in Plat Book No. 7 folio 3, and located in the 14th Election District.

Petition for Variance

to the Zoning Commissioner of Baltimore County

91-514-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 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a buildable lot with a width of 50 feet in lieu of the minimum required 55 feet.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

I want to build a house on the lot 50' wide, that was previously zoned for a 55' wide lot. I can't build a proper house.

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 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.

Contractor (Print Name) \_\_\_\_\_  
 (Type or Print Name) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_

Attorney for Petitioner:  
 (Type or Print Name) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_

Attorney's Telephone No. \_\_\_\_\_

Name, address and phone number of legal owner, contractor purchaser or representative to be contacted

ESTIMATED LENGTH OF HEARING - 1/2HR. (+1HR.)  
 AVAILABLE FOR HEARING  
 MON./TUES./WED. - NEXT TWO 11:00 AM  
 ALL OTHER DAYS - 10:00 AM  
 REVENDED BY: *JRH* DATE: 6/29/91

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 14th Date of Posting: 7/26/91  
 Posted for: 6/21/91-91  
 Petitioner: Thomas J. Hamper, et ux  
 Location of property: NE/S Westwood Ave., 675' +/- NE Southwood Ave., 675' +/- Westwood Ave.  
 Location of Sign: Posting Westwood Ave. across street on property of Petitioner  
 Remarks: None  
 Posted by: JRH Date of return: 8/1/91  
 Number of Signs: 1

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 West Chesapeake Avenue in Towson, Maryland 21284, as follows:

Case Number: 91-514-A  
 N. NW/S Westwood Avenue  
 675' +/- NE Southwood Avenue  
 Lot Numbers 299 and 300  
 14th Election District  
 6th Councilmanic District  
 Petitioner(s):  
 Thomas J. Hamper, et ux

Hearing Date: Thursday, August 15, 1991 at 9:00 a.m.  
 Variance to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft.

Zoning Commissioner of Baltimore County  
 N. 724.7 201 July 18

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

*S. Zebe Orleans*  
 S. Zebe Orleans  
 Publisher

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Zoning Commissioner of Baltimore County  
 N. 724.7 201 July 18

CERTIFICATE OF PUBLICATION

TOWSON, MD. 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 \_\_\_\_\_, 1991.

THE JEFFERSONIAN,

*S. Zebe Orleans*  
 S. Zebe Orleans  
 Publisher

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

Account: R 001-6150  
 Number: \_\_\_\_\_

DATE	DESCRIPTION	QTY	PRICE
8/16/91	PUBLIC HEARING FEES	1 X	\$35.00
	10 ZONING VARIANCE (IPL)	1 X	\$35.00
	LAST NAME OF OWNER: HAMPER		TOTAL: \$35.00

Please Make Checks Payable To: Baltimore County  
 04A04R081M1CHRC  
 00001014A006-27-91

receipt

\$35.00

COPY RECEIVED FOR FILING



111 West Chesapeake Avenue  
Towson, MD 21286 887-3353

DATE: 7-25-91

Thomas and Eva Hamper  
5830 Westwood Avenue  
Baltimore, Maryland 21206

RE:  
Case Number: 91-514-A  
NW/8 Westwood Avenue, 675' (+/-) NE Southwood Avenue  
Lot Numbers 299 and 300  
14th Election District - 6th Councilmanic  
Petitioner(s): Thomas J. Hamper, et ux  
HEARING: THURSDAY, AUGUST 15, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$36.91 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.

*J. Robert Haines*  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND



111 West Chesapeake Avenue  
Towson, MD 21206 887-3353

JULY 9, 1991

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: 91-514-A  
NW/8 Westwood Avenue, 675' (+/-) NE Southwood Avenue  
Lot Numbers 299 and 300  
14th Election District - 6th Councilmanic  
Petitioner(s): Thomas J. Hamper, et ux  
HEARING: THURSDAY, AUGUST 15, 1991 at 9:00 a.m.

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

*J. Robert Haines*  
Zoning Commissioner of  
Baltimore County

cc: Thomas and Eva Hamper



111 West Chesapeake Avenue  
Towson, MD 21206 887-3353

July 19, 1991

Mr. & Mrs. Thomas J. Hamper  
5830 Westwood Avenue  
Baltimore, MD 21206

RE: Item No. 508, Case No. 91-514-A  
Petitioner: Thomas J. Hamper, et ux  
Petition for Baltimore, MD 21206

Dear Mr. & Mrs. Hamper:

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 21206 887-3353

Your petition has been received and accepted for filing this 28th day of June, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*Julie Winiarski*  
Julie Winiarski  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Thomas J. Hamper, et ux

Petitioner's Attorney:

91-514-A 8/15

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 22, 1991  
Zoning Commissioner

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

SUBJECT: Thomas J. Hamper, Item No. 508

The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

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  
ITEM508/ZAC1

*Rec'd  
7/24/91  
jw*

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

Date: August 28, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. comments

Z. A. C. MEETING DATE: July 9, 1991

This office has no comments for item numbers 469, 504, 506, 507, 508, 511, 512 and 513.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF:bza

*Rec'd 8/2/91  
jw*

Aug 15 91-514-A

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 22, 1991  
Zoning Commissioner

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

SUBJECT: Thomas J. Hamper, Item No. 508

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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  
ITEM508/ZAC1

*Rec'd 7/31/91  
jw*



111 East Popple Road, Suite 901  
Towson, MD 21286 887-3353

JULY 26, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21206

RE: Property Owner: THOMAS J. HAMPER  
Location: LOT NUMBERS 299 AND 300  
NW/8 WESTWOOD AVENUE  
Item No.: 508 Zoning Agenda: JULY 9, 1991

Controller:

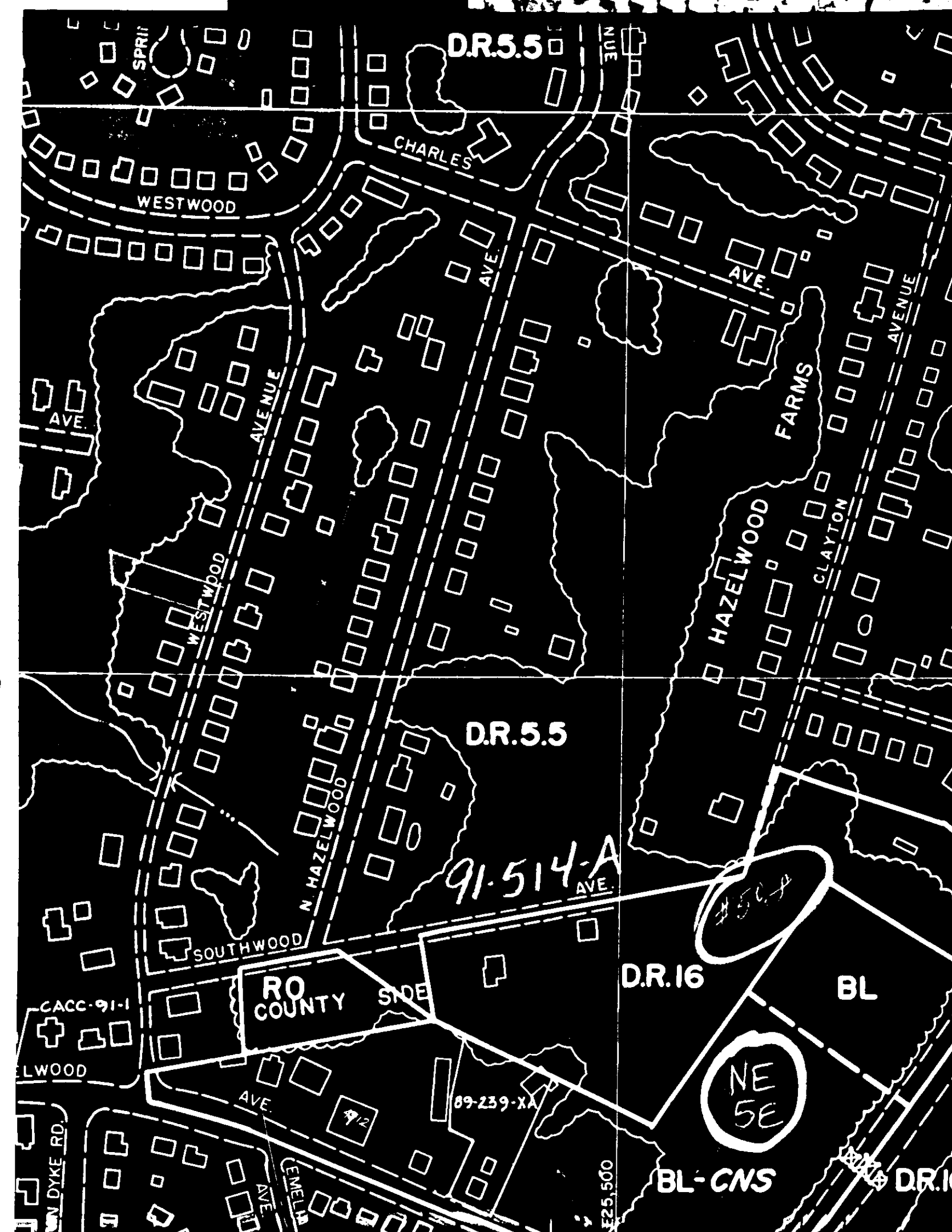
Pursuant to your request, the referenced property has been surveyed by this Bureau and the corners below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *Pat Keller* 7/26/91 Met and Approved  
Planning Director Fire Prevention Bureau  
Special Inspection Division

JW/PRK

*Rec'd 8/1/91  
jw*



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 6832 WESTWOOD AVE  
 Subdivision name: County Side  
 plat book # 7 folio 3 lot # 297 section #  
 OWNER: THOMAS & EYA HAMPER  
 date: 8/20/81  
 prepared by: THOMAS HAMPER Scale of Drawing: 1" = 30'

91-514-A

LOCATION INFORMATION

Commutative District: 6 23  
 Election District: 14  
 1"=200' scale map: NE 5E  
 Zoning: DR-5.5  
 Lot size: 0.219 9546±  
 acreage square feet

SEWER:    
 WATER:    
 Chesapeake Bay Critical Area:    
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!  
 reviewed by: ITEM #: CASE #:  
 508



Petitioner's Exhibit 1



BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 PHOTOGRAPHIC MAP

SCALE 1" = 200' ±  
 LOCATION OVERLEA  
 SHEET N.E. 5-E  
 DATE OF PHOTOGRAPHY JANUARY 1986  
 91-514-A

PREPARED BY AIR PHOTOGRAPHICS, INC.  
 MARTINSBURG, W.V. 25401