

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 N/S Rolling Way, 159 ft. +/- \* ZONING COMMISSIONER  
 S/Ely c/1 Rolling Way \* OF BALTIMORE COUNTY  
 3827 Rolling Way \*  
 14th Election District \* Case No. 92-16-A  
 6th Councilmanic District \*  
 Mark S. Chlan \*  
 Petitioner \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Zoning Variance, a variance from Section 301.1 (VBCB) (CNDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6.5 feet in lieu of the required 11.25 feet for an open projection (deck); a variance from Section 1B01.2.C.6 (VB7)(CNDP) to permit a private space factor of 284 sq.ft. (front yard) in lieu of the required 500 sq.ft., to amend the site plan previously approved in Case No. 86-441-A, and to amend the last amended Final Development Plan of Rolling Crest, all as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Mark S. Chlan, appeared and testified. Appearing on behalf of the Petitioner was Joseph A. Varvaro. There were no Protestants.

Testimony indicated that the subject property, known as 3828 Rolling Way, consists of .0322 acres, zoned D.R.16, and is improved with a two story brick townhouse dwelling. Petitioner is desirous of constructing a deck in the rear yard of the subject property in accordance with that depicted on Petitioner's Exhibit 1. Testimony indicated that the Petitioner received approval from his Community Association and that his immediate neighbors at 3826 and 3830 Rolling Way have no objection to the proposed construction. Petitioner testified that the proposed deck would be consistent with others in this community and that approximately 50 decks of the

type proposed have been constructed in his neighborhood. Further testimony and evidence presented indicated that if strict compliance with the zoning regulations were required, the deck would be of a limited size and virtually unusable.

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.

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 4<sup>th</sup> day of Oct., 1991 that, pursuant to the Petition for Zoning Variance, variances from Section 301.1 (VBCB) (CNDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6.5 feet in lieu of the required 11.25 feet for an open projection (deck); from Section 1B01.2.C.6 (VB7)(CNDP) to permit a private space factor of 284 sq.ft. (front yard) in lieu of the required 500 sq.ft., to amend the site plan previously approved in Case No. 86-441-A, and to amend the last amended Final Development Plan of Rolling Crest, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES/mm  
 cc: Peoples Counsel

*10/24/91  
 Mr. Stork*

**Petition for Variance**

to the Zoning Commissioner of Baltimore County

92-16-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 301.1 (VBCB) (CNDP) to allow an open projection a rear yard setback of 6.5' in lieu of the required 11.25' Sec. 1B01.2.C.6 (VB7)(CNDP) to allow a private space factor of 284 sq. ft. (front yard) in lieu of the required 500 sq. ft. Also to amend previous variance case #86-441-A and to amend the last amended FDP of Rolling Crest. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To be discussed at hearing.

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 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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

ORDER RECEIVED FOR FILING

Date

By

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.

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2 HR. - 45 M. - 1 HR.

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

REVIEWED BY: CNA DATE 11 July 91

ORDER RECEIVED FOR FILING  
 Date 10/24/91  
 By Mr. Stork

Zoning Description  
 92-16-A

Being known and designated as Lot No. 55, block 7, on the Plat entitled "Rolling Crest", which Plat is recorded among the Land Records of Baltimore County in Liber EHK, jr. 54 Folio 47. The improvements thereon being known as No.

3828 Rolling Way, Baltimore, Maryland 21236

Located on the North Side of Rolling Way 159'± S/Ely & Rolling Crest Way

PETITIONER'S EXHIBIT 1

*Elaine Barry*

PETITIONER'S EXHIBIT 2

Property Owners Name  
 KATH HOFFMAN

Property Location  
 3826 Rolling Way

PETITIONER'S EXHIBIT 3

Property Owners Name  
 David Manning

Property Location  
 3830 Rolling Way, Parkville, MD 21236

PLEASE PRINT CLEARLY  
PETITIONER(S) SIGN-IN SHEET

NAME: Mark S. Chlan  
ADDRESS: 3828 Rolling Way #1236  
Jos. A. Varkaro 1751 Twin Oak Rd 21084

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 4, 1991

Mr. Mark S. Chlan  
3828 Rolling Way  
Baltimore, Maryland 21236

RE: Petition for Zoning Variance  
Case No. 92-16-A

Dear Mr. Chlan:

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,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
cc: Peoples Counsel

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

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

Arnold Jablon  
DIRECTOR

Received By:

James E. Hoffman  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Mark S. Chlan, et ux  
Petitioner's Attorney:

Baltimore County Government  
Fire Department

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

JULY 24, 1991

(301) 887-4500

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

RE: Property Owner: MARK S. CHLAN  
Location: #3828 ROLLING WAY  
Item No.: 12 Zoning Agenda: JULY 23, 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: [Signature] Noted and Approved [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

Rec'd 7/24/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: July 25, 1991  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Curtis L. King, Item No. 11  
Mark S. Chlan, Item No. 12  
James R. Whitehead, Item No. 14  
Micheal J. Sponseller, Item No. 15

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  
MULTITE.MS/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: August 1, 1991  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for July 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 12, 14, 15 and 16.

For Item 13, the previous minor subdivision comments are applicable.

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

RWR:e

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

AUGUST 2, 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: 92-16-A  
1/3 Rolling Way, 159' (-) 8 1/2' c/l Rolling Way  
3828 Rolling Way  
14th Election District - 6th Councilmanic  
Petitioner(s): Mark S. Chlan  
HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 11:30 a.m.

Variance to allow an open projection a rear yard setback of 6.5 ft. in lieu of the required 11.25 ft.; to allow a private space factor of 294 square feet (front yard) in lieu of the required 500 square feet; to amend previous variance case #86-41-1; and to amend the last amended FDP of Rolling Court.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

cc: Mark S. Chlan

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. Famill  
SUBJECT: Z. A. C. comments  
Z. A. C. MEETING DATE: July 23, 1991

This office has no comments for item numbers 11, 12, 13, 14 and 16.

Rahee J. Famill  
Traffic Engineer II

RJF:bza

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 7-15-91.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

S. Zeke Orlean  
Publisher

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 8/26/91

COPY

Mark S. Chlan  
3828 Rolling Way  
Baltimore, Maryland 21236

RE: Case Number: 92-16-A  
1/3 Rolling Way, 159' (-) 8 1/2' c/l Rolling Way  
3828 Rolling Way  
14th Election District - 6th Councilmanic  
Petitioner(s): Mark S. Chlan  
HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 11:30 a.m.

Dear Petitioner(s):

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

92-16

receipt

Account # 001450  
Number

Cashier Validation

Please Make Checks Payable to Baltimore County \$95.76  
BA 001104AND09-25-91