

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 S/S Dorchester Ave., 145 ft. \* ZONING COMMISSIONER  
 W of c/l Carroll Street \* OF BALTIMORE COUNTY  
 1127 Dorchester Avenue \* 1st Election District  
 1st Councilmanic District \* Case No. 92-101-A  
 Mark W. Griffin, et ux  
 Petitioners \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback from the street right-of-way of 10 ft. in lieu of the required 25 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners/property owners, Mark W. and Margaret C. Griffin, appeared and testified. There were no Protestants.

The Petitioners testified that they own the subject property, known as 1127 Dorchester Avenue, which is a corner lot at the intersection of Carroll Street and Dorchester Avenue. They propose to construct a 36 x 30 ft. dwelling on the subject property. Although the lot is sufficiently sized to support the construction and no additional variances are requested, other than this requested variance, the Petitioner's seek relief from the required street right-of-way to the side yard setback. The Petitioners argue that if the relief is not requested, the lot will be undevelopable. Further, they note that the other dwellings within the community contain less than the required distance, and there are no objections to the proposal from any of the surrounding neighbors. Lastly, it is noted that Carroll Street is actually paved to a distance of 20 ft. wide, notwithstanding that the right-of-way is significantly wider.

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. Soley, 270 Md. 208 (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, 22 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 variance was 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 variance requested will not be detrimental to the public health, safety and general welfare.

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 6th day of Dec., 1991 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback from the street right-of-way of 10 ft. in lieu of the required 25 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction 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.

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

LES/mm

ORDER RECEIVED FOR FILING  
 Date 11/26/91  
 By Mr. D. Clark



#103  
**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County **92-101-A**

The undersigned, legal owner(s) of the property situated 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 Requiring a setback of 25 feet against a street right of way. Request a variance to allow a 10 foot side yard against the street right of way instead of the required 25 foot setback.

The practical difficulty is that the owner of the lot does not own sufficient adjoining land to conform substantially to side yard setback requirements against a public right of way.

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 of 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/Lessee:  
 (Type or Print Name) \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 Attorney for Petitioner:  
 (Type or Print Name) \_\_\_\_\_  
 Address \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 Attorney's Telephone No.: \_\_\_\_\_

Legal Owner(s):  
 Mark W. Griffin  
 (Type or Print Name)  
 Signature  
 Margaret C. Griffin  
 (Type or Print Name)  
 Signature

1127 Dorchester Ave. 788-7586  
 Address Phone No.  
 Balto. Md. 21207  
 City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
 LEAD & WALKER & D'EGG, INC.  
 5710 EXECUTIVE DRIVE SUITE 100  
 CATONSVILLE MD 21222  
 Address Phone No. 788-4445

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_  
 By \_\_\_\_\_  
 ESTIMATED LENGTH OF HEARING (1/2HR) + 1HR.  
 AVAILABLE FOR HEARING  
 MON., TUES., WED. - NEXT TWO MONTHS  
 ALL OTHER DAYS  
 REVIEWED BY: LG DATE: \_\_\_\_\_

**LAND SURVEY & DESIGN, INC.**

5710 Executive Drive Suite 100  
 Baltimore, Maryland 21228  
 301-788-4445

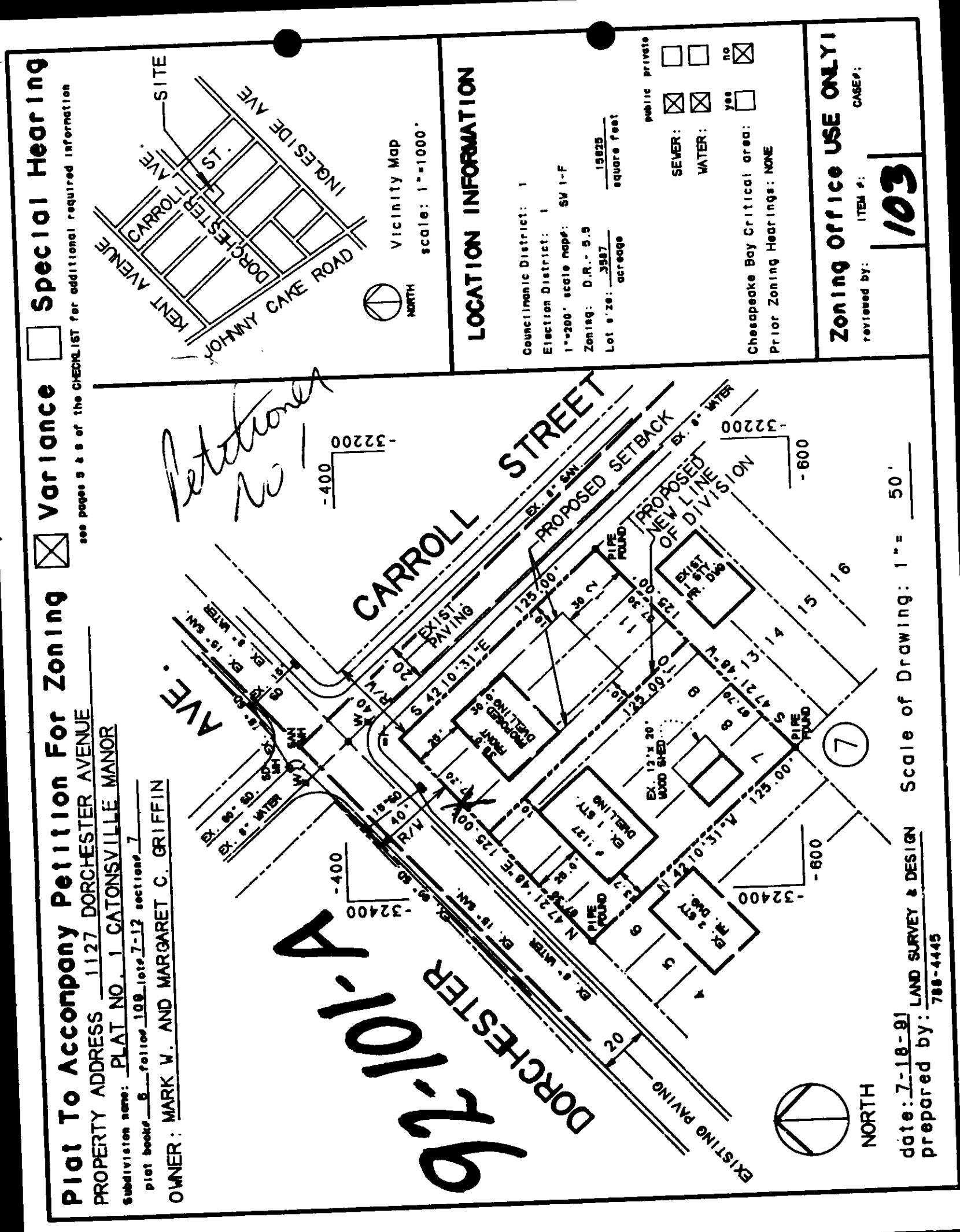
**92-101-A**

Property description to accompany an application for Zoning Variance for #1127 Dorchester Avenue.

**Zoning Description**

Beginning at a point on the south side of Dorchester Avenue, 40 feet wide, at a distance of 145 feet southwest of the centerline of Carroll Street, 40 feet wide, running thence; North 47 degrees 21 minutes 48 seconds East, 125.00 ft., South 42 degrees 10 minutes 31 seconds East, 125.00 ft., South 42 degrees 21 minutes 48 seconds West, 125.00 ft., North 42 degrees 10 minutes 31 seconds West, 125.00 ft. to the place of beginning.

Being Lots 7-12 of Block 7 in the subdivision of Catonsville Manor as recorded in Baltimore County Plat Book 6, Folio 109 containing 15625 square feet. Also known as #1127 Dorchester Avenue and located in the First Election District.



92-101-A

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2) (Pre-App Permit only) DATE: December 4, 1991  
 Mr. Powell / EIRD  
 Mr. Pilon / MS  
 Mr. Flowers / CRCA  
 Mr. Maranto / Planning  
 Mr. Richards / Zoning  
 Mr. Bowling / DED (2)  
 Mr. Family / Traffic  
 Mr. Weiss / Sanitation  
 Mr. Beaumont / Land Acq.  
 Ms. Lutz / House Nos.  
 Capt. Kelly / Fire Dept.  
 Mr. Kincaid / Rec. Sparks  
 Mr. Brocato / SHA  
 Mr. Rutchler / CSP  
 Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley  
 Bureau of Public Services

SUBJECT: District: 1C1  
 Project Name: Griffin Property  
 Project No.: 91341 M Dorchester Ave Carroll  
 Engineer: Land Survey And Design, Inc.  
 Phone No.: 788-4445

TO: JRA  
 RECEIVED  
 DEC 5 1991  
 By: JCA

ACTION REQUESTED:  
 CRG Plan Review (Meeting Waived) :  
 CRG Plan Refinement Review :  
 CRG Non-Material Amendment Review :  
 CRG Plan Approval Extension Review :  
 Paraphrase Minor CRG Plan Review :  
 Minor Subdivision Review :XX

Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.  
 NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 12/26/91. If you have no comments or do not need to review this plan, please indicate by placing your initials here \_\_\_\_\_

Thank you for your attention to our request.

SDM:mmm  
 cc: File



92-101A 10

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

DATE: October 9, 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: September 10, 1991

There are no comments for item numbers 81, 102, 103, 104, 109, 110, 111, 112 and 115.

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

RJF/lvd

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



111 West Chesapeake Avenue  
Towson, MD 21284

887-3353

October 8, 1991

Mr. & Mrs. Mark Griffin  
1127 Dorchester Avenue  
Baltimore, MD 21207

RE: Item No. 103, Case No. 92-101-A  
Petitioner: Mark W. Griffin, et ux  
Petition for Variance

Dear Mr. & Mrs. Griffin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments

Date:  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

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 21284

887-3353

Your petition has been received and accepted for filing this  
26th day of August, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Mark W. Griffin, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991  
Zoning Administration and  
Development Management

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

SUBJECT: HELBING Property, Item No. 53  
Smith Property, Item No. 64  
McClure Property, Item No. 65  
Boehnlein Property, Item No. 66  
Mark Property, Item No. 68  
Buie Property, Item No. 69  
Pulaski Property, Item No. 70  
Wollschlager Property, Item No. 72  
Bray Property, Item No. 74  
Graves Property, Item No. 75  
Sylvia Property, Item No. 76  
Long Property, Item No. 78  
Pearl Property, Item No. 79  
Casey Property, Item No. 80  
Edwards Property, Item No. 81  
Tyson Property, Item No. 85  
Skidmore Property, Item No. 88  
Williams Property, Item No. 89  
Restivo Property, Item No. 90  
Didier Property, Item No. 97  
Wesolowski Property, Item No. 102  
Griffin Property, Item No. 103  
Burgwin Property, Item No. 104  
Ghent Property, Item No. 110  
Ling Property, Item No. 111  
Bates Property, Item No. 112  
Bond Property, Item No. 115

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/rdn

ITEM47/TXTROZ

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21284-5500

SEPTEMBER 16, 1991

(301) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MARK W. GRIFFIN  
Location: #1127 DORCHESTER AVENUE  
Item No.: 103 Zoning Agenda: SEPTEMBER 10, 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: *A. J. ...* Noted and Approved *W. B. ...*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for September 10, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. R-91-119.

For Item 106, comments will be made at the County Review Group meeting.

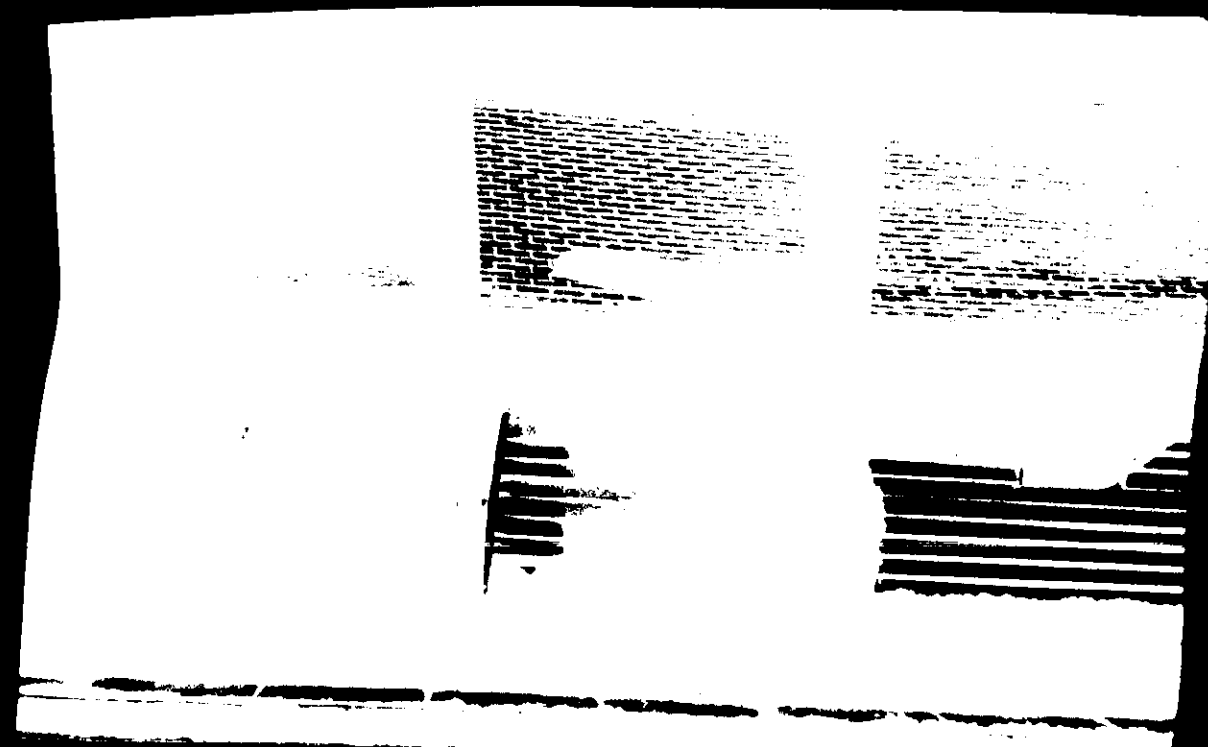
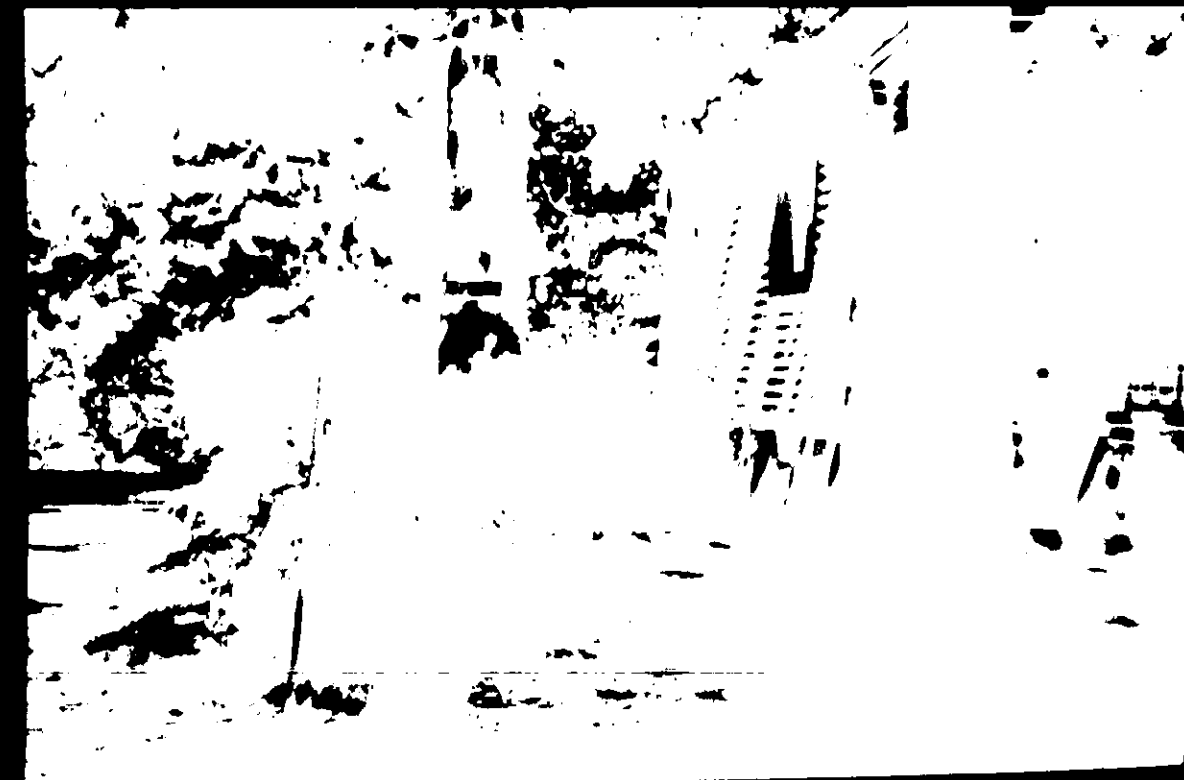
For Item 108, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

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

RWB:s





Other houses in  
Caton Manor  
which appear to  
have a side yard  
setback of less  
than 25 feet.



**PETITIONER'S  
EXHIBIT** No 3

Case 92-101-A

Type house to  
be built on lot  
"as is". →



Examples of house  
options if variance  
is granted. →

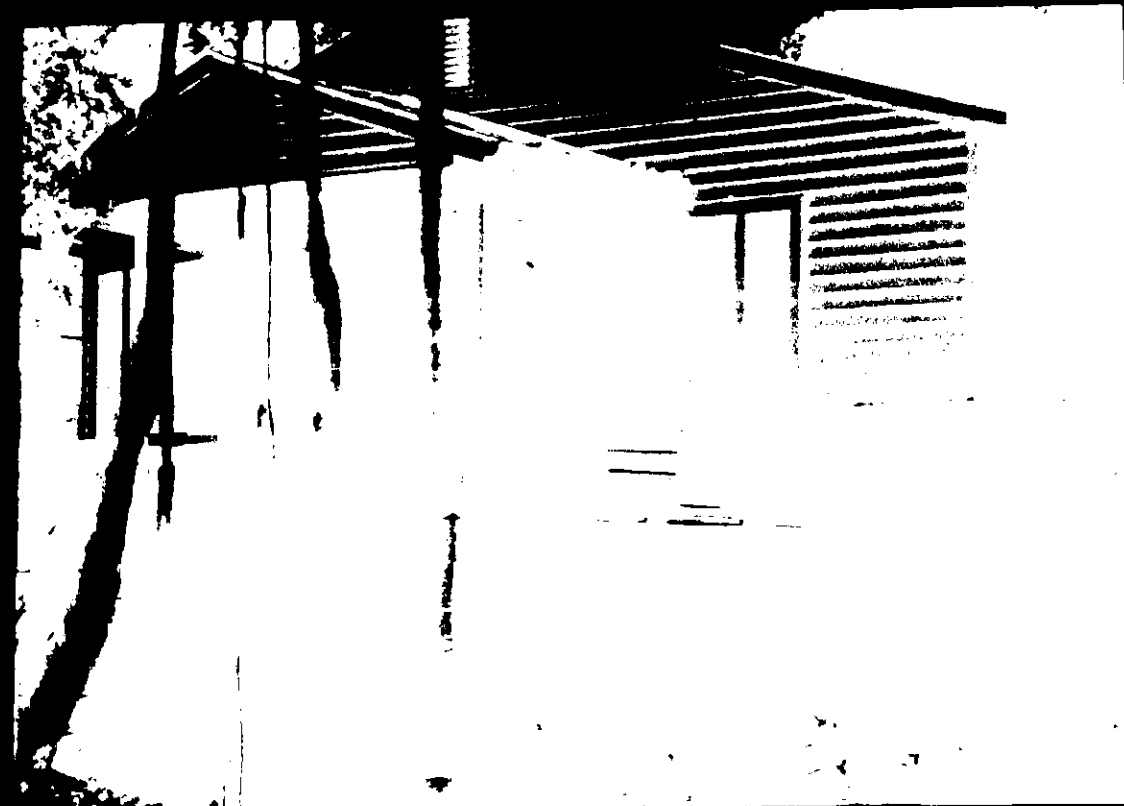


**PETITIONER'S  
EXHIBIT** No 2

Case 92-101-A



Houses in the immediate vicinity



**Plat To Accompany Petition For Zoning**  Variance  Special Hearing

PROPERTY ADDRESS: 1127 DORCHESTER AVENUE  
 Subdivision name: PLAT NO. 1 CATONSVILLE MANOR  
 Plat book: 8 - follow 109 lots 7-12 section 2  
 OWNER: MARK W. AND MARGARET C. GRIFFIN

see pages 9 & 9 of the CHECKLIST for additional required information

**LOCATION INFORMATION**

County District: 1  
 Election District: 1  
 1"=200' scale map: 6W 1-F  
 Zoning: D.R. - S.D.  
 Lot size: 2887 square feet  
 1982

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

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

date: 7-18-81  
 prepared by: LAND SURVEY & DESIGN  
 788-4442 Scale of Drawing: 1"= 50'

**DEPT EXHIBIT**

**PETITIONER'S EXHIBIT No 1**

*Case 92-101-A*