PETITION FOR ZONING VARIANCE S/S Patapsco Avenue, 344' W of the c/l of Walnut Avenue (611 Patapsco Avenue)

15th Election District 7th Councilmanic District

John Reese Owens Petitioner

- BEFORE THE
- DEPUTY ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 92-128-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling in accordance with Petitioner's Exhibit 2.

The Petitioner appeared, testified and was represented by Stuart D. Kaplow, Esquire. Also appearing on behalf of the Petitioner were Ron Spielman and Dwight Little with W. Duvall and Associates, Inc. Appearing as Protestants in the matter were Mr. and Mrs. W. C. Reed, adjoining property owners.

Testimony indicated that the subject property, known as 611 Patapsco Avenue, consists of two lots comprising 0.169 acres more or less 5.5 and is presently unimproved. Petitioner is desirous of developing the property with a single family dwelling in accordance with Mr. Owens testified he purchased the subject Petitioner's Exhibit 1. property approximately three months ago along with the adjoining property known as 613 Patapsco Avenue. He indicated that at the time of purchase, The was under the impression that he could construct a dwelling on the two lots known as 611 Patapsco Avenue. Mr. Owens testified that he found out shortly thereafter that he would not be able to build a home without the requested variance. Petitioner testified that 613 Patapsco Avenue is im-

ORDER RECEIVED FOR FILMS

MICROFILMED

* BEFORE THE

* Case No. 92-128-A

* DEPUTY ZONING COMMISSIONER the c/l of Walnut Avenue (611 Patapsco Avenue) * OF BALTIMORE COUNTY 15th Election District 7th Councilmanic District

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Petition for Variance

to the Zoning Commissioner of Baltimore County 92-125

1B02.3.C.1 proposed 611 Patapsco Avenue to allow a lot

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

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

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 Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

width of 50 feet in lieu of the required 55 foot width.

Practical difficulty to be discussed at hearing.

W. Duvall & Associates, Inc.

c/o Ronald W. Spielman

proved with a dwelling which at the time of his purchase was in very poor condition. Mr. Owens testified that he has spent considerable time and expense in renovating the dwelling and has greatly increased the value of this property. Testimony indicated Mr. Owens intends to construct a home at 611 Patapsco Avenue that is similar in architectural style to the house owned by the Protestants on the adjoining property known as 609 Patapsco Avenue. Mr. Owens testified that he is able to comply with all other setback requirements, the only exception being the 50-foot lot width. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Mr. & Mrs. W. C. Reed appeared and testified in opposition to the relief requested. The Reeds testified they are extremely satisfied with the renovations done to 613 Patapsco Avenue and that at the time of Petitioner's purchase, they were under the impression that it was legal to construct a dwelling on the two lots in question and signed a letter of support on Petitioner's behalf, marked Petitioner's Exhibit 4. However, the Protestants later found out that Petitioner could not develop the property without the requested variance. Mr. & Mrs. Reed testified that they would prefer to see the two lots remain vacant.

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

> > - 2-

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).

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. The Petitioner and his witnesses produced sufficient evidence to satisfy the requirements set forth in the B.C.Z.R. Further, 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 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6 day of November, 1991 that the Petition for Zoning Variance from Section 1802.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restriction:

> 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.

> > Swithy Cotroes Deputy Zoning Commissioner for Baltimore County

ED FOR

District 1527 Location of property: 15 & staps of the Just for Walnut How

Location of Signe Facing Polarie Han your 12 Fr Y's dury

Date of return: 14/05/9/

NOTICE OF MEARING

The Zening Commissioner of Balti-rape County, by anthony of the Zen-ing Act and Regulations of Baltimore County will half a public having on the property identified learning in Resea 116, Baltimore County Countiness, 460 Washington Arenna, Torona, Maryland 21;394 as follows: CAME WINDERS 02-128-A SQ Patagona arrangs, 304° W of aft Walnut Amonio.

11 Petapero Arenno Joh Election Metriat & Consultancia Metriat stripanojat John Reco i Johnne Appallat, movi 1 1801 et 200 a.e.

Variance to allow a lat width of 50 ft. in line of the required 55 ft.

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

October 10, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice Of Hearing -Case #92-128-A - P.O. #0115273 - Reg. #M49749 -56 lines @ \$28.00 The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the 11th day of October 19^{91} : that is to say. the same was inserted in the issues of October 10, 1991.

Kimbel Publication, Inc.

Zoning Commissioner Office of Planning and Zoning

Baltimore County Government

111 West Chesapeake Avenue Towson, MD 21204

the first the state of the stat

887-3353

November 6, 1991

Stuart D. Kaplow, Esquire 300 E. Lombard Street Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE S/S Patapsco Avenue, 344' W of the c/l of Walnut Avenue (611 Patapsco Avenue) 15th Election District - 7th Councilmanic District John Reese Owens - Petitioner Case No. 92-128-A

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> buthy Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Very truly yours,

TMK:bjs

cc: Mr. John R. Owens 327 Register Avenue, Baltimore, Md. 21212

People's Counsel

File

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as fol-

Case Number: 92-128-A S/S Patapsco Avenue, 344 W of c/I Walnut Avenue

611 Patapsco Avenue 15th Election District 7th Councilmanic Patitioner(s): John Reese Owens

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

CERTIFICATE OF PUBLICATION

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 _ weeks, the first publication appearing on 10 10

THE JEFFERSONIAN.

\$ 32.83

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

Please Make Checks Payable To: Baltin ore County

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

Color and the rise of

BEGINNING of a point in the Louin side of Patapoo Adeque wilm to the test wide at the distance of the feet West of the center line of the besieve improved intersecting street Warnut Avenue which is to feet wide. Eming with 1591 and 5021. Theet is a Plan D in the Aubuivious of Checase Research sections oin Baltimore Coenty Past Bold & Follo ion containing Class C.F. of G.Ica Ac. <u>t</u> also known as 611 Patapoos Avenue and located in the 15th election district.



530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

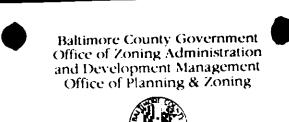
Baltimore, Maryland 21212 Name, address and phone number of legal owner, con-

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property

John Reese Owens Name 327 Register Avenue Baltimore, Maryland 21212

ESTIMATED LENGTH OF HEARING (1/2HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

Cashler Validation



111 West Chesapeake Avenue Towson, MD 21204

DATE: 2 25 91

John Reese Owens 327 Register Avenue Baltimore, Maryland 21212

CASE NUMBER: 92-128-A S/S Patapsco Avenue, 344' W of c/l Walnut Avenue 611 Patapsco Avenue 15th Election District - 7th Councilmanic Petitioner(s): John Reese Owens HEARING: MONDAY, NOVEMBER 4, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ _____ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE 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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue Towson, MD 21204

SEPTEMBER 26, 1991

887-3353

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

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 118, Baltimore County Courthouse, 400 Washington Avanue, Towson, Maryland 21204 as follows:

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

Baltimore County

cc: John Reese Ownes W. Duvall & Associates, Inc.

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

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

Your petition has been received and accepted for filing this 17th day of September, 1991.

Zoning Plans Advisory Committee

Petitioner: John R. Owens Petitioner's Attorney:

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

DATE: October 18, 1991

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

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 1, 1991

This office has no comments for item numbers 127, 129, 130, 131, 132, 133, 134, 135, 138, 139, 140 and 141.

RJF/lvd

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

October 23, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. John R. Owens 327 Register Avenue Baltimore, MD 21212

> RE: Item No. 131, Case No. 92-128-A Petitioner: John R. Owens Petition for Variance

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.

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.

BALTIMORE COUNTY, MARYLAND

The petitioner is requesting a Variance to permit a 50 ft. width

Will the reduced lot sizes result in requests for additional

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

homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted,

- All building setback lines (front, side, rear) shall be

shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject

- Any applications for building permits shall include a copy

If there should be any further questions or if this office can

and Conclusion of Law," provided by the applicant.

provide additional information, please contact Jeffrey Long in the

of the site plan and the commissioner's "Findings of Fact

staff recommends that if the request is granted, the following

variances when subsequent lot owners try to build unsuitable

in lieu of the minimum 55 ft. required. Staff has the following

1. What is the impact on adjoining property?

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

2. Are adequate front, side and rear yard setbacks being

DATE: September 27, 1991

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director

Development Management

SUBJECT: Owens Property, Item No. 131

provided on the site?

comments on the above request:

conditions be attached:

property.

Office of Planning at 887-3211.

PK/JL/rdn

ITEM131/TXTROZ

Zoning Administration and

Pat Keller, Deputy Director Office of Planning and Zoning Zoning Plans Advisory Committe Coments Date:October 23, 1991

> 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 peition 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 imcompleteness.

> 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.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government Fire Department

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

(301)887-4500

OCTOBER 1, 1991

Arneld Jablen Director Zoning Administration and Development Management Paltimore County Office Puilding Towson, MD 21204

RE: Property Owner: JOHN REESE OWENS

Location:

#611 PATAPSCO AVENUE

Item No.: 131 Zoning Agenda: CCTOPER 1, 1991

Centlemen:

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 Mational Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E. RE: Zoning Advisory Committee Meeting

for October 1, 1991

The Developers Engineering Division has reviewed the subject soning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is ekay, with no comments needed.

For Item 136, the comments are received until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

Developers Engineering Division

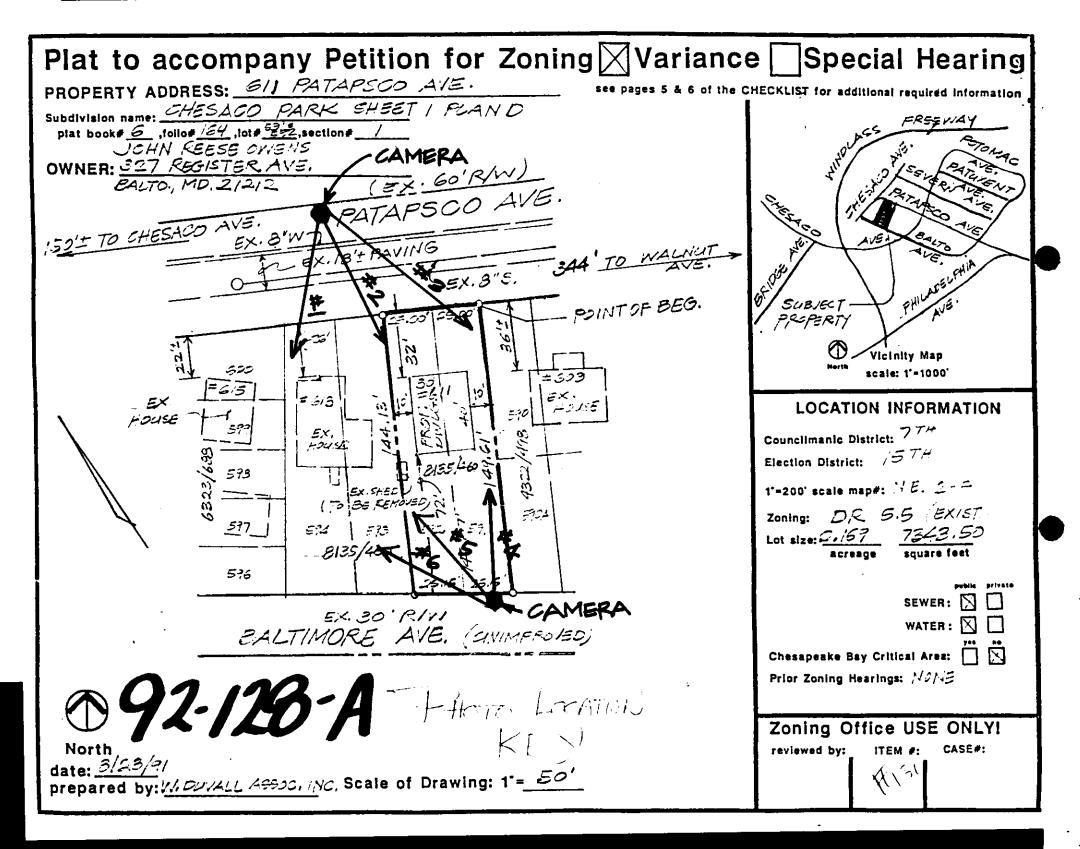
To Whom it May Concern:

We love no objections to John R Owens building a New home west to my house at 609 Potaposco Ave. Mr. Owens house will be located at 611 Potapseo Avenue Battimore My 21237

> William Reed Marquerite Reed Mehred Red

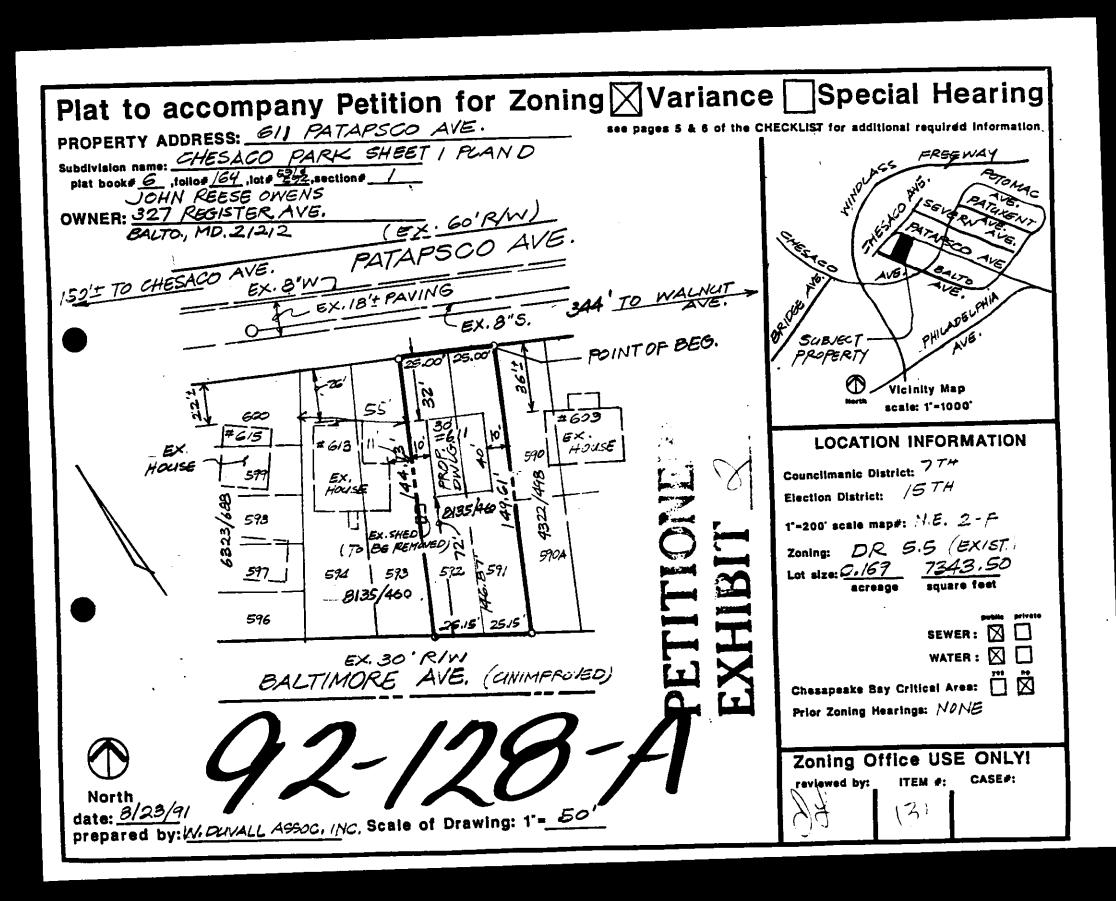
PETITIONER'S EXHIBIT 4

PLEASE PRINT CLEARLY 609 PATAPSED ALL 21397 PLEASE PRINT CLEARLY Bo Elembal 2002 STUNDED KARION W. DUVALL ASSOC. INC RON. SPIELMAN TRUGHT LITTLE



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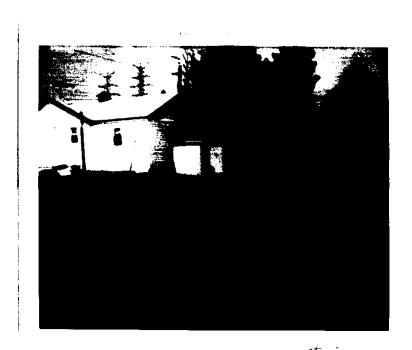
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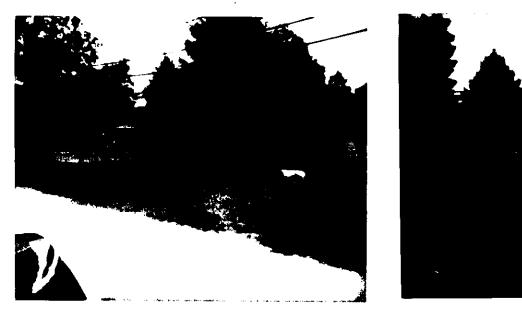


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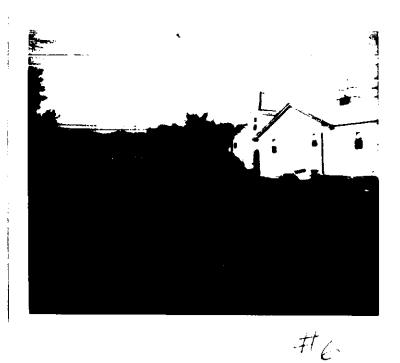




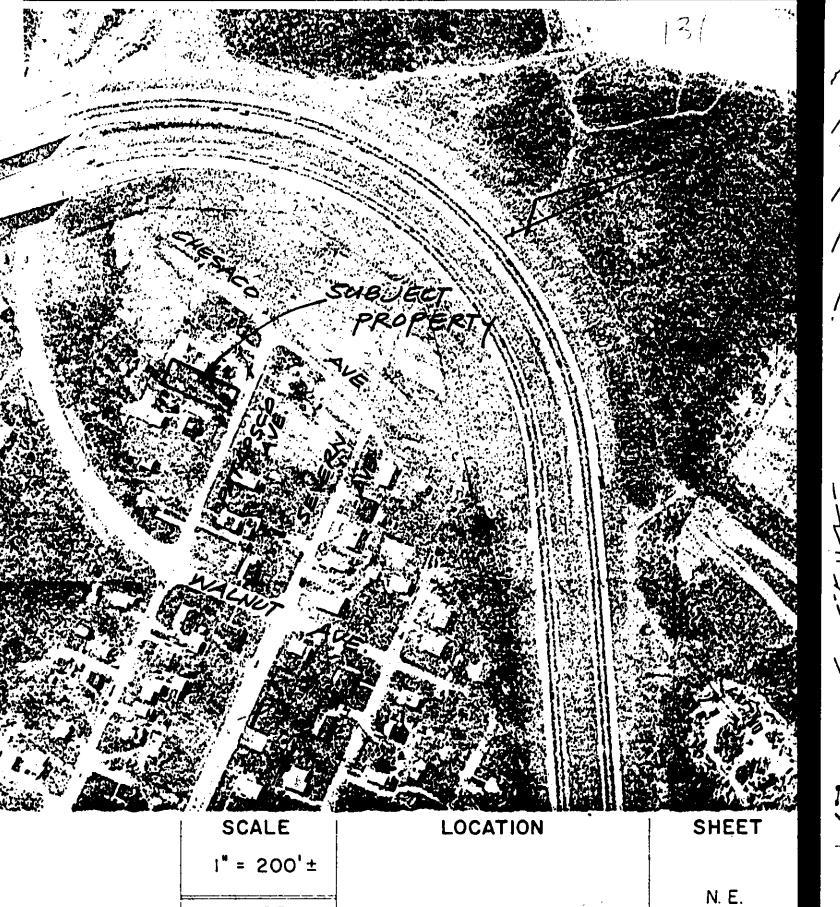
I-ETIIIVIVELE. EXHIBIT 3A







PETITIONER EXHIBIT 33



DATE