

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE  
1/8 Falls Road, 420' N of the • DEPUTY ZONING COMMISSIONER  
c/1 of Old Court Road  
(10129 - 10133 Falls Road) • OF BALTIMORE COUNTY  
9th Election District  
4th Councilmanic District • Case No. 92-296-A  
The Johnson Rockland Ltd. Part.  
Petitioners

AMENDED ORDER

WHEREAS, the Petitioners requested variances from Sections 1802.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for three existing dwellings on proposed Lots 1, 2 and 3 and an existing necessary building on proposed Lot 2; and,

WHEREAS, the relief requested was granted subject to restrictions by Order issued April 2, 1992; and,

WHEREAS, subsequent to the issuance of said Order, Counsel for the Petitioners notified this Office that the relief requested as to the minimum lot area sought for each lot was not accurately reflected in the Petition and that the site plan introduced as Petitioner's Exhibit 1 was more precise; and,

WHEREAS, Counsel for the Petitioners further requested that the Order issued in the above-captioned matter be amended to grant the minimum lot areas in accordance with that depicted on Petitioner's Exhibit 1;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of April, 1992 that the Order issued April 2, 1992 be AMENDED to grant a variance from Section 1802.3.C.1 of the B.C.Z.R. to permit minimum lot areas of 27,901 sq.ft. for Lot 1; 29,940 sq.ft. for Lot 2, and 30,167 sq.ft. for Lot 3, in accordance with Petitioner's Exhibit 1, and,

ORDER RECEIVED FOR FILING  
Date 4/22/92  
By [Signature]

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued April 2, 1992 shall remain in full force and effect.

*Timothy M. Kotrocco*  
TIMOTHY M. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs  
cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard  
210 Allegheny Avenue, Towson, Md. 21204

People's Counsel  
File

ORDER RECEIVED FOR FILING  
Date 4/22/92  
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE • BEFORE THE  
2/5 Falls Road, 420' N of the • DEPUTY ZONING COMMISSIONER  
c/1 of Old Court Road • OF BALTIMORE COUNTY  
(10129 - 10133 Falls Road) • Case No. 92-296-A  
9th Election District  
4th Councilmanic District •  
The Johnson Rockland Ltd. Part.  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request variances from Section 1802.3.C.1 as follows: 1) to permit lot lines to be established around three existing single-family dwellings on proposed Lots 1, 2 and 3 in a D.R. 1 zone with minimum lot areas of 27,922 sq.ft., 29,926 sq.ft., and 30,187 sq.ft., respectively, in lieu of the required 40,000 sq.ft. for each; 2) to permit minimum lot widths for proposed Lots 1, 2 and 3 of 120 feet, 105 feet, and 112 feet, respectively, in lieu of the required 150 feet for each; 3) to permit minimum front yard setbacks for proposed Lots 2 and 3 of 38 feet and 31 feet, respectively, in lieu of the required 50 feet for each; 4) to permit minimum side yards for proposed Lots 1, 2 and 3 of 14 feet, 13 feet and 13 feet, respectively, in lieu of the required 20 feet for each; 5) to permit a minimum sum of the side yards for proposed Lot 2 of 37 feet in lieu of the required 50 feet; and, 6) to permit a minimum rear yard setback for proposed Lot 2 of 42 feet in lieu of the required 50 feet. Petitioners also request a variance from Section 400.1 of the B.C.Z.R. to permit an existing residential accessory building on Lot 2 to extend 6 feet into the proposed side yard of Lot 2 in lieu of being located exclusively in the rear yard. All of the requested relief is more particularly described on Petitioner's Exhibit 1.

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Date 4/22/92  
By [Signature]

The Petitioners, by Robert H. Johnson, General Partner, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitioners was George E. Gavrelis of Daft. McChene, Walker, Inc., Land Planning Consultants. There were no Protestants.

Testimony indicated that the subject property consists of a net area of 2.105 acres zoned D.R. 1 and is improved with three dwellings as set forth on Petitioner's Exhibit 1. Petitioners are desirous of subdividing the property into three separate lots of record. Testimony indicated that the subject dwellings have existed on the property for many years and predate the effective date of the zoning regulations. Petitioners testified that the requested variances are necessary due to the size of the lots and the location of existing improvements thereon. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and that no further improvements are proposed.

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.

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Date 4/22/92  
By [Signature]

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 38 (1974).

It is clear from the testimony that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that strict compliance with the B.C.Z.R. would result in practical difficulty and unreasonable hardship. Furthermore, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R. and will not result in any injury to the public health, safety or 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 22<sup>nd</sup> day of April, 1992 that the Petition for Zoning Variance from Section 1802.3.C.1, more particularly: 1) to permit lot lines to be established around three existing single-family dwellings on proposed Lots 1, 2 and 3 in a D.R. 1 zone with minimum lot areas of 27,922 sq.ft., 29,926 sq.ft., and 30,187 sq.ft., respectively, in lieu of the required 40,000 sq.ft. for each; 2) to permit minimum lot widths for proposed Lots 1, 2 and 3 of 120 feet, 105 feet, and 112 feet, respectively, in lieu of the required 150 feet for each; 3) to permit minimum front yard setbacks for proposed Lots 2 and 3 of 38 feet and 31 feet, respectively, in lieu of the required 50 feet for each; 4) to permit minimum side yards for proposed Lots 1, 2 and 3 of 14 feet, 13 feet and 13 feet, respectively, in lieu of the required 20 feet for each; 5) to permit a minimum sum of the side yards for proposed Lot 2 of 37 feet in lieu of the required 50 feet; and, 6) to permit a minimum rear yard setback for

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Date 4/22/92  
By [Signature]

proposed Lot 2 of 42 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance from Section 400.1 of the B.C.Z.R. to permit an existing residential accessory building on Lot 2 to extend 6 feet into the proposed side yard of Lot 2 in lieu of being located exclusively in the rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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.
- 2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto and made a part of the record.

*Timothy M. Kotrocco*  
TIMOTHY M. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs  
cc: Robert A. Hoffman, Esquire, Venable, Baetjer & Howard  
210 Allegheny Avenue, Towson, Md. 21204

ORDER RECEIVED FOR FILING  
Date 4/22/92  
By [Signature]

Suite 113, Contention  
400 Washington Avenue  
Towson, MD 21204 (410) 887-4386  
April 2, 1992

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
2/5 Falls Road, 420' N of the c/1 of Old Court Road  
(10129 thru 10133 Falls Road)  
9th Election District - 4th Councilmanic District  
The Johnson Rockland Limited Partnership - Petitioners  
Case No. 92-296-A

Dear Mr. Hoffman:

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.

Very truly yours,

*Timothy M. Kotrocco*  
TIMOTHY M. KOTROCCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs  
cc: People's Counsel  
File

ORDER RECEIVED FOR FILING  
Date 4/22/92  
By [Signature]

 Petition for Variance

to the Zoning Commissioner of Baltimore County 92-296-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 (see attached)

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 determined 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 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.

Contract Purchaser/Lessee:

(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):

The Johnson Rockland Limited Partnership  
(Type or Print Name)  
*Robert H. Johnson - General Partner*  
Signature  
Robert H. Johnson, General Partner  
(Type or Print Name)

Signature  
Address  
City and State

Signature  
City and State

Attorney for Petitioner:  
Robert A. Hoffman, Esquire  
(Type or Print Name)  
Signature  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
Address  
Towson, Maryland 21204  
City and State

Signature  
C/O W.C. Flukard and Company, Inc.  
1500 First National Bank Building  
Light and Redwood Streets 752-4285  
Address  
Baltimore, Maryland 21202  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
210 Allegheny Avenue 823-4111  
Address  
Towson, Maryland 21204  
City and State

Name  
Robert A. Hoffman, Esquire  
Address  
210 Allegheny Avenue 823-4111  
Address  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: 823-4111

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Date 4/22/92  
By [Signature]

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

ALL OTHERS  
REMOVED BY: [Signature] DATE: 1-29-92

92-296-A

Johnson Rockland Limited Partnership

- A. Variance from Section 1B02.3.C.1. to permit lot lines to be established around three existing single-family dwellings in a DR-1 zone with:
  1. An area respectively of 27,922; 29,926; and 30,187 square feet in lieu of the required 40,000 square feet.
  2. A minimum width of the building line of 120, 105, and 112 feet respectively, in lieu of the required 150 feet.
  3. A minimum front yard for proposed lots 2 and 3 of 38 and 31 feet respectively, in lieu of the required 50 feet.
  4. A minimum side yard of 14, 13, and 13 feet respectively, in lieu of the required 20 feet.
  5. A minimum sum of side yard of 37 feet for proposed lot 2 in lieu of the required 50 feet.
- B. Variance from Section 400.1 to permit an existing residential accessory building to extend 6 feet into the proposed side yard of lot 2, in lieu of being located exclusively in the rear yard.

Description 92-296 A  
 To Accompany Zoning Petition  
 2.105 Acre Parcel  
 East Side of Falls Road  
 North of Old Court Road  
 9th Election District, Baltimore County, Maryland

Beginning for the same at a point being at the end of the run following courses and distances from the centerline intersection of Old Court Road at Falls Road (1) Northerly 420 feet, more or less, measured along the centerline of Falls Road, and thence (2) running easterly at right angles to said centerline 30.00 feet, thence running on the eastern right-of-way line of said Falls Road, the two following courses and distances, viz: (1) North 03 degrees 05 minutes 38 seconds West 134.89 feet, and thence (2) North 01 degree 10 minutes 48 seconds West 233.67 feet, thence leaving said right-of-way line of Falls Road and running, the six following courses and distances, viz: (3) South 79 degrees 12 minutes 48 seconds East 180.44 feet, thence (4) South 59 degrees 57 minutes 40 seconds East 166.88 feet, thence (5) South 10 degrees 38 minutes 05 seconds West 169.99 feet, thence (6) South 25 degrees 11 minutes 48 seconds West 83.71 feet, and thence (8) South 83 degrees 31 minutes 04 seconds West 196.87 feet to the point of beginning; containing 2.105 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
 June 25, 1991  
 Project No. 90061.S (L90061S)



CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 9th  
 Date of Posting: March 2, 1992  
 Posted for: Robert A. Hoffman, Esq.  
 Petitioner: The Johnson Rockland Limited Partnership  
 Location of property: East Side of Falls Road, North of Old Court Road, 9th Election District, Baltimore County, Maryland  
 Location of Signs: East side of Falls Road, north of Old Court Road  
 Remarks:  
 Posted by: Lawrence E. Schmidt  
 Date of return: March 2, 1992  
 Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2120, 1992  
 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 1 successive weeks, the first publication appearing on 2/26, 1992

THE JEFFERSONIAN,  
 S. Zeke Orlov  
 Publisher

\$142.00

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 21204 as follows:  
 Case Number: 92-296-A  
 E/S Falls Road, 420' N of c/l Old Court Road  
 10129, 10131 & 10133 Falls Road  
 9th Election District  
 4th Councilmanic District  
 The Johnson Rockland Limited Partnership  
 Hearing Date: Friday, March 20, 1992 at 9:00 a.m.  
 Variance: to permit lot lines to be established around 3 existing single-family dwellings; (1) area respectively of 27,922, 29,926 and 30,187 square feet in lieu of the required 40,000 sq. ft.; (2) a minimum width of the building line of 120, 105 and 112 feet respectively in lieu of the required 150 feet; (3) a minimum front yard for proposed lots 2 and 3 of 38 and 31 feet respectively in lieu of the required 50 feet; (4) a minimum side yard of 14, 13 and 13 feet respectively in lieu of the required 20 feet; (5) a minimum sum of side yard of 37 feet for proposed lot 2 in lieu of the required 50 feet; and to permit an existing residential accessory building to extend 6 feet into the proposed side yard of lot 2 in lieu of being located exclusively in the rear yard.

LAWRENCE E. SCHMIDT  
 Zoning Commissioner of Baltimore County  
 TAJ/92 February 20

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

Account: R-001-6150  
 Number: [ ]

Date: [ ]

Please Make Checks Payable To: Baltimore County \$105.00  
 E.O. 0078:15F001-29-92

Receipt

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

111 West Chesapeake Avenue  
 Towson, MD 21204 (410) 887-3353

DATE: 2-28-92

The Johnson Rockland Limited Partnership  
 c/o W. C. Pinkard and Company, Inc.  
 1200 First National Bank Building  
 Light and Redwood Streets  
 Baltimore, Maryland 21202

RE:  
 CASE NUMBER: 92-296-A  
 E/S Falls Road, 420' N of c/l Old Court Road  
 10129, 10131 & 10133 Falls Road  
 9th Election District - 4th Councilmanic  
 Petitioner(s): The Johnson Rockland Limited Partnership

Dear Petitioner(s):

Please be advised that \$ 169.04 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SIGN(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

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.

cc: Robert A. Hoffman, Esq.

Printed on Recycled Paper

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

111 West Chesapeake Avenue  
 Towson, MD 21204 (410) 887-3353

FEBRUARY 25, 1992

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: 92-296-A  
 E/S Falls Road, 420' N of c/l Old Court Road  
 10129, 10131 & 10133 Falls Road  
 9th Election District - 4th Councilmanic  
 Petitioner(s): The Johnson Rockland Limited Partnership  
 HEARING: FRIDAY, FEBRUARY 20, 1992 at 9:00 a.m.

Variance to permit lot lines to be established around 3 existing single-family dwellings with: (1) area respectively of 27,922 and 29,926 and 30,187 square feet in lieu of the required 40,000 sq. ft.; (2) a minimum width of the building line of 120, 105 and 112 feet respectively in lieu of the required 150 feet; (3) a minimum front yard for proposed lots 2 and 3 of 38 and 31 feet respectively in lieu of the required 50 feet; (4) a minimum side yard of 14, 13 and 13 feet respectively in lieu of the required 20 feet; (5) a minimum sum of side yard of 37 feet for proposed lot 2 in lieu of the required 50 feet; and to permit an existing residential accessory building to extend 6 feet into the proposed side yard of lot 2 in lieu of being located exclusively in the rear yard.

cc: The Johnson Rockland Limited Partnership  
 Robert A. Hoffman, Esq.

NOTICE OF HEARING  
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 E/S Falls Road, 420' N of c/l Old Court Road  
 10129, 10131 & 10133 Falls Road  
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 Variance: to permit lot lines to be established around 3 existing single-family dwellings; (1) area respectively of 27,922, 29,926 and 30,187 square feet in lieu of the required 40,000 sq. ft.; (2) a minimum width of the building line of 120, 105 and 112 feet respectively in lieu of the required 150 feet; (3) a minimum front yard for proposed lots 2 and 3 of 38 and 31 feet respectively in lieu of the required 50 feet; (4) a minimum side yard of 14, 13 and 13 feet respectively in lieu of the required 20 feet; (5) a minimum sum of side yard of 37 feet for proposed lot 2 in lieu of the required 50 feet; and to permit an existing residential accessory building to extend 6 feet into the proposed side yard of lot 2 in lieu of being located exclusively in the rear yard.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2120, 1992  
 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/26, 1992

TOWSON TIMES,  
 S. Zeke Orlov  
 Publisher

\$142.00

LAWRENCE E. SCHMIDT  
 Zoning Commissioner of Baltimore County  
 TAJ/92 February 20

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

Account: R-001-6150  
 Number: [ ]

Date: [ ]

Please Make Checks Payable To: Baltimore County

Receipt

Robert A. Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
Towson, MD 21204

RE: Item No. 306, Case No. 92-296-A  
Petitioner: The Johnson Rockland  
Petition for Variance

Dear Mr. Hoffman:

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 filed 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.

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,  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR:jw

Enclosures

cc: Mr. Robert H. Johnson  
The Johnson Rockland Limited Partnership  
c/o W. C. Pinkard and Company, Inc.  
1200 First National Bank Building  
Light and Redwood Street  
Baltimore, MD 21202

Your petition has been received and accepted for filing this 29th day of January, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards, Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: The Johnson Rockland Limited Partnership, et ux  
Petitioner's Attorney: Robert A. Hoffman

TO: Arnold Jablon, Director  
Zoning Administration  
and Development Management  
DATE: March 12, 1992  
FROM: Gary Kerns, Chief  
Community and Comprehensive Planning Division  
Office of Planning and Zoning  
SUBJECT: The Johnson-Rockland Limited Partnership, Item No. 306

The Petitioner is requesting a variance in order to subdivide a tract with a gross tract area of 2.3592 acres. The area is zoned DR 1 and contains 3 structures. The B.C.Z.R. Sec. 307.1 states "no increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance of height or area regulations."

The Johnson-Rockland Plat to Accompany Petition for Zoning Variance dated January 20, 1992 shows the tract of land as previously developed. The three structures currently do not meet zoning density of dwelling units per acre. Therefore, the tract is over density. The petitioners request seeks to subdivide the tract in 3 individual parcels each of which would not meet the requirements for density in the DR 1 zone.

For the purposes of Sec. 307.1 B.C.Z.R., staff does not consider the subdivision as increasing residential density. The tract of land consists of a pre-existing condition on a tract which due to its size (2.3592 acres) is effectively over density.

Based upon the information provided and analysis conducted, staff recommends APPROVAL of the petitioners request because the structures predate the Zoning Regulations. We recommended the following conditions be attached should this request be granted:

1. No existing single-family dwellings shall be converted into multi-family units.
2. The plan shall delineate forested areas as remaining undisturbed.

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.

Report prepared by:  
*Jeffrey Long*  
Jeffrey Long  
*Pat Keller*  
Pat Keller

GR:PK:JL:bjs  
ZONING OFFICE

ITEM306.ZAC/TXTPRH

February 19, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
FROM: DIVISION OF GROUND WATER MANAGEMENT  
SUBJECT: Zoning Item #306, Zoning Advisory Committee Meeting of February 18, 1992, The Johnson Rockland Limited Partnership, E/S Falls Road, 420' N of centerline Old Court Road (#10129 & 10133 Falls Road), D-9, Public Water and Private Sewer

COMMENTS ARE AS FOLLOWS:

Prior to subdivision approval, an inspection of the septic systems will be required.

SSF:rmp

306.ZNG/GWRMP

RECEIVED  
FEB 21 1992  
ZONING OFFICE

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

RE: Property Owner. L.L. JOHNSON ROCKLAND LIMITED PARTN.

Location: #10129, 10131 & 10133 FALLS ROAD

Item No.: 306 Zoning Agenda: FEBRUARY 18, 1992

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: *Carl Dennis* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/REK

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: February 25, 1992  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RW86-140-11). An existing 16-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

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

RWB:s

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management  
FROM: A. J. Haley, Deputy Director  
Economic Development Commission  
DATE: February 14, 1992  
RE: Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317, 319 and 320.

RECEIVED  
FEB 20 1992  
ZONING OFFICE

92-296-A 3/20 4/15/92

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

DATE: March 12, 1992

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

FROM: Robert J. Familli

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 18, 1992

This office has no comments for item numbers 306, 308, 313, 314, 315, 317, 319 and 320.

*Robert J. Familli*  
Robert J. Familli  
Traffic Engineer II

B47/TWJ

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APR 16 1992  
ZONING OFFICE

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2  
ZONING COMMISSIONER

**VENABLE, BAETJER AND HOWARD**  
ATTORNEYS AT LAW

BALTIMORE, MD  
WASHINGTON, D.C.  
FULLEA, VA  
ROCKVILLE, MD  
BEL AIR, MD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
210 ALLEGHENY AVENUE  
P.O. BOX 1817  
TOWSON, MARYLAND 21286-8817  
301-833-4000  
FAX: 301-833-4047

APRIL 8, 1992

WRITER'S DIRECT NUMBER 494-9162

ROBERT A. HOFFMAN

Timothy M. Kotroco, Deputy Zoning  
Commissioner for Baltimore County  
Office of Planning and Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Johnson Rockland Limited Partnership  
Case No. 92-296-A

Dear Tim:

In reviewing the referenced Findings of Fact and Conclusions of Law dated April 2, 1992, I discovered that the "lot areas" listed in the variance petition form are not identical to the lot areas shown on Petitioner's Exhibit No. 1. I have checked with Mr. George Gavrelis of Daft-McCune-Walker and he has informed me that the lot areas shown on Petitioner's Exhibit No. 1 are more precise and therefore should be the lot areas used in granting the variances. It is respectfully submitted that the difference is very minor.

In order to make the Order and Exhibit 1 consistent, it is respectfully requested that your Order be amended to grant variances to the minimum lot areas as follows, (i) for Lot 1, 27,901 square feet; (ii) for Lot 2, 29,940 square feet; and, (iii) for Lot 3, 30,167 square feet.

Thank you for your attention in this matter and I am sorry for any inconvenience this may cause you.

Yours truly,

*Robert A. Hoffman*  
Robert A. Hoffman

RAH/tls  
cc: George E. Gavrelis

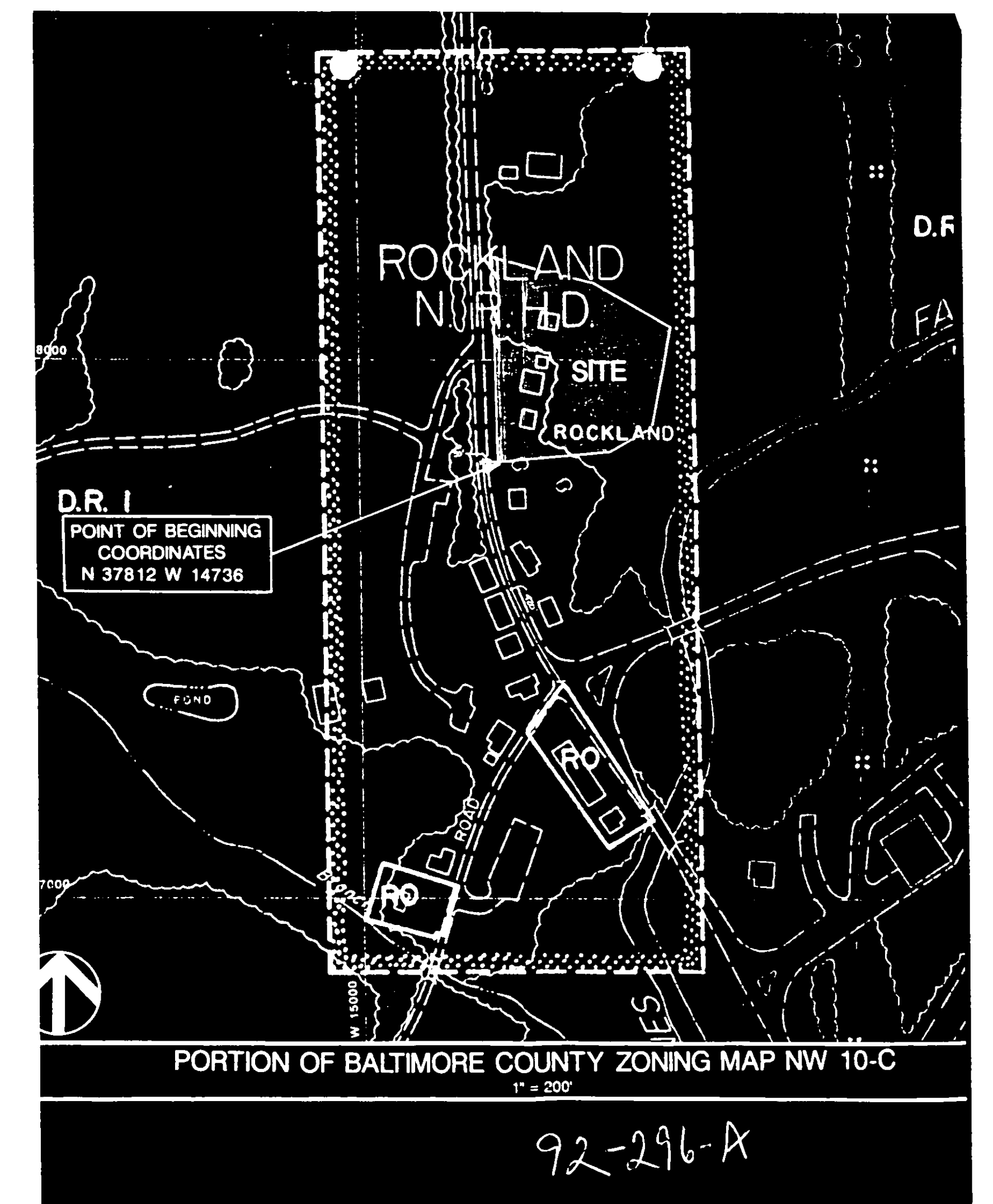
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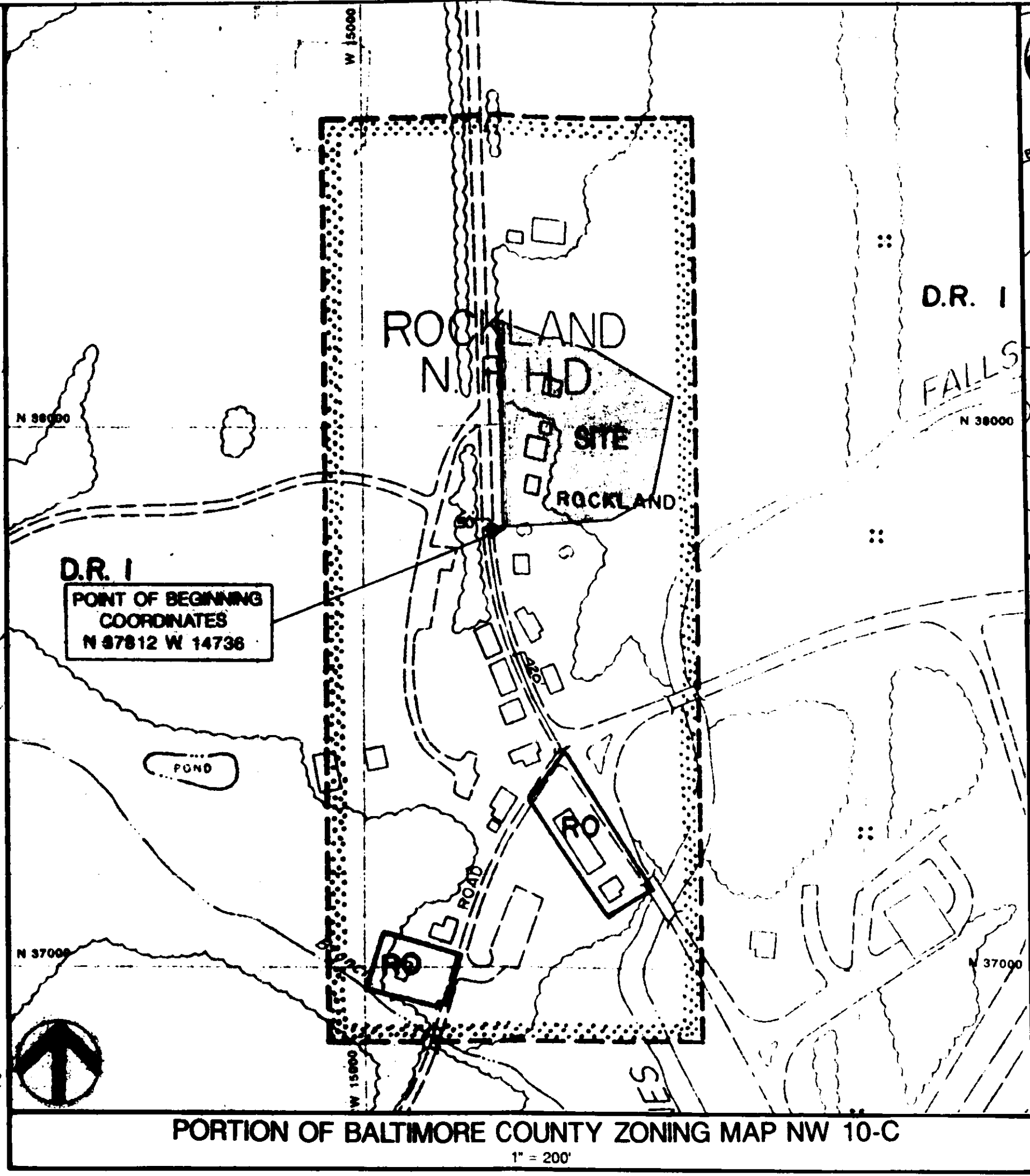
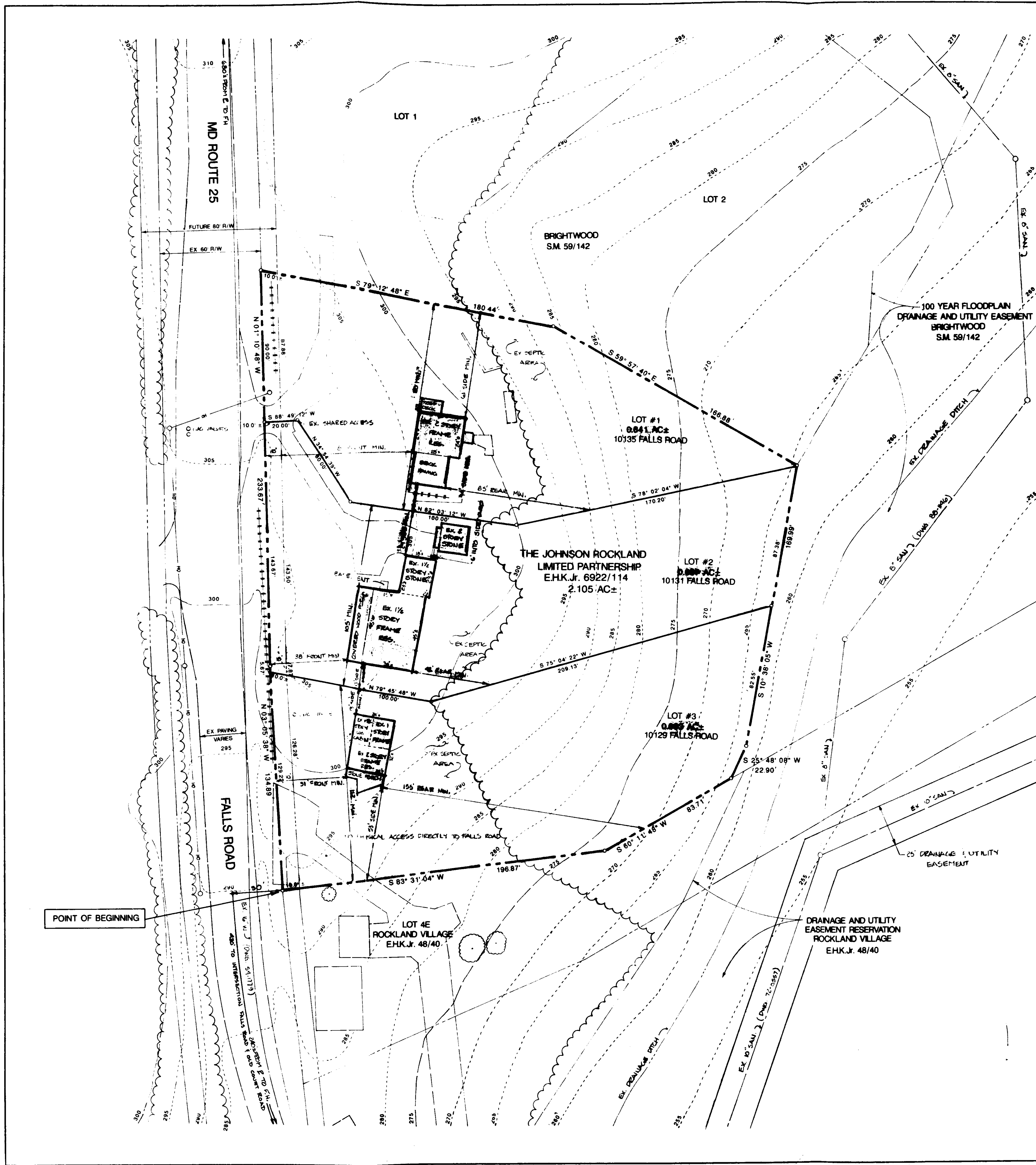
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ZONING OFFICE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Robert Hoffman</i>	<i>20 4th Street NW</i>
<i>George E. Gavrelis</i>	<i>16214 Falls Rd 21222</i>
	<i>200 E Penn Ave</i>





General Notes

- Owner/Applicant: The Johnson Rockland Limited Partnership  
10126 Falls Road  
Brooklandville, MD 21022  
(410) 752-4265
- Election District: 9; Councilmanic District: 4;  
Census Tract: 4904
- Site acreage and zoning:  
Net: 2.105 acres ± D.R. I  
Gross: 2.359 acres ± D.R. I (includes 30' right-of-way  
Falls Road)
- Utilities are as shown.
- No building will exceed 50 feet in height.
- A minimum of two off-street parking spaces will be provided for each dwelling.
- Johnson/Rockland Special Zoning Note

Section 1802.3C.1 establishes development standards for lots in D.R. zones that are not in a recorded subdivision or in a subdivision tract for which a plan had been approved by the Planning Board and are too small to accommodate six dwelling units. The following standards for the D.R. I zone would apply to the lots to be created around the three existing dwelling units:

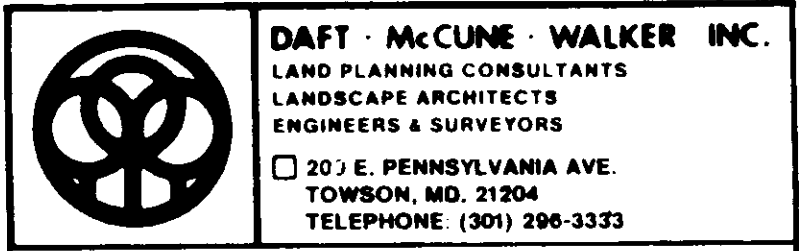
Standard	Lot 1	Lot 2	Lot 3
Min. Lot Area, S.F.	87,905 S.F.	26,840 S.F.	30,187 S.F.
Min. Lot Width, Feet	120'	105'	112'
Min. Front Yard, Feet	81'	38'	31'
Min. Ind. Side Yard, Feet	14'	13'	13'
Sum of Side Yards, Feet	75'	37'	66'
Rear Yard, Feet	85'	42'	155'

- The entire site in the Rockland National Register of Historic District.

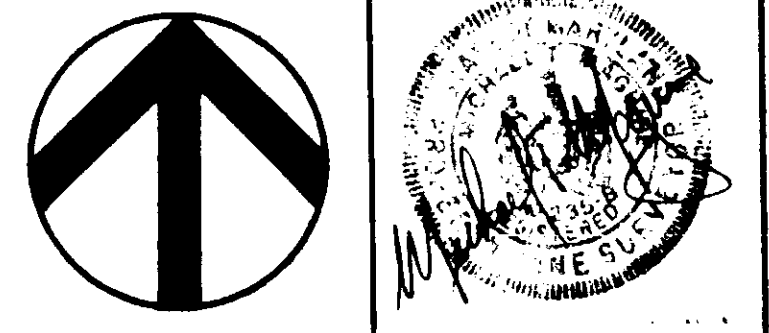
Johnson Rockland Limited Partnership  
Requested Zoning Actions

- Variance from Section 1802.3C.1, to permit lot lines to be established around three existing single-family dwellings in a D.R. I zone with:
  - An area respectively of [redacted] and [redacted] square feet in lieu of the required 40,000 square feet.
  - A minimum width of the building line of [redacted] and [redacted] feet respectively in lieu of the required 50 feet.
  - A minimum front yard for proposed lots 2 and 3 of [redacted] feet respectively in lieu of the required 50 feet.
  - A minimum side yard of [redacted] and [redacted] feet respectively in lieu of the required 50 feet.
  - A minimum sum of side yards of [redacted] feet for proposed lot 2 in lieu of the required 50 feet.
  - A minimum rear yard of [redacted] feet for proposed lot 2 in lieu of the required 50 feet.
- Variance from Section 400.1, to permit existing residential accessory buildings to extend [redacted] feet beyond the side yard setback [redacted] feet in the rear yard.

PETITIONER'S  
EXHIBIT 1



JOHNSON-ROCKLAND  
PLAT TO ACCOMPANY  
PETITION FOR ZONING  
VARIANCE



DATE	REVISIONS

SCALE:  
1" = 30'

JOB ORDER NO.  
90061.S

ISSUE DATE  
JANUARY 20, 1992

REPRINTED  
MAR 10 1992  
DAFT-McCUNE-WALKER, INC