

XI-399

PK

RECEIVED

MAY 4 1992

OFFICE OF
PLANNING & ZONING

IN RE: PETITION FOR ZONING VARIANCE *
N/S Greengable Garth, 133 ft. *
W of Greenhouse Circle *
10 Greengable Garth *
11th Election District *
5th Councilmanic *
Orville M. Jones *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-358-A

367

IN RE: PETITION FOR ZONING VARIANCE *
N/S Greengable Garth, 25 ft. *
Greenhouse Circle *
2 Greengable Garth *
11th Election District *
5th Councilmanic *
Orville M. Jones *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-359-A

367

IN RE: PETITION FOR ZONING VARIANCE *
N/S Greengable Garth, 112 ft. *
W of Greenhouse Circle *
8 Greengable Garth *
11th Election District *
5th Councilmanic *
Orville M. Jones *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-360-A

367

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above matters come before the Zoning Commissioner as consolidated cases for three neighboring properties in the subdivision known as Arbour Green located in the Perry Hall section of Baltimore County.

The Petitioner/developer, Orville M. Jones, owns all three of the properties. They are identified as lot No.1 (case No. 92-359-A), lot No. 4 (case No. 92-360-A), and lot No. 5 (case No. 92-358-A).

PETITIONER'S EXHIBIT 8

Mr. Jones, represented by his attorney, John Gontrum, appeared at the hearing. There were no Protestants or other interested persons present.

Evidence presented was that Mr. Jones has nearly completed construction of the Arbour Green subdivision which consists of a number of 2 story brick townhomes. The three subject properties are all located among a row of townhouses which front Greengable Garth and face Joppa Road to the rear. Mr. Jones noted that three of his perspective purchasers requested the construction of a 12 ft. x 15 ft. deck to the rear of their townhouse unit. Moreover, construction of a deck of this dimension would result in a 13 ft. street to right-of-way setback in lieu of the required 18.75 ft. setback. Thus, Mr. Jones seeks a zoning variance from Sections 301.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a variance setback, as well as Section V.B.6 of the Comprehensive Manual of Development Policy (CMDP). Further, each Petition requests an amendment to the First Final Development Plan for Arbour Green, as same relates to the particular lots involved.

Further testimony and evidence was that one of the other townhomes on the subject row has previously been sold and that property owner has requested and received a variance to permit a deck identical to what is requested in the instant Petition. In fact, a photograph of the existing deck was presented. This photograph affords me the opportunity to review exactly what the Petitioner is requesting in this case, and its impact on the surrounding locale.

Based upon my evaluation of the evidence presented, it is clear that if the variances were granted, such use, as proposed, would not be contrary to the spirit of the B.C.Z.R. and would not result in any injury to the public good. Moreover, I find that strict application of the setback

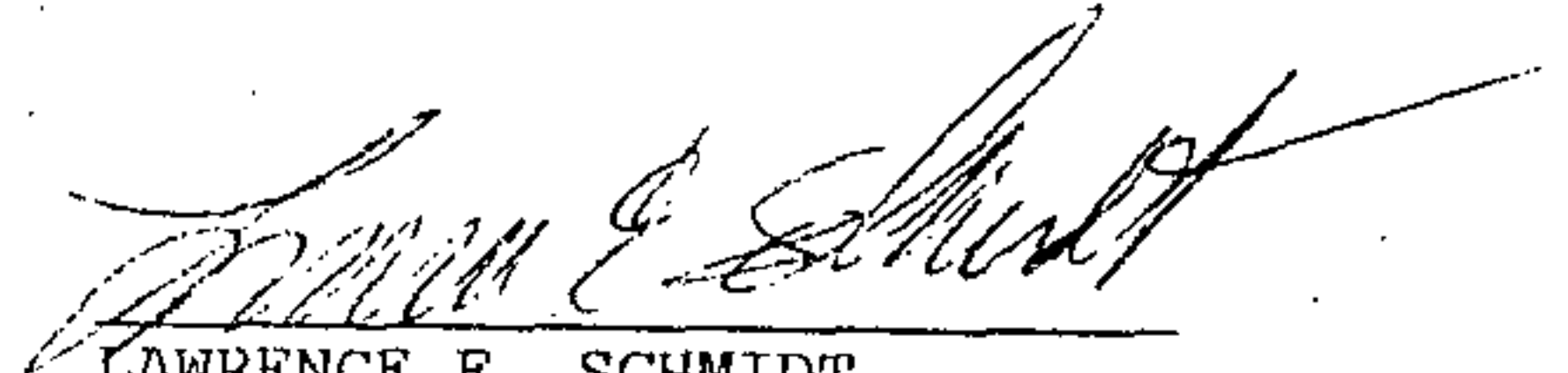
zoning regulations in this case would cause practical difficulty to the Petitioner and his property. It has been established that special circumstances exist that are peculiar to the land which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of said land due to those special conditions unique to the particular parcels. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May, 1992 that a variance from Sections 301.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section V.B.6 of the Comprehensive Manual of Development Policy (CMDP) to permit a variance setback for the construction of a 12 ft. x 15 ft. deck to the rear of three townhouses, identified as lot Nos. 1, 4 and 5; and to amend the First Final Development Plan for Harbour Green, in accordance with Petitioner's Exhibits Nos. 1"A", 1"B", and 1"C", be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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
Zoning Commissioner
for Baltimore County

LES/mmn

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Greenapple Garth, 112 ft. * ZONING COMMISSIONER
W of Greenhouse Circle *
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic * Case No. 92-360-A
Orville M. Jones *
Petitioner * *****

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Greenapple Garth, 25 ft. * ZONING COMMISSIONER
W of Greenhouse Circle *
2 Greenapple Garth * OF BALTIMORE COUNTY
11th Election District * Case No. 92-359-A
5th Councilmanic *
Orville M. Jones *
Petitioner * *****

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Greenapple Garth, 112 ft. * ZONING COMMISSIONER
W of Greenhouse Circle *
8 Greenapple Garth * OF BALTIMORE COUNTY
11th Election District * Case No. 92-360-A
5th Councilmanic *
Orville M. Jones *
Petitioner * *****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above matters come before the Zoning Commissioner as consolidated cases for three neighboring properties in the subdivision known as Arbour Green located in the Perry Hill section of Baltimore County.

The Petitioner/developer, Orville M. Jones, owns all three of the properties. They are identified as lot No. 1 (case No. 92-359-A), lot No. 4 (case No. 92-360-A), and lot No. 5 (case No. 92-360-A).

Mr. Jones, represented by his attorney, John Centrum, appeared at the hearing. There were no Protestants or other interested persons present.

Evidence presented was that Mr. Jones has nearly completed construction of the Arbour Green subdivision which consists of a number of 2 story brick townhouses. The three subject properties are all located among a row of townhouses which front Greenapple Garth and face Joppa Road to the rear. Mr. Jones noted that three of his prospective purchasers requested the construction of a 12 ft. x 15 ft. deck to the rear of their townhouse unit. Moreover, construction of a deck of this dimension would result in a 13 ft. street to right-of-way setback in lieu of the required 18.75 ft. setback. Thus, Mr. Jones seeks a zoning variance from Sections 301.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a variance setback, as well as Section V.B.6 of the Comprehensive Manual of Development Policy (CMPD). Further, each Petition requests an amendment to the First Final Development Plan for Arbour Green, as same relates to the particular lots involved.

Further testimony and evidence was that one of the other townhomes on the subject row has previously been sold and that property owner has requested and received a variance to permit a deck identical to what is requested in the instant Petition. In fact, a photograph of the existing deck was presented. This photograph affords the opportunity to review exactly what the Petitioner is requesting in this case, and its impact on the surrounding locale.

Based upon my evaluation of the evidence presented, it is clear that if the variances were granted, such use, as proposed, would not be contrary to the spirit of the B.C.Z.R. and would not result in any injury to the public good. Moreover, I find that strict application of the setback

zoning regulations in this case would cause practical difficulty to the Petitioner and his property. It has been established that special circumstances exist that are peculiar to the land which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of said land due to those special conditions unique to the particular parcels. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of May, 1992 that a variance from Sections 301.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section V.B.6 of the Comprehensive Manual of Development Policy (CMPD) to permit a variance setback for the construction of a 12 ft. x 15 ft. deck to the rear of three townhouses, identified as lot Nos. 1, 4 and 5; and to amend the First Final Development Plan for Arbour Green, in accordance with Petitioner's Exhibits Nos. 1"A", 1"B", and 1"C", be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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. SCHWARTZ
Zoning Commissioner
for Baltimore County

LES/man

Petition for Variance

92-360A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and under a partition, hereby petition for a Variance from Section 301.1, 504 and V.B.6 of the B.C.Z.R. to permit a deck with a 13'7" street to right-of-way setback in lieu of the required 18.75' and to amend the First Final Development Plan for Arbour Green (Plat 4).

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

Present setback requirements allow only 6'3" decks. Buyers are asking for 12'0" decks.

Property is to be posted and advertised as provided by Zoning Regulations.

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):
Orville M. Jones
Signature
City and State

Attorney for Petitioner:
Rummen, Centrum & McDonnell
City and State

314 Eastern Avenue
Baltimore, Maryland 21221
City and State
Attorney's Telephone No. 686-8274

9511 Belair Road
Baltimore, Maryland 21236

9511 Belair Road
Baltimore, Maryland 21236

RECEIVED BY: DATE: 5/1/92

J. S. DALLAS, INC.

SURVEYING & ENGINEERING
4002 HANCOCK RD. SUITE 100
BALTIMORE, MD 21206
(410) 661-2001
FAX (410) 661-2003

ZONING DESCRIPTION FOR # 8 GREENAPPLE GARTH

Beginning at a point on the north side of (R.O.A. 18' wide) Greenapple Garth which is 40 feet wide at the distance of 112 feet west of the centerline of Greenhouse Circle which is 50 feet wide. BEING Lot # 4, Block B, in the subdivision of Arbour Green as recorded in Baltimore County Plat Book # 54, folio # 67, containing 1996 S.F. ± = 0.036 AC. ±. Also known as # 8 Greenapple Garth and located in the 11th Election District.



CERTIFICATE OF POSTING

BALTIMORE COUNTY
TOWNSHIP, Maryland

District: 11th
Period for: 10 days
Petitioner: J.S. Dallas, Inc.
Location of property: 9511 Belair Road, Baltimore, MD 21236
Location of Sign: 9511 Belair Road, Baltimore, MD 21236
Recorder: J.S. Dallas, Inc.
Posted by: J.S. Dallas, Inc.
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWNSHIP, MD. 4-2, 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 4-2, 1992.

THE JEFFERSONIAN

S. Zake, Editor
Publisher

\$42.25

92-360A

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

Account: B-001-6150
Number: 1
Date: 5/1/92
Amount: \$35.00
Please Make Checks Payable To Baltimore County

92-360

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

Account: B-001-6150
Number: 1
Date: 5/1/92
Amount: \$77.25
Please Make Checks Payable To Baltimore County

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: 4/17/92

Orville M. Jones
343 Eastern Avenue
Baltimore, Maryland 21206

RE:
CASE NUMBER: 92-360-A
80 Greengable North, 112' W of Greenhouse Circle
8 Greengable North
110 Election District - 5th Councilmatic
Petitioner(s) Orville M. Jones

Dear Petitioner(s):

Please be advised that \$ 7725 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING CODE & CITY ORDINANCES MUST BE REVIEWED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST NOTICES 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 name, address, and phone number 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 requested.

Carl Jones

ARNOLD JABLON
DIRECTOR

cc: Romodka, Gentrum & McGoelin

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 27, 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 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-360-A
80 Greengable North, 112' W of Greenhouse Circle
8 Greengable North
110 Election District - 5th Councilmatic
Petitioner(s) Orville M. Jones

HEARING: WEDNESDAY, APRIL 29, 1992 at 9:00 a.m.

Purpose: to permit a shed with a 13 foot street to right-of-way setback in line of the permitted 10.75 feet and to amend the First Third Development Plan for Allow Street Lot 61.

Arnold Jablon
DIRECTOR

cc: Orville Jones
Romodka, Gentrum & McGoelin

NOTE: HEARINGS ARE INDICATED BY TELEPHONE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3343.

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 15, 1992

Romodka, Gentrum & McGoelin
814 Eastern Avenue
Baltimore, MD 21221

RE: Item No. 369, Case No. 92-360-A
Petitioner: Orville M. Jones
Petition for Variance.

Gentlemen:

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 ensure 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 preliminary review by zoning personnel.

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 18th day of March, 1992.

Carl Jones
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Romodka
Chairman,
Zoning Plans Advisory Committee

Petitioner: Orville Jones
Petitioner's Attorney: Romodka, Gentrum & McGoelin

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: April 9, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from the Zoning Advisory Committee
Dated March 30, 1992

The Office of Planning has no comment on the following petitions.

J.C. Sevier and Wendy Sevier, Item No. 363
Aline Moore and Adeline Arias, Item No. 366
Orville Jones, Item No. 367
Orville Jones, Item No. 368
Charles H. Wallis and Vickie J. Wallis, Item No. 370
Yvonne E. Hume, Item No. 371
James J. Casserly, Jr., Item No. 373
George Anagnostos and Mikal Anagnostos, Item No. 374
Frank W. Carman, Item No. 381
Arthur Smith and Ariene Smith, Item 382

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

ER/M:rdn
363-ZAC/ZAC1

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APR 10 1992
ZONING OFFICE

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

DATE: April 1, 1992

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

FROM: Robert J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 30, 1992

This office has no comments for item numbers 363, 366, 367, 368, 369, 370, 371, 372, 374, 375, 377, 378, 379, 380, 381 and 382.

Robert J. Famill
Traffic Engineer II

RJF/vld

RECEIVED
APR 6 1992
Zoning Office

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of March 30, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

362
363
366
367
368
369
376
378
380
381

SJF:mp

NO COMMENT

RECEIVED
APR 21 1992
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-9500

(410) 887-4501

APRIL 2, 1992

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

RE: Property Owner: ORVILLE M. JONES
Location: 88 GREENGABLE GARTH
Item No.: 369 (JLL) Zoning Agenda: MARCH 30, 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 Jones* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KEK



SWR : DAK : e

92-361-A

