

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 S/S Kings Glen Court, 442 ft. * ZONING COMMISSIONER
 NW of Glenbauer Road * OF BALTIMORE COUNTY
 5 Kings Glen Court * Case Nos. 92-361-A
 11th Election District
 4th Councilmanic District
 George Anagnostou, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Petition for Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 30 ft. side yard setback, in lieu of the required 50 ft., and to amend the Final Development Plan for Glenbauer subdivision to allow a principal structure to be constructed outside of the building envelope, all as more particularly shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petition for Variance.

The Petitioners/property owners, George and Nikki Anagnostou, appeared and testified. There were no other interested persons or Protestants present.

Testimony presented at the hearing disclosed that the subject property is known as 5 Kings Glen Court and is located within the Glenbauer subdivision in the Kingsville vicinity of Baltimore County. The property is zoned R.C.5 and is 1.33 acres in size. The subject lot is triangularly shaped and is narrow at that portion of the lot which adjoins Kings Glen Court. To the rear of the lot, the property widens significantly.

Currently, the lot is unimproved, but the Petitioners propose to construct a two story single family dwelling with an attached garage there-

on. Because of the proposed location of the septic field to the rear of the lot and the requirement that the area must be no closer than 20 ft. from the dwelling, the Petitioners note that the house must be constructed towards the front of the property. Further, due to the narrowness of the lot at that point, the Petitioners can maintain only 30 ft. side yard setbacks after construction of a 63 ft. wide house and attached garage. Thus, the Petitioners claim that the unusual configuration of the lot and location of the septic field constitutes particular site constraints which justify the granting of the requested variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance 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 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 15th day of May 1992 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 30 ft. side yard setback, in lieu of the required 50 ft., and to amend the Final Development Plan for Glenbauer subdivision to allow a principal structure to be constructed outside of the building envelope, 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/mnn

ORDER RECEIVED BY PUBLIC
 Date 5/15/92
 By [Signature]

ORDER RECEIVED BY PUBLIC
 Date 5/15/92
 By [Signature]

ORDER RECEIVED BY PUBLIC
 Date 5/15/92
 By [Signature]

Suite 113, Courthouse
 400 Washington Avenue
 Towson, MD 21284

(410) 887-4186

April 30, 1992

Mr. and Mrs. George Anagnostou
 10832 Sandringham Road
 Cockeysville, Maryland 21030

RE: Petition for Residential Zoning Variance
 Case No. 92-361-A

Dear Mr. and Mrs. Anagnostou:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mnn
 encl.

Petition for Variance

to the Zoning Commissioner of Baltimore County

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 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 30 ft. side yard setback, in lieu of the required 50 ft., and to amend the Final Development Plan for Glenbauer subdivision to allow a principal structure to be constructed outside of the building envelope, 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:

See Attached 92-361-A

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:

Legal Owner(s):

(Type or Print Name)

GEORGE ANAGNOSTOU

Signature

[Signature]

Address

10832 Sandringham Rd

City and State

Cockeysville, MD 21030

Attorney for Petitioner:

Address

(Type or Print Name)

Phone No.

Signature

(410) 887-2525

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State

Name

Attorney's Telephone No.:

Address

Phone No.

OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING -1/2HR. +1HR.
 AVAILABLE FOR HEARING
 MON./TUES./WED. - NEXT TWO MONTHS
 ALL OTHER
 REVIEWED BY: JRA DATE 3-18-92

I GEORGE ANAGNOSTOU the undersigned, legal owner of 5 Kings Glen Ct. hereby petition for a variance for the following reasons:

Practical difficulty:

1. Baltimore County does not permit houses to be built above septic fields. Houses must be a minimum of 20ft. away.
2. According to the covenants of Glenbauer the house must face in the direction of the arrow range.

Hardship:

1. I could not make use of lot with the existing building envelope.
2. I would like to be consistent with my neighboring houses.

ZONING DESCRIPTION

5 KINGS GLEN CT

Kingsville, Maryland. 21087 92-361-A

Beginning at a point 263 ft. southwest at the end of an easement. From a point on the southwest side of Kings Glen Ct. which is 442.00 ft. northwest of Glenbauer Rd. which is 50 ft. wide.

Being lot #38 section 1 in the subdivision of Glenbauer as recorded in Baltimore County. Plat book # 60 . Folio #34 containing 1.33 acres / 56,934.80 square feet. Also known as 5 Kings Glen Ct. Located in the 5th. election district.

374

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: 4/17/92

Posted for: _____

Petitioner: George and Nikki Anagnostou

Location of property: 10832 Sandringham Road, Cockeysville, MD 21030

Location of Signs: 10832 Sandringham Road, Cockeysville, MD 21030

Remarks: _____

Posted by: William Date of return: 4/17/92

Number of Signs: 1

receipt

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

Date: _____ Account Number: R 001 6150

92-361A

Cashier Validation

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: 4/6/92

George and Nikki Anagnostou
10832 Sandringham Road
Cockeysville, Maryland 21030

RE:
CASE NUMBER: 92-361-A
2/S Kings Glen Court, 442' NW of Glenbauer Road
5 Kings Glen Court
11th Election District - 5th Councilmanic
Petitioner(s): George and Nikki Anagnostou

Dear Petitioner(s):

Please be advised that \$ 79.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE DOWING 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 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.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

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

CASE NUMBER: 92-361-A
2/S Kings Glen Court, 442' NW of Glenbauer Road
5 Kings Glen Court
11th Election District - 5th Councilmanic
Petitioner(s): George and Nikki Anagnostou
HEARING: WEDNESDAY, APRIL 29, 1992 at 9:30 a.m.

Variance to allow 30 foot lot line setback in lieu of the required 50 feet; to amend the Development Plan for Glenbauer; and to allow a principal structure to be built outside the envelope.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: George and Nikki Anagnostou

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

CERTIFICATE OF PUBLICATION

TOWSON, 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. Zeke Olson
Publisher

\$ 44.73

receipt

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

Date: _____ Account Number: R 001 6150

92-361

Cashier Validation

Please Make Checks Payable To: Baltimore County

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
Alina Moore and Adolfinia Arias, Item No. 366
Orville Jones, Item No. 367
Orville Jones, Item No. 368
Orville Jones, Item No. 369
Charles H. Wallis and Vickie J. Wallis, Item No. 370
Yvonne E. Hume, Item No. 371
James J. Casserly, Jr., Item No. 373
George Anagnostou and Nikki Anagnostou, Item No. 374
Frank W. Carman, Item No. 381
Arthur Smith and Arlene 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.

EM/FM:rdn
363.ZAC/2AC1

RECEIVED
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: Rahee J. Famili

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.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED

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

111 West Chesapeake Avenue
Towson, MD 21204 April 15, 1992 (410) 887-3353

Mr. & Mrs. George Anagnostou
10832 Sandringham Road
Cockeysville, MD 21030

RE: Item No. 374, Case No. 92-361-A
Petitioner: George Anagnostou, et ux
Petition for Variance

Dear Mr. & Mrs. Anagnostou:

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 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.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

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

Petitioner: George Anagnostou, et ux
Petitioner's Attorney:

APRIL 2, 1992

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

RE: Property Owner: GEORGE ANAGOSTOU & NIKKI ANAGOSTOU

Location: #5 KINGS GLEN COURT
Item No.: 374 (JRA) 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: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KEK

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

March 27, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #374, Zoning Advisory Committee Meeting of March 30, 1992, George Anagnostou and Nikki Anagnostou, S/S Kings Glen Court, 442' NW of Glen Baur Road (#5 Kings Glen Court), D-11 Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any permanent building structure must be a minimum of 20 feet from the septic reserve area.

SSF:rmp

374.ZNG/GWRMP

STATE OFFICE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for March 30, 1992

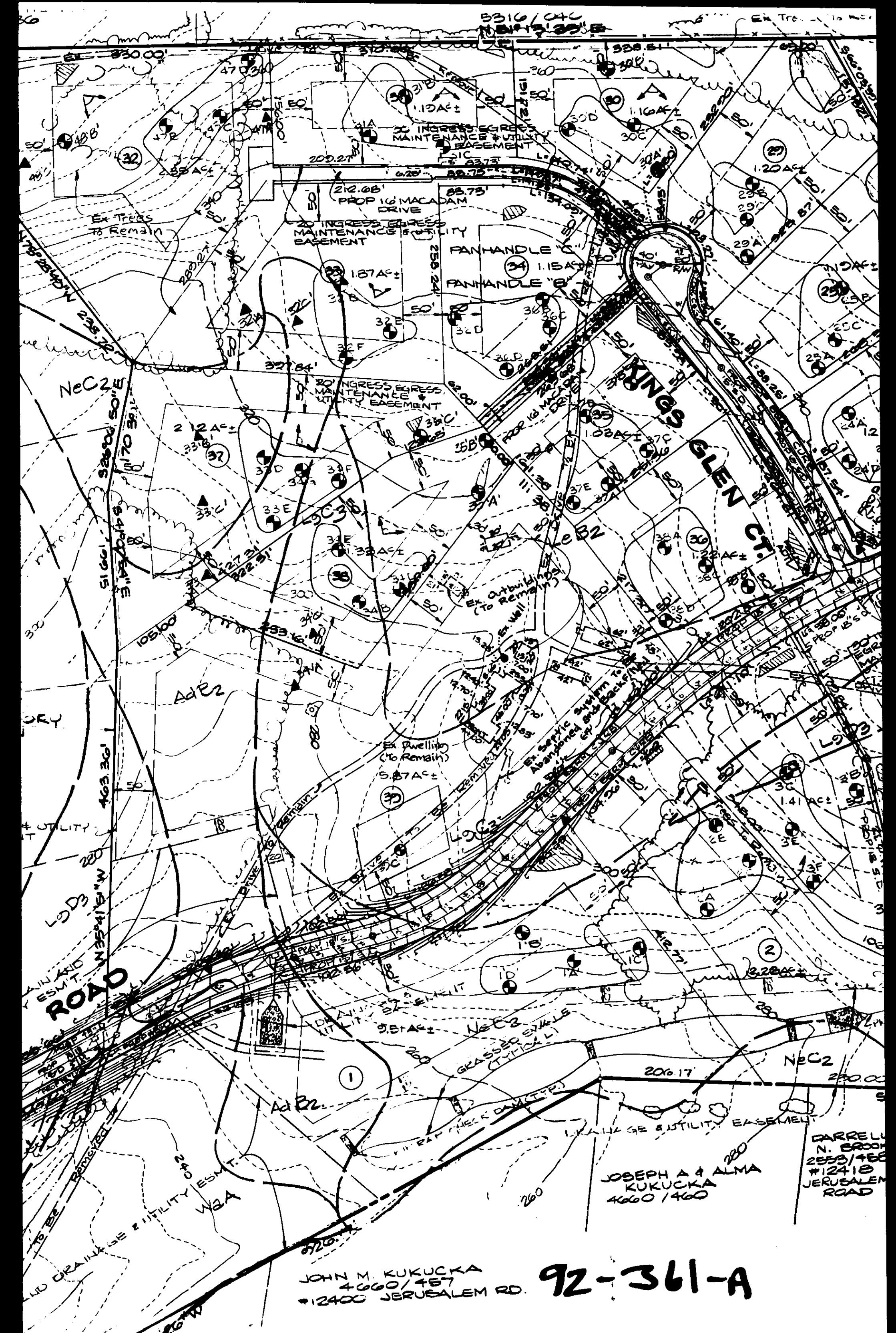
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 363, 366, 367, 368, 369, 370, 371, 372, 374, 376, 377, 378, 379, 380, 381 and 382.

For Item 362, the parking space that is shown in the Grendon Avenue widening should not be counted in the variance request.

For Items 373 and 375, we think that these sites are subject to Division II of the Development Regulations.

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

RWB:DAK:s



374
92-361-A

Dear Neighbors:
I GEORGE ANAGOSTOU would like to obtain the variance as shown on the above plat for lot #38, which is located on 5 Kings Glen Court, for the purpose of building my house. In order for this to occur your approval would be helpful.

WE THE UNDERSIGNED NEIGHBORS HAVE NO OBJECTIONS TO LOT #38 BEING GRANTED THIS VARIANCE AS SHOWN ON THE ABOVE PLAT.

1. Name *Joseph A. and Janet L. Rubin* 592-2464
Address *3 Kings Glen Ct. (Lot 35)*

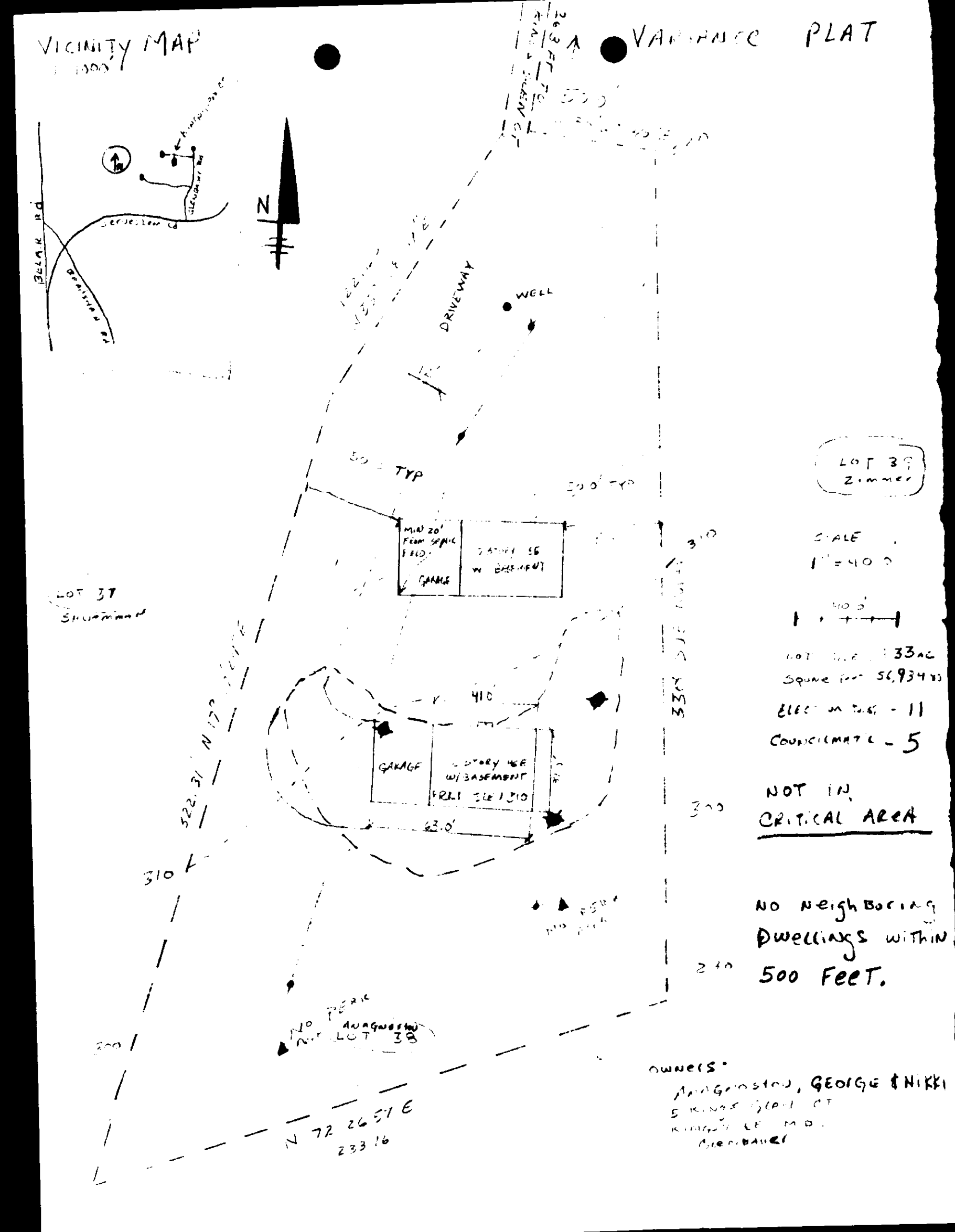
2. Name *Thomas J. Miller* 572-6369
Address *11 Kings Glen Court Lot 33*

3. Name *Linda L. Walizer* 4725
Address *4 Kings Glen Ct Kingsville 21087 592-6972*

4. Name *Carl Frank & Linda M. Frank* 4130
Address *8 Kings Glen Ct Kingsville 21087*

5. Name *Mrs. Zimsky* Lot 39 *crayed.*

6. Name _____
Address _____



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 5 Kings Glen Ct see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Glenbauer
plat books 60 folios 101-102 sections 1

OWNER: Anagnostou

92-361-A

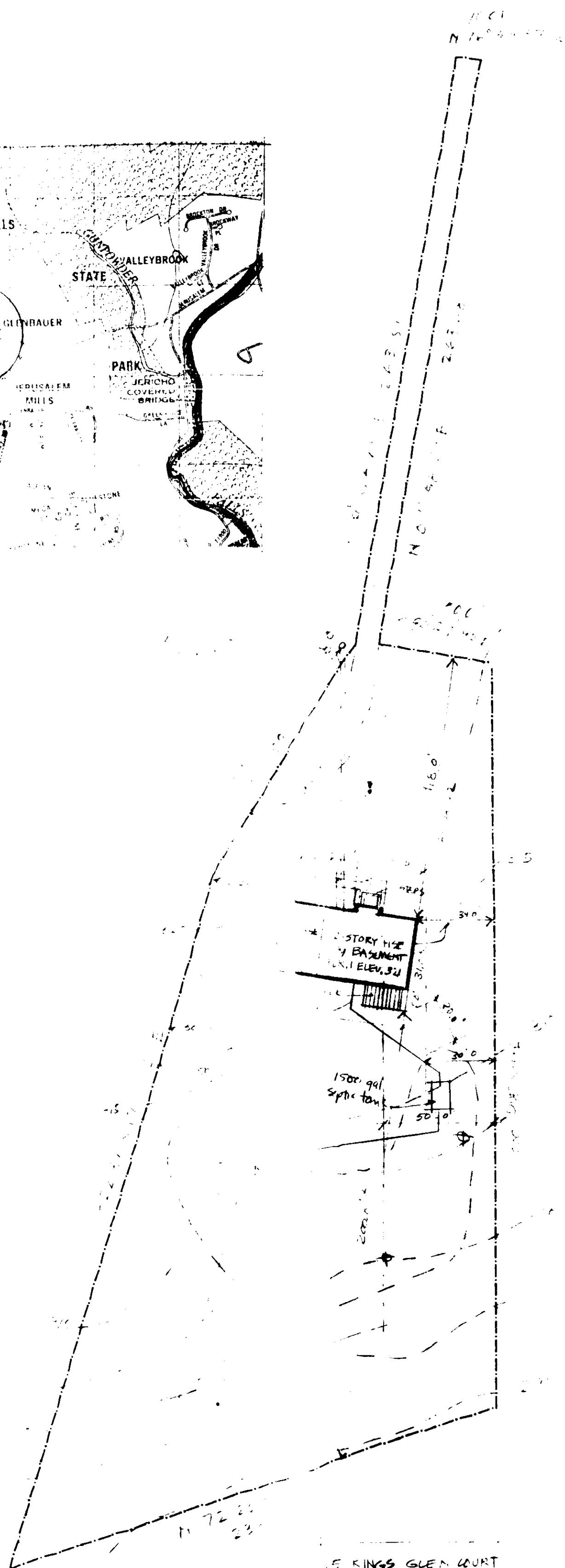
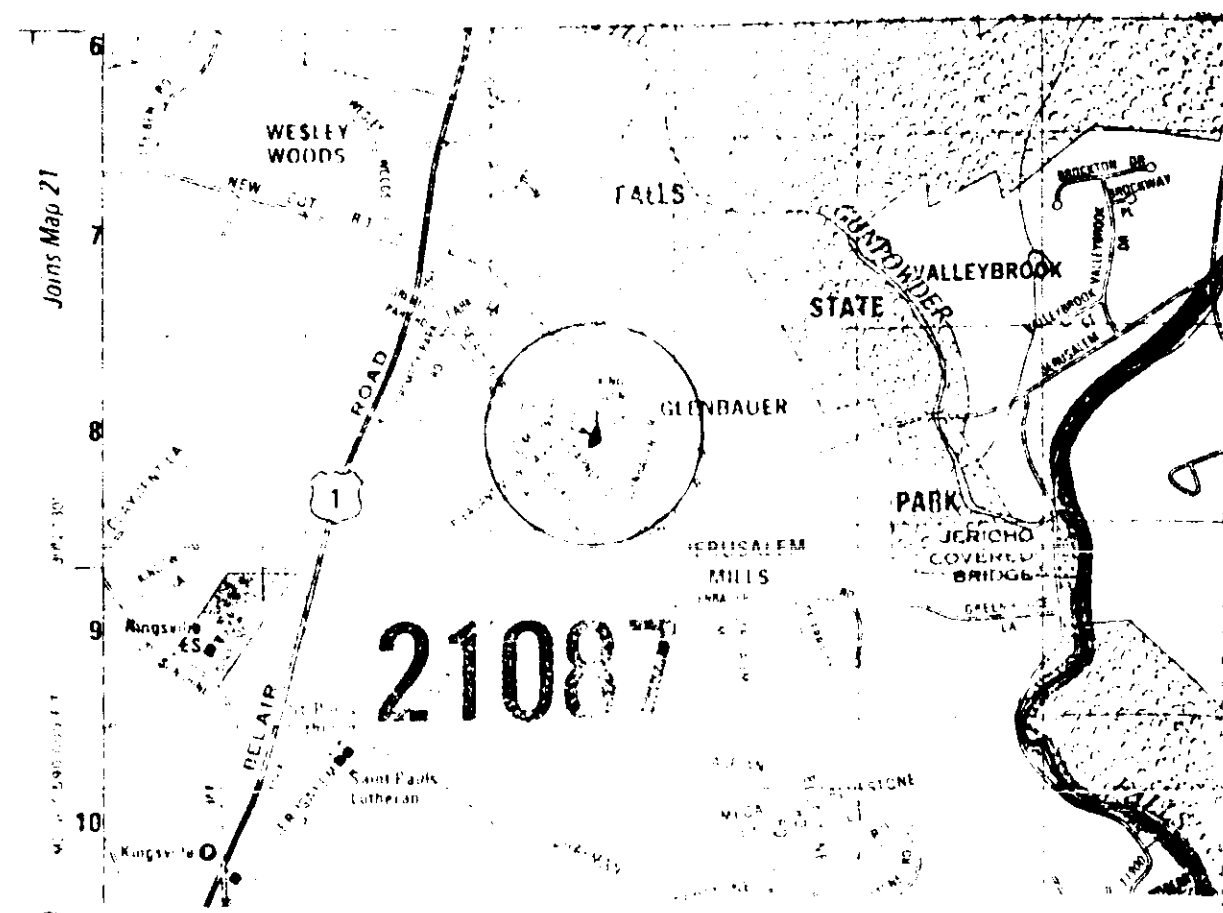
Scale of Drawing: 1" = 50'

North
date: DEC 11, 1991
prepared by: *[Signature]*

LOCATION INFORMATION
Councilmatic District: 05
Election District: 11
1"=200' scale map#: NE 16-3
Zoning: RC-5
Lot size: 1.33 56,974.80 square feet
Proposed Dwelling: 1.5 square feet

SEWER: WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearing: NO

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

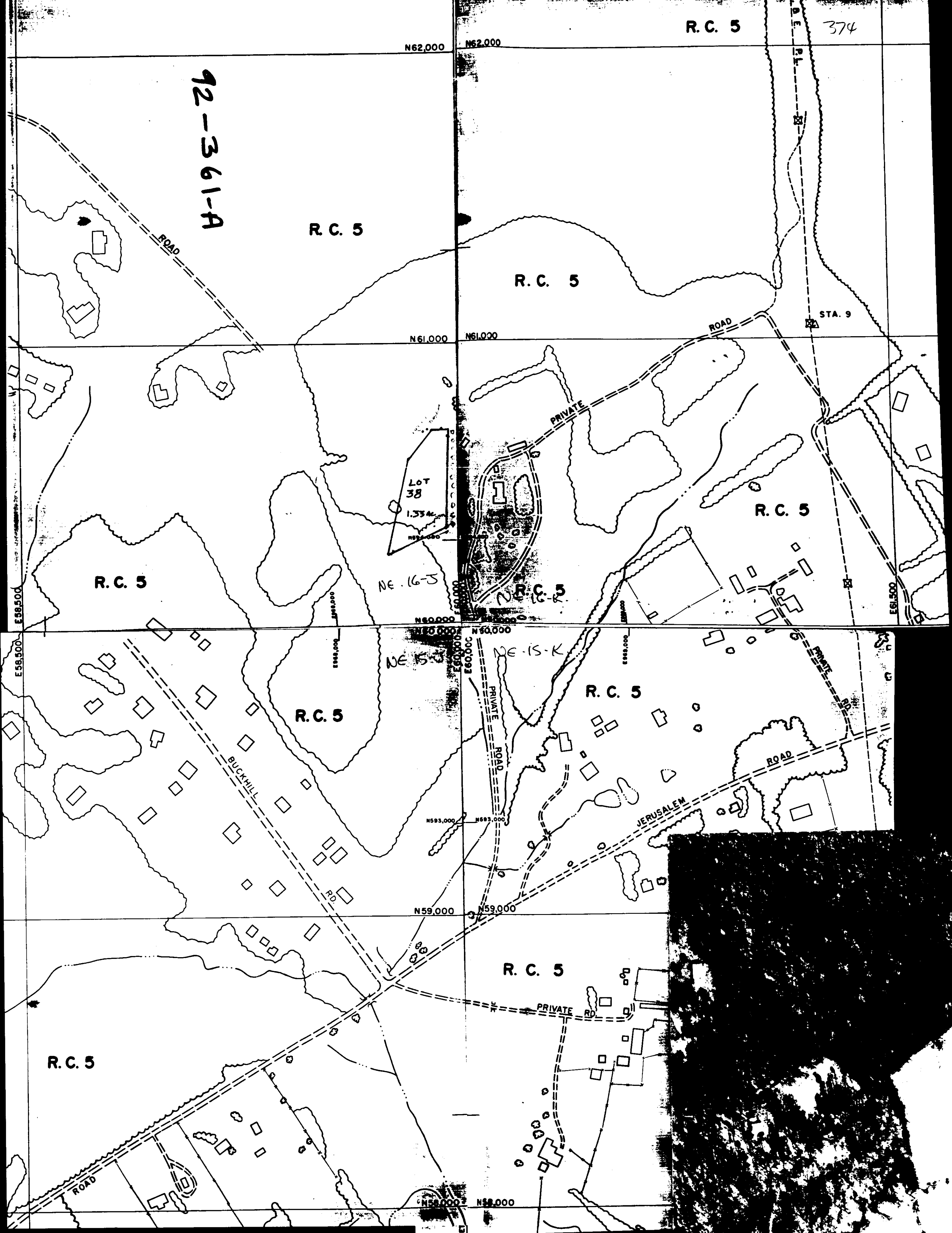


SITE PLAN
1040 C

5 KINGS GLEN COURT
KINGSVILLE MD 21087
OWNER: GEORGE F. NIEL ANAGNOSTO
10832 SANDRINGHAM CT
COCKEYSVILLE MD 21030
ZONING: R.C. 5
AREA: 1.33 AC. ±
DESC. DIST. BY SAUNDERS COUNTY
DIM. 60' X 100' BY
SECTION ONE, PLAT A, AREA 1
OF GLEN SAVER
LOT # 38

ARCHITECT: ISHIOGISHI, 211 MARYLAND AVE. BALTO. MD. 21201
410-727-2037

*Let's
get 1/16*



SCALE	LOCATION	SHEET
1" = 200' ±	SOUTH OF	NE
DATE OF PHOTOGRAPHY	RECKORD	16-J
JANUARY 1986		

374