

IN RE: PETITION FOR ZONING VARIANCE  
 N/S Merry Hill Court, 10' W  
 of Anton Way  
 (N Merry Hill Court)  
 3rd Election District  
 3rd Councilmanic District  
 Joseph A. Cooper, et ux  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 92-372-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1A04.1.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 40 feet in lieu of the required 50 feet, and to amend the 2nd Amended Final Development Plan of Anton North, Section Two, Lot 18, accordingly, as more particularly described on Petitioner's Exhibit 11.

The Petitioners, Joseph A. and Annette B. Cooper, appeared and testified. Also appearing on behalf of the Petition were Jay Brown, Architect, and Steven M. Blum, Builder. There were no Protestants.

Testimony indicated that the subject property, known as 8 Merry Hill Court, consists of 1.968 acres, zoned R.C. 5. Said property is part of the Anton North subdivision and is presently unimproved. Petitioners are desirous of developing the property with a single family dwelling as more particularly described on Petitioner's Exhibit 1. However, the subject property is roughly pie-shaped, with the wider portion fronting along Merry Hill Court, and as the property progresses towards the rear, its width narrows significantly. Due to the unique configuration of the lot, the Petitioners require a variance of 10 feet to permit a 40-foot side yard setback in lieu of the required 50 feet. Actually, the Petitioners'

plans indicate that the southeast corner of the proposed dwelling will rest 46 feet from the property line. However, the Petitioner has requested a 10-foot setback variance in anticipation of any construction changes.

Additional evidence offered indicated that adjoining property owners, one of whom sold the subject lot, do not oppose the Petitioners' request. The houses in this subdivision are substantial in size and the proposed dwelling will be consistent in appearance and scale.

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. 308 (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 performance unreasonably 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 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 struc-

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 Date 5/1/92  
 By [Signature]

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks 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 or general welfare. Further, the granting of the Petitioner's request is 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of May, 1992 that the Petition for Zoning Variance from Section 1A04.1.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 40 feet in lieu of the required 50 feet, and to amend the 2nd Amended Final Development Plan of Anton North, Section Two, Lot 18, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.

LES:bjja

[Signature]  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

ORDER RECEIVED FOR FILING  
 Date 5/1/92  
 By [Signature]

Baltimore County Department of Planning and Zoning  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21284

May 11, 1992

(110) 887-4386

Mr. & Mrs. Joseph A. Cooper  
 8006 Melody Lane  
 Baltimore, Maryland 21208

RE: PETITION FOR ZONING VARIANCE  
 N/S Merry Hill Court, 10' W of Anton Way  
 (8 Merry Hill Court)  
 3rd Election District - 3rd Councilmanic District  
 Joseph A. Cooper, et ux - Petitioners  
 Case No. 92-372-A

Dear Mr. & Mrs. Cooper:

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,

LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjja

cc: Mr. Jay Brown, Levin Brown Associates,  
 17 Warren Road, Suite 7B, Pikesville, Md. 21208

People's Counsel

[Signature]

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 8 Merry Hill Court  
 which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.1.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 40' side yard setback in lieu of the required 50' and to amend the 2nd amended FDP of Anton North Sec. Two Lot 18.

The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
 The existing lot width is only 83' within the setbacks at the point within which the house can be situated; slopes on the lot are steep and along with a septic reserve area situated well back from the front of the lot offer very little opportunity to vary the orientation and location of the house. The character of the neighborhood requires a large residence.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract Purchaser/Lease

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this petition.)

Legal Owner(s):  
 Joseph A. Cooper  
 Annette B. Cooper

Address:  
 8006 Melody Lane  
 Baltimore, Maryland 21208

City, State, Zip Code:  
 Baltimore, Maryland 21208

Phone No.: 484-4987

Attorney for Petitioner:  
 Joe Brandli  
 c/o Levin Brown Assoc.  
 17 Warren Rd. Suite 7B  
 Pikesville, Md. 21208

City, State, Zip Code:  
 Pikesville, Md. 21208

Phone No.: 486-9006

ESTIMATED LENGTH OF HEARING: 1/2 hr  
 Date: 5/1/92  
 By: [Signature]

Beginning on the North side of Merry Hill Court, which is 50' wide at the distance of 40' south of the centerline of the nearest improved intersection street Anton North Way which is 50' wide. Being Lot #18, Section #2 in the subdivision of Anton North as recorded in Baltimore County Plat Book #58, Folio #27, containing 1.968 acres also known as 8 Merry Hill Court and located in the #3 Election District, 3rd Council District.

92-372 A

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 3rd  
 Date of Posting: April 16, 1992

Posted for: Variance

Petitioner: Joseph A. and Annette B. Cooper

Location of property: N/S Merry Hill Court, 10' W of Anton Way North

Location of Sign: N/S Merry Hill Court, 10' W of Anton Way North

Remarks: [Blank]

Posted by: [Signature]  
 Date of return: April 27, 1992

Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4/16, 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 4/6, 1992.

THE JEFFERSONIAN,  
 S. Zeke Olson  
 Publisher

346.73

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

receipt

Date: \_\_\_\_\_

Account: R 001-6150  
 Number: \_\_\_\_\_

Please Make Checks Payable To: Baltimore County  
 14-0011-168403-26-92

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

Date: \_\_\_\_\_

Account: R 001-6150  
 Number: 92-372

Please Make Checks Payable To: Baltimore County  
 14-0011-168403-26-92

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

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

DATE: 4/27/92

Joseph A. and Annette B. Cooper  
8006 Melody Lane  
Baltimore, Maryland 21208

RE:  
CASE NUMBER: 92-372-A  
N/S Harry Hill Court, 10' W of Anton Way North  
S Harry Hill Court  
3rd Election District - 3rd Councilmanic  
Petitioner(s): Joseph A. and Annette B. Cooper

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 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 HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21284. 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 requested.

*Carl Jablon*

ARNOLD JABLON  
DIRECTOR

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

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

APRIL 7, 1992

NOTICE OF HEARING

The Zoning Commission 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 21284 as follows:

CASE NUMBER: 92-372-A  
N/S Harry Hill Court, 10' W of Anton Way North  
S Harry Hill Court  
3rd Election District - 3rd Councilmanic  
Petitioner(s): Joseph A. and Annette B. Cooper  
HEARING: WEDNESDAY, MAY 6, 1992 at 9:00 a.m.

Variance to allow a 40 foot side yard setback in lieu of the required 50 feet and to amend the Second Amended Final Development Plan of Anton, North, Section Two, Lot 16.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Joseph and Annette Cooper  
Joe Brundill

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

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

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

May 4, 1992

Mr. & Mrs. Joseph A. Cooper  
8006 Melody Lane  
Baltimore, MD 21208

Re: Case No. 92-372-A, Case 1st, 2nd, 3rd  
Petitioner: Joseph A. Cooper, et al  
Petition for Variance

Dear Mr. & Mrs. Cooper:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments are for your information only and do not constitute a final decision. You are requested to contact the Zoning Commission, starting under the petition number, to be aware of plans or problems with regard to the proposed amendments that may have a bearing on this case.

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

April 13, 1992

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item 9203, Zoning Advisory Committee Meeting of April 6, 1992, Joseph A. Cooper and Annette B. Cooper, N/S Harry Hill Court, 10' W of Anton Way North (28 Harry Hill Court) D-3, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any building structure shall be a minimum of 20 feet from the septic area. Belowground shall be a minimum of 10 feet from the septic area.

SS:rup

JBL:GWS/REP

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

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

April 24, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21284

Re: Property of JOSEPH A. COOPER AND ANNETTE B. COOPER  
Location: THE ZONING FILE COUNTY  
Case No. 92-372-A  
Zoning Agency: APRIL 6, 1992

Reference to your report that the referenced property has been surveyed by the Planning Group and the comments below are applicable and required to be incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed and Approved: \_\_\_\_\_  
Planning Group  
Special Inspection Division

Noted and Approved: \_\_\_\_\_  
Fire Prevention Bureau

JBL/REP

RECEIVED  
APR 10 1992  
ZONING OFFICE

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Joseph A. Cooper</i>	<i>17 W Harry Hill Court 21208</i>
<i>Annette B. Cooper</i>	<i>8006 Melody Lane 21208</i>
<i>Steven M. Blum</i>	<i>27 Evan Way Baltimore 21208</i>

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*lot 2TO*

*lot 2TP*

*lot 2TQ*

*lot 2TR*

*lot 2TS*

*lot 2TT*

*lot 2TU*

*lot 2TV*

*lot 2TW*

*lot 2TX*

*lot 2TY*

*lot 2TZ*

*lot 2UA*

*lot 2UB*

*lot 2UC*

*lot 2UD*

*lot 2UE*

*lot 2UF*

*lot 2UG*

*lot 2UH*

*lot 2UI*

*lot 2UJ*

*lot 2UK*

*lot 2UL*

*lot 2UM*

*lot 2UN*

*lot 2UO*

*lot 2UP*

*lot 2UQ*

*lot 2UR*

*lot 2US*

*lot 2UT*

*lot 2UU*

*lot 2UV*

*lot 2UW*

*lot 2UX*

*lot 2UY*

*lot 2UZ*

*lot 2VA*

*lot 2VB*

*lot 2VC*

*lot 2VD*

*lot 2VE*

*lot 2VF*

*lot 2VG*

*lot 2VH*

*lot 2VI*

*lot 2VJ*

*lot 2VK*

*lot 2VL*

*lot 2VM*

*lot 2VN*

*lot 2VO*

*lot 2VP*

*lot 2VQ*

*lot 2VR*

*lot 2VS*

*lot 2VT*

*lot 2VU*

*lot 2VV*

*lot 2VW*

*lot 2VX*

*lot 2VY*

*lot 2VZ*

*lot 2WA*

*lot 2WB*

*lot 2WC*

*lot 2WD*

*lot 2WE*

*lot 2WF*

*lot 2WG*

*lot 2WH*

*lot 2WI*

*lot 2WJ*

*lot 2WK*

*lot 2WL*

*lot 2WM*

*lot 2WN*

*lot 2WO*

*lot 2WP*

*lot 2WQ*

*lot 2WR*

*lot 2WS*

*lot 2WT*

*lot 2WU*

*lot 2WV*

*lot 2WW*

*lot 2WX*

*lot 2WY*

*lot 2WZ*

*lot 2XA*

*lot 2XB*

*lot 2XC*

*lot 2XD*

*lot 2XE*

*lot 2XF*

*lot 2XG*

*lot 2XH*

*lot 2XI*

*lot 2XJ*

*lot 2XK*

*lot 2XL*

*lot 2XM*

*lot 2XN*

*lot 2XO*

*lot 2XP*

*lot 2XQ*

*lot 2XR*

*lot 2XS*

*lot 2XT*

*lot 2XU*

*lot 2XV*

*lot 2XW*

*lot 2XX*

*lot 2XY*

*lot 2XZ*

*lot 2YA*

*lot 2YB*

*lot 2YC*

*lot 2YD*

*lot 2YE*

*lot 2YF*

*lot 2YG*

*lot 2YH*

*lot 2YI*

*lot 2YJ*

*lot 2YK*

*lot 2YL*

*lot 2YM*

*lot 2YN*

*lot 2YO*

*lot 2YP*

*lot 2YQ*

*lot 2YR*

*lot 2YS*

*lot 2YT*

*lot 2YU*

*lot 2YV*

*lot 2YW*

*lot 2YX*

*lot 2YY*

*lot 2YZ*

*lot 2ZA*

*lot 2ZB*

*lot 2ZC*

*lot 2ZD*

*lot 2ZE*

*lot 2ZG*

*lot 2ZH*

*lot 2ZI*

*lot 2ZJ*

*lot 2ZK*

*lot 2ZL*

*lot 2ZM*

*lot 2ZN*

*lot 2ZO*

*lot 2ZP*

*lot 2ZQ*

*lot 2ZR*

*lot 2ZS*

*lot 2ZT*

*lot 2ZU*

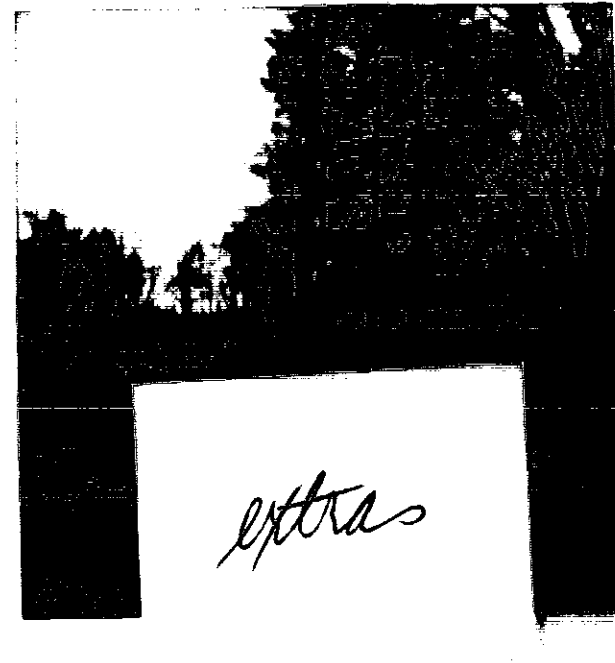
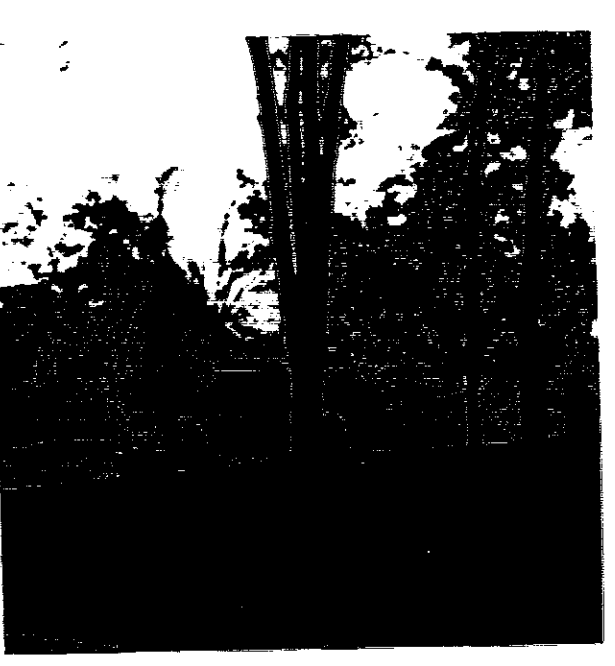
*lot 2ZV*

*lot 2ZW*

*lot 2ZX*

*lot 2ZY*

*lot 2ZZ*



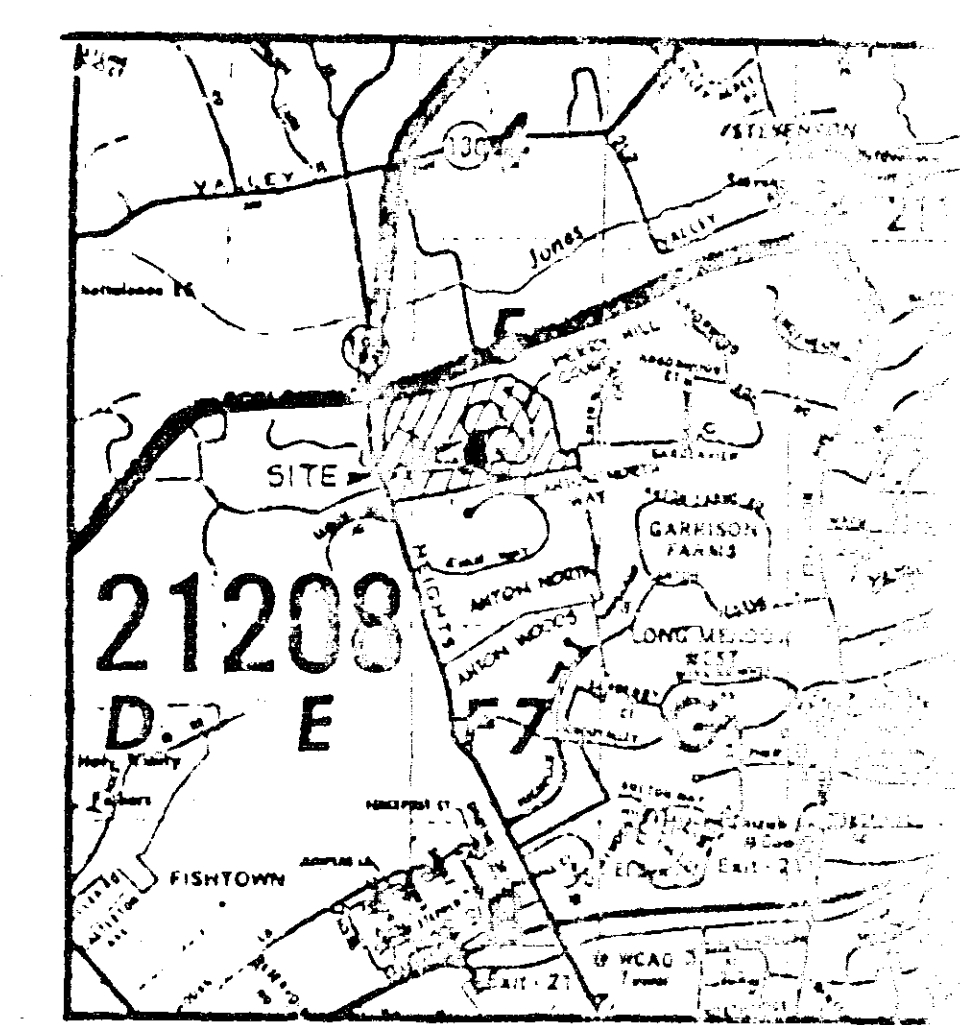
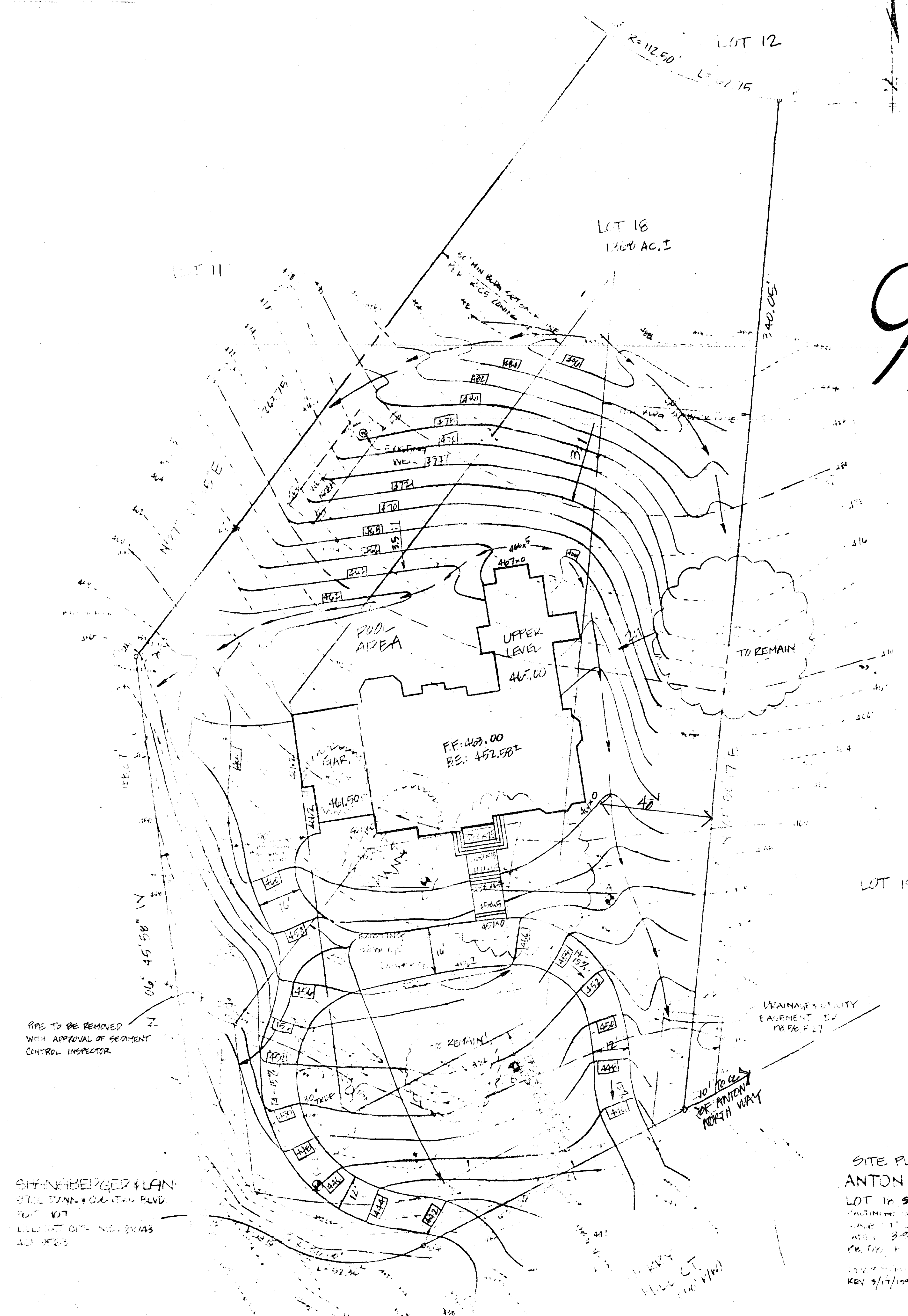
Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 8 MERRY HILL COURT  
ANTON NORTH - SECTION TWO  
 Subdivision name:  
 Plat book: 50, folio 27, lot 18, section 2  
 OWNER: JOSEPH & ANNETTE COOPER

See pages 5 & 6 of the CHECKLIST for additional required information

92-272-A

*Pittman & No 1*



VICINITY MAP Scale: 1"=2000

Vicinity Map Scale: 1"=1000'	
LOCATION INFORMATION	
Councilmanic District:	3
Election District:	3
1"=200' scale map:	NW 10-F
Zoning:	RC. 5
Lot size:	acres 1.366 square feet 59,590
Chesapeake Bay Critical Area:	<input type="checkbox"/> <input checked="" type="checkbox"/>
Prior Zoning Hearings:	NONE

SITE PLAN  
 ANTON NORTH  
 LOT 18 SEC 2  
 DATE: 3-19-92  
 KEY: 9/7/1992

North  
 date: 3-19-92  
 prepared by: J. BRANDLI

Scale of Drawing: 1"= 20'

CHENBERGER LANE  
 8700 SUNDOWN BLVD  
 201 107  
 1100 LOT 18 - NO. 2043  
 401 9723

RAS TO BE REMOVED  
 WITH APPROVAL OF SEDIMENT  
 CONTROL INSPECTOR.

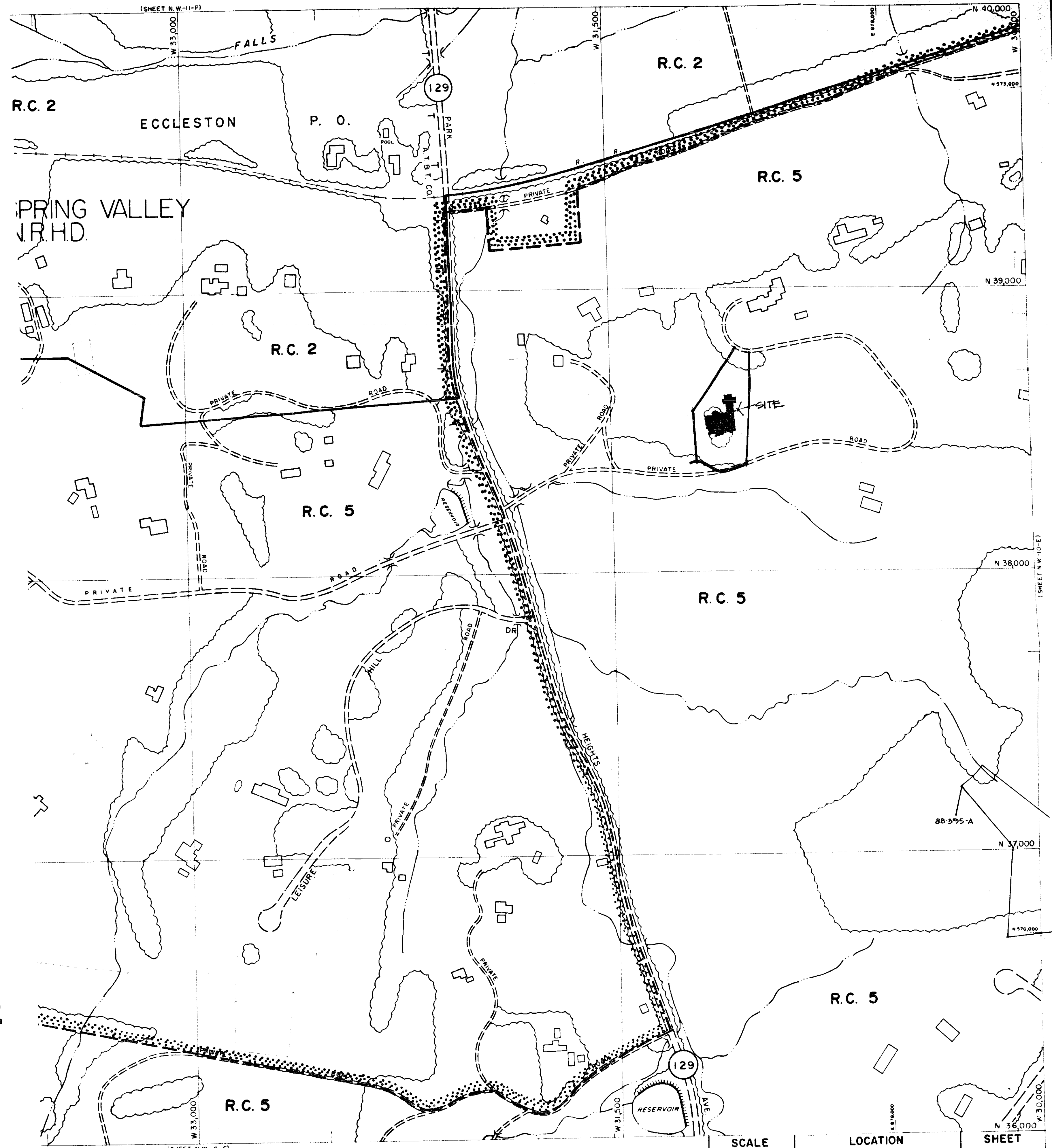
WANA PROPERTY  
 EASEMENT 52  
 PG. 56-57



BALTIMORE COUNTY  
 OF PLANNING AND ZONING  
 PHOTOGRAPHIC MAP

SCALE 1" = 200' ±	LOCATION GREY ROCK ECCLESTON P.O.	SHEET N.W. 10-F
DATE OF PHOTOGRAPHY JANUARY 1986		

92-372A



BALTIMORE COUNTY  
 OF PLANNING AND ZONING  
 ICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION GREY ROCK ECCLESTON P.O.	SHEET N.W. 10-F
DATE OF PHOTOGRAPHY JANUARY 1986		

388