

IN RE: PETITION FOR ZONING VARIANCE
 315 Berrymans Lane, 910 ft.
 SW of 1-795
 315 Berrymans Lane
 4th Election District
 3rd Councilmanic District
 Frederick J. Burgesen, et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 92-483-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 315 Berrymans Lane, near the Reisterstown section of Baltimore County. The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 ft. on both the north and south sides of the proposed dwelling, in lieu of the required 50 ft., as more particularly shown on Petitioners' Exhibit No. 1.

One of the Petitioners/property owners, Frederick J. Burgesen, was present at the hearing and was represented by James T. Smith, Esquire. There were no Protestants present.

Testimony and evidence presented at the hearing was that the subject site is zoned R.C.5 and is 2.97520 acres in area. The site, shown on the plat to accompany the Petition for Zoning Variance (Petitioners' Exhibit No. 1) is identified as lot No. 2 of the subject tract. The entire tract is approximately 3.9 acres in area and can best be described as a narrow, yet deep, parcel which fronts Berrymans Lane. Lot No. 1 is improved by an existing 2-1/2 story dwelling. Access to Lot No. 2 is by a panhandle on the south side of Lot No. 1, which leads to the rear of the property. The Petitioner proposes to construct a single family ranch style house on lot

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 Date 8/13/92
 By M. Smith

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No. 2, as shown on the site plan. This house will be approximately 73 ft. wide and 28 ft. deep. Owing to the long and narrow configuration of the lot, the Petitioner requests the subject variances as to side yard setback requirements. As a basis thereof, the Petitioner notes the unusual configuration of the lot and that placement of the house, as proposed, will save existing woodlands within the site. Further, the Petitioner desires to orient the house towards Berrymans Lane for marketing purposes.

Lastly, the Petitioner presented evidence that the minor subdivision of the entire tract has obtained all necessary approvals. There are no adverse comments to the proposal within the Zoning Advisory Committee (ZAC) comments.

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.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variances are 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 variances are 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 variances requested, 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 variances 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 3rd day of August, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 ft. on both the north and south sides of the proposed dwelling, in lieu of the required 50 ft., 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

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 By M. Smith

-3-

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:mn

ORDER RECEIVED FOR FILING
 Date 8/13/92
 By M. Smith

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Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

July 30, 1992

James T. Smith, Esquire
 143 Main Street
 Reisterstown, Maryland 21136

RE: Case No. 92-483-A
 Petition for Zoning Variance
 315 Berrymans Lane
 Frederick J. Burgesen, et ux

Dear Mr. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning 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:mn
 att.
 cc: Mr. and Mrs. Frederick J. Burgesen

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 315 BERRYMANS LA.
 which is presently zoned RC5

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(s) 1A04.3, B3 to permit a side yard setback of 25' IN LIEU OF THE REQUIRED 50' ON BOTH NORTH & SOUTH SIDES

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) LOT IS 185' WIDE AND WITH THE 50' SETBACKS FOR SIDE YARD, I CAN AT THIS TIME ONLY BUILD A HOUSE 25' WIDE. THIS TO MEANS NO GARAGE AND I WOULD LIKE TO BUILD A HOUSE 75' WIDE WHICH INCLUDES A 2 CAR GARAGE ON THE RIGHT HAND SIDE. I AM ASKING FOR MY SIDE YARD SET BACKS TO BE 25' ON EACH SIDE.

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.

| | |
|--|--|
| Contract Purchaser/Lessee: (Type or Print Name) | Legal Owner(s): (Type or Print Name) |
| Signature: <i>Frederick J. Burgesen</i> | Signature: <i>Frederick J. Burgesen</i> |
| Address: <i>Michelle Y. Burgesen</i> | Address: <i>Michelle Y. Burgesen</i> |
| City: <i>3032 CAVES RD.</i> | City: <i>3032 CAVES RD.</i> |
| State: <i>MD</i> | State: <i>MD</i> |
| Zip: <i>21287</i> | Zip: <i>21287</i> |
| Phone No.: | Phone No.: |

ORDER RECEIVED FOR FILING
 Date 8/13/92
 By M. Smith

MICROFILMED

ITEM # 517

A. L. Snyder
 Surveyor
 1911 Kanover Bldg
 Hampstead, Maryland 21074
 (301) 839-7744

AL-483-A
 (301) 374-9696

Description to Accompany Zoning Petition
 Lot 2 of "The Marie M. Kohler Property"
 May 21, 1992

Beginning for the same on the southeastern right-of-way line of Berryman's Lane, 1015 feet southwest of Interstate I-795, and running thence,

- 1.) S 50° 26' 30" E 414.54 feet,
- 2.) N 39° 08' 56" E 105.09 feet,
- 3.) S 50° 26' 34" E 835.63 feet,
- 4.) S 25° 30' 27" E 296.75 feet,
- 5.) N 50° 26' 30" W 1518.37 feet,
- 6.) N 39° 08' 56" E 20.00 feet to the place of beginning.

Containing 2.97520 Acres of land, more or less.



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ITEM 517

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 4th Date of Posting: July 7, 1992
 Posted for: Variance
 Petitioner: Frederick and Michelle Burgesen
 Location of property: 315 Berrymans Lane, 910 ft. SW of 1-795
 Location of Sign: 315 Berrymans Lane
 Location of Sign: 315 Berrymans Lane in front of subject property
 Remarks:
 Posted by: L. J. Skuta Date of return: July 16, 1992
 Number of Signs: 7

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CERTIFICATE OF PUBLICATION

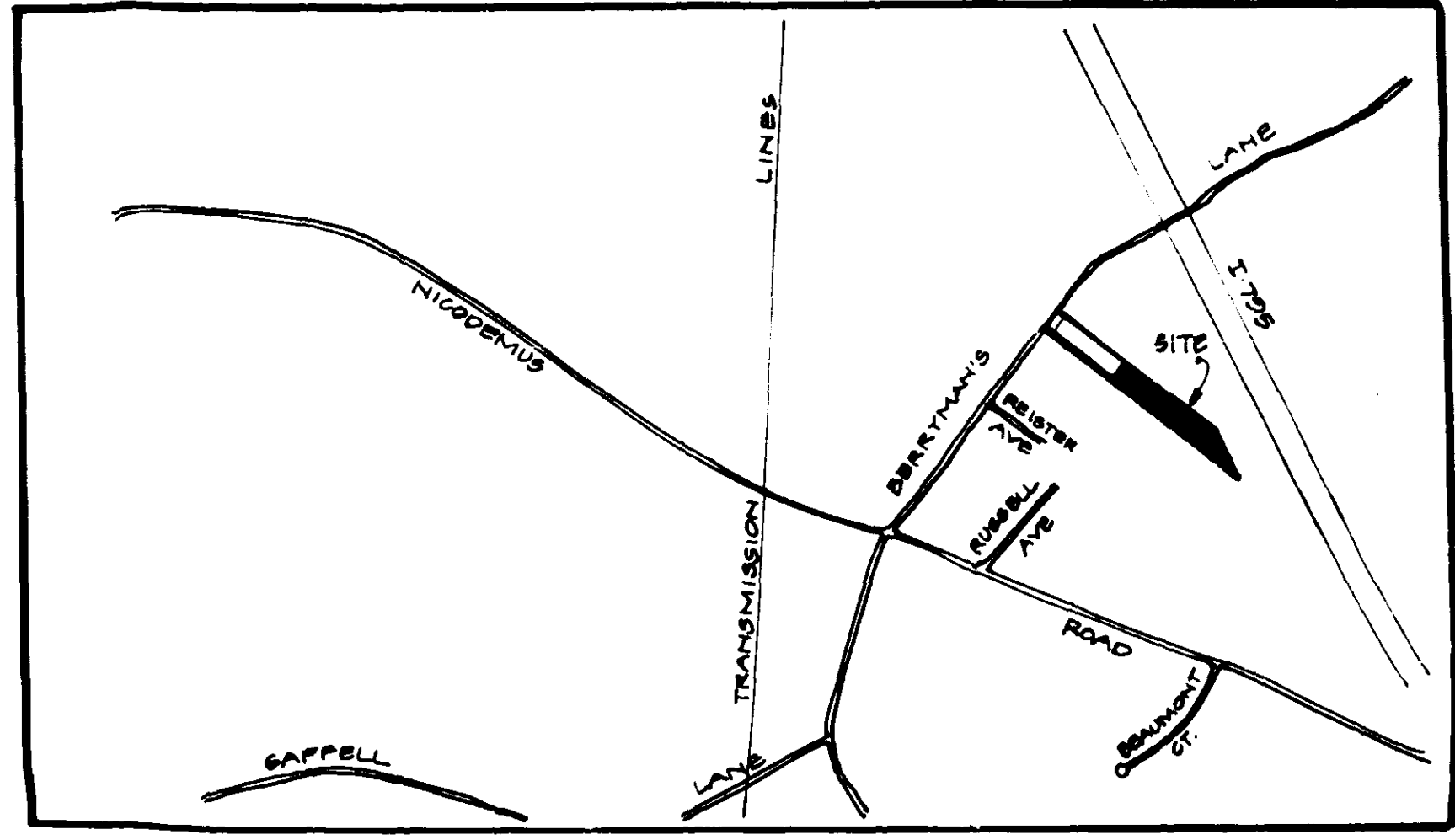
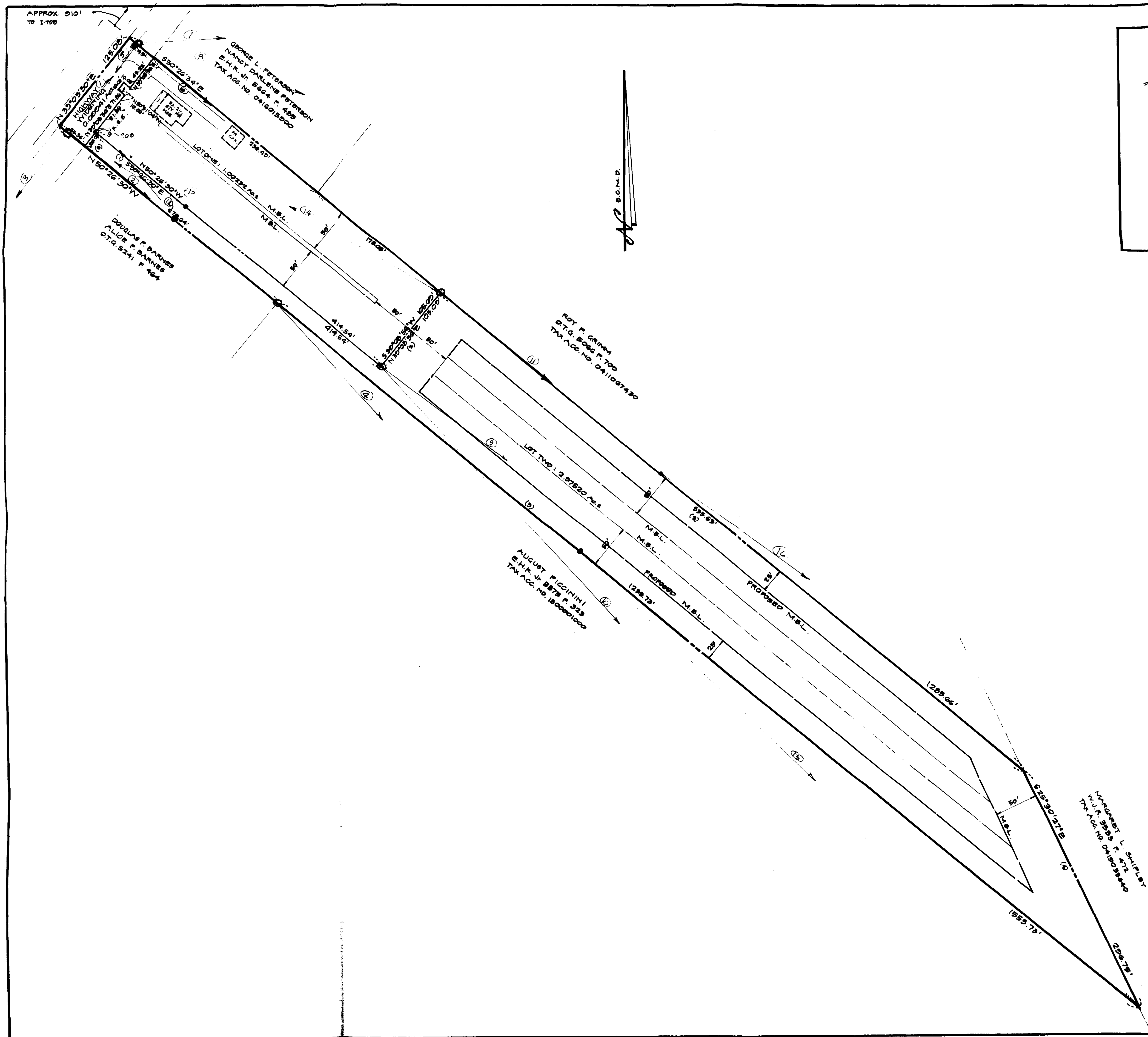
TOWSON, MD., 6/25, 1992
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/25, 1992

THE JEFFERSONIAN,

S. Zake-Orlmer
 Publisher

MICROFILMED

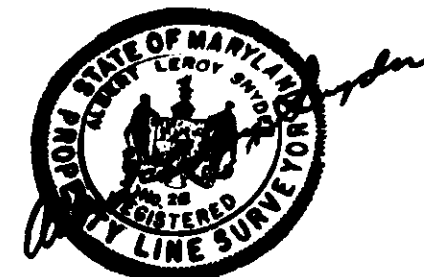
APPROX. 3101
TO 1-798



VICINITY MAP 1" = 1000'

92-483-A

THIS PLAN IS A PART OF THE
PHOTOGRAPHIC EXHIBIT.



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 315 BERRYMAN'S LANE, RIBBINGTON, MD 21156
 SUBDIVISION NAME: "THE MARIE M. KOEHLER PROPERTY" (LOT 2)
 PLATBOOK
 OWNER: FREDERICK J. BURGESSEN ; S.M.
 COUNCILMANS DISTRICT: 3 ELECTION DISTRICT: 4
 1" = 200' SCALE MAP: NW 1/4 K ZONING: RC-5
 LOT SIZE: 2.97520 AC± SCALE: 1" = 50' DATE: MAY 21, 1992
 PRIVATE WATER & SEWER PREPARED BY:

MICROFILMED

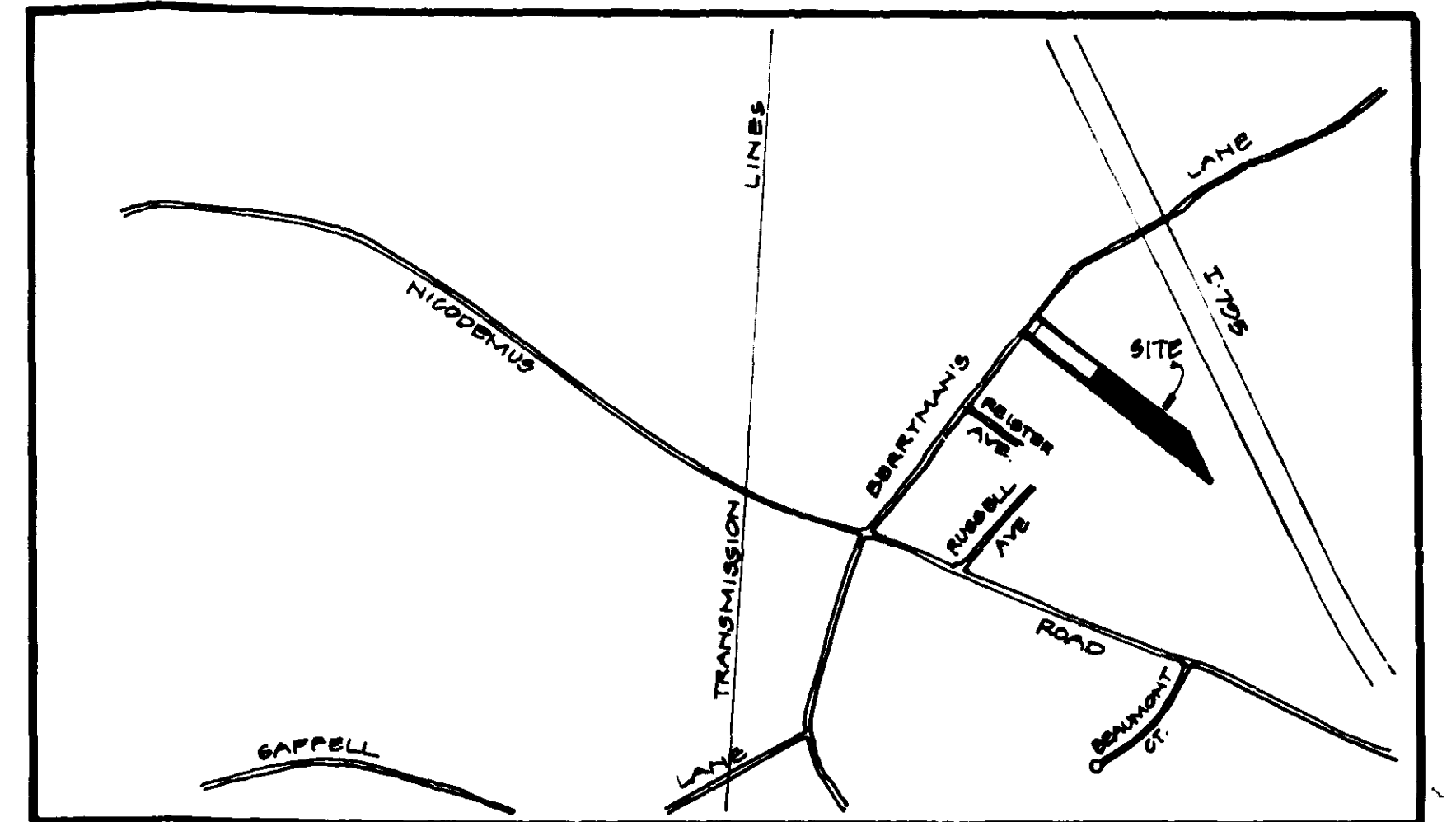
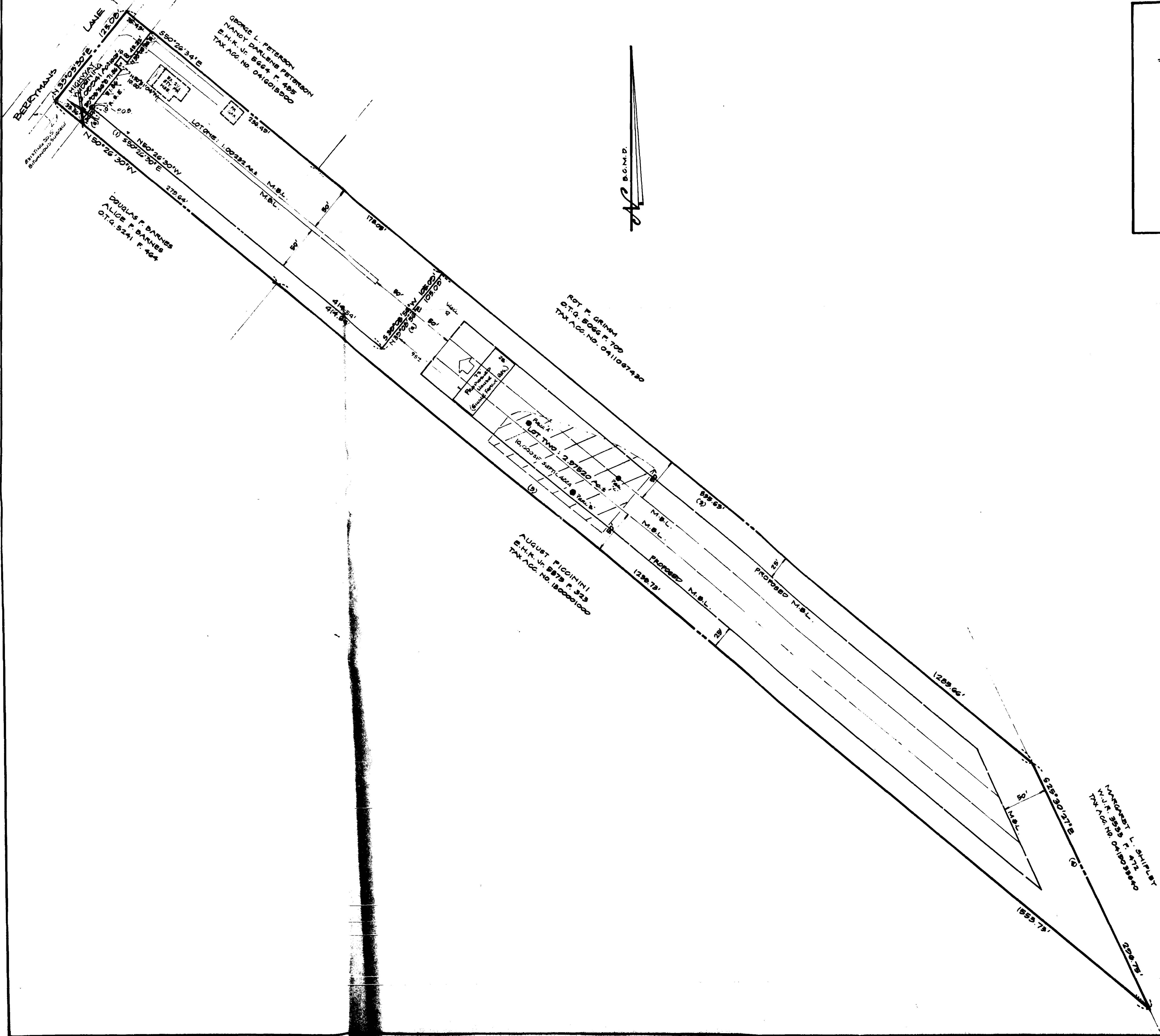
ZONING OFFICE USE ONLY
 REVIEWED BY: _____
 ITEM # _____
 CASE # _____

A. L. SNYDER
 SURVEYOR
 1911 HANOVER PIKE
 HAMPSTEAD, MD 21074
 (410) 239-7744

ITEM 517

JOB NO. 02007

APPROX. 910'
TO 1-198



VICINITY MAP 1"=1000'

Plot No 1

MICROFILMED

92-483-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 318 BONATMAN'S LANE, RIBESTERTOWN, MD. 21866
 SUBDIVISION NAME: "THE MARIE M. KOEHLER PROPERTY" (LOT 2)
 PLATBOOK
 OWNERS: FREDERICK J. BURGESS & MICHELLE Y. BURGESS (H&W)
 COUNCILMANIC DISTRICT: 3 ELECTION DISTRICT: 4
 1"=200' SCALE MAP: N114°K ZONING: RC-5
 LOT SIZE: 2.97820 AC± SCALE: 1"=50' DATE: MAY 21, 1998
 PRIVATE WATER & SEWER PREPARED BY:



ZONING OFFICE USE ONLY
 REVIEWED BY: _____
 ITEM #: _____
 CASE #: _____

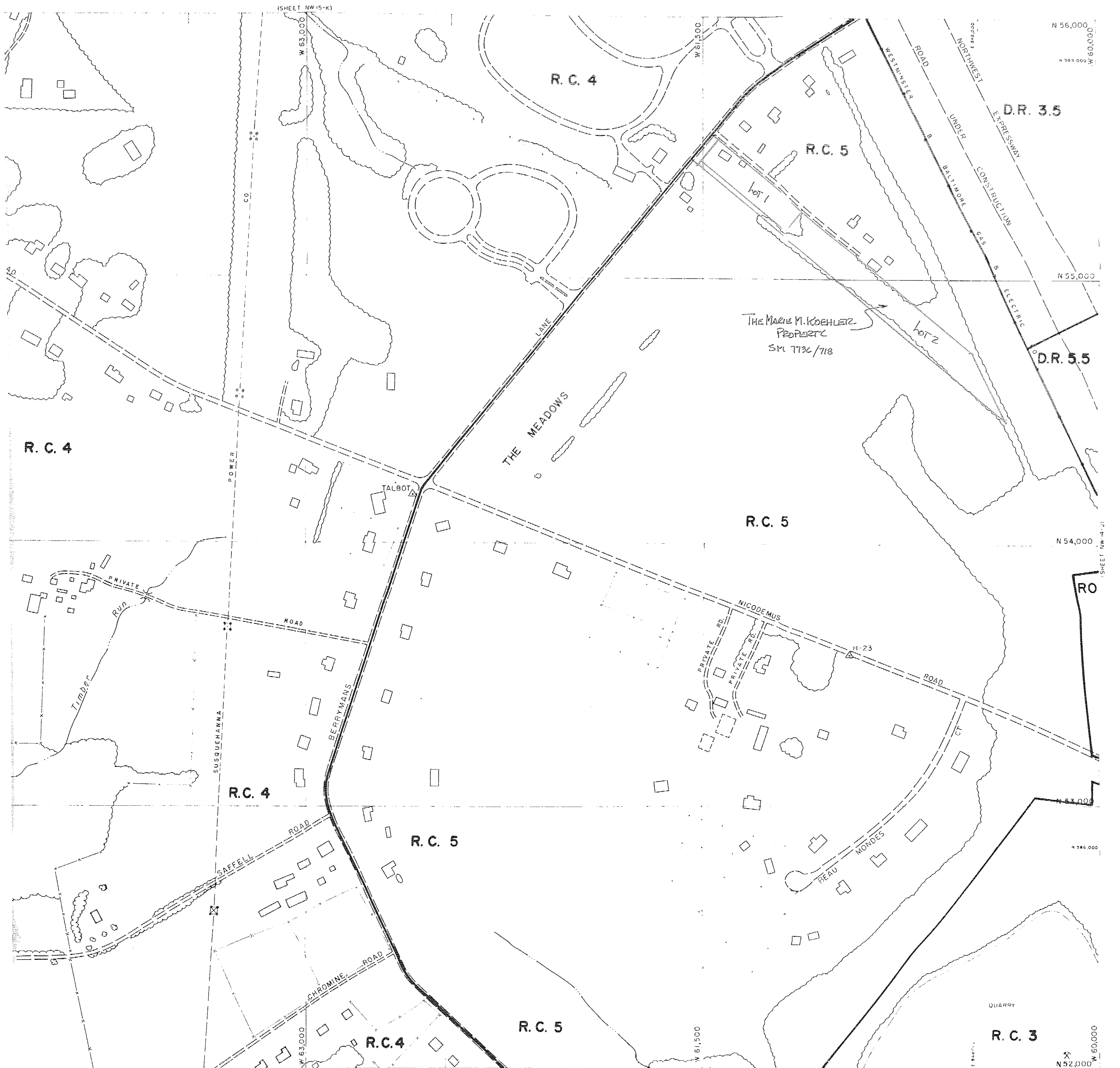
A. L. SNYDER
 SURVEYOR
 1011 HANOVER PIKE
 HAMPSTEAD, MD. 21074
 (410) 285-7744

JOB NO. 92007

174M 517



ITEM 517
92-483-A



BALTIMORE COUNTY
AND ZONING
MAP

| | | |
|--|---|-----------------------|
| SCALE 1" = 200' ± | LOCATION REISTERSTOWN AREA SOUTH | SHEET N.W. 14-K |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |
| TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210 | | |

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

| | | |
|-------------------------------------|---|-----------------------|
| SCALE 1" = 200' ± | LOCATION REISTERSTOWN AREA SOUTH | SHEET N.W. 14-K |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

92-483-A ITEM 517

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Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account: R0014150
 Number

6/10/92 H9200517

PUBLIC HEARING FEES
 1010 - ZONING VARIANCE (TRL) \$150.00
 LAST NAME OF OWNER: BURGENSEN

DA04#001201CHRC \$50.00
 EA 002358PH06-10-92
 Please Make Checks Payable To Baltimore County
 ITEM # 517

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: 7-10-92

Frederick and Michelle Burgesen
 2222 Claves Road
 Owings Mills, Maryland 21117

RE:
 CASE #92-483-A (Item 517)
 SR/S Berryman Lane, 910' SW of I-795
 315 Berryman Lane
 4th Election District - 3rd Councilmanic
 Petitioner(s): Frederick J. Burgesen, et ux
 HEARING: WEDNESDAY, JULY 29, 1992 at 2:00 p.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING 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 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
 DIRECTOR

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

JUNE 18, 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-483-A (Item 517)
 SR/S Berryman Lane, 910' SW of I-795
 315 Berryman Lane
 4th Election District - 3rd Councilmanic
 Petitioner(s): Frederick J. Burgesen, et ux
 HEARING: WEDNESDAY, JULY 29, 1992 at 2:00 p.m. in Rm. 118, Courthouse

Variance to permit a side yard setback of 25 feet in lieu of the required 50 feet on both north and south sides.

Lawrence E. Schmidt
 Zoning Commissioner of Baltimore County

cc: Frederick and Michelle Burgesen

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

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

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

July 10, 1992

Mr. & Mrs. Frederick J. Burgesen
 2222 Claves Road
 Owings Mills, MD 21117

RE: Item No. 517, Case No. 92-483-A
 Petitioner: Frederick J. Burgesen, et ux
 Petition for Variance

Dear Mr. & Mrs. Burgesen:

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 indicate the appropriateness of the zoning action requested, but 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.

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

Account: R0014150
 Number

92-483 H9200600

DA04#001201CHRC \$60.27
 EA 00101400H07-24-92
 Please Make Checks Payable To Baltimore County

receipt

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

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

06/29/92

Development Review Committee Response For
 Authorized signature: *Kevin A. Kennedy* Date: 6/29/92

Project Name: Stonegate at Patapsco (Aerial Property)

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|---|--------------|----------------|
| 90476 | TE (Waiting for developer to submit plans first) | | 6-1-92 |
| COUNT 1 | | | |
| ✓ | Joan R. McMahon | FRS-1 | 6-22-92 NC |
| DED DEPRM RP STP TE | BBC Associates | 511 | Comment |
| DED DEPRM RP STP TE | Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman | 512 | Comment |
| DED DEPRM RP STP TE | Fox Chevrolet, Inc. | 513 | Comment |
| DED DEPRM RP STP TE | Covenant of Grace Presbyterian Church | 515 | NC |
| DED DEPRM RP STP TE | Frederick J. And Michelle Y. Burgesen | | NC |
| DED DEPRM RP STP TE | David Marc And Paul C.S. Rosen | 518 | NC |
| DED DEPRM RP STP TE | David W. And Debra L. Gordon | 519 | NC |
| DED DEPRM RP STP TE | Raymond F. And Nancy A. Plum | 520 | NC |
| DED DEPRM RP STP TE | Sebastian T. Rosselli | 521 | MICROFILMED NC |
| DED DEPRM RP STP TE | Michael And Virginia Myers | 522 | NC |

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BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
 New Courts Building
 401 Bosley Avenue
 Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

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

DATE: June 24, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 22, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Leroy Merritt - Item 511
 Silvergate East - Item 512
 Frederick & Michelle Burgesen - Item 517
 David & Paula Rosen - Item 518
 David & Debra Gordon - Item 519
 Michael & Virginia Myers - Item 522

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

6_22_92.txt
 Petctns.txt

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

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

06/25/92

Development Review Committee Response For
 Authorized signature: *Karen J. Family* Date: 6/25/92

Project Name: Stonegate at Patapsco (Aerial Property)

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|---|--------------|--------------|
| 90476 | TE (Waiting for developer to submit plans first) | | 6-1-92 |
| COUNT 1 | | | |
| DED DEPRM RP STP TE | Joan R. McMahon | FRS-1 | W/C 6-22-92 |
| DED DEPRM RP STP TE | BBC Associates | 511 | W/C |
| DED DEPRM RP STP TE | Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman | 512 | W/C |
| DED DEPRM RP STP TE | Fox Chevrolet, Inc. | 513 | W/C |
| DED DEPRM RP STP TE | Covenant of Grace Presbyterian Church | 515 | W/C |
| DED DEPRM RP STP TE | Frederick J. And Michelle Y. Burgesen | | W/C |
| DED DEPRM RP STP TE | David Marc And Paul C.S. Rosen | 518 | W/C |
| DED DEPRM RP STP TE | David W. And Debra L. Gordon | 519 | W/C |
| DED DEPRM RP STP TE | Raymond F. And Nancy A. Plum | 520 | W/C |
| DED DEPRM RP STP TE | Sebastian T. Rosselli | 521 | W/C |
| DED DEPRM RP STP TE | Michael And Virginia Myers | 522 | W/C |

MICROFILMED

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 10th day of June, 1992

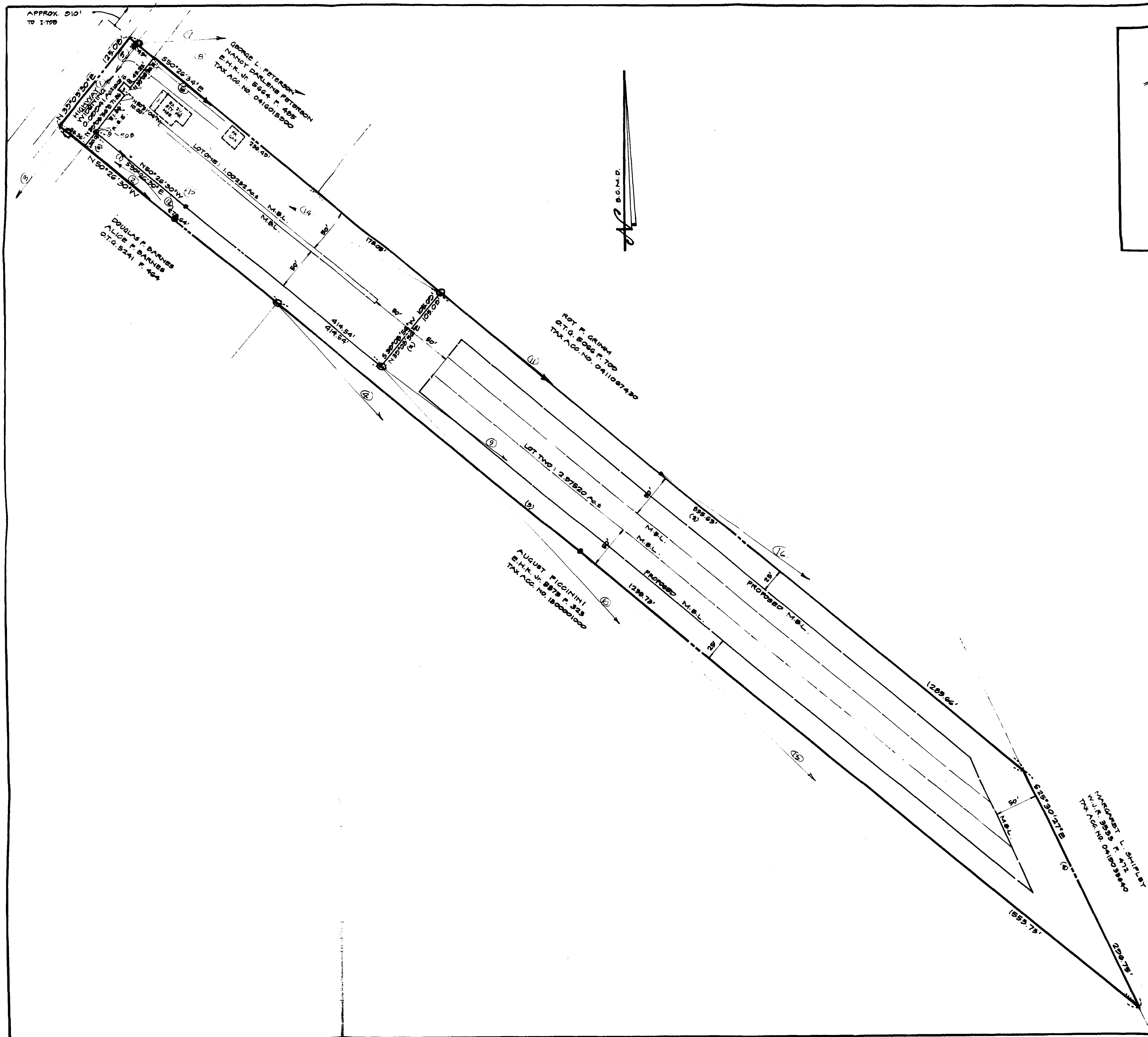
ARNOLD JABLON
 DIRECTOR

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

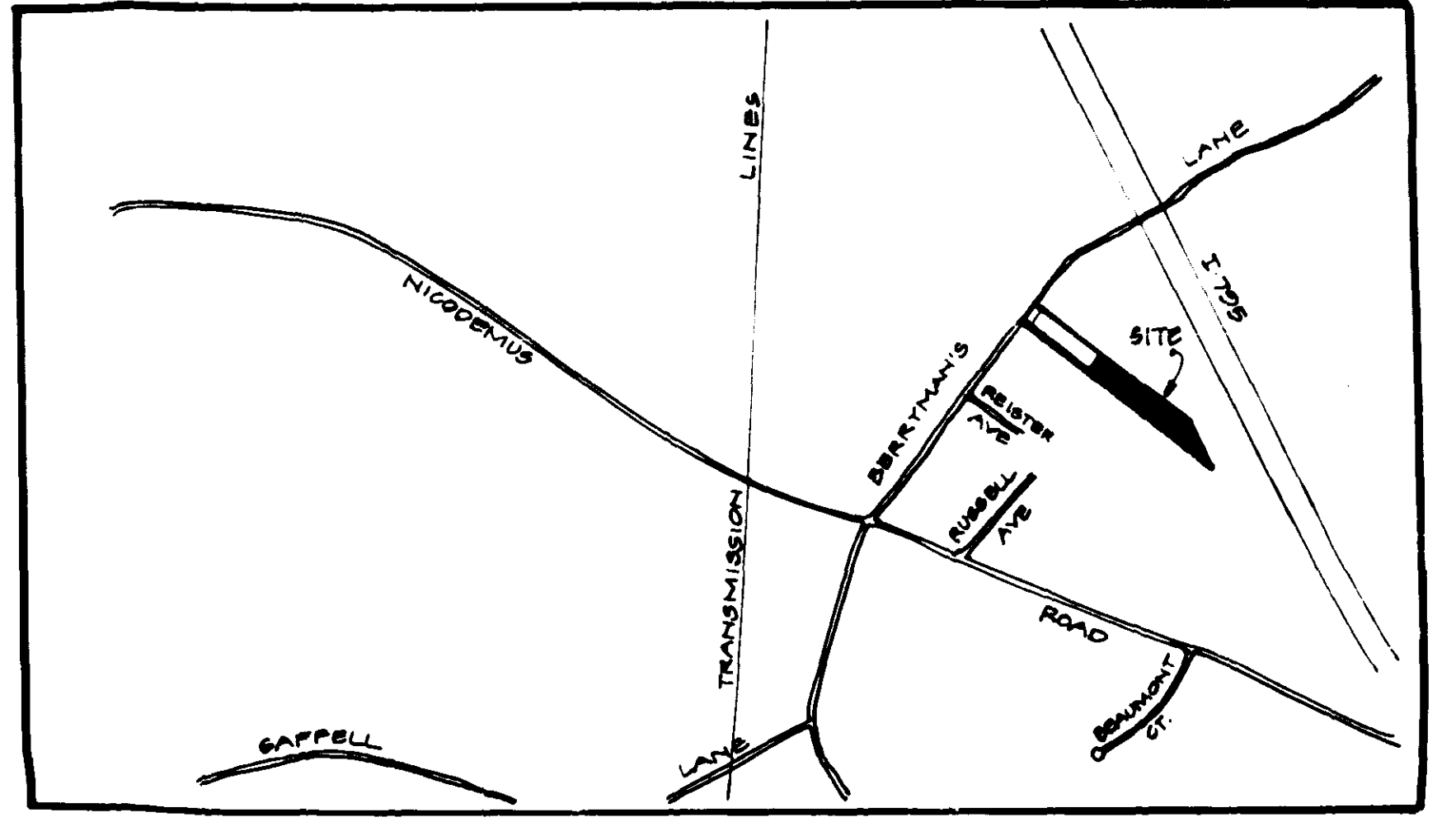
Petitioner: Frederick J. Burgesen, et ux
 Petitioner's Attorney:

MICROFILMED

APPROX. 3101
TO 1-798



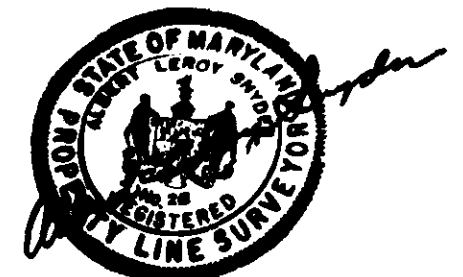
AS B.C.M.D.



VICINITY MAP 1"=1000'

92-483-A

THIS PLAN IS A PART OF THE
PHOTOGRAPHIC EXHIBIT.



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 315 BERRYMAN'S LANE, RIBBINGTON, MD 21156
 SUBDIVISION NAME: "THE MARIE M. KOEHLER PROPERTY" (LOT 2)
 PLATBOOK
 OWNER: FREDERICK J. BURGESSEN ; S.M.
 COUNCILMANS DISTRICT: 3 ELECTION DISTRICT: 4
 1"=200' SCALE MAP: NW 1/4 K ZONING: RC-B
 LOT SIZE: 2.97520 AC± SCALE: 1"=50' DATE: MAY 21, 1992
 PRIVATE WATER & SEWER PREPARED BY:

MICROFILMED

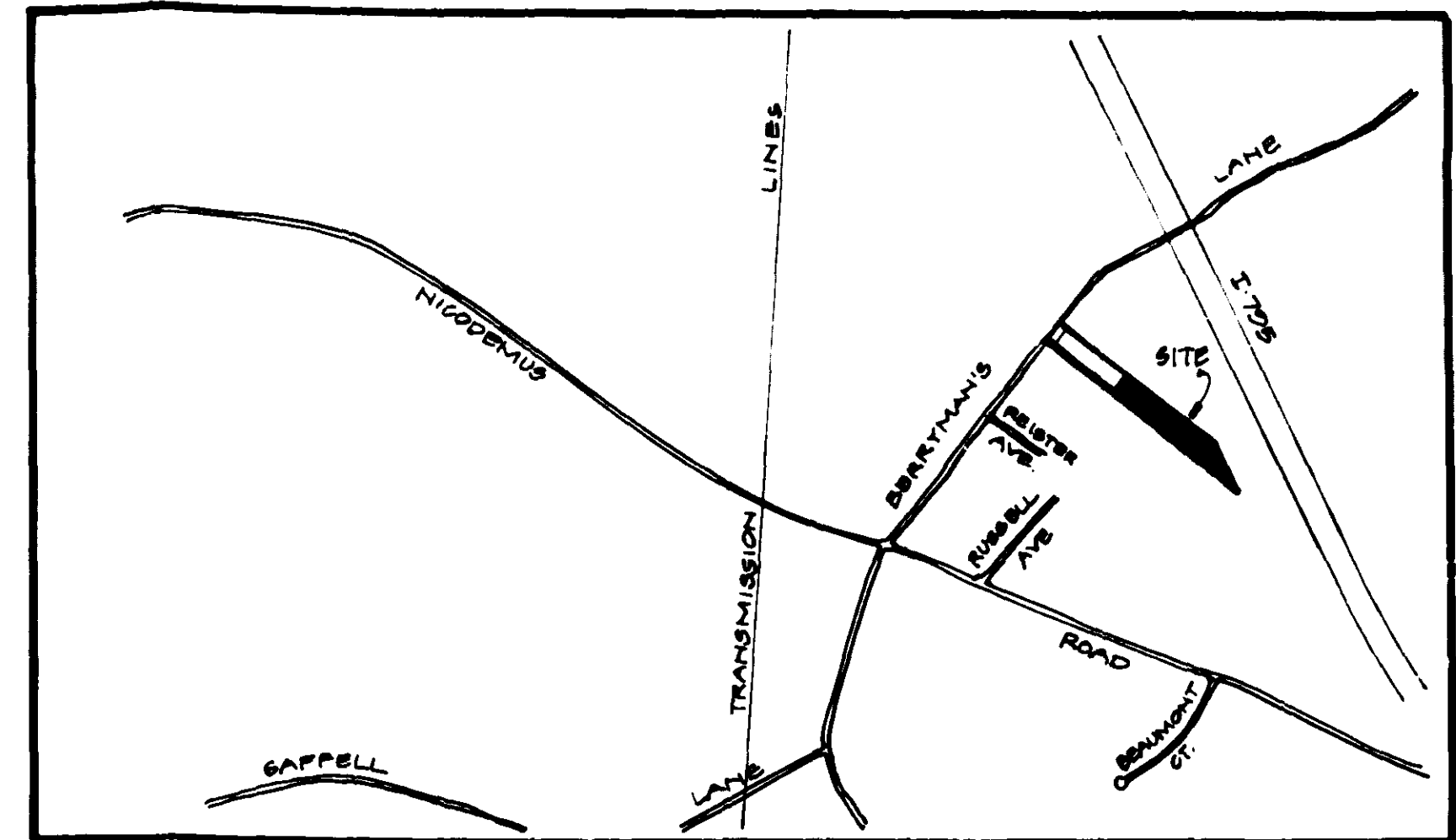
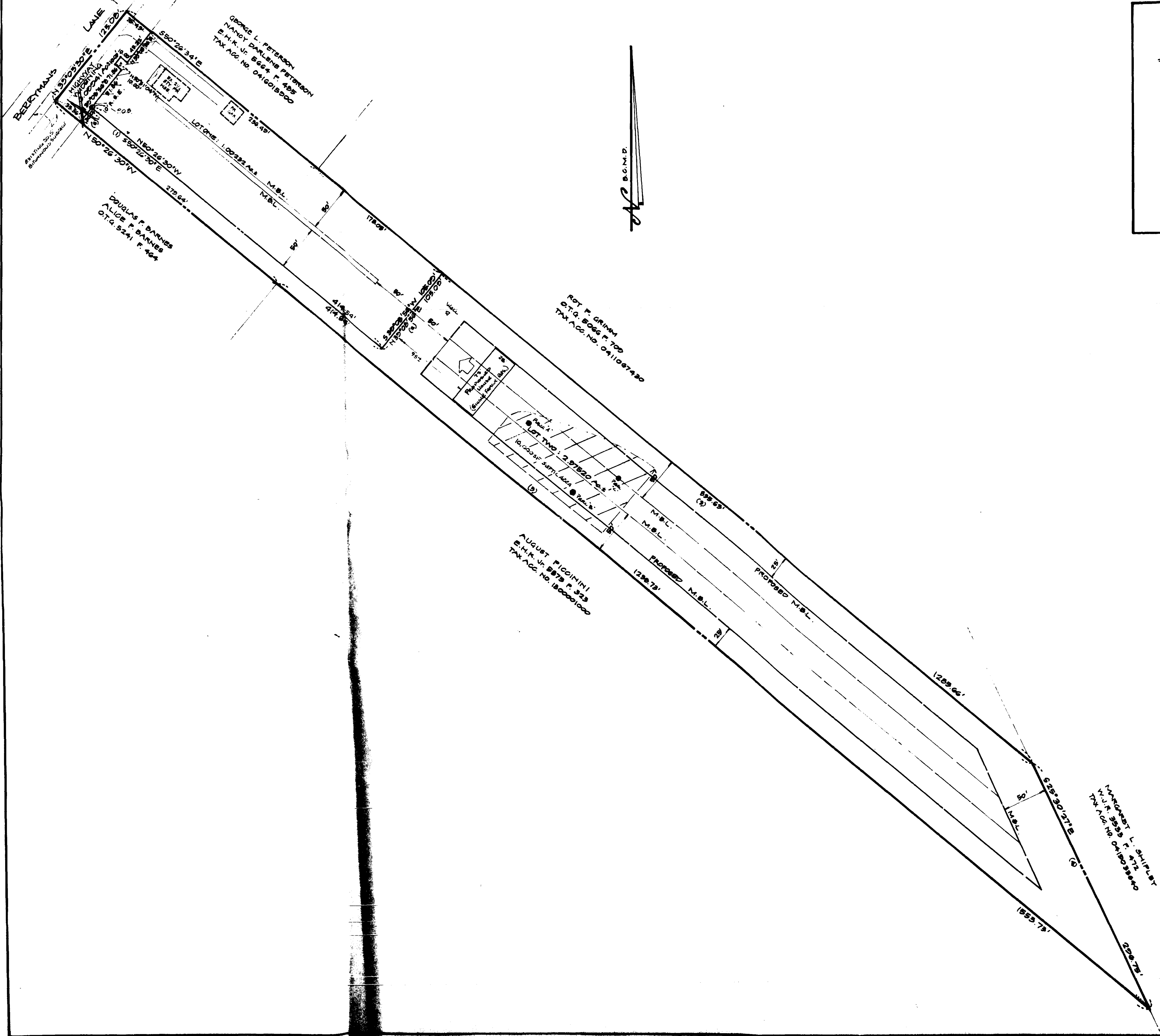
ZONING OFFICE USE ONLY
 REVIEWED BY: _____
 ITEM # _____
 CASE # _____

A. L. SNYDER
 SURVEYOR
 1911 HANOVER PIKE
 HAMPSTEAD, MD 21074
 (410) 239-7744

ITEM 517

JOB NO. 02007

APPROX. 910'
TO 1-198



VICINITY MAP 1"=1000'

Plot No 1

MICROFILMED

92-483-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 318 BONAYMAN'S LANE, RIBESTERTOWN, MD. 21866
 SUBDIVISION NAME: "THE MARIE M. KOEHLER PROPERTY" (LOT 2)
 PLATBOOK
 OWNERS: FREDERICK J. BURGESS & MICHELLE Y. BURGESS (MAY 21/1998)
 COUNCILMANIC DISTRICT: 3 ZONING: RC-5
 1"=200' SCALE MAP: N114°K ELECTION DISTRICT: 4
 LOT SIZE: 2.97820 AC± SCALE: 1"=50' DATE: MAY 21, 1998
 PRIVATE WATER & SEWER PREPARED BY:



ZONING OFFICE USE ONLY
 REVIEWED BY: _____
 ITEM #: _____
 CASE #: _____

A. L. SNYDER
 SURVEYOR
 1011 HANOVER PIKE
 HAMPSTEAD, MD. 21074
 (410) 289-7744

JOB NO. 92007

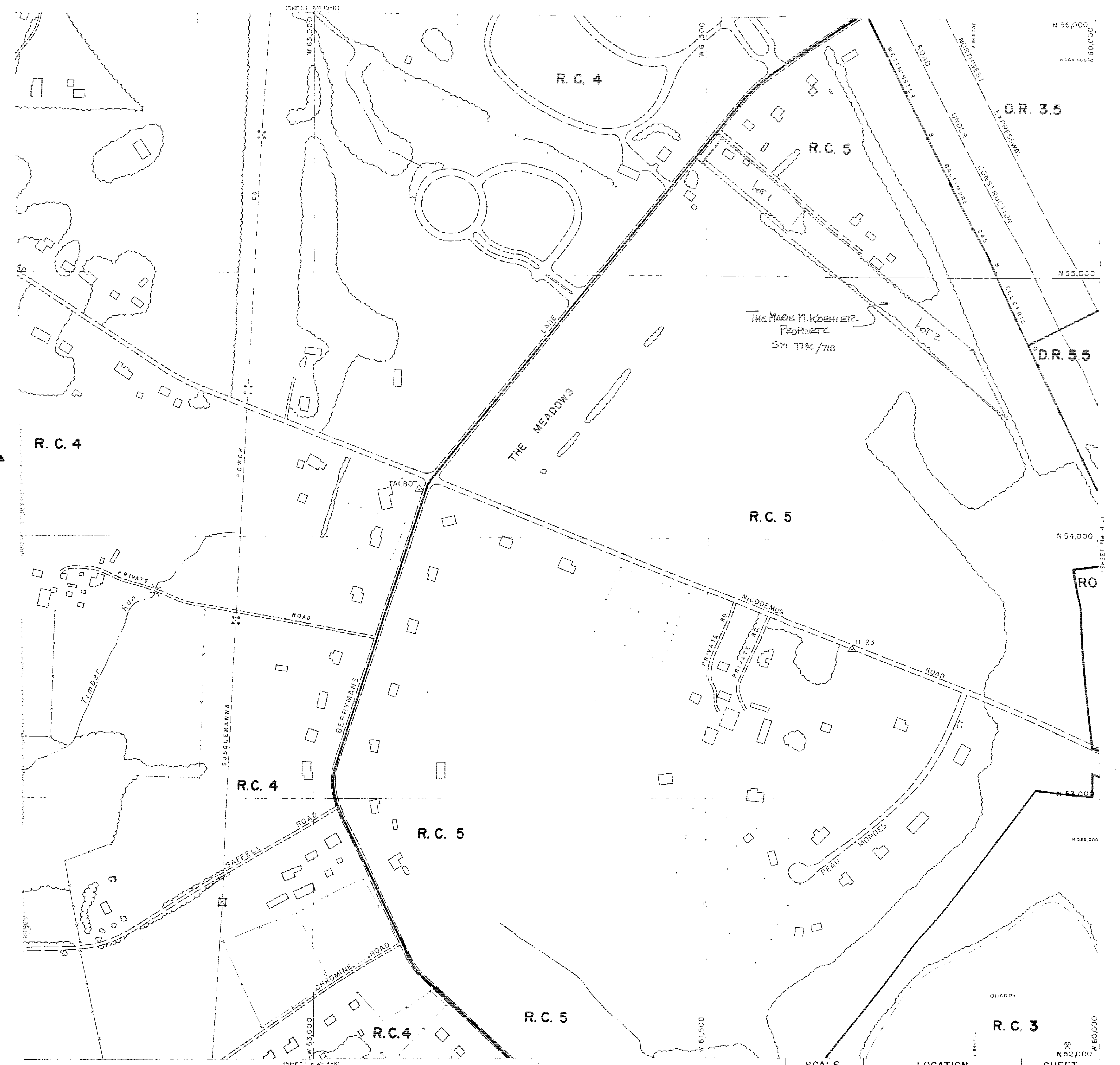
174M 517



BALTIMORE COUNTY
AND ZONING
MAP

| | | |
|--|---|-----------------------|
| SCALE 1" = 200' ± | LOCATION REISTERSTOWN AREA SOUTH | SHEET N.W. 14-K |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |
| TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210 | | |

ITEM 517
92-483-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

| | | |
|-------------------------------------|---|-----------------------|
| SCALE 1" = 200' ± | LOCATION REISTERSTOWN AREA SOUTH | SHEET N.W. 14-K |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

92-483-A ITEM 517

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE
 315 Berrymans Lane, 910 ft.
 SW of 1-795
 315 Berrymans Lane
 4th Election District
 3rd Councilmanic District
 Frederick J. Burgesen, et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 92-483-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 315 Berrymans Lane, near the Reisterstown section of Baltimore County. The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 ft. on both the north and south sides of the proposed dwelling, in lieu of the required 50 ft., as more particularly shown on Petitioners' Exhibit No. 1.

One of the Petitioners/property owners, Frederick J. Burgesen, was present at the hearing and was represented by James T. Smith, Esquire. There were no Protestants present.

Testimony and evidence presented at the hearing was that the subject site is zoned R.C.5 and is 2.97520 acres in area. The site, shown on the plat to accompany the Petition for Zoning Variance (Petitioners' Exhibit No. 1) is identified as lot No. 2 of the subject tract. The entire tract is approximately 3.9 acres in area and can best be described as a narrow, yet deep, parcel which fronts Berrymans Lane. Lot No. 1 is improved by an existing 2-1/2 story dwelling. Access to Lot No. 2 is by a panhandle on the south side of Lot No. 1, which leads to the rear of the property. The Petitioner proposes to construct a single family ranch style house on lot

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 By M. Smith

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No. 2, as shown on the site plan. This house will be approximately 73 ft. wide and 28 ft. deep. Owing to the long and narrow configuration of the lot, the Petitioner requests the subject variances as to side yard setback requirements. As a basis thereof, the Petitioner notes the unusual configuration of the lot and that placement of the house, as proposed, will save existing woodlands within the site. Further, the Petitioner desires to orient the house towards Berrymans Lane for marketing purposes.

Lastly, the Petitioner presented evidence that the minor subdivision of the entire tract has obtained all necessary approvals. There are no adverse comments to the proposal within the Zoning Advisory Committee (ZAC) comments.

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.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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It is clear from the testimony that if the variances are 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 variances are 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 variances requested, 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 variances 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 3rd day of August, 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 ft. on both the north and south sides of the proposed dwelling, in lieu of the required 50 ft., 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

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 By M. Smith

-3-

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:mn

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 Date 8/13/92
 By M. Smith

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Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

July 30, 1992

James T. Smith, Esquire
 143 Main Street
 Reisterstown, Maryland 21136

RE: Case No. 92-483-A
 Petition for Zoning Variance
 315 Berrymans Lane
 Frederick J. Burgesen, et ux

Dear Mr. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning 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:mn
 att.
 cc: Mr. and Mrs. Frederick J. Burgesen

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 315 BERRYMANS LA.
 which is presently zoned RC5

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(s) 1A04.3, B3 to permit a side yard setback of 25' IN LIEU OF THE REQUIRED 50' ON BOTH NORTH & SOUTH SIDES

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) LOT IS 185' WIDE AND WITH THE 50' SETBACKS FOR SIDE YARD, I CAN AT THIS TIME ONLY BUILD A HOUSE 25' WIDE. THIS TO MEANS NO GARAGE AND I WOULD LIKE TO BUILD A HOUSE 75' WIDE WHICH INCLUDES A 2 CAR GARAGE ON THE RIGHT HAND SIDE. I AM ASKING FOR MY SIDE YARD SET BACKS TO BE 25' ON EACH SIDE.

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.

| | |
|----------------------------|--------------------------|
| Contract Purchaser/Lessee: | Legal Owner(s): |
| (Type or Print Name) | (Type or Print Name) |
| Signature: | Signature: |
| Address: | Address: |
| City: | City: |
| Attorney for Petitioner: | Attorney for Petitioner: |
| (Type or Print Name) | (Type or Print Name) |
| Name: | Name: |
| Address: | Address: |
| City: | City: |
| State: | State: |
| Zip: | Zip: |
| Phone No.: | Phone No.: |

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 Date 8/13/92
 By M. Smith

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ITEM # 517

A. L. Snyder
 Surveyor
 1911 Kanover Bldg
 Hampstead, Maryland 21074

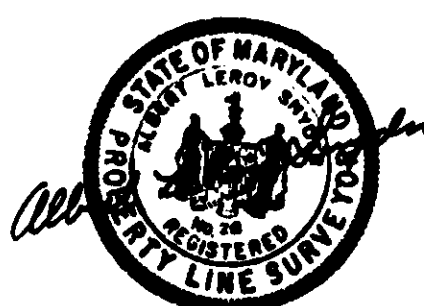
(301) 839-7744

Description to Accompany Zoning Petition
 Lot 2 of "The Marie M. Kohler Property"
 May 21, 1992

(301) 374-9696

- Beginning for the same on the southeastern right-of-way line of Berryman's Lane, 1015 feet southwest of Interstate I-795, and running thence,
- 1.) S 50° 26' 30" E 414.54 feet,
 - 2.) N 39° 08' 56" E 105.09 feet,
 - 3.) S 50° 26' 34" E 835.63 feet,
 - 4.) S 25° 30' 27" E 296.75 feet,
 - 5.) N 50° 26' 30" W 1518.37 feet,
 - 6.) N 39° 08' 56" E 20.00 feet to the place of beginning.

Containing 2.97520 Acres of land, more or less.



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ITEM 517

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 4th Date of Posting: July 7, 1992

Posted for: Variance

Petitioner: Frederick J. Burgesen and Michelle Burgesen

Location of property: 315 Berrymans Lane, 910 ft. SW of 1-795

Location of Sign: 315 Berrymans Lane

Remarks: property

Posted by: L. J. Skuta Date of return: July 16, 1992

Number of Signs: 7

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CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/25, 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 6/25, 1992

THE JEFFERSONIAN,
S. Zake-Orlmer
 Publisher

6027
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Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account: R0014150
 Number

6/10/92 H9200517

PUBLIC HEARING FEES
 910 - ZONING VARIANCE (IRL) \$150.00
 LAST NAME OF OWNER: BURGENSEN

DA04#001201CHRC \$50.00
 EA 002358PH06-10-92
 Please Make Checks Payable To Baltimore County
 ITEM # 517

receipt

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: 7-10-92

Frederick and Michelle Burgesen
 2222 Claves Road
 Owings Mills, Maryland 21117

RE:
 CASE #92-483-A (Item 517)
 SR/S Berrymans Lane, 910' SW of I-795
 315 Berrymans Lane
 4th Election District - 3rd Councilmanic
 Petitioner(s): Frederick J. Burgesen, et ux
 HEARING: WEDNESDAY, JULY 29, 1992 at 2:00 p.m. in Rm. 118, Courthouse

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING 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 109, Towson, Maryland 21284. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
 DIRECTOR

Printed on Recycled Paper

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

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

JUNE 18, 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-483-A (Item 517)
 SR/S Berrymans Lane, 910' SW of I-795
 315 Berrymans Lane
 4th Election District - 3rd Councilmanic
 Petitioner(s): Frederick J. Burgesen, et ux
 HEARING: WEDNESDAY, JULY 29, 1992 at 2:00 p.m. in Rm. 118, Courthouse

Variance to permit a side yard setback of 25 feet in lieu of the required 50 feet on both north and south sides.

Lawrence E. Schmidt
 Zoning Commissioner of Baltimore County

cc: Frederick and Michelle Burgesen

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

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

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

July 10, 1992

Mr. & Mrs. Frederick J. Burgesen
 2222 Claves Road
 Owings Mills, MD 21117

RE: Item No. 517, Case No. 92-483-A
 Petitioner: Frederick J. Burgesen, et ux
 Petition for Variance

Dear Mr. & Mrs. Burgesen:

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 indicate the appropriateness of the zoning action requested, but 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.

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Baltimore County Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account: R0014150
 Number

92-483 H9200600

DA04#001201CHRC \$60.27
 EA 0010148PH07-24-92
 Please Make Checks Payable To Baltimore County

receipt

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

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

06/29/92

Development Review Committee Response For
 Authorized signature: *Kevin A. Kennedy* Date: 6/29/92

Project Name: Stonegate at Patapsco (Aerial Property)

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|---|--------------|----------------|
| 90476 | TE (Waiting for developer to submit plans first) | | 6-1-92 |
| COUNT 1 | | | |
| ✓ | Joan R. McMahon | FRS-1 | 6-22-92 NC |
| DED DEPRM RP STP TE | BBC Associates | 511 | Comment |
| DED DEPRM RP STP TE | Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman | 512 | Comment |
| DED DEPRM RP STP TE | Fox Chevrolet, Inc. | 513 | Comment |
| DED DEPRM RP STP TE | Covenant of Grace Presbyterian Church | 515 | NC |
| DED DEPRM RP STP TE | Frederick J. And Michelle Y. Burgesen | | NC |
| DED DEPRM RP STP TE | David Marc And Paul C.S. Rosen | 518 | NC |
| DED DEPRM RP STP TE | David W. And Debra L. Gordon | 519 | NC |
| DED DEPRM RP STP TE | Raymond F. And Nancy A. Plum | 520 | NC |
| DED DEPRM RP STP TE | Sebastian T. Rosselli | 521 | MICROFILMED NC |
| DED DEPRM RP STP TE | Michael And Virginia Myers | 522 | NC |

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BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
 New Courts Building
 401 Bosley Avenue
 Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

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

DATE: June 24, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 22, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Leroy Merritt - Item 511
 Silvergate East - Item 512
 Frederick & Michelle Burgesen - Item 517
 David & Paula Rosen - Item 518
 David & Debra Gordon - Item 519
 Michael & Virginia Myers - Item 522

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

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

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

06/25/92

Development Review Committee Response For
 Authorized signature: *Karen J. Family* Date: 6/25/92

Project Name: Stonegate at Patapsco (Aerial Property)

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|---------------------|---|--------------|--------------|
| 90476 | TE (Waiting for developer to submit plans first) | | 6-1-92 |
| COUNT 1 | | | |
| DED DEPRM RP STP TE | Joan R. McMahon | FRS-1 | W/C 6-22-92 |
| DED DEPRM RP STP TE | BBC Associates | 511 | W/C |
| DED DEPRM RP STP TE | Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman | 512 | W/C |
| DED DEPRM RP STP TE | Fox Chevrolet, Inc. | 513 | W/C |
| DED DEPRM RP STP TE | Covenant of Grace Presbyterian Church | 515 | W/C |
| DED DEPRM RP STP TE | Frederick J. And Michelle Y. Burgesen | | W/C |
| DED DEPRM RP STP TE | David Marc And Paul C.S. Rosen | 518 | W/C |
| DED DEPRM RP STP TE | David W. And Debra L. Gordon | 519 | W/C |
| DED DEPRM RP STP TE | Raymond F. And Nancy A. Plum | 520 | W/C |
| DED DEPRM RP STP TE | Sebastian T. Rosselli | 521 | W/C |
| DED DEPRM RP STP TE | Michael And Virginia Myers | 522 | W/C |

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

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

Your petition has been received and accepted for filing this 10th day of June, 1992

ARNOLD JABLON
 DIRECTOR

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

Petitioner: Frederick J. Burgesen, et ux
 Petitioner's Attorney:

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