3/8 Bee Tree Mill Court, 1826'

3rd Councilmanic District Bee Tree Partnership Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 93-30-A

* * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Bee Tree Partnership, by Robert E. Carpenter, Partner, and the Contract Purchasers, Kevin and Cheryl Barrows. The Petitioner requests relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 34 feet in lieu of the required 50 feet and to amend the latest Amended Final Development Plan of Bee Tree Mill for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Cheryl Barrows, Contract Purchaser, and J. Finley Ransone, Registered Land Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 17 Bee Tree Mill Court, consists of 1.202 acres, more or less, zoned RC 5 and is currently unimproved. Said property is also known as Lot 12 of Bee Tree Mill. The Petitioner is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. However, as a result of a relocated well on adjoining Lot 11, Lot 12 had to be reconfigured and the front setback line adjusted accordingly. As a result, the proposed dwelling does not fit within the prescribed building envelope.

Testimony further indicated that due to the irregular shape of the lot, the location shown on Petitioner's Exhibit 1 is the most practical.

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:

- 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 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 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 Peti-

- 2-

ORDER RECE Date By

July 23, 1992

(3)

tioner'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 Deputy Zoning Commissioner for Baltimore County this 15 day of September 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 34 feet in lieu of the required 50 feet and to amend the latest Amended Final Development Plan of Bee Tree Mill for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 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.

> > Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 15, 1992

Mr. Robert E. Carpenter Bee Tree Partnership 4111 E. Joppa Road Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE S/S Bee Tree Mill Court, 1826' W of the c/l of York Road (17 Bee Tree Mill Court) 7th Election District - 3rd Councilmanic District Bee Tree Partnership - Petitioner Case No. 93-30-A

Dear Mr. Carpenter:

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 887-3351.

> Very truly yours, luther Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissioner

for Baltimore County

542 Stemmers Run Rd., Baltimore, Md. 21221 Ms. Cheryl Barrows 8331 Old Harford Road, Baltimore, Md. 21234

People's Counsel

cc: Mr. John Vergos

930-30-A 30

Petition for Variance to the Zoning Commission for the property located at Bee Tree Mill Ct. (10712) PARK TON, Md. 21120 which is presently sensed RC/5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s)

1A04.3.B.3 To allow a 34' front setback in lieu of the required 50' and to amend the latest amended FDP of Bre Tree Mill. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

Due to revision of original front set back line, house does not ft within the prescribed building envelope set back lines.

Avaviance from 50 ft to 34 ft is requested for the front well on adjacent let #11 was drilled in wrong location.

Set back Let line was adjusted and subject envelope narrowed as a result.

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): |
| Keyin Barrows Cheryl Parrows | (Type or Print Name) |
| Kam Banows - Cheryl Borrows | Signature |
| 902 Chymer CT | Robert & Coency to |
| Bel Air MD 21015 City State Zipcode | Signature |
| Attorney for Petitioner: | 4111 Eferra 182 529-460 |
| (Type or Print Name) | Sattimore Red 21236 |
| Signature | City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative to be contacted. |
| Address Phone No. | Name |
| City State Zipcode | Address Phone No. |
| | OFFICE UBE ONLY |

ZONING DESCRIPTION

ALL that piece or parcel of land situate, lying, and being in the seventh Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at a point on the southwest side of Bee Tree Mill Court which is 50 feet wide at the distance of 1826.35 feet northwesterly from the centerline of York Road. Maryland State Route 45. 80 feet wide, being Lot No. 12, as shown on the plat entitled Second Amended Plat, Bee Tree Mill, Section Two, Plat One, as recorded in Baltimore County Plat Book No. 62, Folio 50, containing 1.202 acres, more or less. Also known as No. 17 Bee Tree Mill Court.

| District | Verienco | Date of Pening. 1/23/92. |
|-----------------|------------------|---|
| Petitioner: | Kelint Clery | Barrous + Bestro. Portunity |
| Location of pre | 3/3 Bes Tree | Marrows + Bestro. Youtro. hip Mall ct. (17) , 1876' 4/40x Rd |
| Location of Sig | Foury Tiedwiffer | n property of fet tiens |
| Romarks: | Miskelvo | 5/2 Ta. |
| Postad by | 1117412200 | Date of return: 8/28/92 |

CERTIFICATE OF PUBLICATION

- 3-

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_

THE JEFFERSONIAN.

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue

fqieen

PAID PER HAND-WRITTEN RECEIPT DATED 7/31/92

7/31/92

H9300030

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL \$50,00

LAST NAME OF OWNER: BEE TREE PARTNER

Please Make Checks Payable To: Baltimore Country

CASE #93-30-A (Nem #30) \$/\$ Bee Tree MIII Court, 1926' W of of York Road 17 Bee Tree MIII Court 7th Election District 3rd Counchments Legal Owner(s): Bee Tree Partnership Contract Purchaser(s): Kevin & Chenyl Barrows HEARING: MONDAY, SEPTEMBER 14, 1992 at 9:00 a.m. in Rm 118, Old Courthouse.

Variance: to allow a 34 foot front setback in lieu of the re-quired 50 foot and to amend the latest amended F.D.P. of Bee Tree Mill.

TMK:bjs

301100011 Item

BEE TREE PART. 17 Bee Tree Hill Ct

IS Bu Tree Hill Ct; 1826 W & York Pd

Residential Variance \$5000

Please Make CHRANDANDANDSHI SANGere County \$50.00

Zoning Administration & Development Management

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This is HEARTHE FIFS CONTROL OF THE PROPERTY OF THE PARTY OF THE

CONTRACT OF CHAMBERS BUT THUE PROFITED

04A04#0037MICHRC

SIVED FOR FILING

(410) 887-3353

Bee Tree Partnership 4111 E. Joppa Road

DATE: 9-4-92

Baltimore, Maryland 21236

CASE #93-30-A (Item #30) S/S Bee Tree Mill Court, 1826' W of c/l York Road 17 Bee Tree Mill Court 7th Election District - 3rd Councilmanic Legal Owner(s): Bee Tree Partnership Contract Purchaser(s): Kevin & Cheryl Barrows HEARING: MONDAY, SEPTEMBER 14, 1992 at 9:00 a.m. in Rm. 118, 0ld Courthouse.

Dear Petitioner(s):

Please be advised that \$ 62.69 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) 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 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.

Development Review Committee Response From
Authorized signature Kolen Committee

Zoning Issue

Waiver Number

Stonegate at Patapsco (Azreal Property)

Theresa A. Manlstedt

Owings Run Apartments

Bee Tree Partnership

Albert F. Baumgart

Michael And Patricia A. Perholtz

Edith B. Ransom

DED DEPRM - SWM: - EIAD.

DED DEPRM RP STP TE

Alfred Pinkard

ZON DED TE (Waiting for developer to submit plans first)

Printed on Recycled Paper

File Number

7:360

COUNT 1

7740 92

08/21/92

Meeting Date

7-13-92

7--20-92

8-10-92

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

7663-12

Baltimore County Government Office of Zoning Administration

and Development Management

Office of Planning & Zoning

NOTICE OF HEARING

AUG. 0 5 1972

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. Chesapsake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #93-30-A (Item #30) S/S Bee Tree Mill Court, 1826' W of c/l York Road 17 Bee Tree Mill Court 7th Election District - 3rd Councilmanic Legal Owner(s): Bee Tree Partnership Contract Purchaser(s): Kevin & Cheryl Barrows HEARING: MONDAY, SEPTEMBER 14, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow a 34 foot front setback in lieu of the required 50 foot and to amend the latest amended F.D.P. of Bee Tree Mill.

Baltimore County

cc: Bee Tree Partnership Kevin & Cheryl Barrows G MATTHEW IMM EER ESO

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: August 11, 1992 Zoning Administration and Development Management

Ervin McDaniel, Chief Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee August 10, 1992

Development Review Section

The Office of Planning and Zoning has no comments on the

following petitions:

Item No. 28, Alfred Pinkard Item No. 30, Bee Tree Partnership

Item No. 31, Albert Baumgart Item No. 32, Edith Ransom

Item No. 33, Michael and Patricia Perholty Item No. 34, Charles and Patricia Chlebda

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

ITMS28.33/ZAC1

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

111 West Chesapeake Avenue Towson, MD 21204

September 2, 1992

(410) 887-3353

08/21/92

Date 8/24/92

Meeting Date

Mr. Robert E. Carney, Jr. Bee Tree Partnership 4111 E. Joppa Road Baltimore, MD 21236

> RE: Item No. 30, Case No. 93-30-A Petitioner: Bee Tree Prtnshp, et al Petition for Variance

Dear Mr. Carney:

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.

DPW/Traffic Engineering

Project Name

Alfred Pinkard

Bee Tree Partnership

Michael And Patricia A. Perholtz

Colonial Village Company

Charles C.. Sr. And Patricia G. Chelbda

Albert F. Baumgart

Edith B. Ransom

DED DEPRM RP STP TE

Susan J. Blum

COUNT 2

FINAL TOTALS

File Number

ZON DED

COUNT

Development Review Committee Response Form Authorized signature

Waiver Number

TE (Waiting for developer to submit plans first)

Stonegate at Patapsco (Azreal Property)

Zoning Issue

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 20th day of July, 1992

Zoning Plans Advisory Committee

Petitioner: Bee Tree Partnership, et al Petitioner's Attorney:

Printed on Recycled Paper

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(410) 887-4500

AUGUST 6, 1992

Fire Prevention Bureau

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

RE: Property Owner: BEE TREE PARTNERSHIP Location:

#17 BEE TREE MILL COURT

Zoning Agenda: AUGUST 10, 1992

Gentlemen:

Arnold Jablon

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.

Special Inspection Division

JP/KEK

ZONING OFFICE

Charles C.. Sr. And Patricia G. Chelbda

| | | | • |
|--|---|--|---|
| Project Name ile Number Waiver | - Number | Zoning Issue | Meeting Date |
| √ Alfred Pinkard | \ | (28 | 8-10-92 |
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| Bee Tree Partnershi | p | 30 | |
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| Albert F. Baumgart | | ធ ៖ | |
| DEPRM RP | No Con | | |
| Edith B. Ransom | | 22 | |
| DEPRM RP | No C | oment | |
| Michael And Patrici | ========= a A. Perhol | | |
| DEPRM RP | N. C | 33 | |
| COUNT 6 | | | |
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| James And Linda Hei | ._ | (0,,,,) | 8-24-92 |
| V DED DEPRM RP STP TE | <u>\</u> | Comment | 8-24-92 |
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93-30-A BALT MORE COUNTY, MAR AND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE Mr. Arnold Jablon, Director DATE: September 11, 1992 Zoning Administration and Development Management

> FROM: J. Lawrence Pilson July 18 Development Coordinator, DEPRM Zoning Item #30 17 Bee Tree Mill Court Zoning Advisory Committee Meeting of August 10, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Additional soil evaluations will be required prior to building permit approval due to variable bedrock conditions encountered in the area, as stated in the letter dated 2/7/91.



LP:sp

BEETREE/TXTSBP

7264-92 902 Clymer Court Bel Air, MD 21015 August 1, 1992 Mr. Arnold Jablon Baltimore County Zoning Office 111 West Chesapeake Avenue Towson, MD 21204 Dear Mr. Jablon: I am seeking your assistance in expediting a request for variance that my wife and I applied for yesterday through Larry Goetz. Due to misunderstandings between the developer and the engineer, we were told that the variance we were seeking (to modify the front setback on a vacant lot) could be handled through a 3-week process called an administrative variance. Much to our dismay, we were informed by Zoning that this is not true and a several month process is in front of us before we can even break ground. Because of limitations on temporary living arrangements (we must vacate our house by August 31), the one-way 45-minute commute of our children to school during this time, and the rescheduling of the construction of our new house, this unforeseen, extended period of time will cause extreme hardship. It is therefore that I come to you for your assistance; any help will be greatly appreciated. My work number is 584-7050 and home phone is 893-9193. We thank you for your time and personal attention in this unfortunate situation. Sincerely yours, Kun Sauons Kevin Barrows



8/5/92 Apoke to budder und will OK to fell plans to expedite

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET J. FINLEY ZANSONE 2815 HERRYMANS MILL RO 21131 Cheryl Barrows 8331 Old Harford Rd. Partwille 21234





