

IN RE: PETITION FOR VARIANCE
 E/S Dubbs Road, 1230' SW
 of Yeoho Road
 (16619 Dubbs Road)
 5th Election District
 3rd Councilmanic District
 Thomas R. Coburn
 Petitioner

* BEFORE THE
 * DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 93-291-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Thomas R. Coburn. The Petitioner requests relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage with a height of 23 feet in lieu of the maximum permitted 15 feet, and to permit an accessory structure (greenhouse) to be located in the side yard in lieu of the required rear yard, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Thomas R. Coburn, property owner, and Walter Daniels, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 16619 Dubbs Road, consists of 4.27 acres, zoned R.C. 2, and is improved with a single family dwelling, a detached garage, and numerous accessory structures. The Petitioner is in the process of renovating the subject property and proposes adding a second floor addition and deck to the existing dwelling, a greenhouse, and a three-car garage in accordance with Petitioner's Exhibit 1. Testimony indicated that due to the topography of the land and the location of existing improvements thereon, the requested variances are necessary. The Petitioner testified that the property is heavily wooded and that the proposed garage height will be minimized by

ORDER RECEIVED FOR FILING
 Date 4/22/93
 By [Signature]

the surrounding trees. Further testimony indicated that the relief requested will not result in any detriment to the surrounding community.

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).

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 Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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 By [Signature]

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 21st day of April 1993, that the Petition for Variance requesting relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage with a height of 23 feet in lieu of the maximum permitted 15 feet, and to permit an accessory structure (greenhouse) to be located in the side yard in lieu of the required rear yard, 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.
- 2) Petitioner shall not allow or cause the accessory structure (garage) to be converted to a second dwelling unit and/or apartments. The proposed garage shall contain no living or sleeping quarters, and no kitchen facilities.
- 3) There shall be no commercial use of the subject garage. The use of said structure shall be limited to the storage of the personal belongings of the owners of the principle residence. Further, there shall be no service garage work performed on the subject property.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order. In the event it becomes necessary to do so as a result of a complaint.

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- 5) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated March 22, 1993, a copy of which has been attached hereto and made a part hereof.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

[Signature]
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

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 Date 4/22/93
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204 (410) 887-4386

April 22, 1993

Mr. Thomas R. Coburn
 16619 Dubbs Road
 Sparks, Maryland 21152

RE: PETITION FOR VARIANCE
 E/S Dubbs Road, 1230' SW of Yeoho Road
 (16619 Dubbs Road)
 5th Election District - 3rd Councilmanic District
 Thomas R. Coburn - Petitioner
 Case No. 93-291-A

Dear Mr. Coburn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[Signature]
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

cc: Mr. Walter Daniels
 10 W. Madison Street, Baltimore, Md. 21201

People's Counsel

file

TMK:bjs

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at 16619 Dubbs Road
 which is presently zoned RC-2

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) 400.1 and 400.3 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See ATTACHED.

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)
 Signature
 Address
 City State Zipcode
 Attorney for Petitioner
 (Type or Print Name)
 Signature
 Address Phone No.
 City State Zipcode

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

Legal Owner(s)
 Name: THOMAS R. COBURN
 Signature: [Signature]
 Address: 16619 DUBBS RD. N. 47292M
SPARKS MD. 21152
 City: SPARKS MD. 21152
 Name: WALTER DANIELS
 Address: 10 W. MADISON ST. (410) 727-5102
 City: BALTIMORE

ESTIMATED LENGTH OF HEARING: 15 minutes for hearing

REVIEWED BY: [Signature] DATE: 4/17/93

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 Date 4/22/93
 By [Signature]

2. Architecturally match the roof line of the residence. Refer to elevations of garage and house provided.
3. Provide storage area above the garage.
4. Limit foot print of proposed garage to less than dwelling.
5. SIDE YARD ACCESSORY STRUCTURES, GREENHOUSE. THE REAR YARD IS DARK MATURE HARDWOODS THAT WE DON'T WANT TO REMOVE. THE HEAVIEST CLEARING FOR ADEQUATE SUNLIGHT IS IN THE SIDE YARD.

ZONING DESCRIPTION FOR 16619 Dubbs Road, Sparks, MD

Beginning at a point on the centerline of Dubbs Road 1230' SW of the center line of Yeoho Road thence the following courses and distances as recorded in Deed Liber No. 1618, Folio 243 and include the measurements and directions S 48 E 74.24', N 62 06'E 344.35', N 41 58 E 513.45', N 25 E 141.47', S 78 57' W 390.93', S 33 22 W 100', S 40 48' W 250', S 24 33' W 212.06', S 42 W 107.98', to the place of beginning. In the 5th election district. (area = 4.27 acres +-).

93-291-A

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 5th Date of Posting: 4/18/93
 Posted for: Thomas R. Coburn
 Petitioner: Thomas R. Coburn
 Location of property: 16619 Dubbs Rd., 1230' SW of Yeoho Rd.
 Location of Signs: Posting on 2nd Ave. on N. side by J. Phillips
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 4/22/93
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/18, 1993

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 3/18, 1993

THE JEFFERSONIAN,
 S. Zate Orlan
 Publisher

\$7263

NOTE: HEARINGS ARE HELD AT 10:00 A.M. IN THE 5TH ELECTION DISTRICT. SPECIAL ACCOMMODATIONS PLEASE CALL FOR INFO. 887-3391.

Baltimore County Zoning Administration & Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21286

93-291-A receipt

Date: 3/04/93

PUBLIC HEARING FEES	QTY	PRICE
010 ZONING VARIANCE (FRL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: COBURN

024070017K1CHRC \$50.00
 RA CODE: 199PH03-04-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
 Office of Zoning Administration
 and Development Management

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

DATE: 3/22/93

Thomas R. Coburn
 16619 Dubbs Road
 Sparks, Maryland 21152

RE: CASE NUMBER: 93-291-A (Item 302)
 E/S Dubbs Road, 1230' SW of Yeobo Road
 16619 Dubbs Road
 5th Election District - 3rd Councilmanic
 Petitioner(s): Thomas R. Coburn
 HEARING: MONDAY, APRIL 19, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 721.63 is due for advertising and posting of the above captioned property and hearing date.

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.

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please write the case number and hearing date on the check and make same payable to Baltimore County, Maryland. To avoid delay of the Zoning Commissioner's Order, in your case, immediate attention to this matter is suggested.

Arnold Jablon
 Director

cc: Walter Daniels

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Baltimore County Government
 Office of Zoning Administration
 and Development Management

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

MAR 11 1993

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 NUMBER: 93-291-A (Item 302)
 E/S Dubbs Road, 1230' SW of Yeobo Road
 16619 Dubbs Road
 5th Election District - 3rd Councilmanic
 Petitioner(s): Thomas R. Coburn
 HEARING: MONDAY, APRIL 19, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to permit a proposed detached garage with a height of 23 feet in lieu of the required maximum of 15 feet and to permit a proposed accessory structure (greenhouse) in side yard in lieu of the rear yard.

Arnold Jablon
 Director

cc: Thomas R. Coburn
 Walter Daniels

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

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

April 14, 1993

Mr. Thomas R. Coburn
 16619 Dubbs Road
 Sparks, MD 21152

RE: Case No. 93-291-A, Item No. 302
 Petitioner: Thomas R. Coburn
 Petition for Variance

Dear Mr. Coburn:

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 March 4, 1993, and a hearing was 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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Maryland Department of Transportation State Highway Administration

O. James Lighthizer
 Secretary
 Hal Kassoff
 Administrator

3-11-93

Ms. Julie Winarski
 Zoning Administration and
 Development Management
 County Office Building
 Room 109
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Baltimore County
 Item No.: 4 302 (JLL)

Dear Ms. Winarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
 for Bob Small
 John Contestabile, Chief
 Engineering Access Permits
 Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
 383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
 787 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration &
 Development Management

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

DATE: March 18, 1993

SUBJECT: 16619 Dubbs Road

INFORMATION:

Item Number: 302

Petitioner: Thomas R. Coburn

Property Size: _____

Zoning: D.R. 2

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has no objection to the requested variance, however, a restriction should be placed in the order prohibiting any living quarters, kitchen or bathroom in the garage and limiting storage to the personal property of the occupants of the principal dwelling. The plat accompanying this request should be amended to indicate a level of disturbance and every effort should be made to retain existing trees.

Prepared by: Jeffrey M. Long

Division Chief: _____

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

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

DATE: March 22, 1993

FROM: J. Lawrence Pilson, DEPRM
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #302
 Coburn Property, 16619 Dubbs Road
 Zoning Advisory Committee Meeting of March 15, 1993

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

In order to satisfy Forest Conservation Regulations, a Declaration of Intent must be filed with DEPRM, stating that the lot will not be the subject of a regulated activity within 5 years of the cutting, clearing or grading of forest. Contact Mr. Paul Dennis at 887-3980 for details. This declaration must be filed before the issuance of any building permits.

JLP:rmp

Attachment

ZNG.302/DCRMP

Baltimore County Government
 Fire Department

700 East Joppa Road Suite 901
 Towson, MD 21286-5500 (410) 887-4500

MARCH 24, 1993

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

RE: Property Owner: THOMAS R. COBURN
 Location: #16619 DUBBS ROAD
 Item No.: 302 (JLL) Zoning Agenda: MARCH 15, 1993

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: _____ Noted and Approved _____
 Planning Group Fire Prevention Bureau
 Special Inspection Division

JF/RFKH

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Thomas R. Coburn *16619 Dubbs Rd. Spack 21152*
West Demetris *10 W. Madison St. Baltimore 21207*
 Architect

PHOTO #1 EXISTING FRONT

PHOTO #2 SIDE



PHOTO #3 View from Dubbs Road

PHOTO #4 SIDE

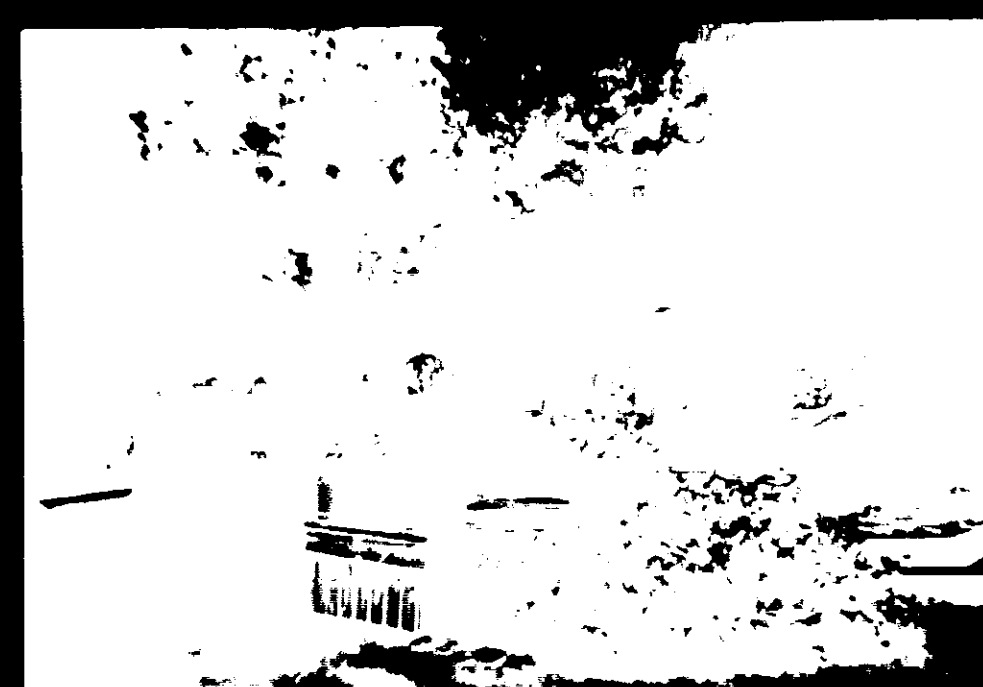
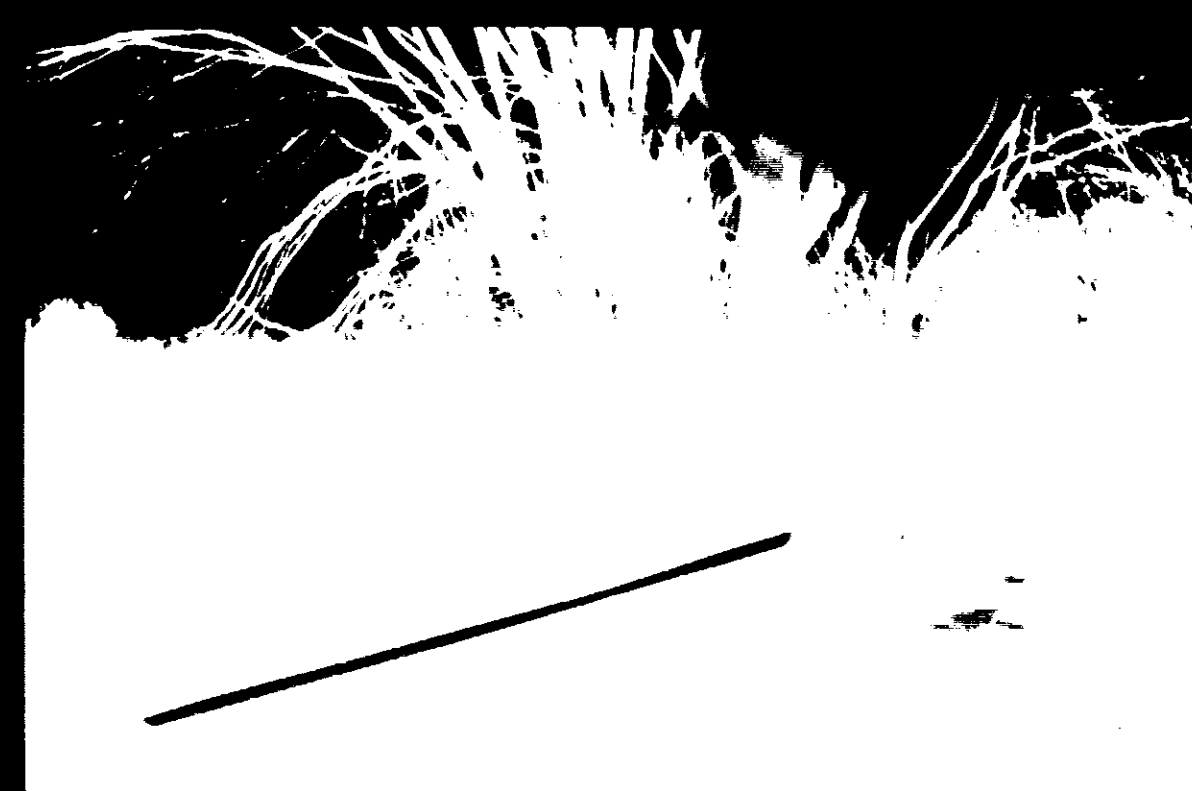


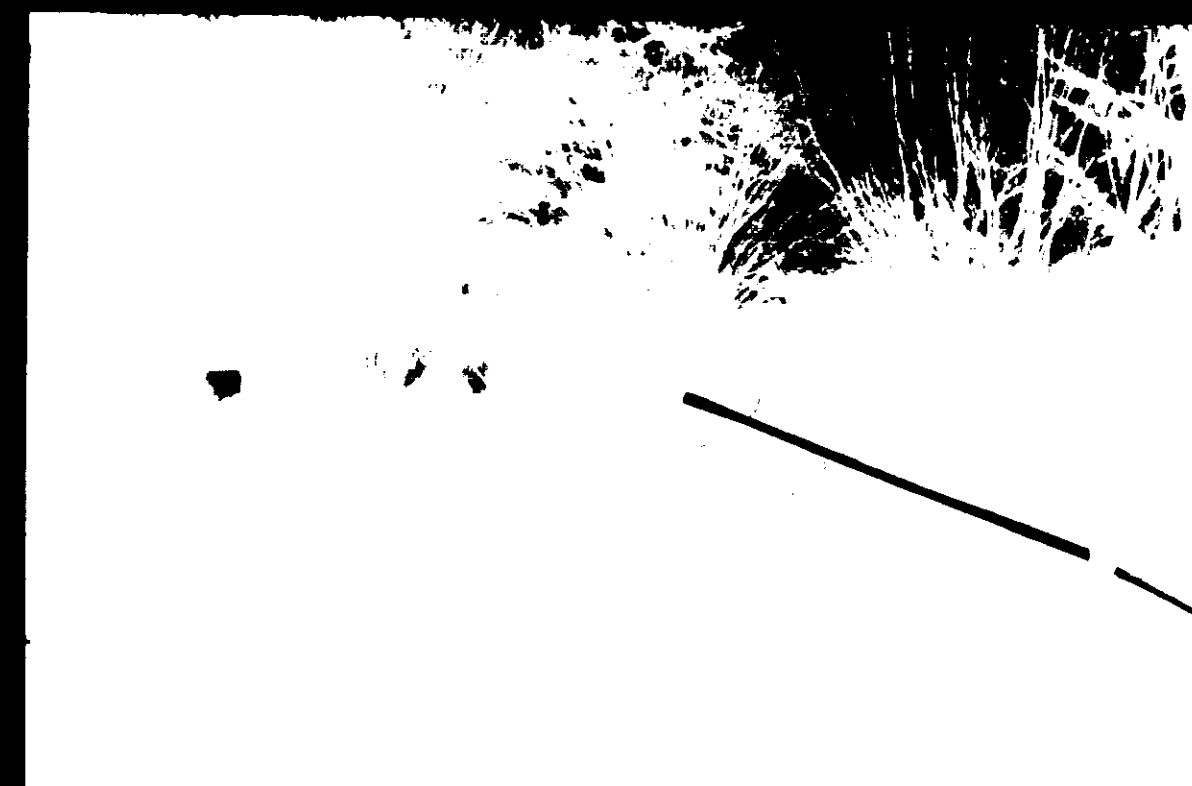
PHOTO #5 VIEW OF PROPOSED REAR YARD

93-291-A



PROPERTY LINE

PHOTO #6 VIEW OF PROPOSED REAR YARD FROM DUBBS ROAD



PROPERTY LINE

SEPTIC FIELD

COBURN PROPOSED GARAGE

93-291-A

PHOTO #7 View from proposed site to Dubbs Road

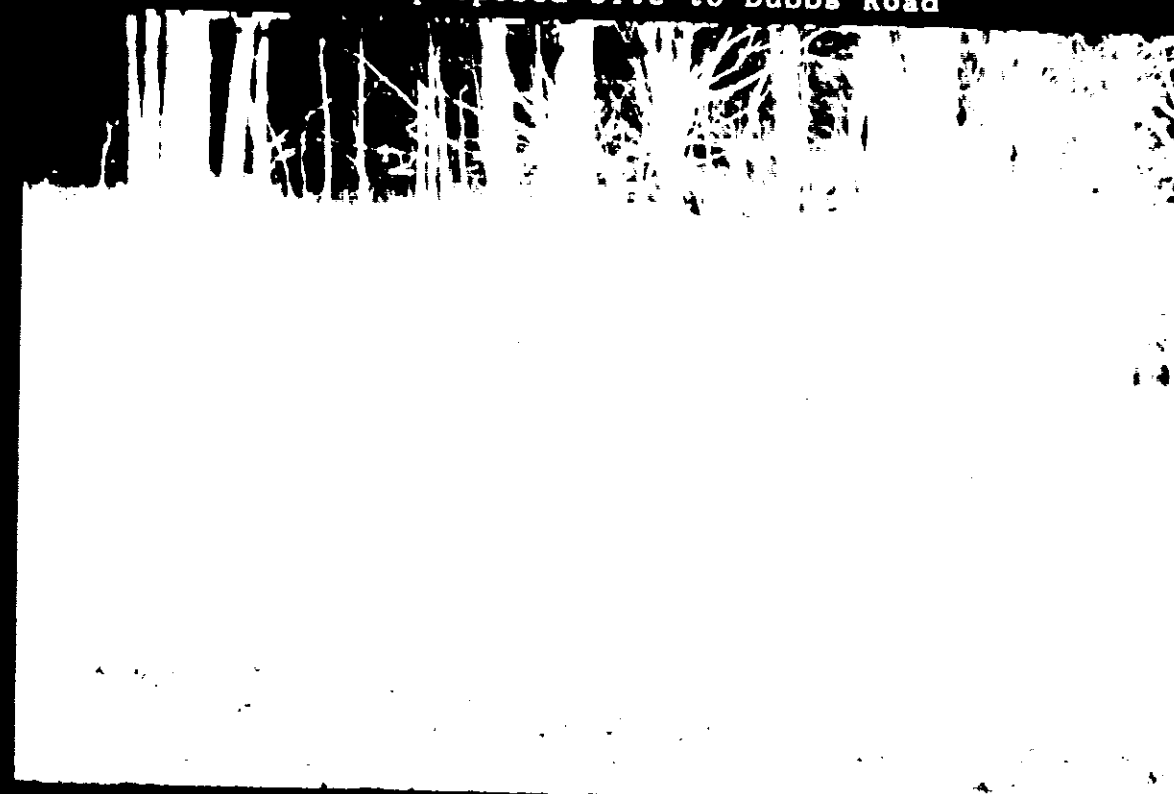
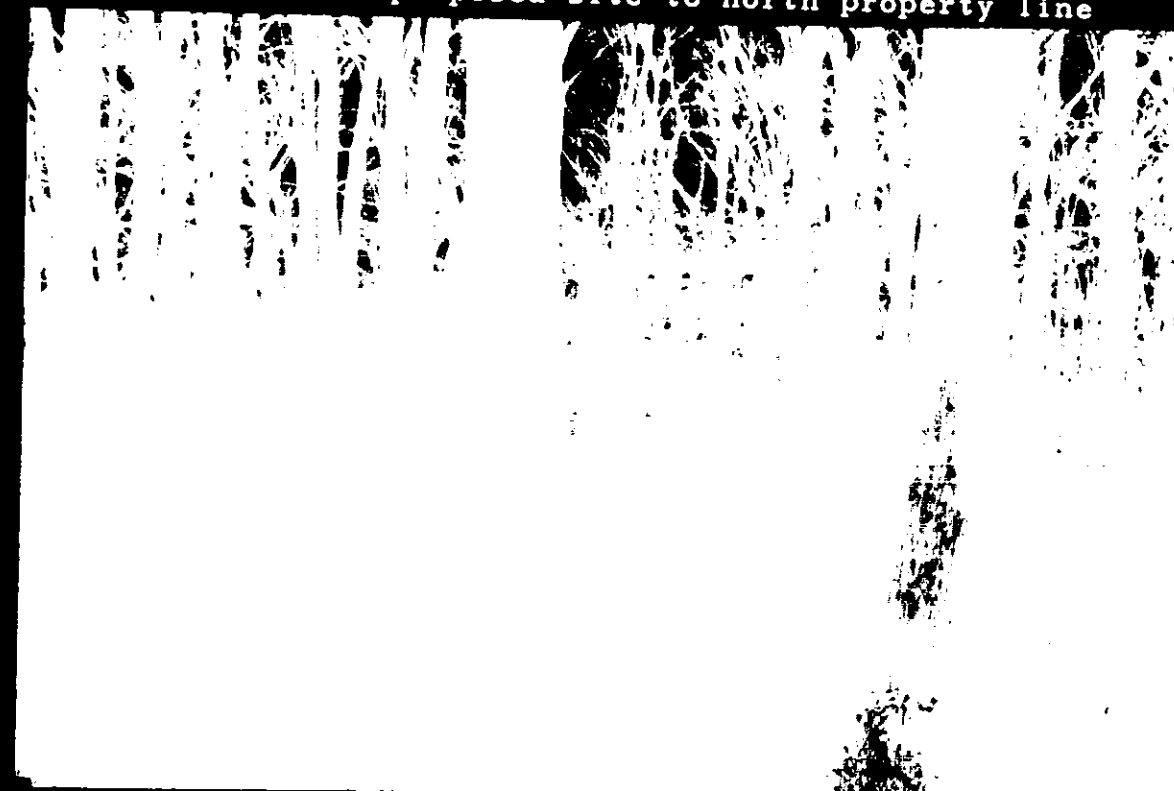


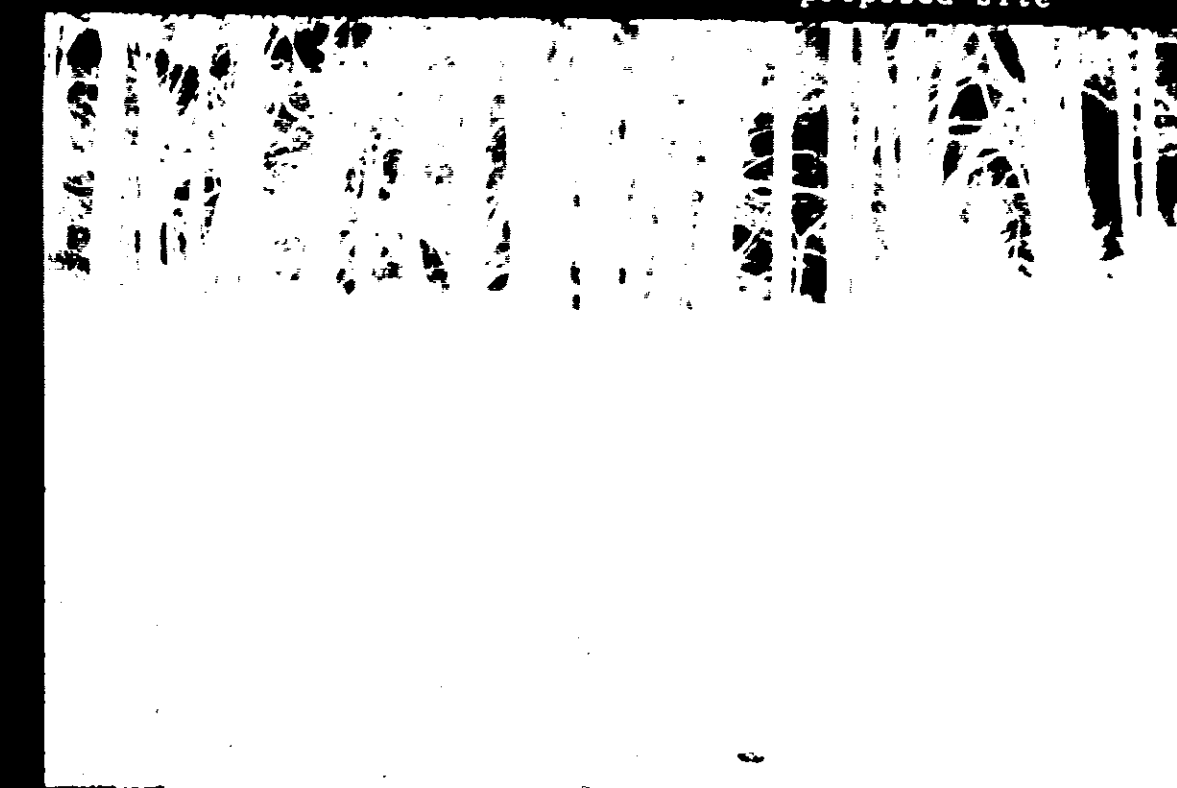
PHOTO #8 View from proposed site to north property line



COBURN PROPOSED GARAGE

93-291-A

PHOTO #9 View from Dubbs Road to proposed site

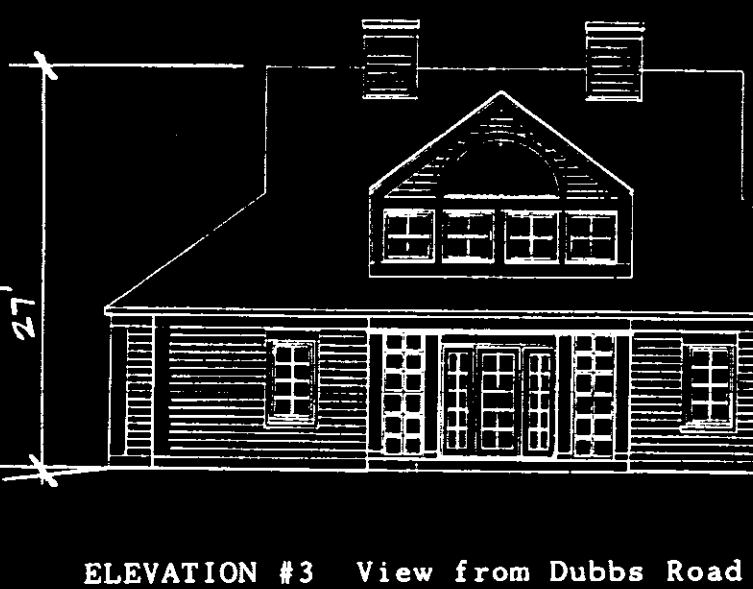


PROPOSED ALTERATIONS TO EXISTING DWELLING

ELEVATION #1 EXISTING FRONT



ELEVATION #2 SIDE



ELEVATION #3 View from Dubbs Road



ELEVATION #4 SIDE

PROPOSED GARAGE - COBURN
ELEVATION #5



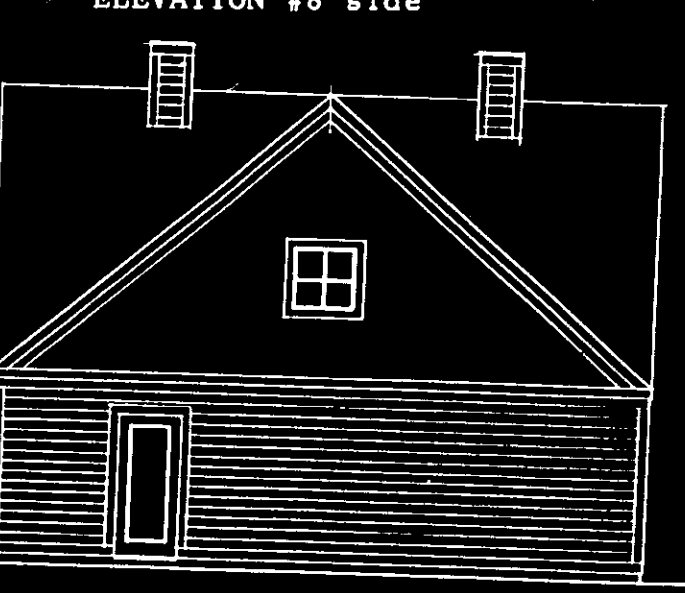
ELEVATION #6 View from Dubbs Road



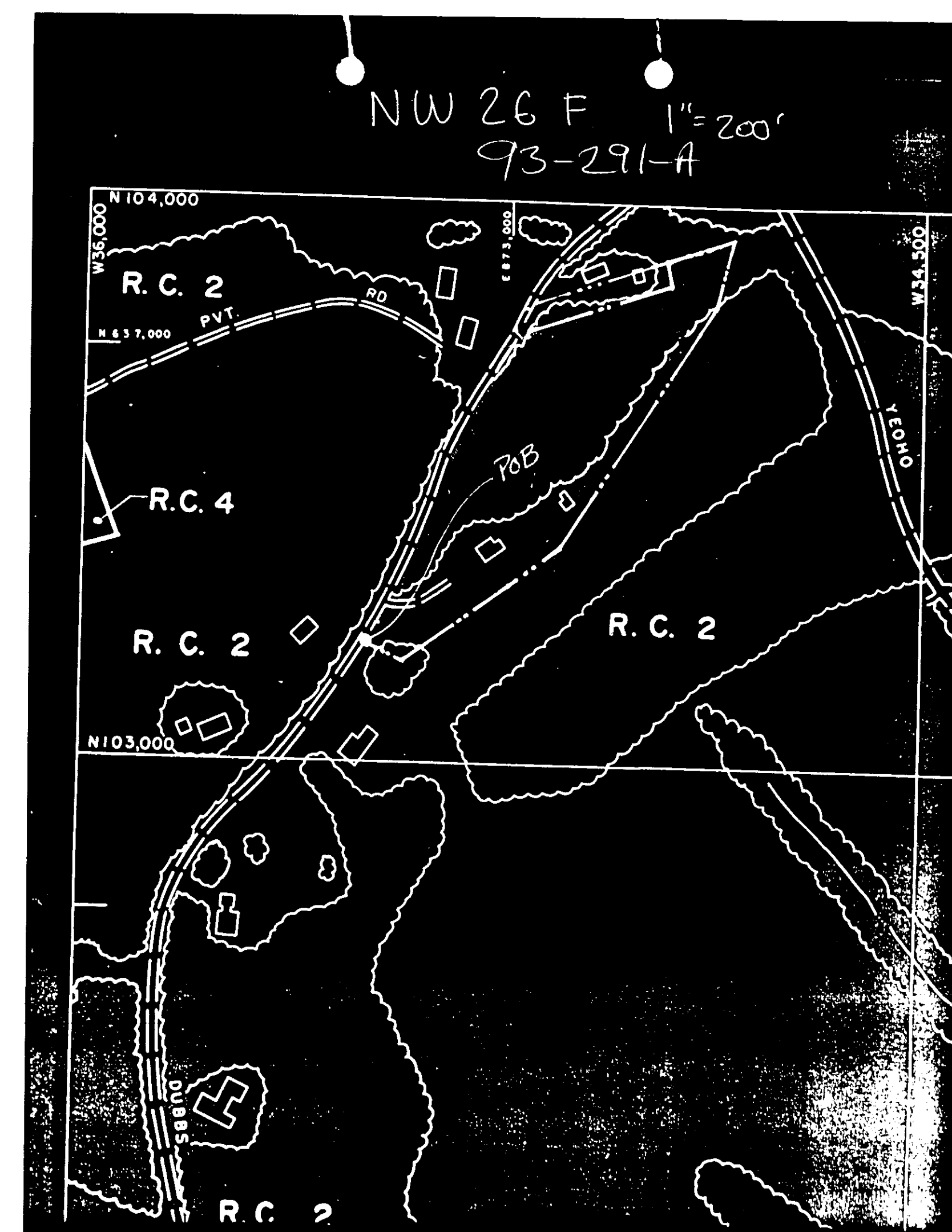
ELEVATION #7 side



ELEVATION #8 side



NW 26 F 1" = 200'
93-291-A

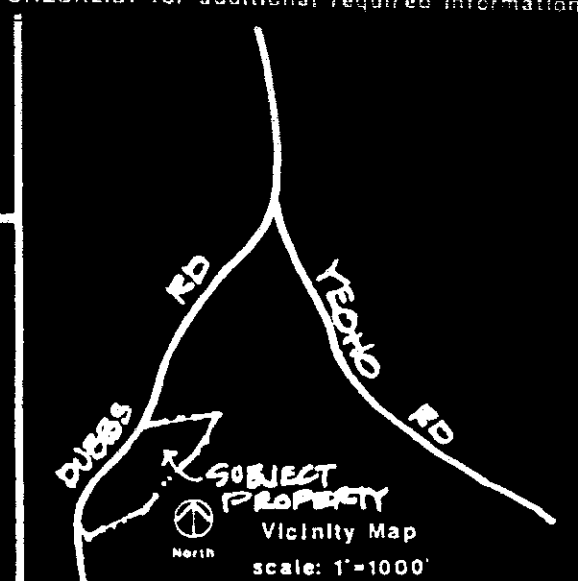


Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 16619 DUBBS ROAD

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

Subdivision name: _____
 Plat Book # _____, lot # _____, section # _____
 OWNER: **THOMAS R. COBURN**



LOCATION INFORMATION

Councilman's District: _____
 Election District: **5th**
 1"-200' scale map: **NW 20F**
 Zoning: **RC-2**
 Lot size: **4.27** **186,001.2**
acres square feet

SEWER: PUBLIC PRIVATE
 WATER: PUBLIC PRIVATE

Chesapeake Bay Critical Area: YES NO

Prior Zoning Hearings: **NONE**

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

93-291-A

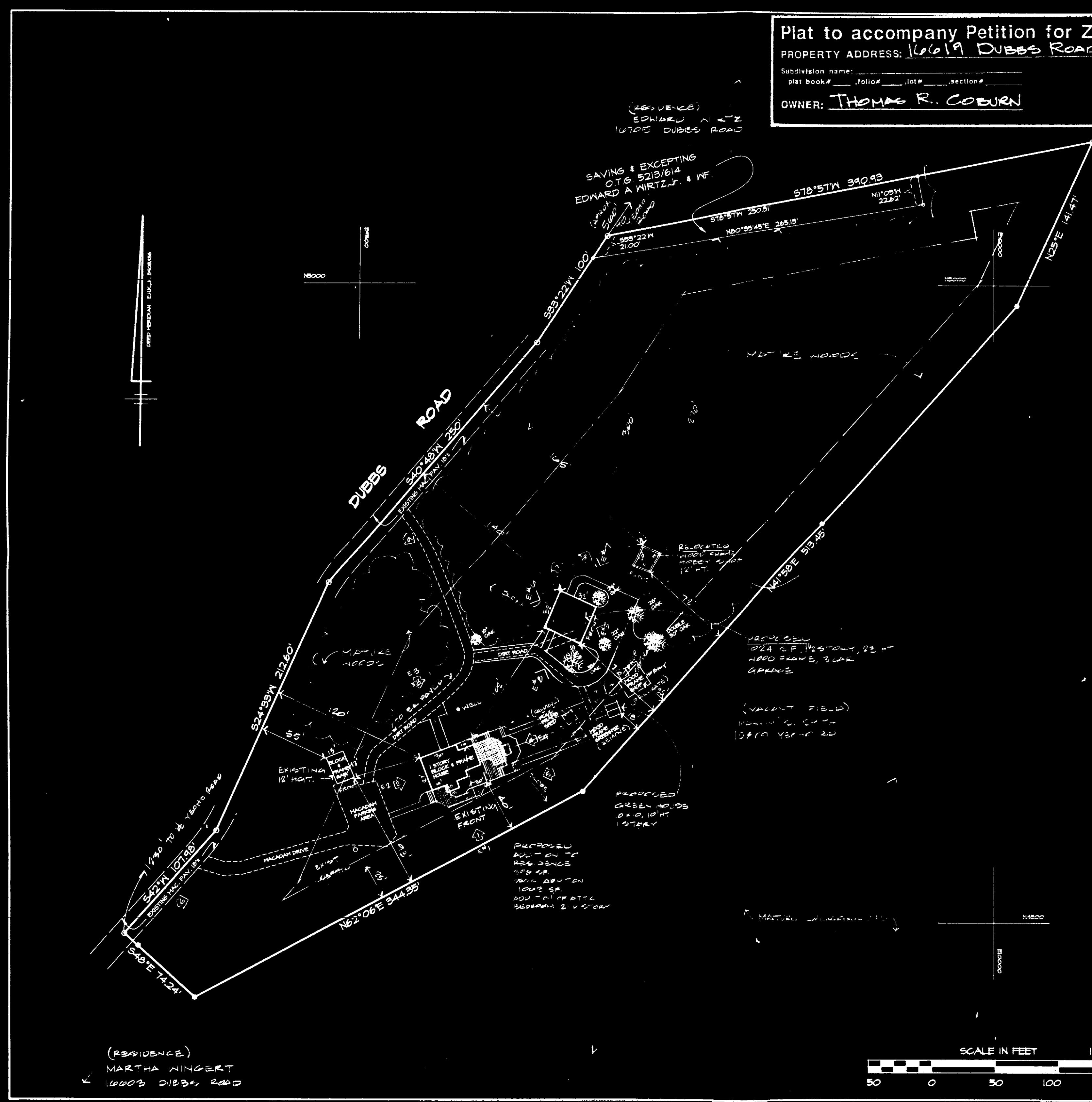
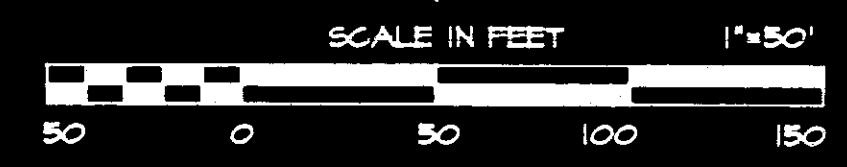


PHOTO NUMBER 3 OVERLOOK
 ELEVATION 114'

PETITIONER'S EXHIBIT 1

SITE PLAN
 PROPERTY OF
THOMAS R. COBURN
 DEED REF. E.H.K., Jr. 5403, FOLIO 156
 5th ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND



GERHOLD, CROSS & ETZEL
 REGISTERED PROFESSIONAL LAND SURVEYORS
 Suite 100
 320 East Tonsontown Boulevard
 Tonsontown, Maryland 21286
 (410) 525-4470

(RESIDENCE)
 MARTHA WINGERT
 16603 DUBBS ROAD