

A.J.

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S Miles Road, 450 ft.(+/-) *
NE of c/l Harewood Road * ZONING COMMISSIONER
13117 Miles Road *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Kenneth J. Shamleffer, et ux * Case No. 93-330-
Petitioners *

RECEIVED

MAY 28 1993

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZADM

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 13117 Miles Road in the Oliver Beach section of Baltimore County. The Petitioners/property owners, Kenneth J. and Deborah R. Shamleffer, request relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 50 ft., in lieu of the minimum required 55 ft. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the site plan prepared by Thomas E. Phelps and Associates, Inc., dated March 20, 1992.

Appearing at the public hearing held for this case was the property owner and his wife, Kenneth J. and Deborah R. Shamleffer. Also appearing was an adjacent property owner who is the mother of the Petitioner, Elizabeth M. Shamleffer. There were no Protestants or interested persons present.

Testimony and evidence presented was that the subject property is known as lot No. 137 of the Oliver Beach subdivision. Like many older communities in Baltimore County, this subdivision was laid out in 50 ft. lots. The case file contains a plat showing part of Section B of Oliver Beach which discloses that the subject property and all of the adjacent

tracts are similarly configured. The subject lot is narrow, yet deep, containing a depth of 200 ft.

Mr. and Mrs. Shamleffer testified that although they are owners of the subject parcel, they own no additional tracts. Thus, they are unable to acquire additional property sufficient to increase the lot width to 55 ft. They also noted that many of the other houses in the subdivision have been built on 50 ft. lots. Therefore, the proposed dwelling will be in keeping with the scheme of the other dwellings in the subdivision. Mrs. Elizabeth M. Shamleffer, the Petitioner's mother, testified that she has no objection to her son's construction and welcomes him and her daughter in-law as her neighbor. The Petition indicates that the Petitioner also requests the proposed relief so as to be located nearby and assist his mother.

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 a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the 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 and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

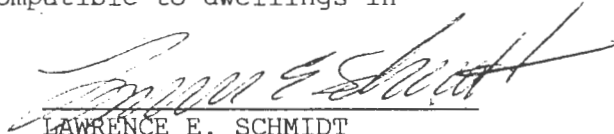
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May, 1993 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 50 ft., in lieu of the minimum required 55 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible

for returning, said property to its original condition.

2. The proposed dwelling will be built to a condition generally compatible to dwellings in this community.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/5 Miles Road, 450 ft. (+/-) * ZONING COMMISSIONER
NE of c/l Harwood Road *
13117 Miles Road * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 93-330-A
Kenneth J. Shamleffer, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 13117 Miles Road in the Oliver Beach section of Baltimore County. The Petitioners/property owners, Kenneth J. and Deborah R. Shamleffer, request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 50 ft., in lieu of the minimum required 55 ft. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the site plan prepared by Thomas E. Phelps and Associates, Inc., dated March 20, 1992.

Appearing at the public hearing held for this case was the property owner and his wife, Kenneth J. and Deborah R. Shamleffer. Also appearing was an adjacent property owner who is the mother of the petitioner, Elizabeth M. Shamleffer. There were no Protestants or interested persons present.

Testimony and evidence presented was that the subject property is known as lot No. 137 of the Oliver Beach subdivision. Like many older communities in Baltimore County, this subdivision was laid out in 50 ft. lots. The case file contains a plat showing part of Section B of Oliver Beach which discloses that the subject property and all of the adjacent

tracts are similarly configured. The subject lot is narrow, yet deep, containing a depth of 200 ft.

Mr. and Mrs. Shamleffer testified that although they are owners of the subject parcel, they own no additional tracts. Thus, they are unable to acquire additional property sufficient to increase the lot width to 55 ft. They also noted that many of the other houses in the subdivision have been built on 50 ft. lots. Therefore, the proposed dwelling will be in keeping with the scheme of the other dwellings in the subdivision. Mrs. Elizabeth M. Shamleffer, the Petitioner's mother, testified that she has no objection to her son's construction and welcomes him and her daughter-in-law as her neighbor. The Petition indicates that the Petitioner also requests the proposed relief so as to be located nearby and assist his mother.

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. 288 (1974).

-2-

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the 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 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 24th day of May, 1993 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 50 ft., in lieu of the minimum required 55 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible

-3-

for returning, said property to its original condition.

2. The proposed dwelling will be built to a condition generally compatible to dwellings in this community.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING
Date 5/24/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/24/93
By [Signature]

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 20, 1993

Mr. and Mrs. Kenneth J. Shamleffer
3502 Elmley Avenue
Baltimore, Maryland 21213

RE: Case No. 93-330-A
Petition for Zoning Variance
Property: 13117 Miles Road

Dear Mr. and Mrs. Shamleffer:

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
Zoning Commissioner

LES:mnn
att.



Petition for Variance
93-330-A
to the Zoning Commissioner of Baltimore County

for the property located at 13117 MILES RD
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property allude 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) 1802.3.C.1

- TO ALLOW A BUILDABLE LOT WITH A WIDTH OF 50' IN LIEU OF THE MINIMUM REQUIRED 55' FT. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
- 1) ALL ADJOINING LOTS IF 50' WIDTH HAVE HOMES BUILT ON THEM.
 - 2) THERE IS NO ROOM TO EXPAND LOT TO 55' FT.
 - 3) PROPERTY WAS BOUGHT TO BUILD HOME NEXT TO MOTHER SO AS TO TAKE CARE OF HER. 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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

(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)

KENNETH J. SHAMLEFFER

(Type or Print Name)

Signature

DEBORAH R. SHAMLEFFER

(Type or Print Name)

Signature

3502 ELMLEY AVE 732-0935

Address

BALTIMORE MD 21213

City State Zipcode

Name, Address and phone number of legal owner, contact purchaser or representative to be contacted.

KENNETH J. SHAMLEFFER

Address

3502 ELMLEY AVE 732-0935

Address

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

4-10-13

on following date

Next Time Meeting

ALL OTHER

REVIEWED BY: [Signature] DATE: 2-29-93

LAND SURVEYING

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND PLANNING

ZONING DESCRIPTION

Beginning at a point on the southeast side of Miles Rd., a 50 foot R/W at the distance 450'± or - northeast of Harwood Rd. Being lot #137, Section B in the subdivision of Oliver Beach as recorded in Baltimore County Plat Book #14 Folio 37 containing .23 acres + or -. Also known as OLIVER BEACH and located in the 15th Election District.

ITEM 332

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 4/22/93
Posted for: [Signature]
Petitioner: Kenneth J. & Deborah R. Shamleffer
Location of property: 13117 Miles Rd., 15th NE, Harwood Rd.
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 4/30/93
Number of Signs: 7

CERTIFICATE OF PUBLICATION

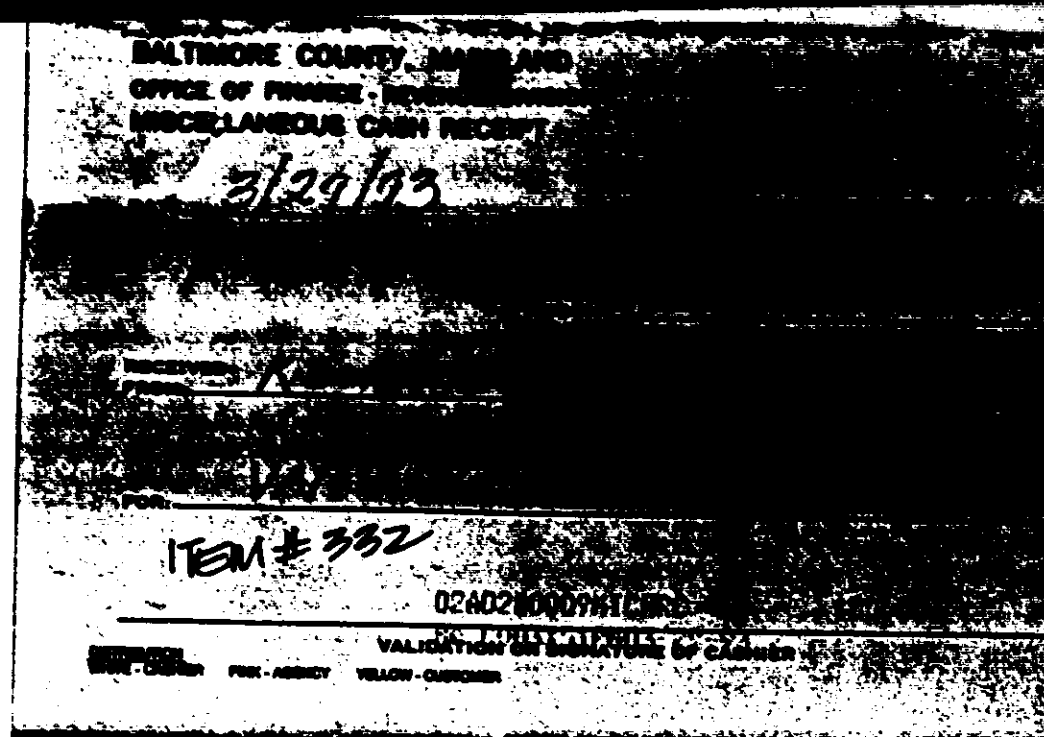
TOWSON, MD., April 16, 1993

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 April 15, 1993.

THE JEFFERSONIAN,

S. Zate Orlan
Publisher

93-330-A



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-330-A receipt

Account: R-001-6150
Number

3-29-93 H7300332

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
030 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
LAST NAME OF OWNER: SHAMLEFFER	TOTAL:	\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

APR 09 1993

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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: 93-330-A (Item 332)
13117 Miles Road
SE/8 Miles Road, 450' (+/-) NE of c/l Harwood Road
15th Election District - 5th Councilmember
Petitioner(s): Kenneth J. Shamleffer and Deborah R. Shamleffer
HEARING: WEDNESDAY, MAY 19, 1993 at 10:00 a.m. in Rm. 106, Office Building.

Variance to allow a buildable lot with a width of 50 ft. in lieu of the minimum required 55 ft.

Arnold Jablon
Arnold Jablon
Director

cc: Kenneth and Deborah Shamleffer

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

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

May 10, 1993

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Mr. and Mrs. Kenneth J. Shamleffer
3502 Elmsley Avenue
Baltimore, MD 21213

RE: Case No. 93-330-A, Item No. 332
Petitioner: Kenneth J. Shamleffer, et ux
Petition for Variance

Dear Mr. and Mrs. Shamleffer:

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 29, 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.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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

Re: Baltimore County
Item No: 93-330 (RT)

Dear Ms. Winkowski:

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,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 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: April 15, 1993

SUBJECT: 13117 Miles Road

INFORMATION:

Item Number: 332

Petitioner: Kenneth J. Shamleffer and Deborah R. Shamleffer

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: *Jeffrey W. L.*

Division Chief: *Carol L. Kern*

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: Zoning Petitions

#325	No comments
#327	No comments
#332	No comments
#340	No comments
#341	No comments
#342	No comments
#343	No comments
#344	No comments
#345	No comments
#346	No comments
#347	No comments
#348	No comments
#349	No comments
#350	No comments
#351	The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.
#352	No comments

JLP/dal

cc: File

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bowley Ave
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

Permit Number

93-330-A

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

RECOMMENDATION APPLICANT SUPPLIED INFORMATION:

☒ KENNETH J. SHAMLEFFER 3502 ELMLEY AVE. BALTIMORE MD 21213 (410) 732-0935
Last Name First Middle Initial Address Telephone Number

☒ Lot Address 13117 MILES RD Election District 16 Council District 5 Square Feet 10,000
Lot Location: NE 1/4 side / corner of MILES RD - 450' front from SE 1/4 corner of HARWOOD RD
(Street) (Street) (Street)

Land Owner KENNETH J. SHAMLEFFER Tax Account Number 15-06-451120
Address 3502 ELMLEY AVE Telephone Number (410) 732-0935
BALTIMORE MD 21213

☐ CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☐
3. Site Plan	☐	☐
Property (3 copies)	☐	☐
Topo Map (submitted to the SHA C&E) (2 copies)	☐	☐
4. Building Elevation Drawings	☐	☐
5. Photographs (owner taken of photos taken)	☐	☐
Adjoining Buildings	☐	☐
Surrounding Neighborhood	☐	☐

Recommender Processing Fee Paid
Codes 030 & 030 (SHA)
Accepted by: _____
Date: _____

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:
☒ Approved ☐ Disapproved ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

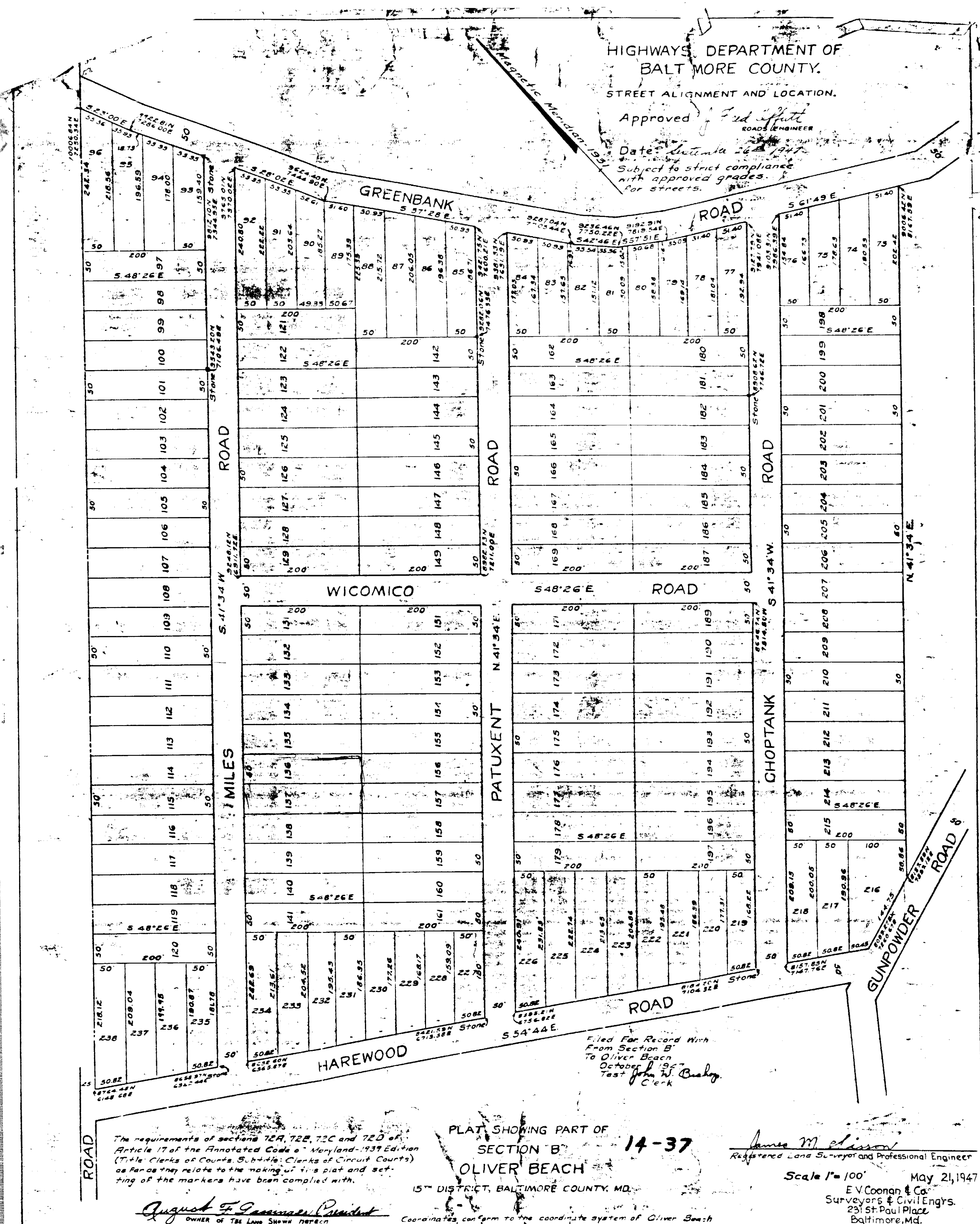
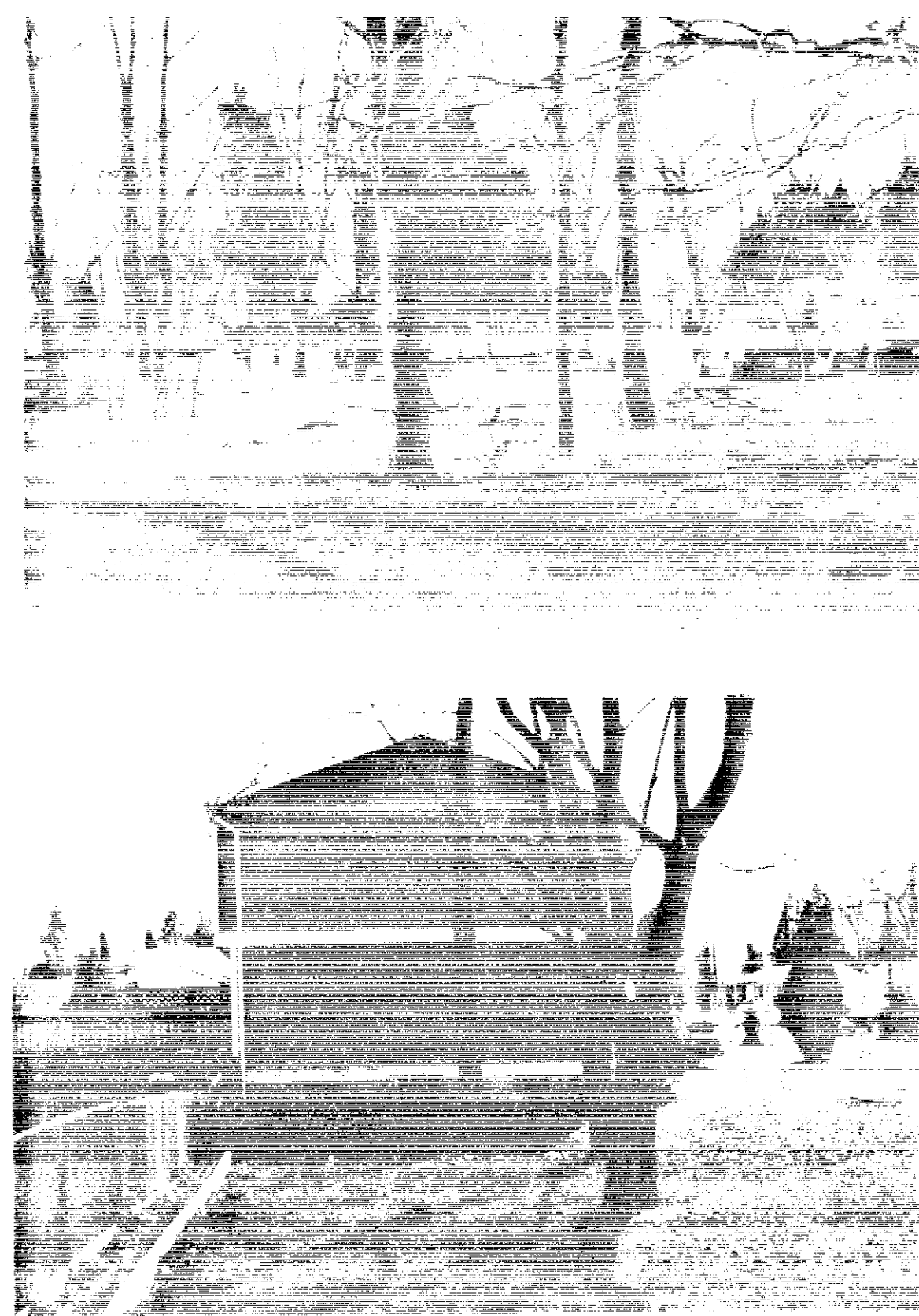
Signed by: *Jeffrey W. L.*
Title: _____

Date: 11-23-93

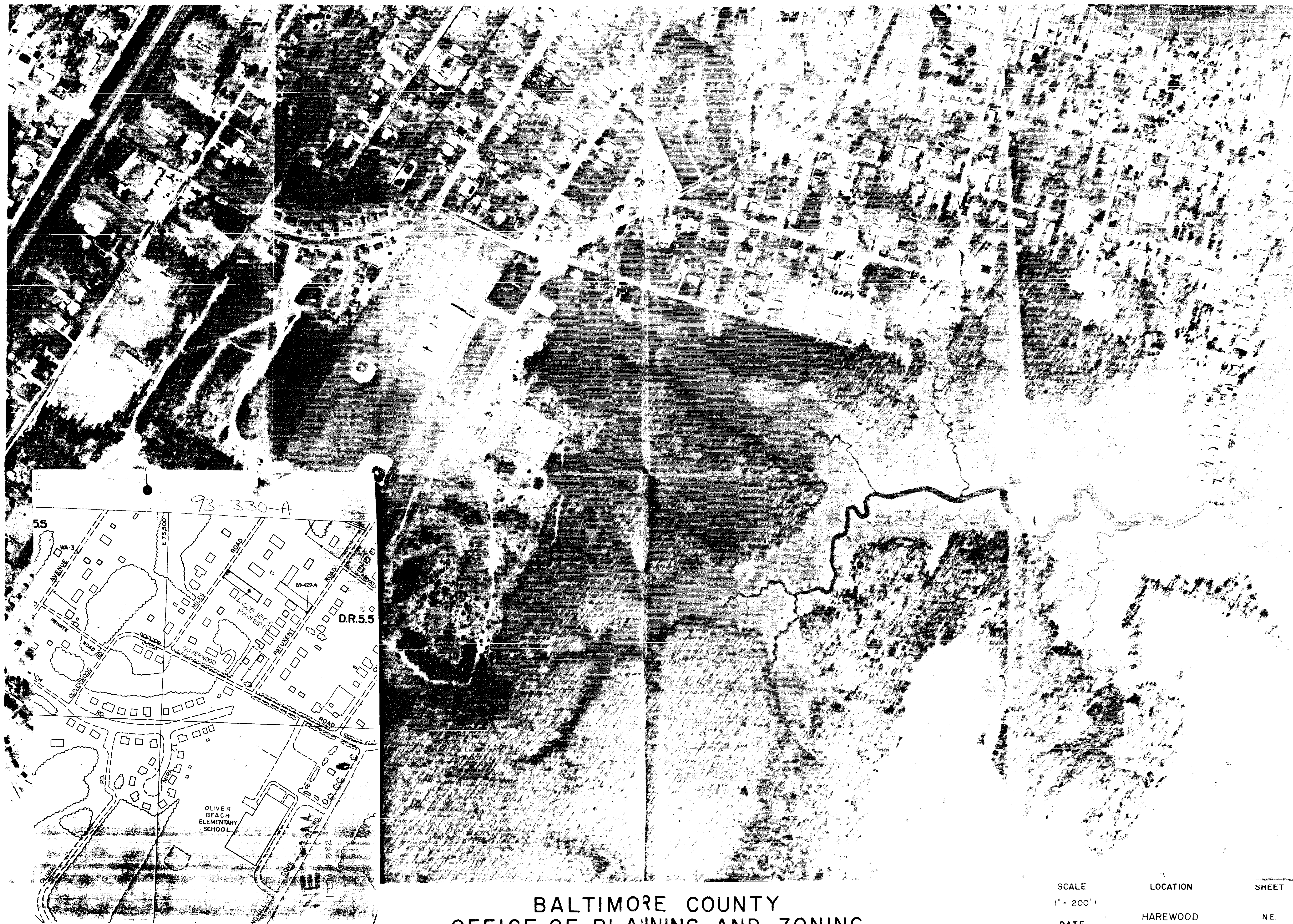
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
KENNETH J. SHAMLEFFER	3502 ELMLEY AVE BALTO MD 21213
DEBORAH R. SHAMLEFFER	3502 ELMLEY AVE BALTO MD 21213
ELIZABETH M. SHAMLEFFER	13117 MILES RD BALTO MD 21220



93-330-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

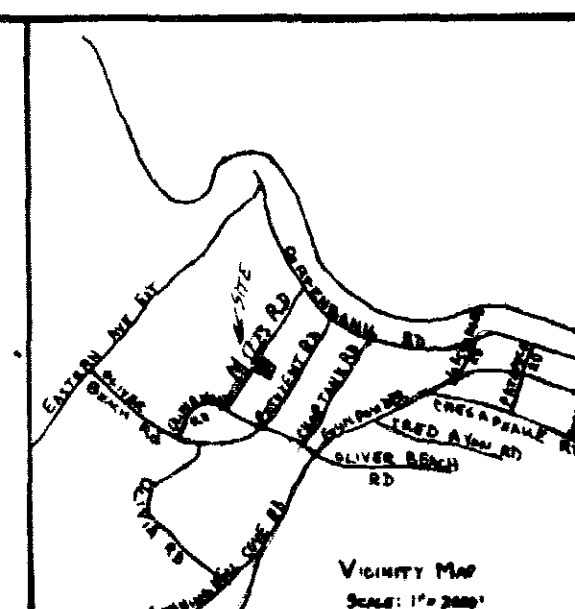
SCALE
1" = 200' ±

LOCATION
HAREWOOD
OLIVER BEACH

SHEET
NE
7-M

DATE
OF
PHOTOGRAPHY
JANUARY
1986

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 15
1" = 20' SCALE MAP REF: NE 7-M
ZONING: DR 5.5
LOT SIZE: 0.230 ACRES 10,000 SQUARE FEET

SEWER: CATL

	EXIST	PROPOSED
SEWER	☒	☐
WATER	☐	☐

CHESAPEAKE BAY CATHOLIC AREA: YES

PRIOR ZONING HEARINGS: NONE

ZONING OFFICE USE ONLY
REVIEWED BY: R.T.
ITEM#: 332
CASE#:

MINIMUM 14 INCHES DEEP IS 11.0 FEET
 PROBABLY DOES NOT REACH TO THE CRIMINALS
 IN THE CASE HERE
 DISTANCE FROM THE CRIMINALS

Ref Ex No 1

THOMAS E. PHELPS & ASSO., INC.
945 BARRON AVE.
BALTO. CO., MD 21221
PHONE (410) 574-6744

REVISIONS			PHONE (410) 314-8144
No	Date	Description	VARIANCE PLAT
			LOTS 130 & 137 of OLIVER BEACH
			SECTION "B"
			BALTIMORE COUNTY, MARYLAND
DRAWN BY: T.W.			SCALE: 1"=20'
CHECKED BY: T.E.P.			DATE: 3/20/92
			92190