

IN RE: PETITION FOR VARIANCE
 SE/Corner Serpentine and
 Bare Hills Roads
 (1501 Serpentine Road)
 3rd Election District
 2nd Councilmanic District
 James G. Green and
 Bernard Davis - Petitioners

* BEFORE THE
 * DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 93-413-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, James G. Green and Bernard Davis. The Petitioners request relief from Section 255.1 (238.1 and 2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17 feet in lieu of the required 30 feet and a street centerline setback of 40 feet in lieu of the required 50 feet for a proposed building reconstruction in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James G. Green, one of the property owners, and James E. Matis, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 1501 Serpentine Road, consists of 1.01 acres, more or less, zoned M.L. and is improved with a one story block building. The Petitioners are desirous of razing a section of the existing building, which has deteriorated beyond repair, and reconstructing same with a larger building, utilizing the existing front and east side setbacks on the property. Testimony indicated that the front foundation wall of the proposed building will be closer to the street centerline, but will coincide with the front foundation wall of the existing building. That is, the renovations and improvements proposed

by the Petitioner will be no closer to any of the setback lines than the existing improvements on the property. Testimony revealed the existing building dates back to the 1930's and due to the topography of the land and the location of existing improvements thereon, the relief requested is necessary in order to construct the proposed improvements.

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.

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 30th day of June, 1993 that the Petition for Variance requesting relief from Section 255.1 (238.1 and 2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17 feet in lieu of the required 30 feet and a street centerline setback of 40 feet in lieu of the required 50 feet for a proposed building reconstruction, 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.

Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TKM:bjs

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

June 30, 1993

(410) 887-4386

Mr. James G. Green
 Mr. Bernard Davis
 P.O. Box 946
 Brooklandville, Maryland 21022

RE: PETITION FOR VARIANCE
 SE/Corner Serpentine and Bare Hills Roads
 (1501 Serpentine Road)
 3rd Election District - 2nd Councilmanic District
 James G. Green and Bernard Davis - Petitioners
 Case No. 93-413-A

Dear Messrs. Green and Davis:

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,
Timothy M. Kotroco

TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TKM:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
 Date 6/24/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 6/24/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 6/24/93
 By [Signature]

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 1501 Serpentine Road
 which is presently zoned M-L

- 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 Sections 255.1, 255.2, as follows:
1. To permit a Sideyard of 17 ft. in lieu of the required 30 ft.
 2. To permit a Setback from a street centerline of 40 ft. in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The existing building dates from the 1930's and has a non-conforming 17 ft. sideyard and a front 40 ft. from street centerline; it is proposed to rebuild and extend the building to the rear but maintain the 17 ft sideyard. Due to slopes, rock, and other limitations, the Owners would be denied full use of the site if the variance is not allowed.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to any 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
 Address
 City State Zipcode
 Name
 Address
 City State Zipcode

Legal Owner(s)
 James G. Green
 Bernard Davis
 P. O. Box 946 410-252-2755
 Brooklandville, MD 21022
 James G. Green
 as above

OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING
 DATE 5-31-93

ORDER RECEIVED FOR FILING
 Date 5/21/93
 By [Signature]

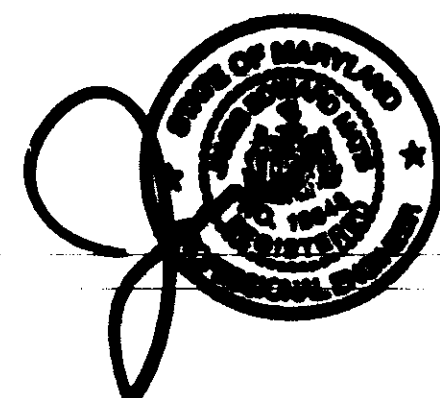
FROM THE OFFICE OF
 GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
 638 KENNELWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21284

Description to Accompany Zoning
 Petition for Variances,
 #1501 Serpentine Road.
 93-413-A
 May 11, 1993

- Beginning for the same at a point at the southeast corner of the intersection formed by Serpentine Road and Bare Hills Road said point distant South 54' East 20 feet more or less from the intersection of the center line of the aforesaid roads running thence
- 1 - South 01' 40' 54" East 210.72 feet
 - 2 - South 69' 57' 36" West 168.63 feet
 - 3 - North 20' 02' 24" West 200.00 feet to a point on the south side of Serpentine Road running thence and binding along the south side of Serpentine Road
 - 4 - North 69' 57' 36" East 235.00 feet to the place of beginning.

Containing 0.93 acres more or less.

THIS DESCRIPTION IS INTENDED FOR ZONING PURPOSES ONLY AND NOT FOR USE IN CONVEYANCE OF LAND.



CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

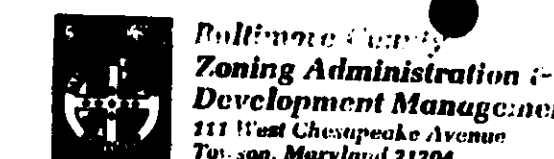
District 3rd Date of Posting 6/2/93
 Posted for Notice
 Petitioner: James G. Green & Bernard Davis
 Location of property: 1501 Serpentine Rd.
 Location of Sign: Post at intersection of Bare Hills & Serpentine Rd. on property to be posted.
 Remarks:
 Posted by [Signature] Date of return: 6/4/93
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 3, 1993
 THIS IS TO CERTIFY, that the attached 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 June 3, 1993.

THE JEFFERSONIAN

S. Zabe Orban
 Publisher



receipt

Date 5-21-93 Item Number 423
 Owner: James G. Green 93-413A Taken in by: [Signature]
 Site: 1501 Serpentine Rd. (21208)
 # 020 - Variance \$250.00
 # 080 - Sign + posting 35.00
 Total \$285.00

0140180257MCHRC \$285.00
 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 21286 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Arnold Jablon, Director

Case No.: _____ Item No.: 423

Petitioner: _____

LOCATION: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

Miss
Revised 3-29-93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21286 (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 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 93-413-A (Item 423)
1501 Serpentine Road
SEC Serpentine and Barhills Roads
3rd Election District - 2nd Councilmanic
Petitioner(s): James G. Green and Bernard Davis
HEARING: WEDNESDAY, JUNE 23, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a side yard of 17 feet in lieu of the required 30 feet; and to permit a setback from a street centerline of 40 feet in lieu of the required 50 feet.

Arnold Jablon
Director

cc: James G. Green and Bernard Davis

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21286 (410) 887-3353

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Lawrence E. Schmidt
Zoning Commissioner for Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21286 (410) 887-3353

June 11, 1993

Mr. James G. Green
Mr. Bernard Davis
P.O. Box 946
Brooklandville, MD 21022

RE: Case No. 93-413-A, Item No. 423
Petitioner: James G. Green, et al
Petition for Variance

Dear Messrs. Green and Davis:

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 May 21, 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.

Zoning Plans Advisory Committee Comments
Date: June 11, 1993
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hek
Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 7, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for June 8, 1993
Item No. 423

The Development Plan Review Section has reviewed the subject zoning item. We have no comment on the variances; however, please be advised that a final landscape plan is required prior to release of the building permit.

RWB:DAK:e

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-26-93

HELENE KENNING
Ms. Janie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21284

Re: Baltimore County
Item No. 4493 (JJS)

Dear Ms. Winiarski:

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 affected 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 Constable, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teletypewriter for Impaired Hearing or Speech
383-7655 Baltimore Metro - 505-0481 D.C. Metro - 1-800-452-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-8717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 3, 1993
Zoning Administration and
Development Management

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Thomas Stankovic, Item No. 418, One High Noon Way
David P. Warsaw, Item No. 419, 13 S. Beaumont Ave.
Mary Catherine Botler, Item No. 422, 9001 Harford Hills Garth
James G. Green, Item No. 423, 1501 Serpentine Road

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Edryl L. Kerner

PK/JL:lw

412NC.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

5755 93

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee Date: May 27, 1993
FROM: Captain Jerry Pfeifer Fire Department
SUBJECT: Comments for 06/08/93 Meeting

- Item 405 Building shall comply with applicable provisions of the 1991 Life Safety Code.
- Item 416 No Comments
- Item 417 No Comments
- Item 418 No Comments
- Item 419 No Comments
- Item 420 No Comments
- Item 421 No Comments
- Item 422 No Comments
- Item 423 No Comments
- Item 424 No Comments

JDP:dms

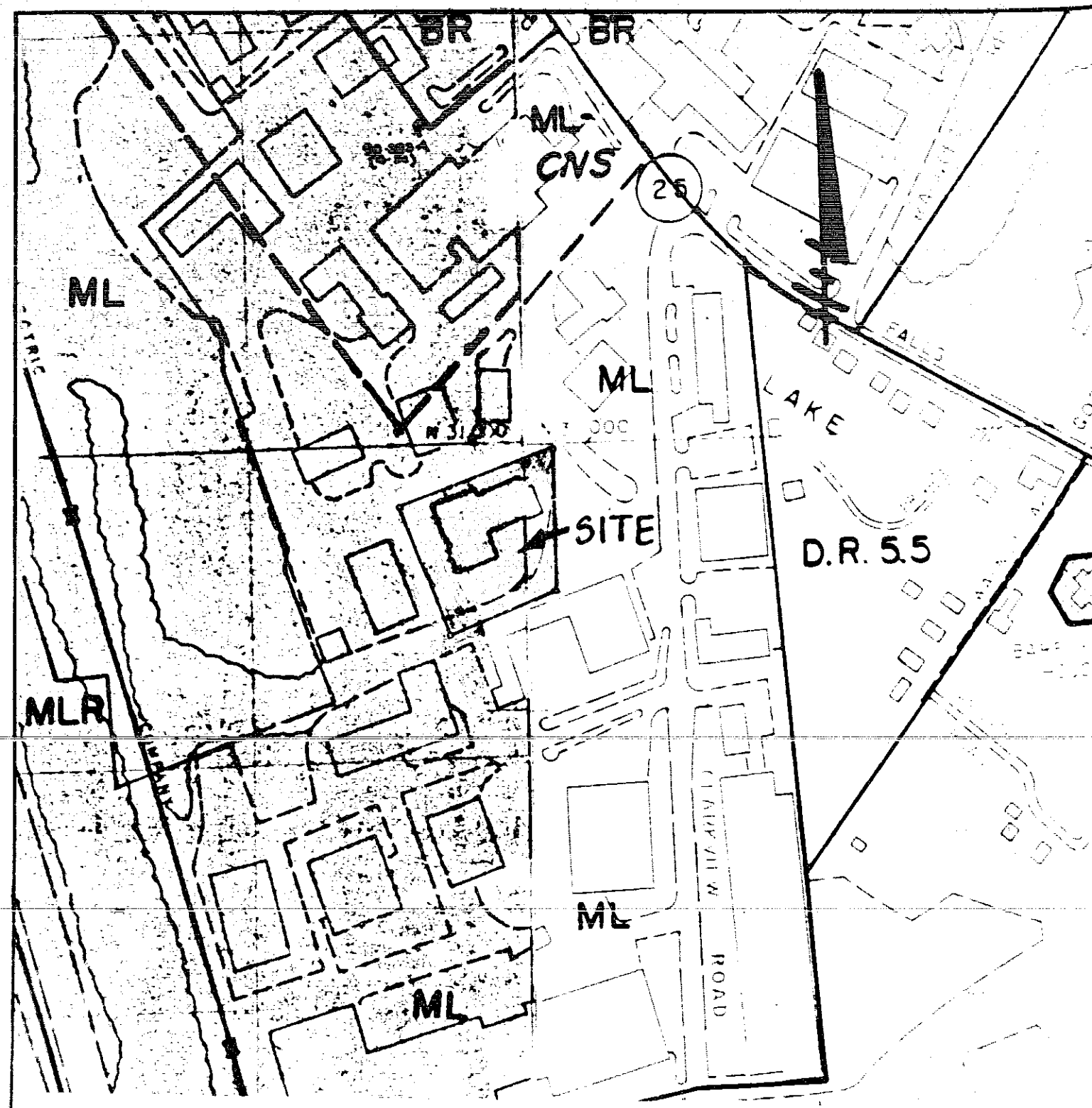
RECEIVED
MAY 23 1993
ZADM

PETITIONER(S) SIGN-IN SHEET

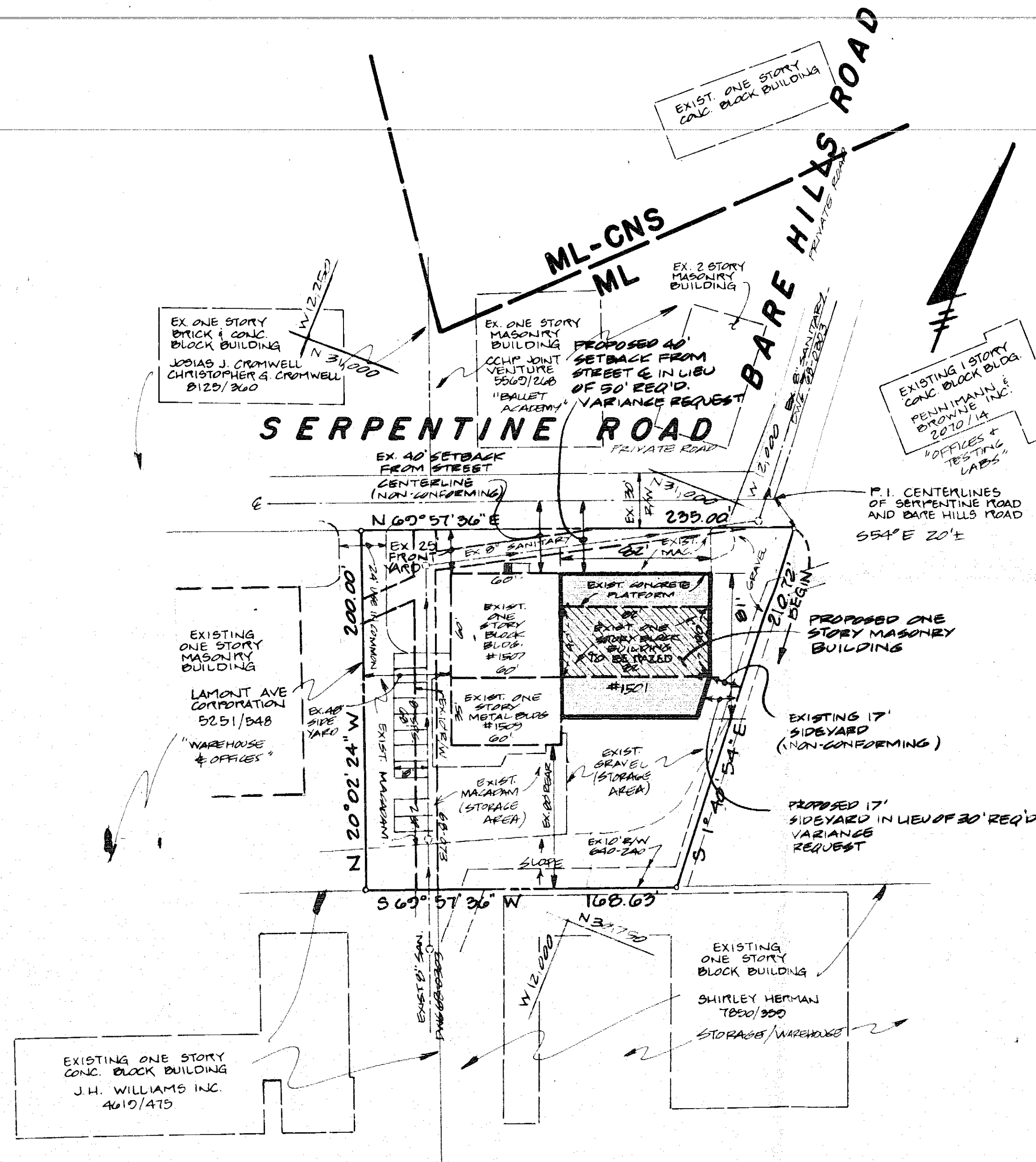
NAME	ADDRESS
AMES E. MATIS	688 Rembrandt Ave. Towson Maryland 21284 Suite 100
JAMES G. GREEN	2846 Franklin Rd. D. D. 21044

Printed with permission by the Maryland Dept. of Transportation





LOCATION MAP
SCALE: 1" = 200'

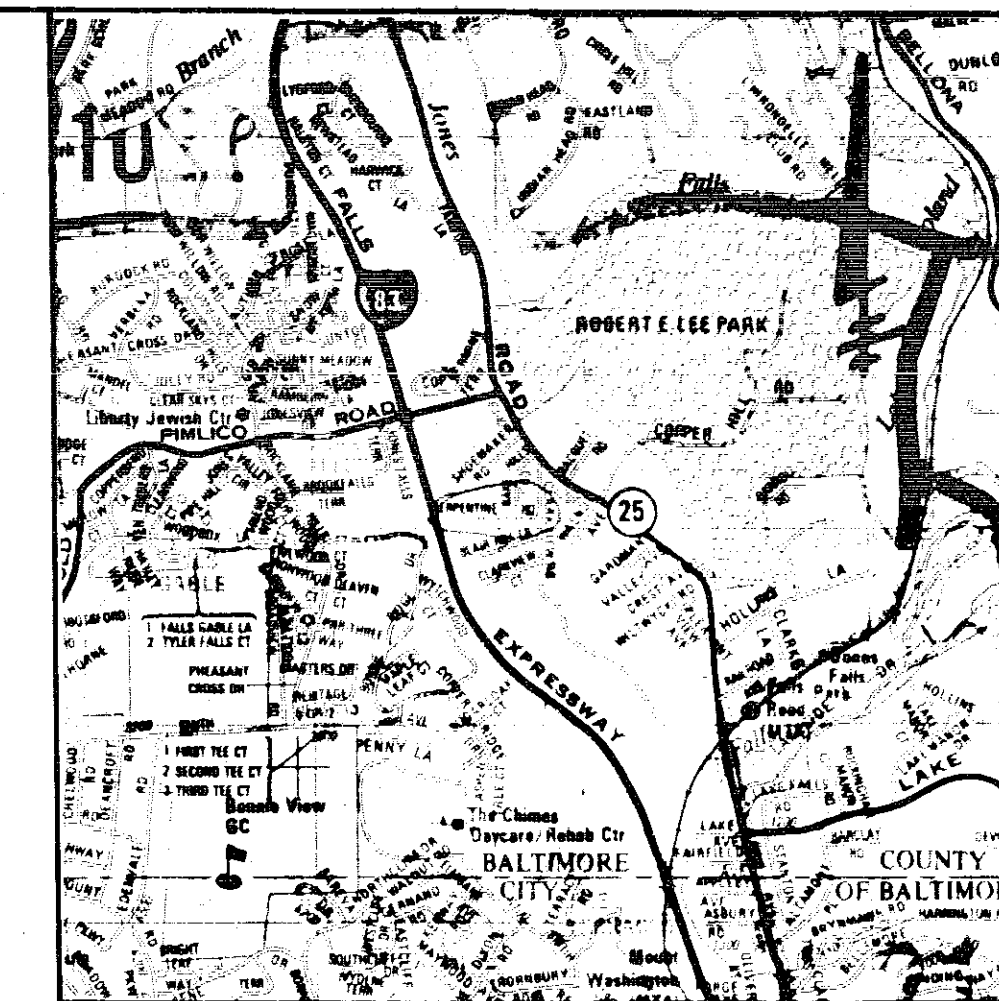


VARIANCE REQUESTS

1. VARIANCE IS REQUESTED TO SECTION 255.1 BCZR TO PERMIT A SIDEYARD OF 17 FEET IN LIEU OF THE REQUIRED 30 FEET.
2. VARIANCE IS REQUESTED TO SECTION 255.1 BCZR TO PERMIT A SETBACK FROM A STREET CENTERLINE OF 40 FEET IN LIEU OF THE REQUIRED 50 FEET.

SITE DATA

GROSS AREA OF PARCEL (INCLUDES 15' OF SERPENTINE RD)	1.01 ACS.
NET AREA OF PARCEL	0.93 ACS.
EXISTING USE	ONE STORY WAREHOUSE / EQUIPMENT STORAGE BUILDING
PROPOSED USE	ONE STORY WAREHOUSE / EQUIPMENT STORAGE BUILDING
EXISTING ZONING	ML
AREA OF EXISTING BUILDING FOOTPRINT (INCLUDES LOADING PLATFORM)	10,666 SF +/-
AREA OF EXISTING BUILDING TO BE RAZED (INCLUDES LOADING PLATFORM)	4,945 SF +/-
TOTAL AREA OF NEW CONSTRUCTION	6,400 SF +/-
NET ADDITIONAL BUILDING AREA	1,455 SF +/-
TAX ACCOUNT #	0319052302
DEED REFERENCE	5504/307
DEVELOPMENT APPROVAL	SITE IS EXEMPT FROM DIVISION 2 OF THE DEVELOPMENT REGULATIONS PER SECTION 26-171 (A) (7)
STORM WATER MANAGEMENT	WAIVER IS REQUESTED BASED ON NO NET ADDITIONAL IMPERVIOUS SURFACES
FLOOR AREA RATIO	12,121 SF +/- = 28 < 2.0 1.01 ACS. +/-
AMENITY OPEN SPACE	NONE REQUIRED
PREVIOUS COMMERCIAL PERMITS	UNKNOWN
SIGNAGE	NONE EXISTING OR PROPOSED @ THIS TIME HOWEVER ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 413 BCZR AND ALL SIGN POLICIES
BUILDING HEIGHT	20'
COUNCILMANIC DISTRICT	2
PREVIOUS ZONING HEARINGS	NONE



VICINITY MAP
SCALE: 1" = 2000'

PARKING TABULATION

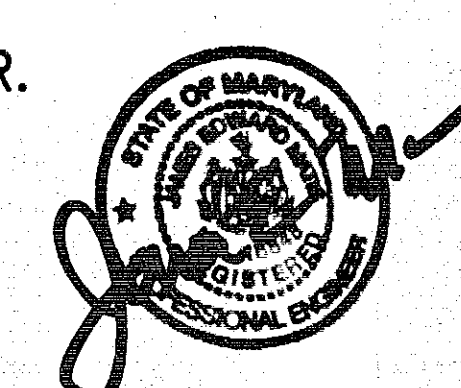
PARKING REQUIRED	12,121 SF WAREHOUSE / EQUIPMENT STORAGE
	@ 1 SP / EMPLOYEE ON LARGEST SHIFT
	@ 10 EMPLOYEES
PARKING PROVIDED	= 10 SPACES = 10 SPACES*

* SPACES 8.5' x 18' TYPICAL
PAVING SHALL BE DURABLE AND DUST FREE SURFACE AND SPACES SHALL BE PERMANENTLY STRIPED

93-413-A

423

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120



OWNER / PETITIONER
JAMES G. GREEN & BERNARD DAVIS
P.O. BOX 946
BROOKLANDVILLE, MARYLAND 21022

PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY ZONING PETITION FOR VARIANCE REQUESTS
#1507 SERPENTINE ROAD
BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT #3
SCALE 1" = 50' MAY 7, 1993

THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED FOR USE IN CONVEYANCE OF LAND OR FOR SPECIAL AGREEMENTS



423

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE LOCATION SHEET
1" = 200'

DATE OF PHOTOGRAPHY AREA NW 9-B
JANUARY 1986

93-413-A