IN RE: PETITION FOR VARIANCE N/S Chesaco Avenue, 90' SE of the c/l of Duvall Avenue (1106-1108 Chesaco Avenue) 15th Election District 7th Councilmanic District

Gertrude Roemer

described on Petitioner's Exhibit 1.

Petitioner

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 93-449-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, Gertrude Roemer, and the Contract Purchaser, Henry Roemer. The Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to create two (2) lots, each 50 feet wide, as more particularly

Appearing on behalf of the Petition were Gertrude Roemer, property owner, Henry Roemer, the Petitioner's son and Contract Purchaser, and James S. Patton, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 1106 and 1108 Chesaco Avenue, is comprised of three lots of record with a combined

gross area of 0.344 acres, more or less, zoned D.R. 5.5 and is currently unimproved. Said property is located within the Rosedale Terrace subdivi-Nion which was developed many years ago with 50-foot wide lots. The Petitioners are desirous of resubdividing the subject property to create two separate building lots for development with single family dwellings. Testimony indicated that the property has been in the Petitioner's family for many years and that the Petitioner's son intends to live in one property and sell the other. Mr. Roemer testified that the proposed dwellings will

be compatible with other homes in the neighborhood and that all other building setback requirements will be met.

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

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-

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 60 day of July, 1993 that the Petition for Variance requesting relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to create two (2) lots, each 50 feet wide, 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

TMK:bjs

Petetion for Wariance

to the Zoning Commissioner of Baltimore County

for the property located at 1106 - 1108 Chesaco Avenue

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 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)

BCZR 1B02.3C.1. To create two (2) - fifty (50) foot wide lots.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or prescribed difficulty) At present there are three (3) recorded lots of record each 50' x 100'. This variance for two (2) lots is requested prior to obtaining a re-subdivision of the three (3) lots of record into two (2) lots of record with frontage on Chesaco Avenue. To obtain two (2) lots complying with zoning regulations, a panhandle driveway could be created but it would be impractical due to topography and utility service connections and achieving compliance with setbacks.

Property is to be posted and advertised as prescribed by Zoning Regulations.

| Signature . | James S. Patton, P.E. PATTON CONSULTANTS, LTD. |
|--|--|
| Signature | Rame: Address and phone number of legal owner, contract purchasel or representative |
| · | Baltimore, MD 21237 |
| Type or Print Name) | Address Phone No |
| Atomey for Pelilioner:
NOT Required | 7922 Elmhurst Ave. |
| $\frac{B4276}{ m cay} = \frac{F40}{ m state} = \frac{272.37}{ m state}$ | e Signature |
| Address | (Type c: Frint Name) |
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| MEDICAL DE ROMANION DE PROPERTO DE PROPERT | GARTRUDE KOEMER |
| iantraal Purchnoer/Lessae. | legal owner(s) of the property which is the subject of this Pelition. Legal Owner(s): |
| | Wife go solemnly declare and affirm, under the penalties of perjury, that time are the |
| | |

43-449-A Patton Consultants, Ltd. 305 West Chesapeake Avenue • Suite 118 • Towson, MD 21204 (410) 296-2140 • FAX (410) 296-0419 ZONING DESCRIPTION FOR 1106-1108 Chesaco Avenue (address) Election District 15 Councilman District 7 Beginning at a point on the <u>North</u> side of (north, south, east or west) Chesaco Avenue Chesaco Avenue which is 30 feet (street on which property fronts) (number of ft. of right-of way width) of <u>90 feet</u> <u>southeast</u> of the (number of feet) (north, south, east or west) wide at a distance of 90 feet centerline of the nearest improved intersecting street Duvall Avenue which is 30 feet wide. (name of street) (number of feet of right-of-way width) Being Lot #160, 161 & 162, Block _____, Section # C in the subdivision of <u>Rosedale Terrace</u> containing 15,000 * square feet (0.344 * acres). (square feet and acres).

> Site Planners and Engineers Site Evaluation • Land Development Consulting • Expert Testimony • Zoning

CERTIFICATE OF POSTING ZOHING DEPARTMENT OF BALTIMORE COUNTY Petitioner: Gertrude 4 Honry Kormer Location of property: 1104-08 Choseco Ara - M/s, 90' sel DuvallAra Location of Signs: Tarray You & play, or paperly of Politioners

Case Number: 93-449 A (Item 454) 1106-1108 Chesaco Avenu

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 1, 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 ____ successive weeks, the first publication appearing on July 1993

THE JEFFERSONIAN.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

July 26, 1993

(410) 887-4386

Ms. Gertrude Roemer 7922 Elmhurst Avenue Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE N/S Chesaco Avenue, 90' SE of the c/l of Duvall Avenue (1106 and 1108 Chesaco Avenue) 15th Election District - 7th Councilmanic District Gertrude Roemer - Petitioners Case No. 93-449-A

Dear Ms. Roemer:

TMK:bjs

File

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,

Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

ITEM 454 Date 6-16-93 93-449-7 Number) CM GERTRUDE ROEMER - 1106-1108 ChESALO ALE

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

JUNE 25, 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

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

CASE NUMBER: 93-449-A (Item 454) 1106 - 1108 Chesaco Avenue N/S Chesaco Avenue, 90' SE of c/l Duvall Avenue 15th Election District - 7th Councilmanic Legal Owner(s): Gertrude Roemer Contact Purchasr(s): Henry Roemer

Variance to create two 50 fcot wide lots.

HEARING: TUESDAY, JULY 20, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

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cc: Gertrude Roemer/Henry J. Roemer/7922 Elmhurst Avenue/Baltimore MD 21237 Patton Consultants, LTD/305 W Chesapeake Ave #118/Towson MD 21204

NOTES: (1) ZONING SIGN & POST HUST 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. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

144 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 14, 1993

Mr. James S. Patton, P.E. Patton Consultants, Ltd. 305 W. Chesapeake Avenue Towson, MD 21204

> RE: Case No. 93-449-A, Item No. 454 Petitioner: Gertrude Roemer and Henry Roemer Petition for Variance

Dear Mr. Patton:

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 June 17, 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.



O. James Lighthizer Secretary Hal Kassoff Administrator

6-24-93

Re: Baltimore County

Dear Ms. Kehring:

Ms. Helene Kehring

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

County Office Building

Room 109

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.

Engineering Access Permits

My telephone number is _____ 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: June 28, 1993

SUBJECT: 1106-1108 Chesaco Avenue

INFORMATION

Item Number: Petitioner: Property Size: Zoning:

Hearing Date:

Requested Action:

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.

454.ZAC/ZAC1

Pg. 1 .

6235-93 : BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE N/S Chesaco Ave., 90' SE of C/L OF BALTIMORE COUNTY Duvall Ave. (1106-1108 Chesaco :

Ave.), 15th Election District, 7th Councilmanic District : Case No. 93-449-A

GERTRUDE ROEMER, Owner HENRY ROEMER, Contract Purchaser

ENTRY OF APPEARANCE

: : : : : :

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Peter Max Zomen People's Counsel for Baltimore County

Carole S. Demilio Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-2188

I HEREBY CERTIFY that on this 13th day of July , 1993, a copy of the foregoing Entry of Appearance was mailed to Gertrude Roemer, 7922 Elmhurst Ave., Baltimore, MD 21237; and Henry Roemer, 7922 Elmhurst Ave., Baltimore, MD 21237.

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

TO: Zoning Advisory Committee Captain Jerry Pfeifer

SUBJECT: July 06, 1993 Meeting

93-449-A 7/20

Building shall be in compliance with 1991 Life Safety Code

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PLEASE PRINT CLEARLY HENRY ROEMER 7922 ELMHURST AVE 21237 GERTRUDE ROEMER 7924 ELMHURST AVE 21237 JAMES S. PATTON 305 W. CHESAPEAKE ANG-STELLS 21204

| Plat to accompany Petition for Zoning Varianc | e Special Hearing |
|--|---|
| plat book# 3 ,follo# 90 ,lot# 162, section# C | 40) |
| OWNER: GERTRUDE ROEMER & HENRY ROEMER 8'San. N 37° 59'W 100.0' | e Jewish SITE |
| 8 DEED-1555/550 8 | The GILHORE AND SEDAPE |
| 8 TAX ACCIPIS - 18 - 471305 8 8 8 8 8 7 7 7 7 7 7 7 7 7 7 7 7 7 7 | TERRACE Vicinity Map acale: 1'-1000' |
| 28' 28' 28' 28' 28' 28' 28' CLYD5 | LOCATION INFORMATION Election District: 15 Councilmante District: 7 |
| CLARENCE EY SO | 17-200' scale map#: []=-2F. Zoning: DR5.5 |
| GLB 3063/137 0 #1108 #1106 #1106 IN 1555/545 2061/360 Z Z SEE HRW 85-216-4 1 0 15-18-471304 15-18-471303 Z Z Z Z Z Z Z Z Z | Lot alze: 0.344 15000 acreage square feet |
| 625 to Pulaski Hwy 50.00 #1108 #1108 50.00 1 80' to Gilmore Ave. 90' to DuVall Ave 531° 59' E 100.0' | WATER: X |
| CHESACO (30') AVENUE (EX 12"Water | Prior Zoning Hearings: None of Record Zoning Office USE ONLY! |
| North date: <u>6/15/93</u> prepared by: PATTON CONSULTANTS, Ltd. Scale of Drawing: 1"= 40" | roviewed by: ITEM #: CASE#: |
| Established J.D.C. 444. File Cash Control of the Cash State of the Cash Cash Cash Cash Cash Cash Cash Cash | |

