FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

This matter comes before the Zoning Commissioner as an administrative variance filed by Joseph V. Anthony and Wendy Anthony, his wife, for that property known as 2806 Alabama Avenue in the Revised Plat of Rosemont subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft., in lieu of the required 10 ft., in a D.R.5.5 zone, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this are day of August, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 ft., in lieu of the required 10 ft., in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The 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.

LES:mmn

ZONING COMMISSIONER FOR BALTIMORE COUNTY

ORDER Date By

ZONING DESCRIPTION FOR 2806 ALABAMA AVENUE 13th ELECTION DISTRICT, 1st COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the northeast side of Alabama Avenue which is laid out 50 feet wide at the distance of 225 feet northwest of the centerline of Anne Arundel Street which is laid out 50 feet wide. Being lot 39 and part of lot 40, Section C in the subdivision of "Rosemont" as recorded in Baltimore County plat book #7, folio #100, containing 4636 +/- square feet or 0.106 +/- acres.



Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 24, 1993

Mr. and Mrs. Joseph V. Anthony 2806 Alabama Avenue Baltimore, Maryland 21227

> RE: Petition for Administrative Variance Case No. 94-31-A 2806 Alabama Avenue

Dear Mr. and Mrs. Anthony:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative 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

Posted for:	Veriance	Date of Posting. \$\frac{\gamma/6/93}{}\$
Petitioner:	Joseph + Wex	4 Anthony a Aro, 225 NW Arx Brown 5h
Location of propert	7 2806 Aleben	a Ara, 225 NW/ Arre Arred 15h
Location of Signs:	Facing rood way	par proporty of Patitains
Remarks:		

Ballimore (
 100 stat, wary land 21204

talies on

1 RES VAR FILING FEE CODE 020 \$50.00 1 SIGN POSTING FEE. CODE 080 35.00 70TAL 85.00

OWNER J. ANTHONY LOC. 2806 ALABAMA AVE.

Please Make Checks Payable To: Baltimore @BURD #0907AMCMR02 93 #95.00

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2806 Alabama Avenue, Baltimore, MD 21227 which is presently sened D.R.5.5

The 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 Verience from Section(s) 1802.3.C.1. to permit a side yard setback of 5 feet in lieu of the required 10 feet, and he permit I let with the are a me her or the required 55'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following researc: (Indicate hardship or A portion of your petitioners' real property was ceded to their adjoining neighbor, Florence R. Mackin, by Consent Decree dated December 22, 1992 of the Circuit Court-Baltimore County. See attached copy of the said Consent Decree. As a result, petitioners are unable to comply with the required 10 foot side yard setback requirement of the County Zoning Ordinance, as they only have five feet left on the side. I ken ist for the let on the I, or we, agree to pay expenses of above Variance advertising, poeting, etc., upon filing of this petition, and further agree to end are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser A seese	legal ownerful of the property which is the subject of this l'attion Legal Ownerful:
(Type or Print Name)	Joseph V. Anthony
Bigneture	Saret & Sarrow
	Sandure /
Address	Wendy Anthony
	(Type or Print Name)
	M. audla M. Donthaus
City Blate Zipcode	Migrature
Altoney In Petitioner:	
Robert J. Parsons, II	2806 Alabama Avenue
_	Address . Phone No
Rolymont J. Parmer I	Baltimore, MD 21227
Bignature	Chy 410-789-7341 Brate Mame, Address and phone number of representative to be contacted
Rogers, Parsons & Snouffer, P.A.	and the conditional
6 S. Calvert Street	Robert J. Parsons, II
Phone No.	Name
Baltimore, MD 21202	6 S. Calvert Street
410-727-4456	Address Phone No.
A Public Mandagh Landagh	Baltimore, MD 21202 (727-4456)
that the subject matter of this nettles he set to a matter to be required. It is ordered	by the Zoning Commissioner of Britimore County, this

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

August 13, 1993

Robert J. Parsons, II, Esquire Rogers, Parsons & Snouffer, P.A. 6 South Calvert Street Baltimore, Maryland 21202

RE: Case No. 94-31-A, Item No. 37 Petitioner: Joseph V. Anthony, et ux Petition for Administrative Variance

Dear Mr. Parsons:

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 August 8, 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.

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) in/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at __2806 Alabama Avenue

That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative

A portion of your petitioners' real property was ceded to their adjoining neighbor, Florence R. Mackin, by Consent Decree of the Circuit Court for Raltimore County dated December 22, 1992. A copy of the said Consent Decree is annexed hereto and made a part hereof, marked "Exhibit A". As a result of this Court-ordered conveyance of five feet of their property to Ms. Mackin, your petitioners are unable to meet the requirements of 1B.O.2.3.C.1. for a 10 foot side yard setback on their property, as they now have only five foot left on the side likewise For the lot windth

Baltimore, MD 21227

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: of Maryland, in and for the County aforesaid, personally appeared $_{19}93$, before me, a Notary Public of the State

Joseph V. Anthony and Wendy Anthony the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my band and Notarial Seal



O. James Lighthizer Hal Kassoff Administrator

7 39 43

Ms. Helene Kehring Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towcon Maryland 21204

Re: Baltimore County Item No.: * 37 (JLL

Dear Ms. Kehring:

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,

Let small John Contestabile, Chief 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

Rogers, Parsons & Snouffer, P.A.

ATTORNEYS-AT-LAW A PROFESSIONAL ASSOCIATION SIX SOUTH CALVERT STREET BALTIMORE, MARYLAND 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: July 29, 1993

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

Petitions from Zoning Advisory Committee

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

Item Nos. 9, 11, 12, 18, 19, 21, 24, 25, 26, 29, 32, 33, 34, 37 and 39. 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.

PK/JL:lw

ZAC.9/ZAC1

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

Charline

Zoning Advisory Committee DATE: August 3, 1993 Captain Jerry Pfeifer

No Comments

SUBJECT: August 9, 1993 Meeting

No Comments No Comments No Comments

No Comments No Comments

Building shall comply with the 1991 Life Safety Code.

Surface for Fire Department access shall be paved and capable of handling 50,000 lbs. on 2 axles.

No Comments

No Comments

No Comments

Baltimore County Covernment Office of Zoning Administration and Development Management

(410) 887 3353

JULY 28, 1993

111 West Chesapeake Avenue

Towson, MD 2120 r

NOTICE OF CASE NUMBER ASSIGNMENT

Joseph V. Anthony and Wendy Anthony 2806 Alabama Avenue Baltimore, Maryland 21227

CASE NUMBER: 94-31-A (Item 37) 2806 Alabama Avenue NE/S Alabama Avenue, 2251 NW of Anne Arundel Street

13th Election District - 1st Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

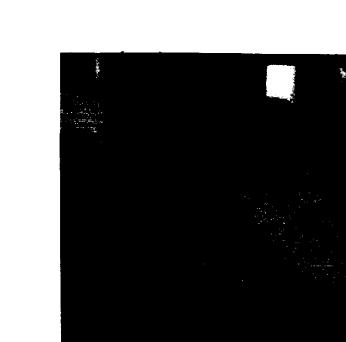
1) Your property will be posted on or before August 8, 1993 . The closing date (August 23, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

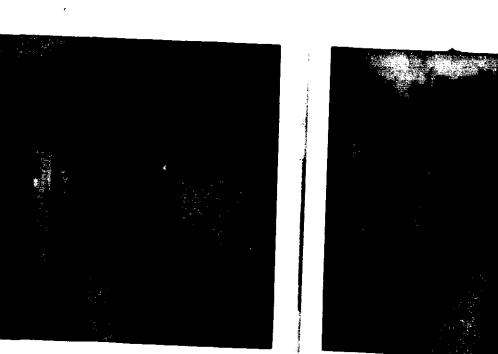
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baitimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

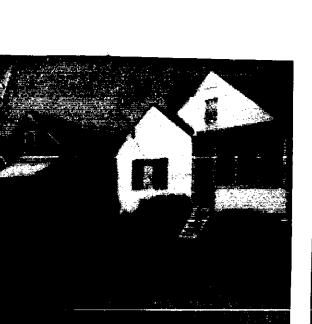
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

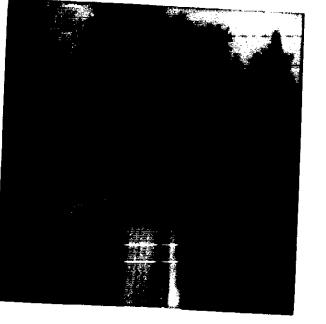
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

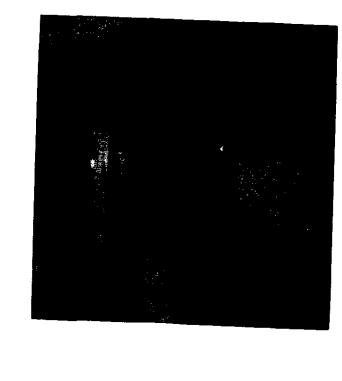
cc: kobert J. Parsons, 11, Esq.



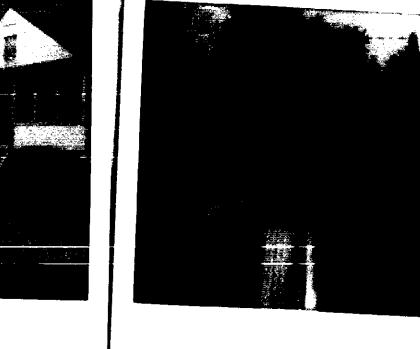


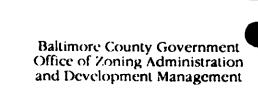












111 West Chesapeake Avenue

Towson, MD 21204

October 7, 1993

Baltimore County Government Office of Zoning Administration and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

call if anything further is needed.

RE: Case No. 94-31-A, Item No. 37 Petitioners: Joseph V. and Wendy Anthony Property: 2806 Alabama Avenue Petition for Administrative Variance

Dear Sir or Madame:

WILLIAM C ROGERS, JR

ROBERT J PARSONS, II

JOHN PAUL ROGERS

ELROY J SNOUFFER *ADMITTED MD. PA. D.C.

This law firm represents the petitioners in the above captioned case, Joseph V. and Wendy Anthony.

We have been advised that an Order has been entered granting my clients' Petition for an Administrative Variance by the Zoning

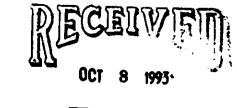
Thank you for your kind attention to this matter. Please

Please send me a copy of the signed Order in the enclosed self-addressed, stamped envelope for my file.

Very truly yours,

Robert J. Parsons, II

RJP, II/cmb Enclosure



ZADM

TELEPHONE:

410-727-4456

(410) 887-3353 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 37
Petitioner: Theeph V. and Wendy Anthony
Location: 2804 Alabama Ave. Baltu, may 21227
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Robert J. Parsons, II, Ey. Pounty Phones, I
ADDRESS: 6 South Colvert St.
Balta, mr. 21207
PHONE NUMBER: (4/0) 727-4456 ext. 47

(Revised 04/09/93)

PROPERTY ADDRESS: * 2800 ALABAMA AVENUE

Subdivision name: REVISED PLAT OF ROSEMONT

plat book# 7 ,follo# 100 ,lot#3940 ,section# C OWNER: DEEPH V. + WENDY ANTHONY * HEW PROPERTY LINE AS ORDERED BY COUSELIT DECREE FILED IN CIRCUIT COURT LIBER 9615, FOLIO 306 MTC. **LOCATION INFORMATION** Councilmanic District: 1 1 1"-200" scale map#: B-G 5W

Plat to accompany Petition for Zoning Variance Special Hearing

date: 5-26-93
prepared by: JST Engineering G Jac Scale of Drawing: 1'= 30'

Zoning Office USE ONLY!

