

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Browns Terrace, 378 ft. E. ZONING COMMISSIONER
of c/l Shelbourne Road
113 Browns Terrace
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District
Legal Owner: Lelia F. Lowe * Case Nos. 94-36-A
Contract Purchaser: RRIG Corp.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 113 Browns Terrace in the Browns Terrace residential subdivision of Baltimore County. The Petition is filed by the legal owner of the property, Lelia F. Lowe, and the contract purchaser, RRIG Corporation. The Petition seeks relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of a dwelling to be located 10 ft. from the rear lot line, in lieu of the required 30 ft., and to permit a single dwelling to be located on two lots of record. The relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing for this case was Alexander P. Ratych, a land surveyor. Mr. Ratych represents the contract purchaser/builder, RRIG Corporation. The Petitioner was represented by Julius W. Lichter, Esquire. Appearing as interested parties were several residents of the surrounding locale. These included Evelyn S. Revels, Dorothy V. Briscoe and Helen P. Moore. There were no Protestants present.

Mr. Ratych testified and presented the plan. He indicated that the Browns Terrace subdivision is an older subdivision, having been recorded in the Land Records of Baltimore County in 1944. The subdivision is comprised of 24 lots most of which are improved. The subject Petition references lots Nos. 10 and 11. These two lots are unimproved. When combined,

they are roughly, triangularly shaped and total .2379 acres in area. The property is zoned D.R.5.5. The builder proposes constructing a single family house on the two lots at a precise location, as shown on the site plan. The house will front Browns Terrace, which ends in a cul-de-sac at this location. Due to the configuration of the lot, as well as the cul-de-sac frontage, the proposed dwelling will be pivoted so as to front the cul-de-sac. The pivoting of the house, as shown on the site plan, necessitates a 10 ft. rear yard setback. Mr. Ratych also stated that the house will not be constructed until a buyer is found and that the rear portion of the property will be maintained as much as practical so as to ensure proper buffering and landscaping from houses located to the rear of the site, which fronts Sulphur Spring Road.

As to the neighbors who attended the hearing, they do not particularly object to the proposed variance. Rather, they appeared at the hearing to have several questions answered relating to the proposed dwelling. It appears that these questions were answered to their satisfaction.

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.

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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 1st day of September, 1993 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a portion of a dwelling to be located 10 ft. from the rear lot line, in lieu of the required 30 ft., and to permit a single dwelling to be located on two lots of record, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk

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until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING

Date 9/1/93
By Mr. Ratych

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Date 9/1/93
By Mr. Ratych

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Date 9/1/93
By Mr. Ratych

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
September 1, 1993

Julius W. Lichter, Esquire
Levin and Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204
RE: Case No. 94-36-A
Petition for Variance
Property: 113 Browns Terrace
Lelia F. Lowe, Legal Owner
Contract Purchaser: RRIG Corporation, Petitioner

Dear Mr. Lichter:

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.
cc: Mr. Alexander P. Ratych, 7427 Harford Road, Baltimore, Md. 21227
Mrs. Evelyn S. Revels, 1111 Sulphur Spring Road, Balto. Md. 21227
Mrs. Dorothy V. Briscoe, 1108 Sulphur Spring Road, Balto. Md. 21227
Mrs. Helen P. Moore, 105 Browns Terrace, Baltimore, Md. 21227



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 113 Browns Terrace
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 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) 1802.3.C.1 to: permit a portion of a dwelling to be located 10 feet from the rear lot line in lieu of the 30 feet required; and permit a single dwelling to be located on two lots of record.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Irregular shape of existing lots;
2. Narrowness of existing lots;
3. Resultant decrease in density; and
4. Such other factors as will be presented at the time of the hearing on this Petition.

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:
RRIG Corporation
By: Isaac Geiler, President
3403 Old Post Road
Baltimore, MD 21208

Julius W. Lichter, Esquire
By: Julius W. Lichter, Esquire
305 West Chesapeake Avenue
Baltimore, Maryland 21204
Attorney's Phone No.: (410) 321-6600

Legal Owner:
Lelia F. Lowe
By: Lelia F. Lowe
By: Apt 22-0
626 Riverside Drive
New York, New York 10031
City, address and phone number of legal owner, contract purchaser or representative to be contacted
Julius W. Lichter, Esquire
LEVIN & GANN, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
Tel.: (410) 321-6600

No REVIEW
9-20-93
WCR



ZONING DESCRIPTION FOR 113 BROWNS TERRACE
ELECTION DISTRICT 13th COUNCILMANIC DISTRICT 1st

BEGINNING AT A POINT on the south side of Browns Terrace which is 40 feet wide at a distance of 378 feet east of the centerline of the nearest improved intersection street Shelbourne Road which is 40 feet wide. Being lots 10 & 11 in the subdivision of Browns Terrace as recorded in Baltimore County Plat Book # 13, Folio # 95 containing 10,365 square feet and 0.2379 acres:

32

7427 Harford Road
Baltimore, Maryland 21284-7100
Phone: 444-4215
Fax: (410) 444-1847

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: 9/1/93
Posted for: RRIG Corp.
Petitioner: Lelia F. Lowe
Location of property: 113 Browns Terrace, 3/4, 378 ft. Shelbourne Rd.
Location of Sign: Along the side of property of RRIG Corp.
Remarks: None
Posted by: Mr. Ratych Date of return: 9/1/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/5, 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 9/5, 1993.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON



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

receipt

Account: R0016150

Number

ITEM 432 (WCR)

Date 7/20/93

2010 - VARIANCE \$50.00
4050 - SIGN POSTING \$35.00
TOTAL \$85.00

Legal Owner: Lelia F. Lowe
C/O: RRIG Corporation
113 Browns Terrace
District: 13cl
Attorney: Julius W. Lichter, Levin & Gann

DROP-OFF: NO REVIEW

03A03#0158M12HRC \$85.00
8A 2208453AM07-21-93

Cashier Validation

TO: PUTTYM PUBLISHING COMPANY
August 5, 1993 Issue - Jeffersonian

Please forward billing to:

RRIG Corporation
3403 Old Post Road
Baltimore, Maryland 21208
410-486-5691

NOTICE OF HEARING

The Zoning Commission 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: 94-36-A (Item 32)
113 Browns Terrace
S/S Browns Terrace, 378' E of centerline Shelbourne Road.
13th Election District - 1st Councilmanic District
Petitioner(s): Lelia F. Lowe
HEARING: TUESDAY, AUGUST 24, 1993 at 9 a.m. in Rm. 118, Old Courthouse.

Variance to permit a portion of a dwelling to be located 10 feet from the rear lot line in lieu of the 30 feet required; and to permit a single dwelling to be located on two lots of record.

Lawrence E. Schmidt
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

JULY 28, 1993

(410) 887-3353

NOTICE OF HEARING

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CASE NUMBER: 94-36-A (Item 32)
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Variance to permit a portion of a dwelling to be located 10 feet from the rear lot line in lieu of the 30 feet required; and to permit a single dwelling to be located on two lots of record.

Carl Jablon

Arnold Jablon
Director

cc: Lelia F. Lowe
RRIG Corporation
Julius Lichter, Rep.

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

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 13, 1993

Julius W. Lichter, Esquire
Levin & Gann, P.A.
305 West Chesapeake Ave
Towson, Maryland 21204

RE: Case No. 94-36-A, Item No. 32
Petitioner: Lelia F. Lowe, et al
Petition for Variance

Dear Mr. Lichter:

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 July 20, 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

7-29-93

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

Re: Baltimore County
Item No. 432 (WCR)

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,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

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 and
Development Management

DATE: July 29, 1993

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):

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.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kenna*

PK/JL:lw

ZAC.9/ZAC1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: August 3, 1993

FROM: Captain Jerry Pfeiffer

SUBJECT: August 9, 1993 Meeting

- #29 No Comments
- #30 No Comments
- #31 No Comments
- #32 No Comments
- #33 No Comments
- #34 No Comments
- #35 Building shall comply with the 1991 Life Safety Code.
- #36 Surface for Fire Department access shall be paved and capable of handling 50,000 lbs. on 2 axles.
- #37 No Comments
- #38 No Comments
- #39 No Comments

JP/dmc

RECEIVED
AUG 5 1993
ZADM

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Browns Terrace, 378' E of : OF BALTIMORE COUNTY
C/L Shelbourne Rd. (113 Browns :
Terrace), 13th Election District : Case No. 94-36-A
1st Councilmanic District

LELIA F. LOWE, Owner
RRIG CORPORATION, Contract
Purchaser

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned 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 Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
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 18th day of August, 1993, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, Levin & Gann, P.A., 305 W. Chesapeake Ave., Suite 113, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
AUG 19 1993
ZADM

