

IN RE: PETITION FOR VARIANCE
 N/S Dogwood Road, 151' E of
 the c/l of Featherbed Lane
 (6734 Dogwood Road)
 2nd Election District
 2nd Councilmanic District
 Melvin Gladney, et ux
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 94-124-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, Melvin and Parmie Gladney. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the minimum required 7.5 feet for an existing open patio, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Melvin and Parmie Gladney, property owners. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as 6734 Dogwood Road, consists of 4,802 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and attached open patio, which is the subject of this case. The instant Petition was filed as a result of a complaint registered with the Zoning Administration and Development Management (ZADM) office by the adjoining property owner on the affected side as to the subject patio. Testimony indicated that the patio was constructed approximately four years ago without benefit of a building permit. The Petitioner testified that the adjoining property owner has resided on his property for the past two years and that there were no prior complaints until now. The Petitioner believes that his neighbor registered a complaint against him because he filed a complaint against his neighbor for

violations on his property. Further testimony indicated that the patio has an awning roof with gutters and downspouts to divert any water runoff towards Dogwood Road.

It should be noted that although the instant Petition was filed as a result of a complaint registered by the adjoining property owner, no one appeared at the hearing in opposition to the Petitioners' request and there were no adverse comments from any County agency.

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).

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. Testimony established that the subject patio has existed on the property for the past four years without prior complaint. Furthermore, appropriate gutters and downspouts were added to the structure to divert any water runoff away from the adjoining property and towards Dogwood Road. To deny the relief requested would result in

practical difficulty and unreasonable hardship for the Petitioners. Furthermore, the variance requested will not cause any injury to the public health, safety or general welfare and 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 4th day of November, 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 permit a side yard setback of 0 feet in lieu of the minimum required 7.5 feet for an existing open patio with roof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) The patio shall remain open on the three exposed sides and shall not be enclosed without a future public hearing to determine the appropriateness of same.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kofroco
 TIMOTHY M. KOFROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
 Date 11/16/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 11/16/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 11/16/93
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21284

(410) 867-4396

November 4, 1993

Mr. & Mrs. Melvin Gladney
 6734 Dogwood Road
 Baltimore, Maryland 21207

RE: PETITION FOR VARIANCE
 N/S Dogwood Road, 151' E of the c/l of Featherbed Lane
 (6734 Dogwood Road)
 2nd Election District - 2nd Councilmanic District
 Melvin Gladney, et ux - Petitioners
 Case No. 94-124-A

Dear Mr. & Mrs. Gladney:

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 in the above-captioned matter, 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. Kofroco
 TIMOTHY M. KOFROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

cc: Mr. David Watson
 6732 Dogwood Road, Baltimore, Md. 21207

People's Counsel

File

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: 11/16/93
 Posted for: Variance
 Petitioner: Melvin & Parmie Gladney
 Location of property: 6734 Dogwood Rd., N/S of Featherbed Lane
 Location of Sign: Posting on subject property being issued
 Remarks:
 Posted by: [Signature] Date of return: 11/16/93
 Number of Signs: 7

53

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 6734 Dogwood Rd.
 which is presently zoned D.R. 5.5

94-124-A
 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 hereby and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1, B.C.Z.R., TO PERMIT A ZERO, SIDEYARD SETBACK IN LIEU OF THE REQUIRED 7.5 (301.1.A, B,C,E).

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

To Be Developed at Hearing.

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.

Correct Purchaser Name
 Legal Owner(s)
 Signature
 Address
 City State Zipcode
 Attorney for Petitioner
 Name, Address and phone number of representative to be contacted
 Signature
 Address
 City State Zipcode
 Name, Address and phone number of representative to be contacted
 Signature
 Address
 City State Zipcode

MELVIN GLADNEY
 Parmie Gladney
 6734 Dogwood Rd 298-2726
 Baltimore MD 21207
 MELVIN GLADNEY
 6743 Dogwood Rd 298-2726

OFFICIAL USE ONLY
 DISTRICT LENGTH OF HEARING
 Date following date available for hearing
 All other information
 Date 9-15-93

ORDER RECEIVED FOR FILING
 Date 11/16/93
 By [Signature]

EXAMPLE 3 - Zoning Description - 3 copies

These copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 6734 Dogwood Rd.
 (address)
 Election District 2 Councilmanic District 2

Beginning at a point on the North side of Dogwood Rd. which is 50' (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 151' East of the centerline of the nearest improved intersecting street Featherbed Ln. (name of street) which is 30' wide. *Being Lots 21, 20 Block A, Section 7 in the subdivision of RICHARDSON HEIGHTS as recorded in Baltimore County Plat Book # 7, Folio # 140, containing 4,802 sq. ft. (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E. 87.2 ft., S.62 18' 00" E. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

7

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/30/93

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 9/30/93.

A. Hennehan
 LEGAL AD. - TOWSON

Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21284

ITEM 226
 121

receipt

Date 9-15-93 94-124-A
 Account # 001-6180
 Number SCW

MELVIN GLADNEY 6734 Dogwood Rd.
 VARIANCE (010) 50.00
 POSTING (090) 35.00
 85.00

0240280088M1CHRC
 030179909-15-93 \$85.00
 Please Make Checks Payable To Baltimore County

Order Reference

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (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:

- 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.

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

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 121
Petitioner: MEVIN GLADNEY
Location: 6734 Dogwood Rd., BALTO, Md. 21207

PLEASE FORWARD ADVERTISING BILL TO:
NAME: SAME
ADDRESS: _____
PHONE NUMBER: 298-2726

JA:ggg (Revised 04/09/93)

TO: FUTURITY PUBLISHING COMPANY
September 20, 1993 Issue - Jeffersonian

Please forward billing to:
Melvin Gladney
6734 Dogwood Road
Baltimore, Maryland 21207
410-298-2726

COPY

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: 94-124-A (Item 121)
6734 Dogwood Road
N/S Dogwood Road, 151' +/- E of c/1 Featherbed Lane
2nd Election District - 2nd Councilmanic
Petitioner(s): Melvin Gladney and Parmie Gladney
HEARING: TUESDAY, NOVEMBER 2, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a zero side yard setback in lieu of the required 7.5 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Melvin and Parmie Gladney

NOTES: (1) HEADINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) HEADINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 SEP. 23 1993 (410) 887-3353

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Variance to permit a zero side yard setback in lieu of the required 7.5 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Melvin and Parmie Gladney

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEADINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 22, 1993

Mr. and Mrs. Melvin Gladney
6734 Dogwood Road
Baltimore, Maryland 21207

RE: Case No. 94-124-A, Item No. 121
Petitioner: Melvin Gladney, et al
Petition for Variance

Dear Mr. and Mrs. Gladney:

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 September 15, 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.

- 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 petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-22-93

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

Re: BALTO. CO.
Item No. # 121 (JCM)

Dear Ms. Minton:

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 project.

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

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21208-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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: October 1, 1993

SUBJECT: 6734 Dogwood Road

INFORMATION:

Item Number: 121
Petitioner: Melvin Gladney
Property Size: _____
Zoning: D.R. 5-5
Requested Action: _____
Hearing Date: 11

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends future enclosure of the patio be restricted.

Prepared by: *Jeffery M. G.*
Division Chief: *Gary C. Keras*
PK/JL:lw

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204 SEPTEMBER 28, 1993 (410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

RE: Property Owner: Clarence Cox
Location: #2929 Eastern Boulevard
Item No.: #113 (MJK)
No Comments.

RE: Property Owner: Jacqueline Lois LeConte
Location: #3 St. Timothy's Lane
Item No.: # 118 (RT)
1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Sprinklers shall be installed in accordance with MD State Code, State Bill #659.

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan
Location: #4342 Penn Avenue
Item No.: #119 (RT)
No Comments.

RE: Property Owner: Dorothy M. Beaman
Location: #1402 Edmondson Avenue
Item No.: # 120 (JCM)
No Comments.

RE: Property Owner: Melvin Gladney and Parmie Gladney
Location: #6734 Dogwood Road
Item No.: 121 (JCM)
No Comments.

RE: Property Owner: Sandra Andrejak
Location: NE/S Stemmers Run Road & #613 (Norris Lane - Kenwood's)
Item No.: #122 (WCR) & 123 (WCR)
No Comments.

RE: Property Owner: William Hirshfeld and Loretta Hirshfeld
Location: #15 Harry Hill Court
Item No.: 124 (JLL)
No Comments.

RE: Property Owner: Harry Lichtman
Location: #2708 #16 Old North Point Boulevard
Item No.: #125 (WJK)
No Comments.

RE: Property Owner: Lawrence Walter Krastel and Jane Cecelia Krastel
Location: #13014 Gent Road
Item No.: #126 (JLL)
No Comments.

RE: Property Owner: Lorenz F. Nowack and Helen J. Nowack
Location: #13 Prettyboy Garth
Item No.: #127 (JRF)
No Comments.

RE: Property Owner: Denise Gulino & Robert Gulino
Location: #9544 Hickory Falls Way
Item No.: 128 (JRF)
No Comments.

RE: Property Owner: W. Curtis Russell and Sarah B. Russell
Location: #333 West Seminary Avenue
Item No.: #129 (JJS)
No Comments.

Pursuant to your request, the referenced properties have been surveyed by this Bureau and the comments above are applicable and required to be corrected or incorporated into the final plans for the property.

Reviewed by: *RPS/keh*
Fire Prevention Bureau
Robert P. Sauersfeld (vsg)

RPS/keh

