

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
 W/S Symphony Woods Court, 130' N of the c/l of Cedarside Farm (4 Symphony Woods Court) \* DEPUTY ZONING COMMISSIONER  
 11th Election District \* OF BALTIMORE COUNTY  
 5th Councilmanic District \* Case No. 94-150-A  
 Cedarside Farm Joint Venture \*  
 Petitioner \*

**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, Cedarside Farm Joint Venture, by Kim Strutt, and the Contract Purchaser, Landcon, Inc., by Richard M. Yaffe, President. The Petitioner seeks relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a building to building distance of 20 feet in lieu of the required 30 feet for building heights of 25 feet to 30 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petitioners were Steven M. Rosen, Esquire, and Richard E. Matz, Professional Engineer. Appearing as interested parties were Moises R. and Arlynnne M. N. Mariano, adjoining property owners. There were no Protestants.

Testimony and evidence presented revealed that the subject property, known as 4 Symphony Woods Court, consists of 0.1771 acres zoned D.R. 5.5 and is currently unimproved. The Petitioner has entered into a contract to develop the property with a single family dwelling in accordance with Petitioner's Exhibit 1. However, due to the size of the lot and its location on a curve, the relief requested is necessary in order to build a home compatible with other homes in the neighborhood and meet the needs of

the prospective buyer. Testimony revealed that there were apparently other styles of dwellings that the builder could construct on this lot but that the subject dwelling was the most suitable.

Ms. Arlynnne Mariano testified that she and her husband reside on the adjoining property known as 6 Symphony Woods Court. Ms. Mariano indicated that she and her husband are concerned about the close proximity of the proposed dwelling to their home.

At the close of the hearing, the Engineer for the Petitioners agreed to reconfigure the proposed dwelling and revise the site plan accordingly in an effort to address the concerns raised by the Marianos. By letter dated December 5, 1993, the Marianos advised this office that they would approve a variance for the proposed development provided a minimum setback of 27 feet from the rear of their dwelling and 30 feet from the front of their dwelling were maintained. Subsequently, a revised site plan dated December 9, 1993 was submitted by the Engineer under cover letter dated January 3, 1994 depicting the new building envelope which takes into consideration the concerns raised by the Marianos. It should also be noted that the new building envelope will maintain a distance of 20 feet from the existing dwelling at 2 Symphony Woods Court, as was the case with the original site plan.

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;

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 Date 1/27/94  
 By [Signature]

- 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. 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 5th day of January, 1994 that the Petition for Variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a building to building distance of 20 feet in lieu of the required 30 feet for building heights of 25 feet to 30 feet

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 By [Signature]

for a proposed dwelling, in accordance with the revised site plan dated December 9, 1993, 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 10-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the relief granted herein shall be rescinded.

[Signature]  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
 Date 1/27/94  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284  
 (410) 887-4386  
 January 5, 1994

Steven M. Rosen, Esquire  
 Abramoff, Neuberger & Linder  
 8826 Orchard Tree Lane  
 Baltimore, Maryland 21286

RE: PETITION FOR VARIANCE  
 W/S Symphony Woods Court, 130' N of the c/l of Cedarside Farm (4 Symphony Woods Court)  
 11th Election District - 5th Councilmanic District  
 Cedarside Farm Joint Venture - Petitioner  
 Case No. 94-150-A

Dear Mr. Rosen:

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,  
 [Signature]  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

cc: Mr. Richard E. Matz  
 3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Mr. & Mrs. Moises R. Mariano  
 6 Symphony Woods Court, Baltimore, Md. 21236

People's Counsel: F116

TMK:bjs

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at #4 SYMPHONY WOODS COURT  
 94-150-A 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) 1801.2.C.6(V.B.3)CMDF TO PERMIT A BUILDING TO BUILDING DISTANCE OF 20 FT. IN LIEU OF THE REQUIRED 30 FT. DISTANCE FOR BUILDING HEIGHTS OF 25' TO 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) COMPLIANCE WITH THE REGULATIONS WOULD NOT PERMIT THE CONSTRUCTION OF A HOUSE OF SIZE AND PRICE WHICH WOULD BE COMPATIBLE WITH THE SURROUNDING HOMES RESULTING IN THE POSSIBLE DECREASE IN THE PROPERTY VALUES OF THE NEIGHBORING DWELLINGS.

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.

Contact Purchaser/Lessee  
 LANDCON, INC.  
 [Signature]  
 RICHARD M. YAFFE, PRES.  
 8826 ORCHARD TREE LANE  
 BALTIMORE MD 21286

Legal Owners  
 CEDARSIDE FARM JOINT VENTURE  
 [Signature]  
 KIM STRUTT

Engineer  
 STEVEN M. ROSEN  
 ABRAMOFF, NEUBERGER & LINDER  
 [Signature]

Address  
 250 W. PRATT ST. 539-8300  
 BALTIMORE MD 21201

Professional Engineer  
 RICHARD E. MATZ  
 3723 OLD COURT RD. #206 653-3838  
 BALTIMORE MD 21208

ORDER RECEIVED FOR FILING  
 Date 1/27/94  
 By [Signature]

ITEM # 146

**COLBERT ENGINEERING, INC.**

3723 OLD COURT ROAD • SUITE 206  
 BALTIMORE, MARYLAND 21208  
 PHONE: (410) 653-3838  
 FAX: (410) 653-7953

94-150-A

**ZONING DESCRIPTION**

BEGINNING AT A POINT ON THE WEST SIDE OF SYMPHONY WOODS COURT WHICH IS 50 FEET WIDE AT A DISTANCE OF 130 FEET OF THE CENTERLINE OF CEDARSIDE DRIVE 60 FEET WIDE. BEING LOT 17 IN THE SUBDIVISION OF CEDARSIDE FARM AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #60 FOLIO 136 CONTAINING 7718.3 SQ. FT. OR 0.1771 ACRES. ALSO KNOWN AS #4 SYMPHONY WOODS COURT AND LOCATED IN THE 11TH ELECTION DISTRICT.

CEDAR17.ZON



ITEM # 146

CIVIL ENGINEERS • LAND SURVEYORS

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 117 Date of Posting: 1/27/94  
 Posted for: [Signature]  
 Petitioner: [Signature]  
 Location of property: [Signature]  
 Location of Sign: [Signature]  
 Remarks:  
 Posted by: [Signature] Date of return: 1/27/94  
 Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 10/21/93  
 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 10/21/93

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

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

**receipt**

Account: R-001-4180  
 Number: 146  
 RT1

9-30-93  
 #4 SYMPHONY COURT 94-150-A

CP - VARIANCE - \$ 50.00  
 OS - SIGNMENT - \$ 50.00  
 OS - SIGN - \$ 35.00  
 TOTAL - \$ 135.00

01A01M025+MICHRC \$135.00  
 RA COLL+3AM09-30-93

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21284 (410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & 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.

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

*Arnold Jablon*  
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
 Item No.: 146  
 Petitioner: CEDARSIDE FARM JOINT VENTURE  
 Location: #4 SYMPHONY WOODS COURT  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: LANDCON. INC., PETTY CASH ACCT.  
 ADDRESS: 8743 R. MYLANDER LA.  
 BALTO. MD. 21204  
 PHONE NUMBER: 825-1200

AJ:ggg (Revised 04/09/93)

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21284 (410) 887-3353

OCTOBER 13, 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 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-150-A (Item 146)  
 4 Symphony Woods Court  
 4/5 Symphony Woods Court, 130 1/2 W of c/l Cedarside Farm  
 11th Election District - 5th Councilmanic  
 Petitioner/Owner: Cedarside Farm Joint Venture  
 Petitioner/Contract Purchaser: Landcon, Inc.  
 HEARING: FRIDAY, NOVEMBER 12, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to permit a building to building distance of 20 feet in lieu of the required 30 foot distance for building heights of 25 feet to 30 feet.

*Arnold Jablon*  
 Arnold Jablon  
 Director

cc: Cedarside Farm Joint Venture  
 Richard E. Burt  
 Landcon, Inc.  
 Steven M. Rosen, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO DR. 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 21284 (410) 887-3353

November 2, 1993

Steven M. Rosen, Esquire  
 Abramoff, Neuberger & Linder  
 250 W. Pratt Street  
 Baltimore, Maryland 21201

RE: Case No. 94-150-A, Item No. 146  
 Petitioner: Cedarside Farm Joint Venture, et al.  
 Petition for Variance

Dear Mr. Rosen:

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 points 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 10, 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.

**Maryland Department of Transportation  
 State Highway Administration**

O. James Lighthizer  
 Secretary  
 Hal Kassoff  
 Administrator

16-8-93

Re: BALTIMORE COUNTY  
 Item No. 146 (RT)

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

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*  
 for John Contestabile, Chief  
 Engineering Access Permits  
 Division

BS/

My telephone number is \_\_\_\_\_  
 Maryland Relay Service for Impaired Hearing or Speech  
 1-800-735-2258 Statewide Toll Free  
 Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
 Zoning Administration and  
 Development Management

DATE: October 14, 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. 142, 143, 146, 150 and 151.

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: *Pat Keller*

PK/JL:lw

ZAC.142/PZONE/ZAC1 Pg. 1

Baltimore County Government  
 Department of Permits and Licenses

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

OCTOBER 18, 1993

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

ZONING AGENDA: MEETING OF OCTOBER 12, 1993

Property Owner: Maurice M. Boylan, Sr. and Lois M. Boylan  
 Location: #114 Northwood Drive  
 Item No.: \*142 (JRF)

George F. Sabol, IV & Ponna T. Sato  
 #18007 Marshall Mill Road  
 #143 (RT)

George J. Wimmer and Susan M. Wimmer  
 #9405 Oak White Road  
 #144 (JCM)

Paul W. Rogers and Bonnie J. Rogers  
 #1653 Frenchs Avenue  
 #145 (JRA)

Cedarside Farm Joint Venture  
 #4 Symphony Woods Court  
 #146 (RT)

Cedarside Farm Joint Venture  
 #2 Trumpet Court  
 #147 (RT)

Howard B. Miller & Linda C. Miller  
 SW/S Greenspring Avenue Between Broadway and Kelley Avenues  
 #148 (WCR)

Peter P. Colaborki and Anna H. Colaborki  
 #9121 Cuckold Point Road  
 #149 (RT)

Herbert P. Bush and Esther F. Bush  
 #4 Opie Road  
 #150 (JLL)

Herbert R. Bush and Esther F. Bush  
 #6 Opie Road  
 #151 (JLL)

Henry C. Stull and Helen A. Stull  
 #1144 Old York Road

**COLBERT ENGINEERING, INC.**  
 3723 Old Court Road - Suite 205  
 BALTIMORE, MARYLAND 21208

(410) 883-3838  
 FAX (410) 883-7993

TO: BALTIMORE COUNTY ZONING  
 DEPUTY ZONING COMMISSIONER

DATE: 10/14/93  
 NO: 93031  
 BY: TIMOTHY KOTRACO  
 LOT 17  
 94-150-A, ITEM 146

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:  
 Shop drawings  Prints  Plans  Samples  Specifications  
 Copy of letter  Change order

COPIES	DATE	NO	DESCRIPTION
1	10/13		SITE PLAN FOR LOT 17.

THESE ARE TRANSMITTED as checked below:  
 For approval  Approved as submitted  Resubmit \_\_\_\_\_ copies for approval  
 For your use  Approved as noted  Submit \_\_\_\_\_ copies for distribution  
 As requested  Returned for corrections  Return \_\_\_\_\_ corrected prints  
 For review and comment  FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS:  
 NOTE: 20' BETWEEN 16 & 17  
 27' BETWEEN 17 & 18 IN REAR 30' IN FRONT

**ZONING COMMISSIONER**  
*Richard F. Matz*

COPY TO: BOBBIE CAVEL  
 10% Performance Bond + 10% Participation Bond  
 IF CONTRACTS ARE NOT AS NOTED, SENDS COPY TO US

1/3/94  
 Spoke to Mr. Manno  
 and work was done. He  
 was able to get what he  
 needed in the 1st hearing.

6 Symphony Woods Court  
 Baltimore, Maryland  
 21206  
 December 5, 1993

Mr. Timothy Katroco  
 Deputy Zoning Commission  
 Old Courthouse, Rm #113  
 Towson, Maryland 21204

Dear Mr. Timothy Katroco

After reviewing the revised plot plan as referred to the adjacent Lot No. 17 and finally measuring the stick placements at the site, per your instructions during the court hearing of November 12, 1993 at around 9:15 A.M., my wife and I came into a final decision as follows:

1. That you may please go ahead and grant a variance for a limit in between our house and the proposed house at Lot 17, at least 27 Feet(backside) and 30 Feet(Frontside).
2. That there is enough width space for Mr. Matz and the Development Company to construct a 42 Feet wide Andrew Harris Unit at the same adjacent lot #17.
3. That it will not look good for a proposed unit having a front measurement assuming to construct less than 30ft. between our front building and the proposed bldg. other than as per item No. 1 above; the fact that the same proposed Andrew Harris Unit having a 42ft. width be constructed closer to a Jordan Grae-as the the petitioner have mentioned during the hearing.

We thank you very much.

*Matz said house is 44' wide not 42'*

Sincerely yours,  
 Mr. & Mrs. Mariano  
 (W) 225-4341  
 (H) 509-1287

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: RICHARD E. MATZ  
Steven M. Rosen

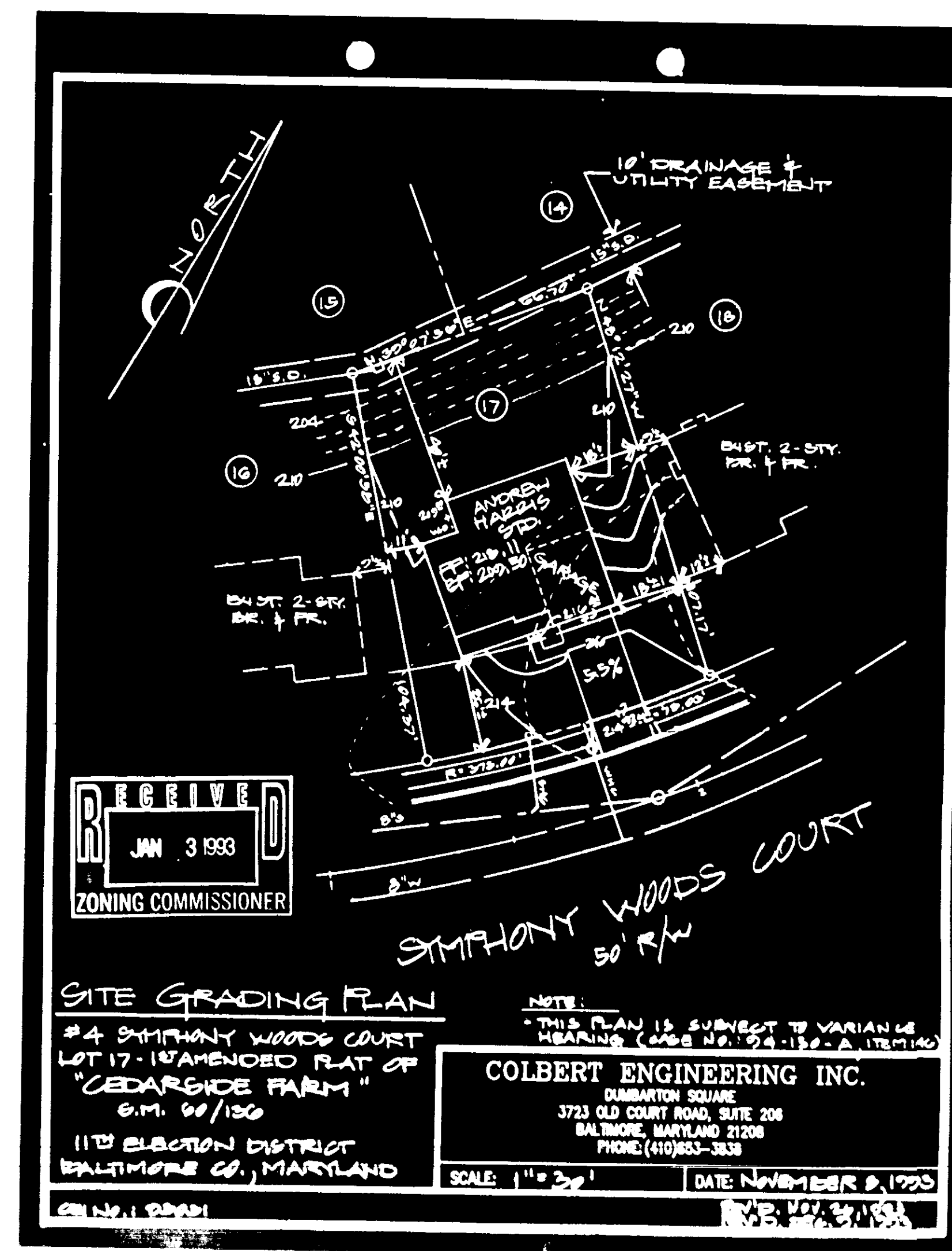
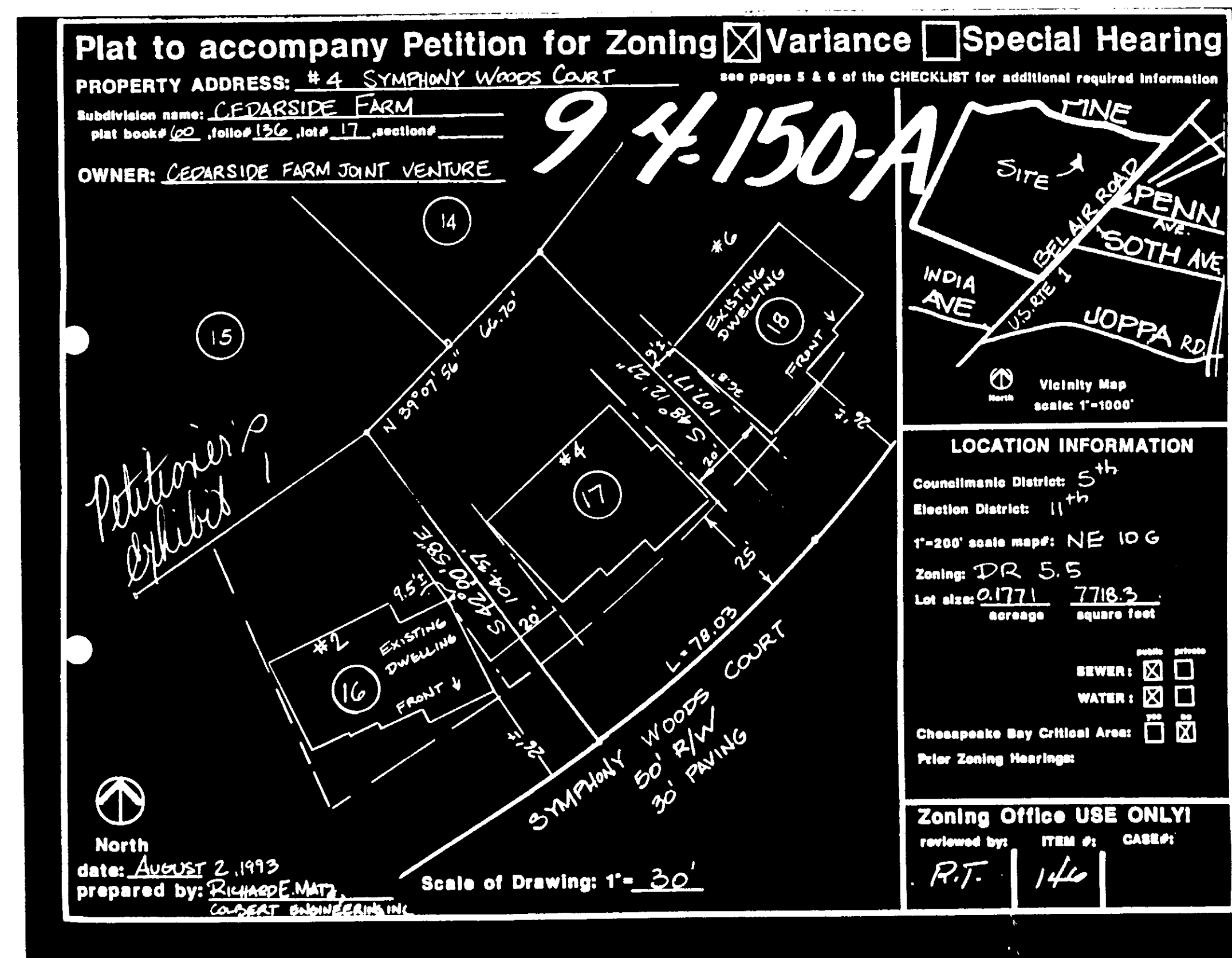
ADDRESS: SUITE 206  
3723 OLD COURT ROAD 21204  
Suite 200, 250 WINTH, Ball 21201

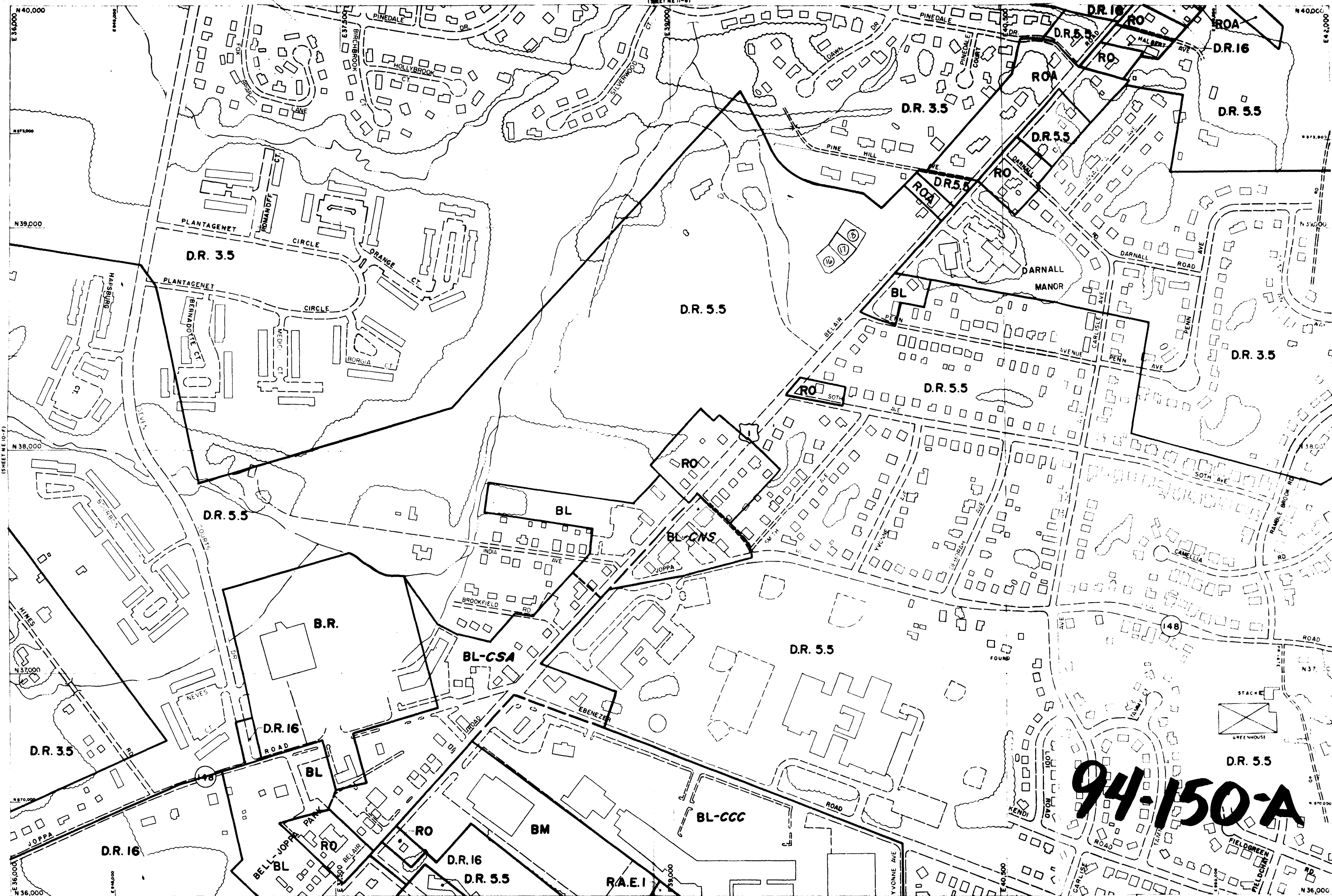
PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME: WILLSON  
APPLYING FOR A VARIANCE  
PROPOSED BY: [unclear]

ADDRESS: 4 THURPET CT 21236  
6 1/2 ft. [unclear] [unclear]





M - NW  
Q - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William A. Howard*  
Chairman, County Council

SCALE 1" = 200'	LOCATION PERRY HALL	SHEET NE 10-6
DATE OF PHOTOGRAPHY JANUARY 1986	ITEM # 146	

LOT 17 \*4 SYMPHONY WOODS COURT



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL ITEM # 146	N. E. 10-6
DATE OF PHOTOGRAPHY JANUARY 1958		LT 17 * 4 SHANNON WOODS COURT