#### FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 147-1/2 Riverside Road in the Back Fiver Highlands subdivision of Baltimore County, Relief is requested from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 8 ft. wide right of way in lieu of the required 30 ft.; from Section 1802.3.C.1 of the B.C.Z.R. to permit a 21 ft. rear ward setback for an existing house in lieu of the required 30 ft : and from Section 400.1 of the B.C.Z.R. to permit an existing detached garage (accessory structure) in the side yard in l.eu of the rear yard. All of the relief requested is more particularly shown on the site plan submitted as Peti tioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Dolores E. Johnson, property owner. Also appearing was Irving Johnson, her son, and Lorne T. Hastings, the surveyor who prepared the site plan. The Petitioner was represented by Thomas P. Dore, Esquire. There were no Protestants present

Test mony and evidence presented was that the subject property is almost 1/4th acre in size and is zoned D.R.5.5. The property is located in the eastern portion of Baltimore County, not far from the intersection of Whiltshire Road and Eastern Avenue. Further testimony was that the

property owners have owned the site since 1958. Apparently, Mr. and Mrs. Johnson originally owned a large tract and over the years, they have sold off several parceis for development. Presently, their holdings include the properties known as 147 and 147-1/2 Riverside Road. As shown on the site plan, the Johnsons propose to subdivide the

property so as to create two distinguishable lots. It is important to note that these lots will be created so as to legitimize an existing situa tion. One lot, known as 147 Riverside Road, is improved with an existing dwelling which fronts Riverside Road. Apparently, the senior Mr. and Mrs. Johnson reside on that site. The second lot to be created is towards the rear of lot 147 and actually is directly behind the properties known as 149 and 149-1/2 Riverside Road. This lot is also improved with a one story framed dwelling and block garage. The testimony offered that these ents have been on both sites for many years. The property known as 147-1/2 Riverside Road is occupied by Mr. and Mrs. Johnson's daughter It is also significant to note that although the property is known as 147-1/2 Riverside Road, vehicular access is actually obtained by use of an alley to the rear. This alley provides access to a gravel drive located partially on the lot known as 147-1/2 Riverside Drive. Also, in order to comply with the Department of Public Works (DPW) standards that each lot must have road frontage, the Johnsons have reserved an 8 ft. easement between 149-1/2 and 151 Riverside Road. This easement, which is not im-Riverside Road.

As to the variances requested, the first is to allow an 8 ft. wide right of way in lieu of the required 30 ft. This distance relates to the easement which is described above. Moreover, it is, again, worth repeat-

-2-

VED FOR FILING

ing that actual vehicular access to the property is not provided by the right of way but by the alley to the rear. Moreover, it is clear that the Petitioners' property, due to its location within the neighborhood, cannot have a right of way larger than that provided. That is, the distance provided is all that can be obtained. Specifically, the houses known as 149-1/2 and 151 Riverside Road appear to be no greater than 30 ft. apart.

The second variance relates to the rear property setback for the dwelling on 147-1/2 Riverside Road. This is somewhat of an arbitrary setback in that it is being established during the subdivision process. The distance between the subject house on property 147-1/2 and the houses at 149 and 149-1/2 Riverside Read have been in existence for many years.

The final setback also relates to an existing condition related to the existing garage on lot 147-1/2 Riverside Road. This garage has been where it is presently located.

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:

whether strict compliance with requirement would unreasonably prevent the use of the proper ty for a permitted purpose or render conformance

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxa-tion than that applied for would give substantial

whether relief can be granted in such fash-that the spirit of the ordinance will be rved and public safety and welfare secured.

Anderson v. Bd. of Appeals, Youn of Chesapeake Beach, 22 Md. Ap 28 (1974)

It is clear from the testimony that if the variances are 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 variances are 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 variances 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

This property lies within close proximity to the Chesapeake Bay and in, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B C 2 B

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

RECEIVED FOR FILING

Minimize adverse impacts on water quality that result from pollutants that are discharged from struc-tures or conveyances or that have run off from sur-rounding lands;

2) Conserve fish, wildlife, and plant habitat; and -4-

3) Be consistent with established land use policies for development in the Chesspeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, sevement, and activities of persons in that area can

These recommendations have not, as vet, been submitted, as noted in the Zoning Plans Advisory Committee comments from the Department of ental Protection and Resource Management (D.E.P.R.M.) dated January 25, 1994, (copy attached hereto). When D.E.P.R.M.'s final comments are completed, they shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief remested would adversely affect the health, safety. and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource

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 Bulti-County this 3rd day of March, 1994 that a variance from Section 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 8 ft. wide right of way in lieu of the required 30 ft., be and is hereby GRANTED: and.

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the B.C.Z.R. to permit a 21 ft. rear yard setback for an existing house, in lieu of the required 30 ft., be and is hereby GRAMTED; and,

Dy. Share

IT IS FURTHER ORDERED that a variance from Section 400.1 of the R.C.Z.R. to permit an existing detached parage (accessory structure) in the side yard in lieu of the rear yard, be and is hereby GRAMTED, subject, however, to the following restrictions which are conditions prethe relief granted herein:

The Petitioner is hereby made sware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to lits original

Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

.

Suite 113 Courthouse 400 Washington Avenu Towson, MD 21204

March 1, 1994

(410) 887-4386

Thomas P. Dore, Esquire Edward C. Covahey, Jr., Esquire 614 Bosley Avenus Towson, Maryland 21204

RE: Case No. 94-276-A

Property: 147-1/2 Riverside Road
Irving D. Johnson by Dolores E. Johnson, his attorney-in-fact

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance

In the event the decision rendered is unfeworable 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 Bound of Appeals. If you require additional information concerning filling an appeal, please feel free to contact our Appeals Cleik at 867-3391.

Same I Shall

Mrs. Dolores R. Johnson, 147-1/2 Riverside Boad, 21221

Petition for Variance for the property located at 1475 Riverside M., Baltimore, 10 21221

The entergook and nevered of a property shade he before Comparing the Baltin Comparing and the Comparing and the Baltin Comparing a second comparing the Comparing Comparing the Baltin Comparing and the Comparing and the Baltin Comparing Regulations to promit a 21 rearry and entertain the Baltin Comparing Regulations to promit a 21 rearry and entertain comparing and the Comparing Comp

of the Zoning Regulation of Substance Counts, to the Zoning Law of Substance Counts, to the Administration of the County Counts of the County County

and variances are not granted; (2) the required variances would not be detrimental lists neighborhood; and (3) removal of an existing deciling that hey existed for a y years would cause a reaction difficulty and maragnashis hardship hardship.

Property is to be posted and advertised as prescribed by Zonii L er we, agree to pay imposses of above Vertices solverbale, posting, etc., up to bound by the senting regulations and restrictions of Baltimore County adapts	

A Johnson by Wolar, The

Holmes & Johnson Edward C. Covahay, Jr. 1475 Riverside Md. (410) 687-3686

Baltimore, 10 21221 614 Booley Ave. (410) 828-9441

Torono, 100 21204 --

JCM m 1-10-94

276

## ZONING DESCRIPTION

Beginning for the same at a point at the end of the third line of Deed Liber 1299. Folio 314 said point being as now surveyed S 03 29'55'E 130.37' from the center line of Riverside Road at a distance of 1543.74 feet measured westerly from the intersection of the center line of Riverside Road with the West side of Mace Avenue. Thence the following courses and distance:

8 03 29'55'E 100.53', 8 86 30'05'N 89.10', N 03 29'55'N 121.72', 91.70' along a curve to the left with a radius of 537.17' to the place of beginning. Being known as 147 1/2 Riverside Road.

Together with the use in common of the following two Right-of-Ways. Beginning for the first at a point in the third line of the above described parcel at a distance of 80.91' from the beginning of said third line. Thence the following courses and distances:

8 86 31'05"N 8.00', N 03 29'55"N 43.52', 8.45' along a curve to the left with a radius of 537.17', S 03 29'55"E 40.81' to the place of beginning as recorded in Deed Liber 1426, Folio 465.

Beginning for the second in the center line of Riverside Road at a distance of 1637.74' from the intersection of the center line of Riverside Road with the West side of Mace Avenue. Thence the following courses and distances.

8 03 29'55'E 131 24', 8.46' along a curve to the right with a radius of 537.17', N 03 29'55'N 131.37', 8.50' along a curve to the left with a radius of 510.00' to the place of beginning a recorded in Deed Liber 1353, Folio 175.

Invine Jahason 117/2 Brinis Dies \$5 158476' W/Mar Ato Levelin of San Francy Toodway on property being sound 

Please found billing to:

Desce 1524

Posted for Verining



Date of Party 1/29/94

receipt CRITICAL - Jem 94-276-A TRUING Johnson By Dolores Johnson Ro. 50,00 0240280513NTCHRC R6\_C002110PN01-05-94 485.00

Ballimore County Zoning Regulations require that notice he given to the seasonal public/neighboring property measure relative to property which require a public measure, this notice in For Two those petitions which require a public measure, this notice in all least one necespaper of general circulation in the County in all least one This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for advertising are satisfied. However, the costs associated with these require PAYMENT WILL BE MADE AS FOLLOWS 1) Posting fees will be accessed and paid to this office at the Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FRES WILL STAY ISSUANCE OF ZONING ORDER. Gel Jolle APROLD JARLEN TITRETTOP For newspaper adversising Petitioner: IRVING JOHNSON LOCALION: 14772 PIVEDSIAE Ro. RALD., Md. 21221

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

SAME 687-3686

PLEASE FORMARD ADVERTISING BULL TO-

63

(410) 887-3353

Planner: 276
Planner: 3CM
Date Filed: 1-10-94

# PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the nominal animary committee. However, the following liters were found to the proper to their the petition was included on the control of the place of the committee of the control commissioner's review. The placement that compared the petition can be compared to the petition of notifying the petition reparting the transmission of the petition of notifying the petition reparting the transmission of the petition of notifying the petition reparting the items noted below. If no period the petition of the petition and responsibility to node a proper application, or the petition of the petition to the proper form.

### Need an attorney

The following information is missing:

Descriptions, including accurate beginning point
Actual address of property

Zoning
Acreage
Plats (need 12, only submitted)
200 scale zoning map with property outlined Election district Councilmanic district Council manic district
BCZS section information and/or wording
Hardship/practical difficulty information
Hardship/practical difficulty information
Hardship/practical difficulty information
Hardship/practical difficulty information
Hardship/Hardsh printed name and/or title of person signing for legal owns/contact purchaser of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) Notary Public's section is incomplate and/or incorr and/or commission has expired

NOTICE OF HEARING The Zoning Commissioner of Baltimers County, by subbority of the Zoning Act and Regulations of Baltimers County, will had a public baseing on the preparty identified herein in the Non-166 of the County Office baltime, 111 M. Chamaguel serome in Towars, Registed 22504 or commission of the County of County of the County of t CACT MARKER: 94-276-4 (New 276) 147-1/7 Eleverido Brive 5/2 Eleverido Brive 1504 Eleverido Bri Variance to permit as 8 foot wide right-of-way in lies of the required 30 foot right-of-way; to permit a 21 foot rear yard swithce on an existing bosow in lies of the required 30 feet; and to permit an existing detached memora in the side work in lies of the rore work.

HOTES: (1) HEARINGS AND PRINCIPATED ACCESSIBLE; FOR SPECIAL ACCOMPRISHINGS PLEASE CALL 867-3353
(2) FOR INFORMATION CONCERNS THE PILE AND/OR MEASURE, PLEASE CALL 867-3373.

111 West Chesapeake Avenue Towson, MD 21204 JAMMAY 14, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning lict and Engalations of Baltimore County, will hold a public hearing on the property identified kerein in Boom 106 of the County Offices building, 111 U. Commagnate Jerson in Treems, Revision 22204

Som 138, Old Courthouse, 400 Mashington Avenue, Tomon, Maryland 21204 as follows: CASE MEMORE: 94-276-8 (11m 276)

CASE MEMBER: 94-726-8 (Hom 276) 161-1/2 Hiveraldo Pelve 3/8 Hiveraldo Pelve, 1534.74° H of Race Avenue 15th Election District - 5th Councilmanic Petitioner(s): Irving D. Admand HEARING: TMS. 782. 22, 1996 at 2:00 p.m. Sm. 118, Old Courthouse.

fariance to peralt as 8 foot wide right-of-way is lies of the required 30 foot right-of-way; to pera. It a 21 foot rear jard setback on an existing house in lies of the required 30 fast; and to pera. It as mixtup detacked pumps in the side year in lies of the rear year.

@ ------

(1) EXPERS SIGN A FORT MOST BE RETURNED TO NM. 104, 111 M. CHEADERE RETURN ON THE MEMBERS DATE. (2) MEMBERS HAVE REPORTED CONCESSED OF HE FILL AND RECORD RETURN FROM THE CELL OFT-3355. (3) FOR IMPORTED CONCESSED ON FILL AND REALING, CONTROL THIS OFTICE AT 607-3391.



(410) 887-3353

February 15, 1994

Edward C. Covahey, Jr., Esquire 614 Boeley Avenue Towson, Maryland 21204

Case No. 94-276-A, Item No. 276
Petitioner: Irving D. Johnson, et ux.
Petition for Variance

111 West Chesapeake Avenue Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans administed with the shows referenced petition. The stached comments from the committee of the

Enclosed are all comments submitted thus far from the numbers of ZAC that offer or request information on your patition. If additional you. Otherwise, any comment that is not informative will be placed in the hearing file. This patition was accepted for filing on January 10, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future soning petitions and are aimed at expediting the petition filing process with this office.

The director of Zoning Administration and Development demograms than instituted a system whereby seasoned zoning attornays who have a state of the seasoned zoning attornays who had been seasoned zoning attornays and the seasoned zoning attornay at the zoning preparation and patitions filing requirements can file their patitions with this office without the mocessity of a preliminary review by zoning personning.

Maryland Department of Transportation State Highway Administration 1-20-94 Re: Baltimore County Item No.: & 376 (JCM) To Arnold Jablon, Director DATE January 14, 1994 Louing Administration and Development Management 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 Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item. DAVID AL PARTSEY, ACTING CHIEF Maryland Relay Service for Impaired Hearing or Speech 1-805-725-2258 Statewide Toll Free Mailing Address: P.O. Box 717 - Baltimore, NO 21203-0717 Trung Johnson 94-276-1

argued 1958

Roly our 147 x 147 /2

2 structures

Varia - 21 had selback

North divelley occupied

76 tes Con manes Block Wille Harage -

- 8' food except my heer

Cegrating exiting stration

actual access is off of alley

8' Coppert been reserved for along tens No obohutars Har she lues at 147 1/2 2 lots - enterday / lat

BALTINORE COUNTY, MARYLAND

The Office of Planning and Zoning has no comments on the following petition(s): Item No. 262, 264, 265, 266, 267, 268, 270, 273, 274, 275 and 276)

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.

Petitions from Zoning Advisory Committee

Jepa W. Long

Division chief: Cary Clerer

ZAC. 262/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE January 25, 1994

Mr. Arnold Jablon, Director Zoning Administration and Development Management

Zoning Item 8276 - Johnson Property 147 J Riverside Road Zoning Advisory Committee Meeting of January 18, 1994

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Metlands and Floodplains.

The Department of Environmental Protection and Resource Management research as extension for the review of the above-referenced pooling time to extending whether the proceed development is in compliance with the Chesapask with the Chesapask with the Chesapask and Findings (paylistons. The applicant must submit a Critical Area properation of a Critical Area properation o

JI P: NP: SE

PETITIONER(S) SIGN-IN SHEET

41 Eastship Rd 21222 614 Rouley AVE To-SU 21204

147 Romand Rd.

4205 Woodstock Au

JOHNSON/DIFFM/TACSRD

PLEASE PRINT CLEARLY

LORNE T HASTINGS

Thomas R. DIE Alone E. Ochagos

Irving Johnson

2/22 94-276-A

JAN 2 x 594

ZONING COMMISSIONER

Baltimore County Government
Fire Department 700 East Joppa Road Suite 901 Towson, MD 21286-5500

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Kolertw. Broke

FROM Robert W Bowling Thief Developer Engineering Section Soning Advisory Committee Meeting for January 24, 1994 Teem No. 276

(410) 887-4500

DATE: 01/18/94

mintration and

- Management ounty Office Euclding 21204 105

Property Denert SEE BELOW

ATTOUR Zoning Agendar No.: OF BELOW

t to your request, the referenced property has been surveyed cau and the comments below are applicable and required to ed or incorporated into the final plans for the property.

The Five Prevention Bureau has no comments at this time, CN THE TOLLOWING ITEM NUMBERSIZES. 265, 265, 267, 268, 269, 270, 272, 273, 204, 275, AND 276.

ZADM

REVIEWER: Lt. ROBERT P. SAUERWALD

0

Johnson owned entre treat

8----

### GENERAL POWER OF ATTORNEY

1. Irving D. Johnson, of 147 Riverside Road, Baltimore, Maryland, 21221, State of Maryland, do hereby nominate, constitute and appoint Boires E. Johnson, my true and lawful attorney to act to the state of the stat

To borrow money and to mortgage or pledge any of my property, real or personal, for any purpose and on such terms and conditions as my said attorney shall deem proper.

3. To collect, sue upon, compromise, settle, release or otherwise adjutt any claim, debt, bequest, devise or inheritance in which I now or nereafter have an interest; and to pay, compromise, settle or otherwise discharge and secure releases from any obligation or claims against me.

4. To deposit in my name and for my account in any bank or other depository all checks payable to ny order and all sneeps, drafts or other funds payable or belonging to me; to write checks in my name and to withdraw moneys deposited to my account in any bank or other depository; and for the foregoing purposes or any other purpose to sign my name on checks or other instruments of the purpose of the my depository. The sign may be not be sign my name on checks drawn against my account in any bank or other depository.

5. To have access to any safe deposit box either in my name or with others, to remove any of the contents thereof, to surrender the same and to rent other safes in any bank or other financial institution.

6. To act on my behalf, and to sign my name, with respect to any tax returns or other documents as my said attorney shall deem proper, and to act on my behalf with respect to any and all other tax matters.

7. To retain, acquire, invest in, manage, operate, terminate, and dispose of any interest in any business, alone or with others, to use in the operation and development thereof additional property and to employ any person or persons for such -purposes.

8. To organize, alone or with others, corporations, limited or general partnerships, joint ventures, land trusts and other business or property holding organizations under the laws of any jurisdiction; to transfer to any such organizations any

76

