· OF BALTIMORE COUNTY Case No. 94-303-A

Robert A. Black, et ux Petitioners

## . . . . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commiss'oner as a Petition for Variance for the subject property, known as 1508 Leslie Road, located in the Dundalk area of southeastern Baltimore County. The Petition was filed by the owners of the property, Robert A. and Linda M. Black. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of almost 22 feet in lieu of the maximum permitted 15 feet and to amend the previously approved site plan in Case No. 89-474-A for a proposed garage in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Robert and Linda Black, property owners. There were no Protestants present.

Testimony revealed that the subject property consists of 6,650 sq.ft. zoned D.k. 5.5 and is improved with a single family dwelling. This property was the subject of prior Case No. 89-474-A in which the Petitionerr were granted a variance to construct an addition on the southeast side of the existing dwelling. That addition has not yet been constructed. The Petitioners now seek to construct a two-story garage in the rear yard of their property in accordance with Petitioner's Exhibit 1. Testimony indi-cated that the dwelling does not have a basement and that the second floor of the proposed garage will be used for a work shop and exercise room as well as provide needed storage space. Further testimony indicated that the design of the proposed garage will match that of the existing dwelling. Mr. Black testified that he has spoken with his neighbors on both sides of the property and neither are opposed to the relief requested.

An area variance may be granted where strict opplication 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 property for a permitted purpose or render conformance unnecessarily burdensees.

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

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 practical difficulty or unreasonable hardship will result variance is not granted. It has been established that special which is the subject or 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 percel.

0 305

In addition, the variance requested will not cause any injury to the pub lic health, safety or general welfare. Purther, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this / 5+ day of April, 1994 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of almost 22 feet in lieu of the maximum permitted 15 feet and to amend the previous ly approved site plan in Case No. 89-474-A for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRAMTED, subject to

The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made memer that pro-ceeding at this time is at their own risk until such time as the Jo-dey appulate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be reacined.

The garage shall be used for residential purpose y and shall not b: used for any business type activ

The exterior of the proposed garage shall be finished in such a manner that it will conform in appearance to the existing dwelling on the lot.

5) Upon request and reasonable notice, Petitioners shall parmit a representative of the Zoning Enforce-

LONING DESCRIPTION

94238A BEGINNING AT A POINT ON THE S.W. SIDE OF LESLIE RD (50' RW) AT A DISTANCE OF 225 FT. S.E. OF RAILWAY AVE (50 FT. RW) BEINL LOT 13 IN THE SUBDIVISION OF ADDITION TO BROOKVIEW PLAT BOOK 2 FOLIO 124 ALSO KNOWN AS 1508 LESLIE AVE IN THE IZTHED. , 7 ++ C.D.

LOT AREA = . 15 AC

Posts for Vertino Date of Personal Strates Rebort + Hado Block come a proper 1907 Lolie Rd, Sale, 205 50/ Buttery for

6) When applying for a building permit, the plan filed must reference this case and set forth address the restrictions of this Order.

CERTIFICATE OF PUBLICATION

Feb 04 1094 THER IS TO CERTIFY, that the annexed advertis in Towson, Bultimore County, Md., once in each of / succ weeks, the first publication appearing on . Feb 24, 1994

Henrikson

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Aven Towson, MD 21204

(410) 887-4386

April 1, 1994

Mr. & Mrs. Robert A. Black 1508 Leslie Road Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
BM/S Lemile Road, 225' St of Railway Avenue
(1100 Lealie Road)
(1100 Lealie Road)
(1100 Lealie Road)
Robert A. Black, et ux - Petitioners
Case No. 34-303-4

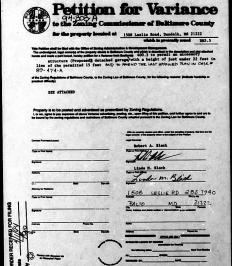
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-able, any party say file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on

Very truly yours, Suntly Hotroco TIMOTHY M. KOTROCO

cc: People's Counsel

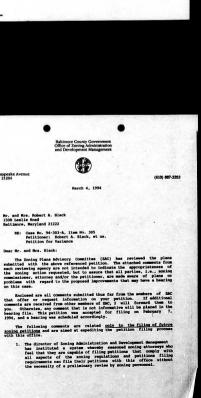
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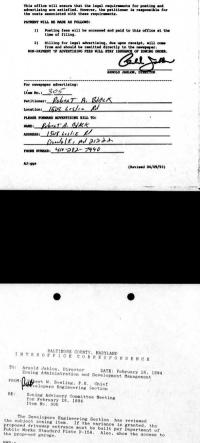


weeks a se facing read way on properly being sent 

Property having no besement, space is needed for additional Garage area for care







Baltimore County Government Office of Zoning Administration

"94-303-A

111 West Chesapeake Av Travison, MD 21204

(410) 887,3353 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES <u>Rallimore County Zoning Regulations</u> require that notice be given to the general public/melthoring property owners relative to property 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 peneral circulation in the County.

Please found billing to: Robert & Black 1506 Lealie Road Dundwik, ND 21222 282-7940 94-303-12 MOSTCE OF HEADING The Zoning Commissioner of Baltisore County, by estherity of the Zoning Set and Regulations of Baltisore County, will hold a public bearing on the property identified berein in Boom 106 of the County office Building, 111 W. Chespeaks Herous In Townson, Revised 22704 CASE MEMBER: 94-323-A (Item 30%) 1500 Lealle Road SM/S Lealle Road, ZS' SE of Eallway Avenue 12th Election District - 7th Councilamnic Putitioner(e): Robert A. Black and Linda M. Black HEMALING: TORSDAY, MARCH 15, 1994 at 9:00 a.m., Sm. 118 Old Courthouse. NOTES: (1) MEASURES AND HAMDICAPPED SCCENSIBLE; FOR SPECIAL ACCOMMENSATIONS PLEASE CALL 887-3353.
(2) FOR IMPORMETION CONCERNES THE FILE AND/OR MEASURE, PLEASE CALL 887-3391.

Maryland Department of Transportation Hal Kassoff State Highway Administration

2-16-94

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Re: Baltimore County Item No.: \$\psi\$ 305 (JLL)

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

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.

Bob Small ONLID N. PATTERY, ACTING CHIEF

BS/

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 reet Address: 707 North Calvert Street - Baltimore, Maryland 21202

or Boom 118, Old Courthouse, 400 Washington Avenue, Towson, Marylani 21204 as follows:

Variance to permit an accessory structure (proposed detached (sempe) with a height of just under 22 feet in lies of the permitted 15 feet; and to smend the last approved plan in case 869-474-8.

HOTES: (1) EXCEMS SIGN & POOT HERT BE RETURNED TO RM, 104, 111 N. ORGANIZATE MOBBLE OF THE HEARING MATE.

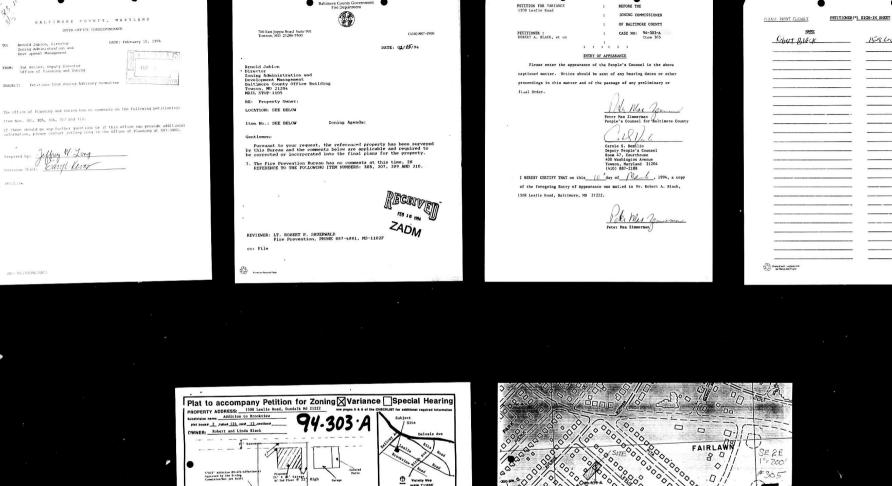
(2) HEARINGS AND REDICTORYDD ACCESSIBLE; FOR SPECIAL ACCORPORATIONS FLERE CALL BOY-1051.

(3) FOR DEFORMATION CONCERN. THE FILE MED/OR MEANING, CONTECT THIS OFFICE AT 867-1051.

1508 Lealle Bond SM/S Lealle Bond, 225' 55 of Railway Avenue 17th Election District - 7th Councilmanic Petitioner(s): Robert A. Black and Linda M. Black

Call Jallan
Armold Jahlon
Director

MEANING: THESDAY, MARCH 15, 1994 at 9:00 c.m., Rm. 118 old Courthouse.



LOCATION INFORMATION

SEWER: 

SEWER: 

WATER: 

Chesaposke Bay Critical Area: 

Prior Zoning Hosrings:

89-474-A

7'-200' scale map#: SE2E

Zoning: DR5.5
Lot size: .15 6650
screage square for

Zoning Office USE ONLY!

EXISTING DWILLING

EXTREME

Scale of Drawing: 1'- 8 15'

EXISTING DVELLIN

(Z)

North date: <u>26 Jan 94</u> prepared by: Robert Black



1508 Leglic Rd Denbelkus