#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Kyle Legg for that property known as 2 Hollins Avenue in the northern section of Baltimore County. The Petitioner/property owner herein seeks a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 0 ft, rear yard setback in lieu of the required 40 ft. rear yard setback; and to allow a minimum 0 ft. side yard setback, in lieu of the required 15 ft. side yard setback, for an addition, All as more particularly described on Petitioner's Exhibit No. 1. the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the infornation available, there is no evidence in the file to indicate that the security unvised would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuent to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March, 1994 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (R.C.Z.R.) to allow a 0 ft. rear yard sathack in lies of the remitted 40 f .. rear yard setback; and to allow a minimum 0 ft. side yard setback in lieu of the required 15 ft. side ward setback, for an addition, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRAFTED, subject. however, to the following restriction which are conditions precedent to

The Petitioner is hereby made sware that proceeding at this time is at his 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 condition, and property to its original.

LAMBRINGS E. SCHEIDT, Zoning Craming

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthous 400 Washington Aver Towson, MD 21204

March 11, 1994

Carolyn H. Thaler, Esquire 29 West Susquehanna Avenue Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance Case No. 94-308-A Property: 2 Hollins Avenue Kyle Legg, Petitioner

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative 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 Mayeals. If you require additional information concerning filing an appeal, please feel free to contact our Mayeals Clerk at 867-3391.

encl. cc: Mr. Kyle Legg, 2 Hollins Avenue, Baltimore, Md. 21210

Posts to Voscoie. Kil Loge Land of many 2. Helling Are, NELS , 400 Millette Man the same fring reading, on surely being sout

- 2/10/94

and a reason of A Day receipt Arrest 2.001.6100 By VLL ADMIN RES VAR FILING CODE 010 \$ 50.00 80€

Petition for Administrative Variance

to the Zoning Commissioner of Bultimore County

for the property located at 2 Hollins Avenue which to presently sent 4 DR-1 4 DR-2

DOE TO THE LOCATION OF THE BROOKS OF THE DESCRIPTION OF THE PROCESSIONS OF THE PROPERTY OF THE PROCESSIONS O

Property is to be posted and advertised as prescribed by Zoning Regulations.
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29 West Susquehanna Ave. (410)296-0200 D.S. Theler and Assoc., In:

Kyle Logg

2 Holling Avenue

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2. TO ALLOW A HILL O' BLESS, AND MAKE N LIEU O' THE MINISTER TO THE MAKE PROPERTY SHAPE

PMS do returning distance and office, under the partition of employ, that You are

7115 Ambassador Roud (410:944-3647

Date of Printer 1/1/1/

(46) 377-14156 (410) 539-3400 (A

ma = 310

n chall be that with the Office of Zerby Administration & Develop algorit, legal concepts of the property chain in Bulliners County and algorit, legal concepts of the property chains in the Section of

Section 1802.8.2.1.4 (B.C.Z.R.)

Heale-

2/10/94 2/2/94

Towney, 150 21204

(1) SIGN POSTING CORE 080 \$ 35.00 \$ 85.00

CONER KYLE LOC: 2 HOLLINS AVE

310. Affidavit in support of Administrative Variance

That the information berein green is webin the personal brow-lodge of the Afflion(1) and that Afflian(3) inher compe on the lattly thereto in the event that a partie bearing a strategies in the feature with regard therein. m(h) dom/do presently reside at 2 Hollins Avenue Baltimore, ND 21210 Due to the location of the existing structures.

That Affican(s) acknowledge(s) that if a protect is filed. Afficiet(s) will be required to pay a s 

Kyle Legg the Allians(f) hereia, personally known or satisfactorily identified to me at such Alfaent(f), and may each in due form of ten-hat the gatters and facts betweenhow on forth are true and correct to the best of his/hereia/st basedujes and fulf- (.

L. Cappeli Mary L. Cappelli Nary L. Cappelli November 9, 1996

Election District: 9 QU-308 A

LES/

Beginning at a point on the eastern side of Hollins

- noint: thence.
- 3. North 32028'00" East 140.40 feet, more or less, to a
- 4. South 72022'00" East 20.60 feet, more or less, to
- noint: thence
- 6. North 10022'00" East 99.32 feet, more or less, to naint: thence
- point: thence,
- 9. 170.40 feet curving to the right, having a radius of
- 10. 85.06 feet curving to the left, having a radius of

January 24, 1994

310

Avenue having a right-of-way of fifty (50) feet approximately 460 feet, more or less north of the centerline of the intersection of Holling Avenue and Take Avenue: thence running the following 14 courses and distances: 1. North 23010'00" West 20.5 feet, more or less, to a

- 2. North 53047'00" East 186.40 feet, more or less, to a
- point; thence.
- 5. North 17040'30" East 21.90 feet, more or less, to
- 7. North 42038'00" East 297.00 feet, more or less, to a
- 8. South 04019'35" East 220.31 feet, more or less, to a
- 160.00 feet, more or less, to a point; thence,

200.00 feet, more or less, to a point; thence,

11. South 32019'30" West 91.28 feet, more or less, to a

12. South 32019'30" West 91.87 feet, more or less, to a

13. North \$2008'10" West 39.00 feet, more or less, to a point; thence

14. North 88<sup>0</sup>16'30" West 242.94 feet, more or less, to the point of beginning.

Containing 2.6 acres of land, more or less. As recorded in Deed 6312/192.

Also known as 2 Hollins Avenue, in the Winth Election District of Baltimore County, Maryland,

February 4, 1994

Baltimore County Government Office of Zoning Administration and Development Management Baltimore County Gor errimer Office of Zoning Administrational Development Management 94-308-A 111 West Chesapeake Avenue 94-308-A (410) 887-3353 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES 111 West Chesapeake Avenue Towson, MD 21204 <u>Mattimore County Zoning Regulations</u> require that notice be given to the general public/noighboring property owners relative to property which is the subject of m upon the property owners and they to property which is the subject of m upon the property provided as a complished by porting a sign on the property mid placement of a notice in at least one newspaper of general circulation in the County. DUE DATE: CLOSING DATE OF HEARING DATE 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. DAMPING WILL BE MADE AS SOLICES. Fosting fees will be accessed and paid to this office at the time of filing. CASE NUMBER/PROJECT NAME: 94-308-A Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. ( 1 ) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$60.00 Due\* NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER Bel Sie (In lieu of payment, we ask that you make use of the following waiver) ARNOLD JABLON, DIRECTOR THEOLOG WATER For newspaper advertising: CASE NUMBER/PROJECT NAME: 94-308-A Item No.: 310 Returned \_\_\_\_\_ Zoning Notice Sign and Post Set(s). Petitioner: MIE LEGG Location: 2 HOULDS AVE for 2ADH DE WACE STORMARD ADVECTICING BILL TO NAME: KYLE HEGG ADDRESS: 2 HOLLING AVE. BACTIMORE, HO 24210 \*Amount Due waived upon return of the COMPLETE sign and post set(s). When you return same, bring this form with you. PHONE NUMBER: (40) 577-495(H) 599- 1400 (N) A.I rons (Peyland 04/09/93) **&** Proceed with Septem Int. Baltimore County Government Fire Department BALTIMORE COUNTY. HARYLAND INTER-OFFICE CORRESPONDENCE 700 East Joppa Road. Suite 901 Towson, MD 21286-5500 (410) 887-4500 DATE: Pebruary 18, 1994 Arnold Jablon, Director Zoning Administration and Development Management DATE: 04/15/94 DECEIVED FEB 2 3 1994 Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105 ZONING COMMISSIONER Petitions from Zoning Advisory Co DF: Property Owner LOCATION: SEE BELOW The Office of Planning and Zoning has no comments on the following petition(s): Them Nos 300 305 306 307 and 310. Item No.: SEE BELOW Zoning Agenda: 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. Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. Propared by: Jeffrey W. Long
Division Chief: Game Kens The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 305, 307, 309 AND 310. PK/JL: lw

111 West Chesapeake Avenue Towson, MD 21204 Carolyn H. Thaler, Esquire 20 West Susquehanna Avenue Towson, Maryland 21204 RE: Case No. 94-308-A, Item No. 310 Petitioner: Kyle Legg Petition for Administrative Variance The Zoning Plans Advisory Committee (EAC) has reviewed the plans smalleted with the above referenced petition. The attached comments from the soning action repeated, but to searce that all parties, i.e., soning commissioner, attorney and/or the petitioner, are made sware of plans or problems with repeat to the proposed improvement that may have a bearing Enclosed are all comments submitted thus far from the members of EMC that offer or respect information on your patition. If additional your contracts of the patient of the The following comments are related only to the filing of future going petitions and are aimed at expediting the petition filing process with this office. the director of Soning Administration and Development Recognition to the Computer of File Programme and Computer of the Programme and Computer of the Computer of the Soning requisitions and petitions of requirements can file their petitions with this office of the measuring of preliminary review by coming percental. 194-309-A 111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353 2 Holling Swamp HE/S Holling Swamp, 460'+/- H of Lake Swamp With Election District - 4th Council Lake Swamp Please be obvioud that your Petition for Administrative Soning Variance has been assigned the above case scales. Contact such with this office rescaled the states of this case should reference the case makes and he directed to \$67.2931. This socious also serves on a refresher repeting the administrative recovery. 1) four property will be ported on or before Pricturary 20, 1994. The classing date (Barch 7, 1994) is the doubtion for a midphore to file a formal request for a public barcing. Here the classing date, the file will be noveleanly by the barriage of barper justing commissioner. Bury any of part the requested realise, (p) deep requested realised, or (c) downstown that the metric to set in for a public barriage, how still reconstruction to the contract of the commission of th Fleam be obvised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charm. PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE NUST GO THROUGH FINEL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE CHOER WILL SE PORNAUGHD TO YOU VIA FIRST CLASS SALL.



Hal Kassoff 2-16-94

Re: BALTIMOLE COUNTY Item No.: \* 310 (JLL)

111 W. Chesapeake Aver 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 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. Beb Small

DAVID N. CHASEY, ACTING CHIEF

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Sox 717 - Saltimore, MD 21263-0717 Street Address: 707 North Calvert Street - Ruttmore, Marvignet 21262

Descussed Free diff hardschip requirements with Stary Milenther of D5 them at filing

Statement of support on way

2/10/95

REVIEWER: LT. ROBERT P. SAUERWALD Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

ZADM

ZAC. 300/PZONE/ZAC1

8

### D.S. THALER & ASSOCIATES, INC. THE AMBASSATION BOTAD + BALTIMORE, MARYLAND 21244 (417) 944 ENGR 4 (417) 944 947 4 FAX (410) 944 944

94.308.A February 21, 1994

Saltimore County, Maryland Office of Zoning Administration & Development Management

111 West Chesaneake Avenue Towson, Maryland 21204 ATTN: Arnold Jablon, Esquire Director

the common wall of the carport.

RE: Residence of the Honorable & Mrs. Benson Everett Legg 2 Hollins Avenue Baltimore County Maryland Petition for Administrative

Dear Mr. Jablon: This letter is to further amplify the reasons for the requested variance on the referenced site. The configuration of the Legg residence at 2 Hollins Avenue together with its neighbor at Holling Avenue, is perhaps unique, and presents a practical difficulty and an unreasonable hardship with respect to the addition for which this variance is applied. Many years ago. two brothers built adjacent homes very close together, shared a single circular driveway, and a garage and carport. Subsequent to the construction of the homes, the property was subdivided. The garage for 4 Hollins Avenue and the carport for 2 Hollins Avenue are adjacent and the dividing property line between the properties is

Unriance

The configuration of the Legg family residence on its lot dictates that the only feasbile direction for the addition is towards the existing carport and the property line. It is the unusual shape of this line of division between the two properties, which provides the practical difficulty from which relief is requested. Furthermore, the only way to obviate the need for the variance would be to either move the Legg house or alternatively to reconfigure the inside of the home so that the carport could be constructed on the opposite property line. Either alternative would not be financially or aesthetically viable and would constitute an unreasonable hardship.

February 21, 1994 RE: Legg Property

If called upon to testify in a variance hearing, it would be

- the testimony of the undersigned that:
- allowable is requested.
- the spirit and intent of the Baltimore County Zoning Regulations, and

David S. Thaler, P.E. L.S.

DST/kkw

- a. special circumstances exist that are peculiar to the land and the structure which is the subject of this variance
- strict compliance with the soning regulations of Baltimore County would result in a practical difficultly
- or unreasonable hardship as outlined above.
- c. no increase in residential density beyond that otherwise such variance if granted, would be in strict harmony with
- granting of the variance would be without injury to the public health safety and general welfare.

If you require any further information or have any questions, please do not besitate to contact this office.

> Very truly yours. D.S. THALER & ASSOCIATES, INC.

cc: The Honorable & Mrs. Benson Everett Legg

Carolyn H. Thaler, Esquire

Lawrence Schmidt, Esquire

To Course ATTORNEY AT LAW SUITE 205 29 WEST SUSQUENANNA AVENUE TOWSON, MARYLAND 21704 (410) 828-6627 FAX (410) 296-3719 February 18, 1994 Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204 Attention: Arnold Jablon, Esquire Director Residence of Mr. and Mrs. Benson Legg 2 Holling Avenue Addendum to Petition for Administrative Dear Mr. Jablon: The owners of the above captioned property, Mr. and Mrs. Benson Legg, desire to convert their carport into a garage and create an enclosed corridor linking it to the house for reasons of confort and protection from the elements and security. The Long residence and the adjacent property were previously owned by two brothers who suddivided the property and built that residences close together with a carport on the property line. Due to existing topography, the location of the "drivewify and the location and configuration of the existing house and carport, the proposed inprovements are forced to senrouch on extendity lines. The new addition and garage will pose no hazard or difficulty to the adjacent property. Therefore, your petitioners respectfully request granting of the variance as filed on February 9, 1992. Thank you very much for your consideration in this matter.

cc: Mr. and Mrs. Benson Legg

Sincerely.

Carolyn H. Thaler

CAROLYN H. THALER

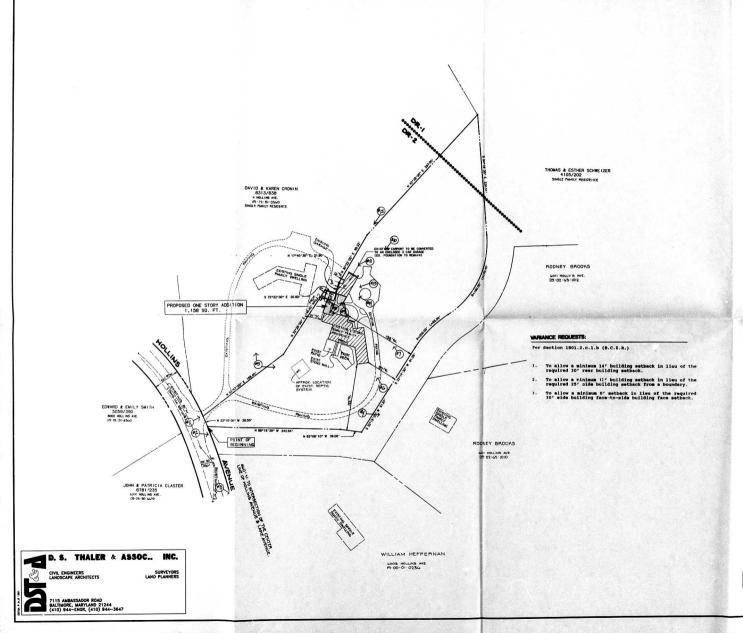
931-94

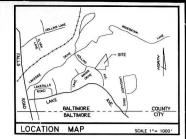
200 SCALE ZONGO MAP TO ACCOMMANY VARIANCE BETTTO D.S. THALER & ASSOC., INC. COST. DESCRIPTION O LANS PLANSING O SUPPLIES O LANSSON ASCRISC 7105 ASSESSMENT MICH. BALVACON, MD 24444 (410) 944-MINE, (410) 944-9847 SCALE LOCATION 1" . 200'± LAKE ROLAND DATE AREA

8-8

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS • LANDISCAPE ARCHITECTS







## **GENERAL NOTES**

1. DEVELOPMENT

2. APPLICANT/

4. GENERAL DATA: Election District: 9
Councilman's District: 4

A. Gross acreage\* = 2.61 Ac. + (115,766.5 5.8.+/-)
Not acreage = 2.0 Ac. + (115,766.5 5.8.+/-)
1 (49507 5.58 + 40000 AB x vs F/N (25) : 5(5.0453 + 5.56
B. Zoning
Existing Zoning:

DR-1 . 0.1 Ac. . DR-2 . 2.51 Ac. .

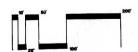
6. UTILITIES

Boundary surveyed by: 0.5. Theier 2 Associates, inc. 1994

Zoning Map and Aeriai Map - Ne-88 (Baitimore County 200 scale maps)

8. PRIOR ZONING HISTORY! N/A

#310 KEY PLAN FOR PHOTOS.





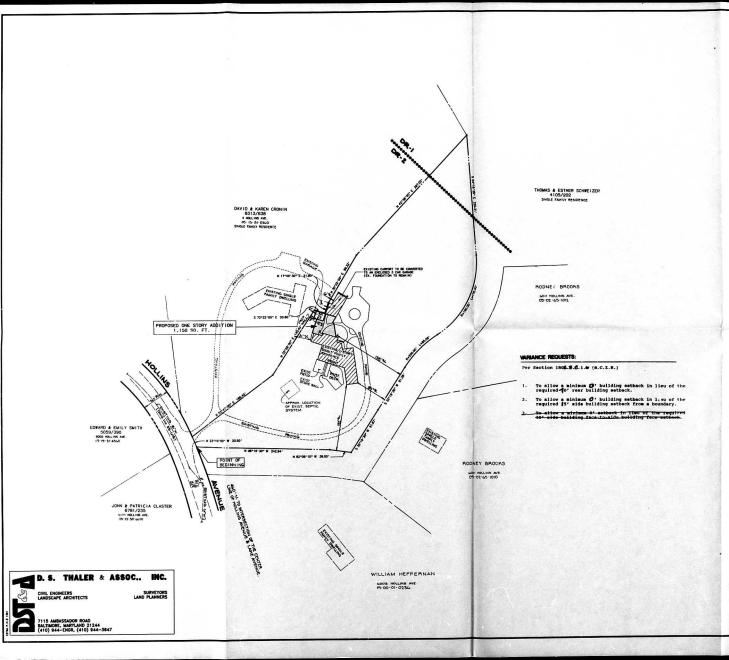
SCALE: T-50

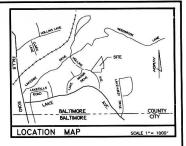
PHOTO EXHIBIT

PLAT TO ACCOMPANY VARIANCE PETITION

2 HOLLINS AVENUE BALTIMORE, MARYLAND 21210

SCALE 1"=50' PN. 1561 JANUARY 11, 1994





### **GENERAL NOTES**

PROPERTY REFERENCES DEED: 6312/192 TAX ACCOUNT NO. 09-15-61-0370 TAX MAP: 79 GRID: 4 PARCEL: 12

ATTNI Alen E. Scott, R.L.A

4. GENERAL DATA: Election District: 9
Councilmonic District: 4

A. Gross coreoge\* = 2.81 Ac.+ (15,7265,5 F.+/-) Net coreoge + 2.8 Ac.+ (15,256 5 F.+/-) 1 (1607) がたっている Ac.+ (15,256 5 F.+/-) 5 Zoning Existing Zoning:

DR-1 . 0.1 Ac.+

Boundary surveyed by: D.S. Thater & Associates, Inc. 1994

Zening Map and Aeriai Wap - NE-88 (Baltimore County 200 scale maps) B. PRIOR ZONING HISTORY: N/A

9. PROPOSED AND EXISTING USE: Nesidential





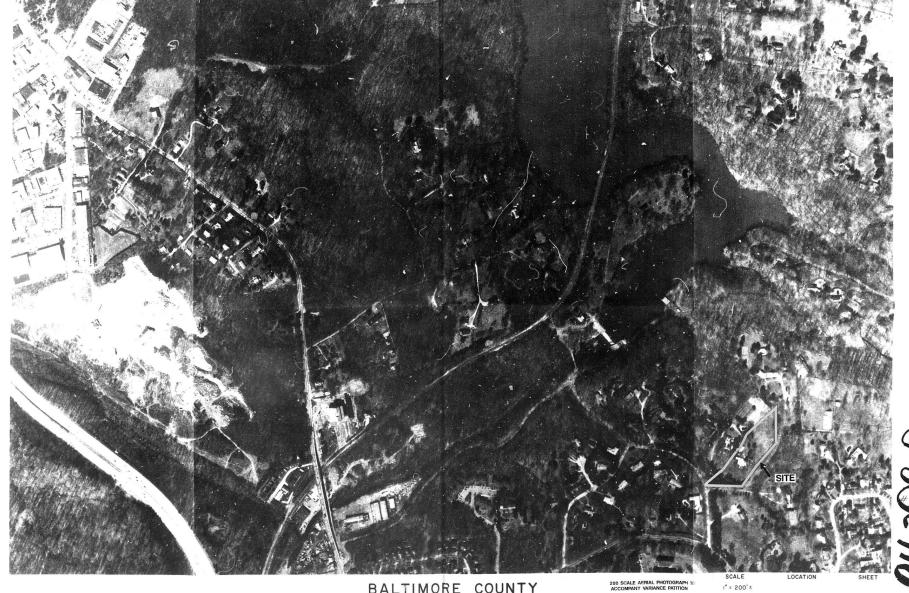
SCALE T-50

- . . . .

PLAT TO ACCOMPANY VARIANCE PETITION

PROPERT 2 HOLLINS AVENUE BALTIMORE, MARYLAND 21210

SCALE 1"=50' PN 1561 JANUARY 11,1994



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

# LEGG PROPERTY

D.S. THALER & ASSOC., INC.
DOWN INDIRECTOR FOR BRANCH A SURVEYOR & LANGELLY, AND CAPACITY
OF AMARICAN FROM BRANCH MO 21244
(410) 944-29407. (+10) 944-2947

DATE OF PHOTOGRAPHY JANUARY 1986 LAKE ROLAND

N W 8-B